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**MANAGING CHANGE AND TRANSITION: PERMITTING CONTROL OF THE
CLERK’S OFFICE FOR THE BOARD OF IMMIGRATION OF APPEALS**

This Court Executive Development Program (CEDP) research assessed the readiness of the clerk’s office for the United States Board of Immigration Appeals (the Board) to make a fundamental shift in appellate court operations. The Board is the highest administrative appellate body with jurisdiction over proceedings before immigration judges and proceedings by the Immigration and Naturalization Service (INS). In the past few years, the Board lost control of its caseload. Immigration appeals are delayed. Its appellate backlog continues to grow. Outdated business assumptions, rules, and practices - designed for when the Board’s caseload was much smaller and more manageable - do not work well today.

The research focus was inspired by the recent analytical framework, developed by Brian Ostrom and Roger Hanson (1999), measuring workload, culture, and performance in nine criminal courts. That research led to a better understanding of the interrelationship of “efficiency, timeliness, and quality” in felony case processing. The CEDP researcher applied the concept of local legal culture in the quasi-judicial environment of immigration appeals. Modern business management theories on teams, change, and culture are integrated with contemporary, court management principles.

This CEDP project is a descriptive design of managing change in an appellate court. The researcher examined how leadership, court resources, communications, practices and procedures,

and performance expectations affect the efficiency, timeliness, and quality of immigration appeals at the Board. The local legal culture of the Board was studied by surveying the prevailing attitudes, norms, and rules practiced by Board attorneys and clerks. The research builds upon existing knowledge about the Board's culture, its ability to manage organizational change and transition, and the existing management literature on leadership and self-directed teams in the workplace.

The major findings of this research project are linked to a set of "new logic principles" to improve individual and organizational performance of a newly established clerk's office. These principles suggest that:

- ?? Greater employee involvement to solve business issues (new logic) is more effective than relying upon bureaucracy and technical managers to control programs (old logic);
- ?? Lateral business processes designed around products and customers (new logic) are better and faster than hierarchical (function-based) processes (old logic), and;
- ?? Effective leadership at all levels of the organization (new logic) facilitates more meaningful change and organizational improvements than a few effective managers (old logic).

The good news emanating from this survey research is that there is a definite sense of urgency and support by Board attorneys and clerks to improve case processing performance; the staff clearly sees the compelling need to regain control of the Board's caseload. The immediate challenge for the clerk's office is to design a new logic (modern) organization to accomplish this change by building upon the goodwill, innovation, and initiative of the Board staff.

Recommendations are presented for immediate implementation by the clerk's office and future consideration by the Board. Three key strategies are:

- ?? Develop a clear and concise transition plan to "paint a vision picture" of why the

clerk's office must move to cross-functional (regional) teams; that transition plan must guide and empower a design team of clerk's office employees through an integrated approach addressing all aspects of the clerk's office; (strategy, structure, rewards, processes and people);

- ?? Promulgate definitive and meaningful processing time standards for all types of immigration appeals before the Board; case flow management reports and performance based rewards must be linked to accomplishing these standards, and;
- ?? Institutionalize the Board's streamlining project whereby certain summary-affirmance and other short order decisions can be adjudicated by a single Board member; more complex appeals can receive greater individual attention through the normal three-judge panel approach.

The research provides useful tools to carryout organizational change and transition in a clerk's office. Survey instruments to measure local legal culture and other change management tools used by the researcher can be replicated by other court managers in their role as "stewards of change" to improve court operations.

This [research paper](#) is available in its entirety in portable document format. To access, you must first obtain and install the Adobe Acrobat Reader.



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