



**MANAGEMENT STRUCTURE REVIEW  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO**

**Final Report  
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**Gordon Griller, Project Director  
Nial Raaen, Principal Court Consultant**

**Daniel J. Hall, Vice President**

**Court Consulting Services  
National Center for State Courts  
707 Seventeenth Street, Suite 2900  
Denver, Colorado 80202**

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## **Disclaimer**

This management structure review has been prepared under an agreement signed in June 2011, between the National Center for State Courts and the Superior Court of California, County of San Mateo. The points of view and opinions offered in this report are those of the project consultants as representatives of the National Center for State Courts and do not necessarily represent the official policies or positions of the judges or management of the Superior Court of California in San Mateo County, Judicial Council of the State of California or any other judicial entity in California.

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Superior Court of California, County of San Mateo**

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## **EXECUTIVE SUMMARY**

The National Center for State Courts has conducted an assessment of the management infrastructure of the San Mateo Superior Court at the request of the Court's Chief Executive Officer (CEO) to advise the Court on options for streamlining and improving the effectiveness of the Court's management structure in view of ongoing budget reductions. The Court has experienced unprecedented budget cuts over the past three years that have resulted in substantial reductions in staff. As the fiscal situation for the foreseeable future remains challenging, the Court must make increasingly difficult decisions regarding how to preserve core judicial services with reduced support and administrative staff. The project team's findings are based on an Internet survey of the managerial and supervisory staff, followed by individual and group interviews to understand the roles and responsibilities of each member of the management team. Comparative data on similarly sized general jurisdiction courts was included in the assessment.

Significant efforts were already underway at the time this study was conducted to identify potential cost savings, improve business processes, reduce workloads, and implement policy and procedure changes with a goal of meeting budget targets with the least impact on essential court services. The Court has anticipated budget cuts by banking positions, utilizing surplus funds ahead of schedule to avoid layoffs, and improving the quality of financial planning. Through strategic planning and brainstorming activities, staff has been engaged in the process of identifying potential cost savings, revenue enhancement opportunities, and opportunities to improve service despite the reductions in staff. This study is a continuation of these efforts that focuses specifically on improving the management component of the Court.

The project team found that over time, the alignment of managerial and supervisory staff has become somewhat imbalanced with disparate authority for staff supervision and program management between similar positions. Some activities have become diffused under more than one manager, and some managers have responsibility for programs that have very little relation to each other. As in many courts, a sharp division also exists between staff providing courtroom support and those that perform back office activities. As the Court continues to lose support staff it can ill afford to maintain an inflexible system for assigning work and responsibility. This

report recommends a reorganization of the Court's administrative structure that features a more streamlined and rational reporting system and spans of authority. Included are recommendations for reducing the number of direct reports to the CEO from seven to five, flattening the organization structure somewhat, and allocating related responsibilities under each of the executive staff in a more rational manner. One of the major features of the new organization structure is the recommended elimination of the Deputy CEO positions in favor of a Chief Operating Officer who will be responsible for overseeing adjudication, clerical and courtroom support activities. The report also recommends the creation of an Internal Consulting Unit reporting to the Chief Financial Officer. The project team feels this group can serve a vital role in identifying ongoing ways to streamline court processes through business process reengineering and continuous improvement methods.

The reduction and reorganization of management and supervisory staff will need to be accompanied by other changes in the way the Court does business. More attention to cross training through job enlargement and job enrichment will be needed to improve the versatility and flexibility of staff resources. Greater employee empowerment and decentralization of decision-making will be required as managerial and supervisory resources are stretched. More emphasis on teamwork will help the court reduce the vertical or silo isolation of programs and services.

Court administration has made a commendable effort to keep channels of communication open during these difficult times and this effort should continue. Concurrent with continuing communication with staff and constituents, top Court policymakers have sought ways to include managers and rank-and-file employees in decisions about internal changes and cutbacks in Court operations. In some instances, the drive to be inclusive - a laudable objective in these tough times when many employees feel overwhelmed - has led to over-involvement of committees and employee groups in some minor decision-making which has pulled staff away from day-to-day work, caused struggles with consensus-based decision processes, and raised anxieties on the part of staff about unattended desks and work accumulation in their jobs. Suggestions about the type of workplace decisions, and how and when to more effectively involve staff, are offered to help allay employee morale problems rather than unwittingly prompt them.

Major decisions, on the other hand, have been decisively taken and actions occasioned in both a timely and reasoned manner at the management, Executive Team, Executive Officer, Presiding Judge and Judicial Executive Committee levels since the unexpected budget problems have befallen the nation, California and the San Mateo Court. Numerous efficiencies, cost savings, business process improvements, workload reductions, and policy/procedure changes have allowed the Court to balance its budget, maintain essential Court services, and absorb a workforce cutback approaching 24 percent (estimated to be approximately 30 percent after March 2012).

Meeting the expectations of both internal and external customers is a pressing challenge for courts nationwide in these troubled times, and no less so in San Mateo. The Court faces important decisions about the locations of its facilities and ability to staff multiple offices. Reductions in service at some locations have already been implemented and further review of facility utilization is likely to follow. The Court must develop new models of service delivery, including partnerships with other agencies, delivering more information through automation and remote access, and education aimed at improving the knowledge of court customers.

In addition to these more immediate concerns brought about by the current fiscal crisis, this study has also considered the more long-term issues of succession planning and workforce management strategies. In the absence of clear candidates for promotion to higher positions in the management structure within the next few years, the Court is encouraged to take an active role in revising its performance appraisal and employee development programs with the goal of developing in-house talent for succession, while at the same time keeping an open mind to looking outside the organization for new talent. At some point the outflow of older staff will begin to ebb, and the nature of the workforce will change as younger employees enter the workplace. This Court will be able to successfully meet the challenges of a new work force by recognizing the need to use different motivations and rewards, and adopt a culture of adaptability and accountability to make the most effective use of its workforce.

Overall, the project team is quite impressed by the sensible and open approach Court leaders, both judges and management staff, have taken in addressing the continuing and painful reductions in staff, programs, and facilities brought about by state budget cuts. This study is a

vivid example of the continuing and objective search by Court policymakers for useful best practices in downsizing the Court in ways that will minimize impacts on the adjudication of cases, maintain high levels of employee productivity, and continue critical justice services for its constituents.

## STRATEGIES TO IMPROVE OVERALL MANAGEMENT

Area	Strategy	Recommendation	Page
<b>Management Structure</b>	1	Develop a cross-functional, team-based, flexible organization structure by managing like work units collectively, blending job duties through more generic position titles and descriptions, and promoting more interaction and shared responsibility among work units. Specific management changes can promote those directions.	9
	2	Create a flatter organization with less unproductive busy work and more time on core performance responsibilities. Workers must become more flexible, tackling shifting responsibilities in more than one job and perhaps more than one work unit. Middle managers (both court services managers and lead work unit supervisors) will be required to have larger spans of control (higher worker-to-manager ratios) meaning frontline workers must operate more independently and at higher skill levels. And, information technology (realtime digitized data) will become central to supplying the electronic tools to identify and track problems, creating best practice knowledge bases (e-procedure manuals, webinar training, etc.), and enabling more effective collaborations among work units and managers to deliver high productivity with fewer employees.	18
	3	Empower employees to a greater degree.	24
<b>Decision-making and Communication</b>	1	Use consensus decision-making approaches only in areas that truly require that a majority approve a given course of action and where the minority will likely agree to go along with the course of action.	28
	2	In every case where the Court’s leaders use collaborative or consensus decision-making approaches, clearly identify the decision maker (the person with ultimate “decision rights”) and the timetable for a final decision.	28
<b>Allocation of Management Resources</b>	1	Efforts to consolidate the operations of courtroom clerks and clerk’s office staff should be a strong objective in streamlining workflow and increasing clerical coverage as staffing levels shrink.	30

Area	Strategy	Recommendation	Page
<b>Customer Service Strategies</b>	2	Task the Information Technology group with developing applications that target the reduction of clerical work, computerize routine, redundant management decisions, and promote more electronic interfaces with common court customers (i.e. attorneys, public).	31
	3	Elevate Human Resources to a more prominent level and status in the organization by expanding its responsibilities as a key player in “rightsizing” the Court through staff reductions, cross training, and internal reorganizations.	31
	1	Centralizing Superior Court services at the Hall of Justice by selectively relocating functions and closing satellite regional sites as possible is a reasonable approach to staff reductions, especially given the fact that San Mateo County has numerous transportation options available to the public and adequate parking at the HOJ.	33
	2	Outsourcing courthouse-based services is another way some courts are changing customer service models to save space and accommodate reductions in staffing.	33
	3	Improve efficiency by making the Court more user friendly by relying more on court customers to share some of the responsibility and work in delivering services that can streamline business processes and thereby require less staff over the long-run.	34
<b>Succession Planning</b>	1	Select and categorize potential leaders through a combination of objective reviews of annual performance appraisals and subjective assessments by the Management Team in the form of personal recommendations and substantiated, demonstrated high performance of “up-and-coming” leaders. Privately counsel with selected employees to determine their interest in advancement and, if so, their motives for doing so. It is advised that the Administrative Services Director, as a human resources specialist, meet first with the identified candidates, and a meeting with the CEO follow at a later time. The Administrative Director should have the overall responsibility for operating the talent management program.	38
	2	Develop Individual Growth Plans (IGPs) for all identified high potential candidates that are tied to the long-term, strategic goals of the Court. In doing so, program planners should structure experiences (i.e., mentoring, coaching, job rotations, additional skills education, and ad hoc task force assignments) to address a single overarching question: What is it that this high potential candidate needs in order to grow his or her leadership skills and knowledge to better serve the Court? The Administrative Services Director should coordinate the IGP program on behalf of the CEO and Executive Team.	40



Area	Strategy	Recommendation	Page
<b>Long-Term Workforce Strategies</b>	3	A reward and incentive package should be developed. If it's possible to provide some financial enticement it would be nice, although the major component of any bonus strategy should be non-monetary. Any such plan should be aligned with the objective of building lasting strengths for the Court.	41
	4	The CEO should develop and propose criteria to the Judicial Executive Committee for evaluating and selecting his replacement approximately 6-9 months before his retirement date. Part of the criteria should include a scenario outlining what the Court is likely to face in the future and identified attributes, experience and qualities necessary in a new CEO to best address identified future issues. A recruitment timetable should be developed with the process and details handled by the Administrative Services Director (provided she is not a candidate for the position) under the guidance and direction of an ad hoc Judges Selection Committee (or Executive Committee) chaired by the Presiding Judge or a designated representative.	42
	1	Incorporate Computer Applications that assist with routine work.	44
	2	Grow a Culture of Adaptability and Accountability.	45
	3	Use Different Motivations and Interests to Deal with Multi-generational Workers.	46

## **I. PURPOSE AND METHODOLOGY**

The San Mateo Superior Court has requested the assistance of the National Center for State Courts (NCSC) to examine the Court’s management infrastructure with a view toward streamlining the current reporting structure, making appropriate re-alignments of management roles and responsibilities, reviewing the duties of current management positions, and identifying possible lines of succession. The Court has requested a “top down” analysis of management that focuses on executive, managerial and supervisory positions and responsibilities.

This particular study is internally focused on the non-judicial management of the Court with the Court Executive Officer (CEO) as the principal client. At the time of NCSC’s engagement (summer 2011), the Court employed approximately 297 staff supporting seven commissioners and 26 judges. Of this group, the study centered on 40 executive, management, and special-purpose positions, including first line supervisors.

The project team employed an approach that started with a confidential Internet questionnaire administered to all staff impacted by this study and tabulated by Court Consulting Services in Denver. The questionnaire (see Appendix A) was designed to solicit frank responses from each person about their perceptions of the strengths and weaknesses of the current management system, ideas for improving lines of authority and communication, and potential opportunities for reorganization or distribution of management functions. Each respondent was also asked to provide information concerning their key responsibilities, span of supervision, and role in the development and implementation of Court policies.

After compiling and reviewing the questionnaire responses, the project team conducted on site interviews and focus groups during the week of August 1 with all members of the executive and management team who were available. Using the questionnaire responses as a starting point, the project team was able to gain a better understanding of the role and responsibilities of each individual, as well as how the programs and activities in their respective areas of responsibility fit into the overall picture. These included four focus group sessions (multiple first-line supervisors interviewed together) with supervisors. The interviews and focus groups were also an opportunity to further explore employee perspectives on program priorities, communication, clarity of authority, span of control, and other organizational issues. During the

visit, the project team also had the opportunity to meet with Presiding Judge Beth Labson Freeman and concluded the visit in a debriefing with the Court Executive and HR Manager.

Following the project team's initial visit, comparative information was gathered from similarly sized urban courts in California and other states to give some perspective on how other jurisdictions have organized executive and managerial employees. Data was also collected on the locations and characteristics of San Mateo County in order to gain a better perspective on the potential impact to customer service and command and control patterns should the Court re-purpose one or more of its five separate locations with the County.

## **II. BACKGROUND AND INTRODUCTION**

The San Mateo Superior Court is a court of general jurisdiction serving the County of San Mateo south of the San Francisco area. The Court currently maintains five locations. The Hall of Justice (Southern Branch) in Redwood City houses the Executive Officer/Clerk and Jury Commissioner, Administration, Criminal, Civil, Family Law, Jury, Family Law Facilitators, Probate, Records Management, and Small Claims Departments. The Southern Branch Annex, a separate building across the street from the Hall of Justice (HOJ), serves as the Court's traffic bureau. The Northern Branch in South Francisco is home to four superior court judges and two commissioners. Traffic, criminal, civil, and problem-solving court (drug court) matters are handled at this location. Juvenile matters are heard at the Youth Services Center, a shared facility with County functions located in city of San Mateo. The Central Branch, a small facility with one judge and a commissioner, is also located in the city of San Mateo. Civil and traffic matters are heard there currently.

The Superior Court is facing unprecedented budget cuts that are impacting the California judiciary statewide. During the period 2010 through 2012 the Court will experience budget cuts totaling \$8.1 million. A significant impact on staff resources has resulted.

In late 2009, 41 positions were eliminated through layoffs and retirement incentives, reducing the total number of full-time equivalent (FTE) positions from 385 to 344. At the time of the project team's visit in August 2011, the Court had 297 occupied positions out of a total of 317 authorized positions.

These cuts have affected service levels. The Court has consolidated family law and probate matters from South San Francisco to the Hall of Justice, as well as moved small claims staff from branch offices to the Hall of Justice. The Court recently announced reduced counter service hours beginning in January to allow staff more uninterrupted work time.

Despite the rather dire situation in the State of California, the San Mateo Superior Court is likely better positioned than many courts to maintain a responsible level of productivity. As the severity of the state's budget situation became more apparent in 2007 and 2008, Court leaders anticipated the first round of state cuts by "banking" 35 positions; essentially holding

vacant positions unfilled. Also, the Court took steps to identify and reduce non-personnel costs in 2009. While maintaining essential reserves, the Court has been able to offset a portion of the cuts by spending down reserves. Judicial leadership has helped by agreeing to consolidate library expenditures and holding a commissioner position vacant for over a year. The Court continues to engage staff in the process of managing reductions and priorities. Management teams convened early in 2011 identified over forty potential improvements, and staff provided ideas for improving revenues, streamlining calendars, and reducing positions.

Additionally, the Court’s judicial and executive leadership has committed to making timely decisions regarding program priorities and cost cutting. To that end, a recent strategic planning exercise, identified short (six months–one year), midterm (one-two years), and long term (two-five years) visions and strategies for the Court related to achieving stable funding, maintaining customer service, and improving employment security for Court staff.

A distinguishing feature of the Court is its strong commitment to and programming of a wide array of alternative dispute resolution (ADR) options. These programs help resolve and narrow issues, helping parties to settle cases early on, saving both time and money for parties and the Court while promoting more lasting resolutions. Many court leaders under-appreciate these positive benefits. San Mateo, in recognizing the value and productivity of ADR to a greater extent than most courts, has adopted a strategic direction that serves it well in these tough economic times.

Looking ahead, the Court is dedicated to further spending down reserves in order to avoid layoffs. Additional actions will depend on the overall state budget in the upcoming fiscal year and the impact on judicial appropriations. Further changes could include continued “ghosting” of vacant positions, instituting retirement incentive programs to spark voluntary separations from Court employment, and, as a last resort, position eliminations in accord with union contract provisions (“last in, first out” on the basis of seniority) and work rules. The Court also has program options that include additional re-purposing of facilities, modification or elimination of non-essential programs, and reduced service levels. In the meantime, this study will help Court leadership turn its attention to streamlining and improving the Court’s management component.

### III. FINDINGS AND RECOMMENDATIONS

California courts have been unmercifully hit by the Great Recession, more so, in the opinion of the project team, than most courts in other states. In San Mateo County, as an example, the three year period from 2008 through 2011, witnessed a reduction approaching 24 percent non-judicial staff. According to court watchers at the National Center for State Courts' Budget Resource Center, a group which tracks and monitors government budget reductions and their economic impacts on state courts nationwide, the majority of courts outside California are likely to experience a much smaller reduction (no more than a 20 percent) over that same three year period provided a "double dip recession" due to a lingering global debt crisis is averted.

Given the rather dire future in funding for California courts, San Mateo is wise to develop a series of strategies to **(a) streamline the Court's management structure, (b) reduce its manager-to-staff ratios, (c) reconfigure its service offerings, and (d) ensure leadership continuity in order to create a more efficient, flatter, productive and sustainable organization.** Making the challenge all the more daunting is the need to limit external negative impacts on the public and Court users to access dispute resolution processes, as well as minimizing internal harmful impacts on the Court's judicial officers who provide the Judicial Branch's core service: the adjudication of cases.

#### A. Management Structure

Common management structures throughout most urban trial courts in America, including the Superior Court in San Mateo County, segment non-judicial staff work by related functional areas, clustering like operations under a single manager or division to promote economies of scale, accountability, work specialization, cross training, and better coordination among similar services. Although there are innumerable possible combinations, nine functional groupings appear to be rather widespread in trial courts based on an NCSC review of eleven urban trial courts both inside and outside California. These nine areas include executive leadership, three direct operational functions, and five court support services outlined in Table 1: Common Non-Judicial Staff Functional Groupings, Urban Trial Courts on the next page.

**Table 1: Common Non-Judicial Staff Functional Groupings, Urban Trial Courts**

Functional Areas	Responsibilities and Duties
Executive Leadership	Strategic oversight at a courtwide level through a chief executive officer working with administrative judges and the bench en banc as the ultimate court policymakers, an executive group of high-level operating officers (executive team), and a small headquarters staff composed of a few clerical employees and, perhaps, a community outreach/public information specialist and legal counsel in larger jurisdictions where funding for such jobs exist.
Adjudication Operations	Courtroom clerks, law clerks, court reporters, interpreters, electronic audio/video recording, and clerical bailiffs
Recordkeeping Operations	Daily filing and updating of case files, fines/fees payment, and records storage and retrieval. These functions are largely paper centered today, but over time will transition to digitized information. As such, it is important for information technology services to work closely with this operational area.
Caseflow Management Operations	Calendaring (master/individual/hybrid), scheduling, case monitoring, back-up judicial support, specialized case/court/calendaring operations (domestic violence, self-represented litigants, problem-solving courts), and oversight of judicial adjuncts (commissioners, referees, hearing officers, and special masters).
Security and Facilities Support	Management and/or coordination of court security staff and/or Sheriff deputies, prisoner transport, building entrance security, continuity of operations planning (coop), and facilities management.
Litigant Services Support	Alternative dispute resolution, law library, grand jury, self-represented litigants do-it-yourself services (family law, small claims, traffic, guardianships, conservatorships, domestic violence, orders of protection, etc.), legal research, probate investigation, and jury management.
Human Resources Support	Personnel services, payroll, fringe benefits, labor relations, and education/training. Education and training is especially important as an organization transitions to a flatter structure since cross-training, employee empowerment, and cross divisional/department teamwork targeting problem-solving and project management become much more important.
Finance/Budget/Planning Support	Budgeting, accounting, research and planning, statistics, procurement and capital improvements
Information Technology Support	Electronic case management applications development and oversight, information systems project management, on-line applications, mainframe/server/data center/help desk/end user/training support for court's with "homegrown" (locally developed) and stand-alone vendor purchased systems, or a much smaller core of these functions primarily devoted to on-site maintenance and end-user support where a statewide judicial branch solution is provided.

## **1. Findings**

The Court is currently managed through a three-tier system. Six employees in the upper management tier, the Executive Team, report directly to the Court Executive. It is the strategic leadership group overseeing all non-judicial staff. They include two Deputy Court Executives and the heads of Finance and Information Technology. They are akin to “field grade officers in the military,” responsible for complex, multi-faceted programs and assorted work units.

The second management level includes primarily mid-level operational managers, many of whom are classified as Court Services Managers and have worked with the Court for long periods of time. Due to their knowledge, skills, and abilities, they can often step into front-line supervisory positions to buttress work unit supervisors or perform lower level job tasks in an emergency. The analogous military position would be “company grade or warrant officer levels.” They are operational managers, often leading by example and maintaining a close relationship with the rank and file employees. Also scattered throughout this middle management level are a variety of special-purpose staff, filling various grades of management analyst. Some have employees reporting to them, some do not.

An aberration among this group reporting directly to the Executive Officer is a Court Services Manager (CSM) who oversees an array of mixed administrative support functions grouped together as a Planning and Development Department. This CSM position is somewhat out of place, causing some consternation among other managers. As explained to the project team, the appointment of a CSM to head this group was occasioned by the need to backfill an eliminated deputy court executive officer position that headed the department without incurring extra expense. Originally, Planning and Development focused on strengthening and expanding public access to Court services through a variety of new approaches, collaborations, and outreach efforts, a strong emphasis among California courts a few years ago prompted by the Judicial Council. With the budget crisis, the initiative has lost prominence to more basic and substantive needs. Resultantly, the Court Executive wisely left Planning and Development Department responsibilities in abeyance pending this study.



Lastly, the third tier is composed of front-line supervisors, the “non-commissioned officers” of the Court who have small work unit oversight responsibilities. They generally report to the court services managers who, in turn, roll up to the upper management tier of officials.

Consequently, with some exceptions (i.e., Planning and Development Department), there is logic in the three-tiered structure and associated job classes in which the non-judicial hierarchy is currently organized; however, as with many organization structures they are never static and are constantly adjusted and re-adjusted to accommodate personalities, deficiencies in skills, internal structural changes, and external forces. In today’s world, exhibiting a shrinking employee base, the re-alignment, downsizing, or abandonment of programs, and a restructuring of work units, organization alignments need constant updating.

San Mateo resembles many other courts facing significant staff downsizing. NCSC research and observations indicate that when faced with an abrupt, unexpected budget and revenue downward spiral, court leaders commonly look first to tactical ways to economize in order to provide some immediate breathing room and time to assess the nature, impact, and likely length of budgetary problems. Common solutions include unpaid furloughs, salary freezes, shorter hours and reduced pay, “ghosting” unfilled positions to save money, eliminating vacant jobs, channeling work to others, implementing incentive programs, and re-directing work to less impacted work units. No matter the choice, these tactical options tend to contort the organizational structure in ways neither intended nor strategically healthy. They delay the Court in re-positioning itself to adopt necessary transformational and strategic ways to adapt to fundamental change and a lengthy socio-economic transitional period caused by the current global economic slide. Delay merely postpones the inevitable, namely remaking the operational patterns and organizational delivery system to accommodate a much more austere and demanding future. Fortunately, the San Mateo Superior Court was able to anticipate the impact of budget reductions and implement strategies such as the use of reserve funds to put the brakes on more immediate, drastic cuts to staff and services.

## **2. Recommendations**

All of this can be seen as demoralizing and depressing, or challenging and opportunistic. The latter, thankfully, is the chosen course for the San Mateo Superior Court. So, how does the

Court adapt the non-judicial management structure to become more flexible and agile for a future with significantly fewer staff and as much or more work? The project team suggests three ways to attack the problem.

***Strategy 1:*** *Develop a cross-functional, team-based, flexible organization structure by managing like work units collectively, blending job duties through more generic position titles and descriptions, and promoting more interaction and shared responsibility among work units. Specific management changes can promote those directions.*

Re-organize like work units together under two broad, separate management areas - programs and support. Effectuate these work clusters consistent with the eight areas outlined earlier in Table 1. Under the program umbrella of functions are adjudication, caseload, and recordkeeping operations. Under the support umbrella of services are security and facility support, litigant services support, human resources support, finance and budget support, and information technology support.

Where current positions have been eliminated, the responsibilities associated with them should be re-distributed under a new Executive Team Reorganization (see Table 2 on page 10). In turn, a new Functional Organization Chart (see Chart 1 on page 11) can then be outlined to guide more detailed re-structuring. It is largely compatible with the current functions performed by the Court. Titles have been changed to represent more generic, expansive, and business-oriented designations. Finally, detailed hierarchical comparisons of the Current and Proposed Non-Judicial Court Organization Structures are presented in Charts 2 and 3, respectively. The new organization is essentially flatter with five direct reports to the CEO rather than seven as is the current situation. Also, the new structure limits the CEO reporting structure to members of the Executive Team only rather than a mix of middle managers and top executives which presently exists.

Based on the size of the Court, its functions, and its caseload, five direct reports to the CEO is the minimum span of control advisable by the National Center. Courts of comparable magnitude and complexity generally do not slip below that number.

**Table 2: Executive Team Reorganization**

<b>EXECUTIVE TEAM</b>	
<b>CURRENT POSITION</b>	<b>NEW POSITION</b>
Deputy Court Executive Officer (2 positions)	Chief Operating Officer (COO) (one position)
Finance Director	Chief Financial Officer (CFO)
Information Technology Director	Chief Technology Officer (CIO)
ADR Program Director	Litigant Services/ADR Director
Court Human Resources Manager	Administrative Services /HR Director
Planning and Development Services Manager	[eliminate position]

**Chart 1: Functional Organization Chart**

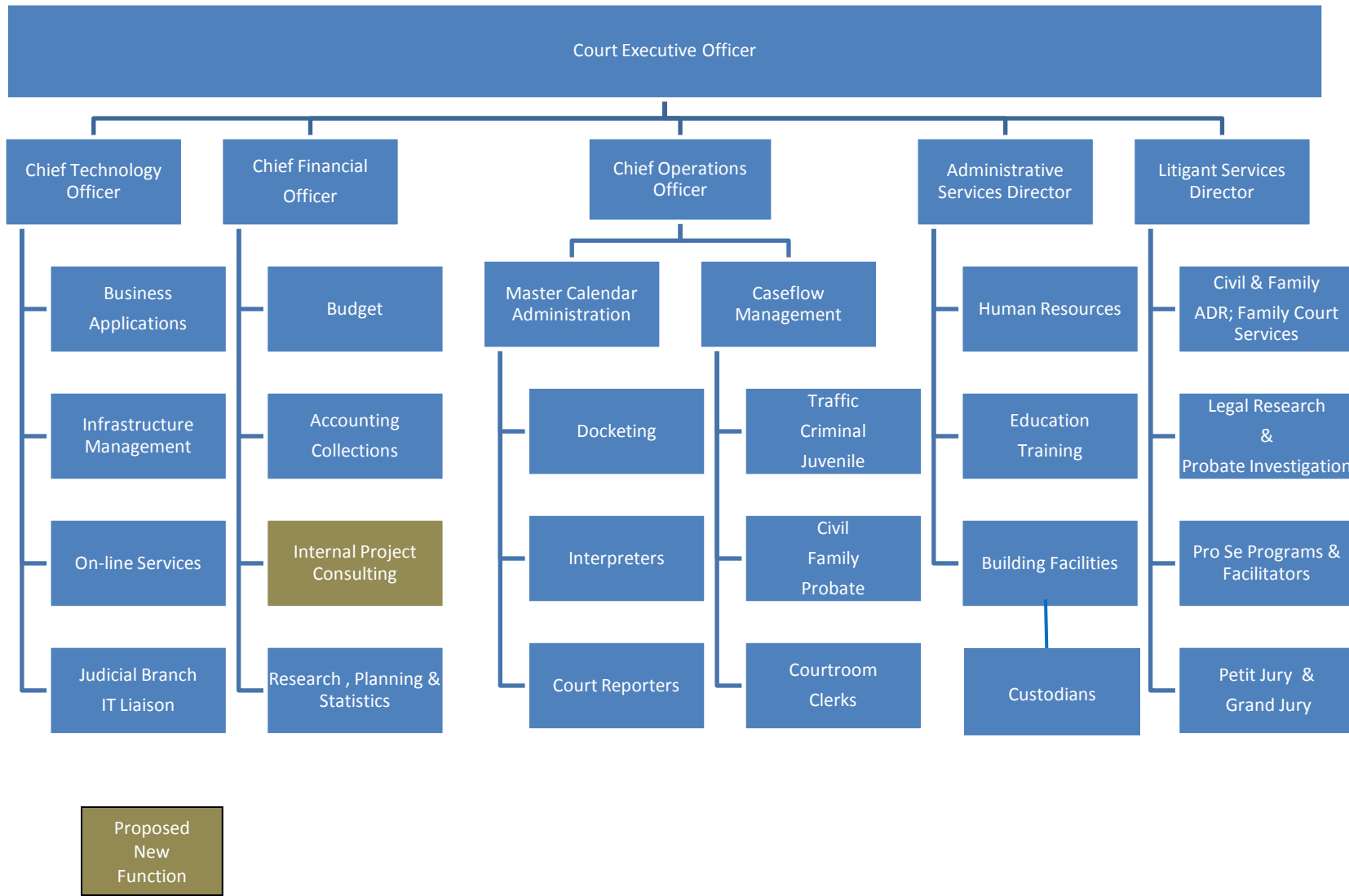


Chart 2: Current Non-Judicial Court Organization Structure

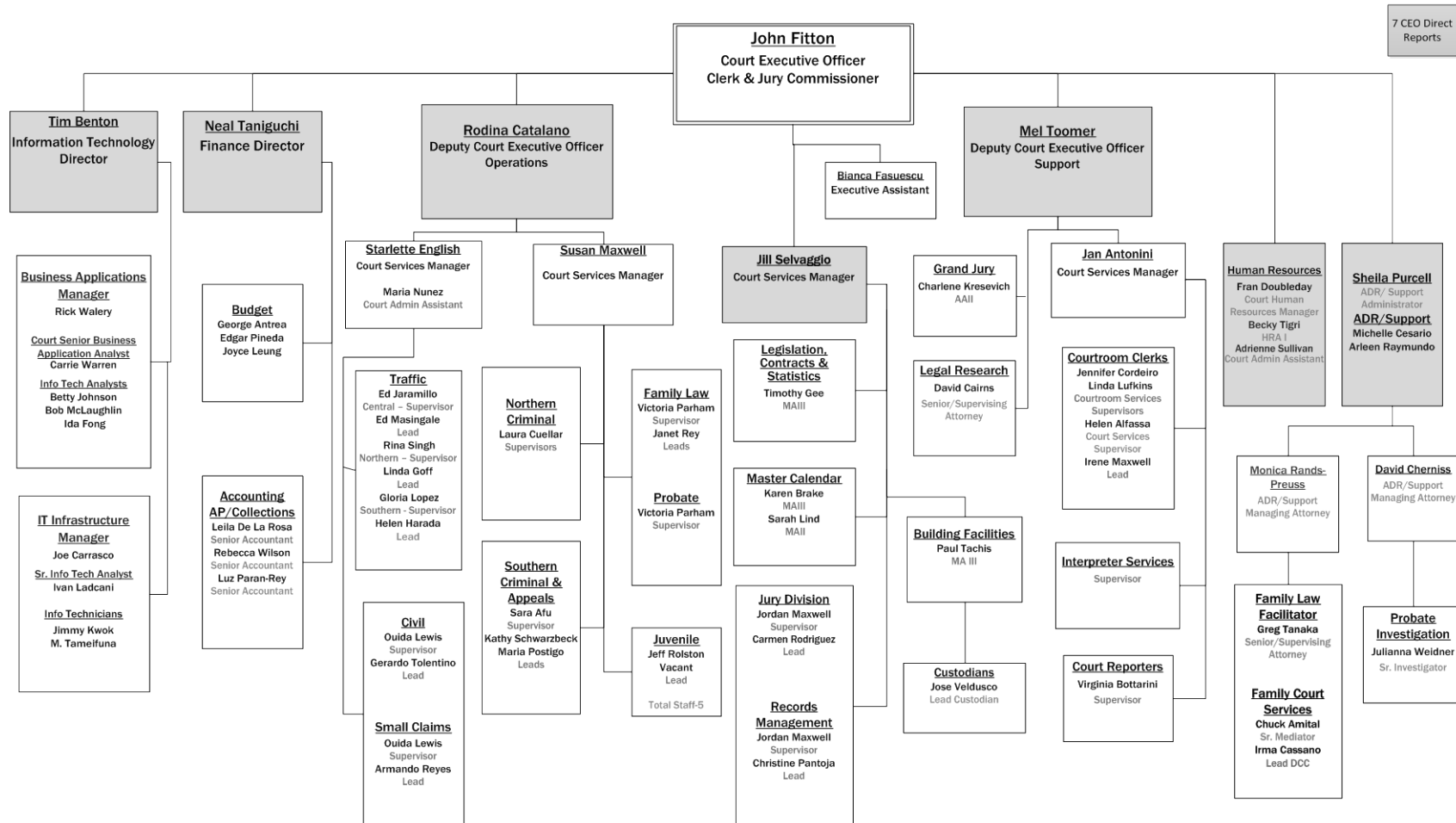
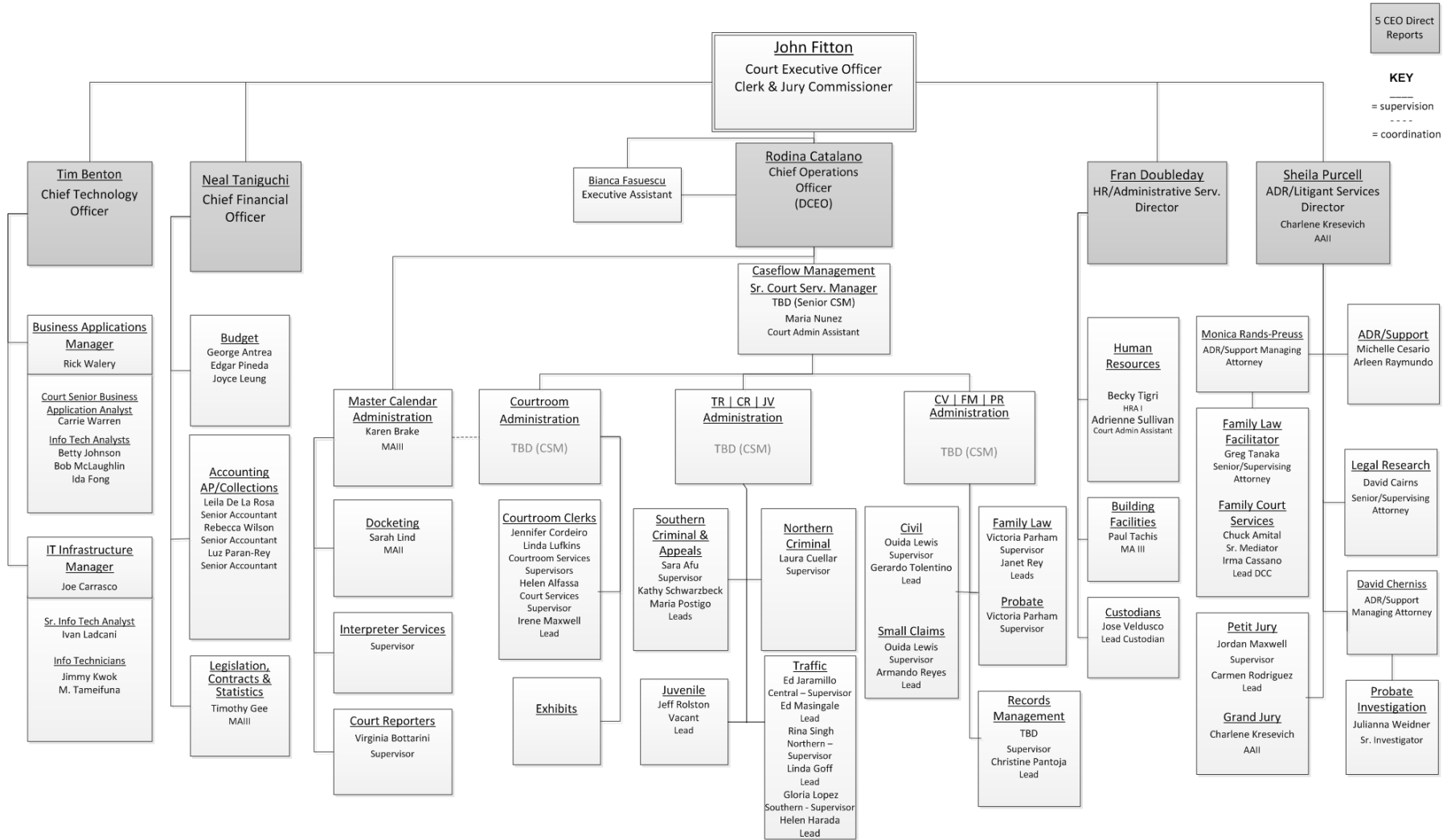


Chart 3: Proposed Non-Judicial Court Organization Structure



Eliminate the Deputy Executive Officer positions and distribute those duties among the five top administrators and directors on the executive team (COO, CTO, CFO, and Directors of Administrative and Litigant Services) re-titling those jobs as necessary.

Re-constitute all other administrative and management support functions within the Court under these five top executive team officers and directors.

Create a new position of Chief Operating Officer (COO) responsible for leading and managing all service delivery programs and the daily operations of the Court. The COO responsibilities are largely defined in relation to the CEO. In the San Mateo Court, the project team sees the CEO as the principal strategist, visionary and decision-maker regarding the direction and overall management of the non-judicial staff. He also functions as the chief advisor to the Judicial Executive Committee (bench en banc) and administrative judges. Resultantly, he is primarily responsible for suggesting and driving programs to ensure the Court stays relevant and nimble vis-à-vis its changing environment. In the project team's opinion, this role is quite compatible with the role of a program-based COO reporting to him. The CEO will also be heavily connected to the overall management of the Court through the direct reports from the other two top officers and two directors regarding administrative support functions.

Abolish the Planning and Development Department, re-assign the Court Services Manager position as appropriate, and re-distribute or eliminate its various functions.

Create a small, two to four person Internal Project Consulting Unit attached to the Chief Financial Officer (CFO) currently titled the Finance Director. Many governments and businesses utilize internal consultants (i.e. management analysts) who are general purpose professionals assigned special and organization-wide projects. Unfortunately, few courts do. Although the San Mateo Court has an array of management analyst positions, the project team noted they are confined to rather narrow, static areas (contracts/statistics and building facilities as examples) or devoted to supervisory responsibilities in specific areas (master calendaring). The project team's suggestion embraces a more business process reengineering (BPR) approach where a small cadre of professionals reporting directly to top management can be dispatched by the CEO and/or CFO to troubled areas of the Court to gather data, analyze, and propose ways to streamline

organization structures, enhance efficiencies in workflow and caseflow processes, control costs, and boost productivity. This is especially important as staff size shrinks and the Court must move toward more streamlined work processes.

Business process reengineering (BPR) is the analysis and redesign of workflow. The technique gained notoriety in the 1990s as businesses began revisiting the need for speed, service and quality over control and efficiency and ran into unanticipated problems as they attempted to use technology to mechanize old, antiquated ways of doing business. Various governments, and some courts, followed suit in the public sector, but often fell short because the common focus was too often on quick fixes rather than breaking cleanly away from old rules about organizing and conducting business.

The San Mateo Court has assessed and redesigned numerous business processes over the years, especially regarding patterned automation advances and in exigent circumstances where shortfalls in money, people, space or time require more streamlined, economical processes.<sup>1</sup> Here, however, the project team is focused on BPR as a more pervasive, strategic approach to consciously target high impact, paper-based and service-based Court processes that have the likelihood to generate high organization-wide returns on investments (ROI) in terms of lower costs, fewer resources, greater productivity, and higher efficiencies.

One of the major tenets of process reengineering in the computer age is to organize work around outcomes, not tasks. Ideally, when followed to the extreme, the principle encourages one person to perform all the steps in a process by designing the person's job around an objective or outcome instead of a single duty or step in a process.

In restructuring the purpose and direction of the management analyst job classification there are some other principles at work in BPR that help to simplify and streamline workflow. Among them are:

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<sup>1</sup> Examples include the reorganization of accounting and budgeting processes in the Court's Fiscal Department in a leaner, more productive fashion, consolidation of organizational units and related business practices as staff levels were downsized, and development of new computer applications to digitize and speed workflows.



- Work backwards by having those who use the output of a work process engage in the reengineering analysis itself. Ad hoc, inter-division committees or task forces often work well provided they are effectively led.
- Concentrate only on a few prioritized, urgent work redesign efforts at a time otherwise details will become overwhelming.
- Put the decision point where the work is performed and build control into the process. There is an assumption in many organizations today, courts included, that people doing the work have neither the time nor the inclination to monitor and control it and therefore lack the knowledge and skill to make decisions about it. Proven modern day reengineering principles, however, argue that those who perform the work should make the decisions and that the process itself can have built in controls. The ultimate objective is for the doers to be self-managing and self-controlling. This direction is certainly in line with empowering employees and strengthening middle management capabilities discussed later in this report.
- Capture information once and at its source. As the Court continues to move toward computerization, leaders need to promote the elimination of as much redundant data entry as possible. Many courts as well as their justice partners (law enforcement, prosecutors, defense lawyers, and corrections) operate in disjointed, isolated organizational silos which promote an excessive amount of duplicative work processing. Resultantly, systemwide approaches toward reengineering solutions and integrating work are very important goals to embrace in moving forward. Silo mentality inhibits collaboration since there is little understanding of mutual needs and opportunities to streamline processes outside a department, division or work unit. Silos create an environment where sharing and collaboration for anything other than one silo's special interests is tough to accomplish. If it seems necessary to involve another part of the organization, function or business unit, it's frequently up to a senior administrator to engage them. As a result, silo thinking is a common killer of innovation. And innovation is a critical component, we contend, in readjusting to a more long-term, austere future.

- Coordinate as possible the work of the Information Technology business applications staff with the BPR work of a new management analyst corps. The project team concludes that the Court's IT Department is very effective, capable, and well managed, although minimally staffed. It is ready and willing to insert high-tech, digitized processes in areas of the Court, but needs insight and guidance as to where it would be most beneficial, practical, and achieve the highest return (read: efficiency and economy) on investment. Here, collaboration among the Executive Team (including the CTO) and a reconstituted management analysis group would be extremely constructive and creative. The project team is not suggesting that the management analysis group be subsumed under the business applications group in the IT Department, but rather that they work in tandem with information technology where useful. The management analysis group must first and foremost target more efficient ways to process work, much of which currently remains paper and people intensive.

A natural question in this model is: Why not attach the Management Analysis Unit to the COO? After all, the COO has the major responsibility to deliver operational services.

By placing the analysts under the CFO (a preferred option by the project team), it complements his financial auditing function with a performance auditing responsibility. Many businesses organize financial and performance assessment/examination duties under the same high-level manager since the tasks are largely interrelated. Also, pinpointing this responsibility with the CFO allows the full Executive Team to help identify those analytical areas that hold the greatest potential return on investment and at the minimum provides some broad-scoped dialog on problem areas. Admittedly, it may cause some tension among the members of the Executive Team, but that's not necessarily bad since the decision about where to deploy members of an internal performance team should ideally have widespread input. Furthermore, the project team contends that the CEO, by having overall responsibility for both operations and support services, can easily ensure performance auditing targets the most troubled or potentially productive areas of the Court.

All other members of the Executive Team have vested interests in their particular areas of management except the CFO. The CFO also has the best overall organization-wide vantage point given the breath of his responsibilities that touch virtually all functional areas. Additionally, it is easier for the CFO to detach himself from the fray of day-to-day minutiae to see the big picture. Such a viewpoint is invaluable in effectively using a small team of internal consultants to address critical and often overlapping work unit problems.

Some management experts have analogized this clearer perspective at the top of the organization to a skycam view of a football game. When you're a player on the field, immersed in the game, your view of what's happening is limited and obstructed. From a skycam, the interplay, problems, mistakes, and opportunities taking place on the field are much more visible. The CFO is positioned well to take advantage of a skycam view of the Court; an ability to see all the organization's dynamics clearer and more accurately and thereby conclude more objectively what is happening courtwide as it happens, and more importantly, ensure that the right changes occur.

***Strategy 2:*** *Create a flatter organization with less unproductive busy work and more time on core performance responsibilities. Workers must become more flexible, tackling shifting responsibilities in more than one job and perhaps more than one work unit. Middle managers (both court services managers and lead work unit supervisors) will be required to have larger spans of control (higher worker-to-manager ratios) meaning frontline workers must operate more independently and at higher skill levels. And, information technology (realtime digitized data) will become central to supplying the electronic tools to identify and track problems, creating best practice knowledge bases (e-procedure manuals, webinar training, etc.), and enabling more effective collaborations among work units and managers to deliver high productivity with fewer employees.*

Eliminate “wasteful busy work” that draws front-line staff away from operations and customer service. To that end, move to eliminate or significantly redesign the employee performance system requiring one-on-one meetings multiple times a year. Many staff commented that the regular, structured, one-on-one meetings were unnecessary, particularly for those who are in daily contact with supervisors. It also appears that there is a lack of consistency

among supervisors regarding employee feedback. Supervisors are struggling with what to discuss with employees and employees view these constant interruptions from daily work as excessive and unproductive.

Also, the Executive Team should objectively facilitate an examination of the number of meetings and committee gatherings that pull staff away from their core work functions and minimize them as possible. Brainstorm with staff regarding other frustrations which impact time on the job and reduce unnecessary time away from the work unit. Just as caseflow productivity is directed at reducing delay where nothing meaningful happens, workflow productivity should target the same thing.

Many managers and supervisors are involved in the day-to-day work activities as would be expected; however, there is a wide-spread perception by staff that many of these supervisors tend to micro-manage work and assignments. As suggested in later sections of this report, there will need to be a greater emphasis on empowerment and independent decision-making in a leaner organization. The CEO and Administrative Services Director should provide training and/or mentoring to managers and supervisors as needed to help them develop more skills without accompanying micromanagement problems.

Make teams, not individuals, the basis of work unit operations, interaction and performance. Human resources staff will need to explore how best to assist managers and supervisors in developing teams and cross-training employees both within a team and among teams on multiple tasks.

A number of organizations, including trial courts, have implemented cross-training programs to both improve labor utilization as well as employee motivation and job satisfaction. In today's world, courts can gain much from a cross-training program provided it is well managed and promoted as a way for employees to increase their competencies and develop better career paths for advancement within the Court or in the broader labor market. Cross training can have a huge impact on employees respecting each other and the work of their co-workers to a greater extent, too.

Generally, there are two basic cross training approaches. Both can be used by the Court.

- *Job enlargement* – This is the horizontal expansion of a job through the addition of tasks on the same level of skill and responsibility. It is management’s prerogative to do so to provide for better coverage when employees are absent and for greater productivity within the work unit on various tasks. Care must be used by management in developing job enlargement programs since they can be used to add unrewarding, mundane responsibilities which may produce a feeling of exploitation by an employee resulting in the reverse of what is intended – higher motivation and a greater commitment to work and the Court.
- *Job enrichment* – This is the vertical expansion of a job by adding tasks that give the employee more responsibility and control. Although there is no guarantee of higher pay or a promotion, it provides a clear pathway for those employees who would like to move to more responsible positions. In these instances, it is important that the employee more or less volunteer for such training (often at the encouragement of management) as a way to improve their chances for career advancement.

In implementing a job enlargement program, the simplest approach targets a single common pool of employees at the same skill level but with different duties. A second technique is to rotate workers scheduled over time into different jobs. A helpful tool in enlarging jobs is to create a “cross training matrix” chart. An example is depicted in Table 3 below identifying six skills (tasks) for six individual workers or worker teams should multiples of staff be clustered into groups. The chart assumes that workers and skill sets match; worker 1 has skill set 1, worker 2 has skill set 2, and so on. Blank spaces on the matrix indicate where a worker or team of workers needs to be cross-trained in a task or skill set possessed by the other workers or teams.

**Table 3: Cross Training Matrix**

Worker/Teams	Skill 1	Skill 2	Skill 3	Skill 4	Skill 5	Skill 6
Worker 1						
Worker 2						
Worker 3						
Worker 4						
Worker 5						
Worker 6						

For cross training to be effective, it must be carefully planned and implemented. Some guidelines to follow are:

- In *job enlargement* initiatives, supervisors must carefully plan what skills will be exchanged and enlarged. Job design is important to ensure that shared responsibilities are roughly at the same level of responsibility.
- Begin small using pilot projects.
- Train supervisors in how to mentor exchanged employees.
- Ensure that employees perform in the cross trained job occasionally to stay fresh.
- Develop a feedback process. A successful method employed by some organizations is to have the trainee meet at the end of the completion of his/her cross training with the supervisor or manager, with a pad and pen, ready with questions or comments. Trainees should be expected to make open suggestions about possible improvements in work procedures and ask about anything that was unclear to them. The ‘receiving’ trainer (supervisor or manager) must pay attention to the trainee, and keep a personal record of comments.
- In *job enrichment* initiatives, target employees who volunteer and want expanded opportunity as opposed to those who do not.

Cross training programs are difficult to institute well. It is suggested that a small task force of Court staff assembled by the Administrative Services Director be structured to first develop a cross training policy for the Court, including rationale and mechanics for a program. Both job enlargement and enrichment should be targeted. A sample policy appears below.

***Cross Training Policy***  
***Superior Court of California, County of San Mateo***

*It is an objective of the Court to place greater emphasis on internal employee skill development through cross-training staff, including both job enlargement and job enrichment. Job enlargement is the horizontal expansion of a job through the addition of tasks on the same level of skill and responsibility. Job enrichment is the vertical expansion of a job by adding tasks that give the employee more responsibility and control; though there is no guarantee of higher pay or a promotion such training provides a clear pathway for those employees who would like to make the Court a career and move toward more responsible positions. Both approaches provide Court staff with the opportunity to learn new skills and become a more valuable member of the workforce.*

*The cross-training program is focused on greater efficiency, staff flexibility, teambuilding, work task variety, skills building, and productivity; not piling on duties. To that end, the Court needs your commitment to training and learning new skills.*

*To be considered for additional training, coaching and education:*

- There must be a need for the skills.*
- The person to receive the education must have the minimum qualifications, skills, abilities, knowledge and/or experiences that are necessary.*
- There generally must be available internal resources to do the education (e.g. a skilled, committed trainer or mentor who has the time available).*
- In some circumstances, Court Administration may authorize external training for certain skills provided there are appropriate education*

*programs and facilities for such development. If such is the case, there will be no cost to the employee. Compensatory time may be permitted for the employee should the training occur outside normal business hours. A formal commitment from the employee to remain with the Court for a reasonable period of time may be required in exchange for the training, skill enhancement, and successful completion of the training program. Such a commitment is negotiable between the employee and Court Administration.*

Concurrent with the development of a workable cross-training policy, the Ad Hoc Cross Training Task Force should identify positions for enlargement and enrichment, and oversee the development and initial operation of the program. Court Administration should facilitate and staff the task force keeping in mind those committees, task forces, and meetings are limited and that should be the case in this effort.

One of the most critical steps in developing a cross-training program is developing a workable cross-training matrix. It not only identifies the functions employees have received training on, but should also indicate their efficiency levels by the training supervisors or mentors. Rating scales should indicate levels of proficiency regarding specific functions or skills. Some organizations have used an A, B, and C ranking. An “A” means a cross-trained employee is fully trained and supervisors have signed off on his/her competency. A “B” indicates the employee is partially trained and operates at an 80 percent proficiency level. A “C” ranking signifies the employee has a basic understanding of the task, but is limited in his/her performance.

There likely will be some fear and resistance from employees in instituting such a program which needs to be addressed with open and honest communication. A formal policy acknowledging the program, supervisor training in mentoring techniques and face-to-face discussions with employees are all necessary.

A particular concern by employees in the adoption and operation of a cross training program is whether proficiency ratings regarding competencies in cross trained skills will be used in performance evaluations of staff. It is best to make this decision early in developing the program. The project team advises that the program will carry more weight and likely be



embraced more seriously if cross trained proficiency and employee performance evaluations were linked in a meaningful way.

Finally, two important features of a cross training program need to be underscored that have the potential to encourage a more successful outcome. First, it is important to experiment with a cross training program on a small pilot basis initially to be able to more easily solve operational problems. Secondly, an ad hoc task force of court staff with a variety of expertise (i.e. supervisors, employees, human resources specialists, and administrators) should guide the early development of the program. Diverse teams are admittedly more difficult to manage and direct, but they tend to be more accurate and insightful in devising workable programs and anticipating problems and difficulties before they occur.

Task the Information Technology Department with creating electronic tools to identify and track problems, developing best practice knowledge bases (e-procedure manuals, internal webinar training capacity, etc.), and enabling more effective collaborations among work units and managers to deliver high productivity with fewer employees.

**Strategy 3:** *Empower employees to a greater degree.*

When times are tougher than usual regarding funding, staffing, and workload as they are currently, organization cultures have a natural tendency to retrench employee autonomy. By autonomy, we mean permitting staff to independently act to solve problems, to make important choices, and to perform their job duties with relative freedom from overbearing bureaucracy and hierarchical controls. In essence, employees have freedom to act on their own within recognized, understood boundaries regarding their duties and work. It is one of the defining features of an empowered work group and a high performance court. Of course, autonomy to act within boundaries carries with it a collateral, important responsibility to be held answerable for decisions and actions as well.

Interestingly, uncertain times are the most propitious situations in which organization leaders should encourage empowerment. Why? Empowered organizations promote flatter hierarchies, less bureaucracy, quicker decision-making and lower cost operations.<sup>2</sup>

Empowered organizations are high trust operations. Trust is palpable; it is felt in a real, visceral sense by staff. A high trust organization is a healthy place to work where open communication defines interactions among staff. The honest, free flow of information is a second major element of employee empowerment. High trust limits destructive office politics, encourages smoother more efficient ways of working together, and promotes open collaborations between divisions and work units. Such organizations display helpful rules and procedures understood by the vast majority of employees, staff takes “ownership” of problems and routinely solve small dysfunctions before they become bigger destructive dilemmas, creativity and innovation is encouraged, and the organization is more easily able to rapidly adjust to external environmental changes.

Conversely, in low trust organizations, communication is guarded, political solutions are often occasioned as quick fixes without lasting value, hidden agendas are commonplace, and information is guarded or grudgingly revealed. Low trust courts exhibit painful micromanagement, stifling bureaucracy, high overhead costs, redundant systems, together with an atmosphere of constant worry and suspicion.

The third and last major feature of employee empowerment is teamwork. Employees are encouraged to tackle problems and issues in teams where appropriate. Both individuals and teams are permitted to make decisions directly related to their activities in the workflow. Where empowerment is the accepted culture (work pattern) in an organization, teams are largely self-supervised and exhibit a collective sense of responsibility.

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<sup>2</sup> Stephen M.R. Covey in his recent book, *The Speed of Trust: The One Thing that Changes Everything*, notes how empowerment, competence and efficiency are linked. Simply put, trust means confidence. His premise is that when trust goes up, speed (efficiency) and quality do as well, while costs go down. This he says is true whether the relationship is between two people or between two organizations. With trust, one party does not have to check on the other which is time consuming, costly, and inefficient. Micromanagement is the antithesis of trust; effectively defined as distrust.

There are a variety of ways to foster individual and collective team responsibility for workflow. All require that management apply the three principles of empowerment. Some ways to foster such work styles and culture include:

- Decentralize decision-making
- Structure jobs with overlapping responsibilities
- Arrange work areas so that people can see each other's work
- Base incentive awards on both individual and group performance
- Design procedures so employees with different jobs can easily collaborate
- Educate staff about the purposes and reasons for new collegial work styles
- Ensure employees/teams understand they are accountable for outcomes

## **B. Decision-making and Communication**

San Mateo's large, multi-location management structure presents challenges in maintaining communication among staff and coordinating decision-making. The Court's leaders have made a strong commitment to open information flow throughout the organization and an inclusive decision-making process that involves managers, supervisors and employees.

### **1. Findings**

The Court's leadership has been forthcoming and informative with the staff over the recent years regarding the need to downsize as budget funds have sharply declined. A notable example of that important tact occurred in 2009 shortly after the CEO assured staff there would be limited reductions in force to meet budget cuts. He and other Court leaders were subsequently caught unaware of internal revenue forecasting errors combined with reduced budget allocations from the State that ultimately did necessitate unexpected layoffs.<sup>3</sup>

Even though many employees now understand the uncontrollable nature of such a sudden budget adjustment, employee trust in management was provisionally shaken. Reverberations from the incident are still felt by some employees. It is likely no further explanation or

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<sup>3</sup> The CEO and Executive Team worked to reduce the number of layoffs from an original estimate of 60 positions to less than 30.

discussion will temper attitudes as much as the observed behavior, actions and performance of managers and administrators over the next few years in handling future cuts and operational changes. Since the 2009 error, Court leaders have substantially increased the competency of those managing the Courts internal funds and have continued to freely share information with employees about current Judicial Branch and Court funding problems.

Notwithstanding the 2009 misfortune, there is still a perception among many staff that “consensus decision-making” equates to “decision procrastination” where even the smallest of issues may be circulated to numerous committees, groups or individuals who offer countless changes and caveats often delaying action for interminable periods of time. Not only is decision accountability blurred or lost in the process, but information becomes stale, dated and difficult to communicate to staff. Employees noted that opposition from even a few individuals can derail efforts that have a potentially broad benefit to the Court.

It appears to the project team that Court leaders have done a good job of getting staff to collaborate, but in some instances it may be overdone. People appear to be collaborating on too much and in some instances on inconsequential issues such as whether to discontinue the use of bottled water. Staff can end up in endless meetings debating ideas and issues to find agreement. Decisions on even small items can be dragged out for long periods of time and on some occasions result in deferring or shelving issues without ever making a clear decision or solving the problem.

## **2. Recommendations**

Courts today, like many organizations, are working more collaboratively than ever before, not just within their organization structures among judges and staff, but with customers, court research and consulting organizations (i.e. NCSC, JMI, AJS, Justice at Stake, Center for Court Innovation, etc.) other courts, justice system officials, lawyers, and local governments. Collaborative leadership is an important virtue in diverse and complex court organizations. It encourages creative thought and insightful thinking sending a clear organization-wide message that people’s opinions and thoughts matter. Yet, unending discussion and debate without making a decision is destructive to staff morale and sends the wrong message that collaborative approaches merely exhaust people and lead to no decisions.

The message that needs to be sent is that although opinions and ideas are valued regarding organization issues the CEO and Executive Team bring up for discussion, debate, and feedback, the “right” people have the authority to close the discussion and make a decision. The project team suggests a couple of strategies to help pinpoint decision rights when bringing an issue to staff for input.

**Strategy 1:** *Use consensus decision-making approaches only in areas that truly require that a majority approve a given course of action and where the minority will likely agree to go along with the course of action.*

Where there is a chance that a minority will oppose the course of action, true consensus decision-making requires that the course of action be modified to remove objectionable features. The result is a very slow and extremely time-consuming decision. Given increasingly limited staffing and continued heavy volumes of work, consensus decision-making should be reserved only for topics that do not need to be handled expeditiously.

Consensus decision-making is not unanimous decision-making. Where a powerful minority does not agree and is able to block the decision or send it back to debate and discussion, it does a great disservice to the collaborative approach.

**Strategy 2:** *In every case where the Court’s leaders use collaborative or consensus decision-making approaches, clearly identify the decision maker (the person with ultimate “decision rights”) and the timetable for a final decision.*

Managers and supervisors are appreciative of collaborative involvement in decision-making. It is particularly useful if there are potential negative consequences to them or their subordinates. Knowing at the beginning of the process how staff input will be handled and that it will lead to some final outcome by a specific time will help them stay on track. And, knowing who has sole responsibility for the decision and its consequences will send a clear message that top leadership is serious about taking action and values their contributions.

## C. Allocation of Management Resources

The effective and efficient allocation of management resources is the core consideration driving this study. The Court seeks to make changes in both the vertical and horizontal management structure. The project team has looked at the management structure from different angles, including functional areas, lines of reporting (vertical) and span of control (horizontal).

### 1. Findings

*Courtroom and clerical support.* The organization and management of clerical and courtroom support activities is one of the biggest challenges facing court executives. Clerical functions are currently split into back office clerical work and courtroom clerks. The courtroom clerks are paid at a higher grade and the practice of assigning them to individual judges makes it difficult to assign these resources flexibly. This arrangement also inhibits supervision and oversight.

Many courts do not make a distinction between courtroom and office clerks, allowing more flexible assignment of duties and coverage. The project team understands that it is unlikely that this model would be easily applied in San Mateo. As staff reductions occur, however, it will be necessary to at least establish a more flexible assignment system between courtrooms, as well as be able to assign these individuals to perform back office functions when needed. The current situation is further complicated by the supervision of these two groups by different DCEOs.

*Information technology.* There was fairly broad consensus among those interviewed that technology resources are already at levels below those needed to maintain current systems and work on new initiatives. Since 2008, four positions were eliminated, leaving 11 staff and the Director. Given the number of applications and infrastructure maintained by the Court without significant outside (state or county) support, as well as the need to leverage technology to improve case processing and work flow efficiency, further reductions in this area should be avoided if possible.

*Human resources.* As courts have transitioned from local to state funding the responsibility for human resources management has naturally shifted from county human resources departments to the court's themselves. In some instances this transition has been virtually complete; in others the courts have found it beneficial to continue to have the county

perform many of these functions through local cooperative agreements. The Court has been gradually bringing those duties in-house. The estimated payment for County HR for FY 2011/12 is anticipated to be just over \$151,000, down from \$273,000 in the previous fiscal year. At the same time, the Court laid off two senior analysts in 2009 and a trainer was transferred to the courtroom clerk's area. Although complete separation from County HR is not anticipated, the trend is to bring most of the responsibility for HR under the Court's management, with the possible exception of EEO investigations and assistance with recruitment. With increased responsibilities and reduced staff there are concerns about the ability of this department to fulfill its duties.

*Finance.* Finance functions are currently distributed across four units under direction of the Finance Director. Cuts have already occurred in this area, with a reduction from 22 to 15 current staff, five of which are funded by the county collections program. Further reductions will depend on whether the closure of some of the current locations will result in consolidation of finance activities and any resulting efficiency gains.

Management employees were asked in the survey to identify any redundancies they see in management. The main issues identified were not so much redundancies as much as the fact that some related activities fall under different managers, such as the small claims division, some purchasing and contracting activities, and family court programs and services. Respondents also noted that some managers are overseeing staff that are managers themselves or have few staff reporting to them. With fewer management staff overall the likelihood that supervisor or managers are duplicating efforts is becoming more rare.

## **2. Recommendations**

**Strategy 1:** *Efforts to consolidate the operations of courtroom clerks and clerk's office staff should be a strong objective in streamlining workflow and increasing clerical coverage as staffing levels shrink.*

Ideally, all clerical functions should be coordinated within a single division and management. This also applies to the records group which is treated as a separate office under

Planning and Development. This function should be integrated under the general clerical group. The proposed non-judicial court reorganization structure does so (i.e., Chart 3).

**Strategy 2:** *Task the Information Technology group with developing applications that target the reduction of clerical work, computerize routine, redundant management decisions, and promote more electronic interfaces with common court customers (i.e. attorneys, public).*

The Court's IT staff is very good. They exhibit a great deal of creativity and interest in tackling useful projects that will help the Court become more automated in critical areas. It is incumbent on the Executive Team and Administrative Judges to develop a set of priorities targeting improved business process productivity. At present, they appear to have to develop their own agendas and in some instances may be spending too much time addressing areas that may not be essential to overall Court efficiency.

**Strategy 3:** *Elevate Human Resources to a more prominent level and status in the organization by expanding its responsibilities as a key player in "rightsizing" the Court through staff reductions, cross training, and internal reorganizations.*

The Court's Human Resources group will prove to be invaluable in re-engineering organization processes required in managing change. The project team suggests that the role and function of HR be strategically broadened to be included in the Executive Team and dedicated to helping to reconfigure work units, divisions and departments for more streamlined workflow as well as promoting the better use of cross-organizational teams. The job enlargement, enrichment and employee empowerment programs mentioned earlier are new key components of an expanded HR presence in the Court. The proposed expansion of HR under the duties of an Administrative Services Director is a step in this direction.

**Strategy 4:** *Expand the responsibility of the Finance Department to include additional related duties, namely Internal Consulting (project management and performance auditing) and Legislation, Contracts and Statistics.*

The new Finance Director is quite capable and a solid addition to the Court. His capabilities, the project team concludes, extend beyond budgeting, accounting and collections.



## **D. Changing Customer Service Strategies**

Many trial courts across the nation are re-evaluating their customer service strategies in light of shrinking staff levels. Court leaders in San Mateo County have wisely decided to evaluate the best utilization of its several court locations to reduce costs while reducing the overall impact on court services.

### **1. Findings**

There is little doubt that as staffing shrinks, it will be necessary for the Court to change the way it provides services to the public. San Mateo County ranks 56<sup>th</sup> in land mass (446 square miles), 14<sup>th</sup> highest in population (720,000), and is the fifth most densely populated (1,600+ residents per square mile) among California's 58 counties making it a highly compact urban area. The Court operates from five different sites stretching from South San Francisco in the north to Redwood City in the south.

Surrounded by three heavily populated counties (San Francisco, Alameda, and Santa Cruz) and the Pacific Ocean on the west, it has a robust highway/arterial road network and public transportation system (Caltrans commuter rail, Samtrans county bus, and BART train routes service the northern part of the County) providing easy access to virtually all Court locations, most notably the main Court branch in Redwood City amid the County Complex of buildings. Historically, Court leaders have prided themselves on decentralizing services so County residents are afforded easy access and convenience. Yet, in today's constricted economy with the likelihood of further reduced funding, decentralization is a costly service strategy in such a densely populated county as San Mateo.

Concurrent with decentralization, the Court has pursued a growing program to promote public access to services and records through high tech approaches ranging from the Internet to interactive video/audio conferencing. The increase in the use of digital records, computerized self-help services, electronic jury management systems, remote video hearings/appearances, pay-by-web/pay-by-phone applications, online scheduling of selected matters, and e-filing in California and other state courts provides a number of new opportunities for improving customer

service in the face of continuing staff reductions. A positive result for courts is a reduction in customer visits to courthouses and fewer in-person interactions with staff for assistance.

## 2. Recommendations

**Strategy 1:** *Centralizing Superior Court services at the Hall of Justice (HOJ) by selectively relocating functions and closing satellite regional sites as possible is a reasonable approach to staff reductions, especially given the fact that San Mateo County has numerous transportation options available to the public and adequate parking at the HOJ.*

The only complicating factor is the availability of space at the Redwood City courthouse. Additional staff office space, given the project team’s observations, doesn’t appear to be a major impediment. Providing added courtrooms likely will be a more difficult problem to solve. As difficult as it is, some courts in centralizing adjudication services have developed collegial chamber / shared courtroom models.<sup>4</sup>

**Strategy 2:** *Outsourcing courthouse-based services is another way some courts are changing customer service models to save space and accommodate reductions in staffing.*

One example is a modest partnership between public libraries and trial courts to re-site self-help walk-in services from courthouses to library facilities. To many, it seems like a novel (no pun intended) way to benefit both organizations.

Librarians are remaking their futures in a highly technical world permeated by the Internet and e-books. Court futures are becoming increasingly Internet based. Libraries are quiet, user friendly environments in strategically accessible locations. Courts and libraries are core government services in search of innovative ways to serve their customers better. Librarians get up in the morning just to give out information. The courts have a great deal of self-help legal information to dispense.

An increasing number of courts are beginning to work with public libraries to supplement the delivery of self-help legal services. The Superior Court in Phoenix has developed a “Librarians’ Academy” to teach the basics about self-help law, judicial process and the

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<sup>4</sup> See “Implementing Collegial Chambers as a Means for Courtroom Sharing,” Nathan Hall. Future Trends in State Courts 2010. National Center for State Courts, Williamsburg VA (2010).

difference between legal information and legal advice. Scholarly articles and monographs encouraging court and library collaboration in delivering Do-It-Yourself (DIY) legal services have begun to appear; a sign that the concept is moving beyond a vision to a bona fide solution.<sup>5</sup>

***Strategy 3:*** *Improve efficiency by making the Court more user friendly by relying more on court customers to share some of the responsibility and work in acquiring services that can streamline business processes and thereby require less staff over the long-run.*<sup>6</sup>

The new generation of jury management software permits jurors to reschedule inconvenient jury service dates online, complete juror questionnaires, and view orientation videos reducing the need for staffing in the jury commission. Some jury management systems even have automatic check dispensing systems so jurors can receive an instant check on the last day of their service avoiding the cost of mailing one to them.

Technology also offers quicker ways for litigants, lawyers, and witnesses who are required to be present at the courthouse to be scheduled for an appearance through courthouse kiosk check-in systems. Courts often spend valuable time calling the calendar at the beginning of a hearing just to find out who is present and whether a matter can be processed. Some courts have started to experiment with kiosk check-in systems similar to those in airports.<sup>7</sup> These approaches automatically log who is present and readjust the electronic calendar so that cases where all parties are ready are heard first. Moving people and calendars faster reduces crowding and inefficiencies in adjudicating cases saving time, space and staffing.

In challenging the Court's Technology Group to develop special apps to digitize business processes involving court customers, the Court services both its internal interests and those of the public. The project team feels that the Court IT staff is creative and up to the task of

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<sup>5</sup> Griller, Gordon, *Chapter 34: Litigants without Lawyers: Going It Alone in the Nation's Courts, The Improvement of the Administration of Justice*, Seventh Edition, edited by Stott, Keith; Griller, Gordon; and Fallahay, John. Judicial Division, American Bar Association: Chicago, IL. (2002) and Zorza, Richard, *Public Libraries and Access to Justice, Future Trends in State Courts 2010*, edited by Flango, C; McDowell, A; Campbell, C; and Kauder, N. National Center for State Courts: Williamsburg, VA. (2010).

<sup>6</sup> See: "Usability is Free: Improving Efficiency by Making the Court More User Friendly," John A. Clarke and Bryan D. Borys. *Future Trends in State Courts 2011*, National Center for State Courts. Williamsburg, VA (2011).

<sup>7</sup> Ramsey County Minnesota District Court (St. Paul) is an example.

streamlining the interactions between customers and staff in new and useful ways; they just need a prioritized set of impact areas.

One area where the Court has started to implement technology-related improvement is with digital or document imaging. Although most of the infrastructure is in place and imaging has occurred with some civil files, this initiative is apparently on hold at this point. The benefits of using document imaging include the following:<sup>8</sup>

- Faster access to filed information whether paper files are in the same building or kept at an off-site storage location, saving minutes, hours, or even days
- Allowing more than one person to view the same document simultaneously
- Reduced time spent tracking the present location of a paper document
- Reduced storage space requirements in court and agency offices and in the records center
- Reduction of labor related to file access (locating, retrieving, re-filing, inter-filing, misfiling)

While advocating that the Court move forward with its efforts to implement document imaging, a word of caution is in order. Many courts have implemented the technology more as an expensive archiving system and failed to take advantage of the workflow benefits and efficiencies. The Court should make imaging part of its overall reengineering effort described in this report.

## **E. Succession Planning**

There are two aspects to succession planning in the current San Mateo environment. First, a talent management program to hang on to those managers and supervisors below the Executive Team level who show high potential. And second, a strategy to identify and groom successors for the Court's top leadership positions, those on the Executive Team and the Court's Chief Executive Officer.

### **1. Findings**

In developing a talent management program for mid-range managers and front-line work unit supervisors, Court leaders are faced with the fact that the breadth of experience is largely

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<sup>8</sup> *A Guidebook for Electronic Court Filing*, by Lawrence P. Webster, James E. McMillan, and J. Douglas Walker (West Group, Inc., 1998).

limited to the San Mateo Court itself. Many have been in their positions for lengthy periods of time having moved up from lower-level jobs. Based on interviews, most of the Court's nearly twenty middle managers aspire to higher levels, but few have taken steps to alert top administrators they desire to do so. Some have held management positions other than their current ones, so the Court's leadership has had an opportunity to assess their skills and potentials in more than one work setting. The ability to perform successfully in a variety of work assignments is an important attribute for successful performance in broader range responsibilities.

Front-line work unit supervisors represent more of a wide mix of abilities and motives. Some hold college degrees, many do not. Some aspire to more responsible jobs; others are content to stay where they are until retirement. Although eligible to join the union, the majority have opted not to do so, a good sign that as a group they view themselves more as managers than lead workers and they understand the compromising positions they would put themselves in as managers if they were union members.

Finding the next Executive Team member or a new CEO is quite a different puzzle. How do you identify and develop a slate of strong internal candidates for top administrative jobs? Based on interviews and observations, the project team feels there are a limited number of mid-range managers who could be groomed for Executive Team positions, but no one currently on staff at either the Executive Team or manager level that is ready to assume the CEO position.

With the recommended elimination of the Deputy Court Executive positions, only one remaining broad-scoped management operations job would remain. Most other Executive Team positions are more specialized and focused on narrower disciplines (technology, litigant support, and administrative services) with the exception of the CFO and COO. The COO position, as we have suggested it be expanded, requires demonstrated know-how in caseflow management, calendar processes, and adjudication staffing. The CFO has broadened responsibilities, too. Both are positioned vis-à-vis their duties for CEO succession. Two additional important dimensions to the CEO job are collaborative leadership with administrative judges in setting strategic directions for the Court, and broad understanding and oversight of the various components of the Court, essentially the responsibilities of individual Executive Team members.

A viable internal Court candidate for CEO must be viewed by leadership judges as forward thinking, a strategist capable of fixing current problems, but more importantly positioning the Court for a better tomorrow. Leaders target tomorrow, they work in a future tense on what lies ahead. The closer a CEO is in tune with tomorrow, the more compatible and trusted he or she is likely to be with administrative judges they advise.

To be a trusted collaborator in setting policy and strategic directions requires administrative judges to see the CEO as a visionary who looks at the world from an elevated vantage point (“50,000 foot level”) and through “judicial eyes” yet thinks and operates managerially; a realm foreign to most judges. A strategic view means a larger focus and broad based understanding beyond just one or two components or parts of the Court. It requires the top administrator to take a more dispassionate and objective perspective in managing the entire enterprise, not just a part of it. It also means frequently working outside the boundaries of the Court.

A high level understanding and appreciation for how the various management and administrative components of the Court interrelate is an essential quality for a CEO. Too tight a focus on personal experiences and narrow disciplines prevents top managers from taking the broader viewpoint defined by the issues and questions facing leadership judges. Failure to do so will relegate an executive to a lesser role as “just a former operations person,” “just a bean counter,” or “just an HR person.” To be effective, top level executives must leave behind their loyalties to former disciplines or previous narrow management responsibilities. At the top, all problems are policy and court-wide ones before they are any other kind of problem.

The Court has a tradition of elevating known, internal candidates to the CEO position, and both appointing from within and enticing outsiders to fill Executive Team jobs.<sup>9</sup> The project team assumes the Court is comfortable with this pattern and likely will continue it. Consequently, it is important to concentrate on cultivating inside talent.

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<sup>9</sup> NCSC considers the current CEO as more of an internal candidate than an outside one since he had been a long-term Executive Team member, left for a university teaching position in Oregon for a few years, and subsequently was successfully recruited back to the Court as the CEO.

## 2. Recommendations

Strengthening the Court’s talent pipelines is more of an art than a science. Assessing rising stars and giving them developmental opportunities to demonstrate their organizational and problem-solving skills is dependent on circumstances and the ability to move them into and out of difficult situations while simultaneously assessing their performance and providing the necessary coaching and mentoring to permit them to grow and improve.

Some of the latest research on talent management within organizations suggests that future leaders or “high potentials” need to be (a) selected carefully through a combination of nominations and objective assessments, (b) given opportunities to rotate through jobs that match their personal development goals and experiences, (c) recognized as an influence leader aligned with the Court’s overall purpose and mission; someone who commonly puts the organization’s altruistic goals ahead of personal self-centered goals.

Identifying potential, a person’s ability to grow and handle responsibilities on a greater scale and scope, depends on a variety of observable signs. What’s his/her capacity to learn quickly on the job? Are they able to take on extra work on short notice? Do they show interest in taking greater responsibility? When problems or unexpected changes occur, how do they diagnose options, make choices, and motivate others?

Someone may be bright and a highly valued contributor, but still not qualify as a potential candidate to move up in the Court’s management hierarchy because they have difficulties in setting meaningful goals (prioritizing directions) or motivating others. Leadership is both about insightful assessments about how to apply new ideas that transform past practices and develop new approaches (i.e., change the status quo) as well as helping co-workers and subordinates reach their full potential (i.e., motivating others).

***Strategy 1:*** *Select and categorize potential leaders through a combination of objective reviews of annual performance appraisals and subjective assessments by the Executive Team in the form of personal recommendations and substantiated, demonstrated high performance of “up-and-coming” leaders. Privately counsel with selected employees to determine their interest*

in advancement and, if so, their motives for doing so.<sup>10</sup> It is advised that the Administrative Services Director, as a human resources specialist, meet first with the identified candidates, and a meeting with the CEO follow at a later time. The Administrative Director should have the overall responsibility for operating the talent management program.

Some organizations allow employees to nominate themselves as promising candidates for advancement. The project team doesn't recommend that practice since across the board people tend to overestimate their potential. Should an employee feel compelled to seek promotion, it is advised that they work through their immediate supervisors.

Other organizations expect managers to put forward candidates from their own departments or work groups. In such settings it is often permitted to nominate people from other departments as well.

Once the first cut of candidates is identified, the next step is to develop valid and reliable assessments of their potential. The best tools for assessing potential are references, observations, and behavioral interviews. Permitting the candidate to lead an internal or inter-divisional ad hoc team charged with solving a particular organization problem by developing a report or proposing a set of corrective steps is a good way to test leadership skills. Increasingly, organizations are also complementing their own internal appraisals with periodic input from qualified justice system partners who interact with potential employee leaders. External assessments decrease the element of bias and offer a broader set of benchmarks.

Candidates once identified and included as high potentials for advancement should be categorized into four groups. First, those who need to be evaluated to a greater degree and are ready for a lateral move to expand their duties as part of a *job enlargement* program outlined earlier in this report under the cross-training section. Second, those who are prepared to

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<sup>10</sup> Motives predict consistent patterns of behavior over time. They tend to be stable and highly related to what energizes a person. A strong predictor of good manager potential is a candidate's ability to make a positive impact on others for the good of the larger organization, the Court. Some critical questions that should be addressed include: Does the candidate get satisfaction from seeing others succeed? Does the candidate demonstrate a passion for the Court's purposes and mission over personal reward? Do others learn things from the candidate that they acknowledge and remark about to others? Do others seek the candidate's opinions and ideas? Do people depend on the candidate to make important contributions and lead new initiatives? Does the candidate give credit for accomplishments to others, especially his colleagues, bosses or teammates? Do people remember what the candidate says and, perhaps quote him or her in other places or venues?



participate in a *job enrichment* program giving them more duties, responsibilities and control, but not a new position or promotion. Third, those who are *ready for promotion* within the next two years, and finally, those who are *super stars* with the ability to make at least two major moves upward in the next five years.

In identifying high-potential candidates, the Court's leaders should privately inform them that top management has selected them for the talent management program. Even though it is a delicate topic, it is doubtful such information could remain confidential anyhow. Admittedly, those not anointed will be disappointed and exhibit some frustrations, but it is better to acknowledge the fact they were not selected. Deciding to be secretive is risky; it sends the message that the organization lacks transparency and has hidden agendas. Conversely, research shows that informing high potentials of their status is associated with enhanced retention and improved productivity. The main reason organizations don't communicate this information openly is that their selection process is overly subjective and unfair, and therefore indefensible.

**Strategy 2:** *Develop Individual Growth Plans (IGPs) for all identified high potential candidates that are tied to the long-term, strategic goals of the Court. In doing so, program planners should structure experiences (i.e. mentoring, coaching, job rotations, additional skills education, and ad hoc task force assignments) to address a single overarching question: What is it that this high potential candidate needs in order to grow his or her leadership skills and knowledge to better serve the Court? The Administrative Services Director should coordinate the IGP program on behalf of the CEO and Executive Team.*

An information technology professional may need additional formal education in adaptable, configurable software systems. A litigant services employee may need greater understanding about self-help approaches. And a court services manager may require mentoring and coaching on how to breakdown work unit silos to promote more streamlined business processes.

Court leaders should be involved as much as possible as teachers. It is especially important for the CEO to meet periodically with people who are on the leadership development track. Those gatherings can be a mixture of one-on-one meetings (not too many as the Court has been prone to do in employee evaluations) and in groups. The CEO is an experienced academic

and may even wish to develop case studies and some leadership content in an education setting a few times a year.

**Strategy 3:** *A reward and incentive package should be developed. If it's possible to provide some financial enticement it would be nice, although the major component of any bonus strategy should be non-monetary. Any such plan should be aligned with the objective of building lasting strengths for the Court.*

External incentives like money work only in conjunction with internal motivators like the need for achievement and recognition. The seminal work done regarding workplace incentives was completed in the mid-1960's by Frederick Herzberg, a professor of psychology and management. He interviewed a number of accountants and engineers asking them about one positive and one negative work experience they had encountered. He then probed their answers to find out what was behind each experience.

Herzberg identified a group of "satisfiers" that were generally responsible for positive experiences and a set of "dissatisfiers" frequently accountable for negative workplace feelings. He further noted that a lack of "satisfiers" did not generally result in negative experiences, and that a positive experience with the "dissatisfiers" did not result in a more optimistic outlook. Herzberg concluded that "The opposite of job satisfaction is not job dissatisfaction but no job satisfaction; and similarly, the opposite of job dissatisfaction is not job satisfaction." The bottom line: satisfaction leads to more positive contributions by employees at work, and dissatisfaction, on the other hand, leads to decreased productivity and less commitment to the organization. By way of example, paying employees more (salary, a hygiene factor) will not cause them to be motivated, but unless the salary is adequate, employees will be dissatisfied. Herzberg's findings are summarized below.

**Table 4: Herzberg’s Satisfiers and Dissatisfiers in the Workplace**

SATISFIERS Motivational Factors	DISSATISFIERS Hygiene Factors
Achievement	Policies and Administration
Recognition	Supervision
Nature of Work	Salary
Responsibility	Interpersonal relationship with the boss
Advancement	Working conditions
<i>Describes a person’s relationship to what he or she does</i>	<i>Relates to the context within which work is performed</i>
<i>Satisfiers increase motivation when they are present</i>	<i>Dissatisfiers cause unhappiness and discontent if they are absent</i>

**Strategy 4:** *The CEO should develop and propose criteria to the Judicial Executive Committee for evaluating and selecting his replacement approximately 6-9 months before his retirement date. Part of the criteria should include a scenario outlining what the Court is likely to face in the future and identified attributes, experience and qualities necessary in a new CEO to best address identified future issues. A recruitment timetable should be developed with the process and details handled by the Administrative Services Director (provided she is not a candidate for the position) under the guidance and direction of an ad hoc Judges Selection Committee (or Executive Committee) chaired by the Presiding Judge or a designated representative.*

A policy decision whether to recruit only within the Court or both within and outside the organization must be made by the Presiding Judge or the Court’s Judicial Executive Group early in the process. Although the Court has a history soliciting only internal candidates, the project team suggests a national search. The Court’s reputation as a progressive workplace with a number of high-quality staff and programs positions it well to attract worthwhile candidates from other regions of the country and state. Additionally, the track record in California for CEO’s who have moved from various positions within the State Judicial Branch (i.e., San Diego, Orange Counties) as well as those who have come from outside the state (Los Angeles, Ventura, Sacramento Counties) is a good one.

The Court should identify and invite specific qualified candidates to apply regardless if they have a job or not. A number of large urban courts such as San Mateo have successfully recruited candidates for top jobs by contacting well-known court executives in the profession who may not be looking for a job at the time of the recruitment.

Aside from reference checks, verified accomplishments, and a written statement from candidates about their management philosophies and style, the Court should consider utilizing an inbox exercise as part of the interview process with finalists. With an inbox assessment, you give candidates a real taste of "a day in the life of the CEO in San Mateo" and then evaluate them on how well they handled or managed the variety of directions, demands, requests, and questions that crossed their desk. You're looking to see how well they: prioritize, organize, analyze, plan, delegate, communicate, solve problems and make decisions.

Essentially, an in-tray exercise is a simulation. It involves simulating the types of things a successful candidate would encounter in his or her in-tray on a daily basis. Various types of correspondence, including faxes, emails, and memos, are given to the candidate, who is then required to sift through the information and decide what to do with each item — and then describe why they chose that course of action.

The Court may want to conduct two sets of interviews; one with the Non-Judicial Executive Team, Presiding Judge and Assistant Presiding Judge, and a second one with the Ad Hoc Judicial Selection Committee. If an inbox exercise is conducted, it should only take place during the first interview. The interview before the Ad Hoc Judicial Selection Committee and/or full Bench should be more informal, essentially an open-end discussion.

## IV. LONG TERM WORKFORCE STRATEGIES

The world of work in the Courts and other law-related organizations is changing. A variety of technology and workforce macro trends will dramatically impact the Court in the future. Anticipating them and developing strategies to effectively deal with them will help position the Court for a more productive result. The project team has listed a few directions that have the potential to generate dramatic consequences and be most pervasive in altering the Court's workplace over the next decade.

**Strategy 1:** *Incorporate Computer Applications that assist with routine work.*

Courts are process-driven organizations. Their outputs are decisions, orders, and directives, not tangible products. Civil and criminal filings must be in standard, prescribed formats to be accepted by a trial court. Filing fees, surcharges and fines are based on set amounts and formulas. Adjudication processes are standardized and outlined as to expected outcomes and decisions at various points. Even though most court processes still remain paper intensive an ever growing quantity of data has been digitized in electronic, audio, video and picture mediums. As such, courts are particularly well suited for high-tech workflow applications.

The variety of jobs that computers can do is multiplying as programmers teach them to deal with more sophisticated algorithms, linguistic sounds, and artificial intelligence. Given this, it is incumbent on the Court Executive and Executive Team to identify and strategically target software applications that will maximize support and assist their reduced work force in their efforts to best balance and process their workload as well as realize efficiencies in workflow and caseflow. Key efforts should focus on redesigning business processes that simplify, standardize and automate. The Court will need to provide training to staff in how to most effectively utilize technological advancements to maintain the desired level of customer service to the public.

**Strategy 2:** *Grow a culture of adaptability and accountability.*

A culture of adaptability is critical to long-term effectiveness for the Superior Court in San Mateo County to cope with widespread unpredictability in California's justice system related to resources and programs. As mentioned earlier in this report, California trial courts have encountered a series of unprecedented, unexpected difficulties in the last few years impacting operations, services and their workforces. Many of these dilemmas have been triggered by global financial problems or statewide troubles for the court system (i.e. California Court CMS cost overruns and limited deployment). Some have been particular to San Mateo, but those are an aberration.

A recent example of the unpredictability that plagues the California Judicial Branch is the January 5, 2012 announcement by Governor Jerry Brown that state government faces a projected \$9.2 billion dollar deficit for the 2012-2013 fiscal year. Governor Brown has proposed a remedy of tax increases (\$6.9 billion) and expenditure cuts (\$2.3 billion). According to the Governor's Budget Summary data, if the tax increase is not approved in November 2012, the Judicial Branch budget would need to be reduced by \$125 million. While the Branch would determine how to implement this reduction, it is the equivalent of court closures equal to three days per month.

The ability to make good and timely decisions under ambiguous conditions by quickly calling upon the insights of the Executive Team is obvious in these circumstances. Rarely will there be total certainty or agreement among advisors as to a course of action. Neither is there the ability to clearly foresee all of the major and potentially damaging problems that will impact the Court in the future. In this environment, the Court's administration can become more effective if it follows three guiding principles.

First, focus on what's best for the Court, not the self-interest of segmented employee groups. Creating justice system value, not the pursuit of individual work unit value should drive leadership decisions. Here, the project team is especially concerned about employees such as the Courtroom Clerks whose job responsibilities should be broadened through cross training with Clerk's Office staff.

Second, maintain personal links with employees to help in leading them through challenging times. When Court leaders talk openly and honestly with staff in making the problematic events the Court faces more understandable, it sends a clear message that employees are valued. Even where policy and business decisions have been concluded, personal attention by managers in explaining the rationale and details of the decision process helps in holding morale at higher levels. The recent personal visits by the Court Executive Officer and Presiding Judge with staff regarding budget reductions and the Court's strategies in dealing with them is an example of this principle in action.

Third, convey strategic intent so that staff understands *what* needs to be done, not *how* to do it. By making the objective clear (i.e., "These two work units need to be cross-trained so they can cover for each other" or, "Supervisor A must oversee a new work unit previously managed by Supervisor B") without micromanaging those who will execute on the decision invests front-line managers with the ability to think creatively. Clear and compelling communication of what must be done with the freedom to decide how to do it permits supervisor and manager ingenuity, better aligns common goals across the organization, and holds managers accountable for their actions. This approach reinforces our earlier message of employee empowerment necessary in a flatter much more nimble and smaller workforce.

**Strategy 3:** *Use different motivations and interests to deal with multi-generational workers.*

There are four generations of workers in organizations today, and a fifth generation on the way in the next four to seven years. Understanding the strengths and capabilities of each will help to ensure tasks and staffs are matched to promote overall higher productivity in the Court.

The *Traditional Generation* (born prior to 1946) values authority, hard work, honor, and delayed gratification. Many have left the workforce, but lately the exodus has slowed.<sup>11</sup> Nearly 40 percent of those who have reached the age of 65 want to stay in the workforce. For many, the reasons are financial. Another factor is that this group is healthier than past generations, living longer, and seeking ongoing fulfillment in work. Demographers have reported a growing number of retirees returning to work, as well, most in part-time or outsourced non-benefit

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<sup>11</sup> Pew Demographic Research Institute, U.S. News and World Reports, U.S. Census and Labor Department.

positions. As financial troubles wear on for many, it will not be unusual to see people in their 70's still in the workforce.

*Baby Boomers* (born between 1946 and 1964) tend to focus on professional identity, health and wellness, and material wealth. They, too, are delaying retirement in large numbers although less so among government workers who have defined benefit pensions. Where home and financial assets (i.e. deferred compensation, IRA's) have greatly dropped in value such as in California, Florida, Arizona and Nevada, more high paid government job holders are remaining on the job beyond eligibility for retirement. Lower paid public sector workers, however, are more likely to exit earlier.<sup>12</sup>

*Generation X* (born between 1965 and 1976) values mobility, autonomy, and balance in their lives between work and personal pursuits. They are better educated than their parents. In the workplace, Generation X values freedom and responsibility. Many display a casual disdain for authority and structured work hours. They dislike being micro-managed and embrace a hands-off management philosophy. The first generation to grow up with computers, technology is woven into their lives. This generation is comfortable using PDAs, cell phones, e-mail, laptops, Blackberrys, and other technology employed in the judicial and legal workplaces. Generation X is less committed to one employer and more willing to change jobs to get ahead than previous generations. They adapt well to change and are tolerant of alternative lifestyles. Generation X is ambitious and eager to learn new skills. They want to accomplish things on their own terms.

The *Millennials* (born between 1977 and 1997) have never been without technology, value constant feedback, work in teams, and appreciate diversity. They are hyper-connected to multiple electronic devices. Their culture will begin to dominate most organizations by 2015. If *ur/22* (read: "you are over 22"), working remotely, using instant messaging, tweeting, and text messaging is the norm.

Young children today are labeled *Gen 2020* (born after 1997), a workforce less than nine years away from joining the Court staff, although a smaller, less skilled group will likely arrive

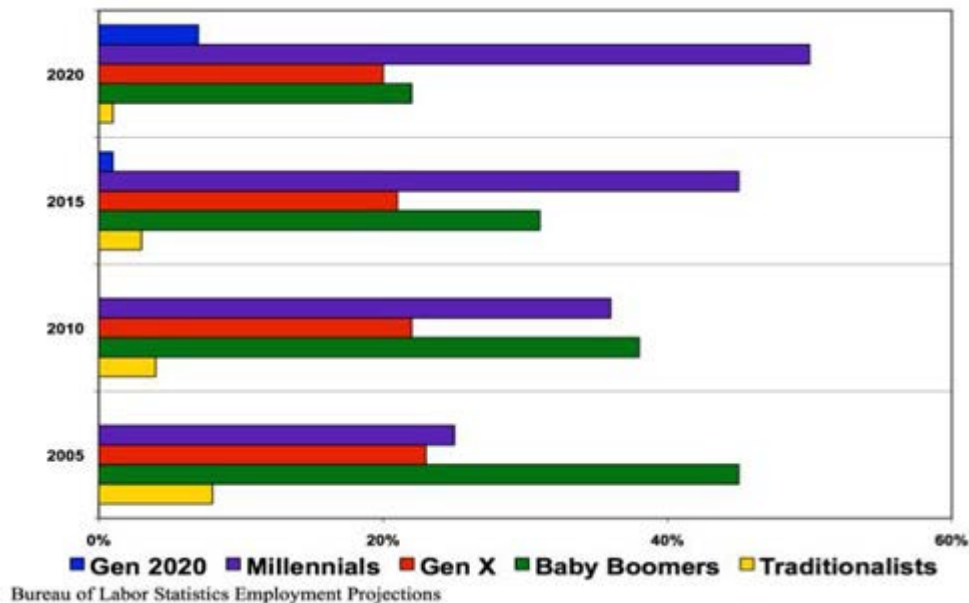
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<sup>12</sup> Source: The Conference Board, an independent business, economic and research organization. New York, NY.



by 2015. Having owned digital wireless devices all their adolescent and teenage lives, they are intimately familiar with them and use them to communicate instantly via voice, text, video, and data as much as six hours daily. Their need for physical proximity is not great and will soon influence the workplace causing remote cyberspace employment to grow. With an attitude of personal freedom picked up from their Generation X parents, they will mix business and personal activity over the course of a day and “self-organize” into agile “communities of interest” assembled as virtual project groups or teams. Interconnections with other courts in the state and throughout the nation will be prompted by their business and social network skills providing a rich resource for innovation and comparative analyses.<sup>13</sup>

**Table 5: Five Generations in the Workplace**



In times of economic stress, the differences in collaborations among multi-generational workforces can be magnified. Resultantly, it is especially important today that Court leaders articulate expectations clearly and get buy-in on overall goals regarding reengineering initiatives and structural reorganizations. When that is done in a respectful and positive way, the variations in communication styles and motivations among different generations of staff can be a bonus in sparking creativity and promoting lasting change.

<sup>13</sup> Booz & Company Inc. monograph on the *Rise of Generation C: Implications for the World of Work*. 2010.

Recent workplace surveys show that 42 percent of those responding say that the differences between generations actually improve workplace productivity and problem-solving, while 23 percent say they make no difference. As for intergenerational conflicts in the workplace, 42 percent of employees admitted they had these kind of experiences (especially Gen X) while almost three quarters admit they adapt the way they communicate with colleagues from a different generation in order to avoid problems.<sup>14</sup>

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<sup>14</sup> Kelly Global Workforce Index of 100,000 in 34 countries covering North America, Europe and Asia Pacific (2009).

# **APPENDICES**

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## SAN MATEO INTERVIEW QUESTIONS

Respondent Name:

1. What do you consider to be the strengths of the current management structure in the Court?
2. What do you consider to be the weaknesses of the current management structure in the Court?
3. Please identify any redundancies you see within management (i.e. two separate positions with authority over the same function).
4. Please identify any gaps in responsibility or authority within management (i.e. a manager who is answerable for the performance of a function but has no official control over it).
5. For your position, what are the three key activities and an approximate percentage of time spent on each of those activities?
6. Do you believe that some of your responsibilities could be assigned to a different level (i.e. if a manager, to a supervisory level; if a supervisor, to a clerk level)?

Please identify the activities and why it would be appropriate to do so. (Please note that there is a 500 character limit)

7. If you were able to reassign some of or part of your responsibilities, what would that allow you to add to your workload (i.e. If I could spend less time tracking absences I could spend more time coaching my supervisors)? (Please note that there is a 500 character limit)
8. Looking at the organization as a whole, do you see a need to reorganize or redistribute any other management functions?

Please explain what and why. (Please note that there is a 500 character limit)

9. On the following scale of 1-10 with 10 being the highest, please indicate whether the number of people you directly supervise is:

	1: Too few, I could effectively supervise more people	1	2	3	4	5: Appropriate, the present number of direct reports works well for me	5	6	7	8	9	10: Too many, it is very stressful and reduces my effectiveness	10	N/A
Please indicate whether the number of people you supervise is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. Please explain your role in policy development in the Court. Check all that apply.**

- Submission of ideas
- Review and comment prior to finalization of policy
- Participation in the brainstorming process
- Writing of final policy

**11. Please explain your role in policy implementation in the Court. Check all that apply.**

- Establish and manage the change process
- Train on new policy
- Communicate new policy
- Check back on compliance

**12. What obstacles, if any, can you identify that you feel impede changes you would like to see implemented in order to help the Court be more efficient? Please briefly describe the change as well as the obstacle. (Please note that there is a 600 character limit)**

## LIST OF INTERVIEW AND FOCUS GROUP ATTENDEES

INDIVIDUAL INTERVIEWS	FOCUS GROUP PARTICIPANTS
John Fitton, Court Executive Officer	Laura Cuellar, Supervisor
Neal Taniguchi, Finance Director	Rebecca Wilson, Senior Accountant
Mel Toomer, Deputy Court Executive Officer	Gloria Lopez, Supervisor
Rodina Catalano, Deputy Court Executive Officer	Virginia Bottarini, Supervisor
Sheila Purcell, ADR Program Administrator	Luz Paran-Rey, Senior Accountant
Tim Benton, IT Director	Ouida Lewis, Supervisor
Fran Doubleday, HR Manager	Rina Singh, Supervisor
Rick Walery, IT Business Application Manager	Jennifer Cordeiro, Supervisor
David Cairns, Senior/Supervising Court Attorney	Victoria Parham, Supervisor
Joe Carrasco, IT Infrastructure Manager	Jordan Maxwell, Supervisor
George Antrea, Budget Analyst	Sara Afu, Supervisor
David Cherniss, ADR Program Managing Attorney	Linda Lufkins, Supervisor
Tim Gee, Management Analyst III	Ed Jamarillo, Supervisor
Karen Brake, Management Analyst III	Jeff Rolston, Supervisor
Monica Rands-Preuss, ADR Program Managing Attorney	
Susan Maxwell, Court Services Manager	
Paul Taschis, Management Analyst III	
Judge Beth Labson Freeman	
Becky Tigri, HR Analyst I	
Sarah Lind, Management Analyst III	
Starlette English, Court Services Manager	
Jan Antonini, Court Services Manager	
Jill Selvaggio, Court Services Manager	
Greg Tanaka, Senior/Supervising Court Attorney	