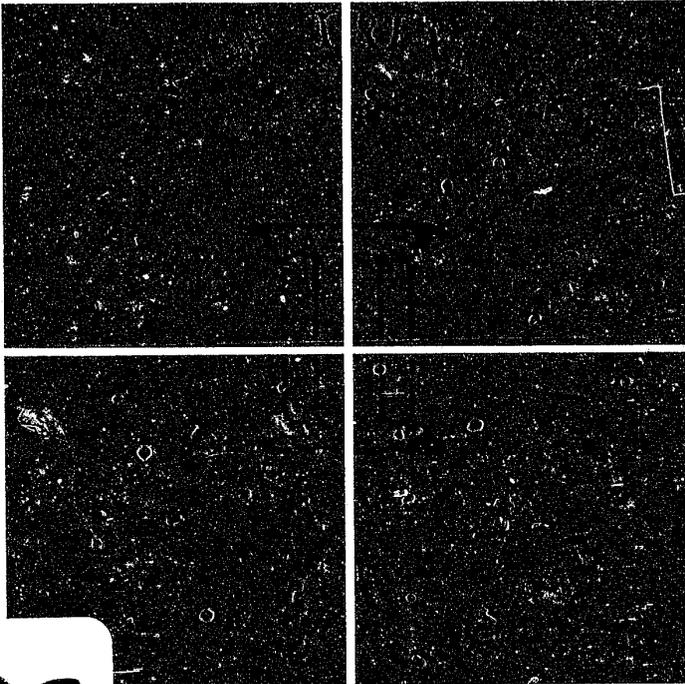
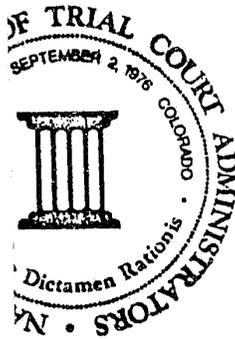


THE TRIAL COURT ADMINISTRATOR



68572



A BROCHURE

NCJRS

JUN 19 1980

ACQUISITIONS

**THE TRIAL
COURT
ADMINISTRATOR**

This brochure was compiled by
Michael D. Hall, Circuit Court
Administrator in Portland, Oregon,
and former president of the
National Association of Trial
Court Administrators.

**THE TRIAL
COURT
ADMINISTRATOR**

I. INTRODUCTION

- Purpose..... 5
- Background 5
- Role 6

II. JOB OF THE COURT ADMINISTRATOR

- Why Court Administration? 6
- Job Profile 7
- Professionalization 9
- Job Qualifications..... 9

**III. RELATIONSHIP OF ADMINISTRATOR
TO BENCH**

- Dual Function..... 11
- Perceptions of the Judiciary..... 11
- Job Success Factors..... 12
- Judicial Control 13

IV. HIRING A COURT ADMINISTRATOR

- Organizational Questions 14
- Lawyer v. Nonlawyer 15
- Method of Selection 15

**V. NATIONAL PROFILE OF A TRIAL COURT
ADMINISTRATOR**

- Personal 16
- Position 17
- Professional Standards..... 17

I. INTRODUCTION**Purpose**

This brochure has been prepared by the National Association of Trial Court Administrators (NATCA) to provide judges and other interested parties with a better understanding of the field of court administration. Specifically, this brochure presents a synopsis of the history of court administration; the need for court administration; the role of the court administrator; qualifications and selection procedures for court administrators; and a national profile of the typical modern trial court administrator. This brochure is intended to assist courts in evaluating their need for and employment of a court administrator.

Background

One significant development in the judicial system during the second half of the 20th century has been the appearance and rapid growth of a new professional: the trial court administrator. Only 15 years ago, there were fewer than 50 professionally-trained administrators within the thousands of state, general, and limited jurisdiction trial courts. Since that time the number of practicing trial court administrators has increased tenfold, and the number continues to grow. Increasing awareness of the need for managerial expertise to direct the complex operations for courts, the inability of many courts to keep pace with swelling caseloads, rising public concern about the performance of the judicial system, and the availability of federal funds following enactment of the 1968 Safe Streets Act, can all be cited as factors behind the so-called "court administration explosion."

In August 1969, soon after he became Chief Justice of the United States Supreme Court, Warren E. Burger observed, "The courts of this country need management, which busy and overworked judges, with drastically increased caseloads, cannot give. We need a corps of trained administrators or managers to manage and direct the machinery so that judges can concentrate on their primary duty of judging. Such administrators do not now exist, except for a handful who are almost entirely confined to state court systems. We must literally create a corps of court administrators or managers and do it at once."

As a result of Chief Justice Burger's efforts, court administrators have become an increasingly important part of

Role

the federal, state, and local judicial environment in recent years. Today, court managers serve in most of the state court systems. Most states also have trial court administrators, and the federal courts employ circuit executives. In each case, the manager's primary role is to oversee the administrative functions of the court, under the general direction of the chief judge.

According to the National Advisory Commission on Criminal Justice Standards and Goals, the position of court administrator has been designed to relieve judges of administrative chores in order to provide them with more time to handle judicial functions. The court administrator has the opportunity and expertise to introduce modern management techniques into the court system. Successful court administrators have blended the disciplines of business administration and public administration to deal with the management of the court.

II. JOB OF THE COURT ADMINISTRATOR**Why Court Administration?**

The increasing complexity of American life creates an administrative burden on courts that cannot be handled by judges and traditional court staff alone. Courts need a professional court administrator to organize and administer nonjudicial matters in the courts under the general guidance of judges, just as city managers, school superintendents, and hospital administrators direct the organizational and managerial needs of other aspects of our lives.

Virtually every writer in the field of judicial administration has stressed the need for good management in the courts by trained professionals. This concept has been endorsed by the American Bar Association and the National Advisory Commission Standards on Court Organization as well as numerous other national conferences and commissions.

The theory behind the movement to use professionally-trained administrators is that "experts" thoroughly schooled in judicial procedures and modern administrative principles provide court systems with the managerial competence that the courts traditionally have lacked.

The purpose of a court administrator is to relieve judges of

the responsibility of performing the nonjudicial functions necessary to the efficient operation of a court system. The trial court administrator must practice administrative and managerial skills if he is to serve effectively as the managerial arm of the court. The duties of a court administrator are detailed in the following job profile.

Job Profile

A. Administration

The duties of court administrators will vary with the location and size of the court in which they are employed. The court administrator functions in management areas rather than legal areas, and therefore needs the kind of skills practiced in business and industry. The following are the basic management functions exercised by the court administrator:

1. *Personnel Management:* Administering the wage and salary systems; and selecting, training, developing, evaluating, counseling, and disciplining of nonjudicial administrative staff;
2. *Fiscal Management:* Preparation of court budgets, accounting, payroll, and financial control;
3. *Calendar Management:* Analyzing and evaluating pending caseloads, and preparing recommendations for effective calendar management;
4. *Data-Processing Management:* Analyzing, evaluating, and implementing automated systems to assist the court;
5. *Jury Management:* Managing the jury system in the most effective and cost-effective way;
6. *Space and Equipment Management:* Planning physical space needs; and, purchasing and managing equipment and supplies;
7. *Public Information and Report Management:* Acting as a clearinghouse for news releases and other publications for the media and public;
8. *Records Management:* Creation and management of uniform recordkeeping systems; collection and publication of data on pending and completed judicial business and internal functioning of the court systems;

9. *Research and Advisory Services:* Problem identification with recommended procedural and administrative changes to the court;
10. *Intergovernmental Relations:* Acting as liaison to other government agencies; and
11. *Secretariat Services:* Acting as staff for judicial committees.

B. Management

Management implies getting the job done, usually through other people. Managers usually perform the same general functions regardless of the type of enterprise (private or public) in which they are employed. Since one of the main functions of management is to foster better decision making, management functions must be broken down into the areas in which decisions are made. Court administrators, as the administrative managers of the court, perform these managerial functions.

1. *Planning*

The manager must decide first what is to be done. Both short- and long-range objectives should be set for the organization, and the means that will be used to meet them should be decided.

2. *Organizing*

This function involves determining the activities required to achieve the organizational objectives, the organization of these activities, the delegation of authority to carry out the objectives, and the coordination of organizational activities.

3. *Staffing*

In organizing, the manager establishes positions and decides which duties and responsibilities properly belong to each position. In staffing, the manager attempts to find the right person for each job.

4. *Directing/Controlling*

In directing, the manager explains to the staff what they are to do and then helps them work to the best of their ability. In controlling, the manager determines how well the jobs have been

done and what progress is being made toward organizational goals. The manager must be able to make changes if the organization is deviating from the goals.

The extent to which court administrators exercise their talents in each of these functional areas depends on various factors: (1) whether the court administrator is a state or local official; (2) the size of the court or judicial system; (3) the statutory or constitutional powers of the judiciary and the court administrator; (4) the understanding between the court administrator and the court about the extent of delegated authority; and (5) the customs and traditions of the court.

The court administrator may decide some questions alone; or, he may prepare staff memoranda to assist the judges in making a decision. On the other hand, he may merely bring interested parties together so that the judges have an opportunity to be informed before making a decision. The precise management practices depend on the specific situation.

Professionalization

The National Association of Trial Court Administrators (NATCA), founded in 1965, now has more than 300 members. Through NATCA, court administrators can prepare for the rapidly changing requirements of their profession. One of the objectives of NATCA is its dissemination of information received from scholars, technicians, and successful court administrators. NATCA is the voice for effective, well-informed professional court administrators.

The creation of the Institute for Court Management (ICM) in 1970 represented a landmark in the movement toward professionalizing court administration. By creating the mechanism to train specialists in judicial management, ICM enables court administrators to gain a measure of legitimacy among members of the legal community.

Shortly after the establishment of ICM, a few universities began to develop graduate programs in judicial administration. University programs that currently focus on the administration of the courts are found at The American University, the University of Southern California, and the University of Denver.

Job Qualifications

According to NATCA standards, the trial court administrator should have these qualifications:

1. Management ability, demonstrated by substantial experience in progressively more responsible management positions in government or the private sector;
2. Experience in modern business and management techniques, including use of automatic data processing;
3. A demonstrated capability to plan and conduct studies designed to improve court management, and the ability to prepare recommendations and to implement them when approved;
4. A high degree of judgment, understanding, and tact; ability to maintain proper relationships with other courts, state and federal government officials, members of the bar, and the public;
5. The ability to conduct conferences and meetings and to communicate clearly in writing and speech to the council, the judges of the courts, and representatives of government agencies, industry, and the public;
6. Formal training in court management and managerial experience in addition to familiarity with court procedures; and
7. Creative leadership, planning ability, and organizational skills, initiative, decisiveness, and dedication to make significant contributions to productive change in operating methods.

Educational qualifications are related directly to the functions that the court administrator will be performing. Since the primary functions of the court administrator are managerial, his qualifications should reflect management experience.

- Preferred qualifications:
Graduate degree in the field of Judicial Administration, Public Administration, Business Administration, or Law with management training.
- Minimum qualifications:
Bachelor's Degree in one of the above fields; and three years of experience in a responsible management position, with training in court administration.

III. RELATIONSHIP OF ADMINISTRATOR TO BENCH

Court administrators work in a complex environment. Within that environment one of the most significant relationships is that between the judges and the court administrator. Judges ultimately are responsible for effective court management. Frequently, constitutions and statutes make this duty clear; other times the duty is implied. In either case, administrative functions and responsibilities can be delegated by the judges to a court administrator. The process of delegating broad management power to a person other than a judge is complex and must be sanctioned by the court.

Dual Function

The court administrator serves the dual function of (1) increasing a judge's time for adjudication, and (2) bringing professional management knowledge and experience to administrative problems of the judiciary. In courts where judges must divide their time between judicial and administrative functions, fewer cases are heard. Also, some judges manage reluctantly because they are not familiar with management principles and functions, and they believe that they should be spending their time working on cases. This situation leads to unsuccessful case processing and unsuccessful court management.

A proficient and professional court administrator can assist in processing cases more efficiently. He can also prepare the court budget, administer personnel programs, improve jury systems, implement data processing systems, plan space requirements, and handle public information requests.

Perceptions of the Judiciary

Of key importance in employing a court administrator is the attitude and perception of the judiciary, especially that of the chief judge. A trial court administrator serves usually as an appointee of the entire court, but he is almost universally subject to the supervision and direction of the chief or presiding judge. In addition, many functions performed by a trial court administrator are duties performed traditionally by the chief judge. Therefore, more than any other judge, the chief judge's perception of the role of a trial court administrator will determine to a large extent the actual functions of the position.

If the chief judge views the functions of the court administrator to be separate but supportive of his own functions, the chief judge may be more likely to entrust the administrator with broad responsibilities. In this situation, a chief judge may see the court administrator as a professional and as the main source of support, advice, and information on managerial matters facing the court. The chief judge can therefore increase the likelihood that the court administrator will develop an effective managerial role within the court.

Job Success Factors

The extent to which court administrators can successfully be delegated administrative and supervisory responsibility for the nonjudicial activities of the court depends on several factors:

1. *Attitude of the Judges*

The court must support actively the administrator's position. Acceptance and support for the position are achieved more readily if the role of the court administrator is well defined. The judges must be willing to delegate, to transfer from themselves to a subordinate—the court administrator—the duties not directly involving legal decisions. The judges must understand that delegation of such duties and responsibilities does not constitute a loss of control. As the policymakers, they always control the activities of the court administrator, his staff, and all court personnel. The judges will discover that their knowledge of court operations will increase, because a professional manager serves as an excellent communications link. If judges have such an understanding, then the court administrator can perform in the role of an executive manager.

Although there are no specific statistics, most experts in the field would account for the failure of a court's first administrator by pointing to both the lack of a clearly-defined job description and the lack of acceptance of the court administrator position by the judges.

2. *Size of the Court*

Court administrators who serve in a two- or three-judge court are not likely to assume a large number of responsibilities because the quantity of general

management duties is small enough to be within the judges' span of control. But even in small courts, professional management can be utilized to free judges for courtroom activities.

3. *Personal and Professional Skills*

Success of the court administrator depends largely upon the individual's personal and professional skills. An ability to analyze problems, recommend solutions, and implement change, accompanied by personal credibility and communication skills, contributes to the success of the position.

4. *Delineation of Duties*

Many court administrators serve in judicial systems where their duties are not detailed in a job description or sanctioned by court rule. Instead, the court administrator assumes the responsibilities in an ad hoc manner, either through informal delegation of duties by judges or by assuming various administrative functions on his own initiative as the need arises.

Judicial Control

It should be emphasized that all judges of the court, particularly the chief judge, are responsible for the administration of the court. Court administrators manage the nonjudicial activities of a court, but ultimately are responsible to the judges. In effect, the judges represent a board of directors; the chief judge their chairman of the board and the court administrator their manager or executive officer. The judges determine policy; the court administrator implements this policy.

IV. HIRING A COURT ADMINISTRATOR

In the past decade, the profession of court administration has come into its own. As articles appear, as professional administrators are mentioned in judges' training seminars, as the size of the court grows, and as the management problems of the court increase, more and more judges ask whether they should hire a trial court administrator.

How does a court decide when it is ready to hire an administrator? Where does a court look? How much does it

pay? What should the trial court administrator do? Should the administrator be a lawyer? What are the qualifications of an administrator? These are a few of the more common questions regarding the employment of a trial court administrator.

Perhaps the question most asked by courts is this: How large should the court be before it considers hiring an administrator? While this might appear to be the easiest question to answer, it is not. Normally, hiring an administrator depends on the court's state of mind rather than its size.

Organizational Questions

Before answering this question, a court first must answer one other question: Exactly what functions does the court want the court administrator to perform? This can be answered by reviewing the court's job description for the position. If such a description does not exist, it should be developed. Without identifying specifically what functions the court wants the court administrator to perform, it is difficult to determine the necessary qualifications and to have any criteria against which to evaluate candidates.

Delay, backlog, and other administrative problems are usually the reasons that courts hire an administrator. In any event, any court having five or more judges should seriously consider such action. Some factors to consider in determining the need for a court administrator:

1. *Volume of Court Business*
Increase in case filings, increase in backlog, and delay in processing cases.
2. *Size of Population Served*
Geographic area and population trends of court's jurisdiction.
3. *Judicial Preference*
The desire of judges to divest themselves of administrative tasks.

Conditions such as these warrant consideration of the creation of a court administrator position.

Ideally, the court administrator will be a person who combines the technical skills of the manager and a knowledge of the principles of public and business administration with an understanding of the duties and the problems peculiar to the courts.

Specifically, the court administrator should have completed considerable study in the field of public and business administration. In addition, he should have a familiarity with government and business organization and operation. On a personal level, he must be able to communicate skillfully with others, and to elicit the cooperation and confidence of the community he serves. Many court reformers, such as Chief Justice Burger, support the contention that managerial expertise in a wide range of executive and administrative capacities is of primary importance.

**Lawyer v.
Nonlawyer**

Since the professional administrator is a relative newcomer to the courts, many aspects of the position are still under debate. Foremost is the question of whether or not to hire a lawyer to fill an administrative position. An examination of the functions of the administrator may solve this dilemma. If the court is seeking a legal researcher or hearings officer, then an employee with a legal background is essential. But, if the court is seeking an individual to handle budget, personnel, space and equipment planning, or data processing, then management/administrative skills are essential.

An attorney who is *not* managerially competent will be of little benefit in dealing with the court's administrative problems. Likewise, if the nonlawyer administrator is not supported by the court, he will be of little benefit in dealing with the court's problems. One alternative to this dilemma is to have a court administrator with both legal and managerial skills. This has been the intent of judicial administrative programs sponsored by the Institute for Court Management, University of Denver, University of Southern California, and The American University.

**Method of
Selection**

Once a court has made a decision to hire an administrator, and once it agrees on the position's exact functions, the court is ready to interview candidates.

A court administrator should be selected (and, when necessary, removed) by a majority vote of all of the judges in a multijudge court. The position of court administrator is the most important nonjudicial position in the court; therefore, each judge should have a vote in the hiring process.

Many courts delegate the appointment and removal authority to the chief judge. This is not a desirable management practice since the court administrator serves the

entire court, not just the chief judge. Also, such a policy of majority appointment and removal provides continuity in the rotation, if any, of chief judges. The term of the court administrator should be indefinite.

In order to obtain qualified candidates for the position, the court should recruit nationwide for the position of court administrator. This will further the professionalism of the position. The institutions listed in the back of this brochure serve as a clearinghouse through which candidates can be contacted.

V. NATIONAL PROFILE OF A TRIAL COURT ADMINISTRATOR

During the winter of 1978, the National Association of Trial Court Administrators (NATCA) in conjunction with the National Center for State Courts (NCSC), conducted a survey on the position of the trial court administrator (TCA) as it then existed within the state courts.

Information for the profile presented here was obtained by surveying 480 trial court administrators. Of these, 220 or 46 percent responded. A profile of a typical trial court administrator is presented below. A complete copy of the survey is available from the Secretariat, National Association of Trial Court Administrators, 300 Newport Avenue, Williamsburg, Virginia 23185, Attention: NATCA Secretariat (804) 253-2000.

Personal

1. *Personal Profile:*
 - A. 81 percent are male.
 - B. Average age—35 years.
 - C. Usual method of salary adjustment—automatic on anniversary date.
 - D. Average work week—45–50 hours.
 - E. Vacation—3½ weeks.
 - F. Years in current position —3½ years.
 - G. Prior experience—the majority of TCA's had previous court-related experience.
 - H. Educational background—undergraduate degree; graduate study in public, business, or judicial administration; training in court management.

Position2. *Position Profile:*

- A. Appointment of TCA made by majority of entire bench.
- B. Majority of TCA's serve at the pleasure of a majority of the bench.
- C. Supervises an average of 12 staff members.
- D. Average population of area served—between 150,000 and 300,000.
- E. Type of court served—majority are county courts, or a combination of city and county courts with general jurisdiction.
- F. Average size of court's operating budget—between \$750,000 and \$1,000,000.
- G. Area of responsibilities fall within two areas.
 Management areas: planning, organizing, staffing, directing, and coordinating.
 Functional areas: financial, caseload, statistical, personnel, jury/witness, space and equipment, public information, and general management.

Professional Standards

Those who administer in the judicial sector are confronted with the need to satisfy both their own professional standards of performance and those that are imposed upon them by a public agency and a critical public. However, the following standards should apply to the administrator's performance in every case:

Standard 1

Promote the interests of justice through continued development of personal skills and through a continuing effort to keep abreast of the latest developments in the field of court administration.

Standard 2

Promote the growth and development of professional court administration organizations by supporting such organizations by membership and active participation in their activities.

Standard 3

Demonstrate awareness of the responsibility to safeguard the public and private image of the court by promoting professionalism within the court system and by avoiding participation in any activity that would reflect adversely upon the judges or the court.

Standard 4

Discharge the duties of the office in a timely, impartial, and courteous manner, and be aware of the court administrator's responsibility as a public official and as a servant of the people.

Standard 5

Refrain from all partisan political activity.

Standard 6

Refrain from using the position of court administrator to influence improperly the decision of a judge or the court in any individual case.

Standard 7

Put aside any and all personal considerations in the conduct of service to the court.

Standard 8

Be mindful that a court administrator is responsible to the judges served and that the role of the court administrator is to assist in the administration of justice rather than to set policy.

Standard 9

Honor the confidential relationship of the position and do not use it for improper purposes in any respect.

The National Association of Trial Court Administrators extends its appreciation to the following individuals who have contributed to the preparation of this brochure:

Michael D. Hall
Circuit Court Administrator
Portland, Oregon

Dale A. Howard
Staff Attorney
National Center for State Courts
San Francisco, California

Pat Jacobs
Circuit Court Administrator
Detroit, Michigan

Harry O. Lawson
Director, Judicial Administration Program
University of Denver School of Law
Denver, Colorado

Edward B. McConnell
Director, National Center for State Courts
Williamsburg, Virginia

Geoffrey A. Mort
Judicial Planner
U.S. Second Circuit
New York, New York

David J. Saari
Professor, Judicial Administration
American University
Washington, DC

Ernest Short
Management Consultant
Sacramento, California

Harvey E. Solomon
Director, Institute for Court Management
Denver, Colorado

Charles H. Starrett, Jr.
Court Administrator
Pittsburgh, Pennsylvania

For further information on trial court administrators, the National Association of Trial Court Administrators (NATCA), its survey results, or other aspects of retaining a trial court administrator, contact:

National Association of Trial Court Administrators
300 Newport Avenue
Williamsburg, Virginia 23185
Attention: NATCA Secretariat
(804) 253-2000

Placement service(s) for trial court administrator candidates are available through:

Institute for Court Management
1624 Market Street
Suite 210
Denver, Colorado 80202
(303) 534-3063

University of Denver School of Law
208 Forum Building
250 West 14th Avenue
Denver, Colorado 80204

University of Southern California
The Judicial Administration Program
3601 South Flower Street
Los Angeles, California 90007
(213) 741-7973

The American University
School of Justice
College of Public and International Affairs
Washington, D.C. 20016
(202) 686-2405

National Center for State Courts
NATCA Secretariat
300 Newport Avenue
Williamsburg, Virginia 23185
(804) 253-2000

END