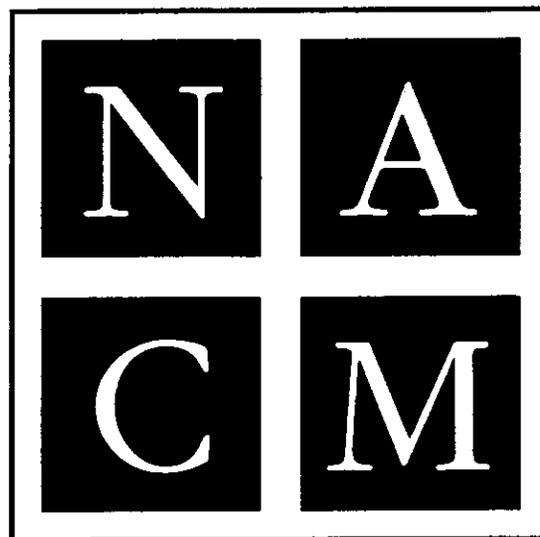


# The Court Administrator

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*A Manual*



A publication of the National Association for Court Management

## *Introduction*

THE NATIONAL ASSOCIATION FOR COURT MANAGEMENT (NACM) has prepared this manual 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.

## *Background*

A heightened awareness of the need for managerial expertise to direct the complex operations of courts has resulted in the appearance and rapid growth of a new profession: *court administration*. The inability of many courts to keep pace with swelling caseloads, increasing public concern about the performance of the judicial system, and the availability of federal funds following enactment of the 1968 Safe Streets Act have all contributed to the “court administration explosion.”

In August 1969, soon after he became chief justice of the United States, Warren E. Burger observed, “The courts of this country need management, which busy and overworked judges, with drastically increased caseloads, cannot give. We need a corps of trained administrators or managers to manage and direct the machinery so that judges can concentrate on their primary duty of judging. Such managers do not now exist, except for a handful who are almost entirely confined to state court systems. We must literally create a corps of court administrators or managers and do it at once.”

As a result of Chief Justice Burger’s efforts and those of other leaders in the field, court administrators have become an increasingly important part of the federal, state, and local courts in recent years. Today, court administrators serve in most court systems at the federal, state, and local levels. Administrators are found in general, limited, and special jurisdiction courts. The administrator’s primary

role is to facilitate the administrative functions of the court under the general guidance of the chief judge. Together, they provide the court with an executive leadership team, capable of confronting the increased complexity and necessity of change that characterize a modern court system.

## *Why Court Administration?*

THE INCREASING COMPLEXITY OF AMERICAN LIFE AND the scope of litigation in the United States have created an administrative burden on the courts that cannot be handled by judges and traditional court staff alone. Courts need professional administrators to organize and manage nonjudicial matters under the guidance of judges, just as city managers, school superintendents, and hospital administrators manage other institutions.

Virtually every writer in the field of judicial administration has stressed the courts' need for good management by trained professionals. This concept has been endorsed by the American Bar Association, the National Advisory Commission for Standards on Court Organization, and many other national conferences and commissions.

Professionally trained administrators, thoroughly schooled in judicial procedures and modern administrative practices, either on the job or through the universities, provide court systems with the administrative competence that the courts traditionally have lacked. Typical duties of a court administrator are detailed in the following job profile.

## *Administration and Management*

The duties of court administrators vary, depending on the location and size of the court in which they are employed. The court administrator functions in administrative areas rather than legal areas

and needs the skills required of any professional position with managerial responsibility. One Los Angeles presiding judge states, "We have plenty of lawyers in the court. What we need is someone who has managerial background and knows what management is." Basic functions performed by court administrators include the following:

- **Human Resource Management**—recruiting, selecting, training, developing, and counseling court employees; establishing ethical standards; administering wage, salary, and performance appraisal and reward systems; and facilitating personnel matters for judicial staff.
- **Fiscal Administration**—preparing court budgets; administering accounting, purchasing, payroll, and financial control functions; and guiding the budget through state and local government review processes.
- **Caseflow Management**—evaluating pending caseloads; developing and implementing systems (both automated and procedural) that support effective calendar management.
- **Technology Management**—evaluating opportunities for technologies that expand the capacity of the court system. These include the use of personal computers to navigate on-line information systems; provision for the electronic transmission of and access to data, images, and other files in automated records management and retrieval systems; assessment of emerging technologies for video and telecommunications systems, multimedia tools for education, training, and information delivery, and other computer-assisted systems that can improve the performance of the courts.
- **Information Management**—developing the capacity to deliver information to decision makers at critical events; monitoring system performance to milestones established by the court; informing court system employees of events that are outside performance measures established by the court and triggering the appropriate means of intervention; providing appropriate elec-

tronic access to court information for attorneys, litigants, governmental agencies, and the general public.

- ***Jury Management***—managing the jury system in the most efficient and cost-effective way.
- ***Space Management***—managing physical space to assure access to all citizens, provide adequate room for work and circulation, and instill public confidence.
- ***Intergovernmental Liaison***—acting as a liaison to other governmental agencies and departments to promote collaboration, integration of systems, and facilitation of change while maintaining the integrity of the court as a separate but equal branch of government.
- ***Community Relations and Public Information***—acting as a clearinghouse for the release of information to the media and the public; collecting and publishing data on pending and completed judicial business and internal functions of the court system.
- ***Research and Advisory Services***—identifying organizational problems and recommending procedural and administrative changes.
- ***Secretariat Services***—acting as staff for judicial committees or organizations.

## ***The Relationship of the Administrator to the Bench***

JUDGES AND COURT ADMINISTRATORS WORK IN A complex environment characterized by ambiguity and adherence to local custom, both political and organizational. Within that environment, one of the most significant relationships is that between the judges and the court administrator. Judges ultimately are responsible for effective administration of the court. Frequently, constitutions and statutes make this duty clear; other times, the duty is implied. In

either case, effective administration takes place when the judiciary and the court administrator manage the court together. Effective systems of administration provide for the participation of all judges in the development of policy and planning for the court. Through the collaborative efforts of the court administrator and the chief judge, court policy is implemented, monitored, and facilitated.

### *Dual Function*

The court administrator serves the dual function of increasing the amount of time a judge has for adjudication and bringing professional management knowledge and capability to the judiciary. In courts where judges lack administrative support, they must divide their time between judicial and administrative functions. With mounting caseloads and increased pressure for more case dispositions, judges have little time to direct the day-to-day operations of the court system, plan for the implementation of new technologies, or integrate new procedures that can improve system performance. A court administrator can help the court develop and recommend policies and coordinated work processes that enhance system performance, while maintaining the independence of individual judges. Court administrators can also help develop goals for the courts, prepare and execute budgets, recognize changes in caseload or demographics that will affect court operations and funding, manage court personnel and programs for their professional development, improve jury systems and services to the public, implement automated information systems, plan for space requirements, administrate systems for assessing and collecting fees, and establish procedures for handling information requests.

### *Perceptions of the Judiciary*

The attitudes and perceptions of the judiciary, especially those of the chief judge, are of key importance to a court administrator.

Usually, a court administrator serves as an appointee of the entire court but is subject to the supervision and direction of the chief or presiding judge. In addition, many functions performed by a court administrator were traditionally duties of the chief judge. Therefore, how the chief judge perceives the court administrator's role will determine, to a great extent, the exact duties of the court administrator.

If the chief judge views the functions of the court administrator as separate but supportive of his or her own functions, the judge may be more likely to entrust the administrator with broad responsibilities. In this situation, a chief judge sees the court administrator as a professional and as the main source of support, advice, and information on managerial matters facing the court. The chief judge and the court administrator can increase each other's effectiveness by establishing a relationship based on mutual respect for one another and exploiting the skills each brings to the task at hand.

### ***Job Success Factors***

The court administrator's success in assuming administrative and supervisory responsibility for the court's nonjudicial activities depends on several factors.

The court must actively support the administrator. Acceptance and support for the position are achieved most easily when the role of the court administrator is well defined. The judges must be willing to delegate to the court administrator those duties that do not involve legal decisions. The judges must understand that delegating duties and responsibilities does not constitute a loss of control. As policymakers, they collectively control the activities of the court administrator, and through the administrator, the administrator's staff and all court personnel. Judges will discover that their knowledge of court operations will increase because a professional administrator provides an excellent communications link. The success of a court's administrator depends on a clearly defined job description, accep-

tance by the judges, appropriate funding, and good communication between the court administrator and others in the court system.

### ***Personal and Professional Skills***

The court administrator's success depends on personal and professional skills. An ability to analyze problems, formulate recommendations, build consensus, empower people, and foster change are among the attributes of a successful administrator. Successful court administrators working in a complex court environment exhibit the following:

- ***Learning Skills***—learning to learn is basic to all other skills; court administrators are required to respond quickly, adapt to changes in technologies and work load, and enable the development of appropriate responses to organizational change.
- ***Communication: Speaking, Writing, and Listening Skills***—most of our daily routine is taken up with communication in one form or another. As work processes and procedures are negotiated, monitored, and changed, the ability to communicate clearly is fundamental to success.
- ***Adaptability: Problem Solving and Creativity Skills***—in any rapidly changing environment, successful administrators create opportunity and exploit new technologies or create new organizational relationships to overcome barriers to court system goals.
- ***Motivation and Goal-setting Skills***—the ability to link court system goals and performance measures with work processes and employee reward and staff development programs.
- ***Interpersonal Skills***—the ability to relate to individuals, both within and outside the court system, through appropriate styles that communicate trust, understanding, and loyalty to court system values.
- ***Negotiation Skills***—the ability to overcome conflict through problem-solving and collaboration strategies that focus on organizational goals and values as arbiters of conflict and choice.

- **Teamwork Skills**—the ability and confidence to empower court system employees and interorganizational staff to take responsibility for court system goals and performance standards.
- **Leadership Skills**—the ability to clearly communicate organizational values that influence others to take individual responsibility for achieving court system values and goals and to instill the confidence to change and adapt as changes in work load, funding, or technology reshape existing work processes or relationships.

### *Delineation of Duties*

Many court administrators serve in judicial systems where their duties are not detailed in a job description or sanctioned by statute or court rule. Instead, the court administrator assumes the responsibilities in an ad hoc manner, either through informal delegation of duties by judges or by assumption of various administrative functions as the need arises. Given this situation, conflict is certain. Courts should clarify the duties of the administrator, thus reducing role confusion.

### *Court System Leadership*

It should be emphasized that all judges, particularly the chief judge, are responsible for the administration of the court. In effect, the judges are a board of directors; the chief judge is the chairman of the board, and the court administrator is the executive officer responsible for executing policies adopted by the board. The chief judge and the court's administrator form the court's leadership team. As such, they perform several interrelated and interdependent actions on behalf of the court. "They manage time, set agendas, cultivate networks, build teams, empower colleagues, coach subordinates, create visions, make meetings, use power, search for quality, motivate individuals, systematize feedback, develop norms, communicate values, and understand themselves" (Stupak).

## *Hiring a Court Administrator*

HAVING MADE THE DECISION TO EMPLOY A COURT administrator, the court needs to answer the following question: Exactly what functions does the court want its court administrator to perform? Without identifying these functions, it is difficult to determine the necessary qualifications and to formulate criteria for evaluating the candidates.

Ideally, the court administrator will combine the technical skills of a manager with a knowledge of public and business administration and an understanding of the duties and the problems peculiar to the courts.

Specifically, the court administrator should have completed considerable study of public and business administration or have on-the-job experience in these fields. To this end, many courts require that a court administrator hold a degree in business, public, or judicial administration or be a graduate of the Court Executive Development Program of the Institute for Court Management. In addition, the court administrator should be familiar with courts and government as well as with business organization and operations.

### *Selection*

Once a court has decided to hire an administrator and agrees on the position's functions, the court is ready to screen applications and interview top candidates.

A court administrator should be selected by a process that includes a majority vote of all the judges in a multi-judge court. In very large urban courts, a selection committee chaired by the chief judge and representative of the entire bench can select the administrator. The position of court administrator is the most important nonjudicial position in the court; therefore, each judge should participate in the hiring process.

Many courts delegate appointment and removal authority to the chief judge. Because the court administrator serves the entire court, a policy of majority appointment and removal ensures continuity when, and if, a change of the chief judge occurs. The term of the court administrator should be indefinite, since a court administrator serves at the pleasure of the court.

To find qualified candidates, the court should launch a nationwide search. The National Center for State Courts, which provides secretariat services to selected professional organizations such as the National Association for Court Management and the Conference of State Court Administrators, lists job openings at no charge to the court.

## *Professionalization*

THE NATIONAL ASSOCIATION FOR COURT MANAGEMENT (NACM), whose membership currently exceeds 2,000, was formally established by consolidation of the National Association of Trial Court Administrators (NATCA) and the National Association for Court Administration (NACA) in Boston in September 1984.

Through NACM, court administrators can prepare for the rapidly changing requirements of their profession. One of NACM's objectives is to distribute information received from scholars, technicians, and experienced court administrators. NACM is the voice of effective, well-informed, and professional court administrators.

Included in the ranks of the association are administrators of most of the country's courts, a number of whom have pioneered innovative systems for resolving major administrative problems. Through meetings, correspondence, publications, and standing committees, NACM members solve problems of court operations. Members are kept abreast of developments in the field through *The Court Manager*, NACM's official quarterly publication, and the *Forum*

*Conveniens*, its newsletter. NACM also conducts periodic surveys to monitor trends in the profession and provides detailed reports on the findings to its members.

Many of NACM's activities revolve around its annual conference, which usually takes place in the summer. The focus of the conference is the educational program. Additionally, meetings of the association's committees, the annual business meeting, and the election of officers are conducted. NACM members seeking information on topics related to court administration can contact the NACM secretariat office located at the National Center for State Courts' headquarters in Williamsburg, Virginia. The creation of the Institute for Court Management in 1970 and the addition of court administration curricula in universities throughout the country represent landmarks in the movement toward recognition of and respect for the profession. In addition, the Conference of State Court Administrators also speaks on a national level to enhance the profession of court administration.

## *Professional Standards*

ACCORDING TO STANDARDS ESTABLISHED BY NACM, THE court administrator should have these qualifications:

- Administrative ability demonstrated by substantial experience in progressively more responsible management positions in government or the private sector;
- Experience in current business and management techniques, including use and implementation of automated data processing;
- A demonstrated ability to plan and conduct studies to improve court administration and to prepare recommendations and implement them when approved;
- Good judgment, understanding, and tact—ability to maintain working relationships with other courts and with local, state, and federal government officials, members of the bar, and the public;

- The ability to conduct conferences and meetings and communicate clearly in writing and speech to employees, the judges of the courts, representatives of government agencies, industry, and the public;
- Formal training in court administration and managerial experience, in addition to familiarity with court procedures;
- Creativity, leadership, planning ability, organizational skills, initiative, decisiveness, and dedication to making productive changes in operating methods;
- High ethical standards;
- A fundamental understanding of and loyalty to the court's purpose and goals as a separate branch of government;
- Knowledge of and ability to adapt to the unique court environment;
- Ability to follow as well as to lead in the implementation of policies created by the judiciary;
- Respect for the requirements of confidentiality and loyalty when entrusted with the confidence of the judges;
- Educational qualifications related directly to the functions that the court administrator's position requires.

### *Preferred Qualifications*

A graduate degree in judicial administration, public administration, business administration, or law with management training or experience in a court for three or more years with proven competency in administration and management.

### *Minimum Qualifications*

A bachelor's degree in one of the fields named above or three years of experience in a responsible elected or appointed position, with training in court administration.

# ***Model Code of Conduct***

## ***Introduction***

The National Association for Court Management (NACM) recognizes the importance of ethical conduct by its members in the administration of justice. NACM members hold positions of public trust and are committed to the highest standards of conduct. NACM members observe these standards of conduct to preserve the integrity and independence of the judiciary. The NACM Code embodies our dedication to upholding and increasing the public's confidence in the judicial branch of government and also reflects our commitment to promoting integrity within our association and profession.

## **ARTICLE I. Abuse of Position and Conflict of Interest**

- A. Members shall not use or attempt to use their official positions to secure unwarranted privileges or exemptions for that member or any other person.
- B. Members shall not accept, agree to accept, dispense, or solicit any gift or favor based upon an understanding that the official actions of the member would be influenced thereby.
- C. Members shall act so that they are not unduly affected or appear to be affected by kinship, position, or influence of any party or person.
- D. Members shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, members may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.

- E. Members shall use the resources, property, and funds under their control judiciously and solely in accordance with prescribed legal procedures.
- F. Members shall avoid conflicts of interest, or the appearance of conflicts, in the performance of their official duties.

## **ARTICLE II. Confidentiality**

- A. Members shall not disclose to any unauthorized person confidential information.
- B. Members shall not give legal advice unless specifically required to do so as part of their official position.

## **ARTICLE III. Political Activity**

- A. Members are free to participate in political campaigns/organizations during nonworking hours if such activity does not use, or appear to use, the member's official position or court in connection with such activities.
- B. Members who obtain their official positions by means of election are exempted from the provisions above to the extent that the member is known as the incumbent while seeking reelection and may cite appropriate judicial branch experience while campaigning.

## **ARTICLE IV. Performance of Duties**

- A. Members should carry out their responsibilities to the public in a timely, impartial, diligent, and courteous manner, strictly adhering to the principles embodied in this code.
- B. Members shall not discriminate on the basis of, nor manifest by words or conduct, a bias or prejudice based upon race,

color, religion, national origin, gender, or other groups protected by law, in the conduct of service to the court and public.

- C. Members shall enforce or otherwise carry out any properly issued rule or order of court and shall not exceed that authority except to perform other duties of their positions.
- D. Members shall promote ethical conduct as prescribed by this code and report any improper conduct by any persons to appropriate authorities.
- E. Members shall support and protect the independence of the judicial branch of government. Members shall also protect the public's interest and justice for all persons.
- F. Members shall uphold the Constitution, laws, and legal regulations of the United States and all other governments they serve and never be a party to their evasion.
- G. Members shall promote the growth and development of professional court management by improving their work skills and supporting research and development in the field.
- H. Members shall avoid any activity that would reflect adversely on their position or court.
- I. Members shall immediately report to appropriate authorities any attempt to induce them to violate these standards.

## *Acknowledgments*

THE NATIONAL ASSOCIATION FOR COURT MANAGEMENT extends its appreciation to the staff of the National Center for State Courts for technical support in the production of this publication. We would also like to thank Kent Batty, Norman Meyer, Samuel Shelton, and Bob Zastany for their comments on earlier drafts of this pamphlet.

For further information on court administrators, NACM, and its survey results, or to learn more about retaining a court administrator, contact the

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*1992*