

# **Management Excellence for the 21<sup>st</sup> Century Massachusetts Trial Court: Report of the Court Management and Advisory Board December 2015**

## **INTRODUCTION AND EXECUTIVE SUMMARY**

The Court Management and Advisory Board (“CMAB”) is pleased to submit this report for the period from January 2015 through December 2015 to the Justices of the Massachusetts Supreme Judicial Court (“SJC”) and the members of the Massachusetts General Court’s Joint Committee on the Judiciary, Joint Committee on State Administration, and House and Senate Committees on Ways and Means. The CMAB also is submitting this report to the Chief Justice and the Court Administrator of the Massachusetts Trial Court (“Trial Court leaders”). See Attachment A for a list of current CMAB members.

The Trial Court has been on a journey of management improvement following the acceptance of the Monan Report in 2003. Since court reform of 2011 the SJC and Trial Court leaders have focused their attention on a wide-range of improvement initiatives. The 2014 CMAB Report highlighted the key management accomplishments and noted that the bar had been raised on management excellence.

The SJC and Trial Court have made progress with respect to each of the four recommendations from the 2014 report:

- SJC operational oversight of the Trial Court
- Talent development
- Knowledge management and data decision analytics
- Court users’ experience

As it looks to the future, the Trial Court continues to face significant opportunities as well as challenges. Emerging challenges demand evidence-based, data-driven and court user-focused management disciplines. The 21<sup>st</sup> century Trial Court continues to require cross-disciplinary teamwork, active learning and innovation, and expansive talent and leadership development. Together, personnel in the many offices, Departments and courthouses of the Trial Court are making progress toward achieving Management Excellence for the 21<sup>st</sup> Century Massachusetts Trial Court.

# Progress Report on 2014 CMAB Recommendations

## RECOMMENDATION:

**THE SJC SHOULD ESTABLISH A REGULAR AND RECURRING SCHEDULE OF STRATEGIC AND OPERATIONAL OVERSIGHT MEETINGS WITH THE CHIEF JUSTICE OF THE TRIAL COURT AND THE COURT ADMINISTRATOR.**

## **The SJC has formalized its oversight of the Trial Court.**

The SJC enthusiastically has embraced its new role and is actively engaged with Trial Court leaders in eight priority areas in two categories for FY16.

- **Priorities for Action**
  - Information Technology – organization, management and delivery
  - Race, bias and diversity – with the court users and inside the courts
  - Capital plan – findings and implications
  - Court user experience – litigants, jurors, attorneys, witnesses and victims
- **Areas for Strategic Development**
  - Specialty courts – efficacy and expansion
  - Talent development – recruitment, promotion, engagement and development
  - Data and knowledge management – performance management, efficacy and organizational learning
  - Access to justice -- leadership, vision and coordination in the search for “equal justice for all persons in the Commonwealth.”

The SJC convenes monthly meetings to support Trial Court leaders and quarterly meetings to review progress against annual goals.

## **Trial Court leaders are acting on the CMAB 2014 recommendations.**

## RECOMMENDATION:

**THE TRIAL COURT SHOULD FOCUS LEADERSHIP RESPONSIBILITY AND OVERALL ACCOUNTABILITY FOR TALENT DEVELOPMENT, AND ORIENT WORKFORCE DEVELOPMENT STRATEGIES TOWARD CULTIVATION OF LEADERSHIP TALENT.**

### **1. Talent Development Progress**

Talent development is a term commonly used to encompass all aspects of human resource engagement, enrichment and advancement. The intent of attention to talent development is to create a vibrant culture and work environment where employees are motivated by their work, recognized for the accomplishments and offered opportunities for advancement. We are encouraged by the Trial Court’s focus on its workforce diversity. The Trial Court has made significant progress in 2015 on talent development in four areas.

#### **1.1 Career advancement**

The Trial Court has made progress in two areas:

- **Management development** -- Forty of sixty-five nominees were selected for the second presentation of the Michigan State program. Facilities Management has developed a two-day management training program for all who hold supervisory positions

- **Career ladders** - Probation and Security have established career ladders, identified competences and created criteria for advancement as part of a new examination system.

## **1.2 Individual performance improvement**

The Trial Court has made progress in two areas:

- **Management performance reviews** -- The Trial Court completed the first-ever performance reviews of all managers in FY15. Performance appraisal will expand to include union employees in FY16.
- **Leadership assessment** -- The Deputy Court Administrators and Directors participated in a leadership inventory and assessment session. Each manager received a personalized review that identified an area for focus.
- **Coaching and Mentoring** -- Chiefs participated in leadership training and worked with coaches to improve leadership skills.
- **Judicial Performance changes.** Each judge, coinciding with his/her judicial evaluation, will develop a personal development plan.

## **1.3 Court employee engagement**

Good progress has been made in workforce engagement in Facilities and Security as well as Housing and District Courts. Two cross-departmental focus groups of self-nominated individuals were conducted by Chief Justice Carey and CA Spence to learn from frontline staff about the needs of self-represented litigants and how to address them. More generally, Trial Court employees engage in an extensive and wide variety of training programs.

## **1.4 Succession planning**

At the most senior levels almost all Trial Court leaders have fewer than three years of tenure in their positions. The most important succession to be planned is that of the Court Administrator (CA) who intends to retire in 2017. The SJC needs to start planning the recruitment and transition of the CA during 2016. The search likely will take six months to complete, and the SJC will need to determine when in the FY17 budget process the next CA should be selected and onboard. The SJC also will need to determine the composition and leadership of the search committee as well as the need for outside assistance to facilitate the search process.

## **1.5 Assignment of New Leadership Roles**

Trial Court leaders have created a new leadership role for knowledge management as recommended in the 2014 CMAB report. The CMAB anticipates this assignment to be a catalyst for expanded court-wide knowledge sharing. Candidates for future leadership roles as described in the 2014 CMAB report may be drawn from an expanded pool of emerging leaders including clerks, registers and probation officers. This and future assignments are roles and not jobs. Each director will continue to have responsibility for leading their current organization. The assigned leaders will need role descriptions that describe scope of responsibilities, authority, performance goals and assignment duration.

## **RECOMMENDATION:**

**THE TRIAL COURT SHOULD FOCUS LEADERSHIP RESPONSIBILITY AND OVERALL ACCOUNTABILITY FOR KNOWLEDGE MANAGEMENT AND DECISION ANALYTICS, AND ORIENT TECHNOLOGY ENHANCEMENTS AND WORK PRACTICES TOWARD IMPROVEMENTS IN THIS AREA.**

## **2. Managing with Data Progress**

### **2.1 Performance metrics**

Case flow metrics and juror utilization metrics continue to be reported and discussed on a regular basis. Recently Office of Court Management (OCM) metrics have been collected and shared with its internal customers. After 10 years of reporting experience, now is a good time to step back and review what has been learned in terms of the utility of the metrics to foster improved operations. This review may identify new or revised metrics that are more appropriate.

### **2.2 Data analytics for insight during policy development or performance improvement**

Data analytics are often the starting point in determining the dimensions and framing of a problem. While often taken for granted, articulating the appropriate questions is the single most difficult and important step in analytics. What questions lie at the heart of the challenge the Trial Court is trying to address? Specific questions yield specific answers, which are much more actionable. This process is essential to a deeper understanding of the different dimensions of “what is,” “why it is,” “the meaning of what is” and the formulation of recommendations.

In recent years the Trial Court has used data analytics to gain insight in several areas. For example, in the past fiscal year the new Court Capital Plan was informed by data on a range of characteristics of the facilities as well as data on court house usage and activity. The Pre-Trial Task Force collected and analyzed data from clerks' offices, correctional facilities, and probation. In another area Fiscal Affairs has used process improvement to shorten processing times. The lessons learned will assist the HR and Facilities organizations to improve its processing times also.

### **2.3 Evidence-based analytics for program evaluation**

Trial Court policies and programs are designed to create an intended result. The efficacy of the program starts with establishing a baseline of performance before program implementation and then measuring the result after implementation. Evidence-based analytics are essential for program evaluation. The Trial Court has focused its evidence-based analytics attention on several areas, such as the implementation of staggered scheduling at several court departments. The impact on wait time for court users was measured. Also, Pew Results First Cost-Benefit Analysis is an example of a data collection effort that was recommended by the legislature and involved cross-branch cooperation with the state, local, and county criminal justice agencies. The 7-year recidivism study was supported by the Department of Research and Planning. The efficacy of specialty courts will be a future area for evidence-based analysis.

## **2.4 Organizational learning**

Management guru Peter Drucker once said “People have to learn how to learn.” The same is true of organizations. Organizational learning is focused on where and what Trial Court managers and leaders can learn from others within the Trial Court, from other states’ court systems, as well as from non-judicial organizations in both the private and public sectors.

The Trial Court has a long history of convening workshops and conferences to explore topics and best practices across the state, often with subject matter experts. For example, the Clerks have formed several communities of practice to share and improve their current activities. From time to time, the SJC, Trial Court or CMAB may determine that the importance of a particular management topic warrants an outside review and formation of an ad hoc “visiting committee” of subject matter experts. In 2016, the first “visiting committee” will be focused on IT. The Trial Court leaders envision future outside reviews as the need or as opportunities arise.

### **RECOMMENDATION:**

**THE TRIAL COURT SHOULD FOCUS LEADERSHIP RESPONSIBILITY AND OVERALL ACCOUNTABILITY FOR THE EXPERIENCE OF COURT USERS, AND ORIENT INNOVATIVE PRACTICE STRATEGIES TOWARD IMPROVEMENT OF THE COURT USER EXPERIENCE.**

## **3. Court User Experience Progress**

The court user experience is about building a high performing service organization that is focused on ensuring equal access to justice, creating a positive court user experience, and building public trust in the judicial system. In addition it is important to understand the court user experience so the “voice of the court user” is considered in policy development and improvement projects. For example, the Trial Court has taken significant steps to respond to those experiencing domestic violence. The Trial Court has developed online and direct training for all court personnel regarding the dynamics of domestic violence and the resources available to those impacted. This training effort seeks to ensure an informed and sensitive response when assisting those entering the courts in these dangerous and volatile situations.

The Probate and Family Court has developed a training program for register counter personnel. This training program will be expanded to other departments. Customer service training can be an important component of a more comprehensive approach to enhancing the overall court user experience. But, because the scope of the court user experience is broad (diversity of court users and geographies), the Trial Court will need first to understand what aspects of the experience matter most to the different court users and then assess how the courts currently perform along those important dimensions. The court managers then can engage their direct workers in setting goals and envisioning new ways of operating. There is much to be learned from private sector best practices on how to measure and improve customer experience.

In conclusion, the CMAB is honored to advise the Justices of the Supreme Judicial Court and the Chief Justice and Court Administrator of the Trial Court on matters of court management. As the needs of the courts evolve, we expect our activities to evolve correspondingly, consistent with CMAB’s enabling legislation. We look forward to continuing to support the Trial Court in its ongoing efforts to improve the management of its operations in order to deliver the highest-quality justice with the efficiency, dignity, respect and professionalism that the public demands and deserves.

**APPENDIX A - LIST OF CMAB MEMBERS (as of December 2015)**

**Glenn Mangurian, Chair**

Consultant, FrontierWorks LLC

**Lisa C. Goodheart, Chair-elect**

Partner, Sugarman, Rogers, Barshak & Cohen, P.C.

**Sheila M. Calkins (ex officio)**

Deputy Attorney General, Office of the Attorney General, designee of Attorney General Maura Healey

**The Honorable John J. Curran, Jr. (ret.)**

Retired First Justice of the Leominster District Court

**Ruth Ellen Fitch**

Former President and Chief Executive Officer of The Dimock Center, and retired Partner, Palmer & Dodge

**The Honorable Gail Garinger (ret.)**

Director of Child and Youth Protection Unit, Office of the Attorney General and former First Justice of the Middlesex County Juvenile Court

**John A. Grossman**

Partner and General Counsel, Third Sector Capital Partners

**Scott Harshbarger**

Senior Counsel, Casner and Edwards, and former Massachusetts Attorney General

**Allen B. Kachalia**

M.D., J.D., Chief Quality Officer, Vice President Quality and Safety, Brigham & Women's Hospital, Boston; Associate Professor, Harvard Medical School

**Liam Lowney (ex officio)**

Executive Director, Massachusetts Office for Victim Assistance

**Denise R. Squillante**

Denise R. Squillante P.C.