ABOUT THE JUSTICE MANAGEMENT INSTITUTE

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The Creation of the Justice Management Institute

The Justice Management Institute was first envisioned by a group of over 50 trial court administrators and leading consultants from the field, brought together on January 9th and 10th, 1993 in Denver, Colorado. The attendees were invited to the two-day meeting to discuss the future of an entity that would give particular attention to the management of trial courts. The meeting was viewed as the first step toward establishment of a broad-based organization offering national and international educational, technical assistance, and research services.

In the Fall of 1992, a consulting group consisting of Harvey Solomon, Barry Mahoney, and Bob Roper had been formed, called the Court Management Group. The group invited leading practitioners from around the country to the January 1993 meeting in Denver, noting that everyone would have to fund their own travel. The goal was to develop consensus about the name, main activities, and funding for the new organization. After two half-days of brainstorming, the Justice Management Institute was created. Two key decisions were made at the meeting: (1) significantly broaden the planned scope of activities of the new organization, beyond court management; and (2) adopt a new name, to reflect the broader focus on justice system operations. By April of 1993, JMI had obtained funding for 18 projects and had secured status as a 501(c)(3) non-profit organization.
Below is an excerpt from the very first JMI newsletter summarizing the formation of the organization:

“The response from the field was truly overwhelming. More than fifty court administration practitioners and faculty members attended an open forum on the future of the fledgling group that was held January 9-10, 1993, in Denver. Participants at the meeting reached consensus on several key themes to guide the new organization:

- A primary focus on trial court operations-to be broadened, over time, to encompass interrelationships between courts and other institutions involved in the administration of justice.
- Emphasis on strengthening and expanding the national and international network of court and justice system leaders.
- High priority for the development and delivery of educational programs, technical assistance, and research studies that are of top quality, affordable, and include a user and public perspective.
- Participation in cooperative endeavors with courts and other organizations concerned about court improvement and the effective administration of justice.

At the suggestion of participants at the January meeting, a new name for the organization was adopted: The Justice Management Institute. The choice of name reflected participants’ strong sense that the organization’s mission should be broader than simply the improvement of court management. An interim national advisory board was established to help guide JMI through its start-up phase, advising on organizational, fund-raising, and program activities.”

The Early Years: 1993-1995

by Barry Mahoney, President Emeritus

When JMI began operations in January 1993, the organization had virtually no financial resources. Its working capital consisted of about $5,000 raised when participants in the January 9-10 meeting of leading court administrators and court consultants that created JMI passed a hat around and wrote checks.

However, JMI had one major project in hand: a project funded by the California Administrative Office of Courts that focused on evaluating “court coordination” efforts involving superior courts and municipal courts in California. The Court Management Group (CMG), led by Harvey and Maureen Solomon had started this project during 1992, together with Dan Straub, and it became JMI’s first funded project when CMG’s name was changed to The Justice Management Institute.
JMI also had an excellent 20-member Founding Advisory Board, consisting of leading court managers and justice system consultants, that the principals could call upon for advice. Additionally, the early leaders of JMI had a great deal of goodwill among court administrators and trial court judges across the country. The three original JMI principals—Harvey Solomon, Bob Roper, and Barry Mahoney—were well known in the courts community for the work they had done in court management education and technical assistance while with the Institute for Court Management (ICM) during the 22 years that ICM was based in Denver. The three of them comprised JMI’s first Board of Directors.

Participants at the January 1993 meeting in Denver that created JMI had outlined a start-up plan that made sense. Their key recommendations were to:

- Programmatically, begin with a primary focus on trial court operations and issues.
- Develop a track record quickly, through projects that draw on the skills and expertise of a core group of JMI principals and consultants—especially in areas such as caseflow management (an area where both Harvey Solomon and Barry Mahoney had plenty of experience and were well known for their work) and integrated information systems design and management (a specialty of Bob Roper).
- Place a high priority on doing high quality educational programs (workshops and seminars) that can help provide a foundation for improving justice system operations.
- Build on established relationships with leaders in courts and with other organizations; emphasize collaboration.
- Develop a mix of funding sources, so that the organization is never too heavily dependent on funding from a single source.

The advice was good, and the principals followed it. By the end of 1994, JMI had conducted 32 workshops and seminars presented for over 1,000 participants, 17 technical assistance projects, most of which included an educational component, and 3 research/court study projects. Total funding in JMI’s first two years was just over $1,000,000, from a variety of sources: the State Justice Institute; eighteen trial courts (or county governments that handle the courts’ finances); five state court administrative offices; three Canadian provinces; and seven non-profit organizations or associations with which JMI had a contractual relationship.

JMI’s programmatic initiatives continued during 1995, with more workshops and several new projects: a study of successful delay reduction efforts in Essex County, New Jersey; a study of efforts to plan and implement a day fine project in Ventura, California; a collaborative project with the National Association for Court Management (NACM) that focused on education for professional development of court managers; and a continuation of the California Court Coordination Evaluation Project.

Faculty for the workshops and consultants for other projects during these years included leading practitioners and justice system consultants such as Ernie Friesen, Maureen Solomon, Holly Bakke, Bill Dressel, Larry Polansky, John Hudzik, Dale Lefever, and Terry Curry. All three of the original JMI principals were active, too, in conducting workshops and leading court-focused projects.

During its first three years, as the volume of work increased, JMI’s leadership structure changed. Barry Mahoney became JMI’s CEO, with the title of President, working on a full-time basis. Bob Roper took a position as the chief information officer of the Colorado Office of the State Court Administrator but continued to work as a lead faculty member for JMI workshops when his schedule permitted. Harvey Solomon decided to continue working as a part-time JMI Senior Consultant, with a leading role in the
California Court Coordination Evaluation Project and in a number of JMI workshops. The Board of Directors was enlarged from the three original principals to a total of fifteen, with members drawn principally from JMI’s Founding Advisory Board.

JMI’s staff grew only gradually during this period, with Joan Green joining Barry as the second full-time staff member during 1994. Joan, who had also been at ICM with the three original JMI principals, took on responsibility for organizing JMI workshops and seminars, and also had key roles in several JMI technical assistance projects. By early 1995, JMI had moved from its original one-room office to a small suite at 1900 Grant Street in Denver.

As the founding group of practitioners had recommended at the January 1993 meeting in Denver, JMI consistently placed strong emphasis on collaboration with other organizations. Organizations with which JMI collaborated during its first three years included NACM, The National Judicial College, the Asia Foundation, the Center for Effective Public Policy, and the Vera Institute of Justice. The collaboration with NACM was a constant during this period, focusing on education for court managers through mid-year conferences and a Delphi Survey project designed to help develop components of a curriculum in core competency areas integral to effective court management.

In the fall of 1995, JMI conducted its first Senior Managers Seminar. Held in Aspen, Colorado, the seminar brought together over 60 practitioners, researchers, and justice system consultants to consider issues involved in justice system innovation and improvement. It was at this seminar that JMI awarded its first Ernest C. Friesen Award. The Friesen Award, recognizing an individual who had demonstrated “vision, leadership, and sustained commitment to the achievement of excellence in the administration of justice,” was appropriately given to the justice system leader for whom it was named: Ernie Friesen.

The Early Years: 1995-2002

By Barry Mahoney, President Emeritus

One of JMI’s hallmarks during its early years was the presentation of innovative workshops that took a team approach to development of plans for improvement of a specific aspect of a jurisdiction’s justice system operations. One example was a July 1995 workshop on Effective Management of Trials and Caseloads, which Judge Bill Dressel and I led for teams of judges and senior court staff members having docket management responsibilities. The workshop focused on the integration of two key aspects of the work of courts—caseflow management and trial management—that too often take place independently of each other, without sufficient information and communication.
Another opportunity to use the team approach arose in the fall of 1995, when JMI received a grant from the Drug Courts Program Office of the Bureau of Justice Assistance (BJA). The grant supported workshops on “Planning and Implementing a Drug Court” that used the team approach to help develop drug courts—then a relatively new concept—in jurisdictions that expressed interest. JMI organized a consortium of organizations to assist in planning and conducting the workshops, including the National Association of Drug Court Professionals (NADCP), the Crime and Justice Research Institute, the Center for Effective Public Policy (CEPP), the Center for Court Innovation, and the American University Courts Technical Assistance Program.

A key part of each program was to observe a local drug court and ask questions of the practitioners in that court. Small group sessions organized by function (e.g., all prosecutors, all judges) provided opportunity for participants to compare notes and ideas with their professional peers.

The team planning sessions were the heart of the program. At these sessions, the faculty member working with each team would lead the team through exercises that included identifying the dimensions of the substance abuse problem in the jurisdiction, setting goals for setting up a drug court, identifying potential obstacles and possible resources that could help with implementing change, and finally outlining a plan for start-up and implementation of a drug court.

For the next several years, JMI obtained additional grants from the Justice Department’s Drug Courts Program Office to conduct many more workshops and conferences, ultimately these drug court workshops were attended by teams from over 300 jurisdictions.

The work on drug courts, together with continuing work on other projects, meant that JMI had to expand its staff. In 1997, we opened an office in Arlington, Virginia, headed initially by Jay Carver. That same year, Doug Somerlot, who had been leading the American Bar Association Judicial Division’s work on delay reduction, came to JMI as the organization’s new vice president, and other staff members were soon added. Doug had a major role in two major national scope JMI projects focused on caseflow management issues.

The first project involved a set of small conferences that brought together leading practitioners and researchers to develop approaches to a national agenda aimed at reducing litigation costs and delay. Participants at these conferences had a clear consensus on four key points:

- There is a solid base of knowledge, based on sound research, about techniques of effective caseflow management.
- The main challenge in significantly reducing costs and delay will be summoning the political will to undertake the hard work that will be involved.
- The most pressing need is for effective judicial leadership.
- Judges cannot do it alone—there needs to be a broad-based coalition, including leaders from all segments of the justice system, in support of significant system improvements that can reduce litigation costs and delays.

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The conferences led to publication of a succinct brochure entitled *A National Agenda for Prompt and Affordable Justice* that summarized key themes and recommendations.

The second project grew out of the national agenda project. Undertaken together with other leading national organizations, it involved developing and presenting a national symposium on prompt and affordable justice in family law cases. The symposium, held in Dallas in November 2000, had 24 participating teams that developed action plans for improving family court operations in their jurisdictions.

During the 1990s, as our work on drug courts increased, JMI continued to do a considerable amount of work on caseflow management and delay reduction, including conducting several studies in major trial courts. However, our attention to other areas of justice system operations was decreasing. By the late 1990s, it became clear that JMI’s leaders had a choice: continue with drug courts as a central feature of JMI’s work or return to a more diversified array of projects. We decided to reduce the emphasis on drug courts and focus on a broader range of justice system issues.

By the end of the decade, JMI was working actively on issues involving self-represented (*pro se*) litigants, privacy and public access to court records, pretrial services in criminal cases, appellate caseflow management, the use of fines (and structured fines, or day fines, that take account of a defendant’s ability to pay) as a criminal sanction, and issues involved in the wrongful conviction of innocent persons.

In 1998 JMI obtained grant funding from BJA to support the initial meetings of the Urban Court Managers Network (UCMN) on the suggestion of Bob Wessels (the Court Administrator in Harris County, Texas, JMI Board member, and early supporter of JMI). These periodic meetings of trial court administrators in populous cities or counties, always held at the location of one of the members of the network, proved to be an extremely valuable forum for the trial court administrators to discuss common problems and exchange information and ideas about ways to address them.

Looking back on JMI’s early years, three central themes emerge: First, trial court administrators, who are at the center of much court and justice system decision-making and play critical roles in communications, were often key figures in catalyzing system innovations and improvements. The close relationship between JMI and trial court administrators was important for the success of many JMI projects. UCMN meetings and National Association for Court Management (NACM) conferences were especially valuable vehicles for communicating emerging ideas and demonstrating innovative practices.

Second, JMI’s emphasis on collaboration with other organizations involved in justice system improvement work proved to be essential in enabling our programs to have real impact. The collaboration, which had been emphasized by JMI’s founders at the January 1993 organizational meeting, was real and enormously valuable. It had benefits for JMI, for the collaborating organizations, and for the practitioners with whom we worked through educational programs and technical assistance.

Third, JMI’s emphasis on good quality education for justice system practitioners was a key factor in enabling JMI to grow and thrive during this period. JMI’s workshops and conferences were generally held in collaboration with other organizations, and typically stressed a collaborative team-based approach to action planning for system improvement. These programs built on good quality research, fostered effective multi-organizational collaboration among practitioners, and clearly led to significant improvements in the day-to-day practices of many courts and justice system agencies and institutions.
In July 2000, Alan Carlson joined the JMI staff, bringing great experience as a court administrator as well as a researcher. Alan, a lawyer who had a background in operations research, had been a member of the research team for the National Center for State Courts’ ground-breaking *Justice Delayed* research in the late 1970s. He had gone on to serve as the court executive for trial courts in Monterey County and San Francisco and had led technical assistance work with trial courts as an assistant director of the California Administrative Office of the Courts. Alan, as head of a new JMI San Francisco office, quickly became JMI’s primary liaison with NACM, functioned very effectively as a faculty member and project leader, and took on major project development and management responsibilities. In January 2002, he became president of JMI.

**The Teen-Years – 2002-2008**

By Alan Carlson

I became President of JMI in January 2002 and had the opportunity to serve in this role through a turbulent period. During my six years as JMI’s President, the country experienced a re-working of national priorities as a result of the dot.com recession, the horrific events of September 11, 2001, the start of a major conflict in Iraq, and an explosion in information and communications technology. All of these had major implications for courts and justice systems and the work of JMI.

These were the teenage years of JMI and they posed similar types of challenges. I worked with JMI’s Board and staff to build on the foundation established during JMI’s first decade as well as to develop new lines of court and justice system projects. JMI continued to focus on the operation of trial courts in their justice system context, the networking of court and clerk managers, judges, and justice system professional associations, and the education of court and clerk staff and judges.

The Urban Court Managers Network (UCMN) continued to bring together senior court and clerk managers and leadership judges from the nation’s largest trial courts to share knowledge and experiences in successfully managing large urban courts. The themes explored at meetings included criminal case processing, civil case processing, family courts, problem-solving courts, court funding and responses to budget cutbacks, court governance and leadership transition, cultural competence and bias, access to justice, customer service, self-help programs, courthouse construction and renovation, performance measures, research capacity in courts, and new applications of technology.

One outcome of a UCMN meeting was the creation of the Trial Court Research and Improvement Consortium (TCRIC). In the Fall of 2001, representatives of twelve trial courts and two state court administrative offices met and resolved to establish TCRIC. The idea of the Consortium was for a group of courts, facilitated by existing court support organizations and encouraged by the National Institute of Justice, to join forces to foster research to improve the performance of trial courts in meeting the needs
and expectations of the public. Although no funding was available to continue the group, it connected research-minded staff in courts across the country who shared an interest in rigorous studies of court processes and evaluation of court programs.

Given the precarious condition of public finance in states following the dot.com recession, JMI sought and received funding from the National Institute of Justice to study state trial court funding. The project was a case study comparing the trial court funding experiences in New Jersey, Florida, and Washington. As the research unfolded, the findings led to a focus on four key factors: the adequacy, stability, and equity of trial court funding in a state, and whether funding responded to the needs of courts and litigants. The results were published in 2008 in the report *Adequate, Stable, Equitable, and Responsible Trial Court Funding: Reframing the State vs. Local Debate*.

Another major JMI effort during this period addressed privacy and access to court records and information sharing in criminal justice information systems. Working with the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) a national committee was established to develop a model rule for access to court records. The advisory committee membership included justices, judges, state court and trial court administrators, clerks of court, and representatives of the media, privacy advocates, data industry, and law enforcement. The effort culminated in model guidelines detailed in the report *Public Access to Court Records: Guidelines for Policy Development by State Courts* published in 2002. JMI subsequently worked with nine states to develop or revise their privacy and access rules. Several more states formed statewide committees and adopted or revised their access rules based on the Guidelines. JMI also teamed with the Courtroom 21 project at Marshall Whyte Law School at William and Mary College to plan and present regular conferences on Privacy and Access to Court Records.

Based on the success of the Guidelines, JMI was asked to participate in several U.S. Department of Justice’s Global Justice Information Sharing Initiative (GLOBAL) working groups to develop similar model policies and implementation tools regarding privacy, data quality, and access for criminal justice information systems both within states and nationally. The working groups included representatives of state and federal law enforcement, prosecutors, public defenders, pretrial services departments, courts, and corrections. The working groups produced a variety of model policies, toolkits, and recommended practices for national, state, and local jurisdictions.

JMI also continued to support the improvement of caseflow management in local jurisdictions. JMI led several multidisciplinary projects involving criminal caseflow management in jurisdictions. In these projects JMI generally partnered with consultants from prosecutor, public defender, pretrial release, and corrections groups with the intent of improving the fairness and efficiency of caseflow practices from arrest to sentencing. Major projects led by JMI included felony case processing in Pierce County (Tacoma, WA), Cuyahoga County (Cleveland, OH), Santa Clara County (San Jose, CA), King County (Seattle, WA), and misdemeanor case processing in Washington, D.C. JMI was a partner in projects making recommendations to alleviate jail crowding and improve overall criminal justice system operations in Mecklenburg County (Charlotte, NC) and Pinellas County (Clearwater, FL).

Developing and delivering strong educational programs for court and clerk staff and judges remained an important emphasis during the 2000s. JMI staff worked with NACM educational committees to develop the original NACM Core Competency curricula and were the primary developers of the *Court Budget and Finance* and *Essential Components* curricula. JMI continued participating in workshops about drug courts.
and other problem-solving courts, and also developed new educational programs such as *Managing Courthouse Construction Projects* and *Governance of Large Urban Trial Courts*.

In the Fall of 2007, Elaine Borakove joined JMI’s staff as a senior project director. Elaine, an experienced justice system researcher and program manager, very quickly proved to be a strong addition to the staff. Elaine partnered with Barry Mahoney and me on several of JMI’s caseflow projects in urban counties and took on major projects of her own including a study of the feasibility of judicial redistricting in Tennessee.

In September 2008, I accepted an offer to become the Court Executive Officer of the Orange County (CA) Superior Court, one of the largest state trial courts in the country. At JMI, Barry Mahoney agreed to return from semi-retirement and become President of the organization for the second time, on an interim basis. At the same time, Elaine Borakove was named JMI’s vice president. Barry served as President for the last several months of 2008 and all of 2009. Elaine succeeded him as JMI’s President in January 2010.

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