June 19, 2015

CONFIDENTIAL

Hon. Mary R. Russell, Chief Justice
Hon. Laura Denvir Stith, Judge
Hon. Patricia Breckenridge, Judge
Hon. Richard Teitelman, Judge
Hon. Zel M. Fischer, Judge
Hon. George W. Draper, III, Judge
Hon. Paul C. Wilson, Judge
The Supreme Court of Missouri
P.O. Box 150
Jefferson City, MO 65102

Ms. Kathy L. Lloyd, State Courts Administrator
Office of the State Courts Administrator
Judicial Branch of Missouri
P.O. Box 104480
Jefferson City, MO 65110

RE: Ferguson Municipal Court

Dear Chief Justice Russell, Judges of the Supreme Court, and Ms. Lloyd,

This letter ("report," "review," "analysis") has been prepared at your request by the National Center for State Courts ("National Center," "the Center," "NCSC"), a public benefit corporation dedicated to the improvement of courts nationwide and around the world. The evaluation herein provides a review of the Ferguson Municipal Court ("Court," "Ferguson Court," "Municipal Division") regarding (a) problems and issues needing attention as identified in the recent assessment of the Court by the U.S. Department of Justice, (b) progress the Court has made in addressing those matters as noted by the Missouri Office of State Courts Administration, and (c) recommendations by the National Center concerning further improvements. Although this report essentially focuses on Ferguson, many of the problems identified and corrective measures proposed will have relevance for other municipal divisions throughout the state and will complement a broader study of municipal courts by the National Center regarding best practices in court operations to be completed and submitted to the Supreme Court by September 1, 2015.

Funding for this review was provided by the Center through its internal technical assistance moneys which, at the discretion of the Center, can be used to assist court systems when local or state financing is either unavailable and circumstances necessitate prompt action wherein ready funding is not available through state or grant sources. The points of view, opinions, and recommendations expressed in this report are those of the project consultants as agents of the National Center, and do not necessarily represent the official position or policies of the Missouri Judicial Branch.

Nature of this Review

This analysis was conducted independently by the National Center. In meetings and discussions among Center representatives, judges, court staff, attorneys and city officials, no person pressured, influenced or otherwise compromised the objective nature of this review. All those interviewed and contacted provided requested data and information openly and in a timely manner. At all times the consultants were free to determine whom to interview, what questions to ask, how to collect needed data and information, when to visit the Court, and how to assemble this report.

The NCSC project director Gordon Griller is a Principal Court Management Consultant at the Center. He is a nine-year, full-time employee of the Center's Court Consulting Services, and has over 40 years of experience in leading, managing and analyzing limited and general jurisdiction state trial courts. Mr. Griller was assisted by two subject matter experts, Ms. Yolande Williams, Court Administrator for the Seattle Washington Municipal Court, and Mr. Russell R. Brown, III, Court Administrator for the Cleveland Ohio Municipal Court. The team members were on-site at the Ferguson Municipal Division May 12-14, 2015. In addition to a series of interviews and observations at the Court, they attended a Ferguson Town Hall Meeting about the Court (May 13) and Mr. Brown observed an evening docket conducted by Interim Municipal Judge Roy Richter (May 14).

Department of Justice (DOJ) Assessment of the Ferguson Court

The March 2015, DOJ report on the *Investigation of the Ferguson Police Department* identifies a series of Ferguson Court operating practices that run counter to "the goal of administrating justice or protecting the rights of the accused" in deference to increasing fines and fees for the city of Ferguson. DOJ cites various examples where "…the court's routine use of arrest warrants to secure collection and compliance when a person misses a required court appearance or payment" does undue harm to people "...through multiple arrests, jail time and payments that exceed the cost of the ticket many times over."[1] The situation is exacerbated, according to DOJ, by the Court "…creating unnecessary barriers to resolving municipal violations," failing "…to provide clear and

[1] United States Department of Justice, Civil Rights Division. *Investigation of the Ferguson Police Department*. (March 4, 2015). Page 42.

accurate information regarding a person's charges and obligations," and providing no adequate procedures for a "…defendant to seek fine reduction on account of financial incapacity or to seek alternatives to payment such as community service."[2]

Furthermore, the DOJ points out a series of Court governance problems that blur the lines of a separate, neutral municipal judicial system and compromise the basic independent purpose of courts by tying its day-to-day operating and management activities, in both fact and appearance, tightly to the city's executive functions. The Court staff was supervised by the Ferguson Chief of Police and considered organizationally part of that Department. The Court was physically housed then, and continues to be located today, in the same building with the Police Department.[3] With the resignation of the police chief in March 2015, the Court staff is currently under the supervision of the city's finance director.

Former Ferguson Municipal Judge Ronald J. Brockmeyer, nominated by the City Manager and appointed to two-year terms by the City Council since 2003, also resigned in the wake of the DOJ report in March 2015. As with many municipal judges in Missouri, his role as a part-time contractor was to preside over Court sessions and, as necessary, issue policy and procedural directives pertaining to adjudication processes; not to manage or oversee the Court staff.[4] The Court held three to four three-hour sessions per month often considering 1500-2000 offenses in one sitting. Numerous defendants failed to appear. They were assessed additional fines and issued arrest warrants as were those who failed to make timely fine payments.

DOJ points out that the Court is "subject to the oversight of the presiding judge of the St. Louis County Circuit Court (21st Judicial Circuit) under rules promulgated by that Circuit Court and the Missouri Supreme Court."[5] And goes on to say the Ferguson Court retains "considerable power to establish and amend court practices and procedures" on its own.[6] DOJ additionally notes the city of Ferguson's municipal code does little to limit the authority of the Court. Understandably, the Presiding Judge of the Twenty-First Judicial Circuit, based on limited resources and little precedent, appears to have had neither the time, staff, nor inclination to superintend the Ferguson Court or the other 88 municipal courts in the County.

Office of the State Courts Administrator Assessment of the Ferguson Court

In early May 2015, OSCA and Interim Ferguson Municipal Judge Roy L. Richter, a Missouri Court of Appeals Judge on special assignment to the Court, issued a *Report to*

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[2] Ibid. Page 4-5.
[3] Ibid. Page 8.
[4] Judge Brockmeyer also served as prosecuting attorney in various municipalities, a common practice among municipal judges in Missouri.
[5] DOJ Report on the *Investigation of the Ferguson Police Department*. Page 8.
[6] Ibid.

the Supreme Court of Missouri Concerning Ongoing Efforts to Improve the State's Municipal Divisions. It focused on changes implemented by Judge Richter and the Ferguson City Council in response to the DOJ findings. Many troublesome problems in the Court's operating procedures - oppressive fines and fees, misuse of arrest warrants, limited, misleading or missing information for litigants, limited alternatives to fine payments, and a compulsive drive by Court officials to increase revenue for the city – either have or are currently being addressed. In many respects, the improvements provide a blueprint for changes that should occur in many other municipal courts statewide.

Yet, substantial difficulties and confusions remain, as OSCA points out. These lingering problems center on the Court's governance structure; judicial accountability; procedural fairness; interactions with city justice system entities (i.e. police, prosecutor); staff duties; and the perceived and actual judicial independence of the Municipal Division. For years, the Court has operated as a unit of city government responsible to and under the direction of city officials whether it's the city manager, police chief or presently the city's finance director. Today, despite many positive changes, some of which create a brighter line between the Court and city's executive departments, the Court largely continues to function as a tightly linked work unit of municipal government, not a component of an integrated Judicial Branch ultimately answerable to the Missouri Supreme Court.

Recommendations by the National Center

The methods and systems by which decisions, policies and overall directions for the Ferguson Court are currently developed and implemented are inconsistent with the basic purposes of courts in American democratic society. Courts at all jurisdictional levels are required by federal and state constitutions, laws, and rules to render fair, impartial and independent judgment over disputes between individuals and the government, and in so doing, to avoid any impropriety or appearance of impropriety in that role. The Court's entangled and convoluted organization and management attachment to city executive officials causes it to struggle to remain free of undue influence by the city. The staff is supervised by a city executive, work is performed for police and prosecutors that confuse and compromise roles, and the presiding judge functions as a contractor appointed by the city with little responsibility or time to manage the day-to-day work of the Court.

There are structural and operational adjustments that should be put into practice to segment the Court from the city and vest judicial branch officials with more responsibility for its management and oversight. NCSC consultants suggest six areas of improvement encompassing various initiatives.

Governance Structure

A coherent management structure should be created with the presiding judge formally designated as the administrative head of the Municipal Division responsible for supervising the staff; preparing, presenting and overseeing the Court's budget; developing and promulgating policies, rules and procedures for adjudication processes; ensuring all cases move efficiently and fairly; providing for the effective maintenance and improvement of court facilities and security; and working to promote suitable electronic data systems consistent with Missouri Judicial Branch directions. To the extent possible, such duties should be officially formalized in the Ferguson Municipal Code. Short of that, such duties should be clearly stated in any city contract employing the presiding municipal judge. In return, the presiding municipal judge should be fairly compensated for the additional time required to perform such responsibilities. A sample listing of presiding municipal judge duties can be found in Appendix A that could be the basis for changes in the city code and/or an employment contract.

The Chief Judge of the Circuit Court in St. Louis County has overall administrative authority regarding all trial courts in the county. It is common practice for state supreme courts, where limited jurisdiction courts (e.g. municipal, magistrate, justice of the peace, etc.) exist, to vest by rule general jurisdiction chief judges of a county or judicial district (i.e. multiples of counties) with authority to coordinate, oversee and administer, as necessary, the work and performance of limited jurisdiction courts within their jurisdictions.

Consequently, it is recommended that the St. Louis County Circuit Court Chief Judge, along with selected Circuit Court support staff of her choosing, develop a standing quarterly meeting of all presiding municipal judges in the county to discuss, research and otherwise recommend more consistent, uniform, and efficient policies and procedures regarding the adjudication of cases and operations of the municipal courts of the County. A report should be filed annually with the Supreme Court regarding the reforms and improvements accomplished by the municipal divisions toward greater coordination and efficiencies that benefit the public and enhance the independence, fairness and impartiality of the municipal divisions.

Judicial Accountability

As courts of law, any judge selected and retained by the city council to preside over the Ferguson Municipal Division should be chosen without regard to politics or any revenue-raising commitment. To that end, there should be an independent evaluation by a specially-appointed judicial appointments advisory board (JAAB) of all candidates for appointment and subsequent retention. The city council should not act on any appointment or retention until it has received and considered a report from the JAAB.

Such boards have been instituted in other states at the municipal court level with the support and encouragement of state supreme courts. Their work supports the selection of judges through a more transparent process, provides community input via citizen membership on such boards, and sends a clear message that selection and retention is subject to judicial performance criteria invested in the rule of law and judicial independence. It also conveys the principle that those who seek the aid of courts are entitled to the same high quality of justice from the judiciary whether appearing before a general or limited jurisdiction court.

Among the duties of an advisory board would be not only to recruit competent candidates, conduct investigations into their backgrounds and qualifications, and submit qualified candidates to the mayor and city council for consideration, but to review and evaluate the performance of sitting judges up for retention, and formally advise elected city officials regarding retention. Appendix B contains copies of municipal ordinances used in Arizona pertaining to the formation, duties and operations of a JAAB.

Procedural Fairness

All limited jurisdiction courts, whether rural or urban, confront similar work patterns in delivering justice to large numbers of people in relatively routine matters. Proceedings are informal. Facts are clear and rapidly established. The courts primary objective is to apply the law expeditiously and move onto the next case.

In such an atmosphere, unless there is a conscientious, consistent effort by judges and staff toward sincerely instituting and conveying procedural fairness – the perception and reality that the processes and decisions of the court are reasonable and just - litigants will view the court as sacrificing fairness for efficiency and becoming revenue generating or bill-collecting agencies for the city. To guard against that occurrence, limited jurisdiction court judges must rightfully take on a more active role in protecting the rights and interests of those accused, establishing the facts of the case, monitoring the proceedings and establishing fairness. It becomes doubly important to do so in these fast-acting courts since lawyers are sparse, and litigants are often confused about the process and their rights. Court staff must also ensure court operational procedures, the treatment of litigants, and case resolution options are clearly and understandably conveyed to litigants in a dignified, respectful, informative manner.

To these ends, the National Center suggests five initiatives be introduced in the Ferguson Municipal Division. All are directed at much more open, useful options to strengthen procedural fairness and responsible case disposition…

- Administer NCSC's access and fairness survey periodically (once a year for the next two years and once every other year afterwards), and act on the results.[7] See Appendix C for an explanation of the survey and survey process.
- Develop and provide community service alternatives in lieu of fines for indigent defendants who have been found responsible or guilty of an offense. In instituting this initiative, the Court will initially need the assistance of OSCA, community groups, and the city.
- Create and distribute meaningful, understandable information on a defendant's ability to pay, time payments and payment alternatives in a variety of ways, including but not limited to, standard announcements by the judge at appropriate judicial proceedings, brochures, videos, courthouse signage in public places, notices on forms and orders, and clear explanations on the Court's website.[8]
- Negotiate a formal ongoing agreement with the city for a dedicated amount of time from a city-employed web technologist to program, improve, and update the Court's website as determined by the Court, and link the website to Judicial Branch web information as appropriate.
- Seek a State Justice Institute grant, or other appropriate funding, to conduct a technology review and strategic plan for the improvement of the Court's electronic case management system.

Interaction with City Agencies

Judicial independence is the hallmark or our nation's democratic system of courts. For courts to effectively protect the rights of individuals in a fair and impartial manner, judges and court staff must be free to act without improper outside influence or undue pressures of politics, politicians, special interest groups, or other branches of government. Judges must be able to rule without fear of losing their jobs, displeasing justice system stakeholders, or reprisal for not generating fines and fees for funding agencies. The

[7] This effort will take some coordination on the part of the court staff and the possible use of volunteers to accomplish the survey.

[8] Here are some examples of ability to pay language: (a) "You must appear in court in order to have the court consider your ability to pay a fine or fee. Failure to appear in court may result in a warrant for your arrest. The court will not put you in jail if you are found to be unable to pay fines, fees or costs due. The court will consider alternatives to immediate payment, including a payment plan or community service. Please bring all relevant financial information with you to court." (b) "If at any time you are unable to make a payment(s), you must appear in court in order to have the court reconsider your ability to pay. The court will not put you in jail if the court determines you are unable to pay fines, costs and other financial obligations due. However, you must respond to all notices and appear in court as ordered. Failure to appear in court may result in a warrant for your arrest. The court will consider payment modification, including an extended due date, a new or modified installment payment plan or payment alternatives such as community service. Please bring all relevant financial information with you to court."

credibility of a court, and ultimately the public's confidence and faith in the court as an institution, rests on that independence.

Admittedly, judicial independence and the three branch concept is blurred at the municipal level in Missouri and many other states. For that very reason, it is critically important for the Judicial Branch to clearly establish processes, procedures, organization structures and operational patterns that uphold it and guard against incursions that weaken or detract from it.

To that end, one common approach is to physically and functionally separate court operations and staffing from day-to-day interaction with city agencies other than for required, official court-related duties. Such things as receiving authorized records in electronic or paper form from law enforcement and prosecution agencies, collecting and transferring fines, fees and costs due and owing the city as provided by law, preparing and presenting the court's budget, and working with city representatives regarding the operation, construction and security of court-occupied space/buildings are quite appropriate interactions. Unacceptable interchanges include such matters as maintaining working copies of law enforcement or prosecution records in the court files, performing work for police and prosecutors that violates the neutrality of the court, or permitting city officials to supervise and direct the work of employees while engaged in court duties.

In managing court human resources, it is appropriate for the presiding municipal judge to recommend salary ranges for all court positions and grant salary increases within the ranges established by the city council, to oversee discipline and sanctions involving employees according to general city and court personnel policies, and to conduct periodic performance appraisals of court employees. These duties, of course, can be formally delegated to a court supervisor acting as a designee of the presiding judge, but must be performed under the authority and final signature of the Ferguson Municipal Division presiding judge.

To the extent possible, Ferguson Court space should be visibly and functionally separate from police and prosecutor activities and work locations. Separate entrances and office and work areas for judges and staff are desirable. In the current police-prosecutor-court shared facility, public signage denoting the Court as an occupant should clearly convey its independent, separate nature.[9] Under no circumstances should Court, police and prosecutor confidential or proprietary work be co-mingled.

Staff Duties

It is general practice in courts the size of Ferguson that a chief court clerk or municipal court administrator oversees, on behalf of a municipal judge, the non-judicial

[9] The current signage at the Ferguson court / police building does not convey the independent nature of the court. At the very least, the signage should indicate that the building is bifurcated in separate court and police department sectors.

activities of the court. The work encompasses managerial, supervisory and administrative duties involved in coordinating and directing the programs, operations, activities, and staff of the court. Sample job descriptions can be found in Appendix D.

All court employees must uphold and promote the integrity and impartiality of the judiciary and avoid impropriety or the appearance of impropriety in their work and behavior. This fundamental principle should govern the conduct of all judicial system employees in Ferguson. Within this overarching principle, nevertheless, are practical, day-to-day circumstances in Ferguson, one of the busier courts in St. Louis County, where there may not be enough work to support a full-time staff position. In such instances, court employees have been asked to perform non-court related work tasks for city agencies, including in some situations the police department or prosecutor's office. It is the opinion of the National Center that it is inappropriate to do so and in conflict with the purposes of a court.

A court employee should not job-share, split duties, or temporarily work for a city agency, office or contracted individual (other than a municipal judge) directly involved in the city's justice system. It could be possible, however, for a court employee to job-share, work part-time, or temporarily work for the same city government served by the court if such work is related to a non-justice system agency (e.g. water department, parks and recreation department, public works department, etc.) or a private entity under contract with the city to deliver non-justice services to the city provided that working for that agency or contractor does not cause a conflict of interest with the employee's court duties. It is further recommended that should non-justice system work be permitted, the working arrangement should only be allowed through written, formal authorization by the presiding municipal judge and a clear understanding of the restrictions on the court employee's work activities by the non-justice system employer(s). It is ultimately the judge's responsibility to determine whether any extra-court work by court staff violate, or have the potential to violate, the court's responsibility to conduct its work in an independent, fair and impartial manner. The relationship of court employees to the court and judicial branch exists whether or not the employee's court duties are performed full time.

Numerous state supreme courts have promulgated codes of conduct for court employees at state and local levels regardless of what governmental entity funds the courts. Those codes prohibit conduct or working relationships that reflect adversely on the court. If the Missouri Judicial Branch does not have a statewide judicial code of conduct for management and clerical employees, it should develop one. If it does, it should ensure it covers job-sharing and part-time or temporary work of court employees outside their employing court regardless of the court's jurisdiction or funding source.

All court employees, whether full-time or part-time, affect the level of judicial independence in their day-to-day work for a Municipal Division. And, since judicial

independence is crucial to the judiciary's ability to be fair and impartial, it is easy to understand how the actions of all Ferguson Court employees take on extreme importance.

Perceived and Actual Judicial Independence of Municipal Divisions

Municipal divisions in a handful of larger communities in Missouri with charter governments (e.g. St. Louis, Kansas City, Columbia, Springfield, Independence, etc.) are generally seen to be, and do operate as, separate, independent judicial divisions. Full time judges and court employees who staff these courts are understood by city officials to be first and foremost part of an integrated Missouri Judicial Branch and, only secondly as linked to the city for operational and funding purposes.

This separate branch perception, and any corresponding reality, however, is obscure among the vast number of municipal divisions in the state, including the Ferguson Court.[10] In large part, it results from no clear, formal tripartite branch structure at local levels of government. State constitutions generally don't mandate separation of powers in city or county governments, and state and federal courts have historically been reluctant to require them to do so under what appears to be two theories of the reasoning. "One theory holds that the doctrine applies only where the government possesses sovereignty. Municipalities are mere agencies of the state possessing no sovereignty and, as such, their powers are strictly limited to those expressly granted by statute or charter. The other theory relies upon the fact that municipal governments have not kept the three departments separated in form or practice, but have tended to intermingle their functions."[11]

It also results from confusion on the part of many municipal division employees and, tragically, some municipal judges regarding their overall attachment to the state Judicial Branch. It isn't a new dilemma for court staff who often take their cues from judges. In 2004, the American Judges Association featured in its Summer *Court Review* publication an article by Larry Myers, the municipal court administrator for the city of Joplin, entitled "Judicial Independence in the Municipal Court: Preliminary Observations from Missouri." The basis of his article was a 15-question survey focused on the topic of judicial independence related to administrative reporting structures, problems associated with those structures, and attitudes by court clerks and court administrators regarding their role and purpose. Over 400 surveys were distributed. Among his findings were…

- Only half of the municipal court administrators and clerks report to a judge, many also report to a city executive branch official, including the local police department;

[10] There are 955 municipalities in Missouri. Of those 955, 911 are general law municipalities, 38 are home rule charter cities and 6 operate under a special legislative charter permitted prior to the adoption of the state's constitution in 1875. Only the largest cities have full time judges.

[11] "Separation of Powers Doctrine as Applied to the Cities," *Indiana Law Journal*: Vol 18: Iss.2, Article 12, Maurer School of Law: Indiana University. Pages 147-148.

- Most court administrators and clerks desire a separation from the executive branch of government; and
- A substantial number of respondents viewed the generation of revenue for the city as an important function of the court.

Myers concluded that greater education of municipal division employees about the fundamental purposes of courts is needed, especially the tenet that limited jurisdiction courts must both operate, and be seen to operate, as independent, impartial tribunals. To that end, the National Center recommends that OSCA develop training programs and tools to continuously educate municipal court staff, using Ferguson and a few other St. Louis County courts as pilot sites, about the practicalities and necessities of judicial independence in the operations and culture of the municipal divisions of the state. Mr. Myers article appears in Appendix D.

Further, based on observations and interviews in Ferguson, it is the conclusion of the National Center that substantial confusion and misunderstanding exists on the part of municipal elected and appointed officials about the role and function of the Municipal Division. To remedy that situation, the Missouri Judicial Branch, in concert with selected members from the Municipal and Associate Circuit Judges Association in St. Louis County, and the Chief Judge of the Circuit Court in the County, should develop a brochure or pamphlet and pilot a visitation program directed at all current and newly elected city councilpersons and mayors in the County by an appropriate Judicial Branch representative to explain and review the importance and features of judicial independence for municipal divisions and the fact that such divisions are constitutionally part of an integrated Missouri Judicial Branch. A report on the pilot project, its impact, and any elements that ought to be improved, along with a recommendations regarding the statewide expansion of the pilot, should be submitted by the Chief Judge of the Circuit to the Supreme Court and OSCA no later than 12 months after program initiation.

Conclusion

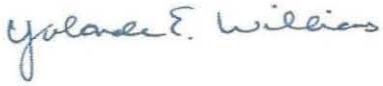
The Ferguson Court is a more functional, service-oriented place than it was prior to Judge Richter's assignment as interim municipal judge a few months ago. A number of positive procedural and adjudicatory changes have taken place improving both the demeanor and performance of the Court. Greater understanding and appreciation on the part of the staff about the purposes, practicalities and need for independent, fair and impartial court operations is evident.

Yet, there remains a series of organizational improvements to implement, including vesting the presiding municipal judge with stronger duties and responsibilities as the administrative head of the court; new managerial structures, personnel practices and working conditions for court employees; strengthened and sustained autonomy from the city for the court and its staff; and the enhancement of services to litigants.

We are convinced by implementing the changes outlined in this report in Ferguson, not only will the Court be improved and the community better served, but those initiatives can act as a template for other municipal divisions in the state. Ultimately, the administration of justice, the rule of law, and the public's confidence will improve for Missouri in what many fittingly label "the people's court," where two out of every three cases filed in America are adjudicated.[12]

Sincerely,

Gordon Griller



Yolande Williams

Russell Brown III

[12] National Center Court Statistics Project (CSP) www.courtstatistics.org

APPENDIX A

Presiding Municipal Court Job Descriptions

2-83 Chief Presiding Judge duties.

The Chief Presiding Judge shall be the administrative head of the City Court and charged with responsibility of complying with the Constitution and laws of the State, rules and directives of the Supreme Court, and Charter provisions and ordinances of the City. His duties shall consist of, but not limited to, the following:

(1) Assignment of City Court judges to serve in the several divisions of the City Court.

(2) Recording actions of the City Court.

(3) Appointment and removal, subject to the civil service of the City of Phoenix, for cause of all court officers and personnel except City Court judges.

(4) Organization and administrative supervision of all court officers and personnel.

(5) Preparation and supervision of all arraignment, trial and sentencing schedules and other court schedules as he deems necessary.

(6) Collection, safekeeping, and transfer to the City Treasurer of all fines, penalties and fees collected in City Court except as otherwise provided by law.

(7) Filing all reports required by the Constitution and statutes of the State and the Charter and ordinances of the City.

(8) Designation of a City Court judge as Assistant Chief Presiding Judge to serve at his pleasure and to perform such duties as the Chief Presiding Judge may delegate.

(9) Adoption of regulations for the internal administration of the court. These court regulations may provide for, but are not limited to, the following: records management, access and safekeeping, information dissemination, public relations, court security, personnel conduct, intradepartmental contact; violations of these regulations shall constitute grounds for disciplinary action or removal or dismissal.

(10) The recommendation to the City Council of salary ranges for all court positions and employment, except City judges.

(11) The granting of salary increases within the ranges established by the City Council.

(12) Preparation and administration of the annual budget.

(Ord. No. G-1883, § 2)

Sec. 9-3. - General duties of city judge.

(a) In addition to the responsibilities and duties provided elsewhere in this chapter, the city judge shall be responsible for duties including, but not limited to, the following:

(1) Managing the administration of the judicial and internal administrative functions of the city court, including the supervision of all judges and judicial and nonjudicial staff, who directly affect the operation of the court.

(2) Complying with the rules, policies and procedures established by the city in respect to personnel matters, as expressed in chapter 14 of the Scottsdale Revised Code, including, but not limited to, hiring, classification, salary administration, termination, grievance procedures, sick leave, overtime, vacation time and work hours.

(3) Adhering to state law and the policies and procedures of the city in budgeting and expenditure procedures, including the procedures adopted for the purchase of equipment or supplies.

(4) Collecting, safeguarding and accounting for all fines, sanctions, restitution and bond payments, which may come into the possession of the city court and transferring such public monies to the city treasurer, in accordance with state law and procedures established by the city manager or the manager's designee.

(5) Preparing accurately and submitting on a timely basis, to the proper authority, all reports required to be submitted by statute, court rule, administrative order, city charter, ordinances, or, as may be appropriate and necessary, the city council or city manager.

(6) Submitting to the city council, for review and appointment, as necessary, names of members of the state bar who are available as additional judges or judges pro tempore.

(7) Assisting the city manager's office in the preparation of monthly management information reports which summarize year to date statistics regarding the city court, key judicial functions, resource use and case management/resolution data.

(8) Complying with all city rules, regulations, policies and directives of the city which are not inconsistent with the constitution, state law, city charter, city ordinance or administrative orders of the Supreme Court or lawfully delegated authority.

(b) Reserved.

(Code 1972, § 7-503; Ord. No. 2282, § 2A, 5-14-90)

APPENDIX B

Municipal Ordinances regarding Judicial Selection and Appointments Boards (Arizona)

2-96 Judicial Selection Advisory Board—Establishment; membership; powers and duties; operating procedures.

A. There is hereby created a Judicial Selection Advisory Board to be composed of the Chief Presiding Judge of the City Court, who shall serve as a nonvoting member, and seven voting members, consisting of the following: the Presiding Judge of the Superior Court of Maricopa County or his designee; an appellate court judge to be appointed by the Chief Justice of the Arizona Supreme Court; a member of the Maricopa County Bar Association who shall reside in the City of Phoenix and who shall be appointed by the Mayor from among three nominees recommended by the association's board of directors; an active member of the State Bar of Arizona who shall reside in the City of Phoenix and who shall be appointed by the Mayor from among three nominees recommended by the State Bar's Board of Governors; and three public members who are nominated by the Mayor and who are residents of the City of Phoenix. None of the public members shall be an employee of the City of Phoenix. Voting members shall be subject to approval by the City Council. Voting members shall serve a term of three years and shall be eligible for reappointment for one additional three-year term. The members shall serve without salary or compensation.

B. The Board's officers shall consist of a chairman and vice-chairman, each selected from the Board's voting members. Officers shall serve one-year terms. No member shall serve more than two terms as chairman or two terms as vice-chairman, not including any term filled for the remainder of another member's unexpired term. Upon expiration of the chairman's first term or, if selected for a second term, upon expiration of the chairman's second term, the vice-chairman automatically shall become the chairman. If upon expiration of the chairman's first term, the chairman is selected by the voting members for a second term, the vice-chairman shall automatically continue in that office for a second term. A vacancy in the office of chairman caused other than by the expiration of a term shall be filled by the vice-chairman for the remainder of the unexpired term. The members shall determine operating procedures for the Board, which shall be kept in writing. The vice-chairman shall preside whenever the chairman is absent or unable to act. The chairman will have the duty to prepare written reports as may be requested by the City Council.

C. The Board shall have the following powers and duties:

1. To seek out and encourage qualified individuals to apply for the office of judge of the City Court.

2. To conduct investigations into the background and qualifications of candidates for the office of judge of the City Court, including but not limited to the use of questionnaires, personal interviews, and contacting such individuals and institutions as it deems reasonable to obtain as much background information on the candidate as possible.

3. To submit its recommendations for candidates for appointment or reappointment to the office of judge of the City Court or Chief Presiding Judge, without regard for race, religion, political affiliation or sex of the candidate, to the Mayor, who thereafter shall convene the City Council for the purpose of interviewing all candidates recommended.

D. The meetings of the Board shall be held once each year for the purpose of reviewing operating procedures and on call of the chairman or a majority of the members. The chairman shall issue a call for a meeting promptly upon learning of the existence or anticipated existence of a vacancy in the office of judge of the City Court. The Board shall, whenever practical, hold public meetings designed to permit interested parties and groups to submit and recommend persons for consideration.

(Ord. No. G-3325, § 2; Ord. No. G-4010, § 1, passed 5-21-1997, eff. 6-21-1997)

DIVISION 13. - JUDICIAL APPOINTMENTS ADVISORY BOARD

Sec. 2-346. - Creation of board.

There is hereby created a citizen board to be known as the Judicial Appointments Advisory Board. Board members shall serve without salary or compensation.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-347. - Purpose of board.

The purpose of the Judicial Appointments Advisory Board is to recommend to the city council the best-qualified persons to become full-time city judges, to evaluate the performance of incumbent full-time city judges, and to advise the city council about retaining them in office.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-348. - Membership.

(a) The board shall be composed of seven (7) persons, as follows:

(1) The presiding judge of the Arizona Superior Court for Maricopa County, or designee, who is a superior court judge. The presiding judge or designee must reside in the City of Scottsdale.

(2) An Arizona judge to be appointed by the Chief Justice of the Arizona Supreme Court. The appointed judge must reside in the City of Scottsdale;

(3) An active member of the State Bar of Arizona, who shall reside in the City of Scottsdale, and who shall be appointed by the city council, from among three (3) nominees recommended by the President of the State Bar;

(4) A member of the Scottsdale Bar Association, who shall reside in the City of Scottsdale, and who shall be appointed by the city council, from among three (3) nominees recommended by the President of the Scottsdale Bar Association;

(5) Three (3) Scottsdale electors appointed by the city council, who are not judges in any official capacity, retired judges, nor members of the State Bar of Arizona, but who have distinguished themselves through their public service, impartiality, and objectivity.

(b) Members of the board shall be assigned staggered terms as follows. At the time of the initial appointment, the member appointed under section 2-348(a)(1) shall serve one (1) year; the member appointed under section 2-348(a)(2) shall serve three (3) years; the member appointed under section 2-348(a)(3) shall serve two (2) years, and the member appointed under section 2-348 (a)(4) shall serve three (3) years. For the initial appointment of members under section 2-348(a)(5), one (1) member shall serve one (1) year; another member shall serve two (2) years; and another member shall serve three (3) years. After the initial appointment, the term of each member of the board shall be three (3) years.

(Ord. No. 3254, § 1, 9-7-99; Ord. No. 3352, § 1, 5-14-01; Ord. No. 3976, § 1, 10-4-11)

Sec. 2-349. - Board officers.

(a) The board's officers shall consist of a chairperson and vice-chairperson, each selected by the board from the board's members.

(b)

Board officers shall serve one-year terms. No member shall serve more than two (2) terms as chairperson or two (2) terms as vice-chairperson, not including any term filled for the remainder of another member's unexpired term.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-350. - Board representation.

(a) Pursuant to Administrative Order 93-17 of the Arizona Supreme Court, and such subsequent orders as may issue which address this objective, in selecting Judicial Appointments Advisory Board members, the appointing authorities shall be sensitive to representation reflecting the diversity of the community served by the Scottsdale City Court.

(b) The appointing authority for each Judicial Appointments Advisory Board member shall advise each board member they appoint that the board member's responsibilities include recruitment of qualified city judge applicants, including qualified minority and women applicants, who may not otherwise apply.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-351. - Board meetings.

(a) The chairperson of the board shall issue a call for a meeting of the board when needed to fulfill the purposes of the board.

(b) All board meetings shall comply with the Arizona Open Meeting Law (A.R.S. § 38-431 et seq.) and Public Records Law (A.R.S. § 39-121 et seq.), as amended.

(c) Human resource systems shall act as administrative liaison to the board by preparing notices of meetings, minutes, sending information packets to members, and fulfilling all other clerical and administrative responsibilities of the board.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-352. - Appointment and reappointment process.

(a) Through the city's human resource systems, the board shall advertise notice to the public and licensed attorneys of the vacancy or reappointment of a city judge position.

  (1) In the case of a vacancy, board members shall actively seek and encourage well-qualified individuals to apply. The board shall advertise the vacancy in a manner designed to provide reasonable notice of the opening, but shall at least publish notice in a professional newspaper once a week for two (2) successive weeks.

  (2) In the case of a reappointment, the board's jurisdiction will begin on January 1, 2000. The board shall solicit public and professional comment in a manner designed to elicit constructive appraisals of the city judge's performance, but shall at least publish notice of the potential reappointment in a daily newspaper of general circulation in Scottsdale once a week for two (2) successive weeks.

(b) All applicants for appointment or reappointment shall complete an application containing such information as the board and human resource systems deems necessary and appropriate to comply with the law and to provide relevant information about the ability of the applicant to perform the duties of a city judge.

  (1) For all appointments under this chapter, the board may use as a guide the "application for nomination to judicial office," formulated under Rule 7 of the Arizona Supreme Court's Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments.

(2) For all reappointments under this chapter, the board may use as a guide all surveys, questionnaires, data forms, and reports, formulated under Rule 6 of the Arizona Supreme Court's Rules of Procedure for Judicial Performance Review in Arizona. The board may request that an outside contractor assist in this process.

(c) Applicants shall be given a meaningful opportunity to supplement their applications with a reasonable number of letters of recommendation.

(d) The board shall not limit its investigation of applicants to the applications and letters of recommendation received, but shall hold public hearings, personal interviews, and conduct such investigations into the background, performance, and qualifications of the applicants as the board deems necessary and appropriate.

(e) Consistent with and in addition to the requirements of this section, the board is authorized to develop such procedures as it deems reasonable to select and retain outstanding city judges on the basis of merit. In that regard, at a minimum the board shall:

(1) Conduct at least one (1) public hearing soliciting public input concerning incumbent city judges seeking reappointment.

(2) Personally interview at least six (6) candidates for initial appointment as a city judge.

(Ord. No. 3254, § 1, 9-7-99)

Sec. 2-353. - Recommendation process.

(a) All board members shall consider all applicants in an impartial, objective manner, based only on the applicant's merit as a potential or incumbent city judge.

(1) At the earliest possible opportunity, a board member shall disclose to all members of the board:

a. Any relationship with an applicant (such as business, personal, or attorney-client) that may result in a conflict of interest or prejudice;

b. All applicants who constitute "relatives" under the Arizona Conflict of Interest Law (A.R.S. § 38-501 et seq.), as amended;

c. All efforts to recruit a specific applicant.

(2) A board member shall refrain from voting on all persons required to be disclosed in paragraph (1), subparagraphs a. and b. above. Board members may discuss and vote on all applications submitted by persons they recruit to apply, after having disclosed to all board members the nature of their efforts to recruit the applicant.

(b) In considering initial appointments or reappointments, the board shall consider comment from all interested members of the public at a public hearing or in writing. For reappointments, the board shall also make inquiry of the Arizona Commission on Judicial Conduct for information on pending or past disciplinary actions against the city judge scheduled for reappointment consideration.

(c) The names of applicants and their applications shall be disseminated to the public or the media upon request, at any time after the closing date for receiving applications. The release of this information shall be subject to redaction of home addresses, telephone numbers or other personal or confidential information.

(d) The board shall interview candidates in accordance with the Arizona Open Meeting Law and may use as a guide Rules 8 and 9 of the Arizona Supreme Court's Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments. The board shall vote on the candidates in an open meeting.

(1) As soon as possible after the vote of the board, the board shall deliver its written recommendations concerning initial city judge appointments to the city council, or an appropriate subcommittee of the council. The board shall identify, in alphabetical order, no less than three (3) best-qualified candidates for each vacancy and summarize the relative attributes of each final candidate.

(2) As soon as possible after the vote of the board, the board shall also deliver its written recommendations concerning reappointments of city judges to the city council, or an appropriate subcommittee of the council. The board shall state that the board does or does not recommend reappointment of the city judge, summarizing the reasons for the recommendations.

(3) Notwithstanding section 2-352, above, the city council may consider all candidates recommended by the judicial appointments advisory board to fill the initial vacant position for any vacancies that arise within four (4) months of the effective date of the appointment to fill the initial vacant position. The council may direct the board to recommend additional candidates from existing applications, or initiate additional recruitment action, or to exercise its discretion in determining whether to recommend additional candidates from existing applications or to initiate additional recruitment action.

(4) The appointment of any candidate from existing applications pursuant to subsection 2-353(d)(3), above, must be made by the city council within the four (4) month period from the effective date of the appointment to fill the initial vacant position.

(5) In the event that additional recruitment action is initiated pursuant to subsection 2-353(d)(3), above, either at the direction of the council, or in the exercise of the board's discretion, the board may elect to review existing applications and shall solicit additional applications. The board may waive reapplication and/or interview requirements as to existing applicants.

(Ord. No. 3254, § 1, 9-7-99; Ord. No. 3352, § 2, 5-14-01)

Sec. 2-354. - Council decision.

The city council may accept or reject the board's advice and recommendations. The city council may also refer a specific appointment or reappointment back to the board for more investigation and findings.

(Ord. No. 3254, § 1, 9-7-99)

Secs. 2-355—2-360. - Reserved.

APPENDIX C

National Center Access and Fairness Survey (CourTool 1)

Access and Fairness

Measure

CourTools

Definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

Purpose: Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location, division, type of customer, and across courts can inform and improve court management practices.

Method: Everyone in the court on a "typical" day is asked to fill out a brief self-administered survey as he or she exits the courthouse. People are asked to rate their level of agreement with each item, using a 1-5 scale. The survey should be conducted on a periodic basis, for example, annually. The individuals surveyed would include litigants and their families and friends, victims and witnesses, attorneys, law enforcement officers, representatives of social service agencies, and individuals doing record searches or having other business at the clerk's office, among others. Because the survey is designed to assess the views of the court's customers, judges and court staff are excluded.

Step 1: Prepare Survey

The survey asks questions on access and fairness, along with background information about the respondent. The survey questions are concise and clear statements that get right to the point, producing *actionable* data. They require only seconds to understand and rate, so the survey may be completed in 5 minutes or less. The goal is to provide the court with the information needed to make informed decisions, and do so in the shortest amount of time possible.

An open-ended question or two may prove beneficial for some courts, to give customers the opportunity to address their own particular concerns. The data can be used to verify findings and improve future surveys.

Recommendations

- Use the questions as worded in this survey.
- Adopt a standard survey to make reliable comparisons across locations, divisions, and courts.
- Limit demographic questions to those that will actually be of use.
- Keep the survey short and focused.

Step 2: Choose a "Typical" Day

The questionnaire is given to *all* the individuals who use the court (i.e., are physically in the courthouse) on a typical day. If the day is typical of most days at the courthouse then it can be assumed that responses will be received from a broad cross-section of those using the court. Common survey problems related to adequacy of response rate and representativeness of the sample are avoided with this method.

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Step 3: Gather Needed Materials

The size of the team to hand out surveys and facilitate completion and return will vary according to the maximum number of individuals exiting the courthouse during any hour of the day. Tables and chairs should be placed around the exits of the courthouse to accommodate the maximum number of survey respondents filling out questionnaires at the peak of courthouse use. Signs posted conspicuously around the entrances to the facility announcing the survey (e.g., "Your Opinion Counts: Tell Us How We Are Doing") and similar preparations do much to increase survey participation.

When there are multiple court sites for a jurisdiction, a court may wish to include each site in the survey. The sites need not all be surveyed on the same day, as long as the days chosen are typical for each site.

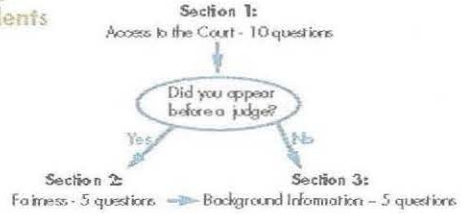
Step 4: Assemble and Train Survey Team

Survey success depends to a large degree on the skills and demeanor of the staff members assembled to administer the survey and on the care taken with preparations. Criteria for staff selection might include friendliness, bilingual skills, and poise. An orientation session and walk-through of arrangements should precede the data collection. Arrangements should be made to rotate staff through the assignment in staggered intervals to avoid fatigue while maintaining continuity.

Step 5: Administer Survey

The survey should be administered to enhance participation by the greatest number of potential respondents. Factors that may inhibit response rates include fears about anonymity and confidentiality, apathy, and skepticism that the court will follow through on improvements. A well-trained survey team and appropriate survey procedures (e.g., to ensure anonymity, respondents place completed questionnaires in a sealed drop box) help increase participation. Remember, given the focus on court customers, no surveys should be given to court employees or judges.

Which Questions Should Respondents Answer?



No information is requested that allows the court to identify the respondent (e.g., name, case number, etc.); thus, responses cannot influence the outcome of a respondent's legal matter and confidentiality is preserved.

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Access and Fairness Survey

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Not Applicable
Section I: Access to the Court	1	2	3	4	5	n/a
Circle the Number:						
1. Finding the courthouse was easy.	1	2	3	4	5	n/a
2. The forms I needed were clear and easy to understand.	1	2	3	4	5	n/a
3. I felt safe in the courthouse.	1	2	3	4	5	n/a
4. The court makes reasonable efforts to remove physical and language barriers to service.	1	2	3	4	5	n/a
5. I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	n/a
6. Court staff paid attention to my needs.	1	2	3	4	5	n/a
7. I was treated with courtesy and respect.	1	2	3	4	5	n/a
8. I easily found the courtroom or office I needed.	1	2	3	4	5	n/a
9. The court's Web site was useful.	1	2	3	4	5	n/a
10. The court's hours of operation made it easy for me to do my business.	1	2	3	4	5	n/a

If you are a party to a legal matter and appeared before a judicial officer today, complete questions 11-15:

Section II: Fairness						
11. The way my case was handled was fair.	1	2	3	4	5	n/a
12. The judge listened to my side of the story before he or she made a decision.	1	2	3	4	5	n/a
13. The judge had the information necessary to make good decisions about my case.	1	2	3	4	5	n/a
14. I was treated the same as everyone else.	1	2	3	4	5	n/a
15. As I leave the court, I know what to do next about my case.	1	2	3	4	5	n/a

Section III: Background Information

What did you do at the court today?
(Check all that apply)

___ Search court records/obtain documents
___ File papers
___ Make a payment
___ Get information
___ Appear as a witness
___ Attorney representing a client
___ Jury duty
___ Attend a hearing or trial
___ Law enforcement/probation/social services staff
___ Party to a legal matter

What type of case brought you to the courthouse today?

___ Traffic
___ Criminal
___ Civil matter
___ Divorce, child custody or support
___ Juvenile matter
___ Probate
___ Small Claims
___ Other: _____

How do you identify yourself?

___ American Indian or Alaska Native
___ Asian
___ Black or African American
___ Hispanic or Latino
___ Native Hawaiian or Other Pacific Islander
___ White
___ Mixed Race
___ Other: _____

How often are you typically in this courthouse?
(Choose the closest estimate)

___ First time in this courthouse
___ Once a year or less
___ Several times a year
___ Regularly

What is your gender?

___ Male
___ Female

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Access and Fairness

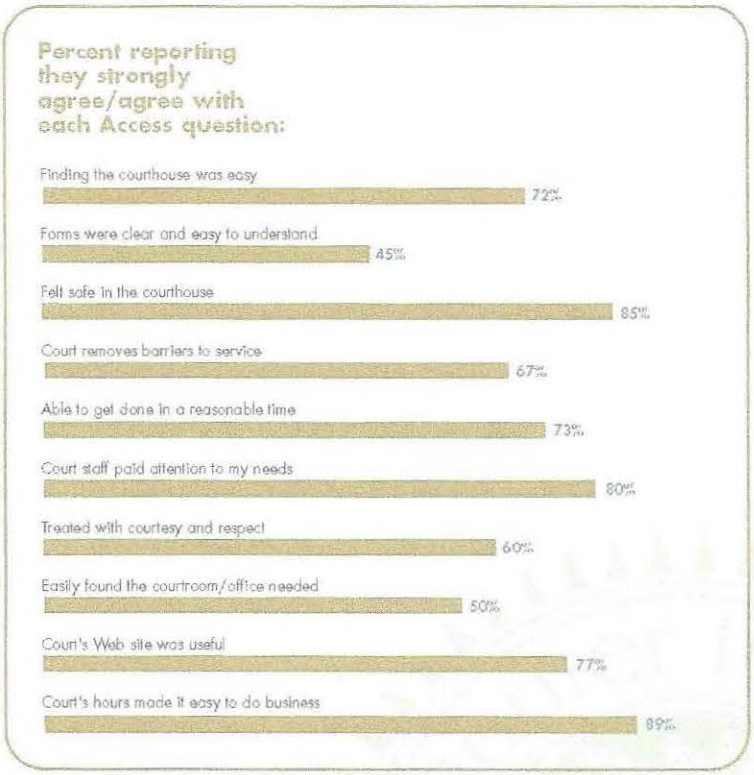
Measure

Analysis and Interpretation

Compile the survey data to summarize:

- 10 items that capture respondents' opinions about access to court services
- 5 questions related to procedural fairness, completed by parties to a legal proceeding
- 5 items that capture background information about the respondent

Overall attitudes about access and fairness are the first level of analysis. Court managers may decide that a rating of at least 4 or better means that the court is meeting its performance goal. In this case, responses would be grouped together for those who "Strongly Agree" and those who "Agree" into an "Agree" grouping. The total number of these responses can be converted into a percentage of all valid responses. The results for all questions can be shown in a single graph. As the graph below shows, court users were especially positive about safety and hours of operation; conversely, they were least satisfied with finding courtrooms and forms.



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Enter the responses from each respondent into a spreadsheet or database to record and summarize the results. The figure shows a sample summary spreadsheet for the five fairness questions. Note that the court surveyed 100 respondents, but that the number of valid responses for each question is not necessarily 100. If people did not answer the question, or answered "Not Applicable" on a question, their answers are not counted for that question.

Computing the Average Fairness Scores

Respondent Number	Q11 Case handled fairly	Q12 Judge listened	Q13 Judge had information	Q14 I was treated the same	Q15 I know what to do next
10001	3	5	–	3	2
10002	–	2	2	2	1
10003	–	4	3	1	1
10004	1	0	5	3	–
10005	2	4	2	3	1
⋮	⋮	⋮	⋮	⋮	⋮
10100	3	4	3	3	2
Total Score	363	337	307	240	168
Total Respondents	100	100	100	100	100
Total Valid Reponses	98	99	99	100	99
Average	3.7	3.4	3.1	2.4	1.7

363 ÷ 98 = 3.7

Creating an Index Score

A court may also wish to construct an overall rating of access and an overall rating of fairness. By summing the average scores for each question, an index is created. However, the index scores for each section are easier to interpret and compare when placed on a 100-point scale. Because the number of questions between the access and fairness sections varies, this step involves a different multiplier for each section. There are 5 questions in the fairness section, with a maximum score of 5 points each, for a total maximum score of 25. Multiplying the summed averages by 4 gives a score on a 100-point scale. For the 10 access questions, the total maximum score is 50, so the multiplier is 2.

Constructing the Overall Fairness Index Score

	Average score
11. The way my case was handled was fair.	3.7
12. The judge listened to my side of the story before he or she made a decision.	3.4
13. The judge had the information necessary to make good decisions about my case.	3.1
14. I was treated the same as everyone else.	2.4
15. As I leave the court, I know what to do next about my case.	+ 1.7
	14.3
	x 4
Overall Fairness Index Score = 57.2	

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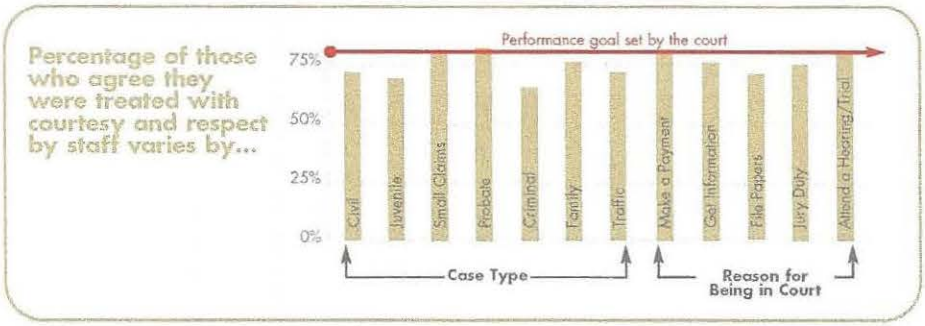
Assessments of access and fairness may vary by case type, reasons for being in the courthouse, frequency of courthouse use, and demographic characteristics that might be associated with differential treatment or ability to access court services. The graphs below indicate that court users' perceptions of staff vary by the type of case that brought them to the court and by reasons for being in the courthouse. Staff and management can seek the reasons behind these numbers as they strive to meet the goals they have set for themselves.



The court should establish a baseline, set its own performance goals for access and fairness, and seek to improve over time. Comparisons of survey results over time and across the court can be a useful basis for identifying trends or successful improvement strategies.

Different locations or divisions might be compared, for example, on the percent of users who felt that they were treated with courtesy and respect. Follow-up queries can then be made that probe the comparisons. Why do one or more locations/divisions seem to be more successful than others? What are they doing that the other locations/divisions are not? Why are some locations/divisions more successful at communicating what litigants need to do next? Posing these simple questions to staff in both the most successful and least successful locations can help to identify effective customer service and communications practices.

Terms You Need to Know

Index: A single number used to summarize a set of data, providing an overview.

Judicial Officer: A judge, commissioner, referee, magistrate, or hearing officer.

Mean: The average value of a set of numbers, equal to the sum of all values divided by the number of values.

Party: A person making or responding to a claim in a court proceeding, e.g., plaintiff, defendant, petitioner, respondent, cross-complainant, but not a witness, juror, or attorney.

Valid Responses: Responses that should be counted for purposes of analysis. For example, missing, "not applicable," or nonsensical responses are not included.

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CourTools

Developed by the NCSC Court Performance Community of Practice.

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APPENDIX D

Municipal Court Administrator Job Descriptions

CITY OF KENT
POSITION DESCRIPTION

Position Inventory Number: MC033

Classification Specification: COURT ADMINISTRATOR

Salary Range: NR 47 - Management Benefits Level B

Position Description: Court Administrator

Incumbent:

Location: Kent Municipal Court

GENERAL PURPOSE:

Under the direction of the presiding Municipal Court Judge, administer all non-judicial activities of the Kent Municipal Court, including budget, accounting, personnel management, records, case flow, data processing; serve as court liaison with other City personnel and outside agencies; and administer court policies and procedures.

Work is characterized by managerial, administrative, and supervisory duties involved in coordinating and directing the programs, operations, activities, and staff of the Kent Municipal Court. The incumbent is responsible for ensuring compliance with statutory requirements; oversight of the daily court and probation operations; developing, implementing, and administering court policies and procedures, budgeting, accounting, records, case flow, and data processing. While performing the duties of this position, the employee is required to mediate controversial or politically sensitive issues and deal with a variety of individuals who may be irate or hostile. The decisions made by the incumbent often require proactive intervention and have wide or precedent-setting impact. The incumbent is also responsible for carrying out supervisory responsibilities in accordance with the Court's policies as set by the presiding judge, City's policies and applicable laws, which includes interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems; approving/scheduling leave time; and recommending promotions and/or terminations as appropriate.

Work is performed under managerial direction from the presiding judge pursuant to GR 29 and all applicable state laws and court rules. . The supervisor provides the employee with assignments in terms of broad practice, precedents, policies, and goals. Work may be reviewed for fulfillment of program objectives and conformance with departmental policy, practice, and/or objective.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

Plan, organize, manage, and direct the clerical and administrative functions of the Kent Municipal Court subject to the powers vested upon the presiding Municipal Court Judge pursuant to GR 29, Chapter 3.50 RCW, and Kent City Code. . Coordinate and arrange for pro tem judges as required.

Design and implement effective case flow management programs to ensure the efficient

and timely processing of court cases, including hearings and trials.

Ensure overall court management functions relating to case flow and preparation and maintenance of court forms, records, and reports. Act as the chief liaison to all other state, county, and municipal agencies.

Responsible for compliance with applicable statutory guidelines, rules, and regulations.

Manage the coordination of judicial time and trial calendaring, including jury management and scheduling of pro-term judges and interpreters; develop and supervise summoning and qualification of jurors in an efficient and cost effective manner.

Prepare and administer the budget for the Municipal Court; authorize and maintain records of budget expenditures as appropriate. Responsible for the accounting of all funds received and disbursed by the court, as required by statute.

Directly oversee all non-judiciary employees of the Court. Carry out supervisory responsibilities in accordance with the City's policies and applicable federal, state, and local laws. Responsibilities include, but are not limited to, interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and disputes; resolving problems; implementing organizational changes; maintaining personnel files as needed; recommending promotions and disciplinary action; approving/scheduling leave time; and recommending terminations as appropriate.

Provide management, leadership and direction to the Probation Division and coordinate court matters with probation policies, procedures, and applicable court rules and statutes.

Consult with the presiding judge on short and long-range planning and staff projections in order to update, maintain, and implement court policies, procedures, and rules appropriately.

Serve as liaison to outside agencies and to public on policy matters and court related activities.

Plan and recommend physical space needs; purchase and arrange equipment and supplies.

Ensure record retention in accordance with applicable rules, laws and regulations.

Establish and maintain effective working relationships with judges, attorneys, law enforcement agencies, elected and appointed officials, external court customers, and City personnel.

Perform other related duties as required, including those of the court clerks.

Become familiar with, follow, and actively support the vision, mission, values, and behavior statements of the Court and the City.

KNOWLEDGE, SKILLS, AND ABILITIES:

KNOWLEDGE OF:

- Court administration methods
- Municipal court practices, policies, procedures, jurisdiction, and legal and procedural regulations pertaining to bails, fines, processes, warrants, and the operation of the court
- Budget preparation, administration, and management
- State laws and City ordinance
- Data processing technology and application to departmental functions
- Records management and modern office methods and practices
- Effective oral and written communication skills
- Principles and practices of administration, supervision, and training
- City organization, operations, policies, and procedures
- Current literature, trends, and developments in the field of Court Management
- Methods, principles, and practices of effective conflict resolution
- Correct usage of English grammar, spelling, punctuation, and vocabulary

SKILLED IN:

- Training, supervising, and evaluating the performance of assigned personnel
- Planning, organizing and managing the administrative activities and operations of the Court
- Effectively communicating both orally and in writing
- Effectively using interpersonal skills in a tactful, patient, and courteous manner

ABILITY TO:

- Train, supervise, and evaluate personnel
- Apply knowledge and expertise regarding court operations for decision-making on complicated issues
- Plan, develop, organize, maintain, and supervise court records
- Control the financial accounting of Municipal Court monies and funds
- Develop, administer, and implement the policies, procedures, and rules established by the Municipal Court
- Prepare, administer, and monitor departmental budgets and expenditures
- Create and establish financial records and statistical data
- Read, interpret, apply, and explain codes, rules, regulations, policies, and procedures
- Establish and maintain cooperative and effective working relationships with others
- Analyze situations accurately and adopt an effective course of action
- Meet schedules and timelines
- Write reports, business correspondence, and procedure manuals
- Effectively present information and respond to questions from City Council, top management, group of managers, clients, customers, the general public, and/or public groups
- Respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community
- Add, subtract, multiply, and divide; draw and interpret graphs and charts
- Solve practical problems and deal with difficult situations
- Interpret a variety of instructions furnished in written, oral, diagram, or schedule form

- Work independently and make decisions with broad guidelines
- Evaluate program policy and practices; define problem areas; develop and direct policy and practices to improve operations
- Demonstrate positive and effective interaction and communication with individuals of diverse occupational and social-economic backgrounds
- Work effectively on several projects concurrently
- Maintain confidentiality
- Develop and implement missions, strategic goals, and objectives for the Municipal Court

EDUCATION AND EXPERIENCE REQUIRED:

Education: Bachelors degree in business administration, public administration, or related field; and

Experience: Five (5) years of experience in the management of a Municipal Court operation including at least three (3) years of supervisory experience. Additional experience in Municipal Court administration may be substituted, year for year, for the education requirements.

Or: In place of the above requirements, the incumbent may possess any combination of relevant education and experience which would demonstrate the individual's knowledge, skill, and ability to perform the essential duties listed above.

MACHINES, TOOLS, AND EQUIPMENT USED:

Typical modern office machines and equipment including, but not limited to, personal computer, printer, calculator, telephone, facsimile, copier, etc.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit for extended periods of time; talk; hear; use hands to finger, handle, or feel objects, tools, or controls. The employee is frequently required to reach with hands and arms. The employee is occasionally required to walk; stoop, kneel, crouch or crawl; and type on a keyboard. The employee may occasionally lift and/or move up to 35 pounds.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORKING CONDITIONS:

Work is performed primarily in an office environment. Some work is performed in a courtroom setting. While performing the duties of this position, the incumbent may be exposed to individuals

who are irate, distraught or hostile. The noise level in the work environment is usually moderate.

SIGNATURES:

Incumbent's Signature	Date

Approval:

Presiding Judge	Date	Employee Services /Designee	Date

**NOTE: This document is to be reviewed and updated annually at the time of the employee's performance appraisal; when this position becomes vacant; or if the duties of this position are changed significantly.

Revised: 3/1/07

Municipal Court Administrator

Department: Municipal Court
Supervisor: Municipal Court Judge
FLSA Status: Exempt
Grade:
Revision Date: May 19, 2008
Prepared by: AE/EA

Job Summary:

Responsible for planning, directing and supervising non-judicial functions within the Billings Municipal Court; designing and implementing policies and procedures; providing responsible and complex administrative support to the Billings Municipal Court Judge.

Scope of Responsibility:

Incumbent has a high degree of understanding of department and functional operations and is able to work with considerable initiative. Working with senior management guidance, incumbent establishes department policy and procedure and makes tactical decisions that can effect the entire department. Incumbent is able to perform advanced troubleshooting or analysis and is able to explain detailed or technical policies and procedures and/or negotiate basic agreements. Incumbent maintains cooperative relationship with the general public and the police department.

Essential Duties and Responsibilities:

1. Human Resources
   - 1.1. Recruits, selects, trains, develops and counsels court employees; administers wage and performance appraisal and reward systems; facilitates personnel matters.
   - 1.2. Establishes departmental ethical standards.
2. Department/Facilities Management
   - 2.1. Identifies organizational problems and recommends procedural and administrative changes.
   - 2.2. Manages physical space to assure access to all citizens, provide adequate room for work and circulation and instill public confidence.
   - 2.3. Manages jury system in most efficient and cost-effective way.
3. Fiscal
   - 3.1. Prepares court budgets; administers accounting, purchasing, payroll and financial control functions; guides the budget through state and local government review processes.
4. Information and Technology Management
   - 4.1. Evaluates opportunities for technologies that expand the capacity of the court system.
   - 4.2. Develops the capacity to deliver information to decision makers at critical events; monitors system performance; informs court system employees of events that are outside performance measures; provides electronic access to court information for attorneys, litigants, governmental agencies and the general public.

5. Public Relations and Information
   5.1. Acts as a clearinghouse for the release of information to the media and public; collects and publishes data on pending and completed judicial businesses and internal functions of the court system; coordinates the exchange of information with treatment providers, probation officers and sentencing agencies.
6. Other Duties as Assigned.

Minimum Qualifications:

Position requires a four-year degree in business, liberal arts, or general science program, and three years of related work experience.

Physical Demands & Working Conditions:

Requires moderate physical effort, moving between 5 and 25 pounds, on an intermittent basis (less than 15% of the time). Requires high attention to detail and deadlines on an occasional basis (between 15% and 45% of the time). Work requires exposure to multiple disagreeable elements, none of which are of greater than moderate intensity, on an intermittent basis (less than 15% of the time).

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship. The City retains the discretion to add duties or change the duties of this position at any time.

APPENDIX E

Judicial Independence in the Municipal Court: Preliminary Observations from Missouri

Lawrence G. Myers (2004)

Judicial Independence in the Municipal Court:

Preliminary Observations from Missouri

Lawrence G. Myers

Studies of judicial independence abound. Yet most of them focus on the federal courts, even though the overwhelming bulk of the contacts between the public and the courts take place in state and municipal courts.[1] And there are real questions about judicial independence at the state and local level.

Preliminary results from a recent survey of the municipal courts in Missouri show significant structural and attitudinal barriers to judicial independence. The results are preliminary in light of the deadline for this issue: only a relatively short time was available to analyze the responses before submitting this article. Even the early returns suggest real problems, however.

A 15-question survey was sent August 6, 2004 to all of the 473 reported municipal courts in Missouri. The questionnaire was designed to assess the administrative structure of each court, problems that might be associated with that structure, and attitudes about the role and purpose of the court. Responses were requested within two weeks. By the end of August, 198 survey responses had been received. That represents a return rate of 43% once the 11 cities that reported they no longer have a municipal court are eliminated. While a slightly higher response rate would have been preferable,[2] since we cannot determine the extent to which the views of non-responders differ from those who returned the surveys, the responses appear to provide a great deal of useful information.

Before turning to the substantive results, we should consider the characteristics of those who responded. Almost half of the respondents worked in courts that had fewer than 1,000 case filings during all of 2003 (Figure 1). Thus, a significant portion of these courts will necessarily be part-time in nature. Another 16% worked in courts with 5,000 or more case filings per year and a total of 34% worked in courts with 2,000 or more case filings per year. Thus, the sample included significant numbers for all sizes of municipal courts found in Missouri.

In total, for those who responded and answered the question on number of filings for 2003, more than 847,000 case filings were represented. That is a lot of people, and yet many courts are very small and located in rural Missouri. A few have dockets every workday of the week; many have court once a month; and some have court only once every three months.

Most of the respondents were court clerks, although two were judges (Figure 2). About three-fourths of the respondents were court clerks; about one-fourth worked both as a court clerk and also had a separate, executive branch job title.

This article does not address the constitutional and statutory provisions governing the courts of Missouri. To do so would exceed the scope of this article and the space available in this issue of *Court Review*. Suffice it to say, for purposes of this article, that there are both constitutional and statutory provisions that appear to provide for separation of powers of the judiciary in Missouri—and that the office of the Missouri State Court Administrator has taken the position that the doctrine of separation of powers does apply to the municipal courts of Missouri.[3]

PRELIMINARY OBSERVATIONS

The respondents were very open in their replies to this survey. For example, although providing the name of their court

Footnotes

1. The excellent 1997 report of the American Bar Association's Special Commission on Separation of Powers and Judicial Independence is a case in point. Focused on the federal courts, the commission report included a brief segment on judicial independence in the state courts. That section began: "The focus of this study is on judicial independence in the federal courts; limited time and resources have not allowed a detailed examination of the intrusions, both real and apparent, on the independence of the state courts. Nevertheless, since 97% of all litigation occurs in the state courts, the Commission felt it was essential to survey the major issues affecting state judicial independence, if only briefly." AMER. BAR ASS'N, AN INDEPENDENT JUDICIARY: REPORT OF ABA SPECIAL COMMISSION ON SEPARATION OF POWERS AND JUDICIAL INDEPENDENCE § 5 (1997), *available at* http://www.abanet.org/govaffairs/judiciary/report.html (last visited October 9, 2004).
2. The "standard" for an adequate response rate in a mail survey has long been considered to be 50%. *E.g.*, EARL R. BABBIE, SURVEY RESEARCH METHODS 165 (1973); EARL R. BABBIE, THE PRACTICE OF SOCIAL RESEARCH 242 (5th ed. 1989). Professor Shari Seidman Diamond has suggested that when the response rate is below 50%, "the survey should be regarded with significant caution as a basis for precise quantitative statements about the population from which the sample was drawn." Shari Seidman Diamond, *Reference Guide on Survey Research*, *in* FEDERAL JUDICIAL CENTER, REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 245-46 (2d ed. 2000). Here, of course, we are not trying to make "precise quantitative statements" about the exact percentages of Missouri municipal court officials who have a specific opinion. Rather, we are trying to gauge what problems may exist to at least some degree given the administrative structures now in place. Thus, we consider the response rate sufficient for our purpose and would note that it likely exceeds that of most mail surveys. *See* PAMELA L. ALRECK & ROBERT B. SETTLE, THE SURVEY RESEARCH HANDBOOK 45 (1985) (finding that response rates above 30% are rare in mail surveys).
3. *See* Letter from Ronald L. Larkin, Missouri State Court Administrator, to Margaret Kelly, Missouri State Auditor, Aug. 20, 1997 (on file with the author).

FIGURE 1: SURVEY RESPONDENTS BY SIZE OF COURT	
Size of Court by No. of Filings in 2003	
Less than 500	33%
500-999	16%
1,000-1,999	17%
2,000-4,999	18%
5,000-9,999	7%
10,000-19,999	5%
Greater than 20,000	4%
	100%

FIGURE 2: JOB TITLES OF SURVEY RESPONDENTS		
Job of Survey Respondent		
Court administrator or court clerk	143	72%
Court clerk plus executive branch job	53	27%
Judge	2	1%
Total	198	100%

was optional, more than 75% did so—and close to 60% made additional comments. Many shared horror stories. Some of those will be included along the way as we review the data and some preliminary observations from that data.

Many of the municipal courts in Missouri do not have staff who work only for the municipal court. Seventy-two percent of respondents reported a title that could be classified either as court administrator or court clerk, while 27% reported that their title of court clerk was in conjunction with another position—one that would be characterized as part of the executive branch of government. For example, 29 respondents (15%) listed titles either as city clerk, city clerk/court administrator, or court clerk. Others had additional titles such as police dispatcher, records clerk, city collector, communications supervisor, police municipal clerk, or even "city clerk/prosecutor/police/maintenance."

Most of Missouri's municipal court staff work only part-time for the court. Seventy-six percent of the judges and 88% of the city prosecutors were reported to work only part-time in those jobs. In addition, 36% of the respondents who serve as court clerks or administrators themselves worked only part-time. Many of the others, while full-time city employees, are not full-time within the courts. Rather, they also work in city departments within the executive branch of government. Nearly half (48%) of the respondents listed at least one other city department in which they work. At least one court clerk is a contract employee who is paid for hours worked and works only as needed.

The part-time status of many of the judges undoubtedly affects the way in which business is handled. One clerk said, "Actually, I am pretty well on my own. The judge isn't here, but if there is something I just can't handle I *try* to get the judge." Another noted the difference in availability between the city clerk and the judge: "The city clerk is here all the time. The judge is only here while court is in session one evening a month."

Of major concern, only about half of the municipal court administrators and clerks report to the judge. Even among those who do report to the judge, many also report to another official of city government or even to the local police department. A minority of the respondents (44%) report only to the judge, which would seem to be the ideal (Figure 3). Another 21% report both to the judge and to another city official. Those "other" city officials include prosecutors, chiefs of police, and city finance directors. Thirty-four percent report only to city officials. For 9%, their sole supervisor is the city prosecutor; for another 9%, the sole supervisor is the city police chief (or, in one case, a police sergeant). The city finance director, collector, or another city employee in the finance department either was the sole supervisor, or supervised along with the judge, for 5% of the court clerks. Perhaps the two who are not confused over separation between the branches of government are the lucky two who answered that they did not report to anyone!

FIGURE 3: REPORTING STRUCTURE FOR COURT CLERK		
Court administrator/clerk reports to:		
Judge	86	44%
Judge and city prosecutor	14	7%
Judge and city manager/administrator	11	6%
Judge and director of finance	5	3%
Judge and other city officials	10	5%
Circuit court clerk	1	1%
City clerk	20	10%
City manager/administrator	11	6%
Chief of police or other police officer	9	5%
City prosecutor	9	5%
Director of (or other person in) finance dept.	4	2%
Various other city officials	12	6%
No one	2	1%
	194	100%

As is true in most human endeavors, not one of the administrative structures was without problem. For those who reported to a judge, the greatest problems appear to arise from the part-time status of three-fourths of the judges. One court administrator said, "I have a part-time (one day a week) judge

who is not here enough to make a 'good judgment' in evaluating my work." Another put it this way: "Part-time judge means that most of the responsibilities fall on the clerk/administrator. Further workload can become easily backlogged due to lack of hours dedicated to the court by a part-time judge. Part-time judges really don't know what all goes on in court and therefore do not realize the importance of staying on top of the work. I am pleased with our structure; however, I would like to see the part-time judge take a role (however slight) in the municipal court (*i.e.*, annual review, etc.)."

These court administrators and clerks look to the judge for leadership, even when the judge is part-time. As one court administrator who reports to a part-time judge and a person in the executive branch of city government said, "I think the judge should be the department head for the court. We have to answer to someone who knows nothing about the court. Problem is the judge doesn't really care. He shows up for court—does his thing and out the door he goes. He is not involved with the budget or personnel. Judge makes $30,000 a year." That clerk added, "I have a problem with getting the judge to agree with me. I have asked that we have more court dates and even a morning court (once a month). He says no. We have a lot of attorneys certifying cases to the county court. They do this because they don't like night court. It would help a lot to have a day court."

The greatest share of reported problems occurred for those who report either to city clerks or city finance personnel. Three major problems seem to surface here: (1) the belief on the part of the court administrator that the city clerk or director of finance does not understand their job and could not do it if the court administrator or clerk is absent; (2) conflicts of power seem to develop between these positions; and (3) conflicts develop over non-court staff having access to closed court records that are not open to the public. One court administrator put it this way: "Unable to protect the integrity of the court. City clerk trying to make court like any other city office. Does not or refuses to recognize that we are a part of the state courts and presiding judge and municipal judge are actually the chain of command. With that, the mayor, city manager, and city attorney ignore [state court rules]." With regard to records, one administrator said: "Area not secure. Anyone can and does have access to court records. Court files are not to be open to the general public and must not be available to non-court staff. The department head likes to remind you she is the department head and you have no right to an opinion or say-so in what will be done in your office. She has no training in the court. The city administrator believes the city clerk is right and knows what she is doing in regards to the court."

Positive comments were obtained from some of the court administrators and clerks who report at least in part to city prosecutors and city managers. With respect to prosecutors (who, like the judges, are often part-time), we suspect this is related strongly to the prosecutor's knowledge of the legal system. Court administrators feel comfortable with their knowledge of the purposes and responsibilities of the courts; good prosecutors know how the court is supposed to function. Several comments noted that reporting at least in part to a city manager is a good way to make sure that city officials are informed about the activities and accomplishments of the court, as well as its needs and problems. This was seen as advantageous to both the court and to the city.

A particularly problematic reporting relationship has the court administrator or clerk reporting to a city finance director or finance official. Administrators who had this reporting relationship generally reported significant problems. As one administrator put it, "My city uses the court for one of their main sources of income with no regards to my training. The judge is appointed and part-time; therefore, he won't overstep his boundaries. I don't feel I get his back-up when really needed." Another said, "In two previous cities where I was a clerk, the finance director and assistant city manager did not allow the court to properly follow state statutes. Did not understand closed/open cases. Undermined the authority of the court clerk. Did not feel the judge should be in charge of the court—both thought they should be in charge of the court, yet neither had *any* understanding of the court, its rules, or its role."

Also problematic are those courts in which the court clerk or administrator reports to the police department. Most respondents, though, found this structure to their liking (apparently because of good personal relationships with the police chief involved).

One administrator provided this overall assessment of the tension that can arise when the court is supervised by non-judicial personnel: "As a court administrator, I have always tried to maintain a certain degree of independence from the other offices of city government and I am finding this harder and harder and more frustrating all the time. I have lost several judges that I have worked for, because they stood up for what they believed the Constitution stands for, and because they were appointed and not elected, they were 'let go' by a majority of the board of aldermen or mayor. This does not give us, as court administrators or court clerks, much security in our positions."

Most court administrators and clerks want a separation from the executive branch of government. The vast majority of respondents wanted to report to the judge: 76% wanted to report only to the judge, while another 19% wanted to report to the judge and another city official (Figure 4). Many of those who suggested dual reporting both to the judge and to a city official suggested that this was important for the city officials to understand the court's operations and any problems faced there. A handful of respondents wanted to report to the city prosecutor or police chief; in each case, these respondents were suggesting the arrangement already in place in their city. Most, though, believed that it was especially important to make sure that judges not allow someone in the executive branch of city government to influence the judging of cases, and that the court structure should be separate from the executive branch of city government (Figure 8).

Respondents identified a number of areas of concern. Concerns appear to be higher among those who report at least in part to city officials, rather than solely to a judge. Respondents were asked to say whether "your current administrative structure (who you report to) [has] caused you to" do or experience a variety of things. The number one response, at 26%, was that it had caused them to experience stress

FIGURE 4: RECOMMENDED REPORTING ARRANGEMENT	
Who should the court administrator/clerk report to:	
Judge	76%
Judge and city manager/administrator	13%
Judge and city prosecutor	6%
City manager/administrator	2%
City prosecutor	2%
Chief of police	1%

(Figure 5). A significant 11% said they had experienced "hopelessness" as a result of this reporting arrangement. More than 10% said it had undermined the authority of the court and caused a loss in control over how the court handles its budget. More than 5% said it had affected the way in which training money for court staff could be used or had changed how cases are decided. Smaller numbers indicated improper handling of confidential information, failure to file required reports, and even directives to violate judicial conduct rules.

Preliminary review of the types of reporting arrangements in place for those who noted these concerns or problems suggests that some of the supervisory arrangements are especially troublesome. While it is a small part of the overall sample, *all* of those who reported solely to a city finance director reported significant problems in response to this question. Similarly, 61% of those who reported to a city clerk and 73% of those who reported to the judge and a city manager reported one or more of these problems, while only 22% of those who reported solely to a judge reported one of them. The incidence of these problems was in the middle ground for those who report both to a judge and a prosecutor: 42% of those respondents reported at least one of these listed problems as a result of the reporting structure.

One person said that "stress comes with the job" and that may well be. It would seem, though, that some of the reporting arrangements cause increased levels of stress, as well as other problems.

A substantial number of respondents viewed one of the court's important roles as generation of revenue. Surely it is not the goal of a justice system to produce revenue. Yet substantial numbers of the respondents said it was. Almost even numbers agreed and disagreed with the statement that "It is the responsibility of the courts to raise revenue for cities through fines and fees" (Figure 6). Thirty-one percent agreed and 34% disagreed, while the rest neither agreed nor disagreed. Similarly, 31% agreed that one of the purposes of municipal courts is to "generate revenue," while 36% disagreed and the rest neither agreed nor disagreed (Figure 7). It would not be surprising that *municipalities* themselves viewed the generation of revenue from the issuance of traffic citations and court fines to be of some importance. It is perhaps more of a surprise to find that a substantial percentage of municipal *court officials* view it that way.

FIGURE 5: PROBLEMS CAUSED BY CURRENT ADMINISTRATIVE STRUCTURE	
Has your current administrative structure caused you to:	
Experience stress	26%
Experience conflict with a person in the executive branch of government	13%
Undermine the authority of the court	12%
Minimize your position of court administrator/court clerk	12%
Experience hopelessness	11%
Lose control over how the court either prepares or spends its budget	11%
Be threatened for your job/position	9%
Be unable to use the court's training money in the manner you thought it should be	7%
Change how a case should be decided	5%
Change how a case was decided	5%
Be unable to supervise or discipline court staff	5%
Not to file a case that should have been filed	3%
Hire someone you did not think was the best candidate	2%
File a case that should not have been filed	2%
Not send a disposition to the Dept. of Revenue	2%
Be directed to violate the judicial code of conduct	2%
Release information to the public that was closed information	1%
Not release information to the public that could have been released	1%

Education of those working in the courts appears to be needed, as the respondents did not uniformly show a clear understanding of the court's role. Several questions in the survey were designed to determine the extent to which court administrators and clerks correctly perceived the court's role and function. Questions were developed based on the Core Competency Curriculum Guidelines developed by the National Association for Court Management[4] and the Trial Court Performance Standards,[5] each of which summarizes the basic purposes and roles of the trial courts.

4. *See Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do*, 18 CT. MANAGER No. 2 (2003).
5. *See* Pamela Casey, *Defining Optimal Trial Court Performance: The Trial Court Performance Standards*, Winter 1998 COURT REVIEW, at 24, *available at* http://aja.ncsc.dni.us/courtrv/cr35-4/CR35-4Casey.pdf (last visited October 9, 2004).

In the list of questions used (Figures 7 and 8), all but one of the responsibilities or purposes listed *are* generally considered valid. Only the generation of revenue is not a purpose of the courts at all. While there was general understanding of many of these court responsibilities, one would not have expected such high numbers in the "neither agree nor disagree" column for several of the items. Significantly, judicial independence was one of those. While 49% said it was the responsibility of the court to "be an independent check on other branches of government," 20% disagreed and 33% neither agreed nor disagreed. If we can't convince those who work in our courts that this is an important aspect of courts in our system of government, we should not expect to do better with the public at large. Education of those who work in the courts, as well as the public and those who work in other branches of government, is needed.

Missouri's municipal courts have dedicated, hard-working, and service-oriented court administrators and clerks who are doing the best they can under the circumstances. I do not mean for this article to imply, directly or indirectly, anything else. These are good people trying to do the best they can to do their jobs and to accomplish the goals of their courts.

Some of the comments received reflect this quite well:

- "My judges and prosecutors all have a good working relationship."
- "My court is in super order. We all respect each other and trust each other."
- Structure is wonderful! No problems with my individual court."
- "My court is so small, there is no one else to answer to but the city clerk."
- "Equal treatment for all is our goal. Administration does not influence the judicial process."
- "As a small municipal court, we try to carry out justice in a

FIGURE 6: VIEWS OF MUNICIPAL COURT OFFICIALS ON COURT'S PURPOSES

The purposes of municipal courts are to:	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
Do justice	63%	33%	3%	0%	1%
Guarantee liberty	38%	38%	19%	3%	2%
Enhance social order	27%	34%	27%	9%	4%
Maintain rule of law	60%	34%	4%	0%	1%
Generate revenue	10%	21%	33%	23%	13%
Resolve disputes	26%	47%	12%	12%	2%
Provide equal protection	46%	42%	10%	3%	1%
Ensure due process	56%	38%	4%	2%	0%
Rehabilitate persons convicted of crimes	8%	25%	39%	20%	9%
Deter criminal behavior	24%	46%	18%	11%	2%
Separate some convicted people from society	14%	28%	31%	18%	8%

FIGURE 7: VIEWS OF MUNICIPAL COURT OFFICIALS ON COURT'S RESPONSIBILITIES

It is the responsibility of the courts to:	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
Make impartial decisions	68%	26%	3%	2%	1%
Ensure fairness under the law	61%	37%	2%	0%	1%
Defend constitutional rights and freedoms	58%	33%	7%	2%	1%
Provide equal justice for rich and poor	62%	34%	3%	0%	1%
Be an independent check on other branches of government	23%	26%	33%	15%	4%
Raise revenue for cities through fines and fees	10%	21%	35%	20%	14%
Protect civil rights	41%	41%	12%	4%	1%
Protect individual rights	46%	46%	5%	3%	0%
Dispense punishment for crimes	46%	43%	10%	4%	1%
Resist political pressure	53%	32%	10%	4%	1%
Advance social and economic justice	22%	31%	38%	9%	1%

FIGURE 8: VIEWS OF MUNICIPAL COURT OFFICIALS ON OTHER QUESTIONS						
The purposes of municipal courts are to:	**Strongly Agree**	**Agree**	**Neither Agree Nor Disagree**	**Disagree**	**Strongly Disagree**	**Total**
Because judges and court administrators/clerks are appointed/elected to make independent decisions, it is necessary for courts to maintain an administrative structure that is separate from the executive and legislative branches of government.	87 52%	63 38%	14 8%	2 1%	1 1%	167 100%
Judges should not interfere with agreements reached between prosecution and defense attorneys about charges that will be dismissed or modified when a defendant enters a guilty plea	11 6%	39 22%	40 22%	71 40%	18 10%	179 100%
Judges must be vigilant in protecting the administration boundaries of the court. For example, judges of the court should not allow someone in the Executive Branch of government to influence the court's impartial judging of cases.	109 59%	61 33%	9 5%	4 2%	1 1%	184 100%
The Code of Judicial Conduct applies to the judge and to the municipal court staff.	114 61%	59 31%	7 4%	0 0%	8 4%	188 100%

fair process to all parties in our court. I feel very strongly about that."

- "I work for an excellent judge. He is honest, fair, and follows the letter of the law. Therefore, I have no concerns."

The views expressed here are necessarily tentative and preliminary. More work needs to be done to analyze the data from this survey, to consider its meaning, and to review options for improvement. Nonetheless, despite the best efforts and work by the judges and staff of the Missouri municipal courts, problems do exist. At least in part, they appear to result in many places from the structural issues involved in setting up a part-time court. No doubt they also result from a failure to think through the ramifications of structure and the need for courts at all levels of an effective justice system truly to be independent. In addition, better training and education of court staff—with clear direction from higher-ups within the court system itself—certainly would help.

Lawrence G. Myers is the municipal court administrator for the city of Joplin, Missouri. He is the immediate past president of the National Association for Court Management and a member of the board of directors of the National Center for State Courts. He spent 17 years with the juvenile bureau of the district court in Tulsa, Oklahoma, serving as director for four years; while there, he also taught courses at the University of Tulsa, the University of Oklahoma, and Oklahoma State University. He has also served as the administrator of the juvenile division of the circuit court in Jackson County (Kansas City), Missouri. A certified court administrator through the University of Missouri–Columbia and the Missouri Association for Court Administration, Myers has a B.A. degree in psychology from Washburn University in Topeka, Kansas, and an M.A. degree in clinical psychology from the University of Tulsa.

FUTURE AJA CONFERENCES

2005 Midyear Meeting
Sanibel Island, Florida
May 12-14
Sundial Beach Resort
$125 single/double

2005 Annual Conference
Anchorage, Alaska
September 18-23
Hotel Captain Cook
$135 single/double

2006 Midyear Meeting
Coeur d'Alene, Idaho
May 18-20
Coeur d'Alene Resort
$130 deluxe room;
$160 premier room

2006 Annual Meeting
New Orleans, Louisiana
Hotel Monteleone
$169 single/double

2007 Midyear Meeting
Newport, Rhode Island

2007 Annual Conference
Vancouver, British Columbia