

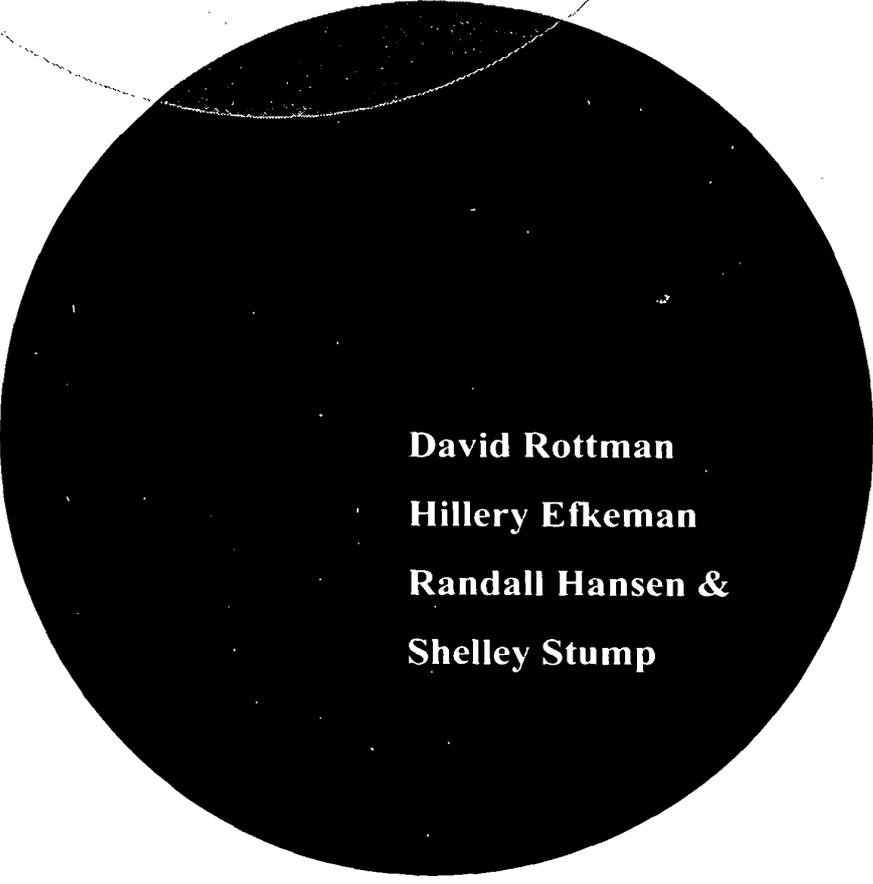
**A Leadership Guide to
Statewide Court and
Community Collaboration**



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**David Rottman
Hillery Efkeman
Randall Hansen &
Shelley Stump**



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A Leadership Guide to Statewide Court and Community Collaboration

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A Leadership Guide to Statewide Court and Community Collaboration

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Preface

Since 1994, the National Center for State Courts, with funding from the Bureau of Justice Statistics, has been engaged in a Community-Focused Court Initiative. The Initiative began with a primary concern to document the variety of community-focused court programs then in existence and distill their core elements. To that end, extensive field research was conducted in eight successful community-focused courts. Court and community collaboration emerged as the essence of a community-focused court.

To further the Initiative and keep its emphasis practical, on November 8, 1997, and again on February 14, 1998, thirty judges, court administrators, and others involved directly in collaborative ventures established jointly by trial courts and communities attended an 'Executive Session' on court and community collaboration. Executive Sessions are a tool devised by the JFK School of Government to foster and refine new directions for criminal justice policy and practice.

The sessions identified obstacles to court and community collaborations and strategies to overcome those obstacles, and also contributed a mission statement for collaborative endeavors. The content and tone of the sessions is captured in the wording of that mission statement:

The philosophy of court and community collaboration gives the public a legitimate institutional role in the development of court policies, plans, and programs, which strengthens court independence, operations, and effectiveness. Court and community collaboration is a sustained, two-way commitment to ensuring that the justice system is open and effective for everyone. The process of court and community collaboration is integral to the fair administration of justice. It is not a one-shot event aimed at solving one isolated problem or satisfying one special interest group.

The Executive Session process identified developing a state level capacity to support and practice collaboration as the next step to realizing the benefits of court and community collaboration. In response, yet a third Executive Session, a Leadership Forum on Statewide Court and Community Collaboration Initiatives,

was convened.¹ At the Forum, 40 state chief justices, state court administrators, and trial judges explored appropriate and effective roles for a state's central court administration in promoting and sustaining these local collaborations.

At the time of the Forum, several states, notably California, Massachusetts, and New York, were pioneering ambitious and apparently successful statewide efforts to support and guide local court and community collaborations. Resources were being developed in those states that might be usefully followed or adapted by other states. A prime example is the California Judicial Council's massive but user-friendly *Courts Reaching Out to Their Communities: A Handbook for Creating and Enhancing Court and Community Collaboration*.

[<http://www.courtinfo.ca.gov/programs/community/handbook.htm>]

This *Leadership Guide* is written with the interests and needs of state Chief Justices, other Supreme Court justices, judicial council members, and state court administrators in mind. It is a companion to the *Guide to Court and Community Collaboration*, which was published in 1998, and directed at those considering and experimenting with local collaborations. The practice of statewide collaboration is evolving; thus this *Leadership Guide* reflects a varied and evolving field of opinion and practice.

¹ Collaboration between courts and communities is a constant theme emerging out of national and state conferences about public confidence in the judiciary. Indeed, many of the concerns expressed today repeat what was discussed at the 1978 "State Courts: A Blueprint for the Future" conference is a prime example.

Acknowledgements

We gratefully acknowledge the assistance and guidance provided to us by the *Initiative's* advisory committee, the participants in the Leadership Forum on Court and Community Collaboration, judicial branch officials in California, Massachusetts, and New York, and staff of the Bureau of Justice Assistance.

Our advisory committee worked with us collaboratively, helping us set the direction for the *Initiative* and change direction as experience and insight suggested. The Committee's practice was to meet with project staff for a full day immediately before and then after each of the national meetings we convened on the topic of court and community collaboration. We extend our deep appreciation to the committee members: Lawrence Dark, Zelda DeBoyes, Jean Guccione, Mary Hernandez, Hon. Robert G. M. Keating, Margot C. Lindsay, Hon. Brian W. MacKenzie, Hon. Thomas T. Merrigan, Susette Talarico, Kathy Teller, and William Vickrey.

Forty state chief justices, state and trial court administrators, trial judges, and community leaders accepted our invitation to the Leadership Forum on Court and Community Collaboration. Some participants were veterans of collaborative ventures; others were new to the concept of court and community collaboration. Their thoughtful reactions to our initial presentation of the idea of statewide collaboration gave us new ideas and the wisdom of experience.

Judges, administrators, and court staff in California, Massachusetts, and New York were generous in providing information and clarifications when we compiled their state profiles. They also reviewed draft versions of the profiles. We are grateful to Judge Veronica McBeth (California); Lucinda Brown, Theda J. Leonard, Judge Tom Merrigan, and Mary Jane Moreau (Massachusetts); and Eric Lee, Michele Sviridoff, and the Office of the Administrative Judge of Justice Initiatives (New York).

Finally, we are grateful for the interest and support of Jeanie Santos, our BJA project monitor. Bud Hollis also provided encouragement and advice.

Despite all the acknowledged assistance and advice, responsibility for any statement of fact or interpretation rest solely with the project staff.



Summary

In 1994, amidst renewed interest in increasing public trust and confidence in the nation's justice system, the National Center for State Courts (NCSC) and the Bureau of Justice Assistance embarked on an ambitious program to examine the potential of court and community collaboration to improve the administration of justice and to contribute to the quality of community life.

The *Community-Focused Courts Development Initiative (Initiative)* sought to strengthen court and community relationships by:

- ◆ identifying existing models of collaboration between courts and the public,
- ◆ distilling the critical elements of successful collaboration,
- ◆ developing new strategies for enhancing court and community relations, and
- ◆ disseminating what is learned to those who work in the Nation's state courts.

Through a variety of activities, the *Initiative* ultimately worked to promote the concept of court and community collaboration at the local level as an integral component of how courts conduct their business.

The final stage of the *Initiative* focused on developing a state level capacity to support and practice collaboration. The time is right for consideration of a state level role, since the benefits of local court and community collaboration have been demonstrated to solve problems for courts and for communities effectively and efficiently. Collaboration offers to trial courts resources necessary to adjudicate new types of disputes, including volunteers, and enhances public understanding and support of the court. As a result, collaborations are increasing in number and expanding in scope. State level court leaders—state supreme courts and appellate justices, state court administrators, and other officials—can play a vital part in supporting and guiding the future of collaboration. In particular, a state role is essential if successful collaborations in one jurisdiction are to be replicated in other jurisdictions within the state.

The Road to Collaboration

The rise of court and community collaborations in the late twentieth century has a number of antecedents.

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- ◆ *Courts Without Communities.* Collaborations responded to the discontent with the distance that 20th-century court reform placed between local courts, neighborhoods and communities.
 - ◆ *Courts in Crisis.* Courts experienced a significant change in the types of cases they handle toward cases presenting emotional and social problems inadequately addressed by traditional public services or court sanctions (e.g., substance abuse, family violence, homelessness).
 - ◆ *Failure of Traditional Approaches.* Traditional court processes were inadequate to cope with the volume and complexity of the caseload. Collaboration grew naturally from experimentation with non-traditional, problem-solving approaches.
 - ◆ *Changes in Public Expectations.* Courts have discovered through opinion research that the public supports courts taking on new roles that imply or require collaboration.

In sum, court and community collaborations represent an evolution of courts in response to dissatisfaction with past practice, new challenges, and changing public expectations for the role and openness of the judiciary.

What Is Court and Community Collaboration?

The label “court and community collaboration” carries multiple meanings. The purpose, or underlying philosophy, and modus operandi of court and community collaboration varies from place to place. The ‘court’ in question can be an individual judge, an entire trial court, or even an entire state court system. The community may consist of specific local organizations or the public at large.

Three essential elements, however, underlie the court and community collaboration philosophy.

- ◆ *Commitment to Solving Community Problems.* This commitment is the hallmark of community-focused courts in general and, thus, an essential element of court and community collaboration.
- ◆ *On-going two-way consultation with the public about how the court should operate.* The public, or the community, must be part of a dialogue rather than merely a recipient of information or services from the court. Discussions will deal with court operations without interfering with judicial independence or case decision-making.
- ◆ *Continuity.* By including a temporal element, continuity, the philosophy of court and community collaboration insists that community involvement become a regular part of the court’s

operational structure. One-time efforts to reach out for community input into court planning, therefore, do not fulfill this requirement. Only more enduring devices, such as a standing citizen advisory committee or periodic community consultation meetings, imply the element of continuity.

Taken together, these elements define court and community collaboration, providing criteria for identifying courts that have institutionalized the collaborative philosophy. First, the focus on solving community problems represents an adjustment to the courts' role within the community, giving it greater responsibility for bettering the quality of life in that community. Any endeavor omitting the element of a two-way consultation with the public concerning court operations is reduced to a unilateral effort by the court, and thus cannot be truly collaborative. Finally, the continuity element adds a sense of permanence to the collaborative endeavor, alleviating some of the need for continued re-mobilization.

Approaches to State Level Leadership

Three distinct approaches to state level involvement have been critically examined: California, Massachusetts, and New York.

Court and Community Collaboration in California

Objective: *To improve the courts' ability to maximize resources, meet increasing demands, and improve public confidence.*

Established in 1996, Court and Community Collaboration in California is a statewide initiative that includes all trial courts in the state. The two-pronged emphasis involves the establishment of *Community-Focused Court Planning* in California's trial courts and the design and implementation of *Court/Community Outreach* programs at the local level. The state has facilitated local efforts by providing central assistance, defining the planning process, and establishing oversight through formal programming. Community representatives as well as court leaders are involved in the planning and implementation stages at the state level through a special Task Force.

Key Features:

- ◇ *Active Judicial Leadership.* The project is championed by the Chief Justice, adopted by the Judicial Council as a top priority, and actively pursued by judges in counties throughout the state.

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- ◆ *Community-based Team Approach.* Initially the team approach was used in selecting members of the broad-based Special Task Force on Court/Community Outreach and then the ongoing Implementation Committee. It was reinforced by the use of county teams at a major statewide conference. Involving community members in the state level initiative enabled state leaders to consider the perspective of the courts' communities in identifying ways in which to encourage effective collaboration.
 - ◆ *Local Flexibility.* Flexibility in local program design and implementation also was key to inviting true participation in and ownership for the community collaborative process.
 - ◆ *Obstacles Addressed Early On.* Defining the appropriate limitations contained in the code of judicial conduct and the role of judges in collaboration and community outreach proved an essential early step. The Judicial Council adopted a new standard that recognizes judicial participation in community outreach as a legitimate and necessary part of fulfilling judicial responsibilities.
 - ◆ *Collaboration as Change Agent.* Timing was important. The initiative was launched during a period in which California's courts faced challenges of court coordination, consolidation, and ultimately county court unification and the advent of state trial court funding. The community-focused court planning and community outreach initiative provided a vehicle to build local support for the courts during a time of significant change. It also provided the level of planning and accountability needed to effectively advocate for judicial resources at the state level.

Massachusetts Judicial Branch: Reinventing Justice

Objective: *To support innovations and improvements in the administration of justice in the Massachusetts courts, based on consultation with the community.*

Reinventing Justice has roots at both the state and local levels. The state impetus was in a 1992 report prescribing a future for the Massachusetts courts in which "the public plays a direct operational role in the system through a variety of programs." The findings of the state's report, called *Reinventing Justice 2022*, inspired a local judge and attorney in Franklin County to engage the community in developing and implementing pilot projects to test the viability of collaborative programming. Initial success led the Supreme Judicial Court to extend the project to include other parts of the state. Representatives from local programs and state officials meet regularly to compare experiences and

problems. The efforts are now a fully recognized program of the Administrative Office of the Trial Court.

Key Features:

- ◆ *Strong statement of purpose.* The *Reinventing Justice 2022* report provided direction and legitimacy to grassroots efforts.
- ◆ *Establishing a Community Communication Process.* The purpose of the projects was explicitly to establish a communication process, not to achieve specific objectives through that process.
- ◆ *Low Cost Initiatives.* The *Reinventing Justice* program has grown and developed at little cost to the state. Significant new funding was not provided and few new state-level resources were created. Existing administrative mechanisms and funding streams absorbed the administrative and coordination aspects of the initiative.
- ◆ *Strong Local Roots.* The initial project was inspired locally. Subsequently, the Supreme Judicial Court set criteria for potential projects and selected projects in the statewide initiative, in part, based on considerations of replicability in other settings. Each project is in large measure self-contained.
- ◆ *Successful Pilot Project.* The success in Franklin County provided a strong and attractive model for how courts and communities can cooperatively solve problems.
- ◆ *Independence of Judicial Decision-Making.* A balance was struck in which responsibility for case adjudication is held separate from responsibility for decision-making on administrative issues and planning.

New York State's Center for Court Innovation and Office for Justice Initiatives

Objectives: *To improve public confidence in courts by nurturing and sustaining new experiments in the delivery of justice "from the ground up" and to develop and coordinate community outreach initiatives that improve access to the courts and public understanding of the legal system.*

Court and community collaborative initiatives in New York State are marked by a unique interplay of public and private resources and inspiration. The Center for Court Innovation represents a new approach to court reform in which court and community collaboration is a key mechanism for change. At the same time, a new position of Deputy Chief Administrative Judge for Justice Initiatives is responsible for statewide programs that bring courts and communities together to further access the justice system.

Systematic court and community collaboration-related efforts in New York State emerged from the process of planning the Midtown Community Court, which opened in October 1993. The Midtown Court was co-sponsored by the Office of Court Administration, the City of New York, and the Fund for the City of New York as a three-year demonstration project. After the demonstration period was successfully concluded, the planning team formed the core of the Center for Court Innovation, an independent unit of the New York State Unified Court System. The Center currently has ten demonstration projects testing new approaches to the administration of justice. New York also created the position of Deputy Chief Administrative Judge for Justice Initiatives to bring statewide leadership and coordination to the development and coordination of community outreach efforts.

Key Features:

- ◆ *Collaborating to Collaborate.* State level leadership for court and community collaboration in New York State is provided through a unique amalgam of public and private interests.
- ◆ *High Level Recognition.* Day-to-day responsibility for enhancing the quality of court and community relations has been inserted into the very top level of the court system's administrative hierarchy.
- ◆ *Innovation Greenhouse.* At the same time, the court system has a flexible and in many respects informal arrangement in which an outside body, the Center for Court Innovation, works on a project-specific basis directly with community organizations to build ambitious demonstration projects. Ultimately, innovative features of the projects will be incorporated into the Court System.
- ◆ *Project-Specific and Evolving Definitions of "Community".* The definition of "community" and the nature of the collaboration have been uniquely defined for each demonstration project, and allowed to evolve over time.
- ◆ *State-Sponsored Dialogue.* In the statewide Community Outreach Initiative, a more expansive, two-way dialogue between court leaders and local communities is being fostered through a series of local Town Hall meetings.

Styles of State Involvement

Three broad styles of state involvement in promoting collaborations can be extracted from current state experiences to describe models that might emerge as other states follow the lead set by California, Massachusetts, and New York.

The styles are not meant to serve as descriptions of what the three states are doing, or to be mutually exclusive.

- ◆ *Recognition and approval.* The state role is essentially that of encouragement. Central court administration makes clear its support for collaborations by local courts and provides guidance on the more commonly cited constraints on judicial participation in collaboration, such as the ethics of judicial fundraising or the legitimacy of devoting judicial time to community outreach.
- ◆ *Centralized support and assistance.* State court administration provides resources that local collaborations will need. The state role is essentially that of promotion. Court and community collaboration is assumed to be a “good,” something that all courts potentially should practice. At more developed levels, assistance extends to training for court staff and judges and earmarked funding for collaborative programs.
- ◆ *Management.* The state role is essentially that of direction (at least in certain aspects of planning and operations). At a minimum, this entails a state established framework within which individual courts or court districts plan and implement local collaborations. At more developed levels, management can extend to setting basic criteria that local collaborations must meet and monitoring the progress of local initiatives in meeting expectations set at the state level.

Lessons Learned

Given that each state took such different approaches, what general conclusions can be drawn?

Judicial Commitment. In each state’s efforts, judicial leadership has been demonstrated by judges championing the notion that court responsiveness to community needs is not only appropriate, it actually strengthens the independence of the judicial branch of government.

Resource Support. Long-term survival of the grass roots efforts requires state resources. The form has varied, from actual dollars for activities and consultants, to proclamations supporting the efforts, to mini-grants to help replicate the programs. But the provision of these resources at the state level sends an important message to both judicial system personnel and community leaders—that collaboration is seen as a worthy and productive endeavor.

Success Breeds Success. Each state profiled took a risk to champion court and community collaboration. Although the size and nature of those risks varied, the state system chose to try something different and new which was successful. Those successes then paved the way for additional, similar efforts that have continued to be successful in increasing court and community collaboration efforts. Without the willingness to take the initial risk, it is likely that none of the original or follow-up efforts would have succeeded.

Focus on the Process. In the long run, establishing durable processes that can guide the future is more important than achieving specific objectives. The process should avoid stifling local initiatives and instead let local voices shape the objectives and methods while still providing a framework for monitoring and planning.

Tackle Perceived and Real Barriers to Judicial Participation Early. Either formally or informally, states took steps to address judges' concerns about the appropriateness of their involvement in community collaborations. Each state structured collaboration in a way that did not impinge on the independence of judges as adjudicators of disputes.

Tailor Ambition and Method to the Strengths of the State's Court Administration. The constitutional and statutory authority for the state judicial branch confers varying degrees of administrative capacity to influence trial courts within a state system. Key points of variation among judicial branches include the amount of state funding for local courts, the ability to appoint or approve the selection of trial court presiding or administrative judges, the functions assigned to the administrative office of the courts, and terms of office of state chief justices.

Use the collaborative process to solve major challenges facing the state's courts. In each state, mechanisms developed through collaboration were used to ease the implementation of fundamental statewide policy changes or to demonstrate better ways of handling difficult kinds of court cases. The credibility of the collaboration process benefited from that contribution.

A Final Word

State level involvement in collaboration extends beyond supporting local efforts. The principle underlying collaboration can be incorporated into the governance and operations of the state judicial branch. More broadly, collaboration is a philosophy by which the judicial branch conducts all aspects of its business.

Chapter 1

The Promise and Practice of Collaboration

The Purpose of the *Leadership Guide*

In 1998, the National Center for State Courts published a *Guide to Court and Community Collaboration*. That *Guide* was a product of a four-year Community-Focused Courts Development Initiative, funded by the Bureau of Justice Assistance. The purpose of the *Guide* was to pass on lessons about what court and community collaborations can achieve and how they can be established and nurtured. Those lessons were abstracted from the detailed study of eight innovative court and community efforts, as analyzed and refined through the deliberations of an advisory committee and discussion at three national meetings of judges, court managers, and citizen activists.²

The Initiative itself was a response to changes becoming evident in the state courts during the early and mid-1990s. The changes were troubling. The Initiative's Advisory Committee captured the sense of frustration felt by both courts and communities in many localities:

There is considerable frustration in the state courts and in the communities they are designed to serve. The public frequently concludes that courts do not respond to community problems. The judges feel they cannot adequately resolve the problems they face. Moreover, in many sectors, there is profound alienation between courts and the people they serve; an alienation that stems from dissatisfaction with both court processes and court outcomes.

In the same statement, the Committee noted promising steps being taken to address that frustration:

Recognizing this, some courts have developed collaborative programs with the people they serve. These collaborations have emerged in diverse jurisdictions and take a variety of forms, all of which go beyond public education. In their own ways, each of these programs aims to improve the delivery and administration of justice, and to increase public trust.

² National meetings were held in New York City (February 1997), Atlanta, GA (November 1997), and Phoenix, AZ (February 1998). Another national meeting, in Denver (June 2000), was dedicated to the specific issues addressed by this *Leadership Guide*.

Today, the benefits of court and community collaboration initiatives have been demonstrated.³ Court and community collaboration solves problems for courts and for communities effectively and efficiently. Collaboration provides the resources necessary to adjudicate new types of disputes, and enhances public understanding and support of the courts. As a result, collaborations are increasing in number and expanding in their scope and ambition.⁴

This *Leadership Guide* is a response to that success. The *Leadership Guide* recognizes that the state level court leadership—state supreme courts and appellate justices, state court administrators, and other officials—play a vital role in supporting and guiding the future of collaboration. In particular, a state role is essential if successful collaborations are to be replicated in other jurisdictions.

The *Leadership Guide* also recognizes that the contribution of state level involvement in collaboration extends beyond supporting local efforts. The principles underlying collaboration can be incorporated into the governance and operations of state judiciaries. For example, members of the public or representatives of public service and interest organizations are being included on state judicial task forces and committees as a matter of routine. More broadly, collaboration can form the philosophy through which the judicial branch conducts all aspects of its business.

The *Leadership Guide to Court and Community Collaboration* offers information and advice drawn from the experiences of states taking a systematic approach to implementing and promoting court and community collaboration. This chapter and the one that follows, however, offer a “Court and Community Collaboration for Beginners” primer, a prerequisite for appreciating the potential and methods of state-level involvement in promoting collaboration. Chapter 1 looks at why local court and community collaborations emerged and defines

³ There is national endorsement of a more expansive, community-focused judicial role. The Conference of Chief Justice, representing the chief justices of the 50 states and the District of Columbia, endorsed the concept of court and community collaboration in a resolution passed at its 1997 annual meeting. The text of the resolution noted that the conference “(1) supports the concept of community-focused courts, designed to be responsive to the needs of the individual communities that they serve; and (2) encourages the collaboration of the state court leadership with federal and state funding agencies and other interested groups in the development of such courts.” The Conference of State Court Administrators passed a similar resolution at its 1997 annual meeting.

⁴ Published evaluations of court and community collaborations include M. Sviridoff, D. Rottman, B. Ostrom, and R. Curtis, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court*; E.K. Gross, *Evaluation/Assessment of Navajo Peacemaking*. Q. Johnstone, *The Hartford Community Court: An Experiment that Has Succeeded*, *Connecticut Law Review* 34, 123-156 (2001).

what collaboration means in the court context. Chapter 2 provides several concrete examples of collaboration. The chapter also summarizes the lessons learned through those collaborations by judges and community leaders.

The remaining chapters provide an introduction to current and evolving roles of state judicial branches in promoting collaborations. Examples of the quite different state-sponsored programs in California, Massachusetts, and New York provide the raw material. Detailed profiles of the three programs are offered as appendices to the *Leadership Guide*. Chapter 3 describes and analyzes the experience to date in those three states, and offers some advice on how your state can benefit from what they have accomplished. Chapter 4 offers practical advice on how to organize and govern a state-level collaboration program. Chapter 5 looks to the future of court and community collaboration.

The Road to Collaboration

The rise of court and community collaborations in the late twentieth century is the result of a number of trends in the society at large, local communities, and the state courts that came together in the 1990s.

Courts Without Communities. The first antecedent is discontent with the distance that 20th century court reform placed between local courts and neighborhoods and communities. Reform sought to centralize and unify all court operations and administration into a single trial court.⁵ The objective was to disentangle trial courts from local politics and political corruption, rationalize court operations by eliminating courts with overlapping subject matter jurisdiction, and achieving economies of scale. State legislatures adopted the court reform agenda, creating a single 'downtown' courthouse in urban areas and a multi-county court district in rural areas. The change was dramatic. For example, in 1931, 556 courts served the citizens of Chicago; today, one trial court with a Downtown courthouse and ten satellite locations serves the far more populous city of Chicago (in fact, Cook County). Most fundamentally, a large proportion of the public believes that courts are out of touch with what is going on in their communities. Overall, 44 percent of the American public holds that view; however, larger proportions of African-Americans (two-thirds) and Latinos (just over one-half) agree.⁶

Courts in Crisis. A second antecedent of court and community collaboration is change in the kinds of cases reaching our trial courts.

⁵ Quoted in Tannenbaum, Frank, *Crime and the Community*. Boston: Ginn and Co., 1938:30.

⁶ *How the Public Views the State Courts: A 1999 National Survey* by the National Center for State Courts, Funded by The Hearst Corporation, 1999, p. 40.

During the 1980s and thereafter, trial courts were in the front line of efforts to deal effectively and appropriately with substance abuse, family violence, and homelessness—problems inadequately addressed through traditional public and private services or by traditional court sanctions.

The magnitude of the challenge presented to the state courts is clear in changing court caseloads. Between 1984 and 1999, the number of juvenile court cases grew by 68 percent and the number of domestic relations cases by 74 percent. Over those same years, the number of civil (tort, contract, and real property) grew by 32 percent and criminal cases by 47 percent.⁷ Traffic cases, once a major reason for court contact, declined by fifteen percent. As a point of comparison, the United States population increased by twelve percent over those years.⁸

The Failure of Traditional Approaches. Traditional ways of conducting court business and levels of court resources were inadequate to cope with the volume and complexity of cases involving families and juveniles. Local court and community collaborations emerged as individual judges or coalitions of judges and community leaders established non-traditional approaches to the adjudication of defendants and resolution of civil disputes. Judges and court administrators became partners in local task forces and councils addressing domestic violence, substance abuse, child neglect, and jail overcrowding.

New Court Standards. Collaboration is a way in which courts can meet their acknowledged responsibility to contribute to solving new public problems. The acknowledgment is in the Trial Court Performance Standards, prepared by a commission of judges and court managers. Trial Court Standard 4.5, “Response to Changes,” explicitly mandates the kind of active role that community courts assume:

Effective trial courts are responsive to emergent public issues such as drug abuse, child and spousal abuse, AIDS, drunken driving, child support enforcement . . . A trial court that moves deliberately in response to emergent issues is a stabilizing force in society and acts consistently with its role of maintaining the rule of law (Bureau of Justice Assistance, 1997, p. 20).

⁷ B. Ostrom, N. Kauder, and R. LaFountain, *Examining the Work of the State Courts, 1999-2000: A National Perspective from the Court Statistics Project*. Williamsburg, VA: National Center for State Courts, 2000.

⁸ Brian Ostrom, et. al., *Examining the Work of the State Courts 1996, 1997*.

A key common feature of community courts is their capacity to respond to changing conditions. Courts in their new role are proactive problem-solvers.

Changed expectations. Another trend promoting court and community collaboration is dissatisfaction with the traditional roles of judges and courts staff. Public opinion surveys tell us that court and community collaboration responds to key public concerns.

The public is supportive of courts taking on new roles that imply or require collaboration. A recent (Spring 2000) national opinion survey sought the public's response to non-traditional court roles like those found in drug and other problem-solving courts. In that survey of 1,600 adults:

- Seventy percent of the public agreed that courts should hire drug treatment counselors and social workers as court staff members;
- 75 percent agreed that courts should order a person to go back to court and talk to the judge about their progress in a treatment program;
- 90 percent agreed that courts should solve problems by coordinating the work of local agencies; and
- 95 percent agreed that courts should solve problems using the knowledge of psychologists and doctors.⁹

The public's enthusiasm for problem-solving, community-engaged courts is clear; among African-Americans and Latinos that enthusiasm is virtually unanimous.

There is some evidence that greater support for non-traditional roles is associated with lower levels of support for courts as they now operate—a statistically significant negative relationship (Rottman et al., 2001). Such a negative relationship points to unmet expectations about what courts should do.

⁹ The preamble to the questions read: "Some people think that courts should stick to their traditional role of looking at the facts in a specific case and then applying the law. Other people think that it is now necessary for the courts to go beyond that role and try to solve the problems that bring people into court. I am going to read you a few statements about the role of the court. Do you strongly agree, somewhat agree, somewhat disagree, or strongly disagree that courts should . . ." The survey findings are drawn from David Rottman and Randall Hansen, *How Recent Court Users View the State Courts: Perceptions of Whites, African-Americans, and Latinos*, p. 13-14. <http://www.ncsc.dni.us/RESEARCH/RecentCourtsPaper.pdf>

Judicial dissatisfaction with the status quo is evident in the development of problem-solving courts—drug courts, mental health courts, and homeless courts are prime examples. Such courts typically originate with one or more local judicial leaders rethinking traditional processes by which courts process cases where a very large proportion of the litigants have complex emotional and social problems that underlie the reasons that bring them repeatedly before the bench.¹⁰

In sum, court and community collaboration represents an evolution of courts in response to dissatisfaction with past practice, new challenges, and changing public expectations for the role and openness of the judiciary. Problem-solving courts are the most concrete expression of changes in society and the courts. Collaboration is a key mechanism.¹¹

What is Court and Community Collaboration?

Trial courts in the 1990s rediscovered some of the benefits that trial courts once enjoyed from working collaboratively and closely with local communities. This rediscovery has been gradual. By the late 1960s and 1970s, national commissions on crime promoted a quest for the justice system's community roots, espousing citizen participation. Court-watching programs, citizen representatives on judicial disciplinary commissions, and permanent court advisory committees developed. For the most part, these early efforts tended to serve as "conduits of information" between the courts and the community.

The community's role in collaboration extends well beyond that of passive recipient of information. A definition of court and community collaboration emerged during the course of two national Executive Sessions that brought together leaders from existing collaborations. One product was a mission statement capturing the essence of court and community collaboration:

The philosophy of court and community collaboration gives the public a legitimate institutional role in the development of court

¹⁰ See David Rottman and Pam Casey, "Therapeutic Jurisprudence and the Rise of Problem-Solving Courts," *National Institute of Justice Journal*, July 1999.

¹¹ Problem-solving courts are successful, in part, because they embrace a style of courtroom interaction that is consistent with the manner in which the public prefers decisions to be made. Compliance with court orders is highest when litigants and others perceive fair procedures. The four key elements of procedural justice are respectful treatment, neutrality, meaningful participation, and trustworthiness. The latter element, the most important as an antecedent to compliance, is based on a perception that judges care about people and are responsive to their needs (Rottman, 2000).

policies, plans, and programs, which strengthens court independence, operations, and effectiveness. Court and community collaboration is a sustained, two-way commitment to ensuring that the justice system is open and effective for everyone. The process of court and community collaboration is integral to the fair administration of justice. It is not a one-shot event aimed at solving one isolated problem or satisfying one special interest group.¹²

Core Elements of Collaboration

The mission statement includes three essential elements: a commitment to solving community problems, an on-going two-way consultation with the public about how the court should operate, and continuity. These elements provide a working definition of the court and community collaboration concept.

- *Commitment to Solving Community Problems.* This requirement is the hallmark of community-focused courts in general and, thus, remains an essential element of court and community collaboration. Where the *public consultation* requirement (below) separates court and community collaborative courts from community-focused courts, solving community problems is the primary objective of both concepts.
- *On-going two-way consultation with the public about how the court should operate.* This element first requires that the public, or the community, be a part of a dialogue rather than merely receiving information or services from the court. In addition, this element mandates that the subject matter of the discussion include court operations. This does not entail public interference with judicial independence or case decision-making; it merely requires citizen guidance for court operations.
- *Continuity.* By including the temporal element, continuity, the philosophy of court and community collaboration insists that community involvement become a regular part of the court's operational structure. One-time efforts to reach out for community input into court planning, therefore, do not fulfill this requirement.

¹² This mission statement builds on a philosophy of collaboration offered by Chief Justice Shirley Abrahamson of Wisconsin in her welcoming remarks at Improving Court & Community Collaboration: A National Town Hall Meeting: "We call these efforts 'court and community collaboration' because they stem from and require consultation with the public about how the courts should operate. Court and community collaboration is sustained, two-way commitment to ensuring that the justice system is open and effective for all. It is not a one-shot event aimed at solving one isolate problem or satisfying one special interest group."

Only more enduring devices, such as a standing citizen advisory committee or periodic community consultation meetings, imply the element of continuity.

Taken together, these three elements define court and community collaboration, providing criteria for identifying courts that have institutionalized the collaborative philosophy. First, the focus on solving community problems represents an adjustment to the courts' role within the community, giving it greater responsibility for bettering the quality of life in that community. Any endeavor omitting the element of a two-way consultation with the public concerning court operations is reduced to a unilateral effort by the court and thus, it cannot be truly collaborative. Finally, the continuity element adds a sense of permanence to the collaborative endeavor, alleviating some of the need for continued re-mobilization.

This definition sets a high standard for collaborative courts. It suggests that they not only aspire to address community concerns, but also seek to change the way the court does business with their communities. This prospect can be disconcerting to a judiciary that has long been protective of its role as an independent arbiter of disputes among members of that same community with which it will partner under such a philosophy. Chapter 2 of this guide addresses concerns over the apparent conflict between judicial independence and collaborative courts, among others.

Programmatic and Systemic Collaboration

The label "court and community collaboration" carries multiple meanings. The purpose, underlying philosophy, and modus operandi of court and community collaboration vary from place to place. The court in question can be an individual judge, an entire trial court, or even an entire state court system. The community may consist of specific local organizations or the public at large.

There is a distinction between what might be termed the *programmatic* and the *systemic* dimensions of court and community collaboration. Where programmatic collaborative endeavors involve the community for short periods or for limited purposes, the truly systemic endeavors entail a change in the way the court does business with relation to the community. The latter aspect is the focus of this volume. Before proceeding further on how to foster systemic collaboration, Chapter 2 offers some of the lessons learned based on the intensive study of eight court and community collaborations and the observations on those lessons from prominent judicial and community leaders through the two Executive Sessions on court and community collaboration.

Chapter 2

Court and Community Collaboration in Action: Models and Debates

This chapter is a primer on how to build and sustain local court and community collaborations. Many of the practices and devices that have worked at the local level have applications to the task of building and sustaining statewide initiatives. The first section of the chapter describes four examples of successful collaboration. The second section summarizes discussion and debate among court and community leaders who gathered to assess the barriers to collaboration and strategies for overcoming those barriers.

Collaboration in Practice: Four Examples¹³

Court and community collaboration is an expansive concept. At first glance, there appears to be more diversity than commonality in the concept's existing manifestations. Collaborations differ in their organizational structure and their day-to-day operations, in addition to differences in their goals and objectives. Brief descriptions of five examples of court and community collaborations are offered here to make the meaning of collaboration and the variety of collaborations that exist more concrete. One example is offered from the three states to be highlighted in the *Leadership Guide*: California, Massachusetts, and New York. A description also is given for the Juvenile Conference Committee Program of Hudson County, New Jersey. That program is notable for its longevity (since 1953), its commitment to diversity in community participants, and, most importantly for our purposes, the network of state level support in which it operates. The four collaborative ventures are:

First Impressions Project, Los Angeles, California. The Los Angeles Municipal Court established the First Impressions Project to reach out to fourth and fifth graders in the schools of LA's most underprivileged communities. Volunteer attorneys visit classrooms to explain the legal system. The students then visit the courthouse with the attorneys, guided by docents drawn from the school's neighborhood. At the courthouse, the students observe court proceedings, meet judges, and role play as judges, attorneys, and jurors in mock trials. First Impressions is a collaborative effort between the judges and staff of

¹³ The four examples are drawn from profiles of eight local court and community collaborations included in the original *Guide to Court and Community Collaboration*. Later chapters of this *Leadership Guide* highlight statewide efforts in California, Massachusetts, and New York. Also, the Hudson County, New Jersey Juvenile Conference Committees are described because it is part of a statewide effort at collaboration dating back five decades.

the court, local bar associations, citizen volunteers, a school transportation company, curriculum developers, and Ticketmaster, which provides prizes to essay contest winners.

Franklin County Futures Lab, Greenfield, Massachusetts. The Franklin County Futures Lab, which is also identified by multiple types of interaction with the community, is another excellent example of a court that has institutionalized the court and community collaboration philosophy. Here, however, the primary emphasis is on obtaining significant community input from a broad cross-section of the community at the “front end” of the reform process rather than just at the implementation stage of specific projects. The Franklin County Futures Lab first brought together a 38-member task force and convened four town meetings across the county in an effort to obtain broad community input and commitment to court reforms. The creation of a new structure to oversee and implement new pilot projects, which includes a community outreach and education board, institutionalized the initial drive for community input.

The Franklin County Futures Lab also places a strong emphasis on the other types of interaction that supplement the emphasis on community involvement in court planning. The court created a full-time position to oversee community outreach and public education programs for the court that emphasize court and community dialogue and outreach by the court to the community. The court has also fostered close relationships with the community to develop the community as a resource for cases that are appropriate for some type of alternative disposition.

Youth Assistance Program, Pontiac Michigan. The Youth Assistance Program, administered by the Oakland County Probate Court and the Circuit Court-Family Division, allows local volunteer boards to oversee programming at each of the 26 offices throughout the county. Local volunteer boards work with the court and caseworkers employed by the probate court to work on solutions to youth problems. A countywide coordinating board, made up primarily of the chairs of the 26 local boards, provides advice, consultation, and support to the central office and to the local boards. Now an enduring element of the court structure in Oakland County, these citizen boards provide local communities with an official and ongoing say in the use of court resources and into court programming decisions.

The Youth Assistance Program also integrates community resources with those of the court and utilizes community volunteerism. The court maintains 39 full-time and 11 part-time employees in the Youth Assistance Program in addition to the significant involvement of judges and court administration. Staff

from the Central Probate Court and Circuit-Family Court Division recruit and train community volunteers for one-to-one mentoring programs and provide a coordinating function for other programs. Local volunteers include representatives from local schools, city government, and several community service agencies as well as citizens from the general population.

Juvenile Conference Committees, Hudson County, New Jersey. The Hudson County Family Court established "Juvenile Conference Committees" (JCCs) through which one-third of its minor, first-offense cases are disposed. Six to nine community volunteers staff each of the committees and hear cases that do not warrant a court hearing, but are worthy of an expression of social and judicial disapproval. The court's intake workers divert the cases to the committees. During hearings held in facilities dispersed throughout the county, local JCCs meet with juveniles, their family members, and interested parties to determine the circumstances surrounding the complaint. Committee members subsequently recommend a disposition to a family court judge for approval.

By court rule (compliance with which is monitored by the state court administrative office), members match the racial and ethnic composition of the locality. With a wide variety of backgrounds and experiences, members include college students, business owners, and clergy. The county stresses representation by all linguistic groups in a county with a very high proportion of foreign-born residents. The dynamic aspects of this long-established program include over 40 years of experience in building a strong state infrastructure involving volunteers. The state role provides structured and multi-level professional education and skills training for volunteers. The state's central administration merits much of the credit for judicial confidence in JCC decisions and the record of successful retention of volunteers over long periods of time.

The Midtown Community Court, New York. In October 1993, the Midtown Community Court opened as a three-year demonstration project designed to test the ability of criminal courts to forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offenses. The court brings persons charged with low-level crimes to justice in the neighborhood in which the incidents occurred, producing greater efficiency, visibility, and accountability. Building on the example of community policing, the court mobilized local residents, businesses, and social service providers to collaborate with the criminal justice system by developing and supervising community service projects and by providing drug treatment, health care, education, and other services to defendants.

Nearly two-dozen community-based partners, supervising community-based projects and providing treatment and other services to court clients, have

been located in the court building itself as means of ensuring cooperation between those agencies and the court. These service providers, due to their proximity to a pool of individuals (offenders brought to the court) with a high concentration of need, are able to identify those in need of services and reach them more efficiently.

Creating Successful Collaborations: Barriers and Strategies

When seeking to institutionalize court and community collaboration, state court leaders should draw lessons from successful local court and community collaborations like those just described. In order to gain such insight, the National Center for State Courts, with funding from the Bureau of Justice Assistance, convened two Executive Sessions with representatives from established and fledging collaborative programs to engage in a discussion about the real and perceived barriers to collaboration and about possible strategies to overcome them.¹⁴

A summary of their deliberations is given below. The tenor of the discussion is conveyed to some degree by a series of quotations taken from a transcript of what was said during the course of the two Executive Sessions.

Challenges to Collaboration

Participants in the first Executive Session were asked to consider the barriers and challenges to collaboration from three perspectives: from the courthouse, from the community, and from the process of collaboration itself.

The View from the Courthouse

Fear of compromising judicial independence is consistently articulated as perhaps the key area in which judges, in particular, express hesitance when asked to collaborate with the community and other parts of the justice system. Many within the judiciary are apprehensive that community involvement will lead to a variety of challenges to their independent decision-making power and authority. Specifically, judges anticipate that in the process of collaboration, the community will request to be involved in the judicial process in ways that judges perceive are inappropriate, such as *ex parte* contacts and questions about specific rulings. If practice or rule requires judges to consult with social service agencies,

¹⁴ The Executive Sessions were convened on November 8, 1997 and February 14, 1998. The session participants included thirty judges, court administrators, and others involved directly in collaborative activities. The programs were diverse in terms of staff (professional and volunteer), funding (public and private sources), geographic focus (local and statewide), and community type (rural, urban, and suburban).

the agency potentially could subsume some of the judge's control over the case—control based on information and experience with long-range solutions, both of which are uniquely within the social service agency's grasp, not the judge's. Some judges feel that this would give unaccountable public and non-profit employees an inordinate amount of control over the judge's decision-making.

Community leader: A lot of judges need judicial independence to hide behind.

As another challenge to collaboration, courts have limited experience in getting out of the courthouse and **connecting with the community**. Important differences between the judiciary and its constituency may impede these attempts. The racial, class, and educational characteristics of the judiciary differ considerably from that of its constituency. Often judges do not even live in the area where the court sits or the court itself may even be distant from the community. These disparities potentially hinder communication and trust between the judiciary and the community it serves. These distinctions also lead to different perceptions of the problems and varying ideas about solutions and goals.

Community leader: Most of the lawyers do not look like the community. They are going to be more resistant because they do not live in that community and they are not really like those people. In these kinds of roles we are talking about a lot of lawyers and judges who do not have the sensitivity and background in dealing with this. How do you collaborate with people not like yourself?

Judge: The problems we seek to solve don't come from the business community, they don't come from the police; they come from the residential community.

When attempting to consider these differences, an appropriate definition of the court's community first must be established. Each court has a constituency within the justice system consisting of police, prosecutors, and judges, and a greater community consisting mostly of the citizens within the court's jurisdiction. Once this "definition" process has been initiated, the court may discover that more than one community exists and that these constituencies have contrasting views about what the court should be doing. Tensions potentially can develop as a result of these various expectations. Courts also must be attentive to whether developing a relationship with one particular community and not another might compromise equal justice in ways that were not intended.

Judge: The community often does not approach the court agreeing on what the problem is. We often have trouble deciding what is the community.

The structure of the judicial system makes it somewhat rigid, unfriendly and difficult for the public to understand. The work of courts is typically structured in an industrial model where special tasks are assigned to staff members. Court professionals have most likely been trained in the adversarial model, which is often incompatible with a collaborative one. The locations of courthouses are often isolated, and even in those instances where they are not isolated, the community perceives isolation because of their lack of knowledge about the court and its structures. The courts are only beginning to enhance their skills in dealing more effectively with the community.

Cooperative models for these collaborations are limited and more leadership from the court and community is needed. The judiciary is faced with a community who is not often reaching out to the courts for help and a conventional adjudicatory model that is slow to react to community problems.

Judge: One thing that is missing: no one is touching the other side for the judiciary. The community is not reaching out and saying to the court, "Hey, we want to get involved."

The lack of resources remains a constant hurdle for the courts. Courts already are overburdened in many places by trying to do more with less in their adjudicatory responsibilities. Judges want to know if engaging in collaborative activities will take away from their cases. The lack of proper resources inhibits collaboration leaders' ability to initiate these programs.

Court Administrator: Funding and resources could be a major setback in the courts in terms of disincentives to collaboration. Are you going to give me money? Are you going to take resources away from my other cases? Are you going to give me the money it might take to have collaboration and special programs?

The View from the Community

Many of the barriers expressed from the community's viewpoint parallel (or reverse) those expressed by the courts.

A chief barrier from the community's perspective is the view that the **courts lack credibility to solve community problems**. The average person is not likely to think of going to the courts or to a specific judge to ask for help in solving a community problem. People feel that solving community problems is strictly the domain of the executive and legislative branches of government—the judicial branch is charged with only very specific adjudicatory duties. Furthermore, the community may perceive a problem, but not have formulated specific goals for what they want the courts do about it.

Community leader: When there is a huge community problem, people on the street do not say, "let's go get the court to help us out."

Furthermore, the **public lacks awareness** of the court's previous efforts to engage in collaborative activities. Court and community collaboration is a new name for efforts that have been undertaken by courts on a small scale for some time. Historically, many judges have not only solicited other parts of the justice systems for help in forming positive outcomes in case dispositions, but also participated in community improvement projects. The challenge, however, is that these efforts have typically received little publicity and recognition, and thus have gone unnoticed by the larger community. Consequently, the community often is not knowledgeable of the willingness of the court to engage in these collaborative activities.

Judge: "...nobody in the community knew that those people who were out cleaning up the alley were actually court service workers; they just thought they were city employees. I think the key thing is to publicize the fact that it is a court. Our guys have been doing it for years, but the people didn't know that the court had anything to do with it."

The **community lacks knowledge of the court structure** and it lacks the organization needed for collaborating with the court. The community's lack of basic information about the structure of courts and the duties of the courts causes an inability of the public to understand the unique, fundamental problems facing courts. Even if the community were cognizant of court structure, it would find that the courts do not typically have a structure with which the public can connect, verifying the community's belief that courts are not accessible.

Judge: The community overall does not have an understanding of the frustration that we as judges encounter in being unable to reach a solution.

Community leader: People don't believe that judges are accessible. If they were accessible, some of the other problems would be solved. Their isolation alone is a barrier.

Diversity within and between communities often exists, creating **different expectations and goals** for court and community collaboration efforts. Different communities may compete for involvement in the same court, each having its own agenda and perception of the problems to be addressed. One part of the community may feel that "the courts lock up our kids" while the other feels "the courts let criminals back out on the streets." Competing notions such as these can complicate and inhibit effective collaboration and prevent courts from solving community problems.

Community leader: There is a tendency with collaboration to be populated with people who claim the good of the community, but are just another level of stakeholders who want to control the judge – the prosecutor, the social workers, the treatment providers, and others.

Cultural barriers also lead some community members to feel that collaboration with the courts is inappropriate and that the courts should not be involved in solving community problems. As the United States becomes more culturally diverse, different views about the role of the judicial branch will affect a court's ability to collaborate with these communities.

The Nature of the Process

The process of collaboration itself presents unique obstacles in any context, but particularly between courts and communities.

Fear of stakeholders. In all forms of collaboration, stakeholders fear that through collaboration, they may lose relevance, individual identity and most importantly, control. Judges fear collaboration because it might curtail their control over the decision-making process. Any form of input, even external sources of information, could influence judicial decision-making.

Resistance to collaboration. Some people, perhaps those necessary to collaboration, will resist for various reasons. Some participants do not have or will not commit the resources, while others fear the uncertainty related to

changes in practice. Anticipation of this response also inhibits collaboration. When one stakeholder fears that another will not participate, his perception of the likelihood of a positive venture diminishes and therefore his own incentive to collaborate diminishes.

Judge: We have a problem defining the value of collaboration. I need to understand that I am going to have a resource down the road; I am going to have more than I have now and a system that functions better.

Logistics of collaboration. Often the process of collaboration is ineffective because it has no methodology, people don't understand it, don't agree that they are going to collaborate, and don't know how it starts or who does it. Furthermore, collaborations are time consuming because there is a labor-intensive commitment and it takes time to work through the issues.

Strategies for Collaboration

At a fundamental level, the first question that ultimately must be answered when seeking to institutionalize collaborative activities is “**Why would the court want to do this?**” Discussions at the second Executive Session focused largely on responding to this issue—namely how will the court (and more specifically the judge) benefit from collaboration. Embedded in the reasons behind and the benefits derived from collaboration, we find some of the possible strategies to be used in overcoming the challenges and barriers discussion earlier in this chapter.

Three of the participants at the Executive Sessions described why they began their involvement in court and community collaboration in the following ways:

Judge: Courts are dealing with issues they never dealt with before and they do not handle them well because of a lack of resources. We need to bring some of this stuff back to the community so they can help us.

Judge: We as the court are probably the biggest gateway into the service industry in the social services area. We don't have the capacity at this point in time to put into those social service agencies. Moreover, we don't have very much control over social service agencies once we put them in there and we are responsible.

Judge: I think that my involvement in this was triggered by my concern that if we did not change what we were doing, we would not be relevant to the public in twenty-five years time and that we would lose credibility within the government and that we would lose the public support that is necessary to maintain appropriations necessary for us to function as an independent branch of government. We would sort of evolve into what I think they have in Europe in many cases – an agency or bureaucracy.

Supporting Judicial Independence. The judiciary attaches great significance to its status as an independent branch of government and is keenly cautious that reliance upon executive branch agencies could compromise that independence. Independence, however, is not one-dimensional. A judge can give up power where appropriate in order to retain power where necessary. Court and community collaboration offers judges an opportunity to increase their independence by creating a supportive constituency, offsetting the inordinate influence on the judicial branch by other branches of government and by lawyers. A court's constituency will alleviate court legitimacy problems, in turn allowing the court greater independence.

Judge: We must educate the community on what judicial independence means so they can work with us. Empower the community and allow them to share with us in terms of administrative decision-making. Courts will benefit if we can get the community to speak on our behalf.

Broadening Judicial Accountability. Collaboration further strengthens judicial independence by changing the way the public holds judges accountable. Currently, judicial accountability occurs on an episodic basis, typically centered on a single controversial case. Collaboration allows judges more community access, giving the community greater ability to assess him and properly hold him accountable. Good judges will gain independence in controversial cases due to political capital gained through previous access to the public.

Judge: I have neighborhood leaders all the way around the city who will say, "I don't like what he did, but I like him." That is the kind of thing you have to do and that is how this sense of community builds your independence rather than lessens your independence as a judge. Then you have an independent force of people willing to stand up for you even when you do things a lot of people don't like.

Determining Appropriate Power Sharing. Each collaboration exists on a continuum of power sharing. In implementing court and community collaboration, determining the appropriate power balance is an integral component. At one end, the community has full control and at the other end, the judiciary has full control. The appropriate point on the continuum will vary for every venture a court has with its community. Judicial decision-making in individual cases will remain fully within the purview of the judge, while other subjects, such as court to school outreach programs, will have much greater community direction.

Court administrator: Involvement goes from autocratic decision-making to joint decision-making at the other end of the spectrum. We run the court generally autocratically, but we are now moving toward the other end. We are talking about what point along that spectrum of involvement is appropriate in each circumstance.

Developing Credibility for Problem-Solving. As public trust and confidence in the courts remained low, courts increasingly have found it important to engage the community by asking for guidance in identifying community problems and for help in solving those problems. While the court's former lack of credibility in these activities may initially inhibit collaboration, once overcome, the court's more positive image will encourage the community to collaborate. Once collaborative programs are initiated, they serve as an example to the community that the courts are relevant to community problems and the court can contribute to solving some of those problems.

Judge: We started going out and doing the cleanup in the neighborhood and surely did build a lot of credibility for my court and a lot of credibility for me personally because I'm out there raking their yards. That is literally going back and being a part of my community and showing the people in the community that I am doing something.

Educating and Reaching Out. A critical component (or perhaps prerequisite) to court and community collaboration is the need for education and outreach from the court to the community. The court must work to educate the community about court activities, by reaching out and asking the community to articulate problems, and by organizing common community concerns when those concerns are conveyed through individual complaints or suggestions. Town Hall meetings, public surveys, or judicial speaker's bureaus all provide opportunities for representatives from the courts to begin a dialogue with the

community about issues and increase public awareness and understanding of the court and its role.

Community leader: We may come to the conclusion that what we really need to break down barriers from the community is not collaboration, it is education.

Nurturing Resource Enhancement. While the lack of resources remains a legitimate concern within the courts, small amounts of seed money (“coffee and doughnuts” funds) may be adequate to support infant collaborative efforts. Once underway, collaboration can actually expand and enhance court and community resources. First, courts obtain new options for diverting cases and new options for case outcomes. Collaboration has already allowed courts to develop imaginative and effective programs for sentencing substance abusers, domestic violence offenders, and juvenile delinquents. Second, community resources and programs are enhanced through the cooperation of judges. Judges are uniquely positioned, through their adjudicatory powers, to coordinate social service delivery. Finally, judges will enhance the resources of the judicial profession by offering current and potential judges more than the conventional adjudicatory role; the new system would offer a more diverse and appealing judicial role, attracting a wider pool of judicial candidates.

Community leader: I think one of the things the community is saying to the court is, “We have asked you to get involved in a lot of things that you were never involved with before. You’ve taken on a lot of social problems, and we in the community have a lot of resources we can offer you.”

Planning Creatively. Collaboration cannot be only on the traditional court terms. You have to go to the community when they can meet. Many community members work during the same times that courts are in session. This might mean that collaboration meetings would take place on evenings or weekends in order to facilitate participation by all interested parties.

Incorporating contrasting views. Collaboration must seek to incorporate contrasting views. Through integration of a variety of voices, collaboration ultimately will work to accommodate diversity by giving judges and court staff access to the perspectives and priorities of groups with whom they have little contact outside the courthouse. This contact helps the judge understand community problems and therefore make

better decisions while also helping diverse groups understand judicial constraints and decisions.

Court administrator: Let's try to find a way that we can coordinate the people who have the same expression of a problem into a process that we can begin to apply ourselves to and say this is the unified approach.

Taking a Risk. For court and collaboration to be ultimately successful, the court may need to be willing to take some risks. Support from the Supreme Court or Administrative Office of the Courts will lend credibility to the work being undertaken and relieve doubt among the judges and other court staff that their activities are sanctioned and legitimate. The California Standard of Judicial Administration (Section 24 (e) (Appendix C)) provides an example of a statement of strong support for juvenile court judges to become involved in community initiatives for youth.

Court administrator: If we were really going to get some of the benefits from this, you have to be willing to take some risks, invite the public in and yield some of the decision-making responsibilities to them – not as to the outcome of individual cases, but in terms of how our system evolves and develops.

Judge: If you are going to overcome inertia and make significant changes, we must respond with more significant efforts to training, educating, and developing legal leaders.

Conclusion

A striking theme that cuts across the two Executive Sessions is the degree of organization underlying successful collaborations, the emphasis on and importance of volunteer selection and training, the careful attention to diversity issues, and the tensions—creative and otherwise—between centralized and localized aspects of a collaboration.

No single court and community collaboration exemplifies all of the commonalities we have identified. Some programs emphasize achieving broad public participation in the operation of trial courts. Other programs are joint ventures with one or more existing community groups. Still other programs seek to establish a new vehicle (e.g., a citizen advisory board or local steering committees) for connecting with the public. We suggest, however, that taken together, the seven areas of commonality do define an ethos within which

collaboration is possible between courts and community groups. In particular, a safe haven is created in which courts are able to participate comfortably and confidently in the somewhat novel enterprise of working with the community.

Chapter 3

The State of the Art: Initiation and Sponsorship of Collaborations in Three States

Statewide Collaborative Efforts Today

The judicial branches of California, Massachusetts, and New York provide statewide support for court and community collaborations. The support offered varies in scope, commitment of resources, the state's role, criteria for success, and whether the statewide effort is itself collaborative.

This chapter contains a brief description of the programs in each state and a list of the principle ingredients and lessons learned from each effort. A full profile of each state's program is in the appendix. They were prepared by the National Center for State Court researchers, who are solely responsible for their content. Officials from all three states commented on that material when it was still in draft form.

California

The Court and Community Collaboration project in California is a statewide initiative that includes all trial and appellate courts in the state. The project's two-part approach emphasizes the establishment of *Community-Focused Court Planning* in California's trial courts and the design and implementation of *Court/Community Outreach* programs at the local level.¹⁵ The objective is to "enhance the courts' ability to maximize resources, meet increasing demands, and improve public confidence."¹⁶

The Judicial Council of California, the chief policy making body of the California judicial system, provides leadership for the Court and Community Collaboration project in California. The Judicial Council, with the help of the Administrative Office of the Courts, promotes local court and community collaborative initiatives by directing and encouraging local planning and

¹⁵ <http://www.courtinfo.ca.gov/programs/community>. *Community-Focused Court Planning* is defined as "ongoing inclusive planning to envision the future of the courts and to develop structures and features to develop that future." *Court/Community Outreach* is defined as "promoting greater understanding of the judiciary's role in government through public involvement in the future of our courts."

¹⁶ <http://www.courtinfo.ca.gov/programs/community>.

providing practical resources including a handbook for creating and enhancing court and community collaboration.¹⁷

The Judicial Council has committed to extensive state level involvement in planning and implementing collaborative programs at the local level. The state has facilitated local efforts by providing central assistance, defining the planning process, and establishing oversight through formal programming. The Judicial Council, through its *Special Task Force on Court and Community Outreach* and its *Community-Focused Court Planning and Implementation Committee* has involved selected representatives from the community as well as court leaders in the planning and implementation stages at the state level. County strategic plans determine the nature of community involvement in local programs.

Key Ingredients

Several factors underlie the success achieved so far in the statewide collaboration initiative.

- Active Judicial Leadership. Championed by the Chief Justice, adopted by the Judicial Council as a top priority, and actively pursued by judges in counties throughout the state, active judicial leadership has probably been the single most important factor for this statewide initiative. As an encouragement for such judicial leadership, the Judicial Council's adoption of Standards of Judicial Administration, Standard 39,¹⁸ recognizes judicial involvement in community outreach activities as a legitimate and necessary part of fulfilling judicial responsibilities.
- Local Flexibility. Flexibility in local program design and implementation was also essential to inviting true participation in and ownership of the community collaborative process.
- Collaboration as Change Agent. Timing was important. The initiative was launched and in development during the same period that California's courts faced the challenges of court coordination, consolidation, and ultimately county court unification and the advent of state trial court funding. The community-focused court planning and community outreach initiative provided a vehicle to build local support for the courts during a time of significant change and provide

¹⁷ Judicial Council of California, *Dialogue: Courts Reaching Out to their Communities—A Handbook for Creating and Enhancing Court and Community Collaboration* (1999).

¹⁸ California Standards of Judicial Administration, Standard 39 (1999).

the level of planning and accountability necessary to effectively advocate for judicial resources at the state level.

- Specialized Training. Specialized training related to community-focused court planning and community outreach activities was provided in annual workshops presented by the Implementation Committee and through judicial education programs developed and presented by the AOC Education Division. Those programs include a 2½-day course on community collaboration, plus emphasis on the topic in New Judge Orientation Programs and Continuing Judicial Studies Programs for presiding judges and court executive officers. Grant resources provided the courts with the consultant and other services needed to implement and refine their planning and community outreach activities. The Judicial Council recognized that the significant changes being asked of the courts, especially in an environment of unification and state funding, would require several years for the courts to institutionalize.
- Community-based Team Approach. Consistent modeling of a community-based team approach in related programs was also important. Initially the team approach was used in selecting members of the broad-based Special Task Force on Court/Community Outreach and then the ongoing Implementation Committee. It was reinforced by the use of county teams at the 1998 conference. Involving community members in the state level initiative enabled state leaders to consider the perspective of the courts' communities in identifying ways in which to encourage effective collaboration. Other programs subsequently adopted a similar community-based "team" approach. For example, a recent Juvenile Delinquency Conference brought together county teams, as did a conference on self-represented litigants, all with the purpose of enabling broad based action planning efforts in important areas of court operations.
- Obstacles Addressed Early On. Potential obstacles to judicial support for the initiative were addressed early on. One of the significant issues the Special Task Force addressed was the relationship between the appropriate limitations contained in the code of judicial conduct and the role of judges in collaboration and community outreach. The task force's ethics compendium (contained in the *Dialogue* handbook) concluded that judicial participation in a leadership of community outreach effort is compatible with and an appropriate part of judicial duties, so long as applicable canons of ethics are abided by, and guidelines are provided for judges to follow in their community outreach activities.

Lessons Learned

The initiative purposefully combined two separate concepts—community-focused strategic planning and community outreach—in the initial statewide conference. That combination of concepts apparently resulted in some confusion for some of the courts. Given another opportunity to introduce these two distinct activities (strategic planning with community input and court outreach to the community for problem-solving and education), the courts would have been assisted by drawing a stronger and clearer distinction between the two.

Earlier introduction of the “whole system” approach in the strategic management cycle, including strategic planning, may have provided a more effective vehicle for courts to manage the fast-paced and significant change they experienced in the last 10 years. Judicial Council strategic planning in 1992 began as part of the Council’s own leadership development efforts. Both, the community-focused court planning process and the strategic management cycle the council adopted are intended to provide effective “bottom-up” information from the courts plans to the council’s statewide plan. In effect, however, by the Judicial Council being several years ahead of the courts with its strategic planning efforts, the courts are unsure how much the local court plans actually inform the council’s planning process.

Continuing support and resources for the collaboration initiative evolved as the program continued. The initiative may have been better positioned for success from the outset if it had been designed and committed to as a comprehensive, multi-year, system-wide approach including education, special meetings and grant funding. The entire approach and commitment could have been announced at the time the initiative was launched. Providing a clearer “road map” (where all of these activities were leading, the reason for them, and the help to be provided along the way) may have resulted in a greater level of court support from the beginning.

Effective feedback loops were needed to gauge program effectiveness on a routine and ongoing basis due to limited state resources. Few feedback opportunities were built into the initiative from the beginning. Demonstrating a clear and direct connection between community-focused strategic planning and the budget development process may have produced a higher level of court support for the initiative.

Finally, the initiative took place in a time of fundamental change in the state’s court system, notably unification and state trial court funding. The success of the initiative would have been greatly enhanced by an earlier

recognition of the need to provide direct support to local court personnel in the form of appropriate planning and community development skills.

Massachusetts

What now is a statewide initiative in Massachusetts began locally, as an experiment to *reinvent justice*. The findings of the 1992 Massachusetts Supreme Court Chief Justice's Commission on the Future of the Courts' report, *Reinventing Justice: 2022*, inspired a Franklin County District Court judge and a local attorney to ask that the local court be established as a laboratory for implementing the concepts in that report. A task force was then established to set up a *Franklin County Futures Laboratory*.

The task force drew ideas and priorities from the public in town meetings and made recommendations to the Supreme Judicial Court in 1995. With Supreme Judicial Court approval, the task force began the development and implementation of pilot projects to test the viability of collaborative programming. Because of the Reinventing Justice Project's success in rural Franklin County, the Supreme Judicial Court released a request for proposals in 1996 for three other jurisdictions to experiment with joint court and community efforts to address justice issues. This statewide effort, entitled the *Reinventing Justice Initiative*, expanded support for court and community collaborative efforts to three other parts of the state: the Essex County Court/Community Project; the Hampshire County Reinventing Justice Project; and the West Roxbury Court Reinventing Justice Project.

Representatives from all four programs have met quarterly with administrative leaders at the Massachusetts Supreme Judicial Court (SJC) and the Administrative Office of the Trial Court (AOTC) to compare experiences, processes, and problems. Because each Reinventing Justice Project is now firmly rooted in its local courts and communities, the whole program is graduating from its pilot status under the Supreme Judicial Court to a fully recognized program of the Administrative Office of the Trial Court, effective July 1, 2000.

In fiscal year 2001, the Initiative expanded through *Public Trust and Confidence Mini-Grants*. The stated purpose of the mini grants program was "to develop projects in courts and communities that will engage the public in helping court personnel create a more accessible user-friendly and responsive institution." In the initial year of funding, 10 grants (out of 18 applications) were made totaling \$25,000. Recipients included both courts and the Trial Court Libraries, which held seven Town Hall meetings and, on that basis, set priorities.

Key Ingredients

- Mission Statement. The Initiative had a strong statement of purpose in the *Reinventing Justice 2022* report.
- Establishing a Community Communication Process. The purpose of the projects was explicitly to establish a communication process, not to achieve specific objectives through that process. As such, they were designed to be short-term efforts.
- Low Cost Initiatives. The Initiative has grown and developed at little cost to the state. New funding was not provided for the most part and few new state-level resources were created. Existing administrative mechanisms and funding streams absorbed the administrative and coordination aspects of the Initiative.
- Strong Local Roots. The initial project was inspired locally. Subsequently, the Supreme Judicial Court set criteria for potential projects and selected projects in the statewide Initiative, in part, based on considerations of replicability in other settings. Each project is in large measure self-contained.
- Wide Application. The Initiative covers experimentation in a broad range of geographic and demographic areas—from the rural and remote to inner city metropolitan.
- Stable, Long-term Leadership. Court and community collaboration in Massachusetts benefits from a structure in which state and local court leaders serve for long and predictable terms of office, giving continuity to the Initiative and its component projects.
- Successful Pilot Project. The success in Franklin County provided a strong and attractive model for how courts and communities can cooperatively solve problems.
- Enthusiastic Judicial Support. The Initiative enjoyed support among the judiciary at the highest levels and obtained the enthusiastic participation of judges in the participating trial courts.
- Broad Community Participation. Community participation was broad. The inclusion of representatives from so many diverse groups made it difficult for one group to advance its own agenda. The broad representation also helped obtain political support at the state level for some of the pilot programs.
- Coordinated Information Flow. The flow of information was coordinated. Central coordination at both the state and local level was critical to facilitate information flow.

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- Collaborative Involvement of Multiple Departments. The Initiative was able to surmount difficulties associated with a trial court system that is divided into seven departments.

Lessons Learned

The projects needed to successfully confront and resolve the potentially contentious issue of keeping case adjudication out of the mix for discussion between the court and community. It proved possible to strike a balance in which responsibility for case adjudication is held separate from responsibility for decision-making on administrative issues and planning.

It is possible to provide meaningful state-level support for court and community collaborations without a major infusion of money. The Initiative has successfully used endorsement and recognition by the state court leadership as the primary incentive for courts and communities to participate. Most of the resources needed for Initiative projects have come as in-kind benefits from local organizations, assistance in preparing grant applications by SJC and AOTC staff, technical assistance from Franklin County veterans, and quarterly meetings facilitated by the SJC and AOTC.

The Franklin County Futures Laboratory was initiated through the use of a large, broadly representative decision-making body. Over time, other committees proliferated. The original large task forces and committees proved to be cumbersome. The Futures Laboratory functioned more effectively once smaller steering committees were developed in the leadership group and committees were formed to tackle specific tasks.

New York State

Court and community collaborative initiatives in New York State are marked by a unique interplay of public and private resources and inspiration. The two efforts reviewed here are the Center for Court Innovation, a unit of a private foundation, and the Community Outreach Initiative, a program administered within the New York Court system's administrative structure.

The Center for Court Innovation creates demonstration court projects "from the ground up" in partnership with the state court system, local governments, and a variety of public and private agencies. To date, the Center's demonstration projects have been located in New York City. The Center represents a new approach to court reform in which court and community collaboration is a key mechanism for change.

The Center was an offshoot of systematic court and community collaboration related efforts in New York that date back to 1991 and the process of planning the Midtown Community Court, which opened in October 1993. The Midtown Court was co-sponsored by the Office of Court Administration, the City of New York, and the Fund for the City of New York¹⁹ as a three-year demonstration project. After the demonstration period was successfully concluded, the planning team formed the core of the Center for Court Innovation, an independent unit of the New York State Unified Court System. The Center currently has ten demonstration projects in the New York City area testing new approaches to the administration of justice.

One source of state level leadership in collaboration is the state's court system's relationship with the Center for Court Innovation. Another source of state leadership regarding court and community matters came into play in June of 1999 with the position of Deputy Chief Administrative Judge for Justice Initiatives. The position "brings statewide leadership and coordination to the difficult challenge of ensuring meaningful access to the justice system for all New Yorkers." The position's duties include "developing and coordinating community outreach initiatives designed to broaden access and improve public understanding of the legal system."²⁰

The Deputy Chief Administrative Judge for Justice Initiative's mandate is statewide, and encompasses, among other things, collaborations and partnerships to eliminate existing barriers to justice, including developing community outreach and public education initiatives. The position is of particular interest to this *Leadership Guide* because it concentrates responsibility for court and community relations at such a senior level in the administrative office hierarchy.

¹⁹ The Fund for the City of New York, bore a significant proportion of the costs in the planning phase of the Midtown Community Court, supported the operational costs associated with the administration and support of the Court's innovative features during the demonstration years, and served as the conduit through which corporate and other private sector contributions were put to use in the Midtown Community Court. The Fund is a private foundation launched by the Ford Foundation in 1968 with the mandate to improve the quality of life for all New Yorkers. Through centers on youth, government and technology as well as core organizational assistance, the Fund introduces and helps to implement innovations in policy, programs, practice and technology in order to advance the functioning of government and nonprofit organizations in New York City and beyond.

²⁰ Press Release, "Judge Juanita Bing Newton Appointed Deputy Court Administrative Judge for Justice Initiatives", June 29, 1999.

Key Ingredients:

- Collaborating to Collaborate. State level leadership for court and community collaboration in New York State is provided through a unique amalgam of public and private interests.
- High Level Recognition. Day-to-day responsibility for enhancing the quality of court and community relations has been inserted into the very top level of the court system's administrative hierarchy.
- Innovation Greenhouse. At the same time, the court system has a flexible, and in many respects informal, arrangement in which an outside body, the Center for Court Innovation, works on a project-specific basis directly with community organizations to build ambitious demonstration projects. Ultimately, innovative features of the projects will be incorporated into the Court System.
- Teams of Experts. The inspiration for individual demonstration projects is largely local. However, the solutions are devised through a formal and ambitious, though expensive, planning process by a team of expert professionals drawn from the court system and elsewhere.
- Partnership for Change. The Center for Court Innovation builds new programs from the ground up. All of the demonstration projects are designed to change the traditional court process and to bring in new partners to plan and implement those changes.
- Private-Public Criminal Justice Collaboration. The joint UCS-FCNY coordinating team that planned the Midtown Community Court itself represented a new form of public-private criminal justice collaboration. During the planning and start-up periods, FCNY coordinating staff, working in close collaboration with the Administrative Judge of the New York City Criminal Court, designed the court facilities, as well as developed and then coordinated court-based community service and social service initiatives, technology and community outreach. The strong commitment of the Chief Judge of the State of New York helped to secure broad system-wide acceptance of this central alliance.
- Project-Specific and Evolving Definitions of "Community". The definition of "community" and the nature of the collaboration have been separately defined for each demonstration project, and allowed to evolve over time. In the Midtown Community Court, the primary collaboration is with local businesses, the police, and service providers, although the Court's role in the community continues to evolve through new court outreach initiatives. The Red Hook Justice Center, in effect, built its own community. In the Brooklyn Treatment Court,

the community included Drug Court graduates and their support networks, including family members.

- In-House Consultancy. The services traditionally provided on a periodic basis to state court systems by a changing array of consultants are provided in New York State by a single entity with an on-going relationship to the courts.
- Problem-Solving Focus. Collaborations revolve around solving a defined problem or set of problems specific to the locality to be served.
- “Community” Represented by Local Organizations. Direct collaborations with residential communities proved difficult to sustain even in the well-organized Midtown Manhattan areas served by the Midtown Community Court. There and elsewhere, the long-term collaborations have been between the planners and local organizations/interest groups that are not designed to be broadly representative of community sentiment.
- Involvement of Long-Standing Innovation Incubator. The Fund for the City of New York provided the structure for planning the Midtown Community Court and other demonstration projects. As an incubator project of the FCNY, the planning team had access to office space, telephones, and other services. More importantly, it was able to build on the experience of the incubator projects that had been tried and tested in a variety of policy contexts over the preceding 23 years.
- State-Sponsored Dialogue. In the statewide Community Outreach Initiative, a more expansive, two-way dialogue between court leaders and local communities is being fostered through a series of local Town Hall meetings.
- Local Access to Justice Plans and Statewide Sharing. Local plans were designed to build toward the statewide conference aimed at facilitating collaborative approaches to addressing access to justice issues. Judicial District teams include community leaders in addition to legal system professionals.

Lessons Learned

There was a low level of trust between the court system and the residents of Midtown neighborhoods. The coordinating team established to plan the Midtown Community Court was able to serve as an intermediary between the Court and the community, establishing a channel for communications. Also, the use of an independent coordinating staff provided a “buffer zone” that shielded

judges from the perceived threat of undue community influence on case decision-making.

The Midtown Court was planned in collaboration with a wide range of residential, commercial, and institutional interests in the Court's catchment area. The Court was able to establish long-term partnerships with local organizations. As a result, the main local partners in demonstration projects proved to be not-for-profit organizations like the Times Square Business Improvement District (for the Midtown Community Court) or the Enterprise Zone Corporation (for the Harlem Community Justice Center). Local criminal justice agencies also played a key role in many of the projects.

The demonstration projects were expensive to plan and implement, beyond the means of the court system or the city to fund on their own. As a non-profit organization, the Fund for the City of New York and later the Center for Court Innovation were able to seek funding from a diverse range of sources not necessarily available to the court system itself. Funding for demonstration projects comes from city, state, and federal government agencies and from private foundations and corporations. This approach also freed judges from becoming directly involved with potential funding sources.

Styles of State Involvement

It is possible to identify three broad styles of state involvement in promoting collaborations. The styles are not meant to serve as descriptions of what the three states are doing, or to be mutually exclusive. Rather, they were extracted from current state experiences to describe models that might emerge as other states follow the lead set by California, Massachusetts, and New York.

The first style can be described as providing *recognition and approval*. The state role is essentially that of encouragement. Here, the central court administration makes clear its support for collaborations by local courts and provides guidance on the more commonly cited constraints on judicial participation in collaboration, such as the ethics of judicial fundraising or the legitimacy of devoting judicial time to community outreach.

A second style might be seen to provide *centralized support and assistance*, where the state court administration provides resources that local collaborators will need. The state role is essentially that of promotion. Court and community collaboration is assumed to be a *good*, something that all courts potentially should practice. At more developed levels, assistance extends to training for court staff and judges and earmarked funding for collaborative programs.

Yet a third style of involvement is that of *management*. The state role is essentially that of direction (at least in certain aspects of planning and operations). At a minimum, this entails a state established framework within which individual courts or court districts plan and implement local collaborations. At more developed levels, management can extend to setting basic criteria that local collaborations must meet and monitoring the progress of local initiatives in meeting expectations set at the state level.²¹

The State Role in Practice

The manifestation of these different styles for state level involvement will be shaped by their place on a number of dimensions. Those dimensions include the extent to which the state involvement (a) is proactive, (b) practices collaboration, (c) has broad ambitions, and (d) is implemented through a strong central court administration.

Is the state role proactive? State involvement in court and community collaboration can range from primarily reactive to primarily proactive. The initial involvement in Massachusetts might be characterized as largely reactive model. The Supreme Judicial Court gave approval, recognition, and support for collaborations that emerged from individual localities. The pilot projects represent a kind of naturally occurring experiment. New York is more proactive in that communities are chosen as sites for demonstration projects because there is a match between a concept and community mobilization around a relevant issue. The demonstration projects represent planned experiments in which a substantial amount of public resources are channeled. In both states, the success of the pilot or demonstration site is assumed to create a demand by other localities for a court on that model. This might be described as a process of planned experimentation. California might be characterized as being both proactive in establishing and maintaining a statewide process but leaving the goals and content of county initiatives up to county-level decision-making committees.

Is the state role itself grounded in collaboration? State involvement can further be characterized in terms of the degree to which collaboration is practiced as a part of that involvement. On the one hand, a statewide initiative can be

²¹ An example of a monitoring role is New Jersey's longstanding (over 50 years) Juvenile Conference Committees program. Individual juvenile courts operate committees of neighborhood residents to which first time offenders are diverted for a recommended sentence. The Administrative Office of the Courts provides training, certification, and staff support for the committees. The Office under Supreme Court rule also monitors the extent to which the racial and ethnic composition of the local committees comports with that of the residential population of the area.

carried out through the traditional mechanisms of court administration. On the other hand, a state-level initiative or program itself can be planned and operated through committees or task forces that give a prominent voice to community leaders, as in California. Such participation is of a different order than the contribution individual members of the public and representatives of organizations make in planning and operating local level collaborations. It is likely that the prospects for successful state court and community collaboration programs are brighter when the program itself contains a strong element of collaboration.

What is the ultimate objective of collaboration? The ambitions of state level involvement cover a wide range, but at root all are ambitious. Court and community collaboration in California is a mechanism for changing the manner in which the state court system conducts its business across the board. In Massachusetts, collaboration is a way to channel the energies and talents of local communities into the court system as a means of addressing public dissatisfaction with the judicial system. In New York State, collaboration with communities is a way to create more effective court forums for solving problems in a way that improves case outcomes for both individuals and communities.

What is the state judicial branch's capacity for statewide action? The styles for state involvement in part reflect choices made by the leadership of a state's judicial branch. To a significant extent, however, the choice of style is limited by the way in which the state's judicial branch is organized. Each state judicial branch is unique in important ways.

Differences in how states approach support for local collaborations, therefore, will reflect both policy preferences and system possibilities. In terms of possibilities, the constitutional and statutory authority for the state judicial branch confers varying degrees of administrative capacity to influence trial courts within the state system. Key points of variation among judicial branches include the extent of state funding for local courts, the ability to appoint or approve the selection of trial court presiding or administrative judges, the functions assigned to the administrative office of the courts, the rule-making authority of a state's court of last resort, and the terms of office of state chief justices (which vary from one year on a rotating basis to a lifetime appointment).

More fundamentally, states differ in the extent to which there is a perception that the state's Supreme Court and state court administrator have a legitimate role to play in court reform at the local level. The capacity to lead is independent in some measure from the perceived desirability of its use. As one judge expressed his frustration: "For one thing, the notion of the Judicial Branch

as an organization with a mission peopled by various groups charged with particular responsibilities to carry out that mission is not all understood.”²²

Finally, it should be noted that a lack of consolidation at the trial court level is not an insurmountable obstacle to an ambitious program to encourage local court and community collaboration. New York is a good example. It has the most complicated trial court structure in the nation, with eight separate trial courts. However, the head of the judicial branch is the Chief Judge of the Court of Appeals and the Administrative Judge (state court administrator) has direct supervision of all of the state’s judges.

Conclusion

The prospects for state court leadership in court and community collaboration seem excellent. The experiences of a number of states suggest that state involvement can enhance local collaborative efforts and, perhaps, improve the operation of state court administration as well. The contours of possible mechanisms and philosophies for state involvement are less clear at this point. However, the range of existing models for collaboration and the lessons learned in California, Massachusetts, and New York provide a comfortable framework within which other states can develop a program to fit their needs and circumstances.

²² Personal communication, April 2001.

Chapter 4

Lessons in How to Plan and Sustain Collaboration Initiatives

TO: Leadership of the Courts of Your State

FROM: The Voice of Experience

RE: Planning and Sustaining Court and Community Collaboration Initiatives

Several states have demonstrated the benefits that a state-level approach to court and community collaboration can deliver. Local court and community collaborations solve problems effectively and efficiently for courts and for communities. Collaboration provides trial courts with resources necessary to adjudicate new types of disputes. The resources include access to professional services, citizen volunteers, and additional funding. As a result, collaborations are increasing in number and expanding in scope. Involvement by state court leaders is needed to support this trend and, in particular, to ensure that successful collaborations are replicated in other jurisdictions.

The Promise and the Challenge

The promise of state level involvement in collaboration extends, however, beyond improving local court and community programs. The principles of collaboration can be incorporated into the governance and operations of state judicial branches. Members of the public and representatives of public service organizations can be included on state judicial task forces and committees as a matter of routine. An on-going two-way communication with the public can be sought. More broadly, collaboration is a philosophy through which the judicial branch can conduct all aspects of its operations. The ultimate payoff is a constituency that will speak for the courts' interest and increased public trust in the judiciary.

This memorandum offers advice based primarily on experience to date in three states: California, Massachusetts, and New York. Collaborative programs in other states, notably New Jersey's Juvenile Conference Committees, also provide insight. The number of states is small, but they offer a variety of approaches tailored to fit their priorities and circumstances. They also point to directions that many, if not most, states will take in the near future.

California embarked on a comprehensive statewide community-focused court planning and community outreach and education effort; Massachusetts supported a grass-roots experimental approach that grew out of its Futures

Commission; and New York joined to support an independent, locally created public/private partnership. Given that each of these states took such different approaches, what general conclusions can we draw from their combined experiences?

Seven Conclusions

Seven conclusions follow from the experiences in the three states that have implemented statewide efforts to promote and sustain court and community collaboration, as reported in Chapter 3 and the detailed state profiles in the appendix.²³

The seven conclusions are:

1. Early and sustained commitment by your state's judicial leadership is imperative.
2. Long-term survival of grass roots efforts requires state resources.
3. Success Breeds Success but that initial success requires that a risk be taken.
4. Establishing durable processes that can guide the future is more important than achieving specific objectives.
5. It is essential to tackle at the very start any real or perceived barriers to judicial participation.
6. Tailor your ambitions and methods to fit the strengths of the way in which your state's court of last resort and court administrator relate to local trial courts.
7. Make use of the collaborative process in solving major challenges facing the state's courts.

Conclusion 1: Judicial Commitment. In each state's efforts, judicial leadership has been demonstrated by judges championing the notion that court responsiveness to community needs is not only appropriate, it actually strengthens the independence of the judicial branch of government.

The Reinventing Justice Initiative in Massachusetts has enjoyed support among the judiciary at the highest levels and obtained the enthusiastic

²³ Answers draw upon detailed descriptions of each state's program that can be found in the Appendix. The descriptions include a bibliography of Internet and print sources that can be consulted.

participation of judges in the participating trial courts. The activities in Massachusetts also benefit from a judicial administrative structure in which state and local court leaders serve for long and predictable terms of office, giving continuity to the Initiative and its component projects.

California has benefited from the active leadership of the Chief Justice and the Judicial Council of California. The Judicial Council in particular provided key leadership in establishing the Special Task Force on Court and Community Outreach and the subsequent Community-Focused Court Planning Implementation Committee. The community-focused court programs have been actively pursued by judges in counties throughout the state, active judicial leadership being the single most important factor for the success of the statewide initiative. As further encouragement for judicial leadership, the Judicial Council adopted a new Standard of Judicial Administrative (Standard 39) that recognizes judicial involvement in community outreach activities as a legitimate and necessary part of fulfilling judicial responsibilities. In addition to providing leadership at the state level, many state and local judicial branch leaders in California were active participants in national discussions of ways that courts and communities could work together.

Day to day responsibility for enhancing the quality of court and community relations in New York has been inserted into the very top level of the court system's administrative hierarchy. The Deputy Chief Administrative Judge for Justice Initiatives oversees all state court programs that bring courts and communities together to increase access to the justice system.

By judicial leadership we mean one or more judges' commitment to pursuing collaboration as a way of doing business in the courts and the willingness to persevere through challenges intrinsic to maintaining the status quo. In each state's efforts, judicial leadership has been demonstrated by judges championing the notion that court responsiveness to community needs is not only appropriate, it actually strengthens the independence of the judicial branch of government.

Conclusion 2: Resource Support. Long-term survival of the grass roots efforts requires state resources. The form has varied, from actual dollars for activities and consultants, to proclamations supporting the efforts, to mini-grants to help replicate the programs. But the provision of these resources at the state level sends an important message to both judicial system personnel and community leaders—that collaboration is seen as a worthy and productive endeavor.

Massachusetts relies successfully on endorsement and recognition by the state court leadership rather than on direct financial incentives to encourage courts and communities to build local collaborations. Most of the resources needed for Initiative projects come through in-kind benefits from local organizations, grant writing assistance at the state level, and quarterly meetings among participating jurisdictions. The Initiative also benefits from significant mentoring provided by the first Initiative project in Franklin County, whose participants provide advice and technical assistance to the new collaborations. As such, the Initiative has grown and developed at little cost to the state. Recently, the Initiative has been seeking to expand the number of participating jurisdictions through *Public Trust and Confidence Mini-Grants*.

New York created an interesting public-private partnership in the collaboration between the Center for Court Innovation and the New York State Court System to develop and leverage resources for its court and community activities. As a non-profit organization, the Center can seek funding from a diverse range of sources, not necessarily available to the court system itself. Funding for demonstration projects, and other statewide activities in community outreach, comes from city, state, and federal governments as well as private foundations and corporations. The Center for Court Innovation provides research and technical assistance to support court and community activities throughout the state.

The Judicial Council in California is committed to extensive state level involvement in planning and implementing collaborative programs at the local level. A broad range of resources is available from the Judicial Council and the AOC to support the collaborative planning and community outreach programs in the county courts. The Trial Court Improvement Fund has been used for several years to support grants to local courts to help them develop and institutionalize community-focused court planning at the county court level. Use of those grant funds have included the cost of consultant services, meetings, and other expenses associated with their court-wide strategic planning activities. Modernization Fund Grants have been used to provide funding for action planning on specific issues identified in the courts' strategic plans. For example, recent grant funds have been awarded to support action planning in the courts related to providing services for self-represented litigants. Other resources available to support local planning and outreach activities include state-sponsored training materials and programs, publications, and other communication vehicles.

In each state, resources for local efforts were either provided by the state initially or developed locally. But for long-term survival of the grass roots efforts, resource support from each state has been instrumental in ensuring the

continued development and expansion of the collaborative efforts. The form of resources provided has varied, from actual dollars for activities and consultants, to proclamations supporting the efforts, to mini-grants to help replicate the programs. The provision of these resources at the state level sends an important message to both judicial system personnel and community leaders—that collaboration is seen as a worthy and productive endeavor that warrants public fiscal support.

Conclusion 3: Success Breeds Success. Each state profiled took a risk to champion court and community collaboration. Although the size and nature of those risks varied, the state system chose to try something different and new which was successful. Those successes then paved the way for additional, similar efforts that have continued to be successful in increasing court and community collaboration efforts. Without the willingness to take the initial risk, it is likely that none of the original or follow-up efforts would have succeeded.

All the states described in the *Leadership Guide* had early examples of successful community-focused court efforts on which to build their statewide efforts. The success of the Franklin County Reinventing Justice Initiative in Massachusetts provided a strong and attractive model for how courts and communities could cooperatively solve problems. In New York, planners built from the success of the Midtown Community Court. The Center for Court Innovation has used the collaborative model of Midtown to serve as an Innovation greenhouse in developing other ambitious demonstration projects. Ultimately, the innovative features of these projects will be incorporated into the Court System. Several court and community programs existed in California (including the First Impressions Program in Los Angeles) that the state could use as a centerpiece in their efforts to promote further court and community collaboration. These local efforts built momentum for a Collaborative Task Force and eventually to a highly successful statewide conference. Now all 58 counties in California are participating in court and community programs.

Each of the states profiled here took a risk in some way to champion court and community collaboration. Although the size and nature of those risks varied, the state system chose to try something different and new which was successful. Those successes then paved the way for additional, similar efforts that have continued to be successful in increasing court and community collaboration efforts. Without the willingness to take the initial risk, it is very possible that none of the original or follow-up efforts would have had the opportunity to succeed.

Conclusion 4: Focus on the Process. In the long run, establishing durable processes that can guide the future is more important than achieving specific

objectives. The process should avoid stifling local initiatives and instead let local voices shape the objectives and methods while still providing a framework for monitoring and planning.

The explicitly stated objective of the projects in Massachusetts was to establish a communication process, not to achieve specific objectives through that process. The projects served as a means for creating a permanent process for continuing court/community collaboration. Franklin County has proved that this objective can have staying power. The participants in the County describe their main product as the collaborative process itself—which is now in its sixth year.

In California, a collaborative team approach was encouraged through all levels of the initiative. The Judicial Council modeled the use of the collaborative approach itself. It encourages broad participation by court representatives on the council and on a wide array of council committees. The council also seeks to bring a public perspective in its community-focused court planning and community outreach initiatives by including members of the bar, local government, and the public on the Special Task Force for Court and Community Outreach and the ongoing Implementation Committee. At a local level, collaboration involves the use of “teams” that include judicial officers, other court personnel, members of the bar and local government, other justice system agencies, and the public on various kinds of committees, including the courts’ community-focused court planning committees. These committees help the courts obtain a broad range of community input to the court’s strategic plan, and then play an important role in assisting the courts, where appropriate, with implementation of some court programs. The ultimate content of the courts’ plans and the development of budget requests to support identified needs remain the responsibility of court administration. Once plans are in place, collaboration continues at the local court level through implementation of court programs that involve other bodies, including county government, other justice system agencies, and local non-profit organizations and service providers.

Conclusion 5: Tackle Perceived and Real Barriers to Judicial Participation Early. Either formally or informally, states took steps to address judges’ concerns about the appropriateness of their involvement in community collaborations. Each state structured collaboration in a way that did not impinge on the independence of judges as adjudicators of disputes.

California took the most direct approach to deal with barriers to judicial participation. Part of the initial work of the Special Task Force in California was to examine the relationship between the appropriate limitations contained in the code of judicial conduct and the role of judges in collaboration and community

outreach. An ethics compendium produced by the Task Force concluded that judicial participation in a leadership of community outreach efforts is compatible with and an appropriate part of judicial duties so long as applicable canons of ethics are abided by, and guidelines are provided for judges to follow in their community outreach activities. The Judicial Council subsequently adopted a new standard of Judicial Administration and amended the rules of court to encourage court and community collaboration.

In Massachusetts, the local projects successfully confronted and resolved the potentially contentious issue of keeping case adjudication out of the mix for discussion between the court and the community. A balance was struck in which responsibility for case adjudication is held separate from responsibility for decision-making on administrative issues and planning. To further minimize confusion, the Supreme Judicial Court also exercised leadership by issuing guidelines to frame the roles and responsibilities of the Supreme Judicial Court, the Administrative Office of the Trial Court and the local Reinventing Justice projects.

Early on, the Supreme Judicial Court Advisory Committee on Judicial Ethics in Massachusetts was asked to issue an ethical opinion regarding fund-raising. Based on that opinion, limited use is permitted of local non-profit corporations as fund-raisers or fiscal agents. However, the Projects are not allowed to create new non-profit corporations for management purposes. They must remain within the Court's ambit.

Conclusion 6: Tailor ambition and method to the strengths of the state's court administration. The constitutional and statutory authority for the state judicial branch confers varying degrees of administrative capacity to influence trial courts within a state system. Key points of variation among judicial branches include the amount of state funding for local courts, the ability to appoint or approve the selection of trial court presiding or administrative judges, the functions assigned to the administrative office of the courts, and terms of office of state chief justices.

Since its origins, the Supreme Judicial Court in Massachusetts has provided guidance for the growth and development of the Reinventing Justice Initiative using cautious and measured experimentation. A state level Ad Hoc Committee was vital to the process of setting the direction for expanding the number of courts covered by the Initiative. The appropriate scope of court and community activities, as well as the expansion into additional localities, has been closely managed. In 2000, the responsibility for overseeing the Initiative was transferred from the Supreme Judicial Court to the Administrative Office of the

Trial Court. This signaled the incorporation of collaboration into the day-to-day operations of the trial courts.

California emphasizes flexibility in local program design and implementation as a key to inviting true participation in and ownership of the community collaborative process. The Judicial Council and the Administrative Office of the Courts serves as a link between the county courts and the state executive and legislative branches.

In New York, the strong alliance between the Unified Court System and the Center for Court Innovation builds on the strengths of both systems. The court system, through the strong commitment of the Chief Judge of the State of New York, secures broad system-wide acceptance of the alliance.

Conclusion 7: Use the collaborative process to solve major challenges facing the state's courts. In each state, mechanisms developed through collaboration were used to ease the implementation of fundamental statewide policy changes or to demonstrate better ways of handling difficult kinds of court cases. The credibility of the collaboration process benefited from that contribution.

The Initiative in California began at a time when the state courts were seeking assistance to cope with major challenges. It was launched and in development during the same period that California's courts faced the challenges of court coordination, consolidation, and ultimately county court unification and the advent of state trial court financing. The community-focused court planning and community outreach initiative provided a vehicle for building local support for the courts at a time of significant change. The initiative provided the level of planning and accountability needed to effectively advocate for judicial resources at the state level. The charge of the Special Task Force in California also was geared to face another major challenge—to "increase public trust and understanding by emphasizing community outreach and education about the court system." The activities of the Task Force and the statewide court and community initiatives it spawned work to face this major challenge.

In New York, the Center for Court Innovation promotes new thinking about how courts can solve difficult societal problems such as addiction, quality-of-life crime, domestic violence and child neglect. The Center then builds new programs from the ground up. All of the demonstration projects are designed to change the traditional court process and to bring in new community partners to plan and implement those changes. The resulting collaborations are strong because they revolve around solving a defined problem or set of problems specific to the locality to be served.

In Massachusetts, the synergy between the concepts and objectives put forth in the *Reinventing Justice: 2022* report and the leadership and ingenuity of local county officials led to institutional changes in Franklin County courts, that then became a model for the statewide initiative. A fundamental principle from the report that guided the activities was that the court should be a service-accountable organization for the community. As the Initiative evolved, the process of including the community in reform efforts became as important as development and implementing specific reform programs.

Additional Advice

Use collaboration as an educational tool. Although each state's approach was different, one theme running through each was the use of the local collaboration efforts as an educational tool for justice system personnel and community members alike. In at least one instance (California) actual "how to" collaboration training for court personnel has been developed. In the other states, the actual completion of collaborative projects as served to educate both (1) judges and court staff about community need, and (2) community members about the role and operation of the courts.

Even well organized collaboration initiatives will not always succeed on the first try. The initial implementation period needs continuous momentum or early success can fail to take hold. New Jersey's experience is instructive in this respect. New Jersey's judicial branch has a solid foundation on which to build statewide collaborative programs. The central state leadership has a large and effective administrative office to implement statewide programs and has nurtured programs like the Juvenile Conference Committees for over half of a century. It is particularly strong in recruiting, training, and retaining volunteers. A program of court and community collaboration to incorporate citizen input into local courts began with the state's participation in the National Town Hall on Court and Community Collaboration (1995). A court/community initiative resulted. The goals were to:

- raise the level of awareness of both the court community and the general public of the need to work together to improve public trust and confidence in the courts
- to identify strategies for improving court and community collaboration at the local jurisdiction and state level; and
- to promote a diverse group of effective local approaches to improve the relationship between courts and the communities they serve.

The 1998 *Report of the Subcommittee on Independence* noted that: "This project was supported in New Jersey by judges, community representatives, court staff, and volunteers who were representative culturally and regionally of the state. The effort, which had reached the point where participants were developing vicinage, plans to accomplish the goals of the initiative, has come to a halt. The project continues to have significant potential for improving the trust and confidence of the public in New Jersey. It should be restarted and expanded."²⁴

Conclusion

State level support of court and community collaboration is a relatively new phenomenon and warrants ongoing study to determine its long-term effectiveness. From such a new study, it is likely that other implications may be identified, other conclusions may be drawn, and other successes may be documented from court and community collaboration efforts. Given the relatively short period of time these court and community collaboration efforts have been underway, much is yet to be learned about how they will actually affect the public's trust and confidence in the courts. It is hoped that states that embark and continue with community collaboration efforts will be able to document for posterity the challenges and benefits experienced in the process so those who follow may learn from and build upon these important pioneering efforts.

²⁴ "Available [On-line] at: <http://www.judiciary.state.nj.us/strategic/subcom4.htm> (pp. 7-8).

Chapter 5

The Future of State Court and Community Collaboration Initiatives

The immediate future of court and community collaboration is bright. Several states have established solid, well-regarded statewide initiatives. One initiative involves all of the state's trial courts and is overseen by leadership of the judicial branch main policy-making authority (California). Other state initiatives select and nurture innovative efforts at the local level (Massachusetts and New York).

This final chapter of the *Leadership Guide* considers the short-term, medium-term, and long-term future of statewide court and community collaboration. The chapter begins with current developments in the three states highlighted in the *Leadership Guide*.

The Short-Term

The short-term future of court and community collaboration can be seen in the current plans of court leaders in California, Massachusetts, and New York.

The *California* court and community collaboration initiative is groundbreaking in focus and scope. No other state has undertaken such a comprehensive and coordinated effort to involve all the state's courts in effective community-focused planning and community outreach activities. The approaches used and the lessons learned from this experience require further study to determine the effectiveness of community collaboration in addressing public trust and confidence in California's courts. Recent economic and other factors in California are shifting the courts' environment yet again. A solid foundation has been established, but it remains to be seen whether and how the community collaboration initiative will continue in California's courts. A potentially significant development is the planned establishment of a Center for Innovative and Effective Court Practices within the California Administrative Office of the Courts.

Court and community collaboration in *Massachusetts* is at a crossroads. The potential for local collaboration requiring little outside resources has been demonstrated. Endorsement, sponsorship, and technical assistance have been the main state-level investment. The basic approach used in rural Franklin County has proved to be applicable in diverse and decidedly urban settings. And four different expressions of that basic approach now exist. The foundation for statewide implementation of court and community collaboration has been laid. It is uncertain at this time whether the Initiative's momentum as a change

agent will be maintained, and greater statewide expansion realized, using the approach that has worked thus far. It is likely, however, that whatever the future direction, the emphasis will remain on local initiative and ingenuity.

In *New York*, the Center for Court Innovation's demonstration projects are located within New York City. Concepts, techniques, and technologies developed in those projects have spread to other courts in the state, and indeed nationally. Features of Center for Court Innovation demonstration projects have been grafted onto existing court structures. Statewide, the Office of the Deputy Chief Administrative Judge for Justice Initiatives, through its educational and awareness programs, is nurturing community leadership and support for local efforts to collaborate.

Medium-Term Prospects

Over the medium-term, new statewide initiatives are likely to emerge as innovative court programs receive recognition for their accomplishments and as a possible model for other localities to emulate. Michigan appears to have embarked on a path somewhat similar to that pioneered by Massachusetts. The most notable developments are in the 52nd District Court of Novi, a part of Oakland County (the location for the Youth Assistance Program highlighted in Chapter 2).

In October 2000, the Novi Court was designated a pilot site to test several innovations based on court and community collaboration. That designation recognized innovations carried out by the Court in response to a series of town hall meetings convened by the 52-1 District Court. As the Court subsequently noted: "We were told at those meetings that the Court needed to focus upon the larger needs of the community and not simply upon how well we were managing our dockets."²⁵ The Court set about to recreate itself as a community court.²⁶

The pilot site designation was described at the state level in this manner:

The State Court Administrative Office will be pleased to work with the 1st Division of the 52nd District Court as a pilot site to test the implementation of selected components of the trial court performance

²⁵ District Court – 52nd Judicial District, First Division, 2000 Annual Report, page 24.

²⁶ Community court programs included the Alliance to End Domestic Violence (domestic violence prevention), Impact Weekend (for substance abuse offenders), and the Tobacco and Alcohol Prevention Project (a partnership with the school system). The most recent addition is a Sobriety Court.

standards developed by the Commission on Trial Court Performance Standards, and tailored for use in Michigan; and for selected community collaboration initiatives.

As a pilot court, we will expect that you would coordinate the development of programs relating to the standards and community collaboration programs with the SCAO through our Region 1 office so that we can collaboratively establish means for documenting the implementation and evaluating the outcomes of these programs. We will be able to use the court's experience in assisting other courts in implementing similar programs.²⁷

The pilot effort was described as the "first time since Michigan district courts were created in 1968 that a state court has asked the community to become involved in day-to-day operations."²⁸

The medium-term outlook for statewide collaboration in Michigan is in part a function of whether a critical mass of other courts interested in being designated a pilot project will develop.

Long-Term Prospects

The long-term prospect for extensive adoption of statewide court and community collaboration is unclear. The future is unclear because the concept of statewide collaboration is contingent on whether the role of judges changes to permit and value the kinds of activities and behaviors that are required for collaboration to prosper. There are a number of reasons for optimism that such a change will take place.

Success breeds followers. The apparent success of statewide court and community collaboration in some states will promote similar efforts in other states. California, in particular, has developed a set of resources that will greatly reduce the cost for states wishing to follow in its path.

Acceptance by national court organizations. The main court leadership organizations have adopted positions that support the development of court and community initiatives. One manifestation of that support is a set of resolutions passed by the Conference of (state) Chief Justices and the Conference of State

²⁷ Source: A letter from the Michigan State Court Administrator to the Presiding Judge of the 52nd District Court, 1st Division, May 12, 2000. For additional information on programs in the 52nd District Court, access <http://www.52-1districtcourt.com/>.

²⁸ Mike Martindale, *Detroit News* October 12, 2000.

Court Administrators. Some of the text from those resolutions is shown below. The full text is reproduced at the end of this chapter.

The first resolution was passed in 1997, "Realizing the Potential of Community-Focused Courts."²⁹

WHEREAS community-focused courts can differ in structure and in services provided, depending on the needs of the individual community, working with the state court leadership and other interested groups

NOW THEREFORE BE IT RESOLVED that the Conference of Chief Justices

1. supports the concept of community-focused courts, designed to be responsive to the needs of the individual communities that they serve; and encourages the collaboration of the state court leadership with federal and state funding agencies and other interested groups in the development of such courts.

The second resolution was passed in 2000, "In Support of Problem-Solving Courts."³⁰

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators hereby agree to:

1. Call these new courts and calendars "Problem-Solving Courts," recognizing that courts have always been involved in attempting to resolve disputes and problems in society, but understanding that the collaborative nature of these new efforts deserves recognition.

²⁹ Adopted as proposed by the Board of Directors of the Conference of Chief Justices in Cleveland, Ohio, at the forty-ninth Annual Meeting on July 31, 1997. The Conference of State Court Administrators approved a similarly worded resolution at their meeting on December 6, 1997.

³⁰ Adopted as proposed by the Task Force on Therapeutic Justice of the Conference of Chief Justices in Rapid City, South Dakota at the 52nd Annual Meeting on August 3, 2000. The Conference of State Court Administrators approved a similarly worded resolution at its meeting in August of 2000.

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2. Take steps, nationally and locally, to expand and better integrate the principles and methods of well-functioning drug courts into ongoing court operations.
 3. Advance the careful study and evaluation of the principles and methods employed in problem-solving courts and their application to other significant issues facing state courts.
 4. Encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community.
 5. Support national and local education and training on the principles and methods employed in problem-solving courts and on collaboration with other community and government agencies and organizations.
 6. Advocate for the resources necessary to advance and apply the principles and methods of problem-solving courts in the general court systems of the various states.

Court and Community Collaboration Creates a Constituency for the Courts. Court and community collaboration is one of the most effective ways that judicial leaders can affect the public image of the courts. The state courts lack an “attentive public,” one concerned and informed about their operations and policy outputs; courts are not “visible or salient to the American people” (Sarat, 1977:438).³¹

Low levels of attentiveness in part reflect the way young people are taught about government. The judicial branch is given limited and disconnected treatment in textbooks on American government: “The not very subliminal message conveyed by this brief coverage and quick progression to other topics is that the courts are not very important to understanding our system of government” (Zemans, 1991:727).

³¹ Attentiveness has been linked to levels of support for the U.S. Supreme Court—the greater the amount of attention, the more positive the support (Gibson and Caldeira, 1992:1136).

Students of the state courts point to extensive changes over the last two decades in the extent and nature of people's contact with the courts. Opinion surveys, however, suggest that opinion about courts has changed little over that time-period. The core public image of state and local courts can be thought of as a stereotype. By stereotype we refer to fixed, narrow "pictures we carry about in our head" that resist easy change (as defined by Walter Lippman in his book, *Public Opinion*). The same negative and positive images of the courts recur with varying degrees of forcefulness in all of the national and state surveys going back to 1973.

Currently, the national media shape the public image of the courts.

Research points to an important role for the national mass media in forming and sustaining opinion on the courts. Further, some students of opinion on the courts claim that court experience can trump (the presumably negative) media influences. More needs to be known about the importance people attach to their recent experience against other commonly cited influence on opinions about the courts. But experience as a collaborator with the courts—as opposed to experience as a litigant or even a juror—would seem to offer the potential for the courts to shape their own image through their own deeds.

A Recap and a Final Note

The generic traits of court and community collaboration are:

- *Commitment to Solving Community Problems.* This commitment is the hallmark of community-focused courts in general and, thus, an essential element of court and community collaboration.
- *On-going two-way consultation with the public about how the court should operate.* The public, or the community, becomes a part of a dialogue rather than merely a recipient of information or services from the court. Discussions deal with court operations without interfering with judicial independence or case decision-making.
- *Continuity.* Community involvement is integrated into the court's operational structure. Examples include the formation of standing citizen advisory committee or periodic public consultation meetings.

Court and community collaboration is usually thought of as a device for promoting and sustaining the efforts of local trial courts. This *Leadership Guide* takes a more expansive view. The concept of collaboration offers an ethos through which state judicial branches can themselves operate. The judicial branch has much to gain by being seen as responsive to the public voice. Court and community collaboration points to ways in which responsiveness can be

achieved without threatening judicial independence. Instead, if done correctly, collaboration enhances judicial independence.

“Community” is a powerful term and “the community” a powerful ally. The state courts need a powerful ally. As Raymond Williams notes:

Community can be the warmly persuasive word to describe an existing set of relationships, or the warmly persuasive word to describe an alternative set of relationships. What is most important, perhaps, is that unlike all other terms of social organization (state, nation, society, etc.) it seems never to be used unfavorably, and never to be given any positive opposing or distinguishing term.³²

There are risks for the state courts in working with community groups and with community members. The experiences of California, Massachusetts and New York (as well as New Jersey’s long experience in collaborative programs) testify that those risks can be managed with remarkable benefits for court and public alike.

³² Raymond Williams, *Keywords: A Vocabulary of Culture and Society, Revised Edition*, New York: Oxford University Press, 1985, p. 76.



CONFERENCE OF CHIEF JUSTICES

Resolution X

Realizing the Potential of Community-Focused Courts

WHEREAS. The nation's state courts recognize the critical importance to society of maintaining public trust and confidence in the courts; and

WHEREAS apparent remoteness and inaccessibility of courts have contributed to the erosion of public trust and confidence in the judicial system; and

WHEREAS several states have shown that public trust and confidence in the courts can be enhanced by the establishment of what are known as "community- focused courts," which are a product of collaboration with the community and responsive to its particular needs; and

WHEREAS community-focused courts can differ in structure and in services provided, depending on the needs of the individual community, working with the state court leadership and other interested groups

NOW THEREFORE BE IT RESOLVED that the Conference of Chief Justices

1. supports the concept of community-focused courts, designed to be responsive to the needs of the individual communities that they serve; and
2. encourages the collaboration of the state court leadership with federal and state funding agencies and other interested groups in the development of such courts.

Adopted as proposed by the Board of Directors of the Conference of Chief Justices in Cleveland, Ohio, at the forty-ninth Annual Meeting on July 31, 1997.³³

³³ The Conference of State Court Administrators approved a similarly worded resolution at their meeting on December 6, 1997.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

**CCJ Resolution 22
COSCA Resolution 4**

In Support of Problem-Solving Courts

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators appointed a Joint Task Force to consider the policy and administrative implications of the courts and special calendars that utilize the principles of therapeutic jurisprudence and to advance strategies, policies and recommendations on the future of these courts; and

WHEREAS, these courts and special calendars have been referred to by various names, including problem-solving, accountability, behavioral justice, therapeutic, problem oriented, collaborative justice, outcome oriented and constructive intervention courts; and

WHEREAS, the findings of the Joint Task Force include the following:

- The public and other branches of government are looking to courts to address certain complex social issues and problems, such as recidivism, that they feel are not most effectively addressed by the traditional legal process;
- A set of procedures and processes are required to address these issues and problems that are distinct from traditional civil and criminal adjudication;
- A focus on remedies is required to address these issues and problems in addition to the determination of fact and issues of law;
- The unique nature of the procedures and processes encourages the establishment of dedicated court calendars;
- There has been a rapid proliferation of drug courts and calendars throughout most of the various states;
- There is now evidence of broad community and political support and increasing state and local government funding for these initiatives;
- There are principles and methods grounded in therapeutic jurisprudence, including integration of treatment services with judicial case processing, ongoing judicial intervention, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations. These principles

and methods are now being employed in these newly arising courts and calendars, and they advance the application of the trial court performance standards and the public trust and confidence initiative; and

- Well-functioning drug courts represent the best practice of these principles and methods;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators hereby agree to:

1. Call these new courts and calendars "Problem-Solving Courts," recognizing that courts have always been involved in attempting to resolve disputes and problems in society, but understanding that the collaborative nature of these new efforts deserves recognition.
2. Take steps, nationally and locally, to expand and better integrate the principles and methods of well-functioning drug courts into ongoing court operations.
3. Advance the careful study and evaluation of the principles and methods employed in problem-solving courts and their application to other significant issues facing state courts.
4. Encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community.
5. Support national and local education and training on the principles and methods employed in problem-solving courts and on collaboration with other community and government agencies and organizations.
6. Advocate for the resources necessary to advance and apply the principles and methods of problem-solving courts in the general court systems of the various states.
7. Establish a National Agenda consistent with this resolution that includes the following actions:
 - a. Request that the CCJ/COSCA Government Affairs Committee work with the Department of Health and Human Services to direct treatment funds to the state courts.

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- b. Request that the National Center for State Courts initiate with other organizations and associations a collaborative process to develop principles and methods for other types of courts and calendars similar to the *10 Key Drug Court Components*, published by the Drug Courts Program Office, which define effective drug courts.
 - c. Encourage the National Center for State Courts Best Practices Institute to examine the principles and methods of these problem-solving courts.
 - d. Convene a national conference or regional conferences to educate the Conference of Chief Justices and Conference of State Court Administrators and, if appropriate, other policy leaders on the issues raised by the growing problem-solving court movement.
 - e. Continue a Task Force to oversee and advise on the implementation of this resolution, suggest action steps, and model the collaborative process by including other associations and interested groups.

Adopted as Proposed by the Task Force on Therapeutic Justice of the Conference of Chief Justices in Rapid City, South Dakota at the 52nd Annual Meeting on August 3, 2000.



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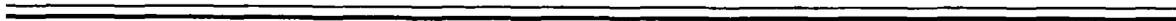
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Appendix

Site Reports



Court and Community Collaboration in California

Overview

<u>Year established:</u>	1996
<u>Locations:</u>	All California Trial Courts
<u>Objective:</u>	To improve the courts' ability to maximize resources, meet increasing demands, and improve public confidence. ³⁴

The Court and Community Collaboration project in California is a statewide initiative that includes all trial courts in the state. The project's two-part approach emphasizes the establishment of *Community-Focused Court Planning* in California's trial courts and the design and implementation of *Court/Community Outreach* programs at the local level.³⁵

Nature of State Role and Responsibilities

The Judicial Council of California, the chief policy making body of the California judicial system, provides leadership for the Court and Community Collaboration project in California. The Judicial Council, with the help of the Administrative Office of the Courts, promotes local court and community collaborative initiatives by directing and encouraging local planning and providing practical resources. California's trial courts are now organized as a single court for each of the state's 58 counties.

The Judicial Council is committed to extensive state level involvement in planning and implementing collaborative programs at the local level. The state facilitates local efforts by (1) defining the planning process, and (2) providing assistance through allocation of resources and interactive training and programming. The ongoing commitment to such programmatic interchange between the courts promotes justice-system-wide organizational learning. The Judicial Council, through its *Special Task Force on Court and Community Outreach* and its *Community-Focused Court Planning Implementation Committee* involved representatives from the community as well as court leaders in the planning and implementation stages at the state level and actively encouraged such

³⁴ <http://www.courtinfo.ca.gov/programs/community>.

³⁵ <http://www.courtinfo.ca.gov/programs/community>. *Community-Focused Court Planning* is defined "ongoing inclusive planning to envision the future of the courts and to develop structures and features to develop that future." *Court/Community Outreach* is defined "promoting greater understanding of the judiciary's role in government through public involvement in the future of our courts."

involvement in local court planning efforts. Individual court strategic plans determine the nature of community involvement in the local programs.

Origins and Evolution

State and local California judicial branch leaders were active participants in a national discussion of ways that courts and communities could work together to improve the public's trust and confidence in the courts. An important moment in that discussion was a National Town Hall Meeting in 1995. The Coalition for Justice, based in Los Angeles, was one of 10 Town Hall "downlink" sites at which concerned judges and citizens gathered. The LA Municipal Court's Monroe Partnership Program (between the Court and a local high school) was one of six examples of collaboration selected to provide the centerpiece of the videoconference. In the Town Hall and other national gatherings and inquiries, the Chief Justice of California, who is the Chair of the California Judicial Council, and the Administrative Director of the Courts took an active leadership role in championing the need for collaboration and community involvement in the justice system. The Administrative Director served as a member (since 1994) of the advisory committee for the Community-Focused Courts Initiative, funded by the Bureau of Justice Assistance through a grant to the National Center for State Courts. That high level leadership resulted in the creation of the Judicial Council's Special Task Force on Court/Community Outreach in 1996.

[T]he creation of the Special Task Force responded to the call for the state judiciary to "increase public trust and understanding by emphasizing community outreach and education about the court system" as articulated in California's long-range strategic plan for the courts.³⁶ The task force's charge was to survey existing outreach programs in California, prepare an outreach handbook that recommends model programs, conduct regional court training programs, and present recommendations to the Judicial Council regarding suggested roles for the council and the AOC to play in supporting court community outreach throughout the state.³⁷

To establish some baseline information, in 1997 the Special Task Force conducted a survey of all trial courts to identify existing outreach programs.³⁸ Some, called **Community Justice Initiatives**, are programs in which the court

³⁶ Judicial Council of California, *State Court Outlook: Annual Report*, 74 (1998).

³⁷ Judicial Council of California, "Request for Proposal: Statewide Community-Focused Court Planning Project," 1, (1997).

³⁸ This survey was distributed in 1997 and responses were collected in 1998.

acts as convenor and participant in developing collaborative approaches to solving community problems. Examples of these kinds of programs include: Butte County Superior Court Graffiti Removal and Downtown Cleanup Projects and the Southeast Los Angeles Enhancement Project. Brief descriptions of each of these projects follow:

Butte County Graffiti Removal and Downtown Cleanup Projects

Graffiti Removal. In Chico, the Butte County Superior Court, along with community leaders and private and government agencies, created the Graffiti Eradication Program in 1994. The court supervises the program and provides the workers, persons convicted of non-violent crimes. The Sheriff's Team of Active Retired Seniors supervises the workers, monitors the Graffiti Hotline, and decides which sites to work on each day. A community foundation was formed to accept donations and to disburse money for materials. The City provides space for storing materials and vehicles. The police department provides the telephone and voice mail for the Graffiti Hotline. The chamber of commerce provides general support and acts as liaison between the courts and business community. Insurance and escrow companies research the ownership of properties that have been defaced to obtain permission to remove the graffiti. Within eight months, Chico became a "graffiti-free city." The Graffiti Eradication Program is institutionalized within the community and now operates on its own.

Downtown Clean Up. This program was developed in 1977 in response to the downtown community's concerns about the condition of the streets after weekend events led to the development of a clean-up program.

The Southeast Los Angeles Enhancement Project

The Southeast Los Angeles Enhancement Project The Southeast Enhancement Project sentences persons convicted of nonviolent misdemeanors to cleanup tasks in their communities. This is a collaborative effort of the Los Angeles Superior Court (initiated by the former Municipal Court), the Los Angeles Police Department, and community-based organizations. The project focuses resources on southeast Los Angeles, an inner-city area comprised of mostly lower income people of color. Superior Court judges sentence eligible defendants to community service in that area as an alternative to jail. The Citizen/Police Advisory Board, which consists of local residents, prioritizes the work that must be completed. The police supervise the work and report the hours to the court.

Other programs, called *Public Education Programs*, involve the courts with the public and the schools in developing programs to increase the public's awareness of the courts' role and operation, thus increasing the public's understanding of and support for the courts. Examples include The First Impressions Project, Taking Court To School, and School/Court Curriculum Partnerships. A brief description of the First Impressions Project follows:

The First Impressions Project, Los Angeles Superior Court

By rewarding young students for a job well done, the **First Impressions Project** sponsored by the **Los Angeles Superior Court** in partnership with Operation Field Trip, Laidlaw Corporation, The Constitutional Rights Foundation and Ticketmaster, makes the justice system come alive for fourth and fifth grade students.

The program began in 1995 and consists of the following components:

1. Volunteer attorneys visit schools to introduce students to the justice system. Through interactive games and exercises, students gain a basic knowledge of what happens in a courtroom, the difference between civil and criminal cases, and the separation of powers between the branches of government.
2. The students visit local courthouses to view court sessions and meet judges, public and private attorneys, and court staff (including courtroom clerks, bailiffs, court reporters, and court interpreters). Judges and support staff discuss their occupations, how they achieved their professional goals, and reinforce the lessons learned in the classroom about the court system. The students also engage in a mock trial, led by volunteer lawyers and docents, in which they learn the role of the judge, lawyers, jurors, witnesses, and court staff.
3. The students are invited to enter an essay contest to write about their experiences with the program. The top three winners from each grade level are awarded a field trip for themselves and their parents or legal guardians.
4. The project works with community-based block clubs and citizens advisory boards to recruit volunteer docents from the Southeast Los Angeles school districts. Most are retired senior citizens. They are trained by court staff to serve as docents.

The objectives of the program are to: (1) Increase young people's understanding of the legal system; (2) clarify misconceptions about, and

develop trust and respect for, the justice system; (3) present an opportunity to explore careers in the criminal justice system; (4) help students understand rules, authority, and nonviolent dispute settlement; and (5) promote understanding of how the court system fits into the three part system of government.

The project relies on the collaboration of many individuals and organizations. Attorneys from various bar associations within the city, as well as the Offices of the District Attorney, City Attorney, and Public Defender participate on a volunteer basis. Because civics is not part of the elementary school curriculum, teachers are given lesson plans and curriculum guides developed by the Constitutional Rights Foundation and the court. Free busing is provided by Operation Field Trip, an education partnership between the Los Angeles Unified School District, Laidlaw Transit, Inc., and corporate and community leaders. Ticketmaster—"Tickets For Kids" pays the cost of tickets for the winners of the essay contests. Universal Studios has also provided free tickets.

The task force completed its mission in February of 1999 with its final report to the Judicial Council. The report included a summary of research and activities, suggestions for the future, and four recommendations, which the Judicial Council approved: (1) the adoption of new standards of judicial administration and amendment of the rules of court to encourage court and community collaboration; (2) authorization to distribute the extensive court and community collaboration handbook prepared under the task force's supervision³⁹; (3) direction to implement these recommendations by the Community-Focused Court Planning Implementation Committee; and (4) establishment of court and community collaboration as a Judicial Council program priority.

In 1998, in Phase One of the *Community-Focused Court Planning* initiative, the Judicial Council sponsored the first statewide Community-Focused court planning conference entitled, "Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence." Court planning teams (made up of judges, court executive officers, bar, local government representatives and members of the public,) received information crafted to enable them to develop countywide strategic plans. Fifty-seven of fifty-eight counties were represented at the conference. The conference also produced several educational and informational products for local planning teams developing and implementing strategic plans. (See Resources Available from California, below.)

³⁹ Judicial Council of California, *Dialogue: Courts Reaching Out to their Communities—A Handbook for Creating and Enhancing Court and Community Collaboration* (1999).

During Phase Two, the *Community-Focused Court Planning Implementation Committee*, a committee of judges, administrators, and community leaders established by the Judicial Council to oversee the initiative, reviewed the county strategic plans with analytical assistance from the Administrative Office of the Courts. In 1999, 52 of the 58 county courts submitted strategic plans to the Judicial Council.⁴⁰ The committee's analysis of the plans and report to the Judicial Council and the courts gave local leaders ideas for improving their plans and made the Judicial Council aware of possible new policy directions arising from court initiatives.

As directed by the Judicial Council, the committee is currently allocating resources for and overseeing the implementation of community focused planning in local courts; helping to create a link between planning and budget development; developing resources for local planning teams; working with state-level education agencies; and addressing other issues relevant to court and community collaboration, as appropriate.⁴¹

The Role of the Judicial Council and Administrative Office of the Courts

California's unified judicial system operates with a unique and challenging management structure that has been described as "state-level governance and decentralized court management." This approach is needed because the 58 counties in California range from small 2-judge rural courts to the largest urban court in the world in Los Angeles. Using this management approach, the Judicial Council of California provides leadership through its long-range strategic plan and policy decisions at the state level that affect system-wide issues. The Judicial Council is a constitutionally created body with judicial membership by appointment of the Chief Justice of the California Supreme Court. Other members of the council include court executive advisory members (also appointed by the Chief Justice), two members from the state legislature, representatives from the State Bar and the California Judges Association. In this organizational structure, the county courts are looked to for their expertise and experience to inform the Judicial Council's policy-setting role from the "bottom up." Under the umbrella of Judicial Council governance, the courts manage their own day-to-day operations so that they can flexibly respond to their unique local environments.

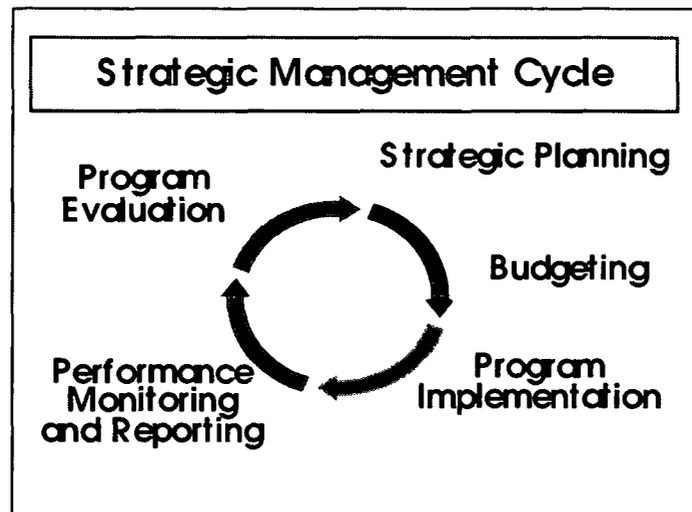
The Judicial Council has modeled the use of a collaborative approach in several ways. First, it encourages broad participation by court representatives on

⁴⁰ All 58 counties subsequently submitted plans.

⁴¹ Judicial Council of California, "Fact Sheet," 3 (2000).

the council and on a wide array of council committees. Second, the council seeks to bring a public perspective in its community-focused court planning and community outreach initiatives by including members of the bar, local government, and the public on the Special Task Force for Court and Community Outreach and the ongoing Implementation Committee. Third the council uses a “Collaborative Courts” committee to define the role and operation of specialty courts, such as drug and mental health courts, that use a collaborative approach to the administration of justice.

To effectively manage this state and local justice system relationship, the Judicial Council has adopted a Strategic Management Cycle to guide its own operations and has urged its use for the county courts. Elements of the Strategic Management Cycle⁴² are depicted below.



Courts communicate their needs and proposals in several different ways including the submission of strategic and operational plans, the budget development process, grant funding requests, committee involvement, and relationships with county governments. The Judicial Council’s adopted planning cycle requires the courts to submit strategic plans (to articulate long range issues and strategies for addressing them) every six years and operational plans (to set forth objectives and desired outcomes to be achieved) every three years. Annual action plans for program implementation are encouraged locally but are not submitted to the Judicial Council. Rather, the courts provide an annual progress report to the Judicial Council to keep it informed of the courts’ accomplishments in relation to their strategic and operational plans so that

⁴² Judicial Council of California, *Strategic Management Handbook*, October 2000.

information (which demonstrates the courts' accountability for the use of public resources), can effectively be used in the council's advocacy for justice system needs with the Governor and the Legislature.

Annually, the county courts are surveyed to identify their priorities for the upcoming budget development cycle. From the information submitted by the county courts, the Judicial Council identifies a list of statewide priorities within which the courts are required to develop actual budget requests. These budget requests, containing detail regarding the needs of the courts, are combined by the Judicial Council into its statewide budget request to the Governor and the Legislature.

The county courts also make known their needs and proposals through requests for grant funding for special programs and projects from state level grant funds. The Judicial Council oversees the administration of two grant funds, called the Trial Court Improvement Fund and the Modernization Fund, from which the council, through the Administrative Office of the Courts (AOC), awards grant funds to local courts to support modernization and innovation initiatives (see below for details).

The Judicial Council also learns of county court needs by encouraging representatives from the courts, both judicial officers and court executive officers and staff, to serve on statewide Judicial Council committees that are charged with addressing specific issues and developing recommendations for Judicial Council action. As part of its leadership efforts, the council has created a highly participatory committee structure to ensure broad involvement of the courts and other stakeholders in the work of the council.⁴³

At the county level, the courts learn the extent to which their needs and proposals are supported by the Judicial Council through release of the statewide budget request with its statewide priorities, and through the actual allocation of appropriated state funds once the legislature has acted on the budget request. The courts also obviously learn whether and how their needs and proposals will be met through the award of state level grant funds and through their success in working with county governments on facilities issues.

⁴³ Although California's courts are now primarily funded at the state level, ownership and responsibility for maintenance of court facilities still resides with the counties. Thus, the courts also make their needs and proposals known at the county government level. A statutorily created Statewide Task Force on Court Facilities is currently studying ways in which to address the facilities needs of the courts. Until such time as the state determines whether and how to assume responsibility for court facilities statewide, the courts must continue to develop and maintain collaborative working relationships with county governments on their facilities needs.

Another primary element in the role of Judicial Council and Administrative Office of the Courts is to serve as a link between the county courts and the state executive and legislative branches. The Judicial Council fulfills this role through its annual budget development process described above, in which it guides the courts' requests for resources by using percentage growth caps and determining the priorities (types of requests) to submit. Once the statewide budget package is developed, the Judicial Council through the AOC submits it to the Governor and works with the Department of Finance for its inclusion in the Governor's annual proposed budget. The Judicial Council and the AOC then play a critical role in advocating for needed resources with the legislature.

Resources Available from the Judicial Council

A broad range of resources is available from the Judicial Council and the AOC to support the collaborative planning and community outreach programs in the county courts. The Trial Court Improvement Fund has been used for several years to support grants to local courts to help them develop and institutionalize community-focused court planning at the county court level. Use of those grant funds have included the cost of consultant services, meetings and other expenses associated with their court-wide strategic planning activities. Modernization Fund Grants have been used to provide funding for action planning on specific issues identified in the courts' strategic plans. For example, recent grant funds have been awarded to support action planning in the courts related to providing services for self-represented litigants.

Other resources available to support local planning and outreach activities include state-sponsored training materials and programs, publications, and other communication vehicles. Since the statewide community-focused court planning and community outreach conference in 1998, the Judicial Council and the AOC has offered annual workshops/forums at which court planning teams learn about effective planning and community outreach efforts by sharing their experiences with each other. The videotaped training provided at the 1998 conference has also been edited, paired with a training workbook, and made available to the courts as a resource. Publications that support local planning and outreach activities include the *Dialogue* handbook noted above, which is available both in binder form and can be downloaded from the Judicial Council's website (<http://www.courtinfo.ca.gov/programs/community>). Finally, regular communications regarding local collaborative planning and community outreach activities are available via *Collaborations*, the newsletter from the AOC designed specifically to share information about and support the community outreach work of the courts, the secure intra-state court website *Serranus* (named after the

first Chief Justice of the California Supreme Court), and *Court News*, the statewide court system newsletter of general circulation to all the courts.

Collaboration at the County Court Level

Collaboration at the county court level involves the use of "teams" that include judicial officers, other court personnel, members of the bar and local government, other justice system agencies, and the public on various kinds of committees, including the courts' community-focused court planning committees. These committees help the courts obtain a broad range of community input to the court's strategic plan, and then play an important role in assisting the courts, where appropriate, with implementation of some court programs. The ultimate content of the courts' plans and the development of budget requests to support identified needs remain the responsibility of court administration.

Based on community and other stakeholder input, the courts, through the use of court executive committees or decisions of the entire bench in small courts, identify their priorities for inclusion in their plans and budget requests based on local needs. (See description of the budget development and statewide priority setting process described above.)

Once the plans are in place, collaboration continues at the local court level through implementation of court programs that involve others bodies, including county government. The relationship of courts to their respective county governments changed as a result of the shift to state trial court funding. Courts are now deciding whether to continue to use county services such as information technology, personnel, accounting and other services historically provided and paid for locally. Those counties that choose not to continue using county services are considering outsourcing those functions to other service providers or creating their own internally supported services.

Collaboration also is taking place at the county court level through the active collaboration of the courts with other justice system agencies (such as district attorneys, public defenders, and law enforcement agencies) to address system-wide issues such as the need for technological collaboration (compatible automated systems capable of communicating effectively with each other and sharing case related information). These groups also are collaborating in community justice initiatives and public education and outreach programs such as those described above.

The courts also collaborate with local, non-profit organizations and service providers in program implementation where public involvement is appropriate.

For example, some courts have had community groups offer to assist the courts in establishing children's waiting rooms; others are involved in drug and other therapeutic justice programs; still others are engaged in facilities master planning to improve court facilities. The collaborative involvement of community organizations and service providers is overseen by the courts to ensure the appropriate participation of those groups in the work of the courts within applicable ethical limitations.

The courts were recently re-surveyed to identify the types of collaborative and community outreach programs now in place and to compare those efforts to the baseline established in the 1997 survey. The unofficially reported results of that survey demonstrate in detail the number and types of programs in place since the beginning of this statewide initiative. With 49 courts⁴⁴ reporting (at the time of this writing), the responses permit the drawing of the following initial conclusions:

- * Existing Programs. Of 387 outreach/education programs reported in the 1997 survey, 291 are continuing programs, 16 have been expanded, and 56 have been discontinued
- * NEW Programs. Since the 1997 survey, 375 new programs have been reported. Of this number, 106 are public school outreach/education programs, and 269 are general public outreach/education programs.

Key Ingredients

Several factors underlie the success achieved so far in the statewide collaboration initiative.

- Active Judicial Leadership. Championed by the Chief Justice, adopted by the Judicial Council as a top priority, and actively pursued by judges in counties throughout the state, active judicial leadership has probably been the single most important factor for this statewide initiative. As an encouragement for such judicial leadership, the Judicial Council's adoption of Standard of Judicial Administration, Standard 39,⁴⁵ recognizes judicial involvement in community outreach activities as a legitimate and necessary part of fulfilling judicial responsibilities.
- Local Flexibility. Flexibility in local program design and implementation was also key to inviting true participation in and ownership of the community collaborative process.

⁴⁴ The courts responding to the survey included all urban (large) courts in the state.

⁴⁵ California Standards of Judicial Administration, Standard 39 (1999).

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- Collaboration as Change Agent. Timing was important. The initiative was launched and in development during the same period that California's courts faced the challenges of court coordination, consolidation, and ultimately county court unification and the advent of state trial court funding. The community-focused court planning and community outreach initiative provided a vehicle to build local support for the courts during a time of significant change and provide the level of planning and accountability necessary to effectively advocate for judicial resources at the state level.
 - Specialized Training. Specialized training related to community-focused court planning and community outreach activities was provided in annual workshops presented by the Implementation Committee, and through judicial education programs developed and presented by the AOC Education Division. Those programs include a 2½ day course on community collaboration, plus emphasis on the topic in New Judge Orientation Programs and Continuing Judicial Studies Programs for presiding judges and court executive officers. Grant resources provided the courts with the consultant and other services needed to implement and refine their planning and community outreach activities. The Judicial Council recognized that the significant changes being asked of the courts, especially in an environment of unification and state funding, would require several years for the courts to institutionalize.
 - Community-based Team Approach. Consistent modeling of a community-based team approach in related programs was also important. Initially the team approach was used in selecting members of the broad-based Special Task Force on Court/Community Outreach and then the ongoing Implementation Committee. It was reinforced by the use of county teams at the 1998 conference. Involving community members in the state level initiative enabled state leaders to consider the perspective of the courts' communities in identifying ways in which to encourage effective collaboration. Other programs subsequently adopted a similar community-based "team" approach. For example, a recent Juvenile Delinquency Conference brought together county teams, as did a conference on self-represented litigants, all with the purpose of enabling broad based action planning efforts in important areas of court operations.
 - Obstacles Addressed Early On. Potential obstacles to judicial support for the initiative were addressed early on. One of the significant issues the Special Task Force addressed was the relationship between the appropriate limitations contained in the code of judicial conduct and the

role of judges in collaboration and community outreach. The task force's ethics compendium (contained in the *Dialogue* handbook) concluded that judicial participation in a leadership of community outreach effort is compatible with and an appropriate part of judicial duties, so long as applicable canons of ethics are abided by, and guidelines are provided for judges to follow in their community outreach activities.

Lessons Learned

Interim "Lessons Learned" is an appropriate section heading here because it is too early to draw final conclusions. (As mentioned above, the Judicial Council recognized that it will take a minimum of three to five years from the first year that community-focused court strategic plans are developed and submitted, to truly institutionalize the process.) The following comments are offered as insights and factors to be considered by those seeking to replicate the California initiative in their own state.

- The initiative purposefully combined two separate concepts – community-focused strategic planning and community outreach – in the initial statewide conference. That combination of concepts apparently resulted in some confusion for some of the courts. Given another opportunity to introduce these two distinct activities (strategic planning with community input and court outreach to the community for problem-solving and education), the courts would have been assisted by drawing a stronger and clearer distinction between the two.
- Earlier introduction of the "whole system" approach in the strategic management cycle, including strategic planning, may have provided a more effective vehicle for courts to manage the fast-paced and significant change they experienced in the last 10 years. Judicial Council strategic planning in 1992 began as part of the Council's own leadership development efforts. Both, the community-focused court planning process and the strategic management cycle the council adopted are intended to provide effective "bottom-up" information from the courts plans to the council's statewide plan. In effect, however, by the Judicial Council being several years ahead of the courts with its strategic planning efforts, the courts are unsure how much the local court plans actually inform the council's planning process.
- Continuing support and resources for the collaboration initiative evolved as the program continued. The initiative may have been better positioned for success from the outset if it had been designed and committed to as a comprehensive, multi-year, system-wide approach including education,

special meetings and grant funding. The entire approach and commitment could have been announced at the time the initiative was launched. Providing a clearer “road map” (where all of these activities were leading, the reason for them, and the help to be provided along the way) may have resulted in a greater level of court support from the beginning.

- Effective feedback loops were needed to gauge program effectiveness on a routine and ongoing basis due to limited state resources. Few feedback opportunities were built into the initiative from the beginning. Demonstrating a clear and direct connection between community-focused strategic planning and the budget development process may have produced a higher level of court support for the initiative.
- Finally, the initiative took place in a time of fundamental change in the state’s court system, notably unification and state trial court funding. The success of the initiative would have been greatly enhanced by an earlier recognition of the need to provide direct support to local court personnel in the form of appropriate planning and community development skills.

The Future

The California court and community collaboration initiative is groundbreaking in focus and scope. No other state has undertaken such a comprehensive and coordinated effort to involve all the state’s courts in effective community-focused planning and community outreach activities. The approaches used and the lessons learned from this experience require further study to determine the effectiveness of community collaboration in addressing public trust and confidence in California’s courts. Recent economic and other factors in California are shifting the courts’ environment yet again. A solid foundation has been established, but it remains to be seen whether and how the community collaboration initiative will continue in California’s courts. A potentially significant development is the planned establishment of a Center for Innovative and Effective Court Practices within the California Administrative Office of the Courts. Professor Clark Kelso, the AOC’s current Scholar-in Residence, will assist the AOC in that endeavor.

Resources Available From California

For other states interested in the approaches used in California, the following resources are available.

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- *“Dialogue: Courts Reaching Out to Their Communities: A Handbook for Creating and Enhancing Court and Community Collaboration”*
 - Video Training Material
 - (<http://www.courtinfo.ca.gov/programs/community>)
 - Strategic Management Handbook



Massachusetts Judicial Branch Reinventing Justice Initiative

Overview

Head of the Judicial Branch: Supreme Judicial Court (SJC)

Leadership: Supreme Judicial Court (1992-2000); the Administrative Office of the Trial Court (2000 -); and the Franklin County Task Force (1994)

Locations: Franklin County Futures Lab Project (1994) and Reinventing Justice Project (1997)

Essex County Court/ Community Project (1996)

Hampshire County Reinventing Justice Project (1996)

West Roxbury Court Reinventing Justice Project (1996)

Ten localities receiving support through small grants (2001)

Objective: To support innovations and improvements in the administration of justice in the Massachusetts courts, based on consultation with the community.

What is now known as the Massachusetts' *Reinventing Justice Initiative* began locally, as an experiment to "reinvent justice" in rural Franklin County. The initial impetus, however, was at the state level, specifically the findings of the 1992 Massachusetts Supreme Judicial Court Chief Justice's Commission on the Future of the Courts. Published as *Reinventing Justice: 2022*, a key component of the Commission's vision for the future was one in which "the public is keenly interested in justice and plays a direct operational role in the system through a variety of programs . . . They serve as constructive critics and advocates for change."⁴⁶

Reinventing Justice: 2022 inspired a Franklin County District Court judge and a Franklin County attorney to put the "Franklin County Futures Laboratory" in motion by setting up a task force in Franklin County in the northwestern part of the state. In 1994, then Chief Justice of the Massachusetts Supreme Judicial Court Paul Liacos authorized the task force to explore ways for courts and communities to collaborate. Then, in 1996, after initial successes in Franklin County, Massachusetts adopted a statewide initiative called the "Reinventing Justice Initiative," to support court and community collaboration efforts in Franklin County and three additional locations. The stated intention of the Initiative was that "individual projects are not intended to be permanent entities in themselves." Rather, the projects help establish a permanent process for continuing court/community collaboration.⁴⁷ The statewide Initiative has

⁴⁶ The Chief Justice's Commission on the Future of the Courts, *Reinventing Justice 2020*, 1992, 54

⁴⁷ *Annual Report on the State of the Massachusetts Court System*, Fiscal Year 1988, p. 32.

expanded to include courts in ten other localities that currently receive “mini-grants” to support specific collaborative activities.

Responsibility for overseeing the Initiative was transferred during 2000 from the Supreme Judicial Court to the Administrative Office of the Trial Court (AOTC), signaling the incorporation of collaboration into the day-to-day operations of the trial courts.

The hallmarks of the Massachusetts Initiative to date are reliance on endorsement and recognition, rather than direct financial incentives, to build local collaborations and the scope given to localities to define the objectives and nature of their collaborative activities.

Background on Massachusetts Judicial System

The Supreme Judicial Court is the head of the Massachusetts judicial branch and the key actor in setting policy for the state’s courts. In 1978, the state’s seven existing trial courts became departments of a newly created Trial Court of the Commonwealth.⁴⁸

The state’s Supreme Judicial Court appoints the Chief Justice for Administration and Management of the statewide Trial Court (this position is equivalent to the state court administrator in other states). The Chief Justice for Administration and Management, in turn, appoints chief administrative justices for each of the individual departments. These administrative judges serve a five-year term that can be renewed once.

All of the state’s judges are appointed by the governor and serve until age 70. Trial court costs are entirely paid out of state funds; there is no local funding. Court records and clerical staff work for independently elected or appointed officials, the Clerks of Court (sometimes Clerk-Magistrates).

Court and community programs have developed primarily within the District Court Department. That District Court has broad jurisdiction in civil (unlimited dollar amount in controversy jurisdiction) and criminal (felonies carrying a maximum penalty of five years or less) cases. District Courts also hear juvenile and housing matters in counties without established specialized courts for those types of cases. The District Court is organized into 69 divisions, each with an appointed first justice serving as the administrative head of the division.

⁴⁸ The Departments are the Superior Court (14 divisions), the District Court (69 divisions), Boston Municipal Court, Juvenile Court (11 divisions), Housing Court (5 divisions), Land court (one statewide Court), and the Probate and Family Court (14 divisions).

Other court departments involved in the Initiative include the general jurisdiction Superior Court and the specialty Probate and Family Court and the Juvenile Court.

Origins and Evolution

Local Origins. The synergy between the concepts and objectives put forth in *Reinventing Justice: 2022* and the leadership and ingenuity of local county officials led to institutional changes in Franklin County courts, which became the model for the statewide initiative.⁴⁹ In response to *Reinventing Justice: 2022*, a fundamental principle guiding the Franklin County task force was that the court should be a service-accountable organization for the community. As the task force evolved, the process of including the community in reform efforts became as important as developing and implementing specific reform programs. Thus the first “product” of the task force was a mechanism for obtaining community feedback about court problems and improvements. A trial court judge and a private attorney from Franklin County joined forces to create the task force. As co-chairs, they emphasized the need to involve a large cross section of the community. They sought the representation of all major stakeholders, including judges, court personnel, members of the bar, community service providers, public safety agencies, members of various racial, ethnic, socioeconomic, religious groups, and education groups. They brought these community members together to identify the reasons for resistance and to develop strategies for building consensus. Individuals perceived as somewhat reluctant or skeptical about the process were encouraged to participate.

Task force membership recruitment was an ongoing process. Individuals who declined to participate initially were re-contacted at various points in the process to determine whether their willingness to participate had changed; individuals who participated initially and then “dropped out” for any of a number of reasons were invited to participate again at later stages; and recommendations for new contacts were continuously sought. The task force recognized the different levels of energy, interest, and time that participants were able to commit to the project and expressed appreciation for any assistance given.

The Franklin County Project’s main product is the collaborative process itself, now in its sixth year. There are also “bricks and mortar” accomplishments that range from a staffed Information and Referral Desk established in the

⁴⁹ A more detailed description of the Franklin County Futures Lab Project can be found in D. Rottman, H. Efkenan, and P. Casey, *The Guide to Court and Community Collaboration*, National Center for State Courts, 1998, pp. 61-66.

courthouse hallway, to drug court, juvenile diversion, and delay reduction programs. In recent years the Project implemented restorative justice principles through court and community collaborative endeavors.

As part of the evolution of the Franklin County Initiative, the Administrative Office of the Trial Court (AOTC) adopted the Reinventing Justice project in 1998 when it created a state level community relations coordinator position under the supervision of one of the local presiding judges. The new community relations coordinator assists with community outreach and public education, and responds to service needs expressed by the community.

The management structure of the Franklin County collaboration evolved in response to changes in the scale and focus of the local effort. The initial task force was replaced with a large approval-granting body of court and community stakeholders. This Implementation Council proved unwieldy and did not provide the flexibility needed in the relationship between the court and the community. To streamline the processes, a working group was charged with developing recommended new structures, roles and relationships. Based on those recommendations, some structures, such as the implementation council and a community outreach and education board, were changed.

The resulting, and current, organizational structure has two committees supported by the community relations coordinator as needed. A Judicial Administration Team, drawn from several trial court departments, meets on a monthly basis and includes presiding judges and resident judge in the county. The Community Collaboration Board is a sixteen member group that supervises and advises various pilot programs, discusses newly identified service needs, formulates ways to address needs, and looks at ways to expand collaborative opportunities. The Board's members come from social service agencies, schools, business, police, the faith community, the courts, and citizens. Current pilot and ongoing programs include a juvenile diversion program, a drug court, a victim offender dialogue program, and several restorative justice programs, including two sentencing circle programs and eight restorative probation boards.

Both the Team and Board provide oversight and discuss policy. The community relations coordinator is the formal link between the two. Informal discussions between the judiciary and community take place as needed. In practice, however, communications are open and fluid. Over the years judges and community members have developed a shared understanding of what matters belong in each domain and when consultation is appropriate.

Current directions include recruiting community members to serve as mentors, friends, and advocates for court-involved individuals and families

(juvenile and adult)—to be a circle of support to help address quality of life and decision-making issues that fall outside the realm of the court. The Community Collaboration Board and the two community justice committees that offer sentencing circle options (one in the east and one in the center of the county) are working to develop more community capacity to meet the identified need.

State-Level Development. The impetus for the Franklin County Initiative was *Reinventing Justice 2022*, and, in particular, two of its proposed pathways to the desired future: a Service Model of Justice and New Models of Leadership. Subsequently, the success of court and community collaboration in rural Franklin County led the Supreme Judicial Court to release a request for proposals in 1996 for three other jurisdictions to experiment with joint court and community efforts. The Court wished to see if the kind of communication and collaboration established in Franklin County could thrive in more urban and diverse areas. The SJC therefore initiated a competitive process to qualify for participation in the statewide initiative.

A statewide Ad Hoc Committee on Reinventing Justice defined the process for expansion. The Chief Justice and Administrative Judge of the Trial Court wrote letters to every judge, clerk, magistrate, chief probation officer and county bar association president. This resulted in 130 inquiries from people who then received an invitation to a meeting at the SJC. The 50 attendees received copies of the “Procedure for Selection of New Reinventing Justice Projects” developed by the Ad Hoc Committee. The Ad Hoc Committee reviewed the 14 applications from task forces and made recommendations to the SJC.

To receive a Reinventing Justice project designation, essential elements needed to be demonstrated in a proposal:

- *effective leadership* by a local judge or clerk, in cooperation with a local bar or community leader;
- *participation by all important stakeholders, including Trial Court employees, in the design of the project;*
- *a process for reaching out to the wider community and giving them an opportunity to voice their concerns; and*
- *a process for using the information to develop concrete, practical proposals that are feasible for implementation.*

Special task forces made up of court officials, government officials, and community groups from each applicant court developed a committee structure

to bring court and community leaders together to identify local priorities and implement programmatic responses on locally significant issues. Adopting the recommendations of the Ad Hoc Committee, the Supreme Judicial Court selected projects from Essex County, Hampshire County, and West Roxbury. The new sites included old industrial cities and an inner city area of Boston.

Responsibility for overseeing the Initiative was transferred during 2000 from the Supreme Judicial Court to the Administrative Office of the Trial Court (AOTC), signaling the incorporation of collaboration into the day-to-day operations of the trial courts. In fiscal year 2001, the Initiative further expanded its coverage to more courts and other kinds of programs through "Public Trust and Confidence Mini-Grants." The Trial Court Chief Justice for Administration and Management drafted a request for proposals that generated 18 applications. The stated purpose of the mini grants program was "to develop projects in courts and communities that will engage the public in helping court personnel create a more accessible user-friendly and responsive institution." In the initial year of funding, 10 grants were made totaling \$25,000. Recipients of these first mini grants included both courts and the Trial Court Libraries, which held seven Town Hall meetings and, on that basis, set priorities.

The Initiative Today

Massachusetts' Reinventing Justice Initiative currently (September 2001) operates in three localities (counties or parts of counties) with state supported projects and in another 10 locations that received "mini-grants" during fiscal year 2001. In 1998, the original pilot project, the Franklin County Court Futures Lab, 1998 was incorporated into the Trial Court of the Commonwealth. The other three state supported projects are currently designing and implementing their community outreach programs.

The Essex County Court/Community Project is chaired by a District Court judge. The project covers the areas served by the District Courts in Lynn and Salem, two of the older industrial cities in the state. The project seeks to make the courts user-friendlier through community input.

The Program, led by an eleven-member Task Force and a citizen court council, has a focus on education and information and has established an affiliation with the Massachusetts School of Law. A part-time coordinator has been hired and volunteers have been trained by court personnel to staff an information booth in the Lynn District Court during morning hours. The court council's next priorities are to develop a feedback form for court users to drop in a suggestion box on their way out of the courthouse and to design a mechanism for ongoing dialogue between the public and the courts.

Future plans include appointing a 15-member courts' council to consider improvements to the courts, including delay reduction, upgraded facilities, day care, automation, and better communications. There are also plans to expand the project to Lawrence, another old industrial city.

The Hampshire Reinventing Justice Project is led by a steering committee and a number of subcommittees to address specific issues such as education and technology. Judges from the Probate and Family Court as well as the Clerk of the Northampton District Court provided the initial leadership. The Project's primary objective is to foster collaboration between the citizens of Hampshire County and their judicial system. The ultimate goal is to modernize the system to meet 21st century needs. The project's origins can be traced to participation by Hampshire court and community leaders in Franklin County's National Town Hall Videoconference.⁵⁰

In an effort to build strong support for court and community collaboration within the court, the Hampshire approach began with "in reach"—comprehensive interviews with all court employees about their perceptions of the court and the needs of the justice system. One commonly identified problem has been the complexity of the court's physical structure which the project is addressing. As part of the project's initial "outreach," the Hampshire Reinventing Justice Program organized a daylong open house in May based on the theme, "The Courts in Our Community." Workshops and panel discussions took place during the day, and approximately forty local agencies, organizations, and trial court departments staffed information tables. There was a gala reception at the end of the day.

The West Roxbury Reinventing Justice Project explores how a busy urban court can handle its criminal caseload effectively while responding to the needs and priorities of the local community. Community outreach yielded a 30-member Task Force in 1997. The Task Force, which includes court personnel, police officials, legislators, lawyers, and concerned community members, operates through three subcommittees. Established to generate creative ideas for an improved justice system:

- The Community Involvement Subcommittee creates communication channels between the court and the area's diverse neighborhoods;

⁵⁰ The Franklin County District Court was a downlink site for the National Videoconference, which was organized by the American Judicature Society and the National Center for State Courts with funding from the State Justice Institute.

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- The Internal Involvement Subcommittee seeks ways to inform the public about all aspects of court operations. Methods include a newspaper column, *Judges' Corner*, and videos, pamphlets, and other material that accommodate the area's linguistic diversity; and
 - The Best Practices Subcommittee developed a pilot project that will automate various court operations and established a Volunteer Information Program using trained guides to facilitate access to the courts.

The Task Force has recognized the difficult nature of court work by sponsoring a stress reduction course for seventy court clerks, probation officers, and court officers. Additionally, in conjunction with a group of graduate nursing students, they have compiled and published a pamphlet about local programs available for children who have witnessed violence. The Task Force is also working with a local faith community to develop a program for young fathers. The program staffs an information booth at one courthouse from 8 a.m. to noon daily. Ten volunteers work in pairs at the Visitor Information Program desk in another court's rotunda.

Governance of the Initiative

Oversight Responsibility. Initially, the Office of Policy Development of the Supreme Judicial Court exercised the administrative responsibilities associated with the Initiative. Through this office, the Supreme Judicial Court provided guidance for the growth and development of the Reinventing Justice Initiative using cautious and measured experimentation. The state level Ad Hoc Committee was vital to the process of setting the direction for expanding the number of courts covered by the Initiative. The Supreme Judicial Court, with the assistance of the Administrative Office of the Trial Court, defined the appropriate scope of court and community activities and has controlled the expansion of the initiative to additional localities. The Trial Court established a new position dedicated to court and community issues—that of Franklin County's Community Relations Coordinator—as a full-time employee of the Greenfield District Court. The AOTC also created a grants specialist position that supports the work of the Reinventing Justice Projects among other activities.

The Supreme Judicial Court continued its leadership by issuing guidelines that frame the roles and responsibilities of the Supreme Judicial Court, the Administrative Office of the Trial Court, and the local Reinventing Justice Projects. The Franklin County Reinventing Justice Project continues to serve as a mentor, providing advice and technical assistance to the new collaborations. Representatives from all four programs now meet in Boston quarterly with administrative leaders from the Administrative Office of the Trial Court to

compare experiences, processes, and problems.⁵¹ The purpose of these meetings is to exchange information and ideas, and to explore topics of general interest. Presentations by outside experts have covered topics such as restorative justice and mediation.

By 2000, when it appeared that the Reinventing Justice Projects were adequately rooted in their local courts and communities, the focus of the program shifted. Seeking to replicate specific successful programs throughout the state court system, the Reinventing Justice Initiative graduated from its initial pilot status under the Supreme Judicial Court to a fully recognized program of the Administrative Office of the Trial Court. Effective July 1, 2000, responsibility for the Initiative was transferred to the Planning and Development department of the Administrative Office of the Trial Court. That office also coordinates the Massachusetts Leadership team established at the National Conference on Public Trust and Confidence in the Legal System. The Supreme Judicial Court's involvement is limited now to occasional participation in the quarterly meetings of the four Reinventing Justice Project directors.

Administrative Guidelines. Early on, the SJC Advisory Committee on Judicial Ethics was asked to issue an ethical opinion regarding fund-raising. Based on that opinion, limited use is permitted of local non-profit corporations as fund-raisers or fiscal agents. However, the Projects are not allowed to create new non-profit corporations for management purposes. They must remain within the Court's ambit.

Funding guidelines adopted by the Supreme Judicial Court made the SJC the original fiscal agent for all funds available to all the local projects, including state appropriations and all grants. Now the Administrative Office of the Trial Court purchases supplies and equipment and pays for administrative costs such as telephones and photocopying. Project employees are under contract to the Administrative Office, not to the individual projects.

Until recently, the Reinventing Justice Initiative was funded as a line item in the SJC budget. In FY 2001, those funds were transferred to the Trial Court Administrative Office in the modest amount of \$100,000. In FY 2001, the \$100,000 provided by the legislature was distributed by the AOTC as \$25,000 for each project with the remaining \$25,000 divided into 10 mini grants.

All four Reinventing Justice Projects submit quarterly written reports to the AOTC and an annual summary report. Mini-grant recipients submit three reports during the seven-month grant period

⁵¹ Originally, the meetings were scheduled monthly.

Key Ingredients and Lessons Learned

- Endorsement and Recognition as a Primary Incentive. The Initiative has successfully used endorsement and recognition by the state court leadership as the primary incentive for courts and communities to participate. Most of the resources needed for Initiative projects have come as in-kind benefits from local organizations, assistance in preparing grant applications by SJC and AOTC staff, technical assistance from Franklin County veterans, and quarterly meetings facilitated by the SJC and AOTC.
- Mission Statement. The Initiative had a strong statement of purpose in the *Reinventing Justice 2022* report.
- Establishing a Community Communication Process. The purpose of the projects was explicitly to establish a communication process, not to achieve specific objectives through that process. As such, they were designed to be short-term efforts.
- Low Cost Initiatives. The Initiative has grown and developed at little cost to the state. New funding was not provided for the most part and few new state-level resources were created. Existing administrative mechanisms and funding streams absorbed the administrative and coordination aspects of the Initiative.
- Strong Local Roots. The initial project was inspired locally. Subsequently, the Supreme Judicial Court set criteria for potential projects and selected projects in the statewide Initiative, in part, based on considerations of replicability in other settings. Each project is in large measure self-contained.
- Wide Application. The Initiative covers experimentation in a broad range of geographic and demographic areas—from the rural and remote to inner city metropolitan.
- Stable, Long-term Leadership. Court and community collaboration in Massachusetts benefits from a structure in which state and local court leaders serve for long and predictable terms of office, giving continuity to the Initiative and its component projects.
- Successful Pilot Project. The success in Franklin County provided a strong and attractive model for how courts and communities can cooperatively solve problems.

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- Enthusiastic Judicial Support. The Initiative enjoyed support among the judiciary at the highest levels and obtained the enthusiastic participation of judges in the participating trial courts.
 - Independence of Judicial Decision-Making. The projects successfully confronted and resolved the potentially contentious issue of keeping case adjudication out of the mix for discussion between the court and community. A balance was struck in which responsibility for case adjudication is held separate from responsibility for decision-making on administrative issues and planning.
 - Streamlined Structure and Flexibility. Original large task forces and committees proved to be cumbersome. Smaller steering committees developed into the leadership group and committees were formed to tackle specific tasks.
 - Broad Community Participation. Community participation was broad. The inclusion of representatives from so many diverse groups made it difficult for one group to advance its own agenda. The broad representation also helped obtain political support at the state level for some of the pilot programs.
 - Coordinated Information Flow. The flow of information was coordinated. Central coordination at both the state and local level was critical to facilitate information flow.
 - Collaborative Involvement of Multiple Departments. The Initiative was able to surmount difficulties associated with a trial court system that is divided into seven departments.

Future Plans

Court and community collaboration in Massachusetts is at a crossroads. The potential for local collaboration requiring little outside resources has been demonstrated. Endorsement, sponsorship, and technical assistance have been the main state-level investment. The basic approach used in rural Franklin County has proved to be applicable in diverse and decidedly urban settings. And four different expressions of that basic approach now exist. The foundation for statewide implementation of court and community collaboration has been laid. It is uncertain at this time whether the Initiative's momentum as a change agent will be maintained, and greater statewide expansion realized, using the

approach that has worked thus far. It is likely, however, that whatever the future direction, the emphasis will remain on local initiative and ingenuity.

Resources Available for Massachusetts

For other states interested in the approaches used in Massachusetts, the following resources are available.

- ◆ (<http://www.state.ma.us/courts/admin/planning/rijitro.html>)
- ◆ (<http://www.state.ma.us/courts/admin/planning/rejusminis.html>)
- ◆ (<http://www.fcpfc.com/>)

New York Center for Court Innovation and The Community Outreach Initiative

Overview

Head of the Judicial Branch: Chief Judge of Court of Appeals

Leadership:⁵² (a) *The Center for Court Innovation* (1996), a public-private partnership between a not-for-profit foundation (The Fund for the City of New York) and the New York Unified Court System. Other government bodies, including the City of New York, have participated in the partnership for specific projects.
(b) *The Deputy Chief Administrative Judge for Justice Initiatives* (1999) of the Office of Court Administration of the New York Unified Court System.

Projects: (a) *Center for Court Innovation:*
Bronx Domestic Violence Court (1998)
Brooklyn Domestic Violence Court (1996)
Brooklyn Treatment Court (1996)
Crown Heights Community Mediation Center (1998)
Harlem Community Justice Center (2001)
Manhattan Family Treatment Court (1998)
Midtown Community Court (1993)
Red Hook Community Justice Center (2000)
Red Hook Youth Court (1998)
(b) *Deputy Chief Administrative Judge for Justice Initiatives:*
Community Outreach Initiative.

Objective: (a) *Center for Court Innovation:* To improve public confidence in courts by nurturing and sustaining new experiments in the delivery of justice "from the ground up."
(b) *Deputy Chief Administrative Judge for Justice Initiatives:* To develop and coordinate community outreach initiatives that improve access to the courts and public understanding of the legal system.

Preface

Court and community collaborative initiatives in New York State are marked by a unique interplay of public and private resources and inspiration. The two efforts reviewed here are the Center for Court Innovation, a unit of a

⁵² Date of initial involvement in collaborative planning is in parentheses.

private foundation, and the Community Outreach Initiative, a program administered within the New York Court system's administrative structure. The Center for Court Innovation creates demonstration court projects "from the ground up" in partnership with the state court system, local governments, and a variety of public and private agencies. To date, the Center's demonstration projects have been located in New York City. The Center represents a new approach to court reform in which court and community collaboration is a key mechanism for change.

The Deputy Chief Administrative Judge for Justice Initiatives is responsible for programs that bring courts and communities together to further access to the justice system. The effort is statewide, and encompasses, among other things, collaborations and partnerships to eliminate existing barriers to justice, including developing community outreach and public education initiatives. The position is of particular interest to this *Leadership Guide* because it concentrates responsibility for court and community relations at such a senior level in the administrative office hierarchy.

The two efforts are considered separately here for the most part. Points of overlap and coordination are noted, however.

Background on the New York Unified Court System

The Chief Judge of the Court of Appeals (the court of last resort) is the state's chief judicial officer. The Chief Judge appoints, with the advice and consent of an Administrative Board, a Chief Administrative Judge. The Administrative Board consists of the Chief Judge as chair and the Presiding Judges of the four Appellate Divisions of the Supreme Court (the intermediate appellate court).

The Chief Administrative Judge in turn appoints administrative judges for each local jurisdiction. The senior management team of the New York Unified Court System consists of five Deputy Administrative Judges responsible for: Courts Operating Outside the City of New York; Courts Operating Within the City of New York; Management Support; Matrimonial Matters; and, most recently, Justice Initiatives.

The Unified Court System is administratively unified, with a clear hierarchy of administrative judges reporting back to the Chief Administrative Judge and the Chief Judge. Nonetheless, individual administrative judges have substantial discretion in approaching local issues.

The court system's structure is complex, with 11 distinct trial courts. The types of courts and their subject matter jurisdiction differ from county to county. Administrative unity is reinforced, however, by the provision of state funding through the Unified Court System for all but one trial court. The exception to this arrangement is approximately 1,500 Town and Village Justice Courts. Justices of these courts are not required to be law-trained.

Origins and Developments

A Public-Private Partnership. In 1990, senior administrators of the New York Unified Court System proposed establishing community-based courts on the premise that "by speeding justice, bringing it closer to neighborhoods and attending more carefully to crimes like petty larceny, noise violations, prostitution and loitering for the purpose of using drugs, the courts could help restore a sense of order in the city." Controversy over whether lay or law-trained magistrates would preside in such a court led to the abandonment of the statewide effort.⁵³

Within the Midtown area of Manhattan, however, acute residential and local business concern over neighborhood conditions and the sponsorship of prominent civic and business leaders created an atmosphere in which a community court seemed viable. Planning for a community court in Midtown thus began in October 1991. This effort was coordinated by a planning team consisting of staff from the not-for-profit Fund for the City of New York (FCNY)⁵⁴, the Administrative Judge of the New York City Criminal Court, and the Deputy Mayor for Public Safety. Such a partnership was unprecedented in the world of court administration (and, perhaps, of criminal justice generally). While exploring problems and potential solutions in the Midtown area, the planning team solicited both formal and informal input from community stakeholders, including criminal justice professionals, social service providers, and a wide range of community groups.

⁵³ Michele Sviridoff, et al., *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court*, 12 (2000).

⁵⁴ The Fund is a private foundation launched by the Ford Foundation in 1968 with the mandate to improve the quality of life for all New Yorkers. Through centers on youth, government, and technology as well as core organizational assistance, the Fund introduces and helps to implement innovations in policy, programs, practice, and technology in order to advance the functioning of government and nonprofit organizations in New York City and beyond. The Fund for the City of New York provided space and fiscal and administrative services in the planning phase of the Midtown Community Court, supported the operational costs associated with the administration and support of the Court's innovative features during the demonstration years, and served as the conduit through which corporate and other private sector contributions were put to use in the Midtown Community Court.

The Midtown Community Court opened in 1993 as a three-year demonstration project. The FCNY coordinating team provided the administration for the new court and served as the link between the Court and the surrounding community. After the demonstration period was successfully concluded, a new administrative team was recruited to operate the Midtown Court.

In 1996, the original FCNY coordinating team formed the core staff of a new entity, the Center for Court Innovation, a public-private partnership with a statewide mandate to build other demonstration projects.

State Support of Collaboration Activities. Building on the success of the localized demonstrations efforts of the Center for Court Innovation, the judicial leadership of New York State incorporated court and community collaborative activities directly into the administration of the state's courts. In 1999, a new position of Deputy Chief Administrative Judge of Justice Initiatives was added to the management team of the Unified Court System. The new administrative judge's office has responsibilities that include developing and coordinating community outreach programs through the Community Outreach Initiative. The Initiative's community education and information programs are designed to educate the public about courts and foster partnerships between courts and local governments, community and civic groups, schools, and the legal profession.⁵⁵ The Deputy Administrative Judge's office also is responsible for undertaking innovative research and demonstration projects aimed at furthering access to justice.⁵⁶ In this regard, the office has the support of technical assistance provided by Center for Court Innovation staff.

Court and Community Collaboration Projects

Center for Court Innovation. The Center for Court Innovation is a public-private partnership that grew from the initial collaboration to establish the Midtown Community Court. The Center promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. While the Center works with the court system,

⁵⁵ Office of Court Administration, *Community Outreach Initiative: New York Courts 2000* at 4, (2000).

⁵⁶ Comments by Judge Bing Newton at the Leadership Forum on Court and Community Collaboration, June 17, 2000. The broader mandate of the new position was to ensure meaningful access to the justice system for all New Yorkers: The Chief Administrative Judge gave the Deputy Administrative Judge for Justice Initiatives responsibility for "developing and implementing programs and reforms that expand legal representation and make the courts more accessible, and for providing much needed coordination, policy-making and advocacy at the state level."

serving as its research and development arm, it is administered as a project of the Fund for the City of New York. The Center currently has ten demonstration projects in the New York City area testing new approaches to the administration of justice.⁵⁷ The Center also has a substantial national presence in providing ideas, information, and assistance regarding court innovations.⁵⁸

Midtown Community Court. The first demonstration project of the Center, the *Midtown Community Court*, developed and exemplifies the Center's approach to court and community collaboration. The Court began as a three-year demonstration project designed to test the ability of criminal courts to forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offenses. Building on the example of community policing, the new Court sought to work with local residents, local businesses, and social service providers to develop and supervise community service projects and provide drug treatment, health care, education, and other services to defendants in the Court building itself.

Formally, the Midtown Community Court is an arraignment part of the Criminal Court of New York City moved from the Downtown courthouse at 100 Centre Street to 54th Street and Eighth Avenue. The Midtown Community Court arraigns misdemeanor cases from Times Square and the surrounding residential neighborhoods of Clinton and Chelsea. The court is assigned a full-time judge and an enhanced complement of court staff.

The Court, however, was designed as an experiment to do substantially more than replicate the routine case processing of low-level crimes in a neighborhood-based setting. The planners were guided by five basic propositions: (1) centralized courts focus resources on serious crimes and devote insufficient attention to quality-of-life offenses; (2) both communities and criminal justice officials share a deep frustration about the criminal court processing of low-level offenses; (3) community members feel shut off and isolated from large-scale centralized courts; (4) low-level offenses, like prostitution, street-level drug possession, and vandalism erode the quality of life

⁵⁷ There is also a suburban community court. On Long Island, the Hempstead Community Court opened in 1999 to handle quality-of-life offenses committed within Hempstead and surrounding towns. The Court was planned by the Office of Court Administration, Probation, EAC-TASC, the Family and Children's Association, the Department of Drug and Alcohol, Community Services, the county legislature, and Hempstead Village.

⁵⁸ The national role of the Center for Court Innovation is funded by the U.S Department of Justice and private foundations like the Open Society Institute. Assistance is offered through workshops, site visits and other forms of technical assistance, how-to-manuals, organized visits to Center projects like the Midtown Community Court, and a website, www.communityjustice.org.

and create an atmosphere in which serious crime flourishes; and (5) when communities are victimized by quality-of-life crimes, they have a stake in the production of justice and a role to play at the courthouse.

In developing the Midtown Community Court, project planners collaborated with community groups, criminal justice officials, and representatives of local government agencies to identify ways in which a community court could achieve operational goals. The Court draws upon local resources to develop a broad menu of constructive sanctions for low-level crimes. A wide array of community service programs, health care services, and other social services are available within the courthouse itself. Thirty-two corporations and foundations, along with federal and city funding, provided substantial monetary resources to support the implementation phase of the court. In addition, numerous public and private agencies agreed to station staff within the courthouse.

A set of core resources were assembled to ensure that community service, treatment, and other sentencing options stood the best chance of success:

- *A coordinating team*, works in partnership with court administrators to foster collaboration with the community and other criminal justice agencies; oversee the planning, development, and operations of court-based programs; and develop ideas for new court-based programs;
- *An assessment team*, operates between arrest and arraignment, to determine whether a defendant has a substance abuse problem, a place to sleep, a history of mental illness, etc.;
- *Community service projects* are specifically designed to "pay back" the community harmed by crime;
- *A community advisory board* keeps the court abreast of quality-of-life problems in the community, identify community service projects to address these problems, assist in planning, and provide feedback about the court;
- *Space is available in the Court building for public and private social service providers* to locate;
- *Court-based mediation* addresses community-level conflicts as well as disputes between individuals;
- *Nearly two dozen community-based partners* supervise neighborhood-based community service projects and provide a broad range of services—

substance abuse counseling, health education classes for prostitutes and their customers, GED classes, English as a second language classes, and medical testing—at the courthouse itself.

The FCNY court planning team had two key orientations in planning the Midtown Community Court. One orientation was to be responsive to community concerns and be open to community input. The second orientation was to solve problems.

Center for Court Innovations Subsequent Projects. Each project undertaken by the Center is a unique definition of “community” defined in light of the problem the new project is designed to address. The two projects described below each exemplify key aspects of the approach to court and community collaboration.

Red Hook. The Red Hook Community Justice Center was designed to meet the needs of a smaller, more confined neighborhood than Manhattan’s Chelsea and Clinton, one with severe economic and infrastructure problems. Red Hook is located in southwestern Brooklyn, an area dealing with drug, crime, and unemployment issues. In Red Hook project planners, in effect, created their own community partners in an area without an existing network of local organizations like that present in Midtown.

At the initiation of AmeriCorps, a domestic Peace Corps instituted by the Clinton Administration, a team consisting of the Kings County District Attorney’s Office, the Center for Court Innovation, New York City Victim Services and the National Organization for Victim Assistance submitted a proposal for a community service program entitled The Red Hook Public Safety Corps. The composition of the team reflected the program’s dual emphasis on crime prevention and victim assistance. The Red Hook Corps was one of the first AmeriCorps programs to be approved (in 1995). Funding was obtained for a coordinator, three team leaders, a headquarters in a City Housing Authority apartment building, and 50 Corp members, all local residents and each paid approximately \$8,000 per year as a living allowance.

The Red Hook Corps provided the planners with a connection to community opinion. Members of the Corps carried out four rounds of an annual household survey conducted through face-to-face interviews with local residents (the first in 1999). “Operation Data” as it was termed “served two principal purposes: measuring community perceptions of neighborhood safety and spreading the word about the new program in town.”⁵⁹

⁵⁹ Greg Berman, Service and Safety: *The Story of the Red Hook Public Safety Corps*. New York:

Based on input from community residents gathered by the Corps, the Red Hook Community Justice Center opened for business on April 3, 2000. The Center integrates the traditional functions of the court with the treatment, intervention and prevention services typically found in community centers.⁶⁰ Still, like the Midtown Community Court, the Justice Center's primary focus is to change the community by concentrating on low-level crimes.

Features of the Red Hook Community Justice Center based on the Midtown model include a specially designed court, community restitution, help for the entire community, aggressive approaches to neighborhood problems, and state of the art technology. Despite these similarities, this project also involves some significant departures from the Midtown model. The Justice Center is multi-jurisdictional, hearing criminal, civil cases, and family matters, supplemented by Civil Court matters. The Justice Center also addresses neighborhood problems by serving as the sole local office of for numerous social service agencies.⁶¹

The *Brooklyn Drug Treatment Court and Project Connection* offers another definition of the community component in court and community collaboration. The Brooklyn Drug Treatment Court opened as a Center for Court Innovation demonstration project in 1996. The Court is located in Downtown Brooklyn and has borough-wide jurisdiction.

Project Connection, a 24-month effort to forge ties with two specific Brooklyn neighborhoods began the following year. One of the target areas, Bedford-Stuyvesant (population 140,000), is large in population and sprawling, while the other is small and self-contained in Red Hook (population 11,000). Both, however, are marked by significant, linked levels of crime and substance abuse. The objectives of the Project Connection were ambitious: (a) to test what roles community institutions can play in helping defendants refrain from drug use, (b) to identify possible roles for residents to become involved in the justice system, and (c) to define the "community" of a centralized drug court. These challenges were most acute in the Court's relationship with Bedford-Stuyvesant.

Project Connection was a key element examining ways in which a centralized drug court can build bridges to the community and, at the same time,

Center for Court Innovation, at 4 1999.

⁶⁰ http://www.nyapsa.org/red_hook_community_justice_center.htm. Red Hook Community Justice Center.

⁶¹ Id.

enhance re-integration of program graduates. In the words of the planners, "Project Connection unfolded gradually, building momentum as it built trust."⁶² Three main audiences were identified for outreach efforts, representing distinct communities defined in relation to the Court's mission of reducing substance abuse and recidivism. Neighborhood residents were the first audience and family members of drug court participants and local police were the others. Traditional outreach methods were used, including open houses, speakers at all manner of local groups and gatherings, a published newsletter, and volunteer recruitment. A locally-delivered community service component was added to the Drug Court graduation requirements. A new approach, "facilitated dialogues," brought small groups of Drug Court graduates together with groups of local residents. Each group met separately first to shape their expectations and concerns. The facilitated face-to-face dialogue that followed showed promise as a mechanism for building community networks.

Ultimately, Project Connection found that "the most critical juncture for community involvement is at the end of the process, when defendants have graduated from treatment and are ready to return to their neighborhoods."⁶³ In response, the Court created alumni groups to provide a forum for making graduates aware of community-based programs and services, such as options for job training. Facilitated dialogues in these alumni groups were found to contribute to re-integration of program participants in the community by identifying possible collaborations among locally-based programs and services that seek to address problems of substance abuse. Other promising community involvement practices include: (1) locally-based recovery centers and (2) community service performed in the target neighborhoods. Completion of community service locally involves local residents in selecting sites for clean-up projects, provides offenders with an opportunity to give something back to the community, and proves the offenders worth to local residents.

Project Connection represents one of several ways in which "community" is understood in Center for Court Innovation projects. The definition of "community," even for the Midtown Community Court, was as much pragmatic as it was geographic in nature. In each demonstration project planners have sought partners, funding sources, and resources that a particular project needs to solve the problem being addressed. The involvement of the local public and local-based organizations takes a form and a magnitude that varies according to the specific objectives and circumstances of each project. However, the essence

⁶² Greg Berman and David Anderson. *Drugs, Courts, and Neighborhoods: Reintegration and the Brooklyn Drug Treatment Court*. Center for Court Innovation, at 3 1999.

⁶³ *Ibid.* at 5.

of "community" in most projects has proved to be community-based organizations rather than the general population of local residents.

State Level Justice Initiatives

In June of 1999 the Unified Court System created a new position of Deputy Chief Administrative Judge of Justice Initiatives. The position "brings statewide leadership and coordination to the difficult challenge of ensuring meaningful access to the justice system for all New Yorkers."⁶⁴ The new senior administrative judge's responsibilities signaled the importance of developing and coordinating community outreach programs to further access to justice. Indeed, establishing the new position was the first change to the administrative structure of the Courts of New York State since unification in 1974.

The Justice Initiatives position is one of five in the court system's leadership team, which reports to the Chief Administrative Judge. The broad mandate of the position is "to improve and increase access to the legal system for all citizens by eliminating real and perceived barriers to justice." In that capacity, one of the position's primary responsibilities is "[d]eveloping and coordinating community outreach initiatives designed to broaden access and improve public understanding of the legal system."

The Unified Court System's Community Outreach Initiative overseen by the Deputy Chief Administrative Judge has planned and implemented several community programs designed to educate and inform the public⁶⁵ about courts and foster partnerships between courts and local governments, community and civic groups, schools, and the legal profession.⁶⁶

In 2000, the court system developed and implemented a comprehensive year-long calendar of programs and events designed to increase public understanding of the justice system. Events were held primarily in the courthouses—providing the public and government officials an opportunity to see first hand how the courts operate. In March 2000, Media Day in the Courts programs were held throughout the state. These programs, aimed at broadening the lines of communication between the media and the Judiciary, brought together radio, television, and newspaper reporters to discuss issues of importance with judges and court administrators. In the fall, the court system

⁶⁴ Communications Director, New York State Unified Court System, "Judge Juanita Bing Newton Appointed Deputy Chief Administrative Judge for Justice Initiatives, June 29, 1999."

⁶⁵"Public" is defined broadly to include, among others, the press and the clergy.

⁶⁶ Office of Court Administration, *Community Outreach Initiative: New York Courts 2000* at 4, (2000).

sponsored Senior Citizen Law Days statewide. These programs, developed through partnerships with “community groups and others,” provided vital information to the senior community and their caregivers.

During 2001, the Office of Court Administration took its education and outreach programs directly to individual communities across the state. The centerpiece of this effort was a series of Town Hall Meetings whose purpose was to “provide an opportunity for the public to engage in a dialogue with members of the legal system, including judges and court administrators, on issues of concern—to debunk those notions that thwart community-court relations.”⁶⁷

The Town Hall meetings built up to the statewide Access to Justice Conference, which was held in September 2001 “to facilitate collaborative approaches in addressing access to justice issues.” Judicial District teams composed of “community leaders,” as well as local bar leaders, legal service providers and pro bono coordinators, attended the conference and began their mutual efforts to devise local access to justice action plans. The work of the teams will be ongoing to ensure that the plans meet local needs.

The Office also sought to directly reach communities by developing a program for religious leaders. The Clergy Day program, held in Queens, brought together a diverse group of clerics and provided an opportunity for frank discussion with the Judiciary on issues of importance to the clergy’s congregants. It is anticipated that collaborative efforts will grow out of the Queens’ program. Additional programs are being planned for 2002.

Governance of Collaboration.

Central to court and community collaboration in New York is the collaboration of the state court system and the Center for Court Innovation. Formally, the Center for Court Innovation is administered as a project of the Fund for the City of New York, a private foundation. The Center works in partnership with the New York State Unified Court System to improve the way courts do business but is an independent unit, separate from day-to-day court administration. The Center functions as the New York State Unified Court System’s independent research and development arm, creating demonstration projects that test new state approaches to the administration of justice.

The advantages of this unique governance form are stated as:

⁶⁷ *First Annual report of the Deputy Chief Administrative Judge for Justice Initiatives* (2000) at 19.

Because it is not a formal part of the court bureaucracy, the Center enjoys the best of both worlds: the knowledge and access of inside operators and the independent perspective of outside observers. Given the multi-faceted nature of courts, this model makes sense. Instead of being 'hired gun' consultants who offer advice and then disappear, the Center is an on-going resource, working intensively with judges and sparking new conversations among other court personnel. At the same time, the Center's freedom from day-to-day operational responsibilities enables it to move quickly, testing new ideas, creating new partnerships and raising funds from sources that have never supported the court system before, including foundations, corporations and the federal government.⁶⁸

In contrast to the Center for Court Innovation, the Office of the Deputy Chief Administrative Judge for Justice Initiatives is a key component of the Administrative Office of the Unified Court System. The Deputy Chief Judge is one of five members of the court system's leadership team, which reports to the Chief Administrative Judge.⁶⁹ However, unlike the other Deputy Chief Administrative Judges, the Deputy Chief Administrative Judge for Justice Initiatives does not focus on operational issues of the courts but the much broader policy issues surrounding access to justice. Through collaborations and partnerships, the Deputy Chief Administrative Judge for Justice Initiatives develops and implements programs, policies and guidelines to address existing barriers to justice, including the need to better educate the public about the courts and legal system. To the extent that innovative research projects are undertaken, the Deputy Chief Administrative Judge works closely with the Center for Court Innovation.

Key Ingredients and Lessons Learned

The distinctive features of New York's approach to court and community collaboration are:

- Collaborating to Collaborate. State level leadership for court and community collaboration in New York State is provided through a unique amalgam of public and private interests.

⁶⁸ <http://www.innovations.harvard.edu/winners/cciny98.htm>. Accessed July 12, 2001.

⁶⁹ The other Deputy Chief positions cover Courts Operating Outside the City of New York, Courts Within the City of New York, Management Support, and Matrimonial Matters.

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- High Level Recognition. Day-to-day responsibility for enhancing the quality of court and community relations has been inserted into the very top level of the court system's administrative hierarchy.
 - Innovation Greenhouse. At the same time, the court system has a flexible and in many respects informal arrangement in which an outside body, the Center for Court Innovation, works on a project-specific basis directly with community organizations to build ambitious demonstration projects. Ultimately, innovative features of the projects will be incorporated into the Court System.
 - Teams of Experts. The inspiration for individual demonstration projects is largely local. However, the solutions are devised through a formal and ambitious, though expensive, planning process by a team of expert professionals drawn from the court system and elsewhere.
 - Partnership for Change. The Center for Court Innovation builds new programs from the ground up. All of the demonstration projects are designed to change the traditional court process and to bring in new partners to plan and implement those changes.
 - Private-Public Criminal Justice Collaboration. The joint UCS-FCNY coordinating team that planned the Midtown Community Court itself represented a new form of public-private criminal justice collaboration. During the planning and start-up periods, FCNY coordinating staff, working in close collaboration with the Administrative Judge of the New York City Criminal Court, designed the court facilities, as well as developed and then coordinated court-based community service and social service initiatives, technology and community outreach. The strong commitment of the Chief Judge of the State of New York helped to secure broad system-wide acceptance of this central alliance.
 - Coordinating Team as Intermediary. The coordinating team served as an acknowledged intermediary between the Court and the community, establishing a channel for communications. The use of an independent coordinating staff provided a "buffer zone" that shielded judges from the perceived threat of undue community influence on case decision-making.
 - Local Partners. The main local partners in demonstration projects proved to be not-for-profit organizations like the Times Square Business Improvement District (for the Midtown Community Court) or the Enterprise Zone Corporation (for the Harlem Community Justice Center).

Local criminal justice agencies also played a key role in many of the projects.

- Project-Specific and Evolving Definitions of "Community". The definition of "community" and the nature of the collaboration have been separately defined for each demonstration project, and allowed to evolve over time. In the Midtown Community Court, the primary collaboration is with local businesses, the police, and service providers, although the Court's role in the community continues to evolve through new court outreach initiatives. The Red Hook Justice Center, in effect, built its own community. In the Brooklyn Treatment Court, the community included Drug Court graduates and their support networks, including family members.
- In-House Consultancy. The services traditionally provided on a periodic basis to state court systems by a changing array of consultants are provided in New York State by a single entity with an on-going relationship to the courts.
- Problem-Solving Focus. Collaborations revolve around solving a defined problem or set of problems specific to the locality to be served.
- "Community" Represented by Local Organizations. Direct collaborations with residential communities proved difficult to sustain even in the well-organized Midtown Manhattan areas served by the Midtown Community Court. There and elsewhere, the long-term collaborations have been between the planners and local organizations/interest groups that are not designed to be broadly representative of community sentiment.
- Involvement of Long-Standing Innovation Incubator. The Fund for the City of New York provided the structure for planning the Midtown Community Court and other demonstration projects. As an incubator project of the FCNY, the planning team had access to office space, telephones, and other services. More importantly, it was able to build on the experience of the incubator projects that had been tried and tested in a variety of policy contexts over the preceding 23 years.
- Non-Profit Fund Raising. As a non-profit organization, the Center can seek funding from a diverse range of sources not necessarily available to the court system itself. Funding for demonstration projects comes from city, state, and federal governments and from private foundations and corporations.

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- State-Sponsored Dialogue. In the statewide Community Outreach Initiative, a more expansive, two-way dialogue between court leaders and local communities is being fostered through a series of local Town Hall meetings.
 - Local Access to Justice Plans and Statewide Sharing. Local access to justice plans were designed to build toward the statewide conference aimed at facilitating collaborative approaches to addressing access to justice issues. Judicial District teams include community leaders in addition to legal system professionals.

Future Plans

The Center's demonstration projects thus far have been located within New York City. Concepts, techniques, and technologies developed in those projects have been spread to other courts in the state, and indeed nationally. Features of Center for Court Innovation demonstration projects have been grafted onto existing court structures. In New York State, the Office of the Deputy Chief Administrative Judge for Justice Initiatives, through its educational and awareness programs, is nurturing community leadership and support for local efforts to collaborate.

Resources Available From New York

For other states interested in the approaches used in New York, the following resources are available.

- ◆ (http://www.courts.state.ny.us/Community_Outreach/)
- ◆ (<http://www.courtinnovation.org/>)
- ◆ (<http://www.communityjustice.org/>)

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