TRIAL COURT COLLABORATION IN A WIKI WORLD

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Recommendation 1c: Query all staff to find out what they would like to have on the knowledge sharing site.

Recommendation 1d: Look to existing court collaborative sites for guidance.

Conclusion 2: The majority of trial court leaders in Nevada have difficulty sending staff to conferences and training.

Recommendation 2: The AOC, NACCA, and NACE should utilize video conferencing technology for training.

Conclusion 3: There are insufficient resources for court training and education.

administrative assessment fees for a number of years and those funds were allocated to provide staff training.

Recommendation 3a: The state of Nevada trial courts should use their new collaborative tool to come up with shared resources for training and education.
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Abstract

The Nevada court system is decentralized and this, in part, creates inefficiencies in Nevada trial courts that must be overcome. The Administrative Office of the Courts (AOC) in Nevada is responsible for many functions, some of which are making sure the court employees have the education and training needed to excel at their jobs. The AOC lacks the resources to ensure all training and educational needs for employees are met. Also, because the AOC is not the exclusive authority for all courts, there is a lack of uniformity in policies and procedures in the trial courts for similar operations and processes and the application of Nevada law. The gap in education, training, and uniformity is partially filled by two court organizations in Nevada, the Nevada Association of Court Executives (NACE) and the Nevada Association for Court Career Advancement (NACCA). These organizations however, fall short of providing adequate training, education, and a forum for courts to readily share information.

While the 70 trial courts in Nevada have different populations - rural, urban, suburban - and different types of courts to address these populations, they still have the same needs for training, education, and uniformity. Even the most qualified line-level employees are often at a loss as to what information to provide the public. Court managers are then called upon to try and resolve the situations that arise. This results in the need to regularly contact other courts in the state to seek counsel and validate decisions, in the hopes of creating a more uniform policy and procedure. The lack of
answers and the disparate information in the trial courts across the state results in the public's loss of confidence and trust in the judicial system overall. This project sought to find the best method of Nevada trial court collaboration, in the hopes that collaboration would allow the courts to experience the benefits enjoyed by unified court systems. Some of these benefits are as follows:

- Greater cooperation and teamwork between the various trial courts and the AOC.
- More uniformity and efficiency in case processing and timely disposition of cases.
- Enhanced opportunity for innovation, self-evaluation, and re-engineering of court operations.
- Greater public access and an increased focus on accountability and service.

A review of the literature finds that the public has a general dissatisfaction with the justice system because of the autonomous nature of judges and the rigid rules that exist in sentencing. Part of the reason why the justice system is so conflicted is the fact that it is a bureaucracy and follows the traditional hierarchical model. While hierarchies exist to create uniformity and chain of command communication, they can also stifle innovation and information sharing.

When trial courts are viewed as loosely coupled organizations, it is easier to see the advantages to a decentralized state court system. In a loosely coupled organization, individuals at any level of the hierarchy can collaborate and network, toward innovation and identification of efficiencies. Knowledge sharing is an integral part of a successful
business in today’s world. The internet and rapid advancements in technology create a culture where knowledge is no longer viewed as “power” but rather a tool to support more informed decisions.

In a trial court, a system with dual operations will allow the traditional hierarchical structure to be maintained with a peer network added alongside. By running these two components simultaneously, trial courts are more adaptable. There is an increased flow of information from the network that compliments the existing hierarchical structure necessary for day to day personnel management and decision making. In Nevada trial courts especially, volunteers are an integral part of the dual system operation but the court’s culture must be collaborative. A collaborative court culture reflects the appreciation of innovation and encourages constructive dissent so that employees are self-motivated and leadership exists across the organization.

To this end, an interview was conducted with the Administrative Office of the Courts in Nevada to see if there was support for increased collaboration. Additionally, a survey was conducted to find out what the court leaders in the state thought would be the best method of collaborating. The findings suggest that the AOC and the majority of Nevada court leaders agreed that it would be beneficial to have a court collaboration website. It is recommended that the AOC host the website, that the court organizations provide content, and that the volunteer army of court leaders maintain the website’s relevancy.
Introduction

One of the challenges of working in a Nevada trial court is being able to adapt to the following: new laws passed and existing laws amended with each legislative session (the legislature meets on a biennial basis for 120 days starting in February during odd years); cities and counties regularly enacting or modifying ordinances or codes; changing priorities of judges, that can and will change with each new chief or administrative judge; and, judicial elections held every six years. Each of the 70 trial courts in the state determines how to manage all that information, which may result in very disparate processes and procedures for the same laws. In states with a unified court system, there is less likely to be so much variation between each court’s processes and procedures because sole rule making authority is granted to the state supreme court (Ratery, 2013). Nevada’s court system is “decentralized”, meaning that neither the Supreme Court nor the Administrative Office of the Courts (AOC) are the central authority that set the functions and requirements for Nevada courts. Nevada is not unusual in this regard; according to the National Center for State Courts, only 26 states are considered unified (Court Unification State Links, n.d.). Ratery’s research has shown that many states became unified in an attempt to achieve better court performance (2013).

Even with the belief that unified states experience greater efficiency and performance (Ratery, 2013), there are reasons trial courts resist unification. As previously mentioned, Nevada has 70 trial courts: 11 District Courts, 42 Justice Courts, and 17 Municipal Courts that are spread out over 110,567 square miles covering 17
counties, each having a unique population requiring a different type of sentencing, case monitoring, and focus. Each court prefers to address the needs of their community as they see fit, but they do share many of the same elements: there are more than 42 specialty court programs in Nevada that are all subject to the same state reporting requirements (Specialty Court Program Overview, n.d.); each level of court, i.e. Municipal, Justice, and District has the same case types – criminal, traffic, and civil; all courts have similar means of following up on cases where the defendants have failed to obey a judge’s order to appear, comply with sentencing, or pay the required fines and fees; and, each court has the need for a case management system, with 33 of the 70 courts on the same state sponsored system (Trial Court Technology Overview, n.d.).

The most important element that unites all Nevada courts are the Nevada Revised Statutes (NRS); the state law that must be followed.

While not the exclusive rule making authority, the AOC still plays a role in Nevada courts. Its published purpose is as follows:

The Administrative Office of the Courts (AOC) provides Nevada’s court system with the programs and skills required to provide all Nevadans with timely and efficient justice. The AOC provides continuity and improvement in the Nevada judiciary through:

- Continuously examining the processes and effectiveness of the Judicial Branch.
- Providing leadership in ensuring access to timely and cost effective justice in the State Courts.
- Implementing policy goals set forth by the Supreme Court and aiding the Court in fulfilling its role as the leader of an independent and co-equal branch of government.

Further: The AOC develops and maintains information technology essential for managing courts, provides judicial education, trains
and certifies court interpreters, and manages programs designed to improve access to justice, provide family permanency, and achieve conflict resolution.

(Administrative Office of the Courts, n.d.)

The AOC accomplishes the functions as laid out, but it does not specify exactly how much training and education will be provided to court staff or describe the programs that are managed to provide access to justice.

According to the AOC’s Organizational Chart, as of December 2015, they had 56 employees with an additional 11 positions left vacant. That means the AOC is trying to fulfill its mission and functions with a 20% reduction in staff. Obviously, the permanent hierarchy of the AOC is limited in how much it can do in the area of training, education, and court services. As Figure 1 below shows, there are currently only three Judicial Education professionals, three in Research and Analysis and six in Court Services. There is not much flexibility in this resource base to add additional functions that may help Nevada court staff.

Figure 1. Condensed Nevada AOC Organizational Chart
The staff at Nevada trial courts benefit from receiving training provided by the AOC, especially courts that lack either the funding or the staffing to allow employees to attend conferences or classes. The AOC is statutorily mandated to provide education for the judges but generously provides some training to court staff as well. The material for court staff is normally transmitted through conference calls and webinars, the latter of which are recorded and currently available on the AOC’s Judicial Education page on their website. A review of the website in January 2016 shows no upcoming events/training available. Past training materials are very limited, and there is no schedule listed to indicate how often education will be provided.

There are two volunteer organizations in the state of Nevada that provide additional education and training resources to court staff. The first is the Nevada Association of Court Executives (NACE). The group is led by a board of eight executives, consisting of a President, Vice President, Secretary, Treasurer, Urban Representative at Large, Rural Representative at Large (currently vacant), Education Committee Chair, and Legislation and Rules Committee Chair. Four of the positions are up for election every two years, and the other four positions are permanent placement. The overview of the organization’s purpose is as follows:

…To promote quality court management and organizational leadership through education, professional standards, sharing of information, and process improvement resulting in the effective delivery of services to judicial stakeholders and the general public.

NACE is committed to uniting Nevada’s judicial system and promoting effective and professional administration of the courts.

NACE has an active educational and training program. Courses offered are tailored to the unique challenges and important topics concerning Nevada courts.
Each year, NACE recognizes outstanding court leaders and organizations through our Court Executive of the Year award and Star Performance award. The Court Executive of the Year award has been presented annually since 2005. The Star Performance award first awarded in 2011 and recognizes courts that are effectively delivering services to the public.

New court leaders are cultivated through NACE’s mentoring program. Experienced NACE members volunteer to mentor new and aspiring court leaders.

Objectives

- To acquire and disseminate information and education relating to court administration.
- To create a forum for knowledge sharing, information, experience, and problem solving among members.
- To strengthen and promote the profession of court management through collaboration, coordination and staff development.
- To encourage continued education and training through seminars, conferences, webinars, and publications.
- To present a viable and unified coalition for purposes of legislation, public policy, funding initiatives and court independence.
- To promote best practices and performance standards for efficient and effective court administration.

(NACE, n.d.).

Those who wish to be a part of NACE must pay a yearly fee and be considered a manager in their court. NACE provides quality education for court managers and excellent legislative review every odd year when the legislature meets. The education is sporadic though; a review of the education page for this organization shows two training opportunities in 2014 and three in 2015 with no future events currently scheduled. There are a few mentions in the overview and objectives provided by NACE that cover “sharing of information”, “knowledge sharing”, and utilizing a forum, however the forum
on the NACE website only has three posts that originated from the webmaster over a year ago with no responses or replies from any members as of January 2016.

The second volunteer organization for court employees in the state is the Nevada Association for Court Career Advancement (NACCA). All court employees can be a member of NACCA, which also has a nominal yearly fee. A search of the internet for a group website resulted in only a Facebook page which lists this in the “About” section: “NACCA assists in the improvement of Court administration through education for the personal and professional development of all court personnel.” It traditionally has one in-person court conference each year held in both Northern and Southern Nevada. The drawback is that the conference is only held once each year in each location, so all court staff cannot attend since some have to remain at the court to serve the public. Additionally, there is no website where training or educational materials are made available.

Both of these organizations are able to function because of volunteers that work in the Nevada courts. They do a good job of getting additional training for managers and line-level employees beyond what is provided by the AOC, but the episodic conferences and webinars are not enough for court employees in Nevada to be informed about how to best do their jobs and keep up with the rapidly changing world. Nevada trial court employees are challenged to remember a great deal and then be able to adapt and apply that knowledge and experience at a moment’s notice. Defendants often come to the court and ask novel questions. Usually the burden of assisting these customers falls on a line level employee who may be a new hire and/or has limited training or experience. While court staff are not permitted to give advice, they are allowed to help
the public, but they don’t often know how to respond. In addition to being a new hire or not receiving the necessary training, some court employees simply do not possess the institutional knowledge that brings confidence in resolving issues. The problems may be new to them but most likely have already been solved by another employee in the Nevada courts. Reno Municipal Court employees pride themselves on their customer service skills and often try to answer the difficult questions posed by the public. When they don’t know the answer they have to go through an arduous research process. First, internal court policies and procedures are investigated, then the supervisor is asked, next the court administrator, after that the judges, and finally, another court is contacted.

Court managers are usually the ones responsible for answering the questions when other courts call or email for advice. Normally a court manager’s query is to find out what the best practice is. There is a listserv that exists for the court administrators in Nevada where any member of the listserv can email a question and then receive responses from other listserv members. A recent listserv question asked: What does your court do if you do not have the original citation turned in from law enforcement and a defendant brings in their copy of the ticket? The answers varied across the multiple courts that responded, which is why it is beneficial to find out what all the other courts are doing before making a decision for your court. Here are some actual questions from other court managers asked of the Reno Municipal Court:

- What is your court collection process?
- What collection agency do you use and why?
- What e-payment vendor do you use and why?
- What case management system do you use and why?
➢ Do you notify defendants before the case goes to a warrant status?
➢ How does your court interpret the NRS about bail forfeitures?
➢ Does your court charge a fee for sealing records?
➢ What is your fee to set up payment plans?
➢ What is the fine and fee schedule for your offenses?

All the questions asked above have already been answered in another court (and possibly also the Reno Municipal Court) and the same things will be asked again in the future. Without institutional learning, assistance, and an archive of information, court staff are just spinning their wheels and hoping they guess the correct answer or best practice. The old adage “work smarter, not harder” is not being applied. In this day and age, if you want to know the answer to something, what is the first thing you do? Google it. The problem is that Nevada court information is not available on the World Wide Web and an intranet site for Nevada courts to find information does not exist.

Of the 70 trial courts in Nevada, the majority are municipal and justice courts with misdemeanor violations representing the bulk of cases filed. According to NRS 193.150, the maximum sentence for a misdemeanor is six months in jail and a fine of $1,000, unless another statute prescribes a harsher penalty. Since the punishment the offender faces is a relatively small fine amount and short jail stay, compared to statutory punishments for gross misdemeanor and felony offenses, most either pay the required fine, or if they must appear before the judge, they choose to defend themselves as pro se or pro per (Latin for one’s self or on one’s own behalf). Since they do not have an attorney who can answer their questions, pro se litigants come to the court and ask the staff. According to John McCormick, the Assistant Court Administrator for the Nevada
AOC, there are only three courts in the entire state that have staffed self-help centers for pro se litigants. In addition, these self-help centers almost exclusively deal with civil and family law matters. This leaves the majority of the courts in Nevada with no self-help resources and employees that may not completely understand the information they can give to the public. Anticipating this, the AOC has created a document entitled “May I help you? Legal advice v. legal information” which is available on their website. An excerpt of what court staff can and cannot do is shown in the figure below:

**Figure 2. Legal Advice vs. Legal Information**

<table>
<thead>
<tr>
<th>WE CAN</th>
<th>WE CANNOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explain and answer questions about how the court works.</td>
<td>Tell you whether or not you should bring your case to court.</td>
</tr>
<tr>
<td>Provide you with the number of the local lawyer referral service, legal services program, and other services where you can get legal information.</td>
<td>We cannot</td>
</tr>
<tr>
<td>Give you general information about court rules, procedures, and practices.</td>
<td>Tell you what words to use in your court papers. (However, we can check your papers for completeness. For example, we check for signatures, notarization, correct county names, correct case number, and presence of attachments.)</td>
</tr>
<tr>
<td>Provide court schedules and information on how to get a case scheduled.</td>
<td>We cannot</td>
</tr>
<tr>
<td>Provide you information from your case file.</td>
<td>Tell you what to say in court.</td>
</tr>
<tr>
<td>Provide you with court forms and instructions that are available.</td>
<td>We cannot</td>
</tr>
<tr>
<td>Usually answer questions about court deadlines and how to compute them.</td>
<td>Give you an opinion about what will happen if you bring your case to court.</td>
</tr>
<tr>
<td></td>
<td>Talk to the judge for you.</td>
</tr>
<tr>
<td></td>
<td>Let you talk to the judge outside of court.</td>
</tr>
<tr>
<td></td>
<td>Change an order signed by a judge.</td>
</tr>
</tbody>
</table>

Since court staff may not know the answers to all questions about court rules, procedures, and practices, and because we don’t want to give you wrong information, we have been instructed not to answer questions if we do not know the correct answers. For additional information, please contact a lawyer or your local law library, or check the Nevada Supreme Court website at www.nvsuperiorcourt.us.
It is important to note the print at the bottom of the document which instructs employees not to answer questions if they do not know the correct answer. While this may legally protect both the employee and the court, it may also be misconstrued by the public as a way for the courts to avoid adequately training staff.

Other areas in which Nevada courts lack uniformity are the fine and fee schedules, but courts may soon see more collaboration in this regard. Judges from the limited jurisdiction courts in Washoe County, which are comprised of Sparks Justice and Sparks Municipal, Reno Justice and Reno Municipal, Incline Village Justice, and Wendover Justice, have met and agreed upon a bail schedule for arrestable offenses through the county jail (See Appendix A). The bail schedule benefits the justice partners in the area, especially local law enforcement that can refer to one document for all the arrests made in the county and the jail staff who know exactly what monetary amounts to use when booking the prisoners into the jail. According to the AOC, there are other Nevada regions that have also created unified bail schedules for their specific locations.

Currently, law enforcement agencies that cite into multiple courts have to juggle the different fine and fee schedules for each court and the result is often incorrect fine and fee amounts on citations. Consequently, the court is taxed with having to issue overpayment refunds and the city or county loses potential revenue when officers inadvertently write in lower than actual fine amounts on the complaints/citations. The greatest loss of all is a reduction in public trust and confidence. Reno Justice Court and Reno Municipal Court have been attempting to address these issues through a joint Fine and Fee Schedule, but still have an uphill battle in making sure all the offenses have the same fines and fees in the two courts. If more Nevada courts collaborate on
the fine and fee schedules, it would enable law enforcement to use exact monetary amounts, eliminating the issues outlined above, and most importantly help to regain the public’s trust.

In 1987, in an effort to help State trial courts “increase their capacity to provide fair and efficient adjudication and disposition of cases”, a group consisting of the National Center for State Courts (NCSC), the Bureau of Justice Assistance (BJA), and the U.S. Department of Justice began a project toward the development of measurable performance standards (Trial Court Performance Standards Implementation Manual). The standards fall into five performance areas:

1. **Access to Justice** – exists to ensure that all courts are accessible to all parties. This involves the evaluation of the court to see if barriers or deficiencies exist in any area that would impact a court user’s access to justice.

2. **Expedition and Timeliness** – to ensure that there is no delay in justice because “justice delayed, is justice denied” and all members of the public have an equal right to justice.

3. **Equality, Fairness, and Integrity** – to ensure that all court participants have an equal opportunity to have their case heard before the court and that includes consistent processes and practices.

4. **Independence and Accountability** – describes how the court is a separate but equal branch of government that demands respect from the other co-equal branches but must also be held accountable to fulfill its responsibilities as part
of the State court system. It discusses community engagement and education for the public, which should be a consistent message across the state.

5. Public Trust and Confidence – discusses how the appearance of justice being done is often as important as the justice itself. It exists to foster compliance with the law based upon the public’s respect for the court and confidence that the court will do what it is put there to do.

Some of the courts in Nevada are doing better in some of these areas than other courts, but the end goal should be to have the trial court performance standards met by all the courts in the state. This is not a competition among the courts; it should be a collaborative effort. The knowledge of the masses is far more valuable than the knowledge of one, and knowledge is a free resource in today’s electronic-share everything world. Many businesses are becoming more successful today because of crowdsourcing, which is defined as “soliciting contributions from a large group of people, especially online…” (Crowdsourcing, n.d.).

Here is an example of utilizing the knowledge of the masses to your benefit. If your faucet is broken and you don’t know how to fix it but want to try, you have an infinite number of resources on the internet to use through YouTube videos, blogs, Pinterest, Facebook, and numerous other applications. Ted Talks are another great example of knowledge sharing. It may seem odd that people are willing to give away information for free but there is a belief sweeping the nation that extending knowledge benefits everyone. Considering that courts are accountable to the public for the resources entrusted to them, knowledge as a free commodity should never be overlooked.
Some state court systems already have web pages highlighting the efficiencies and innovations created by the courts in their state and they share this knowledge openly. An excellent example of this is California’s Innovations Knowledge Center website. Under their Branch Efficiencies heading, there are 11 web pages of programs that “…focus on increasing access to justice, implementing efficiencies and economies of scale, simplifying processes and procedures, and making overall structural improvements in the delivery of justice” (Branch Efficiencies, n.d.). Additional headings on California’s web page where vast amounts of collaborative knowledge exist include Efficient & Effective Trial Court Programs and Legislative Efficiencies (Efficiencies, n.d.).

Since it has been established that there is knowledge to be shared and it would be wasteful not to share it, the question then becomes where trial court staff in Nevada can access it. As mentioned previously in this paper, Nevada court employees do have a limited number of conferences and training provided by the AOC, NACE, and NACCA, but that is not enough to keep up with the rapidly advancing technology and information sharing the public is utilizing on a daily basis. Some trial courts may be able to afford to send staff to nationwide conferences, however most courts in the state lack the resources to fund the travel and training for the staff members or adequately staff the office in the absence of even one employee. In addition, conferences cannot keep up with the pace at which technology is currently advancing. Research shows that peer to peer networks are faster and more efficient than hierarchies or bureaucracy (Collins, 2010). Courts need to be providing the best service to the customers and also be effective and efficient with the resources entrusted to them. It is not necessary to reinvent the wheel if another, similar court already has the answer being sought.
If courts can do these things, why isn’t Nevada already doing them? There are several possible reasons: time and effort must be expended; monetary, staff and information technology resources are needed; someone has to take charge; it is difficult to bridge the communication gap between the courts since it has existed for so long; there is a competitive culture that exists among the courts – perpetuated by city councils and county commissioners - especially during budget cycles; and there is no requirement to share information. The solution to all the reasons mentioned is to change the culture of competitive thinking to one of collaborative thinking and realize the time expended now will be the resources that would have been wasted later. While each court has their own “team”, the state of Nevada courts should also be a “team” and work together to solve the same problems. The entire state of Nevada would see a benefit from courts sharing information toward standardization of processes and procedures resulting in increased public trust and an increase in efficiency.

The purpose of this project is to discover the best way of sharing information that is important to the Nevada trial courts and then provide a way to rapidly retrieve that information and solve problems collaboratively in the most economical and efficient way possible. Research was done through interviews with the Nevada AOC and a survey of the Nevada trial court administrators, as well as conducting a literature review of collaboration among organizations, loosely coupled organizations, knowledge and information sharing methods, and knowledge and wiki networks.
Literature Review

Traditional Thinking about Organizations and Courts

In 1906, Pound wrote about the need for collaboration among the courts and the community in his seminal work *The Causes of Popular Dissatisfaction with the Administration of Justice*. He explained that justice “…is the ideal compromise between the activities of all in a crowded world” and “when the community is at one in its ideas of justice…it is possible to have an agreement with the community's opinion of morals” (Pound, 1906, p. 3). Pound found that “the most important and most constant cause of dissatisfaction with all law at all times is to be found in the necessarily mechanical operation of legal rules. This is one of the penalties of uniformity” (1906, p. 2). The problem is that the public will always want consistency in the legal process and sentencing however they do not understand that each case that comes before a judge has unique elements, even if the offense is the same. Laws are created to encourage uniformity in sentencing however, over time, laws will become rigid and do not allow for adaptation as changes occur and new issues must be addressed (Pound, 1906).

Adapting a general law to a unique situation can be done through judicial decision making yet that is also inconsistent because all judges do not have the same standard of dispensing justice (Pound, 1906). Pound believes the other option of too many laws and regulations would also fail because of the resulting delay in justice (1906). There must be a balance between the standards of dispensing justice and the increasing number of rules and regulations.

Willoughby echoed Pound’s findings about the disorganized court system; the way the court system has developed over time has been to create new services as the
need arose which has resulted in disorganization, conflict, and duplication (1929, p. 254). Willoughby (1929) stated the importance of deciding where the responsibility lay for the administration of justice, should it be centralized or decentralized? The importance of the question is diminished if the two concepts of decentralization and centralization can be melded together; the benefits can be gained from both areas and the disadvantages minimized (Griller, 2010).

A commonality shared by decentralized and unified courts is the way the organization is structured. According to Weber (1968), all bureaucracies have the same principle of the hierarchical organizational model. Courts, from the federal level all the way down to the state, are organized as hierarchies with the Supreme Court at the top and the limited jurisdiction courts at the bottom. Most individual courts follow a similarly structured hierarchical organizational chart, whose shape is represented as a pyramid where the judges/court administrator are at the top and the clerical staff are at the bottom. Each level is subordinate to the one above it, and there is a single position of authority in charge. The initial benefit of the hierarchical organization was ease of communication, however many businesses have witnessed the opposite effect. Staff at the bottom of the hierarchy often possess first-hand knowledge that would benefit the organization, but like the game of Telephone, the message becomes distorted in an attempt to transmit it up the pyramid.

**Loosely Coupled Organizations**

The highly structured hierarchical organization does not appear to be the best fit for a court, where judges apply individual justice in individual cases. A better fit may be sought by looking at courts as loosely coupled organizations.
Weick was one of the first to discuss the idea of “loose coupling” (1976). His example of loose coupling is an educational organization; it is unique to organizations that have a weak attachment and do not share an identity, like a counselor and principal in a school (Weick, 1976). He enumerates seven potential functions for loose coupling:

1. Loose coupling lowers the probability that the organization will have to - or be able to - respond to each little change in the environment that occurs.
2. A second advantage of loose coupling is that it may provide a sensitive sensing mechanism.
3. A loosely coupled system may be a good system for localized adaptation.
4. The loosely coupled system can retain a greater number of novel solutions than can a tightly coupled system.
5. If there is a breakdown in one portion of a loosely coupled system then this breakdown is sealed off and does not affect other portions of the organization.
6. A sense of efficacy may be greater in a loosely coupled system.
7. Loosely coupled systems should be inexpensive to run because there is less coordination to be done.

(Weick, 1976, pp. 6 – 8).

Meyer recounts that during the 1970s and 1980s, organizations were told to “loosen up” and move away from the hierarchical top-down management style but during the last decade this instruction has changed (2002). There is more of an emphasis now on standardization and organization (Meyer, 2002). Meyer claims that bureaucratic organizations do not allow their employees to innovate, yet the loosely coupled organization’s weakness may be in the management of knowledge workers.
He suggests that the old and new organizational models be integrated to form a new synthesis (Meyer, 2002).

According to Hirschhorn (1994), loosely coupled organizations are “…settings where individual elements have high autonomy relation to the larger system that they are in... and the linkages are often unpredictable, ill understood and/or uneven....In loosely coupled systems, the forces for integration... are often weak compared to the forces for specialization” (p. 1). Hirschhorn’s examples of loosely coupled organizations are medical schools, the food and drug administration, and state bar association (1994). Those who lead the organization must utilize planning that both protects and guides the institution. Hirschhorn describes the six aspects of protecting the system, which are summarized as:

1. Managing current and emerging contradictions and making sure the system remains upright
2. Utilizing history to guide the allocation of resources where fairness is the most important measure of leadership ability
3. Preventing crisis by keeping the institution within its zone of safety
4. Protecting the system from excessive fragmentation
5. Monitoring the status of resources
6. Developing a series of scenarios to help with planning and management

There are then five ways listed of how the system must be guided, summarized as:

1. The executive must guide the system using subtle mechanisms rather than using familiar tools
2. A planning infrastructure should be used to help guide the system
3. The executive can implement a system of forums that bring together the right people to discuss the pertinent issues. This helps communication and the management of conflicts. The group that meets should be advisory to the executive.

4. The executive can highlight strategic themes that can help with decision making.

5. Operate at the boundaries between the system’s units to encourage collaboration.

(Hirschhorn, 1994, pp. 2 – 5).

Sharp provides a modern example of loose coupling in the relationship between criminal justice and mental health agencies and how they share the handling of mentally ill offenders (2009). Sharp finds the benefit to a loosely coupled system lies in its flexibility to respond to needs that arise yet it is still at a disadvantage because the systems that are coupled together follow different rules and ideologies (2009). If there is inappropriate coupling, it can lead to negative effects in the relationship between the systems (Sharp, 2009).

**Courts as Loosely Coupled Organizations**

Mary McQueen, president of the National Center for State Courts, describes five of the core characteristics that state courts share with loosely coupled organizations:

1. They have a federated governance structure.

2. The values of accountability and autonomy are in competition.
There are complex and unpredictable connections between the professionals and the management in the organization.

The judges in the courts are required to perform complex and knowledge extensive decision-making, requiring them to constantly expand their knowledge.

There are competing demands of integration and specialization required in the courts due to the changing nature of the law.

(McQueen, 2013, pp. 2 – 7).

McQueen’s model requires courts to develop “…governance mechanisms that are more creative than those applied in traditional hierarchical or corporate organizational structures” (McQueen, 2013, p. 7). The four governance mechanisms mentioned by McQueen are:

1. Leadership Mechanism: The importance of legitimacy
2. Process Mechanism: Protecting and Guiding
3. Fairness Mechanism: Collaborative decision making
4. Communication Mechanism: The importance of the inner branch

(McQueen, 2013, pp. 7 – 10).

Communication is vital when it comes to efficiently running a court. As McQueen writes, “today’s world of instant communication provides loosely coupled systems with a sword and a shield” (McQueen, 2013, p. 10). Courts are challenged not to just communicate more effectively with other agencies and branches of government but also within their own state court systems.

Mundell and Jefferson find that courts today are forced into a “shared leadership” between the local trial courts and state supreme courts, whether or not they are unified
or decentralized (2012). The office of court administration is often viewed as a micro-managing bureaucracy that discourages innovation because of the rigid rules and regulations (Mundell & Jefferson, 2012). Many local courts are able to innovate for items specific to their jurisdiction, however when items impact courts on a state-wide level, the best solution may be left to the AOC. Funding is always an issue in whether or not a court can implement the best technologies or ideas. The public however, is unaware of this relationship between the state and local courts, so the courts are required to collectively address how to provide “statewide delivery of quality court services” (Mundell & Jefferson, 2013, p. 5). Collaboration among the state courts toward standardizing court services would go a long way toward gaining the public’s trust.

Trial courts may be hindering collaboration because each is concerned about their own unique programs catering to their specific region, population, demographic, and environment (Griller, 2010). This is likely to be true of Nevada, where a majority of the courts are considered rural and have different priorities than do the urban courts. In order to encourage centralization and information sharing across organizations, high trust must be exhibited (Griller, 2010). Empowerment, blended with trust, would allow for “…flatter hierarchies, less bureaucracy, quicker decision making, and lower-cost operations” (Griller, 2010, p. 52).

**The Changing Wiki World**

Government agencies have a special challenge in moving forward in today’s digital age in that they are often governed by more than one legislative body, which creates more of the ubiquitous red tape that inhibits change. Gates believes that these agencies should make it a priority to move toward digital forms, electronic filing, and
invest in technologically advanced products (1999). By switching from paper processes to electronic processes, Gates found that any organization will find a savings in both time and money (1999). Business leaders need to foster an environment that integrates collaboration and the sharing of knowledge and make sure the company's values reflect that (Gates, 1999). Gates has coined the term “the digital nervous system” which provides a “well-integrated flow of information to the right part of the organization at the right time” (1999, p. xvii). This information is the life blood of the organization (Gates, 1999, p. 4). Utilizing a group of people to use these electronic processes will enable a company to have a faster response (Gates, 1999).

Knowledge management is an essential part of keeping up with the rapidly changing world. It involves getting the right information to the right people so a quick response can be made (Gates, 1999). In 1999, when Business at the Speed of Thought was written, Gates predicted that the World Wide Web would be the way most Americans and others in the world would go about their daily business of communicating, watching news, and managing finances. In 2016, that is more than true with all the applications available to connect businesses and individuals through internet enabled devices. The intention of the availability of these applications and programs on the internet is not to change how we live, but rather help us to save time and money as we go about our regular business (Gates, 1999).

In order to have continued success, the organizational model that once drove businesses must change along with the rapidly evolving world. Collins has labeled this new world “wiki”, which is the Hawaiian word for fast (2014, p. 8). Wiki management follows two precepts:
1. When human organizations have the processes to leverage collective intelligence, nobody is smarter or faster than everybody.

2. In the smartest and fastest organizations, leaders do not have the authority to issue orders or to expect compliance.


According to Collins (2010), there are three developments that have led us to the new mindset of wiki management: The first is the rapid pervasive change occurring throughout every industry over the last twenty years. The second development is the internet’s “unprecedented capacity for mass collaboration.” The third development is the rise of knowledge networks and the reduction in use of machines and buildings to create the value for the business (p. 6). According to Collins, in order to adapt to this new world, businesses must be bold and move past the traditional hierarchy organizational model (2010). In an attempt to adapt, many businesses will mistakenly attempt to create an “innovation” department and institute change management initiatives, but those efforts will fail because the entire business, not just one department, must innovate to keep up with the rapid change (Collins, 2010).

Technology has afforded businesses the ability to have mass collaboration, across the country, in real time (Collins, 2010). This allows businesses to be more intelligent, efficient, and effective overall. Businesses have been managed to assume one can look to the past to know how to manage the future but the world is changing so rapidly that will not work in today’s environment (Collins, 2010). Government organizations will be especially difficult to change from the traditional management model (Collins, 2010).
Collins says this is best accomplished by utilizing a networking model which allows individuals to interact independently without a dominant leader (2010).

In the ever changing digital age, planning is difficult to accomplish because one cannot accurately predict the future based upon the past (Collins, 2014). Organizations must then focus on constant innovation and the strategy to manage will be learning and leveraging the best of the ideas through mass collaboration (Collins, 2014). Knowledge is viewed differently now than it was in the past. Some would hoard knowledge because they viewed knowledge as power. In the wiki world it is seen as something you should share so that it will grow (Collins, 2014). The more knowledge you have, the more informed the decision will be (Collins, 2014).

Measurement is still a part of good management in the wiki world, but the measures seen as most important are changing. Courts utilizing standard performance measurements will find that motivation for employees is one of the measures essential for managing within a network. This is accomplished by holding people accountable to their peers rather than just attempting to please their boss (Collins, 2014). By not having a supervisor led organizational model, employees are able to share their good ideas rather than have them rejected by a lone authority (Collins, 2014).

Wiki management is only one suggestion for how organizations should be managed in today’s world. A system of self-management labeled “holacracy” has been tested by Zappos CEO Tony Hsieh (Gelles, 2015). It involves a defined set of rules and processes, has clear responsibilities and expectations, and removes power from a management hierarchy, distributing it in clear roles (Holacracy, n.d.). At Zappos, the point is to make sure that bureaucracy doesn’t keep the employees from innovation.
(Gelles, 2015). So far it does not appear to be working as well as Hsieh imagined, as employees all want to be heard, so meetings last longer than they normally would, and the way to pay, fire, or hire people has not been decided upon (Gelles, 2015).

Kotter’s idea of a dual operating system with a traditional hierarchy complimented by a network like structure appears to be the ideal solution for trial courts (2012). This model is more adaptable to government organizations that cannot easily transition from the traditional hierarchical model (Kotter, 2012). Kotter’s solution addresses why Zappos application of holacracy may be failing, because it does away with a hierarchy, but hierarchy is still necessary to cover personnel matters such as pay rates, hiring, and firing of employees (2012). The dual system will work best if discretion is given to the bottom of the hierarchy, the employees involved are self motivated, there is constant communication and information flow, and there is leadership throughout the organization, not just at the management level (Kotter, 2012).

**Figure 3. Kotter's Traditional Hierarchy vs. Network**
Kotter states that the dual operating system has five principles:

1. Many change agents, not just the usual few appointees.
   To move faster and further, you need to pull more people than ever before into the strategic change game, but in a way that is economically realistic. That means not large numbers of full-time or even part-time appointments but volunteers. And 10% of the managerial and employee population is both plenty and possible.

2. A want-to and a get-to – not just a have-to – mind-set.
   You cannot mobilize voluntary energy and brainpower unless people want to be change agents and feel they have permission to do so. The spirit of volunteerism – the desire to work with others for a shared purpose – energizes the network.

3. Head and heart, not just head.
   People won’t want to do a day job in the hierarchy and a night job in the network – which is essentially how a dual operating system works – if you appeal only to logic, with numbers and business cases. You must appeal to their emotions, too. You must speak to their genuine desire to contribute to positive change and to take an enterprise in strategically smart ways into a better future, giving greater meaning and purpose to their work.

4. Much more leadership, not just more management.
   At the core of a successful hierarchy is competent management. A strategy network, by contrast, needs lots of leadership, which means it operates with different processes and language and expectations. The game is all about vision, opportunity, agility, inspired action, and celebration – not project management,
budget reviews, reporting relationships, compensations, and accountability to a plan.

5. Two systems, one organization.

The network and the hierarchy must be inseparable, with a constant flow of information and activity between them – an approach that works in part because the volunteers in the network all work with the hierarchy...The dual operating system is not two supersilos, like the old Xerox PARC (an amazing strategic innovation machine) and Xerox (which pretty much ignored PARC and the commercial opportunities it uncovered).

(Kotter, 2012, pp. 5 – 7).

Kotter then describes the processes that will allow the strategy network to function.

**Figure 4. The Eight Accelerators**
1. Create a sense of urgency around a single big opportunity.
   It is important that this starts at the top of the hierarchy and is reinforced daily, so that complacency does not set in.

2. Build and maintain a guiding coalition.
   This is the core of the strategic network, made up of trusted staff members and at least a few outstanding leaders and managers, so that it can function better than any hierarchy.

3. Formulate a strategic vision and develop change initiatives designed to capitalize on the big opportunity.
   The vision needs to be feasible and easy to communicate. The members of the group should help create goals so they become part of the strategic change.

4. Communicate the vision and the strategy to create buy-in and attract a growing volunteer army.
   Craft the message so that it goes viral and motivates employees to become a part of the volunteer army.

5. Accelerate movement toward the vision and the opportunity by ensuring that the network removes barriers.
   When the network hears about issues, they should attempt to attack them right away with the volunteer army, which can work faster than a traditional hierarchy because it includes members from each level of the organization who have a sense of urgency in achieving goals.

6. Celebrate visible, significant short-term wins.
In order to keep the network credible, it must show that the decisions and actions are benefitting the organization.


The sense of urgency has to be constant so that the volunteers don’t resort back to the hierarchy.

8. Institutionalize strategic changes in the culture.

Make sure to incorporate the strategic initiatives in the daily activities, so it becomes a part of the organization’s culture.

(Kotter, 2012, pp. 8 – 16).

The most essential component of a successful network is the volunteer army. This group should be made up of change leaders that are guided with a structure and processes. It is important that they are self motivated because rather than money, their rewards are professional development, collaboration, and fulfillment of completing a mission they believe in (Kotter, 2012).

**How Change is Affecting Courts**

Leaders in state courts today also appear to agree that there are drawbacks to the traditional hierarchical management model. Burke believes that courts should be encouraging constructive dissent so that innovation can take place (2015). Managers often promote those who are similar to them and the employees that don’t agree are often stuck at the bottom of the pyramid. Their voice can get lost when they have to go through the many layers of management, especially when management does not support their opinions. The result of this will be unmotivated employees who no longer
want to be innovative and share ideas if the court’s culture is to only reward those who agree (Burke, 2015). The court’s culture must reflect the support for constructive dissent so that employees are able to support the court’s vision of risk taking and innovation (Burke, 2015).

Skills required by future court leaders involve learning and then applying lessons others have learned from the new digital environment (Griller, 2015). Court leaders cannot be resistant to the digital revolution, since most of the work required for staff requires online access (Griller, 2015). Griller states the importance that court leaders need to place on how to address the impact technology is having on the workforce (2015). In order to prepare for the technological advances, Griller advocates thinking “…in terms of four areas of court life:

1) The characteristics of court workers themselves

2) The types of work performed

3) The current and expected uses of technology

4) The expectations and skills of court customers” (2015, p. 54).

The generational differences among court staff will determine the technological training needed and collaboration possible (Griller, 2015). The majority of court work can now be performed online, meaning that in states where courts are unified, work can be outsourced and divided among different courts, i.e. one court enters the entire state’s citations, processes payments, etc. It would benefit court leaders to learn how non-court organizations are implementing technologies to restructure work. The final area of court life, the expectations and skills of court customers, is providing the greatest impetus for
acquiring and implementing new technologies (Griller, 2015). Customers expect courts to have certain technologies, such as a website, online payments, even an app on their phone, because of how the rest of the world operates. Griller even suggests that court customers do the work the court staff are currently doing, through self-help centers and fillable forms available online (2015).

**Building Collaborative Organizational Networks**

For courts to remain relevant, they must be open not only to adopting new technologies but also in collaborating with other courts. Collaboration is perhaps one of the most cost effective ways for a business to gain knowledge, but it appears to be a challenge for decentralized or loosely coupled courts. Many companies are now required to collaborate because of the impact the internet has had on their business (Shuen & Sieber, 2009). Crowdsourcing is one of the new uses of the network which echoes Collins' thought that everyone is smarter than just one person (2010). What is challenging for companies is moving from a competitive culture to a collaborative one (Shuen & Sieber, 2009). Organizations should work on their dynamic capabilities, which are defined as “…the capability of an organization to purposefully adapt an organization's resource base” (Dynamic Capabilities, n.d.). Shuen and Sieber discuss four ways to build dynamic capabilities within an organization. The first is to build the collective user value (2009, p. 60). For government organizations, like courts, that do not have a great deal of money to invest, social capital should be utilized. The second is to activate network effects. Network effects “… are the effect each user has on the value of a product or service” (p. 62). There are five different kinds: direct, indirect, demand-side, cross-network, and social (p. 62). The third way to build dynamic
capability within an organization is to work through social networks (p. 63). The thought behind this is that once there are enough users on the network, more and more people will want to join (p. 63). This will allow for greater ability to crowdsource and create a greater work product because of the sheer number of users (p. 63). The fourth and final way to increase the dynamic capability is to multiply your partners through syndication (p. 63). For a court, this can involve merging services with other courts toward a more efficient use of resources. Amazon was able to switch from just selling books back in 2001 to the industry giant it is today through the use of syndication (p.63).

McLaughlin, the Court Services Supervisor in The Superior Court of New Jersey, states the importance of collaborative management for modern court leaders as a key to achieving success. Collaboration among managers requires new procedures and skills (McLaughlin, 2015). He states several critical elements courts must have in order to successfully collaborate:

**Build Support:**

- Secure support from judicial leaders – judges must set the vision for the court and the executive team must align the internal organization with the vision.
- Ensure the necessary resources are in place – court staff is key players, budget forecasting is necessary, court policies may need revision, and technology may need enhancement.
- Train to manage collaboratively - court employees need the skills that are essential to collaborating like facilitation, negotiation, and mediation.

**Establish Relationships by:**
• Build the bridge before you need to cross it – communicate and network before you need something.

• Analyze the network before committing – consider the risks and impact collaboration will have on the court’s operations.

• Know the key players – be mindful that the priorities and values of collaborative partners may be in conflict.

**Facilitate Action through:**

• Define network goals and mission – ensure that all partners in the network understand the ground rules, roles, and responsibilities.

• Assess situation and match strategy to circumstances – be prepared to change strategies for success depending on the situation.

• The interpersonal approach matters – all partners need to feel valued and welcomed.

**Evaluating Progress:**

• Document Collaborative activity – metrics are important so there is a record of collaborative efforts.

• Engage in continuous evaluation – have regular reviews to assess network activity.

• Great leaders engage in reflective practice – to learn from mistakes use personal reflection regularly.

(McLaughlin, 2015, p. 9 – 13).
Collaboration must exist across an organization in order to be successful. Uzzi and Dunlap have found that as corporate organizations “flatten” like pancakes rather than pyramids, the power is shifted from the hierarchy to the knowledge workers (2005, p. 4). These individuals connect the clusters of personal networks and foster collaboration among the groups. The most useful network will be diverse, which will involve restraint against the natural tendency to only include those similar to you (Uzzi & Dunlap, 2005, p. 6). To bring together different groups of people, shared activities work well. The shared activity allows individuals to break out of their normal roles within the organization, freeing them up to be more innovative (Uzzi & Dunlap, 2005).

Ibarra and Hunter discuss how networking is one of the most necessary and most dreaded challenges that leaders need to address and overcome (2007). Networking needs to be viewed as part of the leadership role and not a “distraction.” Building a network requires skill and practice. Good managers will not wait until they need help to call on others, they will take every opportunity to network and share information whether or not it is needed or requested by others (Ibarra & Hunter, 2007).

As mentioned previously, social technologies are one of the digital tools that successful organizations should be using. Collaboration is an excellent use of this technology. A top multinational consulting firm, McKinsey & Company, has released the results of a decade of research on the use of social technologies. According to Bughin (2015), 2006 showed a limited use of social technology but by 2008, two-thirds of the 1,500 companies studied had adopted at least one of the social technologies. However, only 20% of all employees had used them and no single technology had gone mainstream” (Bughin, 2015, para. 3). The driving forces behind the spread of social
technology tools have been imitation and innovation (Bughin, 2015). Companies that use more advanced social technologies more extensively have reported an incremental five percent in value added in 2010 and of up to 6.5 percent in 2014, which was shown to be statistically significant (Bughin, 2015). According to Bughin, the incremental value from social technologies appears to be as large as it was from the use of computers in the 1990s (2015). Even incremental use of social technologies by employees could significantly increase the value added for each technology; using a second social technology, i.e. Facebook in addition to Twitter, doubles the value added to the organization at most levels (Bughin, 2015).

Application for Courts

In the Principles for Judicial Administration, the National Center for State Courts lists principles that guide courts so they can provide “…quality judicial services more efficiently” (2012, p. i). The change from a strictly hierarchical governance structure to a hybrid network/hierarchy may be necessary to meet Principle 5: The court system should be organized to minimize the complexities and redundancies in court structures and personnel (p. ii) and Principle 11: court procedures should be simple, clear, streamlined and uniform to facilitate expeditious processing of cases with the lowest possible costs (p. iii). Principle 5 is described further to entail overlapping or duplicative jurisdiction among courts within a given state (2012, p. 5). Principle 11 states that procedures should provide justice at the lowest expense possible and attempt to eliminate redundancies (p. 9).
With all the research showing the benefits of collaboration and network creation, the challenge for courts will be how to implement and adapt the changes to the current organizational structure. One of the reasons why many organizations do not succeed when trying to implement change is that the diffusion of the innovation takes far too long (Rogers, 1995). Luckily, courts are not a “fly by night” venture; they are prescribed by state law and will be around indefinitely so time is on the courts’ side. “Courts are both different from and similar to other organizations” (Ostrom, Hanson, & Burke, 2011/2012, p. 36). While courts still have to work within their legally prescribed boundaries, successful business models and innovations in the corporate arena can still be integrated into the court’s master plan.

The literature has shown that networks and collaboration of shared knowledge are the way companies are currently succeeding but most courts are not necessarily following the trend. Research has shown that hierarchical models of organization will not allow the collaboration and information sharing necessary to adapt to the ever-changing wiki world. Courts are bureaucratic government organizations and as such follow the traditional hierarchical models of management. Courts find it hard to change because of the laws and the autonomous nature of the judges and their independence to make decisions on cases. Nevada is a decentralized state, like many others in the United States. It allows each court to decide what is best to govern in their jurisdiction; however the problem is that Nevada law governs all the courts and there is a duplicity and inconsistency among the courts in application of the same law. The high performance court standards tell us that courts need to be more efficient and effective; we cannot ignore the collaborative/networking trend that is a keystone of successful
organizations today. Courts may best be served by using the hybrid model of hierarchy and networking, as it is difficult for courts to change completely from the hierarchical model and that may be inadvisable, as shown by Zappos’ application of holacracy.

**Methods**

The research design for this project was an exploratory design. There were no earlier studies regarding intra-court knowledge sharing available for comparison and the intention was to gather preliminary information to determine how to proceed with the survey and interview results gathered. It involved a brief interview with the Administrator and Assistant Administrator of the Nevada AOC and an electronic survey of the court leaders in Nevada. The goals of the interview were to inform the AOC of the project’s purpose, have them help to refine the survey, and determine if they would support the findings from this project. The survey was created to find out what the leaders in trial Nevada courts thought about knowledge sharing among the courts and if they would be supportive of more knowledge sharing efforts.

**AOC Interview**

The interview was conducted on Thursday, July 2, 2015 at the Administrative Office of the Courts at the Supreme Court in Carson City, Nevada. Those interviewed were the State Court Administrator/Director Robin Sweet and Assistant State Court Administrator John McCormick. The interview was unstructured. The interviewees helped refine the survey from 13 to 9 questions by combining some of the questions and reformatting the survey so instead of one question and multiple choice answers, it asked a broad question and the surveyed could answer from a variety of sources.
Nevada Trial Court Collaboration Survey

The initial survey was 13 questions, which was later reduced to 9 questions. See Appendix E for survey. It was created on July 6, 2015 in eSurveyPro, a free survey site suggested by the AOC. The list of recipients that received the survey and emails was provided by the AOC. The intention was to receive one response per court administrator at each court; however the AOC stated that some courts do not have an administrator and the administrators may not respond. In addition, the AOC believed it would be of more benefit to have more positions surveyed than just court administrators.

In order to get the results and analyze them in a timely manner, all the surveys were required to be completed within 30 days. The first email was sent out on August 6, 2015 (see Appendix B). The email was sent by blind carbon copy (bcc) to all the court administrators and lead clerks in the state of Nevada. The survey was sent out through bcc to reflect the anonymity of the survey to encourage a greater number of survey responses. There were 41 individuals on the final email list. Three emails were sent altogether; one on August 6, the second two weeks later on August 20 (Appendix C), and the final reminder on September 3 (Appendix D). When the survey was closed on September 7, 35 individuals had participated. Since the final number of potential recipients was 41, the response rate was 85%.

Findings

Finding 1: There is already a collaborative tool for court administrators in Nevada.

In the interview with the AOC, the Assistant State Court Administrator revealed there is already a listserv in place for court administrators in the state of Nevada where other court administrators can ask and answer questions through email. The listserv has
been in place since December 21, 2011 and it is a closed listserv. In order to be added to it, someone must request to be added by the Assistant State Court Administrator. Not all courts are utilizing this tool, and there are no guidelines for how it should be used. Most individuals that respond just reply back to the person who asked the question, rather than replying to all of the recipients on the listserv.

**Finding 2: The AOC is supportive of hosting a knowledge sharing website.**

During the interview with the AOC, they mentioned that they thought a website where all the Nevada courts could share information would be useful. They revealed that their priorities are set by the Supreme Court and a collaborative website is not one of the priorities.

**Finding 3: Court leaders in Nevada have an interest in court collaboration.**

There is an obvious interest in Nevada trial court collaboration as evidenced by the 85% participation rate in the survey.

**Finding 4: A majority of survey respondents stated that they look to other court leaders when they need help.**

In response to the questions listed below, a majority indicated that they contact other court administrators.

- How do you find out about rules affecting court operations?
- How do you find out about best practices and innovations affecting court operations?
- Where do you go for help/advice when you confront a problem you haven’t seen before?
➢ Where do you go for materials and curriculum for training newly hired staff?

Finding 5. A majority of survey respondents categorize their court as Rural

26 of the 35 court leaders surveyed chose Rural to categorize their court.

Figure 5: Court Categorization

Finding 6: Nevada court training is sporadic.

As indicated in the introduction of the paper, a review of the AOC and NACE web pages (NACCA did not have one), found that there are currently no classes scheduled for the future and a very limited number of classes conducted in the past.

Finding 7: A dual operating system of a network and a hierarchy utilizes all the elements necessary to manage collaborative efforts for trial courts.

Kotter outlined a dual operating system of a network and hierarchy that would work well for loosely coupled trial courts to collaborate (2012). The literature review revealed that court leaders such as McLaughlin (2015) and Griller (2010, 2015) agree
that networks and collaboration are going to be an integral part of the future of the courts.

Conclusions and Recommendations

Conclusion 1: An interactive knowledge based website would be the best method to deliver current, relevant information to court staff.

Figure 6. Results of Survey Question Regarding Relevant Information Delivery

The majority of respondents, 19 out of 35, chose an interactive knowledge sharing website as the most effective way to deliver current, relevant information to Nevada court staff. Conferences require funding for travel and often include additional registration fees. Many courts cannot afford to allow staff to attend conferences or cannot conduct business with a reduction in staff. In addition, research shows that knowledge networks are being utilized by successful businesses and court leaders
believe that courts should utilize the components of successful businesses (Collins, 2014; Ostrom, Hanson, & Burke, 2011/2012).

**Recommendation 1a: The Nevada courts should create a collaborative website.**

The structure for the collaborative website should be modeled after Kotter’s Dual Operating Systems. As shown in the figure below, the Nevada AOC would be the hierarchy to host the website and provide the information technology that would launch and provide maintenance to the site.

**Figure 7. Nevada Courts Dual Operating System**

The two volunteer court organizations in Nevada, NACCA and NACE, would act as the Network, providing training beyond what is given by the AOC, along with legislative reviews, and educational content for the collaborative website.

The court leaders in the state of Nevada should guide and be a part of the Volunteer Army which would keep the system relevant. These individuals would
regularly use the website, and contribute ideas, best practices, questions, answers, and additional educational content.

**Recommendation 1b: Follow up with Nevada court leaders to find out who is interested in creating the new collaborative website.**

Kotter specifies that the system will work best with support from administration and a volunteer army of enthusiastic individuals. The AOC supports the idea of a collaborative site, so they should back efforts to reach out to Nevada court leaders to find out who else is interested. The court leaders in Nevada have already proven themselves to be devoted as demonstrated through their involvement in the volunteer organizations, NACE and NACCA, 85% of the leaders completed the survey, and many of them regularly use the listserv. Once the leadership for the site has been established, then the Volunteer Army can be created from all levels of the trial courts in the state of Nevada.

**Recommendation 1c: Query all staff to find out what they would like to have on the knowledge sharing site.**

Since the website is being created so that trial court employees across the state of Nevada can collaborate, all the interested employees should be queried on what the website should contain. Some suggestions taken from the Nevada Trial Court Collaborative Survey additional comments include:

- Statutes by topic of interest
- Uniform court training materials
Recommendation 1d: Look to existing court collaborative sites for guidance.

In keeping with the theme of not reinventing the wheel, the states that already have collaborative court sites should be used as the examples of what can be done and then build upon the platform they have already created. As referenced previously in this paper, California’s Efficiencies and Innovations page has excellent content however Nevada courts are unique and should decide what works best for Nevada courts.

Conclusion 2: The majority of trial court leaders in Nevada have difficulty sending staff to conferences and training.

Through the option comments on the survey, many respondents indicated that because of staffing levels, distance to conferences, and budget constraints it is a challenge to send staff to time specific training.

Recommendation 2: The AOC, NACCA, and NACE should utilize video conferencing technology for all training not already conducted by webinar/phone.

This will allow the rural courts and other courts that cannot afford or spare staff members to attend training the ability to attend conferences remotely. Rural court staff often have to travel a long distance to get to the larger cities where the conferences are normally held. As an alternative and/or additionally, the Nevada court organizations listed above should record all trainings and conferences, and archive training materials on a website. This will allow court staff that could not attend the conference to view the materials when time allows, so that all court staff in Nevada receive the same training.

Conclusion 3: There are insufficient resources for court training and education.

Review of the NACCA, NACE, and AOC websites revealed that not many classes are offered to the Nevada court employees. This is because the AOC is not
statutorily mandated to provide court staff training and do not have the resources to take
on additional functions. In addition, the AOC has also experienced a loss of funding
from administrative assessment fees for a number of years and those funds were
allocated to provide staff training.

**Recommendation 3a: The state of Nevada trial courts should use their new
collaborative tool to come up with shared resources for training and education.**

Many Nevada employees have been through the Institute for Court Management
program through the National Center for State Courts and many have achieved the
status of Institute for Court Management Fellow. Those employees should share their
knowledge with other Nevada court staff.

**Recommendation 3b: The functionality of the listserv for court leaders that is
currently in use should be expanded.**

Courts that are not currently taking part should be invited to use it, those using it
should be required to “Reply to All”, and all the emails should be archived in a shared
searchable database for future reference.

**Next Steps**

The purpose of this project was to find out the best way for Nevada trial courts to
collaborate. The results indicated that a collaborative website would be the most
efficient and effective way of sharing information across the courts. In order for this to
be accomplished, the following must take place:

1. A group – AOC, NACE, or NACCA - must agree to host the website.
2. A core group of trial court staff and leaders will be approved by the group
   hosting the site, to act as the Volunteer Army that drives the content. Once
selected, they will meet and formulate what the layout of the site should be and what will be a functioning timeline so that this project is seen through to completion. They will also review other states’ innovation websites to glean ideas for the Nevada site.

3. Nevada trial court staff that have website/IT knowledge will be asked to volunteer to create the site so it will function as needed.

4. A survey will be conducted to find out what interested Nevada trial court employees think will be relevant content for the site.

5. The site will be posted for use. The content must be regularly updated and maintained so the website will continue to be useful in providing the training, education, and uniformity so desired by Nevada trial court staff.
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Appendix A. Washoe County Bail Schedule

<table>
<thead>
<tr>
<th>NON-MOVING</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver's License Required</td>
<td>$350</td>
</tr>
<tr>
<td>Suspended/Revoked Drivers License</td>
<td>$740</td>
</tr>
<tr>
<td>Insurance Required</td>
<td>$740</td>
</tr>
<tr>
<td>Registration Required</td>
<td>$175</td>
</tr>
<tr>
<td>Seatbelt</td>
<td>$75</td>
</tr>
<tr>
<td>Child Restraint</td>
<td>$175</td>
</tr>
<tr>
<td>Vehicle Equipment</td>
<td>$175</td>
</tr>
<tr>
<td>Cell Phone</td>
<td>$175</td>
</tr>
<tr>
<td>Bicycles</td>
<td>$175</td>
</tr>
<tr>
<td>Skateboards</td>
<td>$175</td>
</tr>
<tr>
<td>Parking (other than impeding and handicap)</td>
<td>$115</td>
</tr>
<tr>
<td>Other Non-Moving Violations</td>
<td>$175</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRAFFIC</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 2 Points</td>
<td>$130</td>
</tr>
<tr>
<td>3 – 4 Points</td>
<td>$250</td>
</tr>
<tr>
<td>Careless</td>
<td>$450</td>
</tr>
<tr>
<td>Reckless / Aggressive</td>
<td>$740</td>
</tr>
<tr>
<td>Exhibition of Speed</td>
<td>$740</td>
</tr>
<tr>
<td>Speed Contest</td>
<td>$740</td>
</tr>
<tr>
<td>Hit and Run</td>
<td>$740</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER MISDEMEANORS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving Under the Influence – First Offense</td>
<td>$2000</td>
</tr>
<tr>
<td>Driving Under the Influence – Second Offense</td>
<td>$5000</td>
</tr>
<tr>
<td>Domestic Battery – First Offense</td>
<td>$3000</td>
</tr>
<tr>
<td>Domestic Battery – Second Offense</td>
<td>$5000</td>
</tr>
<tr>
<td>Stalking</td>
<td>$3000</td>
</tr>
<tr>
<td>Harassment</td>
<td>$2500</td>
</tr>
<tr>
<td>Violation of TPO / EPO</td>
<td></td>
</tr>
<tr>
<td>First Offense:</td>
<td>$3000</td>
</tr>
<tr>
<td>Second Offense:</td>
<td>$5000</td>
</tr>
<tr>
<td>Third Offense:</td>
<td>$15,000</td>
</tr>
<tr>
<td>Obstructing a Peace Officer</td>
<td>$1000</td>
</tr>
<tr>
<td>Graffiti</td>
<td>$1500</td>
</tr>
<tr>
<td>Vehicular Manslaughter</td>
<td>$3000</td>
</tr>
<tr>
<td>Dog Matters (other than Vicious)</td>
<td>$200</td>
</tr>
<tr>
<td>All other misdemeanors not enumerated above</td>
<td>$500</td>
</tr>
</tbody>
</table>

IF THERE ARE ANY QUESTIONS OR CONCERNS RELATED TO BAIL, PLEASE CONTACT THE APPROPRIATE JUDGE.
### Appendix B. First Email regarding survey, sent August 6, 2015

<table>
<thead>
<tr>
<th>Subject: Nevada Trial Court Collaboration Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hello, my name is Alexa Olsen. I am the Court Operations Manager at the Reno Municipal Court. I am currently in the National Center for State Courts (NCSC) Institute for Court Management (ICM) Fellows Program. As part of this program, I am conducting a project to find the best way for trial courts to collaborate in Nevada, and this is where you come in. I need the input of the court administrators/clerks and/or the deputy clerks/administrators from all the trial courts in Nevada. There are only 9 questions on the survey and your input is greatly appreciated. With the results from this survey, I will submit recommendations to the Nevada AOC toward finding solutions to improve collaboration in our courts. I am working closely with the AOC on this survey and they have shared your contact information with me.</td>
</tr>
<tr>
<td>Please respond back to the survey on or before September 7th, 2015 to have your voice heard. If you have any questions, you can reach me at xxx-xxxx-xxxx.</td>
</tr>
<tr>
<td>Here is a link to the survey: [XXXX]</td>
</tr>
<tr>
<td>Thank you very much for your participation.</td>
</tr>
</tbody>
</table>
Appendix C. Second email sent August 20, 2015

Subject: Nevada Trial Court Collaboration Survey Reminder

This is a reminder that you still have two weeks remaining to take the Nevada Trial Court Collaboration Survey. It only has 9 questions and I really need the input from all the courts in our state. With the results from the survey, I will submit recommendations back to the Nevada AOC toward finding solutions to improve collaboration in our courts.

If you have already taken the survey, thank you for participating!

You have until September 7th to take the survey. If you have any questions, you can reach me at xxx-xxxx-xxxx.

Here is a link to the survey: http://www.eSurveysPro.com/Survey

Thank you again for participating.
Subject: Final Reminder to take Nevada Trial Court Collaboration Survey

Good afternoon,

This is a reminder that you still have until September 7th to take the Nevada Trial Court Collaboration Survey. It only has 9 questions and I really need the input from all the courts in our state. I have also included clerks in the counties/townships that do not have court administrators. While the title has "Nevada Trial Court” in it, I would still like your input if you aren't with the courts.

The results from the survey will be included in my paper and shared with the AOC as recommendations toward finding solutions to improve collaboration in our courts.

If you have already taken the survey, thank you for participating! If you are interested in being a part of a focus group, please email me back.

You have until September 7th to take the survey. If you have any questions, you can reach me at xxx-xxxx-xxxx.

Here is a link to the survey: http://www.eSurveysPro.com/Survey

Thank you again for participating.
### Appendix E. Nevada Trial Court Collaboration Survey

**Nevada Trial Court Collaboration Survey**  
Answers marked with an * are required.

<table>
<thead>
<tr>
<th>1. How would you categorize your court? *</th>
<th>Rural</th>
<th>Urban</th>
<th>Suburban</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Court</td>
<td>Justice Court</td>
<td>Municipal Court</td>
<td>Multiple Courts</td>
</tr>
</tbody>
</table>

| 2. Which type of court do you work at? * | | | |
|------------------------------------------|------------------|
| District Court | Justice Court | Municipal Court | Multiple Courts |

| 3. What is your position in the court? * | | | |
|------------------------------------------|------------------|
| Administrator | Clerk | Deputy Administrator/Assistant | Deputy Clerk | Other (Please Specify) |

<table>
<thead>
<tr>
<th>4. For the following questions, please select all that apply:</th>
<th>Nevada Administrative Office of the Courts (AOC)</th>
<th>Court Administration Committee meeting</th>
<th>Nevada Association of Court Executives (NACE)</th>
<th>Nevada Association of Court Administration (NACCA)</th>
<th>Nevada Court Administrator List Serve</th>
<th>Contact other court administrators directly</th>
<th>National Center for State Courts (NCSC) Connected Community Court List Serve</th>
<th>National Center for State Courts (NCSC) contact staff directly</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you find out about rules affecting court operations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How do you find out about best practices and innovations affecting court operations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where do you go for help/advice when you confront a problem you haven’t seen before?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where do you go for materials and curriculum for training newly hired staff?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

56
5. *(Select all that apply)* How are staff trained in your court? *  
- Webinar or web-based training  
- Supervisor led training  
- Designated Court Trainer  
- Have the employee read through the documents on their own  
- Court Conference  
- Other (Please Specify)  

6. *(Select all that apply)* How do your court staff network other Nevada court staff? *  
- At conferences  
- Committee meetings  
- Phone calls, emails, or visits as necessary  
- They do not regularly network with courts outside our jurisdiction  
- Other (Please Specify)  

7. What single method do you believe would be most effective in delivering current, relevant information to Nevada court staff? *  
- Nevada Court Conference  
- Webinar  
- Committee meeting  
- Interactive knowledge sharing website for all court staff across the state  
- List Serve  
- Other (Please Specify)  

8. *(Optional)* If you have any additional comments regarding this survey topic or feel something was excluded, please note that here.  

9. *(Optional)* Please include your name/contact information if you would like me to follow up with you.