
CASELOAD HIGHLIGHTS

Volume 11 • Number 2

EXAMINING THE WORK OF STATE COURTS

Examining Court Culture

Court managers and judges have long recognized that culture plays an important role in how courts function. A line of research beginning in the 1970s established the importance of viewing courts from the practitioners' perspectives. The influence of variable judicial and attorney expectations on the time taken to resolve disputes, known as "local legal culture," was believed to be more determinative than differences in case characteristics, resources, or procedures as to why some courts operated more expeditiously than others. The idea of cultural differences has come to be one of the most commonly held notions among researchers and practitioners on what propels courts in particular directions. Simply stated, the norms and beliefs judges and attorneys have on how cases should be resolved shape the way work gets done, which in turn influences performance.

However, when people think of court culture, the concept becomes fuzzy. And for good reason—culture is not something

easy to define with precision. To be relevant for court management, we need to make firm what traditionally has been a loose construct. Once culture is defined and measured, a second goal is to see whether and how different court cultures are associated with performance.

The objective of this *Caseload Highlights* is to demonstrate how the theory and measurement of court culture provides a coherent framework and a concrete basis to describe the ways courts conduct business and how their cultural work orientations are related to variation in performance. The basic idea of culture assessment is illustrated drawing on information from seven courts in Minnesota (Dakota, Hennepin, Kandiyohi, Olmsted, Ramsey, Duluth and Virginia) that agreed to participate in the investigation of court culture in criminal cases as part of a larger National Center for State Courts study.¹

¹The results of the full study, involving courts in California, Florida, and Minnesota, with support from the National Institute of Justice, are covered in a separate report entitled *Understanding Court Culture and Improving Court Performance: New Ideas and New Tools* (NIJ 2000-IJ-CX-0030).

Business school scholars, studying private-sector organizational effectiveness, have developed tools and statistical techniques to measure organizational

leadership and management practices, and the willingness of organizations to challenge themselves and tackle difficult problems.

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culture and to place measured observations within an analytical framework that permits comparisons between the cultures of different organizations. Their research indicates that organizational culture has a significant impact on the attitudes of individuals, hiring and retaining new members, acceptance and learning of new ways of doing things, informal performance norms, communication practices, formal and informal accountability,

We draw upon and adapt to the court environment what appear to be the most workable strategies developed over the last two decades by those scholars. Our analysis tests the basic hypothesis that court performance, as measured by time to disposition and attorney attitudes on other dimensions of performance, varies across court culture type. Based on the positive results of those tests, we argue that culture assessment should become an explicit part of court management and reform efforts.

Court Culture Described and Defined

A classification scheme of court culture is achieved by identifying where practitioners' views fall along two dimensions. One dimension is *Sociability*, the degree to which judges and administrators get along and emphasize the importance of social relations. The second dimension is *Solidarity*, which addresses the degree to which a court has clearly stated and shared goals, mutual interests, and common tasks. Different combinations of views along these two dimensions generate a four-fold typology of cultures as shown in Figure 1. Each culture type is accompanied by a short list of values that distinguish basic differences in how work gets done.

Brief definitions of each cultural type below highlight these distinctions.

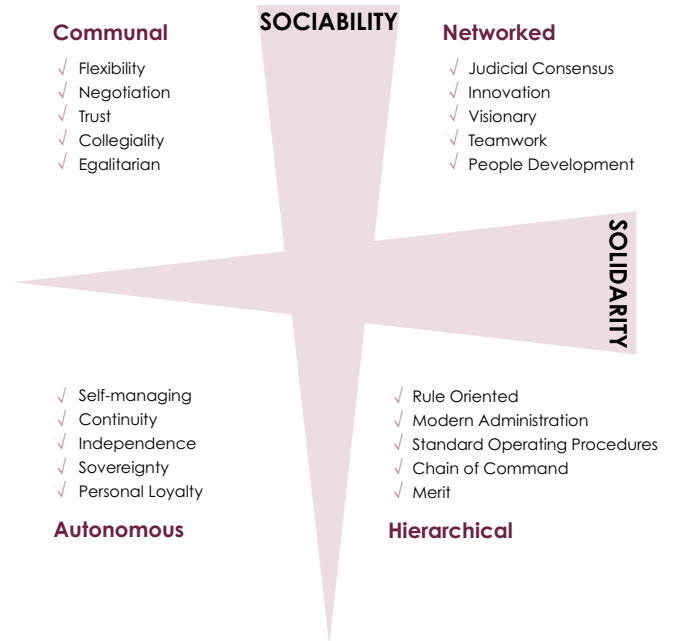
Communal: Judges and administrators emphasize the importance of getting along and acting collectively. Rather than established rules and firm lines of authority, communal courts emphasize importance of group involvement and mutually agreed upon goals. Flexibility is a key to management. Procedures are open to interpretation and creativity is encouraged. The court environment is best managed through teamwork and developing a humane work environment.

Court customers are often viewed as partners when designing court policies and procedures.

Networked: Judges and administrators emphasize creativity and innovation. Efforts to build consensus on court policies and practices extend to involving other justice system partners, groups in the community, and ideas emerging in society. As innovators, these courts will be drawn to incorporate the latest thinking in specialty courts and therapeutic justice. Court leaders speak of courts being accountable for their performance, for the outcomes they achieve, not just the ways and means they use to achieve them. The networked court seeks a complex organizational structure that endeavors to achieve both high solidarity and high sociability in the choice and implementation of management practices.

Autonomous: Judges and administrators emphasize the importance of allowing each judge to conduct business as he or she sees fit. Many judges in this type of court are most comfortable with the traditional adversarial model of dispute resolution. Under this approach, the judge is a relatively passive party who essentially referees investigations carried out

Figure 1: Four Court Culture Types and Their Values



by attorneys. Centralized leadership is inhibited as individual judges exercise latitude on key procedures and policies. Limited discussion and agreement exist on court-wide performance criteria and goals. It is not surprising that caseload management has trouble catching hold in these courts.

Hierarchical: Judges and administrators emphasize the importance of established rules and procedures to meet clearly stated court-wide objectives. These courts seek to achieve the advantages of order and efficiency, which are

deemed essential goals in a world of limited resources and calls for increased accountability. Effective leaders are good coordinators and organizers. The approach is to create a structured decision-making environment through the creation of rules, adoption of court technology, and a monitoring system to assess compliance. Recognized routines and timely information are viewed as mechanisms for reducing uncertainty, confusion, and conflict in how judges and court staff make decisions.

Measuring Culture

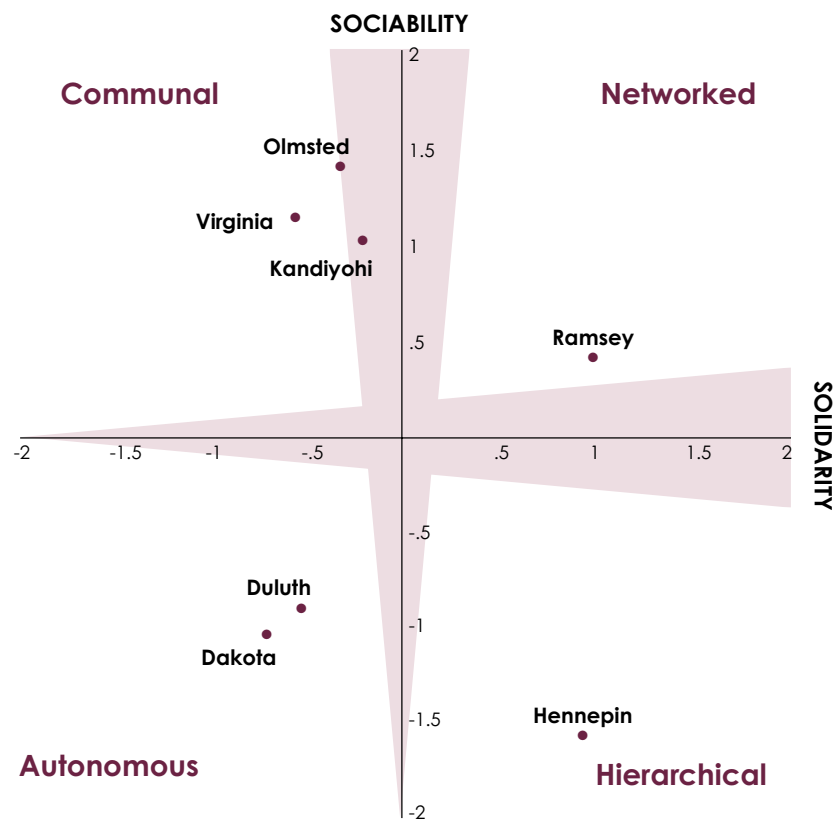
To measure the extent to which the four conceptual cultures correspond to courts in the real world, a Court Culture Assessment Instrument (CCAI) was developed. The CCAI consists of four contrasting statements on how court business gets done in each of the five work areas (case management, change management, judge and staff relations, judicial leadership, internal organization) according to each of the four cultural orientations. Respondents were asked to divide 100 points among the four statements depending on how closely they think each one describes the work area in their court. The more closely a given statement describes the situation, the greater the number of points to be assigned. Additionally, in completing the survey, individuals are asked to formulate two sets of responses: (a) How would

you describe the court as of today? and (b) How would you like the court to be in five years? The former refers to a court's current culture type and the latter as the preferred culture type. All judges with a criminal docket, as well as the senior court administrators in each of the seven courts, were asked to complete the questionnaire.

Applying the statistical technique of multidimensional scaling to the CCAI data, a composite measure of cultural orientation for each of the seven courts was identified. This method allows each court to be located in a two-dimensional culture space, using the two dimensions of Solidarity and Sociability, as shown in Figure 2.

As one can see, the primary cultural emphasis is Communal in Kandiyohi, Olmsted, and Virginia, Autonomous in Dakota and Duluth, Networked in Ramsey, and Hierarchical in Hennepin.

Figure 2: Current Cultural Emphasis



Relating Cultural Differences to Performance

To assess performance we focus on two primary sets of data: (a) median time from first appearance to disposition for a variety of major and minor criminal offenses and (b) survey results from prosecutors and public defenders at selected courts that assess attorney views on procedural fairness, existing resource levels, court management, practitioner competence, and court access.

Courts use time to disposition as a standard outcome measure; we use it here to illustrate one consequence of court culture. The basic hypothesis is: the more courts emphasize Solidarity and deemphasize Sociability, the more timely their case processing. To verify this proposition, the median times from first

Figure 3: Timeliness of Case Processing
(time to disposition, in days)

Case type	Hennepin	Ramsey	Dakota	Duluth	Olmsted	Kandiyohi	Virginia
Misdemeanor	21 ▲	42 ▲	52 ▲	84	96	87	66
Misdemeanor - DWI	28 ▲	33	43	41	156	22 ▲	26 ▲
Gross Misdemeanor - DWI	25 ▲	36 ▲	51	76	53	53	44 ▲
Gross Misdemeanor	29 ▲	42 ▲	54	69	52	89	49 ▲
Serious Felony	126 ▲	132 ▲	181	178	228	190	142 ▲
Felony	60 ▲	88 ▲	78 ▲	98	173	111	98

Culture Type	Hierarchical	Networked	Autonomous	Autonomous	Communal	Communal	Communal
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▲ = the three fastest disposition times for each case type

appearance to disposition for six felony and misdemeanor case types are displayed in Figure 3, with a triangle symbol used to indicate the three fastest times for each case type.

In terms of median time to disposition, Hennepin and Ramsey are the fastest courts in the state and among the fastest in the US. As hypothesized, these are also the two courts that are furthest

out on the solidarity dimension, indicating the strong enforcement of case processing timelines. In fact, the results conform to the expectation that timeliness will be achieved most closely in the following ascending order of court cultures: Communal, Autonomous, Networked, and Hierarchical.

Additionally, we surveyed prosecuting attorneys and public defenders

in the participating jurisdictions on a variety of court-related issues. We asked them to provide opinions on how strongly they agreed or disagreed with a set of statements designed to probe different aspects of court operations and performance. Figure 4 summarizes results related to the efficiency and quality of case management. To clarify patterns among courts, symbols are used to indicate the three courts

Figure 4: Attorney Views on Court Practices and Performance

Statements	Hennepin		Ramsey		Dakota		Duluth		Olmsted		Kandiyohi	
	PD	DA	PD	DA	PD	DA	PD	DA	PD	DA	PD	DA
There are clear goals in this jurisdiction for how long it should take to dispose of felony cases.	▲	▲	▲	▲			▲		▲			
The court adequately monitors the progress of felony cases in this jurisdiction.	▲	▲		▲	▲	▲					▲	
Multiple trial date continuances are NOT routinely granted by judges in felony cases.	▲	▲	▲	▲			▲					▲
The amount of time judges give to cases is proportional to the amount of time the cases merit.			▲	▲	▲		▲	▲				▲
The court is able to process cases efficiently without sacrificing equity and justice.					▲	▲	▲	▲	▲			▲
Effective judicial leadership is one of the strengths of the criminal justice system in this jurisdiction.				▲	▲	▲	▲	▲	▲			
Court proceedings are easy to understand and follow.					▲	▲	▲	▲	▲	▲		

Culture Type	Hierarchical	Networked	Autonomous	Autonomous	Communal	Communal
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▲ = the three highest responses for Public Defenders

▲ = the three highest responses for District Attorneys

Note: Virginia is not shown due to a low number of responses.

with the highest levels of agreement among attorneys for each statement. Our goal at this stage is to note associations and relationships between court culture emphases and attorney perspectives on court operations. A basic expectation is that courts emphasizing solidarity will be viewed most positively on caseflow management whereas other court cultures will be viewed most positively on other aspects of performance.

The first three questions ask for attorney opinion on three basic aspects of caseflow management: clear

case processing time goals, active monitoring of cases by the court, and limits on trial date continuances. As we can see, the strength of agreement among public defenders and district attorneys regarding these caseflow practices is strongest in Hennepin and Ramsey—the two courts with the highest solidarity scores. Court values and expectations in this area are understood and internalized in the work of prosecutors and public defenders. Judges and administrators in these two counties have made timely case process-

ing a priority, articulated expectations to the criminal bar, and monitor and enforce the rules.

The remaining four questions get more at attorney views on the effectiveness of each court’s caseflow management practices in achieving fair and equitable resolution of criminal cases.

As seen in Figure 4, greater attorney agreement exists in the Autonomous courts of Dakota and Duluth, and to some extent, in the Communal court of Olmsted, with respect to statements about

1) proportionality; 2) efficient case processing that does not sacrifice equity and justice; 3) effectiveness of judicial leadership; and 4) clarity of court proceedings.

Attorneys recognize when judges take control of the pace of litigation in Hierarchical and Networked courts. However, attorneys believe that these courts, with their cultural emphasis on solidarity, trade off equity and justice for efficiency. Conversely, attorneys believe that Communal and Autonomous courts, which deemphasize solidarity, trade off efficiency for equity and justice.

Changing Culture

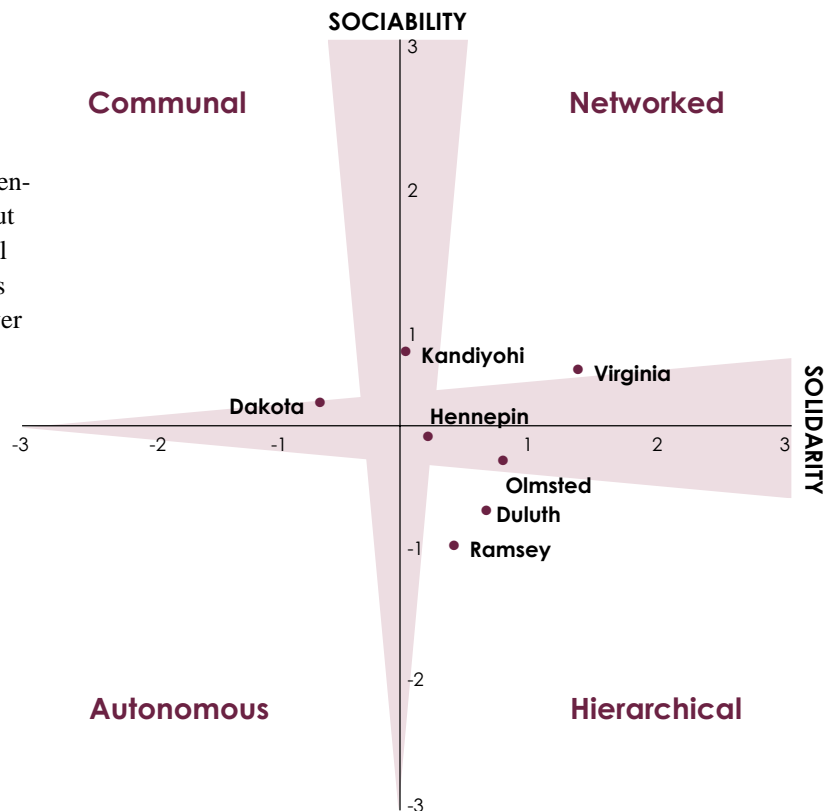
Beyond clarifying current practice, the Court Culture Assessment Instrument can be used for planning and managing change. We asked the individual courts to determine where they would like to be in five years. Figure 5 shows the overall responses of the courts.

As one can see by comparing Figure 5 to Figure 2, with the exception of Hennepin, all of the courts would like to change their cultural type. The dominant trend among the courts is an interest in increasing overall solidarity, moving toward the Networked or Hierarchical culture type. Dakota and Hennepin would also like to increase the overall level of

sociability within their court culture.

Based on the results from the Court Culture Assessment Instrument, it is possible to draw some general conclusions about the directions judicial leaders and managers would like to take over the next few years.

Figure 5: Preferred Cultural Emphasis



Conclusion

Both judges and attorneys know court culture when they see it. Judges' views on how they conduct court business are distinguishable and classifiable in terms of four measurable categories. Similarly, attorneys recognize whether those distinctions make a difference in how cases are handled in courtrooms where they appear. Courts exuding solidarity are viewed as being most effective in resolving cases in a controlled, coor-

minated, and timely manner, while courts emphasizing sociability are rated more positively in resolving cases without sacrificing quality, following the norm of proportionality, and exercising effective leadership.

Looking to the future, many courts are likely to move toward a different culture than they have today. The most likely development will be a substantial reduction in instances of what we call an Autono-

mous culture. Few courts are apt to be maximizing judicial discretion and a lack of courtwide goals at the end of this decade; more typical will be movement toward increasing the aspects of Networked and Hierarchical cultures.

These developments signal changing times for chief judges and managers. They will be presiding over an institution whose members desire substantial modifications in how courts ful-

fill their responsibilities. However, without a vocabulary and set of tools to distinguish fundamental types of cultures, court leaders and managers likely will continue to struggle in designing and adapting innovations to achieve timeliness and enhance quality of case resolution. Assessing organizational culture can help courts know where they are today and what direction they wish to chart for the future.

The Court Statistics Project (CSP)

In existence since 1975, the CSP is administered by the National Center for State Courts, with generous support by the Bureau of Justice Statistics. The CSP receives general policy direction from the Conference of State Court Administrators through its Court Statistics Project Advisory

Committee. Those wishing a more comprehensive review and analysis of the business of state trial and appellate courts are invited to go to www.ncsconline.org and click on the link to the Court Statistics Project.



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