

# **Reengineering Courts in Crisis**

## **Lessons from Detroit**

**Hon. Michael J. Talbot, Chief Judge**  
**Michigan Court of Appeals**  
**Gordon Griller, Consultant**  
**National Center for State Courts**

# The Setting

- In 1950, Detroit had a population of 1.85 M. Today, 690,000 remain – a third of those who lived there when it was the 5<sup>th</sup> largest U.S. city.
- The city's downturn results from decades of flight to the suburbs, the decline of the auto industry, and the recession and financial crisis that ended in bankruptcy for the city in 2013.
- Detroit adopted a motto after it was nearly destroyed by fire in 1805: "It will arise from the ashes." Those who live there now believe that today, whether they're natives or newcomers.
- The following story about the downfall and resurgence of the city's 36<sup>th</sup> District Court in a dramatic reengineering effort is a testament to the spirit of Detroit and provides some lessons on how to move from crisis to renewal.

# Facing the Brutal Facts

## **Detroit Court in Crisis, report says**

...”A stinging review of Detroit’s 36<sup>th</sup> District Court describes a judicial system in crisis – with a projected budget overrun in the millions and unacceptable delays in cases – and concludes the court may need new leadership to pull it out of the financial mess.”

DETROIT FREE PRESS, May 23, 2013

## **Court of Appeals Judge Michael J. Talbot appointed to serve as special administrator of Detroit’s 36<sup>th</sup> District Court; aims to address court’s financial crisis**

MICHIGAN SUPREME COURT, May 28, 2013

## **Editorial: Clean up the mess in 36<sup>th</sup> District Court**

“The court needs major reorganization and there’s no doubt it will have to undergo severe changes in its daily operations.”

THE DETROIT NEWS, June 4, 2013

# Raising the Level of Urgency

## **Troubled Detroit court looking for other cuts to avert layoffs**

“Layoff notices have gone out to 80 employees, but the majority of layoffs could be averted with other cost saving methods before they take effect in early July.”

DETROIT FREE PRESS, June 19, 2013

## **Chief Judge removed as head of 36<sup>th</sup> District Court**

“The Michigan Supreme Court removed the current chief judge in the latest shakeup at Detroit’s 36<sup>th</sup> District Court. Supreme Court Justice Robert Young hand delivered the order Monday morning.”

FOX NEWS DETROIT, July 22, 2013

## **New chief judge appointed at Detroit’s 36<sup>th</sup> District Court**

“The Michigan Supreme Court appointed Judge Nancy Blount as the new chief judge of 36<sup>th</sup> District Court in Detroit effective today.”

DETROIT FREE PRESS, August 29, 2013

# Risk Assessment for Troubled Limited Jurisdiction Courts

- Are there symptoms or patterns that signal operational / financial problems in LJC courts?
- What are those characteristics?
- Can courts themselves, or an AOC, develop a risk assessment tool that identifies courts with a high chance of operational / financial breakdown?
- What are those risk factors?

---

Arizona has done so for limited jurisdiction courts  
See 2015 NCSC Trends in State Courts: E. Evans article

# Arizona AOC Risk Factors that Detect a Problem Limited Jurisdiction Court

- Previous court troubles (takeovers; seizures)
- Un-deposited checks
- Late submission of state remittances
- Late submission of an external audit
- Time since last operational review
- Past financial control findings (i.e. trouble following minimum accounting standards, etc.)
- Smaller court sizes and filing levels
- Amount of outstanding receivables
- Timeliness in reporting to state motor vehicle dept.

# Problems Identified by NCSC

- Governance / Administration
  - Is current court leadership right for the times
  - Promote bench / staff involvement
  - Live within a realistic 2013/14 budget
  - Reorganize the management structure
  - Create a criminal justice coordinating committee
- Caseflow and Calendaring
  - Develop a formal caseflow management plan
  - Reassign 4 civil judges to criminal
  - Reduce case backlogs
  - Document the number of non-appearances
  - Speed infraction cases through the system
  - Expand available adjudication time

# Problems Identified (cont'd)

- Business Process Improvements
  - Reduce redundant clerical work patterns
  - Simplify Jail2Court paperwork processes
  - Analyze juror usage and jury trial statistics
  - Create a management analysis unit
- Technology
  - Fast track e-citation system
  - Maximize the use and capability of state JIS system
  - Promote JIS integration with justice partners
  - Advance high-tech in the courtroom for judges/staff

# Problems Identified (cont'd)

- Collections and Debtflow
  - Get serious about enforcing monetary court orders
  - Review other court compliance systems
  - Partner with SCAO and NCSC to spark improvements
- Customer Service
  - Eliminate long lines in the lobby
  - Permanently dedicate courtrooms to case types
  - Partner with libraries for self-help services
  - Administer the Access/Fairness CourTool measure

# The Remaking of a Troubled Court

- Leadership Changes
- Fiscal Accountability
- Case Processing / Customer Service
- Collections
- Technology
- Clerical Tasks and Process Improvement
- Improving the Court Building
- Reporting to the Community

# One Year Later... Revisit by NCSC

- Courageous leadership was evident
  - A focus on action, not analysis paralysis
    - Prioritize the problems
    - Assess unique strengths and resources
  - Development of a guiding coalition of doers
  - Widespread communication and collaboration
  - Relentlessly pursue solutions
- Employee empowerment took place
  - Autonomy within boundaries to act and revamp things
  - Teams and experimentation encouraged
  - Initiative and good work valued and praised

# Ten Major Take-a-Ways in Turnaround Leadership

1. Obtain unbiased, unfiltered OBJECTIVE information. How bad is the situation?
2. Prioritize problems based on seriousness, early-wins, long-term issues. Explore options.
3. Embrace a turnaround leadership mindset
  - Trust (competence; benevolence)
  - Teamwork (information; empowerment)
4. Collaborate and partner with other agencies. Avoid silo thinking; it is a common killer of innovation. There are too many silos in the Justice System.

# Ten Major Take-a-Ways in Turnaround Leadership (cont'd)

5. Practice MBWA – Manage By Walking About
6. Consolidate gains and push for more change, not less. Create the understanding that change is ongoing even after a crisis is over.
7. Encourage both technical and adaptive changes and solutions. (A story about a Jeep.)
8. Build and use performance measures (e.g. CourTools, High Court Performance Framework, etc.)

# Ten Major Take-a-Ways in Turnaround Leadership (cont'd)

9. Promote a customer orientation. Courts exist for reasons outside themselves. Most organizations over time morph toward greater concern for members of the organization making them irrelevant to their original purpose.
10. Remember that the leadership and management practices that can cure troubled courts could have kept them well.