

PERSPECTIVES ON
STATE COURT LEADERSHIP

SUSTAINABLE COURT GOVERNANCE: THE CRITICAL ROLE OF STRATEGIC MANAGEMENT

*One in a series from the Executive Session
for State Court Leaders in the 21st Century*

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This is one in a series of papers that will be published as a result of the **Executive Session for State Court Leaders in the 21st Century**.

The Executive Sessions at the Harvard Kennedy School bring together individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue.

Members of the Executive Session for State Court Leaders in the 21st Century over the course of three years sought to clarify the distinctive role of state court leaders in our democratic system of government and to develop and answer questions that the state courts will face in the foreseeable future. Themes addressed include principles for effective court governance, the tension between problem solving and decision making, the implications of social media for court legitimacy, how courts defend themselves from political attack, and the notion of chief justices as civic leaders. Many themes were developed by Session members into papers published in a series by the National Center for State Courts.

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INTRODUCTION

We live in an age of accountability and the ever-increasing availability of information. People expect more services, delivered more quickly. Public organizations are under increasing pressure to account for their resources, and courts are not immune. Courts do, however, face some unique challenges. It is difficult to fully account for the “delivery of justice” compared to, for example, the services provided by a department of motor vehicles. In assessing quality of justice, how do you measure fairness, due process, independent and impartial decision-making, equal access to justice, and other “deliverables” of courts? At the same time, the difficulty of accounting for the delivery of justice does not absolve courts from being accountable.

Court leaders face a myriad of challenges in meeting changing public expectations of the justice system while ensuring fairness, timeliness, transparency, accountability, and other essential outcomes. Courts are complex organizations to lead, similar to hospitals or universities where highly trained professionals with individually-based authority (judicial selection, medical licensure, academic tenure) are loosely affiliated with an organization that is dependent on external funding sources and may have a public mission for which it is accountable as an institution.

This paper grew out of discussions about the distinctive role of state court leaders in our democratic system of government. Held at Harvard University from 2008 to 2011, the Executive Session for State Court Leaders in the 21st Century dialogue focused on the nature of governance in the courts, the policy-making authority of judges, the relationships between judges and court administrators, and the impact of court structures on governance. This paper describes an approach to court management that can be implemented to achieve positive outcomes in state courts with varying governance structures and processes. Specifically, it advocates for the critical role of strategic management practices in effective court governance. While court leaders may be familiar with the concept of a strategic plan for courts, the integration of strategic management practices as a core business process is a broader undertaking involving the alignment of

people, functions, and systems to the court’s strategic agenda. There is an emphasis on translating strategy to action, continual communication of the court’s vision, monitoring the court’s progress through performance measures, feedback, and evaluation, and making adjustments as warranted. By implementing highly transparent and credible strategic management practices, court leaders can successfully address the need for judges to be independent and autonomous in their courtrooms and to recognize the interdependence of the court as an organization.

State courts’ governance structures and practices typically have not supported the development and execution of a long-term strategy to achieve targeted outcomes essential to the court’s mission. In many courts, the terms of chief judges and presiding judges are short in duration, and committee assignments are based on judges’ seniority rather than their particular knowledge or interest in the subject matter or the long-range objectives of the committee. Court budget requests often reflect the changing priorities of judicial leadership, and there is often no single message about a court’s mission or vision for the future.

The traditional view in many courts, that court users are not customers and are not entitled to a high standard of service or accountability, is outdated and increasingly unsustainable. Courts that view themselves as public service organizations but do not acknowledge their participants as customers tend to establish procedures and processes that benefit the court rather than ensure high-quality service to the community. Even though many court customers are, in fact, required to appear in court rather than voluntarily choosing to seek court services, courts are still fully

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obligated to ensure that an optimal court process is in place to receive these customers and provide them with equal access, due process, courtesy and respect, impartiality, and a fair and timely resolution.

Courts used to be fairly insular and closed with respect to educating the public and funding agencies on the functions and performance of the judicial branch. With court budgets typically comprising only a small fraction of state budgets, court leaders could successfully make a funding request of state legislators without providing extensive justifications, long-term plans, or performance data. Courts did not invest a lot of time or effort figuring out how to effectively “tell the story” of the judicial branch because it wasn’t really necessary—except, of course, when the local papers ran a story on something happening in the court and when legislators passed “emergency” legislation along with new unfunded mandates for the court. These are the “putting out fires” scenarios every court administrator will recognize.

Further, any discussion of standards for court performance tended to focus on the structure and machinery of court organization.¹ Consensus on the single best way to establish standards by these means proved to be elusive. It has only been since the early 1990s that the discussion turned to outcomes achieved by courts, irrespective of structure. Outcomes such as “access to justice” and “public trust and confidence” have become part of the current lexicon as a result of the publication of the Trial Court Performance Standards.² Now, courts answer the “What should we be held accountable for?” question by describing the results they have achieved with the resources at their disposal. This approach calls for a different way of planning for and managing court performance.

Today’s fiscal realities and public expectations demand that courts have a flexible process for creating and executing long-term and short-term strategies that will achieve sustained high performance of the court’s mission—the delivery of justice—in a rapidly changing environment. Strategic management represents an alternative way of conducting court business, which can be implemented in any court irrespective of size, structure, or other attribute. The strategic plan establishes the shared vision and strategies by which

the court will seek to achieve its goals. Once the plan is created, the vital work of aligning the individuals, functions, systems, and processes with the court’s strategic agenda can begin. The integration of strategic management practices in court operations and management is a long-term commitment. However, the benefits are many, as described later in this paper.

The District of Columbia Courts (“Courts”) have seen the benefits of this approach first-hand.³ The Courts adopted a formal strategic planning and management process a decade ago,⁴ and the results have been positive for its judiciary and staff, justice and community partners, budget, and most importantly, the people it serves every day. In this paper, as we describe some of the critical success factors for strategic management of courts, we will share the District of Columbia Courts’ experience and results, which we believe can be replicated or adapted by other courts to meet the needs of their particular jurisdiction.

STRATEGIC PLANNING AND MANAGEMENT IN THE COURT ENVIRONMENT

Over the past 20 years, courts in the United States and around the world have adopted strategic planning practices to navigate the complex and changing legal, fiscal, social, and technological environment in which they operate. Strategic plans enable courts to craft and implement long-term goals for the judicial branch despite frequent changes in judicial and/or administrative leadership. Court governing boards or policy-making entities can employ strategic planning processes as an inclusive and transparent mechanism

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for informing their policy decisions, directing court-wide strategic initiatives, and supporting projects or initiatives that are consistent with the court's goals as adopted in the strategic plan. By articulating a clear vision for the judicial branch through the strategic plan, courts can more effectively seek funding from the executive and legislative branches and communicate with justice system partners and the general community. Through the strategic planning process, courts can proactively assess the environment in which they operate and identify emerging issues that will impact the administration of justice. Strategic plans have also been used by courts to re-engineer business processes for more effective and efficient operations, to identify cost-savings or revenue enhancements, and to align court personnel and resources with long-term goals to achieve greater focus, performance, and public accountability. Finally, and perhaps of most significance, the strategic planning process provides courts a means by which to assess and evaluate, on a regular basis, how well they are performing their constitutional functions, i.e., their mission.

FOCUS ON THE MISSION

While courts come in all shapes, sizes, and structures, they share the common link of a unique mission—the fair administration of justice. This is a lofty and inspiring mission, and courts must do a better job communicating the importance of this mission to the public, to funding agencies, and to those who work within the justice system. Too often, in attempting to galvanize support for the judicial branch, court leaders are faced with the challenge of a public that lacks knowledge of or affinity for the court system. Most people regard courts as necessary public institutions with which one hopefully does not have the misfortune to come into contact. At best, courts may hope to earn the public's trust and confidence as a place where justice is sought after all other efforts to resolve a dispute, protect an individual's rights, or preserve public safety have failed. This makes for a difficult climate in which to seek public support of court initiatives or judicial branch funding in comparison to other public entities, such as local schools or law

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enforcement. However, courts that adopt strategic management practices as a fundamental way of doing business have a framework for communicating with stakeholders about the vitally important work of the judicial branch. By clearly defining the court's mission and goals in areas such as equal access to justice, due process, independence and impartiality, and fair and timely dispute resolution, the strategic plan becomes the basis for continuing conversations between court leaders and those within and outside of the justice system to enhance understanding and support for the courts.

A strategic plan and management process helps overcome some of the challenges that Mary Campbell McQueen and others have noted are characteristic of “loosely-coupled” organizations such as courts. In her paper titled “Governance: The Final Frontier,”⁵ McQueen describes the federated nature of courts, whereby judges, as highly trained professionals whose source of authority is individually-based, by virtue of their judicial selection and constitutional authority to apply the law, may feel constrained by organizational demands for administrative or performance accountability. There is an ongoing tension between the need to preserve judges' autonomy and independent decision-making in the courtroom and the need for accountability of the courts as a public institution. Compared to a typical hierarchically-structured organization, relationships and lines of authority in courts may be less predictable, less clear, and less stable. Judges and work units within courts function relatively independently, and frequent changes in judicial assignments and committees, presiding judges, and sometimes court administrators, add to the unpredictable alliances and relationships in courts. Judges have much autonomy and authority in their day-to-day work and make individual decisions in

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the courtroom and in other administrative capacities that impact the court as well as other agencies. Particularly in state courts, judges are faced with a variety of social issues that come before the court. They should be encouraged to identify creative solutions to issues affecting the administration of justice, innovations from which the community benefits greatly as evidenced by the success of diversion programs, drug courts, and the like.

At the same time, there is the risk that a judge may envision a solution that cannot be supported by the court as an organization. For example, a judge directing the provision of specialized supervision services by court probation officers to meet an urgent public safety concern may have the unintentional effect of diverting limited court resources from another critical need. Another example might be a jurisdiction that establishes a mental health court in one county, but because there is no funding available to support similar initiatives in neighboring counties, the court must address perceptions of “unequal justice” due to the disparity of available court services. While the actions of one judge may not adversely impact a court’s operations, when there are multiple judges issuing court orders or administrative directives that commit court resources or have policy implications, the impact can be quite substantial. A court-wide strategic plan provides a framework for judges to exercise their discretion in a way that is consistent with the goals of the overall organization and limits the risk that a judge will unwittingly direct court resources or create expectations in the community that the court cannot support.

The strategic planning process offers what McQueen describes as the “necessary ‘means’ for setting system direction in operations for continuous improvement while acknowledging the independence and professional competence of individual judges.”⁶ The strategic plan provides a framework for developing goals as an organization and encouraging individual judges to carry out their duties in a manner consistent with these goals, thereby enabling the court as a public institution to deliver and be held accountable for outcomes to which it has committed publicly in the strategic plan. An inclusive and participatory planning process develops trust and a sense of legitimacy, increasing the willingness of judicial officers and operating units within the courts to work collaboratively on behalf of the strategic plan.

At the District of Columbia Courts, we use the strategic planning process to foster a commitment to the Courts’ mission among our judiciary, workforce, justice system partners, and the broader community of court stakeholders. There are approximately 125 judicial officers, 20 separate divisions, and 1,200 employees within the D.C. Courts. Prior to the plan, it was more challenging to implement court-wide improvements in processes or procedures. With the plan, a heightened awareness of our interdependence in achieving the Courts’ mission provides a common platform from which we work together to achieve solutions. For example, our chief judges have more readily engaged judicial officers in discussions on the need to coordinate resources between the appellate and trial courts as well as between different divisions within each court, and the need to develop time to disposition and trial date certainty standards to meet courtwide goals for fair and timely case resolution. Similarly, the plan has facilitated an increased openness among our judiciary to different operational initiatives, such as staggered case scheduling, where cases are scheduled throughout the day rather than all at one time, to minimize wait times for the public. We recently consolidated and re-tooled information technology support services that were previously separately dedicated to the Court of Appeals and Superior Court; this achieved improved, seamless services to our internal customers and more efficient court-wide use of these resources. Internally, we have placed great emphasis on ensuring that every court

employee has a “line of sight” (discussed below) and understands how their job contributes to the Courts’ mission and strategic goals. Our chief judges and court administrative leaders also maximize opportunities to communicate about the Courts’ mission and strategic management process with external groups and with court personnel. All of these efforts create a strong foundation for public education initiatives, a performance-based organizational culture, and greater collaboration between judges, court managers, and justice system partners to meet our mission.

START WITH THE STRATEGIC PLAN: COMMIT TO STRATEGIC MANAGEMENT

When developing a strategic plan, courts must commit to move beyond strategic *planning* to strategic *management* by fully implementing a continuous cycle of planning, implementation, measurement, and evaluation. Too often, courts develop a strategic plan and fail to develop a workable process for executing the plan. Court leaders must realize that the creation of the strategic plan is the beginning rather than the end of the strategic management process. The implementation process can be different for every court depending upon a court’s culture, resources, geographic distribution, and other factors.

The specific content of the strategic plan may also vary from court to court. However, it is helpful if the plan articulates a court’s vision, mission, and values. An inspiring vision statement, which describes a desired future for the judicial branch, will garner support from court personnel, participants, and other stakeholders including the general public. Defining the court’s mission (or statement of purpose) in the strategic plan serves to foster understanding of the judicial branch and focus court personnel on key outcomes they must achieve, such as fair and timely case resolution and access to court services. Defining organizational values in the plan lets everyone know how court personnel are expected to accomplish the work of the court and provides an important tool for court managers to use in creating a performance-based

organizational culture that supports a strategically managed court.

At the District of Columbia Courts, we create a new strategic plan every five years, which inaugurates a new cycle of strategic management. The plan includes our vision statement, which has been adopted by several other courts: *Open to All, Trusted by All, Justice for All*. The plan also defines our mission: *To protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly, and effectively in the District of Columbia*. And it identifies our values: *accountability, excellence, fairness, integrity, respect, and transparency*. Of course, the substance of the plan is the goals and objectives and the strategies to accomplish them.

KEEP THE PLAN STRATEGIC

Strategic planning is a high-level, visionary process focused on the long-range direction for the organization. Court strategic planning teams should ensure that the process generates creative thinking among the participants about the long-term outcomes and results for which the court can and should be held accountable.

The strategic plan should identify strategies the court will employ to achieve goals and objectives. Often, however, planning efforts become derailed or fail to realize their full potential when the individuals involved begin identifying short-term projects or tasks to solve problems that are then compiled into a so-called “strategic plan,” resulting in a list of assignments for court staff or committees. When this happens, the plan is not strategic, but tactical. Such plans offer no direction or long-term strategy for court personnel to

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apply to their work and represent a missed opportunity to engage everyone in the court in helping to achieve the court's vision, mission, and goals. Ideally, the strategic plan is not a prescriptive operating plan from which the court carries out specific projects and automatically rejects initiatives not contained in the plan. Moving from strategic to operational planning is often a separate process where individual departments, committees, and staff identify and carry out projects and initiatives to accomplish the strategies defined in the strategic plan.

At the District of Columbia Courts, our strategic plan identifies goals, objectives, and strategies to achieve our vision and mission. The plan's objectives and strategies change every five years to adapt to changing conditions in our community, best practices in the field, and achievements from previous plans. However, our goals, such as fair and timely case resolution and access to justice, are generally designed to be enduring so that our judiciary and court personnel remain focused on the most essential components of effective justice from plan to plan. Once each plan is developed, we utilize another process to move from strategic to operational planning. This is our management action plan (MAP) process, which is described later in this paper.

ENSURE THAT LEADERSHIP IS COMMITTED

The importance of having top leaders champion the court's strategic planning and management process cannot be overstated. Court leaders must ensure that all personnel understand how their jobs help to fulfill the court's overall mission. Leaders need to talk about the court's vision and continually encourage everyone in the organization to think and act strategically within their individual spheres of responsibility to help the court achieve its strategic goals. This "line of sight," discussed later, is essential to having an engaged workforce that leads to a high-performing, strategically managed court.

Since strategic management is an ongoing process rather than a one-time effort to produce a plan, a

court can demonstrate its commitment to this process as a management tool by dedicating staff and resources to a strategic planning team. Ideal candidates for membership on a strategic planning team are individuals who have a "big picture" view of the court as an organization, who are forward-thinking and visionary, and who understand the value of a broad-based, inclusive planning process.

At the District of Columbia Courts, the Joint Committee on Judicial Administration, our governing board, appoints members to a Strategic Planning Leadership Council, which is a court-wide group composed of judges, top court administrators, division directors, and employees from different areas of the court. The Council has been in existence since 2002 and is responsible for conducting a broad-based, inclusive outreach and planning process to gather input for and develop the Courts' five-year strategic plan, which is submitted for approval to the Joint Committee.⁷ After the plan is adopted, the Council meets year-round to monitor the implementation of the plan, and to report periodically to the Joint Committee, which makes policy decisions, reviews and approves major strategic initiatives, and provides overall direction.

The D.C. Courts have also dedicated full-time staff resources to lead the strategic planning and management process. The Office of Strategic Management plans and coordinates the Courts' long-range planning activities in conjunction with the Council and directs the Courts' performance measurement process. Staffed by a director and two analysts, this office works with court committees and divisions on performance reporting, MAPs, and strategic initiatives to enhance court operations and performance.

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SEEK BROAD INPUT TO DEVELOP THE STRATEGIC AGENDA

The most successful strategic planning efforts gather input from all major stakeholder groups to inform the development of the strategic plan. A highly participatory planning process serves several purposes. Seeking input from court personnel strengthens their workplace engagement and line of sight to the court's mission, which ultimately enhances their service to the public. Seeking input from court users and community members demonstrates that court leaders believe the court's purpose is to effectively serve the community and that the court can only assure that it is doing so by listening to input from community members. It enhances court leaders' decision-making by making the views of different constituencies in the community available. It enhances the court's accountability to the public by providing community members with an opportunity to assess the court's performance. It conveys a sense of openness and transparency, which fosters public trust and confidence in the court. It creates trust and support among the judiciary for the resulting plan, which is essential to their willingness to participate in its implementation. Finally, it strengthens the court's relationships with the Bar and other justice and community agencies as it provides a regular mechanism for those groups to provide their input and for the court to communicate its goals, progress, and results.

The District of Columbia Courts undertake a year-long outreach initiative to gather input from court stakeholders and the community when developing our strategic plan. Through surveys and focus groups, we seek input from court litigants and their families, attorneys who practice in the courts, jurors, probation officers, law enforcement personnel and representatives of other justice system agencies, and community partners who regularly interface with the courts. We also solicit feedback from judicial officers and court personnel. Each time we conduct our court participant survey, we are told by court users that they appreciate the Courts' interest in their feedback. Our 2013-2017 strategic plan was developed with input from more than 4,000 individuals and groups with an interest in improving the justice system.

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SHARE RESPONSIBILITY FOR IMPLEMENTATION

A key element of the strategic management process is to share responsibility for operationalizing the strategic plan with all personnel in the court. Ideally, there is a process to move from strategy to operational planning to action, which can be tailored to the particular requirements of individual courts. Once a court's broad strategic goals have been defined, individual departments and committees can evaluate and plan their own particular contributions to those goals. Courts may require that each department develop its own strategy, or action plan to implement one or more goals of the court's strategic plan. A centralized review of departmental action plans is recommended to ensure the availability of court resources and to track the court's collective achievement of strategic goals.

The District of Columbia Courts established an implementation process for our strategic plan that we call MAPs, which is short for management action plans. Once a new strategic plan is adopted, all court divisions develop MAPs, which are division-level action plans outlining objectives, performance metrics, timeframes, and staff accountable for the successful completion of the objectives. MAPs are developed by division directors and their employees, in collaboration with presiding judges when appropriate, and are submitted to senior court leaders and a court-wide budget committee when new resources are requested. MAPs are updated annually in advance of the submission of division budget requests, employee performance plans, and performance contracts for division

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directors. Directors are held accountable for performance results. The Office of Strategic Management tracks all MAPs for their alignment and contribution to the strategic plan. This information is compiled and shared with the Strategic Planning Leadership Council, which provides an overall assessment of the progress of plan implementation periodically to the Joint Committee. The Joint Committee may direct the commitment of additional resources to particular goals or objectives of the strategic plan, as needed, or may issue other directives related to plan implementation based upon the information it receives from the Council.

An illustration of the District of Columbia Courts' process for cascading strategic plan goals and objectives into division-level MAP objectives may be helpful. Under the "fair and timely case resolution" goal, the strategic plan contains an objective, "the D.C. Courts will resolve cases promptly and efficiently," with a strategy to "use time standards, alternative dispute resolution, and best practices to manage cases." Because different case types require different time standards and case management practices, each division must individually implement this strategy. The Criminal Division MAP, for instance, contains the following objectives:

- Enhance case management and division performance by collaborating with judicial leadership to achieve case processing time standards per Administrative Order.
- Ensure timely case processing by performing Clerk's Office case processing activities within established time standards.

Each objective contains performance measures and targets, and is assigned to court personnel who are accountable for its achievement. For example, for the first objective, the performance target is to resolve 98% of all but the most serious felony cases within 12 months. This metric is a responsibility of the division director. For the second objective, which is assigned to Clerk's Office personnel, the performance target is to docket 95% of all motions, pleadings, and other filings within 24 hours of receipt.

ENHANCE PURPOSE AND CONTRIBUTION THROUGH LINE OF SIGHT

Extensive research documents the association between a highly engaged workforce and a high-performing organization.⁸ Ultimately, strategic management is about individual court employees taking the initiative and responsibility to ensure that their department's goals are met. One of the prerequisites for this is ensuring "line of sight," wherein all employees understand why their work as individuals is instrumental to the court's efforts to achieve its mission and ultimately its vision. Fostering this line of sight is a critical task of court managers and leaders and should be a deliberate and sustained effort in courts.

At the District of Columbia Courts, we recognized that a lot of employees knew what they were required to do, but not why. Prior to the strategic plan, they did not connect their daily job duties with any larger purpose in the organization, and they often did not know how their work related to jobs performed by co-workers or employees in other units of the court. Thus, their ability to problem-solve, to innovate, and to deliver excellent customer service was limited. We needed everyone in the organization to help achieve the Courts' vision, so we committed to creating a line of sight whereby every employee understood the importance of his or her job and the contribution he or she makes to the Courts' mission and goals. To support this effort, we implemented new performance management systems for top administrators and for all employees, and we linked achievement of division MAP objectives and performance targets to

employees' annual performance plans. Directors are now evaluated on several competency areas, including "strategic thinking," which encompasses, in part, instilling a sense of purpose and contribution among employees in their work.

We also implemented training for all new employees to ensure their understanding of, appreciation for, and connection to the Courts' mission. The Office of Strategic Management facilitates a discussion of the vision, mission, values, and goals of the strategic plan with new employees that highlights their contributions to the plan. The Clerk of the Superior Court teaches a two-day class that covers the history of the D.C. Courts and famous court cases in U.S. history, and also includes a visit to the U.S. Supreme Court, which is the next avenue of redress after the D.C. Court of Appeals. Newly appointed judges also receive a briefing on the Courts' strategic plan that demonstrates our court leadership's commitment to the strategic management process and their expectations of judicial participation.

To measure our progress in achieving line of sight for employees, the D.C. Courts participate biennially in a federal workforce survey.⁹ We were pleased with the most recent results, which found that 96% of our employees agreed or strongly agreed with the statement "The work I do is important" and 89% agreed or strongly agreed with the statement "I know how my work relates to the D.C. Courts' goals and priorities."

ALIGN COURT OPERATIONS TO THE STRATEGIC PLAN

Once a court has developed a strategic plan and an implementation process, a critical next step is to align other business functions such as the court's budget process, human resources management, and education and training to the plan. This ensures that the strategic plan is a living document that guides the court's personnel and activities, rather than becoming just another report that ends up on the court administrator's bookshelf. The strategic plan provides a framework for communicating with funding agencies about the court's priorities. Budget requests should

be linked to the goals of the strategic plan, and performance metrics should be incorporated that tie resource levels to specific outcomes.

Similarly, education and training programs should be aligned to the strategic plan. This is part of continually communicating the court's commitment to achieving its vision, mission, and goals. Judicial officers, court personnel, and justice system stakeholders who attend court-sponsored training should understand how the training is linked to the strategic plan. In many courts, strategic plans address education and training as a vital component of maintaining a high-quality judiciary and workforce, which is essential to public trust and confidence in the judicial branch.

The District of Columbia Courts face a unique budgeting challenge that we have successfully addressed, in large measure, by structuring our budget requests to align with our strategic plan. As the only "state-level" court system in the United States that is directly funded by the federal government, the D.C. Courts' nearly \$300 million budget is submitted to the U.S. Office of Management and Budget and to the U.S. Congress along with the billion dollar budgets of most federal agencies. In order to effectively compete for funding with those much larger federal agencies, we have worked extensively to educate federal budget staff on our strategic plan and to ensure that our budget links all requests for new resources to strategic goals. Further, the budget includes performance metrics that track our progress in meeting these goals. Senior court leadership and the budget committee evaluate division budget requests based on criteria such as their alignment with the strategic plan, cost-effectiveness, consistency with best practices, and the results or outcomes expected to be achieved with the additional resources.

Human resources management is another key area that should be aligned with the strategic plan. Ultimately, courts must create performance-based organizational cultures, where everyone is prepared and encouraged to think and act strategically, within their sphere of responsibility, on behalf of the organization. Courts should assess their strengths and weaknesses and target both areas for enhancement. At the D.C. Courts, we revamped our performance management

system, expanded education and training, and implemented a multiyear “Building a Great Place to Work” initiative, which has spawned work-life balance and wellness programs, internal communications initiatives, and enhancements to the performance management process. We recognized that our human resources function needed to become a more strategic partner, so we developed a human resources-specific strategic plan that aligns with our court-wide strategic plan. We have invested significant resources in leadership development for our judicial and executive leadership teams, our senior management team, and aspiring managers, in addition to the establishment of a joint judicial and executive leadership development program. We have worked hard to ensure that all employees understand how their job contributes to the Courts’ mission and goals, and are implementing an “employee engagement” performance metric.

TRACK PROGRESS WITH PERFORMANCE MEASURES

At the outset of the strategic planning process, courts should consider how they will measure their success. Fortunately, the National Center for State Courts and other organizations have produced a wealth of information on performance standards and metrics that can be helpful to courts implementing strategic planning and management practices. CourTools¹⁰ is one set of balanced measures that courts around the United States are increasingly adopting.

The District of Columbia Courts adopted a set of performance measures several years ago to monitor our progress in achieving the goals of the strategic plan. We are working to refine the measures by creating the smallest number of meaningful measures we need to produce better performance information to enhance organizational effectiveness. To provide a balanced view of the Courts’ performance, our metrics address access to justice, fair and timely case resolution, fiscal accountability, and other key areas. Several measures address judicial performance, such as time to disposition, trial date certainty, age of pending caseload, and ratio of case dispositions to case filings (i.e., “clearance rate”), while other measures focus on

the performance of a Clerk’s Office. The inclusion of judicial performance metrics as part of our strategic plan has enhanced our judiciary’s awareness of the institutional identity of our courts and their collective sense of responsibility for effective organizational performance, which is critical for strategic management of courts. In addition to the court-wide measures, all divisions have performance metrics in their MAPs.

COMMUNICATE, COMMUNICATE, COMMUNICATE

Court leaders and strategic planning teams must continually communicate with internal and external stakeholders about the court’s commitment to strategic management. This entails taking every opportunity to talk about the court’s strategic plan and about how the court manages itself through a performance-based organizational culture and strategic practices. Conferences and meetings (both internal and external), Bar functions, court-sponsored training, State of the Judiciary reports, budget and other legislative hearings, community meetings, court intranet and Internet web sites, and annual reports are some of the formal venues available to publicize a court’s strategic plan. High-performing courts use the plan as the framework for a continuing dialogue with stakeholders on what priorities the court should have and for what results the public may hold the court accountable.

CourTools is one set of balanced measures that courts around the United States are increasingly adopting.

Ultimately, it is the day-to-day behavior of individual court employees and judges who must translate the vision, mission, and goals of the court into countless actions that drive the success or failure of strategic management. Therefore, courts must ensure that everyone has a line of sight and understands their contribution to the court's mission and goals. Performance information should be routinely communicated throughout the organization to inform decision-making, enhance accountability, and foster court improvement. Accomplishments should be celebrated and explicitly linked to court goals as stated in the strategic plan.

At the District of Columbia Courts, our chief judges and Executive Officer routinely communicate with judicial officers, employees, and external groups about the strategic plan. We refer to the plan in speeches, testimony, meetings, briefings, and written communication as often as we can to demonstrate our commitment to this process. Our budget requests are framed around our strategic goals and performance measures. Top court administrators hold periodic town hall meetings with employees to discuss progress and initiatives underway related to the Courts' strategic plan. Our vision statement is displayed on our stationery, e-mails, and website. We publish periodic information about accomplishments related to the strategic plan on our website.

BENEFITS OF STRATEGIC MANAGEMENT: FROM THE COURTROOM TO THE COURTHOUSE AND BEYOND

Having highlighted some key factors in the successful implementation of strategic planning and management practices in courts, we turn now to a brief discussion of some of the primary benefits of this approach. As noted by Richard Van Duizend and Kathy Mays Coleman in their article titled, "Why Not Now? Strategic Planning by Courts in Challenging Fiscal Times," strategic planning "can help court leaders shape their courts and organizational environments by:

Accomplishments should be celebrated and explicitly linked to court goals as stated in the strategic plan.

- 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 the law; independence and impartiality; equal protection and due process; expedition and timeliness; accountability; and public trust and confidence."¹¹

To this list, we would add that the adoption of strategic planning and management practices can help courts in other ways: to establish an organizational identity and present a single message about the court to the public and funding agencies; to enhance working relationships of judges and court administrators; to establish a process for self-measurement and thereby promote judicial branch independence; to balance autonomy and collaboration, thereby addressing governance challenges common to courts; and to foster seamless leadership transitions.

SPEAK WITH A SINGLE VOICE

Courts historically have lacked a strong, unified voice in conveying the message of their mission to the public. Relative to the other branches of government, the judicial branch has depended on others—notably the Bar and academic institutions—to communicate our purpose and needs as an institution to the public we serve. While understandable, this has not always served us well or fully met our needs. Meanwhile, there have been times when courts have many individual “messengers,” with every judicial officer conveying his or her own message about the judicial system without regard to the need for a common message about the system as a public organization. While every communication effort may be well-intentioned and well-informed, this can lead to very different and sometimes conflicting messages about the goals, priorities, and operations of the courts. Ultimately, it may undermine efforts to seek court funding and build public trust and confidence in the justice system.

Prior to the strategic plan, the District of Columbia Courts did not have a single document that could be readily used by judges, managers, and employees to convey the Courts’ mission, goals, and priorities. The plan contains simple but compelling vision, mission, and values statements that create a common understanding about the courts.

Internally, the plan has helped establish an organizational identity and culture for the D.C. Courts. The strategic plan is our template for defining the D.C.

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Courts as an organization rather than a collection of individual courtrooms. We talk about the Courts’ vision statement in meetings with personnel as often as possible. Most recently, we updated the Courts’ values statement and are working intensively with court managers and staff to create shared expectations about behavior and performance standards that align with our core values of accountability, excellence, fairness, integrity, respect, and transparency.

In addition to facilitating internal communication, the strategic plan helps us “speak with a single voice” to external stakeholders. We routinely share the plan in meetings with justice system partners and community organizations, furthering our goal of openness and transparency. This promotes positive relationships with stakeholders, as they see us engaged in a collaborative process of seeking their input in the planning process and then providing feedback by sharing the plan and reporting on our progress. Finally, we use the strategic plan to guide the structure and content of the District of Columbia Courts’ budget, annual report, and other official documents, so that all written communication about the courts, for internal and external audiences, is in “one voice.”

ENHANCE WORKING RELATIONSHIPS OF JUDGES AND COURT ADMINISTRATORS

One noted benefit of strategic planning for courts is that it fosters collaboration and partnerships, particularly between judges and court administrators, who bring different strengths to a court organization. Presiding Judge Barbara R. Mundell and Chief Justice Wallace B. Jefferson write that an ideal partnership between judges and court administrators is one of “shared court leadership” based upon “a strong sense of shared court mission, a common organizational vision, mutual respect and trust, and continued open channels of communication.”¹² Courts that have strong strategic management practices in place change their orientation from being a collection of many individual courtrooms to a court system that

shares a vision for its desired future, an understanding of its essential mission, and a view that it has limited resources with which to carry out that mission. With this more collective view, there is greater collaboration between judges and administrators.

Our strategic plan has facilitated this type of partnership at the D.C. Courts, as judges and managers have an objective set of shared goals from which to discuss proposed projects, initiatives, and resource allocations. Division MAPs provide a more detailed set of objectives, performance metrics, and initiatives in each division to facilitate communication and collaborative planning between judges and administrators. As an example, within the Superior Court, presiding judges work closely with division directors on performance reporting, attending monthly meetings convened by the chief judge and divisional working group meetings, and delivering semi-annual performance presentations. At a broader level, this process has in many ways brought together the three distinct entities that compose the District of Columbia Courts: the appellate court, the trial court, and the support units. Whereas these entities used to function quite independently (particularly the appellate and trial courts), we now view ourselves as “one court” and use our strategic planning process to further the interests of the entire court system.

MAINTAIN BRANCH INDEPENDENCE

By enabling courts to set their own goals and performance standards, strategic planning and management practices help courts maintain the independence of the judicial branch. Courts that establish an open strategic planning process that seeks input from and communicates results to a wide array of justice system stakeholders gain credibility. Stakeholders trust that the court can effectively manage the planning and operation of the judicial branch to serve the needs of their constituents. As a result, they are more willing to grant independence to the courts.

Courts that establish an open strategic planning process that seeks input from and communicates results to a wide array of justice system stakeholders gain credibility.

For the District of Columbia Courts, the strategic plan facilitates a proactive approach to educating and informing others about our mission, goals, and priorities. With the plan as our starting point, we talk about our commitment to strategic management of the courts through our vision, mission, and values statements; MAPs; line of sight for employees; alignment of our budget, human resources, training, and other functions; and performance standards and measures. We communicate that we have a process in place for reaching beyond the walls of the courthouse to listen to those we serve as we develop our priorities and assess our own performance. In this way, strategic planning is a powerful tool for promoting independence of the judicial branch.

BALANCE AUTONOMY AND COLLABORATION

Court leaders are challenged to balance the need for judges to be independent and autonomous in the courtroom while ensuring that the court as a public institution is effective, efficient, and accountable. In loosely coupled organizations such as courts where judges and work units function autonomously in carrying out their day-to-day work, it is essential to create a mechanism for collaboration towards shared organizational goals that appeals to the organization's members. A well executed strategic planning and management process can serve as the “glue” that connects the participants in the organization together while at the same time preserving their essential autonomy and delegated authority.

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To be successful, courts must implement a highly inclusive and participatory planning process, as this allows for collaborative decision-making and creates trust. Judicial leaders must demonstrate legitimacy in their leadership to their judicial colleagues, or they will simply be ignored. McQueen states “In the state court structure, as with any loosely coupled system, the leader’s legitimacy flows as much from its members as from the enabling authority. The way the leader assigns roles or provides opportunities for input will either enhance or diminish legitimacy.”¹³ With the establishment of a shared vision among judicial officers and court administrators, and the continuous execution of strategic management practices to communicate that vision, court leaders can effectively create an organizational identity and sense of connectedness without compromising the autonomy of judges and work units within the court.

In addition to a broad-based planning process, court leaders must continually communicate the shared vision of the courts to members of the organization as well as external stakeholders. Participants in loosely coupled organizations must have information on the goals, progress, and performance of the organization in order to understand and support it; otherwise, they operate in silos, focused on their own issues and potentially unaware of the needs of the larger organization. To borrow a final quote from McQueen, “for court leaders, developing a ‘process’ to plan and guide the system in this vein is as important as the actual plan.”¹⁴ This is where strategic management becomes important. As discussed earlier, the strategic plan is just the first step. The main thing is to develop a

process or set of practices whereby courts use collaborative methods to gather input, on a regular basis, from stakeholders, set organizational goals, assess and communicate their progress, adjust operations as needed, and instill an organizational culture of shared accountability, transparency, and high performance while preserving the delegated authority and autonomy that are important values in courts.

CONTINUITY DURING CHANGE

Finally, integrating strategic planning and management practices in court operations allows for continuity and stability during leadership transitions, which is a key governance challenge that every court experiences from time to time. The designation of a new chief judge or court administrator need not mean a major upheaval for the court, but instead the transition can be seamless if there is a plan in place with the appropriate monitoring mechanisms to ensure its implementation during the leadership change. Similarly, other leadership changes such as presiding judge rotations are easier if there is a strategic plan and an implementation process (such as the D.C. Courts’ MAP process) in place.

Since our adoption of strategic management practices a little more than a decade ago, the District of Columbia Courts have undergone multiple leadership transitions. New Chief Judges were appointed to the Court of Appeals and Superior Court. Judicial officers serving on the Courts’ governing board completed their terms of service and new members were appointed. There have also been numerous changes to the leadership of court divisions, as Presiding and Deputy Presiding Judges have rotated between assignments. Moreover, within court administration, we have several new division directors and a new Clerk of Court. All of these leadership changes have been made easier by the existence of our strategic plan and strategic management practices, which provide a vision for our court as an organization with shared goals and resources, and a set of transparent business practices for prioritizing and conducting the work of the court.

CONCLUSION

The call to court leaders to think beyond the daily crises and the demands of high caseloads and budget shortfalls is vitally important given the rapidly changing environment for courts today and in the future. We cannot anticipate all the challenges ahead, and we are unlikely to discover a court structure that can be universally adopted. However, courts can implement robust and flexible strategic management processes that strengthen their overall capabilities and performance, thereby fostering the independence of the judicial branch and public trust and confidence in the justice system.

A decade after we first embarked on this journey, admittedly with some skepticism, the District of Columbia Courts has become an organization that embraces strategic planning and management practices and is still discovering how to maximize the opportunities presented. The strategic plan has helped create a sense of institutional identity, commitment to mission, and mutual responsibility for organizational performance among judges, managers, and staff. We have a common understanding and sense of purpose about the Courts' mission and goals, and a framework for communicating about them with others. We have garnered significant support from funders for our annual budget submissions due, in large measure, to the link between strategic goals, performance outcomes, and resource requirements. We have created for employees a line of sight so they understand the importance of their jobs, and can think and act strategically each day to help achieve the Courts' vision and mission. We have an inclusive and participatory planning process that has strengthened our relationships with the Bar, the public, and other partners in the justice system. With the benefit of community input, we set our own goals and performance standards. We have metrics to measure our achievement of those goals, and we report our results to the community we serve. We continue to refine and tailor our strategic management practices to our changing environment, and we anticipate even greater returns on our investment in the future. In this way, we foster public trust and confidence in the courts, while maintaining judicial branch independence.

We encourage other courts to explore strategic management practices as a means of effectively addressing many issues facing court leaders, including preserving, communicating, and advancing the vital mission of the judicial branch.

We continue to refine and tailor our strategic management practices to our changing environment, and we anticipate even greater returns on our investment in the future.

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1 See, e.g., A.B.A. Commission on Standards of Judicial Administration, *Standards Relating to Court Organization* (1974).

2 Nat'l Ctr. for State Courts and the Bureau of Justice Assistance, U.S. Dep't of Justice, *Trial Court Performance Standards with Commentary*. (1990).

3 See District of Columbia Courts, www.dccourts.gov (last visited July 8, 2013). As the Judicial Branch of the District of Columbia government, the District of Columbia Courts include the Court of Appeals, the Superior Court, and the Court system, which provides support services for the appellate and trial courts. Because the District of Columbia has no intermediate appellate court, the Court of Appeals hears all cases appealed from the trial court, over 95% of which are mandatory. The Court of Appeals also reviews decisions and orders of D.C. Government administrative agencies. Final judgments of the Court of Appeals are reviewable by the U.S. Supreme Court. The Superior Court is a general jurisdiction trial court that processes civil, criminal, domestic violence, family, probate, and tax cases, and operates the juvenile probation function for the District of Columbia.

4 See Daniel H. Straub, *Creating Alignment: Strategic Management in the District of Columbia Courts*, 20 *COURT MANAGER* (Winter 2005-2006).

5 Mary Campbell McQueen, *Governance: the Final Frontier*, Harvard Executive Session for State Court Leaders in the 21st Century (2013).

6 *Id.* at 7.

7 Governance of the D.C. Courts is provided by the Joint Committee on Judicial Administration. As required by local statute, the Joint Committee sets policy and oversees certain administrative and financial activities, including budget submission, procurement, and auditing; general personnel policies; information management, performance monitoring, and statistical reporting; and formulation and enforcement of standards for outside activities of judges. The Joint Committee is chaired by the Chief Judge of the Court of Appeals and includes the Chief Judge of the Superior Court, one appellate court judge, and two trial court judges elected by their respective Boards of Judges.

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