

Futures in the Virginia Judiciary: A Continuing Success Story

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Futures consulting continues to be a booming growth industry. More and more organizations from all over the world--public, private, commercial, nonprofit, public interest, or special interest-- have discovered that it is not only desirable, but also possible, to do foresight effectively, and to use information from the future better to guide their actions in the present.

Depending on how one defines "success", as well as how one defines "foresight", there could be many success stories--many, differing examples which could be given to substantiate the claim made above. Some people consider foresight to be successful if it helped an organization avoid a danger it might not otherwise have avoided (or to take advantage of an opportunity it might otherwise not have known about). Others consider foresight successful if it helped a firm beat a competitor or to secure greater market share. Some organizations rely on external futures consultants to point out dangers or advantages to them. Others (far fewer) develop an internal foresight capacity for themselves. Some believe successful foresight points out exceptional developments, while others (such as myself) believe that while useful foresight should point out unusual situations, it is best when vision and foresight become part of routine decision making.

I know of only one organization that combines all of the features of what I consider to be true foresight, successfully used to guide routine as well as exceptional actions, AND which still continues to use foresight effectively. For reasons which are beyond the scope of this memo to discuss, there are too many examples of success which have not proven to be sustainable, even though some of them have persisted for as long as a decade or more. Moreover, there are many examples of success which do not use all of the features which I believe should be part of the overall futures process.

Successful and sustainable foresight requires the following components, I believe:

1. Visionary and continuing leaders who understand what foresight is, and is not (especially that it is not fortune telling; not "predicting" the future), and who expect foresight to help guide daily routine decisions;
2. An initial visioning process which brings all (or representatives of all) of the stakeholders in the organization together in a lengthy and sustained processes which results in a clearly-articulated and widely-shared vision for the preferred future of the organization;
3. A broadly-participative and iterative process which then uses that vision to develop a detailed strategic plan for the organization;
4. Administrative decisions and actions which then define each of the strategic goals as specific tasks which are then assigned to specific people (or offices), with specific targets for completion, and sufficient budget and personnel assigned. These tasks are then monitored until they are completed;
5. An ongoing internally-led process which regularly scans the environment of the organization for new challenges and opportunities which might impinge on the vision and/or the tasks, which information is then evaluated by senior administrators, and the previously-assigned tasks modified as deemed appropriate
6. Occasional scans contracted from external sources which are then internally evaluated and used to make necessary changes;
7. And the entire visioning process is itself revisited at appropriate (perhaps ten-year) intervals, again in a broadly-participative and extensive way.

The futures visioning and subsequent foresight activities of Virginia State Judiciary manifest all of those features:

Chief Justice Harry Carrico, Circuit Judge John Daffron, Executive Secretary (the chief court administrator) Robert Baldwin, and Judicial Planner Kathy Mays (later joined by Beatrice Monahan) provided the initial and continuing leadership for the activities from the 1980s.

The State Justice Institute (a federal funding agency) in 1987 supported the creation of a judicial futures commission, chaired by Robert M. O'Neil, President of the University of Virginia, which carried out extensive and intensive futures activities throughout the State, and eventually developed a mission statement and a set of ten visions for the future of the Virginia Judiciary which were formally presented to a group of people broadly representative of the State of Virginia who gathered, in 1988, in the historic Rotunda, designed by Thomas Jefferson, on the campus of the University of Virginia.

The Commission's Report, *Courts in Transition*,

"...offered ten visions to serve as a foundation for the courts of the next century and to paint a picture of the preferred future for the courts. Likewise, 131 specific recommendations were developed to provide a sense of direction for the future. The report then was presented to the Judicial Council of Virginia. The Council is the Virginia judiciary's highest policy-making body.... Following wide distribution of the report within and outside the court system and a comprehensive review by the Council, 90% (118) of the Commission's recommendations were adopted.

"Very importantly, the Council then selected a sub-set of the recommendations to be implemented within the next biennium. These recommendations formed the basis of *Foresight 2000: The Judiciary's Strategic Plan for FY 1990-92*. Approximately 70 percent of the action items selected for implementation during this time frame have been accomplished. Among others, the direct results include: 1) the establishment of alternative dispute resolution programs within the court system to expand the types of forums in which the public can choose to resolve legal disputes; 2) the introduction of numerous automated systems to link court system data bases with attorney's court-related agencies, and the public, for improved efficiency, accountability and convenience in using the courts; 3) the passage of legislation to create a family court system to provide a more effective and more comprehensive means of addressing family disputes; and 4) the establishment of a consumer research and service development project. The purpose of this latter project is to provide continuous information to decision-makers within the judiciary from citizens, litigants, and others on the substantive law changes and new products and services they desire from the courts." (Mays, p. 33)

Foresight 2000 has been updated by the judiciary planning staff every two years to coincide with the budget cycle. The themes outlined in *Virginia's Courts at the Millennium: 1999-2001 Strategic Plan Themes*, as identified by environmental scanning, consumer research, and constituent research, are "1. Surrounded by Technology: Life in the 21st Century; 2. Keeping Pace with Change; 3. Providing Justice in an Increasingly Segmented Society; 4. Fulfilling the Service Imperative; and 5. Therapeutic Justice: Redefining the Role of the Courts."

It is doubtful that so many of these accomplishments would have been attained without the careful accounting and monitoring process which the Virginia Judiciary also developed and put in place. As Kathy Mays describes it:

"To help ensure that the judiciary's plans for its preferred future actually are realized, the state court administrator's office maintains an annual management planning process. Through this process, responsibility for assisting the local courts in implementing the specific action items contained in the up-dated strategic plan is divided among the office's various departments. Without this means for accountability and follow-up, there would be no way to translate the full strategic plan into annually obtainable objectives. The importance of this implementation process cannot be over-emphasized. And, as has been demonstrated time and again in planning efforts, *the absence of such a link invites 'pie in the sky planning' as opposed to pragmatic agenda setting for the courts.*" (Mays, p. 34. Italics in original)

A flow chart of the overall activities just described, as developed by the Virginia Judiciary, titled, "The Judiciary's Strategic Planning and Management System," is shown as Attachment One.

Attachment Two shows the Mission Statement and the ten Visions from the Strategic Plan for Virginia's Judicial System, originally promulgated in 1988. Attachment Three shows the Objectives and Tasks associated with just one of those Visions (Number Four) as an example of the objectives and tasks assigned for each of the ten visions.

Attachment Four is a page from "The Special Projects" spread sheet for FY '95, and Attachment Five is a page from the Project Monitoring System computer printout, showing who is assigned to each task, how many hours are to be devoted to it (and were actually spent on it) and a start and finish date for each task.

A new Futures Commission, which seeks to reassess the future anew with increased citizen and professional input, indicated on the flow chart in Attachment One, is anticipated as the foresight cycle begins again.

Sources:

Courts in Transition. A Report of the Commission on the Future of Virginia's Judicial System, Supreme Court of Virginia, 1989

Foresight 2000: A Strategic Plan for the Judicial System of Virginia. Supreme Court of Virginia, (Biannually since 1990. Current version is FY 1998-99,.

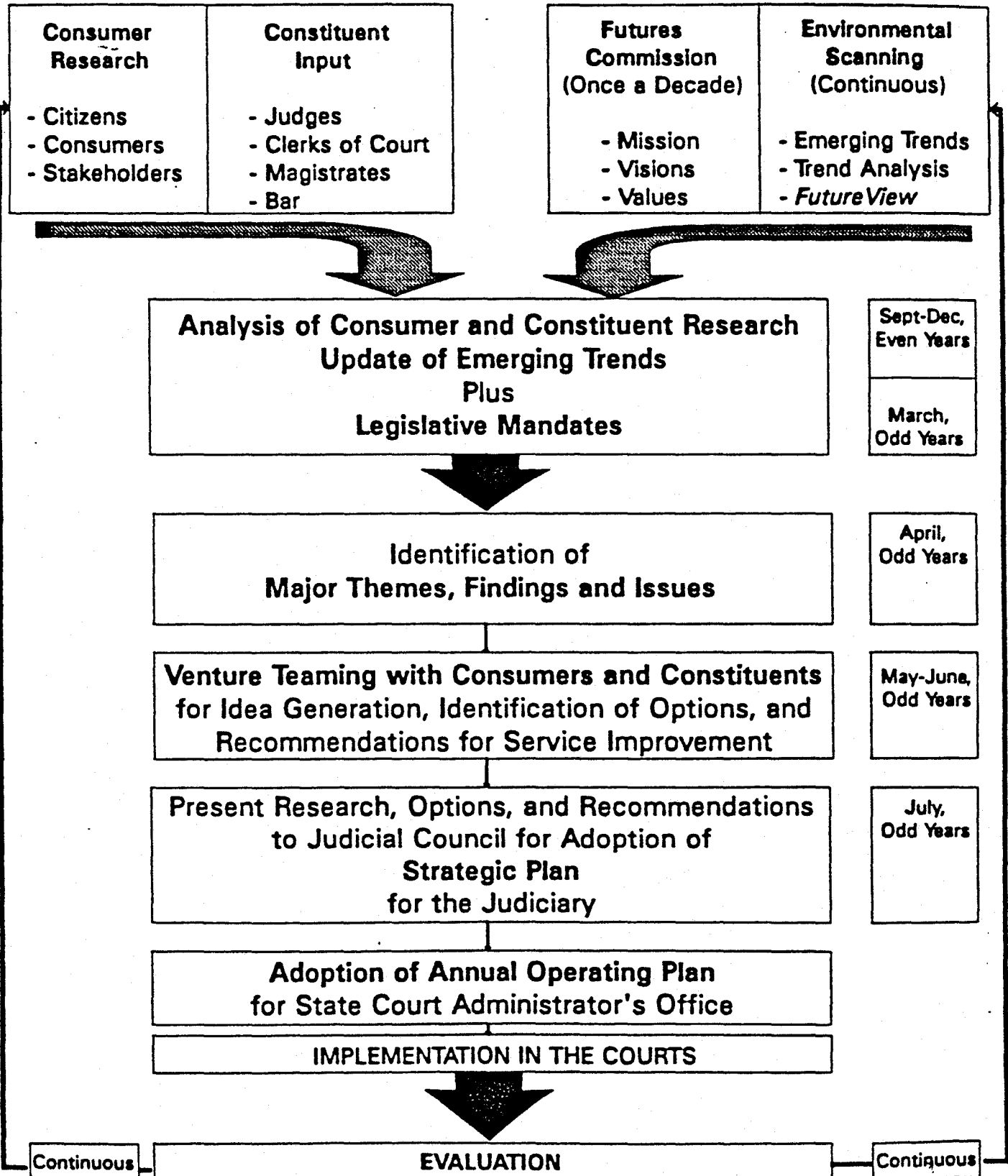
Future View. A Quarterly Newsletter of Trends and Issues. Judicial Planning Department, Office of the Executive Secretary, Supreme Court of Virginia (since 1992)

Kathy Mays, "Futures Research and the Judiciary: Virginia's Experience," *Futures Research Quarterly*, Spring 1994, Vol. 10, No. 1, 31-35

The Public as Partners: Incorporating Consumer Research into Strategic Planning for Courts, Judicial Council of Virginia 1994

Virginia's Courts at the Millennium: 1999-2001 Strategic Plan Themes. Judicial Planning Department, Office of the Executive Secretary, Supreme Court of Virginia, April/May 1999.

THE JUDICIARY'S STRATEGIC PLANNING AND MANAGEMENT SYSTEM



4

Vision 4

In the future, Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Objective 4.1

To structure the judicial system in a manner that best enables the prompt, fair and cost-effective resolution of disputes.

Task 4.1.1

Propose legislation to expand the jurisdiction of the Court of Appeals to include all civil appeals with a commensurate number of judges and staff to handle the increased workload.

Task 4.1.2

Adopt a rule of court to authorize the appellate courts to summarily reverse cases which present clear error.

Task 4.1.3

Seek statutory changes to allow the appellate courts to dismiss frivolous appeals summarily without oral argument.

Task 4.1.4

Propose legislation to authorize the Chief Justice to designate and temporarily assign any judge, with his or her consent, to sit at any trial court level.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 4.2.1

Continue to seek adoption of legislation to provide that, when a preliminary hearing is held, establishment of probable cause at that hearing will be sufficient to initiate a trial in the circuit court without indictment by the grand jury.

Objective 4.3

To create a single trial court with comprehensive jurisdiction for the handling of legal issues relating to children and families.

Task 4.3.1

Secure the adoption of legislation to establish family court in Virginia.

Task 4.3.2

Create an implementation plan for the legislation that includes a comprehensive fiscal impact analysis of the funding needed to establish a family court in each jurisdiction; report the findings of such analyses to the General Assembly.

Objective 4.4

To facilitate the efficient disposition of traffic matters and expedite the enforcement of traffic safety laws.

Task 4.4.1

Conduct a thorough examination and cost benefit analysis of the advisability of transferring to the Department of Motor Vehicles the responsibility for administrative processing of uncontested traffic infractions.

Task 4.4.2

Encourage local courts to establish "segmented" docketing procedures in order to reduce the time litigants, witnesses, law enforcement, lawyers, and others must wait in court to dispose of traffic cases.

Visions for The Strategic Plan for Virginia's Judicial System

Mission

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.

Vision One

In the future, all persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Vision Two

In the future, the court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Vision Three

In the future, the judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision Four

In the future, Virginia's judicial system will be

structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision Five

In the future, the courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Vision Six

In the future, the court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality pre-professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Vision Seven

In the future, technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice, by increasing the courts' ability to determine facts and reach a fair decision.

Vision Eight

In the future, the public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Vision Nine

In the future, the impact of changing socio-economic and legal forces will be systematically monitored and the law of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision Ten

In the future, the judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

FY '95 SPECIAL PROJECTS

PROJECT	OPR	OTHER	REFERENCE ID	PRIORITY	STATUS REPORT 4/20/94
Objective: To provide for improved services by courts to children and families. Object: Implement the Family Court System legislation by January 1, 1995.	EXS	ALL	02V AA EX010	1	Underway - Behind
A. To assist the Rule Change Subcommittee in developing the Rules of Court for the new Family Court System.					Underway - On Schedule
B. To develop the training programs for judges and court personnel to acquaint them with the new procedures, skills, and duties required.					Underway - On Schedule
1. Reserve one J&DR and combined clerks conference to do the equivalent of the family court symposium.					
2. Judges: Need to use every training program or conference as an opportunity to talk or train on family courts.					
3. Consider the use of video training, tele-conferencing whenever possible.					
C. To develop the necessary changes in procedures, forms and transition for the family court. Conduct a review within each department responsible for forms in order to begin to make needed changes to any manuals or court forms and orders, pursuant to the legislation.					Underway - On Schedule
D. To work with the Family Court Resources Committee to review the local plans developed, address any discrepancies; and make final recommendations to the full Advisory Committee and then submit those plans to the Judicial Council.					Completed

REPORT BY DEPARTMENT

DATE 03/03/94

REPORT PRINTED FOR TASKS FROM 000000 TO 999999

DEPARTMENT: JUDICIAL PLANNING OFFICE OF PRIMARY RESPONSIBILITY: JUDICIAL PLANNING

REFERENCE ID 02V RR PN010

GOAL TO DEVELOP, IMPLEMENT AND MAINTAIN AN EFFECTIVE PLANNING CAPABILITY FOR THE ORDERLY SETTING OF DIRECTION.

OBJECTIVE TO IMPROVE THE LONG RANGE PLANNING PROCESS THROUGH THE INCLUSION OF OPINIONS AND VIEWS OF CONSUMERS /USERS OF COURTS. (PRIORITY #11)

PROJECT INST. CONSUMER RESEARCH

TASKS	PERSON ASSIGNED TO	START DATE PLAN/ACT	FINISH DATE PLAN/ACT	PERSON HOURS PLAN/ACT	REMARKS
PN2010 EXIT SURVEY RESULTS	MAYS	080193 080193	083093 100193	8 8	WORK WITH BEA
PN2100 PROJECT SUPPORT - CONSUMER RESEARCH	ADAMS	080193 080193	073194 000000	120 60	
PN2801 CONDUCT IN-HOUSE FOCUS GROUP	MAYS	080193 090193	083093 100193	6 6	
PN2810 REVIEW LIT. REV	MAYS	080193 081593	090793 000000	3 4	
PN2811 PREPARE FINAL REPORT	MAYS	090193 100193	101593 000000	24 25	
PN2812 REV. COURT REPORTS	MAYS	090193 022094	100193 022894	2 4	
PN2815 CONDUCT COUNCIL MEETING	MAYS	100193 100193	103093 100193	6 4	
PN2816 REVIEW MEETING SUMMARY	MAYS	100193 000000	103093 000000	2	
PN2817 PRIORITIZE/SELECT PRODUCTS	MAYS	110193 000000	113093 000000	4	
PN2818 INVESTIGATE/DEV PRODUCTS	MAYS	120193 000000	011594 000000	25	
PN2819 HOLD COURT FOCUS GROUPS	MAYS	010194 000000	043094 000000	50	
PN2820 COMPILE RESULTS FOR 94-96 PLAN	MAYS	010194 000000	043094 000000	16	
PN8300 PREPARE FOR IN-HOUSE FOCUS GROUP	MONAHAN	080193 080193	083193 093093	5	
PN8301 EXIT SURVEY ANALYSIS	MONAHAN	072593 072593	083093 093093	44 59	
PN8302 CONDUCT IN-HOUSE FOCUS GROUP	MONAHAN	080193 090193	083093 093093	6 6	
PN8303 PREPARE EXIT SURVEY RESULTS	MONAHAN	080193 080193	083093 000000	16 32	