

# Strategic Planning

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## Use of Curriculum Design

Taken together, the curriculum designs in this series provide an overarching plan for the education of court managers; this plan constitutes a curriculum. Individually, each curriculum design and associated information provide faculty with resources and guidance for developing courses for court managers.

The designs are based on the NACM Core®. Each of the curriculum designs, organized by thirteen competencies, may be used either in its entirety or in segments to meet the needs of the individual circumstance or situation, the audience, and time constraints, among many other contextual factors.

Each curriculum design includes a series of learning objectives and educational content to support those learning objectives. Associated information for each curriculum design includes: (1) faculty resources, (2) participant activities, and (3) a bibliography. In this Curriculum Guide, many of the faculty resources are found separately in the Appendices. Each faculty resource and participant activity includes information explaining its use. Also included in each design is a section titled "Special Notes to Faculty," which provides important information to assist faculty in effectively preparing to design and deliver a course, and a section titled "Target Audience," which provides some guidance on which audiences are most appropriate for the curriculum design.

### Participant Activities

Participant activities have been designed to measure whether the learning objectives have been achieved. Participant activities include many types of group and individual exercises. Information on participant activities includes how to use, direct, and manage each activity. Instructions may be modified for the audience and setting, but the highest goal is to integrate

each activity into the learning process and the content of the course. Faculty should incorporate additional activities to ensure that participants remain actively engaged throughout the course. Additional activities may include asking participants questions about the content, engaging them in sharing their experiences with the content, encouraging them to ask questions, and more.

### Faculty Resources

Faculty Resources provide written information and/or graphics that support certain content and may also be used as handouts for associated topics in the **Educational Content** section. Faculty Resources are a combination of resources referenced within the Educational Content and recreations of those images embedded in the Educational Content as sample images that could be used in PowerPoint® slides. They may be used in any course, but their applicability and use need to be determined by faculty, based on the topics, length of the course, audience, and other factors. Faculty Resources often include examples of documentation and other data that are time-based. Faculty members are encouraged to update time-based material as well as use material that is specific to the presentation and/or audience. As with participant activities, faculty are encouraged to provide additional materials based on the needs of the participants.

### Bibliography

While bibliographies may be viewed as optional by faculty, they are often important adult learning tools, foster reflection, and offer resources for follow-up research and study.

## Needs Assessment

A needs assessment gathers information about the participants' proficiency on the topic of the session. Without a needs assessment, you may provide content that participants cannot or will not use, already know, or find unsatisfactory in meeting their expectations.

Assessing needs enables you to choose and deliver content with much greater accuracy. Conducting a needs assessment before your presentation may include a written survey or focus group discussion; and/or at the beginning of your presentation, you may conduct an informal question and answer exercise or a short pre-test. A sample pre-course self-assessment instrument is provided as Appendix A.

Using surveys or focus groups in advance of a course is preferred as it provides you the opportunity to adapt and adjust your presentation to your audience in advance of the actual course. However, it is also advisable to use some time at the beginning of your presentation to seek information about your audience.

Whether you are able to conduct a needs assessment prior to the day of the session or not, the goal is to determine the essential knowledge, skills, and abilities the court managers who will be attending the session must have to perform their duties competently. Two key areas to explore are as follows:

- What level of knowledge, skills, and abilities do the participants currently have about the topic?
- What gaps in their knowledge would they like to close?

Questions enable the faculty member to make necessary adjustments to meet learning needs. If you find out that participants are much more

knowledgeable about your topic than you had thought, you can adapt your presentation to a higher-level discussion. If you find that they are less knowledgeable, you can adapt your presentation to be more basic.

## NACM Core® Reference

### **Competency: Strategic Planning**

**Strategic Planning** is a process by which court organizations can identify long-term priorities and choose and act upon the optimum methods by which to resolve those priorities based upon current realities and assumptions about the future. For simplicity and consistency, this design uses the central label “court organization” to apply to a variety of terms such as “court, trial court, court organization, state administrative office (AOC), or court system.” It uses “court organization” unless either the text refers to a specific organizational unit (e.g., an AOC), or it refers conceptually to courts (e.g., discussions of the purpose of courts). The term is inclusive enough to apply to justice systems in other countries where courts might be under an executive ministry (e.g., a ministry of justice).

## Learning Objectives

The following learning objectives are designed for a comprehensive session course that will require a minimum of 15 contact hours (see *Special Notes to Faculty* below). Faculty who are developing curricula for basic or shorter courses may simplify or reduce the number of learning objectives; faculty

developing an advanced or longer course may augment the objectives.

As a result of this education, participants will be able to:

1. Articulate the purposes and responsibilities of courts and relate them to any change initiative that a court organization might undertake.
2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.
3. Design and carry out a planning process, appropriate for one's court, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.
4. Execute a process that aligns individual performance goals with the strategic plan.
5. Encourage and foster strategic thinking and foresight in court organizations as precursors to effective strategic decision-making and strategic planning.
6. Recognize attributes of different court cultures and assess their potential implications for change management, enabling more accurate expectations about a court organization's receptiveness to and capacity for strategic planning and improving the ability to adjust planning processes successfully to court characteristics.
7. Identify the significant qualities and roles of leadership, particularly in the context of strategic planning to align behaviors, structures, processes, and resources to ensure they support the strategic planning process and the final plan.

## Target Audience

This curriculum design is suitable for court managers and lead staff at the federal, state, or local level with broad court and departmental responsibilities as well as for judges from every jurisdiction and type of court. The best composition is a mix of court managers and judicial officers with administrative experience who are seeking additional leadership responsibilities and who want to be more effective in leading purposeful change efforts within their jurisdictions.

## Special Notes to Faculty

The full five-section content of the curriculum design would require a course approaching five days' length; however, content sufficient to address the primary learning objectives can be covered in a course of 2.5 days. Faculty who would like to adapt the content to shorter formats or an overview may reference the special notes below. The content can be adapted to other educational formats, such as webinars, but such approaches diminish the use of group activities. Planning is a collaborative process that improves with practice, so teaching/learning methodologies that encourage group interaction will promote learning.

The following examples of course types and lengths are not exhaustive. Other creative approaches to course lengths or sections may be developed.

### Conference Session

At a conference session of one to two hours' length, the most effective use of the curriculum design is to provide a brief review of the purposes of courts,



introduce the significance of the concept of court culture in the context of change management efforts, outline the steps in a sample planning process, and focus the remainder of the session on how to encourage strategic *thinking* in court organizations. Interactive discussion would be possible but not activities.

- 1.2.A Relevance of Purposes and Responsibilities to Strategic Planning
- 1.2.E Court Culture and Its Implications for Planning
- 2.1.C Lay out the planning process—Identify steps and the likely timetable
- 3.1 Strategic Thinking and the Development of Strategic Thinkers
- 3.2 Strategic Decision-Making
- 3.6 Strategic Planning

### One-Day Session

In a one-day session, faculty must select educational content according to the topics that are most applicable and relevant to the court, organization, or other audience with which they are working. Building upon the content covered in a conference session, a one-day session can allow for greater exploration of the dimensions and relevance of court culture to strategic planning, brief examinations of each step in a nine-step planning process, and the addition of performance measurement and leadership qualities as they relate to the success of strategic planning efforts. We therefore recommend the inclusion of the following elements of the curriculum as the foundation for strategic planning training and instruction, with other subsections to be used and adapted as needed.

- 1.2.A Relevance of Purposes and Responsibilities to Strategic Planning
- 1.2.C Measuring and Managing for Performance and Progress

- 1.2.E Court Culture and Its Implications for Planning
- Sec. 2 Fundamentals of an Effective Strategic Planning Process
- 3.1 Strategic Thinking and the Development of Strategic Thinkers
- 3.2 Strategic Decision-Making
- 3.6 Strategic Planning
- 4.1 Dimensions of Court Culture
- 4.2 Cultural Archetypes in Courts
- 4.3 Attributes of Court Cultures in Different Trial Court Work Areas  
(Concentrating on cultural characteristics in the context of change management)
- 4.4 Effect of Culture on the Strategic Abilities of a Court
- 4.5 Managing Change versus Changing Culture
- 5.1 Introduction: What is leadership?

### 2.5-Day Session

The entire content of the curriculum design is best adapted to a course of 2.5 days or longer. Some selectivity of topics and activities is necessary to meet the primary lesson objectives within a 2.5-day session. The following contents are recommended as the core of the course content.

- 1.2.A Relevance of Purposes and Responsibilities to Strategic Planning
- 1.2.C Measuring and Managing for Performance and Progress
- Section 2 Fundamentals of an Effective Strategic Planning Process
- Section 3 Strategic Thinking and Decision- Making
- Section 4: Court Culture
- Section 5: Leadership in Strategic Planning

## Educational Content

### Introduction

From an administrative standpoint, strategic planning is an advanced concept, not just for court organizations but for organizations generally. Would-be educators who do not have practical experience with actual strategic planning should not attempt to teach it. Similarly, the target audience for a course on strategic planning should be above the level of a basic trial court line employee or should at least have already had prior education on other fundamental and advanced concepts in the field of court administration. This is not a subject to be taught by a trial clerk to her staff in the manner that one might pull a how-to guide off a shelf and walk an employee through a set of steps.

A central problem with doing strategic planning and of attempting to teach it is an oversimplified conception of what is required for a *successful* strategic plan, i.e., not only an identification of long-term priorities but also the achievement of those priorities by effectively defined and executed action steps that account for organizational realities which can vary with time and place. If one's approach to teaching strategic planning is merely to convey and expect participants to follow a step-by-step linear process, without accounting for critical human and material factors, then one is doing a disservice to training participants. Such approaches are a leading reason for the high rate of unsatisfactory experiences with strategic planning in most organizations. Organizational planning *does* require that certain procedural steps be completed in some logical (but seldom fixed) order; however, it is not as simple as following a set of instructions for assembling a bicycle. In long-term organizational planning, one must always deal with human "parts" that are coming and going or changing their "size" or "color" as their duties or opinions change over time as well as with external conditions that may change the demands for what the organization must do.

It is in consideration of these realities that we stress that any course or presentation that seeks to instruct court personnel about strategic planning do more than focus on the core content found in this curriculum design under "Fundamentals of an Effective Strategic Planning Process" (Section 2). Obviously, the duration of a course and the nature of its participants will influence the type and amount of other content that should be included. In the same sense that one must learn to walk before one can run, we emphasize the importance of covering certain fundamental concepts such as court purposes, service values, and performance goals and underscoring more advanced concepts such as court culture, leadership and governance, and, in particular, strategic thinking. Relevant content or referrals to other appropriate curriculum designs are included in this design.

A good instructor of strategic planning must be mindful that many court organizations are not culturally ready to develop and successfully implement a strategic plan. They may be able to follow a simple set of directions to accomplish a single short-term goal, but they are not capable of undertaking complex, long-term change efforts that can be sustained (and ideally renewed) over time. Court organizations need to develop a sense of organizational purpose, a sensitivity to the importance of measuring performance, and a cultural preparedness for thinking about and undertaking change. Court leaders need practice in assessing court culture, in making time to think about issues of long-term importance beyond day-to-day urgencies, in managing to achieve performance goals, and in developing a capacity for foresight. If the primary course



objective is to develop participants' capacities to create and execute a strategic plan that will serve as a critical tool for achieving a court organization's preferred future, then the critical nature of these other concepts and competencies must be acknowledged and addressed. Ideally, participants will already have sufficient instruction or experience in these areas from prior courses and work responsibilities consistent with what we feel would be most appropriate competencies for the target audience we envision.

### **Diversity, Equity, and Inclusion**

Diversity, equity, and inclusion (DEI) are important interests within the judicial system. To different degrees, DEI is relevant to all the core competencies for court managers, including strategic planning. Within this Strategic Planning Curriculum Design, particularly in Sections 1 and 2, one will find a number of references emphasizing the importance of participation by internal and external stakeholders (the type and extent of recommended stakeholder involvement being dependent upon the scope and aims of the planning process). In addition, the final paragraph of § 2.1.E. (p. 24) identifies inclusiveness as one of three key principles that should guide all planning efforts (the others being openness and common sense). The point is that strategic planning benefits not from complex formulations but from straightforward approaches to priorities that are guided by open and creative discussion of the best information available—which is only possible when there is optimal participation by relevant stakeholders.

Intellectual diversity is the critical focus in selecting participants for planning efforts. Such diversity includes perspectives informed by racial/ethnic/cultural identity and experience as well as socioeconomic background, but far more important to most court planning efforts are perspectives based upon knowledge, skills, and abilities—characteristics more often informed by education and roles within the court system—judge, magistrate, clerk, court administrator, attorney, social worker, probation officer, etc. As far as stakeholder participation in most planning efforts is concerned, the greatest danger to success tends to be from a narrow cross section of court figures (e.g., judges and attorneys) dominating the process to the exclusion of other justice system workers.

Most planning efforts in trial courts are narrow in scope and concerned with internal operations—technology acquisition and implementation, caseload and workflow, judge-staff relations, etc. Although DEI issues do arise in such limited contexts, the scale of such planning efforts restricts the degree to which a court can involve stakeholders whose primary role would be to advocate for DEI interests. A good planning facilitator/coordinator will still try to elicit input regarding the concerns of marginalized stakeholder groups. Early-stage surveys and later-stage circulation of documents for commentary can be helpful in this regard. Actual DEI representation within the planning process becomes far more important and practical in larger and more comprehensive planning efforts, such as ones conducted at the state level or directly involving external stakeholder concerns such as customer service, facility accessibility, and meaningful access to the judicial process (especially for the indigent). For example, see "For First Time in History, Diverse Stakeholders to Develop Strategic Plan for Judiciary," Michigan Courts News Release, April 27, 2021, <https://www.courts.michigan.gov/news-releases/2021/april/for-first-time-in-history,-diverse-stakeholders-to-develop-strategic-plan-for-judiciary/>.

## Section 1 – Preconditions for Effective Strategic Planning

### Learning Objective

As a result of this section, participants will achieve the following main and sub-objectives:

1. Articulate the purposes and responsibilities of courts and relate them to any change initiative that a court organization might undertake.
2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

### 1.1 Definition, Importance, and Relevance of Strategic Planning

There are many definitions of strategic planning. The one we will start with is:

**Strategic Planning** is a process by which organizations identify long-term priorities and choose and act upon the optimum methods by which to resolve those priorities based upon current realities and assumptions about the future.

As the definition should indicate, strategic planning is an organizational tool and managerial competency for helping court organizations define and fulfill their missions over time. Planning should not be undertaken for its own sake but as a process to design and accomplish some intentional change—to solve a problem, to develop new or better services, to identify and accomplish necessary reforms, etc. As is explored in greater detail in Section 3, strategic planning, particularly as what experts refer to as “formalized planning,” is one of three interdependent and sequential phases in the development and implementation of strategy:

- **Strategic thinking:** synthetic, intuitive, and inductive; dealing with incomplete information;
- **Strategic decision-making:** options, choices, decisions, destinations; and
- **Strategic planning:** analytical, logical, deductive, staying on track.

There are different kinds of planning. Planning that is *strategic* needs to be distinguished from planning that is tactical, task-oriented, or operational in nature. Whereas planning that is tactical or operational tends to be limited in scale, scope, and time, strategic planning is comprehensive and long-term, if not ongoing in nature.

Although some court organizations *do* engage in comprehensive, long-term planning, most planning tends to be limited in scale or scope—focused on discrete objectives such as delay reduction, emergency preparedness, or facility design. State-level planning by an administrative office of the courts (AOC), on the other hand, tends to be aimed at the entire court system—or at least at elements common to many jurisdictions. Likewise, although some state-level planning is focused on specific issues, such as developing a system to certify problem-solving courts or improving state mental health laws, most aspects of state-level planning are comprehensive—potentially touching any and all issues that might have implications for the court system, at any court level, in any part of the state.

Strategic planning is very closely related to concepts for managing organizational change; therefore, in court organizations, strategic planning can *affect* most court competency areas (e.g., [Caseflow and Workflow](#), [Workforce Management](#), and [Budget and Fiscal Management](#))

where it does not actually *draw upon* competencies in the field of court administration (e.g., [Leadership](#), [Court Governance](#), [Accountability and Court Performance](#), etc.). As a precursor to being able to actually conduct effective strategic planning, court leaders and court organizations need not only an understanding of and ability to apply certain fundamental judicial administration concepts (enabling recognition of the aspects of court operations that might need change) but also a cultural readiness to undertake intentional organizational change.

## 1.2 Overview: Factors Affecting Strategic Planning in the Courts

### A. Relevance of Purposes and Responsibilities to Strategic Planning

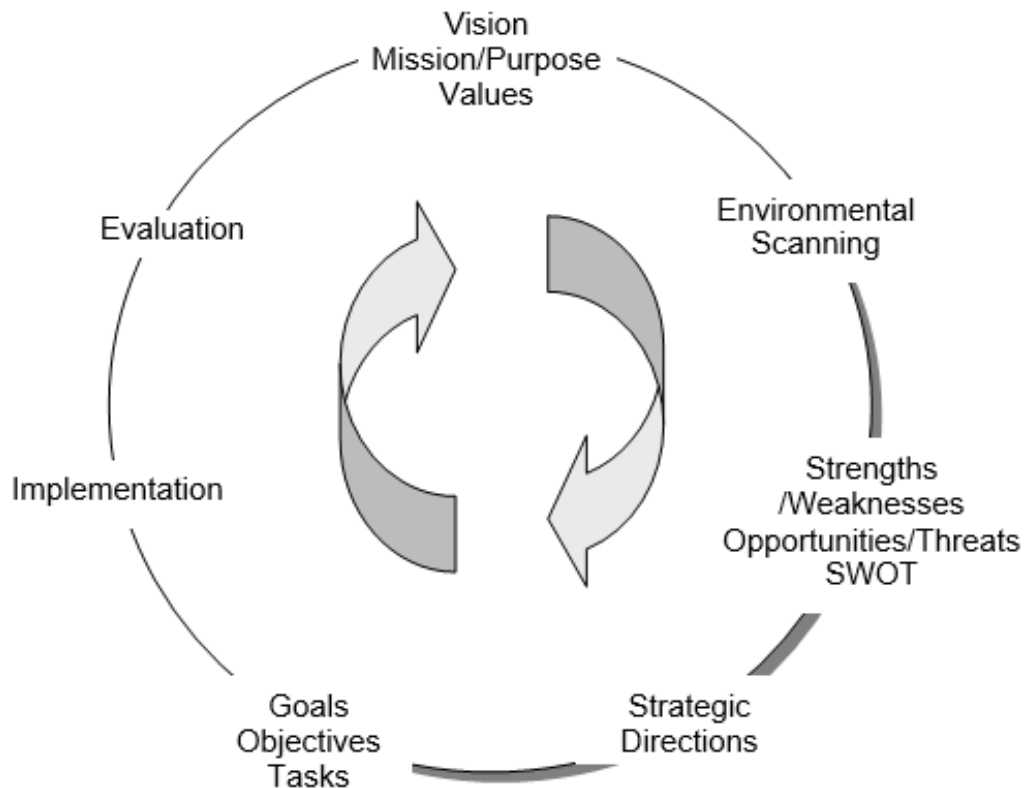
With regard to foundational concepts that not only court leaders but court organizations generally must understand for effective strategic planning, the strategic planning instructor needs to adjust course curriculum to the knowledge and understanding that participants have with respect to the fundamental purposes for which courts exist and to which all of the core competencies of court leaders relate. (For a more in-depth examination of purposes and responsibilities, a separate curriculum design is available at <http://nacmcore.org/app/uploads/Purposes-and-Responsibilities-Final.pdf>.) The instructor should seek to demonstrate the connection between the quality of the services and operational processes of court organizations and those purposes to set the context for effective strategic planning. In this context, strategic planning is a process by which court organizations can better align their daily responsibilities with the purposes of courts.

Strategic planning requires understanding of the purposes of courts and how court management delivers on the ideals of equal justice under law, due process, judicial independence, and impartiality. Strategic planning helps court leaders as well as justice and community stakeholders ensure that the future of courts and the justice system matches their enduring purposes and responsibilities. Their plans take into account alternative and current court jurisdiction, structure, and performance; case processing; and the types and numbers of cases being processed.

As was summarized in the original NACM *Core Competency Curriculum Guidelines* (CCCG):

While Purposes and Responsibilities of Courts are relevant to every court and court system, they do not automatically translate into action for any specific court or court system. When...Strategic Planning [is] employed, court leaders initiate a translation process during which they and their many court and justice system partners look back to enduring court purposes to articulate a shared preferred future for their jurisdiction. To do so, court leaders need a firm grasp of the court purposes and responsibilities as well as the structure, organization, environment, judicial processes, and performance of their court. Understanding of any particular court and court system is strengthened by knowledge of other courts and judicial processes. From this base, a distinct, preferred, and challenging future can be discerned. Absent this base, the future may merely be a glance out the rear-view mirror. The aim is a big but realistic and relevant future picture of the court's purpose and how it can work with others to deliver on the American promise of equal justice under law. Whether writ large or small, plans must take into account the court's purposes and responsibilities and it's [sic] current jurisdiction, structure, and performance including case processing; and the types and numbers of cases being processed.

**Figure 1-1: Strategic Planning Overview**



### **Activity 1-1: Purposes of Courts—Why Do Courts Exist?**

#### **B. Service Excellence and Effective Court Performance<sup>1</sup>**

Peter Drucker once said, “There are no results within the walls of an organization,” meaning that the final arbiters of an organization’s performance are the people it serves. Court organizations exist to serve the needs of the community and of specific stakeholders. These stakeholders have legitimate expectations of court organizations, which includes not only the achievement of justice but also the way court users are treated while pursuing that justice. Eventually, court leaders must ask stakeholders, “How well are we doing?” Strategic planning cannot be accomplished without this external assessment. Court organizations must institute processes of inquiry that gather the perceptions of those they serve and compare them with internal perceptions.

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<sup>1</sup> Contents adapted from slides and faculty notes from the text of the Institute for Court Management’s (ICM’s) December 2011 Faculty Guide for its course on Visioning and Strategic Planning, particularly at Slides 31 through 37.

This design document uses the terms “internal stakeholders” and “external stakeholders” to describe various actors who have an active interest in the mission, values, and outcomes of court organizations. Examples of internal stakeholders include judges, judicial officers (e.g., magistrates and commissioners), and court staff. Examples of external stakeholders include law enforcement, corrections, county and state executive agencies, the elected Clerk of Court, the health care community, and the private bar just to name a few.

Service excellence is more than smile training and customer relations training. To sustain success, the effective court focuses on four attributes:

**The Service Excellent Court**

- Strategy,
- Systems,
- People, and
- Clientele.

There are a number of potential barriers to good customer service, including:

**Barriers to Good Customer Service**

- Inadequate communication between units,
- Not rewarding employees for quality service or quality effort,
- Understaffing,
- Inadequate computer systems,
- Lack of support from other departments,
- Lack of diversity, equity, and inclusion in the workplace,
- Inadequate training in people skills,
- Low morale—no team spirit,
- Bad organizational policies and procedures, and
- Esoteric jargon.

To achieve service excellence, court organizations must avoid or overcome such conditions and make an affirmative long-term commitment to three service themes:

**Customer Service Themes**

- Managing service positively,
- Managing the client’s experience (from the client’s viewpoint), and
- Making service be the product.

These customer-focused themes become part of the organization’s strategic agenda. [See the discussions of determining the need for strategic planning in Section 2.1 of this curriculum and of identifying strategic priorities in Section 2.6.] The setting and achievement of goals consistent with these themes is what strategic planning seeks to do. But how does a court act in accordance with these themes? It begins by asking and answering questions such as:

### **Questions to Address to Improve Customer Service in Courts**

- Who are our clients?
- What is (are) their cycle(s) of service?
- What are the organization's moments of truth?
- What can employees do collectively to be more service-focused?
- What can each individual do to be more service-focused?
- How can the workforce be more reflective of the community it serves?

More specifically for individual court workers, service excellence and effective court performance are connected to such day-to-day purpose issues as:

- Caseflow management;
- Relationships with other branches and justice system stakeholders;
- Employee orientation, training, and development;
- Communications over the phone and/or online;
- Interactions at the counter and before the bar of the court; and
- Providing access to justice for self-represented litigants.

The effectiveness of court operations in such areas has implications for the purposes of courts. The efficiency and productivity of court organizations must be balanced against the ideals of due process and equal protection. Do court operations fulfill the purposes of courts? Do they meet the legitimate needs and expectations of the public whom courts serve? These questions relate directly to the fundamental priorities—the strategic issues and key result areas—toward which strategic planning efforts are aimed.

### **Activity 1-2: Causes of Dissatisfaction with the Administration of Justice**

#### **C. Measuring and Managing for Performance and Progress**

A good court leader does not make decisions based upon assumptions about how well his or her court is performing. Every organization has a tendency to assume that it is much like its peers until objective measures are applied. Then measurement forms the basis for decision-making about structures, policies, and procedures. In measuring performance, however, it is important to understand that not everything that can be measured is worth measuring, nor is everything worth measuring actually measurable. Performance measurement should focus on the things that matter—the most important things being the core purposes of courts (refer to Section I of this curriculum guide and to Section 3.2). Criteria for a good set of performance indicators include:

- Linkage to key principles;
- Balance;<sup>2</sup>

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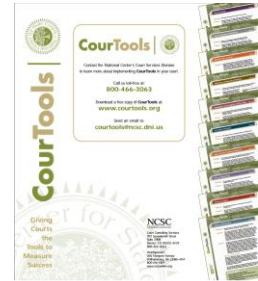
<sup>2</sup> The High Performance Court Framework promotes the concept of a balanced scorecard for performance measurement such that a court has measures for assessing effectiveness, procedural satisfaction, efficiency, and productivity. Brian Ostrom and Roger Hanson, *Achieving High Performance: A Framework for Courts* (Williamsburg: NCSC, 2010); <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1874>.



- Measurability;
- Sustainability;
- Focus on outcomes; and
- Manageability in number—i.e., a feasible, meaningful, and practical few.

A range of good performance measurement models have been developed by the National Center for State Courts and other organizations. These models include:

- **CourTools** (NCSC), [www.courttools.org](http://www.courttools.org), providing trial and appellate court performance measures;
- **Court Performance Measures in Child Abuse and Neglect Cases** (National Council of Juvenile and Family Court Judges with the NCSC and the ABA Center on Children and the Law)
  - *User's Guide*,  
<https://www.ncjrs.gov/pdffiles1/ojdp/223569.pdf>,  
and
  - *Implementation Guide*,  
<https://www.ncjrs.gov/pdffiles1/ojdp/223568.pdf>;
- **Mental Health Court Performance Measures** (NCSC),  
<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Problem-solving-courts/Mental-Health-Court-Performance-Measures.aspx>;
- **Elder Abuse Case Performance Measures** (NCSC), see the Elder Abuse Toolkit for Courts at <http://www.eldersandcourts.org/Elder-Abuse/Toolkits-for-Prosecutors-and-Courts.aspx>; and
- A range of national and state performance measures for drug courts.<sup>3</sup>



(For more information on performance measurement, see NACM's Core competency and related curriculum design, [Performance Measurement and Accountability](#).)

There are several steps in strategic planning during which decision-making can benefit from objective data about organizational performance. Most notably, these are during the initiation of the planning process (*see* Section 2.1), organizational assessment (*see* Section 2.5), and the monitoring of progress and evaluation of results (*see* Sections 2.8 and 2.9). The use of performance measures in these contexts is discussed further below.

### Activity 1-3: High Performance Court Inventory and Profile

#### *Assessing the Need or Priorities for Planning Efforts*

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<sup>3</sup> See Dawn Marie Rubio, "Performance Measurement of Drug Courts: The State of the Art," *Statewide Technical Assistance Bulletin*, Volume 6, July 2008; <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/spcts/id/171>.

When a court leader is considering whether to initiate a planning effort or what to focus on at the beginning of a planning cycle, the leader should identify the issues for which there is a compelling need for planning. One of the best ways to identify such needs is by studying objective performance data for the court organization that would engage in planning. Even when not considering an ongoing, comprehensive planning effort, court leaders may have a sense that there are areas of court operations that could be improved, possibly by a limited planning effort. Performance measurements can help pinpoint the work areas that need the greatest attention and inform leaders whether a planning effort or a less complex management intervention is called for.

Ideally, a court leader who is contemplating planning activities will already have access to a balanced array of performance data spanning several years from the ongoing use of an appropriate performance model. If not, a court organization should consider the feasibility of implementing a limited number of dependable measurement tools; these might include a few of those among the CourTools measures. For example, Measure 1, which assesses external stakeholders' satisfaction with the accessibility and fairness of the court; Measure 9, which assesses court employees' perceptions of the quality of the work environment and relations between staff and management; and one or two of the case disposition measures (Measures 2 through 5) are good candidates for informing a court and its leadership about performance areas that might be targeted in a planning effort. They can be implemented fairly quickly and provide data that is a good starting point for discussions. Over a longer planning process, a court organization might have the opportunity to conduct more than one iteration of these measures. Even if measurements cannot be taken and analyzed in time to inform considerations during Step 1, any measurements that are initiated during the timeframe of that step could still inform the organization during later stages of a planning process.

#### *Organizational Assessment—Identifying Strengths and Weaknesses*

During strategic planning, part of the comprehensive organizational assessment in Step 5 is the determination of an organization's strengths and weaknesses. The more objective information that a planning team has with which to assess the effectiveness, procedural satisfaction, efficiency, and productivity of the organization in its diverse work areas, the better it will be able to identify strategic priorities in Step 6 (see Section 2.6). Performance measurements can help to identify what court work areas are performing well or poorly. Over time, they can also indicate consistencies of performance, such as whether there are seasonal variations or whether particular changes in staff or processes affected performance. When data trends can be observed, court leaders can have a better sense of whether certain high or low performance measurements are signs of progress, problems, or anomalies. Not only can long-term performance data help in identifying a court's true strategic priorities, but they can also indicate strategies that are more or less likely to be able to address those priorities.

#### *Implementation of Strategies—Monitoring Progress and Evaluating Results*

After a court organization has selected its strategies and is planning the projects and tasks by which they will be implemented (see Section 2.8—Step 8), it needs to incorporate objective measures by which to judge whether strategies are succeeding. The simplest of these measures will be ones that determine whether tasks are accomplished by specific deadlines. More sophisticated measurements will assess other dimensions of performance such as quality and cost-effectiveness. Of course, where models of court performance already exist (e.g.,

CourTools) *and* are appropriate to a court organization's strategies, it does not have to develop its own set of measurements.

Those measurement details that are agreed upon as strategies are operationalized in Step 8 should include when measurements will be conducted (some measurements should be taken earlier or more frequently than others); who will be responsible for taking, analyzing, and reporting the measurements; and what individual or group will evaluate the measurement data to determine whether corrective action is necessary. These are the details that will govern the long-term monitoring and adjustments of strategy execution in Step 9 (see Section 2.9).

### *Effective Implementation and Evaluation*

In the context of strategic planning, the most important performance indicators are those that relate to progress in executing the plan. Data must be gathered and analyzed with respect to intended goals. Strategies must be evaluated to determine whether there is any need for course-corrections, and *then*, these results and determinations must be communicated effectively to stakeholders. Internal stakeholders should be commended where results are meeting or exceeding performance/progress goals and corrected where they are not. External stakeholders should also be informed of both successes and setbacks and about the methods the court organization intends to use to correct the latter. Such transparency in communicating the details of planning implementation is critical to demonstrate accountability and ultimately to maintain credibility and public trust and confidence.

Depending upon the size of the court organization, different individuals may be tasked with communicating to various stakeholders. In a smaller court, the presentation of results will, by necessity, fall on the judge or the clerk/court manager. Larger courts may have the luxury of teams of specialists, recognizing that some individuals may be better at organizing and analyzing data but not at presenting it. Judges or supervisors may be the best individuals to discuss results with staff, especially when they may have to adjust assignments. With external stakeholders, a public information officer might handle general public news releases, but the status and relationships of a court's top official may be called for when discussing results with local and state elected officials.

For a more in-depth examination of the assessment and management of court performance, a separate curriculum design is available at <http://nacmcore.org/app/uploads/Accountability-and-Court-Performance.pdf>.

## **Activity 1-4: Organizational Readiness for Accountability and Court Performance Assessment**

### **D. Type, Jurisdiction, and Size of the Court**

Although well-designed strategic planning processes share common characteristics, no two are exactly the same. Processes must be adapted to suit each organization. Court organizations and court personnel are different, affecting how departmental and individual job responsibilities align with court purposes. Within the same court, conditions change over time. Even a court organization that has conducted strategic planning before will not do so in exactly the same manner in subsequent iterations, even following the same steps. Judges and staff come and

go; laws and procedures change; budgets and other operating conditions vary. Good court leaders take stock of organizational characteristics when preparing for and conducting a planning initiative.

Among the differences in court characteristics that can influence planning efforts are:

- Jurisdiction, which relates to organizational purpose;
- Size, which affects resources, workloads, and the potential for specialization;
- Structure, both internally and in the context of the larger justice system;
- Central administrative authority—which influences relations between the state court administrative office and localities;
- Culture (see Section 1.2.E and Section 4); and
- The existence of distinct court clerk and court manager positions/offices.

Different characteristics impose different realities on an organization, both in terms of its planning needs and its planning capacity. Court organizations that seem similar in structure and workload may have very different values and management styles or operate in different legal or intergovernmental environments (see Section 1.2.F). Such characteristics are among the considerations that court leaders must address when determining whether and how to plan (see Section 2.1).

### **Activity 1-5: Alignment of Programs and Services with Roles, Purposes, and Objectives**

#### **E. Court Culture and Its Implications for Planning**

Instructors must be certain that students are aware of the significance of culture to both the approach to and ultimate success of strategic planning efforts. At the very least, an educational program about strategic planning should acknowledge that there are different types of court cultures and that the attributes of those culture types affect any effort to manage change within an organization. Court culture may be the single greatest factor governing a court organization's ability to conduct a strategic planning process and subsequently implement a strategic plan. A strategic plan that fails to account for a court organization's culture during the selection and implementation of strategies is likely to at least experience greater difficulties if not actual failure.

Brian J. Ostrom and Roger A. Hanson explain that:

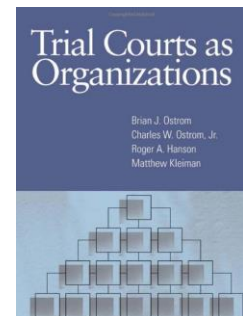
"An important management truth is that there is more than one way to get things done and done well in the workplace. There is rarely a single best way for either a private company or a public institution to organize itself to achieve high-quality outcomes for its customers. Formulating the most effective strategy for a particular workplace requires not only a good understanding of the formal structure and lines of authority, but [also]

the unwritten rules, unofficial networks and underlying norms and behaviors that shape how work gets done.”<sup>4</sup>

These informal factors in the workplace are elements of organizational culture. One may think of them as an organization’s collective personality. Organizations may have the same strategic priorities, but the strategies or mechanisms by which they choose to pursue their priorities may be distinctively different if they are aware of and understand differences in their cultures.

The seminal and still most in-depth exploration of court culture in the United States is *Trial Courts as Organizations*<sup>5</sup>. This is a resource that a course provider should strongly consider providing to participants. Court culture affects many court work areas that are associated with core competencies, and strategic planning course participants may have had some exposure to concepts of court culture in their work or in other courses.

Participants need to understand the two dimensions in which one measures court culture—solidarity and sociability—as well as the key characteristics of the four court culture archetypes and how those characteristics tend to manifest themselves in different aspects of court work. Having an understanding of these aspects of court culture are critical to assessing the strategic capacities of a court. Court culture is covered in greater depth in Section 4 of this guide.



## F. Justice System Stakeholders and the External Environment

Court organizations do not function in isolation; rather, they are part of the larger system of justice and, in the U.S., constitute one branch of a three-branch system of government. Both the system of justice and the larger system of government are characterized by interdependencies among many actors. Day-to-day court operations depend not only on the work of judges and court staff but also on the work of lawyers, law enforcement officers, correctional staff, and personnel from state and local agencies. Laws, policies, and resources that govern court activities are connected to decisions made by officials of legislative and executive branches at federal, state, and local levels of government. Although the missions and values of court organizations and external stakeholders are similar, they are never identical. They vary, as do the relationships among stakeholders and court organizations. The more significant the planning initiative that a court organization pursues, the more court leaders must consider the mission, values, and relationships of stakeholders, both internal and external.

Together, each court and its external stakeholders shape a local environment and legal culture that extend beyond and influence the court’s unique culture (see Section 1.2.E and Section 4).

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<sup>4</sup> Brian J. Ostrom and Roger A. Hanson, “Understanding and Diagnosing Court Culture,” 45 *Court Review* 104 (2009); <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1307&context=ajacourtreview> and, alternatively, [http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Understanding\\_Court\\_Culture.ashx](http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Understanding_Court_Culture.ashx) (p. 1).

<sup>5</sup> Brian J. Ostrom, Charles W. Ostrom, Jr., Roger A. Hanson, and Matthew Kleiman, *Trial Courts as Organizations* (Philadelphia: Temple University Press, 2007) [available for purchase online].

Organizational values, sense of identity/purpose, and ability to communicate and collaborate are all affected by the larger environment. Before engaging in planning efforts, court leaders must consider what individuals or organizations outside the court could influence or be affected by any changes that a planning effort might recommend. Such considerations should then inform decisions about who should be a part of the planning process and at what steps in that process. The conditions in a court's larger environment should also guide approaches to establishing expectations, securing resources, and communicating plans and results.

### **Activity 1-6: Stakeholder Relationships**

## **Section 2 – Fundamentals of an Effective Strategic Planning Process**

### Learning Objective

As a result of this section, participants will be able to:

3. Design and carry out a planning process, appropriate for one's court organization.
4. Create a strategic plan that will serve as a critical tool for achieving a preferred future.
5. Execute a process that aligns individual performance goals with the strategic plan.

This section focuses on the "nuts and bolts" of a strategic planning course—the how-to steps of strategic planning.

"Strategic planning" can be a term that both confounds and terrifies, perhaps because some consultants believe that it is in their interest to mystify the subject or maybe because we often hear of planning efforts that have had less than satisfactory results. At its core, though, strategic planning is just another process, and, if anyone can be, people in the court organization should be very familiar and comfortable with processes.

There is no one right approach to strategic planning. Organizations are different; people are different. Terminologies also vary in planning literature, such as what the differences are among "strategies," "objectives," "goals," etc. There is truth in the saying that simply carrying out a good strategic planning process is more important to an organization than any written document that the process generates. At the heart of all good strategic planning processes are key fundamental elements that include:

- Identifying the need for planning;
- Understanding the purposes of courts;
- Involving the right stakeholders;
- Working with others to create a clear vision;
- Assessing the organization's strengths and weaknesses;
- Thinking in the long-term and anticipating needs;
- Developing strategies;



- Identifying priorities and concentrating resources;
- Taking actions that reflect strategic intent;
- Mapping and monitoring implementation efforts; and
- Communicating with and motivating others.

An important principle in planning is the concept of internal alignment, which means that all thinking and action in an organization, from the broadest strategy to the most specific individual task, is aligned with the organization's purposes and values. This curriculum design also uses the term "**line of sight**" when talking about this concept. All parts of a plan should be aligned from top to bottom, and each employee should be able to understand how his or her job helps fulfill the organization's purposes and values. When workers develop an understanding of the purposes of courts and have a clear, desirable vision of what they are trying to achieve, they are better able to think in the long-term and take actions that are strategically aligned with those purposes and visions. Priority-setting is easier; workers are more likely to be on the same wavelength; and there is a stronger emotional connection to work responsibilities. In short, by enabling better strategic thinking and action, strategic planning should lead to better court performance.

## 2.1 Step 1: Initiate the Planning Process

Section 1.1 explained that there are different kinds of planning. Ultimately, all are tools for managing change but not the only change management tools available. Strategic planning is most appropriate when organizations are contemplating long-term change (commonly on the order of five years) that is expected to be complex in scale or scope but whose exact nature or direction still needs to be determined as part of the process. Before initiating strategic planning, a court organization should ask itself whether strategic planning is even the appropriate tool for exploring and achieving what the organization needs. Thereafter, assessing whether a court organization is ready to engage in strategic planning is a matter of determining the organization's capacity for undertaking a strategic planning process and ultimately implementing whatever plan is developed.

Successful strategic planning demands a certain minimum level of leadership and resources along with an organizational culture that is amenable to change (*see* Sections I.E and 4). In the absence of leadership or where there is a lack of leadership continuity, conditions for strategic planning will not be optimal. Likewise, because strategic planning requires meaningful stakeholder input and can be resource-intensive, a court facing hostile stakeholders or resource shortages may lack the cooperation or means to engage in strategic planning. Nevertheless, there may be few times when an organization is in greater *need* of strategic planning than when it is facing disruptive events. Indeed, there may not be a better opportunity in an organization for cleaning out the dead wood and reinventing that organization than in times of

organizational stress.<sup>6</sup> A court organization contemplating its readiness to engage in strategic planning might choose to use a scoring instrument such as that prepared by Brenda J. Wagenknecht-Ivey, Ph.D. (See Activity 2-1.)

### Activity 2-1: Organizational Readiness

With an understanding of the differences in types of planning and planning needs, it becomes clear that, for most practical purposes, there are few situations in which a court organization cannot and should not be able to engage in *some* level of planning. The real question becomes not *whether* to plan but simply how many issues the court organization is ready to deal with. To answer this question, it needs to consider very practical details that influence the energy, commitment, and resources that can be expected in the planning process and subsequent implementation efforts:

- For what issue(s) is there a compelling need for planning? A sense of urgency?
- Are the benefits to be gained from developing *and* implementing a plan clear?
- Do leaders/prospective participants understand what planning is *not*?
- How many staff hours can be invested in planning over a given period of time?
- Is there a willingness to change priorities and practices at the end of the process?

The simple “Checklist for Getting Started” (see **Faculty Resources**) is a useful tool for assessing readiness for a smaller-scale planning effort.

Assuming that an organization is ready for some type of planning effort, the basic steps to follow will be similar in type but not necessarily in scale.

#### **A. Get commitment from key individuals to properly conduct a strategic planning process**

Again, this is a very practical point. Planning requires a “critical mass” of involved stakeholders to be successful. One or two people cannot conduct a strategic planning process, and, if the important issues that the court organization is concerned about *could* be resolved by one or two people, then they should already have gotten the job done.

#### **B. Identify leaders and key participants (recruiting same). Include diverse stakeholders (see Step 2)—in later steps if not initially.**

Recognize that planning is resource-intensive. If it is to be undertaken, a planning process must involve a sufficient number of the right people but not so many as to make planning cumbersome or to seriously compromise ongoing operations. In recruiting leaders and participants for a planning process, courts should answer questions like the following:

Leadership:

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<sup>6</sup> As has been said by many, including Rahm Emanuel in 2008 when he was President-elect Barack Obama’s chief of staff, “Never waste a crisis.”

- Who will lead/champion/sponsor the planning process?
- Is there stability at the judicial/managerial level or is turnover possible?
- Who will be the next chief judge and is he/she supportive of the effort?
- When will this leadership switch take place in relation to the planning timetable?

#### Participation

- Who will participate?
- What accommodations will be made for them in terms of their other work?
- Who is key/critical?
- Who is preferable but not required?

##### *Example:*

Particularly in a court with juvenile and family jurisdiction, it would be wise to involve external stakeholders such as the bar, juvenile justice, law enforcement, mental health services, social services, schools, etc. Local elected officials and “consumers” might also be good additions. Even state officials might sometimes be needed to provide information and reality checks.

- If a given person will be involved, will that individual be needed at all stages or just selected ones?
- At what point will the number of participants render decision-making unwieldy?
- What decision-making role (if any) will individuals play in the planning process?
- Should subordinates have a voice in the process and, if so, how will they do so give (a) their often-narrow perspectives and (b) the possibility of them being intimidated by higher-ranking participants?

To the extent possible, beyond diversity in organizational or functional representation, embrace diversity of personal backgrounds. Strategic thinking within a planning process improves when people of different backgrounds can join to approach the same problems or questions from their differing worldviews and experiences. This interaction can provide novel insights and bring new and innovative processes and techniques to solve long-running problems or questions.

See “Possible Leaders and Key Participants” (**see Faculty Resources**).

### Helpful Tips

For comprehensive planning efforts, attorneys should make up not more than 25% of any external participants; otherwise, between the lawyers and the participants from the court(s), the planning group's composition may be overly legal and lacking in sufficient intellectual diversity. A limited planning effort might not need any external lawyers while a specialized planning effort that relates heavily to law and procedure might justify more than 25%.

Ideally, judges will make up no more than half of the *court* personnel at any planning meeting. Quasi-judicial officers, clerks, deputy clerks, and any specialized personnel (court manager/secretaries, technology specialists, etc.) should be represented in the process though not necessarily at every meeting. Ranking court officials will eventually take part in approving or disapproving of any strategic plan, but it is more important in early planning stages to get diverse input with a minimum of intimidating judicial presences.

Planning initiatives benefit from having creative people as well as those oriented to nuts-and-bolts/practical considerations.

Different planning stages require different strengths; a variety of knowledge, skills, and abilities will best serve the overall process.

### C. Lay out the planning process—Identify steps and the likely timetable

As was noted at the beginning of this section, there are common elements to all planning processes but no single right way to do strategic planning. Once court leaders have mastered this competency, they can adapt the elements to their organization's needs.

This curriculum guide works from a nine-step strategic planning process that was proposed by John Martin and Brenda Wagenknecht-Ivey. This process is fully described in a book called *Strategic Planning Mentoring Guidelines: Practical Tips for Court Leaders* (Tallahassee: Office of the Florida State Courts Administrator, 2000), <http://www.flcourts.org/core/fileparse.php/246/urlt/mentoring-guidelines.pdf>. The nature of most curricula, outside of an e-Learning format, will tend to teach the nine steps in a discrete, linear manner (see Figure 2-1). For many students, this may be the easiest way to grasp the contents; however, the more actual planning a court does, the more those involved with planning will grasp that the actual flow of these steps in practice can be back and forth. In fact, aspects of what will be taught below as Steps 4 and 5 can influence whether or how a court organization chooses to engage in planning (Step 1) and how it ultimately implements any strategies of a plan (Step 8). The point is, there can be many possible interrelationships among what is described in curricular materials as discrete steps (see Figure 2-2). Furthermore, in any organization in which strategic planning becomes institutionalized—which should be the ideal for most court organizations—planning activities become ongoing and cyclical, and one can re-initiate planning activities at any step (see Figure 2-3). Generally, the first seven steps contribute to strategy formulation while the last two steps are concerned with strategy implementation.

**Figure 2-1**

### A Nine-Step Strategic Planning Process In Linear Progression



**Figure 2-2**

A Nine-Step Strategic Planning Process Reflecting Interrelationships Among Steps

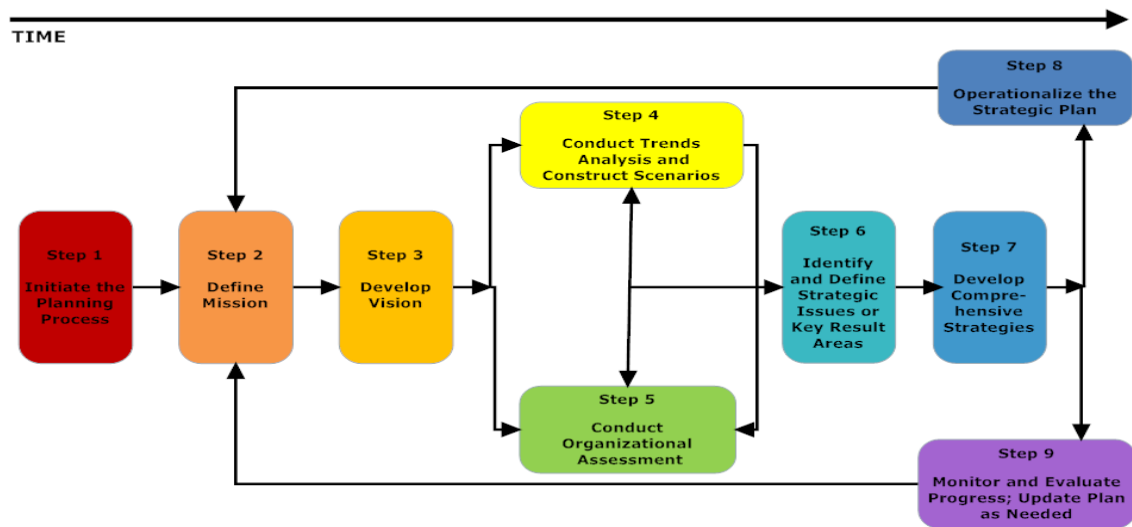
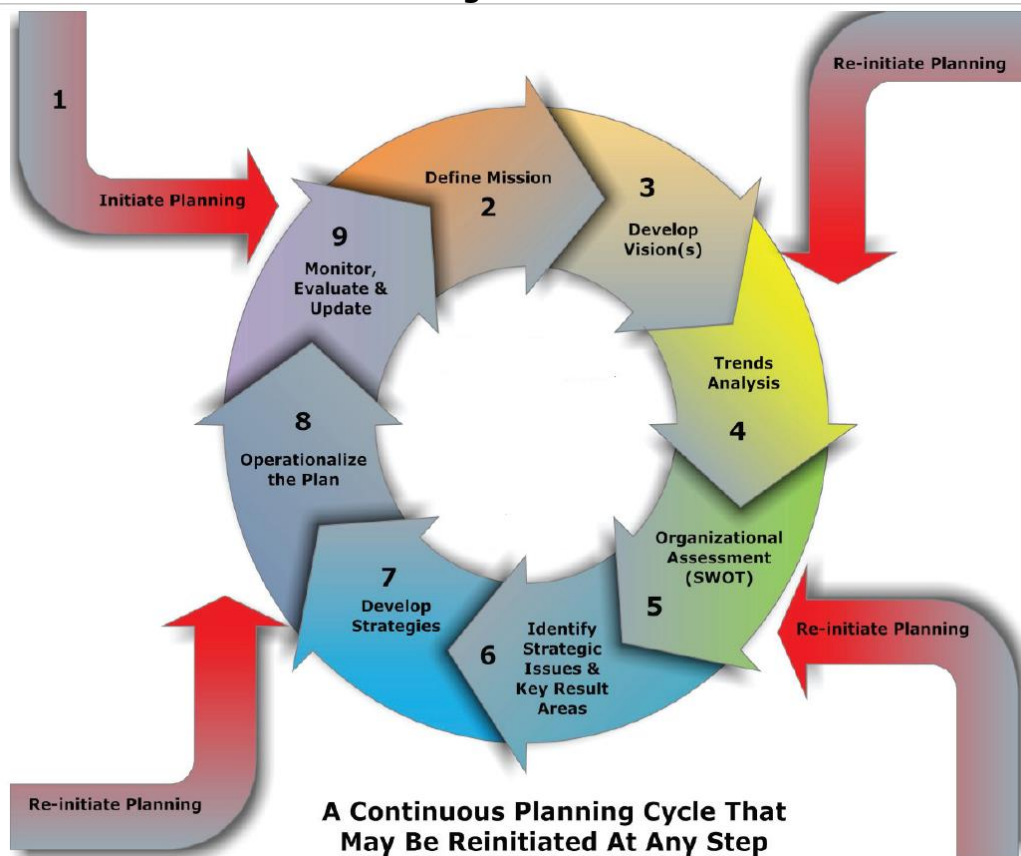


Figure 2-3



Without compromising what must be accomplished, court organizations that wish to initiate planning should adjust their planning process to the situation. Sometimes multiple steps can be handled simultaneously. Sometimes the order of steps can be rearranged, *so long as a step is not dropped altogether*. There needs to be a basic agreement about the process among the planning leaders, with some allowances for adaptation as the process unfolds. Leaders need to have a realistic assessment of the necessary time-frame for a cycle of the planning process. The amount of time needed for given steps may vary from one planning cycle to another. Trying to cut corners by not sufficiently addressing steps is one of the surest ways of ultimately wasting time.

**D. Sketch out organizational structure. Fill out committees and task groups as the process proceeds.**

If a court organization decides that a planning process is going to move forward, it needs to complete some basic organizational details at the beginning. These include some decisions about group structure and assignments, tentative meeting schedules, locations, and agendas. Some level of politics may be unavoidable; however, whether individuals will be leaders or general participants, they should be selected primarily based upon the qualities they will offer—knowledge of issues, court processes, and constituent expectations; skills in administration or facilitation; policy awareness; ability to work well with others; etc. Someone should be designated as the internal coordinator of the planning process. The court organization should



also decide whether to bring in an outside facilitator; it might benefit from consulting its state AOC or leading national organizations in the field of judicial administration.

See **Faculty Resources** for:

- “Sample Planning Timetables”
- “Strategic Planning Committees Worksheet”

### Helpful Tip

Because a court organization must continue to function while planning activities are taking place, the activities of workers who are *not* directly involved in the planning process should nevertheless be recognized as contributing to the success of the process. Acknowledge that these individuals may be handling additional workloads, facing additional short-term complaints or concerns from the public, etc. so that those who *are* taking part in the planning process can be away from their normal duties.

### E. Clearly state expectations, rules for participants, and how news will be communicated.

Information should be communicated in an orderly manner, not only to planning participants but also to both internal and external stakeholders. At the beginning, basic information should be provided about what is happening, why it is occurring, and what the short-term effects may be (e.g., delays while some staff are involved in the planning process). Other details should be released when it is appropriate, such as to get timely feedback, but not so early as to result in distracting lobbying by various interested parties. Having a designated spokesperson for the planning process can help to manage inquiries and news releases. Establishing ground rules about the confidentiality of various aspects of the process may also be in order.

For all the seeming complexity of planning steps, three principles that should guide all planning efforts are **openness**, **inclusiveness**, and **common sense**. Planning should be open to the exchange of ideas and objective data—even if they are unusual and contrary to traditionally accepted practices and expectations. Keep participation manageable, but, when in doubt, more inclusiveness of stakeholders is to be favored if it is likely to serve the goals of adding to the diversity of *substantive* ideas or to eventual buy-in with respect to planning strategies and their implementation. Use common sense when choosing among planning options—for whom to involve, when to release information, what the culture will tolerate, how much complexity is prudent in strategies, etc.

## 2.2 Step 2: Define the Mission

Steps 2 and 3 are closely related and highly value-oriented. Curricular content and class activities should closely tie these steps.

A mission statement is a statement of the purpose(s) for which an organization exists. The purposes of courts are covered in Section 1 of this curriculum guide. A mission statement is very important to court organizations as a point of reference for assessing court operations and individual responsibilities—touching back to the principles of alignment and line of sight that are referenced throughout the planning process.

Unlike a for-profit business, whose employees may really have to engage in some soul searching to figure out its mission—and for which failure to get it right may mean the demise of the business, courts have an abundance of reference points for defining their mission, identifying important institutional values, and formulating a vision. There are constitutions, statutes, rules, manuals, performance measures, court management courses, and so on to help would-be court leaders figure out what courts' formal and informal mandates are. In addition, one can conduct surveys and focus groups to get input from internal and external constituents about what their values and expectations are. One can also reference the mission statements of other court organizations. Examples include:

The mission [of the Virginia Court System] is to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions. (Entire Court System)

The mission of the [Maryland] Administrative Office of the Courts is to foster fair, efficient, timely and accessible justice for all people by: providing guidance, service, support and resources to the courts, governmental agencies, communities and individuals, providing clear and accurate information to customers and facilitating, coordinating, an implementing innovative statewide judicial branch policies and programs. (State AOC)

Pierce County District Court, as an independent and impartial branch of government, is to promote respect for the law, society, and independent rights; provide open, accessible and effective forums for dispute resolution; resolve legal matters in a just, efficient, and timely manner and assure the dignified and fair treatment of all parties. (Washington State trial court)

As one would expect, there are common themes among all these examples. The purposes of court organizations, as a whole, are fairly uniform within the United States. The examples above are long and include many values. This format is common in many older mission statements (the example from Virginia was adopted in the early 1990s). One drawback of this approach is that longer statements are harder to remember, and what people cannot remember is not likely to influence them as strongly as what they can, inhibiting line of sight and alignment. The mission and related statements from the *2010-2015 Strategic Plan* of the San Luis Obispo Superior Court<sup>7</sup> [included in Appendix B] exemplify a different approach:

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<sup>7</sup> [https://secure.slocourts.net/downloads/court\\_documents/strategic\\_plan\\_2010/Strategic\\_Plan.pdf](https://secure.slocourts.net/downloads/court_documents/strategic_plan_2010/Strategic_Plan.pdf).

**Mission**

(August 2009)

Uphold the law & provide equal justice for all.

**Vision of the Future**

(August 2009)

The Court will resolve disputes fairly, in a manner that promotes public trust and confidence. We will be innovative, efficient, and provide equal and meaningful access to justice. Judicial officers and employees will stand together with a united court culture, where all are able to achieve their very best to serve the needs of the Court and the community.

**Core Values**

(August 2009)

We will accomplish our mission and vision with

***P R I D E!***

***P***rofessionalism

***R***esponsibility

***I***ntegrity

***D***edication

***E***fficiency

Given the great degree of similarity among the purposes of court organizations, court leaders should think carefully about how unique a statement they really need. *From a practical standpoint, there is no reason for court organizations that are engaging in strategic planning to expend huge amounts of time and energy trying to come up with new ways to say what comparable institutions have already said.* For example, any court organization in Virginia already has a head start on strategic planning to the extent that the Virginia court system, as a whole, already has a mission statement. All that planners in Virginia courts need to do is determine whether they need a more specialized local mission statement, aligned with the overall mission, with which local employees and stakeholders can better identify.

Court leaders should ask themselves what would work best for their organizations as a point of reference for organizational alignment.

The following tasks are recommended for Step 2:

**A. Review any state Judicial Branch mission statement and strategic plan for statements of purpose. Local court organizations should also look to any mission statements of peer bodies.**

Organizational planning efforts should always study any existing mission statement(s) that is (are) directly applicable to the organization to determine whether anything needs to be updated, perhaps based upon a significant new mandate. Usually, no change will be needed. Mission statements are long-term, and few of the core purposes of courts have changed in 200+ years of U.S. jurisprudence. Mission statements of peer institutions can also provide guidance. One state judiciary might study the mission statement of another state's judiciary. A court organization might study other judicial branch mission statements from within its state.

**B. Determine whether the organization needs a new or distinct mission statement (such as for a local trial court, supplemental to any for the Judicial Branch as a whole).**

**1. If so, decide whether this mission should be defined at the beginning of the process or can wait until a later time.**

The need for a local mission statement at the beginning of the process may not be critical if there is a good awareness of any larger Judicial Branch mission. What the mission is may not be immediately apparent or easily distilled into a concise statement. If initial efforts prove too difficult, they must not be allowed to derail the planning process. A working understanding of the organization's purposes, values, and organizational direction can be sufficient to move forward with the planning process, and the identification or expression of the mission may become easier as the process moves forward.

**2. If a smaller court organization decides there will be no local mission statement, proceed through Task D to identify and record the key values, guiding principles, etc. of your organization that will inform the planning process.**

**C. Identify internal and external stakeholders.**

See "Local Stakeholders Worksheet" in the **Faculty Resources** and compare with "Possible Leaders and Key Participants."

Depending upon the scale and scope of the planning effort, the process may benefit from having representatives from some of these stakeholders on the planning team.

**D. Gather feedback regarding the court organization's purpose and stakeholder values and expectations via suggestion boxes, surveys (telephone, online, or exit), focus groups, etc.**

Ideally, court organizations would regularly gather such information. This would give them ongoing feedback about their operations that would already be available at the start of a planning process. The more information a planning committee already has, the less chance it will need to delay the planning process to collect needed data. Considerations may include:

- What are the organization's formal and informal mandates? Get stakeholder input in addition to doing legal research.
  - What statutory requirements (e.g., deadlines) apply to court operations?

- What is the **purpose** of *this* organization (if a subordinate entity of the Judicial Branch), within the scope of the larger Judicial Branch mission?
- What relevant answers or data are already available?
- What are the reasonable and appropriate expectations of stakeholders and customers?
- Who needs information or assistance from the court organization? How can/must it be provided?
- How scientific an instrument is necessary to get reliable, actionable data?
- Do the time or resources of the planning process allow for small group exercises? If not, perhaps developing an initial set of information internally and then disseminating it to stakeholders with a period of comment might be helpful.

See "Sample Form for a Suggestion Box," in the **Faculty Resources**, and various performance measurement tools such as CourTools Measure 1 ([Access and Fairness](#)); review *The Public as Partners: Incorporating Consumer Research into Strategic Planning for Courts* (Judicial Council of Virginia, 1994), [www.courts.state.va.us/courtadmin/aoc/judpln/reports/the\\_public\\_as\\_partners.pdf](http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/the_public_as_partners.pdf). Many easy-to-use online survey tools can be accessed at little cost and quickly deployed among various stakeholders.

**[If there will be no mission statement or one will be composed later, a planning group could begin Step 3.]**

**Helpful Tip**

Expect the number and involvement of participants to vary among stakeholder groups. In comprehensive planning efforts, avoid disproportionate participation by court personnel and of judges among the court personnel.

**E. Evaluate feedback. Fashion a statement of purpose/role/reason for being that is specific to the court organization. Check for alignment with any Judicial Branch Mission.**

If the wording isn't coming easily but there is agreement about the general principles, do not waste time crafting a formal statement. Record the key principles/values on which there is agreement if there will be no formal statement going into the next step.

Any significant editing should be done by a subcommittee, not in a large group.

What are the elements of a good mission statement? To begin with, a good mission statement should:

- Include the organization's primary mandates,
- Recognize the reasonable needs and expectations of stakeholder and customers,
- Answer why the organization exists, including the questions:
  - Whom does the organization serve?

- By doing what?
- How should it do so?
- Be implementable.

At the same time, a mission statement should be as clear and brief as possible (note that many existing court mission statements might not meet this standard of brevity). Fuzziness does not provide people the line of site that organizations need.

How is a mission statement different from a vision statement? A **mission** is a long-term truth that applies now and into the foreseeable future. Court purposes and mandates change little over time. A **vision**, however, is a description of a desired future that has not yet come into being. For more on visions, see Step 3.

## Activity 2-2: Mission Template Exercise

### 2.3 Step 3: Develop Vision(s)

Although a mission statement is intended to summarize the purpose of an organization, it is not uncommon for individuals within the organization to have a hard time grasping its meaning or relating it to what they do. By itself, a mission statement can simply be uninspiring or hard to follow even when it is appropriate to the organization. To clarify the mission and help inspire workers, many organizations develop a vision or visions that express values or otherwise describe what the organization should be like—in the future, if not now—when it is successfully fulfilling its mission.

The eventual development of a shared local vision is arguably more important than the development of a local mission statement. People who promote visions and values are often dismissed as being impractical. Skeptics often put visionaries down as “dreamers” and scoff at “touchy-feely” emotional talk about values. But history demonstrates again and again that visions and values matter—and matter greatly. Whether we are talking about great human achievements in engineering or science—such as powered flight or a vaccine for polio—or in government itself, visions have undeniable power. Consider these visionary statements:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights... [*Declaration of Independence*.]

...[T]his nation, under God, shall have a new birth of freedom – and... government of the people, by the people, for the people, shall not perish from the earth. [Lincoln’s *Gettysburg Address*]

I have a dream that one day this nation will rise up and live out the true meaning of its creed. [Martin Luther King, Jr.’s “I have a dream” speech]

One could certainly have challenged the reality of these visions when they were first voiced and maybe today as well, but think of the achievements and heroic ongoing struggles that we now associate with those statements.



Visions are important and have power to the extent that they exert an *emotional force* on who we are and what we do. *Logic may persuade, but it has insufficient power to sustain us in the face of adversity.* This is essentially the point made by Oswald Chambers, an early 20<sup>th</sup> Century theologian who said:

"We lose interest and give up when we have no vision, no encouragement, and no improvement, but only experience our everyday life with its trivial tasks."<sup>8</sup>

Consider the lot of many court clerical staff. They are often underpaid and assigned repetitive tasks the importance of which is not immediately clear to them in terms of the court's mission and vision. People thrive on a sense of higher calling and suffer without it—an insight that has been recognized in wisdom literature for millennia, as exemplified in such quotations as:

To the person who does not know where he wants to go, there is no favorable wind.  
—Seneca, Rome, 1<sup>st</sup> Century CE

Dissatisfaction and discouragement are not caused by the absence of things but the absence of vision.

—Anonymous

Where there is no vision, the people perish....

—*Proverbs* 29:18, King James Version<sup>9</sup>

A good vision promotes worker engagement.

So how does a court organization go about fashioning a good vision?

- A. Consider any Judicial Branch mission, any local court mission statements, any prior court or governmental vision statements, and the important local stakeholder values and expectations that have been identified.**

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<sup>8</sup> From the devotional entry for March 6 in Oswald Chamber's *My Utmost for His Highest* (updated language), <https://utmost.org/taking-the-next-step/>. The devotional readings in the book were selected from lectures and sermons that he gave between 1910 and his death in 1917. The book was first published in 1927. Chamber's complete works can be found online at [http://cdn.rbc.org/dhp/ebook/Complete-Works-Oswald-Chambers\\_FV162.pdf](http://cdn.rbc.org/dhp/ebook/Complete-Works-Oswald-Chambers_FV162.pdf).

<sup>9</sup> A more modern Biblical translation (Revised Standard Version) phrases the passage this way:

*Where there is no prophecy*

(i.e., where no one talks about the good or ill that may come),

*the people cast off restraint*

(i.e., they aren't guided by thoughts about the consequences of what they do or of what is going on in the world).

Start from the purposes and values that the organization should have explored in Step 2. These “truths” constitute a foundation or anchor point for a vision.

**B. Identify the ideal characteristics a court should have, in terms of personnel, procedures, working conditions, case results, etc., to fulfill its mission.  
(See Optional Activity 2-2a below.)**

The planning team needs to imagine what the ideal court organization would look like. What organization would the planning team want to create if it were starting from scratch without resource limitations? Initial ideas may be diverse and not necessarily consistent—that can actually be good; however, the final vision or vision statements adopted by the court organization *should* be mutually consistent as well as consistent with the mission.

It may take a while for a clear local vision to develop, at least in a final form; an evolutionary approach is okay in the context of an *ongoing* (cyclical) planning process. An early “working vision” may still be helpful if it can establish the appropriate dynamic tension between present conditions and ones that people will be willing to strive for.

**Optional Activity 2-2a: Developing a Vision**

**C. Fashion an inspirational and challenging “picture” describing this ideal court.**

As when working on a mission statement in Step 2, a planning team should avoid getting bogged down trying to fashion a perfect statement of the vision. It should at least capture key, agreed-upon values and conditions that can be worked toward and that are not in conflict with the mission. If the planning effort is a limited one—focusing on one or a limited number of specific issues—then a single, simple statement may be more than sufficient for a vision.

A good vision statement should describe the organization’s preferred future (see Step 4 for discussion of alternative futures). As John P. Kotter, an authority on leadership and change, explains, an effective vision will have the following characteristics:

- *Imaginable*: Conveys a picture of what the future will look like
- *Desirable*: Appeals to the long-term interests of employees, customers, stockholders, and others who have a stake in the enterprise
- *Feasible*: Comprises realistic, attainable goals
- *Focused*: Is clear enough to provide guidance in decision-making
- *Flexible*: Is general enough to allow individual initiative and alternative responses in light of changing conditions
- *Communicable*: Is easy to communicate; can be successfully explained within five minutes.<sup>10</sup>

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<sup>10</sup> John P. Kotter, *Leading Change* (Boston: Harvard Business School Press, 1996), pp. 71-72.

## Activity 2-3: Vision Template

### Observation:

"Dreamers" (creative rather than analytical thinkers) are valuable in this phase of strategic planning. There may not be (m)any among a court's personnel. The more extensive the planning objectives and the more time that will be devoted to the planning process, the greater the need will be for creative minds.

When strategic planning is being conducted to reinvent or reinvigorate an organization, the planners should always dream big. Court planners need to be audacious, not the usually reserved folks one associates with a court institution! They need to get *way* outside their comfort zones—the proverbial box. Challenge each team member to come up with the most outrageous—but generally positive—vision of the organization's future.

### Helpful Tip

People can learn to think creatively when given the opportunity. Practice and acceptance of novel ideas help to reduce inhibitions within traditionally conservative court cultures. The best opportunity to improve visioning efforts comes in organizations that make planning activities a regular part of their ongoing operations. For more on the topic of cultivating creativity, see the article "[Learn How to Think Different\(ly\)](http://blogs.hbr.org/cs/2011/09/begin_to_think_differently.html)," by Jeff Dyer and Hal Gregerson, [http://blogs.hbr.org/cs/2011/09/begin\\_to\\_think\\_differently.html](http://blogs.hbr.org/cs/2011/09/begin_to_think_differently.html).

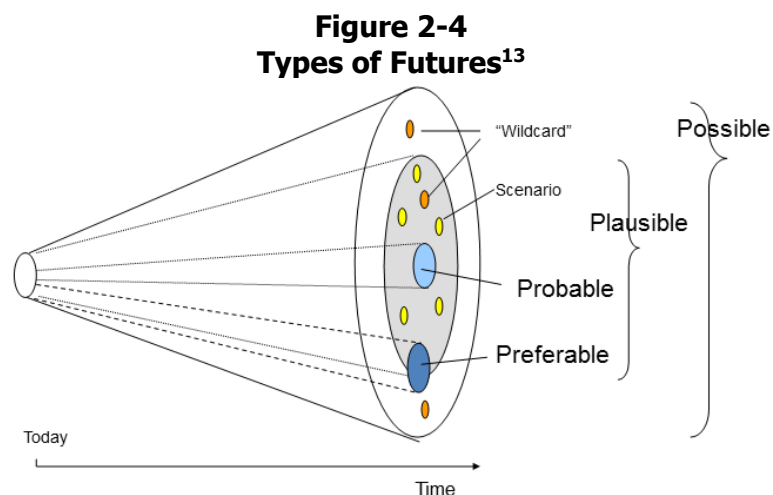
## Values

As exemplified in the *2010-2015 Strategic Plan* of the San Luis Obispo Superior Court, a good strategic plan will often include a statement of organizational values in addition to mission and vision statements. The values statement frequently speaks to the character of the organization, prescribing individual and organizational behavior. It is performance-oriented such that its components are measurable. If the mission and vision deal with the "what" and "why" of an organization's existence, the values statement answers the "how"—the right way of doing things. The values statement should be clear and simple.

## 2.4 Step 4: Conduct Trends Analysis and Construct Scenarios

Step 4, along with Step 5, is intended to help a court organization assess the conditions in which it is currently operating and make the best possible projections regarding what future operating conditions will be. Findings from these steps should strongly influence what is determined in Steps 6 and 7. Step 4 falls within the field of knowledge called "futures research" or "futures studies." The step is intended to identify the nature, magnitude, and sources of potential trends, generally over the next ten years, as well as the implications those trends might have for the structure, organization, and operations of courts.

Futures research is closely related to the principles of strategic thinking and foresight capability that are discussed in Section 5 of this curriculum guide. The results of futures research can also be influential in shaping organizational vision (Step 3 above) and implementation of strategies (Step 8 below). An important concept to understand in this step is that there are multiple possible futures. From the time in the present when planning is occurring, any one of a multitude of possible future scenarios may come to pass depending upon decisions that are made and other intervening events. Some futures are more likely or plausible than others. Some are more desirable than others. In some future scenarios, the organization might not face significant change; in others, changes to the organization could be significant, for good or ill. Scenarios that are unlikely but could be highly influential if they came to pass are referred to as “wildcards” or “black swans.” The central element of futures activity is to extrapolate and express possible outcomes/futures (“scenarios”) based upon observed patterns of change over time (“trends”). Expressed scenarios are assessed as to their probability and desirability, influencing subsequent courses of action.<sup>11</sup> As Olaf Helmer says, “The planning process involves the discovery, if not the invention, of possible futures; the sifting of possible futures as to feasibility; and the examining of feasible futures as to desirability.”<sup>12</sup> The objective of Step 4, therefore, is to contemplate a range of possible futures and choose the preferred future that the court organization believes it should try to bring about. See Figure 2-4.



<sup>11</sup> Wendy L. Schultz, Clement Bezold, and Beatrice P. Monahan, *Reinventing Courts for the 21<sup>st</sup> Century: Designing a Vision Process—A Guidebook to Visioning and Futures Thinking within the Court System* (Williamsburg: National Center for State Courts, 1993), pp. 13-14; <https://ncsc.contentdm.oclc.org/digital/collection/ctadmin/id/15/>.

<sup>12</sup> Olaf Helmer, *Looking Forward: A Guide to Futures Research* (Beverly Hills, CA: Sage Publications, 1983), p. 194.

<sup>13</sup> Maree Conway, “Campus Design for the Future,” presentation to the Institute of Technology and Polytechnics New Zealand, Wellington, 2005, Slide 18; <http://www.slideshare.net/mkconway/campus-design-of-the-future>. For more information regarding the origins and use of the “futures cone,” see Joseph Voros, “The Futures Cone, Use and History,” The Voroscope, February 24, 2017; <https://thevoroscope.com/2017/02/24/the-futures-cone-use-and-history/>.

The scope and scale of effort in Step 4 should be appropriate to that of the planning effort. Under no circumstances should trends identification and analysis be limited exclusively to developments within one's own court. Areas in which trends should be explored include:

- Society
- Demographics
- Economics
- Technology
- Policy
- Politics
- Industry
- Justice Systems

As with Step 2, Step 4 is one in which a court organization can sometimes save significant time because other organizations already conduct state and national trends research to gather and analyze much of the information that a court would need. At the national level, the NCSC ([www.ncsc.org](http://www.ncsc.org)), has many collections of relevant court data as well as an annual report on trends in state courts. The Bureau of Justice Statistics, the Bureau of Labor Statistics, the Census Bureau, and the Federal Reserve are just a few of the national agencies whose research can inform a court planning effort. Many state government bodies, including AOCs, may have relevant information; some AOCs have staff specifically devoted to planning-related efforts, including futures research. Universities and organizations focused on niches in business and the sciences can also be helpful. For a smaller entity (e.g., a smaller municipal court), the remaining information that a planning effort might need—most likely related to locality-specific trends—can often be provided by a municipal planning department or local chamber of commerce.

For the decision maker in a planning context, realistic expectations are important to understanding the value of futures research. In the private sector, planning may be either short-range or long-range, depending upon whether short-term profits or long-term viability is the aim. In the short-range context, futures research is less significant. However, for reasons of sluggishness and scale, public sector planning is almost always long-range. Governmental decision-making processes generally require long periods of time to effect change, and public decisions tend to affect so many areas that conditions in at least some of them will have altered between the formation and realization of plans for change.<sup>14</sup> An improved capacity to think about future conditions can improve the quality of complex governmental planning decisions. In this context, the value of futures research, and long-range forecasting in particular, "should not be judged by the degree of uncertainty it conveys but by the degree to which it is capable of differentiating between unnecessary and unavoidable uncertainty."<sup>15</sup> Getting officials and legal minds affiliated with the justice system to tolerate uncertainty and indulge futuristic "fantasies" may be a challenge in planning efforts.

The following tasks are recommended for Step 4:

- A. Consider what conditions or developments may affect the long-term fulfillment of the organization's mission and the realization of its vision(s).**

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<sup>14</sup> Helmer, p.196.

<sup>15</sup> *Id.* at 123.

What will be the nature, magnitude, and sources of demands that court organizations and other justice system stakeholders will face over the next decade and beyond?

What inventions could make work easier?

What occurrences could make it harder?

**B. Gather information about various trends and “wild cards” that could shape the court’s future.**

What trends may affect the court organization’s workload, workforce, legal procedures, service practices, etc.? Planning considerations should be very broad, touching many fields. The majority of planning time should focus on what is most plausible. Some time, however, should be devoted to “wild cards.” What developments, *while not likely*, are still realistically possible and would have a significant effect if they came true? For example, what radical technological advances are *conceivable* in five to ten years? What misfortunes?

**C. Discuss the possible implications of various trends and “wild cards”.**

For all of the trend areas, the planning committee(s) should ask “If \_\_\_\_ happens, how might court organizations be affected? How would they have to respond?”

**D. Conduct scenario exercises—worst case, *status quo*, and optimistic.**

Construct possible scenarios compiled from the aggregation of various possible trend developments—e.g., worst case; *status quo*, and optimum scenarios. Develop stories to explain how current trends might lead to each future scenario. Which scenario is most plausible? Which is the most desirable?

For more information about how one might conduct a scenario exercise, please refer to “Exercise: Scenario Planning” by Professors Paul Miesing and Raymond K. Van Ness of the School of Business at the State University of New York at Albany, <http://www.albany.edu/~pm157/research/Exercise-Scenario%20Planning.pdf>.

Possible small group assignments in Step 4 of a planning process:

For comprehensive planning, the court organization should consider assembling multiple focus groups to discuss possible implications of different trends or of forecasting themes for court structure, organization, and operations. A focus group might consist of one or more experts plus a diverse group of internal and external stakeholders for a total of 10 to 15 persons. Each focus group might outline various scenarios in whatever depth time allows. Planning staff or team members could finalize these later, if desirable.

In the alternative, a single, large group of experts and stakeholders might be assembled and then divided into small groups for exploring different trends. The small groups would discuss trends and implications and report to a committee of the whole. After reporting, small groups would reform to develop several scenarios. In turn, these scenarios would be shared with the whole. If using a facilitator, that person might summarize the trend and scenario information for the next planning meeting.

What opportunities or threats are presented by trends and the most plausible scenarios? Consider them in light of the organizational assessment in Step 5.

## **Activity 2-4: Trends and Scenarios Template**

### **2.5 Step 5: Conduct an Organizational Assessment**

Considerations associated with an organizational assessment in Step 5 should overlap the introspective evaluations that are undertaken in Step 1 (Assessing Readiness). A variety of organizational self-assessment tools are available for free on the Internet. Among the most relevant for court organizations are the trial and appellate court performance measures of the National Center for State Courts' **CourTools** -- <http://www.courttools.org/>. Other performance measures are available for appellate courts, problem-solving courts, courts handling cases involving child abuse and neglect, etc. An organization should review these for the measures that are most relevant to its planning activities. Ideally, court organizations will already be using such tools on a regular basis.

Some self-assessment efforts will be easier to complete than others. Realistically, a court organization that is not already measuring its performance may not have time to conduct all of the performance assessments that might be useful within the schedule of a finite strategy formulation effort; however, such assessments can still be useful during strategy implementation, particularly in Step 9. Therefore, the sooner that a reliable performance measurement regimen can be started, the better.

When any self-assessment exercises in Step 5 have been completed, the planning team should discuss the assessment findings frankly and get feedback about them from various stakeholders. *In particular, the planning team should be focused on how the strengths and weaknesses of the court organization relate to the opportunities and threats that it faces, referring to what was learned in Step 4.* If there is not a candid acceptance of the court's current status, then efforts involving the next steps will likely be compromised. Six areas of inquiry that should be explored with stakeholders (judges, staff, attorneys, law enforcement, service agencies, community groups, etc.) are:

1. Past accomplishments,
2. Current strengths,
3. Current weaknesses,
4. What the organization should stop doing,
5. What the organization should start doing, and
6. What future accomplishments the organization should strive to achieve

By keeping the same basic template with all stakeholders, a court organization can simplify its analysis and its ability to compare and contrast perceptions among groups. Perceptions specifically concerning areas two and three can help identify a foundation on which the court organization can build. If there are court operations that can be discontinued, it could free resources that might be used to implement the strategies of the plan.



Some state AOCs may have staff that can assist with court assessments. If court organizations have the resources, they may wish to obtain evaluative assistance from individuals or organizations that specialize in the field of judicial administration, such as the Justice Management Institute or National Center for State Courts. Local institutions of higher education may be able to provide some assistance with the collection and analysis of certain types of data relevant to self-assessment, such as financial administration, human resources management, technological capabilities, and customer service.

Recommended tasks for Step 5 include:

**A. Consider the court organization's capacity now and in the future to deal effectively with current and likely future trends, fulfill its mission, and achieve or move toward its vision.**

Evaluate the court organization's ability to perform the core functions of its mission. Identify the magnitude and predictability of available resources, such as staff, facilities, technology, and programs. Examine its basic structure, including division of labor, decision-making practices, formal and informal communication structures, and the availability and use of data. Consider rules, policies, and procedures, including time and performance standards, personnel procedures, and administrative procedures.

Beyond these facts, what aspects of human behavior and organizational culture should be considered? What are the general attitudes and expectations of court staff, including their work habits, management and leadership practices, their level of performance and productivity, and their tolerance for change?

**B. Conduct an internal Strengths, Weaknesses, Opportunities, & Threats (SWOT) analysis, gathering input from judges, staff, and other internal and external stakeholders.**

What are your court organization's strengths? Weaknesses?

What opportunities or threats/challenges is it currently facing or likely to experience in the near future? How might they be exploited or mitigated?

What are the options for gathering input include focus groups, surveys, and interviews?

## **Activity 2-5: Organizational Assessment Template**

### **2.6 Step 6: Prioritization--Identify and Describe Strategic Issues and Key Result Areas**

By the time a court organization begins Step 6, the strategic planning team should have a good grasp of the mission and preferred vision of the future. The team should have developed a clear and reliable picture of the court's present condition (confirming or correcting initial impressions from when the decision to conduct strategic planning was made) and gained a meaningful understanding of conditions that are likely to affect the court in the future. Now, the team must distill these elements to identify the critical targets for the plan that it will

create—making this perhaps the most difficult and essential step of a strategic planning process.

A small-scale planning effort may be initiated for the purpose of addressing a predetermined priority, such as designing a new court facility or determining how to reduce delay in case processing; in such situations, planning helps the organization understand *what* is needed to realize the objective (especially in Step 6) and *how* to meet those needs (Steps 7 and 8). In a more comprehensive strategic planning effort, one reason for the first six steps of the planning process is to just to determine what the organization's highest priorities—its strategic priorities—*should* be, at least over the next five years or so if not beyond.

### Caution

These final steps are ones in which confusion can arise due to inconsistent uses of terminology, e.g., "strategies," "goals," and "objectives." Conceptually, what one needs to understand is that Steps 6 and 7 involve identifying a few major, long-term priorities for the court organization and then, in a process that continues into Steps 8 and 9, identifying more and more specifically how and when, over shorter increments of time, the court organization will address those priorities. Planning details will flow from broad and general to narrow and specific and from few to many.

In the *Strategic Planning Mentoring Guidelines*, Martin and Wagenknecht-Ivey identify two categories of strategic priorities that must be considered in Step 6. One category they call "Strategic Issues" and the other "Key Result Areas." The **Strategic Issues** are the major *problem-centered* priority themes that come to light from studying findings from Steps 4 and 5. Examples of strategic issues include:

- Increase in self-represented litigants
- Unequal treatment of customers
- Inadequate security
- Overcrowded facilities
- Low level of public trust and confidence
- Access to Justice
- Expedition and Timeliness
- Equality, Fairness, and Integrity
- Staff turnover
- Inefficient jury services
- Inadequate training and education
- Changing technology and electronic court business
- Independence and Accountability
- Public Trust and Confidence

Although all of these performance areas are of ongoing importance in court organizations, not every one—if any—will rise to the level of a KRA in strategic planning contexts. Generally, the performance areas in which the organization feels that the most change is needed (e.g., to address opportunities or threats) are the KRAs.

To identify the court organization's strategic priorities, it needs to draw on what it has learned from the various steps of the planning process, including lessons from monitoring the implementation of any prior planning efforts. To pinpoint strategic issues, the planning team should ask questions such as:

- What are the major problems the court organization will face over the long-term?
- What are the internal or external issues that are fundamentally important to the court organization?
- What convergence of trends, policy choices, and underlying conditions and tensions are most likely to affect the court's mission and vision?

This process of questioning should initially generate a list of challenges or problems on different topics with varying degrees of severity. The planning team must then look for relationships or themes among the listings that may indicate strategic issues (e.g., an unstable human resources situation exemplified by low morale, high turnover, poor customer service, etc.). A strategic issue would be the underlying situation of which many other problems are merely symptoms.

Turning to the court organization's performance areas, the planning team must also determine whether any require special attention over the long term to ensure success. Are there internal or external factors that are fundamental to the organization (e.g., fairness and public trust and confidence)? Is there a key area that will frame its basic, long-term direction? Are there converging trends that may affect its mission and vision (e.g., income disparities, the expense of litigation, private judging alternatives such as arbitration, excessive politicization of judicial selection, and hostility of state or local officials to the court system)? Any area(s) that stand out are likely to be key result areas. Examples in addition to those from the TCPS include:

- Employee Satisfaction
- Financial performance
- Accuracy of information
- Safeguarding rights
- Managing and preserving records

As has already been noted above, a limited planning effort may already have a single, predetermined priority. However, in a strategic planning process that seeks to identify organizational priorities, Step 6 needs to produce a manageable list upon which the court organization can focus. Optimally, this list will have three to five strategic priorities. A planning effort that produces a list of more than seven strategic priorities is one in which the planning team has exercised insufficient discipline. An exceedingly long list of priorities increases the risk that resources and focus will be too diluted to achieve the strategic objectives. The planning team must decide which priorities are of greatest importance and reject, postpone, or consolidate candidates until a manageable list is attained. The team must then analyze each chosen priority before proceeding to goals, strategies, and more specific details in Step 7.

The suggested tasks for Step 6 are:

**A. In light of the court organization's *status quo* (determined by the organizational analysis in Step 5) and the likely conditions that will apply in the court's future (as explored in Step 4), identify the strategic issues and/or key result areas that must be addressed for the court to fulfill its mission and achieve its vision(s).**

1. What are the fundamental issues that have shaped the basic mission, values, and activities of the court and can affect its future ability to fulfill its mission and achieve its vision(s)?
  - What were the most important findings in the planning team's review of organizational mission and visions in Steps 2 and 3?
  - How do the court organization's values relate to the findings in Steps 4 and 5? That is, what internal and external forces affect how well the court organization accomplishes its most important operations?
2. What are the court organization's critical, must achieve, make-or-break performance categories?  
What would be the key indicators of success with respect to the court organization's mission and vision(s)?  
What are the major areas that the court must focus on over the long term to ensure success? E.g.:
  - Delay reduction
  - Access to justice
  - Fairness
  - Employee satisfaction
  - Financial performance
  - Customer satisfaction

**Bottom line: What is it that the court organization *most* wants this strategic planning effort to help it do?**

**B. Narrow the list of strategic issues or key result areas.**

In a comprehensive strategic planning effort, there should ultimately be three to five priorities—optimally, no more. For a narrower strategic planning effort, there should be only one or two. [Note that this task of narrowing the list of strategic issues or key result areas is generally a large group exercise for the planning committee.]

A final list might be like that in Figure 2-5, below.

**Figure 2-5  
Sample Priority List**

- |           |                                      |
|-----------|--------------------------------------|
| <b>P1</b> | <b>Access to Justice</b>             |
| <b>P2</b> | <b>Delay Reduction</b>               |
| <b>P3</b> | <b>Customer Service</b>              |
| <b>P4</b> | <b>Collection of Fines and Costs</b> |

## **P5 Judge-Staff Relations**

### **C. Develop detailed summaries describing why each issue or area is fundamentally important to the organization. These summaries should “take apart” each issue or area so that its various components or parts can be recognized.**

- Do not start this process until the planning committee has reached agreement in 6B.
- What is “the nature of the problem” or “the importance of the area”?  
[This task is commonly a small group exercise. Each subgroup of the planning committee may work on all the issues/areas. The leader/facilitator should take the results and summarize them for the next step.]

For a description to be adequate it should:

- Phrase the issue as a challenge that the organization can do something about and for which there is more than one solution;
- Discuss the confluence of factors that make the issue “strategic”; and
- Articulate the consequences of not addressing the issue.

#### **Observation:**

The more comprehensive and truly strategic the planning effort, the more fundamental and long-term the strategic issues or key result areas are likely to be. While long-term strategic issues and key result areas may not be as enduring as the court’s mission and vision(s), they still may change little over several planning cycles. In such circumstances, the strategies that are formulated in Step 7 must be similarly long-term in nature, and the aims and achievements of any single planning cycle are likely to involve only incremental progress.

Conversely, the issues and key result areas of a limited scope planning effort will be more transitory in nature. While they may persist beyond the timeframe of a single plan, the court should be able to foresee a point at which they will be fully resolved.

### **Observation—Participant “Awakenings” and “Conversions:”**

If some individuals don't get uncomfortable during the assessment of strengths and weaknesses in Step 5, then Step 6 may be the point where situations change. Step 6 often marks the point at which the planning process stops being an “exercise” and starts getting “real” ... and personal. For each issue or result area, the participants can begin to perceive implications for operational areas and stakeholders. There are likely to be conflicting perceptions of what should be done and why, how it will be done and when, where, and by whom.

Arguably, conflict and reservations may have been simmering throughout earlier steps of any planning process, some more obvious than others, but Step 6 represents the point at which the planning team is seriously identifying areas where action must occur. Action means real change. Change can be threatening to those who are averse to risk or who feel that they will be net losers if the status quo is altered. These feelings may have existed for some time, but until Step 6, a participant may have been in denial or engaged in less apparent efforts to protect some interest or undermine the process.

Not all “awakenings” during the planning process are going to be bad. Some very important participants may not have taken the planning process seriously earlier but become converts to the cause along the way. A skilled planning leader/facilitator will be watching for these shifts. Some conflicts and shifts may require a pause in the planning process and a re-visitation of some of the earlier steps. Build such possibilities into your timetable.

As a result of revisiting earlier steps, some strategic issues or key result areas may change or get reframed in light of new understandings or outlooks.

## **Activity 2-6, Part I: Prioritization—Developing the Strategic Agenda Identifying Strategic Issues/Key Result Areas and Goals**

### **2.7 Step 7: Develop Comprehensive Strategies**

After the planning team has identified its planning priorities—the strategic issues and key result areas that must be resolved in order to achieve the court organization's mission and vision—it must determine what the possible methods for resolving them are and choose the best ones. The transition from defining a problem- or performance-oriented priority to identifying strategic means is helped by first expressing the goal or goals that the court wants to achieve for each priority area, assuming they are not already clear (caution—do not assume too much). For example, for Priority 1 (P1) in Figure 2-5, Access to Justice, three goals might be:

- Goal 1 (**G1.1**) Increase access to legal services for civil litigants,
- Goal 2 (**G1.2**) Reduce linguistic barriers to court services and in-court proceedings, and
- Goal 3 (**G1.3**) Reduce physical barriers in the courthouse.

Once the goals with respect to a priority are clear, the planning team can begin to determine the means by which the goals will be achieved.

For the purposes of this curriculum guide, “**strategies**” are the general statements for how the court organization will handle its priorities/achieve its goals over a period of years.

“**Objectives**” are shorter-term and more specific methods by which strategies will be realized. For any one strategic issue or key result area, there may be many possible strategies; some strategies may be complementary while others are mutually exclusive. Some strategies may have the potential to address more than one strategic priority. One strategy might be ideal; however, its costs/preconditions (e.g., staff or resource requirements) may be beyond the reasonable expectations of a court organization. Therefore, its planning team may have to select another strategy as the *best possible* for its given realities. Legal or political conditions may also prevent an organization from pursuing a strategy that it would otherwise prefer. Two courts with similar strategic priorities may choose different strategies because the courts are different in size or other characteristics, such as cultural willingness to accept change.

Court organizations must acknowledge that some adjustments to strategies will probably be necessary during the course of implementation as lessons are learned. A common fault of organizations that have engaged in strategic planning is becoming overly attached to particular strategies and failing to adapt or abandon them when they do not work. At the very least, failures to face realities during implementation can lead to delays and waste; in business contexts, it can mean the end of the organization. Some entirely new, “emergent” strategies may also be identified during the implementation period. That is why flexibility is needed in Step 8. The key idea is that no new strategy (proposed in Step 7 or recognized later) should be automatically rejected or adopted. The planning committee or some successor to it (e.g., a monitoring committee—see Steps 8 and 9) should review and approve ideas that arise after the initial planning cycle.

Tasks associated with Step 7 might include:

**A. Review and approve the summaries of the strategic priorities from Step 6.**

This task would apply in planning contexts in which a facilitator has handled the responsibility of summarizing the strategic priorities that were identified. The planning team needs to avoid trying to perfect language (a.k.a., “wordsmithing”) in a large group.

**B. State goals for each priority clearly then consider strategic options and strive to select three to five complementary strategies for each of the goals. These strategies should *broadly* state the means by which the court organization will strive to achieve the goals for that strategic issue/key result area over the next three to five years.**

Create a planning subcommittee for each issue/result area. Particularly in larger court organizations, getting more of the rank-and-file personnel involved in these subcommittees may be helpful to generate ideas and improve subsequent buy-in. It may also provide a reality check before the process goes too far down what may be a wrong path. Creativity—thinking “outside the box”—should initially be encouraged. Just as other relevant mission statements should be studied in Step 2, the planning team should review any existing strategies applicable



within the Judicial System for relevant ideas. Strategies should relate to what is *or could be* (with legal or other changes) within the appropriate control of the court.

### Activity 2-6, Part II: Prioritization—Developing the Strategic Agenda Identifying Strategic Issues/Key Result Areas and Goals

Good strategies are:

- Understandable,
- Sufficiently broad,
- Complementary rather than conflicting with one another,
- Achievable (with achievement being recognizable), and
- Aligned with the mission.

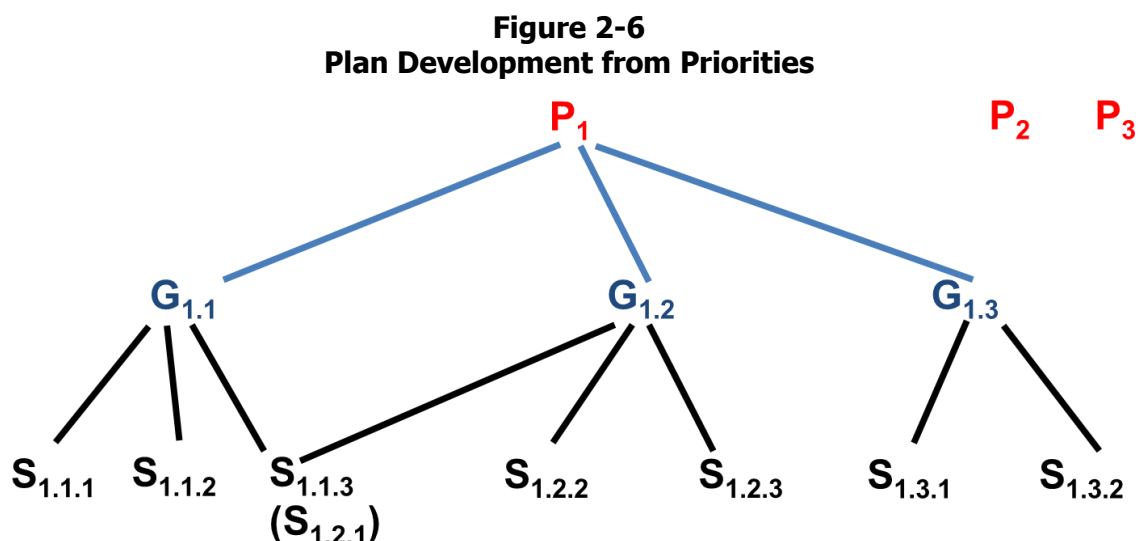
For example, picking up with Access to Justice Goal 1 (**G1.1**) from our prior example—[Increase access to legal services for civil litigants](#)—strategies might be:

Strategy 1 (**S1.1.1**) Use judicial branch influence to encourage greater pro bono service by members of the bar,

Strategy 2 (**S1.1.2**) Encourage increased state and local funding of legal services organizations, and

Strategy 3 (**S1.1.3**) Establish a help center at the courthouse.

Note that Strategy 3 might also be a means to provide language services in support of Goal 2, so that strategy might also be designated S1.2.1. Conceptually, the relation of planning levels comes to be something like an inverted tree (see Figure 2-6).



**Observation:**

A planning team may identify many possible options for handling strategic issues and key result areas; however, it must eventually choose the option that is best for the court organization. It may be possible to bridge a river, but, if one cannot afford to build a bridge, one may have to settle for a ferry. Remember that the long-term purpose is to achieve the organization's mission and visions. It will do an organization no good to achieve one strategy in style if it is left without the resources—money, people, or political capital—necessary to accomplish anything else. This point emphasizes the importance of fully breaking down the strategic issues and key result areas in Step 6. One's strategic options may be much narrower if one must cross a river in a certain amount of time than if one can cross at one's leisure.

**C. For each of these strategies, identify three to five objectives that more concretely state how the strategy will be achieved.**

The objectives should be concrete statements that describe the *general* manner in which the strategy and its associated goal will be achieved. Objectives are *not* the specific projects, tasks, and activities that will be necessary. I.e., they should be more specific than strategies but not indicate such details as who will do what task by what deadline. (Step 8 deals with such action plans.) Continuing from the examples above, objectives for Strategy 1.1.3 (1.2.1)—Establish an Access to Justice Help Center at the Courthouse—might include:

- Designate or hire a coordinator for the help center;
- Allocate space in the courthouse for the help center;
- Schedule pro bono attorneys and law students to staff the help center; and
- Assign staff interpreters to the help center when they are not working in the courtroom or at the clerk's counter.

[It may be helpful to divide each strategy subcommittee into smaller groups for brainstorming of objectives if not also for broader strategies. The appropriate strategy subcommittee should review and refine these before they are submitted to the planning committee for adoption.]

Together, the strategies and objectives constitute the first-level strategic plan.

**D. Share and celebrate the work accomplished so far, but recognize that your planning efforts have just begun**

Well done.

**E. Submit the strategies and objectives for approval**

For a limited planning effort—particularly one in a small court—submitting the new plan to the court is probably an unnecessary formality because all the court leaders will almost certainly have been involved in the planning process and will have taken part in the drafting of strategies and objectives. In a larger court, however, or at this stage of a comprehensive planning effort, a formal submission of the plan to the court is more appropriate/advisable. In a larger court organization, there is a greater likelihood that some judges, court staff, and major stakeholders

will not have been involved in the planning process. In a comprehensive planning effort, there is a greater likelihood that even individuals who *have* been involved in the process will not be fully familiar with all of the efforts (such as the research and comments of other committees) and all the recommended strategies and objectives in the plan.

A formal submission, followed by some kind of official endorsement of the plan may also be advantageous for positioning the court to seek implementation resources from public and private sources. Even considering the different relationships among state AOCs and local trial courts, approval from the court of last resort or AOC will probably not be necessary for implementation of most local plans; however, both as a matter of deference and in the interest of communication and future support, local court organizations might benefit from providing those entities with a final copy of their plans.

If there will be a formal presentation of a plan, be sure at this function to recognize participants and others who contributed to the planning effort.

## **F. Approval**

Buy-in is crucial to the successful implementation of any plan. Before implementation efforts can begin (Step 8), the plan must obtain the approval of key court leaders. Whether obtained by formal or informal processes, the approval of key leaders provides managers with the support they need to carry out the action planning and resource acquisition that will be necessary to operationalize the plan. Although the decision-making authority of line workers and external stakeholders may be limited during the planning process, their eventual acceptance of the plan will be no less critical to its implementation. That is why the court must ensure that such individuals have a meaningful voice throughout the steps of the planning process AND understand the final plan and how it relates to them as individuals. Do not forget the importance of alignment.

## **G. Transition**

As a court organization shifts from strategy formulation to task planning, the nature of the planning process will change, becoming far less creative and far more detail-oriented. Leadership will need to become more distributed, particularly in larger organizations, as individuals become responsible for achieving specific aspects of a plan. Organizations should consider involving some individuals on the new committee(s) that will oversee Steps 8 and 9 who are different from the original planning team members.

## **Activity 2-7: Strategies and Objectives Template**

## 2.8 Step 8: Operationalize the Strategic Plan—Move from Strategic Planning to Strategic Leadership

Step 8 represents the moment of truth for strategic planning efforts. This is formalized planning in which the activities of the organization are aligned with its strategies. Practical nuts and bolts details are more critical than creativity. This step marks a point in strategic planning at which many organizations stumble. Some organizations think they are finished after Step 7 and put their written “Plans” on a shelf, never bothering with the details of actually executing their formulated strategies. Some fail in Step 8 to account for all the details necessary to realize strategies. Others simply fail in execution (often because they do not invest enough in Step 9 to see that the proper details are actually carried out).

Success in implementing a plan requires effectiveness in managing people. Managing people is complex and frequently emotional. Worker behaviors, both rational and irrational, may totally disregard the apparent logic behind selected strategies. Collective attitudes and behaviors—i.e., organizational culture—must be accounted for. The committee that is charged with determining how the strategic plan will be implemented must understand the realities associated with acquiring resources, supervising people, and measuring progress so as to manage change.

The size of a court organization in terms of departments and staff will affect how quickly Step 8 can be completed. See **Faculty Resources**, “Suggested Meetings to Operationalize the Plan.”

Suggested tasks for Step 8 include:

**A. Identify specific short-term tasks (to be completed within one-to-two years) by which implementation of objectives and strategies may be advanced or achieved.**

Those supervising implementations should map out how strategies and objectives will be realized—ultimately, who will do what tasks using what resources at what time? For a comprehensive plan, the implementation team should try to identify numerous (e.g., 8-10) one-to two-year priority projects in each of the strategic issue or key result areas. Projects should be doable, achievable, measurable, observable, concrete, and align with the organization’s budget, resources, and time. Individual task assignments will collectively help to achieve the projects.

1. Identify appropriate projects and tasks and the resources needed to complete each task/action plan.
2. Prioritize projects and tasks. Build in some early successes to sustain morale and momentum. Determine interrelationships among tasks, e.g., resources needed, whether some must precede others, etc.
3. Identify who is responsible for each task and the stages necessary to complete each. Be sure these responsibilities are clearly recorded in employees’ individual performance plans.
4. No court employee should be left out.

5. Note which strategies and objectives require external cooperation/support.
6. Establish timelines for beginning and completing each task.

The implementation plan should encourage a sense of urgency.

7. Specify the indicators of success or the outcome measures that will determine results.

Establish appropriate measures by which progress and ultimate success or failure can be recognized.

Include details about how progress should be communicated (when, by whom, etc.).

**B. Link the strategic plan (and its resource needs) to the budget process. If applicable, consult with higher levels of court administration (e.g., the state AOC) about securing resources, contacting state and local officials, etc.**

**C. Distribute leadership responsibilities throughout the organization. See Step 9.**

Leadership must be ongoing and distributed, not minutely controlled by one or a few individuals, i.e., No micromanaging!

- Top leaders (judges, clerk) are critical to resource acquisition, big-picture progress monitoring, and communication with internal and external stakeholders.
- In larger court organizations, middle (line) managers need to be directly involved. Top leaders should listen to their ideas; the middle managers tend to be much better than top leaders at influencing the informal networks that make substantive, lasting change possible. They're attuned to employees' moods and emotional needs, improving the odds that implementation momentum is not lost.
- Empower individuals at the levels where action plans are carried out. Allow them sufficient independence in completing their tasks while ensuring there is adequate communication among workers to allow constant environmental feedback. (Independence does not equal isolation.)

Plans should provide structured support for strategy implementation, not restrictive or intrusive control. Know how levels of the Plan will be managed (see Step 9).

Seek change "sponsors"; empower and reward change agents. Determine *in advance* how rewards will be made. Start with public recognition.

**D. Form an organization-wide monitoring committee and appoint a strategic planning coordinator. The monitoring committee will be responsible for:**

- 1. Leading the change and improvement efforts;**

- 2. Making difficult and key decisions about improvement efforts;**
- 3. Removing internal or external barriers to implementation and follow through (action/motivation is required to overcome cultural resistance to change); and**
- 4. Monitoring and tracking performance and outcomes.**

Determine when measurements will be taken and by whom and how regularly.

### **Activity 2-8: Priority Projects Template**

#### **2.9 Step 9: Monitor Progress and Evaluate Results; Update the Plan as Needed**

Step 9 is a critical component for demonstrating accountability to officials and other stakeholders and for supporting continued resource acquisition, whether by appropriations or grants. The healthy strategic management that monitoring and evaluation makes possible also allows for the likely emergence of unintended strategies over the course of implementation. We have made reference to these before (see Step 7); emergent strategies are ones that were not proposed and approved during the original planning cycle. Instead, workers may develop a new strategy unconsciously during implementation, or a new strategy may become possible because a new technology or a change in the law alters operating conditions. The emergent strategies may be beneficial or harmful. The key is that the monitoring process not only recognizes their existence but also effectively address them (i.e., specifically embrace or reject them) so that the strategies that *are* ultimately realized contribute the most to organizational performance.

##### **A. Regularly measure performance and outcomes.**

Depending upon the plan's details, daily, weekly, monthly, quarterly, and annual measurements might all be appropriate.

##### **B. Hold meetings of the monitoring committee to review performance; start monthly. Track progress measurements, remove barriers, and identify where leadership is needed. Adjust meeting frequency as needed over time.**

Conduct annual reviews with the intention of updating the strategic plan. Focus on outcomes, not outputs or activities. This helps allow for flexibility.

##### **C. Report findings/progress to stakeholders within and outside the court organization.**

##### **D. Be flexible.**

Make adjustments to the strategic plan according to evidence of success or failure.

For example:

Two workers may have different methods for completing a similar task. So long as they achieve the desired outcome *and* no method is clearly superior (e.g., more efficient or less disruptive to others), allow each to continue his or her own approach.

In some situations, problems may result from difficulties in execution (e.g., people or resource issues); in others, strategies are simply wrong and should be modified or abandoned.

Be alert to the possibility of emergent strategies, some of which evolve unexpectedly; decide whether to adopt or reject/stop them.

Be aware of and attend to the human side of change. (See Section 4.6 on Adapting to Different Cultural Realities and Section 5.5 on Leadership during Implementation.)

**Observation—Key Elements in Successfully Managing Change:**

- Leadership continuity
- A sense of urgency or need
- Involvement of stakeholders
- Communication
- Compelling vision
- Resource allocation
- Empowerment
- Follow-through or feedback mechanisms<sup>16</sup>

**Case Study:**

Many students are more inductive than deductive reasoners, meaning that they learn better from examples than from logical development starting with basic principles. The use of case studies can therefore be a very effective classroom technique. See **Faculty Resources** for suggestions regarding case studies.

### Section 3 – Strategic Thinking and Decision-Making

Learning Objective

As a result of this section, participants will be able to:

6. Encourage and foster strategic thinking and foresight in court organizations as precursors to effective strategic decision-making and strategic planning.

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<sup>16</sup> Kenneth G. Pankey, Jr., Anne E. Skove, and Jennifer R. Sheldon, *Charting a Course to Strategic Thought and Action: Developing Strategic Planning Capacities in State Courts* (Williamsburg: National Center for State Courts, 2002), p. 18; <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=981>.



### 3.1 Introduction

Although being able to design a strategic planning process that will be appropriate to one's court organization is the central competency for strategic planning (see Section 2 of this curriculum guide), the ability to execute that design will be affected by how practiced and comfortable not only the leader(s) but also the organization is with respect to thinking strategically. For this reason, the strategic planning instructor should at least introduce participants to and more preferably have them explore the importance of strategic thinking to any organization. It has often been said the urgent drives out the important. In the day-to-day urgency of an organization's business, it is very easy for issues of long-term importance to be neglected. Managers and workers develop habits, routines, and ways of doing things that may or may not contribute to what the larger organization is trying to achieve. As a result, the performance of an organization with respect to its mission can suffer.

Ideally, every activity should add value to an organization's purpose. Too often, they do not. Those within an organization lose sight of why certain things need to be done. Similarly, they fail to recognize that some functions outlive their usefulness over time. Therefore, as ICM has instructed in its courses on visioning and strategic planning, unless an organization wants to see its performance slip, it must routinely examine the contribution made by every unit and activity that expends its scarce resources. Likewise, every individual should be enabled to easily see the "why" behind the work s/he does and make appropriate strategic decisions about the alternatives with which s/he is presented.<sup>17</sup>

Before going further into the content of this section, one should endeavor to define what is "*Strategy*" and "*Strategic?*" We use the term "strategic" in many ways in a course on "strategic planning." It is about a whole lot more than just "planning." Generally speaking, "strategy" is a process or a course of action in a planning process intended to achieve organizational goals. It is not a statement or a document but rather the processes or action items leading the organization to reach its goals. A multitude of terms that are used in common planning literature relate to strategy:

- Strategic thinking
- Strategic foresight
- Strategic management
- Strategic decision-making
- Strategic agenda
- Strategic alignment
- Strategic planning
- Strategic "line of sight"
- Strategic goals and objectives
- Strategic hindsight
- Strategic mission, vision, values

Lessons should review at least a few of the items above, particularly those discussed below.

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<sup>17</sup> Commentary for Slide 10 in the Faculty Guide for ICM's Visioning and Strategic Planning course, 2011.

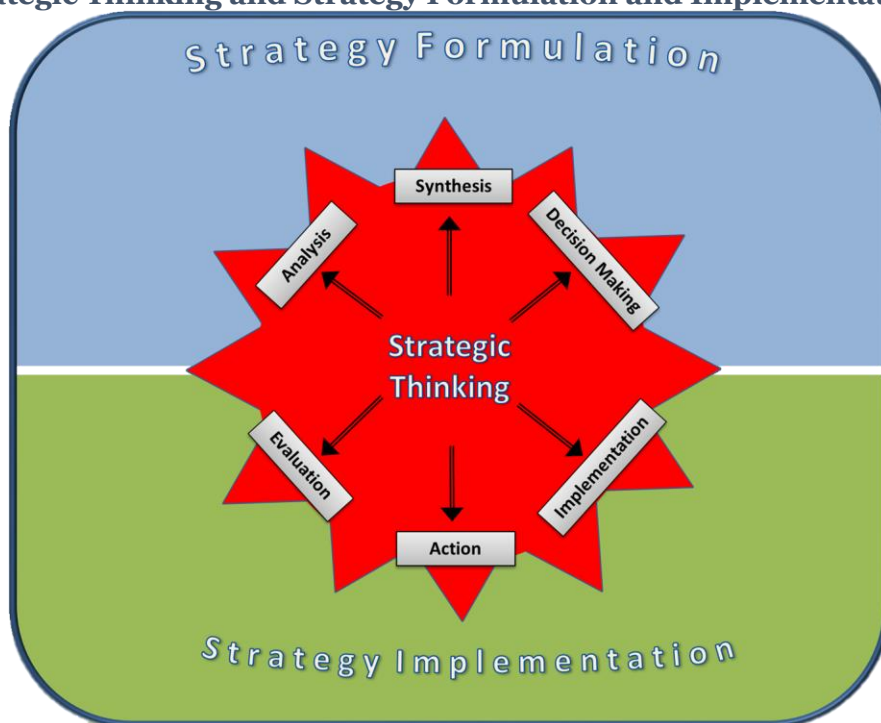
### 3.2 Strategic Thinking and the Development of Strategic Thinkers

Strategic thinking refers to the proactive way people think about, assess, view, and create the future for themselves and their associates. It includes:

- Envisioning new possibilities,
- Turning ideas into reality,
- A process of learning,
- Teamwork,
- Problem solving,
- Critical thinking, and
- Plans for transition and change.<sup>18</sup>

Strategic thinking, in its component manifestations, is central to effective strategy formulation and implementation (see Figure 3-1). It is essential to strategic management and leadership, as well as to effective strategic planning in an organization. As will be explored below, strategic thinking is a precursor to strategic decision making which, in turn, directs strategic planning.

**Figure 3-1**  
**Strategic Thinking and Strategy Formulation and Implementation<sup>19</sup>**



<sup>18</sup> Text from Slide 10 of ICM's Visioning and Strategic Planning course, 2011.

<sup>19</sup> Jeffrey Russell and Linda Russell, *Strategic Planning Training* (Alexandria, Va.: American Society for Training & Development Press, 2005), p. 62 (slide 6-18), hereinafter cited as "Russell and Russell, ASTD, 2005".

According to Jeffrey and Linda Russell, strategic thinking involves:

- Holding an image of the vision or ideal future in one's mind;
- Drawing on and being shaped by the organization's core values;
- Continuously scanning the environment, looking for opportunities and threats;
- Seeing the patterns and relationships in events and circumstances;
- Recognizing interconnections and interdependencies before making decisions and taking action; and
- Making decisions and taking actions for the long-term that are shaped by the vision, core values, awareness of the environment, and awareness of the interdependencies.<sup>20</sup>

Leaders must strive to develop strategic thinking capacities within their organizations. To do so, they should:

- Repeatedly communicate the organization's vision;
- Integrate the vision and core values into individual performance goals and performance reviews;
- Make the vision and core values part of meetings, celebrations, problem analysis and solving, and so forth;
- Invite people to share/discuss what they are learning from their customers and what they see happening around them that might have a bearing on the organization's future success; and
- Debrief challenges, problems, and crises from a strategic perspective.

### **Activity 3-1: Developing Strategic-Thinking Mindsets**

In the conceptual connection of strategic thinking to strategic planning, strategic thinking is concerned with the capacity of those within an organization to consider possible future conditions, framed as problems (see Sections 3.2 and 3.5), and to identify optional courses of action that relate to the organization's mission (see Figure 3-2). Another way of understanding strategic thinking is as a mental awareness and process that seeks to align the following three questions for every component of an organization, from the individual to managerial units and ultimately to the entire organization:

- Where are we now? (Current Performance Assessment)
- Where do we want to go? (Preferred Future)
- How do we get there? (Priority Actions)

Having a strategic mindset is empowering, enabling all within an organization to take initiative and to self-correct within their spheres of responsibility as they maintain a strategic line of sight between themselves and the organization's vision (see Section 2.3).

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<sup>20</sup> Russell and Russell, ASTD, 2005, p. 87 (slide 8-6).

**Figure 3-2**  
**Strategic Thinking as the Generation of Options<sup>21</sup>**



#### **Suggested Group Discussion**

The instructor may wish to engage class participants in a discussion based upon their knowledge and experience. Do they know of courts that are nothing more than entourages following the king around, often caught in an activity trap? Contrast these courts with ones that are managed strategically and have a focus. Which is the better place to work? (ICM) - Also have the groups discuss their current organization if the participants are comfortable with sharing information about their current organization

### **3.3 Strategic Decision-Making**

#### Competencies:

*Ability to promote participation and consensus-building within a court organization so as to foster sound strategic decision making—sharing information constructively with all members of the court organization and offering straight-forward performance feedback in an atmosphere of open communication, making it clear to employees how decisions are made as well as their value to organization, and articulating each individual's role in carrying out the court's purposes and responsibilities as well as the policies and practices developed to fulfill them;*

The methods that people use to make decisions and solve problems should be deeply connected to and informed by the organization's vision, its core values, and strategic issues (see Section 3). Individuals can integrate the future into their decision-making processes today by thinking big, deep, and long:

- Big – Do we understand how we connect and interact with other organizations and the external environment?
- Deep – How deeply are we questioning our ways of operating? Do we operate from our interpretation of the past or our anticipation of the future? Are our assumptions today valid into the future?
- Long – How far into the future are we looking? Do we understand the shape of alternative futures for our court?

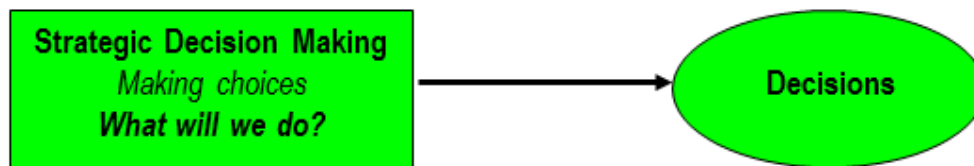
What is meant by a "problem" and a "decision" should be clarified:

<sup>21</sup> Maree Conway, "Re-thinking Strategic Planning: A Futures Perspective (presentation to the Association of University Administrators Conference, April 2007), Slide 15 [confusingly, the title slide reads "Strategic Planning Revisited:..."]; <http://www.slideshare.net/mkconway/rethinking-strategic-planning-a-futures-perspective>.

- A **problem** is an absence or void that remains until an appropriate response is found; a problem exists in situations where an individual or group fails to find an effective way to meet or fulfil a need of a person, group, community, or society.
- A **decision** is a choice made from among alternative solutions or options when faced with solving a problem, fulfilling an unmet need, or finding the best way to achieve a goal or an aspiration.<sup>22</sup>

Returning to the construction of our conceptual model, strategic decision-making is a matter of making the right choice from among a range of strategic options so as to solve a problem that threatens the organization's mission, vision, and values (see Figure 3-3).

**Figure 3-3**  
**Strategic Decision Making—Making Right Choices<sup>23</sup>**



### Activity 3-2: Contemplating Our Problem-Solving/Decision-Making Histories

*How* to make the right choices and implement them properly is a large part of what a strategic planning process is about (see Section 3.7 and Section 2). Strategic decision-making is a critical component of strategy formulation (Sections 2.1 through 2.7).

### 3.4 Strategic Agenda

In the simplest terms, the strategic agenda is the combination of the mission, values, and vision statements of an organization. The strategic agenda should be written down and not only known throughout the organization but also constantly shared as a routine part of management and decision-making processes within all levels of the organization. This strategic agenda:

- Gives a voice to the organization,
- Preserves judicial independence,
- Responds to change, and
- Improves public trust and confidence

The strategic agenda should lead a court to vigorously practice strategic management. Overcoming the customary disconnect between a strategic plan and actual operations is what strategic management is all about. This is where the organization walks its talk. (ICM)

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<sup>22</sup>Russell and Russell, ASTD, 2005, p. 99 (slides 9-9 and 9-10).

<sup>23</sup> Re-thinking Strategic Planning, Slide 14.

### 3.5 Strategic Management

The responsibilities of strategic management are to:

- Help the organization focus on what is most important;
- Align activities with results—creating “line of sight” so all employees understand how they contribute to the organization’s mission;
- Strengthen organizational performance; and
- Improve coordination of multiple initiatives.

**Suggested Group Discussion:**

What factors, both internal and external, complicate a court’s ability to manage strategically?

The concept of alignment is key to this. Every employee of the organization should have a line of sight from their work to the mission, vision, and values of the organization. Court leaders must ensure that this alignment is maintained, preferably by an ongoing process of effective communication, empowerment of individuals, and regular monitoring and correction. Cultural adaptations may be necessary (*see* Section 4.6), but micromanagement should be avoided.

### 3.6 Strategic Foresight: Futures and Strategic Thinking

Strategic Foresight is strongly connected to strategic thinking and organizational vision. An organization cannot solve its problems by using the same kind of thinking it used when the problems were created. As was referenced in Section 3.2, strategic thinking is the identifying, imagining, and understanding of possible and plausible future operating environments for one’s court (*see* Figure 3-4). The ability to envision possible futures and identify the one that is most preferred is an important part of a sound strategic planning process (*see* Sections 2.3 and 2.4). The following definitions apply:

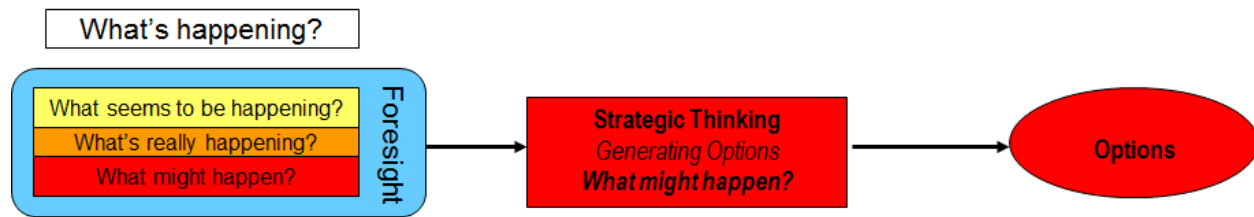
**Foresight:** an often unconscious individual capacity to think about the future.

**Strategic Foresight:** an organizational foresight capacity.

**Figure 3-4**  
**Foresight and Strategic Thinking<sup>24</sup>**

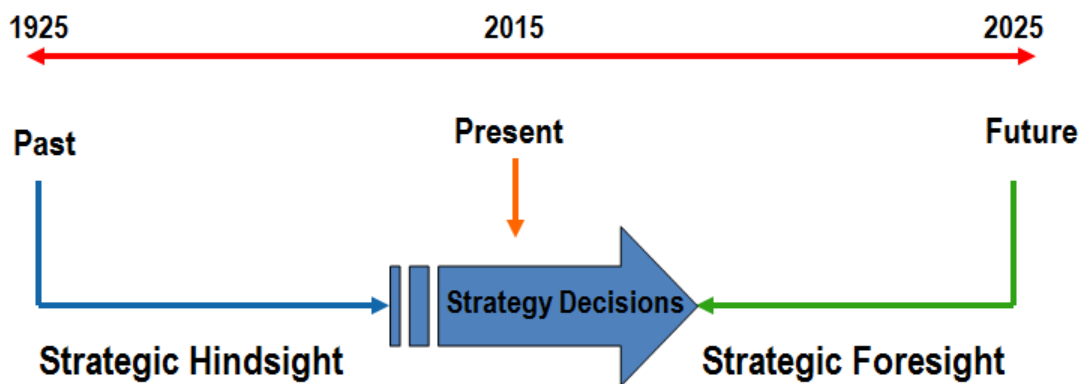
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<sup>24</sup> *Id.* at Slide 66.



Foresight is the capacity to think systematically about the future to inform *today's* decision making. While referencing facts and patterns from the past, foresight can contemplate ideas and pattern variations that have *never been* (see Figure 3-5) but *may be* in a future scenario. It is a capacity that we need to develop as individuals, as court organizations, and as a society.

**Figure 3-5**  
**Strategic Foresight in Context<sup>25</sup>**



It is helpful to expand one's understanding and vocabulary with respect to futures. First, there are no future facts, nor is there only one future. This notion is referenced in Section 2.4. In fact, there are many types of futures:

- Potential – all futures, imagined or not yet imagined
- Possible - "might" happen (future knowledge)
- Plausible – "could" happen (current knowledge)
- Probable - "likely to" happen (current trends)
- Preferable - "want to" happen (value judgements)

There are also common future times or reference periods. For court organizations, these include:

- Near-Term Future—Up to one year from now
- Short-Term Future—1 to 5 years from now
- Mid-Term Future—5 to 20 years from now

<sup>25</sup> *Id.* at Slide 94.



- Long-Range Future—20 to 50 years from now
- Far Future—More than 50 years from now

Effective planning happens only *after* a decision has been made—one plans *how* the organization will implement the decision and keep track of achieving your goal. A decision should only be made after some strategic thinking has taken place.

- How does an individual think strategically?
- How does an organization 'think' strategically?
- Can only the executive (top leader) of an organization think strategically?

And, in today's "court environment," it is easy to dismiss the need to think about the future. Common attitudes expressed in response to promotion of futures thinking include:

- "I am too busy dealing with the here and now to think about the future."
- "I think about the future every day, and it's an insult that you are here to teach me how to think."
- "I don't get paid to think about the future, I get paid to produce results."

In too many court jobs, we are rewarded not for thinking about the future but for achieving results in the present. We are rewarded for certainty in the present, not uncertainty about the future. We can speak confidently about the past and the present (or seem like we do), but it is difficult (particularly for judges and lawyers) to speak confidently about the future.

But, Strategy is ***about*** the Future.

Thinking about the future is thinking about uncertainty, and organizations must get accustomed to (if not comfortable with) uncertainties. This can be particularly challenging for those in the legal system because much of the purpose of our system of laws is to reduce, if not eliminate, the uncertainties involved in human interactions. How should we incorporate thinking about uncertainty, and thus, thinking about the future, into the strategic decision-making processes of court organizations? How do we demonstrate the value of taking time out in the present to consider long-term issues to inform decision making today? One step that might help is to convince judges that an outlook toward change and uncertainty that might be beneficial in their role as legal decision-makers is harmful in their role as administrative decision-makers. The outlooks must be distinct.

Strategic foresight is the capacity that emerges in organizations when people whose foresight capacities are overt work together to build strategic processes that take a long view. Everybody has the innate capacity for foresight, but in organizational planning processes, that capacity is often not developed or tapped and gets buried by busy work.

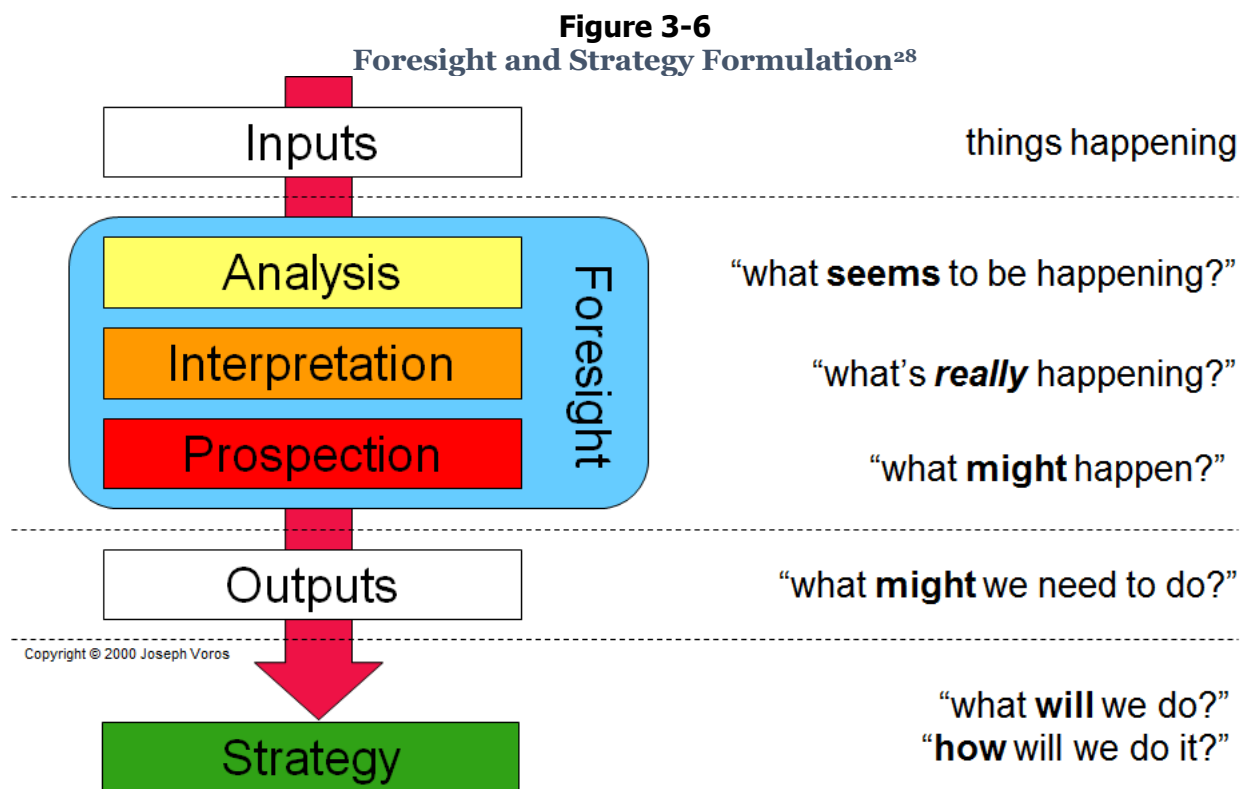
Here are thoughts for consideration by class participants:

What's your work environment like at the moment? Head buried in the sand? Too many decisions to make; not enough time or information to make them properly?<sup>26</sup>

Something's Missing?

Too many are still unhappy with, or don't trust, or don't feel aligned to, their world of work. People say that their lives and organizations lack purpose, they don't really trust leaders, and they feel their values – what's really important to them in life – are too often at odds with what they do at work. They don't feel listened to and don't feel decisions are being made with the "long view". - (Fabian Dattner)<sup>27</sup>

Returning to our conceptual map, strategic foresight is a critical component contributing to the ultimate identification and selection of organizational strategies (see Figure 3-6).



<sup>26</sup> Maree Conway, "Building a Strategic Foresight Capacity," presentation to the AAIR Forum, November 2007, Slides 11-13; <http://www.slideshare.net/mkconway/building-a-strategic-foresight-capacity-presentation>.

<sup>27</sup> *Id.* at Slide 14.

<sup>28</sup> Re-thinking Strategic Planning, Slide 65, and Building a Strategic Foresight Capacity, Slide 74; credited to Joseph Voros, 2001.

### Activity 3-3: Applying Strategic Thinking/Foresight to Your Organization<sup>29</sup>

#### 3.7 Strategic Planning

Strategic planning is not about planning strategically. Strategic planning is the process of documenting a plan to implement and monitor an agreed upon strategy. Just semantics? Perhaps.<sup>30</sup> There continue to be questions about the meaning and relevance of strategic planning, even among those who are considered experts in the field:

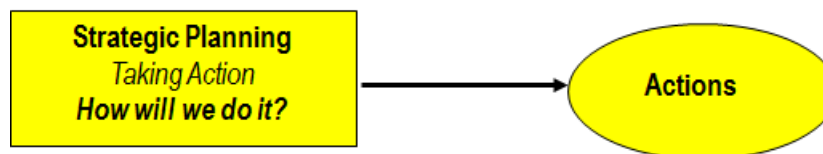
"Planning lacks a clear definition of its own place in organizations."  
(Mintzberg, 1994:5).

"It may well be that the typical strategic planning exercise now conducted on a regular and formal basis and infused with quantitative data misses the essence of the concept of strategy and what is involved in thinking strategically." (Sidorowicz, 2000).

"While the need for planning has never been greater, the relevance of most of today's planning systems and tools is increasingly marginal" (Fuller, 2003).<sup>31</sup>

An alternative conception of strategic planning is that of an orderly approach to answering *how strategic decisions will be achieved* (see Figure 3-7).

**Figure 3-7**  
**Strategic Planning As Taking Action<sup>32</sup>**



Returning to our conceptual image, one can see the interrelation of strategic concepts (see Figure 3-8). In the image, strategic planning, particularly as what experts refer to as "formalized planning," is one of three interdependent and sequential steps in the development and implementation of strategy:

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<sup>29</sup> Adapted from "An Exercise in Strategic Thinking" in Erica Olsen, *Strategic Planning Kit For Dummies* (2nd Edition, 2011).

<sup>30</sup> Re-thinking Strategic Planning, Slide 10.

<sup>31</sup> *Id.* at Slide 11. Quotations are from Henry Mintzberg, *The Rise and Fall of Strategic Planning* (New York: Prentice Hall, 1994); Rick Sidorowicz, "Strategic Issues: The Concept of Strategy – Beyond Strategic Planning," *Competia Magazine*, [www.competia.com](http://www.competia.com), Issue 9, July-August 2000, accessed by Conway on 6 April 2004; and J. Fuller, "Strategic Planning in the 21st Century," [www.competia.com](http://www.competia.com) (2003:2), accessed 14 April 2004.

<sup>32</sup> *Id.* at Slide 13.

- **Strategic thinking:** synthetic, intuitive, and inductive; dealing with incomplete information
- **Strategic decision making:** options, choices, decisions, destinations
- **Strategic planning:** analytical, logical, deductive, staying on track

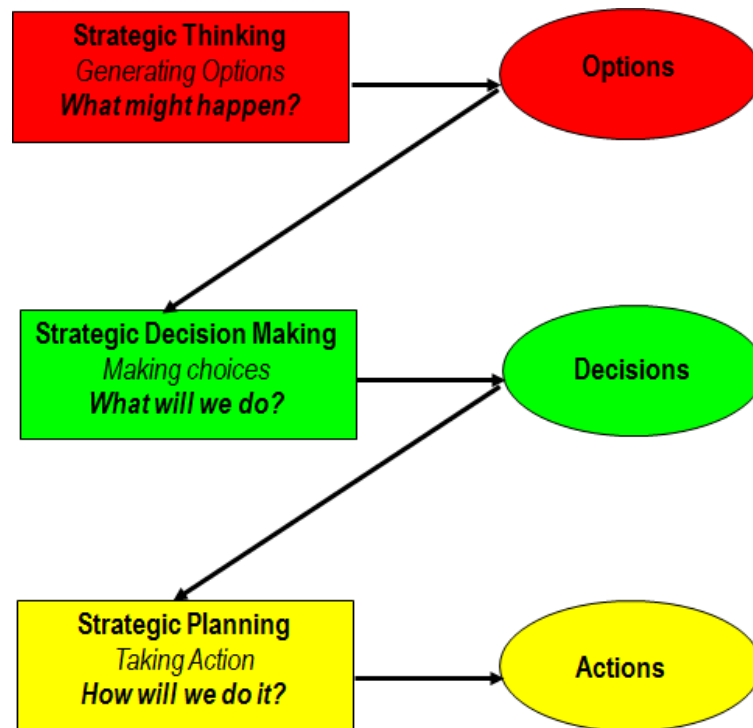
Finally, bringing in strategic foresight and the contemplation of alternative futures, one can complete a conceptual strategic image that illustrates how all of the concepts interrelate (see Figure 3-9), with strategic foresight informing an organization of what is happening or might happen—contributing to the identification of strategic issues/problems and of options for addressing them; improving the evaluation of and choices among strategic options; and guiding the ultimate determination of how best to execute strategic decisions.

For more perspective on doing futures work and strategic thinking, see **the Faculty Resources**.

### 3.8 Strategic Perspective

Although even the smallest of actions *can* affect court performance and contribute ultimately to the fulfillment of a court's mission/strategic purpose, not all actions or decisions are strategic in nature. Generally, the larger the scale or scope of an issue (e.g., extending to other parts of the justice system) or the longer the duration of its implications, the more likely that the issue is strategic. Ultimately, however, the strategic issues and decisions are the ones that have the potential to affect the organization's mandates—its long-term mission and vision. An organization that thinks strategically is one that is aware of its mission and one in which each individual is mindful of how his decisions and actions play a role in fulfilling the strategic agenda. Keep in mind that not every strategic decision requires a strategic plan. Also remember that leadership may be exercised by anyone within the scope of her authority; a decision that can be made well after a discussion between two people does not require a planning process.

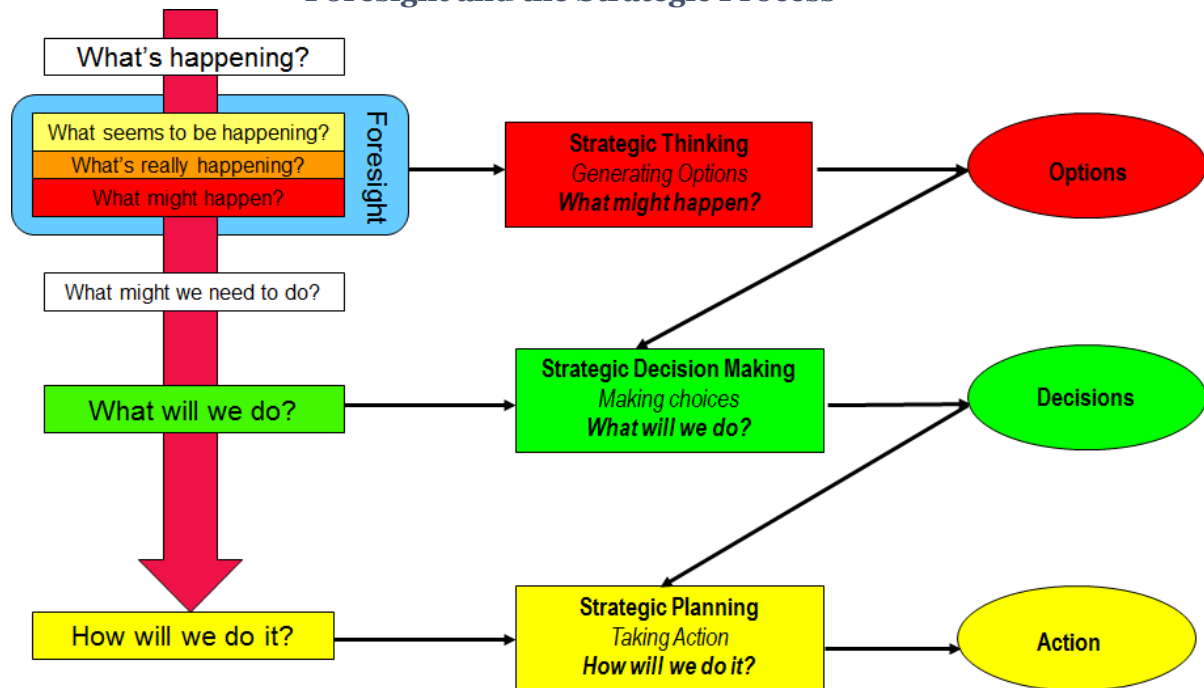
**Figure 3-8**  
**Interrelation of Strategic Thinking, Decision Making, and Planning<sup>33</sup>**



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<sup>33</sup> *Id.* at Slide 17.

**Figure 3-9**  
**Foresight and the Strategic Process<sup>34</sup>**



## Section 4: Court Culture

### Learning Objective

As a result of studying contents of this section, participants will be able to:

6. Recognize attributes of different court cultures and assess their potential implications for change management, enabling more accurate expectations about a court organization's receptiveness to and capacity for strategic planning and improving the ability to adjust planning processes successfully to court characteristics.

Both to implement a strategic planning process effectively and subsequently to implement a strategic plan successfully, court leaders must understand organizational culture and its implications. If there is any single factor in literature about strategic planning for courts that does not receive sufficient attention and emphasis, it is culture; referral to business literature might be instructive where variations on the quotation "Culture eats strategy for breakfast"<sup>35</sup> appear frequently. Pre-planning assessments of readiness (see Section 2.1) and admonitions about addressing resistance to change tend to dance around the subject without really helping

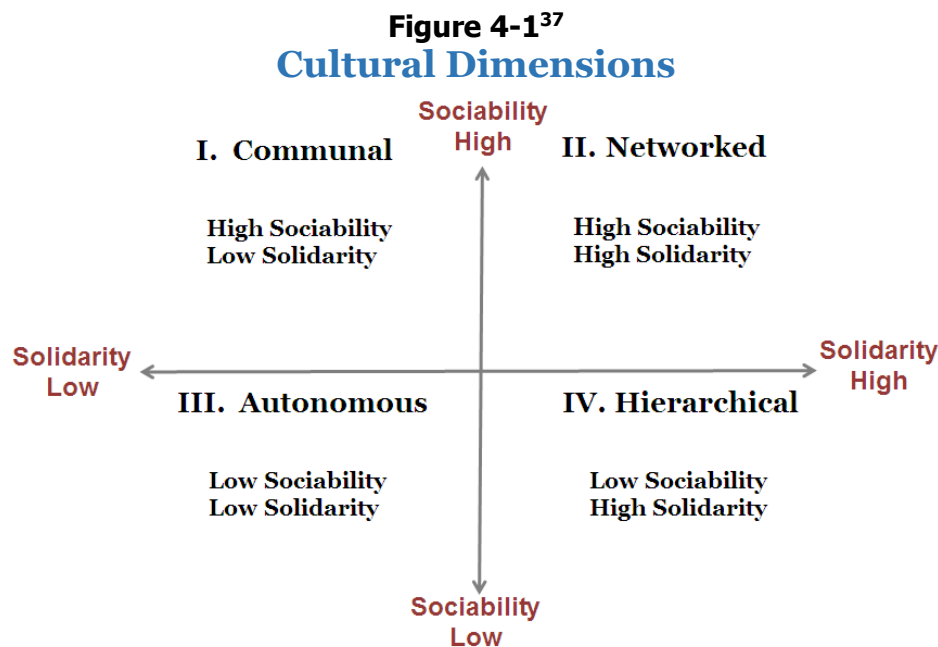
<sup>34</sup> *Id.* at Slide 66.

<sup>35</sup> The quotation is frequently but not conclusively attributed to Peter Drucker. The quotation became popularized in 2006 by Mark Fields of Ford Motor Company after an article by Jeffrey McCracken in which Fields was quoted, "'Way Forward' Requires Culture Shift at Ford," *Wall Street Journal*, January 23, 2006, retrieved on February 3, 2016, from <http://www.wsj.com/articles/SB113797951796853248>.

leaders recognize and understand the different aspects of culture and how they affect various facets of court operations, including strategic planning. The strategic planning instructor should invest sufficient course time in discussion of culture to be certain that participants can recognize how culture is likely to influence any planning efforts.

#### 4.1 Dimensions of Court Culture

In Section 1.2.E above, there is a brief reference to the two dimensions in which court culture is measured. As is presented in *Trial Courts as Organizations*, **Solidarity** is the degree to which a court has shared goals, mutual interests, and common tasks that are clearly understood as part of getting a job done. **Sociability** is the degree to which people are able to work together in a cordial fashion, that is, the friendliness among people working together in the organization.<sup>36</sup> Each dimension runs from low to high, and neither depends upon the other.



The two dimensions are commonly presented graphically as a coordinated plane with solidarity being the X-axis and sociability the Y-axis (see Figure 4-1). Solidarity is shown as increasing from left to right and sociability from bottom to top. The four quadrants created by the intersecting axes of the two dimensions represent distinct cultural types that are described below.

#### 4.2 Cultural Archetypes in Trial Courts

As was described above, the solidarity and sociability dimensions in tandem provide a blueprint of a trial court's social architecture and a basis to define and distinguish alternative court

<sup>36</sup> *Trial Courts as Organizations*, pp. 29-31.

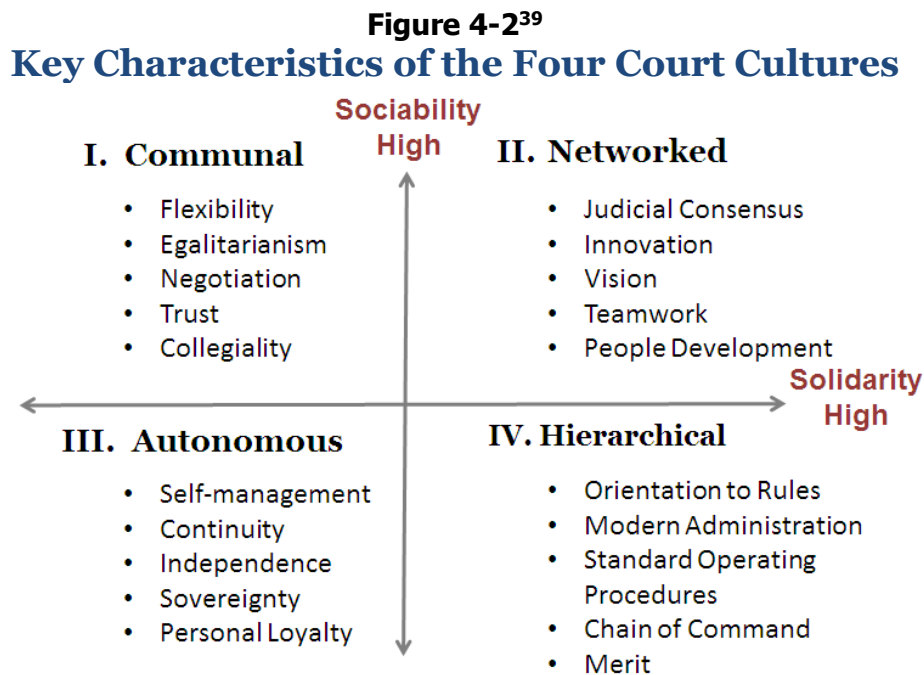
<sup>37</sup> The figure is adapted from *Trial Courts as Organizations*, p. 38, and from Slide 52 of ICM's 2012 Course on Court Performance Standards: CourTools.



cultures. Individual courts occupy different points along the spectrum of each continuum. Taken together, the two dimensions form the following four quadrants, each representing a distinct court culture (see Figure 4-1):

- I. Communal—low solidarity, high sociability;
- II. Networked—high solidarity, high sociability;
- III. Autonomous—low solidarity, low sociability; and
- IV. Hierarchical—high solidarity, low sociability.<sup>38</sup>

The four culture types reflect deep-seated views about the appropriate role of the judiciary in the adversary system; about how judges, court administrators, and staff organize their work; and about the extent to which a court cooperates and collaborates with the wider justice system. A graphical summary of key cultural characteristics of each archetype is displayed in Figure 4-2:



#### 4.3 Attributes of Court Cultures in Different Court Organization Work Areas

Within trial courts there are several common functional aspects governing work:

- Case management style,
- Judge-staff relations,
- Change management,

<sup>38</sup> *Trial Courts as Organizations*, pp. 37-38.

<sup>39</sup> *Id.* at 43 (adapted from “Figure 2.3: Narrative Summary of Four Court Cultures”).

- Court leadership, and
- Internal organization.

It is important to understand that cultural types vary across each of these five aspects of work. One should not expect that any particular court organization will be characterized exclusively by the values of a single culture type. Rather, *in any given aspect of work*, the values of all four culture types might be manifested from time to time, but *one culture type usually dominates*. Across the five work aspects, it is also possible that the dominant culture will vary. Court culture tends to be a matter of emphasis and degree, not one of perfect alignment.<sup>40</sup> The culture that, on average, is the most prevalent across all aspects of a court's work is referred to as the "primary culture." "Congruence" is the extent to which the same culture type is emphasized in all aspects of an organization.<sup>41</sup>

Research using assessment instruments like that in Exercise 1-4 has indicated that many judges and court staff tend to consider their court organizations' primary culture to be autonomous or at least more autonomous than they would prefer. In assessments across all aspects of work, no single cultural type is preferred; rather, courts wish to align particular cultural values with particular aspects of their work (see Figure 4-3). For both *managing cases* and *managing change*, court organizations wish to develop a culture with greater solidarity, and the strongest tendency is toward a hierarchical orientation. In contrast, when it comes to *judge-staff relations* and *internal organization*, courts would prefer to develop a culture that has more sociability and solidarity—tending toward a networked orientation. Lastly, as to *courthouse leadership*, the common desire is to have a more communal culture.<sup>42</sup>

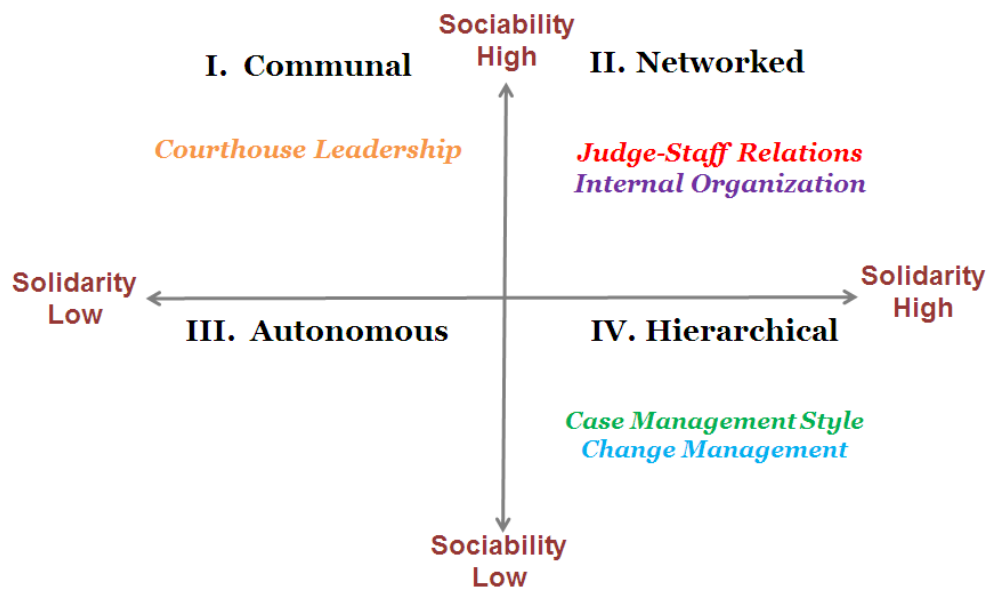
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<sup>40</sup> *Id.* at 42.

<sup>41</sup> *Id.* at 58, 60.

<sup>42</sup> *Id.* at 117-18.

**Figure 4-3**  
**Court Culture Preferences**



### Activity 4-1: Court Culture Assessment

#### 4.4 Effect of Culture on the Strategic Abilities of a Court

What is the implication of court culture for strategic thinking and planning? Depending upon whether a planning effort has a specific purpose as opposed to a comprehensive orientation, several or all aspects of work might be important to ultimate success. Court leaders need to account for the dominant cultures in each relevant aspect of work as they formulate and implement plans. Probably the most important aspect of work in planning contexts is *change management*, followed by *leadership*. Interestingly, the preferred cultural orientations for these two work areas tend toward opposite poles of sociability and solidarity.

As is explored in Sections 2 and 5 of this curriculum guide, leadership is important for initiating and sustaining a planning effort through the formulation of strategies. Because planning efforts tend to be more successful when there is broad participation by interested internal and external stakeholders, a leadership culture that is high in sociability is better than one that is not. A court organization in which leadership is strongly hierarchical might be able to initiate a planning effort by command, but such a culture might discourage contemplation of novel roles and procedures that are an important component of thinking strategically.

The phase of strategic planning in which many organizations stumble is that of implementation. Planning implementation is discussed in detail in Sections 2.8 and 2.9. Successful implementation of strategies requires formalized planning in which specific projects and tasks and their associated deadlines are first identified and assigned to organizational units and individuals and then monitored during execution to ensure that strategies are effective in addressing the organization's strategic priorities. The detail-oriented nature of implementation efforts and the specific roles that individuals are expected to play is most likely to succeed in

cultures that are high in solidarity. Cultures in which there is too much individual autonomy may experience greater resistance to change or see strategies unravel as too many individuals “do their own thing.” Although research does indicate that courts tend to prefer hierarchical cultures in managing change, organizations with such cultures must be cautious against excessive rigidity that discourages any constructive experimentation or that fails to adapt strategies when evidence demonstrates they are failing.

Assuredly, the cultural values that an organization demonstrates in other aspects of work can also be significant in planning contexts. Strategic planning benefits from both a diversity of ideas and from a good structure for sustaining morale and providing work-related feedback. Judge-staff relations in cultures that are high in solidarity have a greater suitability for providing these elements, with a networked culture probably being best overall. The organizational alignment that strategic planning calls for is helped when a court’s internal organization is oriented toward achieving a shared court-wide view of what needs to be accomplished. Without question, the need for alignment is better served where the internal organization values solidarity. In the early stages of planning when collaborative deliberation is desirable, a more sociable, networked internal organization might be better; however, planning eventually reaches a stage at which deliberation must end and decisions be made and acted upon. As with change management, the last steps in planning are therefore favored by a more hierarchical internal organization.

Taken in totality, strategic planning may have the greatest chances for success in an organization whose primary culture is networked. This culture has the most advantageous conditions for both the exchange of ideas—desirable for identifying priorities and strategy options—and the alignment of court personnel and resources in the implementation of approved strategies. Networked court organizations tend to be more open to change and more visionary; however, such cultures can also tend toward excessive deliberation and insufficient realism with respect to the difficulties of implementing change.

#### **4.5 Managing Change versus Changing Culture**

Those who would lead court organizations must understand that managing change and changing a culture are two very different propositions—a fact with significant implications for successful strategic planning efforts. Given the right conditions (including culture) and resources, a good court leader can manage court work areas so as to accomplish organizational changes—such as the implementation of strategies—by deliberate steps in real time. Unlike an organization’s structure, procedures, and services, however, an organization’s culture is seldom amenable to direct and immediate change. Organizational culture is deep, broad, and stable. It cannot be changed easily because it is based on beliefs and assumptions, both conscious and unconscious that form daily life. People hold onto a culture because it provides meaning and makes organizational life predictable—even when that culture is arguably unhealthy.<sup>43</sup>

Although courts do experience emergencies, few public institutions face the type of long-term collective threats that engender permanent changes in organizational values and behaviors.

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<sup>43</sup> John A. Martin, “Organizational Culture” in *Leadership, Teams, Change, and Conflict Transformation Materials* prepared for the Sonoma County (CA) Superior Court (2011), p. 28.

Education and the establishment of good management practices in the court organization's work areas can gradually change attitudes and are to be encouraged; however, significant cultural change seldom occurs without notable turnover in judges and court staff or a transformative philosophical conversion among one or more very influential leaders.

So, what is the bottom line lesson for court leaders who want to engage in strategic planning? Basically, for any single planning effort, whether for a limited purpose over one year or for a comprehensive cycle over five years, the culture the court has going in is the culture it is likely to have coming out. The shorter the period of time contemplated, the lesser the likelihood of any cultural change. Therefore, court leaders should adapt any planning process and select any strategies identified by that process based upon a court's *current* cultural realities.

#### 4.6 Adapting to Different Cultural Realities

If a court leader understands the court's culture and knows that it is unlikely to change in the short term, then any decisions about whether to engage in planning, how to engage in planning, and how to implement any planning strategies must be based upon the expectations associated with the court's current cultural orientation. When considering whether to initiate a strategic planning effort—discussed in Section 2.1—a leader whose court has an autonomous culture may face insurmountable obstacles to getting the necessary commitment of other leaders and the constructive participation of stakeholders. The leaders of any autonomous court who insist upon carrying out a strategic planning effort need to be aware that the effort will be up hill and that the results may not be worth the time and energy invested. A good external facilitator might be able to tip the balance in a shorter planning initiative but would probably not be able to surmount the cultural tendencies against long-term collective initiatives. Realistically, strategic planning may be beyond the capabilities of an autonomous court, so the best advice for a prudent court leader may be to wait until such a time as the culture shifts—such as after a change in judgeships or key staff.

In a hierarchical court, leaders wanting to initiate a strategic plan may not have difficulty getting leadership commitment, *assuming* the judges are like-minded about the need for planning; however, getting meaningful participation from subordinate stakeholders may be a greater challenge. A facilitator could be helpful in overcoming cultural attitudes about court roles and responsibilities so as to encourage alternative visions of the court's future and how policies and procedures might need to change. If the court organization as a whole agrees to the substance of a plan, then a hierarchical court should have a good chance of successfully implementing its strategies.

Leaders in court organizations with more sociable communal and networked cultures will probably have less difficulty in getting commitment and meaningful participation for conducting strategic planning and carrying out early steps of strategy formulation. The challenge in the early steps of planning may be to develop consensus in a timely manner, and a facilitator's role in those steps may be to signal when constructive debate should end and decisions should be finalized. Discussions between court leaders and the facilitator in Step 1 (see Section 2.1.D) may be helpful in establishing reasonable planning timelines and decision points and deciding how best to work with participants to ensure timely progress. A communal court's greatest challenge may come in the implementation stages of strategic planning when cultural

tendencies may resist rigid adherence to chosen strategies. Regular monitoring and performance measurement can assist in maintaining task discipline sufficient to achieve strategic success.

The nature and role of leadership in change management are explored in greater detail in Section 5 of this curriculum guide.

## **Activity 4-2: Overcoming Resistance to Change**

## **Section 5 – Leadership in Strategic Planning**

### **Learning Objectives**

As a result of this section, participants will:

7. Identify the significant qualities and roles of leadership, particularly in the context of strategic planning, to align behaviors, structures, processes, and resources to ensure they support the strategic planning process and the final plan.

### **5.1 Introduction: What is leadership?**

The educational content in this section is intended to make students more aware of the significance of leadership, both to conducting a strategic planning process and to bringing about the institutional change necessary to implement chosen strategies. In the absence of leadership, comprehensive strategic planning processes are difficult to undertake and nearly impossible to implement successfully. Leadership is a characteristic of an individual or group that is defined in terms of its influence upon others. Although leadership is not dependent upon position, as management is, the potential influence of leadership is generally proportional to the scope of authority wielded by a leading individual or group. Definitions of leadership include:

- Leadership is a set of processes that creates organizations in the first place or adapts them to significantly changing circumstances. Leadership defines what the future should look like, aligns people with that vision, and inspires them to make it happen despite the obstacles.... —John P. Kotter<sup>44</sup>
- Leadership is an influence process in which you try to help people accomplish goals. All good leadership starts with a visionary role. This involves not only goal setting but also establishing a clear picture of perfection—what the operation would look like when it was running effectively. —Ken Blanchard<sup>45</sup>

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<sup>44</sup> John P. Kotter, p. 25.

<sup>45</sup> Ken Blanchard, “Servant-Leadership Revisited,” in Larry C. Spears, ed., *Insights on Leadership: Service, Stewardship, Spirit, and Servant-Leadership* (New York: John Wiley & Sons, Inc., 1998), p. 22.

- Leadership is the process of persuasion or example by which an individual (or leadership team) induces a group to pursue objectives held by the leader or shared by the leader and his/her followers. —John Gardner<sup>46</sup>

Understanding what leaders do is particularly helpful for grasping their importance to strategic planning. Leaders:

- Establish a sense of urgency;
- Form powerful internal and external coalitions;
- Create an inspiring vision of the future;
- Communicate and gain commitment to the vision;
- Empower others to act on the vision;
- Define organizational performance measures and create short-term wins;
- Facilitate organizational alignment; and
- Transform the organizational culture, bring about change successfully, and institutionalize new approaches.<sup>47</sup>

More detailed information and training on the topic of leadership in the courts is available in the NACM Core Leadership curriculum (<http://nacmcore.org/curriculum/leadership/>).

## 5.2 Leadership in the Initiation of a Planning Process

As is explored in Section 2.1, strategic planning efforts require sufficient leadership to secure the necessary commitments of people and resources before any planning can begin. Leadership is needed to assess a court organization's readiness for planning (see Section 2.1.A). A court organization that is considering planning needs an individual or group who can accurately assess the organization's internal and external environment, identify and discuss actual or potential opportunities and threats, and clearly communicate the need for change and improvement that might be assisted by a planning effort. If conditions for planning are good, then leaders need to be able to assemble internal teams or form effective external partnerships that will have the perspectives and power to sustain the process from the assessment of its priorities through the selection and implementation of strategies for change. The leader must also convey a sense of urgency that will help to motivate planning participants and keep the process moving forward.

Leadership must not only be present when a planning process would start, but it must also be foreseeable for the duration of the strategy formulation and implementation phases of planning. A court in which the chief judge, clerk, or court manager is likely to change within a year's time

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<sup>46</sup> John W. Gardner, *On Leadership* (New York: The Free Press, 1990), p. 1.

<sup>47</sup> *Id.* at 3-4.



is one in which any strategic planning effort will be at risk because new individuals may lack the leadership abilities of their predecessors or have different priorities. If possible, a court organization that wishes to undertake strategic planning when those in authority may change should seek commitment to the process from any likely successors and develop as strong a leadership coalition as is possible so that a change of any single office-holder will not jeopardize the planning process or implementation. If leadership continuity cannot be relied upon, then a court should consider postponing planning efforts until after the transition of authority.

The instructor may choose to have participants (re)visit the Internal Stakeholder portion of **Activity 1-6: Stakeholder Relationships**.

### 5.3 Leadership in Forming and Communicating Vision

Once a strategic planning process is underway and its participants have agreed about the fundamental aspects of the court organization's mission (see Section 2.2), those participating in the planning process must develop a vision of the court's future that is realistic, credible, and so attractive that it will energize those within the organization in the implementation of change strategies and will garner support from external stakeholders sufficient to secure necessary resources and inspire public trust and confidence. In the development of a court vision, one role of leadership is to assemble individuals with diverse and creative minds who can conceive of the organization in ways that are different from its current circumstances. A leader must be able to elicit ideas from everyone to be certain the vision incorporates sufficient ideas and values that stakeholders, not included within the immediate planning process, will also buy in to the vision and its ultimate implications for necessary change. Perhaps with the assistance of a facilitator, court leaders must ensure that judges do not intimidate other participants in a planning process and that the natural restraint found within the legal community does not inhibit the sharing of ideas, even ones that might seem a bit radical.

After a vision has been developed, court leaders should use every vehicle possible to consistently communicate the new vision and other planning details (e.g., strategies and task responsibilities) to build commitment to all. Speeches, manager-staff and judge-staff discussions, newsletters, press releases, and social media posts are all legitimate mechanisms for reaching court stakeholders. When the vision and strategies have been effectively communicated, the court's leaders need to empower others to act on the vision by getting rid of obstacles, changing systems or structures that undermine the vision, and encouraging risk-taking and non-traditional ideas and actions—building on the innovative thinking that created the vision in the first place.

#### **Activity 5-1: Putting Purpose in Their Work**

### 5.4 Honest Assessment of the Organization's Strengths and Weaknesses

Throughout a planning process, but especially during an organizational assessment in Step 5 (see Section 2.5), court leaders need to gather reliable data about court operations. This

includes encouraging honest feedback from employees and members of the public about how the court organization is performing. One way to encourage feedback and neutralize potential opposition is for a leader to acknowledge his or her own responsibility for whatever problems the organization currently faces. Inspiring trust is therefore an important aspect of getting good information that can later be used for identifying and understanding strategic issues and key result areas (see Section 2.6). A good leader cares ultimately about the results, not the process, and understands that she is ultimately responsible if the planning team falls short.

## 5.5 Leadership during Implementation

The success of any planning effort ultimately comes down to the effective management of change. The best intentions and strategies will amount to nothing if there is no leadership to counteract the aspects of inertia that thwart change efforts. Leaders must not only *communicate* the court's visions and strategies, but they must also be committed to a long-term effort of winning the hearts and minds of stakeholders who may feel threatened by changes to the structure of the organization, to individual roles, and to long-held values within the court's culture. Stakeholders, particularly those within the court organization, must not only know what is expected of them but also want to fulfill those expectations, despite whatever difficulties might be anticipated. Leaders can increase buy-in by accurately conveying the threats to the organization if changes are not made. While acknowledging their own responsibilities for whatever problems a court may be facing (per SWOT analysis) as well as the outcome of any change efforts, leaders should not take sole ownership of the change process. Rather, leaders challenge those within the court to take ownership of the change and credit them with the success.

In the short term, when implementation is just beginning, leaders must be able to plan for and achieve visible improvements in performance that lend credibility and momentum to change efforts and should also visibly recognize and reward people who make these "wins" possible. In the context of long-term strategic planning, implementation becomes an ongoing process of organizational alignment. It is the responsibility of leaders to:

- Coordinate improvements;
- Align behaviors, structures, processes, and resources to ensure they support the vision;
- Use personal credibility to change all systems, structures, and policies that are in conflict and that do not fit the transformation vision;
- Hire, promote, and develop people who can implement the change vision; and
- Reinvigorate the process with new projects, themes, and change agents.<sup>48</sup>

In summation, leaders must be able to:

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<sup>48</sup> *Id.* at 4.

- Anticipate and operate above any dissention,
- Win over the uncommitted,
- Manage conflicts, and
- Assign work responsibilities where they belong.

Instructors may choose to have participants revisit **Activity 4-2: Overcoming Resistance to Change**. Instructors may also find relevant content in the NACM Core Court Governance curriculum (<http://nacmcore.org/curriculum/court-governance/>).

## Faculty Resources

Faculty Resources are intended to be used as references and illustrations of content, methodology, and purpose for each topic. In this Curriculum Guide, many of the faculty resources are found separately in the Appendices. These and other faculty resources are annotated in the content outline in places where their use may be most effective. Faculty for a course based on this curriculum design may have supplemental resources that would be useful to court managers. These faculty resources are not intended to be the only participant materials; they are intended to provide some materials that are considered vital to the content.

### Section One

"For First Time in History, Diverse Stakeholders to Develop Strategic Plan for Judiciary," Michigan Courts News Release, April 27, 2021, <https://www.courts.michigan.gov/news-releases/2021/april/for-first-time-in-history,-diverse-stakeholders-to-develop-strategic-plan-for-judiciary/>.

Figure 1-1: Strategic Planning Overview

The Service Excellent Court (4 attributes on which it focuses)

Barriers to Good Customer Service

Customer Service Themes

Questions to Address to Improve Customer Service in Courts

Other Faculty Resources for this section include:

America's Founding Documents (National Archives), including the Declaration of Independence (1776).

[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html).

"Bill of Rights of the United States of America" (1791).

<http://www.billofrightsinstitute.org/founding-documents/bill-of-rights/>.

Roscoe Pound, "The Causes of Popular Dissatisfaction with the Administration of Justice," speech, 29 A.B.A. Rep., pt. I, 395-417, 1906; reprinted by the Univ. of Nebraska College of Law, online at <https://law.unl.edu/RoscoePound.pdf>, last accessed September 11, 2018.

Commission on Trial Court Performance Standards, *Trial Court Performance Standards with Commentary* (Washington, DC: Bureau of Justice Assistance, 1997).

<https://www.ncjrs.gov/pdffiles1/161570.pdf>.

Friesen, Ernest C. "The Purposes of Courts." Justice Programs Office, American University, published March 31, 2014. Video, 19:18. [Video of Ernest C. Friesen describing his forty plus years of seminal research regarding the purposes of courts and caseload management.]

<https://m.youtube.com/watch?v=saHbo6PNadQ>.

### Section Two

Checklist for Getting Started

Possible Leaders and Key Participants

Figure 2-1: Nine Step Strategic Planning Session in Linear Progression

Figure 2-2: Nine Step Strategic Planning Session Showing Interrelationship among Steps

Figure 2-3: Continuous Planning Cycle  
Sample Planning Timetables  
Strategic Planning Committees Worksheet  
Local Stakeholders Worksheet  
Sample Form for a Suggestion Box  
Figure 2-4: Types of Futures  
Figure 2-5: Sample Priority List  
Figure 2-6: Plan Development from Priorities  
Suggested Meetings to Operationalize the Plan  
Case Study and Case Study Options

Other Faculty Resources for this section include the following:

For an example of new developments and how far into the future an organization should be looking, see the video "25 Futuristic Technologies You May Live to See" [first 5:20 of 6:10] (List25, 10/21/2013), <http://www.youtube.com/watch?v=dtbebPcWhe4>.

For an example of possible implications being described for three trends, see the video "Three Future Trends Business Leaders Must Know" [7:44] (*Wall Street Journal Live*, 09/14/2012), <http://live.wsj.com/video/three-future-trends-business-leaders-must-know/038C2716-6111-4F24-B31C-3514205F69EA.html#!038C2716-6111-4F24-B31C-3514205F69EA>, an interview focusing on Moore's Law (tech capabilities becoming faster and cheaper), routinization of even white collar jobs, and cybernetic trends changing how we think/remember.

"Using Case Studies to Teach," Boston University Center for Excellence & Innovation in Teaching, <http://www.bu.edu/ceit/teaching-resources/using-case-studies-to-teach/>; "Design and Teach a Course: Case Studies," Eberly Center: Teaching Excellence and Educational Innovation, Carnegie Mellon University, <http://www.cmu.edu/teaching/designteach/design/instructionalstrategies/casestudies.html> [accessed November 17, 2015].

Resource for Use with Activity 2-2 (found within the Participant Activities)  
Sample—Court Users Expectations

Resources for Use with Activity 2-4 (found within the Participant Activities)  
Sample Trend and Trends Implications Descriptions,  
Types and Categories of Trends, and  
Composite Trends Implications Summary

Resources for Use with Activity 2-5 (found within the Participant Activities)  
Attributes Included in an Organizational Assessment  
Sample SWOT Template  
AAA Court's Organizational Strengths and Weaknesses (Sample)

Resource for Use with Activity 2-6 (found within the Participant Activities)  
Prioritization Exercise Example

Resources for Use with Activity 2-7 (found within the Participant Activities)  
Sample Strategies and Objectives

Resource for Use with Activity 2-8 (found within the Participant Activities)  
Exercise Example: 2015-2020 Priority Project: Community Needs Profiles

### Section Three

Figure 3-1: Strategic Thinking and Strategy Formulation and Implementation  
Figure 3-2: Strategic Thinking as the Generation of Options  
Figure 3-3: Strategic Decision Making—Making the Right Choices  
Figure 3-4: Foresight and Strategic Thinking  
Figure 3-5: Strategic Foresight in Context  
Figure 3-6: Foresight and Strategy Formulation  
Figure 3-7: Strategic Planning as Taking Action  
Figure 3-8: Interrelation between Strategic Thinking, Decision Making, and Planning  
Figure 3-9: Foresight and the Strategic Process  
Actually Doing Futures Work and Strategic Thinking in Court Organizations

Other Faculty Resources for this section include:

Conway, Maree, and Joseph Voros. "Integrating Foresight and Strategic Planning," paper presented at Organisational Foresight conference, University of Strathclyde, Glasgow (2002).

Future of the Courts: The Next Ten Years, online discussion group available through LinkedIn or Facebook.

Knox, Phil, Nicole Garcia, and Peter Kiefer. "Future of the Courts 2025: What is on the Horizon?" Handouts--slides and combined survey results--presented at the 2014 NACM Annual Conference, Scottsdale, AZ (July 14, 2014). Available at:  
<http://nacmconference.org/wp-content/uploads/2014/05/Future-of-the-Courts-Handout-5-30-2014.pdf>.

National Center for State Courts, Trends in State Courts series available at:  
<http://www.ncsc.org/trends>.

Voros, J. (2002), "Learning Scenario Planning," PowerPoint presentation, unpublished, *Foresight*, Planning and Review, Australian Foresight Institute, Swinburne University of Technology, Hawthorn, Australia.

Voros, J. (2003), "A Generic Foresight Process Framework," *Foresight v5/3* (2003), pp. 10-21.

### Section Four

Figure 4-1: Cultural Dimensions  
Figure 4-2: Key Characteristics of the Four Court Cultures  
Figure 4-3: Court Culture Preferences

### Section Five

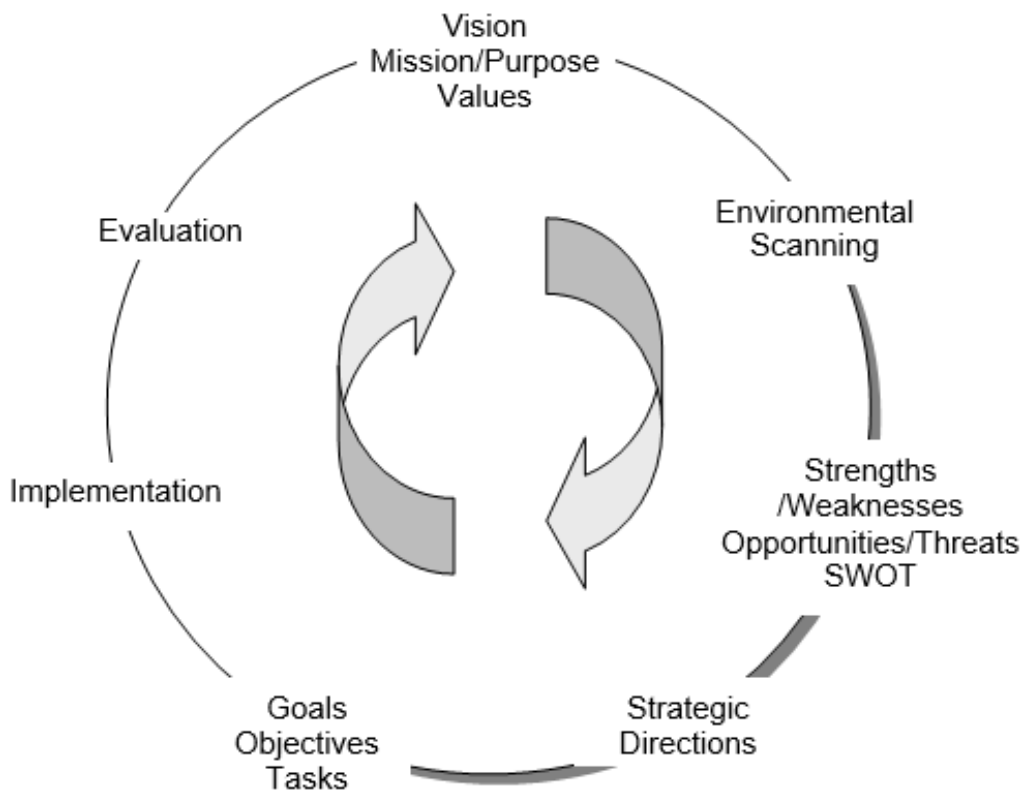
See the NACM Core Curriculum Design for Leadership at  
<https://nacmcore.org/curriculum/leadership/>.

See the NACM Core Curriculum Design for Court Governance at  
<https://nacmcore.org/curriculum/court-governance/>.



## Section One

**Figure 1-1: Strategic Planning Overview**



**The Service Excellent Court (4 attributes on which it focuses)**

- Strategy,
- Systems,
- People, and
- Clientele.

**Barriers to Good Customer Service**

- Inadequate communication between units,
- Not rewarding employees for quality service or quality effort,
- Understaffing,
- Inadequate computer systems,
- Lack of support from other departments,
- Inadequate training in people skills,
- Low morale—no team spirit,
- Bad organizational policies and procedures, and
- Esoteric jargon.

**Customer Service Themes**

- Managing service positively,
- Managing the client's experience (from the client's viewpoint), and
- Making service be the product.

**Questions to Address to Improve Customer Service in Courts**

- Who are our clients?
- What is (are) their cycle(s) of service?
- What are the organization's moments of truth?
- What can employees do collectively to be more service-focused?
- What can each individual do to be more service-focused?

## Section Two

### Checklist for Getting Started

- \_\_\_\_\_ 1. The purpose and benefits of developing a strategic plan are clear.
- \_\_\_\_\_ 2. Organizational readiness has been assessed.
- \_\_\_\_\_ 3. A sponsor or champion for the planning process and the strategic plan has been identified.
- \_\_\_\_\_ 4. Top leadership is committed to doing strategic planning and following through on the plan.
- \_\_\_\_\_ 5. If needed, a skilled facilitator has been identified and selected.
- \_\_\_\_\_ 6. A comprehensive process with specific steps and time lines has been developed and communicated to everyone.
- \_\_\_\_\_ 7. A strategic planning committee has been selected; all of the key people are committed to participating actively in the appropriate composition for your organization.
- \_\_\_\_\_ 8. You know how and when other judges, court staff, stakeholders, and court users will be involved in the planning process.
- \_\_\_\_\_ 9. You have assigned a staff person to coordinate the process and support the strategic planning committee.
- \_\_\_\_\_ 10. A communication and buy-in strategy has been formed.

## Possible Leaders and Key Participants

(*Note:* These suggestions are appropriate for a trial court planning body. An individual is not required in every slot, nor is this list intended to be exhaustive.)

### Consider Local Leaders from the Larger Justice System

Judge(s) from the court

Court Clerk and/or Court Manager

Quasi-judicial Officer (e.g., Chief Magistrate)

Bar Association leaders

Prosecutor

Public Defender or Legal Services Official

### Consider State Judicial Leaders

An appellate justice or judge who has a local office

Administrative Office of the Courts (AOC) staff,  
especially from a planning or court services unit

A Retired or Senior appellate justice or judge

### Consider Other Government Officials

Mayor or city council member

County supervisor

City or county planner

Local state legislator

Sheriff

High-level Police representative

One or more representatives from Correctional,  
Social Services, or Health agencies

A School System representative

### Other Possible Participants

Deputy clerks with significant responsibilities

A Judge's assistant

Other specialized court personnel (larger courts)

A Law Dean or Professor

A Guardian *ad litem* (GAL)

A Juvenile Justice or Correctional employee

A non-profit or other private sector Substance  
Abuse or Mental Health Counsellor

A Private Attorney

A Chamber of Commerce representative

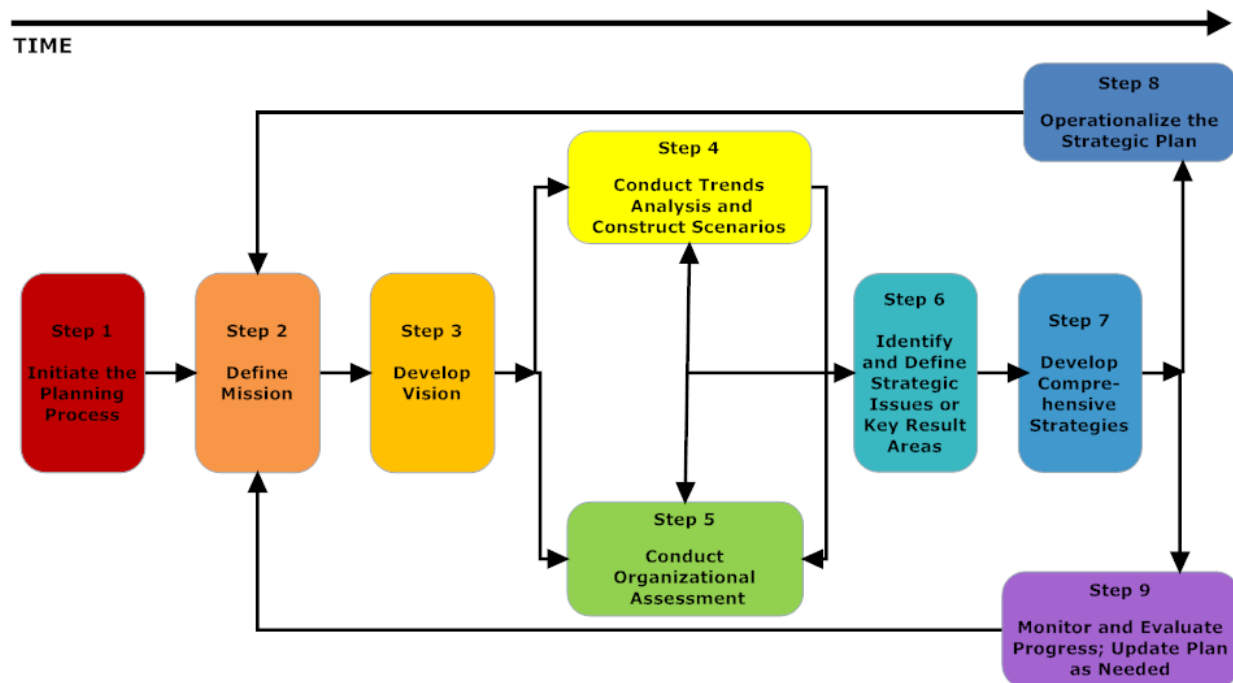
A Religious Leader

Other:

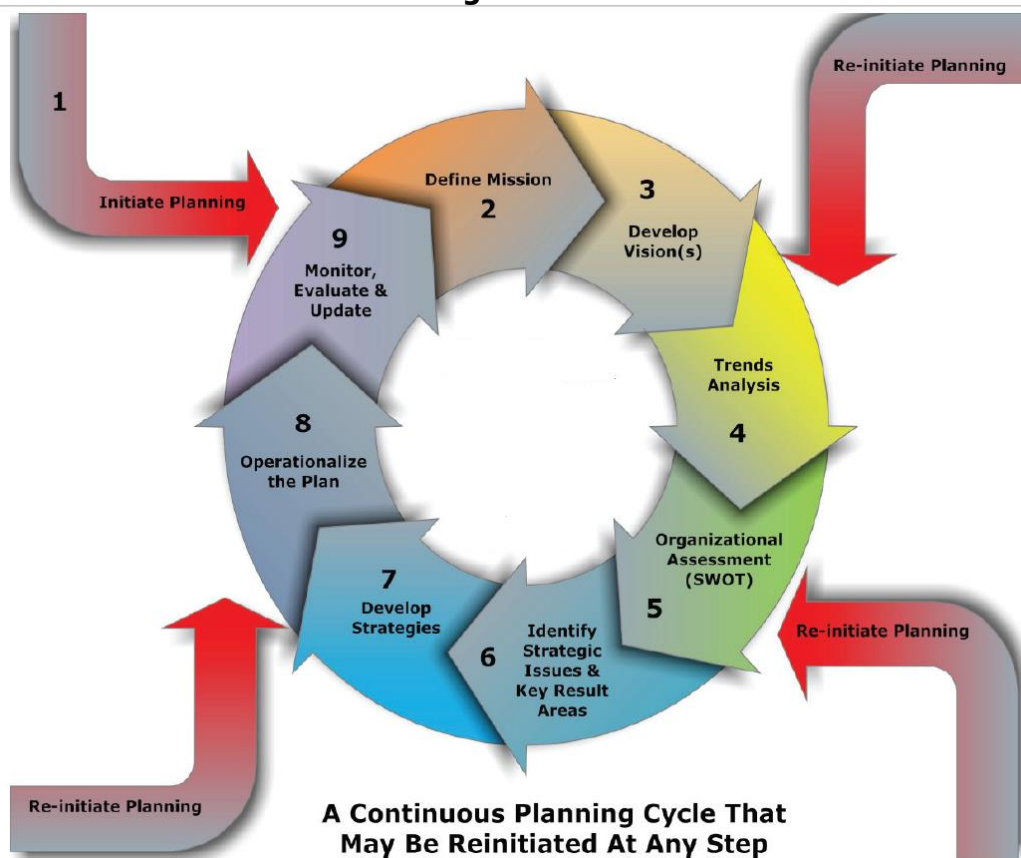
**Figure 2-1**  
**A Nine-Step Strategic Planning Process**  
**In Linear Progression**



**Figure 2-2**  
**A Nine-Step Strategic Planning Process Reflecting Interrelationships Among Steps**



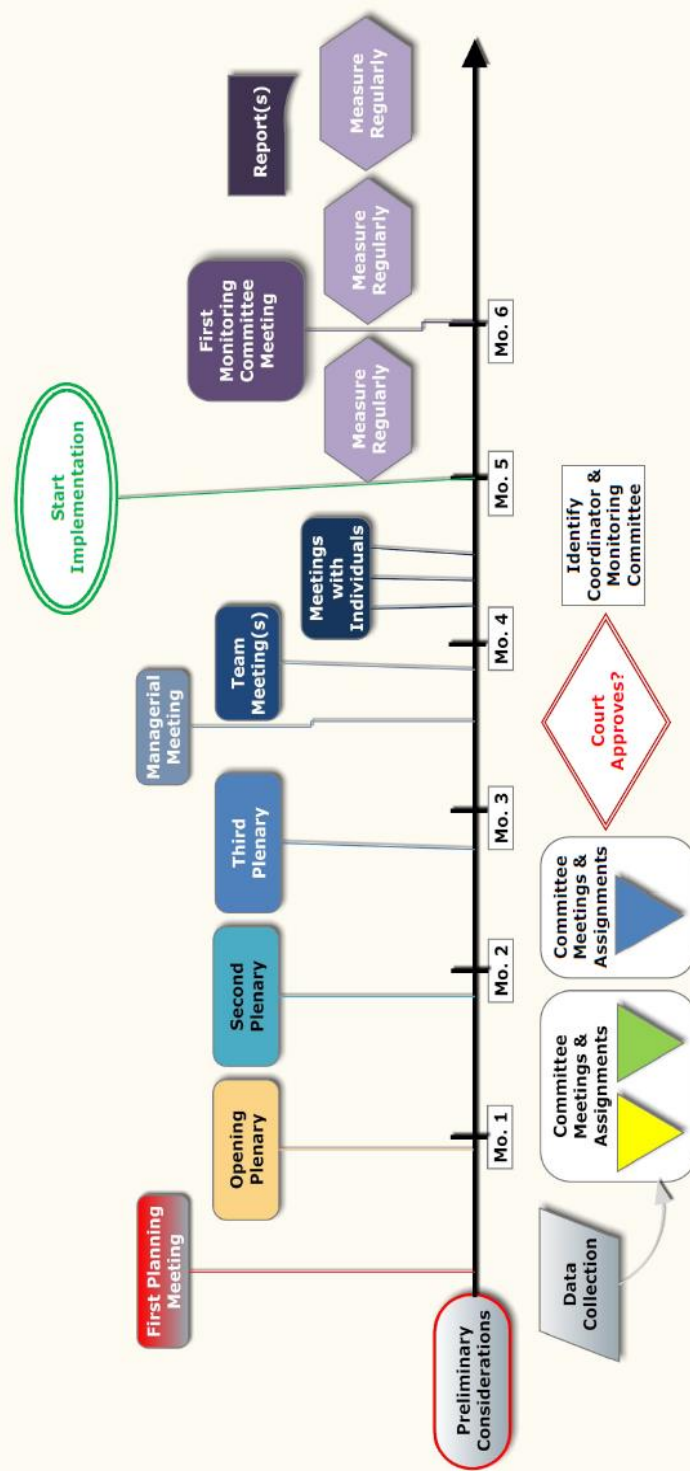
**Figure 2-3**





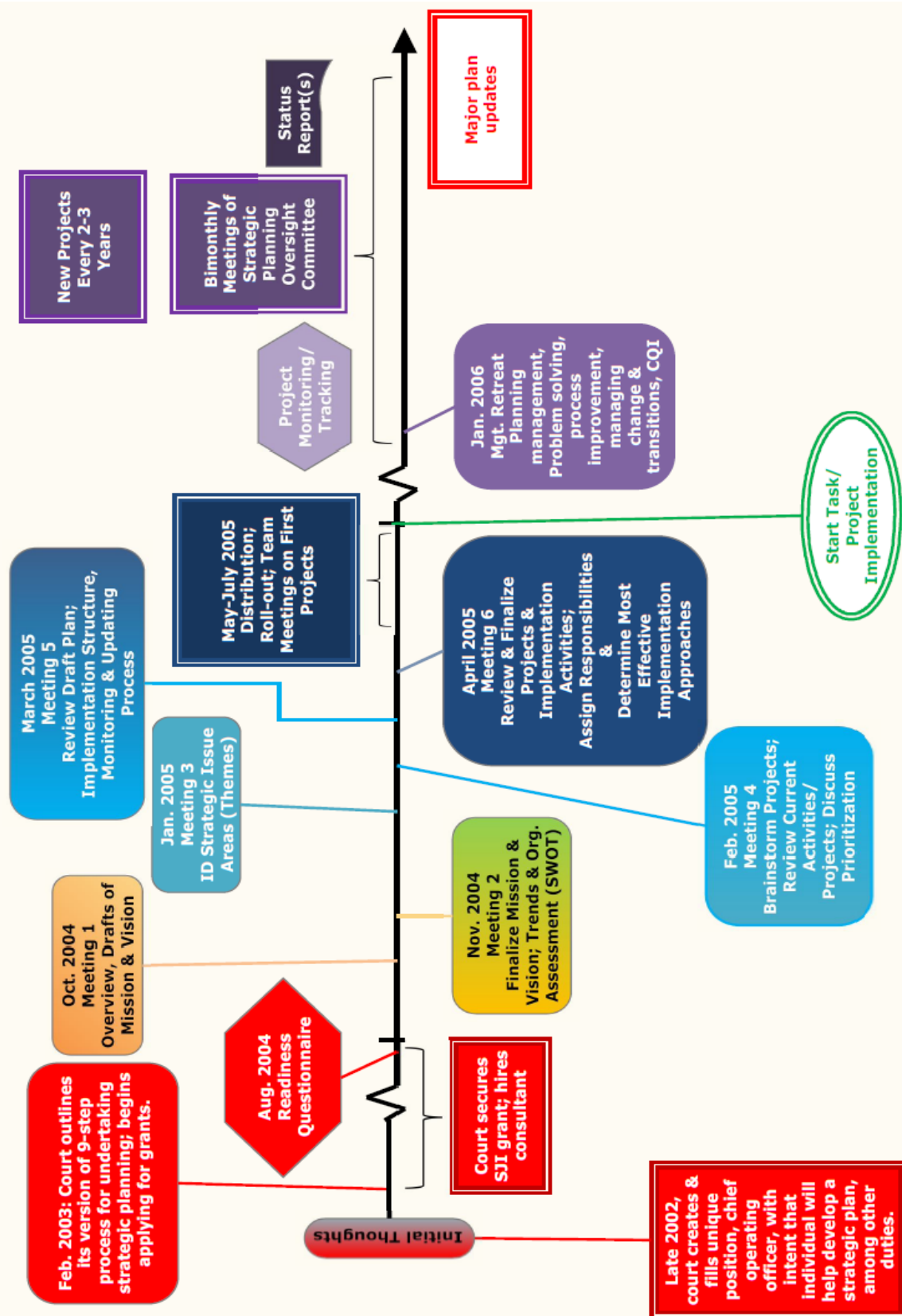
## Sample Planning Timetables

**Sample 1:  
A Limited-Purpose Planning Effort of Mid-level Complexity**



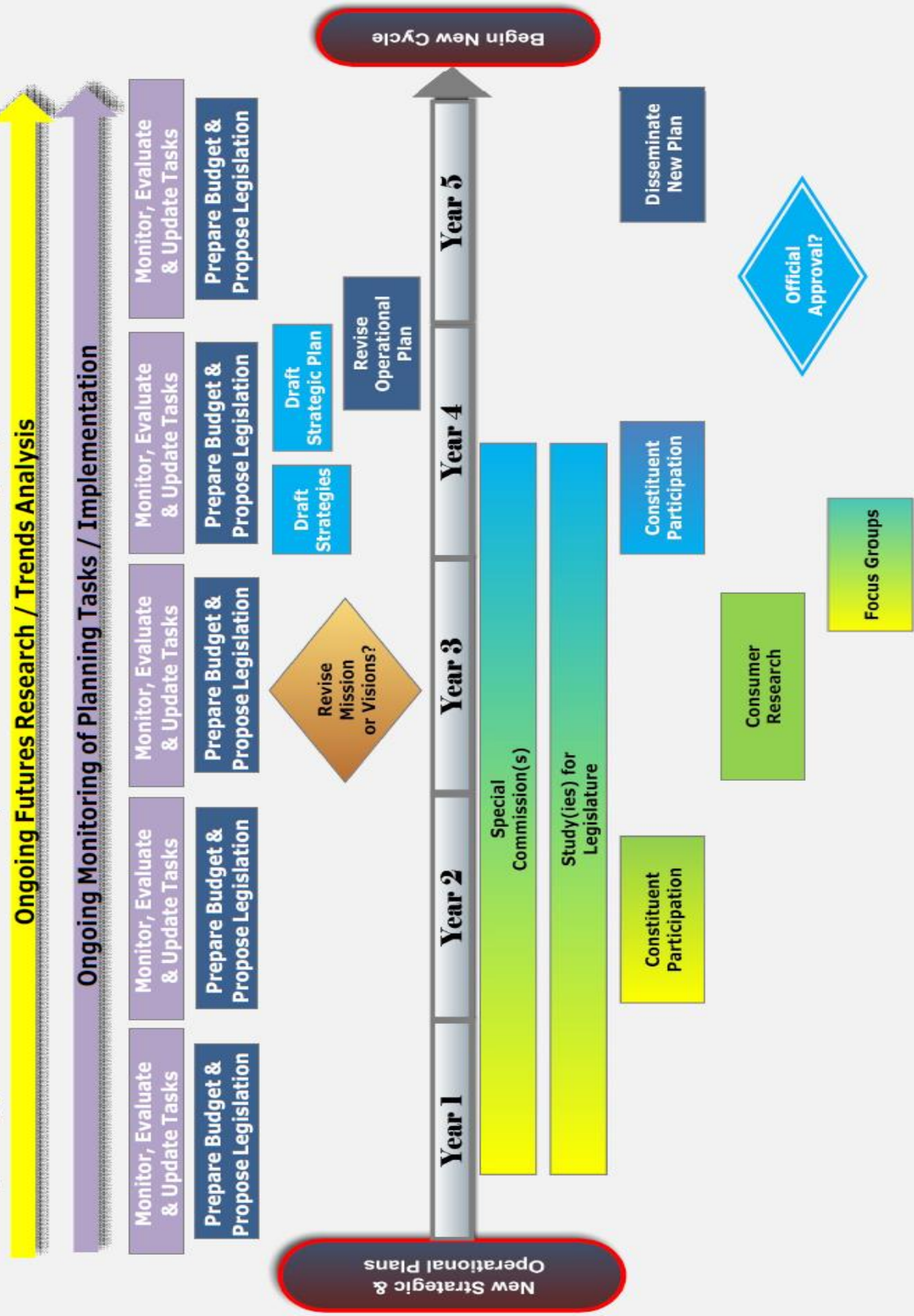
Sample 2:

# An Actual Comprehensive Planning Effort Richmond (Virginia) Juvenile & Domestic Relations District Court



### Sample 3:

## An Ongoing, State-level Comprehensive Planning Cycle



## Strategic Planning Committees Worksheet

### Strategic Planning Process

Chair: \_\_\_\_\_

Vice Chair: \_\_\_\_\_

### Planning Committee

**Responsibilities:** A small committee, chosen by the project leaders. Its role is to help flesh out the scope of the planning process, determine its likely organization (e.g., committees and their responsibilities), and identify stakeholders. It may recommend how the final product of the strategic plan will be determined. This body frequently becomes the core of the Executive Committee once the strategic planning process starts.

Strategic Planning Process Chair: \_\_\_\_\_

Strategic Planning Process Vice

Chair: \_\_\_\_\_

### Executive Committee

**Responsibilities:** Exercise general managerial duties with respect to the planning process. Coordinate the work of the various committees/task groups of the planning process. Set dates for plenary meetings.

Strategic Planning Process Chair: \_\_\_\_\_

Strategic Planning Process Vice

Chair: \_\_\_\_\_

Chair, Committee or Task Force 1: \_\_\_\_\_

Chair, Committee or Task Force 2: \_\_\_\_\_

Chair, Committee or Task Force 3: \_\_\_\_\_

Chair, Committee or Task Force 4: \_\_\_\_\_

Etc. \_\_\_\_\_

### Committee or Task Force 1

**Responsibilities:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### Name/Position

(Chair) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### Contact Information

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Committee or Task Force 2**  
**Responsibilities:** \_\_\_\_\_

**Name/Position**  
(Chair)

**Contact Information**

**Committee or Task Force 3**  
**Responsibilities:** \_\_\_\_\_

**Name/Position**  
(Chair)

**Contact Information**

**Committee or Task Force 4**  
**Responsibilities:** \_\_\_\_\_

**Name/Position**  
(Chair)

**Contact Information**

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**Etc.**

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- 
-

## Local Stakeholders Worksheet<sup>49</sup>

Local Judges	Legislators	Dept. of Social Services
	Local Government Officials	Juvenile Justice
Clerks & Magistrates	Local Prosecutor & Defender	Chamber of Commerce
	Legal Services Group(s)	Local Hospital/Medical
Other Court Personnel		
	Law Enforcement Dept(s)	
		Local Education Leaders
	Sheriff's Dept.	Local Religious Leaders
Probation		
	Bar Association(s)	
		Other
GALs or CASA <sup>50</sup>		

<sup>49</sup> Adapted from “Local Stakeholders Worksheet” in *Reinventing Justice: A Project Planner* (Greenfield, MA: Franklin County Futures Lab Project, 1997), p. 14.

<sup>50</sup> Guardians *ad litem* or court appointed special advocates.



	<b>Mental Health Services</b>	

## Sample Form for a Suggestion Box

### **WE WANT YOUR SUGGESTIONS!**

The [**court name**] would like to know what suggestions you have for improving services of the court. Please take a few minutes to fill out this card and place it in the suggestion box. Thank you for your comments!

**In which court were you involved?**  
(Circle one category)

1. Circuit Court—Civil
2. Circuit Court—Criminal
3. District Court—Traffic
4. District Court—Civil
5. District Court—Criminal
6. None of the above (you may skip the next question)

**In what way were you involved?**  
(Circle one category)

1. Defendant
2. Plaintiff
3. Witness
4. Juror
5. Court employee / law enforcement / attorney
6. Fine, fee, license, or other transaction
7. Submitting documents / pleadings
8. Checking records
9. Other: \_\_\_\_\_

**PLEASE PRINT**

**What suggestions do you have for improvement in court services?**

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**Are there any additional services or information that you would find helpful?**

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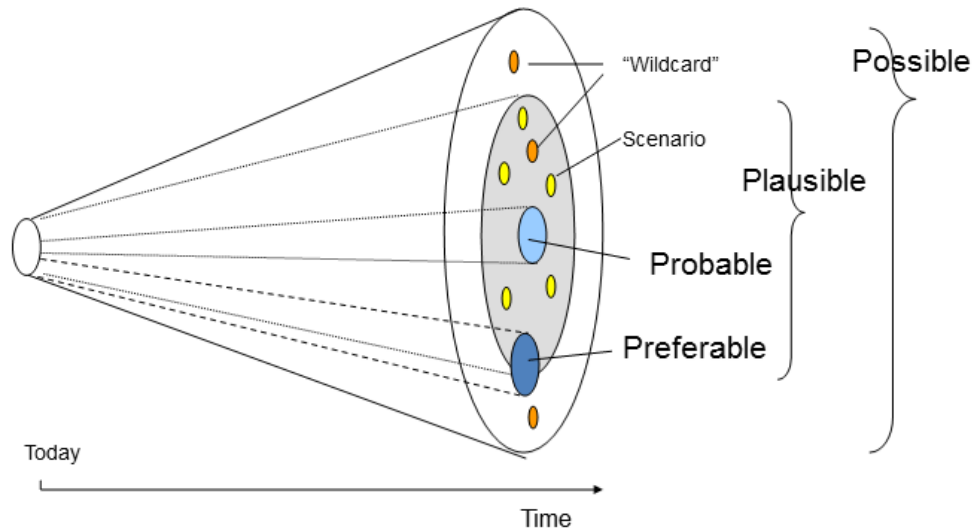
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**What suggestions do you have for changes in the process of having your case heard in court?**

Feedback need not be high-tech. A simple handout to court visitors can be used to solicit comments or suggestions. Of course, such a form could be adapted to a modern electronic format but should allow for anonymous submissions.

THANKS FOR YOUR TIME!

**Figure 2-4**  
**Figure 2-4: Types of Futures<sup>51</sup>**

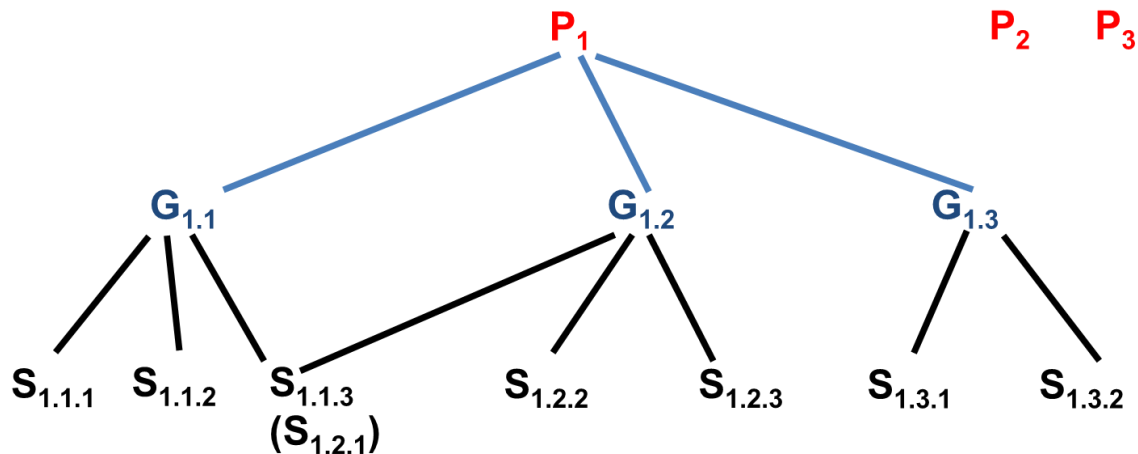


**Figure 2-5**  
**Sample Priority List**

- P1 Access to Justice**
- P2 Delay Reduction**
- P3 Customer Service**
- P4 Collection of Fines and Costs**
- P5 Judge-Staff Relations**

<sup>51</sup> Maree Conway, "Campus Design for the Future," presentation to the Institute of Technology and Polytechnics New Zealand, Wellington, 2005, Slide 18; <http://www.slideshare.net/mkconway/campus-design-of-the-future>.

**Figure 2-6**  
**Plan Development from Priorities**



### **Suggested Meetings to Operationalize the Plan**

The Strategic Plan has been approved, and the planning process has reached **Step 8**. The court organization must determine how it will implement the strategies and objectives in the plan. This step will require a series of meetings, with larger courts requiring more meetings to handle the greater number of people, work units (teams), and managerial levels that are likely to be involved. Similarly, anything about the plan that adds to its complexity will demand more effort during this step. In a small court tackling a minimum number of issues, a few meetings may be all that operational planning requires.

The planning coordinator should provide a general explanation of the purpose and process for these meetings to all court employees before they begin. The meetings must allow supervisors and subordinates to discuss details of the plan and the court's overall work and come to mutual agreement regarding unit and individual responsibilities. Communication is, again, a critical point.

Realistically, changing work responsibilities is a negotiated process. Discussions must work down and back up the court's hierarchy. Managers should document any substantive changes in job descriptions and adjust any annual performance plans that employees may have.

#### **Initial Managerial Meeting(s)**

The initial meeting or meetings to operationalize the plan must take place among the court's managerial leaders, that is, the judge(s), the clerk, the court manager (if there is one), chief deputy clerks, other supervisory court staff, and the leaders of any closely affected agencies.

##### **1. Review Strategies and Objectives**

Attendees should begin with a review of the strategies and objectives of the plan, focusing specifically on implications for departments, docket teams, or other work units. Most of the attendees will probably have been participants in earlier planning steps, particularly in smaller courts, so the strategies and objectives should be familiar to the majority. It is likely that they will already have been considering the plan's effects on themselves and their subordinates.

## **2. Determine Areas of Responsibility**→Managerial Assignments

For each objective, the attendees should determine which court unit/team will be responsible for its implementation. Depending upon the nature of the objective, it is perfectly legitimate for multiple court units/teams to support its implementation but by different, if not shared, project/task responsibilities.

## **3. Review Trend and SWOT findings**

The attendees should consider trend and SWOT findings from the planning process in terms of how they are likely to affect court units and individuals carrying out various implementation activities. Are there process or resource implications to be addressed?

## **4. Assess Preliminary Resource Needs and Conditions for Implementation**

Managers should discuss the likely projects and tasks<sup>52</sup> that they believe should begin the implementation process. Considering these likely projects and tasks, assess the staff, technology, and other resources that will be needed to accomplish them. Do personnel have sufficient training? Does current software perform the necessary functions? Are there laws or procedures that will need to change before a task can be performed? Final details about resource needs and conditions for implementation will be clearer after discussions within teams and with individual workers.

## **5. Identify Needed External Cooperation**

Who will the court need to work with to accomplish given projects or tasks (e.g., municipal board or council, local prosecutor, sheriff, etc.)?

Which officials should be approached in order to secure additional resources?

What can the AOC or similar justice system entities offer in terms of support—training, technical assistance, software, etc.?

## **Team Meetings**

Soon after the Managerial Meeting(s), the judge(s), clerk, court manager, and other supervisors should meet with their respective teams to develop more specific project and task details for implementation. The planning coordinator (if he/she is not the immediate supervisor involved) may take part in these discussions to help communicate details of the plan and get a sense of how workers are responding. If individuals from other agencies are critical team members, then they should be included in team meetings.

## **1. Review entire plan with each team**

Line workers are less likely to be familiar with all the details of the plan than were the managerial leaders. More time may be required to explain details of the plan to the deputy clerks and other staff. At this step in the planning process, it must be made clear to the staff, if it is not already, that the plan is not being presented for their approval but for their input regarding “how to make it happen.”

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<sup>52</sup> Projects and tasks are work efforts that can be accomplished within two years or less. Projects are more complex than tasks, consisting of several sequential or consecutive task units that together accomplish a specific planning goal. Projects tend to involve more individuals than tasks.

## **2. Identify areas that will be the team's responsibility**

Share the managers' thoughts about what strategies and objectives are within the team's areas of responsibility. Make clear how other teams may share their implementation responsibilities. Get staff feedback. Are there significant differences of opinion? If so, do any of the contrary opinions seem to have merit?

## **3. Discuss Trend and SWOT findings**

Share trend and SWOT findings from Steps 4 and 5 and the managers' thoughts about their implications for implementation activities. Get staff feedback. Are they aware of other trends that may be relevant? Is there significant disagreement about findings or their implications?

## **4. Brainstorm how the team should approach its responsibilities**

It is important for workers to feel some sense of ownership or control over their work. Allow them to propose some projects and tasks that would support implementation in their areas of responsibility before sharing the managers' project and task ideas. Record all these ideas on a flipchart or projectable list.

## **5. Prioritize projects and tasks**

Discuss which projects and tasks are more important than others, need to occur before others as a necessary foundation, or might be good "early successes" to build momentum and morale. How much time will a given task take to complete? Will the answer vary depending upon the person to whom it is assigned?

If a plan is not comprehensive/all-encompassing, address continuing responsibilities *outside of the plan* and how these will affect resource allocation and timelines for project and task completion. What projects or tasks would require resources that the court organization does not yet have or conditions (e.g., cooperative agencies) that do not yet apply? Record a list of resource needs and conditions.

What performance measures are appropriate to gauge progress on given projects or tasks? By what outcome measures will the court know when a project or task is complete or successful? Be sensitive to whether any individuals seem to be minimizing or overemphasizing projects and tasks that would be likely to fall among their responsibilities.

## **6. Discuss best roles for individuals**

When preliminary project and task details have been outlined, discuss who on the team should be responsible for working on what. It may be possible for more than one person to perform a given Task A, but, if Person 1 is crucial to Task B, then Task A may have to be assigned to Person 2. Is there someone else among the court's staff but on another team who would be the best possible person for a project or task?

## **Second Managerial Meetings**

After the conclusion of the first round of team meetings, the court's managerial leaders should meet again. (*If there is only one team, then another managerial meeting may not be necessary.*)

Managers should share the results of their team meetings, focusing on how their preliminary assumptions may need to be changed and identifying new project and task ideas that were discussed in the team meetings. How might the needs and responsibilities of each team affect the other(s)?

Based upon resources and priorities, the managers should work to establish a coordinated list of projects and tasks among the teams—listing timelines, probable staff assignments, and measurements by which to monitor progress and determine success.

### **Second Team Meetings (if needed)**

The second round of team meetings is intended to communicate decisions from the second managerial meeting(s) and offer teams an opportunity to make additional comments. Unless there is a surprise development, such as the departure of a deputy clerk, the initial details of the operational plan should be finalized. *Details of the plan are always subject to modification—when necessary—during the course of Step 9.* Major surprises that could threaten to disrupt implementation efforts should be brought to the attention of all the managerial leaders.

### **Individual Performance Meetings**

Management of human resources is more effective when employment expectations are clear. Job descriptions should accurately reflect employees' responsibilities. In order to hold employees accountable, managers should work with each employee to develop individual performance plans that reflect work expectations (e.g., task responsibilities) for a year or other period of time. Measures of performance that are as objective as possible should be included in these performance plans.

As projects and tasks are assigned to individuals as part of Step 8, managers should discuss with each worker how the new assignments affect their overall job expectations. Do the new assignments add to or replace existing responsibilities? Do the new assignments represent an increase in the quantity or difficulty of an individual's responsibilities? Will procedures have to be changed? Does the worker need additional training or equipment to handle her/his new duties? The manager should clearly state any task deadlines and measures by which worker performance will be assessed and when measurements will be taken and reviewed (part of monitoring in Step 9). All such details should be recorded in individual performance plans for inclusion in workers' employment files.

### **Managerial Follow-up**

As operational details are completed for the implementation of a strategic plan, the court's managerial leaders must address any resource needs and conditions for implementation. If resources are not already available from local or state sources, such as the AOC, then managers may need to add to local and state budget requests and proceed through the appropriate channels. The court organization should anticipate that any source of appropriations will expect accountability for the use of funds; details about when performance measurements will be taken and reported will be of interest to local and state officials.



For financial resources, organizations should not overlook short-term funding through grants. Some state court systems have a grant writer who can provide assistance in identifying and applying for appropriate grants.

If changes to rules or statutes will be necessary or helpful to implementation efforts, then begin the procedures necessary to get these approved.

In preparation for monitoring and reporting efforts during Step 9, relate details of the operational plan to the Strategic Plan.

## Case Study Exercise

Many students are more inductive than deductive reasoners, meaning that they learn better from examples than from logical development starting with basic principles. The use of case studies can, therefore, be a very effective classroom technique. Two actual trial court strategic plans are provided in Appendix B as sample options for a case study. Additional resources about the use of case studies are listed among the faculty resources for Section 2.

Select one of the case studies for review. Read through the entire strategic plan. Consider the following questions as you read the case study.

### 1. The Strategic Plan as a Whole. Thinking about the entire plan:

- Does the Plan help you understand where the court wants to be in the future, and does it clarify a path to future success?
- Does it appear as if the court is making informed, sometimes difficult decisions about the service it provides?
- Does it envision what a strong court organization looks like, and how it will celebrate successful achievement?
- Is the strategic plan complete? Identify anything that you believe is missing.
- Is the plan clear and understandable to the court community? To the public? To court users?
- Did the court follow the traditional linear model (the nine-step process) of strategic planning? What is missing, if anything?

### 2. Mission, Vision and Values. Looking at the mission statement, vision(s) and values:

- Review and evaluate the court's mission statement, vision(s), and values. Together, do they inspire and connect the court and its stakeholders to the mission?
- What would you change, if anything, and why?
- How do the sample court's mission, vision, and values compare to those for your court organization or a court you know?

### 3. Trends and Their Implications for the Court. Reviewing the trends and the implications of those trends facing the court:

- Does the Plan assess where the court organization is in relationship to the trends identified?
- Do you see any of the same trends facing your organization? Have you thought about how your court organization will deal with the implications of the trends in the future?
- Are there any "obvious trends" facing court organizations today or facing your organization that you expected to see listed that were not?

#### 4. Organizational Assessment. Evaluating the organizational assessment in the case study:

- What were a few specific strengths, weaknesses, opportunities, and threats identified by the court? Do any of these characterize SWOTs that your court organization faces?

	Case Study	Your Court Organization
<b>Strengths:</b>		
<b>Weaknesses:</b>		
<b>Opportunities</b>		
<b>Threats:</b>		

#### 5. Strategic Issues, Goals, Objectives and Projects or Tasks. Looking at the "strategic core" of the plan:

- How do the strategic issues reflect the mission, vision and values set forth in the plan? In other words, what is the relationship between the strategic issues and how the court describes what is most important to it as an organization?
- Do the strategic issues relate back to the findings of the SWOT analysis? How?

Consider below at least one specific strategic issue identified in the strategic plan in your answers to these questions.

Strategic Issue	Mission, Vision, Values	SWOT Analysis

- Identify any operational plans in the case study you reviewed. Is there a direct link or path from strategic issue to goals and objectives, and to projects and tasks?
- Does the strategic plan demonstrate any aspects of the connections between strategic thinking, strategic decision-making and strategic planning that characterize effective strategic foresight capability?
- How convinced are you that the court organization can achieve its stated goals and objectives?
- Select one goal and its objectives for comment. How might the court measure whether the objectives are met? Suggest measures of effectiveness that the court might employ.

[illegible]

## Case Study Options (*see* Appendix B)

### Option One

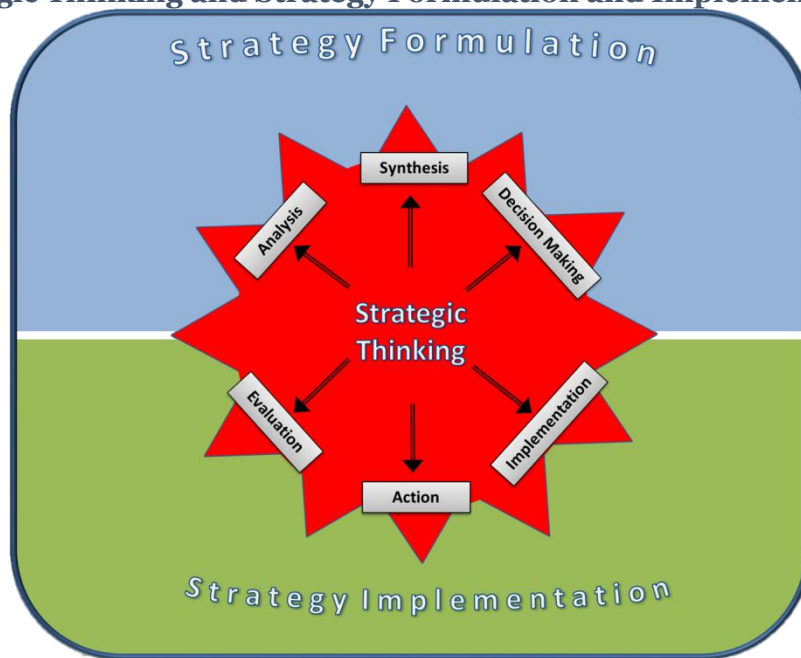
Excerpts from *Charting the Course: 2005-2007 Strategic Plan* (Richmond, VA: Juvenile and Domestic Relations District Court, 2005); full text at [http://www.richmondgov.com/CourtJuvenileDomesticRelations/documents/PLAN\\_DOCUMENT.pdf](http://www.richmondgov.com/CourtJuvenileDomesticRelations/documents/PLAN_DOCUMENT.pdf).

### Option Two

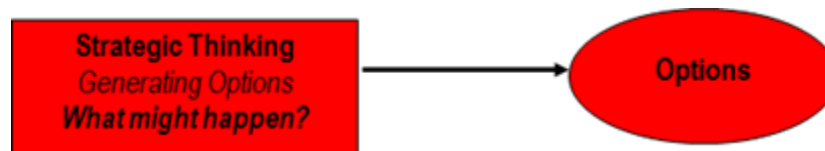
Excerpts from *2010-2015 Strategic Plan* (Superior Court of California, San Luis Obispo County, 2009); full text at [https://secure.slocourts.net/downloads/court\\_documents/strategic\\_plan\\_2010/Strategic\\_Plan.pdf](https://secure.slocourts.net/downloads/court_documents/strategic_plan_2010/Strategic_Plan.pdf).

## Section Three

**Figure 3-1**  
**Strategic Thinking and Strategy Formulation and Implementation<sup>53</sup>**



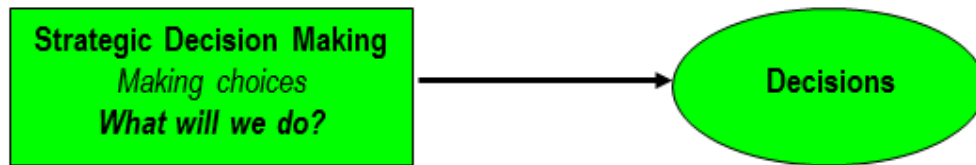
**Figure 3-2**  
**Strategic Thinking as the Generation of Options<sup>54</sup>**



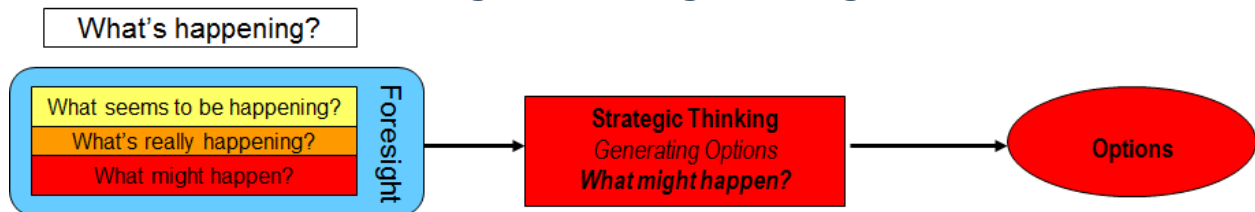
<sup>53</sup> Jeffrey Russell and Linda Russell, *Strategic Planning Training* (Alexandria, Va.: American Society for Training & Development Press, 2005), p. 62 (slide 6-18), hereinafter cited as “Russell and Russell, ASTD, 2005”.

<sup>54</sup> Maree Conway, “Re-thinking Strategic Planning: A Futures Perspective (presentation to the Association of University Administrators Conference, April 2007), Slide 15; <http://www.slideshare.net/mkconway/rethinking-strategic-planning-a-futures-perspective>.

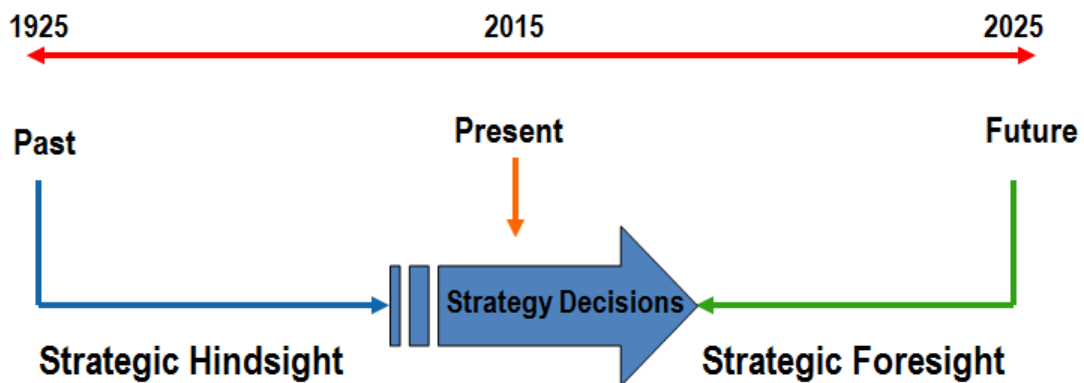
**Figure 3-3**  
**Strategic Decision Making—Making Right Choices<sup>55</sup>**



**Figure 3-4**  
**Foresight and Strategic Thinking<sup>56</sup>**



**Figure 3-5**  
**Strategic Foresight in Context<sup>57</sup>**

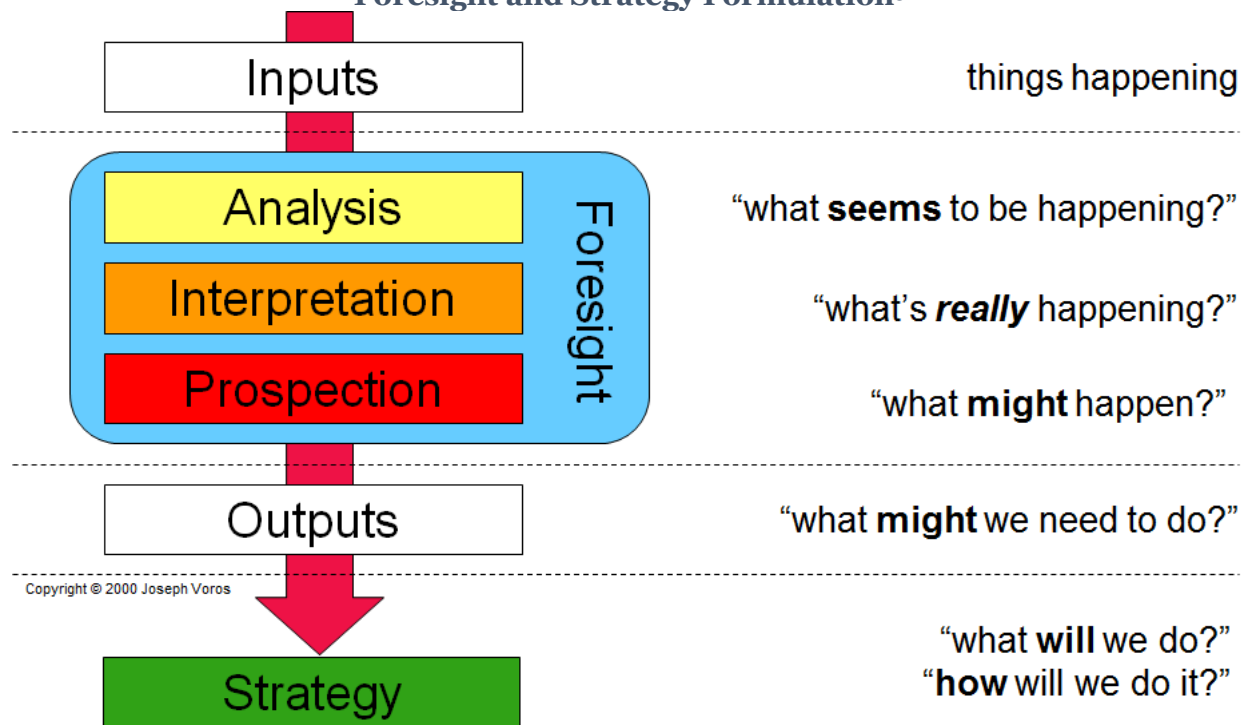


<sup>55</sup> Re-thinking Strategic Planning, Slide 14.

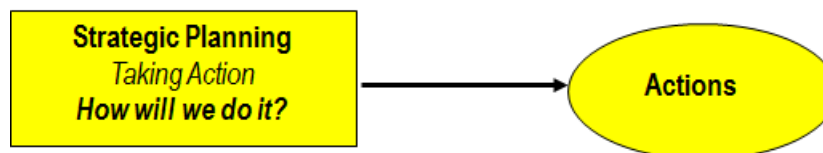
<sup>56</sup> *Id.* at Slide 66.

<sup>57</sup> *Id.* at Slide 94.

**Figure 3-6**  
**Foresight and Strategy Formulation<sup>58</sup>**



**Figure 3-7**  
**Strategic Planning As Taking Action<sup>59</sup>**

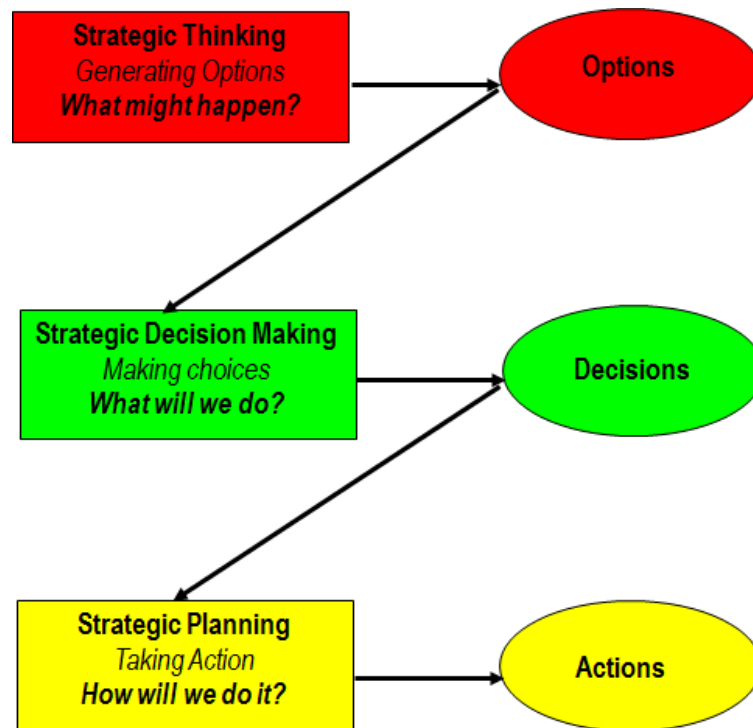


<sup>58</sup> *Id.* at Slide 65.

<sup>59</sup> *Id.* at Slide 13.



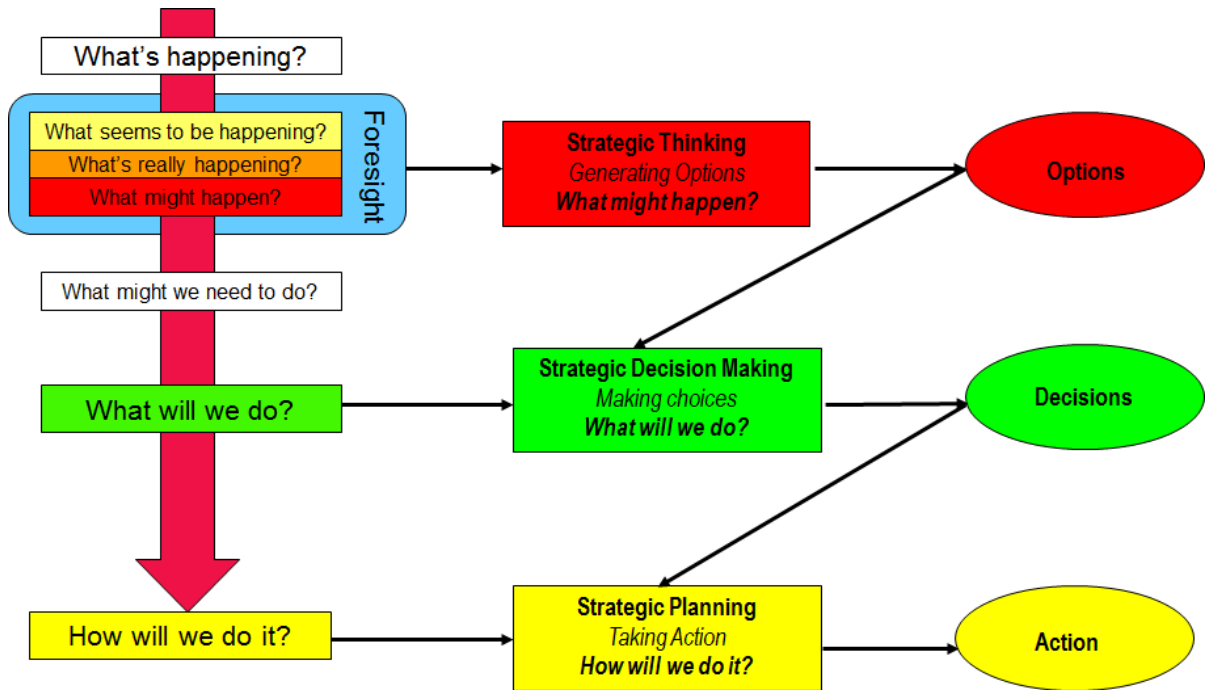
**Figure 3-8**  
**Interrelation of Strategic Thinking, Decision Making, and Planning<sup>60</sup>**



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<sup>60</sup> *Id.* at Slide 17.

**Figure 3-9**  
**Foresight and the Strategic Process<sup>61</sup>**



<sup>61</sup> *Id.* at Slide 66.

## Actually Doing Futures Work and Strategic Thinking in Court Organizations<sup>62</sup>

### Lessons from Practice

- Language
- Maintaining Support at the Top
- Organizational Positioning
- Organizational Context and Politics
- Thinking is Work Too
- People
- Implementation
- Worldviews and Assumptions – the ‘glazed eye’ syndrome
- Knowledge

#### Language

- Get used to crystal ball jokes.
- Choose terms that will be understood.
- Develop clear and unequivocal messages about what you are doing and why you are doing it.
- Stay strong!

#### Maintaining Support at the Top

- Obvious, but critical.
- Need to ensure futures work is not dependent upon one individual.
- Need a leader who will support you and follow through.
- Not only leader, but an executive group/team.
- It is this group that has the real influence on the degree to which futures work is accepted.

#### Organizational Positioning

- Setting up, maintaining, or using organizational futures is different from using futures approaches or tools in one’s work.
- At the organizational or court level, needs clear mandate and support.
- In your work, it will depend on your job and your boss!

#### Organizational Context and Politics

- This is the one very easy to misread -- badly.
- Who needs to be involved?
- Who can derail your work?
- Futures work competes with the power of people’s egos and personal agendas, animosities, and ambitions. You need to understand these.

#### Thinking is Work Too

- Convincing people to take time out to participate in futures work will be difficult.
- How many of you have commented along the lines of “If only I had time to think?”

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<sup>62</sup> Id. (adapted from Conway’s Slides 97 through 107 and 109).

- And, how many think planning workshops and retreats are usually a waste of time?
- We need to schedule time to think.
- We need to start viewing thinking as work too.

### People

- People doing futures work need established credibility and goodwill because this work will strain working relationships:
- Something like: 'You were well respected when you worked in the courtroom, but once you started this foresight work, things went downhill.'
- While you need to maintain support at the top, you will probably find that people at the 'grass roots' are more open to futures.
- Often, they like and see value in the prospective stage in particular (scenarios and creating futures).

### Implementation

- Conceptual framework
- Strong methodology
- Clear project plan—purpose and structure, roles and responsibilities
- Communication strategy—explain why there is value
- Differentiate between content and process
- If we are to find out what staff and others think about the future, we need to let them tell us, not present them with pre-packaged views of where the court should be going.
- Long-term—this will take time.

### Worldviews

- Watch out for the 'glazed eye syndrome' (you are hitting a strong worldview when this happens).
- Challenging deeply held assumptions is critical but very, very difficult.
- Watch out for your own worldview—develop a strong, reflective understanding of how you see the world—what you look for and what you miss altogether.

### Knowledge

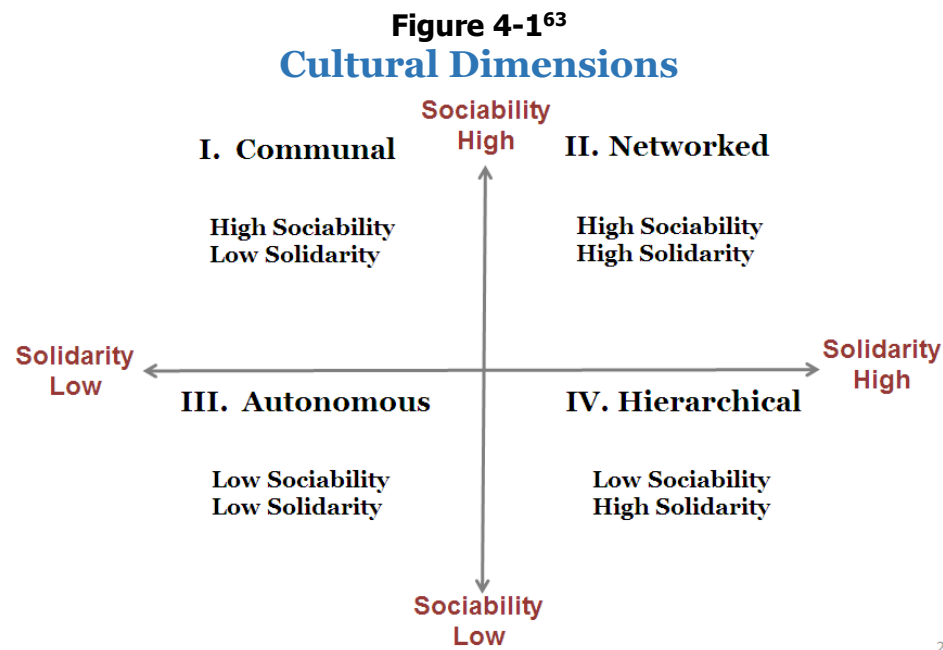
- Need to have a firm grounding in the futures field and concepts.
- Reading a book is not enough (and deluded!)
- If you are serious about this work, use a futures and strategic planning consultant or experienced professional who specializes in knowledge transfer as part of the deal.
- Doing futures work is both challenging and very hard work, but it will also be some of the most rewarding and exciting work you have ever done.
- It will change the way you think, and it will change the way you see the world.

### Strategic Planning Revisited: Some Key Messages to Remember

- Terminology: Strategic Thinking, Decision Making, Planning
- Three steps (thinking, deciding, doing)
- Past, present, and future
- Integral approach—consider both inner and outer worlds/perspectives
- Understand your worldview and accept the worldviews of others

- Generic foresight model (input, analysis, interpretation, prospection)
- Strategic thinking and strategic foresight

## Section Four

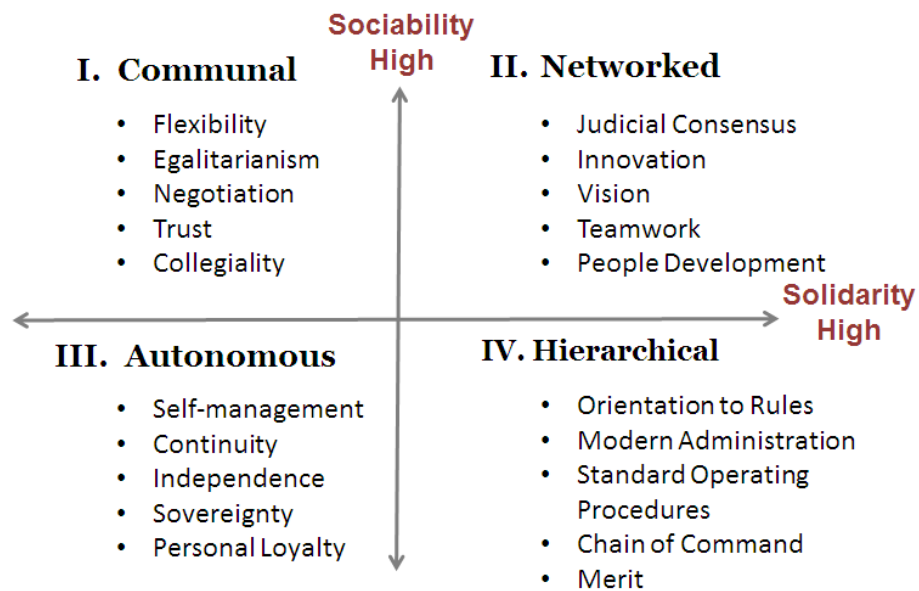


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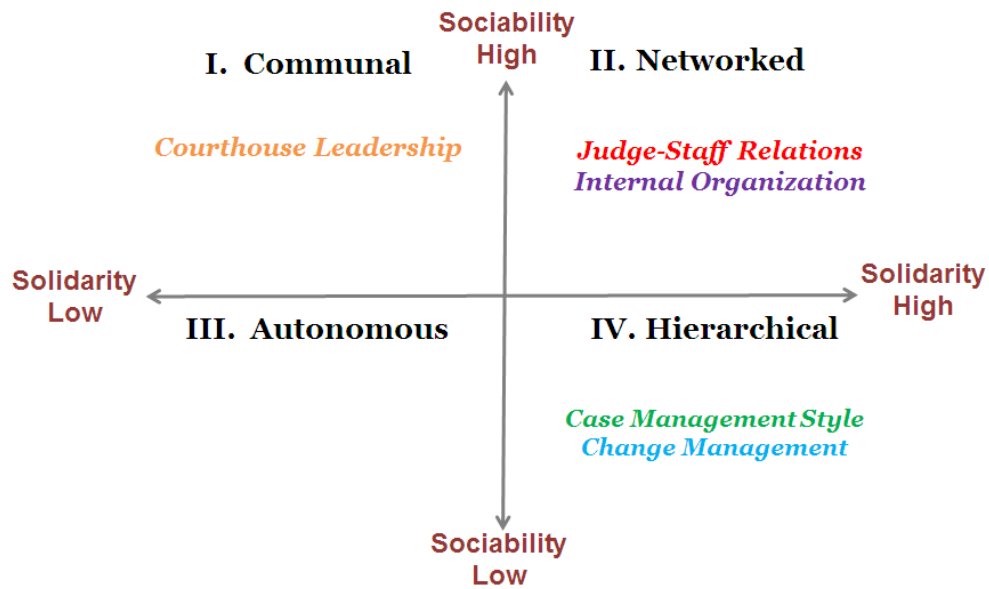
<sup>63</sup> The figure is adapted from *Trial Courts as Organizations*, p. 38, and from Slide 52 of ICM's 2012 Course on Court Performance Standards: CourtTools.

**Figure 4-2<sup>64</sup>**  
**Key Characteristics of the Four Court Cultures**



<sup>64</sup> Adapted from “Figure 2.3: Narrative Summary of Four Court Cultures” in *Trial Courts as Organizations*, p. 43.

**Figure 4-3<sup>65</sup>**  
**Court Culture Preferences**



## Section Five

There are no additional faculty resources regarding leadership in this curriculum design. Please see the faculty resources provided in the NACM Core Curriculum Design for Leadership at <https://nacmcore.org/curriculum/leadership/>.

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<sup>65</sup> The figure is based upon content found on page 117 of Trial Courts as Organizations and adapted from Slide 54 of ICM's 2012 course, "Court Performance Standards: CourTools."

## Participant Activities

The participant activities are among the most important parts of the curriculum design as they are the tools faculty members are able to use to determine if participants have achieved the outcomes defined in the learning objectives. Also, participant activities provide tools to faculty to ensure that the training, course, or session is not only informative, but also interactive.

Participant activities are annotated in the content outline in places they may be effectively used. Each activity has a cover page explaining its purpose, the specific learning objective being measured, and how to use the activity. The activities themselves are on a separate page(s) for ease of duplication.

The following activities are to measure achievement of stated learning objectives. Faculty are encouraged to incorporate additional strategies to engage court managers and keep them active during their educational experience, for example, asking questions about content before presenting it, having learners discuss content and provide feedback to faculty on their perspectives, and more.

Faculty should keep in mind that this is a guide to developing courses on strategic planning, the core materials of which are in Section 2. The content and exercises in Sections 1, 3, 4 and 5 are supplementary; devoting time to their exercises may be appropriate only for in-depth courses.



## Section One:

### Overall Purpose

The Activities in this section are intended first to set a context for why court organizations should engage in strategic planning and then to identify factors that can influence the success of planning efforts.

### Activity 1-1: Purposes of Courts—Why Do Courts Exist?

#### Purpose

The purpose of this activity is to get participants to consider the work that is done in the courts and develop participants' ability to identify and express the societal goals that court work is intended to fulfill. This discussion should set the stage for further consideration of how well court organizations actually fulfill their purposes and responsibilities and how courts might go about improving performance or maintaining performance in light of changing circumstances.

#### Notes about Using the Activity

As a way of starting the discussion, ask the class to prepare a list of what they think the purposes of courts are. Participants should first jot down their individual perceptions then discuss these with others in their groups. For some, this will be the first time they have considered this question.

After participants discuss and report back their lists from each group, the instructor should compare their answers with the information from various resources listed in Section One of the Faculty Resources, e.g., the unique features of the U.S. system of government, values and functions implied or explicit in founding documents (e.g., Declaration of Independence, Bill of Rights), performance areas of the original *Trial Court Performance Standards*, Ernie Friesen's list of purposes, etc.

#### Relevant Learning Objectives

1. Articulate the purposes and responsibilities of courts and relate them to any change initiative that a court organization might undertake.

### Purposes of Courts Worksheet

**Directions:** Working alone, jot down your perception of the purposes of courts. Consider why courts exist. Then discuss your thoughts with your groups and be prepared to report to the class.

Why Do Courts Exist?
1.
2.
3.
4.
5.
6.

## **Activity 1-2: Causes of Dissatisfaction with the Administration of Justice**

### **Purpose**

The Purpose of this activity is to increase participants' awareness of reasons why people criticize the courts. Following the introduction to court purposes, the exercise is not only intended to help participants understand the nature of public dissatisfaction but also to differentiate which areas of complaint are and are not within the courts' responsibility and ability to control/remedy. This awareness is a foundation for discussion of objective performance measurement and of factors influencing and mechanisms for change.

### **Notes about Using the Activity**

Prior to class, provide each participant with a copy of Roscoe Pound's 1906 speech (see Faculty Resources for Section 1). Ask them to read the speech before coming to class and bring the speech to class so they may refer to it during the exercise.

Depending upon the participant group and time available, the instructor may limit the discussion to categories III and/or IV.

### **Relevant Learning Objectives**

1. Articulate the purposes and responsibilities of courts and relate them to any change initiative that a court organization might undertake.
2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

### Causes of Dissatisfaction with the Administration of Justice Exercise

<b>Directions:</b>			
<p>A. In your groups, analyze Pound's speech and complete this report, choosing at least 1 example of the 4 categories listed below (I, II, III, IV).</p> <p>B. In your groups, select the causes which i) can't be remedied by courts, ii) have already been remedied by courts or otherwise, and iii) that are currently being addressed in your home jurisdiction</p>			
Can't be remedied by courts	Have already been remedied by courts or otherwise	Currently being addressed in your home jurisdiction	
<b>I. Causes for dissatisfaction with ANY legal system</b>			
1. The necessarily mechanical operation of rules, and hence of laws			
2. The inevitable difference in rate of progress between law and public opinion			
3. The general popular assumption that the administration of justice is an easy task to which anyone is competent			
4. Popular impatience of restraint			
<b>II. Causes lying in our peculiar legal system</b>			
1. The individualist spirit of our common law, which agrees ill with a collectivist age			
2. The common law doctrine of contentious procedure, which turns litigation into a game			
3. Political jealousy, due to the strain put upon our legal system by the doctrine of supremacy of law			
4. The lack of general ideas or legal philosophy, so characteristic of Anglo-American law, which gives us petty tinkering where comprehensive reform is needed			
5. Defects of form due to the circumstances that the bulk of our legal system is still case law.			

<b>Directions:</b> A. In your groups, analyze Pound's speech and complete this report, choosing at least 1 example of the 4 categories listed below (I, II, III, IV). B. In your groups, select the causes which i) can't be remedied by courts, ii) have already been remedied by courts or otherwise, and iii) that are currently being addressed in your home jurisdiction	Can't be remedied by courts	Have already been remedied by courts or otherwise	Currently being addressed in your home jurisdiction
<b>III. Causes lying in our judicial organization and procedure</b>			
1. In its multiplicity of courts.			
2. In preserving concurrent jurisdictions.			
3. In the waste of judicial power which it involves. The judicial organizations of the several states exhibit many differences of detail. But they agree in these three respects: <ul style="list-style-type: none"> <li>By rigid districts or courts or jurisdictions, so that business may be congested in one court while judges in another are idle</li> <li>By consuming the time of courts with points of pure practice, when they ought to be investigating substantial controversies</li> <li>By nullifying the results of judicial action by unnecessary retrials</li> </ul>			
<b>IV. The environment of our judicial administration</b>			
1. Popular lack of interest in justice, which makes jury service a bore and the vindication of right and law secondary to the trouble and expense involved			
2. The strain put upon law in that it has today to do the work of morals also			
3. The effect of transition to a period of legislation			
4. The putting of our courts into politics			

<b>Directions:</b> A. In your groups, analyze Pound's speech and complete this report, choosing at least 1 example of the 4 categories listed below (I, II, III, IV). B. In your groups, select the causes which i) can't be remedied by courts, ii) have already been remedied by courts or otherwise, and iii) that are currently being addressed in your home jurisdiction	Can't be remedied by courts	Have already been remedied by courts or otherwise	Currently being addressed in your home jurisdiction
5. The making of the legal profession into a trade which has superseded the relation of ( <i>cont.</i> ) attorney and client by that of employer and employee			
6. Public ignorance of the real workings of courts due to ignorant and sensational reports in the press. Each of these deserves consideration, but a few points only may be noticed.			

### **Activity 1-3: High Performance Court Inventory and Profile**

#### **Purpose**

The purpose of this instrument is to expose areas of potential concern for a court organization to explore and determine whether or not a problem exists that might benefit from planning.

#### **Notes about Using the Activity**

Have participants work independently to complete the Inventory, score their results on the Profile, and then graph their results.

Create the graph on a flip chart then poll the participants and record their scores for each area of performance. Find the average spot for each area and graph the average spot for each area.

Be sure to advise participants that their responses are not “diagnostic”; they are “perceptual” because they may not yet have gathered the data to test their perceptions of how the court is doing. Pre-course assessment may inquire as to the use of performance measures in participants’ organization(s).

#### **Relevant Learning Objectives**

1. Articulate the purposes and responsibilities of courts and relate them to any change initiative that a court organization might undertake.
2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

## High Performance Court Inventory (HPCI) EXERCISE

### Purpose

The purpose of the High Performance Court Inventory (HPCI) is to familiarize class participants with the success factors addressed in the High Performance Court Framework by reviewing the current status of their court organization(s). The inventory consists of a number of statements, and each participant is asked to consider whether or not each statement broadly applies to his or her individual court workplace(s). The statements of the HPCI are most appropriate for trial courts of general jurisdiction; nevertheless, many statements are broadly applicable across court types or may be easily reframed to better apply to other court types.

After assessing the applicability of each statement, you will then analyze your responses to the inventory and create a High Performance Court Performance Profile reflecting your perceptions of your court organization. You may find this inventory to be a useful tool for communication and dialog with others in your organization.

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### Directions

1. On the following pages you will find a list of forty-eight (48) statements. Read each statement and then, based on your experience with your court organization, determine whether you believe the statement is **broadly true** or **broadly false** about the way your organization performs today.
  2. For each statement, circle the **T** to the left if the statement is broadly true about your court; circle **F** if the statement is broadly false.
-



### High Performance Court Inventory Statements

- |   |   |     |  |
|---|---|-----|--|
| T | F | 1.  | The court has the security staff, equipment, and policies it needs to make court users feel safe in the courthouse.                        |
| T | F | 2.  | The time it takes the court to dispose of cases once they are filed complies with local, state, or national standards.                     |
| T | F | 3.  | Active case files can be easily found and retrieved within 15 minutes.   |
| T | F | 4.  | The court regularly tracks whether defendants are in compliance with court orders.   |
| T | F | 5.  | Litigants perceive the court and the justice it delivers as fair.  |
| T | F | 6.  | Court employees are proud that they work in the court.   |
| T | F | 7.  | The court's case files are complete.   |
| T | F | 8.  | The court makes it easy for court users to find the courthouse through its signage, website, and information used by the public.           |
| T | F | 9.  | The court has little or no backlog of cases that are older than established benchmarks.  |
| T | F | 10. | Cases scheduled for trial are heard on the first scheduled trial date.   |
| T | F | 11. | The court does a good job of collecting the monetary penalties and restitution it orders.  |
| T | F | 12. | Judges in the criminal division all take about the same amount of time to resolve and dispose felony cases.                                |
| T | F | 13. | As they leave the court, those involved in a legal matter who appeared before a judge know what to do next about their case.               |
| T | F | 14. | The court adheres to established benchmarks of timely case processing.   |
| T | F | 15. | Court employees care about the service they provide.   |
| T | F | 16. | Observers of the front counters are likely to find court personnel responsive to the needs of those coming to the counter for service.     |
| T | F | 17. | The court keeps up with its incoming caseload by disposing of as many cases as are filed each year.  |
| T | F | 18. | Most of those summoned for jury duty appear for jury service as required.  |
| T | F | 19. | If called to the courthouse for jury service, citizens can be sure they will be sent to a courtroom for jury selection.                    |
| T | F | 20. | Court employees get timely feedback from court management.   |
| T | F | 21. | The court does a good job of informing the public about their options for taking care of a pending traffic citation.                       |
| T | F | 22. | A person unfamiliar with the courthouse will have no problem locating the office or courtroom they need to find to conduct their business. |

- |   |   |     |   |
|---|---|-----|---|
| T | F | 23. | The court closely monitors its filings and dispositions in all case categories (i.e., civil, criminal, juvenile, etc.).   |
| T | F | 24. | When the court adds a new service or process to assist with caseflow, it measures whether it produced the expected benefit.   |
| T | F | 25. | Users of the court are likely to say that they are able to conduct their business with the court in a reasonable amount of time.  |
| T | F | 26. | Victim restitution is collected from defendants and paid out promptly by the court.   |
| T | F | 27. | The court knows how many staff are required to effectively handle the number of cases filed with the court.   |
| T | F | 28. | A review test of the content of individual case files will reveal very few instances of missing or misfiled documents.  |
| T | F | 29. | The court's mailing lists for jury summonses are up-to-date, and as a result, very few notices are returned as undeliverable.   |
| T | F | 30. | A survey of court users, attorneys, probation officers, and jurors is likely to show that court personnel are courteous and responsive to all with whom they come into contact. |
| T | F | 31. | When judges schedule a trial, the attorneys and litigants can be sure it will take place on the date specified.   |
| T | F | 32. | If an attorney asks a judge for a continuance of a trial date, it is unlikely to be granted.  |
| T | F | 33. | The only cases that take a long time to dispose are those that are very complex or very serious.  |
| T | F | 34. | The court treats its employees with respect.  |
| T | F | 35. | The court knows whether the number of incoming civil cases routinely exceeds the number of disposed civil cases.  |
| T | F | 36. | Judges throughout the court consistently enforce the same policy on trial date continuances.  |
| T | F | 37. | The court's most complex and serious cases are identified early and actively managed to ensure timely resolution.   |
| T | F | 38. | The public is aware of and makes extensive use of the court website.  |
| T | F | 39. | An examination of the court's civil case files will reveal that all documents are present and properly organized within the file.   |
| T | F | 40. | The court knows what its costs are for civil, criminal, juvenile, domestic relations, and traffic cases.  |
| T | F | 41. | Litigants believe they are treated fairly by judicial officers.   |
| T | F | 42. | The number of pending cases exceeding local, state, or national time standards for case processing is low.  |

- |   |   |     |   |
|---|---|-----|---|
| T | F | 43. | The court knows which of its criminal cases exceeds time standards and why.   |
| T | F | 44. | The court enforces the consistent use of specific business rules for classifying cases as placed on inactive status (aka removed from court control). |
| T | F | 45. | Those appearing before a judge believe the judge listens to both sides of the story before making a decision.   |
| T | F | 46. | If the court orders a defendant to pay a fine, that person can be sure the court will know if they pay it or not.                                     |
| T | F | 47. | The court has an objective way to measure its workload and assign work.   |
| T | F | 48. | The number of prospective jurors who sit in the jury assembly room and are never utilized for jury selection is very low.                             |

## High Performance Court Profile (HPCP)

### Purpose

The primary purpose of this activity is to identify the perceived success of your court across the four different performance areas: Procedural Satisfaction; Effectiveness; Efficiency; and Productivity.

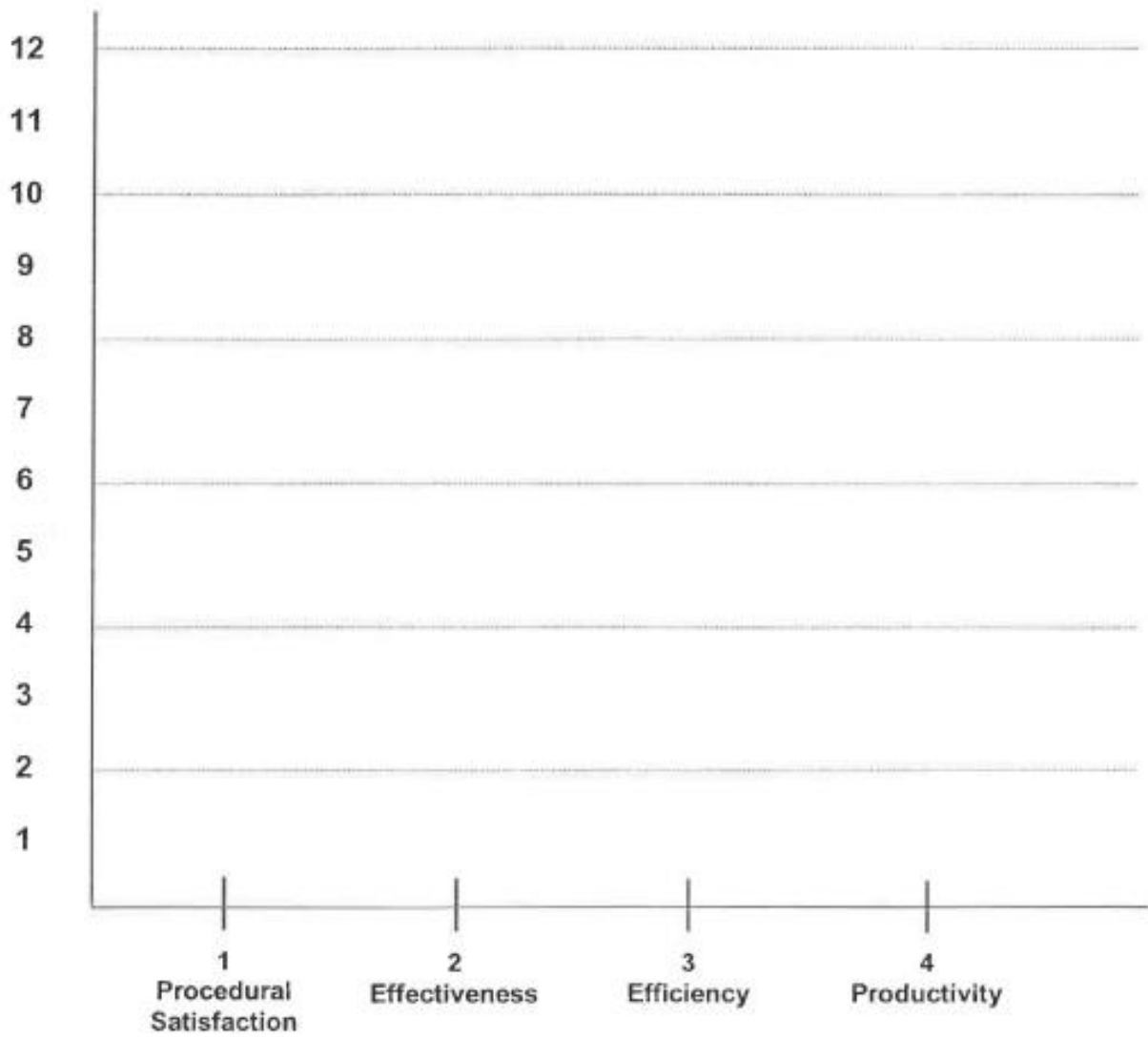
You can use this information as you think about the applicability of the High Performance Court Framework in your court. You can also use it to see how your court's strengths and weaknesses compare with those represented by other participants. Finally, you can use this information to target further diagnostic efforts and management strategies in your court.

### Directions

1. On the table below, tally your responses on the High Performance Court Inventory as follows:
  - a. Go down each column in the table below. If you circle "**T**" on the HPCI for the statement with the corresponding number, enter an "X" in the cell. If you circled "**F**", do not enter anything in the cell. Then go on to the next statement, marking an "X" in the cell for those you have marked "**T**", until you have completed all statements.
  - b. When you have finished, add up the number of X's in each row and enter the value in the **Total** column.
  - c. Be prepared to provide your totals for each numbered **Area** (labeled at the right) to the instructor.
2. Plot your totals for each numbered **Area** on the graph on the next page, as follows:
  - a. Place a dot on the graph above "**Area 1**" at the level corresponding to the entry in the **Total** column for that Area.
  - b. Do the same for **Areas 2, 3, and 4**.

												Area	Total
1	5	8	13	16	21	22	25	30	38	41	45	1	
4	10	11	18	19	26	29	31	32	36	46	48	2	
3	7	9	14	17	23	28	35	37	39	43	44	3	

2	6	12	15	20	24	27	33	34	40	42	47	<b>4</b>	
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### Activity 1-4: Organizational Readiness for Accountability and Court Performance Assessment<sup>66</sup>

#### **Purpose:**

Where Activity 1-3 was intended to expose areas of concern for a court to explore and to assist in determining whether a problem exists that might be addressed by planning, the purpose of this activity is to provide a tool for participants to use to assess their courts' capacity for implementing performance measures—significant tools for guiding planning processes and monitoring plan implementation. This activity is closely related to the organizational readiness and capacity issues that are explained further in other sections of this guide, e.g., organizational readiness for planning (Section 2.1, Activity 2-1), foresight and strategic thinking as prerequisites for good strategic decision making and strategic planning (Section 3), and assessment of culture and awareness of its implications for court planning and other aspects of court work (Section 4, Activity 4-1).

#### **Notes about Using the Activity**

Faculty should use this activity according to the composition of the class. In other words, if the class consists of individual court managers from different courts, then the activity should be completed individually. Then the faculty member can ask the individuals to share their thoughts and answers to the questions. If the class is made up of teams from different courts, then the exercise can be completed by those court teams with a similar debrief of the class once the team groups have completed the questions.

#### **Relevant Learning Objective**

2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

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<sup>66</sup> This activity is a slightly modified and repurposed version of Activity Eight from the NACM Curriculum Design for Accountability and Court Performance; <https://nacmcore.org/curriculum/accountability-and-court-performance/>.

## Organizational Readiness for Accountability and Court Performance Assessment

Jurisdiction	Completed by:	Date:
<b>Rate your court's ability to:</b>		<b>Level of Capacity/Skill (1=Low, 5=High) Circle One</b>
<b>Basic Analytical Skills</b>		
Identify simple performance measures	Not Sure	1   2   3   4 5
Organize data in ways that facilitate the analysis process	Not Sure	1   2   3   4 5
Analyze data over time and analyze trends against standards and benchmarks	Not Sure	1   2   3   4 5
Disseminate information to target audiences	Not Sure	1   2   3   4 5
<b>Court Proficiencies</b>		
Describe established court performance measures	Not Sure	1   2   3   4 5
Rank performance indicators that may be a priority for the court	Not Sure	1   2   3   4 5
Explain the value of having measurements assessing internal <i>and</i> external perspectives	Not Sure	1   2   3   4 5
<b>Accountability and Court Performance for System Orientation</b>		
Demonstrate an accountability process that leads to system orientation	Not Sure	1   2   3   4 5
Identify and apply performance measures that address expectations	Not Sure	1   2   3   4 5
Identify and apply performance measures that address effectiveness	Not Sure	1   2   3   4 5
Identify and apply performance measures and targeted benchmarks that reveal how resources are allocated	Not Sure	1   2   3   4 5
Diagnose results of performance measures and apply findings to improve court performance	Not Sure	1   2   3   4 5
Communicate effectively to the public and public stakeholders	Not Sure	1   2   3   4 5
<b>Organizational Challenges</b>		
How would current performance assessment abilities in your court affect your ability to plan?		



What are the greatest challenges?

How would you address those challenges so that the court has reliable performance data to guide and support any planning efforts?

### **Activity 1-5 Alignment of Programs and Services with Roles, Purposes, and Objectives**

#### **Purpose:**

The purpose of this exercise is to have participants consider how factors can affect the alignment of programs and services with what should be the guiding roles, purposes, and objectives of a court organization. Participants are asked to recollect instances from their own experience in which misalignment affected the programs or services of a court organization.

#### **Notes about Using the Activity**

Allow 5 minutes for participants to write down examples. Consider having people talk with the person(s) next to them.

The idea is to get them to relate their experiences to the concepts about aligning the roles and purposes of programs and services with the roles and purposes of the court.

Request a few short comments from individual participants and ask for group feedback on the comments.

#### **Relevant Learning Objective**

2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

## Instructions

Participants should answer the following, working first individually, then briefly with persons sitting next to them:

Consider first what the class has reviewed regarding the purposes of courts, expectations of service excellence, performance measurement, and differences among court organizations. What examples of court programs and services can you provide where:

- The program or services activities WERE NOT aligned with the role and purposes of the court?
- The program or services activities WERE NOT aligned with the court's mission and strategic plan (assuming there is one)?

How did the lack of alignment impact the effectiveness of the program or service and of the court?

What factors contributed to the misalignment?

The instructor will ask for a few sample answers that will be discussed by the group.

## Activity 1-6 Stakeholder Relationships

### **Purpose:**

The purpose of the activity is to have participants consider the significance of relationships to the effectiveness of court operations. Both external and internal relationships are important factors in the effectiveness of strategic planning initiatives. If time permits, the answers regarding the internal relationships can be very revealing of aspects of court culture that are explored further in Section 4. The activity should also suggest the role of leadership in cultivating and maintaining relationships that are important to the court organization (see Section 5).

### **Notes about Using the Activity**

Have all participants complete the External Relationships portion of the “Evaluating Relationships” inventory below. As a group, debrief their scores for each of the six external relationships. Ask if things have been getting better or worse during their time in the court. Look for success stories in each category by having participants volunteer to describe their highest scores. Ask them:

- Specifically, how are you accomplishing this?
- How were these relationships created?
- Who had to be involved to make it work?
- What must you do to keep it working?

For balance and entertainment value, ask one or two participants to share “horror stories” about relationships that are not working.

If time permits, have participants complete the Internal Relationships portion of the inventory and debrief in the same way. *Alternatively, this portion of the activity may be explored in the study of Leadership in Section 5.*

### **Relevant Learning Objective**

2. Identify factors that can inform and affect strategic planning processes and the implementation of strategic plans.

## Evaluating Relationships

By Daniel H. Straub, Ph.D., and Dale R. Lefever, Ph.D.

### *External Relationships*

**Instructions:** Based on your overall experience with the court, consider the relationship your court has maintained with other organizations upon which it depends for resources or with which it is linked in dispensing justice. How have those relationships changed during your association with the court? Please make two judgments for each of the numbered questions.

⊕ What was it like when you came to the court? Place a “T” on the line next to the statement for what you saw “**Then**”.

⊕ What is it like at this time? Place an “N” on the line next to the statement for what you see “**Now**”.

Please make sure that you indicate a “T” and an “N” for each numbered question. The “T” and “N” may share the same line. A “T” and an “N” on the same line indicate very little change from the time you joined the court until today.

**1. Partnership- the extent to which we actively, consciously promote partnership with other organizations to which we are linked.**

\_\_\_\_\_ The court does not see partnership as important (Everyone for himself. It's a we-they world.)

\_\_\_\_\_ The court realizes the importance of partnership but has not done anything about it.

\_\_\_\_\_ The court realizes the importance of partnership and has begun to see its strategic significance and foster it.

\_\_\_\_\_ The court makes a priority effort to work out the partnership. There is a genuine concern for one another. Partnership efforts get adequate resources, management attention and sponsorship from the court.

**2. Interdependence—the extent to which we have clear recognition of the interdependence of justice system and other organizations.**

\_\_\_\_\_ There is no recognition. One institution dominates or tries to dominate another.

\_\_\_\_\_ Interdependence recognized in the form of power struggles with winners and losers (adversaries).

\_\_\_\_\_ We are beginning to see that we need each other and that mutual rewards might be possible.

\_\_\_\_\_ Clear understanding by all parties. Differing interests are accepted and welcomed. Power is shared and balanced.

**3. Integration—extent to which contact and communication with these other organizations are routinely carried out.**

- \_\_\_\_\_ Almost no contact and communication.
- \_\_\_\_\_ Guarded, cautious communication. We talk at each other.
- \_\_\_\_\_ Some effective contact and communication. Depending on the issue at hand, we talk with each other.
- \_\_\_\_\_ Routine and effective contact and communication. It is usually open and authentic.

**4. Shared Knowledge—extent to which the court has knowledge of the plans and directions of these other organizations, and they have similar knowledge about the court.**

- \_\_\_\_\_ No knowledge or only partial awareness.
- \_\_\_\_\_ Knowledge but not intentionally shared. Aware of some, unaware of others.
- \_\_\_\_\_ Usually aware of their plans and direction.
- \_\_\_\_\_ Wide knowledge, intentionally and routinely shared among these organizations.

**5. Common Systems and Procedures—extent to which there exists an agreed upon process for joint decision making and use of common systems (e.g., share computer system).**

- \_\_\_\_\_ No agreed upon systems or procedures.
- \_\_\_\_\_ We have few agreed upon systems and procedures. It is an accident, rather than a plan when we do.
- \_\_\_\_\_ We use some common systems and procedures, not because we have planned to do so.
- \_\_\_\_\_ High degree of agreement on systems and procedures. We plan for them and find them useful.

**6. Trust—extent to which there is mutual confidence, reliability and expectations among those related organizations.**

- \_\_\_\_\_ Can't trust at all, high level of suspicion.
- \_\_\_\_\_ Misgivings. Can rarely rely on them.
- \_\_\_\_\_ Usually know what we can expect from them. Can place some confidence in them.
- \_\_\_\_\_ High level of trust. No fear or misgivings.

## Internal Relationships

**Instructions:** Based on your overall experience with the court, consider the relationships between Court Managers/Clerks and Presiding Judges. How have those relationships changed during your association with the court? Please make two judgments for each of the numbered questions.

⊕ What was it like when you came to the court? Place a “T” on the line next to the statement for what you saw “Then”.

⊕ What is it like at this time? Place an “N” on the line next to the statement for what you see “Now”.

Please make sure that you indicate a “T” and an “N” for each numbered question. The “T” and “N” may share the same line. A “T” and an “N” on the same line indicate very little change from the time you joined the court until today.

### 1. Joint Policy Formation

- \_\_\_\_\_ Court managers/clerks not aware of new policies until they are announced by chief/presiding judge.
- \_\_\_\_\_ Court managers/clerks made aware of new policies but have little or no input into their formulation.
- \_\_\_\_\_ Court managers/clerks provide input into policy development on an *ad hoc* basis.
- \_\_\_\_\_ Court managers/clerks work collaboratively with chief/presiding judges in the development of new policies.

### 2. Clarification of Roles and Responsibilities

- \_\_\_\_\_ Court managers’/clerks’ and chief/presiding judges’ roles have never been clarified.
- \_\_\_\_\_ Court managers’/clerks’ roles are based on needs of the current chief/presiding judge. No further clarification is needed.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges have discussed their respective roles but have never formalized them.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges have negotiated their respective roles and formally communicated them to the court.

### 3. Delegation of Authority

- \_\_\_\_\_ Court managers/clerks wait to be told what to do by the chief/presiding judge.
- \_\_\_\_\_ Court managers/clerks make recommendations and the chief/presiding judge acts.
- \_\_\_\_\_ Court managers/clerks ask the chief/presiding judge’s permission before acting.
- \_\_\_\_\_ Court managers/clerks take initiative and keep the chief/presiding judge informed.

#### 4. Recognition of Shared Expertise

- \_\_\_\_\_ Court managers/clerks and chief/presiding judges have little understanding of each other's unique contributions to the courts.
- \_\_\_\_\_ Court managers/clerks are viewed as personal staff to chief/presiding judges with no independent basis for expertise.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges recognize each other's areas of expertise but believe it is important to separate the judicial and non-judicial areas.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges acknowledge each other's areas of expertise and work at integrating them into a systems approach.

#### 5. Effective Communications

- \_\_\_\_\_ Court managers/clerks and chief/presiding judges have virtually no meaningful communications.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges communicate at the judge's request.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges both initiate communications as the need arises.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges communicate on a regular basis independent of any immediate crisis.

#### 6. Mutual Trust and Support

- \_\_\_\_\_ Court managers/clerks and chief/presiding judges are competitive and suspicious of each other's intentions.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges tolerate each other and try to avoid conflicts.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges respect each other and cooperate on most issues.
- \_\_\_\_\_ Court managers/clerks and chief/presiding judges recognize their need for mutual trust and support and consciously try to help each other succeed.



## Section Two:

### Activity 2-1: Organizational Readiness

#### **Purpose:**

The purpose of this activity is to develop participants' abilities to assess how ready a court organization is to conduct strategic planning and to take steps that will improve readiness. If the organization wishes to proceed with strategic planning, such an assessment will help court leaders to structure a planning process that will have the greatest chance for success given the characteristics of the court organization.

#### **Notes about Using the Activity**

There are several ways in which this exercise can be approached depending upon the composition of the class participants. Use of responses from a pre-course participant self-assessment can help the instructor prepare. If the instructor is working with participants who are all from the same organization, then this exercise can be completed from the standpoint of that organization. If participants are from comparable entities within the same state, then the exercise can be completed from the standpoint of their common point in the state justice system (e.g., the role of magistrates in the state magistrate system or the duties of clerks of general jurisdiction trial courts); a class of mixed participants from the same state may be grouped before the class begins so that those with common responsibilities or perspectives will work together. When working with diverse participants from many states, this exercise is best conducted using a court "case study" based upon a real or fictitious set of facts for which participant groups are asked to assume the role of the management team in the court that is the subject of the case study. *Ideally, the participants will work from the same standpoint for most of the planning exercises in this section.*

Ask class participants to complete the Organizational Readiness instrument prepared by Brenda Wagenknecht-Ivey (below). Explain to participants from what standpoint they and their respective groups will be answering the questions in the instrument. Participants should first complete the questions individually, then discuss as a group. Are they ready to do strategic planning? Why or why not? What hurdles or obstacles must be addressed? What would readiness look like?






#### **Relevant Learning Objective**

1. Design a planning process, appropriate for one's court, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.

## ORGANIZATIONAL READINESS: ARE CONDITIONS RIGHT FOR DOING STRATEGIC PLANNING?<sup>67</sup>

Based on the instrument prepared by Brenda J. Wagenknecht-Ivey, Ph.D.  
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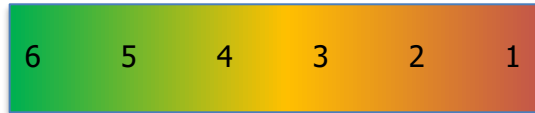
Faculty will instruct you regarding the perspective from which you are to answer this questionnaire (i.e., from one based on your personal experience or from a fact pattern that you are given). Complete the questions individually, then discuss as a group according to the instructions that follow.

- |  |  |  |
|--|--|--|
| 1. People have time to participate in developing <b>and</b> following through on the strategic plan.   |    | Everyone is too busy with other, more pressing matters.  |
| 2. There is an urgent and compelling need - or pressing reason or opportunity - to do strategic planning.  |    | An urgent, pressing, or compelling need, reason, or opportunity is absent.   |
| 3. There are several champions or sponsors for the strategic planning process and the completed strategic plan.  |    | There are no leaders within the organization willing to lead the effort, build support for, or implement the plan.   |
| 4. Organizational leaders (judges, administrators, and managers) are genuinely interested in and willing to critically assess the court's performance. |  | Leaders are uninterested in a critical analysis and unwilling to hear or listen to things that should be improved; they think what the organization is doing and how it is performing are just fine.     |
| 5. Leaders and managers are willing to change the priorities of the organization and do business/work differently in the future.                       |  | Change is unlikely; the organization will not likely re-think and/or shift its priorities or change and improve how cases are processed and managed or what and how programs and services are delivered. |

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<sup>67</sup> Reprinted with permission from Brenda Wagenknecht-Ivey, Praxis Consulting, Inc., received February 23, 2016.

6. There is stability in the organization's leadership.



There is a volatile, political internal or external climate where the organization's leadership is likely to change and consequently, the organization's direction and priorities are likely to change.

7. Based on the strategic plan, the organization is willing and likely to shift how its resources are distributed and utilized.



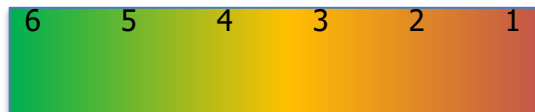
It is likely that the organization's strategic plan will not shape or affect the budgeting process and how resources are deployed.

8. Organizational leaders will collectively work together to follow through on the strategic plan.



It is likely that judges, court managers, and court staff will continue to do what they have always done and the responsibility for implementing the strategic plan will fall to a *select* few.

9. The organizational culture supports an open and inclusive planning process that will determine the organization's long-term direction and priorities.



The existing leadership wants primary control over this.

10. The outcomes to be achieved and the benefits to be gained by developing and following through on a strategic plan are clear.



The desired outcomes and benefits to be gained are unclear; judges and staff are wondering why the court is doing strategic planning.

### Instructions:

1. Add up the numbers and place the total on the line below.
2. See the attached table for interpreting your score.
3. If you and your group are assessing the same court organization, compare and contrast how you rated the organization's readiness to do strategic planning with how other members of the group rated the organization's readiness. Discuss the differences.
4. Determine what steps you/others would need to take to increase the likelihood of having a successful strategic planning effort.

Total Score: \_\_\_\_\_

### Interpreting Your Results

Total Score:

50 - 60	GREEN LIGHT Proceed with your planning effort.
30-49	CAUTION Identify the areas that need attention; take the necessary steps and time to improve in those areas and then proceed deliberately and carefully.
< 30	STOP Do not proceed with your planning effort at this time; take the necessary steps and time to build support for the planning effort before proceeding; only proceed once you have successfully addressed the areas that need attention.

## **Activity 2-2: Mission Template Exercise [From Original NACM CCCG]**

### **Purpose:**

The purpose of this activity is to develop participants' abilities to identify and distill relevant inputs for crafting a mission statement that will guide strategic planning efforts.

### **Notes about Using the Activity**

The approach to this activity will vary depending upon the participants. Groupings in this activity should generally be maintained through the other exercises for this section. If the participants are from the same court organization, then they may be grouped in any manner of from three to six individuals and can work from their court-specific knowledge as well as information the instructor provides from participants' own legal and stakeholder environment. If participants are from more diverse organizations, it may be possible to group them in like arrangements (e.g., state-level/AOC employees, judges and court managers from general jurisdiction trial courts, municipal judges and clerks, etc.) and have each group work from legal and stakeholder information that is common to that group. Alternatively, the instructor may choose to give participants a uniform set of information from which to work (e.g., the judicial article from a sample constitution, a selection of statutes, subject matter jurisdiction profiles, etc.) so that participants may again be grouped in any manner. More time may be required if participants are working from an unfamiliar set of information. After the exercise instructions and worksheet on the next pages, a sample document, **Court Users Expectations**, is included that the instructor might provide as one resource for participants.

### **Relevant Learning Objective**

3. Design and carry out a planning process, appropriate for one's court, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.

### **Mission Exercise Instructions**

Using materials provided by the instructor or applicable to your organization, follow the instructions below. You may wish to refer to information related to purposes and responsibilities of courts and factors previously discussed in class.

In groups of three to six, take about 15 minutes to:

- Review all of the materials contained in this exercise;
- Identify the key mandates courts must address;
- list key stakeholder expectations; and
- Identify components that should be included in a mission statement.

Next, as a large group take about 10 minutes to:

- Review mandates and stakeholder expectations and components that should be included in a mission statement.

Then,

- Ask each individual to draft a mission statement for their court.

Lastly, as a large group, take five to 10 minutes to:

- Review a sample of the statements.

## **Mission Exercise Worksheet (Activity 2-2)**

List Key Mandates

List Key Stakeholder Expectations

Identify Key Mission Components

Draft Mission Statement

## **SAMPLE—COURT USERS EXPECTATIONS (for use with Activity 2-2)**

<b>Court User</b>	<b>Types of Expectations</b>
Judges	<ul style="list-style-type: none"> <li>➤ Adequate equipment and staff to run an efficient Court</li> <li>➤ Good working conditions</li> <li>➤ Positive perception of Courts by public</li> <li>➤ Minimal scheduling conflicts</li> <li>➤ Appropriate compensation</li> <li>➤ Cooperation of lawyers, police, and other justice system stakeholders</li> <li>➤ Safety and security to perform their job</li> </ul>
State Agencies	<ul style="list-style-type: none"> <li>➤ Provide accurate and timely information for decision-making</li> <li>➤ Implement the decisions made by Supreme Court rule</li> <li>➤ Keep the court system functioning efficiently</li> </ul>
Victims	<ul style="list-style-type: none"> <li>➤ Justice</li> <li>➤ Vengeance</li> <li>➤ Recognition</li> <li>➤ Compensation</li> <li>➤ Protection</li> <li>➤ Safe environment</li> </ul>
The Public	<ul style="list-style-type: none"> <li>➤ Protection from crime</li> <li>➤ Provide information quickly</li> <li>➤ Deterrence</li> <li>➤ Control costs</li> <li>➤ Meet demands of special interest groups</li> <li>➤ Speed</li> <li>➤ Find the “truth”</li> <li>➤ Control negative behavior of lawyers</li> <li>➤ Advocacy for parents</li> <li>➤ Advocacy for children</li> <li>➤ Mediation</li> <li>➤ Judges above reproach</li> <li>➤ Safety and security while in a public facility</li> </ul>
County Government	<ul style="list-style-type: none"> <li>➤ Good, well-supported budget requests</li> <li>➤ Solicit and respond to public input</li> <li>➤ Ensure cooperation among different justice agencies</li> <li>➤ Model good work habits</li> </ul>
Media	<ul style="list-style-type: none"> <li>➤ Provide information, statistics, procedures, and newsworthy stories</li> <li>➤ Want answers to their questions immediately</li> <li>➤ Access to people, especially Judges</li> </ul>



**Optional Activity 2-2a:      Developing a Vision**

Divide the participants into small groups of three to five (or continue using those from Activity 2-2). Ask each group to develop a vision for the court. Allow enough time for each group to develop stories to help explain visions. Have the teams report and explain their draft visions. The faculty should look for themes that cut across the visions of the different groups and suggest how a vision statement might be drafted incorporating these mutual themes.

### **Activity 2-3: Vision Template**

#### **Purpose**

The purpose of this activity is to develop participants' abilities to frame and communicate an image of a preferred future for their organization that is consistent with their mission.

#### **Notes about Using the Activity**

This activity and the activities that follow in this section should build sequentially on the discussions begun in Activity 2-2. Groups should remain the same throughout.

#### **Relevant Learning Objective**

3. Design and carry out a planning process, appropriate for one's court, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.

### **Vision Exercise Instructions**

In your groups (three to six), take about 10 minutes to:

- Review the materials distributed in Activity 2-2 and any others supplied for consideration by the instructor;
- List the values that your court organization should foster; and
- Identify components that should be included in a vision statement.

Next, as a large group take about 10 minutes to:

- Review the values and components;

Then,

- Ask each individual to draft a vision statement for their court.

Lastly, as a large group, take five to 10 minutes to:

- Review a sample of the statements.

List Key Values

List Vision Components

Draft Vision Statement

## Activity 2-4 Trends and Scenario Exercise

### **Purpose:**

The purpose of this activity is to familiarize participants with different types of trends that can be relevant to court operations and strategic planning and to develop participants' abilities to consider alternative future scenarios and the implications—opportunities or threats—they may present.

### **Notes about Using the Activity**

This activity and those that follow in this section should build sequentially on the discussions begun in Activity 2-2. Groups should remain the same throughout. Resources that participants may use in this exercise may include those provided below, including: **Sample Trend and Trends Implications Descriptions, TYPES AND CATEGORIES OF TRENDS**, and **Composite Trends Implications Summary**.

### **Relevant Learning Objective**

3. Design and carry out a planning process, appropriate for one's court organization, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.

### **Activity 2-4 Trends and Scenario Exercise Instructions**

This activity is appropriate for an extended (i.e., 3+ days) or advanced training program on strategic planning. It is too long for a general course of 2.5 or fewer days such as ICM or other programs might offer. The associated resources provided for this exercise would also be good references for a court organization that is actually engaging in strategic planning and contemplating futures scenarios.

As a large group, take about 40 minutes to:

- Review all of the materials contained in this and prior Section 2 activities;
- Identify the key trends likely to confront the courts over the next few decades;
- Examine the implications of the trends collectively using the questions below, particularly in light of your mission and vision statements; and
- Identify the key themes that could be fashioned into scenarios using the narrative format presented in the examples below.

#### **Trend Identification**

ID Key Social Trends

ID Key Economic Trends

ID Key Technology Trends

## **Exercise 2-4:Trends and Scenario Template (cont.)**

### ID Key Political/Policy Trends

#### **Trend Implications Assessment**

What are the implications of these trends for the demands the court organization will face?

What are the implications for the characteristics and needs of those whom the court organization should serve?

What are the implications on caseload, infrastructure, and resources?

What are other implications?

### Scenario Construction



## **Sample Trend and Trends Implications Descriptions (for use with Activity 2-4)**

### **1. An increasing number of diverse expectations for the courts' role in society.**

The increasingly complex social and economic problems of the past decade are expected to continue over the next few decades. As one consequence, the courts and judicial system will be confronted by a variety of diverse expectations about their appropriate roles in society. In particular, the Courts of the AAA Judicial District will be expected to be tough on crime yet also be heavily involved in the provision of social services, while continuing to ensure adequate judicial system access for "ordinary" citizens. The potential implications of these trends might include:

- increased demand for educational materials describing what court organizations can and cannot be expected to do;
- a need to redefine caseload measures to reflect case complexity;
- ongoing debate about the appropriate role of the judicial branch relative to executive and legislative branches;
- demands for mediating very diverse views about the appropriate role of courts in society; and
- new types of cases resulting in increasing service demands on courts and court support agencies.

### **2. Increasing numbers of *pro se* (i.e., self-represented) litigants (SRLs).**

Increasing attorney fees, limited legal aid, and litigant preferences are all trends shaping the rapid rise in the numbers of SRLs appearing in court. The potential implications of these trends on the AAA Judicial District include:

- a range of litigant expectations for court staff assistance;
- more court resources being spent on providing services to litigants;
- more time-consuming court sessions; and
- Increased chances for incomplete or erroneous judgments.

### **3. Expanding Asian, Latino, and East European populations.**

As a result of a variety of global and local trends such as political instability in Central and Eastern Europe and the growth of service industries, the size of the AAA Judicial District's Asian, Eastern European, and Hispanic populations is expected to increase to perhaps over 20% of the entire population within 20 years. In addition, an influx of more affluent Hispanic and economically diverse groups of migrants from Eastern and Central Europe and the Middle East are also expected to continue in coming decades. The implications of this trend on the Courts of the AAA Judicial District include:

- Increased demand for language and "culture" interpreters;
- increased need to develop mechanisms for accommodating the dispute resolution needs of economically diverse but culturally similar people within a racial or ethnic group;
- increased presence of ethnic population-based organized crime and gang activity; and
- increased need to educate judges, attorneys, and court staff about cultural diversity and its potential implications on the justice system.

### **Example Scenarios**

#### 2025 Status Quo Scenario

By the end of the first quarter of the 21st century, the AAA Judicial District was drifting further from its desired mission when protecting children and serving juveniles to:

- promote the health and welfare of children and their families;
- provide effective and timely resolution of legal matters that meet the needs of children and their families, and the community; and
- assure dignified and fair treatment to all court participants.

Moreover, the AAA Judicial District's desired future, as articulated in a 2015 court vision statement, seemed even more, rather than less, likely to occur than it had when it was initially prepared a decade ago. Contrary to its vision to provide a court system for children and families where informed litigants have an opportunity to succeed in meeting the expectations for good behavior that have been established by well-trained judicial officers and justice system personnel, by 2025, the AAA Judicial District:

- was becoming a largely criminal court that was increasingly isolated and at odds with other justice system stakeholders over the direction of service provision;
- was unable to attract new staff and experienced chronic labor shortages;
- provided limited court services to increasingly desperate court users required to appear in increasingly inaccessible facilities; and
- had effectively become a subservient executive agency with limited discretion and authority, as a result of the confusion surrounding what the role of the courts should be.

Especially disturbing to judges and court staff was the reality that they were spending more and more of their time managing crises rather than providing the leadership needed to coordinate all of the services necessary for an effective, high-quality court organization.

In particular, eight aspects of the milieu surrounding the AAA Judicial District were particularly vexing.

First, the Court for the most part had become a court of criminal, family disintegration, and what insiders knew to be "quasi-criminal" jurisdiction. The increasingly criminal and quasi-criminal Court caseload had emerged largely as a result of caseload pressures and priorities, and, perhaps most importantly, the Court's failure to have previously clarified its desired role in the justice system relative to the roles of other local courts and private dispute resolution organizations. In effect, private ADR groups had skimmed-off the lucrative civil litigation while

the AAA Judicial District Courts retained jurisdiction over the criminal cases. The emphasis on criminal cases in turn limited the availability of resources for addressing the complicated issues often associated with cases involving children, youth, and their families.

Second, because of a lack of clarity about the appropriate role of the Courts relative to the executive branch and increased demand for quality services that were not being provided by executive agencies, the Courts of the AAA Judicial District had increasingly assumed more and more social and family service functions. However, the Courts had also become increasingly limited in what they could do with cases involving families and children because of inadequate resources for providing services to children and families and numerous prohibitions on judicial discretion. In addition to initiatives to *establish* drug, gun, domestic violence, and other specialty courts, on-again/off-again local, state, and federal programs to *fund* these initiatives were a feature of the local justice system throughout the first quarter of the century.

As one consequence, judicial officers and court staff felt that they were being asked far too often, too quickly, inexpensively, and thus miraculously to "fix" greater numbers of seemingly intractable problems. Indeed, by 2025 many of the broader social, political, and economic problems confronting the AAA Judicial District and the state and the nation generally somehow had become court and justice system problems. The origins of the supposedly "new" problems confronting the Court stemmed from the increased demands accompanying the boom and bust cycles of the increasingly large local service economy stemming from greater integration of the local and global economies, coupled with the inability, or, sometimes, unwillingness of other political, economic, and social institutions to address aspects of local life traditionally within their purview.

For example, the restructuring of the local economy and dramatic demographic changes contributed to a breakdown of the effectiveness of local public and private sector institutions. These trends also contributed to a loss of the widespread sense of community pride that had once been a valued AAA Judicial District characteristic. Moreover, local governments and the state legislature (chanting anti-government rhetoric and following a banner of fiscal responsibility and privatization) increasingly redefined and limited the courts' and government's discretion and legitimate role in addressing the complicated cases involving children and families resulting from a wide range of social, political, and economic influences. Essentially, legislatures increased the number of mandates the courts needed to follow but provided few resources or the discretion or authority the courts needed to have to address the negative impacts of poverty, dysfunctional families, and poor community education, mental health, and other essential services. Members of the public whose service expectations were increasingly accustomed to the immediate responsiveness of private sector institutions via a plethora of social media platforms became increasingly disenchanted with the Courts and their negligible presence and functionality online.

Over time, neglect of these broader issues resulted in far more work for court organizations, which, along with the local school district, had become the public forums of last resort by default. In addition, separate and very unequal systems of justice were beginning to emerge for those who could afford private alternative dispute resolution forums and those who could not.

Third, the funding for the AAA Judicial District had become increasingly precarious, as had its capacity to safeguard the quality of justice for court users. The Court could no longer count on the revenue once obtained from the more lucrative caseloads now being handled by private dispute resolution organizations or municipal courts but instead had to spend more and more

time on increasing numbers of criminal cases. Also, even though Court judges and staff suspected that the quality of justice for litigants was being diminished by city and county policy makers and private organization demands for increased revenues via private ADR and municipal courts, they were not in a position to adequately monitor quality of justice concerns. Finally, state funding had not proven to be an adequate replacement for local funds. Large urban jurisdictions—particularly Big City—had used their greater political power to gain a very large, disproportionate share of state court funding.

Fourth, Court judge selection had become more and more contentious and was increasingly driven by ideology and interest group politics. Increased political partisanship had led to judges frequently becoming embroiled in local interest group political conflicts and had made it more and more difficult for the Court to maintain its role as an independent, non-partisan, client-focused service agency. Also, good judges left the system as a result of the increasingly odious climate and lucrative private ADR alternatives.

Fifth, the per-case cost of services provided by the Courts of the AAA Judicial District continued to increase rapidly as greater numbers of SRLs used the courts. In addition, more and more of the District's cases involved non-English-speaking litigants with the added demands resulting from a need to provide more culturally-appropriate court services to a growing non-Anglo population. The extensive service needs of an increasingly elderly and disabled population also inflated per-case court expenses.

Sixth, the Courts of the AAA Judicial District had lost some potential allies as a result of broader political and social forces. For example, perhaps somewhat ironically, even though the State Court Administrator's Office and other court-support agencies wanted to target their services more closely to local court needs, they were unable to do so. This was true largely because they had become auditing agencies responsible for ensuring that the state funds allocated to individual courts in the state court system were being used within the very narrow confines stipulated in increasingly inflexible legislation. Sadly, demands for court system accountability had been used to justify the increasing use of inflexible, "mandated outcome"-oriented legislation which (not incidentally) also reflected the narrow views of better organized and funded special interest groups.

Seventh, the Court was unable to fill many staff vacancies and was especially hard-pressed to find senior court administrators with sufficient qualifications. Baby boomers, especially senior court personnel who had delayed retirement in the years immediately following the Great Recession, had begun retiring in greater numbers as the second decade of the century ended, taking advantage of the more generous pension plans available to them from the period when they had joined the Court. Periodic budget crises had led to extreme staff cuts, mandatory furloughs, and other draconian measures in hard times; these tactics, coupled with the uncertainty among remaining personnel at the time of staff cuts, had triggered an exodus from the Court to other organizations when the economy improved. In addition, the rapid aging of the court management profession across the nation generally occurring during the first quarter of the new century, eliminated opportunities to lure court personnel to the AAA Judicial District from other jurisdictions across the state and nation. Lagging salaries and reduced benefit plans hampered efforts to recruit new personnel to the Courts.

Eighth, the work environment of the Courts of the AAA Judicial District of the state along with judge and staff morale, had declined greatly from just a decade or so earlier. By 2025, AAA

Judicial District judicial officers and staff had joined their court colleagues from throughout the state and nation feeling that they had become mere cogs—court-cyber-automodroids—in an increasingly technologically sophisticated, but less humane and caring, case processing machine. Unwise, legislatively-mandated use of inappropriate technology had resulted in less and less face-to-face human contact for judges and court staff.

Unfortunately, even well-intentioned efforts had contributed to a more depersonalized working environment. For example, face-to-face training—both training in general skills and specialized training—had been replaced by the electronic interactive mentoring made possible by the State Court Professionals Mentoring Network and the Court Interactive Technical Assistance Service (CITAS).

Not too surprisingly, as a result of an increasingly poor work environment, the professionalism and general quality of people working in the courts was declining noticeably. It was no longer rewarding to work for the AAA Judicial District. The bottom line seemed to be that local judicial officers and staff found themselves more and more isolated from the community and increasingly limited by the rigid demands imposed by an interest-group-dominated legislative branch; a branch that had successfully subverted the independence of the once powerful (and equal) third branch of government.

### 2025 Active Intervention Scenario

One important result of the strategic planning effort completed by the AAA Judicial District in 2015 was recognition that each of the Court's subject matter calendars, all judicial officers and court personnel, and administrative divisions needed to work far more closely together and that the Court, in general, needed to work closely with representatives from throughout the local community to actively shape a positive future. The Courts recognized early-on that a variety of local, state, and national trends were shaping a future that could have many negative as well as positive effects on the health and vibrancy of AAA Judicial District and the justice system.

Judges and staff were determined to position themselves so they could best confront potentially negative consequences and foster the many valuable aspects of their community. Specifically, focusing first on court services for families and children, a AAA Judicial District Planning Team implemented an ongoing process of strategic thinking and planning—strategic management—and prepared an initial road map to a more positive future. Ultimately, the initial road map for court service improvements for aspects of the District targeting children and their families served as the foundation for a more comprehensive Court improvement effort that touched on every aspect of court operations.

Among the details included in the Courts of AAA Judicial District road map for a positive future for serving families and children were guidelines for:

- enhancing the governance structure of the District to involve more judges, increase judicial leadership, and improve collegiality and cooperation among all judicial officers responsible for providing services to children and families;
- improve work process efficiency while maintaining quality justice services;
- clarifying the role of the Courts relative to the work of executive agencies;

- supporting a team approach among executive agencies for service provision to children and families;
- improving training and mentoring programs for judicial officers and staff involved in court service provision for children and families;
- working with an increasingly racially and ethnically diverse population to create effective court services;
- providing effective, Court-connected restorative justice services;
- supporting family and social service providers so that they could provide better services and limit the number of social problems that became criminal court problems;
- working closely with local officials and state legislators for good justice policies;
- sharing facilities and resources with a variety of justice and community agencies;
- fostering ways the court could measure and improve its performance rather than simply establishing and monitoring standardized rules, policies, and procedures;
- increasing the court's credibility with the public, policy makers, and other state and local units of government;
- educating local policy makers, the legislature, and other units of government; and the public about the role of the courts in the community;
- developing ways to more systematically obtain and respond to the views and opinions of court system stakeholders about their needs and expectations, including the integration of multiple social media platforms into various court functions;
- coordinating court-relevant community problem-solving efforts;
- identifying and appropriately using new technology as it develops; and
- communicating more effectively with external and internal stakeholders.

## TYPES AND CATEGORIES OF TRENDS (for use with Activity 2-4)

TREND TYPE/ CATEGORY	DEFINITION/EXAMPLES
Continuation Trends	<p><u>Definition:</u> Trends that describe the continuation of past and present.</p> <p><u>Example:</u> Population aging</p>
Cyclic Trends	<p><u>Definition:</u> Cycles are events that might not be part of our present but were some part of the past and could possibly be important in the future.</p> <p><u>Example:</u> Depressions, droughts</p>
Emerging Trends	<p><u>Definition:</u> Issues that may affect the future but which are barely visible now and were nonexistent in the past.</p> <p><u>Example:</u> 30 years ago the use of personal computers would have been an emerging issue</p>
Social Trends	<p><u>Definition:</u> Trends that describe changes in the composition, order, and structure of interactions among individuals within a society. In large part, they define the size and nature of the justice system client population, particularly the size of its indigent client population.</p> <p><u>Example:</u> Changes in drug use, family formation</p>
Economic Trends	<p><u>Definition:</u> Trends that describe changes in the relationships among individual well-being, the nature and composition of work and the work force, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundation of the court and justice system, and shape basic social conditions.</p> <p><u>Example:</u> Rate of business formation/failure, employment growth rates</p>
Technological Trends	<p><u>Definition:</u> Trends that describe changes in the composition, application, and broader social effects of tools. They also describe changes in techniques for developing, producing, and distributing products and services. Technological trends shape the types of demands confronting service organizations and, perhaps even more importantly, hold the potential for dramatically altering the way organizations can do their work.</p> <p><u>Example:</u> Genetic engineering, telecommunications patterns</p>

Political and Policy Trends	<p><u>Definition:</u> Trends that describe changes in the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for collective public decision-making and for resource distribution. They also describe preferred responses to societal problems and the appropriate roles of individuals — as well as public and private organizations — in developing, implementing, monitoring, and modifying actions to group responses.</p> <p><u>Example:</u> Minimum sentencing laws, immigration policy, drug control</p>
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### Composite Trends Implications Summary (for use with Activity 2-4)

Increasing Capacity for Nano, Bio, and Electronically Enhanced Behavior Monitoring and Modification

**Trends: (1) Increasingly sophisticated genetic testing; (2) Increasingly sophisticated behavioral monitoring; and (3) Increasingly sophisticated behavior modification.**

<i><b>General Implications and Implications— On the Substance of the Law</b></i>	<i><b>On Demands Placed on The Courts</b></i>	<i><b>On Court Infrastructure</b></i>
<ul style="list-style-type: none"> <li>Increased capacity to identify “harmful” genetic tendencies or “risk” among people, such as likelihood of serious illness or abhorrent behavior.</li> <li>Greater capacity to alter abhorrent behavior—e.g., substance abuse—using increasingly intrusive interventions, such as gene therapy/modification.</li> <li>Potential to alter consciousness and induce euphoria without the frequent use of substances or in ways which are very difficult to detect.</li> <li>Rapid increases in numbers of technological innovations that emerge far more quickly than the societal capacity to legislate, regulate, and enforce suitable law.</li> <li>Need to protect against new forms of discrimination.</li> <li>Greater legal specialization.</li> </ul>	<p><u>Quantitative Implications:</u></p> <ul style="list-style-type: none"> <li>Greater numbers of more complicated cases.</li> <li>Need for Courts to process cases quickly, that is, in a more timely manner in greater numbers of very time sensitive cases.</li> <li>Increased numbers of more difficult consciousness “abuse” cases.</li> <li>Increased numbers of protection from “intrusive intervention” cases.</li> </ul> <p><u>Qualitative Implications:</u></p> <ul style="list-style-type: none"> <li>Increased expectations that Courts intervene before harm is done.</li> <li>Increased expectations that Courts intervene to protect individuals for “their own good.”</li> <li>Far more complicated cases.</li> </ul>	<p><u>Hard Infrastructure</u> (Technology, Facilities and Equipment):</p> <ul style="list-style-type: none"> <li>Need for Courts to obtain access to sophisticated testing technology and equipment and technology-supportive facilities.</li> <li>More sophisticated presentation technologies.</li> <li>More sophisticated storage facilities for different forms of evidence or items included in court records.</li> </ul> <p><u>Soft Infrastructure</u> (Policy-Formation, Planning, Budgeting, Staffing and Training, Management, Communications and Coordination, and Performance Monitoring):</p> <ul style="list-style-type: none"> <li>Need for more specialized staff and judge training.</li> <li>More sophisticated caseload measures.</li> <li>Better aggregate court performance measures and monitoring.</li> <li>Increased inter-agency planning, coordination, and communications for more timely service delivery.</li> </ul>

	<ul style="list-style-type: none"><li>• Increased need to clarify legal rights and protections.</li></ul>	<ul style="list-style-type: none"><li>• Increased demand for Courts to better explain and justify decisions to public and policy-makers.</li></ul>
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### Activity 2-5: Organizational Assessment Template

#### **Purpose:**

The purpose of this activity is to develop participants' skills in taking information about the court organization and other relevant information, such as from the Trends and Scenario Exercise in Activity 2-4, and using it to assess the organization's condition as a preliminary step before identifying planning priorities. As was the case with Activity 2-4, this full exercise may be more appropriate to an extended or advanced strategic planning course and should be abbreviated by faculty for use in a course of 2.5 days or fewer.

#### **Notes about Using the Activity**

This activity and those that follow in this section should build sequentially on the discussions begun in Activity 2-2. Groups should remain the same throughout. In addition to planning materials referenced and developed in prior activities, resources that participants may use in this exercise include those provided below, including: **Attributes Included in an Organizational Assessment, Sample SWOT Template, and AAA Court's Organizational Strengths and Weaknesses (Sample).**

#### **Relevant Learning Objective**

3. Design and carry out a planning process, appropriate for one's court organization, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.
4. Execute a process that aligns individual performance goals with the strategic plan.

## **Organizational Assessment Exercise Instructions**

As a large group take about 40 minutes to:

- Review all of the materials provided for this exercise. Participants may also wish to refer to any prior planning and assessment activities conducted during the course.
- Identify the typical strengths, weaknesses, and opportunities that confront courts and record them on a form like the Sample SWOT Template.

## Attributes Included in an Organizational Assessment (for use with Activity 2-5)

Type of Attribute	Attribute
<i><b>Structural and Organizational</b></i>	<ul style="list-style-type: none"> <li>➤ <b>Division of labor and authority</b> among different types of Judges and Court staff.</li> <li>➤ <b>Decision making structure and processes</b> including designation of participants responsible for formulating planning and management policies.</li> <li>➤ <b>Intra-unit and inter-unit</b> decision making.</li> <li>➤ <b>Access to and control of resources</b> such as staff, information, and facilities.</li> <li>➤ <b>Communication structures</b> including committees, working groups, inter-organizational meetings.</li> <li>➤ <b>Methods for collecting and distributing data and information.</b></li> </ul>
<i><b>Procedural</b></i>	<ul style="list-style-type: none"> <li>➤ <b>Agency rules</b>, including those directing staff performance, and the extent to which they are followed.</li> <li>➤ <b>Time and performance standards.</b></li> <li>➤ <b>Formal personnel procedures</b> such as hiring, evaluating, and deployment.</li> <li>➤ <b>Administrative procedures</b> such as work assignment.</li> </ul>
<i><b>Practice, Habits and Attitudes</b></i>	<ul style="list-style-type: none"> <li>➤ <b>Work habits and expectations</b> of all staff.</li> <li>➤ <b>Management style and philosophy</b> of all staff and the administrator.</li> <li>➤ <b>Beliefs about agency management</b> including beliefs about the appropriate roles of different types of justice system staff.</li> <li>➤ <b>Beliefs about a participant's specific role.</b></li> <li>➤ <b>Degree of congruity between formal and informal structure and procedures.</b></li> </ul>

<b><i>Workload and Resources</i></b>	➤ <b>Staff, budgets, equipment, facilities, etc.</b>
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## Sample SWOT Template (for use with Activity 2-5)

SWOT analysis - Strengths, Weaknesses, Opportunities and Threats			
<b>Date:</b>			
<b>Court / Department name:</b>			
Internal Factors			
<i>Our Strengths</i> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<b>Ways to exploit</b>	<i>Our Weaknesses</i> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<b>Ways to reduce</b>
External factors			
<i>Our Opportunities</i> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<b>Ways to exploit</b>	<i>Our Threats</i> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<b>Ways to reduce</b>

Modified from template at <http://www.rapidbi.com/created/swotanalysis templates.html>.

## AAA Court's Organizational Strengths and Weaknesses (Sample) (for Activity 2-5)

Structural and Organizational Strengths	Structural and Organizational Weaknesses
<ul style="list-style-type: none"> <li>➤ An effective foundation for consolidated District and Superior Court administrative structure is in place.</li> <li>➤ The relatively small size of the Court makes it manageable.</li> <li>➤ Probation services are provided by the District Court.</li> <li>➤ Programs have been developed to meet specific needs.</li> </ul>	<ul style="list-style-type: none"> <li>➤ There is a lack of clarity regarding administrative vs. policy-making roles – executive and administrative functions are often blurred, especially in Superior Court.</li> <li>➤ Modern technologies for administering calendars have not been funded.</li> <li>➤ The Court budgets are dependent on a variety of potentially unreliable funding streams.</li> <li>➤ The administrative roles and responsibilities of the Clerk's Office and Court Administration are not always clear.</li> <li>➤ The role of the Probation Department needs to be clarified.</li> <li>➤ The District Court's jurisdiction potentially could be impacted by the use of Municipal Courts and state statutes.</li> <li>➤ There is a lack of understanding and commitment by County government to adequately support the Courts financially.</li> </ul>
Procedural Strengths	Procedural Weaknesses
<ul style="list-style-type: none"> <li>➤ Both the District and Superior Courts have begun to undertake efforts to more assertively manage caseloads.</li> <li>➤ Collection procedures in the District Court have become maximized in the past few years.</li> <li>➤ Both Courts have recognized an increasing need to handle high volume dockets.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Case assignment procedures in the Superior Court are inadequate.</li> <li>➤ Time and performance standards should be used more effectively at both Court levels.</li> <li>➤ Job classification and hiring practices are controlled too much by the AAA County government rather than by the Courts.</li> </ul>



<ul style="list-style-type: none"> <li>➤ The mandatory arbitration program in Superior Court and the mandatory mediation program have helped meet increasing civil workload demands.</li> <li>➤ The Courts have increased the amount and types of assistance available to SRLs.</li> <li>➤ Both have established domestic violence and other specialty dockets.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Court procedures are often dictated by other agency staffing and budget constraints vs. good case management practices.</li> </ul>
<b>Practice, Habits, and Attitudes Strengths</b>	<b>Practice, Habits, and Attitudes Weaknesses</b>
<ul style="list-style-type: none"> <li>➤ Communication has improved between units of the Courts in recent years.</li> <li>➤ Interpreter services have become better organized and staffed.</li> <li>➤ The Courts are doing better planning and focusing more effectively on critical issues.</li> </ul>	<ul style="list-style-type: none"> <li>➤ There is duplication of effort between the Clerk's Office and the Court.</li> <li>➤ There is a lack of quality control over some Court records.</li> </ul>
<b>Workload and Resources -- Strengths</b>	<b>Workload and Resources -- Weaknesses</b>
<ul style="list-style-type: none"> <li>➤ The Courts are building greater bench diversity through the use of <i>Pro Tems</i> and Commissioners.</li> <li>➤ The staff is becoming increasingly diverse.</li> <li>➤ Court security remains a major problem.</li> <li>➤ The Juvenile Court Facility is more secure.</li> <li>➤ Jail security has been improved.</li> <li>➤ Public parking is available close to the Court although the total amount is very limited.</li> <li>➤ Improvements in computer and telecommunications technology are being incorporated into Court operations where possible.</li> </ul>	<ul style="list-style-type: none"> <li>➤ In general, Court procedures are not prepared to deal with rapidly increasing numbers of Hispanics.</li> <li>➤ Staff and Judges do not receive all the training they should due to budget and staffing constraints.</li> <li>➤ Court facilities are too small to meet current rising demands.</li> <li>➤ The Court facility is not secure.</li> <li>➤ Funding is unpredictable and inadequate in light of increasing demands.</li> <li>➤ Lack of funding has prevented incorporation of available technology, such as video conferencing, into Court operations.</li> </ul>

	<ul style="list-style-type: none"><li>➤ Public access is limited, and there is limited opportunity to provide public information in the courthouse.</li><li>➤ There is no space for a jury pool or juror check in.</li><li>➤ Facility wiring is inadequate to support expanded use of modern Court technology.</li><li>➤ Traffic flow in the Court facility is very inadequate.</li></ul>
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## **Activity 2-6: Prioritization—Developing the Strategic Agenda**

### **Identifying Strategic Issues/Key Result Areas and Goals**

#### **Purpose:**

This activity has two parts. The purpose of Part I is to have participants synthesize what they have learned from prior Section 2 course content and activities so they can identify the strategic issues and key result areas that will be the actual targets of their court organization's eventual strategic plan. The purpose of Part II is to have participants begin the transition from identifying and prioritizing issues to shaping a strategic response by expressing the general goal or goals that the court wants to achieve in one of the priority areas.

#### **Notes about Using the Activity**

This exercise may be conducted in a large group or several small groups depending upon the uniformity of the participants' backgrounds. If the latter, groups should remain the same as in prior Section 2 activities. Again, this activity should build on the discussions begun in Activity 2-2 and following and will be the reference point for the final planning activities of this section. In addition to planning materials referenced and developed in prior activities, the resources that participants may use in this exercise include **Exercise Example: Issue 1: Understand and Respond to Changing Community Needs** below.

#### **Relevant Learning Objective**

3. Design and carry out a planning process, appropriate for one's court organization, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.
4. Execute a process that aligns individual performance goals with the strategic plan.

## **Prioritization Exercise Instructions**

As a large group or in small groups, take about 15 to 30 minutes to complete Part I:

- review all of the materials contained in this exercise;
- brainstorm the issues confronting courts;
- look for and summarize the patterns underlying these issues; and
- reframe these patterns as strategic issues for one or two example strategic priorities.

### Part I: Identify and Describe Strategic Issues and Key Result Areas

In the same groups, take 10 to 15 minutes to complete Part II.

### Part II: Identify and Describe Goals for One of the Issues/Areas Identified Above

## Prioritization Exercise Example

### Issue 1: Understand and Respond to Changing Community Needs.

#### *Issue Description*

The Courts of the AAA Judicial District must serve populations that are increasingly diverse—ethnically, economically, and socially—living in numerous urban, suburban, and rural communities located across a large geographic area.

In addition, as a result of a variety of global and local trends—such as political instability in Central and Eastern Europe, the growth of local service industries, the availability of relatively affordable housing, social trends that isolate children from participation in community activities, and land-use policies that channel growth into suburban cities—the Court and the other justice system stakeholders are now being confronted by more numerous and more complicated expectations for the types and scope of services they should provide for families and children across the District. In particular, there are more and more children and families involved in the courts with serious problems but limited skills and resources, and reduced capacity to successfully negotiate the extensive justice and human service provision systems, as well as the complexities of everyday life.

Similarly, long-term trends, such as increasing income stratification, economic restructuring, and differing expectations about the role of social institutions, are altering what were once more commonly held societal norms and values. Also, population trends indicate that the proportionate size of the District's Asian, Eastern European, and Hispanic population are expected to increase to as much as 20% of the total District population within the next ten years.

Moreover, demand for alternative resolution forums and services, such as restorative justice programs, system of care and other service-intensive wrap-around programs, are likely to increase over the next five years, even as state-level funding commitment is very likely to fall far short of current levels. Finally, there remains a lack of capacity for Court and other justice system stakeholders to collect and analyze, systematically and expeditiously, data to identify and understand the specific needs of changing communities.

In short, the following were identified as the more important demands likely to face the Courts of the AAA Judicial District and justice and human service agencies over the next five years as they attempt to address the concerns of families and children:

- increased numbers of children and families with serious mental illness;
- continued widespread substance abuse among youth and parents;
- increased reliance on the courts as a last resort for addressing the problems of children and families;
- increased numbers of unrepresented parties involved in child welfare cases;
- a need to redefine caseload measures to reflect caseload complexity;
- a need to increase the types of disposition options available to the Court;
- greater demand for language and "culture" interpreters;

- increased need to develop mechanisms for accommodating the dispute resolution needs of economically diverse but culturally similar people within a racial or ethnic group;
- increased numbers of time-intensive court cases, that is, cases that involve people with limited education, newer arrivals to the United States, people with diverse language expectations and skills, and varying levels of understanding of court process;
- increased need to implement dispute resolution mechanisms for resolving disputes and misunderstandings between people from different cultures;
- increased opportunity to build new sources of political support for the court among Latino, Asian, and a variety of other racial and ethnic groups;
- increased presence of ethnic population-centered youth crime including ethnicity-based gang and organized crime and greater numbers of victims from different ethnic backgrounds;
- increased opportunity, as well as need, to incorporate new forms of dispute resolution into the courts and justice system;
- increased opportunity to diversify the court workforce; and
- increased need to educate judges, attorneys, and court staff about cultural diversity, mental illness, and treatment innovations.

### *Goal Components*

The general goal of the Courts of the AAA Judicial District for increasing understanding of changing community needs and developing more targeted responses to changing needs includes:

- working with other agencies to fully describe the District population and inventory child protection and juvenile justice needs;
- putting in place mechanisms for monitoring needs;
- establishing ongoing partnerships with racially, ethnically, and culturally diverse groups throughout the District;
- better understanding the particular needs of different groups of people by examining the meaning of culture and the potential implications of cultural differences on court service;
- identifying and implementing culturally sensitive court services; and
- maintaining a workforce with the knowledge and skills needed to serve diverse groups across the community by inventorying existing workforce knowledge and skills, developing new skills, and recruiting and hiring employees who respect economic, social, and cultural diversity.

## Activity 2-7: Strategies and Objectives Template

### Purpose:

The purpose of this activity is to develop participants' ability to identify and consider action options and then select the best ones as means by which their court organization can achieve the goals they previously identified. As participants proceed from one goal to multiple objectives in this activity, they should perceive that each successive planning level requires more specific detail.

### Notes about Using the Activity

This exercise may be conducted in a large group or several small groups depending upon the uniformity of the participants' backgrounds. If the latter, groups should remain the same as in prior Section 2 activities. This activity directly builds on the work done in Activity 2-6. In addition to planning materials referenced and developed in prior activities, resources that participants may use in this exercise include the **Sample Strategies and Objectives** included after the template.

### Relevant Learning Objective

3. Design and carry out a planning process, appropriate for one's court organization, to create a strategic plan that will serve as a critical tool for achieving the court's preferred future.
4. Execute a process that aligns individual performance goals with the strategic plan.

## Strategies and Objectives Exercise Instructions

As a large group, take 20 minutes to:

- pick one goal from the work completed in the previous exercise and identify the key strategies that should be implemented if the issue is to be addressed adequately; and
- identify some of the key objectives (means) for implementing the strategies and reaching the goals.

### Identify Strategies and Objectives for One of the Goals in Exercise 2.6

Strategy 1.1:

- Objective 1.1.1:
- Objective 1.1.2:
- Objective 1.1.3:
- 

Strategy 1.2:

- Objective 1.2.1:
- Objective 1.2.2:
- Objective 1.2.3:
- 

Strategy 1.3:

- Objective 1.3.1:
- Objective 1.3.2:
- Objective 1.3.3:
-



## **Sample Strategies and Objectives (for use with Activity 2-7)**

Strategy 1.1: Improve the understanding and provision of quality services in the Courts of the AAA Judicial District to better respond to community needs.

- Objective 1.1.1: Monitor trends, workload, emerging issues, and events that could affect the courts.
- Objective 1.1.2: Monitor court stakeholder interests.

Strategy 1.2: Increase the courts' awareness of the court and justice service needs of the diverse racial, ethnic, and cultural groups of the District.

- Objective 1.2.1: Identify the diverse populations within the AAA Judicial District.
- Objective 1.2.2: Develop mechanisms to solicit the views of diverse communities about the Courts.
- Objective 1.2.3: Monitor the court-related service needs of diverse populations within the District.
- Objective 1.2.4: Develop and implement public information programs targeting diverse populations within the District.

Strategy 1.3: In cooperation with other justice and public and private service providers, provide more effective, culturally appropriate services to the diverse populations of the District.

- Objective 1.3.1: Diversify the Courts' workforces to reflect the populations they serve.
- Objective 1.3.2: Develop services that are responsive to changing needs.
- Objective 1.3.3: Evaluate the effectiveness of services provided.

Strategy 1.4: Develop a highly skilled workforce in the Courts of the AAA Judicial District.

- Objective 1.4.1: Identify the characteristics of highly skilled personnel in light of evolving community needs.
- Objective 1.4.2: Establish staff development mechanisms which emphasize the skills needed for working with children and families.
- Objective 1.4.3: Establish judicial development mechanisms which emphasize the skills needed for working with children and families.
- Objective 1.4.4: Do succession planning.

## Activity 2-8: Priority Projects Template

### Purpose:

The purpose of this activity is to have participants develop their ability to prepare detailed project plans for the accomplishment of the more general strategic objectives that they identified in Activity 2-7. Participants must be able to specify the time and resources that would be required to complete the project. The level of detail should be sufficient to describe individual job responsibilities, time intervals, and progress measures.

### Notes about Using the Activity

This activity marks the final stage of strategic planning before approval by leadership and the beginning of actual implementation. It builds directly on the work that participants completed in Activity 2-7. In addition to planning materials referenced and developed in prior activities, the resources that participants may use in this exercise include **Exercise Example: 2015-2020 Priority Project: Community Needs Profiles** on the page following the template.

### Relevant Learning Objective

4. Execute a process that aligns individual performance goals with the strategic plan.

## Priority Projects Exercise Instructions

Working in your group from prior Section 2 activities, take 10 minutes to identify a few priority projects that could help achieve some of the objectives identified in Activity 2-7.

Next, take about 10 minutes in your group to:

- identify the steps that are needed to complete one of the projects; and
- identify the strategies and objectives addressed by the project.

Record details in a template like that on the next page, **Year 0 to Year 5 Priority Project 1**.

Finally, as a large group take about 10 minutes to:

- review the priority projects to determine completeness, such as the inclusion of progress measures; and
- review whether the projects and those working on them are aligned with:
  - the goals of the larger plan; and
  - the courts' purposes and responsibilities.

## Priority Project Template

Year 0 to Year 5 Priority Project 1:		
<u>Objectives Addressed:</u>	<u>Implementation Activities:</u>	<u>Who Responsible; Start &amp; End Dates:</u>

### Exercise Example (for use with Activity 2-8)

#### 2015-2020 Priority Project: Community Needs Profiles

<u>Objectives Addressed:</u>	<u>Implementation Activities:</u>	<u>Who Responsible; Start &amp; End Dates:</u>
<p>1.1.2</p> <p>1.2.1 - 1.2.4</p> <p>2.1.2</p> <p>2.2.2</p>	<ol style="list-style-type: none"> <li>1. Establish a community profile work-group.</li> <li>2. Identify current court, justice, and human service use patterns.</li> <li>3. Identify desired data items to include in profiles.</li> <li>4. Inventory previous efforts and data sources available from other organizations.</li> <li>5. Conduct focus groups with court users and stakeholder groups to identify needs.</li> <li>6. Prepare geographic, demographic, culture, and service need profiles.</li> <li>7. Conduct gap analysis of existing and needed services.</li> <li>8. Prepare summaries.</li> </ol>	<p>Jan. – June '16</p> <p>Magistrate Taylor</p> <p>Barney F.</p> <p>Carol M.</p> <p>Gomer P.</p> <p>Juanita S.</p>

## Section Three:

### Activity 3-1: Developing Strategic-Thinking Mindsets

#### **Purpose:**

The purpose of this activity is to increase participants' awareness of how they can develop strategic thinking abilities in themselves and their organizations.

#### **Notes about Using the Activity**

This activity is best conducted in small groups to encourage all participants to think about their own behaviors and the work practices in their courts. The urgent everyday activities tend to displace time for thinking strategically. Leader-managers must *make* time to think and must find ways to inspire court employees to do likewise, such as by creating opportunities to discuss how work might be done differently/better/more purposefully and by allowing experimentation within prescribed procedures.

#### **Relevant Learning Objective**

5. Encourage and foster strategic thinking and foresight in courts as precursors to effective strategic decision making and strategic planning.

## **Developing Strategic Thinking—Exercise Instructions**

In small groups, answer these questions:

1. What actions can individuals take to develop a strategic thinking mindset in themselves?
2. What actions can the organization take to develop the strategic thinking mindset in employees and other stakeholders?

### **Activity 3-2   Contemplating Our Problem-Solving/Decision-Making Histories**

#### **Purpose:**

The purpose of this activity is to develop participants' mindfulness with respect to the organizational conditions that foster good problem solving and decision making, such as workplace practices that encourage strategic thinking.

#### **Notes about Using the Activity**

As participants share their histories and identify trends related to good decision making, the instructor may want to note connections between strategic thinking and decision making and other common attributes of sound leadership/management and planning including communication, sense of purpose, alignment of duties with mission and vision, staff development, delegation of responsibilities, encouraging initiative, etc.

#### **Relevant Learning Objective**

5. Encourage and foster strategic thinking and foresight in courts as precursors to effective strategic decision making and strategic planning.



## Instructions

Each participant should begin individually by identifying an example in his or her own organization in which problem solving or decision making went very well. *Why* did it go well? What were the consequences of its going well?

Next, each participant should identify an example in his or her organization in which problem solving or decision making did NOT go well. *Why* did it not go well? What were the consequences of this less desirable result?

Lastly, as a small group...

- Share your positive and negative histories.
- Identify trends or themes among *successful* histories. What were some causes of good problem-solving / decision-making outcomes? What were the consequences?
- Identify trends or themes among unsuccessful histories. What were the causes? What were the consequences?

### Activity 3-3 Applying Strategic Thinking/Foresight to Your Court Organization<sup>68</sup>

#### **Purpose:**

The purpose of this activity is to develop participants' ability to think about the future as part of thinking strategically in their organizations.

#### **Notes about Using the Activity**

The aim is to have each participant consider what his or her court organization will look like and how it will fulfill its mission in ten to fifteen years. What trends does each need to consider? Some may initially make projections that are too "safe"—that is, too close to present reality and certainty. As you monitor discussions, encourage participants to think more boldly. The class is a safe environment for embracing uncertainty. The more comfortable they become with uncertainty, the broader and deeper their foresight can become.

First, organize the participants in six groups and divide the following topical areas among them so that each focuses on one of the topical areas. Ask each group to come up with a list of ideas, statements, or activities to describe how the world looks and is trending in their assigned area. Debrief them after 10 minutes, creating a list of relevant points under each area.

Then, have participants consider individually which trends apply to their respective organizations and would affect its purposes or operations, referring to the list of questions provided.

Next, caution participants that their organizations will be in jeopardy if they let assumptions take over strategic thinking. Ask participants to work in their groups to answer the questions about assumptions.

Lastly, with their thoughts about assumptions in mind, ask participants to consider how they and their colleagues can think differently, referring to the final questions.

#### **Relevant Learning Objective**

5. Encourage and foster strategic thinking and foresight in courts as precursors to effective strategic decision-making and strategic planning.

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<sup>68</sup> Adapted from "An Exercise in Strategic Thinking" in Erica Olsen, *Strategic Planning Kit For Dummies* (2nd Edition, 2011).

### **Instructions for Activity 3-3: Applying Strategic Thinking/Foresight to Your Organization**

In your group, first take 10 minutes to come up with a list of ideas, statements, or activities to describe how the world looks and is trending in the topical area that is assigned to them from the list below:

- Economically
- Socially
- Politically
- Technologically
- Ecologically
- Legally

After about 10 minutes, your group will be debriefed. The instructor will create a list of relevant points under each area. With these lists on the wall, consider individually which trends apply to your organization and would affect its purposes or operations:

- How can this trend influence our current stakeholders?  
Would it change who our stakeholders are?
- How can this trend influence our current operations?
- What are other courts and stakeholder organizations doing about this trend?
- How fast is this trend developing? What accelerates it or slows it down?
- What are the risks of committing to this trend? What are the rewards?

In your group, think more broadly and share how you would answer the following questions:

- What assumptions have you made?
- What rules have you assumed?
- How do your own perceptions influence the world you inhabit?
- How do you see the world, and how is your view different from that of other people?  
What advantages and disadvantages are there of each way of thinking?

With these thoughts about assumptions in mind, consider how you and your colleagues can think differently. How would your organization answer these questions when imagining a problem from someone else's perspective? In your group, think about the following ideas as they relate to a different viewpoint:

- What happens in other countries, cultures, or organizations?
- How can you change the situation to make a solution work?
- Visit unfamiliar places or read about other people's lives and try to understand why they think the way they do.

## Section Four:

### Activity 4-1 Court Culture Assessment<sup>69</sup>

#### **Purpose:**

The purpose of this activity is to develop participants' awareness of and ability to assess court culture, particularly with respect to the capacity for managing change.

#### **Notes about Using the Activity**

The Court Culture Assessment Instrument (CCAI) is designed to assess five key dimensions of court culture—Change Management, Courthouse Leadership, Judicial and Court Staff Relations, Internal Organization, and Dominant Case Management Style. When completing the questionnaire, a class participant will be providing a picture both of how his or her court *currently* operates in terms of key culture-related values and how he or she would *prefer* that the court operate. There are no right or wrong answers to these questions.

Class participants should complete at least the Change Management portion of the CCAI. If class time permits, the exercises can be expanded to other work dimensions in roughly the order listed above, following the same pattern of instructions and debriefing explained below. The exercise should be explained in stages:

- Have participants assign values to their *current* reality as it relates to Change Management.
- Have participants graph their individual scores on kite diagrams (see Figure 4-4 below). *This step is optional, as time permits.*
- Sequentially ask for a show of hands of those who placed their highest value in quadrants I, II, III, and IV. Record on a flipchart or overhead projection that is visible to the class the number of individuals identifying most strongly with each quadrant; use a diagram similar to that in Figure 4-5 below.

Discuss the attributes of the different court culture types with respect to Change Management then proceed with the exercise as follows:

- Ask participants to assign values to their *preferred* reality related to change management.
- Again, ask for a show of hands of those who placed their highest value in quadrant I, II, III, and, finally, IV. Record the numbers on the flip chart/overhead slide. Use a distinctive color placement so that participants can distinguish the current culture counts from the preferred ones.
- Note any shifts that are observable toward preferred realities. Ask the participants what strategies or events might help shift a court from a particular current culture to a preferred reality.

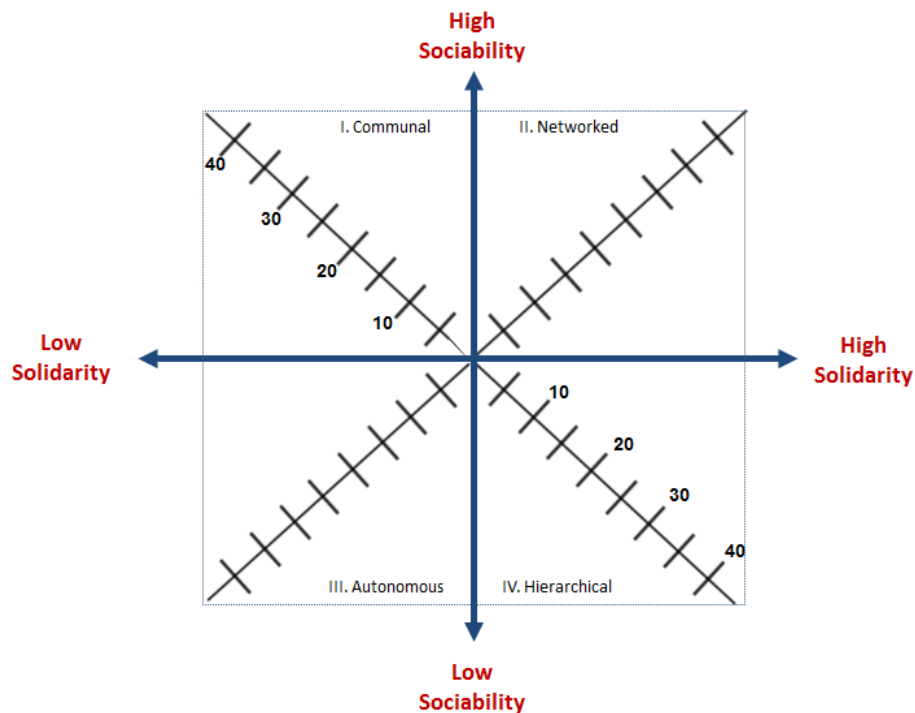
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<sup>69</sup> Developed from ICM's CourTools Faculty Guide (2012) at Slide 51 and pages R-4-1 through-3 and from *Trial Courts as Organizations*, pp. 158-61.

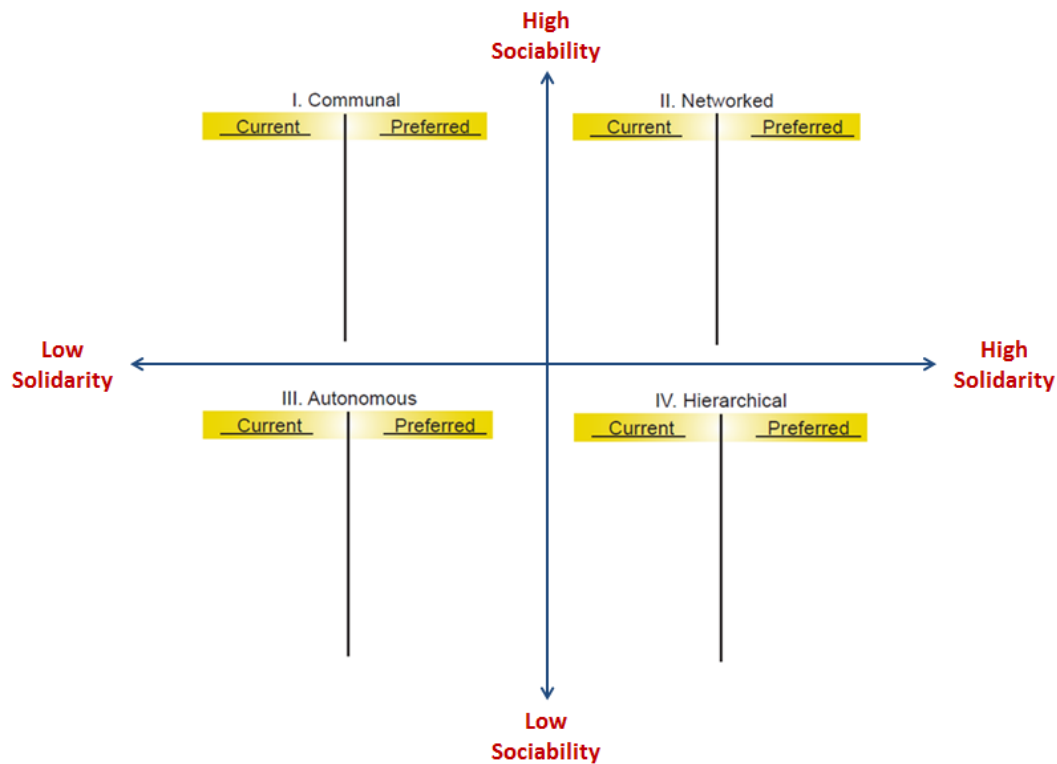
### Relevant Learning Objective

5. Recognize attributes of different court cultures and assess their potential implications for change management, enabling more accurate expectations about a court organization's receptiveness to and capacity for strategic planning and improving the ability to adjust planning processes successfully to court characteristics.

**Figure 4-4**  
**Comparing Current & Preferred Cultures**  
**Individual “Kite Diagram”**



**Figure 4-5**  
**Court Culture Assessment—Group Scoring Chart**



#### Participant Instructions

The Court Culture Assessment Instrument (CCAI) is designed to assess five key dimensions of court culture—Change Management, Courthouse Leadership, Judicial and Court Staff Relations, Internal Organization, and Dominant Case Management Style. For purposes of this exercise, you *must* assess the Change Management dimension of court culture; *other dimensions will only be assessed if time permits*. In completing this questionnaire, you will be providing a picture both of how your court currently operates in terms of key culture-related values and how you would prefer that the court operate. There are no right or wrong answers to these questions.

Following are five tables each consisting of sets of four statements. The statements in each table are expressions of values that might be more or less emphasized in the local legal culture of your court. For each set of four statements that your instructor assigns (starting with Change Management), please identify the relative degree of emphasis that you *currently* think is placed on each value statement by your court. Divide 100 points among these four alternatives depending upon the degree to which you believe each alternative is emphasized by your court. Give a higher number of points to the alternative that is most descriptive of your court. If time permits, record your point totals for each quadrant on a kite diagram provided with your class materials.

Turning to your *preferred* emphasis, identify the relative degree of emphasis that you would like to see your court embrace.

<b>Change Management—How the court responds to new/existing problems.</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Changes in court policies and procedures occur incrementally through judicial negotiation and agreement. In practice, procedures are seldom rigid, with actual application open to interpretation by semi-autonomous work teams of individual judges and corresponding court staff.		
<b>II</b>	Judges and court managers seek input from a varied set of individuals (e.g., judges, court staff, attorneys, and public) and measure court user preferences concerning policy changes. Individual judges and administrative staff are encouraged to monitor court performance and to recommend necessary adjustments.		
<b>III</b>	Judges resist a rule- and process-bound organizational setting. Centralized change initiatives may be considered unfeasible because each judge exercises a wide scope of latitude in the choice of case processing practices, and judges are perceived to resist court-wide monitoring.		
<b>IV</b>	Judges and administrative staff seek cutting edge technology and modern administrative methods to support administrative procedures that may reduce errors and enhance the timeliness of case processing and the accuracy of record keeping.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Courthouse Leadership— How judges and court staff are directed in the exercise of key procedural events.</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Judicial and administrative staff leaders seek to build personal relationships and confidence among all judges and court staff members; emphasize mutually agreed upon goals with staff members; and attempt to help all obtain satisfaction from work.		
<b>II</b>	Judicial and administrative staff leaders seek to build an integrated justice system community. All judges and court staff are asked to meet organizational performance goals that focus on results that matter to those served by the courts rather than simply those who run them.		
<b>III</b>	Centralized court leadership is inhibited because judges prefer to work with few external controls. Each judge and corresponding courtroom staff members are concerned primarily with their own daily responsibilities and exhibit little interest in efforts aimed at improving court or system-wide performance.		
<b>IV</b>	Judicial and administrative leaders rely on clearly established rules and directives—preferably in writing—to guide court operations. The system may appear impersonal given the emphasis on knowing and using the proper channels to get things done.		

	<b>Total</b>	<b>100</b>	<b>100</b>
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<b>Judicial and Court Staff Relations</b> — How the court designs and maintains relationships of authority as well as the development and training of the entire workforce.		<b>Current</b>	<b>Preferred</b>
<b>I</b>	An effort is made by judges to limit the psychological distance between them and administrative courtroom staff. Hierarchy and formal processes exist, but court staff members go outside normal channels when it seems appropriate to “do the right thing.”		
<b>II</b>	Judges value and promote a diverse workforce and diversity of ideas, act to enhance professional administrative and courtroom staff development, and seek to treat all staff with fairness and respect.		
<b>III</b>	Individual judges use their own criteria to monitor, evaluate, and motivate courtroom and other staff. Judges have wide discretion in how they recruit, manage, and organize their courtroom support staff.		
<b>I V</b>	Administrative and courtroom staff members are closely monitored and evaluated through regular and structured performance appraisals. Work-related feedback, merit recruitment, and promotion are emphasized.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Internal Organization</b> —How the court decides to divide labor and responsibilities among judges and court staff to accomplish the necessary tasks of court work.		<b>Current</b>	<b>Preferred</b>
<b>I</b>	Information on a wide variety of topics (e.g., caseload, resources, and personnel) is shared through informal channels that reflect personal relations among judges, administrative, and courtroom staff. Judges and court staff strive for consensus and to reconcile differences.		
<b>II</b>	Judges and administrators seek a shared, court-wide view of what needs to be accomplished. This knowledge facilitates judges and court staff, drawing from different departments and divisions if necessary, to work collaboratively to perform case processing and administrative tasks.		
<b>III</b>	Courtroom practices reflect the policies and practices employed by individual and autonomous judges. Therefore, accepted practices are slow to change; stability and predictability are emphasized; and confrontation is minimized.		
<b>IV</b>	Explicit lines of authority among judges, administrative staff, and courtroom staff create a clear division of labor and formalize expectations that judges and court staff will do the jobs that they are assigned.		
<b>Total</b>		<b>100</b>	<b>100</b>

<b>Dominant Case Management Style—How a court schedules, arranges, and conducts events so that cases move forward toward resolution.</b>		<b>Current</b>	<b>Preferred</b>
<b>I</b>	There is general agreement on performance goals, but centralized judicial and administrative staff leadership is downplayed and creativity is encouraged. As a result, there are alternative acceptable ways for individual judges to apply court rules, policies, and procedures.		
<b>II</b>	Judicial expectations concerning the timing of key procedural events come from a working policy built on the deliberate involvement and planning of the entire bench. Follow through on established goals is championed and encouraged by a chief (administrative) judge.		
<b>III</b>	There is limited discussion and agreement on the importance of court-wide performance goals. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.		
<b>IV</b>	Judges are committed to the use of caseflow management (e.g., early case control, case coordination, and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures are applied uniformly by judges.		
<b>Total</b>		<b>100</b>	<b>100</b>

## Activity 4-2 Overcoming Resistance to Change

### Purpose:

The purpose of this activity is to have participants reflect on the different reasons for and ways in which change may be resisted in a court organization and to explore different ways of overcoming such resistance.

### Notes about Using the Activity

The instructor will first ask each participant to consider what forms or reasons for resistance he or she would expect when introducing a significant change in his or her court organization. The changes might be in work assignments, policies, departmental structures, etc. After a few minutes, ask participants to share their responses with the class. Sample responses might include a lack of buy-in by management/judges, altered relationships, stress on competence, lack of resources, etc. **Record responses on a flip chart.**

Next, ask participants to discuss in groups what steps they can take to overcome such resistance. Ask them to consider how their approaches might be different depending upon the court organization's culture. Have groups share their suggestions with the class, explaining their assumptions about what culture they will be working with. **Record responses on a flip chart.**

### Relevant Learning Objective

6. Recognize attributes of different court cultures and assess their potential implications for change management, enabling more accurate expectations about a court organization's receptiveness to and capacity for strategic planning and improving the ability to adjust planning processes successfully to court characteristics.

### Participant Instructions

Individually, consider what forms of or reasons for resistance you would expect when introducing a significant change in your court organization. The instructor will ask participants to share their responses with the class.

Next, discuss in a group of five or six what steps leaders can take to overcome such resistance. How might your approaches be different depending upon your court organization's culture? You will be asked to share your group's suggestions with the class, explaining your assumptions about what culture you will be working with.

## Section Five:

### Activity 5-1: Putting Purpose in Their Work

#### **Purpose:**

This activity is intended to increase participants' knowledge of the role that leaders need to play in communicating organizational vision and purpose throughout a court organization, inspiring and aligning individuals with its strategic mission and purposes.

#### **Notes about Using the Activity**

Begin with the assertion that there are no unimportant jobs in a court; however, many people do not see the important purpose in their work.

Divide the class into small groups and ask them to brainstorm and report back the answer to the following question:

"What specific actions can a court leader take to help employees put purpose in their work?"

The feedback should provide everyone with a creative list of practical actions, many of which can be applied in their back-home courts.

#### **Relevant Learning Objective**

7. Identify the significant qualities and roles of leadership, particularly in the context of strategic planning to align behaviors, structures, processes, and resources to ensure they support the strategic planning process and the final plan.

### Participant Instructions

Working in small groups, discuss:

“What specific actions can a court leader take to help employees put purpose in their work?”

After 15 minutes, the instructor will ask groups to report their ideas.

## Bibliography

### Section 1:

#### Purposes and Responsibilities of Courts

- *ABA Model Code of Judicial Conduct*. 2010. [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_code\\_of\\_judicial\\_conduct.html](https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html).
- Commission on Trial Court Performance Standards. *Trial Court Performance Standards with Commentary*. Washington, DC: Bureau of Justice Assistance, 1997. <https://www.ncjrs.gov/pdffiles1/161570.pdf>.
- **Federalist Papers** numbers 1, 10, 51, and 78-81 (1787). <http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/>.
- Friesen, Ernest C. "The Purposes of Courts." Justice Programs Office, American University, published March 31, 2014. Video, 19:18. <https://youtu.be/saHb06PNadQ>.
- *In Re Gault*, 387 U.S. 1 (1967). <https://supreme.justia.com/cases/federal/us/387/1/>.
- National Association for Court Management. *Model Code of Conduct for Court Professionals (with commentary)*. 2012. <https://nacmnet.org/wp-content/uploads/Model-Code-of-Conduct-for-Professionals-with-commentary.pdf>.
- National Association for Court Management. *The Core in Practice: A Guide to Strengthen Court Professionals through Application, Use, and Implementation*. 2015. <https://nacmcore.org/app/uploads/The-Core-Guide-FINAL.pdf>.
- National Association for Court Management. *The Court Administrator--Court Administration: A Guide to the Profession and Manual*. 2016. <https://ncsc.wpenline.com/wp-content/uploads/NACM-Guide-to-the-Profession.pdf>.
- Pound, Roscoe. "The Causes of Popular Dissatisfaction with the Administration of Justice." Speech delivered at the 1906 ABA Annual Conference. 29 A.B.A. Rep., pt. I, 395-417, 1906; reprinted by the Univ. of Nebraska College of Law; online at <https://law.unl.edu/RoscoePound.pdf>, last accessed August 1, 2018.
- The Declaration of Independence (1776). <http://www.ushistory.org/declaration/document/>.
- The U.S. Constitution (1787) and Bill of Rights (1789). <http://constitutionus.com/>.
- "Purposes and Responsibilities of Courts," *The Court Manager* 18, no. 2 (2003).

## Values, Governance, and System Perspective

- Durham, Christine M., and Daniel J. Becker. "A Case for Court Governance Principles." Paper from the Harvard Executive Session for State Court Leaders in the 21<sup>st</sup> Century, 2011. <http://www.ncsc.org/Services-and-Experts/Court-leadership/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Becker-Durham-A-Case-for-Court-Governance-Principles.ashx>.
- Frei, Frances X. "Breaking the Trade-off Between Efficiency and Service." *Harvard Business Review* (November 2006): 93-101.
- Gladwell, Malcolm. *The Tipping Point: How Little Things Can Make a Big Difference*. Boston, MA: Little, Brown and Company, 2000.
- Hirst, P. "Democracy and Governance." In *Debating Governance: Authority, Steering, and Democracy*, edited by Jon Pierre. Oxford University Press, 2000.
- Kerwin, Cornelius, Thomas Henderson, and Carl Baar. "Adjudicatory Processes and the Organization of Trial Courts. *Judicature* 70 (1986): 99.
- Lefever, R. Dale. "The Integration of Judicial Independence and Judicial Administration: The Role of Collegiality in Court Governance." *The Court Manager* 24, no. 2 (2009): at 6; reprinted in *Future Trends in State Courts, 2010* (NCSC), at 66. <http://ncsc.contentdm.oclc.org/cdm/singleitem/collection/judicial/id/305/rec/3>.
- Levitt, Steven D., and Stephen J. Dubner. *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*. New York, NY: William Morrow, an Imprint of HarperCollins Publisher, 2005.
- Pfeffer, Jeffrey, and Robert I. Sutton. "Evidence-based Management." *Harvard Business Review* (January 2006): 62.
- Provine, Doris Marie. "Governing the Ungovernable: The Theory and Practice of Governance in the Ninth Circuit." In *Restructuring Justice*, edited by Arthur D. Hellman, 247. Ithaca, NY: Cornell University Press, 1990.
- Realin, Joseph A. *The Clash of Cultures*. Boston, MA: Harvard Business School Press, 1985.
- Surowiecki, James. *The Wisdom of Crowds*. New York, NY: First Anchor Books Edition, 2004.
- Washington, Eric T., and Lisa R. VanDeVeer. "Sustainable Court Governance: The Critical Role of Strategic Management." Paper from the Harvard Executive Session for State Court Leaders in the 21<sup>st</sup> Century, 2011. <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Exec>



[utive%20Session/Sustainable-Court-Governance.ashx.](#)

## Measuring and Managing for Performance and Progress

- Chatters, Jake. "Defining Operational Successes: Measuring the Performance of a Court's Front-line Staff." *Future Trends in State Courts*, 2009: 118.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1488>.
- Clark, Thomas, Richard Schauffler, Brian Ostrom, Charles Ostrom, and Roger Hanson. *A Unifying Framework for Court Performance Measurement*. Williamsburg: NCSC, 2008.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1079>.<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1079>.
- Conference of Chief Justices. *Resolution 14: In Support of Measuring Court Performance*, adopted by CCJ/COSCA at the 57<sup>th</sup> Annual Meeting on August 3, 2005.  
<http://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/08032005-support-measuring-court-performance>.
- Conference of State Court Administrators. *Position Paper on Effective Judicial Governance and Accountability*. Arlington, VA: National Center for State Courts, 2001.  
<http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/judgovwhitepaper.ashx><http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/judgovwhitepaper.ashx>.
- *CourTools*. National Center for State Courts. <http://www.courttools.org/>.
- Doerner, John, and Ingo Keilitz. "Performance Measurement and Management in State Supreme Courts and Intermediate Courts of Appeals." *Future Trends in State Courts*, 2009: 114.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/appellate/id/178>.<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/appellate/id/178>.
- Greacen, John M. "An Administrator's Perspective: Developing Performance Measures for Trial and Appellate Courts." *Judges Journal* 41 (2002): 40.
- Hewitt, William E., Brian Ostrom, and Richard Schauffler. "Performance Measurement Gains Momentum through CourTools." *Future Trends in State Courts*, 2006: 95.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1289>.
- Keilitz, Ingo. "Smart Courts: Performance Dashboards and Business Intelligence." *Future Trends in State Courts*, 2010: 73.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1613>.
- National Association for Court Management. *Holding Courts Accountable: Counting What Counts*. Williamsburg, VA: 1999 [Miniguide].
- National Association for Court Management. *Steps to Reengineering: Fundamental Rethinking for High-Performing Courts*. 2012-13. [https://nacmnet.org/wp-content/uploads/Mini-Guide-Steps-to-Reengineering\\_final.pdf](https://nacmnet.org/wp-content/uploads/Mini-Guide-Steps-to-Reengineering_final.pdf).

- *Performance Measurement Resource Guide*. National Center for State Courts, <http://www.ncsc.org/Topics/Court-Management/Performance-Measurement/Resource-Guide.aspx>.
- Schauffler, Richard Y. "Judicial Accountability in the U.S. State Courts: Measuring Court Performance." *Utrecht Law Review* 3 (2007): 112. <http://www.utrechtlawreview.org/index.php/ulr/article/viewFile/40/40/>.
- Slayton, David. "Using Performance Measures to Enhance Fair and Impartial Courts: A Practitioner's View." *Future Trends in State Courts*, 2008: 1. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1283><http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1283>.

## Section 2:

- Bird, David D. "Strategic Planning in the Courts: The Current State of the Art in Planning for the Future." *American Bankruptcy Institute Journal* 35 (2016): 30.
- Boland, Matt, Troy Thomas, and Danny Werfel. "Four Steps to High-Impact Strategic Planning in Government." Boston Consulting Group (BCG), 2018. <https://www.bcg.com/en-us/publications/2018/four-steps-to-high-impact-strategic-planning-in-government.aspx>.
- Bryson, John, and Lauren Hamilton Edwards. "Strategic Planning in the Public Sector." Oxford Research Encyclopedia, Business and Management, 2016; <http://business.oxfordre.com/view/10.1093/acrefore/9780190224851.001.0001/acrefore-9780190224851-e-128>.
- Clarke, Thomas M., and Victor E. Flango. "Case Triage for the 21st Century." *Future Trends in State Courts*, 2011: 146. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1847>.
- Clarke, Thomas M. "Possible Implications of the Principles-based Essential Functions of Courts: A Modest Proposal." *Future Trends in State Courts*, 2010: 19. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1620>.
- Clarke, Thomas M. "Reengineering: Governance and Structure." *Future Trends in State Courts*, 2010: 33. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1630>.
- Clarke, Thomas M. "The Business Case for Court-principles-based Essential Functions." *Future Trends in State Courts*, 2010: 8. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1614>.
- Flango, Victor E. "Which Disputes Belong in Court?" *Future Trends in State Courts*, 2010: 11. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1615>.

- Kiefer, Peter C. "The Role of Strategic Planning and Strategic Management in the Courts." Phase III Paper for the ICM Fellows Program, 2016.  
<https://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2016/Role%20of%20Strategic%20Planning%20and%20Strategic%20Management%20in%20the%20Courts.ashx>.
- Martin, John A., and Brenda J. Wagenknecht-Ivey. "It's a New Day: Future Trends Require Revolutionary Changes in Courts." *Future Trends in State Courts*, 2011: 135.  
<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1849>.
- Martin, John A., and Steven Weller. "Going the Distance: Strategic Planning and Management for Juvenile and Family Justice. *Juvenile and Family Justice Today* (Summer 1996): 10.
- Martin, John A., and Steven Weller. "Strategic Planning: A Training Curriculum for Judges." *National Association for State Judicial Educators News* 11, no. 3 (1996): 6.
- Martin, John A., Brenda Wagenknecht-Ivey, and Brian Lynch. "Five Reasons Why Judicial Leaders Should Be Involved with and Support Strategic Planning in Their Courts." *The Judges' Journal* 40 (2001): 4.
- Martin, John A., Brenda Wagenknecht-Ivey, Steven Weller, and David Price. *Strategic Planning in the Courts: An Implementation Guide*. Denver, CO: Center for Public Policy Studies, 1995.
- Martin, John A., Brenda Wagenknecht-Ivey, Steven Weller, and David Price. "Shaping the Future of Justice: Strategic Planning in the Courts." *The Judges Journal* 36 (1997): 32.
- Martin, John A. *An Approach to Long-range Strategic Planning for the Courts*. Denver, CO: Center for Public Policy Studies, 1992.
- Mintzberg, Henry. "The Fall and Rise of Strategic Planning." *Harvard Business Review* (January-February 1994). <https://hbr.org/1994/01/the-fall-and-rise-of-strategic-planning>.
- Schultz, Wendy L., Clement Bezold, and Beatrice Monahan. *Reinventing Courts for the 21st Century: Designing a Vision Process*. NCSC, Institute for Alternative Futures, and Hawaii Research Center for Futures Studies, 1993.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/15>.
- *The Public as Partners: Incorporating Consumer Research into Strategic Planning for Courts*. Richmond, VA: Judicial Council of Virginia, 1994.  
[http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/the\\_public\\_as\\_partners.pdf](http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/the_public_as_partners.pdf).

- Van Duizend, Richard, and Kathy Mays Coleman. "Why Not Now? Strategic Planning by Courts in Challenging Financial Times." *Future Trends in State Courts, 2009*: 13. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1487>.
- Wagenknecht-Ivey, Brenda, David Price, and John A. Martin. *Continuous Quality Improvement in the Courts*. Denver, CO: Center for Public Policy Studies, 1998.
- Wagenknecht-Ivey, Brenda, John A. Martin, and Brian Lynch. *Strategic Planning Mentoring Guidelines: Practical Tips for Court Leaders*. Denver, CO: Center for Public Policy Studies, 2000. <http://www.flcourts.org/core/fileparse.php/246/urlt/mentoring-guidelines.pdf>.
- Wagenknecht-Ivey, Brenda, John A. Martin, Steven Weller, and David Price. "Lessons for Successful Court Strategic Planning." *The Court Manager* (Spring 1996): 12.
- Wagenknecht-Ivey, Brenda. *An Approach to Long-range Strategic Planning for the Courts: Training Guide*. Denver, CO: Center for Public Policy Studies, 1992.
- Webster, Lawrence. "Court IT Strategic Planning." *Future Trends in State Courts, 2008*: 29. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/tech/id/568>.
- Williams, The Hon. Richard J. "Envisioning the Courts: Old Myths or New Realities?" *The Court Manager* (Fall 1994): 45.

### Section 3:

- Bowman, Nina A. "4 Ways to Improve Your Strategic Thinking Skills." *Harvard Business Review*, December 27, 2016. <https://hbr.org/2016/12/4-ways-to-improve-your-strategic-thinking-skills>.
- Bryson, John M. "Stimulating Strategic Thinking, Acting and Learning in a Strategic Planning Class." *Cultivating Change in the Academy*, posted June 21, 2012. <https://cultivatingchangeseries.com/stimulating-strategic-thinking/>.
- Butcher, Jim. "Mindfulness as a Management Technique Goes Back to at Least the 1970s." *Harvard Business Review*, May 2, 2018. <https://hbr.org/2018/05/mindfulness-as-a-management-technique-goes-back-to-at-least-the-1970s>.
- Carucci, Ron. "Make Strategic Thinking Part of Your Job." *Harvard Business Review*, October 26, 2016. <https://hbr.org/2016/10/make-strategic-thinking-part-of-your-job>.
- Chevreux, Laurent, Jose Lopez, and Xavier Mesnard. "The Best Companies Know How to Balance Strategy and Purpose." *Harvard Business Review*, November 2, 2017. <https://hbr.org/2017/11/the-best-companies-know-how-to-balance-strategy-and-purpose>.
- Clark, Dorie. "If Strategy Is So Important, Why Don't We Make Time for It?" *Harvard Business Review*, June 21, 2018. <https://hbr.org/2018/06/if-strategy-is-so-important-why-dont-we-make-time-for-it>.

- Glenn, Jerome C., James Dator, and Theodore J. Gordon. "Futures Research and Decision Making: Examples and Reflections." 2001. [A modified form of this article appeared in *Foresight* 3, no. 3 (June 2001): 177-189.] <http://www.futures.hawaii.edu/publications/futures-studies/ClosingTheDeal2001.pdf>. Last accessed August 24, 2018.
- Gross, Raushan. "Towards an Understanding of the Relationship between Leadership Styles and Strategic Thinking: A Small and Medium Enterprise Perspective." *Journal of Business Studies Quarterly* 8, no. 2 (2016): 22-39. [http://jbsq.org/wp-content/uploads/2016/12/December\\_2016\\_3.pdf](http://jbsq.org/wp-content/uploads/2016/12/December_2016_3.pdf).
- Hines, Andy, and Peter Bishop, eds. *Thinking about the Future: Guidelines for Strategic Foresight*. Washington, D.C.: Social Technologies, LLC., 2006.
- Kingdown, John W. *Agendas, Alternatives, and Public Policies*. Boston, MA: Longman, 2011.
- Leigh, Andrew. "Thinking Ahead: Strategic Foresight and Government." *Australian Journal of Public Administration* 62 (2003): 3. <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-8497.00320>.
- Molloy, Janice. "Strategic Thinking: Because Good Ideas Can Come From Anywhere." Ideas & Insights from Harvard Business Publishing Corporate Learning, November 7, 2017. <http://www.harvardbusiness.org/blog/strategic-thinking-because-good-ideas-can-come-anywhere>.
- Patanakul, Peerasit, and Aaron J. Shenhar. "What Project Strategy Really Is: The Fundamental Building Block in Strategic Project Management." *Project Management Journal* 43, no. 1 (2016): 4-20. [https://www.researchgate.net/publication/288960966\\_Project\\_strategy-The\\_missing\\_link](https://www.researchgate.net/publication/288960966_Project_strategy-The_missing_link).
- Reeves, Martin, Roselinde Torres, and Fabien Hassan. "How to Regain the Lost Art of Reflection." *Harvard Business Review*, September 25, 2017. <https://hbr.org/2017/09/how-to-regain-the-lost-art-of-reflection>.
- Sambaugh, Rebecca. "To Sound Like a Leader, Think About What You Say, and How and When You Say It." *Harvard Business Review*, October 31, 2017. <https://hbr.org/2017/10/to-sound-like-a-leader-think-about-what-you-say-and-how-and-when-you-say-it>.
- Walsh, Peter. "Are You A Strategic Thinker? Test Yourself." Ideas & Insights from Harvard Business Publishing Corporate Learning, May 20, 2014. <http://www.harvardbusiness.org/blog/are-you-strategic-thinker-test-yourself>.

#### Section 4:

- Brown, Karen J. "Court Culture: Measuring and Analyzing the Impact of Judicial/Administrative Culture in the 16th Judicial Circuit Court." Phase III Paper for the

ICM Fellows Program, 2006.

<http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=470>.

- Burke, The Hon. Kevin, and Frank Broccolina. "Another View of Local Legal Culture: More than Court Culture." *The Court Manager* 20, no. 4 (2005): 29. [This article is a rebuttal to the article by Geoff Gallas, "Local Legal Culture: More Than Court Culture," the entry for which is below.]
- Burke, The Hon. Kevin S. "It Is All About the People Who Work in the Courthouse" *Future Trends in State Courts*, 2011: 82.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1845>.
- Conference of State Court Administrators. "White Paper on Promoting a Culture of Accountability and Transparency: Court System Performance Measures" (adopted December 2008).  
<https://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/2008WhitePaper-PerformanceMeasurement-Final-Dec5-08.ashx>. [Also see Conference of Chief Justices. "Resolution 4: In Support of Promoting a Culture of Transparency and Accountability through Court System Performance Measures" (adopted August 2009).  
<https://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/08012009-In-Support-of-Promoting-a-Culture-of-Transparency-and-Accountability.ashx>.]
- Connors, Roger, and Tom Smith. *Change the Culture: Change the Game*. New York: Portfolio/Penguin, 2011.
- Gallas, Geoff. "Local Legal Culture: More than Court Culture." *The Court Manager* 20, no. 4 (2005): 23. [This article begins with the historical development of the concept of "local legal culture" and how its limitations led to the development of the broader concept of "court culture."]
- Lahey, Pamela Ryder. "Evaluating the Impact of Strategic Planning on Organizational Effectiveness and Culture." Phase III Paper for the ICM Fellows Program, 2001.  
<http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=494>.
- Lefever, R. Dale. "The Integration of Judicial Independence and Judicial Administration: The Role of Collegiality in Court Governance." *The Court Manager* 24, no. 2 (2009): 6; reprinted in *Future Trends in State Courts*, 2010: 66.  
<http://ncsc.contentdm.oclc.org/cdm/singleitem/collection/judicial/id/305/rec/3>.
- Ostrom, Brian, Roger Hanson, Charles Ostrom, and Matthew Kleiman. "Court Cultures and Their Consequences." *The Court Manager* 20, no. 1 (2005): 14.  
<https://cdm16501.contentdm.oclc.org/digital/collection/ctadmin/id/986>.
- Ostrom, Brian J., Charles W. Ostrom, and Matthew Kleiman. "Understanding and Changing Court Culture." Invited presentation to the Justice Reform Practice Group, World Bank, Washington, D.C., May 7, 2008. <https://slideplayer.com/slide/8404369/>



(last accessed August 22, 2018).

- Ostrom, Brian J., Charles W. Ostrom, Jr., Roger A. Hanson, and Matthew Kleiman. *Trial Courts as Organizations*. Philadelphia: Temple University Press, 2007.
- Ostrom, Brian J., Roger A. Hanson, and Matthew Kleiman. "Examining Court Culture." *Caseload Highlights: Examining the Work of State Courts* 11, no. 2 (May 2005). <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=664>.
- Ostrom, Brian J., and Roger A. Hanson. "Understanding Court Culture Is Key to Successful Court Reform." *Future Trends in State Courts, 2010*: 55. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1611>.
- Schein, Edgar H. "Three Cultures of Management: The Key to Organizational Learning." *MIT Sloan Management Review* (Fall 1996); <https://sloanreview.mit.edu/article/three-cultures-of-management-the-key-to-organizational-learning/> (last accessed August 23, 2018), in which Schein was drawing upon work he had published earlier in E.H. Schein. *Organizational Culture and Leadership*. Second edition. San Francisco: Jossey-Bass, 1992a.
- Steelman, David C., and Marco Fabri. "Can an Italian Court Use the American Approach to Delay Reduction?" *The Justice System Journal* 29 (2008): 1. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1023>.

## Section 5

- Burke, The Hon. Kevin S. "Leadership without Fear." *Future Trends in State Courts, 2012*: 14. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1881>.
- Burns, James MacGregor. *Leadership*. New York: Harper and Row, Publishers, 1978.
- Greenleaf, Robert K. *Servant Leadership: A Journey into the Nature of Legitimate Power and Greatness*. Mahwah, NJ: Paulist Press, 2002.
- Hainer, Bill, and Glen Hiemstra. *Strategic Leadership: Achieving Your Preferred Future*. Kirkland, WA: Positive Productivity, 2000.
- Kotter, John P. *Leading Change*. Boston: Harvard Business School Press, 1996.
- Kouzes, James M., and Barry Z. Posner. *The Leadership Challenge*. San Francisco, CA: John Wiley & Sons, Inc., 4<sup>th</sup> ed., 2007.
- Leadership/Change Management Resource Guide (NCSC). <http://www.ncsc.org/Topics/Court-Management/Leadership-and-Change-Management/Resource-Guide.aspx> (last accessed March 26, 2018).



- Linhares, Gregory J. "Vision, Function, and the Kitchen Sink: The Evolving Role of the State Court Administrator." *Future Trends in State Courts*, 2012: 20. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1882>.
- Marcus, Bob. "Evolving Leadership: From Command-and-Control to Engage-and-Align." LinkedIn, February 27, 2018. <https://www.linkedin.com/pulse/evolving-leadership-from-command-and-control-bob-marcus/> (last accessed August 23, 2018).
- Mundell, Barbara Rodriguez, and Wallace B. Jefferson. "Herding Lions: Shared Leadership of State Trial Courts." Executive Session for State Court Leaders in the 21st Century, 2012. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1858>.
- NACM Mini Guide. *Succession Planning: Workforce Analysis, Talent Management, and Leadership Development*. National Association for Court Management, 2008.
- Resources on Court Leadership among papers from the Harvard Executive Session for State Court Leaders in the 21st Century, 2008-2011. <http://www.ncsc.org/Services-and-Experts/Court-leadership/Harvard-Executive-Session.aspx>.
- Rost, Joseph. *Leadership for the Twenty-First Century*. New York: Praeger, 1993.
- Spears, Larry C., ed. *Insights on Leadership*. New York: John Wiley and Sons, Inc., 1998.
- Wilson, M.C. *Leaders in Motion: Winning the Race for Organizational Health, Wealth and Creative Power*. Arlington, VA: Transformation Systems, Inc., 2009.
- Yukl, Gary. *Leadership in Organizations*. Englewood Cliffs, N.J.: Prentice Hall, 1994.
- Zaleznik, A. "Managers and Leaders: Are They Different?" *Harvard Business Review*, January 2004. <https://hbr.org/2004/01/managers-and-leaders-are-they-different>.
- "NACM Core Competency Curriculum Guidelines: Leadership." *The Court Manager* 18, no. 2 (2003): 20.

## Appendix A: Pre-Course Self-Assessment

**Part 1: Please circle your responses to the first set of questions (8) to provide faculty with information regarding your current familiarity with / involvement in strategic planning efforts. Be prepared to respond to inquiries from faculty.**

1. Have you been involved in strategic planning efforts?
  - a. Yes
  - b. No
2. If so, how much were you involved in the process?
  - a. Heavily involved
  - b. Minimally involved
3. Have you read your court or AOC strategic plan?
  - a. Yes
  - b. No
  - c. I am not aware of any such plans.
4. If you answered 'yes' to the previous question, when was the last time you read the strategic plan?
  - a. Yesterday
  - b. Last week
  - c. Last month
  - d. Last year
  - e. Longer than a year
5. What grade would you give your court/AOC in adhering to the plan?
  - a. A
  - b. B
  - c. C
  - d. D
  - e. F
6. Can you recite your court/AOC's mission statement (without looking at it)?
  - a. Yes
  - b. No
7. "I understand the connection between the work I do and the mission and goals of my court organization." This statement would apply to whom within your organization?
  - a. Management only
  - b. More than ½ of the staff
  - c. Less than ½ of the staff
  - d. No one
  - e. Don't know
8. "I understand the connection between the work I do and the mission and goals of my court organization." Does this statement apply to you personally?
  - a. Yes

b. No

**Part 2: Please circle your responses to the second set of questions (20) on the following pages to identify your insights into the strategic planning process. You will be asked to take the same self-assessment at the conclusion of the course to help you assess what you have learned.**

1. Which of the following is not strategic thinking?
  - a. Envisioning new possibilities
  - b. Turning ideas into reality
  - c. Learning
  - d. Teamwork
  - e. Reacting to events
  - f. Problem-solving
2. Strategic planning seeks to answer three questions. Which of these is **not** one of them?
  - a. Where are we now?
  - b. How can we meet everyone's expectations?
  - c. Where do we go?
  - d. How do we get there?
3. Which of the following tend to complicate strategic planning in the courts?
  - a. Impermanent leadership
  - b. Fragmented processes
  - c. Multiple, conflicting values
  - d. Dependence on justice system stakeholders
  - e. All of the above
4. Courts exist to:
  - a. Resolve conflicts between individuals
  - b. Resolve conflicts between individuals and organizations
  - c. Resolve conflicts between individuals and government
  - d. Mediate society's interests
  - e. All of the above
5. Which of the following is **not** one of the Trial Court Performance Standards?
  - a. Access to justice
  - b. Expedition and timeliness
  - c. Equality, fairness and integrity
  - d. Court organization
  - e. Public trust and confidence
6. The "service excellent" court requires an emphasis on four key variables. Which of these does **not** belong on the list?
  - a. Strategy
  - b. Customer service training program
  - c. People
  - d. Systems

7. Which element of the strategic plan should include an articulation of the organization's preferred future?
  - a. Mission statement
  - b. Values statement
  - c. Vision statement
  - d. Strategic issues
  - e. Key result areas
  - f. Goals
  - g. Strategies
8. Which element of the strategic plan is associated with the word 'mandates'?
  - a. Mission statement
  - b. Values statement
  - c. Vision statement
  - d. Strategic issues
  - e. Key result areas
  - f. Goals
  - g. Strategies
9. Which element of the strategic plan addresses the court's critical performance areas?
  - a. Mission statement
  - b. Values statement
  - c. Vision statement
  - d. Strategic issues
  - e. Key result areas
  - f. Goals
  - g. Strategies
10. Which element of the strategic plan addresses end targets?
  - a. Mission statement
  - b. Values statement
  - c. Vision statement
  - d. Strategic issues
  - e. Key result areas
  - f. Goals
  - g. Strategies
11. Which element of the strategic plan describes the "how" of implementation?
  - a. Mission statement
  - b. Values statement
  - c. Vision statement
  - d. Strategic issues
  - e. Key result areas
  - f. Goals
  - g. Strategies

(cont.)

12. Management action plans are:
- a. Another name for strategic plans
  - b. A way of linking the strategic agenda to daily operations
  - c. A federal requirement for funding
  - d. None of the above
13. There are four organizational keys to strategy development and implementation. Which of the following is **not** one of them?
- a. Teamwork
  - b. Managing Conflict
  - c. Command and control
  - d. Performance standards
  - e. Alignment
14. In the context of a strategic planning effort, which trial court culture would be least likely to exhibit collegial decision making or long-term adherence to agreed upon ways of handling work?
- a. Communal
  - b. Networked
  - c. Autonomous
  - d. Hierarchical
  - e. None of the above
15. Given that a trial court's culture can vary among different aspects of work, the culture of which of the following aspects of work would be most important to consider in a strategic planning effort?
- a. Case Management Style
  - b. Change Management
  - c. Courthouse Leadership
  - d. Judge-Staff Relations
  - e. Internal Organization
16. The main task of metrics and performance measurement is to:
- a. Implement strategy
  - b. Align effort
  - c. Create line of sight to action
  - d. Facilitate mid-course steering
  - e. Facilitate management across functions
  - f. Facilitate management of output value
  - g. All of the above

(cont.)

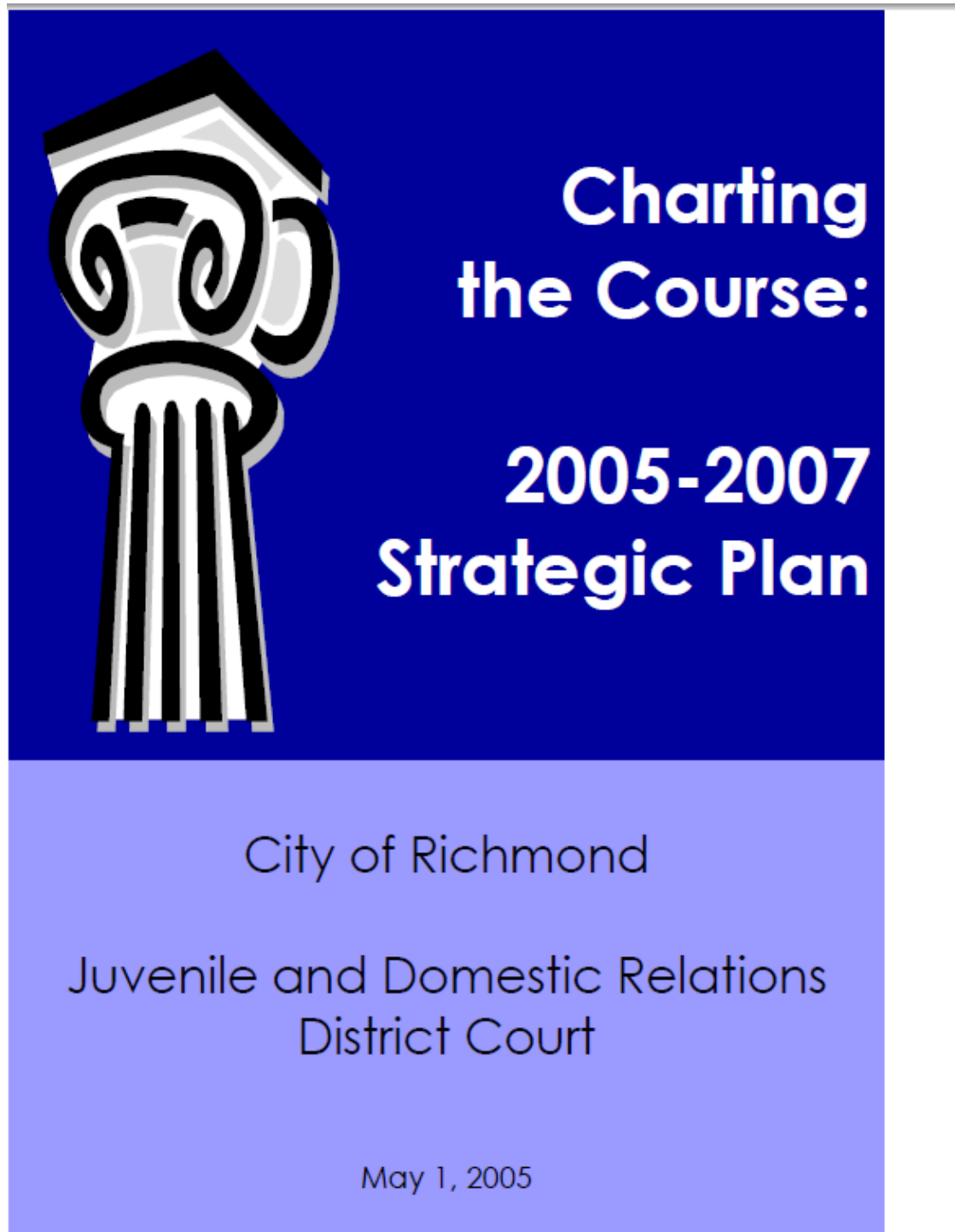
17. Why do change efforts fail?
- a. Not enough sense of urgency
  - b. Not creating a sufficiently powerful guiding coalition
  - c. Not enough money
  - d. Under-communicating the vision
  - e. Not planning for and creating short-term wins
  - f. Declaring victory too soon
  - g. Not anchoring changes in the organization's culture
  - h. All of the above
18. Leadership is most clearly exhibited when someone is:
- a. Making sure that all workers are happy in their jobs
  - b. Influencing the beliefs and behaviors of others in the pursuit of an objective
  - c. Maintaining a sense of order and discipline in the workplace
  - d. Policing adherence to the organizational mission and goals
  - e. All of the above
  - f. None of the above
19. The complete strategic planning process includes some key tasks in Plan Preparation. Which of these are a part of that process?
- a. Inquiry process
  - b. Trends analysis
  - c. Strategic agenda development
  - d. Plan document creation
  - e. All of the above
20. The complete strategic planning process includes some key tasks in Implementation. Which of these are a part of that process?
- a. Management action planning process
  - b. Links to human resources and budget
  - c. Performance measures
  - d. Achieving alignment
  - e. All of the above

**Part 2 Answer Key:**

1. e
2. b
3. e
4. e
5. d
6. b
7. c
8. a
9. e
10. f
11. g
12. b
13. c
14. c
15. b
16. g
17. h
18. b
19. e
20. e

## Appendix B: Sample Strategic Plans

### Option One



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Module  
Vision





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## Executive Summary

**Introduction.** The City of Richmond Juvenile and Domestic Relations (J&DR) District Court is pleased to present the Court's first formal strategic plan which sets forth a comprehensive and long-range strategy for sustaining the most effective and efficient system possible for the administration of justice. Comprehensively anticipating, identifying, assessing, and addressing needs, problems, and opportunities allows the Court to establish clear goals and priorities that support fulfilling its mission and realizing its vision. Over the past seven months, the Court and leadership of the 13<sup>th</sup> Judicial District Court Service Unit (CSU) embarked on a strategic planning process and developed a "roadmap" for the future. The Court's *2005-2007 Strategic Plan* sets forth that roadmap.

**Overview of the Strategic Planning Process.** The Court convened a Strategic Planning Committee consisting of all judges and court and CSU senior management. The planning process included analysis of data, trends, feedback from employees and stakeholders, and an internal organizational assessment. Through the process, the Strategic Planning Committee formulated a mission statement, articulated a vision of the future, and defined core values for the organization. The Committee also identified four over-arching strategic issues that must be addressed, along with supporting goals and objectives. Taken together, the issue areas, goals, and objectives constitute a long-term, comprehensive strategic plan that will form the basis for the administration of justice for many years to come. Next, the Committee agreed on shorter-term priority projects. These initiatives, to be undertaken in the next 12-24 months, represent the first steps to implementing the Court's long-range strategy. Future editions of the strategic plan will flow from the foundation built during this process.

**City of Richmond  
Juvenile and Domestic Relations District Court  
Mission Statement**

The purpose of the Richmond Juvenile and Domestic Relations District Court is to provide an independent forum to: (1) resolve juvenile and domestic relations disputes and other legal matters in a fair, efficient, and effective manner and (2) protect the rights of all parties before the Court pursuant to the laws of Virginia and the Constitutions of Virginia and the United States. The Court will advance the best interests of youth and families, and serve and protect the citizens of the Commonwealth of Virginia, by holding individuals accountable for their actions.

**City of Richmond  
Juvenile and Domestic Relations District Court  
Vision Statement**

The Richmond Juvenile and Domestic Relations District Court, through strong leadership and well-trained judges and staff, will provide the highest quality of service to youth, families, and others who come to Court, ultimately making the community safer and individuals and families stronger. We will:

1. Be easily accessible and user-friendly;
2. Use innovative and effective approaches to resolving legal matters;
3. Collaborate with other justice system and state and community partners; and
4. Educate the public, court users, and partners about the court system.

**City of Richmond  
Juvenile and Domestic Relations District Court  
Core Values**

Fairness  
Accountability  
Integrity  
Responsiveness

**Strategic Issue #1: Efficient and Effective Court Administration and Operations**

The Court must continue to manage its business responsibly. To do so, it must keep incorporating effective and innovative approaches in all facets of court administration. The Court sees both an opportunity and a need to enhance its internal governance, improve case management practices and case processing, and take proactive steps to ensure that judges and staff are skilled, well-trained, and committed to the Court's mission and vision.

**Goal 1: The Court's leadership will be strong, effective, and prepared.**

- Objective 1: Clarify the roles and responsibilities of the chief judge and key management.
- Objective 2: Establish well-defined organizational, leadership, and management priorities.
- Objective 3: Develop and maintain long-range strategic and emergency plans for the Court.

Objective 4: Enhance the Court's integration and collaboration with CSU leadership.

**Goal 2: The Court's case management practices and work processes will be effective, efficient, and consistent.**

Objective 1: Streamline and simplify case processing and work processes.

Objective 2: Increase uniformity and consistency among clerk's office staff, among judges, and CSU.

Objective 3: Increase the accuracy of judicial orders and paperwork and the completeness of case files.

Objective 4: Enhance caseflow management practices.

**Goal 3: Judges, substitute judges, and staff will be knowledgeable, committed, and professional.**

Objective 1: Recruit and retain high quality, motivated staff.

Objective 2: Provide training and professional development opportunities for all court personnel.

Objective 3: Maintain a positive and motivating work environment.

Objective 4: Implement innovative human resource programs and practices.

**Strategic Issue #1: Efficient and Effective Court Administration and Operations  
2005-2007 Priority Projects**

1. Conduct a consistency/uniformity in the courtroom project.
2. Fine-tune and simplify docketing.
3. Develop a comprehensive emergency preparedness and business continuity plan.
4. Clarify, define, and document roles, responsibilities, and priorities of the Court's Chief Operating Officer.
5. Display mission, vision, and core values throughout the courthouse for public and staff.



### Strategic Issue #2: Accessibility to the Court, Timeliness, and Customer Service

Easy access to courts and the expeditious resolution of disputes are consistently cited by court users as integral to them feeling as though they have “had their day in court.” Further, how services are provided and how court users are treated are key to shaping positive opinions about the Court. In the years ahead, the Court wants to enhance access to the Court and continue to provide timely and high quality services to all court users. This includes: (1) having adequate and accessible facilities; (2) providing easy access to accurate, understandable court information and services; (3) providing easy access for conducting court business; (4) improving services to non-English speaking and self-represented litigants; and (5) providing timely, respectful, helpful, and courteous services to court users.

#### Goal 1: The Court’s facilities will be adequate, safe, and easily accessible.

Objective 1: Improve physical space.

Objective 2: Enhance courthouse safety and security.

Objective 3: Enhance emergency preparedness.

Objective 4: Ensure the facility complies with ADA requirements and other needs of its users.

#### Goal 2: The Court’s information and services will be easily accessible to and understandable for all court users.

Objective 1: Use technology to enhance access to court information and increase the convenience of doing court business.

Objective 2: Provide court users with understandable information and resources that will help them conduct court business.

Objective 3: Modify court services, resources, and hours to meet the changing needs of the public.

#### Goal 3: The Court will resolve legal matters and serve all court users in a timely manner.

Objective 1: Reduce case backlogs and the amount of time it takes to resolve disputes.

Objective 2: Reduce wait times for all court users in the courtrooms, at the Clerk’s Office, and in Intake.

Objective 3: Improve the case management system.

**Goal 4: All court users will receive respectful, helpful, and high quality services.**

Objective 1: Treat all court users respectfully and courteously.

Objective 2: Facilitate court users' understanding of court processes in and out of the courtroom.

Objective 3: Eliminate real and perceived barriers to assisting court users.

**Strategic Issue #2: Accessibility to the Court, Timeliness, and Customer Service  
2005-2007 Priority Projects**

6. Complete the long-range facility space study and prepare annual capital budget request.
7. Enhance use of space and improve customer service at the Clerk's Office window.
8. Create a comprehensive courthouse security plan and make security improvements.
9. Staff an information desk in the main lobby.
10. Implement a video docket display system.

**Strategic Issue #3: Achievement of Effective Outcomes**

Nowhere are the stakes higher, both for individuals and the community at large, than in the court with jurisdiction over juvenile and family cases. And, such cases are becoming increasingly complex. The Court is committed to positively impacting youth, families, and the community, which is accomplished through the decisions and actions of judges and the wide-range of services provided by court-related agencies. In order to ensure that the Court has a positive effect on youth, families, and the community, judges and other partners must continue to stay abreast of leading-edge research and use innovative, research-based solutions and approaches. Further, the Court must gather relevant data to measure results – outcomes – achieved, and judges must hold people accountable for their actions/inactions. In short, the Court must continually, in collaboration with its partners, evaluate the effectiveness of judicial decisions/actions and the services provided to youth and families, and demonstrate positive/effective outcomes for all that come before it.

**Goal 1: Judicial decisions/actions and court-related services will have a positive effect on youth, families, and the community.**

Objective 1: Use innovative, research-based solutions and approaches.

Objective 2: Use qualitative and quantitative data to measure results and make systemic improvements.

Objective 3: Collaborate with partners to evaluate and to demonstrate outcomes.

Objective 4: Utilize programs and resources that are demonstrably effective.

Objective 5: Hold agencies and providers accountable for providing effective services and achieving results.

**Goal 2: The public will understand and support the role and priorities of the Court.**

Objective 1: Educate the public on the Court's role, procedures, accomplishments, needs, and priorities.

Objective 2: Develop and expand partnerships with community leaders.

Objective 3: Obtain the public's support for securing resources needed to fulfill the Court's mission, vision, and long-range goals.

**Goal 3: Youth and families will be held accountable for their actions/inactions.**

Objective 1: Enter realistic and understandable orders.

Objective 2: Enforce the Court's orders.

Objective 3: Refer youth, adults, and families to resources/services that will help them succeed.

**Strategic Issue #3: Achievement of Effective Outcomes  
2005-2007 Priority Projects**

11. Communicate and meet regularly with community leaders, elected officials, and justice system partners.
12. Collaborate with the CSU to develop and implement a protocol for the on-going examination/assessment of existing juvenile programs/services.
13. Conduct a parent accountability awareness campaign.
14. Develop and conduct a consumer survey.
15. Educate the local community about the implementation of the judicial performance evaluation program.

**Strategic Issue #4: Collaboration with Partners**

The Court is a critical link in an integrated justice and social services system. That is, while the Court has a distinct and clear mission, it is dependent on the work and services of many justice, social service, and other community partners to serve children and families in the

City of Richmond. In short, the Court is dependent on its many partners to achieve effective outcomes for children, families, and other court users. Thus, inter-agency/inter-organizational collaboration is paramount.

**Goal 1: The Court and its partners will regularly and effectively cooperate, communicate, and collaborate.**

Objective 1: Develop new and strengthen existing relationships with partners.

Objective 2: Improve information sharing among partners.

Objective 3: Expand the involvement of partners and stakeholders in improving the Court's services, achieving positive outcomes for youth and families, and setting strategic priorities.

**Goal 2: The Court's partners will have an appropriate and mutual understanding of the Court, relative to their role with the Court.**

Objective 1: Assess, identify, and conduct on-going joint training.

Objective 2: Develop and distribute resource/reference materials in collaboration with partners.

Objective 3: Develop new and/or enhance the use of existing collaborative groups or forums to share information.

**Strategic Issue #4: Collaboration with Partners  
2005-2007 Priority Projects**

16. Create an inter-disciplinary team to integrate best practices in juvenile delinquency cases and CHINS matters (evolution of the Juvenile Detention Alternatives Initiative (JDAI)).
17. Communicate and meet regularly with community leaders, elected officials, and justice system partners.
18. Collaborate with the Bar to develop and to disseminate standards of practice for attorneys practicing in the J&DR Court.
19. Present the Court's strategic plan to the community and partners.
20. Restructure the brown bag lunch series to feature educational speakers.

**Conclusion: Where Does the Court Go From Here?** The Court now must: (1) implement the priority projects in the next 12-24 months; (2) continue to integrate strategic planning into the regular, on-going administration of the Court; and (3) further link and coordinate state and local strategic planning efforts. So, although this document brings to a close



this phase of the Court's strategic planning process, the work of following through on the plan has clearly just begun. With the support and assistance of staff and its many partners, the J&DR Court expects to be able to respond effectively to the identified issues and achieve its long-range goals. Through the integration of strategic planning processes and implementation of this plan, the Richmond J&DR District Court will be better able to respond to the changing needs of the Richmond community and effectively administer justice today and in the years to come.

**Acknowledgements.** The Richmond Juvenile and Domestic Relations District Court extends sincere thanks and appreciation to the following organizations and individuals for their significant contributions to and support of this project:

- The management and staff of the Court and Court Service Unit.
- The staff of the state and local agencies and non-profit organizations that participated in focus groups and interviews.
- Dr. Brenda J. Wagenknecht-Ivey of Policy Studies, Inc.
- The Honorable Robert A. Pustilnik, Judge, Richmond General District Court.
- The State Justice Institute and Deputy Director Kathy Schwartz.
- The staff of the Office of the Executive Secretary of the Supreme Court of Virginia.

**Option Two**



**2010 – 2015 Strategic Plan**

**FINAL**

**(November 2009)**

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The Court sincerely appreciates the work of Dr. Brenda J. Wagenknecht-Ivey, President of PRAXIS Consulting, Inc., who helped develop a strategic planning approach that met the Court's needs and guided the Court through the strategic planning process.

Deep gratitude goes to San Luis Obispo Superior Court's judicial officers and staff for sharing their ideas thus giving direction to this long-range roadmap for the Court.

Finally, the Court recognizes the hard work and dedication of the members of the Strategic Planning Committee who vigorously and thoughtfully engaged in the planning process to ensure its success.

All of the above named entities and individuals were instrumental in helping the Court develop a long-term strategic direction and establish priorities to better serve the residents of San Luis Obispo County.



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Dear Friends of the San Luis Obispo Superior Court,

We are pleased to present our 2010-2015 Strategic Plan. This Strategic Plan will guide us in upcoming years as we strive to address the challenges that lie ahead while continuing to provide the highest quality of service to our community.

Included in this Strategic Plan are the Court's vision of the future, significant long-term issues that must be addressed, long-range goals, and strategies for meeting the current and evolving challenges of delivering quality justice in a new era marked with fiscal constraints. Guided by the Court's mission to "*Uphold the Law and Provide Equal Justice for All*", the 2010-2015 Strategic Plan affirms our pledge to deliver superior and meaningful services to our community, our commitment to collaborate with justice partners, and our assurance to support a dedicated workforce.

We look forward to partnering with you as we work on achieving our ultimate goal of excellence in the administration of justice in a democracy.

Sincerely,

Hon. Martin J. Tangeman  
Presiding Judge

Hon. Charles S. Crandall  
Assistant Presiding Judge

Susan Matherly  
Court Executive Officer

## Section 1: Introduction

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The San Luis Obispo (SLO) County Superior Court embarked on a strategic planning process in May 2009 with grant assistance from the State Justice Institute. The purpose of the planning process was to develop a strategic direction – a roadmap and priorities – for the Court in the upcoming years. The Court’s judicial and executive leadership believes the strategic plan, which is presented below, will help the Court stay focused on its highest priorities in the years ahead allowing the Court to continue to provide the highest quality of judicial and court services to the SLO community as well as meet the changing needs, demands, opportunities, and challenges ahead.

The planning process included: (1) an all judge, manager/supervisor, and court staff survey conducted in May/June 2009; (2) a half-day judges’ retreat in July 2009; and (3) four, day-long meetings beginning in July and ending in October 2009 with the Court’s Strategic Planning Team, which consisted of the Presiding Judge, Assistant Presiding Judge, and the Court’s Senior Management Team.

The Court’s Strategic Plan includes the following:

1. Revised mission, vision, and core values;
2. A summary of the trends analysis;
3. A summary of the organizational assessment (i.e., strengths, weaknesses, opportunities and threats);
4. The Court’s six strategic areas; and
5. Goals and objectives for each of the six strategic areas.

The Court’s 2010 strategic projects/initiatives (or its Operational Plan) are summarized in a separate companion document entitled “2010 Strategic Initiatives: Projects for Moving the Court Forward.” This document will be updated annually to reflect the Court’s short-term priorities in following this Strategic Plan.

## Section 2: Mission, Vision, and Values of the San Luis Obispo Superior Court

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A **mission statement** expresses the fundamental purpose of an organization. It explains why the Superior Court of San Luis Obispo County exists. A mission statement should reflect the reasonable expectations of the Court’s customers and stakeholders, as well as its mandates. A clear and concise mission statement helps a court focus on what is truly important; it serves as a reference point for establishing organizational priorities.

A **vision statement**, on the other hand, defines a preferred future of an organization. It describes what the Court desires to become (or do) in the future: what it will be at its best. A vision statement should be compelling, bold, inspirational, and convey a sense of urgency to all organizational members. It also should be believable and achievable.

**Organizational values** describe what an organization stands for, believes in, and considers acceptable in its quest to achieve its mission and vision. Core values are carefully

composed declarations of an organization's beliefs, ethics, and code of desirable behavior intended to guide decision-making and day-to-day activities. Core values describe the behaviors, attitudes, and thinking that a court wants to reward.

The mission, vision, and core values of the Court are as follows.

### **Mission**

(August 2009)

Uphold the law & provide equal justice for all.

### **Vision of the Future**

(August 2009)

The Court will resolve disputes fairly, in a manner that promotes public trust and confidence. We will be innovative, efficient, and provide equal and meaningful access to justice. Judicial officers and employees will stand together with a united court culture, where all are able to achieve their very best to serve the needs of the Court and the community.

### **Core Values**

(August 2009)

We will accomplish our mission and vision with

## **P R I D E!**

Professionalism

Responsibility

Integrity

Dedication

Efficiency

### Section 3: Trends Analysis and Implications

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A *trend* is a series of related events or activities that appear to have a demonstrable direction over time. There are many types and categories of trends such as continuation, cyclical, or emerging as well as social, economic, political/policy, and technological trends. Conducting a trends analysis is an important step in a strategic planning process. It helps (1) identify the nature, magnitude, and sources of demands likely to be placed on a court and (2) assess the potential implications of the demands on the structure and operations of the court.

Below is a summary of the trends analysis conducted by the Court's Strategic Planning Team. The trends listed below represent the Team's best prediction of the trends that will most significantly impact the Court in the future. Also included are the potential implications of the trends on the Court, which emphasize how important it is for the Court to be proactive, identify its strategic priorities, and work to shape a desired future.

#### Social and Demographic Trends

*Social trends* describe the changes in the composition, order, and structure of interactions among individuals within society. In large part, they define the size and nature of the justice system client population. A few of the most significant social trends likely to impact the Court in the future are as follows.

1. Increase in population.
  - The population of San Luis Obispo County increased 9 percent between 2000 and 2008, and is forecasted to increase 23 percent between 2008-2035.
2. Population growth projections - shifting population centers.
  - North County is projected to experience the largest growth in population, a trend that is forecasted to continue through at least 2035.
  - The population in North County is forecasted to increase 8 percent between 2010 and 2015; South County's population growth is forecasted to increase 4 percent during the same time period; and Central County is expected to experience little to no growth in population between 2010 and 2015.
  - Between 2008 and 2035, the population growth forecasts are as follows: population in the North County is forecasted to increase 36 percent; the forecast for South County is for population to increase 23 percent; and Central County's population is forecasted to increase 11 percent.
  - The city of Paso Robles is expected to experience the largest population growth in the years ahead. Population is forecasted to grow 11 percent in Paso Robles between 2010 and 2015, and 42 percent between 2008 and 2035. SLO's population is expected to remain flat (little to no growth) between 2010 and 2015 and increase 7 percent between 2008 and 2035. Grover Beach's population also is expected to remain flat (little to no



growth) between 2010 and 2015, and is forecasted to grow 9 percent between 2008 and 2035.

3. Increasing racial, ethnic, and cultural diversity.
  - Hispanics and Asians are the two fastest growing racial/ethnic groups in SLO County, although still considerably below the proportions that make-up the State of California's population. The Hispanic population in SLO County increased 32 percent between 2000 and 2007 and the Asian population increased 18 percent during the same time period.
5. Age of Population in SLO County.
  - The age of the population of SLO County is both "younger" and "older" than the State of California's population. That is, SLO has a greater proportion of its population that is between 15-24 years of age (nearly 18 percent); between 45-54 years of age (15 percent); and between 55-64 years of age (12 percent) than the state as a whole.

Additional social trends likely to impact the Court in the future are as follows:

6. Continued alterations in family composition.
7. Continued break-up of traditional families.
8. Greater expectations placed on organizations/service providers (e.g., customers demanding better services; more informed consumers).
9. Increasing demand for institutional and organizational accountability.

## Economic Trends

*Economic trends* describe the changes in the relationships among individual well-being, the nature and composition of work and the work force, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundations of the courts and justice system, and shape basic societal conditions. Below are a few of the most significant economic trends likely to impact the Court in the upcoming years.

10. Employment centers.
  - 17 percent of the County's population lives in SLO but SLO has 43 percent of employment. Next highest is Paso Robles with 11 percent of the population and 14 percent of employment.
11. Unemployment rate.
  - Mirroring the unemployment rate for the United States, SLO's unemployment rate jumped from 5 percent in 2007 and 2008 to 9 percent in 2009.
12. Earnings.
  - Between 2003 and 2007, earnings for County residents have trended from being significantly above the national average to being significantly below

the national average. Earnings include gross wages and salaries, supplements to wages and salaries, and proprietors' income.

13. Workforce occupations.
  - The two largest workforce occupations in SLO County are: (1) State and local government (21 percent) and (2) hospitality and leisure (15 percent).
14. Median home prices.
  - The median home price in SLO County in 2000 was \$253,300, compared to the median home prices nationally and in California, which were \$132,000 and \$224,350 respectively.
  - The median home price in SLO County peaked in 2006 at \$591,000. The median home prices nationally and in California in 2006 were \$239,000 and \$531,000 respectively.
  - In 2009, the median home prices in SLO County, nationally, and in California have fallen to \$413,000, \$186,500, and \$320,900 respectively.

Additional economic trends that will likely impact the Court in the future include:

15. Increasing stratification between higher and lower incomes.
16. Increasing use of part-time, temporary, and contractual employees.
17. Continued demands on employers to provide employees with benefits and conditions other than money, such as increased participation in managing work, control over work assignments, training/educational benefits, flexible work schedules, and telecommuting.
18. Increase in e-commerce/e-business.

## Technological and Scientific Trends

*Technological and scientific trends* describe changes in the composition, application, and broader social effects of tools and scientific developments and breakthroughs. Technological trends shape the types of demands confronting service organizations and hold the potential for dramatically altering the way organizations do their work or serve customers. Scientific trends shape new litigation areas and the need for specialized expertise. A few of the most significant technological and scientific trends that will impact the Court in the future are listed next.

19. The wireless revolution.
20. Continued developments/rapidly developing telecommunications and information technology.
21. Continued need for networking of information.
22. Greater demands and expectations for access to information from remote locations.
23. Greater demands for service 24 hours a day, 7 days a week (24X7).
24. Increasing numbers of home-based operations and work arrangements (telecommuting).
25. Growth in "security" technology.

26. Increase in distance learning.
27. Increase in the use of the Internet.
28. Increasing genetic/health related breakthroughs (e.g., cure for cancer, transplantation, genetic replacements).
29. More genetic solutions to disease.

## Policy and Political Trends

*Policy and political trends describe* the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for collective, public decision-making and resource distribution. They also describe preferred responses to societal problems and the appropriate roles of individuals in developing, implementing, monitoring, and modifying actions to group responses. Below are some of the policy and political trends that will likely impact the Court in the upcoming years.

30. Changes in expectations for government solutions (e.g., public expectation that courts will solve all problems).
31. More tension between local control and regionalization of services.
32. Increasing polarization among the major political parties.
33. Increased scrutiny on how public tax dollars are spent.
34. Increasing pressure to help the organizations suffering from economic downturn- e.g., airlines, banks/financial institutions, automobile companies
35. Continuing debate over health care reform.
36. Increase in homeland security and fighting terrorism at home and abroad.
37. Increasing politicization of the judiciary and/or attacks on judicial independence.
38. Increase in legislation for specific crimes.
39. Increase in unfunded mandates.

## Justice System & Caseload/Workload Trends

A few of the most significant justice system trends occurring within the judicial branch are as follows.

40. Increasing numbers, and the changing composition, of court users (e.g., more non-English speaking and self-represented court users/litigants).
41. Increasing and changing caseloads/workloads (e.g., increase in some types of cases, increasing demand for greater customer service and assistance, more complex cases, more fee waiver requests, more inability to pay/defaults).
42. Declining budgets/funding at both the state and local levels.
43. Increasing number of litigants with mental health and/or addiction problems.
44. Increase in the use of alternative dispute resolution (e.g. mediation, arbitration).
45. Increasing need/demand for the use of technology to enhance access and allow for doing business remotely/electronically (e.g., e-filing, online payments, video arraignments/hearings, access to case information, access to information via website).
46. Declining court infrastructure (e.g., facilities, technology, security).

- 47. Decreasing trial court autonomy and more state court control.
- 48. Increasing public scrutiny and criticism of the judicial branch generally.

A few of the most significant caseload, workload, and staffing trends of the Court are as follows.

- 49. Unlimited civil, limited civil, traffic infractions, PC 2960 petitions, mental health, civil harassment, and juvenile delinquency filings are increasing (trending upward) since 2000.
- 50. Family law filings (including domestic violence), non-traffic infractions, juvenile dependency, probate, and felony filings are decreasing (trending downward) since 2000.
- 51. Collections cases are increasing due to the economy and changes in bankruptcy laws.
- 52. There are more fee waiver requests and more people defaulting on the payment of fines and fees.
- 53. The complexity of workload and training needs/requirements are increasing due to outdated case management systems and new legal noticing requirements.
- 54. Slightly more than a third of the staff has been employed by the Court only 1-5 years.
- 55. 42 percent of the Court's workforce will be eligible to retire within 10 years.
- 56. The Court's turnover rate is down from 17 percent in 2007 to 13 percent in 2008.

## Implications of Trends on the Court

The trends noted above will *not* occur independently. Rather, they will occur simultaneously, interacting in a myriad of ways. The impact of all of the aforementioned trends on the Court will likely be great. A few of the most significant implications on the Court are as follows.

- 1. Demand to improve and expand services and programs. The demographics of the Court's users are expected to change in the future. For example, a greater proportion likely will be non-English speaking, elderly, more racially and ethnically diverse, and self-represented. Additional innovations, services, and assistance will be necessary to make the Court accessible, user-friendly, and understandable to these court users.

In addition, the public will increasingly expect the Court to be more user-friendly, accessible, and customer serving. This includes being more understandable, being ADA compliant, having the ability to do court business electronically, resolving legal matters in a timely manner, offering expanded hours of operation, and being more accountable and transparent. The community also will increasingly expect the Court to provide improved and expanded court and community/treatment programs and services such as child care, collection of fines/fees/restitution, alternative dispute resolution, drug treatment, mental health services, and rehabilitation services.

In sum, the needs and expectations of court users and the community will likely be greater in the upcoming months and years at a time when the Court may have to scale back and/or eliminate programs and services because of fiscal constraints.

2. Ongoing funding challenges and the need to be more transparent/accountable. The Court will continue to experience funding shortfalls and challenges in the near term as there are no easy or imminent solutions to California's suffering economy and budget shortfalls. Likely to be most adversely affected are the Court's facilities, technological innovations and improvements, court services and programs, community services/treatment programs, staffing levels, and the like. Finally, the Court will continue to experience pressure to be more efficient and effective with existing or declining resources, and to be more transparent, responsible, and accountable in the future.
3. Need to more effectively manage cases and workflow. Some case types appear to be trending upward (increasing caseloads) and some appear be trending downward (decreasing caseloads) all while court funding and staffing levels are declining. In addition, cases seemingly are more complex (e.g., multiple issues and parties, multiple appearances) and the work of courtroom and counter staff is more complicated (e.g., new laws, new requirements, court users need more assistance, multiple continuances and hearings).

These and other changes will necessitate that the Court use its limited resources more effectively and better manage the caseload/workload in the future. Consequently, improvements in caseflow management practices (e.g., scheduling), judicial officer assignments, staff assignments and coverage, training and cross-training, work processes, etc. may be needed. Additionally, the Court needs more effective technological solutions to assist in this area including: (1) effective case management systems to track and monitor cases; (2) simplified and streamlined data entry; (3) consistent, accurate and understandable data; (4) digitized records; and (5) more system integration and sharing of information with justice system partners.

4. Need to improve and expand court facilities and use existing space more effectively. Existing facilities are inadequate to meet the *current* needs of the Court yet alone its *future* needs. Additionally, SLO County's population is expected to increase significantly in the next couple of decades, with the largest growth projected in the North County. The Court will need to make strategic decisions about the placement of a new courthouse in the county as well as the types of cases that will be heard in facilities throughout the county. Technological innovations as well as safety and security issues will need to be addressed at all court locations as the need and demand for both increase in the future. The Court will need to better use and improve its existing space in the future as additional resources and expansions are unlikely anytime soon. Working and communicating effectively with the California Administrative

Office of the Courts as well as local officials will be critically important to making these and other needed improvements.

5. Need to develop and maintain positive relationships with state and local leaders and justice system partners. Continued collaboration with the AOC, legislators, city and county officials, local justice system partners, and the community will be even more important in the future. Collaboration is needed to ensure adequate resources, make facility and technology improvements, build a new courthouse, improve case management practices, better serve and provide programs to court users and the community, and remain connected and responsive to the local community.
6. Need for a stable and competent workforce. A large proportion of the Court's workforce (judicial officers and staff) is eligible to retire in the next 10 years. The Court must begin preparing now for the time when many judicial officers, managers, and staff will retire. In addition, a relatively large proportion of the Court's workforce was hired in the last 5 years. Providing educational training and development, cross-training, and advancement opportunities to staff are essential in the years ahead to ensure a competent workforce and to help retain the Court's talented staff. The Court also will need to orient and train new judicial officers in the future. Finally, the Court will increasingly need to evaluate its staffing needs and requirements, and recruit staff with the appropriate educational backgrounds and other skills (e.g., bilingual) needed to meet the future needs of the Court.

## Section 4: Organizational Assessment

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The purpose of an *organizational assessment* is to help an organization evaluate its capacity both now and, in the future, to fulfill its purpose and move toward its vision in light of the demands it likely will experience in the years ahead. A “SWOT” analysis is a process of identifying the organization’s strengths, weaknesses, opportunities, and threats (i.e., SWOT) given its mission, vision, and the implications of a variety of trends. This step of the strategic planning process helps an organization critically assess its ability to do its business better and differently in the future.

Below is a brief summary of the strengths and areas for improvement of the Court in the following areas. Following the strengths and areas for improvement are the most significant opportunities and threats facing the Court in the future.

1. Court Governance, Administrative Structure, Leadership/Management
  2. Use of Resources (e.g., money, judicial/staff)
  3. Case Management & Internal Operations (work processes, policies/procedures, availability/use of data)
  4. Infrastructure (facilities, technology, human resources, accounting/finance)
  5. Work Environment/Work Attitudes (morale, work habits, teamwork, and internal communication)
  6. External Relations
  7. Access to & Quality of Services
- 
1. Court Governance, Administrative Structure, Leadership/Management. The Court is continually striving to strengthen its governance and administrative structures and the leadership and management practices of the Court. To that end, the Court is transitioning from an ad hoc structure that served the Court well when it was smaller to a more formal structure now that the Court has become a medium-sized court. Other strengths include: the Bench is supportive; the Court’s leadership and management share information openly with staff, the unions, etc.; and the management team works well together.  
  
Areas for future improvement include: (1) clarifying roles, responsibilities, and authority of judicial leadership, court administrative leadership, and committees; (2) strengthening the governance structure and policy and decision-making practices (e.g., consider an Executive Committee, be more proactive and less ad hoc and reactive; be less personality driven; have less interference by the bench); (3) developing and communicating clear long-term goals and priorities; and (4) communicating and adhering to a clear chain of command.
  2. Use of Resources (e.g., money, judicial/staff). The Court continues to strive to use its resources efficiently and effectively. For example, the Court has done some cross-training of staff; it remains committed to providing high quality customer service despite funding challenges; the Court traditionally has demonstrated a conservative fiscal approach; and it continues to look for ways to save resources without adversely impacting case management and court services.



Continuing to seek savings/reduce costs (e.g., court security; travel between branch courts); using all judicial officer and staff time more effectively (e.g., more efficient scheduling and coverage); doing more training and cross-training; and providing more training and procedural manuals are areas for continued improvement in the future.

3. Case Management & Internal Operations (work processes, policies/procedures, availability/use of data). Overall, the Court does a good job of managing and tracking its cases and achieving good outcomes. Calendaring practices are effective in some areas of the Court, most cases are disposed of/adjudicated within the time standards, many cases are settled (i.e., the Court has a relatively low trial rate), and most court users feel they are treated well and receive fair treatment, according to court user feedback.

The Court, however, must continue to improve case management and internal operations in the years ahead in light of the budget constraints as well as to continue to provide the highest quality of services and to achieve good outcomes. Areas of continued improvement include: (1) scheduling, calendaring, and caseload management practices; (2) more streamlined workflow processes; (3) better technology and data to manage cases; (4) evenly distributed caseloads and workloads among judicial officers and staff; (5) more cross-training and consistent procedures across courtrooms and branch courts; (6) more collaboration with criminal justice system partners to improve efficiency and effectiveness; and (7) more digital and less labor intensive records management and storage.

4. Infrastructure (facilities, technology, human resources, accounting/finance). Strengths related to the Court's current infrastructure are as follows: (1) the Paso Robles facility is the most modern/newest of the Court's facilities; (2) the IT staff and the services/ assistance they provide; (3) fiscal reporting; and (4) a willingness to be innovative (e.g., wireless Internet access).

Despite the aforementioned strengths, there are many inadequacies in the Court's current infrastructure. In general, the Court's facilities are inadequate, technology improvements and innovations are sorely needed, the finance systems are aging, and human resources must continually update its practices to attract, hire, train, and retain talented staff. Specific areas for improvement include: (1) facilities in all court locations need improvement (e.g., lack of space for judicial officers, court staff, and court users; not ADA accessible or compliant; do not meet future growth needs; safety/security issues; need modernizing/updating); (2) the Court needs improved, reliable, and integrated case management systems to better manage and track cases; (3) the Court wants, but is unable, to implement technological innovations to improve access and services (e.g., e-filing, online payments, improved website); and (4) more training and cross training are needed.

5. Work Environment/Work Attitudes (morale, work habits, teamwork, internal communication). Strengths in this area include: (1) transparency and availability of the Court's leadership and management (e.g., willing to share information, open-door/approachable); (2) good benefits and work hours; (3) regular meetings; (4) good



relationship with the union and (5) transitioning to an innovative/changing organizational culture.

Areas for improvement include: (1) adherence to formal lines of communication; (2) more consistent management of staff; (3) more consistent and effective communication from managers/supervisors; (4) more involvement/engagement of staff related to making needed changes; (5) and the existing organizational culture is resistant to change.

6. External Relations. The Court currently has positive external relations with most state and local leaders and justice system partners. Specifically, the Court has a positive relationship and communicates effectively with the AOC, other courts, the union, probation, bar groups, and county agencies and leaders.

Although the Court has many strengths in this area, improvements are needed in the following areas: (1) working collaboratively and communicating effectively with justice system partners to solve local problems such as jail overcrowding, direct filings, calendar management issues (e.g., district attorney, public defender, private bar, law enforcement); (2) working collaboratively with and communicating more effectively with the AOC on the Court's needs related to facilities, technology, etc.; (3) more information needs to be available on the Internet/Website; and (4) staying connected to the community through community outreach and public education efforts.

7. Access to & Quality of Services. Judicial officers and court staff are dedicated and hard working, and they are committed to providing excellent customer service to all court users. Self-help services also were identified as one of the Court's greatest strengths.

Areas of improvement include the need to expand services and programs to all court locations (e.g., self-help services); outdated technology; lack of space for self-help and other programs; lack of informational materials; inconsistent posting of decisions/ rulings; lack of sufficient language assistance/interpreter services; and counters and courtrooms are not ADA compliant.

### **Opportunities/Threats:**

Opportunities facing the Court in the future include:

1. Being a role-model court (e.g., working collaboratively with the AOC and other state and local partners; other courts will come and visit SLO Court).
2. Creating a model self-help center.
3. Creating a bilingual courthouse (e.g., counters, information desk, telephones).

4. Improving facilities including safety and security (e.g., MOU, cost savings, improve handling of in-custody defendants).

5. Improving the technology infrastructure (e.g., internal support and external services).
6. Balancing workloads and more efficient and effective case/work flow management.
7. Using staff more effectively (e.g., providing incentives/opportunities for growth and value; increasing cross training; more effective scheduling/coverage).
8. Improving management and supervisory practices (e.g., using contemporary management and leadership practices; more engagement of staff; improving performance feedback and management system, showing appreciation, valuing staff contributions).
9. Doing succession planning (e.g., having a pipeline of talented staff throughout the Court groomed for advancement).
10. Creating and implementing a clear and improved governance structure (e.g., judicial structure – PJ, APJ, Supervising Judges/Committees; Judicial Leadership with Executive Management) and clear policies for decision-making.
11. Increasing collaboration with local and state partners and stakeholders.

Several of the biggest, future threats to the Court are:

1. Declining budgets and increasing costs (e.g., pension, security).
2. Loss of local control and autonomy.
3. Retiring staff/judicial officers.
4. Lack of improvements to facilities.
5. Lack of improvements to technology.
6. Technology failures.
7. Prison release/reform policies – revamping parole.
8. Unfunded mandates/new laws.
9. Increasing workload and losing sight of strategic priorities.
10. Losing ground – going backwards in provision of services.
11. Lack of consensus and collaboration among bench, leadership, and management.

## Section 5: Strategic Issues, Goals, Objectives, & Strategic Projects

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*Strategic issues* are internal or external issues that are fundamentally important to the organization over the long-term. They are often the underlying or more encompassing issues of what superficially appear to be numerous unrelated or loosely related problems that significantly impact the long-term success of the organization. They are what an organization must focus on over the long-term to ensure progress and success. Because of their magnitude, strategic issues must be addressed over the long-term in order for the organization to move toward its vision and fulfill its mission.

*Strategies* are comprehensive, institutional responses to the strategic issues. Strategies include (1) several complementary long-range *goals*, which are broad statements that define the desired, end targets that the organization will strive to achieve over the next 3-5 years, for each of the issue areas, and (2) several objectives for each of the goals. *Objectives* are general statements that describe the manner in which the end result – or goal – will be achieved. *Strategic or priority projects* are the shorter-term (1 year) strategic and operational priorities of the organization. As they are completed, the organization will be making progress on accomplishing the long-range goals and responding effectively to the strategic issue areas.

### San Luis Obispo Superior Court: Strategic Issues (August 2009)

1. Facilities
2. Access to Justice
3. Case Management & Workflow Efficiencies
4. Governance
5. United & Effective Workforce
6. Collaborative External Relationships

## Strategic Issue #1: Facilities

*Overview:* Safe court facilities with sufficient and functional work space are essential to providing the highest quality of justice and enhancing trust and confidence in the Court. Inasmuch as the San Luis Obispo County Superior Court's existing facilities are outdated and undersized to meet the current and future needs of court users, the Court is committed to improving its facilities in the years ahead. Additionally, the Court must now make critical and strategic decisions about its need for and location of new facilities to serve the growing population across the county.

*Detailed Description:* Currently, the San Luis Obispo Superior Court has five court sites located in San Luis Obispo, Paso Robles, and Grover Beach. Additional facilities include two satellite offices and two storage facilities in San Luis Obispo. In response to the strategic planning survey administered in June 2009, judicial officers, members of the management and supervisory team, and staff cited aging court facilities, the lack of adequate work space, along with safety and security concerns as some of the biggest challenges facing the Court in the years ahead. And, upgrading and expanding facilities were among the improvements survey respondents would most like to see the Court make in the next three years. In sum, the Court's facilities simply do not meet the current needs, yet alone the future needs, of court users, justice system partners, judicial officers, and court staff. Thus, aggressive action and a long-term plan are needed now to begin improving the Court's facilities across the county.

Some of the specific shortcomings of the Court's facilities are as follows. These shortcomings are particularly prevalent for the Grover Beach facility, the Juvenile Services Center, and the Criminal Operations area of the main courthouse in San Luis Obispo.

1. Existing space is insufficient and not user-friendly: Specifically, (a) offices, service and meeting areas, courtrooms, jury rooms, and waiting areas are too small; (b) there is a shortage of staff break-rooms; (c) there are not enough chambers and courtrooms; and (d) there is not enough room for technology and exhibits in the courtrooms.
2. Renovations, cleaning/maintenance, and modernizing are needed in the public areas, courtrooms, jury deliberation and assembly areas, and staff offices.
3. The technological infrastructure is cumbersome and antiquated. The server room is inadequate for providing the Court's computing services. Solutions to replacing the County mainframe must be found to provide better support to current-day and future technological needs.
4. Close and affordable parking for staff and court users is lacking, especially at the main courthouse in San Luis Obispo. Future expansion and/or the change of case types heard in Grover Beach and Paso Robles will cause the current street parking at those locations also to be inadequate.

5. Not all buildings and space are ADA accessible, meet fire code, and have been retrofitted for earthquakes. Not all facilities meet ADA standards: public counters and courtrooms are not wheelchair accessible and acoustics in courtrooms are poor. Some areas are not compliant with the fire code and parts of the main courthouse in San Luis Obispo have not been retrofitted for earthquakes.
6. Safety issues and courthouse security needs improvement. For example: (a) only the main courthouse in San Luis Obispo has a holding area and it is in need of improvements; (b) the lack of lock-ups at other court sites precludes in-custody proceedings; (c) the Grover Beach court location is not equipped with entrance screening devices; and (d) the increasing cost of security may result in reductions in perimeter and courtroom security at other locations.

In addition to improving existing facilities, the Court must make key decisions and begin to plan now for its future facility needs. According to the trends analysis, the greatest population growth in the last four years has been in the North County. Population projections are for that trend to continue with nearly 8 percent growth in the North County by 2015. The population in the South and Central parts of the County is projected to increase 4 and a 0.5 percent respectively by 2015. The long-term population growth projections (e.g., to 2035) are similar; the largest percentage increase in population is projected to be in the North County.

While the Court is committed to making improvements in the years ahead, doing so is especially challenging and complicated in California because of: (1) the need to work with and through the California Administrative Office of the Courts as well as local county/city leaders; (2) the economy and California's dire budget situation; and (3) the need to balance the facility needs of the San Luis Obispo County Superior Court with the facility needs of other courts across the state.

Finally, there are many key decisions that must be made and pressing issues that must be addressed related to planning for and building a new court facility. They include determining the location of the facility, acquiring land, securing funds, gaining the cooperation and assistance of the AOC, collaborating with local officials, and building support in the community.

### *Goals, Objectives, & Projects*

#### Goal 1.1: The Court will have and be implementing a long-term plan for a new courthouse in SLO County (by 2015).

Objective 1.1.1: Build support in the community for a new courthouse.

Objective 1.1.2: Build support among key state and local entities for building a new courthouse.

Objective 1.1.3: Develop strategies to fund a new courthouse.

Objective 1.1.4: Select a site/location to build a new courthouse.

Goal 1.2: The Court's existing facilities will meet the current and future needs of court users and the workforce.

Objective 1.2.1: Improve physical access to existing facilities.

Objective 1.2.2: Improve, modernize, and expand space including courtrooms, chambers, jury areas, meeting rooms, waiting areas, staff offices/work areas, self-help, etc.

Objective 1.2.3: Build support in the community for improving existing facilities.

Objective 1.2.4: Build support among key state and local entities for improving existing facilities.

Objective 1.2.5: Improve the safety and security of all court facilities.

Goal 1.3: The Court's facilities will be equipped with state-of-the art technology that supports the work of the Court and meets the future needs of court users and the workforce.

Objective 1.3.1: Update and expand the technology infrastructure in all court facilities.

Objective 1.3.2: Continually update the Court's technology to meet future needs.

Objective 1.4.3: Pursue alternative funding sources to support technological innovations.

The Court's annual strategic projects/initiatives related to this area are presented in a separate, companion document.

## **Strategic Issue #2: Access to Justice**

*Overview:* The Court is committed to providing equal and meaningful access to justice. This includes making the Court more accessible, understandable and user-friendly, and providing the highest quality of services to all people. Indeed, the Court sees many opportunities to continue to enhance access and the quality of services in the years ahead especially in response to the changing demands and needs of court users.

*Detailed Description:* There are several key trends affecting the Court's decisions related to access and service improvements. They include:

1. Population growth is projected to be the largest in North County.
2. The population of SLO County is becoming increasingly diverse.
3. Hispanics and Asians are the two fastest growing racial/ethnic groups in SLO County.
4. SLO County has a higher proportion of people 45 years of age and older than the state as a whole.
5. The number of people coming to court without legal representation continues to increase and thus, the number of self-represented litigants continues to increase.
6. There continues to be a growing demand to be able to do business with the Court from remote locations, via the Internet, and 24 X 7.
7. There are increasing complexity, costs, and requirements within the legal system.

Currently the court provides some self-help information and assistance but wants to improve and expand these services at all court locations. Specifically, self-help services are presently provided in San Luis Obispo and Paso Robles, but not in Grover Beach. In addition, self-help services are provided to people without representation in family law, guardianship, civil harassment and name change cases but not in landlord/tenant or other civil case types, for example. Space, technology, and staffing for self-help centers also are in need of improvement. Currently, space is provided for self-help in the Paso Robles courthouse but there is no dedicated, self-help space in the San Luis Obispo or Grover Beach Courthouses. Finally, the Court lacks staff and/or volunteers needed to increase assistance and expand services to all branches.

The Court also recognizes the need to improve and expand language assistance and interpreter services in light of SLO County's increasingly diverse population. While in-court interpretation is provided, there is not enough bilingual staff available in the clerk's offices in any of the three branches. Finally, while Spanish is by far the most frequently used foreign language in SLO County, there is a growing need to expand language assistance in American Sign Language, Vietnamese, Tagalog, Mixtec, and other languages spoken in SLO County.

Better educating and informing court users about court procedures and the Court generally as well as improving access to this information are high priorities for the Court in the years ahead. Additionally, the Court wants to maintain a more open, yet safe, environment where courtrooms are more accessible and where court users can get questions answered. Finally, the Court wants to improve its services and accommodations for the disabled and aging populations, and provide



Greater opportunities to do business with the Court using a variety of technologies from remote locations, through the Internet, and via the website.

*Goals, Objectives, & Projects*

Goal 2.1: The Court will provide improved and expanded services to self-represented litigants.

Objective 2.1.1: Expand self-represented services to additional case types.

Objective 2.1.2: Expand self-represented services to additional branch courts/court locations.

Objective 2.1.3: Collaborate with justice and community partners to provide assistance and information to self-represented litigants.

Objective 2.1.4: Improve and expand resources and information available to self-represented litigants.

Goal 2.2: The Court will be understandable and user-friendly to all court customers.

Objective 2.2.1: Use technology to improve access to information and court services.

Objective 2.2.2: Expand language and interpreter services.

Objective 2.2.3: Make court processes and information more understandable to all court customers.

Objective 2.2.4: Make the Court more accessible, open, and helpful to all court customers.

The Court's annual strategic projects/initiatives related to this area are presented in a separate, companion document.

### **Strategic Issue #3: Case Management & Workload Efficiencies**

*Overview:* Effective case management practices and efficient work processes are at the heart of resolving cases fairly and expeditiously, ultimately providing equal justice for all. In response to the current and likely future caseload of the Court and its limited resources, in the future, the San Luis Obispo County Superior Court sees the need to: (1) manage its cases more effectively and efficiently; (2) streamline, standardize, and simplify case processing and workflow procedures; and (3) more effectively use its limited resources (e.g., judicial officers, staff, technology, space/courtrooms).

*Detailed Description.* A few of the most significant findings from the trends analysis related to case management and workflow are as follows:

1. Unlimited civil, limited civil, traffic infractions, PC 2960 petitions, mental health, civil harassment, and juvenile delinquency filings are increasing;
2. Family law filings (including domestic violence), non-traffic infractions, juvenile dependency, probate, and felony filings are decreasing;
3. Collections cases are increasing due to the economy and changes in bankruptcy laws.
4. There are more fee waiver requests and more people defaulting on the payment of fines and fees.
5. The complexity of workload and training requirements are increasing due to outdated case management systems and new legal noticing requirements.
6. Slightly more than a third of the staff has been employed by the Court only 1-5 years.

Continued improvements are especially needed in the following areas:

1. Calendaring and scheduling practices;
2. Work processes and work flow including streamlining and eliminating redundancies and simplifying counter and court processes;
3. Technology to better track and monitor cases and provide more accurate data/information to evaluate the status of cases, backlogs, etc. (e.g., improved case management system);
4. Technology to increase efficiencies (e.g., reduce labor intensive work processes, reduce dependency on paper; improve records management);
5. Balancing the caseloads of judicial officers and the workloads of staff;
6. Cross-training judicial officers and staff to more effectively use limited resources and provide back-up coverage as needed;
7. Usage and scheduling of interpreters, court reporters, and bailiffs;
8. Use of courtrooms;
9. Improve juror scheduling and utilization practices to enhance juror satisfaction;
10. Consistent, written procedures including more standardization across courtrooms and court locations;

11. Working with justice system partners to improve filing practices, jail overcrowding, efficient communication, and the sharing of case information via integrated case management systems.

Continuing to improve case management practices and workflow processes are essential for the Court to excel. Making improvements in the aforementioned areas, however, will not be easy. They will require strong judicial and executive leadership, assistance from the Administrative Office of the Courts, support from judicial officers, receptivity of court staff, and collaboration with local justice system partners.

### *Goals, Objectives, & Projects*

#### Goal 3.1: The Court's case flow management practices will be effective and consistent.

Objective 3.1.1: Improve calendaring and scheduling practices throughout the Court.

Objective 3.1.2: Use technology to improve case management.

Objective 3.1.3: Track, measure, and monitor the court's performance to ensure timely resolution of disputes.

Objective 3.1.4: Balance caseloads and workloads across the Court.

#### Goal 3.2: The Court's processes and procedures will be efficient, streamlined, and simplified.

Objective 3.2.1: Collaborate with justice partners to make court processes and practices more efficient and effective.

Objective 3.2.2: Eliminate redundancies, and streamline and simplify internal work processes and practices.

Objective 3.2.3: Use technology to streamline and standardize work processes, procedures, and practices.

#### Goal 3.3: The Court will be prepared for and aligned with the State's CCMS.

Objective 3.3.1: Collaborate with partners to enable exchanges of appropriate case data.

Objective 3.3.2: Change work processes and practices to be compatible with CCMS.

Objective 3.3.3: Educate court staff, judicial officers, and partners about the anticipated changes to case processing.

Objective 3.3.4: Collaborate with other courts to develop efficient and effective case management practices.

The Court's annual strategic projects/initiatives related to this area are summarized in a separate, companion document.

## Strategic Issue #4: Governance

*Overview:* The San Luis Obispo County Superior Court is transitioning from a relatively small court to a medium-sized court with 15 judicial officers and approximately 160 court employees (in 2009). With this growth come challenges and necessary changes. In the years ahead, the Court sees the need to clarify and strengthen its governance – policy and decision-making – and administrative structures including leadership and management practices to continue to improve court performance.

*Detailed Description.* There are many strengths of the Court’s current governance – policy and decision-making – and administrative structures. For example, the bench is very supportive of court administration, there is flexibility in decision-making, the Court can be responsive to internal needs, and the current leadership and executive management are transparent (e.g., they share information openly with staff, the unions, the Administrative Office of the Courts, and the public).

As growth occurs, however, there is an increasing need for the Court to add structure and formalize practices to strengthen the leadership and management of the Court. Specifically, there is a need to:

1. Clearly define judicial leadership (i.e., PJ, APJ, team leaders, committees) and executive management’s roles, responsibilities, and boundaries;
2. Clarify, strengthen, and formalize policy-making and decision-making parameters and practices;
3. Clarify and improve the chain of command for judicial officers as well as the executive/management team;
4. Set clear goals and establish and communicate priorities;
5. Be more proactive; and
6. Formalize internal procedures (e.g., how things get done, be less personality driven).

The Court will reap many benefits from improved governance and administrative structures and leadership and management practices. Examples include: (1) improved communication and trust between the judicial leadership and executive management; (2) the ability to make needed changes and decisions quickly and effectively; (3) less duplication of effort and gaps in responsibilities; and (4) improved, streamlined, and consistent processes and practices through coordination and teamwork resulting in a more efficient, transparent and effective organization.

### *Goals, Objectives, & Projects*

Goal 4.1: The Court’s judicial and administrative governance structures will be clear and effective.

Objective 4.1.1: Clearly define, clarify, and agree on the policy-making and decision-making roles, responsibilities, and authority of the Court’s judicial leadership (e.g., PJ, APJ, team leaders, and judge committees).

Objective 4.1.2: Clearly define, clarify, and agree on the roles, responsibilities, and authority including the decision-making parameters and processes of the Court's CEO, ACEO, and other directors/managers.

Objective 4.1.3: Improve and formalize policy-making and decision-making policies and practices.

Objective 4.1.4: Communicate the governance responsibilities and authority to all judicial officers and court staff.

Goal 4.2: The Court's judicial leadership and the executive management team will lead and manage the Court effectively.

Objective 4.2.1: Improve and expand communication and information sharing processes and forums.

Objective 4.2.2: Build mutual commitment to and remain focused on the priorities of the Court.

Objective 4.2.3: Strengthen relationships between judicial leadership and Court management.

Goal 4.3: The management team will manage court operations and services in a cohesive and united manner.

Objective 4.3.1: Foster open communication, strengthen relationships, and build trust among team members.

Objective 4.3.2: Develop a unified and consistent approach to managing and communicating with judicial officers and court staff.

Objective 4.3.3: Improve decision-making practices.

Objective 4.3.4: Enhance leadership and management skills of team members.

Objective 4.3.5: Identify innovations and changes to improve court operations and Services, and to make the Court a more satisfying place to work.

The annual strategic projects/initiatives related to this area are presented in a separate, companion document.

## **Strategic Issue #5: Unified and Effective Workforce**

*Overview:* The future success of the Court depends in part on a unified and effective workforce. That is, the Court cannot improve its overall performance, provide the highest quality of services to the SLO community, use its limited resources efficiently and effectively, and respond proactively to changing demands unless judicial officers, managers, and staff alike: (1) are committed to the same goals; (2) work together effectively; (3) are receptive to needed changes; and (4) have the knowledge, skills, and abilities to do their respective jobs/responsibilities well. In addition, the Court must continue to foster a positive and innovative work environment and prepare now for future staffing shortages and resource challenges.

*Detailed Description:* The trends analysis revealed several significant staffing trends:

1. 42 percent of the Court's workforce will be eligible to retire within ten years;
2. The Court's turnover rate is down from 17 percent in 2007 to 13 percent in 2008; and
3. Slightly more than a third of staff has been employed by the Court only 1-5 years.

In addition to the trends, the survey findings reflected that while the Court has many strengths in this area, there also are areas for improvement. Specifically, according to judicial officers, managers, and staff, there is a need:

1. For more and consistent communication at all levels and across all divisions and branches;
2. To identify clear goals and implement ways to measure overall court and individual performance;
3. To improve and expand training and cross-training;
4. For more effective and consistent management and supervisory practices across the Court;
5. To show employee appreciation and improve recognition programs;
6. For more teamwork and coordination between departments, branches, and levels of staff;
7. For better relations between judicial officers and staff;
8. To foster an organizational culture and attitudes that embrace change and innovation;
9. To provide advancement/promotional opportunities to interested and dedicated staff and develop the next generation of managers;
10. To attract, hire, and retain highly qualified, competent, and talented staff; and
11. To be more proactive and plan for the future.

Strengths cited in the survey results that the Court can leverage in the future included: (1) judicial officers, managers, and staff are hard-working, dedicated, and committed to customer service; (2) build on and expand existing training and development programs for judicial officers, managers, and staff; (3) expand cross-training throughout the Court; (4) continue to maintain positive relations with the union; and (5) work to preserve job security, good pay, and good benefits.

Indeed, the Court will benefit greatly from having a more unified and effective workforce. It is committed to working toward this end in the years ahead.

*Goals, Objectives, & Projects*

Goal 5.1: The Court's workforce will be skilled and motivated.

Objective 5.1.1: Improve and expand the training and cross-training provided to court staff.

Objective 5.1.2: Provide court staff with up-to-date resources and equipment.

Objective 5.1.3: Promote a satisfying and rewarding work environment.

Objective 5.1.4: Improve and strengthen the skills of the Court's executive team, managers, and supervisors.

Objective 5.1.5: Provide development and advancement opportunities for court staff.

Goal 5.2: Judicial officers and court staff will foster an organizational culture that embraces innovation.

Objective 5.2.1: Encourage teamwork, and enhance coordination and communication, among departments.

Objective 5.2.2: Clearly communicate and build support for common goals.

Objective 5.2.3: Strengthen collegiality among all levels of the workforce.

Objective 5.2.4: Seek input from and involve all levels of the workforce in making changes and identifying and implementing innovations.

Objective 5.2.5: Supervise/manage effectively and consistently across the Court.

The annual strategic projects/initiatives related to this area are presented in a separate, companion document.



## **Strategic Issue #6: Collaborative External Relationships**

*Overview:* Developing and maintaining positive and collaborative external relations is critically important to the Court's future. Specifically, collaborative external relations with many state and local partners and stakeholders are needed to ensure that the Court's short and long-term needs are met and that the Court is able to provide the highest quality of services to court users and the SLO community. It also is critically important in the future for the Court to: (1) educate the public and community about the judicial branch; (2) stay connected to and involved with SLO local and community leaders; and (3) be environmentally proactive to safeguard the environment for future generations. Increasingly it is important for the Court to reach out to, be involved with, and inform local leaders and the public about the Court's purpose, goals, priorities, needs, services, and to discuss other areas of mutual concern.

*Detailed Description:* The Court has positive and collaborative relations with many of its external partners and stakeholders currently. Nonetheless, it is committed to strengthening these partnerships and relationships in the future. In short, the Court sees many opportunities to work even more effectively together and to address areas of mutual concern with local justice system partners (e.g., prosecutors, public defenders, private attorneys, law enforcement, treatment providers), local city and county leaders, community leaders, the California Administrative Office of the Courts, legislators, and the media. Some specific opportunities include:

1. Beginning a dialogue with criminal justice system partners to identify and eliminate problems in the criminal court system;
2. Communicating and sharing information more effectively with local justice system partners to enhance services and overall performance;
3. Working with local city and county leaders to improve existing, multi-use facilities and enhance the Court's level of service;
4. Communicating the Court's needs, goals, and priorities to local city and county leaders as well as state court and legislative leaders; and
5. Communicating and collaborating with the California Administrative Office of the Courts to improve the Court's budget, facilities, technology, financial services, and labor relations.

In addition to the above, the Court understands the need to more proactively educate and inform the public about the judicial branch including the role and purposes of trial courts and the services the Court provides. Doing so will not only increase the public's understanding of the Court but also will increase the public's trust and confidence in the Court, according to statewide public opinion research. In sum, as the public's trustee of the justice system and to preserve the rule of law, the Court needs the active support and confidence of the public we serve.

Finally, the Court has a long-standing history of being responsive to and involved with the SLO community. In keeping with and furthering this tradition, the Court sees the need to continue to improve in this area. Opportunities include:

1. Bringing more positive attention to the Court by emphasizing its role in society, its services, and its accomplishments;

2. Continuing to reach out to and being actively involved in the local community thereby reducing the isolation of the Court, increasing understanding of varying perspectives about issues of mutual concern, and educating/informing others about the Court and the services it provides;
3. Doing more public education including education targeted at children and youth;
4. Building positive media relations; and
5. Being environmentally proactive by joining with County agencies, local businesses, and county residents to preserve the natural beauty of the Central Coast, the community's most valuable treasure.

The Court is doing a lot in this area currently, however, many of the activities are ad hoc in nature. Developing an organizational approach as well as formalizing and better tracking of these activities will greatly improve the Court's effectiveness in this area.

In sum, the Court will be well-served in the future by developing and maintaining positive and collaborative external relations, informing and educating the public about the judicial branch and the Court, and building the trust and confidence of the SLO community.

#### *Goals, Objectives, & Projects*

##### Goal 6.1: The Court will be respected and supported by the SLO community.

Objective 6.1.1: Reach out, listen, and be responsive to the needs of the community.

Objective 6.1.2: Educate the community about the Court and the judicial branch.

Objective 6.1.3: Build and maintain positive relationships with the government agencies, local bar, and community leaders.

Objective 6.1.4: Improve media relations.

##### Goal 6.2: The Court will develop and maintain collaborative relationships with state and local partners and stakeholders to enhance services and performance.

Objective 6.2.1: Communicate the Court's needs, goals, priorities, and accomplishments to state and local leaders/partners.

Objective 6.2.2: Promote effective, ongoing dialogue with community partners to identify and eliminate problems and improve efficiency.

Objective 6.2.3: Interact with state and local leaders/partners to advocate for needed resources and assistance.

##### Goal 6.3: The Court will be environmentally sensitive.

Objective 6.3.1: Use technology to eliminate the use of paper.

Objective 6.3.2: Implement programs that encourage judicial officers and staff to be environmentally sensitive.

Objective 6.3.3: Educate judicial officers, court staff, and court users on being “green.”

The Court’s annual strategic projects/initiatives related to this area are presented in a separate, companion document.

**[The Remainder of this Plan—its appendices of trends data—is not included in the Curriculum.]**