



# **36<sup>th</sup> District Court of Michigan in and for the City of Detroit**

## **Review and Comment on Reforms Initiated and Suggestions for Continued Improvement in the Operations and Efficiency of the Court**

**June 12, 2014**

**Final Report**

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**National Center for State Courts**

This special revisit by the National Center for State Courts (“National Center,” “the Center,” “NCSC”), a public benefit corporation targeting the improvement of courts nationwide and around the world, to the 36<sup>th</sup> District Court of Michigan (“the Court,” “District 36,” “District Court”) was requested by Michigan Judicial Branch officials, including the Michigan Supreme Court, its State Court Administrative Office (“SCAO”), the Honorable Michael J. Talbot, Special Judicial Administrator of the 36<sup>th</sup> District Court appointed by the Supreme Court, the Honorable Nancy M. Blount, recently appointed Chief Judge of the 36<sup>th</sup> District Court, and Kelli Moore Owen, newly designated Court Administrator for the District Court. **The report examines the reforms and operational changes undertaken by the court in response to a May 2013 National Center assessment of its staffing, performance and functioning in light of shrinking resources, noted inefficiencies, and the desire by court leaders to promote best practices in adjudicating limited jurisdiction cases.** The points of view and opinions expressed in this report are those of the authors as agents of the National Center, and do not necessarily represent the official position or policies of the 36<sup>th</sup> District Court, the Michigan Judicial Branch, or the City Government of Detroit.

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# Review and Comment on Reforms Initiated Suggestions for Continued Improvement 36<sup>th</sup> District Court of Michigan

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## **1.0 The Remaking of a Troubled Court**

This report is a follow-up to an initial operational review of Michigan's 36<sup>th</sup> District Court ("the Court," "District Court 36," "District Court"), serving the City of Detroit, completed a year ago (May 20, 2013) by the National Center for State Courts ("NCSC," "National Center," "the Center"), a public benefit corporation targeting the improvement of courts nationwide and around the world. The 2013 report, requested by the Michigan Supreme Court and its State Court Administrative Office ("SCAO"), was sought due to shrinking municipal funding to support the Court's operations. The concerns of Michigan judicial branch officials, however, were broader than the over-expenditure of appropriations. They encompassed a range of other problems, including inadequate customer service, marginal use of technology, management and personnel deficiencies, poor case processing practices leading to unnecessary trial court delay, day-to-day operational and performance issues, and inadequacies pertaining to the use and efficiency of space in the courthouse.

The original study detected a culture of financial overruns and numerous inefficiencies in the functioning of the Court. It also offered a series of recommendations and strategies for improvement. The Supreme Court took swift action on May 28, 2013 (eight days after the NCSC report was issued), by placing District 36 under receivership and the authority of a Special Judicial Administrator (SJA), Appellate Court Judge Michael J. Talbot, to oversee and improve operations using the Center's report as a guide. To support Judge Talbot on-site at the Court, the SCAO dispatched management and organizational development personnel under the leadership of Regional Court Administrator Deborah Green. A number of reforms were implemented to streamline and reorganize business processes, staffing, judicial assignments, space, expenditures, revenues, caseflow efficiencies, and interactions with other justice system stakeholders.

At the request of the Supreme Court and the SCAO, this subsequent review has been undertaken and is directed at analyzing and assessing the improvements, operations, staffing and performance of the Court one year after the National Center's original report. This appraisal was conducted by the same consultants who developed the 2013 study, namely Gordon Griller and the Honorable Glenn A. Grant. Mr. Griller is a full-time, senior employee of the National Center and served as the project team lead. He has extensive experience in justice system operations, caseflow processing improvements, and limited jurisdiction courts. He has managed numerous operational reviews and studies for the Center.

Judge Grant is the Acting Administrative Director of the New Jersey Judicial System. He agreed to work with Mr. Griller as a pro bono subject matter expert in court operations and judicial leadership.<sup>1</sup> Judge Grant oversees the administration and functioning of all courts in New Jersey. He previously served as both a trial and supervising judge on the Superior Court bench in Essex Vicinage (Newark),

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<sup>1</sup> Judge Grant's travel, lodging, and per diem costs were paid by the National Center. Depending on the nature of a study, it is the practice of the National Center from time to time to invite active, highly regarded state court practitioners to partner with NCSC staff where their skill sets complement the needs of an engagement.

during which time he was specially assigned as the Chief Judge of the Newark Municipal Court to revamp and reorganize it due to serious efficiency, budget, and revenue problems.

The consultants relied upon interviews and the information provided by the leaders of the 36<sup>th</sup> District Court in conducting their analysis and review. A two-day site visit to the Court took place on May 19-20, 2014. No City of Detroit or Wayne County funds were used to support the original report or this follow-up analysis.

## **2.0 Noticeable Progress in Restructuring the Court**

*“We are excited about the changes occurring in the Court.”*

*Judge, 36<sup>th</sup> District Court*

*“The culture of the Court has improved dramatically. Citizens are taking the Court’s orders more seriously.”*

*Judge, 36<sup>th</sup> District Court*

*“The employees of the Court feel empowered and staff is taking pride in their work.”*

*Senior Manager, 36<sup>th</sup> District Court*

*“This new management team is going to be great.”*

*Senior Manager, 36<sup>th</sup> District Court*

Such positive and glowing comments on the current operation of the 36<sup>th</sup> District Court were unthinkable a year ago when the consultants encountered a blasé to dispirited attitude among Court leaders, solutions largely focused on more money – even as the FY 2013 budget spiraled deeper in deficit as it had in previous years – low morale, ideas about new directions in short supply, and widespread inefficiencies. At best, the Court could be described as marginally functioning.

Much of that has changed for the better based on the consultants’ observations in May 2014. The transformation to more cost-effective operations and competent, hands-on management is significant and encouraging. Healthy, positive improvement has taken place in twelve months; much of it sparked by the intervention of the Supreme Court under the leadership of Chief Justice Robert P. Young, Jr. The Supreme Court and State Court Administrative Office, through the assignment of Judge Michael Talbot as the Special Judicial Administrator and Deborah Green as the SCAO interim managing court director, along with the staff they assembled to assist the Court with on-site work analyses, ideas and resources were the “secret sauce” that enabled considerable progress over the last twelve months. Also, a significant part of an ongoing turnaround in performance has been the careful selection of the Court’s new top, permanent leadership, Chief Judge Nancy M. Blount, and Court Administrator Kelli Moore Owen, as well as what NCSC concludes is a new cadre of well qualified senior managers.

Importantly, too, this organizational transformation was supported and aided by the Court’s judges and staff. Once they understood the dimensions of the problems confronting the Court, they willingly, although anxiously, embraced the needed changes by objectively and critically looking at the Court and its processes, by helping to identify unaddressed problems and implementing new solutions, and by willingly accepting an ongoing reform mentality. That reform mindset continues today as the Court enters a second year of changes, albeit at a less hectic pace and overseen by the Court’s own reconstituted leadership and management staff.

In 2013, NCSC identified a series of challenges confronting the Court. All exhibited serious problems in one way or another that were not being addressed. In some instances, the impediments blocking better performance were not recognized as problems by either the former judicial leadership or senior management. In other situations, it was assumed that the barriers were intractable and little or nothing could be done to correct deficiencies. Seven core issues were at the heart of most of the difficulties confronting the Court:

- ✓ leadership and governance;
- ✓ fiscal accountability;
- ✓ customer service;
- ✓ technology;
- ✓ case management and delay reduction;
- ✓ business processes; and,
- ✓ facility and space use.

Our review and analysis of current operations within the Court reveals a substantial, positive transformation in all of these areas. We are encouraged by what we have seen and believe *the changes initiated to date provide a strong foundation for the Court in moving forward*. We also want to offer *advice about sustaining high performance in the years ahead*, especially when (not if) the flurry of turnaround momentum subsides, current leaders retire or leave for other opportunities and career advancement, and the Court is no longer in the public eye. The following appraisal describes our thinking regarding both these important phases in the remaking of the Court.

## 3.0 Leadership and Governance

### 3.1 Issues Identified in 2013 Report

In the 2013 report, the NCSC recognized leadership as one of the most critical issues facing the 36<sup>th</sup> District Court. The consultants were uncertain as to whether the chief judge and senior management team were capable of leading the 36<sup>th</sup> District out of its fiscal crisis and providing a sound foundation for future operations. The report called upon the Chief Justice and SCAO to provide greater oversight and assistance to the Court, including assessing and identifying the strengths and weaknesses of the Court, and assigning a support team of managers and analysts to the Court to help make needed improvements. The NCSC consultants' report stated:

*The times call for courageous leadership. Not reckless management, but rather rigorous initiatives and guidance from the top. To do so requires moral courage to act on principle, selfless courage to put the justice system and the community ahead of personal or parochial interests, intellectual courage to embrace new knowledge about how to operate the Court more efficiently and implement strategic changes, and execution courage to implement the necessary remedies and restructuring that will revamp the Court for a new, more austere normal.*

### 3.2 Personnel Changes Implemented

In response to this challenge, a change in senior leadership was determined to be necessary. The Michigan Supreme Court appointed Court of Appeals Judge Michael J. Talbot to serve as Special Judicial Administrator ("SJA") of the District Court on an interim basis. From the NCSC's perspective, Judge Talbot is an individual uniquely qualified to assume this leadership role. As a recognized leader in judicial administration with substantial past involvement in the Detroit and Wayne County legal and government community over several decades, he had the trust and credibility of judicial officials, the City and County, and various justice system partners. We feel he was the right person for the job.

With the advice and counsel of Judge Talbot, the Supreme Court subsequently designated one of the most respected and long-term members of the 36<sup>th</sup> District Court bench, Judge Nancy M. Blount, as the new chief judge in August 2013 to work with SJA Talbot. The leadership change also included the appointment of Kelli Moore Owen as the new court administrator, a proven, former administrator at the Wayne County Circuit Court.

An additional leadership issue identified in the original assessment of the Court by the Center involved the lack of oversight by the SCAO. The consultants concluded that the SCAO needed to develop stronger and more effective direction, coordination, and partnership with the Court in order to stabilize and transform its operation. To that end, Regional Administrator Deborah Green and other members of the SCAO worked on a daily basis for many months at the Court.

The leadership weaknesses of the Court also involved the senior managerial staff. The consultants in their first review suggested the SCAO evaluate the capabilities and proficiencies of the Court's administrative leadership team. This evaluation revealed that numerous incumbents and the management structure needed to be changed and improved. The SJA Talbot led transition group restructured the table of organization and evaluated the capacity of the workforce to fulfill supervisory and staff responsibilities. As part of this reorganization, several new positions were created and a new management team installed. The staffing model now utilized by the Court has a very capable nonjudicial senior staff complement. Only two former managers remain as part of the Court's upper management workforce. A few new managers, with needed specialized knowledge, (i.e. CPA Finance Officer and HR Director) are under contract but will be replaced by permanent employees when those with the proper skill sets are recruited.

### **3.3 Practices to Encourage Communication and Involvement**

The leadership obstacles identified in our original report included a Court operation with superficial and limited communication, accountability, and coordination. Our recent visit confirmed that the current leadership has reinstated several practices designed to facilitate and encourage communication and involvement of all of the judges in the Court. These practices include:

- a. The Court's Judicial Executive Committee was reinstated, involving the chief judge and the chief judge pro tem.
- b. Presiding judges were established for general civil, real estate, criminal, felony exams, specialty courts, and collections.
- c. Meetings of the Executive Committee are now conducted on a biweekly basis.
- d. Bench meetings with SJA Talbot and key members of the Judicial Executive Committee are held on a monthly basis.

Similar revisions and restructuring of the management team occurred in the areas of human resources, finance, information technology, civil and criminal case management, probation, procurement, business process, and collections and debt flow. Regular staff meetings with this managerial leadership team were initially conducted with the guidance and direction of the SJA, the chief judge and the court administrator. Today, based upon the successful transformation of the 36<sup>th</sup> District Court, the court administrator conducts these meetings with her staff.

## 4.0 Fiscal Accountability

### 4.1 Issues Identified in 2013 Report

At the time of the NCSC's initial report, the District Court was operating \$5 million above its appropriated budget. The practice of over-expenditure of the Court's annual budget had existed for several years. A long-standing lack of communication and cooperation between the Court and the City regarding funding realities existed as well. Despite the obvious financial challenges confronting both the City and the Court, the Court submitted an identical budget request for the 2012/13 fiscal year as for FY 2011/12.

### 4.2 Changes Implemented

The consultants concluded such over-expenditure practices were unacceptable and ignored the reality of the City's financial plight. Under the leadership of SJA Talbot, the Court cut its projected expenditures by \$5.5 million from the FY 2012/13 appropriation to \$31.7 million, the City's requested spending level. Several structural changes were accomplished in order for the Court to operate at this budget level. As suggested in our initial report, SJA Talbot, the SCAO, and administrators at the Court developed a long-term plan to reduce operational costs. Most overruns at the Court related to personnel expenses, the largest outlay for any trial court. Major changes to the size of the Court's workforce were implemented. The new leadership was able to resolve labor contract issues which had been pending for several years. The successes of the Court's efforts in this regard are outstanding and have established a foundation for the long-term fiscal viability of the Court.

The consultants' conversation with the City's labor counsel, who consulted on the Court's labor negotiations, confirmed how the concessions from labor and the restructuring of the Court's long-term operational costs helped to place the Court on sound financial footing. The successful partnership with the state-appointed Emergency Financial Manager for the City and Court leadership also resulted in a stabilization of the City's subsidy to the Court. Several initiatives in this area include:

- a. The Emergency Financial Manager's plan of adjustment submitted to the Bankruptcy Court provided for stabilized funding to the Court for at least three years.
- b. A significant staffing reduction was undertaken to help the Court meet its approved budget.<sup>2</sup>
- c. A 10 percent reduction in workforce compensation was also implemented.
- d. Changes in the union agreements included:
  - 1) restructuring of job titles to allow for greater flexibility in the assignment of staff duties and responsibilities;

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<sup>2</sup> Initially 80 employees were laid-off. Some have since been reinstated where efficiencies have reduced expenses and the existing budget permits it.

- 2) changing the hiring process to provide management with greater opportunities to select the most qualified personnel regardless of seniority; and,
- 3) establishment of caps on health care benefits for Court employees.

The City's labor counsel commented positively on this success. The leadership of the Court and the leadership of the Court's labor unit should be commended for their ability to successfully address fiscal challenges while establishing a positive framework for the future. The operational changes and Court restructuring embodied in these labor agreements will be essential to the maintenance of an austere and fiscally responsible Court operation now and in the foreseeable future.

#### **4.3 Revenue Results**

Fiscal accountability has also been demonstrated by the Court's revenue improvement initiatives. The efficiencies in Court operations and the enhancements to Court operations have generated an improvement in the collection of fines and fees by the Court. Prior to the leadership change and revised management and case practices protocols, the 36<sup>th</sup> District Court was collecting an average of \$1.1 million in monthly collections. Today, the Court is averaging more than \$1.8 million in collections each month, a 63 percent increase over previous levels.

A special "out-county" collections program was implemented that allows other district courts in Wayne County to collect fines and fees owed to District 36 for a brief period of time. Also, a successful amnesty program for traffic violator scofflaws was initiated in early 2014, which resulted in collecting nearly \$2 million over normal, average traffic payments.

## **5.0 Customer Service**

### **5.1 Issues Identified in 2013 Report**

Our initial report identified numerous insensitivities regarding customer service by the Court. They ranged from overcrowded public space, complicated and confused processes, the lack of useful information for litigants to understand what was expected of them, and widespread, unnecessary delays in adjudicating matters.

Although we did not specifically attribute reasons for this general attitude, we note now that, unfortunately, it is an all too common problem among organizations today. There is a natural tendency for many organizations to go through a metamorphosis over time and lose sight of their real purpose: providing a service to their customers or constituents. Such dislocations can happen in either public or private entities. Essentially, they “morph” toward greater concern for the members of the organization and eventually become irrelevant to their original purpose. They forget they exist for reasons outside themselves. In the case of the 36<sup>th</sup> District Court, its ultimate purpose is fair, timely, affordable justice for people who have civil and criminal legal matters that require Court intervention.

### **5.2 Changes Implemented**

Several interrelated initiatives have been put into action to address some of the more blatant problems pulling the Court away from its public service orientation. SJA Talbot designated four judges of the Court to handle felony preliminary examinations instead of rotating a series of judges into those calendars. This has reduced adjournments (i.e. case postponements or continuances) and backlogs. Additionally, in partnership with Wayne County, the Court transferred these assignments to the Frank Murphy Hall of Justice building which has lessened pedestrian traffic in the District Court courthouse, improved the logistics of prisoner transportation, and assisted attorney coverage by the prosecutors and defense counsel.

During the consultants’ visit to the lobby and District Court courtrooms in May 2014, we found significant improvements to customer service. As a result of the designation of assigned courtrooms, members of the public are now able to get notice of their courtroom assignment prior to arriving at court. In addition, electronic docket display monitors were installed on all of the floors, including the lobby area. These monitors list, in alphabetical order, the names of the litigants and their courtroom assignments. Long lines of customers in the lobby have been reduced significantly.

Kiosks have been installed throughout the building in an attempt to redirect the public from the cashier windows to a self-help machine. This project was implemented by SJA Talbot in partnership with a state vendor. The kiosks accept cash and credit cards for the payment of fines and fees, providing a helpful, new service and expanded customer access.

## 6.0 Technology

### 6.1 Issues Identified in 2013 Report

During the initial visit to the Court a year ago, NCSC consultants discovered an organization that utilized technology only to a minimal extent. This failure to broadly embrace digitized processes negatively impacted case management and drastically limited the opportunity to create and improve economies and efficiencies in the Court.

### 6.2 Changes Implemented

Today, the Court has fully adopted the statewide Judicial Information System (JIS) applications and has embarked on a plan to modernize information technology both in the courtrooms and in the day-to-day management of the Court.

New computers, new servers, and a new network switch have been installed. All of the courtrooms and hearing rooms for judges and magistrates now have computers and printers. A single platform, *Microsoft Windows 7*<sup>®</sup> with *MS Office 2013*<sup>®</sup>, was installed on the new PCs. Courtroom video conferencing equipment has been installed in various courtrooms to facilitate remote adjudication procedures between the Court and various parties and will eventually reduce litigant/attorney appearances at the courthouse and speed case resolutions.

Staff has received and is currently undergoing training on JIS and other software programs. An onsite Court training program has been created to provide computer skills education to all new employees and refresher courses to current employees and staff transferred or promoted from one division to another.

A technology strategic plan is under development by a newly hired Director of Management Information Services (MIS). Included in the plan will be increased progress toward an expanded electronic ticketing program involving the Michigan State Police and Detroit Police Department.<sup>3</sup>

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<sup>3</sup> Limited jurisdiction justice systems are increasingly moving to e-citations. The technology provides numerous benefits to law enforcement, prosecutors and the courts. With an electronic ticketing system, all of the data from the citation form can be electronically transferred to the necessary back-end system(s) without the cost of outsourcing or data entry by clerical staff. The data is immediately available in the database/records systems.

## **7.0 Case Management and Delay Reduction**

### **7.1 Issues Identified in 2013 Report**

The May 2013 report highlighted various problems with case management and delays in the pace of litigation within the Court. They included the lack of a formal, written caseflow management plan, misallocation of the number of judges to docket types, case backlogs, and ineffectively scheduled court time.

### **7.2 Changes Implemented**

During the consultants' May 2014 visit, they noted significant improvements in case processing and delay reduction. The Court's practice of holding only one morning arraignment session has changed. Today, arraignments occur three times a day. This has streamlined the processing of in-custody defendants and reduced the number of prisoners released because they were not arraigned within 72 hours of their arrest – lessening the possibility of the City and County violating prisoner holding facility mandates.

The consultants' conversation with representatives of the Detroit Police Department (DPD) has also confirmed the improvements to the Court's operation. Police representatives highlighted the reduction in the number of officers being called to Court and the effective partnerships among the Corporation Counsel's Office, DPD, and Court in disposing of criminal cases.

A Docket Management Department was created in January 2014 to work with the Court leadership to streamline operations and increase efficiency. A formal caseflow management plan has been created and submitted to SCAO for approval. The Civil Division was reorganized into a 'team concept' in which staff members are assigned to one judge to follow cases from initiation through post-judgment. This has eliminated backlogs in the Division. A recommendation and plan to consolidate the Criminal and Traffic Division management staff is under consideration by the chief judge and court administrator, which is projected to result in more consistent, efficient processes.

Reports have been developed which increase accountability in staff processing and assisted judges in identifying the age of cases so they can be analyzed and brought to closure, as soon as possible. Over 15,000 traffic/criminal misdemeanor cases were evaluated to determine how to move them from pending status; only 8,000 of these required a court date.

Judges were reassigned to fulfill judicial need, with several moving from civil to criminal. Magistrates are also now being used to handle arraignments, small claims, and several traffic dockets. Additionally, the Docket Management Department has proposed restructuring of the Ombudsman's and Collections dockets.

Scheduling systems were revamped to ensure all cases are programmatically blind drawn and assigned to courtrooms in an equal manner in the traffic, criminal, and civil divisions. Parties with traffic

misdemeanor warrants are now able to walk-in and resolve their issues either through a judge or a magistrate assigned to a traffic docket.

Reorganization plans have additionally been drafted for the landlord tenant and small claims dockets to restructuring them into the 'team approach', which has proven successful in general civil matters. A broad analysis of the criminal/traffic docket is also underway.

## **8.0 Business Processes**

### **8.1 Issues Identified in 2013 Report**

Among the recommendations proposed by NCSC consultants a year ago was the reduction of redundant clerical work patterns, the simplification and improvement of paperwork processes between the jail and Court, the restructuring of juror summoning and usage, and the creation of a stronger management analysis focus within Court Administration. Doing this while undergoing a \$5 million spending cut, an 80 position reduction in nonjudicial staff, a 10 percent wage decrease for those remaining, and reduction of one magistrate position, was challenging to say the least. Yet, the Court was able to accomplish those difficult adjustments and aggressively develop plans and methods to simplify other work processes as well.

### **8.2 Changes Implemented**

Workflow mapping of the civil, criminal, and probation departments has been performed. Cumbersome processes were identified and addressed. New senior managers with the Court exhibit an analytical bent and have assembled their respective management teams with skills directed at modernizing operations.

The “As Needed Jury Program” installed early in the restructuring efforts (i.e. July 1, 2013) by SJA Talbot prevents 4,500 Detroiters from unnecessarily being summoned and has resulted in significant savings to the Court. Jurors are now summoned directly to the Court through the Criminal Division of the Third Circuit Court (Wayne County). Once the circuit court’s jury selection process is completed for the day, a maximum of 30 Detroit residents qualified for jury service are sent by the Circuit Court Jury Office to the district court for jury selection.

## **9.0 Facility and Space Use**

### **9.1 Issues Identified in 2013 Report**

Our first report identified a series of facility and space problems within the district court courthouse making the operations extremely confusing and unwelcoming. Court users had to wait in long lines in the lobby to obtain their assignment to a courtroom and wait again after their court appearance to pay fines and fees. The volume of cases in the courthouse was overwhelming and further exacerbated the overcrowding situation. Public wayfinding was confounded by the fact that dockets were often scheduled in different locations throughout the building.

### **9.2 Changes Implemented**

As was mentioned previously, NCSC consultants were impressed with the way new lobby and customer service improvements were developed and initiated. Waits are shorter and useful customer information is available more readily.

One of the more exciting changes to the courthouse facility involves the Court's partnership with Detroit's College for Creative Studies. One of the strategies employed by SJA Talbot involves partnership with institutional and governmental entities. Recognizing the City's financial plight and the Court's need for facility improvements, the SJA utilized the services of a community-based college specializing in creative and artistic engineering and design. The college students created a design for the renovation of the courthouse lobby and improvements to employee work spaces. This design was reviewed by the consultants and the renovation is planned to begin by midsummer. The designs are in keeping within Detroit historical themes and will dramatically improve the building. More importantly, these improvements will also serve as a physical reminder to the public of the importance and dignity of the judicial process.

## **10.0 Sustainable High Performance**

As part of the National Center's return to the 36<sup>th</sup> District Court, the consultants have been requested to objectively assess whether the efficiencies and improvements implemented in the Court are sustainable and to what extent safeguards, strategies, or techniques need to be established to enable the Court to move forward in an effective and fiscally sound manner. Although it is difficult to prescribe specific actions to hedge against backsliding, we are pleased to outline several key principles, in our opinion and experience, basic to court organizations that do well after major operational changes. We also have included at the end of this section a template outlining a High Performance Court (HPC) framework developed by the National Center as a model for court leaders to use in developing organization-wide performance goals. The framework categorizes the numerous facets in any trial court that must be addressed to promote a continual culture of excellence. More about it and how the Court can monitor itself against the framework can be found on the NCSC website at [www.ncsc.org](http://www.ncsc.org).

### **10.1 Leadership**

The ability of a restructured or renovated court system to improve rather than return to a previous inefficient and costly operational pattern is largely vested in leadership. Strong and committed leadership is a foundational need at all levels – from the employees and managers on the frontlines to the executive levels of the 36<sup>th</sup> District Court, the SCAO, and the Michigan Supreme Court. It also requires strong collaboration, oversight, and partnership both within the Court and between the Court and the SCAO. The identification and maintenance of a strong, shared, leadership component between the Chief Judge and Court Administrator is essential, too.

Such leadership has already been demonstrated by the systemic and transformative changes developed and so successfully implemented in the last year. Sustaining these improvements and continuing to execute new initiatives will require ongoing involvement, oversight, guidance and the vision to take the 36<sup>th</sup> District Court to the next level of effectiveness.

A particular example of such leadership characteristics were exhibited by SJA Talbot during this past year. That example is instructive for continued improvement, we feel. To lead the District Court out of the morass that existed, SJA Talbot had to focus. To lead effectively, you must focus. He began by centering on the most important problems and assessing the unique strengths and resources to get things revamped both within the Court and available to it from the SCAO, the city, the county, and justice system partners the Court works with on a daily basis. Sustained improvement requires that same approach from the Court's top leaders and management staff. They must objectively focus on the most pressing problems, assess the strengths and resources to make positive changes, and relentlessly pursue solutions. When done right, it's a never-ending process. There are always new problems to solve and constantly changing organization strengths and resources. Nobody said it would be easy. If it were, there would be an abundance of good leaders and efficient courts.

## 10.2 Assessments and Evaluations

Regularized assessments and rigorous evaluations are necessary to ensure that progress occurs and new policies and procedures are operating properly. It is said that in an organization, “what matters is what is counted.” Important aspects of Court operation must be continually tracked and monitored and statistical reports regarding backlog, the progress of cases through the system, collections, juror data, staffing issues, and more will assist with this effort.

The National Center has established a set of ten core trial court performance measures called CourTools. They are applicable to all types of courts and provide a quick barometer on key operations and outcomes. Four measures target case processing: *clearance rates, time to disposition, age of active pending caseload, and trial date certainty*. Others deal with *access and fairness, reliability and integrity of case files, collection of monetary penalties, effective use of jurors, court employee satisfaction, and cost per case*. Information about how to implement these measures can be found on the NCSC website at [www.ncsc.org](http://www.ncsc.org). Together with the HPC framework, they provide a range of ways to think about and measure court progress.

## 10.3 Technology Development

Technology is integral to the long-term success of the 36<sup>th</sup> District Court. The technological innovations implemented in the last year have already dramatically streamlined Court processes and enabled more timely access to justice. Continuing progress in automation as opposed to manual, paper-based processes will bring about a permanent increase in efficiency, system-wide.

High volume limited jurisdiction courts are uniquely suited to electronic data flows. Facts are generally clear and rapidly established. Proceedings are informal in many instances. Stakes are relatively low and the court’s primary objective is to apply the law expeditiously and move on to the next case. Rules and procedures are usually simple and easy to understand by nonlawyers. Many litigants are self-represented. Rapid turnover of cases and the importance of documents – either paper or electronic – outlining the issues in a case increase the need for digitized approaches.

## 10.4 Collaboration and Open Communication

Working jointly with others across functional and organizational boundaries is a key characteristic of a healthy, productive court, on the one hand, and an effective justice system, on the other hand. In many respects it is based on the willingness of those within an organization – beginning with the leaders at the top – to honestly share information and strategically work to create better outcomes whether internal to a specific organization or between two or more external organizations with common interests. Collaboration is the technique. Open communication (buttressed by trust) is the method. And better outcomes (i.e. higher efficiency, delay reduction, better public service, etc.) are the objectives.

Internal to the Court, collaboration and open communication requires that leaders promote a sense of unity and teamwork among managers and supervisors. This allows managers to combine their strengths with the strengths of other members of the team. While each manager retains specific areas of responsibility and accountability, the incidence of managers conferring with one another on issues regarding day-to-day functioning of the units within their care should be encouraged. This means managers come together more often to brainstorm on how to deal with current and developing issues. Managers should be encouraged to confer with each other.

Our advice in the initial report about cooperation with other justice system agencies remains relevant for the future as well in that “No court leaders can operate effectively without reaching beyond the boundaries of the court to collaborate with local and state justice system partners.” In the mix of organizations (i.e. law enforcement, prosecution, defense, local bar, state offices, mental health professionals, probation, corrections, funding authorities, etc.) that compose the justice system, the court is the single entity that does not have a vested interest in the outcome of a case. The court’s only interest is justice. It therefore falls to court leaders more than others to spark collaboration toward reducing delay, cost, and inefficiencies within the entire system.

Collaboration without open, honest communication is doomed to fail. Where it is absent, manipulation couched in half-truths, deception, and deceit is often a destructive result. Candid communication creates a climate where people feel free to give their input and ideas, information is shared freely, conflicts are openly discussed and worked through, and people are more willing to express innovative ideas and willing to take risks. To this end, it is important that judges and staff understand what is occurring in both ongoing, daily operations, and new initiatives within the Court. The public as well should be advised through various forums about the developments within the Court and justice system, and afforded the opportunities to obtain necessary information on cases, procedures, and operations.

Cooperative relationships and open communication will facilitate a climate of trust within the Court and between the Court, its justice system partners, and the public in general. No court or justice system can achieve its full potential through isolation, concealment and duplicitous behavior whether it’s the outgrowth of poor, ineffective leadership, or the misguided, manipulative actions of self-centered leaders.

## **10.5 Access and Fairness**

Access to and the fairness of justice services are key performance standards in assessing the work of any trial court. They require courts to eliminate barriers (i.e. location, hours, physical structure, simplified procedures, cost, and responsive of its personnel) and embrace the Rule of Law (i.e. due process, relevant laws, procedural rules, established policies, neutrality) in all adjudicatory activities.

In remaking itself as a high performing court, the 36<sup>th</sup> District Court is pursuing many of the objectives integral to the access and fairness performance standards (see access and fairness information on the National Center website). Of particular relevance to the Court as it moves forward in this area, and a topic we did not address in great detail in our initial report, is *procedural fairness*. It's worth reviewing here as a valuable objective for Court in the future.

*Procedural fairness* includes not only litigant perceptions about whether judicial decisions are fair ("outcome fairness"), but more importantly, an assessment as to how court users perceive their case was handled and the quality of the treatment they received from judges and staff. Much of it is related to the work of New York University Professor Tom Tyler who has pioneered the idea. Tyler's research, vetted by many others, identifies four primary elements of procedural fairness. Much of it is conditioned by staff behavior as well as judicial officers.

- *Respect*: People react positively when they feel they are treated with politeness and dignity; when they feel valued, and their rights are respected. Helping people understand how things work and what they must do to navigate through the court system is strongly associated with court user satisfaction.
- *Voice*: People want the opportunity to tell their story and to explain their unique situation and circumstances. Often, as patrons describe their viewpoints and reasons for seeking court intervention, court staff can help them grasp issues, terms, and processes more clearly.
- *Trustworthiness*: People look for actions to indicate they can trust the character and sincerity of those in authority, including nonjudicial staff, and that those in authority are aware of and genuinely concerned about their needs. People look for conduct or behavior that is competent, benevolent (e.g. putting the needs of the customer ahead of the needs of the employee), caring, and seeking to do the right thing.
- *Neutrality*: People are more likely to accept direction, decisions, and help when those in authority do things that both are, and perceived as, fair and neutral (e.g. they have been treated like everyone else), the importance of the facts are clearly understood, and the next steps or reasons for a decision or course of action have been clearly explained.

In efforts to introduce more procedural fairness, some court leaders have created Citizen Task Forces on Court Feedback to help in promoting improvements in the courtroom and throughout the court as an institution. Such groups are generally apolitical and staffed by the court administrator's office. Some courts have developed "court watcher" programs to provide candid, private feedback regarding perceptions about the court (i.e., work by the Council for Court Excellence in Washington, D.C. is an example). Other courts have developed internal, confidential judicial and court performance improvement programs involving staff, consultants, and/or citizens with special mentoring expertise (i.e., examples include Hennepin County Minnesota District Court and the Maricopa County Arizona Superior Court where management coaches have worked with judges to improve their effectiveness in

the courtroom and their interactions with lawyers and the public).<sup>4</sup> The American Judicature Society and Judicial Division of the American Bar Association both provide guidelines and endorsements toward justice performance review programs that are worthwhile to explore. A citizens group is a common vehicle to perform such work to ensure both independence and confidentiality.

## **10.6 Fiscal Controls**

Strong financial controls incorporated into the day-to-day Court processes need to become the new norm. The best strategy to avert over-expenditures, financial misstatements, irregularities, and ensure accurate financial reporting is to have all Court leaders and senior managers understand and follow sound control practices. Those practices are in development now by the newly designated Chief Financial Officer who is both a lawyer and CPA.

Some of the key questions that should govern the control process are:

- Does the financial information make sense and is it understandable and useful to court leaders and managers?
- Is it accurate and timely?
- Are there procedures in place to protect the court from fraud?
- Does the information depict how the court is doing vis-à-vis its budget and expenditures on a timely basis?
- And are the financial controls documented, assessed, revised, and routinely strengthened where necessary and tested regularly?

## **10.7 Continual Improvement and Training**

A constant focus on improving the organization and refusing to rest on the laurels of past accomplishments will propel the ongoing success of the Court. While the various changes over the past year have helped transform the 36<sup>th</sup> District Court, there are a myriad of areas in which the delivery of justice can and should continue to be enhanced.

A large part of the improvement process is ongoing training of judges and staff in the procedures and processes of the Court as well as its culture. In doing so, it is important to convey that Court leaders and managers are always open to questioning, evaluating, and improving operations in light of their efficiency, effectiveness, and flexibility.

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<sup>4</sup> Coaching is not advice, therapy or counseling; rather it targets assessments about working relationships, organization challenges, communication improvements, options building, and values clarification.

## 10.8 Recognition and Morale Building

A key organizational trait among continually successful courts – or any organization for that matter – is the ability of leaders and top managers to inspire others and make them feel important and appreciated. While fiscal constraints preclude for current times financial rewards to employees and have necessitated the diminishment of some benefits, acknowledging employee commitment and accomplishment helps immensely to maintain engagement of the workforce, both judges and staff.

Here are some proven practices Court leaders and senior managers can do to uphold and strengthen judicial and staff engagement:

- a. Pay attention to people using common courtesy. Say good morning. Ask people how they are doing. Manage by walking around. Simple courtesy is a strong morale building tool.
- b. Listen to what judges and staff have to say. Attentive, engaged listening not only allows leaders and managers to gain information about ideas and opinions of others, but it visibly conveys their importance to the Court.
- c. Use powerful, positive language. The words “please” and “thank you” and “you’re doing a good job” are affirming, constructive ways of recognizing people and makes them feel valuable and important.
- d. Put praise in writing. A sincere “thank you” note to a judge or staff person with a copy to the file magnifies the impact of any recognition.
- e. Give others public credit for contributions and achievements. As management guru Jim Collins says in his seminal leadership work, *Good to Great*, high-quality leaders “look out the window” when giving credit for accomplishments or organization successes and point to others; poor managers “look in the mirror” and claim the glory.

## **11.0 Epilogue**

The implementation of comprehensive reforms to the operation of the 36<sup>th</sup> District Court over the past twelve months and the Court's transformation has indeed been remarkable. From the consultants' perspective, the improvements established provide a strong foundation for future efficiencies. The key component in the Court's ongoing success is leadership, but also includes accountability, communication, shared partnerships, a continuous focus on sound case management practices and improvements, utilization of enhanced technology, and a focus on both the users of the Court system and the Court's justice system stakeholders.

It is the consultants' view that today the 36<sup>th</sup> District Court is on a sound foundation for the future. With a rigorous adherence to the principles that have led to the Court's transformation, the 36<sup>th</sup> District Court has the potential of becoming one of the best limited jurisdiction courts in both the state and country.

## 12.0 Strategic Perspectives Framework on Managing for High Court Performance\*

Perspectives	Assessment Areas	Measures/Issues
<b>Customer Perspective:</b> How are participants treated in the legal-judicial process?	<b>Procedural Satisfaction</b> Litigants are provided fair and accessible service by judicial officers and staff	Observations; interviews; surveys Are customers treated with respect? Is there an opportunity for defendants to tell their story? Do the judge and staff put customer needs ahead of their own? Are customers treated in a fair, unbiased fashion?
	<b>Effectiveness</b> There is a match between the goals of the court and their achievement	Performance data; interviews Trial date certainty; enforcement of penalties; continuance practices; self-help information is available and understandable
<b>Internal Operating Perspective:</b> How efficient and productive does the court manage its work?	<b>Efficiency</b> Key caseflow and workflow processes are viable/stable	Performance data; interviews; business process assessment Clearance rates, age of pending caseload; transaction times
	<b>Productivity</b> Key caseflow and workflow processes make the best use of judge and staff time	Performance data; observations Time to disposition; simplified workload processes; employee empowerment and accountability; no appreciable case backlog
<b>Innovation Perspective:</b> Does the court respond and adapt well to new circumstances and challenges?	<b>Organizational Capital</b> The judges and staff are organized in ways that achieve the best use of time in relation to justice system partners	Observations; interviews Limited “red tape;” clear roles/responsibilities; supportive “local legal culture;” stakeholder consultations regarding improvements
	<b>Human Capital</b> Input and feedback on ideas for improvement and better performance are solicited and used by court leaders	Observations; interviews; noted innovations Court leaders tap worthwhile ideas; staff is well trained with resources to do their jobs successfully; open communications
	<b>Information Capital</b> Evidence-based data to measure, analyze and evaluate court performance is pursued	Performance data; case management system Ongoing attention to measurement and analysis to ensure accuracy and meaningfulness; data is used to improve processes
	<b>Technology Capital</b> Technology is used to achieve greater efficiency and quality in managing court judicial and business processes	Observations; interviews; demonstrations High-tech / high-touch applications are used in ways to enhance factual understandings and modernize caseflow methods
<b>Social Value Perspective:</b> Does the court respond responsibly to the public and funding authorities?	<b>Public Trust and Confidence</b> The court seeks to demonstrate and communicate a record of successful job performance	Observations; interviews Compliance with court orders; satisfaction regarding processes by prosecutors and defense lawyers; observable due process steps
	<b>Support of Legitimized Authorities</b> The court demonstrates an efficient use of public resources in facilities, procedures, time and staffing	Observations; interviews; historical review Funding levels effectively improve and advance the tools and infrastructure necessary for fair and efficient case processing

\* Source: Brian Ostrom and Roger Hanson, “High Performance Court Framework: A Roadmap for Improving Court Management” (Copyright ©National Center for State Courts, 2010), <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/2040>