Extending the CORE® to YOUR Court

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Presentation Overview

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  - Resources

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  - Design
  - Learning Objectives
  - Components
  - Resources
The Original Core

Foundation for National Training and Certification Programming

CERTIFIED COURT MANAGER
- Court Performance Standards: CourTools
- Fundamental Issues of Caseflow Management
- Managing Court Financial Resources
- Managing Human Resources
- Managing Technology Projects & Resources
- Purposes & Responsibilities of the Courts

CERTIFIED COURT EXECUTIVE
- Court Community Communication
- Education, Training & Development
- Essential Components
- High Performance Court Framework
- Leadership
- Visioning & Strategic Planning

JUDICIAL ADMINISTRATION NON-CREDIT CERTIFICATE
The non-credit certificate is comprised of sixty contact hours of instruction plus a capstone experience based on the NACM core competencies. Successful completion is possible when students take courses in the following subject matter within five years from their start date.
Vision
Leadership
Strategic Planning
Court Governance

Principle
Public Trust and Confidence
Purposes and Responsibilities

Practice
Caseflow and Workflow
Operations Management
Public Relations
Educational Development
Workforce Management
Ethics
Budget and Fiscal Management
Accountability and Court Performance
The Core

Introduction

Document heading: "The Core"

Content: "Introduction"

Content: "Featured Competency Accountability and Performance Measurement"

Content: "Thinking that the court is performing at its best end knowing it are two different things. Court leaders are accountable to both the judiciary and the public for a well-run court, which means that managers must be able to both effectively measure and manage performance. Skilful collection and analysis of performance information ensures that court managers no longer just think the court is performing well but are able to demonstrate it."

Content: "About NACM"

Content: "The National Association for Court Management has over 1,700 members from the United States, Canada, Australia, and other countries. NACM is the largest organization of court management professionals in the world with members from all levels and types of courts."
Additional Resources

Core Guide

THE CORE IN PRACTICE
A Guide to Strengthen Court Professionals through Application, Use, and Implementation

Curriculum

Caseflow and Workflow

This curriculum design is suitable for a broad audience including elected and appointed court managers and staff with court wide and departmental responsibilities as well as leadership judges from every jurisdiction and type of court. This content may be best suited for lawyers who have some experience in the courts. The best class composition is a mix of court managers and judges from similar jurisdictions and types of courts.

Caseflow Management is the process by which courts carry out their primary function of moving cases from filing to disposition. The management of caseflow is critical because it helps ensure that every litigant receives procedural due process and equal protection.

Workflow Management involves the coordination and support of all tasks, procedural, and caseload (human and other) necessary to guarantee the work of the court is conducted efficiently and is consistent with the court's purposes and responsibilities.

While Workflow Management includes Caseflow Management, it also includes all tasks and functions necessary for the court to operate as an organization.
Curriculum Writers

Jude Del Preore

Kevin Bowling

Purposes and Responsibilities

Public Trust and Confidence
Curriculum Writers

- **Tim Dibble**
  Caseflow and Workflow

- **Lynn Maloy**
  Workforce Management

- **Janet Cornell**
  Operations Management

- **Peter Kiefer**
  Ethics

- **Sally Rankin**
  Public Relations

- **Dawn Palermo**
  Budget and Fiscal Management

- **Karen Thorson**
  Educational Development

- **Mike Bridenback & Angie Smith**
  Accountability and Court Performance

NACM CORE
Public trust and confidence in the courts is integral to the credibility of the judicial branch. To be effective at managing trust and confidence, court leaders must be able to maintain an organizational culture that fosters integrity, transparency and accountability for all court processes and proceedings.
Principle – The First Core Module

**PRINCIPLE**
- Public Trust and Confidence
- Purposes and Responsibilities

**PRACTICE**
- Educational Development
- Operations Management
- Public Relations
- Accounting and Court Performance

**VISION**
- Workforce Management
- Caseflow and Workflow
- Budget and Fiscal Management
- Ethics

Leadership
Strategic Planning
Court Governance
Vision
Curriculum Design

- Learning Objectives
- Needs Assessment
- Educational Content
- Participant Activities
- Faculty Resources
- Bibliography
Describe the importance of public trust and confidence to the credibility of judicial branch.

Courts remain the most trusted branch of government.

Court users express confidence in fairness of proceedings, but have doubts about customer service and job performance.

There is a strong demand for greater availability of online services.

The public worries that politics undermines the impartiality of the court system.
Historical Basis for PTC

Compare and contrast historical writings and research to current discussions of public trust and confidence.

- Magna Carta, 1215 – Rule of Law
- The Federalist, No. 17, 1787 – "The ordinary administration of criminal and civil justice . . . contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government."
- Constitution of the United States, 1788 - Article III, Section 1: “The judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”
- The Causes of Popular Dissatisfaction with the Administration of Justice, Roscoe Pound, 1906
- Trial Court Performance Standards and Measurement System, 1987
- On Public Trust and Confidence: Does Experience with the Courts Promote or Diminish It?, David B. Rottman, 1998
Impact of Effective Court Process

Document the ways that transparent and consistent application of court procedures, as well as the timely resolution of cases, enhances public trust and confidence.

- Case Filing – ease of courthouse access, online resources, reasonable fees, professional court staff, assistance for court users
- Case Processing – competent management of cases
- Timeliness – completing the court process in a fair and timely manner
The Emergence and Application of Procedural Fairness

Ascertain the level of public misperception about the courts and its causes, based on ten identified issues in Washington State.
Procedural Fairness – The Four Basic Expectations

Identify the inherent connections between public trust and confidence and the principles of procedural fairness.

- Voice: the ability to participate in the case by expressing their viewpoint;
- Neutrality: consistently applied legal principles, unbiased decision makers, and a “transparency” about how decisions are made;
- Respectful treatment: individuals are treated with dignity and their rights are obviously protected;
- Trustworthy authorities: authorities are benevolent, caring, and sincerely trying to help the litigants—this trust is garnered by listening to individuals and by explaining or justifying decisions that address the litigants’ needs.
Explore and discuss practical ways to implement the CCJ/COSCA proposed strategies for implementing public trust and confidence in each state and local court.

“Resolution 12 - In Support of State Supreme Court Leadership to Promote Procedural Fairness.”

http://ccj.ncsc.org/~/media/Microsites/Files/CCJ/Resolutions/07312013-Support-State-Supreme-Court-Leadership-Promote-Procedural-Fairness-CCJ-COSCA.ashx
A Systemic Court Management Approach

Investigate and share participant experiences and challenges with implementing a systemic court management approach to public trust and confidence.

- Review traditional court manager duties
- Develop an organizational culture based on integrity, transparency, and accountability
- Develop a strategic plan that includes a focus on improving public trust and confidence
- Ensure public accountability for court operations and use of public funds
A Jurisdictional Assessment

Demonstrate the ways that local courts assess public trust and confidence. Assess the level of public trust and confidence in your local jurisdiction.

- Become familiar with existing research on public trust and confidence in courts
- Plan and implement a local assessment
- Informal Assessment Opportunities
A Commitment to Excellence

Connect national research on the role of the media related to the courts with the experiences of local courts and local media.

• Balance Sources of Information
• Collaborate with the Community
A Commitment to Excellence

Discuss and propose ideas and specific resources needed for community collaboration events to foster a greater understanding of the court process, services available, and methods for accessing them.

- Ensure Procedural Fairness
- Highlight Courts as Problem-Solvers
- Use Surveys as Guides to Policy
- Focus on Judicial Administration as a “High Calling”
Our Legacy

“Courts exist to serve the public, not to serve judges, court managers, or lawyers. Everything that managers do is but a means to an end, and that end is service to the public.”

Edward B. McConnell, President Emeritus, National Center for State Courts
Competency
Public Relations

Description
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 public relations; they should be aware of their weaknesses and their strengths and identify them. As appropriate, they oversee the specific roles in the courts.

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Print Module

Competencies

Caseflow and Workflow
Court leaders play a critical role in caseflow and workflow management for the court. They must ensure cases are performed efficiently and to promote the fair and timely resolution of all cases. Effective caseflow and workflow management require that court leaders have a variety of analytic and communication skills.

Operations Management
Courts are complex organizations, which are comprised of an array of functions. Effective caseflow and workflow management and the resolution of all cases that need to be maintained or ongoing basis to support court operations. Although court leaders may not need to perform all of the various functions, management competencies should be developed to support whatever functions may be required.

Public Relations
The court leader's role is not just limited to working internally within the court. It also includes communicating with a wide variety of audiences about the courts and court processes. To be effective, Court leaders must use a variety of communication methods tailored to the nature of the message being conveyed and audience targeted.

Educational Development
Excellence in court performance starts with a court leader who forms a culture that embraces education, training, and development and who actively leads judicial branch education.

Explore the Competency
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Explore the Competency
• List the limitations of public access to court records and proceedings, including alternatives the court may offer;

• Prepare and critique press releases using standard criteria;

• Design media strategies for hypothetical situations using new tools and criteria; and

• Design a publicity campaign demonstrating knowledge of methods of communicating through news media, social media, and public outreach methods.
This competency references court decisions, but they are intentionally oversimplified because time would not permit a full discussion, and as you know, case law changes.

Ideally a course based on this curriculum design would include a lively, facilitated discussion between an experienced journalist and a local judge regarding the implications of two amendments to the U.S. Constitution.

- 1st Amendment (freedom of speech)
- 6th Amendment (right to a speedy and public trial)
Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom* of speech, or *of the press*, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.”
Public relations involves effective external and internal communication to improve the understanding of court processes and the court’s critical role in preserving the rule of law.

The public’s trust and confidence is vital for courts to fulfill their constitutional mandate to safeguard the rights of all.

The variety of audiences, messages, and delivery methods require court leaders to possess a set of skills to ensure the transparency and accountability expected by the public.
FUNCTIONS OF MEDIA

A. Media respond to the public’s need for information.

B. The news the public receives through the media is an important influence on the public’s understanding of the legal system.

C. The objective of news media is telling a story. It’s in the public’s interest to be informed and media reporting holds courts accountable.

D. The court’s objective is to protect the constitutional rights of stakeholders.
Traditional journalism has evolved as news organizations seek to engage the digital market.

Deadlines have generally shifted to “as soon as possible” to meet the 24-hour news cycle for both print and broadcast news organizations.

Assignments go to who is available at the time so journalists may be covering court proceedings without any prior court experience.
A. Supreme Court Cases
There is a balance between “free press” and “fair trial” rights guaranteed by the First and Sixth Amendments. This balance has been shaped by key decisions by the U.S. Supreme Court.

Prejudicial Publicity:
- **Estes v. Texas**, 381 U.S. 532 (1965) – conviction overturned based on prejudicial, televised pretrial and trial coverage.
- **Chandler v. Florida**, 449 U.S. 560 (1981) – the court ruled in favor of the state and ruled that the media did not infringe upon the fundamental guarantees of the accused and the media did not violate the defendant’s due process rights.
Gag Orders

- **Nebraska Press Association v. Stuart**, 427 U.S. 539 (1976) – gag order was determined to be an unconstitutional constraint.

Closed Courtrooms

Closed Courtrooms cont.

• **Press-Enterprise Co. v. Superior Court of California, Riverside County** [*Press Ent. I*], 464 U.S. 501 (1984) – found unconstitutional the closure of the six-week *voir dire* proceeding in the rape and murder of a teenage girl as well as the denial of the request for a transcript.


• **Press-Enterprise II**, 48 U.S. 1 (1986) – closure of a preliminary hearing in the murder case was unconstitutional.
1. Gag orders affecting trial participants, post-trial interviews with jurors or pretrial participants (e.g., grand jury witness disclosing his or her own testimony after the grand jury term ended)

2. Media access to grand jury proceedings (grand jury secrecy generally preserved)

3. Media access to bench conferences or sidebar conversations (under some circumstances, media prevailed)

4. Jury deliberations (secrecy preserved generally)

5. Juries and jury records (opinions vary)

6. Secret dockets (non-public cases that do not appear on dockets or appear using pseudonyms)

7. Sealed records (opinions vary)
A. Judges and Journalists

- Federal and state judges are bound by codes of judicial conduct. Violations are brought before judicial conduct commissions and sanctions may result.

- The Society of Professional Journalists and the Radio Television Digital News Association both have a one-page code of ethics. They are guides and not legally enforceable.
B. Court Staff

- Many courts may have codes of conduct for employees.
- Most likely, the applicable code of judicial conduct for judges in a local court refers to court staff and court officials as well.
- [www.nacmnet.org](http://www.nacmnet.org)
Interacting with the Media

A. Taking calls from the media
   • Almost everyone has an example of a negative or inaccurate reporting or editorial writing. For those reasons, some may be hesitant to take calls from reporters.
   • “Off the Record”: Know exactly what off the record means; assume that anything you say is public unless you or the reporter have a clear understanding of what is background and what is public.

B. Truth
   • A story will be published or aired with or without your perspective.
Improving Access to Information

- Publish court rules, docket and opinions online;
- Posting electronic court records online;
- Designating someone to handle media calls;
- Developing educational web content; and
- Including the local bar in media plans.
Use of Social Media By Courts

**Twitter:**
- Clark County Courts @LasVegasCourts
- New Jersey Courts @njcourts
- Florida Supreme Court @flcourts
- Florida Courts E-Filing @FLCourtsEFiling

**Facebook:**
- Clark County Courts (814 Likes; 2,832 Check-Ins; 35 ppl talking about them)
- New Jersey Courts (2635 Likes; 8 ppl talking about them)
- Florida Supreme Court (3234 Likes; 287 Check-Ins; 213 talking)

**YouTube:**
D.C. Courts Channel (57 Subscribers; 22k views; 70+ videos)
Use of Social Media By Courts

PITFALLS:

- Judges should be aware that posting on Facebook may have negative consequences.
- The TX State Commission on Judicial Conduct (April 20, 2015) admonished two judges for separate incidents of posting comments about a pending case on their Facebook pages.
- A Georgia judge resigned in January 2010 after questions arose about his Facebook relationship with a defendant.
- A judge criticized a victim-impact statement on Facebook and the victims and their friends responded on Facebook, urging his ouster.
Good Use of Social Media

Competency
Public Relations
Role of Court Staff in Charge of Public Information

• Public Information Officers (PIOs) are court personnel who work in communications and public affairs offices who are responsible for activities involving media relations, internal communications, and publications.

• PIOs focus primarily on media relations to improve the accuracy of news coverage and to promote education of the public on important legal issues and concepts.
Other Duties of PIOs:

- Building Credibility
- Identifying Accessible Information
- Fielding Requests
- Clarifying Accessibility
- Identifying Sources
- Planning a Response
- Providing the Rules
- Recommending Responses
- Responding to Criticism
Resources for Court Personnel Serving as PIOs

COSCA Position Paper
• Effective Judicial Governance and Accountability
• Courts develop public affairs offices to work to educate other branches and the media about the judiciary and its adjudicative and administration functions

Conference of Court Public Information Officers (CCPIO)
• Designed to facilitate the exchange of successful programs, sharing of resources, and the opportunity for professional development for local, state, national, and international members.
Documented Communications Plans:
- Media Plans (general and trial specific) – the court should create a media plan for distribution to all court personnel.
- A separate plan may be adopted to address high profile trials.
- Links to court rules on access to court records, photographing and broadcasting, pooling of cameras, etc.
- Topics such as courthouse screening, parking restrictions, and courthouse access in general.

Coordination with the Bar:
- The local bar association can be a vital partner to ensure timely information is shared (e.g., announcements, emergency closing or delay, crisis management)
• **Activity One**: Challenges for the Court
  • Purpose: Encourage participants to think about how the court’s role to uphold the rule of law sometimes is at odd with the public’s interests in information

• **Activity Two**: Public Access and the Limitations
  • Purpose: Allow participants to explore what actions may limit the public’s access to court information and how to properly accommodate the public with info requested.

• **Activity Three**: Drafting and Critiquing Press Releases
  • Purpose: Focus participants on the news reporting style.

• **Activity Four**: Developing a Media Strategy
  • Purpose: Give participants practice in developing their own media strategy.

• **Activity Five**: Design a Publicity Campaign