

Making Continuous Improvement a Reality:

Achieving High Performance in the Ottawa County, Michigan, Circuit and Probate Courts

Brian J. Ostrom, Matthew Kleiman, Shannon Roth & Alicia Davis

Today, a well-functioning court is expected to resolve large volumes of work in a fair and orderly way within demanding time frames. The overall goal is quality administration in all phases of court operations, yet achieving this goal in practice means navigating the shoals of tight budgets, workplace politics, and the heavy press of daily business. Courts are under enormous stress these days, and as a result it should come as no surprise that too many courts are infected with pessimistic court leadership. Winston Churchill is often reported to have said, “The pessimist sees difficulty in every opportunity, the optimist sees the opportunity in every difficulty.”¹ A high-performance court makes the effort to reject pessimism as it looks to improve its administrative practices, even in tough times. To seize the opportunity for continuous improvement and rally support throughout the court, though, takes coordinated planning and follow-through.

The bottom line is that court leaders need to work together at organizational change. In two recent articles in *Court Review*, we emphasized the necessity of judicial involvement and commitment if administrative improvement is to take hold and thrive. One point was that developing shared, court-wide agreement among judges on how court personnel should work together requires accepting two primary responsibilities: the role each judge has in making decisions and the administrative role judges have in making the system work. Judges benefit from orderly and stable court administration because it helps enhance preparation of all parties, augments the understanding of outstanding issues, and clarifies future procedural events necessary to bring final resolution. However, in any courthouse, making effective administrative practices a reality is a team effort; it requires conscious effort to organize work processes in a way that clarifies and engages the joint contributions of judges and court staff.²

A second point was that courts have different organizational cultures, and as a result, each court must build its own path to high performance by taking into account its own particular circumstances. Deciding what course of action to take and how to structure a court’s management requires deep understanding

of the court’s internal dynamics. As a consequence, what works in a given court is highly dependent on the personalities, skills, and interests of the sitting judges and executive court administration. Knowledge of a court’s culture is a crucial factor when seeking to improve operational effectiveness.³

This article takes key themes from these earlier pieces, including sharing the leadership vision, having a clear customer focus, exploring the culture, measuring performance, and getting everyone involved, and it shows the specific and practical steps one court has used to put them in place and to sustain court improvement over time. That court, the 20th Circuit Court and the Ottawa County Probate Court (hereafter the Ottawa Court), located in western Michigan, has used a strategic-planning process for more than 10 years to establish agreement on what quality judicial administration means and to initiate actions to make its plan a reality. While strategic planning is a process that holds great promise for organizational improvement, the hard truth is that more than 75% of such efforts fail. For this reason, looking more closely at the Ottawa experience and path to success offers practical insight into how to avoid a common end result—the strategic plan as “doorstop or dust collector.”

The key to the Ottawa Court’s success is the commitment to strong judicial and court executive leadership, creation of a culture congenial to innovation, inclusion of staff at all levels of the court, and consistent follow-through and accountability to each other. Learning how to make the most effective use of the court’s limited resources by focusing on established priorities is a key attribute necessary to create a high-performance court. As part of its continuous improvement efforts, the Ottawa Court invited the National Center for State Courts to evaluate the court’s strategic-planning process using the High Performance Court Framework.

In 2010, the National Center for State Courts developed the High Performance Court Framework (hereafter the Framework) to clarify what court leaders can do to chart a clear course for court improvement.⁴ Because quality court administration is a goal to be achieved, not a given, the high-perfor-

Footnotes

1. See Richard Langworth, *Churchill on Pessimists and Optimists*, <https://richardlangworth/optimistspessimists> (last visited Aug. 21, 2015).
2. The close connection that exists between the administration of the legal process and how well the legal process serves litigants is discussed in Brian Ostrom, Roger Hanson & Kevin Burke, *Creating a New Generation of Courts*, 47 CT. REV. 80 (2011).
3. Strategies and tools to better understand court culture are discussed in Brian Ostrom & Roger Hanson, *Understanding and Diagnosing Court Culture*, 45 CT. REV. 104 (2009).
4. BRIAN J. OSTROM & ROGER A. HANSON, NATIONAL CENTER FOR STATE COURTS, *ACHIEVING HIGH PERFORMANCE: A FRAMEWORK FOR COURTS* (2010), available at www.ncsc.org/hpc.

mance concept asks two basic questions: *are we doing things right* and *are we doing the right things*? Operational court management focuses on doing things right, and many tools have been developed to foster improvement (e.g., *CourTools*⁵). In developing the Framework, the concept of performance has been broadened to add strategic or performance-management concerns, which address the second question: *are we doing the right things*? In courts, as with any organization, it is the strategy, driven by the vision of leadership, that defines what the right things are. Process improvements alone cannot guarantee that a court will be successful or fulfill its mission. The effort of the Ottawa Court to enhance the two aspects of management, strategic and operational, aligns with many of the concepts and approaches detailed in the Framework. Its experience provides a powerful example of how to develop a court's total management capabilities.

What the Ottawa Court has accomplished is neither easy nor obvious. And at all times, ultimate success or failure of this ongoing effort rides with the court's judges and their engagement. For this reason, we hope judges from outside this particular jurisdiction will appreciate the specific strategies, techniques, and examples of how judges and court staff can better work together to improve overall court operations and customer satisfaction.

In this article, the Framework provides the lens by which to appraise performance management in the Ottawa Court. Therefore, the article begins by highlighting relevant aspects of the Framework. It then turns to a summary of the court's strategic thinking and planning process with an emphasis on how the court keeps it meaningful, illustrated by some examples of implementation. The article concludes with observations and practical suggestions from Ottawa County court leaders to others seriously interested in building and sustaining a robust commitment to strategic management.

HIGH PERFORMANCE COURT FRAMEWORK

The Framework's rationale is to encourage court leaders to strive for excellence in the administration of justice and to better communicate their efforts to a wide audience, including members of the public and policymakers. There is benefit from taking a systematic approach to the study and practice of high performance. Operating from a comprehensive framework helps translate a court's mission statement and overall business strategy into specific, quantifiable goals and allows for the monitoring of the organization's performance. It helps demonstrate how a court's objectives are affected by its managerial culture, identifies measurable categories of performance, and suggests approaches on how to assemble and learn from performance information. Absent a framework, "it is very difficult to predict which change efforts will work, to see how new programs might conflict, or to anticipate potential trade-offs among performance areas. A framework helps make clear how performance results can be used by courts to reshape their day-to-day

operations and strengthen their institutional performance."⁶

Because management practices and court workflow processes can always be improved, courts should continually seek to do better than what they are doing already. The role of performance management is to identify which processes are most in need of improvement (doing the right things). This requires attention to strategy, which informs the allocation of resources for undertaking improvement efforts of the most strategically important processes in the near term and long term. To develop and sustain this capacity, the Framework suggests court personnel at all levels should strive to enhance four areas of performance management.

First, setting and communicating a leadership vision or "picture of the future" is a critically important and deeply strategic activity that many court leaders fail to adequately do. While it may seem like a simple activity for the court executive team to share a strategic vision of where they would like their court to go and the obstacles that must be overcome to get there, many do not take the time needed to share this vision with all members of the court. Important steps to create and effectively benefit from a shared vision include the ability of the chief judge and court administrator to create or elicit the initial vision; to translate that vision into administrative activities that make the vision real; and to articulate and sell this vision to other judges, managers, and staff members as either the right or best way to reach the goal. Court leaders need to provide a comprehensive vision for their court that a significant number of judges and other court staff will embrace and support.

Second, deciding what strategies to employ, what course of action to take, and how to structure a court's management requires a deep understanding of the court's internal dynamics—what is often referred to as the court's culture. This dimension addresses leaders' and employees' understanding and agreement with stated values. What distinguishes maturity is the extent to which those values move beyond virtuous words in a mission statement to actually being understood and practiced by all working in the court. Evidence of a mature court organizational culture includes a thoughtful application of change-management principles and practices by court leadership; the degree of ownership court staff members feel for the vision and values; their degree of participation in shaping the court's culture and ways of working; and the level of trust and communication throughout the court. The centrality of culture is highlighted by the words of Louis Gerstner, the former CEO of IBM, who stated, "I came to see . . . that culture isn't just one aspect of the game—it is the game."⁷

Third, a key perspective for improving operations overall is the recognition that the interests, values, and rights of all participants in the legal process is a court responsibility. Courts deliver services, and participants in the legal process are their valued customers. From that perspective, customer needs should shape thinking when court practices are evaluated, policies are implemented, and court staff are trained. This idea

5. BRIAN J. OSTROM, DANIEL J. HALL, RICHARD Y. SCHAUFFLER & NEAL B. KAUDER, NATIONAL CENTER FOR STATE COURTS, *COURTOOLS*, (2010), available at www.courtools.org.
6. BRIAN J. OSTROM & ROGER A. HANSON, *ACHIEVING HIGH PERFOR-*

MANCE: A FRAMEWORK FOR COURTS, at ix (2010).

7. LOUIS V. GERSTNER, JR., *WHO SAYS ELEPHANTS CAN'T DANCE: INSIDE IBM'S HISTORIC TURNAROUND* 182 (2002).

spans across all interactions the court has with the public and is a cultural issue as much as it is anything else. Customer-focused courts think about what they can do to make the customer experience better. With the exception of repeat players (i.e., attorneys and parties with regular court experience), court customers often have considerable uncertainty about the legal process. This is particularly true of self-represented parties. As a result, a high-performance court tries to reduce confusion and make the process less intimidating by being readily accessible, providing clear information, and adhering to predictable, orderly, and timely proceedings.

Fourth, knowing whether and to what degree a court is high performing is a matter of results. A high-performance court is evidence based in establishing success in meeting the needs and expectations of its constituents. Without a useful set of performance measures, court managers are “flying blind.” Most courts have learned to measure some things, such as the number of incoming cases, money spent, cases disposed, or compliance with requirements of outside agencies. But courts should look beyond everyday operations to develop performance measures that are aligned to the strategic plan and vision of the court. Features to look for in performance measures are metrics derived from and related to the strategy; measures that focus on outcomes and results; measures that are compiled frequently enough to guide decision making; measures of “team” and division performance, not just court-wide measures; and a balanced set of measures that cover a range of dimensions important to high-performance court success.

The Framework’s attention to performance management emphasizes the role of effective leadership, supportive culture, clear customer focus, and meaningful performance measures in creating a high-performance court. However, for a court to make performance management more than just a collection of management maxims, court leaders actually need to make something happen; they need to walk the talk. Over the past decade, the Ottawa Court has sought to embed continuous improvement into its management practices in a formal way. Of course, the road to continuous improvement is never straightforward, and Ottawa’s experience provides an opportunity to take an in-depth look at its methods to give other court leaders and managers a sense of the problems and roadblocks encountered as well as ideas about how to overcome them.

20TH CIRCUIT AND OTTAWA COUNTY PROBATE COURTS PERFORMANCE MANAGEMENT

In 2004, the Ottawa Court sought to enhance its performance-management capacity through a comprehensive process of strategic planning. As shown in Exhibit 1, it is a mid-sized court with four circuit judges and one probate judge handling a mix of several thousand cases.⁸

EXHIBIT 1: OTTAWA COUNTY

Circuit Court:

- 4 judges

- 116 full-time staff, 3 part-time staff, 18 temporary staff, 4.5 Ottawa County sheriff’s deputies, 10 intermediate-school-district teachers (for juveniles)
- 1,511 Trial Division filings (criminal, civil, appeals)
- 3,891 Family Division filings (domestic, juvenile, child-protective proceedings, etc.)
- 12,000+ open Title IV-D files
- 40-bed secure juvenile-detention facility

Probate Court:

- 1 judge
- 5 full-time staff
- 1 Guardianship Review Specialist (contractual)
- 984 Probate Court filings
- 8,000+ open files



Ottawa Court leaders were aware from the outset that strategic planning can be time consuming and cost money, and because the court has limited resources in both areas, they deemed it essential to make sure the effort was right for a court of its size and situation. They decided to move forward based on the belief that strategic planning, well executed, can provide even smaller courts an opportunity to improve their existing services as well as build capacity to sustain and expand their services in an uncertain environment.

Strategy development is not a cookbook process; rather, it is a challenging task that draws extensively on strategic thinking and management. For Ottawa, the effort to do the right things involved several traits: (a) early and active leadership from judges and the court administrator; (b) promoting a culture open to including staff of various levels and positions in the planning process; (c) encouraging a strong court-wide commitment to meeting the needs and expectations of court customers; and (d) developing a set of balanced performance measures aligned with the court’s strategic goals.

LEADERSHIP

Ottawa Court leaders introduced and developed the current strategic plan through three complementary phases. Phase one was establishing a strategic-planning task force made up of 20 members from different areas of the court, including judges, administrators, mid-level supervisors, staff, and union officials. The task force was purposively designed to be inclusive and representative of all levels of the court. The court administrator commented that “when I’ve worked with other courts and looked at how their strategic-planning process is organized, they tend to look more like blue-ribbon teams. They are the high-functioning, high-position people in the court. We chose not to go in that direction . . . we have a good mix of staff that I think keeps us grounded in the day-to-day work of the court.” In addition, consciously spreading opportunity throughout the court reduces any appearance of favoritism.

8. For more information about the Ottawa Court and its divisions, including their strategic plans, please go to www.miottawa.org/Courts/20thcircuit.

In phase two, six focus-group sessions were held to gather input from external stakeholders and court staff on identified opportunities and priorities. In phase three, the task force developed the content of the court's strategic plan. This included completing a trends analysis and an organizational assessment, developing mission and vision statements, and identifying five strategic-issue areas and initial strategic initiatives/projects.⁹ The strategic plan outlined the future direction and priorities for the court and was anchored by the mission statement: "To administer justice and restore wholeness in a manner that inspires public trust."

To implement the plan, the strategic-planning task force was transformed into the Strategic Planning Oversight Team (SPOT). SPOT has 20 members, including the chief circuit judge, the chief probate judge, the court administrator, the division directors (trial-division director, friend of the court, juvenile-services director, and probate register), and a range of line staff. This group meets three times a year to review progress on court initiatives and when necessary adjust and refine the strategic plan. SPOT provides guidance to five strategic-issue action teams that are aligned with the five strategic-issue areas identified in the plan. The action teams are: (1) Resources; (2) Access to Courts; (3) Efficient/Effective Operations and Services; (4) Positive External Relations; and (5) Employee Opportunities and Satisfaction. The action teams meet monthly to review progress on specific programs and projects underway in their strategic area. The teams are made up of judges, managers, and line staff and are co-chaired by members of the SPOT team.

SUPPORTIVE CULTURE

Court leaders are proactive in translating the strategic plan's vision into action. Key to preserving the momentum of desired change is building a court culture that promotes an open, two-way line of communication between judges, administrators, managers, and line staff. Through a series of regularly scheduled meetings and other forms of communication, everyone working in the Ottawa Court is kept informed on the progress of completing the latest initiatives. For example, the Court Leadership Team, made up of the court administrator and the division directors, meets every two weeks. For each meeting, the strategic plan is a standing agenda item, and updates from the five strategic-issue action teams are shared. Requiring an update on current projects maintains a sense of urgency in staff and creates an incentive for each of the teams to "get things done." Additionally, the court administrator provides updates on the strategic plan and team initiatives to judges at the quarterly judges' meetings and to all employees through emails and the court newsletter. Finally, projects successfully completed under the strategic plan are celebrated and showcased at the annual all-staff meeting. The all-staff meeting is an opportunity to recognize staff who have made significant contributions and to recruit new members to the five strategic-issue action teams. One member of the leadership team commented that "we do

our very best to institutionalize the plan by getting as many people involved as reasonably possible; we want to show that strategy is everyone's job."

Ultimately, there needs to be one leader with responsibility for sustaining the effort. The point person for keeping focus on strategic vision, plans, and initiatives in Ottawa is the court administrator. He willingly takes the role of "champion" to promote and inform the court and the community about strategic priorities and projects currently underway. A clearly stated goal of senior court management is to support the opportunity for each of the teams to develop innovative and creative initiatives—and to be held accountable for making progress. The court administrator strives not to micromanage the staff. The upside is greater trust between upper management and staff, encouraging all employees to share ideas and take opportunities to grow in their careers. The supporting role of the court administrator is consistent with Lao Tzu's views on leadership: "To lead people, walk behind them."

The court administrator sees it as his job to assist the teams with finding the resources they need for their initiatives or to push them to find external resources needed to move their project to the next level. Additionally, the court administrator ensures that new initiatives and ideas align with the strategic plan, and he frequently reminds staff to remember the mission of the court. The court administrator stated that "I repeatedly ask people to connect the dots and say how what you're doing advances our mission You come to work at 8:00 in the morning, you go at it until 5:00 in the evening, you put on your coat, and go home. But in those hours, I ask them to reflect on what they have done today to advance the mission of the court."

CUSTOMER FOCUS

The court's strategic plan and related governance structure chart a course for action. Within this framework, the five strategic-issue action teams have undertaken a number of initiatives that have helped advance the court's mission over the last decade. A primary focus of these efforts is on improving customer satisfaction. The Ottawa Court has embraced this view and seeks to organize administrative practices to deliver high-quality services to all individuals who enter the courthouse doors. Court customers react to both the services delivered and the manner of delivery. As a result, courts want to ensure that they are both readily accessible and exhibit fair processes in all court proceedings. Moreover, people want the process to be clear and well-designed. That is, they want the process to convey a logical, rational connection between key events and end with a definitive outcome.

In the Ottawa Court, a strong customer focus guided the strategic-planning process from the outset. At first, many of the projects were smaller in scope and did not require a great deal of effort or resources. For example, obtaining new and better signage in the courthouses cost the court virtually nothing but was viewed very favorably by the public. By starting

9. Please see Brenda J. Wagenknecht-Ivey & Kevin J. Bowling, *A Strategic Planning Process That Has Yielded Significant Results: The Experience of Two Michigan Courts*, 23 CT. MANAGER 10 (2007).

This article provides a complete overview of the development of the court's strategic plan.

smaller, the court was able to meet some objectives right away and give the plan added momentum moving forward.

As the plan gained support, the action teams took on larger tasks with the associated challenge of obtaining the necessary resources. Highlights from each team include:

- Team 1 (Resources) successfully partnered with local universities to establish a volunteer internship program. Drawing on unpaid interns (they receive college credit) proved a cost-effective way to help stay current with workload by covering duties of vacant staff positions during the fiscal bad times. Some of the tasks the interns perform for the court include maintaining case files, data collection, and data entry. In addition, the intern program serves as a way to provide relevant work experience, build specific skills, and identify top candidates when positions for full-time employees in the court come open. On average, the court has about 10 interns.
- Team 2 (Access to Courts) has deployed the *CourTools* Access and Fairness Survey (Measure 1) on two separate occasions to evaluate court-customer views on the accessibility of services and the fairness of decision-making procedures. It provides relevant feedback to court leaders on whether people believe the court is “doing the right things.” This instrument measures individual satisfaction with the ability to make use of the court’s dispute-resolution services (access) and how the legal process dealt with their issue, interest, or case (fairness). Additionally, the team took the lead on one of the court’s most significant projects, the development of a legal self-help center.
- Team 3 (Efficient/Effective Operations and Services) developed a technology master plan designed to assess what technology the court was using at the time and to identify areas for potential improvement within each division. Document imaging proved to be the highest strategic priority and, with support from Team 1, the team was eventually able to secure federal funding to support implementation of the project.
- Team 4 (Positive External Relations) established an annual bench/bar meeting. Part of the court’s public outreach is to strengthen bonds with local attorneys by more effectively sharing information on new developments (e.g., drug courts) and furthering discussion over possible revisions to current court policies and practices. In addition, Team 4 organizes an annual juvenile-related community program, referred to as the PACK meeting (Professionals Advocating and Caring for Kids). This effort brings together the courts, law enforcement, schools, treatment providers, and more to discuss programming issues and topics of mutual concern regarding at-risk youth. Most recently, Team 4 organized the first Domestic Law Summit as a more targeted bench/bar meeting for family-law practitioners.
- Team 5 (Employee Opportunities and Satisfaction) has used the *CourTools* Employee Satisfaction Survey (Measure 9) and worked with senior management to provide free professional-development opportunities for staff. A couple of examples of these opportunities include a “Lunch and Learn” series covering a variety of topics chosen from employee-survey results, and several work-related skill-building sessions offered by the County Human Resources Department. This team also assisted court leadership in

design considerations for a new courthouse built in Grand Haven, as well as upgrades in the Fillmore and Holland locations.

A closer look at two specific initiatives illustrates the court’s skillful use of performance management to enact change.

Development of a Legal Self-Help Center. In 2009, Team 2 (Access to Courts) began work on the development of a legal self-help center to fill a perceived gap in litigant services. At the time, many cases were being adjourned as a result of pro per litigants filing incorrect or incomplete motions (e.g., motion to modify child support; motion to modify custody). While court staff was able to provide forms to civil and probate pro per litigants, they were often too busy to fully answer questions and were prohibited from providing any legal advice. In response, staff members of Team 2 attended national trainings and began researching what other jurisdictions had done to successfully set up a legal self-help center. Collaborating with staff from Team 1 (Resources), external-funding sources were found, and grant funding for a part-time position was secured. Staff then spent several months getting operations up and running, including obtaining access to computers, recruiting, and training volunteers (e.g., law students and paralegals) for the center, and developing forms and packets for different types of motions (e.g., initial divorce pleadings). The legal self-help center opened at the Ottawa County Courthouse in Grand Haven in January 2010.

After opening, the program kept detailed statistics about the number and types of users (e.g., gender, race, military service, income level, and education), reasons for contact, and the types of services provided by the self-help center. Buttressed by these analytics, the court was able to successfully show the county board of commissioners the value of the center and subsequently received funding for a full-time director. The court administrator stated that “now when people come in unprepared and uncertain about what paperwork they need or what to do, staff will say, ‘go down the hall to the self-help center, talk to the people there, and come back as soon as you’re ready.’ This has had a dramatic, positive impact on litigants and the court’s docket.” In recent years, the legal self-help center has expanded to provide free services at two additional court locations in the county. The self-help center is able to provide assistance to pro per litigants who wish to resolve a variety of non-criminal matters, including child support, paternity, divorce, guardianship, conservatorship, estates, small claims, landlord/tenant, and garnishment. Since 2010, the number of individuals using the center has doubled.

Employee Satisfaction. The current strategic plan places an emphasis on creating a healthy work environment with engaged and satisfied employees, the idea being that employee attitudes shape the culture of the court. In the area of customer service, employees committed to the mission are important because they are the face of the court to the public. Research suggests that satisfaction is related to the extent to which employees feel passionate about their jobs, embrace the vision and values, and put discretionary effort into their work. Satisfied employees are motivated to do more than the bare minimum needed to keep their jobs.

To gauge how employees of the court perceive their workplace, Team 5 (Employee Opportunities and Satisfaction) drew on the *CourTools* Employee Satisfaction Survey (Measure 9). The survey was first used in 2007, establishing a baseline of satisfaction levels and pinpointing specific issues for the strategic-issue action team to focus on (e.g., keeping staff informed about matters that affect them in the workplace). Repeated deployment in 2009, 2011, and 2013 allowed the court to evaluate the impact of strategic interventions and refined work practices.

Although most employees won't turn down a raise, the Ottawa Court, like courts everywhere, operates within a tight budget. So while the team worked to update the wage scale and employee classifications, court leaders also looked hard to find less expensive changes that could improve employee engagement. The employee-satisfaction survey identified five areas that court leaders have tried to address: communication, performance evaluation, flexibility, staff support and recognition, and training. Since 2007, the court has undertaken a number of initiatives to increase employee engagement. For example, the court has worked to enhance communication about court policies, practices, and activities by hosting an annual all-staff meeting, developing newsletters and court blogs, and establishing several committees to assist in the sharing of information (e.g., Labor Management Cooperation Committee; Training Committee; Wage and Classification Committee). Additionally, the court has developed one consistent performance-evaluation tool for all staff and has hosted picnics, potlucks, and holiday parties.

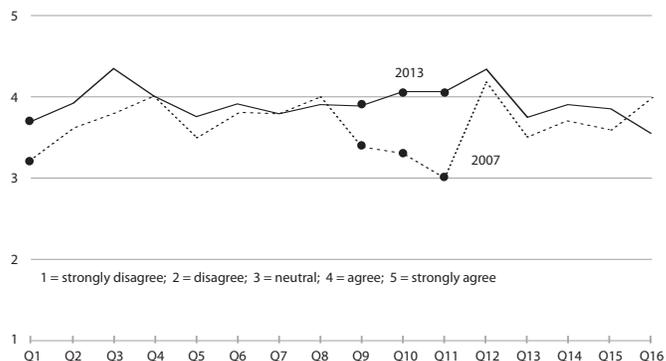
Furthermore, court leaders recognize that employees appreciate more control over their schedules. Therefore, the court has made flextime an option. Many employees have demanding schedules outside of work and value a boss who considers work-life balance. Court leaders also take time to celebrate success and recognize staff accomplishments. The chief judge noted that celebrating wins reminds everyone of the goal that was set and why it was set in the first place. Plus it reminds everyone that the court's strategic-planning process works. The regular meetings of the Strategic Planning Oversight Team and the annual all-staff meeting provide multiple opportunities to motivate staff to continue good work, connect with coworkers in a way that is not just work related, and reward specific employees who have gone above and beyond.

The court also invests in employee growth by providing training and encouraging staff to learn new skills. The court has embraced staff development through multiple training avenues,

including support of staff for ongoing education through the Institute for Court Management (ICM) and allowing staff to receive Leadership Gold and 4 C's (customer service, communication, continuous improvement, cultural intelligence) training. In fact, the talent development and talent management of court employees was the subject of a joint ICM Fellowship research project conducted by three members of the court-leadership team. This research project culminated in the development and implementation of "*Building Bench Strength*" (BBS) as a new court initiative to support the professional development of staff and to ensure the court has "the right people with the right skills in the right place at the right time."¹⁰

The benefits to staff morale from these efforts can be seen in a comparison of survey results from 2007 and 2013 (see Exhibit 2).¹¹ For example, responses to Q1 (I am kept informed about matters that affect me in my workplace), Q9 (the people I work with take a personal interest in me), Q10 (I have the resources necessary to do my job well), and Q11 (on my job, I know exactly what is expected of me) have all significantly increased. Despite these improvements, Team 5 continues to develop a number of specific recommendations for improved employee satisfaction. Recent recommendations include considering the development of standardized electronic training materials that are tied to each division's policy-and-procedure manual and a commitment to using existing training dollars to send more front-line staff to outside trainings.

EXHIBIT 2: A COMPARISON OF EMPLOYEE-SATISFACTION SURVEY RESULTS: 2007 TO 2013¹²



10. Further details regarding BBS are available at www.ncsc.org/~media/files/pdf/education%20and%20careers/cedp%20papers/2011/building%20bench%20strength%20-%20succession%20planning%20readiness.ashx.

11. The *CourTools* Employee Satisfaction Survey was significantly modified in 2011. Exhibit 2 displays the survey questions that were similar in content between 2007 and 2013.

12. Q1=I am kept informed about matters that affect me in my workplace; Q2=The Court is respected in the community; Q3=I understand how my job contributes to the overall mission of the Court; Q4=I am treated with respect; Q5=When I do my job well, I am likely to be recognized and thanked by my supervisor; Q6=My

working conditions and environment enable me to do my job well; Q7=I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division; Q8=I enjoy coming to work; Q9=The people I work with take a personal interest in me; Q10=I have the resources necessary to do my job well; Q11=On my job, I know exactly what is expected of me; Q12=I am proud that I work at the Court; Q13=Communication within my division is good; Q14=My co-workers work well together; Q15=I have opportunities to express my opinion about how things are done in my division; Q16=In the last 6 months, a supervisor/manager has talked with me about my performance/career development.

PERFORMANCE MEASURES

The Ottawa Court has made a strong commitment to use performance-related data to manage and improve its operations. Performance data allows for an empirical, non-anecdotal assessment of whether established goals are being reasonably achieved and which areas are in need of improvement. The court has actively made use of performance data to investigate the effectiveness of strategic-planning initiatives, to assess and refine case-management practices, and to meet the requirements for budget submissions to the Michigan State Court Administrative Office (SCAO).

Ottawa is currently evaluating its use of performance measures to support quality improvement within the court (internal quality improvement) as well as determining what to share with the public through the Ottawa County website (external quality reporting). As part of its continuous improvement efforts, the court periodically assesses the measures it uses for internal quality improvement using three basic steps: 1) identify problems or opportunities for improvement; 2) select appropriate measures of these areas; and 3) obtain a baseline assessment of current practices and then re-measure to assess the effect of improvement efforts on measured performance. By annually revisiting its performance criteria in conjunction with budget preparation, the court can gauge whether measures remain in line with strategic goals and if not, set new measurement priorities as part of the strategic plan.

The court's interest in developing a public dashboard for external reporting corresponded with a 2012 SCAO statewide initiative: "Courts Working Smarter for a Better Michigan." The initiative called for all Michigan courts to identify performance measures, set goals, and post performance results on public dashboards. To meet this directive, the court chose to align its efforts with the principles of the High Performance Court Framework and sought direct assistance from the National Center for State Courts (NCSC). The goal of the project was to design and implement a balanced scorecard approach to performance measurement that linked to the court's strategic priorities and ongoing improvement efforts. The court looked to develop a comprehensive performance dashboard to use in monitoring and maintaining the provision of high-quality judicial services to citizens and litigants. To provide guidance and direction to this project, the court formed the Ottawa High Performance Court Committee (OHPCC), comprised of individuals representing each division of the 20th Circuit Court (Trial Division, Friend of the Court, and Juvenile Services), the Ottawa County Probate Court, the 58th District Court, and the Ottawa County Clerk's Office. The purpose of the OHPCC was to work directly with the NCSC team to review existing performance indicators, assess data availability and quality, clarify internal and external requirements, and develop a comprehensive performance dashboard.

As a first step, NCSC staff used the High Performance Court Self-Assessment survey to gather perspectives on the effectiveness of current court operations from judges, managers, super-

visors, and line staff working in the different divisions of the district, circuit, and probate courts and the clerk's office.¹³ The survey results help court leaders identify specific areas where they believe they are successful, as well as identify targets for improvement.

The survey results showcased a number of areas of perceived strengths. Throughout the court, respondents said the organization was successful in many aspects of strategic management, including clear commitment to treating all court users with courtesy and respect; actively looking for ways to better meet customer needs (e.g., self-help center); regular opportunities for staff to express their opinions about how things are done in their division; meaningful ways for staff to participate in shaping and improving processes and procedures; and widespread belief that court leaders effectively manage the organizational changes needed to improve court administrative practices. It is notable that these viewpoints reflect a shared understanding and agreement among all employees with the values articulated in the strategic plan.

On the other hand, the survey results also identified opportunities for improvement. In evaluating current court-management practices, lower survey scores were largely attached to issues around performance measurement, including: ensuring a report on performance measures is a regular item on the agenda at judges' meetings; creating opportunities for structured discussion on how best to use performance results to improve caseload-management practices; conducting periodic training for all court personnel and judicial officers in case-management practices; providing staff education and training in court-performance monitoring, analysis, and management; willingness to share court-wide what has been done to improve performance and refine practices; and making select performance-measurement results available on the court website.

The survey results were shared with OHPCC and provided a platform for discussion about the court's current use of performance measures, alignment of measures with strategic goals, and how best to use performance information to support decision making. Additionally, the results confirmed an interest of court personnel to focus on the external dissemination of performance results. Finally, getting systematic input from both judges and court staff at the outset has helped solidify agreement over the direction the court will go with performance information for internal and external audiences.

SUMMING UP

At West Point, Army cadets study tactical thrusts and strategic plans, the small-scale movements and the big picture. Court leaders face something similar, a balance between tactics and strategy. Tactics are the how, while strategy is the where, when, and why. Taking time to focus on strategy is essential to choosing a good path through what can be a confusing labyrinth. Thinking back, the Ottawa court administrator said, "Our approach to strategic planning has emphasized a few key elements. We've tried to communicate openly and often, we

13. The purpose of the High Performance Court Self-Assessment survey is to familiarize a court with the success factors associated with becoming a high-performance court in relation to its own

current practices and to help court leaders identify specific areas where they believe they are doing well or areas where they believe improvement is needed.

support stretch goals and giving people the opportunity to work to their potential, and then I get out of the way. Ultimately, it comes down to trusting the teams.”

LESSONS LEARNED

In 2014, the Ottawa Court marked a 10-year anniversary in its use of strategic planning. There’s widespread belief throughout the court that its plan is working and leading to meaningful improvement in how the Ottawa Court does business. What’s its secret? When asked, judicial and court administrative leaders were able to boil down what’s worked for them into a set of seven lessons learned. The ongoing relevance of strategic planning to court operations is clear in that they are about to begin updating and implementing a new three-year plan.

1. The culture needs to support and sustain the plan. As stated by the chief judge, “It became obvious to me that while the initial decision to engage in strategic planning needed to be pushed by an individual, if it was going to succeed, the effort needed to move from being personality driven to being institutionalized and part of our culture.” To do that, the court has sought wide and diverse staff participation in all phases of the planning process. In particular, court leadership has been visible and actively involved not only in setting the vision but in all implementation and oversight phases. Having the bench engaged is essential to the success of strategic planning. When judges see and believe in the benefits of a plan, they can help “sell it” to the rest of the court staff. Also, the five action teams are made up of court staff on many levels, giving them a voice in the process. The creation of teams and sub-teams provides many opportunities to participate, helping the rationale and need for the plan to percolate down through all levels of the organization. The result is that the court has created a culture with top-down support and bottom-up ideas and initiative.

2. Be willing to invest the necessary time. All court leaders stressed that, as one judge put it, “You have to be willing to put in time up front and keep your eyes on the prize over the long haul.” At the outset, time is needed to design the content of the plan, assign responsibilities, develop a communication plan, and prepare judges and staff for putting the plan in place. The court administrator stated that, once the process got rolling, “I needed to devote time to my role as coordinator to keep enthusiasm up, keep forward momentum on different projects, and continually remind everyone that what they’re doing with these strategic-planning projects is key to how we fulfill the overall mission of the court.” Successful change doesn’t happen overnight. The chief judge went on to say that he thinks it took about four years for strategic management to become the way the Ottawa Court does things:

In the first year, many employees are thinking, “What is a strategic plan anyway? I don’t even understand what that is.” As projects started to move in the second year, it became more personal, and we had employees asking, “What is it going to mean to me? Does it mean I have to work harder or differently? Will I be negatively impacted by this?” And then by the third year, people saw we were serious, they knew about the action teams and that things were happening. They saw people being recognized for their involvement and projects coming to fruition. They saw people being promoted because, among other things,

they have on their resumé that they were involved in the strategic-planning process. Names become known to judges and upper-level management for the work that they’ve done on various projects. And then, in the fourth year you have folks saying, “Hey, how about I get involved in that?” Or, “I’ll volunteer to participate.”

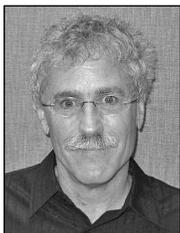
3. Make it real. A first step was to produce a written plan and make it easily accessible on the website by anyone, including the public and staff. One judge noted, “When you make the plan public, you’re saying, ‘Here’s who we are, here’s what we think is important, and here’s what we pledge to do.’” From this position, court leaders have sought to create ownership among staff by giving the teams real authority, support, and resources to put the plan into action. The chief judge said it this way: “I don’t want them to try to guess how I think it should be done. I want to give them real discretion to do what they think is right, and I’ll support them as long as it is not an abuse of discretion.” His last point confirms that, in the Ottawa Court, discretion comes with accountability. A mix of monthly team meetings, SPOT meetings every four months, and the annual all-staff meeting ensure there are regular progress reports and timely feedback. As stated by the court administrator, “You can tell who’s doing the work and who’s not doing the work. And nobody wants to appear as though they’re not doing the work.” The other side of the accountability coin is recognition. The regular meeting schedule also provides many opportunities to reward and recognize tasks accomplished and promote self-motivation. A judge summed it up, “We want to be sure staff is not toiling in obscurity and that they’re recognized for their participation and successes.”

4. Set attainable goals. While, not surprisingly, the projects carried out under the auspices of strategic planning should meet strategic priorities, they should also be attainable. Resolving the tension between good ideas and budget realities is imperative. A judge stated that, “Sometimes we dream big, but we just can’t make it happen—that is particularly true for getting money for new positions.” While big ideas can work out (e.g., the legal self-help center), the Ottawa Court also builds in some quick-success scenarios like better signage, a book drive for the juvenile-detention center, and a recycling program for the courthouse that don’t cost a lot of money but still carry value. Relatedly, because there is a lot of energy and excitement for the strategic-planning effort, Ottawa Court leaders try to avoid undue delay (and associated frustration) by deciding in a timely way whether projects that require more substantial funding will get the green light. They are also creative in generating outside support for good ideas. For example, the courthouse where probate cases are handled was retrofitted to have a barrier-free entrance wide enough to accommodate a wheelchair, yet it initially lacked a button to automatically open the door. People in wheelchairs were unable to open the door themselves and were forced to wait outside until someone else opened the door. On multiple occasions, the court’s request for funding to install a button was denied by the board of supervisors (a cost of roughly \$5,000). When the court conducted the *CourTools* Access and Fairness survey, many court users lodged complaints about the physical facilities, including handicap access. The public feedback proved persuasive, and the automatic-door button was funded and installed by the county.

5. Bring in an experienced outside facilitator to jumpstart the process. The court found using an outside consultant to help with the creation of the original strategic plan to be extremely beneficial. An individual with expertise in strategic planning brings fresh perspective. He or she can provide best practices in how to structure an effective meeting and offer immediate clarity on the organizational principles needed to craft a mission statement and develop an action plan.

6. Explicitly link projects and practices to the mission statement. Ottawa Court leadership want all personnel to understand the big picture embodied in the court's mission statement and how that guides how work gets done. In addition, the mission needs to be translated to the county board of commissioners as the funding unit, and court leaders must make sure they understand that the whole budget process is tied to the strategic plan. The court administrator put it this way: "I keep asking the action team leaders and team members how does each proposed project relate to being able to better serve the public. If you can't draw a straight line from what you're doing to how it's serving the mission of the court, you need to stop doing it and do something different."

7. Look at the big picture. There is no one best way or precise path for courts to follow to achieve higher performance. Success depends on navigating and working within the local budgetary, political, and cultural environment. Yet the daily press of business is real, and it is easy to lose sight of the forest when trees are burning. A key value of strategic planning is to encourage administrative leaders to periodically step back from operational issues and putting out fires to address long-term strategy. The High Performance Court Framework supports these efforts to see the big picture and helps ensure that a court's strategic and action plans are comprehensive, recognize the role of existing organizational culture and capacity, focus on customers, and support the effective use and communication of performance results. That is, the Framework is designed to help courts plan how they can achieve and sustain quality in the administration of justice. The chief judge summed up the rationale for strategic planning when he stated that without a plan, "you're vulnerable to criticism. Unless you have a plan, you're going to bounce around on the sea of life like so much flotsam and jetsam responding to the current and the winds. And once you have a plan, you can hold your head up and say, 'we're not just reacting to life here, we are actually moving forward in a planned and orderly fashion.' And I just think that makes everybody feel better about what they're doing and the organization they work for."



Brian J. Ostrom is a Principal Court Research Consultant with the National Center for State Courts. His main research activities have ranged from the study of felony sentencing and the development of structured sentencing systems to civil justice reform to strategies for creating high-performance courts. His interest in the idea of high performance grew primarily out

of work with several state court systems regarding efforts to improve court organizational effectiveness through careful assess-

ment of court-management culture, judicial workload, and court performance. Dr. Ostrom received his Ph.D. in economics from the University of Washington.



Matthew Kleiman, Ph.D., is a Principal Court Research Consultant with the National Center for State Courts in Williamsburg, Virginia. He has worked extensively in the U.S. and abroad on projects relating to the development of resource-assessment models for judicial officers, court staff, prosecutors, and public defenders.

His research emphasizes the development of tools for justice-system partners to effectively and efficiently manage their organizations. Recent work has focused on strategic planning, caseload management, and the implementation of court-specific performance measures. He holds a doctorate in political science from Michigan State University.



Shannon Roth is a Program Specialist with the Research Division of the National Center for State Courts. Her primary research interests focus on court-performance measurement, court organizational culture and judicial-workload assessment. She played an active role in several recently completed projects implementing aspects of the High Performance Court Frame-

work, including development of a divorce-case triage instrument and continuous improvement efforts in Ottawa County, Michigan. Ms. Roth also provides technical support for the High Performance Courts Framework (www.ncsc.org/hpc), CourTools, and Appellate CourTools (www.courttools.org). In addition, Ms. Roth creates and maintains surveys for the Research and Technology divisions and provides general administrative support for the Research Division.



Alicia Davis is a Principal Court Management Consultant with the National Center for State Courts. Ms. Davis has experience in all aspects of justice-sector planning and performance improvement, including work with judicial and corrections institutions and public-defender and social-welfare services, with a focus on access to justice for traditionally marginalized groups,

including women, juveniles, and indigenous communities. An expert in high-performance-court frameworks, Ms. Davis has conducted operational assessments, facilitated participatory evaluations, and designed standard operating procedures for numerous judicial-sector institutions. Ms. Davis received her J.D. from the S.J. Quinney School of Law at the University of Utah in 1999 and is a trained project-management professional and certified mediator. She is fluent in Spanish and English.