



CORE[®]

National Association
for Court Management

Curriculum Design
**Operations
Management**



Operations Management

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Use of Curriculum Design

Taken together, the curriculum designs in this series provide an overarching plan for the education of court managers; this overarching plan constitutes a curriculum. Individually, each curriculum design and associated information provide faculty with resources and guidance for developing courses for court managers.

The designs are based on the NACM Core®. Each of the curriculum designs, organized by thirteen competencies, may be used either in its entirety or in segments to meet the needs of the individual circumstance or situation, the particular audience, and time constraints, among many other contextual factors.

Each curriculum design includes a series of learning objectives and educational content to support those learning objectives. Associated information for each curriculum design includes: (1) faculty resources, (2) participant activities, and (3) a bibliography. Each faculty resource and participant activity includes information explaining its use. Also included in each design is a section entitled “Special Notes to Faculty,” which provides important information to assist faculty in effectively preparing to design and deliver a course, and a section entitled “Target Audience,” which provides some guidance on which audiences are most appropriate for the curriculum design.

Participant Activities

Participant activities have been designed to measure whether the learning objectives have been achieved. Participant activities include many types of group and individual interaction. Information on participant activities includes how to use, direct, and manage each activity. Instructions may be modified for the audience and setting, but the highest goal is to integrate each activity into the learning process and the content of the course. Faculty should incorporate additional activities to ensure that

participants remain actively engaged throughout the course. Additional activities may include asking participants questions about the content, engaging them in sharing their experiences with the content, encouraging them to ask questions, and more.

Faculty Resources

Faculty Resources provide written information and/or graphics that support certain content and may also be used as handouts for associated topics in the **Educational Content**. Faculty Resources are a combination of resources referenced within the Educational Content and recreations of those images embedded in the Educational Content as sample images that could be used as handouts and/or in PowerPoint® slides. They may be used in any course, but their applicability and use need to be determined by faculty, based on the topics, length of the course, audience, and other factors. Faculty Resources often include examples of documentation and other data that are time-based. Faculty members are encouraged to update time-based material as well as use material that is specific to the presentation and/or audience. As with participant activities, faculty are encouraged to provide additional materials based on the needs of the participants.

Bibliography

While a bibliography may be viewed as optional by faculty, they are often important adult learning tools, foster reflection, and offer sources follow to up research and study.

Needs Assessment

A needs assessment gathers information about the participants’ proficiency on the topic of the session. Without a needs assessment, you may provide content participants cannot or will not use, or already know, or that fails to satisfy their expectations.

Assessing needs enables you to choose and deliver content with much greater accuracy. Conducting a needs assessment before your presentation may include a written survey or focus group discussion; and/or at the beginning of your presentation, you may conduct an informal question and answer exercise or a short pre-test.

Using surveys or focus groups in advance of a course is preferred as it provides you the opportunity to adapt and adjust your presentation to your audience in advance of the actual course. However, it is also advisable to use some time at the beginning of your presentation to seek information about your audience.

Whether you are able to conduct a needs assessment prior to the day of the session or not, the goal is to determine the essential knowledge, skills, and abilities the court managers who will be attending the session must have to perform their duties competently. Two key areas to explore are as follows:

- What level of knowledge, skills, and abilities do the participants currently have about the topic?
- What gaps in their knowledge would they like to close?

Questions enable the faculty member to make necessary adjustments to meet learning needs. If you find out that participants are much more knowledgeable about your topic than you had thought, you can adapt your presentation to a higher-level discussion. If you find that they are less knowledgeable, you can adapt your presentation to be more basic.

NACM Core[®] Reference

Competency: Operations Management

Courts are complex organizations, which are comprised of an array of departments, units and functions that need to be maintained on an on-going basis to support court operations. Although court leaders may not need to perform all of the various functions, organizational and management competencies should be developed to support whatever functions may be required.

Learning Objectives

The following learning objectives are designed for an introductory course on Operations Management. Within this competency there are seventeen competency elements. The types of support operations vary, and include management and direction of such things as public access, specialty courts, juries, defense attorney appointment, dispute resolution services, and emergency preparedness. Each one of these elements constitutes a discipline within itself, and could be the subject of a stand-alone comprehensive course. These disciplines are therefore provided in summary fashion here; court leaders are encouraged to continue research and learning within each area and based upon job responsibilities.

As a result of this education, participants will be able to:

1. Identify individual learning needs for the elements within the Operations Management competency.
2. Gain familiarity with the competencies within Operations Management.
3. Describe the relationship of the Operations Management elements with regards to

- constitutional and due process requirements for court litigants and users.
4. Create and produce a program plan for a specialty court, to include program goals and objectives, partners and collaborators needed, and measurable program outcomes.
 5. Identify expectations and needs of self-represented litigants (SRL) and draft an SRL Policy for your court.
 6. Evaluate the priority or critical court operations necessary should there be a business interruption or emergency, and list preliminary steps and actions needed for business continuity.
 7. Assess which performance measures or metrics are needed to document and report on the business outcomes of the Operations Management elements.
 8. Identify the impact and relevance of all other Core competencies in the Principle, Practice and Vision modules.
 9. Construct a personal action plan, to include a priority listing of Operations Management elements for your court's executive leadership team to address and/or research for implementation or enhancement.

Target Audience

This curriculum design is provided for a broad audience. It is intended to provide content for elected and appointed judicial officers (judges), court managers, unit and division managers, staff with court wide or departmental responsibilities, or for those who aspire to move to senior court leadership. It is also intended to be appropriate for any jurisdiction and type of court.

Court leaders must manage and support complex environments, which are comprised of an array of departments, units and functions that need to be maintained on an on-going basis to support court operations. The range and nature of these functions and activities

varies significantly, depending on court jurisdiction (e.g., appellate, general, limited, administrative), whether the court is federal, state, local or tribal; and the unique way(s) individual courts are organized and operate. Regardless of the nature of the court, (urban or rural, large or small, general or limited jurisdiction, specialty or problem solving, federal, tribal, administrative, international) these Operations Management elements are vital and court leaders will have some level of responsibilities.

Special Notes to Faculty

The course content is intended to span a total of 15-16 contact hours. Content is intended to be sufficiently flexible to allow faculty to select learning objectives and content appropriate for the timeframe, if the course is less than 15-16 hours, or to meet the needs of a specific group of learners.

Before delivering a course on the Operations Management competency, faculty should obtain information about several aspects of attendee knowledge and needs, e.g.:




- The type of court in which the attendee works, for example, general or limited jurisdiction, large or small, urban or rural, special or tribal court, and broad or narrow case types;
- The position and responsibilities held by each student;
- Specific or unique services provided by the attendee's court; and,
- Any particular challenges or emerging issues occurring within attendee's court.

While not all attendees will seek the same breadth of knowledge on all the elements with the Operations Management competency (based upon their job responsibility or areas of interest), all participants will benefit from becoming familiar with the types and range of

services and functions included in this competency.

Within each element of the Operations Management curriculum, content will address specific operational details of the element, followed by the important knowledge, skills and abilities needed, and then any challenges and opportunities related to the element.

Throughout this curriculum, symbols will be used to indicate the type of content in the subsequent section. These notes will assist faculty in mapping and tracking where they are within the curriculum content. Symbols and signs will be designated in the following ways:

1. High level content area for the high level grouping of elements	
2. Desired knowledge, skills and abilities (KSAs)	
3. Potential challenges and opportunities	

Educational Content

Section 1 – Overview

Learning Objectives

As a result of this section, participants will be able to:

1. Identify individual learning needs for the elements within the Operations Management competency.
2. Gain familiarity with the competencies within the Operations Management competency.

1.1 About This Competency

Court leaders have significant expectations placed upon them. As noted in the NACM National Agenda,¹ “effective management of the courts requires a focus on all the essentials of court management,” and it further notes that court leaders should enhance public opinions and perceptions by “partnering with the community and other branches and governmental agencies.” This competency contains areas that require that focus and collaboration and the need to know and be familiar with broad operations management areas.²

Court leaders may be expected to perform a wide variety of functions. Below is a listing of the range of functional areas:

- Caseflow management
- Human resource management and succession planning
- Records management, and public access,² and public and language access
- Fiscal administration
- Technology management
- Information, statistics, and performance management
- Jury management
- Facility, security, business continuity (COOP) and space planning management
- Intergovernmental and community relations liaison
- Research and advisory services as well as project leadership and oversight.

In addition to operational knowledge, court leaders benefit by performing fair and inclusive practices. NACM is committed to inclusionary and equitable practices and policies in all facets of the association. NACM’s mission statement regarding diversity, equity and inclusion, is the foundation for which the association and the users of this curriculum should begin. A resolution of the association reflects and reinforces this commitment.

¹ The NACM National Agenda may be viewed at <https://nacmnet.org/who-we-are/initiatives/national-agenda/>

² Some courts may employ a “right to know” officer, or public information officer (PIO) as the contact location for public requests for information.

“NACM is committed to a diverse, inclusive and equitable environment where all board members, members, volunteers and educators feel respected and valued regardless of **gender, age, race, ethnicity, national origin, sexual orientation or identity, disability, education or other bias**. NACM is nondiscriminatory and provides equal opportunity for participation in all areas of the Association. NACM respect the values that diversity of experiences brings to our Association, leadership, and board while striving to listen to all points of view. NACM will increase public awareness of the benefits of diversity; increase the pipeline of minority toward leadership within court administration; utilize broad a large selection criteria and procedures in leadership advancement, include minorities in the leadership selection process.”

This competency also contains areas of knowledge, skills and abilities that directly link to why courts exist. Professor Ernest Friesen identified reasons courts exist as “Purposes of Courts,”³ which are summarized below.

Purposes of Courts



In recent years, suggestions for additional court purposes have been proposed. Among the suggestions are protecting vulnerable individuals and society from the abuse of power; providing a forum for reconciliation of relationships; and demonstrating accountability for the effective use of public resources.⁴

Examples of Additional Purposes



³ The Purposes of the Courts is available via video produced by the American University, and accessible at <https://www.youtube.com/watch?v=saHbo6PNadQ>.

⁴ See Victor E. Flango, “Purposes of Courts Reformulated,” *The Court Manager*, National Association for Court Management, Vol. 33, No. 2, Summer 2018, and Kent Batty, “It’s Time to Expand the Traditional “Purposes of Courts,” *The Court Manager*, National Association for Court Management, Vol. 31, No. 4, Winter 2016-2017.

It is within this framework – the wide array of court leader functions, and the underlying reasons for and purposes of courts - that we study what a court leader needs to know and be able to do with regards to court operations.

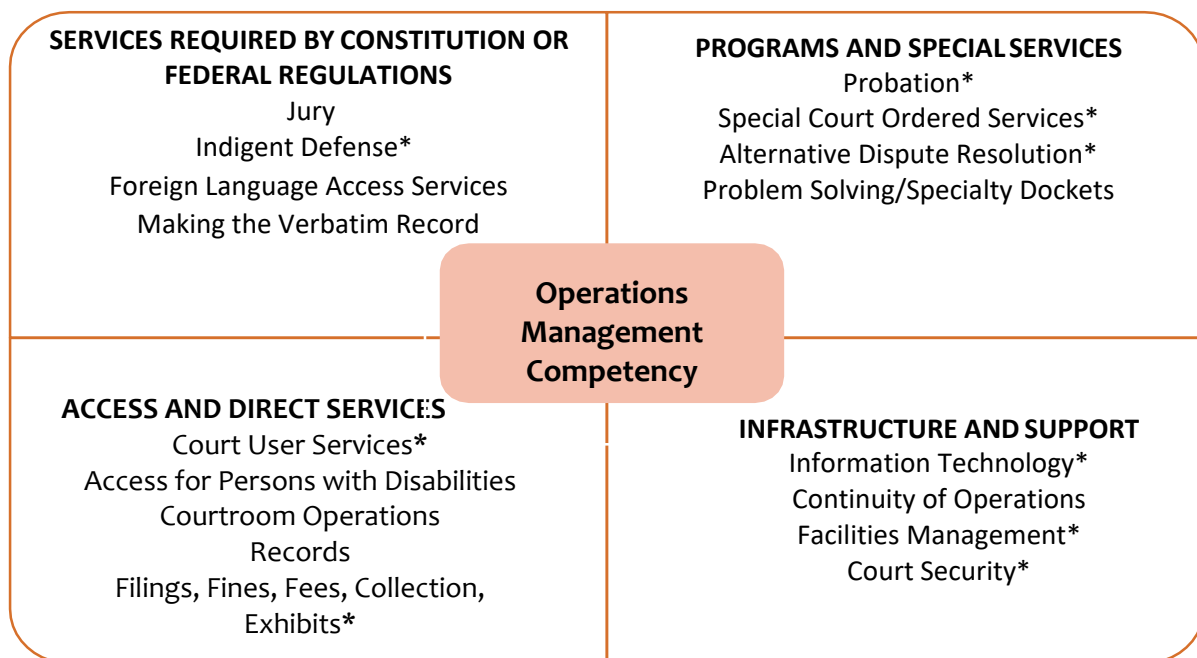
1.2 Competency Elements

As we consider the array of functions and services included in this competency, it is illustrative to categorize and group these services in specific areas.

- Some of the elements within this competency are required by laws and statutes as part of the constitutional due process and rights afforded for court parties (examples include access to a jury trial or the appointment of defense counsel).
- Some relate to specific services that a court may provide (probation services or specialty court operations).
- Still others relate to public access to the court, to information and records, and some relate to the court’s ability to ensure the operational infrastructure is operational (business continuity planning, and technology operations).
- Interestingly, some of the functions and elements may not be operated directly by the court. Court managers, however, need to be familiar with the nature of these operations.



The chart below depicts the Operations Management elements, grouped under categories relating to their function. Items marked with an asterisk (*) indicate that, in some courts, the function or elements may not be directly under court responsibility may be delegated to another entity or agency.



In this curriculum, all Operations Management elements will be grouped under these four content areas:

- Services Required by Constitution or Federal Regulations,
- Programs and special services,
- Access and direct services, and
- Infrastructure and support.

Activity One – *Introductions and Sharing About Attendee Job Responsibilities.* Attendees will be invited, either individually or working in teams, to introduce themselves, state their areas of interest within Operations Management, and will note areas they want to focus on for learning and development.

1.3 Integral Relationship of Operations Management to Other Competency Areas

When considering the full array of competencies with Operations Management, some observations include:

- There are linkages to skills and abilities from other competency areas (e.g., Public Trust and Confidence, or Caseflow and Workflow);
- There may be some overlap or duplication to knowledge contained in other areas; and
- Excellence in Operations Management impacts competency in other areas.

Operations management is best studied and considered along with all of the NACM competencies. Most if not all operational areas are affected by and impact other competency areas. Students are encouraged to become familiar with all competencies. The full listing of all of the NACM competencies is noted in the graphic below. It also indicates the wide array of responsibilities for individuals leading courts, either directly or via delegation to others, related to principles, practice and vision.

**NATIONAL ASSOCIATION
FOR COURT
MANAGEMENT**

- ***Recognizing diverse competencies***
- ***Strengthening the profession***
- ***Promoting competency***
- ***Supporting education***

CORE National Association for Court Management

Core® Modules Summary

Module Principle

While the specific functions court leaders perform and the environments in which they work varies significantly, fundamental and enduring principles serve as the foundation for the profession. Competencies in this module outline these principles.

Competencies

- Public Trust and Confidence
- Purposes and Responsibilities

Module Practice

These Competencies relate to both daily and long-term functions court leaders must perform, either individually or in collaboration with others. Not all court leaders will individually perform all of the functions associated with these Competencies but they should be aware of their relevance, the key skills they entail and their application, as appropriate, to their specific roles in the courts.

Competencies

- Caseload and Workflow
- Operations Management
- Public Relations
- Educational Development
- Workforce Management
- Ethics
- Budget and Fiscal Management
- Accountability and Court Performance

Module Vision

The Competencies included in this module focus on the creation of a strategic vision for the court. To perform this function, the court leader must demonstrate creativity, stamina, drive, conceptual and analytical skills and the ability to execute. These traits position the court leader to work with judicial officers and other system leaders as part of a leadership team, to assess and respond to trends and to promote overall court capacity.

Competencies

- Leadership
- Strategic Planning
- Court Governance

Activity Two – In teams, select one key element within the Operations Management competency and share your court’s policies and procedures and the challenges you face.

1.4 Performance Metrics for Operational Responsibilities

The Operations Management competencies are also related to and may be measured by the court-based performance measures known as CourTools.⁵ All of the CourTools performance measures inform us on how well a court is performing within its areas of operational responsibility:

- Caseflow management
- Records and files
- Jury utilization
- Financial and monetary enforcement
- Court operational costs per case
- Customer satisfaction, and
- Court employee satisfaction

The chart below depicts the ten CourTools measurement areas.

⁵ For information on all the CourTools measures, refer to <https://www.courttools.org/>.

<p>Access and Fairness Measure 1</p> <p>Definition: Ratings of court users on the court's accessibility and its treatment of citizens in terms of business equality, and respect.</p> <p>purpose: Many courts "struggle" or "languish" in terms of access to citizens when dealing with the courts. Research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for assessing all court users about their experience in the courthouse. Comparison of results by location, division, type of courtroom, and across courts can inform court management practices.</p>	<p>Trial Date Certainty Measure 5</p> <p>Definition: The number of cases disposed by trial as scheduled for trial.</p> <p>purpose: A court's ability to hold trials on the date that they are scheduled to be held (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of scheduling and courtroom practices. In this measure, "trial" includes jury trials, bench trials (also known as non-jury or court trials), and adjudicatory hearings in juvenile cases.</p>	<p>Fair Practices for Legal Financial Obligations Measure 7c</p> <p>Definition: Ratings by judicial officers, court administrators, and court staff on the importance of practices used by the court to disseminate, monitor, and enforce compliance by defendants with legal financial obligations (LFOs).</p> <p>purpose: Using a short survey, this measure provides a method of assessment for court personnel to evaluate the value of their current practices and gauge the importance of incorporating additional "optional" good practices to enhance defendant compliance with LFOs.</p>
<p>Clearance Rates Measure 2</p> <p>Definition: The number of ongoing cases as a percentage of the number of incoming cases.</p> <p>purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single statistic that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.</p>	<p>Reliability and Integrity of Case Files Measure 6</p> <p>Definition: The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of content.</p> <p>purpose: A reliable and accurate case file system is fundamental to the effectiveness of judicial court operations and fairness of judicial decisions. The maintenance of case records directly affects the workflow and timing of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's metadata and case summary information matches up, and (c) the organization and completeness of the file.</p>	<p>Effective Use of Juries Measure 8</p> <p>Definition: Jury field is the number of citizens selected for jury duty who are qualified and appear in court, expressed as a percentage of the total number of prospective jurors available. Jury utilization is the rate at which prospective jurors are used or less than once to trial or voir dire.</p> <p>purpose: The percentage of citizens available to serve relates to the integrity of source lists, the effectiveness of jury management practices, the willingness of citizens to serve, the efficacy of notice and postponement policies, and the number of postponements allowed. The objective of this measure is to maintain the number of selected prospective jurors—the number of citizens who are summoned, qualified, appear for jury service, and who are not needed.</p>
<p>Time to Disposition Measure 3</p> <p>Definition: The percentage of cases disposed or otherwise resolved within established time frames.</p> <p>purpose: This measure, used in conjunction with Measure 2 (Clearance Rate) and Measure 4 (Age of Active Pending Caseload), is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing.</p>	<p>Sharing Fairness in Legal Financial Obligations Measure 7a</p> <p>Definition: Ratings by defendants' representatives of their treatment by the court in terms of which the court has imposed legal financial obligations (LFOs).</p> <p>purpose: This measure evaluates the extent to which the court is able to communicate discretionary fines, impact legal business, and oversee the imposition of legal financial obligations (LFOs).</p>	<p>Court Employee Satisfaction Measure 9</p> <p>Definition: Ratings of court employees assessing the quality of the work environment and relations between staff and management.</p> <p>purpose: Contented and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for measuring employee opinion on whether staff have the resources, motivation, training, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace is essential to foster organizational development and change, assess teamwork and management style, enhance job satisfaction, and thus improve services to the public.</p>
<p>Age of Active Pending Caseload Measure 4</p> <p>Definition: The age of the active case pending before the court measured as the number of days from filing until the time of measurement.</p> <p>purpose: Having a complete and accurate inventory of active pending cases and tracking their progress is important because the pool of cases potentially requires court action. Monitoring the age of pending cases enables them, for example, the court clerk to see or alert to suggest the court's case processing time standards. This information helps focus attention on what is occurring in overdue cases within reasonable timeframes.</p>	<p>Management of Legal Financial Obligations Measure 7b</p> <p>Definition: The percentage of cases in which legal financial obligations are fully paid.</p> <p>purpose: Integrity and public trust in the administration of justice depend in part on how and how well court users are educated and advised. In the context of legal financial obligations, courts seek to manage compliance to maximize a defendant's ability to successfully meet those obligations. In particular, solutions for crime victims and accountability for enforcement of sentences imposed on offenders are based on ensuring public fairness and oversight. The focus of this measure is on the extent to which a court successfully manages the collection of court orders requiring payment of legal financial obligations.</p>	<p>Cost Per Case Measure 10</p> <p>Definition: The average cost of processing a single case, by case type.</p> <p>purpose: Measuring cost per case, from case to case, provides a practical means to evaluate existing case processing practices and to improve court operations. Cost per case helps a court understand how well it spends and where it is overbudget. This measure can be used to assess current or investment in new technologies, reengineering of business processes, and training or the adoption of "best practices." It also helps determine where court operations may be slack, including inefficient procedures or inefficient staff.</p>

Section 2 – Services Required by Constitution or Federal Regulations

Learning Objective

As a result of this section, participants will be able to:

1. Describe the relationship of the Operations Management elements with regards to constitutional and due process requirements for court litigants and users.



This first component of operational management includes those elements related to access, constitutional, and due process requirements of the judicial branch. This section includes jury functions, indigent defense (or court appointed attorney) services, foreign language interpreter services (or language access), and court reporter/recordkeeping functions. Each of these areas ties directly to the court being able to ensure access, due process, legal requirements and protections, for those who appear or have a legal proceeding, before the court. As previously noted, other agencies may have direct responsibility for carrying out the function of indigent defense.

2.1 Jury Functions

Jury operation is itself a court management specialization area. Full seminars have been given on jury management and operational techniques. If the court conducts jury trials (not all courts do), a court manager should be conversant on jury operational areas, including summoning or obtaining jurors and then interacting and managing the jury 'resource.'

Desired KSAs for Managing Jury Operations



- Jury trial practices and patterns of use
- Familiarity with federal and state constitutional requirements

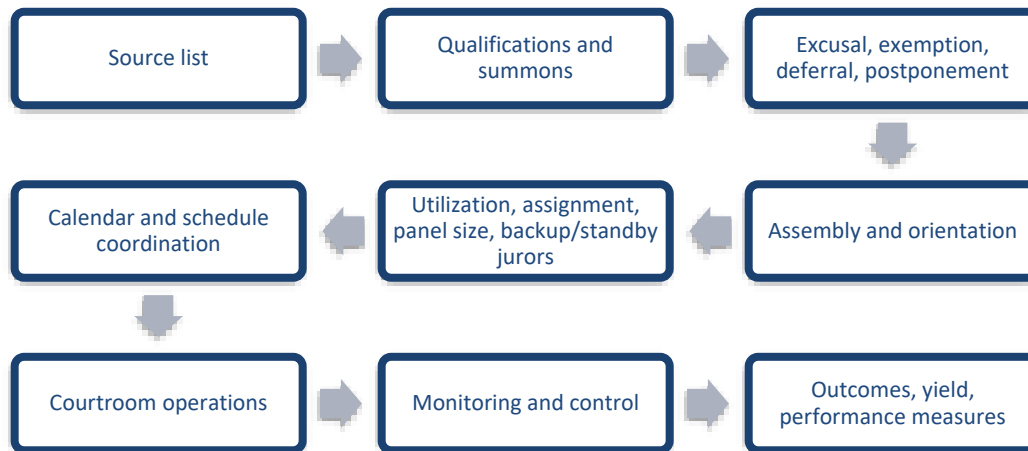
- Obtaining juror lists, summoning and using jurors
- Interacting with jurors and assembly practices
- Courtroom assignment and scheduling
- Juror interaction, communications, and customer service aspects
- Program oversight and monitoring
- Program performance measures and statistics
- Contract provisions, terms and costs
- Technology and electronic processes⁶
- Utilizing jury management/operations as a method of community outreach and education and to ensure inclusiveness and representativeness of the jury pool
- Ensuring appropriate jury security (e.g., identity protection, parking, access)

Jury Program Steps

The typical jury program processes include these high-level elements:⁷

- Preparing annual master lists and ensuring randomness in selection of jurors
- Summoning, qualifying and notifying prospective jurors
- Scheduling and selecting jurors for trials
- Handling requests for extension, excusal and deferral
- Managing automated jury management systems
- Processing payments
- Evaluating jury yield, and
- Providing comfortable facilities for hosting jurors

The chart below illustrates the sequence of these jury functions.



The NCSC CourTools Measure #8 is one technique to assess the effectiveness of jury operations by

⁶ See Joint Technology Committee Jury Management Standards at <https://www.ncsc.org/about-us/committees/joint-technology-committee/jtc-court-technology-standards>

⁷ Adapted from <http://www.flcourts.org/core/fileparse.php/259/urlt/manual.pdf> and <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/juries/id/o>

analyzing how many jurors show up after initial outreach or summons.⁸ The measure is an available tool for court leaders. The methodology includes the worksheet below which instructs the jury administrator to evaluate how many summons were sent, how many individuals were available to appear on the current day, what the potential quantity is, and other factors such as undeliverable mail. Ultimately, the measurement informs court leaders about how successfully jury summons are being utilized.

Juror Yield Computation Worksheet

Potentially Available		Not Available	
A. Summonses Sent	_____	D. Non-response/Failure to appear	_____
B. Postponed to Serve this Period	+ _____	E. Undeliverable	+ _____
C. Total Potentially Available	= _____	F. Disqualified	+ _____
		G. Exempt	+ _____
		H. Excused	+ _____
		I. Postponed to Future Period	+ _____
	∨		
	∨	J. Total Not Available to Serve	= _____
	∨		
K. Total Qualified and Available	= <u>C - J</u>		
L. Juror Yield (%)	= <u>(K / C) x 100</u>		

Improving Jury Diversity and the Juror Experience

Diversifying jury selection and the juror experience are topics that court managers may also confront regarding jury management. Jurors are to reflect the composition of their communities. Attention to diversity ensures that defendants receive constitutional guaranteed protections (e.g., jury of one’s peers). Research also has found that unlike homogeneous juries, diverse juries deliberate longer as the jurors will draw from their different experiences and perspectives challenging and checking biases. However, many courts confront the issue that certain groups, often racial and ethnic identities, are under-represented in their jury pools. Courts reach out to their communities through in-person events and social media to raise public awareness of the civic responsibility for individuals to respond to jury questions and to appear when summons. Some jurisdictions pursue legal actions including fines and jail against those who are summoned and fail to respond or appear.

Jury supplementation is a tool some jurisdictions implore to achieve jury diversity. Supplementation is the act of summoning more jurors from particular geographical locations in the hopes of ensuring that juror pool reflects the racial and ethnic make-up of the community. As jury supplementation is an extreme measure and prior to undertaking that course of action, a court manager should ensure that the option is fully researched and vetted by legal counsel.

⁸ For CourTools measure #8, see the CourTools web site at https://www.courttools.org/_data/assets/pdf_file/0016/8233/courttools_trial_measure8_effective_use_of_jurors.pdf.

Courts have also begun to reimagine the juror experience. For example, Juror Appreciation Week is celebrated in many states. A governor may issue proclamations. A toolkit with activities and promotional items is available from the American Bar Association.⁹

As for enhancing the individual juror experience, many courts have adopted local policies to allow jurors to bring and personal electronic devices at designated times throughout their service.¹⁰ Providing jurors with the ability to electronically respond to the juror questionnaires has existed for years in many courts. During the Covid-19 pandemic, virtual voir dire and trials were introduced as safety precautions that allowed jurors to complete their services without the burdens of personally appearing in the court. As courts have become more trauma informed, court managers are also exploring ways to address the mental stress that jurors may experience when serving on a case with particularly troubling evidence.

Courts have also been responsive and addressed some barriers that jurors and potential jurors have identified regarding jury services. Compensation and transportation are two barriers commonly identified. To respond to these, some courts have adopted higher juror compensation rates, have systems that dispense same day payments to jurors, offer bus tickets, or have teamed up with transportation services. Juror exit surveys are one way courts may capture demographic information and feedback from jurors regarding their experience and suggestions for improvements.



Potential Challenges and Opportunities in Managing Jury Operations

- Operating the system with maximum economies and efficiencies
- Maintaining currency with laws and provisions governing jury operations
- Working with and through others effectively to accomplish operational goals, such as judicial officers with different authority or the hierarchy within court management
- Managing high profile cases
- Ensuring the jury pool appropriately reflects community diversity
- Keeping current with jury technologies
- Juror education and information programs

2.2 Indigent Defense Services

Indigent defense services are those constitutionally mandated legal services provided to criminal defendants when they are indigent and accused of certain crimes. Typical program management issues include:

- Familiarity with attorneys' qualifications
- Contracting with attorneys for appointments
- Payment structure including how invoices are submitted and approved
- Procedures for handling special requests for specific expenses such as expert witness or investigative services

⁹ See The American Bar Association's Toolkit, [Juror Appreciation Week \(americanbar.org\)](http://americanbar.org).

¹⁰ See Michigan's Policy, [Microsoft Word - cell_phone_sample_policy.docx \(michigan.gov\)](http://michigan.gov)

- Process to determine equal distribution of cases through contract terms to include rotation, list management, and quality of service, and
- What court needs to have ready or make available to determine indigency status

This is a program area where the court may not be in direct control over the services, but must still be familiar with and involved. Variations of defense services include:

- Private defense attorneys under contract with a court
- Private defense attorneys under contract with the county or municipality
- Individual attorneys under contract
- Appointment of an attorney for a single, special case or instance
- Pro bono representation by attorneys (e.g., family law attorneys)
- Law firms, whereby specified attorneys within the firm are under contract
- Government/county/city departments with the indigent defense responsibility, and
- Multiple defense agencies

Desired KSAs for Managing Indigent Defense Services



- Understanding that the role of public defense services is the court goal for due process
- Familiarity with policies for the management of indigent defense services
- Conducting primary appointment of indigent defense services
- Utilizing appropriate review and assessment processes, forms and information to determine indigence
- Coordinating program oversight responsibility
- Provision of appropriate pay schedules
- Providing appointments in conflict situations
- Oversight of defense attorney budget and payments

Typical Public Defense Contract Elements

Typical Elements of a Contract for Public Defense Services

- Court rules and policies on the appointment of indigent defense including term of the contract, request for proposal periods, etc.
- Listing of the types and nature of applicable cases or charges that qualify for quasi-indigent or indigent defendants
- Attorney qualification, licensing, credentialing, and continued education required
- Determination of indemnification and other liability insurances
- Criteria for attorney conflict of interest
- Agreement for automatic appointment or with review/consultation
- Definition of representation services and tasks (timeframes and deadlines for tasks)
- Details about acceptable maximum caseload composition and size
- Fees and fee schedules
- Criteria for fee adjustments or requests for extraordinary circumstances
- Expectations of personal appearances
- Notation of special circumstances and expectations (e.g., evaluation of competency, language needs)
- Delineation of who pays for costs, and at which point any are reimbursed by the court
- Conflicts of interest guidelines
- Rules for attorney withdrawal
- Expectations for attorney to keep and maintain case files, logs, records, documentation, and time sheets
- Expected reporting and statistics to be provided by the defense attorney
- Limitations on representation delegation or assignment to another attorney
- Attorney billing timelines and guidelines
- Contract administrator and contact point for questions or problems
- Circumstances when appointments may be cancelled or suspended

One court has established core principles for the selection, retention, monitoring, compensation and operation of court appointed counsel.¹¹ Those principles are embedded within an administrative order issued by the Presiding Judge. They are (summarized):

- The Court has a first and fundamental constitutional and statutory obligation to secure competent legal representation and related services for indigent persons
- Attorneys and providers of related services will be selected and retained for court-appointment based upon merit and will be administered by a standing Selection Committee
- When a person is entitled to court appointed counsel, an attorney will be appointed to represent a particular person, not just represent a person in a particular matter, and an attorney will be compensated for the entire engagement when an engagement is substantially completed
- Calculation of compensation will be objective, to the extent practical, such that a fee calculation can

¹¹ Adapted from the Pinal County Superior Court, Florence, Arizona, administrative document detailing court appointed attorney operations, <https://www.pinalcountyz.gov/Judicial/Documents/AdministrativeOrder.pdf>

- be replicated by court staff and other contracting parties, and will generally consist of a flat-fee (based upon the scope of the engagement) and an hourly rate for defined additional services, if any
- For certain engagements, such as juvenile dependency litigation and matters involving vulnerable persons, the Court may choose to retain counsel who will receive a significant portion of such appointments on a priority basis and be compensated by a fixed monthly stipend
 - Extraordinary cases, such as Class 1 felonies and other cases designated on a case-by-case basis will be compensated by a straight hourly rate with a case schedule of work to be performed, authorized time budget, and billing frequency, typically based upon milestones completed
 - Engagements and standing assignments that are handled more efficiently by an hourly fee, such as circumstances where a representation is of a brief duration, will have no flat-fee
 - A claim for compensation or reimbursement must be submitted during a six-month claim period, commencing when a claim may first be filed, which is generally after an engagement is substantially completed, and a claim not submitted within six months shall be forfeited
 - Reimbursement for costs will be limited to those expenditures approved in advance, but minor costs are not separately reimbursable since such minor costs will be a consideration in establishing the flat-fee and/or hourly fee
 - Productivity metrics will be used with meaningful data to assist in decision-making when allocating court-appointment funds

The American Bar Association has published a list of “Ten Principles of a Public Defense System.”¹² Among those principles are the following assertions:

- The public defense system, for selection, funding, payment should be independent from political influence and judicial supervision
- The public defense should be comprised of both public and private defense attorneys, based upon the size and workload
- Clients should be screened for eligibility as soon as feasible following arrest, detention and request for counsel
- Defense counsel is provided sufficient time, space and privacy in which to meet with the client.
- Defense counsel’s workload is sufficiently managed and controlled to permit quality representation
- Defense counsel’s ability, training and experience should match the case complexity
- The same defense attorney continuously represents the client until case completion
- There is parity of resources between defense counsel and prosecution with respect to resources, and defense should be considered an equal partner in the justice system
- Defense counsel is provided with and expected to attend continuing legal education
- Defense counsel is supervised and systematically reviewed for quality and efficiency in adherence with national, regional and locally adopted standards

Additional Instances for the Appointment of an Attorney

It is important to note that attorney appointments are not limited to criminal matters or to the trial stage of a case. Not all are for those who may be indigent, but instead to ensure that required protections and legal assistance occurs. Some courts provide for attorneys in additional case types,

¹² See American Bar Association
http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciple_sbooklet_authcheckdam.pdf.

including these examples:

- In selected civil cases and upon court order
- In family, child support, juvenile, or other protective cases (estates, guardianship or conservator cases) a *guardian ad litem* may be appointed for a person underage or under court protection, and
- Attorney appointments may also be needed and occur during the appellate stage

The Trend of Holistic Representation

Defense representation that addresses not only the client’s immediate legal issue, but other outstanding or collateral issues is a holistic approach. Defense counsel will take the needed time to understand the client’s legal and social needs to ascertain the underlying issues that causes the client’s involvement in the legal system. With that knowledge, the defense will then employ the needed staff to help the client resolve those issues. To achieve this outcome, the defense team may include social workers and advocates in the areas such as education and substance abuse recovery along with attorneys. Holistic representation is becoming a trend as it promises a long-term positive outcome for both the client and the legal system. The National Association of Public Defenders is a national organization of 20,000, public defenders and public defense professional, that offers resources, training, and education to its members. The NAPD has adopted as one of its foundational principles “Public Defense Representation Should Be Client Centered and Holistic.”¹³

Potential Challenges and Opportunities in Managing Indigent Defense Services



- Program oversight including establishing a periodic review of the program
- Sufficient resources – attorneys willing to be under contract or appointed; staff to coordinate the program
- Budgetary provisions in support of the attorney program
- Having and using clear criteria for attorney appointment
- Clear delineation of how, when, and why case assignments are made

2.3 Foreign Language Access Services

The provision of foreign language services in court is directly linked to the public’s ability to have access to justice. Language access is prescribed by Federal regulations and is governed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and applicable Federal funding statutes such as the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)), which prohibits national origin discrimination. Therefore, those with limited English proficiency (LEP) are ensured meaningful access to services provided by recipients of federal funding.¹⁴ The access to competent language access services also relates to one of the essential purposes of the courts – to do individual justice, and be perceived to do individual justice in each case.¹⁵ Title VI is enforced by the US Department of

¹³ [NAPD-AnnualReport2018-WEB FINAL.pdf \(publicdefenders.us\)](#)

¹⁴ See <http://www.justice.gov/crt/about/cor/coord/titlevistat.php>.

¹⁵ See NACM CORE Principle on “Purposes and Responsibilities of Courts,” <http://nacmcore.org/competency/purposes-and-responsibilities/?module=principle>.

Justice, which has provided guidance that courts may wish to consider when providing language access services.¹⁶

State courts' access to federal funding for services and programs may be in jeopardy if it fails to provide access to language services. A court may also be subjected to state fines and penalties from the state departments of civil rights if a complainant demonstrates that they were denied access to language services. It is important that the court manager understands that access to language services extends beyond court proceedings.

Provision of Language Access Services

It is important for a court leader to be aware of the demographics and needs of the court customers, litigants and parties to a case for those with LEP. Where possible and practical, data can be collected on the volumes and nature of language needs. One possible source of data is available from the US Census Bureau, through the American Community Survey.¹⁷ It outlines by location those aged 5 and older who speak English, less than very well. Another source of data is that provided by court interpreters themselves. They can collect information about: requests for interpreter resources, by type of language, courtroom (or location needed), and with information on the length of time for those services. This is particularly useful for those languages not as common in the local area. They are commonly called "languages of lesser diffusion languages," (LLD L), rare languages, or are sometimes referred to as exotic languages. An example of such a data report is noted below.

Sample Report: Lesser Use Languages with Interpreter Assigned			
Month and Year: xx/xx			
Month/Day	Courtroom	Language	Time(Hours)
July 1	2	ASL	2
July 2	2	ASL	2
July 9	5	ASL	2
July 10	3	Somali	2
July 14	1	Somali	2
July 14	3	Hungarian	2
July 14	7	Arabic	2
July 15	2	Serbian	2
July 16	2	Farsi	2
July 28	7	Farsi	2
July 28	4 & 3	Somali	2
July 30	1	Somali	2
July 30	2	Farsi	2
July 30	7	Farsi	2

An important component in the provision of language access services is correctly identifying the language of those with LEP who come before the court. "I Speak..." cards allow an LEP individual to indicate to an English-only speaker the language in which the person requires services.¹⁸ If an LEP person cannot read or write, an interpreter may assist in identifying the language for which

¹⁶ http://www.lep.gov/final_courts_ltr_081610.pdf

¹⁷ <http://www.census.gov/programs-surveys/acs/>

¹⁸ <http://lep.gov/ISpeakCards2004.pdf>

assistance is required. Early identification of the correct language allows a court to anticipate needs and plan how provide for them, thus reducing delay for both the court and LEP individual. Courts may benefit from developing ways of identifying within case management systems when language access services are required.

Language Access Plan

A Language Access Plan (LAP) outlines the policies and procedures in place for identifying the need for language access services and for providing access to those with LEP. Depending on judicial system structure, an LAP may be available on a statewide basis, by agency, or by locality. This document may provide specifics about the sorts of language services available in court and guidelines for their use. Spoken language access may be provided by foreign language interpreters (e.g., in-person, over the phone, by video). Written language access may be provided by translations (e.g., through signage, forms, individual documents related to a specific case). Interpreters and translators may be required to possess qualifications or certification to provide services. The LAP should contain practical methods for obtaining and qualifying language access resources. Court leaders ideally should strive to make the LAP available for court staff. The public needs to be aware that services are available; and services may encompass courtroom proceedings and other services delivered by the court such as probationary services. In areas where language access services are commonly needed, training about the LAP may be fundamental for court operations. Common LAP elements are included in the table below.¹⁹

Language Access Plan Elements

- Existing Services and Ongoing Need for Language Assistance Services
- Court Rules
- Implementation of the Language Access Plan
- Quality Control of Language Assistance Services
- Assigning Interpreters
- Translated Materials
- Notice of Language Assistance Services
- Outreach and Collaboration with LEP Communities and Stakeholders
- Monitoring, Updating, and Enforcing Compliance
- Language Access Plan Review

Managing Access to Language Services

Once a LAP is in place, a court leader must ensure that it is properly implemented, managed, and updated. This is accomplished with a regular review of how the LAP is working. In fact, the DOJ points out that relative to the LAP that the court leader or designee is to monitor performance, increase efficiency, and adjust as needed. Updated language services and tools should be available for court hearings and court services (Interpreters, translated forms, etc.). Interpreters may require periodic updates on court operations. Additional forms may need to be translated and added to library of forms. Justice partners and stakeholders may need to have periodic reminders of their roles and responsibilities to ensure access to language services. As virtual platforms for court services and

¹⁹ See U.S., Department of Justice, http://www.lep.gov/resources/courts/022814_Planning_Tool/February_2014_Language_Access_Planning_and_Technical_Assistance_Tool_for_Courts_508_Version.pdf.

proceedings are being introduced into the court system, court leaders may have to adjust current language services and tools. The work does not end once the LAP is adopted.

Examples of actual Language Access Plans may be found at these courts:

- Scottsdale, Arizona, <http://www.scottsdaleaz.gov/AssetFactory.aspx?did=42165>, and
- New York City, New York, <http://ww2.nycourts.gov/sites/default/files/document/files/2018-06/language-access-report2017.pdf>.
- Detroit, Michigan, <http://3rdcc.org/Documents/Administration/Orders/2013-26%5ELanguage%20Access%20Plan%5E%5E.PDF>.

Desired KSAs for Managing Language Access Services



Among the primary skill areas for oversight of interpreter resources are:

- Knowledge of and adherence to Federal regulations and state statutes, and any local rules or administrative directives
- Awareness of and compliance with the provisions of the Language Access Plan (LAP)
- Awareness of methods for interpreter certification and credentialing
- Knowledge of the different languages and technology requirements, including how to identify and anticipate the need for a specific language (e.g., Spanish, German), or the need for sound amplification system
- Knowledge of differences between spoken interpretation and written translation, and the differences between the various interpretation modes, to include when each may be more applicable given a specific situation. Knowledge of varying sources for language access services (e.g., staff interpreters, over the phone or video interpretation, per diem, vendors, or part time services)
- The qualification and use of bilingual court employees for specific services
- Awareness of the different service points that may require language access services (onsite customer service, assistance over the telephone, outside the courtroom, or within a courtroom setting)

Interpreter Program Management

Managers overseeing interpreter services should have the ability to:

- Manage the ‘program’ of court interpreter resources
- Maintain lists of qualified interpreters, in multiple languages, and access to credentialed and certified court interpreters
- Determine the use of temporary, part-time, or *per diem* interpreters and translators
- Determine the use and role of contracts for service, record-keeping, and payment structures
- Recruit, hire, and assign qualified interpreters and translator, and
- Analyze the use of interpreters (i.e., are they only provided solely for court based functions or shared resources with justice partners?)

Potential Challenges and Opportunities with Managing Foreign Language Access Services



- Managing interpreter functions without understanding the rules, statutes, policies, requirements and procedures associated with scheduling and managing interpreters
- Ensuring interpreter ethics
- Maintaining quality for interpreter standards and performance
- Locating qualified interpreters
- Coordinating the best use of limited interpreter resources, while ensuring service to the judicial officers and litigants
- Determining the Court's ongoing interpreter needs, employee versus contract interpreters
- Balancing the use of staff interpreters with the use of contract interpreters
- Regular assessment of demographic changes that may affect language access needs
- Providing continuing education for interpreters (to include courses and conferences pertinent to court-based interpreters) and court staff
- Making full use of technological advances to support interpretation and translation

2.4 Making the Verbatim Court Record

“The making of the record of court proceedings is a core function of courts. The official record is not only the basis of appeals but also a means of reviewing all that transpires in the courtroom.”²⁰ The Making the Verbatim Record Guide produced by NACM provides that the establishment of an accurate and timely court record provides the transparency required in order to provide meaningful public access to Courts.²¹ Court reporters and recorders perform a vital function in ensuring the court record is documented and maintained. Keeping the court record aligns with one of the key purposes of the court.²² One of the eight purposes of courts is to make a formal record of legal status. Reporting, recording, and/or documenting court actions via some type of capture process ensures that function.

It was not that long ago that the record was captured by using phonetic writing or via notes taken by an individual using manual shorthand. Subsequently, stenotype machines were introduced whereby a court reporter utilized a keyboard device to create the verbatim court record. Today, there are different methods of capturing the court record. Court reporters and recording monitors perform a vital function in ensuring the court record is documented and maintained. Advances in technology have provided many record-keeping resources for use in today's Courts:

Modes of Verbatim Record Technology

- Stenographic Reporting in real-time
- CART (Computer aided real-time transcription)
- Stenomask (handheld microphone) equipment

²⁰ Carver, John A., and Barry Mahoney, *How to Conduct an Assessment of Your Courts' Record-Making Operations: A Systemic Approach*, The Justice Management Institute, June 2002.

²¹ See US Federal Courts Information - <http://www.uscourts.gov/services-forms/federal-court-reporting-program>

²² See Ernest Friesen, “Purposes of the Court,” YouTube, published March 31, 2014, available at <https://www.youtube.com/watch?v=saHb06PNadQ>.

- Digital Recording/Video Recording
- Voice writing Captioning Audio recording

Desired KSAs for Managing the Verbatim Record Resource Functions

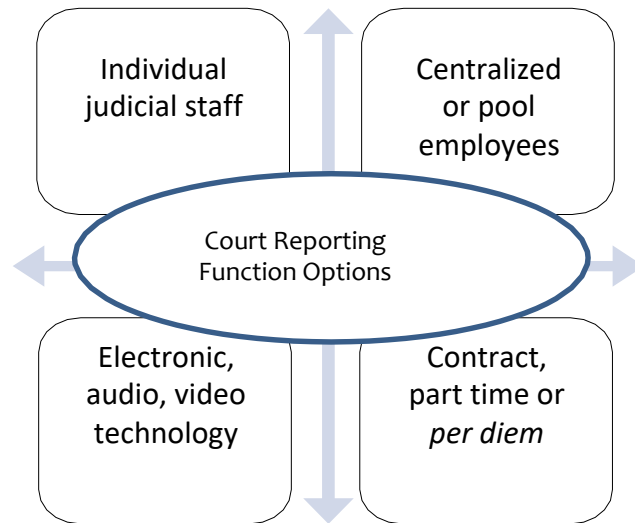


A court manager should be familiar with the following elements:

- What constitutes the court record
- Related laws, rules, and directives for keeping and accessing the record
- The purpose and function of keeping the verbatim record
- Methods used to document: reporting, digital recording systems and technology uses
- Reporting versus transcription
- Keeping abreast of the ongoing updates and innovations in technology
- Familiarity with time schedules and deadlines as well as the penalties for non-compliance
- Familiarity with the court's roles and responsibilities in the disciplinary proceedings involving court recorders/reporters
- Familiarity with the process to follow if the record is not made or is lost/destroyed
- Reporter skills, training and certification requirements
- Digital recording monitor skills and training requirements
- Skill in coordinating reporting functions to align with judicial needs
- Recognizing that one model or size may not fill all needs
- Records retention, storage and management
- Court management access to a centralized electronic storage and retrieval of notes, tapes and/or transcripts
- Available reporting/recording resources available
- Assignment, management and monitoring of verbatim record staff
- Contracts for court reporting or recording services
- Analysis of fiscal and cost considerations (personnel salaries and benefits, cloud storage of digital records, equipment life cycle, etc.), and
- Performance measurement

Court Reporter Staffing Models

Courts use varying staffing for court reporting. The chart below is an example of different models for providing reporting, recording and verbatim recordkeeping.



Potential Challenges and Opportunities Regarding Court Reporting and Recording



- Past practices by the Court and judicial officers, in particular, comfort with prior methods of capturing the verbatim record
- Keeping current with technology
- Managing records requests
- Coordination of court reporting resources

Activity Three – Due Process Related Elements – In groups of at least 3 or 4, attendees will select one of the constitutionally required services and describe why it is important, how it relates to the purposes of courts, and be prepared to report out.

Section 3 – Programs and Special Services

Learning Objective

As a result of this section, participants will be able to:

1. Understand the basic requirements for the array of programs and special services for which the court may have responsibility.
2. Create and produce a program plan for a Specialty Court, to include program goals and objectives, partners and collaborators needed, and measurable program outcomes.

Services and programs that may be provided to court users and litigants are included in this section. Included are court ordered services such as probation and monitoring, external or special professional services (psychological or assessment functions), settlement or dispute resolution functions, and specialized problem solving programs. In some courts, probation, court ordered programs and evaluations, and dispute resolution functions may be conducted by entities other than the court, in full

or in part. User services, or those intended to provide court service access are not included here, but are in the next section.

3.1 Probation Services

Probation services consists of a variety of court (judge) ordered actions under the direction of a discreet probation function and conditions as deemed necessary by probation. As previously noted, probation functions may be under the supervision of a court and specialized courts based on the nature of the charge or supervision may be under the executive branch or may be contracted to a private entity. Probation related services may be provided for adult or juvenile offenders, and oversight or monitoring functions may also pertain to non-criminal cases or pre-adjudicated diversionary programs without the imposition of a guilty plea.

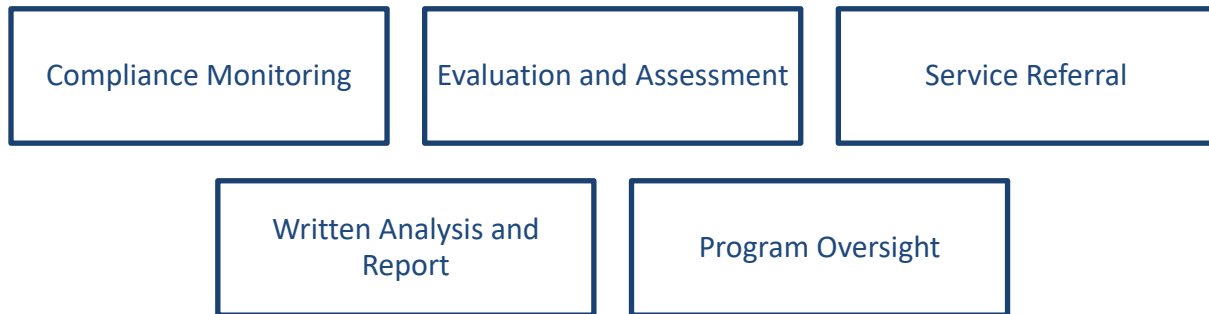
Typical Probation Functions

- Provision of services within a court setting and external to the courthouse, including education and evaluation activities
- Monitoring compliance with court orders and sentences
- Monitoring court ordered conditions, programs and events
- Assessment of service and treatment needs of offenders
- Referral for services by appropriate agencies and providers
- Adult and juvenile probation monitoring and supervision (standard, supervised, intensive, work-furlough, community supervision)
- Assessment and evaluation of defendants – pre-trial and pre adjudication
- Completion of alcohol, drug and substance screening and diagnostics substance abuse evaluations
- Assessment of factors causing or likely to cause criminal behavior using risk need assessment tool
- Intensive monitoring specialized caseloads i.e., sexual offenses, drug related offenses, mental health related and domestic violence
- Job readiness programs
- Child support enforcement functions that may be under direct court supervision (e.g., evaluation, monitoring, financial payments, tracking, reporting)
- Special or focused monitoring (e.g., electronic monitoring, home detention)

Examples of probation functions/techniques

- Intensive program monitoring
- Community supervision/home visits
- Drug testing
- Behavioral interviewing
- Enforcement of legal financial obligation
- Community service
- Structured assessment, incentives, and sanctions
- Case plan management
- Cognitive behavioral approach
- Administrative reviews
- Violations

Probation Services Overview



Desired KSAs for Managing Probation Services



- Leadership and program management
- Political awareness and ability to work effectively with judicial officers
- Relationship, rapport and trust building
- Problem analysis and resolution
- Ability to utilize and analyze data and information
- Knowledge and application or utilization of industry practices and standards (evidence based practices, electronic monitoring, surveillance techniques)
- Comfort with change and innovation

Potential Challenges and Opportunities in Probation Services



As with other areas, administration of probation operations may have challenges. Some are noted below.

- Coordination of programs and services
- Need for specialized training on such topics as use of force, arrest tactics, among others
- Management within limited resources and staffing
- Implementation of innovative programs such as evidence based practices
- Keeping current with the nature and demographics of defendants and offenders
- Managing the impacts of prison and jail overcrowding

3.2 Pretrial Services

Pretrial release functions and services can be provided by the judicial or executive branch of government. Additionally, the interviewing, assessment and monitoring of persons prior to sentencing or case resolution can be done by the probation department, law enforcement or a separate pretrial unit

or department.

Most persons arrested for a crime are entitled to be released. In recent years there have been efforts to move away from cash bond systems or those practices that may prevent those arrested from otherwise being released except for their ability to afford the financial expense.

Pretrial risk assessment tools function to provide a decision-maker accurate information about the risk of failure to appear, the risk to community safety and the arrestee's ability to abide by release conditions.

Some established considerations used in pretrial release are:

- History of failure to appear
- History of violence
- Residence stability
- Employment stability
- Community ties
- Substance abuse

Pretrial Supervision is a balance of procedural safeguards while monitoring compliance with release conditions. It is important to ensure that those released appear for their court appearances and attend services, as court ordered.

Pretrial Services Overview



3.3 Special Court-Ordered Services

Court ordered services may be utilized as directed based upon case need. Special services use specific external professional services, as allowed by law and directed by a judicial officer.

Typical Services

The court may order a wide array of services. Services typically provide assessment or recommendation to the court and offer some level of discreet analysis and review with related information provided in compliance with a court order. The following list is not exhaustive. The court manager should become familiar with both what is prescribed and allowed by law, statute or local rule, and be aware of those services commonly used in the court setting. Among the typical services making use of outside professional experts are the following (note that the list is not exhaustive):

- Psychological assessments,
- Forensic accountants,
- Physical and financial records or document reviewers,
- Court appointed special advocates (CASA),
- Court appointed specialists, and
- Child custody or visitation monitors.

Linkages and Differences: Ordered, User Requested, and Resolution Services

Court ordered services make use of outside experts in a specific type of case or litigation. These experts and individuals perform functions different than those who seek to identify case aspects that can be resolved by resolution services, or those services needed and requested by a litigant. The chart below indicates the variation and difference between court ordered services, user needed services or functions, and those actions or activities that are intended to assist the case in coming to resolution or conclusion.

Linkages and Differences: Ordered, User, and Case Resolution Services

Court Ordered Services	<ul style="list-style-type: none">• Orders for review, evaluation, assessment, treatment• Court direction to use specialized professionals
User Services	<ul style="list-style-type: none">• Self help information and instructions• Blank or sample forms, templates, or documents
Case Resolution Services	<ul style="list-style-type: none">• Referral to specialists, evaluators, and providers• Event scheduling for case resolution activities

Desired KSAs for Managing Special Court-Ordered Services



Among the knowledge and skills a court manager should possess are:

- Savvy and skill in interacting with professionals from a different subject matter
- Ability to craft and oversee service contracts
- Knowledge of how to manage and measure programs for the outside services
- Familiarity with when and how court ordered services are used with the overall case processing events and actions

Potential Challenges and Opportunities in Managing Special Court-Ordered Services



A court manager will be challenged to keep abreast of new and innovative methods for providing court ordered services, and will be faced with the following challenges:

- Awareness of best practices in other courts for the provision of court ordered functions,
- Understanding and abilities to establish and maintain effective relationships with external professionals, and
- Abilities to have program management and performance metrics in place and utilized

3.4 Probate and Asset Protection Services

Probate services are an important function of the court as responsibilities assist vulnerable populations and members of the community.

Guardianship is the appointment of an individual with legal authority to represent and manage the affairs of either vulnerable adults or minors. The individual that is being served is referred to as the “ward” and the guardian can be assigned to take care of the day-to-day decisions of the ward.

The duties and responsibilities of the guardian are to provide reasonable care for medical, healthcare, psychological care and social services and then to issue reports.

Conservatorship is usually the protection on an incompetent or incapacitated adult and can address needs of health care, the estate and finances. The individual served in a conservatorship may lack a power of attorney or healthcare directive and have lost the ability to make informed decisions and adequately care of themselves.

A conservatorship is for “substitutive decision-making.” The laws of the state and residency of the ward are dictating. The person requiring assistance may be challenged physically, mentally or suffer from drug or alcohol addiction or be incarcerated or in detention or their whereabouts may not be known. If the estate has very little financial value, the court may only establish a guardianship.

3.5 Mental Health Services

Courts generally distinguish mental health services as those that are based in civil practice and criminal law. Probate court departments address civil commitments. Court ordered institutionalization of a person suffering mental illness, alcoholism or drug addiction are dealt with as the individual may have developmental disabilities or the inability to provide basic personal needs.

Court actions may be for emergency hospitalization for evaluation, involuntary inpatient civil commitment and outpatient civil or assisted outpatient treatment (AOT). Emergency evaluations will typically have an established temporary hold time to adequately address the individual’s rights. Most state laws have established standards that cover involuntary commitment. Standards balance the dangerousness of the person to themselves and others and the rights of the individual and the legitimate concerns for the community.

3.6 Appropriate Dispute Resolution or ADR Services

Appropriate (or alternative) dispute resolution or ADR is the resolution of court proceedings (cases, disputes) by the process most suitable for the dispute (which could be litigation). ADR processes other

than litigation may be used in virtually all types of cases – civil, criminal, family court, juvenile, misdemeanor, and traffic cases. The New York court system provides a comprehensive statement of what ADR is: Alternative dispute resolution [or Appropriate Dispute Resolution] (ADR) refers to a variety of processes that help parties resolve disputes without a trial. Typical ADR processes include mediation, arbitration, neutral evaluation, and collaborative law. These processes are “generally confidential, less formal, and less stressful than traditional court proceedings.”²³

Examples of ADR Programs and Methods

As noted by the New York courts, there are a number of ADR processes and programs used to resolve the underlying case. The American Bar Association lists a variety of processes:²⁴

- Arbitration
- Facilitation
- Mediation
- Mini-trial
- Early neutral evaluation
- Early resolution conference
- Neutral fact finding
- Multi-door program
- Coaching
- Conferencing
- Negotiation
- Ombuds services
- Settlement conferences
- Special master
- Pro tem judge
- Private judge
- Summary jury trial
- Unbundled legal services
- Parenting coordinator
- Visitation conference

Among the benefits of ADR are increased litigant participation, greater litigant satisfaction with the outcome, reduced case times and costs, lessened formalities to the proceedings, and the resolution of cases without court calendar and docket time.

Of the ADR processes, mediation is most used by court systems. In mediation a trained neutral facilitates communication between the parties and, without deciding the issues or imposing a solution on the parties, enables them to understand and to reach a mutually agreeable resolution to their dispute. Mediation helps the parties understand and recognize their underlying needs, overlapping interests and areas of agreement. It promotes access to justice for self-represented litigants. The mediation process is usually voluntary and confidential. Additional benefits of mediation include creative solutions, longer lasting outcomes and increased party control over outcomes.

Technology is also used to augment the traditional means of resolving disputes outside the court system. Online Dispute Resolution (ODR) uses technology to facilitate resolution of a claim or dispute. This resolution method includes the parties in mediation, negotiation, and/or arbitration.

Desired KSAs for Managing ADR Services

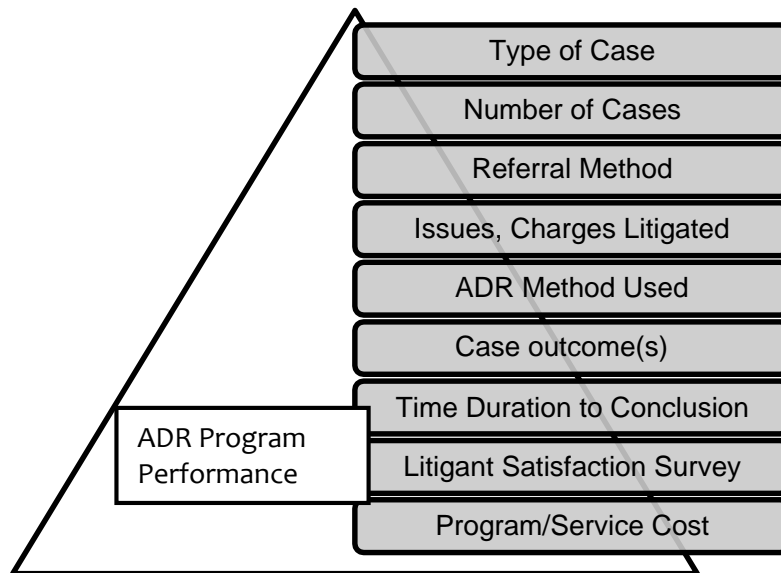


²³ http://ww2.nycourts.gov/ip/adr/What_Is_ADR.shtml.

²⁴ http://www.americanbar.org/groups/dispute_resolution/resources/DisputeResolutionProcesses.html.

- Familiarity with various ADR processes and differences between them
- Awareness of the laws, rules and orders allowing for the use of ADR processes
- Relationship and linkage of ADR processes and programs to caseload management
- Knowledge of providers and professionals
- Ability to coordinate with local, private providers and programs
- Effective organization and communication skills
- Ability to work with local Bar associations
- Ability to establish program goals and performance targets
- Skills in monitoring and tracking program events, timelines and outcomes

As with any program, monitoring and documenting performance through data is important. An example of performance metrics for an ADR program is noted below.



Potential Challenges and Opportunities for Managing ADR Services



- Ensuring the right process is selected based upon case criteria and need, and that appropriate cases are being referred for resolution
- Providing program goals, objectives and measures on which to document success
- Being responsive to the needs of self-represented litigants
- Avoiding the case becoming “out of sight, out of mind” and ensuring ongoing court management and oversight toward final court case conclusion
- Balancing the use of service providers as a limited resource
- Coordinating ADR providers and professions as a competency apart from the court
- Tracking and recording program performance
- Maintaining program operations, support and sufficient resources

3.7 Online Dispute Resolution

Online dispute resolution (ODR) started in the 1990s as a branch of Alternative Dispute Resolution (ADR). ODR shares and builds upon the characteristics of ADR with an emphasis on making easier and more efficient methods to address conflict. The creation of ADR is said to have allowed for a multi-door courthouse while the addition of ODR adds a “virtual door.” There are three necessary components to a court ODR program- it must be conducted online, fully involve the litigants and be hosted by the judicial branch. Key indicators of a successfully sanctioned court ODR program are that due process and access to justice are maintained as guiding principles.

Technology assisted ADR facilitates online initial filing, the appointment of a neutral, evidentiary processes, oral hearings and online discussions and ultimately the rendering of binding settlements. Some benefits of the process are that parties are guided through the negotiation, there may be a reduction of confrontation, the balance of power is neutralized and financial and time demands are reduced. If the parties are completely successful in reaching agreement, a judgment can be issued. If not successful, there can be a seamless entry into the courts for traditional dispute resolution or for an adjudicative process.

3.8 Virtual Proceedings and Online Courts

Courts around the country and the world were caused to adapt and advance rapidly in 2020. The legal system has not been immune from changes necessary to promote virtual hearings as a response to the need to personal distancing. One of the most important tenets of courts is providing access to justice. Remaining open virtually provides that access. Whether through teleconferencing or the use of a number of different online and web-based platforms, courts have maintained connection with the public. For most, having a quality internet connection with download/upload speeds of at least 1.5 megabits per second and a microphone and camera allow access into a “virtual” courtroom.²⁵

3.9 Problem Solving Courts and Specialty Dockets

“In times of fiscal crisis, courts are the equivalent of an emergency room – people come in, in distress. People have problems to be resolved. People get in trouble... have committed crimes, need court orders modified. The need for court services has increased.”²⁶

The public turns to courts to resolve their difficulties as indicated by the quote from Justice de Muniz. Problem solving courts have become those venues to solve problems; they have developed over the last 25-30 years as the court mechanism to resolve problems. Courts have sprung up with a specific focus, type of case, and identified program components. Impetus came in 1989 in Florida and arose from the desire to better provide services for drug addicts; the first drug court was established in Miami-Dade County, Florida. As indicated by the quote above, courts have had ‘service’ and ‘support’ expectations placed on them. These courts may be called by different names: problem solving, specialty courts, therapeutic courts, specific dockets, and even “boutique courts.”

²⁵ From Susskind, Richard, *Online Courts and the Future of Justice*, Oxford, 2019.

²⁶ Excerpted from speech by Chief Justice Paul De Muniz, (currently retired) Supreme Court of Oregon, National Association for Court Management 2009 Mid-Year Conference, Portland, Oregon, March 9, 2009.

Problem solving courts and specialty dockets are court events specially designed for a particular case type need and typically operate with: a judge who presides over a specific type of case; collaboration with a group or team of community, social or support services; and discreet expectations, actions, incentives, and monitoring of performance in support of compliance with a court ordered sanction or action. Drug courts have been the most prevalent type of specialty court, initially promoted by the U.S. Federal government, however, others special courts have been developed: veteran's courts, community courts, homeless courts, DUI or DWI courts, mental health courts, reentry courts, and teen courts are some commonly used specialty categories. Many are related to criminal, misdemeanor, or traffic charges, but some are not dedicated to criminal activity. Examples are business or commercial courts or family courts. Some problem solving courts are expansive with an array of court and agency support mechanisms; some are dockets (or calendars) that simply have a specific type of case scheduled or grouped on that particular day and time.

The use of special calendars or dockets is a variation on differentiated case management, in which known functions and services, needed by a specific type of case, are provided by the court. Specialty courts provide a specific collection of actions and services, based upon the type of case, charge or defendant.



Desired KSAs for Managing Problem Solving Courts

- Program goals, objectives and management
 - What are the reasons and goals of the program (what is the problem or issue to be addressed)
 - What is the actual cost – direct and indirect – for program operations
 - How is the program funded, and if grant funded, how will it transition or function at the conclusion of grant monies
 - What are outcomes and accomplishments
 - Is the program functioning effectively and efficiently
 - Are there extraneous or unintended consequences
- Consideration and confirmation as to whether the court is the appropriate entity to take the lead in addressing the problem or if there is a better positioned and suited partner in or external to, the justice system, to lead the program
- Collaboration, partners and social/support services
- Database management
 - Establishment of defined terms through data dictionary
 - Referral management
 - Operations management reporting
- Treatment case management
- Judicial case management
- Understanding of HIPPA requirements in regards to disclosure of information
- Measuring, reporting, accountability, compliance and cost-benefit analysis for program operations and performance
 - Are program performance measures clearly defined

- Are program operations and outcomes recorded and collected
- Is the return on investment justified
- Is a periodic or annual report provided on program operations
- Integration of specialty courts or dockets within overall court operations
- Court managers need to know how to create and sustain a specialty court operation while ensuring that other cases receive necessary support

Problem solving courts often have specific standards (such as those developed by the National Association of Drug Court Professionals). In addition, these courts often share common practices and key elements. The table below highlights some of the standards and common practices for drug courts and community courts.

Typical Drug Court Standards ²⁷

1. Participation of a specified and target population
2. Use of key program components
3. Focus on individuals and groups that historically experience discrimination or reduced social opportunities due to race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, education or socioeconomic status receive the opportunities in as others to participate and succeed in drug court.
4. Evaluation of candidates using evidence-based assessment tools and procedures
5. Utilization and statement of clear roles and responsibilities team approach of judges
6. Use of incentives, sanctions and therapeutic adjustments
7. Utilization of substance abuse treatment

²⁷ Adapted from National Association of Drug Court Professionals, “Adult Court Best Practice Standards,” [https://www.nadcp.org/standards/.](https://www.nadcp.org/standards/)

Common Practices and Key Elements of Community Courts ²⁸

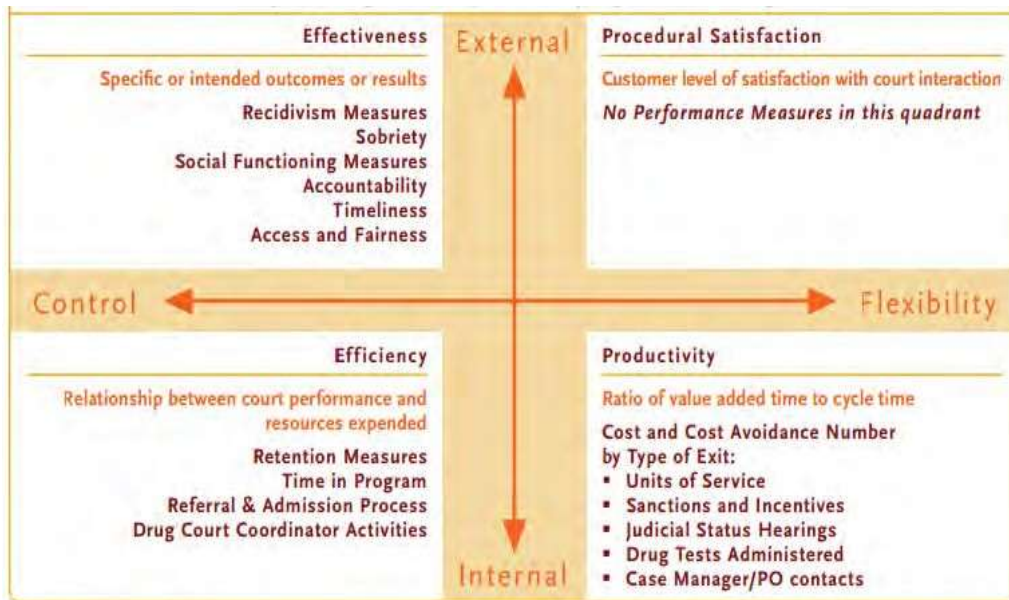
- Community service and other alternative sanctions replace jail and fines
- Increased court time and resources devoted to minor misdemeanors
- Extensive inventory of information on defendants gathered through expanded intake interviews and access to other criminal justice databases
- Incentives, sanctions, and therapeutic adjustments
- Drug and alcohol assessments
- Extensive (often two to three years) planning process
- Community service work crews or improvement projects posted as the products of community service
- Offender compliance with sentence conditions strictly monitored
- Non-compliance with sentence conditions strictly sanctioned
- Immediacy in start of community service and treatment programs
- One or more mechanisms that provide ongoing communication with the community, as distinctly defined by each community court project
- Access to a comprehensive package of treatment and social services through a mix of government and nonprofit agencies
- Dual commitment to changing the lives of individual offenders and the quality of life in communities
- Treatment and services as a component of sanctions

When creating a specialty court, a court manager should ensure the following actions are taken:

- Review and consider the underlying problems, caseflow or case related issues, or reasons surrounding efforts to have a specialty court or docket (e.g., a clear understanding and view of “what are the case processing issues?” and “how will this specialty court address the needs of these cases?”)
- Evaluate important issues such as program practices and operations (program tools, checklists, and documents necessary; case screening and intake, risk determination or needs assessment of the case parties/program participants; adjunct or ancillary programs, services and treatment or education modalities pertinent to the program; expectations for program participant reporting and compliance with court ordered actions; and timing or timelines for program actions and events)
- Determine the justice system partners, service providers, stakeholders or collaborators with whom the court should work to establish the specialty court
- Identify resources and functions that will be required to operate the specialty program
- Conduct a program assessment which includes the use of performance metrics to assess program outcomes
- Determine the degree to which the specialty program is destined to be moved from preliminary operations or pilot testing, to full integration within overall court operations

²⁸ From Problem Solving Courts: Models and Trends by Pamela M. Casey and David B. Rottman, retrieved from <http://ncsc.contentdm.oclc.org/cdm/ref/collection/spcts/id/169>2003.

Typical drug court metrics includes the following, based upon the National Center for State Courts performance measures in drug courts.²⁹



Courts often mix specialty court calendars within the overall court calendar. An example is depicted below, using a weekly judicial docket from an urban court. The color blocks indicate calendar settings for specific purposes; the white blocks (those with no case type information) are those sessions under the direct setting control of each judicial officer to set as he or she wishes.

Courtroom	Time	Monday	Tuesday	Wednesday	Thursday	Friday
A	9:00					
	10:00	Arraignments	Arraignments			
	11:00					
	1:30	Prob. Viol. (PV)				
	2:30		Mental Health Court (MHC)	Special Bond Forfeit. Hearing (BFH)		Settings
B	3:30					
	9:00					
	10:00		Truancy	Arraignments		
	11:00					
	1:30	Arraignments		Veterans Treatment Court	PV BFH	Special Settings
C	2:30					
	3:30					
	9:00					
	10:00				Arraignments	
	11:00			BFH		
	1:30		Arraignments		PV	Special Settings
	2:30					
	3:30					

²⁹ From: *Performance Measures of Drug Courts: The State of the Art*, National Center for State Courts, Statewide Technical Assistance Bulletin, July 2008, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/spcts/id/171>

Potential Challenges and Opportunities for Managing Problem Solving Courts



- Courts obtaining grant monies for initial program start up, then struggling to institutionalize and integrate into the overall court operation, and failing to have a transition or exit strategy
- Court use of a special docket without thorough consideration of the purpose and desired outcomes
- Prosecutors, legislators, law enforcement and others reluctant to support therapeutic approach to offenders
- Lack of resources to appropriately evaluate the programs progress and success
- Courts establishing specialty dockets with significant judicial officer time dedication, potentially to the detriment of the broader caseload
- Allowing too many specialty calendars to be created without actual program goals or program objectives/features
- Communities possible fear that drug courts are soft on crime

Activity Four – Create a Specialty Court. Participants will be tasked with working in a group to create a specialty court program. They will be asked to identify and agree upon a case type, define the purpose and goals, identify and list partners and collaborators, begin list of at least five detailed program elements and features, itemize outcomes and results to be measured, and distinguish how specialty court performance information will be obtained and used. The groups will then report to the rest of the class.

Section 4 – Access and Direct Services

Learning Objectives

As a result of this section, participants will be able to:

1. Identify expectations and needs of self-represented litigants and court users (SRL) and draft an SRL Policy for your court.



Courts perform several functions that relate to access to the court and justice. They are included in this section. Among them: court user services (forms and instructions), courtroom-based events and proceedings, access to court files and records, and customer contact to make financial or documents or to obtain copies of records. Other agencies may have direct oversight of some of these functions (collection enforcement, self-help assistance).

4.1 Court User Services

Court User Services

Some examples of court user services include (but are not limited to) the services and actions listed in this section. They reflect that each case type has a unique set of needs and services. The needs may

consist of specific actions, identified and targeted assessment, evaluation or treatment services, or other focused information in support of that case type.

User and Litigant Services

These services relate to information and access. They should not be confused with court ordered services, which are specialized services ordered by a judicial officer, based upon the court type or need.

The Self Representation Resource Guide published by the National Center for State Courts³⁰ notes some recent innovations in access and self-representation include the following:

- Simplification of court forms
- Provision of one-on-one assistance
- Development of guides, handbooks, and instructions on how to proceed
- Provision of court-sponsored legal advice
- Development of court-based self-help centers,
- Collaboration with libraries and legal services, and
- Utilization of Internet technologies to increase access

The chart below displays some of the user services affiliated with specific case types; they are not all-inclusive, but can illustrate the nature of services needed by the litigant and court user.

Case Type	Examples of User Services
Civil, non-criminal traffic violations, small claims, ordinance violations	Self-help, self-guided access Forms and checklists
Criminal, misdemeanor, criminal traffic	Forms Indigency applications/forms
Protective orders or injunctions	Self-help, self-guided access Forms and checklists Victim information and services
Family Court, dissolution, custody, child support, juvenile	Self-help, self-guided access Forms and checklists Domestic violence services Child support or visitation guidelines
Probate-estate-trust-guardian-conservator	Self-help, self-guided access Forms and checklists Annual review and periodic account checklists

As evidenced by the chart, there is a need for services in most legal areas. To identify and address the needs, court leaders have used multiple tools to collect data and employed the help of justice partners and community organizations to fashion solutions.

³⁰ See National Center for State Courts, [Resource Guide: Self-Representation - Access & Fairness - National Center for State Courts \(oclc.org\)](https://www.ncsc.org/resources/resource-guides/self-representation-access-fairness)

The Justice for All initiative involves a broad range of stakeholders who address the needs the people with civil legal problems who could benefit from legal help regardless of their court involvement. They may not be involved in the court system as they unaware they need legal services or may not have access to legal services.

Some current self-represent litigant resources provided by The Justice for All Collaboration include:

- Procedural Fairness and Self-Represented Litigants
- Ensuring the Right to Be Heard for Self-Represented Litigants: Modules for Judges
- Case Flow Management and Access Services

The National Center for State Courts has many resources to help structure the courts in a readily accessible manner for individuals with varying degrees of accessibility issues and disparities. To assess access and fairness, Court leaders may wish to administer a survey to those who conducted or observed court business and processes (attorneys, parties, witnesses, jurors, and others) on a typical business day and to review the feedback.

The National Center for State Courts offers many other resources including:

- [Center on Court Access to Justice for All](#)
- Legal Aid /Pro Bono Resource Guide
- Access to Justice
- [Access and Fairness](#)
- CourtTools Performance Measures - <https://www.courttools.org/>

NACM has also offered member resources on promoting fair and accessible justice which include:

- NACM Publications (Court Manager, Court Express)
 - [Access and Fairness to Justice: The Efficacy of Procedural Justice in State Courts](#)
 - [Access To Justice for Displaced Defendants](#)

State Administrative Offices are a resource that offer guidance and tools. Local public libraries, domestic violence shelters, churches and places of worship are become justice partners helping to disseminate information or host events. Courts have used their websites and social media platforms as places to make information and certain services available.

In considering court user services, the concern arises about what constitutes legal advice as opposed to legal information. Some courts have made dynamic changes in how they deal with all court users who seek assistance. Years ago, courts commonly asserted the following to any approaching user, typically by placing a visible sign at customer counters:

“NOTICE ! We cannot give legal advice. You must consult an attorney. If you represent yourself in our court, you are representing yourself as if you fully understand all the rules, practices, and can adequately represent yourself in all proceedings.”³¹

³¹ Adapted from actual signage displayed for the public in a court lobby - mid 1970's.

Today, courts have adopted protocols that openly strive to provide assistance while avoiding providing legal advice. One example is the Arizona Judicial Branch, which has published a guide on what staff are expected to provide and what they are prohibited from doing. Signage is also required per an administrative order of the Chief Justice.³² The actual signage is as noted below, for the public to be aware of the court system expectations and range of assistance that can be provided.



A variety of agencies offer public self-help centers or referral to legal resources. An internet search within states or courts can locate information on the latest self-help, resource centers, or libraries that provide services or information.

Desired KSAs for Managing Court User Services



- Knowledge and familiarity with specific types of cases and related actions
- Understanding of the interrelationships between the constitution, laws, administrative directives and how they are put into practice
- Awareness of the role and materials in law libraries, or in legal publications

³² See Arizona Supreme Court, “Legal Advice-Legal Information Guidelines,” <http://www.azcourts.gov/portals/22/admorder/orders07/2007-28.pdf>.

- Familiarity with the disability access requirements and provisions
- Understanding and skills regarding – high-conflict relationships and victim/abuser issues
- Broad court knowledge in the specific case type(s)
- Awareness of parenting plans, educational materials for families and information about the impact of divorce on families
- Awareness of self-help services
- Familiarity with emerging legal service concepts such as “limited license legal technicians” whereby trained non attorneys may provide limited assistance³³
- Familiarity with the unbundled legal services where lawyers are hired to only perform specific tasks as opposed to the full beginning to end representation of a client
- General communication and problem solving skills, to include direct customer interaction skills
- Ability to establish and maintain cooperative working relationships with the legal community, justice partners and special service providers

Potential Challenges and Opportunities Related to Court User Services



- Meeting expectations of the public and court users
- Lacking understanding of the broader legal system and how to navigate
- Ensuring the appropriate use of professionals appointed by the court, as needed, to assist in high-conflict cases
- Dealing with individuals in a time of their life with high stress
- Keeping current on rapidly changing technologies, and deploying appropriate technology and methods of accessing the court

Activity Five – *Creation of a Policy for Self-Represented Litigants.* Attendees will devise a draft policy in which expectations, policies, and services for *pro se* and self-represented litigants will be noted. This is group work for 3-5 members on a team. They will also be expected to share with the full class.

4.2 Access for Persons with Disabilities

The Americans with Disabilities Act (ADA) of 1990 was enacted to ensure that all qualified individuals with disabilities enjoy the same opportunities that are available to persons without disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Courts have an affirmative obligation to take proactive steps to remove barriers to accessibility for people with disabilities through the development of model policies, forms to be used to request accommodations, compliance handbooks and FAQs for both court personnel and the public. To assist in ensuring qualified individuals with a disability are not excluded, by reason of such disability, from access to court programs, services and activities, including judicial proceedings, jury service, and courthouse

³³ See <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/405/>
Fostering Innovation in Legal Services: NCSC.org

meetings, the following resources may prove helpful to the court leader.

- [ADA Title II Checklist](#)
- ADA Resource Guide [ADA Best Practices Toolkit for State and Local Governments](#)
- [ADA primer for State and Local Governments](#)
- Directory of Court ADA Coordinators – Ex: [New Jersey](#)
- Court Rules – Ex: [California](#)
- Accommodation Request forms – Ex: [Maryland](#), [Florida](#) and [Virginia](#)
- Model Policies – Ex: [Michigan](#)
- Grievance Procedures: Ex: [West Virginia](#)

In addition to the court resources, state bar association’s elderly and disability sections, community agencies that serve the aged and disabled communities may also be able to offer information and guidance as court attempt to ensure compliance with the ADA. Their help can be invaluable in the day to day operations and also helpful as court leaders undertake remodeling and new courthouse construction projects.

Desired KSAs for Managing Access for Persons with Disabilities



- Knowledge and familiarity with the Americans with Disability Act
- Awareness of the need to provide and ensure ADA access and accommodations
- Ability to develop protocols, processes and procedures in relation to access and accommodations (providing/posting ADA information, processing requests, denying requests, and handling appeals)
- Knowledge of auxiliary aids and services available
- Understanding of the need, function and role of court ADA Coordinators
- Familiarity with court rules, policies and regulations
- Ability to implement ADA compliance performance measures

Potential Challenges and Opportunities Related to Access for Persons with Disabilities



- Meeting needs of the public and court users
- Lack of understanding of the ADA requirements
- Ensuring availability of auxiliary aids and services
- Identifying and addressing facility and other barriers

4.3 Courtroom Operations

The function of courtroom operations refers to those court proceedings that take place within the courtroom setting. The proceedings may necessitate a wide variety of functions. They include items such as:

- Overseeing courtroom clerical staff
- Recording courtroom proceedings, actions, or minutes

- Issuing court rulings, orders, notices and forms
- Assigning and training staff
- Ensuring appropriate details and specifics are captured and recorded
- Processing documents
- Filings and exhibits presented in court
- Operating automated case management, recording systems and other technologies, and
- Interacting with court customers

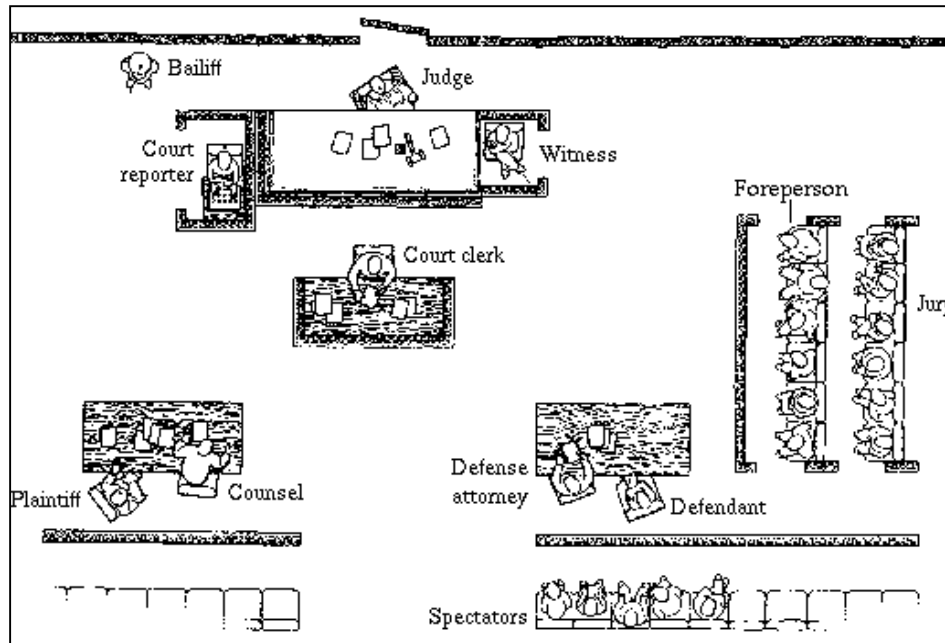
A skilled court manager needs to maintain a level of comfort and familiarity with courtroom events, the overall setting and the typical accoutrements and protocols.

Elements of Courtroom Operations

Courtroom work places court staff in a very direct and visible interaction with both judicial officers and court litigants. And, a variety of participants are likely to appear in a courtroom setting. Court professionals must be familiar with the variety and nature of participants in the courtroom setting, which includes:

- Judge or judicial officer
- Sheriff, bailiff, or security officer
- Court clerk, courtroom clerk, or clerical assistant
- Jury panel or potential jury members
- Prosecutor, district, or county attorney
- Plaintiff's counsel
- Defendant's attorney- privately retained or public defender
- Self Represented litigants
- Court reporter
- Court interpreter
- Witness(es)
- Victim(s)
- Forensic specialists – such as experts, other service providers
- Members of the public, spectators, or observers, and
- Representatives of the media

The simplified drawing below illustrates a typical courtroom setting, participants, and location.



Expectations and role of the courtroom clerk may include some or all of the following:

- Furnishing clerical support to courtroom events
- Providing case manager or judicial assistant functions
- Providing assistance with courtroom technology
- Providing direct litigant interaction
- Representing professionally on behalf of the court, and
- Functioning as courtroom bailiff or security presence

As technology is now an important tool with the courtroom, it is important to recognize the need, use and impact it will have in the courtroom setting. Court managers will need to become familiar with not only what technology the judge and courtroom clerk will utilize but also the technology used by attorneys, jurors and other participants in the courtroom. The Joint Technology Committee has recognized the importance of technology with case processing, judicial decision making, and management needs specific to trial court judges on the bench by publishing the Making the Case for Judicial Tools bulletin.³⁴ The Federal Judicial Center also published the Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial noting the substantive and procedural considerations that must be given when attorneys use technology in the courtroom.³⁵

It is also important to be familiar with specific judicial expectations that impact courtroom protocols. Some are noted here:

- Personal preferences and communication styles

³⁴ See National Center for State Court Joint Technology Committee at <https://www.ncsc.org/about-us/committees/joint-technology-committee> and <https://www.ncsc.org/about-us/committees/joint-technology-committee/publications-and-webinars/making-the-case-for-judicial-tools>

³⁵ See Federal Judicial Center publication at <https://www.fjc.gov/content/effective-use-courtroom-technology-judges-guide-pretrial-and-trial-o>

- How the judicial officer desires to receive information and materials
- How cases are to be categorized, organized and called (convened), and
- Acceptable and sustainable ranges and variations in practices

Examples of Courtroom Protocol Information

- Instructing courtroom attendees and participants on expected behaviors
- Calling the court to order
- Providing information to the judge
- Asking questions of, or for clarification with, the judge
- Handling protocols for documents given to or received from the judge
- Detailing documents desired by the judge
- Using technology in the courtroom, and who is responsible
- Identifying allowable times for the clerk to leave the courtroom
- Documenting hearing information manually or into the court database

Typical Policies and Procedures Related to Courtroom Operations

Policies

- Office Mission and Vision Statement
- Code of Conduct/Code of Ethics
- Professionalism and Dress Code
- Punctuality
- Customer Service Philosophy
- Caseload Management
- Case and Record Confidentiality
- Office Forms and Formats
- Access to Court/Clerk Records
- Court Ordered Financial Sanctions
- Use of Equipment and Technology

Procedures

- Docket and Data Entry Information
- Mail Procedure
- Case Data Update
- Forms Issuance
- Exhibits
- Document Certification Steps
- Sealing or Redacting Court Files
- Cash Handling and Payment Receipting
- Financial Reconciliation
- Warrant Issuance, Validation, Returns

Example of Bench Book Contents

- Deadlines and timelines
- Discovery
- Scheduling conferences
- Motions practices
- Pretrial conference
- Jury trial-selection, instruction, trial procedure
- Bench trial
- Post-trial procedures
- Technology
- Case specific matters (criminal, civil, family, traffic, etc.)
- Courtroom protocol
- Case managers and judicial assistants

Courtroom operations may directly impact administrative roles. Recordkeeping for court documents may be the responsibility of the non-court personnel, but it must be made clear that the records belong to the court. Grant funded court program and services may have certain requirements that impact the courtroom operations. For example, Judge may be required to include certain provisions in court orders for the court to be eligible for the grant funding. Media access to information regarding cases may also fall within the responsibilities of the court manager as well as the judge. Written policies and procedures can be valuable to ensure that judges and courtroom staff are prepared for the issues they will most likely faced. A skilled court manager needs to know the various factors at play regarding courtroom operations to address them appropriately.

An additional aspect of managing courtroom operations is media interest. Much has been written on how judges and court administrator’s best respond to requests. One such publication indicates “General Guidelines for Media Interviews.”³⁶ The chart below illustrates best practices.

Media Interest in Courtroom Operations	Respond promptly
	Convey interest in media inquiry
	Check on reporter deadlines
	Be cooperative
	Explain when/why you are not able to address a topic
	Answer inquiries in terms of how the public is affected
	Keep answers concise
	Avoid negative words
	Focus on three or fewer points to stress
	Maintain composure
	Show compassion and acknowledge the average viewer

Desired KSAs for Managing Courtroom Operations



Often courts assign fully trained and experienced court staff to the courtroom assignment. This is because the broad experience helps the staff be both highly skilled and adept at problem solving in the very visible courtroom setting. Among the desirable skills for staff working within a courtroom setting are:

- Understanding of the types of cases, proceedings or hearings, and matters occurring in the courtroom
- Understanding of how cases are scheduled, calendar timelines and deadlines
- Understanding of the support role for courtroom staff with judicial officers
- Interpersonal skills and the ability to work effectively under pressure, time constraints, and in close quarters
- Ability to coordinate items such as court interpreter presence, self-represented litigant needs, and awareness of ADA needs
- Ability to work with jurors within the courtroom and deliberation room, should there be need to

³⁶ From “General Guidelines for Media Interviews,” May 9, 2017, National Center for State Courts, available at https://ncsc-search.squiz.cloud/s/search.html?collection=ncsc-meta&profile=_default&query=media+inquiries . Comprehensive information about interacting with the media is also included in the NACM/CCPIO Media Guide, 2021, available for purchase from NACM, <https://nacmnet.org/resources/store/> .

assist them or if an emergency occurs

- Project and tasks management, to include the ability to be efficient, neat, and organized
- Knowledge of statutes, rules and regulations governing court processes
- Customer service abilities, and
- Knowledge of the impacts of social media and electronic devices of the court users

Potential Challenges and Opportunities Related to Managing Courtroom Operations



Among the challenges regarding courtroom operations are the following:

- Role and responsibility clarification and definition (who is responsible for what)
- Assignment of staff on a permanent or rotation basis, or on a part-time or full-time assignment status
- Working with staff inside the courtroom who are employees of other organizations or are employed by an elected official (e.g., sheriff, clerk, parole, corrections)
- Office space in courtroom or outside of courtroom
- Ensuring provisions for continuity of operations, should there be an unanticipated technology problem, and
- Being aware of any performance goals for courtroom operations (e.g., CourTools #5 Trial Date Certainty)

CourTools measure #5 on Trial Date Certainty may pertain to courtroom efficiency, specifically how successfully a case actually comes to trial. While it may not be the responsibility of courtroom staff, they should be familiar with the measure.

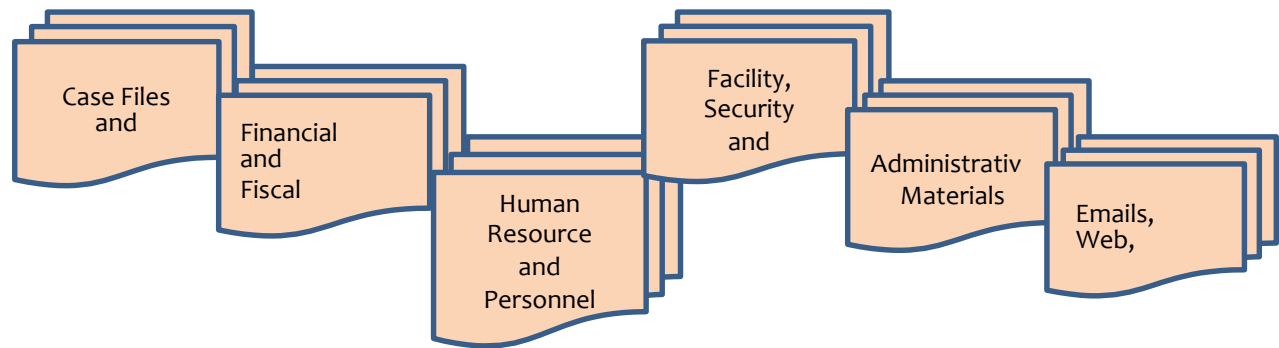
4.4 Records

Maintenance of court records is a discipline all in itself. Records - obtaining, securing, organizing, maintaining, managing and providing access to them – and performing these actions within required regulations, are a critical action of a court. This competency provides insights on the key skills and responsibilities in the area of court records.

Desired KSAs for Managing Records



- Knowledge of the different types of records
 - Court files including case related documents
 - Financial, fiscal and budgetary materials
 - Personnel related files, documents and evaluations
 - Facility, technology and security related materials and protocols
 - Administrative materials, e.g., policies, procedures administrative orders



- Knowing what is retained, and in which media, e.g., hard copy or digital format
- Awareness of where and how items are retained and stored
- Understanding of public access requirements and provisions (laws, rules)
- Management of privacy and sensitive data
- Knowledge of information and document lifecycle, retention and destruction
- Establishing records management policies
- Overseeing and managing court records, case filed based information – both manually/hard copy and electronic
- Managing court business records, financial, procurement personnel
- Addressing and adhering to rules and statutes for privacy, security, retention
- Ensuring appropriate and speedy access to public records

Public access to court records is a key element in courts being open and accountable. Typical access provisions include the following:³⁷

³⁷ Adapted from the Arizona Judicial Branch

[https://govt.westlaw.com/azrules/Document/NFC83A66025C811E3A3DDB79419D1C223?viewType=FullText&originatonContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Document/NFC83A66025C811E3A3DDB79419D1C223?viewType=FullText&originatonContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)), the State of Connecticut <http://www.jud.ct.gov/faq/courtrec2.html#Access> and the Washington State Courts

<https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/accessToCourtRecords>

Access to Judicial Records

Access to Judicial Records

Court records include any document, information, exhibit, or other item maintained by a court in connection with a judicial proceeding, in a case management system maintained by the court and related to a judicial proceeding, or related to official court transactions. Examples of court records are: an index, calendar, docket, document, paper, order, decree, judgment, or minute entry in a courtroom proceeding.

The case records in all courts are open to any member of the public for inspection or for copies at all times during regular hours at the office and custodian having custody of the records. Due to interests of confidentiality, privacy or the best interests, public access to some court records may be restricted or expanded in accordance with the provision of this rule, or other provisions of law.

Additional provisions:

- Court records may/may not be accessible online/remotely.
- Production costs and fees are outlined in the records feeschedule.
- Review and redaction of restricted information will be done by staff.
- Records production response will be done within ____ (time).

Challenges and Opportunities with Managing Records



- Adoption of and adherence to standards
- Being familiar with emerging technologies and impacts of social media
- Maintaining retention and destruction schedules
- Ensuring staff skills are current and protocols followed
- Ability to learn from what other courts have implemented

The Conference of State Court Administrators (COSCA) has provided a policy paper with provisions for court records, which can be informative to a court manager in determining proper actions. In the policy paper, they outline:³⁸

- The definition of what constitutes a court record
- The role of having governance principles and court wide standards
- The importance of protocols and systems (both electronic and non)
- Actions with regard to compliance, integrity, and access

³⁸ See https://cosca.ncsc.org/_data/assets/pdf_file/0014/23621/12012013-standards-maintaining-managing-21st-century-court-records.pdf

- Compliance with record preservation and disposition, and
- Applicable records standards

CourTools Measure #6 deals with reliability and integrity of case files. This methodology is noted below.

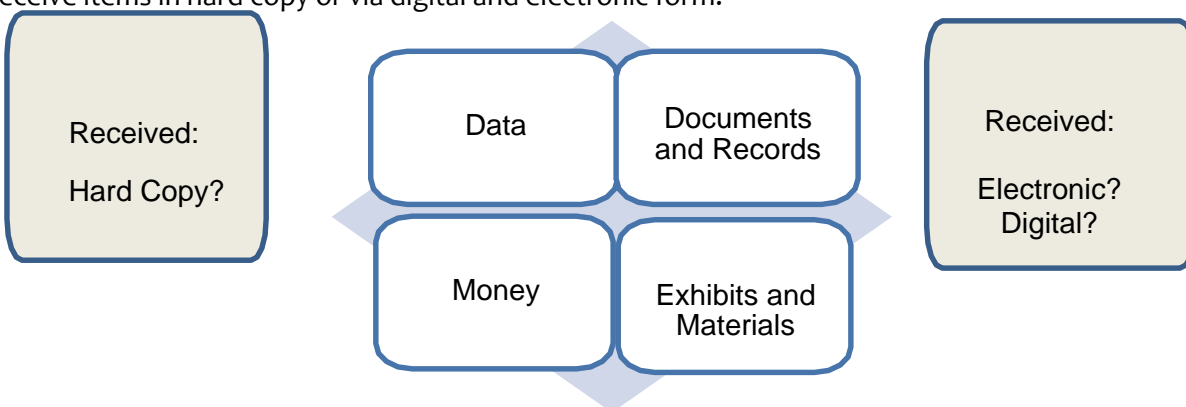
CourTools #6 – Reliability and Integrity of Case Files³⁹ measures the percentage of files that can be retrieved within a specified time, and the stated standards for content completeness. This measure informs the court leader about how easy or difficult it is to obtain a file and the completeness of file contents.

As most courts are maintaining their records electronically, storage, preservation and disposition of those records must also be considered by the court manager. The Joint Technology Committee has developed [Developing an Electronic Records Preservation and Disposition Plan](#). The technology resource bulletin addresses the following policy areas and provides recommendations surrounding best practices in electronic records retention and destruction:⁴⁰

- Should the electronic records destruction be automatic and, if so, what kinds of safeguards should be in place to ensure that the automated system is operating pursuant to court policy?
- Should the electronic records destruction include both data and electronic documents?
- What is the best way to delete court case data?
- How long should a court system publish court records on-line, via the internet?
- How long do records need to be maintained for research purposes and are records maintained beyond the standard retention periods subject to public disclosure?
- How do courts designate historically significant cases for preservation? Should such designated case records be maintained by the court, the state office of record archives, or both?

4.5 Accepting, Processing, and Managing Case Related Filings, Fee Collection, Records, and Exhibits

Courts are focused on receiving data, information, compliance information and receipt of monies and fees. As such, on a daily basis, courts must be ready for the following, and must be equipped to receive items in hard copy or via digital and electronic form:



³⁹ <https://www.courttools.org/trial-court-performance-measures>

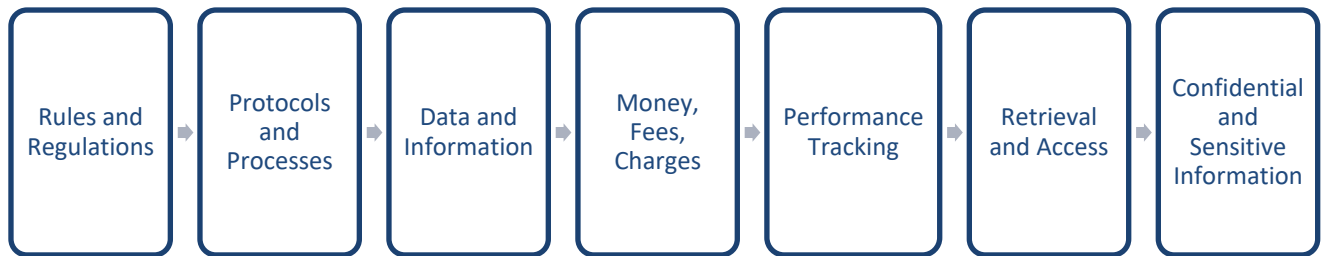
⁴⁰ See <http://www.ncsc.org/About-us/Committees/Joint-Technology-Committee/Publications-and-Webinars/Developing-an-Electronic-Records-Preservation-and-Disposition-Plan.aspx>.

Desired KSAs in Accepting, Processing, and Managing Case Related Filings, Fee Collection Records, and Exhibits



- Organizational skills
- Knowledge of rules and authorities supporting practices (roles, safeguards, disbursements, and escheatments)
- Knowledge of regulations for fee schedules, waiver and deferral of fees, costs
- Familiarity with regulations for use of credit cards and other financial services
- Analytical abilities
- Skill in multi-tasking
- Ability to conduct research
- Familiarity with provider and service contracts
- Program preparations and planning knowledge

A manager responsible for court filings, payments, fee receipt, and records oversight must be able to work within and manage:



Management of these functions may also entail skill in interacting with vendors or providers. A sampling of areas and providers is noted below.

	Operational Areas	
Contractual documents and requirements? ►	IT professionals Collection agents Record keeping providers Budget, fiscal monetary agents Banking providers	◀ Costs?

Potential Challenges and Opportunities Regarding Accepting, Processing, and Managing Case Related Filings, Fee Collection, Records, and Exhibits



- Maintaining the integrity of the court process without unduly hindering access
- Ensuring and applying technology to processes, recordkeeping and enforcement actions
- Providing public access
- Ensuring appropriate management of safeguards, retention and destruction
- Protection of confidentialities and privacy
- Perceptions of court efficiencies
- Perception of court focus on collection and revenue
- Balancing clerical functions with management and program focus

CourTools #7 includes a three-prong measurement of the management of financial enforcement, perceptions of fairness, and practices in handling legal financial obligations. This measure has been updated in recent years to focus less on successful monetary collection and more on management of the process. The methodology is noted below.⁴¹

CourTools #7a: This measure provides customer/litigant ratings of fairness in treatment of legal financial obligations. Survey questions inform court leaders on litigant views of their court hearing or event, their case type, and services made available should they be unable to pay in full on the day of the court hearing.

CourTools #7b: This measure provides a percentage of cases in which legal financial obligations are fully met or paid. This measure is collected from court data and records and informs the court leader about the success in managing financial enforcement orders.

CourTools #7c: This measure provides ratings by judicial offices and court staff on practices to determine, monitor and enforce compliance with orders for legal financial obligations. Results can be used to evaluate utility of practices and consider enhancements.

Section 5 – Infrastructure and Support

Learning Objective

As a result of this section, participants will be able to:

1. Evaluate and prioritize critical court operations necessary should there be a business interruption or emergency, and list preliminary steps and actions needed for business continuity.



This section contains several key court operational support functions: automation and technology, business continuity or continuity of operations, facilities management, and court security. All are important for day- to- day operations and are of concern when there may be threats or interruptions of court operations. Courts are increasingly dependent on technology to provide continuous and seamless operational functions supporting business tasks and litigant and user access.

⁴¹ CourTools Measure #7 can be accessed at <https://www.courttools.org/trial-court-performance-measures>.

5.1 Information Technology

Technology has been and is increasingly become a vital element in the functioning of courts. We rely on it to perform functions more efficiently, ensure information availability, and provide user access. As such, it has become increasingly critical to effectively manage not only technology, but the leadership of technology. As with other competencies, this subject is appropriate for a full course all itself.

Traditional skill areas for IT management include the following:⁴²

- Review of business processes and identification of operational needs
- Technology system development, design, engineering, networking and support
- Project management
- IT security and policies;
- Hardware and software development and replacement cycles, and
- IT contract management, service management and cloud computing (a growing area of need)

There are some premises about technology in the courts:

- The Court's mission and service should drive technology decisions and priorities
- Technology is not self-justifying but needs to fit within the court purposes
- Organizational change, and receptivity to it, is key to advancing technology
- Court leaders must understand technology and what it can do for them
- Court leaders should keep current on technology capabilities and applications
- Technology budgeting must accommodate the ongoing need to keep technology current - too many times courts will make a substantial investment then struggle with updates
- Improves Transparency, accountability, public access to and confidence in the judiciary
- Technologists must understand court processes, and
- Technology users must be involved in planning and development

Effective use of information technology results in the following:⁴³

⁴² Adapted from tsmcorporation (Xator Corporation)

⁴³ Information technology outcomes from NACM Core Competency, available at: <https://nacmcore.org/competency/operations-management/>



Desired KSAs for Managing Information Technology



NACM’s publication “A Guide to Technology Planning for Court Managers,”⁴⁴ indicates the following as important competencies:

- Identification of the problem or need requiring technology use
- Collecting information needed
- Analyzing and communicating, and
- Taking action – avoiding failure while effectively managing

General abilities pertinent to court managers include:

- Procurement, development, management and implementation of IT
- Developing and implementing a vision for court use/application of technology
- Designing and deploying a marketing plan, scheduling and rolling out a pilot, evaluating the pilot, assessing risk management aspects and assessment and evaluation of the impact of the project
- Addressing technology governance, planning and policy issues
- Conducting business practice analysis/workflow reengineering
- Integrating technology with court processes and user needs
- Different technologies: electronic communications/email, case management systems, public access technologies, audio-visual technologies, integration points and shared technology, word processing and spreadsheets, databases, evidence presentation, verbatim recording, language interpretation and translation technologies, and integration capabilities
- Fiscal management of technology and consideration of the return on investment via technology utilization

⁴⁴ National Association for Court Management, “A Guide to Technology Planning for Court Managers,” 2014.

- Managing technology projects
- Data management, privacy, and security
- Business continuity and disaster preparedness, and
- Ensuring accountability of systems

Challenges and Opportunities with Information and Technology



- Providing technology vision and leadership while supporting for court purposes
- Ensuring sufficient and stable technology management and governance
- Integrating technology operations and leadership with overall court leadership
- Understanding project management principles and ensuring that technology projects are properly managed
- Ensuring that stakeholders are properly identified and their expectations managed
- Providing adequate user participation
- Implementing technology for operational needs *that is aligned with the court's mission, vision, and strategic plan*
- Ensuring the ability to effectively communicate with and relate to the needs of IT professionals
- Managing the complexity of technologies between and among justice partners

The U.S. Department of Justice published a guide on technology in 2003, targeted toward law enforcement technology projects; the guide offers “Seven Facts You Should Know...”⁴⁵ that are pertinent to courts:

Seven Facts You Should Know...

Fact #1 – Implementing IT is difficult.

Fact #2 – Planning and installing IT is different than other projects.

Fact #3 – IT planning and implementation is not a one-time activity.

Fact #4 – IT must support the strategic business mission, goals and objectives.

Fact #5 – Successful projects require strong project management.

Fact #6 – All projects require a plan.

Fact #7 – Successful IT implementation can happen!

Hardware/Software Product Management

As Court Administrators you may need to be part of managing the technical products, specifically the hardware and software used by the business units in the court. You may not have control over the replacement cycle; however, you should be aware of the software and hardware needs of the court. Technology continuously evolves and requires courts to maintain all technology hardware and software.

⁴⁵ Adapted from U.S. Department of Justice publication, approximately 2003, on preparing for technology projects.

Best practices include:

- Develop or review the "evergreening" plan to determine the replacement cycle for both hardware and software and use your plan to communicate with the court, municipal, county, or state leaders when products need to be replaced
- Follow each vendor's product roadmap. For hardware, the general rule of thumb is to replace all hardware within sixty months or when the vendor no longer supports the platform. For software, document the vendor's software lifecycle to determine the planned end-of-life so you can replace the software within a reasonable timeframe
- Ensure replacement costs and licensing/subscription are in your budget, so funding is available.
- When possible, plan for multiple options because technology can change quickly
- Develop an implementation plan on what, where, who, and when
- Update your plan yearly

Court IT Infrastructure Management

Courts have options on where their infrastructure - hardware, software, and data - are stored. These affect operational support and practices. Several options are described below. All are dependent of court size, location (urban or rural), need, budget, and professional staffing.

On Premise	<ul style="list-style-type: none"> • Traditional approach • Use of local data center or location • Use of local area network (LAN) or wide area network (WAN) • Purchase of hardware, software and data storage • IT staff hired by organization
Off-site	<ul style="list-style-type: none"> • Use of Administrative Office, municipal or county IT department, or state network operations center (NOC) • Use of non-court or other agency IT staff • Hardware and software managed from/by another agency • Possible challenge for court to remain as separate and independent branch of government • Possible concern and challenge for management of, access to, and control of sensitive court information
Use of the "Cloud" –software service and internet delivery ⁴⁶	<ul style="list-style-type: none"> • Good options for small and medium size organizations • Use of contracted vendors • Use of service level agreements (SLAs) • Critical to consider qualifications and company reliability via requests for proposal (RFP) and evaluation by qualified IT professionals
Hybrid Approach	<ul style="list-style-type: none"> • Some hardware, software, and data housed on premise • Some items housed off site or in the cloud • Use of subscription for the service

⁴⁶ At the time of this writing, current cloud providers include Amazon Web Service, Digital Ocean, Google Cloud, and Microsoft Azure.

Data, Records, and Document Retention, Standards and Timeframes

Data Retention is the practice of storing and managing data and records for a specific length of time. Courts are dependent on the official court record for caseload, case decisions, and event or hearing outcomes. These record and access needs determine the necessary data and document retention and timeframes.

Courts should author a data retention policy to determine:

- What data or document should be retained and for how long under what authority?
- What format is acceptable for each data or document type?
- Whether it should be archived or deleted at some length of time
- Who has the authority to dispose of it and what is the process they should follow?
- What procedures should the court follow if something was disposed in a wrong timeframe?

The Court's Information Technology Department should follow the approved policy and procedure to ensure records are being kept in accordance with best practices and law outlined in the policy.

Additional considerations include the following that will have an impact on restoring and retention:

Soft vs. Hard Deletes. Court Administrators need to know the difference between a soft delete, where you are flagging a record as “deleted” where an end-user cannot see the record however the data is still stored in the database versus a hard delete where you are completely removing the record from the table.

Traditionally, expungement of paper court records required physical destruction. This is practically impossible in most court management systems. Depending on requirements of rule or law, expungement may be satisfied through either soft or hard deletion of records, and court administrators should be familiar with both the legal requirements and technical capabilities of the court management system.

Data Quality Standards. There is a saying in the information technology sector regarding data quality, “garbage in equals’ garbage out!” Court administrators need to manage data quality using the following standards:⁴⁷

- Validity – the data needs to represent what it is intended to measure
- Reliability – Data collection and presentation is consistent over time
- Precision – Data collected should be smaller than the margin of error and should present a picture to enable decision making
- Integrity – Data should not be manipulated any way and be a true representation of what was collected
- Timeliness - Data must be available and current so management can use it to make decisions for the court.

⁴⁷ For additional information and best practices on data quality cross-reference IADU at <https://www.iqint.org/>

- Accessibility – There should be sufficient data access controls to ensure that data can be seen only by those with proper authorization

Cyber Security. This is the practice of protecting networks, hardware, software, and data from digital attack from “bad actors.” Cyber security attacks are usually focused on accessing, modifying or destroying information, interrupting business processes or data and eliciting a monetary response such as ransomware, obtaining information such as phishing, gaining access to servers, workstations and laptops through malware, and social engineering used for end-users to reveal sensitive information.

Most cybersecurity appliances can be either “on premise” or cloud based. Court leadership should manage who is responsible for acquiring, managing, and replacing your hardware and software and knowing who is managing your Wide Area Network and Internet access. In some cases, it is court IT staff; in others it may be another government agency or consultants. Each court should conduct an assessment and use the solution best for them.

While no court administrator can completely protect their court’s information systems, using best practices help mitigate or reduce risk. The list below includes examples for court administrators to consider and provide the minimum protections recommended to protect your system.

- Anti-Virus/Malware Software - a software program used to prevent, detect and remove malware and virus for servers, workstations, laptops, and smart phones. Court Administrators should ensure all hardware and software is protected by anti-virus/malware software.
- Firewall - There are three types of firewalls to consider.
- Network Firewall – A network firewall controls incoming and outgoing network traffic based on predetermined security rules. This type of firewall establishes a barrier between the court’s “trusted network” and any “untrusted network” like the Internet. Every court should have a network firewall in place to minimize risk to the court’s network.
- Application Firewall – An application firewall controls input/output or system calls of an application or service. It blocks or allows communication based on pre-configured policies.
- E-Mail Firewall – An e-mail firewall works similarly to a spam filter regulating incoming e-mail based on a set of rules. They either flag the e-mail as spam or block it so it does not get to an end-user's mailbox. Minimizing phishing e-mails getting to your end-users is important as it reduces the risk one of them will click on a link and execute ransom ware or some other risky program.
- Intrusion Detection & Prevention
- Intrusion Detection (IDS) - is a device or software application that monitors a network or system for malicious activity or policy violations and then alerts someone or something to the risky activity so it can be dealt with.
- Intrusion Prevention (IDP) - is a device than not only detects malicious activity, logs the information, and attempts to block the activity and then reports.
- Security Incident and Event Management (SIEM) – is a device used to conduct real-time analysis of security alerts from applications and devices to help recognize and respond to potential security threats or vulnerabilities. Artificial Intelligence (AI) is beginning to be incorporated into these devices to more quickly identify network behavior that may pose a threat.
- Patch/Release Management (i.e., “Hardened Environment” - tools, techniques, and practices for risk reduction) One of the best ways to protect your network, hardware and software is the process of distributing and applying updates. Hardware and software vendors do this through releases,

firmware updates and patches to fix identified issues. Also known as “hardening your environment” applying security patches minimizes known vulnerabilities. All court administrators should ensure the court has a patch management policy and that it is followed to minimize cybersecurity risk to the court.

- Cyber security Policy, Standards and Procedures - to create and follow cybersecurity policy, standards and procedures. Each court administrator should review and pick a security framework to adopt. Some examples include state standards from a state’s Administrative Office of the Courts (AOC), while others are managed by organizations focusing on cyber security. Some examples include but are not limited to NIST Cyber Security Framework, ISO 27002, Center for Internet Security (CIS) and for robust coverage the Secure Controls Framework (SCF). While picking and following a framework is more of a business decision rather than a technical decision your technical staff should have significant input into the framework a court adopts.
- Cybersecurity Awareness Program - In conjunction with patch management that hardens your environment, one of the best ways to minimize risk for your court is to develop and run a Cybersecurity Awareness Program for your staff. A recommend approach to consider is using an online security awareness program.

Trends Affecting Technology in the Court

As in all aspects in our society, technology plays an increasing role in the judiciary and court system. The following list introduces technologies that all court leadership should consider implementing in the courts to improve case management and business operations of their court.

- Virtual Hearings-The COVID19 Pandemic accelerated the use of virtual hearing where nearly all proceedings and caseflow were being done remotely through virtual hearings using technology. Most, if not all court functions, if required can be conducted remotely using digital platforms to conduct virtual hearings. Please keep in mind, as with all technology solutions, we must ensure that the use of technology is done in a way to respect the administration of justice and protect the constitutional rights of participants.
- Digital Evidence-The Internet of Things (IoT) and the embracement of technology by society has transformed almost any device into one with the capability to store images and data or log transactions. With this in mind, court leadership needs to be aware and have the ability to present digital evidence in any case that is seen to ensure all evidence is placed on the record.
- Web Applications-A web application is a software application accessible by a browser either through the internet or a local network that enables end users to perform some type of activity or service. A good example would be digital platforms that enable remote hearings or some type of functional process such as data input and retrieval, report writing or other management function to process and enable work flow.
- e-Filing/e-Payments-Courts use web applications to perform transactions on the internet like filing cases or making payments. Applications like these enable courts to provide services outside the court and improve case management and customer service.

- Case Management System (CMS)-A court's case management system digitizes a court's case management process, effectively moving cases from filing to disposition/settlement/dismissal or withdrawal. A CMS tracks, data, provides reports, calendaring, docketing, document management, alerts as well as other functions that aid in processing cases.
- Jury Management (JMS)-A jury management system aids the court in managing its jury's ensuring inclusiveness and representation of the jury list, providing a fair cross representation of the community, providing reports and logistical information to seat and pick jurors, and improving juror comprehension, performance and feedback to the court.
- Automated Texting-Texting has been proven to reduce failure to appear, improves customer service and caseflow in courts. Often, automated texting solution are integrated in a court's case management, e-Filing and e-Payments critical applications to enhance those systems and improve communication, planning and feedback which results in improved case management processes.
- VoIP-VoIP stands for "Voice over Internet Protocol" and is a technology that allows voice communication over the internet instead of traditional dedicated copper lines. VoIP solutions can be a stand-alone technology or bundled with video technology or other critical applications to improve customer services, workflow and communication.
- Artificial Intelligence, machine learning, deep learning-In computer science and computer engineering, artificial intelligence (AI), machine learning (ML) and deep learning (DL) is defined by IBM as "behavior resembling human intelligence". IBM states that machine learning can be further defined as a "subset of artificial intelligence that learns by itself" while deep learning is a subset "where a program teaches itself to perform a specific task with increasing greater accuracy, without human intervention." In this light, AI, ML and DL can be used in technology by the courts to improve caseflow, customer service and the administration of justice. Several current examples can be seen in the following technology:
 - Bots - where an application performs an automated task. For example, court leadership can develop, purchase and configure a "chat bot" programmed to "hold a conversation" with people to accomplish a certain task like providing court dates, helping constitutes pay fines and court costs, whether constitutes were identified for jury duty plus many others court function.
 - Another example can be seen with Data entry "robots" which review incoming court documents and transfer data to proper database fields without requiring end users to complete long-complicated online forms.
- Online Dispute Resolution (ODR)- Court Leadership can use technology applications and platforms to track, schedule, document and facilitate mediation, negotiation and arbitration over the internet in a virtual environment.
- Business Intelligence (BI)- defined when an organization analyzes data with the goal to support decision making. The data is presented in a way (i.e., historical, current, predictive) so leadership can uncover actionable and critical information to make tactical and strategic decisions moving forward. From a court perspective, all aspects of case management and functional areas can be reviewed to enhance the decision making process. The bottom line is Business Intelligence is a tool to enhance court leadership in the functional and project management of the court.

- Data presentation - data may be presented and provided in different ways:
 - Dashboards - generally a single page where all of the important data and insight is collected and displayed. Often the data is at a high level in graphical format and be clicked for greater detail if needed.
 - Reporting – using reports that are managed (i.e., automated and/or produced on a predetermined schedule or ad hoc on demand (i.e., preparing one- time reports to answer individual questions to a specific issue); data presentation reports allow the court’s leadership team and business units to see data trends and review relationships between variables (i.e., relationship between time and cost).
 - Reports can take various formats such as tables, spreadsheets, word or Google documents and PDF’s. To enhance communication and understanding visualizations can include charts, graphs or histograms with the ability to drill down to more detailed information seen in tables and spreadsheets.

5.2 Continuity of Operations Plans

The term “continuity of operations planning (or plans)” or “COOP” has become commonplace in court leadership. Continuity of operations, or business continuity, is essentially disaster preparedness and recovery. Anticipating and being ready to respond to business interruption is increasingly important to courts as continuous operations and accessibility relate to public perceptions and access. Courts are also increasingly reliant upon technology, which is susceptible to interruption.

Among the types of business interruptions are the following:⁴⁸

- Inability to use court facilities due to structural, fire, water, or other damage
- Impacts from major interruptions due to public disturbances, riots, or curfews
- Loss of electricity or other technology (i.e., servers, fiber line cuts) impacting computers, phones, equipment, documents, water, sewage
- Loss of transportation for staff and court users
- Loss of or interruption to communication due to wind, water – impacting relay towers, phone operations, call centers and inability to recharge battery-powered devices and
- Loss of staff due to injury, death and/or evacuation

When court operations are compromised or at risk of being compromised by real or potential threats, court leaders may likely be the principal planners, conveners, facilitators, delegators and communicators in their jurisdiction. Judges, court staff and representatives from other justice system agencies may look to the court leader(s) to:

- Demonstrate leadership and ensure the continued operation of the court
- Serve as the source of critical information about contingency plans, and
- Provide key details regarding operations of the court when emergency strikes

To ensure continuous operations, the court leader has several key responsibilities, which include:

⁴⁸ From “Business Continuity Management Mini Guide,” June 2006, and “Disaster Recovery Planning for Courts – a Guide to Business Continuity Planning – Mini Guide,” Summer 2000, National Association for Court Management.

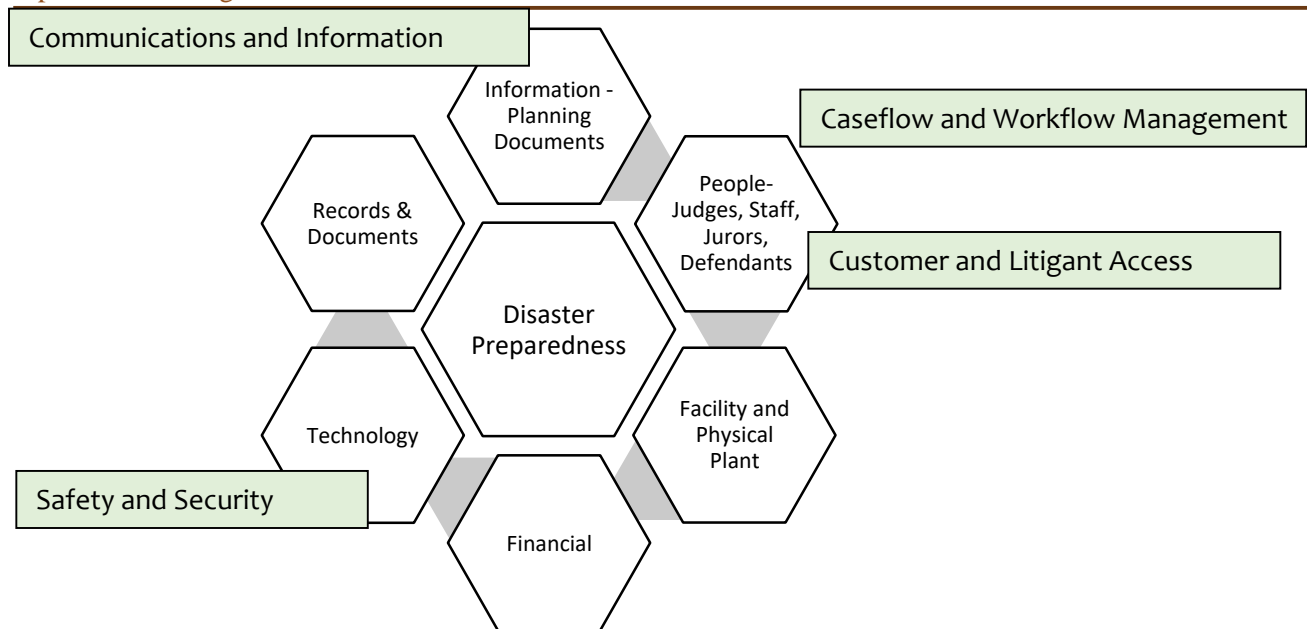
- Preparing and planning for emergency events
- Courts should budget and plan to provide protection for court employees and staff. (i.e., personal protective equipment). Examples include but not limited to masks, hand sanitizer, and face shields.
- Establishing contingency and action plans
- Creating an emergency kit with key supplies, blank forms, rule books and authorization necessary to conduct court
- Publishing and providing key details, plans, documents, and steps for an emergency
- Preparing required emergency document forms and rudimentary equipment
- Preparing and executing “administrative directives/orders” detailing authorities for court actions
- Conducting practices based on different scenarios
- Risk assessment, avoidance, and awareness
- Awareness of and prioritization of vulnerable areas or functions
- Relationship and support building prior to the event of need
- Process for dealing with “special handling” needs – in custody defendants, jurors, persons with disability
- Involvement and facilitation of appropriate representatives
- Determination and knowledge of which agency has final authority
- Knowledge of who controls the command or emergency center (e.g., sheriff, police, fire) and who has jurisdictional authority over the court facility or building
- Provision of court leadership
- Ability to practice with table-top exercises, scenarios and staff involvement
- Communication strategy and plan
- Practice and scenario planning

Desired KSAs for Managing COOP



- Awareness and ability to prioritize and understand the court related vulnerable areas
- Ability to easily build relationships with others
- Knowledge of the appropriate representatives that may be affected
- Knowledge of the building and hierarchal contacts
- Ability to practice table-top exercises and scenarios with staff

The chart below displays critical preparedness areas to consider (in the hexagon) along with basic court operational elements to address (in the bars).



Continuity of Operations Plan Development

A COOP should provide a general overview of what to do in an emergency, what employees should expect, who is responsible for key tasks, and how to perform such tasks. The COOP gives the court manager a simple document to refer to in a stressful time, making activation easier. The COOP is a live document and should be updated continuously to better improve the process. All necessary parties should have a copy of the COOP and court management should be able to access it from anywhere.

The drafting of a continuity of operations plan is usually the responsibility of the court manager. The continuity of operations plan encompasses much more than fiscal management concerns.

The necessary elements of an effective COOP include:

1. The goal of the document
2. The objectives of the plan
 - Ensure the continuous performance of the Court's essential functions/operations during an emergency
 - Protect essential equipment, records, and other assets
 - Reduce or mitigate disruption of operations
 - Identify and designate principals and support staff to be relocated
 - Facilitate decision-making for execution of the Plan and the subsequent conduct of operations.
 - Achieve a timely and orderly recovery from the emergency and resumption of full service to all customers
 - Expedite the restoration of mission-critical functions, including having in place an alternative facility, if needed
 - Provide effective coordination and protection of court staff, visitors, and court users.
 - Map communications with the following first responders: law enforcement, fire department, office of homeland security, and medical responders

- Provide guidelines for media communications and public outreach, including establishing a unified message and who will be the authorized spokesperson(s)
- Establish ongoing communication mechanisms with other key justice agencies and provide for the ongoing updating of key contact information

The necessary considerations for the COOP planning process include:

3. Identify hazards and threats (natural and man-made) to the court and solutions to mitigate them
4. Assess risks in conjunction with law enforcement, the weather bureau, and other agencies
5. Coordinate and develop a COOP with other key justice and social service agencies on which the court depends to operate
6. Determine who will update all COOP information, how frequently it will be updated, and how the updating will be done
7. Purchase and stock emergency resources/supplies (water, flashlights, hand sanitizers, etc.)
8. Establish an emergency budget or fund under which supplies and services can be purchased

Consideration needs to be given to who has authority for the court to operate during an emergency. Some issues for the COOP to identify are as follows:⁴⁹

- The constitutional and statutory authority relevant to the court's functioning during an emergency
- Any executive or supreme court orders relevant to the court's functioning during an emergency, and
- The court orders and/or rules that may be needed in the event of an emergency

COOP Pandemic Response

The COVID19 pandemic caught many courts by surprise as most COOP plans were primarily focused on natural disasters like tornados, fires and hurricanes where the court building or infrastructure was damaged in some way and where the response to the disaster was using a facility nearby to resume court operations. Unfortunately, with COVID19, work was stopped by the inability to gather in one place due to social distancing and the risk of gathering in large numbers which caused case flow stopping or being delayed. Courts should budget and plan to provide protection (i.e., Personal Protective Equipment) for court employees and staff. Examples include but not limited to masks, hand sanitizer, face shields.

Technology Focused Pandemic Response

One of the ways to respond to a pandemic like COVID19 that stopped or delayed case flow is to use technology to conduct virtual hearings where people can participate in different locations. Additional technology may be helpful, including the following:

- Air filtration – Normally used in hospital surgery rooms, one technology that Court Administrators can deploy is air filtration units.
- Temperature taking – Court leaders could also use a kiosk that takes temperatures before allowing

⁴⁹ Further information about COOP is available from: <https://www.ncsc.org/services-and-experts/areas-of-expertise/emergency-planning-and-security> and https://www.ncsc.org/_data/assets/pdf_file/0028/17389/toolkit.pdf and the NACM "Business Continuity Management Mini Guide, 2006, available for purchase at <https://nacmnet.org/resources/publications/>

anyone into the facility.

- Remote access to critical applications– Consider using cloud or VPN to provide access to the court’s critical applications so court staff can work remotely.

Potential Challenges and Opportunities Regarding COOP



- Having the ability to plan, prepare and use project management techniques
- Obtaining budgetary and financial support
- Achieving buy in from top leadership, staff and required partners
- Ensuring the ability to establish protocols and authorizations
- Learning from experience and “lessons learned”
- Avoiding delay on establishing a plan due to “it will never happen to me” thinking.

Activity Six – List Your “Top Five” Critical Operations – Working in small groups, attendees will list the top five operations that are mission critical that must be performed and need to be anticipated in event of a business interruption. They will then be asked to list partners and helpers to plan for operational continuity. Lastly, they will be asked to list at least 3 steps to begin/practice for preparedness. Groups will report to the full class, and respond to questions about emergency preparedness.

5.3 Facilities Management

Facilities Management is the commitment to maintaining a safe, secure, accessible, well-planned and dignified environment for court operations and doing so in a manner which adopts best practices and inspires public confidence. The success of any facilities management program depends upon several factors that include: 1) The development of a strategic planning process, 2) Good communication among the stakeholders and the public, 3) Development of consensus, and 4) Strong project management.

Often located in the central seat of government, courthouse facilities vary across the country from standalone building structures to offices within a municipal building or spread over several sites within a large Government Center complex or operated from a satellite or annex location. The buildings may be owned or leased and the direct management of courthouse facilities varies depending on local governing authority, state code or other provision.

Courthouses have long served as a cornerstone of the community and center of the law and government as well as a meeting ground, cultural hub, and social gathering place, many with significant historical value playing an important role in personal and public lives.

“But above all, the courthouse: the center, the focus, the hub; sitting looming in the center of the county’s circumference like a single cloud in its ring of horizon, laying its vast shadow to the uttermost rim of horizon; musing, brooding, symbolic and ponderable, tall as cloud, solid as a rock, dominating all: protector of the weak, judicate and curb of the passions and lusts, repository and guardian of the aspirations and hopes.”⁵⁰

⁵⁰ Faulkner, William. “Act I: The Courthouse.” *Requiem for a Nun*. New York: Random House, 1951.

While the range of facilities management responsibilities will vary among court jurisdictions, such responsibilities may include, but are not limited to several areas: general operations; disposal maintenance, and capital improvements.

General Operations	Property management Security Public relations Custodial services Refuse and waste
Disposal Maintenance	Preventive maintenance Minor maintenance Service/work order requests Grounds maintenance
Capital Improvements	Restoration, rehabilitation, remodeling, conservation or new construction projects Consultant/contractor selection process Engineers, architects, consultants, and contractors coordination

Desired KSAs in Facilities Management



- The principles and techniques of administrative management including organization, planning, budgeting, and reporting
- Project management, such as cost management, documentation, survey and inspection requirements, public relations, contractor relations and employee relations.
- Budget and fiscal management
- Contract negotiations
- Principles, practices, and current developments in architecture and engineering
- Understanding of telephone, network, security, computers and other IT equipment
- Preparing plans, specifications, schedules and cost estimates
- Establishing and maintaining effective working relationships with local governing partners, contractors and consultants

Potential Challenges and Opportunities with Facilities Management



Among the challenges are the following:

- Difficulty in identifying who is responsible for facilities management
- Ineffective relationships between the courts and the agency responsible for the facility
- As technology changes, previous agreements between the courts and the agency responsible must be reviewed
- The court manager must understand requirements of the court facility
- It is helpful if the court manager has a good understanding of IT

Physical Attributes

The location and design of courthouses can assist or reduce the ability to provide services to the public. A court manager should be able to articulate space needs for current workflow, forecast needs for future use, and consider things ranging from location to feasibility of different lease or purchase structures.

Location

Accessibility

Aesthetics and functionalities

Parking

Court space master planning, including standards for space allocation and use

Network infrastructure (conduit, clean power, cable lines)

Space leasing and purchasing

Trends Impacting Courthouses

Court managers need to be aware of trends that will have an impact on the work being done at the courthouse. Trends can be both internal (operational), as well as external (environmental and/or societal needs and expectations). They include: the need for remote work or hearings; huddle or small ad hoc meeting rooms; space for self-service/self-help or resource centers; and courthouses that address environmental concerns and have sustainable architectures.

5.4 Court Security

Equally important in ensuring continuity of court operations is the provision of adequate security within the courthouse to guard against violence and/or threats against judges and others, which can have a potentially crippling impact on the continuity of court operations and the rule of law.

Individual security often affects collective security and is a risk that must be contemplated, assessed, and incorporated into a court's security operations. The CCJ/COSCA Court Security Handbook is a valuable resource in developing an effective courthouse safety and security plan.⁵¹ In addition to continuity of operations planning, the importance of adequate funding and data management is critical because it provides the foundation for the court's overall security planning and prudent risk management.

While the range of security responsibilities will vary among court jurisdictions, such responsibilities may include, but are not limited to:

⁵¹ <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/165/>



Desired KSAs in Managing Court Security



- The principles and techniques of administrative management including organization, planning, budgeting, and reporting
- Project management, such as cost management, documentation, survey and inspection requirements, public relations, contractor relations and employee relations
- Budget and fiscal management
- Contract negotiations
- Principles, practices, and current developments in architecture and engineering
- Understanding of telephone, network, security, computers and other IT equipment
- Preparing plans, specifications, schedules and cost estimates
- Establishing and maintaining effective working relationships with local governing partners, contractors and consultants

Potential Challenges and Opportunities with Court Security



- Managing continuing education for staff on how to respond when there is a security threat
- Agreeing with the local facility agency on security requirements
- Communicating security threats to the appropriate individuals

Section 6 – Measuring Operations Management

Learning Objective

As a result of this section, participants will be able to:

1. Assess which performance measures or metrics are needed to document and report on the business outcomes of the Operations Management elements.

6.1 Operations Metrics

As noted throughout, it is important for court leaders to be familiar with how the court is performing and to have tangible metrics to evaluate business outcomes. Fortunately, measures and methodologies are available. The National Center for State Courts published its CourTools measures; they serve as ten, court related, practical measures to report outcomes.⁴⁰

These measures directly relate to a court’s effectiveness in the Operations Management competency and elements. Court managers are encouraged to apply these measures in their courts.

The CourTools Measures and Relevance to Operations Management⁵²		
CourTools Measure	Summary of Measure	Applicability to Operations Management Elements (some are direct/some are indirect)
#1 – Access and Fairness	Court user ratings on the court accessibility and treatment of customers (fairness, equality, respect)	Court User Services Courtroom Operations Records Accepting and Processing Filings and Fees Facility Security
#2 – Clearance Rates	Number of outgoing cases as percentage of number of incoming.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#3 – Time to Disposition	Percentage of cases disposed within established timeframes.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#4 – Age of Active Pending Cases	Age of active/pending cases, measured from day of filing to time of measurement.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#5 – Trial Date Certainty	Number of times that cases disposed by trial had trial dates scheduled.	Courtroom Operations Special Court Ordered Services
#6 – Reliability and Integrity of Case Files	Percentage of files that can be retrieved within specified time, and accuracy and completeness of contents.	Records Court User Services
#7 – Management, Fairness and Practices of Legal Financial Obligations	Management of practices, and perceptions of fairness in processes for legal financial obligations.	Court User Services Accepting and Processing Filings and Fees
#8 – Effective Use of Jurors	Number and percentage of citizens selected for jury duty out of amount available.	Jury Functions Courtroom Operations
#9 – Court Employee Satisfaction	Court employee ratings on quality of work environment and relations with management.	Information Technology Continuity of Operations Facility COOP
#10 – Cost Per Case	Average cost of processing a single case, by case type.	All Operations Management Elements

⁵² CourTools Measures may be accessed at <https://www.courttools.org/trial-court-performance-measures> .

6.2 Other Measurement Tools and Strategies

A self-assessment tool is also available for courts to determine how effective their operations are. The National Center for State Courts has provided CourtMD as a tool to rate and evaluate.⁵³ In this tool, a court may choose a case type and then respond to specific operational issues.

Identification of:

Case Type(s)

Rating and Notation Regarding Use of:

- time standards
- caseflow management concepts
- goals for interim case events and times
- case status categories
- support from judicial officers and key leaders
- use of a culture that supports planning, change and improvement
- identification of performance measures on caseflow
- leader review and evaluation of statistics and reports

Resulting rating provides documents, information and materials for further study.

Other sources exist to demonstrate how court leaders measure and evaluate performance. Notable ones include:

- The importance of knowing the tasks and work that is being conducted, the mandate underlying the work and the resources needed⁵⁴
- The overall importance of counting items to measure performance, and obtaining measures with and without technology.⁵⁵

Recently, courts have also begun to focus on ways to measure and address inclusion and belonging, also referred to as diversity, equity, and inclusion (DEI). Inclusivity and equity have been the desired outcomes of diversity initiatives. Measuring them is a qualitative measurement. Courts have used employee engagement surveys, exit surveys to find out why employees leave, organizational assessments on diversity and inclusion, and focus group discussions to gain insight. Public satisfaction and juror satisfaction surveys, town hall meetings, advisory committees, and grievances about court services also provide the context of public sense of inclusion and belonging.

⁵³ <http://courtmv2.ncsc.org/courtmd/cmd>

⁵⁴ Cornell, Janet G., "One Court Looks at Itself in the Mirror: The "Bucket List" Project, - a Low Tech Self Inventory," *The Court Manager*, National Association for Court Management, Volume 27, Issue 4, Winter 2012-2013, and "Steps to Reengineering: Fundamental Rethinking for High Performing Courts, Case Study #2," National Association for Court Management, *Mini Guide*, 2012-2013.

⁵⁵ Cornell, Janet G., "Court Performance Measures: What You Count, Counts!" *The Court Manager*, National Association for Court Management, Volume 29, Number 1, Spring 2014.

6.3 Diversity and Inclusion Institutional Assessment⁵⁶

Check the box that reflects how your institution is doing.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
My institution:					
Intentionally promotes diversity and inclusion					
Leadership understands and models diversity and inclusion					
Has a diversity and inclusion mission statement which is publicized					
Has a specific plan for diversity and inclusion (initiatives, strategies, measurements)					
Puts into action the values of its diversity and inclusion statement					
Has a process for regular reviews of policies and procedures					
Has an effective (accessible, fair, etc.) process for handling diversity and inclusion issues and problems					
Is a place where people feel safe to be who they are					
Researches the diverse needs of employees, stakeholders, etc., and appropriately responds to findings					
Regularly seeks feedback from clients/customers to ensure diverse needs are met					
Has staffing that is representative of the community the organizations serves					
Celebrates Diversity					

Activity Seven – *Measures and Operations Management*. Reviewing the CourTools Measures and all Operations Management elements, attendees, working individually, will list the top 2-3 measures they consider the most critical to operations management and will be prepared to explain and defend to the full class.

⁵⁶ This Diversity and Inclusion Assessment Document© has been prepared by Zenell B. Brown, CDP, J.D.

Court Performance Measures – CourTools Measures ⁵⁷	
Measure	Definition
1. Access and Fairness Survey	Ratings of court users on the court’s accessibility and its treatment of customers in terms of fairness, equality, and respect.
2. Clearance Rates	The number of outgoing cases as a percentage of the number of incoming cases.
3. Time to Disposition	The percentage of cases disposed or otherwise resolved within established time frames.
4. Age of Active Pending Caseload	The age of active pending before the court, measures as the number of days from filing under the time of measurement.
5. Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.
6. Reliability and Integrity of Court Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.
7. Management, Fairness, and Practices for Legal Financial Obligations	Ratings from defendants or respondents on treatment for legal financial obligations; percentages of legal financial obligations fully met; and ratings by judicial officers, court administrators, and staff on practices used by the court for defendants with legal financial obligations.
8. Effective Use of Jurors	Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.
9. Court Employee Satisfaction	Ratings of court employees assessing the quality of the work environment and relations between staff and the management.
10. Cost per Case	The average cost of processing a single case, by case type.

Section 7 – Putting It All Together

Learning Objective

As a result of this section, participants will be able to:

1. Identify the impact and relevance of all other Core competencies in the Principle, Practice and Vision modules
2. Construct a personal action plan, to include a priority listing of Operations Management elements for your court’s executive leadership team to address and/or research for implementation or enhancement

7.1 Organizational and Managerial Skills

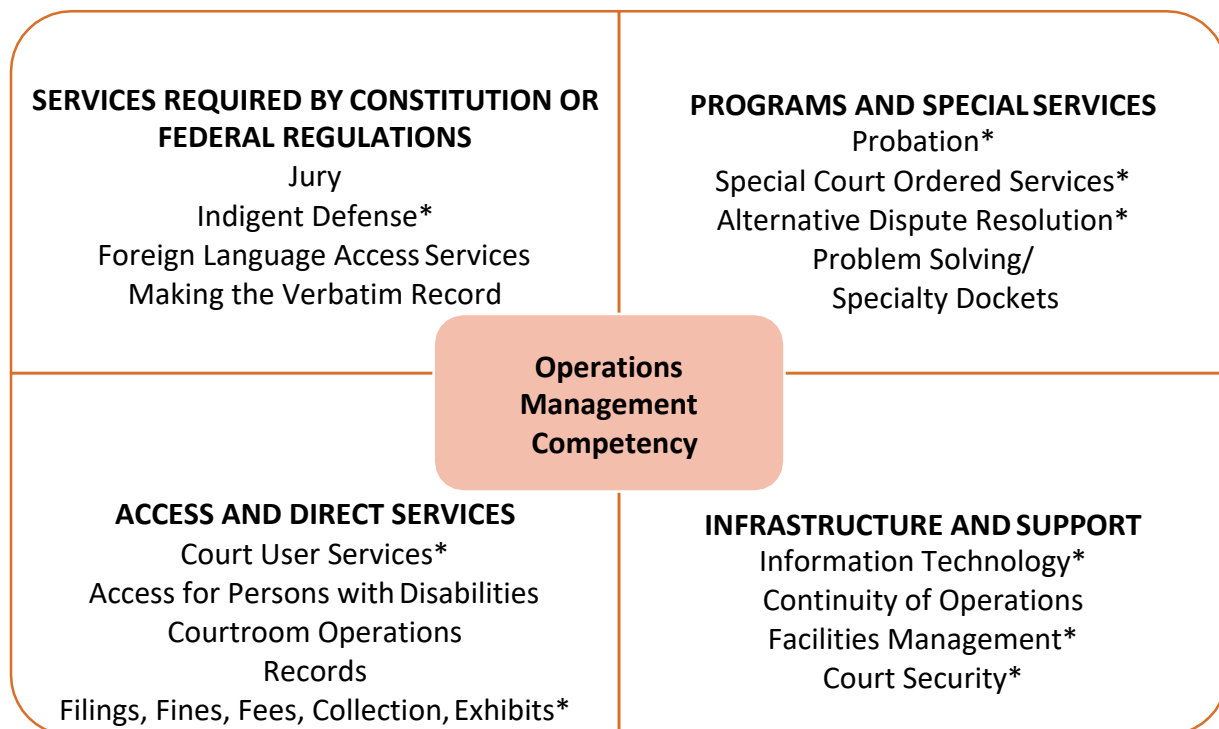
Not all court leaders will perform all of the functions listed here, and there are undoubtedly additional functions not listed that court leaders may be called upon to perform. Similarly, the range of essential components of court operations and services court leaders will need to perform varies significantly with the level, jurisdiction, culture, and organization of the court in which they serve, and are likely to change over time. As such, court leaders should develop competencies in more organizational and managerial skills overall to support the other essential components of court operations, with a particular focus on:

⁵⁷ CourTools information is available at <https://www.courttools.org/trial-court-performance-measures>

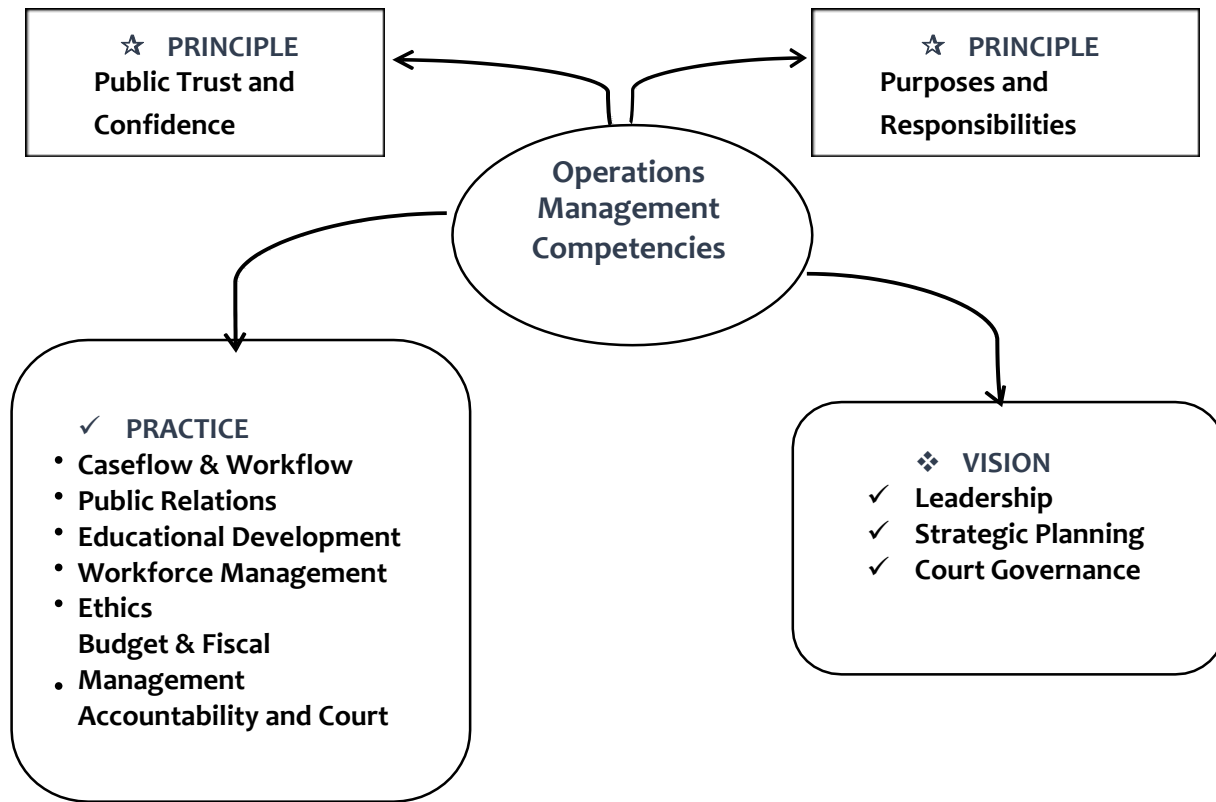
- Identification of the courts’ functional requirements to perform and manage daily operations, the personnel and other support required and the skills and resources necessary to ensure that the functions are effectively conducted, managed and monitored
- Development and management of contracts, including the procurement and oversight of services provided by outside entities and sole practitioners, (e.g., interpreters, mental health service providers, etc.) as required, to perform these other essential components of a court’s operation and mission
- Continual application of the requirements of statutes, court rules, policies and procedures to court operational practices to guarantee all court functions and services are carried out competently, and are consistent with constitutional, statutory and other requirements and evidence-based standards of performance
- Support for the use and role of technology to support operations, allow efficiencies and provide tools to court personnel and those who access courts
- Utilization of court performance measures to manage and gauge operational effort and success
- Recognition of and response to demographic and other trends that impact the need for court services, including self-representation, language access and legal assistance

7.2 Importance of Operations Management

These Operations Management elements (knowledge and skills) may exist and will likely be used throughout the court, during: case initiation, preparation and filing; interim case processing and handling; case adjudication and disposition; enforcement, post-adjudication and some appellate oversight; and, essentially at any time or stage of case related functions under supervision and authority of the court.



All elements of the Operations Management competency support the other competencies, as illustrated in the chart below.



When the elements within the Operations Management competency are conducted and delivered smoothly, efficiently, and in an exemplary manner, the following will result:

- Litigants will be better prepared
- Litigants will better understand the process and what they can reasonably expect
- Litigants may feel in greater control of the outcome of their case
- The overall pace of litigation will be faster and more efficient
- Costs of litigation – both direct and indirect – will be lower and more closely managed, and
- There will be greater public trust and confidence in the system

If these elements of Operations Management are not delivered professionally and smoothly, then:

- Cases may be delayed or take longer
- Proceedings may be continued
- Litigation costs may be higher
- Litigants and members of the public may be increasingly frustrated, and
- Public trust and confidence in the system may be lower

Ultimately, skills in the areas noted below impact the knowledge and use of elements within the Operations Management Competency:

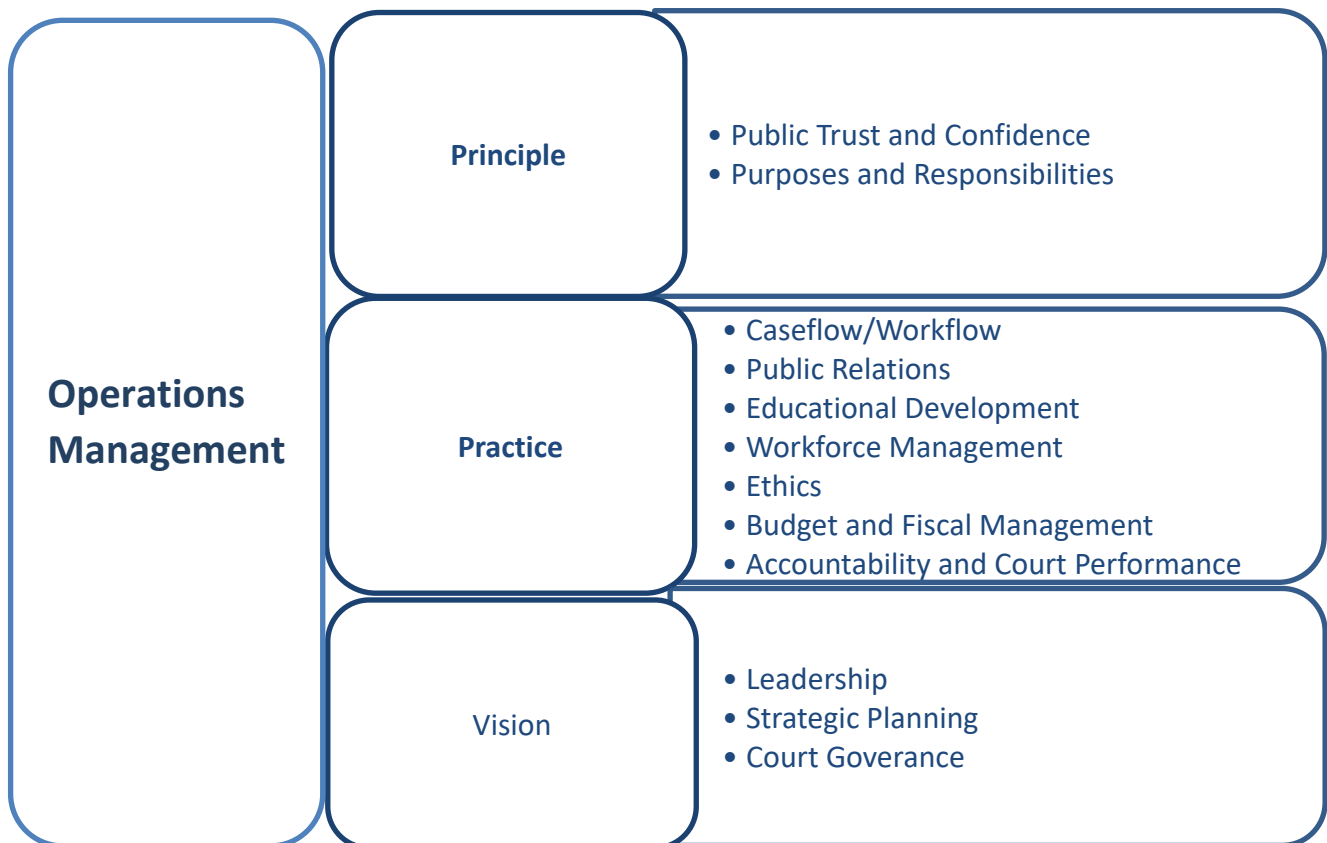
- Leadership and role clarification
- Relationship management

- Influence
- Communication
- Knowledge and abilities
- Relationships with other professionals and those on whom courts are reliant
- External factors and influences
- Coordination of activities not under direct authority or supervision of the court
- Importance and use of contractual agreements and documents

Activity Eight – *Linking Operations Management to Other Competencies.* This activity is a brainstorming activity which may serve to link the various elements of the Operations Management competency to the full roster of competencies included in the Core. This exercise allows attendees to view the competencies in both the narrow scope (operations management) and the wider scope of all the Core modules. The chart below or a similar one may be used to provide structure to exercise information.

As noted, before, all elements of the Operations Management competency relate to the full array of knowledge, skills, and abilities that comprise the Core Competencies. These Operations Management skills both support them and are dependent upon them:

Students of this competency are encouraged, even urged, to become familiar with the other knowledge, skills, and abilities in all Core areas. Indeed, they are interrelated and interdependent.



Activity Nine – *Review of Operations Management competencies for Action.* Attendees will review the elements, and create a priority action list to be used in one of the following circumstances:

1. Discussion with the court presiding judge to begin leadership actions on behalf of the court
2. Discussion with senior court leadership on providing briefing and training for staff on the element,
or
3. Identifying individual research and study for the attendee to become more conversant in the element noted

Faculty Resources

Faculty Resources are intended to be used as references and illustrations of content, methodology, and purpose for each topic. Faculty resources are annotated in the content outline in places where their use may be most effective. Faculty for a course based on this curriculum design may have supplemental resources that would be useful to court managers. These faculty resources are not intended to be the only participant materials; they are intended to provide some materials that are considered vital to the content. The following may be informative and additional sources of information (not listed in any order) – both for faculty and students.

Groups and Organizations

- National Association for Court Management – www.nacmnet.org
- National Center for State Courts - www.ncsc.org and <https://www.courttools.org/>
- International Association for Court Administration - <http://www.iaca.ws/>
- United States Courts – www.uscourts.gov
- American Bar Association – www.americanbar.org
- Free Legal Aid - <https://www.freelegalaid.com/nav/federal/general-legal-resources/resource/selfhelpsupportorg>
- Self-Represented Litigants - <http://www.srln.org/>
- Association of Family and Conciliation Courts - <http://www.afccnet.org/>
- National Association of Drug Court Professionals - <http://nadcp.org/>
- American Translators Association – www.atanet.org
- National Association of Judiciary Interpreters and Translators – www.najit.org
- Center on Court Access to Justice for All - <https://www.ncsc.org/jfa>
- US Department of Justice Civil Rights Division - <http://www.justice.gov/crt>
- US Department of Justice – www.justice.gov
- United States Department of Justice Civil Rights Division - www.ada.gov/
- Limited English Proficiency Federal Interagency - www.lep.gov
- American Probation and Parole Association - <http://www.appa-net.org>
- National Institute of Corrections, Probation and Parole Executive Orientation - <http://nicic.gov/>
- United States Probation - www.uscourts.gov/services-forms/probation-and-pretrial-services
- Federal Emergency Management Agency - <http://www.fema.gov/> and www.ready.gov
- Center for Disease Control and Prevention - <http://www.cdc.gov/>
- Court Information Technology Officers Consortium - <http://www.citoc.org/>
- The SEARCH Group - <http://www.search.org/>
- Government Technology - <http://www.govtech.com/>
- Center for Jury Studies – www.ncsc-jurystudies.org
- National Court Reporters Association – www.ncra.org

Other Information and Sources

- Interpreter glossary
- Interpreter code of conduct
- NACM Code of Conduct
- NACM National Agenda

Links to Specific Documents

Courtroom Operations

NCSC - <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/juries/id/o>

Florida courts -

<https://www.flcourts.org/content/download/219266/file/manual.pdf>

Jury Manager's Toolbox, A Primer on Fair Cross Section Jurisprudence, available at [Jury studies \(ncsc-jurystudies.org\)](http://ncsc-jurystudies.org)

Paula Hannaford-Agor, Saving Money for Everyone: the Current Economic Crisis is an Opportunity to Get Serious about Juror Utilization, in FUTURE TRENDS IN STATE COURTS 2009, at p. 50, available at https://www.ncsc-jurystudies.org/_data/assets/pdf_file/0024/6846/saving-money-for-everyone.pdf

Information Technology

NACM Guide (2014) – [A Guide to Technology Planning for Court Managers](https://nacmnet.org/sites/default/files/Resources/2014TechGuide_WithCover.pdf)

https://nacmnet.org/sites/default/files/Resources/2014TechGuide_WithCover.pdf

Court Reporters and Recorders

NACM Guide 2007 Making the Verbatim Court Record

Resources: <http://www.uscourts.gov/services-forms/federal-court-reporting-program>

Court User Services

- John Greacen articles - <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/106>
- Arizona Legal Advice/Legal Information
- Court self-help web sites
- Self-Represented Litigant network at <http://www.srln.org/>
- Access to justiceresources <http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/336>
Interpreter Resources

Continuity of Operations

- NACM Guides Summer 2000 – [Disaster Recovery Planning for Courts](#) and 2006 [Business Continuity Management](#)
- Records
- <https://www.ncsc.org/topics/access-and-fairness>
- Indigent Defense Services
http://ojp.gov/newsroom/factsheets/ojpfs_indigentdefense.html
- http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclai_d_def_tenprinciplesbooklet.authcheckdam.pdf
- <http://www.justice.gov/sites/default/files/atj/legacy/2013/05/09/resource-publication-4-17-12-rev.pdf>

Services Specialty Dockets

- <https://www.ncsc.org/topics/alternative-dockets/problem-solving-courts/home>
- Problem Solving Justice Toolkit
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/spcts/id/147>
- Problem Solving Courts, Models and Trends
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/spcts/id/169>

Section One

Purposes of Courts
Operations Management Competency Elements
National Association for Court Management Core Modules and CourTools

Section Two

Jury Program Steps
Juror Yield Computation Worksheet
Typical Public Defender Contract
Elements Language Access Plan
Elements
Sample Report: Lesser Use Languages with Interpreter
Assigned Modes of Verbatim Record Technology
Court Reporter Staffing Models

Section Three

Probation Services Overview
Linkages & Differences: Ordered, User, & Resolution
Services Examples of ADR Programs and Methods
Sample ADR Performance
Metrics Typical Drug Court
Standards
Common Practices and Key Elements of Community
Courts Example of Drug Court Performance Measures
Sample Calendar with Specialty Dockets

Section Four

Sample User Services by Case Type
Sample Public Signage on What Court Employees Can and Cannot Do Typical Courtroom Setting
Examples of Courtroom Protocol Information
Typical Policies and Procedures Related to Courtroom
Operations Example of Bench Book Contents
Records Illustration
Access to Judicial
Records Data
Processing Diagram

Fees and Payments Knowledge & Skills for Court
Managers Sampling of Operational Areas

Section Five

Benefits of Effective Use of Technology
Seven Facts Court Managers Should Know About
Technology Critical Preparedness and Basic Court
Operations

Section Six

Operational Management Metrics
Operational Management Metrics for Specific Case Types

Section Seven

Illustration of Operational Management Elements in Relationship to Other
Core Competencies
Operations Management & Relationship to Other Core Competencies

Section One

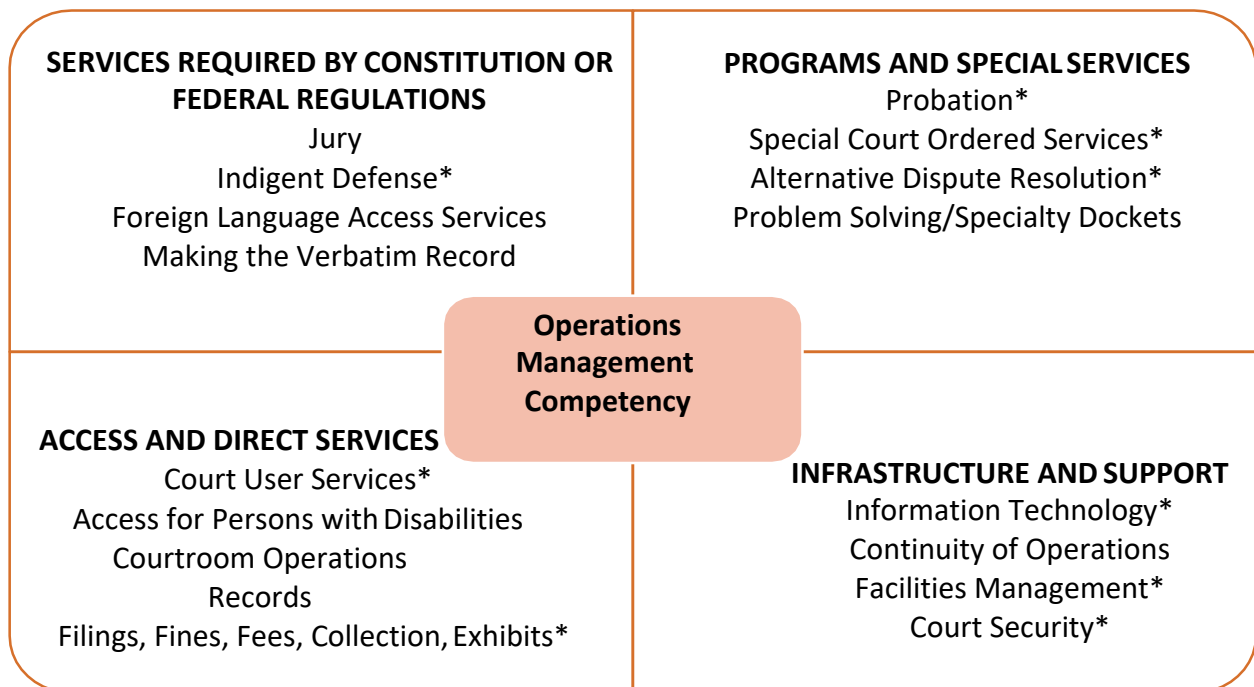
Purposes of Courts

- Do individual justice in individual cases
- Be perceived to do individual justice in individual cases Provide a forum for resolution of disputes
- Protect the individual against arbitrary use of government power
- Provide formal record of legal status
- Deter criminal or unlawful behavior
- Rehabilitate people convicted of crimes
- Separate some convicted people from society

Examples of Additional Purposes

- Protect vulnerable individuals and society from abuse of power
- Provide forum for reconciliation of relationships
- Demonstrate accountability for effective use of public resources

Operations Management Competency Elements



**NATIONAL ASSOCIATION
FOR COURT
MANAGEMENT**

- *Recognizing diverse competencies*
- *Strengthening the profession*
- *Promoting competency*
- *Supporting education*

Core® Modules Summary

Module Principle

While the specific functions court leaders perform and the environments in which they work varies significantly, fundamental and enduring principles serve as the foundation for the profession. Competencies in this module outline these principles.

Competencies

- Public Trust and Confidence
- Purposes and Responsibilities

Module Practice

These Competencies relate to both daily and long-term functions court leaders must perform, either individually or in collaboration with others. Not all court leaders will individually perform all of the functions associated with these Competencies but they should be aware of their relevance, the key skills they entail and their application, as appropriate, to their specific roles in the courts.

Competencies

- Caseload and Workflow
- Operations Management
- Public Relations
- Educational Development
- Workforce Management
- Ethics
- Budget and Fiscal Management
- Accountability and Court Performance

Module Vision

The Competencies included in this module focus on the creation of a strategic vision for the court. To perform this function, the court leader must demonstrate creativity, stamina, drive, conceptual and analytical skills and the ability to execute. These traits position the court leader to work with judicial officers and other system leaders as part of a leadership team, to assess and respond to trends and to promote overall court capacity.

Competencies

- Leadership
- Strategic Planning
- Court Governance

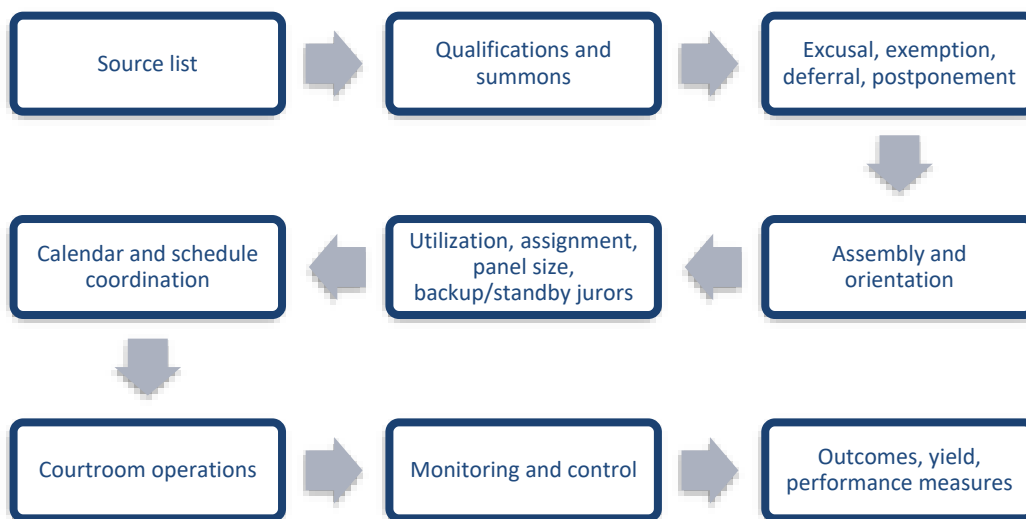
<p>Access and Fairness Measure 1</p> <p>definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.</p> <p>purpose: Many users "choosing" or "using" a court means they are citizens whose dealings with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions across the board. This measure provides a tool for surveying all court users about their experience in the courtroom. Comparison of results by location, division, type of caseload, and across courts can indicate court management practices.</p>	<p>Trial Date Certainty Measure 5</p> <p>definition: The number of cases disposed by trial on scheduled trial date.</p> <p>purpose: A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with trust in case disposition. This measure provides a tool to evaluate the effectiveness of scheduling and courtroom practices. For this measure, "trial" includes jury trials, bench trials, trial by consent or waiver of jury trial, and adjudicatory hearings in juvenile cases.</p>	<p>Fair Practices for Legal Financial Obligations Measure 7c</p> <p>definition: Ratings by judicial officers, court administrators, and court staff on the importance of practices used by the court to determine, monitor, and enforce compliance by debtors with legal financial obligations (LFOs).</p> <p>purpose: Using a short survey, this measure provides a method of self-assessment for court personnel to evaluate the utility of their current practices and gauge the importance of incorporating additional recognized good practices to enhance debtors' compliance with LFOs.</p>
<p>Clearance Rates Measure 2</p> <p>definition: The number of ongoing cases as a percentage of the number of incoming cases.</p> <p>purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for one and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.</p>	<p>Reliability and Integrity of Case Files Measure 6</p> <p>definition: The percentage of files that can be retrieved without established time standards and that meet established standards for completeness and accuracy of content.</p> <p>purpose: A reliable and accurate case file system is fundamental to the effectiveness of a court's court operations and fairness of judicial decisions. The maintenance of case records directly affects the workload and integrity of case processing. This measure provides information regarding (a) how long it takes to create a file, (b) whether the file's content and case summary information match up, and (c) the organization and completeness of the file.</p>	<p>Effective Use of Juries Measure 8</p> <p>definition: Juror recall is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of juror summonses mailed. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.</p> <p>purpose: The percentage of citizens available to serve relates to the integrity of courts, the effectiveness of jury management practices, the utilization of citizens to serve, the efficiency of juror and juror management policies, and the number of juror summons issued. The objective of this measure is to determine the number of juror summons given—the number of citizens who are summoned, qualified, report for jury service, and who are not needed.</p>
<p>Time to Disposition Measure 3</p> <p>definition: The percentage of cases disposed on or before a selected judicially established time frame.</p> <p>purpose: This measure, used in conjunction with Measure 2 Clearance Rates and Measure 4 Age of Active Pending Caseload, is a foundational management tool that assesses the length of time it takes to resolve cases. It compares a court's performance with local, state, or national guidelines for timely case processing.</p>	<p>Ensuring Fairness in Legal Financial Obligations Measure 7a</p> <p>definition: Ratings by debtors on their perception of their treatment by the court in cases in which the court has imposed a legal financial obligation (LFO).</p> <p>purpose: This measure evaluates the extent to which the court is able to determine its financial fairness, report, and enforce. The focus of this measure is on the imposition of legal financial obligations (LFOs).</p>	<p>Court Employee Satisfaction Measure 9</p> <p>definition: Ratings of court employees assessing the quality of the work environment and relations between staff and management.</p> <p>purpose: Contented and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for monitoring employee opinion on whether staff have the materials, motivation, direction, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace is essential to building organizational development and change, assess teamwork and management skills, enhance job satisfaction, and find ongoing ways to do better.</p>
<p>Age of Active Pending Caseload Measure 4</p> <p>definition: The age of the active cases pending before the court, measured as the number of days from filing until the time of disposition.</p> <p>purpose: Having a complete and accurate inventory of active pending cases and tracking their progress is important because this goal of case processing requires court action. Knowing the age of pending cases allows them, for example, the court clerks to better be able to recognize the court's case processing time standards. This information helps them determine on what is required to resolve cases within established standards.</p>	<p>Management of Legal Financial Obligations Measure 7b</p> <p>definition: The percentage of cases in which legal financial obligations are fully met.</p> <p>purpose: Integrity and public trust in the administration of justice depend in part on how and how well courts enforce or attempt to enforce. In the context of legal financial obligations, courts seek to manage compliance to maximize a debtor's ability to successfully meet these obligations. In particular, attention to crime victims and accountability for enforcement of sentences imposed on offenders are issues of public justice concern and resources. The focus of this measure is on the court to which a court actively manages the effectiveness of court orders requiring payment of legal financial obligations.</p>	<p>Cost Per Case Measure 10</p> <p>definition: The average cost of processing a single case, by case type.</p> <p>purpose: Monitoring cost per case, from year to year, provides a practical means to evaluate existing case processing practices and to improve court operations. Cost per case helps a court determine whether how much is spent and what is accomplished. The measure can be used to assess return on investment in new technologies, reorganizing of business processes, staff training, or the adoption of "best practices." It also helps determine where court operations may be stuck, including inefficient processes or underutilized staff.</p>

Section Two

Jury Program Steps

The typical jury program processes include these high-level elements:

- Preparing annual master lists and ensuring randomness in selection of jurors
- Summoning, qualifying and notifying prospective jurors
- Scheduling and selecting jurors for trials
- Handling requests for extension, excusal and deferral
- Managing automated jury management systems
- Processing payments
- Evaluating jury yield
- Providing comfortable facilities for hosting jurors



Juror Yield Computation Worksheet

Potentially Available		Not Available	
A. Summonses Sent	_____	D. Non-response/Failure to appear	_____
B. Postponed to Serve this Period	+ _____	E. Undeliverable	+ _____
C. Total Potentially Available	= _____	F. Disqualified	+ _____
		G. Exempt	+ _____
		H. Excused	+ _____
		I. Postponed to Future Period	+ _____
			∨ _____
			∨ _____
		J. Total Not Available to Serve	= _____
			∨ _____
K. Total Qualified and Available = $\frac{C - J}{C}$			
L. Juror Yield (%) = $\frac{K}{C} \times 100$			

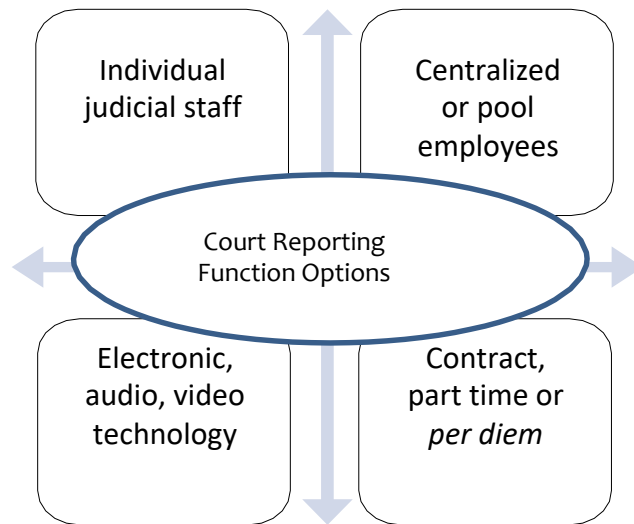
Typical Elements of a Contract for Public Defender Services

- Court rules and policies on the appointment of indigent defense
- Listing of the types and nature of applicable cases or charges that qualify for quasi-indigent or indigent defendants
- Attorney qualification, licensing and credentialing required
- Determination of indemnification and other liability insurances
- Criteria for attorney conflict of interest
- Agreement for automatic appointment or with review/consultation
- Definition of representation services and tasks
- Details about acceptable maximum caseload composition and size
- Fees and fee schedules
- Criteria for fee adjustments or requests for extraordinary circumstances
- Expectations of personal appearances
- Notation of special circumstances and expectations (e.g., evaluation of competency, language needs)
- Delineation of who pays for costs, and at which point any are reimbursed by the court
- Conflicts of interest
- Rules for attorney withdrawal
- Expectations for attorney to keep and maintain case files, logs, records, documentation, time sheets
- Expected reporting and statistics to be provided by the defense attorney
- Limitations on representation delegation or assignment to another attorney
- Attorney billing timelines and guidelines
- Contract administrator and contract point for questions or problems
- Circumstances when appointments may be cancelled or suspended

Sample Report: Lesser Use Languages with Interpreter Assigned Month and Year: xx/xx			
Month/Day	Courtroom	Language	Time (Hours)
July 1	2	ASL	2
July 2	2	ASL	2
July 9	5	ASL	2
July 10	3	Somali	2
July 14	1	Somali	2
July 14	3	Hungarian	2
July 14	7	Arabic	2
July 15	2	Serbian	2
July 16	2	Farsi	2
July 28	7	Farsi	2
July 28	4 & 3	Somali	2
July 30	1	Somali	2
July 30	2	Farsi	2
July 30	7	Farsi	2

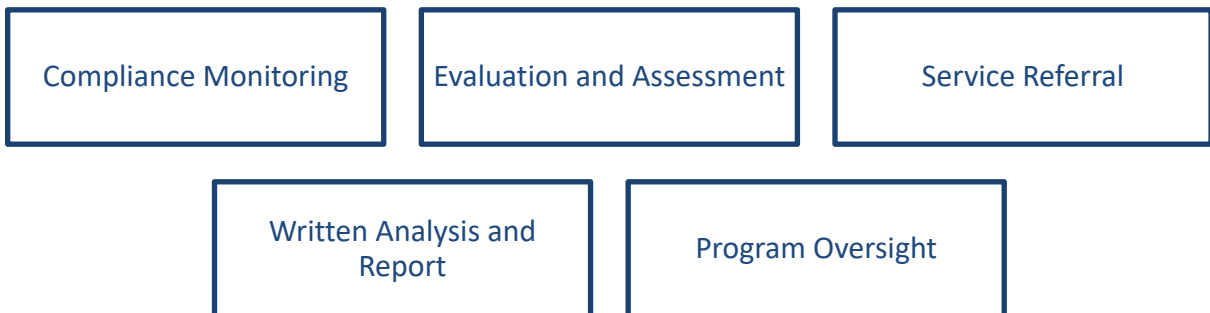
Modes of Verbatim Record Technology
Stenographic reporting
Realtime
CART (Computer aided real-time transcription)
Stenomask equipment
Digital recording
Video recording
Voice writing
Captioning
Audio recording

Court Reporter Staffing Models



Section Three

Probation Services Overview



Pretrial Services Overview

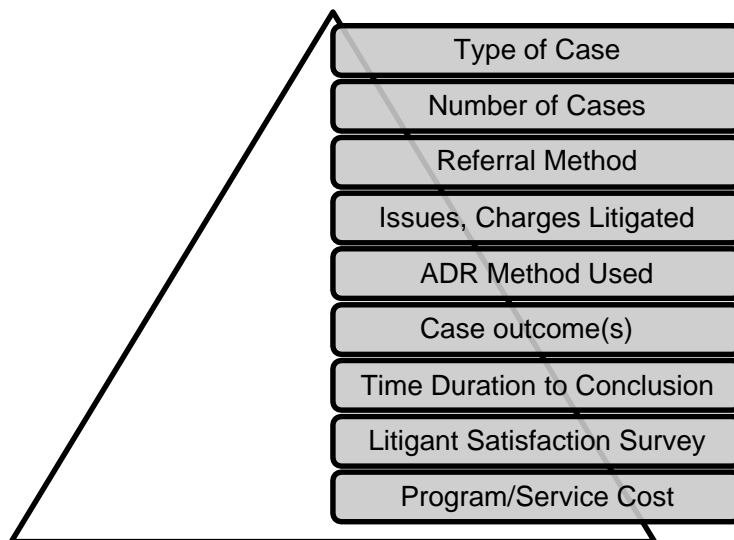


Linkages & Differences: Ordered, User, & Resolution Services

Examples of ADR Programs and Methods

<ul style="list-style-type: none"> • Arbitration • Facilitation • Mediation • Mini-trial • Early neutral evaluation • Early resolution conference • Neutral fact finding • Multi-door program • Coaching • Conferencing 	<ul style="list-style-type: none"> • Negotiation • Ombuds Services • Settlement conferences • Special master • Pro tem judge • Private judge • Summary jury trial • Unbundled legal services • Parenting coordinator • Visitation conference
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Sample ADR Performance Metrics



Typical Drug Court Standards

1. Participation of a specified and target population
2. Focus on historically disadvantaged groups of individuals
3. Statement of clear roles and responsibilities of judges
4. Use of incentives, sanctions and therapeutic adjustments
5. Utilization of substance abuse treatment

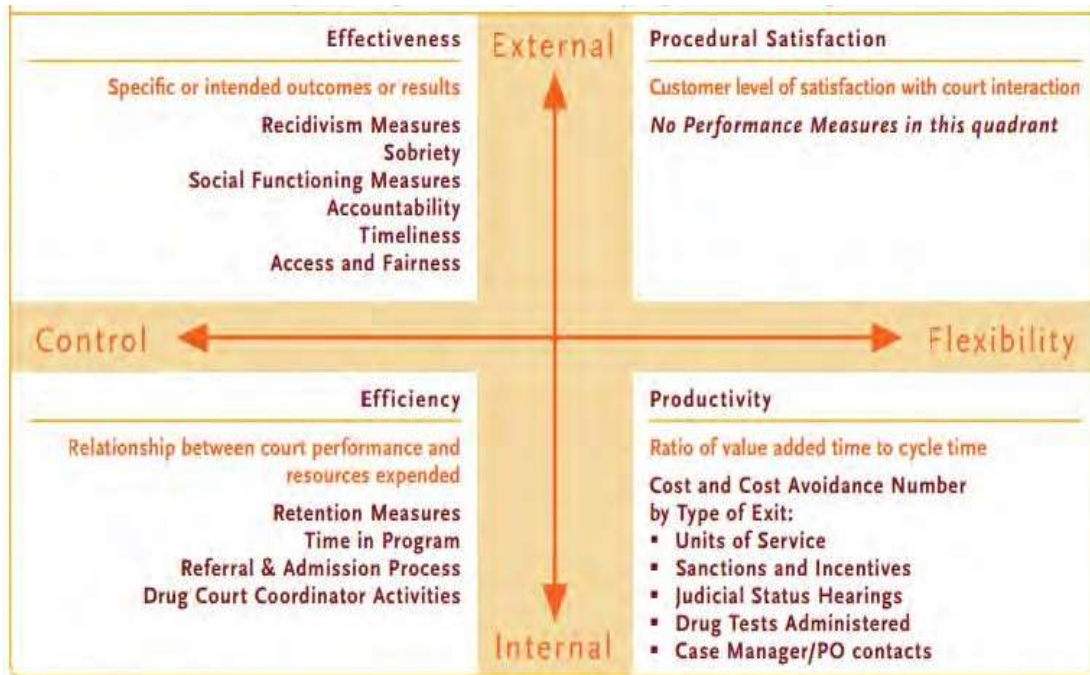
Adapted from National Association of Drug Court Professionals, “Adult Court Best Practice Standards,”
<https://www.nadcp.org/standards/adult-drug-court-best-practice-standards/>

Common Practices and Key Elements of Community Courts

- Community service and other alternative sanctions replace jail and fines
- Increased court time and resources devoted to minor misdemeanors
- Extensive inventory of information on defendants gathered through expanded intake interviews and access to other criminal justice databases
- Extensive (often two to three years) planning process
- Community service work crews or improvement projects posted as the products of community service
- Offender compliance with sentence conditions strictly monitored
- Non-compliance with sentence conditions strictly sanctioned
- Immediacy in start of community service and treatment programs
- One or more mechanisms that provide ongoing communication with the community, as distinctly defined by each community court project
- Access to a comprehensive package of treatment and social services through a mix of government and nonprofit agencies
- Dual commitment to changing the lives of individual offenders and the quality of life in communities
- Treatment and services as a component of sanctions

From Problem Solving Courts: Models and Trends by Pamela M. Casey and David B. Rottman, retrieved from <http://ncsc.contentdm.oclc.org/cdm/ref/collection/spcts/id/169> 2003.

Example of Drug Court Performance Measures



Sample Calendar with Specialty Dockets

Courtroom	Time	Monday	Tuesday	Wednesday	Thursday	Friday
A	9:00					
	10:00	Arraignments	Arraignments			
	11:00					
	1:30	Prob. Viol. (PV)				
	2:30		Mental Health Court (MHC)	Special Bond Forfeit. Hearing (BFH)		Settings
	3:30					
B	9:00					
	10:00		Truancy	Arraignments		
	11:00					
	1:30	Arraignments		Veterans Treatment Court	PV BFH	Special Settings
	2:30					
C	3:30					
	9:00				Arraignments	
	10:00			BFH		
	11:00					
	1:30		Arraignments			PV Special Settings
	2:30					
	3:30					

Section Four

Sample User Services by Case Type

Case Type	Examples of User Services
Civil, non-criminal traffic violations, small claims, ordinance violations	Self-help, self-guided access Forms and checklists
Criminal, misdemeanor, criminal traffic	Forms Indigency applications/forms Victim services and domestic violence requirements
Protective orders or injunctions	Self-help, self-guided access Forms and checklists Victim information and services
Family Court, dissolution, custody, child support, juvenile	Self-help, self-guided access Forms and checklists Domestic violence services Child support or visitation guidelines Reporting and compliance documents
Probate-estate-trust-guardian-conservator	Self-help, self-guided access Forms and checklists Annual review and periodic account checklists

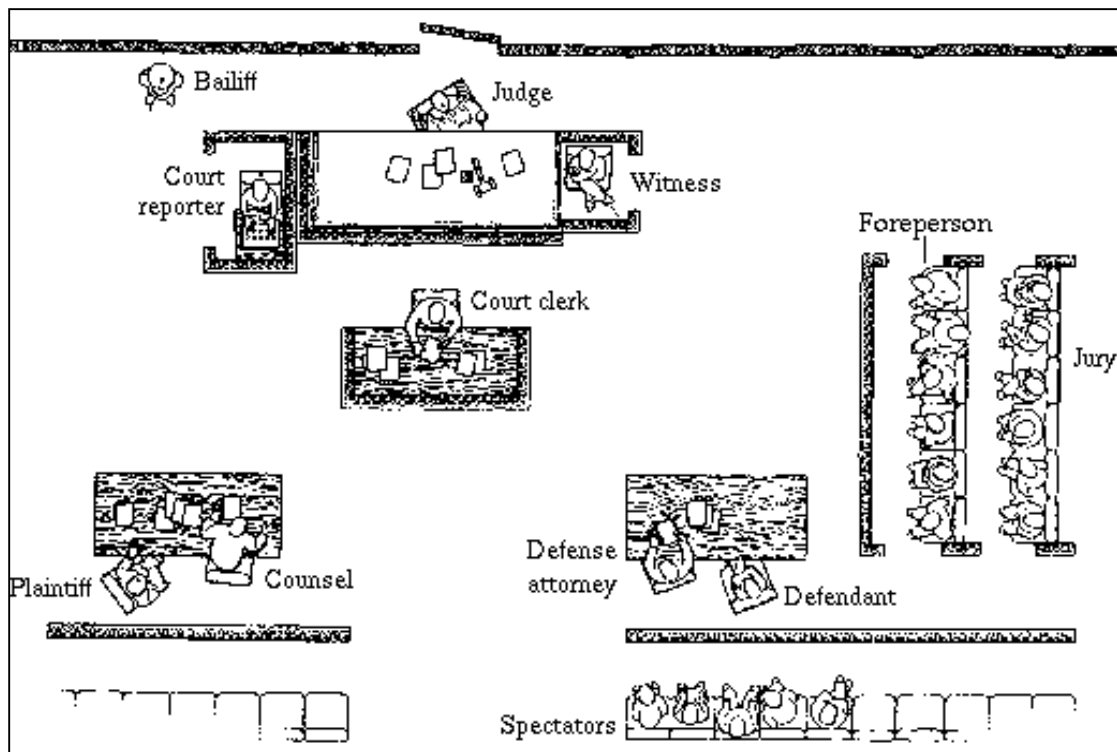
Sample Public Signage on What Court Employees Can and Cannot Do

WELCOME TO THE ARIZONA COURTS	
WE WILL BE HAPPY TO HELP YOU IF WE CAN. AS WE MUST BE FAIR TO EVERYONE, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS.	
This is a list of some things court personnel can and cannot do for you:	

We can	explain and answer general questions about how the court works.
We can	give you general information about court rules, procedures, and practices.
We can	provide you with the number for lawyer referral services, legal aid programs, and other services where you can get legal information.
We can	provide court schedules and information on how to get a case scheduled.
We can	give you information from your case file that is not restricted.
We can	provide you with court forms and instructions that are available.
We can	usually answer questions about court deadlines.

We cannot	tell you whether or not you should bring your case to court.
We cannot	tell you what words to use in your court papers or whether they are correct.
We cannot	tell you what to say in court.
We cannot	give you an opinion about what will happen if you bring your case to court.
We cannot	conduct legal research for you.
We cannot	talk to the judge for you or let you talk to the judge outside of court.
We cannot	alter court documents.
OUR ABILITY TO ASSIST YOU WILL DEPEND ON THE TIME AND RESOURCES AVAILABLE AS WELL AS THE SCOPE OF OUR RESPONSIBILITIES, KNOWLEDGE AND EXPERIENCE.	

Typical Courtroom Setting



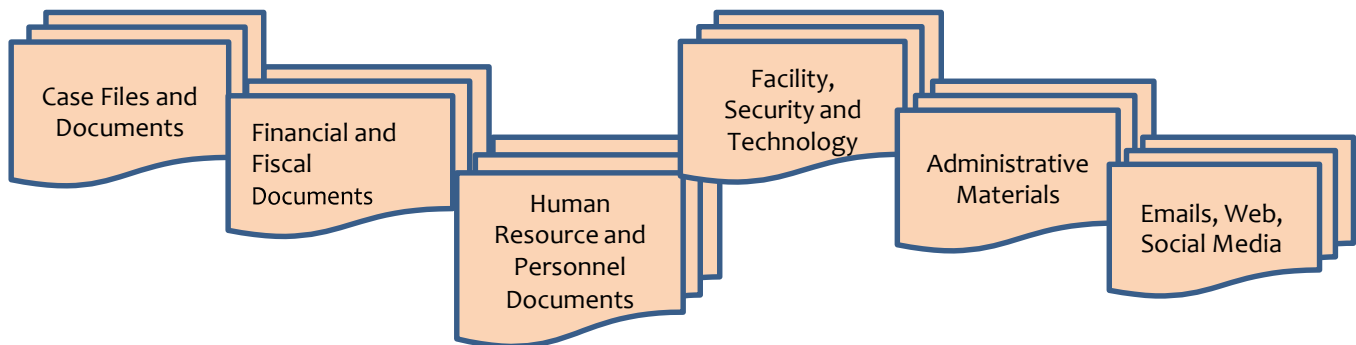
Examples of Courtroom Protocol Information

- Instructing courtroom attendees and participants on expected behaviors
- Calling the court to order
- Providing information to the judge
- Asking questions or, or for clarification with, the judge
- Handing protocols for documents given to or received from the judge
- Detailing documents desired by the judge
- Using technology in the courtroom, and who is responsible
- Identifying allowable times for the clerk to leave the courtroom

Typical Policies and Procedures Related to Courtroom Operations	
Policies	Procedures
<ul style="list-style-type: none"> • Office Mission and Vision Statement • Code of Conduct/Code of Ethics • Professionalism and Dress Code • Punctuality • Customer Service Philosophy • Caseflow Management • Case and Record Confidentiality • Office Forms and Formats • Access to Court/Clerk Records • Court Ordered Financial Sanctions • Use of Equipment and Technology 	<ul style="list-style-type: none"> • Docket and Data Entry Information • Mail Procedure • Case Data Update • Forms Issuance • Exhibits • Document Certification Steps • Sealing or Redacting Court Files • Cash Handling and Payment Receipting • Financial Reconciliation • Warrant Issuance, Validation, Returns

Example of Bench Book Contents	
<ul style="list-style-type: none"> • Deadlines and timelines • Discovery • Scheduling conferences • Motions practices • Pretrial conference • Jury trial-selection, instruction, trial procedure 	<ul style="list-style-type: none"> • Bench trial • Post-trial procedures • Technology • Case specific matters (criminal, civil, family, traffic, etc.) • Courtroom protocol • Case managers and judicial assistants

Records Illustration



Access to Judicial Records

Access to Judicial Records

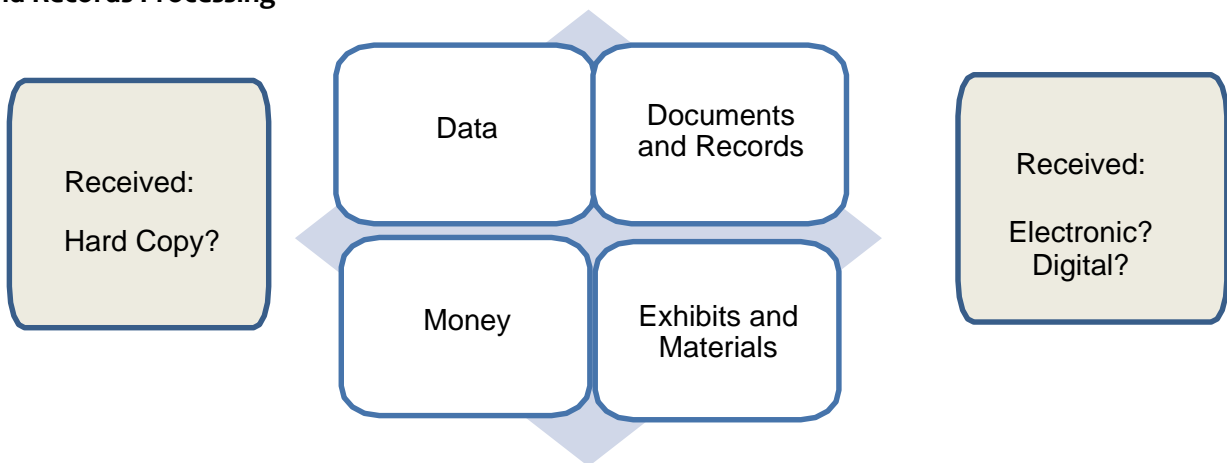
Court records include any document, information, exhibit, or other item maintained by a court in connection with a judicial proceeding, in a case management system maintained by the court and related to a judicial proceeding, or related to official court transactions. Examples of court records are: an index, calendar, docket, document, paper, order, decree, judgment, or minute entry in a courtroom proceeding.

The case records in all courts are open to any member of the public for inspection or for copies at all times during regular hours at the office and custodian having custody of the records. Due to interests of confidentiality, privacy or the best interests, public access to some court records may be restricted or expanded in accordance with the provision of this rule, or other provisions of law.

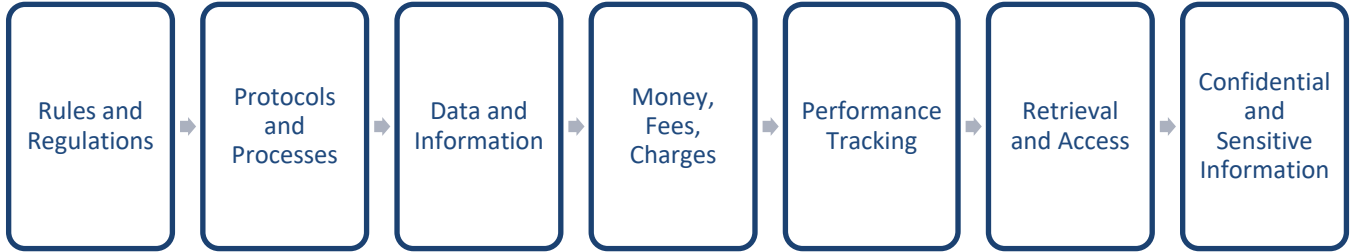
Additional provisions:

- Court records may/may not be accessible on line/remotely.
- Production costs and fees are outlined in the records feeschedule.
- Review and redaction of restricted information will be done by staff.
- Records production response will be done within____(time).

Data and Records Processing



Fees and Payments Knowledge and Skills for Court Managers



Sampling of Operational Areas

	Operational Areas	
Contractual documents and requirements? ►	IT professionals Collection agents Record keeping providers Budget, fiscal monetary agents Banking providers	◀ Costs?

Section Five

Benefits of Effective Use of Technology



Seven Facts Court Managers Should Know About Technology

Seven Facts You Should Know...

Fact #1 – Implementing IT is difficult.

Fact #2 – Planning and installing IT is different than other projects.

Fact #3 – IT planning and implementation is not a one-time activity.

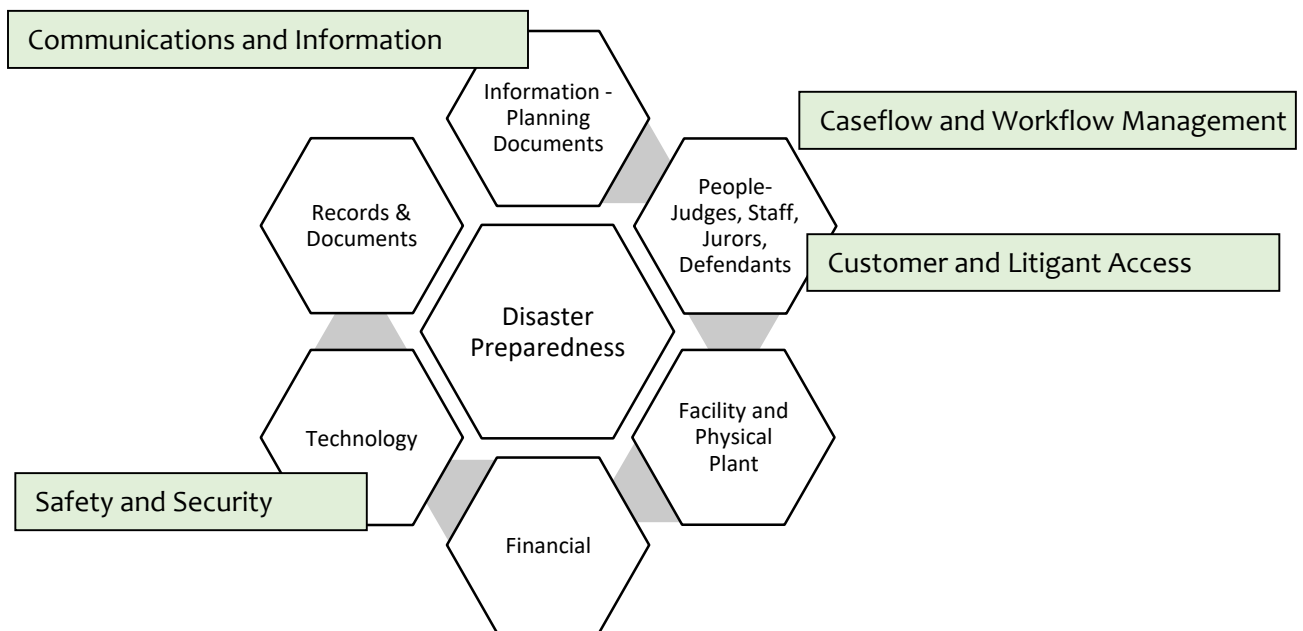
Fact #4 – IT must support the strategic business mission, goals and objectives.

Fact #5 – Successful projects require strong project management.

Fact #6 – All projects require a plan.

Fact #7 – Successful IT implementation can happen!

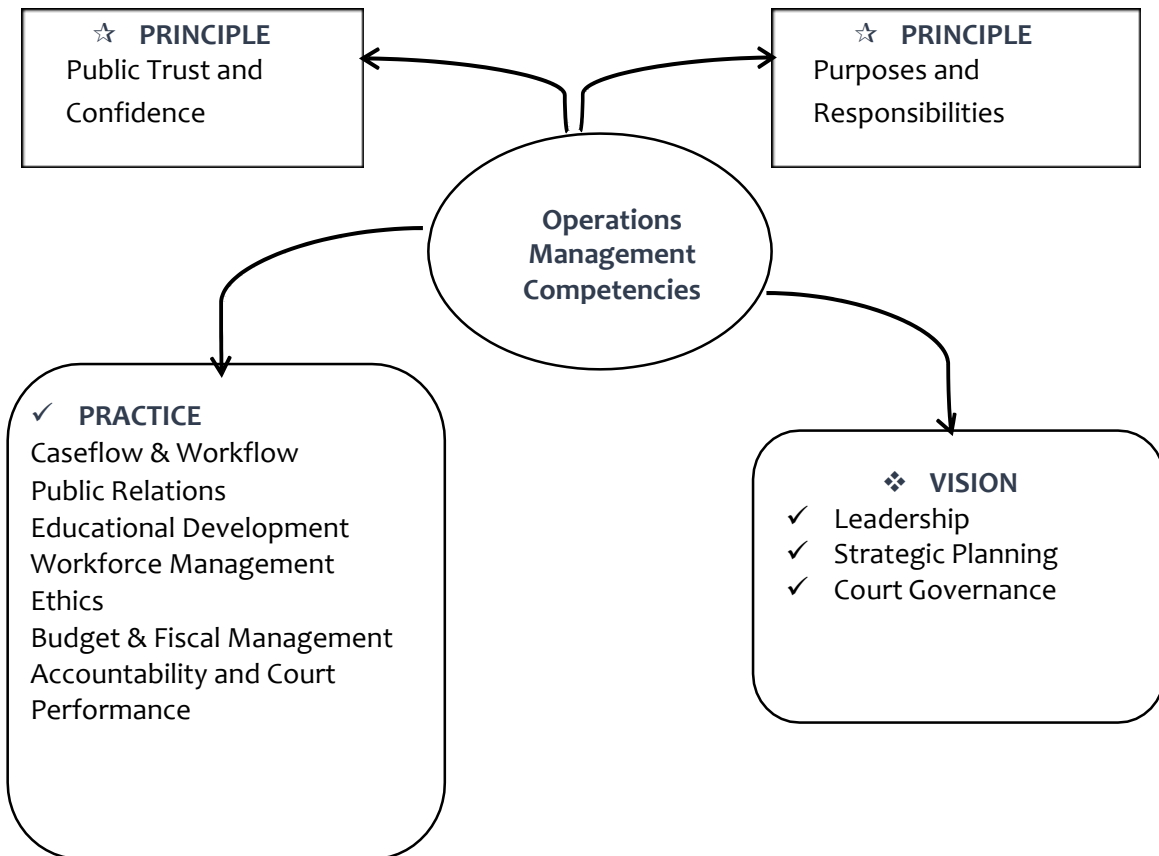
Critical Preparedness and Basic Court Operations



Section Six

Operational Management Metrics

The CourTools Measures and Relevance to Operations Management		
CourTools Measure	Summary of Measure	Applicability to Operations Management Elements (some are direct/some are indirect)
#1 – Access and Fairness	Court user ratings on the court accessibility and treatment of customers (fairness, equality, respect)	Court User Services Courtroom Operations Records Accepting and Processing Filings and Fees Facility Security
#2 – Clearance Rates	Number of outgoing cases as percentage of number of incoming.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#3 – Time to Disposition	Percentage of cases disposed within established timeframes.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#4 – Age of Active Pending Cases	Age of active/pending cases, measured from day of filing to time of measurement.	Courtroom Operations Special Court Ordered Services Alternative Dispute Resolution Problem Solving Courts
#5 – Trial Date Certainty	Number of times that cases disposed by trial had trial dates scheduled.	Courtroom Operations Special Court Ordered Services
#6 – Reliability and Integrity of Case Files	Percentage of files that can be retrieved within specified time, and accuracy and completeness of contents.	Records Court User Services
#7 – Management, Fairness and Practices of Legal Financial Obligations	Management of practices, and perceptions of fairness in processes for legal financial obligations.	Court User Services Accepting and Processing Filings and Fees
#8 – Effective Use of Jurors	Number and percentage of citizens selected for jury duty out of amount available.	Jury Functions Courtroom Operations
#9 – Court Employee Satisfaction	Court employee ratings on quality of work environment and relations with management.	Information Technology Continuity of Operations Facility COOP
#10 – Cost Per Case	Average cost of processing a single case, by case type.	All Operations Management Elements



Operational Management Metrics for Specific Case Types

Identification of:	Rating and Notation Regarding Use of:
Case Type(s)	<ul style="list-style-type: none"> • time standards • caseflow management concepts • goals for interim case events and times • case status categories • support from judicial officers and key leaders • use of a culture that supports planning, change and improvement • identification of performance measures on caseflow • leader review and evaluation of statistics and reports
Resulting rating provides documents, information and materials for further study.	

Section Seven

Illustration of Operational Management Elements in Relationship to Other Core Competencies

Operations Management & Relationship to Other Core Competencies



Participant Activities

The participant activities are one of the most important parts of the curriculum design as they are the tools faculty members are able to use to determine if participants have achieved the outcomes defined in the learning objectives. Also, participant activities provide tools to faculty to ensure that the training, course, or session is not only informative, but also interactive.

Participant activities are annotated in the content outline in places they may be effectively used. Each activity has a cover page explaining its purpose, the specific learning objective being measured, and how to use the activity. The activities themselves are on a separate page(s) for ease of duplication.

The following activities are to measure achievement of stated learning objectives. Faculty are encouraged to incorporate additional strategies to engage court managers and keep them active during their educational experience, for example, asking questions about content before presenting it, having learners discuss content and provide feedback to faculty on their perspectives, and more.

Activity One – Introductions and Sharing about Attendee Job Responsibilities.

Learning objective: *Identify individual learning needs for the elements within the Operational Management competency.*

Activity Two – Discuss Policies, Procedures, and Challenges

Learning objective: *Gain familiarity with the competencies within Operations Management*

Activity Three – Due Process Related Elements

Learning objective: *Describe the relationship of the Operations Management elements with regards to constitutional and due process requirements for court litigants and users.*

Activity Four – Create a Specialty Court

Learning Objective: *Create and produce a program plan for a specialty court, to include program goals and objectives, partners and collaborators needed, and measurable program outcomes.*

Activity Five – Create a Policy for Self-Represented Litigants.

Learning objective: *Identify expectations and needs of self-represented litigants (SRL) and draft an SRL Policy for your court.*

Activity Six – List Your “Top Five” Critical Operations

Learning objective: *Evaluate the priority or critical court operations necessary should there be a business interruption or emergency, and list the preliminary steps and actions needed for business continuity.*

Activity Seven – Measures and Operations Management

Learning objective: *Assess which performance measures or metrics are needed to document and report on the business outcomes of the Operations Management elements.*

Activity Eight – Linking Operations Management to Other Competencies

Learning objective: *Evaluate Operations Management elements and identify how they relate to all other Core Competencies in the Principle, Practice, and Vision modules.*

Activity Nine – Review of Operations Management Competencies for Action

Learning objective: *Construct a personal action plan, to include a priority listing of Operations Management elements for your court's executive leadership team to address and/or research for implementation or enhancement.*

Activity One: Introductions and Sharing about Attendee Job Responsibilities

Purpose:

The purpose of this activity is to allow individuals to introduce themselves and identify individual learning needs.

Notes about Using the Activity

Attendees will work individually and will prepare their answers to the questions in the activity.

Relevant Learning Objective

1. Identify individual learning needs for the elements within the Operational Management competency.

Introductions and Sharing about Attendee Job Responsibilities

Answer the questions below and be prepared to share with the class.

Name: _____ Current Position: _____

Court Name: _____

Jurisdiction (type of court, type of cases): _____

How does your job relate to the Operations Management Competency Elements?

What would you like to learn from this course?

What questions do you have that you would like to have answered?

Activity Two: Discuss Policies, Procedures, and Challenges

Purpose

The purpose of this exercise is for attendees to explore differences in policies and procedures for one element of operations management and identify the major challenges they face in this area.

Notes about Using the Activity

Attendees will work in small groups to complete the questions on the accompanying page. After the small groups have completed the questions, debrief the class by seeking volunteers to share their answers.

Relevant Learning Objective

1. Gain familiarity with the competencies within Operations Management.

Discuss Policies, Procedures, and Challenges

In your small group, select one key element from the Operations Management competency and discuss their courts' current policies and practices and challenges and issues. Be prepared to explain and share with the class.

Operations Management Elements	Policies and/or Procedures – Currently in Place or Needed	Challenges or Issues Faced or to be Addressed
SERVICES REQUIRED BY CONSTITUTION OR FEDERAL REGULATIONS <ul style="list-style-type: none"> • Jury • Indigent Defense • Foreign Language Access Services • Making the Verbatim Record 		
PROGRAMS AND SPECIAL SERVICES <ul style="list-style-type: none"> • Probation • Special Court Ordered Services • Alternative Dispute Resolution • Problem Solving/ Specialty Dockets 		
ACCESS AND DIRECT SERVICES <ul style="list-style-type: none"> • Court User Services • Access for Persons with Disabilities • Courtroom Operations • Records • Filings, Fines, Fees, Collection, Exhibits 		
INFRASTRUCTURE AND SUPPORT <ul style="list-style-type: none"> • Information Technology • Continuity of Operations • Facilities Management • Court Security 		

Activity Three: Due Process Related Elements

Purpose

This activity provides the opportunity for attendees to think about the relationship between the elements of Operations Management and one of the required services of the Constitution and due process for purposes of the court.

Notes about Using the Activity

In small groups, participants will review the Operations Management elements related to Due Process (items that relate to Services Required by Constitution or Federal Regulations)

- A. Jury
- B. Indigent Defense
- C. Foreign Language Services
- D. Making the Verbatim Record

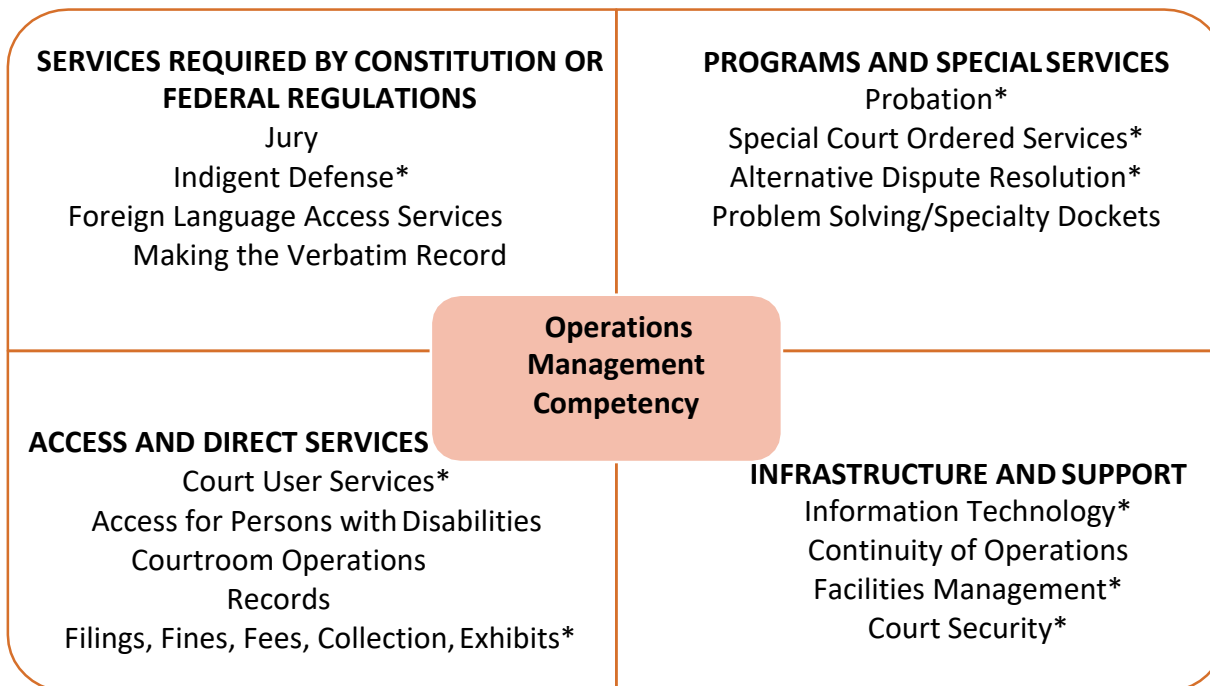
Relevant Learning Objective

1. Describe the relationship of the Operations Management elements with regards to constitutional and due process requirements for court litigants and users.

Due Process Related Elements

In your small group, discuss and record why the function or service is important in the operation of courts. Discuss and share how each element or function directly relates to the Purposes of Courts. Be prepared to report out to the full class.

Operations Management Competency Elements



Purposes of Courts

Do individual justice in individual cases

Be perceived to do individual justice in individual cases Provide a forum

for resolution of disputes

Protect the individual against arbitrary use of government power

Provide formal record of legal status

Deter criminal or unlawful behavior Rehabilitate people

convicted of crimes separate some convicted people

from society

Examples of Additional Purposes

Protect vulnerable individuals and society from abuse of power

Provide forum for reconciliation of relationships

Demonstrate accountability for effective use of public resources

Activity Four: Create a Specialty Court

Purpose

The purpose of this activity is to inspire participants to think about programs, partnerships, elements, outcomes, and reporting requirements for a specialty court that they create.

Notes about Using the Activity

Working in small groups, participants will begin the first planning stages of creating a specialty court. You may have each small group report out on their specialty court materials and planning or seek volunteers to share their specialty court plans.

Relevant Learning Objective

1. Create and produce a program plan for a specialty court, to include program goals and objectives, partners and collaborators needed, and measurable program outcomes.

Create a Specialty Court

- A. Decide on the type of case(s) for the Specialty Court. Choose one case type based upon the group interest or experience (example: Criminal)
- B. Prepare the group ideas on the reason for the Specialty Court. What is the purpose of having the Specialty Court? What is expected to be accomplished? What are the goals for operating this Specialty Court?
- C. List the stakeholders, partners, or collaborators that will be needed to help you implement or operate your Specialty Court.
- D. List or state the program features or elements. List at least 5 of them.
- E. List the expected outcomes from the Specialty Court. What results will be expected?
- F. Detail what performance data or measures will be used to evaluate program operations. Include information on how it will be obtained and collected.
- G. Brainstorm and list how the performance data will be used. Will it be published in a report? Will it be posted electronically? How will it be shared with others (judicial officers, funding agency (cies), the public).

Activity Five: Create a Policy for Self-Represented Litigants

Purpose

This activity provides the opportunity for participants to think about and discuss policies and services for pro se and self-represented litigants.

Notes about Using the Activity

Attendees will work in teams of 3-5 individuals and will create (begin) a preliminary draft policy for use regarding Self Represented Litigants. They will 'fill in the blanks' of the following template, which can be used to work toward an actual policy for use in their courts. Groups will share their draft information related to the Policy/Procedure for SRL.

Relevant Learning Objective

1. Identify expectations and needs of self-represented litigants (SRL) and draft an SRL Policy for your court.

Policy Regarding Self Represented Litigants (SRL)

- A. Identify Expectations, Services, and Needs of the Court's Self Represented Litigants
- B. Describe the Purpose(s) and Outcome(s) of This Policy for SRL
- C. List Specific Policies and/or Procedures Needed in Support of Service to SRL (list)
- D. Representatives and Work Groups Responsible for the Creation and Implementation
- E. Identify Tasks Needed for Maintenance of the SRL Policy/Procedure

Activity Six: List Your “Top Five” Critical Operations

Purpose

The purpose of this exercise is to have attendees consider what would happen in case of a business interruption or emergency. Attendees will have to think about and prioritize necessary operations to practice for preparedness.

Notes about Using the Activity

Working individually, participants will complete the questions. Approximately 10 minutes will be allotted. After each participant has completed their list, each table will discuss their preliminary information. All will then report out to the full class (based upon time available reports may be individually or by table).

During the report-out, attendees will be asked:

- A. Are these lists appropriate? (What do you think? Is anything missing?)
- B. Are there other mission critical aspects to consider?
- C. Attendees will be asked for any common themes that have emerged from this work.
- D. Class participants will be invited to ask questions of the presenters.

Relevant Learning Objective

Evaluate the priority or critical court operations necessary should there be a business interruption or emergency, and list the preliminary steps and actions needed for business continuity.

List Your “Top Five” Critical Operations

1. List your ‘top five’ operations that you consider to be “Mission Critical” in your court.

2. List the partners or helpers needed to assist you/the court in preparing a continuity of operations (COOP) plan for the court to deal with these critical functions.

3. Detail at least three (3) steps to begin the preparation of an actual COOP document or plan to address the “Mission Critical” functions noted above.

4. Note your outstanding concerns and any items that need further research.

Activity Seven: Measures and Operations Management

Purpose

The purpose of this activity is to consider which performance measures or metrics are necessary in recording and evaluating the outcomes of the Operations Management elements.

Notes about Using the Activity

Participants will be asked to re-review both the 17 elements within the Operations Management competency, and the CourTools measures and to respond to the questions.

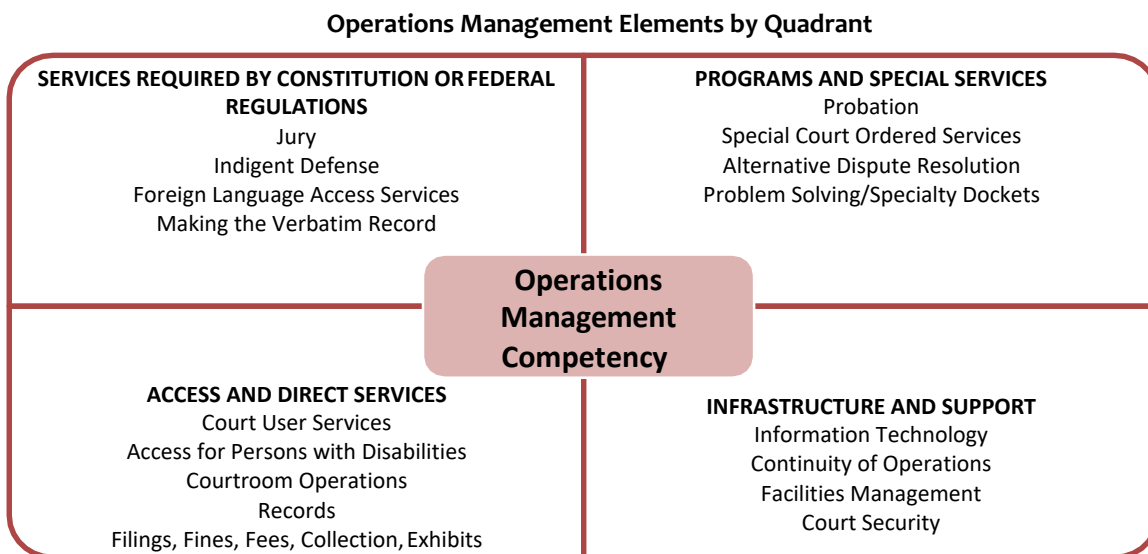
Relevant Learning Objective

1. Assess which performance measures or metrics are needed to document and report on the business outcomes of the Operations Management elements.

Measures and Operations Management

1. Which CourTools measures are critical and directly relate to the elements within Operations Management? List what you consider to be the top 3 of importance.

2. Indicate other metrics or measures that may be needed to evaluate performance of the Operations Management functions:



Court Performance Measures – CourTools Measures	
Measure	Definition
1. Access and Fairness Survey	Ratings of court users on the court’s accessibility and its treatment of customers in terms of fairness, equality, and respect.
2. Clearance Rates	The number of outgoing cases as a percentage of the number of incoming cases.
3. Time to Disposition	The percentage of cases disposed or otherwise resolved within established time frames.
4. Age of Active Pending Caseload	The age of active pending before the court, measures as the number of days from filing under the time of measurement.
5. Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.
6. Reliability and Integrity of Court Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.
7. Management, Fairness and Practices for Legal Financial	Ratings from defendants or respondents on treatment for legal financial obligations; percentages of legal financial obligations fully met; and ratings by judicial officers, court administrators, and staff on practices used by the court for defendants with legal financial
8. Effective Use of Jurors	Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.
9. Court Employee Satisfaction	Ratings of court employees assessing the quality of the work environment and relations between staff and the management.
10. Cost per Case	The average cost of processing a single case, by case type.

Activity Eight: Linking Operations Management to Other Competencies

Purpose

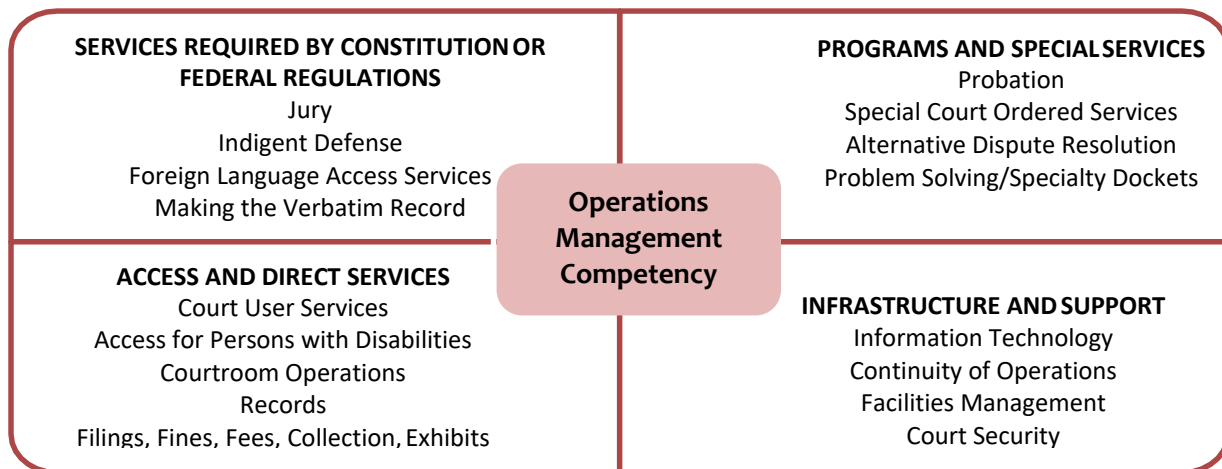
The purpose of this activity is to allow participants to brainstorm and discuss how the elements of Operations Management might link to the other Core competencies.

Notes about Using the Activity

Participants will review the list of the overall NACM Core Competencies, will reflect, individually, on the relationship between those broad competencies and note the areas where Operations Management competencies – and elements relate to the other competency areas.

Relevant Learning Objective

1. Identify the impact and relevance of all other Core competencies in the Principle, Practice and Vision modules.



Note the relationship(s) and importance of the Operations Management elements and competencies below.

Competencies	Operations Management Elements That Impact or Relate to Each Competency
Principle <ul style="list-style-type: none"> • Public trust and confidence • Purposes and responsibilities 	
Practice <ul style="list-style-type: none"> • Caseload and workflow • Public relations • Educational development • Workforce management • Ethics • Budget and fiscal management • Accountability and court performance 	
Vision <ul style="list-style-type: none"> • Leadership • Strategic planning • Court governance 	

Activity Nine: Review of Operations Management Competencies for Action

Purpose

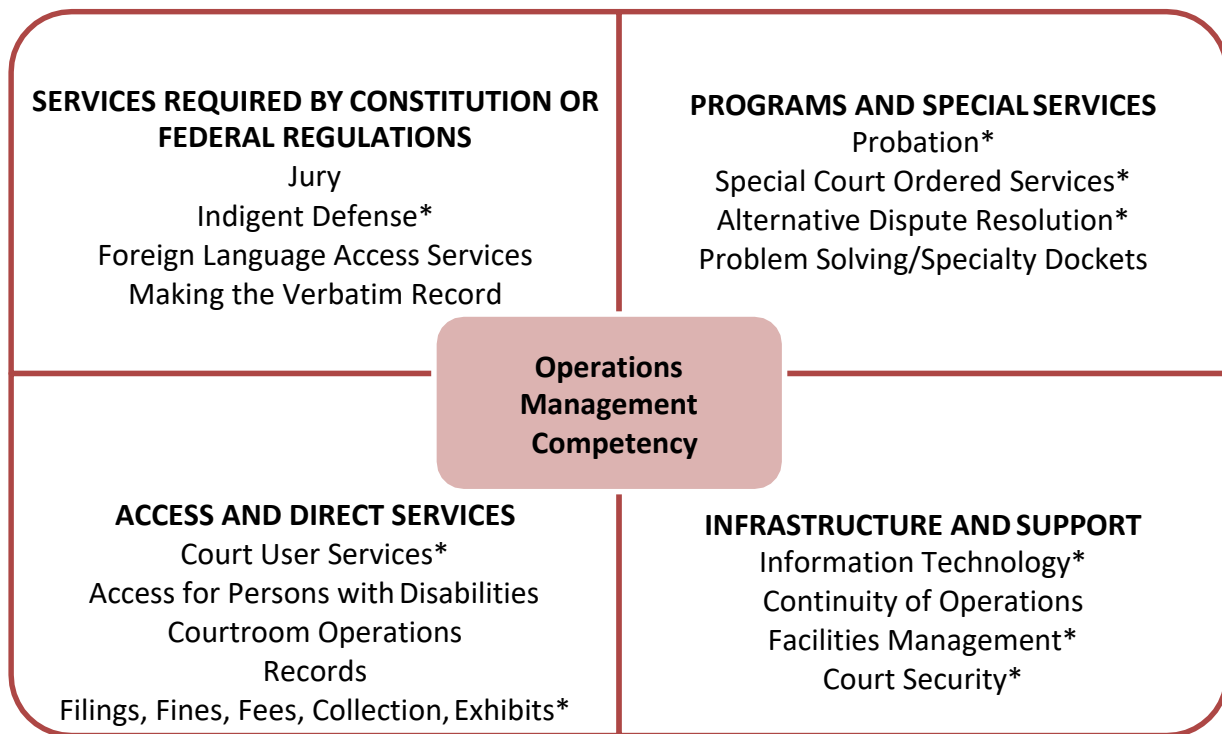
The purpose of this activity is to create an individual action plan using and prioritizing elements of Operations Management for their court.

Notes about Using the Activity

Working individually, participants will review all the elements in the Operations Management competency, and will list their priority areas, and actions they will begin upon returning home.

Relevant Learning Objective

Construct a personal action plan, to include a priority listing of Operations Management elements for your court's executive leadership team to address and/or research for implementation or enhancement.



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