

Court Consolidation

Jennifer L. Mikeska
ICM Phase III Project

EXECUTIVE SUMMARY

Court consolidation is a form of restructuring wherein all state paid court personnel are blended into a single circuit court under the appointing authority of the Circuit Clerk. This court design differs greatly from the previous structure which consisted of a Circuit Court and one or more Associate Divisions. The Circuit Clerk serves as appointing authority for the Circuit Court and Associate Judges are the appointing authority for the Associate Divisions.

Court consolidation was introduced by the Office of State Court Administrator in 1996. OSCA supported court consolidation and encourage the Missouri State Courts to consolidate by offering attractive incentives to courts as well as proposing many benefits through consolidation. Courts voluntarily commit to consolidation after approval from the Court en Banc.

Despite continuous efforts to encourage consolidation, only 17 of the 114 Missouri State Courts have taken advantage of consolidation over the past four years. There appears to be some amount of resistance to consolidation among the remaining courts. During preliminary stages of this research project, I spoke openly with several appointing authorities and court personnel regarding the topic of consolidation. The reasons given for resistance were mostly related to personal and political preferences, rather than the effects on court performance. This early finding seemed indicative to the need for reinvention in the court system.

These reasons for resistance to court consolidation were not based on actual knowledge or experience of consolidation, but rather on preconceived ideas and perceptions. A key area of the Trial Court Performance Standards is the courts responsiveness to change, however, an equally important standard is the accountability of courts. Courts should not make decisions effecting the courts performance without first conducting thorough research.

The purpose of this project was to supply courts with an informative guide to consolidation. The goal of this research was to study the appearance of consolidated courts and the implementation process used by these courts. Basically, what affect does consolidation actually have on the court structure, personnel, and performance?

After interviewing the staff from consolidated courts it was found that consolidation has a great affect on the courts. These courts emphasize teamwork and shared goals among entire court staff, something which is rarely found in the state courts. The staff and appointing authorities expressed great satisfaction with consolidation. Consolidation improved court performance by creating greater access to customers and accountability for court resources. These improvements were the result of consistent

cross training, work redistribution, and centralization of staff and case files.

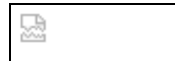
Time standard compliance reports from OSCA were analyzed for the last three years to examine timeliness. While the average compliance rate for consolidated courts was 1% lower than nonconsolidated courts, the average rate of change in compliance for the three year period was approximately four times higher than in nonconsolidated courts. This finding could be a result of the teamwork among consolidated courts.

The staff among the consolidated courts admitted to having concerns and fears prior to consolidation, but did not find these issues to be valid after consolidating. Distribution of duties was determined through private interviews between circuit clerks and staff to discuss strengths and weaknesses and desired positions. Clerks were allowed to supply input regarding the positions they would like to hold as well as duties and responsibilities.

In conclusion, consolidation appears to be a positive form of reinvention for Missouri State Courts, however open communication both during and after consolidation is detrimental to successful implementation. Consolidation can vary in appearance from court to court, great flexibility is allowed in implementation and can be changed continuously until desired results are achieved.

Consolidation provides one affect for any court which cannot be disputed, responsiveness to change. Change in the structure of the court system has been long overdue, consolidation provides the foundation for these changes. Instead of attempting to imagine the outcome of consolidation, courts should focus more on the initial change and the doors it will open for endless possibilities for change. Courts can utilize the Trial Court Performance Standards to measure court performance and identify areas which need improving. This process can provide the basis for changes necessary to improving court performance.

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