



Results From the 2003 Survey of Administrative Models

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EXECUTIVE SUMMARY

The Center for Court Research, Innovation and Planning at the Administrative Office of the Courts of California conducted the Survey of Administrative Models in April and May of 2003 to determine how different states administered their judicial branch. The survey asked general questions about administrative systems in use in judicial branches and specific questions concerning 30 administrative areas in five functional categories: trial court administration, case and assignment management, alternative legal services, fiscal management and human resources management. The respondents represented all sizes of judicial branches, from large (Texas and Alaska) to small (Vermont and Delaware). A State Justice Institute Solutions Grant (SJI-03-N-014) funded the survey.

This report focuses on three characteristics of the administrative areas: the area's administrative model or locus of control, its primary funding source, and the effectiveness of the particular model in each area. Although the study cannot generalize about all state court systems, five main findings emerged from the study:

- The Administrative Offices of the Courts (or like body) has primary control of trial court funding. The state is the primary funding source for the trial courts in 16 of the 25 responding states.
- No single style of administration (state, regional or local) emerged either alone or in combination with another in any of the functional categories. States administered one area using one model of administration but administered other areas using different models of administration.
- In a majority of states, the Administrative Office of the Courts (or like body) administers most human resources and fiscal management areas.
- In a majority of states, local trial courts and blended models (primarily models where administration was split between the state and locality) were the norm in trial court administration and case and assignment management.
- Overall, the states ranked their models of administration in the range from “effective” to “extremely effective.”¹

¹ States were asked to rank their models of administration along an effectiveness scale ranging from 1 “not at all effective” to 4 “extremely effective.”

INTRODUCTION

The Center for Court Research, Innovation and Planning at the Administrative Office of the Courts of California conducted the Survey of Administrative Models in April and May of 2003 to determine how different states administered their judicial branch. A State Justice Institute Solutions Grant (SJI-03-N-014) funded the survey.

The survey asked respondents to reply to questions concerning the administration of their state's judicial branch from the perspective of a state court administrator. The questions were organized into general questions about administrative systems in use in judicial branches and specific questions about 30 administrative areas in five functional categories: trial court administration, case and assignment management, alternative legal services, fiscal management and human resources management. The survey was distributed to all 50 states via the Conference of State Court Administrator's listserv. Twenty-four states responded through either e-mail or fax; one state responded by telephone call.

This report focuses on three characteristics of the administrative areas: the area's administrative model or locus of control, its primary funding source, and the effectiveness of the particular model in each area. Respondents could choose between a state-level administrative model, a regional or multijurisdictional model, a local-level model or they could combine administrative models in their responses. Respondents also were asked to classify their primary funding sources as originating from the state, from the locality or from both. Charts detailing selected administrative areas are presented throughout the report. The appendixes include a brief glossary and a compilation of survey results from each of the 25 states regarding their administrative and financial models. For reasons of confidentiality, the report does not include the effectiveness scores of individual states.

SUMMARY OF SURVEY RESULTS

The results indicated a broad range of administrative and funding models in use by judicial branches across the United States. While some states favored one model of administration throughout their judicial branch, other states chose mixed models, using one model for some areas and another model for other areas.

Overall Funding

As shown in Figure 1, the majority of the courts considered themselves to be state-funded (that is the state provides the primary source of funding for the judicial branch.) However, as in other parts of government, the recent budget crises for many states resulted in funding shortfalls within the judicial branch. Respondents stated that the current situation colored the responses of the courts. Many of the respondent courts listed having adequate funding as one of the primary challenges to

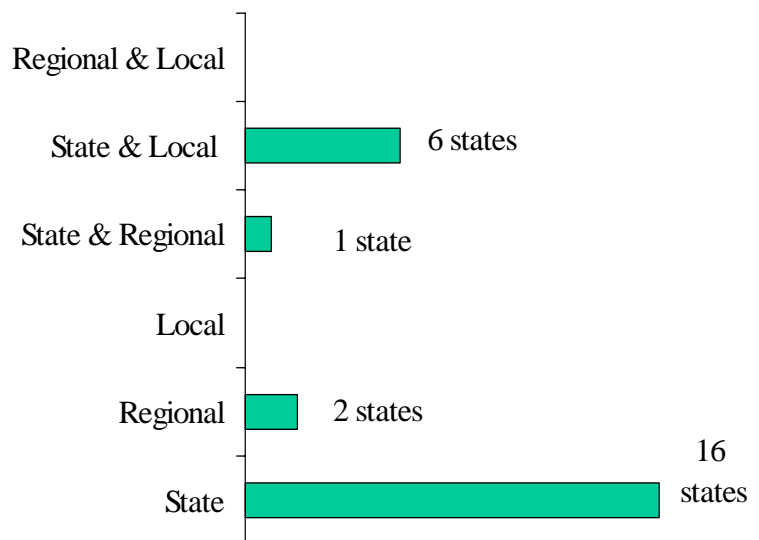


Figure 1. The judicial branch in a majority of states is state-funded.

effective administration of the judicial branch regardless of the administrative model used.

Trial Court Administration

Trial court administration consists of a diverse group of administrative areas: case management systems or CMS (Figure 2), fine/fee collection, general counsel responsibilities, information technology services, interpreters (both non-English and American Sign Language) (Figure 3), judicial education programs, law libraries and legal research services, liaisons with the legislature, public information services, research and planning, and technical assistance to the trial courts.

The states reported that they use a variety of administrative models within the category of trial court administration. As shown in Figures 2 and 3, states reported that they administer case management systems and interpreter services with a greater variety of administrative models than other areas. In the areas of general counsel services and information technology, states reported they use primarily a state-level administrative model (80 percent in both areas). States also reported that they primarily use a state-level model of administration in the areas of judicial education, liaison with the legislature, public information, research and planning, and technical assistance, but not to the same extent as in the areas of general counsel and information technology.

In all of these areas, the majority of states reported primarily state-level funding, except for interpreter services, where the funding strategies were mixed.

Overall, the states reported that their trial court administration is effective with a mean score of 3.1.² A majority of the courts identified interpreter services and fine and fee collections as the least effective areas (mean scores of 2.6 and 2.7 respectively).

Administrative Areas

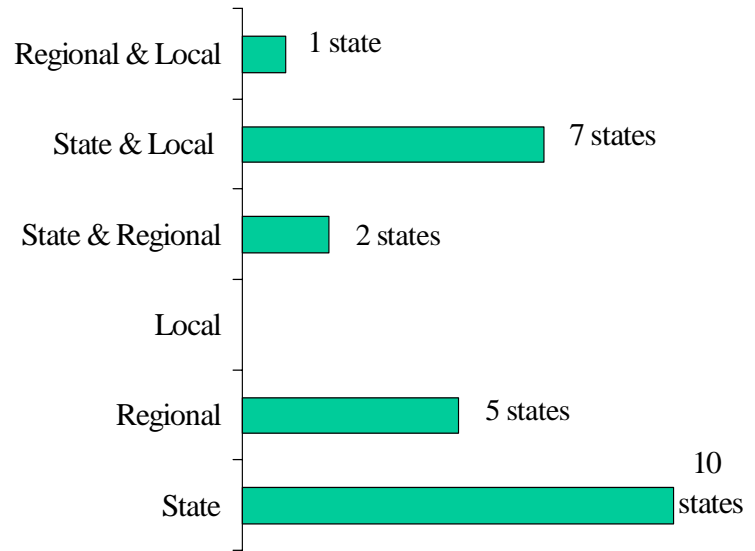


Figure 2. States use a variety of models to manage case management systems.

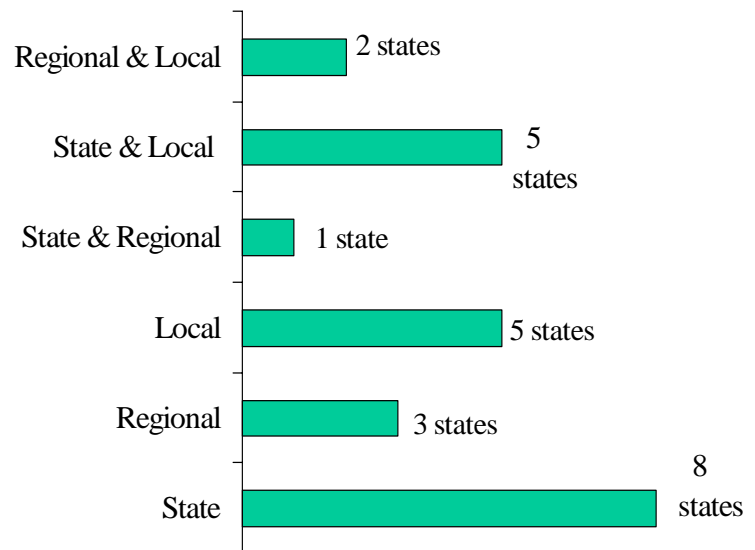


Figure 3. States manage interpreters across all models of administration.

² States were asked to rank their models of administration along an effectiveness scale ranging from 1 “not at all effective” to 4 “extremely effective.”

Case and Assignment Management in Trial Courts

The case and assignment management category consists of administrative areas defined by case type — complex litigation, civil litigation, criminal (Figure 4), juvenile, and family law — and includes assignments for sitting judges (Figure 5) and supplemental judicial officers.

Eighteen states reported that they use a local model of case flow management in all case types except complex litigation in which 13 states use a local model and 5 states use a state-level model. Three states manage cases entirely on a regional basis. One state reported it managed cases at all three levels, with each level managing a different aspect of the case.

Funding for management of the various case types primarily came from state-level funding, with few states reporting local-level funding. Assigned and supplemental judges were also funded in a majority of states on the state-level. Overall, the states rated their case management and assignment management models as effective (3). Assignment management for sitting and supplemental judges rated higher than management of the various case types (mean scores of 3.4 and 3.2 respectively).

Alternative Legal Services

This category includes alternative dispute resolution or ADR (Figure 6), collaborative justice courts and unrepresented litigant services. These administrative areas had the fewest respondents, with 23 out of 25 responding on ADR, 22 out of 25 responding on Collaborative Justice and 19 out of 25 responding on unrepresented litigant services.

Of all the categories, alternative legal services have the greatest variety of

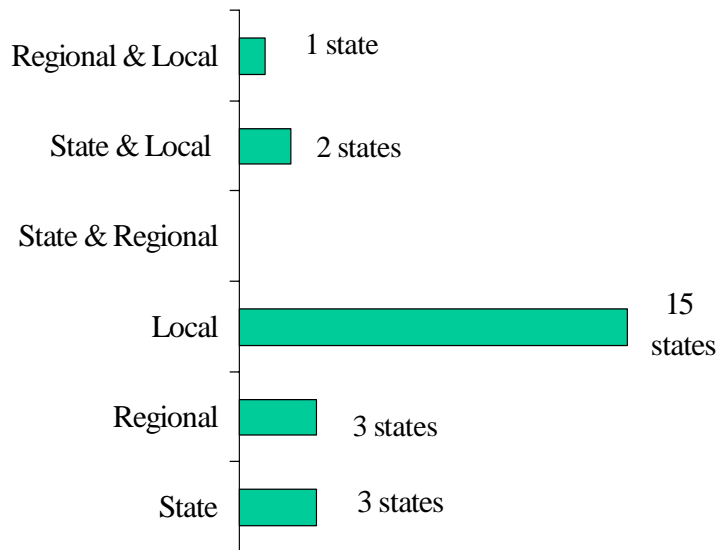


Figure 4. Most states manage criminal cases on a local level

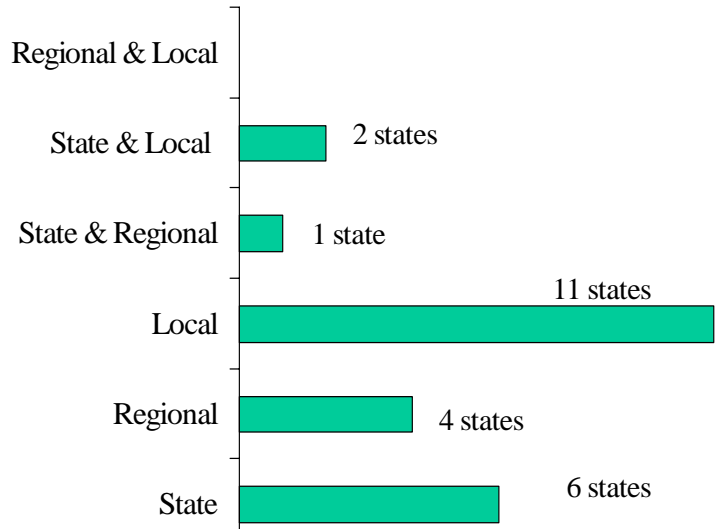


Figure 5. States manage assignments for sitting judges on a regional or statewide level

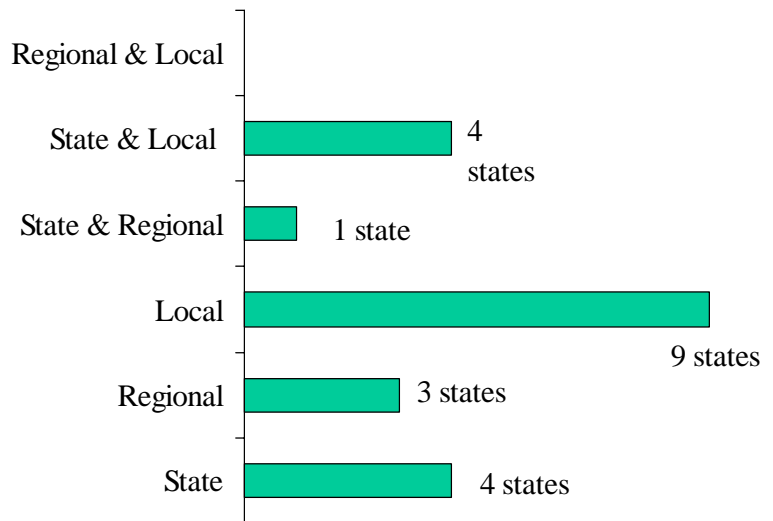


Figure 6. Services for unrepresented litigants are managed mostly on a local level.

administrative models in use. The majority of the courts use local-level administrative models with alternative dispute resolution services and collaborative justice courts. Unrepresented litigant programs also tend to be administered on a local level, with 7 states using a local model and 5 states using a combination of state and local administration.

The primary source of funding for alternative legal services also varied from area to area. Forty-six percent of states reported primarily state-level funding for alternative dispute resolution services and unrepresented litigant services, while 54 percent reported primarily state-level funding for collaborative justice courts. States rated unrepresented litigant services as the least effective of all the administrative areas considered in this survey, with an average overall effectiveness rating of 1.9 and an overall rating for the category of 2.2.

Fiscal Management

The fiscal management category contains accounting, audits, budget preparation (Figure 7), facilities management and purchasing. Fifteen states use a state-level administrative model in accounting, and 18 states use a state-level model in auditing. Eleven states managed their facilities locally. Figure 6 details the distribution of administrative models in the area of budget preparation.

Regardless of the administrative model, state governments funded fiscal management in a majority of states. States rated the administrative models in these areas as effective to extremely effective overall, with facilities management rated the least effective with a mean score of 2.9 compared to the category's overall effectiveness score of 3.4.

Human Resources Management

The administrative area of human resources management consists of benefits and retirement (Figure 8), payroll, and human resources policies and procedures. As with fiscal management, the majority of the states responded that these areas are administered on a statewide basis (75 percent for benefits and retirement and payroll, 67 percent for human resources policies and procedures). The majority of funding for these areas also comes from the state. However, four states reported that they use state and local administrative models for payroll and policies and

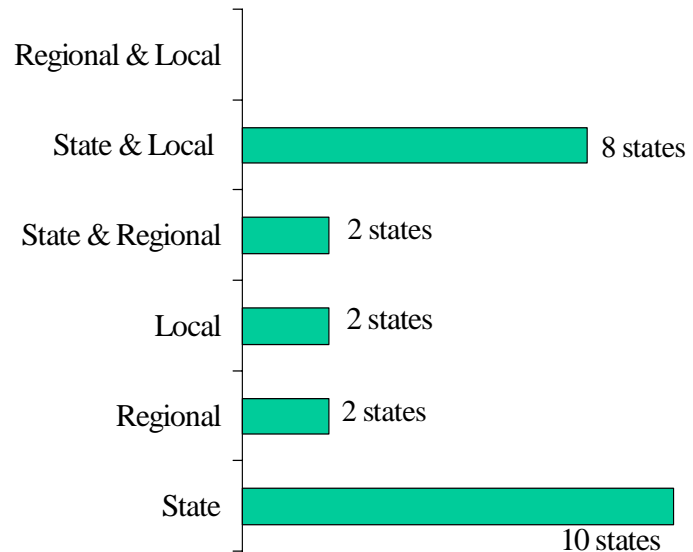


Figure 7. States manage the budget process solely at either the state level or working with local courts

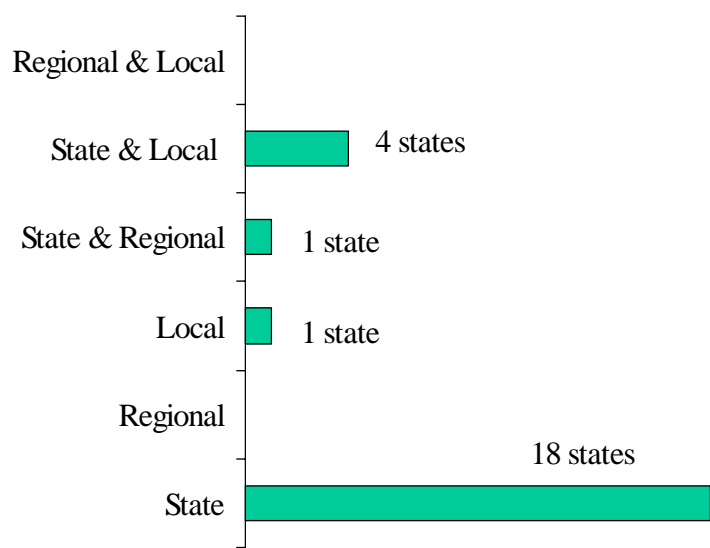


Figure 8. Most states manage human resources policies and procedures on the state level.

procedures. Two states reported that they use regional models to distribute the funding for this category, and these same states use a local model of administration in these three areas. States rated these areas as administered very effectively, with an overall effectiveness score of 3.4

Conclusion

Overall, the respondent states reported a variety of administrative and funding models for the 30 administrative areas discussed in this report. In a majority of the states, state-level administration was the norm in the categories of trial court administration, fiscal management and human resources management. In the categories of case and assignment management and alternative legal services, the models of administration varied, with local and regional administrative models having a stronger presence. State-level funding is the primary funding source in a majority of the states, with certain areas using more local and regional level funding namely in the category of alternative legal services. States ranked their models of administration overall in the range of effective and very effective, with an average effectiveness ranking of 3.3.

Appendix A Methodology and Glossary

Methodology

The short survey was distributed to all 50 states via the Conference of State Court Administrators' listserv. Twenty-four states responded through either email or fax, and one state responded through a telephone call.

The survey asked respondents to reply from the perspective of a state court administrator, and asked specific questions about 30 different administrative areas in all aspects of trial court administration ranging from processing of specific case types to human resources policies and procedures.

Appendix B contains the results from each of the 25 states regarding their usage of various administrative models, and which financial model they use in each administrative area. For confidentiality reasons, individual states' effectiveness scores will not be released.

Glossary

Administrative area: The administrative areas are based on the areas reported in by the Bureau of Justice Statistics' *Report on State Court Organization 1998*.³ Areas have been added to provide information on subjects of particular interest.

Administrative model: The administrative model is the method used to manage the day to day activities of the particular administrative area. Specific definitions are as follows:

State-level administrative model: The State Administrative Office of the Courts or other similar body retains control of the administrative functions.

Regional-level administrative model: The judiciary is organized into multi-jurisdictional districts or regions (such as multiple counties) and managed through these districts or regions.

Local-level administrative model: All decisions are handled on the local or individual court level.

Funding: The primary source of funding for a particular administrative area.

State-level funding: The funding for the courts comes from the state government and not from individual counties or other jurisdictions.

Local-level funding: All funding is collected and distributed on the local or county level.

Effectiveness: The effectiveness of a particular administrative model in a particular administrative area. In determining their effectiveness rankings, respondents were asked to consider how well the model worked to achieve consistency and fairness in delivering justice and whether it presented administrative difficulties. The values are "1, not at all effective", "2, somewhat effective," "3, effective," and "4, extremely effective."

³ Bureau of Justice Statistics. (1998) State Court Organization, 4th Release. US Department of Justice, Washington DC. <http://www.ojp.usdoj.gov/bjs/pub/pdf/sco98.pdf>

Appendix B -- Selected Results of the Short Survey

State	Primary Source of Funding	CMS		Fine/Fee Collection		General Counsel		Information Technology		Interpreters		Judicial Education		Law/Legal Research	
		Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial
South Dakota	S	R	S	S	S	S	S	S	S	S, R & L	R	S	S	S & L	S & R
Iowa	S	R	S	S	S	S	S	S	S	R	S	S	S	R	R
Alabama	S	S	S	L	S	S	S	S	S	L	R	S	S	L	R
Vermont	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Kentucky	S	S	S	S	S	S	S	S	S	S & L	S	S	S	S	S
Maryland	S	S & L	S & R	L	S			S & L	S & R	S	S	S	S	L	R
Utah	S	R	S	S & L	S	S	S	S	S	S, R & L	S	S	S	S & L	S
Delaware	S	S	S	S & L	S	L	S	S	S	S & L	S	S	S	L	R
North Dakota	S	R	S	R	S	R	S	S	S	R	S	S	S	R	S
Alaska	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Connecticut	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Oregon	S	S & L	S & L	S & L	S	S	S	S	S	S	S	S & L	S & L	S & L	S & L
Virginia	S	S	S	S	S			S	S	L	S	S	S	S	S
Colorado	S	S & L	S	S	S	S	S	S	S	S & R	S	S	S	S & L	S
Hawaii	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
South Carolina	S	S & L	S	L	R			S & L	S	S & L	S	S	S	S	S
Texas	R	S & L	R	L	R	L	R	S & L	R	L	R	S	S	L	R
Michigan	R	S & L	R	L	R	S	S	S & L	S & R	S & L	R	S	S	L	R
Missouri	S & L	S	S	S & L	S			S	S	S & L	S & R	S	S	L	R
Georgia	S & L	S & R	R	L	R	S	S	S & L	R	S	S & R	S	S	S & L	S
Florida	S & L	R	S & L	L	L	S & R	S & L	S & R	S & L	R	L	S	S	L	L
Wisconsin	S & L	S, R & L	S & L	L	R	S	S	S	S	L	S & L	S	S	L	R
Nebraska	S & L	S	S	L	S			S	S	S	S	S	S	L	L
Kansas	S & L	S & L	S	L	S	S	7	S	S & L	L	L	S & L	S	L	L
Idaho	S & L	S & R	S	S & R	S	S	S	S	S	S, R & L	L	S	S	S & L	L
New Mexico	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	O		S & R	S & L

Legend

S = State
R = Regional
L = Local
S & R = State and Regional
S & L = State and Local
R & L = Regional and Local
S, R & L = State, Regional and Local
O = Other

State	Quasi-Judicial Officers		ADR		Collaborative Justice		Unrepresented Litigants		Accounting		Audits		Budget	
	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial
South Dakota	S	S	S, R & L				S, R & L	R	S	S	S	S	S & L	S
Iowa	R	S	R	S	R	S	R	S	S	S	S		R	S
Alabama	L	R	L	R	L	R	L	R	S	S	S	S	S	S
Vermont	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Kentucky	S & L	S	S & L	S	S & L	S		S	S	S	S	S	S	S
Maryland	L	S & R	S & L	S	S & L	S & R	S & L	S	S	S	S	S	S & L	S & R
Utah	L	S	S	S	S & R	S	S & L	S	S & R	S	S & R	S	S & R	S
Delaware	L	S	L	S	L	S	S & L	S	S	S	S	S	S	S
North Dakota	R	S	R	S	R	S	R	S	S	S	S	S	R	S
Alaska	L	S			S	S			S	S	S	S	S	S
Connecticut	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Oregon	S & L	S & L	L	R	L	R	R & L	R	S & L	S & L	S	S & L	S & L	S & L
Virginia	L	S	S	S	L	S	S	S	S	S	S	S	S	S
Colorado	S & R	S	S & R	R	S & L	S	L	S	S & L	S	S	S	S	S
Hawaii	S	S	S	S	S	S	S	S	S	S	S	S	S	S
South Carolina			O	S	L	S & L			S	S	S	S	S	S
Texas	L	R	L	R	L	R	L	R	L	R	L	R	L	R
Michigan	L	R	S & L	S & R	S & L	S & R	L	R	L	R	S	S	L	R
Missouri			L	S & R	L	S			L	S	S	S	S & L	S & R
Georgia	L	R	S	S	S & L	S	L	L	S & L	S & L	S	S	S & L	S & L
Florida	R	S & L	L	S & L	R	S & L	R	S & L	S	S	S	S	S & R	S
Wisconsin	L	R	L	R	L	R	L	R	S & L	S & L	S & L	S & L	S & L	S & L
Nebraska			S	L	L	L	L	L	S	S	S & L	S & L	S & L	S & L
Kansas	S	S	S & L	L					S & L	S & L	S & L	S & L	S & L	S & L
Idaho	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S & L	S & L	S & L	S & L	S & L	S & L
New Mexico	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	S, R & L	S & L	O	L	S, R & L	S & L

State	Facility Management		Purchasing		Benefits/Retirement		Payroll		Human Resources Policies and Procedures	
	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial	Admin.	Financial
South Dakota	S, R & L	R	S & L	S	S	S	S	S	S	S
Iowa	R	S			S	S	S	S	S	S
Alabama	L	R	S	S	S	S	S	S	S	S
Vermont	S & L	S & R	S & L	S & R	S	S	S	S	S	S
Kentucky	S	S	S	S	S	S	S	S	S	S
Maryland	S & L	S & R	S	S	S	S	S	S	S	S
Utah	S & R	S	S & R	S	S	S	S	S	S	S
Delaware	S & L	S	S & L	S	S	S	S & L	S	S & L	S
North Dakota	L	L	R	S	S	S	S	S	S	S
Alaska	S	S	S	S	S	S	S	S	S	S
Connecticut	S	S	S	S	S	S	S	S	S	S
Oregon	L	R	S & L	S & L	S	S	S	S	S	S
Virginia	L	R	S	S	S	S	S	S	S	S
Colorado	S & R	S	L	S	S	S	S	S	S	S
Hawaii	S	S	S	S	S	S	S	S	S	S
South Carolina			S	S	S		S	S	S	S
Texas	L	R			S & L	R	S & L		S & L	R
Michigan	L	R	L	R	L	R	L	R	L	R
Missouri	L	R	S & L	S & R	S	S	S	S	S & L	
Georgia	L	L	S & L	S & L	S & L	S & L	S & L	S & L	S & L	S & L
Florida	L	L	S & R	S	S & R	S	S	S & L	S & R	S & L
Wisconsin	L	R	L	R	S & L	S & L	S & L	S & L	S & L	S & L
Nebraska	L	L	L	L	S & L	S & L	S & L	S & L	S	S
Kansas	L	L	L	L	S	S	S	S	S & L	S & L
Idaho	S & L	S & L	S & L	S & L	S & L	S & L	S & L	S & L	S & L	S & L
New Mexico	S, R & L	S & L	S, R & L	S & L	S	S	S, R & L	S & L	S, R & L	S & L