

**THE PURPOSES AND RESPONSIBILITIES OF COURTS:
NEW JERSEY'S COURT LEADERS RESPOND**

**INSTITUTE FOR COURT MANAGEMENT
COURT EXECUTIVE DEVELOPMENT PROGRAM
2008-2009 PHASE III PROJECT**

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“For courts to continue to be able to meet the needs of the times, it is essential that the bench, the bar, legislative leaders, educators, and interested members of the public review and reconsider the work of the courts on a continuous basis and originate suggestions for improving the administration of justice.”

Carla Vivian Bello and Arthur T. Vanderbilt II, **Jersey Justice**, Epilogue. (1978)

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ABSTRACT

Conventional wisdom says that to tell a good story you must answer five questions: Who? What? When? Where? Why? In this story, the “who” is court leaders, the “what” is the management of the state courts, the “when” is every day, the “where” is all across America, and the “why” is to do justice. Justice is at once an easily recognized, highly esteemed ideal, and an elusive concept; one about which reasonable minds can differ. However, we agree that in our system of government we have entrusted this assignment to the judicial branch. Court leaders oversee the daily management of 50 state courts and help to turn the massive wheels of justice.

The National Association for Court Management (NACM), the professional association for court leaders, has created a set of core competencies that court leaders must master to effectively create, manage, and continuously improve the infrastructure that supports the work of the state courts. The pivotal competency, the foundation for all of the others, is “The Purposes and Responsibilities of Courts,” in other words, the “why.” The other core competencies are Caseflow Management, Leadership, Visioning and Strategic Planning, Essential Components, Court Community Communication, Resources, Budget and Finance, Human Resources Management, Education, Training and Development, and Information Technology Management. These areas of work are not ends unto themselves. All of these tasks are performed for a singular purpose – to achieve justice.

Conventional wisdom also informs us that one’s daily labor is made more meaningful when guided by a clear purpose, sense of accomplishment, and shared values. The purposes and responsibilities of the New Jersey Courts are eloquently described in our Mission Statement,

Vision Statement and Core Values. Should learning about the mission, vision and core values be a one time event or an ever evolving process? Is it a luxury to learn about the fundamental purposes and responsibilities of courts, or a necessity? If it is an ever evolving necessity, but time, money and other resources are limited, then what should we focus on? What should be our educational priorities?

This research project sought feedback from key segments of New Jersey's court leaders about their perceptions of the pivotal core competency. The project's primary goal is the identification of the court's educational needs and priorities, with the hope that this information will help to develop future curricula and contribute to an ongoing dialogue about the fulfillment of the purposes and responsibilities of the New Jersey Courts.

Feedback from court leaders was sought using the NACM Core Competency State Association Survey which asks these two questions regarding the purposes and responsibilities of courts: 1) "From the perspective of your state association which of these five Curriculum Guidelines should be developed first?" and 2) "From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?" The five guidelines are: Why Courts Exist; Courts As Institutions; Rule of Law, Equal Protection and Due Process; Accountability; and Interdependence and Leadership. The 46 Knowledge, Skills and Abilities correspond to these broad themes and identify with great detail and specificity the components of court leadership proficiency. Inherent in the achievement of the pivotal core competency, and all the others, is the opportunity to develop critical thinking and problem solving skills.

The groups chosen for the survey were the Trial Court Administrators, Ombudsmen, and Training Coordinators, because of their respective unique and relevant vantage points. It was thought that the Trial Court Administrators would offer their guidance as the administrative

leaders of the trial courts, the Ombudsmen would offer their insights derived from their front line work with the public, and the Training Coordinators would offer their pedagogic expertise garnered through their efforts to keep pace with the educational needs of the court's employees.

The surveys were pre-tested, modified slightly based on initial responses, administered following a brief presentation, then collected, tabulated and analyzed. For ease of comprehension, surveys were renumbered and a simple one to five ranking scale was devised.

The results are depicted in bar graphs comparing the responses of the groups to each of the questions, and in a chart, to show the comparative agreements and disagreements on each of the questions, and then they are aggregated and depicted in the original survey format to show the collective perceptions of all of the questions.

This method ultimately produced the "number one" curriculum guideline and the "top ten" knowledge, skills, and abilities. The responses reflect the difference in perspectives of the Trial Court Administrators and Training Coordinators, and to a lesser extent, the Ombudsmen. Nevertheless, the group scores demonstrated agreement that the "number one" guideline is "Accountability" and among the knowledge, skills, and abilities that there was particular interest in the Rule of Law, Equal Protection and Due Process.

Overall, the surveys and comments demonstrated that there is great enthusiasm for the proper fulfillment of the court's responsibilities and the achievement of its purposes, especially, the underpinnings of fundamental fairness, both substantive (e.g. learning about civil and criminal law) and procedural (e.g. learning about notice, discovery, right to counsel, and to confront witnesses).

It is hoped that New Jersey's court leadership and the project's participating groups will discuss these results and their significance and applicability to all stages of training including:

initial training, such as in our new employee orientation program; ongoing training offered statewide and locally; and advanced training including the possible future creation of a Court Scholars Program. It is also hoped that there will be a greater emphasis on the “why” of the work and that this focus will help to achieve justice!

INTRODUCTION

The late New Jersey Supreme Court Chief Justice Arthur Vanderbilt is credited with leading the effort to hold a constitutional convention in 1947, reforming New Jersey's fragmented court system, and most notably as it pertains to this research, promoting the recruitment of "the finest legal minds for the New Jersey Judiciary."¹ It is most certainly the finest minds of judges, court leaders, and staff that will continue to shape the New Jersey Court system and ensure that it meets the ever more complex needs of the public it serves.

Today, The New Jersey Courts are a unified system, with trial level courts located in 15 vicinages,² consisting of the Superior Court of New Jersey, an Appellate Division, and a Supreme Court.³ The Superior Court is the court of general jurisdiction. It has original jurisdiction in all Criminal, Civil and Family matters and reviews decisions of the 537 municipal courts. There are 441 Superior Court judges in New Jersey's 21 counties. The Appellate Division, with eight appellate parts, reviews the decisions of the trial court, the Tax Court, the Municipal Courts and administrative agencies. New Jersey's Supreme Court reviews decisions of all of the other courts. It is led by a newly appointed Chief Justice: Chief Justice Stuart Rabner. Chief Justice Rabner is the eighth Chief Justice to be appointed since the Constitution

¹ See, Glenn A. Grant Note 7 *infra* at page 12 and Jodi L. Miller, *Third Time is the Charm for New Jersey's State Constitution, Constitutionally New Jersey*, New Jersey State Bar Foundation. See also, Carla Vivian Bello and Arthur T. Vanderbilt II, *Jersey Justice*, (1978) for an historical overview of New Jersey's justice system from the colonial courts to the present day. Several aspects of this historical perspective might be of interest to court leaders because they shed light on current issues such as backlog, effective use of alternative dispute resolution, and meeting the needs of the self-represented litigant. This book describes the struggle to modernize and unclog the New Jersey Courts and ensure the speedy resolution of disputes, e.g. at p.24-25, the early emphasis on out-of-court (amicable) settlement favored by the Quakers, at p.8, and the rise of New Jersey's legal profession, thereby overcoming a period in history when New Jersey's legal profession was held in such ill repute that it was illegal to be represented by an attorney in New Jersey, at p.9.

² The 15 vicinages, i.e., judicial districts, include several multi-county vicinages that serve New Jersey's 21 counties.

³ See, the Structure of the New Jersey Courts, Appendix A.

of 1947.⁴ The Supreme Court also enjoys the service of six Associate Justices.⁵ The Supreme Court is the state court system’s authoritative and rule making body.⁶ The current court structure evolved out of a process of review, streamlining, and centralization that culminated in the unification of a county-based court system into a state-based system.⁷

The courts’ operations are managed centrally by an Administrative Office of the Courts, led by an Appellate Division judge who serves as the Acting Administrative Director (the “acting” designation preserves the judge’s judicial status). The Acting Administrative Director, the Honorable Glenn A. Grant, J.A.D., is also newly appointed.⁸ Locally the courts are led by 15 Assignment Judges and Trial Court Administrators who form its executive component.⁹

The courts benefit from an extensive training program for judges and staff. The training program includes a five day orientation for all new court employees¹⁰ and a broad range of other

⁴ Chief Justice Rabner was sworn in on June 29, 2007. See, www.njcourtsonline.com, Press Release, Chief Justice Stuart Rabner.

⁵ Justices Virginia Long, Jaynee LaVecchia, Barry T. Albin, John E. Wallace, Jr., Roberto A. Rivera-Soto and Helen E. Hoens.

⁶ New Jersey Constitution, Article VI, Section I,1. “The judicial power shall be vested in a Supreme Court, a Superior Court, and other courts of limited jurisdiction. The other courts and their jurisdiction may from time to time be established, altered or abolished by law.” The important role of the Supreme Court of New Jersey can be seen in significant decisions affecting fundamental rights in relationships, health, education and housing that impact the quality of life of New Jersey residents, e.g., among others: *In re Quinlan*, 70 N.J. 10, 355 A. 2nd 647, granting parents the right to remove daughter from a respirator, commonly known as “right to die” case; *In re Baby M*, 109 N.J. 396, 537 A. 2nd 1227, granting visitation rights to a surrogate mother and deeming surrogacy illegal in New Jersey; *Caballero v. Martinez*, 547 U.S. 1150, broadly interpreting resident to include an “illegal” immigrant; *Lewis v. Harris*, 908 A. 2nd 196, granting equal protection to same sex couples; *Abbott v. Burke*, 196 N.J. 544, 960 A. 2nd 360, supporting funding equality amongst school districts; *NAACP v. Mount Laurel Township*, 67 N.J. 151, requiring affordable housing and declaring exclusionary zoning illegal; *State v. Kelly*, 97 N.J. 178, permitting testimony about Battered Woman’s Syndrome.

⁷ See, Hon. Glenn A. Grant, *Building on Success to Achieve Excellence* (December 2008) for a description of the evolution and development of the New Jersey court system including its history and current constitutional framework, structure and governance, and recent achievements.

⁸ Judge Grant’s appointment was announced on May 13, 2008. At the time of his appointment, Judge Grant emphasized the importance of a “continued commitment to justice and the rule of law.” Jointly, the Chief Justice and the Administrative Director oversee a court system with 9,000 employees handling one million Superior Court cases and another six million Municipal Court cases annually. See, www.njcourtsonline.com, Press Release, Chief Justice Appoints Essex Judge Glenn Grant to Top Administrator Post.

⁹ New Jersey Rules of Court, R. 1:33, Administrative Responsibility.

¹⁰ See, New Jersey Judiciary, New Employee Orientation Program (NEO) five day agenda including: Who We Are; How We Perform Together / Team Building; How We Work Safe; Developing Appropriate Workplace Behavior; and How We Make A Difference.

educational offerings for staff.¹¹ These educational initiatives are managed by the Administrative Office of the Courts through its Judicial Education Unit and its Organizational Training and Development Unit. Local education and training is led by the executive component of the court and a vicinage-based Training Coordinator. The courts also benefit from a comparatively new Ombudsman Program in each vicinage which is supported by a Litigant Services Manager at the Administrative Office of the Courts.

These groups provide judicial branch education for staff through training programs and for the public through community outreach initiatives. Judicial branch education, staff training, and community outreach initiatives are designed to promote the New Jersey Judiciary's Mission,¹² Vision,¹³ and Core Values.¹⁴ These guiding principles eloquently express the purposes and responsibilities of the New Jersey Courts.

Chief Justice Arthur Vanderbilt pioneered 20th century judicial reform, a mantle that was then carried onward by his forward thinking successors and other judicial branch reformers,

¹¹ See, e.g., New Jersey Judiciary, Organizational Training and Development Unit Training Catalogue (Fall 2008). The training catalogue is published bi-annually. The Fall 2008/2009 catalogue lists the following: Division Specific – 13 topics; Equal Employment Opportunity - 9 topics; Information Technology - 10 topics; Management Leadership - 13 topics; New Employee – 6 topics; and Professional Development – 71 topics. Many vicinages sponsor local training in addition to what is offered centrally through the Administrative Office of the Courts. It is noteworthy that at least two Trial Court Administrators conduct training on the purposes of courts: Collins Ijoma, Essex Vicinage Trial Court Administrator, “Essex Vicinage New Employee Orientation” and Jude Del Preore, Burlington Vicinage Trial Court Administrator, “Introduction to the Courts 102-Purpose Driven Course.”

¹² “We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.” See, www.njcourtsonline.com, Mission Statement.

¹³ “We will be a court system, characterized by excellence that strives to attain justice for the individual and society through the rule of law. We will: Provide equal access to a fair and effective system of justice for all without excess cost, inconvenience, or delay, with sensitivity to an increasingly diverse society; Offer complementary methods of dispute resolution while preserving the constitutional right to trial by an impartial judge or jury and ensuring compliance with the results achieved through effective enforcement of court orders; Provide quality service that continuously improves, that meets or exceeds public expectations, and that ensures that all are treated with courtesy, dignity, and respect; Maintain the independence of the Judiciary while strengthening relations with the public, the bar, and the other branches of government; Acknowledge and enhance the potential of every person in our organization to contribute to the administration of justice through participation, training, and technology; Share a sense of common identity and purpose as a statewide Judiciary; and Earn the respect and confidence of an informed public.” See, www.njcourtsonline.com, Vision Statement.

¹⁴ Independence, Integrity, Fairness and Quality Service. See, njcourtsonline.com, Core Values.

including Administrative Directors, other judges, court leaders and staff, all of whom have devoted countless hours of creative effort to this endeavor. Now, in the early part of the 21st century the New Jersey Courts have a newly appointed Chief Justice and Administrative Director who can build on a strong foundation, attracting and developing not only the finest judicial minds but also the finest court leadership minds.

On any journey, including a professional one, it is important to have a compass. The National Association for Court Management (NACM) has identified the “Purposes and Responsibilities of Courts” as the pivotal center of a set of ten core competencies and their related knowledge, skills, and abilities (KSAs) that serve as a professional compass for court leaders. In its overview of this competency, NACM states that:

“Courts exist to do **justice**, (emphasis added) to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection, and to ensure due process of law.”¹⁵

Fully understanding these weighty concepts could take a professional lifetime. But it is possible that those involved in the daily business of the justice system may not have sufficient opportunities to immerse themselves in the formal study of these concepts, their origins, and ongoing social ramifications, nor to engage in extensive dialogue about their meaning.¹⁶ The

¹⁵ The National Association for Court Management website, www.nacmnet.org, offers a complete description of the genesis of the Core Competencies, Curriculum Guidelines, and Knowledge, Skills and Abilities including surveys used for self-assessment and group assessment. The website also offers information about toolboxes, i.e., teaching materials, and responses to frequently asked questions. The author sought feedback about current uses of the guidelines from colleagues around the country through the use of the [Court2Court listserv](#). Unfortunately, none of the listserv subscribers offered feedback about uses of the guidelines in their courts (July 2008).

¹⁶ See, e.g., Robert W. Tobin, **Creating the Judicial Branch: The Unfinished Reform** (1999) for excellent commentary on justice and the judicial branch including a section about *The Nature of Justice in the Modern Era* at page 228 where Tobin notes: “In the legal world, the word *justice* is bandied about, but no [one] ever defines it.” Also, the author conducted several interviews for this project during which justice system leaders and educators commented on these ideals. Dr. Geoff Gallas, prime author of the Core Competency Curriculum Guidelines, (December 2008) discussed the overarching justice system principles contained in the “purposes.” The Hon. Glenn A. Grant, Acting Administrative Director of the New Jersey Courts (September 2008) expressed his concern about the unforgiving nature of many social

NACM approach is directed at shaping the court leadership profession by helping courts to identify training needs in order to close this gap.

In addition to the “Purposes and Responsibilities of Courts,” the core competencies for court leaders include the following: Caseflow Management, often referred to as the “heart” of court management; Leadership; Visioning and Strategic Planning; Essential Components; Court Community Communication; Resources, Budget and Finance; Human Resources Management; Education Training, and Development, and Information Technology Management.¹⁷ The idea behind the NACM approach is that when court leaders are grounded in a clear understanding of the fundamental “Purposes and Responsibilities of Courts” they have a firm foundation with which to master and orient the other nine competencies.

This project examined the pivotal competency from the perspective of key segments of New Jersey’s court leaders using surveys created to gauge the educational needs of court leaders. The “Purposes and Responsibilities of Courts” State Association Ranking and Knowledge, Skills, and Abilities surveys were administered to three distinct groups of New Jersey’s court leaders, i.e., the Trial Court Administrators, Ombudsman and Training Coordinators, at meetings of their consensus building, representative bodies.

In partnership with and under the direction of Assignment Judges, Presiding Judges and Lead Judges (i.e., leadership judges) the Trial Court Administrators provide administrative

justice issues and the potential for courts to address these issues and fulfill their lofty goals. Dr. Maureen Conner, Executive Director of the JERITT Project and chief architect of the Judicial Administration Program at Michigan State University (July 2008), at Appendix B, commented that “In my view, generations of court managers may not have been exposed to the purposes and responsibilities of courts, especially due process.” Dr. Conner further notes that “the non-judicial leadership role is still an emerging profession – it is an occupation moving to a recognizable profession.” See, www.msu.edu for a complete description of the program. See also, Terry Nafisi, *Going Forward Where Others have Failed: Michigan State University Launches Judicial Administration Program*, **Justice System Journal**, 2005 and Carl Baar, *Reflections on Education in Judicial Administration*, National Center for State Courts (2005) describing the history of the development of judicial administration programs at the university level and the new program at Michigan State University with its emphasis on the NACM Core Competencies.

¹⁷ See, NACM Core Competency “wheel” at Appendix C.

leadership and oversight to the state's 15 judicial vicinages. Their representative body is the Administrative Council.¹⁸ The Vicinage Training Coordinators design and deliver education and training programs for court staff. Their representative body is the Judiciary Education and Training Council (JETCO).¹⁹ The Ombudsmen support the court's public trust and confidence initiatives and receive and respond to court user inquiries and concerns. Their representative body is the Ombudsmen Committee.²⁰

Each group of leaders has a unique vantage point. It was thought that their individual and cumulative responses would identify core competency training needs and priorities for New Jersey's court leaders, and by extension, for court staff as well. The Trial Court Administrators would offer their guidance as the administrative leaders of the trial courts. Trial Court Administrators have the broadest, and most comprehensive, view of how well the ideological underpinnings of justice are manifested in the daily practices of the court's managers,

¹⁸ The Administrative Council consists of 15 Trial Court Administrators, and representatives of the Operations Division, Civil Division, Criminal Division and Family Division. Its Mission Statement says that "The Administrative Council is a unified, dynamic team of Judiciary managers dedicated to fostering effective communications among the various components of Judicial leadership and between the state and vicinage offices, and to participating in the development and implementation of policies." See also, e.g., *Welcome: New Jersey Courts Overview* (2208).

¹⁹ See JETCO Mission Statement: "The Judiciary Education and Training Council creates a uniform lifelong learning culture by meeting on a regular basis with representation from each Vicinage and the AOC. We identify training needs, share professional expertise, assess, design and deliver innovative educational products and services to support our judicial staff in achieving their greatest potential."

²⁰ See, Memorandum regarding the *Ombudsman Program – Statewide Implementation* from then Acting Administrative Director of the Courts, Judge Phillip S. Carchman, May 2005. Judge Carchman indicated that "The Ombudsman's primary responsibility is to provide customer services to court users. Among these are: assisting court users by explaining court procedures, programs and services; assisting self-represented (*pro se*) litigants (without, of course, providing legal advice); serving as an informal information resource for the public; collaborating with the divisions as a centrally located customer service liaison with the public; participating in the design and preparation of local brochures and other informational material; developing and coordinating court tours, speakers bureaus, and other community outreach programs; coordinating public reception service areas such as court user kiosks and information centers; assisting in the development and maintenance of public information sources including vicinage Internet home pages; receiving complaints from court users and either resolving them or referring the matter to the appropriate forum for resolution; and participating in a statewide committee of Ombudsmen. An additional function is also noted to be important as the position develops, i.e., "Training staff on customer service, sensitivity, and the functions of the Ombudsmen." See also, Michele Bertran, *Judiciary Ombudsman: Solving problems in the Courts*, **Fordham Urban Law Journal** Vol.XXIX, Nu.5 (June 2002) revised and on file with the author, and also *Presentation on the Essex Vicinage Ombudsman Program to Chief Justice Deborah Poritz and the Judicial Council* (2004) also on file with the author.

supervisors, and staff. The Ombudsmen would offer their insights derived from their front line work with the public. They are uniquely positioned to identify knowledge gaps reflected in interactions with litigants and other court users. The Training Coordinators would offer their pedagogic expertise garnered through their efforts to keep pace with the training needs and desires of the courts' employees. Once training needs and priorities were identified, this information could be discussed and used by the court's leadership to develop curricula that would improve the court leaders' current ability to lead and inspire court staff to achieve the court's purposes and responsibilities. Additionally, it was hoped that the information derived from the survey responses would enhance dialogue about how to continually recruit, develop and nurture, future court leaders who can lead, manage, inspire and act as goodwill ambassadors for the courts.²¹

The project also postulated that by having key court leaders review and respond to the purposes and responsibilities of courts core competency surveys another important benefit could be derived. The identification of current levels of understanding, training needs and contributions to dialogue could also support ongoing public trust and confidence initiatives.²² These initiatives are critical because if court users do not get information about the purposes and responsibilities of courts from court leaders directly and, more realistically, through well versed staff, then they will necessarily get it from other less knowledgeable sources including the public and private

²¹ See, National Center for State Courts, *History of the Conference of Chief Justices* (1986) at page 9, noting that "Positions taken by the Conference over the years have focused principally on the following issues:... (among others) increasing the understanding of the general public about the court system and its operations; court-community relations; law-related education and judicial education." See also, National Center for State Courts, *A History of the Conference of State Court Administrators (1955-2005)* for details about the role of this body in the development of the profession of court administration and the education of its members.

²² The Administrative of the Courts recently formed an Advisory Group on Self-Representation in the New Jersey Courts to examine and make recommendations about services for the self-represented litigant. This initiative underscores a commitment to create access to justice for all, and by doing so, securing the public's trust and confidence. See, www.njcourtonline.com, Press Release, Judiciary Announces Advisory Group on Self-Representation.

educational systems and the news media, frequently with often inaccurate and undesirable consequences.²³ They may also get information through local Bar Associations, and their own lawyers, if they have occasion to need one, and they can afford one, or if they are one of the few litigants who are able to receive free or reduced fee legal services from Legal Services of New Jersey.²⁴ However, arguably, the best source of information about the court system is the judges and staff who carry out its mission. It stands to reason that well informed judiciary employees can better serve as the court's goodwill ambassadors and can help to inspire the public's trust and confidence.

It is hoped that these findings accomplish the following: assess perceptions about the current understanding of the purposes and responsibilities of courts, and the perceived state of the knowledge, skills, and abilities of court leaders; provide information about current training needs that can be used to supplement other data;²⁵ identify training priorities; help enhance an ongoing dialogue about what it takes to lead 21st century courts; help to inform decision-making about effective use of resources (especially in the current economic climate), and inspire the creation of special programs and initiatives that increase the public's trust and confidence.

²³ See, e.g., National Center for State Courts, Hearst Corporation, *How the Public Views the State Courts: A 1999 National Survey* (1999).

²⁴ The New Jersey Client Protection Fund lists 81,684 lawyers as of December 2007. Legal Services of New Jersey in its publication *The New Jersey Legal Services System at a Glance* notes that "According to the most recent study, more than 400,000 low-income adults in New Jersey have at least one serious civil legal problem each year. Of these, fewer than one in six receive help from a lawyer. There is one private attorney in New Jersey for every 200 members of the general population, excluding those eligible for Legal Services. By contrast, at current funding there is only one Legal Service lawyer for every 6,000 people eligible for service." Legal Services of New Jersey served 63,000 litigants in 2007, <http://www.lsnj.org/PDFs/Glance.pdf>.

²⁵ See 2008 Statewide Training Needs Assessment Survey for Employees at http://www.surveymonkey.com/s.aspx?sm=3FNHdT2v2ncqQ82bJYleA3d_3d and for Supervisors and Managers at http://www.surveymonkey.com/s_pass.aspx?sm=%2bRSUopTFSIjzBHwlkx8CSQ%3d%3d. These survey results are currently being tabulated. Results are expected to be published later this year. The author completed the survey for managers. The survey sought feedback about judicial education training experiences and needs. As compared with the Purposes and Responsibilities surveys, it collected data about how the work is performed. In contrast, the purposes surveys ask for feedback about perfecting an understanding of why the work is necessary.

The pages that follow contain: a review of the relevant literature about the NACM core competencies, the curriculum guidelines and the related knowledge, skills and abilities; a description of the methods used to obtain feedback from the three groups; the findings regarding each group's perception of each guideline and each knowledge, skill, or ability; the convergence and divergence of opinions among the groups; the overall priorities and the "top ten" knowledge, skills, and abilities(KSAs); and recommendations that could help to contribute to professional lifelong learning for court leaders. Achieving a comprehensive understanding of the purposes and responsibilities of courts is not a finite goal, but an ongoing dynamic process, in which court leaders and stakeholders can, and should, actively participate.

LITERATURE REVIEW

Court leaders who understand the purposes and responsibilities of courts and the other core competencies are better able to lead their employees, manage their courts, and meet court users' needs.

Court Leaders and the Core Competencies

Webster's Dictionary defines a core competency as:

“A defined level of expertise that is essential or fundamental to a particular job: the primary area of expertise; specialty; the expertise that allows an organization or individual to beat its competitors.”²⁶

Professions as varied as general medicine, dentistry, pharmacy, psychiatry, education, banking, library science, social science, earth science, food service, pastoral ministers and telecommunications have established core competencies.²⁷ So, too, has the emerging court management profession. The National Association for Court Management (NACM) has created detailed guiding principles, i.e., core competencies, for court leaders. The core competencies provide a common professional foundation for both court managers and leadership judges that clearly identify the knowledge, skills, and abilities to be mastered during the course of a court manager's professional lifetime.

The NACM publication “Core Competency Curriculum Guidelines: “What Court Leaders Need to Know and Be Able to Do,”²⁸ includes introductory remarks about the guidelines

²⁶ Webster's New Millennium Dictionary of English, Preview Edition (V.O.9.7.) Copyright 2003 – 2008 Lexico Publishing Group, LLC.

²⁷ Dictionary.com, “Core Competency.”

²⁸ National Association for Court Management, *Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do*. In addition to the details about the creation of the core competencies, this publication provides a complete

that trace their development in the context of the growth of court management as a recognizable profession. The introduction informs us that the guidelines were developed based on a Delphi survey of the NACM membership in 1991, pursuant to which, a Professional Development Committee was formed in 1992. The committee identified the knowledge, skills, and abilities necessary for successful court managers. National Center for State Courts/ Institute for Court Management NCSC/ICM), Justice Management Institute (JMI), Michigan State faculty and others staffed the NACM Core Competency Curriculum Guidelines project and gathered input from court leaders through surveys and focus groups, drafted the guidelines and produced related products including the Curriculum Toolboxes. Court administrators, judicial administration faculty and researchers engaged in a process of reviewing the input and evaluating the survey responses.

This work helped to create the guidelines and inform educational programming for court managers. NACM notes that the guidelines themselves are not “curricula or lesson plans” but they are intended to “stimulate” development of curricula. Once developed, the guidelines were widely disseminated. A recent estimate regarding the interest in the NACM guidelines indicates more than 50,000 “hits,” i.e., expressions of interest in the guidelines.²⁹ According to NACM:

“The NACM Core Competency Curriculum Guidelines provide for the first time a comprehensive statement of what court leaders need to know and be able to do.”³⁰

The ten competencies are organized in a “wheel and spoke” format with the “Purposes and Responsibilities of Courts” forming its pivotal center. The other nine competencies cover a

description of them, why they are important and each of their guidelines. See also, National Association for Court Management, *The Court Administrator, A Manual* (1992) at page 5. This earlier publication was developed to “provide a better understanding of court administration for judges and other interested parties. It describes the history and importance of professional court administration, the role of the court administrator, and qualifications and resources for selecting court administrators.”

²⁹ See Note 15 supra, page 14.

³⁰ Ibid.

range of court leadership and infrastructure management topics including: Caseflow Management; Leadership; Visioning and Strategic Planning; Essential Components; Court Community Collaboration; Resources, Budget and Finance; Human Resources Management; Education, Training and Development; and Information Technology Management.³¹

More than thirty year ago, Ernest C. Friesen, Edward C. Gallas and Nesta M. Gallas wrote about the emerging profession of court administration and the “lack of trained court executives.”³² These pioneers in the field noted that:

“A start has been made in describing qualifications for court executives and in delineating the working relationship of the executive to the court, to the staff of the court, to practicing attorneys, to litigants, and other interested individuals and groups, such as bar associations, community organizations and news media. The ground for this new field of administration has been broken.”³³

The NACM Core Competencies have identified the important areas of individual competence for court leaders including both leadership judges and court managers. They build upon earlier periods in the field of judicial administration. Specifically, the theoretical and practical debates about:

“the structure and organization of the court system, its funding, and authority relationship between the chief justice, the central administrative office, and two or more levels of court and court leaders.”³⁴

This early wave of intellectual debate subsequently produced another “significant set of organizing ideas and concepts to ground the field of judicial administration,”³⁵ i.e., the Trial Court Performance Standards.³⁶ The Standards added another dimension to the debate about

³¹ Ibid.

³² Ernest C. Friesen, Edward C. Gallas, Nesta M. Gallas, **Managing the Courts** (1971) pages 119-120.

³³ Ibid, page 120.

³⁴ See Note 15 supra page 14.

³⁵ Ibid.

³⁶ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Monograph, **Trial Court Performance Standards with Commentary**.

how courts should be organized and led. They also clearly identified the specific elements of the court's work.³⁷ The core competencies identify the knowledge, skills and abilities needed by the leaders who perform that work.

Thus, the field of judicial administration has debated the structure of modern day trial courts, the elements of their actual work and the qualities necessary for successful leadership for more than three decades. The "Purposes and Responsibilities of Courts" section of the guidelines includes the following subsections: Why Courts Exist, which addresses the fundamental role of courts in applying the law to disputes "including those accused by the state;"³⁸ Courts As Institutions which includes knowledge and application of the Trial Court Performance Standards³⁹ and the concepts of judicial independence, judicial authority, jurisdiction, venue and inherent powers;⁴⁰ the Rule of Law, Equal Protection, and Due Process subsection notes that "courts protect all persons equally without bias or discrimination of any type,"⁴¹ and further comments that:

"the ends of judicial administration are not autonomy or even judicial independence, but rather liberty, social order, equal access, the equality of individuals and the state, and **justice** (emphasis added)"⁴²

The Accountability subsection instructs that the "... structure, governance, operations, programs, processes and performance..." of courts must be consistent with the public's higher expectations.⁴³ The Interdependence and Leadership subsection notes that:

³⁷ Ibid, at pages 7-22. The *Trial Court Performance Standards* include: Access to Justice; Expedition and Timeliness; Equality, Fairness and Integrity; Independence and Accountability; and Public Trust and Confidence. They correspond to the five broad themes of the guidelines. See, NACM, *Purposes and Responsibilities of Courts, Core Competency Fundamentals 1.5 hour Toolbox* at page 25.

³⁸ See Note 15 supra page 14.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

“The judiciary cannot process and resolve even simple disputes without the cooperation of others who have conflicting responsibilities. Courts oversee an adversarial process as the way to truth and justice.”⁴⁴

After offering an overview of these broad areas of theory, the Purposes and Responsibilities Section (as do all the others) identifies the required knowledge, skills, and abilities⁴⁵ that court leaders must strive to master throughout their careers. It is noteworthy that these guidelines somewhat resemble the relevant content areas offered by earlier graduate programs of administration described by Friesen et. al., i.e., Human Resources or Personnel Administration, Fiscal Resources or Financial Administration, Administrative Systems Analysis, Organization and Management Theory, Administrative Behavior, Operations Research, Labor management Relations, Administrative Law, Managerial Economics, Research Methodology and Statistics in Administration, Policy Formulation and Analysis, Public Opinion and Public Relations, Information Systems and Communication, Comparative Administrative Process, Politics and Administration, Administrative Problems and Decision Theory.⁴⁶

The Core Competency Curriculum Guidelines were originally intended to guide the “self assessment and self-improvement of court leaders.”⁴⁷ However, NACM has announced that the uses of the competencies have surpassed their original intent, and have been included group assessment, professional development planning and programming, priority setting, job description formulation, and performance appraisal criteria.⁴⁸ The guidelines also have an accompanying mini-guide. The mini-guide authors note that use of the guidelines begins with an

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ See Freisen et. al. supra at pages 129-130. It is noteworthy that the authors identify lawyers and law school education as particularly ill-suited for the field of court administration, pointing out that “Lawyer-manager success stories are not common in courts.” Ibid, at page 128. However, arguably, the field has matured and the legal profession has changed. In these new times the field could benefit from multi-disciplinary expertise and the inclusion of lawyers. Unfortunately, most law schools still do not include this as an area of study.

⁴⁷ See Note 15 supra page 14.

⁴⁸ *NACM Court Competency Curriculum Guidelines: Application and Uses Mini-Guide*, 2004, page 10.

assessment of the needs of individual court leaders or of them as a group. They note that ultimately:⁴⁹

“If courts, judicial branch education, and national court reform organization leaders accept this challenge as a point of personal responsibility to the field of judicial administration, we may achieve a critical evolutionary step in the court management profession.”⁵⁰

Similarly, another commentator notes that:

“Judicial branch education providers can help to promote the use of the NACM Core Competencies through educational and professional development offerings in a variety of ways. The Core Competencies represent a kind of planned vision for the desired results of the curriculum and educational experience.”⁵¹

This author also comments on the significance of the Purposes and Responsibilities of Courts, noting that this is a “proven competency, and the Knowledge Skills and Ability, i.e., the “...KSAs in this section can serve as the common cognitive knowledge toward which all courses are geared.”⁵²

Judicial Branch Educators and the Core Competencies

The Principles and Standards of Judicial Branch Education promulgated by the National Association of State Judicial Educators (NASJE) also articulate a vision and set of standards for the education of judges and judicial branch personnel that are based on the important role of courts. The Introduction and Forward to the Principles and Standards note that “Courts have a critical role in free societies to ensure that the rule of man does not overtake the rule of law.”⁵³

In addition to this pivotal role in the self assessment and self-improvement of court leaders and the use for expanded purposes such as group assessment, the curriculum guidelines

⁴⁹ Ibid, page 12.

⁵⁰ Ibid, page 15.

⁵¹ Evelyn Johnson, *Strategies for Aligning Competencies with Coursework*, 27 Just. Sys. J. 73 (2006).

⁵² Ibid, page 75.

⁵³ *National Association of State Judicial Educators, Principles and Standards of Judicial Branch Education* (2001).

and the Principles and Standards can be used to enhance public trust and confidence in the courts. The guidelines note that they may be:

“read and reflected upon by practicing and potential court leaders and others from the judiciary, the academy and elsewhere as a source of information, knowledge and perhaps even increased understanding of the courts, their purpose, processes, practices and the people who lead them.”⁵⁴

The NACM Mini-Guide notes that:

“...the competencies may serve as a means of fuller public information. Adapted for such a purpose, the competencies illustrate the role of courts in our society and the complexities of judicial administration.”⁵⁵

The NASJE Standards also assert that

“Judicial Branch Education should help all judicial branch personnel develop skills in public outreach, community collaboration, community leadership, and public service, and the JBE organization should model these skills in all its work.”⁵⁶

Interestingly, former U.S. Supreme Court Justice, Sandra Day O’Connor has identified public education about the judiciary as important enough to motivate her to enter the (unusual for a Supreme Court Justice) world of video game design.⁵⁷ Justice O’Connor is spearheading the design of a video game entitled “Our Courts” to engage children, and to educate them about the courts, and encourage them to think critically.⁵⁸

⁵⁴ See Note 15 supra, pages 4-5.

⁵⁵ See Note 52 supra, page 23.

⁵⁶ See Note 29 supra, page 19.

⁵⁷ See, Techdirt “Former Supreme Court Justice Sandra Day O’Connor Gets Into Video Gaming?”

⁵⁸ See, Switched, ExSupreme Court Justice Sandra Day O’Connor Designing Video Game www.switched.com/2008/06/05. See too, Questions for Sandra Day O’Connor, New York Times Magazine, March 12, 2009, for an interview about this new initiative and its website, www.Ourcourts.org promoting civics education for “21st century students.” The section entitled *About our Courts: What is 21st Century Civics* makes a statement that is instructive for all educators and curriculum developers: “We believe that these students prefer non-linear discovery over linear presentation of issues; often multi-task and gather information quickly from a variety of sources; benefit from problem-solving in a collaborative environment; learn best through case studies; seek immediate feedback; and have an appetite for challenges and competition in learning.”

One of the most comprehensive efforts to assess the current state of judicial branch education nationally is The Judicial Education Reference, Information and Technical Transfer Project (JERITT) *Issues and Trends in Judicial Branch Education 2005*.⁵⁹ The report covers every imaginable aspect about judicial branch education including “The Utilization of National Association of Court Management (NACM) Core Competency Guidelines to Develop Court Management and Leadership Courses.” The project’s researchers found that 71% of organizations that responded to the survey distributed as part of the project indicated their use of the guidelines. The following organizations are using the guidelines: Institute of Faculty Excellence in Judicial Education, American Academy of Judicial Education, Leadership Institute of Judicial Education, National Judicial College, and the National Center for State Courts/Institute for Court Management. Of those organizations using the guidelines, four of the five have been using the Purposes and Responsibilities of Courts. The only one not using that section is the National Judicial College.⁶⁰

The JERITT Project authors identified as a “new feature” of its *Issues and Trends Report*, information about which responding organizations “develop and/or implement core competencies for the various audiences serviced.”⁶¹ Most of the organizations, i.e., 62%, did not “identify and classify core competency audience type” while 38% do. The organizations that identified the relevant core competencies for particular audiences identified them as including “mentors, faculty members, administrative and appellate judges, probation officers, magistrates, clerks, court administrators and attorneys.”⁶² The JERITT researchers also surveyed organizations about their “Incorporation of National Association for Court Management

⁵⁹ JERITT, *Issues and Trends in Judicial Branch Education* (2005).

⁶⁰ *Ibid.*, page 29.

⁶¹ *Ibid.*, page 136.

⁶² *Ibid.*, page 137.

(NACM) Core Competency Guidelines.” Again, most organizations did not incorporate the guidelines into their “judicial branch education training and/or programming,” i.e., 69%, responded that they do not incorporate them and 31% responded that they do. Of the organizations that responded that they do incorporate them, approximately half, i.e., seven, used The Purposes and Responsibilities in their training while the other almost half, i.e., six, did not.⁶³

Another way that use of the guidelines was captured was in the category “Individuals, Groups, Organizations and Other Source Types Utilized by State JBE for Program Planning, Curriculum Development, and Content Matter” section. In this category, a mean of 2.61 respondents indicated use of the guidelines.⁶⁴

The importance of relevant, current judicial branch education was highlighted in JERITT Monograph Fourteen: “An Evaluation of the Judicial Branch Education Programming Response to Contemporary Court Challenges,”⁶⁵ quoting Dr. Maureen Conner:

“Now, the courts have become places where society expects all ills and personal traumas to be solved...” This trend has ramifications for the training and education of judges, their professional identity and affiliations, and perhaps the meaning they find in their work. The same is likely true for other employees who were drawn to the courts because of their legal mission and judicial culture.”

In its publication “A National Agenda for Judicial Branch Education,”⁶⁶ leaders in the field agreed on “A National Agenda for the Philosophical Framework of Judicial Branch Education” (symposium):

“Participants agreed that judicial branch education must train and educate, provide nuts and bolts and higher thinking skills, engage in concrete learning and transformational

⁶³ Ibid, page 221.

⁶⁴ Ibid, page 250.

⁶⁵ Catherine M. White, *An Evaluation of the Judicial Branch Education Programming Response to Contemporary Court Challenges*, JERITT (2005).

⁶⁶ Maureen E. Conner, Karen M. Thorson, William J. Brunson, *A National Agenda for the Future of Judicial Branch Education. A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education*.

experiences, address the needs of the new employee and prepare the seasoned employee to leave a legacy, and bring the court to a new awareness of its place and power in this new millennium. Thus, education and training must be held as core values by the courts, making the courts learning organizations. With such a philosophical framework, judicial branch education can meet the education demands of today and the future. This will result in continued education for those internal to the courts and for the public. Through judicial branch education, the court can better achieve its goals.”⁶⁷

This symposium seems to have coincided with the creation of The Core Competency Curriculum Guidelines National leaders and researchers in judicial branch administration and education have crafted a vision of the educational needs of court leaders. The vision also extends to public education about the role of the courts.

Court Staff and the Core Competencies

The core competency curriculum guidelines are distinguishable from the more typical employee orientation (and employee handbook) usually offered at the outset of judiciary employment. However, an ICM fellow in an early work on this topic, dating back 34 years to 1974, noted that:

“Traditionally, it has been the practice to assign new employees to a particular supervisor, and, barring any re-assignment, the orientation of the individual employee is limited to the area in which his work is done. It is believed that greater efficiency and a higher degree of motivation toward improved job performance will flow naturally from an informed employee – one who is aware of the total role of the court and can relate his own contribution to the total mission of the court (emphasis added). In the three branches of government it is by far the judicial branch which is the least visible to the public and the branch about which the public is least informed.”⁶⁸

This author produced a comprehensive handbook that not only describes the location of various offices but explains the role of its officers e.g., administrative judge, county clerk. The handbook also describes the statutory authority for the Court’s various parts, functions and constitutional officers.

⁶⁷ Ibid, page 30.

⁶⁸ Irving Shapiro, *A Training Critique and Employee Handbook for New York State Supreme Court*, Kings County, Institute for Court Management Fellowship (1974) at page 3.

Fourteen years later, another ICM Fellow returned to this topic in a project that noted that in this particular court “Any knowledge they (employees – ed.) have gained has been on a hit and miss basis.”⁶⁹ This author conducted a survey about the creation and use of an employee handbook that would include information about the role and functions of the court. This author concluded that:

“Employees who understand what their roles are and what to do with them are less likely to flounder...”⁷⁰ Yet another ICM Phase III Project, in 1994, examined the issue of whether informing employees through the use of an orientation program, led to greater job satisfaction and improved performance.⁷¹ This author concluded that

“Proper orientation and evaluation takes time, energy and has its associated doses. As managers we need to take the time, have the energy and ensure the budget with the funds to do a proper job. The alternative to not doing it properly is too great to our organization and to the people that come to work for us. The benefits will build a strong, active, responsive and viable organization.”⁷²

In 1996 a handbook and video were created by the National Center for State Courts⁷³ to provide general orientation to judges and court employees.⁷⁴ The video and the comprehensive handbook are both directed at ‘broadening educational opportunities’ and reminding employees of court basics. A workbook accompanies the video. The video enables employees who are hired at different times throughout the year to have immediate exposure to a comprehensive orientation that includes the courts, including the three branches, separation of powers, ethical issues, trial court performance standards, equal access and diversity and even how to manage

⁶⁹ Sharon Bard, *Personnelly Speaking, An Institute for Court Management Phase III Project, Study of the Need for an Employee Orientation Handbook* (1988) at page 3.

⁷⁰ *Ibid*, page 28.

⁷¹ Kerry M. Connelly, *Do Orientation Programs for New Court Employees Improve Job Satisfaction and Performance?* Institute for Court Management (1994)

⁷² *Ibid*, page 41.

⁷³ National Center for State Courts, Institute for Court Management and State Justice Institute, *Broadening Educational Opportunities for Judges and Other Key Court Personnel* (1997).

⁷⁴ Thomas Diggs, *Orientation Handbook and Video* (1996).

work related stress. The companion judges' orientation and video covers many of the same topics as well as conflicts of interest, judicial independence and immunity, handling the media, courtroom demeanor and the special concerns of pro se litigants.⁷⁵

Interestingly, the National Center for State Courts' archives does not contain information on how this comprehensive tool was used nor whether it was evaluated. This may have been due to lack of funding.⁷⁶ Another author has addressed the issue of lack of funding for judicial branch education and proposes the use of private funds to supplement the lack of resources in the public sector.⁷⁷

Yet another commentator writes about the salutary effects of a court employee orientation program.⁷⁸ This author notes that "The program begins with a description of the mission and values, structure, and history" of the courts.⁷⁹

Similarly, the New Jersey Courts initiated an Employee Orientation Program to achieve comparable objectives.⁸⁰ The program has systematized the early orientation of new employees. This project should offer New Jersey's court leaders valuable information for future educational programming. It seems clear that there is widespread agreement about the need to educate court leaders and the public about the purposes and responsibilities of courts. What is less clear is whether courts are consistently achieving this goal.

⁷⁵ Ibid.

⁷⁶ Conversation with Joan Cochet, Librarian, National Center for State Courts, June 2008.

⁷⁷ Resa M. Gilats, *A "Think Piece" on Private Funding for Judicial Branch Education*, State Justice Institute (2002).

⁷⁸ Elizabeth Ncube, *Maricopa County Trial Courts New Employee Orientation: Assimilating New Employees and Promoting Court Mission and Values*, **Justice System Journal**, Vol. 29, No. 1 (2008).

⁷⁹ Ibid, page 107.

⁸⁰ Marilyn Bojum, *New Employee Orientation Becomes a Statewide Standard*, **Judiciary Times**, New Jersey Administrative Office of the Courts (2004). See also, e.g., Carole Aloï Cummings, *Customer Service in the Atlantic City Municipal Court*, ICM, CEDP (1994) at pages 55-56 advocating training and resources to improve customer service in a New Jersey municipal court.

METHODS

Overview

This research sought feedback about a core competency from New Jersey’s Trial Court Administrators, Ombudsmen, and Training Coordinators because they comprise key segments of New Jersey’s court leadership. Each group has a unique vantage point on court performance, community relations, and staff development. Each group responded to questions contained in the NACM survey about the comparative importance to the court of the components of the “Purposes and Responsibilities of Courts,” i.e., the five Curriculum Guidelines that make up this core competency: 1) Why Courts Exist; 2) Courts as Institutions; 3) Rule of Law, Equal Protection and Due Process; 4) Accountability; and 5) Interdependence and Leadership. Court leaders also responded to questions about the importance of acquiring the relevant knowledge, skills and abilities (KSAs) identified for each Curriculum Guideline.

Feedback was obtained following a presentation about the project. The surveys were administered to each group’s representative body, i.e., the Administrative Council,⁸¹ comprised of the Trial Court Administrators and representatives of all of the operating divisions, the Judiciary Education and Training Council (JETCO)⁸² comprised of the Vicinage Training Coordinators and representatives from Human Resources and Equal Employment and Opportunity, and the Ombudsmen Committee⁸³ comprised of all of the Ombudsman and

⁸¹ See Note 23 *infra* page 14.

⁸² See Note 25 *infra* page 15.

⁸³ See Note 27 *infra* page 15.

representatives of the Communications and Community Relations Unit at the Administrative Office of the Courts.

The results identified informative areas of agreement and disagreement about important areas of focus. When opinions diverged, the divergence seemed to be due to the unique role and function of each group. Ultimately, the divergence and convergence data can be used to enhance planning for future education and training. The author did not assume that there would be universal agreement, nor believes that this is, necessarily, a worthy goal. Diverse opinions and perspectives can contribute to a rich and meaningful dialogue about these important concepts and training needs. The anecdotal responses offered were also informative, because the survey questions seemed to spark interest and generate support for more focus on substantive topics in future training curricula.

First, the survey was pre-tested on a sample group of court managers and supervisors. Then, based on the results of the pre-test, the survey was slightly modified and an overview of the project was prepared along with survey instructions. The survey was administered to the three groups separately, and for two of the groups, the Training Coordinators and the Ombudsmen, to whom the survey was administered in person, both survey results and anecdotal responses were collected. The surveys and instructions had to be mailed to the Trial Court Administrators and then they were returned via facsimile. No additional comments were offered or collected from the Administrators.

Once all responses were collected, for ease of comparison, they were depicted in raw score form, average score form and converted average scores. Results are depicted in bar graphs to provide a clear picture of the contrasting perspectives of the three groups. The first five bar graphs depict the groups' responses to the guidelines. The following 46 bar graphs depict the

groups' responses to the KSAs. Another chart, labeled, "Total Rankings" was created to graphically depict the convergence and divergence of opinions of the groups.

The aggregate, i.e., the combined responses of the groups were included in the original survey instrument to provide a complete picture of the groups' scores and rankings to each of the questions in the order that they were posed. Finally, the aggregate scores were then prioritized to identify the order of priority of the guidelines including the "number one" most important guideline and the "top ten" Knowledge, Skills, and Abilities. It is very important to note that the Guidelines and KSAs were numbered as questions 1 to 51. The first five are the guidelines and 6-51 are the KSAs.

Pre-Test

The survey was pre-tested in July 2008 with Essex Vicinage Family Division staff members during an annual summertime Training Academy for Team Leaders and Managers. The pre-test was administered to gauge the length of time to complete the survey, ease of comprehension, and other relevant reactions. The pre-test group was selected because it contains the two main leadership levels in the court's structure, i.e., Team Leaders who provide direct supervision to the court's professional and support staff, and Assistant Managers who provide overall leadership and supervision to the Team Leaders, as well as other professional and support staff members.

In 2007 the Superior Court of New Jersey-Essex Vicinage, Family Division initiated a Summertime Trainers Academy for Team Leaders and Assistant Managers.⁸⁴ In 2008 the Academy reconvened. The opening session was dedicated to introducing Team Leaders and

⁸⁴ The "Academy" offers a useful format for presenting complex theoretical and practical materials. The group meets daily once a week throughout the summer. The relaxed atmosphere offers a great opportunity for continuing discussion and follow up.

Assistant Managers to the NACM Core Competencies, with a specific emphasis on the Purposes and Responsibilities of Courts. During the opening session, the participants completed the surveys entitled: “The Purposes and Responsibilities of Courts Curriculum Guidelines, Personal Learning Need and Interest; And Importance Ranking” and “The Purposes and Responsibilities of Courts KSA Ranking Survey: Personal Perspective.” The evaluations collected after the session all contained highly favorable responses to the material and the presenter (the author). It is noteworthy that the participants’ responses to the presenter were almost uniformly “excellent” while the responses to the materials, i.e., content, was almost uniformly “good.”

Based on the comments from the participants, this appears to due to a couple of factors: first, many participants found the survey to be “confusing,” “difficult to read,” “wordy,” and, in the case of the reference to the “Popular Causes of Dissatisfaction with the Courts,” somewhat perplexing. Perhaps this is due, at least in part, to an unspoken thought, i.e., highly dedicated, successful staff members may have been asking themselves, “...if this is what I am supposed to know, and I don’t know a lot of it, how could I have been successful all these years?”

During the session, the participants were challenged with a “Who Wants to Be a Court Leader?” interactive group exercise.⁸⁵ The exercise was presented in a hybrid format of two popular game shows: “Who Wants to Be a Millionaire” and “Family Feud.” Teams worked together to respond to increasingly difficult questions about courts, laws, legal processes and procedures. Many of the questions were Family Court related due to the make up of the audience.

The Family Court supervisors and managers were selected because of their close working relationship with the author, and the expectation that they would be candid in their reactions.

⁸⁵ See , “Who Wants to be a Court Leader?” at Appendix D.

This expectation was realized when the participants freely explained that the survey was “wordy,” “confusing,” “lengthy” and difficult to score. Based on the survey responses, evaluations and observations of the group exercise, the first portion of the State Ranking survey was modified to increase ease of understanding without significantly altering the content.⁸⁶

Project Overview Presentation

A brief PowerPoint presentation⁸⁷ was created to provide a clear understanding of the project to the survey participants and to help them understand the rationale for the surveys. The presentation, defines the concept of core competency, names the many professions that utilize the core competency model, describes the NACM competencies, and explains the goals of the project.

Ultimately, the author discovered that it was helpful to emphasize and explain unambiguously that the surveys have a dual purpose, i.e., they impart information by informing the survey participant in great detail about the “Purposes and Responsibilities of Courts,” and they also simultaneously gather information about the participants’ perceptions.

Survey Groups

The three survey groups are: The Judiciary Training and Educational Council, known as JETCO, and comprised of the Training Coordinators from the 15 Vicinages and representatives from the Administrative Office of the Courts and local Human Resources offices; the Ombudsman Committee, comprised of the Ombudsmen from the 15 vicinages and representatives from the Administrative Office of the Courts including the Litigant Services Manager, and the Administrative Council, comprised of the Trial Court Administrators of the 15

⁸⁶ Very slight changes were made to the Guidelines section to address the issues raised during the pre-test.

⁸⁷ See PowerPoint Presentation on Purposes and Responsibilities of Courts, Appendix E.

vicinages, and representatives of the various operational divisions and staff from the Administrative Office of the Courts.

Survey Administration

The data were collected in the following manner: First, the Training Coordinators took the survey, following the brief PowerPoint presentation⁸⁸ at the start of their monthly JETCO meeting in September 2008 at the Administrative Office of the Courts in Trenton, New Jersey. The presentation and survey took approximately one hour and a half including a “de-briefing,” during which the participants offered their observations in response to the query: What did this make you think about the current state of our court leaders’ understanding of the purposes and responsibilities of courts and their knowledge, skills and abilities? Several participants noted that the survey itself showed that there is “a lot to know,” another commented that many leaders are more proficient in “technical skills” than in “soft skills such as leadership;” yet another commented that we have become “case oriented and less holistic,” which prompted another to comment that perhaps we’ve “forgotten our priorities” (in some respects). The group generally agreed that to learn what to do, we must link it to why we do it” (emphasis added). Lastly, the Training Coordinators agreed that it was important to “tap into passion!” This was a spirited group with great enthusiasm for knowledge and a dedication to their training assignment. Of the 30 JETCO members, 23 responded yielding a 77% response rate. Of the 15 Vicinage Training Coordinators, 13 responded yielding an 87% response rate.

Next, the survey was administered to the Ombudsmen at their monthly Committee meeting at an Administrative Office of the Courts annex in Trenton, NJ, in October 2008. Following a brief PowerPoint presentation, the group carefully studied the questions and worked

⁸⁸ Ibid.

attentively on the answers. The entire process took approximately one hour. The participants commented that the questions forced them to think about things they hadn't considered before or were unfamiliar with. Their general reaction was both supportive and favorable in that they agreed that the survey contents were very important. They commented that "everything seemed important," it was "interesting," and "some of the things we never talk about," but, "it's necessary," because "it helps people to understand what they need to know," and "employees should know too, not just management." However, several people also remarked that the survey was "tough and" "wordy." Of the 18 of committee members, 15 responded yielding an 83% response rate. Of the 14 active Ombudsmen (one is leaving the position) 13 responded, yielding a 93% response rate.

The survey was administered to the Trial Court Administrators using a different method for several reasons: 1) after consulting with the Essex Vicinage Trial Court Administrator,⁸⁹ it seemed that the survey would be received more favorably if it was mailed to the members of the Administrative Council rather than taking up time on their (always) tightly-packed agenda. Additionally, their monthly meeting originally scheduled for November 2008 was cancelled. The surveys were mailed in early December, and were discussed briefly at the December 2008 meeting by the Essex Vicinage Trial Court Administrator and other Trial Court Administrators familiar with the survey. The surveys were returned by facsimile in December 2008 and January 2009. Of the 27 members of the Administrative Council, nine returned the survey, yielding a response rate of 33%, seven of those who returned the surveys were Trial Court Administrators, yielding a 47% response rate for the Trial Court Administrators.⁹⁰ Since the surveys were not

⁸⁹ Essex Vicinage Trial Court Administrator, Collins Ijoma. Mr. Ijoma is also a member of the NACM Professional Development Advisory Committee.

⁹⁰ One survey was incomplete and not included in this analysis.

administered in person, the author did not have the opportunity to obtain direct feedback from the Administrative Council members.

Raw Scores, Average Scores and Converted Scores

Once the responses were received they were recorded, tabulated and averaged. To increase the ease of readability, comprehension, and interpretation of the results, the Knowledge, Skills and Abilities rankings were all converted to a one to five scale consistent with the one to five ranking scale used in the guidelines survey with one being the lowest value and five being the highest value. Using this scale a 1.0 difference signifies a 20% difference, 2.0 signifies a 40% difference, etc. Since the KSAs are grouped by each of the guideline themes, and because there are a different number of them for each guideline, a formula was devised and applied to create the one to five ranking scale.⁹¹ The results were grouped by the five thematic curriculum guidelines questions, and the related KSAs.⁹²

Personal Learning Needs Responses

Survey participants were informed that their “personal learning needs” could also be ranked, but this information was optional. Of those who responded, generally their personal learning needs were in sync with their rankings of “importance to your court.” Participants did not perceive their personal learning needs as different from the importance to the court.

Data Depiction and Analysis

The data are first presented show the comparative responses of the three groups and then secondly, to show the combined responses of the three groups. The data are depicted in bar

⁹¹ The formula for the one to five ranking scale in each of the KSA categories is six minus the quantity of the average divided as follows: for ten questions by two, for nine questions divided by 1.8, and for seven questions, divided by 1.4.

⁹² See Average Trial Court Administrators’ Responses including converted averages, Average Training Coordinators’ Responses, including converted averages, and Average Ombudsmen Responses, including converted averages, Tables I, II, III.

graphs that illustrate the extent of the agreement and disagreement among the groups, in a chart that shows their scores and total rankings, in the original survey format to give an overview of the aggregate findings, i.e., combined scores of the groups, and then in a chart depicting the prioritized aggregate scores of the groups.

To identify the statistical significance of the variation in responses across groups an ANOVA test was considered. However, after further consideration it was decided that this application was not necessary and that it would be best to tabulate and depict the data in the simplest and most straightforward manner.⁹³ A simple scale of one to five is used.

It was thought that depicting the inter-group results and combined results would permit the groups to compare their perspectives and the combined results would offer a clear picture of the identified needs and priorities. The most important reason for depicting and analyzing the data in this way is that it creates the opportunity for meaningful discussion about the comparative perspectives and the cumulative findings.

⁹³ Analyzing and depicting statistical significance was decided in consultation with National Center for State Courts Senior Court Research Associate, Dr. Nicole Waters.

FINDINGS

Overview

The findings revealed that the three groups had different opinions about the various Core Competencies and Knowledge, Skills, and Abilities with the most consistent divergence of opinion being between the Trial Court Administrators and the Training Coordinators. Several of the Administrators did not rank the KSAs in an ordinal manner instead they ranked them as having equally high importance. The other groups ranked the KSAs in ordinal fashion.⁹⁴ This seems to have inflated the Administrators' scores in comparison to the other groups, thereby creating a greater disparity in their responses as compared with the other groups.

Overall, the groups ranked the "Accountability" guideline highest. However, they only identified two "Accountability" related KSAs within the "top ten." The groups ranked "Why Courts Exist" second yet ranked only one "Why Courts Exist" KSA within the top ten. "Interdependence and Leadership" was ranked third yet only two "Interdependence and Leadership" KSAs were ranked in the top ten. Interestingly, although "Rule of Law Equal Protection" was the guideline ranked fourth, three "Rule of Law" KSAs were in the "top ten". Similarly, "Courts as Institutions" was ranked the fifth and last guideline but a "Courts As Institutions" KSA was ranked first in the "top ten." Therefore, there was no clear correlation between the Core Competency Curriculum Guidelines ranked as important overall and the KSAs ranked in the "top ten."

⁹⁴ See, Note 92 supra page 39.

Group Responses

Group responses are shown in bar graphs that illustrate the collective and comparative responses of the groups to each query about the guidelines and the knowledge, skills, and abilities. There are a total of 51 graphs. The first five graphs depict the comparative responses about the importance of the curriculum guidelines. The next 46 graphs depict the comparative responses to the comparative importance of the knowledge, skills and abilities. Each of the 51 graphs identifies the theme, question, each group's score and where this question ranked in overall prioritization of the five guidelines and 46 knowledge, skills, and abilities. Where it seemed noteworthy, comments about the possible reasons for the differences of opinion are offered. It is hoped that these graphs will be used for further review, comment and discussion. Where there are differences in the perspectives of the groups, it is hoped that the significance of these differences will be explored by the groups themselves and by the court's leadership.

Total Rankings

Total rankings are depicted in a comprehensive chart showing the agreements and disagreements between the groups on all of the questions. This chart depicts the guidelines and KSAs ranked highest and lowest in each thematic category. This chart offers a comprehensive picture of the findings depicted in the bar graphs. A narrative summary of the convergence and divergence of opinions on the curriculum guidelines is also included. A narrative summary of the convergence and divergence of opinions on the knowledge, skills, and abilities is also included.

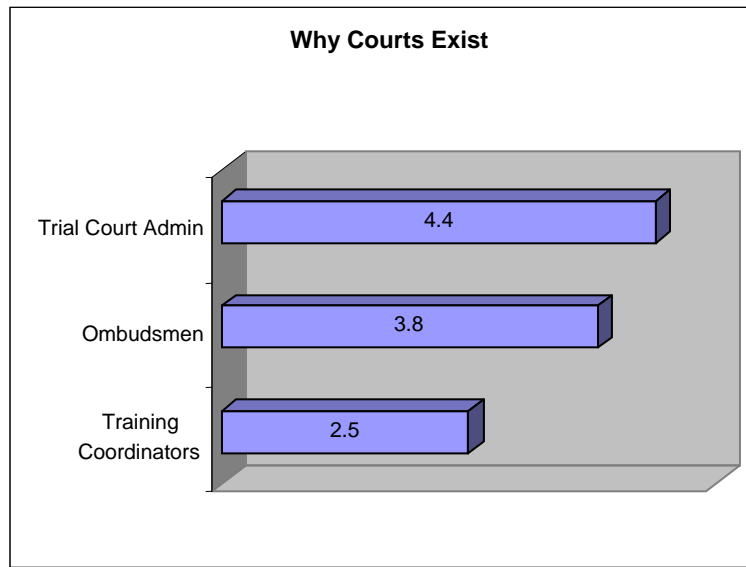
Aggregate Scores and Rankings

The aggregate, i.e., combined, scores of all the groups for each question is also included. This is presented in the original survey format to show the cumulative response of New Jersey's

court leaders to each guideline and each knowledge, skill, and ability. The aggregate findings are summarized and prioritized to show the order of the five guidelines, including the “number one” guideline as well as the “top ten” knowledge, skills, and abilities.

Illustration 1

Core Competency Curriculum Guidelines



Survey Theme: Why Courts Exist

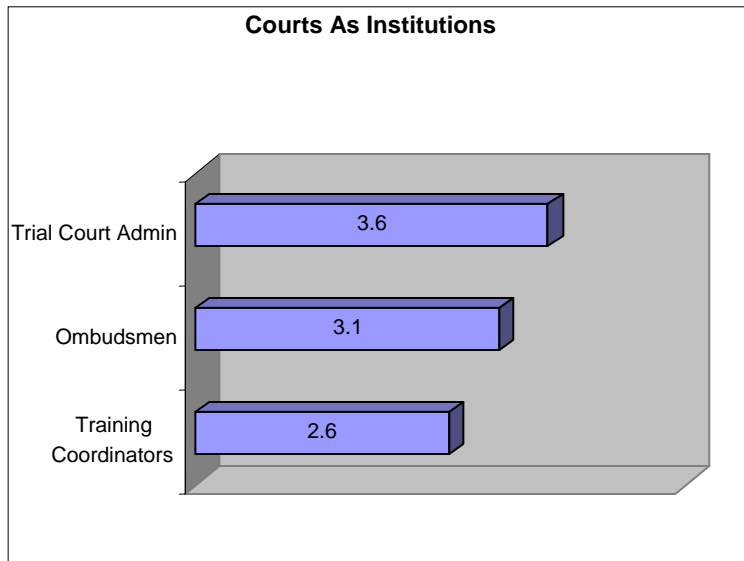
Survey Question 1

Courts and only courts can definitely resolve society's inevitable conflicts. When they resolve disputes between individuals; individuals and the government, including those accused by the government of violating the law; individuals and corporations, and between organizations; both public and private they do so in ways that preserve the courts independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate society's interest in opposite but true mandates in particular the tension between social order and individual freedom.

Findings

There is a 38% difference, i.e., 1.9, between the average responses of the Administrators and the Trainers. This is a noteworthy difference that may be related to the administrators' broader duties and their perspective as compared with the narrower focus and responsibilities of the Trainers. The Ombudsmen fell in the middle, perhaps, also reflecting their role in interfacing between the public and the courts. The aggregate scores for the three groups placed this guideline at number two out of five.

Illustration 2



Survey Theme: Courts as Institutions

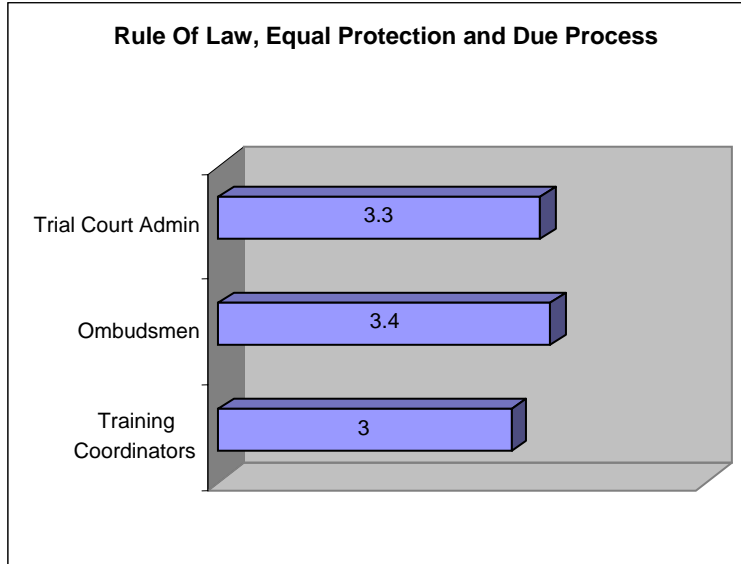
Survey Question 2

Impartiality and independence demand courts that are separate from the executive and the legislature. But court purposes reflect a rich historical legacy that dictates both distinctive boundaries and interdependency. Competent court leaders understand separation of powers, judicial independence, and the inherent powers of the court. Alternative organizational arrangements to maintain the courts boundaries and to permit their effective management are likewise known. Direction provided by the Trial Court Performance Standards guide day to day court management.

Findings

Again, there is a 20%, i.e., 1.0 difference between the Administrators and Trainers with the Ombudsmen falling in the middle. The aggregate scores for the three groups placed this guideline at number five out of five.

Illustration 3



Survey Theme: Rule of Law, Equal Protection, and Due Process

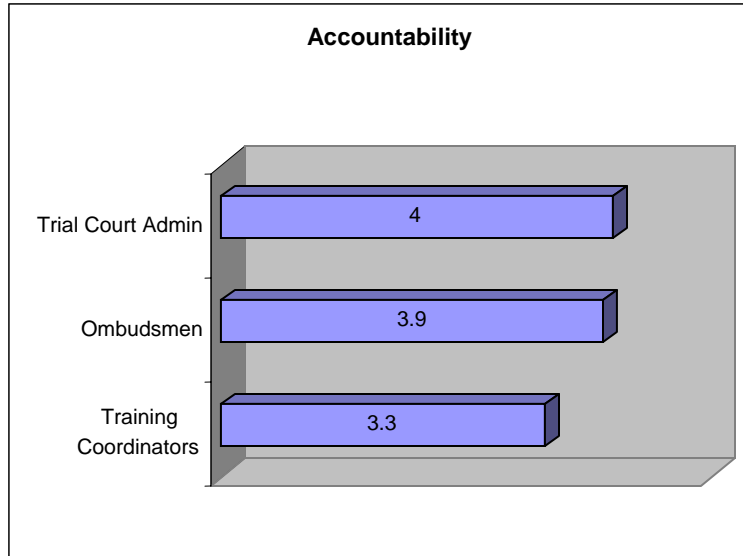
Survey Question 3

Effective court leaders understand and help courts deliver on the promise of rule of law, equal protection, and due process. They know the theory, the history of the common law, important concepts such as venue, justiciability, and their practical implications. All types of cases, their processing, and typical forms and procedures are understood.

Findings

The three groups agree on the comparative importance of understanding these concepts. The aggregate scores for the three groups placed this guideline at number four out of five.

Illustration 4



Survey Theme: Accountability

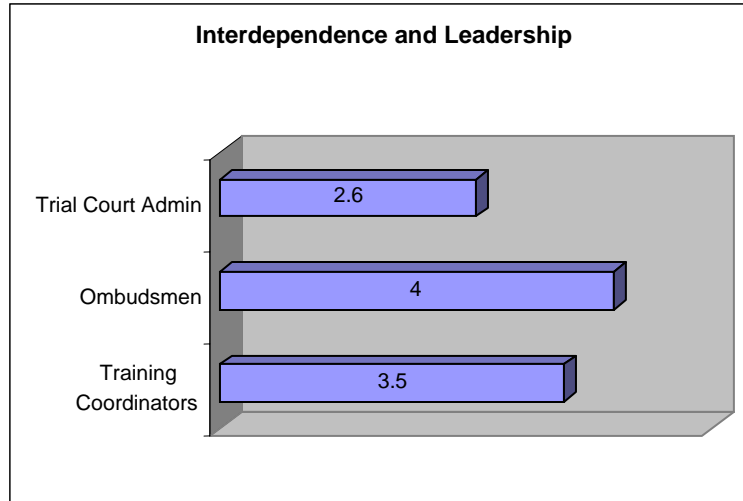
Survey Question 4

Courts must be accountable. Accountability provides the rationale for court control of the pace of litigation, the tracking of case disposition times, and adherence to law and judicial decisions in individual cases. The judiciary establishes and maintains its boundaries but it also assesses and reports on its performance, its use of public resources, and its conformance with its assigned responsibilities and the law.

Findings

There is agreement on the importance of accountability. The reference to the pace of litigation seems particularly noteworthy. In recent years New Jersey has undertaken an extensive effort to reduce backlog. This effort has been highlighted in press releases and reports to the Bar and the Legislature by the Chief Justice. The aggregate scores for the three groups placed this guideline at number one out of five.

Illustration 5



Survey Theme: Interdependence and Leadership

Survey Question 5

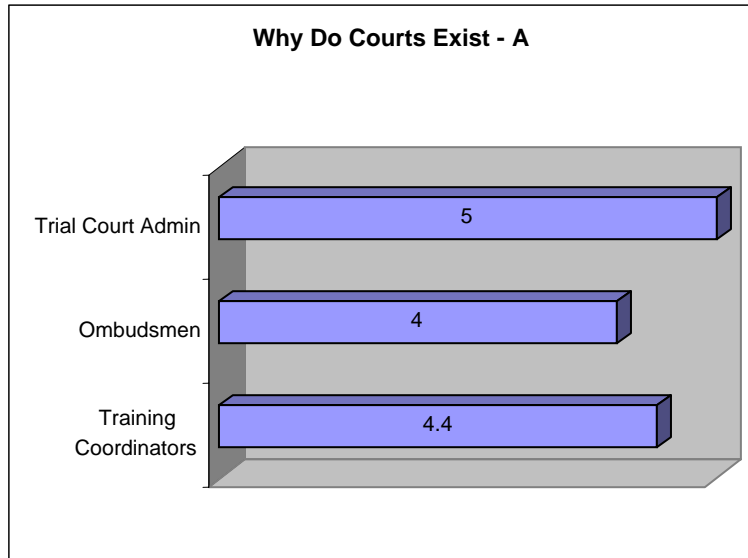
The “contriving” American constitutional structure gives the judiciary’s relationship with its co-equal partners a distinctive flavor. Court leaders must be independent and cooperative. They must be above the fray even as they build and maintain boundaries and seek and achieve public trust and confidence. Court leaders have passion for justice and court purposes and responsibilities, and bring pride to everyday routines and jobs. They require ethical conduct and ensure that the court’s integrity is pure.

Findings

This question shows a divergence of opinion between the Ombudsmen and the Administrators of 28%, i.e. 1.4. The Ombudsman’s need to focus on public trust and confidence initiatives and the fact that they are called upon to investigate allegations of misconduct may account for this divergence of opinion. The aggregate scores for the three groups placed this guideline at number three out of five.

Illustration 6

Knowledge, Skills, and Abilities



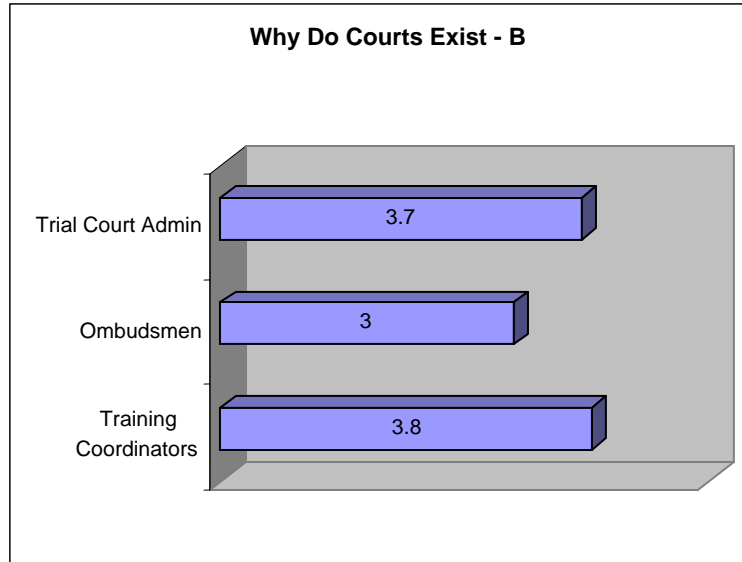
Survey Question 6

Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; 7) rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.

Findings

All groups agreed on the great importance of this KSA. The aggregate scores for the three groups placed this KSA at number 2 out of 46.

Illustration 7



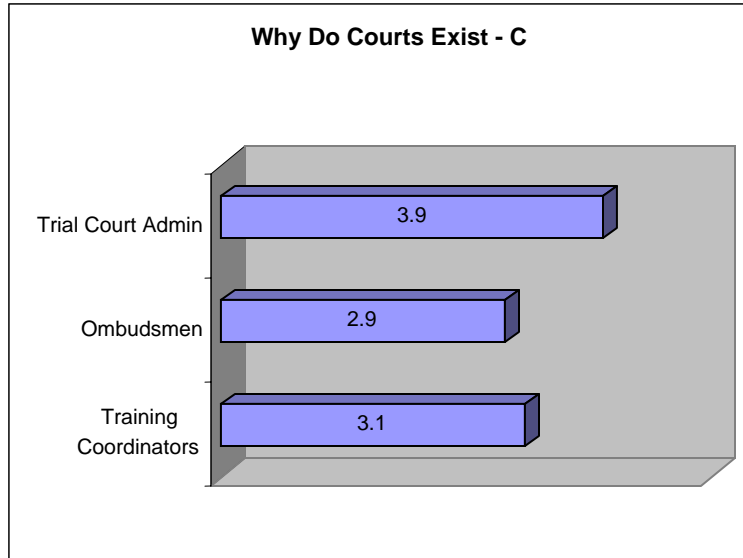
Survey Question 7

Knowledge of the historical role the courts have played in balancing efficiency, stability, and social order against individual rights; preserving the equality of the individual and the state; bringing law in line with everyday norms and values; establishing the legitimacy of the law; and in guiding the behavior of individuals and organizations.

Findings

The groups tended to agree. The aggregate scores for the three groups placed this KSA at number 23 out of 46.

Illustration 8



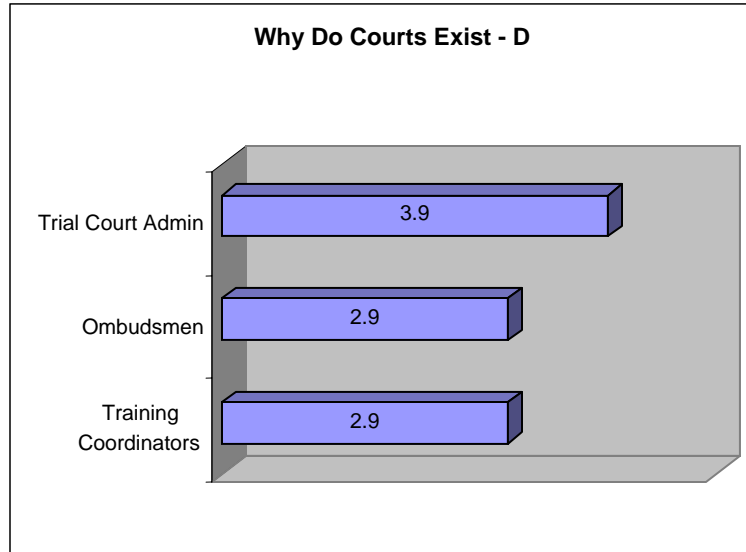
Survey Question 8

Knowledge of the historical context which provided impartial and independent courts as a protection from the abuse of governmental power and as a safeguard of individual rights.

Findings

There is a 20%, i.e., 1.0 difference between the Administrators and Ombudsman about the relative importance of this area of knowledge, skill and ability. The administrators view the historical development of the courts as more important than either the Ombudsmen or Trainers. The aggregate scores for the three groups placed this KSA at number 32 out of 46.

Illustration 9



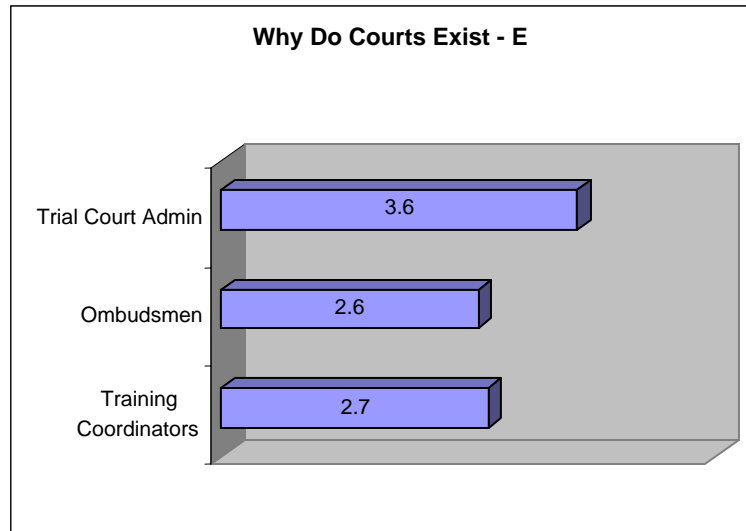
Survey Question 9

Knowledge of each and every judge's independent responsibility for case decisions, the essential elements of judicial decision making, and judicial immunity.

Findings

The Ombudsmen and Trainers are in complete agreement on this KSA. The Administrators differed with the other groups by 20%, i.e., 1.0. The aggregate scores for the three groups placed this KSA at number 33 out of 46.

Illustration 10



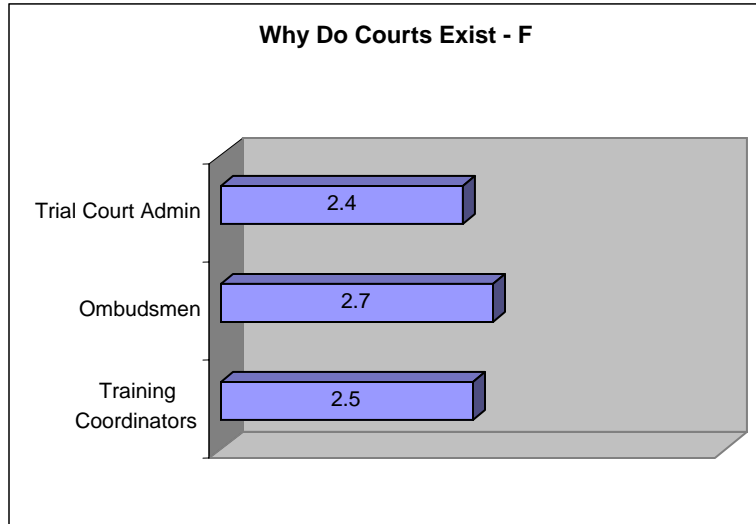
Survey Question 10

Knowledge of the implications of the court as an institution and judicial decisions as immune from challenge versus the court as an organization and a bureaucracy.

Findings

The Ombudsmen and Trainers viewed this KSA as having comparatively less importance. The Administrators ranked this as having comparatively more importance. The aggregate scores for the three groups placed this KSA number at 40 out of 46.

Illustration 11



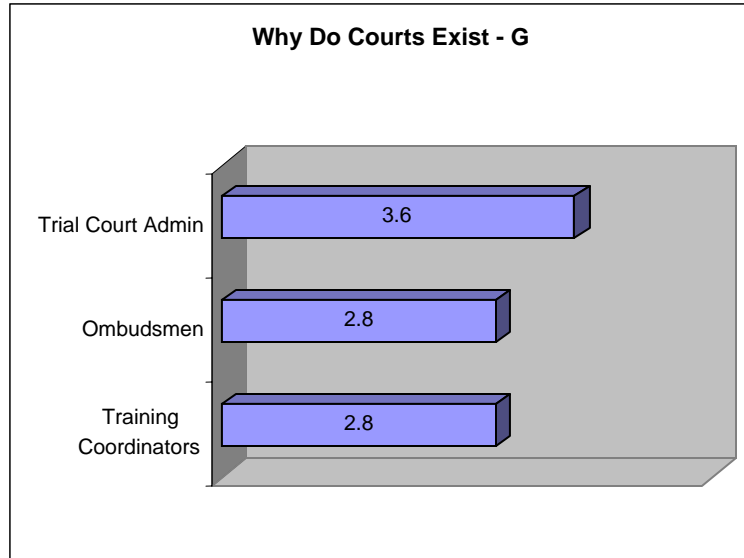
Survey Question 11

Ability to maintain judicial and staff awareness that courts were not intended to be popular.

Findings

Although this KSA was ranked as comparatively less important, all groups tended to agree. The Administrators and Trainers both ranked this lowest in the category. Perhaps the reason is that all groups would understand the (at times) necessary “unpopularity” of the courts. An interesting contrast is the simultaneous need for the courts to garner and maintain the public’s trust and confidence. The aggregate scores for the three groups placed this KSA at number 45 out of 46.

Illustration 12



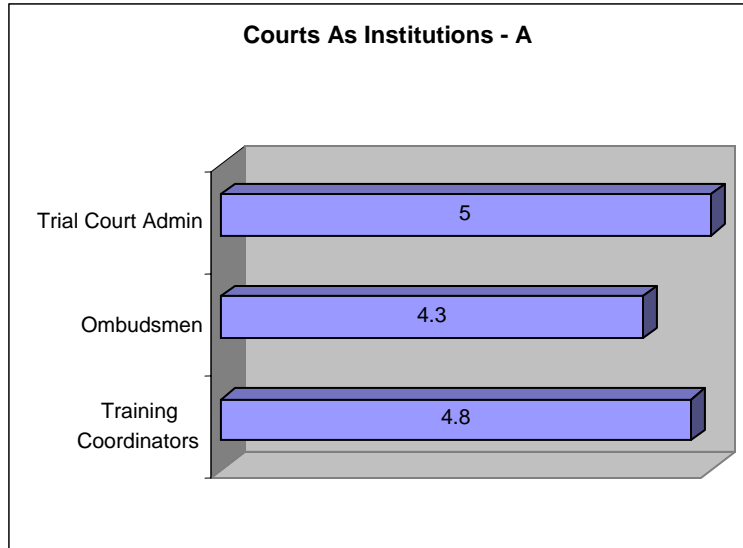
Survey Question 12

Knowledge of the perpetual tensions inherent in the Purposes and Responsibilities of Courts including social order versus liberty, the adversarial process versus consensual or efficient case process, and the authority of the state versus the protection of individuals against governmental power.

Finding

The Ombudsmen and Trainers agree again and the Administrators rank as more important. The Administrators consistently ranked "Why Courts Exist," as a competency and KSA, higher than the other groups. The aggregate scores for the three groups placed this KSA at number 38 out of 46.

Illustration 13



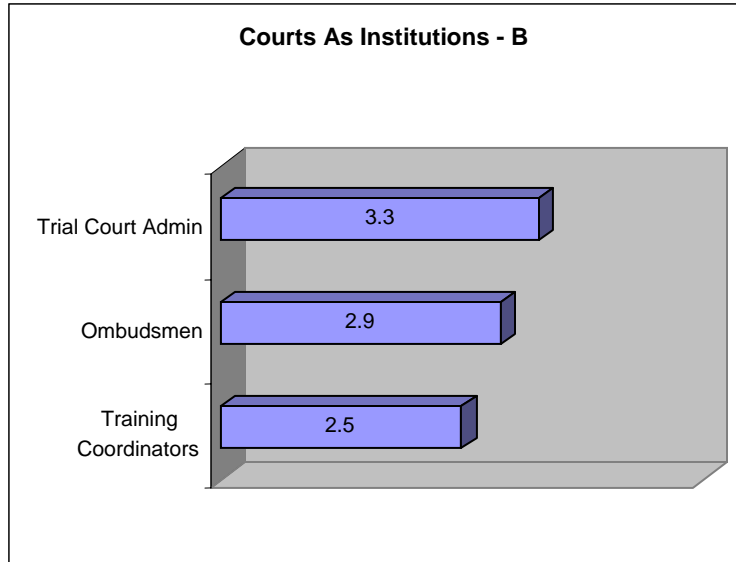
Survey Question 13

Knowledge of the **Trial Court Performance Standards**, their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence.

Findings

All groups agreed on the great importance of this KSA. However, the Administrators ranked this higher than the other groups and the Trainers ranked this higher than the Ombudsmen. The Administrators and Trainers may have greater familiarity with the Trial Court Performance Standards due to their contact with NACM and the Institute for Court Management (ICM). The ICM course on the standards has been offered in New Jersey. The Ombudsmen may not have had the opportunity to be exposed to the standards due to the relative newness of this program. The aggregate scores for the three groups placed this KSA at number one out of 46.

Illustration 14



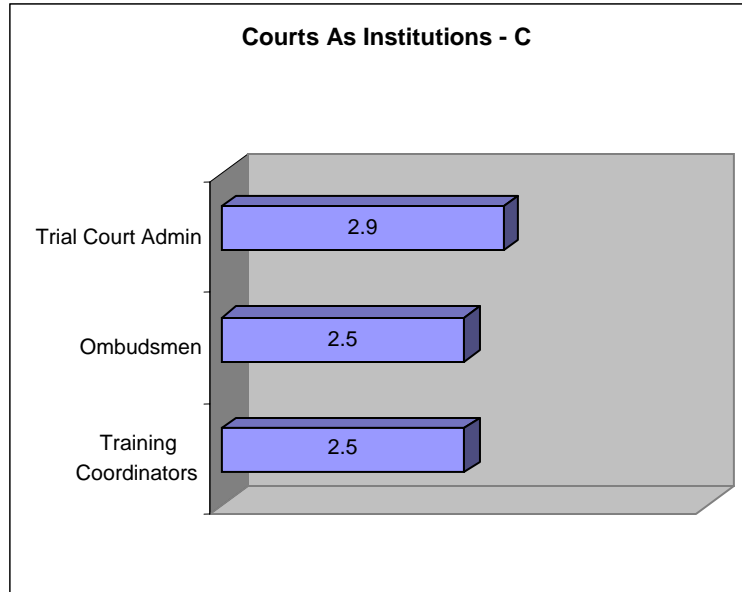
Survey Question 14

Knowledge of the founders' theory, the *Federalist* papers, the Declaration of Independence, the U.S. Constitution and the Bill of Rights, separation of powers, judicial independence, and the parameters and constraints of the inherent powers of the courts.

Findings

All groups ranked this comparatively lower than other KSAs. The aggregate scores for the three groups placed this KSA at number 41 out of 46.

Illustration 15



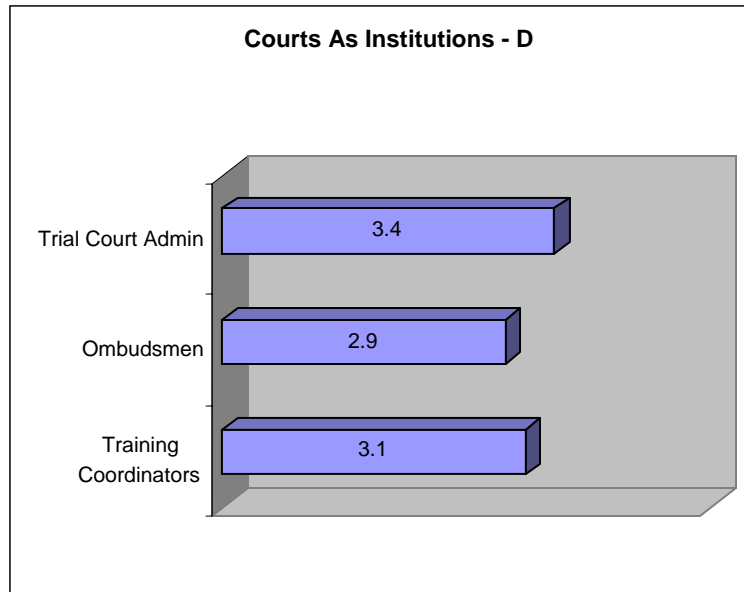
Survey Question 15

Knowledge of Roscoe Pound's 1906 ABA speech, "The Causes of Popular Dissatisfaction with the Administration of Justice" and its profound implications for understanding courts as institutions and everyday judicial administration.

Findings

All groups ranked this lower than other KSAs. The Ombudsmen and Trainers ranked it exactly the same. The aggregate scores for the three groups placed this KSA at number 44 out of 46.

Illustration 16



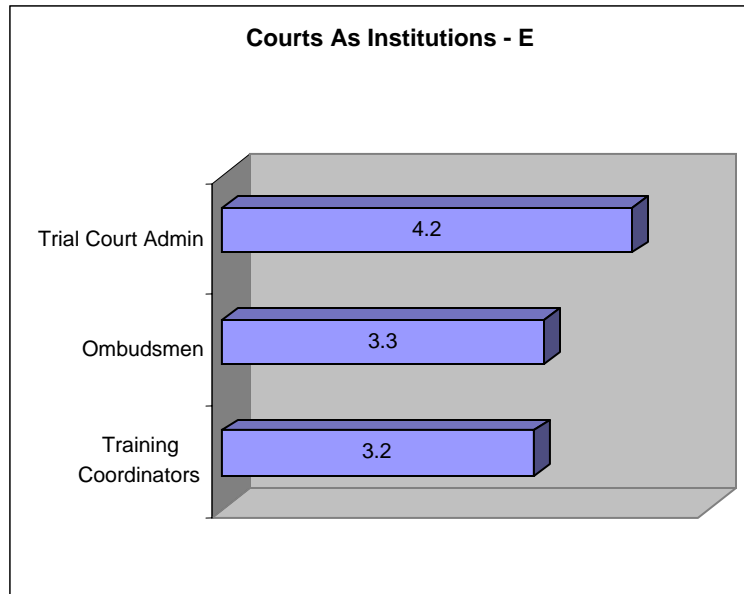
Survey Question 16

Knowledge of historical changes in the roles of state and federal supreme courts, intermediate courts of appeal, and trial courts.

Findings

All groups ranked this lower than other KSAs. The aggregate scores for the three groups placed this KSA at number 35 out of 46.

Illustration 17



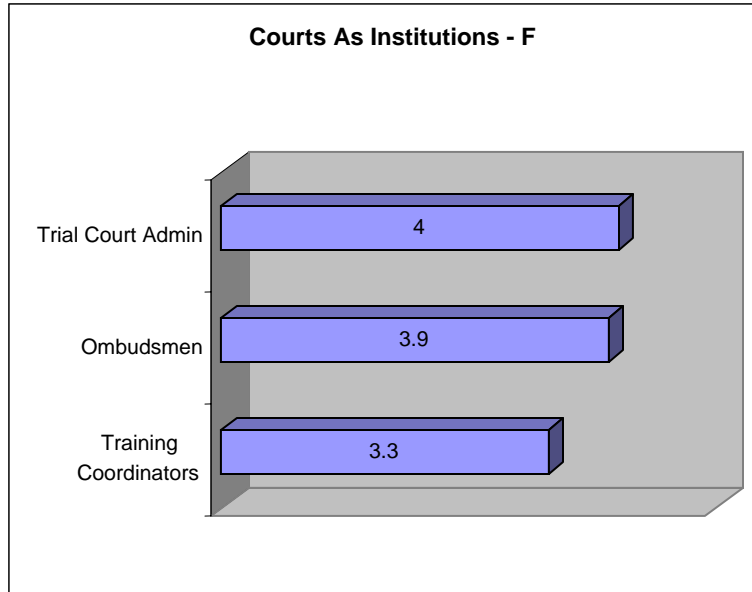
Survey Question 17

Knowledge of alternative governance structures for courts, including chief judges, judge committees, and joint public, executive, and legislative branch committees.

Findings

Administrators ranked 20%, i.e., 1.0 higher than the Trainers and the Ombudsmen were once again in the middle. It is likely that the Administrators have more occasion to participate on these types of committees than the other groups. The aggregate scores for the three groups placed this KSA at number 18 out of 46.

Illustration 18



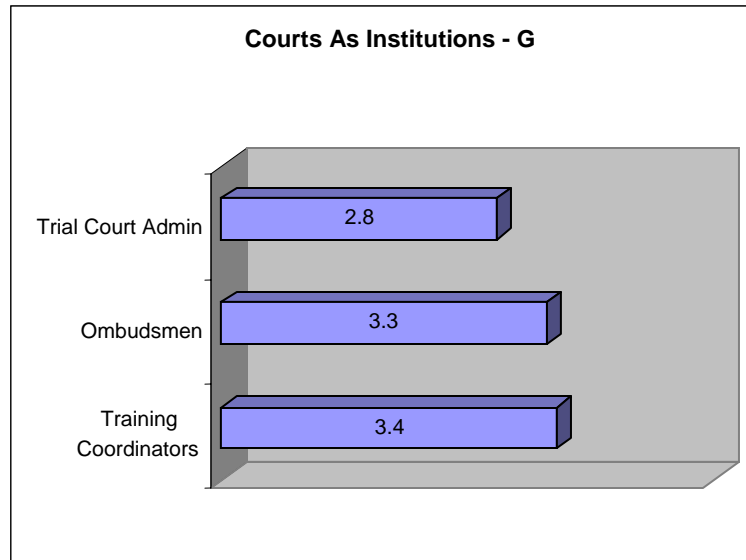
Survey Question 18

Knowledge of alternative structures for organizing courts, cases, and calendars.

Findings

The groups tended to agree on this KSA. The aggregate scores for the three groups placed this KSA at number 13 out of 46.

Illustration 19



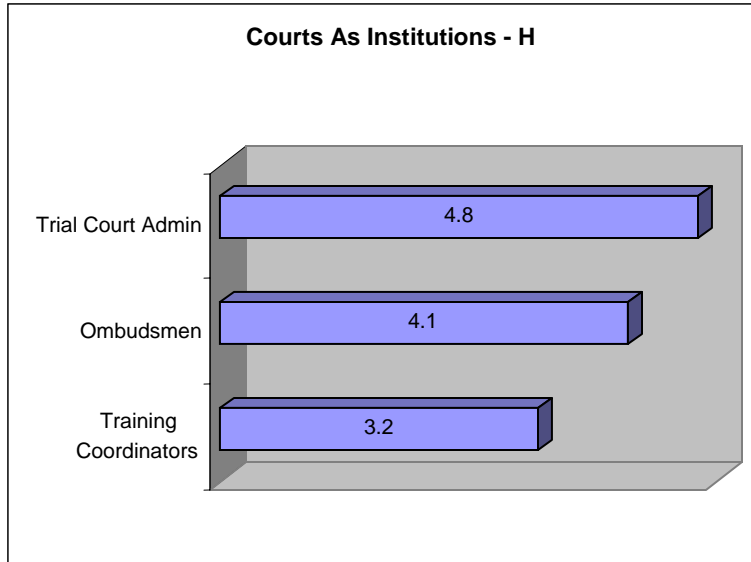
Survey Question 19

Knowledge of various judicial selection methods and their theoretic and practical impact on the courts and their accountability.

Findings

Administrators and Trainers disagree again by 12%, i.e., 0.6. The Coordinators rank this much higher than the Administrators. New Jersey is one of only 11 states that does not elect judges but appoints them by the Governor with the advice and consent of the Senate. The aggregate scores for the three groups placed this KSA at number 34 out of 46.

Illustration 20



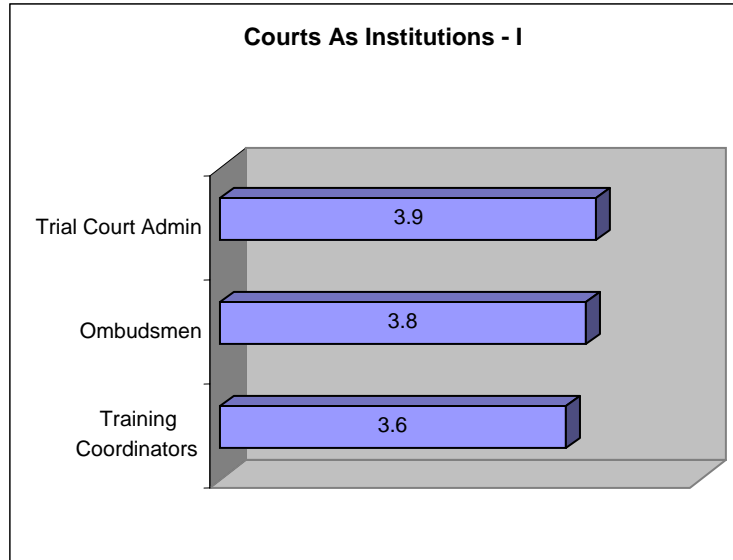
Survey Question 20

Knowledge of the jury system and other public participation and presence in the courts.

Findings

Administrators and Trainers disagree again and Ombudsmen are in the middle. It is likely that Administrators and Ombudsmen have more interaction with jurors. Certainly, they have more occasions to interact with the public. The aggregate scores for the three groups placed this KSA at number 7 out of 46.

Illustration 21



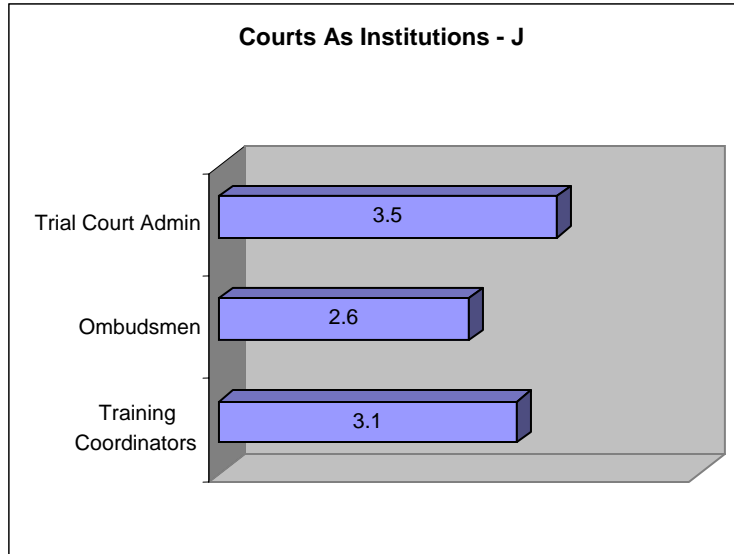
Survey Question 21

Knowledge of therapeutic and restorative justice, current alternative approaches such as problem solving courts and alternative dispute resolution for civil and family cases, and their relationship to court purposes.

Findings

All groups agreed on the comparative importance of this KSA. The aggregate scores for the three groups placed this KSA at number 11 out of 46.

Illustration 22



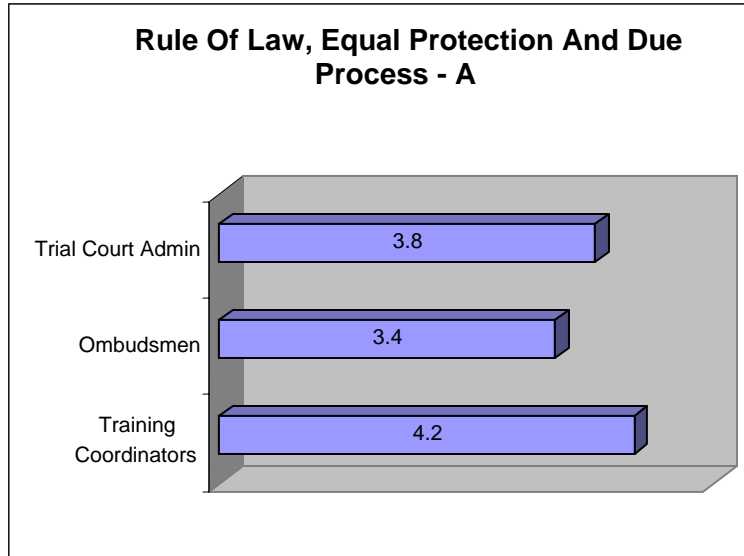
Survey Question 22

Ability to translate the values inherent to the Declaration of Independence, the Founders Theory, the U.S. Constitution, and the Bill of Rights into everyday practice.

Findings

There was an 18%, i.e., 0.9, disagreement between the Administrators and Ombudsmen on this KSA. The aggregate scores for the three groups placed this KSA at number 39 out of 46.

Illustration 23



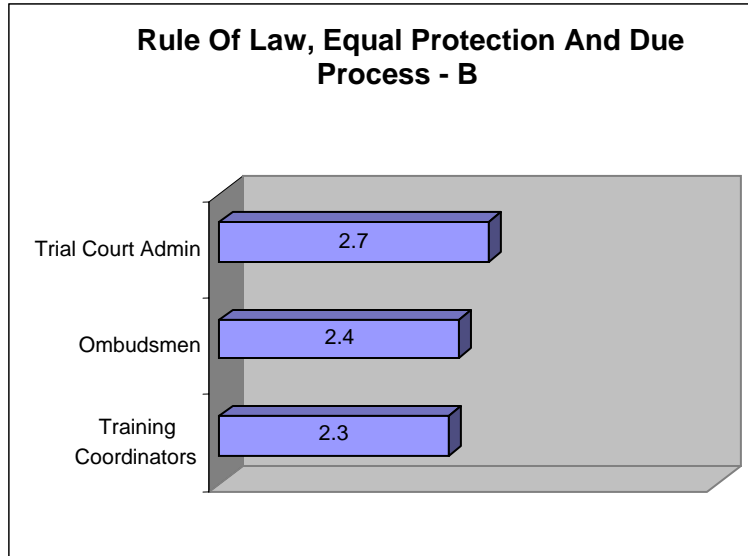
Survey Question 23

Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice.

Findings

The groups seemed to concur on the comparative importance of this KSA. Interestingly, the Trainers ranked this as having more importance than the other two groups. The aggregate scores for the three groups placed this KSA at number 10 out of 46.

Illustration 24



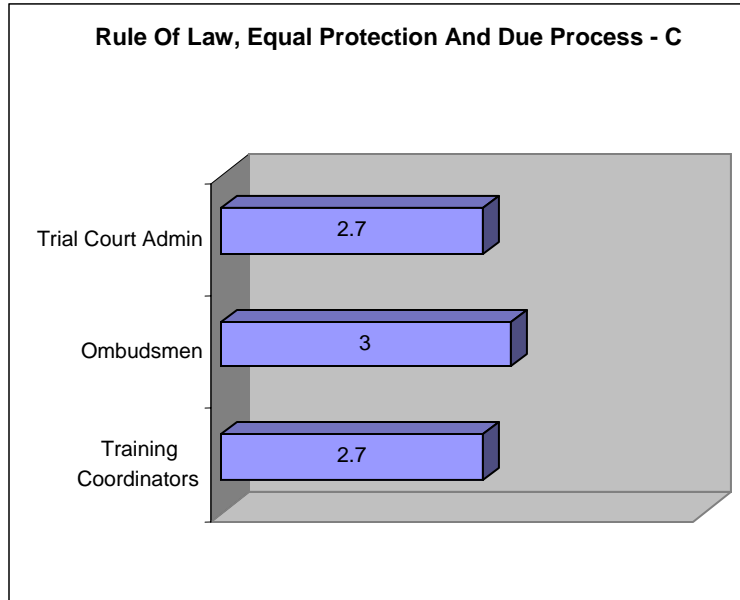
Survey Question 24

Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice.

Findings

There was almost uniform agreement across groups about the comparative unimportance of this KSA. All groups ranked this as having the least importance in the Rule of Law category. The term “legal traditions” may not clearly convey current practical applicability. The aggregate scores for the three groups placed this KSA at number 46 out of 46.

Illustration 25



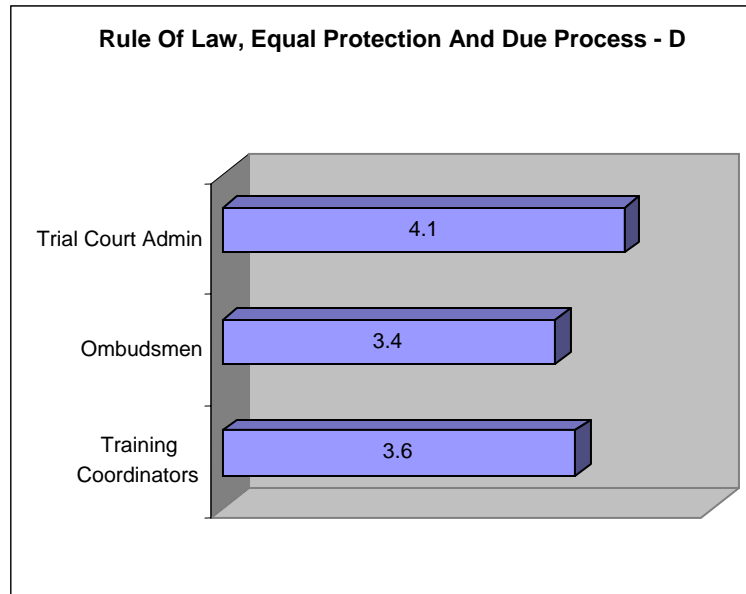
Survey Question 25

Knowledge of the processes by which the law is developed.

Findings

The groups agreed on the comparative unimportance of this KSA. Again, it's possible that the practical implications for current court processes and procedures are unclear. The aggregate scores for the three groups placed this KSA at number 43 out of 46.

Illustration 26



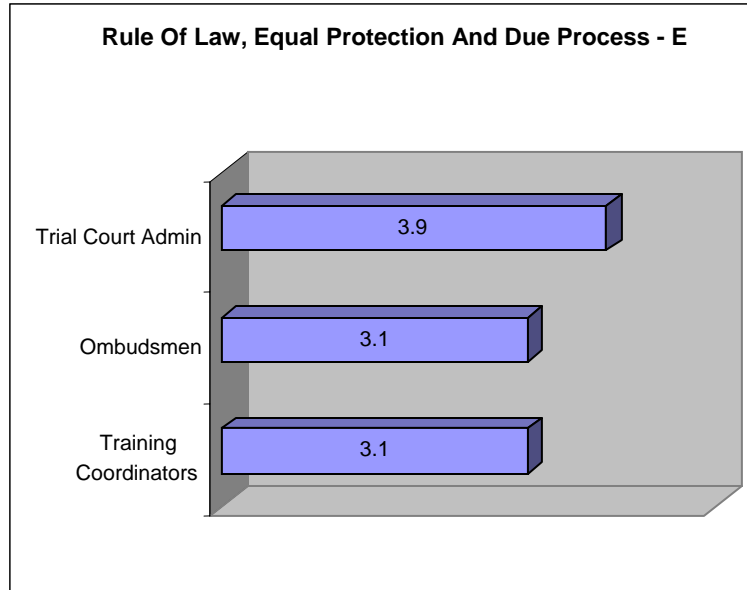
Survey Question 26

Knowledge of the concepts of equal protection, due process, venue, justifiability, case in controversy, and standing.

Findings

The Administrators ranked this higher than the other groups. This is a noteworthy finding given the centrality of these concepts to the day to day work of the courts. The aggregate scores for the three groups placed this KSA at number 14 out of 46.

Illustration 27



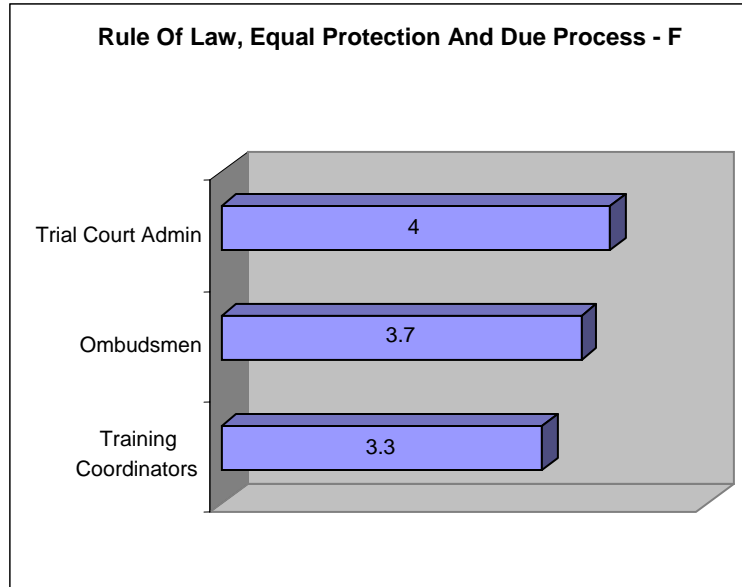
Survey Question 27

Knowledge of different types of jurisdiction.

Findings

The groups agreed on the importance of this KSA with the Ombudsmen and Trainers in complete agreement and the Administrators ranking this somewhat higher. The aggregate scores for the three groups placed this KSA at number 28 out of 46.

Illustration 28



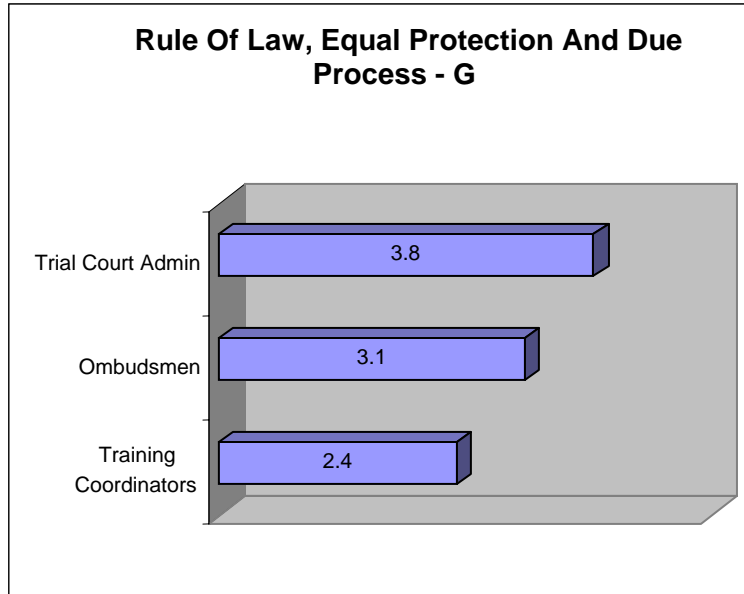
Survey Question 28

Knowledge of all case types and the basis for organizing disputes in categories, and the processes and procedures that courts use to resolve disputes.

Findings

The groups agreed on the importance of this KSA with the Administrators ranking this somewhat higher. The aggregate scores for the three groups placed this KSA at number 15 out of 46.

Illustration 29



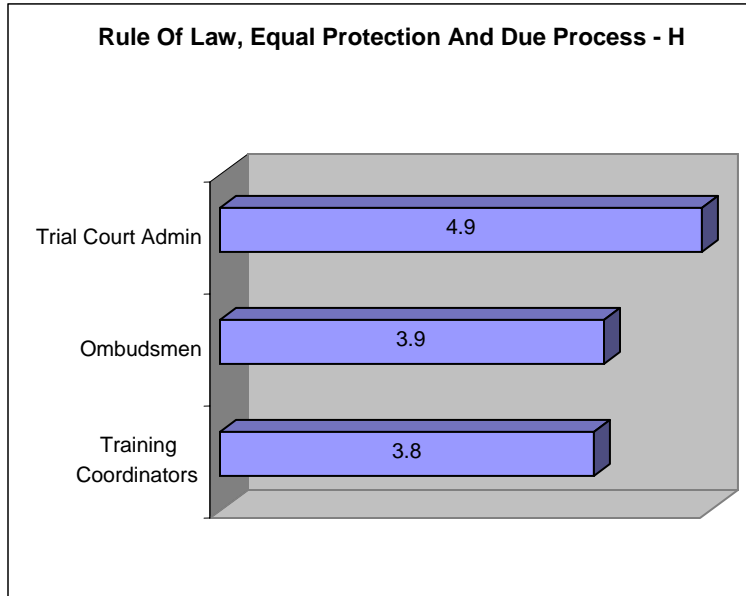
Survey Question 29

Knowledge of criminal and civil procedure and differing burdens of proof in criminal and civil cases.

Findings

There was a 28%, i.e., 1.4, difference between the Trainers and Administrators. The Administrators ranked this KSA higher than the other groups. The aggregate scores for the three groups placed this KSA at number 37 out of 46.

Illustration 30



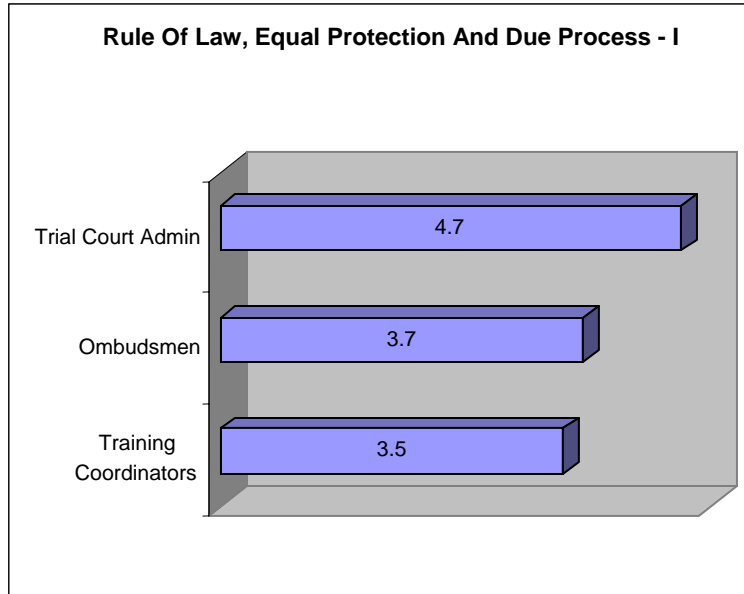
Survey Question 30

Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review.

Findings

There was a 20%, i.e., 1.0, difference between the Ombudsmen and the Administrators. There was 22%, i.e., 1.1, difference between the Trainers and the Administrators on this KSA. The Administrators ranked this KSA higher than the other groups. The Administrators and Ombudsmen ranked this highest in the category. The aggregate scores for the three groups placed this KSA at number 3 out of 46.

Illustration 31



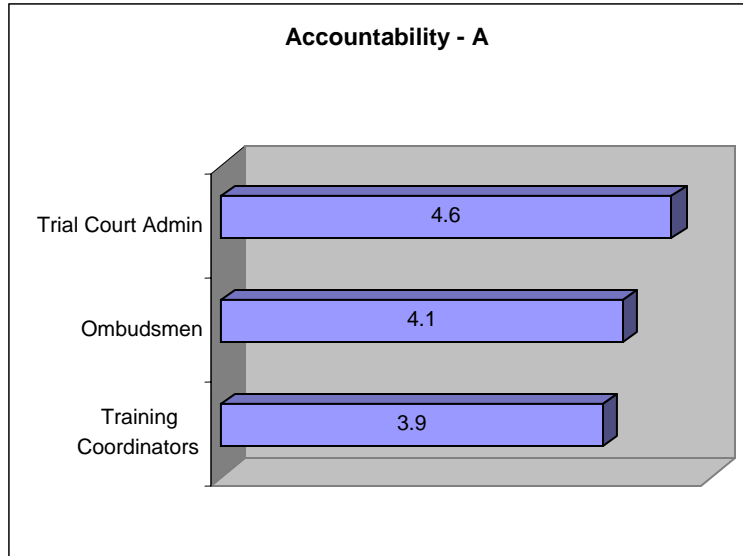
Survey Question 31

Ability to guide the organization and management of the court's structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concepts of rule of law, equal protection, and due process.

Findings

The Administrators ranked this at least 20% higher than both the Ombudsmen and Trainers. This KSA seems to closely fit the work of the Administrators. The aggregate scores for the three groups placed this KSA at number 8 out of 46.

Illustration 32



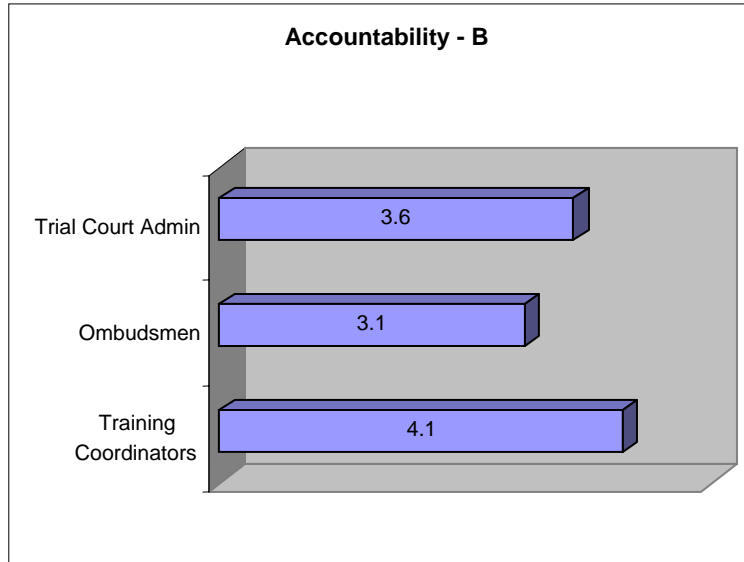
Survey Question 32

Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the court's internal and external integrity and accountability.

Findings

The Administrators ranked this KSA higher than both the Ombudsmen and Trainers with the Trainers ranking it the lowest and the Ombudsmen in the middle. The aggregate scores for the three groups placed this KSA at number 4 out of 46.

Illustration 33



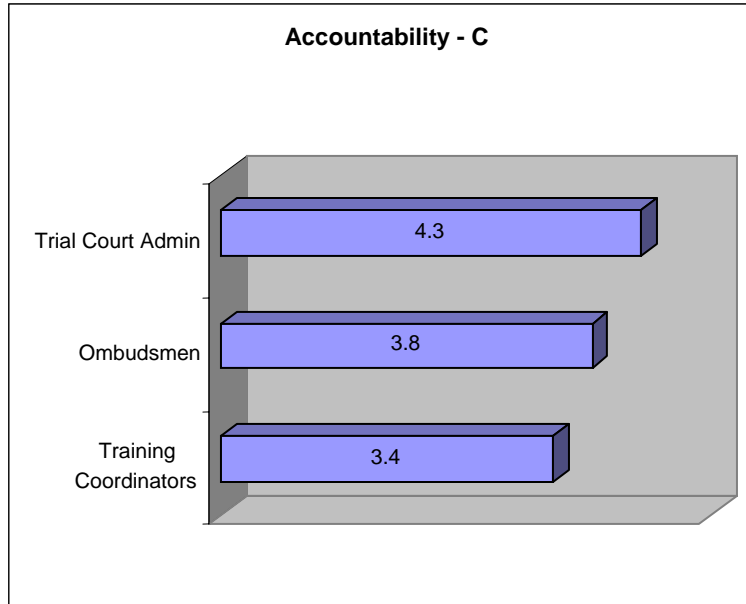
Survey Question 33

Ability to articulate why the courts and their programs exist.

Findings

The Trainers ranked this KSA 20%, i.e., 1.0 higher than the Ombudsmen. They also ranked it higher than the Administrators. Interestingly, the ability to articulate why the courts and their programs exist is a very important public education component of the Ombudsmen program. The aggregate scores for the three groups placed this KSA. at number 17 out of 46.

Illustration 34



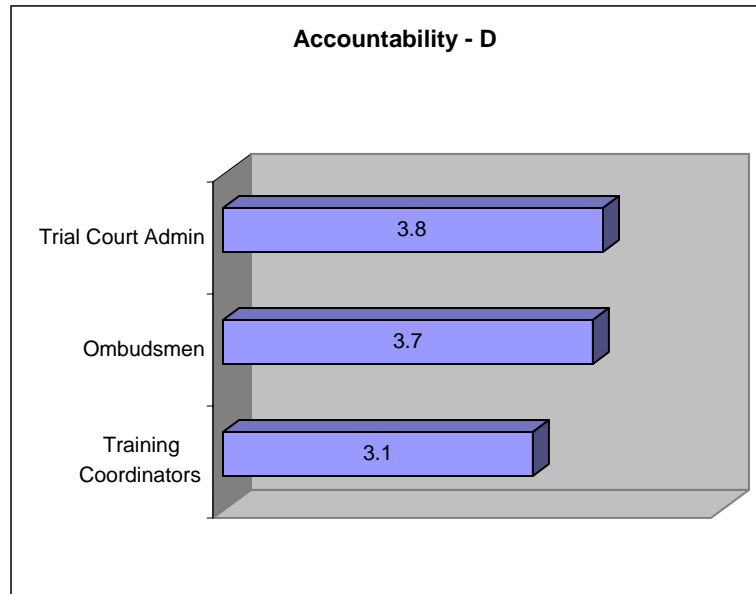
Survey Question 34

Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the courts.

Findings

The Administrators ranked this KSA higher than the other groups. They may feel most responsible for this task. The aggregate scores for the three groups placed this KSA at number 9 out of 46.

Illustration 35



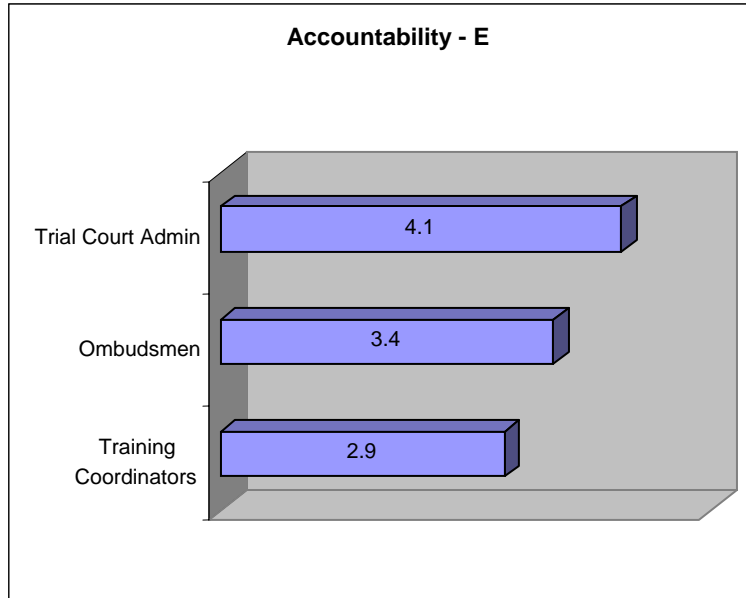
Survey Question 35

Knowledge of our multicultural society, differing cultures, and the public's understanding of and satisfaction with the courts.

Findings

The groups seemed to agree on the comparative importance of this KSA. The aggregate scores for the three groups placed this KSA at number 21 out of 46.

Illustration 36



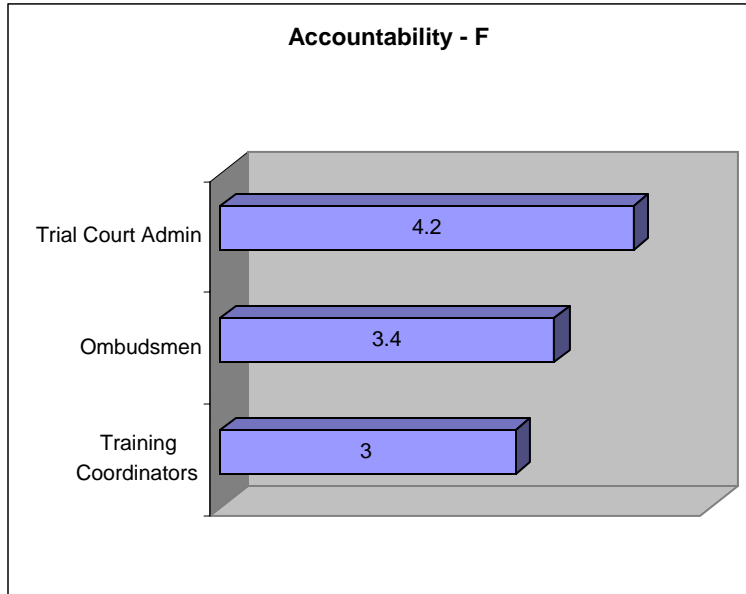
Survey Question 36

Ability to make courts more understandable, accessible, and fair through application of hardware and software.

Findings

There was approximately a 24%, i.e., 1.2, difference between the Administrators and the Trainers with the Ombudsmen in the middle. The aggregate scores for the three groups placed this KSA. at number 25 out of 46.

Illustration 37



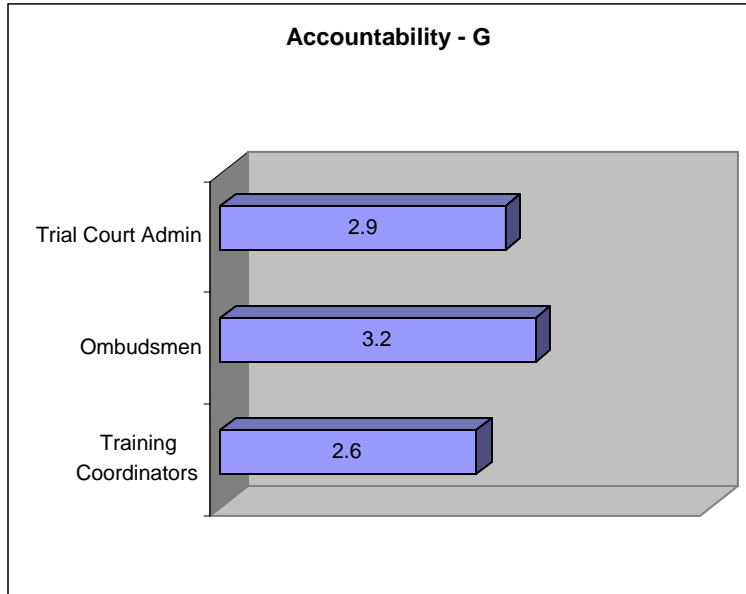
Survey Question 37

Ability to bring everyday judicial administration and case management in line with the purposes of courts, equal protection, due process, and the public's right to timely and affordable justice.

Findings

There was a 24%, i.e., 1.2, difference between the Administrators and the Trainers with the Ombudsmen in the middle. The aggregate scores for the three groups placed this KSA at number 22 out of 46.

Illustration 38



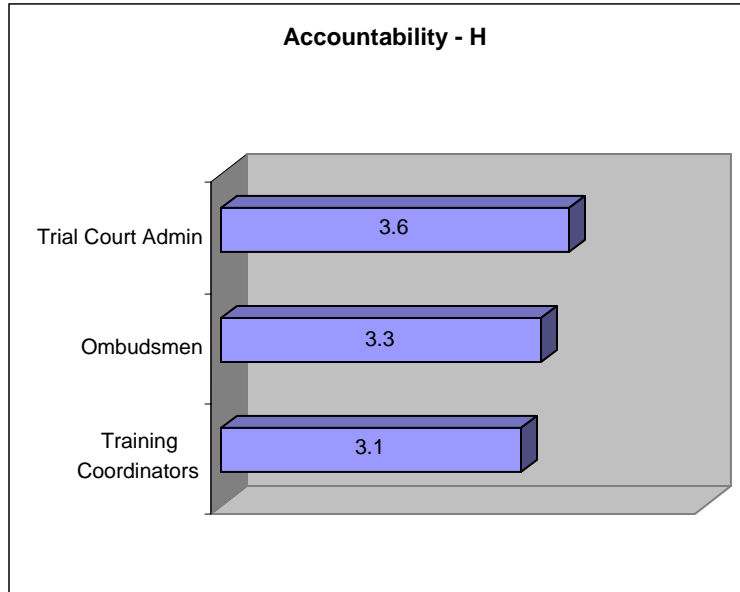
Survey Question 38

Knowledge of why judicial decisions must be carried out as ordered.

Findings

The Administrators and Trainers both ranked this the lowest in the Accountability category. The Ombudsmen ranked it higher than the other groups. The Ombudsmen are frequently called upon to address this issue with members of the public. The aggregate scores for the three groups placed this KSA at number 42 out of 46.

Illustration 39



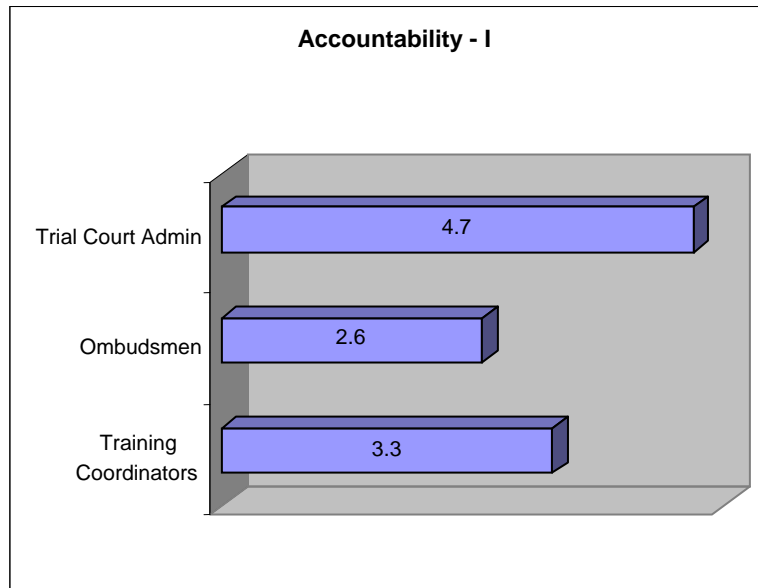
Survey Question 39

Ability to deliver on the promise of the rule of law, equal protection, due process, and respect for all individuals, at the counter, on the phone, electronically, and at the bench and the bar of the court.

Findings

There seemed to be agreement on this KSA between the three groups. Although this KSA is in the Accountability section it reiterates the importance of the rule of law, equal protection and due process about which the three groups tend to agree. The aggregate scores for the three groups placed this KSA at number 30 out of 46.

Illustration 40



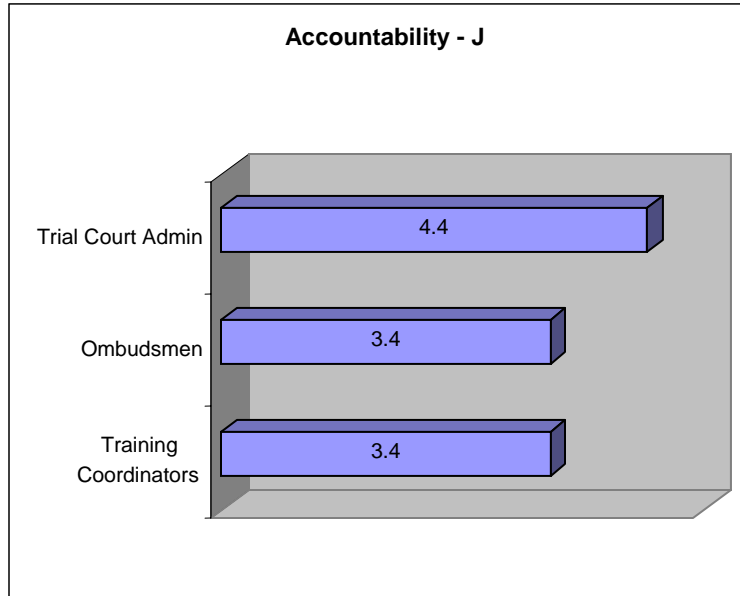
Survey Question 40

Ability to develop and use appropriate standards and measures of court performance and to assess and report on court performance internally, to funding authorities, the public, and the media.

Findings

There was approximately a 42%, i.e., 2.1, difference on the ranking of this KSA between the Administrators and Ombudsmen. The Administrators ranked this as highest in the category while the Ombudsmen ranked it the lowest. Trainers also ranked this lower than the Administrators. Previously, all groups ranked the ability to measure performance high. The Administrators are held more accountable for this KSA, especially, than the other groups. The aggregate scores for the three groups placed this KSA at number 20 out of 46.

Illustration 41



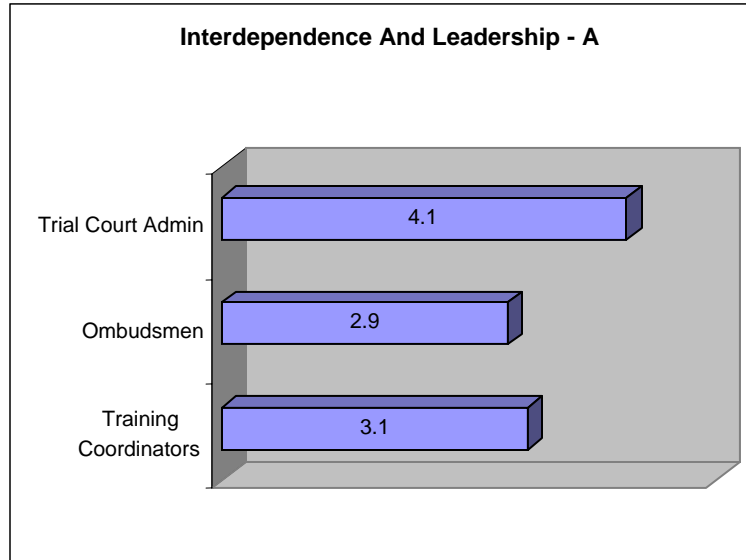
Survey Question 41

Ability to align court performance, court structure, court operations, and court processes with court purposes

Findings

The Administrators ranked this 20%, i.e., 1.0, higher than both the Ombudsmen and the Trainers. The aggregate scores for the three groups placed this KSA at number 12 out of 46.

Illustration 42



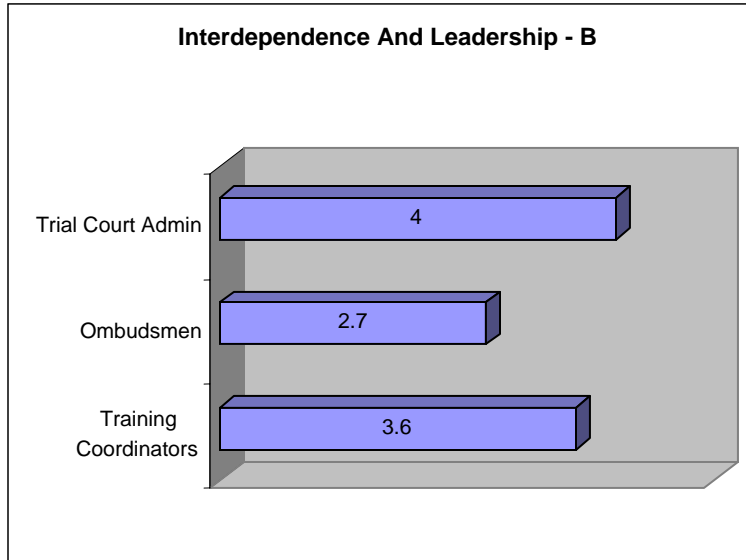
Survey Question 42

Skill in leading the third branch and the justice system and in engaging the judiciary, the public, and the other branches in collaborative problem solving and needed change.

Findings

The Administrators ranked this 24%, higher than the Ombudsmen and slightly higher than the Trainers. The Administrators consistently rank higher on interfacing with the other branches of government. The aggregate scores for the three groups placed this KSA at number 29 out of 46.

Illustration 43



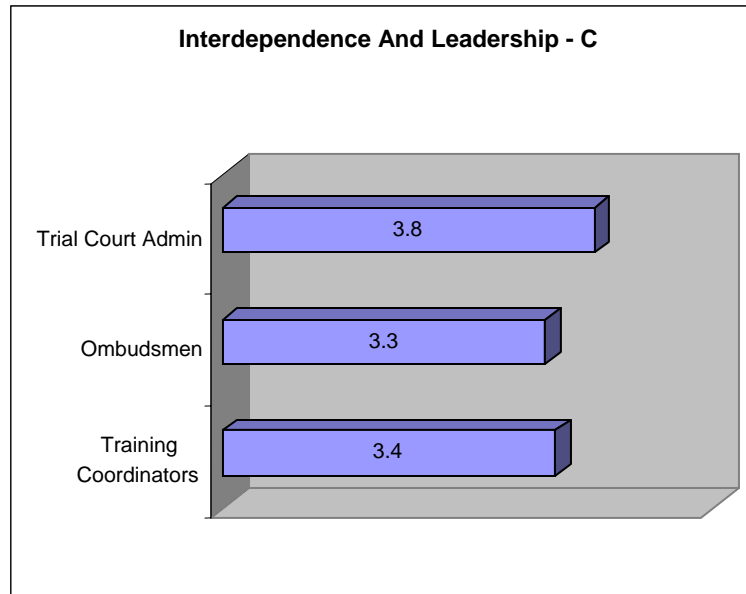
Survey Question 43

Skill in working effectively with the leaders of the other branches without sacrificing the judiciary's independence and impartiality and in drawing the line between judicial autonomy and judicial independence.

Findings

The Administrators ranked this 26%, higher than the Ombudsmen and slightly higher than the Trainers. The Administrators consistently rank higher on interfacing with the other branches of government. The aggregate scores for the three groups placed this KSA at number 27 out of 46.

Illustration 44



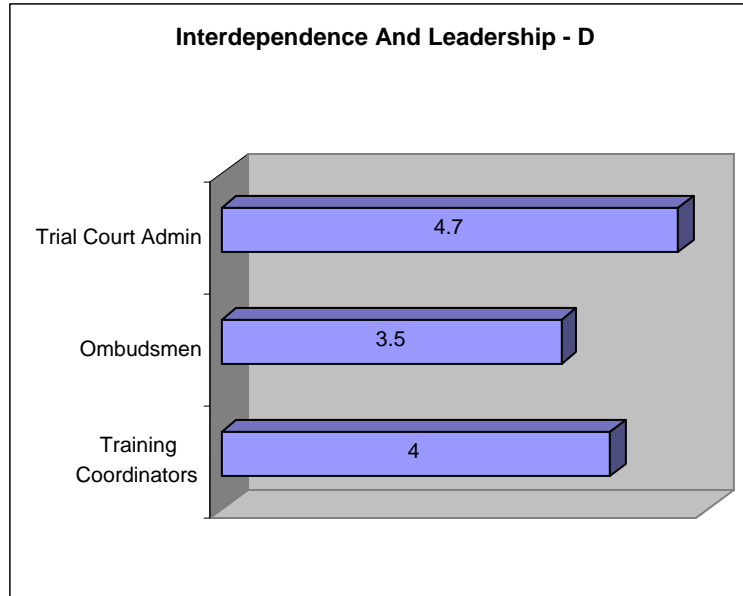
Survey Question 44

Ability to balance judicial independence, the inherent powers of the courts, and impartial judicial case processing and decisions with the judiciary's need to cooperate with others.

Findings

The groups seemed to agree on the importance of this KSA. The aggregate scores for the three groups placed this KSA at number 23 out of 46.

Illustration 45



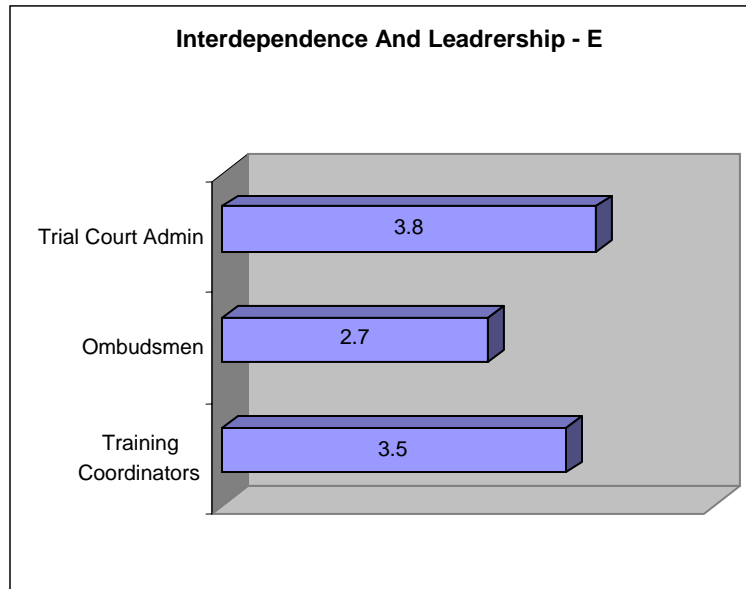
Survey Question 45

Ability to focus staff and judges on issues, which will impact the court's purposes and responsibilities, its core processes, and justice system issues.

Findings

The Administrators and Ombudsmen differed by 24% on this KSA. However, Trainers and Administrators ranked it highest in the category. This KSA is interesting since it specifically reiterates the importance of the "court's purposes and responsibilities." The aggregate scores for the three groups placed this KSA at number 5 out of 46.

Illustration 46



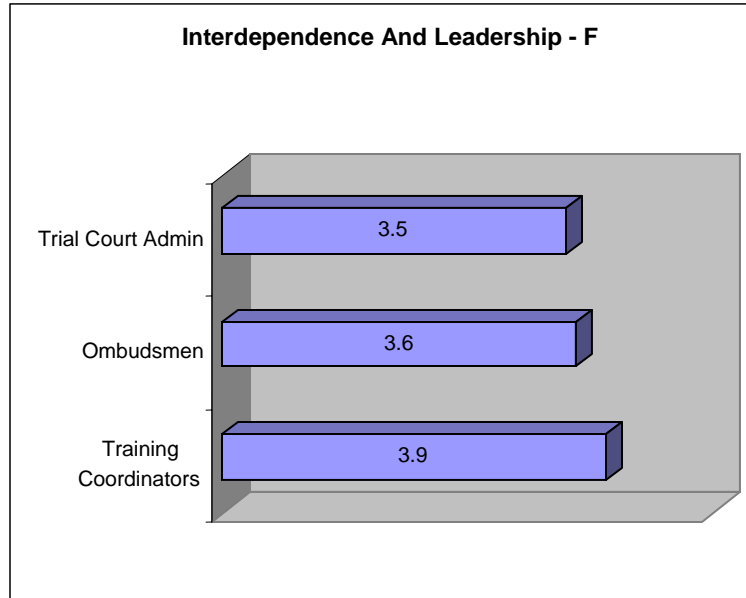
Survey Question 46

Ability to be committed, passionate, courageous, and energetic about court purposes and responsibilities and the courts as institutions.

Findings

The Administrators and Trainers are in complete agreement about this KSA. Curiously, the Ombudsmen ranked this comparatively lower in importance. The aggregate scores for the three groups placed this KSA at number 31 out of 46.

Illustration 47



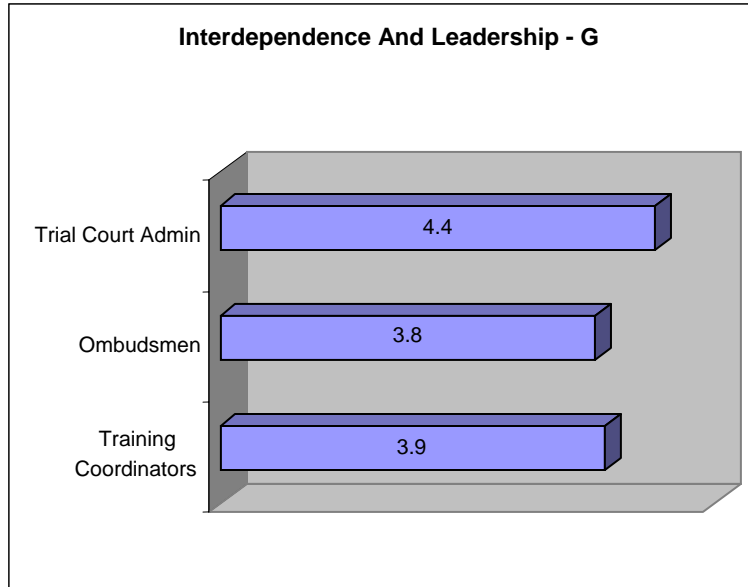
Survey Question 47

Ability to recruit, hire, and educate staff to maintain the court's independence, impartiality, and integrity.

Findings

The groups seemed to agree on the importance of this KSA. However, the Trainers ranked it slightly higher than the other groups. Perhaps this is because they are the group most directly involved with staff education. The aggregate scores for the three groups placed this KSA at number 16 out of 46.

Illustration 48



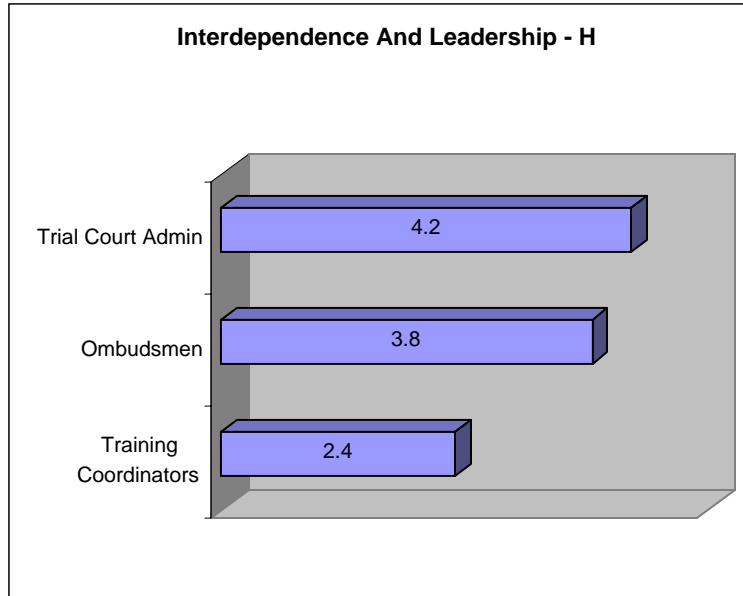
Survey Question 48

Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling.

Findings

The groups seem to agree on the importance of this KSA. The aggregate scores for the three groups placed this KSA at number 6 out of 46.

Illustration 49



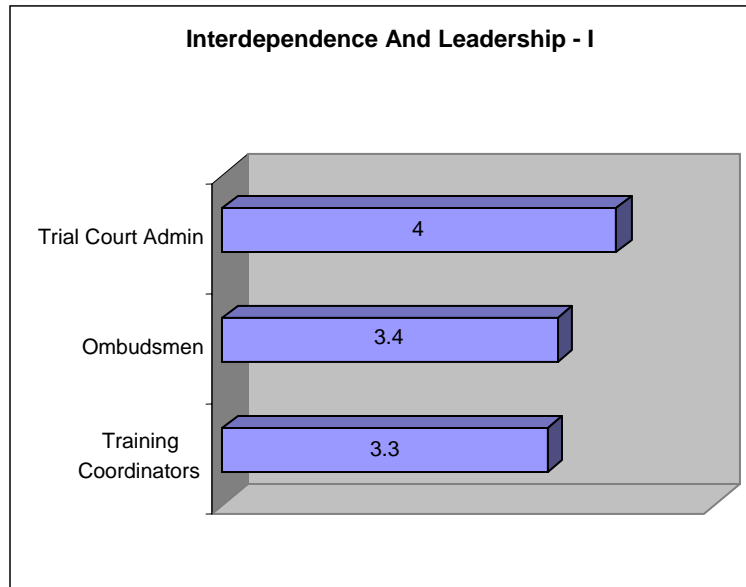
Survey Question 49

Knowledge of ethics and conflict of interest concepts, regulations and laws that constrain lawyers, judges, and court managers, including the ABA **Code of Professional Conduct** (for lawyers), the ABA **Canons of Judicial Ethics**(for judges), the **Federal Code of Conduct**, and the **NACM Model Code of Ethics for Court Managers**.

Findings

There was a 36% disagreement between the Administrators and the Trainers on the importance of this KSA. The Ombudsmen seemed to agree with the Administrators. The aggregate scores for the three groups placed this KSA at number 26 out of 46.

Illustration 50



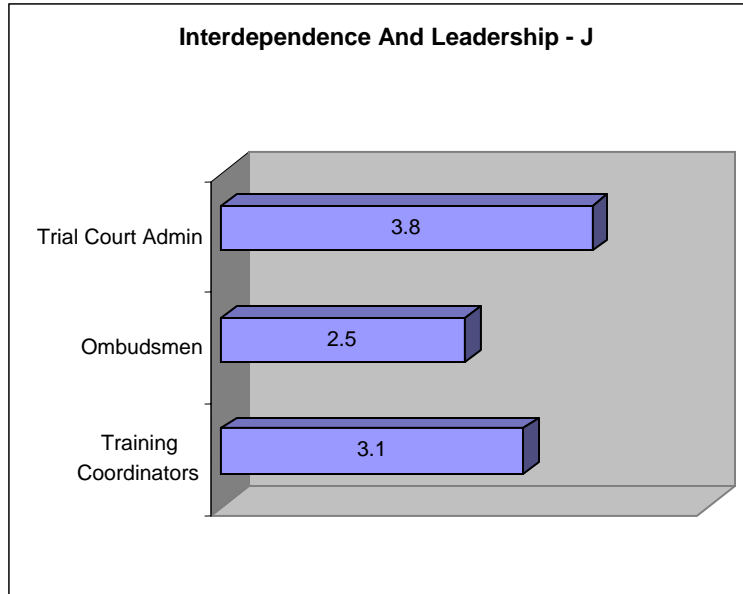
Survey Question 50

Ability to inspire others in the court family to act and to appear to act with high ethical standards, before, during, and after the court day.

Findings

The groups seemed to agree on the importance of this KSA. The aggregate scores for the three groups placed this KSA at number 19 out of 46.

Illustration 51



Survey Question 51

Ability to lead the judiciary and the justice system and to take risks to fulfill the role of courts and justice.

Findings

The Administrators and Trainers seemed to agree on the importance of this KSA, while the Ombudsmen differed with the Administrators by more than 26%. The aggregate scores for the three groups placed this KSA at number 36 out of 46.

Total Rankings

		Administrators	Ombudsmen	Trainers	Rankings
Why Courts Exist	1	4.4	3.8	2.5	10.7
Courts As Institutions	2	3.6	3.1	2.6	9.3
Rule Of Law	3	3.3	3.4	3.0	9.7
Accountability	4	4.0	3.9	3.3	11.2
Interdependence and Leadership	5	2.6	4.0	3.5	10.1
Why Courts Exist (KSA)		Administrators	Ombudsmen	Trainers	Rankings
	6	5.0	4.0	4.4	13.4
	7	3.7	3.0	3.8	10.5
	8	3.9	2.9	3.1	9.9
	9	3.9	2.9	2.9	9.7
	10	3.6	2.6	2.7	8.9
	11	2.4	2.7	2.5	7.6
	12	3.6	2.8	2.8	9.2
Courts As Institutions (KSA)		Administrators	Ombudsmen	Trainers	Rankings
	13	5.0	4.3	4.8	14.1
	14	3.3	2.9	2.5	8.7
	15	2.9	2.5	2.5	7.9
	16	3.4	2.9	3.1	9.4
	17	4.2	3.3	3.2	10.7
	18	4.0	3.9	3.3	11.2
	19	2.8	3.3	3.4	9.5
	20	4.8	4.1	3.2	12.1
	21	3.9	3.8	3.6	11.3
	22	3.5	2.6	3.1	9.2
Rule Of Law (KSA)		Administrators	Ombudsmen	Trainers	Rankings
	23	3.8	3.4	4.2	11.4
	24	2.7	2.4	2.3	7.4
	25	2.7	3.0	2.7	8.4
	26	4.1	3.4	3.6	11.1
	27	3.9	3.1	3.1	10.1
	28	4.0	3.7	3.3	11.0
	29	3.8	3.1	2.4	9.3
	30	4.9	3.9	3.8	12.6
	31	4.7	3.7	3.5	11.9
Accountability (KSA)		Administrators	Ombudsmen	Trainers	Rankings
	32	4.6	4.1	3.9	12.6
	33	3.6	3.1	4.1	10.8
	34	4.3	3.8	3.4	11.5
	35	3.8	3.7	3.1	10.6
	36	4.1	3.4	2.9	10.4
	37	4.2	3.4	3.0	10.6
	38	2.9	3.2	2.6	8.7
	39	3.6	3.3	3.1	10.0
	40	4.7	2.6	3.3	10.6
	41	4.4	3.4	3.4	11.2
Interdependence and Leadership (KSA)		Administrators	Ombudsmen	Trainers	Rankings
	42	4.1	2.9	3.1	10.1
	43	4.0	2.7	3.6	10.3
	44	3.8	3.3	3.4	10.5
	45	4.7	3.5	4.0	12.2
	46	3.8	2.7	3.5	10.0
	47	3.5	3.6	3.9	11.0
	48	4.4	3.8	3.9	12.1
	49	4.2	3.8	2.4	10.4
	50	4.0	3.4	3.3	10.7
	51	3.8	2.5	3.1	9.4

Highest

Lowest

Convergence and Divergence

Guidelines:

- “Why Courts Exist.” The survey results showed a significant disagreement between Administrators and Trainers on the comparative importance of this guideline. The Administrators ranked this curriculum guideline the highest and the Trainers ranked it lowest.
- “Interdependence and Leadership.” The survey results showed a significant agreement between Trainers and Ombudsmen, and disagreement between the Administrators and the two other groups, on the comparative importance of this guideline. The Trainers and Ombudsmen groups ranked this as the highest curriculum guideline while the Administrators ranked it lowest.

Knowledge, Skills, and Abilities:

- “Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition.” All groups ranked this “Why Courts Exist” KSA the highest in the category.
- “Ability to maintain judicial and staff awareness that courts were not intended to be popular.” Administrators and Trainers ranked this “Why Courts Exist” KSA the lowest in the category.
- “Knowledge of the Trial Court Performance Standards, their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence.” All groups ranked this “Courts as Institutions” KSA the highest in the category.

- “Knowledge of Roscoe Pound’s 1906 speech, “The Causes of popular Dissatisfaction with the Administration of Justice.” And its profound implications for understanding courts as institutions and everyday judicial administration.” Ombudsmen and Trainers ranked this KSA lowest in the category.
- “Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice.” All groups ranked this “Rule of law” KSA the lowest in the category.
- “Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross-examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review.” Administrators and Ombudsmen ranked this “Rule of Law” KSA the highest in the category. The Trainers also ranked it comparatively high although not the highest. The Trainers ranked the following KSA the highest in the “Rule of Law” category: “Knowledge of the concept of the rule of law, growth of the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice.”
- “Knowledge of why judicial decisions must be carried out as ordered.” The Trainers and Administrators ranked this “Accountability” KSA lowest in the category.
- “Ability to develop and use appropriate standards and measures of court performance and to assess and report on court performance internally, to funding authorities, the public, and the media.” The Administrators ranked this “Accountability” KSA highest while the Ombudsmen ranked it lowest.

- “Ability to focus staff and judges on issues, which will impact the court’s purposes and responsibilities, its core processes, and justice system issues.” Administrators and Trainers ranked this “Interdependence and Leadership” KSA highest in the category.
- “Knowledge of ethics and conflict of interest concepts, regulations and laws that constrain lawyers, judges and court managers, including the ABA Code of professional Conduct (for lawyers), the ABA Canons of Judicial Ethics (for judges), the Federal Code of Conduct and the NACM Model Code of Ethics for Court Managers.” The Ombudsmen ranked this KSA the highest in the category while the Trainers ranked it lowest.

Curriculum Guidelines Aggregate Scores and Rankings

From the perspective of your state association which of these five Curriculum Guidelines should be developed first?

Curriculum Guidelines

		Score	Rank
1	<p>Why Courts Exist Only courts can legally resolve society’s conflicts. When they resolve disputes between individuals, individuals and the government (including those accused by the government of violating the law) individuals and corporations, and between organizations (both public and private) they must do so in ways that preserve the court’s independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate the tension between social order and individual freedom.</p>	10.7	2
2	<p>Courts as Institutions Impartiality and independence demand courts that are separate from the executive and the legislative branches of government. Competent court leaders understand separation of powers, judicial independence, and the inherent powers of the court and both their distinctive boundaries and interdependency with the other branches. The Trial Court Performance Standards guide day to day court management.</p>	9.3	5
3	<p>Rule of Law, Equal Protection, and Due Process Courts must deliver on the promise of the rule of law, equal protection, and due process. Court leaders must know the theory and history of the common law, and important concepts such as venue, jurisdiction, justiciability and their practical implications as well as case types and processes and procedures.</p>	9.7	4
4	<p>Accountability Courts must be publicly accountable. Accountability is the rationale for court control of the pace of litigation and the tracking of case disposition times, and adherence to law in individual cases. The judiciary establishes and maintains its boundaries but it also reports on its performance, its use of public resources, and its conformance with its assigned responsibilities.</p>	11.2	1
5	<p>Interdependence and Leadership The American constitutional structure defines the judiciary’s relationship with its co-equal partners. Court leaders must be independent and cooperative. They must maintain boundaries and achieve public trust and confidence. Court leaders should have a passion for justice and court purposes and responsibilities and bring pride to their work. They require ethical conduct and must ensure that the court’s integrity is pure.</p>	10.1	3

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Knowledge, Skills and Abilities Aggregate Scores and Rankings

1. WHY DO COURTS EXIST

Courts and only courts can definitely resolve society's inevitable conflicts. When they resolve disputes between individuals; individuals and the government, including those accused by the government of violating the law; individuals and corporations, and between organizations; both public and private they do so in ways that preserve the courts independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate society's interest in opposite but true mandates in particular the tension between social order and individual freedom.

From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?

		Score	Rank
A	Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; 7) rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.	13.4	2
B	Knowledge of the historical role the courts have played in balancing efficiency, stability, and social order against individual rights; preserving the equality of the individual and the state; bringing law in line with everyday norms and values; establishing the legitimacy of the law; and in guiding the behavior of individuals and organizations;	10.5	23
C	Knowledge of the historical context which provided impartial and independent courts as a protection from the abuse of governmental power and as a safeguard of individual rights;	9.9	32
D	Knowledge of each and every judge's independent responsibility for case decisions, the essential elements of judicial decision making, and judicial immunity;	9.7	33
E	Knowledge of the implications of the court as an institution and judicial decisions as immune from challenge versus the court as an organization and a bureaucracy;	8.9	40
F	Ability to maintain judicial and staff awareness that courts were not intended to be popular;	7.6	45
G	Knowledge of the perpetual tensions inherent in the Purposes and Responsibilities of Courts including social order versus liberty, the adversarial process versus consensual or efficient case process, and the authority of the state versus the protection of individuals against governmental power.	9.2	38

2. COURTS AS INSTITUTIONS

Impartiality and independence demand courts that are separate from the executive and the legislature. But court purposes reflect a rich historical legacy that dictates both distinctive boundaries and interdependency. Competent court leaders understand separation of powers, judicial independence, and the inherent powers of the court. Alternative organizational arrangements to maintain the courts boundaries and to permit their effective management are likewise known. Direction provided by the Trial Court Performance Standards guide day to day court management.

From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?

Knowledge, Skills and Abilities

		Score	Rank
A	Knowledge of the Trial Court Performance Standards , their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence;	14.1	1
B	Knowledge of the founders' theory, the <i>Federalist</i> papers, the Declaration of Independence, the U.S. Constitution and the Bill of Rights, separation of powers, judicial independence, and the parameters and constraints of the inherent powers of the courts;	8.7	41
C	Knowledge of Roscoe Pound's 1906 ABA speech, "The Causes of Popular Dissatisfaction with the Administration of Justice" and its profound implications for understanding courts as institutions and everyday judicial administration;	7.9	44
D	Knowledge of historical changes in the roles of state and federal supreme courts, intermediate courts of appeal, and trial courts;	9.4	35
E	Knowledge of alternative governance structures for courts, including chief judges, judge committees, and joint public, executive, and legislative branch committees;	10.7	18
F	Knowledge of alternative structures for organizing courts, cases, and calendars;	11.2	13
G	Knowledge of various judicial selection methods and their theoretic and practical impact on the courts and their accountability;	9.5	34
H	Knowledge of the jury system and other public participation and presence in the courts;	12.1	7
I	Knowledge of therapeutic and restorative justice, current alternative approaches such as problem solving courts and alternative dispute resolution for civil and family cases, and their relationship to court purposes;	11.3	11
J	Ability to translate the values inherent to the Declaration of Independence, the Founders Theory, the U.S. Constitution, and the Bill of Rights into everyday practice.	9.2	39

3. RULE OF LAW, EQUAL PROTECTION AND DUE PROCESS

Effective court leaders understand and help courts deliver on the promise of rule of law, equal protection, and due process. They know the theory, the history of the common law, important concepts such as venue, justiciability, and their practical implications. All types of cases, their processing, and typical forms and procedures are understood.

From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?

Knowledge, Skills and Abilities

		Score	Rank
A	Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice;	11.4	10
B	Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice;	7.4	46
C	Knowledge of the processes by which the law is developed;	8.4	43
D	Knowledge of the concepts of equal protection, due process, venue, justiciability, case in controversy, and standing;	11.1	14
E	Knowledge of different types of jurisdiction;	10.1	28
F	Knowledge of all case types and the basis for organizing disputes in categories, and the processes and procedures that courts use to resolve disputes;	11.0	15
G	Knowledge of criminal and civil procedure and differing burdens of proof in criminal and civil cases;	9.3	37
H	Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review;	12.6	3
I	Ability to guide the organization and management of the court's structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concepts of rule of law, equal protection, and due process.	11.9	8

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4. ACCOUNTABILITY

Courts must be accountable. Accountability provides the rationale for court control of the pace of litigation, the tracking of case disposition times, and adherence to law and judicial decisions in individual cases. The judiciary establishes and maintains its boundaries but it also assesses and reports on its performance, its use of public resources, and its conformance with its assigned responsibilities and the law.

From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?

Knowledge, Skills and Abilities

		Score	Rank
A	Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the court's internal and external integrity and accountability;	12.6	4
B	Ability to articulate why the courts and their programs exist;	10.8	17
C	Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the courts;	11.5	9
D	Knowledge of our multicultural society, differing cultures, and the public's understanding of and satisfaction with the courts;	10.6	21
E	Ability to make courts more understandable, accessible, and fair through application of hardware and software;	10.4	25
F	Ability to bring everyday judicial administration and case management in line with the purposes of courts, equal protection, due process, and the public's right to timely and affordable justice;	10.6	22
G	Knowledge of why judicial decisions must be carried out as ordered;	8.7	42
H	Ability to deliver on the promise of the rule of law, equal protection, due process, and respect for all individuals, at the counter, on the phone, electronically, and at the bench and the bar of the court;	10.0	30
I	Ability to develop and use appropriate standards and measures of court performance and to assess and report on court performance internally, to funding authorities, the public, and the media;	10.6	20
J	Ability to align court performance, court structure, court operations, and court processes with court purposes.	11.2	12

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5. INTERDEPENDENCE AND LEADERSHIP

The “contriving” American constitutional structure gives the judiciary’s relationship with its co-equal partners a distinctive flavor. Court leaders must be independent and cooperative. They must be above the fray even as they build and maintain boundaries and seek and achieve public trust and confidence. Court leaders have passion for justice and court purposes and responsibilities, and bring pride to everyday routines and jobs. They require ethical conduct and ensure that the court’s integrity is pure.

From the perspective of your state association which of these Knowledge, Skills and Abilities should be developed first?

Knowledge, Skills and Abilities

		Score	Rank
A	Skill in leading the third branch and the justice system and in engaging the judiciary, the public, and the other branches in collaborative problem solving and needed change;	10.1	29
B	Skill in working effectively with the leaders of the other branches without sacrificing the judiciary’s independence and impartiality and in drawing the line between judicial autonomy and judicial independence;	10.3	27
C	Ability to balance judicial independence, the inherent powers of the courts, and impartial judicial case processing and decisions with the judiciary’s need to cooperate with others;	10.5	24
D	Ability to focus staff and judges on issues, which will impact the court’s purposes and responsibilities, its core processes, and justice system issues;	12.2	5
E	Ability to be committed, passionate, courageous, and energetic about court purposes and responsibilities and the courts as institutions;	10.0	31
F	Ability to recruit, hire, and educate staff to maintain the court’s independence, impartiality, and integrity;	11.0	16
G	Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling;	12.1	6
H	Knowledge of ethics and conflict of interest concepts, regulations and laws that constrain lawyers, judges, and court managers, including the ABA Code of Professional Conduct (for lawyers), the ABA Canons of Judicial Ethics (for judges), the Federal Code of Conduct , and the NACM Model Code of Ethics for Court Managers ;	10.4	26
I	Ability to inspire others in the court family to act and to appear to act with high ethical standards, before, during, and after the court day;	10.7	19
J	Ability to lead the judiciary and the justice system and to take risks to fulfill the role of courts and justice.	9.4	36

1/7/2003

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Curriculum Guidelines – Prioritized Aggregate Scores

<p>1 (11.2)</p>	<p>Accountability Courts must be publicly accountable. Accountability is the rationale for court control of the pace of litigation and the tracking of case disposition times, and adherence to law in individual cases. The judiciary establishes and maintains its boundaries but it also reports on its performance, its use of public resources, and its conformance with its assigned responsibilities.</p>
<p>2 (10.7)</p>	<p>Why Courts Exist Only courts can legally resolve society’s conflicts. When they resolve disputes between individuals, individuals and the government (including those accused by the government of violating the law) individuals and corporations, and between organizations (both public and private) they must do so in ways that preserve the court’s independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate the tension between social order and individual freedom.</p>
<p>3 (10.1)</p>	<p>Interdependence and Leadership The American constitutional structure defines the judiciary’s relationship with its co-equal partners. Court leaders must be independent and cooperative. They must maintain boundaries and achieve public trust and confidence. Court leaders should have a passion for justice and court purposes and responsibilities and bring pride to their work. They require ethical conduct and must ensure that the court’s integrity is pure.</p>
<p>4 (9.7)</p>	<p>Rule of Law, Equal Protection, and Due Process Courts must deliver on the promise of the rule of law, equal protection, and due process. Court leaders must know the theory and history of the common law, and important concepts such as venue, jurisdiction, justiciability and their practical implications as well as case types and processes and procedures.</p>
<p>5 (9.3)</p>	<p>Courts as Institutions Impartiality and independence demand courts that are separate from the executive and the legislative branches of government. Competent court leaders understand separation of powers, judicial independence, and the inherent powers of the court and both their distinctive boundaries and interdependency with the other branches. The Trial Court Performance Standards guide day to day court management.</p>

Knowledge, Skills and Abilities – Prioritized Aggregate Scores

1 (14.1)	Courts as Institutions Knowledge of the Trial Court Performance Standards , their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence;
2 (13.4)	Why Courts Exist Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; 7) rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.
3 (12.6)	Rule of Law, Equal Protection, and Due Process Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review;
4 (12.6)	Accountability Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the court’s internal and external integrity and accountability;
5 (12.2)	Interdependence and Leadership Ability to focus staff and judges on issues, which will impact the court’s purposes and responsibilities, its core processes, and justice system issues;
6 (12.1)	Interdependence and Leadership Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling;
7 (12.1)	Courts as Institutions Knowledge of the jury system and other public participation and presence in the courts;
8 (11.9)	Rule of Law, Equal Protection, and Due Process Ability to guide the organization and management of the court’s structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concepts of rule of law, equal protection, and due process.
9 (11.5)	Accountability Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the courts;
10 (11.4)	Rule of Law, Equal Protection, and Due Process Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice;

“Number One” Guideline and “Top Ten” Knowledge, Skills, and Abilities

Guideline:

- The strongest convergence of opinion was shown on the comparative importance of acquiring mastering the “Accountability” portion of the “Purposes” competency which states that:

“Courts must be publicly accountable. Accountability is the rationale for court control of the pace of litigation and the tracking of case disposition times, and adherence to law in individual cases. The judiciary establishes and maintains its boundaries but it also reports on its performance, its use of public resources, and its conformance with its assigned responsibilities.”

Knowledge:

Regarding the acquisition of knowledge, skills and abilities, the strongest convergence of opinion was shown as follows:

- Knowledge of the Trial Court Performance Standards, their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence.
- Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross-examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review.

- Knowledge of accepted purpose underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.
- Knowledge of the jury system and other public participation and presence in the courts.
- Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for trust-finding, discovery, narrowing the issues, and doing justice.

Skills:

- Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling.

Abilities:

- Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the courts internal and external integrity and accountability.
- Ability to focus staff and judges on issues, which will impact the court's purposes and responsibilities, its core processes and justice system issues.

- Ability to guide the organization and management of the court's structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concept of the rule of law, equal protection and due process.
- Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the court.

CONCLUSIONS AND RECOMMENDATIONS

Currently, many courts and organizations do not fully incorporate the core competencies into their educational programs. However, it appears that interest in them is increasing. At the heart of the core competencies lie the purposes and responsibilities of courts. It is noteworthy that Dr. Maureen Conner, Executive Director of the JERITT Project, also highlighted the importance of the concepts contained in this competency in her interview with the author.⁹⁵ The “purposes” concepts are not abstract; in fact, they go to the very “core” of what type of court system the New Jersey Courts are now and will be in the future. They are precious concepts that affect the democratic quality of our lives. It is heartening to be reminded that those who have dedicated their professional lives to the cause of justice want to learn more about them and ensure that others learn about them too.

These ideals were never intended to be for the few; on the contrary, by their very nature they are for the many. The purposes and responsibilities core competency is distinguishable from the others in this important way; it is the one that will remain immutable unless our system of government changes. The other competencies must grow and develop in the service of this one. The ideals that form this competency shape institutional identity and culture, provide for a shared belief system, and ultimately, drive success or failure.

This project reinforced the ideas that led to the creation of the core competencies, and the ideas identified over time by numerous court leaders, judicial branch educators, academicians and commentators. It reinforces the idea that this type of training is needed in New Jersey, and

⁹⁵ See Appendix B.

in all likelihood everywhere that state courts are struggling to keep pace with the complexities of 21st century life.

Lifelong learning occurs in different ways, at different times, for different people. Accordingly, meeting this challenge is best accomplished by an education and training program that uses multiple methods for introducing concepts, reinforcing them and rewarding their implementation. As noted in the NACM publication on the core competencies:⁹⁶ “people who work in the courts are special. Their jobs and the work of the courts are not too small for the human spirit.” They (we) deserve the opportunity to learn and re-learn about the enduring principles of justice so that we can make meaningful contributions to this noble purpose. The public deserves nothing less.

There are many ways to meet this challenge. For example, one way to do this would be to ask the question at all managerial and supervisory initial interviews: What are the purposes and responsibilities of courts? This would introduce the idea at the outset of employment. Another way is to incorporate the themes into the orientation program and existing courses, this would further introduce and reinforce the concepts. Yet another way would be to develop new courses to provide opportunities for advanced learning. Still another is to reward those leaders who best exemplify a clear understanding of the concepts through their work and demeanor. This would reinforce the lessons and for them and others. Of course, these lessons should carry over into our work with the public too,

Accordingly, it is highly recommended that the “Purposes and Responsibilities” theme be incorporated into all training curricula including initial employee orientation, leadership development programs, and public information and community outreach programs. It is also

⁹⁶ See Note 15 supra, at page 14.

recommended that the Judiciary consider the creation of a Court Scholars Program to provide ongoing inspiration, motivation and education in this core competency. Throughout this research other lessons were also learned that can inform the national effort, led by NACM, to develop court leaders of the future, and contribute to a growing, and maturing, profession. Fortunately, because there are numerous resources at both the national and local level with which to easily, and with minimal cost, incorporate these recommendations.

The laudable purposes of the courts must be reinforced by a continuous learning process for those who are in positions to understand them best and to act as the court's goodwill ambassadors.

Recommendations for NACM

- 1) Survey Revision: The surveys are an invaluable individual assessment tool that both impart and collect information. Based on the feedback received, the surveys could be reviewed, edited, and revised to ensure greater ease of use, scoring, and interpretation of results. It is recommended that the scales remain consistent for the Core Competency Curriculum Guidelines and the Knowledge, Skills and Abilities sections. A clear scoring mechanism and a method for tracking and analyzing findings would also be useful to compare results across jurisdictions.
- 2) Best Practices: It would be helpful to know about other court's experiences with the surveys and to have a sense of the "best practices." It is recommended that the National Association for Court Management undertake an examination of how this could be accomplished.⁹⁷

⁹⁷ This seems to be already underway. This year's NACM mid-year conference theme is the Purposes and Responsibilities of Courts. See, Remarks to the National Association of Court Management (NACM) of Chief Justice John T. Broderick, Jr., Portland, March 10, 2009, who noted that "The last great challenge before us is to attract and retain able, agile and committed managers and administrators and find and retain first-rate staff."

Recommendations for the New Jersey Judiciary

- 1) **Review Findings:** It is recommended that these findings be shared with court leaders and the participating groups, i.e., the Trial Court Administrators, Ombudsmen and Training Coordinators. This could be done by convening focus groups to review the results and recommendations or by reviewing them at their regularly scheduled meetings.
- 2) **Include in Hiring Practices:** The themes of Purposes and Responsibilities of Courts should be highlighted during all job interviews so that all future employees will be aware of these important concepts and ideals at the outset of their employment.
- 3) **Consistent Reinforcement:** The “Purposes” themes could be the subject of a quarterly Infonet broadcast to judges and staff.
- 4) **Consistent Rewards:** The themes could also be reinforced by an annual award for the idea or project that best embodies them, to be presented at Staff College.
- 5) **New Employee Orientation:** It seems clear that the themes of the “Purposes and Responsibilities of Courts” should receive greater attention in all aspects of training, education and community outreach, given its prominent place in the core competencies. Based on the survey responses, (at the very least) the “number one” guideline, and the “top ten” knowledge, skills, and abilities should be incorporated into all of New Jersey’s educational curricula for court employees. This could be accomplished by using the existing NACM toolboxes on the topic, or by using the toolboxes as the foundation for new courses. One way to start would be by incorporating Judge Grant’s newly developed PowerPoint presentation “Building on Success to Achieve Excellence,”⁹⁸ into all New Employee Orientation programs.

⁹⁸ See Note 7 supra, at page 12.

It is noteworthy that the current New Employee Orientation 5-Day Program⁹⁹ contains the threads of the “Purposes and Responsibilities of Courts.” With a little “tug” on these threads the program could be revised to include greater emphasis on this theme and (continuing the analogy) a more cohesive educational tapestry for new employees.

For example: the topics covered on Day One: “Who We Are” (i.e., “New Jersey Court Overview,” “Strategic Plan Overview,” “Mission and Vision of the Courts” and Day Five: “How We Make A Difference” which includes “Professionalism and Ethics,” Giving Assistance versus Giving Advice,” and “Customer Service”) seem to correspond to “Why Courts Exist,” and “Courts as Institutions,” while the topics covered on Day Two: How We Perform Together / Team Building (which includes “Performance Advisory System,” Labor Units and Representatives,” and “Team Building Theory and Exercises” and Day Three: “How We Work Safe” which includes a courtroom visit and a “Workplace Violence Awareness and Prevention,” and a “Health and Safety Program Overview,” and Day Four: “Developing Appropriate Workplace Behavior” which includes presentations on “Equal Employment Opportunity (EEO) and Affirmative Action(AA)” “Sexual Harassment Prevention,” “the Americans with Disabilities Act (ADA) “the New Jersey Law Against Discrimination (LAD)” and the Code of Conduct for Judiciary Employees”) seem to correspond to the topics covered in the “Accountability” and “Interdependence and Leadership” portions of the “Purposes and Responsibilities of Courts” Curriculum Guidelines. The Orientation program could use a module on the “Rule of Law, Equal Protection (other than EEO) and Due Process.”

6) Continuing Education for Court Leaders: The “Purposes” should be an annual course during Staff College. More importantly, this theme should be incorporated into all management

⁹⁹ See Note 10 supra, at page 12.

leadership courses. It is strongly recommended that a management leadership series be developed on this topic.

7) Advanced Training for Court Leaders: A “Court Scholars Program,” such as the program described below, would reinforce this idea and accomplish the training priorities identified in this project. This program could be modeled after the Court Executive Development Program (CEDP).¹⁰⁰ The CEDP provides a great opportunity for theoretical and practical learning about justice system issues through reading of relevant literature, seminars and “webinars” and web-based threaded discussions, a residency program and a creative project applicable to “real world” justice issues. The program culminates with a graduation at the U.S. Supreme Court attended by the Chief Justice. A similar program, using a variety of learning methods, opportunities for dialogue and practical problem solving and culminating with a graduation complete with the presentation of a “diploma” presented by the Chief Justice and Acting Administrative Director could be designed.

Court Scholars Program

I. Why Courts Exist: Our Basic Principles of Government

- a. United States Constitution¹⁰¹
- b. The Bill of Rights¹⁰²
- c. Separation of Powers: Three Co-Equal Branches

II. Courts As Institutions: New Jersey’s Legal System

- a. New Jersey Constitution¹⁰³

¹⁰⁰ See, National Center for State Courts, Institute for Court Management, Court Executive Development Program, at www.ncsconline.org for a complete description of this premier education program for court leaders.

¹⁰¹ See, Floyd G. Cullop, **The Constitution of the United States, An Introduction** (1984) for a useful reference book on this topic.

¹⁰² See especially, the Fourth, Fifth, Sixth, Seventh and Eighth Amendments.

- b. New Jersey Statutes Annotated
- c. Legal Precedent and Case Law

III. Rule of Law, Equal Protection, Due Process: The New Jersey Courts

- a. Superior Court, Appellate Division, Supreme Court
- b. Mission, Vision and Core Values
- c. Criminal Division, Civil Division, Family Division, Municipal Division
- d. New Jersey Rules of Court¹⁰⁴

IV. Accountability: The Trial Court Performance Standards¹⁰⁵

- a. Access to Justice
- b. Expedition and Timeliness
- c. Equality, Fairness and Integrity
- d. Independence and Accountability
- e. Public Trust and Confidence

V. Interdependence and Leadership

- a. Canons of Judicial Conduct
- b. Code of Conduct for Judiciary Employees
- c. Rules of Professional Conduct for Lawyers

VI. Practical Application and Problem Solving: CourTools¹⁰⁶

- d. Access and Fairness

¹⁰³ See, Robert F. Williams, **The New Jersey State Constitution, A Reference Guide** (1997) for a useful reference book on this topic.

¹⁰⁴ See, Note 9 *infra*, page 12. Foreword and Publisher's Preface for a history of the creation of the rules and the inclusive rules revision process leading up to the 2008 version. Although the rules are published, and their revision is an open and inclusive process, they are not widely understood by members of the public. Notwithstanding the fact that they govern the processes and procedures of the New Jersey Courts, currently, there are no courses offered that are specifically devoted to understanding the rules, their interpretation and application.

¹⁰⁵ See Note 36 *infra*, page 22.

¹⁰⁶ See, National Center for State Courts, **CourTools, Trial Court Performance Measures** (2005).

- e. Clearance Rates
- f. Time to Disposition
- g. Age of Active Pending Caseload
- h. Trial Date Certainty
- i. Reliability and Integrity of Case Files
- j. Collection of Monetary Penalties
- k. Effective Use of Jurors
- l. Court Employee Satisfaction
- m. Cost Per Case

VII. Court Scholars' Projects

VIII. Graduation

LIST OF REFERENCES

Carl Baar, Reflections on Education in Judicial Administration, National Center for State Courts (2005).

Sharon Bard, "Personally Speaking," An Institute for Court Management Phase III Project, Study of the Need for an Employee Orientation Handbook (1988).

Carla Vivian Bello and Arthur T. Vanderbilt II, Jersey Justice (1978).

Marilyn Bojum, New Employee Orientation Becomes a Statewide Standard, Judiciary Times, New Jersey Administrative Office of the Courts (2004).

Bureau of Justice Assistance, Trial Court Performance Standards with Commentary (date).

Phillip S. Carchman, Memorandum Regarding the Ombudsman Program (2005).

Kerry M. Connelly, Do Orientation Programs for New Court Employees Improve Job Satisfaction and Performance? Institute for Court Management (1994)

Maureen E. Conner, Karen M. Thorson, William J. Brunson, A National Agenda for the Future of Judicial Branch Education. A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education.

Floyd G. Cullop, The Constitution of the United States, An Introduction (1984)

Carole Aloi Cummings, Customer Service in the Atlantic City Municipal Court, ICM, CEDP (1994)

Dictionary.com, "Core Competency."

Thomas Diggs, Orientation Handbook and Video (1996).

Ernest C. Freisen, Edward C. Gallas, Nesta M. Gallas, Managing the Courts (1971).

Glenn A. Grant, Building on Success to Achieve Excellence (PowerPoint presentation) (2008).

Resa M. Gilats, A "Think Piece" on Private Funding for Judicial Branch Education, State Justice Institute (2002).

JERITT, Issues and Trends in Judicial Branch Education (2005).

JETCO, Mission Statement (1999).

Evelyn Johnson, Strategies for Aligning Competencies with Coursework, 27 Just. Sys. J. 73 (2006).

Legal Services of New Jersey, The New Jersey Legal System at a Glance (2007).

Terry Nafisi, Going Forward Where Others Have Failed: Michigan State University Launches Judicial Administration Program, Justice System Journal, 2005

National Association for Court Management, Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do (date).

NACM Court Competency Curriculum Guidelines: Application and Uses Mini-Guide, 2004.

NACM, The Court Administrator, A Manual (1992).

National Association of State Judicial Educators, Principles and Standards of Judicial Branch Education (2001)

National Center for State Courts, A History of the Conference of State Court Administrators 1955-2005 (2005).

National Center for State Courts, CourTools, Trial Court Performance Measures (2005).

National Center for State Courts and the Hearst Corporation, How the Public Views the State Courts: A 1999 National Survey (1999).

National Center for State Courts, History of the Conference of Chief Justices (1986).

National Center for State Courts, Institute for Court Management and State Justice Institute, "Broadening Educational Opportunities for Judges and Other Key Court Personnel" (1997).

Elizabeth Ncube, Maricopa County Trial courts New Employee Orientation: Assimilating New Employees and Promoting Court Mission and Values, Justice System Journal, Vol. 29, No. 1 (2008).

New Jersey Courts, Statewide Training Needs Assessment for Employees and Managers/Supervisors (2008).

New Jersey Courts, Welcome: Overview of the Courts (2008).

Irving Shapiro, A Training Critique and Employee Handbook for New York State Supreme Court, Kings County, Institute for Court Management Fellowship (1974)

Switched, ExSupreme Court Justice Sandra Day O'Connor Designing Video Game
www.switched.com/2008/06/05.

Techdirt "Former Supreme Court Justice Sandra Day O'Connor Gets Into Video Gaming?"
Robert W. Tobin, *Creating the Judicial Branch: The Unfinished Reform* (1999).

U.S. Department of Justice, Bureau of Justice Assistance, *Trial Court Performance Standards With Commentary* (date).

Webster's New Millennium Dictionary of English, Preview Edition (V.O.9.7.) Copyright 2003 – 2008 Lexico Publishing Group, LLC.

Catherine M. White, *An Evaluation of the Judicial Branch Education Programming Response to Contemporary Court Challenges*, JERITT (2005).

Robert F. Williams, *The New Jersey State Constitution, A Reference Guide* (1997)

APPENDIX

Appendix A



Appendix B

Interview with Dr. Maureen Conner, Executive Director of the JERITT Project July 29, 2008 (Not a Verbatim Record)

General Inquiries: What is your opinion of the NACM Core Competency Curriculum Guidelines? What information can you share about how the Core Competency Curriculum Guidelines are being used? What is your opinion about how trial courts are training court staff on the Purposes and Responsibilities of Courts?

A. I have been involved in court education since the mid-1980s for both judges and staff. At Michigan State University the Core Competencies are included in our certificate and degree programs. In my view generations of court managers may not have been exposed to the purposes and responsibilities of courts, especially Due Process.

Q. Why do you highlight Due Process?

A. Because it's fundamental to the way cases are processed and we need to understand its implications, etc. It's why we have courts. [However] Due Process is not a key factor in the education and training of administrators. What's traditionally discussed is caseload management, or perhaps, legislation or budget.

Q. Why isn't Due Process central to the education and training of court staff?

A. [Because] entry level and mid-level staff are not called upon to make decisions, etc. It's not part of their day to day work. They implement policies and procedures given to them by others. Some may have a B.A., M.A., J.D., Ph.D. etc., and have had education related to understanding these topics. Many people work in courts from different disciplines. I [Maureen Conner] worked in trial courts prior to coming to Michigan State University. A standard lament amongst administrators confronted with applicants with this [general education] background is 'no understanding of the courts.' We need a course that informs, educates and motivates employees to understand their work. A colleague, John Hudzik did a nationwide study that led to the Core Competencies and that led to the certificate program.¹⁰⁷

Q. Why 'no understanding?'

A. The system grew up over time. The assumption was that the judge ran the court and no one else needed to know how to run the court. Then the clerk's office developed without an understanding of due process, separation of powers, independence, etc. The courts are status driven organizations and that status and power are exclusive to the judges. Most judges are not prepared to be organizational leaders or even to work in organizations. For many years judges

were appointed after long legal careers. The system is headed by people in an elite position, granted awesome power and responsibility. They are the center of the court universe and believe that others don't necessarily need to know anything else other than what they are told to do. Judges are law trained. They come to their position at the top of the organization with a background and an established course of study. The authority, responsibility, and prestige rest with them.

As courts grew it became clear that the judges needed assistance so they hired people to assist them. When sophistication increased they had a need for people who were educated, but educated in what? The knowledge base related to court administration was in its infancy. Professions versus occupations have to have a knowledge base that is recognizable and has some kind of status. [Thus, early power struggles between judges and court administrators]. People looking for power borrow status from sources of power, e.g., judges. New professions as they gain their specialized knowledge and practice have to maintain their jurisdictional boundaries. Court administrators too needed to identify their turf, their boundaries.

We need court leaders who are good at diagnosing, treating, inferring. . . . But, the non-judicial leadership role is still an emerging profession – it is an occupation moving to a recognizable profession. We are going to have a huge changeover in employees and a shift of the information age and service age. People entering the workforce are not inclined to stay in organizations in which they do not feel a vested interest. In courts you are doing democracy every day in your community!

Appendix C



“Who Wants To Be A Court Leader?”

Based on Core Competency
Curriculum Guidelines (NACM)

Purpose And Responsibilities Of Courts

1

Question One

What are the three branches of U.S.
government?

1. **Legislature, Congress and Senate**
2. **Executive, Legislative and Judicial**
3. **Courts, Police and Senate**
4. **Army, Navy and Marines**

2

Executive, Legislative, and Judicial

3

Question Two

The important ideas in the U.S
Constitution are...

1. **Every government needs three parts**
2. **People should be free**
3. **The British are wrong**
4. **Separation of powers, check and balances, enumerated powers, implied powers and federalism**

4

Separation of powers, checks and balances, enumerated powers, and federalism

5

Question Three

There are 27 amendments to the Constitution. The first 10 are called...

1. The Right of Bills
2. The Bill of Rights
3. The Left and Right
4. The No Rights

6

The Bill of Rights

7

Question Four

The 5th Amendment (Bill of Rights) says that...

1. A person cannot be brought to trial for serious crime until a grand jury reviews the charges and indicts the defendant
2. A person cannot be tried twice for the same crime or forced to say things against him/herself
3. The government cannot take away your life or property or put you in prison without "due process of law"
4. All of the above

8

All of the above

9

Question Five

The U.S. Constitution authorizes...

1. The Federal Courts
2. Prisons and Courts
3. Federal and State Courts
4. No Courts

10

**Federal and State
Courts**

11

Question Six

What year was the Family Court
established in New Jersey?

1. 1848
2. 1984
3. 1706
4. 1901

12

1984

A constitutional amendment took effect that established a Family Part of the Superior Court

13

Question Seven

What law governs actions in the Juvenile Unit?

1. **Juvenile Justice Code (1982)**
2. **Juvenile and Domestic Relations Act**
3. **The New Jersey Statutes Annotated**
4. **The Juvenile Policy and Procedure Manual**

14

Juvenile Justice Code (1982)

15

Question Eight

What New Jersey laws govern actions concerning the welfare, care, and custody of children?

1. **Children's Welfare Act**
2. **New Jersey Statutes Annotated Title 9 and Title 30**
3. **Care Custody Welfare Act**
4. **Adoption and Safe Families Act**

16

New Jersey Statutes Annotated Title 9 and Title 30

17

Question Nine

ASFA is what?

1. A law giving money to the states
2. Part of the federal Social Security Act
3. A law pertaining to child abuse only
4. A backlog guideline

18

Part of the federal Social Security Act

19

Question Ten

The PDVA is...

1. An electronic device
2. A medical acronym
3. New Jersey law regarding domestic violence
4. A federal law regarding domestic violence

20

**New Jersey law
regarding domestic
violence**

21

Question Eleven

Title IV-D is the...

1. Part of the Social Security Act
2. Federal Child Support Act
3. A way of the federal government giving money to the states
4. All of the above

22

All of the above

23

Question Twelve

Child Support Guidelines state that

1. Child support is a continuous duty of both parents
2. Children are entitled to share in the current income of both parents
3. Children should not be the economic victims of divorce or out-of-wedlock birth
4. All of the above

24

All of the above

25

Question Thirteen

In New Jersey Parent Education is required by...

1. Court Rule
2. Statute
3. The Dissolution Policy Manual
4. None of the above

26

Statute

27

Question Fourteen

If you are separating from your partner your issues will be decided only by an FM judge

1. True
2. False
3. Depends on the issues
4. None of the above

28

**Depends on the
issues**

29

Question Fifteen

Justiciability is...

1. A case is ripe
2. Issues are not moot
3. There is a real case in controversy
4. All of the above

30

All of the above

31

Question Sixteen

The New Jersey trial courts have...

1. General jurisdiction
2. Limited jurisdiction
3. Jurisdiction in equity only
4. Jurisdiction in law only

32

General Jurisdiction

33

Question Seventeen

Venue is...

1. Neighborhood
2. A place where you transfer your case
3. The place where the suit is tried
4. The most convenient place to bring and try an action

34

The most convenient
place to bring and try
an action

35

Question Eighteen

Equal Protection means...

1. Everyone gets the same type of treatment
2. Means that the government may not discriminate
3. The state must guarantee to all the equal protection of the laws
4. Means that neither the government or individuals may discriminate

36

The state must
guarantee to all the
equal protection of the
laws

37

Question Nineteen

Common law is...

1. Statutes, e.g. New Jersey Statute Annotated
2. Legal precedent
3. Old laws
4. New laws

38

Legal precedent

39

Question Twenty

Due Process generally includes that anyone who will be deprived of property of liberty be given...

1. Notice
2. Opportunity to be heard
3. Procedural fairness
4. All of the above

40

All of the above

41

Bonus Round

42

List these Chief Justices in order from
current to oldest:

Robert Wilentz
Deborah Poritz
Stuart Rabner
James Zazzali
Richard Hughes

43

1. Richard Hughes
2. Robert Wilentz
3. Deborah Poritz
4. James Zazzali
5. Stuart Rabner

44

Core Competency:

A defined level of expertise that is essential or fundamental to a particular job: the primary area of expertise; specialty; the expertise that allows an organization or individual to beat its competitors.

Example: A core competency is fundamental knowledge, ability, or expertise in a specific subject area or skill set

Webster's New Millennium Dictionary of English
 Preview Edition (V.0.9.7)
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1

Professions With Core Competency Guidelines

- Clergy & Pastoral Ministers
- Earth Science
- Dentistry
- Nursing
- Pharmacist
- Herbalist
- Medicine
- Psychology
- Education
- Banking
- Library Science
- Social Science
- Ergonomics
- Telecommunications
- Food Service

2



3

On Any Journey It Is Important to Have a Compass

- NACM has identified the Purpose and Responsibilities of Courts (PRC) as the pivotal description of a professional compass and educational curriculum for judicial branch employees
- The Core Competencies
- Original Purposes and Responsibilities
- Purpose of the Competencies is "Self-Assessment" and "Self-Improvement"
- New Uses of the Core Competencies

4

This Paper Will Examine the PRCs From the Perspective of Key Segments of New Jersey's Court Leaders

- Trial Court Administrators/Administrative Council Response
- Ombudsman/Ombudsman Committee Response
- Vicinage Training Coordinators/JETCO Response

5

Court Managers and Supervisors Who Are Well Versed in PRCs Can Improve Their Ability to Lead and Inspire Court Staff

- This is the pivotal core competency
- The other competencies flow from this one, i.e., case flow management, leadership, visioning and strategic planning, essential components, court community collaboration, resources, budget and finance, human resource management, education, training and development and information technology management

6

The Hypothesis is That By Having Key Court Leaders Review and Respond to the PRCs Several Important Benefits May Be Derived

- Court Leaders will identify current strengths and weakness in understanding of the PRCs by managers, assistant managers, and team leaders
- Relevant training priorities will be identified
- The review and prioritization will enhance an ongoing dialogue about the PRCs
- The identification of current levels of understanding, training needs and contributions to dialogue will also support ongoing public trust and confidence initiatives including the Ombudsman Program, Court user Services (including pro se litigants) and especially community outreach (well informed employees can serve as goodwill ambassadors)

7

A Meaningful Compass Can Help to Both Maintain a Steady Course and Guide Change (Recommendations)

- Understanding of PRC
- Current Status
- Training Needs
- Dialogue
- Special Programs
- Community Outreach
- Special Issues, e.g., pro se litigants in greatest danger therefore DV victims need highly trained staff

8

The Purposes and Responsibilities of Courts: New Jersey Court Leaders Respond

The attached survey is part of a Court Executive Development Program (CEDP) Phase III Project undertaken by Michele Bertran, Essex Vicinage Family Division Manager. Judge Grant has reviewed the purpose of the project as described below and has authorized the collection of the data.

Rationale:

Well trained court leaders are better able to lead their employees, manage their courts, and meet court users' needs. The National Association for Court Management (NACM) has developed Core Competency Curriculum Guidelines for court leaders and has identified the relevant knowledge, skills and abilities necessary for successful court management.¹⁰⁸

NACM has also developed surveys to help courts identify training priorities based on the core competencies. The NACM surveys include a State Association Ranking Survey that helps courts identify which portions of the curriculum should take priority over the others. The survey instruments also include a Knowledge, Skills and Abilities Survey that similarly helps to target priorities. Interestingly, the surveys both impart information as well as gather it. The detailed questions inform the reader about the identified core competencies and the related knowledge, skills and abilities.

The pivotal competency in the NACM guidelines is the "Purposes and Responsibilities of Courts." This project will survey New Jersey's court leaders about their perceptions of the curriculum guidelines and the related knowledge, skills and abilities that pertain to the purposes and responsibilities of courts.

Method:

The survey will be administered to three distinct groups of court leaders: the Trial Court Administrators who provide administrative leadership and oversight to the state's 15 judicial vicinages; the Vicinage Training Coordinators who design and deliver local education and training programs to court employees and who form the state's Judicial Education and Training Council (JETCO); and the Ombudsmen who receive and respond to court user inquiries and concerns. Each group of leaders has a unique and relevant vantage point. The cumulative responses should help to identify core competency training priorities for New Jersey's judicial staff. Additionally, this information can help to enhance an ongoing dialogue about developing court leaders who can lead, manage, inspire, and act as goodwill ambassadors for the courts.

PURPOSES AND RESPONSIBILITIES OF COURTS

SURVEY INSTRUCTIONS

Please read these instructions prior to taking the survey.

- 1) Please pay close attention to the ranking order of this survey because the values change. On the first page the highest rank is **5**. On the subsequent pages the values change and the highest rank is **1**.
- 2) The focus of this project is the “Importance to Your Court.” This column is highlighted because it is essential to rank the statements in this column.
- 3) You can also offer your ranking in the “Your Personal Learning Need or Interest” column. However, this is optional.

Please contact Michele Bertran if you have any questions about the survey or wish to offer any additional comments.

Thank you very much for your time and attention.

Table I – Trial Court Administrators Responses

TCA	1	2	3	4	5	6	7	8	Average	Converted Average
Question										
1	2	5	5	5	5	5	4	5	4.5	4.5
2	4	3	1	5	4	5	3	4	3.6	3.6
3	3	4	2	5	2	5	2	5	3.5	3.5
4	5	2	3	5	3	5	5	4	4.0	4.0
5	1	1	4	5	1	5	1	4	2.8	2.8
6	1	1	1	1	2	1	1	1	1.1	5.2
7	2	2	6	3	3	1	7	2	3.3	3.7
8	3	4	4	2	1	2	5	3	3.0	3.9
9	5	3	5	1	4	2	2	1	2.9	3.9
10	6	6	3	1	5	0	4	2	3.4	3.6
11	7	7	7	1	7	2	6	3	5.0	2.4
12	4	5	2	2	6	3	3	2	3.4	3.6
13	1	1	1	1	1	2	1	1	1.1	5.4
14	8	4	7	3	9	4	6	3	5.5	3.3
15	9	9	6	5	10	2	7	2	6.3	2.9
16	4	10	8	2	4	3	9	2	5.3	3.4
17	6	6	3	2	6	2	2	2	3.6	4.2
18	3	5	4	8	5	3	3	1	4.0	4.0
19	5	7	10	8	7	3	10	2	6.5	2.8
20	2	3	2	1	2	1	8	1	2.5	4.8
21	7	2	9	3	3	2	5	2	4.1	3.9
22	10	8	5	2	8	2	4	1	5.0	3.5
23	8	1	1	2	9	3	7	1	4.0	3.8
24	6	8	7	5	8	3	8	2	5.9	2.7
25	9	5	6	8	7	1	9	2	5.9	2.7
26	5	4	9	2	4	1	1	1	3.4	4.1
27	4	9	4	2	5	1	2	3	3.8	3.9
28	2	7	5	1	6	2	3	3	3.6	4.0
29	7	6	8	1	3	1	5	1	4.0	3.8
30	3	2	2	1	2	1	4	1	2.0	4.9
31	1	3	3	2	1	1	6	2	2.4	4.7
32	2	3	3	2	4	1	4	3	2.8	4.6
33	10	10	7	1	1	1	5	3	4.8	3.6
34	8	5	5	1	5	1	1	1	3.4	4.3
35	6	4	10	1	6	1	6	2	4.5	3.8
36	3	9	6	1	7	1	2	2	3.9	4.1
37	5	8	2	1	8	1	3	1	3.6	4.2
38	9	7	9	1	10	1	9	3	6.1	2.9
39	7	1	8	1	9	1	10	1	4.8	3.6

40	4	2	1	1	3	2	7	1	2.6	4.7
41	1	6	4	1	2	1	8	2	3.1	4.4
42	6	3	1	1	10	2	6	2	3.9	4.1
43	9	1	2	2	8	1	7	2	4.0	4.0
44	7	2	6	2	6	1	8	3	4.4	3.8
45	3	4	3	1	7	1	1	1	2.6	4.7
46	8	9	10	1	4	1	2	1	4.5	3.8
47	4	10	4	1	9	1	9	2	5.0	3.5
48	2	5	8	1	5	1	3	1	3.3	4.4
49	1	8	5	1	1	1	10	2	3.6	4.2
50	5	7	9	1	3	1	4	2	4.0	4.0
51	10	6	7	1	2	2	5	3	4.5	3.8

Table II – Ombudsmen Responses

Ombudsman	1	2	3	4	5	6	7	9	10	11	12	13	14	15	Average	Converted Average
Question																
1	2	3	4	5	1	5	5	5	5	5	2	2	4	3.8	3.8	
2	1	1	3	5	3	2	5	5	5	4	2	1	1	5	3.1	3.1
3	5	2	1	5	2	3	5	4	5	1	1	5	5	4	3.4	3.4
4	4	4	2	5	4	4	5	4	5	3	4	4	3	3	3.9	3.9
5	3	5	5	5	5	1	5	5	5	2	3	3	4	5	4.0	4.0
6	2	3	5	7	1	7	1	5	1	2	1	1	1	2	2.8	4.0
7	6	1	7	7	4	5	7	3	2	1	7	3	2	3	4.1	3.0
8	7	2	3	6	5	4	7	5	3	3	6	2	5	2	4.3	2.9
9	1	4	2	6	6	6	7	5	6	4	3	4	3	3	4.3	2.9
10	4	5	4	4	7	2	7	3	5	6	2	7	7	3	4.7	2.6
11	5	7	1	4	2	1	7	5	7	7	5	5	6	2	4.6	2.7
12	3	6	6	6	3	3	7	3	4	5	4	6	4	2	4.4	2.8
13			1	1											3.4	4.3
14	3	2	0	0	1	10	1	1	1	1	1	1	1	5	6.2	2.9
15	1														6.9	2.5
16	8	8	1	6	9	3	2	0	0	9	0	0	4	7	6.1	2.9
17	6	4	7	8	6	9	1	8	8	2	8	6	8	5	5.4	3.3
18	4	5	5	8	5	8	1	7	5	0	7	9	7	5	4.1	3.9
19	2	6	6	9	4	7	1	3	3	3	2	5	3	4	5.4	3.3
20		1											1		3.9	4.1
21	5	0	2	6	7	2	1	5	6	4	4	8	0	5	4.4	3.8
22	7	3	3	8	2	5	1	2	2	5	3	4	5	4	6.7	2.6
23	1	7	9	9	3	1	1	4	4	6	5	7	2	3		
24			1	1											6.7	2.6
25	9	9	4	0	0	6	1	6	9	7	6	2	9	6	4.6	3.4
26	4	1	4	9	5	7	1	7	5	7	6	2	3	4	6.4	2.4
27	9	3	3	6	9	3	3	8	9	8	9	8	7	5	5.4	3.0
28	3	2	1	7	8	1	1	9	6	9	8	9	8	3	4.6	3.4
29	6	4	2	9	6	8	1	6	2	5	5	3	5	3	5.3	3.1
30	8	9	5	8	4	2	1	4	3	4	7	7	9	3	4.1	3.7
31	2	5	7	8	7	4	1	3	1	3	2	5	6	3	5.2	3.1
32	7	8	6	8	3	5	1	5	8	6	3	6	4	3	3.8	3.9
33	1	7	9	9	1	6	1	1	4	2	1	4	2	5	4.2	3.7
34	5	6	8	9	2	9	1	2	7	1	4	1	1	3		
35				1											3.8	4.1

33	1	1		1												5.7	3.1
	0	0	6	9	0	1	1	2	3	7	1	9	9	2			
34				1													
	1	4	8	0	5	7	3	3	2	2	6	5	3	2		4.4	3.8
35																	
	2	9	4	8	7	2	1	5	4	3	7	7	4	2		4.6	3.7
36																	
	3	5	5	8	6	4	3	4	9	4	8	6	5	2		5.1	3.4
37				1													
	6	2	0	0	1	9	1	6	6	6	4	2	7	2		5.1	3.4
38																	
	4	6	1	9	8	3	1	9	8	0	0	8	0	2		5.6	3.2
39				1				1									
	7	3	2	0	2	6	1	0	7	8	9	3	6	3		5.5	3.3
40									1			1					
	8	7	9	9	9	5	2	7	0	9	5	0	2	2		6.7	2.6
41				1													
	9	8	3	0	3	8	1	8	5	1	2	4	8	2		5.1	3.4
42				1				1									
	4	9	9	0	6	6	4	0	6	1	3	9	7	2		6.1	2.9
43				1						1							
	9	2	0	0	9	7	4	1	8	0	4	8	8	3		6.6	2.7
44				1													
	3	8	3	0	5	10	2	2	9	9	2	6	3	3		5.4	3.3
45				1													
	7	1	7	0	4	9	1	5	2	2	6	7	5	3		4.9	3.5
46								3					1				
	2	3	6	9	8	1	1	3	3	5	5	3	0	4		6.6	2.7
47																	
	1	7	1	8	7	5	1	4	4	6	7	1	2	3		4.7	3.6
48				1													
	1	2	8	0	3	8	1	5	1	3	8	4	6	3		4.5	3.8
49				1													
	8	6	4	0	1	4	1	7	5	8	1	5	1	2		4.5	3.8
50																	
	5	4	5	9	2	3	1	8	7	4	9	2	9	4		5.1	3.4
51				1	1	1			1		1	1					
	6	5	0	0	0	2	3	9	0	7	0	0	4	3		7.1	2.5

Table III – Training Coordinators Responses

TC	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Average	Converted Average	
Question																										
1	5	2	1	1	5	2	2	4	3	1	3	5	1	2	3	5	1	1	1	3	1	5	1	2.5	2.5	
2	2	1	4	2	4	3	1	1	4	2	2	1	4	3	1	4	5	3	3	1	3	1	5	2.6	2.6	
3	1	3	5	3	3	1	3	3	5	3	1	3	2	5	5	3	3	2	2	4	2	4	4	3.0	3.0	
4	3	5	2	4	1	4	4	5	1	4	4	2	5	4	4	2	2	4	4	2	4	3	3	3.3	3.3	
5	4	4	3	5	2	5	5	2	2	5	5	4	3	1	2	1	4	5	5	5	5	2	2	3.5	3.5	
6	3	2	4	1	1	7	1	1	3	1	1	1	5	1	1	1	1	1	3	1	2	1	7	2.2	4.4	
7	2	3	1	7	3	2	2	6	5	3	3	2	1	2	2	2	2	3	5	4	1	6	5	3.1	3.8	
8	1	5	2	6	5	4	3	4	1	4	7	4	2	3	5	3	3	6	6	5	3	5	6	4.0	3.1	
9	4	7	3	5	4	3	6	3	2	6	6	3	6	7	3	4	4	2	7	3	6	4	3	4.4	2.9	
10	6	6	5	2	6	5	4	5	4	7	2	6	4	5	6	5	7	4	2	2	7	2	4	4.6	2.7	
11	5	1	7	4	7	1	7	7	7	5	5	7	7	4	1	6	6	7	1	7	4	7	1	5.0	2.5	
12	7	4	6	3	2	6	5	2	6	2	4	5	3	6	4	7	5	5	4	6	5	3	2	4.4	2.8	
13	1	1	2	2	1	1	1	1	1	10	2	1	5	1	1	10	2	1	3	1	1	2	6	2.5	4.8	
14	9	10	2	4	8	9	8	8	9	9	8	10	1	8	2	9	6	7	10	3	4	9	9	7.0	2.5	
15	7	9	3	7	9	10	10	7	3	2	9	9	9	9	5	8	5	8	9	2	6	10	4	7.0	2.5	
16	8	5	5	5	6	6	2	2	8	1	10	7	2	2	6	7	10	5	8	7	7	8	8	5.9	3.1	
17	6	7	4	6	5	5	3	3	10	8	3	4	6	10	3	6	9	6	7	9	3	4	2	5.6	3.2	
18	3	6	8	3	2	4	4	4	2	7	5	6	10	3	7	5	8	2	6	10	8	3	7	5.3	3.3	
19	2	3	6	8	4	0	5	6	7	6	4	3	7	4	8	4	7	3	4	8	9	5	6	5.2	3.4	
20	4	4	7	10	7	2	6	5	5	5	6	5	8	5	10	3	4	4	2	4	10	7	5	5.6	3.2	
21	5	2	9	9	3	3	9	9	4	4	1	2	4	6	9	2	3	9	5	5	2	1	3	4.7	3.6	
22	10	8	10	1	10	8	7	10	6	3	7	8	3	7	4	1	1	10	1	6	5	6	1	5.8	3.1	
23	1	2	1	8	1	6	3	2	8	1	6	1	1	5	1	5	1	1	3	3	1	7	7	3.3	4.2	
24	4	6	2	9	7	9	7	9	9	9	8	9	3	9	5	6	9	9	4	4	6	9	3	6.7	2.3	
25	2	3	3	4	8	8	8	7	1	6	9	6	8	4	6	7	8	2	9	9	8	8	2	5.9	2.7	

Table III – Training Coordinators Responses (continued)

26	5	4	4	2	2	7	1	6	3	3	4	2	4	7	2	8	2	8	2	5	9	4	4	4.3	3.6
27	6	5	5	1	9	3	4	5	2	4	7	5	9	6	7	9	7	3	8	6	2	5	1	5.2	3.1
28	7	8	6	6	3	1	5	4	7	5	3	3	5	3	8	1	6	4	7	7	5	3	6	4.9	3.3
29	9	9	7	7	4	4	6	8	4	8	5	7	6	8	9	2	4	5	10	8	7	6	5	6.4	2.4
30	8	7	8	3	5	5	2	3	5	2	2	4	2	1	3	3	3	6	5	1	3	2	8	4.0	3.8
31	3	1	9	5	6	2	9	1	6	7	1	8	7	2	4	4	5	7	1	2	4	1	9	4.5	3.5
32	4	5	10	8	5	1	4	7	7	3	7	2	4	1	2	2	1	1	2	5	6	1	10	4.3	3.9
33	5	1	2	6	10	3	2	8	1	2	1	6	1	4	1	3	2	2	5	4	5	10	2	3.7	4.1
34	1	10	3	7	1	6	5	1	3	7	2	3	8	5	7	9	7	8	1	7	1	8	9	5.2	3.4
35	6	4	4	3	8	7	1	0	8	8	3	5	10	7	10	10	8	3	3	6	9	7	5	5.9	3.1
36	9	3	9	10	9	8	8	2	2	5	6	1	2	6	8	8	6	4	9	9	7	9	4	6.3	2.9
37	8	9	8	4	2	9	9	3	6	6	8	7	9	8	3	1	9	5	4	8	2	2	6	5.9	3.0
38	10	7	5	9	4	10	6	4	4	4	9	8	7	10	4	7	10	9	6	10	10	3	1	6.8	2.6
39	2	8	7	1	3	4	10	9	9	1	4	9	3	9	5	6	3	10	10	3	8	5	3	5.7	3.1
40	3	6	6	5	6	2	7	6	5	9	5	10	6	3	6	4	4	6	8	1	3	6	8	5.4	3.3
41	7	2	1	2	7	5	3	5	10	10	6	4	5	2	9	5	5	7	7	2	4	4	7	5.2	3.4
42	10	6	0	5	9	6	6	0	4	2	5	10	10	10	4	4	5	6	1	9	8	6	9	5.9	3.1
43	9	5	0	2	1	9	8	0	1	1	6	4	9	9	1	1	10	5	5	8	7	10	1	4.9	3.6
44	8	7	0	6	6	10	7	0	10	3	7	8	8	8	9	2	1	1	10	4	1	1	2	5.2	3.4
45	6	1	0	1	2	5	5	0	2	8	9	3	2	4	5	3	9	2	2	3	2	7	10	4.0	4.0
46	7	4	0	3	4	8	2	1	3	9	8	7	1	3	3	7	2	8	3	7	9	9	6	5.0	3.5
47	1	3	0	9	3	1	3	0	6	6	4	6	7	2	10	5	3	7	4	5	3	5	5	4.3	3.9
48	3	2	0	8	5	4	0	0	5	7	2	5	3	7	6	6	4	3	6	6	5	3	7	4.2	3.9
49	5	9	0	10	7	3	10	0	9	4	10	1	6	5	8	8	8	4	7	1	4	2	44	7.2	2.4
50	4	10	0	4	10	2	4	0	7	10	3	9	5	1	2	9	6	9	9	2	10	4	3	5.3	3.3
51	2	8	0	7	8	4	1	2	8	5	1	2	4	6	7	10	7	10	8	10	6	8	8	5.7	3.1