



NACM's
2010-15
NATIONAL
AGENDA
PRIORITIES

Sustaining Excellent Performance IN DIFFICULT BUDGET TIMES

By Marcus W. Reinkensmeyer

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

Early signs of economic recovery notwithstanding, most state and local governments are plagued with long-term structural deficits and no clear timetable for stabilization.

In the aftermath of double digit budget cuts, many court jurisdictions now face another round of staff layoffs, unpaid furlough days, building closures, and permanent downsizing of court programs. In this context, shaped largely by the resources management priority Sustaining Excellent Performance in Difficult Budget Times, NACM's National Agenda (2010-2015) has greater relevance than ever.

This strategic priority and the supporting NACM Core Competencies (Resource, Budget, and Finance)ⁱ encompass the intricate mechanics of revenue enhancement and budget management, overarching strategic directions and dynamic resource allocation. Central to this priority are stewardship, clarity of court mission, court governance, internal and external accountability, and "ingenuity in doing business in new, cost effective ways."ⁱⁱ

The Basics: Budget Balancing Measures

For courts, proven budget balancing strategies include revenue enhancement (e.g., user fees and

collection, court-ordered financial obligations), exempting mandated expenditures from the base budget (e.g., judges' salaries), prioritizing critical core functions, freezing hiring and promotions, eliminating overtime pay, reducing travel expenses, outsourcing labor-intensive non-core functions, and imposing unpaid furlough days, early retirement incentive programs, and reductions in force. These measures and supportive planning strategies are detailed in the report "Financing the Third Branch in Lean Times: Placing the Present Fiscal Crisis in Perspective."ⁱⁱⁱ

Internal Business Process Reengineering

Given the depth and duration of the recession, some courts are moving beyond these traditional approaches, now embarking on internal business process reengineering and fundamental restructuring of court operations. Ironically, the era of economic uncertainty is an opportune time to explore ideas that were heretofore politically unfeasible and to consider long-overdue organizational changes. Transformation

initiatives include streamlining case processing systems, consolidating previously fragmented functions (e.g., data center consolidation, co-location of limited and general jurisdiction courts and pooled staffing), and leveraging of technologies for online delivery of court services (e.g., e-filing and e-payments, video hearings, and remote video interpreter services).

Process reengineering methodologies and case studies are presented in a special section of *Future Trends in State Courts* (2010), "Re-engineering: Principles and Structure,"^{iv} and the National Center for State Courts' budget resource website.

Business Process Reengineering with External Stakeholders

The recent 4th National Symposium on Court Management also explored business process reengineering, both from statewide and local court perspectives. Discussions addressed the scope of business process reengineering initiatives, delineated in a three-tiered framework: 1) internal - court only; 2) govern-

Continued on page 3

By Peter Coolson and Jeanine Tucker

The status quo is no longer possible; even if it was, it wouldn't be your friend.

Honorable John Broderick, President • University of New Hampshire School of Law
2011 NACM Midyear Conference

As you could appreciate from the above quote, former Justice John Broderick raised more than a few challenging issues at the 2011 NACM Midyear conference. The lead article in this edition of Court Express, entitled Sustaining Excellence in Difficult Budget Times, by Marcus Renkensmeyer, follows along the same tradition, as does the article by Judge Don Shaver on cutting edge technology at the International Criminal Court. However, John Broderick's remark got us thinking that, if we can no longer depend on the status quo to befriend us, where do we find our real "friends" in the uncertain journey ahead. It seems to us that we must be able to depend on creativity, innova-

tion, and in the end, a willingness to accept change as one of our allies.

Looking ahead to our 2011 annual conference, which will explore in depth three of the previously identified priorities from the NACM National Agenda, one of these pops out as a candidate for adding to our "short list" of friends, and that is Community Collaboration. Collaborations with our justice partners, with our communities, with other courts on a regional or state-wide basis, can lead us into more efficient and creative directions in working to solve a wide array of issues.

Community collaborations foster understanding, build partnerships, look for non-traditional solutions to

often very traditional problems, and are often able to locate assets and other resources as funding mechanisms that courts, on their own, might not readily seek out. Cities and counties and courts are continually forming collaborations on a regional basis, which they know will allow them to provide much needed services and maintain balanced budgets. When we talk about navigating the murky waters of uncertainty that lay ahead, we need to look beyond the walls of our jurisdictions and form alliances that will allow us to share in the glory of what will become the "new status quo."

Nominations Open for NACM Board

By Suzann Stinson

The National Association for Court Management Nominations Committee will be considering candidates for the following open board of directors positions in July 2011: president elect, vice president, secretary/treasurer, judge director, general jurisdiction court director, and at large (1) director.

Download the Declaration of Candidacy form located on the NACM website, then complete and submit it

along with a resume by June 10, 2011. Candidate's interest, qualifications, and ability to attend board meetings will be given considerations. Qualifications include but are not limited to:

- Years employed in a position as a court leader
- Years a member of NACM
- How active on committees, other activities, and projects while a member of NACM

- Specific criteria based on the position applied for on the board

Declare your candidacy today for the 2011-2012 NACM Board of Directors. Come and join the team of professionals!

Suzanne Stinson is NACM's immediate past president and Nominations Committee chair.

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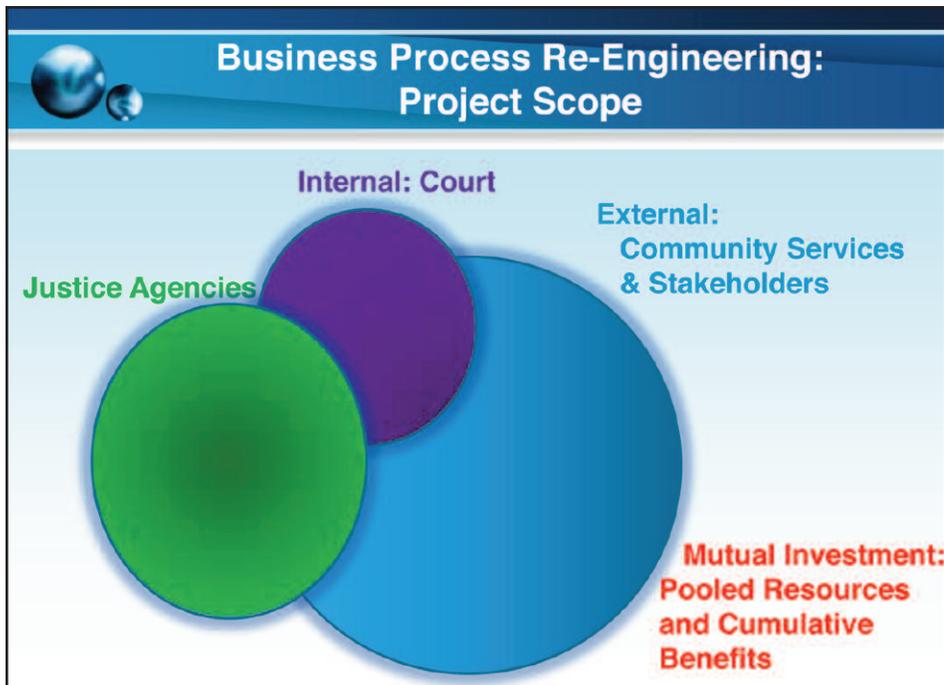
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ment - court and justice agencies; and 3) external - court, justice agencies, and community stakeholders (see figure above). While broader scoped community-based reengineering efforts are inherently large and complex, the resulting synergies can yield great benefits. Optimal resource utilization and improved service delivery is accomplished through a mutual investment on the part of the court, justice agencies, and community stakeholders.^{vi}

Notable examples of such broad-based “external” court-community reengineering include integrated criminal justice information systems, front-end felony case resolution aimed to reduce jail overcrowding, and problem-solving courts (e.g., drug, mental health, veterans, and homeless courts). Presiding judges

and court managers have an important leadership “convener” role in such collaborative ventures, calling together stakeholder workgroups and community service providers.

This systemic approach to process reengineering also involves a paradigm shift in budget acquisition and ongoing program support. Court and justice agencies that typically vie for limited budget monies can, instead, jointly approach the funding body for necessary program support.

What was once a fiercely competitive budget process can, in turn, transition to a highly collaborative process with broad-based community support. Joint initiatives having such wide political and institutional support are apt to receive requisite funding, with an increased likelihood of long-term program sustainability.

Assessing Performance: Quality and Quantity

Given the heavy emphasis on court resource utilization and efficiency, attention to the quality of justice services is critically important. Many government funding bodies now employ performance-based budgeting systems, which mesh well with the NCSC CourTools performance measures. Recently introduced by the National Center for State Courts, the NCSC High Performance Court Framework expands the quality assessment through a Balanced Scorecard approach, addressing effectiveness, efficiency, procedural fairness, and productivity.^{vii} The framework also considers the critical dynamics of organizational culture, employing an iterative Quality Cycle process for evaluation and continuous improvement.

Irrespective of the specific performance measurement system employed, broad stakeholder and litigant input provide a much needed “end user” perspective, also lending credibility to court funding requests. This inclusive, systemic approach stands to maximize court resource utilization, all in furtherance of the strategic priorities espoused in NACM’s National Agenda.

Marcus W. Reinkensmeyer is court administrator for the Superior Court of Arizona in Maricopa County and past president of the National Association for Court Management. Contact him at mreinken@superiorcourt.maricopa.gov

Endnotes

ⁱ NACM Core Competencies Resources, Budget, and Finance at http://www.nacmnet.org/CCCG/cccg_7_cor-ecompetency_resources.html.

ⁱⁱ NACM 2010-2015 National Agenda: Six Priorities at <http://nacmnet.org/nationalagenda.html>.

ⁱⁱⁱ Barr, C., Hall, D., Cooper, C., Friesen, E., and Reinkensmeyer, M. “Financing the Third Branch in Lean times: Placing the Present Fiscal Crisis in Perspective” *BJA-American University Criminal Courts Technical Assistance Project*, March 2010.

^{iv} *Future Trends in State Courts 2010*, NCSC, pp. 23-85.

^v NCSC’s Budget Resource Center at <http://www.ncsc.org/information-and-resources/budget-resource-center/about-the-brc.aspx>.

^{vi} Reinkensmeyer, Marcus W. “Stewardship and Business Process Re-engineering: An Urban Court Perspective” presented at the 4th National Symposium on Court Management (October 28, 2010).

^{vii} *Achieving High Performance: A Framework for Courts*, a working paper, NCSC (April 2010) at <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1510>.

Managing Courts in Changing Times: PLANNING AND COURT PERFORMANCE



By Ray Billotte and Aimee Wickman

At the recent Urban Court Manager's Network (UCMN) meeting held in Washington, DC, participants may not have reached consensus on all the issues, but they were unanimous about the need to manage courts as a component of, and in concert with, the greater justice system.

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 trial court systems in the United States and meets twice each year to address problems and issues facing urban jurisdictions. The January workshop was dedicated to sharing concerns, ideas, and examples regarding performance measurement, and experience first-hand how management of the DC Superior Court has been transformed over the last decade through the use of strategic planning, performance measurement, comprehensive feedback, and systemic changes.

The DC Strategic Planning Model

In 2002, the District of Columbia Courts began formulating and later implemented their highly successful strategic management plan. UCMN members enjoyed a full day of meetings with local court officials, including the chief judges of both the DC Court of Appeals and the DC Superior Court, and learned of the substantive work required by the organization and the necessary judicial leadership that led to a successful plan. Relying on the participation and input from internal and external stakeholders, the DC Courts have increased accountability, independence, transparency, and buy-in from stakeholders, and have become more cost efficient. The strategic plan has improved both internal and external communications and has shown to be a proven advantage

when seeking budget appropriations from Congress.

Numerous programs for court employees help support the strategic plan and facilitate staff buy-in. A Great Place to Work Initiative (i.e., a health and wellness program, work/life balance program, and management training program) offers a survey-derived set of opportunities to meet quality of life objectives for all members of the court system. The courts' judges and managers are dedicated to educating employees on their important role in the local system through court-sponsored seminars and classes. As a result, the DC courts have achieved a high level of employee satisfaction and commitment to the strategic plan.

Measuring and Evaluating Courts

Members of the justice system have long struggled to create the best method of measuring court performance. The most popular and widely used set of measures is CourTools,¹ and they have served the court community well. The aggressive expansion of problem-solving courts and the necessary added collaboration with justice system partners, however, has prompted changes in the way we view the role of courts and, moreover, how we measure them. UCMN members agreed that work is needed to develop additional systemic measurements that allow justice systems to effectively assess such initiatives consistent with their intended value within the local justice system.

Workshop participants explored these issues and drilled into one of the most vexing measures: cost-per-case.

Most agree this measure could be incredibly valuable internally but fear that danger lies in the measure being misconstrued externally and used as a comparison tool between jurisdictions. It was noted that significant differences exist between UCMN member courts on precisely what makes up court costs. Participants agreed to re-view this issue further and will focus on developing common baselines and measurements for urban courts in upcoming meetings.

Utilizing an accurate and comprehensive set of performance measures that encompass the entire justice system enhances the competency of court leaders and system stakeholders, reduces the individualistic, ad hoc approach to system changes, and promotes collaboration and cooperation with the many diverse groups. This, however, can be achieved only through strategic planning that provides a holistic justice system view and allows substantive input from justice system partners. Courts are in a unique position of providing an impartial forum for these substantive discussions, leading justice system advocates to systemic planning, coordination, and implementation of strategic plans. The dynamics of our society and changing public expectations demand courts be accountable, not only to our internal business measurements, but also to the "greater good" of the community.

Ray Billotte is district court administrator for the 5th Judicial District in Pittsburgh, PA. Contact ray.bittlotte@allegheycourts.us. Aimee Wickman is project associate for the Justice Management Institute. Contact awickman@jmijustice.org.

The 2011 Annual Conference in Las Vegas

What Happens in Vegas Won't Stay There...

By Jeanine Tucker

With Community Collaboration (NACM National Agenda Priority 3), Continuing Education (Priority 6), and Sustaining Excellence in Difficult Budget Times (Priority 2) as the focus for this year's annual conference, **Pushing the Boundaries: The NACM National Agenda**, to be held in Las Vegas, Nevada, July 10 – 14, 2011, attendees certainly won't want to leave anything behind.

Carrying out the theme of collaboration, NACM will be partnering with the National Association of State Judicial Educators (NASJE) to offer a strong selection of workshops and keynotes, as well as a comprehensive exhibit show and exceptional networking opportunities and social events as we continue to thoroughly examine the 2010-2015 National Agenda, the driving force behind



NACM program priorities and improvements in the court management profession.

The beautiful and contemporary Red Rock Resort will be the backdrop for the conference. The resort boasts Four Diamond Award amenities, including: a fabulous and refreshing pool backyard, a well-appointed spa for recharging, casino, world class dining, and rocking nightlife. All rooms offer a 42-inch plasma TV, sound system with iPod

jack, and in-room spa service. Rooms are priced at the special NACM room rate of \$130 per night single/double occupancy. This rate applies until June 17, 2011, and includes: access to the fitness center, transportation to and from McCarran Airport and the Las Vegas strip at designated times, a daily newspaper, and in-room Internet access. Members are invited to register online after March 14 at www.nacmnet.org.

NACM will award a limited number of conference scholarships for the 2011 annual conference. The application and guidelines are available on the NACM website – www.nacmnet.org – and the application is due by Monday, April 18, 2011, at 5 p.m.

Adobe and Sustain Technologies, Inc., are diamond sponsors for this event.

Newly Revised *The Court Administrator – A Guide and Manual* is Now Available

By Janet G. Cornell

The NACM Publications Committee is pleased to announce publication of a revised and updated manual on the court administrator. First published in the mid 1980s and revised in 2008, this manual provides a comprehensive description for judges, court professionals, and other interested parties. This newly edited version includes updated information on the NACM Model Code of Conduct, the NACM National Agenda, the NACM Core Competencies, and skills and responsibilities of a court administrator.

The current revision is the product of a committee consisting of: Tracy (TJ) BeMent, Chris Bleuenstein, Janet G. Cornell (subcommittee chair), Giuseppe M. Fazari, Cydney Fowler, Amy

Kehner, Norman Meyer, Michele Oken, and Bob Zastany. NACM, and I, thank these committee members and Lorie Gomez, NCSC publications manager, for making this publication possible.

Attendees at the 2011 NACM midyear conference were among the first recipients of the new manual, and all NACM members will soon receive the new publication. Anyone can purchase copies of the manual for \$5 each or \$3 for 20 or more copies (<http://www.nacmnet.org/publications/index.html>).

You might be wondering about the uses of this new guide. Here are some ideas to get you started:

- provide copies to all new court employees

- share copies with your court presiding or chief judge
- share with all judges and senior management
- provide copies when presenting to educational gatherings, or your local funding authority, to educate about what you do and your role in the court
- consider assessing yourself against the knowledge, skills, and abilities in the manual

If you have an innovative use for this manual, please let me know at jcornell@scottsdaleaz.gov.

Janet Cornell is court administrator for the Scottsdale City Court in Scottsdale, Arizona. Contact her at jcornell@scottsdaleaz.gov.

MEMBERSHIP ZONE



NACM'S ONLINE STORE



NACM'S ONLINE STORE is open for business!

The National Association for Court Management has teamed up with Larry Arntz, Inc., a promotional products enterprise, to offer a full line of merchandise that can be personalized or display the NACM logo.

Click on the shopping basket on our homepage – www.nacmnet.org – and begin showcasing NACM and your court operation today!



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

NOMINATE AN OUTSTANDING Jury Program for Munsterman Award

The Center for Jury Studies at the National Center for State Courts is accepting nominations for the G. Thomas Munsterman Award for Jury Innovation. The award is named for G. Thomas Munsterman, founder and former director of the Center for Jury Studies and an internationally renowned innovator in jury systems and research. First presented in 2008, the award was established to recognize states, local courts, individuals, or other organizations that have made significant improvements or innovations in jury procedures, operations, or practices in one of the following categories:

- state or local statutes, rules, or other formal changes;
- jury management or technology;
- in-court improvements; and
- other improvements or innovations.

Deadline for nominations is June 1, 2011. To submit a nomination, send a brief letter identifying the nominee and describing how the nominee's accomplishments satisfy the award criteria described above. Nomination letters should be submitted electronically to the NCSC Center for Jury Studies, Attn: Shannon Baptiste, at sbaptiste@ncsc.org.

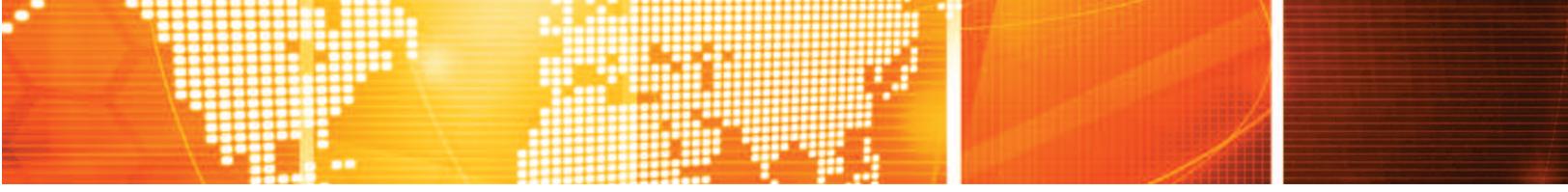
WEBSITE UPDATE



NEWS FROM YOUR Website Committee



Visit www.nacmnet.org to read all about The NACM National Agenda 2010-2015. The national agenda is designed to drive NACM program priorities and improvements in the court management profession over the next five years as NACM charts the course for judicial systems, trial courts, and their leadership judges and court managers. The national agenda is also the focus of this year's annual conference in Las Vegas, and it was the focus of the recent midyear meeting in Baltimore. Log on today to learn more!



The International Criminal Court ON THE **Cutting Edge** OF **Technology**

By Judge Don Shaver

Thomas Lubanga sat patiently and intently. Dressed professionally in a neat business suit and fashionable blue shirt with expensive tie, you could easily mistake him for one of the lawyers.

That is, if you did not know that not too long ago he had been dressed in army fatigues leading a rebel force in the Congo – the Forces Patriotiques pour la Libération du Congo (FPLC). He is now in custody in Courtroom #2 before the International Criminal Court (ICC) in The Hague, Holland, on trial for grave war crimes: the kidnapping of hundreds of 15-year-old and younger boys and forcing them

a culture of impunity sprang up.

Then, in 1993, the first real progress in nearly 50 years came when the International Criminal Tribunal for the former Yugoslavia (ICTY) was born out of frustration with the efforts to halt “ethnic cleansing” in that troubled area. A year later, the International Criminal Tribunal for Rwanda (ICTR) enjoyed similar success. These two ad hoc tribunals paved the way

in Darfur. As a result of the ICC International Arrest Warrant, he is virtually a prisoner in his own country.

As I look around the courtroom, I am impressed by what a modern set up it is. The main floor of the courtroom is dominated by the bench for the three judges. Directly in front of and a little lower are the judges’ three law clerks at their own bench. In the well of the court are sections for the prosecution and the defense and their law clerks, the victims’ attorneys, and the court administrator, who are all dressed in traditional black robes with a white frock in front. The judges’ robes are distinguishable by the royal blue panels.

Each station has its own computer monitor with real-time reporting and laptop. Each section has its own controllable microphone and headset for translations. (The official languages of the court are English and French, but an interpreter will be provided for any of the nearly 2,000 languages spoken in Africa if needed.) The interpreters have their own enclosed “press box” overhead with unobstructed view.

The court has set as a priority becoming a totally paperless e-court. Discovery is voluminous but is provided via a searchable electronic database. All exhibits, briefs, and pleadings are displayed via the monitors. No paper documents are used. Any party may call up any document on their monitor at any time.

The public sits in three totally enclosed tiers separated from the

As far back as the end of World War I, statesmen had envisioned an independent tribunal that could bring war criminals to justice in a fair and even-handed manner.

into military service for use as combat soldiers in attacking civilian populations in the Ituri region of the Congo.

The ICC is the culmination of a dream dating back 75 years or more. As far back as the end of World War I, statesmen had envisioned an independent tribunal that could bring war criminals to justice in a fair and even-handed manner. It was not until the Nuremberg trials following World War II, where the crimes of the Nazis were adjudicated, that this vision was realized in any fashion. Attempts to transform the Nuremberg tribunal into an ongoing permanent court, however, were stymied by the Cold War. In the meantime, crimes against humanity went largely unpunished, with no state or institution capable of holding the perpetrators accountable. In what can only be described as “mob rule” on an international scale,

for negotiations on an independent, permanent, and ongoing International Criminal Court, capable of investigating and prosecuting the most heinous and infamous of crimes against humanity, and in 2002, the ICC was born.

Besides the Congo, the ICC has cases pending for war crimes occurring in Uganda, Darfur, the Central African Republic, and Kenya. Altogether, the ICC prosecutor has filed charges against 14 leaders and warlords believed responsible for the worst atrocities on the African continent. Cases against seven of those are proceeding at the court’s seat in The Hague, where four are in custody and the remaining seven are still at-large. The most high-profile suspect still at-large is the head of state in Sudan – Omar Hassan Ahmad Al Bashir – believed responsible for the tragedy

courtroom by heavy soundproof glass, with a 60-inch flat-screen monitor in each tier. Each seat in the audience has its own headset where the language of choice can be selected.

Although this electronic wonderland bears no resemblance to the court where I work, the proceedings sound remarkably similar. “Your Honor, I

can’t possibly be ready for the confirmation hearing (prelim) by the scheduled date. The prosecution hasn’t given me anything yet, just a few reports, and I will need to hire an investigator who will need to go to the Congo to investigate...” Well, some things never change, it seems!

Judge Shaver is a retired state court judge from the Stanislaus County Superior Court, Modesto, California. In 2006, he was sent by the Judicial Council of California to work with the ICC as a “visiting professional” for four months. He is the first American judge to work with the ICC.

NACM Mid-Year Conference 2011

By Peter Coolson

From February 6 to 8, 2011, more than 150 people, including NACM members from 26 states and the District of Columbia, gathered in Baltimore, Maryland, for the 2011 midyear conference, *Looking Back and Thinking Ahead*. Participants characterized the midyear event as having a high level of energy and a tight, integrated focus on the most critical challenges facing the profession of court management today. The twin, dominant themes addressed by keynote speakers and workshop presenters included: court transformation during a time of revolutionary change and anticipation of trends in order to shape a better future for courts.

Former Chief Justice John T. Broderick, Jr., dean and president of the University of New Hampshire School of Law, offered the kick-off address about forces demanding change in our courts and the type of changes that are necessary. In looking back, Justice Broderick recalled a court which, in the not too distant past, was “more vibrant, accessible, and affordable.” In looking ahead, he warned court leaders that “this is not a time for passivity in the American court system” and urged them to take an assertive

stance in modernizing our courts.

On the second day of the conference, John Martin, Ph.D., director, National Immigration and the State Courts Initiative, presented a counterpart to the Broderick address in his keynote on *Preparing for and Responding to Trends*. In looking back, Dr. Martin suggested that while courts have been able to successfully anticipate future trends, they have not necessarily done a good job of adapting to them. In looking ahead, he identified a number of trends to be addressed in the future, including: “structural deficits” and long-term funding crises, a widening expectation of the courts at a time of limited capacity and declining caseloads generally and an increasing proportion of more difficult cases. In a follow-up workshop with Brenda Wagenknecht-Ivey on embracing the changes required to “shape a better future” for the courts, Dr. Martin stressed the importance of understanding our mission and service priorities, the need for streamlined court structures and work processes, and the incorporation of evidence-based risk assessments in criminal cases.



The two days of workshops dovetailed nicely with the conference themes, including: presentations on effective court leadership by Judge Mary Celeste and Matt McConville from the Denver County Court and Bill Dressel, president, National Judicial College; reengineering of trial courts, presented by Thomas Clarke and Dan Hall from the National Center for State Courts, Marcus Renkensmeyer of the Judicial Branch of Arizona, and Marlene Martineau, FACT Executive Committee member. Even the more narrowly focused workshops fit well with the conference themes, including sessions on: management of capital cases, presented by Phil Knox and Judge Gary Donahue of Superior Court of Arizona, David Slayton of Lubbock County District Courts, and Kathie O’Connell of Los Angeles Superior Court, as well as a session on the mental health crisis in juvenile courts presented by Sandra Metcalf of Michigan’s 20th Circuit Judicial Court.

Our appreciation for a conference well done is extended to Kevin Bowling, president elect of NACM, and to the entire NACM Conference Planning Committee.