

**ADVANCEMENTS IN COURT OPERATIONS
AND JOB SATISFACTION
DURING ADVERSE ECONOMIC TIMES**

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ABSTRACT

More than one hundred years ago, Dr. Roscoe Pound, Dean of Harvard Law School, addressed the American Bar Association regarding the mismanagement and inefficiencies of America's court system. Dr. Pound took the position that our justice system was outdated and in desperate need of modernization. The Judiciary was losing respect in the community and needed to re-evaluate its methods of operation. Courts needed to quickly improve the means in which they were administering justice, processing cases and delivering other legal services if they were to regain the trust and confidence of the American public.

Instead of listening to Dr. Pound's advice and taking appropriate actions to correct the problems, most courts took a different approach and hid their shortcomings. Over the past century, whenever caseloads grew most courts added staff rather than look for more efficient ways of doing business. Courts are now perceived to be large, bureaucratic institutions that operate autonomously without regard to the public call for improved services or responsiveness.

Today's down-trodden economy has forced many courts to substantially reduce their budgets and cut staff. These cost-saving reactions have resulted in many concealed inefficiencies and shortcomings becoming problem areas once again; which cannot be resolved by simply applying the old strategy. Courts now must scrutinize their operations and find better, more efficient ways of conducting business.

Why reinvent the wheel? For more than forty years, American companies in the private sector have been continuously evaluating and modifying their business practices

to be more productive and competitive within their respective industries. Consultants have written books describing how to assess, plan, execute, test, measure, and modify business operations to be more streamlined and efficient.

It is the intention of the Reno Justice Court to learn from industry leaders and implement proven business practices and demonstrated technology. The Reno Justice Court is a five judge, limited-jurisdiction court that is supported by 48 employees. Reno Justice Court is similar to other courts throughout the nation in that it has been required to make significant budget and staff reductions. Instead of hunkering down and hoping to survive this national economic crisis, Reno Justice Court is emulating other highly successful businesses and approaching these uncertain times as an opportunity to make meaningful, long-lasting operational changes. Two primary areas of change the court is pursuing are process re-engineering and improvements in employee satisfaction.

The Reno Justice Court is actively reviewing its current workflow requirements, documenting existing caseload processes, identifying stakeholders' involvement, and measuring the time it takes to complete each task. Baselines are being established for critical workflow/caseload processes and the court is utilizing modern change management techniques to assess how these process modifications are impacting the overall operation.

The court is involving its employees to help identify needed areas of improvement. It is encouraging employees to take active roles in defining, planning, implementing, evaluating, modifying, and institutionalizing approved process changes.

This paper examines the positive and negative effects the various process changes have on the court and on the morale of the employees who are busy implementing

these changes. It is the court's opinion that the more involved the employees are in the decision-making process, the more satisfied they are with themselves, their work, and their place of employment. Most employees want input in defining their job processes and feedback regarding their work performance. All employees want to be recognized for their efforts.

Line employees are closest to the work and know where bottlenecks or non-value added steps occur in the various processes. When asked, they will provide management with detailed information regarding how the overall system works and where improvements can be made. Management needs to listen.

At Reno Justice Court, the management team is paying attention to employee feedback. The court created an Employees Advisory Committee, comprised of representatives from all departments, to evaluate the flow of information and cases as they advance through the criminal justice system, as well as to make suggestions regarding court improvements and activities that will help to boost employee morale. The court has launched several employee-suggested projects, including a reorganization effort, case pooling, traffic court check-in and the procurement of a new case management system. The implementation of these projects and the input provided by employees has significantly increased the effectiveness of the court and the spirit of the staff.

Rebuilding public trust and confidence starts with the employees. The Reno Justice Court management team plans to continue assessing employees' job satisfaction through surveys, interviews and group discussions and make appropriate changes to keep the work environment friendly, challenging and productive.

INTRODUCTION

The Reno Justice Court is a high-volume, limited-jurisdiction court that is supported by 48 employees. The Reno Justice Court has grown moderately, both in size and caseload, over the past ten years. Today, this somewhat small, yet urban, five judge court hears more than 47,000 criminal, civil, and traffic cases each year. The Reno Justice Court serves a population of approximately 425,000 and is now adjudicating more serious, complex cases, such as drug and gang-related offenses, which are typically found in larger cities with larger size courts.

Until recently, the Reno Justice Court managed its growing caseload and other judicial functions by utilizing a familiar business strategy frequently used throughout the public sector. This “when the workload grows, add more staff” strategy served the court well over the past decade and has helped to shape its operations. Through the use of increased staffing, the court has been able to provide more services and meet the demands of its users, even though most of its operations have remained manual.

Due to growing demands for electronic communication and data exchange from other government entities and the public, the Reno Justice Court began exploring ways to automate its operations and provide greater access to its information and services via the Internet. Through research, the court determined it must replace its current, antiquated case management system with a more robust software application if it is to fulfill its objective of becoming a contemporary institution. Because of time constraints and support issues, the court sought to purchase a proven, fully-developed and supported product rather than consider a custom solution.

To fully utilize an integrated case management system that would expedite the processing of the daily workload, the court needed to first update its business practices. The court is accomplishing this daunting task by reviewing its operations and making changes to better utilize existing employees and technology. The court is modifying current workload processing procedures, removing bottlenecks and eliminating non-value added and/or redundant steps to improve its efficiency and effectiveness. The primary objectives are to be more responsive and provide better services to the public and other court users.

In late 2006 the national economy started to crumble and by 2008 the state of Nevada, home to the Reno Justice Court, found itself in a crippling recession. The state, unable to meet its own funding requirements, grabbed assessments from the coffers of the 17 counties throughout the state. This action forced the counties to significantly reduce their spending and make even greater cuts to departments' and courts' budgets than originally anticipated.

In fiscal year 2008-09, the Reno Justice Court faced its third consecutive and most severe budget cut. This particular cut removed almost \$600,000 from the court's overall budget and, in addition, the court was forced to cut 10 percent of its staff. Morale was down and the quality and delivery of work products and services had deteriorated.

During this same time period, the court was faced with yet another challenge, finding a new court administrator. The court launched a six month, nationwide search and filled the position in March 2009.¹ The new administrator had several organizational obstacles to overcome. Four of the more significant hurdles were: (1) stabilize the court

¹ As a result of the screening process, Reno Justice Court hired the author of this research paper as its new Court Administrator.

after responding to multiple budget cuts and staff reductions; (2) re-engineer the court's business practices to utilize fewer resources; (3) select and implement a new case management system to enhance the court's operations; and (4) motivate the court's employees to remain focused during tough economic times. Although accomplishing many of these objectives would take time, change was needed immediately.

The Reno Justice Court had to quickly regroup after losing significant operating revenue and several knowledgeable employees to staff reduction. The court reassessed its business requirements against its fragmented organizational structure and reassigned personnel to different tasks. These reassignments allowed the court to level the workload and balance job duties amongst the employees.

With the reduced workforce becoming the new staffing norm and diminished general funds becoming the new operating budget, the court was forced to find other means to effectively satisfy the daily work requirements. Re-engineering and automation were only part of the answer; employee involvement and job satisfaction were other key components needed to help resolve this complex business problem.

If the court is to succeed with transforming itself into a modern business, which utilizes cross-coverage and the latest technology, it needs to empower its employees, develop more efficient work methods, and create a positive work environment. Staff needs to feel safe at work, both physical and emotionally. Management needs to offer training opportunities to enhance employees' skills and abilities as well as recognize employees' work efforts. In exchange, employees will dedicate themselves to the court and work hard to be a contributing member of a high-performance judicial team.

LITERATURE REVIEW

A Review of Roscoe Pound’s Essay – “The Causes of Popular Dissatisfaction with the Administration of Justice”

In 1906, Dr. Roscoe Pound, a renowned legal scholar, presented an essay titled “The Causes of Popular Dissatisfaction with the Administration of Justice” to the American Bar Association at its annual convention. The paper drew attention to the need for improvement of America’s judicial system, focusing mainly on court administration.

Dr. Pound’s opening paragraph, “Dissatisfaction with the administration of justice is as old as law”² goes right to the point. He acknowledged that some people are always dissatisfied with law; they do not believe that law is applied fairly or equally. Many people believe that the rich are provided better justice than the poor; and that celebrities or community leaders are not punished as harshly as the average citizen. Some people believe law is too slow to change and it does not take into account the current affairs of society. Many people simply do not trust the law or the legal system.

Dr. Pound grouped modern day causes of dissatisfaction with the administration of justice into four main categories: (1) the mechanics of all legal systems; (2) our own Anglo-American judicial system; (3) our current legal organizations and operating procedures; and (4) the environment of judicial administration. Some of these categories have multiple areas of frustrations associated with them.

² Roscoe Pound, **The Causes of Popular Dissatisfaction with the Administration of Justice**, 1906 Address to the American Bar Association, Reprinted from 29 ABA Reports, page 395

The first category, dissatisfaction with the mechanics of all legal systems, has three areas of frustrations. But, before exploring them, let us review the overall dissatisfaction with of the mechanics of all legal systems. Dr. Pound explained how many people do not trust the operation of the legal process. He stated that judges, who are responsible to interpret and apply the law fairly and equally, have a wide range of judicial discretion on some matters, but are severely limited on others. Public and political opinions have an enormous influence on the administration of justice as well as moral and ethical beliefs. Hence justice, which is summarized as fair and equal treatment of all individuals according to the law,³ becomes a system of compromises.

The first area of frustration with the mechanics of all legal systems is the slow rate of change in law to reflect changes in society. Public opinion is one of the primary drivers for legislative changes. However, laws cannot be created or changed until public opinion is formulated and fixed. Governments do not want to be perceived as being indecisive because they act too quickly to public outcries only to modify their decisions or laws at a later time. Nevertheless, the general public quickly becomes disgruntled if their concerns are not being addressed.

A second area of frustration with the mechanics of all legal systems is the perception of the masses that the legal process is a simple task and can be accomplished quickly and easily. Law is the sum of public opinions and court experiences. The treatment and/or punishment for anyone not obeying the law should be the same in one court as it is in another. Break the law; pay the price, no exceptions. However, there are unique circumstances in every case. Time-consuming preparation and in-depth

³ **Ibid**, page 398

knowledge of common law are required to ensure that similar facts in different cases are treated equally.

The third area of frustration with the mechanics of all legal systems is the popular impatience of restraint. The very nature of law involves restraint.⁴ In order for man to live peacefully in society, he must constrain some part of his activities in the interest of others.

The second major category of dissatisfaction with the administration of justice, with five unique areas of frustration, is our own Anglo-American judicial system, which originated in England, and is based on court actions, doctrines and customs used to form decisions, rather than on codified, written law.⁵

The first area of frustration with the Anglo-American judicial system is the conflict between the individual spirit of common law and the collectivist spirit of modern age. One of the primary objectives of our common law system is to protect the legal rights of individuals. Whereas collectivism emphasizes the interdependence of people and seeks to give priority to group rights over individual rights.

The second area of frustration with the Anglo-American judicial system is our common law doctrine of contentious procedures. The public views the modern practice of law as a system of convoluted processes and procedures that have turned the essential component of litigation into a game. Judges are viewed as referees in a contest where their responsibility is to ensure that the rules of the game are followed and not to search

⁴ **Ibid**, page 401

⁵ West's Encyclopedia of American Law, www.answers.com/topic/common-law, **Common Law**, American Heritage Dictionary Definition

for truth and justice.⁶ The general public has lost confidence with courts and judges to guarantee and protect their constitutional rights.

The third area of frustration with the Anglo-American judicial system is political jealousy, attributed to the perception that law is superior to everything else. Law can modify or restrain the behavior of entire groups of people. People being restrained are likely to be jealous of the visible agent of restraint.⁷ Another prominent area of political jealousy is that law can impose or dismiss taxes, which directly affects the general public.

The fourth area of frustration regarding the Anglo-American judicial system is the lack of a legal philosophy. Legal philosophy is an in-depth understanding of law, which includes legal reasoning and the functions of the various criminal justice institutions. Legal philosophy focuses on general principles and addresses problems both internal and external of the legal system. Many people who are licensed to practice law truly do not understand it, which leaves the public with the impression that it is just another part of the legal game.

The third primary cause of dissatisfaction with the administration of justice lies with our current legal organizations and operating procedures. Dr. Pound explained in his essay that the modern American judicial system is hampered by archaic policies and procedures. To support his position he examined the abundance of courts with like jurisdictions, serving the same population, exercising comparable judicial power involved in hearing similar cases. The general public views today's court system as being inefficient and incompetent.

Dr. Pound believed that a unification of the modern American court system would

⁶ See Note 1 **Supra**, The Causes of Popular Dissatisfaction with the Administration of Justice, page 404

⁷ **Ibid**, page 405

immediately prove to be beneficial. Adoption of the same judicial procedures, utilizing fewer judicial resources and sharing case information would result in an immediate boost of public confidence, save money and substantially reduce the number of appeals and retrials.

The fourth and final cause of dissatisfaction with the administration of justice is attributed to what Dr. Pound described as the environment of judicial administration. This cause encompasses the lack of public interest in the justice system, the public's ignorance about how the legal system works, courts becoming more involved in politics, sensational reporting of court cases in the press, and many other impetuses.⁸

In summary, Dr. Pound took the position that our criminal and civil justice system was outdated and needed to be modernized. Courts need to make significant changes in the way they administer justice and process cases. Finally, courts need to become more unified and recreate a system that is trusted and respected by all community members.

Recession Continues to Hammer States' Budgets

National:

The United States is in the clutches of the worst economic recession in more than sixty years. This recession has caused some of the largest declines of state tax receipts in history.⁹ As a result, even after substantial spending cuts over the past few years, most states continue to face budget shortfalls. Over the past two years, 48 states have been required to drastically reduce their budgets (Table 1- States with Budget Shortfalls).

⁸ **Ibid**, page 412

⁹ Elizabeth McNichol and Nicholas Johnson, **Recession Continues to Batter State Budgets: State Responses Could Slow Recovery**, Center on Budget and Policy Priorities, May 2010, Page 1

Table 1 – States with Budget Shortfalls¹⁰

States	FY2010 Gap (in billions)	Percentage of General Fund	FY2011 Gap (in billions)	Percentage of General Fund
Alabama	\$ 1.600	22.5%	\$ 0.586	8.2%
Alaska	1.300	30.7	-	0.0
Arizona	5.100	57.9	3.100	35.3
Arkansas	0.395	8.7	-	0.0
California	54.600	64.5	9.000	9.1
Colorado	1.600	23.3	1.500	21.2
Connecticut	4.700	27.0	5.100	29.2
Delaware	0.557	17.2	0.377	11.7
Florida	6.000	28.5	4.700	22.2
Georgia	4.500	26.1	4.200	24.3
Hawaii	1.200	26.4	0.594	12.9
Idaho	0.562	22.4	0.084	3.3
Illinois	14.300	40.9	13.500	36.1
Indiana	1.400	10.6	1.300	9.9
Iowa	1.300	22.7	1.100	18.6
Kansas	1.800	32.9	0.510	9.1
Kentucky	1.200	14.5	0.780	9.1
Louisiana	1.900	21.6	1.000	11.1
Maine	0.849	27.6	0.940	32.1
Maryland	2.800	21.1	2.000	15.0
Massachusetts	5.600	17.7	2.700	8.5
Michigan	2.800	12.4	2.000	8.8
Minnesota	3.400	22.3	4.000	26.4
Mississippi	0.917	18.7	0.716	14.6
Missouri	1.700	21.8	0.730	9.3
Montana	-	0.0	-	0.0
Nebraska	0.305	9.0	0.329	9.7
Nevada	1.500	47.6	1.800	56.6
New Hampshire	0.430	27.5	0.365	23.4
New Jersey	11.000	38.4	10.700	37.4
New Mexico	0.995	18.0	0.333	6.0
New York	21.000	38.0	8.500	15.5
North Carolina	5.000	56.2	5.800	30.5
North Dakota	-	0.0	-	0.0
Ohio	3.600	14.0	3.000	11.6
Oklahoma	1.600	28.0	0.725	12.4
Oregon	4.200	29.0	0.563	4.6
Pennsylvania	5.900	23.3	4.100	16.3
Rhode Island	0.990	33.0	0.395	13.2
South Carolina	1.200	20.0	1.300	22.6
South Dakota	0.048	4.3	0.102	9.0
Tennessee	1.100	11.1	1.000	10.0

¹⁰ **Ibid**, Page 3

Texas	3.500	9.8	4.600	12.8
Utah	1.000	22.2	0.700	15.6
Vermont	0.306	28.1	0.338	31.1
Virginia	3.600	22.5	1.300	8.2
Washington	6.200	27.8	2.100	13.9
West Virginia	0.304	8.0	0.134	3.5
Wisconsin	3.200	23.8	3.400	25.3
Wyoming	0.032	1.7	0.147	8.0
TOTAL:	199.1		112.2	

The projections for the coming years show no signs of improvement. The initial reduction for fiscal year 2011, which does not account for any mid-year cuts, totals more than \$112 billion. It has been suggested that this number could grow to \$180 billion by year's end.¹¹ This is added to a \$199 billion reduction that states incurred in 2010. It is projected that if the economy does not start to improve, another \$120 billion will need to be trimmed from the combined states' budgets for fiscal year 2012.

States continue to struggle to find revenue needed to support critical public services that threaten hundreds of thousands of jobs. The unemployment rate is at its highest point, well over ten percent, since the Great Depression. Some states have found temporary relief by utilizing federal dollars provided by the American Recovery and Reinvestment Act, but these funds are depleted.

It will be at least several years before most states are financially stable. Even after employment gains momentum, states' financial problems will continue because most states are dependent on revenues from the housing market, property and sales taxes, which historically, recover well behind the employment indicator.

State:

At one time, Nevada benefited from a steady influx of people, both U.S. citizens

¹¹ Loc. Cit.

and immigrants to the state, which helped to stimulate its economy. Today the real estate bubble has burst and cities that were experiencing rapid growth are now experiencing rapid declines. In January 2009, Las Vegas had the nation's highest rate of home foreclosures in the nation and home values there had fallen 56 percent since the 2006 peak.¹² During the same year (2009), there were more than 13,000 homeless people recorded in and around Las Vegas.

The state of Nevada's economy is in an uncontrolled freefall. Over the past two years, the state has experienced the largest gap in required state spending versus revenue as compared to other states. Nevada suffers from the second highest unemployment rate, more than 14 percent, second only to Michigan.¹³ The state maintains the highest foreclosure rate in the nation. Nevada's educational system has lost over 27 percent of its operating budget. State workers are required to take wage cuts and furlough days; and some state services have been discontinued.

Nevada is heavily dependent on tourism and gaming, which are considered recreational and discretionary. Fewer people are visiting the mega resorts in Las Vegas or the golf courses and ski slopes in Reno, resulting in less money being spent in these cities. Dr. Eric Herzik, a Political Science Professor at the University of Nevada, summed it up by stating: "Nevada is a state built on easy money and there isn't easy money right now,"¹⁴ referring to the state's gaming revenue, which has fallen for more than 28 consecutive months.

¹² **Ibid**, Page 2

¹³ Roger Herman and Therese Leclerc, **Nevada Budget Cuts Worsen the Social Crisis**, World Socialist Web Site, www.wsws.org/articles/2010, March 2010, Page 1

¹⁴ **Loc. Cit**

County:

Washoe County, home to Lake Tahoe and includes the cities of Reno and Sparks, is located in the foothills of the Sierra Mountains. The county's population base is approximately 425,000 residents and its main industries are tourism, gaming and warehousing.¹⁵

The county's economy mirrors that of the state, which is struggling to make ends meet. Washoe County receives approximately 80 percent of its general fund monies from property and sales taxes.¹⁶ A steady decline in both of these revenue sources has placed the county's general fund budget in jeopardy. To compensate, Washoe County has reduced its spending by more than \$120 million in the last four years. This recompense required every county office, department and court to reduce its operating budget by more than 25 percent. County employees have forfeited all cost of living increases during this time period.

To date, the most severe budget cut came last fiscal year (2010) when the county was forced to reduce its general fund budget by 18 percent, resulting in the closure of many county facilities, such as libraries, pools, and recreation centers. Job loss, wage concessions, and fee increases were also imposed to counterbalance the loss of revenue.

Once the county's 2010 budget was approved, the State Legislature took action to divert \$25 million over the next two years from the county's projected revenue to minimize the impact of its own budget shortfall. This action, which is not sustainable, left the county with the problem of bridging a more substantial budget gap.

¹⁵ Cathy Carter, Email - **Washoe county Basic Information for Public Presentation**, August 2010

¹⁶ Washoe County Web Site, www.co.washoe.nv.us/fiance/budget_summary.html, **Washoe County Budget at a Glance**

Court:

Over the past several years, the Reno Justice Court has supported Washoe county's efforts to reduce its general fund budget by an estimated \$123 million. To demonstrate its understanding of the financial crisis, the court reduced its own operating budget by more than 27 percent, reduced its staffing level by 17 percent and, for the first time, volunteered a prolonged labor concession in the form of a 36 pay period health insurance contribution.

Court employees had to assume additional job responsibilities and duties to compensate for the reduced work force. The time and quality of many court services, including initiation, processing and the closing of cases are being delayed. Continuances, both for court and other public office reasons, have increased. Wait time for counter and phone assistance has increased; and some non-essential performance measures, such as a one-day turnaround for record searches, have been suspended.¹⁷

The Reno Justice Court's budget is still in a state of flux. The court continues to work with the county to analyze the impact of increasing certain miscellaneous court fees while reducing spending associated with various judicial services and programs, such as Court Reporting and the Senior Judge Program. During the past several years, the court has made significant adjustments in these areas and now believes that any further cuts would jeopardize the value and quality of the services.

¹⁷ Steve Tuttle, Impact Statement – **Budget Reduction Plan, Report to the Board of County Commissioners**, Fiscal Year 2009/10, April 2009

Applying Private Industries' Strategies to Court Operations

To paraphrase Dr. Daniel Straub, Dean of the National Center of State Courts' Court Executive Development Program, new business management strategies are being developed everyday. If you need proof, stop by any airport bookstore and purchase a copy of the latest development in this area. But, be careful it may be the same old concept, just under a new cover. The key components (plan, process, technology and people) of most business' strategic plans do not significantly change, what changes are how these components are correlated.

In the late 1960s, American companies began to change their applied business practices to be more competitive with their Japanese counterparts. They recognized the importance of coordinating the various business and management functions into one all-encompassing plan. Companies began to establish long-term goals and objectives and redirected attention to other critical areas of business, rather than just the bottom line. Companies created strategies to accomplish long-term objectives, which assessed outside influences, such as the economy, and acknowledged the importance of technology and the workforce when facing new challenges in their respective business environments.

By the mid 1970s, American companies still struggling to compete began to adopt Japanese business philosophies and managerial strategies. In Dr. Jeffrey Liker's, a Professor at the University of Michigan, bestselling book "The Toyota Way,"¹⁸ he cited 14 guiding principles that Toyota uses to manage its multi-billion dollar business. Most, if not all of Dr. Liker's principles, which center on process improvement and better

¹⁸ Dr. Jeffrey Liker, **The Toyota Way, 14 Management Principles from the World's Greatest Manufacturer**, 2004

utilization of personnel, can be applied to court operations.

A quick review of Toyota’s 14 Management Principles and how they can be applied to court operations:

- 1) *Base management decisions on long-term philosophy, even at the expense of short-term financial goals:* Although courts are not financially motivated, they need to establish long-term goals and objectives to direct and support management decisions. Courts should develop long-term strategic plans to assist in the improvement of (a) case management practices; (b) access to justice; (c) use of technology to enhance services and access; (d) community outreach and education; (e) cultural diversity and culturally responsive court services; (f) court governance and structure; and (g) the internal work environment to attract, retain, and motivate a skilled workforce.¹⁹
- 2) *Create a continuous process flow to bring problems to the surface:* Several years ago, the National Center for State Courts created a set of ten performance measures (CourTools)²⁰ to assist courts with the assessment of their daily work efforts. Not only do these work measurements provide the courts with a gauge for how well they are doing, but they also help identify procedural bottlenecks and wasted effort. Courts are busy places and need to quickly identify problem areas to minimize process delays.
- 3) *Use a “pull” system to avoid overproduction:* A pull system is a process where the preceding task signals the subsequent task that is sitting idle. This principle is obviously intended for a manufacturing environment, but the concept may still be applied to court operations. Courts can use a variation of the system by utilizing a case-pooling approach. This approach allows courts with multiple departments to reassign cases to another department to be heard by a different judge if the original case judge is unavailable or a department is back-logged.
- 4) *Level out the workload:* Most courts with multiple departments have some type of random judge assignment system that ensures a fair and equitable distribution of cases. Many courts allow their case management systems to electronically perform this task. The electronic approach eliminates human intervention and protects the court against the perception that certain cases are being assigned to particular departments based on how a judge will decide or sentence the case (known as judge

¹⁹ National Association for Court Management, **Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do**, Visioning and Strategic Planning, 2003

²⁰ National Center for State Courts, **CourTools**, 2005

shopping). Another function, which is becoming more popular in larger courts, is differentiated case distribution. This is when a court allocates additional time to hear complex and/or multiple defendant/witness cases when creating the court's master calendar.

- 5) *Build a culture of stopping to fix problems, to get quality right the first time:* It is critical that courts have accurate and complete case information readily available at all times. A reliable case file is fundamental if a judge is to make good decisions and the court is to operate effectively and efficiently. The maintenance of a case file directly affects the timeliness and integrity of the judicial process. Whenever a mistake is discovered, it needs to be corrected immediately to ensure fairness in judicial decisions as well as expedient case processing and accurate disposition and statistical reporting.
- 6) *Standardized tasks and processes are the foundation for continuous improvement and employee empowerment:* To improve court operations and caseflow efficiency, courts must standardize and document their business processes. Once business practices are institutionalized, courts can begin to make incremental changes to enhance effectiveness. Process improvement helps to minimize waste by eliminating non-value added steps, streamlining business practices and enhancing court operations.
- 7) *Use visual control so no problems are hidden:* To ensure sound, reliable business processes, court executives should periodically track cases from initiation through disposition to identify problem areas and/or delays. By performing this function, court managers are given the opportunity to talk to employees regarding court improvement and process enhancement ideas.
- 8) *Use only reliable, thoroughly tested technology that serves your people and processes:* The use of proven technology to enhance court operations is rapidly becoming a critical component for the judicial process. The need for reliable information in a usable format reaching the right person in a timely manner is essential for sound judicial decisions. Court executives need to understand that technology is a process that needs to be managed, and not a purchase that can be set in place. Similar to other components within the court's landscape, technology is forever changing and courts need to stay current to efficiently utilize the benefits.
- 9) *Grow leaders who thoroughly understand the work, live the philosophy, and teach it to others:* Just as in private industry, courts need to identify and grow those individuals who understand, appreciate and promote the values of courts. The target audience, which should be diverse in

education, experience, age, gender, and race, should have one thing in common – ambition. All industry leaders, including those in courts, primary focus should be on organizational growth and stability. Whereas court leaders have the added responsibilities of preserving and protecting the rule of law, while at the same time trying to efficiently and effectively respond to new economic challenges.

- 10) *Develop exceptional people and teams who follow the company's philosophy:* Judicial education and court management training can help courts to improve their operations as well as the performance of their staff and the entire criminal justice system. When education, training and other human resource requirements are aligned, courts are better able to attract, develop and retain competent employees.
- 11) *Respect the extended network of partners and suppliers by challenging them and helping them to improve:* Courts do not operate in a vacuum. They are required to interact daily with other criminal justice entities, such as law enforcement, the district attorney's and public defender's offices, public safety, and the private bar, only to name a few. In order for courts to make sound, long-lasting operational improvements, they need to solicit input from their criminal justice partners in the decision-making process. Courts need to thoroughly understand how their decisions will impact the operations of others and find solutions that work for all entities involved in the process. Allowing input promotes teamwork and acceptance to change.
- 12) *Go and see for yourself to thoroughly understand the situation:* Similar to other successful business executives, judges and senior court managers need to get out from behind the bench and their desks to walk around and talk to staff regarding their jobs and solicit suggestions regarding improvements to court operations. Some of the best process improvement ideas come from impromptu conversations with court staff at their work stations. Having these discussions with employees in their environment will prove to be beneficial because it will be easier for them to demonstrate an issue or explain an idea.
- 13) *Make decisions slowly by consensus, thoroughly considering all options; implement decisions rapidly:* Whenever possible, courts should make operational decision by consensus. Court executives should seek input from those who are actually doing the work to ensure they, the managers, fully understand the possible impacts that may occur by a procedural change. Seeking employees' input promotes buy-in, which directly leads to successful change implementation and sustainability.

- 14) *Become a learning organization through relentless reflection and continuous improvement:* Just like in the private sector, courts should always strive to improve operations through continual process reviews, analysis, and enhancements. Courts should constantly communicate with their criminal justice partners, customers and other users about court operations, process improvement ideas and performance sustainability strategies.

Staying true to its mission, Toyota updated its business philosophy, values, and approach in 2001 with a new strategy called “The Toyota Way 2001.”²¹ This philosophy consists of only two key principles: (1) Continuous Improvement and (2) Respect for People. Today’s courts can easily apply this revised concept in their daily operations.

Continuous improvement includes three areas of interest: (a) *Challenge* - a long-term vision or plan that meets the challenges of today’s business with courage and creativity; (b) *Process Improvement* - search for innovative means to enhance business operations; and (c) *Go to the Source* - talk with employees at all levels, consider the facts, including conflicting information, to make good business decisions, build consensus, and achieve organizational goals in a timely manner.

Respect for people focuses on two primary points, (a) *Respect* - honor others, make every effort to understand others, take responsibility and do your best to build mutual trust; and (b) *Teamwork* - encourage and support personal and professional growth, share opportunities for development and maximize individual and team performance.

²¹ Wikipedia, www.wikipedia.org/wiki/the_toyota_way, **Toyota Internal Document, The Toyota Way 2001**, April 2001

Finding Opportunities

Even during economic downturns or recessions, successful companies in the private sector search for and find business opportunities. New and unique circumstances present themselves during tough times, and smart businesses take advantage of the possibilities. Many companies, such as Microsoft, Fed-Ex, and Lexis Nexis first opened their doors during troubled times. Apple launched the iPod during the recession of 2001.²²

Courts can learn from these successful businesses and take advantage of unique challenges, such as a recession. Instead of hunkering down to weather budget cuts, courts should evaluate their business practices, modify their efforts to eliminate waste, and position themselves to take advantage of new funding when it becomes available. Courts need to adopt the same spirit many private companies endorse: do not allow setbacks, such as financial or limited resources, prevent or even delay them from reaching their organizational objectives and goals.

Re-Engineering

In the early 1980s, private industry began to rethink their business strategies. Producing widgets faster and cheaper was no longer the only answer to establishing and maintaining a strong position in a competitive market. The general public was demanding companies, both foreign and domestic, to deliver quality (durable) products with exceptional customer service at a fair market price. To maintain customer loyalty

²² Curt Nickisch, **Companies Find Opportunities Even in Recession**, National Public Radio Web Site, www.npr.org/templates/story, December 2009

and market share, companies began to widely analyze their business practices. One of the first areas of review was workflow processes, which are logical sets of tasks performed in a structured order to achieve defined business outcomes.²³ Employees that performed the work tasks were partnered with industry experts (Industrial Engineering Consultants) to analyze, identify, and eliminate non-value added steps through process redesigns. The quality, cost, and speed of services provided by a variety of companies were greatly improved by going through the re-engineering process.

In the early 1900s, Dr. Pound promoted this type of comprehensive process review and inspired a complete overhaul of the America court system. Dr. Pound was convinced that a thorough investigation of most courts' operations would reveal a large number of inefficient and ineffective processes, which were in critical need of modification and/or modernization.

Process re-engineering is one approach a court may take to redefine its business practices and provide better services to the general public. Re-engineering starts with a high-level assessment of core functions, proceeds through task analysis, process redesign and concludes with test and implementation. To realize the full advantage of process re-engineering, courts need to ask some basic questions, such as what is their purpose of a particular process, who is the process serving, and how may the process better meet the need of the consumers?

Dr. Michael Hammer, a former Professor of Computer Science at Massachusetts Institute of Technology (MIT), published an article in the Harvard Business Review, in which he cautioned business managers to obliterate non-value added work and not use

²³ Wikipedia, www.wikipedia.org/wiki/business_process_reengineering, **Business Process Reengineering, Overview**

technology to automate it.²⁴ Instead of computerizing outdated business processes simply to speed them up, companies must re-engineer, streamline and make them more efficient.

Employee Empowerment

According to Gallup Research, organizations utilize less than 20 percent of their employees' potential.²⁵ To develop employees' potential, companies and courts must first change the organizational culture to encourage employees to learn, accept new professional responsibilities, and take some measured risks. Employees must choose to invest themselves in the organization and do what is needed to ensure its success. Empowering employees to develop their potential should be a tactical step in any company or court's strategic plan.

Six key elements are required to convert a traditional court organizational structure into an employee-enriched institution; an institution that better utilizes employee potential and remains effective in a fluctuating work environment. These elements²⁶ are:

- 1) *Self Responsibility* – Employees must embrace responsibility for their actions, jobs, team, and court.
- 2) *Authentic Communication* – Communication among employees, management and judges must be open, honest and transparent. Discussions should focus on legitimate issues regarding change in the organization and not on how a change will impact a special-interest group within the court.

²⁴ Wikipedia, www.wikipedia.org/wiki/business_process_reengineering, **Business Process Reengineering**, History

²⁵ **The Empowering Organization** Web Site, www.empowermentinstitute.net, Overview

²⁶ **Loc. Cit.**

- 3) *Trust* – Employees must feel safe to try new ideas and take measured risks without fear of reprimand from their supervisor or co-workers.
- 4) *Personal and Group Process Skills* – Employees and the court must establish protocols and developed skills to resolve interpersonal and organizational problems.
- 5) *Learning and Growing* – Employees should be encouraged and rewarded to pursue personal goals and professional growth.
- 6) *Caring* – Management must demonstrate, in tangible ways, its concern for employees' well-being.

Courts need to hire and retain good employees because the lion-share of any court's budget is allocated to personnel costs. Court personnel must be competent, knowledgeable, ethical, professional and committed to maintaining and enhancing the operations and reputation of the court.²⁷ High-performance courts expect to receive the very best from their employees. These courts establish and promote core business and personal values that recognize the needs of the bench, management and employees as well as the customers they serve, both in the public and private sectors.

Management needs to lead by example. They must model the work standards, performance, and professional behavior they expect to see from their staff. Management must understand that in order for staff to support the values and direction of the court, they must first respect the values, character and decision-making abilities of the bench and senior managers.

²⁷ See Note 16 *supra*, Human Resources Management, page 43

METHOD

Developing Process Improvement Strategies for the Reno Justice Court

In the spring of 2009, the Reno Justice Court hired a new court administrator, who immediately invested several months in becoming familiar with the court's operations. During this period, he reviewed long-established court policies and procedures, and observed the process flows of various case types and other judicial information as it advanced through the complex criminal justice system.

The new administrator spent significant time talking with and getting to know all 48 court employees. Over a three-month period, he met privately with each staff member and discussed the various functions of the court. He gathered information regarding court operations, for example which functions did the court performed well and should continue; which functions were not performed well and should be modified; and what duties did the court employee performed and whether he/she were content with their job? This interaction and observation allowed the court administrator to identify and modify three key business components to better meet the demands of a growing caseload and to enhance the quality of service to the public during tough economic times:

- 1) *Shift personnel during peak times to achieve a better distribution of workload:* Within a very short timeframe, the court administrator recognized that some positions were burdened with an abundance of work-related assignments, while other positions remained fairly unchallenged. Shifting work assignments and job duties to better utilize court personnel and balance the workload quickly became a priority.

- 2) *Improve communication:* A critical element for any successful service-oriented business is unrestricted communication. If a company or court is to excel, especially during tough economic times, open, honest communication at all levels and between levels is essential. In order for management to make sound business decisions, they must have complete, unfiltered information about activities, both internal and external, that could affect the operations of the business.
- 3) *Encourage process improvement ideas:* Management needs to encourage staff to assess current business practices and provide suggestions for process improvements. Once suggestions are made, staff must participate in feasibility studies to determine if the recommended solutions are viable, achievable, and cost effective.

After six months of evaluating the court's existing processes and procedures, the new administrator began to reshape the work environment. His first objective was to create a more professional organization where information sharing and new ideas were encouraged. He expanded the roles of the department supervisors to include coaching and mentoring their subordinates. He asked his staff to participate in process improvement efforts and he formed an Employees Advisory Committee, comprised of representatives from the various departments. This committee provided a forum for employees to speak openly with the administrator regarding current operations, process improvement suggestions and ideas to enhance morale within the court.

During this reformulating effort, the court faced several critical decisions, such as modifying work processes and selecting a new case management system. Meeting these challenges would be difficult considering the court was operating with a reduced workforce. Soliciting input from the staff with regards to these decisions was important; it provided them the opportunity to voice ideas and express concerns, which fostered trust and support in the decisions and direction being put forth by the administrator.

Reorganization

At the time when the new administrator was hired, all court employees were assigned specific job functions in a single department; cross-training, job-sharing or interdepartmental support did not exist. An example of this organizational structure is illustrated by a civil department counter clerk only worked the front counter within the civil department. This person, along with his/her co-workers would remain unchallenged if their workload was light. In comparison, a citation department counter clerk would work frantically to respond to an array of customers' needs, both at the counter and on the phone. The citation department staff would stay busy throughout the day completing multiple tasks with little or no down time, while another department work queues remained fairly small. Staff started to become resentful with the disparity in workloads. Some clerks requested transfers to other departments where they felt the work requirements were less. Other staff started using sick leave inappropriately to avoid the stress of high-volume departments.

During the employment negotiation process of the new administrator, the judges at Reno Justice Court and the selected candidate reached an agreement that all court staff and related personnel management responsibilities would be relegated to the Office of the Court Administrator. The judges relinquished their authority of all personal staff, including judicial assistants, courtroom clerks and bailiffs. All court staff now report to the court administrator and work assignments are distributed at his or his designees' (supervisors) discretion.

With the support of department supervisors, the new administrator introduced a

broadband organizational structure that blurred department lines and standardized job functions and responsibilities. Instead of having courtroom clerks, counter clerks, back counter support and bailiffs assigned to a single department or judge, the court identified primary work assignments for each position and secondary job responsibilities that possibly fell outside the parameters of the normal position descriptions.

Under the new structure, a single courtroom clerk now processes both criminal and civil cases while in the courtroom, eliminating the need for two case-specific courtroom clerks. This structure allowed idle employees to be temporarily assigned to other departments during peak times. Depending on the needs of the departments, the duration of assignments could range from one hour, to a day, or possibly up to one or two weeks.

This resource-pooling concept didn't stop with court staff; the court also utilized the concept to pool cases. All court cases and reoccurring court settings, such as arraignments, traffic, small claims, evictions, and protective order hearings, which are rotated on a weekly basis, are leveled across the five departments at the beginning of each workday. The judges take the bench at 8:30am and the calendar commences. Cases are brought into the courtrooms as originally assigned until a judge becomes bogged down; the courtroom management staff then begins to re-distribute the workload. Cases, originally assigned to one department may be moved, without prior notification, into another courtroom for a different judge to hear the matter. The hearing judge usually requires a few minutes to review the case file before commencing with the court proceedings. Cases may also be reassigned if a single attorney has multiple court events. All cases involving one attorney representing different clients will be bundled and placed into the same courtroom for one judge to hear all the cases, thus eliminating wait times

or continuances because an attorney is delayed or unavailable at the time of another court proceeding.

All judges remain on the bench until the morning and afternoon calendars are concluded, which minimizes the perception that any one judge is handling more cases than his or her colleagues.

Traffic Court Check-In Procedures

The Reno Justice Court receives approximately 460 traffic citations each week. In the past, the court would manage its traffic proceedings similar to other limited-jurisdiction courts. The Reno Justice Court would hold traffic hearings once a week and about 90 defendants would appear. These defendants would check-in at the citation counter, be directed to a courtroom, watch a video, which explains their rights, and wait for their name to be called by the judge to discuss their case.

Once called, defendants would approach the bench and usually ask the judge for one of four considerations: (1) plead not guilty and ask to speak with a deputy district attorney; (2) plead not guilty, show proof of possession or correction and ask the judge to either reduce or dismiss the charges; (3) plead no-contest or guilty and ask for a fine reduction; or (4) plead no-contest or guilty and ask the judge not to report the driving demerits to the Department of Motor Vehicles (DMV). All 90 defendants would appear in court and the proceeding would take an average of about three and a half hours to complete.

In the fall of 2009, the Reno Justice Court re-engineered its traffic court check-in process. The employees within the citation department developed pre-court screening

procedures, which included counter negotiations. The court approved offering fine reduction at the counter for non-moving violations or traffic school to minimize the number of demerits reported to DMV for most non-enhanceable, moving violations. Clerks were also given authority to dismiss most verification violations and impose a simple processing fee.

The new flexible organizational structure, which is described above, allowed the court to shift two, sometimes three, counter clerks from different departments to the citation section during the traffic court check-in period, thus increasing court efficiency and reducing customer wait time.

At no time is a customer denied access to court to appear in front of a judge. Customers eligible for counter negotiation, but who choose to plead not guilty, are properly checked-in and directed to the appropriate courtroom where they wait for their name to be called. If a customer has come to court to provide verification of proper documentation, such as vehicle registration or proof of insurance, the clerks will dismiss the charges and impose a \$30.00 processing fee. If a customer is seeking a fine reduction for eligible charges, the judges have authorized the clerks to offer reductions based on a court approved fine and fee schedule. And finally, if a customer asks for a reduction of DMV demerits, pursuant to the Nevada Revised Statute 483.448 *Future Driving Privileges; Demerit Points; Suspensions; Hearings*, the clerks are authorized to advise the customer that they may continue their case for 30 days, which allows them adequate time to complete an on-line traffic school. Once a customer has completed this requirement, within the specified time frame, he or she must contact the court with proof of completion and pay the fine in full. Upon receipt of the program completion documentation and

payment, a citation clerk will amend the charge, apply the payment and close the case without reporting the original demerits to the DMV.

Postcard Notification

After an extensive review, the Reno Justice Court made significant changes to its out-dated traffic warrant generation/notification process. The old method required a clerk to manually trigger a report in the court's case management system to identify all individuals who had either failed to appear in court or had not otherwise resolved their traffic matters on or before their assigned court date. The clerk would pull the actual citations to verify no action had occurred on the cases, an action later proven to be a non-value added step. Once the clerk verified no activity, he or she would access a Word template, "Intent to Issue Warrant," stored on a separate network drive and manually complete the form by re-keying the same information found in the court's electronic case tracking/processing system, print and physically sign (another non-value added step) the completed document and create a mailing envelope with the defendant's name and last known address, fold the notice and place it into the envelope. This redundant, labor intensive warrant generation/notification process proved to be time consuming, inefficient and expensive.

Today, as a result of an employee's suggestion, the Reno Justice Court has automated its "Intent to Issue Warrant" process. A report is automatically triggered to run every Friday evening and a spreadsheet is electronically generated and e-mailed to an external printing company, which electronically extracts the necessary information from the report, and populates a previously designed Reno Justice Court stock of post

cards (see Appendix A – Postcard Notification). The hard copy post cards are electronically dropped into a mail bin and sent via the United States Postal Service.

Because of the overwhelming response to the initial notification post cards, the Reno Justice Court has looked to utilize this process for other standardized court notifications. One idea, suggested by another employee, was to send a “Court Appearance Reminders”, ten days prior to the actual court date. Using the same process and colorful post cards, the Reno Justice Court now sends these as well as other notifications and reminders.

Case Management System Procurement

Throughout the 2010 calendar year, the Reno Justice Court collaborated with another Northern Nevada court to purchase a new case management system that will enable the courts to deliver modern criminal justice services, such as electronic filing and electronic payment. The courts’ objective is to implement a shared computer system that will: (1) increase internal efficiencies by eliminating redundant and manual processes through electronic document management, (2) establish connectivity for electronic communication with stakeholder agencies, (3) have the capability to provide detailed management reports on court performance and caseload statistics, and (4) enhance the convenience of all court users such as the legal community and the public.²⁸ The two courts worked with their legal respective departments to create an inter-local cooperative agreement to govern the partnership for installing and maintaining a shared case management system.

²⁸ Steve Tuttle, **Washoe County Staff Report, Board Meeting, Background**, January 2011

An evaluation team of more than 30 users reviewed 14 written proposals, participated in four, two-day system demonstrations, completed eight hours of training on two different applications and spent six weeks comparing and contrasting the top two systems before making a selection of a final product.

Employee Satisfaction Survey

After twelve months of working with the judges, management and line staff making operational changes at the Reno Justice Court, it was time to measure the success in terms of employees' satisfaction. In September 2010, an employees' satisfaction survey (see Appendix B – "Reno Justice Court Employees Satisfaction Survey") was distributed to all staff to capture and analyze how changes to core operations had impacted the morale of the court. By a majority vote, the employees preferred the survey to be distributed in a hard-copy format, which allowed them to respond to the questions directly on the score sheet. Staff placed their completed questionnaires in sealed envelopes and deposited them into a ballot box. Forty-eight surveys were distributed; forty were completed and returned for an 83 percent response rate. The employees were given two weeks to complete the survey.

The Reno Justice Court's Employee Satisfaction Survey was modeled after the National Center of State Courts' Trial Court Performance Measures, CourTools Measurement #9 - Court Employee Satisfaction.²⁹ Some variations to the National Center's survey were made, such as the order of the questions in the Reno Justice Court's Survey was slightly modified and some questions were reworded. Five questions (7, 8,

²⁹ National Center for State Courts, **CourTools**, Measurement 9, Court Employee Satisfaction, 2005

11, 12 and 18) were replaced with other questions created by the court administrator.

The rating scale, ranging from strongly agree to strongly disagree, remained the same as the National Center's Employee Satisfaction Survey. Before distributing the survey to the employees, the instrument was reviewed by the six department supervisors to ensure the questions were properly worded and measureable results could be collected.

FINDINGS

Reorganization

The reorganization and changes to the core processes that were implemented at the Reno Justice Court during the past twelve months have proven to be quite successful. The staff reorganization has allowed the court to effectively pool its resources. A measurable result of staff pooling can be depicted by using a staff to judge ratio. The Reno Justice Court operates using nine court employees for every one judge, whereas the statewide average for medium to large limited-jurisdiction courts has a staff to judge ratio of 12.5 employees for every 1 judge³⁰. These figures represent a difference of 3.5 employees per judge or 7,280 labor hours per year. The Reno Justice Court, which has five departments, saves on average 36,400 labor hours per year or over \$1.0 million annually in personnel costs as compared to other limited-jurisdiction courts throughout the state.

The Reno Justice Court also utilizes case pooling, which immediately reassigns cases into different departments to be heard by another judge if the original case judge is unable to hear the matter. Case pooling has significantly reduced the number of continuances resulting an estimated \$100,000 saving for Washoe County last year. This saving is generated by not having to pay the hourly rate of the various parties associated with the continued cases, such as police officers or expert witnesses.

In fiscal year 2010, the judges at Reno Justice Court adjudicated 21,635 non-

³⁰ Steve Tuttle, **Reno Justice Court Fiscal Year 2010/2011 Budget Presentation**, May 2010

traffic cases or 4,327 cases per judge.³¹ This caseload places the Reno Justice Court as the second busiest limited-jurisdiction court in the state.

Traffic Court Check-In Procedures

The Reno Justice Court also re-engineered its traffic court check-in process, which is producing very favorable results. Within the first 12 months of operation, counter negotiations have reduced the number of defendants going into traffic court by 35 percent. On average fewer than 60 people appear before the judge each week, which has reduced the time required to complete a routine traffic court session by 1.5 hours. It now takes only two hours to complete the traffic docket, instead of 3.5 hours previously recorded. This 1.5 hour time saving per session equates to 78 hours a year of a judge, bailiff and courtroom clerk's time, or more than \$12,000 a year in financial savings.

Postcard Notification

The previous outdated manual process used to generate and sign a single "Intent to Issue Warrant" notification, which included a manual addressed mailing envelope, required approximately 20 minutes to complete. On average, the citation department generates 52 of these notices each week. Fifty-two notices multiplied by the required twenty minutes per document and envelope equated to more than seventeen hours per week of a clerk's time. Seventeen hours multiplied by fifty-two weeks a year and one can quickly surmise that it required more than nine hundred hours per year to generate and

³¹ Supreme Court of Nevada, **Annual Report of the Nevada Judiciary, Fiscal Year 2010**, October 2010, Page 38

mail all “Intent to Issue Warrant” notices. If the clerk assigned to this task earned \$20.00 an hour, with an additional cost of \$6.00 per hour for benefits, then it cost the court \$23,400 a year in staff time alone to complete this assignment. Add the cost of paper, envelopes, toner and postage and the total price quickly grew to more than \$31,000 a year. Today, the cost to generate and distribute the “Intent to Issue Warrant” notices is less than \$12,000 per year, which represents an annual savings of more than \$19,000 per year.

By converting to an electronic notification process, the court now saves more than 900 hours a year of staff time. During tough economic times, when vacant positions remain frozen, reallocating 900 hours is equivalent to gaining one part-time position. The citation clerk who was responsible for generating and mailing the “Intent to Issue Warrant” notices is now reassigned to other critical tasks.

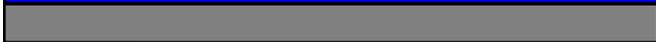
In addition, after six months of using the colorful “Intent to Issue Warrant” post cards to notify parties of the court’s intention to issue a bench warrant, the citation department reported that the collection rate for fines and fees had increased by 12 percent and the actual rate of warrants being issued has dropped by almost 15 percent.

Employee Satisfaction Survey

To gain a better understanding of the responses to the Employees’ Satisfaction Survey, the court administrator formed four separate focus groups, comprised of employees from the various departments within the court. These groups discussed, in detail, the results of the survey, which provided valuable insight to the findings. The results to the survey are as follows:

1) I understand what is expected of me			
		Response	Percentage
Strongly Agree		22	55%
Agree		14	35%
Neutral		4	10%
Disagree		0	0%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is excellent. Ninety percent of the employees at the Reno Justice Court understand their job functions and what is expected of them in terms of work performance, including quality and timeliness of work, as well as professional behavior.

2) I am kept informed about matters that affect me			
		Response	Percentage
Strongly Agree		6	15%
Agree		16	40%
Neutral		15	38%
Disagree		3	8%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is good. Some employees (three) feel that management filters information and only provide data that supports their (the managers) positions on sensitive issues. Some staff also feels that management should share corrective personnel actions being imposed on complaints brought to them by employees.

3) I have the resources necessary to do my job well			
		Response	Percentage
Strongly Agree		10	25%
Agree		17	43%
Neutral		11	28%
Disagree		2	5%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is good. Two employees feel the court does not adequately equip positions that are not as visible to the public as other positions, such as the equipment provided to back-counter support positions is not as modern or as robust as the equipment provided to courtroom clerks.

4) I am given the opportunity to develop my skills			
		Response	Percentage
Strongly Agree		8	20%
Agree		19	48%
Neutral		7	18%
Disagree		5	13%
Strongly Disagree		1	3%
Total		40	100%

Finding: The response to the above question is fair. Some employees (six) feel that legitimate training opportunities are not distributed fairly amongst all departments or staff. Higher grade employees and administrative staff are given more opportunities for advanced training than lower grade employees, such as counter clerks or back-counter support staff.

5) I work well with my coworkers			
		Response	Percentage
Strongly Agree		19	48%
Agree		19	48%
Neutral		2	5%
Disagree		0	0%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is excellent. Ninety-six percent of the court's employees believe management is doing a good job with the equitable distribution of work assignments, which levels workload and defuses staff resentment. Staff is doing an excellent job communicating with one another and assisting each other with completing troublesome tasks or backlogged work assignments.

6) I am treated with respect by my coworkers			
		Response	Percentage
Strongly Agree		11	28%
Agree		19	48%
Neutral		10	25%
Disagree		0	0%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is good. Seventy six percent of the employees believe they are treated with respect by their coworkers. To paraphrase the Model Code of Conduct for Judicial Employees in the State of Nevada,³² all court employees shall be patient, dignified, respectful, and courteous to all persons with whom the judicial employee deals with in an official capacity, including the public, county and state officials, judicial officers, co-workers and other judicial personnel.

³² Supreme Court of Nevada, **Model Code of Conduct for Judicial Employees in the State of Nevada**, March 2004

7) Within the last 30 days, I received positive feedback regarding my work performance			
		Response	Percentage
Strongly Agree		5	13%
Agree		10	25%
Neutral		14	35%
Disagree		6	15%
Strongly Disagree		5	13%
Total		40	100%

Finding: Two focus groups reviewed this item and stated that the question was confusing. They were unsure if the feedback needed to be in writing, such as a formal evaluation, or if verbal recognition was adequate. They also wondered if written and/or verbal recognition given to an entire group, such as courtroom clerks, or a department was sufficient.

8) My job is important			
		Response	Percentage
Strongly Agree		26	65%
Agree		13	33%
Neutral		1	3%
Disagree		0	0%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question is excellent. Ninety-eight percent of the staff feels that management has done an exceptional job explaining the importance of their (the employee) job in relation to court operations. Management has talked with every employee one-on-one and provides constant reminders to groups of employees of how a misfiled document could result in a warrant and a person's arrest. All Reno Justice Court employees thoroughly understand how the quality and timeliness of their work could affect the lives of the citizens they serve.

9) I am treated with respect by my supervisor			
		Response	Percentage
Strongly Agree		17	43%
Agree		16	40%
Neutral		2	5%
Disagree		2	5%
Strongly Disagree		3	8%
Total		40	100%

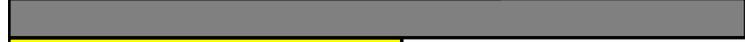
Finding: The response to the above question is good. Eighty-three percent of the employees feel their supervisor treats them with respect and appreciated their work efforts. Thirteen percent or 5 employees disagree or strongly disagree with the statement and feel their supervisors do not respect them as individuals, so by default they do not respect their work efforts or completed job assignments.

10) My supervisor treats everyone equally			
		Response	Percentage
Strongly Agree		9	23%
Agree		10	25%
Neutral		7	18%
Disagree		8	20%
Strongly Disagree		6	15%
Total		40	100%

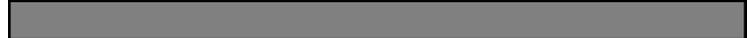
Finding: The response to the above question is adequate, but the effort needs work. A significant number of employees (14) believe management practice some type of favoritism. Some staff feels that management allows leniency for certain employees with regards to court rules and policies while strictly enforcing them with other employees. Some employees believe management discipline certain people more harshly then they discipline others for the same infraction. In addition, some employees believe that management values the opinions and statements of the older, which are typically higher grade employees, over those of younger, less experienced, staff.

11) Disputes are resolved fairly			
		Response	Percentage
Strongly Agree		5	13%
Agree		9	23%
Neutral		17	43%
Disagree		5	13%
Strongly Disagree		4	10%
Total		40	100%

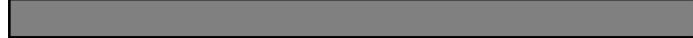
Finding: The response to the above question is adequate, but needs work. Again, a significant number of employees (nine) indicate that management demonstrates favoritism when resolving problems. It is perceived that management is slow to respond to disruptive behaviors and certain employees enjoy more freedom than others. Some employees feel that management disciplines some employees more harshly than others.

12) Communication within the Court is good			
		Response	Percentage
Strongly Agree		5	13%
Agree		10	25%
Neutral		15	38%
Disagree		8	20%
Strongly Disagree		2	5%
Total		40	100%

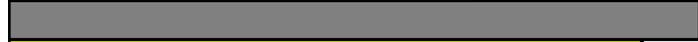
Finding: Although the above response indicates that communication within the court is fair, this objective still needs work. The two focus groups, working with the court administrator, indicated that communication, at all levels, needs improvement. Court personnel, including supervisors and staff, do not always interact with one another in a respectful, professional manner. Some employees feel their supervisor or certain co-workers are unapproachable and do not always engage in respectful, professional discussions.

13) Staff is involved in process improvement decisions			
		Response	Percentage
Strongly Agree		3	8%
Agree		12	30%
Neutral		15	38%
Disagree		9	23%
Strongly Disagree		1	3%
Total		40	100%

Finding: The response to the above question is fair, but needs work. Although some of the court’s staff is involved in the court improvement decision-making process, not all staff members have taken advantage of the opportunity. Some staff has complained that they were not asked by management to participate; and one employee stated that she was actually discouraged by her supervisor and therefore did not take part in a court improvement activity.

14) I am encouraged to present my ideas			
		Response	Percentage
Strongly Agree		5	13%
Agree		14	35%
Neutral		14	35%
Disagree		5	13%
Strongly Disagree		2	5%
Total		40	100%

Finding: The response to the question above is fair, but needs work. Most employees feel comfortable presenting process improvement ideas to the court administrator, but some staff stated their suggestions are met with resistance by their supervisors. Two employees reported their supervisors became angry with them regarding their suggestions and were told that they (the supervisor) would not support the recommendation. This type of response has discouraged the employees from offering other suggestions regarding process improvement.

15) Morale is good			
		Response	Percentage
Strongly Agree		3	8%
Agree		8	21%
Neutral		12	31%
Disagree		11	28%
Strongly Disagree		5	13%
Total		39	100%

Finding: The response to the above question is poor and the requirement needs immediate work. Two focus groups reviewed this item and indicated that morale within the court is everyone’s responsibility, not just management. Everyone agrees that all employees should come to work with a positive attitude and a willingness to work together as a team. Employees need to maintain their up-beat attitudes throughout the day, display respect for each other and the public, and, when time permits, help each other with completing complicated work assignments.

16) I am able to do my best every day			
		Response	Percentage
Strongly Agree		11	28%
Agree		16	40%
Neutral		9	23%
Disagree		3	8%
Strongly Disagree		1	3%
Total		40	100%

Finding: The response to the above question is fair. Most employees feel the court provides the needed resources, including time and materials, necessary to do a good job. However, four employees feel the court’s expectations regarding work performance are set too high and the court does not adequately equip every employee to meet the lofty standards.

17) I enjoy coming to work			
		Response	Percentage
Strongly Agree		10	25%
Agree		19	48%
Neutral		9	23%
Disagree		2	5%
Strongly Disagree		0	0%
Total		40	100%

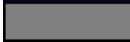
Finding: The response to the above question is outstanding. Almost 75 percent of the court’s employees reported that they either agreed or strongly agreed that they enjoy coming to work. However, 2 employees disagreed with this statement. Nine employees indicated they were neutral in their feeling regarding the question.

18) The Court is a physically safe environment			
		Response	Percentage
Strongly Agree		14	35%
Agree		19	48%
Neutral		5	13%
Disagree		2	5%
Strongly Disagree		0	0%
Total		40	100%

Finding: The above rating is good. Courthouse security at the Reno Justice Court is provided by the Washoe County Sheriff Office and courtroom, chambers and clerk’s office security is provided by an in-house Bailiff unit. All law enforcement officers, including Bailiffs, are Police Officer Standards Training (POST) certified and are authorized to carry weapons. The courthouse, including courtrooms, chambers and clerk’s office, has an elaborate video camera/alarm system that is monitored at all times.

19) The Court is respected in the community			
		Response	Percentage
Strongly Agree		6	15%
Agree		20	50%
Neutral		13	33%
Disagree		1	3%
Strongly Disagree		0	0%
Total		40	100%

Finding: The above rating is good; only one person feels Reno Justice Court is not respected in the community. All pointers, such as verbal and written communication with the public, the private bar and annual reports published by the Supreme Court of Nevada, indicate that Reno Justice Court is well respected in the local community as well as in the state’s criminal justice community. Many Reno Justice Court judges and senior staff are asked to speak at various state-level meetings and national conferences regarding court operations and case processing. The Reno Justice Court is the second busiest limited-jurisdiction court in the state with a staff to judge ratio of 9 to 1, compared to the statewide average of 12.5 to 1.³³

20) I am proud to work at Reno Justice Court			
		Response	Percentage
Strongly Agree		16	40%
Agree		20	50%
Neutral		4	10%
Disagree		0	0%
Strongly Disagree		0	0%
Total		40	100%

Finding: The response to the above question says it all. At least 90 percent of the employees are proud to be members of the Reno Justice Court’s team.

³³ See Note 25 *supra*

To fully appreciate the results of the Employee Satisfaction Survey, one must recall that the Reno Justice Court is three years into an oppressive financial crisis that has no end in sight. The court has already forfeited 37 percent or more than \$250,000 of its operating, supply and service budget and 17 percent of its workforce, which equates to eight full-time positions. To accommodate for the loss of general funds and staffing, the employees at the Reno Justice Court have assumed additional responsibilities and work assignments. Due to budget cuts, the employees are now completing these requirements by using out- dated equipment, such as six to eight year old desktop computer systems, failing file stamp machines, and printers that are no longer serviceable. In addition, employees are making long-term wage concessions in the form of health insurance contributions.

With all of these setbacks, the employees at Reno Justice Court still maintain a great sense of pride in the court and trust in management. An overwhelming majority of the employees stated they felt their jobs were important, that they were treated with respect by their supervisors and co-workers, that the court was a safe work environment, and most importantly, they enjoy coming to work. When asked why; they responded that the court believes in them. They feel the court appreciates their work efforts, job knowledge and professionalism. The employees recognize the court administrator has taken a number of steps to protect their jobs, has actively sought their input regarding operation improvements and has given them more authority to make operational decisions as well as more flexibility to complete their daily work assignments. They feel the court is listening to their ideas and implementing suggestions that would not traditionally be adopted in other legal institutions.

CONCLUSION & RECOMMENDATIONS

In March 2009, a time when the United States was experiencing one of the worst recessions in history, the Reno Justice Court hired a new court administrator whose first official duty was to cut the court's budget by an additional 12.5 percent and approve the early retirement of five long-term employees. This reduction of revenue and staff forced the court to immediately review its operations and redefine many of its established processes and procedures. The goal of this effort was to utilize court employees more efficiently and reduce the number of cases going into a courtroom.

The court knew that particular care needed to be exercised when modifying workflow processes and employees' job duties. With this in mind, the court created an Employees Advisory Committee, comprised of court representatives from all departments, to evaluate information sharing and workflow processes utilized by the court. The Committee made recommendations directly to the court administrator; and as a result of these suggestions, the court launched several process and court improvement projects, such as: (1) a reorganization effort, which allows the rapid movement of court personnel to assist in other areas; (2) case pooling, which greatly enhanced public access to the court and reduced court congestion and continuances; (3) traffic court check-in, that enables clerks to handle more matters at the counter, thus reducing the number of people going into court; and (4) the purchase of a new case management system, a joint effort between two courts that will save money and facilitate the sharing of case information. Other operational enhancements, such as expanding courtroom clerk's duties to include the processing of civil matters, placing courtroom

clerks behind the counter at second floor Court Operations Center to expedite criminal judgments, and broadening the security assignments in the court's Bailiff Unit, were also implemented.

The Employees Advisory Committee, which is chaired by court administrator, turned its attention to the process and court improvement suggestions made by the four focus groups that independently reviewed the Employee Satisfaction Survey. The Employee Advisory Committee further defined the desired outcome of each suggestion resulting from the survey and made recommendations for implementation. The court administrator reviewed the suggested implementation strategies with his six department supervisors and proceeded forward with the following recommendations:

- 1) *I understand what is expected of me:* Management should capture general expectations of job performance and professionalism in a Word document that can be distributed to court employees on a periodic basis. This performance expectations document can also be incorporated into the Employees Handbook.
- 2) *I am kept informed about matters that affect me:* Management needs to ensure information flows freely within the court, especially regarding issues that could directly affect staff. Management needs to continue publishing the minutes from their weekly court operations meetings and hold monthly department meetings where the staff can directly ask the court administrator business-related questions. Management shall continue to keep all personnel matters confidential; no exceptions.
- 3) *I have the resources necessary to do my job well:* The perception that management provides those directly serving the public with better equipment as compared to those who provide back-counter support is accurate. Management needs to communicate to staff that a variety of factors are considered when determining the placement of equipment. The newer, more robust, equipment is typically placed in high volume areas that directly support the public and other court users.
- 4) *I am given the opportunity to develop my skills:* During annual evaluations, management should discuss career plans and training opportunities with each employee. Management and staff should research together county and state-

funded training opportunities that support the career growth of the individual as well as adds value to court operations.

- 5) *I work well with my coworkers:* Management needs to continue emphasizing the importance of cross-training and encourage employees to help others during slow periods.
- 6) *I am treated with respect by my coworkers:* Management needs to continue emphasizing the importance of professionalism and not allow disruptive behaviors.
- 7) *Within the last 30 days, I received feedback regarding my work performance:* Management needs to make more concerted efforts to independently recognize those individuals who have exceeded the expectations of their job requirements. Management should verbally acknowledge the extra efforts provided by employees and follow up with a written statement expressing their appreciation.
- 8) *My job is important:* Management needs to continue emphasizing the importance of quality, reliable work products and timely services.
- 9) *I am treated with respect by my supervisor:* Management should set the example for proper behavior by demonstrating respect for all employees at all times.
- 10) *My supervisor treats everyone equally:* Supervisors needs to exercise neutrality in their decisions and not demonstrate any type of favoritism when addressing personnel or work-related issues.
- 11) *Disputes are resolved fairly:* When resolving a dispute, management needs to make well-informed, non-biased decisions that address the actual cause of the problem.
- 12) *Communication within the Court is good:* Management needs to demonstrate positive role modeling by communicating with each other and staff in a professional, respectful manner. Management must adopt a zero tolerance policy for disrespectful or unprofessional behavior.
- 13) *Staff is involved in process improvement decisions:* Management needs to solicit staff input when considering an operational change. Feedback should be collected, at least once, before a change is implemented to obtain support as well as a second time, when the change is made, to measure the results. The more staff is involved, the higher the probability of a successful outcome.

- 14) *I am encouraged to present my ideas:* Employees need to know that their process improvement ideas are always welcome and if they should ever encounter resistance from their supervisor or other employees when presenting their ideas, they should immediately inform the court administrator who will take corrective action.
- 15) *Morale is good:* Court management should remain positive and continue to promote special events such as potlucks, dress-down days, and employees' appreciation functions. Management should encourage employees to get involved in the decision-making process and offer to help each other with completing work assignments.
- 16) *I am able to do my best every day:* Management needs to ensure workload is fairly distributed among the employees and that everyone is properly trained and equipped to perform their duties in a timely manner.
- 17) *I enjoy coming to work:* Court management needs to identify and document the reasons why people enjoy coming to work and review them periodically, at least twice a year, to ensure the court does not lose focus.
- 18) *The court is a physically safe environment:* The court administrator and chief bailiff needs to continue to meet regularly with the existing security task force, which is comprised of law enforcement, information technology, emergency management, facility management and other criminal justice agencies, to discuss security and personnel safety matters, facility issues and special projects affecting the court.
- 19) *The court is respected in the community:* Management at the Reno Justice Court should constantly monitor customer service and court user interactions as well as review their work products. Immediate action needs to be taken if an employee's job performance or professionalism drops below the defined expectations of the court.
- 20) *I am proud to work at Reno Justice Court:* Management needs to continue to provide a well-equipped, safe work environment, encourage staff to work together and be proud of the quality of service that the court provides to its customers.

The Reno Justice Court need to continue to pursue its long-term goals of evaluating, analyzing and enhancing court operations to: 1) promote access to justice; 2) adjudicate cases in an expeditious and timely manner; 3) utilize public resources efficiently and effectively such that it demonstrates accountability and engenders public

trust and confidence; and 4) promotes an understanding of the Judiciary as a vital component of the tripartite system of government, independent yet co-equal to the Legislative and Executives branches.³⁴

Given the instability of the local economy, the Reno Justice Court has done an exceptional job of tailoring its operations and motivating its employees to meet and/or exceed the demands of its users. If the Reno Justice Court wants to remain a model court within the state of Nevada it will need to continue empowering its employees, developing their potential, listen, and whenever possible, implement their process and court improvement ideas.

³⁴ The Reno Justice Court's Web Site, www.co.washoe.nv.us/rjc, **Mission Statement**

Appendix A - Postcard Notification



Date of Violation: 04/25/2010

Citation #: 00363845

Notice Date: 08/10/2010

Current Balance: \$155.00

FINAL WARNING: NOTICE OF INTENT TO ISSUE WARRANT

You risk arrest for your outstanding traffic citation. You have fifteen (15) days from [notice date] to appear in this court Monday through Friday at 9:30 a.m. or post bail by depositing all outstanding fines and fees with the court. Bail payment may be made by either mailing the amount shown above to the court in the form of cashier's check or money order, or pay in person using cash, Visa or MasterCard. Furthermore, your failure to appear has resulted in the assessment of a \$25.00 late fee. Failure to respond to this notice may result in arrest, suspension of your driver's license, up to \$200 in additional penalties, and reporting this matter to national credit reporting agencies.

Warning! If you fail to pay, you may be arrested, lose your driver's license, pay more or be denied credit, fail a criminal background check, and lose or find it difficult to obtain a job.

This is your last chance. Resolve all outstanding court obligations with Reno Justice Court by appearing in person at One South Sierra Street, Reno, NV 89501, or mailing payments to Reno Justice Court, P.O. Box 30083, Reno, NV 89520-3083. Please contact us at (775) 325-6503 if you have any questions regarding this matter.

89520@3083



Hastler

016H26523358

\$00.440

08/13/2010

Mailed From 89109

US POSTAGE



POSTNET

Reno Justice Court
One South Sierra Street, Reno, NV 89520-0383



Appendix B - Reno Justice Court Employee Satisfaction Survey:

**Reno Justice Court
Employee Satisfaction Survey**

Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

1 2 3 4 5

Circle The Number

- | | | | | | | |
|-----|---|---|---|---|---|---|
| 1. | I understand what is expected of me. | 1 | 2 | 3 | 4 | 5 |
| 2. | I am kept informed about matters that affect me. | 1 | 2 | 3 | 4 | 5 |
| 3. | I have the resources necessary to do my job well. | 1 | 2 | 3 | 4 | 5 |
| 4. | I am given the opportunity to develop my skills. | 1 | 2 | 3 | 4 | 5 |
| 5. | I work well with my coworkers. | 1 | 2 | 3 | 4 | 5 |
| 6. | I am treated with respect by my coworkers. | 1 | 2 | 3 | 4 | 5 |
| 7. | Within the last 30 days, I received feedback regarding my work performance. | 1 | 2 | 3 | 4 | 5 |
| 8. | My job is important. | 1 | 2 | 3 | 4 | 5 |
| 9. | I am treated with respect by my supervisor. | 1 | 2 | 3 | 4 | 5 |
| 10. | My supervisor treats everyone equally. | 1 | 2 | 3 | 4 | 5 |
| 11. | Disputes are resolved fairly. | 1 | 2 | 3 | 4 | 5 |
| 12. | Communication within the court is good. | 1 | 2 | 3 | 4 | 5 |
| 13. | Staff is involved in process improvement decisions. | 1 | 2 | 3 | 4 | 5 |
| 14. | I am encouraged to present my ideas. | 1 | 2 | 3 | 4 | 5 |
| 15. | Morale is good | 1 | 2 | 3 | 4 | 5 |
| 16. | I am able to do my best every day. | 1 | 2 | 3 | 4 | 5 |
| 17. | I enjoy coming to work. | 1 | 2 | 3 | 4 | 5 |
| 18. | The court is a physically safe environment. | 1 | 2 | 3 | 4 | 5 |
| 19. | The court is respected in the community. | 1 | 2 | 3 | 4 | 5 |
| 20. | I am proud to work at Reno Justice Court. | 1 | 2 | 3 | 4 | 5 |

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