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An Examination of the Impact of Revision 7 on Governance in the Florida State Courts System

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AN EXAMINATION OF THE IMPACT OF REVISION 7 ON GOVERNANCE IN THE FLORIDA STATE COURTS SYSTEM

By

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Dedicated to my parents, Alburn and Laurel Samuel

for their unwavering commitment and support throughout my life

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TABLE OF CONTENTS

LIST OF TABLES

LIST OF ACRONYMS

ABA: American Bar Association

COSCA: Conference of State Court Administrators

CS: Committee Substitute in the House or Senate, which is a substitute bill proposed by either a House or Senate committee for a bill considered and amended by that committee.

DCA: District Courts of Appeal

DCABC: District Courts of Appeal Budget Commission

ICM: Institute for Court Management

MAG: Management Advisory Group

NACM: National Association for Court Management

OPB: Office of Program and Budget

OSCA: Office of the State Courts Administrator

SCS: State Courts System

TCBC: Trial Court Budget Commission

ABSTRACT

This study examines the impact of 1998 Revision 7 to Article V of the Florida Constitution (hereafter referred to as Revision 7) in shaping governance of Florida's courts system. Revision 7 shifted the major costs of funding the courts from the county level to the state level. Under our tripartite system of government, the judicial system is dependent on the legislative branch for its funding. An adequate and stable source of funding is required to govern the courts system, and essentially to execute their constitutional and statutory mandates. Since the implementation of Revision 7 in Florida, the courts system primarily depends on the Florida Legislature to determine its level of funding.

Very little has been written about state courts, and specifically, state courts administration in public administration literature, so this study has something valuable to contribute to public administration, both theoretical and substantive, through the perspective and experiences of court administrators/leaders.

This study is rooted in the case study tradition employed by various disciplines and asks this central question: How has Revision 7 impacted governance in Florida's courts? This study was conducted by giving voice to court insiders who experienced the governance structure of Florida's courts pre- and/or post- Revision 7. From the data derived through the interview and journaling processes, an overall picture of the experiences of the participants and the meanings that the participants construct of their experiences was drawn.

Nineteen court administrators/leaders participated in the study, and the information gathered from those participants formed the basis for the overall findings of this study. Based on the results, two main themes regarding the participants' experiences emerged from the data –

politics and collaboration. Court administrators/leaders need to better understand the budget process and legislative behavior, as well as need to study, embrace, and engage in the political process; and, court administrators/leaders need to stride a better balance between political and judicial forces. Conclusions based on the data were included, implications were discussed as well as recommendations for further study.

CHAPTER ONE

INTRODUCTION

Revision 7 Defined

Revision 7 was a reform effort initially suggested by the Florida Constitution Revision Commission. In 1998, Florida voters approved it as an amendment to the Florida Constitution. There were four main change characteristics in Revision 7. The first was to transfer the major costs of Florida's trial courts from county governments to the state. The second was to let voters decide how to select trial court judges; i.e. whether to maintain the competitive election system for trial court judges in their counties and judicial circuits or whether they wanted to move to a merit selection system. Florida Department of State, Division of Election (n.d.) data note that 37 of Florida's 67 counties, or 55%, voted in favor of Revision 7. The third characteristic was to increase county court judges' terms from a four-year term to a six-year term to create consistency with the terms of circuit court judges. And, the fourth was to fix a problem in the staggering of terms for members of the Judicial Qualifications Commission. After 8 years of service as an administrator in the Florida State Courts System, I have come to believe that the competitive election system is perhaps the most democratic way to make judges accountable to the public. The merit selection system basically relies on the nominating commission to send a slate of candidates to the governor, who then appoints an individual from that list; then, voters would periodically cast their vote on whether to retain these judges.

For the purposes of this study, the focus will be on the effort to transfer major costs of Florida's trial courts from county governments to the state of Florida. Before the implementation of Revision 7, trial courts in Florida were funded, primarily, through property taxes from the sixty-seven individual counties where each court was located. The appellate

courts (District Courts of Appeal and the Supreme Court), on the other hand, were all funded by the state of Florida. On account of the vast differences in county funding, there were counties that could afford to provide the court services and others that struggled to do so. So, Revision 7 required that the major costs for all of Florida's courts, including the trial courts, be funded through state appropriation to balance out the funding levels across the counties. It is important to note, however, that the counties were still responsible for costs related to court facilities, maintenance, utilities, security and certain communications services.

The following table is the Florida Judicial Modernization Timeline, adopted from a report by Florida Tax Watch[1]

Table 1.1: Florida Judicial Modernization Timeline

1968	The Constitution Revision Commission proposed revision of Judicial Article V, but the legislature did not act because the revision was viewed as controversial.
1969	Another suggested Article V reform failed to get legislative support.
1972	Voters approved a rewrite of Article V that organizationally – but not fiscally – unified state courts, eliminated municipal courts, set qualifications for judges, and envisioned fiscal unification of the state courts system.
1991	Article V accountability and fiscal unification received a boost from government rightsizing, initiated by the late Governor Lawton Chiles.
1991	The Judicial Council of Florida recommended state assumption of most Article V costs, and The Florida Council of 100 urged the legislature to address the courts' funding needs.
1992	A constitutional amendment approved by voters required government agencies –including the judicial branch – to implement quality management and accountability programs. The amendment's reforms mirrored those first advocated by Florida TaxWatch in a 1986 publication entitled *"Building A Better Florida: A Management Blueprint To Save Taxpayers Over $1 Billion".*
1995	An Article V Task Force recommended that the legislature begin the assumption of specific Article V costs.

[1] A Florida Tax Watch Special Report. *Implementing State Funding of Florida's Courts System For More Uniform Justice and Protection of Civil Rights.* September 2006

Table 1:1 - continued

1996	The Supreme Court initiated a strategic planning, consensus building, and zero-base budgeting process in anticipation of the state's eventual assumption of additional circuit and county court costs.
1998	Revision 7 approved by voters in the November general election.
2000	The legislature passed Chapter 2000-237, Laws of Florida, listing seven judicial functions to be funded by state revenues. It also approved a phase-in schedule, required under Revision 7, to begin paying a very minimal amount of salaries and expenses prior to the state assuming full funding responsibility on July 1, 2004.
2002	The legislature contracted with a Tallahassee-based consulting firm, MGT of America, to conduct a nearly $1 million four-part study of the State Courts System.
2003	The legislature enacted House Bill 113-A, amending Chapter 2000-237 to increase the number of judicial functions to be funded under Revision 7 from seven to 14. House Bill 113-A directed Florida's Chief Financial Office (Department of Financial Services) to analyze court-related expenditures incurred and revenues collected by counties in order to inform 2004 legislative consideration of Revision 7 funding. House Bill 113-A created an Indigent Services Advisory Board to advise the legislature and Judiciary on due process costs – including those currently paid by counties – and measures to help reduce the cost of implementing Revision 7.
2004	The legislature enacted CS/CS/SB 2962 to further refine Revision 7 funding.
July 1, 2004	Effective date of implementing Revision 7.

Statement of Problem

Court administrators/leaders confront a number of challenges. The problem of having to deal with an increasingly complicated courts system, as well as a crucial scarcity of adequate funding, are now made more complex by the need to participate in political negotiation, which some observers characterize as "gaming." This political gaming arises because court administrators must now persuade and negotiate with the other two branches of government in order to obtain sufficient funding. The United States Constitution established a third branch of

government – the judiciary – to be independent from, yet equal in standing to the executive branch and the legislative branch of government. At both the federal level and the state level, independent courts are essential to maintaining the constitutional system of checks and balances and protecting the constitutional rights of citizens. The worldwide recession affected the functions at all levels of government, including the delivery of crucial judicial branch services. Fiscal crises across the country considerably inhibited the ability of state judicial systems to carry out their constitutional duties. Now more than ever, it seems to participants I interviewed for this study that politics lie at the center of court administration. There are those who might hypothesize that this politicization is an unavoidable reality. On one hand, the courts want to remain outside of or above politics in order to safeguard and to continue to ensure their impartiality. However, there are individuals who suggest that the courts, like the executive branch agencies, ought to be active, and behave politically and assertively so that they may achieve success in the budgetary process.

For the purposes of this study, court administrators/leaders are those within the courts system that oversee a number of areas and services within the courts such as budgeting, case management, personnel management, jury management, and so on. More importantly than the basic or rudimentary knowledge, court administrators/leaders know where to go and get information and how best to apply the information. In the courts, court administrators/leaders can include judges, program managers and supervisors, and other influential individuals within the courts. The guiding philosophy seems to be that skilled, knowledgeable court administrators/leaders can successfully bring their managerial knowledge, skills and abilities to practice, along with equally savoir-faire political skills, in the administration of the courts.

The ability to balance political and judicial forces is fast becoming a major responsibility of court administrators/leaders. Rottman et al. (2000) argued that regardless of the theoretical independence of the judiciary, the budgeting process and budgeting relations with officials at state-level executive and legislative branches, as well as with officials at the local government level, have essentially made court systems a more dependent branch of government. Courts, in general, are almost completely dependent on the political process for their resources. For example, at the state level, the governor and the members of the legislature have tremendous influence on the judicial branch's budget. To add to this, there are a few public administration studies that reflect or analyze the activities or experiences in court administration.

A few scholars have justified the place of court administration in public administration. Aikman (2007), for example, argued that, "Court administration is an aspect of public administration that uniquely advances democracy and thus is worthy of careful attention" (p. 9). Hays and Graham (1993) argued that court administration was "simply a specialized form of public administration" (p. iv).

Despite these justifications, court administration is conspicuous by its relative absence in the literature of public administration. Given my reading of the literature as conspicuously thin, I consulted with several noted public administration scholars whose work straddles the domains of law and public management. David Rosenbloom, a professor at American University and noted scholar in the field of law and public administration stated, "There was a space of academic literature on court management in the 1980s…I haven't seen anything in the public administration literature on court management in the past 5 years or so." (Personal Communication, October 20, 2012). University of Kansas Professor Rosemary O'Leary, another well-known scholar in the field stated, "Research on the management and administration of court

systems has ebbed and flowed over the years." (Personal Communication, October 18, 2012). And, Professor Heidi Koenig, a scholar at Northern Illinois University expressed her agreement about the ebb-and-flow of court administration research. She stated, "I agree that the discipline has ebbed and flowed, and maybe even ebbed more than flowed…" (Personal Communication, October 18, 2012).

Given the array of ongoing changes in Florida government, including the judiciary, it is no small task to frame a question that illuminates changes in the Florida courts. With that being said, this study examined the impact of Revision 7 on the governance of the Florida courts system.

Throughout the years, Florida put in place a number of budget-balancing measures, which included revenue increases for the courts; these included, for example, adding new user fees and putting more effort into collecting outstanding court-ordered financial obligations. Other measures included prioritizing critical core functions; implementing hiring freezes and promotion freezes; freezing pay increases; significantly limiting, or even doing away with, overtime pay; eliminating out-of-state travel; reducing education and other general operating expenses; outsourcing labor-intensive non-core functions; reducing service hours; and, eliminating positions. The governance structure for rendering these very difficult but necessary budgeting decisions is certainly a point of great interest to me. As a Florida courts system employee, I have had a front seat view on many of these measures in Florida's courts.

From the start, I believed that the changes in how Florida's courts were funded created a new role for court administrators/leaders – a role that required them to engage in political gaming, to really build and maintain a statewide court-support network, and at the same time protect the neutral stance of the judicial branch. Because of my experiences, I believed that the

narrative accounts that I gathered during this study would confirm this characterization and that carefully and extensively gathered data would shed light on the rich dynamics of the more contemporary duties, responsibilities, and activities of court administrators/leaders.

Purpose of the Study

Revision 7 appears to have had a substantial impact on court governance years after its introduction and implementation. Thus the purpose of this study is to: a) gather court insiders' perspectives on Revision 7; b) use these insiders' perspectives to assess the impact of Revision 7 on the governance and administration of justice; c) identify and analyze the elements that contributed to the introduction and implementation of Revision 7; and, (d) identify and illuminate the implications about the lingering effects of Revision 7 on Florida's courts.

Current Florida Court Funding Structure

Less than 10 years after Revision 7 was implemented, the state of Florida's budget shrank by several billion dollars, and the courts system, which is almost entirely funded with general revenue, had to cut many essential programs and services. This fiscal crisis almost brought the delivery of justice in Florida to a screeching halt and nearly shut down the courts. In March 2008, Florida Supreme Court Chief Justice, R. Fred Lewis, in a plea to the Senate Criminal Justice Appropriations Committee argued that the budget cut to the state courts would be equivalent to doing away with the courts. He said, "It is placing an arrow through the heart of the branch...We're not talking about delaying cases for an hour, we're not talking about a minor impact... I know that none of you wants to undermine an entire branch of state government."[2] It was not until January 2009, almost a year after the Chief Justice's presentation that the Florida Legislature convened to address the crisis. The Legislature's response to the court's fiscal

[2] Fla. Chief Justice Warns Over Budget Cuts. Accessed on January 15, 2014 at: http://usatoday30.usatoday.com/news/nation/2008-03-20-fla-courts_N.htm

dilemma was to create trust funds for the courts, as their belief was that such a measure would create a more sustainable courts system. Also, during the 2009 Legislative Session, the Legislature increased the court filing fees collected by clerks of courts, and set aside revenue for the newly created trust funds. The Legislature also granted Florida counties the authority to raise revenue for improvements to existing court facilities or for building new court facilities. Since 2009, however, revenues from court filing fees have seen tremendous decline, as has the revenue to those court trust funds created by the Legislature. The notion that those trust funds would create a more sustainable courts system appeared to be a short-sighted, quick-fix measure, and certainly not a long-term solution.

Research Question

Revision 7 provided primarily for moving funding of the Florida courts system from the counties to the state and to users of the courts. The emphasis was towards shifting major costs from the county level to the state level. While Revision 7 dealt with the revamping of the funding structure of the courts system, it also required a revamping of the administrative structure, operational efficiencies, and functional responsibilities, too.

The scope and degree of changes that were needed in the courts system, because of Revision 7, resulted in some philosophical and political differences between the legislative branch and the judicial branch, and those differences appeared to have hindered the effort and efficacy of governance within the courts system. Little to no work has been done to review, document, or analyze the nature of the changes and experiences of court administrators/leaders in relation to Revision 7. Therefore, the overarching question that guides this study is: How has Revision 7 impacted governance in Florida's courts system?

Significance of the Study

This study is theoretically and substantively significant. It is theoretically important because of the dynamics at play between political and judicial forces; it is substantively important because it addresses an area of administrative activity that has been generally neglected in the literature of public administration. The characteristics of the judicial process that usually come to mind are those involved in the adjudication of adversary issues – the hearing where evidence and arguments are presented from each side of the issue at hand, the decision-making by a judge or jury, and, if no appeal is filed, the binding resolution by which a given issue is settled. This study, on the other hand, addresses the very viability of the judicial branch of government. While there is a large body of literature on almost any imaginable facet of public administration in the United States, especially with regard to the executive and legislative branches of government, much less work has been done on courts. In a previously described personal communication, Rosemary O'Leary (October 18, 2012) offered this assessment, "I suspect the reason is that it is considered a 'specialty area' [like the management of scientific and technical personnel]. Also, most scholars seem to think that the more generic public management and public administration research (e.g., collaboration; networks) applies to most sub-areas of P.A." By extension, any specialized area of administrative activity may be neglected if these generic public management frameworks cannot easily be applied to the specialized activity.

The operation of the courts has become a large, complex, and highly sensitive administrative task. Most striking is the small volume and scope of research on court administration. How can we explain this obvious research gap? Why the paucity of studies on court administration? I surmise that administration largely identifies with the executive and

legislative branches of government. One might suspect that public administration scholars believe that studies of the courts should be undertaken in criminal justice and law programs. It is quite possible that some scholars are of the opinion that this scarcity of court research is a plausible product of the separation of powers doctrine. I, however, would say that such reasoning is speculative and does not adequately explain why more studies of courts have not been done in public administration scholarship. I find it frustrating that public administration programs have invested so much time and effort in learning economics, sociology, statistics, game theory and so on, yet presumably show reluctance to learning court administration.

It is important to note that the first American public administration text book, written by Frank Goodnow in 1900 emphasized the intimacy of law and administration. Two and a half decades later, Goodnow's work was largely displaced by Leonard White's managerialism. Since that time, it seemed that the field of public administration viewed the law as a constraint on administration. Willoughby's (1929) comprehensive book on judicial administration offered several prescriptions to improve the administration of law, including preventing litigation through such measures as conciliation and arbitration. He was also a proponent of court unification and offered suggestions for reorganizing the court system for more efficient administration; and, he suggested the development of better method of selecting and retaining judicial officers. This major work by one of public administration's most important early scholars failed to secure a solid space for court administration in future public administration research. Lynn (2009) stated, "A broad consensus within public administration appears to hold that law is one of many environmental constraints on administrative discretion rather than its source, a challenge to administrative leadership rather than its guiding principle, a necessary element of accountability but not a sufficient one" (p. 803).

There are ample studies on judicial administration – the administration of law – which is beyond the scope of court administration. I note that a handful of programs do focus on developing scholarship in the field, but these mostly focus on how the criminal justice system works as a whole and not on the courts specifically.

Schaeffer (1953) neatly summarized the dilemma:

> Even political scientists in our universities have tended to ignore the judiciary as an institution of government…even while attention is devoted to the substantive products of that institution in the study of constitution and administrative law. The judiciary has remained the domain of the lawyer and only the most intrepid laymen have dared to set foot on the legal preserve. (p. 90).

This study thus addresses this gap in research related to court administration and poses numerous pertinent questions to guide future research. I am hopeful, moreover, that the field of public administration stands to learn some noteworthy organizational lessons from the courts' experiences. In this study, therefore, I examine the courts from the viewpoint of court administrators/leaders.

Summary

In summary, this research examines the impact of Revision 7 on governance in the Florida state courts system. Through the use of a case study design, I obtained oral histories of court administrators/leaders involved in the courts system during the introduction and/or implementation of Revision 7.

The remainder of this dissertation includes a conceptual framework and review of the literature in Chapter Two, a discussion of the research methods utilized in Chapter Three, oral

histories/narratives in Chapter Four, emerging themes and discussion in Chapter Five, and conclusions and recommendations for further research in Chapter Six.

CHAPTER TWO

REVIEW OF LITERATURE AND CONCEPTUAL FRAMEWORK

Tradition and Other Barriers to Court Reform and Standardization

Standardizing the modern court system

According to Ashman and Parness (1974), the American Bar Association's Section on Judicial Administration presented a blueprint of a modern court in 1962 entitled, Model State Judicial Article, and encouraged the states' judiciaries to formally agree to it. This Model State Judicial Article was fashioned from the 1938 Minimum Standards for judicial administration. (ABA, 1971, p. 156 -164).

The Model State Judicial Article included six main principles of what a modern court system should embrace. The first principle placed the judicial power of a state in one integrated court system. It promoted a layered or tiered system of state courts placing different levels of power in the state supreme court, intermediate courts of appeals, trial courts of general jurisdictions, and trial courts of limited jurisdictions. The second principle said that the chief justice of the state supreme court should serve as the official head of the judicial system and was permitted to select an administrator of the courts. The third principle encouraged centralizing the operations of the state courts within an administrative office of courts. The fourth principle urged that a position of court administrator be established. The fifth principle outlined that the power to prescribe rules of practice and procedure should be vested solely in the state supreme court. And finally, the sixth principle called for financing the state courts system exclusively with state funds. These principles of court reform were for the most part based and patterned upon the Judicial Code of 1911 that restructured the federal courts.

Barriers to court reform

Baum (1989) viewed state courts as the most ignored and understudied among the branches of government when it comes to areas such as policy development and change. One potential result is that researchers may have overlooked the general resistance to reform posed by state courts. One scholar who did note this resistance, Buchsbaum (1989), asserted that state courts are the least frequently changed of the branches of government. Some scholars have noted that one of the principal barriers to reforming and standardizing the modern state court is tradition.

Courts are amongst the most traditional of public sector organizations. A conventional truism in the United States of America is that we are a country of laws, not individuals. For that reason, jurisprudence had come to be a thing of deference and admiration. This position is essential to comprehending the importance of court reform in the larger scope. Hays (1978) explained that in comprehending court reform, particularly, and court administration, in general, it is crucial to note "the legal tradition from which American law developed, peculiar characteristics of the administration of justice that constrain management, and the anti-administrative nature of American jurisprudence." (p. 94).

Jacob (1972) explained that:

> People are taught to respect law alone among institutions of government, simply because it is law. Respect for the law is urged by many people as a necessary barrier to anarchy; they urge respect for the law even if one disagrees with it and seeks to change it. (p. 13).

Given this prestigious standing, law in the United States of American has been permeated with a level of distinction and ritual that is unparalleled in other government organizations.

Conrad (1971) took a jab at the ritualistic and antediluvian language of the courts by saying that, "The thousand-year-old Catholic mass has been turned into English, but lawyers are still telling their rosaries with habeas corpus, ultra vires, and res gestae." (p. 3).

The courts and their participants actively perpetuate this image. Examples of the courts' cultivation of tradition and esteem include how courtrooms are built, the behavior of the individuals involved in the legal process, and the way they speak and dress in court. A Google search on *how to speak and dress in court* showed 276,000,000 results, and *courtroom etiquette* showed over 330,000 results[3]. The eventual result is that traditions are reinforced. Nimmer (1978) argued that "the idea that participants in the judicial process desire change is, at best, naïve." (p. 176). He added, "In most instances, not only is there no general desire to change, but there is a systemic tendency to retain the status quo." (pp. 176-177).

The effects of localism in state courts

Tobin (1998) explained that "state trial courts have traditionally been viewed as an emanation of the local legal and political culture and as being so immersed in localism that they could not realistically be considered part of a state court system." (p. 51). He also noted that the drawbacks of this kind of localism are built on the fact that:

> The trial courts lacked organizational and administrative coherence...There were broad variations within the trial court system in standards, procedures, and levels of professionalism...an inequitable distribution of resources among trial courts and inappropriate judicial involvement in local government fiscal politics…The trial court judiciary was dependent on court-related agencies directed by elected officers who were not subject to court control and intent on their respective political agendas. (p. 51).

[3] Google search conducted on January 13, 2013.

One extension of this tendency toward localism is that court systems may sometimes take on distinctive cultural patterns. Ostrom, Ostrom, Hanson and Kleiman (2005) acknowledged four types of courts anchored in different organizational cultures – networked, communal, hierarchical and autonomous. In networked court culture, the focus is on innovation and teamwork. In the communal court culture, the focus is on trust, egalitarianism, and flexibility. In hierarchal court cultures, the concentration is on rules and the quest for efficiency, with the objectives being consistency and expectations for standardization. In contrast to the hierarchical court culture, Ostrom and associates identify two Florida counties – Pinellas and Duval – as characteristic of an autonomous court culture, and thus separate from their own circuits. The autonomous court culture is characterized by independence, sovereignty and self-management. Pinellas County is a part of Florida's Sixth Judicial Circuit; and Duval County is a part of Florida Fourth Judicial Circuit. Ostrom et al. placed both of these county court cultures in what they referred to as the autonomous quadrant, which is demonstrated by autonomy or self-rule, notable connection with the past, and hindrance to change.

In an earlier work, Glick (1982) similarly noted this tendency toward autonomous court structures. He observed that, "state courts usually are loose networks of semiautonomous trial and appellate courts. Individual judges and court clerks have been free to manage their courts as they see fit, without much interference or direction from state supreme courts or court administrators." (p. 17).

Public Administration Scholars and the Courts

Public administration defined as the executive branch

Public administration literature has placed extensive focus on the executive branch of government. Although the importance of the courts has been discussed here and there over the years, the field of public administration has not been as focused on the organizational aspect of

courts. Gross (1964) noted that, "The major orientation in public administration literature has been toward executive branch agencies. Judicial and legislative bodies are customarily regarded as being outside the place of public administration and relevant to it only by their interrelations with executive agencies" (pp. 226-227). In addition, law schools have demonstrated very little interest in studying the administration of courts. The focus of law schools seems to be about trials and the practicalities of the law. Based on my own experience in court administration and my review of the relevant literature, I posit that it is the responsibility of public administration programs to address this significant void, since every state courts system has some form of administrative structure that manages the day-to-day and long-range activities of the courts. In general, these activities are much like those in the executive branch agencies.

The first textbooks in the field of public administration excluded the courts. White (1926), who was credited with writing the first comprehensive text in public administration, seemed to have set the tone for excluding the courts from public administration even though his definition of public administration does not deny its dependence on law. His definition "emphasizes the managerial phase of public administration and minimizes its legal and formal aspect" (p. 2).

White's position is often thought of as supporting a managerial approach to public administration over a legal approach. He said:

> Law provides the immediate framework within which public administration operates: defining its tasks, establishing its major structures, providing it with funds, and setting forth rules or procedures ... Legality therefore becomes a primary consideration of administrators, and legal advisers acquire an importance, which far outweighs their strictly administrative contribution...Public

> administration is embedded in law, and the student of the subject will often be with the statutes (Storing, 1965, citing White's 2nd ed., 11, 32).
>
> White (1926) also said:
>
> The major purpose of the courts is the same as that of the administration: to enforce and to implement public policy as declared by law...due to the specialized nature of law enforcement by judicial decisions [that] the judges as administrators will not be given systematic consideration in this volume. (p. 40).

Given his initial reference to the similarity with court administration, the justification for White's exclusion of judicial administration seems arbitrary. In addition, White (1935) noted that lawyers:

> ...Are always found at the right hand of the administrator whose actions must be legally defensible. A lawyer, therefore, sits close to the seat of administrative authority … Policy may have to yield to constitutionality, and the lawyers prescribe. On the other hand, it must be said that the training of the lawyer, based on precedent, and looking backward rather than forward for guidance, is not a training which is suited to make an ideal administrator" (p. 46).

Thus White bracketed legal and court administration into the realm of English common law and symbolically banished court administration from the field of public administration. Statements such as these could have very well been the basis for public administration programs becoming insufficiently attentive to the courts. White's (1926) emphasis was arguably on the executive branch; however, we might speculate that his focus was the result of the nature and context of public administration during that period of time. For instance, public opinion was moving "directly in the direction of merit and away from the stronghold of spoils" (p. 468).

White (1926) saw public perception as focused on efficiency: “The wide publicity given to the rising tide of expenditure, the heavy burden of taxation, and the dramatic efforts of the national administration in favor of economy, have all emphasized a demand for greater efficiency” (p. 11). The implication was that the public demanded other values from administration, and law was not a dominant value at that time.

Pfiffner (1935) similarly focused on the executive branch. Pfiffner (1946) said this about public administration:

> Public administration consists of doing the work of government…it consists of getting the work of government done by coordinating the efforts of the people so that they can work together to accomplish their set tasks. Administration embraces the activities which may be highly technical or specialized such as public health and building of bridges…The administrative activities of the state consist of almost the totality of governmental activity, for it includes all workers of the government except members of the legislative, the judiciary, and the very highest executive offices... It also involves managing, directing and supervising the activities of thousands, even millions of workers so that some order and efficiency may result from their efforts. (pp. 4-6).

Gulick and Urwick (1937) reinforced this focus on the executive: “Administration has to do with getting things done … Public Administration is that part of the science of administration which has to do with the government and thus concerns itself primarily with the executive branch where the work of the government is done, though there are obviously problems also in connecting with the legislative and judicial branches.” (p. 191). Recognizing that "there are obviously administrative problems in connection with the legislative and judicial branches," (p.

191), Gulick and Urwick nonetheless focused their work on the executive branch. Another early scholar in the field, Appleby (1970), noted that, "It is the whole contribution of the executive branch I have in mind when I think of public administration." (p. viii). Similarly, Gladden (1966) suggested that "The true realm of public administration is to be found in the administrative sectors of government which are primarily responsible for the conduct of the management of public affairs." (p. 14).

Public administration defined to include judicial branch

Nigro (1965), on the other hand, included all three branches of government in his definition of public administration by stating that "Public administration covers all three branches—executive, legislative, and judicial—and their interrelationships." (p. 21). In a similar vein, Rosenbloom and O'Leary (1997) cautioned that "defining public administration as management gives primacy to the values of efficiency, economy, and effectiveness. Political responsiveness, representativeness, and accountability become subordinate concerns." (p. 2). Elsewhere, Rosenbloom (1998), suggested that the legal view of public administration is that of "applying and enforcing the law in concrete circumstances" and this view is "infused with legal and adjudicatory concerns" (p. 33). Shafritz and Russell (1997) similarly hinted at a broader view of public administration arguing that public administration is the law in action and is, for the most part, a system of regulations, which is "government telling citizens and businesses what they may and may not do." (p. 14).

Considering the literature, I am not at all astonished to find that many schools of public administration have historically offered no court administration courses or programs. What has become quite apparent to me as a student of public administration is that, historically, the public administration institutions, i.e. the literature, the schools, and organizations etcetera, have

overlooked the court administrative aspect of the judicial branch. This side-stepping of court administration could very well be attributed to the identity crisis that several scholars have associated with the field of public administration. According to some scholars, this identity crisis resulted from scholars wrestling to agree on one definition of public administration.

Waldo (1968) labeled this lack of a single, clear-cut definition as a "crisis of identity." (p. 3). Haque (2001) believed that not having a single, agreed upon definition has, over time, negatively affected the theory and practice of public administration. Mosher (1956) believed that not having a single, agreed upon definition gives public administration uniqueness, an excitement, and a strength that other disciplines don't possess. He suggested that, "Perhaps it is best that it not be defined. It is more an area of interest than a discipline, more a focus than a separate science…It is necessarily cross-disciplinary. The overlapping and vague boundaries should be viewed as a resource, even though they are irritating to some with orderly minds." (p. 177).

Stillman (2005) argued that deciding on the aim and scope of public administration "is perhaps the most difficult, central intellectual problem in public administration..." (pp. xxii – xxiii). He also noted that the identity crisis has become more urgent because "a plethora of models, approaches, and theories now purport to define what public administration is all about" (p. 4). A few years later, Stillman (2010) noted further that public administration seems to "transform itself into new shapes and purposes every generation, or on twenty-year cycles..." (p. 27). Waldo (1968) was also of the opinion that public administration literature was lacking depth because the literature did not have enough practitioners reflecting on, and analyzing, their experiences. He stated that:

> Although public administration in its early days paid a fair amount of attention to the administration of justice, with the passage of time this attention tended to dwindle, became sporadic and marginal. Patently, some of our most important current national problems are posed by organized and unorganized crime, endemic and epidemic lawlessness, and delay and disorganization, often phenomena did not exist, or existed in the Congo; the attention given them in our books, journals, and courses is minuscule. There is even an element of priggishness and hypocrisy: we often snidely depreciate what is being done in these areas and freely criticize and gratuitously advise those who do it. But we would not soil our hands by actually helping. (p. 19).

Judicial administration different from court administration

Aikman (2007) noted that, "What people know about courts is determined almost entirely by what judges do in individual cases…Courts have employees, budgets, complex computerized information systems, jurors, and facilities to be managed…The story of the management of this government branch is hardly ever told and hardly ever of public concern." (p. 1). He continued by suggesting that, "…court administration is virtually invisible even among political and social scientists. (p. 2).

Waldo (1955/1978) defined public administration as "the art and science of management as applied to affairs of the state." (p. 172). Given that the court is a state entity, one might conclude that a court administrator/leader is simply a public administrator/leader in the judicial branch managing the affairs of the state, just as a public administrator in an executive branch agency or the legislative branch manages the affairs of the state. In summation of my thinking,

this exclusion of court administration from the realm of public administration remains perplexing and illogical.

Despite the scholars that seem to exclude court administration from public administration studies, judicial administration has received substantial attention since the late 1920s. Willoughby (1927) defined public administration as "the work involved in the actual conduct of government affairs." (p. 1). In the *Principles of Judicial Administration*, Willoughby (1929) noted that the study of judicial administration is "thus one falling as definitely within the field of public administration as that of one dealing with the conduct of affairs by the administrative branch" (p. xii). Aikman (2007), however, makes a distinction between court administration and judicial administration. He stated:

> Judicial administration and court administration are different…Just as political science and public administration are two separate disciplines that examine the overall organization and operation of government in general…The difference between judicial administration and court administration is not one of judges versus administrators or managers. Rather, the difference is that judicial administration embraces jurisdictional, procedural, and administrative law issues beyond the purview of those who practice court administration…Court administration does not embrace all of the aspect of courts and justice that receive legitimate attention and concern of scholars, lawyers, and citizens, but it increasingly impacts how well courts are able to deliver justice (pp. 5-9).

Defining Court Administration

Aikman (2007) defined court administration as "the totality of support and infrastructure tasks and functions that enable judicial officers to fulfill the court's adjudicative functions and the court as an institution to fulfill the obligations of a branch of government" (p. 7).

Court systems are often considered rather large and complicated entities. In order to effectively function, a system needs to be in place to collect and examine a multitude of statistical data on the operations of the judiciary, the docket for the judges, case management, and the continuous improvements and development of new case processing practices and procedures, in addition to juggling the normal day-to-day functions such as purchasing, budgeting, personnel, security and maintenance of court facilities. Certainly, a remarkable amount of resourcefulness is required to operate the courts.

Managing the day-to-day operations of state courts systems generally falls under the purview of a state courts administrator. The specific duties of state courts administrators vary from state to state, depending on the state and size of the court system. A state courts administrator's domain is administrative rather than legal and this individual consequently needs the requisite skills of any professional position with managerial responsibility. From personal experience, I have observed that court administrators, like here in Florida, oversee such areas as human resources, budgeting, purchasing, finance and accounting, as well as strategic planning, court services and court improvement functions. The state court administrator also provides support to judges in developing procedures for swiftly and proficiently managing caseloads through the various steps of the adjudicatory process.

According to the Florida Rule of Judicial Administration, the duties of the state courts administrator are as follows:

The state courts administrator shall supervise the administrative office of the Florida courts, which shall be maintained at such place as directed by the supreme court; shall employ such other personnel as the court deems necessary to aid in the administration of the state courts system; shall represent the state courts system before the legislature and other bodies with respect to matters affecting the state courts system and functions related to and serving the system; shall supervise the preparation and submission to the supreme court, for review and approval, of a tentative budget request for the state courts system and shall appear before the legislature in accordance with the court's directions in support of the final budget request on behalf of the system; shall inform the judiciary of the state courts system's final budget request and any proposed substantive law changes approved by the supreme court; shall assist in the preparation of educational and training materials for the state courts system and related personnel, and shall coordinate or assist in the conduct of educational and training sessions for such personnel; shall assist all courts in the development of improvements in the system, and submit to the chief justice and the court appropriate recommendations to improve the state courts system; and shall collect and compile uniform financial and other statistical data or information reflective of the cost, workloads, business, and other functions related to the state courts system. The state courts administrator is the custodian of all records in the administrator's office. The state courts administrator shall supervise the administrative office of the Florida courts, which shall be maintained at such place as directed by the supreme court; shall employ such other personnel as the court deems necessary to aid in the

administration of the state courts system; shall represent the state courts system before the legislature and other bodies with respect to matters affecting the state courts system and functions related to and serving the system; shall supervise the preparation and submission to the supreme court, for review and approval, of a tentative budget request for the state courts system and shall appear before the legislature in accordance with the court's directions in support of the final budget request on behalf of the system; shall inform the judiciary of the state courts system's final budget request and any proposed substantive law changes approved by the supreme court; shall assist in the preparation of educational and training materials for the state courts system and related personnel, and shall coordinate or assist in the conduct of educational and training sessions for such personnel; shall assist all courts in the development of improvements in the system, and submit to the chief justice and the court appropriate recommendations to improve the state courts system; and shall collect and compile uniform financial and other statistical data or information reflective of the cost, workloads, business, and other functions related to the state courts system. The state courts administrator is the custodian of all records in the administrator's office.[4]

In 1948, the Model Act was prepared and approved by the National Conference of Commissioners on Uniform State Laws to provide for an administrator for the state courts. The Model Act provided for unified administrative control of all state courts and judges by the chief

[4] Florida Rules of Judicial Administration, Accessed on January 20, 2014 at: http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/F854D695BA7136B085257316005E7DE7/$FILE/Judicial.pdf?OpenElement

justice, with assistance from an administrative director and staff acting under the direction of the chief justice. The Commission's preface stated:

> There should be a responsible head to aid in directing the business affairs of the courts but without any power of supervision over the judicial function vested in the courts. The judiciary should be more closely integrated in order that the business end of the judiciary may be operated in a more efficient manner. In most states there are probably a sufficient number of judges to handle all of the judicial business promptly; but there may be congested dockets in some districts while in others the judges are idle. How many judges are needed in a county or district; is the judicial manpower so used that the services of all the judges is being fully utilized; are some judges overloaded and unable to keep their dockets current? An administrator/leader could ascertain the facts and suggest the appropriate remedy. Efficient modes of procedure may be in operation in some districts while outmoded methods prevail in others. To minimize delay the courts must be so manned, equipped, and organized that they may handle the maximum load promptly and efficiently (p. 253).

Florida State Courts Structure

Court administration varies from state to state. No two state courts systems are precisely the same. Nonetheless, there are enough similarities among the state courts to show what a state court system typically looks like. In Florida, as in most state courts systems, there are two sets of trial courts. In Florida, there are county level courts with limited jurisdiction that deal with only specific types of cases, for instance, family, traffic, juvenile, small claims, etcetera. There is a county court in each of Florida's 67 counties. The other set of trial courts in Florida is circuit

level courts, which are courts of general jurisdiction. Circuit courts are the main trial courts in Florida, and they hear cases outside the jurisdiction of county courts, such as civil and criminal cases. In other states, courts of general jurisdiction are called by a variety of names, including circuit courts, superior courts, and courts of common pleas. In certain cases, these general jurisdiction courts can hear appeals from courts of limited jurisdiction. Florida has 20 judicial circuits, each headed by a chief judge. Florida counties comprise judicial circuits, and are as follows:

First Circuit: Escambia, Okaloosa, Santa Rosa, and Walton

Second Circuit: Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla

Third Circuit: Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor

Fourth Circuit: Clay, Duval, and Nassau

Fifth Circuit: Citrus, Hernando, Lake, Marion, and Sumter

Sixth Circuit: Pasco and Pinellas

Seventh Circuit: Flagler, St. Johns, Volusia, and Putnam

Eighth Circuit: Alachua, Baker, Bradford, Gilchrist, Levy, and Union

Ninth Circuit: Orange and Osceola

Tenth Circuit: Hardee, Highlands, and Polk

Eleventh Circuit: Miami-Dade

Twelfth Circuit: DeSoto, Manatee, and Sarasota

Thirteenth Circuit: Hillsborough

Fourteenth Circuit: Bay, Calhoun, Gulf, Holmes, Jackson, and Washington

Fifteenth Circuit: Palm Beach

Sixteenth Circuit: Monroe

Seventeenth Circuit: Broward

Eighteenth Circuit: Brevard and Seminole

Nineteenth Circuit: Indian River, Martin, Okeechobee, and St. Lucie

Twentieth Circuit: Charlotte, Collier, Glades, Hendry, and Lee

Many states, but not all, have intermediate appellate courts. These are the courts that are in between the trial courts of general jurisdiction and the highest court in the state. In Florida, these courts are called appellate districts, district courts of appeal, or DCA. Any party, except in a case where a defendant in a criminal trial has been found not guilty, who is not satisfied with the judgment of a trial court may appeal the matter to the intermediate appellate court. These appeals are typically a right that the party has, which means that the appellate court must hear them. Appellate courts, however, only address procedural mistakes and errors of law alleged to have occurred at the trial court level. Appellate courts do not normally review the facts of the case, which have been established during the trial, or accept additional evidence. Appellate courts often sit in panels of two or three judges. Cases in Florida's appellate districts are generally reviewed by three-judge panels; two of the three judges must agree to issue a decision. Florida has five appellate districts, and are comprised as follows:

First Appellate District: First, Second, Third, Fourth, Eighth, and Fourteenth Circuits.

Second Appellate District: Sixth, Tenth, Twelfth, Thirteenth, and Twentieth Circuits.

Third Appellate District: Eleventh and Sixteenth Circuits.

Fourth Appellate District: Fifteenth, Seventeenth, and Nineteenth Circuits.

Fifth Appellate District: Fifth, Seventh, Ninth, and Eighteenth Circuits.

All state courts systems have a highest court. Although some states have various names for this court, it is usually referred to as the state supreme court, as in the Florida Supreme Court. In states with intermediate appellate courts, the highest state court usually has discretionary review as to whether to hear a case. In states that do not have intermediate appellate courts, parties may usually appeal to the highest state court. Just like the intermediate appellate courts, any appeals taken to the highest court usually allege that there was a mistake of law and not facts. Some state supreme courts actually have original jurisdiction in certain matters. For instance, in Florida, the state supreme court has original jurisdiction over controversies regarding elections and the reapportionment of legislative districts. In Florida, the Supreme Court is comprised of a panel of seven justices. State supreme court panels vary from state to state. Some states sit in panels of three; some in five; some in seven; and, some in nine. Also in Florida, the panelists on the state supreme court are referred to by the title, Justice.

With such a structure as shown in Figure 1 (Appendix A), one can begin to see the need for, and the importance of, state courts administrators/leaders in providing direction and management for the effective and efficient operations of state courts systems plus essential administrative infrastructure services such as finance and accounting, budgeting, human resources, information technology support services, public relations, and security. Also, courts administrators/leaders develop and promote statewide administrative practices and procedures, oversee the operation of statewide court programs and strategic initiatives, and serve as judicial branch's liaison with the executive and legislative branches of government.

History of Court Administration

During the late twentieth century, state and federal courts of the United States saw some substantial changes. At the beginning of this period, courts were largely dependent upon the

executive branch of government for administrative support and they were, in the opinion of some observers, disorganized and very poorly managed.

At his 1969 Senate nomination hearing, Judge Warren E. Burger, then a member of the United States Court of Appeals for the District of Columbia Circuit, responded to a question posed by Senator James Eastland:

> Mr. Chairman, if I were to be confirmed by the Senate, I would conceive my judicial duties to be…basically the same as they have been as a member of the U.S. court of appeals – deciding cases. Above and beyond that…the Chief Justice of the United States is assigned many other duties, administrative in nature. I would think he has a very large responsibility to try to see that the judicial system functions more efficiently. He should certainly be alert to trying to find these improvements. He cannot do it alone…[5]

Court administration as a profession is fairly young and did not seriously begin until in the late 1960s when then Chief Justice of the United States Supreme Court, Warren E. Burger, gave a State of the Judiciary speech in 1969 to the American Bar Association in Dallas, Texas, entitled, C*ourt Administrators: Where Would We Find Them?*[6] In the speech, Chief Justice Burger challenged the courts to modernize by making a couple of astonishing admissions. The first admission was that judges ought to spend most of their time being judges and leave the administration of courts to trained, professional managers. His sentiment was that judges should focus on procedural due process, particularly since judges typically had little to no management training and/or experience. The second admission was that there were more trained astronauts in

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[5] *Nomination of Warren E. Burger Hearing Before the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. 5 (1969)

[6] Address by Warren E. Burger, American Bar Association Convention, *Court Administrators: Where Would We Find Them?* (Aug. 12, 1969), *reprinted in* 5 LINCOLNL. REV. 1, 2 (1969).

the United States in 1969 than trained court administrators. Chief Justice Burger also urged those in attendance to work on creating an institute of court management. In a 1970 *U.S. News and World Report* interview, Chief Justice Burger talked about the development of the court management institute. He stated, "I drew a rough blueprint for the program while I was on vacation in September. We had the first meetings in October, and on December 7, 1969, the final meeting approving the structure, selecting a director and setting up the plan of operations was completed." (p. 42).

A precursor to Chief Justice Burger's speech was given in May 1968 by then Chief Justice Earl Warren who stated:

> The Judicial Conference of the United States at its last meeting recognized the need for an assistant to the chief judge of each circuit to help him in performing the administrative responsibilities of his court. Such an assistant would undoubtedly be helpful. But the need for administrative assistance goes far beyond the needs of the chief judge of the courts of appeals to the need of the circuit councils with their complex managerial tasks. The councils must have the eyes, ears and expertise of management which the expanding workloads of the circuits demand.[7]

A few months after Chief Justice Burger's speech in Dallas, Texas, the Institute for Court Management (ICM) was created, largely as a result of Chief Justice Burger's speech. The January 1971 edition of the newsletter, *The Third Branch*, talked about the first training course for court administrators. The course was an intensive, six-month training and educational program at the University of Denver, which began on June 15, 1970. The first certificates of

[7] This speech is reprinted in Hearings Before the Subcommittee on Improvements in Judicial Machinery, Senate Committee on the Judiciary, 90th Congress, 2d Session. 292-299 (July 25, 1968).

completion were presented by Chief Justice Burger to a class of thirty-one in December 1970. In 1971, the National Center for State Courts (NCSC) was created at the insistence of Chief Justice Burger in order to provide information services to state courts systems.[8] Then, in the 1980s, the ICM merged with NCSC. The role of court administrators has grown exponentially since the early 1970s, and the educational and training opportunities offered by the ICM had evolved alongside the changing role.

In general, it is often believed that the court administrator supports the chief justice in the day-to-day dilemmas of court administration. Cameron et. al. (1987) explain that:

> In colonial days and after independence, the work of the courts in the United States was so sparse that there was no need for separate court administrators. Trial courts were housed and administered locally. The appellate courts ran themselves and little more. The only relationship between the appellate courts and the lower courts was in the review of judicial decisions. Administrative functions were performed by the clerk of the court, the judge, and his secretary (p. 443).

Cameron et. al. (1987) further explained that it was not until the 1970s that the role of the court administrator began to be recognized both in thought and practice. Some likely reasons for this recognition might include the growing case loads, which placed more responsibilities on the chief justice, forcing him or her to be more involved with court administration. As court administration became more arduous, chief justices had more of a willingness to share their responsibilities. In order to devote the necessary time to decide cases, chief justices had no choice but to delegate the management of non-judicial functions of the court to others. Another reason given by Cameron et. al. (1978) had to do with "a decline in the effect of populism, to the point that even legislators and governors were willing to help the courts in becoming more

[8] National Center for State Courts web site. Accessed on January 12, 204 at:: http://www.ncsc.org/About-us.aspx

efficient." (p. 446). Probably the most important reason of all, as Cameron et. al. explained, was the leadership of Chief Justice Burger.

About a year after his 1969 speech in Dallas, Texas, calling for court administration as a profession, Chief Justice Burger in his State of the Judiciary Speech before the American Bar Association in St. Louis, Missouri, in 1970, noted the characteristically slow pace of court proceedings. He noted:

> More money and more judges alone are not the primary solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts of modern record keeping and systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.[9]

The Conference of State Court Administration (COSCA), a national organization for court administrators represented by all fifty states, as well as the National Association for Court Management, are among the organizations providing a national forum for court administrators/leaders. According to COSCA's web site, "The Conference of State Court Administrators (COSCA), established in 1955, is dedicated to the improvement of state court systems. Its membership consists of the state court administrator or equivalent official in each of the fifty states, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Mariana Islands, and the Virgin Islands." (http://cosca.ncsc.dni.us/). NACM's website explains that it "provides court management professionals the opportunity to increase their proficiency

[9] Burger, Warren E. (1970). The State of the Judiciary. American Bar Association Annual Meeting. 56 *American Bar Association Journal.* 929, 933 (Oct. 1970).

while working with colleagues to improve the administration of justice." (Conference of State Courts Administrators, n.d.).

Today, the state courts administrator, working under the direction of the chief justice in each state, is a vital part of all state courts systems. In Florida, the Office of the State Courts Administrator (OSCA) was created with primary emphasis on the development of a case reporting system to provide information on activity in the judiciary, to prepare and manage the court's budgetary process, to develop and implement policies, and to project the need for judges, specific court units and personnel. The OSCA was created as a result of revisions to Article V of the Constitution of Florida, adopted by voters of Florida in 1972.[10] Florida's state courts administrator serves under the direction of the chief justice of the Florida Supreme Court and the other six justices. He or she oversees the operation of various court initiatives and administrative functions.[11] Additionally, the state courts administrator serves as the liaison between the court system and the legislative and executive branches, and any auxiliary agencies of the court. [12]

In Florida at trial court level, general administrative functions such as financial management, information systems management, human resources and case management, as well as the coordination and implementation of all program activities and daily operations fall under the purview of trial court administrators. At the appellate district level, these duties fall under the purview of marshals.

The following Table, *Name of AOC, Auth, Yr Est*, was adopted from the National Center for State Courts. It shows the list of all the state courts administrators' office throughout the

[10] As explained at the Florida Legislature's web site at:
http://www.leg.state.fl.us/statutes/index.cfm?mode=constitution&submenu=3#A5S02

[11] Some of the information presented in this section comes from my everyday working knowledge, as the Human Resources Officer for the Florida Courts System.

[12] As explained in The Florida Bar Reporter Handbook:
http://www.floridabar.org/DIVCOM/PI/RHandbook01.nsf/1119bd38ae090a748525676f0053b606/30ceba8bab2146be852568bd00539b14!OpenDocument.

United States and United States Territories, the authority to create the offices, and the year the offices were created. Florida's Office of the State Courts Administrator was created in 1972. It was created "as the arm of the Supreme Court designated to assist the chief justice as chief administrative officer of the State Courts System, and is also responsible for…research, planning, and policy development functions at the branch level usually in coordination with judicial committees."[13]

Table 2.1: Name of AOC, Auth, Yr Est

State	Name of Administrative Office of Courts (AOC)	Authority	Year Created
ALABAMA	Administrative Office of Courts	Statute	1973
ALASKA	Administrative Office of the Courts	Court rule/order	1959
ARIZONA	Administrative Office of the Courts	Constitution	1960
ARKANSAS	Administrative Office of the Courts	Statute	1965
CALIFORNIA	Administrative Office of the Courts	Constitution	1960
COLORADO	State Court Administrator's Office	Constitution	1971
CONNECTICUT	Office of Chief Court Administrator	Statute	1965
DELAWARE	Administrative Office of the Courts	Court rule/order	1971
DISTRICT OF COLUMBIA	Executive Office of the District of Columbia	Statute	1970
FLORIDA	Office of the State Courts Administrator	Court rule/order	1972
GEORGIA	Administrative Office of the Courts of Georgia	Statute	1973

[13] The Florida Bar's website. Accessed on January 28, 2014 at: http://www.floridabar.org/DIVCOM/PI/RHandbook01.nsf/1119bd38ae090a748525676f0053b606/30ceba8bab2146be852568bd00539b14!OpenDocument

Table 2.1 - continued

State	Name of Administrative Office of Courts (AOC)	Authority	Year Created
GUAM	Administrator of the Courts	Statute	2003
HAWAI'I	Office of the Administrative Director of the Courts	Statute	1959
IDAHO	Office of the Administrative Director of the Courts of the State of Idaho	Statute	1967
ILLINOIS	Administrative Office of the Illinois Courts	Constitution	1959
INDIANA	Indiana Supreme Court, Division of State Court Administration	Statute	1975
IOWA	Office of State Court Administration	Statute	1971
KANSAS	Office of Judicial Administration	Statute	1972
KENTUCKY	Kentucky Administrative Office of the Courts	Statute	1976
LOUISIANA	Office of the Judicial Administrator of the Supreme Court	Court rule/order	1954
MAINE	Administrative Office of the Courts	Statute	1975
MARYLAND	Administrative Office of the Courts	Statute	1955
MASSACHUSETTS	Administrative Office of the Trial Court	Statute	1978
MICHIGAN	State Court Administrative Office	Constitution	1964
MINNESOTA	State Court Administrator's Office	Statute	1963
MISSISSIPPI	Mississippi Administrative Office of Courts	Statute	1993
MISSOURI	Office of State Courts Administrator	Constitution	1970

Table 2.1 - continued

State	Name of Administrative Office of Courts (AOC)	Authority	Year Created
MONTANA	Supreme Court Administrator's Office	Statute	1977
NEBRASKA	Administrative Office of the Courts and Probation	Constitution	1970
NEVADA	Supreme Court of Nevada; Administrative Office of the Courts	Statute	1971
NEW HAMPSHIRE	Administrative Office of the Courts	Statute	1984
NEW JERSEY	Administrative Office of the Courts	Statute	1951
NEW MEXICO	Administrative Office of the Courts of New Mexico	Statute	1959
NEW YORK	Office of Court Administration	Constitution	1978
NORTH CAROLINA	Administrative Office of the Courts	Constitution	1965
NORTH DAKOTA	Administrative Office of the Courts	Constitution	1971
NORTHERN MARIANA ISLANDS	Commonwealth Judiciary Administrative Office	Court rule/order	2009
OHIO	Office of the Administrative Director	Constitution	1955
OKLAHOMA	Administrative Office of the Courts	Constitution	1967
OREGON	Office of the State Court Administrator	Statute	1983
PENNSYLVANIA	Administrative Office of Pennsylvania Courts	Constitution	1968
PUERTO RICO	Office of Court Administration/Oficina de Administración de los Tribunales	Statute	1952
RHODE ISLAND	Administrative Office of State Courts	Statute	1969

Table 2.1 - continued

SOUTH CAROLINA	South Carolina Court Administration	Constitution	1973
SOUTH DAKOTA	State Court Administrator's Office	Court rule/order	1975
TENNESSEE	Tennessee Administrative Office of the Courts	Statute	1992
TEXAS	Texas Office of Court Administration	Statute	1977
UTAH	Administrative Office of the Courts	Statute	1973
VERMONT	Court Administrator's Office	Statute	1967
VIRGINIA	Office of the Executive Secretary, Supreme Court of Virginia	Statute	1952
WASHINGTON	Administrative Office of the Courts	Statute	1957
WEST VIRGINIA	Administrative Office of the Supreme Court of Appeals of West Virginia	Statute	1947
WISCONSIN	Director of State Courts Office	Court rule/order	1978

Table adopted from the National Center for State Courts[14]

History of Florida Court Funding

In a personal communication on January 3, 2013, Robert Nabors, an attorney who represented the counties during the 1997-1998 constitutional revision, explained that Revision 7 came about as an attempt to compromise on who (state or county) should pay for the state courts system. Mr. Nabors argued that in 1972, Florida went from a scattered, archaic court system to a more unified system. He explained that at that time in 1972, such a move was very progressive

[14] National Center for State Courts: Accessed on January 28, 2014 at: http://www.ncsc.org/microsites/sco/home/~/media/Microsites/Files/SCO/Archive2012/Table%2013.ashx

for Florida. Mr. Nabors explained that Revision 7 was sold with the argument that the state would take over the funding of the courts from local governments. He suggested that up until 1972, private law firms served as prosecutors; Florida had justices of the peace; and some judges had never attended law school. It is important to note that in the 1970s, then-Florida Governor Reubin Askew championed government reforms to Florida, including court reform, and suggested a structure where the courts would entirely be funded by the state. He took the first steps toward Florida court reform when he issued an executive order calling for the use of judicial nominating commissions to fill judicial vacancies, and he led the effort providing for the nonpartisan election of judges. So, there is little doubt that court reform efforts, such as Revision 7, had their foundations rooted in those efforts of Governor Askew. Dyckman (2007) reminded us that this was a time when the Florida courts were plagued by a string of scandals, including corruption, favoritism, and cronyism.[15] An *amici curiae* filed with the U. S. Supreme Court in support of the Florida Bar, states:

> During the 1970's, four justices of the Florida Supreme Court (which were then elected positions) resigned their offices following corruption scandals. Several justices attempted to fix cases on behalf of campaign supporters. Another justice resigned after he was filmed on a gambling junket to Las Vegas paid for by a dog track that had a case pending before the high court, while others allowed themselves to be lobbied by a lawyer representing the public utilities industry in a

[15] Dyckman, M.A. (2007). A Most Disorderly Court: Scandal and Reform in the Florida Judiciary. University of Florida Press.

case with major implications to the rate-paying public and even permitted him to ghostwrite the opinion for the Florida Supreme Court.[16]

In an article following Governor Askew's death in 2014, Former Florida Governor Bob Graham was quoted as saying, "He [Governor Askew], more than anyone else, was responsible for reforms which has made Florida's judicial system a model for the country."[17] In a follow up to their largely successful book, *The Supreme Court of Florida and Its Predecessor Court, 1821-1917,* Manley and Brown (2006) discussed the institutional and procedural changes for the court, including the conduct and ideology of some of the justices, as well as the influences and circumstances that led up to reform efforts.

Mr. Nabors suggested that Revision 7 was a way to bring the court into modern times with a three-tiered court system. However, Mr. Nabors explained that the Florida Legislature never funded the changes made in 1972, and since the Florida Constitution was silent with regard to funding, this turned into a battle because the counties wanted the states to cover court funding, and the counties viewed the 1972 changes as a constitutional amendment that the state never funded. Mr. Nabors expressed much interest in this study, as he explained that the history of Revision 7 had not been studied or documented, and many of the key players are deceased. Mr. Nabors shared that Article V of the Florida Constitution established the judicial branch of state government and defined the elements of the state courts system. Mr. Nabors explained that in 1968, the Constitution Revision Commission proposed revision of Article V of the Florida Constitution; however, the Florida Legislature did not act on that proposal. In 1969, another

[16] Lanell Williams-Yulee v. The Florida Bar: http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/BriefsV4/13-1499_amicus_resp_harding.authcheckdam.pdf

[17] WUFT News: http://www.wuft.org/news/2014/03/13/former-florida-gov-reubin-askew-dies-at-85/

proposed revision was made to Article V and that, too, failed to get legislative support. Then, in 1972, Florida enacted significant amendments to the judicial article of its Constitution.

The current funding structure for Florida's court system was adopted in 1998 by the voters, amending part of Article V, Section 14 of the Florida Constitution (Revision 7).[18] With Revision 7, court funding shifted from the local level to the state level. Before state funding was instituted, courts were required to seek appropriations from both the board of county commissions in their counties and the state. Commonly, the state and the county used different budgeting systems, so obtaining funding could, at times, turn into a rather convoluted process. Some courts frequently had to compete for scarce dollars. The economic health and strength of particular counties affected each court's success at obtaining the necessary funding.[19]

Prior to Revision 7, the level of funding for the courts depended on the relative economic health and strength of each Florida county; this resulted in funding differences across courts which meant that the quantity and quality of justice differed depending on your geographic location in Florida. Such funding differences provided strong arguments for state funding of Florida's court system and eventual amendment to the Florida Constitution.[20]

In recent years, as Florida replaced traditional local funding of courts with state funding, the fate of Florida's courts has now become closely coupled with the fiscal and political well-being of the state. As such, the Florida court system is now forced to compete for funding against more politically popular state services, such as education, public safety, and healthcare. The recent recession was particularly harrowing for Florida's court system because a significant

[18] Revision 7 provided for the funding of the state courts system as follows: "Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law. Art. V, s. 14."

[19] This information is based on my everyday working knowledge in my role as Human Resources Officer for the Florida Courts System.

[20] Ibid.

portion of the courts' funding comes directly from the state. As a response to the fiscal crisis, the Florida court system implemented a number of cost-saving measures, including eliminating positions, putting in place a hiring freeze, reducing funding for education and training programs, and curtailing technology development.[21]

Courts and the Budget Process

Courts rely on the political process for their funding and may be viewed by some observers as simply one part of government competing with the areas of government for resources. Courts may well be at a disadvantage when competing for resources because they do not command the same political attention as the other branches of government. Adequate funding is necessary for the courts to carry out their constitutional duties, but little research exists to identify the factors necessary for budget process success for courts. Wildavsky (1964) proposed a political basis for understanding the budget process. He implied that the process for determining who got what from government was not an economic process, but a political one. He contended that the budget process contains two areas of focus, namely calculations and strategy. Calculations has to do with how much to ask for, from the agency's point of view, and how to how much to appropriate, from the legislature's point of view. Strategy has to do with agencies figuring out how to get what they asked for. Although Wildavsky's description specifically referred to examples from the federal government, similar inferences could be made for government at the state level, including courts systems. Some studies have largely replicated Wildavsky. Kettl (2003) explained that "All political issues sooner or later, become budgetary issues" (p. 1). Abney and Lauth (1993) surveyed state executive budget officers and legislative budget officers and found that political factors are important in resource allocation. Anton's

[21] This information is based on my everyday working knowledge in my role as Human Resources Officer for the Florida Courts System.

(1966) study of the Illinois state budget process provided a detailed look at the various roles played by the state's major budget actors and the forces that influenced them.

Summary

A review of the literature and conceptual framework in this chapter informed my research as I examine the impact of Revision 7 on governance in Florida's state courts system. My research enhances the existing literature in several ways. Research on courts, in general, is largely missing from the public administration literature. The existing literature reports research that was conducted primarily in executive branch agencies, but offers little to inform our understanding of court administrators/leaders experiences. In Chapter Three, I present research methods, which include a discussion of case study research, oral histories, qualitative interviews, and the research process.

CHAPTER THREE

RESEARCH METHODS

In this chapter, I discuss how the purpose of this study is achieved by providing an overview of the methods for this study, explaining the basis for the selection of the setting of the study and the reasons for selection of the study participants, addressing the data sources and data collection methods, describing the specific procedures used for analyzing the data collected, and detailing the various strategies I employed to ensure the trustworthiness, credibility and ethical considerations of the study.

Analytic Framework

According to Allison and Zelikow (1999) and Campbell and Mazzoni (1976), an analytic framework is made up of related ideas, suppositions, and enquiries that appear to be of use in analyzing the research questions. As Lasswell and Kaplan (1950) explained, such an analytic framework serves as a researcher's map to assist in looking for significant data and not to predict what the data will uncover. This framework provides a perspective from which to "view the subject, [set] criteria for judging what information is relevant to [this] study, and [create] a device for organizing the data that are gathered" (Campbell and Mazzoni, 1976, p. 5).

An analytic framework that centers on designing and organizing the search for germane data is considered appropriate for this case study. As stated previously, the literature offers little information about courts, in general. So in the absence of sufficient prior empirical research, it is not prudent to develop hypothesis testing designs. As Patton (1980) noted, an approach that allows for a broad description of experiences, happenings, issues, and influences that shape and effect actions is a necessary first step. Malen (1983) reminded us that when a researcher has no foundation from which to derive predictions of which issues should be examined, a research

design that is examining and explorative in nature "is likely to be the most reasonable and the most productive approach" (p. 16). Malen (1983) also noted that an examining or explorative type of design "allows for a systematic but open-ended search for the factors of significance." (p. 16).

Methodological Overview

Qualitative research emphasizes the interaction of participants. It is a more humanistic approach in dealing with data, since it focuses on research participants as subjects rather than objects, and the results can better reflect the perspectives of the participants. Gay and Airasian (1996) argued that "Meaning is situated in a particular perspective or context, and, since different people and groups often have different perspectives and contexts, there are many different meanings in the world, none of which is necessarily more valid or true than another." (p. 9). According to Morrow and Smith (2000), the point of qualitative research is to understand and explain participant meaning. Creswell (2005) explained that qualitative research methods were incomparable for research problems where the variables were unidentified and needed to be examined. Patton (1990) argued that qualitative methods allowed the researcher to approach the fieldwork without being constrained by preset units of analysis, and allowed the researcher to study the given issue in depth, which contributes to the strength, ingenuousness, and detail of the qualitative study. As such, this inductive approach is necessary in this study in order to uncover court administrators/leaders' own perspectives on the impact of governance of the courts systems as a result of Revision 7.

According to Denzin and Lincoln (2003), qualitative research has a lengthy, renowned, and at times troubled history in the social fields of study. Qualitative researchers stress the intimate relationship between the researcher, what is studied, the situational constraints that

shape inquiry, and the socially constructed nature of reality. The term *qualitative* often implies an emphasis on the merits or qualities of entities such as units, events, objects, individuals, etc., and on methods and meanings that may not have been experimentally tested or assessed in terms of amount, intensity, or frequency. Qualitative researchers seek to answer questions that are focused on *how* social experiences are shaped and given meaning (Denzin and Lincoln, 2003).

Guba and Lincoln (1994) contended that, "Events, persons, objects are indeed tangible entities. The meaning's wholeness derived from or ascribed to these tangible phenomena in order to make sense of them, organize them, or reorganize a belief system, however, are *constructed realities*" (emphasis in original p. 84). In this same vein, St. Pierre and Roulston (2006) noted that qualitative analysis readily extends across cultural and national divides, as well as across disciplines and subject areas.

Creswell (2003), Glesne (1999), and Merriam (1988) attested that qualitative research looks at the participants in natural settings and asks these individuals to take part in the data collection. Qualitative approaches allow the researcher to bring his/her personal-self into the research along with one's researcher-self. The researcher's interests, preconceived notions, biases, ideals, and beliefs – in short, the researcher's voice – are all acknowledged and included in the reporting.

Glesne (2006) asserted that, "Qualitative research methods are used to understand some social phenomena from the perspectives of those involved, to contextualize issues in the particular socio-cultural-political milieu, and sometimes to transform or change social conditions" (p. 4). In other words, qualitative researchers work toward interpreting and understanding how participants in a social setting conceive the world around them.

Understanding the major tenets of research standards, specifically qualitative, is essential to conducting good research. According to Glesne (2006) four tenets underlie most qualitative methods. The first tenet focuses on the underlying assumption that reality is socially constructed and that "variables' are intertwined, complicated, and hard to measure. Second are those research purposes that involve contextualization, analysis, and understanding. The third tenet focuses on research approaches which are true-to-life or naturalistic, inductive, and descriptive, use the researcher as the research instrument, seek pluralism, and could result in hypotheses and theory. And, the fourth tenet stresses that the researcher's role includes personal involvement and being empathetic. Qualitative research looks for patterns but does not attempt to reduce the various interpretations to norms or law-like principles (Glesne, 2006). The standard from which qualitative research typically originates is constructivist or interpretivist, which insists that humans construct their own perceptions of settings and activities in which they are situated; it also maintains that no single view or opinion is more authentic or genuine, and that realities must be seen as aggregates or wholes rather than divided up into discrete variables that are studied separately. In support of qualitative research, Preissle (2006) contended that it represents a theory-practice link where theory and practice are collaborative and mutually dependent and the focus is on the self-consciousness and self-awareness of the researcher and the participants.

According to Strauss and Corbin (1990), qualitative research is any research that generates results or conclusions that did not come about using statistical procedures or other quantitative measures. They noted that qualitative research can refer to studies about people's lives, stories, and behaviors, but that it can also apply to studies about organizational operations or even social movements.

Carspecken (1996) suggested that qualitative research usually consists of three components: (1) data; (2) analytic or interpretive procedures; and, (3) reports. The data often come from sources such as interviews, observations, archival records, documents and books. The data produced are considered to be rich in detail and closer to the participant's perceptions. The analytic or interpretive procedures are used to generate findings or theories; and, the results are discussed in verbal or written reports.

Maxwell (1996) noted that a qualitative approach really takes advantage of the five principal strengths of qualitative research. These principal strengths have to do with the ability to assess: 1) the meaning of the situations, events, and actions in which the participants are involved; 2) the specific context within which the participants act, including the effects of the context on the participants' actions; 3) the unsuspected happenings or behaviors which impulsively or instinctively occur during open-ended interviews; 4) the course of actions and events that take place; and, 5) the casual and complex relationships. Qualitative research allows the researcher and participants to interact in a natural environment that is favorable for data gathering while drawing on the experiences, activities, perceptions, memories, feelings, and desires of the participants (Maxwell, 1996). In my study, I utilize a qualitative case study research design to interact with court administrators/leaders in their work environment – the courts – while I gathered data about their experiences, activities, perceptions, memories, feelings, and desires as they traversed through the introduction and/or implementation of Revision 7 in Florida's state courts system.

There were several factors that were considered in the selection of this research approach, such as the setting for the research, the goals of the study, and the nature of the subject matter.

This study is exploratory because little, if anything, is known about the impact of Revision 7 on governance in Florida's state courts system.

The type of topic selected for examination also determined the selection of a qualitative approach. In preparing for this study, since little has been written about state courts, it would have been quite complex and virtually impossible to identify all of the possible variables that might be identified by the study participants. As Creswell (1998) noted, qualitative research is fitting when variables are difficult to define or identify. Additionally, qualitative methods were the best choice for this study because qualitative methods allowed me to listen to the views of the participants, while also focusing on the natural setting and the context in which, and about which, the participants shared their experiences.

Case Study Approach

A lot of different opinions exist about what a case study is and how one should be conducted (Merriam, 1998). A case study often permits a substantial ethnographic component (Creswell, 2002; LeCompte and Schensul, 1999), thus providing an investigation of cultural aspects in addition to factual details of a case. It is, by and large, an examination of a case -- such as an event (or series of related events), a public policy, a community, or even an individual -- over a period of time, by means of an exhaustive, detailed data collection from a variety of sources that capture a richer context than is permitted by gathering data on a limited number of pre-defined variables at a single point in time (Merriam, 1988; Creswell and Maitta, 2002).

Two definitions of case study are generally identified – a study of a bounded system, and the study of an instance in action. (Bassey, 1999). Merriam explained that a case must be "intrinsically bounded" (p. 27), which means that that clear boundaries exist that allow one to see the case as an identifiable unit. The case study has been variously characterized as "an integrated

system" (Stake 1995, p. 2) and as "an empirical inquiry that investigates a contemporary phenomenon within its real-life context" (Yin 2003, p. 1).

Yin (2003) explained that the case study is not just a data gathering method or just a research design, but is, instead, a comprehensive research strategy that banks on multiple sources of information. Triangulation of data sources is central in case studies and a theoretical perspective, taking into consideration where and who to investigate, usually determines the data collection and data analysis processes.

A case study design was used in this research. The reasons for choosing this research design are described in this section. According to Yin (2003), the strength of the case study approach lies in its ability to look into a "full variety of evidence – documents, artifacts, interviews, and observations" (p. 8). Additionally, a descriptive case study is "undertaken when description and explanation (rather than prediction based on cause and effect) are sought, when it is not possible or feasible to manipulate the potential causes of behavior, and when variables are not easily identified or are too embedded in the phenomenon to be extracted for study" (Merriam, 1988, p. 7).

Both Gillham (2000) and Yin (2003) noted that researchers using a case study approach can study individuals, organizations, institutions, partnerships, communities, relationships, decisions, or projects. Merriam (1998) defined the product of case study research as "an intensive, holistic, description and analysis of a single entity, phenomenon, or social unity" (p. 34). A case study approach was chosen for this study because case studies are perfect for broadly defining a topic or phenomenon and for covering contextual conditions (Yin, 1993). Case studies are also useful in providing information about areas where extant research is limited

(Merriam, 1998); they are ideal for presenting "a holistic and dynamically rich account" (Merriam, p. 39).

Yin's (2003) definition of a case study is:

> …an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident…[It also] copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result relies on multiple courses of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical proposition to guide data collection and analysis (pp. 13-14).

Creswell (1998) listed the case study as one of five specific traditions where qualitative methods can be utilized. The other four traditions, according to Creswell, are biography, phenomenology, grounded theory, and ethnography. The purpose of this study lends itself to the case study approach, as it allows for the study of a group of individuals as compared to a biography, which concerns one person (Creswell, 1998). The case study approach was also appropriate in this study because the participants in this study shared experiences that were unique to them. All of the participants have experience in the courts system pre- and/or post-Revision 7. The case study tradition tries to make meaning of the actions or interactions that transpire with individuals in certain situations and looks at the processes that allow for these individuals to give meaning to their experiences (Bogdan and Biklen, 2003).

The case study approach was also suitable when you take into account the goals of this study. Creswell (1998) noted that case studies added value to detailed, open-ended interviews

with study participants. Hays (2004) asserted that interviews usually result in the most important type of data gathered, and are among the richest sources of data in a case study. Interviews provide information from an array of viewpoints that are very valuable to the researcher. Hays (2004) also contended that as participants share specific perspectives of an experience as they lived it, the real meaning of the experience will become apparent in interview data. Crotty (2003) suggested that interviews are actually a helpful tool with case study research because they give the researcher the ability to gain more insight and to follow-up with the participants during the study. In the present study, the ability of the researcher to identify themes or clusters of factors allowed for a deeper understanding of the experiences of the participants pre- and/or post Revision 7 and the impact on governance in the courts system.

The Role of the Researcher

I was the sole investigator in this study, and I assumed a more participatory role because of my "sustained and extensive experience with participants" (Creswell, 2003, p. 184) and because of my personal involvement with the research topic. I am an employee of the Florida state courts system and knew some of the participants in a professional, work capacity. In addition, during the data collection procedure, I developed cordial and supportive relations with some of the participants. Locke, Spirduso and Silverman (2000) explained that such experiences can introduce a real possibility for errant subjective interpretations of the phenomenon being studied and can create a potential for bias. My experiences with the participants provided reasons for caution, since I had previous interactions with some of the participants during the course of my employment in the state courts system. Some scholars go so far as to recommend that researchers not conduct qualitative research "in one's own backyard" (Creswell, 1998; Glesne and Peshkin, 1992). On the other hand, however, there are numerous examples of studies in

classic organizational literature where researchers were employed or actively engaged in the settings, including Goffman's classic study (1961) of a mental institution where he was employed, Graham Allison's (1971) study of the Cuban missile crisis is which he had a role, Patricia and Peter Adler's study (1988) about college athletes with whom they frequently interacted, as well as their studies (1992, 1995) conducted among children and their parents at an elementary school attended by their own children.

Glesne (1999) mentioned two roles that a researcher plays in a qualitative study: (1) researcher as researcher; and, (2) researcher as learner. The researcher as researcher role includes data gathering through interviews, reviewing archival documents, observation, and data analysis. Merriam (1988) pointed out that "the importance of the researcher in qualitative case study cannot be overemphasized. The researcher is the primary instrument for data collection and analysis. Data are mediated through this human instrument, the researcher, rather than through some inanimate inventory, questionnaire, or machines" (p. 19). As the researcher, I was the primary instrument for data collection and analysis. This meant that I relied on my skills to receive information in natural contexts and uncover its meaning by descriptive, exploratory, and explanatory procedures.

The researcher as learner role includes having a sense of self from the very start of the study. Recognizing, acknowledging and considering any biases and pre-dispositions throughout the research will help the researcher to become a "curious student who comes to learn from and with research participants" (Glesne, 1999, p. 41). The researcher must become a good listener in order to learn from the participants, instead of approaching the interviews as an expert on the subject matter being studied. Being a researcher as learner puts the researcher in a position to be constantly open to new ideas, new ways of thinking about experiences, new thoughts, and new

ways of looking at the data. The researcher will need to immerse herself in the researcher as learner role so that free and open communication is maintained with the participants and so that she remains reflexively attuned to her own influence in the interpretive process. In keeping with the responsibility to reflexivity, Glesne (1999) noted that when looking at concerns about validity, it is vital that the researcher's "subjective relationship to the research topic" (p. 17) is acknowledged.

I was an employee of the Florida courts system while conducting this research and was constantly aware of my subjective relationship to the research topic so that I might properly monitor and use that subjectivity. I am keenly aware that in qualitative research, bias is not controlled in an effort to keep it out of the study, but as Glesne (1999) stated:

> When you monitor your subjectivity, you increase your awareness of the ways it might distort, but you also increase your awareness of its virtuous capacity. You learn more about your own values, attitudes, beliefs, interests, and needs. You learn that your subjectivity is the basis for the story that you are able to tell. It is the strength on which you build. It makes you who you are as a person and as a researcher, equipping you with the perspectives and insights that shape all that you do as researcher, from the selection of the topic clear through to the emphasis you make in your writing. Seen as virtuous, subjectivity is something to capitalize on rather than to exorcise (p. 109).

One of the ways a researcher can monitor subjectivity is through the use of a researcher's journal, an activity I fully engaged in throughout the study. My expertise and years of experience working in the Florida state courts facilitated my ability to gather rich data sources, and to analyze the data to find common patterns and emerging themes based on the experiences

of the participants. My monitoring and subjective awareness allowed me to tell the story in meaningful, verifiable ways, as described by Glesne (1999).

I worked to minimize bias and error in this study by following a number of strategies including honoring anonymity, building rapport with the participants, and using an open-ended interview protocol. Good faith efforts were made to preserve and protect the specific court and the anonymity of participants. Prior to the interviews, each participant was assured of anonymity. Participants were also assured that the data gathered from the study would reflect the voice of the group of study participants, and that no names of participants would be included in the findings. Participants were advised that they did not have to reveal any information that made them directly identifiable. (Appendix F). The identity of the specific courts within the state courts system where the participants work was protected, too.

A genuine effort was made to establish a rapport with the participants, "through pre-interview conversations that might draw attention to mutual interests and commonalities" (Geary, 1992, p. 96). My role as the Human Resources Officer served as a basis for maintaining rapport throughout the interview. I believe that the assurance of anonymity, and my ability to build rapport with the participants were certainly factors that contributed to my getting what I believe to be credible data and reliable responses to the interview questions. Some observers may argue that employees would fear me or not trust me because of my role in enforcing personnel policies. It is my position that good human resources is a delicate balancing act of employer and employee interests. I knew that my role, as the Human Resources Officer, was to protect the organization, but also to serve employees; and, in the courts system I was able to build a reputation as a human resources professional who openly advocated for the fair treatment of employees, and I made sure that my words were consistent with my actions. Additionally, I

displayed a high level of competence in the execution of my duties. Altogether, these qualities built employees' trust in me.

Bias was minimized, in part, because an interview protocol was used. It allowed the participants an opportunity to be at ease in expressing their thoughts and sharing their experiences without feeling uneasy or distressed about questions asked of them. I took great care to design questions that would be seen as non-threatening to the participants. I used probing questions to allow me to move past any responses that were unclear or terse. Murphy (1980) provided examples of follow-up enquires that asked for clarification, sought elaboration, provided encouragement, and respected silence, and in my interviewing I sought to emulate these practices. Also, the participants were given the opportunity to review their respective narratives to make sure that the information was correct, anonymity was safeguarded, and the analyses were apposite. In this study, extensive verification procedures, including triangulation, and thick and rich descriptions of the cases were used to establish credibility for the findings and to control for those issues that may come about when conducting research in one's own backyard.

Selection of Participants

I employed a purposive strategy in selecting participants. This was done because the study was qualitative and I sought to find out what occurred, and how, why and what were the implications. Merriam (1998) said, "Purposive sampling is based on the assumption that one wants to discover, understand, gain insight; therefore one needs to select a sample from which one can learn the most" (p. 48). Maxwell (1997) defined purposive sampling as a type of sampling in which, ''particular settings, persons, or events are deliberately selected for the important information they can provide that cannot be gotten as well from other choices.'' (p. 87). Purposive sampling is criterion-based. The criteria that I used for the selection of the

participants were based on the fact that they were part of the courts system administration/leadership during the introduction and/or implementation of Revision 7.

Participants were recruited through an introductory letter (see Appendix E). The letter explained the study's purpose and asked prospective interviewees for a response whether or not they were able to participate. If the response was affirmative, the participant arranged a date and time to meet with me to conduct the interview. Twenty-five letters of invitation were sent out with nineteen responses/acceptances to arrange a meeting date and time. These 19 interviewees provided a diverse and rich set of perspectives.

I thought that a detailed understanding of the impact of Revision 7 on governance in the courts system could best be developed if I focused on the meaning that each participant held by asking general, open-ended questions and collecting data in the environment where each participant worked. This study involved a case study of courts in two levels in three regions of the state –in North Florida; in Central Florida; and in South Florida – with the understanding that one site reference might have led to a chain of other possibilities to pursue. In my effort to increase the likelihood of identifying generalizable emerging themes, I chose court sites that represent a variety of geographic parts of the state, assuming that this variety was likely to contribute greater theoretical richness.

Support or endorsement for the study was obtained (Appendix D) from my direct supervisor, as well as the circuit court administrators. The participants in this study included people who worked in the courts systems when Revision 7 was introduced and/or implemented. Participants were invited to participate through a letter of invitation (Appendix E). To encourage participation, the letter of invitation explicitly stated that participation was voluntary and that no

identifying information would be gathered. Consent for conducting the study was sought from, and approved by the Florida State University's Institutional Review Board.

Data Sources and Collection

Patton (2002) explained that the goal of qualitative data analysis is to uncover emerging themes, patterns, concepts, insights, and understandings. Qualitative data collection and analysis usually proceed simultaneously. Simultaneously doing data collection and preliminary data analysis, according to Merriam (1998), is "the right way" to do it in qualitative research (p.162). Glesne (1999) agreed that doing it this way enables the researcher to "focus and shape the study as it proceeds," through constantly reflecting on the data and paying attention to where the data are leading (p.130).

Qualitative Interviewing

The use of interviews as a strategy for collecting data during case study research is endorsed by many scholars. Yin (1994), for example, argues that interviews are "one of the most important sources of case study information" (p. 84). The purpose of most qualitative interviewing is not to derive facts or laws from talking with the participants, but instead to derive interpretations. Semi-structured interviews are more probing and collaborative than a more closed-ended type of interview. Gubrium and Holstein (2002) explained that the qualitative interview is designed not so much for gathering facts, but for creating meaningful understanding and interpretation around a topic. Rubin and Rubin (1995) noted that in a qualitative interview, the researcher cannot plan or control each and every part of the process. Instead, the researcher allows things to naturally evolve in the interactive process with each participant. Questions may be rewritten or reformatted throughout the process in response to what the researcher learns, and

certain information may signal that a new line of questioning is needed or that additional people may need to be interviewed.

The qualitative interview was a good choice for this study because it allowed me to explore participants' attitudes, motivations, and descriptions of events; it allowed for the participants to describe their experiences, thoughts and beliefs in their own words; it allowed me to ask clarifying questions as well as expand on questions; and, as Gubrium and Holstein (2002) explained, it allowed for much more detail in the context of a smaller number of people. Fogerty (2006) identified the stages that researchers go through when conducting interviews, and begins with "the conception of an interview or series of interviews and continues through research, narrator selection, and the interviews to transcription, editing, publication...At each stage of the process, context is created that becomes an important part of the interview and its meaning." (p. 207).

Qualitative interviews may be structured, semi-structured, or unstructured. The interviews in this study were of the semi-structured type. Semi-structured interviews have qualities of both structured and unstructured interviews (Arksey and Knight, 1999). For this study, the interview protocol included a mix of closed and open-ended questions, and was pilot tested on a few of my colleagues within the court system, who were excluded from the full study. The participants were asked for permission to have the conversation tape-recorded for transcription purposes. Some agreed, and others did not. In-depth interviews were conducted with individuals during summer 2013 (June, July, and August), fall 2013 (September and October), and spring 2014 (February and March). Table 3 is a description of the individuals interviewed. Sixteen interviews were conducted in person and ranged from about 45 minutes to a couple of hours. Three interviews were conducted telephonically, as requested by the

participants due to scheduling and availability. Very few studies have been done to compare the benefits of participants interviewed by phone or in person, probably because, according to Shuy (2003), such studies would be quite expensive and difficult to do, and not many researchers have been moved to examine the relative merits of these approaches. Shuy (2003) also talked about the advantages of phone interviews, explaining that they reduce researcher effects, allow for better researcher uniformity in delivery, and provide more consistency in how the questions are asked, cost-efficiency, and quicker facilitating of the results. Siemiatycki (1979) found that the quality of the data from phone versus in-person interviews was comparable and the added costs of in person interviews was unjustified. On the flip side, Carr and Worth (2001) noted that in-person interviews give the researcher access to facial expressions, gestures, and other non-verbal communications that may enrich the meaning of the verbal responses given by the participants. A claim often made in support of in-person interviews is that because both researcher and participant are in the same space, they can build the rapport that may make it possible for participants to more easily talk about their experiences than might occur in phone interviews (Shuy, 2003). In this study, I considered both financial and time resources as well as participant accessibility in deciding the interviews to be conducted by phone or in-person.

There were 19 participants who agreed to participate in this study. Thirteen of them were male and 6 were female. Their credentials included the following degrees: HS, BS, JD MA, MPA, MS, and PhD. Nine participants held terminal degrees, five held master's degrees, four held bachelor's degrees, and one held a high school diploma. Combined, these participants represent over 400 years of employment in the courts system. Number of years in their current positions varied from 2 years to 21 years. Interestingly, all participants were over the age of 40.

Eight participants were in the southern geographical region of the state; six in the northern part of the state; and, five in the central part of the state.

Of the 19 interviews conducted, only 4 participants gave their permission to be tape-recorded. Based on my experience, the number of participants who were willing to be tape-recorded is typical caution given the legal setting. Most oral historians agree that interviews should be audio recorded. Fogerty (2006) said that audio recording "represents the interview in its purest form" (p. 227). In Florida, it is a crime to intercept or record communication unless all parties to the communication consent.[22] Florida law makes an exception for in-person communications when the parties do not have a reasonable expectation of privacy in the conversation, such as when they are conversing in a public place where they might reasonably be overheard. No major differences were detected in the depth of response between those participants who were tape-recorded and those that were not. However, I was aware of the possible effects on the reactions of the participants who were being taped. Additionally, there appeared to be little to no indications that the use of a tape-recorder influenced the interview data.

While one characteristic of oral history is that the interviews be recorded, I had to obey the law, and respect and protect the participants' desires not to be recorded because, according to the American Anthropological Association's Principles of Professional Responsibility (1971), "In research, anthropologists' paramount responsibility is to those they study. When there is a conflict of interest, these individuals must come first. Anthropologists must do everything in their power to protect the physical, social, and psychological welfare and to honor the dignity

[22] As explained at the Florida Legislature's web site at: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0934/Sections/0934.03.html

and privacy of those studied."[23] Detailed written notes were taken during each interview, as Malen (1983) stated this was a way to protect against lost audio data due to mechanical failure.

Note-taking during an interview, then, poses several threats to the integrity of the study. Charmaz (2006) and Robson (2002) explained that taking written notes can be distracting to study participants in that it might cause them to want to shorten their answers to allow the note-taker to keep up with them. Furthermore, when taking notes, it is very difficult to capture every single idea offered by the study participants and can subject the study to implications of bias. For example, some of the direct statements of the participants are always written word for word. Another example is that the note-taker may use his/her own words to explain what the participants said, and can lose the context conveyed by the participants.

To improve the accuracy of my note-taking during the interviews, I expanded on my notes immediately after each interview, and I obtained assurances from participants that I could ask them additional questions for clarification later. I also did member checking wherein participants were able to provide feedback on how they were represented in the manuscript. I admit that I was a bit disappointed that most of the study's participants opted out of having their interviews recorded. Tape-recording ensures the accuracy of quotes and in-depth or detailed accounts, but given the "legal culture" that I alluded to above, note-taking in lieu of recording could not be avoided for the 15 interviewees.

Poland (2002) identified a number of challenges to consider when transcribing audio into text, including the fact that people speak in run-on sentences, so the decision about where to begin and end sentences, where to put punctuation marks, for instance, could alter the meaning

[23] American Anthropological Association. AAA Statement on Ethics - Principles of Professional Responsibility, 1971 version amended through November 1986. Accessed on March 3, 2014 at: http://www.aaanet.org/profdev/ethics/

of what a participant intended to express. Other challenges include mistaking a word for a similar sounding word, and not being able to appropriately translate non-verbal communication into text, such as body language, duration of silence, changes in tone, pitch, and quality of voice, facial expressions, nods, smiles, and the physical setting. I reviewed transcripts against recordings in order to minimize these potential distortions.

Table 3.1: Demographic Profiles of Research Participants

Participant	Gender	Age Range	Geographic Location in the State	Years Employed in the courts system	Years in current role at the court	Highest Level of Education, to date
1	M	Over 55	South	23	15	J.D.
2	M	Over 55	Central	32	20	J.D.
3	M	51-55	North	9	9	B.S.
4	M	41-45	North	10	10	B.S.
5	M	41-45	South	15	7	M.A.
6	M	Over 55	Central	31	11	M.S.
7	M	51-55	North	19	19	J.D.
8	F	Over 55	South	36	13	B.S.
9	F	Over 55	South	34	2	B.S.
10	F	Over 55	South	23	20	J.D.
11	F	41-45	South	12	12	M.S.
12	M	41-45	Central	11	8	J.D.
13	M	46-50	South	14	15	M.S.
14	M	41-45	North	16	9	H.S.
15	M	Over 55	Central	25	8	J.D.
16	F	Over 55	Central	33	10	J.D

Table 3.1 - continued

Participant	Gender	Age Range	Geographic Location in the State	Years Employed in the courts system	Years in current role at the court	Highest Level of Education, to date
17	M	Over 55	South	21	21	J.D.
18	F	46-50	North	18	7	M.P.A.
19	M	Over 55	North	35	6	Ph.D.

Field Notes

During the interviews, whether they were recorded or not, there were times when I took condensed notes of my thoughts. It is nearly impossible to write down every single thing that was being said, so at times I condensed my notes by writing down a few words that I knew would remind me later on of a much bigger story or even things that happened during the interview. These abbreviated notes are sometimes referred to as jottings, which can be expanded into fuller thoughts after the interview or field observation has finished. Spradley (1979) said that condensed notes consisted of "phrases, single words, and unconnected sentences" (p. 75) and are used later to create "expanded accounts" (p. 75). At the end of each interview, the condensed notes triggered my memory of what I had seen or heard, allowing me to expand the condensed notes into complete thoughts. For those participants who did not want to be audio recorded, the expanded accounts were vital to this study. Without them, their stories would have been lacking in details. For the four participants who agreed to have their interview recorded, the expanded accounts came from transcribing the interviews. Spradley (1979) noted that, "Tape-recorded interviews, when fully transcribed, represent one of the most complete expanded accounts." (p. 75).

The interview guide that I developed for this study included two parts. The first part included some demographic questions such as: How many years have you been employed with the court system? How many years have you served in your role at the court? The second part of the interview guide included open-ended questions such as: How would you describe your role during the introduction and implementation of Revision 7? How would you compare governance in the Florida State Courts System pre- and post- Revision 7? What major changes have you observed in Florida's courts since the implementation of Revision 7? Because this study is an exploratory case study, the interviews were designed to be open-ended to allow for open, in depth responses, and follow-up questions. Follow-up conversations occurred with some participants as needed to corroborate or clarify statements they mad, and to test out my preliminary analyses and findings. See Appendix F for the full list of interview questions.

To assess the usefulness of the interview guide, three field tests were conducted by interviewing three mid-level managers in the courts system – one from each of three geographic regions of the state – North Florida, Central Florida, and South Florida. Another purpose of the field tests was to assess the questions to determine if they were appropriate, clear, consistent, and likely to be understood by the participants. I conducted the field tests in November 2012 and they each lasted between 45 minutes to an hour. The three interviews done during the field test were tape-recorded, and following the interviews I asked the field test participants to provide feedback on the quality of the questions and to offer any suggestions for improvement. Based on verbal feedback from the field test participants, the questions were thought to be appropriate, clear, consistent, and easy to understand.

Reflective Journal

Glesne (1999) recommended that the researcher keep a reflective journal to begin the data analysis process. The reflective journal is used to capture the researcher's thoughts, questions and ideas as they occur. It can also be used to capture categories, themes, coding schemes, and other issues that the researcher can use throughout the study and in preparing the report of the study. I kept a reflective journal throughout the data collection process. I also wrote periodic reports using Glesne's "Three Ps: Progress, Problems, and Plans" (p.134) as a way to review the work done, the problems that exist, and plans to overcome or solve those problems.

A possible product of reflective journaling is memos that can be used to guide the study. The two forms of memos are: (1) theory memos; and (2) methods memos. Theory memos propose inferences and conclusions about theoretical explanations that emerge during the data analysis process. Methods memos are used to reflect on, and sometimes to tweak, the methods employed. Methods memos mull over such things as site selection, other individuals to interview, and questions to consider adding or deleting from the interview guide because they are immaterial, out of sequence, or otherwise unproductive.

According to Spradley (1979), reflective journaling should "contain a record of experiences, ideas, fears, mistakes, confusions, breakthroughs, and problems that arise during field work" (p. 76). According to Henwood and Pidgeon (1992), reflective journaling lays a paper-trail for later examination by the researcher, by external researchers, and from the general public. Mruck and Breuer (2003) noted that researchers are advised to talk about themselves, "their presuppositions, choices, experiences, and actions during the research process" (p. 3). In my reflective journal, I wrote reflections and chronicled my ongoing reflexive interaction with the data and analysis. My journal helped me to reflect on the study, on my own thoughts and

biases, and on my perceptions of the methods that I was using, and also my perceptions of the participants of the study. For example, given my professional investment in the project, I wrote the following in my reflective journal:

> I am a court employee interviewing other court employees. I am not a neutral participant in this research study. I have deep concerns and opinions about the impact of Revision 7. I have spent a considerable amount of time thinking about my desires for this study and what it will achieve or discover that are all tied up with my views on courts system governance, what works and what doesn't work. As the researcher, am I a completely objective research instrument in gathering the data? Not just, No, but a resounding, No! I have spent more than enough time reviewing literature on the traditional methodology on interviewing, so I am well aware of the potential for bias. (Research journal, August 18, 2013)

I dated each journal entry. I found my journal to be a valuable resource in writing this dissertation. The impact of my personal "baggage" was quite apparent through the process of reflection. I discovered a great deal about myself through the use of reflective journaling. Keeping and using the reflective journal enabled me to make my experiences, opinions, thoughts, and feelings visible and an acknowledged part of my study design, data collection, data analysis, and data interpretation process. I did not hesitate to write about my thoughts, my feelings, my needs, my fears, my perceptions, or any possible biases that my surface. Although they were not visible in the data or the interview transcriptions, the process of reflection helped me to bring the unconscious into consciousness and as a consequence made it open for inspection. My goal was to overcome any and all fears and to deal with my biases so that they did not interfere with the study.

Data Management Plan

As mentioned earlier, only four of the interviews were audio taped; specifically, they were digitally recorded and transcribed. The recordings were copied to my personal computer, which was password protected and firewall protected. They were then transcribed, copied to a flash drive, and stored in a locked file drawer, along with the transcripts, reflective journal and all notes, memos, and documents related to this study. I am the only person with access to the file drawer.

Before I read through all the interviews and interview notes transcripts, I created memos and recorded my reactions to the interview experience. I chose not to use computer-aided qualitative data analysis software because I wished to have a more intimate interaction with the data I had collected. Since patterns and themes do not always pop out, I began the coding process by reading one interview at a time and color-coded main ideas that were discussed. I continued reading more interviews and adding more ideas. After reading all of the interviews and interview notes, and cross-coding them, I had identified ninety-six different codes, which seemed overwhelming to me at the time. My next step was to collapse those ninety-six codes by using different colored highlighters to categorize each code that was collapsed. This is important because this was my coding process. I color-coded my data with the different colored highlighters to indicate the different themes. I assigned a theme to a color. For example, I assigned the color pink to the theme "strategies" court administrators/leaders used. Some codes required sub-codes. I entered all the codes into a spreadsheet and then subsequently collapsed these several times to create categories or families of the original codes. In the end, I condensed the 96 different themes into two common themes and four sub-themes. This process allowed me to better manage the codes. All of the interviews and interview notes were kept in an expandable,

indexed file folder with multi-color tabs. This folder helped me to organize, sort, retrieve and manage the data and to systematize the process. When each significant statement or comment was used and entered into the spreadsheet, I also provided the number I assigned to the participant and the page number from the interview notes so that I could easily locate the origin of the code or statement.

Data Analysis

Making sense of the data

According to Merriam (1988), data analysis "is the process of making sense out of one's data." (p. 127). Glesne (1999) said that "Data analysis involves organizing what you have seen, heard, and read so that you can make sense of what you have learned. Working with data, you describe, create explanations, pose hypotheses, develop theories, and link your story to other stories" (p. 130). Yin (2003) named four principles that encourage high quality analysis: (1) pay attention to all of the data, bearing in mind that there are alternate explanations and competing theories to consider; (2) be open to multiple ways of thinking about problems; (3) attend to the key topic in the study; and, (4) the researcher ought to use her own professional expertise to analyze the data. Patton (2002) noted that data analysis requires researchers to engage in "mental excursions…side-tracking…zigzagging," and to look for connections between the "seemingly unconnected." (p. 544).

The four participants who agreed to be tape-recorded were each provided with a transcribed copy of their interview and asked to read over the transcription and make any corrections. The other participants were asked to read my interview notes of their interview and make any corrections. I looked for discrepancies or inconsistencies and asked for further information or clarification, and explored how it strengthened my research to allow triangulation

(Merriam, 1998; Yin, 2003). I conducted in-person, Skype, and phone meetings with participants, at their convenience, to share analysis results with them as a means of member checking. At that time, I asked their opinions of my findings to allow for more possible investigations and interpretation. My motivation was to discover if my results accurately reflected what they intended to convey.

Data verification

Glesne (1999) summarized Creswell's eight verification procedures that are often used in qualitative research: prolonged engagement and persistent observation, triangulation, peer review or debriefing, negative case analysis, clarification of researcher role and bias, member checks, rich and thick description, and external audits. Creswell (1998) noted that researchers must engage in at least two of these in any given study. I propose that researchers should consider using as many as necessary to increase the trustworthiness of the study. For this study, I included the following verification procedures: a) triangulation; (b) rich and thick descriptions; c) clarification of the researcher role and potential bias; d) evidence of member checking by individuals involved in the study; and, (e) peer reviews. Triangulation was accomplished through the use of multiple sources of evidence; rich and thick description facilitated the descriptive and examining nature of this study; the reflective journal helped clarify my role and biases; and, member checking was incorporated by sharing interview reports and case study stories with the respective participants.

Themes were developed from the participants' data, and rich, thick descriptions were created. Specific quotes from the participants were used to enrich the narrative supporting each theme. Multiple examples of the essence of each theme were also included. In addition, I

requested each of the participants to review the themes and narrative descriptions. The feedback provided by the participants provided additional verification to the findings of this study.

Transferability

Transferability means that other researchers and practitioners can apply the results of the study to their own, adjusting them as needed to fit the context of their own experiences (Lincoln and Guba, 1985; Miles and Huberman, 1994). In this study, I worked to enhance transferability by providing a thick, rich description of the contexts, perspectives, and findings that surrounded the participants' experiences. By providing enough detail to draw a definite context, I allow readers the opportunity to decide for themselves whether or not the results are transferable to other circumstances. By maintaining my interview notes and by keeping a reflective journal, I was able to provide enough description to enhance transferability of the findings.

Confirmability

Lincoln and Guba (1985) explained that confirmability refers to a measure of how well the study's findings are supported by the data collected. It often requires that different participants' statements be compared to triangulate the views of people from different vantage points and different settings. Confirmability assumes that the findings are reflective of the participants' perspectives as evidenced in the data, rather than being a reflection of the researcher's own perceptions or biases. I enhanced confirmability by being clear about my assumptions of the study topic in relationship to my own unique contributions or as they were otherwise brought to my attention. My steps to do member-checking, described above, also contributed to confirmability.

Research Permission and Ethical Considerations

To ensure the integrity of this study, I was attentive to ethical considerations and observed several protocols. Ethical issues were addressed at each phase in the study. In compliance with the regulations of the Institutional Review Board (IRB), permission for conducting the research was obtained, according to Florida State University Institutional Review Board Policies and Procedures. A protocol of informed consent was followed to make sure that participants were protected. Application for research permission contained the description of the project and its significance, methods and procedures, participants, and research status. Each participant was sent an informed consent letter (Appendix E), which gave them the right to refuse participation at any time during the study. The letter addressed the fact that the participants were guaranteed certain rights, agreed to be involved in the study, and acknowledged that their rights are protected. The consent letter addressed the nature of the study, the objectives of the study, the manner in which the results would be reported, that only I would have access to the data, and the information about whom to contact if the participants had any questions or concerns about my conduct during the study.

The anonymity of participants was protected by numerically coding each interview and keeping the responses confidential. While obtaining the oral histories from participants, they were assigned a numerical number as a pseudonym and a way for me to keep track of the descriptions. Participants were assured that their names would not be used in reporting the results, so it should not be possible to trace responses to individuals.

All study data, including the audio recordings and transcripts, are being protected and stored in a locked file cabinet in a secure location. Participants were advised that the study data will be destroyed after a reasonable period of time. Bogdan and Biklen (1982), Leedy and

Ormrod (2001), and Whyte (1984) encourage researchers to maintain a commitment of "doing no harm" to participants. My member-checking activities also provided my interviewees a safeguard against presenting research findings in a way that made them vulnerable. I made every possible effort to present the findings in a manner that would not threaten the credibility, reputation, or privacy of any participant or the courts system. I adopted Wax's (1971) commandment for researchers to do "an honest and thorough job [that] omits no important aspect of a situation, and writ[e] an honest, coherent, and fair report" (p. 364).

Study Limitations

While I made reasonable efforts to anticipate potential issues in conducting this study, there were still limitations present in this project, including not interviewing all court administrators/leaders from every circuit or appellate court in Florida. I know of no magical number of participants that must be studied to understand a phenomenon. It is my position, however, that the court is a distinct, unique and complex part of society and of government. Hence, the data gathered in each setting might very well be dependent on these contexts. Therefore, the context of the study could limit the generalizability of the findings. Some might therefore posit that the findings of this study can be used only to better understand and explain the experience of the participants involved in the research. As a qualitative project, my intent was to utilize a format to provide a thick and rich description of the phenomena encountered in the process of research to allow the readers to judge the information presented so that they can make their own decisions about whether or not – and how – the themes that emerge from the research can be transferred to their own situations.

Another limitation is that the information collected included retrospective data of past events, and could be therefore subject to the problems inherent in memory, predispositions,

biases of participants, and post hoc construction. While I took steps to alleviate these and other sources of possible error, the study does heavily rely on oral histories.

An additional limitation is that some individuals might assume that most of Florida's courts operate in a similar manner despite the fact that they are located in different geographical areas of the state; and, this study sampled only parts of the court system geographically.

Another possible limitation has to do with the nature of qualitative research. The data obtained may be subject to different understandings by different readers. Additionally, because of the interpretive nature of qualitative research, it was possible for me to introduce biases into the analysis of the findings, but I exercised due diligence to limit biases in this study. Peshkin (1988) suggested that it is important to be aware of our subjective selves and the role that these selves play in research, because being aware is better than assuming that we can just eliminate subjectivity. Good qualitative research requires that I remain reflexive, to stay aware of the qualities that will enhance my research as well as any biases that I have about the courts system and about court administrators/leaders that could skew my analysis of the data if I were not aware of them. Eisner (1998) suggested that no one's perception of the world is like anyone else's. This means that the way we see and respond to a situation is unique to us. However, it is important to note that "this unique signature is not a liability but a way of providing individual insight into a situation." (p. 34).

Finally, it is important for me to disclose that some of the participants in this study had difficulty, or trepidation, in recalling information; therefore, some of the data did not provide the richness and thickness that I anticipated. It is quite possible, though, that certain aspects of the courts system's internal and external environment may have influenced participants' willingness and/or ability to be more forthright during the interviews. My efforts to do member-checking,

nonetheless, allowed the research participants to contribute additional insights that may partially offset their earlier problems with recall and trepidation.

Summary

This chapter included a description and rationale for the methods employed in this study. The decision to use qualitative research was based on the research topic, my personal experience, and the audience (Creswell, 2003). The use of a qualitative approach was appropriate because it allowed for a story to be told and provided the opportunity to generate an understanding of the meaning of participants' experiences (Patton, 2003). Specifically, the case study approach within the qualitative tradition was used for this study because all of the participants had similar experiences as a result of being a part of the state courts system pre- and/or post- Revision 7. My role was explicitly stated, as well as an acknowledgement of my biases (Merriam, 1998). I acknowledged and responded to ethical considerations in the research process, as well as followed appropriate methods of data collection and analysis to gain a deeper understanding of the experiences of the participants; and, data verification methods were described. Chapter Four will present the oral histories of the study participants.

CHAPTER FOUR

ORAL HISTORIES

Hearing the stories of court administrators/leaders provides a window into their thoughts about the impact of Revision 7.

Only a hand full of participants gave permission to have their interviews audio-recorded. Those recorded interviews were transcribed and coded for data analysis. The vast majority of the interviews were not recorded, so I took meticulous notes, which were also coded for data analysis. Although some qualitative scholars have remarked on some disadvantages to note-taking, I found there were some unexpected benefits. Taking notes allowed me to be more alert to what the participants were saying. I was much more likely to quickly identify unclear or vague comments and immediately get clarification. While taking notes, I found that the participants were more engaging. This may be because the interviews were more interactive due to me frequently checking in with the participants, and probably because they saw what I was writing.

Introduction and Implementation of Revision 7

Participants were asked to describe the moment they first became aware of the possibility that Revision 7 would become a reality. What were their general thoughts? How would they describe the sentiments among their peers? How did the courts system brace itself for the anticipated changes/impact?

Participants from the northern region of the state offered a variety of impressions that give a sense of an incoherent change initiative[24]:

[24] I present data as they were expressed by my informants, with the exception that I have occasionally replaced words with ellipses where the omission of words does not change the meaning. In order to retain authenticity in the data, I have not corrected word usage or grammatical errors in the statements of my interviewees.

> The talk among courts around the country was unification. Since we tend to want to follow the trends, we thought 'ok, here we go again… I have peers who thought this was nothing more than some political move in the sense that a well-known court leader helped to push through Revision 7. (Personal Conversation, April 17, 2013).
>
> Full implementation has not yet been realized. Funding continues to be an impediment to full implementation…those that pushed for Revision 7 and since moved on to other things, so Revision 7 is more of an afterthought now. (Personal Conversation, May 16, 2013).
>
> I will retire before going through a process like that again. (Personal Conversation, October 4, 2013).
>
> No one talks about it now. There's a lot of history- good and bad – surrounding this topic. The Legislature failed time and time again to fund the courts for decades prior to Revision 7. Revision 7 came about, and they never got the funding right. It was never thoroughly planned. What about the long-term implications? No one thought about that, and I still can't imagine why they didn't. (Personal Conversation, March 13, 2014).
>
> Honestly, I did not like much about those times. It seems like all was well, and then here comes these massive changes, with little support and guidance. (Personal Conversation, January 7, 2013).

Comments from participants in the southern region of the state similarly allude to incoherence, but also describe how the policy change created anxiety and frustration on a personal level for those who had to implement it. A repetitive theme was the failure of executives to communicate to subordinates about what to expect:

> Revision 7 had some positive outcomes for the courts. For the most part, we now think of ourselves as a single body. Prior to Revision 7, every court did their own thing. (Personal Conversation, January 24, 2014).
>
> I'm surprised anyone is interested in this as a subject to study. I think for the most part, we did what we were told while holding our breath, because many of us had no clue about what was to come...This is typical of Florida, isn't it? We come up with ideas; issue a mandate, without thinking about future implications. There were a lot of times when we didn't know what was going on. We were finding out about things in the news before we got office word from the powers that be in the courts system. (Personal Conversation, January 23, 2014).

> What a nightmare it was! I'm surprise the courts made it through without total collapse. (Personal Conversation, August 23, 2013).
>
> Things appear well now, but there was a lot of animosity during the early implementation phases. We felt that our voices weren't being heard. (Personal Conversation, January 18, 2013).
>
> There were too many negative memories to recall. To be fair, a lot of it was the result of fear when things weren't being communicated to us in a timely manner. (Personal Conversation, September 17, 2013).
>
> I would contact me counterparts in the larger courts to find out what was going on. In the smaller courts, we sort of didn't have a voice, per se. We weren't known to the big wigs, so we just felt forced into compliance. (Personal Conversation, January 21, 2013).

Participants from the central region of the state alluded similarly to the confusion, incoherence, and personal animosities expressed in the other two regions:

> It is always easy to mandate that something be done. It's another thing to have to be the one to see those mandates take shape. Legislators are an interesting group. It was a time of total confusion for many of us. I'll leave it at that. (Personal Conversation, February 15, 2013).
>
> It is professional to say that that implementation of Revision 7 sucked? Well, it did! On one hand, I see the need for it. On the other hand, sometimes folks just need to leave well enough alone. (Personal Conversation, February 15, 2013).
>
> Transferring all those employees from the county to state employment was overwhelming – and not in a good way. (Personal Conversation, February 14, 2013).

I focused part of my interview questions on the individual roles that my research participants had played. I wanted to know how their individual sense of responsibility unfolded apart from the overall intentions of the policy change. The following are responses from interviewees in the northern region when asked about their individual roles in the Florida State Courts System during the introduction and implementation of Revision 7. Their answers give a sense of complexity of the systems that were being modified and beg questions about whether

policy makers understood or cared about the administrative feasibility of the initiative they enacted:

> I was a member of a committee formed to address implementation…we had countless meetings. We were in unchartered waters, and many of us weren't clear about what our task was, but eventually things came together, and I'm glad I was chosen to be part of such an important process in our history. (Personal Conversation, April 17, 2013).

> I was staff support for a couple of committees, and survived a number of painstaking exercises just putting together a framework or objectives for the committee…Trying to define the areas that would make up the state courts system, trying to put together a structure that would encompass the needs of all large courts and small courts, what areas, services, and programs of the courts would be state funded and those that would be locally funded…I don't think anyone anticipated that it would take two years to even do that. (Personal Conversation, May 16, 2013).

Responses from participants in the southern region stress similar frustrations, but also illustrate differences among my interviewees' experiences and reflections. One possible interpretation, taken from Miles' law, is that "where you stand depends on where you sit" (Miles, 1978, p. 399)[25]

> I served in administration during that period of time. The transition was much more complex than you could imagine. We had a few years of lead time before the actual implementation, so that provided us with ample time to prepare for all of the administrative complexities – and there were a lot of complexities…there was a lot of nervousness and consternation about whether this was the right move for the courts…looking back, I must say that these were all normal feelings to have when one is faced with change…In my opinion, the change was necessary, and a good move for the state…There was a lot of pressure from some counties for the Legislature to make good on citizens' demand to move the courts to state financing…This move to state financing was long past due. (Personal Conversation, September 17, 2013).

> I was and still am a court manager. I was not involved in the introduction of Revision 7, but like other court managers, I was involved in implementation as related to my area of responsibility. It was a very stressful period of time...I don't

[25] Originally coined by Rufus Miles, a bureaucrat in the Bureau of the Budget in the Truman administration. Its origin and meaning were more fully explained in an article by Miles (1978) while he served on the faculty at Princeton University. By then, Miles had also served in senior positions in the Eisenhower, Kennedy, and Johnson years.

> even think the main players had a picture of the outcome. They were in the midst of massive changes and, frankly, just hoped that the system didn't collapse. (Personal Conversation, January 18, 2013).
>
> I was a supervisor at the time, simply gathering data and materials for my manager who staffed one of the Revision 7 committees. Even though my role was relatively small, I think it was actually very important. (Personal Conversation, January 23, 2014).
>
> I was hired after the introduction and implementation of Revision 7. (Personal Conversation, March 14, 2014).

Responses from participants in the central region further illuminate individual frustrations that are seen in statements from the other regions:

> I was active in the implementation phases, but I can't say it was all positive. We had a lot of disputes, a lot of disagreement. At times, we lacked clarity of what we were supposed to be doing…we anticipated much more financial support than the legislature eventually provided. Not much has changed today in terms of funding. The courts system today is still significantly under-funded, and Revision 7 essentially kick-started that trend. (Personal Conversation, February 15, 2013).
>
> I offered advice to colleagues who served on committees and sub-committees…This research is right on time. A good number of the folks involved in Revision 7 have left the courts system – some have passed away, and several have retired. (Personal Conversation, June 7, 2013).

There were no demonstrative responses about the experience. The participants' words expressed a lot of frustration, yet their affect or disposition during the interviews was surprisingly flat. There may be several interpretations for this. Could time have dulled the frustrations of those who saw the experience as very frustrating? Could it be that some of the participants experienced so many changes over the years that they all sort of flow together and in hindsight Revision 7 was not so strikingly different than other changes they have seen? In reflecting on the response from the participant in the southern region who thought that after the fact Revision 7 was a good thing, could it simply be that people experience things differently – that the feelings that some participants experienced are typical of most change initiatives?

A participated noted:

> I came along after Revision 7, but have heard stories about how challenging a time that was. I don't know if it was a well thought out or planned initiative, because it sounded like my colleagues were just glad to get past it. When I got this position, I inherited a pile of files related to Revision 7. When I asked if those would be necessary for my job, I was told they should have been archived and was of no use to me performing my job…I was able to read through a few, though, which gave me a real good grasp of what Revision 7 was all about and also an understanding of why the courts operate the way they do today. (Personal Conversation, June 6, 2013).

I reviewed several original files, including those shared by participants. It was not surprising to me that not many original documents were available. Many of the documents would have been subject to the Judicial Branch Records Retention Schedule for Administrative Records and subsequently destroyed after the retention period elapsed. The retention and disposition schedule authorizes destruction of records unless otherwise provided by court rule. From my experience as an employee of Florida's courts system, I know that administrative support records, including the expenditure of funds, budget materials, etc., are retained for 2 years and them destroyed.[26]

Courts and Politics

As Wildavsky and Hammann (1970) suggested, "Whatever else they may be, budgets are manifestly political documents. They engage the intense concern of administrators, politicians, leaders of interest groups and citizens interested in who gets what and how much of . . . allocations." (p.140).

Study participants believe that the most successful state court administrators/leaders study, embrace, and engage in the political process at both the state level and the local level. As a whole, it appears that Florida's courts system is moving toward accepting this as a must-do and

[26] www.ncsn.org. Judicial Branch Records Retention Schedule (January 1, 2011). Supreme Court, State of Florida. Records retention and disposition schedule for all "judicial branch entities."

necessary approach. One participant illuminated the substantial change underfoot in that the court system, typically detached from politics in the past, was now being forced to become more proactively political:

> [The courts system] needs to engage with members of their executive and legislative branches far more proactively than we have at any time in the past. We need to approach the budget process methodically and comprehensively, like our counterparts in the executive branch. (Personal Conversation, January 7, 2013).

One participant illuminated some of the inherent disadvantages the courts encounter when they attempt to negotiate with the other branches on grounds for which elected officials have much more experience:

> We need to assess of how the executive and legislative branches regard us before we next embark on a strategy of advocating for funding…I don't think they think too well of us. A lot of it is perception and not reality. They hold the purse strings and they hear from their constituents with regard to the courts, and I don't think the perceptions and feedback that they get about the courts are positive…A lot of people only interact with the court when they are a juror, a litigant, or a defendant in a case, so from my point of view, their perceptions may not be the reality of things. (Personal Conversation, August 23, 2013).

There appears to be a natural animosity between the courts and the legislature. The participants expressed one side of it – the legislators did not really understand what they were asking the courts to do. I believe that, over the years, legislators have shown their distaste for the courts because the courts' role is to interpret and reject legislative actions that are unconstitutional. In recent years, the legislature has distinguished itself several times by passing legislation that legal scholars told them would not pass constitutional muster. But they do so because they need to posture sufficiently to excite voters to vote for them at the next election. And then it is so easy for legislators to label the courts as the bad guy. In the same way that court employees perpetuate hallway conversations about the idiocy from the legislature, the hallways of the legislature presumably ring with characterizations of the courts as arrogant,

detached obstructionists and "activists." Unfortunately for the courts, they have few natural allies, and the courts must intentionally maintain distance from the same citizens that legislators carefully engage. So the problem this participant offers is not merely a failure of the court to communicate with the public, it is inherent in the system. One participant offered additional perspective on this dynamic:

> The Florida Legislature does not see us as an equal branch of government. Constitutionally, we are. But when money is at stake, we are not treated as an equal. Some of us court administrators have not quite accepted that reality…we can't seem to accept we have to actively participate in the antagonistic nature of the process, and stop standing along the walls looking in at our counterparts in the executive branch engaging in the process like the pros that they are…we aren't new to this process, so let's play the game like the rest of them. (Personal Conversation, February 14, 2013).

When asked about the role of politics in the introduction and implementation of Revision 7, all of the 19 study participants noted that politics played a role. Many suggested that politics were inherent in the original formulation of the policy change:

> One participant stated:
>
> None of this would have come to be if it weren't for politics. Politics was at the core of Revision 7, and some of that politics came from inside the court, whether it be from those advocating for it, to those who advocated against, to those who were silent of the matter. (Personal Conversation, January 18, 2013).
>
> Another participant said:
>
> Revision 7, in itself, is political. The state, for many years, relegated responsibility for the courts to local government even though they were responsible for the state courts. That failure to act was a political move. Inaction is a game in politics, correct? Wasn't the state basically sued to force them to move ahead with Revision 7? (Personal Conversation, January 21, 2013).
>
> The issue of power was mentioned by one participant who said:
>
> I witness some power play during the process…There was a lot of inside politics and people kind of jockeying for power on the various committees that were form for implementing Revision 7. (Personal Conversation, May 16, 2013).

Various other participant anecdotes related to the politics of the introduction and implementation of Revision 7:

One participant said:

> The circuits had developed strong political relationships with local county officials prior to Revision 7. Some of those relationships weren't as strong after Revision 7, partly because a significant level of funding support from the counties was now shifted to the state level. Interestingly enough, a number of courts had to face a new normal that now with state funding, they have less resources than they did prior to Revision 7, and some of that can be attributed to the fact that they don't have political relationships with that state level officials. (Personal Conversation, September 16, 2013).

Much of the struggle over funding should have been anticipated. As Pringle (1972) explained, "the court system must expect to take its fiscal lumps along with everyone else" (p. 8). Pringle's idea is expressed in the words of this participant:

> I don't recall a whole lot of folks in the courts system advocating for Revision 7. Don't get me wrong. Some did push hard for it, but there were a lot of silent onlookers, too…what I heard of lot of from those pushing for Revision 7 was that their particular circuit would benefit because Revision 7 would give them more funding. Simply put, some felt that they would have political clout that would ensure more funds would go to their respective circuit. (Personal Conversation, February 15, 2013).

Another participant saw it as a struggle for central political authority:

> Revision 7 was about Tallahassee having control over the circuits. The best way for them to get that control was by controlling the money. (Personal Conversation, September 16, 2013).

Another participant, addressing the irony of legislative intervention into the court's administration, depicted a sense of political ignorance (or perhaps denial) that pervaded the system prior to Revision 7:

> Historically, the courts are seen as the weakest of the branches when it comes to funding matters. Do you know the percentage Florida's budget that goes to the courts? You should look it up because, if nothing else, you'll find it be embarrassing, given the importance of the courts in our society in general. Florida courts have simply have tried to distance ourselves from anything that

> could be seen political in nature. Revision 7 was one of many political measures where the courts was mostly passive. We sort of sit back and basically let legislators to dictate to us how we're supposed to operate. Mind you, many of those same legislators have probably never set foot in one of our courthouses and probably have no clue about the workings of the court… I'm trying to be diplomatic here, so I hope this is making sense. (Personal Conversation, January 18, 2014).

Interestingly enough, this response points to the sheer political weakness of the courts as described in The Federalist:

> Whoever attentively considers the different departments of power must perceive, that in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of each citizen are to be regulated. The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for efficacy of its judgments.[27]

Knowledge, Skills and Abilities for Successful Implementation of Revision 7

Anticipating that various administrators' particular roles and responsibilities might shape their implementation activities, I asked them what unique knowledge, skills and abilities (KSAs) were necessary for successful implementation of Revision 7. Their answers reinforced my

[27] The Federalist No. 78. At 522-23 (A. Hamilton) (J. Cooke ed. 1961).

expectations and reflected diverse perspectives. For example, responses from participants from the southern region of the state included these:

> Political savvy – plain and simple. (Personal Conversation, January 23, 2014).

> The whole budget request process requires the ability to build relationships with local and state legislative leaders. And, not just during the legislative session. You have to maintain relationships even when session ends. You have to know how to influence legislators into seeing things the court systems way. (Personal Conversation, September 17, 2013).

A participant from the northern region of the state reflected how the budget process is inherently political:

> Every court manager that has any involvement in the budget process should be required to a take a Politics 101 course. The entire process is much more about politics…I think the whole of idea of lobbying is new to a lot of court folks and some in the courts are still hesitate about lobbying for the courts' needs. (Personal Conversation, October 4, 2013).

A participant from the central region of the state emphasized the somewhat ad hoc nature of these activities, drawing attention to the lack of systematized knowledge for training purposes:

> This is still kind of new for the courts. We really need to study the folks who have been doing this for a while and see the lessons they have learned, then we can take those lessons and adopt them to fit our needs. For example, I see folks in the executive branch as having a certain amount of influence and power in the budget process…other state courts have moved to state funding, so this not a new thing in the big scheme of things…have we even looked into how other state courts have handled the move to state funding? (Personal Conversation, February 14, 2013).

Key (1940) asked the fundamental question: On what basis should it be decided to allocate x dollars to activity A instead of activity B? No participant indicated that showing evidence of need and good performance could influence legislators. It is my understanding that prior to Revision 7, courts would simply present their funding needs to the county with little to no indicators of need or evidence of performance. To effectively advocate for the courts system

in the budget process, it might be helpful for court administrators/leaders to develop a model with data, metrics, and plans to save money. The courts system's budget request should include explanations of needs that budget areas are meeting, and all aspects of the request should be supported with evidence and data. Court administrators/leaders might also explain initiatives the courts system has undertaken to streamline processes and increase efficiencies, and have data and written summaries available to show how the funds were used and what outcomes were achieved. Without reliable indicators or need, the courts won't be able to formulate allocations to achieve desired objectives.

Courts and the Legislature

Throughout American history, unpopular court decisions and the general authority of the courts have been debated among legislators. Fundamental to the debates have been basic questions about the proper balance of the legislatures' authority to define the court system and the need to protect a courts' ability to reach decisions independent of political pressure.

One of the primary characteristics of our judicial system is that it has a specific role under the separation-of-powers doctrine. Under the doctrine, laws are passed by the legislature and the judicial branch interprets and applies the law, makes decisions on legal disputes and otherwise serves up justice. This includes the courts' authority to enforce—or invalidate—legislative statutes when disputes go beyond their scope or constitutionality.

Interaction between administrators in the state courts system and legislators proves to be a central tension resulting from Revision 7. As the following participants' comments suggests, the courts system has much to learn about how to influence legislators, to educate them on the intricacies of court administration and the critical resources that the courts need. These three

individuals all draw attention to the need to educate legislators, although they offer somewhat unique perspectives on how to do so. One of the participants offered this:

> Courts expect those who come before them in the courtroom to present not just the facts, but present the importance of those facts and what they mean in the context of the case. In the same vein, we have to justify our budget requests to the legislature with more than just facts and numbers. We have to identify and analyze the real life implications of whatever monies we're requesting and lay out for them the benefit to the state if they were to appropriate what we request. We also have to lay out any negatives that the state will have to face if we do not get an adequate budget. (Personal Conversation, January 7, 2013)

So in the view of the preceding participant, the system should analyze its critical needs, weighing positives and negatives of particular prescribed activities, indicating how alternatives approaches might influence citizens in their everyday lives, and then offer the results of these analyses to legislators. Another research participant puts it in plainer clothes; it's all about advocacy.

> We have to be constant advocates. (Personal Conversation, January18, 2013).

A third research participant sees the education process devolving to interpersonal interaction; it is merely a case of getting legislators to see the everyday people of the courts system doing their jobs:

> We need to invite legislators to our local courts to meet with court personnel and other judges, so they can see tax dollars at work. (Personal Conversation, January 21, 2013)

Florida's courts system functions in the shadow of legislative oversight. Consequently, an essential function of court administrators/leaders is to persuasively and convincingly articulate the courts system's stance about policy to the legislature and to, in turn, learn about the legislature's perceptions of the courts system. One can imagine that if members of the legislature lose confidence in the courts system's capacity to administer its operations, i.e. its finances, they could very well introduce and approve legislation to limit the courts system's

ability to manage its expenditures. Such a move by the legislature could greatly impact the judicial branch's independence. So it is crucial for court administrators/leaders to build on improving their relationships with the legislature so that they could come to better understand legislative behavior.

The Need for Balance

There are those who see law and administration as mutually contradictory concepts. They see law as establishing precedent and paying unremitting attention to procedures that are in place to insure justice, and they see administration as more concerned with financial prudence and efficiency.

The magnitude of implementing Revision 7 represented a mammoth change for the courts system and its leaders administratively. Two participants expressed that court administrators/leaders simply were not knowledgeable enough about the administrative processes, or had the administrative skills necessary to implement Revision 7:

> Some of us leaders in the courts, and I'm specifically referring to some judges, are not willing to accept the role as administrators. We know very little about budgets, and human resources, and general support services….and we are willing to learn…I've heard some say 'That's not why I went to law school and became a judge'…that's an unfortunate position because I don't think they realize that just because we have staff to handle the vast majority of the administrative functions, we still have a responsibility to have a certain level of understanding of the work staff does... Judges and court administrators bring different strengths to the courts, so the working relationships between judges and administrators has to continually be developed for the betterment of the entire courts system so we can strive the right balance between the politics and legal nature of what we do. (Personal Conversation, February 15, 2013).

> One needed to be able to exert influence, and wield power…those skills were lacking during the transition to Revision 7…judges aren't exactly known for their administrative skills, and administration staff didn't really have the requisite experience in the legislative process, so we initially faltered in that regard. (Personal Conversation, June 6, 2013).

> We needed more training and orientation earlier on in the process…you cannot underestimate the need to provide information early and often when faced with such a magnitude of change. As a manager, I was dealing with employees who were hearing thing on the news or from their colleagues in other circuits, and I didn't have answers to provide them to clarify or ease their concerns…those answers eventually came, but well after the questions were posed…Good communication earlier on through training would have laid the groundwork for early understanding and buy-in from staff…Believe me, it was a challenge keeping staff calm and focused on continuing the perform…No doubt, performance suffered. Employees were concerned about whether they would lose their jobs. Rumors abound, and I was not equipped with the answers to adequately ease their minds…When I did get the answers from leadership, employees were skeptical because they had heard conflicting things whether through the news or from the rumor mill. (Personal Conversation, September 16, 2013).

Court leaders are challenged to balance the need for judges to be independent and autonomous in the courtroom while ensuring that, as a public organization, the court is operating effectively and efficiently, and is accountable to the public. The role of court administrators/leaders is not just limited to adjudication. Court administrators/leaders must be savvy with the give and take of the legislative process, whose primary actors balance competing and amorphous interests in shaping public policy through the budget. In that vein, court administrators/leaders must be cognizant enough to ensure that the budget power of the executive and legislative branches does not pose a threat to judicial independence.

One participant explained that as a result of Revision 7, each court was part of a whole, and by actively participating in the system, one can make a positive impact.

> Public speaking, and particularly educating folks about the courts. That really helped me. Also, learning how to look beyond my court, how to look at the system as a whole and how to look outside of the box. I would say that one thing that I have learned is that anyone can have the potential to be a leader as we continue to work through the impact of Revision 7. As long as you have ideas and suggestions and can influence or help with something that can positively influence the system, then your input is welcome. (Personal Conversation, June 7, 2013).

The Need for Collaboration

Behn (2001) suggests that "our American concept of democratic accountability evolved from Madison's separation of powers to Wilson's separation of administration from policies, with Taylor and Weber justifying that separation by describing how an independent administrative apparatus could be both efficient and accountable" (p. 58). He also explained that the bureaucratic behavior inherent in our system of government is a result of the separation of powers. This separation of powers does not mean that court administrators/leaders cannot collaborate with, and learn from the other branches of government when it comes to navigating the budgeting process. Effective collaboration with the executive and legislative branches is critical because of the central role these branches have in passing legislation under which the courts system operates and in providing the funding required to carry out the courts system's responsibilities. Instead of seeing the relationships between the branches as always a competitive one where each is trying to shift or reallocate resources for their own benefit, some participants see the value in collaborating with the other branches in a way that brings value to each branch, as expressed by the following participant:

> We have to strike a very difficult balance. We are an independent branch, but at the same time we are beholden to the other two branches because they control the purse…I have been here for well over 15 years, and I've seen a lot of changes, but Revision 7 has been the most challenging…we have staff and facilities, and most of the same administrative duties that the executive branch, but for the most part, we reinvented the wheel instead of simply borrowing from or adopting what they already had in place. (Personal Conversation, January 10, 2014).

Walker and Barrow (1985) explained that because courts do not have a constituency or hand out political pork, then there is little incentive on the part of legislatures to be supportive of courts during the budget process.

Very little has been written about any strategies state courts use to get the funding they need. Barr (1975) expresses that the judiciary is at the mercy of the legislative and the executive branches when trying to gain resources; and that courts systems have to rely on the other two branches for most of their funding.

Two studies at the federal level explored strategies that federal courts used to acquire sufficient funding. Yarwood and Canon (1980) found that the Supreme Court Justices would appear at budget hearings to add their prestige to the Court's budget requests. Walker and Barrow (1985) found that federal courts submitted conservative requests, along with justifications for all requests; they also provided evidence of sound financial management. They also found that the courts appointed to their judicial budget committees those judges from states with senators of representatives on the congressional appropriations committees and sub-committees. This was an effort to make sure that the courts will have friends on the congressional committees who will listen to their concerns. The courts also appointed committee members who had experience as state legislators or members of Congress to guarantee judicial committees have members with political knowledge of how legislatures work.

Some participants acknowledge that the court culture may not be benefiting the courts system during the budget process:

> Relatively simple to administer…just working with the county commission is a piece of cake compared to working with state legislators…Since Revision 7, I now supervise both state and county employees, and that can be a bit tricky in and of itself…separate rules, policies can create the appearance of inequities for employees working side by side – one state, one county. Employees don't care about who is funding their employment; they don't want to see their county colleague getting a pay increase when the state hadn't given them an increase in 6 years. Revision 7 was more of a mess from the personnel administration perspective, and we didn't really ask for help from the outside the courts. (Personal Conversation, January 24, 2014).

> If I hear one more colleague say 'We're the courts. We operate differently. I don't see the benefits of reaching out to the executive branch. They won't understand us.' I will scream. That has been a mentality that has held us back for years, and it's time for a change. (Personal Conversation, April 17, 2013).

It seems that the courts system occupy a different world than the other two branches of government. This could be because principled thinking and decision-making, which are commonplace in courts, often seem to take a back seat to political compromise and expediency. Many of the processes routinely employed the executive and legislative branches have no counterpart in courts. Court administrators/leaders often find the budgeting process to be too perplexing:

> I have friends and former colleagues on the executive branch side, and I get embarrassed for the courts when I hear them talk about their administration and governance structure. It seems so advanced compared to the courts. (Personal Conversation, March 13, 2014).

Given that the courts system is a separate branch of government, it is quite possible that factors necessary for the success of courts during the budgeting process might be different from those of the other two branches. I am not aware of any studies that have looked into this issue, though. Barr (1975) surveyed the executive budget officers in each stated and asked them which factors led to budget success for the courts system. They responded that respect for the judicial branch as a third branch of government, realistic budget requests, and good relationships with the legislature were important factors for budget success. From the survey, Barr also found that the executive budget officers saw "the judicial branch as lacking budgetary competence" (p. 57). In my study, Florida budget officials were not interviewed. Unlike Barr who interviewed state budget officers to learn of their perceptions of the courts' efficacy in the budget process, my aim in my study was to obtain the narratives of court insiders; however, future research to include narratives of state budget officials is recommended.

The following comment by a participant expressed that more needs to be learned by the courts:

> Yes, we are different. Yes, we have unique challenges, but does that mean that we can't be open to ideas and suggestions from our counterparts on the executive branch side? Sometimes I feel like we keep doing the same things with very little progress…Our doors have been closed for so long. We've maintained this exclusivity and mystique for so long, but I bet if we crack the doors a bit and let in some outsiders for new ideas and new thoughts, we can leap miles ahead of where we currently are. (Personal Conversation, January 7, 2013).

Court Outreach

Rubin (1985) and Mikesell (1995) found that executive branch agencies often mobilize political allies to win support during the budgeting process. Participants share a similar sentiment in that the courts system needs to enlist partners, and gain support from key interest groups in support of its initiatives. A participant thinks that it is time to look beyond the obvious for support during the budgeting process:

> We must begin to look beyond lawyers and local bar associations for support…we need court outsiders to champion for us…equip them with the same message and data to support our position. (Personal Conversation, June 6, 2013).

Participants have expressed earlier that the budget process is political; yet, courts have no choice but to involve itself in the process. In order to maintain its non-partisan and non-political characteristics, courts systems have to be cautious who they align themselves with during the budgeting process. To many legislators, the courts system may be just another agency of government that is entitled to no greater and no less respect than any other government agency. This perception is clearly at odds with those who view the courts system as a co-equal and independent branch of government.

Court outreach is critical to developing and maintaining strong ties to the communities they serve. Court administrators/leaders need to engage in active dialogues

with the community about subjects including the role of the courts and judges, as well as the legal profession, in an effort to increase understanding. It is only then that the public might begin to see the court as a necessary and inclusive part of their community. The following participant's inquiries failed to acknowledge the lack of connectedness or relationship-building between the courts and the general public:

> Who really lobbies for us? Yea, we have the Bar, but what about the general public? Legislators want to hear from Jane and Joe Public. It resonates more with them than hearing from attorneys…Where's the general public? Where the folks that use court services? Why aren't they galvanized to fight for us like they fight for education or health care or law enforcement or a host of other issues? Let me tell you why. One reason is because we didn't think they were sophisticated enough to understand our issues…another reason is because they didn't even come to mind when thinking about advocacy…If you're not a lawyer, or part of the legal community, then the assumption was that you don't have the capacity to fully understand what we do. (Personal Conversation, August 23, 2013).

View of Tallahassee from the Field

The challenges brought about by Revision 7 tended to focus on the relationship with the courts system's leadership. In reality, although the effort was led by the Supreme Court in Tallahassee, which could be dubbed as the ground zero for Revision 7, court administrators/leaders from throughout the state served on the Revision 7 implementation team. Participants shared their thoughts on the support, or lack thereof from, Tallahassee while working through the Revision 7 implementation process. Participants made reference to "Tallahassee" without qualifying that the decisions were made by a collective body representing court administrators/leaders from throughout the state.

These are among the anecdotes they shared. I believe it is noteworthy to acknowledge the participants' thoughts and views to gain additional insight about their experiences during the period of Revision 7 implementation.

Disappointment with Tallahassee

There seemed to be a tension that some participants felt toward the Supreme Court – the head of the courts system. In some of the narratives, participants made reference to Tallahassee, when actually speaking about the Supreme Court. This tension was evident when a participant shares that the relationship of his court with Tallahassee was not a good one because there was the impression that his input in the Revision 7 implementation process was not needed or important enough. This participant was from a smaller circuit, and felt that Tallahassee's concerns were with the voices of the larger circuits. Here is the narrative:

> Not good. It was difficult. They didn't seem to want our input. I felt that they were more concerned about the needs of the larger courts. (Personal Conversation, January 10, 2014).

There was the impression among some participants that Tallahassee was much more knowledgeable about Revision 7 and the implementation process, and that knowledge was not adequately transferred to all of the courts. Here, another participant expressed the desire for more support from Tallahassee. In this narrative, the participant's reference to support was more education about the process, and more information about what to expect would have been helpful. It is possible that the narrative is a display of headquarters-field tension; however, I believe it is an example of a result of change – the likelihood that not every individual will be pleased:

> We knew the implementation would not have been painless, and I think a bit more support from the folks in Tallahassee would have eased some of the pain. (Personal Conversation, January 7, 2013).

The following participant comment, though not critical of Tallahassee, indicated that the volume of additional workload during implementation was not anticipated. It is important to note that this process was new and unchartered territory for courts system,

so it is likely that the technical knowledge and requisite experience did not exist in Tallahassee, so not every possible element was included in the implementation design.

> The major challenge was the additional workload brought about by the transition…This added work was just temporary, but I don't think we anticipated the level of added work and the details required to make sure we got things right…All eyes were on the courts…this was new for us…we wanted to do things right and make things better for all courts. (Personal Conversation, January 18, 2013).

Support from Tallahassee

Not all participants experienced the Tallahassee-field tension. This disparity might be attributed to Miles' (1978) aphorism – Where you stand depends on where you sit. The level and scope of one's responsibilities influence perspectives. Some participants were complementary of Tallahassee's leadership during the implementation of Revision 7:

> I was supported from the very beginning. No complaints here. (Personal Conversation, May 16, 2013).

> Tallahassee had their act together and kept the courts informed throughout the process. (Personal Conversation, October 4, 2013).

> There was a lot of planning that went into preparing for Revision 7. I think we did an awesome job at the time. Tallahassee stepped up and busted their tails to make this move a success… I'm not saying it was all easy, because it wasn't, but the dedication and commitment of those in charge gained my respect. It was impressive what the folks in Tallahassee did, and they should be proud of their efforts. The courts could have otherwise been in real trouble from an administration and operation standpoint (Personal Conversation, February 14, 2013).

The Politics of Implementation

The implementation of Revision 7 in the courts system was seen as political by a participant. In my role as a public employee, I am aware that when it comes to public policy, the path from legislation to implementation is usually a rocky one, and the politics

of implementation will always be present whether or not there is an explicit implementation design:

> Politics is king. The process was too political…a lot of internal politics going on at that time. (Personal Conversation, April 17, 2013).

No Choice in the Matter

With the implementation of such a major legislation, it is unreasonable to expect that the implementation team will include every individual in the courts system. There was a cross-section of individuals on the team, including judges and court administrations from small, medium and large circuits, as well as district courts representatives. Yet, some participants may have felt personally excluded from the process, as noted the following two quotes:

> No one asked my opinion, seriously speaking. We had no choice but to go with the flow. It wasn't like we were able to say, hold up, can we give our thoughts before you push us off this cliff? As the challenges came about, we simply had to tackle them head-on, because at the end of the day, we did not want to be seen as failures. Here's how things work. When you have a mandate to do something, whether you agree with it or not, we have to support the directive and work like dickens to make sure it works for the organization. Because if it fails, no one says the legislature gave us a mandate that simply didn't work. People are going to say, the court made it fail because they didn't do everything they could to make it work. (Personal Conversation, January 21, 2013).

> Knowing that we didn't have a choice, we just had to buckle down and get it done. We've faced challenges before. This was just another one. When you love the courts as much as I do, you do what you have to do…This wasn't about me or one particular individual. This was about doing what we thought was the best thing for the courts at that period of time…As a matter of fact, until now, I haven't had time to truly reflect back on that period of time...I'm still here. The courts are still here. We've moved on. (Personal Conversation, September 16, 2013).

Centralized Administration Themes

In a report on governance and leadership in the courts, Coolsen and Buenger (2010) explained that in Florida:

> A constitutional amendment was passed in 2004 that required the legislature to fund the trial courts…the legislature passed a statute dictating how the funding will be allocated, which has slowed the movement toward unification and equitable funding. Currently 12 to 15 commissions have been set up to provide advice to the chief justice. These commissions tend to operate independently and have limited inter-relationships, and confusion exists concerning who makes what decisions. (p. 19).
>
> They also noted that a Florida court administrator suggested that:
>
> The Florida experience highlights…the attempt to address unequal justice through unification, perhaps at the expense of local court flexibility. (p. 19). That same Florida court administrator also suggested that "creativity and innovation are difficult" in the current court system, "and that in the past it has been the local courts that have acted as laboratories in attempting to meet the changing needs of the court. (p. 23).

Most of the participants, whether they thought positively or not, of Revision 7, agreed that Revision 7 resulted in the smaller circuits now having a seat at the table during the budget planning process. Smaller circuits are in the rural areas and they simply did not have the resources pre-Revision 7 to offer many of the programs and services offered by the larger courts because their funding was based on the taxes from their small, rural counties. Post- Revision 7, new programs and services, such as drug courts, were put in place in smaller circuits.

Four themes emerged from participants that address the effects of centralized administration.

1. Universal practices and local effectiveness;

2. Central control and local effectiveness;

3. Headquarters-field tension in terms of responsibilities and communication; and,

4. The Budget system.

Universal practices and local effectiveness

The trial and district courts provide stark examples of the dichotomy between stated intentions and realities on the ground. For example, Tallahassee generally agree on the need to promote all the courts as an integral part of the court-wide decision making system. In practice, the effects of Revision 7 have been uneven in different courts. Where there may have been genuine commitment to the trial and district courts on effects of Revision 7, some courts administrators/leaders have been frustrated by a number of administrative issues that weren't resolved with implementation. A participant explained that the intended results of Revision 7, with regard to efficiency and facilities maintenance, were not realized:

> There were thoughts that post- Revision 7, the courts would be centrally administered for sake of efficiency; however, that was not the result of Revision 7. For better or worse, the major result of Revision 7 seemed to be a level unification of court funding and some state financing of the courts. Court facilities and upkeep are still the responsibility of counties, for the most part. (Personal Conversation, October 4, 2013).

Two participants expressed concern that centralized administration failed to considered local courts' needs, and the one-size-fits-all model imposed by Tallahassee poses a disadvantage to courts. Centralized administrative procedures can become theoretical if divorced from local realities. Centralization can restrict circuit and district courts and not allow for local differences and special problems or conditions. Participants shared that since implementation, no evaluations were conducted to assess the effectiveness of Revision 7. And, the neglect to do so has consequences:

> Governance is ok now. Not good, but ok, but we have a long way to go to get to strong governance…Tallahassee should simply set the goals and let the courts implement, but Tallahassee tries to control implementation without regard to the specific needs of the courts…There is a difference between the tight reigns that Tallahassee has in effect and good governance. (Personal Conversation, January 21, 2013).

> There is more consistency now in terms of the courts having the same policies and procedures for instance. But, no one has really stopped to ask if the consistency is working for the individual courts. I mean, something that works in Miami might not work in Gainesville, but nothing in terms of studies have been done to gain insight on the impact of these policies…There are some things that we're mandated to do that leaves us scratching our heads to how this will benefit us locally, but no one has bothered to ask us if it's working for us…As a whole, there are good people running the courts, but that doesn't mean they know how to manage, and part of management should include periodic reviews and assessments of policies and procedures to see if we need to modify them, stop them, or continue them. (Personal Conversation, January 7, 2013).

Central control and local effectiveness

Alternatively, some participants acknowledged the system efficiencies that resulted from Revision 7. Four participants described the effectiveness of a uniformed framework for day-to-day functions such as planning, budget management, case management, and personnel administration:

> Revision 7 created more efficiency and equity in the courts…we are not as fragmented…we now have some system-wide planning…administration of justice is now more uniformed throughout the state. (Personal Conversation, May 16, 2013).

> Governance post- Revision 7 is focused on planning the budget and monitoring the budget…Revision 7 now clarifies leadership at the local level and also clarifies local court relationship to Tallahassee. (Personal Conversation, August 23, 2013).

> We actually have some semblance of governance post- Revision 7. Technology as it relates to case management was an area that really benefitted since Revision 7. Of course, this didn't happen overnight, but we now have an efficient case processing system. (Personal Conversation, February 15, 2013).

> Revision 7 really hones in on us having the same system for employment – the same rules for hiring apply throughout the courts system. (Personal Conversation, September 17, 2013).

Many courts system personnel plans provide for local employee selection in accordance with system-wide requirements.[28]

Headquarters-field tension in terms of responsibilities and communication

Communication and technology have a direct bearing on the scope and strength of administrative capabilities. As such, it is important to have strong communications upwards and downwards in a centralized administration. The magnitude of Revision 7 required clear and direct communications from Tallahassee, and critical direct feedback from the circuit and district courts to Tallahassee below. Two participants described the piecemeal and partial information they received:

> Speaking of the current court governance, I will say that my main concern to communication, and specifically insufficient communication from Tallahassee…There are so many levels or filters for communication from Tallahassee. It seems that Tallahassee communicates with chief judges and TCAs only, and the pace at which these people pass on the information to court judges and court staff is totally dependent on that court's chief judge or TCA…In this age of technology, there has to be a way to communicate certain information directly to the entire courts system at once…As a previous employee of an executive branch agency, it was not unusual for the agency head to send out a single e-mail to all agency employees statewide. In all my years with the courts system, similar communication has never happened…I cringe to think of the level of communication before Revision 7. Based on today's communication from Tallahassee, dare I venture to say that communication between Tallahassee and the courts was almost non-existence before Revision 7? (Personal Conversation, January 23, 2014).

> Communication remains a problem. I mean communications in terms of technology. Each county has its own IT system, so there is no uniformity. Florida had partial court unification. Not all elements were unified under Revision 7. For instance, if you look at the various Florida court websites, you would not know that they're all part of the same system. I've looked at other state courts that have gone through a similar state funding effort, and you can tell that they are part of the same system…Now, I'm not a technology expert, but for goodness sake and

[28] H. Lawson, H. Ackerman, and D. Fuller, Personnel Administration in the Courts. 179 (1979).

> from what I can gather from my limited knowledge technology, the various court systems don't interface with each other…In the age of technology, we're behind the times and I don't know if leadership is even focused on catching up. (Personal Conversation, January 21, 2013).

The headquarters-field tension was evident in this participant's response, whereby the sentiment was that administrative staff, and not the judges, should be credited with the work done during implementation:

> The importance of court administration was highlighted since Revision 7. From what I've heard, court administration, not the judges, were the ones that pulled off this project and kept the courts afloat…I don't think many judges respected the work performed by court administration staff before Revision 7. (Personal Conversation, March 14, 2014).

The budget system

The major element of Revision 7 was state funding of courts system operations. Revision 7, in my opinion, reflected the political realities of the time, which included legislative requirements for public accountability through unified budgeting and central administration. Prior to Revision 7, it was impossible for some courts to have financial wherewithal to implement certain court initiatives. The idea that Revision 7 would provide courts with the financial possibilities to commensurate with their functions was one of the selling points of Revision 7. However, with the economic crisis that occurred several years ago, all courts experienced an inadequate level of funding necessary to meet all of their needs. Eight participants expressed their sentiments about the courts system's funding challenges, which were largely a result of the global economic crisis. Among these sentiments is a call for formula funding using indicators of demand and workload standards:

> Funding concerns dominate many of our discussions. We simply have been operating on bare bones funding since Revision 7…a number of strategies have

been put in place, but none seems to be able to sustain us from year-to-year. (Personal Conversation, September 16, 2013).

It is now easier for the courts system as a whole to take up for a particular budget request than for a single court. (Personal Conversation, April 17, 2013).

Revision 7 forced us to change the way we look at the budget process. The view is now from the perspective of what we do as a system. We are part of the courts system and not just one stand-alone court. (Personal Conversation, June 6, 2013).

I don't think we in the courts did the best job with really explaining to the Legislature and to the people of Florida the dire situation that we have face in the past few years, and could face again if they don't get this funding formula right...The state has been through tough economic times before, but the economic challenges that Florida, and the country for that matter, has faced seemed to have really taken a toll of our courts – the likes that we haven't seen before. (Personal Conversation, February 15, 2013).

I was under the impression – and so were many of my peers – that Revision 7, in the long run, would result in greater funding for the courts by coordinating the budget process. That has not been the case, though…Some of the larger circuits have struggled for lack of adequate funding...We've gone through tough economic times before, but we've never had to worry about closing our doors or planning furloughs and the like…before Revision 7, the counties always came through for the courts...now with Revision 7, we seem to never have enough funds…even though we generate a lot of money, most of that money doesn't come back to the courts. (Personal Conversation, January 21, 2013).

In my county, after this many years have passed…there is still talk about Revision 7 not doing what it was intended to do…The county felt that the state screwed them over. State funding of state courts should mean just that. The state funding what they wanted to fund, and dictated to the counties what they felt the county should fund…This county absolutely got the short end of the stick in this deal. (Personal Conversation, January 23, 2014).

Revision 7 was to sort of unify the courts system. Some areas of the system have been unified, but the jury is still out on some other areas. There are way too many differences and dynamics at play for full unification to occur…The state isn't ready or willing to take on the full responsibility for funding the entire courts system. (Personal Conversation, March 14, 2014).

The following participant called for formula funding using indicators of demand and workload standards:

> It is incumbent upon policymakers and the Florida Courts System's leaders to stop jockeying around with funding the courts and formulate an effective funding policy that will minimize the impact of economic fluctuations on court users and provide sufficient resources for the operations of the courts…If things continue in this vein, it is very likely that the courts could shut their doors, literally. Then what? (Personal Conversation, February 14, 2013).

I concur with this participant that there is a need for more quantitative measures with regard to determining an adequate funding level for the courts. In 2013, California's Judicial Council approved a new methodology to allocate state funding to trial courts based on workload. California's courts budget was cut by more than $1Billion; and since 2010, the courts lost about 65% of the funds they receive from the state's general fund.[29] Unfortunately, California's funding formula is elastic and doesn't account for fluctuations in the economy.

The wave for creating unified courts system in states across the country seemed to have been sparked, in part, by the U. S. Department Justice, who wanted to end the fragmentation of court systems and proposed a centralized administration of courts system.

Charles Smith, Acting Director of the Office of Justice Programs with the U. S. Department of Justice, noted the following in a 1988 program brief on court unification:

> "Court Unification concepts have already been implemented in several states throughout the country and can be an attractive strategy for states desiring to centralize management practices… Whatever its form and regardless of the extent to which unification is partial or total, those states which have implemented some unification procedures have achieved economy of effort and more precise management of resources…We encourage all states desiring to initiate or improve court unification to consider implementing the Court Unification Program

[29] California Courts' New Funding Formula: The Workload Allocation Funding Methodology. http://cacs.org/research/california-courts-wafm-assessment/

described here. The benefits to the courts themselves and through them to the public can be substantial."[30]

Planning for and implementing Revision 7 was likely to be quite complex and time consuming. Of utmost importance in planning for the fiscal aspects of Revision 7 was the design and implementation of budget systems. Two participants equated the courts' implementation of the Revision 7 legislation as one that was not fully thought out:

> Court funding has been the quintessential pain in the behind since Revision 7…court funding stability continues to be a major challenge for court leaders…The Legislature simply isn't getting it right…depending on court fees to fund Florida courts was not a sound measure at all. Thanks to the Legislature for another decision that wasn't well thought out…the courts as a separate but equal branch of government should never have to go to the legislature literally begging for money. (Personal Conversation, January 7, 2013).

> The vision for the future of the system might not have been clear, but I'm not one to focus on the past. As a team, we are working together to always be the best courts system that we can be…I don't think Florida courts problems are unique to Florida. Other courts have been through reform and I'm sure they all had problems. The goal is to continue to work on correcting the problems that come about. (Personal Conversation, March 13, 2014).

Experiences of participants have demonstrated that the consequences of Revision 7 are many and varied. These experiences provide perspectives for future studies of administrative centralization. The participants' responses implies that court reform, such as Revision 7, whatever the form and application, is neither stationary nor an end in itself; it is the process for providing better resource allocation and management in courts systems.

A quantitative report by Carlson et al. (2008) found that Revision 7 created greater resource equity across the Florida circuit court system and resulted in improved accountability.

[30] U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance. Court Unification Program Brief: Information Guide for the Judiciary, Court Administrators, Concerned Legislators and Other Public Officials, Citizen Court Improvement Organizations and Concerned Criminal Justice Personnel. April 1988.

They also noted that because neither the constancy nor the level of funding was adequate, the results of Revision 7 were mixed. In the report it was also noted that the adoption of Revision 7 presumed efficiencies across the courts system would "be achieved later through identification and implementation of improved business practices" (p. 67). It turned out that all areas of the courts system were not adequately taken into account before Revision 7 was implemented; i.e. staffing levels (p. 68). And, the Resources Management System – the system created to gather data and test for courts system's efficiency – was not funded by the state at the implementation of Revision7. This report supported the perspective that Revision 7 implementation was not well thought out.

Revision 7 and the MAG Study

Following implementation of Revision 7, the courts system embarked on a pay study to address the low pay of court employees in comparison to their counterparts in the legislative and executive branches, as well as the pay inequities between state-funded court employees and their county-funded counterparts. The MAG study was a pay and classification study done in 2005 by Management Advisory Group (MAG) of Tallahassee and Northern Virginia. Because of my role in the courts system and my personal experience in reviewing the results of this MAG study, I know that the study proposed to give approximately seventy-five percent of Florida's courts system's positions an average pay increase of almost $6,000. These pay increases were intended to make the courts system more competitive with counties, municipalities, state attorney and public defender offices statewide, and with executive branch agencies and legislative branch offices. Two veteran administrators shared their thoughts on the ongoing personnel and pay challenges:

> We still have some personnel issues that haven't been resolved, like having stated-funded and county-funded employees working side by side doing the same

> work but with wide variations in their pay. (Personal Conversation, May 16, 2013).
>
> The huge MAG study that was done was a mammoth waste of time and money…It got everyone's hopes up that there would finally be something done about the low pay of court employees…we can't compete with the executive branch and others in hiring and retention simply because of the low pay. (Personal Conversation, January 7, 2013).

As a human resources employee in the state courts system, I am aware that in 2004 when Revision 7 was implemented, approximately 1,200 county-funded positions were transferred to state-funded position classes based primarily on the work performed by these positions. It is also important to note that none of the former county-funded employees who were doing the same or similar jobs at higher salaries than their state-funded counterparts took pay cuts or demotions during or after the implementation or Revision. This has resulted in a long-standing issue of inequities in pay as explained by the following participant:

> The courts system has a big issue with inequity in pay and job classification of personnel. Many employees who were county funded before Revision 7 and became state employees since Revision 7, were and still are being paid well above what they should be paid…Those pay inequities linger to this day…I hear it day in and day out from employees who are paid less for doing more than some of these prior county employees...A number of employees have left court employment because of these problems…I see no fix in sight for this problem…It's not right and it's not fair. (Personal Conversation, January 7, 2013).

One of the underlying ramifications of dismantling these county positions was a resulting mish-mash of inequitable salaries throughout the courts system. One court administrator offered this observation:

> Employee pay is still a problem after this many years. We have a morale problem that worsened after Revision 7, and a main reason is pay inequities. How can we continue to have former county employees who became state employees after Revision 7 still make way higher salaries than folks that they work side by side with every day? As a manager, it breaks my spirit to look at my top performers every day knowing that, number 1, they aren't being what they're worth, and number 2, they are working next to mediocre employees that are being paid

> thousands more…Some of my best talented employees are fed up; some have left for more lucrative opportunities, and I know those that are left are looking to leave…Needless to say, turnover is relatively high in my court…The knowledge gap that is coming scares me…I have spoken with managers in other courts that express the same thing to me. (Personal Conversation, April 17, 2013).

The creation of a judicial branch personnel system required that a classification and pay study be done and a classification and pay plan be prepared for adoption by the court system, meaning that the study should have been completed in preparation for Revision 7 implementation, and included in the implementation costs for consideration by the legislature.

This comprehensive classification and compensation review of all existing job classifications in the courts system was a costly undertaking for the courts system and it was undertaken after, and not before the implementation of Revision 7. Since Revision 7 and the MAG study, the courts system has not been successful in securing funds from the legislature to address the pay issues. The courts system continues to lose talent to the other two branches and local government employers. The courts' pay structure is not a competitive one, and they continue to struggle in recruiting and retaining the best talent. In its 2014 budget request, the courts system asked for $9.86 million to address "the equity and retention pay issue spurring many employees to leave the judicial branch for higher paying jobs in the other two branches of state government."[31] This budget request was in response to the findings of a study done by the Office of the State Courts Administration comparing salaries of state courts employees to those of other state agencies' employees. The findings stated that "the average salary of employees within the State Courts System is 12.59% below the average salary of other State of Florida government employees."[32]

[31] The Florida Bar News – January 15, 2014.
http://www.floridabar.org/DIVCOM/JN/JNNews01.nsf/RSSFeed/C9BADAE83E5356A885257C580047BEF9
[32] State Courts System Staff Parity Issue: A Business Case.
http://www.flcourts.org/core/fileparse.php/251/urlt/attachc.pdf

Overall views of Revision 7

Former Florida Supreme Court Chief Justice and Constitution Revision Commissioner, Gerald Kogan, offered the following comments during a Constitution Revision Commission meeting:

> The promise of Article V is a fair and balanced approach to statewide funding at every locality. Small counties (pre-Revision 7) have had major problems in, for example, being able to afford conflict counsel in capital cases and that this is a very, very serious matter. These counties with few resources have been asking us to help get them some relief."[33] Also, the Revision 7 Ballot Language stated, "The amendment expressly promotes uniformity of justice irrespective of geography. Its intent is to make justice less dependent on a county's size or wealth and, therefore, more equitably funded and consistent with local needs.[34]

I offer the participants' perspectives on the extent to which the goal of Revision 7 was accomplished. Implications range from there being some enduring trepidations and uneasiness about Revision 7 and the problems that still remain, to not enough time has gone by to craft a complete and thorough opinion of Revision 7.

Two participants explained that problems still exist from implementation of Revision 7, but there are benefits from working together:

> I think the leaders in each court now have a greater awareness of their roles in the system. Every so often, I hear a complaint here or there about what should or shouldn't be done, but for the most part, folks understand that working together yields benefits for all of Florida's courts and not just the larger courts. (Personal Conversation, January 7, 2013).

[33] Former Supreme Court Chief Justice and Constitution Revision Commissioner Gerald Kogan's comments, February 12, 1998 CRC meeting.
[34] Revision 7 Ballot Language Adopted by Florida Voters in November 1998.

> Revision 7 brought all the courts together, but there are a few challenges of this coming together that remains to this day. (Personal Conversation, January21, 2013).

Six participants illuminated the unresolved funding issues remaining since Revision 7 implementation:

> What immediately comes to mind for me is the TCBC and the DCABC[35]. These were created after Revision 7 as part of our new governance structure. (Personal Conversation, January 10, 2014).

> Innovation has slowed down tremendously…For example, we now have to go to the TCBC for approval of everything. TCBC is supposed to set funding priorities for the trial courts, right? If my court comes up with an idea and we want to apply for a grant to fund the program, we have to apply for approval from the TCBC to apply for the grant. It's a time-consuming, sometimes frustrating process because that body may not understand the uniqueness of my specific court, yet they can make a decision that can squash our ability to pursue a measure we consider innovative for our particular court…we were told that if a measure cannot be replicated across the state courts system, then TCBC would not approve it. (Personal Conversation, February 15, 2013).

> After these many years, Revision 7 is still a work in progress. Court unification might have been a good move, but funding of Revision still remains a challenge for the courts. (Personal Conversation, October 4, 2013).

> Revision 7 is a typical legislative mandate that comes with inadequate funding. So, we're left with figuring out how to fund this mandate while legislators move on to the next thing they want to change or fix or eliminate…We haven't quite seen the full intended effects of Revision 7. I try not to think of it as yet another yet failed reform effort, but I don't have anything supporting the fact that it has done what it was intended to do. (Personal Conversation, May 16, 2013).

> In Revision 7, the state only assumed the cost of quote, unquote, essential services…the most expensive parts of the courts are still funded by the counties, so you can imagine the financial impact that has had on local county governments. (Personal Conversation, September 16, 2013).

> There are still costs that remain obligations of the counties, and that still remains a point of concern for the courts and for the counties. Court facilities, security, etc. are still county responsibilities…At the local level, we're sometimes placed in a

[35] TCBC is the Trial Court Budget Commission. DCABC is the District Courts of Appeal Budget Commission. Both commissions are court-appointed bodies that work to influence to outcomes of court funding.

> tug-of-war about who has to pay for what. Thanks to Revision 7 for that dilemma. (Personal Conversation, February 14, 2013).

Revision 7 was to set the stage for improving the administration of justice, including system-wide management whereby the needs of all courts would be met regardless of the court's size and geographic location. In essence, small or rural courts in counties with a small tax base would be able to offer and provide the same programs and services as larger courts in my populous counties. Two participants commented about the equality of program benefits for smaller courts:

> The system is more fair now…Rural courts now have programs that they didn't have before…The operations of the entire courts system is more uniformed…We initially thought Revision 7 would create funding stability, but that continues to be an issue…There were some good to come out of Revision 7, but there were some things that are still up in the air. (Personal Conversation, January 18, 2013).

> I work in a relatively small circuit, so we've seen some benefits such as new court programs and services that we would not have been able to put in place without the increased funding we got because of Revision 7. Now our local citizens have access to some programs that in the past we only saw at the larger courts. (Personal Conversation, February 15, 2013).

A veteran court administrator offered the following insight:

> There are studies that say moves like Revision 7 could stifle lower courts and lead to overly centralized management. I haven't seen that, though. On the other hand, I haven't seen any significant increase in decentralization either. After all, individual courts still have to be cognizant of county requirements. At times, I think the courts system is sort of in a fluid state and just adapting to whatever influences come about; be it from internal influences or external influences. (Personal Conversation, January 18, 2013).

A participant mentioned the stress of implementation, particularly as it related to whether employees' jobs would be spared:

> We're still functioning, so that's a win in my book. Overall, I guess it turned out well. Can you imagine going through such a process and trying to maintain your sanity? My employees were concerned that their jobs could be collateral damage during the transition. (Personal Conversation, April 17, 2013).

A participant informed about the rigid procedures that the courts must adhere to, but that these procedures are offset by accountability:

> Some of our practices have become very rigid. We have a lot more rules and restrictions, some necessary and some leaves me scratching my head trying to figure out why…On the positive, we now are more accountable for the decisions we make particularly with regard to funding, case management, and so on. (Personal Conversation, August 23, 2013).

An important step that was missed in undertaking an effort such as Revision 7 was for a comprehensive court system study to be done. No such study was completed in Florida. This study would have laid the foundation for the remedial goals of an eventual implementation plan. The presence or absence of support or opposition for Revision 7, courts system problems and best ways to resolve the problems would have been assessed during the course the study. Additionally, lessons learned could have been taken from the experience in other states where similar court reform had been adopted. Also, some measurement from Tallahassee could have been done at selected periods to examine the circuit courts' and district courts' experiences with the new court system organization and administration.

Corruption and Political Favoritism

The co-existence of corruption and political favoritism in government is not a new phenomenon. Many of us have witnessed, read about, or heard of political meddling that have occurred among public officials. A participant alluded to the notion that corruption and political favoritism were related to restrained funding in smaller courts and presumably smaller counties:

> I wouldn't say that corruption was rampant, but Revision 7 reduced the potential for corruption, and it certainly reduced political favoritism in terms of funding for smaller trial courts. (Personal Conversation, February 15, 2013).

The participant offered no additional information in support of the comments about corruption and political favoritism, which leads me to believe that the comments were provided in a very simplified and one-sided manner.

Diffusion of Innovation

The process of adopting new innovations has been studied for over 40 years. Rogers (2003) Rogers defines diffusion as "the process in which an innovation is communicated thorough certain channels over time among the members of a social system" (p. 5). He defines innovation as "an idea, practice, or project that is perceived as new by an individual or other unit of adoption" (p. 12). Revision 7 is related to court reforms in other states, which draws on research about "diffusion of innovations," as noted by one participant:

> The introduction and implementation of Revision 7 were well past due…That was the next big thing. Every other state seemed to be going down a similar path, and I guess Florida didn't want to be seen as not onboard with the wave of court reform…Regardless of the fact that some of the other states' efforts were riddled with problems, the court reform efforts around the country seemed to pick up pace. I'm still baffled by that phenomenon. (Personal Conversation, June 7, 2013).

Florida Clerks of Court

In Florida, court clerks are locally elected officials, and most of them are deeply-rooted politically and enjoy positive, lasting relationships with the Florida Legislature. Court clerks in Florida used to be known for their strong and formidable position in local government because they were not just court officials, but they were, for the most part, the main administrative officer for their county. The position of power was eventually done away with by home rule in the larger counties, but still court clerks in many counties in Florida remain the budget officer and the auditor for their county. According to the Florida Association of County Clerks and Comptrollers website, they serve "as the custodian of the court records…ensure the smooth

operation of the court system by performing a variety of duties, such as managing workflow, coordinating jury selection, safeguarding evidence, and ensuring detailed recording of court proceedings…"[36]

The United States Advisory Commission on Intergovernmental Relations regards elected court officials, i.e. clerks, as the single greatest hindrance to judicial reform. The Advisory Commission (1971) reported that:

> It is extremely difficult to abolish any public office, and these particular officials [clerks] are especially hard to eliminate. Inferior court officialdom has the habit of being extremely close to its legislature. In addition, the typical clerk has numerous helpers and deputies. Where these officials are elected, they have their own political organization, and usually claim a strong family, friends, and neighbors vote. (p. 195).

On the Florida Association of Counties' website, it states:

> The current funding structure for the state court system was adopted by voters in 1998 as Revision 7, amending part of Article V, Section 14 of the Florida Constitution. This revision declared that the state would be responsible for funding certain aspects of the state court system, including salaries for judges, state attorneys, public defenders, and court appointed counsel. The revision declared that counties would be responsible for court facilities, maintenance, utilities, security and certain communication services. Less than a decade after the revision, the state budget shrank by several billion dollars and the court system, almost entirely funded with general revenue, had to cut many essential services

[36] Florida Association of Counties. Accessed on January 3, 2014 at: http://www.flcounties.com/advocacy/public-safety/court-funding

which delayed the delivery of justice in Florida. This situation nearly shut down the courts…[37]

A thoughtful administrator noted:

> I'm sure you'll get the typical responses from the other folks you interview, but I think that it is important to note the exorbitant fees and charges for court users since Revision 7. I also think the relationship with the county clerks of courts is important to talk about…their funding and their process was greatly impacted by Revision 7…Clerks resisted Revision 7…Clerks' roles were radically altered since Revision 7. You know that they provide a variety of services for courts like court orders, fine fee collection, maintaining case files and such…Revision 7 required that clerk activities related to the courts would be funded from filing fees and charges, so naturally, there were significant increases in those fees, and some new fees to added, too…Essentially, it was the court users that paid more for court services. (Personal Conversation, June 6, 2013).

An excerpt from an article in The Florida Bar Family Law Section, attributed to Palm Beach County Magistrate, Diane Kirigin, stated, "Well, I'm not an economist, but my perspective is that Florida's State court system's financial woes harken back to the implementation of the Article V, Revision 7 Amendment to Florida's Constitution."[38] In defining Revision 7, Magistrate Kirigin noted that "the actual implementation of the funding of Florida's State court system appears, in hindsight, to have fallen short of the mark envisioned by the Constitutional Revision Committee.[39]

The responsibility for providing trial court facilities rests entirely with each county.[40] However, the right to determine the location for circuit and county court facilities rests with the

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[37] Florida Association of Counties. Accessed on January 3, 2014 at: http://www.flcounties.com/advocacy/public-safety/court-funding

[38] Kirigin,D. Florida's State Courts' Financial Crisis May Soon Have Us All Saying…"Brother, Can You Spare a Dime?" http://www.familylawfla.org/newsletter/famseg/BrotherCanYouSpareADime.pdf

[39] Ibid.

[40] Florida Constitution, Art. V, section 14 (c) provides in part: "Counties shall be required to fund…the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts…"

chief judge of the given circuit.[41] The Florida Legislature broadly defined facilities to include not only new facilities and remodeling of existing facilities, but also maintaining the facilities, providing heat, light, and air, cleaning the facilities, and providing furniture in public areas of the facilities.[42] So all costs relating to court facilities is each county's responsibility, even though decisions pertaining to the facilities rest with the circuit's chief judge. It is important to note, too, that the Florida Legislature can make decisions that could add to facility costs. For instance, the Florida Legislature can add new judges to a circuit to handle increases to caseloads. In such instances, the county has to provide a courtroom and other facilities for these new judges and their staff.

It can be reasonably concluded that the lingering effects of the impact of Revision 7 remain a concern. Court administrators/leaders were faced with the reality that there was, and is, a limited pot of money available, and that they are just one of several entities competing directly for a share of that money. The collective mindset of Florida's court leadership must be on how to make certain that they get enough of that money from the legislature to meet their needs.

Summary

Chapter Four provided narratives and descriptions specific to the study participants' experiences and perceptions related to Revision 7. Chapter Five describes the major themes that emerged from the data. Discussions relating to these themes are included in the chapter as well.

[41]Florida Constitution, Art. V, section 7.
[42] Florida Statutes, section 29.008(1) (a).

CHAPTER FIVE

THEMES AND DISCUSSION

I began this study seeking to learn about the impact of Revision 7 in Florida's courts system. My analysis of the data from interviews enhanced the focus of the study. Themes emerged that characterized the views and opinions of the participants and provided insights into participants' experiences, and added to the understanding of the impact of Revision 7 on Florida courts system governance. From the data, two main themes -- with sub-themes – that participants viewed as significant factors in the impact of Revision 7 on governance in the Florida State Courts System. The two main themes, both of which illuminate activities that courts system personnel must now embrace are (1) politics; and (2) collaboration. Three sub-themes underlie the "Politics" main theme: the need to better understand the budget process and legislative behavior in the budget process; the need to study, embrace, and engage in the political process at both the state level and the local level; and, the need for court administrators/leaders to strike a better balance between their political (administrative) and judicial roles. A single sub-theme arises under the main theme of "Collaboration:" the Florida court structure needs to collaborate cross-branch and create, engage and mobilize a constituency for the courts.

Table 5.1: Main Themes and Sub-Themes

Politics	Collaboration
Better understanding of budget process and legislative behavior	Collaborate cross-branch and create, engage, and mobilize a constituency for the courts system
Study, embrace, and engage in the political process	
Balance political (administrative) and judicial roles	

Theme I: Politics

Several participants shared experiences that linked politics to the courts system's budgeting process. One factor that seemed to work against the courts system in their efforts to gain ample funding post Revision 7 was the political nature of the budgetary process. Walker and Barrow (1985) argued that budgetary institutions place the courts at a disadvantage when competing for resources. Because the courts do not have an active constituency, it seems that legislators have little to no incentive to provide the courts with adequate operational budgets. Baar (1975) reminded us that the judicial branch, to a great extent, is at the mercy of the executive and legislative branches when advocating for needed resources. Simply looking at the Florida's governmental structure, one can see that the governor and the legislature have strong budgetary powers, as opposed to the courts system, which has few, if any. Therefore, the courts system has to depend on the executive and legislative branches for most of its budget, giving those branches a very powerful practical tool that they can use against the courts system. In reality, such power is not restricted to controlling the courts system's budget. In fact, it is very possible for the legislature to write appropriations in a manner that could essentially curb court discretion. It is important to note that although the governor is designated as the chief budget officer of the state, the judicial branch submits its legislative budget request directly to the legislature, and provides a copy, as required by state law, to the governor.[43]

Despite the importance of getting adequate funding to carry out the work of the courts system, little has been written about the strategies that courts systems have used -- or can use -- to get most, if not all, of what they need budget-wise. Douglas (2002) found a variety of strategies used by Oklahoma courts. These strategies might be applicable in Florida and other states' courts system, and include: court administrators and judges lobbying and testifying before

[43] Legislative budget request to be furnished to the Legislature by agencies. 2015 Florida Statute, ch. 216.023(2).

the legislature to convince them of the courts' funding needs; developing relationships between court administrators and legislators; drumming up support from political allies; making the most of budgetary rules and procedures that are beneficial to the courts; and, politely reminding the legislature of the court system's authority to issue court orders to force the appropriation of funds. Douglas (2002) also found that budgetary rules and procedures that are beneficial to the courts, executive and legislative branches' respect for judicial independence, having lawyers in the legislature as allies, and the lobbying and court advocacy skills of court administrators/leaders, all played an important role in helping the Oklahoma courts system successfully maneuver through the politics of the budget process to secure necessary funding.

Baar (1975) examined the factors contributing to success for state courts during the appropriations process. He did a survey of each state's chief budget officer, asking them which factors led to budget success for the courts. The results showed that the budget officers believed that respect for the courts system as a third branch of government, budget procedures such as mandated expenditures and exemption from executive review, responsible spending practices, sensible and practical courts system budget requests, political pressure, and a good relationship with the legislature were all central to courts systems' success in the budget process. In addition, the budget officers recommended that courts be more acquisitive and simply ask for more money. Baar (1975) did find, though, that the chief budget officers often regarded the courts system as deficient in their competence in the budget process. The budget officers noted that the courts system could be more successful during the budget process providing more evidence to justify their budget requests.

It appeared that the courts system was not prepared for, and failed to take into account the politics of the budgeting process, which resulted in frustration among several participants.

Courts used to be fairly closed systems with respect to funding and performance issues. Because court budgets usually comprise only a small fraction of state total budget, court administrators/leaders used to successfully make funding requests of the legislature without having to provide extensive justifications, long-range plans, or performance data. Courts did not devote a lot of time or effort trying to figure out how best to tell the courts system's story because it wasn't really necessary—except, of course, when the media got hold of a negative story on something going on in the court or when the legislature passed legislation that come with unfunded mandates for the courts system.

Understanding the budget process

The problems of better understanding the budget process and legislative behavior are amply illuminated in my interview data. Recall the administrators who alluded to the budgeting process being much about politics and the courts' hesitance to lobby. Similarly other participants echoed amazement at how much more advanced the executive branch is in maneuvering through the budget process and the need to be more educated about the process given their administrative role.

Another factor that added to some of the frustration among court administrators/leaders was their lack of understanding and knowledge of the budget process. Seven participants in my study made reference to the fact that court administrators/leaders needed to better understand the budget cycle and legislative behavior in the budget process. Many of the court administrators/leaders are students of law and not of public administration. As such, many of them quite frankly have a limited understanding of the budget process. The whole idea behind that budget process has to do with, for lack of a better phrase, fighting over money and the things that money buys. There are many influencers in the budget process, and they understand that

there is never enough money to satisfy all of the demands; so many of these influencers are mobilized either to protect or to expand their slice of the budget pie. The budget process is cyclical, and this cycle occurs annually. Florida's budget is often grouped into six broad categories: (1) Human Services; (2) Education; (3) Criminal Justice and Corrections; (4) Natural Resources, Environment, Growth Management and Transportation; (5) the Judicial Branch; and (6) General Government. The category that includes the courts system is among the smallest of these categories and is funded from a combination of sources.[44]

The following table, adopted from law, shows Florida's budget process.[45]

Table 5.2: Florida's Budget Process

Governor/OPB and the Legislature	State Agencies	Governor/OPB	Legislature	Governor/OPB
Provides instructions to agencies for Long-Range Program Plan, Legislative Budget Requests, Capital Improvement Program Plan, and Information Technology Plan	Prepare Long-Range Program Plan, Legislative Budget Requests, Capital Improvement Program Plan, Information Technology Plan, and Internal Operating Budget	Review/Analyze Long-Range Program Plan, Legislative Budget Requests, Capital Improvement Program Plan, and Information Technology Plan Public Hearings Develop Governor's Recommendations	Prepare Appropriations Act Review Governor's Recommendations Review, Analyze, and Revise Budget Appropriations Act Passed by both Houses	Governor may Line Item Veto Specific Appropriations Governor Signs Budget into Law Create Agency Operating Budgets from General Appropriations Act
May - July	May - October	September – January	January – May	May - July

[44] Fiscal Analysis in Brief, 2009 Legislative Session, Florida Legislature. http://edr.state.fl.us/reports/fiscal%20analysis%20in%20brief/Fiscal%20Analysis%20In%20Brief_2009_Final.pdf

[45] Tax and Budget Primer 2010. Florida Center for Fiscal and Economic Policy. www.fcfep.org

Buenger (2004), and Lewin, Morey and Cook (1982) posited that courts, for a variety of dubious reasons, find themselves vying for resources with other public organizations. This circumstance is particularly challenging for courts systems, since as Parsons (1956) noted, the two conditions for generating organizational power are: (1) the level of institutional legitimacy in decision making; and, (2) "the command of necessary facilities, which in our society is primarily financial" (p. 226-227). Buenger (2004) asked, "How does the state judiciary (at all levels) maintain access to the courts and its decisional independence when its evolving institutional independence is now so tied to resources that are in competition with the politics and spending priorities of the legislative and executive branches of government"? (p. 16). Tobin (1981) believed that when courts systems are primarily state-funded, this creates a resource dependency relationship of the courts with the state. Rainey (2003) observed that resource dependency theories "analyze how organizational managers try to obtain crucial resources from their environment, such as materials, money and people" (p. 87).

Clynch and Lauth (1991) labelled Florida as a legislative-dominant state, because of the considerable influence that the legislature has over framing and creating the state's budget. From my own knowledge about the budget process, agency legislative budget requests are submitted to the legislature's budget staff quite early in the process. As shown in Table 5.2, between May and October, agencies are preparing their budget requests. What isn't detailed in the Table is that the agencies prepare and submit their budget requests to legislative budget staff during the months of May through October using budget instructions and consensus revenue estimates jointly developed by the governor and the legislature. The 2013 Florida Statutes state:

> The head of each state agency, except as provided in subsection (2), shall submit a final legislative budget request to the Legislature and to the Governor, as chief

> budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, a state agency may not submit its complete legislative budget request, including all supporting forms and schedules required by this chapter, later than October 15 of each year unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees. The judicial branch … shall submit their complete legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the complete legislative budget requests, including all supporting forms and schedules required by this chapter, shall be submitted no later than October 15 of each year unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees. The Executive Office of the Governor and the appropriations committees of the Legislature shall jointly develop legislative budget instructions for preparing the exhibits and schedules that make up the agency budget from which each agency and the judicial branch shall prepare their budget request.[46]

Legislative budget staff usually begin review of those budget requests as early as September and make budget recommendations to the appropriate legislative committee, which reviews the agency's request. During this review process, agencies have the opportunity to

[46] Section 216023(1) (2) (3), Florida Statutes. Accessed on December 14, 20014 at: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0216/Sections/0216.023.html

provide information or testimony to the appropriate legislative committee. The public may also use this opportunity to provide information or testimony pertaining to the proper level of funding that the agency needs to carry out its mission. The governor often submits his budget recommendations before the commencement of the 60-day regular legislative session in March. From what I have seen throughout my public sector career in Florida and different government administrations at the helm in Florida, the governor most often submits/releases his budget recommendations as early as January. After the governor submits his budget recommendations, agencies have an opportunity to submit an amended budget request, in accordance with legislative budget instructions. During the legislative session, each legislative chamber passes a budget, also referred to as a general appropriations bill, showing the collective priorities of the legislators. If there are any differences between the chambers' bills, they are resolved in a joint conference committee.

Hartley and Douglas (2003) found that the courts can influence appropriations by following a few short-term strategies. They suggested that if courts began acting acquisitively, providing realistic budget requests, and justifying their funding needs, their funding levels will begin to increase. They noted that while many courts have traditionally gotten most of what they asked for in many states, they could still very well be selling themselves short by playing the political game too conservatively. Interestingly, Hartley and Douglas' results mirrored those made by Sharkansky (1968) and Baar (1975), who both noted that executive branch agencies and courts are better funded when they are more aggressive in requesting resources.

In his 2011 article, *Principles of Judicial Administration: The Lens of Change,* Daniel Hall, Vice President of Court Consulting Services with the National Center for State Courts, stated:

> As a separate branch of government, courts have the duty to protect citizens' constitutional rights, to provide procedural due process, and to preserve the rule of law. Courts are a cornerstone of our society and provide a core function of government—adjudication of legal disputes. An adequate and stable source of funding is required for courts to execute their constitutional and statutory mandates. While the judiciary is a separate branch of government, it cannot function completely independently. Courts depend upon elected legislative bodies at the state, county, and municipal levels to determine their level of funding. Judicial leaders have the responsibility to demonstrate what funding level is necessary and to establish administrative structures and management processes that demonstrate they are using the taxpayers' money wisely.[47]

Understanding legislative behavior

It became apparent from my interviews that court administrators/leaders were relatively inept at legislative behavior. Not having a history of direct involvement in the legislative process, as it relates to budgeting, they were not cognizant of how to deal with legislatures. During pre- and post- Revision 7 implementation, it would have been advantageous for court administrators/leaders to be attuned to, and to learn "the game."

Legislative fact-finding is unlike judicial fact-finding. In the courts system, the mindset is about trying to resolve disputes using existing law, while the legislature is more concerned about creating law. Courts do not generally bow to democratic pressures, while the legislature is obligated to respond to such pressures. Legislators are focused on the final result, so they are

[47] Hall, D. J. Principles of Judicial Administration: The Lens of Change. (2011). *Future Trends in State Courts 2011.* Accessed on March 6, 2014 at: http://www.ncsc.org/sitecore/content/microsites/future-trends/home/Enhancing-Access/~/media/Microsites/Files/Future%20Trends/Author%20PDFs/Hall.ashx

prone to negotiate and compromise to achieve results. On the other hand, due process is the core of what courts are about, so many court administrators/leaders become confused, frustrated and disenchanted with legislative behavior. Understanding legislative behavior is certainly important to the courts system because court administrators/leaders will know what to expect of the legislative process.

Kaufman (1999) and Bermant and Wheeler (1995) noted that, in the budget process, the legislative and executive branches have a powerful and punitive weapon that can be used against courts systems in response to court decisions that these branches deem to be unfavorable. So when courts decide on cases that are contrary to the legislature's or the executive branch's positions, then the legislative and executive branches can pay back the courts by not providing them with adequate funding, denying requests for new judgeships, or using other punitive and negative means to show their displeasure with the courts system or with specific judicial officers. A July 1, 2013, American Bar Association journal article stated:

> [There is] a broad trend of attacks on impartial arbiters who vote in ways that anger certain groups. It is part of a national war on state courts fought mostly by legislators and special interests who are targeting judges with negative campaign ads, and by legislators attempting to pack or unpack higher courts with like-minded jurists…"State courts have become a new battleground," says Alicia Bannon, counsel for the Democracy Program at the Brennan Center for Justice, a nonpartisan law and policy institute at the New York University School of Law. "These assaults on judicial independence hurt public confidence in the judicial branch. You want a judge to be interpreting the case in front of you. You don't want them to worry about being retaliated against for unpopular decisions"… The

> impact of the war on state courts affects not only those on the bench, but those who stand before it. Legislatures have cut court funding, which has led to large backlogs of cases… Florida Supreme Court Justice Barbara Pariente and two of her colleagues were subjected to negative ads and a vigorous campaign directed against them during their merit retention election. Advocacy groups decried the partisan campaign as an attempt to hijack the court and rallied behind the three justices, who were able to retain their seats with an ample majority.[48]

In recent decades, many scholars have taken a more political approach when thinking about public administration. This approach focuses on the political role that public administrators must play if they want to be effective. More than 65 years ago, Norton Long (1949) argued that:

> The lifeblood of administration is power. Its attainment, maintenance, increase, dissipation, and loss are subjects the practitioner and student can ill afford to neglect…It is clear that the American system of politics does not generate enough power at any focal point of leadership to provide the conditions for an even partially successful divorce of politics from administration. (p. 257-258).

According to Schmid (2004), the political process is about "knowing how to deal, negotiate and bargain with politicians in the government by understanding their ambitions and needs" (p. 109). Hazard et al. (1972) posited that courts are not expected to participate in politics or lobby as other public organizations do, although the reality is that courts operate in a political

[48] American Bar Association, ABA Journal Law News Now. Accessed on March 10, 2014 at: http://www.abajournal.com/magazine/article/legislators_and_special_interests_are_making_sure_we_get_the_state_court_ju/

environment, and they have to engage in the politics of the process to get the resources they need to operate (Conference of State Court Administrators, 2003; Tobin, 1996; Glick, 1983).

There have been very few studies done on state courts budgeting and what courts have used that led to budgetary success; however, there is a considerable amount of research done examining the factors related to budget success of executive branch agencies. Therefore, it would behoove court administrators/leaders to tap into some of those factors utilized by executive branch agencies to better understand the budget process and legislative behavior in the budget process.

Legislators are flooded with budget requests from all directions and often feel immense pressure to wisely spend taxpayers' money. Hence, court administrators/leader have to work to educate legislators on the courts. Being open and transparent will go a long way to helping the courts during the budget process. Courts need to be speaking the language of legislators. In other words, the courts need to demonstrate to legislators how well they are serving the public. The goal is to have legislators become courts system allies, and this involves understanding the nature of legislative behavior and how that matters in the governance of the court system.

It is important to note, though, that the lack of legislative experience due to term limits in Florida assures that legislators will not have much institutional memory how courts have performed in the past. It is not uncommon in Florida for new members of the legislature to spend their first term observing and learning about the legislative process and how to be a legislator. So, it might be more difficult under term limits to find legislators who want to spend the time learning about courts or wanting to be champions for court funding because they simply do not have the time necessary to achieve results.

What sort of model best characterizes goal-setting and goal attainment by the Florida courts system since Revision 7? Lynch (1995) suggested the use of the rational model that calls for decision makers to define their goals, analyze their alternatives, and select the alternative that best meets their goals. Herbert Simon's coined the concept of satisficing, which is about seeking outcomes that are satisfactory and sufficient rather than optimal and perfect. So, satisficing could be an approach court leaders/administrators take when working through the political process. An alternative model to consider is satisficing. Simon (1976) stated, "Roughly speaking, rationality is concerned with the selection of behavior alternatives in terms of some system of values whereby the consequences of behavior can be evaluated" (p. 75), while satisficing has to do with getting enough to meet the immediate need or selecting the least displeasing solution (Simon, 1997). It is very possible that court leaders/administrators can accomplish many of their goals in relation to the budget if they understood more about legislative behavior and accepted the political limitations of the legislative branch – judicial branch relationship. It is also possible that court leaders/administrators could employ a ration goal model (Lynch, 1995), a satisficing model (Simon, 1976), or some combination of the two, but evidence from my research does not suggest that they have yet contemplated either model.

Study, embrace, and engage in the political process

Florida court funding, like funding for executive branch agencies, is deeply rooted in politics. As Long (1949), Waldo (1948), and others have argued, public administration can never be fully divorced from politics. It can be argued that court administration is not isolated from this proposition. Courts are not politically isolated in any respect. Jacob (1997), for example, examined the tremendous amount of time that a Cook County, Illinois chief judge spent engaging in the local and state level politics in order to get much needed funds for court facilities

and staff, to advocate for new judgeships, and to get increases in the court budget. The results were reported as impressive, but the time it takes to engage in the politics of the budget process cannot be underestimated. Carlson et al. (2008) noted the wide gap between court funding requests from the courts and the much lower allocations they receive. They concluded that courts have to do what they may not want to do (i.e. spend a considerable amount of time lobbying), in order to advocate for adequate funding for the courts.

Layzell and Lyddon (1990) pinpointed four general environmental factors that influenced the state budget process. Those factors are shaped by history, politics, economics, and demographics. Those environmental factors shaped by history are engrained in the traditional values and preferences of the state's people. The most important historical factor, however, is the consideration of earlier budgets. Those factors shaped by politics have to do with the influences exerted by the governor, legislators, interest groups, and the general public. The factors affected by economics have to do with the state's economic outlook, its tax base, and the availability of revenues to invest in new programs. And, those factors shaped by demographics have to do with the number and composition of the people utilizing certain public goods and services.

State budgeting is a dense maze of negotiations, politicking, and other political measures. According to Albright (1985), the state budget was not only the main mechanism through which the state executes public policy, but the budget was also an indication of larger social efforts and public values. Layzell and Lyddon (1990) showed through their study that state budgeting "is a complex set of activities involving various competing interests and issues" (p. iii). More emphatically, Caiden (1985) asserted that state budget decisions are often made "intuitively or are negotiated," because those making the decisions "work in a large arena, concerned not only

with the hierarchies but the committees, other levels of government, participative bodies, interest groups…contractors, beneficiaries, taxpayers and legislatures. The advice of the expert on costs, forecasts, needs, and trends is only one element in decision-making and is often challenged. Budgeting in [a public] environment is a matter of negotiation, persuasion, bargaining, bluff, and counter-bluff." (p. 498). These issues were illuminated in my interview data. Recall the administrator who expressed that the courts need to begin looking beyond lawyers and the bar associations to build relationships. Similarly, several other court administrators/leaders commented that the courts system needs to attend to these various constituencies by building up advocacy from these groups.

Wildavsky (1964) offered a political basis for understanding the budget process, and inferred that the process for determining who got what from government was a political one. In my study, recall a participant describing the need to show legislators what Revision 7 actually costs and so on. And the whole business of getting other people to advocate for the courts is one example – among others – of strategy.

Wilson (1908) argued that the courts are a "non-political forum" and that intrusions upon judicial independence harm "the integrity of every natural process.) (p. 167). He also stated that:

> "It is thus that they [the courts] are the balance-wheel of the whole system, taking the strain from every direction and seeking to maintain what any unchecked exercise of power might destroy. They are at once instruments of the individual against the government, of the government against the individual, of the several members of our political union against one another, and of the several parts of government in their legal synthesis and adjustments." (p. 150).

Wilson's assertion is a little naïve. Upon reflecting about my 18 years of service as a State of Florida employee, I characterize the positions I have held to political positions, in practice. The positions required much more than just policy implementation. I take Long (1949) and Waldo (1948) seriously, and therefore believe that the politics-administration is a conceptual dichotomy, but it does not apply so well in actual practice. The politics-administration dichotomy is one of the more important theoretical constructs in public administration. My understanding of the dichotomy is that it refers specifically to the division of responsibility for policy making with elected officials responsible for formulating policy and administrators responsible for carrying out that policy. There are some scholars that believe that many practitioners and academicians wrongly interpreted Wilson's position. Historically, advocating the existence of the politics-administration dichotomy was useful in trying to establish public administration as a profession with a specified "zone of expertise" much as other early 20th century emerging professions had done, and their intent was not to denote that public administrators were not to advocate for need resources in the framework of the political process, particularly since these same early advocates of the politics-administration dichotomy also advocated for needed resources.

Balancing political and judicial roles

Oftentimes, a court administrator/leader has dual roles. The role of a court administrator/leader as an administrator is not necessarily mutually exclusive of their judicial role. In my interview data, recall a court administrator expressing the need to balance both roles because the courts system is beholden to the other two branches because they control the purse. Another participant expressed that it was the court administrators, not the judges, who really did

the work during Revision 7 implementation. This might be the result of some in the judiciary who show very little interest in the operational matters of the courts. This lack of interest often constrains the development of skills necessary for their administrative role.

Court administrators/leaders need to create a balance between their political (administrative) role and their judicial roles. In addition to making sure that that folks receive speedy and fair trials, court administrators/leaders are responsible for a variety of administrative functions required for the smooth management of the courts. Administration in courts require much more than just legal expertise, but it requires knowledge of how the courts system functions, as well as procedural and managerial techniques that ensure an effective and efficient courts system. For successful court governance, court administrators/leaders must balance political (administrative) and judicial roles.

Pfeffer (1981) noted "those activities taken within organizations to acquire, develop, and use power and other resources to obtain one's preferred outcomes in a situation in which there is uncertainty or dissensus about choices" (p. 7). Pfeffer (1981) posed his perspective on personal characteristics as a determinant of power. He noted that "there are clearly individual differences in the ability, political skill, and in the willingness to use those skills and abilities in contexts within the organization" (p. 131). He added that, "Individual resources and abilities can affect the power exercised by the occupant of a given structural position" (p. 131). To put this in the perspective of the courts system, the particular knowledge, abilities and skills-set of court administrators/leaders affect the exercise of power as they attempt to influence budget decisions.

The history of Revision 7 shows that politics actually played a role from the very beginning. There were a number of public debates over Article V. In a 1975 transcript from the Joint Select Committee on Judicial Personnel of the Florida Legislature, then-Florida Governor,

Reubin Askew, repeatedly noted that it "presupposes a judicial system funded entirely from state revenues."[49] Former Chief Justice Vassar B. Carlton, in a speech supporting Article V, stated:

> The time has come for the Legislature to recognize that the business of our courts has a statewide impact no less significant than matters of public health, the construction of roads, or the instruction of our children. Since all our courts are integral part of our statewide judicial machinery, the obligation of that state to bear the costs involved goes beyond the level of judges and reaches down to all the support elements within the state.[50]

Political effects: politics and court administration

Shafritz and Russell (1997) provided several politics-oriented definitions of public administration by noting that "it is what government does (or does not do)"... "it is a phase in the policymaking cycle"... "it is a prime tool for implementing the public interest"... "it does collectively what cannot be done so well individually" (pp. 6-13). In essence, public administration is government in action and is the product of political dynamics; therefore, it is not possible to have a politics-free discussion of public administration. In that same vein, I contend that it is not possible to have a politics-free discussion of court administration.

Frequent references in my interview data and various sources in the literature suggest that administration of the courts, much like administration of an executive branch agency, is fundamentally a political activity. Adamany (1978) noted that there are political factors that foretell the success or the failure of court reform efforts. He observed that reform "has its own politics" (p. 248). He also noted that "which political figures and groups become active in

[49] Governor Reubin Askew, as quoted in the Joint Select Committee on Judicial Personnel of the Florida Legislature, "Transcript of Staff Report," Tallahassee, January 13, 1975, p. 13.
[50] Vassar B. Carlton as quoted in the Joint Select Committee on Judicial Personnel of the Florida Legislature, "Position Paper on the Implementation of Article V, Tallahassee, November 1, 1973, p. 6.

judicial reform depends upon the specific proposals, the jurisdiction, the political environment, and the views of strategically placed leaders." (p. 257). Using Adamany's position, therefore, it is feasible to say that the idea of Revision 7 was inherently political because as a reform effort, it has its own politics.

In conventional approaches to public administration, the relationship between politics and administration was regarded as just a straightforward occurrence attributable to the respective and opposite roles of legislators and administrators. According to Svara (1999), the separation between politics and administration dates back possibly to Woodrow Wilson's conceptual distinction between these two areas. Miller (2000) described this distinction as one that disguises the true influence of administrators and stops legislators from executing policies that are self-serving and self-aggrandizing.

Peters and Pierre (2001) explained the relationship between politics and administration. If you were to put politics and administration on a continuum, one end of the continuum would be a formal, Weberian type of separation of functions between, for example, legislators and administrators, where you will see legislators in a superior role and clearly in charge while administrators are seen in a subordinate role. At the other end of the continuum is bureaucratic government, where administrative savoir-faire and technical expertise firmly outdo the experiences of legislators. Peters and Pierre (2001) noted that there are actual clashes between politicians and administrators. They described a strongly politicized relationship where politicians and administrators are, to all intents and purposes, competing for control over public policy.

Early public administration scholars, Wilson (1887), Goodnow (1900), and White (1926) promoted the separation of politics and administration. Wilson (1887) is well-known for

encouraging the distinction between politics and administration. By arguing that the separation is necessary because of the incessant involvement of politicians in administrative matters. Shafritz's and Hyde's (1997) interpretation of Wilson is that "the administration lies outside the proper sphere of politics. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices" (p. 21). Goodnow (1900) echoed Wilson's position by explaining that politics has to do with the will of the state, and that the notion of separation of powers necessitates a distinction between politics and administration. He saw politics and administration as two unique and distinct functions of government, where politics is the more important role of the two because it is about establishing policies while administration is about implementing policies. His argument held that because politics can interfere with administrative activities, there needs to be some systems in place to prevent politics from exerting undue influence over administration. White (1926), in his effort to promote public administration as a sound and separate field of study, advocated for the definite distinction between politics and administration. According to him, public administration is about the most efficient use of public resources.

Rosenbloom (1998) suggested why the administration is so politicized:

> …public administrators' involvement in the public policy cycle makes politics far more salient in the public sector than in private enterprise. Public administrators are perforce required to build and maintain political support for the policies and programs they implement. They must try to convince members of the legislature, chief executives, political appointees, interest groups, private individuals, and the public at large that their activities and policies are desirable and responsive. (p. 13)

As Waldo, Long, Rosenbloom, O'Leary and many others show, in practice the separation is illusionary. As mentioned earlier, a relatively new role that has evolved for court administrators/leaders requires them to engage in what might be referred to as political gaming. Pfeffer (1981) observed that "the first problem confronted by an analyst of organizational politics is to identify the relevant units of analysis" (p. 36). Political gaming focuses on actors, and specifically their efforts, strategies, and sources of influence, as well as the beliefs and practices that shape their activities. Allison and Zelikow (1999) explained that actors are those individuals who make up the "subunits of a large organization" with "distinctive norms and routines of their own" (p. 166). They further explained that actors are those "whose interests and actions have an important effect…on decisions and actions" (p. 296). Therefore, a discourse of the interaction between politics and court administration is germane.

Political effects: Politics and budgeting

The relationships within the three branches of government, between administrators of the branches, and between actors at different levels of the government are deeply impacted by the budgeting process. At the center of public budgeting are the relationships between and among those players who carry out government services and those who divvy up the resources to those service providers. Schick (1988) referred to those players as claimants and conservers, respectively. Other scholars such as Demski (1998), Baiman (1982), and Holstrom (1979) referred to them more generally as agents and principals, respectively. Basically, those making claims on government resources are called agents and those who allocate and divvy up the resources are called principals. In the principal-agent relationship, the principal contracts with the agent to provide public services, with the nucleus of the relationship being the government resources or the budget.

Courts are almost totally dependent on the political process for their resources. Though dependent upon both legislative and executive activity, they are often called upon to rule on the activities of the other two branches. Courts serve as the arbiter of disagreements or disputes between individuals and the other branches of government that literally make the decision on providing necessary court resources, or even have veto power over those needed court resources.

The courts in Florida and almost all states get their support from a variety of political sources. Court funding, and the salaries of judges, court administrators and court staff are by and large reliant on the legislature, which at times can essentially punish courts that upset or vex them. This in itself renders principal-agent theory suspect. In theory, legislators represent voters, who are ultimately the principals, but here they are punishing the courts when courts do their constitutionally assigned job. In this situation with regard to the budget, legislators are engaging in principal opportunism. But the theory is built on the idea that agents inherently operate opportunistically.

Court administrators/leaders tend to spend considerable time working to build positive relationships with legislators, particularly those they believe can influence the budget. While members of the judiciary do not engage directly in lobbying efforts with legislators, organizations such as The Florida Bar, as well as the local and voluntary bar associations, certainly can advocate on behalf of the courts. However, various observers have noted that the courts have been struggling over the past few years, and particularly with the recent global economic climate, to convince legislators that the sustainability of the courts is a key component to protecting individual rights and supporting community interests.

Robinson (2011) reported on a symposium on court funding in September 2011. The event was sponsored by the American Bar Association, and there was a discussion explaining

that the court funding crisis, such as what Florida courts are facing, was not just about money, but had a lot to do with politics. The keynote speaker talked about the dearth of support for the political inclination to fund what government needs. The gist of the symposium was to explain that an independent judiciary was part and parcel of the United States' unique democracy and, instead of focusing on trying to force courts to copy or to emulate the capricious fervor of politics, the effort should be directed toward seeking bona fide solutions to the court funding crisis that many state courts around the country are facing.

It would be prudent for Florida's courts system to explore other states' courts to determine if they have an adequate funding formula that Florida might emulate. Funding formulas are tools the courts can utilize to substantiate funding requests and delineate the cost of the courts' operations. So, a review and comparison of the typology of court funding formulas across other states' courts systems might be useful and necessary for Florida's courts. An approach could be to start with identifying states' courts that are deemed to be performing well based on some court funding standard, and then determine what it would cost to replicate in Florida as a benchmark. Florida's courts system should also consider whether Florida's k-12 education funding formula process or some variation of that process for the 67 school districts might be of relevance to the courts.

In Florida, presumably in many areas of the country with a similar budget process as Florida's, many people might conceive of the state budget as a once-a-year occurrence. This view is perpetuated by the fact that there is an annual budget presentation of the Governor's budget to the Legislature which proposes a spending plan for the coming fiscal year, and there is quite a bit of media coverage leading up to the Governor's budget presentation. Various

informed observers have noted that the reality of the budgeting process is that it is part of the ongoing year-round administrative process, involving many elements and proceedings.

To most individuals actively engaged in the budget process, the structure and requirements can be seen as inflexible or fixed. The budget process establishes a plan for a series of activities to be completed by specific participants within a specified timeframe. Completing the budget process in accordance with this established plan is vital if the government is to operate and deliver services.

In Florida, there are three primary stages in the process – the agency requests, the Governor's presentation, and the Legislature's approval. Around July of each year, the Governor and the Legislature jointly issues instructions to the agencies to begin developing program plans and budget requests for the next fiscal. Sometime in October of each year, these plans and requests are submitted to the Governor to be considered as part of the Governor's budget presentation.

The Governor's budget is normally sent to the Legislature at least thirty days before the start of the legislative session each year. Prior to the beginning of the Florida's legislative session, the Legislature holds committee meetings to begin reviews of the Governor's budget recommendations. These committee meetings allow for agency representatives and any interested citizens to provide input on the proposed budget. In the course of the legislative session, both legislative chambers – the House and the Senate – will individually pass a budget showing their members' priorities. Any differences between both chambers' budgets are sorted out in a joint conference committee. The final report from this joint committee becomes the General Appropriations Act. The report is signed by the Speaker of the House and the President of the Senate, and given to the Governor. The Governor has line item veto authority to remove

any particular budget item within the appropriations act. Once the Governor finishes the line item vetoes, he or she signs the General Appropriations Act into law, which is then the state's budget for the next fiscal year. If both the Senate and House want to overturn any of the Governor's line item vetoes, a two-thirds majority vote of both chambers is required.

The starting point for most budget theorists was provided by V.O. Key in 1940. He suggested that writers had overlooked a key detail in analyzing processes and organizational musts, budget requests plans and other "mechanical foundations for budgeting." He believed that the distribution of public funds was the most important issue, and not the mechanics of the budget process. Key (1940) argued that,

> The absorption of energies in the establishment of the mechanical foundations for budgeting has diverted attention from the basic budgeting problem…namely: On what basis shall it be decided to allocate x dollars to activity A instead of activity B?...The most advantageous utilization of public funds resolves itself into a matter of value preferences between ends with no accepted formula which might determine how allocation should be made. (p. 1138).

In other words, legislatures and government agencies allocate scarce budgetary resources without really knowing which programs deserve more and which deserve less. This is so because of the difficulty in getting objective information needed to evaluate programs' and agencies' performance. Formula-based funding might be a solution. Florida's courts system uses a simple measure – the number of case filings and the size of the circuit – as the primary basis for funding. Such a simple formula proves problematic as there appears to be no relationship between a variable such as workload and the amount of funding received by each

court, so there continues to be the risk of providing funding to courts on the basis of factors not truly related to the courts' needs.

Florida's courts system also insists that the lack of a reliable central data management system is a reason that an alternative funding formula has not evolved. I do agree that a central data management system is feasible and necessary, as the data from such a system would serve at least two important purposes: (1) it would provide the legislature with a sound basis for appropriations, as is could ensure that variables and the weight given to those chosen are not overstated. A budget request that reflects the resource needs based on current statistics could be seen as reasonable and understandable to legislators; and, (2) it would provide court administrators/leaders with important and much needed management information.

In 2015, Florida State Courts system began the development of data management system.[51] The FY2015-2017 Judicial Data Management Services project plan states the project's two major components as:

> 1) Judicial Viewers, which focus on case management services for judges; and 2) Judicial Data Management Services (JDMS), which focuses on state level court activity data and analysis services for court managers and other stakeholders… Specifically, the JDMS system will benefit judges, court managers and all users of the court system by providing meaningful data and analysis to: 1) improve adjudicatory outcomes through case management and program evaluation, 2) increase operational efficiency through efficient use of shared resources, and 3) support organizational priorities through legislative resource and budgetary requests. JDMS will additionally enhance the ability of the state courts system to

[51] Judicial Data Management Services. http://www.flcourts.org/resources-and-services/court-services/judicial-data-management-services.stml

provide court-related data to assist policymakers in evaluating policy and budget options.[52]

Gilmour and Lewis (2005) have argued that, "Budgeting is a political decision influenced by the political content of programs themselves and the political predispositions of key actors in the budgeting process." (p. 171). Hyde (1992), in turn, suggested that, "In their voluminous and complex formats, budgets simultaneously record policy outcomes, cite policy priorities and program goals and objectives, delineate a government's total service effort; and measure its performance, impact, and overall effectiveness" (p. 1).

The political perspective is aligned with my interest and with the purpose of this study. The politics of the budget process essentially refers to the way in which power is distributed in the process and how that power influences the budget decisions. To understand the politics of the budget process, it would be useful to think about the players in the budget process and their various roles and responsibilities. It would also be useful to know the rules of decision-making and accountability, as well as the players' networks of power and influence, which effect the outcomes of the budget process.

In budgeting there are battles. Budget battles are fought over competing interests, ideologies, and programs, etcetera. State budgeting can involve hundreds of individuals and groups, including the governor, legislators, representatives from government agencies, interest groups, and the public. This cast of hundreds is provided the chance to shape the development of the budget. However, their window of time in the spotlight is limited because public budgeting is repetitive, meaning that pretty much the same things are done each year. And, public budgeting is sequential, meaning that actions must occur in the proper order and more or less on time.

[52] Judicial Data Management Services: A Component of the Integrated Trial Court Adjudication System Project Plan. http://www.flcourts.org/core/fileparse.php/542/urlt/jdms_project_plan_1-2-0.pdf

A public budget is an excellent example of Lasswell's (1958) definition of politics as "who gets what, when, and how" (p. 7). The "what" of politics, in Lasswell's interpretation, was about outcomes, which he referred to as "'wants,' 'drives,' 'wishes,' 'predispositions' or 'demands' of the individual concerned" (p. 201). He maintained that the "how" of politics had to do with the politics scheme, which he described as: "the management of value assets in order to influence outcomes" (p. 204). He advised that "we think of politics in terms of participants (with identifications, demands, expectations; with control over base values) interacting in arenas (situations in which decision outcomes are expected) employing strategies to maximize value indulgences over deprivations by influencing decision outcomes and hence effects" (p. 208).

White (1994) fittingly saw that budgeting was a process of providing government with the means to operate. He noted that, "Budgeting remains the heart of government because if the heart stops beating, if budgeting legislation does not pass, the government loses its financial lifeblood" (p. 119).

Rubin (1993) described budgeting as "a special corner of politics, with many of its own characteristics." (p. 237). Rubin (1990) noted that because public budgeting can involve a large number of individuals and groups with differing wants, needs, goals and objectives, competition can be fierce, which encourages the actors to employ politically calculated strategies. Axelrod (1995) observed that agency heads counted on a number of different approaches, strategies, and schemes to try to convince those who are suspicious about the value of spending on agency's programs and activities. Wildavsky (1961) observed that "most practical budgeting may take place in a twilight zone between politics and efficiency." (p. 186). He added that, "It does not seem to me that the problem of distributing shares has either been neglected entirely or has been confused with the problem of efficiency to the detriment of both concerns." (p. 186).

According to Caiden (1990), public budgeting has generally been approached from three different perspectives – management, economic, and political perspectives. The management perspective is the one most often linked with public administration, where budgeting is approached as a technical process, and public managers are seen as experts separately from the agencies in which they work. The economic perspective focuses on the nature of public goods and the efficient allocation of those public goods, as well as the efficient allocation of government services. In the political perspective, public managers are often seen as conceited, self-absorbed, inconsiderate individuals who are trying to maximize the budgets of their agencies. This assumption is made even when these public managers are simply doing their jobs by complying with the decisions of the legislators and carrying out the desires of the voters. Caiden (1990) also observed that economists "offered remarkably little guidance to the budgeteer of the practical world" (p. 233).

There is increasing agreement that public budgeting is a political process. The political perspective has to do with looking at how the distribution of power in the budget process shapes the subsequent distribution of public goods and services. Yarwood and Canon (1980) and Walker and Barrow (1985) studied the strategies federal courts used to obtain adequate funding. They discovered that there is a high probability that federal courts will get what they asked for in their budget requests when the requests are accompanied by plenty of data to prove to legislators that they really need what they request. However, little to no studies have been done on state courts' strategies in the budget process or how state courts are affected by the politics of the budget process. This issue has been illuminated in the interview data. Recall the administrator who expressed that the courts system needs to justify its budget request to the legislature with more than just facts and numbers, but identify and analyze real life implications

of the funding requested and indicate the benefit to the date if the requested funds were appropriated.

Theme II: Collaboration

Court administrators/leaders have come to understand that collaboration improves the cohesiveness of the courts system. Several participants realized the need for the courts system to collaborate during the legislative/budgeting process. Through collaboration, courts are able to discuss various techniques and approaches that they could use to prepare for, and to utilize, during the budget process. Prior to Revision 7, concerted collaboration among the courts in Florida in seeking court funding virtually did not exist. The implementation of Revision 7 necessitated the need for a more unified, collaborative front during the budget process. This coming together of the courts system proved very effective in nurturing relationships not just within the courts system, but with legislators. Participants also understood that collaborating with their counterparts in executive branch agencies to provide information about their budget requests, and learn about strategies they might employ to secure adequate appropriations, could prove beneficial to the courts system.

Griller (2010) explained that courts systems are more effective when they adopt more collaborative models of governance. This includes promoting open collaboration between different levels and units within the courts, urging and inspiring innovation while clearly defining boundaries, and empowering decision-making.

Walker and Barrow (1985) noted that courts systems have very few allies in the budget process. As such, courts systems are at a disadvantage when competing for resources with the other government branches. They further explained that the courts do not have a clear or formidable constituency, so legislators generally do not have an incentive to meet the courts

system's budget requests at the expense of projects that might directly and visibly benefit their own constituents.

Collaborate cross-branch and create, engage, and mobilize a constituency for the courts system

Collaborative relationships that cross branches could increase the courts system's capacity to obtain needed funding. There are many examples of executive branch agencies collaborating with each other on various initiatives. An important function of court administrator/leaders should be to seek opportunities cross-branch collaboration, where possible. I think, like with any collaboration efforts, the collaborating branches should make sure that working together does not deflect from each entity's mission and mandates, or direct limited resources in ways that negatively affects any participating entity. For the courts system, an added concern would be to ensure that any collaborative effort does not encroach on judicial independence. For starters, court administrators/leaders can look at other state courts systems that have done cross-branch collaborations that resulted in increased courts system funding to see the strengths and learn about the challenges and limitations of developing such relationships.

The idea that the courts system is so different, or unique, or special that it cannot accommodate any cross-branch collaboration is wholly and completely impractical in my opinion. Baar (1975) and Wheeler (1988) reminded us that the courts system must rely on the executive and legislative branches for funding necessary to operate, and I know there are some folks in the courts system who believe that any collaboration with the other branches could erode judicial independence. Tarr (1999) defined judicial independence as "the insulation of the judiciary from the influence of other political institutions, interest groups and the public." (p. 8). However, the idea of the courts system engaging in a cross-branch collaboration has to do with identifying those functions the courts system perform that are the same or similar to those

performed in the other branches, and looking for cost-savings opportunities, and ways to improve efficiency and to better serve all those who interact with the courts system.

The Long-Range Strategic Plan for the Florida Judicial Branch 2009 – 2015[53] made no specific mention to cross-branch collaboration. Florida courts system historically has not had a strong record of collaborating with the other branches. The time could be ripe for change, though, as it has become the new normal for government entities to be asked to accomplish more with less, to work more productively and cost effectively, to provide greater transparency, and to increase accountability to the people they serve.

Florida court administrators/leaders have not created, engaged, or mobilize a constituency, and have trailed behind their executive branch counterparts on lobbying for budget dollars. Unlike the executive branch, the courts system does have active constituencies that lobby the legislature for increased funding, or court programs, or more judgeships. Unlike legislators, courts do not have a constituency, so legislators feel no real pressure from the courts system when it comes to funding or other court matters. In its 2009-2015 Long Range Strategic Plan (2009, the Florida State Courts System states that "in an era of limited resources it is critical that the Florida judicial system develop and implement operating policies that utilize public resources, including the resources of justice system partners…" (p. 9).

Court leaders/administrators cannot simply respond to legislators' decisions, but must be able to be innovative in order to propel the Florida courts system needs through the legislative maze. Developing support among users of the courts system's programs and services, and other interest groups and stakeholders is a requisite strategy from enhancing the courts system's voice and status.

[53] The Long-Range Strategic Plan for the Florida Judicial Branch 2009-2015. Accessed on March 11, 2014 at: http://www.flcourts.org/core/fileparse.php/246/urlt/2009-2015-Long-Range-Plan-for-the-Florida-Judicial-Branch-Word.pdf

Summary

Chapter Five described the major themes that emerged from the data – Politics and Collaboration – as well as discussions relating to these themes. The study recap and conclusion will be presented in Chapter Six, along with study implications and recommendations for future research.

CHAPTER SIX

CONCLUSION

Study Recap

The overall research goal was to examine the impact of Revision 7 on governance in Florida's state courts system from the viewpoint of court administrators/leaders. This study proves significant in contributing to the underdeveloped area of research related to court administration. The 1967 Honey Report on Higher Education for Public Service stated, "It appears that the administration of justice has been badly neglected, both by governments and by universities, including the law schools and schools of public administration and public affairs." (p. 298). Waldo (1968) said, "Although public administration in its early days paid a fair amount of attention to the administration of justice, with the passage of time this attention tended to dwindle, became sporadic and marginal." (p. 19). Not much has changed in the past four decades though. There continues to be a paucity of research on the courts public administration scholars, and the context of research by law schools remains lawyer-centric. As previously noted, the courts, like other public organizations, have staff and departments dealing with budgets, policy, evaluation, research, information technology, personnel, and leaders that all need the skills in a public administration program, but that also need to understand the policy and management environment that is unique and central to courts.

The courts have inimitable issues and an often complicated environment that may be quite different from the other branches of government, but they, too, need the attention of public administration scholars. The inclusion of courts in public administration scholarship is an important aspect of our field of study. It is my hope that the field of public administration stands to gain from this study in that it might learn significant organizational lessons from the courts'

experiences. This study gives voice to court administrators/leaders who worked in Florida's state courts system during the introduction and/or implementation of Revision 7. Understanding how Revision 7 impacted courts system governance can add to the literature that addresses the policy and management environment of the courts system.

Florida's courts system faced substantial budget cuts in recent years, down as much as $50 million in funding between 2007 and 2009. Reducing in staff levels and leaving positions unfilled were among the results of that considerable budget reduction.[54] At least twice in 2011, the Florida courts system had to request emergency loans from the governor in order continue operating. Many of the seasoned circuit judges were retiring, which some blamed on increasing caseloads and lingering staff shortage. A November 22, 2011 editorial in the Orlando Sentinel entitled, *Judges should carry gavels, not tin cups,* stated the following about Florida's court system:

> In April, the system came within days of closing courthouses and furloughing employees before Gov. Rick Scott approved a $19.5 million loan for the courts. Then, last month, the governor OK'd a loan of $45.6 million. And that's only enough to keep the system in the black until March…This month the Sentinel reported that eight veteran judges in the Ninth Judicial Circuit, which includes Orange and Osceola counties, have announced over the past 18 months that they plan to step down. That's about one in every eight judges in the circuit, a big loss of judicial experience…Belvin Perry, the circuit's chief judge, blamed the exodus in part on growing caseloads for judges and shrinking resources to handle them. Some judges are carrying more than 600 cases, about double what Perry considers

[54] David Ovalle, *Court System in Peril Amid Budget Crisis Cuts*, Miami Herald (Feb. 27, 2011).

a manageable load. Between them, the 65 judges have only 14 staff attorneys to help. Overworked and understaffed judges are not unique to the Ninth Circuit in Florida. Lawmakers have rebuffed requests in recent years to add more judges around the state, and forced the layoffs of hundreds of judicial support staff with spending cuts.[55]

In 2003, former United States Supreme Court Justice Sandra Day O'Connor stated:

No nation can function well without a good judicial system. It is an integral part of good governance. It is a necessary part. So whatever system you have of governance, you need a strong, valid, capable judicial system to make it work. My experience comes out of a democratic system where we have a Constitution; the nation's basic law adopted with the consent of the people, and that provides certain guarantees to the citizens of that country. How do you make those guarantees a reality? You can't do it without a good judicial system.[56]

State financing of state courts, similar to the Revision 7 initiative, is quite often seen as a vital factor for improving court governance, or how the courts system manages its own affairs. Certainly, a definition that would account for every single aspect of court governance is outside the bounds of this study. For the purposes of this study, I think it is simple enough to say that governance includes, but is not limited to, the processes for managing court programs and services and for seeking the resources necessary to support court operations.

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[55] Orlando Sentinel, *Judges should carry gavels, not tin cups*. Accessed on March 18, 2014 at: http://articles.orlandosentinel.com/2011-11-22/news/os-ed-court-funding-crisis-112211-20111121_1_chief-judge-veteran-judges-ninth-judicial-circuit

[56] O'Connor, Sandra Day (2003). Accessed on October 5, 2012 at: http://www.arabicnews.com/ansub/Daily/Day/030920/2003092029.html

Like other public sector organizations, courts are attracted to the idea that policymaking and administration are separate functions. Many judges want to make policy decisions without having to take much time away from their judicial duties to perform their administrator duties. With that said, the goal of governance should be to determine the right level of responsibility for administrators and mix it with the right level of control by judges to have the proper balance between policymaking and administration. Right?

Although this case study may not provide an all-inclusive view of the impact of Revision 7 on governance in Florida's courts system, this study would suggest, based on the emerging themes and sub-themes, that there is the potential for good and successful governance in Florida's courts system. Governance in Florida's courts system is more interconnected since the passage of Revision 7. At a very basic level, governance is a shared principle in Florida's courts system. An example of a central governance strategy is evident in the various actors and players in the budget process from throughout the courts system, namely the Trial Court Budget Commission and the District Courts of Appeal Budget Commission, which work to influence outcomes of court funding.

So, what were the study participants' perceptions Revision 7? Based on the information gathered, participants have mixed feelings about Revision 7. Some still express a level of resentment about how Revision 7 came to be; some still agonize about the painstaking implementation process and the yet-to-be-fully-realized results of what was a dramatic shift in court operations. However, the impact of governance and administration of justice fared much better. Since Revision 7, it took a number of years for participants to really accept and appreciate the changes and the new normal that resulted from the introduction and implementation phases. Revision 7 did not result in complete unification of Florida's courts

system because the state still has not assumed funding responsibility for such areas as court facilities, technology, etc., leaving the responsible for those aspects of the courts to the counties.

Prior to Revision 7, Florida courts were largely seen as fiscally and operationally fragmented. In general, Revision 7 appeared to have promoted efficiency to the extent that it equalized the expenditure levels so that courts of differing affluence can provide the same or similar programs and services. For those study participants who expressed less than positive thoughts and feelings about Revision 7, their thoughts and feelings centered mainly on the centralized management of the budget process and the feeling of exclusion or not feeling that they had a voice on the courts system's budget commissions. Power is perceived to lie with the members of Trial Court Budget Commission and the District Courts of Appeal Budget Commission, and internal court politics seem to dictate who gets a seat at the respective budget commission's table. Northouse (2007) described two main types of power: position power and personal power. Position power has to do with the authority and influence that is given to individuals based on their position or rank. Personal power comes about "from being seen…as likeable and knowledgeable…highly competent or considerate." (p. 7). The results of the data did not specifically indicate that members of either budget commission embraced behaviors that exuded abuse or overuse of personal or position power. However, there was a sense that politics played a role in those appointed to the commissions. As such, these budget commissions need to ensure that appropriate power is used to achieve the collective goals of the courts system. Additionally, the budget commissions must evolve into empowering and building relationships with all of Florida's courts and with all court administrators/leaders and make room at the table for those that may feel excluded.

In a positive sense, it appears that Revision 7 led to a more organized or efficient approach to budget and resource management in the courts because of the work of the budget commissions, and improved the level of services in courts that in the past were not able to offer a full array of court services. However, there is still work to do on creating collaborations, on building effective working relationship the other branches of government, on developing and mobilizing constituencies, and on understanding and embracing the political process.

The literature on courts often has to do with the adversarial issues of the court process such as litigation. Substantively, the study is important because it is the adversarial nature of courts that most often come to mind when courts are thought about. Unfortunately, many people's image of the courts is shaped by what they see on television on in a movie, where the adversarial system is at play between two competing sides arguing their positions before a judge. After the judge hears both sides, he or she renders a decision where one side wins and the other side loses. This study, however, fills a gap in public administration literature on administration in courts, since very few studies of this kind exist. The theoretical aspect of the study is significant because of the dynamics at play between political and judicial forces. Insight from the participants provided pertinent information.

I know of no other study that examined the impact of Revision 7 on governance in Florida's courts system. Although this study focuses on Florida's courts system, and specifically on Revision 7, it makes broader contributions beyond simply examining the impact of Revision 7 on governance in Florida's state courts system.

A case study approach was used to guide this study, and I served as the research instrument to collect data and to analyze the data used to examine the central research question: How has Revision 7 impacted governance in Florida's courts system? The data collected was

organized and a thorough analysis was done to identify emerging themes. I coded the data and arranged them into categories to allow me to compare the data. To get a broader perspective of the data, I looked for themes to emerge that connected participants' statements within a particular context into a coherent whole (Creswell, 2003). The written results of the research contained anecdotes from the data collected to explain and support the presentation (Bogdan and Biklen, 2003).

The two major themes that emerged from this study are: (1) politics; and (2) collaboration. The sub-themes included: the need to better understand the budget process and legislative behavior in the budget process; the Florida court structure needs to collaborate cross-branch and create, engage, and mobilize a constituency for the courts system; the need to study, embrace, and engage in the political process at both the state level and the local level; and, the need for court administrators/leaders to strike a better balance between their political (administrative) and judicial roles. Anecdotes from the study participants provided enough triangulation and validation of the findings to suggest that the emerging themes provide a good foundation for future research studies.

Study Implications

Political effects: Budget strategies

The literature on the development and implementation of budget strategies is often limited to providing descriptive lists of guidelines, approaches, procedures, or suggestions. Lasswell's (1958) classic definition of politics, that is, "who gets what," "when," and "how," is a political perspective well suited to examining strategies used to get court funding. We can look at Florida Courts (who) getting funding (what), during a given fiscal year (when), and by developing and implementing certain strategies (how).

Seagren, Creswell, and Wheeler (1993) observed that, "Politics is an inescapable fact of life" (p. 29). The fact that this proclivity is compatible with the study of budgetary processes in organizations, is acknowledged by Baldridge (1971), Baldridge et al (1991), Pfeffer (1981), and Wildavsky (1986). Wildavsky (1986) suggested that,

> If organizations are seen as political coalitions, budgets are mechanisms through which subunits bargain over conflicting goals, make side payments, and try to motivate one another to accomplish their objectives...When a budget is used to keep spending within set bounds and to fix purposes, it becomes a device through which some actors try to control the behavior of others. (p. 8-9)

Seagren, Creswell and Wheeler (1993) identify a number of strategies for success that can be used to achieve goals. Even though their work is associated with organizational leadership and not budgeting, I see these strategies as useful ways to influence the various players in the budget process. The strategies are broadly grouped as push, pull, persuasion, preventative, and preparatory strategies. Push strategy has to do with imposing some kind of pressure on certain individuals to get them to do what you need them to do. Pull strategy is about using inducements to spur favorable action. Persuasion strategy has to do with appealing to reason and using effective communication skills to obtain favorable action. Preventative strategy focuses on developing tactics that are liable to block unfavorable action. And, preparatory strategy is about laying the groundwork to defuse any possible opposition. Although these broadly grouped categories have not been explicitly linked to the budget process, they certainly provide a mechanism for characterizing strategies that might be used during budget requests.

Given the limitations of the literature noted earlier, I turned to Wildavsky's (1979) classic work, *The Politics of the Budgetary Process,* in order to frame the processes of budget strategies

for court administration. Wildavsky categorized a number of budget strategies into three broad groups: (1) protecting the budget base; (2) increasing the budget base; and, (3) broadening the budget base. Those strategies categorized as protecting the budget base are designed to defend against cuts in existing programs. The strategies categorized as increasing the base are designed to push for incremental increases of existing programs; efforts in these strategies are not geared toward acquiring new resources to support new expenses but to get slight financial increases to continue existing level of operations or to counter inflation-related expenses. The literature on budgeting supports the position that most agencies receive incremental increases to their budget base to support inflation-related expenses. In contrast to the first two broad groups presented by Wildavsky, those strategies categorized as broadening the base are aimed at obtaining new funding to add new programs and expenses.

Because of these strategies and schemes at play, public managers' roles and agency budget officers' roles seem to be always evolving. David (1998) discussed these ever-evolving roles. He recognized that there appeared to exist some tensions between the traditional roles of public managers and budget officers—public managers were focused on the activities and operations of government and providing services to the public, while budget officers were concerned with accountability and making sure the numbers add up. David suggested that in the current scheme of thing meshing the roles of the public manager and the budget officer would result in more effective governance. With new and advancing technologies, budget officers can spend less time on conventional accounting, and instead have more of an interpretive focus. Likewise, nowadays public managers have high-level knowledge of financial accounting systems as well as ingenious funding options to support the operations of government. Since court administrators are public managers, substituting the title of public managers for court

administrators in the preceding discussion shows that the roles of today's court administrators is ever-evolving and the goal of having more effective governing in the courts requires them to have a sophisticated knowledge of financial accounting systems.

Alexander (1999) referred to O'Toole's (1997) call for more focused attention on the networked contexts of modern public managers by stating:

> In an environment of multiple organizations and diffuse political power, administrators are called on to exercise facilitative and interpretive skills; they must coordinate multiple streams of information and often divergent agendas. . . . In the current environment, where administrators are called on to reconcile competing claims, neither the neutral technical competence nor the agency advocacy role is comprehensive enough to inform public budgeting decisions (p. 553)

Collaborative effects: Budget structures and court reform

Abadinsky (1991) was among those in the court reform movement to promote unified budgeting. He saw this idea of unified budgeting as a central budget at the state level that gives all courts a foundation to obtain resources. He also explained that if the budget is not subjected to executive changes, then those states have a more independent branch, as opposed to those states that are subjected to budget modifications by their governors.

Unified budgeting certainly has its critics, however. One of the early critiques to the unification movement came from Gallas (1976), who specifically showed not only the absence of empirical evidence supporting any of the claims of benefits from unification, but also the failure to consider renowned theoretical and empirical challenges to conventional administrative theory.

Baar (1977) similarly objected to state-level funding for courts. He based his objections on the fact that very little was known about whether state funding really increased judicial effectiveness in those states where state funding of courts was tried. He highlighted two main points in his opposition to unified budgeting. The first point was that it "might place a layer of supervision over administrators of well-managed trial courts in large, populous, and prosperous areas" (p. 279); his second point was that it "might represent an overextension of central authority, especially in states with several metropolitan areas." (p. 279). He also stated that "state court administrators might either ignore local needs in the name of uniformity and thus aggravate political conflict, or abdicate their responsibility to devise management and planning programs beneficial to local administrators in order to mitigate such tension" (p. 279). In other words, Baar was concerned about the governance structure of state courts following the move to state funding, and the fact that this phenomenon has not been studied enough to support the court reformers' position that state funding of its courts leads to more effective courts. In the court reform movement, there is no indication that the governance structure of the courts would be impacted, for better or worse.

Tarr (1981) believes that the advocates for court unification saw decentralized court structures as "accidents of historical development and the distribution of political power in a state rather than any coherent organizing principle." (p. 358).

Hudzik (1985) states that:

> Proponents of state financing believe that it provides many benefits, including improvements in the efficiency, effectiveness, and equity in court operations. A general acceptance of these positive consequences may be responsible for the steady increase in the number of states adopting this type of

> court financing…claims about the benefits of state financing have not been supported by either clear and convincing evidence or by irrefutable logic. They appear instead to have been based largely on a general acceptance of the virtues of consolidation and centralization in government. (p. 135).

Hudzik (1985) argued that unified budgeting "has not turned out to be an avenue for increased judicial outlays, because courts in states with this mode have not fared much better than the judiciaries of states without it." (p. 151). He also shared his view that many advocates for state funding of the courts think that access to a statewide tax base will increase funding for the local trial courts, but what they failed to take into account is that state funding of courts is more vulnerable to economic conditions than local financing. Fluctuations in state funding that result from unstable economic conditions present a tremendous challenge to the courts.

On the other hand, various observers have suggested that a move to state funded courts provided more equality between small or rural courts and large or urban courts. Tobin (1999) argued that court unification led to increased resources in courts overall. Further research needs to be done in this area to gauge the impact of budget unification on courts systems.

An implication for the courts system is to consider an opportunity to develop and nurture specific political engagement skills within its court administrators/leaders. Knowing how to embrace and engage in the politics of the budget process, at the state and local levels, and being more cognizant of legislative behavior in the budget process could have a profound and positive effect with regard to obtaining most, if not all, of the requested court funding.

Another implication has to do with how participating in cross-branch collaborations and developing and mobilizing constituencies can affect the courts system in a range of ways. Current court practices in the budget process that are seen as being too passive can be positively

improved through more collaborative efforts. As Florida's court administrators/leaders become aware of current research (i.e. theory) and best practices (i.e. expertise and experience) of the other branches of government as well as other states' courts systems, they might be motivated or spurred to change their current strategies and techniques to be more productive during the budget process. The more methods, approaches, or techniques that court administrators/leaders become aware of during collaborative relationships that are designed to ensure adequate court funding, the better their potential for helping the courts system in its budget request efforts. Additionally, as court administrators/leaders implement these methods, approaches, or techniques, the impact becomes even greater.

Recommendations for Future Research

This study suggests the need for more research that examines and explores court administration. As time goes by and Florida's courts system continues to evolve post-Revision 7, it might be again necessary to revisit the issue of the impact on governance. Beyond the themes and sub-themes identified in this study, utilizing a case study demonstrates the need for future research that could be undertaken to extend the examination begun in this project. Continued research on the impact of Revision 7 seems essential as much of my understandings is based on suppositions and anecdotes. The following recommendations are offered:

(1) Study court administrators/leaders at other Florida courts, as well as county and state officials – such as Florida budget officials, legislative appropriations committees' staff directors, Office of Policy and Budget Director – to get their impression and suggestions and a deeper understanding of the impact of Revision 7. It is important for Florida court administrators/leaders to have concrete and empirically based information about the effects of Revision 7 to further guide their decisions about governance of the courts system. Furthermore,

there is substantial value in gathering the views of other court administrators/leaders and county and state officials because they contain the qualitative assessments of the effects of the transition to Revision 7 and the implications of the transition. There might be some urgency to gather this information as many of the individuals with in-depth knowledge and experience with Florida's courts system pre- Revision 7 have moved on; some have passed away, and among those who are still here, it is almost certain that their memories will begin to cloud.

(2) It has been over 10 years since the implementation of Revision 7. This might be an apt time to compare Florida courts' expenditures pre- and post- Revision 7; examine the courts system's funding formula to determine whether some courts are worse off or better off in terms of funding and offer prescriptions for improvements.

(3) Examine other state courts systems that had similar changes to their funding structure and compare their experiences to Florida's experience. Given the lack of research in the area, a comprehensive examination of other states' courts systems is needed to determine the impact of state financing on governance and offer prescriptions for improvements.

(4) Compare courts systems that are locally funded to courts systems that are state funded and to courts that have a mixed system of both state and local financing. Such comparisons can provide the basis for empirical assessment that will allow us to move beyond conjecture regarding the effects of the funding source on governance. It is understood that because case studies are generally quite costly, maybe only a relatively small number of state courts systems could practically be studied; however, such a study could offer valuable insight into courts systems experiences.

(5) Courts systems in the United States may not be unique in terms of their governance structure, so examining courts systems in countries such as Canada and some European countries

might prove valuable in the effort to improve Florida's current governance structure and processes.

These recommendations are only just a start, and further research can only strengthen these ideas. As Glaser and Strauss (1967) stated, "Evidence and testing never destroy a theory (of any generality), they only modify it. A theory's only replacement is a better theory" (p. 28).

Concluding Comments

Drawing from the oral histories, insights from the literature review, and from my own personal experience as a courts system employee, Revision 7 most certainly impacted governance in the Florida Courts System. This study afforded opportunities to reflect on Revision 7 through the lens of the people who experienced it. The perspectives shared by the participants were so very crucial in this study. Revision 7 changed many things about Florida's courts system. I believe that adapting new strategies in dealing with the legislative and executive branches, having a better understanding of the budget process, creating and mobilizing constituencies are among the moves that will lead to success in building allies and developing relationships that matter. There is no doubt that success in the funding process requires understanding and employing political skills. Success also requires a collaborative effort. Beginning to think of themselves as one of many important entities fighting for funds is helpful; thinking of themselves as being above the politics of the budget process or that they are entitled to a certain portion of funding just because you are the third branch of government will lead to failure in the budget process and in governance.

I truly enjoyed hearing the participants' experiences. It was great to be able to learn about their opinions and perspectives. However, it should be noted that there were some struggles that I encountered while gathering the data that were difficult for me to overcome. First, it took a

concerted effort on my part to make sure that I got participants from three geographical regions in the courts system. It would have been very easy for me to include only those that I was familiar with and/or those that were in my geographical region of the state. As an employee of the courts system, it took a great deal of deliberate effort on my part to remove my subjectivity from this research project. However, with the assistance of member checking, my objectivity was verified. This is learning that will remain an important part of my life long after this dissertation is completed and I have moved on to pursue other endeavors in my life.

It is my hope that Courts administrators/leaders who read this study will be the spark that triggers the need for continuously work to improve and advance governance in Florida's courts system.

I will end with the following quote by Alexander Hamilton: "The administration of justice contributes, more than any other circumstance, to impressing upon the minds of people affection, esteem, and reverence towards their government." (p. 2)

APPENDIX A

TIMELINE

Fall 2012

- IRB Process

Spring 2013

- Conduct Interviews/Oral Histories
- On-going data analysis

Summer /Fall 2013

- On-going data analysis

Spring 2014

- On-going data analysis
- Begin write-up

Summer/Fall 2014

- On-going analysis
- Continue write-up

Spring 2015

- Initial review by major professor
- Continue write-up

Summer 2015

- Complete write-up

Fall 2015

- Defend dissertation

APPENDIX B

IRB APPROVAL 1

The Florida State University
Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

APPROVAL MEMORANDUM

Date: 12/19/2012

To: Karen Samuel

Address: [redacted]
Dept.: PUBLIC ADMINISTRATION AND POLICY

From:

Thomas L. Jacobson, Chair

Re:

Use of Human Subjects in Research
An Examination of the Impact of Revision 7 on Governance in the Florida State Courts System

The application that you submitted to this office in regard to the use of human subjects in the proposal referenced above have been reviewed by the Secretary, the Chair, and one member of the Human Subjects Committee. Your project is determined to be Expedited per 45 CFR § 46.110(7) and has been approved by an expedited review process.

The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.

If you submitted a proposed consent form with your application, the approved stamped consent form is attached to this approval notice. Only the stamped version of the consent form may be used in recruiting research subjects.

If the project has not been completed by 12/18/2013 you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request renewal of your approval from the Committee.

You are advised that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report, in writing any unanticipated

problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Human Research Protection. The Assurance Number is FWA00000168/IRB number IRB00000446.

Cc: Ralph Brower, Advisor
HSC No. 2012.9409

The formal PDF approval letter:
http://humansubjects.magnet.fsu.edu/pdf/printapprovalletter.aspx?app_id=9409

APPENDIX C

IRB APPROVAL 2

The Florida State University
Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

RE-APPROVAL MEMORANDUM

Date: 10/7/2013

To: Karen Samuel

Address: [redacted]
Dept.: PUBLIC ADMINISTRATION AND POLICY

From:

Thomas L. Jacobson, Chair

Re:

Re-approval of Use of Human subjects in Research
An Examination of the Impact of Revision 7 on Governance in the Florida State Courts System

Your request to continue the research project listed above involving human subjects has been approved by the Human Subjects Committee. If your project has not been completed by 10/6/2014, you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request renewal of your approval from the committee.

If you submitted a proposed consent form with your renewal request, the approved stamped consent form is attached to this re-approval notice. Only the stamped version of the consent form may be used in recruiting of research subjects. You are reminded that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report in writing, any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor are reminded of their responsibility for being informed concerning research projects involving human subjects in their department. They are advised to review the protocols as often as necessary to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

Cc: Ralph Brower, Advisor
HSC No. 2013.11357

The formal PDF approval letter:
http://humansubjects.magnet.fsu.edu/pdf/printapprovalletter.aspx?app_id=11357

APPENDIX D

IRB APPROVAL 3

The Florida State University
Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

RE-APPROVAL MEMORANDUM

Date: 9/4/2014

To: Karen Samuel

Address: [redacted]
Dept.: PUBLIC ADMINISTRATION AND POLICY

From:

Thomas L. Jacobson, Chair

Re:

Re-approval of Use of Human subjects in Research
An Examination of the Impact of Revision 7 on Governance in the Florida State Courts System

Your request to continue the research project listed above involving human subjects has been approved by the Human Subjects Committee. If your project has not been completed by 9/3/2015, you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request renewal of your approval from the committee.

If you submitted a proposed consent form with your renewal request, the approved stamped consent form is attached to this re-approval notice. Only the stamped version of the consent form may be used in recruiting of research subjects. You are reminded that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report in writing, any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor are reminded of their responsibility for being informed concerning research projects involving human subjects in their department. They are advised to review the protocols as often as necessary to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

Cc:
HSC No. 2014.13565

The formal PDF approval letter:
http://humansubjects.magnet.fsu.edu/pdf/printapprovalletter.aspx?app_id=13565

APPENDIX E

PERMISSION REQUEST LETTER

Date

Name
Street Address
City, State Zip Code

Dear Court Administrator,

I am conducting research on the impact of Revision 7 on governance in Florida State Courts System. My goal is to develop greater understanding and insight on the challenges and any continued effect on the courts during introduction and implementation of Revision 7, as well as post Revision 7.

I would like to request your permission to conduct this study. This study will be conducted on my own time, and will in no way interfere with my role as Human Resources Officer in the Officer of the State Courts Administrator. No names will used in the study, and all data will be used for research purposes only. Your permission can potentially provide much needed insight and information about the uniqueness and complexities resulting from the introduction and implementation of Revision 7.

Thank you in advance for your consideration of my request.

Karen H. Samuel
Ph.D. Candidate
Askew School of Public Administration and Policy
The Florida State University (FSU)
Tallahassee, FL 32306-2250
Email: [redacted]
Phone: [redacted]

If you have any questions about the rights as a subject/participant in this research, please contact the Chair of the Human Subjects Institutional Review Board at (850) 644-8633, or through the FSU Human Subjects Committee, 2035 E. Paul Dirac Drive, Box 16, 100 Sliger Bldg., Innovation Park, Tallahassee, FL 32310.

APPENDIX F

PARTICIPATION REQUEST LETTER

Date

Name
Street Address
City, State Zip Code

Dear (Court Administrator/Leader),

I am conducting research on the impact of Revision 7 on governance in Florida State Courts System. My goal is to develop greater understanding and insight on the challenges and any continued effect on the courts during introduction and implementation of Revision 7, as well as post Revision 7.

Your participation in this study is completely voluntary; however, your participation is extremely important since a high response rate is essential to high quality data. The results of the research study may be published. Please be assured that your name will not be used, and your name will never be connected to your interview in any way.

Your participation will be completely confidential and the data will be anonymous. The interview will take approximately 30 - 45 minutes. All data will be used for research purposes only. There are no foreseeable risks or benefits to you, but your participation can potentially provide much needed insight and information about the uniqueness and complexities resulting from the introduction and implementation of Revision 7.

Please provide me, via email, with a day and time that would be most convenient for you to speak with me. Your response with an interview date and time indicates your willingness to participate in this study. Thank you in advance for your important and highly valued contribution to this research.

Karen H. Samuel
Ph.D. Candidate
Askew School of Public Administration and Policy
The Florida State University (FSU)
Tallahassee, FL 32306-2250
Email: [redacted]
Phone: [redacted]

If you have any questions about the rights as a subject/participant in this research, please contact the Chair of the Human Subjects Institutional Review Board at (850) 644-8633, or through the FSU Human Subjects Committee, 2035 E. Paul Dirac Drive, Box 16, 100 Sliger Bldg., Innovation Park, Tallahassee, FL 32310.

APPENDIX G

COURT ADMINISTRATORS/LEADERS INTERVIEW GUIDE

Project: AN EXAMINATION OF THE IMPACT OF REVISION 7 ON GOVERNANCE IN THE FLORIDA STATE COURTS SYSTEM

Time of interview: _____

Date of interview: _____

Location: _____

Interviewer: _____

Interviewee: _____

Purpose of the Study

WELCOME

You are invited to participate in a study conducted by a doctoral student of Florida State University in partial fulfillment of degree requirements.

ANONYMOUS

All responses recorded are anonymous. Data from this interview will be reported in the aggregate. You do not have to give your name or reveal any information which makes you directly identifiable. Only demographic data such as gender, age groups, job tenure, and basic geographic location (North Florida, Central Florida, South Florida) are being collected for purposes of analyzing any variances among groups across the participant population. We ask for your assistance in providing this demographic data.

VOLUNTARY

Your participation in this study is completely voluntary. You have not been coerced into completing the survey associated with this project. If you feel uncomfortable answering any questions, you can withdraw from responding to the interview at any point. Remember, your responses are anonymous. It is very important for us to learn your opinions.

NO INDIVIDUAL BENEFIT OR LOSS

Your participation will have no direct individual impact either in gain or loss as all data collected is to be aggregated and reported only in summarized form.

Managing in the public sector does not occur in a vacuum. For court administrators/leaders, challenges are encountered in such everyday acts as making decisions about scarce resources, responding to and implementing initiatives and mandates. As such, in this study, I am examining the impact of Revision 7 on governance in the Florida State Courts System.

This research project guarantees respondent anonymity. All information identifying a respondent with his or her responses will be held as privileged and confidential, and the courts involved will not be identified.

ASSESSING UNDERSTANDING OF RISKS OR BENEFITS OF PARTICIPATION

Just so that I am sure you understand your role as a participant in this study, please answer the following questions:

- Would you please explain to me what you think I am asking of you in this study?
- Describe in your own words the purpose of this study.
- What are the possible risks or benefits to you for participating in this study?
- What more would you like to know about this study and about the extent of your participation?

CONTACT INFORMATION

If you have questions at any time about the survey or the procedures, you may contact Karen Samuel, principal researcher for this study, at [redacted] or by email at [redacted]
If you have any questions about the rights as a subject/participant in this research, please contact the Chair of the Human Subjects Institutional Review Board at (850) 644-8633, or through the FSU Human Subjects Committee, 2035 E. Paul Dirac Drive, Box 16, 100 Sliger Bldg., Innovation Park, Tallahassee, FL 32310.

Tell us about yourself!

While we are collecting certain participant information, this information will be used for statistical grouping and will not be used in any manner to uniquely identify a participant. Your participation in this interview is strictly anonymous.

Part I: Demographic Information

1. What is the geographic location of your court?

North Florida_____ Central Florida_____ South Florida_____

2. What is your gender?

Male_____ Female_____

3. How many years have you been employed with the courts system?

0 to 5 years_____
6 to 10 years_____
11 to 15 years_____
16 to 20 years_____
Over 20 years_____

4. How many years have you served in your role at the court?

0 to 5 years_____
6 to 10 years_____
11 to 15 years_____
16 to 20 years_____
Over 20 years_____

5. What is your age range?

Under 21 _____
21 – 29 _____
30 – 35_____
36 – 40 _____
41 – 45_____
46 – 50_____
51 – 55_____
Over 55 ____

6. What is the highest level of education you have attained to date?

Did not finish high school _____
High school diploma or equivalent _____
Some college work, no bachelors degree_____
Bachelor's degree_____
Some graduate work_____
Graduate degree _____

Part II: Open Ended Questions

1. How would you describe your role in the Florida State Courts System during the introduction and implementation of Revision 7?

_____
_____
_____
_____
_____

2. What unique skills, knowledge, and abilities would you say were necessary for successful implementation of Revision 7?

_____
_____
_____
_____
_____

3. Scholars have noted that managing public entities, programs, and employees is not removed from the realities of politics. In your opinion, would you say that politics played a role in the introduction and implementation of Revision 7? Yes_____ No_____ Please explain.

_____
_____
_____
_____
_____

4. How would you compare governance in the Florida State Courts System pre- and post Revision 7?

_____
_____
_____
_____
_____

5. What major changes have you observed in Florida's courts since the implementation of Revision 7?

_____
_____
_____
_____
_____

6. Describe the moment when you first became aware of the possibility that Revision 7 would become a reality. (i.e. What were your general thoughts? How would you describe the sentiments among your peers? How did the courts system brace itself for the anticipated changes/impact? etc.)

_____
_____
_____
_____
_____

7. Being a court administrator/leader comes with the charge to function according to high ethical standards. How did you respond to, or deal with the challenges brought about by Revision 7?

_____
_____
_____
_____
_____

8. Today, what challenges remain to the courts as a result of Revision 7?

_____
_____
_____
_____
_____

9. What is your overall opinion of Revision 7?

_____
_____
_____
_____
_____

10. Would you like to give additional information about your responses? If so, please add comments below and include the number of the statement you are writing about.

_____
_____
_____
_____
_____

Thank you for participating in this interview! If necessary, may I contact your for a follow up interview or to clarify some of your responses?

APPENDIX H

TRANSCRIPTIONIST CONFIDENTIALITY FORM

I, _____, transcriptionist, agree to maintain full confidentiality in regards to any and all audiotapes and documentation received from ____ related to her doctoral study on _____. Furthermore, I agree:

1. To hold in strictest confidence the identification of any individual that may be inadvertently revealed during the transcription of audio taped interviews, or in any associated documents;

2. To not make copies of any audiotapes or computerized files of the transcribed interview texts, unless specifically requested to do so by _____;

3. To store all study-related audiotapes and materials in a safe, secure location as long as they are in my possession;

4. To return all audiotapes and study-related documents to _____ in a complete and timely manner.

I am aware that I can be held legally liable for any breach of this confidentiality agreement, and for any harm incurred by individuals if I disclose identifiable information contained in the audiotapes and/or files to which I will have access.

_____ _____

Signature Date

APPENDIX I

INTERVIEW LOG[57]

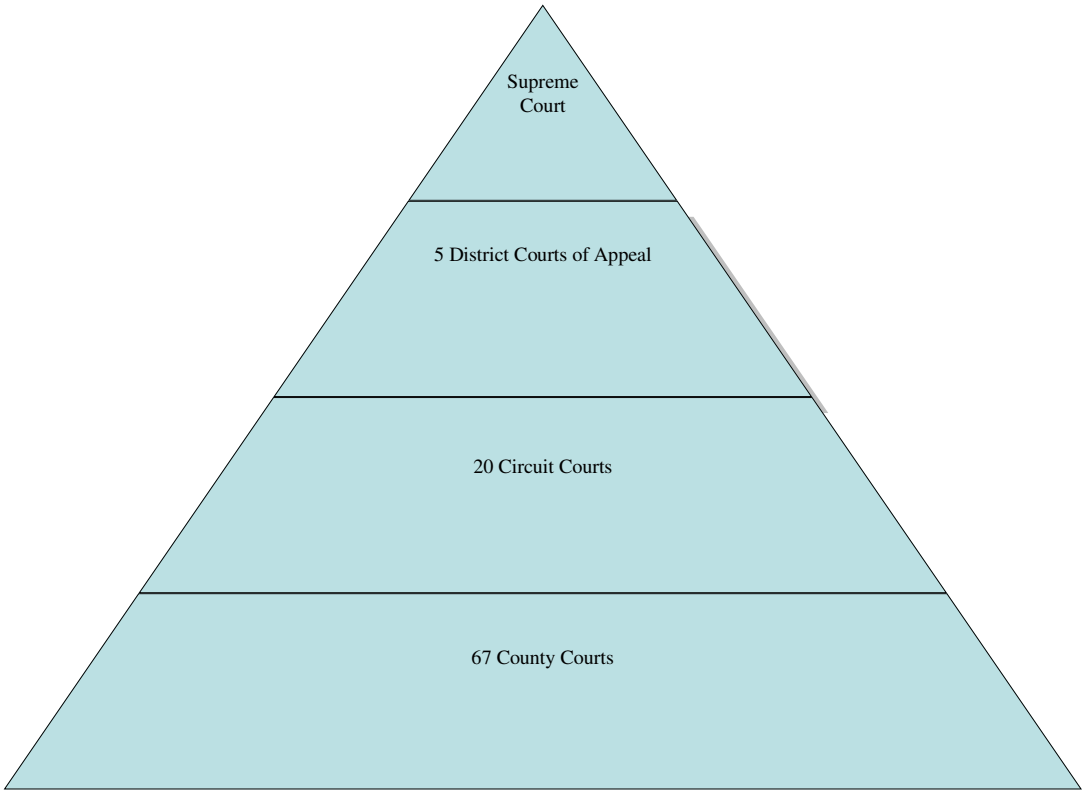
Participant #: Geographic Location: Date:

Audio Recorder Index	Participant's Comments	Researcher's Notes

[57] This interview log is based on Merriam (1988, p. 84).

APPENDIX J

FLORIDA'S COURT STRUCTURE



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BIOGRAPHICAL SKETCH

My decision to examine the impact of Revision 7 on governance in Florida courts was naturally guided by my role as a researcher, but it was also quite influenced by my current role as an employee in the Florida State Courts System. My personal history includes 18 years as a State of Florida employee, which included leadership roles as a senior personnel manager, chief of staff, and human resources officer:

- 4 years – Civil Rights Analyst – Florida Department of Transportation
- 2 years – Senior Personnel Manager – Florida Department of Highway Safety and Motor Vehicles
- 4 years – Chief of Staff/Executive Staff Director – Florida Department of Health
- 8 years – Human Resources Officer – Florida Supreme Court/Office of the State Courts Administrator

As Eisner (1998) would suggest, the ability to see what counts is what differentiates novices from experts. I am committed to seeing with an open mind rather than being confined to only seeing what I think should be. My intent moving forward with this study is to gain insight into the experiences of courts administrators/leaders rather than to allow my biases to interfere with what I see or perceive.

The time and energy that it takes to do a doctoral dissertation is such that it is highly unlikely that a person will be able to finish unless she is deeply and personally committed to the work. It is always difficult to know with any precision the historical paths to where a person ultimately finds herself, but I do think that the source of my commitment to this particular study ultimately can be traced to my enduring curiosity with why things are the way they are and my strong-willed independence to find things out for myself.