

# Court Express



NATIONAL ASSOCIATION FOR COURT MANAGEMENT

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The NACM  
2011 Annual  
Conference

## Pushing the Boundaries: Coming Together to Strengthen and Support the Administration of Justice



By Jeanine Tucker

In this age of budget cuts and doing more with less, seeking additional ways to collaborate and partner is becoming the norm. The annual conference (July 10-14) is a great example.

Together, NACM and NASJE (National Association of State Judicial Educators) are Pushing the Boundaries: Coming Together to Strengthen and Support the Administration of Justice to improve the justice system and to support professional court management education. They recognize that it is even more important now than ever before to acknowledge the contributions of judicial branch education (JBE) to the profession and to give state JBE administrators a forum for exchanging resources and wisdom, for exploring trends and problem solving, and for networking.

No stone will be left unturned at the fabulous Red Rock Resort in Las Vegas, as the annual conference will also be continuing its look at the 2010-2015 NACM National Agenda, with a focus on three of the six identified priorities: Community Collaboration, Continuing Education, and Sustaining Excellence in Tough Budget Times. The NACM National Agenda is designed to drive NACM program priorities and improvements in the court management profession, and the conference agenda is rich in course offerings and keynotes that concentrate on each of these three areas but are not limited to these alone.

Those wanting to learn more about the opportunities and benefits of community collaboration will want to attend "Enhancing Public Perceptions of the Courts and Increasing Community

Collaboration," presented by the Honorable Jean Hoefler Toal, chief justice of South Carolina, who will deliver a keynote address Monday on the topic of iCivics, a Web-based education program designed to not only teach civics to students but to inspire them to become active participants in our democracy. Chief Justice Toal will also be the recipient of the National Center for State Courts' first Sandra Day O'Connor Award for the Advancement of Civics Education, to be awarded by none other than Justice Sandra Day O'Connor.

Monday's workshops will explore topics such as "Working Across Systems to Meet the Needs of our Children, Youth and Families" and the judicial branch team decision-making process. Other offerings include: "Court and Community Collaboration: A Model for Juvenile Justice," and "Court and Community Communication."

In the context of sustaining excellence in tough budget times, Tuesday will begin with a keynote address by Theresa Robinson on "Supporting Professional Court Management Education Through Team Building and Critical Analysis." Robinson will emphasize how taking care of "me" maximizes long-term team performance. Workshops include: "Fueling the 'Me' In Team: An Integrated Approach to Team Performance," succession planning, and leadership challenges.

Shared interest group discussions will focus on general jurisdiction courts, limited jurisdiction courts, and family/juvenile jurisdiction courts.

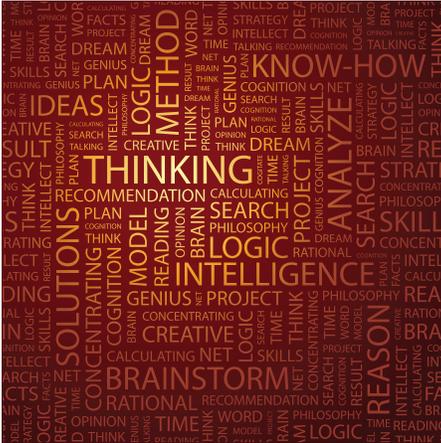
Michigan State University is offering Court and Community Communication, as well as Resources, Budget, and Finance. The American Institute of Architects (AIA) is offering several workshops, including "How Am I Going to Get My Courthouse Built in This Economy?"

Those interested in further exploration of continuing education will be treated to workshops such as "The Art and Science of Being a Judicial Branch Educator," "Talent Management," "Who Are You? The Myers-Briggs Type Indicator and Your Leadership Style," and "Elders and the Courts: Resources and Training Opportunities." There will also be a facilitated discussion on the diversity issues explored in the context of the court, in the movie "Winter's Bone."

The NCSC's Doctor Is In program offers conference attendees a free consultation with one or more NCSC professionals to discuss a challenge your court is facing. An extensive exhibit show, Court-2-Court, and fun social events will complete the conference experience, and all of the above is just a taste of what attendees will find July 10-14 at the NACM/NASJE annual conference. Plan to be there! Register at [www.nacmnet.org](http://www.nacmnet.org).

By Peter Coolsen and Jeanine Tucker

# Left-Handed PLANNERS



## PLANNERS

*Experience is valuable only to the extent that the future is like the past.*

Given the remarkable changes going on in state courts today, the role of strategic planning has become even more valuable than it was when our courts were in a more stable environment.

In his *Harvard Business Review* article called “Strategy As Revolution,” Gary Hamel states that “experience is valuable only to the extent that the future is like the past” and urges planners to free themselves from the “tyranny of experience.” Likewise, the strategic planning guru Henry Mintzberg prompts us to be less conventional and more “intuitive” in our thinking. In his article in the same journal, entitled “The Fall and Rise of Strategic Planning,” Mintzberg refers to the “left-handed planner” as one who encourages others to think more strategically, is open to developing new paradigms and less conventional strategies, and is somewhat more inclined toward the intuitive processes identified with the brain’s right hemisphere. The National Association for Court Management seeks to encourage this left-handed approach through its publications and its workshops at conferences like the NACM annual conference, which convenes in Las Vegas, Nevada, this July.

In this issue of *Court Express*, John Martin and Mary McQueen continue the dialogue about the strategic direction of courts and the NACM National Agenda in their articles on Court Trends and Governance of State Courts. Also, the article on the upcoming NACM annual conference elaborates on the themes and innovative workshops that will be presented at NACM’s annual gathering. For those of you who are able to attend the annual conference, we trust that it will invigorate you and assist you in developing new court management strategies. For NACM members who might not be able to attend the annual conference, we will report on it on the NACM website, in the next issue of *Court Manager* and through other NACM follow-up activities. Either way, as court managers, we encourage you to develop your left-handed planning and thinking skills. You just might be surprised by the results.

*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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**Jeanine Tucker**

# “Will of its own...”

By Mary McQueen

*In Federalist No. 51*, James Madison described a new structure of government with three separate but interrelated departments.

He wrote that each department (later to become known as “branch”) of government should have a “will of its own,” including the necessary “means” to protect its independence. So began the American experiment – a single republic with powers divided between two distinct government structures (federal and state) and subdivided among separate branches (executive, legislative, and judicial) in order to balance “separation of powers” with necessary “checks and balances.”

Two hundred years later, state courts still struggle to develop the necessary “means” to achieve Madison’s vision of three separate yet cooperative branches of government with the necessary capacity to work together effectively while protecting their Constitutional independence. Effective governance mechanisms enable the state judicial branch and trial courts to participate as equal partners with executive and legislative leaders in crucial policy discussions, to define the roles and responsibilities of courts, and continually improve the administration of justice. Historically, discussions of judicial branch governance have been largely confined to 1) structural organization – the principles of unified or top-down court structures, and 2) unitary budgeting – the tensions between state versus locally funded courts.

A broader framework is necessary if the state courts are to address the challenges of true governance. In order to consider the complex relationships between a state court system and various local courts, we can learn from the study of medical institutions and institutions of higher education. These “loosely coupled” organizations, like courts, resemble federations in which individuals and groups (e.g.,

tenured professors and independently elected or appointed judges) have high autonomy relative to the larger system (e.g., university or state judicial system). Administering a loosely coupled organization requires a unique approach to governing.

In order for the judicial branch of government (state or trial court) to achieve the “means” to protect its independence, it must adopt governance mechanisms compatible with this loosely coupled environment. Viewing the judicial system as “loosely coupled” provides an objective way to

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*The American experiment – a single republic with powers divided between two distinct government structures (federal and state) and subdivided among separate branches (executive, legislative, and judicial) in order to balance “separation of powers” with necessary “checks and balances.”*

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analyze alternative governance and leadership models for court operations – state or local. Because of the varying levels of autonomy, individual decision-making authority, and resource allocation channels within state court systems, legitimacy, fairness, transparency, and delegated authority are highly valued. To be effective, state and trial court governance mechanisms must reflect those values.

For the past three years, a group of chief justices, presiding trial court judges, state court administrators, trial court administrators, and legislative and executive branch representatives, along with members of the media, business, and academic communities, have participated in an Executive Session for State Court Leaders at Harvard’s Kennedy School of Govern-

NACM’s  
2010-15  
NATIONAL  
AGENDA  
PRIORITIES

(This is the third article in a series examining the six NACM National Agenda Priorities.)

ment. A paper developed as part of that Executive Session discussing various court governance and leadership models will be published later this summer. Whether at the state judicial system level or in a trial court, several essential governance mechanisms are essential if courts are to secure the means necessary to become an equal partner with their legislative and executive branch partners.

Legitimacy, transparency, fairness, and communication mechanisms ensure the coordination of the various moving parts within the judicial system – vertically (state) or horizontally (trial court). The capacity to build coalitions and enable judges across the system may be the most essential mechanism for effectively governing a state judicial system or trial court. One size does not have to fit all – but all must provide justice. Tensions will always exist between commitment to the “mission” (doing justice) and the “institution” (individual courts). Designing the right governance mechanisms varies based upon size, geography, judicial selection model, and funding sources.

Trust is the rate of exchange – the currency – that fuels a loosely coupled system. Individual judges and court managers may easily agree on core values but continue to disagree on how to achieve them. But by adapting governance mechanisms that have proven effective in administering loosely coupled organizations and systems, the state courts can finally achieve the “means” Madison identified as essential to the effective administration of justice.

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*Mary McQueen is president of the National Center for State Courts.*

# TRENDS INDICATE NEED FOR Dramatic Changes in Courts<sup>1</sup>

By John A. Martin and Brenda J. Wagenknecht-Ivey

NACM's  
2010-15  
NATIONAL  
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(This is the fourth article in a series examining the six NACM National Agenda Priorities.)

## Trends and Trend Consequences

We indicated at the recent NACM midyear conference in Baltimore, that the consequences of trends now shaping both demand on our courts and court service capacity are far more profound than they have ever been and require courts to dramatically rethink their mission and how they do their work. In this short article we: (1) list the key trends likely to shape courts over the next decade; (2) identify key consequences of these trends; and (3) offer suggestions for what courts need to do to shape a more favorable future.

Figure 1 (page 5) provides a list of trends we believe will have the greatest affect on courts in the coming decade.<sup>2</sup>

Some of the most significant consequences of these trends for courts in the next decade likely include:

- a widening gap between society's expectations of courts and courts' capacity to meet those expectations;
- increasing numbers of court users with diverse and rapidly changing and evolving needs;
- increasing case complexity;
- more pressure to achieve better case outcomes and appropriately supervise and monitor offenders;
- increasing demand for culturally appropriate and therapeutic approaches to court and justice services;
- greater difficulty keeping pace with and using existing and emerging technologies;
- greater difficulty recruiting, hiring, and retaining highly skilled executives, managers, and staff;
- more and more inadequate court facilities and infrastructure;
- more pronounced ideology-driven politics threatening judicial independence, perceptions of fairness, and public trust and confidence in courts; and
- increasing opportunities for implementing innovations and revolutionizing how courts do business and provide services.

## What Courts Must Do



Although shaping a better future will be difficult, below are seven things court leaders can and must do to prepare for and respond to these trends.

**1. Court leaders must jettison the mind-set that we are going through a short-term economic rough patch and that, in time, things will get better.**

For at least the next decade or so, it is plausible that even if and when the general economic outlook improves, funding for courts will not return to previous levels. Consequently, courts will not only be required to do “more with less” but also “less with less” in the years ahead.

**2. Courts must re-examine their missions and critically review and align the scope of services they provide.** This includes choosing X service instead of Y service or eliminating some services entirely – especially services that are outside courts' core missions or are secondary or tertiary.

**3. Court leaders must re-think and dramatically alter how courts provide primary services, conduct business,**

**and achieve effective outcomes.** This requires questioning both why and how courts do business and radically altering how justice services are provided.

**4. Court organizations must become more nimble, agile, and responsive.** Instead of striving for stability, court leaders must design and build court organizations that can easily and quickly respond and adapt to changing needs and times.

**5. Court leaders must revolutionize their court cultures and work environments.** Court leaders must be pioneers in implementing flexible and effective contemporary human resource approaches and policies and in developing an engaging work environment

Continued on page 5

<sup>1</sup> A longer version of this article will appear in the NCSC publication *Future Trends in the State Courts 2011*.

<sup>2</sup> Many of the trends listed in Figure 1 were also identified in a recent national survey of court managers. Respondents to the survey believe that these trends will continue to shape the next decade for courts.

that will attract, motivate, and retain highly skilled staff.

**6. Courts must expand existing, and forge new, partnerships.** Courts must leverage and expand existing partnerships to include working more closely with regional, national, and even international justice networks.

**7. Court leaders must be even more tenacious in advocating for the needs of the judiciary and courts, communicating accomplishments and demonstrating accountability.** Being less insular, more transparent, and more direct and forceful about needs and accomplishments are essential to

shaping a more favorable future.

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## FIGURE 1: Critical Trends For Courts – 2010 to 2020

### Social/Demographic Trends

- Changing social demographics, including population and workforce aging
- Alterations in family composition, including declining numbers of traditional families and alterations in the role of societal institutions and community norms and values
- Polarization of people by class, race, ethnicity, and lifestyle preferences
- Shifting and mobile population – rapid population growth in some areas and decline in other areas
- Explosion in the use of social media and social networking as ways to build and maintain relationships, communicate, and do business.

### Economic Trends

- Protracted economic recession and slow recovery
- Increasing stratification between higher/lower incomes
- People working longer; delaying retirement
- Greater demands to do business 24/7

### Polity and Political Trends

- Increasing scrutiny on how public tax dollars are spent
- Increasing fragmentation, position polarization, and gridlock among political parties
- Increasing tension between preserving individual rights and rolling back civil liberties

- Ongoing tension between increasing expectations for government solutions (e.g., public expects courts to solve many of society's problems) and the call for less government involvement in personal lives (e.g., smoking cessation, obesity, dietary decisions)
- Ongoing debate over healthcare reform
- More tension between local control and need for regionalization of services
- Continued pressure to help organizations suffering from economic downturns

### Justice System Trends

- Perpetual federal, state, and local funding challenges
- Aging court infrastructure, especially facilities, security, technology, and equipment
- Changing demographics and characteristics of court users
- Continuing demand for justice system transparency and performance accountability
- Increasing local/state justice system and state court involvement in the enforcement and adjudication of federal policy, such as immigration and healthcare policy, and responses to mortgage foreclosure crisis
- Greater expectations and demands for access to information and ability to do business with courts from re-

- mote locations (e.g., e-filing, fines and fees payment, access to case information, video arraignments)
- Continuing politicization of the judiciary and attacks on judicial independence
- Increase in legislation for specific crimes and unfunded mandates

### Technological/Scientific Trends

- Continued rapidly developing information, telecommunications, and networking technology
- Continuing wireless revolution and use of the Internet
- Rapid advances in the types of communications and information technology and the cost-effective applications of technologies, especially use of mobile devices
- Rapidly advancing and cost-effective technologies for distance learning and virtual meetings
- Continued scientific breakthroughs in nanotechnology, human genetics, robotics, etc.
- Increasing capacity for nano, bio, and electronically enhanced behavior monitoring and modification





# New Mentoring Program Now Available

Offered through its Mentor and Early Career Professional (ECP) programs, NACM is pleased to share an exciting opportunity for its members. NACM and the Justice Programs Office, School of Public Affairs at American University, have developed a partnership to promote mentorship opportunities for NACM members who seek to enhance their skills and experience in providing technical assistance and training services to state and local courts in other locales.



The program offers many benefits, including, but not limited to:

- Exposure to other courts and their business practices
- Opportunities to work with seasoned professionals who are experts in certain areas of court administration
- Assistance to court colleagues in need of assistance and guidance
- Personal satisfaction
- Review of one's own strengths and weaknesses
- Objective feedback on skills
- Increased career satisfaction
- Enhanced reputation and professional identity
- Increased career network opportunities

**Questions?** Contact Paul DeLosh, Mentor Committee chair, at [pdelosh@courts.state.va.us](mailto:pdelosh@courts.state.va.us) or Kelly Steele, ECP Committee chair, at [kelly.steele@gaaoc.us](mailto:kelly.steele@gaaoc.us).

## MEMBERSHIP ZONE



By Michele Oken

# Take the Membership Challenge!

Each NACM member is challenged to recruit at least one new member! Receive one raffle ticket for each new member recruited. Tickets will be entered into a drawing for an Apple iPad that will be held at the annual conference in Las Vegas.

Members who recruit 10 or more members will be placed in a separate special drawing to be held at the annual conference in Las Vegas!

**PROGRAM DATES:** January 1, 2011 through June 15, 2011

**QUESTIONS???:** Contact Michele Oken, Membership Committee chair [moken@lasuperiorcourt.org](mailto:moken@lasuperiorcourt.org) – (213) 974-5231

## Mark Your Calendar



### JULY 10-14, 2011

NACM 2011 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

### 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

# Chris Crawford

June 25, 1952 – March 26, 2011

By Jude Del Preore and Ingo Keilitz



In the Broadway musical *Rent*, the question is posed, how do you measure a life? We are then proffered several possibilities, including in daylights, in sunsets, in cups of coffee, or in laughter. However, the question is then answered with a question, how about love?

In remembering our friend Chris Crawford, it would be helpful to remember some of the things he loved. We start with his wife of 31 years, Elaine. As we have repeatedly said, the national court community is rather small. Word of Chris' untimely death circulated throughout our ranks, and we hope that the outpouring of love and sympathy in some small measure helped to comfort Elaine and remind her of how many lives her partner touched.

Next, we turn to another of Chris' loves – courts. As Ingo Keilitz said at the memorial service, Chris had a huge presence in, and impact on, the field of court management in the United States and around the globe. Chris was described as a trouble-shooter and turnaround specialist. Whenever he was needed in a court, he made time to get there. There are thousands of courts across the United States, from villages and hamlets to large sprawling metropolises. We dare say that in most there are people who know and respect Chris.

Chris loved teaching. Many of us remember Chris in his role as faculty for NACM or the National Center for States Courts' ICM programs or as a trainer in courts around the world.

Somehow Chris was able to blend his love for technology with his love of courts. From 2005 to 2010, he served as chair of FACT – Forum on

the Advancement of Court Technology. It was no surprise that he was able to leverage this love to start his own business nor in the selection of a business name – Justice Served. This court management and information technology consulting firm became best known for its annual Top 10 Court Website Awards.

There are so many other loves Chris had in his life: laughter, horses, fine cigars, and brandy. But one other contributed to his legacy – his love of community.

In his obituary in Eureka, California's *Time Standard*, Chris is described as a community activist. He was credited with helping connect his own Humboldt County with the digital world. He was the former president and a member of the Greater Eureka Chamber of Commerce and the Humboldt Business Council. Chris was a founding member of the Redwood Technology Consortium and a board member for the Humboldt No. 1 Fire Protection District. He was passionate about community affairs and, no surprise to his court colleagues, loved to speak his mind.

Ingo Keilitz reported on Chris' memorial service in the following e-mail: **Chris' memorial was truly extraordinary in many ways. Sure, I knew Chris was an activist in the community but not the prominent figure that I learned**

he actually was ... I learned that Chris knew everybody from the luminaries to the laborers in the community. The street in front of the historic and beautifully restored Arkely Center was blocked off by the fire department, and a large hook-and-ladder fire truck was parked in front of the Center. Around 20-30 firefighters, all in dress uniform – probably the entire force – manned the entrance, inside doors, and the aisles of the theater. I understand that Chris served on the fire department's board and, a few years ago, he drafted and successfully guided to passage legislation ensuring the department's transition from a volunteer force to continued existence as a well-staffed professional department. It was just one of the many things Chris did. I learned that most people in Eureka who knew Chris well had a vague sense that he might have a "day job" but knew very little about it.

There is a gospel solo being sung in the background during the *Rent* song "Seasons of Love." It says ... "Love is a gift from above. Share love, give love, spread love, measure, measure a life in love." Chris was loved by many.



By Jeanine Tucker

# Future Trends in State Courts – Immigration

The article on court trends in this issue of *Court Express* prompted some additional thought on the subject of remarkable trends affecting state courts, and one trend in particular stood out—the ever-increasing populations of both legal and undocumented immigrants. The rapid increase in immigrant populations, and the associated impact on state courts, is no longer just for states like California, Texas, New York, Florida, and Arizona to grapple with. A tremendous rise in this population has recently been experienced in states such as

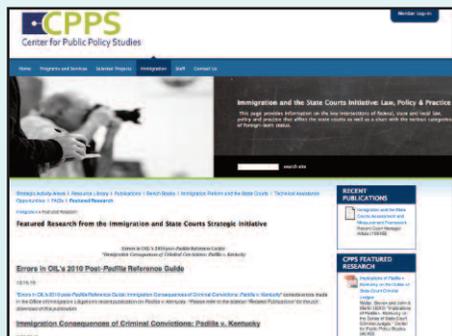
Georgia, Minnesota, Washington, and North Carolina. One out of every four children in our nation has one or more immigrant parent, a higher percentage than in the 1800s. As of 2008, 5.5 million children lived in families with at least one parent who is an illegal immigrant. As a result of these and other startling statistics put forth by John Martin and Steve Weller, et. al., courts are experiencing a marked increase in the complexity of family and juvenile cases.

of State Court Criminal Judges and Court Administrators” (Winter 2010) and “Addressing Immigration in the State Courts” by John Martin, Steven Weller, David A. Price, Angie Lederach, and Jeff Yoder (Spring 2009). There is also a downloadable Practitioners Guidebook, the result of a partnership between the State Justice Institute (SJI) and the Center for Public Policy Studies (CPPS) as part of a multiyear initiative regarding immigration and the state courts. Awareness and understanding of the various issues surrounding this topic are key to dealing with their impact on the courts. To this end, the NACM Publications Committee will continue to strive to highlight up-to-date resources and publications information to assist court managers and other court professionals in addressing this complex topic.

We refer you to the following links:

- [http://www.sji.gov/PDF/Addressing\\_Immigration\\_in\\_the\\_State\\_Courts.pdf](http://www.sji.gov/PDF/Addressing_Immigration_in_the_State_Courts.pdf)
- <http://www.centerforpublicpolicy.org/index.php?s=70>

Here you will find additional links to numerous resources and publications, including relevant articles from *Court Manager* such as “Implications of *Padilla v. Kentucky* for the Duties



## Milestones



**Bob Wessels**

After 37 years with Harris County Texas courts, 35 as its first court manager, **Bob Wessels** retired April 30, 2011. A past NACM president and board member, he also served on the boards of Justice Management Institute, National Center for State Courts, and chaired numerous state and national committees relating to court management and technology.

Don't expect to find Bob confined to his bass boat or golf cart, as he plans to remain actively involved in court improvement activities and teaching.

Superior Court Presiding Judge Brian McCabe announced the appointment of former NACM board member **Linda Romero Soles** as the Merced County Superior Court's executive officer effective April 4, 2011. Linda came to the Merced court with more than 31 years of court experience. Most recently, she was employed at the Stanislaus Superior Court, where for 20 years she served in a variety of positions, including assistant executive officer, chief deputy executive officer, and assistant clerk/administrator for the municipal court. Linda is an Institute for Court Management Court Executive Development Program graduate and a certified Fellow.



**Linda Romero Soles**