National Association for Court Management

Steps to Reengineering:
Fundamental Rethinking for High-Performing Courts

Building a Results - Oriented Court Organization

Mission

Outcome Goals

Strategy

Program Alignment

Resource Alignment

Values

Measures

MISSION: state the purpose of the re-engineering process.

OUTCOME GOALS: are long-term, measurable results the court organization needs to accomplish to achieve the mission. They Why, Why, and How can we prove success.

STRATEGY(IES): outline what must be done well or what barriers must be overcome to achieve outcome goals.

PROGRAM ALIGNMENT: ensures program activities deliver intended outcomes.

RESOURCE ALIGNMENT: is the process of allocating resources based on a prioritized set of outcomes.

Court Reengineering: Fundamental Rethinking for High-Performing Courts

2012/2013 MINI GUIDE

National Association for **Court Management**

Mini Guide Workgroup
Phillip Knox, Chair

Christopher Bleuenstein	Laura Klaversma
Janet G. Cornell	Teresa Risi
Scott C. Griffith	Robert Zastany
Peter Kiefer	

National Association for Court Management
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I. Introduction: Fundamental Rethinking

> We shall not cease from exploration, and the end of all our exploring will be to arrive where we started and know the place for the first time.
>
> T. S. Eliot, 1888 – 1965

A New Day

Courts move slowly toward improvements; most often they focus on individual processes and department efficiencies. It is the dawn of a new day; it is the emergence of a "new economic normal." Many courts across the nation now struggle under staggering budgetary pressures that offer no respite for the foreseeable future. Courts are laying off staff, shutting down specialized courts, locking courthouse doors, reducing business hours, and closing off construction projects.

> *"The courts recognize that things aren't going to get back to whatever 'normal' is. There will be less revenue in the future, and they are preparing for that."[1]*

As part of this "new normal," courts are groping to find innovative ways to do business and administer justice. Many high-performing courts are revisiting an established approach to building efficiency and effectiveness: Business Process Reengineering (BPR). BPR is a management approach aimed at process improvement within and across court organizations. The approach started in the 1990s as an intervention to fix and perfect business processes.

According to co–authors Dr. Michael Hammer and James Champy:[2]

*[reengineering is] "the fundamental rethinking and **radical** redesign of the business processes to achieve **dramatic** improvements in critical, contemporary measures of performance, such as cost, quality, service and speed."*

BPR demands that companies radically redesign themselves, dramatically change current processes, focus on the customer, and create a virtuous cycle of continual improvement.

Fundamental Rethinking

Many analysts believe that organizations must face a truly existential crisis for BPR to succeed. A 1988 explosion on the Piper Alpha oil rig platform in the North Sea has become a metaphor for the type of crisis many think organizations must face:

> *Two hundred twenty-six crew members on the burning oil platform had to choose between jumping 175 feet into the raging North Sea or burning alive if they remained on the platform. Many of the crew jumped; sixty-one survived. The metaphor has come to represent the BPR attitude "jump into the unknown or burn if you remain.[3]"*

The global recession and subsequent government budget firestorm has presented courts with a public sector version of an

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[1] Daniel J. Hall, vice president of the National Center's Denver, Colo.-based Court Consulting Services.
[2] Dr. Michael Hammer and James Champy, *Reengineering the Corporation*, 1993.
[3] Daryl R. Conner, *Managing at the Speed of Change*, Random House, 1993.

existential crisis. High-performing courts are electing to explore radical reengineering options.

Radical Redesign

BPR success requires a fresh perspective and a fresh approach. Traditionally the distinction between Total Quality Management (TQM) and Business Process Reengineering (BPR) has been that with TQM the work team identifies process innovations; while BPR challenges the process itself. Starting with a clean sheet of paper, the work team identifies current processes and the desired process changes. The key is not only to change, but to radically change within a short period. BPR dictates that courts can achieve change only by revamping organizational structure, overhauling business workflow, rewriting job descriptions, embracing performance measures, and adopting information technology (Figure I.1). Some basic characteristics are:

- *View court operations as a set of consumer (both internal and external) oriented processes rather than departmental functions;*
- *Ensure clear–cut ownership of each process; and*
- *Eliminate activities that do not add value.*

BPR is about throwing away existing assumptions and conventions; it is about starting from scratch.

> *"In the past the man has been first; in the future the system must be first."*
>
> *Fredrick Taylor 1911*

Primacy of Technology

Emblematic of BPR process change is investment in technology rather than employees. Technology eliminates administrative task–oriented jobs previously held by staff. Normally a reengineered court sheds unnecessary paperwork and bureaucracy.

Critical funding is directed to where it is truly needed and adds to the court's productivity. Money and time wasted on departmental overhead is saved by using information technology to improve communications and by positioning skilled personnel where they can best serve customers.
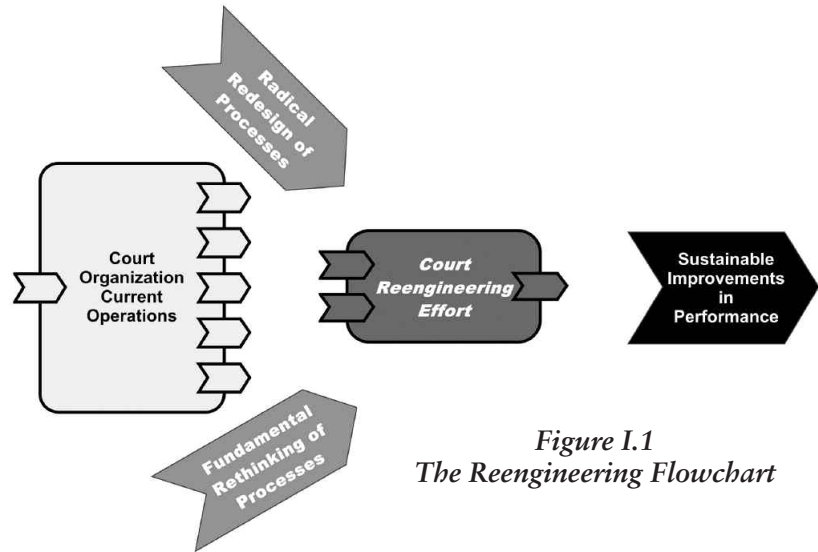
Figure I.1
The Reengineering Flowchart

The Virtuous Cycle

The difference in BPR today from the concept of the 1990s is that now it is not a "one–hit wonder." As Hammer & Champy point out:

> *"Reengineering is not a one-time trip. It is a never ending journey, because the world keeps changing. Processes that have been reengineered once will someday have to be reengineered all over again. Reengineering is not a project; it must be a way of life."*[4]

This mini guide offers five case studies on how different high-performing courts used BPR to improve their operations.

Case Study No. One: Orange County Superior Court

Orange County is a large, metropolitan trial court that made a compelling case for change; it instilled a continuous improvement mindset; it showed why reengineering must be aligned with the court's overall goals; and it used a proven methodology.

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[4] Michael Hammer & James Champy, *Reengineering the Corporation: A Manifesto for Business Revolution*, 1993.

The court targeted processes incorporating large numbers of transactions, severe backlogs, or high error rates. It honored "quick wins" and culminated the effort with an "Academy Awards" celebration.

Case Study No. Two:
Scottsdale City Court

Scottsdale is a moderate–size, limited jurisdiction metropolitan court that introduced a simple, effective, low–tech process for courts to assess their operations and staffing levels. The court collected data on staff assignments; it brought into sharp relief for senior management tasks performed and the effort expended. The process serves as the cornerstone for future reengineering efficiencies.

Case Study No. Three:
Minnesota's Eighth Judicial District

Thirteen counties comprise this rural Minnesota judicial district. The National Center for State Courts' (NCSC) made recommendations that presented a progression of innovative changes, including: extensive use of Interactive Video Tele-conferencing (ITV), more effective caseflow management practices, a regional call center to respond to customer inquiries, court reporter management of digital reporting, established uniform policies and procedures, part–time staff, self–help concepts, and shared emergency judicial services with other counties.

Case Study No. Four:
Lake County Circuit Court

This is a large, metropolitan trial court that used BPR to focus on staff planning in four specific areas: purpose, values, competence, and commitment. In response to the continuing budget crisis, the court concentrated on properly allocating resources, coordinating with justice system partners, linking goals to the court's core mission, knowing

the data, and meeting time standards. It emphasized team collaboration, results–driven management, enhanced areas of specialization, and increased technology. This has resulted in the court embracing performance measurement, making evidence–based decisions, allocating the right staff in the right place, doing the right things, and shaping the court to deliver services in ways that will be required by funding reductions.

Case Study No. Five: The Vermont Commission on Judicial Operation

This state judicial branch effort to reengineer court operations at the state legislature's direction showcases interbranch cooperation.   The supreme court established a Commission on Judicial Operation to craft recommendations on reorganizing the courts' administrative structure, and enhancing the use of technology. The commission reported $1.2 million in potential savings.

In this ongoing effort to help the nation's courts weather the current economic storm and prepare for an uncertain financial future, the NCSC has either worked with or is currently assisting 10 states to reengineer their court systems. For additional information, please visit http://www.ncsc.org/services-and-experts/court-reengineering.aspx.

The contributors to the five case studies supplied substantially more information on reengineering than could be presented in this mini guide; for additional information, forms, and graphics, please access: http://nacmnet.org/publications/index.html For a description of process improvement "in a nutshell," see Appendix C of this mini guide.

II. Case Study No. One: Business Process Reengineering
Superior Court of California, Orange County

Superior Court of California
Orange County, California
Chief Operations Officer: Teresa Risi
Population: More than 3,000,000
Caseload: 620,000 annual filings
Third largest in California – fifth largest in the nation
Bench Officers: 144
Staff: 1,550
Six Justice Centers: Fullerton, Laguna Hills, Newport Beach, Orange, Santa Ana, and Westminster

"The goals of this initiative are 1) reduce operations staffing levels by 100 positions; 2) reduce backlog by 50 percent (or 7,500 hours); and 3) reduce case destruction backlog by 25 percent." Chief Operations Officer Teresa Risi announced these lofty goals at a January 2009 kick–off meeting before a group of 150 court staff. The meeting commenced a two-year courtwide reengineering effort. Facing the audience all she saw were wide eyes and open mouths: deer in the headlights. The audience exchanged looks of disbelief, convinced that this woman was simply out of her mind. This was Orange County Superior Court's first meeting with Business Processing Reengineering (BPR).

Two years later, despite initial fears and misgivings, the 14 teams (covering all units and case types in operations) achieved all three goals and more. In addition, they succeeded at institutionalizing a 'continuous improvement' mindset in the organization's culture. Employees now routinely suggest improvements to business operations, which in turn

has helped reduce court expenditures and increase service. Morale has improved. Employees feel like they are part of the solution rather than victims of the state's budget crisis.

So how did Orange County Superior Court do it? The court followed certain basic principles for implementing change of this magnitude. It took the process step by step and incorporated best practices along the way.

The **basic principles** for implementing effective BPR included the following:

Top Leadership Sponsorship
Prior to the January 2009 kick–off meeting, the executive leadership team laid the foundation to make a program of this magnitude a success. They gathered reengineering information, developed a methodology, solicited buy–in from the management team, educated judicial leadership, developed a timeline, and defined measureable outcomes

with checkpoint meetings. The entire leadership team was involved, consistent, and supportive throughout the effort.

Strategic Alignment

The executive leadership had previously established weekly briefing meetings. The presiding judge and assistant presiding judge regularly met with the:

- Court executive officer (CEO)
- Court operations officer (COO),
- Court technology officer (CTO),
- Court financial officer (CFO), and
- Chief of human resources.

These pre–established forums permitted frequent discussions on alignment and prompted resolution of policy and procedures issues. Alignment discussions, an effective governance model, and the ability to quickly communicate decisions helped ensure the effort stayed on track and projects were properly prioritized across departments.

Compelling Business Case for Change

The budget crisis provided a compelling case for changing the way business was conducted, on the assumption that the change would reduce costs and avoid layoffs. Timing can be everything for certain changes. For the court, impending and drastic reduction in the operating budget gave it the clear choice to guide its own future.

Proven Methodology

Orange County brought in leaders from the Sacramento Superior Court who had successfully implemented a reengineering program. This helped the Orange County teams realize that it could be done and how to do it. Orange County, however, tailored its effort by using local resources to develop templates and forms to assist in documenting both the 'as is' and the 'to be' processes.

A court analyst served as "BPR czar" acting as a single resource for all teams. The czar ensured teams had a foundation on what to do and how to do it, and ensured a consistent approach.

The czar reported directly to the COO so individual team issues (e.g., how to complete forms, how to calculate staff savings, etc.) could be quickly resolved and projects could be properly resourced. Although each team was provided a basic structure, team leads were free to be creative in how they led their teams. The results were amazing!

Effective Change Management

Due to the budget climate, people were more willing to make and accept changes. Established governance and communication structures helped ensure proper vetting of issues and concerns in a safe environment. Discussions ensured a proper "check and balance" on proposed solutions and helped mitigate resistance by addressing concerns early on. Establishing measurable outcomes along the way was crucial. Celebrating with the teams during milestone checkpoints and informing the rest of the organization (staff and bench officers) of successes ensured continued support and improved morale during bleak times.

Line Ownership

Line staff were assigned to each team along with members from other court departments (finance, human resources, and technology). Team members from other departments were the crucial fresh set of eyes that operations staff needed to help challenge existing processes. Further, interdepartmental teams helped foster better working relationships, which continue to reap rewards on current projects.

The **step–by–step** process included the following:

- After the kick–off meeting, the teams spent the first 30 days identifying and prioritizing the process areas to review. The teams were encouraged to focus on areas with large transaction volumes, severe backlogs, or high transaction error rates. Listing and prioritizing the areas led to the discovery of what became known as "quick wins."

- Throughout the effort, many tasks were discovered that could be stopped or modified to

achieve "quick wins." For example instead of photocopying the daily custody list for every courtroom and other entities (many of the copies were tossed directly into a recycle bin) a team inquired to see who actually used it. A PDF version is now emailed to those who need it. Quick wins were implemented immediately and did not require full documentation.

- At a 90–day checkpoint meeting, the teams shared some of the interesting (and perhaps embarrassing) findings. The teams shared ideas and were reinvigorated to continue the journey.

- After one year of hard work, the teams celebrated with an Academy Awards themed event. Again, sharing ideas helped other teams replicate concepts applicable to other units.

Some of the **best practices** incorporated along the way, which helped make the reengineering effort successful, included:

- Reaching out to other courts in the state to compare processes and/or replicate winning ideas locally;
- Collaborating, coordinating project efforts, ensuring alignment, and resolving issues at quarterly team meetings; and
- Celebrating along the way both at the individual team level and as a court.

The court held an Olympic closing ceremonies themed event in January of 2011. Although it was the end of a two year court–wide effort to reengineer business processes, the event symbolized the passing of the 'continuous improvement' torch to all the managers in the court.

Conclusion

So what's the secret recipe for making BPR work? It's not just about following a set of steps and tasks and magically creating a reengineered workplace. Court leadership believes the secret of the success stems from the ability of the executive and judicial leadership team to make quick decisions and work together in a collaborative way, focusing on the vision and goals. Many individual projects had roadblocks. Some projects were delayed or headed down a wrong path for a period of time. The executive leadership team worked together to quickly solve problems and find solutions. Success is tied to a foundation of trust and confidence in each other and alignment behind the vision and goals.

At the conclusion of the January 2009 kick–off meeting, Teresa Risi left the teams with the following quote:

> *"The difference between a vision and an hallucination is the number of people who see it."*

She invited the teams to join her in seeing the vision and making it happen. The results tell the story:

- 110 quick wins implemented
- 125 documented processes were reengineered resulting in:
  ✵ the reduced workload equivalent of 115 positions;
  ✵ $342,000 of non–labor savings;
  ✵ 80 percent reduction in backlog; and
  ✵ Significant progress on case preservation and destruction work.

By far the best outcome has been the continuous improvement mindset that is now part of the court's culture. Employees are encouraged to suggest ideas on how to work more efficiently and provide better service to the public. The court continues to meet the challenge of decreased funding by implementing improvements big and small, many of which have been ideas generated by the staff doing the day–to–day work.

III. Case Study No. Two:
The "Bucket List" – An Introduction to Reengineering and Rethinking
Scottsdale City Court, Scottsdale, Arizona

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Scottsdale City Court

Scottsdale, Arizona

Janet G. Cornell, Court Administrator (Retired)

jcornellaz@cox.net

Population: 219,900

Caseload: Fourth highest volume municipal court in Arizona

Significant winter tourist influx – only 37 percent of caseload from year-round residents

2005 -2008 City operated photo enforcement freeway program

Introduction

This case study details a simple, low–tech, no–cost process for a court to assess operations and staffing levels, which can lead to reengineering. The methodology is simple: collect data on staff tasks performed daily. The Scottsdale City Court found that this process provided steps to understand actual tasks performed, tasks assigned by either workgroup or team, and major groupings of court responsibilities.

The results can serve as a tool to explain court functions and justify resources during difficult court budget decisions. They allow court management to make decisions about task assignments, staffing allocations, and future reengineering directions.

What Is the "Bucket List?"

Unlike the Jack Nicholson film, this "bucket list" was a process whereby the court collected, analyzed, and reported on the tasks court staff perform (Figure III.1). The term

"bucket list" depicted the tasks that were organized into 'buckets' or operational areas.
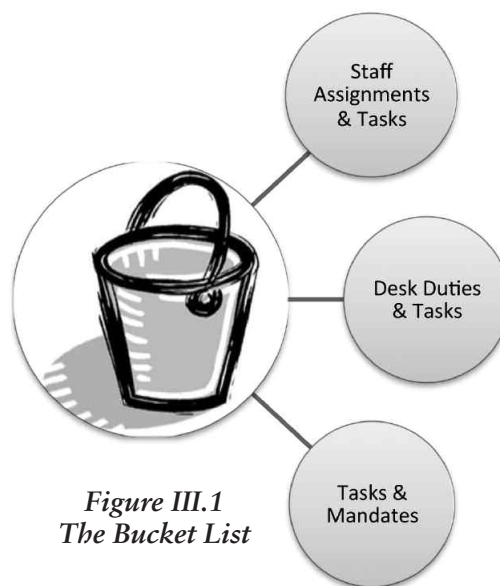
Figure III.1
The Bucket List

Results

The overall result was an inventory of duties, tasks, time, and reasons or mandates. The inventory increased awareness of the actual tasks court staff perform and the

amount of time invested in those tasks. It allowed management to analyze, brainstorm, and consider operational changes. The inventory has helped court management determine assignments and task 'leveling,' staffing needs, and the elimination of staff positions.

Why Scottsdale City Court?
The Scottsdale City Court first dabbled with the bucket list process in November 2009. It came about when a senior manager was learning operational issues with a subordinate supervisor. There was a realization that both would benefit from a clear inventory of the work a team performed on a daily basis. Each work team staff member was assigned one or more single tasks, with each staff member performing each task independently of other team members. The variety of single–task assignments seemed ripe for review and possible reengineering. This was occurring while court management needed to consider operational changes and staffing allocations, with possible position eliminations.

Both management and supervisors realized the usefulness of the first bucket list process. It appeared to be a simple methodology to inventory, count, and publish numbers of tasks and work assignments. It then became apparent that management could use the process to:

• increase knowledge of court functions;
• assess and evaluate tasks;
• efficiently and fairly level task assignments; and
• consider staffing allocations in different areas.

The court conducted the bucket list process again in the spring of 2011, court–wide, using similar yet expanded processes. Court management reaffirmed that it offered a simple tool that could lead to documenting court tasks and process reengineering.

Court Background
The background of the Scottsdale City Court helps provide an understanding of why it used the bucket list process.

The court uses a variety of performance metrics, including an ongoing review of case and calendar settings, court case clearance rates, and monthly workload comparisons. It includes the National Center for State Courts' CourTools Measures in the annual court budget.

Technology assists in counting workload, tracking customer use rates, and reviewing event codes in the statewide case management system (CMS). The CMS has internally developed modules including payment contract production, fine and sanction tracking, and defendant compliance tracking of court ordered screening, as well as treatment and home detention monitoring.

As with other public sector entities, the court has had to manage with limited resources, as well as justify its performance in response to local government concerns. Following one "negative report card" an effort was made to redouble mastery and knowledge of what the court does, revisit basic court tasks, and evaluate workloads. This led to the use of the bucket list data collection and inventory.

Methodology
The court administrator announced and supported the process at an all–staff meeting, which involved determining the data to collect, creating the data collection process, and commencing the process. The unit manager or supervisor of each of the five main operational court areas (criminal courtrooms, civil courtrooms and public service counter, case processing, court IT operations, and court financial/ budget operations) announced and monitored data collection.

An instruction sheet and spreadsheet were prepared for all staff to use. Supervisors briefed team members on the process and expectations and were available for questions. The data collection times were set with some flexibility so each team could customize the time period needed to gather data.

Key Functional Area 1: Pre Adjudication Document Processing
• Case Initiation Data Processing
• Criminal File Creation
• Correspondence/Mail
• Payment Processing
• Civil Traffic Document Processing

Key Area 2: Post Adjudication Document Processing
• Appeal Processing
• Disposition Reporting
• Motor Vehicle Department Reject Reports

Key Area 3: Criminal File Processing
• Criminal Motions Data and Electronic Document Management (EDM)
• Criminal Motions File Processing
• Pulling and Filing Criminal Files
• Criminal Case Quality Assurance (QA) Reports

Key Area 4: Court Ordered Compliance Monitoring
• Court Compliance Module and QA's
• Court Compliance File Processing
• Home Detention Compliance
• Defensive Driving School Processing
• Manual Civil Traffic Defaults/Zoning
• Civil Case EDM and EDM QA

Key Area 5: Internal & External Customer Service
• Records Requests
• Jury Pool Processing
• Courts Inbox, Fax Distribution, Emails
• Team Workload
• Processing the Term Wall Files
• Cleaning Scanners
• Admin Window Coverage

Figure III.2 Example of Functional Areas with Discrete Tasks

How the Information Was Organized

As unit supervisors received data from their team, they compiled and organized it for analysis and sharing with senior management. First, supervisors arranged the data into key functional areas. An example for the case processing team is displayed in Figure III.2, showing discrete tasks within each functional area.

Second, supervisors identified discrete tasks by desk assignments along with required amounts of staff time per week and the underlying reason or mandate. Figure III.3 shows selected examples of the essential tasks that comprise a desk and the underlying mandate.

Third, where possible, supervisors listed tasks by specific team members along with backup responsibilities. Figure III.4 shows an example of this.

Fourth, where applicable, supervisors identified periodic, ad hoc, or cyclical tasks. These could be functions that may not have appeared during the data gathering process. Figure III.5 displays the project data collection methodology.

Outcomes and Results

Court management observed the following results from both data collection events:

The process allowed management and staff to reconnect with the actual tasks performed. Awareness of the actual tasks performed, the volume of work, and the amount of staff time expended was enhanced.

The process allowed court management to document tasks, along with the underlying mandates, and in a task inventory.

Each unit supervisor gained direct knowledge of tasks on their team. Some supervisors noted "ah ha moments" (i.e. identifying areas of task duplication, finding opportunities to modify assignments or redistribute work, and discovering tasks that could be eliminated).

The data gave senior management (including the court administrator) a general understanding of staffing levels. It also provided insights regarding potential areas where staff could be reassigned, rotated, or eliminated.

The data spotlighted areas where work could be shared between work teams.

Overall, the process created management awareness of organizational "slack time," or time where staff could be used to cover high-volume tasks. With the bucket list data, management had an

Primary Assignment	Back up Assignments
Appeal Processing 34 hours per week Scanner Cleaning, Admin Window, Term Files, 2-5 hours per week	Criminal Motions Some Compliance File Wall
Correspondence 35 hours per week Scanner Cleaning, Admin Window, Term Files 2-5 hours per week	Appeals Records Requests File Wall Disposition Reporting Court Faxes
Case Initiation 35 hours per week Scanner Cleaning, Admin Window, Term Files 2-5 hours per week	Defensive Driving/Defaults Some Criminal Motions File Wall Disposition Reporting
Disposition Reporting 24 hours per week Scanner Cleaning, Admin Window, Term Files 2-20 hours per week	Defensive Driving/Defaults Some Criminal Motions File Wall Disposition Reporting
Defensive Driving Processing, Defaults 13 hours per week Scanner Cleaning, Admin Window, Term Files 2-25 hours per week	Case Initiation Records Requests File Wall Correspondence
Home Detention Compliance 31 hours per week Scanner Cleaning, Admin Window, Term Files 2-5 hours per week	Compliance Case Initiation Defensive Driving/Defaults File Wall Disposition Reporting
Court Compliance 35 hours per week Scanner Cleaning, Admin Window, Term Files 2-5 hours per week	Criminal Motions Home Detention Compliance File Wall
File Wall Maintenance 32 hours per week Scanner Cleaning, Admin Window, Term Files 2-5 hours per week	Customer Requests Compliance

The Appeals Desk requires – 1 staff 34 hours per week for appeal processing.
Mandate:
- A.R.S. 22-425
- Arizona Civil Traffic & Boating Rules (Az.T.&B.R.)- Rule 25-36
- Arizona Rules of Criminal Procedure (Az.R.Cr.P.) - Rule 30 & 31

The Case Initiation Desk requires 1 staff 35 hours per week for:
- Case initiation data processing – 21 hours
- Criminal file creation – 14 hours
Mandate:
- A.R.S. Title 28 chapter 5 article 4
- Az.R.Cr.P. – Rule 2
- Az.T.&B.R.- Rule 4

The Compliance Desk requires 1 staff 35 hours per week for:
- Court Compliance Module and Quality Assurance - 13 hours
- Court Compliance File Processing - 22 hours
- Home Detention Electronic Monitoring processing - varies
Mandate:
- Az.R.Cr.P. – Rules 26 & 27
- A.R.S. Title 13-3601; chapter 7; chapter 9

The Criminal Motions Desk requires 1 staff 34 hours per week for:
- Criminal Motions Data and Electronic Document Management - 21 hours
- File Processing - 13 hours
Mandate:
- AzRCrP - Rules 16 & 35

Home Detention Compliance Desk requires 1 staff, 31 hours per week for:
- Court Compliance Module - 15 hours
- Court Compliance File Processing - varies
- Home Detention Electronic Monitoring processing - 16 hours
Mandate:
- A.R.S. 9-499.07
- S.R.C. 9-16

Figure III.3 Examples of Desk Assignments

Figure III.4 Specific Tasks with Backup Responsibilities

Key Steps of Bucket List Data Collection
1. Agree to collect data and determine level of data
2. Establish the methodology for collection
3. Announce the process – done by court management
   a. What, why, how
   b. Purpose of data
4. Prepare survey instructions, instrument and documentation
   a. Collection time frame and deadlines
   b. Date collection range – minimum of 5 business days
   c. Collection days required – Monday, Tuesday, Wed., Thurs. Friday
      (each work day must be represented)
   d. Use of excel spreadsheet or manual collection document
5. Ensure supervisor oversight during process
   a. Addressing/answering questions
   b. Confirmation of process to staff
6. Establish supervisor analysis and preparation of preliminary findings
   a. Evaluation of groupings and themes
   b. Organization of findings
7. Conduct supervisor presentation to senior management on finding results
8. Discuss findings with senior management – to include Q-A, brainstorming of use of outcomes
9. Develop an action plan for next steps
10. Debrief on progress
11. Prepare for next data collection

Sample Data Collection / Daily Task Log

Staff name:				Date of collection:
Activity	**Start**	**End**	**Duration**	**Notes**
Answer telephone	10:05am	10:10am	5 minutes	Ask for staff help
Review civil motion	10:10am	10:12am	2 minutes	

- Collect data from 5 days during a 2 week period.
- Collect data from all 5 weekdays M-F. Examples: Mon. 4/25, Tues. 4/26, Wed., 5/4.
- Enter data real time, or end of each day to remain current.
- Enter the activity and the time task started and stopped, add any notes if needed.

Figure III.5 Key Steps of Data Collection

additional performance metric for understanding court functions.

Court management found that the information could be useful for other purposes:

o Where could the court absorb staff attrition and defer or avoid new staff recruitment?
o In what areas are there efficiencies?
o In which areas is there a need for greater efficiency?

Lessons Learned from the Process

Overall, court management agreed the process was a wonderful way to learn about the discrete functions performed on a daily basis. The process was fairly simple, and based upon the prior bucket list process supervisors were prepared to conduct

it courtwide. There is still a need for better task definition at or before the data collection stage. Supervisors learned to provide more and precise instructions for the next data gathering. It was beneficial for court management to have conducted the process before, as valuable lessons were learned. The second administration of the bucket list data collection was easier.

Initial reasons for the process included: management instinct that operations could be streamlined, misunderstanding of what staff members actually do, need for manager and supervisor to talk from same page on operations (what is actually occurring), and brainstorming about future changes. However, the process became a precursor to reengineering and a part of continued performance management. Because of the immediate benefit, court management allowed the team supervisors freedom to implement changes without awaiting formal management approval – especially changes that provided immediate results or efficiencies.

Where possible, it was good to include the mandate behind the task as it could serve as justification for court resources, should that ever be needed. Court management concluded that the bucket list information and materials were useful for training staff and managers. The visual display of the results provided effective training materials.

Ultimately, the process informed court management about tasks and to conduct operational assessments leading to improved efficiency and services. The process can be replicated by other courts.

> *"Don't let what you can't do interfere with what you can do."*
>
> *John Wooden - basketball coach*

Notes and Comments

1. The author expresses appreciation to Julie A. Dybas, deputy court administrator, who conceived the bucket list idea in 2009, shortly after joining the Scottsdale City Court, as a way to learn staff duties and assess staffing assignments within her area of responsibility.

2. Appreciation is shared with court management: Julie Dybas and Daniel Edwards, deputy court administrators, and supervisors: Rod Wettlin (former employee, public service), Samantha Mounsey (case processing), Cliff Levine (criminal courtroom team), Randy Kennedy (court IT), Jack Miller (court finance), and Gerald Rossler (court security).

3. Postscript note: The bucket list concept was shared in 2010 with attendees of a court managers' conference in the Federated States of Micronesia. Attendees were taken with the concept as a way to understand what staff members do each day. They then renamed the process the basket list in recognition of the local culture in which baskets are prevalent.

IV. Case Study No. Three: Reengineering Rural Justice- Improving Efficiencies, Reducing Costs, and Enhancing Operations
Minnesota's Eighth Judicial District

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Eighth Judicial District, Minnesota
Judicial District Administrator: Timothy L. Ostby

Regional Counties: Swift, Wilkin, Grant, Traverse, Stevens, Big Stone, Pope, Lac Qui Parle, Chippewa, Kandiyohi, Meeker, Yellow Medicine, Renville
Population: More than 125,000
Bench Officers: 10

Project Impetus

The work of court staff facilitates the very core value of the judicial branch – *Due Process of Law*. However, the state of the economy in 2010, when this case study was conducted, led the National Center for State Courts (NCSC) to examine Minnesota's Eighth Judicial District and determine, as in the state's other jurisdictions, there was:

• declining population and workload;
• diffusion of resources among multiple court facilities;
• a special "access to justice" problem; and
• a challenge in providing staffing services.

Though the economy is improving, these issues transcend economic health. The court system of the future must continue providing excellent service in order to fulfill the core value of due process of law while responding to new social, economic, technological, and legal challenges.
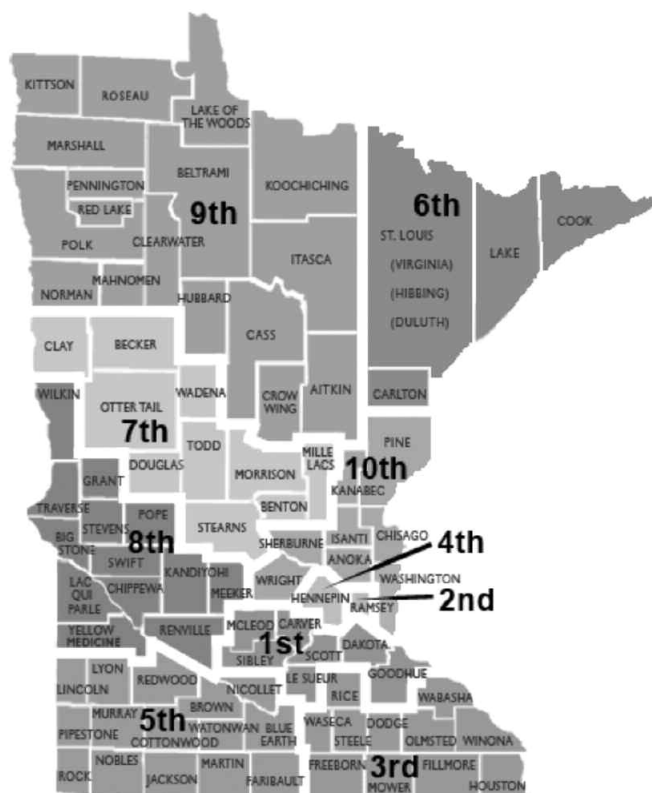

Figure IV.1 Minnesota's Judicial Districts

Background

The Eighth Judicial District (Figure IV.1) consists of 13 counties in west central Minnesota with a total population of 125,000 making it the most rural of the state's 10 judicial districts. Given the issues it was facing, Minnesota's judicial branch transformed its trial courts from locally isolated areas to a unified statewide system.

This case study introduces the changes that had to occur out of the sheer need to deliver justice to all of the state's population. Created by the NCSC in 2010,[5] it covers a number of areas needing adjustment and identifies modifications to management and staffing structure.

The state's judicial branch has analyzed its strategic direction many times over the years. This project specifically addressed operational changes that led to rural court downsizing. The changes were in response to a combination of declining populations, decreasing demand, and the need to maintain access to justice. The bench and court management did not undertake this effort lightly.

As in the original project (NCSC, 2010), this case study placed the efforts made by the judicial branch over the past several decades in historical context. It began in 1959 when the state legislature granted administrative authority to the state supreme court. In the 1960s and 1970s, legislation further modernized the state court system by converting part–time justices of the peace to full–time judges and creating the State Court Administration Office (SCAO). In 1977, the state legislature passed a Court Modernization Bill establishing statewide funding and defining the administrative structure in each district.[6] The last major unification initiative was 1982.[7]

Why Shift Now?

The reengineering effort needed to address judicial districts with declining populations and reduced workloads. Additionally, resources were diffused across counties and court facilities, thereby stretching clerical and administrative services. Lastly and probably most importantly was the issue of access to justice in the rural districts of the state.

This project, although tough to accept, was appropriate given the changing landscape in rural communities. It is human nature to protect what one has, and most humans are adverse to change. However, as court administrators we have a duty of stewardship to the state's taxpayers to provide high quality services at the lowest cost.

Changing Environment: NCSC Recommendations

The following is an account of the 15 recommendations from the NCSC's 2010 project:

Recommendation 1: Court administrators should be professionals who are appointed by, responsible to, and serve at the pleasure of the district administrator.

Recommendation 2: One person (either the court reporter or senior court clerk), should be assigned to the courtroom to monitor the digital recording equipment, perform the in–court updating tasks, mark exhibits, and assist the judge as needed. To effectively implement this recommendation court reporters should be fully trained on the Minnesota Case Information System (MNCIS), court procedures, and specific in–court updating processes.

The court reporter's supervising judge should establish the expectation that court reporters perform the in–court updating tasks at the direction of and to the satisfaction of the court administrator and delegate responsibility for training and performance of in–court updating procedures to the court administrator.

District leaders should explore remote monitoring of the digital recording equipment to enable a senior court clerk working in another county in the

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[5] Gordon Griller, Lee Suskin, David Sayles, Erika Friess, Reengineering Rural Justice in Minnesota's Eighth Judicial District, October, 2010.

[6] The Modernization Bill created a chief judge, associate chief judge, and a judicial district administrator to act as the senior management team in each judicial district.

[7] Trial Court Unification Act phased in a merger of the probate, county and municipal courts into a unified district court by 1987.

District to monitor the recording equipment when neither a court reporter nor senior court clerk can perform that task on–site.

Recommendation 3: To enhance efficiency of court staff and court users, each assignment area should function as a single unit with uniform policies and procedures designed to enable the assignment area to hear and dispose of cases, manage its records, and provide services to court users in ways consistent with state policies and appropriate to the counties within the assignment area.

To accomplish this, the NCSC consultants recommend that the chief judge designate a presiding judge of the assignment area to work with the court administrators to manage the work: to establish formal calendaring and assignment policies that optimize the deployment of judicial officers consistent with the region's adjudication needs and an annual set of operational strategies and priorities to improve productivity, lower costs, and improve access to justice in the region. Through attrition, each assignment area will in the future have one court administrator to work with the presiding judge.

Recommendation 4: Judges should routinely use Interactive Video Teleconferencing (ITV) for standard motion and non–dispositive civil hearings. In addition, judges who travel to other courthouses for hearings should consider conducting hearings from their courthouse via ITV (consistent with ITV rules).

Recommendation 5: The Seventh/Eighth District administrator and a select group of court administrators should advance plans to the judicial leadership for consistent work sharing between the staff of the two districts where efficiencies, travel distance, and resources warrant. Further there should be regular work sharing assignments between judges of the two districts where volume and distance warrant.

Recommendation 6: The newly created single presiding judge and the court administrators in each assignment area should meet periodically with law enforcement, public lawyers, corrections, county, city, and state officials. These meetings would be aimed at coordinating initiatives to reducing data entry and procedural redundancies in the flow of information and cases.

Recommendation 7: All counties in the Eighth District should fully implement all of Minnesota's current technology initiatives, as described in Chapter III of this Report, as soon as possible

Recommendation 8: The district leadership should explore the idea of centralized call centers with real–time computer access to MNCIS and other electronic court databases as a pilot project. Calls could be routed to a central location or to one or more of the courthouses within the district with sufficient staff to handle local calls and calls made to other courts.

Recommendation 9: Should the district establish in–bound call centers, pro se calls should be routed directly to a center by widely advertising a single phone number to call.

Recommendation 10: The district leaders should investigate the possibility of piloting MNCIS data entry/management/ response hubs in one or more locations.

Recommendation 11: District and judicial branch leaders should explore greater use of part–time local court employees to save personnel costs and provide highly flexible staffing.

Recommendation 12: Court officials should collaborate with the SCAO and Hennepin County's Self Help Center to explore ways that libraries can supplement the assistance provided at courthouses or at centralized self–help centers.

Recommendation 13: Judicial branch and district leaders should explore contracting with county governments to provide court assistance in low-volume rural courts on an emergency basis.

Recommendation 14: Upon detailed review of the two workforce studies conducted by the NCSC and the planned judicial branch staffing study,

Eighth District and judicial branch leaders should consider strategically closing court administration offices to the public on non–court days during times of limited customer demand.

District leadership should explore establishing responsibility for certain district–wide processes in one or more courts when there are no scheduled court hearings.

Recommendation 15: The court administration offices in Grant, Big Stone, Lac qui Parle, and Traverse should selectively close on days that court is not in session. Inexpensive, alternative ways to provide public access to justice should be explored pursuant to the suggestions in this study.

The "New Normal" and the Span of Control

Validity has no single agreed upon definition but generally refers to the extent to which a concept, conclusion, or measurement is well–founded and accurately corresponds to the real world (Wikipedia, 2012). The strength of the NCSC examination is in its well–founded proposals that correspond to the real world.

Feasibility studies aim to objectively uncover the strengths and weaknesses of an existing business or proposed venture, opportunities and threats as presented by the environment, the resources required to carry through, and ultimately the prospects for success. In its simplest terms, the two criteria for judging feasibility are costs required and value to be attained (Wikipedia, 2012). The NCSC proposals recommend cutting costs out of necessity, but are cognizant of our duty to maintain quality access to justice.

Steps Taken

In 1990 (at the start of state funding), the Eighth District operated with 13 court administrators and 72 staff; by 2005, staffing levels stood at 52 positions, including 10 court administrators. Today, as a result of effective governance, management, leadership, and implementation of innovative programs, the district has reduced staffing levels to 47 positions, including five court administrators, and

for budget reasons has reduced the hours worked per week from 40 to 37.5 hours (NCSC, 2010).

Apart from decreasing workloads, the reduction in force was the result of the district's extensive use of technology, which included:

- *The Statewide Case Management System;*
- *In–Court Updating;*
- *Centralized Payables Citation Processing;*
- *e–Citation Processing;*
- *Auto Assess, which automatically calculates payable fines, fees, and fine/fee splits based on the offense, prosecutor, law enforcement agency, and the fine and bail schedule; and*
- *Auto Referral, which permits delinquent debts to be automatically referred for collection, reducing clerical workload, using consistent practices and enhancing collection of fines due.*

A striking example of a regional mindset is the work–share program developed in the mid–1990s. The program's genesis was the district administrator's use of administrative weights for the various case types filed with the court. The rolling 12-month quarterly case filings report measured the workload in each county office. From that workload measure, the district administrator made work–share adjustments by either sending work from one county to another or sending a staffer from one county to another to work a certain number of staff days per week. This was a short-term solution for equalizing workload. When a vacancy occurred, the district administrator, after analysis, transferred the vacant position where it was needed.

Summary

Judicial branch technology initiatives, such as e–filing and e–payment of fines, will certainly reduce required office work. Additionally, the judicial branch has a robust, homegrown case management system that is flexible and adaptable over time. Although ITV is not being used to its full cost savings potential, this is perhaps a generational issue that will also change over time.

Administrative innovations are changes in how court organizations prepare themselves to conduct operations or account for their achievements. The NCSC consultants would expect the district's leadership to reach out to local stakeholders in more intense ways. Effective collaboration with justice system agencies should be a major emphasis, especially regarding law enforcement and community corrections groups. Getting things done jointly in a shared environment depends a great deal on trust beyond agency boundaries and achieving mutual benefits. Help by court leaders to advance e–citation processing is a prime example (NCSC, 2010).

Effective collaboration with justice system agencies is vitally important, but if we push efficiency too far the wall separating the branches of government could begin to crack.

Conclusion

Reengineering does not necessarily mean eliminating positions and closing facilities. But it *does* mean what we currently do can be done better or faster. However, becoming more efficient in areas that have declining populations and hence a decreasing workload will eventually mean a reduction in force. Where possible this transition can be softened through attrition. Areas experiencing increased population and hence an increasing workload can benefit from all the IT initiatives currently being used in the state.

Regardless of what area is selected for reengineering, the public can continue to expect fair and efficient access to justice.

V. Case Study No. Four: Reshaping Staff Organization to Support Higher Performance
Lake County, Illinois General Jurisdiction Court

Lake County Circuit Court
County Seat: Waukegan, Illinois
Executive Director: Robert A. Zastany
Population: more than 706,222
2011 Filings: 205,392
Judges: 37
Background Information: http://19thcc.lakeco.org/Organization/Pages/default.aspx

Project Impetus
The court organization is labor intensive and largely dependent on staff to perform numerous critical tasks. Often those tasks are performed without direct supervision and dramatically impact the lives of those before the court. Given that the state of the economy is not likely to change in the near future, a limited reshaping of this functional area is recommended to enhance effectiveness, increase efficiency, and promote economy. While current economic conditions may delay some boomer retirements that delay will likely be less than five years. The leading wave of boomers turned 64 in 2010, and retirements will likely result in a shortage of experienced workers. Finally, the court of the future must be prepared to maintain systems of excellence while responding to new social, economic, technological, and legal challenges.

Overview
The Times They Are A–Changin': How Limited Resources Reshape How We Organize to Embrace the Future

Singer and songwriter Bob Dylan, in January 1964, sang "the times . . . they are a–changin'." This impactful phrase, more than 48 years ago, focused a nation on world events. This same phrase has been re–released, so to speak, to deal with organization change, reengineering, and paradigm shifts for these times. Today's workforce may never see the full return of the "good times" experienced just a few short years ago. A shrinking workforce, graying population, advancing technology, focusing on evidence–based practices, and other such shifts will have far-reaching effects on available resources and how we operate our courts.

This case study introduces adjustments needed today to allow the court to withstand the financial headwinds it will face for years to come. It covers adjustments needed
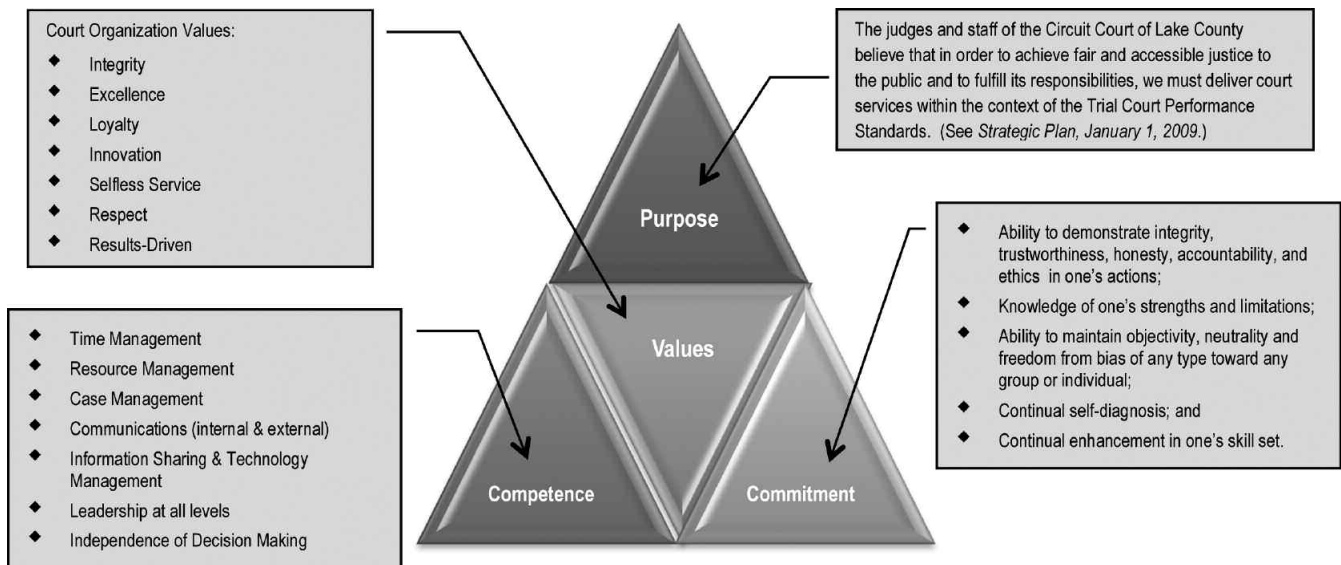
Court Organization Values:
- Integrity
- Excellence
- Loyalty
- Innovation
- Selfless Service
- Respect
- Results-Driven

The judges and staff of the Circuit Court of Lake County believe that in order to achieve fair and accessible justice to the public and to fulfill its responsibilities, we must deliver court services within the context of the Trial Court Performance Standards. (See *Strategic Plan, January 1, 2009.*)

- Time Management
- Resource Management
- Case Management
- Communications (internal & external)
- Information Sharing & Technology Management
- Leadership at all levels
- Independence of Decision Making

- Ability to demonstrate integrity, trustworthiness, honesty, accountability, and ethics in one's actions;
- Knowledge of one's strengths and limitations;
- Ability to maintain objectivity, neutrality and freedom from bias of any type toward any group or individual;
- Continual self-diagnosis; and
- Continual enhancement in one's skill set.

Figure V.1 Framework for Court Excellence

to job duties, accountabilities, current management, and staffing structures.

Framework for Court Excellence

This framework consists of four sets of interrelated elements (Figure V.1) as described in the published "Purpose of the Court:" 1) a set of recognized core values; 2) individual competencies; 3) individual commitment to the court; and 4) commitment to those we serve. Becoming a court of excellence requires proactive management and leadership at all levels of the organization. It requires determining and attaining performance targets. Informed decision–making requires sound key performance measurement and reliable data. The driving force in performance targeting and measuring key performance areas is the Ccurt's SMAART Program and its commitment to performance management (see court website).

Background:
Staff Planning Process in the Development of Unit Managers

In considering a better model for providing the court with the necessary staffing support, the graphic (Figure V.2) depicts the variables this case study considered.

It is important to keep in mind what the plan is *not*. It is *not* a static document that predicts the future or describes the past. Rather, it focuses on developing information to help the court make short- and long–term decisions based on changing strategies

The staff planning process provides options related to strategic shifts and tactical opportunities. It helps better manage employee movement into, around, and out of the court.

In its simplest terms, the goal of the staff planning process is getting "the right number of people with the right skills, experiences, and competencies in the right jobs at the right time." This shorthand definition covers a comprehensive process that provides policy makers with a framework for making staffing decisions based on the court's mission, strategic plan, budgetary resources, and desired staff competencies. It is a simple yet systematic process for addressing gaps between the employees of today and the human capital needs of tomorrow. The goal of the process is to effectively:

- Align staff requirements directly to the court's strategic and annual action plans.
- Develop a list of competencies currently possessed and required in the future.
- Identify and implement gap reduction strategies (train, recruit, cross–level, transfer, etc.)

NOT JUST …	IT IS …
Predicting the future	Building a longer-term context for short-term decision making
An inventory of all positions or just those being considered at a given point in time	Focusing on positions where we need to be proactive or need time to react
Creating plans as a one-time "event"	Creating plans in response to changing strategies, whenever change is discussed
Creating reports and listings that describe "what was"	Focusing on planning and looking ahead to "what will be"

Figure V.2 Staff Planning Process

◀ Provide adequate information to decide how best to structure the court organization and deploy its employees.

Why Shift Now?

The economic climate has created state and county revenue shortfalls. While the court is maintaining services through a combination of expanded user fees and reduced expenses, many budget balancing actions are unsustainable into the future. Staff will continue to monitor economic developments and identify factors that may influence the court's future financial position. The court will proactively seek new revenue sources and identify operational inefficiencies.

The bottom line is that budget constraints are not going away any time soon. Leaders across the country are convinced that things will get better, *but* we will never go back to the way it was just a few short years ago. In addition, citizens are concerned [e.g., Tea Party efforts, Accountable Government, Transparency in Government] over the value and type of service they receive for their tax dollars. Focusing on the long–run, prioritizing projects, adjusting staffing patterns, and documenting new processes will help us meet these challenges.

Several years ago the National Association for Court Management (NACM) and the National Institute of Corrections identified a number of core competencies specifically linked to effective and efficient case management *(from filing to post disposition)*, evidence–based practices, and performance management. From those competencies comes a list of critical knowledge, skills, and abilities court staff must possess to facilitate effective movement of cases from filing to closure. These skills are essential in process reengineering:

- Ability to properly allocate court resources: (e.g., judges, technical and administrative staff, appropriate technology, courtrooms, and other facilities) across courthouse operations.

- Ability to coordinate with the judiciary's justice system partners.

- Skill in linking time standards to the number and types of cases that must be processed to meet disposition goals for all case types – by year, month, week, day, and judicial division/team and judge.

- Knowledge of data needed for both continuous systemic evaluation and day–to–day management,

- Knowledge of how to acquire and analyze the needed data.

- Ability to use data to inform and influence decision makers about what is and is not working.

- Ability to persuade the bench, staff, and justice system partners of the need to make changes and the feasibility of proposed solutions.

- Ability to model desired behaviors, particularly listening and teamwork with judges, court staff, and justice system partners.

So why explore changing court staffing patterns? There is now a confluence of events that has created powerful drivers to transform how personnel

Figure V.3 Why Shift Now?

will be aligned in the future. Figure V.3 puts this all into perspective:

Budget Constraints: When funds are limited, the court must focus on improving employee productivity and on each judicial division.

Workplace Challenge: The court must create a workplace where individuals find fulfillment and satisfaction, and can achieve their personal goals while working toward those of the court. The challenge is multifaceted and must be viewed from several vantage points.

> *Attitudinal:* The shift to "we" is required in order to successfully accomplish future functional requirements and carry out the court's mission.

> *Career Development:* The court must position itself for the workforce of the future by improving skill levels and providing long–term opportunities for the present workforce.

> *Direction:* At one time the court hired employees to fit the characteristics of a particular job. Now it is critical for the court to select or re–allocate employees who fit the characteristics not only of the position, but also the court organization.

Changing Environment: Expectations of the Job

The notion of "customers and stakeholders" is not traditional thinking in courts, but it is important to touch upon at this point in this case study. "External customers" include not only parties and lawyers, but also the wide range of people who come to court in other capacities.

Critically important among a court's "internal customers" are its judges, staff members, clerk's office, assistant state attorneys, assistant public defenders, and court security, all of whom are interdependent as they carry out a wide array of business processes to aid day–to–day conduct of courtroom proceedings.

A court's "stakeholders" include not only those who lead and work in the court, but also the broad mix of institutional participants in court proceedings, state and local funding authorities, and general government officials. Much of the reason why a court exists is to provide services to these customers and stakeholders.

To ensure success in the office of the future, staff at each level needs to focus on developing or possessing six key abilities, as represented by the acronym "ACTION."

Analysis This skill is based on "3–C Thinking": Critical, Creative and Connective. Critical thinking involves evaluating information, developing innovative solutions to challenges, and making recommendations based on understanding the objective at hand. Connective thinking enables professionals to perceive the links between people, data, and ideas, and then use these links to work effectively.

Collaboration Staff at all levels must be able to quickly establish rapport and facilitate team building with coworkers. They must be sensitive to diverse work styles and personalities.

Technical Aptitude This skill involves a willingness to adopt new technologies and be able to train colleagues on how to use the latest tools.

Intuition Staff with well–tuned intuition will proactively identify the best ways to provide support based on the court's goals and processes.

Ongoing Education The most successful individual in this role will continually expand his or her knowledge base and pursue production enhancing subjects.

Negotiation This skill involves using tact, diplomacy, empathy, and business savvy to engage in productive discussions with customers, judges and employees that result in positive outcomes.

What can be done to increase performance? View work with an eye toward results! This may sound simple and straightforward, but there are barriers one needs to be aware of in alignment. There are a number of mismanagement matters that contribute to barriers. A few are noted here.

Looking at work from thirty-thousand feet does not get real work done. Leadership must spend more time reviewing, evaluating, and (if necessary) modifying the level of detail that each position's functionality provides to the organization.

Not clarifying and translating strategies into work hurts alignment and execution. Without a manager understanding, communicating, and translating strategies into tasks, staff cannot align their tasks to these strategies and do real work. Identifying what is expected of staff facilitates delivering the best service possible.

Delegating busywork creates confusion and conflict. Off–the–cuff ideas blithely inserted into work processes lacking clear and complete communications creates support staff whiplash. We are surprised when outcomes are not at the best level possible. Sitting around waiting to be told about the "flavor of the day" will not produce expected results.

Based on staff research, the office of the future will have a professional staff, specifically "unit managers," with the following attributes:

Workflow Controller
Unit managers will serve as "mission control" for divisions and organizations, ensuring that colleagues working from various locations have the support and resources necessary to perform their jobs. The workflow controller will facilitate interaction between teams and coordinate information transfer and effective use of organizational resources.

Resource Coordinator
Virtual operations that employ numerous contract workers will rely heavily on individuals adept at bringing together the correct resources for a given effort or project. Resource coordinators will understand the goals of the various business units and know where to find the answer or most appropriate resources.

Knowledge Manager
Fluid, project–based environments are the wave of the future. The central figure will serve as a repository of institutional information, history, and best practices. The knowledge manager will ensure continuity and consistency, help new employees and judges adapt to the court's culture, and assist them in finding the data and documents they require to do their jobs.

Information Integrator
Quick information retrieval from sources such as integrated justice, legislation, Westlaw and the like will be essential to the workplace. Since the data will be almost exclusively stored in electronic form (e–filing, e–tickets), we will need centralized, user–friendly databases accessible from multiple locations within our operations. The integrator's skill set can be compared to those skills of a modern librarian.

Figure V.4 displays the competencies that are aligned with the court's mission, vision, and strategic goals. The diagram depicts the future–oriented desired skill sets and thus identifies the ideal unit manager. The competencies that make up the diagram serve as the basis for management, since they play a key role in employee recruitment,
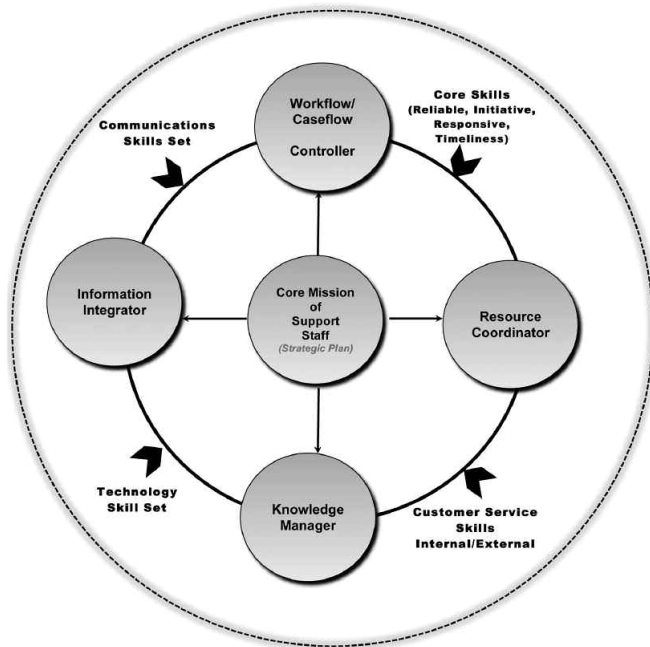
Figure V.4 Paradigm Shift for Staff Deployment

employee development, personal development, and performance management.

The "New Normal" and Span of Control

Today, courts are confronting the imperative to create a new face of justice for the twenty-first century. The current budget crisis, changing socioeconomic factors, and shifting demands on our operations require us to look beyond the short–term steps courts take to get through the current year. It is predicted by many that the fiscal crisis will last years and what has been lost will not be restored; we have to prepare for a "new normal." When the economy finally recovers, our court and a part of the larger statewide system will still lag. Creative innovation, structural adjustments, and redefined programs will no longer be just a good idea; they will be a prerequisite for survival.

One area of adjustment is management–to–staff ratio, which is often used to define an organization's *span of control*. Our current structure has not been adjusted since the early 1990s; with the success of our career path program for line staff, slight adjustments are needed.

Another force pushing our court to pay attention is the aging baby boomer generation. While current economic conditions may delay some boomer retirements, the delay is likely to be less than five years. The leading wave of boomers (those born in 1946), have already turned 64. Boomer retirements will result in a shortage of experienced workers. The risk to our court is not simply the number of available skilled workers, it's the exodus of organizational knowledge and job experience that retiring boomers carry in their heads – and hearts!

Span of control has a direct bearing on the length of a court organization's line of communication and the way tasks are delegated to units and sub–units. One of the objectives in this effort is to shift to a knowledge–based structure where the staff teams direct or control their own performance through information obtained from peers, customers, annual plans, and the division's management team. More empowered staff teams, larger spans of control and flatter organizational structure should enhance our effectiveness and efficiency. The shift's targeted benefits are:

• Improved communications

• Improved customer (internal and external) service

• Improved service delivery and effectiveness

• Improved performance efficiency

• Greater flexibility to respond to changes brought on by new laws or directives

• Reduced division personnel overhead costs

• Increased delegation by assistant directors

• Improved employee morale due to less detailed supervision

• Increased job satisfaction due to more fulfilling jobs with increased responsibility

• Increased subordinate growth opportunity

• Increased reliance and trust from assistant directors

Summary

We have always looked to the future with the hope that things will improve; this may no longer be the case. We know that the workplace of the future will be totally different from what it is now. A new cultural framework needs to develop. We need to adjust our structure: flatten the hierarchy, increase mangers' span of control, and heavily rely on technology to support flexible operations. Working smarter (and maybe a little harder); reducing bureaucracy; and increasing our focus on our customers will support our drive to adapt and redefine our future.

While the overall environment in Lake County appears to be stable, this cannot be taken for granted as a long–term indicator. Budgetary, legislative, and customer demanded pressure for better government only tells part of the story. We must refine our strategic focus concerning service delivery. It needs to start with our operational culture, not simply the challenges of a single program. The areas that will help us achieve success are:

1) **Teams that facilitate collaboration and partnerships** Roles and responsibilities need to be revised to accommodate new problem–solving approaches to service delivery;

2) **Results–driven management** Done well, results–driven management will produce more and better information about operational effectiveness – both good and not so good;

3) **Enhance areas of specialization** While this approach generally requires smaller caseloads and additional programs – team development will link appropriate staff resources, cultivate human and service resources and identify ways to enhance quality operations; and

4) **Effective use of technology** Implementing technological solutions generally causes a slight decline in efficiency, but over the long–haul, operational benefits move the organization ahead. We must all fully immerse ourselves in technology development and use in our operations. The future is ours to mold, alter, or just let happen.

Conclusion

We are arguably experiencing the harshest economic conditions since the end of World War II. This case study outlines a number of action steps our court is taking to reshape and realign services and structure – *DOING NOTHING IS NOT AN OPTION!*

Our leaders are being held more accountable for managing the affairs of government. Taxpayers are demanding that public services be delivered more effectively and efficiently. The common mantra during times of funding issues is to *"DO MORE WITH LESS."* This simply cannot be done over an extended period of time.

In order for us to fulfill our vision, our success must involve critically reshaping traditional service delivery models and organizational structures. For some, reshaping might mean changing the organization's size and functions in order to embrace the future:

★ Embrace performance measurement and proper decision making based on the outcome evidence.

★ Put the right number of people, in the right place, doing the right things in the organization.

★ Deliver the right services, in the right amount and in an appropriate manner.

★ Shape the organization so that it can deliver services in ways that cost less.

The court of the future must be prepared to maintain court system excellence while responding to new social, economic, technological, and legal challenges. This case study depicts our court's first steps at establishing a different framework for making thoughtful, innovative, and efficient decisions about how to best use its resources to provide the citizens of Lake County with a system that best meets the community's needs.
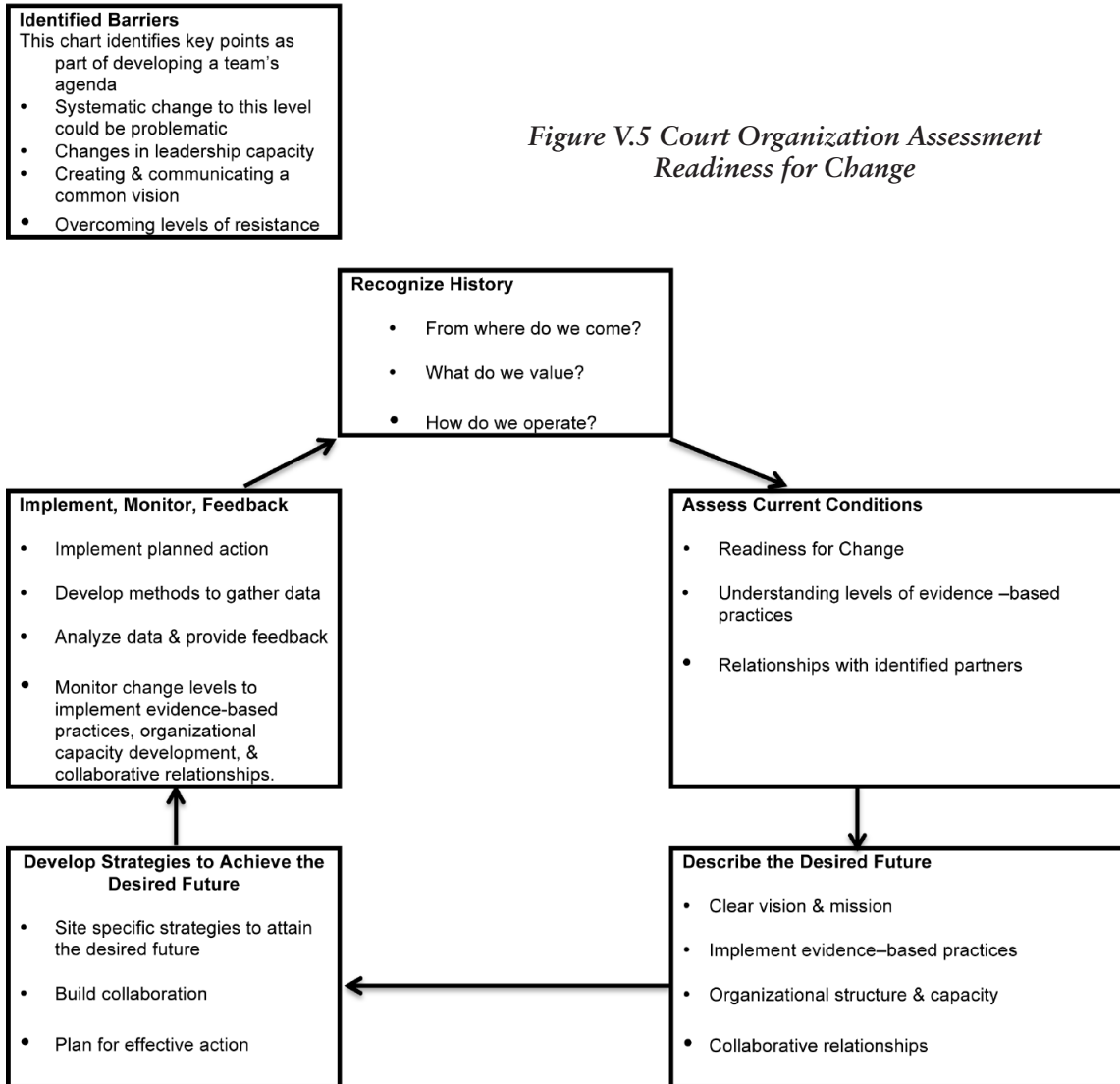
Step 1: Assess the Readiness for Change

Identified Barriers
This chart identifies key points as part of developing a team's agenda
- Systematic change to this level could be problematic
- Changes in leadership capacity
- Creating & communicating a common vision
- Overcoming levels of resistance

Figure V.5 Court Organization Assessment
Readiness for Change

Recognize History
- From where do we come?
- What do we value?
- How do we operate?

Implement, Monitor, Feedback
- Implement planned action
- Develop methods to gather data
- Analyze data & provide feedback
- Monitor change levels to implement evidence-based practices, organizational capacity development, & collaborative relationships.

Assess Current Conditions
- Readiness for Change
- Understanding levels of evidence –based practices
- Relationships with identified partners

Develop Strategies to Achieve the Desired Future
- Site specific strategies to attain the desired future
- Build collaboration
- Plan for effective action

Describe the Desired Future
- Clear vision & mission
- Implement evidence–based practices
- Organizational structure & capacity
- Collaborative relationships

Step 2:
Identify the positive traits we want to maximize in our team leader positions.

Step 3:
Identify the costs and benefits associated with the proposal and present the estimated budget to the appropriate funding authorities.

Step 4:
Work with judicial human resources to develop the selection criteria for team leaders. The selection criteria must be the best for court organization.

Step 5:
Realign the current staff configuration based on current skills, ability to develop additional skills, and ability to work in a team environment.

Lessons Learned
- The common denominator in change involves the staff. Project success depends on impacted staff adopting change.
- Spend more time studying the court's DNA as it relates to staff make up, level of readiness, level of training, and tenure with the organization.
- Gain a better handle on the absorptive capacity of teams, unit managers, assistant directors, and

directors. This involves the ability to recognize, assimilate, and apply new information that will produce change.

- Sharpen the focus/reality of how changes occur in a court organization.

- Use a proven model for change management rather than creating one from nothing,

- Use a structured approach on projects of this magnitude.

- Separate internal and external stimuli so services to impacted staff can be delivered more effectively.

Next Actions

- Develop a leadership academy to deliver training for newly appointed unit managers and recently appointed assistant directors. The greatest catalyst of positive transformation in any court is strong and engaged leaders. The academy combines a range of learning methods, including online and in-person training that delivers insights needed to perform at the highest level as a unit manager. In addition, the academy provides opportunities to increase awareness of issues, to learn the skills necessary to handle today's changes, and to discover the leadership potential within each staff member.

- Develop and employ measures to assist executive management in determining whether 1) unit managers are having the intended impact on operations; 2) additional training and or mentoring is needed; 3) any cost savings or productivity changes are resulting from the project (e.g., elimination or combinations of functions); 4) line staff satisfaction is affected by the structural change.

- Make necessary changes as a new organizational structure matures, technology advances, and positive outcomes in service delivery are realized.

EXAMPLE OF MEASURES

- Increase in successful completion of probation in Adult and Juvenile Divisions
- Increase in successful completion of public services hours in Adult and Juvenile Divisions.
- Reduction in the cost per jury trial
- Increase in collection of court fees of people on probation and compliance program.
- Increase in employee satisfaction in areas dealing with supervision, communication, collaboration and the like.

VI. Case Study No. Five: Reengineering in Action – The Vermont Commission on Judicial Operation

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Vermont Judicial System
State Capital: Montpelier
State Court Administrator: Robert Greemore
E-mail – Bob.Greemore@state.vt.us
Population: 626,431
FY 2012 Filings: 67,451
Judges: 35

The Context and the Challenge

In the mid-2000s Vermont's court system, like the systems in many other states, was challenged to maintain an adequate level of services in the face of reduced or level funding.[1] State appropriations for the judiciary had been essentially flat; the branch had to rely on savings from unfilled vacancies to balance its budget. Between 1999 and 2009, judicial branch vacancies increased from 3 to 25, or 7 percent of the branch's authorized staff.

During the 2008 legislative session, the supreme court asked the general assembly to fund the branch at levels allowing it to fill vacancies and address important branch–wide needs. In response, the general assembly directed the supreme court to establish a Commission on Judicial Operation, to develop recommendations regarding judicial branch needs and priorities.

The Fiscal Context

The general assembly's request that a commission be created was largely in response to the national recession and its effects on state government revenues. Vermont was experiencing a significant reduction in overall statewide revenue, and these reductions were being passed along to the courts.

In the fall of 2009, Vermont's Legislative Joint Fiscal Office estimated that due to the recession, deficits on the state's general fund would exist through at least 2014. Shortfalls in upcoming fiscal years would run between 6 percent and 12 percent, and that revenue would not return to pre-recession levels for several years.[2]

Responding to this fiscal reality, the Vermont judiciary had already cut judicial and employee pay through mandatory one day per month furloughs and froze open vacancies. Some courts also reduced operating hours.

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[1] See the National Center for State Courts Budget Resource Center at http://www.ncsc.org/Information-and-Resources/Budget-Resource-Center.aspx for more information on the impact on the recession on Vermont's court system and on courts nationally.

[2] This and related information is available at Vermont Legislative Joint Fiscal Office's website at http://www.leg.state.vt.us/jfo/.

The Legal Framework of the Vermont Court System

The request that a commission be created also reflected a generally shared desire between the legislative and judicial Branches to find operating efficiencies and cost savings that might result from, among other things, the restructuring of the court system. Although Vermont's constitution unified the court system under the supreme court, state law provided for a hybrid state–county system which court officials and others thought inhibited the effectiveness of state level initiatives designed to maximize efficiencies within the branch.

Specifically, diffuse authority for funding, policy, staffing, and operations among the supreme court, 14 individual county governments, and 17 probate districts created an environment that constrained the supreme court from both reaping optimal benefits of plans and innovations, and from addressing the need for streamlined operations in any deep or tangible way.

In making its appeal to restore funding in 2008, the supreme court cited the following "structural problems and anomalies" in the state's court system:[3]

- Notwithstanding constitutional provisions regarding a unified court system, the supreme court does not have authority to run the judicial branch as a single enterprise. It does not control all revenues that support branch operations, and it does not hire or have management authority over all the employees who work in the judicial branch. This state of affairs leaves the court without the ability to align personnel with statewide branch priorities or with user demands, and it limits the impact of efforts designed to promote efficiencies.

- A state–county hybrid system has resulted in 63 court points of service (i.e., district, family, superior, and probate courts) in 32 buildings. These facilities may have multiple managers. The supreme court does not have authority to direct staff who work in these courts.

- The judicial system is supported by a collection of statutes that provide for different court jurisdictions, venues, geographical and functional divisions, facility usage, staffing, and salaries. Not all statutes even relate to all counties.

- The potential for efficiencies from new technology is significant, though this potential is constrained by the fact that the supreme court does not have management authority over all state courts.

Reengineering in Action: The Commission on Judicial Operation

The general assembly asked that the supreme court appoint members to the commission representing the three branches of government and the citizens of Vermont. The supreme court was authorized to set the size of the commission, which was to be chaired by the chief justice.

The court appointed 15 members to the commission, which was staffed by the state court administrator's office.

The general assembly requested that the commission address the following areas:[4]

- Consolidation of staff, including clerks of court, and consolidation of staff functions in individual counties and statewide;

- Regionalization of court administrative functions performed at both the state and county level;

- The potential for technology to reduce unnecessary expenditures;

- Flexibility in using resources to respond to the demands on the judiciary and in particular in situations in which the amount and nature of demand for court services change;

- Reallocation of jurisdiction between courts;
- Any other ideas for the efficient and effective delivery of judicial services; and
- A reduction of $1 million in the judiciary's budget.[5]

The commission was requested to submit proposals dealing with the consolidation elements of the legislative charge to the responsible legislative committees by January 2009 and to submit a final report to the general assembly by January 2010.

The Reengineering Process

A Participatory Process

The commission met seven times between October 2008 and September 2009. All meetings were public and agendas and minutes were posted on the commission's webpage. One of the first things done by the group was to divide itself into three working groups: Public Input and Information Sharing; Resources, Facilities and Personnel; and Restructuring of the Judiciary and Access to Justice. Each working group was expected to produce a report for the commission.[6]

The Public Input and Information Sharing workgroup conducted wide–ranging outreach to interested parties on the issues before the commission. This outreach involved 44 focus groups and regional bar association forums throughout the state. These focus groups were supplemented by surveys of individual users dealing with the issues raised by the general assembly. More than 800 individuals responded.

Seventy-seven different stakeholder groups were also invited to participate in the process. Among those participating were judges, court staff, prosecutors, public defenders, local bar association representatives, legal aid offices, law enforcement agencies, the Vermont Department of Corrections, child welfare agencies, and others.

Through the Public Input and Information Sharing workgroup's efforts, more than 360 different ideas, suggestions, and proposals were generated. The workgroup prioritized and sorted these ideas, with the following broad themes emerging:

- *Consolidation of court structure and management;*
- *Professionalization of the entire court system;*
- *Increased assistance to self-represented litigants;*
- *Increased efficiency through redistribution of resources and greater use of technology;*
- *Regionalization of some cases and trials;*
- *Standardization of business processes;*
- *Centralization of basic services through technology;*
- *Transformation of staff into a virtual clerk's office; and*
- *Redirection of staff from basic clerical duties to tasks that economize judicial time.*

A Data-Driven Approach

Commission members also reviewed statistical information prepared by the state court administrator's office on workload, personnel and the judicial branch budget. This information included, among other things:

- *The number of cases filed and number of cases disposed annually by county, case type, and court type;*
- *The size and age of pending caseloads, backlogs and clearance rates in certain courts;*
- *The number of staff in each of the 63 court locations and the growth in the number of vacancies in staff positions over the past 10 years;*
- *The judge time allocated to each court in each county, staff to judge ratios, cases to staff ratios, cost per case based on number of cases filed; and*
- *Statewide budget information broken down by court type and by county, including cost per case filed.*

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[5] This directive was added to the general assembly's charge to the commission by law in 2009. See Act No. 1 of the 2009 Special Session of the Vermont General Assembly. Acts of the Vermont General Assembly are available at http://www.leg.state.vt.us/.

[6] These reports and other commission materials are available on the commission's webpage at http://www.vermontjudiciary.org/MasterPages/WhatsNew-CommissionJudicialOps.aspx.

This information provided both a context for commission members regarding the impact of the proposals under consideration and a touch point for them in deliberations regarding their need and utility.

With grant funding from the State Justice Institute, the supreme court engaged the National Center for State Courts (NCSC) to conduct a weighted caseload study. The study was done to generate information about workloads in the courts statewide for the purpose of informing decisions about how resources could best be allocated under a unified court system.

As part of the NCSC's work, feedback was received from judges who reported whether they had sufficient time to handle cases docketed to them generally, and about the case types that presented them with the most difficulty (in terms of the time required to handle them) specifically.

NCSC consultants observed that there were significant variations between jurisdictions in terms of efficiency. The consultants also noted substantial potential efficiency gains that could result from upgraded technology, but in order to capitalize on those efficiencies the management of Vermont courts needed to be consolidated.

A Principled Process

The commission's work was participatory and informed. The work was also connected to core justice values commission members believed were held by Vermonters. One of the commissioner's first steps was to adopt a set of principles to guide its work.[7]

In drafting these principles, the commission acknowledged that cutting $1 million (approximately 3 percent) from the judicial branch budget (in addition to the funding cuts already likely from the economic downturn) would require either significantly changing judicial branch operations or significantly reducing services and limiting access to the state's courts. The commission

viewed these principles as an important point of reference as they undertook their work to develop components of "a sustainable system based, first on values, and second, on reduced costs."

Special Issue: Technology

The commission acknowledged that new technology had the potential to greatly improve service and reduce operating costs. It also felt, however, that a restructuring of the system was needed in order to maximize the returns of investment in technology.

The commission identified three areas likely to benefit from new technologies: access to justice, improved efficiency, and improved capacity for complex trials.

The commission concluded, for example, that operational efficiencies and cost savings could be realized by making case files and related information available electronically, by using technology to assist self–represented litigants through "help desks" and online forms, by providing for electronic filing, and by making greater use of video technology for arraignments and criminal proceedings.

In addition, the commission paid special attention to efficiency gains that could result from enhancing cumbersome and time consuming manual processes with technology tools. In its weighted caseload study, the NCSC identified significant savings of time and attendant personnel costs associated with the introduction of court technology statewide in Vermont.

The Reengineering Result

The Commission's Report and the General Assembly's Response

The commission released an interim report in April 2009 and a final report in November of the same year. The findings were presented to the general assembly in December 2009.[8]

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[7] The Statement of Commission Principles is below, identified as Exhibit A.

[8] See http://www.vermontjudiciary.org/MasterPages/WhatsNew-CommissionJudicialOps.aspx for these reports and other Commission material.

The commission identified 25 findings in its final report that were marked by a clear understanding of the gravity of the situation facing the state and the judicial branch. That understanding was contextualized by the following statement:

> ... [I]t is the plain fact that Vermonters can no longer afford the present system. This is not a question of politics, but one of fact. If the Legislature does not take action to reorganize and consolidate to a more efficient and less redundant system, the Judicial Branch cannot function in this economic climate... It is no overstatement to say that the Judicial Branch is at a crucial juncture in its history. As a state, we cannot make the choice to do nothing.

The commission's findings were incorporated into a set of 14 recommendations that directly addressed the need for restructuring. Among the report's key recommendations were the following:[9]

- *Unifying the Judiciary through the consolidation of trial court operations;*
- *Making all Judicial Branch employees state employees paid according to the state pay scale;*
- *Consolidating management of court operations through the appointment of one court manager/clerk of court in each county;*
- *Eliminating redundant appeals;*
- *Consolidating some judicial positions and reducing staff, as necessary; and*
- *Eliminating the judicial function of quasi–judicial officers known as assistant judges.*

The commission estimated that the savings associated with their recommendations totaled approximately $1.2 million in state general fund dollars. These savings were to be realized through the elimination of certain middle management positions and from shifting resources to jurisdictions with higher demands for services. The commission anticipated an additional $1.2 million in local/county savings resulting from converting county employees to state employees.

The general assembly passed legislation in 2010 addressing all of the Commission's findings, doing so generally in a manner consistent with the approach the commission recommended.[10]

Lessons Learned

Through the use of a principled, participatory and data–driven approach, the Vermont Commission on Judicial Operation offered the general assembly specific, actionable, and responsive recommendations designed to streamline court operations, empower management, and reduce costs.

While arguments could have been (indeed were), made that local government involvement and control of certain judicial resources helped connect the judicial branch to the state's citizens in a desirable way, a strong sense had emerged on the part of commission members and others that the current court structure was financially unsustainable. If the branch's structural problems were not addressed, court closures, case backlogs, and case processing delays would become the norm – in short, the quantity and quality of justice available to Vermonters would be compromised.

Among the lessons learned are the following:

- *Openness and Transparency Matter.*
  The openness with which the project was conducted allowed for few surprises to be visited upon the general assembly or the governor's office when the time came for action. This openness likely helped smooth the political path that needed to be taken to progress in the manner the commission recommended.

- *Communication and Outreach is Important.*
  The scope and sweep of the proposed changes required up-to-date information and special

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[9] A video overview of the commission's process and recommendations is available at http://www.cctv.org/watch-tv/programs/vermont-commission-judicial-operations-present-proposals.

[10] See Act No. 154 of the 2009-2010 Regular Session of the General Assembly. Acts of the Vermont General Assembly are available at http://www.leg.state.vt.us/. A reconciliation of the commission's proposal with the final restructuring legislation is available on the commission's webpage at http://www.vermontjudiciary.org/MasterPages/WhatsNew-CommissionJudicialOps.aspx.

attention to judges, employees, and key stake-holders. During the months leading up to the commission's final report, the chief justice held weekly calls with local court officials and sent out weekly newsletters to all within the branch. The call and newsletters let staff know of the status of the commission's work and identified stress points within the system that needed attention. Given what was at stake, it was critical for the process to be (and appear to be) credible and supportive.

- *Put Everything "On the Table" and Invite Participation.*
  Vermont court officials speak about how the state's fiscal affairs and the charge from the general assembly forced them to "redraw the box" as it related to judicial branch needs, planning and performance, and begin to think outside of it. Creativity, candidness, and inclusiveness all appear to have been valued throughout the process. The scope and potential impact of the commission's recommendations made it clear that these elements were brought to bear on the process and the final product.

- *Tether Brainstorming, Visioning and Planning to Stakeholder Values.*
  The adoption of a "Statement of Commission Principles" reflected a commitment to not let the seriousness of the state's financial situation lead to cost cutting at the expense of the quality of, or access to justice (Figure VI.1). As the commission pointed out in its final report, the challenge was to build a sustainable system "first on values, and second, on reduced costs."

- *Using Data Helps Frame the Context and Supports Good Decision Making.*
  The supreme court's decision to incorporate case processing, budget and related information from the state court administrator's cffice into its work and its decision to engage the NCSC to conduct a caseload study reflected an understanding that issues of the magnitude such as those being considered needed to be grounded in facts rather than conventional wisdom. Long standing traditions, deeply rooted local customs, and strongly held beliefs provided the context in which the work was taken up. Introducing change into this environment is difficult, but incorporating reliable, timely, and relevant data into commission deliberations helped keep the process focused and helped ensure a valuable and viable final product.

Statement of Principles

- The Judicial Branch is an independent, co-equal branch of government; its judges are fair, impartial and competent, and composed of men and women of integrity who will interpret and apply the law that governs our society.

    o The Supreme Court operates the state court system as a unified system, in accordance with the Vermont Constitution, Ch. II, § 4, which provides that "the judicial power of the State shall be vested in a unified judicial system….:

- The Supreme Court manages, controls and is accountable for all resources and buildings that support state judicial services in Vermont in accordance with the Vermont Constitution, Ch. II, § 30, which provides that "the Supreme Court shall have administrative control of all the courts of the state…."

- The Supreme Court deploys resources in a manner that is cost efficient for the taxpayer while providing access to court services that is cost effective to litigants.

- Court services are provided in a system that:

    o Is open, affordable, understandable, and with a level of service appropriate to the characteristics of the case; and
    o Ensures access to justice and respect for all litigants and members of the bar.

- Case decisions are made by appropriately educated and well-trained judicial officers; all judges must be lawyers. Trial court judges are capable of working in any court, hearing any case that needs to be heard on a particular day.

- Judicial officers issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.

- The Judicial Branch is organized to minimize redundancies in court structure, procedures and personnel, and to provide an efficient balance of workload among courts.

- Funding authorities provide resources that are appropriate to the structure and provide long-term stability in the budgeting, funding and operation of the Judicial Branch.

Figure VI.1 Statement of Principles
of the Vermont Commission on Judicial Operation

VII. Court Reengineering Resources

NCSC Offers Steps for Court Reengineering Success
http://www.ncsc.org/services–and–experts/court–
reengineering.aspx

Reengineering Processes:
http://www.ncsc.org/Services–and–Experts/Court–
reengineering/Processes.aspx

Future Trends in State Courts 2010 Articles:
*Reengineering: The Importance of Establishing
Principles*

*Reengineering: Governance and Structure
Reengineering: Lessons from the Field*

Future Trends in State Courts (2010):
http://contentdm.ncsconline.org/cgi–
bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR
=1605

Complete list of individual articles:
http://www.ncsconline.org/D_KIS/Trends/

Reengineering Rural Justice – Minnesota (2010):
http://ncsc.contentdm.oclc.org/cgi–bin/showfile.exe?
CISOROOT=/ctadmin&CISOPTR=1799

Access and Service Delivery – Minnesota
(Reports I and II):

Report I: http://www.ncsc.org/Services–and–
Experts/~/media/Files/PDF/Services%20and%20
Experts/Court%20reengineering/Minnesota%20AS
D%201%20Final%20Report.ashx

Report II: http://www.ncsc.org/Services–and–
Experts/~/media/Files/PDF/Services%20and%20
Experts/Court%20reengineering/Minnesota%
20ASD%202%20Final%20Report.ashx

Business Process Reengineering (2011):
http://www.ncsc.org/~/media/Files/PDF/Educa-
tion%20and%20Careers/CEDP%20Papers/2011/
Business%20Process%20Reengineering.ashx

Court Business Process Enhancement Manual (2003):
http://contentdm.ncsconline.org/cgi–bin/showfile.
exe?CISOROOT=/ctadmin&CISOPTR=1040

The Court Business Process Enhancement Guide
(2003):
http://contentdm.ncsconline.org/cgi–bin/showfile.
exe?CISOROOT=/ctadmin&CISOPTR=1039

Nebraska Reengineering Committee:
http://www.ncsc.org/services–and–
experts/~/media/Files/PDF/Services%20and%20
Experts/Court%20reengineering/Nebraska%20
Reengineering%20Concepts.ashx

New Hampshire (2011):
http://www.ncsc.org/services–and–
experts/~/media/Files/PDF/Services%20and%20
Experts/Court%20reengineering/New%20
Hampshire%20Final%20Report.ashx

Achieving High Performance: A Framework for
Courts (2010):
http://contentdm.ncsconline.org/cgi–bin/showfile.
exe?CISOROOT=/ctadmin&
CISOPTR=1510

A Road Map to Improving Court Management
(2010):
http://www.ncsc.org/conferences–and–events/4th–
symposium/~/media/files/pdf/conferences%20and%
20events/4th%20symposium/hpc%20visual%20
summary.ashx

CourTools – On Demand:
http://contentdm.ncsconline.org/cgi–
bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR
=1507

Stewardship and Business Reengineering: An Urban
Court Perspective (2010):
http://www.ncsc.org/conferences–and–events/4th–
symposium/~/media/Files/PDF/Conferences%20and
%20Events/4th%20Symposium/Stewardship.ashx

Using Business Process Reengineering Strategies for Courts (2003):
http://www.ncsconline.org/d_tech/ctc/showarticle.asp?id=64

Business Process Reengineering (BPR)
(Orange County – 2010):
http://www.myrobust.com/websites/ecourts2010/File/pdf/WhoKnew.pdf

Finding Opportunity in Crisis – Reengineering Oregon's Courts (2011):
http://courts.oregon.gov/OJD/docs/StateofJudiciarySpeech2011.pdf

Defining Operational Successes (2009):
http://www.imagsoft.com/documents/defining–operational–success–jake–chatters.pdf

2003 Glossary of Reengineering and Process Improvement Terms:
http://ncsc.contentdm.oclc.org/cgi–bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1107&filename=1108.pdf

Reengineering the Vermont Court System: A Judicial Perspective (2010): http://www.ncsc.org/confer-ences–and–events/4th–symposium/~/media/Files/PDF/Conferences%20and%20Events/4th%20Symposium/Davenport–VT.ashx

COSCA White Paper on Promoting a Culture of Accountability and Transparency (2008):
http://cosca.ncsc.dni.us/WhitePapers/2008WhitePaper–PerformanceMeasurement–Final–Dec5–08.pdf

Court Culture Module:
http://www.ncsc.org/Topics/Court–Management/Court–Culture/Resource–Guide.aspx

Leadership and Change Management Module:
http://www.ncsc.org/Topics/Court–Management/Leadership–and–Change–Management/Resource–Guide.aspx

VIII. Glossary of Terms

Activity Analysis: Analysis and measurement (in terms of time, cost, and throughput) of distinct units of work (activities) that comprise a process.

Alignment: The degree of agreement, conformance, and consistency within a court's purpose, vision, and values; with its structures, systems, and processes; and with individual skills and behaviors. (Figure VIII.1)

Figure VIII.1 Goal Alignment

"As Is" Process Model: A model or flowchart portraying how a business process is currently structured. In process improvement efforts, it is used to establish a baseline for measuring subsequent business improvements.

Benchmark: A measurement or standard that serves as a point of reference by which to measure process information.

Benchmarking: A structured approach for identifying business or government best practices and comparing and adapting them to the court's operations. The approach identifies more efficient and effective processes for achieving intended results and suggests ambitious program goals for output, product/service quality, and process improvement.

Benefit–Cost Analysis: A technique to compare various costs associated with a process with the benefits a proposed new process will return, addressing both tangible and intangible factors.

Best Practices: The processes, practices, and systems that are widely recognized as performing exceptionally well. Identifying and applying best practices can reduce expenses and improve organizational efficiency.

Business Case: A structured proposal for improving functions used by court decision makers. A business case 1) analyzes process performance and associated needs or problems; 2) proposes alternative solutions; 3) identifies assumptions and constraints; and 4) analyzes risk–adjusted cost/benefits.

Business Process Reengineering (BPR): A systematic, disciplined improvement approach that critically examines, rethinks, and redesigns mission–delivery processes in order to achieve dramatic improvements in performance in areas important to customers and stakeholders.

Cause–Effect Diagram: A popular diagram used to analyze the causes of problems; it provides an overview of all the possible causes. (Figure VIII.2) One starts at the right and lists the problem, then extends a straight line to the left. From the line, one draws tangential lines and lists causes of the problems at the end of those lines. Lines can be drawn to the subsidiary lines as more discrete causes are considered, and so forth.

Change Management: Activities involved in 1) defining and instilling new values, attitudes, norms, and
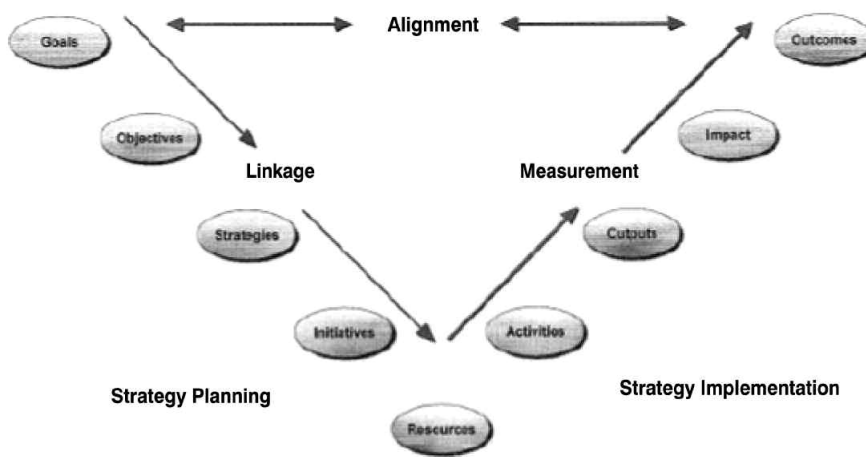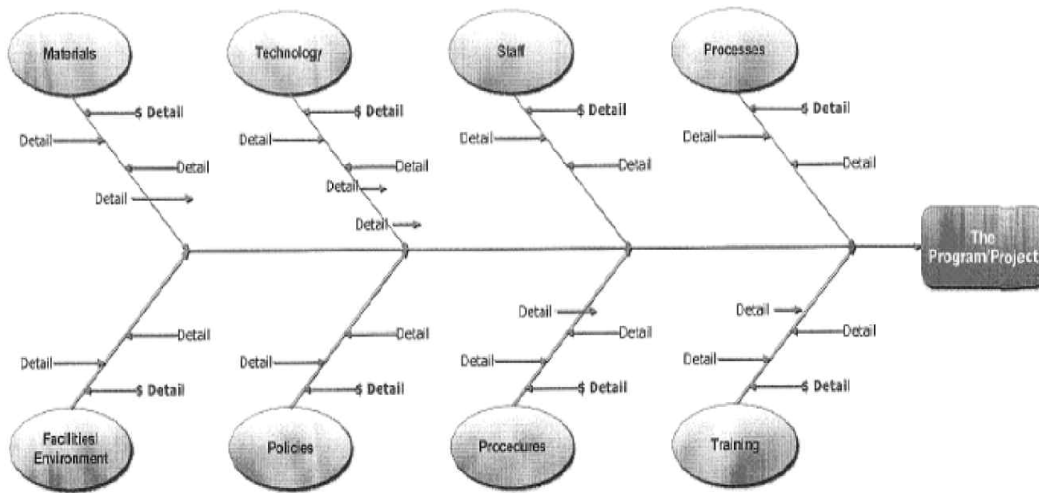
Figure VIII.2 Example of a Cause – Effect Diagram Often Referred to as a "Fishbone Diagram"

behaviors within a court organization that support new ways of doing work and overcome resistance to change; 2) building consensus among consumers and stakeholders on specific changes designed to better meet their needs; 3) planning, testing, and implementing all aspects of the transition from one organizational structure or business process to another; and 4) the process by which changes to the project scope, deliverables, timescales, or resources are formally defined, evaluated, and approved prior to implementation.

CMS: Case Management System

Communications Management: The process by which formal communication messages are identified, created, reviewed, and communicated within a project.

Communications Planning: Identifying the type and regularity of information to be provided to all project stakeholders, keeping them informed of the project's progress.

Cycle Time: The time that elapses from the beginning to the end of the process.

Deliverable: A quantifiable outcome of the reengineering project, which results in the partial (or full) achievement of project objectives.

Dependency: A logical relationship between two or more project activities. The four types of

dependencies include: start–to–finish, start–to–start, finish–to–start, finish–to–finish.

Effectiveness: 1) Degree to which an activity or initiative is successful in achieving a specified goal; 2) Degree to which a unit's activities achieve the mission or goal.

Efficiency: 1) Degree of capability or productivity of a process, such as the number of cases closed per year; 2) Tasks accomplished per unit cost.

Feasibility Study: A document identifying each solution option to a particular business problem (or opportunity), and assessing the likelihood of each option achieving the desired result.

Intermediate Outcome: An identified and measurable near–term activity outcome that is an indicator of longer–term outcomes. This is practical when long–term outcomes are diffuse, delayed or otherwise difficult to measure. Intermediate outcomes often relate to consumer satisfaction, which can be measured by surveys or interviews.

ITV: Interactive Video Teleconference

Key Performance Indicator (KPI): KPIs are descriptive time, cost, or quality indicators used to capture process performance.

Measurement: An observation that reduces the amount of uncertainty about the value of a quantity.

In the balanced scorecard, measurements are collected for feedback. The measurement system gathers information about all the significant activities of a court, division, or unit. Measurement implies a methodology analysis system, involved with *how* particular measurements are collected and managed.

Metrics: Often used interchangeably with measurements, however, it may be helpful to separate these definitions. Metrics are the various parameters or ways of looking at a process that is to be measured. Metrics *define* what is to be measured. Some metrics are specialized, so they can't be directly benchmarked or interpreted outside a mission–specific business unit. Other metrics are generic and can be aggregated across business units, e.g., cycle time, customer satisfaction, and financial results.

Milestone: The recognition of an important project event, usually the achievement of a key project deliverable.

Modeling or Flowcharting: A graphic representation of the activities and sub–processes within a process and their interrelationships.

NCSC: National Center for State Courts

Objective: An aim or intended result of a strategy.

Outcome: The ultimate, long–term, resulting effects (both expected and unexpected) of customers' use or application of the organization's outputs.

Output: Products and services delivered. Outputs are the immediate products of internal activity: the amount of work done within the organization

Performance Gap: The gap between what consumers and stakeholders expect and what each process produces in terms of quality, quantity, time, and costs.

Performance Indicator: A particular value or characteristic used to measure output or outcome.

Performance Measurement: The process of developing measurable indicators that can be systematically tracked to assess progress made in achieving predetermined goals and using such indicators to assess progress in achieving these goals.

Project Plan: A document listing the phases, activities, tasks, timeframes, and resources required to complete a project.

Process: A set of activities that produce products and services for consumers.

Resource Planning: Identifying the resources required to complete a project. This includes a list of the types of resources required and a schedule providing the use of and activities undertaken by each resource.

Reengineering: Systematic starting over and reinventing the way a business process is accomplished. A "fundamental rethinking and radical redesign of a business process to achieve dramatic improvements in critical measures of performance such as cost, service, and speed."[1]

Sensitivity Analysis: Analyzing how sensitive outcomes are to changes in assumptions. The assumption deserving the most attention should depend largely on the dominate benefit and cost elements and the areas of greatest program or process uncertainty.

Silo–Based Court Organization: A court where corporate goals, scope of responsibility, and controls are distributed along departmental lines. In such courts, cross–functional processes are typically not well understood, managed, or controlled.

Strategic elements: Mission, vision, values, assessment data, strategic plans, and other information that supports strategic planning.

Strategic imperatives: Court organization values.

Strategic initiatives: Specific actions undertaken to achieve a strategic goal, including the plans and milestones.

Strategic Measures or Metrics: Quantifiable indicators of a strategic action's status.

SWOT Analysis: An assessment tool for identifying the overall strategic situation in an organization by listing its **S**trengths, **W**eaknesses, (external) **O**pportunities, and **T**hreats. Sometimes Challenges are substituted for Threats.

[1] Michael Hammer & James Champy, Reengineering The Corporation, 1993.

Target: A performance metric's numerical value that is to be achieved by a given date. Both the metric and the schedule need to be specified for targets. A stretch target is the same thing, but its numerical value is higher, demanding breakthrough performance to achieve.

Total Quality Management (TQM): An approach that motivates, supports, and enables quality management in all activities of the court, focusing on the needs and expectations of internal and external consumers.

Value–Added: Activities or steps which add to or change a product or service as it goes through a process; these are the activities or steps that consumers view as important and necessary.

Workflow: A graphic representation of the flow of work in a process and its related sub–processes, including specific activities, information dependencies, and the sequence of decisions and activities.

Appendices

Appendix A:
The Six Decision – Making Options

To be truly effective, your team must learn to make effective decisions. One of the biggest mistakes made by most inexperienced teams is assuming that decisions need to be made by "voting." While voting is a fundamental decision–making technique, there are five other decision–making techniques that can be used. Both you and your team need to understand each of them and be clear about which one to use and when.

Each of the six decision options represents a different approach. Each has pros and cons associated with it. The decision option should always be chosen carefully at the start of any decision–making discussion to be sure it is the most appropriate technique for the topic that is before the team. Below are the six techniques (in reverse order of their relative value):

Option 1: Unanimous
Occasionally there is a solution favored by everyone and 100 percent agreement seems to happen automatically. Unanimous decisions are usually made quickly. They are relatively rare and often occur in connection with more trivial or simple issues.

> **Pros:** It is fast and easy; everyone is happy and it unites the team.

> **Cons:** It may be too fast, so it is not for issues requiring in–depth discussion.

> **Uses:** Works best with more trivial items or when discussion is not vital.

Option 2: One Person Decides
The team decides to refer the decision to one person to make on behalf of the team.

A common misconception among teams is that every decision needs to be made by the whole team. In fact, one–person decisions are often a faster and more efficient way to make many team decisions. The quality of a one–person decision can be raised considerably if the designated person seeks advice and input from other team members before making the decision.

> **Pros:** It is fast; accountability is clear; it makes use of members' expertise.

> **Cons:** It can divide the team if the decision maker doesn't first consult with members or makes a decision that others can't live with; lacks both the buy–in and the synergy of a team decision.

> **Uses:** Works best with small issues, when there's a clear expert on the team who should make the decision; when only one person has the information needed to make the decision and can't share it; and when one person is solely accountable for the outcome.

Option 3: Compromise
This is a negotiated approach to making a decision or settling a dispute, applicable when there are two or more distinct options and members are strongly polarized (i.e., neither side is willing to accept the solution put forth by the other side). A middle position is then created that incorporates

ideas from both sides. Throughout the process of negotiation, everyone wins a few of their favorite points but also loses a few. The outcome is therefore something that no one is totally satisfied with. In compromises, no one feels they got what they originally wanted, so the emotional reaction is often: *"It's not really what I wanted, but I'm going to <u>have to</u> live with it."*

Pros: There is lots of discussion; creates a solution.

Cons: It forces people to negotiate; tends to be adversarial as people are pushing a favored point of view; can divide the team; everyone wins but everyone also loses.

Uses: It is often the only alternative when faced with a strongly polarized team or when there are two opposing solutions, neither of which is acceptable to everyone.

Option 4: Multi–Voting
When the team has a long list of options to choose from, it's too cumbersome to use consensus. Team members priority rank order the options (usually using a set of criteria), with the number one item being the best course of action.

Pros: It is systematic, objective; democratic, noncompetitive; and participative; everyone wins somewhat and minimizes feelings of loss; fast way of sorting out a complex set of options

Cons: It is often associated with limited discussion, hence limited understanding of the options; may force team members to choose between unsatisfactory options; sometimes the real priorities are not put on the table; team members may be swayed by others if the voting is done openly, rather than electronically or by ballot.

Uses: Works best when there is a long list of options from which to choose when applying a set of criteria and to clearly identify a course of action.

Option 5: Majority Voting
Asking team members to vote for the option they favor once clear choices have been identified. The option getting the most or "majority" of votes is the best choice. Usual methods are a show of hands or secret ballot. The quality of voting is always enhanced if there is good discussion to share ideas before the vote is taken.

Pros: It is fast; high quality if voting takes place after thorough analysis; creates a clear decision.

Cons: It can be too fast; low in quality if people vote based on their personal feelings without the benefit of each other's thoughts; creates winners and losers; can divide the team; the "show of hands" method can put pressure on people to conform.

Uses: Works best when there are two distinct options and one must be chosen, when deciding on items where division of the group is acceptable, and when consensus has been attempted and can't be reached.

Option 6: Consensus
Consensus is the discussion-centric approach that involves everyone in clearly understanding the situation or problem at hand, analyzing all of the relevant facts, and then jointly developing solutions that represent the whole team's best thinking about the optimal course of action. Consensus is characterized by a lot of listening, debate, and testing of options. Because everyone is involved in offering ideas, it results in a decision about which everyone says: *"I <u>can</u> live with it."*

Pros: It is collaborative and unites the group. It is systematic, objective, fact driven; it fosters high involvement; it builds buy–in and high commitment to the outcome.

Cons: It is time consuming; low in quality if done without proper data collection or if members have poor interpersonal skills.

Uses: Works best when the whole group's ideas are needed and buy–in from all members is essential and when the importance of the decision being made is worth the time it takes.

Decision–Making Options Worksheet

Discuss the six decision methods and agree when each will be used.

Decision–Making Option	Under What Conditions Will We Use Each Approach?
Consensus	
Voting/Majority Rules	
Compromise	
One Person Decides	
Unanimous	
Multi–voting	

Figure A 1: Decision–Making Options Worksheet

Appendices

Appendix B:
Reengineering Projects

Before you get too far into your planning process, check out the tips below – your quick guide to getting the most out of your reengineering planning process:

Tips for Conducting a Better Reengineering Project

Pull together a diverse, yet appropriate, group of people to make up your planning team. Diversity leads to a better strategy. Bring together a small core team (between six and 10 people) of leaders and managers who represent every area of the court.

Allow time for big picture, strategic thinking. We tend to try to squeeze the planning discussions in between putting out fires, normal daily routines, and going on a much needed vacation. To create a solid plan, your team needs time to think big. Do whatever it takes to allow that time for big-picture thinking (including taking your team off–site).

Get full commitment from key people in your court. You can't do it alone. If your team doesn't buy into the reengineering planning process and the resulting plan, you're dead in the water.

Allow for open and free discussion regardless of each person's position within the court. Try not to lead the planning sessions. When you do, people wonder whether you're trying to lead them down the path you wanted all along. Encourage active participation, but don't let any one person dominate the session. Hire an outside facilitator or someone who doesn't have any stake in your success.

Think about execution before you start. It doesn't matter how good the reengineering plan is if it isn't executed.

Use a facilitator, if your budget allows. Hire a trained professional or collaborate with faculty from a local college who has no emotional investment in the outcome of the effort. An impartial third party can concentrate on the process instead of the end result and can ask the tough questions others may fear to ask.

Make your plan actionable. To have any chance at implementation, the reengineering plan must clearly articulate goals, action steps, responsibilities, accountabilities, and specific deadlines. (See Figure B 1.) Everyone must understand the plan and their role in it.

Don't write the plan in stone. Good reengineering plans are fluid, not rigid and unbending. They allow you to adapt to changes (i.e., a new chief judge, newly elected officials that can be impacted by this process, loss of key staff member(s), and the like). Don't be afraid to change your plan as necessary.

Clearly articulate next steps after every session. Before closing each planning session, clearly explain what comes next and who's responsible for what. When you walk out of the room, everyone must fully understand what they're responsible for and when to meet deadlines.

Goal Name:	Date:

The goal description should answer questions like: What are you going to do? Why is this important? How will it be done (not a full plan, just a top level description)? How much do we want to improve (e.g. reduce pending cases by 5% from previous years)?

Goal Descriptions:
_____
_____
_____
_____
_____
_____

Measurement:
How will this goal be measured? Examples include measures Based on time reductions in processing), waste (elimination of redundant information, waiting, unused data, etc.) and quality (reduction in rework or scrap, improvement of first time acceptance, improvement in customer satisfaction levels, etc.). How often will the goal be measured (event of time based) and for what duration. Remember, once we attain a goals we still want to sustain our gains and may want to improve further.

Measurement Description:	Measurement Frequency:
_____	_____

Attainable:	Relevant/Realistic:
_____ _____ _____	List thing like why this is important to the organization and customer, what are you doing now to make this happen, etc. _____ _____ _____

Estimate, Needed, or Desired Compiled Date:
_____

Approvals (if needed):

Name: _____ Date: _____
Signature: _____

Name: _____ Date: _____
Signature:

Figure B 1: Goal Identification Worksheet

Checklist for Conducting a Better Reengineering Project

1. *Get ready and organized:* Identify specific issues and choices the process should address:
   ❏ Determine organizational readiness
   ❏ Create the planning committee
   ❏ Identify the information which must be collected to help make sound decisions

2. *Articulate the mission and vision:* Managers clarify why the function(s) exists and what the end game is:
   ❏ Determine its primary purpose and how it is tied to the court's purpose
   ❏ Identify the court's values as they relate to the project
   ❏ Imagine what success would look like

3. *Review tactical position:* Gather up-to-date information to develop an understanding of the critical issues including:
   ❏ Internal strengths and weaknesses
   ❏ External opportunities and threats through a competitive analysis
   ❏ Opportunities through customer/clients/ user surveys
   ❏ Synthesize into a SWOT

4. *Agree on Priorities:* Identify the broad approaches for addressing critical issues:
   ❏ Solidifying the court's advantage relating to why this is important and measured outcomes
   ❏ Determine long-term goals/objectives
   ❏ Select strategies for customer/client/user segments
   ❏ Establish measureable short–term goals and objectives

5. *Organize the reengineering plan:* Put the pieces together into one coherent document with the following reports:
   ❏ Complete Reengineering Plan – for reference
   ❏ One–Page Reengineering Plan – for communicating

6. *Roll out the plan:* Communicate the plan across the court organization:
   ❏ Everyone in the court has received a copy of the plan in some form (printed, emailed, and/or posted on a wall in the break room)
   ❏ Identify the reengineering plan leader
   ❏ Provide budgetary and resource support

7. *Identify next actions:* Make the effort tangible to each team member by clearly identifying what he/she is responsible for:
   ❏ Scorecard – for measuring
   ❏ Action Sheets – for executing

8. *Hold everyone accountable:* Monitor your efforts/plan by reporting performance metrics on a monthly or quarterly basis:
   ❏ Identify the source of each metric associated with measurable goals
   ❏ Set up systematic process for monthly or quarterly reporting
   ❏ Communicate to each responsible person when and how to report on their goals
   ❏ Hold monthly or quarterly strategy meetings
   ❏ Regularly monitor, evaluate and adapt

EVALUATION CRITERIA FOR REENGINEERING STRATEGIES

1. **Suitability:** Does the reengineering strategy make sense in light of likely trends, current system operations and organizational changes?	*Does the reengineering strategy:* ✓ Exploit environmental opportunities? ✓ Defend against environmental threats? ✓ Correct organizational shortcomings?
2. **Validity:** Is the reengineering strategy based on realistic assumptions?	*Is the reengineering strategy based on:* ✓ High-confidence assumptions that are backed by hard data? ✓ Based on assumptions that are reasonable extrapolations of past trends and events?
3. **Feasibility:** Does the court organization/system have or can it get the skills, resources and commitment required to pursue a reengineering strategy?	*Does the system have sufficient:* ✓ Financial and physical support? ✓ Information and technological support? ✓ Human resources support and skills? ✓ Commitment among stakeholders? ✓ Political support?
4. **Consistency:** Is the reengineering strategy consistent?	*Does the reengineering strategy:* ✓ Suggest operational elements that can be implemented together in a coordinated and effective manner? ✓ Reflect the system's mission, objectives and vision? ✓ Compliment individual system (department-level) strategies?
5. **Vulnerability:** What are the risks and contingencies?	*Does the reengineering strategy:* ✓ Include many risks that the system cannot affect? ✓ Potentially cost far more than is reasonable?
6. **Timing:** When must the court organization/system act and when will it receive tangible benefits from pursuing a reengineering strategy?	✓ Will the strategy show short-term results? ✓ Will it have long-term benefits? ✓ Can it be implemented within the next 3 years?
7. **Adaptability:** Does the reengineering strategy significantly limit the court organization/system's flexibility?	*Can the* reengineering *strategy:* ✓ Be revised in the future in response to changing circumstances with major costs? ✓ Be applied to a variety of conditions?
8. **Usability:** Can the court organization/system readily implement the reengineering strategy?	✓ Is the reengineering strategy specific enough to be implemented? ✓ Can it be understood by stakeholders located throughout the justice system?

Figure B 2: Evaluation Criteria for Reengineering Strategies

Appendices

Appendix C:
Process Improvement

What is Process Improvement?

You can keep your consumers happy by providing them with the "best" possible service. "Best" is defined as meeting the consumer's needs and exceeding their expectations.

You can provide the best services only by improving the processes that produce them – by *process improvement*. You do not improve a process by weeding out the good from the bad once a service is produced or provided. To do so would only encourage continued production of bad service and raise the cost of the process.

Instead, process improvement is about improving quality while reducing cost and eliminating waste.

To effect an improvement in a process, it's important to measure the process. These measures will indicate how the process is performing relative to your court's desired or targeted performance levels. These measures will help you to **check** your current performance and to focus your corrective or improvement **actions**.

Process improvement may mean making a process more efficient, less costly, more "capable" of meeting consumer's requirements or specifications, and/or more consistent and reliable in producing an output that is valuable to the consumer.

Benchmarking and Learning from Others

Benchmarking enables you to learn about the processes, tools, techniques, systems and structure of similar programs, reengineering projects and

process improvement efforts. Benchmarking can include:

❖ Setting up site visits
❖ Conducting telephone interviews
❖ Conducting Skype interviews with groups of individuals
❖ Collecting survey data
❖ Surfing the internet
❖ Reading journals and magazines
❖ Conducting research at the library

Why are Process Measures Important?

Process measures help determine the degree to which your process activities and their results are conforming to your reengineering plan and to consumers' requirements and needs.

Measures provide data that helps teams identify and solve problems. Measures are also central to defining a problem, understanding how to solve it, and then informing the team and others in the court on how well the solution is working toward resolving the problem. In short, measures are important indicators for the health of a process. They help you answer the following questions:

• Is the process performing well?
• Is it meeting the consumer's need or requirement?
• If not, how far off is it?

There are many measures that will help you understand how your process is performing. For example:

Input measures (measure quality, cost, and conformity to requirements)

• **Information, materials, and/or services that you receive from a supplier.** Defective input from a unit, section, or outside stakeholder will adversely affect the overall quality of your output and/or process efficiency.

Process measures (measure different elements within the process)

• **Cycle time:** How much time do various steps in the process take? Are there delays in some steps?

• **Bottlenecks:** What types of bottlenecks are you seeing? How frequently? How long is the delay?

• **Quality:** What types of defects are you seeing in a step?

Outcome measures (measure the final outcome of the process)

• **Yield:** How many of your services meet consumer requirements?

• **Quality:** Does the service meet the consumer's requirements?

• **Cost:** How much does it cost to produce the service and how does the cost compare to your benchmarks?

• **Consumer satisfaction:** How happy are your consumers with the service?

Step	Key Tasks	Primary Tools
Plan		
1. Describe the problem.	◆ Look for changes in important performance measures. ◆ Assemble and support the right team. ◆ Narrow down the project focus. ◆ Write a final problem statement. ◆	◆ Control Chart ◆ Pareto Chart ◆ Run Chart
2. Describe the current process.	◆ Create a flowchart of the current process. ◆ Validate the flowchart and the performance measures with the owners, users and consumers of the current process.	◆ Flowchart
3. Identify and verify the root cause(s).	◆ Construct the Cause & Effect Diagram. ◆ Review the Cause & Effect Diagram. ◆ Determine if more data will clarify the problem. ◆ Select the root cause(s). ◆ Verify the root cause(s).	◆ Classic Brainstorming ◆ Cause & Effect Diagram ◆ Matrix Diagram
4. Develop a solution and action plan.	◆ Generate potential solutions. ◆ Rank potential solutions; select the best solution. ◆ Generate possible tasks for the solution. ◆ Construct a detailed action plan.	◆ Affinity Diagram ◆ Gantt Diagram ◆ Decision Matrix or Prioritization Matrices ◆ Process Decision Program Chart ◆ Responsibility Matrix ◆ Tree Diagram
Do		
5. Implement the solution.	◆ Communicate the plan. ◆ Meet regularly to share information on how the implementation is going	◆ Action Plan ◆ Selected measurement tools
Check		
6. Review and evaluate.	◆ Review the results of the change. ◆ Revise the process as necessary. ◆ Standardize the improvement. ◆ Continue to monitor the process for changes.	◆ Control Chart ◆ Pareto Chart ◆ Run Chart
Act		
7. Reflect and act on Learnings.	◆ Assess the problem-solving process the team used and the results achieved; recommend changes, if needed. ◆ Continue the improvement process where needed; standardize where possible. ◆ Celebrate success.	◆ Radar Chart

Figure C 1:A Quick Guide to the 7-Step Model: Steps, Key Tasks, and Tools

Describe the Problem: What concepts must I understand to do this step?

Importance of Understanding the Problem

- **Focus on the right problem.** With limited time and resources, it is essential to focus on a problem that is most important to the consumer, the team, and the court.

- **Break the problem into manageable pieces.** This prevents a team from feeling overwhelmed by the larger problem and helps the team identify the pieces they can control and change.

- **Gain more knowledge to better define the problem.** This ensures the team keeps all its efforts focused on solving the right problem with the right people.

- **Describe the problem as the gap between what "is" and what it should or could be.**

Importance of Gathering Data and Information

Data can help teams:

- **Reveal a problem.** Teams can't fix a problem they don't know about.

- **Describe a problem.** When teams understand what the problem is, they can fix the problem rather than just addressing the symptom.

- **Monitor and control a problem.** Teams can make sure that the process they fix or improve stays that way.

- **Prevent a problem.** When there is a consistent trend of cycle in the data, a team can take action to reduce or eliminate the undesired trend or cycle in the process before it becomes critical and/or apparent to the customer. It's always easier to prevent a problem than to correct it.

Types of Data

There are two types of data to measure process performance: variable data and attribute data. It is important to know which type of data you have since it helps determine which tool to use.

- **Variable data:** Data is measured and plotted on a continuous scale over time, e.g., cost figures, times, clearance rate, filings, and the like. Use run charts, histograms, and scatter diagrams to illustrate this data.
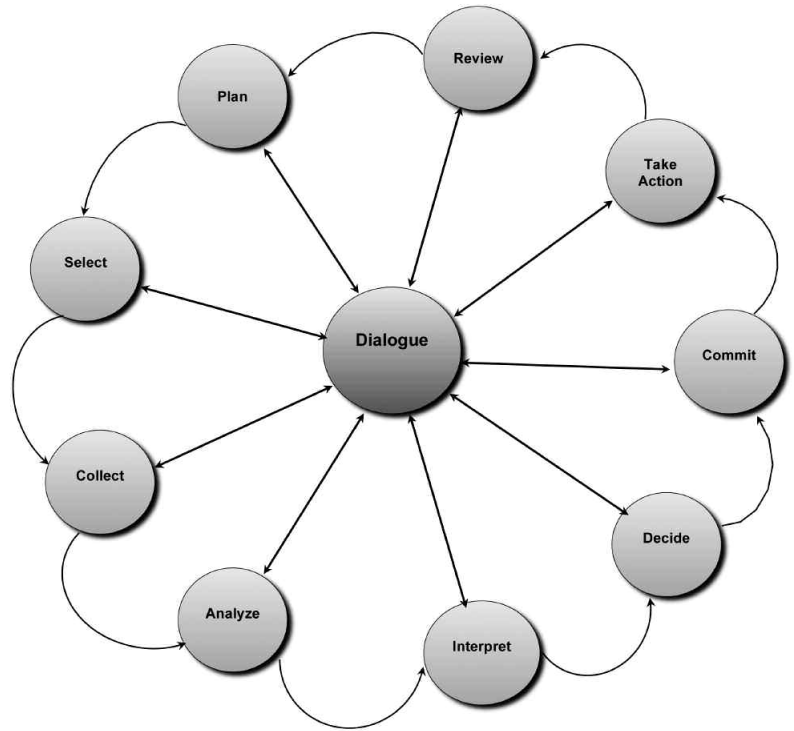
Figure C 2: Team Use of Data and Dialogue

- **Attribute Data:** data is counted and plotted as discrete events for a specific period of time, based on some characteristic, e.g., types of errors, types of consumer complaints, reasons for downtime. Use check sheets, Pareto charts, and attribute control charts for this type of data.

Implementing the Solution: What concepts must I understand to do this step?

Leadership Responsibility

- It is the team's responsibility to "sell" the benefits of the reengineering plan to judges, funding authorities, managers, associates, and others who are affected by the problem and the reengineering project.

- The team should widely communicate the action plan through briefings, newsletters, posters, and

other displays. This keeps the plan highly visible and keeps others in the court informed about the team's progress and interim accomplishments.

- Leaders have a responsibility to ensure that people have the resources they need to implement the action plan.

Accountability

- The team is accountable for completing the tasks in the reengineering plan. To do this, the team should make one person accountable for completing each task in the plan.

- It's the team's job to monitor and document the progress of the plan and any discrepancies that occur during the implementation of the plan. (These discrepancies are called "variances.")

- It's important that the team schedule briefings with management to report on progress, roadblocks, and modifications to the plan.

- As each plan objective is met, inform all the team members and others in the court who need to know.

Motivation and Morale

- Leaders need to remove any barriers that may impede the progress of implementing the reengineering plan.

- Leaders need to help team members stay focused and motivated, and feel supported and rewarded

as they "work the plan." This is especially important during the early stages of implementation, where misunderstandings and conflicts among team members are likely to occur.

- Team members should remember to give each other support and understanding during stressful times of the implementation.
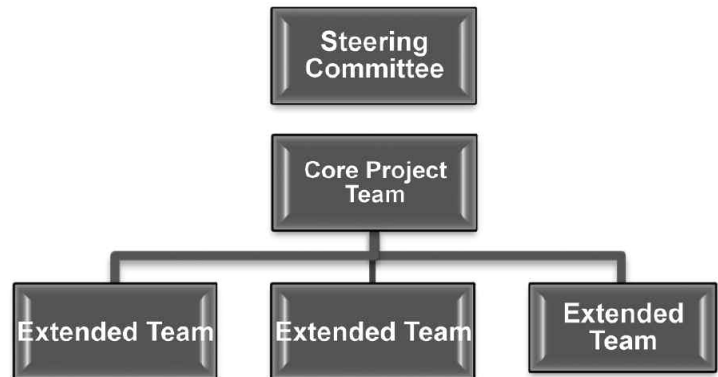

Figure C 3: Three Tiered Team Organization

What actions must be taken in this step?

- Practice good communication skills.

- Develop good team meeting skills.

- Analyze data to determine what changes are needed, if any, and to document the team's ongoing assessment of the reengineering plan.

- Make effective and timely decisions based on data, not hunches, whenever possible.

Create a Reengineering Team

The best team model for reengineering is a simple one. A three–tiered model is simple, clean, manageable, and effective.

Your Audience	• What information is important to them? • What do they already know? • What do they need to learn from the presentation and from future training? • Tell them the purpose and goals of the plan.
The Tools You Used	• Explain your team's problem-solving journey, including the process. • Point out which tools the team used, and which ones were effective.
The Status of the Project	If the problem-solving process is not complete, answer these questions: • What do you have left to do? • What obstacles have you encountered? • Do you have any preliminary recommendations?
Your Team	• What have team members learned about themselves and other team members? • What have team members learned about their work, the court organization, and the organization's consumers?
Manage the Presentation	• Who will participate in the presentation? Try to include as many team members as is feasible. • Distribute a typed report, including handouts of supporting documentation. • Reserve and know how to use the audiovisual equipment need for the presentation.

Figure C 4: Areas to Address in Presenting Your Reengineering Project Results

Using this team management model, you can:

• Enable key leaders to provide direction to the project and participate in key decision points through the "steering committee."

• Engage other members of your court as subject matter experts on "extended teams" or include representatives from the court that may be impacted by the reengineering project/plan design.

Keep the core team small and focused. Often–times reengineering teams become too large because every functional area wants to be represented. As the team grows in size, it becomes unmanageable and ineffective. Use extended teams to enable participation of these functional representatives. Keep the core team small.

Examples of Reengineering Pitfalls

Reengineering or process improvement is as much about planning as it is about execution. Avoid these planning pitfalls and the probability of success is increased:

✓ **Lack of ownership:** The most common reason an effort fails is that there is a lack of real ownership. If staff/people do not have a stake and responsibility in the effort, it will be business as usual for all but the frustrated few.

✓ **Lack of communication:** The effort does not get communicated within the entire court organization and thus they (the masses) do not understand how they can contribute.

✓ **Getting stalled in the routine:** Consumed by daily operations and the problems that surface, it is easy to lose sight of the big-picture effort and the short-term objectives.

✓ **Out of the routine:** The reengineering effort is treated as something distinct and detached from the management process.

✓ **An overwhelming effort:** The goals, objectives, action plans, and the like that were generated by the planning sessions are too numerous because the leadership and/or team failed to make tough choices to eliminate non-critical actions.

A meaningful approach: Statements are viewed as fluff and not supported by actions or do not have buy-in by those who need to support the reengineering effort.

✓ **Frequency of discussion point:** Effort is only discussed at annual, semi–annual, or quarterly court meetings; during preparation of the annual budget; or during a retreat. Message and importance of effort is lost.

✓ **Not considering implementation:** No discussion during the process. The document (plan) is seen as an end in itself.

✓ **Lack of progress reports:** There's no method to track progress. No one in the court feels any forward momentum.

✓ **No accountability:** Accountability and high visibility are needed to help drive the project forward. This means that each selected measure, objective, task, data source and initiative must have an owner.

✓ **Lack of empowerment:** While accountability may provide strong motivation for improving performance, staff must also have the authority to take the necessary and required steps to accomplish the project. If not, staff may resist involvement and ownership.

Develop Engaged Team Members: Some Key Elements

• Know what to do and be able to do it. Teams cannot function effectively if members lack clarity about what is expected of them. Team members need to know how what they do fits in the overall project and have the tools to do their work.

• Contribute meaningfully to the project. Engaged team members have the opportunity every day to use their strengths to do what they do best. They also have a project manager who cares about them and who provides coaching and recognition.

• Work together as a team. Engaged team members are motivated and feel connected to the team's broader goals. They work together to create high-quality outcomes and develop trusting relationships.

• Learn and grow. To be engaged, team members need feedback about their progress individually and as a team. They also need opportunities to develop in areas related to their role or in areas that will prepare them for future roles or jobs.

Conflicting Priorities?

PROBLEM: Member(s) 'too busy" to attend meetings or work on team tasks.

Possible Causes	Actions to Take	Ways to Prevent
Individual given additional non-team assignments by manager. Individual is spread too thin among several teams. Team is inefficient in its use of time.	Individual and manager resolve through joint priority setting. Team coach or sponsor resolves priorities with manager. If necessary, member leaves team. Manager provides a replacement who has appropriate skills, knowledge. If necessary, individual finds appropriate temporary or permanent replacement for self on team. Meet only when issue cannot be resolved in another way. Keep meetings convenient, attendance limited, and agendas tight. Block the work into a tight time frame.	Create a team contract that includes: • Signed buy-in by managers. • How much time team members are to spend on team tasks? • Steps to take to replace members if necessary. For permanent team, set up a schedule for rotating members in and out. Build rules for meetings into team charter. Build sunset date into charter, along with schedule for reassessing team needs.

PROBLEM: In self-directed work team, members shortchange team and administrative tasks to attend to critical functional job needs.

Possible Causes	Actions to Take	Ways to Prevent
No processes are in place to integrate team/administrative work with functional work. Members are rewarded primarily for functional performance.	Designate backups. Provide cross training, checklists, job aids so members can back up each other in functional work.	Team charter lists roles and responsibilities including getting cross trained and backing up teammates. Include measurable goals for team and administrative tasks in the performance management system.

Loss of Focus?

PROBLEM: Team is stymied by unanticipated problems.

Possible Causes	Actions to Take	Ways to Prevent
First analysis of issue failed to raise underlying problem or situation has changed since team began.	Bring in a facilitator to help define the problem and determine next steps through team problem solving. Enlist outside experts to guide team in solving the problem. Enlist help of sponsor to identify people in or outside the organization with the necessary skills.	Train team in problem solving.

Lack of Cooperation or Communication with Other Teams?

PROBLEM: Team cannot get help or resources it needs from other parts of the organization.

Possible Causes	Actions to Take	Ways to Prevent
Self-directed work teams have built walls around themselves, paralleling the "silos" in traditional functional organizations.	Develop and publish a list of people throughout the organization who can provide the necessary services. Expand it by sharing it with other teams. Make some people members of more than one team. Give coaches or sponsors the responsibility to locate resources.	Include specific responsibilities for supporting other teams in original team assignments. Build these responsibilities into team charters.

PROBLEM: Final product is harmed because input from two or more teams doesn't match.

Possible Causes	Actions to Take	Ways to Prevent
Teams working at cross purposes, overlapping and/or ignoring the work of other, related teams.	Create integration teams to identify and resolve potential conflicts in processes and outputs, determine who drives the final outcome, and ensure that schedules match.	Schedule periodic reassessments of responsibilities toward and relationships with other teams, especially those working on related projects.

Threatened by Naysayers?

PROBLEM: Team morale is undermined by continuing negativism on the part of others in the organization.

Possible Causes	Actions to Take	Ways to Prevent
The naysayers feel their position in the organization is threatened by teams.	Nurture a core of dedicated believers on the team. Ensure that someone in management provides an ear to hear their problems and a shoulder to lean on in trying times. Invite management and the naysayers to team meetings. Chronicle the team's achievements and demonstrate how it operates. Have sponsors meet with the naysayers for dialogue on the team issue.	Provide teams with easy access to sponsors and coaches. Have management continually reinforce the organization's dedication to teams.

PROBLEM: The team is bombarded by criticism from others in the organization for not meeting a goal.

Possible Causes	Actions to Take	Ways to Prevent
The expectations of the team were tied to one final goal that may have been unrealistic.	Go back to the plan and bullet every action, every short-term milestone team did meet on the way toward the ultimate goal. Publicize everything accomplished so far. Accept the criticism as constructive feedback. Re–examine the team's strategy to see how to improve it. Check out your approach with objective people outside the team. Invite the naysayers to join and be a part of the solution.	Be very careful not to over-promise. Have many objectives: short term wins that you plan for and publicize, so that with each successive accomplishment the team builds credibility. Build into your plan a system for obtaining constructive feedback from interested parties all along the way. Keep the stakeholders advised along the way so people know ahead if a target may not be met and what team plans to do about it.
Team missed a deadline or short-term objective.	Own up to missing the target and advise the organization of what the team is doing to recoup. Renegotiate the target. Make sure the team has the necessary resources and people to achieve it this time.	

Troubled by Turnover?

PROBLEM: Work progress is disrupted as:
- **New team member challenges team's previous decision.**
- **Veteran members bemoan loss of member who was replaced.**
- **Team spends time rehashing old issues.**

Possible Causes	Actions to Take	Ways to Prevent
Changing team membership throws team back into Forming Stage in the Forming/Storming/Norming/Performing Cycle. Both new and veteran members are once again assessing their own and others' places on the team. Team lacks confidence in new person because it had no input in selection.	Bring new person up to speed by documenting: • What team has done so far and why. • Impact of these actions to date. • Planned next steps. Have one member meet with newcomer to review. As a team, review the action plans and reassess everyone's roles and responsibilities. Assign new person to work as backup to a veteran team member who will "mentor" the new person until the newcomer is assimilated.	Develop Orientation Program for new members, including: • Goals and action plans. • How team communicates. • Expectations of new members. • Opportunities for new members. • Work rules. • Meeting practices. Train team to recruit, interview and evaluate potential new members. Give team final selection decision or input into management's decision.

PROBLEM: Team is missing some competencies that existed in the original group.

Possible Causes	Actions to Take	Ways to Prevent
Replacements chosen not for their skills and knowledge but on some other basis: availability, friendship, perhaps for political reasons. Team is unable to find a replacement with all the skills of the person who left.	To get skilled replacements: • Identify and document missing competencies. • Determine if they are needed permanently or for a specific time. • Identify where the skills exist in the organization. • *Project team:* invite people with needed skills to join team for required time.	When hiring give team a role in determining skills needed and in selecting new hires. For long-term project teams, rotate membership in a systematic fashion to ensure you don't lose a great deal of experience and capability all at once.

Figure C 5: Possible Problems, Action Steps, & Ways to Prevent

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