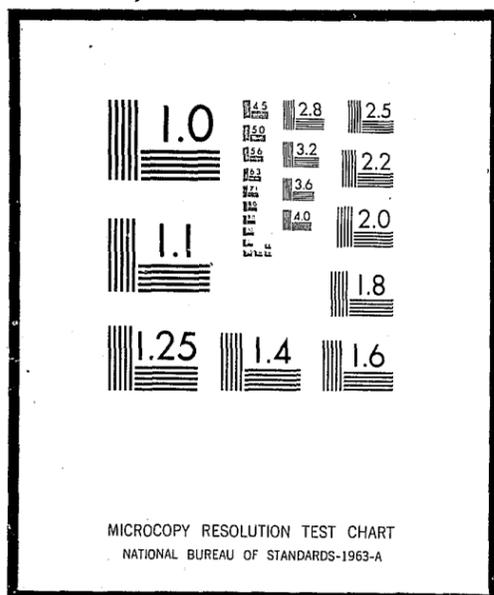


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DEVELOPMENT OF THE
FIRST GAMING-SIMULATION
FOR
TRAINING JUDICIAL ADMINISTRATORS

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JUDICIAL ADMINISTRATION PROGRAM

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Abstract

The nation's first gaming-simulation has been created for use in training court administrative officers and related personnel. The total exercise is designed to enable participants to apply knowledge acquired in the formal lectures to the specifics of the court system. A representative court environment has been created where many aspects of the actual practice of judicial administration can be explored.

The political environment of the court is represented in a policy negotiation exercise involving an Executive Committee of Judges, a Court Administrator, A CAO Analyst, a Bar Association Representative, a Court Clerk and a District Attorney. A variety of court related policies are explored and acted upon in this setting.

The case processing task in the court is represented by a number of case processing boards (presently felony and family law). The exercise involves the processing of cases through the court process by an Assignment Judge and an Assistant Court Administrator interacting with all the attorneys involved either private or public (i.e., District Attorney and Public Defender.)

Participants play roles in each exercise and thereby experience the pressures and practice techniques in processing cases and in dealing with the political arena. Participants also decide upon the impact of policy on case processing and therefore explore the complexity of the interrelationship.

A class of Court administrative personnel at the Institute for Court Management, together with a gaming expert, tested and evaluated the exercise.

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The Gaming-Simulation

Introduction

Court administration is a difficult task because it requires a working knowledge of a large number of disparate disciplines ranging, for example, from legal procedure through personnel administration, computer technology and behavioral science. These fields have been substantially addressed in the formal courses designed for this program. However, in addition to knowledge in these formal areas, there are other special needs.

We believe that an effective court administrator needs to understand the complexities of all the processes occurring in the court system. He needs to know the nature of all the actors in the arena and most importantly he needs to know how to bring about change in this complex environment at the same time as coping with the usual organization overload.

There are special problems involved in teaching an effective understanding of these complexities of the court system through a lecture method. There are even more problems in teaching the attitudinal, skill and emotional requirements of an administrative position. Fortunately both of these extremely important areas can be effectively dealt with through the medium of gaming-simulation.

Gaming-simulation is an experiential technique which exposes the participants to the types of situations that they are likely to find in their working environment. As such, it attempts to supply in a laboratory setting a format, where the practice of

administration (in this case) can be explored from all perspectives. The participants get opportunities to work with a simulated system, to test out various strategies and to attempt to create a better and more effective court system.

We have, therefore, created a judicial administration gaming-simulation with the goal of conveying the general concepts and structural framework of the courts and the surrounding agencies. It has been created in such a way that the participants decide the future of the court system and generate the nature of the court system as well as the nature of the interrelationships between various role actors. The court system so created changes with time reflecting a somewhat speeded up history of an imaginary court.

The focus of the game has been on the exploration of the complexity of the judicial arena in terms of the case processing system, the political environment and the connection between the two.

Model

In building such a gaming-simulation exercise, it becomes critical that the actual quintessence of a court system is used as the model. Otherwise the whole exercise is totally flawed.

It is, therefore, important that our concepts of the make-up of the court system be recognized. They are as follows:

1. There are a number of different processes taking place in a court relating to the processing of large number of different case types.

2. Each one of these processes is influenced by its own particular set of circumstances.
3. Each one of the process arenas has the same general types of factors influencing it. These are:
 - (i) Allocation of resources sufficient to process the work load. Resources of the court, attorneys and other parties are all involved.
 - (ii) Necessity of scheduling under conditions of uncertainty.
 - (iii) A need for rules to govern the movement of cases.
 - (iv) A need for information and records in order to understand the process and plan for the future.
 - (v) An inability to predict all events affecting the system.
 - (vi) Control of the process being in a variety of hands, some with the judge, some with the court administrator, some with attorneys and some completely external to the process arena.
 - (vii) We presume that external parties are trying to maximize their rewards and are not necessarily concerned with court delay.
4. We presume that important policy decisions impacting on the process boards are made in the executive committee of the court, in the offices of some important individuals related to the court, e.g., clerk, CAO analyst, D.A. and Bar Association, and in some instances far removed from both, e.g., judicial council, legislature and press.
5. We presume that these individuals are attempting to pursue their own particular goals and that these goals will be a function of their roles as well as their individual perceptions.
6. We know that the decisions in the political arena affect the whole court system in a variety of ways, many of them very subtle. We believe that the court system behaves as a complex system described by Forrester but the quantitative aspects are presently not well understood except for obvious first order effects.

7. We know that the whole system is substantially influenced by the behavior of the individuals in it. Individuals in the system have to develop their own personal ways of dealing with pressure, indifference, hostility, and incompetence, etc.

The history of the development of our present gaming-simulation is described in the appendix in a concept report and a report on design modifications and construction. At this time, it consists of an abstract of a court system which does not represent any particular court system. As a convenience for beginning the game, we have modeled the court processes on a composite of the operations of major trial courts in California. This starting point, however, should not be viewed as a constraint on future actions of the court.

The Environment

We have presumed that the court is a trial court in a metropolitan area with approximately twenty judges. There will be a mix of republican and democrats on the bench. We can presume that the county has a shortage of funds for all of its responsibilities.

- (i) Civil Cases: The bulk of civil cases involves personal injury, workman's compensation, contracts, and general business matters. Often these cases have complex issues which require the utilization of expert witnesses (doctors, geologists, etc.).

Law firms specializing in civil cases usually are divided between those which represent plaintiffs and those which represent defendants. The latter group generally represents insurance companies whose main interest is in delaying cases so that their funds may be kept at work.

- (ii) Criminal Cases: The criminal courts handle all cases ranging from misdemeanors to felonies. The major dynamic here is the negotiation of pleas between the District Attorney and defense counsel known as plea bargaining.

Cases here are not as concentrated in a few firms as in the civil arena. However, there usually are a few outstanding criminal trial lawyers who tend to handle the bulk of the major, most complicated cases.

- (iii) Family Law: The Family Law Court specializes in divorce, neglect, and other family related matters. The goals of the courts here are to settle disputes within the family with a minimum of divisiveness.

General practitioners tend to handle most of the cases while large firms usually take on only major divorce cases involving large settlements. Attorneys tend to be more flexible in this area reflecting the general philosophy of this branch of the law.

- (iv) Juvenile Law: The cases here deal with problems of incorrigible and delinquent children. Traditionally, the court acts as parens patriae or guardian/father of the child. In recent years, however, there has been a tendency to afford juveniles many of the protections afforded criminal defendants.

Very few law firms specialize in juvenile matters and the major concern of attorneys here is similar to their concern in criminal cases -- keeping the charge and penalty at a minimum.

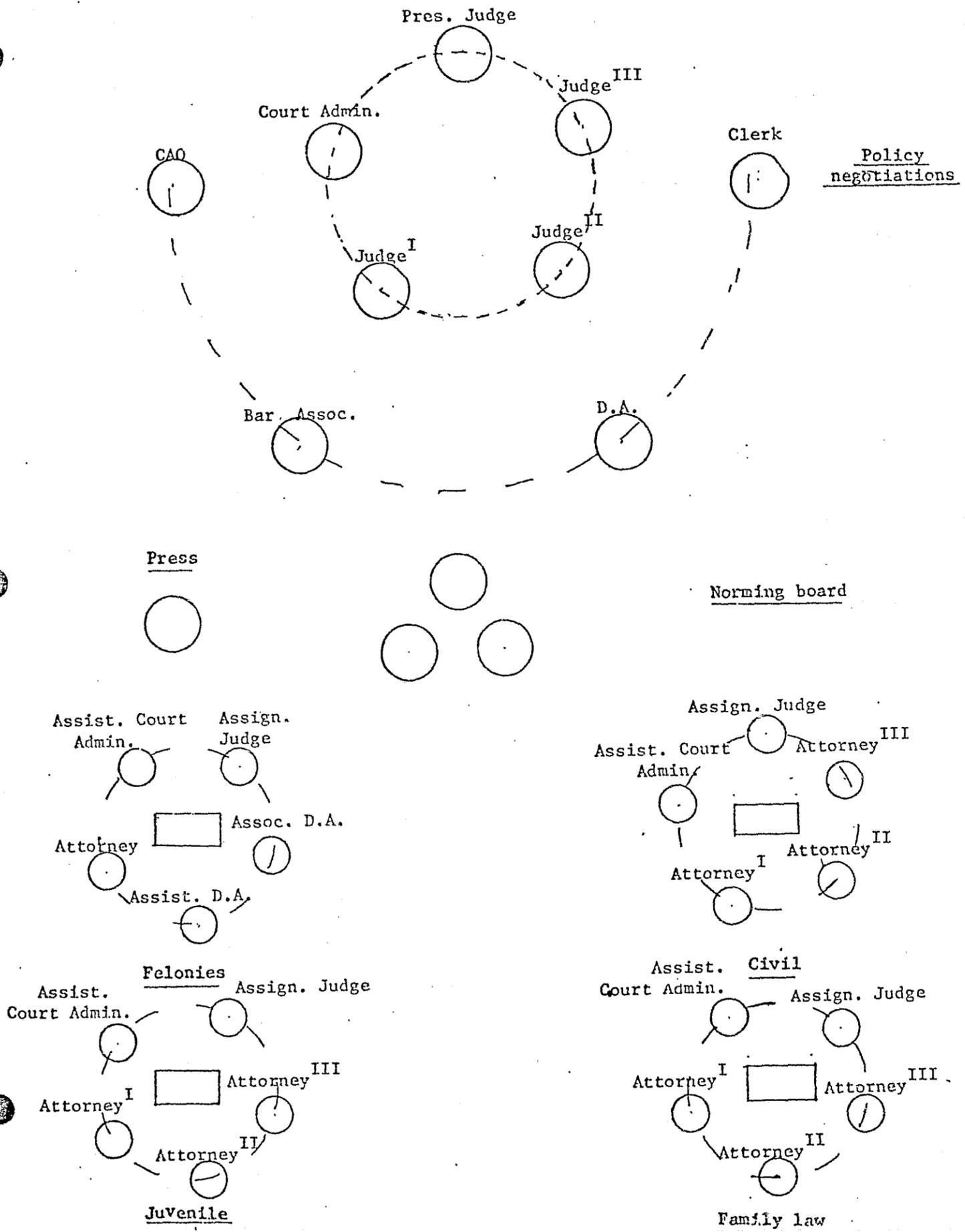
Game Design

At the present time, the total gaming-simulation consists of a number of interconnected sub-games which represent various parts of the court system. These are:

1. A policy negotiation arena consisting of an executive committee of the court surrounded by a number of actors intimately involved in the operations of the court system called external forces.

2. A separate board where each major case type is processed. At this time, a board has been created for felony cases and family law cases. Boards for juvenile delinquency and personal injury cases are under construction. Court personnel responsible for case scheduling and attorneys play at each board.
3. A media role exists allowing the participants a communication device.
4. A norming board is present where the impact of the passage or failure of policies and the release of press statements on the court system is decided and quantified.

Overall Gaming-Simulation



Case Processing Sub-Games

A number of case processing sub-games are being built. At this time, the felony, the family law and the civil board are complete and in use. The juvenile board and the personal injury board will be built next and other boards only if time permits.

There are three basic roles at each process board. There is an assignment judge, an assistant court administrator and a variety of attorneys both private and institutional. These role descriptions are as follow.:

Role Descriptions

ASSIGNMENT JUDGE - Under the direction of the Presiding Judge (PJ), the Assignment Judge (AJ) acts, on a rotating basis, as controller of the case calendar, as a motions and trial judge, and as plea and settlement negotiator with the attorneys. In general he is responsible for the movement of case blocks from the time they are filed to their eventual disposition. He is responsible to the PJ for the allocation of the court's resources and for recommendations on procedural and administrative policy to the PJ and the policy board members. He will be aided by an assistant court administrator (ACA), but the AJ has final authority. The court (AJ and ACA) receive points for the number of case blocks that are settled. These points may be used to acquire influence with the policy board members.

ASSISTANT COURT ADMINISTRATOR - The ACA acts as a liaison between the Presiding Judge (PJ), the Assignment Judge (AJ), and the Court Administrator (CA). He also interfaces with the County Clerk, the general body of trial judges, and other external forces at the policy board. He is responsible to the CA who can require the ACA to analyze the processing of cases, to make management studies, and generally assign various administrative duties. The ACA is also responsible to the AJ to provide immediate aid, advice, and communication concerning the flow of case blocks. The ACA is a stable figure in the court system and is not considered a threat, except in cases where he has exerted his role to influence policy behavior.

RED LAW FIRM - The red attorney represents a prestigious law firm with a tremendous volume of cases. The firm itself is well established and deeply rooted in the Bar Association. The attorneys in this firm tend to be older, more conservative in nature, and well known by the trial judges. There exists a very large backlog of cases because of the lack of attorneys to handle the growing list of clients and cases. It is thought that this condition is by design rather than by chance. Because of the demands to interview clients and witnesses, research cases, prepare briefs, appear in court, and attend meetings of the Bar, time is the red attorney's scarcest resource. He must decide how to allocate his time among the blocks of cases to which he has committed himself as counsel.

BLUE LAW FIRM - The blue attorney represents a medium size law firm with a growing practice. The firm itself is growing in influence and is increasingly concerned with the court reform as younger attorneys enter the firm. There exists a large backlog of cases because of the lack of available attorneys. However, the backlog does not seem out of control yet and could be reduced with a committed effort on the part of the attorneys.

Because of the demands to gain more cases, interview clients and witnesses, research cases, prepare briefs, appear in court, and occasionally attend meetings of the Bar, time is the blue attorney's scarcest resource. He must decide how to allocate his time among the blocks of cases to which he has committed himself as counsel.

YELLOW LAW FIRMS - The yellow attorney represents a composite of small law firms, most, however, being single attorney practices. This composite contains a mixture of conservative and liberal attorneys; ones who have strong identification with the Bar and older judges; and ones who are oriented toward social acquaintances with judges and toward activities outside the realm of the Bar. The common bond of this group is the close management of their time and the number of cases they handle. They usually have sufficient resources to handle the time demand from their case loads. However, time is still the yellow attorney's scarcest resource, because of the demand to interview clients and witnesses, research cases, prepare briefs, appear in court, and attend professional meetings. He must decide how to allocate his time among the blocks of cases to which he has committed himself as counsel.

PUBLIC DEFENDER - This is a county-supported office and, therefore, is even more constrained in manpower than the private law firms. The public defender works through the

court analyst, an external force in the policy negotiations arena, to raise and influence issues of concern to the public defender's office and in bringing his needs to the attention of the board of Supervisors.

DISTRICT ATTORNEY - The DAs involved in the court process are trial attorneys working under the direction of the DA who operates as an external force in court policy negotiations. Instructions to the trial attorneys are determined by the policies of the politically-oriented DA.

The Game Board

These aspects of the court system are represented on process game boards which are basically flow charts depicting the various events and decision points which occur during the processing of that particular case type. These boards were created using flow charts originally produced for a judicial council study. They do not represent the activities in any one court but rather a composite of the operations in all the major California urban superior courts.

These charts are made into operational game boards by supplying blocks for the allocation of court resources at every place where court or judge time needs to be allocated. In addition, storage areas are supplied before each of these process points where pending cases are stored. These storage areas have two sections. One section stores cases waiting but not yet called and the other section contains those cases which have been called (or calendared).

Case blocks representing groups of cases are present on the board 'ab initio.' In addition, new cases are introduced each round on a predetermined schedule which was derived by an analysis of the increase in filings for these case types in Orange County Superior Court. Each case block has two colored dots on it identifying the attorneys associated with that case block.

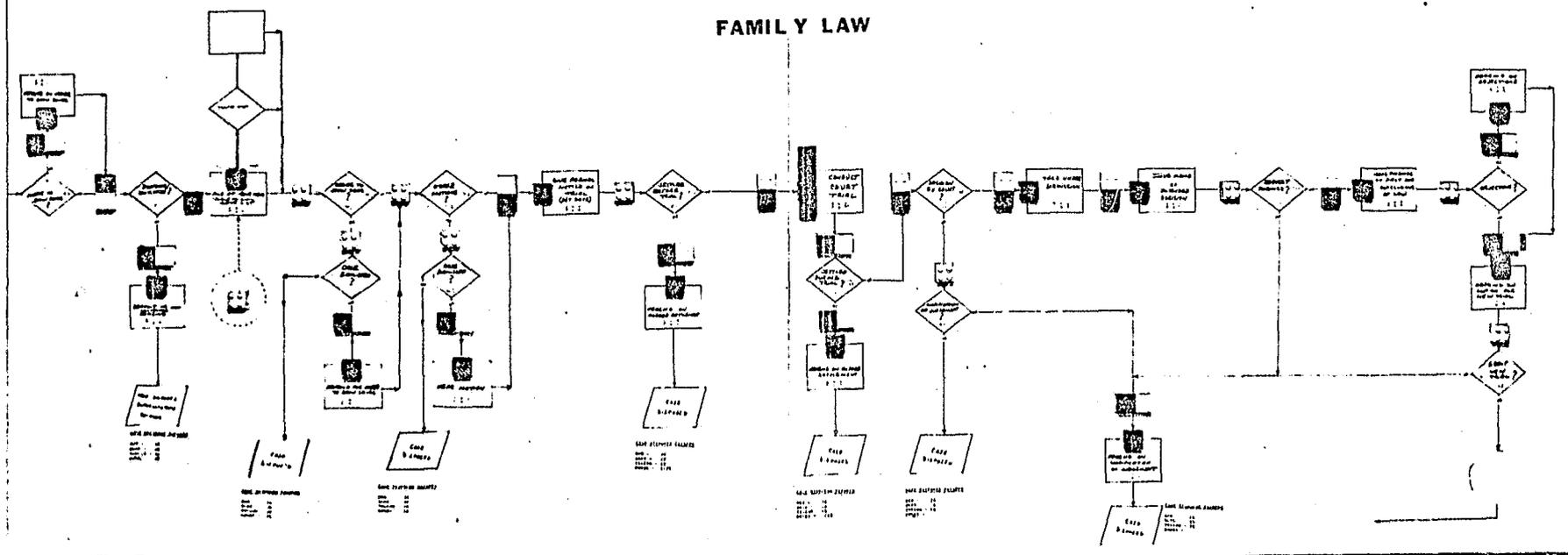
The court (i.e., the Assignment Judge and the assistant court administrator) have a certain number of court resources to deal with the case blocks coming into and through the system. These court resources are represented by columns of lego nubs of five different colors representing the time of the judge, the reporter, the clerk, the bailiff and the courtroom.

Attorney time is represented by simple colored lego pegs and corresponds to the courtroom time rather than total time. Attorneys have the task of allocating their time to the cases they are associated with.

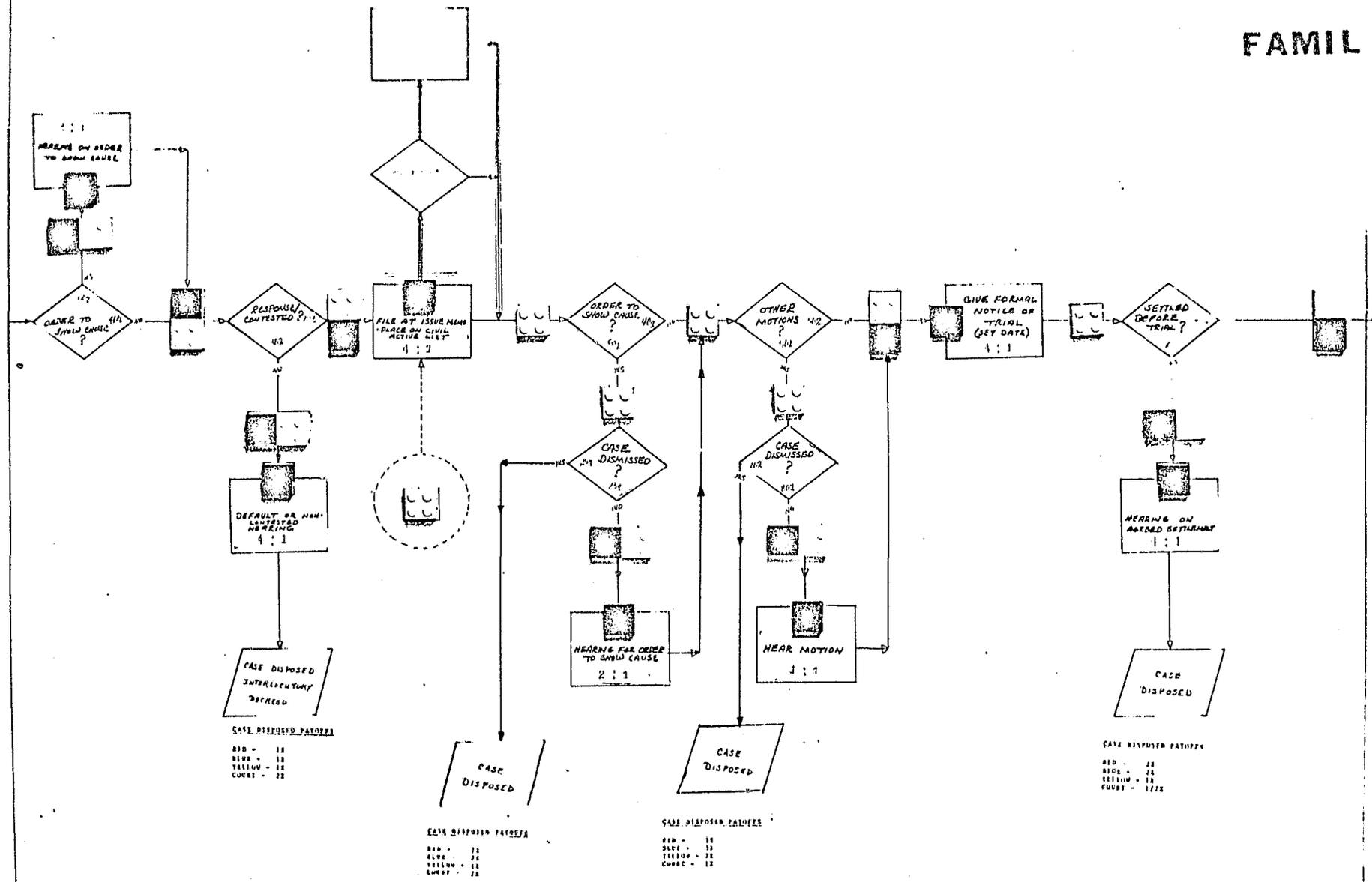
The resources available to the court and attorneys can only be used in that particular round and they are replenished each round. The availability of the resources does vary somewhat during the game depending on policy developments, instructions by in-basket tasks and changes in game rules.

It can be seen that the game is basically one which requires the allocation of a scarce resource time. Both the attorneys and the court have this same basic problem but their decisions are made separately and do not necessarily correspond and support each other.

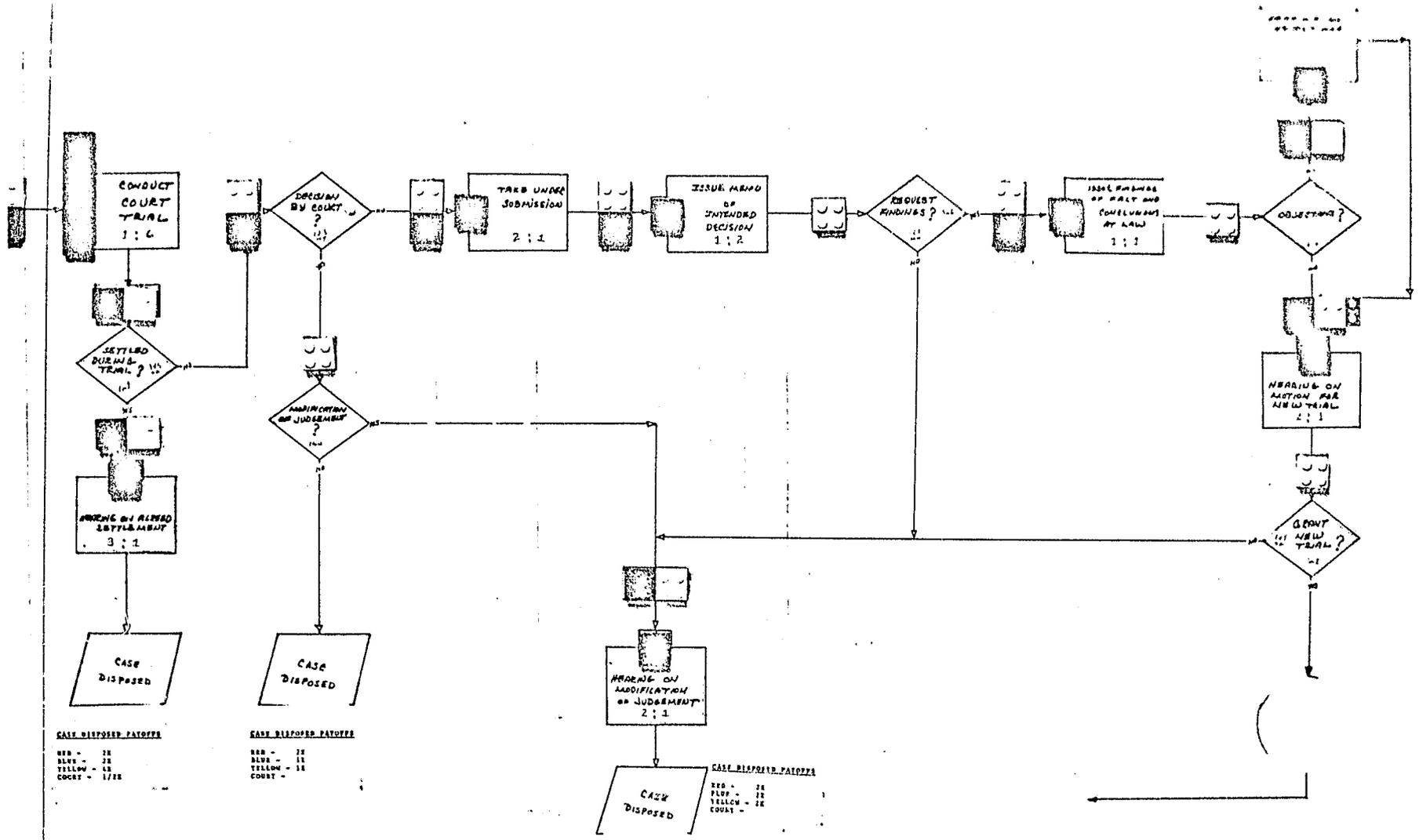
FAMILY LAW



FAMIL



IL Y LAW



In passing through the total process, not all cases follow the same paths. Some cases settle early and others go to trial. Some have numerous motions and some have none, etc. We analyzed statistics to establish the approximate percentages of cases proceeding through different steps of the process and these figures were written on the decision points depicted on the board. In addition, a similar analysis was made of the time required to deal with these various events. These figures were used to govern the resource requirements at each stage which were also depicted on the board.

Finally each disposition/settlement point was allocated a payoff list for each attorney and the court. This payoff was generated by the game creators to reflect the roles generated for the individual attorneys.

A picture of the family law board is enclosed and flow charts for the various case types are available in the appendix.

Game Play Sequence

Sequencing of a typical round of the process game is as follows:

- (1) Policy Effects: Policy decision effects are applied to the process board variables. These effects are provoked by the actions of the policy negotiation board and are decided by the norming board (see later).
- (2) In-Basket Cards: An in-basket chance card is drawn and its effects are applied. This device is used to reflect the need to respond to events over which the

administrator has little direct control. The events can be either good or bad and they can be utilized very effectively to orient the discussion towards certain specific areas, e.g., personnel, finance, public relations, research, etc.

Typical chance cards are as follows:

FAMILY LAW CHANCE CARDS

- (a) Construction strike prevents any work on new judges chambers or on additional courtroom space for two rounds.
- (b) New master calendar clerk appointed, thus causing problems in calendaring new cases. No cases can proceed past "FILE AT ISSUE MEMO" for one round.
- (c) Two (2) trial judges attend state convention. Lose two judges for one round.
- (d) In move to support proposed unionization of court employees, all court reporters go on strike for one round.
- (e) Legislature eases standards for divorce. 30% increase in cases entering Family Law system for three rounds.

FELONY BOARD CHANCE CARDS

- (a) Wave of civil disturbances causes 20% increase in number of criminal cases entering criminal system for one round.
- (b) United States Supreme Court tightens standards on search and seizure. 10% more of criminal cases dismissed at preliminary hearing for one round.
- (c) Yellow law firm cited for misconduct by Superior Court "Bench and Bar" Committee. Lose one attorney time resource for two rounds.
- (d) Calendaring problems in District Attorney's office and County Clerk's office causes massive delay in setting dates for arraignment and for trial. No case blocks can proceed through those points for two rounds. (Computerized systems could avert such problems.)

- (3) New Case Blocks: The game director enters new case blocks into the flow process. These numbers have been predetermined by analysis of filing changes in Orange County.
- (4) Court Resource Allocation: The AJ and the Assistant Court Administrator analyze each process point's backlog and then allocate the court resources as they see fit.
- (5) Pre-Trial Settlement: The AJ and the attorneys discuss which cases can be settled out of court, given any constraints from the in-basket chance cards. Usually 10% of cases can be settled by each attorney each round.
- (6) Call the Calendar: The AJ will then "call" the number of case blocks he desires by moving them from the top of the RED backlog square to the WHITE square.
- (7) Attorney Time Allocation: Attorneys now allocate the required time blocks (representing their availability) to the case blocks which they desire to move forward.
- (8) Court Processes Case Blocks: The AJ now moves the case block off the white square through the process point to the next decision (yellow) or process square (red).
- (9) Decision Case Block Direction: At a decision point the attorneys and the AJ decide how the case blocks are to proceed. The number of case blocks is set by the percentage figure shown. Some decision points require a die roll to decide the direction of the case block;

(Each of the case blocks in a round move from the red blocks to a white block, through a process and/or a yellow block and decision point, and finally to a red backlog square.)
- (10) Calculate Scores: Law firms and the court receive points for each case block disposed based upon variable payoff rates as indicated at several points in the process. The law firms receive one additional point for each case block which is backlogged; however, the court does not receive such points. For the law firms, 100 points can be exchanged for one additional attorney resource peg or one influence peg. The court receives only one influence peg for each 100 points, separate scores and payoffs are kept at each process board. An example of a payoff sheet is included.

The payoff is to represent monetary return from the business for private attorneys but this is not quite the same for institutionalized attorneys. Further examination of these numbering systems is probably in order.

(11) Policy Discussion and Influence: Role players now allocate influence with the policy board members and make recommendations for new policies on procedures and administration;

(12) Round ends.

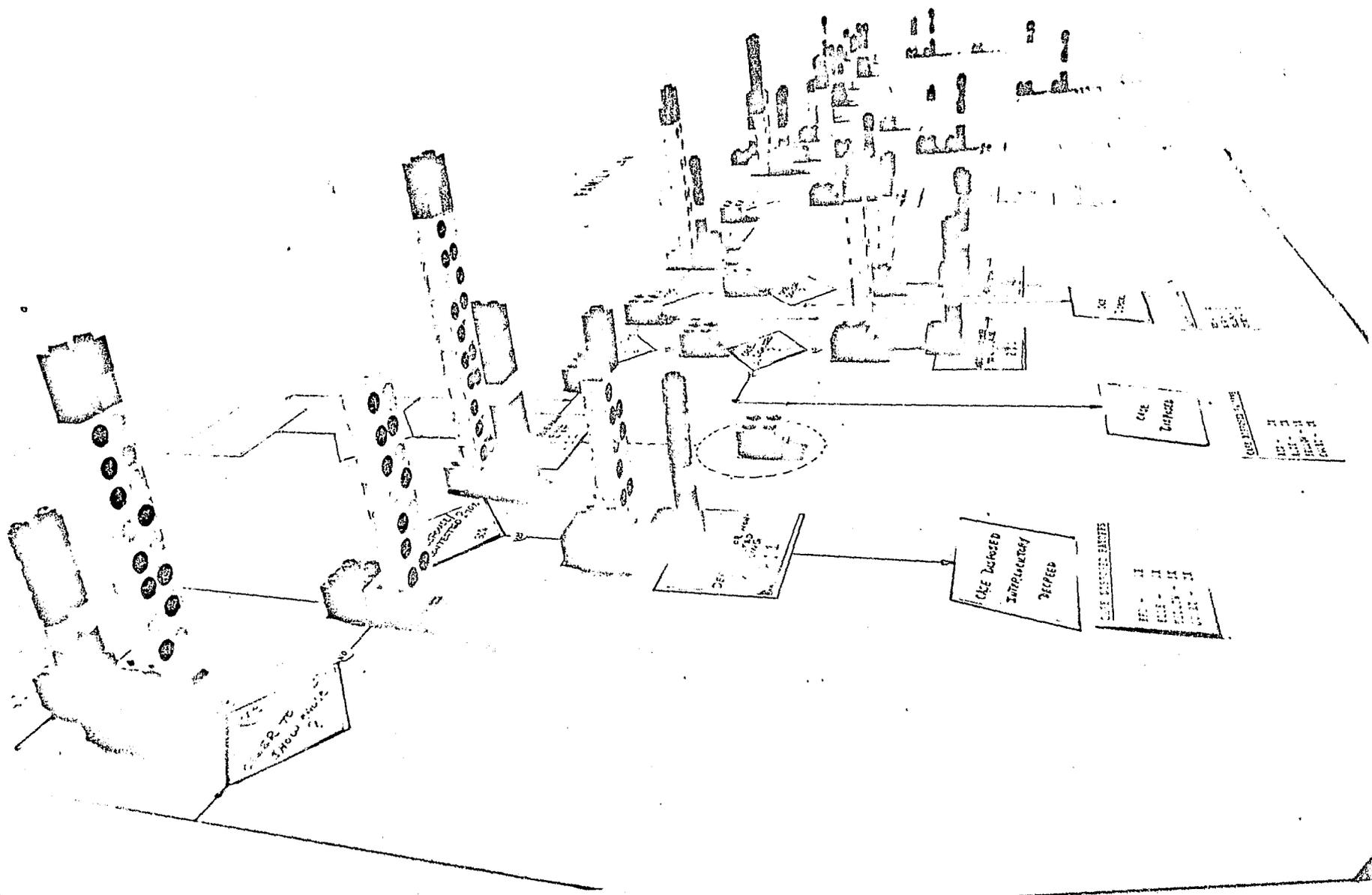
Discussion

It can be seen that attorney time must be allocated and all necessary court resources must be provided for a case to proceed. If those requirements are not met, the case block (an artifact representing a number of cases) is stored with other backlogged case blocks and must wait to proceed. This is a built-in calendaring procedure. It creates the scheduling problems which all courts have to cope with. After all these requirements have been met, the case block moves through that point onto the next decision point where the appropriate percentages are applied and then onto the next process point or out of the system completely.

To effectively manage this process, one needs to understand the system in terms of the availability of resources (both court and attorney), the rules needed to govern the case movement, the information needed to understand the performance of the process and future requirements. These general areas have immense amounts of detail associated with them but the general concepts are fairly straight forward.

The attorney's goal and that of the court administrators and assignment judges is to gain points by disposing of cases. Each round the number of cases disposed (at any point in the process) affects each player's score. Some attorneys, however, gain more points for having cases disposed of early. Attorneys also gain points for the number of their cases on the process board in the backlog storage areas. The court administrator and assignment judge, on the other hand, lose points for backlogged cases. With

their point scores, the players can gain influence to be used in the policy game, or the attorneys may choose to buy more time resources so they can handle more cases. Each case block can be coded with the number of the round it entered the process, thus giving an indication of its relative age, but this is not done unless the players so decide.



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CONTROL ROOM

CONTROL ROOM

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11-99	11-99
11-100	11-100

Policy Negotiations Sub-Game

This part of the judicial administration game has been created by modifying a game of policy-negotiations originally developed by Professor Fred Goodman of the University of Michigan. The decision making process of this game involves actors who have varying degrees of influence serving on an executive committee of a court of general jurisdiction. The committee consists of an elected presiding judge, three elected trial judges, and a chief court administrator who is the head of the staff of assistant administrators at the process boards. The three judges represent three separate constituencies of trial judges who elect them. The constituencies are determined according to seniority order to the trial judges in the court.

The objective of the players is to maximize their limited influence in the formulation of policy. The five players representing different constituencies, negotiate and use their influence for determining the agenda, voting on issues, and influencing external social forces and their constituencies.

Since influence is the currency of exchange for the determination of policy, the increase of influence is desirable. This may happen by the formation of coalitions, but the legislative establishment of a policy that enhances a team's position, or by a favorable press headline. Influence may also be lost in these ways.

Play progresses in rounds. Each round is comprised of the bargaining and negotiating necessary to vote on the policy under consideration and to determine the next agenda item. Because the teams represent constituent groups, they are evaluated in terms of how well they have used their influence for the benefit of these groups. Periodic elections are held with reelection more probably for those who have served their constituents well.

Role Actors

The role descriptions of these actors are as follows:

The Presiding Judge theoretically has the administrative power to run the court and act as its chief spokesman. However, he is elected by a majority vote of the entire body of trial judges so he holds his office at their will and pleasure. The man elected Presiding Judge is usually a compromise candidate. The power to dictate rules and supervise the Court Administrator represents the major role of the Presiding Judge, but any action he takes may be revoked by a majority of the trial judges. In the past, some PJs have assumed they would serve only one term and attempted many changes; others were satisfied simply with the status of the position and, in the hope of reelection tried to antagonize none of their fellow judges.

The Establishment Judge represents the judges in the court who are closely allied with the political power structure. These judges do not look at judging as a career, but rather as a reward for previous achievements. Their main concern is in maintaining the status quo and in insulating judges from the pressures of the justice system. Thus, they only favor changes that will make judges look good, or make life easier for him, or protect each judge's individual kingdom. Strong ties are maintained between this group and the Bar Association elite. At one time, the Establishment Judge and his constituency ruled the court with an iron fist, but this power has been eroding due to an influx of more reform-minded judges who have challenged their leadership.

The Middle-of-the-Road Judge represents a small group of jurists who believe in rule by consensus rather than rule by edict. When the establishment judges were at their peak of power, they considered middle-of-the-road judges as weaklings who had to be tolerated but could be easily ignored. As the schism between the establishment and avant-garde judges has grown, moderate judges have begun to play a pivotal role within the court. They favor change which is deliberate and well planned, and they try to avoid controversies.

The Avant-Garde Judge is the representative of a more diverse group politically and racially than the other two groups, and they view judging as a full-time job. These jurists are impatient with the inability of the judicial system to respond adequately to the crises in the courts. They are aware of the trend towards new methods of court management and favor full development of these new ideas. The strength of this group has increased as establishment-oriented judges have been replaced, but their position within the court is in no way one of great strength.

The Court Administrator is appointed by the Executive Committee with the consent of the majority of the trial judges, and he can be replaced in the same manner. He is supervised by the Presiding Judge but has served in this position for only a short time and has yet to completely define his role. The establishment-oriented judges want the Court Administrator to have little independence while the avant-garde, young turks take an opposing view; but, to insure his survival, he tries to avoid taking sides. The Court Administrator would like more responsibility, but he is unwilling to gain this at the cost of his job.

In addition to the players at the internal court Executive Committee table, there is a ring of players representing external policy determining forces representing legal and political influences. The external policy determining forces presently represented are: the County Clerk, a CAO analyst, the District Attorney and Bar Association, although other roles may be created later. A press representative is also present although his relationship is somewhat special.

The role definitions of these external forces are as follows:

The District Attorney is elected on a non-partisan basis.

This office has been used traditionally as a springboard for many important political careers. The D.A. has taken strong stands for law and order and against liberal treatment of offenders by the courts. In turn, his office is often accused of being a mere training program for potential defense lawyers and a major cause of criminal court delay. At present, the D.A. is concerned about maintaining his power base, assuring his reelection, and guaranteeing he gets the necessary resources for his pet projects.

Bar Association membership is voluntary for attorneys. For many years the Association was nothing but a social club for the large law firms in the county. Its Board of Governors is still controlled by members from these firms. In recent years, as criticisms of the legal profession have increased, the Bar has begun to become more active in court reform. Its major problem has been to get the courts to take it seriously and confer with it when formulating various changes.

The Court Analyst is the member of the County Administrative Officer's (CAO's) staff who has the court liaison assignment. His responsibility is to monitor the court's financial and personnel requests and actions. His recommendations to the Board of Supervisors are seldom, if ever, reversed. The Court Analyst has had this position for many years and is completely loyal to the interests of the Board, which, of course, are concerned with minimizing the impact of taxes on their constituents and, hence, with minimizing budgetary expenses, especially for less visible public benefits. The Court Analyst views himself as an efficiency expert.

The County Clerk is elected to his position.

His office is supposedly a non-partisan one, but it is no secret that each clerk favors the political party of his choice. The Clerk's position is considered to have more status than a judgeship because it has responsibilities in many areas of county government as well as the court calendar. The Clerk tries to keep the Board of Supervisors happy, but this is difficult because of political considerations. His main interest is in maintaining the technical quality of records and the size of his empire.

The news media representatives monitor both the political arena and process of the court and acts as the voice of the community. The time and pressure of the media may be brought by any participant in the court environment. The

media's power lies in an understanding of where and how the important decisions are being made. The media's influence is exercised by mobilizing public and private opinion for or against an issue, in raising issues for decisions, in exerting pressure through news announcements.

Policy Issues

The Executive Committee deals with two types of policy issues: process issues that affect the court playing board process by altering parameters such as the availability of various court resources, speed of case flow, and probability of cases settling before trial; other internal issues of the court that are of a type that does not affect court process but which may have less tangible impact on the court's functioning and societal image, e.g., offering a telephone alert option of jurors, tightening courtroom security, installing a pool table in the judges' lounge. The process and internal issues may be adopted or rejected by the direct action of the five players at the Executive Committee table.

The participants are supplied with a number of priming issues which are used to get the process started and to enable the mechanics of the game to be learned. These policy issues are taken from actual situations occurring in local courts. They are given a number for easy identification.

A 1 Conciliation Court

Establish a Conciliation Court, supervised by the Presiding Judge, to provide marriage counseling to all parties filing divorce actions who voluntarily agree to be counseled.

It is estimated that one-half of all divorce judgments might be avoided if the parties received counseling. The proposal before the Executive Committee is to have the Court Administrator plan, organize, and staff a Conciliation Court which would be supervised by the Presiding Judge.

In general, a Conciliation Court consists of marriage counselors employed by the court to help resolve the problems which lead to the filing of a complaint. The parties are ordered to Conciliation Court if, at their first court appearance, they express willingness to undergo counseling. The case is then postponed pending outcome of this alternative.

A 2 Legal Research Assistant

Obtain authorization from the Board of Supervisors for a position of Legal Research Assistant. He will assist any judge as needed and will be assigned by the Presiding Judge.

One suggestion for giving judges more time to spend on the bench is to provide them with legal research assistants. These people, trained in legal research, would do the research many judges claim demands so much of their time.

A 3 Standards for Plea Negotiations

Regulate participation of judges in plea negotiations. There has been a great controversy over plea bargaining of late. This is the process whereby a defendant promises to plead guilty if the District Attorney will promise to charge him with a lesser offense and ask for a lesser penalty. In response to this problem, the Executive Committee is considering adopting the following court rules:

1. Plea negotiations should be conducted by attorneys for the prosecution and the defense without the participation of the judge. The judge should not recommend any disposition until he has considered a pre-sentence report. However, the District Attorney may recommend a disposition to the court, which should be made in open court on the record. If, after reviewing the pre-sentence report, the judge refuses the recommendation of the District Attorney in any respect, the defendant should be allowed to withdraw his guilty plea and proceed to trial.

2. If a judge does engage in plea mediating, he should not preside over the hearing of any pre-trial motions or over the trial of any case in which he has been involved in plea discussions.
3. At the conclusion of any plea mediating session which has resulted in agreement by the parties, the judge, in the presence of counsel, should dictate to the court reporter for inclusion in the official court records a summary of the conditions and terms that have been agreed upon.

B 1 Courtroom Security

Request Board of Supervisors to authorize funds for a communications system to provide security for court, judges, defendants, witnesses, and spectators.

Most courts were built at a time when the presence of a bailiff was sufficient security. The recent wave of court bombings and trial disruptions has led to the reevaluation of the adequacy of many court security systems.

The Executive Committee has before it a proposal to include in its budget a request for the installation of a communications system to provide security for the court and to protect the lives of judges, defendants, witnesses, and spectators. The system would be capable of alerting law enforcement personnel in nearby courtrooms without sounding an alarm where the emergency is. The system's implementation would be overseen by the Court Administrator.

B 2 Pool Table

Install pool table in judges' lounge. In the wake of attacks on some judges, many members of the bench would prefer to stay in the courthouse during lunch hours. A lounge helps this goal but many judges would like recreational equipment so they can relax in the style to which they are accustomed.

B 3 New Continuance and Settlement Plan

Implement a new program of mandatory settlement conferences prior to trial, requiring written motion for continuances and allowing continuances only in an emergency.

Many critics of delay in the courts claim that 60% of all civil cases are delayed as a matter of strategy rather than as a matter of necessity. It had been proposed that the Executive Committee phase in a new program with the following elements:

1. A civil trial will be postponed only in an emergency.
2. The only way to seek continuance of a trial setting or pre-trial conference will be by a written motion with notice to the other parties, supported by a written affidavit or declaration.
3. A settlement conference will be held three weeks before each scheduled trial.

The new procedure is expected to eliminate the present continuation of six out of ten scheduled trials. And the combination of a settlement conference three weeks prior to a certain trial is expected to increase the number of cases settled.

B 4 Court Time Coordinator

Assign to the Court Administrator the task of coordinating and minimizing dead court time.

Visitors to courts often express dismay at the number of empty courtrooms. This is due, in part, to last minute settlements and shorter-than-scheduled trials. If someone could keep tabs on the availability of courtrooms, this dead time problem might be resolved.

It is proposed that the Executive Committee designate the Court Administrator, under supervision of the Presiding Judge, as Court Coordinator. His new duty will be to arrange use of court resources that become available through a shorter-than-anticipated disposition of a scheduled case.

C 1 Coordination of Judicial Vacations

Give the Court Administrator and Presiding Judge authority over allocation of judges' vacations and time spent at conventions and conferences.

Traditionally, judges take their vacations at approximately the same time each year. Attorneys, realizing that most judges are away, likewise take their vacations at these times. The results are several weeks of minimum activity in the court.

With the goal of maximizing the use of all available judges and attorneys, it has been suggested that the Court Administrator be given authority to determine when judges may take their vacations and have days off for conferences and conventions. His decisions would be made only after consultation with and approval by the Presiding Judge.

C 2 Unification of Courts

Adopt official position in favor of legislation to unify all local courts, unify county/city/district attorneys, consolidate the positions of clerk and bailiff, place court-related duties of the county clerk under the court administrator, and shift costs of financing to state.

The Executive Committee has accepted an invitation by the State Legislature to send a representative to testify on SB 1. The bill has the following provisions:

1. Unify all justice, municipal, and superior courts into five judicial regions. Each region will have an Administrative Judge appointed by the Chief Justice of the State Supreme Court;
2. Consolidate the functions of bailiff and clerk in the new system;
3. Place the court duties of the County Clerk under the Court Administrator;
4. Unify the offices of city, county, and district attorneys for each county; and
5. Transfer all costs of court administration to the state except for capital costs for court facilities.

The committee has appointed a judge not presently on the committee to present the court's position, and it must now decide whether to support the provisions of the bill.

C 3 New Probation Policy

Sentence all first and second offenders to probation (except in murder cases) pending action by Board of Supervisors to improve jail conditions.

The County Jail was built in 1910 for a maximum capacity of 300. It now holds 710 inmates on an average day, and last year had 36 reported forcible rapes, 10 murders, and 17 suicides. The Board of Supervisors has promised to alleviate this condition for several years but nothing has been done.

It has been proposed that the Superior Court adopt a policy of sentencing all first and second offenders to probation (except in murder cases) until some action is taken. The Executive Committee must vote on whether to issue a policy order to all Superior Court Judges encompassing this proposal.

D 1 Computerized Calendaring System

Issue before Board of Supervisors: Request of County Clerk for funds for a computerized calendaring system in Superior Court. It has been suggested that computerization of the court calendaring process would save much time that is expended under the manual method. Others have claimed that computerized calendaring enables each court to be occupied 100% of the time and provides valuable management information. These claims have yet to be substantiated in existing systems.

The County Clerk presently has responsibility for the court calendar. He has requested funds in next year's budget to provide for a computerized calendaring system in the Superior Court. The request does not specify the type of system to be used, its on-going costs, or any court controls over the system.

D 2 Information Program

Issue before Bar Association: Request court to set up centralized information and education service in the Court Administrator's office.

Many judges and court personnel often complain about unprepared and ill-informed attorneys who waste valuable time and add to the problems of delay. Some members of the Bar believe the proposed information system will speed up the court's work by disseminating, through special notices and legal publications, information about court innovations and changes in existing procedures.

Creation of New Issues

The following procedure is used for placing new issues on the agenda.

1. Any player may write a proposed policy on a form supplied for that purpose.
2. The author gives it to the norming board (see later).
3. The norming board determines:
 - a. Whether the policy is normable as stated (if it is not, the policy author should restate the issue).
 - b. The historical propensity of the issue to pass or fail.
4. Norming board gives the new issue to the director of the policy negotiations game.
5. During the end-of-round activities, the game director assigns an I.D. number to the issue and posts it.
6. The Executive Committee members and external forces may then allocate influence to raise the issue to a vote or to keep the issue off the agenda.

PROPOSED POLICY

Policy Statement:

Background Information (Optional Section):

Role of Policy Author: _____

Historical Propensity (Assigned by Norming Board): _____

ID No. (Assigned by Game Director): _____

Disposition:

Posted for agenda consideration

Not normable. Returned by norming board

Returned by Executive Committee for clarification

8/21/72

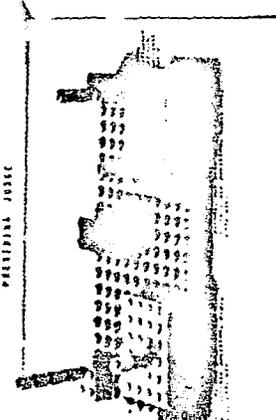
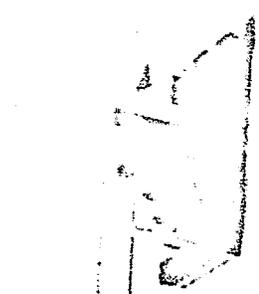
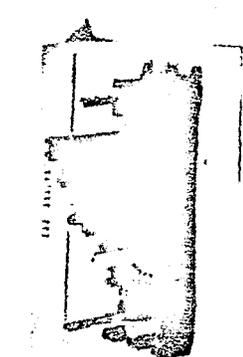
Game Play Sequence

The play of the game requires the allocation of the limited resource of influence. Each of the judges, including the presiding judge, begins with a certain amount of influence and, a specific amount of authority (prestige) is granted him by the trial judges. Throughout the game, little cylindrical pegs represent units of influence. The prestige levels relate to the odds of being reelected through the roll of a die. The Court Administrator's authority level relates to the odds of being retained in his position.

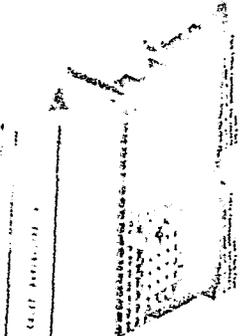
The Executive Committee members distribute their influence pegs on their own individual boards illustrated in the enclosed photograph and schematic. They can do the following things:

1. Vote for or against the issue which has been brought up for consideration in this round.
2. Allocate influence to raise other issues to a vote or to keep other issues off the agenda.
3. Allocate influence to increase their prestige amongst their constituency.
4. Store influence with external forces.

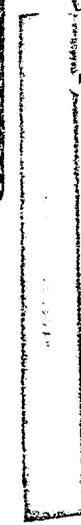
In order for an issue to pass, there must be at least twice as many influence pegs cast for it as against it. A similar ratio is required to defeat an issue and all other ratios result in tabling the issue.



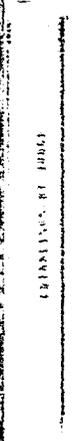
PRESIDENTIAL HOUSE



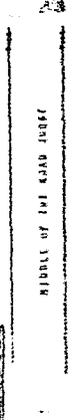
CLUB HOUSE



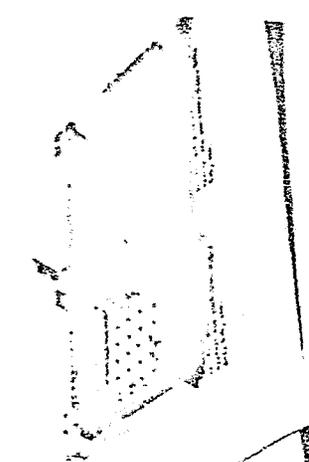
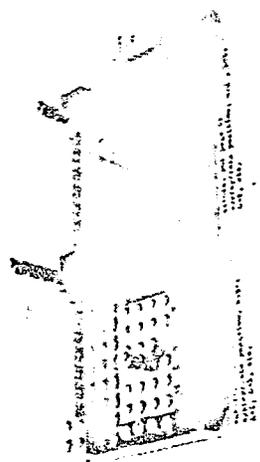
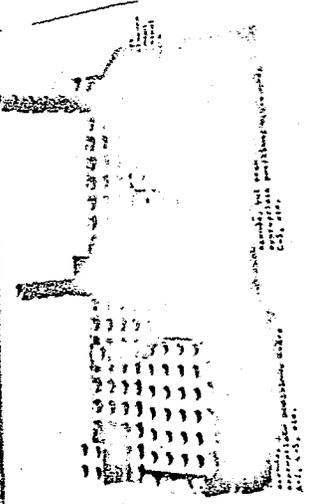
OFFICE



EXHIBITION BY HOUSE

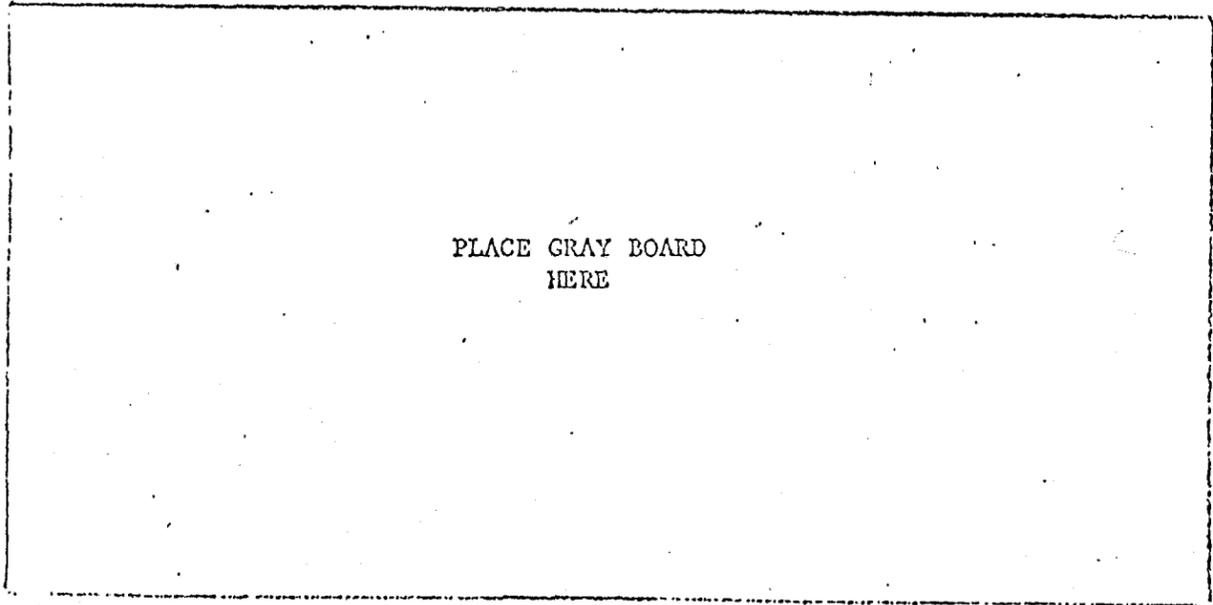


HIBBLEY OF THE ROAD HOUSE



-----Field-----
SCHEMATIC OF THE PLAYING BOARD
of an
EXECUTIVE COMMITTEE JUDGE
-----Field-----

for issue against issue your prestige



exert
influence
through
external
force

To try to get an issue on the agenda, put pegs in the appropriate position, e.g., A-1, C-5, etc.

To try to keep an issue off the agenda, put pegs in the appropriate position, e.g., A-1, C-5, etc.

The external forces have their own playing boards but these are different from those used by the Executive Committee.

These individuals receive a certain number of influence nubs (usually 3) at the beginning of the play session which they can use in the same way as Executive Committee members. In addition, they have storage blocks where committee members may store influence nubs for use in the future. These nubs can be allocated for votes on issues on request of the storing party or they may be confiscated by the external force should he feel neglected by the committee member.

Finally the external forces have a number of block delay nubs which can be used to delay implementation of issues.

SCHEMATIC OF THE PLAYING BOARD
OF AN EXTERNAL FORCE

cumulative
personal
prestige
storage

Estab-
lish-
ment
Judge

Middle-
of-the-
Road
Judge

Avant-
Garde
Judge

for
issue against
issue prestige
of exec
comm memb.

These external forces can perform activities 1 through 6 by placing influence pegs on their own playing boards.

1. Exercise influence for or against the issue under consideration in this round.
2. Allocate influence to raise other issues to a vote or to keep other issues off the agenda.
3. Allocate influence to increase their prestige amongst their constituency.
4. Allocate influence to bolster the prestige of an Executive Committee member.
5. Trade white influence pegs for red ones to decrease the prestige of an Executive Committee member.
6. Decide, if the issue under consideration in this round is passed by the Executive Committee, whether they have the power to delay implementation. If any other external force also has the power, you may need to persuade that external force to cooperate in your effort to delay implementation.

During the total round devoted to a consideration of this issue, a number of interactions are possible and indeed desirable.

These include the following:

Executive Committee members may discuss the issue and future issues among themselves.

ECM's may discuss the issue and future issues with the external forces individually or by inviting appropriate external forces to a Committee meeting.

EF's may want to assess the impact that future issues will have on their agencies.

Any EF who then wishes to present his point of view in a Committee meeting should be allowed a few minutes to do so.

ECM's and external forces may visit the court process board, confer with their staff members about problems in the process, and formulate policies that will solve the problems.

At the end of a round, the game director performs a number of different activities.

1. Game director (GD) tallies influence which has been allocated to increase prestige of ECM's.
2. GD tallies influence which has been allocated for and against bringing agenda items to a vote.
3. GD tallies influence for and against the issue voted on during the immediately preceding discussion round.
4. If the issue passes, the norming board reads the effects. Rationales will be presented during the debriefing when there will be time for discussion.
5. Any player may challenge the norming at any time before the end of the game-playing session by writing on a pink challenge slip his name and the identifying coordinates of the issue.
6. The ECM's transfer to the EF's the influence they wish to store with them.
7. Any new issue to be introduced must be ready for posting at this point, i.e., the norming board must have approved the wording and determined a historical propensity.
8. The news media announced all items that have, by this time, been normed and paid for (see later).
9. A new discussion round starts when the GD distributes influence to the ECM's and EF's.

External issues can be placed on the agenda by the external forces. They can be influenced by the five Executive Committee members; but the Committee does not have the final, sole decision on them as it does on the internal and process issues. The external issues are subject to approval or rejection by a larger community in something like a voting procedure.

Elections

The elections take place at regular intervals as decided by the game director. The election of the Policy Committee centers on two key components of the game: 1) the level of prestige each of the policy members has with his constituency; and 2) the level of support he has with the other role players in the game. A combination of these two variable constitutes his defeat or reelection according to the following formula:

<u>Level of Prestige (%)</u>	plus	<u>X% of Total No. of Game Players</u>	
1 or 17%	plus	84% or X votes	equals
2 or 34%	plus	67% or X votes	equals
3 or 50%	plus	51% or X votes	equals
4 or 67%	plus	34% or X votes	equals
5 or 84%	plus	17% or X votes	equals
6 or 100%	plus	1% or ≥ 2 votes	equals

} 101% needed to be reelected

For example, a player at level 4 (which represents a 67% chance of being reelected) in a game with 25 players needs 9 players votes (which is 34% of the player electorate) to be reelected. A player may not vote for himself and a player at level 6 must receive at least 2 votes to provide some change factor in his reelection effort. The theory of this election procedure is one which recognizes the players ability to build his prestige by voting on policy according to his constituent's needs, as well as, through his behavior in gaining support from various other role players.

News Stories

Any player may request the news media representative to announce a news item, or the news representative may develop a story on his own initiative. The media, however, must pay the director of the policy negotiations game one influence peg for each item to be announced.

1. The news story must be written in a few sentences on the form for that purpose.
2. The media representative takes the story to the norming board.
3. The norming board assigns a number to the story and determines the impact of the story on the participants and on the court process.
4. The norming board gives the completed norm sheets and news story form to the director of the policy negotiations game.
5. The news media representative pays the director of the negotiations game one influence peg to make each announcement during the end-of-round activities.

An example of a newspaper headline is given below together with a rationale for the impact which might be expected from its publication.

NEWSPAPER HEADLINE #3

"PERSONAL INJURY TREADMILL GROWS"

A study just completed by the League of Women voters indicates that it is taking longer to try personal injury cases in Superior Court. The study found lawyer's fees increasing while the number of continuances granted per case has risen an average of 6% each year over the past 3 years.

RATIONALE

This kind of headline would reflect poorly on the leadership of the court and on the Bar Association. The result would be calls for immediate steps to remedy the situation which would increase the propensity for passage of many related issues.

The Norming

The three members of the norming board are responsible for deciding the effect the passage and/or failure of issues will have upon the total arena, i.e., both process boards and the policy environment. This role is an extremely important one as it deals with the most central issues of the court's operations. As such, the players have heavy responsibility not to be frivolous. In return they get one of the best learning experiences for a future administrator.

The game creators have normed the results of passage or failure of the policy issues originally supplied to the policy board. An example of this work is supplied for the policies A-1, Establishment of a Conciliation Court. Similar profiles have been established for each of the priming policies.

INTERNAL ISSUE

A - 1 (N)

CONCILIATION COURT

It is estimated that one-half of all divorce judgements might be avoided if the parties received counseling. A proposal is before the Executive Committee to have the Court Administrator to set up a Conciliation Court which would be supervised by the Presiding Judge.

In general, a Conciliation Court consists of marriage counselors employed by the court to help resolve the problems which lead to the filing of a complaint. The parties are ordered to Conciliation Court if, at their first court appearance, they express willingness to undergo counseling. The case is then postponed pending outcome of this alternative.

ISSUE A 1 RATIONALE (CONCILIATION COURT)

PASS

Court Administrator (P + 1, I + 1) - The Court Administrator would benefit from passage of this issue because he would be given the responsibility of administering this new decision of the court.

Presiding Judge (P + 1, I + 1) - Although the Presiding Judge would probably remain neutral on this issue unless there was a domestic relations caseload crisis in the court, its passage, by virtue of its adding to the scope of his overall authority, would add to his influence. The court's willingness to provide conciliation counselors to the public would increase the P.J.'s prestige.

Establishment Judge (P - 2, I - 1) - This judge's constituents want more judges rather than marriage counselors. They do not believe this function belongs to the courts. They do not want needed resources put in areas other than those that will immediately benefit them. The defeat of his strong stand here would severely hurt his chances of re-election and reduce his influence.

Middle of the Road Judge (P + 1, I + 1) - Being well-aware of the crises in judicial administration, this judge and his constituents are willing to try new approaches and would probably favor a trial run of a conciliation court. Thus its passage would add to his influence and prestige.

Avant-Garde Judge (P + 1, I + 1) - This judge and his constituency believe the court must help resolve conflicts in any way possible, including through a conciliation court. He would argue strongly for its establish-

ment and would take most of the credit for its passage.

Supervisors' Court Analyst (P - 1, I - 2) - Given the additional resources necessary to establish the new court, the Analyst would strongly lobby against this issue given his job of keeping growth at a minimum. The passage of this issue would cast serious doubt on his ability to convince the court of the need to hold down spending.

PROPENSITIES

A 2 Legal Research Assistant (1 R) - With the amount of resources necessary to establish a conciliation court, this issue, as well as others, would probably have to take a lower priority for a while.

B 4 Court Time Coordinator (1 W) - Conceivably, fewer divorce trials would occur with the passage of this issue, thereby increasing available judicial time and creating a greater need for a Court Time Coordinator.

B 2 Pool Table (1 R) - See A 2.

C 2 Unification of Courts (+ 1 W) - By passing this issue, the Executive Committee indicated that it is in favor of a flexible court structure capable of initiating change. It may thus be an indication of things to come, particularly the backing of a complete renovation of the judicial system.

C 3 New Probation Policy (* 1 W) - A Conciliation Court represents a concern for what are essentially social problems. The court appears to be recognizing that it cannot ignore the social implications of court actions and must play an active role in relevant areas. What happens to a man in jail represents one of these social areas which may be positively affected by passage of the Conciliation Court.

(Pass Propensities Continued)

D 2 Information Program (+ 1 W) - With more innovations occurring, this kind of program would be of increasing relevance and have a greater propensity to pass.

(A 1)

FAIL

Establishment Judge (P + 1, I + 1) - In light of his constituency's traditional resistance to most changes, the failure of this issue would definitely enhance this judge's prestige and influence.

Avant-Garde Judge (P - 1, I - 1) - This judge's involvement in this issue would be great enough that he will lose some support from his constituency if the issue fails.

Supervisors' Court Analyst (P + 2) - Since the analyst's main job is to hold costs down, the failure of this issue would be a big boost to his prestige.

Note: Bar Association's interest would depend on actual purpose of Conciliation Court which are not stated here; i.e., it might support or oppose it depending upon its potential effects on attorney incomes, etc.

PROPENSITIES

C 2 Unification of Courts (+ 1 R) - The failure of this issue may indicate a strong economy move or a vote for the status quo. In either case, the large scale changes required by unification would probably gain a negative historical propensity under these circumstances.

C 3 New Probation Policy (+ 1 R) - Many judges believe that the courts cannot try to tell other government units how to behave or try to regulate how society treats defendants. Those judges of this persuasion likewise believe that family matters should be treated by the court only in the context of a formal divorce case. Their view prevailing on the Conciliation Court would indicate a negative historical trend for this issue too.

(A 1)

New issues arriving at the norming board either from the Executive Committee, the external forces or the press are first screened to ascertain their normability as stated. Once the issue is accepted as normable, the norming panel has at least three game rounds to decide what the impact will be if the issue passes or fails. In addition, they will be working on all issues that are brought to the agenda in order to have ready an impact statement once an issue is resolved.

In some cases, however, they do not have the same notice of the need for norming. In those cases when negotiation at the committee results in a modified issue, the norming board receives only one game round to calculate the impact. Thus, the committee may agree to pass or fail a modified issue. They handle this by delaying the vote until next round while they go on to resolve the next issue on the agenda.

The norming board norms issues by filling in the two forms supplied for that purpose. One form addresses the impact on the process boards and the other form addresses impact on the policy arena. Copies are enclosed.

Division of work is the responsibility of the members of the norming board. They may agree to specialize on particular types of issues or deal with issues completely on a random basis or as a group. Whatever the method of choice, this group must be ready to announce the results of policy decisions at the end of each round.

PASS

FAIL

ROLE	HISTORICAL PROPENSITIES	ROLE	HISTORICAL PROPENSITIES
Court Administrator	P <input type="checkbox"/> I <input type="checkbox"/>	Court Administrator	P <input type="checkbox"/> I <input type="checkbox"/>
Presiding Judge	P <input type="checkbox"/> I <input type="checkbox"/>	Presiding Judge	P <input type="checkbox"/> I <input type="checkbox"/>
Establishment Judge	P <input type="checkbox"/> I <input type="checkbox"/>	Establishment Judge	P <input type="checkbox"/> I <input type="checkbox"/>
Member of the Road Judge	P <input type="checkbox"/> I <input type="checkbox"/>	Member of the Road Judge	P <input type="checkbox"/> I <input type="checkbox"/>
Avant-Garde Judge	P <input type="checkbox"/> I <input type="checkbox"/>	Avant-Garde Judge	P <input type="checkbox"/> I <input type="checkbox"/>
County Clerk	P <input type="checkbox"/>	County Clerk	P <input type="checkbox"/>
Supervisors' Court Analyst	P <input type="checkbox"/>	Supervisors' Court Analyst	P <input type="checkbox"/>
District Attorney	P <input type="checkbox"/>	District Attorney	P <input type="checkbox"/>
Bar Association	P <input type="checkbox"/>	Bar Association	P <input type="checkbox"/>
	P <input type="checkbox"/>		P <input type="checkbox"/>
	P <input type="checkbox"/>		P <input type="checkbox"/>

Total Game Summary

Game Introduction. Introduction to the game play is an important component of a successful exercise. This is especially true when one is trying to learn about a system as complex as the court system. Consequently, we have been experimenting with the best mode of presentation. In doing so, we have been guided by the following principles:

1. That the participants have an opportunity to choose their own roles and to think about the type of relationships they will have and the issues they feel strongly about.
2. That the participants begin to play the game as soon as possible using the minimum amount of information about the game mechanics. They would then be exposed to the increased complexity of the game once they understood the basics and were able to cope with the increased complexity.

Game Play. We have found that at least 3/4 of a day is required for a good presentation of this game. Of this time, approximately 50% is spent in game play and the other 50% is spent in debriefing the play. In addition, it has proven important to arrange for at least 4 rounds each day and preferably double that number. In this way, the process boards quickly discover the type of problems that befall them and the policy board begins to feel the pressures of decision making under time pressures.

At the present time, each game board plays on its own time schedule; although, we do encourage the players to complete roughly the same number of rounds at each board. It is important

that the policy board have a short period of time (5 minutes) for accounting purposes and interaction between the boards is curtailed at that time. At all other times, discussions between participants is possible. At the end of the policy round, the play is stopped for announcement by the norming board of effects of changes.

The play of the game is preferably dealt with by having a game director at each board with an overall director guiding the total action.

Players receive feedback about how well they are playing the game in several ways. They can see the affects of their decisions on the court process boards; the Court Administrator at the Executive Committee table and his staff at the process boards function as a team and share the points earned at the board for reducing delay; similarly, the judges at the table and the assignment judges at the boards function as a team with a common goal and common score. From the point of view of the individual player, there are several alternative ways of considering a game a success. He may consider himself successful if the issues he wanted to see passed were in fact passed, and those he wanted defeated were defeated. He might consider himself successful if his influence had increased during the game. A judge might consider a rise in this prestige level as an indicator of success; the Court Administrator might look upon increased authority as a token of success. Or a player might, if he wishes, think of reelection or retention of his position as the only measure of his success in the game.

The use of a policy negotiations game model not only prompts students to practice the negotiation process, but also requires them to examine the substance of many kinds of issues pertaining to court administration and to the consequences of their policy decisions. When an issue is voted upon, its passage or failure affects many other interrelated elements in the game. The initial issues on the agenda have been normed in the game director's matrix so that after the votes are tallied the consequences can be read out and the game parameters adjusted. This emphasizes the complexities of the relationships between internal and external issues and the court's processing of cases. Norming also determines the influence on the political arena. The propensities of other issues to pass, probability of reelection of the judges and of job retention for the Court Administrator, prestige and influence levels of the Executive Committee members and the capacity of each external and societal force to exercise influence are all addressed in this process.

It is important to point out that the game is designed in such a way that the initial format is nothing more than a starting point. It is intended that the game will change with time and that it will be not only an opportunity to experiment with different policies and procedures but also a way to collect more and more sophisticated information about the way the court actually operates in practice.

It is also important to us that the students themselves get the opportunity to decide on the direction of policy changes and the results of these changes. This is because students learn best when they feel a need to learn. This game is designed to expose them to steadily increasing degrees of complexity as they feel comfortable with it. This way it should challenge them over a long period of time. In addition, it is fair to state that the state of the court is such that it is presently impossible to lay out in detail how an efficiently operating court should be running. The situation will vary tremendously depending upon the myriad of factors in any one court.

Debriefing. Debriefing is a tremendously important part of this total exercise and as such, generally should take as long as the actual play. This is the time when discussion and analysis of the court system takes place.

This session is generally handled by the game director but it has proven extremely valuable to have one or more experts present during game play in order to explore one or more of the areas in detail. This enables the discussion to emphasize and deemphasize specific areas in order to cover the variety of important practice areas while still relating the discussion to the framework of the court system.

The game director guides the discussion into major areas of importance by asking the participants about what happened during their play of the game. These areas could relate to the action of a process board, the type of behavior exhibited by individuals,

the interactions at the policy board, the substance of the policy proposals, etc. This discussion is also an opportunity to discuss less tangible value oriented issues which generally are difficult to game. For instance, we have no individual cases in this system and many decisions in the real world relate to specifics of a case. How is justice represented? What happens if judges make decisions based on the desire to maximize their golf time rather than solve court problems? What happens if the DA decides that he wants to clog the system either to insure his reelection or as a tactic to bring about change?

At this time, the game players have an opportunity to challenge the norming decisions made during the game. This not only supplies a fail-safe mechanism to prevent irrational norming boards from destroying the game but also an opportunity to discuss in detail the complexity of the interactions involved in court operations.

In some instances, the game director will have presented in-basket tasks to game players which will have had to be accomplished during the day. These works can then be presented during this debriefing period. In some instances, this can be made a major activity in the form of a STEP (Supplemental Training Exercise Program) whereby the players step out of the main game to take time to practice particular skills. For example, the Court Administrator and Presiding Judge may receive in their in-baskets a request to be interviewed by a reporter from a local television station. Video tape can be employed to record the interview and

provide feedback to the students on how they perform in such situation. Court budget preparation and staff reorganization are other examples of exercises for functional skill development.

We anticipate that we will utilize this debriefing session in the future to supply manuals of articles, references, etc., which deal in more detail with the issues brought out by the game. These manuals are presently under development. In addition, we hope that the students themselves will be aiding in this development by choosing a topic for their public administration research assignment which relates directly to the problems in judicial administration brought out by the game.

Termination. At the end of the day, the status of the various boards is recorded on a form designed for that purpose. This enables us to begin the next round without the risk of loss of continuity.

The game directors also meet after the session and record in a manual the history of what took place during that session and changes (if any) which resulted. In this way, we hope to preserve a total history of the game.

Date: _____

Round Activities:

- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

<u>P</u>	<u>I</u>	<u>Accum P</u>
CA		
PJ		
EJ		
MRJ		
AGJ		

<u>Propensity</u>	<u>Priority</u>
A 1	
A 2	
A 3	
A 4	
A 5	
A 6	
B 1	
B 2	
B 3	
B 4	
B 5	
B 6	

<u>Propensity</u>	<u>Priority</u>
C 1	
C 2	
C 3	
C 4	
C 5	
C 6	
D 1	%
D 2	
D 3	
D 4	
D 5	
D 6	

P Acc P Neg P Per I CA PJ EJ MR AG

Bar _____
 County Clerk _____
 Court Analyst _____
 District Attorney _____

8/21/72

Conclusion

In describing this gaming-simulation, it is important to point out that our goal is to rapidly transmit the true nature of court administration to the participants. The game has no meaning in its own right. It can be viewed more as a language or means of communication about complex systems and it will be successful only if it transmits a truer and far faster understanding of the system than can be conveyed by more conventional means. We believe that this game is already successful by those measures. We hope to make it even more so.

In the coming year, we will be refining the procedures presently utilized in the exercise. Special attention will be paid to the attorney pay-off matrices, the methods of introducing the game and the integration of the game with the subject matter of the courses through the chance cards and research assignments.

A number of other process boards will be created reflecting the operations in juvenile, personal injury and other specialized departments.

A history of the development of the game over a one year period will be produced and manuals of materials dealing with significant administrative areas will be developed.

Evaluations

The gaming-simulation had its first full-scale test run during the 13th and 14th of June 1972 at the Institute for Court Management in Aspen, Colorado. The participants were the 4th class of the Institute and the sessions were observed by an expert in gaming--Dean Arthur Mason, Jr. of the School of Business of the University of Denver.

Dean Mason has produced an evaluation based on his observations. In addition, the participants were asked to complete a questionnaire at the end of the session and the responses were summarized. Finally, both the director and assistant director of the Institute submitted comments.

A) Dean Mason's Assessment

For a game that is so relatively new (less than a year old), the authors and creators have made tremendous progress and should be congratulated for the achievements as of this date. The concepts and purposes of the game are sound and reasonable so that persons interested in the field of Court Administration have an opportunity to gain significant insight into, experiment with, and enjoy a learning experience in court management. I hope that the authors and creators are able to gain the additional financing to continue to build the game and improve its effectiveness even more.

My remarks are intended to assist in the further refinement of the game to make it more effective and to increase the total experience of the participants. They are not intended to be derogatory in any respect. As mentioned earlier, progress has been made in the relatively short time that the authors and creators have had in developing the game.

1. One of the significant opportunities offered to participants is the experience of moving cases through the court system. This, in my estimation, is a very valuable learning experience. My observation, in this one instance, was that this aspect of the game was somewhat lost in the complexity of all the other factors involved. This comment does not suggest that the court system is not a complex one, but rather there should be a way in which these complex factors can be controlled during the early stages of the game so that the students can have a greater opportunity to see cases flow through the system, ways in which to improve the flow of cases, and deal with the complex issues involved in the process. A very few cases, in this instance,

were ever completely handled by having entered in one end and come out the other. Thus, I came away with the impression that the students did not really experience the effective and efficient processing of cases from the time they appeared on the docket until they were completely resolved.

Over the years, I have had the impression that too often those "running" the game benefit from the confusion and frustrations of students more than do the students themselves. However, the game is for the benefit of the participants; therefore, precaution should be taken that they do gain an experience within all the objectives of the game.

2. Briefing of participants on all features of the game needs to be improved before actual "play" takes place. At the Thursday morning session, the first "play" would have been much more effective had there been previously a detailed briefing of the participants as to the nature of the game, how the game is to be played, the significance of each of the rules, and the need for the participants to understand the rules before play begins. This can often be done at a separate session during the evening prior to the actual play. Following this session participants can meet in small groups to discuss the actual play itself. Another and related approach is to have the participants completely review the board to understand how the movement of pieces takes place. In the same way, I have seen games which allow a set of "free" decisions. With this approach, the entire team goes through one decision process on a testing basis with the results of the decision having no effect on the play when it formally starts.
3. A worksheet for each participant needs to be developed. A great deal of time was spent counting the cases in process right before, during, or after a decision. For example, in the family court, each of the three law firms counted its cases at each stage, then a court administrator would count the cases at each stage in the process during each period of play. It would seem to me that a worksheet could be developed where this information could be kept on a flow chart, so that each participant always knows exactly where his or her cases stand in the overall process at any given time.

This problem occurred in the criminal court, also. The district attorney would count all the cases, then the public defender would count his cases, the court administrator would count all the cases, and each law firm would count its cases. The play of the game could be speeded up significantly with appropriate worksheets so that at a glance each participant would know the stage of each of his cases and could more effectively plan his actions in processing cases through the system.

4. The in-basket cards in general contained "negative" news and created another hurdle for the participants. This is not entirely unrealistic, but there are times when a bit of "good" news for the participants might bolster their morale and build a little more enthusiasm for the game. In other words, when the participants were already having difficulty in moving the cases through the system, an in-basket card more often than not created another hurdle to slow up the process, rather than encouraging them to find ways to be more efficient and more effective.
5. If a worksheet could be developed so as to permit each participant to understand where his cases are in the process, one could give to the "referees" greater control of the game and perhaps even set up a system of times for decisions. For example, once the cases have been put on the docket, then the first party could have five minutes to make decisions, the third party could have five minutes to make decisions; the next five minutes would be used to move all the pegs and to score the decision; then the final ten minutes could be for general policy discussions. This time schedule also would minimize all the extraneous debate and discussion which takes place and would require the participants to concentrate further on the processing of cases while considering the external forces that affect the processing.
6. Again, to assist the participants to better understand the system, how the system can be improved, how the system can be used for efficient, effective use, a program needs to be developed to allow the participants to acquire additional resources or improve the system. Although the "real world" operations are cumbersome, the learning experience of the game may be improved significantly by letting the participants use a "simplified" process to gain the resources at this early stage of their education in court management.
7. The norms to be used in the game need to be developed as rapidly as they can. I am fully aware of the problems involved in this process so the comment should not be considered a criticism. The reason I emphasize this is that several of the participants indicated to me that the "norming" board controlled the game. I do not believe this was true. On the other hand, if the participants do express this kind of concern it can affect their attitude in playing the game. Also, several of the participants commented to me that they felt the "norming" board's decisions were often arbitrary rather than based on fact. This latter criticism probably has a degree of truth and as long as the concern exists it can affect the role of the participants.
8. Several of the participants questioned the use of the County Clerk in the game. They indicated to me that the County Clerk had little to do and, therefore, the participants in this role became observers of the game only. I am not sufficiently familiar with the court system to judge the validity of this comment so merely pass it on to you for your evaluation.

9. The remaining comments deal more directly with the use of the game at ICM only:
 - a. Smaller groups would be more meaningful to everyone and involve more people in the game. In several instances when two "administrative judges" were assigned to a court, one judge became an observer while the other actually played a role. Similarly, this was true in several of the law firms where one person assumed the responsibility while the other observed.
 - b. The group needs to be spread out into several rooms so as to reduce the noise level as well as to permit the participants to concentrate on their particular role rather than listening to other roles at other locations.
 - c. It seems to me that one debriefing session at the end of each day is adequate, rather than two per day. The debriefing sessions are always good, but by the time we got to the end of the second day the debriefing sessions were not contributing significantly to the total objectives of the game. Also, they take time away from playing the game which is the major activity for the students. Finally, a questionnaire should be given to the participants at the end of the game for their reactions, which should suffice as one part of the debriefing.

B) Student's Evaluations

A questionnaire was indeed submitted to the students. The results follow, but they were not used in debriefing.

QUESTIONNAIRE

- (3) On the basis of your experience, do you believe that the technique in general has value as a teaching tool for court administration?

14 replies--YES

4 replies---DEFINITELY, YES

Excellent. It shows the interdependence of the various sub-systems in the justice system; the difficulty of effectuating change; the political

(3) continued - On the basis of your experience, do you believe that the technique in general has value as a teaching tool for court administration?

realities; how change in one area has an effect on other areas, even unforeseen consequences.

Yes, but limited.

Yes, but Bar Association was perhaps the least interesting because of a lack of a civil litigation board.

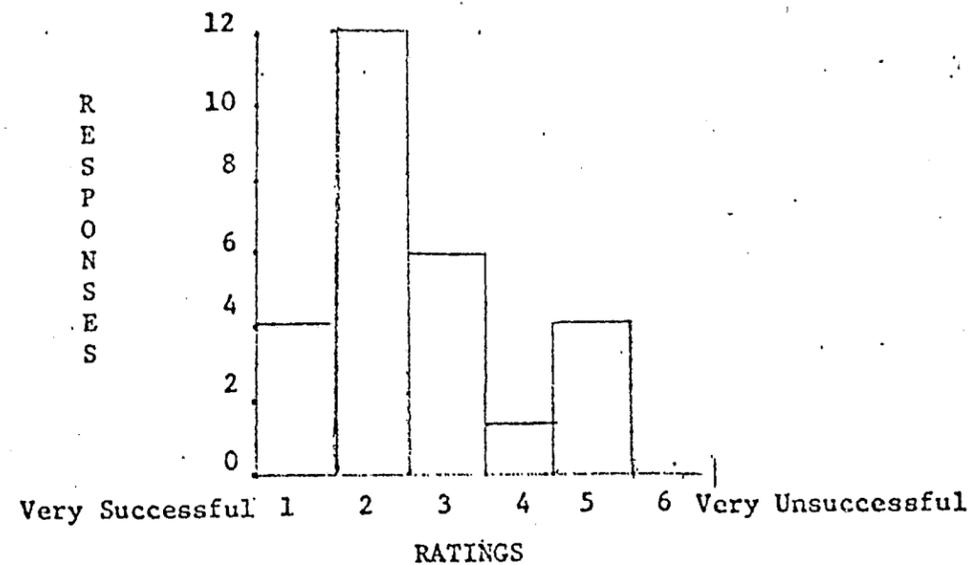
Yes, actual situations occurred.

Yes, despite no experience.

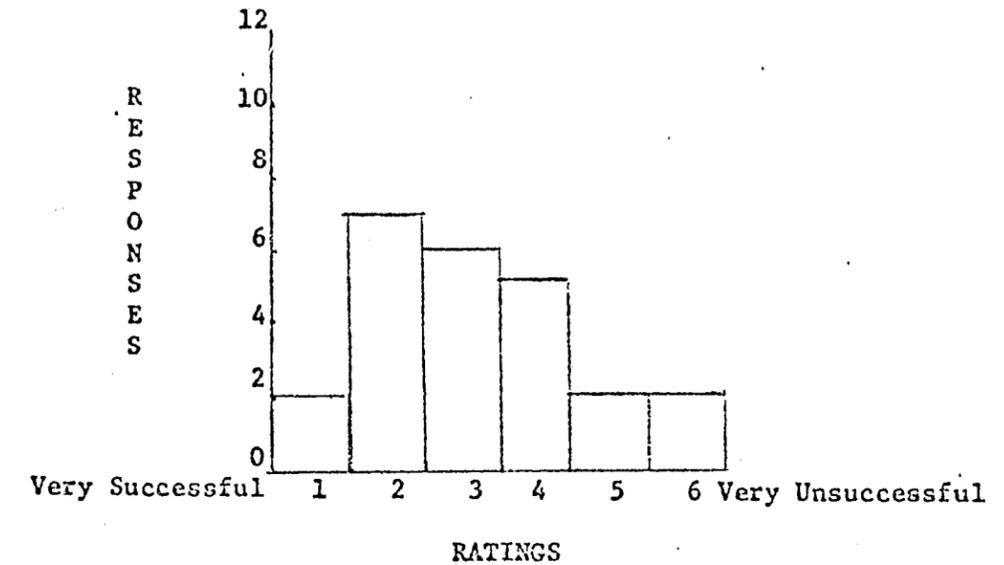
As a general tool in showing any system, it is useful; however, as a tool in court administration, this process may be too general since each court system reacts differently.

Definitely. I suggest however that you allow the roles to be explained well beforehand as well as setting up some few guidelines.

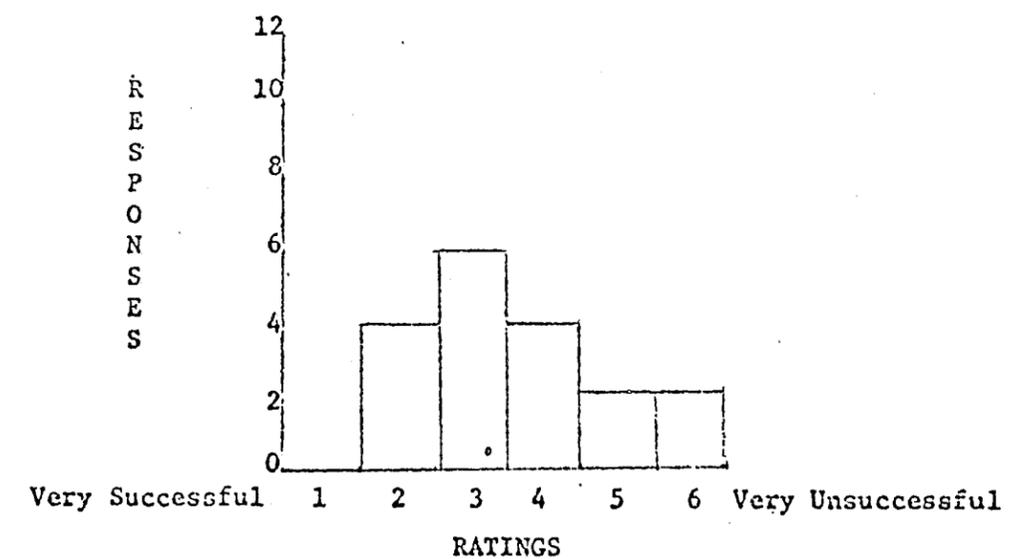
(3) - 1 - The Total Game

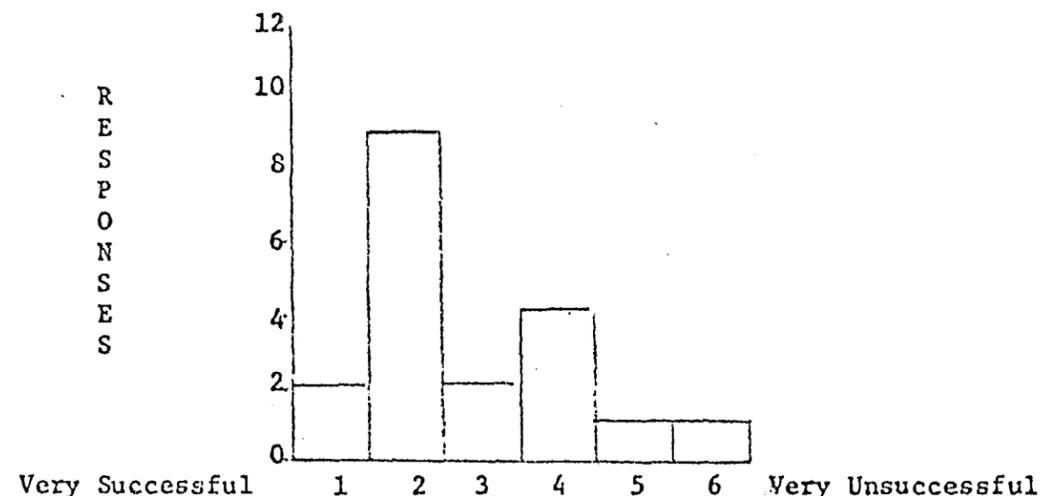


(3) - 2 - Policy Negotiation



(3) - 3 - Family Process Board





(4) What aspects of court administration were comparatively well brought out by the gaming-simulation?

Appreciation of external agencies within the whole system that underscores need for C A to know, and develop communication with. Lawyers views on approach to felony court. Court's philosophy in analyzing critical decision points and resource allocation--and the need to clarify its mission--quantity/quality.

The fractionalization of the various components (both internal and external) of the judicial community.

(Response, "See 3 above"): "Excellent. It shows the interdependence of the various sub-systems in the justice system; the difficulty of effectuating change; the political realities; how change in one area has an effect on other areas, even unforeseen consequences", also - seemingly good changes may have bad consequences.

Disposition of cases - how cases are scheduled - the part that the court plays in disposing of cases and also attorney's part. How backlog can occur due to fault of court and also attorneys. Also brought out if a judge is inefficient and does not know what he is doing how he can really foul things up. The part that I played was the perfect example of the aforementioned statement as to what happens when one does not know what he is doing.

(4) continued - What aspects of court administration were comparatively well brought out by the gaming-simulation?

Intra-personal relationships.

Compromise, negotiation, and im-patiently patient attitude.

The interrelationships.

Complexity. Competing values. Vastness of the system.

The interaction of external forces in administration of justice was well brought out.

Vast amount of inputs into the system.

1. We were able to obtain a perspective view of the total system dealing with felony cases. 2. We were able to determine all the points in the felony process system where backlog of cases built up and categorize reasons for these backlogs. 3. Personnel involvement in the everyday functioning of the court (i.e., the attitude of the personnel (players) often affected various aspects related to job performance. This attitude indicated that other factors such as social/professional status and other psychological forces also affect the workers (players) performance and behavior.

Pressure of administration.

None that I was aware of. The participants were not aware of the role of the external forces in the real life situation.

Congestion. Interaction with attorneys. Difficulty in obtaining change.

The various areas of conflict and self interest within a criminal justice system.

That there are no black/white answers, no pat solutions.

Lack of communication, lack of planning, self interest rather than system goals.

Pressures brought to bear on administrative assignment tasks.

1. The difficulty of getting anything done.
2. The difficulty of making yourself heard.
3. The indifference of others.
4. The many possible alternatives to processing cases.
5. The fact that every solution has a problem.

Improving overall system.

Initiation of changes.

The purse strings are the power.

1. Complexity of process
2. Diversity of interest
3. Modes of management behavior
4. Difficulty of acclimation in a new environment--need for information.

Production of cases.

1. The complexity involved in running a justice system.
2. The lack of communication between participants in the system.
3. Insensitivity of participants for the problem of other participants.

An appreciation of the various forces involved and the interplay of same.

1. Total interdependence of all units.
2. Total chaos if communication is not frequent or exact.
3. Necessity of knowing where you've been and are as well as where you intend to go.
4. Extreme slowness of all reactions.
5. Ombudsman-type role administrator must play "all things to all men."

1. Association with judges
2. Impossibility of immediate change in major policies.
3. Realization of the extent a Court Administrator's hands are tied in the actual renovation of an absurd system.

(5) What aspects of court administration were relatively neglected by the present exercise?

1. Budgeting
2. Jurors - selection and allocation

1. True justice role (practically impossible to program)
2. I honestly think the game represented all the anguish, frustration, etc. that exist with few of the really significant victories.

The fact that court administration is a bit more structured than represented by the game.

Justice.

Rules sometimes unrealistic--in real world research available to understand variable.

Mundane outside court activities--no policy negotiations, payrolls, requisitions, public relations, handling complaints, writing letters, interviewing people, etc.

Other External Forces: 1. Civil Litigation. 2. Federal Court.
3. Minority groups. 4. Legislature.

(5) continued - What aspects of court administration were relatively neglected by the present exercise?

Impact of public opinion.

Ability to make systems change internally without board approval. Minor systems changes made by court rule with bar approval.

Not having been exposed to the other roles in the game, I cannot comment.

The imponderable element of people.

Once we arrived at alternative sets of changes in the system necessary to remove the backlogs, we were unable to analyze the effects these sets of changes would have on the performance of the Felony Process System. In other words, we could not analyze and then choose the most effective set of changes before the implementation. We had to implement a wild ass guess.

Human element of real people as defendants--lack of availability of any information concerning the duties of various boards--even as a new administrator in a new locale, I can read statutes or find a structural model of city gov't.

Didn't play that role except in learning the Norming. The value is greater in norming. I found it very close to it in administration as to impact and decision making.

Long range planning.

Lack of motivation of the participants. For those who are naturally self-motivated, no problem. Those whose roles were uninteresting, poor involvement.

Managing the mundane administration chores.

(6) What would you change if this exercise were to be used again?

(1) Policy Negotiation

No input.

Force meeting with the counterparts on the trial level.

Explain the rules of each board to all; explain to each board the general scope of activities of the other boards. Do this at the beginning and then again after the first 3 or 4 rounds.

Include a "dry-run" prior to the actual game.

More systemic and formalized.

(6) continued - What would you change if this exercise were to be used again? (1) Policy Negotiation

Opportunity to experience each of the areas. I have no idea of the problems confronted by the groups outside of the felony process board.

This procedure was not fully explained before the start of the game. If there is to be a time constraint as there was in our game and you want greater interplay between the groups you must provide more than one policy board unless you want to limit (change) the opportunity for policy negotiation.

More time and clarification on how to use and communicate effectively.

Require them to be more informed as to the other court arenas or boards.

Too large a group.

Don't feel that I can add anything but conjecture.

Have a better explanation of the mechanics available.

More information to policy board so they understand they should negotiate.

More carefully defined parameters.

Videotape segment review management styles. Prepare written press releases.

More comprehensive explanation of rules and some practice before officially beginning game.

Didn't actually serve on the board. Was an external force.

I think the "players" get caught up in unrealistic point struggles detracting from true negotiation exercises. I also feel the players should be directed to play their roles as written. If they don't, you'll never be able to "norm" satisfactorily.

Time lapse should be controlled--for instance, let each round of the Family Law Process Board be equal to a unit of time and the policy board would have time within the unit to adopt policies.

There should be better briefing prior to game. The various boards should also be isolated from the other so as to establish a more orderly communication process.

(6) What would you change if this exercise were to be used again?

(2) Family Law Process Board

No input.

(Same response for (6) 1, 2, & 3.) Explain the rules of each board to all; explain to each board the general scope of activities of the other boards. Do this at the beginning and then again after the first 3 or 4 rounds.

(Same response for (6) 1, 2, & 3.) Include a "dry-run" prior to the actual game.

More interaction.

(Same response for (6) 1, 2, & 3.) Opportunity to experience each of the areas. I have no idea of the problems confronted by the group outside of the felony process board.

(Response, "as above"): "Require them to be more informed as to the other court arenas or boards."

We were too large a group.

(Same response for (6) 1, 2, & 3.) Don't feel that I can add anything but conjecture.

More resources to court.

Insufficient data.

Did not participate in this.

(Same response for (6) 1, 2, & 3.) Videotape segment review management styles, prepare written press releases, time order game.

I feel this is the easiest board to deal with conceptually. The players had more understanding of the whole system since this board is relatively simple. I think I would allow the game to have a bit more satisfaction (individual) by allowing some way to "cut" backlog after significant steps are taken.

(Response, "see above"): "Time lapse should be controlled--for instance, let each round of the Family Law Process Board be equal to a unit of time and the policy board would have time within the unit to adopt policies." Also, it is believed that sufficient units of court time should be provided in the beginning in order to allow the participants to get to the post-trial procedures.

(6) What would you change if this exercise were to be used again?

(3) Felony Process Board

More time for planning between rounds. Points awarded for statistics and long range planning.

We had trouble with semantics and clarification in this area with a diverse group such as ours would be helpful.

Build more conflict into the roles. The attorneys had excess resources and spent all their time being good boys, getting their cases through.

Attorneys should not be able to see how court has allocated its resources.

There should be better briefing prior to the exercise into the game.

The various boards should also be isolated from the others so as to establish a more orderly communication process.

Tea minute pregame briefing with all participating members emphasizing court. Configuration was subject to changes based on continuing. Do not limit it to one change.

(Same response for (6) 1, 2, & 3.) Explain the rules of each board to all; explain to each board the general scope of activities of the other boards. Do this at the beginning and then again after the first 3 or 4 rounds.

(Same response for (6) 1, 2, & 3.) Include a "dry-run" prior to the actual game.

(Same response for (6) 1, 2, & 3.) Opportunity to experience each of the areas. I have no idea of the problems confronted by the groups outside of the felony process board.

It could be suggested to have each board in separate rooms.

(Response, "as above"): "Require them to be more informed as to the other court arenas or boards."

Less resources to red law firm. I had unused resources every round but one.

Introduction of other interests, i.e., police, victim, probation officer.

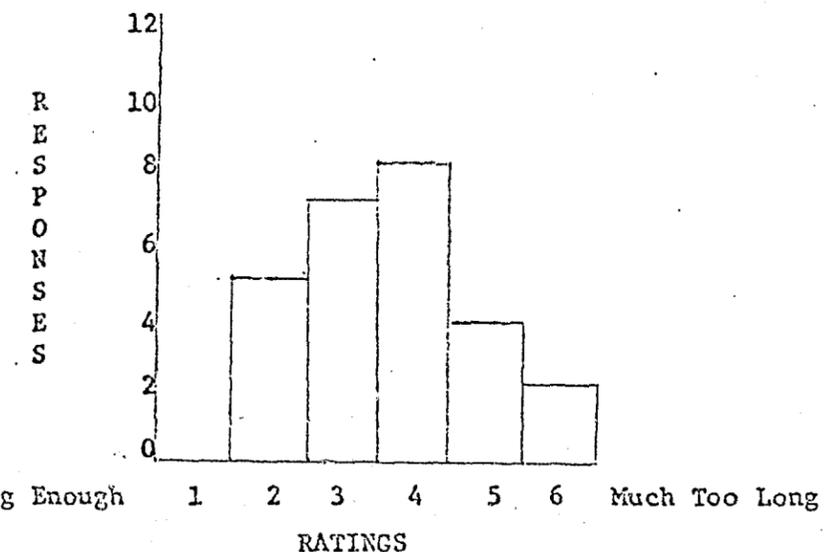
(6) continued - What would you change if this exercise were to be used again?

(3) Felony Process Board

(Same response for (6) 1, 2, & 3.) Videotape segment review management styles. Prepare written press release. Time order game.

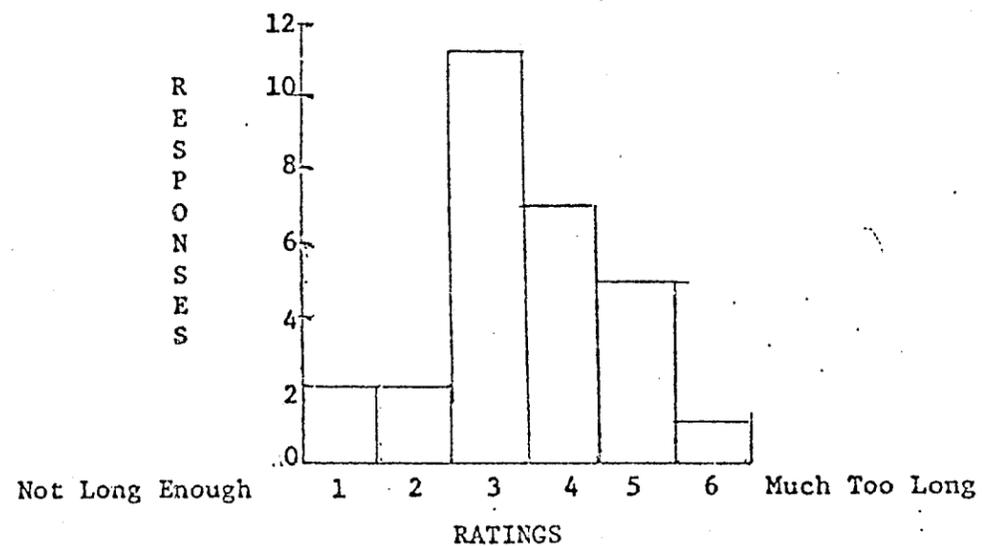
The extremely complicated nature of this board together with an insurmountable backlog is depressing. I think that I would begin this board in relatively good shape so that as other boards interact the effects will begin to "logjam" the board. I do feel it could be a bit simplified over its present outlay.

(7) Was the time allocated to playing the game appropriate?



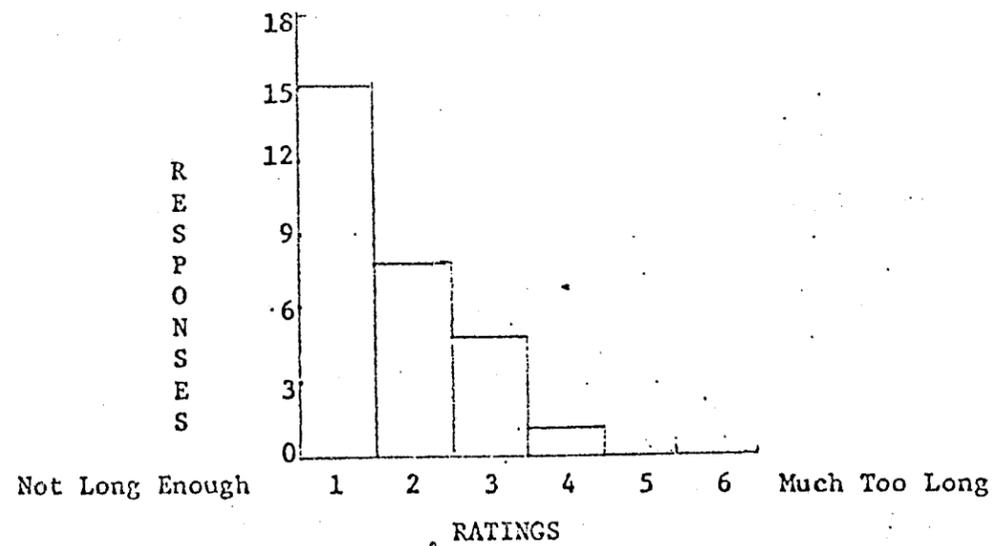
Misc. Responses. Day and half seems just right.
Need time over great space, i.e., 4 hours per day, 3 days.
Don't know.
If half day spent in each area, time o.k.

(8) Was sufficient time spent in debriefing sessions?



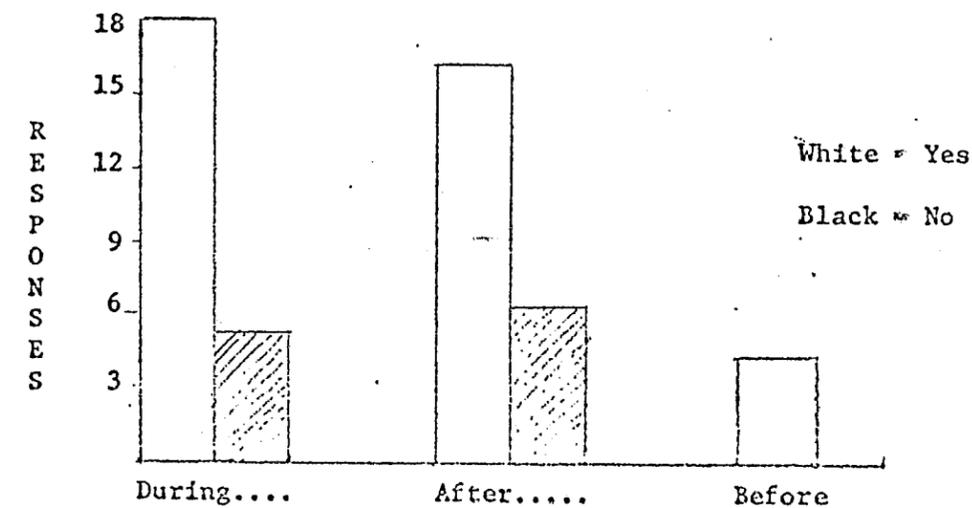
(One Response: Yes, seemed right.)

(9) Was information given at the beginning of the game appropriate?



(10) Would it have helped if background information or data had been available for use?

- (i) During the game
 - (ii) After the game
 - (iii) Before the game
- AN UNSOLICITED RESPONSE



(Two Responses: Wanted explanation of "information or data.")

EVALUATION OF THE
JUDICIAL ADMINISTRATION PROGRAM
UNIVERSITY OF SOUTHERN CALIFORNIA
CENTER FOR THE ADMINISTRATION OF JUSTICE

By: E. C. Friesen
September 1, 1972

THE GAME

Expenditures on the game are not justified by its present utility. The game is, however, headed in the right direction. As the designers become more familiar with the intricacies of the justice system the game will improve. In its present form it is not as satisfactory in providing a sample of the management process within the justice system as are other role playing exercises.

The game has the distinct advantage of providing a system framework which helps the players to identify roles and conflicts throughout the system. Its success is, however, highly dependent on the ability of the players to understand the role before they begin the game.

In the present form the mechanics of the game take too much effort for a short three-to-five day presentation. A separate evaluation of the game by Dean Arthur Mason of the University of Denver College of Business Administration has been forwarded under separate cover.

200 West 14th Ave.
Denver, Colorado 80204
(303) 753-3466

Executive Director
Ernest C. Friesen, Jr.

October 12, 1972

Mr. Peter Haynes, Director
Judicial Administration Program
School of Public Administration
University of Southern California
3601 South Flower Street
Los Angeles, CA 90007

Dear Peter;

As I discussed with you at the Institute for Court Management Careers Conference, the memorandum written from me to Ernie Friesen concerning the court simulation game does not accurately reflect my evaluation of the game's effectiveness. I had no idea that my memo would be included verbatim as part of the evaluation, and this is the reason I am taking the opportunity to amplify my comments.

On the whole, my reaction to both the content of the game and the people who were running it was positive. Many of the points which I raised in the memo are not negative, as they might appear at first glance. For instance, my first point was that the game was a learning and not a teaching simulation. This, of course, is the precise way in which you had planned to use it, and even in the short experimental run in Aspen the aspect of the game which involves students in the restructuring and mechanics was apparent. Much more can be done in this area, as you and I have previously discussed, and I know you are working very hard on this aspect. Secondly, my comments concerning the people running the game were not meant as criticism of the people who directed it at Aspen, but rather as a caution against the future, as I feel Jan and Allen did a good job and have an excellent understanding of the dynamics involved. The lack of interrelationship between the three boards in the short run at Aspen, particularly involving the issues which are already prepared, remains a problem when the game is run over a short time frame. It probably would not be too serious in a long run. Finally, the 49 students who played the game are generally very experienced managers familiar with the court environment. Their reaction to the game generally was that it was a good learning opportunity and was neither too simple minded nor too variant from reality to be valuable.

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October 12, 1972
Page 2

I would be very disappointed and disturbed if my comments were taken by anyone as a complete indictment of the game, because this would not in any way reflect my feelings. I hope this letter can be included as part of the file concerning the game's evaluation.

Sincerely,



Geoffrey S. Gallas
Assistant Executive Director

GSG/blk

cc: Ernest C. Friesen

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Appendix

Gaming Simulation Concept Report: Design

- I. Preface
- II. Rationale for Use of Gaming Simulation in Judicial Administration Program
- III. Judicial Administration Educational Goals and Gaming Simulation Interface
- IV. Judicial Administration Gaming Simulation Design and Educational Goals
- V. Judicial Administration Gaming Simulation Design Constraints
- VI. Judicial Administration Gaming Simulation Structure and Functional Activities
- VII. Methodology for Continuing Design, Construction, and Implementation

Gaming Simulation Design Modifications and Construction

- Policy Negotiations Sub-Game
- Case Processing Sub-Game
- Bibliography
- Flow Charts

CONTINUED

1 OF 2

I. Preface

The Concept Report on Design which follows is the first in a series of reports necessary for the design, construction, and implementation of a gaming simulation for use within the University of Southern California's Masters of Public Administration Program in Judicial Administration. The gaming simulation is being developed primarily for use here at the University. In addition however, it is the intention of the game creators that it can and will be used, in total or in part, in other educational curricula, for both institutional and in-service training.

This Concept Report represents research-literature searches, court surveys, and data collection; interviews with court administrators, their assistants, county and court clerks from Los Angeles, Ventura, and Orange Counties; consultation with Dr. Richard D. Duke and other gaming simulation experts at a special gaming conference held at the University of Michigan. However, one of the most critical efforts going into the Concept Report, and one which will continue throughout the grant period, is the coordination and integration of the master's degree curriculum objectives and components with the objectives, design, and construction of the judicial administration gaming simulation. It is here where an all important parallel between course content and the gaming simulations exercises be established for an effective dual educational and learning experience. This is a most

difficult and time consuming process but essential for the successful development of the program.

It is important here to state why a concept report is prepared and thus understand why it is an important, but time consuming, phase in any gaming simulation development. Basically, a gaming simulation is an attempt to abstract some portion of reality of a particular system. In this case it is the court system with emphasis on court management. To design a gaming simulation that system must be understood. Also, clear and precise statements of educational goals, of how and why the game is to be used, must be established, as well as under what conditions (who, where, when, how many) it will be presented. Without first detailing all these variables, which is the purpose of this Concept Report, the gaming simulation development would be misguided and most probably of little educational value in the end. As can be seen from the outline, the Concept Report represents an explicit analysis of why we are using gaming simulation in the judicial administration program, what kinds of educational objectives it will attempt to meet, how the objectives will complement and enhance those of the program's curriculum, and the kinds of program constraints which affect the gaming simulation design. The Concept Report presents structural gaming simulation description, evaluation techniques to be used, and the Project's methodological approach for moving from design to construction to implementation.

JUDICIAL ADMINISTRATION GAMING SIMULATION

CONCEPT REPORT: DESIGN

II. Rationale for Use of Gaming Simulation in Judicial Administration Program

In recent years, educators have attempted to remedy several deficiencies in the strict lecture and/or case study approach by using one or more of several innovative educational tools. One of the more successful of these tools is a range of techniques known as gaming simulation in a real-world decision-making environment--an environment that requires the student to utilize both general and specific knowledge and which emphasizes experiential learning.

Student participation in gaming simulations provide a number of unique educational benefits. Perhaps the most important feature is that it places the student in a realistic environment. While this environment is to a greater or lesser degree an abstraction of reality, the student is able to relate his experiences in the gaming simulation framework to the interworkings of real-world organizations.

What educational gaming simulations apparently provide, then, is an environment in which participants undergo formative experiences that often change their attitude toward the subject matter under consideration. The personal involvement demanded of

a participant in an educational gaming simulation seems to induce a form of active and rapid learning of systematic relations among elements of a complex subject matter--relations which are difficult to assimilate through the linear and necessarily discursive means of listening to lectures or reading strings of symbolic marks on paper (University of Michigan Research News, March 1971). Thus the judicial administration gaming simulation will be designed to give the program's students personal experience in solving problems of cooperation and conflict implicit in a variety of court management decisional areas and various court system problems. It will provide students with personal experiences of assuming roles of problem solvers in the court system and will allow them to acquire a deeper and more systematic understanding of the management arena in which they will soon be working.

III. University of Southern California's Masters in Public Administration (MPA) Program in Judicial Administration-- Educational Goals and Gaming Simulation Interface

The program in judicial administration is a full year course of study leading to a masters degree in public administration. Six typical masters level courses offered by the School of Public Administration are being re-designed to accommodate this new discipline. Three law courses will serve as a core specialization area. But the major program objectives will be met through the reorganization of the courses in public administration. They will

be offered on the intensive semester basis, where each course is comprised of eight full days of classwork preceded and followed by six weeks of extensive reading and research. Together these nine courses, with the use of the gaming simulation, will provide an integrated educational experience necessary for the training of effective court administrators. The basic courses, in sequence, are as follows:

Fundamentals of Public Administration

Civil Procedure

Problems in the Administration of Personnel Resources

Organization and Management Theory

Criminal Justice

Administrative Systems Analysis

Research in Complex Organizations

Judicial Administration

Problems in the Administration of Financial Resources

In these basic courses, special curriculum materials, lecturers, and special course reorganization will provide specific court management emphasis throughout the year of study. This emphasis will include:

1. An understanding of the American legal system: law, courts, legal profession;
2. An understanding of the role of the courts in the American social-legal-political-economic milieu; theoretical and philosophical development of

constitutional principles such as separation of powers and the inherent right concept, as they relate to the operation of the courts;

3. An integrated view of the various elements of the criminal justice system, including the functions, interrelationships, and interdependencies of the several sub-systems of law enforcement, courts, and corrections;
4. An understanding of the characteristics, functions, and jurisdictional factors in the American court system--federal, state and local;
5. An indepth treatment of the various court administrative subject areas; (see Section V)
6. A detailed treatment of the California court system including the state administrative structure with special emphasis upon the trial courts.

The gaming simulation interface with the above program elements will act as a vital thread linking disparate subject areas into a total systems framework. As particular course work is offered, the gaming simulation will provide dynamic realism to theoretical material being offered in the classroom and thus provide the student a laboratory with which to apply what he has learned and in which to see theory move to practice. The student will be placed in a variety of court roles and will make decisions, through conflict and negotiations, particular to specific problem areas. However, such decisions will not be made in a vacuum or in isolation from other court problems or other classroom material, because the gaming simulation emphasizes a total systems approach where many court system pressures will play upon each decision, such that decisions cannot be made without consideration of other court environment factors.

IV. Judicial Administration Gaming Simulation Design and Educational Goals

There are six overriding equally important goals which the judicial administration gaming simulation is being designed to meet. They provide the basis by which the gaming simulation models, roles, and data base are developed, organized, and constructed.

First, as was described earlier in Section II, the gaming simulation should be an integral part of, and complement to, the total masters degree program. It should be designed as a vehicle to relate various program subject matter to typical real world problem areas (where theory meets practice), as well as being a laboratory where court system problems and new developments can be presented for student analysis and decision making.

Second, the gaming simulation should provide a variety of court system experiences to the MPA students. The students will represent many backgrounds, with many being practitioners already experienced in various aspects of the courts' operations. The game will, thus, provide an experience for the students to become familiar with problems, decision options, and constraints imposed upon a host of court administration functions.

Third, the students, by assuming the roles of the various court system personnel (court administrator, judges, attorneys, clerks, county officials, CAO, etc.), will be placed in an environment which will provide a total systems perspective for the students by their actual participation in a court system where decisions by one group or sub-system affect other sub-systems and the total operation of the court. The game participants will negotiate, conflict, and make decisions with other role players, thus adding personal experience toward their understanding the basis for their goals and objectives and how and why they made decisions.

Fourth, various administrative and management principles and skills should be exposed and developed through the gaming simulation. These include individual and group decision-making, communication, motivation, leadership, power and authority relationships, organizational change, delegation of tasks, conflict resolution, negotiation skill, policy formation, management of time, maximization of personal and staff needs, and various management theories such as management by objectives, project management, participative management, and autocratic management.

Most of the above areas will be covered throughout the game process, not in specific terms but on a more macro level as the player participates in the running of the court system. All

Finally, the gaming simulation design and structure should accommodate relevant court management systems studies and operations research findings so as to continually update the gaming simulation, thus providing the students with the latest managerial and procedural information on the management of the courts. This is also an important design goal for two other reasons: (1) it will provide current research data for the masters degree program courses, aiding faculty and student in any research efforts of their own; and (2) it acts as a repository of CCCJ and LEAA systems research studies, thus assuring that these valuable efforts are not ignored by the people and organizations who should benefit from such studies--practitioners, researchers, faculty, and students in California.

These six design goals will then be the framework for the gaming simulation design objectives, structure, and construction. However, several constraints will, of course, affect the game's structure but will in no way deter the research staff from making every effort to meet the design goals as stated here.

V. Judicial Administration Gaming Simulation design Constraints

In a gaming simulation design and development stage, it is a necessary prerequisite to identify the various environmental and structural constraints which will affect the eventual game design

and the meeting of its overall educational goals.

Four specific constraints will concern the research staff in the gaming simulation design and development stage: (A) the nature of the subject matter, (B) the nature of masters degree program curriculum design, (C) the characteristics of the students, and (D) the desirability of using the gaming simulation in similar educational and in-service training programs.

A. The first area relates to the difficulty in defining the skills requisite to the effective administration of the courts. The fact that judicial administration is a relatively new sub-discipline in the area of public administration creates some difficulties both for the actual administrators and for the educators who must prepare them for their work. The problem arises from the fact that the operational area of court management - and consequently the academic subject matter of judicial administration - is not yet clearly defined.

In the past, the USC School of Public Administration has had considerable success in dealing with the problems of newly inaugurated sub-disciplines. This is due to the fact that the School places special emphasis on current knowledge, that is, the subject matter used in such classes is continually updated and modified according to new developments. By this method, the School is able to offer the student the most current and, therefore, the most useful knowledge available in the field.

One of the principal design constraints of the judicial administration gaming simulation, then, will be that it have the capability of being continually and rapidly updated. Also, this capability must be realized as efficiently and effectively as possible. This means that the updating must be realized without the need to make major alterations in the design of the exercise at periodic intervals.

B. The second constraint relates to the several unique design features of the judicial administration curriculum. The unique configuration of the program is the result of an effort to balance a number of specific needs:

1. The rather urgent need of the various trial courts for well trained managerial personnel. This need resulted in the compression of the masters program from the usual four semesters into two semesters and a summer session.

2. The need to accommodate judicial practitioners in terms of minimizing their time away from their respective trial courts. This factor resulted in the extensive utilization of the intensive semester approach to teaching the public administration courses and the evening semester approach to teaching the law courses.
3. Finally, the need to confer the status of a professional upon the court manager led the School to place the program at the masters level, incorporating the usual requirements for such a degree.

Thus, the gaming simulation needs to offer some continuity to the overall program not only in terms of integrating and reinforcing elements of the different subject areas but also in terms of providing the students with a forum in which to exchange personal experiences and a setting in which to apply personal as well as collective managerial technique.

The unique curriculum design also poses a difficult constraint in scheduling particular gaming simulation sessions so as to focus attention on specific course areas and materials. The gaming session will, of course, endeavor to provide an in-depth pedagogical experience for each subject area, whether it be systems analysis, finance, criminal or civil procedures. However, the important design constraint which must be considered is to develop each gaming session so that it focuses on the current subject area being taught, while at the same time reinforcing in the student a total systems perspective of the court's operation and the linkages operating between various administrative, procedural, and managerial principles and skills.

C. The third constraint area relates to a set of assumptions about the overall character of the student body. The program will attract both judicial practitioners and experienced managers in the public sector, as well as a mix of aerospace management personnel and new students.

Thus, among the characteristics of the practitioner/student group most relevant to the design of the gaming simulation are that they are as a whole more practical and action oriented than the ordinary student. The practical character of the students may be derived from their years working in the court and various other organizations and from their desire to enter a discipline which will demand pragmatic, quick, and creative solutions. The result is that such students are more interested in knowledge that is directly applicable to the operation of the court environment, with less emphasis on theoretical knowledge, which may have a smaller degree of applicability at present.

The mix of classroom education and gaming experience as combined in the judicial administration program will provide an ideal situation for meeting these educational requirements. The mechanism of gaming is particularly well suited to action oriented students and to sharpening administrative skills. The judicial administration gaming simulation must stress flexibility in these areas. This flexibility also assumes that the gaming simulation will provide an environment which a new student,

unfamiliar with court systems operation, will be able to comprehend quickly and in which he will not be at a disadvantage in competing with other student practitioners.

D. This last constraint deals with the desire for the gaming simulation, in part or in total, to be used at other educational institutions and in in-service court system training programs. The difficulty arises in developing a flexible game which could be used in law programs, specialized justice or court management curriculums, and at the same time devising the game structure so that specific game situations could be used in short, one- or two-day, in-service training sessions, which various court and county organizations may sponsor.

VI. Judicial Administration Gaming Simulation Structure and Functional Activities

In this section the basic gaming simulation design structure will be discussed. It will touch upon two design areas: theoretical foundation and gaming simulation components and process.

A. THEORETICAL FOUNDATION

The design and construction of a gaming simulation is guided by the realization that it must possess several important attributes. It must: simulate a realistic environment of some system; impart knowledge about that system; provide a total systems perspective; reduce the complexity of that system; provide an environment for change and experimentation with new strategies; compress time; provide administrative sophistication; and provide a noncritical environment.

With these as the basic underlying foundation, the game will provide for the student a court system environment which will explore the present court structure and procedures through the development of a model court jurisdiction and will provide mechanisms for changing that system and operating within it successfully. The game will provide an opportunity to take

theoretical or classroom knowledge and apply it in a realistically abstracted court system simulation. Most importantly, the gaming simulation will provide the student an experience in which he can develop the necessary skills to be an effective court administrator. The game's emphasis can be summarized as follows:

1. understanding the constraints and effects of various strategies and decisions,
2. being held accountable for decisions,
3. building negotiation and compromise skills,
4. effectively understanding and resolving conflict,
5. effective planning,
6. development of decision making skills,
7. decisive implementation of plans,
8. developing interpersonal understanding of other systems personnel and their biases,
9. gain a total systems perspective and the inter-relationships existing,
10. effectively operating within a political environment,
11. developing key court administrative skills--finance, calendaring, jury management, staffing, court procedures, and
12. developing key administrative, organizational and behavioral skills.

Through the process of the gaming-simulation as described next, the student, as a role player of several of the court systems members, will be exposed to the operations, pressures, decision options, constraints, and interrelations of the court subsystem as it relates to other portions of the justice system.

B. GAMING SIMULATION COMPONENTS AND PROCESS

The necessary steps which go into making a model (an abstraction of reality) of the court system and its operation include three models: a) a model court jurisdiction; b) models of the role players in the court system; and c) a series of data inputs relating to the roles, and the process of the court. However, these three components alone do not make a simulation. When a process or flow of interactions with the role players making decisions, using the data, and performing functions which affect the court system, a gaming simulation is then actuated. What follows is first a discussion and description of the models which will be constructed, and second, a discussion and description of the process and functional activities in which the models will operate.

1. Components

a. Model court jurisdiction-

The court is the system that is to be modeled and simulated. The court system is, of course, only a subsystem of the justice system which is in turn part of the larger setting of the community. The court administrator must be aware of the environmental influences that impinge upon the court and must be aware of the court's interrelationships with other portions of the justice system.

Because of the diversity of court structures, rules, and methods of interfacing with other parts of the justice system and community, all students will need to be provided with a

common framework to share in the gaming simulation. One of the advantages of simulation is that, through accurate abstraction, it can concretize and simplify the confusion of reality. Hence, project staff will design a model court within an abstracted but realistic community setting. ("Model" is used in the sense of "representation", not in the sense of "ideal".) The Orange County Superior Court will serve as a prototype, at least in part, primarily because of its manageable size as compared with the more accessible but much larger and atypical Los Angeles Superior Court. Staff of the Orange County Superior Court are willing to cooperate in providing information about the court's structure and functioning, and there are materials already available that will be of assistance to the project staff in abstracting features with which to define the model court.

Data will be collected to describe the community environment in terms of the following characteristics:

- History;
- Size and rate of growth;
- Socio-economy and culture;
- Political orientation.

Special structural and functional characteristics of the model court which will be predefined for the students are:

- History, including extent and rate of growth;
- Size (number of judges and supportive staff);
- Scope of operations;
- Internal organization and external interfacing with other agencies (e.g., whether the probation office is an independent agency or a segment of the court);
- Administrative features (e.g., how do officials, such

as the judges, the chief probation officer and the clerk of the court, attain office?);
Court rules;
Statutory requirements and limits.

In addition, to be realistic, the model may include some pre-existing court programs, such as a Release on Own Recognizance Program. In reality, an administrator receiving a new appointment in a court can expect to find some programs already in operation. In the gaming simulation, he can be subjected to the task of examining and evaluating the effectiveness of pre-existing programs as well as to the task of determining what new programs would contribute to the court's effectiveness.

The court scene abounds with a variety of actors with whose roles and perceptions the court administrator should be familiar. The court environment is shaped by not only the court personnel (judges, courtroom staff, prosecuting and defense attorneys, jurors, witnesses, plaintiffs, victims) but also by law enforcement and correctional personnel and by representatives of that wider community environment within which the court operates (the media, the Bar, political bodies, special interest groups). Not all actors will appear in each scenario. The predominance of a role will depend on the specific functional activity to which the administrator is attending in any given scenario. Nevertheless, these are the multiplicity of roles to be built into the jurisdictional model.

All of these dimensions--the community environment, the criminal justice system, the court system itself, and the roles

of the personnel within the court system--will require that the staff collect data from which to fashion the simulated model. Our goals are realism without an overload of data on irrelevant factors.

b. Role players model-

Within the environment of the court there is a large and diverse cadre of participants--judges, attorneys, defendants, jurors, administrative personnel--all involved in the court process. There are also external participants who indirectly exert a tremendous amount of influence over the functioning of the court--state and county legislators, the Bar Association and advisory boards, to name a few. To simulate all of these elements would be next to an impossible task. However, they and their influence can be abstracted to a reasonable level and their impact upon the court system can be "gamed". That is, they can be represented in the game as a data figure, or as a news item, or as a statute or law, or represented in any form which the game director may choose.

In the reality of the game however, the most critical roles will be included. These roles can be broken down into five major areas:

1. Court Administrator;
2. County Clerk-clerk of the court and assignment clerk;
3. Judge-presiding judge, master calendar judge, trial judge;

4. County Board of Supervisors-responsible for both administrative and voting duties;
5. Attorney-institutional (district attorney and public defender) and private.

The roles of various pressure groups, Bar Association, State legislators, State Judicial Council, voting public, and other related court system players (jurors, witness, bailiffs, court reporters, probation officers) will be simulated within the game as discussed earlier. However, when critical issues arise within the game involving these roles, they may be assumed by the students so their personal input can be considered. The major role emphasis will of course be the court manager. He will interface with all the other roles in varying degrees of intensity according to the particular functional activity or policy area with which he is involved.

For each of the roles in the game, a player manual will be developed which will provide the student with a description of his role, the interrelationship with other role players, major decision-making and policy areas to which he will address himself. Complete role descriptions will be developed in the next phase (Construction) of the research project.

c. Data model-

Besides the data developed for the model court jurisdiction, additional data will be developed pertinent to each role and to each functional activity with which the role will be involved.

This data model will include information on types and numbers of backlog cases, number of attorneys trying cases, calendaring statistics, relevant cost factors for future court build up, judges' work units, information systems and EDP factors and costs, zero budget inputs statistics, court budget, county departmental budgets, other court subsystem data - law enforcement and probation personnel and cost. This data model cannot as yet be fully detailed as each role statement and each functional activity has not been fully constructed, and the type and amount of data required is clearly dependent upon that phase. Also, the information needed is not completely available at this time and added research must be undertaken. Thus, only a brief concept of data required can be given now.

2. Process and Functional Activities

The court's primary function is to apply to appropriate law to the facts presented to it in a variety of issues both criminal and civil in nature. The court system is thus characterized by a flow of various types and numbers of cases. It is the charge of all those members of the court process to effectively dispose of such cases. Although this flow is central to the court system, it is the court administrator and his functions and interrelationships on which we will focus the gaming simulation.

His operational environment will key upon the cases being processed by the court, upon the reduction of case backlogs, and on the continued effective and efficient disposition of cases.

In addition, he is also a manager--a manager of people, of finances, and of future planning and growth. Thus, the gaming simulation will be characterized by four broad process and functional activities: fiscal management, personnel management, planning, and court process and procedures management.

In more specific terms, the court administrator in the gaming simulation will be responsible during each play of the game for the following:

- a. supervision of court staff--personnel work, assignment, salary and classification plans;
- b. budget preparation, control, and passage; prioritize judicial requirements, program budget, negotiations;
- c. calendar management--setting of policy and procedures, judicial workloads; assisting judges of the court;
- d. jury and witness management--setting of policy and procedures;
- e. organization assistance to and substantial interaction with presiding judges, and judicial committees;
- f. liaison--with county management and funding agencies, court-related county departments such as Sheriff, Probation, County clerk;
- g. public and press relations;
- h. statistical generation and management--trials in progress, case inventories, backlog, EDP needs and procedures;
- i. planning court reform measures.

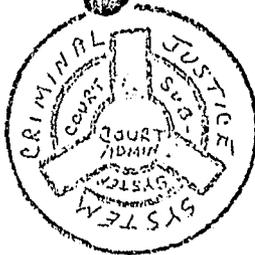
While the gaming simulation proceeds through the processing of these functions by the court administrator and the other pertinent role players, Supplemental Training Exercise Programs, or

STEPS, will place added emphasis upon special events within the courts operational environment. These will coincide with particular masters program course work and include the following:

- a. Court Budget Presentation
- b. Local and State Hearings on Procedural Reform
- c. Court Employee Organization and Labor Negotiations - classification, compensation, structure
- d. Court Consolidation Reform Issue
- e. EDP/Info System Planning (County-Enforcement-Correction)
- f. 5 - 10 year Plan for Court Operations
- g. New Calendaring/Jury-witness System Procedures
- h. Backlog Reduction Procedures Hearing (?)
- i. Setting of Continuance Policy

The other role players in the gaming simulation (judges, county clerk, county board of supervisors, and attorneys) will be performing functions inherent to their roles but which emphasize and interface with the administrative and procedural function and policy of the court. Their participation in the game involves the preparation of decisions pertinent to their role and in planning for each STEP exercise. Many of the STEPS will require collaborative work between the various roles, while others will require policy statements which will be in conflict with one or more of the roles.

The relationship between the gamed roles, the various simulated court environment components, the decisional and functional areas of each role, and the STEPS is more apparent from the chart on page 24.



I. Simulated Court Environment Components

II. Court Roles

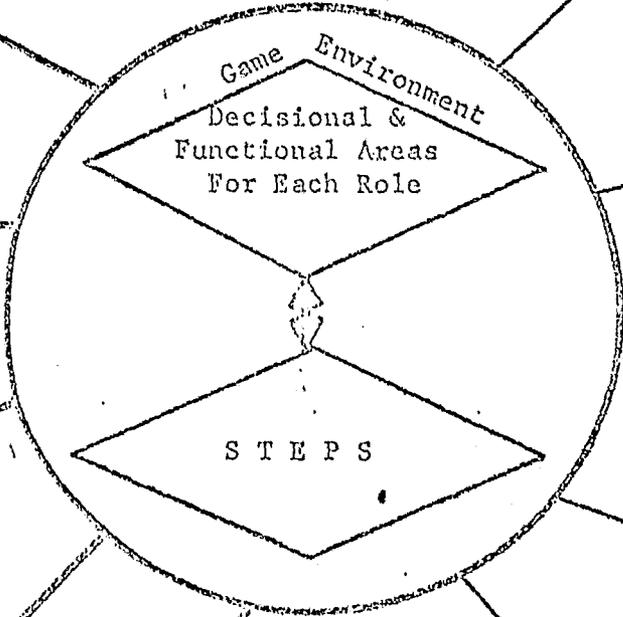
Bar Assoc.
Pressure Groups
State Legislation
Judicial Council
Voters

Case Loads
-- Type
-- Number
-- Backlog

Court Budget
-- Direct
-- Indirect (other County Dept.)
-- State
County Budget

Court Rules and Procedures
-- Local
-- State

Court Jurisdiction
-- Organization
-- Size
-- Political Envir.
-- Voters Response
-- Superior/Municipal



ATTORNEY
Institutional | Private

JUDGE
Presiding | Master Calendar | Policy Committee

COUNTY BOARD
Voting | Administrative

COUNTY CLERK
Clerk of Court | Assignment Clerk

COURT ADMINISTRATOR

This chart graphically shows how various simulated influential roles, data concerning case loads, data on court and county finances, court rules and procedures and a model court jurisdiction comes together with the various court system role actors. Through the roles and the environmental components various role decisions and functions are accomplished. The special court issues (STEPS) are also discussed and acted upon by the role players who use the supportive simulated data and components for informational inputs.

The process described above constitutes the continuous, on-going play of the game. The judicial administration gaming simulation will be played by the graduate students approximately nine times during their course of study. Each play of the game or "cycle" will take two days, not counting preparation time by the students. Each gaming cycle will be the equivalent of one year's time; thus over their year of study, the students will have participated in the simulation of ten years of court administration activities. Each cycle of the game will be increasing complex in nature as the students increase their knowledge of court operations, of the interaction pattern of the major roleplayers, of the use of court system data and statistics, and their skills in operating with the simulated court environment. A new STEP will be introduced each cycle and will add complexity and a more dynamic and sophisticated environment for the students' decision-making process and functional administration of the court.

VII. Methodology for Continuing Design, Construction and Implementation

The task of moving from concept to formal design and construction of the judicial administration gaming simulation will be accomplished through two major areas of activity. First, an intensive two week research effort will be conducted at the Orange County Superior Court and its executive office where all necessary data will be collected to construct a model court system jurisdiction. This will be completed through interviews with key court personnel, observation of court processes and review of court data and statistics. Second, the research findings will then be translated into a series of internal reports which will then be developed into actual game and player materials. The internal reports will be a complete description of, rationale for, and philosophical approach to each facet of the judicial administration gaming simulation. They will consist of the following:

- a. Model Court Jurisdiction-statistical base and court environment
- b. Role Descriptions
- c. Role Decisions
- d. Interaction Charts and Patterns between roles and between roles and the simulated game environment
- e. Supplementary Training Exercise Programs (STEPS),
- f. News Issues and Voting Opinions,
- g. Game Directors Manual,
- h. Player Materials-forms, memos, STEPS,
- i. Supporting Documents-procedures, state and local court rules, funding history, state statutes governing court system.

JUDICIAL ADMINISTRATION GAMING SIMULATION:

DESIGN MODIFICATIONS AND CONSTRUCTION

The design goals, theoretical foundations, and game emphasis, which were outlined in the first Concept Report (pgs. 5-8, 14-15) have been followed closely in the game design phase of the grant. In an effort to provide students with the most relevant experience, the staff has chosen to design the simulation game to emphasize effective judicial administration policy formation, calendar management, and court systems planning.

The following specific areas were emphasized to illustrate the chosen problems:

1. Processing of four classes of cases through the court system; i.e., Felonies, Juvenile Delinquency, Personal Injury and Family Law Activities.*
2. Generation of judicial and administrative policy alternatives which will stimulate more effective and efficient administration of justice. By processing cases through the court system and noting the problems of backlog, calendaring, attorney control, judicial conflict, and outside system pressure, the players can develop and research new policies** to alleviate developing problems.
3. Reconstruction of the effects of judicial and administrative policies designed to alleviate court system problems. The players are responsible for researching each new policy alternative they generate in terms of its effect on: (a) the processing of cases; (b) the role players in the game; and (c) the propensity of other policies to pass or fail.

*Additional case types may be added at a later time.

**Such Policies will include specific items under broad areas as: jury and witness management; calendaring; fiscal planning, responsibility and priorities; statistical generation and control; EDP system requirements; court rules and procedural changes; personnel policies, assignments and classification.

4. The formal and informal processes and interpersonal dependencies which are necessary to create policy changes and increase effectiveness of court process.
5. Management of judicial and administrative court personnel. The game requires players to analyze work requirements and manage their successful completion.
6. Organizational assistance to, and substantial interaction with, other justice system components. Through policy negotiations and research, the players will interact with one another on issues concerning the governing of the entire justice system. This also includes public and press reactions and their impact upon the court system.

These game components will be operationalized through three sub-games:

The first sub-game is a policy negotiation situation where judicial and administrative policies affecting the court are presented, researched, and resolved by key members of the court and other justice system representatives.

The second sub-game consists of four case process boards (operationalized flow charts) upon which the actual mechanics of processing different types of cases (Family law, Civil, Juvenile and Criminal) are represented and controlled by three role players--attorneys, assignment judges, and court administration staff. This is accomplished in the game by the players moving case blocks through process and decision points shown on game flow charts. In addition, the appropriate parties and resources must be scheduled by the players.

The third, in-basket management tasks, will be presented to various players. Management problems which will affect players' decision making rationales and the processing of cases in the system will be included in these tasks.

In building the gaming simulation of the court systems, it is essential that we choose a model which clearly and concisely reflects the essentials of the real system and which maximizes the ability of the participants to develop viable policies to allow improvements. We believe that many of the concepts of complex systems discussed by Jay Forrester in his book, Urban Dynamics (pgs. 107-114) are directly applicable to the court arena; and we have used them as an integral part of our model.

The chapter of the modelled court system is as follows: (a) It is counterintuitive, that is, it behaves in a manner that resists intuitive judgment and solutions; (b) It is insensitive to changes in many of the system parameters; (c) It is resistant to policy changes, so that the behavior of system parameters often remains the same; (d) It contains a few well concealed influence points where dramatic changes in behavior can occur because of policy decisions; (e) It counteracts and compensates for externally applied policy changes by reducing the amount of internal behavior change; (f) Over the long run it reacts to policy changes in a manner opposite to its reaction in the short run, causing policy changes to be inaccurately evaluated on the basis of short run performance.

The background information needed to create this model has been obtained from a number of sources:

Court statistical data has been collected from Orange County Superior Court (OCSC), from Los Angeles Superior Court and from the California State Judicial Council annual reports for the past five years.

Descriptions of court operations have been obtained by extensive use of studies carried out in California state court systems with supplemental information drawn from federal court studies. Information in these reports on workloads, calendaring, time studies and backlogs have been used to calibrate the case processing sub-game and to guide us in creating the policy negotiation payoff-matrix.

A substantial number of interviews of key people involved in and with the court system have been used to build as accurate a representation of the court system as possible. Those interviewed include court administrators, an assistant presiding judge, trial judges, media representatives, director of local CCCJ, county clerk assignment clerk, attorneys (public and private), county political and administrative personnel, marshalls, probation officers, etc. These inputs guided our building of the profile of who makes decisions about what and the likely direction of those decisions under different circumstances.

Policy Negotiations Sub-game

The policy negotiations portion of the judicial administration game centers on an agenda of policy issues on which the Court Executive Committee must negotiate and vote. The Committee consists of an elected presiding judge, three elected trial judges, and a chief court administrator who is the head of the staff of assistant administrators at the process boards. The three judges represent three separate constituencies of trial judges who elect them. The constituencies are determined according to seniority order of the trial judges in the court.

The play of the game requires the allocation of the limited resource of influence. Each of the judges, including the presiding judge, begins with a certain amount of influence and, instead of prestige, a specific amount of authority granted him by the trial judges. Throughout the game, little cylindrical pegs represent units of influence. The prestige levels relate to the odds of being re-elected through the roll of a die. The court administrator's authority level relates to the odds of being retained in his position.

The five players, with their roles defined in terms of constituencies and prestige, influence, and the authority levels, negotiate on the agenda of policy issues before them. This Executive Committee deals with two types of policy issues: process issues that affect the court playing board process by altering parameters such as the availability of various court resources, speed of case flow, and probability of cases settling before trial; other internal issues of the court that are of a type that does not affect court process but which may have less tangible impact on

the court's functioning and societal image, e.g., offering a telephone alert option of jurors, tightening courtroom security, installing a pool table in the judges' lounge. The process and internal issues may be adopted or rejected by the direct action of the five players at the Executive Committee table.

In addition to the players at the internal court Executive Committee table, there are two external rings of players representing external policy determining forces, primarily of a legal nature, and societal influences. The external policy determining forces with the most immediate impact are: the County Clerk, a CAO analyst, a personnel analyst, the State Legislature, the State Judicial Council, the County Board of Supervisors, the Bar Association, District Attorney, Public Defender, Sheriff, and Probation Officer. The less immediate external forces, or societal influences, are: the media, regional Council on Criminal Justice, Law Enforcement Assistance Administration, law enforcement agencies, Clerk-Reporters' Association, grand jury, employee unions, the general public, and special interest groups advocating conservative and liberal brands of justice.

Some of the external forces will be played by live, bona fide players; others will be simulated. The players may determine and place on the agenda external issues which have an impact on the court's operations. Examples of external issues are: a bill pending before the State Legislature and proposed revisions of the California Rules of Court. Consideration by the State Judicial Council and State Legislature of merger of superior and municipal courts would be a matter which the members

of the Executive Committee would want to influence on behalf of their constituencies. The Committee would also want to voice its opinion about the County Clerk's request to the Board of Supervisors for funding of a computerized calendaring system. The media, of course, can create an issue out of anything.

External issues placed on the agenda can be influenced by the five Executive Committee members, but the Committee does not have the final, sole decision on them as it does on the internal and process issues. The external issues are subject to approval or rejection by a larger community in something like a voting procedure.

In several ways, players receive feedback about how well they are playing the game. They can see the affects of their decisions on the court process boards; the court administrator at the Executive Committee table and his staff at the process boards function as a team and share the points earned at the board for reducing delay; similarly, the judges at the table and the assignment judges at the boards function as a team with a common goal and common score. From the point of view of the individual player, there are several alternative ways of considering a game a success. He may consider himself successful if the issues he wanted to see passed were in fact passed, and if those he wanted defeated were defeated. He might consider himself successful if his influence had increased during the game. A judge might consider a rise in this prestige level as an indicator of success; the court administrator might look upon increased authority as a token of success. Or a player might, if he wishes, think of re-election or retention of his position as the only measure of his success in the game.

The use of a policy negotiations game model not only prompts students to practice the negotiation process, but also requires them to examine the substance of many kinds of issues pertaining to court administration and to the consequences of their policy decisions. When an issue is voted upon, its passage or failure affects many other interrelated elements in the game. The initial issues on the agenda will be normed in the game director's matrix, so that after the votes are tallied the consequences can be read out and the game parameters adjusted. In other words, norming is the specification of the contingent outcome relations, in terms of both magnitude and direction, between internal and external issues and the court's processing of cases. Norming also determines the propensities of other issues to pass, probability of re-election of the judges and of job retention for the court administrator, prestige and influence levels of the Executive Committee members, and the capacity of each external and societal force to exercise influence.

After the students have played several rounds of policy negotiations, they will have learned the formal structure of the game and its mechanisms well enough to norm any policy issue they themselves wish to bring to the agenda. The previous play is actually a priming process leading up to the phase where the students perform the major learning task of identifying impactful issues and researching and thinking through the ramifications of various policy matters. Also, the pre-normed issues are open to the challenge of any student who can justify outcomes other than those specified.

In addition to the process issues and internal and external issues, the game director may present in-basket tasks to any player. These tasks

represent the large number of citizen demands upon all members of organizations and introduces both complexity and the factor of time pressure in allocating time. The problem may require a STEP (Supplemental Training Exercise Program) whereby the players step out of the main game to take time to practice particular skills. For example, the court administrator and presiding judge may receive in their in-baskets a request to be interviewed by a reporter from a local television station. Video tape can be employed to record the interview and provide feedback to the students on how they perform in such a situation. Court budget preparation and staff reorganization are other examples of exercises for functional skill development.

Case Processing Sub-game

The judicial administration gaming simulation can be categorized as a game requiring allocation of scarce resources. In the policy negotiations sub-game, the scarce resource is influence; but in the case processing sub-game, the scarce resource is time, or attorney and court resource availability. Attorney resource is defined as time spent in court working on cases rather than the total time spent with clients. Court resource is defined as judge time (on bench and in chambers); court room space; and clerk, bailiff, and reporter time. The availability of these resources can vary within the game due to policy decisions, distractions by in-basket tasks, and individual player decisions based on role definitions and game rules.

The locus for the allocation of these resources is a process game board which is an operational flow chart of the various processes and decision points a case must proceed through before its final disposition. There are four such game boards representing the flow process for four different types of cases: Criminal (felony), Juvenile (delinquency and dependency), Civil (personal injury and property damage), and Family Law.*

The operational flow charts are created through an analysis of the court system to determine: (a) who and what governs the movement of cases; (b) what resources are required to process a case; (c) the relative number of cases entering and leaving the system; (d) the relative position

*See Appendix for copies of the original flow charts from the State Judicial Council study on weighted case loads done by Arthur Young and Company; these charts are currently being made operational for the game.

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and number of backlogged cases; (e) the expected rewards for those involved in processing cases; (f) the relative time frame for each processing step; and (g) the statistical and game rule requirements to present a realistic environment for the players.

The role players direct the movement of cases at each board, after the executive committee policy decisions impact upon the process.

1. Assignment Judge (AJ)--under the direction of the presiding judge (at the committee table), the assignment judge has complete control over the processing of cases. His duties are solely administrative in nature.
2. Court Administrators (CA)--serve as assistants to the chief court administrator (at the committee table), carry out administrative tasks under direction, and lend support to the AJ on the processing of cases. One assistant administrator serves at each process board. No court administrator can make policy decisions.
3. Attorneys--five attorney firms represent cases on the process boards. Each plays the role of one of the following:
 - a) Red law firm--A prestigious firm which represents a large number of clients with a limited number of attorneys.
 - b) Blue law firm--A less prestigious firm but one which still has an excess of cases for attorney time available.
 - c) Yellow law firm--This is a composite of a large number of small law firms which are presumed to have sufficient time for all business.
 - d) White law firm--the District Attorney's office operating on criminal process board primarily. Nearly sufficient attorneys for cases they bring into system, but insufficient for potential cases.
 - e) Black--Public Defenders office, similar staffing to D.A.'s office.

These players then make personal decisions on how they are to allocate their limited time resources to cases waiting at various process points in the flow. (e.g., Hearing on Order to Show Cause) The game rules require

that for a case to proceed, attorney time must be allocated and all necessary court resources must be provided. If those requirements are not met, the case block (an artifact representing a number of cases) is stored with other backlogged case blocks and must wait to proceed. This is a built-in calendaring procedure. The amount of court resources required for each process point is the same; however, the number of case blocks that can pass through during each round vary greatly. For example, based on workload and time statistics, the game requires that court resources be committed eight times longer at the Court Trial process point than at the Order to Show Cause (OSC) point. Or, stated another way, eight case blocks can be processed at the OSC point, while only one can be processed at the Court Trial in the same amount of time.

After a case block has passed through a process point, a probability factor determines whether it will proceed to another process point or be settled. The probability factor is based on court statistics which give percentages of cases disposed of at the various process points. Rolling a die to determine the case blocks disposition frees players from making individual judgments about case blocks. The probability factor will change in response to policies passed by the players. The game director introduces new cases each round of the game, based on the OCSC data. The case blocks may already have law firms assigned to them, but each attorney role player must allocate a time block before the case may proceed.

The attorney's goal, and that of the court administrators and assignment judges, is to gain points by disposing of cases. Each round the

number of cases disposed (at any point in the process) affects each player's score. Some attorneys, however, gain more points for having cases disposed of early. Attorneys also gain points for the number of their cases on the process board in the backlog storage areas. The CA and AJ, on the other hand, lose points for backlogged cases. With their point scores, the players can gain influence to be used in the policy game, or the attorneys may choose to buy more time resources so they can handle more cases. Each case block is coded with the number of the round it entered the process, thus giving an indication of its relative age.

Visual representation of attorney time, court resources, and case type is provided by colored plastic "LEGO" pieces. The players can manipulate the pieces on the game board and can see the case flow process quite dramatically.

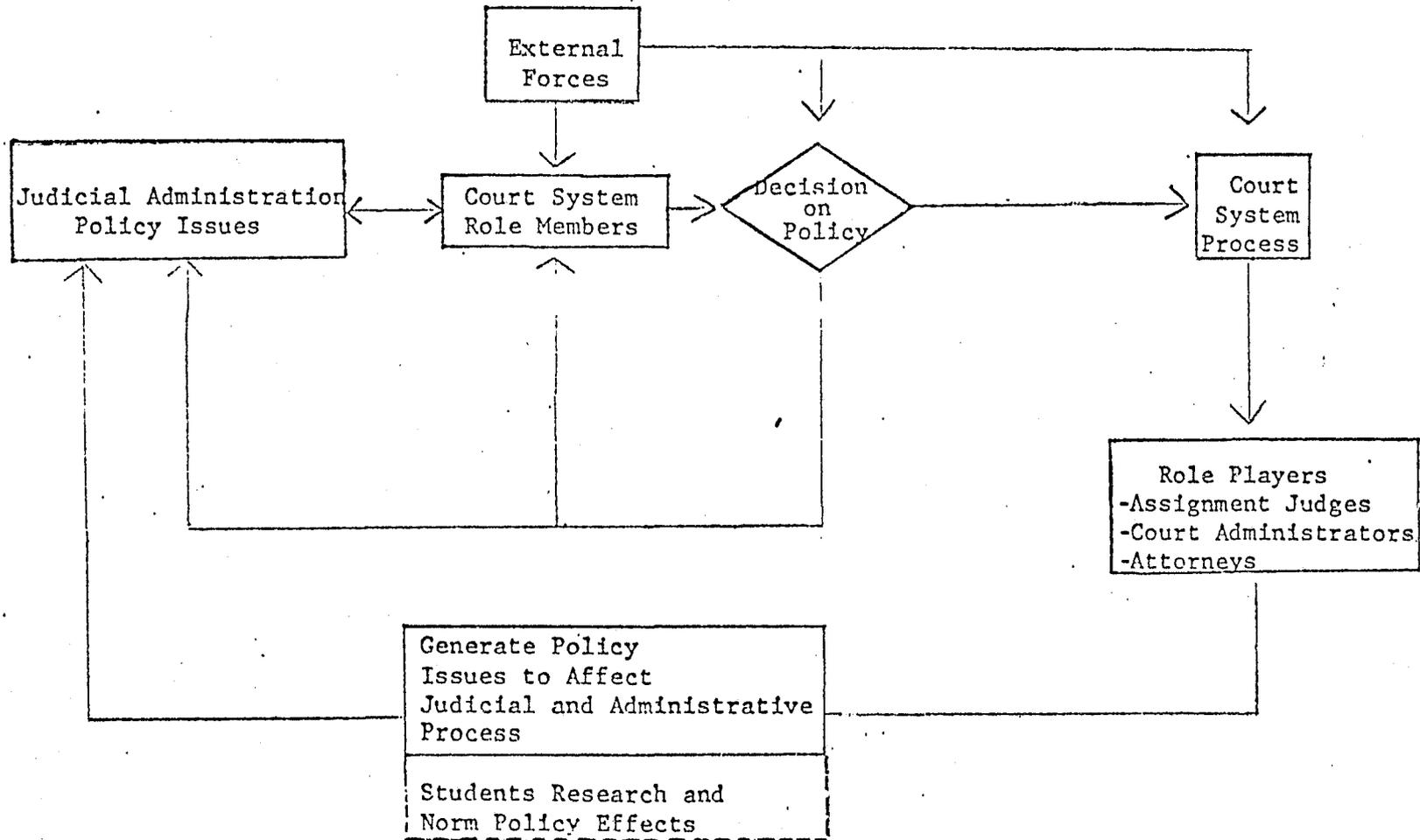
Sequencing of a typical round of the game follows:

1. Policy decision effects are applied to the process board (i.e., change in court or attorney resources, change in decision point percentages, change in amount and type of case entering or leaving system, change in the speed of case blocks through process points, case dispersal, pay-off change, etc.).
2. Apply effects of In-basket data and news items (i.e., illness of court personnel, riot, calendar mixup, judge vacation, etc.).
3. Introduce new case blocks representing new filings.
4. Set up of the required resource towers followed by assignment judge calling the next case blocks to each process point (one or more case blocks depending on speed of process).
5. Attorneys allocate time blocks to each called case block.
6. AJ moves case block to next process point storage (backlog) area, or most likely to a decision point, where a die is rolled to determine the direction in which it will proceed.

7. Players calculate payoff scores for case blocks which were disposed and those presently backlogged.
8. Role players allocate influence with policy board and make recommendations for new procedures and new policies.
9. Round ends.

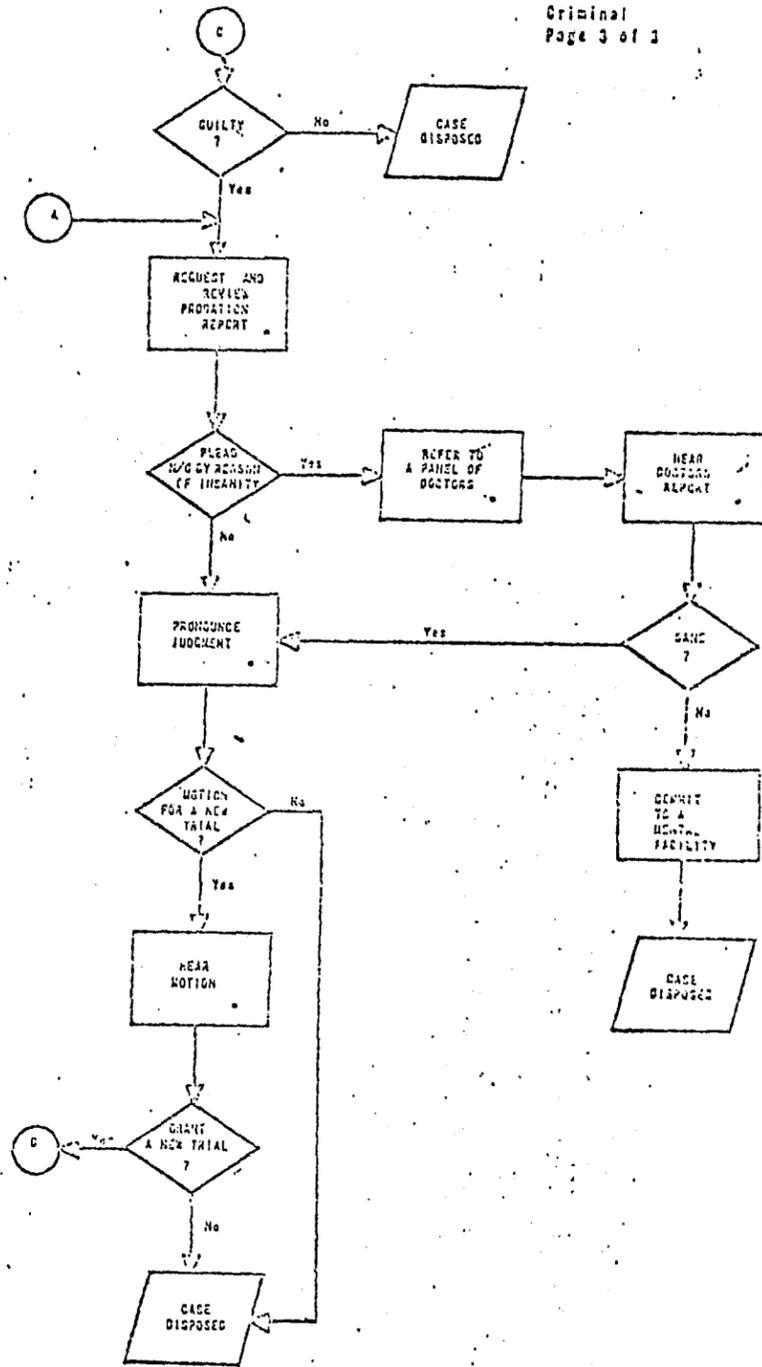
The final project report will have complete game rules and diagrams of the process game boards with examples of the actual LEGO artifacts used in the game.

JUDICIAL ADMINISTRATION GAMING SIMULATION

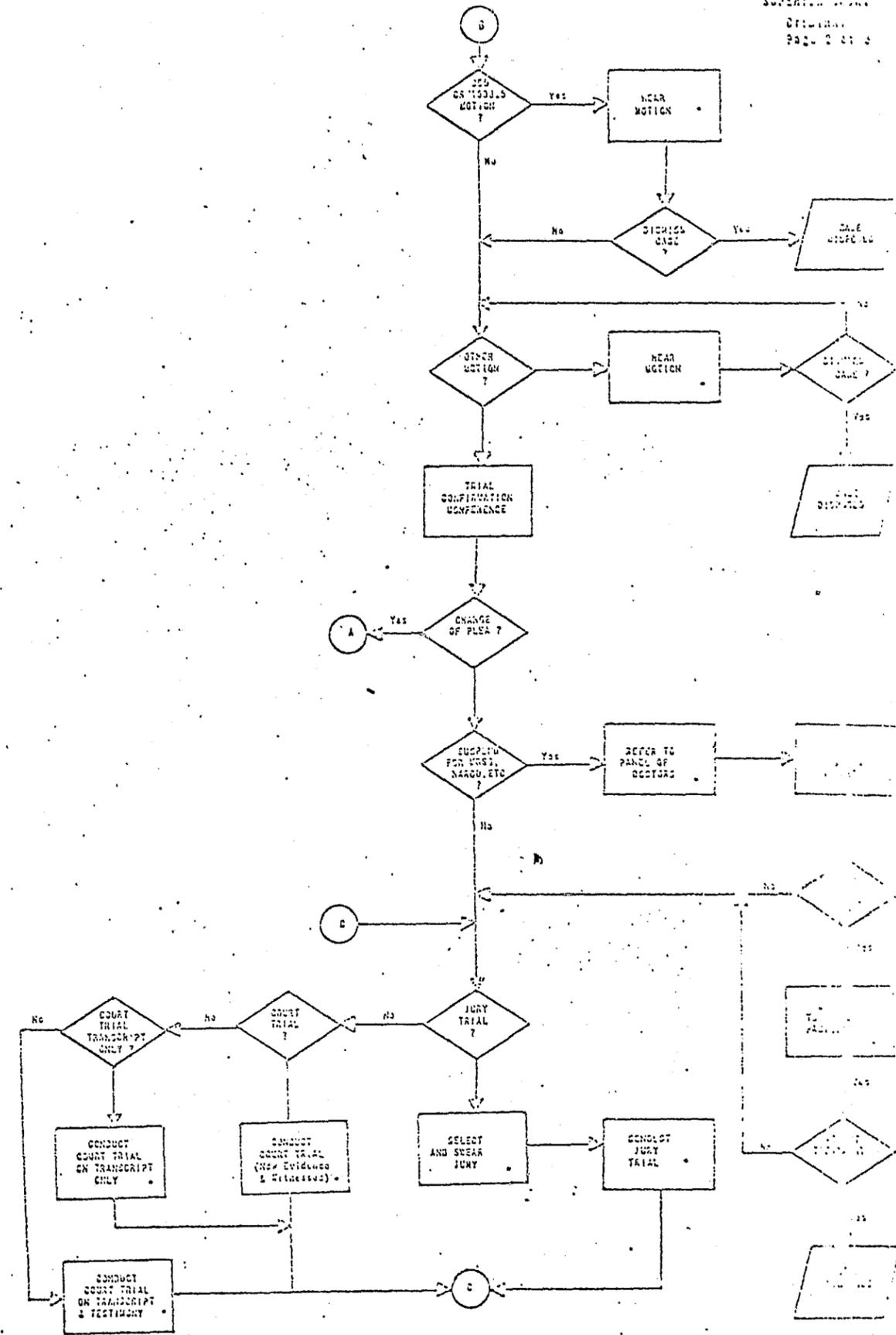


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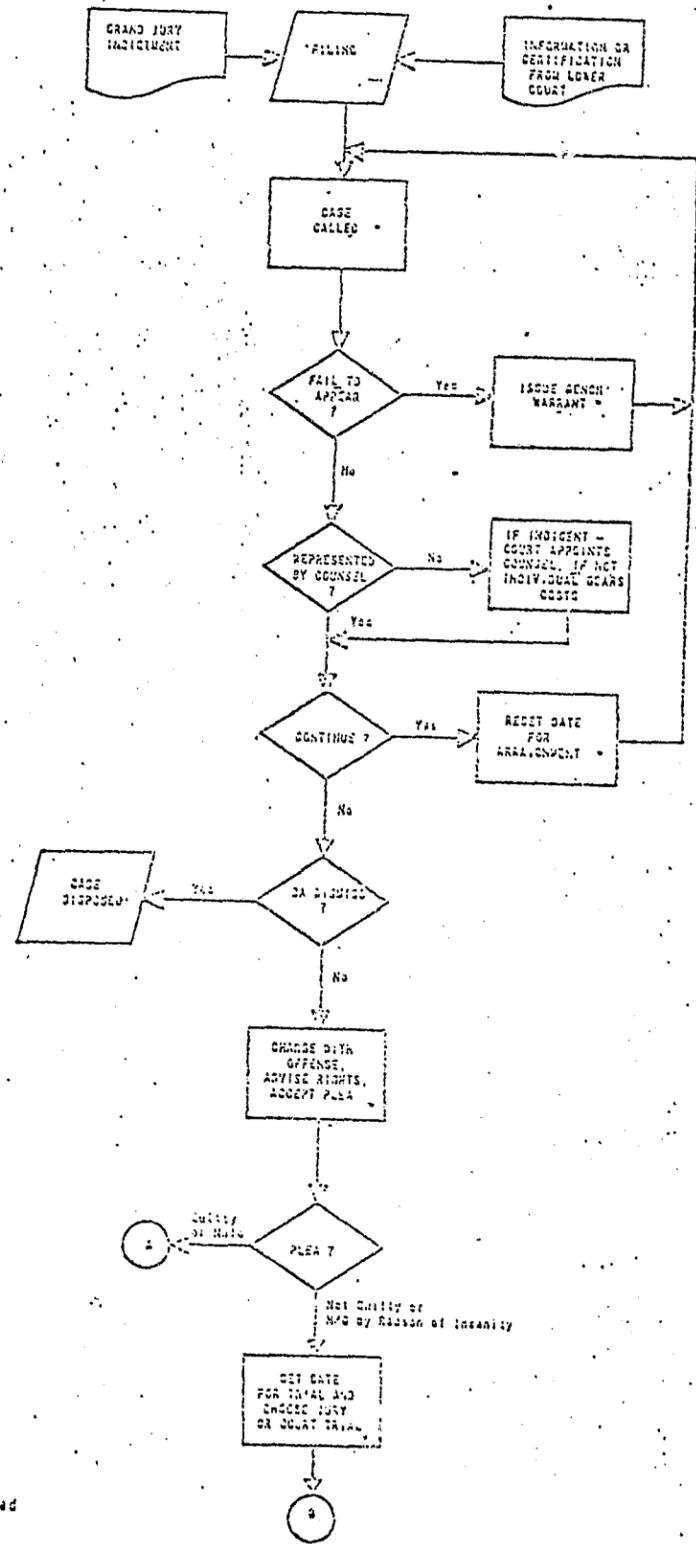
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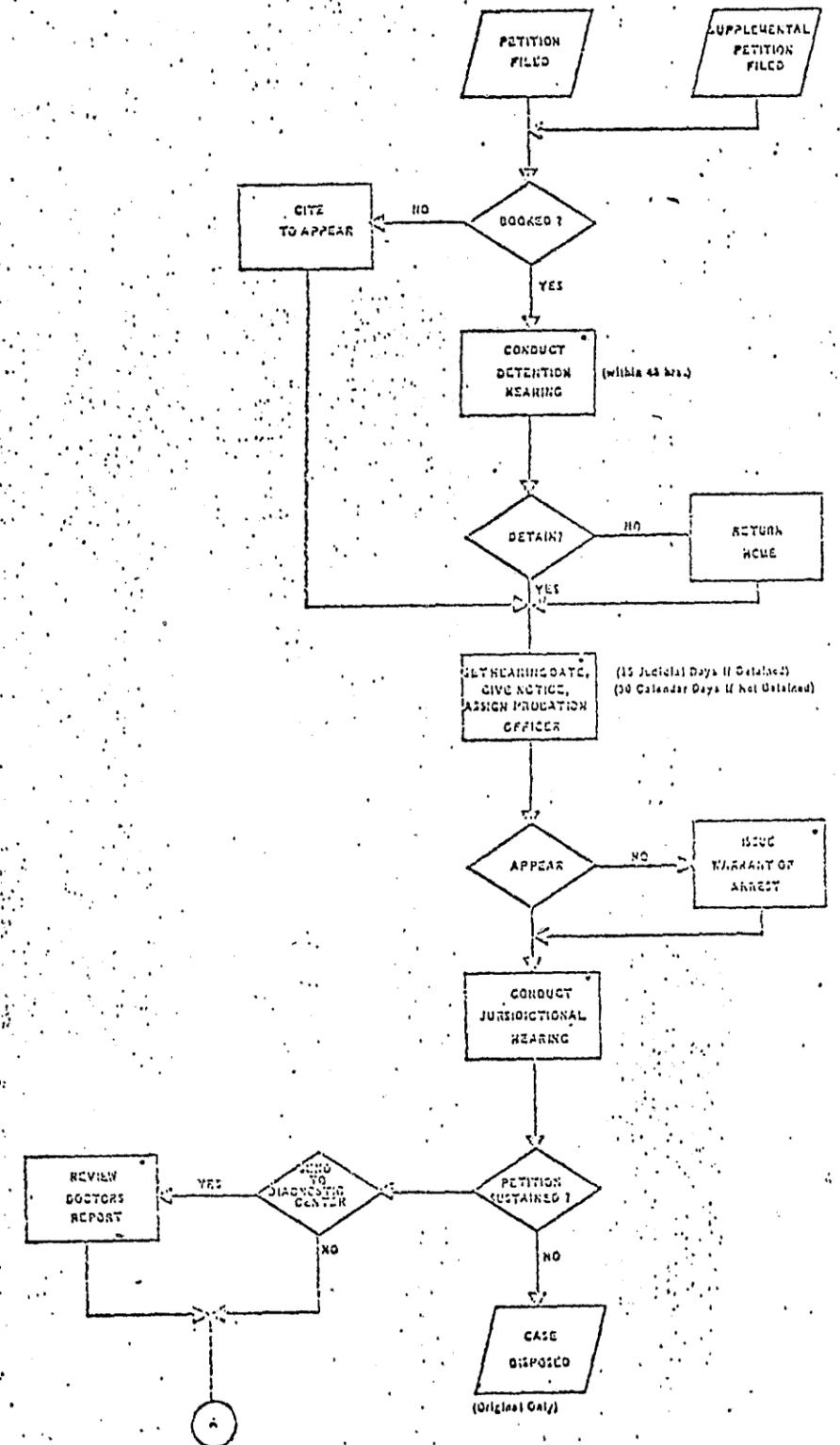
* Judge Time Required



* Judge Time Required

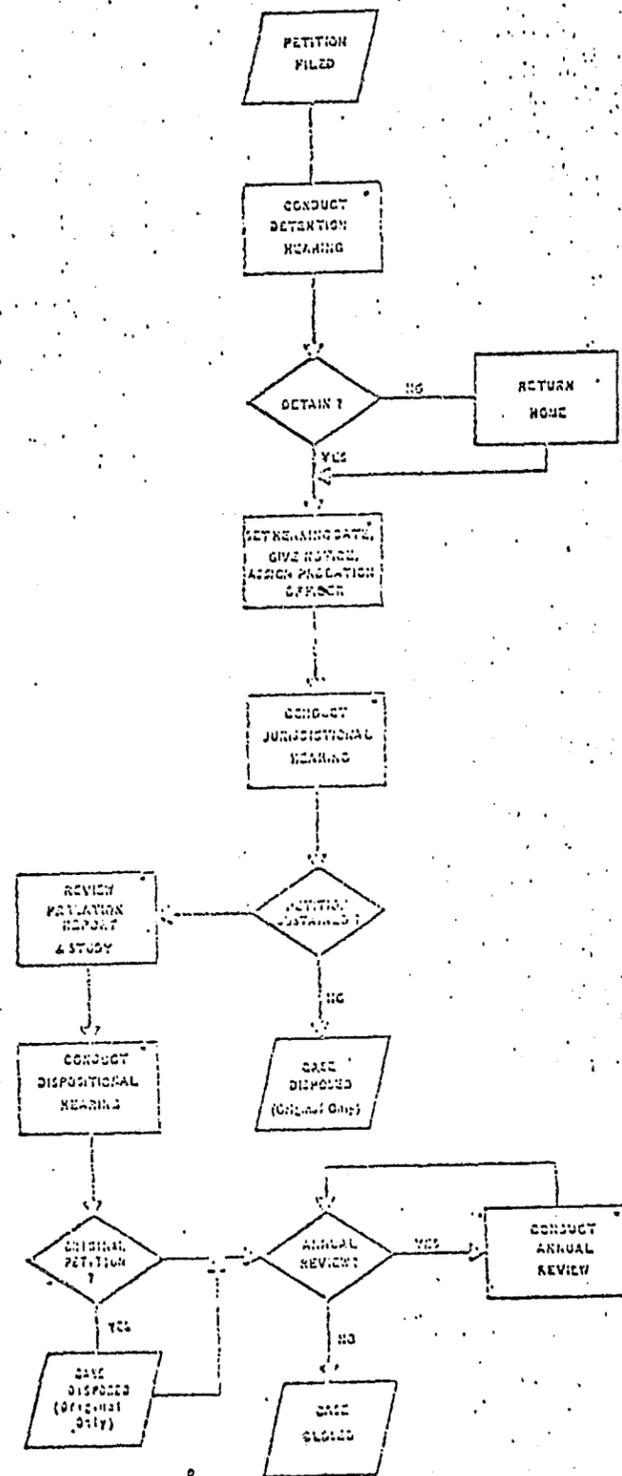


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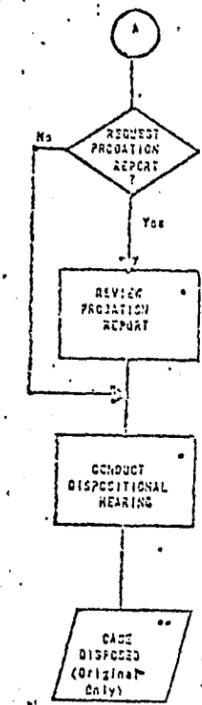


• JUDGE TIME REQUIRED

SUPERIOR COURT
Juvenile Dependents

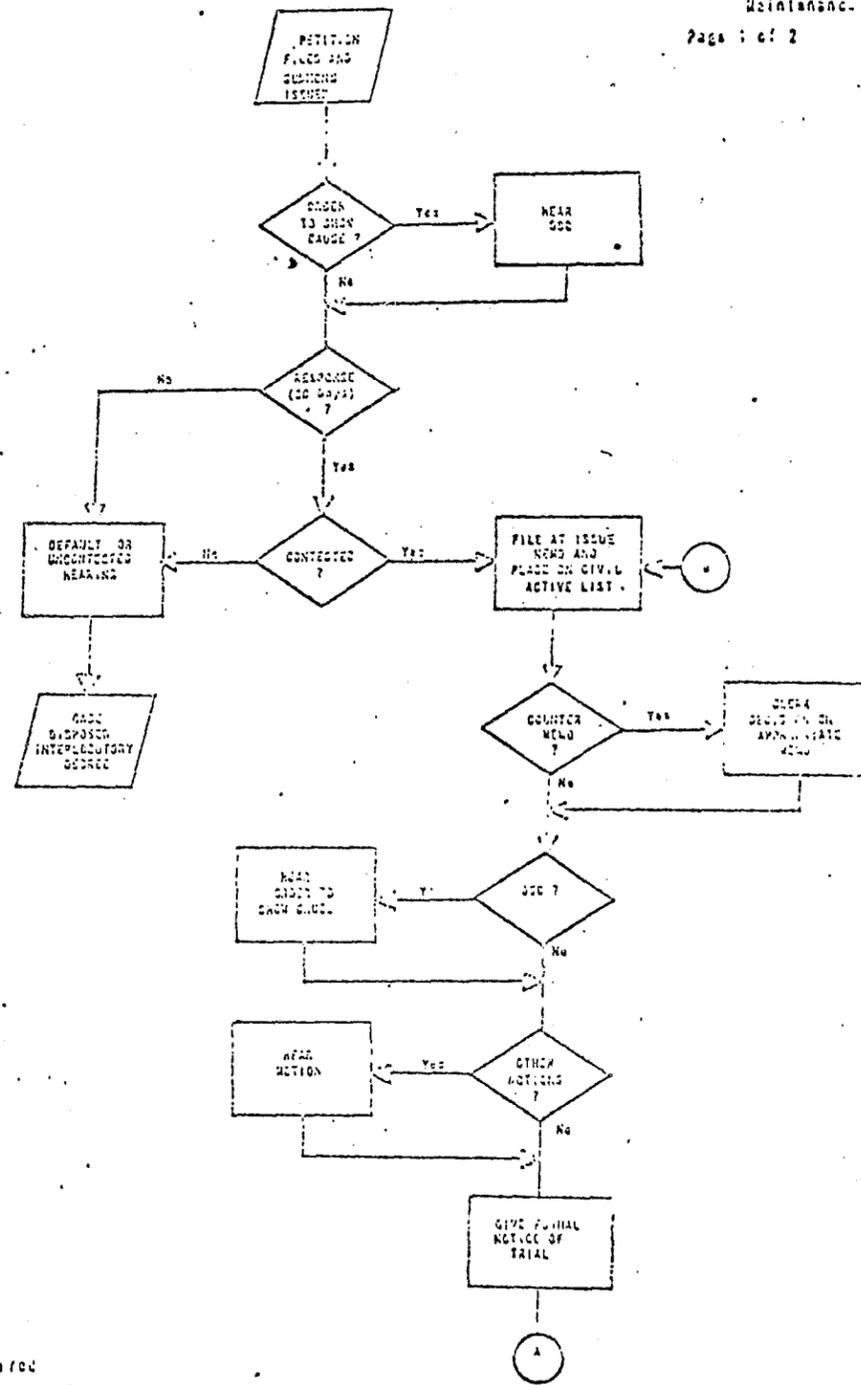


* JUDGE TIME REQUIRED
** RETURN TO HOME UNDER SUPERVISION, PLACE IN RELATIVE'S HOME, PLACE IN FOSTER HOME, PLACE IN BOARDING HOME, COMMIT TO COUNTY RANCH, OR COMMIT TO CYA



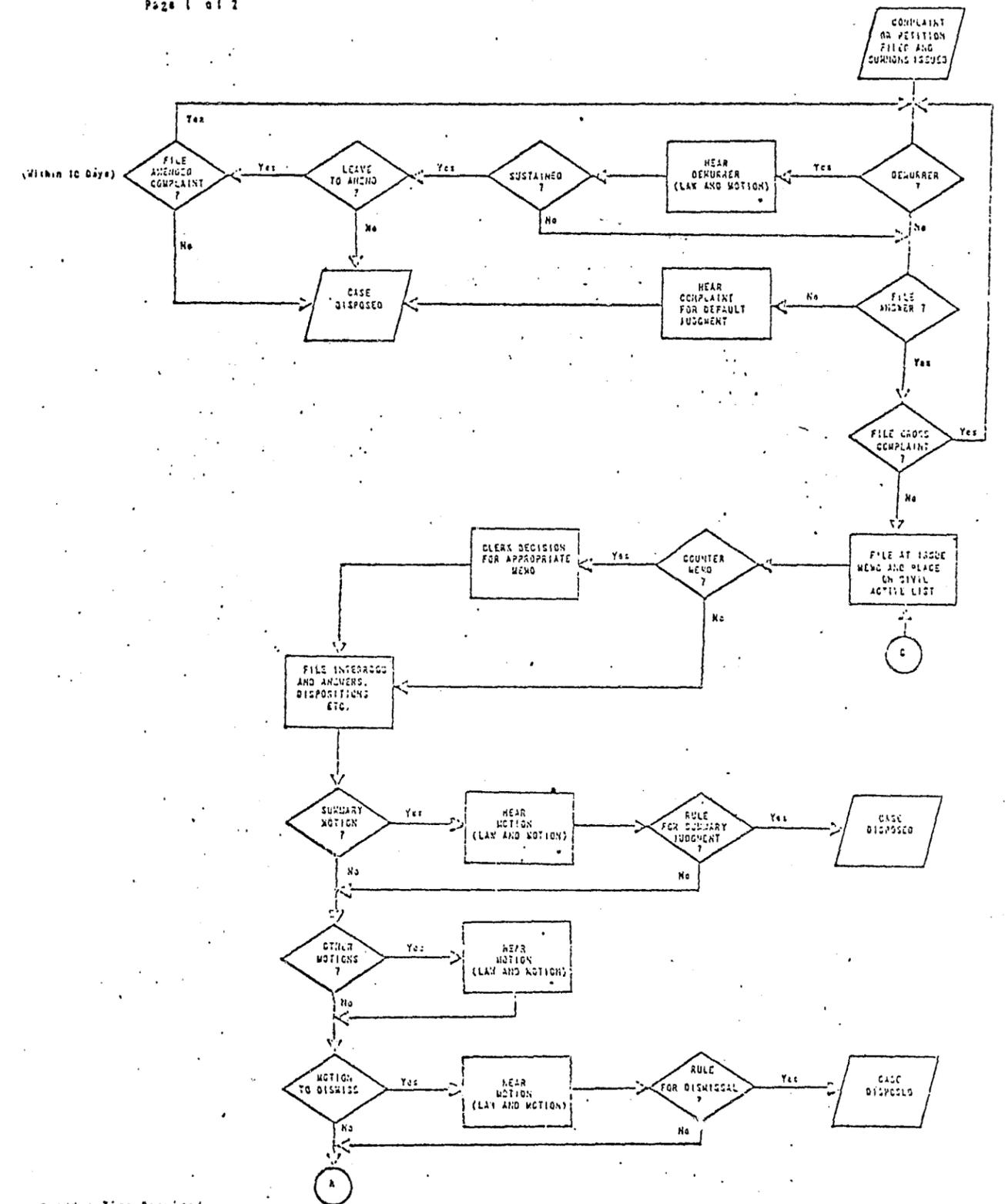
* JUDGE TIME REQUIRED
** RETURN TO HOME UNDER SUPERVISION, PLACE IN RELATIVE'S HOME, PLACE IN FOSTER HOME, PLACE IN BOARDING HOME, COMMIT TO COUNTY RANCH, OR COMMIT TO CYA

SUPERIOR COURT
 Family Unit
 • Dissolution
 • Annulment
 • Separate Maintenance
 Page 1 of 2



• Judge Time Required

SUPERIOR COURT
 Personal Injury
 Other Civil Complaints
 Other Civil Petitions
 Page 1 of 2



• Judge Time Required

END