

**IMPLEMENTING CHANGE AT 68TH DISTRICT COURT
A PARTICIPANT OBSERVATION CASE STUDY**

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INTRODUCTION

Implementation is an ignored area of research in Public Administration. Most Public Administrators are involved in implementing policy developed by the Legislature, the Governor, the Congress, the Mayor, the Board of Managers or the Board of Directors of a non-profit agency or an institution. As "implementers", they operate within organizations which possess certain characteristics and develop according to various principles. Perhaps the most difficult task administrators face is that of implementing change in organizations. The topic of this research, then, is to examine classical principles of organizations/organizational change which apply to the 68th District Court, City of Flint. The objective will be to develop a list of what the 68th District Court needs both short and long-term and a plan of action for meeting those needs.

The process for developing this plan of action starts with a thorough examination of the literature on classical organizational theory. The major concepts and principles which apply to organizations will be surveyed. The goal is to identify what elements particularly apply to public organizations. The objective following this classical literature review is to then focus upon a list of principles/organizational elements which might be applied to the 68th District Court.

The current status of the 68th District Court can be placed

into historical context by reviewing written information about the organization over the years. This historical perspective can be considered in light of the student's observations as Clerk/Administrator of 68th District Court since January 10, 1988. Participant interviews have been conducted over the past two years with persons who have direct contact with the 68th District Court: attorneys, police officers, Sheriff's deputies, city department heads, county agencies, and the state court administrative office. Interviews have been conducted with Judges of the 68th District Court; court employees have discussed numerous issues over the past two years.

A thorough analysis of this data will provide the basis for developing a plan of action for the 68th District Court for the short and long-term.

STATEMENT OF THE PROBLEM: HISTORICAL CONTEXT

The 68th District Court is a six-judge court, located in downtown Flint, Michigan. The court is housed in facilities owned by the City of Flint, built in the 1950's for a municipal court with four judges. When the law creating Michigan's District Court System was implemented in 1968, the court expanded to six judges without the construction of additional space. The 68th District Court is a State Court, and as such, is legally a separate unit of government from the City of Flint which is the primary funding source. The court and the City have, generally speaking, enjoyed a good working relationship over the years. Court employees are members of AFSCME Local Unions 1600 (clerical) and 1799 (supervisors). The City provides support to the court as needed in areas of personnel and labor relations, purchasing, building maintenance, finance, budgeting, and legal services. Limited support is currently provided in the area of data processing services.

The state of Michigan provides supervision of court operations through the State Court Administrative Office which operates under the authority of the Michigan Supreme Court. Educational opportunities are delivered to judges and selected court personnel through the Michigan Judicial Institute. The Court is primarily funded by the general fund of the City of Flint with supplements for judges' salaries provided by the State of Michigan. A plan for

complete State takeover of funding for the court system has never been fully implemented outside of Wayne County. Given the current condition of the State of Michigan's finances, full State takeover of the courts is not expected to occur in the near term.

The current organizational structure of the 68th District Court has evolved through several changes over the past 15 years. A study titled "An Organizational Diagnosis of the 68th District Court" was conducted by the Center for Organizational Research and Development (C.O.R.D.) and presented in January, 1974 by Tony Hain, Gary M. Richetto and Joseph P. Zima. Another study titled "A Report on the Operations of the 68th District Court" was conducted by Dr. Francis M. Webster, Jr. of the School of Management of the University of Michigan-Flint and presented in October, 1981. While both studies are somewhat dated, a thorough review provides a solid historical perspective on problems that continue today relative to employee morale, policy documentation, and organizational accountability. Additionally, a review of the two studies' recommendations indicated that several improvements have been made in the Court's operations over time including:

- * improved communication, cooperation among the judges as evidenced by regular judges' meetings with full attendance
- * establishment of the single position of Court Administrator
- * combining of the Civil, Criminal and Traffic Divisions of the Clerk's office on the first floor
- * development of an organizational chart with lines of authority/accountability
- * establishment of the position of Scheduling Clerk

- * partial implementation of computerization
- * establishment of an "information desk" for the public in the first floor hallway
- * exploration of relocation to better, larger facilities

The 68th District Court currently has an authorized work force of 73 persons. The six judges are elected to staggered six-year terms in non-partisan elections by the voters of the City of Flint. The Chief Judge is selected by vote of the judges to a two-year term. The Court Administrator serves under direction of the Chief Judge in consultation with the other judges. The Magistrates are appointed by the judges and handle traffic matters requiring a hearing and judicial decision. Supervisors work under direction of a Deputy Court Administrator: Account Analyst, Senior Probation Officer, Court Officer Supervisor, and four Clerk's Office Section Supervisors - tellers, criminal, civil, traffic. One Court Recorder serves under the direction of each judge. An executive assistant provides assistance to the Court Administrator.

In November of 1986, the 68th District Court was shaken by allegations of embezzlement of court funds by the Chief Probation Officer. A police investigation followed, as well as a trial which resulted in the felony conviction of the Chief Probation Officer for embezzling several thousand dollars in Court funds. While this series of events has had serious negative effects on the Court relative to employee morale, one positive result was strengthening of accounting and management controls. The State Court

Administrative Office conducted site visits to the Court following the embezzlement and interviewed several staff members, the former Court Administrator and the Judges. "Findings and Recommendations on the 68th District Court" were issued in a memo to then Chief Judge Thomas M. Donnellan on January 15, 1987.

We did find many strengths in the 68th District Court. The bench works well together, is united in a common goal of a well run court, and is willing to make necessary changes to effect improvements. Staff and judges are hard-working. The court has a good relationship with the District Control Unit, the City of Flint. Recognized areas of improvement include: getting better facilities for the court, improving court computerization and improving the working conditions and general attitude of the clerical staff. The Deputy Court Clerks are laboring under very poor conditions at this time.

An examination of court procedures revealed that those installed are basically good and follow accepted standards of other courts. Unfortunately, established procedures were not followed by all the employees. Supervision to ensure procedures were followed was lacking. Consequently, major financial irregularities could and did take place.

The accounting firm Plante & Moran of Southfield, Michigan, completed a review of the accounting procedures and controls of the court during the Spring of 1987. The report offered suggestions to improve the Court's cash, accounting and record controls to

provide court management with reasonable, but not absolute, assurance that cash and records are safeguarded against unauthorized disposition. Recommendations of the two 1987 reports include the following:

- * the duties of the cashiers performing cash/accounting functions should be segregated
- * the Court Administrator should review on-hand reconciliations and cash disbursements
- * an Account Analyst position should be created
- * controls on computer access and passwords should be maintained
- * traffic ticket controls should be strengthened
- * court file control procedures should be strengthened
- * court employees should be given periodic training sessions regarding cash control, filing procedures and court rules applicable to their jobs.
- * the following clerk positions should be created:
 - Bookkeeping Machine Operator/Garnishment Clerk
 - Information and Telephone Clerk
 - File Clerk
 - Records Retention Clerk
- * the court facility is seriously overcrowded and should be expanded or replaced

The 68th District Court Judges indicated support for implementation of the majority of the recommendations contained in

the reports indicated earlier. Therefore, the primary task for the Court Administrator appointed January 10, 1988 essentially was to solve these problems; make this organization healthy and able to serve the public effectively and efficiently. The review of Classical Principles of Organizations serves to identify approaches to the Court's problems from a theoretical perspective.

CLASSICAL PRINCIPLES OF ORGANIZATIONS

When the acts of two or more individuals are cooperative, that is, systematically coordinated, those acts constitute an organization. An organization is an assemblage of interacting human beings which has a central coordinative system. (March, Simon 1958) Numerous efforts to develop measurable, scientifically verifiable principles have been tried over the years, with limited success. In fact, according to March and Simon (1958), the great bulk of the wisdom about organization has never been subjected to the rigorous scrutiny of the scientific method. Several major theorists in the 20th Century have taken various approaches to the questions surrounding organizations and their impact upon human endeavor.

The study of organizations was generally dominated in the first quarter of the century by the point of view of scientific management. In the second quarter, the interests and approaches called "human relations" were paramount.

In the former case, the human actors in organization were viewed primarily as "instruments" that could be described in terms of a few physiological and simple psychological properties. In the latter, human actors were endowed with feelings and motives, but relatively little attention was paid to their properties or adaptive, reasoning beings.

These two approaches can give a theoretical framework for solving the organizational problems of 68th District Court. As indicated earlier in the historical review, 68th District Court suffers both "structural" difficulties such as lack of space, poor equipment, undocumented policies and "behavioral" difficulties such as low morale, absenteeism, and stress. This review of classical principles is undertaken with the goal of identifying those which apply to the Court currently.

Frederich W. Taylor primarily studied the use of measurement techniques to ascertain the performance of routine productive tasks in industrial settings. Time/motion studies were implemented which measured such factors as: capacity, speed, durability, and cost both in terms of time and money. Taylor's "Scientific Management" approach to organizations promoted the following principles:

- 1) "One best way" of performing a job can/should be found
- 2) It is critical to provide incentives to perform a job in the best way and at a good pace
- 3) An organization should use specialized experts (functional foremen) to establish various conditions surrounding the workers' task -- methods, machines, speed, priorities, etc. (Taylor 1907, 1911, 1919, 1947)

While Taylor established the principle of departmentalization, Max Weber developed the understanding of bureaucracy as an adaptive device for utilizing the specialized skills of individuals. Weber's conceptualization of a bureaucratic organization is based upon the following principles:

- 1) Hierarchical arrangement of offices with each lower office under a higher one
- 2) Division of labor with specified spheres of competence legitimized in official duties, thus constituting a "rationalized job structure".
- 3) Rules for carrying out the work, to be applied uniformly to individual cases.
- 4) Impersonality in administration -- officials are subject to impersonal order and norms of conduct and act objectively in all interactions with people both inside and outside of the organization.
- 5) Officials are selected on the basis of competence and competition, not irrelevant considerations.
- 6) Formalization; acts, decisions, rules and regulations are formulated and kept in writing.
- 7) Management is separated from ownership. Owners hire a professional administrative class to manage the organization, creating a politics/administrative-dichotomy (that is, policymakers and implementers are distinct functionaries). (Bendix 1962)

One of the problems associated with bureaucracy stems from its primary emphasis on reliability over other considerations. There results a reduction in the amount of personalized relationships both within the organization itself and between the organization and its client group. The increased use of categorization as a decision-making technique decreases the number of alternatives available in making a decision. This can cause the following problems:

- 1) Rigidity of behavior
- 2) An emphasis on maintenance of the system rather than service
- 3) Efforts to justify and defend individual action instead

of problem solving

4) Expansion of the use of authority and/or the "trappings of authority" (Bendix, 1962)

When bureaucracy is paramount, the use of impersonal rules tends to define a minimum acceptable behavior within the organization. This can depress behavior to a minimum level causing conflict between the stabilizing effects of rules and the unbalance produced in performance, especially in larger organizations.

Chester Barnard and Herbert A. Simon (1958) developed the Barnard-Simon theory of Organizational Equilibrium which includes these five elements:

1) An organization is a system of interrelated social behaviors of a number of persons whom we shall call the participants in the organization.

2) Each participant and each group of participants receives from the organization inducements in return for which he makes contributions to the organization.

3) Each participant will continue his participation in an organization only so long as the inducements offered him are as great or greater (measured in terms of his values and in terms of the alternatives open to him) than the contributions he is asked to make.

4) The contributions provided by the various groups of participants are the source from which the organization manufactures the inducements offered to participants.

5) Hence, an organization is "solvent - and will continue in existence only so long as the contributions are sufficient to provide inducements in large enough measure to draw forth these contributions".

Organizational equilibrium or the lack thereof can thus be assessed according to these principles. A profit-making organization can easily measure the contributions necessary from its "clients" in order to survive. In the public agency, this is more difficult because of multiple constituencies: (e.g. voters, congress, executive, litigants, funding source, tax base, etc.).

In order to narrow the focus of organizational principles applicable to 68th District Court, it is necessary to consider what differences with the private sector, if any, exist for public organizations. According to Appleby (1978), the basic purpose of government point to conflict resolution, while much of private enterprise focuses on problem solving; thus the issues facing each sector often differ significantly. The public sector tends to be much more entrenched in the behavior patterns and values of the bureaucratic model than does private enterprise. The public sector is webbed by multiple access to multiple authoritative decision makers, a phenomenon designed to ensure that the public business is examined from a variety of perspectives. The checks and balances basic to our constitution provide the framework for public organizations.

Luther Gulick (1937) demonstrated that, given the general purpose for a public organization, unit tasks can be identified which are necessary to achieve that purpose. These tasks will normally include basic production activities, service activities, coordinative activities and supervisory activities. The fundamental problem is to group these tasks into individual jobs, to group the jobs into administrative units, to group the units into larger sections and finally to establish the top level departments. These groupings can be made in such a way to minimize the today cost of carrying out all the activities. Coordination is a "highly significant" problem: - "arranging the signalling system for interdependent conditional activities". (Gulick 1937)

Eddy and Saunders (1972) outlined factors inherent in public organization development strategy:

- 1) Multiple Accountability. Public organizations are accountable to the public, the media, the three branches of government (legislative, executive, judicial).
- 2) Change is generally more difficult in an entrenched bureaucracy.
- 3) Financial support can be problematic for organizational development activities.
- 4) The institutional culture of government causes an automatic divergence between policy and implementation.

R. Golembiewski (1969) identified five aspects of the public "habit background" which have grown out of the development of bureaucracy:

- 1) Public patterns of delegation
- 2) The legal habit
- 3) The need for security
- 4) Procedural regularity and caution
- 5) The slow to develop image of the professional manager

Organizational development must be seen within the context of politics. According to Golembiewski (1969):

"Other institutions are not free from politics, but the government is politics."

Now that some basic principles of organizations have been identified, and the special characteristics of the public sector have been outlined, we consider organizational development/change - the methodology for application of classical organizational principles.

Several initiatives for potential organizational development in the public sector emerge: creating new rules or regulations, instituting different reporting schedules, redirecting communication flows, changing reporting or supervisory relationships and reorganizing interdepartmental work flow.

According to Perrow (1970), the central problem for organizations is coping with the uncertainty caused by change in

technology, and/or environment. Chris Argris (1965) suggested a three-step process for organizational development:

1) Organizational diagnosis of the dynamics of a system relative to decision making, conflict resolution and goal setting.

2) Implementing a laboratory program to improve the quality of feedback, and decreased dependence on conformity within the group.

3) Management intervention consisting of setting the leadership example for the organization.

Griener (1967) found that all successful efforts at organizational change were based on a shared approach involving power equalization. He discovered that factors related to organizational size, structure, technology and environment are systematically ignored by "human relations" change approach advocates.

The literature suggests that some combination, some sequence of approaches that considers both technical factors and social factors, must be considered simultaneously for effective organizational change. This dual strategy can be developed in response to the question:

"What conditions must exist and what combinations of structural and behavior interventions lead to effective organizational change?" (Griener, 1967)

This approach, which takes into account the structural, mechanical principles of Taylor and Weber along with the human relations, behavioral principles of Argris, guides the strategy for organizational change in 68th District Court.

METHODOLOGY

This literature review on the subject of organizations and organizational change has identified two basic approaches to organizations: structural and behavioral. The next part of the research traced the organizational development of the 68th District Court, City of Flint, since January of 1974. The aim of this review was to conceptualize the many changes in terms of structural and behavioral interventions that have taken place in the organization over the past 14 years. It was difficult to use this historical "case study" approach to develop and test hypotheses in a rigorously scientific fashion with distinct independent and dependent variables. However, by thoroughly reviewing available written material on the 68th District Court Organization and by then interviewing persons within and outside the organization, patterns of organizational change strategies were identified. These organizational changes appear to be congruent with the classical organizational theories posited by Taylor, Argris, Simon and Weber. The analysis considers the relationship that intentional change interventions upon the 68th District Court have had to the classical principles identified in the literature review.

Source data have been reviewed as available over time in the following areas: budget, staffing level, level of office automation, and case load. These annual figures were tabulated and

compared over time. In addition, written reports on the 68th District Court were reviewed to determine a perspective relative to classical organizational principles. Finally, the student has drawn upon his nearly two years of experience as participant/observer of 68th District Court Organization as Clerk/Administrator since January 1988. A clear mandate given by the Judges of the Court was to effectuate change. The essence of this paper, then, is to chronicle the two year effort to effectuate needed changes and to assess whether or not the classical principles of organizations as outlined earlier translated from theory into practice in this setting. Source documents for background have been included in the Appendix as follows:

- 1) 1974 C.O.R.D. Report, "An Organizational Diagnosis of 68th District Court
- 2) 1989 Management Assistance Project Report, State Court Administrative Office.

Other materials included in this review include assorted memoranda, reports, schedules, and meeting notes kept by the Court Administrator. Numerous meetings have taken place with employees over the past two years, both individually and in small and large groups. Several interventions, both structural and behavioral, have been initiated. While no formal evaluation of the "success" or "failure" of these interventions has been completed, unsolicited indications of somewhat improved organizational health have been received. To the extent that perception parallels reality, conclusions about the practicality of using classical organizational principles to effect change in 68th District Court

can be drawn. By chronicling this feedback, however, the student in no way infers that it is a comprehensive look at the results in intentional change approaches.

This research approach was implemented as part of the student's work as 68th District Court Clerk/Administrator. Therefore, the information obtained, the methodology, and the analysis of the results must be viewed in that context. The advantage of this approach to the topic is that as Administrator, the participant observer could exercise considerable control over the timing and context of both information gathering and implementation. The obvious disadvantage is the possibility for non-objective conclusions. This participant observer has attempted to minimize this by utilizing outside organizational analyses by two entities: Michigan State Court Administrative Office, and Local Audit Division, Michigan Department of Treasury. Care was taken to ensure that no employee felt pressured to answer interview questions in a non-objective manner. Interviews with staff and policymakers provided an excellent basis for a list of action steps that could/should be taken.

The plan of action developed includes the following elements:

- 1) Ideal organizational chart
- 2) Training agenda
- 3) Staffing needs
- 4) Space needs
- 5) Timetable for action (short and long term)

- 6) Funding plan
- 7) Strategy for implementation
- 8) Communication methods with: judges, city officials,
employees, public

The plan of action is based upon sound data, logical assumptions, realistic expectations and a practical timetable. A combination of structural changes and behavioral interventions has been undertaken to restore health to the 68th District Court organization. The intended impact of implementing the plan will be improvement in the quality of service rendered to citizens who come before the 68th District Court.

PARTICIPATION OBSERVATIONS

This student had worked with and observed Judges and staff of the 68th District Court during his work and Genesee County Jail Planning Coordinator from 1981-1987. In terms of judicial cooperation with efforts to control jail population and to work with the criminal justice "system", the 68th District Court was viewed favorably as compared to 67th District Court. The 68th District Court Administrator and Chief Probation Officer regularly attended jail planning staff advisory meetings and made significant contributions of time, energy, and effort thereto. The crowded conditions of 68th District Court were well documented during the Criminal Justice Facilities and Program Study conducted for Genesee County in 1982. In fact, a political effort was made by then Flint Mayor James Rutherford and County Commission Finance Chair Harold Hayden to include the "Montgomery Ward Halls of Justice Project" in jail planning. Considerable pressure from private business interests, the Mott Foundation, and strong political forces were exerted on the Genesee County Board to allocate funds for the Halls of Justice prior to resolving the jail crisis. However, the new jail project superceded the Halls of Justice Project, primarily because of legal pressure brought through an inmate class action in U.S. District Court. (Robideau vs. O'Brien et. al.)

Throughout this planning process, the Judges and high level staff of 68th District Court exerted positive influence toward

resolving the jail crisis. The Chief Judge of 68th District Court, Dale Riker, ably chaired the Criminal Justice Policy Committee. Administrator Art Chettle developed the initial rationale for County support of the New Paths jail alternative. The 68th District Court was the only local court to unanimously support the 1983 Jail Bond Proposal.

In 1985, the 68th District Court was racked with controversy due to removal proceeding underway against Judge Lee Vera Loyd. Then, in 1986, Chief Probation Officer James Patton was charged with, and ultimately convicted of, embezzlement. These events were shocking to this observer, given the earlier positive experiences with Court leadership.

Upon appointment to the position of Court Administrator, the participant observer interviewed the outgoing Administrator to discuss areas of immediate concern. This interview and early meetings with Judges and staff formed the initial agenda for problem identification and management initiatives.

A review of notes of those meetings produced the following list of needs/goals/objectives/problems. For purposes of this analysis, they are identified as "S" (structural) and/or "B" (behavioral) organizational issues:

- S 1) Regular Judges meetings provide an opportunity for communication among and with Judges - as to policy, not as to minor decisions.

- S 2) The City of Flint is an independent co-equal branch of government with which there should be cooperation - use city service for: personnel, purchasing, payroll, budget.
- S 3) The budget is tight. If anything, additional staff is needed.
- B 4) Court officers should assist in providing quality public service.
- S 5) Hire a new account analyst to implement stricter controls in fund management as soon as possible.
- S 6) Revenue should be monitored closely.
- S 7) Training for staff should be a priority through Michigan Judicial Institute.
- B 8) Several employees hold strong negative feelings toward previous management, judges and each other.
- B 9) Several employees are motivated, well trained, and willing to take on new tasks in the hope of advancing in responsibility and compensation.
- B 10) Several employees hold bitterness toward management because of perceived unfair promotional practices.
- S 11) Lost files are a problem; files should be consolidated and organized for check-in and check-out systematically.
- S,B 12) The Clerk's office has the reputation of being unprofessional, cluttered, and disorganized.
- B 13) Racial tension was identified as a problem by both black and white employees.
- S 14) Clear lines of authority need to be defined by management.
- S,B 15) Discipline should be exercised more often by supervisors.
- S 16) It is difficult, if not impossible, for one person to manage 30 clerical staff in the Clerk's office.
- B 17) Human Relations training should be implemented for staff and supervisors.
- S 18) Judges should, as much as possible, follow uniform procedure.
- S,B 19) Previous efforts to improve morale and streamline office procedures have lacked follow-up.

- B 20) The Administrator should spend time "out in the Clerk's office" and take a "hands on" approach to management.
- S 21) The Clerk's office should be divided into small working groups, with a mid-level supervisor in charge of Civil, Criminal, Traffic and tellers.
- S 22) Work rules should be adopted and fairly enforced (e.g. limiting personal phone calls, tardiness, absenteeism, horseplay).
- S 23) The Civil section should be automated.
- S,B 24) Mid-level supervisors should be obtained from within the organization because staff feels they haven't been given the chance for promotions.
- S 25) The workload should be distributed fairly and evenly among clerical staff.

In addition to early individual meetings with staff and Judges, this participant observer developed communication with high-level staff for the Court's District Control Unit - the City of Flint. While not a department of the City, the majority of funding for 68th District Court is proposed by the Mayor and adopted by the City Council. Therefore, maintenance of good relations with the City Council and Mayor's appointees was seen as critical. The newly elected mayor identified a serious fiscal crisis upon assuming office and appointed a Citizen's Task Force to review the situation and recommend solutions. Drastic cuts in the 68th District Court budget were avoided but a personnel shortage remained as Fiscal Year 1989 began on July 1, 1988. The City contracted for a "user fee" study with the Judges' support which resulted in the raising of Court fines for traffic and misdemeanor convictions. This demonstration of cooperation between the City and the Court contrasted dramatically with the participant

observer's personal knowledge of the stormy relationship between the 67th District Court and its District Control Unit - the Genesee County Board of Commissioners. This participant observer made a deliberate, concentrated effort to communicate regularly with key officials in the City Administration - the City Administrator, the Finance Director, the Budget Director, the Police Chief, and the Personnel Director. While attending these meetings took the Court Administrator away from day to day operations, this communication set the framework for two relatively positive results for Fiscal Year 1989 and Fiscal Year 1990 Budgets. Thus, the participant observer built upon experience in intergovernmental relations and budgeting to forge the basis for implementing needed internal change in the court itself.

Besides developing a good relationship with the District Control Unit, the Court Administrator began to solicit assistance from the State Court Administrative Office. Staff from the State Court Administrative Office had been ordered by the Supreme Court to assist in the investigation following the embezzlement case. It has been important to establish a cooperative relationship with the State Court Administrative Office in order to take advantage of their expertise, since the Court Administrator lacked District Court experience. Early State Court Administrative Office recommendations included the following: [structural = "S"; behavioral = "B"]

S 1) Obtain an audit through the State Treasurer - Local Audit Division.

- S 2) Establish tighter accounting controls once the Account Analysis becomes familiar with the job.
- S 3) Join the professional Court Administrator's Association.
- B 4) Learn as much as possible about the jobs performed by court clerks by being as accessible to staff as possible.

Besides the State Court Administrative Office, this participant observer met with the Director of the Judicial Tenure Commission to gather pertinent background about the proceedings which ultimately resulted in the removal from the bench of Judge Lee Vera Loyd. While the historical perspective was interesting, no information was obtained which changed in any way the plan of action being developed to improve the Court by the Administrator.

Another significant external entity was consulted during the early months - the County of Genesee. Two major issues of importance involved the County as options were being developed:

- S (1) The need for additional space, and;
- S (2) The need for improved Data Processing/Information Management Services.

Considerable time was spent by the Court Administrator in assisting the County in selecting and working with a Court Consultant to advise the County's architect on the proposed Downtown Courts and Human Services Center. (The Ward's Project) This early work apparently was worthwhile, since it now appears that the Project will become a reality, with a 68th District Court move to a significantly larger, more appropriate facility within the next

year. Several observers believe the morale of the employees and consequently, the efficiency of the operation, will improve considerably when the move is effectuated in late 1990.

The County Data Processing Department has worked diligently toward the goal of 68th District Court terminating its data processing relationship with the Michigan Supreme Court Office of Systems Management and joining the County system. This is a major financial and operational decision because of long-term cost and equipment implications. An internal staff Task Force, coordinated by the 68th District Court Senior Magistrate, was assembled in July 1989 to study computer hardware and software options to develop a recommended plan of action for Fiscal Year 1990. Line staff have been involved in reviewing various computer systems as one method of determining their functionality. Genesee County is motivated to provide the Court with computer services for two reasons:

- (1) Securing a user fee will help defray future operation/development costs for Genesee County.
- (2) A significant amount of data for the County Justice system is generated in 68th District Court.

The decision on which computer system to purchase must be primarily based upon functionality for District Court Operations, not what is best for the County, however. The decision on a new computer system will influence district court operational efficiency for years.

While developing communication with these referenced external administrative and political entities, the Court Administrator

gathered information and developed plans for organization changes, both structural and behavioral. Besides personal observations and gathering opinions of Judges, staff and external entities, the Court Administrator sought the formal assistance of the Michigan Department of Treasury, Local Audit Division and the State Court Administrative Office. The State Department of Treasury conducted a comprehensive Management Assistance Project in 1989. The objective of obtaining the formal recommendation of Treasury and the State Court Administrative Office was to gather evidence from objective, outside sources for improvements organizationally. The Court Administrator believed that such recommendations would carry more weight with Judges, staff and the District Control Unit if they were the result of a comprehensive review by state agencies having experience doing management review of district courts. The Department of Treasury Audits contained recommendations for change which, if implemented, would strengthen the accounting controls for funds paid to and disbursed from the Court. The State Court Administrative Office Management Assistance Report contained 87 recommendations for improvements. These included both structural and behavioral components.

ANALYSIS

Virtually all of the principles of organization enumerated at the onset of this effort have been observed in the 68th District Court Organization over the past two years. This participant observer has been required to approach organizational change from several perspectives while simultaneously maintaining the day-to-day business of the Court and restoring public confidence.

The Court contains examples of the "structural" organization principles articulated by Frederick W. Taylor and Max Weber. The 68th District Court is bureaucratic and there is a division of labor based upon different functions performed by various members of the organization. The U.S. Constitution, State statutes, caselaw and Michigan Court Rules form the basic guideline for day-to-day operations. The problem associated with bureaucracy and categorization identified by Weber are apparent to this participant observer in 68th District Court:

- 1) Rigidity of behavior
- 2) An emphasis on maintenance of the system vs. service
- 3) Efforts to justify and defend individual action instead of problem solving
- 4) Expansion of the use of authority and/or the "trappings of authority". (Bendix 1982)

A key management task has been maintaining consistency throughout the organization while balancing the need to serve the public efficiently and motivate good performance among employees.

The problem of coordination identified in Gulick (1937) appears to be severe in 68th District Court. The physical structure, the independence of the six judges, and the recent history of crises all exacerbate the inherent coordination difficulty characteristic of large organizations. Additionally, external factors outside the control of the Court can impact adversely on the Court organization's capacity to do its business effectively by drastically increasing or changing its caseload. Some examples of these external factors are:

- 1) Prosecutorial plea bargaining policies resulting in more preliminary exams;
- 2) Increased traffic, parking, or criminal violations enforcement;
- 3) Poor economic conditions which result in increased civil filing, small claims, and landlord-tenant disputes.
- 4) Additional fee collections imposed by the State Legislature.

By definition, the purpose of the Court is the fair resolution of disputes, therefore Appleby's (1978) discussion of the difference between public sector organizations and private enterprise fits nicely. As part of our constitutional form of government, the Court must retain independence from the executive and legislative branches. (Mayor and City Council) This independence certainly exists in theory, but becomes difficult to maintain in practice. The Court depends upon the City Administration and Council for the majority of its budget. Payroll, finance, facility, personnel, labor relations and maintenance services are provided by the City departments. The City Attorney and Police work closely with Court

employees in processing cases. Employees are members of AFSCME Local 1600, the city's largest labor union. Line supervisors are members of AFSCME Local 1799. The Court is statutorily a separate unit of government - part of Michigan's "One Court of Justice". However, the public and staff often view the 68th District Court as merely a department of the City of Flint. The 68th District Court is webbed by multiple access to multiple authoritative decision makers. While the principles of Weber's bureaucracy apply to parts of the 68th District Court organization, informal relationships often carry more influence than formal lines of accountability and authority within the Court. That essential complexity makes application of traditional change approaches used in private enterprise usually unworkable.

According to Sayles (1962), organizational change is a "continual process of structural adaptations". The interactionist approach identified by Sayles considers organizations in terms of patterns of activities, sentiments and interactions. Since organizations are defined in terms of roles and role relationships, the primary lever in dramatic change is to influence the pattern of interaction between persons or groups within the organization (e.g. labor - management). This participant observer views 68th District Court as simultaneously rigid and constantly changing and evaluating role relationships. Tushman (1974) identified a "mechanical" system of organization characteristics as follows: authority - obedience relationships, centralized decision making,

and the avoidance of conflict. An "organic" system possesses opposite characteristics and is better able to adapt to environmental and technical change than is a "mechanical" organization. Therefore, the development of a more "organic" organization in 68th District Court based on Argris (1965) notion of "interpersonal competence" would appear to be effective.

The Argris model implies a developmental growth process inherent in each individual. The organization itself is rational, specialized and contains specific communication patterns, both formal and informal. Many 68th District Court employees work where they have little control over their working patterns. They have been expected to be passive and produce under conditions leading to psychological failure. Argris (1965) defines the classic "Dilemma of Organizations":

"Formal organizational values if followed create a social system in which the members' interpersonal competence must decrease. Results of this decrease in organizational competence include:

- *external commitment
- *conformity
- *mistrust
- *ineffective decision making
- *organizational rigidity

These characteristics feed upon each other and result in organizational ineffectiveness."

With the dilemma identified, the underlying framework for organizational development becomes, according to Argris:

"...increasing interpersonal competence through a process by which both the individual and the organization simultaneously obtain maximum self-actualization."

Argris presents a standard, a goal, an ideal that this participant

observer believes forms the basis for ethical, effective public management. That standard forms the basis for implementing an action plan to improve the 68th District Court. In addition, the current climate of rapid change in the private sector has generated some management change approaches the participant observer has considered for implementation.

Thriving On Chaos, management guru Tom Peters' third book in the 1980's, contains specific examples of public sector applications of his entrepreneurial organizational change principles. Innovation, personal accountability, commitment to service, and the breaking down of bureaucracies are fundamental to the Peters' approach. This participant observer notes that persons successful at 68th District Court are those willing to "thrive on chaos". Peters' work in his three management books is based upon case studies in U.S. corporations, small businesses and public agencies facing the major shifts in global economies in the last quarter of the twentieth century. The City of Flint, at the onset of the 1990's, may be a microcosm of these pressures. This participant observer's approach to organizational change in 68th District Court has attempted to balance the structural vs. the behavioral - traditional management vs. participative management - the headlong march toward "high tech" vs. the understanding that the Court is a people business.

Management of change is more art than science. Management of

change in a district court operating in a crowded, unsafe facility with an increasing caseload and budget problems in the wake of the removal of a Judge and the conviction of its Chief Probation Officer demands the willingness to "thrive on chaos".

ACTION PLAN IMPLEMENTATION
(January 1989 - December 1991)

Two years work as Court Administrator has provided this participant observer opportunity to simultaneously develop, plan, implement, and evaluate several organizational changes. This section summarizes efforts undertaken over the past two years to improve the Court Organization and current plans for the next two years. Kotter and Schlesinger (1979) developed a model of methods for dealing with resistance to change which has been used effectively by this participant observer during implementation. (see Appendix, D) The items are listed according to the structural ("S") and/or behavioral ("B") categories discussed during the literature review.

1988, 1989, 1990, 1991

<u>Significant Activity by Administrator</u>	<u>Type of Intervention</u>	<u>Other person(s) Involved</u>	<u>Date Accomplished</u>
1. Personally interview Judges, supervisors, staff regarding mission of 68th District Court	B	Judges, supervisors, staff	Jan-Mar 88
2. Personally interview Mayor, Personnel Director, Finance Director, Budget Director, Police Chief	B	Key City Dept. heads	Jan. 1988
3. Initiate regular supervisors meetings to begin building a "team"	S	Court supervisors	Feb. 1988
4. Select, hire and orient a new Account Analyst to assist with Budget Preparation, maintaining account records	S	Personnel Dept.	March 1988
5. Fill clerical vacancies in Clerk's office	S	Personnel Dept. Office Manager	April 1988

- | | | | | |
|-----|---|---|--|-------------------------|
| 6. | Prepare Fiscal Year 1988/89 Budget, present to administration, Council for adaption | S | Account Analyst
Judges, Budget
office, City Council | Feb-Jun 88 |
| 7. | Develop and implement management and human relations training sessions for judges/supervisors | B | Judges, super-
visors, consul-
tants | March 1988
May 1988 |
| 8. | Regularly attend Mayor's Staff meetings in order to foster and improve relations with district control unit | S | City Admini-
stration Depart-
ment | Jan. 1988-
July 1989 |
| 9. | Prepare and conduct regular (bi-weekly) Judge's meetings in conjunction with the Chief Judge | S | Chief judge
Judges | Jan. 1988-
Jan. 1989 |
| 10. | Develop and implement selection process, job description for mid-level supervisions in Clerk's office | S | Personnel Dept.
Judges, Office
Manager | Sept.1988-
Dec. 1988 |
| 11. | Interview and select mid-level supervisor in Clerk's office | S | Candidates | Dec. 1988 |
| 12. | Attend informational inter-agency meetings as needed as 68th District Court representation (e.g. CADA, Core Group, New Paths Board, etc.) | S | Other groups,
committees | Jan. 1988-
present |
| 13. | Prepare grant, obtain funding for community service program with funds from the Michigan Office of Highway Safety Planning, implement program | S | OHSP staff,
Budget office,
Account Analyst,
Senior Probation
Officer | Dec. 1988-
Oct. 1989 |
| 14. | Establish mutual goal-setting format for every employee to encourage "buy in" for mission of 68th District Court | B | Judges, super-
visors, staff | July 1988 |
| 15. | Obtain City Budget support for Court improvements in Fiscal Year 1989, Fiscal Year 1990 | S | Mayor, City
Council | June 1988-
July 1989 |
| 16. | Fill vacant Office Manager position utilizing State Court Administrative Office (SCAO), other court administrators | S | SCAO, Court
Administrators | May 1989 |

- | | | | |
|---|-----|--|---------------------|
| 17. Request audit by Local Audit Division, Michigan Department of Treasury upon request of City Finance Director | S | State Treasurer's Office | June 1988 |
| 18. Implement reasonable recommendations of two Treasury Audits | S | Judges, Account Analyst, staff | Sep. 1988-present |
| 19. Improve backlog situations with bench warrants, mail using overtime and improved communication with Police Department | S | Supervisors, Police Dept. | |
| 20. Develop and refine design for 68th District Court space in Genesee County Courts and Human Services Center | S | Judges, supervisors, staff, County officials, City officials, Court consultants, 68th District Court, architect | Jan. 1988-present |
| 21. Install new typewriters for clerical staff | S | Vendor, staff | July 1988 |
| 22. Install office systems furniture for clerk's office staff, probation, magistrate, administration | S | Vendor, staff | July 1989-Oct. 1989 |
| 23. Implement proper arraignments at new County Jail using Court Recording equipment | S | Judges, Court recorders, Sheriff | July 1989 |
| 24. Cooperate with County efforts to implement Community Corrections Act locally | S,B | Core group, Judges | Jan. 1988-present |
| 25. Examine computer upgrade capabilities with goal of new system by time of move to new building | S | Software, hardware vendors, City, County Data Processing staff, Police, City Attorney, State Supreme Court, Office of Systems Management | Jan. 1989-present |

- | | | | |
|---|-----|--|--------------------------|
| 26. Request Management assistance from State Court Administrative Office | S,B | Chief Judge,
State Court
Administrator,
staff | Feb. 1989 |
| 27. Cooperate with SCAO to conduct management assistance project interviews | S,B | Judges, staff,
SCAO staff | June 1989-
Sept. 1989 |
| 28. Review SCAO Management Assistance Project Draft Report with Judges at "off-site" meeting | S,B | SCAO staff,
Judges | Nov. 1989 |
| 29. Distribute SCAO Management Assistance Project Report to staff, supervisors | S,B | Staff, super-
visors | Dec. 1989 |
| 30. Implement 87 recommendations of SCAO Management Assistance Project Report
(see appendix) | S,B | Judges, City,
County, staff,
supervisors | Dec. 1989-
Dec. 1991 |

BIBLIOGRAPHY

- Appleby, P. "Government is Different" in Classics of Public Administration, eds. J. Shafrity, and A. Hyde, Oak Park, Ill., Moore, 1978, pp. 101-110.
- Argris, Chris, "Organization and Innovation" Homewood, Illinois: Richard Irwin, 1965
- Bendix, R., "Max Weber: An Intellectual Portrait", Garden City, N.Y., Doubleday, 1962, p. 426.
- Eddy, Ward R. Saunders, "Applied Behavioral Science in Urban/Administrative Political Systems", Public Administration Review, V. 30, Jan-Feb. 1972, pp. 11-16.
- Garber, Daniel J., "State of the Court 1975-1976", March 1976.
- Golembrewski, R., "Organizational Development in Public Agencies: Perspectives on Theory and Practice", Public Administration Review, Vol. 29, (July-August, 1969, pp. 367-77).
- Griener, Larry, "Patterns of Organizational Change", Harvard Business Review, 45: 119-131.
- Gulick, L. H. and L. Urnick, eds. "Papers on the Science of Administration", New York, 1937.
- Hain, T. Richetto, G. M., Zimas, J., "An Organizational Diagnosis of the 68th District Court", January, 1974 C.O.R.D.
- Hunt, Vernon, "A Report On Technical Assistance to 68th District Courts", May 1980.
- Kotter, John P. and Schlesinger, Leonard A., "Choosing Strategies for Change", Harvard Business Review, March-April 1979.
- March, James G. and Simon, Herbert A., "Organizations", 1958, New York, John Wiley and Sons, Inc.
- Michigan Department of Treasury, Local Audit Division, October 1988, November 1989.
- Perrow, Charles, "Organizational Analysis: A Sociological View", 1970 Belmont, California, Wordsworth.
- Plante, Moran, Audit Report of 68th District Court, June 1987.
- Simon, H. A., D. W. Smithburg, and V. A. Thompson, Public Administration, New York, 1950.

Sayles, Leonard, "Change Process in Organizations: An Applied Anthropological Analysis", Human Organizations, 21 (2), pp. 62-67.

Tushman, Michael, "Organizational Change: An Exploratory Study and Case History", ICR Paperback No. 15, Ithaca, New York State School of Industrial and Labor Relations, Cornell University, 1974.

Taylor, F. W., "On the Art of Cutting Metals. Transactions of the A.S.M.E.", 1907, 28, 31-350.

--"The Principles of Scientific Management", New York, 1911.

--"Shop Management", New York, 1919.

--"Scientific Management", New York, 1947.

APPENDIX

- A "An Organizational Diagnosis of the 68th District Court".
C.O.R.D., January 1974
- B Follow-up Report by Region II, State Court Administrative
Office
- C Hughes, James P., "The 68th District Court: Analysis of
Management Control Improvements" in response to internal
problems and fiscal crisis, April 1988
- D Assorted Memoranda to 68th District Court Judges, staff
from Court Administrator
- E Management Assistance Project - Michigan State Court
Administrative Office - November 1989