

The New Reality FOR COURT MANAGERS

By Peter Coolsen

In February of this year, the Justice Management Institute facilitated a meeting of the Urban Court Managers Network in Orange County, California.

The Urban Court Managers Network was formed in 1997 to help strengthen the ability of leaders in large urban trial courts to work more effectively with each other, with key justice system policy makers, and with practitioners in their own jurisdictions to improve court and justice operations. The National Association for Court Management (NACM) has been a co-sponsor of the Urban Court Managers Network, along with the Justice Management Institute (JMI), since its inception. The network is funded by grants from the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice.

Barry Mahoney, president emeritus, and Elaine Nugent-Borakove, president, JMI, were instrumental in developing and arranging the meeting in Orange County. Court management experts, including John K. Hudzik from Michigan State University and Janice Munsterman from the State Justice Institute, were available for formal presentations and informal discussions with large court leaders. Alan Carlson, court executive from the Orange County Superior Court, and his staff provided a case study of a large, urban trial court and the approaches they have taken to deal with the many challenges facing state courts today.

During the meeting, participants talked a great deal about the economy and the fundamental changes taking place in state courts. The group recognized that one of their jobs as court leaders is to understand the principles of this “new reality” and communicate these principles within their organization. As network participants talked, the following principles for state courts began to emerge.

1. State courts are facing a long-term, prolonged reduction of human and financial resources within their courts. In addition to the multiple-year nature of these reductions, the extent of the reductions may be even greater than that which we have already experienced. Quite possibly, the most challenging years are yet to come.
2. For most courts, the easier solutions in terms of finding new revenue sources (e.g., fines, fees, and costs) and reducing expenditures have already been implemented over the last few budget cycles. Future solutions will have to be more structural and strategic.
3. Future budgetary savings in state courts are not likely to come from traditional approaches but more likely will come from process reengineering and/or substantial technology development.
4. As part of reengineering, courts will need to revisit their mission,

define their core business, and do a strategic reassessment of all court functions in an effort to prioritize responsibilities in an era of shrinking resources.

5. Old inter-governmental relationships, which worked in the past, are no longer dependable as city, county, and state governments vie for scarce resources.
6. The idea that the court will be in a much better place when things “get back to where they used to be” is a misconception that needs to be addressed by court leadership. Accepting the notion that we are not likely to return to the circumstances of the past is very important if we are to solve our current problems.

The National Association for Court Management is very committed to helping members – and their court systems – thrive within “the new reality.” This is not an easy time for court managers, and NACM is focused on providing assistance to members that will help them during this time of significant transition. Although the future for state courts might be very different from that which we have known in recent years, depending on how we solve our current problems, it very well could be a much more efficient, effective, and just environment than state courts have known in the past. **NACM**

Reality Leaves a Lot to the IMAGINATION

By Peter Coolson and Jeanine Tucker

The title of the 2010 NACM annual conference, *Wisdom in Action: Proven Court Practices*, hits it right on the head when it comes to describing the challenges of court managers.



Effective court managers are strategic in their thinking (i.e., the wise manager takes into account all of the variables in a changing environment) and yet, they are prepared to take action – every day. As John Lennon once said, “reality leaves a lot to the imagination.” It is that imagination (i.e., “the ability to deal resourcefully with unusual problems”) which is so critical for successful court managers and administrators.

In this issue, we explore the concept of the new reality for state courts and discuss proven court practices such as the performance measurement process in the Nineteenth Judicial Circuit Court of Illinois. When court managers actively prepare for whatever “new reality” is presented, through focusing on what is essential (i.e., revisit their mission and define their core business), they have

the potential to change threat into opportunity. When faced with layoffs and the reality of permanently unfilled vacancies, some of us have heard supervisors say to their employees “you need to work faster and harder.” In reality, we have no choice but to work “smarter and more imaginatively” in terms of how we manage.

Science-fiction writer Philip K. Dick once said that “reality is that which, when you stop believing in it, doesn’t go away.” We know

that many of the challenges we face as court managers today will not go away (at least for the long haul). However, if court administrators and managers continue to exercise their imagination when approaching court problems, we should be able to deal quite effectively with whatever reality presents itself. **NACM**

“Reality is that which, when you stop believing in it, doesn’t go away.”

PHILIP K. DICK

Court Express is published quarterly by the National Association for Court Management. Opinions expressed and procedures explained in the articles are not necessarily those of the association. The association encourages submission of material that will interest or benefit its members. Address correspondence to:

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Wisdom in Action: PROVEN COURT PRACTICES

Registration is now open for the 2010 NACM annual conference, which will be held in New Orleans, Louisiana, July 20-24. The conference theme explores "Wisdom in Action: Proven Court Practices."



Registration is now open for the 2010 NACM annual conference.



Workshops will be presented by respected names in court management on topics relevant to seasoned and early career court professionals alike. Topics include:

- Progress in Self-Represented Litigants Innovation
- Differentiated Case Management
- Using the Media to Build Public Trust and Confidence
- Evolving Court Customer Service
- Case Processing Performance Standards and Measurement
- Implementing Paper-on-Demand in Your Court

The dynamic Greg Gray returns to NACM's annual conference with a keynote address titled "Customer Service is a Proven Best Practice." You may remember him from the Anaheim conference, where he informed and entertained on the subject of "Desperately Seeking Service." Dale Lefever will tackle "Effective Judicial Leadership Teams: A Proven Practice" in his keynote later that week, and Avish Parashar will wrap up on Saturday with a keynote titled "Proven Practice: Plan and Then Improvise."

All of this along with exciting social events, an unparalleled exhibitor show, and opportunities to network with other court professionals adds up to five great days in a great city. Make plans to be there! An early registration discount is available through June 21. Find more information and online registration at <http://nacmnet.org/conferences/current.html>. Call (888) 609-4023 for special group rates. **NACM**

The conference hotel is the New Orleans Sheraton on Canal Street, near the historic French Quarter. Make your room reservation by calling (888) 627-7033 or (504) 525-2500. The NACM room rate is \$139/\$159 per night single/double occupancy through June 21.



EARLY CAREER PROFESSIONALS

NETWORK.PARTNER.ADVANCE

By Stephanie Hess

The purpose of the ECP Committee is to reach out to judicial administration professionals within NACM to encourage their participation in the organization and provide them with support as their careers progress. The definition of an Early Career Professional is “any NACM member who has either (a) ten or fewer years of experience in a court or as a judicial branch professional or, (b) is less than 40 years of age.”

The goals of the ECP Committee are as follows:

- (1) **To encourage** ECPs to view judicial administration as a profession and career instead of a job;
- (2) **To retain** ECP membership by encouraging ECP active participation in NACM;
- (3) **To provide** ECPs with career development resources, which will include the coordination with state associations as appropriate;
- (4) **To educate** ECPs about the NACM membership mentoring program;
- (5) **To pursue** future opportunities for growth within the ECP membership.

The ECP Committee will sponsor several webinars throughout the year that will provide opportunities to network on a variety of topics via the Internet. These webinars will be available not only to the ECP members but also other NACM members who wish to participate.

The ECP Committee will kick off its creation at the 2010

NACM annual conference in New Orleans in July with four new events:

- (1) **A charity work day** on Tuesday, July 20, 2010, from 8:00 AM to 12:00 PM. Details to follow.
- (2) **A toiletry collection** for donation to a New Orleans shelter.
- (3) **A networking reception** for NACM members interested in joining ECP on Wednesday, July 21, 2010, at 6:00 PM at the Sheraton Hotel.
- (4) **A silent auction** on Thursday, July 22, 2010, during the Exhibit Show. Proceeds to benefit Armstrong Family Services:
<http://armstrongfamily-no.org/>

Please RSVP, no later than Friday, July 2, for the Charity Work Day and/or the ECP Networking Reception by emailing your contact information to conferences@ncsc.org. Please indicate “RSVP for NACM ECP Charity Work Day” and/or “RSVP for NACM ECP Networking Reception” in the subject line of your email. **NACM**



ECP CONFERENCE REGISTRATION DISCOUNT

NACM members who sponsor an ECP participant upon registration for the July 2010 NACM annual conference in New Orleans will receive an ECP discount and pay only \$575 (\$50 off the early bird rate of \$625) for themselves and their sponsored participant. To receive this discount, fax your registration along with the ECP participant’s registration form on the NACM website to Conference Services at 757.564.2002. Please note “ECP Discount” on your fax submission.

If you are interested in participating in the ECP Committee, please contact Stephanie Hess via email at **Stephanie.Hess@sc.ohio.gov** or by telephone at **614.387.9414**.

Declare YOUR Candidacy FOR THE 2010-2011 Board

By Marcus Reinkensmeyer

The National Association for Court Management always needs involved members to declare their candidacy for the board and for open officer positions. Come and join the team of professionals!



The Nominations Committee is responsible for presenting nominations for officers and directors of the association at the annual meeting. We encourage any and all qualified candidates to fill out a “Declaration of Candidacy” form. This form is available on the NACM website (www.nacmnet.org) and from Association Services of the National Center for State Courts to each member entitled to vote and hold office.

In 2010, candidates will be accepted for the following positions:

- ★ President Elect
- ★ Vice President
- ★ Secretary/Treasurer
- ★ Urban Director
- ★ Rural Director
- ★ Elected Director (*see footnote below regarding proposed Bylaws change*)¹
- ★ Limited Jurisdiction Director

The Nominations Committee, keeping in mind and recognizing the diversity of NACM’s membership and the need for the board to represent that diversity, will use, in addition to their interest in and ability to attend board meetings, the following criteria to evaluate candidates:

- ★ Number of years employed in a position of court leadership; ★
- ★ Number of years of membership in NACM;
- ★ How active on committees, other activities and projects has the candidate been while a member of NACM; and

- ★ Specific criteria based on the position for which the candidate has declared their candidacy, i.e., Urban Director, Rural Director, etc.

As you consider filling out a Declaration of Candidacy, please keep in mind that you are making the following minimum time commitment.

The board has four meetings a year: one immediately before the annual conference, one at the end of the annual conference, one in the fall, and one immediately before the midyear conference.

Your cost to attend the board meetings immediately before and after the annual conference is at your expense in that it is assumed you will be at the annual conference and your organization will pay for this expense. The cost for your travel, per diem, and room for the midyear and fall board meetings are paid for by NACM. In addition, your conference registration fee is waived for the annual and midyear conference. Also, any travel you might do on behalf of NACM as assigned by the president, the board, and your committee is either paid for by NACM or the organization that has requested NACM’s involvement.

In addition to the board meetings, the board has a minimum of three conference calls each year. These are usually scheduled in September, January, and May. These calls may last for an hour or several hours depending upon the

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business to be discussed and the decisions to be made.

In addition to the above, officers also have a minimum of six conference calls each year. These are usually scheduled for the months of August, November, December, February, April, and June. As you can see, with the officer conference calls, the board conference calls, and the board meetings, the officers, as a group, are in contact each and every month of the year. Again, these calls may be for an hour or less or may last for several hours. The average amount of time a board member may anticipate is a day a month. As an officer, each progressive year becomes

more of a commitment. As secretary/treasurer, the time commitment is approximately a month throughout the calendar year and as president the possibility of up to three months over the year with NACM issues and out of office meetings and conferences.

Candidates are required to complete the "Declaration of Candidacy" form and to submit the form, along with a résumé, postmarked before midnight on June 15, 2010, in order to be considered an active candidate by the committee. **NACM**

Marcus Reinkensmeyer is NACM's immediate past president and Nominations Committee chair.



¹A proposed bylaws amendment is being forwarded electronically to the membership to modify the Elected Director position to Clerk of Court Director ("member who is a Clerk of Court or who works in a Clerk of Court's office"). This proposed amendment will be voted on prior to the election of directors and will be considered by the Nominations Committee. Interested candidates should keep this in mind when considering whether to apply for the position.

Mark Your Calendar



JULY 20-24, 2010

2010 NACM Annual Conference

New Orleans, LA

"Wisdom in Action: Proven Court Practices"

Sheraton Hotel - 500 Canal Street, New Orleans

(504) 525-2500; (888) 627-7033

Room Rate: \$139/\$159 per night

Single/double occupancy

Cutoff date: June 21

FEBRUARY 6-8, 2011

2011 NACM Midyear Conference

Baltimore Marriott

Waterfront Hotel

700 Aliceanna Street

Baltimore, MD

(410) 365-3000

Room Rate: \$169 per night

Cutoff date: January 12, 2011

MEMBERSHIP ZONE

THE IMPORTANCE OF Belonging

Already a NACM member? By joining you became a part of

- advancing the profession of court management; and
- a network of professionals with opportunities to share your values, concerns, and interest in improving the quality of justice. You have alternative means to access this network through



Members receive *COURT MANAGER*, and *COURT EXPRESS*, leading industry publications published by NACM for our profession.

NACM understands that court budgets may be strained during these trying economic times. Consider the benefits of renewing your membership AND why inviting others you know in the court community to become members strengthens the association and the profession of court management.

A regular membership (a \$125 value) breaks down to approximately .57/day.* Join or renew online and save \$10. New members save an additional \$15. That means new members can receive all the benefits of membership for just .45/day by using our online tools when they join.

Is the advancement of court management and ability to network worth .45 - .57/day to you? **NACM**

*.57/day = 220 working days / \$125 regular membership fee.



SMAART

A Plan for Performance Management

Nineteenth Judicial Circuit
Circuit Court of Lake County, Illinois

By Patrice Evans, Robert Verborg & Bob Zastany

The Nineteenth Judicial Circuit Court of Illinois released its first version of the SMAART Performance Measurement Process in the spring of 2000.

The purpose of the SMAART process was to assist staff at all levels throughout the organization in determining whether the court, as an organization, was achieving its vision and meeting the standards and strategies outlined in its strategic plan. This performance measurement process was designed to increase the insight of both staff and stakeholders into the operations of the court, and to assist court managers in making judgments about the effectiveness of court programs, staff functions, and how to allocate resources throughout the organization.

Since its inception, the SMAART process has relied on the collection and analysis of both quantitative and qualitative data collected from throughout the court organization and the programs it facilitates. SMAART, itself, is an acronym, which indicates the type of information that the process should generate in order to evaluate the court's operations and assist in the planning any improvements, if necessary:

Specific:	Outcome-based goals, standards, or targets of success.
Measurable:	Demonstrated quantities or qualities that can be expressed as a calculation or comparison.
Aggressive:	Bold or assertive levels of organizational success.
Achievable:	Realistically able to be accomplished based on existing resources and staffing.
Relevant:	Directly related to the challenges at hand or reflected in the court's strategic plan.
Time-Sensitive:	As close to real-time as possible; reflective of closure and target dates.

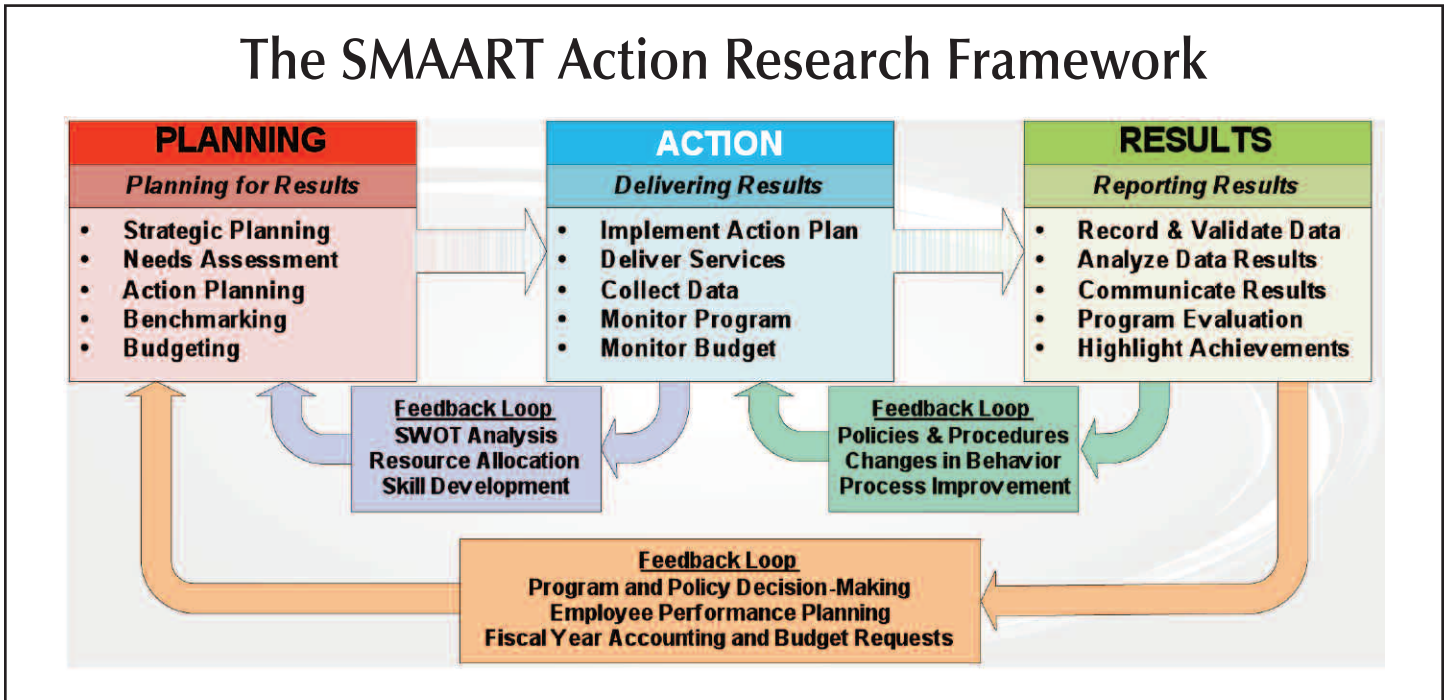
The current version of SMAART has been updated to incorporate what the court organization has learned over the past decade regarding effective performance measurement and management systems. The basic components of the SMAART Program include elements that are part of Managing for Results, an outline for assessing and improving performance within public sector organizations. These components include:

- Planning for Results
- Measuring for Results
- Budgeting for Results
- Delivering Results
- Analyzing & Reporting Results
- Evaluating & Improving Results

In this updated version, SMAART becomes a performance management program

rather than a performance measurement process. This update embraces organizational performance measures and continuous improvement efforts to ensure that court activities are aligned with the court's strategic plan and that they are being conducted in an effective and efficient manner. The court's strategic plan provides the vision of the judicial system, based on both service to the community and fostering public trust and confidence. The strategic plan also outlines goals, objectives, and system-wide initiatives for the court organization based on these values to guide staff in working to fulfill the mission of the court. The SMAART Program provides an Action Research framework for aligning court actions – services, programs, and support activities – with

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the strategic plan, measuring the impact of those actions using a balanced scorecard approach, and planning continuous improvements in order to enhance outcomes.

The consensus among judges, senior managers, and other court stakeholders is that better information regarding the delivery and quality of services and programming throughout the Nineteenth Judicial Circuit

leads to the ability to make better strategic decisions and continuous improvement. The quality of the information provided is enhanced through better linkage among the mission, goals, objectives, and performance indicators of the court, as well as a more balanced picture of performance using the Court’s Balanced Scorecard.

For additional information, please visit our website at 19thcircuitcourt.state.il.us and click on the Performance Management section. Once there, you will be able to view a more detailed description of our SMAART Action Research Framework and search our Related Links. [NACM](#)

Bob Zastany is executive director for the Nineteenth Judicial Circuit in Lake County, Illinois. Patrice Evans and Robert Verborg manage and facilitate the SMAART Performance Management Program for the Nineteenth Judicial Circuit.

FRIEND OR FOLLOW:

How can courts engage social media?

By Sandy Adkins

The use of social media is growing at a rapid pace and transforming the way we communicate, get and share news, and connect with others. But social media is not just a way for old college buddies to chat. Businesses, academia, nonprofits, and governmental agencies also are taking advantage of social media platforms such as Facebook, Twitter, YouTube, and blogs.

What are the implications of tweeting jurors, facebooking judges, and blogging court employees? How can the courts effectively use social media as a way to communicate with the public and provide useful information to its stakeholders? The new

Social Media and the Courts Web module on the National Center’s website, www.ncsc.org, which is being compiled by Knowledge and Information Services, provides resources that attempt to answer these questions.

Included in the module are articles discussing the implications of jurors, judges, and attorneys using social media; social media policy recommendations and examples; a document that links to numerous state courts on Twitter, Facebook, and YouTube; and other general social media resources. [NACM](#)



Helpful Websites FOR COURT MANAGERS

By Jeanine Tucker

In this and future issues, the coeditors intend to continue to highlight court websites that help managers locate valuable and insightful information quickly given the increasing need to successfully navigate the sometime treacherous currents of change that are impacting our courts and our staff daily. For many of us, it has come down to “What do we have to do?” instead of “What would be nice for us to do?” for our public.

Despite all of the budget pitfalls and staffing challenges, our overriding collective missions remain to provide excellent customer service and greater access to justice. We encourage you to participate in this process by 1) sharing with us websites that you have found to be particularly helpful so that we can share those with all of our readers, and 2) sending us your needs in this area. Which websites or categories of sites would you like us to research and highlight that would be most beneficial to you?

This issue looks at two very different kinds of websites. The first website we want to call your attention to is the new U.S. Supreme Court website (www.supremecourtus.gov). It has been recently updated and visitors can now access recent decisions directly from the homepage. In addition to features such as case handling, bar admission, and court rules, the new site features an interactive court calendar, new case citation locator, and enhancements to aid in navigation through the site. Docket files dating

back to 2000 can be easily accessed. There is also a helpful link to America’s historical documents, including the Constitution, Declaration of Independence, and many more. Career opportunities is also a noteworthy feature. This newly updated site is very user-friendly and very interesting – even if you don’t have a particular reason to access.

Another site many of you may already be familiar with but may be new to others is a project brainstorming site called XMind (www.xmind.net). This site acts as a meeting facilitator in a sense, capturing ideas and enabling staff, particularly when meeting presentations and/or project plans are needed and group collaboration is required, to develop a project plan quickly and efficiently. The program creates a project plan from everyone’s input and participants can be assigned or can assign themselves (even better) to the various steps that are identified through the mapping process. Concept maps can easily be created and can even be shared online. This site is compatible with the software Freemind/MindManager.

Despite all of the budget pitfalls and staffing challenges, our overriding collective missions remain to provide excellent customer service and greater access to justice.

From the Website Committee

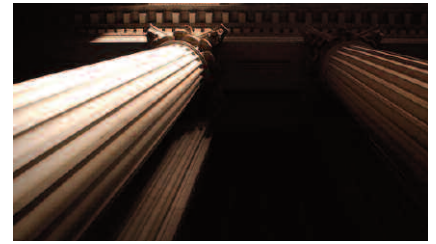
By Linda Romero Soles

Are you planning on attending our annual conference in Louisiana? Looking for things to do while you're there? Did you know that New Orleans was voted the #1 city in the world for nightlife? Check out our website under Conferences. We've added a link - “Things to Do in New Orleans” - courtesy of New Orleans Online.

Linda Romero Soles is chair of the Website committee.



State legislatures urge federal government tax refunds for courts



By William E. Raftery

As the ongoing fiscal crisis pressures courts to come up with new ways to generate revenue, one idea that has gained a great deal of traction is a relatively old one: debt collection. In particular, several states have adopted resolutions encouraging passage of federal legislation allowing for court debt to be collected through the U.S. Treasury's Offset

Program (TOP), which is used to collect delinquent debts owed to federal agencies and states (including past-due child support).

Arkansas' HCR 1010 of 2009 requested the creation of a court fee intercept program, noting that the "collection of court-imposed penalties, fines, fees, and restitution surcharges through a tax refund offset

mechanism will contribute positively to the public trust and confidence in the judicial system." Oregon's SJM 12 of 2009 used much of the

same language as the Arkansas legislation. New Mexico's HJM 73 of 2009

went into even greater detail as to the fees and debts owned, noting that "more than nine thousand individuals have outstanding fines and fees ordered by a court in New Mexico, which fines and fees total just under two million five hundred twenty-one thousand dollars (\$2,521,000)." Moreover,

New Mexico's own state-level version, a tax refund intercept program, had already collected nearly \$150,000 in unpaid fees and fines

(as of February 2009). The resolution estimates that participation in the federal program would "conservatively" result in \$300,000 in collections for the judicial branch of the state. All three 2009 resolutions were approved by both chambers of their respective legislatures unanimously.

So far in 2010, an additional three states have introduced similar resolutions. Mississippi's SCR 671 notes that "the legislation has received support from a broad-based coalition of public interest groups such as the National Association for Court Management..." Delaware's HJR 9 claims "the increased collection of court-ordered restitution, fines, fees and costs will benefit victims of crime, the State of Delaware, Delaware's Counties and other municipalities, along with programs such as the Victim's Compensation Fund and court security, all of which are particularly important during these extraordinarily challenging economic times..." New Jersey's SCR 100 memorializes Congress to adopt federal legislation to intercept federal income tax refunds to pay overdue state court-ordered restitution, fines, fees, penalties, and surcharges. All three resolutions remain pending in the legislatures of their respective states.

William E. Raftery is a KIS Communications and Research Specialist at the National Center for State Courts.

