

5-2015

# Electronic Record Conversion in Juvenile State Courts: Engineering Cultural Change

Lisa Armstrong

Follow this and additional works at: <http://digitalcommons.apus.edu/theses>



Part of the [Public Administration Commons](#)

---

## Recommended Citation

Armstrong, Lisa, "Electronic Record Conversion in Juvenile State Courts: Engineering Cultural Change" (2015). *Master's Capstone Theses*. Paper 27.



### APUS Library Capstone Submission Form

This capstone has been approved for submission to and review and publication by the APUS Library.

Student Name [Last, First, MI] *	Armstrong	Lisa	
Course Number [e.g. INTL699] *	PADM699	Paper Date [See Title pg.]	03/2015
Professor Name [Last, First] *	Fussell, Natalie		
Program Name * <a href="#">See list</a>	Master of Public Administration		
Keywords [250 character max.]			
Passed with Distinction * Y or N	Y	If YES, include IRB documents in submission attachments. All capstone papers must be checked via Turnitin.	
Security Sensitive Information * Y or N	N		
IRB Review Required * Y or N	N		
Turnitin Check * Y or N	Y		

\* Required

### Capstone Approval Document

The thesis/capstone for the master's degree submitted by the student listed (above) under this title \*

Electronic Record Conversion in Juvenile State Courts: Engineering Cultural Change

has been read by the undersigned. It is hereby recommended for acceptance by the faculty with credit to the amount of 3 semester hours.

Program Representatives	Signatures	Date (mm/dd/yyyy)
Signed, 1 <sup>st</sup> Reader * [capstone professor]	Natalie K. Fussell 	03/27/2015
Signed, 2nd Reader (if required by program)		
Recommendation accepted on behalf of the <u>program director</u> *		04/02/2015
Approved by <u>academic dean</u> *	 <small>Digitally signed by Mark T. Riccardi DN: cn=Mark T. Riccardi, o=American Public University System, ou=Academia, email=mr Riccardi@apus.edu, c=US Date: 2015.05.05 15:53:19 -0600</small>	

\* Required

ELECTRONIC RECORD CONVERSION IN JUVENILE STATE COURTS:  
ENGINEERING CULTURAL CHANGE

A Master Thesis

Submitted to the faculty

of

American Public University

by

Lisa Armstrong

In partial fulfillment of the

Requirements for the degree

Of

Master of Arts

May 2015

American Public University

Charles Town, WV

The author hereby grants the American Public University System the right to display these contents for educational purposes.

The author assumes total responsibility for meeting the requirements set by United States copyright law for the inclusion of any materials that are not the author's creation or in the public domain.

© Copyright 2015 by Lisa Armstrong

All rights reserved.

DEDICATION

I dedicate this work to my family, without whose patience the fulfillment of this accomplishment could not have been possible. Also, to the staff of the Utah Juvenile Court, whose mentoring over the last ten years has helped me find a passion and commitment to the continued growth and development of the juvenile justice system.

ACKNOWLEDGEMENTS

I wish to thank Dr. Natalie Fussell for her continuous patience throughout this process. Her guidance and assistance through the challenges of producing this work are greatly appreciated and recognized.

I would also like to thank the staff and instructors of American Public University's public administration program. You have helped me to bring together all that I believe and find voice for those beliefs through your patient presentation of theories and principles in the field of public administration.

ABSTRACT OF THE THESIS

ELECTRONIC RECORD CONVERSION IN THE UTAH STATE COURTS:

ENGINEERING CULTURAL CHANGE IN UTAH'S COURT SYSTEM

by

Lisa Armstrong

American Public University System, March 18, 2015

Charles Town, West Virginia Professor

Dr. Natalie Fussell, Thesis Professor

Utah's juvenile court initiated an electronic record maintenance conversion as a means of meeting the needs and expectations of a rapidly changing, electronically savvy clientele. The court encountered several challenges and problems requiring special attention and redesign of an antiquated system. This research analyzed the changes necessary for the cultural re-envisioning necessary to develop a successful, electronic record maintenance system. This qualitative research considered a case study conducted on Utah's court system, in conjunction with the initial clerical reorganization proposal as a comparison to

the results of the court's change process. The research identified certain key components essential to court modernization and demonstrated that the effective, detail oriented preliminary efforts were essential to a successful, systemic cultural change, which encapsulated the elements of an electronic transition method. The research concluded that successful electronic management of judicial systems was possible, when supported by preliminary cultural adjustment conducive to positive change.

**Table of Contents**

CHAPTER	PAGE
I. ABSTRACT: .....	v
II. INTRODUCTION:.....	1
III. Literature Review .....	3
IV. Methodology.....	10
V. Results .....	13
VI. Discussion.....	19
VII. References.....	55

**Table of Figures**

Figure 1 Utah State Courts, 2014 ..... 14

Figure 2 Juvenile Court Electronic Structure Relative to Clerical Departments ..... 17

Figure 3 Electronic Functions (Suskin, 2012)..... 18

Figure 4 Comprehensive Clerical Committee Report to the Judicial Counsel, 2010 .....26

Figure 5 Comprehensive Clerical Committee, 2010.....27

**ELECTRONIC RECORD CONVERSION IN THE UTAH STATE COURTS:  
ENGINEERING CULTURAL CHANGE IN UTAH'S COURT SYSTEM**

Technology introduced new challenges and difficulties into modern businesses. These challenges created a need for significant changes in how companies conducted business in a world rapidly shifting to primarily electronic interaction with consumers (Clarke-Midura & Dede, 2010). This concern was no less significant in public service industries. However, due to cost considerations, security issues and funding problems, these changes presented unique challenges for public service organizations. Concerns such as productivity improvement, adaptability, public access and security were primary considerations requiring strategic, effective solutions, as demonstrated in juvenile courts (Feigenson & Dunn, 2003). Overcoming these challenges was imperative. Courts, worked on implementing electronic record keeping systems, while developing conversion plans generic enough for meeting the needs of any type of court system. Utah courts found ways of providing flexibility for local court expansion or contraction of a basic construct as a means of addressing various types of court issues, in any type of court, through a redesigned court culture.

Juvenile and family courts throughout the United States faced significant difficulties in addressing patron's needs. People sought relief through court systems, with an expectation of easy, electronic access from an antiquated system (Suskin, 2012). The organizational structures of today's courts originated more than a century ago; ill

equipped to meet modern demands of immediate electronic access, courts needed to find reasonable means of significant process changes within their inherited systems. (Suskin, 2012). Electronic record conversion, an essential need, prospectively offered greater customer service, under the financial constraints of a public organization. This paradigm shift created unforeseen problems as courts sought inexpensive means of balancing public access with legal confidentiality requirements of protected juvenile information. These issues force juvenile and family courts into dramatic cultural, systemic changes.

Utah's juvenile court Comprehensive Clerical Committee (CCC) (2010) identified needed restructuring steps necessary in order to modernize Utah's state court systems. These various reorganizations represented a preliminary step towards a conversion to an electronic record maintenance (ERM) process. This proved particularly difficult for the juvenile court, in part because of statutorily mandated, strict confidentiality requirements in the handling and distribution of juvenile related information. Consequently, Utah's juvenile courts implemented significant changes as a process of reengineering of the court culture and system. The process raised significant questions on how courts could meet the demands of change. How did a court system decentralize operations sufficiently enough to allow for local adaption of process, while maintaining uniformity across the different districts? What collaborative efforts should the court implement, as a means of meeting demands of electronic accessibility, while maintaining strict confidentiality of juvenile records?

### **Literature Review**

Many courts throughout the nation started exploring the feasibility of electronic record maintenance, which provided the primary foundation for research conducted in this field. The research addressed many aspects of the conversion processes, such as financial feasibility, practicality, technological needs and security. Significant numbers of studies explored the need for electronic records (Saman & Haider, 2012), strategic practices for retrofitting new processes to old system structures (Rosenbloom, 2000), the need for electronic record keeping in light of growing populations and caseloads (Boyum, 1999), problems with electronic record access due to public confidentiality protection laws (Morman & Brock, 2004) and the challenges courts faced in insuring uniformity across vast localities with varying needs (Matz, Adams, & Williamson, 2011).

The responsibility of safeguarding court records resided with court clerks throughout the nation (Morman & Brock, 2004). However, a gap existed between the statutory requirements of protecting personally safeguarded information and requirements regarding the maintenance and distribution of court records, as mandated through judicial councils and court rules of procedure (Morman & Brock, 2004). This gap, a non-issue prior to facilitated electronic access of court records, now demonstrated the chasm between privacy laws and the Freedom of Information Act (FOIA) (Sudbeck, 2006). The gap was due to a certain loss of control in regards to clerks' processes governing the

evaluation and qualification of individuals receiving court record information (Sudbeck, 2006). Prior to electronic access, clerks insured the protection of all court information through stringent verification procedures, before releasing information (Sudbeck, 2006). These processes, implemented through court rules governing operation, insured that private, protected information was maintained, while still conforming to laws such as FOIA (Evans, 2011). However, the discrepancy between FOIA in relation to public records and privacy laws established a paradox of who owns public records and who is entitled to access of court records (Sudbeck, 2006). The introduction of electronic, off-site access possibilities generated challenges in meeting the needs of both sides of this issue, due to the illumination of in-person verification of those who accessed court records (Sudbeck, 2006).

In recent years, courts started implementing practices of transparency, they explored ways of opening up court hearings and providing court record access for both interested and non-interested parties (Voermans, 2007). These efforts reflected a conceptual differentiation between public and court records and insured courts maintained control of court proceedings, practices and records (Voermans, 2007). Courts needed to find ways of satisfying society's demands of immediate information access, while still maintaining its moral and legal obligations of privacy expectations, which society granted to them (Voermans, 2007). Courts started authorizing various means of access to court proceedings, which included: video and direct airing of trials, making

records available in various formats and allowing public attendance of court proceedings. (Voermans, 2007). The court clerks functioned as the gateway of access to the courts. However, the court clerk's role was paradoxical. The clerk was vested with a public obligation regarding public records and transparency. However, legal statute required they insure the protection of court records since statutorily they could not allow the removal of court records, except upon order of a Judge (Morman & Bock, 2004). A clerk's function as a public official mandated an obligation of providing the broadest possible access to court records, while minimizing any potential harm (Morman & Bock, 2004).

Clerks needed to maintain confidentiality as a means of minimizing harm to court patrons. Juvenile courts addressed this concern through the establishment of a policy of strict confidentiality of juvenile court proceedings and records (Jacobs, 2013). Jacobs (2013) argued that court proceedings stigmatize individuals and that minors are particularly susceptible. Consequently, juvenile delinquency matters were classified as civil proceedings, as a way of minimizing the impact of criminal stigmatization. Additionally, juvenile courts established high levels of confidentiality requirements relative to court records for all individuals qualified as minors (Jacobs, 2013).

However, population growth combined with rising levels of technological literacy was expanding society's expectation of information access (Saman & Haider, 2012). The populace, as a whole, demonstrated a much greater degree of knowledge, as well as an

awareness of legal rights (Saman & Haider, 2012). There existed an ever increasing demand for immediate access to information, most often through the easiest possible means. Individuals related more and more to the world around them through electronic communication and interaction. Government institutions and courts in particular faced the challenge of finding strategic means of meeting those demands without compromising regulations and principles pertaining to not only confidentiality but security (Saman & Haider, 2012). This awareness arose through FOIA and the requirements of transparency of government agencies (Bemis, 2005).

FOIA allowed for the exemption of certain qualified records under the transparency mandates (Bemis, 2005). Bemis, (2005) outlined one of the exemptions as any record providing information of private, self-identifiers of individuals. Much of the court system, including the juvenile court, fell under this exemption category (Bemis, 2005). While the public maintained a right to know in relation to the operation of their government, the court could validly claim exemption due predominant, self-identifying information, which made up most of the court records (Bemis, 2005). This exemption allowed juvenile courts to maintain the confidential nature of juvenile proceedings. The United States and the Netherlands were the only two countries whose court systems operate almost exclusively outside of freedom of information mandates (Voermans, 2007). However, many courts still maintained a legal and cultural tradition of openness, based on state regulations, court rules and case law (Voermans, 2007). Essentially, the

court rules and local legislation determined what records were made available and to whom. Consequently, strict adherence to rules of procedure outlining confidentiality expectations was generally found in juvenile court settings.

The foundation for many of these issues originated from rapidly changing demographic shifts in populations. Increased populations and dramatic shifts in ethnicity produced a serious need for adaptability and culture change within court systems (Boyum, 1999). These and similar issues reflected a need for easier access to court records, in multiple languages, and within a timeframe expected among court clientele. These changes started the initial considerations of how to convert to an electronic record system, which could improve court efficiency and function, without compromising the various factions within our society (Boyum, 1999).

Implementation to electronic record systems encountered challenges from the start and the strength and stability of solutions to those challenges ultimately determined the degree of success or failure of electronic record maintenance (Greenwood & Bockweg, 2012). The logistics of implementing a new system into an antiquated court structure needed to address issues of security, training and accessibility as well as technological tools for restructuring how the courts functioned. All courts needed to insure they protected constitutional rights of individuals, while establishing unified values within the administration of the court system (Rosenbloom, 2000). These two primary premises of operation could, potentially, come into conflict throughout an

evolutionary process of an old system centered on constitutional rights into a modern, electronic system built around values in the effective operation of a juvenile court system.

Juvenile court employees and the system as a whole, worked under vastly increased risk factors than other governmental organizations (Rosenbloom, 2000). In addition to constitutional rights, court employees constantly worked towards protecting the confidentiality of court records, as they pertain to minors (Rosenbloom, 2000). The Constitution did not enunciate specific guarantees in relation to questions of private interest, which left this issue open to interpretation (Reid, 2013). In some aspects of law enforcement, people's subjective expectation of privacy was much more reduced in today's world (Reid, 2013). However, in other aspects, such as digital record keeping, there existed an increased awareness of and concern for the guarantee of public privacy (Morman & Bock, 2004). There also existed a rising concern that court records, available through means of internet access, created serious concerns about the potential risk of compromise of juvenile information and juvenile delinquency records (Morman & Bock, 2004).

The paradox of electronic record maintenance arose through the presumption that court records were subject to remote, electronic access made available to the public, while still protecting information exempt from freedom of access requirements across a medium open to unidentified individuals (Morman & Bock, 2004). Boyum (1999) pointed out that today's courts are as much in the business of information generation,

transmission and storing of data as they were in the business of judicial justice. With the public's demand for easy, convenient electronic access to most forms of information, the juvenile courts now found it necessary to merge this paradox into one, unifying, operating whole. Juvenile courts specifically and courts in general needed to resolve questions of upgrading technological tools, converting hard copies to digitized versions, and creating software equipped to meet the public's needs, while still maintaining the requirements of court operations; training of staff, as a means of successfully implementing a locality specific conversion process could provide improved and increased customer service in a digital environment, while still insuring the guarding of protected information and the making of information available to the widest extent possible (Greenwood & Bockweg, 2012).

Court's conversion efforts provided the means of proactively addressing issues related to legislative changes through electronic record management (ERM) in a proactive process of court policy (Parrish & Courtney, 2007). Essentially, record management consisted of all activities established with the intent of document organization in a format structured for human comprehension (Parrish & Courtney, 2007). Morman & Bock (2004) demonstrated how recent legislative changes required adaptability in the maintenance of court records, as well as their availability to a general populace. Legislation such as FOIA carries dramatic implications for how government agencies conducted business, especially in an age where information was readily

available through instantaneous means. Manual record keeping made it difficult to meet the demands of these legislative mandates, since they frequently required a complete re-envisioning of record distribution at the speed of today's technological demands.

However, many of the studies and research conducted in the field of record maintenance in court systems failed to address the unique needs and legal requirements as they pertain to juvenile courts. This research proposed to explore how conversion to electronic record maintenance impacted juvenile courts specifically and courts generally; information availability, the legalities of the confidential nature of the juvenile records of minors and how these and other considerations in the change process forced juvenile courts to restructure its entire cultural make-up, while still finding practical means of meeting the expectations of a highly technologically based society.

### **Methodology**

This study began with a brief outline of the judicial districts, as a means of encapsulating filing statistics for each locality. Through this foundation the range of differences found throughout the state court system reflected the varying needs of each judicial district. This study established a baseline of differences between the eight judicial districts of Utah. The baseline consisted of statistical demographics of cases processed through the court system, using the Utah State Courts, Juvenile Court Report Card to the Community (2014) and the Juvenile Court Case Filing Report (2014). These demographic differences demonstrated the challenges present in restructuring a state

judicial organization that met the local needs while establishing a highly uniform, ERM system.

The study then built on the demographic foundation through a qualitative analysis of the case study (Suskin, 2012) conducted on Utah's courts through the National Center for State Courts (NCSC), in conjunction with the report and recommendations of the CCC (2010), as the initial stage of the clerical reorganization process.

A cursory review of the CCC (2010) report identified the importance of a restructuring of support staff, as a preliminary phase of the conversion to electronic record maintenance. Suskin (2012) outlined the essential components of a successful electronic system implementation. The primary component, as Suskin (2012) argued, was comprehensive clerical staff reorganization, essential to the successful change over process. This qualitative study evaluated the essential interconnected nature of a strong support staff foundation coupled with a well-planned implementation of an electronic record keeping system.

Previously conducted research in this area generally focused on one aspect of ERM in a rapidly changing court system, but not how the importance of staffing and electronic record maintenance went hand in hand in order to make the transition successful. Suskin (2012) provided a clear insight into the specific elements of ERM within the court system. Each stage applied to all courts, but functions varied from court to court, depending on the specialized location and focus of each court (Suskin, 2012).

The study presented an in depth review of both the need for clerical reorganization, evaluation and training of court staff and electronic record implementation, and explored the absolute need for managerial buy in throughout the process (Suskin, 2012). However, little was presented regarding the interconnected nature of clerical handling of electronic record maintenance and the necessity for a well-honed staff as the foundation that made the whole system work (Suskin, 2012). This relationship between the clerical functions within the court, as it related to court records needed a carefully implemented plan from the outset.

The CCC (2010) reviewed extensively, the need for a restructuring of the department of the clerk of court. The predominant justification for this restructuring process drew from financial considerations. The report asserted that courts needed to make clerical positions financially enticing, as a way of drawing a much higher caliber of potential staff candidates, while maintaining current staff, in order to provide stability in a highly competitive work market (Comprehensive Clerical Committee, 2010).

The predominant research in this field focused primarily on the electronic needs, in order to make the system work. Greenwood and Bockweg (2012) provided a strong foundational basis for the electronic components needed in adapting to unique functions of the court process. While Saman and Haider (2012) touched on the relationship of court staff in the operation of the technology of a court system, this relationship was superficial and emphasized the need for accuracy and usability of electronic tools. Court

staff was an appendage that made the electronic process an operational system for easing the interaction of court patrons and reducing the possibility of misuse of power or corruption within the court governmental entity (Saman and Haider, 2012).

While this research demonstrated the importance of both the technological as well as the staffing aspects of electronic record conversion, it failed to explore the carefully balanced, interrelated function of both, in order to make the system successful. This study explored those areas where clerical operation met the technological functions of the court system, in order to streamline the entire court process while constructing a wholly uniform system that met the needs of individualized localities.

### **Results**

The Utah courts implemented a system wide electronic processing, web-based program as a means of unifying how the clerical department performed its specific functions. This program required a complete restructure of the clerical department based on new approaches to court philosophy of clerical's role in court operations. A Shift from role specific positions to generalized work functions allowed clerks a greater means of progress and advancement. Further, clerks became more efficient in the management of cases through a broader distribution of the workload within a team structure; the original position specific distribution of workloads hindered the practices of electronic record maintenance, impeding the modernization efforts of the court system.

Utah’s judicial system consisted of eight judicial districts, which ranged from a highly populated city center to rural farming communities with relatively low populations in small townships (United States Census Bureau, 2014). Court filing statistics demonstrate vast differences in the workload that each district handled (Utah State Courts, 2014). The differences of the numbers of cases filed in the various districts not only reflected population demographics but also differences in court trends, based on incidents of crime and child welfare matters (Figure 1). The vast disparity between districts, as demonstrated in figure 1 showed a significant increase in filings in the third district in comparison to the more rural regions of the state, such as that of the sixth, where populations were significantly lower.

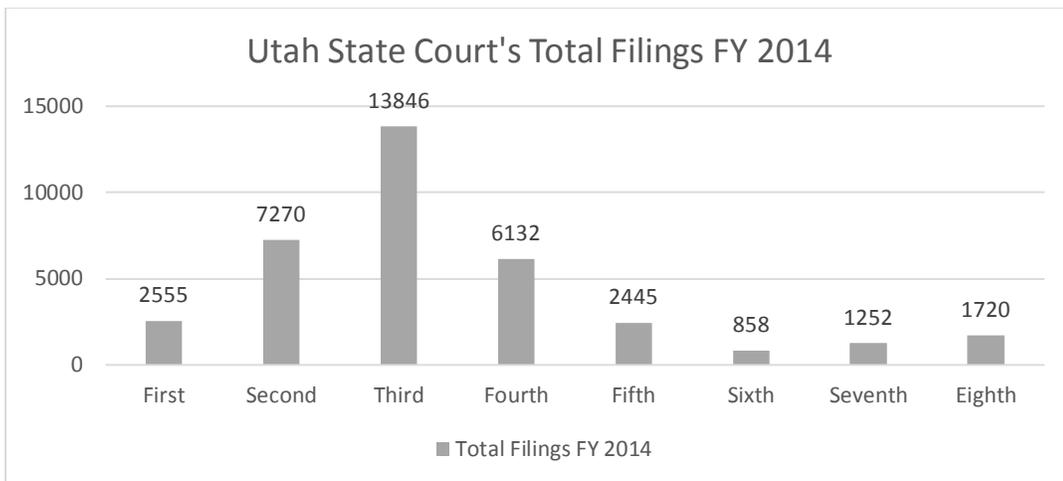


Figure 1 Utah State Courts, 2014

Utah’s third judicial district encompassed only three counties and consisted of the state’s capitol, as well as the most densely populated portions of the state (Utah State

Courts, 2015). Utah's third district population of 1.2 million far exceeded that of its rural judicial districts, such as that found in the sixth district (United States Census Bureau, 2014) The sixth district was made up of six separate counties, which manifested the widest variance between the rural and metropolitan demographics (Utah State Courts, 2015). The population of these counties was approximately 66 thousand inclusive (United States Census Bureau, 2014). The statistical demographic of these two districts reflected the relationship between court filing figures and that of the population of the various judicial communities (Figure 1).

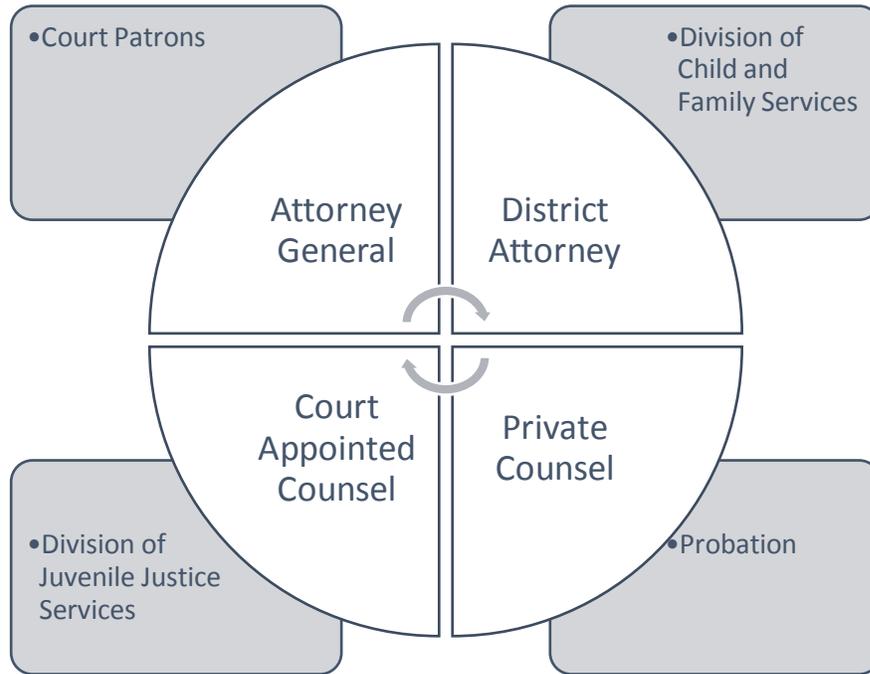
The inter-district variances of populations engendered different environments, which promulgated fluctuating types of issues being referred to the courts (Utah State Courts, 2014). These differences evolved into various types of processes for the handling of court matters from district to district. Functions performed in one district were handled differently in comparison to other districts; there was little uniformity throughout the state. Where once this disparity hindered uniformity of clerical functions, the court adapted its culture as a means of capitalizing on this disparity, while unifying court operations through increased interaction across districts. Increased line-staff participation in the development of training programs and greater input in the building of the electronic system allowed the court to bring together staff from the various districts, in order to discover the variances in court practices. This allowed staff a greater latitude in

identifying differences and defining methodologies which stabilized clerical functions into a uniform system that operated the same throughout the state.

Clerical staff actively engaged in not only the development of uniform court processes, but also function specific electronic record maintenance systems. Specially created committees worked hand in hand with IT development staff to broaden the understanding of the function of each department, which insured that the court's web-based platform had the capacity to meet the needs of all districts, while remaining flexible enough to adapt to unique situations that existed due to case load distribution in the various districts.

All aspects of clerical functions needed to transition to workable electronic methodologies. The electronic functions needed to provide a wider range of access interface, in order to accommodate not only clerks within the court system, but state attorneys, private and court appointed legal counsel, allied agencies and parties to cases. Court clerks functioned in a coordinating role through which all electronic court

interactions passed, in order to make the coordinated system function (Figure 2).



*Figure 2 Juvenile Court Electronic Structure Relative to Clerical Departments*

Each point of access to the court electronic system operated on the same principles and practices as those of clerical staff. Filings, pleadings, motions, petitions and documentation specific to outside agencies assumed a uniform methodology of court interaction. Each point of access passed through a clerically maintained system; each point of interaction functioned on the same processes, which established uniformity to a vast system of district based locations.

The court's IT department, worked in tandem with the clerical and executive level staff to develop a new electronic record maintenance system powerful enough to meet the

needs of all levels of court interaction, while maintaining a uniform operating process; the new system built a uniform, cohesive court culture where each aspect filled a specific function and streamlined it all down to an efficient working system. Once the electronic methodologies were in place, juvenile specific committees made up of clerical mid-managers, executive staff managers and the clerks of court throughout the state reworked the broader system as a means of tailoring a workable system unique to the juvenile court (Figure 3).

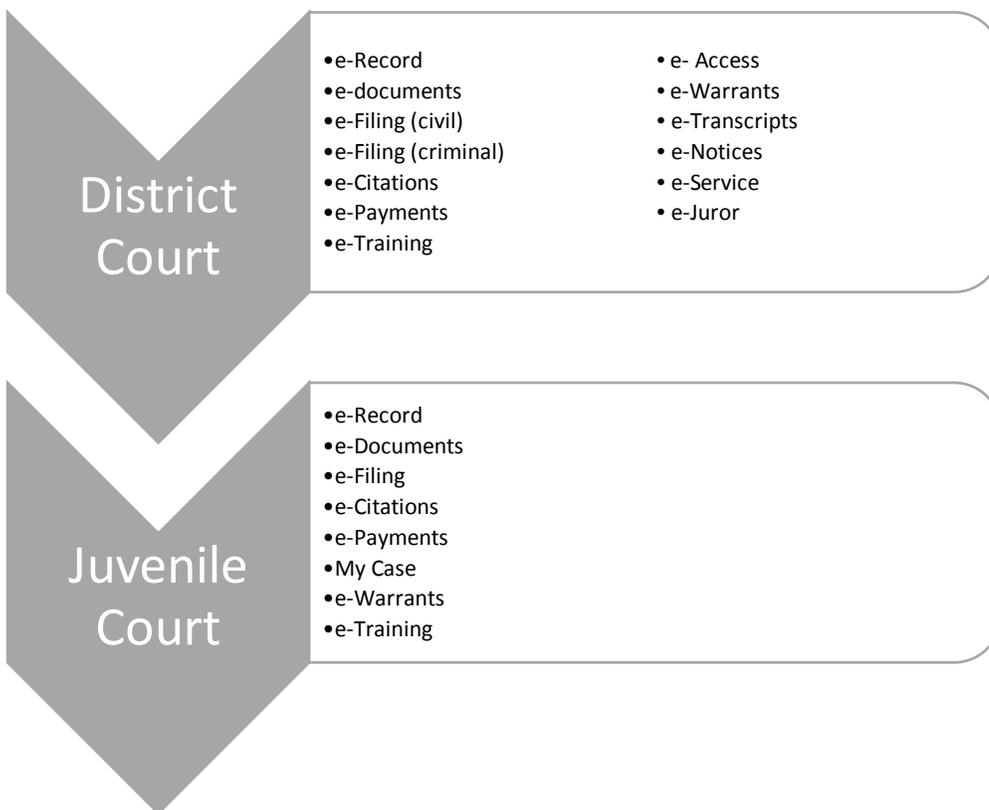


Figure 3 Electronic Functions (Suskin, 2012)

### **Discussion**

Modern businesses, both public and private, are working to discover new methods for capitalizing on traditional administrative theories and principles. Frequently these methodologies evolved as businesses struggled to develop into rapidly growing technologically based business markets. U.S. courts were facing similar struggles, as they worked towards reinventing what some considered an antiquated system (Hall, 2011). Many state and federal courts were restructuring systems and operations, as they worked towards digitizing the entire judicial process (Hall, 2011). Generally, courts were moving towards adopting a more recently designed management philosophy developed with an emphasis on the administration of judicial systems; the philosophy recognized the unique aspects of judicial organizations, with specialized administrative needs (Suskin, 2012). The philosophy was broken down into structural categories of influence, which targeted the various aspects of court administration unique to the operation of a court system (Hall, 2011). These categories, specifically focused on court systems were: governance principles, case management, core functions aiding in meeting dispositional case benchmarks, court funding and resource allocation (Hall, 2011).

Utah's adoption of these principles initiated major systemic reorganization efforts in 2010, with the proposal of a complete, restructure of the clerical department in tandem with a conversion to an electronic processing and record maintenance system (Comprehensive Clerical Committee, 2010). The clerical restructure was an initial phase

of a cultural reengineering effort, which would culminate in a complete adoption of a system-wide ERM system (Suskin, 2012). Utah's state courts adopted the clerical reorganization in anticipation of a digitization of case records and an electronic means of transacting judicial proceedings, which would allow for an expedited judicial processes (Comprehensive Clerical Committee, 2010).

Lee Suskin (2012), a member of the State Justice Institute, conducted a case study on the Utah state court system, focusing on how the judicial administrative principles were applied during the initial stages of Utah's reengineering of the court culture. Suskin's (2012) research provided a general overview of the systemic changes within the court. A comparison between the CCC's reorganization and Suskin's case study engendered an appreciation for how the principles of the judicial administrative theory worked; in tandem with court restructuring efforts, these processes could help establish a stronger, more modern judicial system and aid in the evolutionary process of the state court's shift to modern, electronic methods of conducting business.

Utah's court system reengineered the working culture within the clerical department through a series of changes designed to facilitate the advent of ERM (Comprehensive Clerical Committee, 2010). Targeted objectives define the structure of the newly envisioned clerical department. Suskin (2012) outlined these objectives as increased quality of the overall litigation process; ensured equality in all court interactions with court patrons; increased public confidence of the court system as a

whole; improved timeliness in the resolution of cases; making case information readily available to attorneys and allied agencies and ultimately, reduced litigation costs overall. However, these goals required an all-encompassing system of engagement, with an equal valuation in how changes would effect the various agencies and court departments.

Suskin (2012) evaluated how the revamped court system in Utah functioned under the newly adopted principles of judicial administration. Drawing on the various philosophies of management theory, Suskin (2012) suggested that the court had established a specialized administrative philosophy, which drove the operation of the court system. However, he failed to delve into the specific impacts of targeted departments. An evaluation of the strategic implementation of a clerical reorganization, based on principles of judicial administration, demonstrated how profoundly significant cultural changes were in defining the operation of the Utah state court system.

One manifestation of the court's emphasis on the principles of judicial administration was the system's centering on the practice of leadership governance (Hall, 2011). These principles dealt primarily with governance philosophy, court structure and operational responsibilities, with an emphasis on the duties appended to the governing whole (Hall, 2011). Structure and governance in court systems was, in fact, so important that Suskin (2012) argued that courts cannot achieve uniformity without a stable, unified structural foundation. An effective, well-defined governance structure allowed for the

development of functional policy, while at the same time providing close points of contact between management and staff (Suskin, 2012).

Within this dynamic, the court established a core judicial management system organized and equipped to meet the demands of change. From the judicial council, the court system derived stability and guidance throughout the change process (Garoupa & Ginsburg, 2009). Their direction descended down from the judicial council through judicial boards, presiding judges and eventually the executive administrators in the Administrative Office of the Courts and local level executive staff (Suskin, 2012). A comparison of this practice, as it applied to the systemic whole, with the clerical reorganization efforts, demonstrated how comprehensive the adoption of this philosophy was. Suskin (2012) emphasized the importance of Utah's strategic use of focusing leader's attention on systemic policies, with a strong emphasis on delegation of duties and open communication pathways; effective communication insured the facilitation of a strategic change process throughout the implementation of clerical reorganization and the eventual introduction of the ERM (Beers, 2012). Generally, as Suskin (2012) suggested, this principle applied to the judicial leadership through a clear trickledown effect of directives and court policy. However, Utah's court system had established a more dynamic version of this principle. Instead of moving strictly from the higher levels to the lower, the court designed a system with myriad layers of communicative interaction (Comprehensive Clerical Committee, 2010). Policies originated from the top distill down

the chain, where the cycle started again. The executive level of management distributed information to team levels and individual levels. The entire system became a communication vehicle through which the court identified issues; clerks provided feedback on policies and practices, which moved through up and down communication channels, as well as lateral communication lines across localities, districts, inter-district and eventually the entire statewide system (Suskin, 2012). Essentially, the system functioned, in part, due to multi-directional lines of communication.

This concept of effective communication is still the biggest issue businesses face today. For this reason Utah's court put great emphasis on insuring effective communication; it had the ability to overcome all problems arising from change, if it was utilized regularly, consistently and effectively (Comprehensive Clerical Committee, 2010). Utah's court system used the same organizational communication lines found at the administrative levels of the organization throughout the entire system. In this way the court created a cohesive whole, which performed strongly coordinated functions through highly effective means (Uusi-Rauva & Nurkka, 2010). Where the judicial level management focused on the establishment of governing policies, the line staff and mid-level managers focused on local implementation, providing feedback as a means of keeping the system functioning at optimum efficiency (Suskin, 2012). Policies not conducive to successful operation, particularly in the area of designing a new ERM methodology, were quickly identified and adjusted, before they became problematic and

began to undermine the entire ERM implementation process, as well as the structural whole.

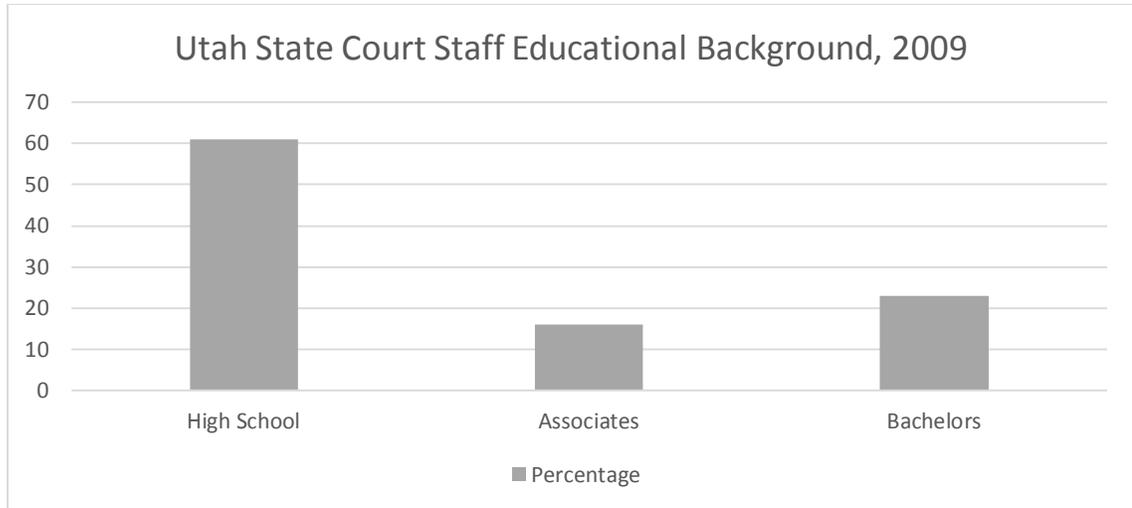
This communication system was mirrored at every level of the systemic whole. Mid-level managers strategically implemented the same interactive communication principles within a team structure, as that found in the overall system's operation. This established familiarity and a level of comfort among staff, who were thereby empowered to help improve system functions due to confidence in the familiar culture of the entire structure. Systemic communication established a cohesive, governing whole, which involved the entire court system and not just the executive level of management (Uusi-Rauva & Nurkka, 2010).

This degree of communication was of such importance that the court provided extensive communication training courses, beyond that of basic communication skills. Where communication courses were expected in most organizations, the court moved beyond the basic in designing an effective training program. Communication courses covered not only the principles of listening, expression, sympathetic interaction and having difficult conversations, but it also focused on the less obvious means of communication. Extended courses in mediation training, conflict resolution and leadership academies all came together to help staff learn effective communication principles in myriad situations. This type of training combined with coaching philosophies and leadership management principles insured a decreased risk of

communication breakdown at myriad points of contact between clientele, inter-staff, inter-agency and even inter-district (Uusi-Rauva & Nurkka, 2010). The new court culture dictated that communication was not just a skill, but a proactive tool for insuring ERM implementation success and effective clerical performance.

The CCC (2010) identified the initial component of a successful clerical restructure as that of adjusting the Court's hiring process. Judicial administration principles required the court to establish and maintain a highly competent workforce, as a means of meeting the rising needs of litigation within the state (Suskin, 2012). Competence came through well qualified prospective clerks and continuously trained current staff. In order to achieve this objective the clerical reorganization of the court relied on two components, attracting and hiring highly qualified prospective employees and insuring that, once hired court staff remained highly competitive and well trained in all aspects of the court administrative functions (Suskin, 2012).

A large part of the clerical reorganization of Utah's courts was an evaluation and re-envisioning of the hiring process. Prior to the reorganization, the predominant number of clerical staff had obtained a high school diploma as the highest level of completed education, before coming to work for the court (Comprehensive Clerical Committee, 2010) (Figure 4).



*Figure 4 Comprehensive Clerical Committee Report to the Judicial Counsel, 2010*

To further complicate an issue of declining stability within the court’s clerical department was the age of the court’s workforce prior to the reorganization. The majority of the clerical department was of the Baby Boomer generation and was rapidly approaching retirement (Figure 5). This created a potential staffing crisis for the court (Comprehensive Clerical Committee, 2010).

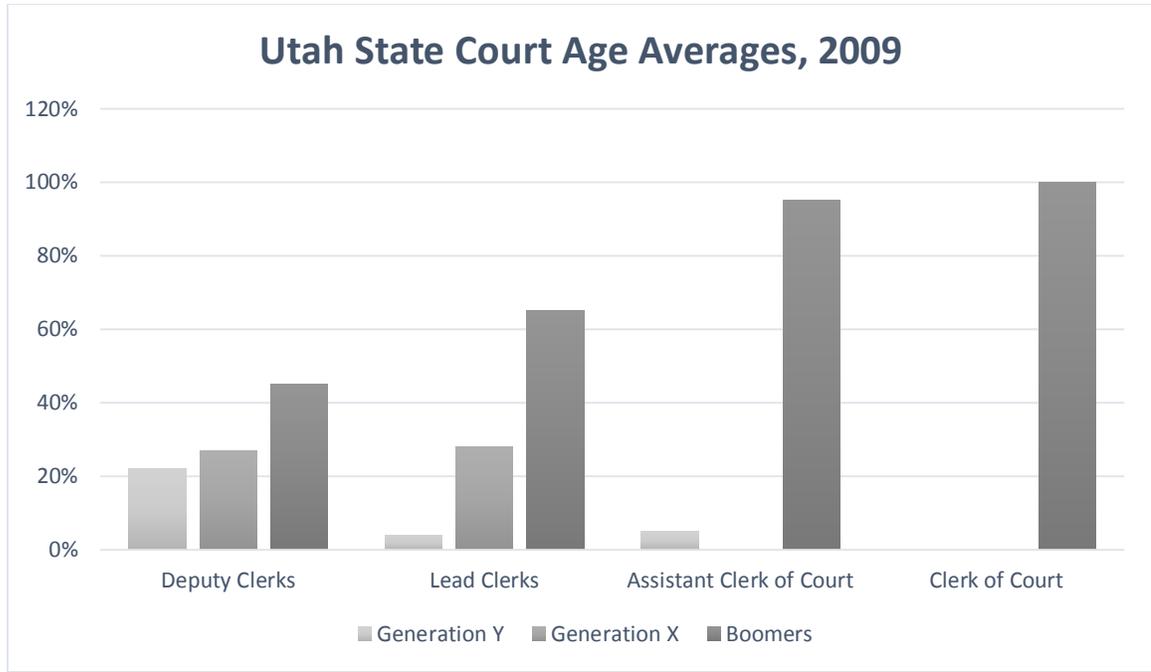


Figure 5 Comprehensive Clerical Committee, 2010

Utah’s court needed to find a way to attract more qualified candidates, in order to hire higher skilled employees, while evening out the distribution of staff demographic distribution (Bottger & Barsoux, 2012). The courts struggled to determine how to overcome not only the retirement of a large percentage of its workforce in a very short period of time, but also address the issue of stabilizing the organization when the largest demographic group made up the executive administrative management, which was due to retire over a period of just a few years (Comprehensive Clerical Committee, 2010).

The court initiated a reevaluation of its hiring practices through the clerical reorganization. Instead of focusing on simply filling positions, it started emphasizing the need for college education for new hires, while devising a strict clerical career track that

more closely resembled the probation structure (Comprehensive Clerical Committee, 2010). The court expected clerks to demonstrate a broader range of skills, a greater aptitude for a highly technological working environment and a commitment to honing a broad base of skills for performing a wide range of functions (Kaliannan & Adjovu, 2015). The court's answer to this challenge was the redefining of all clerical positions, not only in the work they performed, but also in how they were defined within the court's system (Comprehensive Clerical Committee, 2012).

The CCC recommended that the court restructure clerical staff into foundational judicial teams, in tandem with putting emphasis on the importance of uniform cross-training (Comprehensive Clerical Committee, 2010). The committee outlined the establishment of teams, focusing on redistribution of clerical duties and responsibilities (Comprehensive Clerical Committee, 2010). Clerical functions needed to revolve around duties, rather than extensive courtroom oversight (Comprehensive Clerical Committee, 2010). Suskin (2012) agreed that the establishment of clerical teams tied to judicial officers, as opposed to courtrooms, made it possible for the court system to reduce costs of operation, while streamlining court processes in preparation for the implementation of an ERM system.

The clerical reorganization created a new level of Judicial Service Managers and Judicial Case Managers loosely defined as middle management. However, these service managers and case Managers functioned as what the CCC defined as working

management (Comprehensive Clerical Committee, 2010). This mid-level management served the purpose of providing a direct point of contact between line staff and administrative leadership. It was at this point of contact where training, ERM implementation and coordination occurred, bridging the gap between generic management and coaching leaders who worked alongside clerical staff (Boyatzis, Smith & Blaize, 2006).

The projected changes engendered through the transition to ERM required a forum of cooperative engagement. The Utah state court's implementation of a coaching leadership style in the new clerical structure, insured that coaching leaders functioned as a point of interface between the policy makers and line staff (Boyatzis, Smith & Blaize 2006). This management level essentially performed the gatekeeping function of insuring that this highly communicative system worked. This point of interface allowed managers to provide instruction through example, job performance and hands on engagement in working functions, while still providing managerial oversight throughout the ERM implementation process; basically, these supervisors became working leaders, in order to provide the greatest support to line staff (Comprehensive Clerical Committee, 2010).

The secondary emphasis of judicial administrative principles focused on case administration and how to instill governance principles into staff; this type of emphasis and training allowed for more effective and efficient, front end case management through

coaching methodologies and increased staff participation (Suskin, 2012). Prior to the clerical reorganization each clerical function belonged to specific, specialized positions (Comprehensive Clerical Committee, 2010). Each clerical function revolved around the different aspects of duties and responsibilities, with unique training sets for each position (Kaiser, 2005). Court clerks whose positions were tied to in court functions, were specifically trained for in-court duties; however, myriad other responsibilities went into making a court system function. All aspects of case coordination and interaction with allied agencies was tied to the offices of case assigned judicial officers, where lead clerks handled oversight case management responsibilities. These lead clerks performed these duties and, while having been trained in courtroom processes, rarely functioned in a courtroom capacity. Clerks on the front counters functioned strictly as cashiers and customer service contacts. In this strongly demarcated system, the CCC identified potential points of improvement in customer service, while maintaining the quality of case records and efficiency in case management, through the elimination of specialized philosophies. Cross-trained generalists could perform the duties of all clerks, in all positions, while maintaining a high level of quality with fewer numbers of clerks necessary for case management functions (Comprehensive Clerical Committee, 2010).

This revolutionary principle of judicial administration, as applied to the legal system, required a process of selecting leaders based on competency, which helped maintain effective training practices; training became more effective and ultimately

instrumental in ERM implementation than traditional training courses alone (Suskin, 2012). Case and service managers gained knowledge of the overall system through applied learning opportunities. This knowledge was invaluable if effectively harnessed and utilized. Through learning and growth experience managers acquired knowledge of not only how to answer questions relating to specific process applications, but also how to engage with others in order to build strong teams with common goals and objectives (Wang, 2008).

This culture was self-evident not only in district, criminal courts, but in juvenile court operations as well. Prior to the reorganization, court personnel were qualified as specialists (Comprehensive Clerical Committee, 2010). This meant that any one filing with the court required multiple layers of handling, before preparation for court intervention could begin. Additionally, the change from one position to another required extensive training, in order to gain the new skills necessary to perform the clearly defined duties of a new position. The clerical reorganization illuminated this complexity of structure and significantly reduced the redundancy through a shift to cross-trained generalists (Comprehensive Clerical Committee, 2010).

The practice of cross-training generalists further demonstrated the courts commitment to reduction of redundancy at a cultural level, not just a structural one. Clerks were trained once, enabling them to perform all the functions of the clerical department. This insured that every employee was capable of performing the same tasks

wherever they went and in whatever capacity they were employed (Comprehensive Clerical Committee, 2010). Paperwork, filings and case management was handled once for the whole process. This laid the groundwork for the evolution into an ERM system. The first point of contact could potentially be the only point of contact, which minimized confusion, reduced inefficiency and greatly expanded the value of each court clerk.

Utah's state courts further established a strong emphasis on a coaching leadership style. The philosophy of coaching throughout business, both public and private, was seeing a reemergence of popularity in the modern business world (Bax, Negrutiu & Calotă, 2011). This management philosophy required direct, regular, effective contact between the mentoring coach and the judicial team members (Bax, Negrutiu & Calotă, 2011). In Utah, this philosophy was twofold: it provided direct lines of communication between line staff clerks and managerial leaders and aided in identifying training processes through innovative training solutions, tailored to a team's specific needs.

The integrated nature of judicial teams redefined the court culture and empowered team members to capitalize on growth opportunities (Comprehensive Clerical Committee, 2010). Team members found greater commitment to the court mission through increased levels of buy-in of court effectuated changes, which in turn magnified the potential success of the ERM implementation process and the realization of transition objectives (Comprehensive Clerical Committee, 2010). The responsibility of training clerks in the new electronic processes rested with other clerks and mid-level leaders. The

development of electronic access instruction documents and a newly designed online training program (OTP), combined with a strong coaching environment provided training through easily accessed electronically targeted instructive methods. This allowed clerks to easily locate needed training resources on the fly, while empowering them to increase their knowledge at the same time.

In addition to staff designed training resources to aid in the ERM implementation, the Utah state court redesigned the formal training provided to clerks as a means of professional improvement. The court committed to facilitating a continuous training philosophy within the clerical department (Comprehensive Clerical Committee, 2010). Effectuated through court designed, internal staff developed training programs, the court maintained a strong influence on the degree of professional advancement among court clerks (Comprehensive Clerical Committee, 2010). Suskin (2012) referred to this training program as by clerks for clerks. The philosophical foundation for this methodology rested in the concept that those who perform the work knew where the potential problems were and what kind of training was needed to overcome these difficulties. This was another manifestation of the coaching culture Utah's courts utilize.

Training, therefore, took on an imperative role throughout all aspects of the transitional processes as the court moved to a more modernized system of operation. Suskin (2012) suggested that the principle of judicial administration that most fully

allowed for a vastly improved training system was absolute encapsulation. The court alone retained the assets, governing control and distribution of resources for the court (Suskin, 2012). For the clerical department, even at the team level, this translated to empowered staff equipped to proactively engage in the transitional changes necessary for ERM implementation. Everything from training methodologies through technological needs remained in-house, beyond the external control of outside agencies or governmental entities (Suskin, 2012). This also insures that the training avenues provided to court staff more fully met professional educational needs, and broadened the scope of staff effectiveness following implementation.

The adapted approach to clerical training created a means of individual participation in the designing of training methodologies at an implementation level (Tharenou, 1997). It allowed representatives throughout the state to come together from the various districts, in order to outline problematic areas requiring focused training and draft training materials based on clerical need, not administrative requirements (Suskin, 2012). The clerical department across districts found they were able to build on shared beliefs, identify key areas of functional change necessary and develop solutions in order to create uniformity of the ERM system, regardless of the demographics of any specific location. Training and coordination of system function evolved from an in-house training committee, which brought together the operational whole, as a counterbalance to the

dramatic changes that originated out of IT and an EMR CORE design committee (Suskin, 2012).

In addition to professional development, another means of insuring staff growth and development was through a redesign of the court's annual performance evaluation process (Suskin, 2012). The court wanted to get away from the concept of managers evaluating the performance of any given employee over the course of a year and shift to a more proactive coaching approach throughout the entire evaluation process, reviewed regularly with an aim to constant improvement and development (Anshel, 1992). Performance evaluations were no longer a wasted event, but rather a tool for helping coaching leaders identify individualized means of assisting in the improvement of personnel and then helping them find creative ways of achieving that growth (Suskin, 2012).

The court focused its evaluation process on categories of potential improvement, married to a performance plan, which functioned as a tool for managers and clerks to work together in the realization of greater professional advancement and employee development (Suskin, 2012). While this continued to evolve, the foundation remained a strong support for the continuous improvement of the entire complement of court clerical staff. The clerical department's shift to a goal driven process, with a career track of continuous training was an effective means of helping clerks achieve personalized, professional goals (Comprehensive Clerical Committee, 2010). Employees worked

closely with their managers to establish goals specifically pertinent to personal growth and development, which helped a manager identify ways they could assist in overall staff improvement (Bipp & Kleingeld, 2011). Buy-in was easier to maintain, as the goals and objectives were those of the employee and not that of the manager or administration (Bipp, & Kleingeld, 2011).

Perhaps the most significant principle of judicial administration, as it pertained to the Utah court system, was the establishment of case management processes that were streamlined, and concise enough to bring uniformity to the court, but simple and clear enough to make the system a powerfully effective organization (Suskin, 2012). For the clerical department, this was one of the governing principles behind the implementation of ERM. The electronic record system was designed to improve productivity, expedite case handling and engendered more confidence among the public, as it related to the court system. Consequently, every aspect of the system had some degree of impact on the efficiency of court clerks.

Like the clerical reorganization, the implementation of ERM was a comprehensive system (Figure 3). As such, the success or failure of one aspect of the system affected the strength and stability of the whole. The clerical department manifested this clearly. One way was in the processing and manning of front counter operations (Comprehensive Clerical Committee, 2010). As the primary point of contact between the public and the court, front counter clerks were the first step in what used to

be a labor-intensive transit of court paperwork and processing. Under the paper system, everything filed with the court was received, connected to a case, files made, distributed to assigned judicial officers, and all subsequent handling went through the judicial office via the gatekeeper – the Judge’s lead clerk. With ERM, third party patrons, through benefit of their attorneys or as self-represented litigants, could file all necessary paperwork through an electronic interface, interacted with the court, effected process service of records to appropriate parties and communicated with the judicial teams, without ever entering a courthouse (Suskin, 2012) (Figure 3).

In 2012, the estimated number of documents filed with the state courts was approximately 7,500 (Suskon, 2012). This paperwork initiated countless hours of manpower to simply get all the appropriate paperwork to the respective judicial team. The elimination of the cumbersome processing of paper files not only freed up time in manpower hours, but also allowed the court to channel greater efforts into productive means of perfecting the ERM (Espinosa, 2010). Over time and through attrition, this process will reduce the workforce, save money and allow the court to evolve, even under the most challenging of economic circumstances (Comprehensive Clerical Committee, 2010). This philosophy helped Utah’s court system to not only survive one of the most severe economic crises in modern history, but actually thrive in and midst of financial catastrophe (Suskin, 2012).

Utah's clerical reorganization successfully restructured the system of judicial support operations; support operations could now provide direction and information to third parties on any specific case type (Comprehensive Clerical Committee, 2010). The ERM process effectively improved clerical efficiency in meeting the needs of myriad patrons who availed themselves of court intervention, while continuously providing effective judicial support as well (Espinosa, 2010). ERM allowed for greater consistency in the managing of cases not only between the court and interested parties, but also within the court system. Clerk's abilities to fulfill this function prior to reorganization were limited (Comprehensive Clerical Committee, 2010). They originally worked in niche positions, each dedicated to a specific, targeted function within the court superstructure. There was little to no cross-over between the positions, even though they worked in tandem to fulfill the mission of the court (Comprehensive Clerical Committee, 2010). The court needed to find a means of helping clerks develop professionally, through the evolution of individual capacities, increased competency of ERM systems and access to required resources capable of meeting all aspects of court functions.

The CCC (2010) identified how the court could realize this concept under generalist philosophies of operation. The clerical restructure redrafted not only the roles of clerks, but also the construction and make up of positions and functions within the various districts, leaving tailored implementation to the local levels of operation (Comprehensive Clerical Committee, 2010). The reorganizational effort did not draft a

conceptualization of the system and dictate how every district would conform to that structure. Rather, the court identified a broad concept of a system structure and allowed each district to establish the generalized methodologies of implementation, within that concept, which best conformed to the overall design (Comprehensive Clerical Committee, 2010).

The significance of generalization and the latitude to adapt the basic construct into a functioning, localized system was demonstrated through Utah's vast populace. Local districts with low case numbers only found it necessary to hold court on designated days of the week. Their need for large numbers of staff was non-existent. Those rural locations explored ways of capitalizing on the benefits of the restructure, while reducing workforce to meet the local demand. Alternately, the three largest districts, the second, third and fourth, needed increased numbers of staff to simply meet the demands of front end functions, due to vastly increased workloads.

Position allocation allowed the court to balance out the workload needs with the positions designated as necessary to perform requisite duties (Comprehensive Clerical Committee, 2010). Position allocation relied heavily on workload numbers for each district. In order to identify and define those needs, the court system relied heavily on clerical weighted caseload evaluations (Suskins, 2012). This caseload analysis system evaluated time allotments required to complete any given task in the case management process (Suskin, 2012). The evaluative methodology put emphasis on the time between

case entry into the system and the ultimate disposition of the case, in order to establish a baseline for benchmark standardizations. This caseload analysis tool then allowed for offsetting staff disparities between the various districts (Suskin, 2012). This insured that through time measures, in relation to caseload record management, the appropriate number of staff were provided for each district; a balancing process that helped to insure that any one specific court location functioned not only in uniformity of processes, but also with a balanced staff distribution and stability sufficient enough to meet local needs (Suskin, 2012). Each district was allotted the number of positions necessary to complete the appropriate work required for a particular location.

Judicial administration also required an appropriate allocation of resources in order to maintain balance and uniformity throughout the system (Suskin, 2012). The question of balance within the court structure was always prevalent. This was not so much due to a concern of equality as it was logistics. There was only so much time available in any given courtroom. If one judicial officer had a proportionately larger caseload, it made it that much more difficult to address the needs of each case. And yet, balance was not always a possibility. Utah's shift to an ERM system helped minimize the imbalance at least within the various districts.

The electronic process and the design of the court's web-based operating systems has additionally allowed for the development of multi-level case reports. These reports, used in tandem with the weighted caseload analyses criteria, insured that all levels of

management and staff had a general, overall understanding of the larger system, beyond their own localized operations (Suskin, 2012). All managerial decisions relied on the accuracy of these reports. They made up the basis of requests provided to the legislature for funding, which directly impacted the number of judicial officers per district, operating resources, adding or subtracting of positions, salary allotments and all other financial aspects of the court (Suskin, 2012). This made it imperative for court employees to perform all aspects of job duties and responsibilities not only in quantity, but accurately, efficiently and timely in the dispositional process of cases.

From first consideration, the clerical reorganization of Utah's courts, as well as all subsequent cultural changes, were implemented with a focus on the ultimate goal of ERM conversion. The overall objectives of this ERM system were that it had the capacity to build on a preliminary reorganization of the court's clerical department and thereby effectuate an evolutionary process of the judicial system into a highly functional, well equipped, modernized organization (Comprehensive Clerical Committee, 2010). Both Suskin (2012) and the CCC (2010) captured two sides of this equation between clerical restructuring and ERM development, which, when married together formed a modernized rendition of traditional court principles capable of meeting modern expectations in a digital age. With Suskin's (2012) explication of electronic functions in relation to the CCC's (2010) outlined report of clerical changes, recommendations pertaining to cultural

changes for other state court systems, could find a solid foundation for an overall ERM that was both successful and efficient in its operation.

Utah's court and its IT department specifically needed to work on some inherent difficulties with a transition to a fully electronic, ERM system. Suskin (2012) even argued that a court could never fully achieve a paperless system in its entirety. However, whether the system was only partially or wholly electronic, there were some problems that needed careful, logistical consideration before an implementation attempt. ERM systems greatly increased the number of people with direct access to the court's computer system. Any ERM system needed to provide for document uploading capabilities while expanding points of access, in order to streamline the case management functions and capitalize on inter-department, inter-agency participation (Karuse, 2005). This translated to non-court personnel having certain degrees of system manipulating roles within the ERM. For success in this objective, external, third party filers of court documents needed to identify the proper categories in which various filings belonged, a practice well understood in a well-trained clerical department, but less so in agencies not familiar with internal court operation practices (Greenwood & Bockweg, 2012).

Suskin's (2012) case study of Utah's court system identified eight specific areas unique to the juvenile court, from which third party filers needed to identify appropriate categories within the ERM system (Figure 3). The clerical reorganization overcame this dilemma through direct points of contact between clerical staff and those filing

documents with the court (Comprehensive Clerical Committee, 2010). It essentially converted the clerical department into coordinators of the court interface system. However, this did not eliminate the need for developing some form of inter-agency training, as well as a certain relinquishment of proprietary control over the court ERM system to external sources. This proved more dangerous than the accepted risks of compromised computer systems, security and firewall concerns and even hacking crises.

Suskin (2012) suggested that a holistic approach to court modernization, which addressed all aspects of the court system could help offset these concerns. Each judicial department would not only engage with statewide court staff, but other external agencies and private court patrons; strict conformity to system wide expectations and stringent quality control would help reduce risks, as clerks engaged with the ERM processes on myriad levels and with various individuals. Suskin's (2012) case study also presented a broad overview of categories in Utah's emerging ERM system of significant importance, as they related to fulfilling the court's mission. His findings suggested a strong need for incorporating the ERM into greater systemic changes, so as to maintain its central role within the court as a whole. Courts needed to insure that broad evaluations of all prospective individuals accessing the ERM system were assigned generic roles, from the court's internal departments outward to allied agencies and third party patrons (Suskin, 2012). These generic roles contained specific functions under each role and insured a controlled means of database manipulation ability, but still allowed for a functional

system of record management from internal court staff. The primary responsibility of every clerk, at all levels of the court system needed to change focus from paperwork processing to safeguarding and ensuring the integrity of the ERM system and thereby the court record as well (Morman & Bock, 2004). Utah's juvenile court was particularly concerned with this aspect of the clerical function; due to statutorily mandated privacy requirements and has designed an ERM capable of performing this task through clerk's coordinating efforts (Figure 3).

According to Suskin (2012), the e-Record was only a part of the ERM process, which replaced hard copy case files through the digitization of on-going cases. However, from the perspective of Utah's juvenile court, the connotation of e-Record was much more encompassing than simply electronic versions of case files. The clerical understanding of e-Records encompassed all aspects of case management. This included audio recordings of hearings, computerized generation of minutes and orders, electronic interconnectivity, which provided needed information to interested parties and the coordination of everything that belonged to a case file.

The introduction of ERM practices expanded accessibility of these records to not only greater numbers of people, but also allied agencies and organizations (Eltis, 2011). This potentially made petitions, motions, documents and all information contained therein vulnerable to compromise, misapplication of documents and other eventualities that could jeopardize the outcome of a case. The danger of administrative errors were

proportionally greater to the increased number of individuals with direct access to any ERM system and discovery of proactive solutions to these problems needed to be taken into consideration before the initiation of an ERM process (Suskin, 2012)

The impact these dramatic changes of court operations had on judicial support staff was myriad, including increased contact with self-represented litigants, greater need for technology to perform all electronic processes, increased need for case flow administration in order to coordinate the tasks related to case handling and greater quality assurance methods, all of which needed to be identified and built into the overall system from inception (Comprehensive Clerical Committee, 2010). The responsibility for case accuracy rested solely with the clerical department. Measures needed to be implemented to help protect clerks from potential case handling hazards, without compromising clerical accountability in the quality of work they produced. Having cross-trained personnel reduced the burden of completing these tasks on any one person, but also opened the door to increased error through expanded clerical involvement in each case.

The benefits of ERM far outweighed the potential dangers of the conversion investment; it created a broader base on which to stabilize the entire court system, raised efficiency levels and improved the productivity of court functions (Comprehensive Clerical Committee, 2010). The CCC succinctly identified this change in cultural philosophy as a shift from manual case processing through hard copy files and redundant job duties, to reviewing and accepting information electronically filed with the court and

knowing how to capitalize on that significantly improved form of case management (Comprehensive Clerical Committee, 2010). ERM increased the efficiency and timeliness in which clerical staff was able to process cases, while reducing the time it took to move cases through the system (Hansen & Ostrom, 2014).

The handling of cases according to statute requirements, while still expanding access to the court was another principle of judicial administration that needed to be considered in conjunction with ERM transition efforts (Suskin, 2012). This presented a particular challenge within the courts. While statute and policy development was generally beyond the scope of clerk's ability to adjust or adapt, how clerks functioned rested almost entirely on the ramifications of these requirements. As an example, the juvenile court was statutorily required to adhere to strict requirements of confidentiality not existent in district courts (Mosee, 2010). Clerks needed to handle juvenile information with even greater care than simply personal information under the confidentiality laws. Juveniles were considered a protected class and as such, the court maintained a high level of compliance in relation to the protection of these records. The electronic record presented some challenges in relation to this mandate of privacy, especially in locations and systems where juvenile and adult court records were handled through a conjoined court system.

The court opened portions of its operating system to the public, attorneys and allied agencies. Each of these patrons could access various portions of the web-based

system the juvenile court relied on for effectuating an electronic record. If the system were compromised the legal ramifications would be significant (Bambauer, 2013). Clerks were trained in methodologies for protecting this information (Comprehensive Clerical Committee, 2010). Since clerks were the primary point of contact for the handling and coordinating of the documentation that made up the court record, it fell to them to insure that confidentiality was maintained.

The coordinating of court records dramatically defined the function of clerks. In addition to protecting confidential information, clerks needed to influence the means and speed that a case would move through the court system (Suskin, 2012). The court placed great emphasis on the timely resolution of cases. In conjunction with an ERM process, the court established benchmarks that defined the amount of time necessary for a case to work through the system. (Suskin, 2012). This case handling time line was nothing new for clerical staff. However, the method of application changed following the reorganization. The increased availability of court reports, and tracking methods for following case management effectiveness, created pressure on judicial teams to monitor closely the processing and disposition of presenting offenses. For child welfare matters, this process was a mandated procedure. Since child welfare timelines were directed through legislative statute, compliance was always a priority. However, electronic record keeping has translated this same expectation to delinquency matters as well. These types of adjustments needed to be considered as the court's ERM system was developed.

The shift in governmental philosophy and the adoption of transparency in all aspects of government compelled Utah's courts to implement a means of reporting to the community pertinent information relating to caseloads and statistical figures on the types of cases in the court system (Voermans, 2007). Utah's court system maintained a high expectation of compliance rates with state and national benchmarks for case management (Suskin, 2012). In 2014, child welfare cases completed within the 60 day benchmark was 96% (Utah Administrative Office of the Courts, 2014). Delinquency cases maintained a 95% compliance rate of within a 45-day benchmark for case entry through disposition (Utah Administrative Office of the Courts, 2014). This success rate was directly tied to the clerical staff and its effective management of cases under the new ERM (Suskin, 2012).

Throughout these transitional stages, Utah has made some difficult decisions regarding how the state court system should operate. The internal court culture established a marked division between the juvenile and district courts from the inception of an independent juvenile court (Suskin, 2012). Around this ideation, these two courts evolved into two very different systems. Due to this structural segregation, the impending challenges of restructure and reorganization would take more than an electronic or staff reshuffle. The court struggled to develop an ERM around vastly different court systems under one unified whole, while still maintaining the unique and separate autonomy of each court. Today, the dual mentality still survives from an

electronic standpoint, but the clerical re-envisioning overcame the segregated operation and made a wholly unified administrative system, which worked under two independent electronic platforms (Suskin, 2012). For the juvenile court, this meant a computer processing system built from the ground floor up. Due to the recreating of the electronic operating system, the juvenile court remained behind the district court in the implementation process (Suskin, 2012). However, the change served a unique function of investing clerks in the judicial system.

In light of all these expectations and projections the clerical reorganization and the implementation of ERM went hand in hand as a means of modernizing Utah's court systems. The process Utah has outlined provides a foundational roadmap to making courts in the midst of dramatic and significant change both successful and highly effective. At the change level, the CCC built a framework for change that Utah's juvenile court continues to refine and strengthen. The plan included three distinct areas of focus: organizational change, cultural change and training to needed competency levels (Comprehensive Clerical Committee, 2010).

Training was the premise of the entire change process. Effective training insures more than just a change in how clerks performed their work. It also allowed the court to grow into a vastly modernized court system, which rested on the traditional foundation of the principles on which it was founded. But while training was important, it was the establishment of a team culture that provided the strength necessary for a successful

transition (Comprehensive Clerical Committee, 2010). The clerical judicial support teams produced an environment in which clerks were empowered to do more than simply work (Comprehensive Clerical Committee, 2010). So, where Suskin (2012) presented these change practices from a systemic, ERM perspective, the clerical reorganization committee focused on the smallest teams, in order to build a strong system overall. The stronger the administrative system, the more successful the ERM could function.

However, there were some variations between Suskin's (2012) case study and the report of the CCC (2010). Those differences were in the enumerated target of the court's change methodology and the introduction of a new cultural paradigm within court systems; the principles of judicial administration defined an entire system, while the clerical reorganization focused on only one component of that system. The primary objectives outlined in the clerical reorganization report demonstrated the same ideation as that found in the judicial administrative principles, only on a smaller and more targeted scale (Comprehensive Clerical Committee, 2010).

Through observation of the objectives in practice within the clerical department, it was inferred how an effective transitional plan could insure a successful change in not only court structure, but also in the shift from manual to ERM systematization. The initial objective of Utah's clerical restructure defined the difference between management and leadership.

As a means of facilitating the CCC's proposed clerical reorganization, the clerical department created a reorganization support committee, which was intended to produce effective leaders for future management positions through an empowering culture of judicial teams (Comprehensive Clerical Committee, 2010). Initially envisioned as a support team that would eventually move beyond its usefulness as the adoption of outlined changes stabilized and the advent of ERM was imminent, the committee's influence was far more reaching (Comprehensive Clerical Committee, 2010). The support team, while it performed its defined function, also instituted lasting marks on the shape the clerical department manifested, which directly insured the successful transition into an ERM culture. The concept of coaching and its adoption as a major cultural adaptation grew out of the premise of support teams (Hackman & Wageman, 2005). That premise asserted that leaders were the primary agents of change within any organization and through their influence on others, a systemic change in judicial culture was possible (Comprehensive Clerical Committee, 2010).

The practice of coaching was a much more recent adjustment in the court's culture and grew out of the clerical reorganization. Through observation and evaluation, it became apparent that the term and practice of coaching derived directly from the reorganization efforts, while not explicitly outlined in the original reorganization proposal. The concept of a working leader was more than a modern definition of management style. The courts expectation of working leaders clearly defined clerical

staff's active engagement in a team's evolution, as well as provided the foundation that made a team effectively successful. These leaders, as the initial reorganization proposal outlined, engaged in all aspects of the team's assigned duties, but even more significantly, have helped design, draft and implement an effective ERM program of modernization for the entire judiciary of Utah. These efforts broadened the effectiveness of frontline leaders and expanded their influence beyond simple administrative entities. Rather they were always readily accessible to team members and answered questions, provided support in coverage in times of decreased staff numbers, helped team members grow into greater abilities and essentially helped team members to develop professionally within the court context, all while insuring a proactive engagement with the ERM.

The next step in Utah's clerical reorganization and ERM implementation plan was building on common values (Comprehensive Clerical Committee, 2010). One of the hardest challenges businesses faced was getting employees to buy into new methodologies and philosophies in the face of change. The court struggled with this challenge from the initial envisioning of a cultural paradigm shift. Opposition originated against the structural transition, which made it difficult for employees to see the benefits that would ultimately come from the change process (Nemeth, 2012). Time and well-attuned coaching leaders were extremely influential in the initial changes introduced at the time of reorganization. However, the experience gained, not only for coaching

leaders but also line staff, was now extremely efficacious as the court continued to work towards a fully electronic system, sustained through clerical efforts.

The initial clerical restructuring challenged staff to expand beyond their perception and understanding of the court organization. While this proved challenging, it also helped court staff realize what was possible. This was probably the biggest benefit of the reorganization. It helped staff not only grow into more effective clerks, but it also helped teams define their own vision, which each team used in tandem with the court's mission and objectives, to facilitate laying of the groundwork for a highly functional ERM system that was effective following its implementation. The CCC identified a strong outreach program as a means of easing the change burden for individual employees (Comprehensive Clerical Committee, 2010). This objective also continued to thrive within the team dynamics. Team members provided an internal support system, as they reached out to other team members and helped them through the struggles and difficulties of change implementation.

Following the establishment of the basics, the reorganization plan moved to the building principles that produced evolutionary success over time (Comprehensive Clerical Committee, 2010). As Suskin (2012) suggests, the processes of customized transitions implemented through lasting, reasonable and effective means were the principles that would ultimately insure the viable development of a modern court system. The clerical reorganization and the ERM implementation were only component parts of

the larger whole. If any of the components failed, the entire system was compromised. But with continued effort and commitment to the change process, Utah's court evolved into a beneficial government entity, well equipped to meet the demands of current and future court patrons.

### References

- Anshel, M. (1992). Cognitive Behavioral Strategies: Effective Staff Supervisory Meetings and Performance Evaluation. *Journal of Managerial Psychology*, 7:6, 11.
- Bambauer, D. (2013). Privacy Versus Security. *Journal of Criminal Law & Criminology*, 103:3, 667-683.
- Bax, J., Negrutiu, M., & Calotă, T.. (2011). Coaching: A Philosophy, Concept, Tool and Skill. *Journal of Knowledge Management, Economics and Information Technology*, December, 1-9.
- Beers, D.. (2012). Judicial Self-Governance and the Rule of Law: Evidence from Romania and the Czech Republic. *Problems of Post-Communism*, 50:5, 50-67.
- Bemis, L.. (2005). Balancing a Citizen's Right to Know with the Privacy of an Innocent Family: The Expansion of the Scope of Exemption 7(C) of the Freedom of Information Act Under National Archives & Records Administration v. Favish. *Journal of the National Association of Administrative Law Judiciary*, 25, 507-543.
- Bipp, T. & Kelingeld, A. (2011). Goal Setting in Practice: The Effects of Personality and Perceptions of the goal-setting process on job satisfaction and goal commitment. *Personnel Review*, 40:3, 306-323.

- Bottger, P. & Barsoux, J.. (2012). Masters of Fit: How Leaders Enhance Hiring. *Strategy & Leadership*, 41:1, 33-39.
- Boyatzis, R., Smith, M. & Blaize, N.. (2006). Developing Sustainable Leaders Through Coaching and Compassion. *Academy of Management Learning & Education*, 5:1, 8-24.
- Boyum, K. (1999). Very Long-Range Judicial Planning in the Public Policy Process. *Public Administration Quarterly*, Winter, 490-504.
- Clarke-Midura, J. & Dede, C. (2010). Assessment, Technology and Change. *Journal of Research on Technology in Education*. 42:3, 309-328.
- Comprehensive Clerical Committee, (2010). *Comprehensive Clerical Committee: Report and Recommendations*. Salt Lake City.
- Eltis, K. (2011). The Judicial System in the Digital Age: Revisiting the Relationship between Privacy and Accessibility in the Cyber Context. *McGill Law Journal*, 56:2, 289-316.
- Espinosa, P. (2010). A Word From the Future: The Virtually Paperless Court of Appeals. *The Judge's Journal*, 49:3, 10-13.
- Evans, B., (2011). Much Ado About Data Ownership. *Harvard Journal of Law and Technology*, Fall, 1-52.
- Feigneson, N. & Dunn, M. (2003). New Visual Technologies in Court: Directions for Research. *Law and Human Behavior*, February, 109-126.

- Garoupa, N. & Ginsburg, T., (2009). Guarding the Guardians: Judicial Councils and Judicial Independence. *The American Journal of Comparative Law, Winter*, 1-30.
- Greenwood, J. & Bockweg, G. (2012). Insights to Building a Successful E-Filing Case Management service: U.S. Federal Court Experience. *International Journal for Court Administration, June*, 1-9.
- Hackman, J. & Wageman, R. (2005). A Theory of Team Coaching. *Academy of Management Review, 30:2*, 269-287.
- Hall, D. (2011). Principles of Judicial Administration: The Lens of Change. *Future Trends in State Courts*, 151-155.
- Hanson, R. & Ostrom, B. (2014). Performance-Focused Technology: Achieving Better Court Management Through Better Data. *Journal of Appellate Practice and Process, Spring*, 1-13.
- Jacobs, J.. (2013). Juvenile Criminal Record Confidentiality. *New York University Public Law and Legal Theory Journal, June*, 403-432.
- Kaiser, D. (2005). Training and the Generalist's Vision in the History of Science. *ISIS*, 96, 244-251.
- Kaliannan, M. & Adjovu, S.. (2015). Effective Employee Engagement and Organizational Success: A Case Study. *Procedia Social and Behavioral Sciences*, 172, 161-168.
- Krause, J. (2005). The Paperless Chase. *American Bar Association Journal, 91:4*, 48-53.

- Morman, D. & Bock, S.. (2004). Electronic Access to Court Records: A Virtual Tightrope in the Making. *The Florida Bar Journal*, November, 10-20.
- Mosee, G. (2010). Juvenile Prosecution – It’s the Same but Different. *Juvenile Justice*, 25:2, 64-66.
- Nemeth, C. (2012). Adapting to Change and Uncertainty. *Cognition, Technology & Work*, September, 183-186.
- Parrish, J. & Courtney, J.. (2007). Electronic Records Management in Local Government Agencies: The Case of the Clerk of Courts Office in Lake County Florida. *Information Systems Management*, Summer, 223 -229.
- Reid, M. (2013). United States v. Jones: Big Brother and the “Common Good” Versus the Fourth Amendment and Your Right to Privacy. *Tennessee Journal of Law and Policy*, 9, 1-37.
- Rosenbloom, D.. (2000). Retrofitting the Administrative State to the Constitution: Congress and the judiciary’s Twentieth-Century Progress. *Public Administration Review*, 60, 39-46.
- Saman, W. & Haider, A.. (2012). Electronic Court Records Management: A Case Study. *Journal of e-Government Studies*, 2012, 1-11.
- Sudbeck, L., (2006). Placing Court Records Online: Balancing the Public and Private Interests. *Justice System Journal*, 27:3, 268-285.
- Suskin, L. (2012). A Case Study: Reengineering Utah’s Courts

Through The Lens of the Principles for Judicial Administration. *State Justice Institute*, 1-54.

Tharenou, P. (1997). Organizational, Job and Personal Predictors of Employee Participation in Training and Development. *Applied Psychology: An International Review*, 42:2, 111-134.

United States Census Bureau. (2014). *State and County Quickfacts* [Data File]. Retrieved from <http://quickfacts.census.gov/qfd/states/49/49035.html>.

Utah Administrative Office of the Courts. (2014). *Juvenile Court Report Card to the Community 2014* (Utah Commission on Criminal and Juvenile Justice Publication No. 11L07). Salt Lake City, UT. Administrative Office of the Courts.

Utah State Courts. (2014). *Juvenile Court Case Filings: FY2014: July 1, 2013 to June 30, 2014*. Retrieved from <http://www.utcourts.gov/stats/files/2014FY/juvenile/0-Statewide.pdf>.

Utah State Courts. (2015). *Map of Courts and Judicial Districts* [Data File]. Retrieved from <http://www.utcourts.gov/directory/directorymap.asp>.

Uusi-Rauva, C. & Nurkka, J.. (2010). Effective Internal Environment-Related Communication: An Employee Perspective. *Corporate Communication International Journal*, 15:3, 299-314.

Voermans, W. (2007). Judicial Transparency Furthering Public Accountability for New Judiciaries. *Utrecht Law Review*, 3, 148-159.

Wang, X. (2008). Generalists, Specialists: Who Get to the Top. *International Journal of Management and Marketing Research*, 1, 99-110.