MANAGEMENT ANALYSIS OF THE
SIXTH JUDICIAL DISTRICT
MINNESOTA
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>II. Discussion and Recommendations</td>
<td>3</td>
</tr>
<tr>
<td>A. Observations</td>
<td>3</td>
</tr>
<tr>
<td>1. Governance</td>
<td>3</td>
</tr>
<tr>
<td>2. Communication</td>
<td>3</td>
</tr>
<tr>
<td>3. Training</td>
<td>4</td>
</tr>
<tr>
<td>4. Case Management</td>
<td>5</td>
</tr>
<tr>
<td>5. Driver's Licensing Function</td>
<td>6</td>
</tr>
<tr>
<td>6. Alcoholism Assessment</td>
<td>7</td>
</tr>
<tr>
<td>B. Recommendations</td>
<td>8</td>
</tr>
<tr>
<td>1. Governance</td>
<td>8</td>
</tr>
<tr>
<td>2. Communication</td>
<td>14</td>
</tr>
<tr>
<td>3. Training</td>
<td>15</td>
</tr>
<tr>
<td>4. Case Management</td>
<td>17</td>
</tr>
<tr>
<td>5. Driver's Licensing Function</td>
<td>18</td>
</tr>
<tr>
<td>6. Alcoholism Assessment</td>
<td>19</td>
</tr>
<tr>
<td>7. Other Issues</td>
<td>19</td>
</tr>
<tr>
<td>9. Reception Function</td>
<td>19</td>
</tr>
<tr>
<td>10. Equipment</td>
<td>20</td>
</tr>
<tr>
<td>11. Prisoner Transportation</td>
<td>20</td>
</tr>
<tr>
<td>Appendix</td>
<td>21</td>
</tr>
</tbody>
</table>
I. INTRODUCTION

This technical assistance assignment was conducted under the auspices of the Courts Technical Assistance Project of The American University, Washington, D.C., in response to a request from Chief Judge Donovan W. Frank of the Sixth Judicial District of Minnesota. Judge Frank requested a review of the organizational structure, administrative relationships and staffing patterns in the district with a special focus on St. Louis County. He also asked for a review of the driver's licensing function administered by the court administrator's office in the cities of Virginia and Hibbing and the delivery of alcoholism assessment services in St. Louis County. District Coordinator Ted Gladden was the Local Coordinator for the technical assistance effort.

The study team was composed of Harvey E. Solomon, a consultant and former Director of the Institute for Court Management and two Minnesota district administrators: Sue Alliegro, District Administrator/Court Administrator for the Second Judicial District (Ramsey County) and Third Judicial District Administrator Donald Cullen. All three team members were on-site October 19 through 21 and team leader, Harvey Solomon, remained through October 23. On October 20 the study team visited the courthouses in Virginia and Hibbing. The other days on-site were spent in Duluth, the county seat of St. Louis County.

While on-site, the study team had the opportunity to meet most of the judges in the district at a number of luncheon and other meetings that were scheduled for that purpose.
The team also met with the district administrator and the court administrators from the various counties including the recently retired St. Louis County court administrator. All the top level administrative staff in Duluth, Virginia and Hibbing were interviewed along with many of the court staff working in the courthouse in Duluth. Practically all the employees in Virginia and Hibbing were also interviewed.

In addition, the county attorney, public defender and selected staff members met with the study team and/or individual team members to provide their assessment of court operations and views as to the district and St. Louis County court governance issues. The study team also met with a few members of the private bar and interviewed the director of the St. Louis County Civil Service office. In addition, at the request of Mr. Gladden, the leader of the study team interviewed Judy Besemer, Court Administrator for Brown County, in the Fifth Judicial District, to obtain her perspective on the respective roles and relationships of district and court administrators in Minnesota. Ms. Besemer traveled to Duluth for this interview, which was very helpful to the subsequent team discussions regarding governance issues. In all, the study team was able to meet with a significant portion of those involved in and concerned with the governance and operations of the Sixth Judicial District. While the many interviews and meetings absorbed a great amount of the available time, an abundance of views and information was gathered.
II. DISCUSSION AND RECOMMENDATIONS

A. Observations

1. Governance

Many of the judges, senior staff and representatives of the prosecutor, public defender and private bar expressed the view that a more activist management style was needed in the District and in St. Louis County in particular. The hiring of a new district administrator earlier this year was seen by most everyone as a step in that direction. A recurring theme was the need to break down internal barriers; to operate more as a judicial district and less like a loosely aligned collection of courts and court support units.

It was also apparent from various interviews and discussions that there is a lack of clarity, at least in St. Louis County, as to the roles, responsibilities and relationship between the district administrator and the court administrator. In fact, a few suggested that the two positions could be combined. In addition, many observed that they saw no need to fill the currently vacant deputy court administrator position in St. Louis County.

2. Communication

The lack of communication, consultation and cooperation were cited by many as major matters of concern. The Duluth staff, in particular, feel the need to receive timely information and guidance on legislative enactments, general rules of practice, court policies and communications from the state court administrator's office. This lack of communication was accentuated most recently by the fact that in St. Louis County the two
top level positions are vacant with the result that senior staff are spread very thin and are not readily available to provide on-going oversight to staff.

Supervisors also felt the need for greater communication particularly as a way to foster greater cooperation among the various court units in St. Louis County. The new district administrator has recognized this need and has instituted regular meetings of top level staff as a means of sharing information, building consistency of policy and practice and developing a sense of commitment to the organization as a whole.

Communication and supervision problems have had a negative impact on staff morale in Duluth and this situation has been aggravated by the new case calendaring system now being implemented. The staff affected by the changes reported that they were not involved in planning the new approach and that they need more supervision and guidance as to how the new system should operate.

3. Training

Change is always difficult and it is especially stressful for staff who have received little training. Aside from some generic programs available through county government, most court staff have had only on-the-job training to equip them to perform their day-to-day activities. Practically everyone interviewed cited the lack of formal training as a major concern.

In St. Louis County and especially Duluth, it appears that the work pressures on court staff have been rising as a consequence of staff cuts and workload increases. Yet, little training has been provided to help staff become more efficient and effective in the
performance of their duties. The one exception to this is the training conducted in connection with the installation of the Trial Court Information System (TCIS) in 1991. While the system itself received mixed reviews from the staff, most agreed that on-going TCIS training is needed to help staff become more proficient in using TCIS.

4. **Case Management**

Case management and calendaring are in a state of flux in the district and in Duluth in particular. Still under development is the district caseflow management plan that is required of all districts. In addition, as noted above, a new case management and calendaring system is being implemented in Duluth in an attempt to have five of the eight judges operate under a modified "block" assignment system.

The review of case management was also hampered by the lack of accurate statistics regarding the flow of cases through the system in St. Louis County where about 80% of the judicial district's workload originates. While an effort is now being made to improve the accuracy of the case management information, there was little data available that could be analyzed for the purposes of this project.

Prosecutor and defender representatives as well as members of the private bar expressed great concern about case scheduling in Duluth. They reported that because of multiple settings and the scheduling of cases on very short notice there is a lack of trial/hearing date certainty. Numerous continuances of civil and criminal cases seem to be plaguing the system producing delay and a waste of effort and resources.
The short notice scheduling has caused particular problems for both the prosecution and defense. Since many defendants, witnesses and victims do not have telephones, prosecutors and defense attorneys reported that it was difficult to reach the needed parties on short notice for hearings, trials and sentencing proceedings.

The lack of coordination between Hibbing and Virginia with regard to the scheduling of criminal cases involving the same attorneys was also cited as a significant problem. Scheduling conflicts in Duluth were also reported.

In view of the fact that most cases ultimately settle, members of the private bar recommended that meaningful, judicially supervised pretrial settlement conferences be made a part of the case management system. In addition, they urged that the new civil rules, especially the provision calling for a scheduling conference, be followed more closely and consistently by the judges in Duluth.

In sum, public and private lawyers expressed the view that a more uniform, consistent and controlled case management system--one that provides hearing and trial date certainty with tight controls on continuances--was needed in St. Louis County. They proclaimed their willingness to work with the court to implement such a system.

5. **Driver's Licensing Function**

With regard to whether the driver's licensing function should continue to be administered by the courts in Virginia and Hibbing, it appears that the situation is different in the two locations. In Hibbing, the processing of driver's licenses takes more than half the time of a staff member with the remaining time spent on marriage licensing and jury
functions. On busy days, two other staff members working in the civil area assist with the driver's licensing function. It thus appears that handling driver's licenses in Hibbing is consuming a significant amount of staff time that could otherwise be devoted to court-related work. In Virginia, however, processing driver's licenses takes less than half the time of a staff member and that person also handles marriage licenses, passports, and fine payments.

6. Alcoholism Assessment

Currently, in the court in Duluth there is an Advisor on Alcoholism office which is under the supervision of the St. Louis County court administrator's office. In the cities of Virginia and Hibbing, however, the court has contracted with a private concern, Arrowhead Center, Inc. to provide alcoholism evaluation services.

The Duluth unit conducts alcohol evaluations and provides probation supervision. It is composed of two court employees and a corrections agent from Arrowhead Regional Corrections (ARC). At present, one of the court positions is vacant. Because of the vacancies in the court administrator and deputy administrator positions, there appears to be little day-to-day supervision of court staff. The corrections officer reports to a supervisor in ARC.

With the unit's staff belonging to two different organizations, there are variations in job descriptions, qualifications, supervisory relationships, and procedures for filling vacancies. Since all staff in the unit perform basically the same functions, these differences create administrative and management problems.
B. Recommendations

1. Governance

The district administrator and St. Louis County court administrator positions should not be combined. Minnesota statutes make clear that the district administrator and court administrator positions are separate and distinct offices. The district administrator is to assist the chief judge in administering all the courts of the judicial district while the focus of the court administrator is on the court work within an individual county.

In the Sixth Judicial District, St. Louis County generates 80% of the district's caseload. If the district administrator was responsible for the day-to-day management of St. Louis County's three court locations, we believe his ability to perform his district-wide responsibilities would be severely compromised. By the same token, because of its significance within the district, St. Louis County requires the services and full time attention of a professional court administrator. The problems reviewed above will not be addressed adequately if the person responsible for court management in St. Louis County also had to be concerned about the administration of the courts in the other three counties in the district. Combining the district and court administrator positions would thus not be beneficial with regard to either position.

The court administrator position in St. Louis County should be filled as soon as possible. Since cases are the currency of the court, and in light of the case management and communication issues discussed earlier, it would be most beneficial if the person hired was a professional court administrator with training and experience in caseflow management.
and the implementation of change. A seasoned professional is needed for this important court administrator position.

Filling the position is an appropriate opportunity to clarify the roles and responsibilities of the district administrator and court administrator. The primary role of the court administrator is to manage the day-to-day operations of the court in St. Louis County with special emphasis on case and calendar management, personnel administration and financial management. The district administrator, on the other hand, has overall responsibility for the administrative affairs of all the courts of the district and supervises the work of the court administrators and other support personnel. A key function of the district administrator is to monitor activities throughout the district to ensure that court policies are being implemented in a consistent and uniform manner and to provide assistance and guidance where needed. In other words, the district administrator should be the focal point for coordination of the work of the courts in the district while each court administrator should be concerned with promoting the efficiency and effectiveness of the court in his/her county.

The district administrator and court administrators are accountable to the bench for the performance of their duties. In this regard, it is essential that the judges not only adopt policies to guide the work of the administrative staff but also adhere to the policies that have been put in place. It is axiomatic that administrators cannot manage a court that the judges will not lead. In order to lead, the judges have to establish policies and follow them. In effect, the bench has to model the behavior that it would like to see
on the part of staff, the prosecutor, defense and the bar. (A chart showing the governance structure is appended to this report.)

In developing policies a collaborative effort involving key administrative staff and representatives of those that would be impacted by the policy is needed. This is the approach that is now being used in the formulation of the caseflow management plan for the district and should likewise be followed when constructing other major court policies and programs.

In St. Louis County, the administrative structure should be modified to create the following three divisions: Case Intake; Case Management and Scheduling; and Range Operations. The heads of these new divisions would report to the court administrator and their positions should be unclassified. Currently, in addition to the court administrator position, the chief deputy for criminal/traffic, the chief deputy for probate/family and the jury commissioner positions are unclassified. While these positions would be eliminated, it is proposed that their status as unclassified be transferred to the top positions in the three new divisions to be created.

We believe the new structure will strengthen the ability of the court administrator and the judges to manage St. Louis County court operations in a more efficient and effective manner. While this recommendation proposes a radical change, in our view, the new system is needed to address the case scheduling, communication and fragmented structure issues discussed earlier.

The recommended approach would reorganize the court along functional lines rather than the present arrangement which is based on the types of cases processed by the
Each major division now performs similar functions such as opening and maintaining case records, scheduling court events, monitoring case progress and dealing with attorneys, parties and the public. By having a single unit handle case intake for all types of cases and another be responsible for scheduling and the management of all cases, redundant activities would be eliminated and the current barriers between various court units would be removed. The recommended system is widely used in Minnesota and it is very likely that the St. Louis County courts would be able to get expert guidance from another county or district in developing detailed design and implementation plans to install the new structure. (A chart showing the proposed structure is attached.)

Because the reorganization would be a major undertaking, it is important that it be planned with great care and that staff from all levels be involved in the development and implementation of the new administrative structure. Staff relocations will be required and it may be necessary to remodel facilities as well. Given the nature of the changes to be implemented, it would be desirable if the court administrator to be hired in St. Louis County not only had experience in caseflow management and managing change but also came from a court organized along the lines recommended above.

In general, the Case Intake unit would be responsible for opening all case files including traffic, criminal, civil, family, juvenile and probate; maintaining and coordinating master calendar settings and the daily arraignments; receiving fines and fees paid at the counter; processing petty misdemeanors and conciliation court actions; assigning cases to individual judges in accordance with the plan and policies adopted by the court; and
assisting the public with regard to such matters as conciliation, domestic abuse petitions, unlawful detainers, etc.

The Case Management and Scheduling unit would be responsible for maintaining and updating all case files from the time they are received from Intake until the files are closed. Since the court is moving to an individual calendar system, clerks in this office could be assigned to individual judges to work with the judge in scheduling and monitoring cases. To avoid the schedule conflicts that have been a problem in the current system, it will be necessary for the individual calendar clerks to coordinate their work. Those clerks could also provide in-court support for the assigned judge.

Jury management would also be under the jurisdiction of the Case Management and Scheduling unit. As indicated earlier, the jury commissioner position in St. Louis County would be eliminated. Since the Minnesota General Rules of Practice for District Courts specify that "the jury commissioner shall be the judicial district administrator or designee," it is recommended that the district administrator designate the St. Louis County court administrator to be the jury commissioner. The court administrator, in turn, should assign specific staff to manage jury system operations.

For the recommended administrative structure to function effectively, it will be important for staff in each unit to meet on a regular basis for briefings and to discuss operational matters. Staff should be cross-trained and assignments should be rotated to the extent possible so that most jobs can be performed by a number of people. A representative from one division should attend the other division's staff meetings and vice versa to keep channels of communication open and to prevent organizational barriers from arising.
Historically, it appears that the courts in Virginia and Hibbing have operated autonomously. This has created problems of coordination, especially as to case scheduling, and a lack of consistency as to operational matters and the application of rules and policies. Since the two communities are less than 25 miles apart, in many respects they should be viewed as a single resource and managed accordingly. Therefore, we recommend that a new Range Operations division be created. The head of this unit would be responsible for coordinating the activities of the Virginia and Hibbing courts, assuring that their combined resources are used efficiently and developing more consistency in terms of how they operate.

At the outset, a prime responsibility for the head of this new office would be to work with staff in reorganizing the court operations in Virginia and Hibbing consistent with the administrative structure recommended above, i.e., creating case intake and case management and scheduling units in each courthouse. Unlike the situation in Duluth, however, these unit supervisor positions do not warrant being unclassified. The volume of cases in Duluth is significantly higher than on the Range. The Duluth division heads will have greater responsibility in terms of the flow of work and the number of staff to be supervised. Along with the head of Range Operations, they will also be part of the court administrator's top level management team. It is, therefore, appropriate for the Duluth positions to be unclassified; the Range unit supervisor positions need not be.

The recommended reorganization will produce a common court administrative system within the county. This should enhance management capability and lead to improved service to litigants, the bar and the public.
2. Communication

The efforts initiated by the district administrator to improve communication and coordination within the district and St. Louis County should be continued and enhanced. In addition, as discussed earlier, the judges in the district, working with the district and court administrators, should formally delineate the duties and responsibilities of the district and court administrator positions and their action should be communicated widely to staff, the bar and court-related organizations. This should be done soon so that the appropriate expectations are set prior to the hiring of a new St. Louis County court administrator.

As a further step toward improved communication and to help alleviate some of the problems associated with the implementation of the new calendaring system in Duluth, a special task force should be created composed of key staff and including judge, prosecution, defense and private bar representatives. The task force would monitor the performance of the new system and help devise and implement changes that may be needed. This should promote the flow of information and build commitment to the new system.

Communication in Duluth would be further facilitated if the judges met on a regular basis (at least monthly). Regular meetings are particularly important now as the case management system is undergoing a major change. The district and county court administrators should attend the Duluth judges’ meetings and the court administrator should be responsible for preparing the meeting agenda. Similarly, the Range judges should meet regularly on Range issues; and periodically all the judges in the county should meet to consider issues that concern the three court locations.
The court staff in St. Louis County are very experienced and dedicated. To tap this resource, an employee suggestion program, with awards for those whose suggestions for improvement are implemented, could be instituted. Such a program could not only produce useful ideas, it would open new channels of communication and encourage an ongoing search for improvements in court operations.

Another way to foster better communication within the court would be to make staff performance reviews more meaningful. This could be done by focusing on goal achievement and linking employee objectives with court and division goals. This approach could help broaden employee viewpoints and give staff a better understanding of how what they do relates to the overall operations of the court.

3. **Training**

Training for staff and judges should be made a high priority in the Sixth Judicial District. Training is especially important when an organization is undergoing significant changes. With a new caseflow management plan slated for adoption by the end of the year and a new calendaring system now being installed in Duluth, training in caseflow management for staff and judges is extremely important. In addition, since change requires effective leadership and management, the court in St. Louis County should consider approaching Civil Service about participation in the Service Leadership organizational development program that has been available to county departments in the past few years.

In connection with caseflow management training and the suggestion above concerning employee performance appraisal, the district administrator may want to obtain
the following videotape educational programs produced by the Institute for Court Management: *Caseflow Management: Principles and Practices* and *Performance Appraisal in the Courts: Improving the Process*. Both videotapes are accompanied by study guides for group leaders and viewers. While these programs are not substitutes for training sessions led by expert faculty, they do provide valuable information and guidance. The Minnesota state judicial educator should be able to provide the videotapes and materials to the court and assist in organizing training sessions.

In addition, since money for training is very tight, the court should consider requesting assistance from the State Justice Institute. Small grants are available to support training efforts and technical assistance. Training and expert help would clearly be very useful as the court moves forward to improve its overall management and case processing.

As noted earlier, there is also a need for on-going training on the use of TCIS. Providing this training should be a key ingredient in the district's training plan. The district administrator should develop the training plan and it should be based on an assessment by the court administrators of the educational needs of staff and judges in their respective counties. The state judicial educator should be requested to provide assistance in putting the plan together and implementing it.
4. **Case Management**

As noted earlier, case management policies and procedures for the district and Duluth are undergoing review and revision. It is therefore difficult to make specific recommendations; what follows are comments of a more general nature.

The new caseflow management plan now being developed appears to be based on the principles and practices that have proven to be sound and effective in jurisdictions throughout the country. It is important to note, however, that a plan can only fulfill its purpose if it is adhered to in a uniform and consistent way. The court has to exercise its leadership to see to it that this happens.

It is very important that the new caseflow management plan include procedures that provide for early court control, on-going monitoring, structured processes to ensure early discovery and negotiation between prepared lawyers, and assurance that hearings and trials will be conducted on the scheduled date. It would be helpful if case differentiation and alternative dispute resolution techniques were made part of the plan, particularly with regard to cases in Duluth.

To provide guidance to the court as it proceeds with the implementation of a block or individual assignment system in Duluth, attached to this report is a copy of the 1991 monograph, *Toward Excellence in Caseflow Management* published by the National Center for State Courts. The monograph is a guide by and for practitioners and details how the Circuit Court in Wayne County (Detroit), Michigan moved from a master to an individual case assignment system. In doing so, the court achieved outstanding results and it is now considered one of the premier courts in the nation.
Timely and accurate information are essential for effective case management. At a minimum, the following information should be collected: the number of pending cases by case type; the distribution of pending cases by age; the status of each case; age of pending caseload compared to time standards; age of cases at disposition, by case type; percentage of trials/hearings starting on first scheduled date; number of continuances of scheduled events in each case and reasons for each continuance; number and proportion of dispositions by type of disposition; and annual filings and dispositions, by case type. Much of this information can be produced by TCIS but special efforts may have to be made to obtain some of the scheduling and continuance information.

5. **Driver's Licensing Function**

This function should be transferred from the courts in Virginia and Hibbing to more appropriate county offices. In light of the workload pressures facing the courts, however, there is a need to ensure that there are no staff reductions as a result of the transfer. Before proceeding, therefore, the court administrator's office should document the actual amount of time spent by staff on processing driver's licenses. Such documentation would allow the court to make an informed judgment as to the impact of this function on the use of staff time and whether it would gain or lose in terms of staff resources by seeking a transfer. Even though the function does not belong in court, transferring it may not be desirable if the number of positions needed for court work is reduced.
6. Alcoholism Assessment

The court in Duluth should consider contracting out for the services needed as is done in Virginia and Hibbing. This could make economic sense and it would also eliminate the management complications discussed in the earlier part of this report.

On the other hand, if the judges in Duluth feel strongly that the Advisor on Alcoholism office should be retained, we recommend that its activities be confined to alcohol evaluation and that probation cases be the responsibility of Arrowhead Regional Corrections. This will not only simplify the organizational structure and supervisory relationships, it will also assure that qualified probation personnel would be responsible for those adjudged as needing some type of supervision.

Since it is a special activity, the court administrator should continue to supervise the work of the alcohol assessment unit even after the recommended reorganization is implemented. To avoid any possibility of conflict of interest, it is important that those assigned to the unit not be involved in any programs with clients of the office that result in remuneration of any kind.

7. Other Issues

Reception Function: Providing reception services to the public in Duluth is divided among at least five staff members. Since there appears to be space on the first floor of the Duluth courthouse for an information booth, the possibility of establishing such a booth should be explored. If a booth can be set up, the court/county should investigate whether the booth can be staffed, at least in part, by volunteers from the community. This
could free time for other functions. In any event, the signs in the Duluth courthouse should be improved. It is hard to know where to go without having to ask someone for directions.

In addition, as part of the administrative reorganization, the court in St. Louis County should consider creating a Reception unit in Duluth. The unit would be primarily responsible for handling incoming telephone calls and directing them to the appropriate person or office. Since the unit could also provide secretarial and clerical support to the court administrator, it should be under his/her direct supervision as indicated on the attached organizational chart.

**Equipment:** There appears to be a strong need to improve and upgrade the telephone system as well as such equipment as PCs, printers, chairs and work stations. Public access TCIS terminals should be provided in the appropriate court offices. Electronic cash registers which automatically compute court fees should be purchased and if that cannot be done, adding machines should be made available at the public counters.

**Prisoners Transportation:** It was reported that prisoners being transported from the jail in Duluth to the Range for court appearances consistently arrive late. This matter deserves to be investigated. The study team did not have time to explore this issue in any depth.
Sixth Judicial District
Minnesota
Governance Structure

JUDGES OF THE DISTRICT

CHIEF JUDGE
ASSISTANT CHIEF JUDGE

DISTRICT ADMINISTRATOR

COURT ADMINISTRATOR
CARLTON COUNTY

COURT ADMINISTRATOR
COOK COUNTY

COURT ADMINISTRATOR
LAKE COUNTY

COURT ADMINISTRATOR
ST. LOUIS COUNTY
St. Louis County

Proposed Administrative Structure

DISTRICT ADMINISTRATOR

ALCOHOL ASSESSMENT

COURT ADMINISTRATOR

CASE INTAKE

CASE MANAGEMENT AND SCHEDULING

RECEPTION

RANGE OPERATIONS HIBBING VIRGINIA