CALIFORNIA STATE UNIVERSITY, SACRAMENTO

Spring 2010
PPA 292 §1
Court Management
(Pre-requisite: PPA291 or Instructor’s Consent)
SYLLABUS
(may be modified as needed)

Class Dates
Feb. 19 & 20; Mar. 5 & 6; Apr. 9 & 10; May 7 & 8
Class Time & Location
8:30 a.m. - 4:30 p.m.
Administrative Office of the Courts, Northern Regional Office
2860 Gateway Oaks Dr., Ste. 400
Sacramento, CA 95833

OVERVIEW

Twenty-five years ago, David Saari suggested that “the theorizing of courts is beginning just as is the written knowledge accumulating rapidly about court-management practice.” Several years later, Steven W. Hays and Cole Blease Graham Jr. (1993) described court administration as “simply a specialized form of public administration” and advised “that court leaders should more aggressively apply and adapt public administration approaches.” Drawing from theories in public policy and administration, this class explores how management concepts and organizational theories apply to and inform court administration in the 21st century. This course draws from public administration and management theories and practices and explores ways in which these theories and practices can contribute to an improved and professionalized court management.

While the emphasis of the course will be on management and organizational theories, examples from several areas key to effective court management – including human resources, budget and calendar management – will illustrate the concepts and reveal challenges particular to the court environment. At its end, effective court management will be judged by how well it serves the public through its professional public administration that ensures access to justice, ethics, fairness and attention to diversity issues, and public trust and confidence.

SPECIFIC LEARNING GOALS

At the end of PPA 292, it is expected students:

1. will have explored key public administration, organizational and management theories and be able to apply and compare theories to practice;
2. will compare the National Association of Court Management’s 10 core competencies to key public administration, management and organizational theories and assess the usefulness of the 10 core competencies toward effective court management;
3. will be able to discern the relationship between management and the success of a public organization;
4. will utilize private and public sector models to apply to court management; and
5. will understand the institutional structure of a court and its connection to human resources (e.g., staffing issues and performance management, and conflict management and labor negotiations), and illustrate how that is connected to a key goal of court management: ensuring public trust and confidence.
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. Parking at the site is free.
- The course has two meetings per month on a Friday and Saturday, each day having six hours of instruction time and is equivalent to a standard fourteen week graduate seminar meeting weekly.
- Judicial officers, court executive officers, clerk administrative officers, and/or subject matter experts will regularly join the seminars as guest lecturers.

### 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 seminar will be broken into several “mini” sessions composed of breakout exercises, guest presentations, student presentations, collaborative problem solving and group discussions.

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 based on the readings 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.

- All students, upon registration in Sac State, are provided a Saclink account. Our class has a website through Saclink called SacCT (aka WebCT), an educational, classroom management software used by Sac State.
  - If you haven’t used SacCT or Saclink, start by going to www.saclink.csus.edu.
  - Any questions or problems with your Saclink account should be addressed to CSUS at (916) 278-7337, or helpdesk@csus.edu.
- Once enrolled in this seminar, each student will have access to the class SacCT page.
  - All assignments, any reading questions and some of readings are available on the class’s SacCT.
  - Though this is a graduate level seminar, because many students will have little or no background in public administration, reading questions to help guide you through the Rainey and Nigro reading assignments will be provided.
  - For all subsequent readings, students are strongly encouraged to take notes on all key points in reading in order to be better prepared for in-class work, discussion and subsequent papers.
    - The class SacCT page also contains an array of links to sites, organizations, and materials useful to the graduate level study of judicial administration.
    - Students may use SacCT for electronic discussions among themselves. (Discussions will not be monitored by the instructor.)
- All e-mails sent to the class from instructor will be sent to students’ Saclink accounts.
- Electronic office hours will be held in the chatroom through our class SacCT page.
Required Texts:
Decker, John (2009), *California in the Balance: Why Budgets Matter*
Hacker, Diane, *A Pocket Style Manual* or *A Writer’s Reference* (nb: instructor comments re writing errors will refer to Hacker)
Steelman, David C. (2004), *Caseflow Management: The Heart of Court Management in the New Millennium* (3rd ed., available through the National Center for State Courts)

Assignments and Grading

Assignments: All assignments will be posted on SacCT must be turned in on the Friday class of each seminar.

Readings: Directions to all readings not in one of the assigned texts (above) will be posted on SacCT. It is recommended that students read the materials in the order listed, by tiers and within each tier.

- **First Tier:** Read all assignments in this tier carefully. Students are expected to come to class prepared to critically discuss and analyze these readings.
- **Second Tier:** The readings in this tier are complementary to the first tier readings. Students are expected to have read these assignments before coming to class, but not as carefully as the first tier.
- **Third Tier:** Students are expected to select at least one of these readings and be prepared to link to the first and second tier readings.

Attendance: Attendance is mandatory. Inform instructor prior to class if you must miss a class on a specific day. Except under unusual circumstances, for each two full classes missed, a student will be penalized one entire grade (e.g., a B+ for the course will become a C+).

Grades: Students’ grades will be based on their papers, any pre-class assignments, contributions to the group work, in-class presentations, class discussions, and Q&A sessions with guest speakers. **Course grades** will be determined in accordance with the following weights:

- Engagement in in-class work & discussion: 25 percent
- Papers due on Fridays of each seminar: 60 percent
- Final paper due May 15 (Sat., 5 p.m.): 5 percent
- Other: 10 percent
  - Short responses to questions (pre-assigned, Feb.)
  - Pre-assigned questions (March)
  - Pre-assigned presentation (May)

Academic Honesty: Academic dishonesty will not be tolerated in this seminar. Students who plagiarize will receive an F for the class and will be referred to Sac State’s Office of Student Conduct. **NOTE:** It is each student’s responsibility to ensure s/he understands what plagiarism is and 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](http://library.csus.edu/content2.asp?pageID=353). If you have any questions or concerns, please feel free to discuss them with the instructor.
Late Assignment/Makeup: Late assignments will not be accepted. At instructor’s 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).

SEMINAR SCHEDULE

“The primary task of a useful teacher is to teach his [her] students to recognize inconvenient facts.” (Max Weber, 1946)

February 19-20, 2010: Laying the Foundation: Introduction to Management Theories

“There is surely nothing quite so useless as doing with great efficiency what should not be done at all.” (Peter Drucker, 1963)

This class provides the theoretical framework for exploring court management. After exploring key concepts through public administration/management and organizational theories, throughout the semester students will apply those more universal theories to the field of court management.

Guest Speaker: Hon. Kathleen White, Yolo County Superior Court

Read:
First Tier
Rainey, chs. 1-8 (NB: You can skim chapter 7 but pay attention on the decision-making models on pp. 160-169. You can skip pp. 211-218 of chapter 8.)
Saari (1967)
Saari (1982), chs. 1-4
California Rules of Court, Rule 10.601

Assignment(s) due Friday, in class.

March 5-6, 2010: Assessing and Managing Caseflow Throughout the Court

Great organizations demand a high level of commitment by the people involved. (Bill Gates)
Justice delayed is justice denied. (William E. Gladstone)

Every public agency has some sort of work flow specific to their agency to manage, and this section will explore that which is specific to courts: judicial caseflow management. David Steelman defines it as “the entire set of actions that a court takes to monitor and control the progress of cases, from initiation through trial or other initial disposition to the completion of all post-disposition court work, in order to make sure that justice is done promptly.” According to NACM: “Properly understood, caseflow management is the absolute heart of court management.”

Guest Speaker: Ms. Lisa Galdos, AOC CJER

Read:
First Tier
Steelman (2004), Caseflow Management (all)
Steelman (2008), Brief Guide
Steelman (N.D.), Caseflow Management
Saari (1982), Chs. 5; review section on caseflow management in ch. 4

Second Tier
NACM on Caseflow Management
California Rules of Court (skim):
  • Title 3, Div. 7: Civil Case Management (see also Title 4: Criminal Rules)
  • Title 10, Div. 4, ch. 12 (Trial Court Management of Civil Cases)
  • Title 10, Div. 4, ch. 13 (Trial Court Management of Criminal Cases)
Alliegro et al. (1993), "Beyond Delay Reduction: Using Differentiated Case Management," in Court Manager

Third Tier

Assignment(s) due Friday in class.

April 9-10, 2010: Strategic Human Resource Management and the Courts

Executives owe it to the organization and to their fellow workers not to tolerate nonperforming individuals in important jobs. (Peter Drucker)

Good management consists in showing average people how to do the work of superior people. (John D. Rockefeller)

Though funded by the state since 1992, court employees remained employees of the counties until January 1, 2001, when each trial court became an independent employer of its employees. Each court deals with units represented by varying organizations as well as unrepresented units. (The exception is the trial court interpreters’ union, which bargains on an area-wide basis.) In addition, though courts must, of course, comply with federal and state labor laws and Judicial Council mandates, courts have varying human resource management structures (e.g., many courts have assumed all HR functions but some courts still contract with counties to manage payroll and/or benefits). To further muddy the proverbial water, appellate court employees are non-represented state employees with HR services provided by the AOC. In this class, students will explore human resource management challenges and innovations both broadly and court/branch-focused. In addition, we will investigate the role of succession planning in SHRM with particular attention to branch and court succession planning efforts.

Guest Facilitator: Ms. Tina Slaughter, AOC NRO

Read:
  First Tier
  Rainey, chs. 9-10
  Nigro et al. (all)
May 7-8, 2010: Managing the Court’s Budget

It’s clearly a budget. It’s got a lot of numbers in it. (George W. Bush)

This section introduces public budgeting by exploring the California budget process. (Keep in mind that voter expectations of the state’s legislature have for many years been similar to a person who hires a personal trainer, tells the trainer s/he wants to get fit and lose weight but has two conditions: s/he will not exercise, and s/he will not reduce caloric intake.) Thereafter we will turn our attention to the branch budget process and the AOC’s Resource Allocation Study (aka RAS) Model courts use. How do courts budget for their mandated functions, and how do courts pay for the non-mandated but highly prized functions (e.g., self-help centers and specialty courts)? Being an informed, active participant in the decision-making process for court budgets is a key component of effective court management, but the “informed” part is not limited to a court’s own budget.

Guest Speakers: Dag McLeod, Ph.D., Manager, Office of Court Research, AOC
Mr. Stephen Nash, Chief Financial Officer, AOC

Read:

First Tier
California Department of Finance: The Annual Budget Process: Flow Chart
Shafer, “Public Budgeting Theory” (slide show presentation)
Decker (all)

Second Tier
NACM Core Competency: Resource, Budget & Finance
NACM Core Competency: Advanced Budget
California Budget Project, “Who Pays Taxes in California”
California Department of Finance – Budget Info (explore site, be sure and look at Proposed
Budget: Judicial; take a peek at the Budget FAQs; if you come across any budget terms
unfamiliar to you, look up the definitions)
California Rules of Court, Title 10:
• Division 2, Ch. 1, Rule 10.101 (Judicial Council & AOC: Budget & Fiscal Management)
• Division 4, Ch. 9, Rule 10.800-802 (Trial Court Budget & Fiscal Management)

Third Tier
California Courts Review (Winter 2009), Special Issue: A Decade of State Trial Court Funding
Gavel to Gavel (Summer 2008), Special Issue: Budget
Judges Journal (Summer 2004), Special Issue: Budget

Assignments due Friday in class

Final paper assignment will be posted on SacCT by 5 p.m., May 9.
It is due (electronically) to instructor (shaferl@saclink.csus.edu),
by 5 p.m., Saturday, May 15, 2010.