Governance in Today’s Courts

Part I – Effective Elements of Court Governance

Patti Tobas
Raymond L. Billotte

NACM Annual Conference
Las Vegas, NV
July 2019
What is Court Governance?

- Simply stated, “Court governance is the framework by which courts reach and communicate organizational decisions, establish business activities, and develop long and short-term strategies.”

- Governance is providing planning, direction, leadership and strategy to the organization and focusing on the “big picture.”
What Court Governance is NOT

It is NOT – Tactical Management of the Organization

As much as possible, implementation and completion of court governance initiatives and the day-to-day operations of the Court should be left to management and employees
Examples of Governance Activities

1. Authorizing caseflow and workflow projects
2. Establishing personnel policies for court employees
3. Authorizing intergovernmental and vendor agreements
4. Establishing/Modifying the internal structure of the court
Principles of Court Governance

- A well-defined governance structure for policy decision making and administration for the entire court system
- Meaningful input from all court levels into the decision-making process
- Selection of judicial leadership should be based on competency, not seniority or rotation
- Commitment to transparency and accountability
- A focus on policy level issues; delegation with clarity to administrative staff; and a commitment to evaluation
- Open communication on decisions and how they are reached
Principles of Court Governance

- Clear, well-understood and well-respected roles and responsibilities among the governing entity, presiding judges, court administrators, boards of judges and court committees
- A system that speaks with a single voice
- Authority to allocate resources and spend appropriated funds independent of the legislative and executive branches
- Positive institutional relationships that foster trust among other branches and constituencies
- The Judicial Branch should govern and administer operations that are core to the process of adjudication
Why is effective Governance important?

- Addresses the public’s demands
  - Accountability
  - Accessibility
  - Transparency
  - Operational efficiencies
  - Cost effectiveness

- Addresses the needs of our justice system partners
  - Consistency
  - Predictability
  - Organizational Direction
  - Use of Resources
Why is effective Governance important?

- Supports and Enhances
  - Independence of the Judiciary
  - Rule of Law
  - Procedural Fairness
Governance Structures

- No “one best way” to structure and manage court organization.
- Focus on identifying and assessing key factors affecting court operations.
  - Environment
  - Workflow
  - People
Governance Structures

● Framework for Success
  o Commitment
  o Readiness
  o Key Participants
  o Define Governance Model
  o Design Governance Model
  o Implement and Communicate
Key Roles in an Effective Governance System

- Role of the Presiding Judge
- Role of the Judicial Leadership Team
- Role of the Court Administrator
- Role of the Executive Team
- Role of the Standing and Ad Hoc Committees
Thank you for attending!