

COURT CULTURES AND THEIR CONSEQUENCES

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INTRODUCTION

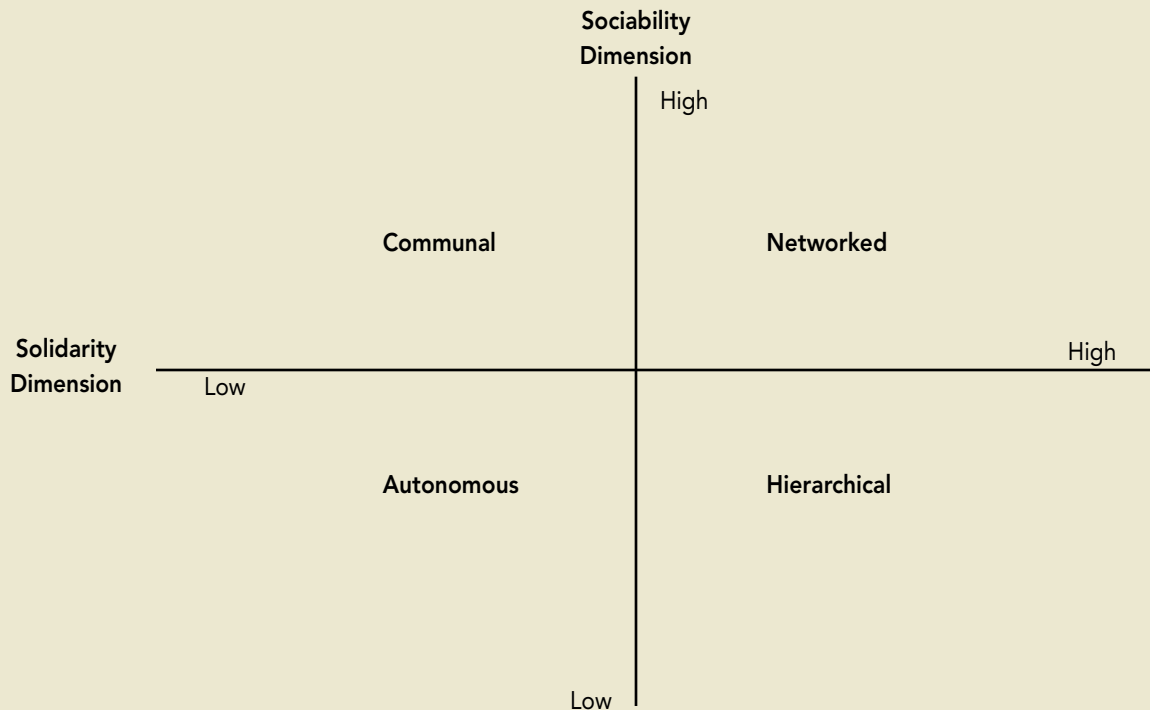
Seminal to American court management is “local legal culture.” Coined in the 1970s by researchers seeking to understand court reform in general, and expedition and timeliness in particular, this notion was held out as an explanation for why some courts perform differently than others. Nimmer (1971) observed the “local discretionary system” influenced whether planned changes in court operations took hold and or were blocked and eventually withered on the vine. He contended lengthy case processing times were “most directly associated with prevailing norms of the judicial process and with the personal motivations of participating attorneys and judges” (1978:87).

Church amplified this proposition (1978). In a study of 21 state trial courts, he claimed cultural orientations of practitioners as the basis for why some courts were more expeditious than others rather than differences in objective characteristics of courts. He wrote (1978:54):

It is our conclusion that the speed of disposition of civil and criminal litigation in a court cannot be ascribed in any simple sense to the length of its backlog, any more than court size, case load or trial rate can explain it. Rather, both quantitative and qualitative data generated in this research strongly suggest both speed and backlog are determined in large part by established expectations, practices and informal rules of behavior of judges and attorneys. For want of a better term, we have called this cluster of related factors the “local legal culture.”

Our objectives are to build on these groundbreaking efforts and to explore the cultural landscape more deeply. The remainder of this article is devoted to highlighting essential aspects of our inquiry into culture, work, and performance in 12 felony criminal trial courts from California, Florida, and Minnesota.¹

TABLE 1
COURT CULTURE CLASSIFICATION



The four distinct cultures have their particular ways of getting work done. A brief definition of each category highlights these distinctions.

CONCEPTUALIZING CULTURE

Court culture is defined as the expectations and beliefs judges and court administrators have about the way work gets done. Their views vary considerably both within and between judicial institutions. However, clusters of views can be discerned and courts classified according to particular combinations of outlooks held by the practitioners.

A classification scheme of court culture is achieved by identifying where practitioners' views fall along two dimensions. The first dimension is Sociability, the degree to which judges and administrators get along and emphasize the importance of cooperative social relations. A second dimension is Solidarity, the degree to which judges and court administrators pursue shared goals, common tasks, and agreed upon procedures. Different combinations of views along these two dimensions generates a typology of cultures, as shown in Table 1. The typology is displayed in the 2-by-2 table shown on page 16.²

Communal: Judges and administrators emphasize the importance of getting along and acting collectively. Rather than established rules and firm lines of authority, communal courts emphasize importance of group involvement and mutually agreed upon goals. Flexibility is a key to management. Procedures are open to interpretation and creativity is encouraged when it seems important to "do the right thing." The court environment is best managed through teamwork and development of a humane work environment. Court customers are often viewed as partners when designing court policies and procedures.

Networked: Judges and administrators emphasize creativity and innovation. Efforts to build consensus on court policies and practices extend to involving other justice system partners, groups in the community, and ideas emerging in society. As innovators, these courts will be drawn to incorporate the latest thinking in specialty courts, problem-solving courts, and therapeutic justice. Court leaders speak of courts being accountable for their performance, for the outcomes they achieve, not just the ways and means they use to achieve them. The networked court seeks a very challenging and complex organizational structure that endeavors to achieve both high solidarity and high sociability in the choice and implementation of management practices.

Autonomous: Judges and administrators emphasize the importance of allowing each judge to conduct business as he or she sees fit. Many judges in this type of court are most comfortable with the traditional adversarial model of dispute resolution. Under this traditional approach, the judge is a relatively passive party who essentially referees investigations carried out by attorneys. Centralized leadership is inhibited as individual judges exercise latitude on key procedures and policies. Limited discussion and agreement exist on court-wide performance criteria and goals. It is not surprising that "judicial activism," or case management, has trouble catching hold in these courts.

Hierarchy: Judges and administrators emphasize the importance of established rules and procedures to meet clearly stated court-wide objectives. These courts seek to achieve the advantages of order and efficiency, which are deemed essential goals in a world of limited resources and calls for increased accountability. Effective leaders are good coordinators and organizers. The approach is to create a structured decision-making environment through the creation of rules, adoption of court technology, and a monitoring system to assess compliance. Recognized routines and timely information are viewed as mechanisms for reducing uncertainty, confusion, and conflict in how judges and court staff make decisions.

To further clarify the conceptual framework, we posit that each culture shapes "how things get done" in five work areas found in all courts. The areas are case management, judge-staff relations, change management, courthouse leadership, and internal organization. Work orientations in each culture type are displayed in the Court Culture Value Matrix presented in Table 2. The value matrix provides a short description of how work gets done in each of the work areas across the four culture types. For example, looking at dominant case management style, we find the following short descriptions:

Flexibility (Communal Culture) — General agreement on performance goals exists, but centralized judicial and administrative staff leadership are downplayed and creativity is encouraged. As a result, individual judges apply court rules, policies, and procedures in alternative, acceptable ways.

Judicial Consensus (Networked Culture) — Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (administrative) judge.

Self-managing (Autonomous Culture) — Limited discussion and agreement on the importance of court-wide performance goals exist. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.

Rule-oriented (Hierarchical Culture) — Judges are committed to the use of caseflow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.

By examining these short descriptions across each of the four culture types, it is possible to get a sense of the expectations and beliefs judges and court administrators have about their work environment.

TABLE 2
COURT CULTURE VALUE MATRIX

	COMMUNAL	NETWORKED	AUTONOMOUS	HIERARCHICAL
Dominant Case Management Style	Flexibility — General agreement on performance goals exists, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, individual judges apply court rules, policies, and procedures in alternative, acceptable ways.	Judicial Consensus — Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (administrative) judge.	Self-managing — Limited discussion and agreement on the importance of court-wide performance goals exist. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.	Rule oriented — Judges are committed to the use of caseflow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.
Judicial and Court Staff Relations	Egalitarian — An effort is made by judges to limit the psychological distance between them and administrative courtroom staff. Hierarchy and formal processes exist, but court staff members go outside normal channels when it seems appropriate to “do the right thing.”	People Development — Judges value and promote a diverse workforce and diversity of ideas; act to enhance professional administrative and courtroom staff development; and seek to treat all staff with fairness and respect.	Personal Loyalty — Individual judges use their own criteria to monitor, evaluate, and motivate courtroom and other staff. Judges have wide discretion in how they recruit, manage, and organize their courtroom support staff.	Merit — Administrative and courtroom staff members are closely monitored and evaluated through regular and structured performance appraisals. Work-related feedback, merit recruitment, and promotion are emphasized.
Change Management	Negotiation — Changes in court policies and procedures occur incrementally through judicial negotiation and agreement. In practice, procedures are seldom rigid, with actual application open to interpretation by semi-autonomous work teams of individual judges and corresponding court staff.	Innovation — Judges and court managers seek input from a varied set of individuals (e.g., judges, court staff, attorneys, and public) and measure court user preferences concerning policy changes. Individual judges and administrative staff are encouraged to monitor court performance and to recommend necessary adjustments.	Continuity — Judges resist a rule- and process-bound organizational setting. Centralized change initiatives may be considered unfeasible because each judge exercises a wide scope of latitude in the choice of case processing practices, and judges are perceived to resist court-wide monitoring.	Modern Administration — Judges and administrative staff seek cutting edge technology and modern administrative methods to support administrative procedures that reduce errors and enhance the timeliness of case processing and the accuracy of record keeping.
Courthouse Leadership	Trust — Judicial and administrative staff leaders seek to build personal relationships and confidence among all judges and court staff members; emphasize mutually agreed upon goals with staff members; and attempt to help all obtain satisfaction from work.	Visionary — Judicial and administrative staff leaders seek to build an integrated justice system community. All judges and court staff are asked to meet organizational performance goals that focus on results that matter to those served by the courts rather than simply those who run them.	Independence — Centralized court leadership is inhibited because judges prefer to work with few external controls. Each judge and corresponding courtroom staff members are concerned primarily with their own daily responsibilities and exhibit little interest in efforts aimed at improving court or system-wide performance.	Standard Operating Procedures — Judicial and administrative leaders rely on clearly established rules and directives — preferably in writing — to guide court operations. The system may appear impersonal given the emphasis on knowing and using the proper channels to get things done.
Internal Organization	Collegiality — Information on a wide variety of topics (e.g., caseflow, resources, personnel) is shared through informal channels reflecting personal relations among judges, administrative, and courtroom staff. Judges and court staff strive to achieve consensus and to reconcile differences.	Teamwork — Judges and administrators seek a shared court-wide view of what needs to be accomplished. This knowledge facilitates judges and court staff, drawing from different departments and divisions if necessary, to work collaboratively to perform case processing and administrative tasks.	Sovereignty — Courtroom practices reflect the policies and practices employed by individual and autonomous judges. Therefore, accepted practices are slow to change, stability and predictability are emphasized, and confrontation minimized.	Chain of Command — Explicit lines of authority among judges, administrative staff, and courtroom staff create a clear division of labor and formalize expectations that judges and court staff will do the jobs they are assigned.

MEASURING CULTURE

To measure the extent to which the four conceptual cultures correspond to courts in the real world, we developed a Court Culture Assessment Instrument (CCAI) following the lead of Cameron and Quinn (1999). The CCAI consists of a five-part questionnaire focusing on alternative work areas and including four contrasting statements taken from the Court Culture Values Matrix describing how work gets done. Respondents are asked to divide 100 points among the four statements depending on how closely they think each one describes the situation in their court. The more closely a given statement describes the situation, the greater the number of points are to be assigned. Additionally, in completing the survey, individuals are asked to formulate two sets of responses: (a) How would you describe the court as of today?; and (b) How would you like the court to be in five years? We refer to the former as a court's **current** culture type and the

latter as the **preferred** culture type. The Dominant Case Management Style portion of the instrument is shown in Table 3. If a respondent thinks alternative III is most similar to the **current** emphasis in their court, alternative I is somewhat similar, and alternatives II and IV are hardly similar at all, 70 points might be given to III, 20 points to I, and five each to II and IV. Turning to the **preferred** emphasis, a respondent might feel that alternatives I and IV both should be emphasized highly in their court, while alternatives II and III should receive much less emphasis. To reflect these preferences, a respondent might give 40 points each to I and IV and 10 points each to II and III. The remaining parts of the CCAI questionnaire for the other four work areas (i.e., judge-staff relations, change management, courthouse leadership, and internal organization) can be inferred from an examination of Tables 2 and 3.

TABLE 3
DOMINANT CASE MANAGEMENT STYLE

	CURRENT	PREFERRED
I. There is general agreement on performance goals, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, there are alternative acceptable ways for individual judges to apply court rules, policies, and procedures.	20	40
II. Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a presiding (or administrative) judge.	5	10
III. There is limited discussion and agreement on the importance of court-wide performance goals. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.	70	10
IV. Judges are committed to the use of caseflow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.	5	40
	Total	
	100	100

We asked all judges with a criminal docket as well as the senior court administrators in each of the 12 courts to complete the questionnaire. To determine each court's cultural profile, we calculated the average number of points each culture type received in each of the five content dimensions (e.g., judge-staff relations, charge management, etc.) While none of the courts exhibit a constant cultural type across the five work areas, there is sufficient consistency to give each court a primary cultural designation.

Applying the statistical technique of multidimensional scaling to the CCAI data, we developed an overall composite measure of cultural orientation for each of the 12 courts. This method allowed us to "locate" each court in a two dimensional culture space, using the two dimensions of Solidarity and Sociability discussed earlier (Table 4). Again, the Sociability dimension takes into account the degree to which judges and court administrators place a priority on interpersonal communication that is both job-related and social. The Solidarity dimension takes into account the degree to which the judges and administrators have clearly understood goals and commitments geared to getting the job done, regardless of personal feelings.

There are two or more courts in each culture type, which are formed by combining the two dimensions. Three courts, Kandiyohi, Olmsted, and Virginia, are in the upper left-hand quadrant and labeled as having a Communal culture. They have positive scores on Sociability and negative scores on Solidarity. A different pattern emerges in Napa, Ventura, and Ramsey, which are positive on both dimensions, and we label these courts as Networked. Four courts, Dakota, Duluth, Duval, and Pinellas, are labeled as Autonomous because they are negative on both dimensions. Finally, there are two Hierarchical courts, Contra Costa and Hennepin, positive on Solidarity and negative on Sociability. Having placed the 12 courts into different culture categories, the question is, do the cultural distinctions make a difference in how the courts perform?

CULTURES' CONSEQUENCES

Two potential consequences of cultural orientations seem especially important to explore and document. One activity likely shaped by culture concerns the way a court actually carries out its business. The

TABLE 4
OVERALL CULTURE TYPES

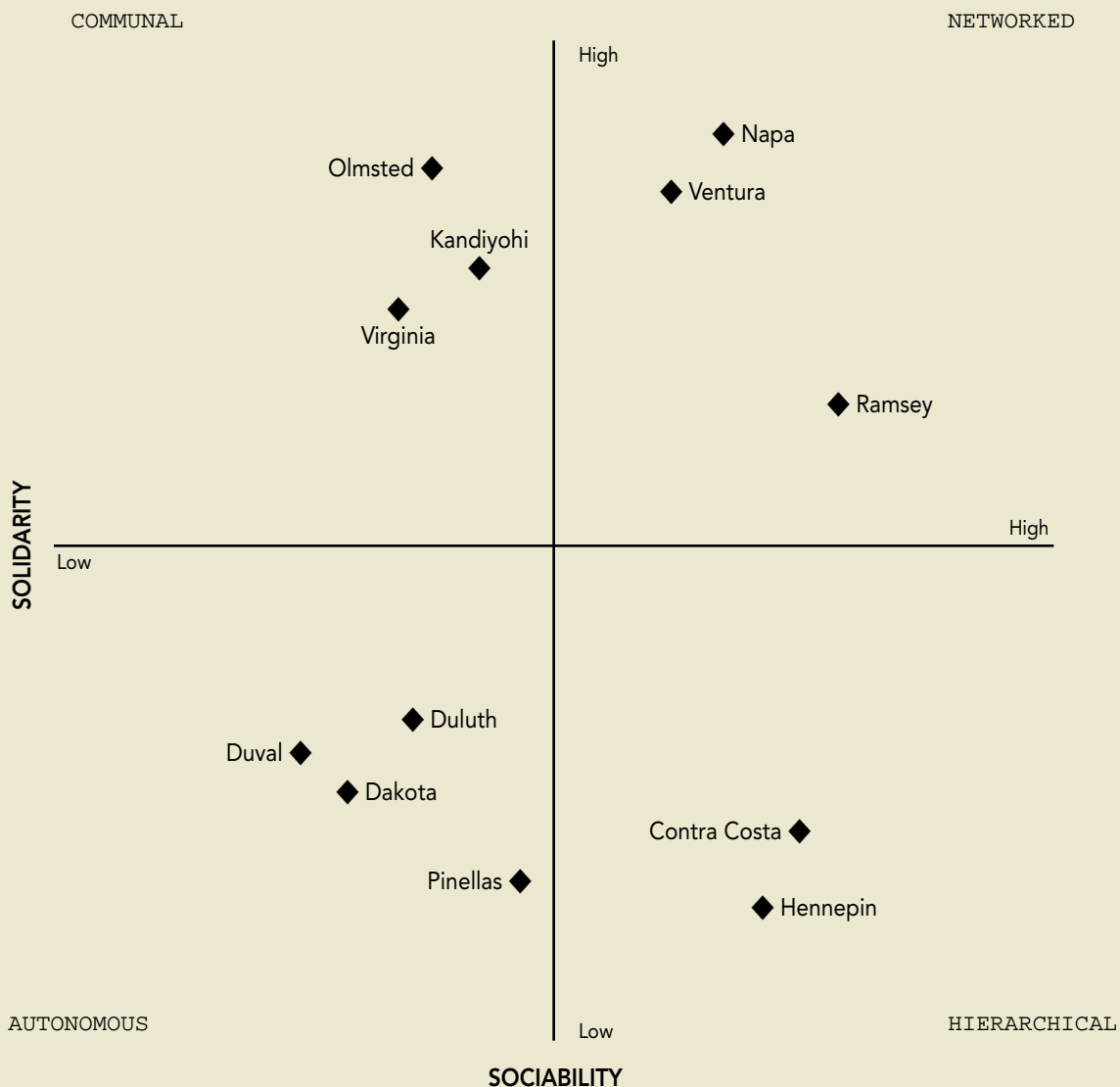


TABLE 5
PERCENTAGE OF FELONY CRIMINAL CASES RESOLVED WITHIN ABA TIME FRAMES

Court	Percent Disposed in:			
	120 Days	180 Days	365 Days	Felonies
<i>Hierarchical</i>				
Hennepin	74%	87%	95%	5,307
Contra Costa	65	77	93	4,973
<i>Networked</i>				
Ventura	64	77	91	2,586
Ramsey	72	91	96	2,370
Napa	51	67	88	1,081
<i>Autonomous</i>				
Dakota	67	82	94	1,265
Duluth	54	72	93	520
Pinellas	41	55	79	11,002
Duval	68	76	82	6,496
<i>Communal</i>				
Olmsted	33	52	84	472
Kandiyohi	55	70	89	193
Virginia	62	87	98	189
ABA Standards	90%	98%	100%	

basic intuitive notion a connection exists between how practitioners say they are organized to get work done and how cases are, in fact, resolved, needs to be verified. Validity of this relationship cannot be assumed automatically because judges might very well assert they are mobilized to act in some particular fashion and then fail to execute intended work plans because not everyone truly embraces the rhetoric of court leaders. To examine the correspondence between court organizational culture and how work is in fact accomplished, timeliness of case resolution is offered as a measure of how courts carry out their business.

A second area of culture's potential impact concerns case resolution from the perspective of other participants in the criminal trial process. Here prosecutors and public defense attorneys are important subjects of study because they have daily contact with the judiciary and are in a position to observe the interactions between criminal court judges and defendants, witnesses, jurors, and courtroom staff members. They are situated to assess how a court carries out its business above and beyond clearing calendars, holding trials as scheduled, and adhering to tight continuance policies all in the name of expedition and timeliness. Specifically, attorneys' views constitute a valid and reliable basis for assessing how the actions of judges and administrators affect access to justice, fairness, and the managerial effectiveness of the court. These values in combination with timeliness are pillars of performance, according to the Trial Court Performance Standards (1990).³

TIMELINESS

Hypotheses. The basic organizing hypothesis on how culture affects the timeliness with which courts carry out their business revolves around the joint effect of the two basic dimensions of culture. Agreement on common goals fosters timeliness especially when combined with an emphasis on order and rule adherence in work relations. Hence, courts higher on the Solidarity dimension will be more expeditious than those that are lower on this dimension, and the courts higher on the Sociability dimension will be less expeditious than those that are lower on this dimension. The observed outcome should be a definite ordering of court cultures in terms of their degree of timeliness. The expected pattern, from the most to the least expeditious, will be: Hierarchical, Networked, Autonomous, and Communal.

Results. To investigate the hypothesized linkages between culture and the time to resolution, we use the American Bar Association Time Standards as criteria. According to the ABA, particular percentages of cases should be resolved within particular time frames. Ninety percent should be resolved within 120 days or fewer, 98 percent within 180 days or fewer, and 100 percent within 356 days or fewer after arrest. Differences in court cultures are associated with patterns in the percentage of cases resolved within 120, 180, and 365 days, as shown in Table 5.

Turning to the Hierarchical court culture type, Hennepin County has relatively more cases resolved within 120 days than any other court. It has the second largest percentage at the 180-day marker and the third largest percentage of resolved cases at the 365-day benchmark. Contra Costa is also timely, resolving 93 percent of felony cases within 365 days.

In the Networked courts, Ramsey County is among the fastest courts under study. In fact, Ramsey approximates the ABA criterion for resolving all cases within 365 days or fewer. Ventura is more expeditious, as expected, than all of the Communal courts and two of the Autonomous courts.

Turning to the Autonomous courts, we find a great deal of variation, as expected. For example, at the 120-day benchmark, Duval and Dakota have resolved 68 and 67 percent of their filings, respectfully, while Duluth and Pinellas are substantially less successful. At 180 days, Dakota, Duluth, and Duval all have resolved at least 72 percent of their cases, whereas Pinellas has resolved only 55 percent. At 365 days, the two Minnesota courts have resolved at least 90 percent of their cases, while the Florida courts have resolved no more than 82 percent.

The Communal Courts — Olmsted, Kandiyohi, and Virginia — resolve substantially smaller percentages at the 120- and 180-day markers than any of the Hierarchical or Networked courts. In fact, Olmsted County is the least expeditious of all the courts under study at the first two ABA points of demarcation.

Hence, substantial support exists for the hypothesis that culture matters in how expeditiously courts conduct their business of resolving cases. Cultures emphasizing solidarity are more likely to resolve cases with greater expedition than those courts that do not have this emphasis. However, there is not a one-to-one correspondence between a court's cultural orientation and how quickly it executes the task of resolving cases. Virginia, a Communal court, resolves a higher percentage of its cases within 365 days than any court, including the Hierarchical courts of Hennepin and Contra Costa. This single counter example shows that every culture can be expeditious. However, some cultures put courts in a better position to be expeditious and some cultures make it more difficult, although not impossible, for courts to carry out business expeditiously. Timeliness will tend to be achieved according to particular ordering of cultures, which is confirmed by the courts in our study.

ACCESS, FAIRNESS, AND MANAGERIAL EFFECTIVENESS

We anticipate court culture playing a significant role in performance areas beyond timeliness, specifically, the degree to which courts are seen as accessible, perceived as fair, and thought to be effectively managed. To examine cultural implications for broader performance goals, we sought attorneys' assessments of how well the courts in which they practice achieve the goals of access, fairness, and managerial effectiveness. Because these three values involve the rights and concerns of participants other than judges and administrators in the trial process, courts accenting sociability and downplaying solidarity should likely garner relatively greater positive assessments. Concern for others and willingness to cooperate also avoids the perception a

court is interested only in championing its own needs and interests (e.g., meeting time standards).

Attorneys' views on how closely courts approximate the ideals of access, fairness, and managerial effectiveness also reflect the nature of the adversary system. These lawyers are not disinterested observers of how a court affects litigants and victims. They have their own stake in how court business is conducted. A well-established proposition about criminal trial courts is that many are organized in terms of individual "courtroom work groups." Particular prosecutors and particular public defenders, a particular judge and particular courtroom staff assigned to the same courtroom develop relationships over time and a common understanding of how cases are to be resolved (e.g., what cases should go to trial, what is a reasonable punishment for particular offenses, what are reasonable mitigating circumstances, and so forth). This setting fosters predictability in court decisions, which is a benefit to everyone, including both prosecutors and public defenders.

Hypotheses. In courts with highly Autonomous cultures, the attorneys need not consult or adhere to court-wide administrative controls, they can operate by relying on the agreed upon practices formed in the immediate setting where they work everyday. The principles of the adversarial model are respected in the Autonomous court by giving the prosecutor and defense attorney broad leeway in setting the pace of proceedings, with ample pretrial time to investigate and prepare arguments. In fact, they may be quite resistant to outside intervention in that they see "their way" of doing business more attuned to approximating the values of access, fairness, and managerial effectiveness.

Despite the existence of courtroom work groups, and their effect in attenuating the clashes among judges and attorneys in an adversarial legal system, prosecutors and public defenders will not agree completely on what sorts of court cultures are most conducive to access, fairness, and managerial effectiveness. They each have their own missions and agendas. Protection of society and protection of constitutional rights are contending perspectives between these two adversaries. As a result, a Networked culture is more conducive to the former and a Communal culture to the latter. The greater spotlight on rules in Networked cultures is more hospitable to prosecutors who seek convictions on the basis of what they consider appropriate charges under existing law. On the other hand, public defenders who seek through negotiation to minimize the loss of liberty for their clients see the virtues of sociability in Communal cultures as conducive to working out what is in their client's best interest.

In fact, public defenders are likely to view courts operating in Networked cultures to be the least effective because they are more prone than other court cultures to take into account the rights and interests of individuals (e.g., victims) and organizations (e.g., MADD), which might possibly conflict with those of criminal defendants. For prosecutors, Networked courts will be second only to Autonomous bodies because they have no quarrel with a court's efforts to be responsive to victims and victim rights organizations.

To test these hypothesized relationships, surveys were conducted of prosecutors and public defenders with at least two years of practice. All prosecuting and defense attorneys were asked to indicate their agreement (or disagreement) with specific propositions concerning

TABLE 6
ITEMS CONSTITUTING ACCESS, FAIRNESS, AND MANAGERIAL EFFECTIVENESS

COURT ACCESS SCALE (ACCESS)

1. The court takes adequate steps to ensure accuracy and availability of court records.
2. Public areas of the courthouse are safe and accessible.
3. Information can be obtained on a case quickly and easily.
4. Court proceedings are easy to understand and follow.
5. The court is sensitive to the concerns of the average citizen.
6. Court personnel are helpful and courteous.

PROCEDURAL FAIRNESS SCALE (FAIRNESS)

1. The amount of time judges give to cases is proportional to the amount of time the cases merit.
2. Most juries are representative of the community.
3. The court protects criminal defendants' constitutional rights.
4. There is effective legal representation at all critical stages of the legal process for criminal indigent defendants.
5. Judges give adequate time and attention to the circumstances of individual criminal defendants.
6. Criminal defendants understand the court's rulings.
7. The court is able to process cases efficiently without sacrificing equity and justice.
8. The court takes appropriate responsibility for enforcement of its orders.

MANAGEMENT SCALE (MANAGEMENT)

1. There is good communication among the court, prosecutor, and public defender when case management problems arise.
2. Effective judicial leadership is one of the strengths of the criminal justice system in this jurisdiction.
3. Effective leadership by the prosecutor is one of the strengths of the criminal justice system in this jurisdiction.
4. Effective leadership among indigent criminal defense attorneys is a strength of the criminal justice system in this jurisdiction.
5. Victims of crime are kept informed of all court settings and offender bond status.
6. The court works well with other components of the criminal justice system (e.g., DA, PD, Police, Probation).
7. The court spends its funds wisely.

TABLE 7
STANDARDIZED ASSESSMENTS BY ATTORNEYS ON COURT PERFORMANCE

Respondent	Culture	Standardized Scale Scores		
		Access	Fairness	Management
Public Defender	Communal	0.42	0.04	0.26
	Networked	-0.46	-1.07	-0.58
	Autonomous	0.10	-0.35	0.01
	Hierarchical	-0.35	-1.00	-0.35
Prosecutor	Communal	-0.01	0.20	-0.50
	Networked	0.22	0.65	0.35
	Autonomous	0.51	0.75	0.57
	Hierarchical	-0.37	0.29	-0.38

court values. In all, 590 prosecuting and defense attorneys completed the survey. Attorneys' views on the degree to which culture influences the promotion of access, fairness, and effective management, the responses of the public defenders and prosecuting attorneys are synthesized into coherent categories by creating three scales — Access, Fairness, and Management — as shown in Table 6.⁴

Results. Survey results are displayed in Table 7.⁵ The more positive the evaluation on a particular area of performance, the higher the score. The more critical the evaluation, the lower the negative score. The views of prosecutors and defense attorneys range from about a minus one (most negative evaluation) to about a plus one (most positive evaluation). For both sets of attorneys, an average point of view is "0." Thus, when both prosecutors and defense counsel rate a court positively, the scores will be positive. If both have negative views, the scores will be negative.

Courts with Hierarchical predispositions resolve cases more quickly than other cultures, but they tend to be assessed less favorably in promoting access, fairness, and managerial leadership, by prosecutors and public defenders practicing in the courts. Both sets of attorneys see courts in Autonomous cultures as performing better than courts in Hierarchical cultures. The overall assessments are much higher among public defenders on access (.10 versus -.35), fairness (-.35 versus -1.00) and managerial effectiveness (.01 versus -.35) in Autonomous cultures than Hierarchical cultures. The pattern is even more vivid among prosecutors. Both sets of attorneys' positive views of Autonomous cultures are understandable given they each reap advantages of "courtroom work group relations" most clearly in those cultures. They benefit from the predictability of working daily with the same judge, opposing counsel, and court staff and coming to arrive at mutually agreed upon ways of resolving cases free from the intervention of rules, norms, or values outside "their" courtroom. The benefits and familiarity of courtroom work group relations lead attorneys to see litigants and themselves treated better in terms of access, fairness, and managerial effectiveness than in cultures not as conducive to maintaining the work group.

Without regular efforts to explain and communicate new policies and procedures with key constituent groups, Hierarchy, with its emphasis on Solidarity and low emphasis on Sociability, puts a court in a position of being seen as concerned with its own needs and circumstances. Timeliness is perceived to be strictly for the court's benefit, and the court is seen to have little interest in the rights and circumstances of litigants, victims, or attorneys. Hence, it is understandable attorneys rate such courts as struggling in the areas of access, fairness, and managerial effectiveness.

However, differences also exist between prosecutors and public defenders in their assessments of cultural orientations. The prosecutorial mission of protecting society, bringing only provable charges, and gaining convictions is more consistent with a solidarity-based culture than a sociability-based one. Emphasis on procedures, and compliance to them emanating from solidarity, is appealing. If prosecutors cannot operate in the traditional adversarial model (Autonomous), their next preferred culture is Networked, followed by Hierarchical, with Communal rated last.⁶

The mission of protecting individual constitutional rights, minimizing the loss of liberty, and negotiating favorable outcomes for individual defendants draws public defenders to court cultures low on solidarity. Communal courts offer less confrontation, more relaxed rules, and a desire for mutually beneficial outcomes, all of which are more in line with a public defender's posture. Hence, it should be expected that courts in Communal cultures are rated by public defenders most positively in achieving access (.42), fairness (.04), and managerial effectiveness (.26), followed by courts in Autonomous cultures (.11, -.33, and .03). Moreover, public defenders view courts in Hierarchical cultures more favorably than those in Networked cultures because the latter is a situation where the court's treatments of victims and groups outside the court (e.g., MADD) are seen as possibly being advanced above those of criminal defendants. Hence, these findings indicate how the adversary system plays a critical intervening role in the connection between culture and performance. Judges and administrators might see net gains from operating from a particular cultural perspective, but attorneys do not necessarily see those same benefits. As a result, judges and court administrators need to give special emphasis to how they are trying to achieve access, fairness, and managerial effectiveness, instead of assuming attorneys recognize and appreciate the efforts in the same way.

SUMMARY

A contribution of the current research is the development of a cultural framework and set of measurement tools that permit the variation in court cultures to be captured and described in a coherent and comprehensible manner. Culture can be described and its influence clarified across five fundamental work areas, such as case management, judicial-staff relations, and courthouse leadership. As a result, the realities of court cultures are not bewildering. The significance of clarity on court culture is reflected in the implications culture poses for modern court management. Some implications are as follows:

- The four culture types operate on many different levels. They reflect deep-seated views on the appropriate role of the judiciary in the adversary system, how judges, court administrators, and staff organize their work, and the extent to which the court cooperates and collaborates with the wider criminal justice system. However, the four cultures are not blood types with every court typed by one and only one label. Rarely will a judge, entire bench, or senior administrators be wholly wrapped up in the ideas and values of just one culture. Most courts combine aspects of different orientations in their makeup.
- Intuitive assessment of what type of court culture exists may not be either complete or correct. Knowing how Communal, Networked, Autonomous, or Hierarchical cultures affect different work areas is essential to understanding the current situation. To this end, systematic cultural self-assessment is vital.
- The variation in current court cultures might explain the difficulties in the adoption of best practices. A first step in court improvement would be for court managers to

encourage the bench to take stock of their views on how work gets done. Is there a clear consensus? Or is dissensus stemming from a contending conglomerate of cultures possibly a reason why courts find it difficult to move forward as expected?

- Courts need to be cognizant of the way they conduct business beyond the timely resolution of cases. Cultures are palpable and observable by other participants in the legal process. Attorneys know cultural differences when they see them and view some cultures as promoting values, such as fairness and access, more than other cultures. Managers must communicate clearly and convincingly what and how their courts are doing to achieve such values.

Hence, we think the research on culture, work, and performance indicates court managers have substantially new and different challenges to governance than what the original notion of "local legal culture" has been thought to imply. Managers need to know the current state of affairs to chart a course toward more preferred cultures in the future.

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NOTES

1. Complete results are presented in *Understanding Court Culture and Improving Court Performance: New Ideas and New Tools* (NCSC, 2005). The 12 courts are located in Contra Costa, Napa, and Ventura Counties in California; Duval and Pinellas Counties in Florida; and Dakota, Hennepin, Kandiyohi, Olmstead, Ramsey, and St. Louis Counties in Minnesota. Within St. Louis County, Minnesota, are the cities of Duluth and Virginia. Both communities participated in the current research yielding a study of 12 courts in 11 counties.

2. The conceptual basis for our definition, typology, and measurements of culture borrow heavily and gratefully from the literature on organizational effectiveness by private sector experts such as Quinn and his colleagues and Goffee and Jones (1988). See, for example, Quinn and Rohrbaugh (1983); Quinn and Spreitzer (1991); Cameron and Quinn (1999); Dennison, Hooijberg, and Quinn (1988); and Quinn (1988).

3. The Trial Court Performance Standards provide a framework to assess court performance in five general areas: Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence.

4. With nearly 600 responses to 21 items, it is difficult to discern patterns across the courts. The scales provide a powerful way to interpret and summarize the findings. The scales appear both valid and reliable in that the Cronbach alpha statistics for all scales exceed the traditional cutoff of .50 and all have an alpha greater than .64.

5. Attorneys' views on three scales are standardized statistically to have a mean of zero and a standard deviation of 1.00.

6. The only exception to this pattern occurs in regard to the value of access where the overall assessment in Communal cultures is unexpectedly less negative than it is in Hierarchical cultures (-.01 versus -.37).

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