

VISIONING & STRATEGIC PLANNING

Introduction: What This Core Competency Is And Why It Is Important

Effective court leaders take time to vision the future because visioning impacts the bottom line. Visioning and strategic planning help courts and court leaders avoid isolation, create and maintain momentum for change, and improve day-to-day court management.

The urgent often drives out the important in all organizations, courts included. Visioning and strategic planning counteract natural tendencies toward inertia -- activity rather than accomplishment -- by focusing courts on: their enduring purposes and responsibilities, preferred futures built around these commitments, and strategic direction and realistic action steps.

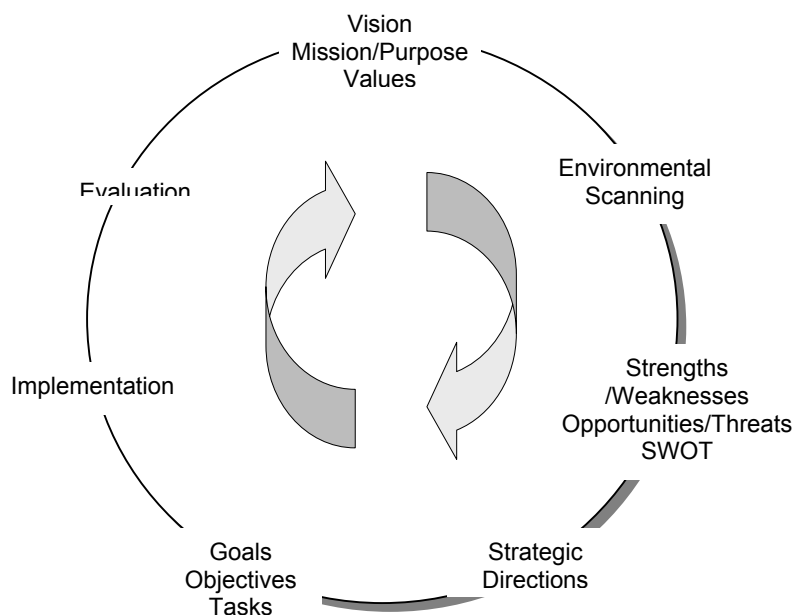
These proven management and leadership tools help presiding judges and their court managers focus themselves and others on the court's primary purpose -- or mission -- as well as establish both long-term goals and shorter term improvement priorities. Strategic planning, which usually includes a visioning component, is an ongoing, systematic process used in organizations of all types to critically and creatively: (1) assess where it is now, (2) define where it wants to be in the future, and (3) develop comprehensive strategies to move the organization in a desired direction.

While complementary, strategic planning and visioning differ. Visioning is a creative, collaborative process that asks court leaders and their justice partners to articulate a preferred future: what the court will look like and be doing when performing at its very best. A vision statement, which is the outcome of a visioning process, describes that future. Research suggests that vision statements are most effective when they "tell a story" of a new reality--a lucid and detailed preferred future. Effective vision statements elevate and compel action because they are both bold and inspirational and believable and achievable.

Strategic planning includes other vital elements specifically: defining a court's mission --or purpose --and fundamental values; environmental scanning or trends analysis; a SWOT (i.e., strengths, weaknesses, opportunities, and threats) analysis; identifying strategic issues or key performance areas; long-range goals (i.e., end targets); objectives (i.e., means to achieve the goals); and short-term priority projects.

Implementation consistent with the strategic plan and monitoring and evaluating progress and outcomes round out the essential elements of long-range strategic planning. These steps help ensure that visioning and strategic planning are more than a cerebral exercise. Implementation and monitoring progress and evaluating results are all critical. They ensure that the projects and activities that flow from visioning and strategic planning produce the desired outcomes.

Courts that have completed either internal or community-based visioning and strategic planning



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processes report improvements in the following areas: (1) case management practices; (2) access to the courts and justice; (3) use of technology to enhance services and access; (4) community outreach and education; (5) cultural diversity and providing culturally responsive court services; (6) court governance and structure; and (7) the internal work environment so as to attract, retain, and motivate a skilled workforce.

Court leaders invest time in visioning and strategic planning processes and their follow up because:

1. Strategic planning supports local trial court autonomy by placing the onus for change and the responsibility for creating it squarely on the trial court's judges and staff.
2. The processes help build consensus within the court and between the court and its justice partners and community leaders about **what** the court will become, and **when** and **how** it will do it.
3. A strategic plan develops priorities and goals that are clear and accepted throughout the court and justice system.
4. A vision of the future, the long-range strategic plan, and its implementation help ensure continuity when the leadership of the court changes.
5. Strategic planning is an acceptable change and alignment mechanism modeled by courts across the nation.
6. Strategic planning supports a positive response to public demand for increased court accountability.

In sum, visioning and strategic planning can help court leaders shape their courts and organizational environments by:

- Challenging court and justice system practitioners to think beyond day-to-day problems and crises;
- Fostering, developing, and sustaining internal and external cooperation, collaboration, and partnerships;
- Allocating and using limited resources strategically;
- Improving day-to-day court management practices;
- Enhancing court-community communications and increasing public understanding of and satisfaction with the courts and the justice system; and
- Creating futures driven by the judiciary's deepest commitments: equal justice under law; independence and impartiality; equal protection and due process; access to justice; expedition and timeliness; accountability; and public trust and confidence.

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CURRICULUM GUIDELINES SUMMARY

What Court Leaders Need to Know and Be Able To Do

Court leaders can enhance the courts' capacity to define and deliver desirable court futures, even in the face of profound challenges. There are five Visioning and Strategic Planning Guidelines:

- Court Purposes, Environment, and Processes
- Fundamentals
- Organizational Foundations
- Change and Alignment
- Strategic Thinking

Court Purposes, Environment, and Processes

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 Visioning and Strategic Planning are 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 courts 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 current jurisdiction, structure, and performance including case processing; and the types and numbers of cases being processed.

Fundamentals

Visioning and Strategic Planning is a discipline that draws upon well-tested principles, methods, tools, and techniques. In the past decade, these fundamentals have been applied to courts in more than 30 states. Court leaders need not start from scratch regarding the application of future thinking tools and techniques including trends; scenarios; environmental trends, stakeholders' needs and expectations, and the courts strengths and weaknesses; or projections and forecasts. To oversee the use of varied and powerful tools, court leaders must have a basis for the evaluation, selection, and use of the right processes and techniques. Staff and consultants are very useful in this process but need oversight and direction from the time the process is organized, including appointment of the steering committee, recruitment and orientation of staff and other participants, to conclusion of the process. Leadership of visioning and strategic planning is critical. Leaders must understand the fundamentals. They must move the participants past a sense that things need to be improved and visioning and strategic planning may be helpful. The end result is a shared, clear, powerful preferred vision, strategic direction, and, very importantly, improved court performance.

Organizational Foundations

Absent a strong organizational foundation, efforts to build a long-term strategic direction will move in fits and starts or even stall. A critical assessment of the existing capacity is critical **prior** to making the significant investments of leadership's time, political capital, and staff and other resources. Is a court executive leadership team in place and able to lead the court and the justice system? Does the court need to build internal understanding of and competency in strategic planning? Is the required time and commitment understood by all the critical parties? An inclusive and collaborative visioning and planning process is not possible absent a foundation that can support understanding and commitment about **what** the court, their justice partners, and the community wish to achieve, **how** they will do it, and **when**.

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Change and Alignment

Visioning and Strategic Planning assume change and better alignment of court personnel and other resources and its many workflows. Adequate organizational foundations are critical to starting the process. Change and alignment is what happens after the visioning and strategic planning process is completed. If the vision and plan are as comprehensive as they need to be to improve the court, their implementation necessarily means change and organizational realignment. Everything that needs to be done cannot be done all at once. Based on understanding of the change process, implementation must be sequenced so that the court and its leadership team, judges, staff, and their justice partners move in a common direction toward shared commitments. The project must evolve from reliance on temporary task forces into a new court structure. Court leaders must understand the change process, clearly communicate expectations, monitor progress, and reward those who do what is needed for the preferred future to be realized.

Strategic Thinking

Visioning and Strategic Planning require strategic as opposed to operational thinking. When beginning, the court leadership team must be able to distinguish between problems and issues that are routine from those that affect the courts capacity to deliver over time. This means seeing the implications of seemingly unrelated events and time-bound crises to what the court and the justice system could be at their best. Leaders who can think and act strategically understand the importance of listening to and empowering others in the planning and change process. Partnerships both inside and outside the court are very important. They know the importance of staying the course in the face of inevitable but unknown challenges. Strategic thinking enables leaders to anticipate, promote, and sustain change.

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**CURRICULUM GUIDELINES:
REQUIRED KNOWLEDGE, SKILL, AND ABILITY**

COURT PURPOSES, ENVIRONMENT, AND PROCESSES

FUNDAMENTALS

ORGANIZATIONAL FOUNDATIONS

CHANGE AND ALIGNMENT

STRATEGIC THINKING

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COURT PURPOSES, ENVIRONMENT, AND PROCESSES

Visioning and Strategic Planning require understanding of the purposes of courts and how court management delivers on the American promise of equal justice under law, due process, and judicial independence and impartiality. Visioning and Strategic Planning help court leaders and their justice and community partners ensure that the future of the 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.

- Knowledge of Purposes and Responsibilities of Courts Curriculum Guidelines and their implications for Visioning and Strategic Planning;
- Knowledge of the **Trial Court Performance Standards**: 1) access to justice; 2) expedition and timeliness; 3) equality, fairness, and integrity; 4) independence and accountability; and 5) public trust and confidence and how they help define the ends to be served by Visioning and Strategic Planning;
- Knowledge of fundamental court system values such as: 1) access; 2) fairness and impartiality; 3) judicial independence; 4) responsiveness; 5) accountability; 6) effectiveness; and 7) accessibility;
- Skill in linking the concepts of due process of law and equal protection and independence and impartiality to visioning and strategic planning;
- Ability to draw upon the inherent powers of the court and the authority it provides for the court to take charge of its future;
- Ability to take account of the culture of the judiciary and the political, fiscal, and organizational environment in which the court system and its constituent courts are imbedded;
- Knowledge of the jurisdiction, structure, and management of court systems and courts and how they impact court visioning and strategic planning;
- Knowledge of limited and general jurisdiction courts, intermediate courts of appeal, and supreme courts, their day-to-day management, and how their distinct responsibilities shape visioning and strategic planning;
- Ability to carry out visioning and strategic planning in ways that are relevant to how courts actually function, their fundamental work processes, and all case types.

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| FUNDAMENTALS |
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When implementing visioning and strategic planning, court leaders, future commissions, and staff draw upon proven principles, methods, and techniques. They and others they oversee use the most appropriate visioning and strategic planning tools.

- Knowledge of visioning, futures thinking, and foresight, including trends, scenarios, visions, and strategies, and how to apply them in court settings;
- Knowledge of prior court futures projects, their successes, and shortcomings;
- Ability to identify the court's mandates and to assess their long term implications on the court and justice system;
- Skill in assessing court stakeholder needs and expectations through direct contact, focus groups, and surveys;
- Knowledge of strategic planning principles and techniques, and their best uses in court settings;
- Knowledge of the technology and software that can support and help structure court improvement through visioning and strategic planning;
- Skill in establishing formal mechanisms for monitoring trends and anticipating their potential implications for the court's strategic direction;
- Knowledge of statistical and analytical tools such as forecasting, environmental scanning, scenario construction, and related research techniques including descriptive and inferential statistics;
- Knowledge of how to gather and to use data in court settings and to project and assess important environmental trends for courts;
- Skill in applying available local, state, and federal data to court visioning and strategic planning;
- Ability to assess the court's capacity (strengths, weaknesses, opportunities, and threats) to respond to current and likely future demands and expectations;
- Ability to focus on both the court's strategic direction and day-to-day problems.

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ORGANIZATIONAL FOUNDATIONS

The court must have the capacity to produce a long-term strategic direction built through an inclusive and collaborative visioning and planning process. Adequate organizational foundation produces understanding and commitment about **what** the court, their justice partners, and the community wish to achieve, **how** they will do it, and **when**.

- Ability and willingness to lead the court and the justice system;
- Ability to form and sustain court leadership executive teams to exert the leadership that gives courts vitality and organizational cohesion;
- Ability to develop a cadre of judges and staff who are competent in visioning, strategic planning, and project implementation;
- Ability to communicate the purpose, focus, and scope of visioning and strategic planning for the court, the justice system, and the community;
- Ability to educate judges and others about the “why” of visioning and strategic planning; the risks and costs in time and dollars; the benefits of these processes; and the required time, energy, and other resources and their current availability;
- Skill in obtaining needed resources and in leveraging existing resources to initiate and to sustain visioning and strategic planning;
- Ability to critically assess court readiness for change with respect to both the technical and human sides of change and transition;
- Skill in engaging the effective and appropriate mix of judicial, political, and community leaders and standing, ad hoc, and new committees in visioning and strategic planning;
- Skill in selecting the appropriate mix of staff and clearly defining the responsibilities and roles of the staff and the court’s committees and work groups;
- Knowledge of effective group processes and their necessity if court visioning and strategic planning are to succeed and to promote teamwork and to maintain continuity between work teams and planning sessions;
- Ability to manage visioning and strategic planning, including initiating and agreeing on the process, creating steering committees, maintaining resource commitments and momentum, and the implementation plan and monitoring;
- Ability to maintain top leadership visibility, understanding, and participation in visioning and strategic planning processes and implementation.

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| <h3>CHANGE AND ALIGNMENT</h3> |
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Visioning and Strategic Planning facilitate change; link visioning, planning, and action; and move the court, its judges, staff, and their justice partners in a common direction toward shared commitments.

- Ability to align day-to-day activities and the court's strategic direction, and to sequence improvement activities;
- Ability to solicit community and court stakeholder and staff feedback on completed and planned work;
- Ability to help court insiders and outsiders understand how needed changes will impact them;
- Skill in communicating the court's vision and plans to the print and electronic media;
- Skill in involving the community and building its understanding of the court's vision and strategic plans;
- Ability to monitor the court's progress toward achieving goals and outcome-based measures as well as being able to take corrective action if needed;
- Ability to use existing court and justice system committees and work groups to achieve long-term goals;
- Knowledge of organizational change and project management dynamics and their application to court visioning and strategic planning;
- Ability to make clear what is expected during and after change and to reward achievement and effort and to align performance and rewards;
- Ability to inspire others (e.g., judges, staff, diverse court coalitions) to work together both to achieve the court's vision as well as to implement the shared vision.

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| <p>STRATEGIC THINKING</p> |
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When carrying out Visioning and Strategic Planning, court leaders think and act futuristically and strategically by anticipating and promoting change.

- Ability to distinguish between routine problems and strategic court issues;
- Ability to develop and modify plans to address strategic issues;
- Ability to understand the implications of seemingly unrelated events for the courts;
- Ability to identify the potential system-wide implications of court activities;
- Knowledge of the power of empowering and collaborating with others in creating a preferred court future, which moves thinking past current constraints to what a court might be at its best;
- Skill in soliciting and listening to other's ideas about how the court is and should be functioning;
- Ability to recognize and use new approaches proposed by court and justice system insiders, other jurisdictions, and national authorities;
- Ability to create a forum to involve the community in visioning and strategic planning rather than reacting and reaching out only when the court is faced with an internal or external crisis;
- Ability to build coalitions and partnerships -- public and private -- to address long-term needs;
- Knowledge of the value and implications of staying power, patience, and tenacity when conceiving and implementing court improvement plans and projects.

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| <p>ADJUDICATION AND ENFORCEMENT</p> |
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Cases can be resolved through traditional judicial processes, or through alternative dispute resolution (ADR) techniques. Court leaders must be aware of alternative approaches and what is needed to support them. Court leaders must also manage the preparation and maintenance of the court record. Enforcement of court orders is essential to the rule of law and the integrity of the judicial process and judicial decisions.

- Ability to manage court record keeping function to produce a complete, accurate, and timely record of judicial actions and decisions;
- Ability to establish court records management policies and practices, including record preparation, records retention, public access, and privacy protections;
- Ability to organize and manage the creation of the verbatim record and provide the record on appeal, including court reporters and electronic recording (audio and video), in a timely manner;
- Ability to manage a cost-effective program that provides sufficient jurors in a timely manner who represent a cross section of the community;
- Ability to establish and maintain a program that provides qualified interpreters when required;
- Ability to provide services and technology to supporting the presentation of evidence;
- Knowledge of the application of caseflow management principles to Essential Components;
- Ability to integrate ADR programs that resolve cases, such as arbitration, mediation, and settlement programs, and other techniques such as summary jury trials, into court processes;
- Ability to coordinate programs that enhance or substitute for court resolution of some issues in a case, for example, a child custody mediation service;
- Knowledge of probation practices, services, and programs related to sentencing;
- Skill in coordinating sentencing alternatives, including intermediate sanctions, community corrections alternatives, and traffic safety programs;
- Knowledge of follow-up treatment and post-judgment activities of problem solving courts;
- Knowledge of child support enforcement services and programs;
- Ability to collect fees, forfeitures, and other judgments to enforce judgments;
- Ability to develop and manage post-judgment assistance, especially for self-represented litigants, in family law, eviction, small claims, and other cases.

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| <p>COURT INFRASTRUCTURE</p> |
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Court leaders must be able to acquire and effectively manage the court facilities and infrastructure within which the court operates. This includes courthouse security and facilities, how they are used, and their environmental aspects.

- Knowledge of court facility design options and the impact of facilities on public perceptions, access, court performance, people flow, workflow continuity, and staff effectiveness;
- Knowledge of the Americans with Disabilities Act requirements regarding access and use of facilities;
- Skill to direct and to assist program planners and architects in the design of court facilities;
- Ability to determine the appropriate location of court services;
- Knowledge of court facility financing alternatives;
- Ability to identify alternative work practices and physical modifications to improve employee workplace ergonomics, safety, effectiveness, and performance;
- Ability to modify business practices and physical characteristics of the workplace to avoid or alleviate court employee and judicial space concerns and issues;
- Knowledge of security, including the courthouse and its perimeter, courtrooms, and other offices and how to work with others to maintain and improve courthouse and courtroom security and safety;
- Knowledge of prisoner (adult and juvenile) transportation and detention issues as they affect case management, facility, and other needs;
- Knowledge of court communication needs and alternative technologies available to meet them;
- Ability to specify communication needs of the court for telecommunications, information technology, and court security to architects and contractors;
- Ability to serve as an effective liaison to agencies outside the court supplying essential services to the court, such as personnel, fiscal and financial, purchasing, collections, or physical infrastructure and utilities;
- Ability to develop and implement effective security, disaster recovery, and business continuity plans.

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| <p>PROGRAM MANAGEMENT</p> |
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Court leaders must lead, oversee, coordinate, and evaluate Essential Components. This requires an understanding of what services they provide, service delivery model alternatives, funding, and evaluation. Essential Components and other court and justice system operations and workflows must also be aligned with and support the judiciary's purposes and roles.

- Knowledge of the roles, functions, operations, and values of all the agencies, programs, and services that provide the court with Essential Components and their impact on court performance and specific court operations;
- Knowledge of the actual tasks performed by Essential Components;
- Ability to manage Essential Components so as to promote justice values such as independent and impartial judicial decisions, due process, equal protection, fairness, consistency, and predictability;
- Skill in working with others to solve justice system problems such as jail over-crowding;
- Knowledge of alternative service delivery models, including outsourcing and use of volunteers, interns, practicum students, and community service organizations for diverse Essential Components;
- Knowledge of alternative case management techniques and practices used in Essential Component services and programs;
- Ability to use information systems and technologies to support program operations and to link the court and all other aspects of the justice system - juvenile, family, civil, and criminal;
- Knowledge of funding alternatives for Essential Components and which funding models are appropriate for which programs and services;
- Skill in allocating and, when necessary, acquiring needed funding, technology, and other resources needed for effective Essential Components;
- Ability to read and understand accounting reports covering Essential Components;
- Ability to develop relevant measures and measurement systems to monitor and evaluate Essential Component performance, to hold them accountable, as well as to achieve expected outcomes for litigants, including fair, efficient, and prompt case processing;
- Skill to create needed collaborative partnerships among courts, ancillary programs, community services, non-profits, and legislative and executive branch agencies at the state and local level.