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This GUIDE is published by American University's Justice Programs Office, School of Public Affairs at American University to assist judicial system officials in determining how and when outside technical assistance can be useful to address judicial system needs and how to maximize the benefits such assistance can achieve. The GUIDE is based on the experience of technical assistance providers and users in over fifteen hundred technical assistance assignments conducted for state judicial systems during the past three decades.

Throughout the GUIDE, the phrase “CTAP Program”, or “CTAP”, standing for Courts Technical Assistance Program, is used generically to refer to the generally no-cost technical assistance and training services provided to state and local court systems by American University-based national scope projects funded by federal grants since 1972, and continuing through the present under the primary sponsorship of the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

This GUIDE was initially prepared and periodically revised in conjunction with the administration by American University of a series of courts-focused technical assistance and training projects sponsored by the State Justice Institute and the Bureau of Justice Assistance of the U.S. Department of Justice, and also draws on the experience of courts technical assistance services provided under the sponsorship of the Law Enforcement Assistance Administration (LEAA) during 1972 – 1982.

The views expressed in the GUIDE do not necessarily reflect the policies or viewpoints of the State Justice Institute or the Bureau of Justice Assistance.

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A. CTAP SERVICES

1. What services can CTAP provide?

The CTAP program provides short-term consultant services to general and limited jurisdiction courts and related agencies. These services are provided through various methods including problem definition visits, more extensive on-site studies, and hosted site visits. Frequently, a combination of TA delivery methods is used.

Because CTAP consultants are primarily experienced judicial system practitioners, they are able to address the client court’s TA problems in a relatively short period of time. In addition, they can generally also provide a “state of the art” perspective on the problem and potential solutions, drawing upon approaches used by other jurisdictions to similar situations. Where appropriate, we can also arrange visits to sites where similar problems are being or have been addressed.

2. Who provides CTAP services?

The CTAP relies primarily on a cadre of nationally recognized experienced practitioners - judges, court administrators, prosecutors, public defenders, pretrial service and probation agency officials, and other specialists - to provide technical assistance in their respective areas of expertise. One of the major strengths of the CTAP program is the many years of practical experience represented by CTAP consultants and staff in addressing a broad range of judicial system problems, their ability to address such problems in the context of accepted judicial system standards and practice, and their credibility with officials involved in judicial system operations.

Some TA requestors ask whether they should identify a specific individual to provide the TA services when they submit their request. Our experience has shown that the most successful TA assignments are those in which specific consultants are not requested in advance. We will accommodate specific requests only if all other facts indicate that the requested consultant is the most appropriate individual for the assignment.

CTAP staff discuss TA requests with client court officials prior to identifying potential consultants, and the selection of consultants is made jointly with client court officials.

3. How much will CTAP services cost?

CTAP services are usually free of charge to the requesting court or agency and are paid for by the national-scope grants awarded to American
University by the State Justice Institute (SJI) and the Bureau of Justice (BJA). In situations in which the scope of TA services is beyond CTAP resources, cost-sharing arrangements can be made with the requesting agency if the TA objectives are within the CTAP mandate.

B. HOW AND WHEN TO USE TA

1. *How do you know when you can use some outside help?*

Technical assistance is a tool of many dimensions and can serve a multitude of needs. Knowing when and how to use technical assistance can be a valuable resource for judicial system officials. Although generally conceived to be a short-term, limited-cost service, the potential impact of TA goes far beyond the short term and the limited. Even courts with no ostensible operational problems can benefit from outside TA.

TA can be applied to many situations, e.g., identifying (or addressing already identified) problems; providing an independent assessment or a validation of your own analysis of a problem; exploring the feasibility of a new case flow or other system in your court; addressing a sensitive issue which requires an objective outside perspective; assisting in planning for the impact of a new statute, rule, or procedure. The CTAP experience has demonstrated that TA can be used to address such major tasks as implementing constitutional judicial reform; planning statewide information system development; assessing short-and long-term court facility needs; and developing systematic programs to expedite various segments of the case process. TA can be provided in a single site visit, in a more extended, multi-phase study and analysis or as an ongoing resource for program planning, monitoring and/or evaluation.

2. *Common situations in which TA can be helpful to judicial systems:*

Below are a few common situations which can prompt judicial systems to use outside TA

- A local or state government official asks specific questions about the court’s operations, and you are unable to get the answers from your staff or your information system;
- A new statute or rule requires you to move your caseload within a limited number of days, and you are finding it difficult to plan responsive action;
- Local media place a large part of the blame for jail overcrowding on the court, and you are finding it difficult to respond to their allegations;
Your budget is insufficient to supply even the minimal level of services required to meet the court's statutory responsibilities, and you are having difficulty in providing the kind of supporting evidence needed to convince legislators;

- You are about to embark on a large technology or facilities project, and no one on your staff has the time or the experience needed to plan, monitor or evaluate the project;

- Your jurisdiction is about to undertake the design and/or implementation of an integrated justice information system, and you want to assure that the court gets a "fair share" of attention and service;

- You have heard of Differentiated Case Management and wonder whether, and how, it could help resolve your case delay problems;

- You feel that you need the review and validation of your own court or agency's internal analysis, and recommendations by an independent expert in order to help you convince local leaders that you have reached the right solution for some difficult and recurring problem; or

- Your staff or other judges feel threatened by a proposed and necessary change, and you don't know how to address their apprehension.

Or, perhaps, there is an underlying problem that needs to be brought to the surface by an outside expert. Suppose you have been able to isolate the basic causes of your problem, but you need some help in defining it and addressing it without alienating the entities involved, which need to be able to continue to work cooperatively in order for the system to operate effectively. What if there is an underlying and basic political, personnel or management issue that is driving the problem and affecting the court or agency's ability to address it properly?

CTAP staff and consultants are sensitive to the delicate internal, interagency and community relations situations judicial systems frequently confront, and, though professionally obligated to objectively analyze problems and prescribe possible solutions, special care is taken in technical assistance reporting to present findings and recommendations in a non-pejorative manner.

Further, CTAP staff and consultants, are prohibited from discussing their findings or recommendations with the media and reserve all commentary on their technical assistance findings for their on-site
debriefing session with local court officials and for the official technical assistance report.

3. **What type(s) of technical assistance will be most useful?**

The scope of TA services available from the CTAP is broad, including: provision of relevant TA reports and special reference materials developed for prior CTAP assignments, on-site studies by CTAP staff and consultants, and planning and coordination of structured host-site visits to jurisdictions with programs potentially adaptable in the client court. Often a combination of service types is useful. The most appropriate application of TA in any given situation is mutually determined by CTAP staff and client court officials, based on discussions of the TA issues to be addressed.

4. **How can CTAP services be obtained?**

CTAP services can be obtained by a letter of request to the CTAP Director, Joseph Trotter, from the chief administrative judge or director of the court or agency seeking assistance. The letter of request should contain a summary description of the issue(s) which TA should address and relevant background information on the judicial system. In this regard, as many of the elements listed in Section C(1) below which are readily available should be included. It also is desirable to designate an individual in your court or judicial system to serve as the “local coordinator”. This individual will be the focal point for project-court communication during the TA planning and service delivery stages, and will arrange the on-site schedule for the TA study, if that modality of TA is indicated.

If the TA problem is one involving multiple agencies, it may also be appropriate (although not essential) to include the endorsement of the administrative director(s) of these other agencies. This joint sponsorship might be particularly important in situations in which there exists a significant degree of interagency controversy.

5. **What level of assistance do you need?**

TA requestors do not need to project the level of assistance they feel they need at the time they request TA, since this will be determined during the course of discussions with CTAP staff. If you don’t know what the specific problem is, we can help you define it. If it’s a small problem, CTAP assistance can define it with greater specificity and develop a plan to guide local officials in subsequently addressing it, with or without periodic CTAP intervention. Although CTAP services are generally limited and short-term, the experience, national perspective and
operational insights of CTAP consultants make it possible to provide effective responses to problems in a short time period which might otherwise require more extensive efforts.

In situations warranting more extensive effort than CTAP can provide, a cost-sharing arrangement with the client jurisdiction can be arranged to permit extended CTAP services. The ability to arrange such longer term efforts is, of course, dependent upon the availability of the CTAP consultants, who, for the most part, are busy practitioners who cannot be away from their primary jobs for long periods of time.

C. MAKING THE BEST USE OF TA

1. How much information do you need to provide with your TA request?

The more information you can provide about your judicial system and the way cases are processed when you request TA, the quicker attention can focus on the problems generating your TA request. However, many court officials are not able to provide comprehensive case processing data for numerous reasons, and we can generally ascertain the essential information necessary to provide TA through telephone interviews and review of information that is available.

Ideally, court officials should provide CTAP (not necessarily with the letter of request) the following basic case processing information to document the court's workload and highlight trends which might point up potential resource, management and/or operational needs. An inability to provide all of this information at the initial stage of submitting a technical assistance request, however, should not deter your court or agency from requesting assistance.

a. Statistics/Background Data

- clearance rates (filings divided by dispositions);
- average and median time to disposition for different case types;
- ratio of pending cases to annual dispositions for different case types;
- percentage of cases that go to jury trial, non-jury trial, plead or settle, or are dismissed; and
- trend information showing five to ten years of activity in the above categories.
b. Organizational/management information
   - What agencies, departments and units are involved in the case flow process (for different case types)?
   - What is the management structure of the court?

c. Calendaring System(s)
   - For each case type (civil, criminal, etc.) what calendaring method(s) are used to assign cases to judges (i.e., master calendars, individual calendars, hybrid calendars)?

d. Scheduling Procedures
   - Who does the case scheduling (court or prosecution)?
   - What events are scheduled, and at what point(s) in the case process are they scheduled?
   - How far in advance are events scheduled?
   - Are there any controls to ensure against over/under scheduling?
   - Who decides whether to permit a "continuance" of a scheduled court event?

e. Case Processing "Fall-out" information
   - Can you prepare case flow charts indicating the major case processing points and, if possible, disposition data (fall-out) for each processing point?

f. Resources
   - How many judges, staff, courtrooms, prosecutors, defense attorneys, etc., are there, and what are their assignments?

g. Demographics
   - What are the population size and characteristics of the jurisdiction?
• Have there been any significant changes over the past several years?
• What is the geographical size of the jurisdiction?
• What are the principal economic indicators for the area?

All of the information listed above is important in developing a measure of the efficiency of a judicial system and the adequacy of its resources. The more you know about your own system, the better you can identify problems as they occur and assure that they are addressed as soon as possible. And the more you can tell the CTAP about your jurisdiction, the better its work product will be. Some of the information may be routinely available in written form; some may have to be derived through special “data runs” or through individual interviews or will surface during group meetings.

2. **How detailed a description of the specific TA problem(s) do you need to provide?**

Regardless of the case processing information available for your judicial system, CTAP staff will discuss with you the issues or problem(s) generating your technical assistance request and relevant factors which may bear on their potential resolution. Relevant issues may include:

• What matter(s) do you want to have addressed?
• How did it (they) come to your attention?
• Can you describe the problem with specificity?
• Do you have any specific data available documenting the problem?
• Do any government and/or public organizations play any role in the problem or potential solutions?
• What funding body(s), legislative body(s), state agencies, etc., have input and/or impact on the TA problem(s)?
• What data do you have to support the conclusion that these are, in fact, the problems (and not symptoms of an underlying problem)?
• Do you have any suggested solutions?
• Are there political or organizational factors contributing to the problem(s) or posing obstacles to the solution(s)?
Your ability to answer these questions will make the selection of the appropriate TA delivery method and consultant(s) easier and greatly increase the likelihood of a successful TA effort.

3. **What is the role of local officials in the TA project?**

The active participation of local officials in the planning, conduct and follow-up of CTAP services is critical to the success of the TA assignment. In this regard, participation of the requesting judge and local coordinator is essential to assuring that:

- requisite background on the TA problem is provided to the TA providers;
- an informal or formal committee composed of officials whose involvement is necessary to address the TA problem and implement potential solutions is established;
- there is a meeting of the minds on the part of local officials and CTAP staff regarding the focus and objectives of the TA assignment;
- the TA objectives are clearly defined for all involved;
- all appropriate persons are involved in the site study; and
- a mechanism is in place to assure that the committee promptly reviews the TA recommendations and implements those it adopts.

The tasks which the requesting judge or designated local coordinator perform include:

- Identifying and arranging for the broad and active participation of all affected organizations and officials in the TA assignment;
- Gaining and maintaining the support and cooperation of all parties crucial to the success of the project;
- Selection of a leader and spokesperson for the implementation stage of the project (the implementation leader should be the official in the best position to oversee implementation of the TA recommendations, and may or may not be the requesting judge);
- Providing the TA provider with easy and full access to all
relevant information and relevant judicial system operations;

- Assigning a staff member the duty and authority to arrange for all logistics for the TA visit.

### 4. How can the TA consultant’s time on site be best put to use?

Because the CTAP consultants have limited time on site, it is essential that maximum use be made of their time. This can be accomplished by:

- providing as much relevant pre-site visit information as possible to the TA provider(s);

- preparing a reasonable schedule of interviews and meetings to assure that the TA consultants meet with all officials relevant to the problem being addressed, while leaving adequate time to review their observations and the materials which they gather;

- making sure the TA consultants visit and see the problem setting(s);

- encouraging local officials to prepare for their meetings with the TA consultant by having ready questions they want answered and notes regarding information they want to be sure to pass along;

- assuring that the TA consultants meet with all important parties in both a business and a relaxed, informal setting;

- insisting that the TA consultant meet in a short confidential debriefing with the relevant local officials at the conclusion of the site visit to present an outline of findings, observations and preliminary recommendations (note, however, that these can only be preliminary thoughts and that after more thorough review and deliberation over the written material, interview information and notes collected during the visit, the final report may differ);

- agreeing on a date for the submission of the final report and scheduling a review meeting(s) of your committee before the TA provider leaves the jurisdiction.
D. MAKING THE BEST USE OF THE FINAL TA REPORT

The CTAP report will provide an analysis of the TA problem and recommendations for its resolution. Local officials should review it promptly and develop a plan for implementation. CTAP experience has demonstrated that when local officials delay the review of a TA report, the momentum to address the problem generated during the TA process is lost, and the report's impact is considerably reduced. It is therefore important that the TA requestor:

- insist upon early committee review, in detail, of the TA report and act affirmatively to support or reject each recommendation;
- form implementation committee(s) with specific tasks and deadlines;
- closely monitor progress on implementation; and schedule a progress review visit by the TA provider at a date by which the committee feels it will have achieved its goals.

E. LONG TERM VALUE OF TA

What should be expected as a result of the TA project?

At a minimum, the TA assignment will produce an independent, objective analysis of the TA problem and recommendations for its resolution. With careful planning, however, it should result in much more. The TA assignment can provide an opportunity for local officials, who may not regularly meet to discuss judicial system operations, to come together to address a specific judicial system problem and, perhaps, to appreciate the value of systemic review and planning in carrying out the jurisdiction's responsibility for the administration of justice. It can also provide local officials with a perspective on how other jurisdictions address comparable issues. It can provide credibility and support to an existing program or idea. It can be used as a stimulus for new ideas by broadening the perspectives of local officials and exposing them to the experiences of other jurisdictions and other viewpoints. Most importantly, it can lay the foundation for ongoing awareness and discussion of judicial system needs.