

Court Culture: Measuring and Analyzing the Impact of  
Judicial/Administrative Culture in the 16<sup>th</sup> Judicial Circuit Court

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# Abstract

## *Purpose*

This research effort focused on the management science of organizational cultures and their relationship to organizational leadership. It arose out of the newly developing field of study of cultures in public sector organizations, and specifically from more recently published literature outlining the influence of organizational cultures in trial courts. There have been a number of important scholarly research efforts establishing both the theoretical and the practical applicability of private sector organizational culture principles to public sector organizations, i.e., the courts, and most recently the development of a conceptual framework and an instrument to describe, measure, and classify court cultures.

The subject court of this research effort, as well as all trial courts, is faced with difficult challenges now and in the foreseeable future: increased volume and complexity of cases; a more educated public expecting increased access and accountability; greater scrutiny from the other two branches of government; and budgetary pressures, are a few examples. Responses to past challenges tended to take the form of the latest ‘technique-de-jour’ learned from site visits to other courts, conferences, literature, etc., often producing only marginal success since they were not true system reforms because they fail to consider the organization’s work environment. What is in question is the ability of court leadership teams to implement meaningful systems reform without first considering and addressing the work environment or cultures that are present in their court.

## *Goals/Objectives*

Three assumptions form the logic model for this research: trial courts are made up of multiple cultures; cultures can compete and impede achievement of court goals; and certain practices, processes and traditions operate to resist efforts to make culture changes. The objectives of this research were to (1) define, measure, classify and describe the current internal culture of the 16<sup>th</sup> Judicial Circuit of Missouri; (2) determine, classify define, and describe the preferred culture of the subject court; (3) measure and analyze the perceptions of the leadership team as they relate to the practices, processes, structures and traditions associated with the subject court administration; (4) identify and discuss the interaction between court culture and administrative practices and processes that maintain it; and (5) discuss the impact of aligning key supporting practices and processes with the preferred court culture. The intent of this effort is to contribute further to the research literature on court culture measurement and typologies, to demonstrate the heuristic value of the Court Culture Assessment Instrument for leaders in their management of courts and court improvement efforts, and to prompt dialogue among the subject court leadership team toward integrating the construct of organizational cultures into court administration.

## *Methodologies*

This study employed three methodologies to examine the nature of organizational cultures and the processes, practices, and traditions that support it. A review of the salient literature was conducted regarding the applicability of private sector organizational culture theory and practice in public sector organizations, i.e., the courts. Second, a newly developed instrument to measure and describe employees view of the subject court’s cultures, the Court Culture Assessment Instrument, was delivered to all

judicial officers and senior level court administration (the leadership team) to obtain their perceptions of the current and the preferred court cultures. The return level from both groups was very high and the anonymous responses were tabulated and presented in table form and, for greater clarity, mapped into a four-dimensional chart displaying relative strength. Lastly, a Judicial/Administrative Leadership Survey was used to examine the views and knowledge of the leadership team concerning specific processes, practices, and traditions related to court administration topics such as judicial leadership selection, development and execution of strategic planning, and case time standards.

### *Results*

All five research objectives were met. The first three objectives were easily quantifiable and measurable, and provided the basis for a discussion on the efficacy of empirical measurement of perceived court cultures, and provided the basis for a somewhat richer discussion on the preferred culture. The assumption of multiple cultures within the subject court was not supported, and the most unexpected results were provided by the Survey. There was unanimous agreement that the subject court was perceived as having a strongly autonomous culture, and an almost equally strong preference to move towards a culture characterized by more shared commitments, agreed upon procedures and clearly understood goals (solidarity); combined with a desire for increased coordination, collaboration and greater collegiality (sociability). These results when combined with the tabulations from the Survey, which indicated an uneven level of knowledge and understanding about key practices and processes associated with court administration, suggest that any efforts to close the gap between the current and preferred culture may be substantially inhibited. This inhibition is not just due to their uneven knowledge and understanding, but is also related to the self-sustaining nature of an autonomous culture. The results indicate that the leadership team is poised for a substantial shift in the work environment in which it currently operates.

### *Conclusions/Recommendations*

The implications for using court culture assessment tools in courts are profound. The assessment of court culture is an important if not critical preliminary step toward systematic reform. This study reveals that an important complementary measure is to identify those practices, processes and traditions that support the current environment and that may block movement toward alignment with preferred values.

Four recommendations set the foundation for making meaningful change in our local court. First, Judicial leadership is the most critical variable that establishes the direction for the court. The enormity of this responsibility requires careful, thoughtful deliberation in the selection, support and continuity of the position. Second, a goal development process that includes all members of the executive leadership team should be instituted to provide form and substance from which to establish a clearly defined course of direction. Third, roles and responsibilities of leadership members (judicial and non judicial) should be clarified to maximize the integration and coordination of the executive leadership team. Lastly, system information should be gathered and promulgated to continuously assess and diagnose court operations.

## **Introduction**

Organizational cultures and organizational leadership form the basis of this research effort. The focus is on court leadership and the importance of recognizing multiple and competing court values or cultures as an essential element that must be described, assessed, understood, and then factored into any and all efforts to make improvement in the way courts carry out their business. (e.g., formulating the leadership team, strategic planning, and developing and implementing action plans) Its foundation is drawn from the past 30 plus years of comprehensive research and thought on private sector organizational culture in the literature, and more recently, on the application of organizational culture in the management of private sector agencies.

The 16<sup>th</sup> judicial circuit was selected as the subject court of this research effort not only because of its ease of access and familiarity to the author, but also and more importantly because of the perceived desire to create a more effective and efficient court held by most judges individually and the results that have been achieved thus far under the current leadership processes collectively.

### ***Local Court Organization***

The 16<sup>th</sup> Judicial Circuit of Missouri serves all of Jackson County which is located on the western boarder of the state. The County has over 650,000 residents and is comprised of 16 municipalities, the largest being Kansas City. The Circuit has been in existence since 1826 and was designated the 16<sup>th</sup> Judicial Circuit in 1892. It is a court of general jurisdiction that presently has 28 Circuit Judges (includes 9 Associate Circuit judges) and 8 Commissioners who are located in two geographic venues to best serve the population. Circuit Judges are appointed by the Governor from a locally nominated pool of three, and upon appointment are subject to retention election by public majority vote

every six years. A majority of the judges of the Circuit appoint Commissioners for a term of four years, but they may be removed at any time by majority judicial vote. The Circuit Court Judges en banc elect one judge as Presiding Judge for a two-year term. The Presiding Judge appoints an Administrative Judge of the Family Court (from a pool of circuit judges only) for a two year term.

### ***Purpose of Research***

This paper reviews the salient literature regarding organizational culture as it relates to courts; reviews and applies a framework from which to diagnose it, categorize it, and provides a description of key practices that support it; and discusses the impact of organizational dissonance between the desired culture of the leadership team and the practices that support the current culture. The objectives of this research are to (1) define, measure, type and describe the current internal culture of the local court; (2) determine, type, define, and describe the preferred culture of the court leadership team; (3) measure and analyze the perceptions of the leadership team as they relate to the practices, processes, structures and traditions associated with local court administration (improvements planning, judicial leadership selection, and court leadership team roles and relationships, etc.); (4) identify and discuss the interaction between court culture and administrative practices and processes that maintain it; and, (5) discuss the importance of aligning key supporting practices and processes with the preferred court culture.

There is a substantial amount of research literature in court culture discussing influences from outside the court and how they may affect the way some court work gets done, commonly referred to as the 'local legal culture'.<sup>1</sup> While the impact of local legal culture is well established, this larger construct of culture is not included in this research effort since the focus is on internal views regarding work values and leadership practices.

The emergence of trial court administration and thus the adaptability of private sector organizational management principles to trial courts can be traced to the mid twentieth century with the appointment of the first trial court administrator.<sup>2</sup> Since that time the integration of private sector management thought, research, and practice into public sector application, i.e., the courts, has been slow and reactive at best. Courts, because of their independent posture, have historically been reticent to make changes and delegate or share management responsibility and authority over traditional court functions with administrators. Robert Tobin, in his review of the history of court administration, makes the following points:

“The executive and legislative branches have been reluctant to accord broad management latitude to a branch that has been historically uncomfortable with management culture and inclined to diffuse power among individual judges. Courts must either create an effective and credible management system or lose control over their internal management and, ultimately, the independence of the judiciary.”<sup>3</sup>

He further adds:

“The introduction of court administration is more than a judicial acceptance of the latest trends in public administration. Court administration is the means of preserving judicial independence in the modern era. This struggle to establish and maintain management credibility is an ongoing challenge.”<sup>4</sup>

Three central assumptions represent the logic model for this paper as it examines the local court organizational culture: courts are comprised of multiple work orientations or cultures including the potential for cultural variance between leadership team classifications i.e., judicial and non-judicial; secondly, that differing cultures can compete and impose restraints upon the court as an institution in its collective efforts to achieve its

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<sup>1</sup> Geoff Gallas, “Local Legal Culture: MORE THAN COURT CULTURE”, *The Court Manager* (forthcoming).<sup>3</sup>

<sup>2</sup> Robert Tobin, *An Overview of Court Administration in the United States* (Williamsburg: National Center for State Courts, 1997), 22.

<sup>3</sup> *Ibid.*, 8.

<sup>4</sup> *Ibid.*, 9.

goals; and lastly, that key practices, processes and traditions that girder cultures can inhibit efforts to change or move toward other work orientations.

The majority of this research paper describes (1) the current culture of the 16<sup>th</sup> Judicial Circuit in Missouri, as perceived by three leadership groups (Judges, Commissioners, top Administrators); (2) the preferred culture typology of the three leadership groups, and; (3) the leadership team's perception of the practices, processes, traditions, roles, and authority in key areas of court administration, e.g., leadership selection, rules (formal and informal), and court planning and improvement. The discussion that concludes this paper synthesizes the relevant data about the local court's view of itself – its organizational values and preferences, and the myths and assumptions that may block the court from meeting the challenges it faces now and in the future.

At a minimum it is hoped that one of the benefits of this research effort will be to contribute further to the efficacy of the Court Culture Assessment Instrument in the empirical measurement of court culture, and that it will demonstrate its heuristic value as a tool for court administrations when analyzing court improvement challenges and other organizational issues. Further, it is intended to provide form and substance to the construct of internal court culture and its supporting practices as it is experienced at the local court by the leadership team. Optimally, the author hopes it will prompt dialogue among the leadership team regarding current practices and traditions, and to act as a catalyst for local leaders to move deliberately to introduce work orientations that create improved processes and better outcomes through a shared preference.

This paper attempts to contribute to the growing body of literature in public sector organizational culture that courts, or court leaders, must incorporate the impact of multiple and competing cultures into court administration efforts, and calls for court culture assessment as an essential tool in leadership armamentarium. Additionally, it

proposes that court leaders move strategically toward a shared alignment in culture orientations *and* establish congruence in the practices and processes that support them as a pre-requisite for developing and then achieving court-wide improvement goals.

### ***Background/Context***

A recent article entitled the *Future Trends in State Courts 2005* published by the National Center for State Courts forecasts formidable challenges for courts in the years to come.<sup>5</sup> Changes in population and in the political, social and economic landscape are changing the shape of courts and have precipitated the emergence of court administration. The external factors causing this phenomenon include:

- Increased volume and complexity of cases
- The need for alternative dispute resolution methods
- The increased volume of family and juvenile cases, bringing with them new demands upon judges to administer protective and rehabilitative networks transcending the courts
- The erosion of the adversarial system and shift to outcome based alternatives focus
- Unsurpassed demands and expectations from court users and the public; pro se litigants; legal information, guidance, social services
- Unprecedented scrutiny of judicial system performance by centralized court administrative bodies, legislative bodies, the news media and the public
- Diminished public trust and confidence in government and in the judicial system.

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<sup>5</sup> “Future Trends in State Courts,” (working paper, National Center for State Courts, 2005), 2.

- Diminished budgets

These mounting external pressures coupled with the complexity of court organizations have placed enormous responsibility on judges. As Robert Tobin so aptly stated in *An Overview of Court Administration in the United States*,

“Judges are no longer a loose coalition of individuals engaged in adjudication. They are jointly and severally responsible for managing a system that rises or falls on its ability to cope with the social and legal changes that have reshaped the courts.”<sup>6</sup>

The ever-increasing demands and complexities have been the driving force behind judicial reform efforts across the country. Such reforms include implementing problem solving courts and case management systems, adopting outcome based performance measures and using more sophisticated technology.

The Jackson County Circuit Court is faced with the same challenges endemic to most large urban courts: mounting case loads, diminishing operational budgets, increased public demands, etc. Like many courts, it too has undertaken various measures to address these concerns including but not limited to strategic planning, establishing problem solving courts (drug, family), installing improved information systems, developing case management systems, etc. While these efforts represent recognition of and commitment to addressing these challenges, they unfortunately expose vulnerabilities that are all too common within courts.

For example, in 2001, after a long period of significant backlogs of dissolution cases on domestic relation dockets and after the state Supreme Court had established state-wide time standards, the Family Court developed and implemented a local case management system. This was in response to numerous unsuccessful efforts to substantially reduce the backlog. More recently, additional strategies have been employed to reduce the seemingly impenetrable and unrelenting dissolution backlog.

This is not an uncommon phenomenon and is experienced by courts nation wide. Ostrom et al, from his review of the literature and his research, observed that some courts can take over five times as long as expedient courts to conclude the same composition of caseloads. Implementing case management systems have not improved the picture much either concluding that:

“very little evidence has been adduced to demonstrate case processing times have been reduced and those gains sustained because of the introduction of modern case management techniques.” “More frequently, crash programs reduce backlogs only to be followed by a return to the status quo”<sup>7</sup>

The literature on organizational culture in courts is becoming clearer on time standards and case management systems.

“Cultural orientations are thought to be more powerful forces influencing the timeliness of case resolution than “objective” factors, such as differences in how cases are calendared, the number of cases assigned to individual judges, the jury trial rate, the size of a court’s backlog and so forth.”<sup>8</sup>

Furthermore, Ostrom et al point at that:

“despite the intuitive appeal of .....prescribed steps to reduce case processing delay.....many reduction efforts are unsuccessful. In addition, the transfer of procedures found to work in one court to another is often hindered because of differences in underlying cultural values and norms.”<sup>9</sup>

In another example, the court began the process of developing a Comprehensive Strategic Plan in 2003 by methodically reviewing over 50 Strategic Plans from other courts, by distributing surveys to internal and external stakeholders and by identifying key priority areas from which to develop goals and objectives.<sup>10</sup> Additionally, administrative leaders were asked to participate by submitting written comments on the

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<sup>6</sup> Tobin, see note 2, *supra*, page 7.

<sup>7</sup> Brian Ostrom et al., “The Mosaic of Institutional Culture and Performance: Trial Courts as Organizations” (working paper, National Institute of Justice, 2005), 7.

<sup>8</sup> *Ibid.*, xviii.

<sup>9</sup> *Ibid.*, 9.

<sup>10</sup> *16<sup>th</sup> Judicial Circuit of Jackson County Strategic Planning Overview – 2004* p 1 The four priority areas established through this effort were 1) Modernization/Technology/Access; 2) Customer Service/Public Trust; 3) Case Management/Administration and 4) Employee Satisfaction.

five most important issues facing the court. All information was ultimately distilled into short, mid and long term goals under each priority area. This initial planning phase produced a document outlining priority areas and establishing short, mid and long term goals within each priority area. It is this author's belief that this effort failed to produce intended results because the values of the current culture did not complement the future direction of the court as expressed in the strategic plan. The focus was on producing a product, not a process. In the current culture the exercise was viewed as an end in itself. The culture was not yet prepared to move beyond the strategic planning phase to embrace strategic thinking and implementation.

This phenomenon is common within all organizations and reasons for it are well documented.

“It is well known that about  $\frac{3}{4}$  of reengineering, TQM and strategic planning efforts have failed. Most interesting about these failures is the reported reasons for why they didn't work. The most cited reason was neglect of the organization's culture. In other words, failure to change the culture doomed other kinds of organizational change initiated”.<sup>11</sup>

Brenda J. Wagenknecht-Ivey, Secretary/Assistant Treasurer for the Center for Public Policy Studies in Denver Colorado, suggests that courts must first assess then align their culture with the long term strategic direction and quality priorities of the organization. “When organizational alignment is absent (e.g., the values of staff, group norms, and individual behaviors are contrary to or do not complement the future direction of the organization), the culture can block movement in the desired direction.”<sup>12</sup>

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<sup>11</sup> Ostrom et al., “The Mosaic of Institutional Culture,” 8. Quoting Cameron and Quinn, (1999, 1).

<sup>12</sup> Brenda Wagenknecht-Ivey, David A. Price, and John A. Martin , *Continuous Quality Improvement in the Courts: A Practitioners Handbook*, Denver, Center for Public Policy Studies 1998, V-9.

# Review of Relevant Literature

## *History of Organizational Cultural Analysis*

The idea that organizational culture has an impact on organizational effectiveness is a relatively recent discovery. The realization that organizational culture plays an important role in the performance and subsequent success of an organization, sparked the development of cultural analysis as a “definable area in the field of management and organizational studies largely beginning in the 1980’s.”<sup>13</sup> A review of the literature finds an early emphasis placed on private sector organizations. In what is viewed as foundational research, Quinn and Rohrbaugh (1983) developed a spatial model consisting of four cultural archetypes to be used in the study of organizational effectiveness. Driving Quinn and Rohrbaugh’s research is the notion that organizations function within an environment of competing values. Furthermore, no one set values is dominant within an organization. This, in turn, highlights the necessity for managerial recognition and balancing of these competing values.

In subsequent research examining the premise of competing cultural values within organizations, Quinn and his colleagues define culture as:

“...the prevailing ideology that people carry around in their heads. It conveys a sense of identity to employees, provides unwritten and often unspoken guidelines for how to get along in the organization and enhances the stability of the social system they experience.”

Cameron and Quinn further describe the impact culture plays in the success of private sector companies stating: “the major distinguishing features in these companies, their most important competitive advantage, the most powerful factor they all highlight as a key ingredient in their success is their organizational culture.”<sup>14</sup>

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<sup>13</sup> Ostrom et al, “The Mosaic of Institutional Culture,” ix.

<sup>14</sup> Ibid., viii. Quoting Cameron and Quinn.(1999, 14).

Subsequent research conducted by Wilson illustrates a shift from private sector organizations to the study of public sector organizations. Wilson contends, “organizations matter, even in government agencies.”<sup>15</sup> Wilson further argues that culture exists within every organization. Wilson offers a definition of culture as: “organizational culture consists of those patterned and enduring differences among systems of coordinated action that lead those systems to respond in different ways to the same stimuli.”<sup>16</sup> While Wilson supports the applicability of organizational culture within the public sector, he notes that difficulties present themselves when analyzing public sector organizational culture. Specifically, unlike private sector organizations, many governmental organizations do not have a single culture and in fact may have several competing cultures within the organization. Wilson argues that it is important that managers of these public organizations not only instill values within the organization but to develop means by which these competing values can coexist.

DiIulio (1992) has also espoused the study of culture within the public sector. DiIulio contends that the analysis of organizational culture is an important factor in developing public policy or improvement strategy. DiIulio also proffers an agenda by which to incorporate the analysis of organizational culture within an improvement strategy. This agenda includes observing the behavior of members of an organization at every level; compared these observations to an organizations formal character to ascertain whether any similarities exist; ascertain whether any connections exist between observed behaviors and organizational outcomes.<sup>17</sup>

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<sup>15</sup> Ibid., x. Quoting Wilson (1989, 23).

<sup>16</sup> Ibid. x

<sup>17</sup> Ibid., x. Quoting Di Iulio (1989).

## **Trial Courts and Organizational Theory**

Despite their relative importance, courts are viewed as one of the most understudied public institutions with respect to organizational culture.<sup>18</sup> Ostrom et al offers several reasons for this including the perceived notion that courts are decentralized, fragmented and autonomous in nature, thus making it difficult to analyze similarities and differences within common variables; the order of business tends to be intangible in nature, thus making the development of performance measures difficult; local court culture is amorphous. Ostrom et al contend that as a result of these perceptions courts have been omitted from public sector organizational studies.

Early research regarding the history of courts as organizations reflects a consensus that organizational theory's applicability to trial courts is limited at best. Mohr, 1976 recognized a limited application of organizational theory to the courts in stating, "...as organizational theorist I feel that although the fit between courts and organizations is not an altogether comfortable one, there are some themes in organizational theory that may be helpful in the study of courts."<sup>19</sup> Nimmer (1971; 1978) recognized that success and achieving goals were consistent with the views of judges and court administrators.<sup>20</sup>

Church, 1978 expands upon Nimmers notion, identifying a local legal culture which influences the speed of litigation more so than such factors as case volume, jury trial rate, backlog, etc. Church defines this "local legal culture" as "the expectations, practices and informal rules of behaviors of judges and attorneys."<sup>21</sup> Church concludes that "distinctive norms" regarding the "proper pace of litigation" influence the pace of litigation. Church failed to define what the "distinctive norms" were, whether there was a

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<sup>18</sup> Ibid., xi.

<sup>19</sup> Ibid., xii. Quoting Mohr (1976, 840).

<sup>20</sup> Ibid., xiii.

typology of cultures resulting from various groups of values, beliefs or expectations and whether the culture types affect court performance.

Subsequent research conducted by Nardulli, Eisenstein and Fleming (1988) expands upon Church's work by clarifying what is meant by "distinctive norms." Nardulli, Eisenstein and Fleming describe these norms as "work orientations" which influence the ways in which courts structure tasks or functions. Nardulli, Eisenstein and Fleming identified three work orientation types: "structural or formal"; "efficiency" and "pragmatic".<sup>22</sup> While this research has provided a valuable contribution to the study of organization culture, it remains anecdotal and unmeasured.<sup>23</sup>

### ***Ostrom, Ostrom, Hanson and Kleiman***

While acknowledging the contribution made by the scholars discussed above, Ostrom et al argued more was needed. Specifically, Ostrom and his colleagues contend that the outcomes of these studies weren't clearly definable or measurable. With this in mind, and under the auspices of the National Institute of Justice, Ostrom and his colleagues conducted a study whose objective was to provide a "workable means to define, measure, compare and assess the implication of court culture."<sup>24</sup> Ostrom et al set out to prove the hypothesis that "different court management cultures are associated with different levels of achievement and institutional performance".<sup>25</sup> The analytical framework developed to prove this hypothesis draws upon prior research of private sector organization. Ostrom et al argued that this private sector research is applicable to trial courts for several reasons. First, Ostrom et als concept of court culture and the private sector studies reference, both espouse the notion that the adopted principles which guide the performance of

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<sup>21</sup> Ibid., xiii. Quoting Church (1978).

<sup>22</sup> Ibid., xiv.

<sup>23</sup> Ibid., xiv.

<sup>24</sup> Ibid., 2.

<sup>25</sup> Ibid., 4.

organizational tasks (“work orientations”) define the identity of an organization. Second, they contend that court culture played an important role in organizational effectiveness and that this “linkage” has been demonstrated in private sector research.<sup>26</sup> Ostrom et al further draw upon the research methodology pioneered by Quinn and Rohrbaugh to develop their analytical framework. This methodology was used because of its applicability to both private and public organizations and includes the following steps: identify a set of core values deemed important by trial courts through a review of the literature; ascertain the similarities/dissimilarities of core values identified through the inquiry of experts (e.g. judges, court administrators); using methods of statistical analysis (multi – dimensional scaling) identify the two most important dimensions; identify culture types; identify the work areas to be assessed; ascribe a value that depicts each culture types approach to the work areas assessed. This results in what is termed a Court Cultural Values Matrix.<sup>27</sup>

Working through these steps, Ostrom and his colleagues first conducted a literature review to identify cultural values and norms related to trial courts. This literature search produced over 50 court related cultural values. After eliminating redundant values they identified 16 cultural values and norms.<sup>28</sup> Each norm was then listed in a proximity matrix and given to over 50 individuals nationwide with considerable court related experience.<sup>29</sup> The responses to this questionnaire were then analyzed using multi dimensional scaling analysis to determine how these 16 cultural values were viewed in terms of similarities/dissimilarities by respondents. From this analysis, Ostrom and his colleagues identified two dimensions. The first dimension (what Ostrom and his colleagues refer to as solidarity) represents the presence of shared

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<sup>26</sup> Ibid., 33.

<sup>27</sup> Ibid., 44.

<sup>28</sup> Ibid., 45.

goals that are clearly defined and understood, common tasks and procedures in place for reaching goals. At one end of this dimension, shared goals and tasks are pursued, agreed upon procedures for obtaining goals are present, and communication within the court is valued. At the other end of this dimension, independence, autonomy and individuality are stressed.

The second dimension (referred to as sociability) represents how individuals within the court relate to one another. At one end of this dimension individuals are closely connected. At the other end, little connection is seen and rules and structure are determinative factors in how work is done.<sup>30</sup>

Ostrom and his colleagues further explain that the two dimensions of solidarity and sociability represent continuums. Courts exist at different points along these continuums. When taken together, the two dimensions form four quadrants or sets of “interrelated values” Ostrom et al refer to as a “four fold culture typology”.<sup>31</sup> These four culture types are referred to as Communal, Networked, Autonomous and Hierarchy cultures.<sup>32</sup>

To flesh out this concept of culture type further, Ostrom et al identifies five work areas across which varying culture types exist. These work areas include 1) Case Management; 2) Judicial/Staff Relations; 3) Change Management; 4) Courthouse Leadership and 5) Internal Organization. Ostrom and his colleagues depict these work

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 46.

<sup>31</sup> Ibid., 47, 55.

<sup>32</sup> Ibid., 53. Communal court culture is characterized by flexibility, negotiation, trust, collegiality and egalitarianism. Networked cultures are characterized by judicial consensus, innovation, visionary, teamwork and, people development. An Autonomous court culture is characterized by self management, continuity, independence, sovereignty and personal loyalty. Hierarchichal court culture is characterized by rule orientation, merit, modern administration, standard operating procedures and chain of command.

areas and associated culture types in the form of a matrix referred to as a “Court Culture Values Matrix”.<sup>33</sup>

With a conceptual framework in place the scope of Ostrom’s study focuses on three areas of analysis. These include current court culture, the effect culture has on performance measurement (timeliness, access and managerial effectiveness) and the type of court culture judges and court administrators prefer.

### **Current Culture**

Ostrom et al set out to determine the nature of current court culture by administering a questionnaire called the Court Culture Assessment Instrument (CCAI). The CCAI, adapted from private sector studies is a diagnostic tool used to determine where a particular organization lies with respect to the Culture Value Matrix. The questionnaire was given to all criminal court judges and court administrators in 12 jurisdictions including the Superior Court from Contra Costa, Napa and Ventura counties in California; the circuit courts for Duvall and Pinellas counties in Florida; and the district courts of Dakota, Hennepin, Kaneiyohi, Olmstead and Ramsey county in Minnesota. Also included are the trial courts for Duluth and Virginia in Minnesota.

Ostrom and his colleagues found that the courts studied exhibited a combination of culture types across work areas. No court is singularly autonomous, networked, communal or hierarchical in all five work areas.<sup>34</sup> They also found that there exists a primary court culture within each of the defined work areas. Furthermore, instances of each of the four culture types exist throughout the twelve jurisdictions studied. Ostrom et al contend that these results show that it is important for judges and court administrators to recognize that different culture types exist and to understand how these different culture types coincide or conflict. In addition, Ostrom and his

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<sup>33</sup> Ibid., 48.

colleagues argue that although there is no “correct” culture, for any given work area, culture does play a role in organizational effectiveness. Finally, Ostrom et al note that the results of their study sheds doubt on previously held notion characterizing trial courts as “.....loosely held organizations dominated by autonomous judges.”<sup>35</sup>

### **Assessing Court Performance**

As previously mentioned Ostrom et al developed a hypothesis for their research that posits the notion “different court management cultures are associated with different levels of achievement in institutional performance”.<sup>36</sup> In order to test this linkage between court culture and court performance Ostrom and his colleagues compared the current culture types present within a given court (as identified via administration of the CCAI) with performance measurements such as timeliness, access, fairness and managerial effectiveness. Timeliness was measured by comparing the timeframe in which cases were expedited within the 12 court studies with timeliness standards set by the American Bar Association. Ostrom and his colleagues found that courts with Hierarchical or Networked culture exhibited greater levels of timeliness than courts with Autonomous or Communal cultural orientations.<sup>37</sup> Ostrom et al explain that courts high on the Solidarity dimension and low on the Sociability dimension (i.e Hierarchical and Networked cultures) emphasize addressing caseflow management with the support of court administrators and courtroom staff. Procedures and practices designed to best facilitate case processing are used. Furthermore, court rules are emphasized in Hierarchical court cultures. Access, Fairness and Managerial Effectiveness were measured by surveying prosecutors and public defenders responsible for trying felony cases within the court

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<sup>34</sup> Ibid., xxiii.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid., 4.

study. This survey asked the prosecutors and public defenders if their opinion on how well their court functioned with respect to facilitating access to court records, the treatment of litigants, witnesses and jurors, the rights and interests of attorneys and victims and how cognizant the court was of others connected to the trial court process. Both prosecutors and public defenders practicing in courts with Hierarchical cultures viewed their courts as being less effective than attorneys practicing in courts with other cultural orientations.<sup>38</sup> Ostrom and his colleagues also found that prosecutors and public defenders have differing views as to how effective courts within other cultures are with respect to Access, Fairness and Court Management. Due to the differing roles prosecutors and public defenders hold within the adversarial system prosecutors are seen as being more amenable to Networked cultures (which are seen as more responsive to outside groups such as victims and victims families). Public Defenders are seen as more amenable to Communal cultures because such culture fosters a climate in which outcomes can be negotiated.<sup>39</sup>

### **Preferred Court Cultures**

Ostrom et al study also looks into what culture types judges and court administrators preferred to have. Using the CCAI judges and court administrators were asked to indicate what culture type (within each work area) they would like to see within the next five years. The results indicate that both judges and court administrators from each of the twelve courts studied preferred culture types different from the ones that currently exist. All courts rejected the notion of keeping an Autonomous culture in any of the work areas. The courts gravitated instead toward the adoption of a “Cultural Mosaic” where a specific

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<sup>37</sup> Ibid., xxiv.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., xxv.

culture type are preferred in specific work areas. For example, a Hierarchical culture was preferred in case management and change management areas. A Networked culture was preferred for Judge/Staff Relations and Internal Organizations. Finally, a Communal Cultural Orientation was preferred for Court House Leadership. Ostrom and his colleagues see this preference for a cultural orientations across work groups as presenting new challenges for court leaders. For example, chief judges will need to assume a teaching role conveying to other members of the Bench that court effectiveness goes beyond the timely disposition of cases. Issues of quality in case disposition are equally as important. Ostrom and his colleagues further contend that the chief judge must effectively communicate to the Bench and court staff the importance of their contribution. External forces also present a challenge to court leaders. Ostrom et study shows a desire to move away from an Autonomous culture. This preference conflicts with the views of prosecutors and public defenders. As previously mentioned, prosecutors and public defenders view an Autonomous culture as being more effective with respect to Access, Fairness and Managerial Effectiveness. Ostrom and his colleagues contend that these differing views as to what is a more effective culture presents a challenge to court leaders, and posed the following question, “What can courts do to pursue their own sense of what kind of culture is appropriate and at the same time enhance their standing among attorneys on the goals of access, fairness and managerial effectiveness?”<sup>40</sup>

To address these challenges, Ostrom and his colleagues give the following recommendations:

1. Courts should ascertain and analyze their current and preferred cultures by administering the Court Culture Assessment Instrument

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<sup>40</sup> Ibid., 221.

2. As previously mentioned, both judges and court administrators preferred adopting a communal culture for courthouse leadership in the future. As a result, court leaders need to be aware of the implication of such culture. Chief judges need to be responsive in creating a communal environment which reflects open communication and shared decision making.
3. Timeliness should be reported in a manner that shows a connection between the time it takes to resolve a case and the seriousness or complexity of the case. Reporting timeliness in this way shows that courts are giving a case the attention needed as warranted by its severity.
4. Courts should demonstrate this idea of proportionality further by developing means of reporting cases in terms of their severity or complexity.
5. Courts should attempt to explain to attorneys, litigants, policy makers and the public how they benefit from the timely disposition of cases.
6. Courts should develop means to measure the values of Access, Fairness and Managerial Effectiveness.

## Methodology

The aim of the current research was to investigate the nature of organizational culture in the Jackson County Circuit Court exploring the relationship between the perceived culture, the preferred culture, and the administrative leadership practices and processes as reported by the Judges, Commissioners and Court Administrators.

Organizational culture was measured using Ostrom, Ostrom, Hanson, and Kleiman's Court Culture Assessment Instrument (CCAI) which consists of a five-part questionnaire (Ostrom, et al, 2005, [see Appendix B](#)).<sup>41</sup> The questionnaire measures five content dimensions or work areas: case management style, judicial/court staff relations, change management, courthouse leadership, and internal organization. Respondents divide 100 points among four statements describing each work area. This 100-point estimation is completed for current perceptions (How would you describe your court as of today?) and preferred style (How would you like the court to be in five years?).

Ostrom and his colleagues conducted a literature search that produced over 50 court-related cultural values. After eliminating redundant values they identified a set of 16 values and norms. These norms were then listed in a proximity matrix and given to over 50 individuals nationwide with considerable court-related experience. With data from these practitioners the authors conducted a multidimensional scaling analysis and identified two dimensions (solidarity and sociability). The dimensions of solidarity and sociability described two distinct continuums that taken together formed four quadrants of court culture (communal, networked, hierarchical, and autonomous).

The Presiding Judge wrote a letter to each potential participant informing them of the upcoming study and encouraging their participation. The CCAI was hand delivered

and/or mailed to the current judges, commissioners and court administrators.<sup>42</sup> Respondents were not asked to identify themselves on the survey which offered the opportunity for confidential responses. Sampling was avoided because the population was small enough to allow a census. Overall, 48 CCAI's were collected for a return rate of 74%. (See Tables below)

**Table 1 Responses**

\*Surveys Mailed and Returned for Court Culture Assessment Instrument

<b>Position</b>	<b>Surveys Sent</b>	<b>Surveys Returned</b>	<b>Return Rate</b>
Judges	27	16	59%
Commissioners	8	7	87%
Court Administrators	30	22	73%
Unidentified		3	
<b>Total</b>	<b>65</b>	<b>48</b>	<b>74%</b>

Means were computed for groupings of respondents (judges, commissioners, and court administrators) for each content dimension across cultural types. Computed means were plotted on kites creating the third dimensions of solidarity and sociability. The kites provide a visual representation of current perceptions of court culture versus preferred culture within the five work areas and how these culture types impact sociability and solidarity within the organization.

Along with the CCAI an additional survey was included to gather information related to perceptions of current court operations including: the process for judicial

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<sup>41</sup> Permission was granted by the author, Brian Ostrom, to use the Court Culture Assessment Instrument for this study.

<sup>42</sup> For purposes of this study all senior administrative staff including deputy court administrators, directors and assistant directors are loosely referred to as "court administrators" even though the Jackson County Circuit Court has only one official court administrator position.

\* There are actually 28 Circuit Court judges in the 16th Judicial Court but at this writing one judge was on extended military leave and not available to respond to this survey.

selection, tenure for leadership judges, time standards, long-term strategic planning, roles and responsibilities (see Appendix B). This survey was developed with the assistance of the Court’s analyst and was designed to type key areas of court administration.

In addition to the current judges, commissioners, and court administrators, surveys were mailed to 27 retired judges and 2 retired court administrators. A total of 53 surveys were returned for a response rate of 57%.

**Table 2 Responses**

Surveys Mailed and Returned for Judicial Administrative Leadership Survey

<b>Position</b>	<b>Surveys Sent</b>	<b>Surveys Returned</b>	<b>Return Rate</b>
Judges/Retired Judges (27/27)	54	25	46%
Commissioners	8	6	75%
Court Administrators/Retired CAs	32	22	68%
<b>Total</b>	<b>94</b>	<b>53</b>	<b>57%</b>

## Findings

The average ratings from the CCAI for each current culture type by content dimension for the judges, commissioners, and court administrators are presented in Table 3. The average ratings for preferred culture type are presented in Table 4. Tables 5 and 6 provide the resulting dominant current and preferred culture types for each group of respondents. These tables are followed by the data kites which provide visual representation of the average scores and resulting culture types for each content area.

The numbers in the first two tables below are the average points each culture type received on each content dimension. Unlike the 12 courts in the work conducted by Ostrom and his colleagues (2005), a constant cultural type emerged across all five dimensions for each of the groups of respondents (judges, commissioners, and court administrators). Overwhelmingly, respondents viewed the current court culture as Autonomous. Findings are more mixed for the preferred culture; however, it is worth noting that none of the respondent groups preferred an autonomous culture when considering any of the content dimensions. While the preferred culture varied across content dimensions there was a high degree of agreement among the judges, commissioners, and court administrators within each dimension (see Table 4).

**Table 3. Relative Emphasis of Current Court Culture on Work Areas (Current)**

Content Dimension	Culture Type	Judges	Commissioners	Court Administrators	Overall
Dominant Case Management Style	Communal	23	26	31	27
	Networked	14	12	16	15
	<b>Autonomous</b>	47	39	33	<b>38</b>
	Hierarchy	16	23	20	20
Judicial and Court Staff Relations	Communal	12	18	18	16
	Networked	22	16	22	22
	<b>Autonomous</b>	55	58	52	<b>53</b>
	Hierarchy	10	9	7	9
Change Management	Communal	26	28	20	24
	Networked	17	22	20	19
	<b>Autonomous</b>	42	36	44	<b>41</b>
	Hierarchy	14	14	15	15
Courthouse Leadership	Communal	16	15	15	16
	Networked	18	15	13	16
	<b>Autonomous</b>	53	53	56	<b>53</b>
	Hierarchy	12	18	16	15
Internal Organization	Communal	18	21	19	18
	Networked	15	16	12	15
	<b>Autonomous</b>	54	48	46	<b>48</b>
	Hierarchy	14	16	23	19

**Table 4. Relative Emphasis of Current Court Culture on Work Areas (Preferred)**

Content Dimension	Culture Type	Judges	Commissioners	Court Administrators	Overall
Dominant Case Management Style	Communal	25	21	20	22
	Networked	18	21	27	23
Judicial and Court Staff Relations	Autonomous	17	13	7	12
	<b>Hierarchy</b>	<b>39</b>	<b>40</b>	<b>45</b>	<b>42</b>
	Communal	14	17	19	18
Change Management	<b>Networked</b>	<b>36</b>	<b>34</b>	<b>47</b>	<b>41</b>
	Autonomous	30	22	8	17
	Hierarchy	20	23	25	23
Courthouse Leadership	Communal	26	13	23	23
	<b>Networked</b>	25	<b>47</b>	<b>30</b>	31
	Autonomous	11	17	12	12
Internal Organization	<b>Hierarchy</b>	<b>38</b>	23	<b>36</b>	<b>34</b>
	<b>Communal</b>	29	28	<b>31</b>	<b>30</b>
	<b>Networked</b>	<b>37</b>	<b>36</b>	<b>35</b>	<b>36</b>
	Autonomous	14	18	8	11
Internal Organization	Hierarchy	21	18	25	22
	Communal	26	22	32	28
	<b>Networked</b>	<b>43</b>	<b>33</b>	<b>42</b>	<b>41</b>
Internal Organization	<b>Autonomous</b>	15	<b>29</b>	8	14
	Hierarchy	16	16	19	18

Comparing the preferred cultural emphasis, some variation existed both within content dimensions and across groups of respondents but categorically, a strong collective emphasis emerged. None of the groups preferred the same cultural type across all five dimensions. For example, judges as a group preferred a hierarchical culture type for case management and change management but a networked culture type for the judicial staff relations, courthouse leadership and internal organization dimensions.

**Table 5. Primary Court Culture Types - Current**

Group	Dominant Case Management Style	Judicial Staff Relations	Change Management	Courthouse Leadership	Internal Organization
Court (All)	Autonomous	Autonomous	Autonomous	Autonomous	Autonomous
Judges	Autonomous	Autonomous	Autonomous	Autonomous	Autonomous
Commissioners	Autonomous	Autonomous	Autonomous	Autonomous	Autonomous
Administrators	Autonomous	Autonomous	Autonomous	Autonomous	Autonomous

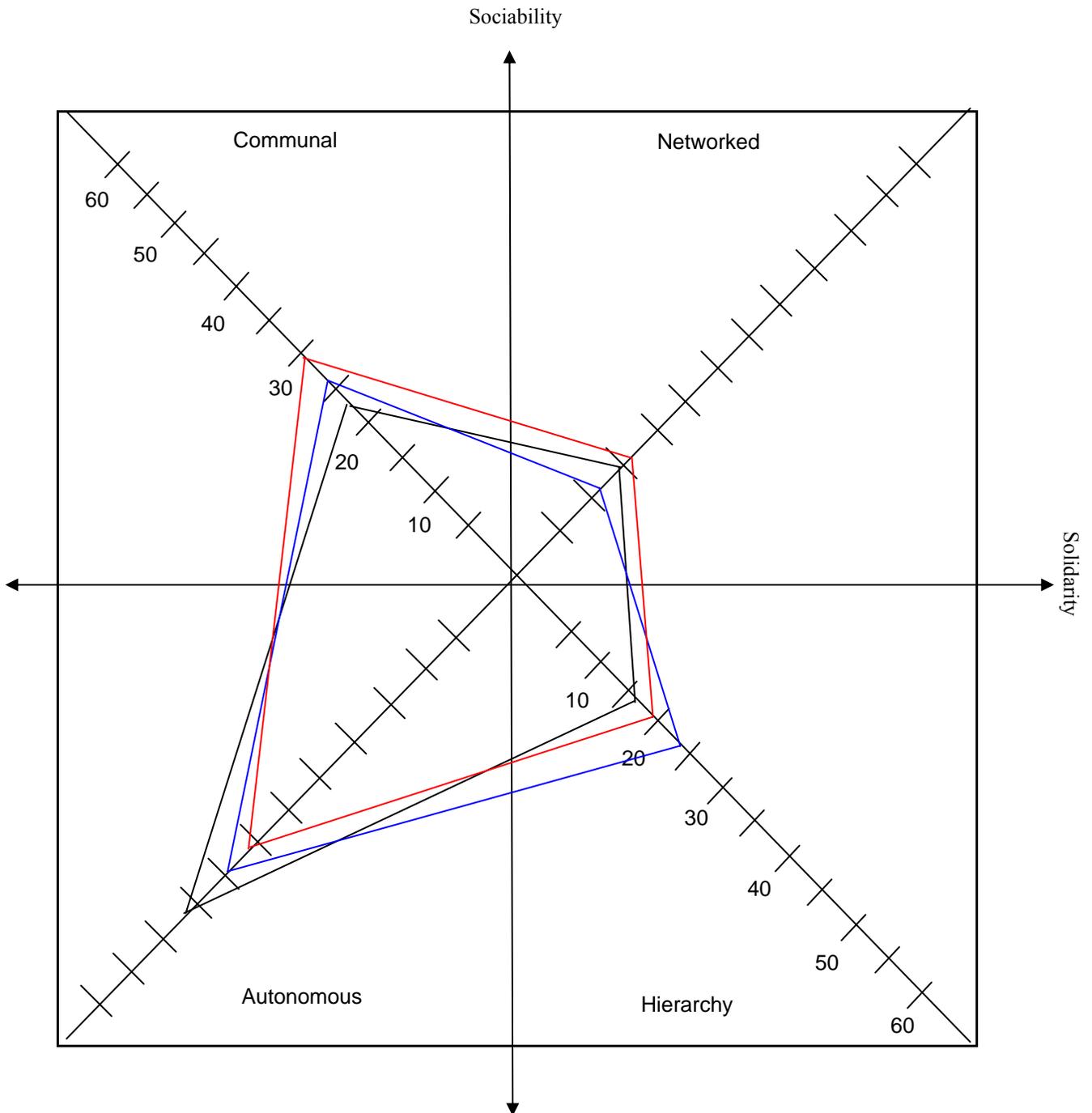
**Table 6. Primary Court Culture Types - Preferred**

Group	Dominant Case Management Style	Judicial Staff Relations	Change Management	Courthouse Leadership	Internal Organization
Court (All)	Hierarchy	Networked	Hierarchy	Networked	Networked
Judges	Hierarchy	Networked	Hierarchy	Networked	Networked
Commissioners	Hierarchy	Networked	Networked	Networked	Networked
Administrators	Hierarchy	Networked	Hierarchy	Networked	Networked

Recognizing that the court is a complex organization and will not fit neatly into one category of culture, the responses from the CCAI are mapped as kites in a multidimensional space. The shape of the kite provides the relative position of the perceptions in each of the four quadrants of culture (communal, networked, autonomous, and hierarchy). In the first set of kites (see Figure 1) the average scores for the judges, commissioners, and court administrators reflected perceptions of a primarily autonomous culture. The kites also show that while the court appears to be primarily autonomous there are some communal features and to a lesser degree a networked and hierarchical character.

**Figure 1. Case Management Style – Perception of Current Culture**

Judges  
 Commissioners  
 Court Administrators



## *Case Management Style*

According to Ostrom et al, Case Management style refers to the extent to which a court has clearly understood and shared goals, common tasks and agreed upon procedures for reaching goals.(Ostrom p46) In this area, the kites for each group (judges, commissioners, and court administrators) were very similar in shape and position indicating a high degree of agreement with regard to the current culture.

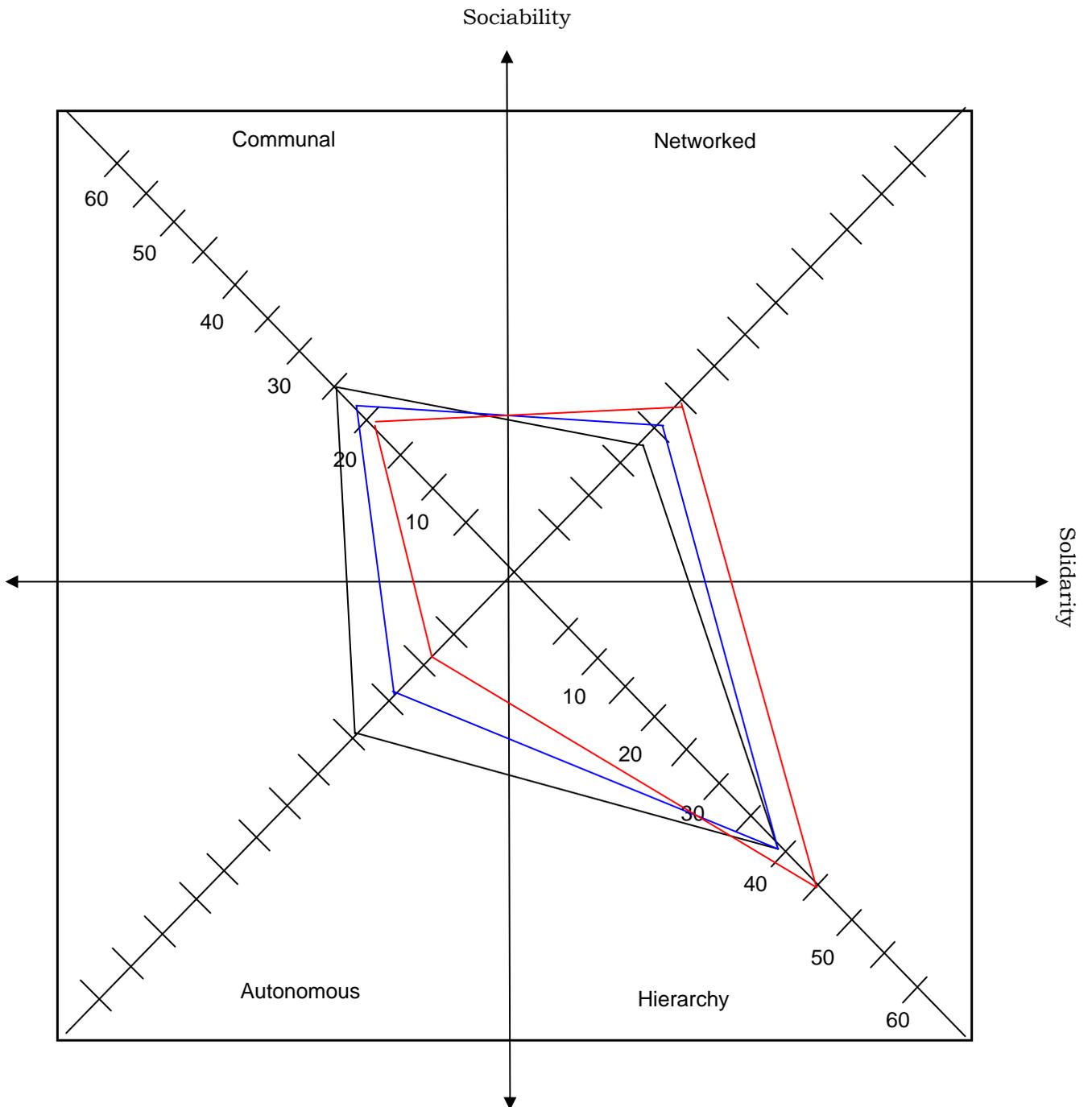
The position of the kite provides information related to the degree of sociability and solidarity likely experienced by members of the court. Sociability and solidarity are measured as continuums underlying the four quadrants of culture. According to Ostrom and his colleagues, sociability involves the way that employees relate to one another. Sociability promotes high morale, fosters teamwork and openness to new ideas, and can lead to members working harder to help their colleagues. The downside of sociability is the exaggerated concern for consensus and the possibility for tolerance of poor performance. Solidarity involves the degree to which members have clearly understood goals and shared commitment. Organizations with high solidarity have clearly articulated procedures and the focus is on the goals of the group potentially at the expense of individuals.

Communal and Networked cultures suggest high sociability while Networked and Hierarchical cultures produce higher solidarity than Communal and Autonomous cultures. The kites in Figure 1 with their emphasis on autonomy fall relatively low on the measures of sociability and solidarity.

In stark contrast, Figure 2 provides a picture of the preferred culture as it relates to Case Management Style. The shape of the three kites shows a high degree of agreement

**Figure 2. Case Management Style – Perception of Preferred Culture**

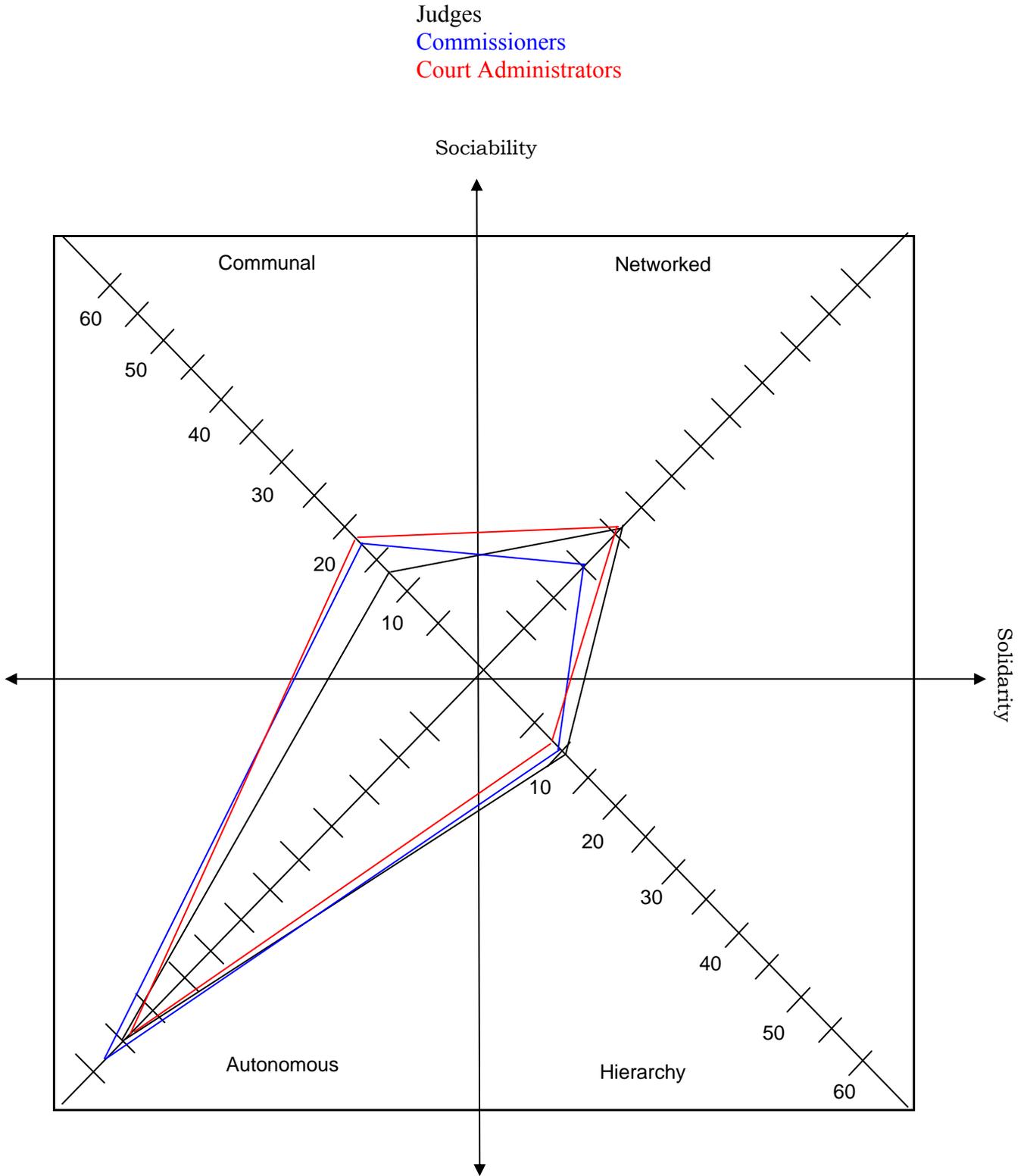
Judges  
Commissioners  
Court Administrators



between the judges and commissioners indicating a desire for a more hierarchical court. The responses of the court administrators reflected somewhat of a balance between a Hierarchical and Networked culture with the relative emphasis on Hierarchical. The kite depicts a desire for a pronounced shift toward greater solidarity and for sociability to remain stationary as it relates to the courts case management style.

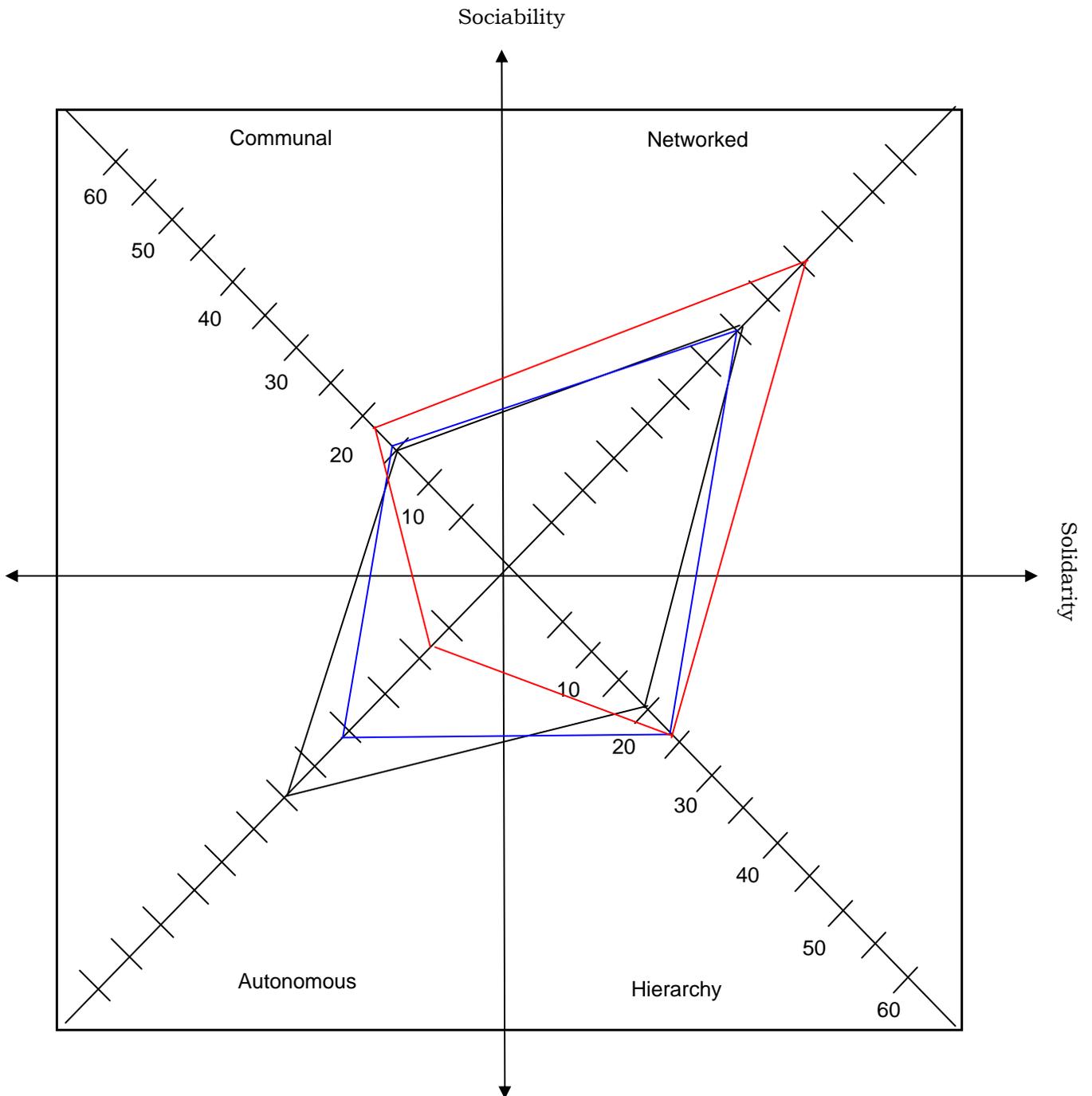
Figures 3 and 4 show the kites related to Judicial Staff Relations. On the CCAI, Judicial Staff Relations include issues involving psychological distance between judges and staff, staff development, fairness and respect, as well as the recruitment, monitoring, evaluation, and promotion of court staff. There was a very high degree of agreement among the judges, commissioners, and court administrators with respect to the current court culture as it relates to judicial staff relations (see Figure 3). All three response groups reported a very high level of autonomy within the court culture. Again, in stark contrast to the current autonomous culture, judges, commissioners, and court administrators reported a preference for a more networked culture (see Figure 4).

**Figure 3. Judicial Staff Relations – Perception of Current Culture**



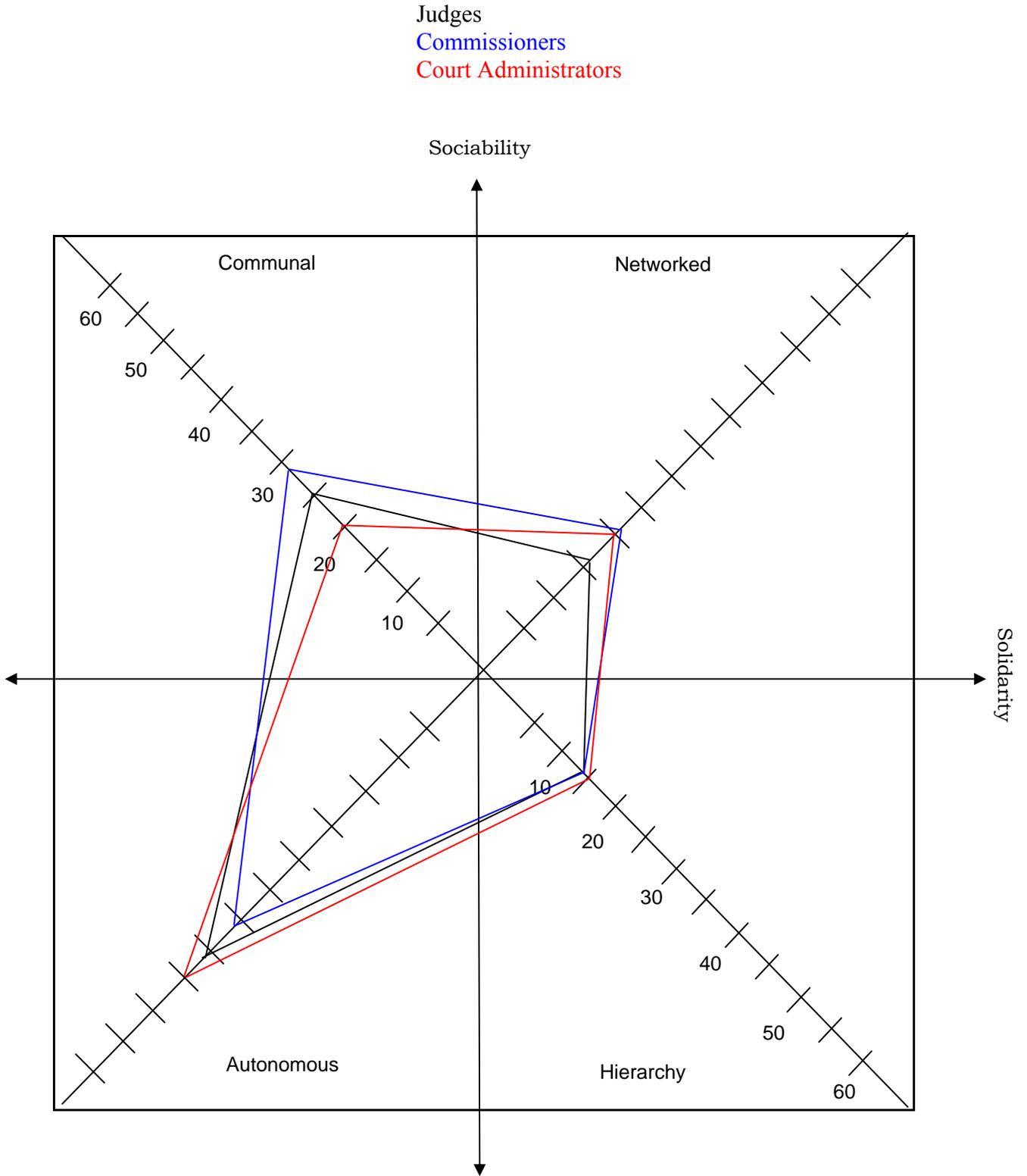
**Figure 4. Judicial Staff Relations – Perception of Preferred Culture**

Judges  
Commissioners  
Court Administrators



The current and preferred cultures related to Change Management are reflected in the following kites (see Figures 5 and 6). As with the preceding content dimensions, there was a high degree of agreement among the judges, commissioners, and court administrators with respect to the current court culture (see Figure 3). All three response groups reported a high level of autonomy within the court culture. The commissioners and to a lesser degree the judges also indicated the presence of communal culture in change management. There was less agreement in culture preference when it came to change management among the judges, commissioners, and court administrators. Judges and court administrators preferred a culture dramatically different from the current culture with an increased desire for a Hierarchical culture. On the other hand, commissioners perceiving an autonomous and communal culture preferred a strongly networked culture in the context of change management.

**Figure 5. Change Management Style – Perception of Current Culture**

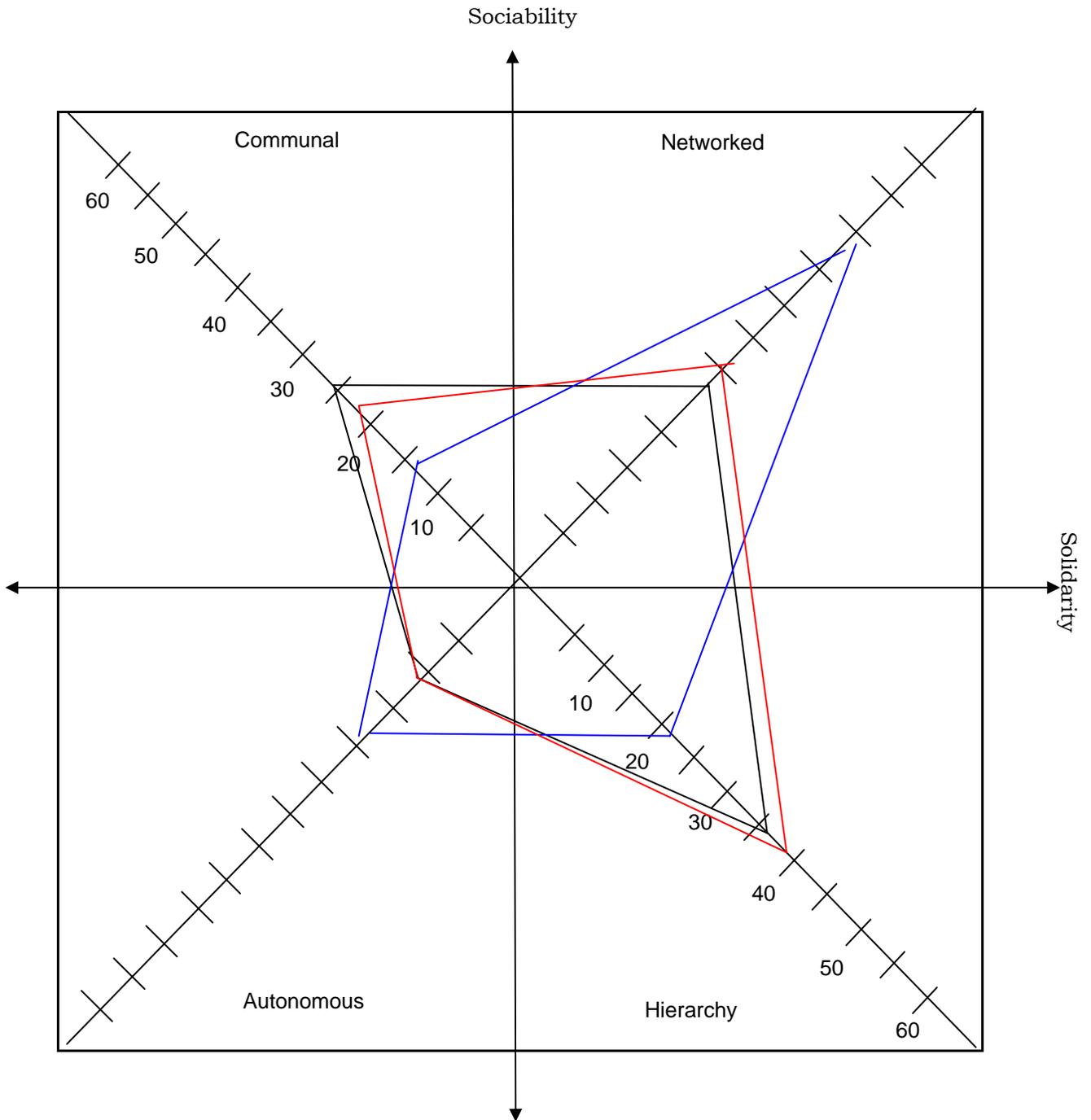


**Figure 6. Change Management Style – Perception of Preferred Culture**

Judges

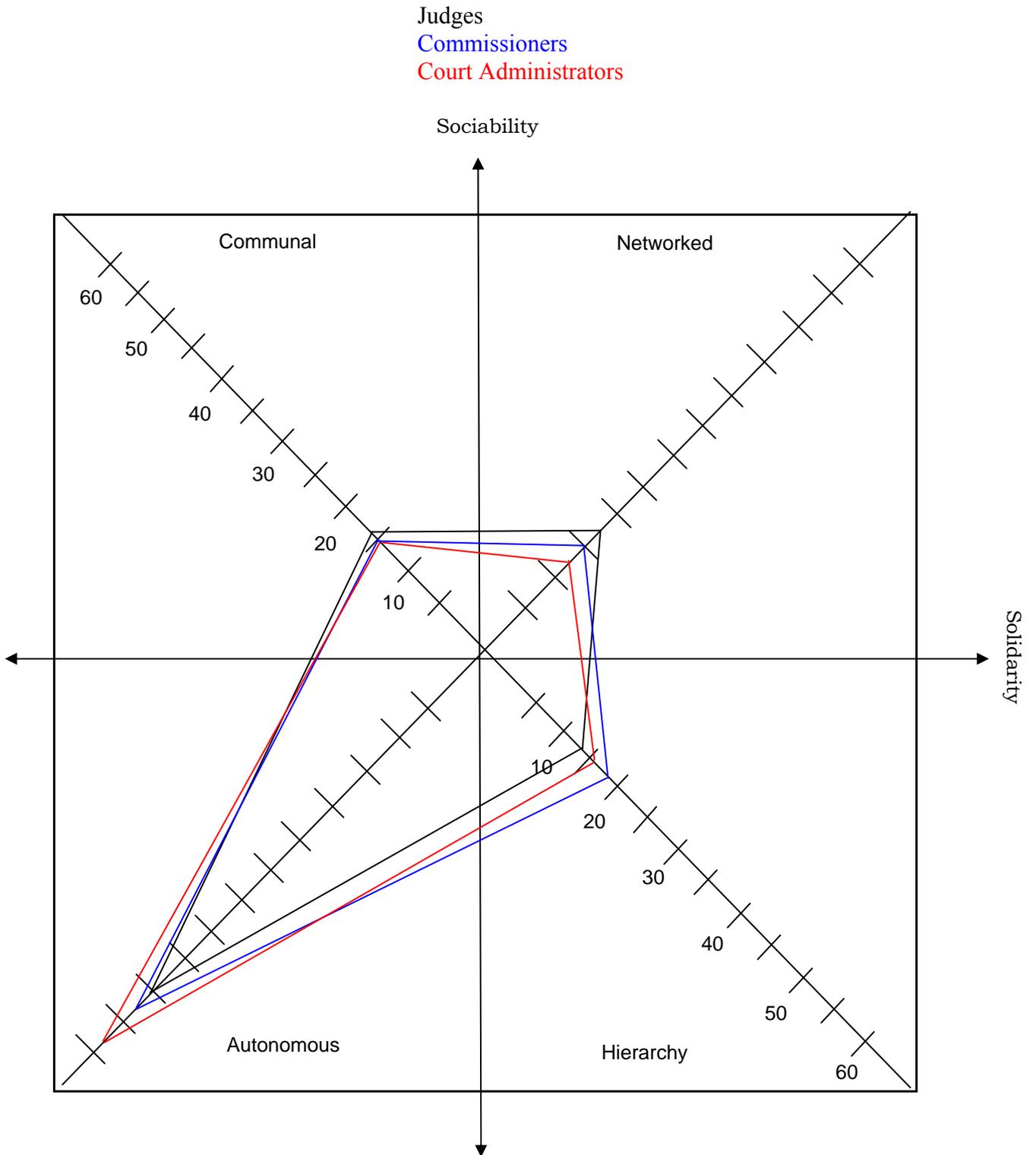
Commissioners

Court Administrators



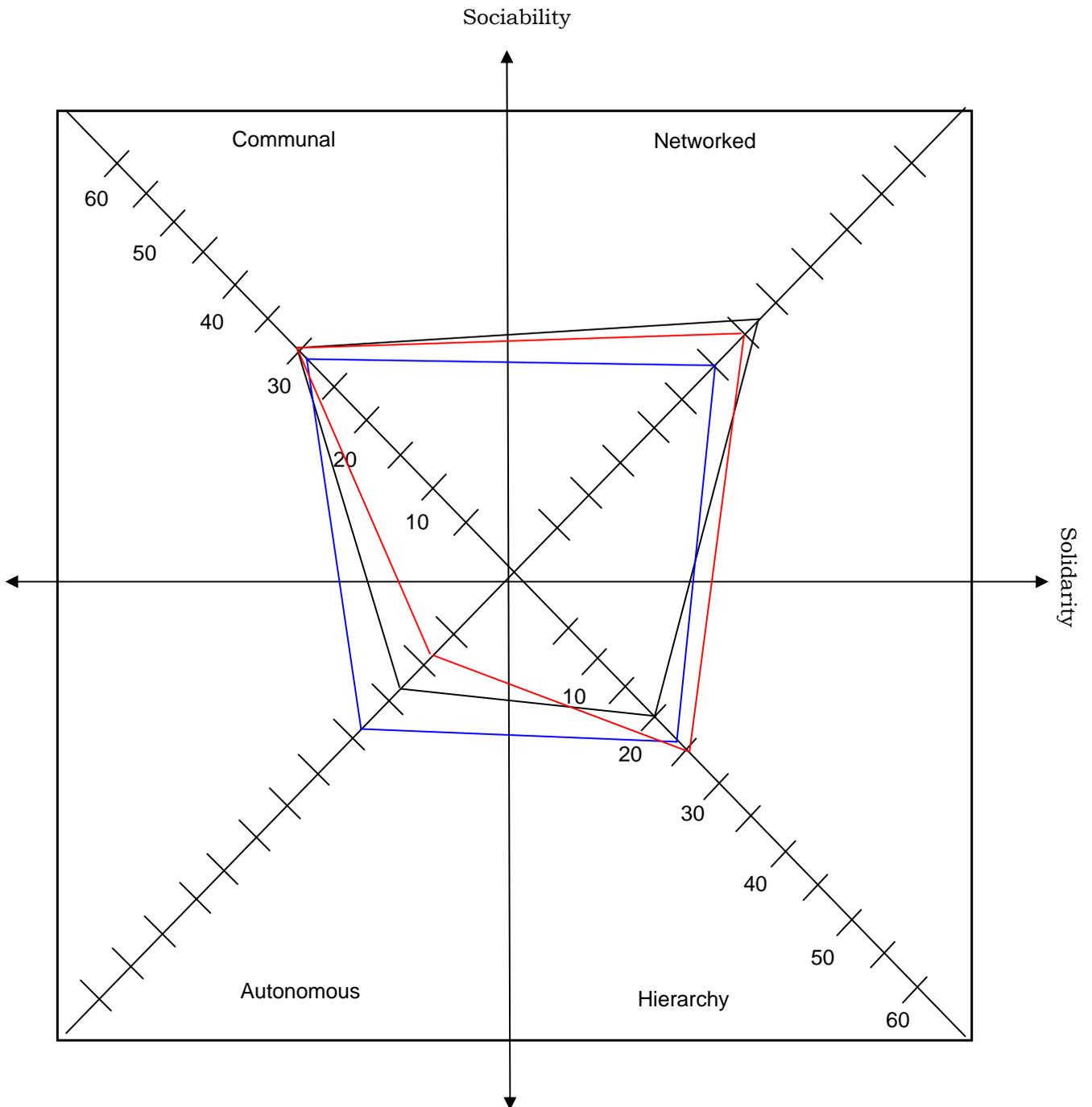
Figures 7 and 8 show the kites related to Courthouse Leadership. There was a very high degree of agreement among the judges, commissioners, and court administrators with respect to the current court culture as it relates to Courthouse Leadership (see Figure 7). All three response groups reported a very high level of autonomy related to the current leadership with very little influence from the other quadrants. Conversely, when preferences were mapped a very different picture emerged. With a substantial amount of agreement judges, commissioners, and court administrators preferred a more balanced view of culture in leadership emphasizing communal and networked characteristics (see Figure 8).

**Figure 7. Leadership – Perception of Current Culture**



**Figure 8. Leadership – Perception of Preferred Culture**

Judges  
Commissioners  
Court Administrators



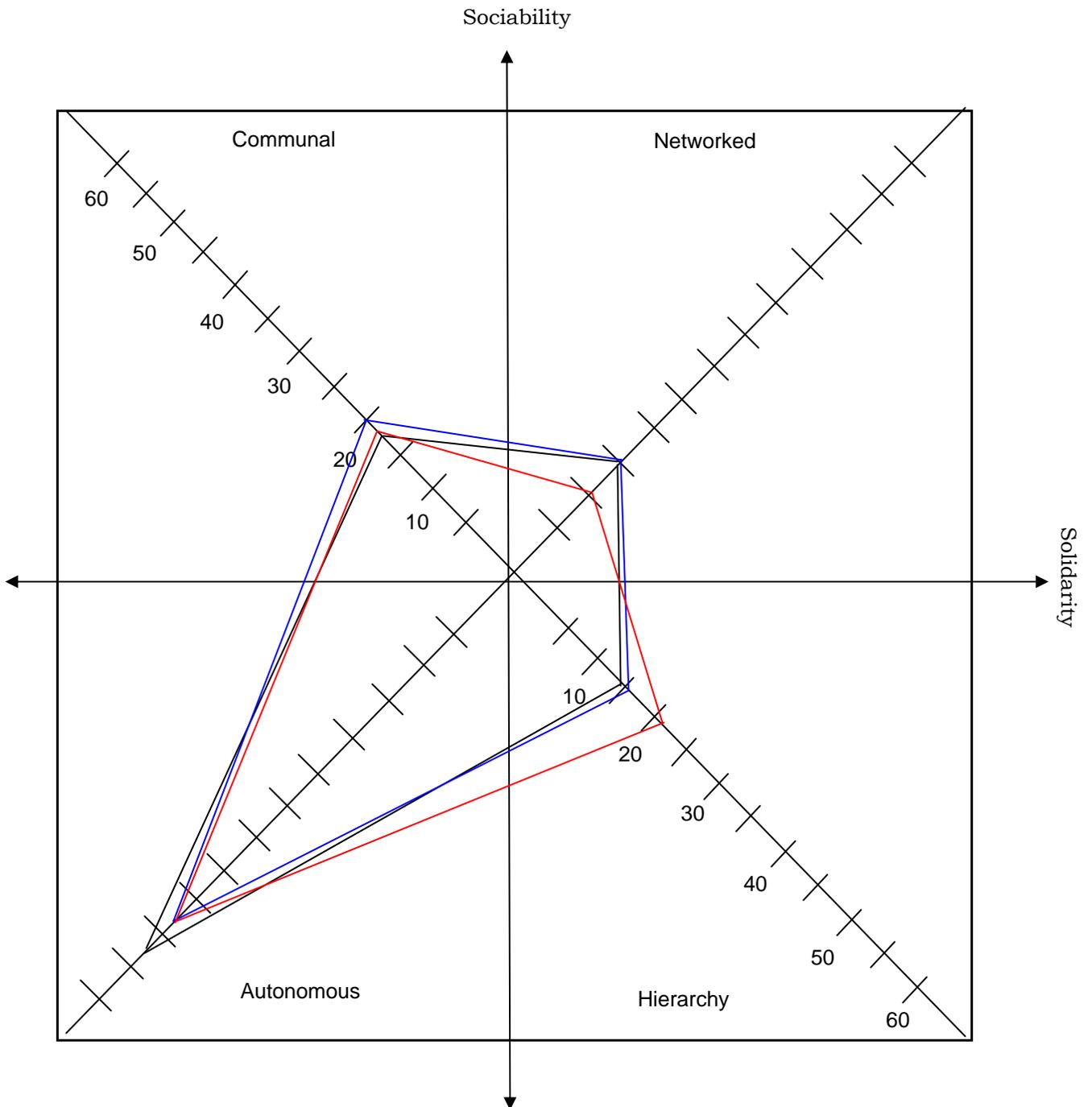
Figures 9 and 10 show the kites related to the Internal Organization dimension. In the CCAI, Internal Organization refers to how information is shared, how differences are resolved, the degree of collaborative work, as well as lines of authority and expectations. There was a very high degree of agreement among the judges, commissioners, and court administrators with respect to the current court culture as it relates to Internal Organization (see Figure 9). As in previous content dimensions, the three response groups reported a very high level of autonomy related to the internal organization with very little influence from the other quadrants. When preferences were considered there was less agreement and like in the Change Management content dimension, the commissioners diverged from the judges and court administrators. On the issue of internal organization, the responses of the commissioners highlighted a preference for a culture incorporating autonomous and networked features. Conversely, the judges and court administrators indicated a preference for a much more networked and communal culture than the commissioners (see Figure 10).

**Figure 9. Internal Organization – Perception of Current Culture**

Judges

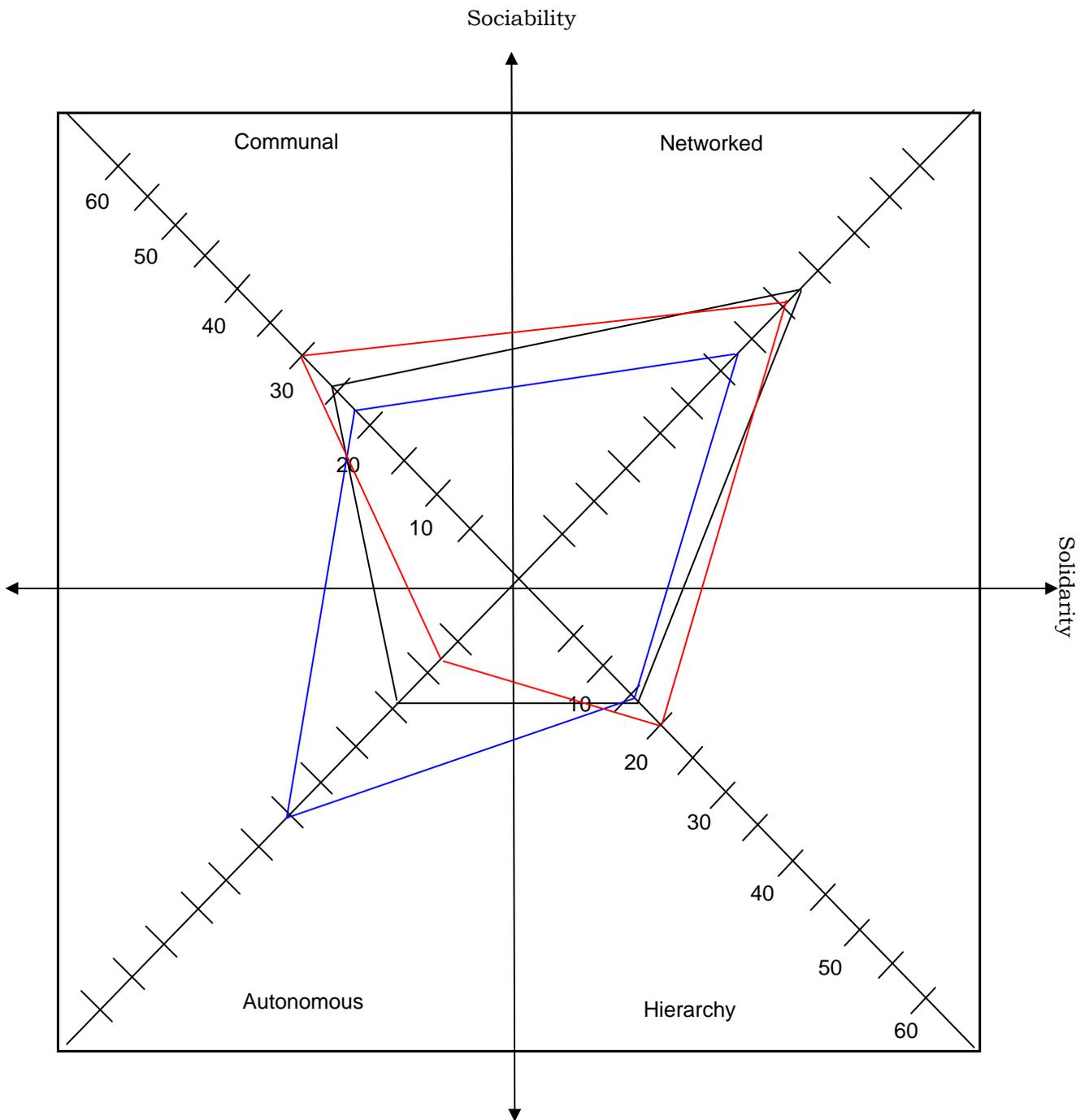
Commissioners

Court Administrators



**Figure 10. Internal Organization – Perception of Preferred Culture**

Judges  
Commissioners  
Court Administrators



## **Survey**

The following tables provide answers to the survey designed to measure the administrative leadership practices and processes as reported by the Judges, Commissioners and Court Administrators. Survey questions (See Appendix B) addressed the following topics: judicial selection processes and practices; tenure; time standards; strategic planning, goals and priorities; and roles and responsibilities.

### Judicial Selection Processes and Practices

*Presiding Judge Selection.* While there was considerable variation in responses across groups, the majority (60%) reported that there **was no** formal locally established process or practice upon which judges rely to cast their votes **or** that they didn't know if there was a process. Judges, specifically, were equally divided as to whether or not there was such a process or practice. Surprisingly, the majority of Commissioners (67%) and Court Administrators (55%) surveyed didn't know if there was a process or practice for selecting Presiding Judges (see Question 1 below).

Out of the 40% who believed there was such a process, 62% or 13 respondents (including 3/4 of the judges) believed this process or practice existed in written form.

Of those who believe there is a written process, a quarter stated that there is an accompanying mechanism for deviating from the process but none of the Respondents believe this mechanism is in writing.

Question 1. The Missouri Constitution in Article V Section 15.1 establishes the authority for selection of a Presiding Judge by judicial vote. In addition to this, is there a formal locally established process or practice upon which judges rely to cast their votes?

**Table 7: Judicial Selection Processes and Practices**

	<b>All</b>	<b>Judges</b>	<b>Comm.</b>	<b>Court Adm.'s</b>
Yes	21 (40%)	11(44%)	2 (33%)	8 (36%)
No	13 (25%)	11 (44%)	0	2 (9%)
Don't know	19 (35%)	3 (12%)	4 (67%)	12 (55%)
If yes, is this process in writing?				
	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	13 (62%)	8 (73%)	1 (50%)	4 (50%)
No	4 (19%)	1 (9%)	0	3 (38%)
Don't know	4 (19%)	2 (18%)	1 (50%)	1 (13%)
Is there a mechanism for deviating from the process?				
	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	5 (25%)	3 (27%)	0	2 (25%)
No	6 (30%)	5 (46%)	0	1 (13%)
Don't know	9 (45%)	3 (27%)	1 (100%)	5 (63%)
Are there written guidelines (criteria) that describe when and how deviation from this selection process may occur including who must approve it?				
	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	1 (6%)	0	0	1 (14%)
No	7 (44%)	5 (63%)	0	2 (29%)
Don't Know	8 (50%)	3 (38%)	1 (100%)	4 (57%)

*Family Court Administrative Judge Selection.* Respondent's beliefs about the selection process for the Family Court Administrative Judge were less definitive. A majority of respondents overall (72%) reported either that there was not a formal, written, locally established process for selecting the Family Court Administrative Judge or that they did not know if there was a process (see Question 2 below). Only six of the twenty-three judges surveyed believed there was a process for selecting Administrative Judges while the remaining 74% reported that there wasn't or they didn't know of one. A similar pattern emerged for both the Commissioners and Court Administrators with the majority (83% and 67% respectively) reporting that there was no process or that they simply didn't know if there was a process.

For the 28% that believed there was a process, only the Judges seemed certain there was no mechanism in place for deviation from the process. In contrast, the majority of Court Administrators and Commissioners didn't know. In addition, most reported that they did not know if this process was in writing.

While the majority of respondents believed that the leadership selection process had not changed during their tenure (52 to 76%), the Court Administrators appeared to be the least sure with 43% responding 'Don't Know,' compared to 16 and 33% of the Judges and Commissioners, respectively.

Question 2. Is there a formal, written, locally established process for selecting Administrative Judges in the 16<sup>th</sup> Circuit?

**Table 7A**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	14 (28%)	6 (26%)	1 (17%)	7 (33%)
No	18 (36%)	10 (43%)	2 (33%)	6 (29%)
Don't Know	18 (36%)	7 (30%)	3 (50%)	8 (38%)

If yes, is there a mechanism in place for deviating from the Administrative Judge selection process?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	2 (14%)	1 (17%)	0	1 (14%)
No	5 (36%)	5 (83%)	0	0
Don't Know	7 (50%)	0	1 (100%)	6 (86%)

Is the mechanism for deviating from the selection process of the Administrative Judge in writing?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	0	0	0	0
No	1 (50%)	1 (100%)	0	0
Don't Know	1 (50%)	0	1 (100%)	7 (100%)

Has the process for selecting leadership judges (PJ and AJ) changed during or since your tenure with the 16<sup>th</sup> Judicial Circuit Court?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	3 (6%)	2 (8%)	0	1 (5%)
No	34 (65%)	19 (76%)	4 (67%)	11 (52%)
Don't Know	15 (29%)	4 (16%)	2 (33%)	9 (43%)

*Judicial Leaders.* Ten of the twenty-five Judges surveyed reported that they had served the 16<sup>th</sup> Judicial Circuit in a leadership capacity and were selected by Presiding Judge appointment or judicial vote (see Question 3). Of the former Administrative or Presiding Judges, close to 80% reported that no criteria was used for their selection as leadership judges. An equal number of former Administrative or Presiding Judges believed that the current process served the best interest of the court.

Question 3. Have you ever served the 16<sup>th</sup> Judicial Circuit Court in a leadership capacity as a Presiding Judge and/or an Administrative Judge?

**Table 7B**

	All	Judges	Comm	Court Adm.'s
Yes	10 (20%)	10 (40%)	0	0
No	41 (80%)	15 (60%)	2 (100%)	20 (100%)

If you have served the 16<sup>th</sup> Judicial Circuit Court as a Presiding and/or Administrative Judge, what was the process for your selection?

	Judges
Appointment by Presiding Judge	6 (60%)
Formal application/interview	0
Judicial Vote	4 (40%)
Both	0
Informal Process	0

Do you believe this process serves best interest of Court?

	Judges
Yes	7 (78%)
No	2 (22%)

Were you required to meet certain eligibility for your selection?

	Judges
Yes	2 (20%)
No	8 (80%)

## Tenure

Nearly every individual surveyed reported that the tenure for leadership judges was one to two years (only one Judge indicated that he or she didn't know the length of tenure, see Question 4). Responses indicated a greater degree of uncertainty as to whether or not the rationale for the length of term was in writing. One-third of the Judges surveyed and two-thirds of the Commissioners and Court Administrators indicated they did not know if the term length rationale was clearly articulated in writing (see Question 5).

Question 4. How long is the tenure for the leadership (PJ and AJ) judges?

**Table 7C: Judicial Leadership Tenure**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
1-2 years	52 (98%)	24 (96%)	6 (100%)	22 (100%)
3-5 years	--	--	--	--
Don't Know	1 (2%)	1 (4%)	--	--

Question 5. Is there a clearly articulated written rationale for the length of term for the Presiding and Administrative judges?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Ct Adm.'s</b>
Yes	5 (9%)	3 (12%)	--	2 (9%)
No	21 (40%)	13 (52%)	2 (33%)	6 (27%)
Don't Know	27 (51%)	9 (36%)	4 (67%)	14 (64%)

## Time Standards

Over 80% of Commissioners and Court Administrators were aware that the Court has adopted time standards for case processing. Only 64% of Judges were aware of the adoption of any time standards (see Question 6).

Assuming time standards exist, a higher percentage of Judges believed that the Presiding and/or Administrative Judge had the authority to take corrective action if a division is not meeting standards compared to the other groups (42% of Judges compared to 33% of Commissioners and only 14% of Court Administrators, see Question 7).

Question 6. Has the Court adopted time standards for any case types?

**Table 11: Time Standards**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	39 (74%)	16 (64%)	5 (83%)	18 (82%)
No	7 (13%)	5 (20%)	--	2 (9%)
Don't Know	7 (13%)	4 (16%)	1 (17%)	2 (9%)

Do the Presiding Judge and/or Administrative Judge have the authority to take corrective action when a court division is not meeting such standards?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	15 (29%)	10 (42%)	2 (33%)	3 (14%)
No	15 (29%)	11 (46%)	--	4 (19%)
Don't Know	21 (41%)	3 (12%)	4 (67%)	14 (67%)

## Strategic Planning, Goals and Priorities

The majority of Judges and Commissioners surveyed reported knowledge of a long-term strategic plan (68 and 83%, respectively); the majority of Court Administrators surveyed reported that there was not a plan or that they did not know if there was a plan (55%). A comparable percentage of Judges and Commissioners reported awareness of the Court's long-range goals and priorities (67 and 83%), however, surprisingly 81% of Court Administrators reported they were not familiar with the Courts long-range goals.

The majority of the Judges and Commissioners surveyed believed that Court staff, Court administrative professionals, the community, Judges, and Commissioners all contributed to the establishment of the long-range goals and priorities (57 and 67%). Again, in stark contrast to the perceptions of the Judges and Commissioners, only 24% of Court Administrators reported that all of these groups have input in goals and priorities. The Court Administrators were mixed in impressions of who provides input to the Court.

Question 7. Does the 16<sup>th</sup> Circuit Court have a long term strategic plan?

**Table 12: Strategic Planning/Goals/Priorities**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	32 (60%)	17 (68%)	5 (83%)	10 (45%)
No	13 (25%)	2 (8%)	--	11 (50%)
Don't Know	8 (15%)	6 (24%)	1 (17%)	1 (5%)

Are you familiar with the Courts long range goals and priorities?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	25 (49%)	16 (67%)	5 (83%)	4 (19%)
No	26 (51%)	8 (33%)	1 (17%)	17 (81%)

Who provides input for the establishment of these long range goals and priorities?

(Note. Respondents were asked to check all that apply, therefore percentages reflect the number of respondents that selected the answer out of all respondents to the question)

	<b>All (N=50)</b>	<b>Judges (N=23)</b>	<b>Comm (N=6)</b>	<b>Ct Adm (N=21)</b>
Court Staff	4 (8%)	--	1 (17%)	3 (14%)
Court admin. professionals	16 (32%)	6 (26%)	2 (33%)	8 (38%)
Community	4 (8%)	--	--	4 (19%)
Judges	7 (14%)	2 (9%)	--	5 (24%)
Judges and Commissioners	16 (32%)	5 (22%)	2 (33%)	9 (43%)
All of the above	22 (44%)	13 (57%)	4 (67%)	5 (24%)
Don't know	13 (26%)	3 (6%)	--	7 (33%)

When asked whether or not leadership judges continue with established priorities or if they modify or completely change the Court’s priorities, perceptions of the Judges, Commissioners, and Court Administrators were quite varied. Nearly one-third of Judges did not know while one-third stated that leadership judges continue with priorities and one-third of the Judges reported that leadership judges modify the plan. The majority of Commissioners (67%) indicated that leadership judges modify the existing plan and Court Administrators were very divided in their impressions with nearly 40% indicating that the plan is modified and nearly 30% reporting that leadership judges establish an entirely new plan (see Question 8).

Question 8. Do successive leadership judges (Presiding and Administrative judges) typically:

**Table 9A**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.’s</b>
Continue execution of established priorities	12 (23%)	8 (33%)	1 (17%)	3 (14%)
Modify the existing plan	20 (38%)	8 (33%)	4 (67%)	8 (38%)
Establish an entirely new plan	6 (11%)	--	--	6 (29%)
Neither	3 (6%)	1 (4%)	--	2 (10%)
Don’t know	12 (23%)	7 (29%)	1 (17%)	2 (10%)

Roles and Responsibilities

The majority of the Judges surveyed believed that all judges determine the role and responsibilities of the Court Administrator (58%) but that the Court Administrator reports to the Presiding Judge (76%, see Questions 9 and 10 below).

Commissioners were not clear about who determines the role and responsibilities but the majority (67%) believed the Court Administrator reports to the Presiding Judge. Court Administrators were surprisingly mixed in their responses to who determines the roles

and responsibilities and who the Court Administrator reports to in the organization. Only 50% believed the Court Administrator reports to the presiding judge, less than half indicated all judges (46%) and 4% did not know who the Court Administrator reports to in the organization.

Question 9. Who determines the role and responsibilities of the Court Administrator?

**Table 10: Roles and Responsibilities**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Presiding Judges	12 (23%)	7 (29%)	1 (17%)	4 (18%)
All Judges	26 (50%)	14 (58%)	1 (17%)	11 (50%)
Judicial Executive Committee	5 (10%)	1 (4%)	--	4 (18%)
Not clear	9 (17%)	2 (8%)	4 (67%)	3 (14%)
Other	--	--	--	--

Question 10. The Court Administrator reports to:

**Table 10A**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Presiding Judge	34 (64%)	19 (76%)	4 (67%)	11 (50%)
All judges	17 (32%)	5 (20%)	2 (33%)	10 (46%)
Don't know	2 (4%)	1 (4%)	--	1 (5%)
Other	--	--	--	--

The Judges and Commissioners believed that the roles and responsibilities of the leadership judges were clearly differentiated while the Court Administrators were less sure of this separation (70 and 83% compared to 37%, respectively). Likewise, the vast majority of the Judges and Commissioners (92 and 100%) believed that the presiding judge directed the daily activities of the court administrator while the Court Administrators were divided as to who directed the daily activities and goals of the Court Administrator (see Question 12).

Question 11. Are role/responsibility of leadership judges (Presiding and Administrative judges) and Court Administrators clearly differentiated?

**Table 10B**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	28 (58%)	16 (70%)	5 (83%)	7 (37%)
No	9 (19%)	2 (9%)	--	7 (37%)
Somewhat	11 (23%)	5 (22%)	1 (17%)	5 (26%)

Question 12. Who can direct daily activities/goals of the Court Administrator?

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
All individual judges	10 (19%)	1 (4%)	--	9 (41%)
Presiding judges	38 (73%)	22 (92%)	6 (100%)	10 (46%)
Judicial Committee	1 (2%)	--	--	1 (5%)
PJ and Judicial Committee	3 (6%)	1 (4%)	--	2 (9%)

Finally, there was very little agreement as to whether or not the role and responsibilities of the court administrator remained constant through changes in judicial leadership.

Two-thirds of judges and one-half of commissioners indicated no change while only one-third of Court Administrators believed that the role and duties remain constant with changes in leadership judges. (see Question 12).

Question 13. Do the role and responsibilities of the Court Administrator remain constant through changes in judicial leadership?

**Table 10C**

	<b>All</b>	<b>Judges</b>	<b>Comm</b>	<b>Court Adm.'s</b>
Yes	25 (48%)	16 (67%)	3 (50%)	8 (36%)
No	27 (52%)	8 (33%)	3 (50%)	14 (64%)

# Implications of Findings

The key assumptions underlying this research effort were: there are multiple work orientations within courts; variances in the present or in the preferred culture between leadership team classifications impose restraints upon the court as an institution in its collective efforts to achieve its goals; and that key practices, processes and traditions that sustain certain cultures inhibit efforts to change work orientations. The findings, however, revealed unexpected results that challenge several suppositions.

## 1. Present Court Culture

Results from the assessment instrument reveal there are no differences between court leadership groups in their dominant views of the present culture in the 16<sup>th</sup> Judicial Circuit. In fact, information gathered from the CCAI illustrates total agreement between the judicial and non judicial groups across all work dimensions -both groups unanimously perceived the current culture as Autonomous. Equally, if not more significant is the relative strength of the views of the current and preferred cultures in each work area. A comparison of strength of view among the original test sites and Jackson County is provided in Table 11 below. According to Ostrom, et al the relative emphasis given to the combinations of cultural values expressed in different work areas determines a court's distinctive culture.<sup>43</sup> Values of 30 points or more within a particular content dimension represents a relatively strong culture.

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<sup>43</sup> Ostrom et al, "The Mosaic of Institutional Culture," 84

Table 11

Strength of Primary Culture Type

Court	Dominant Case Management Style	Judicial Staff Relations	Change Management	Courthouse Leadership	Internal Organization	Average
Contra Costa	33	26	32	35	33	31.8
Napa	36	35	39	39	31	36
Ventura	31	40	46	40	36	38.6
Duval	34	31	30	33	29	31.4
Hennepin	37	35	33	49	33	37.4
<b>Jackson County</b>	<b>38</b>	<b>53</b>	<b>41</b>	<b>53</b>	<b>48</b>	<b>46.6</b>
Kandiyohi	35	30	37	32	31	33
Olmsted	28	47	31	36	34	35.2
Ramsey	29	36	32	38	34	33.8
Duluth	31	34	37	37	32	34.2
Virginia	35	32	29	29	26	30.2
Average	33.4	36.3	35.2	38.3	33.4	35.3

In this study, the average overall score across content dimensions was nearly 50 (for Autonomous), eight points above the closest sampled court in Ostrom’s research, and almost 20 points above what Ostrom et al determined to be indicative of a strong culture emphasis. Respondents views were most dramatic in the *Judicial and Court Staff Relations* and *Courthouse Leadership* content dimensions with each receiving the highest mean values of 53 points for Autonomy. This was not an expected result based upon the original assessment work done by Ostrom et al on 12 courts in their research. None of the courts were perceived by their leaders as exclusively one culture in all areas. However, the results in this study are more consistent with the traditional view that trial courts are primarily autonomous.

Additionally, the kites visually illustrate the strength of the perception of an autonomous cultural profile. Ostrom states that in the diagramed data (kites), the position of the tail (closeness to the corner of the quadrant) corresponds to the strength of the culture. While the shape of the kite demonstrates that the court incorporates some aspects of Communal, Networked and Hierarchical cultures, the relative position of the kite portrays a clear portrait of the prevailing views of the current culture as Autonomous.

## 2. Preferred Court Culture

Similarly, there are no differences among the court leadership groups in the culture in which they would prefer to work. The collective responses gathered from administering the Court Culture Assessment Instrument (CCAI) provide cogent evidence that respondents prefer a Networked/Hierarchical cultural environment marked by inclusiveness, collegiality and cooperativeness rather than an autonomous culture characterized by self management and independence. The work values collectively expressed by the leadership teams reveal a strong preference to shift from the courts autonomous profile to a Networked/Hierarchical cultural profile. Strikingly, perceptions for the future direction of the court’s culture were almost unanimously aligned across all work dimensions, i.e. out of the 15 opportunities to express differing preferences the three groups varied in only one instance.

**Table 12**

### **Primary Court Culture Types - Preferred**

Group	Dominant Case Management Style	Judicial Staff Relations	Change Management	Courthouse Leadership	Internal Organization
Court (All)	Hierarchy	Networked	Hierarchy	Networked	Networked
Judges	Hierarchy	Networked	Hierarchy	Networked	Networked
Commissioners	Hierarchy	Networked	Networked	Networked	Networked
Administrators	Hierarchy	Networked	Hierarchy	Networked	Networked

## 3. Key Administrative Practices, Processes and Traditions

While the findings gathered from the CCAI suggest almost complete congruity between judicial and non judicial groups, findings from the survey stand in stark contrast and reveal varying levels of knowledge and understanding about supporting processes and on occasion opposing views. The findings suggest that beliefs about current

traditions and practices (leadership selection practices, strategic planning/goal priority setting and role/responsibility identification) are inconsonant with the values of the preferred environment. The discussion below will synthesize the findings within each content area and describe how current organizational practices and beliefs perpetuate the status quo.

### ***Case Management***

The findings in this area reveal a considerable gap between the current culture and the preferred. Respondents unequivocally viewed the courts current case management orientation as Autonomous and unanimously chose a more rule bound Hierarchical orientation (See Appendix D Court Culture Values Matrix). The significance of this finding is that the values associated with each are in conflict; they lie at polar ends of the solidarity continuum. The autonomous end of the spectrum is characterized by independence, autonomy and individuality among judges. In contrast, the Hierarchical end of this spectrum is characterized by communication, clearly understood and shared goals and agreed upon procedures for reaching goals. The findings from the Survey suggest that current court practices, traditions and beliefs may impede efforts to bridge the gap between the current and preferred court.

The survey reveals that beliefs about court performance standards (e.g. time standards), planning and goal setting reflect the values of autonomy and compete with the values the court now wishes to embrace. For instance, 36% of the judges surveyed in the Jackson County Court either reported that there were no time standards or that they were unaware of any time standards. Conversely, approximately 80% of Commissioners and Senior Administrative leaders were certain the court had adopted time standards in some areas. The adoption and implementation of time standards is the most basic and fundamental element of any case management system, this suggests that court wide

performance goals are not clearly understood, shared and communicated throughout the organization.

Responses to the question of whether respondents were familiar with the Court's long range goals and priorities supplies further evidence of limited discussion and agreement on court wide goals. While the majority of judges and commissioners (67% and 83% respectively) were at least aware of the court's long range goals and priorities, most (81%) of the senior administrative staff reported having no such knowledge. Moreover, judges reported that the senior administrative staff were involved in the goal setting/planning process that they claimed to have no knowledge about.

On balance the findings illustrate how an autonomous case management style is fraught with problems.<sup>44</sup> Individual judges exercising their own case management controls, free of court-wide rules, produces a range of dispositional outcomes from orderly and expeditious to disorganized and slow.<sup>45</sup> Without some internal controls the Court lacks a systematic means of measuring and ensuring that justice is dispensed timely and expeditiously. Without collective agreement on what timeliness means, great disparity between judicial divisions is bound to result.

An analysis of the collective preferences (overall dominant view) reveals repudiation of the current culture in favor of a Hierarchical atmosphere characterized by order, efficiency and accountability. This environment demands that leaders coordinate and organize in order to create a structured decision making environment through the creation of rules, adoption of court technology and a monitoring system to assess compliance. Recognized routines and timely information are viewed as mechanisms for

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<sup>44</sup> Ibid., 129.

<sup>45</sup> Ibid., 132.

reducing uncertainty, confusion and conflict in how judges and court staff make decisions.<sup>46</sup>

### ***Judicial and Court Staff Relations***

Collective views in this area reveal that Respondents wish to reject the current autonomous style characterized by minimal external interference for a more Networked orientation marked by teamwork, commitment and uniformity. The values associated with each, however are in conflict as they lie at opposite ends of the Solidarity and Sociability spectrum.

The current environment which fosters close relations between judges and their staff and encourages a division focused orientation competes with the need to establish uniformity in performance expectations across divisions. Typically judges in this environment chafe at the imposition of administrative policies that may very possibly be in conformity with overall court goals.<sup>47</sup> Hence, while the court may express a desire to promote a shift to greater uniformity in professional development for example, the findings reflect that movement toward that end will likely be thwarted by the current autonomous atmosphere. Moreover, the lack of collective agreement and understanding about future goals make it particularly challenging for the court to make the desired transition. The collective impact of 35 judicial officers managing many of their courtroom operations differently is significant.

While individuals within divisions may reap benefits from close judicial/staff relations, individual court divisions do not operate in a vacuum. They rely upon the administrative support of the entire organization (Human Resources, Court Services, Criminal Records, Civil Records, etc) to conduct their operations. Administrators rely on predictable and uniform processes to identify current and future resource needs and to

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<sup>46</sup> Ibid., 52.

operate effectively and efficiently. In fact, Local Court Rule 100.1.2(4) specifically directs the Court Administrator et al to provide and prepare statistical data and studies on the administrative operation of the Court. This task would be virtually impossible without systematic controls. If judicial officers exempt themselves and their staff from policies that are established to provide consistency to fundamental court processes and to measure and monitor performance, it is difficult for administrators to carry out their duties. Instead, administrators are forced to manage the oft competing and contradictory interests of divisions who operate in complete isolation from the rest of the Court. Hence, achievement is conditioned upon each judge's willingness and ability to achieve the same end.

### ***Courthouse Leadership***

The primary value associated with leadership in an Autonomous court is ***Independence***. According to Ostrom et al, this court environment is characterized by inhibited centralized leadership, preference for limited external controls, limited effort to improve court or system-wide performance, and focus and energy is primarily on individual courtroom concerns.<sup>48</sup>

The relative position of the kite in this area provides a dramatic illustration of the views of the majority of respondents in this content dimension. The collective perception is that the court embraces autonomous values in this area and operates low on the sociability and solidarity dimensions. This environment likely experiences low morale, lack of teamwork and lack of shared goals and commitment to the achievement of goals.

Traditional constructs within the Jackson County Circuit Court predispose it to an Autonomous atmosphere. First, centralized leadership is inhibited because judicial leaders (PJ and Family Court AJ) lack the authority necessary to hold peer judges

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<sup>47</sup> Ibid., 131

accountable for court wide initiatives. The survey reveals that most judges (46%) believe that these leadership positions lack the authority to take corrective action when a court division fails to meet performance standards. In addition, leadership judges lack the necessary authority to make administrative policy decisions without the approval of the entire bench. According to Ostrom et al, this not only restricts the scope and depth of policies but it creates an atmosphere where success is contingent upon judicial cooperation. Without consensus on court wide initiatives, progress is transient and illusive.

Secondly, traditional leadership selection practices are incompatible with building sociability and solidarity amongst judges because the practice is neither formalized, transparent or predictable. Survey results reveal that understanding of the leadership selection process is varied at best. Judges were split in their views as to whether there was a formal locally established process or practice upon which they rely to cast their votes for the Presiding Judge position with 44% voting yes and an equal number voting no. Twelve percent of the judges didn't know if there was at all. Respondents were even less certain about the selection process for the Administrative judge (Family Court). Seventy three percent of judges and 83% of commissioners reported that there either wasn't a formal written locally established process for the AJ selection or that they weren't aware of one. Eighty three percent (83%) of the judges who believed there was also believed there was a mechanism for deviating from the process but only one believed it was in writing.

Although some Respondents indicated (See Appendix E) that they believed the current process of selecting leadership judges invoked democratic principles, lack of a transparent process and clear rationale for selecting leadership judges breeds an

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<sup>48</sup> Ibid., 50

atmosphere of mistrust. As one Respondent commented, “the AJ has been selected by the Presiding Judge in a closed process. People who may be interested in being AJ do not have a fair opportunity to seek consideration.” Moreover, 80% of the judges who had served the court in a leadership capacity indicated that no eligibility criteria were used to select them for the position and further that they believed having no criteria serves the best interest of the court.

With no clear formalized procedures for selection, including perhaps deviation, the process is subject to spontaneous and situational shifts and changes with results that don’t necessarily reflect the consensus of the larger group. Yet another shortcoming of this environment is the disparity in judicial leadership performance. Without the necessary authority to formulate and set policies and a solid structure in place to support the judicial leadership role (including clearly articulated eligibility criteria), effectiveness hinges upon idiosyncratic talents and happenstance.

Thirdly and perhaps most critically is how little agreement there is on how or whether successive leadership judges continue execution of formally established priorities. Nearly one third of judges reported that they didn’t know if execution of established priorities were continued while a third of senior administrators believed that they established entirely new priorities. The majority of Commissioners, on the other hand, believed successive judges modified the existing plan. The fact that the court leadership team has considerable uncertainty suggests that, at best, procedures for formulating and executing court performance goals are not communicated well, and at worst, court goals receive marginal attention.

### ***Change Management***

***Continuity*** is the dominant change management value in an Autonomous court and is characterized by: judicial resistance to administrative rules and processes, centralized

change initiatives and court wide monitoring. Respondents follow the collective pattern in Ostrom et al study in their desire to shift toward a high solidarity orientation characterized by cutting edge technology and acceptance of modern administrative methods.

In this area perhaps more so than any other the values of an autonomous culture are in direct opposition to the values expressed in the team's cultural preference. Moreover, practices and processes that support the current culture will likely restrict movement along the solidarity continuum toward the preferred Hierarchical orientation. For instance, the acquisition of cutting edge technology (i.e. information systems) alone won't result in anticipated improvement unless leaders maximize its potential contribution by continuously monitoring, diagnosing and reporting information. Without shared understanding of and collective agreement on performance standards, goals and measures, the benefits of such systems are only partially realized.

As noted previously in the Case Management discussion there is no consensus on whether the court has adopted time standards, developed long range goals and priorities or formulated a long term strategic plan. Furthermore, views are mixed on what constitutes the leadership team and who provides input for the establishment of long term goals. Additionally, the sustainability of change efforts are questionable in the current environment as nearly a third of court administrative leaders believe that change efforts are interrupted by changes in judicial leadership administration.

Perhaps most critically, the survey suggests that the current administration (leadership judges and court administrator) is not adequately empowered to execute change initiatives once they are formulated. Leadership judges and court administrators alike lack the authority and influence necessary to assure organizational accountability. Consequently, the leadership's ability to systematically and continually assess, manage

and guide change will be compromised without the collective will and voluntary commitment to organizational performance goals.

Managing change in the current environment is further compounded by role ambiguity and strain. Role ambiguity is described as a phenomenon that:

“Occurs when there is uncertainty in the minds of a position incumbent and those with whom they associate as to precisely what their roles are at any given time; role strain occurs when one tries to accommodate the various role pressures.”<sup>49</sup>

The survey responses highlight compelling evidence of both. There was no collective agreement on who determines the role and responsibilities of the Court Administrator or who this position reports to. Most compelling, however, was the split between judicial and non judicial leaders on their views about who can direct the Court Administrators daily activities. The logical implication of nearly half of the court administrative group believing that all judges can influence daily activities is that attempts are made to accommodate each individual judge on demand. Further evidence of this phenomenon can be found in Comments from the survey in which Respondents state that although the Court Administrator officially reports to the Presiding Judge, individual judges make direct requests of the Court Administrator. Further, another commented that there are insufficient boundaries between the Court Administrator position and the rest of the judiciary. (See Comments Appendix E) As previously stated, the collective impact of balancing the oft competing interests of individual judges is enormous and detracts from the Court Administrators ability to orchestrate and achieve

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<sup>49</sup> E. Keith Stott, Jr. , “ The Judicial Executive: Toward Greater Congruence in an Emerging Profession,” *The Justice System Journal* 7, no. 2 (1982): 153. Quoting (Handy, 1976: 56; Katz and Kahn, 1978: 205-06)

institutionalized change initiatives. Scholars stress the importance of differentiating the roles of the administrative judge from those of the court administrator for this reason.<sup>50</sup>

### ***Internal Organization***

Respondents were unanimously aligned in their desire to shift from the perceived Autonomous internal organization to one more aligned with Networked values high in sociability and solidarity. This suggests that they are poised to work collaboratively and to seek a shared view of what needs to be accomplished. Perceived practices that support the current sovereign environment may obstruct efforts to realize this desired end.

As stated in the Findings, this dimension refers to how information is shared, how differences are resolved, how well lines of authority and expectations are established and how well work is accomplished through collaborative, organizational effort. The fact that there is considerable uncertainty surrounding the establishment of goals, priorities, planning and authority make achievement of these values improbable.

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<sup>50</sup> Daniel J. Hall, Jan M. Stromsem, and Richard B. Hoffman, “Professional Court Administration: The Key to Judicial Independence,” (working paper, National Center for State Courts, n.d.), 9.

## Conclusions and Recommendations

The thoughts that motivated the author to select the subject matter for this research paper originated from a desire created by the confluence of two significant and critical streams of thought. The first was a growing awareness as an administrator of the court that the manner in which some court house work gets done was often observably different than the goals and action plans or the policies and procedures that were promulgated to direct them. And, that this orientation about work, or work culture, seemed somewhat impervious to (strategic) efforts to improve various system operations toward greater effectiveness and efficiency.

Secondly, being introduced through research literature (via the Institute of Court Management) to the subject of organizational cultures as a newly developing sub-science of court management, provoked much dialogue, illuminated unseen influences and provided concreteness and descriptiveness to what was being observed and experienced.

This research effort was about defining and measuring culture and its supporting practices in the 16<sup>th</sup> Judicial Circuit of Missouri from the perspective of the judiciary and the senior administrators. The results from the culture assessment instrument indicate a unanimous and strong desire to change the current work culture to one with more clearly understood goals, shared commitments and agreed upon procedures (solidarity), combined with increased coordination, collaboration, and greater collegiality (sociability). Specifically, that translated to a Networked or Hierarchical culture, depending on the work area, using the CCAI typologies.

The results from the survey instrument revealed an uneven knowledge and understanding among the leadership team regarding roles and responsibilities of key

leadership positions, ambiguity about judicial leadership selection practices, and some uncertainty about strategic planning and court improvement goals. Further, certain processes, practices, and traditions that support the current culture are inconsistent with and will work against efforts to move toward the preferred cultures expressed by all of the leadership team.

The implications of this data can be enormous. At a minimum it suggests leaders examine the impact of this court's organizational culture on its work effectiveness and efficiency, and adjust or modify some practices for improvement. Optimally, it can provoke further objective self examination as it measurably translates their collective considered thought about the future court house in which they wish to work into a definable and tangible work atmosphere.

Meaningful change will require much more than a mere recognition or desire for the preferred culture. Closing the gap between the current and the preferred culture will require leadership, communication (up, down, across the organization) and a deliberate effort to identify desired values and to align them with change methodologies that reflect the courts vision of the future. Four recommendations follow that set a foundation for making meaningful change.

## **1. Leadership**

It is well documented that the judicial leadership position is the most critical component of any successful court. In most cases it appears to be a critically important variable distinguishing the most successful courts from others.<sup>51</sup> This position establishes the direction for the entire local trial court system, guides the court in the development and implementation of long range goals and priorities,

manages external interdependencies (local legal culture) and ensures judicial independence and accountability. The enormity of this responsibility requires careful, thoughtful deliberation in the selection, support and continuity of the position.

- a. **Selection:** The process for the selection of the leadership judges (both Presiding judge and the Family Court Administrative judge) should be clear and transparent. Written criteria should provide specific skill criteria and provide a clear rationale for tenure. The court must resist the tendency to use tenure as a singular qualifier for leadership selection. Recognition that management competencies are required must be understood.
  
- b. **Support:** To provide support in the execution of these duties leadership judges must have the necessary authority to assure a system of judicial accountability and to make certain policy decisions on behalf of the judiciary for the sake of administrative efficiency. Courts should also ensure that judges receive necessary executive management training so that expertise in court administration can be achieved and maintained.
  
- c. **Tenure:** The court should also decide upon an appropriate tenure for the leadership position that will ensure continuity, stability and innovation. The development of a local court rule specifying tenure by judicial vote and a clear mechanism by which to retain/dismiss the leadership judge is recommended.<sup>52</sup>

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<sup>51</sup> William E. Hewitt, Geoff Gallas, and Barry Mahoney, *Courts that Succeed: Six Profiles of Successful Courts* (Williamsburg: National Center for State Courts, 1990),

<sup>52</sup> *Ibid.*,

## **2. Goals**

Goal setting is an essential element in any successful court. They provide form and substance from which to establish a clearly defined course of direction and to ensure accountability. Goals should be established from a base of reliable research and data that helps crystallize important judicial priorities. Goals should be established, communicated and implemented at the macro and micro level. Goal planning must be linked to performance – every employee at every level should understand clearly what is expected of them and how their function contributes to the mission. Lastly, in order to assure alignment and reduce fragmentation and misunderstanding, all executive level management should be involved in a partnership with the judiciary in the goal development process. From this, each division, department and/or unit can develop action plans that emanate from the courts overall mission and vision.

## **3. Roles and Responsibility**

Many parallels can be drawn between the development of championship sports teams and executive management teams. The primary distinguishing factor between successful and unsuccessful teams is rather fundamental – the proper selection, coordination and integration of key personnel. Each player is assigned to perform a particular function in accordance with the specialized talent they bring to their position. Each team member depends upon other team mates to execute their responsibility to win.

Similarly, the court leadership team is selected based on the unique talents they bring to the position they occupy and likewise success in achieving their objectives requires that each execute their respective responsibilities. The Court Administrator must be empowered to perform administrative functions for which he/she has been trained (budget, personnel management, court services, external affairs) without undue

interference. Additionally, the Presiding Judge should retain responsibility for leadership, formulating and implementing management policy, dealing with other judges and managing relationships with the local legal environment (attorneys, agencies). Further, the leadership management team needs to be clearly defined and their role clearly articulated and understood.

#### **4. Information**

As this court moves forward in the new millennium, confronted with the challenges that all courts must face to become more effective and efficient, to anticipate needs and develop long-term plans, and to be responsive and accountable to an ever more educated public, accurate information about its processes , inputs and outcomes, becomes a critical component in day-to-day operation and to court improvement efforts. The public, as well as other state and federal funders for specific programs and projects, call for clearer evidence that the resources expended actually produce benefits for the community. Accountability for meeting court mandates has never been greater, nor has the system itself ever been more complex and challenging to manage. The judicial and supporting administrative leaders must provide for and assure that system managers continuously assess and diagnose court operations.

- a. Data:** The use of data to support policy-making, rather than anecdotally driven system operation is critical. Too often exceptional cases or unusual situations attract the most attention and drive policy, without the balance of factual information.
- b. Evaluation:** Strengthening operations through regularly scheduled assessments and evaluations of programs and services will demonstrate effectiveness and efficiency, resulting in better recruitment and retention

of talented staff, garnering favorable public recognition, and retaining or increasing budgets and budgetary autonomy.

- c. System feedback:** Using information to support planning through surveys, interviews, and focus groups of system operators and stakeholders.
- d. Organizational change:** The establishment of an evaluative unit. In order to keep pace and meet the ever increasing challenges and demands placed upon courts by the public and the other two branches of government, court must empower and equip system manager and leaders with the knowledge, tools and methods that assist development of more effective and efficient processes and outcomes.
- e. The National Center for State Courts:** The vast resources available at the National Center designed to support the professionalization of court administration should be used on an ongoing basis. The Center should be viewed as a source for best practices and current thought and new ideas in the management of courts as opposed to a mere source of intermittent problem focused consultation.

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## APPENDIX A

### Letter and Survey



CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
FAMILY COURT DIVISION  
FAMILY COURT RESOURCE SERVICES  
3100 Main Suite 204  
Kansas City, MO 64111

Karen J. Brown, Esq.  
Director

(816) 881-1814  
fax (816) 881-1819

September 20, 2005

Re: Court Culture Assessment Instrument/Judicial/Administrative Leadership Survey

Dear:

My name is Karen J Brown and I am the Director of Family Court Resource Services for the 16<sup>th</sup> Judicial Circuit Court. I am currently seeking a Fellowship in court management through the National Center for State Courts *Court Executive Development* program under the auspices of the Court.

I am approaching the final phase of this program in which I am required to write an extensive thesis on an issue relevant to local and/or national court operations. I am writing to solicit your support in helping me complete this requirement by completing the enclosed survey(s).

The focus of my research is court culture particularly as it relates to leadership and management and its impact on organizational effectiveness. As present and former leaders of the Court, your views on this topic are critical to completing my research.

There are two surveys which should take approximately 20- 30 minutes to complete. (*Senior judges and former court administrators will receive only one survey*). Please complete the surveys and forward to my attention in the enclosed envelopes by **October 10**. To assure anonymity, please do not include any identifying information on the envelope and/or survey. Your prompt, complete and candid responses to the questions will assure a thorough analysis of this topic.

Thank you for your support,

Karen J Brown, Esq.

## APPENDIX B

### COURT CULTURE ASSESSMENT INSTRUMENT

The purpose of the Court Culture Assessment Instrument (CCAI) is to assess five key dimensions of court culture – Dominant Case Management Style, Judicial and Court Staff Relations, Change Management, Courthouse Leadership, and Internal Organization. In completing the questionnaire, you will be providing a picture both of how your court **currently** operates in terms of key culture-related values and how you would **prefer** the court to operate. There are no right or wrong answers for these questions.

The attached survey consists of five sets of four statements. The statements in the tables are expressions of values that might be more or less emphasized in the local legal culture of a particular court.

**For each set of four statements, please identify the relative degree of emphasis that you think is placed on the value by your court. Each question has four alternatives. Divide 100 points among these four alternatives depending on the extent to which each alternative best describes your court. Give a higher number of points to the alternative that is most descriptive of your court.**

For example, in Dominant Case Management Style, if you think alternative III is most similar to the CURRENT emphasis in your court, alternative I is somewhat similar, and alternatives II and IV are hardly similar at all, you might give 70 points to III, 20 points to I, and 5 each to II and IV. Please remember that the points allocated to responses A, B, C, and D should total 100.

Turning to your PREFERRED emphasis, you might feel that alternatives I and IV should be emphasized in your court while alternatives II and III should receive much less emphasis. To reflect these preferences, you might give 40 points to I and IV and 10 points each to II and III.

### SAMPLE ANSWERS

<b>Dominant Case Management Style</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	There is a general agreement on performance goals, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, there are alternative acceptable ways for individual judges to apply court rules, policies, and procedures.	20	40
<b>II</b>	Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (administrative) judge.	5	10
<b>III</b>	There is a limited discussion and agreement on the importance of court wide performance goals. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.	70	10
<b>IV</b>	Judges are committed to the use of case flow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.	5	40

	<b>Total</b>	<b>100</b>	<b>100</b>
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*Please note that the “Current” and “Preferred” percentages should total 100% on all tables.*

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The five sets of four statements about **CURRENT** and **PREFERRED** emphasis are listed on the next two pages.

<b>Dominant Case Management Style</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	There is a general agreement on performance goals, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, there are alternative acceptable ways for individual judges to apply court rules, policies, and procedures.		
<b>II</b>	Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (administrative) judge.		
<b>III</b>	There is a limited discussion and agreement on the importance of court wide performance goals. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.		
<b>IV</b>	Judges are committed to the use of case flow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Judicial and Court Staff Relations</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	An effort is made by judges to limit the psychological distance between them and administrative courtroom staff. Hierarchy and formal processes exist, but court staff members go outside normal channels when it seems appropriate to “do the right thing”.		
<b>II</b>	Judges value and promote a diverse workforce and diversity of ideas; act to enhance professional administrative and courtroom staff development; seek to treat all staff with fairness and respect.		
<b>III</b>	Individual judges use their own criteria to monitor, evaluate, and motivate courtroom and other staff. Judges have a wide discretion in how they recruit, manage and organize their courtroom support staff.		
<b>IV</b>	Administrative and courtroom staff members are closely monitored and evaluated through regular and structured performance appraisals. Work related feedback, merit recruitment, and promotion are emphasized.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Change Management</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Changes in court policies and procedures occur incrementally through judicial negotiation and agreement. In practice, procedures are seldom rigid, with actual application open to interpretation by semi-autonomous work teams of individual judges and corresponding court staff.		
<b>II</b>	Judges and court managers seek input from a varied set of individuals (e.g., judges, court staff, attorneys, and public) and measure court user preferences concerning policy changes. Individual judges and administrative staff are encouraged to monitor court performance and to recommend necessary adjustments.		
<b>III</b>	Judges resist a rule- and process-bound organizational setting. Centralized change initiatives may be considered unfeasible because each judge exercises a wide scope of latitude in the choice case processing practices and judges are perceived to resist court wide monitoring.		

<b>IV</b>	Judges and administrative staff seek cutting edge technology and modern administrative methods to support administrative procedures that reduce errors and enhance the timeliness of case processing and the accuracy of record keeping.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Courthouse Leadership</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Judicial and administrative staff leaders seek to build personal relationships and confidence among all judges and court staff members; emphasize mutually agreed upon goals with staff members; attempt to help all obtain satisfaction from work.		
<b>II</b>	Judicial and administrative staff leaders seek to build an integrated justice system community. All judges and court staff are asked to meet organizational performance goals that focus on results that matter to those served by the courts rather than simply those who run them.		
<b>III</b>	Centralized court leadership is inhibited because judges prefer to work with few external controls. Each judge and corresponding courtroom staff members are concerned primarily with their own daily responsibilities and exhibit little interest in efforts aimed at improving court or system wide performance.		
<b>IV</b>	Judicial and administrative leaders rely on clearly established rules and directives – preferably in writing – to guide court operations. The system may appear impersonal given the emphasis on knowing and using the proper channels to get things done.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Internal Organization</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Information on a wide variety of topics (e.g., caseload, resources, personnel) is shared through informal channels that reflect personal relations among judges, administrative, and courtroom staff. Judges and court staff strive for consensus and to reconcile differences.		
<b>II</b>	Judges and administrators seek a shared court-wide view of what needs to be accomplished. This knowledge facilitates judges and court staff, drawing from different departments and divisions if necessary, to work collaboratively to perform case processing and administrative tasks.		
<b>III</b>	Courtroom practices reflect the policies and practices employed by individual and autonomous judges. Therefore, accepted practices are slow to change, stability and predictability are emphasized, and confrontation minimized.		
<b>IV</b>	Explicit lines of authority among judges, administrative staff, and courtroom staff create a clear division of labor, and formalize expectations that judges and court staff will do the jobs that they are assigned.		
<b>Total</b>		<b>100</b>	<b>100</b>

**Position:**

<input type="checkbox"/> Judge	Years of experience working as judge (circle)				
	<1	1-5	6-10	11-15	15+
<input type="checkbox"/> Commissioner	Years of experience working as commissioner (circle)				
	<1	1-5	6-10	11-15	15+
<input type="checkbox"/> Court Administration	Years of experience in court administration (circle)				
	<1	1-5	6-10	11-15	15+

## APPENDIX C

### Judicial/Administrative Leadership Survey

*Thank you for taking the time to complete this survey. This questionnaire is designed to assess our judicial/administrative leadership culture in order to determine whether and how it might impact overall organizational effectiveness. All Respondents are asked to answer all questions unless stated otherwise. I appreciate your feedback surrounding this topic and your contributions to this effort. Your responses to these questions are completely anonymous and the results of this study are not intended for publication.*

*Your initial impression or perception is critical to this analysis, not a “correct” answer.*

1. Select one of three below to describe your status with the Court. (Please select the position you currently hold or last held with the 16<sup>th</sup> Judicial Circuit Court)

<input type="checkbox"/> Judge	Years of experience working as judge (circle)				
	<1	1-5	6-10	11-15	15+
<input type="checkbox"/> Commissioner	Years of experience working as commissioner (circle)				
	<1	1-5	6-10	11-15	15+
<input type="checkbox"/> Court Administration	Years of experience in court administration (circle)				
	<1	1-5	6-10	11-15	15+

2. The Missouri Constitution in Article V Section 15.1 establishes the authority for selection of a Presiding Judge by judicial vote. In addition to this, is there a formal locally established process or practice upon which judges rely to cast their votes? (*if no, skip to # 7*)
  - Yes
  - No
  - Don't know
3. Is this process in writing?
  - Yes
  - No
  - Don't know
4. If you responded affirmatively that a formal locally established process for judicial leadership selection exists, is there a mechanism for deviating from it?

- Yes
- No
- Don't know

5. Are there written guidelines (criteria) that describe when and how deviation from this selection process may occur including who must approve it? (if no skip to # 7)

- Yes
- No
- Don't know

6. If so, who must approve the deviation?

- Presiding Judge
- Court Executive Committee
- Court en Banc
- Other

7. Is there a formal, written, locally established process for selecting Administrative Judges in the 16<sup>th</sup> Judicial Circuit?

- Yes
- No
- Don't know

8. If yes, is there a mechanism in place for deviating from the Administrative Judge selection process?

- Yes
- No
- Don't Know

9. Is the mechanism for deviating from the selection process of the Administrative Judge in writing?

- Yes
- No
- Don't Know

10. Has the process for selecting leadership judges (PJ and AJ) changed during or since your tenure with the 16<sup>th</sup> Judicial Circuit Court?

- Yes

- No
- Don't Know

11. Have you ever served the 16<sup>th</sup> Judicial Circuit Court in a leadership capacity as a Presiding Judge and/or an Administrative Judge?

- Yes
- No

12. If you have served the 16<sup>th</sup> Judicial Circuit Court as a Presiding and/or Administrative Judge, what was the process for your selection? (if not, skip to # 16)

- Appointment by the Presiding Judge
- Formal application/interview
- Judicial vote
- Both
- Informal process

13. Do you believe this process serves the best interest of the Court? \_\_\_\_\_ Yes \_\_\_\_\_ No.  
Please Explain.

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14. Were you required to meet certain eligibility criteria for your selection? (*leadership judges only*)

- Yes
- No

15. What were the criteria?

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16. How long is the tenure for the leadership (PJ and AJ) judges?

- 1-2 years
- 3-5 years
- Don't Know

17. Is there a clearly articulated written rationale for the length of term for the Presiding and Administrative judges?

- Yes
- No
- Don't know

18. Has the Court adopted time standards for any case types?

- Yes
- No
- Don't know

19. Do the Presiding Judge and/or Administrative Judge have the authority to take corrective action when a court division is not meeting such standards?

- Yes
- No
- Don't know

20. Does the 16<sup>th</sup> Judicial Circuit Court have a long term strategic plan?

- Yes
- No
- Don't know

21. Are you familiar with the Courts long range goals and priorities?

- Yes
- No

22. Who provides input for the establishment of these long range goals and priorities?  
(check those that apply)

- Court staff
- Court administrative professionals (directors, court administrator)
- Community (includes members of the Bar)
- Judges
- Judges and Commissioners

- All of the above
- Don't Know

23. Do successive leadership judges (Presiding and Administrative judges) typically:

- continue execution of established priorities
- modify the existing plan
- establish an entirely new plan
- Neither
- Don't know

24. Who determines the role and responsibilities of the Court Administrator?

- Presiding Judge
- All judges
- Judicial Executive Committee
- Not clear
- other

25. Check the answers below that most closely represent to whom the Court Administrator reports.

- Presiding judge
- All judges
- Don't know
- other

26. Are the role and responsibility of the leadership judges (Presiding and Administrative judges) and the Court Administrators clearly differentiated?

- Yes
- No
- Somewhat

27. Who can direct the daily activities/goals of the Court Administrator?

- All individual judges
- Presiding judge
- Judicial Committee
- Other

28. Do the role and responsibilities of the Court Administrator remain constant through changes in judicial leadership?

- Yes

- No

29. If you have additional information and/or comments pertaining to the above, please explain below.

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## APPENDIX D

### Court Culture Values Matrix

#### COURT CULTURE VALUE MATRIX

	COMMUNAL	NETWORKED	AUTONOMOUS	HIERARCHICAL
Dominant Case Management Style	<b>Flexibility</b> – General agreement on performance goals exists, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, individual judges apply court rules, policies, and procedures in alternative, acceptable ways.	<b>Judicial Consensus</b> – Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (administrative) judge.	<b>Self-managing</b> – Limited discussion and agreement on the importance of court-wide performance goals exist. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.	<b>Rule oriented</b> – Judges are committed to the use of caseload management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.
Judicial and Court Staff Relations	<b>Egalitarian</b> – An effort is made by judges to limit the psychological distance between them and administrative courtroom staff. Hierarchy and formal processes exist, but court staff members go outside normal channels when it seems appropriate to “do the right thing.”	<b>People Development</b> – Judges value and promote a diverse workforce and diversity of ideas; act to enhance professional administrative and courtroom staff development; and seek to treat all staff with fairness and respect.	<b>Personal Loyalty</b> – Individual judges use their own criteria to monitor, evaluate, and motivate courtroom and other staff. Judges have wide discretion in how they recruit, manage, and organize their courtroom support staff.	<b>Merit</b> – Administrative and courtroom staff members are closely monitored and evaluated through regular and structured performance appraisals. Work-related feedback, merit recruitment, and promotion are emphasized.
Change Management	<b>Negotiation</b> – Changes in court policies and procedures occur incrementally through judicial negotiation and agreement. In practice, procedures are seldom rigid, with actual application open to interpretation by semi-autonomous work teams of individual judges and corresponding court staff.	<b>Innovation</b> – Judges and court managers seek input from a varied set of individual (e.g., judges, court staff, attorneys, and public) and measure court user preferences concerning policy changes. Individual judges and administrative staff are encouraged to monitor court performance and to recommend necessary adjustments.	<b>Continuity</b> – Judges resist a rule- and process-bound organizational setting. Centralized change initiatives may be considered unfeasible because each judge exercises a wide scope of latitude in the choice of case processing practices, and judges are perceived to resist court-wide monitoring.	<b>Modern Administration</b> – Judges and administrative staff seek cutting edge technology and modern administrative methods to support administrative procedures that reduce errors and enhance the timeliness of case processing and the accuracy of record keeping.
Courthouse Leadership	<b>Trust</b> – Judicial and administrative staff leaders seek to build personal relationships and confidence among all judges and court staff members; emphasize mutually agreed upon goals with staff members; and attempt to help all obtain satisfaction from work.	<b>Visionary</b> – Judicial and administrative staff leaders seek to build an integrated justice system community. All judges and court staff are asked to meet organizational performance goals that focus on results that matter to those served by the courts rather than simply those who run them.	<b>Independence</b> – Centralized court leadership is inhibited because judges prefer to work with few external controls. Each judge and corresponding courtroom staff members are concerned primarily with their own daily responsibilities and exhibit little interest in effort aimed at improving court or system-wide performance.	<b>Standard Operating Procedures</b> – Judicial and administrative leaders rely on clearly established rules and directives – preferably in writing – to guide court operations. The system may appear impersonal given the emphasis on knowing and using the proper channels to get things done.

Internal Organization	<p><b>Collegiality</b> – Information on a wide variety of topics (e.g., caseflow, resources, personnel) is shared through informal channels reflecting personal relations among judges, administrative, and courtroom staff. Judges and court staff strive to achieve consensus and to reconcile differences.</p>	<p><b>Teamwork</b> – Judges and administrators seek a shared court-wide view of what needs to be accomplished. This knowledge facilitates judges and court staff, drawing from different departments and divisions if necessary, to work collaboratively to perform case processing and administrative tasks.</p>	<p><b>Sovereignty</b> – Courtroom practices reflect the policies and practices employed by individual and autonomous judges. Therefore, accepted practices are slow to change, stability and predictability are emphasized, and confrontation minimized.</p>	<p><b>Chain of Command</b> – Explicit lines of authority among judges, administrative staff, and courtroom staff create a clear division of labor and formalize expectations that judges and court staff will do the jobs they are assigned.</p>
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## APPENDIX E

### Comments – Judicial/Administrative Survey

**Survey #4** - Court Administrator answers directly to PJ but individual judges make different requests that may or may not have to be honored.

**Survey #7** - There are no clearly established boundaries between the CA position and the rest of the judiciary. Judges are free to contact the CA at any time for any reason and expect the CA to respond to their requests accordingly.

**Survey #9** - (There is no long-term plan)

**Survey #15** - Many of these questions and the process to address them are answered in Local Rule 100, however, some are not. I think Local Rule 100 should be updated, clarified and expanded to specifically address these questions.

I am not aware of a long-term strategic plan or long-range goals and priorities. I think there has been several attempts to devise a plan and set goals and priorities to get there, but I am not aware of the Court adopting a formal plan. I see the lack of formal long-range strategic planning as our major short-coming. To me it says we don't know what we want to be or where we want to go in the next 5-10 years.

**Survey #22 (C)** – Court is in the process of formalizing procedures regarding the appointment and reappointment of administrative judges (commissioners)

**Survey #43 (J)** – Please understand that many of your questions are phrased in present terms. It has been more than 22 years since I served on the bench.

**Survey #52** – The management of the administrative functions of the Court should primarily be the responsibility of the CA. Individual divisions should be required to implement and use the computer systems as designed and should have to account to the Court en Banc for case management, case disposition and compliance with time standards. PJ and Family Court AJ should be 4-year terms, not 2-year terms.