

**INSTITUTIONALIZING SUCCESS:
EDUCATING COURT EXECUTIVES IN WASHINGTON STATE**

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Abstract

The Washington State Judicial Branch is known for its steadfast work to enhance the professionalism and accountability of the judiciary. Examples of initiatives include: the establishment of the Board for Court Education – Washington in 1981; the formation of the “Public Trust and Confidence” committee in 1999; changing the law that phased out “lay Judges” within Washington in 2002; the adoption of General Rule 26 – Mandatory Continuing Judicial Education in 2002 (Appendix A); and recognizing funding discrepancies for trial courts while outlining a plan to remedy the deficiencies through the “Justice in Jeopardy” program. All of these accomplishments are significant in their own right; however, viewed as a whole, they have had a noteworthy impact on the increased professionalism of Washington State’s Judicial Branch. Nevertheless, despite this tremendous progress, one key component continues to be missing; a comprehensive educational initiative for Court Executive Officers (“CEO’s”).¹

Acknowledgment of the role that education plays in the public’s perception of the judicial branch is crucial. A report in the Seattle Times found that “Washington has a higher percentage of college graduates (19.4 percent) than the national average (17.1 percent)” (Geranios, 2008). The Judicial Branch fairs much better. 99.32% of Judicial Officers within the state hold at least a Juris Doctorate degree. However, based on a survey of Washington State District and Municipal Court Administrators, only 32.8% of CEO’s within Washington State have obtained a Bachelor’s degree or higher (Table 1). This is remarkably low in comparison to the educational attainment of Washington State’s Judicial Officers. While this paper does not suggest that CEO’s must attain an

¹ The Court Executive Officer is the chief administrative position of a court that is sometimes called the Court Administrator, Court Manager, Court Senior Executive, etc. For purposes of this paper, the phrase Court Executive Officer will be used.

educational level equal to that of Judicial Officers, it is reasonable to expect that CEO's must have sufficient education to competently carry out the management responsibilities required of this executive position.

To effectively address the challenges of court management, continuing education is necessary to maintain the knowledge level, competency, and ability to perform daily duties. In order to "institutionalize the success" of Washington State's CEOs, continuing education must come to be viewed as a minimum expectation for holding the chief executive position within the courts. Lack of required education for CEOs within Washington State is an obstacle that impedes the ability of court executives to further pursue job-related education.

Yet, it is no longer adequate to entrust the position of CEO of the courts to persons that have no interest in continual learning. Modern courts demand a higher level of competence. In the essay "Judicial Administration – Its Relation to Judicial Independence," Wheeler states that:

court administrators are clearly in the midst of a complex network of accountability demands. How they are handled will have much to say about the presumption in favor of judicial independence, a concept that rests uneasily with the demand for greater accountability and participation (Wheeler, 1988, p. 45).

In the author's opinion, this balance can only be achieved through ongoing education, knowledge, experience, and political comprehension.

This project is conducted in four parts. The first part of the research is an educational needs assessment for CEO's in Washington State. This portion of the study focuses on the current educational attainment, needs and desires of CEOs within Washington State. Data collection for the needs assessment was conducted via a survey of the existing CEO's of the District and Municipal Courts located across

Washington. Questions asked sought information about the current level of education held by the CEO; educational programs attended within the last five years directly related to the position of CEO; and educational opportunities made available through professional conferences and associations.

The second undertaking of this research is to review existing mandatory court education statutes and rules. The purpose of this research is to identify whether other states have mandatory continuing education requirements for court professionals other than judges that may provide a useful model for Washington State. In the absence of rules specific to court professionals other than judges, statutes and rules requiring continuing education for judges may be used.

The third portion of the research was to conduct a review of established educational programs designed specifically for the court professional. A sample of court education programs are researched using case study methodology to determine the validity of replicating the programs, or portion(s) of the programs, within Washington State. These programs provide useful information regarding how other states have taken the lead in endorsing the need for educated court professionals at various levels.

The fourth component of the project is the creation of an education focus group for CEOs. The group was assembled from a core group of representatives from each of Washington State's court management associations. The goal of the education focus group is to identify needs and interests of court professionals in job-related education and to share this information with Washington's Board for Court Education in support of a statewide initiative dedicated to CEO education.

Based on the findings of this four-part study, the author concludes that an expectation for continual learning should be established among CEOs in Washington State. The clearest way to do so is to articulate mandatory continuing education standards for CEO's within the Washington State Judicial Branch. The study concludes with three major recommendations for ways in which Washington can assert its commitment to educational requirements for CEO's.

1. Create a General Rule, similar to Washington General Rule 26 – Mandatory Continuing Judicial Education – specifically for Court Executive Officers.
2. Establish a formalized scholarship program to assist Court Executive Officers in their ability to attend established court executive training programs.
3. Recommend a schema for an established / sustainable annual educational program for new Court Executive Officers within Washington State.
4. Recognizing there will be many steps along this path, it is important that Washington State keeps its eye on the big picture and not get lost in current economic challenges.

We must all work together: to achieve our goal, the Washington State Supreme Court; state and local legislative bodies; and state and local executive bodies must each be involved so that Washington can institutionalize the success of the entire judicial branch, not just its Judicial Officers.

Introduction

Joining the Judicial Branch in 1989 as a court clerk in Nevada, the author was surprised that the educational expectations for staff of the judicial branch were non-existent. Fast forward 20 years, and depending on the jurisdiction examined, the expectations have not changed much. This being said, there have been strides made in the professionalism of the field of court administration. Nevertheless, there is still a great divide in recognizing the importance of the role of Court Executive Officer (CEO) and the educational responsibilities that accompany it. Former Supreme Court Justice Sandra Day O'Connor, in an interview with the Arabic News in 2003, answered a question about relating democracy to the judiciary by stating that "No nation can function well without a good judicial system. It is an integral part of good governance. It is a necessary part...you need a strong, valid, capable judicial system to make it work" (Judicial Accountability Organization, 2003). It is the author's belief that this is accomplished through efforts to increase the knowledge base of those that are responsible for administering the courts. In Washington State courts, those responsibilities fall to the Court Executive Officer and Presiding Judge.

Court Executive Officers are responsible for the daily operations of the court.

This includes all, if not most, of the following areas:

The Court Executive Officer (CEO) is responsible for Human Resource Management; preparing court budgets; administering accounting, purchasing, payroll, and financial control functions; and guiding the budget through state and local government review processes; Case flow Management, evaluating pending caseloads; developing and implementing systems (both automated and procedural) that support effective calendar management; Technology Management, evaluating opportunities for technologies that expand the capacity of the court system; Information Management, developing the capacity to deliver

information to decision makers at critical events; Jury Management, managing the jury system in the most efficient and cost-effective way; Space Management, managing physical space to assure access to all citizens, provide adequate room for work and circulation, and instill public confidence; Intergovernmental Liaison -acting as a liaison to other governmental agencies and departments to promote collaboration, integration of systems, and facilitation of change while maintaining the integrity of the court as a separate but equal branch of government; Community Relations and Public Information, acting as a clearinghouse for the release of information to the media, and the public; collecting and publishing data on pending and completed judicial business and internal functions of the court system; Research and Advisory Services - identifying organizational problems and recommending procedural and administrative changes; Secretariat Services-acting as staff for judicial committees or organizations” (County of Glenn, CA, 2).

Historically, CEOs have achieved their positions through a variety of means. Some come into the position through appointment based on personal relationships; some earn the position based on seniority, and others apply and compete for the position. Regardless of the selection method chosen, it is important that those who hold these positions are both educated and competent in the knowledge, skills, and abilities necessary to meet the courts’ operational needs. Just as the CEO of a company holds ultimate responsibility for a company’s performance, Washington State CEOs hold executive responsibility for the functioning of the courts they oversee.

Some states, recognizing the need to standardize educational requirements for CEO’s, have established minimum standards that include continuing education. This task is relatively straightforward for states with unified judiciaries. However, this is a much more challenging task for states, such as Washington, that are not unified as direct control over individual job requirements is maintained at the local rather than the state level.

As stated in the preamble to Washington State's General Rule 26, which mandates continuing education for Judicial Officers:

the protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society.

Thus, while the necessity of educating judges is acknowledged, there is no similar rule pertaining to or recognition of the necessity of continuing education for CEO's. (Last modified and approved by the Washington State Supreme Court on December 31, 2007, Washington State's Educational Authority for the Judiciary is outlined in Appendix B.)

Why should Washington require that judges undertake continuing education but overlook similar needs of its Court Executive Officers? Why should CEOs not be required to maintain a standard of continuing education to achieve competence in their assigned responsibilities to the judiciary? The National Association of State Judicial Educators would seem to support such a position. The preamble for "Principles and Standards of Judicial Branch Education" states: The goal of judicial branch education (JBE) is to enhance the performance of the judicial system as a whole by continuously improving the personal and professional competence of *all persons* performing judicial branch functions (emphasis added) (National Association of State Judicial Educators, 2001).

The Washington State Supreme Court has directed that all Judicial Officers, whether a licensed attorney of law or not, must attend mandatory continuing education while holding the office of Judge (Appendix C). Yet, the Court is silent on the

educational requirements for the CEOs of the individual courts. We entrust these CEOs with very important roles, yet we make no provision that they must continue to educate themselves. Mandatory education for CEOs within Washington State does not currently exist. Rather, the state relies on the individuals holding these positions not only to understand the importance of continuing education, but also to advocate for its necessity.

Requiring only that the Judicial Officers receive continuing education places the burden on judges to be responsible for the delivery of justice in the courtroom. But what about the responsibility of court operations that occur on a daily basis outside the courtroom? At worst, if this function is also left to the Judicial Officers, it negates the very reason that the Court Executive Officer positions were introduced to the courts to begin with. At best, it leaves the responsibility for educating the CEOs to the judges. With already burgeoning dockets, this is an imperfect solution at best.

As a recognized education professional, David R. Wetzel has written many articles on the topic of continuing education for adults. In one such article, he states that:

Occupational developments, techniques, technologies, and knowledge evolve to the point that every 10-15 years, a person is only half competent to do his job. Consequently, an adult must enroll in continuing education programs, either through distance learning or traditional classroom learning, to maintain or regain competence. (Wetzel, 2009)

If this is correct, CEO's must receive continuing education every 10-15 years, at minimum, to maintain basic competencies to fulfill the requirements of their positions.

Just as the judiciary must keep pace with ongoing changes and applications of the law, CEOs have this same responsibility to maintain competence in their own areas

of expertise. Unfortunately, CEOs find it difficult to justify the need for this training to the judges for whom they work, as well as to funding authorities. The consequence is that the topic of continuing education for court executives is not viewed as a priority; it continues to take a back seat to what are perceived as more pressing concerns. It stands to reason that it is just as important for a top executive of the court to be as competent and educated in their areas of expertise as the Judicial Officer. Thus, this emphasis on continuing education must also include the top non-judicial officers of the court system.

The State of Washington is “comprised of 39 Counties and is the 18th largest state in the United states” (Appendix D) As a non-unified state court system, the emphasis on continuing education for CEOs within Washington State must be addressed at the state level. If the issue is not addressed as a statewide initiative, any efforts at the local level will result in a patchwork of rules, guidelines, and requirements that appear inconsistent and haphazard. In the field of court administration, change happens continually. The highest non-elected officials within the judiciary should be required to keep up with these rapidly changing requirements of the field. Part of these changes include reductions in staffing and support, so it is crucial that the need for continually educated leaders capable of embracing modern court challenges be elevated to the level of a statewide initiative.

The question to be addressed by this research is how do non-unified states, such as Washington State, achieve competency among its Court Executive Officers without mandating minimum position qualifications? To answer this question, the author undertakes a four-part approach: 1) a survey of current CEOs within Washington State,

2) a review of mandatory continuing education statutes and rules; 3) education program case studies in non-unified state court systems; and 4) input from an education focus group comprised of representatives from Washington State's professional court management associations.

Stakeholders

It is essential to the success of this study to recognize that Washington State does not have a unified court system. The Washington State Courts are structured in the following manner: Supreme Court (1), Court of Appeals (3), Superior Courts (32 districts in 39 counties); District Courts (48 courts); and Municipal Courts (121 courts) (see Appendix E for a chart illustrating the Washington Court Structure).

It is equally important to note that Washington State does have an exceptionally interactive relationship between its Supreme Court, Administrative Office of the Courts, and various court management associations. The following associations represent the majority, but not all, of the court administrative staff within the state. They include: the District and Municipal Court Management Association (DMCMA); Washington State Association of County Clerks (WSACC); Association of Washington Superior Court Administrators (AWSCA); and Washington Association of Juvenile Court Administrators (WAJCA). In addition to these associations, there are also representatives from the appellate courts that express concerns regarding opportunities for continuing education from the appellate court level.

Whatever solution is proposed, each of these stakeholders must be involved to ensure that the initiative meets the stakeholders' needs. It is crucial to the program's

success that it receives both participation and support from the membership of Washington's court management associations.

Literature Review

Some very wise leaders understood that within the structure of the judiciary there must be a formal recognition in the delineation of operations within the courts. Judges must be free to focus on the judicial functions of the bench while having a competent counterpart to manage the daily operations of the court. Court management, as an independent profession, was formally recognized by the judicial branch in the “late 1960’s” (NACM/PDAC, 2003). This started a journey for the judicial branch as a whole through the organization of such groups as the National Association for Court Management, the Institute for Court Management, and others. An understanding of the importance of this role in the administration of justice has been zealously advocated.

At the graduation ceremony of ICM’s 1987 class, Chief Justice Rehnquist observed that “...perceptions have now pretty much changed, and both Judges and the public have come to recognize the need for trained managers in the administration of justice just as in any other field of human endeavor” (W.H Rehnquist, ICM Commencement Speech, May, 1987). As with all true professions, merely acquiring the position or title is not considered a stopping point.

This was further defined when, in 1991, the National Association of State Judicial Educators (NASJE) incorporated the following into their preamble:

The goal of judicial branch education ... is to enhance the performance of the judicial system as a whole by continuously improving the personal and professional competence of all persons performing judicial branch functions (2001, pg 7).

While court administration has developed into a recognized professional field, there remain numerous examples of disparity within the knowledge and educational levels required of court professionals within the same job classifications.

Educational requirements can differ from a high school diploma to a Master's degree and/or Juris Doctorate. While it is understood that there are many factors that must be taken into consideration (such as location and size of the court; the structure of the organization in which the individual works; and the mindset of the organization as to the role of the court executive in the overall purpose of the Judicial Branch, it is imperative to remember that at the end of the day, most, if not all have the same level of responsibility to their communities. As a result, there remains a wide disparity in the educational backgrounds of current court executives across the state of Washington. By establishing a historical view of the journey of coordinating and implementing a sustainable court education program, we should learn the value of collaboration. It is through collaboration that Washington State can present a practical proposal for a sustainable, continuing education plan for its Court Executive Officers.

Historical Background of District and Municipal Court Management Association (DMCMA)

The Washington State Association of Court Administrators was established in 1970, later changing its name to become the District and Municipal Court Management Association (DMCMA) in 1989. The foundational purposes of the DMCMA, as stated within its charter, are to:

Increase court management proficiency and improve court services; Encourage the exchange of practical knowledge and information relating to judicial administration; Promote and build a quality education and training system; Strive for standardization of procedures; and Coordinate efforts with various Associations to enact or improve laws affecting Courts (District and Municipal Court Management Association, 2009).

The Education Committee of the DMCMA was developed and formalized in the early 1990's. The intended focus of the committee was to determine the best manner in which consistent and sustainable training could be achieved for all levels of court staff within Washington. Due to the distance and technology levels within different areas of the state, the DMCMA separated the state into six regional areas. This allowed for the ability to reach a larger proportion of court staff without the requirement that they travel long distances. To this end, the Regional Staff Training concept was developed. The first regional training was held in six different locations throughout the state in the late 1990's; this reliable delivery method continues to this day.

In 2006, the Education Committee recommended to the full board that they adopt the National Association for Court Management's Core Competencies as the standards on which to base all future curricula. The DMCMA Board concurred, and the National Association for Court Management Core Competencies were adopted. In the spring of 2008, DMCMA hosted its first line staff conference geared directly toward education as it pertained to the daily functions of court operations. This was repeated in 2011 with new topics and keynote speakers. Comments from attendees stated that the conference was not only educational, but extremely relevant to their positions within the courts. This was only the second time that a conference was developed within Washington that specifically focused on issues that directly impact line staff.

The DMCMA, while providing ongoing training in the form of conferences and regional staff training, believes that as a whole, there is a specific need to develop a sustainable, standardized educational program for court executives within the state of Washington. To this endeavor, the Education Committee formed an ad hoc committee

to review other court-specific education programs. In particular, the Committee sought an existing program that could potentially serve as the example for a sustainable program within Washington State.

In May of 2010, Margaret Yetter and Lynne Jacobs, CLE for Court Administrators Committee, requested the president to send a letter from the DMCMA (see Appendix F for a copy of this letter) to the Washington Board for Court Education (BCE). The President of the DMCMA, Jeri Cusimano then drafted a letter asking that the BCE support the formation of an ad hoc committee to further explore the development of “Mandatory Continuing Education for Court Executive Officer[s]” (Appendix G). The proposed program would be in compliance with the new General Rule 26A (Appendix H) that would require mandatory continuing education for court administrators in Washington State. After submission of the letter, the DMCMA representative reported that while the BCE felt that the idea had merit, the BCE wanted the DMCMA to gain the support of all related associations within the state prior to moving forward.

The idea was also presented to the Court Management Council (CMC)². The CMC’s response was that while mandatory continuing education requirements are a good idea, the timing is poor because due to budgetary measures, there is no identified sustainable funding source for such education efforts. The DMCMA representatives were directed back to the BCE for further consideration. Not willing to put the idea to rest, the ad hoc committee agreed to work with the author of this study to gather

² The Court Management Council shall serve as a statewide forum for enhancing the administration of the courts. Included in, but not limited to, that responsibility is: 1) establishing, by unanimous vote, a position on legislation affecting the overall administration of the courts; 2) providing, by majority vote, direction to the Administrative Office of the Courts on other matters affecting the administration of the courts; 3) fostering communication among the various entities providing court administration.

statistical data that supports the need for continued education for Court Executive Officers within Washington State.

Education for Washington State Court Leaders

What does education for court leaders within Washington State really mean? Is this formal education that takes place in a classroom environment hosted by an institution of higher education? Is this formal education that is focused on a specific topic or range of topics unique to a specific profession? Britannica defines “adult education” as: “any form of learning undertaken by or provided for mature men and women” (Britannica, 2012). The National Association of State Judicial Educators states that “a major goal of continuing education is to provide opportunities for...court personnel to obtain and maintain the necessary knowledge, skills and attitudes to successfully fulfill their roles” (National Association of State Judicial Educators, 2001).

The road for court education has been a long one in Washington State. In June 1999, Tricia Crozier, DMCMA President, stated in her “The Prez Sez” corner of “The Docket Pages” in reference to regional training sessions “...many thanks to the attendees for listening to me pontificate about the importance of ongoing education and continuing to learn.” In the NACM³ Core Competency Curriculum and Guidelines, under Education, Training and Development, it is asserted that:

Court leaders must actively lead judicial branch education in their courts. Education, Training, and Development are not pleasurable diversions from daily routines, training for the sake of training, or a luxury. Effective court leaders ensure that Education, Training and Development are recognized as essential and build a culture of support. This means excellence in programming; demonstrable results, both inside and outside the courts; and reliable and consistent funding (National Association of Court Management, 2003, p. 2).

³ NACM- National Association for Court Management.

The DMCMA has stayed committed to the incorporation of mandatory education into the Washington State approach to training for court professionals.

In an effort to determine the best application method for mandatory continuing education for court administrators within the state of Washington, it is important to evaluate programs that have been successfully implemented within other states. There are three primary programs that will be analyzed for possible replication within Washington State's structure. While this is a small sampling of programs that are available throughout the United States, they were chosen with specific factors in mind. First, they must have a focus on the education of judicial staff (the primary focus of this endeavor); they had to have been in existence for a period over four years (to demonstrate sustainability); and they must be within states that have non-unified court systems (to reflect the structure of the Washington State Judicial Branch).

The programs chosen for evaluation are diverse. Although none were mandatory, each directly relates to supporting the judicial branch of government. The programs chosen for consideration were: the District of Columbia Courts Management Training Program; the Texas Municipal Courts Education Center; and the "Judicial College"⁴ for the State of Washington. The inclusion of this last program was based on the ability to replicate the program with current practices and staffing.

District of Columbia Courts Management Training Program

In 2005, the District of Columbia Courts recognized that training management and succession planning needed to become an integral part of their vision for the courts. They were faced with "30 percent of their workforce eligible for retirement within

⁴ This program is a mandatory education platform administered by the State of Washington Administrative Office of the Courts for all judges that are new to their positions.

3 – 5 years” (District of Columbia Courts, 2011). This realization, combined with the vision for building leaders, lead them to incorporate this reality into their long range strategic plan.

A Strong Judiciary and Workforce. Goal 3.1: The D.C. Courts will maintain a skilled and diverse workforce, and foster high achievement and job satisfaction. Goal 3.1.1 & 3.1.3: Provide training to judicial officers and court personnel which increases professional knowledge and skills and enhances job performance. Implement programs to enhance employee performance and satisfaction (District of Columbia Courts, 2011).

As a result, they have invested in a program that encourages and enables court staff on a management track to attend certified training directly geared towards the District of Columbia Courts. In order to be eligible to participate in this program, participants must have “three or more years of employment with the District of Columbia Courts; Rating of 3 or higher on most recent Performance Evaluation; Commitment to participate fully in the program and be in grades 8 to 14” (District of Columbia Courts, 2011). This program is by application and selection for those that have been with the courts over three years, and if selected requires a one-year commitment. The program consists of 12 two-day classes; a number of on-site meetings, as well as a mentoring portion of the program. Logistically, the District of Columbia Courts are capable of doing this because of the localization of the region. For example, all classes are held at the main judicial office and therefore are easily accessible to program attendees.

Texas Municipal Courts Education Center

The Texas Municipal Courts Education Center (TMCEC) is sponsored by the Texas Court Clerks Association in cooperation with the Texas Municipal Courts Association (TMCA), and Texas State University, San Marcos. It was formed in 1984 with the purpose “to provide extensive, continuing professional education and training

programs for municipal judges and court personnel” (Texas Municipal Courts Education Center, 2011). As of 2011, there are 925 (Texas Administrative Office of the Courts, 2012) Municipal Courts within the state of Texas. Of those, there are “478 Level I Court Clerks; 312 Level II Court Clerks; and 40 certified Municipal Court Clerks” (Texas Municipal Courts Education Center, 2011). For the purposes of this paper, we will focus our attention only on the clerk certification program.

The Texas Clerk Certification Program was initially established through the use of a State Justice Institute (SJI) Grant in 1996. Its intent is to “encourage professional development and educational growth” (Texas Municipal Courts Education Center, 2011). It has since blossomed into a highly regarded educational program for Texas court clerks. The program has three distinct certification levels for court staff: Court Level I; Certified Court Clerk Level II; and Certified Municipal Court Clerk. These certifications “prepare program-participants and other court support personnel to better understand the law, procedure, and responsibilities of the municipal court clerk” (Texas Municipal Courts Education Center, 2011).

Each level builds on the previous one so that each individual, based on desire, persistence, or classification level, can choose to continue their education through the Certified Municipal Court Clerk program, which is the highest level of certification provided by this program. At each level of the certification process, tests are administered. Upon successful completion, each participant is required to complete a minimum amount of continuing education each academic year. The "Certification Program Handbook," published by the Texas Municipal Courts Education Center, states

that "each academic year (September through August), Level I and Level II certified court clerks must attend 12 hours of continuing education. CMCC, Level III certified court clerks, must attend 20 hours of continuing education" (Texas Municipal Courts Education Center, 2011).

While the clerk certification program is not mandatory, it is a widely recognized program that numerous courts throughout the state of Texas utilize to improve the knowledge of the courts as well as the professionalism of their court staff. Once a person obtains the qualifications necessary for a level III Certificate, the individual must attend a two part program. The first part includes a three-day Assessment Clinic. As stated on the TMCEC website:

The Clinic is a workshop emphasizing the development and practice of court management and human resource skills. The purpose of the Clinic is to help clerks gain confidence in their management skills and to become better prepared to provide efficient and effective oversight of court operations. The program usually has 20 or fewer registered participants and interaction is emphasized. Participants are encouraged to make self-assessments of their own management and human resources skills. It is necessary to be Level II Certified and to have completed a majority of the readings (Texas Municipal Courts Education Center, 2011).

After the completion of this assessment clinic, candidates are eligible to attend the Court Administrator Seminar, which is the third and final requirement prior to becoming a certified Municipal Court Clerk. This seminar "requires the leadership skills of the court administrator. This program focuses on developing the court administrator as a manager and supervisor and provides an overall picture of Texas municipal courts and their administration" (Texas Municipal Courts Education Center, 2011).

State of Washington Judicial College

The State of Washington Administrative Office of the Courts (WAOC) established a judicial college based on General Rule 26 (Appendix A) that is required for all new judges, regardless whether elected or appointed to the bench, within their first calendar year of service. The Judicial College is made up of numerous classes directly related to issues that are faced by Judicial Officers upon taking the bench. The program includes attendance at a one-week program that incorporates the application of court rules, such as Washington General Rule 29 regarding the role of the Presiding Judge, judicial ethics, courtroom demeanor, and use of interpreters. It also addresses subjects such as the use of technology within the courtroom by Judicial Officers. The Judicial College is intended to give new judges an in-depth view of subjects directly related to their new position, as well as giving them the opportunity to interact with seasoned professionals in the field. The advantage to this type of program is, because it is condensed into a single week, this equates to less time away from the office for the attendees.

Additionally, as an established program in the State of Washington, this educational format is accepted toward the mandatory continuing education requirement by the Board for Judicial Education as established by the Washington State Supreme Court.

While each of these programs is different, it is important to understand the dynamic of the times in which this evaluation is being conducted. Most programs, even if they are rigorous and well-regarded, are having a difficult time achieving sustainability due to budgetary constraints at the federal, state, and local levels. This, in the author's opinion, is one of the reasons that education requirements must be addressed at the state level and not left to the respective local jurisdictions to understand the importance of and provide for continuing education.

Recognizing that local and state agencies often target training budgets first in tight economic times, it is necessary to identify an option to offer training at limited or reduced cost. Another reality is that many, if not all local agencies, are of the opinion that if continuing education is not mandatory, staff cannot attend. One way to address these concerns is to become creative in the modality used to deliver education; one potential solution is the use of technology. For example, distance learning⁵ offers many benefits, including: reduction of travel and lodging costs; reduction in time away from the office; and immediate verification that the information has been learned through the use of electronic testing.

As all governmental agencies are directed to find ways to cut budgets at every level of their organizations, it is particularly important to make sure that court leaders are as competent as the judicial bench they represent. As with other occupations, mandatory continuing education is needed in order to stay abreast of new and upcoming trends, laws, and applications in the respective field. Continuing education, certifications, and educational degrees are fundamental to court executives performing their jobs in a manner which is both effective and efficient. By recognizing this, Washington State can become a leader in providing its Court Executive Officers with the tools they need in order to lead tomorrow's courts.

As Court Executives, it is our responsibility to continue to learn, and to train those around us, about the importance of the function that courts perform in our governmental system. Current and future court leaders must be diverse in their knowledge of the courts' history and business practices. Court leaders must continually educate

⁵ Distance Learning – (n) Education in which students receive instruction over the Internet, from a video, etc., instead of going to school (Dictionary.com, 2012).

themselves to achieve the goal of “raising the bar” of professionalism within the court’s ranks. It is the responsibility of everyone that works within the court system to promote the honor, integrity, and dignity of the judiciary – thus recognizing the important role of court administration as a profession. It is only fair that Court Executive Officers tasked with this important societal role be properly armed with the educational resources necessary to achieve this goal.

Methodology

There were four primary methods used in the development of this paper, employing a mix of both quantitative and qualitative data collection methods. The primary quantitative data collection method used was a survey. The remaining three methods are qualitative in nature, and were selected to supplement the quantitative data collection method with the richness of information that only qualitative data collection can provide. The three qualitative methods used include: a review of other states' mandatory education statutes; case studies of other successful programs; and a focus group.

Each of these methods contributes to the development of a complete picture of the challenges encountered while instituting a mandatory court education component for CEOs within Washington State. For example, the survey provides important baseline statistical information regarding the current education needs of court executives. Seeking out other states that have memorialized the importance of court executive training within their states by either statute or court rule provides useful examples that will inform the creation of a program in Washington. Evaluation of these court education programs within their respective districts or states highlights a number of valuable lessons. Finally, the focus group identified the interest level of the different associations in the pursuit of mandatory education and key stakeholders that should be involved as Washington State moves forward with its own educational initiative for court executives. Each of these methods will be considered in turn.

Court Executive Officers Survey

In order to establish a foundation for the assertion that education for court administrators within the State of Washington is an important initiative, it was necessary to gather some statistical information reference the current level of access to education, availability to attend education programs, and the formal educational levels of existing CEOs. This was accomplished through use of a time-honored method - the survey (see Appendix I for a copy of the survey instrument).

A pre-test of the survey was conducted with a small group of administrators from the DMCMA – Continuing Education Sub-Committee. It was determined that the best method for distribution was through use of e-mail and “list-serves.”⁶ The e-mail contained a brief explanation of the survey and its intended use, a link to the survey on “Survey Monkey,” and the importance of the need for it to be filled out by all court administrators at each of the individual jurisdictional levels within Washington State. It was decided that the survey should be distributed to each participant through the recommendation of the president of the organizations that were identified as stakeholders to obtain the best possible response rate. This required that the survey first be distributed to the president, or designee. The president or designee then forwarded it on to the respective list-serves for completion by the individuals targeted in the survey. The total population for the survey was 267 Court Executive Officers and Elected Clerks of Court within the State of Washington (Appendix D).

The survey is divided into five primary sections. The goals of each section are presented below:

⁶ “List-Serves” are segregated mass media e-mail controlled by the Administrative Office of the Courts to all court staff and Judicial Officers based on current need, capacities, and associations.

Section 1 - Determine jurisdictional demographics and educational levels within those demographics.

Section 2 - Determine professional organization memberships and the level of involvement within the associations.

Section 3 - Determine the effectiveness of different types of education distribution methods at each of the different levels of training, i.e. local, state, and national.

Section 4 - Incorporate types of training directly related to management, leadership, and issues faced specifically by the judicial branch of government.

Section 5 - The relationship between the personal learning need / interest of the individual to the importance to the court as an organization within the framework of the National Association for Court Management Core Competencies.

The survey was distributed to the designees on the first Friday of October 2011. Within the attached e-mail sent to the designees, a timeframe of two weeks was established for the completion date of the survey. The survey was distributed to all of Washington's 121 Municipal Courts and 48 District Court Executives and the designated representatives of the Superior, Juvenile, Elected Clerk of the Court and Supreme Court. Of those that were distributed, 83 were completed and returned within the two weeks, yielding a response rate of 31%. It was quickly discovered that the surveys were only distributed to the District and Municipal Court Administrators. The aggregated results were distributed to the education focus group for review and comment.

At a follow-up meeting after the survey was distributed, the fact that the survey was not distributed to all of the intended list-serves was discussed. Additionally, modifications to ensure the clarity of the survey were identified. Based on these discussions, the decision was made to use the information received as is, and to send out a revised survey to all of the participants at a later date. Although not all recipients responded to the survey, and although there were some additional desired modifications to the survey, the information received provides a useful baseline to assess the educational needs of Court Executive Officers in Washington. Program stakeholders now possess some useful information regarding the educational level of CEOs, their attendance at local, state and national training programs, and their needs/desires for additional training, including the preferred mode of instruction delivery.

The follow-up survey, which will include both the recommended modifications and some new additional questions based on the responses to the initial survey, is scheduled to be sent out in the fall of 2012.

Mandatory Court Education Statutes / Rules

Examples of mandatory education statements, either by statute or rule, were gathered as design examples for the Washington education initiative. These examples, taken both from unified and non-unified court systems, unanimously recognize the importance of continuing education (see Appendix J). By reviewing other state requirements for continuing education and comparing them to Washington General Rule 26, the author was able to identify several other mandatory continuing court education

models. These models provide valuable alternatives to the mechanism currently used in Washington State to mandate continuing court education in the event that the current regulation is deemed insufficient for extension to Court Executive Officers. Currently, Washington State's General Rule 26 outlines the mandatory education requirement for judges within the state; however, it does not address mandatory education for other court professionals. This information serves a necessary starting point with regard to creation of a proposal for mandatory continuing education for all court professionals, and provides an example of an existing program in Washington State that may be applicable to the CEO context.

Education Program Case Studies

During the literature review, the author identified three established court education programs that appeared promising for replication within Washington State for Court Executive Officers. All three of these programs met the criteria selected by the author for consideration: 1) they focus on the education of judicial staff; have been in existence for greater than four years; and are located in non-unified states. The three programs selected for review include: the District of Columbia Courts Management Training Program; the Texas Municipal Courts Education Center; and the Washington State Judicial College. Evaluations of these programs include brief historical background; discussion of the target audience; the advantages and disadvantages of the programs as applied to Washington State; and finally, feasibility statements that examine whether these programs could be replicated within Washington State. For

additional descriptive information about these programs, see the Literature Review, above.

Education Focus Group

To conduct the education focus group, a core group of representatives from each Association was asked to schedule meetings in order to discuss interest, feasibility, and sustainability of an educational mandate for CEOs in Washington State. These representatives include the stakeholders discussed in the Introduction, above. A group of members selected from the state's Court Administrative and Elected Clerks Associations were chosen for an education focus group to help clarify the collective voice of Washington State's CEOs. The intent is that the results from the focus group discussions will be presented to the BCE⁷ for consideration. This approach is in response to a directive from the BCE in 2010 to conduct additional research in response to the District and Municipal Court Management Association's proposal for mandatory education for Court Executive Officers. The purpose of the BCE is to:

...assist[] the Supreme Court and BJA in developing educational policies and standards for the court system, and monitor[] the quality of educational programs, coordinate[] in-state, out-of-state education programs and services, recommend[] changes in policies and standards, and approve[] guidelines for accrediting training programs. (Washington Supreme Court, 2012).

Thus, implementation of the focus group satisfies one of the concerns raised previously by the BCE. Based on the direction of the BCE and the new focus group, an "Ad-hoc Committee Questionnaire" (see Appendix K) was developed to validate that the areas of concern are appropriately addressed. This group will provide information to the

⁷ BCE - Board for Court Education within Washington State.

BCE distilled from its members that directly impacts the need and desire for mandatory education in Washington State.

Findings

As a result of this project, there were some very interesting perspectives raised with regard to the proposal for required continuing education for CEOs. Some of the findings identified known areas of concern for courts and others were a surprise. A primary example is the acknowledgement that there will be a large number of individuals with an irreplaceable knowledge base eligible to retire from the courts within the next 10 years. Additionally, many of those who currently hold the position of Court Executive Officer have not achieved a higher level of education in relation to the minimum education requirements for Judicial Officers. Issues identified that were unknown, such as a low rate of participation in professional organizations for educational opportunities, have provided additional information that will be valuable in crafting a proposal that addresses many of these concerns.

Survey Results

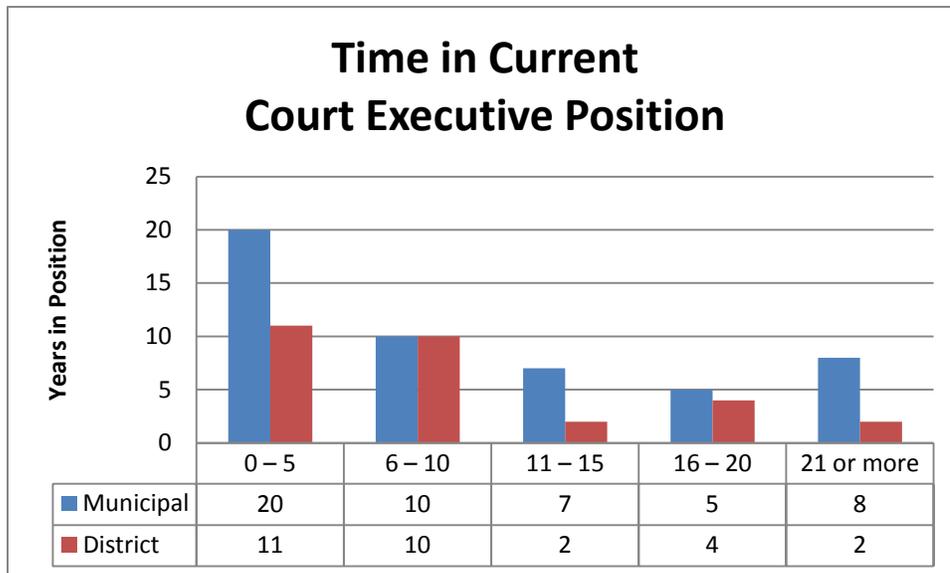
Perhaps one of the most significant findings of the survey is that, of the District and Municipal Court Administrators that responded, 67.1% held an Associate's Degree or less; as many as 14.5% hold a high school diploma alone (Table 1). This suggests a substantial gap between the formal education of Judicial Officers and Court Executive Officers in Washington State.

The second significant finding from the survey is the identification that 44.6% of the respondents have held management positions within the court system for less than 10 years. (Table 2) Additionally a high percentage (38%) of District and Municipal Court Administrators have held their current leadership positions for less than five years (Table 3). This suggests that there is an appreciable portion of the state's Court

Executive Officers who have only recently attained their positions. Thus, this is a timely opportunity to educate these individuals with regard to the important role they will fulfill as a court administrator.

Washington District and Municipal Court Administrators

Years within Current Position (10/2011) (Table 3)



Mandatory Court Education Statutes / Rules

The review of several mandatory court education statutes/rules revealed at least six states have continuing education requirements. Five of these (Texas, California, Utah, Arizona, and Mississippi) clearly define the requirement for continuing education in relation to court personnel (see Appendix J). A closer look at the content of these requirements reveals that a common goal was that each entity could “maintain a high level of competence to assist judges in carrying out their responsibilities and to provide accurate and timely services to the public” (Arizona Code of Judicial Administration, 2008). While the regulations vary from state to state, these declarations all underscore

the importance that is placed on educating professional staff in the courts. Because this education is deemed mandatory and has been codified in state regulations, there is no question regarding the necessity for the court to provide funding or allotting time for staff to attend these courses.

Education Program Case Studies

All of the programs chosen for the case studies had one common denominator; they focused on judicial branch education. One of the programs focuses solely on education and succession planning for court staff. Another program was divided into two distinct branches of education; one focused on the education of the Judiciary and the other on the education of professional court staff. The third program was designed specifically with new judges in mind. While unique in their philosophies, it is apparent that all of the programs were developed to deliver a high quality product and to ensure that judicial branch employees are knowledgeable in their fields.

District of Columbia Courts Management Training Program

The management training program offered by the District of Columbia Courts is the newest of the programs evaluated. As such, it has the advantage of evaluating other programs and incorporating the “best of the best”. One other advantage that this program has over many others is the geographical configuration that it serves.

Washington, D.C. is 68.25 square miles (Enchanted Learning, 2010) and its judiciary is located within four buildings in Judiciary Square. This provides a tremendous opportunity for staff to attend educational programs during office hours since they do not have to travel to a different location. Compared to Washington State, which is 71,303

square miles (it is the 18th largest state in the U.S.) (Enchanted Learning, 2010), this is a significant advantage.

One of the disadvantages of this program is the limited number of people that the program can accommodate on a yearly basis. The classes are limited to 15 – 20 participants and are only open to mid-level employees. As a result, this restriction eliminates a large class of staff from participation in the program. A second disadvantage is the yearlong commitment that must be made on the part of the applicant when accepted to participate. The program is structured in such a manner that individuals unable to attend 90% of all of the classes are ineligible to graduate from the program. Other educational programs maintain rigor in the completion of course requirements, but provide greater flexibility to program participants with regard to the timeframe allotted for successful completion and graduation.

Texas Municipal Courts Education Center Program

The advantages to the educational program developed for the Texas Court Clerk is that it is tiered. By offering a tiered certification system, a staff member of the courts can assess their career aspirations with the courts and select the appropriate certification level that reflects those goals. If an individual's career goals change, there is also flexibility for the individual to seek the next level of certification. The classes are often taught by individuals who have obtained Level III certification and are current employees of the courts; as a result, the faculty are able to incorporate practical application into the training. Additionally, classes are offered regionally so that Texas' large size (268,580 square miles) that could otherwise be a disadvantage is minimized.

The biggest challenges for the Texas Municipal Courts Education Center Program are its sustainability and continued funding. Because the education program is not mandatory, it is in jeopardy of being eliminated due to funding cuts. Cutting court staff education allows the judicial branch to prioritize its education focus and limited budget dollars on the training of judges instead. The primary reason is that judicial training is a mandatory requirement within Texas, and if resources are constricted, then scarce resources must be distributed in accordance with existing mandates. This is despite the finding obtained during the review of mandated court education statutes that Texas supports ongoing education for court staff. Thus, as a case study, Texas' example suggests that mere support for continuing education of court staff may not be enough; rather, to compete in today's environment of scarce resources, continuing education for court staff may need to be mandated.

Washington State Judicial College

The advantage of this type of forum is that it is an established program in the State of Washington. Thus, it could be replicated and retooled for Court Executive Officers with a minimal amount of staffing time from the Administrative Office of the Courts. Additionally, this program focuses on "face-to-face" training that is condensed into one week. This lends itself to participation on the part of court administrators with the understanding that there is a shorter time requirement needed for participation when compared to other programs.

The disadvantage of this model is that it focuses on those that are "new" to their judicial branch position and does not address the ongoing need for continuing education of those already established within their positions or that are continuing to acclimate to

their positions. Additionally, while the survey did not address this specific question, there are generally not as many new court administrators within a single 12-month period. The problem this raises is the ability to maintain the program's sustainability from year to year. It may be that a program for CEO's should be offered on a biannual or some other basis. The problem with this solution is that it does not immediately address the educational needs of new court administrators.

Even if this challenge is overcome, there remains an additional disadvantage to this type of program. The goal of continuing education is to make sure that all Court Executive Officers are getting the latest information on a continuous basis. However, program based on this model would only partially address these needs for new Court Executive Officers, leaving existing court administrators to find other opportunities designed to meet their educational needs.

Education Focus Group

While each of the organizations represented by the education focus group believes that education is important, there was hesitancy on the part of some to support the creation of a rule for "Mandatory Continuing Education" for court executives. There is a concern that if mandatory education is implemented, it would drastically impact budgets in such a way that it would not be sustainable. Additionally, there is a concern that if mandatory education is not articulated in a manner that is specific to the court's mission, CEOs may attend classes that are inapplicable just to meet the educational requirements imposed. Because the goal is to elevate the overall importance and benefit of continuing education, such a result would be perceived as a failure. Thus, the

education focus group's input provides an important perspective that must be addressed in the creation of any required educational initiative for CEOs.

Taken as a whole, the findings from the survey, mandatory court education statutes/rules, program case studies, and education focus group, each provide valuable information for consideration in development of a statewide continuing education program for CEOs. For example, the survey provides baseline information regarding the educational status and needs for CEOs. Sample regulations from other states provide models that are useful to inform development of a rule for Washington State. The program case studies provide real-life examples of successes and challenges that should be considered during the development of a program for Washington State. And finally, input from the education focus group provides a realistic perspective about the challenges and concerns that program users, the CEOs, have with regard to a mandated program. Thus, each of these research components has contributed an important and unique piece of information that should be used to inform Washington State's development and implementation of a statewide educational program for Court Executive Officers.

Conclusions and Recommendations

Washington State has a unique opportunity to join the ranks of other states in formally recognizing the importance that the role of Court Executive Officer has in the administration of justice. Geoffrey S. Gallas states that “The basic goal is to develop managers for the judiciary. Court executives must be capable of keeping existing structure above water while working to change it” (Gallas, 1971). After 41 years, this statement is as applicable now as it was when originally spoken. The lack of a mandate within Washington State for continuing education in relationship to Court Executive Officers has resulted in varying levels of knowledge, as well as standards, for court executives.

Conclusion 1:

Mandating continuing education for Court Executive Officers within the state of Washington should be of the utmost importance to the leaders of the judiciary.

Review of other states’ educational requirements for Court Executive Officers suggests that there is a clear need to have continually educated individuals leading the nation’s state courts.

Recommendation 1:

The State of Washington Judicial Branch, in collaboration with respective associations, should move toward the adoption of a general rule that requires mandatory continuing education for all Court Executive Officers.

The incorporation of the Court Executive Officer into the existing language of General Rule 26 would require a recommendation from the Board for Court Education to the Board for Judicial Administration. The recommendation would then have to be submitted to the Washington Supreme Court for approval of the modification of General Rule 26 or addition of a new general rule. As seen from the case studies, a mandatory requirement for continual education is a necessity if court education programs are to compete for already limited judicial funds for educational purposes.

In the proposed new General Rule 26A, Court Executive Officers would be required to attend 45 credit hours within three years of continuing education hours. The rule also includes a mandatory minimum of six credit hours directly related to ethics (see Appendix H for a copy of the proposed rule). This is the same requirement as that for the judiciary. This underscores the message that those serving as the chief executive of the courts have a duty to maintain the competencies required for the job just as are Judicial Officers.

Conclusion 2:

There is a high percentage of existing District and Municipal court executives that do not have formal education higher than a high school diploma that desire to pursue educational opportunities directly related to the courts.

Given their level of responsibility within the courts, it makes sense to require that CEOs attain additional court-related education to ensure that each CEO has the knowledge, skills, and abilities necessary to competently administer the court. 74 of the respondents to the survey stated that training specifically related to issues faced by the

judiciary would be beneficial (see Table 4). As a non-unified court system, perhaps the easiest way for Washington State to accomplish this objective is to establish a continuing education program for CEOs that is directly related to their employment by the judicial branch.

Recommendation 2:

Establish a Court Administrator's College, similar to the existing Judicial College within Washington State, which would focus on topics directly related to the administration of courts.

Modeled after Washington State's Judicial College, the Court Administrator's College would be a mandatory requirement for any new CEO appointments or hires that occurred within the previous calendar year. Additionally, all court executives that have held their positions prior to the new mandate should be required to complete the program and given a phase-in period, such as five years, in order to achieve certification from the college. A draft schema that incorporates the administration of an oath of office; overview of the history of Washington Courts; role of the Presiding Judge; human resource / leadership in the courts; resources available to the new executive officer; state audits; budgets; and ethics is provided in Appendix L).

Conclusion 3:

A program to provide funding for Court Executive Officer continuing education in Washington State would provide strong institutional support that underscores the importance of court leaders.

Recommendation 3:

Establish a legislative education scholarship program that provides funding for Court Executive Officers to attend all levels of state, regional, and national education programs that are directly related to and enhance their court administration responsibilities.

There are many excellent training opportunities available to court executives. Failing to support CEOs who pursue these opportunities by neglecting to provide adequate financial support is a travesty. Given the tight economic reality faced by modern courts, an alternative funding stream should be made available to CEOs to support their commitment to court-related education. Legislative support through the creation of an education scholarship program would provide much-needed financial support that is not tied to specific organizations. Additionally, such a program would send a strong message to CEOs that professional educational opportunities are not simply desirable, but an expectation of the position.

The scrutiny that today's courts face in terms of public trust and confidence, credibility, and accountability should compel court professionals to higher levels of achievement. A CEO's daily activities require nearly the same knowledge of legal and legislative changes as the Presiding Judicial Officer. However, only 75.6% of Washington CEOs report belonging to a professional organization that specifically relates to their job (see Table 5). While this statistic only represents one method of obtaining this required skill set, it is the one that is most widely available to court professionals. Washington State must be concerned with the 24.4% - nearly one

quarter of the court management profession - that admits they are not “plugged in” to these professional resources.

In order to “institutionalize success” in the Washington State Judicial Branch, the state must formally acknowledge the important role that Court Executive Officers play in the administration of justice. To accomplish this, the State, the Court Executive Officers, and the community of professional development organizations must work in unison to establish accredited education programs that are relevant, applicable and sustainable. Our commitment to the profession demands no less; we are obligated to pursue mandatory education for those that are responsible for such an important function within our state, our society, and our nation. Simply talking the talk, without walking the walk, is not good enough.

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Appendices

Appendix A

Washington General Rule 26 – Mandatory Continuing Judicial Education

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) Judicial College Attendance.

- 1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.
- 2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.
- 3) A judicial officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing judicial education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections (a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. Judicial officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002; December 31, 2003; amended November 7, 2002; December 31, 2007.]

Appendix B

Educational Authority for Washington Judiciary

1. **Supreme Court**
The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.
2. **Board for Judicial Administration (BJA)**
The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.
3. **Board for Court Education (BCE)**
The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.
4. **Mandatory Continuing Judicial Education Committee (MCJEC)**
The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of this Committee will be to:
 - a) Administer General Rule (GR) 26;
 - b) Establish operating procedures consistent with this rule;
 - c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.
5. **Administrative Office of the Courts (AOC)**
 - a) **Administrative Office the Courts.** Under the direction of the Supreme Court and BCE, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. AOC will also track and monitor attendance at continuing judicial education programs accredited by the MCJEC.
 - b) **Judicial Education Unit.** The Judicial Services Division – Judicial Education Unit of AOC shall work with the BCE educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all BCE judicial education programs, provide staff for the Board for Court Education, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The unit shall maintain the official transcript for each judicial officer based on: 1) attendance records at all BCE accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Appendix C

Washington State Judicial Education –Mandatory Continuing Judicial Education Standards

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Board for Court Education (BCE)

The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education Committee (MCJEC)

The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of this Committee will be to:

- d) Administer General Rule (GR) 26;
- e) Establish operating procedures consistent with this rule;
- f) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

6. Administrative Office of the Courts (AOC)

c) **Administrative Office the Courts.** Under the direction of the Supreme Court and BCE, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. AOC will also track and monitor attendance at continuing judicial education programs accredited by the MCJEC.

d) **Judicial Education Unit.** The Judicial Services Division – Judicial Education Unit of AOC shall work with the BCE educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all BCE judicial education programs, provide staff for the Board for Court Education, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The unit shall maintain the official transcript for each judicial officer based on: 1) attendance records at all BCE accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

The CJE requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the MCJEC.

The CJE requirement may be met by attending approved courses. Self-study (including the use of technology-based programs), teaching, and writing for judicial/legal publications may be considered for credit when they meet the conditions set forth in this rule.

- a) Forty-five hours are required for the three-year reporting period, six credits of which are in the area of judicial ethics.
- b) No more than five hours and one hour in the area of ethics can be completed through self-study (including technology based programs), teaching, or published judicial/legal writing. The National Judicial College Web-based programming is exempt from this limitation.
- c) Judicial officers may attend a combination of approved local, state, or national programs.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits

may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. The 15 credit hours that may be carried forward may include two credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

- a) A judicial officer subject to the rules as noted above, who has been elected or appointed to their judicial office since July 1, 1998, but has not attended the Washington Judicial College, must attend the 2003 college. A judicial officer who is unable to attend due to medical disability or extreme hardship may apply to BCE for permission to attend the 2004 college.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts
- c) Judicial education programs of the Board for Court Education (BCE)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Minority and Justice Commission
- h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by BCE
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations
 - 1. National Asian Pacific Bar Association
 - 2. National Bar Association
 - 3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the Administrative Office of the Courts Judicial Education Unit an agenda of the program, which will be submitted to the MCJEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

- a) the judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.
- b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:
 - 1) The topic, depth, and skill level of the material.
 - 2) The level of practical and/or academic experience or expertise of the presenters or faculty.
 - 3) The intended audience.
 - 4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Basis for Approval of Other Educational Activities

The following activities will be judged on a case-by-case basis and shall make up no more than five (5) credits per year, one (1) of which may be in the area of judicial ethics.

- a) **Teaching.** Serving as faculty at any of the aforementioned accredited programs may be used to partially fulfill education requirements. Three credit hours will be allocated for each hour of instruction. The three credit hours per each hour of instruction includes preparation time.
- b) **Published Judicial/Legal Writing.** Credit may be earned through published legal writing with approval by the MCJEC.
- c) **Self-Study.** Judicial officers may apply to the MCJEC to receive credit for self-study. For example, judicial officers may receive credit by accessing educational activities through technology – audiotape and videotape, CD-Rom, Web-based programs, etc. To claim CJE credits earned through self-study, judicial officers must report independently.

The following will also qualify for CJE credit:

- a) **Institutional Visits.** Up to a maximum of three credits per three-year reporting period.
- b) **Other Continuing Professional Education Programs.** Other program courses that directly aid the judicial officer in performing his or her specific judicial duties.

6. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

- a) Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing his or her specific judicial duties.
- b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.
- c) Jury duty.
- d) Judging or participating in law school or mock trial competitions.
- e) Serving on professional (judicial or legal) committees/associations.

7. Appeals

A judicial officer may appeal the denial of program accreditation by the MCJEC to the full BCE. The appeal may be in the form of a letter addressed to the Chair of BCE that outlines the basis for the judicial officer's request. BCE shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the Mandatory Continuing Judicial Education Committee.

Appendix D

Washington Court Structure – County Map

The State of Washington is comprised of 39 Counties and is the 18th largest state in the United States. Washington has a non-unified court structure with five levels of courts between the state and local jurisdictional level: Municipal; District; Superior; Appellate; and Supreme. Of these, there are 121 Municipal Courts (not including Violation Bureaus⁸); 48 District Courts; 48 Juvenile Courts⁹; 32 Superior Courts; three Appellate Courts; and one Supreme Court. There are 375 full-time equivalent Judges; 83 Commissioners; 164 Court Administrators; 34 Elected County Clerks of Court; and 1939 Support Staff / Court Reporters (2009 Administrative Office of the Courts Staffing Levels).



⁸ Violations Bureau: In addition to a municipal court, cities can establish traffic violation bureaus or TVBs. TVBs handle traffic violations of municipal ordinances that involve no possible incarceration. The primary purpose of a traffic violation bureau is to expedite the handling of traffic cases that do not require any judicial involvement. The TVB is under the supervision of the municipal court and the supervising court designates those traffic law violations that a TVB may process. (WA Administrative Office of the Courts, 2012)

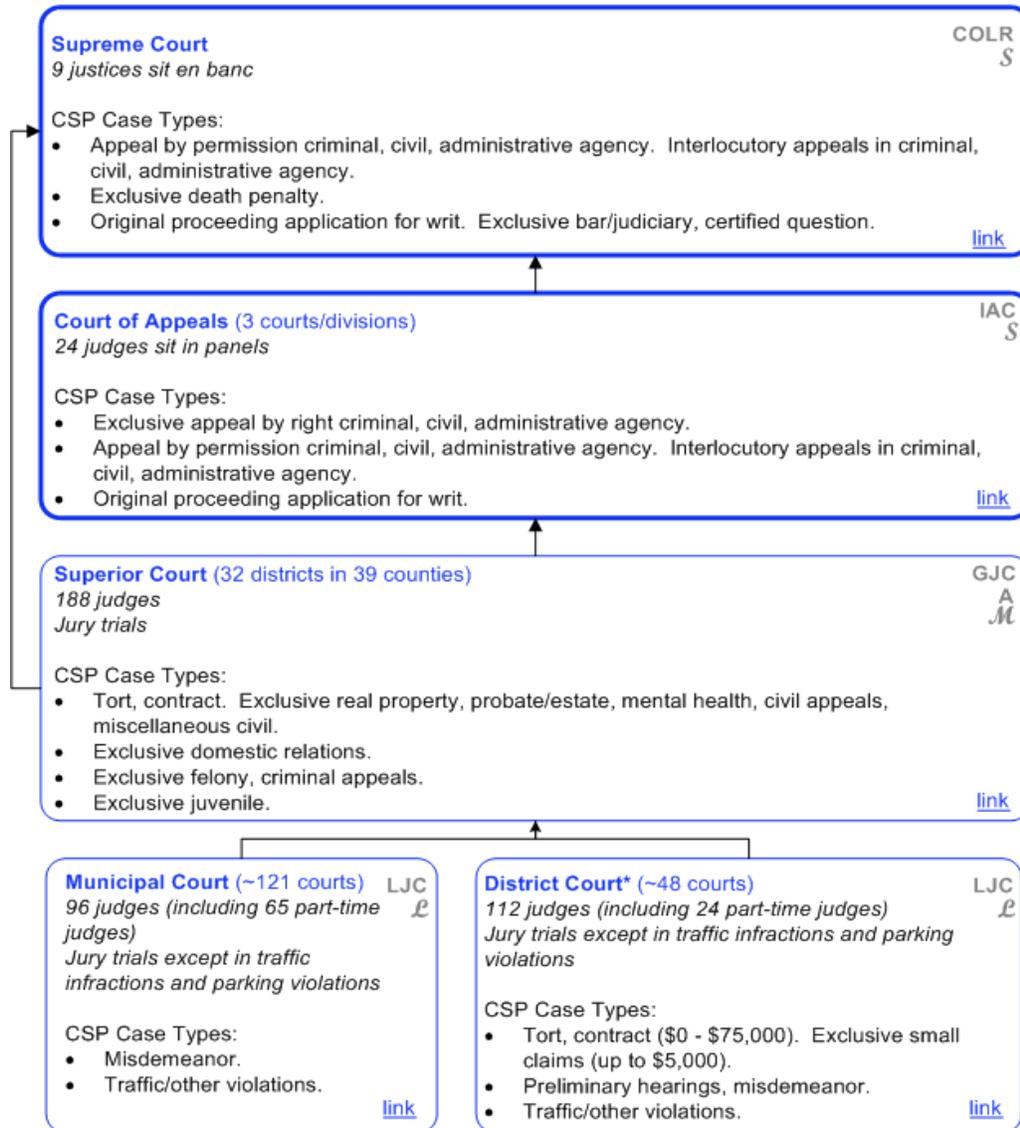
⁹ Juvenile Courts are a division of the Superior Courts but specifically defined within Revised Code of Washington (RCW)13.

Appendix E

Washington Court Structure – (Court Statistics Project, 2012)

Washington

(Court structure as of Calendar Year 2009)



*District Court provides services to municipalities that do not have a Municipal Court.

AOC Web site: www.courts.wa.gov

Legend

 = Appellate level
 = Trial level

COLR = Court of Last Resort
 IAC = Intermediate Appellate Court
 GJC = General Jurisdiction Court
 LJC = Limited Jurisdiction Court
 ↑ = Route of appeal

A = Appeal from Admin. Agency
 S = State funded
 L = Locally funded
 M = Mixed: state and locally funded

Appendix F

Letter from "CLE for Court Administrators Committee"



KENT MUNICIPAL COURT

1220 S. Central • Kent, Washington 98032
Phone 253-856-5730
Fax 253-856-6730

Robert B. C. McSeveney, Judge
Glenn M. Phillips, Judge
Margaret M. Yetter, Administrator

May 10, 2010

Jeri Cusimano
DMCMA President
Everett Municipal Court
3028 Wetmore Avenue
Everett, Washington 98201

Dear Jeri,

We are requesting DMCMA write a letter to BCE asking for mandatory education for court administrators. BCE has shown their commitment to judicial education (Judicial College) as well as new court employees (Institute for New Court Employees). It is our recommendation that the same formal commitment be given to the continuing education of the Washington State Court Administrators.

We would like to request that BCE form a committee similar to the committee that developed GR 26 (Mandatory Continuing Judicial Education). We envision this committee will include all court levels (Juvenile Court Administrators, Superior Court Administrators and County Clerks) and offer the assistance of the CLE for Court Administrators committee.

Sincerely,

Margaret Yetter and Lynne Jacobs
CLE for Court Administrators Committee

Cc: Telma Hauth, BCE Representative



Appendix G

Letter from DMCMA President to BCE Chair



DISTRICT AND MUNICIPAL COURT MANAGEMENT ASSOCIATION

May 14, 2010

PRESIDENT Jeri Cusimano
Everett Municipal Court
3028 Wetmore Avenue
Everett, WA 98201
(425) 257-8778
FAX (425) 257-8678
jcusimano@ci.everett.wa.us

PRESIDENT-ELECT Peggy Bednared
King County District Court
516 3rd Avenue Room W-1034
Seattle, WA 98104-2385
(206) 296-3596
FAX (206) 296-0596
peggy.bednared@knigcounty.gov

VICE PRESIDENT Lynne Jacobs
Issaquah Municipal Court
135 E Sunset Way
P.O. Box 7005
Issaquah, WA 98027
(425) 837-3170
Fax (425) 837-3178
lynnej@ci.issaquah.wa.us

SECRETARY LaTricia Kinlow
Tukwila Municipal Court
6200 Southcenter Blvd
Tukwila, WA 98188
(206) 433-7185
Fax (206) 433-7160
tkinlow@ci.tukwila.wa.us

TREASURER Bonnie Woodrow
Olympia Municipal Court
909 8th Ave SE
P.O. Box 1967
Olympia, WA 98507
(360) 753-8312
Fax (360) 753-8775
bwoodrow@ci.olympia.wa.us

PAST PRESIDENT Joseph McGuire
Renton Municipal Court
1055 South Grady Way
Renton, WA 98057-0944
(425) 430-6551
FAX (425) 430-6544
jmcguire@ci.renton.wa.us

Judge Russell W. Hartman – BCE Chair
Kitsap County Superior Court
614 Division Street, MS 24
Port Orchard, WA 98366-4683

In re: Continuing Education for Court Administrators

Dear Judge Hartman,

At the May 13, 2010, District and Municipal Court Management Association Board meeting, there was a discussion about requiring mandatory education for court administrators/managers. The Board fully supported this idea and asked me, as DMCMA President, to approach the Board for Court Education to see if the BCE would support the formation of a committee similar to the committee that developed GR 26 (Mandatory Continuing Judicial Education). We envision this committee will include all court levels (Juvenile Court Administrators, Superior Court Administrators and County Clerks).

The BCE has shown their commitment to judicial education (Judicial College) as well as new court employees (Institute for New Court Employees). It is our desire that the same formal commitment be given to the continuing education of the Washington State Court Administrators.

Several states have similar requirements including Texas, Mississippi, California and Arizona. Perhaps a good starting point, if this committee is formed, would be to look at what is in place in these states. Our Association formed an ad hoc committee to research this issue prior to bringing our request to BCE. I am certain that the members of that ad hoc committee would be happy to present their findings at a future BCE meeting. Those members are Margaret Yetter (Kent Municipal), LaTricia Kinlow (Tukwila Municipal), Aimee Vance (Kirkland Municipal), and Lynne Jacobs (Issaquah Municipal).

We appreciate your consideration of this very important subject.

Very truly yours,

Jeri Cusimano
DMCMA President

cc:Telma Hauth, BCE Representative

Appendix H

General Rule 26A - Proposed Mandatory Continuing Court Executive Education

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of Court Executive Officers in the application of legal principles and the art of managing court offices in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of Court Executive Officers.

(a) Minimum Requirement. Each Court Executive Officers shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a Court Executive Officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the Court Executive Officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the ethics requirement.

(b) Court Executive Officer College Attendance.

- 1) A court executive officer shall attend and complete the Washington Court Executive Officer College program within twelve months of the initial appointment or hiring.
- 2) A court executive officer who attended the Washington Court Executive Officer College during his or her initial appointment to your current executive position in a court of limited jurisdiction shall attend and complete the Washington Court Executive Officer College within twelve months of any subsequent appointment to the Superior Court. A court executive officer who attended the Washington Judicial College during his or her time in the Superior Court shall attend and complete the Washington Court Executive Officer College within twelve months of any subsequent appointment or election as a court executive officer in a court of limited jurisdiction. A court executive officer who attended the Washington Court Executive Officer College during his or her employment in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Court Executive Officer College.
- 3) A court executive officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a court executive officer at the time of the adoption of this rule for less than four years but has not attended the Washington Court Executive Officer College, shall attend and complete the Washington Court Executive Officer College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing Washington Court Executive Officer education programs and may choose to award continuing court executive officer education credits for self-study or teaching. Continuing court executive officer education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the court executive officer.

(d) Compliance Report. Each court executive officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the court executive officer's progress toward the continuing court executive officers education requirements of sections (a) and (b) of this rule during the previous calendar year. If a court executive officer does not respond by January 31, their credits will be confirmed by default. Court executive officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all court executive officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a court executive officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "court executive officer" as used in this rule shall be defined as the top non-elected official within the court.

Appendix I

Survey:

Section 1 - General Information

What is your current court jurisdiction?

- Municipal
- District
- Superior
- Appellate
- Supreme

How many years have you held your current position of management within the Judicial system?

- 1 – 5
- 6 – 10
- 11 – 15
- 16 – 20
- 21 or more

Section 2 - Education

What is your current level of “Formal Education?”

- High School
- Some College
- Associates Degree
- Bachelor’s Degree
- Master’s Degree
- Doctorate
- Professional Degree

Section 3 – Professional Organization Association

Do you belong to a professional organization that is specifically related to your job? Yes / No

If yes, please check all that apply

- Local Organization
- State Organization
- National Organization

If yes, which of the following organizational activities for you participate in?

- Local Organization
 - Receive information/educational publications
 - Attend conferences
 - Plan conferences (education content and/or format)
 - Present information at conferences
 - Hold board or committee position

State Local Organization

- Receive information/educational publications
- Attend conferences
- Plan conferences (education content and/or format)
- Present information at conferences

- Hold board or committee position
- National Local Organization
- Receive information/educational publications
- Attend conferences
- Plan conferences (education content and/or format)
- Present information at conferences
- Hold board or committee position

Other:

Section 4 – Training Preferences

Have you attended training in the past regarding management skills and/or techniques? Yes/No
 If yes, what types of training have you attended? (Please check all that apply and rank how effective you thought they were on a scale of 1 – 5 with 1 being not very effective and 5 being very effective.)

Local Level					
Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above (Drop Down)	1	2	3	4	5
State Level					
Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above	1	2	3	4	5
National Level					
Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above	1	2	3	4	5

Have you attended training in the past regarding leadership skills and/or techniques? (Please check all that apply and rank how effective you thought they were on a scale of 1 – 5 with 1 being not very effective and 5 being very effective.)

Local Level

Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above	1	2	3	4	5

State Level

Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above	1	2	3	4	5

National Level

Lecture only	1	2	3	4	5
Interactive Participation with Inst.	1	2	3	4	5
Role Playing	1	2	3	4	5
Small Group Dis. and Presentations	1	2	3	4	5
Web or ITV	1	2	3	4	5
Combination of the above	1	2	3	4	5

Has any training you attended for either management or leadership been specifically related to issues faced by the judiciary? Yes / No

Do you believe trainings specifically related to issues faced by the judiciary would be beneficial? Yes / No

Section 5 – Core Competencies

NACM (National Association of Court Management) has defined nine core competencies. As a court professional, which of these nine competencies has the greatest personal learning need and interest for you and which do you think is most important to the court as an organization? **(Please rank from 1 – 9 with 1 being the highest and 9 being the lowest.)**

<u>NACM Core Competency – Description Overview</u>		<u>Highest Ranking =</u> <u>1</u>	<u>Lowest Ranking =</u> <u>9</u>	<i>Your personal learning need and interest</i> 1 – 9	<i>Importance to the court as an organization</i> 1 – 9
1	<u>Leadership</u> - “Leadership is the energy behind every court system and court accomplishment. Fortunately, and contrary to what many believe, leadership is not a mysterious act of grace. Effective leadership is observable and, to a significant extent, learnable. Academic debate about the difference between leadership and management has resulted in consensus that a difference exists, but it is not a matter of better or worse. Both are systems of action. In the memorable words of Warren Bennis, “Managers do things right. Leaders do the right things.”				

2	<p><u>Visioning and Strategic Planning</u> - “Effective court leaders take time to vision the future because visioning impacts the bottom line. Visioning and strategic planning help courts and court leaders avoid isolation, create and maintain momentum for change, and improve day-to-day court management.</p> <p>The urgent often drives out the important in all organizations, courts included. Visioning and strategic planning counteract natural tendencies toward inertia -- activity rather than accomplishment -- by focusing courts on: their enduring purposes and responsibilities, preferred futures built around these commitments, and strategic direction and realistic action steps.”</p>		
3	<p><u>Essential Components</u> - “Judges do not only consider evidence provided by the parties, rule on motions, and decide cases. Increasingly, information used to make a judicial decision is provided to the court by programs and services annexed to the court and the case rather than by parties to the litigation. Effective courts must be able to accept and use this information and to manage other programs and services ranging from the basic, such as court facilities, clerks and reporters, and court security, to the more specialized, such as child custody evaluations, legal research staff, and indigent defense. These services, programs, and infrastructure constitute the court’s Essential Components.</p> <p>Essential Components greatly impact court performance and the quality of justice. Court leaders must, therefore, understand the need, nature, level of service, and how Essential Components are delivered. Competent court leaders understand and keep pace with the scope and the essence of all such activities, programs, and services and ensure their proper management even if these components are not under the direct authority of the court.”</p>		
4	<p><u>Court Community Communication</u> - “People do not trust what they do not understand. The Trial Court Performance Standards recognize Public Trust and Confidence as a critical area of court performance, equal in importance and related to Access to Justice; Expedition and Timeliness; Fairness, Equality, and Integrity; and Independence and Accountability. Accountability and Independence Standards require trial courts “ ... to inform and educate the public.” Here we go further. This Guideline challenges court leaders to educate, inform, and teach the public about the courts, but also to be educated, informed, and taught by the community.”</p>		
5	<p><u>Resources, Budget and Finance</u> - “The allocation, acquisition, and management of the court’s budget impacts every court operation and, arguably, determines how well, and even whether, courts achieve their mission.</p> <p>Allocating, acquiring, and managing financial resources are core court management functions carried out by court leaders, both judicial and administrative, and other court staff in concert with executive and legislative branch leaders and their staffs. Effective court performance requires that court leaders -- the court executive leadership team -- have the ability: To set priorities and to manage competing demands on existing court resources in ways that deliver justice and service and build credibility, both internally and externally; To link resource allocations and requests to fundamental court purposes; To communicate court</p>		

	<p>purposes, objectives, and budget needs clearly and compellingly; and To ensure judicial independence and essential court functions while constructively negotiating with executive and legislative leaders and staff.”</p>		
6	<p><u>Human Resource Management</u> - “Courts need good people, people who are competent, up-to-date, professional, ethical, and committed. High-performing courts get the very best from their judges and employees no matter what their particular assignment or job. As courts carry out recruitment, selection, employee relations, job analysis, job evaluation, and position classification; the administration of pay and benefits; and performance management, they demonstrate what the court believes in, its values, and its standards. The aim is not good Human Resources Management in an otherwise mediocre court. It is a high-performance court.”</p>		
7	<p><u>Education, Training and Development</u> - “Education, Training, and Development can help courts improve court and justice system performance and achieve their preferred future. To understand what this entails, a paradox must be kept whole. That is, the judiciary must maintain the rule of law through enduring principles and predictable processes while also responding to powerful forces shaping both society and the judiciary. The end is excellent court and justice system performance. One means to this is the education, training, and development of judges and court staff, especially those in and aspiring to leadership positions, and many others both inside and outside the court. Thus the term judicial branch education as opposed to judicial education.”</p>		
8	<p><u>Information Technology Management</u> - “Information Technology is a tool, not an end unto itself. It is both difficult to implement and to manage. With its use can come conflicts about budgets, organizational relations, administrative authority, processes, and procedures, and even the best way to process cases. Despite these potential conflicts, Information Technology clearly can improve justice system and court performance through instant, integrated, and linked information.”</p>		
9	<p><u>Case Flow Management</u> – “Caseflow management is the process by which courts move cases from filing to closure. This includes all pre-trial phases, trials, and increasingly, events that follow disposition to ensure the integrity of court orders and timely completion of post-disposition case activity. Effective caseflow management makes justice possible not only in individual cases but also across judicial systems and courts, both trial and appellate. Effective caseflow helps ensure that every litigant receives procedural due process and equal protection. The quality of justice is enhanced when judicial administration is organized around the requirements of effective caseflow and trial management.”</p>		

Appendix J

Examples of state requirements:

1) Texas:

Mandatory Education Hours for Court Coordinators (District and Statutory County Courts)

Court coordinators of district and statutory county courts are required to complete 16 hours of continuing education each year, except as otherwise provided by statute or the Rules of Education promulgated by the Court of Criminal Appeals. See applicable statute and rule below.

When a court coordinator attends an approved continuing education program, the coordinator will submit a form provided by the Texas Center for the Judiciary ("Texas Center") to the Texas Center documenting the hours attended. The Texas Center is responsible for tracking the education hours of court coordinators.

Section 74.106 of the Texas Government Code provides:
<http://www.statutes.legis.state.tx.us/>

§ 74.106 CONTINUING EDUCATION

(a) Except as provided by Subsection (b), a court coordinator of a district court or statutory county court shall annually complete 16 hours of continuing education as provided by rules adopted by the court of criminal appeals under Chapter 56.

(b) The court of criminal appeals may not require a court coordinator to complete continuing education instruction during a year in which the judge or commissioners court of the county employing the court coordinator certifies to the court of criminal appeals that state and local funds are not available for the court coordinator's continuing education.

Added by Acts 1997, 75th Leg., ch. 45, §3, eff. Sept. 1, 1997 (Texas Courts)

2) California

Rule 10.491. Minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees

(a) Applicability

All Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees must complete these minimum education requirements.

(b) Content-based requirements

- (1) Each new manager or supervisor must complete the AOC's New Manager/Supervisor Orientation within six months of being hired or assigned as a manager or supervisor.
- (2) Each new employee, including each new manager or supervisor, must complete the AOC's New Employee Orientation within six months of being hired and should complete it as soon as possible after being hired.
- (3) The Administrative Director of the Courts may require new managers, supervisors, and other employees to complete specific AOC compliance courses in addition to the required orientation courses.

(c) Hours-based requirements

- (1) Each executive must complete 30 hours of continuing education every two years.
- (2) Each manager or supervisor must complete 18 hours of continuing education every two years.

3) Utah

Rule 3-403. Judicial branch education.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours of approved coursework annually.

(4)(A)(ii) Program components. Education programs for court staff employed by the state shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. All other court staff employed by local government shall complete 20 hours of approved coursework annually.

(4)(B)(ii) Program components. Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth.

4) Arizona

F. Compliance. (Code of Judicial Administration – AZ)

1. Full-time or part-time employees. All full-time and part-time judges and court personnel governed by these standards shall complete an annual minimum of sixteen hours of continuing education, including an ethics related course and job specific training..

2. New full-time or part-time employees. All new full-time or part-time judges and court personnel governed by these standards shall complete the following minimum requirements during their first calendar year of employment according to the following prorated schedule:

Employed During	Minimum requirements
January 1 – March 31	Twelve hours of required training & education, including orientation, ethics and core curricula as applicable.
April 1 – June 30	Eight hours of required training & education, including orientation, ethics and core curricula as applicable.

July 1 - September 30	Four hours of required training & education, including orientation, ethics and core curricula as applicable.
October 1 – December 31	Orientation and ethics as appropriate to the job position.

5) Mississippi

RULE 2. CONTINUING EDUCATION REQUIREMENT

Each Court Administrator, Deputy Court Administrator, or Assistant Court Administrator of a Circuit, Chancery, County or Youth Court in the State of Mississippi shall attend a minimum of twelve (12) actual hours of AOC-approved Continuing Education at the Spring and Fall Court Administrators Conference (or AOC-approved substitute), each calendar year beginning January 1, 2001, provided the funding for the named Conferences is available through the Mississippi Judicial College or other source and the courses are offered. (Mississippi Courts, 2012)

Appendix K

DMCMA Ad-Hoc Committee Questionnaire

Questions for District and Municipal Court Administrators (DMCMA) Education – Ad hoc committee:

1. Who is the target group?
2. Is this envisioned to be a tiered implementation?
3. Do we need a General Rule by the Legislature, such as General Rule 29 (GR29), to be enacted prior to the implementation of a continuing education program?
4. What state programs are we going to review?
5. Who are the approving authorities?
6. Who are the “business partners” that we must make sure are in the plan?
7. Should we incorporate the administration of an “oath” for all Court Administrators, such as they have for Judges?

Appendix – L

Draft Schema -

Washington State Administrator/Director College

Day 1	Day 2	Day 3	Day 4
	8:30 am - 11:30 am	8:30 am - 11:30 am	8:30 am - 11:30 am
DRAFT SCHEMA	*H.R./Leadership Session	*Court Finances	Ethics & CJC
updated 8/11/11	Dealing with Personnel	What you should know about court audits	
	Transitioning to Mgmt	Budget Preparation	
		Resources	
		End of month/year reports	
			Ending ceremony
	/WCIA	Presenter: State Auditor's office, KCDC resource?	certificates & photos from opening ceremony
12:00 pm - 1:30 pm			Noon
Registration			Conference Adjourn
1:30 pm - 4:30 pm	1:30 pm - 3:00 pm	1:30 pm - 4:30 pm	
Opening Ceremony	*Technology	Association Break Outs	
Oath	Online Resources	Membership, Board Meetings, Committee Overview, Training Opportunities, New Court Manager Manual, ARLJ 12, AOC/JIS Training,	
Olympia, Washington	List Serve		
Supreme Court Justice	Help Center		
Invite Judicial Association Presidents	BOXI Basics		
	ADA/Interpreters		
Reception to follow	Presenter: AOC Staff		
	AOC	Association Members (President & President-Elect)	
	3:15 pm - 4:30 pm		
	GR 29 Review		Additional topics:
	Role of PJ/Team		
	Communicating with your judge(s)		*Court Performance Standards
	PJ Education Committee		*Caseflow Management
*NACM Core Competency			

Tables

Table 1 – Formal Education of Court Executives

WA Court Administrators’ Education

What is your current level of “Formal Education?”							
	How many years have you held your current position of Court Executive?					Response Percent	Response Count
	0 - 5	6 - 10	11 - 15	16 - 20	21 or more		
High School	4	1	1	3	2	14.5%	11
Some College	8	6	5	0	2	27.6%	21
Associates Degree	10	5	0	2	2	25.0%	19
Bachelor’s Degree	6	5	1	0	2	18.4%	14
Master’s Degree (MA or MS)	0	3	2	1	2	10.5%	8
Doctorate	0	0	0	1	0	1.3%	1
Professional Degree (Ph.D or Sc.D)	0	0	0	0	0	0.0%	0
Other	0	1	0	1	0	2.6%	2
<i>answered question</i>							76
<i>skipped question</i>							3

Table 2 – Years of Management within Judicial System

WA Court Administrators’ Education Needs

How many total years have you held a management position within the Judicial system?				
Years	What is your current court jurisdiction		Response Percent	Response Count
	Municipal	District		
0 - 5	10	6	19.3%	16
6 - 10	12	9	25.3%	21
11 - 15	5	4	10.8%	9
16 - 20	8	7	18.1%	15
21 or more	16	6	26.5%	22
<i>answered question</i>				83
<i>skipped question</i>				0

Table 3 – Years in Current Position

WA Court Administrators’ Education Needs

How many years have you held your current position of Court Executive?				
Years	What is your current court jurisdiction		Response Percent	Response Count
	Municipal	District		
0 - 5	20	11	38.0%	30
6 - 10	10	10	24.1%	19
11 - 15	7	2	11.4%	9
16 - 20	5	4	10.1%	8
21 or more	8	2	12.7%	10
<i>answered question</i>				79
<i>skipped question</i>				3

Table 4 – Training – Specifically Related to the Judiciary

WA Court Administrators’ Education Needs

Do you believe trainings specifically related to issues faced by the judiciary would be beneficial?				
	What is your current court jurisdiction		Response Percent	Response Count
	Municipal	District		
Yes	45	29	100.0%	74
No	0	0	0.0%	0
<i>answered question</i>				74
<i>skipped question</i>				9

Table 5 – Professional Organization Membership

Do you belong to a professional organization that is specifically related to your job?					
		What is your current court jurisdiction			
		Municipal	District	Response Percent	Response Count
Yes		40	22	75.6%	59
No		10	10	24.4%	19
				<i>answered question</i>	78
				<i>skipped question</i>	1