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MASAQ Rule of Law Project

Contractor: DPK Consulting

Contract: Improved Rule of Law Program in Jordan

DFD-I-00-03-00 | 41-00 Anti-Corruption

Court Administrator Training

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November 2007

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**Improved Rule of Law Program in
Jordan
Court Administrator Training**



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1. **Executive Summary**

The Jordanian Ministry of Justice (MOJ) created a position called “court administrator” to assist the Chief Judges in the 15 largest courts to perform their administrative duties and to develop a professional cadre of court managers. One court administrator was appointed in July 2007 and the remaining 14 administrators were expected to be appointed in December 2007 or early 2008. MASAQ and the European Union program, know as PRGECO, were requested to independently develop a training plan for the court administrators.

In November 2007, MASAQ contracted with a court administrator from the United States to develop the training plan. Upon arrival in Jordan, the consultant learned that PRGECO already completed a plan, submitted it to the MOJ, received approval to proceed, and began the process to hire local trainers.

MASAQ determined that providing court administrator training before the end of the project in August 2008 was severely limited due to the implementation of the PRGECO program. Therefore, the consultant provided feedback to PRGECO regarding their program, considered complimentary training programs and made recommendations for future court administrator training if USAID funds a new MASAQ project after August 2008. In addition to the recommendations made to PRGECO, one short-term and four long-term recommendations were made:

- A. Short Term Recommendation
 - A. Sponsor Selected Judges and Court Staff to Take the Michigan State University On-Line Courses in Court Management
- B. Long Term Recommendations
 - A. Assist the Jordanian Judiciary to Establish Guidelines for Court Managers and Court Management
 - B. Facilitate the Implementation of Selected Court Management Policies and Procedures
 - C. Design a Court Administrator Training Program Based on NACM’s Core Competencies and Locally Adopted Procedures
 - D. Facilitate the Development of a Court Management Association and Code of Conduct

2. **Background Information**

The Jordanian Ministry of Justice (MOJ) has created a position called “court administrator” to assist the Chief Judges in the 15 largest courts to perform their administrative duties and to develop a professional cadre of court managers. A job description was developed (see Attachment A) and an advertisement was published in January 2007.

After an eight month application, exam and interview period a single court administrator was hired on August 19, 2007. Under the direction of the Chief Judge, the administrator will manage the Conciliation Court, First Instance Court, Execution Department and the Notary Public at the Amman Palace of Justice. A second advertisement, round of exams and interviews were scheduled for completion in December 2007 to fill the remaining 14 vacancies.

In November 2007, MASAQ contracted with a court administrator from the United States to develop a training plan for the new court administrators. At that time, MASAQ was informed by the MOJ that the European Union program, know as PRGECO, was also developing a training plan. MASAQ agreed to collaborate with PRGECO on the project.

During their first meeting, MASAQ learned that PRGECO had already presented a two phase training plan to the MOJ. Phase One consisted of 13 general management courses (see Attachment B) such as time management, budgeting, human resources and effective communication. These courses were intended as a “qualifying” step in the appointment process. In other words, after the initial exam and interview, each candidate would participate in the qualifying training for further assessment. Candidates whose skills were deemed appropriate would receive an appointment and advance to Phase Two consisting of job specific training. PRGECO informed MASAQ that this training plan was endorsed by the MOJ.

During their second meeting, MASAQ provided feedback about the plan and the court administrator job description (see comments below). At that time, PRGECO announced that, one day earlier, they supplied their plan to four local vendors asking them to develop a delivery plan and present a bid before December 15, 2007. Because the PRGECO training plan was developed, accepted and put out for bid, MASAQ considered if a complementary program could be created focusing on the National Association for Court Management (NACM) core competencies for court administrators.

First, MASAQ considered if Mr. Faisal Al-Shalabi, the Amman court administrator, would benefit from taking the Michigan State University on-line courses in the NACM core competencies (see <http://www.judicialadministration.com>). These self-paced courses cost \$60 each and would provide a foundation of what a manger needs to know to succeed in the court. MASAQ decided Mr. Faisal Al-Shalabi would benefit from taking selected courses (see Section 5).

Second, MASAQ considered if any of the on-line courses could be modified for the Jordanian courts to compliment the 13 courses provided by PRGECO. MASAQ decided that providing courses simultaneously with PRGECO would not add any value and that time constraints made this objective unfeasible.

MASAQ determined that in light of PRGECO's plan, making a contribution to the existing PRGECO training program before August 2008 is unrealistic. Alternatively, developing a comprehensive program in a follow-on project (MASAQ II), if approved by USAID, would create the most valuable contribution.

Finally, MASAQ determined they could add value by providing comments to PRGECO to enhance their training program. The consultant's comments to PRGECO and additional recommendations are found below.

3. Court Administrator Job Description

PRGECO, in conjunction with the MOJ, created a court administrator job description (see Attachment A) and defined the essential duties as follows (direct translation from Arabic):

- Assist and work under the supervision of the chief justice of the court on planning, coordinating and supervising the court's day-to-day administrative operations;
- Conduct ongoing studies to determine and identify needs, organization, systems and procedures to increase the effectiveness of court administration;
- Secure administrative and logistic support to judges and to court circuits;
- Carry out new court automated systems and other aspects of court technology as they relate to and affect court operations;
- Develop, recommend and administer the annual budgets for the court;
- Provide on-job-training to court staff and monitor & evaluate court staff and operations performance; and
- Report findings and recommend implementation methodologies.

The following suggestions were presented to PRGECO regarding the job description:

- A. **Introduction.** Include a statement in the introduction about the core mission of the court, the major objectives of the position, who appoints the position and the status of the position in the management hierarchy. For example:

“The core of the court’s mission is the prompt and fair administration of justice and service to the citizens of Jordan. The Court Administrator will be involved in implementing objectives to achieve the court’s mission and values, managing the court’s budget and maintaining fiscal accountability, policy development and administration, facilities management, procurement, community relations and outreach. The court administrator is appointed by the MOJ and reports directly to the chief judge. The court administrator is the highest non-judicial position in the court.”

- B. Essential Duties and Responsibilities.** MASAQ presented 12 recommendations to PRGECO to enhance their section on essential duties.
1. **Strategic Planning.** Develops long-range goals and objectives to improve court operations;
 2. **Personnel.** Recruits, trains and supervises non-judicial court personnel. Administers personnel policies and procedures as applicable to non-judicial employees;
 3. **Court Liaison.** Serves as liaison between the Chief Judge, the MOJ, local bar associations, local government offices and the public;
 4. **Public Information.** Serves as the representative of the court in non-policy public information programs, press releases, and other related media events;
 5. **Legislation/Rules/Mandates.** Monitors current, newly adopted, and proposed legislation that may affect the courts. Interprets and executes statutory mandates, rules of court and judicial polices and procedures;
 6. **Technology.** Administers the development and implementation of the case management system (MIZAN) and other court technology;
 7. **Policies and Procedures.** Implements organizational policies, procedures and goals for the court. Advises judges, lawyers, staff and the public on administrative polices and procedures;
 8. **Best Practices.** Organizes and staffs committees and initiates opportunities to identify and share best practices and “lessons learned” through ongoing communication and collaboration. Collaborates with other senior managers in formulating Kingdom-wide strategic initiatives for system improvements and in assessing proposed uniform policies and procedures on a broad range of court management matters;
 9. **Accountability.** Promotes accountability, recognizes and rewards staff achievement, and actively pursues constructive give-and-take working relationships across all levels of the organization;
 10. **Records.** Maintains the official records of the court;
 11. **Facilities Management.** Manages court facilities; and
 12. **Court Programs.** Manages a variety of court programs including mediation, case management, court reporting and court interpreters.

- C. **Supervisory Responsibilities.** MASAQ recommended that the section on supervisory duties should be separated from the section on essential duties and responsibilities to emphasize this task. In addition, a statement identifying who the court administrator directly supervises should be included. An example of a general statement with reference to the reporting structure can be found below.

“Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems. Directly supervises the Chief Diwan.”

4. PRGECO’s Training Curriculum

PRGECO developed a two phase training curriculum. Phase One consisted of 13 general management courses (see Attachment B) such as time management, budgeting, human resources and effective communication. These courses were intended as a “qualifying” step in the appointment process. Candidates who attend this training, and whose skills are deemed appropriate, will advance to Phase Two consisting of job specific training.

The following comments were provided to PRGECO regarding the training curriculum:

- A. Replace the general management courses with court-specific courses based on the National Association for Court Management’s (NACM) core competencies for presiding and supervising judges, court managers and court administrative staff (see Attachment C). The core competencies focus on basic managerial skills in a court context and include the following (see Figure 1):

- Purposes and Responsibilities of Courts
- Caseflow Management
- Leadership
- Visioning & Strategic Planning
- Essential Components
- Court Community Communication
- Resources, Budget and Finance
- Human Resources Management
- Education, Training, and Development
- Information Technology Management

Each core competency presents basic, advanced and cutting-edge Knowledge, Skills and Abilities (KSAs) in three steps:

- Introduction: What This Core Competency Is and Why It Is Important;
- Curriculum Guidelines Summary: What Court Managers Should Know and Be Able To Do; and
- Curriculum Guidelines: For each Core Competency, required Knowledge, Skills and Abilities are organized in five to eight Curriculum Guidelines.

Figure 1



- B. Include the NACM Model Code of Conduct for Court Professionals in the curriculum (see Attachment D). The preamble of the Code defines its importance:

“Service to the judicial branch is a public trust. The foundation of our society rests, in part, on the ability of the citizens to wisely judge the value of our courts and to acknowledge the integrity of the judiciary as a co-equal branch of our government. Court professionals, who work for the judicial branch and are faithful to these values, must be accountable to that trust. This code is therefore a personal and professional pledge to that trust and to those values.”

The Code includes three canons:

1. Avoiding impropriety and the appearance of impropriety in all activities;
2. Performing the duties of position impartially and diligently; and
3. Conducting outside activities to minimize the risk of conflict with one’s official position.

C. Modify the knowledge, skills and abilities (KSAs) defined in the NACM core competencies for the Jordanian Judiciary and include the KSA's in the courses designed by PRGECO. For example, in the section called Purposes and Responsibilities of Courts, in the Rule of Law subsection some of the KSAs include:

- Knowledge of the concept of the rule of law, growth of the legal system, the adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice;
- Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice;
- Knowledge of the processes by which the law is developed;

See Attachment D for the KSA's related to the Purposes and Responsibilities of Courts.

5. **Short Term Recommendation**

In addition to the recommendations made to PRGECO regarding the program they developed, a short term recommendation can be made.

A. **Sponsor Selected Judges, Mr. Faisal Al-Shalabi and other Court Staff to Take the Michigan State University On-Line Courses in Court Management**

Michigan State University has developed comprehensive courses based on NACM's core competencies. These self-paced courses cost between \$60-\$70 each and provide the foundation of what every court manager needs to know to succeed. These courses would be particularly beneficial to the judges participating in the USA based English-skills training program; Mr. Faisal Al-Shalabi, the Amman court administrator; and other court administrators as they are hired.

It is recommended that the courses be taken in the following order:

- 1) Purposes and Responsibilities of Courts
- 2) Leadership
- 3) Information Technology Management
- 4) Visioning & Strategic Planning
- 5) Court Community Communication
- 6) Human Resources Management
- 7) Education, Training, and Development
- 8) Resources, Budget and Finance
- 9) Caseload Management
- 10) Essential Components

6. Long Term Recommendations

Training judges, court administrators and staff will continue to play an important role in the development of Jordan's judiciary. However, training alone will not suffice. The judiciary needs to make critical short-term and long-term plans regarding how cases and courts will be managed. USAID can develop a program which can improve both court manager competence and the judiciary's performance. However, to be a success, the theoretical concepts must be discussed, designed for the Jordanian judiciary and put into action. Training should be the last step after the Judiciary agrees on how the courts should be managed. To achieve this goal a broader commitment is necessary. Achieving these objectives can produce many outcomes:

- Improved transparency;
- Positive shift Public attitudes;
- Judges, court administrators and staff become partners in change;
- Court processes improve;
- Corruption is minimized; and
- Improved strategic planing.

The recommendations outlined below are outside of the scope of the current MASAQ project. In addition, the MOJ has not appointed the remaining 14 court administrators. Therefore, USAID should consider the following recommendations for a new program if one is developed after August 2008. In addition, it is a prerequisite for these MOJ to appoint the remaining 14 court administrators and for those administrators to gain some knowledge before the development of a training program.

A. **Recommendation 1: Assist the Jordanian Judiciary to Establish Guidelines for Court Managers and Court Management**

The guidelines should focus on NACM's core competencies, including:

- Purposes and Responsibilities of Courts
- Caseflow Management
- Leadership
- Visioning & Strategic Planning
- Essential Components
- Court Community Communication
- Resources, Budget and Finance
- Human Resources Management
- Education, Training, and Development
- Information Technology Management

This objective can be achieved by designing a series of workshops where the core competencies are presented to facilitate discussion about management issues. USAID can facilitate these workshops and guide the judiciary in the decision making process.

B. Recommendation 2: Facilitate the Implementation of Selected Court Management Policies and Procedures

Agreeing on how the courts will be managed based on theoretical discussions cannot succeed without testing their applicability in real, day-to-day situations. For example, the judiciary has not discussed the various leadership models that might be adopted by the chief judge and the court administrator (or between the court administrator and court staff). Numerous models exist ranging from superior/subordinate to partnership. Local court practices, the legal culture, societal attitudes, leadership and commitment all play a role in what methods will succeed. Therefore, the concepts must be put into action as pilot initiatives before system wide implementation.

USAID can facilitate this process by providing support and input from court management experts. This is a labor, not equipment intensive process although complimentary equipment and software such as MIZAN (the court's case management system) can play an important role.

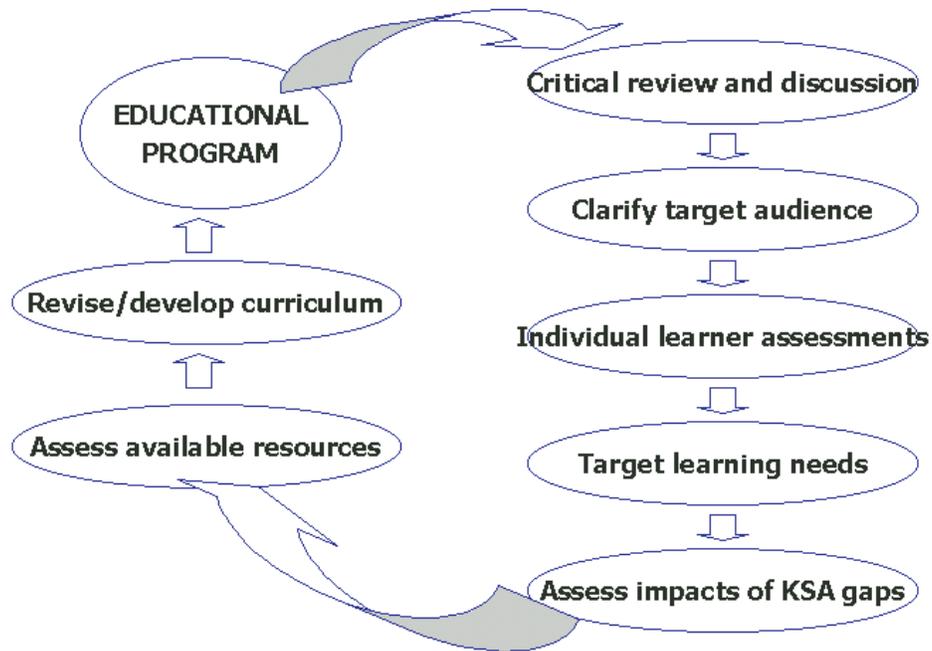
C. Recommendation 3: Design a Court Administrator Training Program Based on NACM's Core Competencies and Locally Adopted Procedures

USAID can assist in the development of a training program using local trainers. The core competencies developed by NACM (see section 4 above) were designed to provide a structure for curriculum development to provide court training. NACM has developed an educational cycle that begins with critical review and discussion among court managers. NACM States:

“The court manager audience and their learner needs (based on the KSAs) can be defined, using the structure of the Core Competencies. Specific learner needs can then be targeted and prioritized to mesh with system-wide, organizational goals and impacts and become the organization's immediate educational curriculum... Once assessment has been completed, courts and professional organizations must determine available resources, both financial and educational. Curricula are then formulated and refined to initiate needed education and training.”

NACM's approach is illustrated in Figure 2 below.

Figure 2



D. Recommendation 4: Facilitate the Development of a Local Court Management Association and Code of Conduct

USAID can facilitate the development of an organization of court management professionals dedicated to the improvement of courts and the development of court managers.



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NACM, in their strategic plan (<http://www.nacmnet.org/Procedures%20Manual/03-NACM%20Strategic%20Plan-Adopted%20July%202002.pdf>), outline six goals of the association:

NACM Organizational Goals	
Goal	Description
1	Develop and improve leadership in all courts through professional development opportunities
2	Promote the interdependence of court executive teams to achieve independence and public accountability of courts
3	Recognize the diversity of NACM’s membership and encourage fellowship, networking, and a sense of unity through participation in the NACM board and other governance activities
4	Increase public trust and confidence while enhancing access to courts through community education and interaction
5	Enhance and improve NACM’s communications media and activities
6	Enhance NACM’s organizational vitality through a continuing review process and a focus on the future of the courts

Creating community of court professionals and providing a forum to discuss their goals would help promote court management as a profession in Jordan. The association should adopt goals and a code of conduct. See Attachment E for NACM Model Code of Conduct for Court Professionals.

Attachment A

**Court Administrator Job Description
Developed by PRGECO**

COURT ADMINISTRATOR JOB DESCRIPTION

Introduction

As a part of its newly developed Strategic Plan, the Ministry of Justice "MOJ" is adopting and introducing modern Administrative Systems to its Courts. Accordingly, it becomes strongly needed to establish a new position in Courts titled "Court Administrator" to carry out specific duties and responsibilities developed for such job.

Essential and Supervisory Duties & Responsibilities

Include the following, but not limited to:

1. Assist and work under the supervision of the Chief Justice of the Court on planning, coordinating and supervising the Court's day-to-day Administrative Operations;
2. Conduct ongoing studies to determine and identify needs, organization, systems and procedures to increase the effectiveness of Court Administration;
3. Secure Administrative and logistic support to Judges and to Court Circuits;
4. Carry out new Court Automated systems and other aspects of Court Technology as they relate to and affect Court Operations;
5. Develop, Recommend and Administer the annual Budgets for the Court ;
6. Provide On-Job-Training to Court Staff and Monitor & Evaluate Court Staff and Operations Performance; and
7. Report findings and Recommend implementation methodologies.

EDUCATION and EXPERIENCE

1. Master Degree in Business Administration, OR in Management Information Systems(MIS), OR in Law; PLUS a minimum of five years experience in a Private or Public Sector supervisory position in Strategic Planning; Human Resources, Financial & Administrative Management AND Budgeting.
OR
2. A first University degree in same specialities, PLUS a minimum of ten years of experience in the above-described fields.

Any relevant training courses previously achieved in the above mentioned areas or any previous experience in managing Court Financial and Administrative affairs would be an asset.

Knowledge

1. Mastering English language with good reading, writing and conversation abilities
2. Good knowledge of current Courts and judicial systems.

Preference will be given to those who are knowledgeable about Case management procedures, the prevailing Legal Framework in the Kingdom and Judicial and Legal Terms.

Skills

1. Reports preparation and presentation.
2. Computer literacy.
3. Professional Communications.
4. Leadership and Delegation.
5. Work under Stress.

Attachment B

**PRGECO's Outline of Proposed Training Project
for Empowering New Chief Court
Administration and Directors**

Outline of Proposed Training Project for Empowering New Chief Court Administration and Directors

General Objective

The project aims at providing chief court administration and those in the same level with knowledge, skills and new work attitudes that are necessary and in conformity with performance criteria of best valid attitudes in developed countries courts. This in turns ensure that they do their work completely and professionally.

Target Audience

Candidates for the position of chief court administration, administrative managers and those on their level working as legal researchers and/or diwan heads.

Performance Objectives

At the end of the project, the participants will be able to:

1. Completely understand the organizational structure, describe main responsibilities of administrative units in the ministry and court in order to be acquainted with job relations map between the ministry and courts from one side and the relation between administrative units from the other.
2. Periodically revise the organizational structure and suggest modifications regarding the structure and main job description of administrative units in coordination with related parties.
3. Employ the concept and applications of strategic thinking for the purposes of making a draft strategic plan in coordination with all related parties.
4. Prepare, implement and follow up the plan of managing and developing human resources at courts by assessing training needs, controlling the development of individuals and administrative unit's performance rates and evaluate their works.
5. Prepare plan to provide all necessary requirements, materials, applications and supervise the best usage of it to ensure the sustainability of daily work without any obstacles.
6. Implement and supervise the application of the methods of simplification and improvement of work procedures according to quality management criteria for the purposes of raising performance level.
7. Prepare an annual estimated budget project in accordance with valid audit and financial regulations and follow up implementing approved budget.
8. Supervise the daily work of administrative employees and ensure doing the work according to financial and administrative work procedures.
9. Employ the skills of time management, effective communication, work under pressure, leadership and authorization, and give a good model while dealing with customers and service receivers inside and outside the court.
10. Train heads of departments.
11. Apply the concepts and tools of enhancing and encouraging creativity.
12. Formulate and present periodical and annual reports and statistics.

Propose Training Outline

1. This proposed training project consists of different training courses, seminars and workshops in a row. Each aims at providing participants with a specific kind of knowledge and skills as mentioned in performance objective mentioned before.
2. Each training outline is designed to include a specific number of training topics that achieve the targeted performance objectives. Subjects, training days and hours, methods of training (knowledge, skills, attitudes), criteria and results of the evaluation of trainees, trainers and the whole course.
3. Consider the logical order of the training courses for the purposes of acquired experience and build upon it that will achieve the integrity of knowledge, skills and attitudes at the end of the project.
4. The following table shows the proposed training outline:

Num.	Subject	Kind	Duration in days	# of hours	# of performance objectives	Notes
1.	Guiding program	Seminar	3	12	1&2	
2.	Strategic thinking	Workshop	4	16	3	
3.	Skills of preparing, developing, implementing and following up successful work plans	Course workshop	5	20	4 & 5	1)the plan of training and developing human resources 2)plan of providing necessary materials
4.	Simplification of work procedures according to the criteria of total quality management	Course workshop	4	16	6	
5.	Preparing estimated budgets for non auditors	Course workshop	3	12	5&7	
6.	Work under pressure	Course workshop	3	12	8&9	
7.	Time management	Workshop	3	12	8&9	
8.	Effective communication skills	Workshop	3	12	8&9	
9.	Leadership and authorization	Course workshop	3	12	8&9	
10.	Court customer service	Workshop	3	12	8&9	
11.	New methods for evaluating units and individuals performance	Course workshop	5	20	8&9	
12.	On job training skills	Course workshop	3	12	10	
13.	Methods of enhancing and encouraging creativity	Course workshop	4	16	11	
	Total	13	46	184		

5. This table can be concluded in the following main points:
 - Number of training courses/ workshops. Seminars: 13
 - Total training days: 46 days
 - Total training hours: 184.
 - Expected time to end the project: 13 weeks.
6. Implementation Methods:
 - It is recommended to exchange implementing the thirteen activities in a row with weekly returning back to work in the court to let participants employ some of the

knowledge and skills acquainted from the training in their works and return back to training with a feedback for discussion.

- Participants must be committed to attend the whole training and pass it successfully.
- The evaluation of participants in every training activity must include the main three components of training:
 - Knowledge evaluation: 30%
 - Skills evaluation: 60%
 - Attitudes evaluation: 10%
 - Total evaluation: 100%
- The training results for participants in every activity must be gathered as the final result is taken from the average results of every participant so as to order priorities in the final graduation list.

7. Parties Of Implementation:

- It is suggested that the ministry and experts of the project are responsible about implementing the training activity number 1 (the steering program)
- Inviting training institutions which have the experience in working with the ministry to provide their technical and financial offers for every activity or for the whole project then to chose the most qualified and economic.
- The ministry or the project can give the responsibility of implementing the whole training to the most qualified institutions or classify the activities to more than one institution based on offers results.

Attachment C

NACM's Core Competencies

What Every Court Leader Should Know and Be Able To Do

I. Purposes and Responsibilities Of Courts

Purposes and Responsibilities of Courts are the epicenter of the NACM Core Competencies. Purposes and Responsibilities of Courts provide the reason, the root, and the foundation for the other nine Core Competencies. Purposes gives legitimacy to the exercise of Leadership, informs Visioning and Strategic Planning, and orients the practice of Caseflow Management and the other six more technical competencies.

II. Caseflow Management

Caseflow Management is the process by which courts carry out their primary function: moving cases from filing to closure. This includes all pre-trial events, trials, and increasingly, events that follow closure to ensure the integrity of court orders and timely completion of post-disposition case activity. Effective caseflow management makes justice possible not only in individual cases, but also across judicial systems and courts, both trial and appellate. Caseflow Management helps ensure that every litigant receives procedural due process and equal protection. Properly understood, Caseflow Management is the absolute heart of court management.

III. Leadership

Leadership is the energy behind every court system and court accomplishment. Fortunately, and contrary to some received wisdom, leadership is not a mysterious act of grace. Effective leadership is observable and, to a significant extent, learnable. Academic debate about the difference between leadership and management has resulted in consensus that a difference exists, which is **not** a matter of “better” or “worse.” Both are necessary “systems of action.” In the memorable words of Warren Bennis: “Managers do things right. Leaders do the right things.”

IV. Visioning & Strategic Planning

Visions are holistic, inspirational future snapshots. They look forward and reach back to core values: the ends of justice and service and the means of judicial independence, substantive and procedural due process, equal protection, access, and the fair and efficient application of the law to the facts. Visioning invites court leaders, their justice partners, and the community, first to imagine and then to deliver the future they prefer. Strategic planning is a process -- involving principles, methods and tools--to help court leaders decide what to do and how and when to do it. Strategic planning translates vision into plans and action.

V. Essential Components

Courts and judges do not just consider evidence provided by the parties, rule on motions, and decide cases on the merits. Increasingly, information is provided to the court by programs annexed to the court or the case rather than by the parties to litigation. Courts must deliver and use this information as well as manage other Essential Components, which range from the relatively mundane such as court security, courtrooms, clerks, and reporters, to the sophisticated such as child custody evaluations, legal research staff, and indigent defense. These and other services, programs, and infrastructure not dealt with by the other Core Competencies constitute the court’s Essential Components. Effective court leaders understand the court’s Essential Components and, regardless of who has formal authority over them, work to ensure they are well managed.

VI. Court Community Communication

If the courts are to be accessible, open, responsive, affordable, timely, and understandable, courts must learn from and educate the public. To interact effectively with their many publics, court leaders must understand the media and its impact on the public's understanding of and satisfaction with the courts. Understandable courts, skillful community outreach, and informed public information improve court performance and enhance public trust and confidence in the judiciary

VII. Resources, Budget And Finance

The allocation, acquisition, and management of the court's budget impacts every court operation and, arguably, determines how well, and even whether, courts achieve their mission in the American political system. Resources are rarely sufficient to fund everything of value the courts or any other organization might undertake. When resource allocation and resource acquisition are skillful, courts preserve their independence, ensure their accountability, both internally and externally, improve their performance, and build and maintain public trust and confidence.

VIII. Human Resources Management

Courts need good people, people who are competent, up-to-date, professional, ethical, and committed. Effective Human Resources Management not only enables performance but also increases morale, employee perceptions of fairness, and self-worth. People who work in the courts are special. Their jobs and the work of the courts are not too small for the human spirit. With proper leadership, court Human Resources Management contributes to meaning and pride over and beyond the reward of a paycheck. Excellent Human Resources Management is unlikely in an otherwise mediocre court.

IX. Education, Training, and Development

Education, Training, and Development help courts improve court and justice system performance and achieve their desired future. Education, Training, and Development programs are aimed at judges, court staff --especially those in and aspiring to leadership position -- as well as others on whom the court depends, both inside and outside the courts. Thus, the term judicial branch education, as opposed to judicial education. Because judicial branch education helps actuate all other competencies and helps courts maintain balance between the forces of change and enduring principles, effective court leaders take responsibility for it. It is not merely remedial and limited to training. Rather, judicial branch education is strategic and involves Education, Training, and Development.

X. Information Technology Management

While it is decidedly not an end unto itself, Information Technology can help all courts do what they do faster, cheaper, and better. Computerization allows courts to dispense justice in the face of increased expectations of efficient and instant service; significant changes in people's mobility and the social, political, and economic environment; and increased caseload volume and complexity. Court leaders who effectively manage Information Technology know its limitations and the challenges it presents. They also know if its promise is realized, Information Technology can improve court and justice system operations, public access to the courts, and the quality of justice.

Attachment D

**NACM Core Competency
Purposes and Responsibilities of Courts**

Purposes and Responsibilities of Courts

INTRODUCTION: What This Core Competency Is and Why It Is Important

While the Purposes and Responsibilities of Courts Core Competency requires knowledge of and reflection upon theoretic concepts, their history and development over time, this competency is practical. The Purposes and Responsibilities Competency gives meaning to, in fact properly grounds, day-to-day judicial administration and the other nine Core Competencies. Absent knowledge of the judiciary's enduring purposes and continuing responsibilities, court leaders, both judicial and managerial, can lose their way as they and their court drift among seemingly unrelated issues and demands.

The need for an **impartial** and **independent** judiciary is rooted in the human condition. Life is not or does not always seem to be fair. Neither individuals, corporations, their officers, nor the government always do the right, or even the legally correct, thing. Even when they play by the rules, or honestly think they do, there are conflicts and disagreements about legal obligations, rights, and wrongs. When cases are moved from filing to disposition in such a way to ensure, among other court purposes, individual justice in individual cases and the appearance of individual justice in individual cases -- consistency and predictability in the application of law and procedural rules -- courts resolve ever present private and public conflicts.

Achieving independence and impartiality is, therefore, as complicated as society and as simple as legally right and legally wrong. Pushes and pulls flow from the requirements of the adversarial process balanced against the strength of informal, consensual dispute resolution. Courts reinforce the authority of the state and the legitimate use of force and protect individuals against the arbitrary use of governmental power. The tension between individual freedom and social order is perpetual. First rate court leaders understand there is almost never one truth or one best way to proceed. They thrive on ambiguity and opposite but true mandates. Accomplished judicial administration is an uncanny marriage of incompatibles, a fusion of contradictions.

Court leaders respect the other branches and their leaders because, in our compound republic, each of the branches is necessary in and of itself and acts as a check and balance on the other branches and their leaders. In the words of Madison in *Federalist 10*, "If men were angels, no government would be necessary." And, in a limited government of laws rather than men, Hamilton, in *Federalist 78*, agrees with Montesquieu: "there is no liberty if the power of judging be not separated from the legislative and executive powers."

Purposes and Responsibilities of Courts should never be confused with efficiency or even the constitutional means of the separation of powers, judicial independence, and the inherent powers of the courts. Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection, and to ensure due process of law. They exist so that the equality of individuals and the government is reality rather than empty rhetoric.

Efficient and even effective judicial administration is not an end unto itself. Courts do not exist so that court leaders, either judicial or civilian, can manage them. Rather, courts must be managed well so that judges and others acting in their stead and in their shadows can do justice.

Effective court leaders have a passion for justice and courts as institutions. Whether or not they are formally trained in the law, competent court leaders understand the legal, constitutional, and historical underpinnings of the American judiciary. They know that absent purpose, court management is mere "administrivia." Court leaders take risks in the interest of justice and the courts as institutions.

Competent court managers cooperate with others, but they are tenacious, even stubborn, in their personal service to justice under law. They recognize as well that purposes, separation of powers, independence, and inherent powers demand courts that are efficient and accountable to others, both inside and outside the government. They blend purpose into each and every judicial process, office, activity, and function.

The Caseflow Management Core Competency is at the heart of everyday judicial administration because the core function of courts is to process cases from filing to closure. Leadership is the energy that drives courts and court processes. Visioning and Strategic Planning provides for forward momentum and is an antidote to a stagnant status quo. But the Purposes and Responsibilities of Courts is the epicenter of the NACM Core Competencies. All other nine Competencies are defined by purpose. Purposes and Responsibilities of Courts is the reason, the root, and the justification for the practice of Caseflow Management and other technical Competencies. Purposes motivate and inform Visioning and Strategic Planning and give legitimacy to the exercise of Leadership.

CURRICULUM GUIDELINES SUMMARY

What Court Leaders Need to Know and Be Able to Do

The Purposes and Responsibilities of Courts Core Competency includes five areas, each of which assumes a link between theory and practice; concept and behavior; and idea and application:

- Why Courts Exist
- Courts As Institutions
- Rule of Law, Equal Protection, and Due Process
- Accountability
- Interdependence and Leadership

Why Courts Exist

Only the judiciary can definitively determine who is to prevail in the inevitable conflicts that arise between individuals; between government and the governed, including those accused by the state of violating the law; between individuals and corporations; and between organizations, both public and private. The atmosphere surrounding courts and court events is formal and peculiar, because the courts are unique. They resolve disputes by applying the law to the facts of particular cases independently and impartially. When the law is applied to the facts in courts, every party has the absolute right to an arbiter who is independent of the parties to that case and their advocates.

Court processes must reflect established court purposes such as individual justice in individual cases, the appearance of individual justice in individual cases, provision of a forum for the resolution of disputes, the protection of individuals against the arbitrary use of governmental power, and the making of a record of legal status. Individual cases must receive individual attention. The law must be correctly applied to the facts. Regardless of economic or other status, there must be equal access. Everyone who comes to and before the court must be treated respectfully, fairly, and equally. Case processing and the application of the law to the facts in individual cases must be consistent and predictable.

Courts as Institutions

When they are impartial and independent, courts earn public trust and confidence as they balance needs for social order and individual freedom in the “ordinary administration of criminal and civil justice.” (*Federalist 17*) Justice requires courts whose ordinary everyday administration reflects the legacy of the Declaration of Independence, the U.S. Constitution, America’s compound republic, and the public’s respect for and voluntary adherence to the law and judicial decisions in individual cases.

Courts are separate from the executive and the legislative branches of government. But, at bottom, the constitutional and statutory basis of their authority dictates interdependency and independence, not autonomy. Competent court managers understand the historical basis for judicial independence, judicial authority, concepts of jurisdiction and venue, and the inherent power of the courts. Whether exercised through management and restrained activism or via adversarial relations with the other

branches, the courts self-consciously protect their decisional processes and maintain their distinctive political and administrative boundaries.

Because the **Trial Court Performance Standards** persuasively and thoroughly articulate what courts should accomplish with the resources available to them, competent court leaders know what they say and take them seriously.

Rule of Law, Equal Protection, and Due Process

The promise of equal justice under law and the constitutional guarantees of equal protection and due process of law ground day-to-day judicial administration. Courts protect all persons equally without bias or discrimination of any type. This is equal protection. Proper judicial administration demands protection of private rights through regular administration according to prescribed rules, processes, and forms. This is due process. Elements of due process on the criminal and civil side include notice, discovery, right to bail, counsel, lawful and regular process, confrontation, cross examination, the right to call witnesses, the privilege against self incrimination, and public and timely resolution, among others.

Court management competency requires an informed understanding of equal protection and due process and their historical evolution from rights first granted by the English king to the Lords of the Realm, to rights now guaranteed to all Americans. Rule of law, equal protection, and due process have profound practical implications. The ends of judicial administration are not autonomy or even judicial independence, but rather liberty, social order, equal access, the equality of individuals and the state, and justice.

Accountability

Purposes and Responsibilities of Courts require balance between independence and external and internal accountability. Courts do not serve their enduring purposes or continuing responsibilities unless their structure, governance, operations, programs, processes, and performance lead to the reality and deserved public perception that the judiciary is accountable. The justification for court control of the pace of litigation, the tracking and reporting of case disposition times, and adherence to judicial decisions is not merely efficiency. Rather it is the courts' responsibility for the proper use of public money to ensure rule of law, equal protection and due process, individual justice in individual cases, and the appearance of individual justice in individual cases.

Court managers establish, explain, and maintain the court's use of public resources. They report on court performance to the judiciary, the public, and the judiciary's political co-equals. Judges and court staff recognize the public's right to an accountable judiciary, which demonstrates service excellence

Interdependence and Leadership

Federalist 51 declares that a "contriving ... interior structure of government ... is ... essential to the preservation of liberty." Contriving interdependency and overlapping power assume on-going relationships and, plainly, conflict. The judiciary's relationships have a distinctive flavor in needed balance between interdependency and responsiveness to others, independence and distinctive boundaries, and leadership of the judiciary, individual judges, and the justice system.

Courts depend on the executive and legislative branches for resources. The judiciary cannot process and resolve even simple disputes without the cooperation of others who have conflicting responsibilities. Courts oversee an adversarial process as the way to truth and justice. Court leaders remain above the fray even as they actively manage cases, work to improve the justice system and court performance, and build public trust and confidence. Judicial communications and interventions are subject to public and governmental accountability. But the judiciary should never be subservient. The judicial voice must be strong and steady, yet modest and measured. The judiciary must lead the justice system in resolving criminal, civil, and family matters.

Advanced courts have leaders who not only know what the enduring purposes and continuing responsibilities are, they live it. Enduring values are acted upon, risks are taken in the interest of justice, and leadership is exercised in the interest of justice and the courts as institutions. Effective leaders are comfortable with ambiguity and with their affirmative responsibility to lead. Absent leadership, courts cannot structure and maintain distinctive relationships. Likewise, leadership allows courts to build and to protect judicial authority. Authority requires understanding and effective communication of the proper purpose behind judicial prerogatives, emoluments of office, legal and administrative processes, programs, offices and activities.

In Hamilton's words, "the judiciary has neither FORCE nor WILL, but merely judgment..." (*Federalist 78*) Judicial administration is a high calling. With their passion for justice and courts as institutions, court leaders motivate others and bring pride to everyday routines and responsibilities. They demand integrity and ethical conduct. They know that the courts integrity must be pure.

CURRICULUM GUIDELINES:

REQUIRED KNOWLEDGE, SKILL, AND ABILITY

WHY COURTS EXIST

COURTS AS INSTITUTIONS

RULE OF LAW, EQUAL PROTECTION, AND DUE PROCESS

ACCOUNTABILITY

INTERDEPENDENCE AND LEADERSHIP

WHY COURTS EXIST

Courts and only courts can definitively resolve society's inevitable conflicts. When they resolve disputes between individuals; between individuals and the government, including those accused by the government of violating the law; between individuals and corporations; and between organizations both public and private, they do so in ways that preserve the court's independence and impartiality, enduring purposes, and continuing responsibilities. The courts mediate society's interest in opposite but true mandates, in particular the tension between social order and individual freedom.

- Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; 7) rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.
- Knowledge of the historical role the courts have played in balancing efficiency, stability, and social order against individual rights; preserving the equality of the individual and the state; bringing law in line with everyday norms and values; establishing the legitimacy of the law; and in guiding the behavior of individuals and organizations;
- Knowledge of the historical context which provided impartial and independent courts as a protection from the abuse of governmental power and as a safeguard of individual rights;
- Knowledge of each and every judge's independent responsibility for case decisions, the essential elements of judicial decision making, and judicial immunity;
- Knowledge of the implications of the court as an institution and judicial decisions as immune from challenge versus the court as an organization and a bureaucracy;
- Ability to maintain judicial and staff awareness that courts were not intended to be popular;
- Knowledge of the perpetual tensions inherent in the Purposes and Responsibilities of Courts including social order versus liberty, the adversarial process versus consensual or efficient case process, and the authority of the state versus the protection of individuals against governmental power.

COURTS AS INSTITUTIONS

Impartiality and independence demand courts that are separate from the executive and the legislative branches. But court purposes reflect a rich historical legacy that dictates both distinctive boundaries and interdependency. Competent court leaders understand separation of powers, judicial independence, and the inherent power of the court. Alternative organizational arrangements to maintain the courts boundaries and to permit their effective management are likewise known. Direction provided by the **Trial Court Performance Standards** guides day to day court management.

- Knowledge of the **Trial Court Performance Standards**, their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence;
- Knowledge of the founders' theory, the *Federalist* papers, the Declaration of Independence, the U.S. Constitution and the Bill of Rights, separation of powers, judicial independence, and the parameters and constraints of the inherent powers of the courts;
- Knowledge of Roscoe Pound's 1906 ABA speech, "The Causes of Popular Dissatisfaction with the Administration of Justice" and its profound implications for understanding courts as institutions and everyday judicial administration;
- Knowledge of historical changes in the roles of state and federal supreme courts, intermediate courts of appeal, and trial courts;
- Knowledge of alternative governance structures for courts, including chief judges, judge committees, and joint public, executive, and legislative branch committees;
- Knowledge of alternative structures for organizing courts, cases, and calendars;
- Knowledge of various judicial selection methods and their theoretic and practical impact on the courts and their accountability;
- Knowledge of the jury system and other public participation and presence in the courts;
- Knowledge of therapeutic and restorative justice, current alternative approaches such as problem solving courts and alternative dispute resolution for civil and family cases, and their relationship to court purposes;
- Ability to translate the values inherent to the Declaration of Independence, the Founders Theory, the U.S. Constitution, and the Bill of Rights into everyday practice.

RULE OF LAW, EQUAL PROTECTION, AND DUE PROCESS

Effective court leaders understand and help courts deliver on the promise of the rule of law, equal protection, and due process. They know the theory, the history of the common law, and important concepts such as venue, justiciability, rule of law, equal protection, and due process and their practical implications. All types of cases, their processing, and typical forms and procedures are understood.

- Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice;
 - Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice;
 - Knowledge of the processes by which the law is developed;
- Knowledge of the concepts of equal protection, due process, venue, justiciability, case in controversy, and standing;
- Knowledge of different types of jurisdiction;
- Knowledge of all case types and the basis for organizing disputes in categories, and the processes and procedures that courts use to resolve disputes;
- Knowledge of criminal and civil procedure and differing burdens of proof in criminal and civil cases;
- Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review;
- Ability to guide the organization and management of the court's structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concepts of rule of law, equal protection, and due process.

ACCOUNTABILITY

Courts must be accountable. Accountability provides the rationale for court control of the pace of litigation, the tracking of case disposition times, and adherence to law and judicial decisions in individual cases. The judiciary establishes and maintains its boundaries, but it also assesses and reports on its performance, its use of public resources, and its conformance with its assigned responsibilities and the law.

- Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the court's internal and external integrity and accountability;
- Ability to articulate why the courts and their programs exist;
- Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the courts;
- Knowledge of our multicultural society, differing cultures, and the public's understanding of and satisfaction with the courts;
- Ability to make courts more understandable, accessible, and fair through application of hardware and software;
- Ability to bring everyday judicial administration and case management in line with the purposes of courts, equal protection, due process, and the public's right to timely and affordable justice;
- Knowledge of why judicial decisions must be carried out as ordered;
- Ability to deliver on the promise of the rule of law, equal protection, due process, and respect for all individuals, at the counter, on the phone, electronically, and at the bench and the bar of the court;
- Ability to develop and use appropriate standards and measures of court performance and to assess and report on court performance internally, to funding authorities, the public, and the media;
- Ability to align court performance, court structure, court operations, and court processes with court purposes.

INTERDEPENDENCE AND LEADERSHIP

The “contriving” American constitutional structure gives the judiciary’s relationship with its co-equal partners a distinctive flavor. Court leaders must be both independent and cooperative. They must be above the fray even as they build and maintain boundaries and seek and achieve public trust and confidence. Court leaders have passion for justice and court purposes and responsibilities, and bring pride to everyday routines and jobs. They require ethical conduct and ensure that the court’s integrity is pure.

- Skill in leading the third branch and the justice system and in engaging the judiciary, the public, and the other branches in collaborative problem solving and needed change;
- Skill in working effectively with the leaders of the other branches without sacrificing the judiciary’s independence and impartiality and in drawing the line between judicial autonomy and judicial independence;
- Ability to balance judicial independence, the inherent powers of the courts, and impartial judicial case processing and decisions with the judiciary’s need to cooperate with others;
- Ability to focus staff and judges on issues which will impact the court’s purposes and responsibilities, its core processes, and justice system issues;
- Ability to be committed, passionate, courageous, and energetic about court purposes and responsibilities and the courts as institutions;
- Ability to recruit, hire, and educate staff to maintain the court’s independence, impartiality, and integrity;
- Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling;
- Knowledge of ethics and conflict of interest concepts, regulations and laws that constrain lawyers, judges, and court managers, including the **ABA Code of Professional Conduct** (for lawyers), the **ABA Canons of Judicial Ethics** (for judges), the **Federal Code of Conduct**, and the **NACM Model Code of Ethics for Court Managers**;
- Ability to inspire others in the court family to act and to appear to act with high ethical standards, before, during, and after the court day;
- Ability to lead the judiciary and the justice system and to take risks to fulfill the role of courts and justice.

Attachment E

NACM Model Code of Conduct for Court Professionals

NACM Model Code of Conduct for Court Professionals

Preamble

Service to the judicial branch is a public trust. The foundation of our society rests, in part, on the ability of the citizens to wisely judge the value of our courts and to acknowledge the integrity of the judiciary as a co-equal branch of our government. Court professionals, who work for the judicial branch and are faithful to these values, must be accountable to that trust. This code is therefore a personal and professional pledge to that trust and to those values.

Scope

This code applies to all full-time, part-time and temporary court system employees, who are identified in this code as court professionals.

The code is intended to complement separate professional codes that bind court system professionals.

Citizenship

It is fundamental to this code and a prerequisite to its other canons that a court professional commit to fulfilling the duties of citizenship in a self-governing democratic society. This includes upholding the United States Constitution and the appropriate state constitution, as well as Federal and state laws and legal regulations. Court professionals shall comply with our legal duties, placing loyalty to the principles of this code before loyalty to persons or other affiliations.

Canon 1: Avoiding Impropriety and the Appearance of Impropriety in All Activities

Canon 1.1 - Performing Court Duties

A court professional shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency. A court professional shall carry out properly issued court orders and rules, not exceeding the court professional's authority.

Canon 1.2 - Avoiding Impropriety

A court professional shall avoid both impropriety and the appearance of impropriety. A court professional shall avoid improper influences from business, family, position, party, or person. A court professional shall avoid activities that would impugn the dignity of the court.

Canon 1.3 - Fairness

A court professional shall conduct his or her work without bias or prejudice including, but not limited to, bias or prejudice based upon race, gender, skin color, religion, age, sexual orientation, national origin, language, marital status, socioeconomic status, or physical or mental challenge.

Canon 1.4 - Respect of Others

A court professional shall treat litigants, co-workers and all others interacting with the court with dignity, respect and courtesy.

Canon 1.5 - Involvement in Actions Before a Court

A court professional shall notify the appropriate authority whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, named as a party, or is otherwise formally involved in any action pending in any court.

Canon 1.6 - Avoiding Privilege

A court professional shall use his or her official position solely for its intended purpose. A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others; a court professional shall not dispense special favors to anyone, whether or not he or she was offered remuneration.

A court professional shall not attempt to take advantages of his or her enhanced access to judges and court files to further any personal interest he or she might have in a case or engage in court related ex-parte discussions with judges.

Canon 1.7 - Assisting Litigants

A court professional shall be responsive to inquiries regarding standard court procedures, but shall not give legal advice unless it is required as part of one's official position.

Canon 2: Performing the Duties of Position Impartially and Diligently

Canon 2.1 - Independent Judgment

A court professional shall avoid relationships that would impair one's impartiality and independent judgment. A court professional shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

Canon 2.2 - Personal Relationships

A court professional shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work-related factors, not on favoritism. A court professional shall avoid appointing, assigning, or directly supervising, a family member, or attempting to influence the employment or advancement of a family member. Where circumstances dictate that one must work directly with a family member, a court professional shall report the circumstance to an appropriate authority, regularly assess the situation, and take remedial action at the earliest time practicable.

Canon 2.3 - Misconduct of Others

A court professional should expect fellow professionals to abide by the canons set out in this code. A court professional shall report to the appropriate authority the behavior of any court professional who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

Canon 2.4 - Attempts at Influence

A court professional shall immediately report to the appropriate authority any attempt to compel one to violate these canons.

Canon 2.5 - Properly Maintain Records

A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.

Canon 2.6 - Legal Requirements

A court professional shall maintain the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose. A court professional shall

properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule or administrative policy.

Canon 2.7 - Discretion

A court professional shall be respectful of litigants, the public, applicants and employees' personal lives; disregard information that legally cannot or should not otherwise be considered; use good judgment in weighing the credibility of Internet data; and be cautious about verifying identities.

A court professional shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

Canon 2.8 - Proper Use of Public Resources

A court professional shall use the resources, property and funds under one's official control judiciously and solely in accordance with prescribed procedures.

Canon 3: Conducting Outside Activities to Minimize the Risk of Conflict with Official Position

Canon 3.1 - Outside Business

The court is a court professional's primary employment. A court professional shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving judicial service, that reflect negatively upon the judicial branch and on one's own professionalism.

A court professional shall notify the appropriate authority prior to accepting work or engaging in business outside of one's court duties. A court professional shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, court professionals may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.

Canon 3.2 - Compensation and Post-Employment Restrictions

During or following one's employment with a court, a court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

Canon 3.3 - Avoiding Gifts

A court professional shall not solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another based upon any understanding, either explicit or implicit, that would influence an official action of the court.

Canon 3.4 - Financial Disclosure

A court professional shall dutifully disclose all financial interests and dealings required by law, rule, or regulation.

Canon 4: Refraining from Inappropriate Political Activity

Canon 4.1 – Refraining from Inappropriate Political Activity

A court professional retains one's right to vote and is encouraged to exercise it as a part of citizenship. Engaging in any political activity is done strictly as a private citizen and only in

accordance with state law or court rules. A court professional shall participate only during non-court hours, using only non-court resources. A court professional shall not use one's position or title within the court system to influence others.

Unless a court professional is elected to one's court position, one shall campaign during non-work hours or take an unpaid leave of absence upon declaring one's intent to run for office. If elected, a court professional shall resign one's post with the court unless one is holding a political office that clearly does not hold a conflict of interest, nor does it interfere with one's ability to perform one's court duties.

Adopted by the NACM Board on October 27, 2007

Attachment F

Selected References

Selected Resources

- National Association for Court Management (<http://www.nacmnet.org/>)
- NACM Core Competencies (http://www.nacmnet.org/CCCG/cccg_homepage.htm)
- NACM Code of Conduct (<http://www.nacmnet.org/codeofconduct.html>)
- Judicial Administration at Michigan State University
 - Homepage (<http://www.judicialadministration.com/index.shtml>)
 - On-Line Courses (<http://www.judicialadministration.com/index.shtml>)
- The Judicial Education Reference, Information and Technical Transfer (JERITT) Project (<http://jeritt.msu.edu/default.asp>)
- The National Judicial College (<http://www.judges.org/>)
- The National Association of State Judicial Educators (NASJE) (<http://nasje.org/>)
- Texas Municipal Courts Education Center (<http://www.tmcec.com/>)
- International Organization for Judicial Training (<http://www.iojt3conference.net/organisation.htm>)
- Justice Management Degree Program, University of Nevada (<http://www.unr.edu/justicemanagement/>)
- The Legal Administration Program at the University of Denver (<http://www.law.du.edu/msla/index.cfm>)
- Australasian Institute of Judicial Administration (http://www.aija.org.au/index.php?option=com_frontpage&Itemid=1)
- International Judicial Training Program (IJTP) at the University of Georgia (<http://www.uga.edu/ruskcenter/ijtp.html>)
- National Judicial Institute, Canada (http://www.nji.ca/nji/Public/courses_main.cfm)
- The World Bank Group
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/0,,menuPK:445640~pagePK:149018~piPK:149093~theSitePK:445634,00.html>
- Institute for Court Management (http://www.ncsconline.org/D_ICM/icmindex.html)
- The Federal Judicial Center (<http://www.fjc.gov/fsje/home.nsf>)