

California Judicial Administration Fellowship Program Seminar
PPA 298A: Judicial Administration Fellows Introductory Seminar
Fall 2016 Course Syllabus

California State University, Sacramento
Center for California Studies
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Welcome: The purpose of this course is to provide academic perspective and to complement what the fellows are learning from their placement in one of ten trial courts or judicial branch offices. The fall seminar blends academic theory with practice. The academic component will focus on judicial branch administrative history, structures, governance and judicial process supported by experiential learning. The overall goal is to acquire the knowledge needed to understand, evaluate and analyze the policies, practices, procedures and institutional role of the California judicial system. This will enhance the fellows' contribution to the judicial branch and their court placement. Academic Seminar is held one full day each month either on campus or off-campus and requires written and oral projects and papers as well as participation in a weekly online discussion forum. The fall semester provides both a pragmatic and theoretical foundation for the spring semester that culminates with a Capstone Project – see below.

Catalog Description:

Critical examination and analysis of the administrative operation of the California judicial system and its structures, policies and practices. Note: Open only to students admitted to the Judicial Administration Fellowship Program.

Expected Learning Outcomes:

Students will be able to:

1. Understand the basic features of judicial branch institutional history, structure, governance, management and administration;
2. Describe and explain distinctive aspects of the California judicial system with particular focus on trial courts, trial court culture, court unification, state trial court funding, and judicial independence;
3. Understand and apply key institutional performance measures;
4. Employ research, writing and oral presentation skills.

Academic Seminar Format:

The Judicial Administration Fellowship Academic Seminar is conducted in part at the fellows' placement courts throughout California and in part on campus – an important factor which distinguishes this fellowship from other Capital Fellows programs. The seminar itself encompasses one full day each month, augmented by weekly online issues forums. Seminar begins at 9:00 a.m. and concludes at 4:00 p.m. with a 45 to 60 minute recess for lunch (depending on seminar location). Seminar is not a lecture class, although there is typically a short introduction to the material and a review of the class agenda. The seminar is discussion-based guided by study questions, presentations, and role-playing exercises utilizing the assigned readings, case studies, and weekly forum issues. Fellows must come prepared to share their ideas and engage intellectually with each other. And, most critically, they must demonstrate their ability to synthesize course content and link it to their fellowship experiences.

Academic Seminar Participation:

Active participation is vital to the learning environment and it is therefore required. And it is heavily weighted towards the final grade. Oral presentation also provides opportunities to personally develop a key professional skill and to build self-confidence. Students should be mindful that presentations and participation are enhanced when information is presented in a logical and interesting sequence that can be easily followed. Students are expected to demonstrate knowledge of the seminar subject or topic by asking relevant questions, answering questions, and providing reasonable explanations and elaboration.

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Presentations must be made with a clear voice and correct, precise pronunciation of terms. Writing during the online forums should be clear, concise, and well reasoned. Group exercises or team interactions will be respectful and collegial.

Grades: Letter grades (A – F) are based on the following assignments:

Students are required to research and produce a minimum of 25 pages of written material for the fall semester.

(1) A series of papers on various topics and issues	60%
(2) A detailed Capstone Project proposal and presentation	20%
(3) Class attendance, seminar and weekly forum participation	<u>20%</u>
	100%

Grading scale:

A:	≥ 94%
A-:	90 – 93.9%
B+:	87 – 89.9%
B:	84 – 86.9%
B-:	80 – 83.9%
C+:	77 – 79.9%
C:	74 – 76.9%
C-:	70 – 73.9%
D+:	67 – 69.9%
D:	64 – 66.9%
D-:	60 – 63.9%
F:	≤ 59.9%

Attendance Policy:

Attendance and participation in seminar and completion of all academic assignments are mandatory. Acceptance of admission into the Judicial Administration Fellowship Program is a commitment to attend each class session and a commitment to be prepared for active discussion. Failure to fulfill the terms of the academic program, failure to perform in a professional manner, unauthorized absences, and chronic tardiness at seminar or office placement will be cause for prompt administrative review and may result in forfeiture of stipend or salary, termination from the program or other sanctions. In addition to attendance and “seat time,” the quality of participation in class discussions will be reflected in grading.

Required Texts - Fall Semester:

Understanding and Managing Public Organizations, 5th Edition - Rainey

Trial Courts as Organizations - Ostrom, et al.

The Art and Practice of Court Administration – Aikman

American Court Management – Saari

Overview of Court Administration in the United States – Tobin

These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making – Cann and Yates

Checklist Manifesto – Gawande

Selected Readings: See Fall Seminar Assignments and Discussion Sections (below).

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Paper Instructions

A paper is due for each fall seminar – the length will vary from 3 to 5 or more pages depending upon the material to be covered. The Capstone policy-oriented or issue oriented or operational paper has different requirements – details are found below and the PPA 298B syllabus to be posted in late September. **The seminar papers are due Monday at 6:00 p.m. of seminar week unless instructed otherwise. For example, your first paper will be due at our first seminar on Thursday September 22 rather than on Monday.** The second and following papers are to be emailed to the address on the first page of this syllabus. Late papers will not be accepted but for extenuating circumstances. An essay or paper will have an introduction, a thesis statement, argumentation and discussion (explanation) of relevant points, and a conclusion. Writing is a craft and requires practice. Just adhere to the topic or title that has been assigned, draw from the material in the course, marshal your evidence, and draft and redraft and redraft again. Here are the drafting requirements:

1. Double-space the paper with 1.5” margins.
2. Use 12 point Times New Roman font or its variants.
3. Upper left corner of the first page single-spaced: Your name, Title of Course: PPA 298 - CSUS, Title of Paper: _____, Date Submitted: September XX, 2016.
4. If a title page or citation page is used, do not count it towards the length of the essay or paper.
5. Citation style for the seminar papers: Follow the citation style that Rainey uses in his textbook. Add full references at the end of your paper only if you depart from the texts or other course materials. In the body of your text, it is enough to cite in the following way, e.g., (Saari, p 23); (Rainey, p 137) and so forth.

Critical Writing Guidelines:

Bearing in mind the importance of the written word in the court setting (and academia), the following evaluative criteria are used when marking seminar papers. Note that content is heavily weighted. This is so because the best papers demonstrate that the writer has thought hard and seriously about the subject-matter readings, has come to conclusions that reflect relevant information and ideas, and make a logical connection between these and the writer’s own carefully considered opinions.

Organization (25 points)

1. Front page, upper left corner, first line your name, second line PPA 298 and Seminar Date, brief title of paper; margins 1.5 inches, type font is Times New Roman
2. Introduction clear (i.e., I know what this paper will tell me);
3. Clearly worded thesis statement early in paper (e.g., first or second paragraph);
4. One main point per sentence;
5. Topic sentences in paragraphs (one main point per paragraph) that together will support your thesis;
6. Support (body) paragraphs fully developed and unified;
7. Smooth, logical transition between paragraphs;
8. Conclusion summarizes main points and restates thesis.

Content (50 points)

1. Appropriate title;
2. Supporting paragraphs strongly support the thesis with evidence such as facts, statistics, experiential examples, and, importantly, connections and reference to assigned readings;
3. Paper content is the assigned length;
4. Appropriate word choice and technical vocabulary are used.

Format, Grammar, Mechanics (25 or more points)

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1. Sentence completeness (no run-ons, comma splices, split infinitives or sentence fragments, etc.);
2. Paragraph completeness (no run-ons or incoherent thoughts strung together);
3. Comma usage as necessary in compound sentences;
4. Apostrophe usage correct;
5. Usage of semi-colon vs. colon;
6. Verb usage;
7. Spelling;
8. Language usage;
9. Numbers and calculations used correctly in text.

A good writing aid is Diana Hacker’s *A Pocket Style Manual*, 5th or 6th edition. As well, Richard Wydick’s *Plain English for Lawyers* is an excellent guide for those tending towards the verbose and obtuse (to be avoided).

The Capstone

There are two parts to the Capstone (**The Project** and **The Paper**). The Capstone Project will be formulated by each fellow and mentor to address a real world problem in the placement court or entity. The project is intended to provide the fellow with an opportunity to produce a professional level work-product that is relevant and of value to the placement entity. The final content and form of the Capstone Project will be determined by each mentor as the needs for each placement court or entity vary widely. That said, it is important that the initial Project Proposal itself (due at the November seminar) covers some basic information as outlined below. The Proposal will be weighted as a paper.

The Capstone Paper will be a lengthy policy-oriented or issue oriented or operational paper which is intended to demonstrate academic evidence of learning, synthesis, research, and engagement with the project and the course contents. Experience suggests that your papers will range in length from 20 to 50 pages including appendices. It will be presented at the final spring seminar session in May. I will work with each fellow to guide identification of relevant academic issues or other topics covered in seminar that may relate to the Capstone Project. You are advised to take effective notes during or after each seminar session and retain all handouts – they will be needed for your Capstone Paper. Samples from previous years are available upon request.

The Capstone Paper in final form will be due two weeks before the May seminar. At the May seminar you will present your Capstone Paper to the class allowing for 30 minutes of presentation and 5 minutes of group discussion. Please note that the seminar schedule provides for continuous check-in points to ensure sufficient support for the project and the paper. Here are the important milestones:

Due	Deliverable
PPA 298A	
October Seminar	One paragraph Capstone Project Description.
November Seminar	Capstone Project Proposal and Oral Presentation
December Seminar	Capstone Check-In at Seminar
PPA 298B	

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Due	Deliverable
January Seminar	Capstone Paper Issues List based on fall Semester due at Seminar
February Seminar	Capstone Paper Outline and Project Check-In
March Seminar	Capstone Paper First Draft – Brief One on One Meetings
April Seminar	Capstone Paper Second Draft – Peer Review
May 12	Capstone Final Paper Due One Week Before Last Seminar
May 19 Final Seminar	Presentation

Capstone Proposal Guidance

Here is general guidance on what the written proposal should include. Bear in mind that the Proposal is prepared in conjunction with the fellow and mentor or supervisor. Detailed guidelines for the Capstone Paper are found in the PPA 298 B syllabus to be posted after the September seminar.

1. **Abstract or Summary:** It should be a brief, clear and informative statement of what the project intends to accomplish and why.

2. **Background and Purpose:** Here you should expand upon the portion of the summary that explains why the project needs to be done. Your goal in this section is to make a compelling case for the work that you wish to do and to lay the foundation for doing it. Stating goals and objectives here will enable you to elaborate further in the Plan of Work section below

3. **Project Initiation or Extension:** If you are extending or expanding on work that has already begun, you would want to show what gap or gaps need to be filled and how your project is relevant to that end. If you are replicating work that has already been done elsewhere or previously in your placement, i.e., a sequel, be certain to note that as well.

4. **Plan of Work:** In this part you should go into some detail about the methods and procedures you will use, e.g., primary research, secondary research. Identify as many known or anticipated tasks that you can. Your project is likely to have some data or information collection requirements (interviews, data extraction, reference material and so forth). Identify resources, sources of information, data access permissions, cooperation or involvement of others within and outside the court, and other items that might need negotiation or approval should be noted. Do not underestimate the challenges to locating information. You should also provide estimates of time and a basic schedule that will take you to no later than the end of April (project duration) since the Capstone Paper is due one week before final seminar in May. **But keep in mind that not everyone’s Capstone Project is likely to be completed by end of spring seminar – the judiciary tends to move glacially slow.** This is why the **Capstone Project** (Part 1 – the placement deliverable) and the **Capstone Paper** (Part 2 – the academic deliverable) are treated differently. The expectation is that your Capstone Paper will permit you to discuss the course curriculum in the context of your project - without regard to whether the project is completed by the paper’s due date.

5. **Resources:** Time, personnel, finances. There is a tendency to understate these resources. Avoid doing so by being realistic and pragmatic in your approach.

6. **Concept Approval:** Please indicate whether the proposal has been consented to by your mentor or other authority within the court. If not, then describe where those discussions stand.

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Fall Seminar Assignments and Discussion Questions

(1) September Academic Orientation Seminar, Thursday September 22, 2016 (on campus)

Topic: The Judicial Administration Context. These introductory readings are structured and should be approached in the following order. Readings one through six are posted to Wiggio:

1. Pound 1906 Essay
2. 1926 Voter Information Guide Page 34 (Const. Amendment creating Judicial Council)
3. Article VI California Constitution – the Judicial Article.
4. Schaeffer, 1953 Essay
5. Tobin, Parts 1 through 3 (pp 1 through 35)
6. Saari, Chapters 1 through 3
7. Aikman, Chapters 1 through 6
8. Rainey, Chapters 1 and 2
9. Cann and Yates, Chapters 1 and 2 and Preface

The readings constitute your introduction to the critical examination and historical analysis of the California judicial system and its administrative structures, policies, processes and managerial practices. You are strongly encouraged to take notes as you read because the concepts you are encountering are foundational to future seminar papers and, most importantly, your Capstone Paper.

September Seminar Paper:

Pound's essay is considered seminal to the field of judicial administration and the content is foundational for your subsequent papers. **For the September seminar, please write an informal 2 or 3 paragraph response to the following prompt (with a copy for me at seminar) and be prepared to discuss the questions that follow and to present at least one question from each reading for discussion by all.**

Writing Assignment: What significant issues are noted in Pound's essay ("The Causes of Popular Dissatisfaction With the Administration of Justice")? What was the popular dissatisfaction in 1906? I would recommend re-reading Pound after reading Saari, Tobin and Aikman.

Reading Guide and Discussion Topics

1. The 1926 Voter Information Guide sets out ballot arguments in favor of the amendment establishing the California Judicial Council. What are those arguments? Do they resonate thematically with Pound? What problems were being addressed? What was the Council's original role?
2. Compare Pound (1906) Schaeffer (1953) Aikman (2007) and Cann (2016) in the context of social change and courts. Should changes in social or public expectations for courts be reflected in court administration? If so, how? Note Aikman Chapter 4.
3. Based upon the writings of the more modern authors, have the issues noted by Pound been addressed? Are they really addressable in the sense of being 'solved' or are they more likely to be conditions that require managing or adaptation rather than solution?
4. Note that Saari's book was written 30 years ago, how does it hold up in light of Tobin, Aikman and Cann? Are some issues perennial? E.g., delay, cost, legitimacy, independence? Why?
5. Is public perception of state courts important? Why?
6. Are courts materially different from other government institutions? What might set them apart from other governmental functions?

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Agenda For Seminar September 22, 2016
Topic: The Judicial Administration Context

Item	Start Time
1. Welcome	9:00 a.m.
2. Introductions	9:00 to 9:15 a.m.
a. Professor (advisor and guide)	
b. Students (roll call) <ul style="list-style-type: none"> ▪ Name ▪ Placement court or agency ▪ Professional aspirations ▪ College major ▪ Top three things of interest during orientation 	
3. Seminar Format <ul style="list-style-type: none"> ▪ Seminar themes and topics 	9:15 to 9:30 a.m.
4. Brief lecture and discussion <ul style="list-style-type: none"> i. Historical Overview – Administrative Perspective Cyclical reform ii. Changing Profile of Court Administrators iii. Judicial Culture iv. Broad Public Management Goals v. Broad Public Management Functional Responsibilities vi. Judicial Administration Core Competencies vii. Administration, Operations, Adjudication Structural Framework 	9:30 to 10:30 a.m.
Morning Break	10:30 to 10:45 a.m.
5. Readings: Assignment Questions - Discussion	10:45 to 11:15 a.m.
6. Breakout sessions: Distribute exercises, explain purpose, answer questions	

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Item	Start Time
Break for lunch – Questions?	11:30 to 12:30 p.m.
7. Breakout Sessions – Preparation	12:30 to 2:00 p.m.
Afternoon Break	2:00 to 2:15 p.m.
8. Presentations	2:15 to 3:45 p.m.
9. Review October Seminar Syllabus	3:45 to 4:00 p.m.
10. Index Cards – Comments - Feedback	

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(2) October Seminar (on campus)

Topics: Court Governance, Administration, Structure, Processes and Operations (and locating courts within the broader governmental context)

**** Pre-Reading Assignment:** Prior to embarking on the October readings, complete the following 1.5 hour online course entitled: The Work of the Courts. **Completing it by September 26 will allow you to take full advantage of this excellent resource early in your placement.** It also contains a very useful glossary of court terms. Please reflect on your own workplaces as you complete this assignment. Be prepared to discuss your observations at the October seminar. The course is located at:

<http://www2.courtinfo.ca.gov/protem/courses/ct/courts/index.htm>

I. Reading Assignments: Take notes as you read – they will help you discuss these ideas and related concepts in class and in your paper. Read the assignments in the following order:

- California Rules of Court, rules 10.1, 10.451, 10.473, 10.474, 10.469 – 10.491, 10.601- 10.630. These rules cover judicial branch education, trial court administration and governance.
<http://www.courts.ca.gov/cms/rules/index.cfm?title=ten>
- Aikman (Chapters 7, 8, 9 and 11);
- Saari (Chapters 4, 5, 6 and Conclusion);
- Rainey (Chapters 3, 4, and 5).
- Cann (Chapter 3, pp 23 – 38)

- **Policy Governance Articles or Links Posted to PPA 298A - October Seminar**
 - Feldman - Khademian article – To Manage is To Govern
 - Carver – Principles of Policy Governance
 - Governing Loosely Coupled Courts in Times of Economic Stress
 - A Case for Court Governance Principles
 - A Post Unification Approach to Court Organizational Design and Leadership

II (A). October Paper Assignment: In 1906, Roscoe Pound levied several charges that, he claimed, were at the root of popular dissatisfaction with the administration of justice. While Pound is the “father of court reform,” your readings also reveal that there were many others who have contributed to the improvement of court administration.

Focusing on the need for court administrative reform and drawing from your assigned readings for the September seminar (in particular Pound, Tobin, Saari, Aikman and Cann), in a 5 page paper briefly explore the problems of insufficient court organization and discuss key reforms in California’s judicial branch that respond to the need for modernization, responsiveness, efficiency and effectiveness.

As you write this paper, also bear in mind your current (October) readings on governance and court structure and leadership. Remember that we are focusing on governance and administration and court operations for this seminar. You may use evidence from your placements – discussions with your mentor or others - in addition to the readings (including the California Rules of Court) to support your observations and conclusions regarding court organization and reform. Hint: Consider steps taken that have strengthened the California court system’s capacity to govern that in turn contributes to the improvement of court administration.

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II B. Capstone Project - One Paragraph Description Due at October Seminar: Your mentors are aware that for the October seminar you will need to provide a one paragraph initial description of the likely area that your Project will entail. The description is due at seminar and will serve as the basis for a discussion in which you will share your thoughts about the direction your Capstone will take. A more detailed description will be due at the November seminar – further instructions will be provided.

Guide For October Readings

III. Rainey (Chapters 3, 4 and 5) Pages 53 through 144

1. Chapter 3 presents a conceptual analysis of the distinctions between public organizations and their members and other types of organizations, leaders, and employees, such as those in the business sector. What do we mean when we refer to these different types of organizations and the people who work for them? How do we define them and study their differences?
 - a. What are some of the problems with the distinction between public and private organizations?
 - b. How do the private, public and non-profit spheres overlap, and what does that do to any distinctions?
 - c. Why, according to Rainey, do we want to avoid oversimplification about the distinctions between public and private organization?
 - d. Why do public organizations exist? How are they essentially distinct from private organizations? How can we define public organizations and managers?
 - e. What are the problems and approaches in public-private comparisons?
 - f. What special or distinguishing or unique cases, if any, can be made for courts vis-à-vis private and public and non-profits organizations?
2. Chapter 4 looks at recent research analyzing the environment of public organizations. This chapter suggests that a public organization's environment imposes a relatively distinct set of values and criteria on it, through direction and influence by government institutions and entities. Reflect on Aikman, Tobin and Saari's writings as you consider Rainey. (You might consider re-reading Aikman Chs. 6 and 11, Saari p. 23 et seq.)
 - a. What research does Rainey review regarding the relationship between organizations (including public organizations) and their environments? What common criticisms or limits do they face?
 - b. Some organizational theorists place governmental influences under broad concepts. What political and institutional environments of public organizations does Rainey highlight? Are there court administration analogs to this? If so, what are they?
3. Chapter 5 summarizes the sources of authority and influence (i.e., the power) of government institutions and entities (which Rainey argues public managers need to understand and deal with) over public organizations. What are some of these key points? Do these issues have any import for managing courts? If so, which issues and in what way? Bear in mind the September seminar and our discussion of the sources of legal / formal authority of courts. What should be added to this list?

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- a. Public organizations and the public (mass and/or attentive)
- b. Power of the media
- c. Interest groups, clients and constituencies
- d. Legislative bodies and the chief executive
- e. Public managers' perceptions of the political environment
- f. Public policy process

IV. Aikman (Chapters 7, 8 (pp 197 – 200), 9 and 11 and Feldman – Khademian article posted to PPA 298A – October Seminar.

1. Chapter 7 introduces leadership as an important attribute of organizational governance and organizational performance. Aikman offers traits he thinks court managers need (p. 167). He also mentions several constraints that court managers face. What do you think? Would you add others? Given such constraints, however, how can these various attributes fit into management and leadership skills? How does one quantify and assess them, for instance, comparing them to technical or operational skills?

2. Aikman uses the term “emotional intelligence” The Consortium for Research on Emotional Intelligence in Organizations (<http://www.eiconsortium.org>), says this about emotional intelligence in the workplace:

“Social and personal competencies are vital for a healthy and productive life. Self-awareness, optimism, and empathy can enhance satisfaction and productivity at work and in other aspects of life. The workplace is the ideal setting for the promotion of these competencies in adults because work plays a central role in their lives. Not only do most of us spend the largest portion of our waking time at work, but our identity, self-esteem, and well-being are strongly affected by our work experiences.

The workplace also is an ideal place for promoting social and emotional competencies because it often is there that people feel their lack most keenly. When people realize that social and emotional abilities hold the key to greater career success, they become eager to develop those abilities. At the same time, as employers recognize that their profit depends on the emotional intelligence of their employees, they become amenable to launching programs that will increase it.” What does emotional intelligence have to do with court governance, leadership and institutional performance?

3. During the September seminar I provided you with the National Association of Court Management (NACM) 10 Core Competencies for effective court management (they are now posted to the October Seminar article list along with a narrative). According to NACM, these core competencies provide a “comprehensive statement of what court leaders need to know and be able to do.” NACM describes the purpose and responsibilities of the court manager as:

- understanding the purpose and responsibilities of courts
- caseload management
- leadership
- visionary and strategic planning
- essential components
- court community communication
- budget and finance resources
- human resources management
- education, training & development
- information technology management

How do NACM's Core Competencies compare to what Aikman, Feldman, and Saari opine – whether in contrast or support of NACM's list? (Aikman, for example, touches on these issues starting at page 164.) How

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do they compare or contrast with the California Rules of Court guidelines and duties for presiding judges and court executive officers? Would you add or remove anything to or from NACM's list? Explain.

4. Chapter 8 details with great specificity the elements of court administration arranged in a hierarchical framework roughly comparable to Maslow's framework. Studying the table will help provide you with a concrete picture of tasks, functions and areas of court operations. Reflect on this in the context of governance and leadership and core competencies. Should there be additional or different NACM competencies? Explain how POSDCORB remains relevant to public sector executive level functions and duties. (See California Rules of Court, rules 10.1, 10.451, 10.473, 10.474, 10.469 – 10.491, 10.601- 10.630.

<http://www.courts.ca.gov/cms/rules/index.cfm?title=ten>

5. Chapter 9 builds upon the detail in Chapter 8 with a focus on mission critical functions. And your first formal descriptions of records management, jury management, and caseload management among other administrative and operational areas are provided. Pay particular attention to sections 9.2.9 and 9.2.12 and try to locate these and other functions in the 'tri partite' spheres or rings that we discussed at the September seminar (Administration, Operations and Adjudication). Are the circular diagrams that I drew perhaps more accurately overlapping (more like Venn diagrams) bearing in mind the adjudicative and non-adjudicative dichotomy. Explain.

6. Chapter 11 further explores external relationships. Read this chapter in the context of Rainey – chapters 4 and 5. Are there unique relationships or aspects of the court environment present in Aikman and Saari but missing from Rainey? Name at least one constraint the courts/judges have regarding external relationships that other public entities do not encounter. You may need to make a list or two.

V. Cann and Yates: Is there inherent tension between the need for institutional public legitimacy, institutional transparency and preservation of judicial impartiality and autonomy? Where does the California Supreme Court rank in Table 3.2? And Mississippi? We will explore in November what explanatory determinants and beliefs might be in play. And we will have a guest lecturer to walk us through the statistics.

VI. Policy Governance Articles: This collection of articles covers a full range of issues revolving around institutional governance – both generally and more relevant to our inquiry – specifically court governance. Given the readings and your own increasing experience, do you see unique policy governance issues within a court system? Do judges serving in a board director role (Board of Judges, Judicial Executive Committee, etc) have a dual capacity? Are they both directors and 'workers'? If so, what leadership and governance challenges might that pose?

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Agenda For Seminar October (on campus)

Topics: Court Governance, Court Structures, Public Institutions and Public Perceptions, October Paper, Discussion Questions and Panel Presentations, Capstone Project Description, Preview of Court Performance and Court Culture

Item	Start Time
1. Welcome and Roll Call	9:00 a.m.
2. Placement Discussion <ul style="list-style-type: none"> ▪ Top Two Observations or Surprises ▪ The Work of the Courts Online Course 	9:05 a.m.
3. Housekeeping <ul style="list-style-type: none"> a. October Paper b. Leadership summary 	9:10 a.m.
4. Discussion and Preparation You have been assigned specific panel and paired discussion questions. See details below. a. Forum Question: Revolt of the Judges b. Panel Discussions - readings c. Paired Discussions - readings d. Court Management Dilemmas - All	9:15 to 3:00 p.m. Panel Preparation time: 1.0 hours Paired Preparation time: .5 hours
Morning Break	10:45 – 11:00 a.m.
5. Forum Question and Panel Discussion	11:00 a.m. to 12:15 p.m.
Noon Break	12:15 to 12:45 p.m.
5. Paired Discussions	12:45 to 2:15 p.m.
Afternoon Break	2:15 to 2:30 p.m.
6. Court Management Dilemmas Open Discussion	2:30 to 3:00 p.m.
7. Capstone Project Discussion (presentations of initial concept descriptions and group feedback)	3:00 to 3:30 p.m.

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Item	Start Time
8. Court Culture and Court Performance Preview for November Seminar	3:30 to 3:50 p.m.
9. Feedback, Index Cards, Adjournment	3:50 to 4:00 p.m.

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Discussion Of October Readings

Panel 1:

Panel 2:

Paired Discussions: As noted and assigned below.

Court Management Dilemmas – Discussion by All

Panel 1: Rainey Chapter 3 Discussion Questions

- a. What are some of the problems with the distinction between public and private organizations? How do the private, public and non-profit spheres overlap, and what does that do to any distinctions?
- b. Why, according to Rainey, do we want to avoid oversimplification about the distinctions between public and private organization?
- c. Why do public organizations exist? How are they essentially distinct from private organizations? How can we define public organizations and managers?
- d. What are the problems and approaches in public-private comparisons?
- e. What special or distinguishing or unique cases, if any, can be made for courts vis-à-vis private and public and non-profits organizations?

Panel 2: Rainey Chapters 4 and 5 and Aikman - Tobin Discussion Questions:

Chapter 4 looks at recent research analyzing the environment of public organizations. This chapter suggests that a public organization's environment imposes a relatively distinct set of values and criteria on it, through direction and influence by government institutions and entities.

- a. What do Aikman and Saari say about the court's environment? (You might consider Aikman Ch 11, Saari p. 23 et seq.) And remember our September discussion of PETS analysis.
- b. What research does Rainey review regarding the relationship between organizations (including public organizations) and their environments? What common criticisms or limits do they face? Are there unique relationships or aspects of the court environment present in Aikman and Saari but missing from Rainey? Name at least one constraint the courts/judges have regarding external relationships that other public entities do not encounter.
- c. Some organizational theorists place governmental influences under broad concepts. What political and institutional environments of public organizations does Rainey highlight?
- d. Chapter 5 summarizes the sources of authority and influence (i.e., the power) of government institutions and entities (which Rainey argues public managers need to understand and deal with) over public organizations. What are some of these key points?

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e. Are the issues identified by _____ in ‘a’, _____ in ‘c’ and _____ in ‘d’ above reflected in court administration? What should be added to the following list of influences and authority? (See Tobin pp 25 – 30)

- Public organizations and the public (mass and/or attentive)
- Power of the media
- Interest groups, clients and constituencies
- Legislative bodies and the chief executive
- Public managers’ perceptions of the political environment
- Public policy process

PAIRED DISCUSSIONS – LEADERSHIP, GOVERNANCE and PERFORMANCE

_____ and _____: Chapter 7 (Aikman) introduces leadership as an important attribute of organizational governance and organizational performance. Aikman offers traits he thinks court managers need (p. 167). He also mentions several constraints that court managers face. What do you think? Would you add others? Given such constraints, however, how can these various attributes fit into management and leadership skills? How does one quantify and assess them, for instance, comparing them to technical or operational skills?

_____ and _____: Aikman uses the term “emotional intelligence.” The Consortium for Research on Emotional Intelligence in Organizations (<http://www.eiconsortium.org>), says this about emotional intelligence in the workplace:

“Social and personal competencies are vital for a healthy and productive life. Self-awareness, optimism, and empathy can enhance satisfaction and productivity at work and in other aspects of life. The workplace is the ideal setting for the promotion of these competencies in adults because work plays a central role in their lives. Not only do most of us spend the largest portion of our waking time at work, but our identity, self-esteem, and well-being are strongly affected by our work experiences.

The workplace also is an ideal place for promoting social and emotional competencies because it often is there that people feel their lack most keenly. When people realize that social and emotional abilities hold the key to greater career success, they become eager to develop those abilities. At the same time, as employers recognize that their profit depends on the emotional intelligence of their employees, they become amenable to launching programs that will increase it.” What does emotional intelligence have to do with court governance, leadership and institutional performance?

_____ and _____: During the September seminar you were provided the National Association of Court Management (NACM) 10 Core Competencies for effective court management (they are now posted to the October Seminar article list along with a narrative). According to NACM, these core competencies provide a “comprehensive statement of what court leaders need to know and be able to do.” NACM describes the purpose and responsibilities of the court manager as:

- understanding the purpose and responsibilities of courts
- caseload management
- leadership
- visionary and strategic planning

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- essential components
- court community communication
- resources, budget and finance
- human resources management
- education, training & development
- information technology management

How do NACM's Core Competencies compare to what Aikman, Feldman, and Saari opine – whether in contrast or support of NACM's list? (Aikman, for example, touches on these issues starting at page 164.) How do they compare or contrast with the California Rules of Court guidelines and duties for presiding judges and court executive officers? Would you add/remove anything to/from NACM's list? Explain.

_____ **and** _____: Chapter 8 (Aikman) details with great specificity the elements of court administration arranged in a hierarchical framework roughly comparable to Maslow's framework. Studying the table will help provide you with a concrete picture of tasks, functions and areas of court operations. Reflect on this in the context of governance and leadership and core competencies. Explain how POSDCORB is relevant to court administrator functions and duties. (See California Rules of Court, rules 10.1, 10.451, 10.473, 10.474, 10.469 – 10.491, 10.601- 10.630.
<http://www.courts.ca.gov/cms/rules/index.cfm?title=ten>

_____ **and** _____: Chapter 9 (Aikman) builds upon the detail in Chapter 8 with a focus on mission critical functions. And your first formal descriptions of records management, jury management, and caseload management among other administrative and operational areas are provided. Pay particular attention to sections 9.2.9 and 9.2.12 and try to locate these and other functions in the 'tri partite' spheres or rings that we discussed at the September seminar (Administration, Operations and Adjudication). Are the circular diagrams perhaps more accurately overlapping (more like Venn diagrams) bearing in mind the adjudicative and non-adjudicative dichotomy. Explain.

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COURT GOVERNANCE And MANAGEMENT DILEMMAS DISCUSSION BY ALL

I will preface this by noting that the following list of court management dilemmas are drawn from in depth discussions with Bryan Borys over the course of many years. Bryan was my predecessor in teaching this course. The idea that underlies this summary is that certain features of the structure and work of the courts obviate the standard solutions to typical problems of public management. Despite the fact that courts face closed-system demands for efficiency and quality, they do not control key participants within their own production systems (Saari). One cannot understand how to manage a trial court without understanding the dynamics of the “courtroom workgroup” – two of whose members do not work for the court. We explored this at some length in our first seminar, i.e., the three Venn diagrams.

1. Despite society’s reliance on judges to exercise political autonomy in preserving the rule of law (judicial independence in a system characterized by a separation of powers), they are, in fact of operation, *interdependent* with many other agents.
2. Despite intense pressures to achieve efficiency, courts are not allowed to compromise individual justice in individual cases.
3. Judges are in a unique organizational position in several ways that make leadership and organizational change particular challenges.
4. They are at once independently elected constitutional officers and front-line workers on an assembly line.
5. And they are at once front-line bureaucrats, immediately answerable to individual members of the public; and members of the board of directors of an organization charged with maintaining the rule of law. They are formally charged with the ultimate responsibility for management decisions, yet their training, selection and demeanor are not conducive to effective management. Thus management, leadership and control are split between a presiding judge and a court executive.
6. There are two parts of every trial court that do not fit together naturally and cannot be managed through the same management style:
 - a. A professional bureaucracy within, and immediately surrounding, the courtroom, where innovative, customized solutions are the rule; and
 - b. A machine bureaucracy in the back office, where rigid consistency and adherence to complex, voluminous and detailed procedural rules must be maintained.
7. Despite the fact that the central quality of courts’ output – justice – cannot be measured objectively, everyone knows it when they see it.

(3) November Seminar

Take notes as you read – they will help you discuss these and other ideas and concepts in class and in your paper. Read the assignments in the following order:

- Aikman (chapter 13 – omit pages 420 to 425));
Ostrom et al.: Trial Courts as Organizations (chapters 1 and 2 and Appendix 3-1);
Ostrom et al. : Understanding Court Culture (article posted to PPA 298A - November Seminar);

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Ostrom et al.: High Performance Courts. Achieving High Performance: A Framework for Courts. (Report posted to PPA 298A - November Seminar along with Courtools link). Read Preface and chapters I through IV.)
 Rainey: (chapter 6 pages 167 and 168: The Balanced Scorecard; and chapters 11 (Leadership, Managerial Roles, and Organizational Culture) and 13 (Managing Organizational Change and Development);
 San Diego: A Balanced Scorecard (posted to PPA 298A - November Seminar).
 Business Process Re-Design (BPR) (posted to PPA 298A – November Seminar)
 October – November Leadership Lectures (Brighton) posted to PPA 298A)
 Cann and Yates: Chapter 3, pp 38 – 52. Do not be concerned if you find the statistics challenging. We will have a guest lecturer to guide through the numbers. Focus on the discussion of the authors’ findings on pages 51 and 52. Note the reference to local legal (and court) culture.

These readings are intended to help you solidify the connections and linkages between court culture, court leadership (and governance) and court performance. Ostrom et al. provide a solid framework for working through court performance and court leadership and culture. Readings and discussion for October explored governance. The perspectives, considerations and techniques presented in the November readings should assist you in your Capstone Project and deepen your understanding of your workplace. In terms of Rainey, he provides a good survey of leadership models and theories and the importance of organizational culture when managing change.

The November Short Paper: A recurring theme in this course has been the uniqueness of the court / public sector environment and an emphasis on the relationship between governance, structure, process, leadership and performance, e.g. CourTools, efficiency, effectiveness and responsiveness. During last seminar we discussed private and public sector dichotomies and their similarities and differences. Your current readings explore in greater depth leadership, court culture and court performance and perceptions of institutional legitimacy. A 3 to 5 page paper is due for the November seminar. You will also need to prepare your Capstone proposal. (See Capstone directions for September Academic Orientation seminar). Please respond to the following questions:

1. What are the most important conclusions about successful change/performance improvement in public organizations?
2. In what ways does an organization react to change?
3. Under what conditions are the members of an organization likely to embrace and accept change?
4. Under what conditions are they likely to resist change?
5. Do courts respond to change differently than other public organizations? Why?
6. Should public perception of state judicial institutions be of concern to judicial administration? Why?

Agenda For November Seminar

TOPICS: Court Performance and Court Culture, November Paper, Leadership Exercise, BPR and Change Management Exercise and Presentations, Capstone Project Presentations, Criminal Process

Item	Start Time
1. Welcome and Roll Call	9:00 a.m.
2. Placement Discussion	9:05 a.m.
a. Cultural insights?	
b. Accomplishments last 30 days	
c. Project goals for next 30 days	

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Item	Start Time
3. Alameda Field Seminar Discussion	9:20 a.m.
4. Weekly Forum Discussion Future Topics?	9:30 a.m.
5. Short Leadership Exercise and Brief Discussion (Two groups – share results)	9:35 a.m.
Class Break	10:00 – 10:15 a.m.
6. Capstone Project Proposals Presentations and Open Q and A by All	10:15 to Noon
Noon Break	Noon to 12:45 p.m.
7. Group Breakout Question Panel Preparation	12:45 to 1:30 p.m.
8. Panel One Presentation	1:30 to 1:50 p.m.
9. Panel Two Presentation	2:00 to 2:20 p.m.
10. Panel Three Presentation	2:30 to 2:50 p.m.
Afternoon Break	2:50 to 3:00 p.m.
11. Panel Four Presentation	3:00 to 3:20 p.m.
12. Open Discussion	3:20 to 3:30 p.m.
13. December Preview <ul style="list-style-type: none"> ▪ Management Case study ▪ Steps in Managing Organizational Change ▪ New laws - court legislation ▪ Criminal Justice Flowchart ▪ Seminar Feedback – Index Cards 	3:30 to 4:00 p.m.

November Seminar Group Exercise (1 hour preparation time in seminar – this assumes that some work has been done in advance)

Organizational Change, Leadership, Court Culture, Business Process Re-engineering

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Your court is about to launch a court-wide business process re-engineering (BPR) project (see PPA 298A – November Seminar BPR posting) anticipating further reductions to the court’s budget in the next several months. The usual methods of gathering judicial, staff and external stakeholder input and engagement have not been successful in previous court-wide performance improvement initiatives. This has resulted in judges and employees having low levels of interest, some resistance and little involvement in the planning process - not all appreciate the value or need for change or efficiency, effectiveness or responsiveness. As staff to the BPR oversight committee, you have been asked to:

- Recommend new ways to engage judges and staff in this important court-wide activity; and
- Outline the steps to be taken that are likely to successfully manage this change.

Also, your court has recently completed a court culture assessment. According to the Ostrom value matrix (*Trial Courts as Organizations* at p 40) your court culture tends to be:

Court One: Communal
Court Two: Networked
Court Three: Hierarchical
Court Four: Autonomous

You are presenting your recommendations to the BPR oversight committee composed of two members: the Presiding Judge (who is considered to be a transformational leader) and a recently hired Executive Officer whose approach to leadership appears to be contingency oriented. You are free to assume whatever additional facts or circumstances about your court that are needed in light of its cultural typology and values.

Court One Panel: _____, _____
Court Two Panel: _____, _____
Court Three Panel: _____, _____
Court Four Panel: _____, _____

BPR Oversight Committee: Presiding Judge: _____; Executive Officer: _____. The committee will no doubt have a few questions for each panel.

(4) December Seminar

Take notes as you read – they will help you discuss these and other ideas and concepts in class and in your paper. Read the assignments in the following order:

Checklist Manifesto (Atul Gawande) This is a quick and easy read that introduces a systems like approach to understanding and conceptualizing complex processes. Be prepared to discuss what ways your court or office might benefit from following the concepts and concerns that Gawande explores.

Professionalizing the Organization: Reducing Bureaucracy to Enhance Effectiveness (Guy Benveniste): Book review by Peterson and Wills (Posted to PPA 298A – December Seminar) Be prepared to briefly identify topics covered in the review that resonate with your placement and more generally with the multi-disciplinary multi-layered workplace that courts have become.

A Superior Court Management Review (Posted to PPA 298A – December Seminar): This 27 page Executive Summary serves as a case study that tends to reflect many of the major court administration and

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judicial system issues we have studied thus far. It is a real world case drawn from the experience of the Superior Court in Orange County. Be prepared to discuss the case study at seminar and its relevance to your placement. You should attempt to identify and be prepared to discuss as many issues in the case study as you can that link back to Aikman, Rainey, Saari and Ostrom and the early articles that we have read regarding court unification, managing change, governance, and leadership.

Ostrom et al.: Trial Courts as Organizations (chapters 3 and 7 and Appendix 3-1);

Saithe’s 5 Step Model for Planned Change of Organizational Culture (below):

Saithe’s 5 Step Model for Planned Change of Organizational Culture	
Step	Description of Step
1. Changing employee behavior	Getting employees to do things differently
2. Examining justifications for changed behavior	Getting employees to understand why new behavior is essential
3. Cultural communications	Ensure all organizational ‘messages’ are supportive of new culture
4. Hiring and socializing members who fit in with the new culture	Only employ those likely to share new cultural assumptions; train them upon hiring to make sure they do
5. Removing members who reject the new culture	Ensure that those who don’t fit leave

V. Saithe (1985) ‘How to decipher and change corporate culture’ in RH Kilmann, MJ Saxton, R Serpa and Associates, *Gaining Control of Corporate Culture*, San Francisco: Jossey Bass

December Paper: Ostrom suggests a 5 step approach to implement a court culture change management process (pp 141 et seq.). Using Saithe’s 5 step model, select two of Saithe’s steps and guided by Ostrom discuss possible management action that could be taken for each step you have chosen.

Paper Length: No more than three pages and you may use bullet points, terse sentences, and a schematic rather than narrative format for this paper. **In other words, I am waiving the formal paper requirements for this assignment.**

Paper Due: Monday preceding seminar.

Case Study Discussion in Seminar: As already noted, be prepared to discuss the case study at seminar. You should attempt to identify as many issues in the case study as you can that link back to Aikman, Rainey, Saari and Ostrom and the early articles that we have read regarding court unification, court culture, managing change, governance, and leadership. **There will be a seminar exercise.** One half of the class will be a board of judges at the Lemon Superior Court lead by **Presiding Judge _____**. **A few of the judges believe that everything is working quite well.** The other half of the class will be the court executive team lead by **CEO _____** whose goal is to present the consultant’s report and garner the support of the judges to implement as many of the findings expressed in the case study as possible. **The CEO is relatively new to the position and to the court but the executive team is quite seasoned.**

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The November seminar exercises were intended to provide an opportunity to use Ostrom’s court culture typologies in a practical application. Your readings for the December seminar will move you further down that path. For this seminar we will focus on planning for and managing and advocating for organizational change – hence the assignment to explore Saithe and Ostrom’s five step approaches. Likewise, the case study and seminar role-playing exercise are intended to deepen your understanding of court governance, court structure, organizational development, culture, leadership, and management. The case study will make what has appeared to be somewhat abstract much more real.

Agenda For December Seminar

TOPIC: Changing Organizational Culture, the Professional Organization, Courts by the Numbers, Superior Court Case Study (Putting it All Together), (New Laws postponed to January)

Item	Start Time
1. Welcome	9:00 a.m.
2. Placement Updates	9:00 to 9:15 a.m.
3. Courts by the Numbers (Forum Questions)	9:15 to 9:45 a.m.
4. Checklist Manifesto Discussion	9:45 to 10:15 a.m.
5. December Paper – Ostrom or Saithe?	10:15 to 10:45 a.m.
Morning Break	10:45 to 11:00 a.m.
6. Professionalizing the Organization	11:00 to 11:30 a.m.
Break for lunch – Questions?	11:30 to 12:30 p.m.
7. Superior Court Case Study - Discussion	12:30 to 12:45 p.m.
8. Case Study Presentation Preparation	12:45 to 1:45 p.m.
9. Case Study Presentation and Discussion	2:00 to 3:15 p.m.
10. Open Discussion, Questions	3:15 to 3:30 p.m.
11. Preview January Seminar Syllabus	3:30 to 3:45 p.m.
12. Index Cards – Comments - Feedback	3:45 to 4:00 p.m.