Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

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Trial Courts: Trial Court Business Process Reengineering Services

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Court Executives Advisory Committee
Ms. Kim Turner, 2011 Chair
Mr. Alan Carlson, 2012 Chair

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Executive Summary

This is an informational report for the Judicial Council on the Court Executives Advisory Committee's (CEAC) proposed Trial Court Business Process Reengineering (TCBPR) services model. On April 28, 2011, Chief Justice Tani G. Cantil-Sakauye requested that CEAC take the lead in developing a framework to encourage the greater use of business process reengineering practices in the trial courts for the council's consideration at a future meeting. The TCBPR services set forth in this report can assist interested trial courts with maximizing the potential of their reduced workforce, creating more efficient and productive court structures and business practices, and exemplifying leadership and innovation during the ongoing statewide fiscal crisis.

Previous Council Action

At the council's April 28, 2011 issues/educational meeting, CEAC representatives participated in a panel discussion entitled "Budget Reduction Strategies in the Trial Courts." The purpose of the panel discussion was to provide council members, many of whom are either not working in the trial courts or not in a leadership position in their court, with an understanding of the difficult, yet innovative, efforts already underway in most courts to adjust to the new fiscal austerity.

CEAC's presentation focused on strategies the trial courts are already using to address the impact of the third consecutive year of budget reductions. CEAC apprised the council of CEAC-sponsored efforts such as those undertaken by CEAC's Operational and Budget Impact Working Group to identify and remove statutory or rule barriers to reducing costs of operation. Many local trial courts have also made decisions to shorten public hours, eliminate nonessential programs, implement furloughs and layoffs, offer early retirement incentives, renegotiate labor contracts to defer salary increases, and shift more of the burden of health and retirement benefits to employees.

Another strategy that CEAC highlighted was the effort already underway in many courts to reengineer their core business functions by mapping and analyzing each workflow process end-to-end to determine essential, value-added steps and eliminate unnecessary steps; empowering staff to work more autonomously and with greater decision-making authority; and aligning business processes to key workload measures and desired outcomes.

The concept of expanded business process reengineering (BPR) resonated with council members at the April meeting and led to a larger discussion about how to promote and elevate awareness of BPR as a key strategy for the trial courts in this challenging fiscal environment. Chief Justice Tani Cantil-Sakauye requested that CEAC take the lead in developing a TCBPR model to present to the council at a future meeting.

Methodology and Process

Since the April 2011 council meeting, significant additional budget reductions and a bleak financial forecast for next fiscal year have made BPR a key tool as trial courts strive to maximize operational capabilities for their reduced workforce, minimize the negative impacts to the public, and maintain essential services to the best of their ability. Moreover, as the Governor and Legislature have questioned the ability of the judicial branch to make sustainable, long-term changes that will permanently reduce operating costs, it is important to clarify that many trial courts have already made significant long-term changes, operationalized resource reductions, and reduced costs—many utilizing BPR as a primary tool in this process. CEAC's proposed TCBPR services model can assist the trial courts, and the entire branch, not only in reducing costs and minimizing the elimination of essential court services, but also in conveying two key messages: (1) the judicial branch is listening and heeding the message of the Governor and Legislature; and (2) the judicial branch (in particular, the trial courts) has been actively engaged over a number of years in a comprehensive and coordinated effort to permanently reduce costs and modernize its service delivery model for the benefit of justice partners and the public.

While the effective delivery of these messages is critical to the branch's success in competing for diminishing public funds in the coming years, the real benefits of BPR will inure to the trial courts. As courts continue to engage in this process, they will gain operational and administrative efficiencies, find innovative ways to allow the public to engage effectively in self-service, and design processes that are less staff-intensive, use fewer court resources, and ensure that courts are not performing work that should be done by other criminal justice partners or the local bar.

Further, those courts that have not yet fully explored BPR's potential may benefit from the experience and practice of courts that have successfully implemented BPR, as well as from guidance and resources available through the Administrative Office of the Courts (AOC) work unit focused on helping courts that request assistance with BPR.

BPR has been a focus for a number of courts for several years. In recent years, several courts successfully utilized BPR strategies to help them maintain (and, in some cases, improve) levels of public service while reducing related costs in anticipation of state budget cuts that were imposed beginning in 2008. As reductions of state funding to the trial courts continued and deepened through 2009 and 2010, many courts viewed BPR as an essential tool in their ongoing efforts to utilize technology and efficiencies to best support their reduced workforce and attempt to maintain the most essential court services. The fact sheet provided as Attachment A to this report provides additional information concerning BPR.

Trial court participation in the TCBPR services model would be entirely voluntary. Participation would not be mandatory in any way.

That said, it is important to view the proposed TCBPR services model with appropriate perspective. Although BPR can help courts respond to the severe funding reductions of 2011 and those projected for 2012, it is not a panacea that will allow courts to maintain all their current services. BPR is simply one tool (often a key and powerful one) that, along with other management "best practices" and efficiencies, will allow the courts to mitigate the damage caused by the elimination of essential trial court funding. Further, successful BPR takes time to plan and implement and many courts are already nearing crisis mode in meeting operational and public service delivery mandates. Given appropriate time and resources, BPR can be a primary tool to assist courts in maximizing productivity with a reduced workforce. However, even with BPR and all the technology and efficiencies available, funding cuts for 2011 and those currently proposed for 2012 will, if essential court funding is not restored, necessitate further workforce reductions and related court service reductions, delays, and branch/courtroom closures for a majority of the trial courts.

CEAC proposes to establish a working group consisting of presiding judges and court executive officers to lead this effort and work with the Business Process Reengineering Unit of the Regional Office, Northern/Central Region.

There are two key components to the proposed TCBPR services model:

1. Publicize and raise awareness of BPR as one judicial branch strategy to address permanent reductions of the trial courts' budgets and to minimize the impact of reductions on essential court services; and
2. For those courts that have yet to implement BPR, and who are interested in engaging in a BPR effort, educate those trial court leaders on BPR principles, train them to use available tools to perform BPR at all levels of court operations and administration, and offer them technical assistance and a central repository of ideas and toolkits.

Possible elements of each of these proposed components are described further below.

Publicize and raise awareness of BPR as a tool that trial courts are utilizing and expanding to address permanent budget reductions. CEAC will focus on ensuring that updates on TCBPR activities will be provided periodically to ensure that council members and the public are aware of the trial courts' investment in BPR. It is envisioned that this information might be shared through the AOC's current electronic communication channels (e.g., *Court News Update*, California Courts YouTube) or in the form of talking points that the Chief Justice and court leaders could use to demonstrate to the Governor and Legislature that the branch is engaged in modernization and efficiency efforts. Additionally, CEAC plans on enlisting the involvement of the Trial Court Presiding Judges Advisory Committee (TCPJAC) to champion BPR activities.

Provide educational opportunities for those court leaders who have not yet implemented BPR and train them to use available analytical tools to perform BPR at all levels of court operations and administration, offering technical assistance to courts as needed. For those courts that may not be as familiar with BPR, CEAC envisions TCBPR services that include an education component with the goal of creating awareness for judicial officers and staff at all levels of the trial courts, from the presiding judge and court executive officer to the entry-level clerk, about the fundamental concepts of BPR. Education about BPR at all court staff levels is as imperative to the success of a BPR program as overcoming resistance to change is a key challenge of a BPR project. CEAC envisions regional BPR training held at the trial court locations or AOC offices to provide courts with 'hands on' learning in applying BPR methodology and techniques followed by train-the-trainer sessions to build capacity in court analysts and others from larger courts to become resources for smaller courts that do not have analysts on staff. Educational BPR services might also include periodic TCPBR conference calls with interested courts and the identification of BPR subject matter experts for statewide referral. Finally, CEAC suggests that further education can be promoted through the placement of TCBPR on regional meeting agendas to report on courts' successes with BPR by highlighting innovations and savings.

To address the resources necessary to facilitate the education component of the TCBPR services, the AOC already has a small work unit, located in the Regional Office (Northern/Central Region in Sacramento), which is solely focused on helping courts that request assistance with BPR. Ms. Jody Patel, Interim Administrative Director of the Courts, has offered to partner with CEAC to assist in educating courts in BPR principles and in training them to use tools, such as workflow templates, that have already been developed to aid in these efforts. In addition, the Superior Court of Orange County has received a small technical assistance grant to host an eight-hour training program on BPR for Southern California courts.

Compile a TCBPR central repository and offer technical assistance to the trial courts. The Regional Office's BPR Unit has offered to serve as a central repository for all BPR efforts and will develop an online library of new and emerging promising practices in the trial courts. One

existing goal of the BPR Unit has been to ultimately develop promising practice models for all operational and administrative areas, which may be useful to the trial courts as a guide in developing their own local processes. It is envisioned that information in the central repository could be provided to the chair of CEAC with regular updates to share with the council and trial courts across the state.

Given the anticipated workload associated with TCBPR services model the traditional services offered by the BPR Unit will be available on a very limited basis for those courts requesting technical assistance. As indicated above, the BPR Unit will play a prominent role in regional trainings and will be available once the trainings are completed to provide technical assistance on an as-needed basis.

Concerns of Stakeholders

On December 8, 2011, Ms. Kim Turner (then CEAC Chair), Mr. Alan Carlson (then CEAC Vice-chair), Mr. David Yamasaki (then incoming CEAC Vice-chair), and Ms. Jody Patel met by conference call with Judge David Rosenberg (TCPJAC Chair and Presiding Judge of the Superior Court of Yolo County) to discuss possible support of this initiative by the presiding judges. Judge Rosenberg indicated his support for this effort and asked that a short memorandum be developed to outline this initiative so that he could distribute it to the presiding judges. On December 21, 2011, Judge Rosenberg e-mailed this memorandum to the presiding judges. In this correspondence, Judge Rosenberg asked presiding judges (1) if they were in support of the initiative's concept and in favor of partnering with CEAC on this endeavor and (2) if any were interested in being considered to serve on a joint presiding judge and court executive officer working group to implement the concepts. A total of 27 trial courts responded. A total of 23 presiding judges indicated their support for the endeavor and partnering with CEAC. On the converse, 4 presiding judges stated they were opposed to the concept and partnering with CEAC. Regarding the new working group, 8 presiding judges volunteered to serve on it. Another 3 presiding judges recommended their court executive officer to serve on the working group.

On February 3, 2012, a draft of this report was reviewed in separate meetings of the TCPJAC and CEAC. In the TCPJAC meeting, 42 out of 44 presiding judges voted to support the initiative and partner with CEAC. The other 2 presiding judges abstained from the vote. In the CEAC meeting, the committee members voted unanimously to present this report, with some modifications, to the council.

During the February 2012 CEAC meeting, one member suggested that those courts that use the services offered by this initiative should be charged for half of the cost of the assistance used so that they would be encouraged to follow through with their modifications and improvements. The members of CEAC discussed this suggestion, but decided against implementing this suggestion at this time as charging the courts might discourage them from utilizing the services. CEAC members also noted that charging courts for AOC staff time should be addressed in consistent manner with charging for other services provided by other AOC divisions and the Regional Office.

During the last few months, some presiding judges and court executive officers have made comments to the effect that this initiative is another AOC-driven project and expressed concerns that the AOC would hire additional staff to assist with implementation. At the February 2012 CEAC meeting, Ms. Turner addressed these concerns by stating that this is a CEAC-driven initiative as requested by the Chief Justice and that no additional AOC staff would be hired in conjunction with this endeavor.

Policy and Cost Implications

CEAC has an opportunity to clearly communicate how BPR has been successfully implemented in a number of courts to maximize the potential of their reduced workforce, create the most lean, productive court organizations possible, and demonstrate leadership and vision in these difficult times.

While it is important to clarify that the severe funding reductions of 2011 and those projected for 2012 will not allow courts to maintain the range of primary services provided in past years when the courts were adequately funded, it is also important to demonstrate how BPR has been, and will continue to be, a key tool for courts to optimize productivity. Combined with other management "best practices" and efficiencies, BPR will allow the courts to mitigate the damage caused by the elimination of essential trial court funding.

Further, we must continue to clarify the value of continuous improvement throughout our organizations. We must recognize the current realities for the state and the judicial branch, effectively reconcile with those realities, and productively respond to provide the most essential court services. Productive change will be an organizational imperative to assure our credibility as an independent third branch of government and to respond to diminishing resources. The TCBPR proposal is an alternative approach to reducing costs. As indicated above, no trial court will be required to institute a BPR program. Each trial court will make its own decision about how to respond to budget reductions, given their existing resources, capabilities, and other constraints.

Implementation Efforts

The impacts and costs of implementing TCBPR services occur at two levels—at the AOC and in the participating trial courts. The Regional Office's BPR Unit will be asked to take an active role in introducing, explaining, and implementing BPR in multiple trial courts. Currently, the Regional Office's BPR Unit consists of a manager and one analyst. In their regular capacity, the two staff in the unit assist courts in beginning a BPR process and assist in its implementation. Given the anticipated workload associated with the TCBPR services model, however, the traditional services offered by the BPR Unit will be available on a very limited basis for those courts requesting assistance. With the assistance of CEAC, the AOC's BPR resources can leverage staff from the trial courts that have already implemented BPR and are willing to share their knowledge and experiences. In addition, the approach of first training court staff on the concepts and techniques will allow more courts to receive the benefit of limited AOC staff.

These limitations will result in a slower rollout as one group teaches two groups, who then teach four, etc. The approach of training and train-the-trainers will maximize the reach and effectiveness of the BPR Unit's efforts.

At the trial court level, the impact will depend on the nature and extent of the BPR effort in each trial court. Resources and staff time will initially be drawn from the staff otherwise engaged in day-to-day activities. However, the trial courts that have already engaged in BPR have experienced "quick wins" that rapidly provide a return on the time spent on BPR. As the effort continues and additional opportunities are identified that streamline operations and reduce staff time spent on day-to-day activities, the time saved will quickly exceed the time spent on the BPR training and analysis. There may also be circumstances where a trial court will choose to spend money to upgrade or add software or equipment that will save staff time on an ongoing basis. Again, based on experience in courts that have invested in software or equipment upgrades, the return time on such investments is quite short, at least for the first improvements identified. While it sometimes takes money to save money, the benefits can generally be substantial.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because the proposed TCBPR services approach can assist the courts with maximizing their existing resources and increasing efficiencies, it supports Goal III (Modernization of Management and Administration) and Goal IV (Quality of Justice and Service to the Public) by helping to achieve the following operational plan objectives:

- Objective III.2 (improving and sharing management techniques) by facilitating the courts' evaluation of management techniques, improvement of internal operations and services, and sharing of effective management practices; and
- Objective IV.1 (fostering excellence in public service) by helping to improve timeliness, quality of service, customer satisfaction, and procedural fairness.

Attachments

1. Attachment A: Business Process Reengineering for Trial Courts Fact Sheet

ATTACHMENT A

BUSINESS PROCESS REENGINEERING FOR TRIAL COURTS FACT SHEET

Defining Trial Courts' Business Process Reengineering (BPR)

Business process reengineering (BPR) for the trial courts is the redesign of business processes and systems to achieve an improvement in business performance. The approach has been modified from a traditional, disciplined reengineering approach utilized in the private sector where, to bring about dramatic improvements in performance, an organization radically redesigns its business processes and essentially wipes the slate clean and develops recommendations as if the organization's business processes could be redesigned from scratch.

This radical approach is not practical for government entities that are not afforded the time or resources to redesign operations from scratch. In acknowledgment of these constraints, the trial court BPR approach provides a more informal approach to identifying business process improvements that can be implemented in light of underlying structural realities faced by trial courts, including the need to provide ongoing service to trial court constituents; budgetary, technology, and facilities limitations; and resource limitations (e.g., existing labor agreements).

BPR is not a penalty for poor performance, a review of individual employee or manager performance, or a synonym for layoffs or downsizing. BPR instead looks at business processes as a means of identifying how to utilize existing positions more effectively.

Goals of Reengineering

The goals of BPR are to deliver more with less while maintaining or improving the current level of services with significantly fewer resources and ensuring that business practices are truly aligned with the organization's strategic plan, goals, and objectives. Specifically BPR goals include increasing efficiencies; streamlining processes; ensuring the effective use of resources and technology; developing workload and performance measures; and developing updated policies and procedures.

BPR Process and Methodology

BPR takes a look at processes rather than tasks. Processes are made up of multiple activities and can span multiple units and individuals in an organization. Each activity in the process is evaluated to identify the value added to the end result of the process for that activity. When analyzing business processes, BPR considers the following themes:

- ***Outcome-based solutions*** — looks at entire end-to-end processes across all functional and organizational boundaries to give a holistic view and provide maximum flexibility in the process.
- ***Serving customers*** — remains committed to providing value to the customers and ensuring that processes align with customer needs.

- ***Reducing handoffs*** — strives for one single individual that can handle a document or activity rather than passing from person to person.
- ***Identifying the core, value-added steps to a process while eliminating unnecessary steps*** — focuses on speeding up the cycle by reducing processing time and overlapping activities and eliminating redundant tasks. Also focuses on shifting complex non-value-added tasks away from the main process to speed delivery to the customer.
- ***Empowering staff*** — ensures that staff is provided with the knowledge, tools, and authority to make decisions and execute processes effectively.
- ***Reducing errors while focusing on prevention instead of correction*** — focuses on 'doing it right the first time' to minimize the need to double-check and inspect unnecessarily.
- ***Reducing reliance on paper*** — focuses on adjusting processes from being driven by paper to being driven by electronic communication.
- ***Identifying key workload measures*** — develops and defines key workload measures to assist with ongoing operational analysis and performance tracking.

A five-step methodology provides a structured approach to BPR:

- **Step 1: *Prepare*** — Objective is to identify problem/process and scope of the project. The *BPR Project Plan* and schedule is created in this step.
- **Step 2: *Discover*** — Objective is to identify and document the 'as-is' state of the process through document review, one-on-one interviews with key staff/stakeholders, process mapping, and walk-throughs. '*As-Is' Documentation* of current business processes is created for review and approval in this step.
- **Step 3: *Evaluate*** — Objective is to identify potential solutions and business obstacles, change themes, and prioritize opportunities through detailed analysis and stakeholder input. Conceptual models with preliminary recommendations are created for review and approval in this step.
- **Step 4: *Design*** — Objective is to prepare detailed recommendations, which include process flow diagrams as well as detailed recommended changes to the organization's structure, technology, and processes, and an implementation plan. A *draft Report of Recommendations and Preliminary Implementation Plan* is created in this step.
- **Step 5: *Validate*** — Objective is to obtain validation of the recommendations by internal and external stakeholders. *A Final Report of Recommendations and Final Preliminary Implementation Plan* is created in this step.

What Makes a BPR Effort Successful?
The following factors are essential to the success of a BPR effort:

- ***Top management sponsorship*** — Strong and consistent involvement from top management is critical especially with implementation efforts as they can be resisted and thereby rendered ineffective.
- ***Strategic alignment*** — It is important to tie the BPR project goals back to key business objectives and the overall strategic direction for the organization. It is also important to

demonstrate this alignment from the perspective of financial performance, customer service, employee value, and the vision for the organization.

- ***Compelling business case for change*** — It is important that this includes measurable objectives. This will remain the centerpiece that defines the project and should be a living document that the BRP team uses to demonstrate success.
- ***Proven methodology*** — The BPR team should understand reengineering and what it entails. It is important to develop an approach that will meet the needs of the BPR project and one that the team understands and supports. The BPR methodology should also include a process to develop a vision statement so everyone knows what the BPR is working toward.
- ***Effective change management*** — Anticipate resistance. Successful reengineering efforts can result in significant change. Recognize the cultural impact of major process and structural changes. It is important to establish an environment where it is okay to show resistance, to bring issues to the surface, and to be afraid of change. Remember that organizations do not change—people change, one at a time. You must be able to manage change through open, honest, and frequent communication.
- ***Line ownership*** — It is necessary for the line staff to contribute their knowledge and to own the solution and implementation. At the same time, the BPR project needs expertise and objectivity from either an outside organization or a separate BPR team focused primarily on reengineering. Building the partnership between line staff and the BPR team is the responsibility of the line staff, stakeholders, and BPR team. No group is off the hook—all are accountable.

AOC BPR Assistance

The AOC Reengineering Unit housed in the Regional Office, Northern/Central Region is available to provide training on trial court BPR to courts interested in implementing a BPR project. Additionally, the Reengineering Unit can assist trial courts at their request with guidance, expertise, and oversight on BPR projects.