California’s state judicial system is the largest in the nation and is at the forefront nationally of judicial innovation and change. In this course, we will examine the integrity of the judicial branch as a separate and distinct branch of state government. As noted by California Supreme Court Chief Justice Ronald M. George in his 2007 State of the Judiciary Address: “Each of the three branches – although co-equal and independent – is interdependent and must rely upon the other two in order to fulfill its role in the balanced system of government …” This course examines the way state courts govern themselves as they work with other branches and community and criminal justice partners to craft policies and programs that best meet the needs of the court customers.

To both be a fully functioning branch of government and to meet its adjudicative responsibilities, the courts have to stand ready to respond and adapt to changes. Effective court operations ensure that they can. Recent changes come from technology (e.g., case flow management, information systems), security issues (e.g., of increasing importance since 2001), public policy initiatives (e.g., both federal and state), and demographics (e.g., shifts and growth in both population and caseload).

Since the 1990s with court unification and trial court funding, the policy direction of the state courts has become increasingly centralized through by the Judicial Council. Its policies are implemented by the Administrative Office of the Courts. This course also examines not only the direction and goals of the state court system but also the tensions and challenges inherent in the change from local to state-wide management.
SPECIFIC LEARNING GOALS

At the end of PPA 291 it is expected that students will:

1. be able to utilize critical reasoning and analysis skills to conceptualize and understand the structure of governance in the California state judicial system and analyze its strengths and challenges;

2. understand the interrelationship among the three branches of government with particular emphasis on policy initiatives and directions in the state judicial system;

3. understand the role of the Judicial Council in setting statewide policy direction for the judicial system and the role of the AOC in implementing it;

4. understand the governance structure of trial and appellate courts, including the relationship between the bench officers of each court and each court’s executive office;

5. analyze the specific components of key court operations, including jury management, budget, facilities management, technology, and security.

CLASS DELIVERY

This course is designed as an intensive graduate seminar. As noted above, classes will be held at the Administrative Office of the Courts, Northern Regional Center.

- The location of this class is easily accessible by car, air, train and bus.

- Two meetings per month on a Friday and Saturday, each day having six hours of instruction time, is the equivalent of a standard fourteen week graduate seminar (meeting weekly).

- Judicial and court administrative officers will regularly join the seminar as guest lecturers and/or facilitators.

CONDUCT OF THE SEMINAR

The structure of this class, its intensive format, and the nature of its topics demand full class participation by each student. Each student must come to class having completed all readings; the instructor will not review or recap the readings. Students must prepare in advance for weekly seminars by bringing with them their responses to critical questions in response to the readings provided for each seminar. The seminar is discussion based, and each student is expected to contribute to each class and present questions and/or responses to the materials. Students’ participation will be assessed, in
part, by their ability to both critically analyze and incorporate into seminar discussions information from the assigned readings. Students should not generalize but be able to refer to specific authors, articles and events.

Each seminar will be broken into several “mini” sessions of no less than one hour each with a break in between each. The “mini” sessions will be composed of breakout exercises, presentations, collaborative problem solving and group discussions.

All assignments, some of the readings, and various information useful to graduate students – whether current graduate students or returning – will be available on WebCT (https://online.csus.edu/webct/entryPageIns.dowebct). It is each student’s responsibility to familiarize her/himself with WebCT. In addition, students can use WebCT for electronic discussions among themselves. (Discussions will not be monitored by the instructors.) Further, students can easily send e-mails to all enrolled in the class through the class WebCT page. WebCT also contains page with an array of links to sites, organizations, and materials useful to the graduate level study of judicial administration.

**READINGS**

**Required (available at Hornet Bookstore):**


*(NB: If you are unable to obtain a copy of this text in time to read this by our September seminar, do not worry. You can read it for the October seminar.)*

Carver, John (2002), *Corporate Boards that Create Value: Governing Company Performance From the Boardroom* (San Francisco: Jossey-Bass) (Hornet Bookstore)


*(NB: If you are unable to obtain a copy of this text in time to read this by our September seminar, do not worry. You can read it for the October seminar.)*

**Strongly Suggested:**

Hacker, Diane, *A Pocket Style Manual* or *Writer’s Reference*

**Electronic:** Many of the assigned readings are available electronically through, for instance, JSTOR, Expanded Academic Index and Lexis-Nexis (available to registered students through CSUS library) and WebCT (explained below). Each e-reading assigned is accompanied by the source.
ASSIGNMENTS AND GRADING

All students registered in this class have access to this course on WebCT, an educational software used by CSUS. Each student is responsible for getting comfortable with and using their WebCT account. All course materials – syllabi, some readings, study questions, paper assignments, writing expectations and requirements, etc. – for this class will be available on WebCT.

There are paper assignments (specified in each section), and a final examination. Assignment due dates are specified in the syllabus. Students will receive the first paper assignment upon registering for the class. It is due the first day of class (September 14). The final exam will be available electronically via WebCT on December 15 at 12:45 p.m. It is due to both instructors (send electronically), by 5 p.m. that afternoon.

Course grades will be determined in accordance with the following weights:

- Four papers (average length: 8-12 pp.) 35%
- Presentations 10%
- Final examination 20%
- Class participation 35%

Academic Honesty: Academic dishonesty will not be tolerated in this seminar. It is each student’s responsibility to ensure s/he does not plagiarize or cheat. For definitions and examples of what constitutes plagiarism and academic dishonesty, go to http://library.csus.edu/content2.asp?pageID=353.

MAKE-UP ASSIGNMENTS AND MISSED CLASSES

Late assignments will not be accepted. At instructors’ discretion, a student who misses a deadline may be given a make-up assignment. Whether or not a penalty will be assessed depends on the reason (e.g., a family emergency or serious illness constitutes a good reason; a competing requirement for another course does not).

You should inform instructors prior to class if you must miss a class on a specific day. Except under very unusual circumstances, a student who misses three classes will be penalized one entire grade (e.g., a B+ for the course will become a C+), and a student who misses more than three classes will receive a failing grade.
SEMINAR SCHEDULE

Syllabus – MPPA 291 – Fall 2007


This section explores the development of the judiciary and its changes in response to demographic, technological, and economic shifts as California moves from statehood to the post-modern era. To a limited extent, California’s development will be put in the context of the broader national experience.

Guest lecturers: Ms. Jody Patel, Regional Director, Administrative Office of the Courts, Northern Regional Office
Hon. Roger Warren (retired)

Read (in order):

Aikman, Chs. 1-2 (33 pp.)
Sipes, Chs. 1-6 (148 pp.)
U.S. Bill of Rights, Amendments 5-10
  (http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendment x (2 pp.)
U.S. Constitution, Article III, §§1 & 2
  (http://www.law.cornell.edu/constitution/constitution.articleiii.html (1 p.)
California Constitution of 1849, Article 6 (available at
  http://www.sos.ca.gov/archives/level3_const1849txt.html (2 pp.)
California Constitution of 1879, Article 6 (WebCT)
California Constitution (current), Article 6 (http://www.leginfo.ca.gov/.const/.article_6) (8 pp.)
Reading Questions:

1. What was the original role of the Judicial Council and how has it changed through the years? Incorporating specifics and drawing from the assigned readings, explore whether – and if so, how – the Judicial Council should or could be restructured.

2. According to the founding documents of our country, what is the role of the judicial branch generally and of the state judiciary specifically?

3. What are the major changes in the judiciary between the 1849 and 1879 constitution, especially for the judicial branch? Why were those changes needed? Compare to Article VI of our current constitution; how did California’s judiciary continue to evolve?

4. What were the 19th and 20th century discussions/arguments in regard to court administration? Was their progression logical; why or why not? What did our authors not consider, and why not? In retrospect, how would you evaluate them? How would you compare their ideas to Los Angeles’s efforts? What are the prevailing thoughts on court management in the 21st century?
5. What is the relationship, if any, between the changing role of courts in society and in government and changes in court administration in the 20th century? What changes unique to the 21st century do courts face? Do courts need flexibility to address them and, if so, how?

6. Which have been more important to the judiciary’s success vis-à-vis budget and legislative matters: the personality and political skills of the Chief Justice and the State Court Administrator or the administrative growth and sophistication of the AOC and trial courts? Explain.

7. What are the strengths and challenges of courts following Plato’s admonition (in Lefever article)? How is this different than what has been called the Christopher Columbus School of Management – “when he left port, he did not know where he was going; when he got there, he did not know where he was; when he returned, he did not know from where he had come.”1 What are some examples (from the reading or your research for your paper), that suggest the courts rise to Plato’s words?

8. What are the challenges between maintaining both independence and accountability?

9. What are the relationships between the Administrative Office of the Courts, the Judicial Council and the 58 trial courts? What are the strengths and challenges of these relationships?

10. What struggles has the professionalization of court administration faced, and why?

11. In addition to the creation of the Judicial Council, what have been the most important changes in California’s judiciary since statehood? Explain. To what, and why, were those changes in response? Should they have gone farther? Why or why not?

Assignment due (at beginning of first class, September 14): E-mailed students upon registration.

October 2007: The Adjudicative Piece

This section explores the relationship between and among the bench officers and court administrators in governance and court operations. As associated topics, caseflow management and jury management also will be reviewed and discussed.

Guest lecturers: Mr. Michael Tozzi, CEO, Stanislaus Superior Court
Mr. Alan Carlson, President, Justice Management Institute

Read:


Aikman, chs. 3-6, 7-8 (163 pp.)


Judicial Council of California (2006), *Trust and Confidence in the California Courts, Phase II* (provided 9/14/07 in class; http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm)

Judicial Council of California (2005), *Trust and Confidence in the California Courts, Phase I* (provided 9/14/07 in class; http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm)


Tozzi, Michael (N.D.), A Brief History of the Civil and Criminal Grand Jury System (WebCT)


Sipes, ch. 7 & 8 (40 pp.)


Reading Questions:

1. Thomas Jefferson said “I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its Constitution.” What do you think he meant? Explain. What does it have to do with court management and administration?

2. What benefits can court managers glean from organizational theory generally. Compare theories of public and private organizations to court organization.

3. Drawing from Lundberg, Moon, and Steinhouse & Perry, what benefits can court managers and executives glean from organizational theory?

6. Who should determine the size of the standard jury panel: judges or administrative staff? Why? What are the pros and cons of each.

8. What techniques would you use to convince judges that data are important and should be used to make management, budget, and program decisions?

9. Does the type of caseflow (calendaring) management system really matter? Explain. When the presiding judge asks for your input and recommendations, what factors will you need to consider?

10. Which caseflow management matters are appropriate for judges to decide and which are appropriate for administrative staff to determine, and why? How would differences be resolved?

- Type of calendar system
- Continuances of evidentiary hearings, non-evidentiary motions, and trials
- Number and type of matters to schedule per calendar session
- Assigning judges to particular calendars and divisions
- Moving judges from one type of calendar to another on a temporary basis
- Moving a case from one judge to another

Assignment due (at beginning of class, October 12): posted on WebCT

November 2007: Governance & Planning

This section explores COOP (continuity of operations), pandemic planning, court security and strategic planning in the judicial branch and by the courts.

Guest lecturers: Mr. Malcolm Franklin, Senior Manager, Emergency Response & Security, Administrative Office of the Courts
Mr. Gerry Root, Special Projects Officer, Sacramento Superior Court

Read (grouped by theme):

Carver, all (including appendices)

(NB: Read Ghendon before reading the other articles in this group.)
Bureau of Justice Assistance (2007), Guidelines for Pandemic Emergency Preparedness: A Road Map for Courts (WebCT) (29 pp.)
California Department of Health Services (2006), Pandemic Influenza Preparedness and Response Plan, Ch. 1 (pp. 1-32) (www.dhs.ca.gov/ps/dcdc/izgroup/pdf/pandemic.pdf) (31 pp.)


Varolli Corporation (2007), Ensuring Workforce Continuity During a Pandemic (WebCT) (11 pp.)


California Department of Finance (2007), California’s Budget Process (http://dof.ca.gov/fisa/bag/process.htm) (4 pp.)


Judges Journal, vol. 43, no.3 (American Bar Association) (pp. 1-20, 30-43)


Cramer, Judy, “Lessons Learned from Fulton County’s Court Security Crisis,” The Court Communiqué, vol. 7, no. 3 (2006) (WebCT) (3 pp.)


Roddy, Michael and Yvonne Choong (N.D.), *SB1396 – Working to Improve Security in California’s Trial Courts* (WebCT) (4 pp.)
Sipes, chs. 4-6 (review; you’ve already read them)

**Reading Questions:**

1. What are the similarities and differences among strategic, tactical and operational planning? (Be sure and reference specific authors.)


3. Now that you’ve read your first (and only?) article from the *European Journal of Epidemiology*, what are the short-term and long-term effects a modern-day pandemic (e.g., the avian flu) could have on the work of the court? What should managers anticipate/address?

4. According to Petak and Mushkatel & Weschler, what are the challenges of emergency management?

5. Wallace and Balough differentiate DSS and MIS in preventing or mitigating the consequences of a disaster. What are the strengths and weaknesses of DSS vis-à-vis courts?

6. Waugh argues that emergency management agencies should be based in county offices because of their unique roles in state and local governance. What are the strengths and weaknesses of his argument? Where do the courts fit? Compare to McLouglin.

7. How does Carver’s model satisfy the early proponents of professional court management (hopefully you haven’t forgotten them!), or does it?

8. Carver offers what he considers first principles underlying the roles of boards. How could you apply this to the current role of the Judicial Council.

9. In 1986 Halachmi explored whether strategic planning is of any value to public managers. You read AOC’s second strategic plan. (Its first was 2001.) How would you respond to Halachmi and what might Halachmi say about the 2007 plan.

10. What are some of the challenges and concerns in re court security and why? How have courts risen to meet those challenges?
11. How does the state budget process impact judicial services? How should the branch be accountable for the state resources it receives? How would you prepare for the next recession which may the amount of new funding received by the branch? Compare the outcomes of local vs. state funding of courts.

**Assignment due (at beginning of class, November 9):** posted on WebCT

**December 2007: Governing and Administering the Court of the Future**

This section predicts critical issues for managing the ever-changing court environment through the next decade. It explores the ways in which court operations must evolve and adapt to meet the challenges of providing access and fairness in the new California.

**Guest Lecturer:** Hon. Gregory Caskey (retired)
Mr. Michael Roddy, CEO, San Diego Superior Court

**Read:**

Aikman, ch. 13
Carlson, Alan and Martha Wade Steketee (2005), *Public Access to Court Records: Implementing the CCJ/COSCA Guidelines Final Project Report* (NCSC and SJI 04-N-007) (82 pp.)
Courthouse Violence: Protecting the Judicial Workplace (July) pp. 107-117 (JSTOR) (9 pp.)


Kennedy, John W., Jr. (1998), “Personality Type and Judicial Decision Making,” in The Judges Journal, Summer, pp. 4-10 (WebCT)


Superior Court Core Competency Management Performance Appraisal Model (provided hard copy in seminar and sent electronically students)

Reading Questions: To be posted on WebCT.

Final examination:

The final assignment will be available on WebCT on Saturday, December 15, at 12:45 p.m. It is due to instructors by 5 p.m. that afternoon.