

Framework for Action

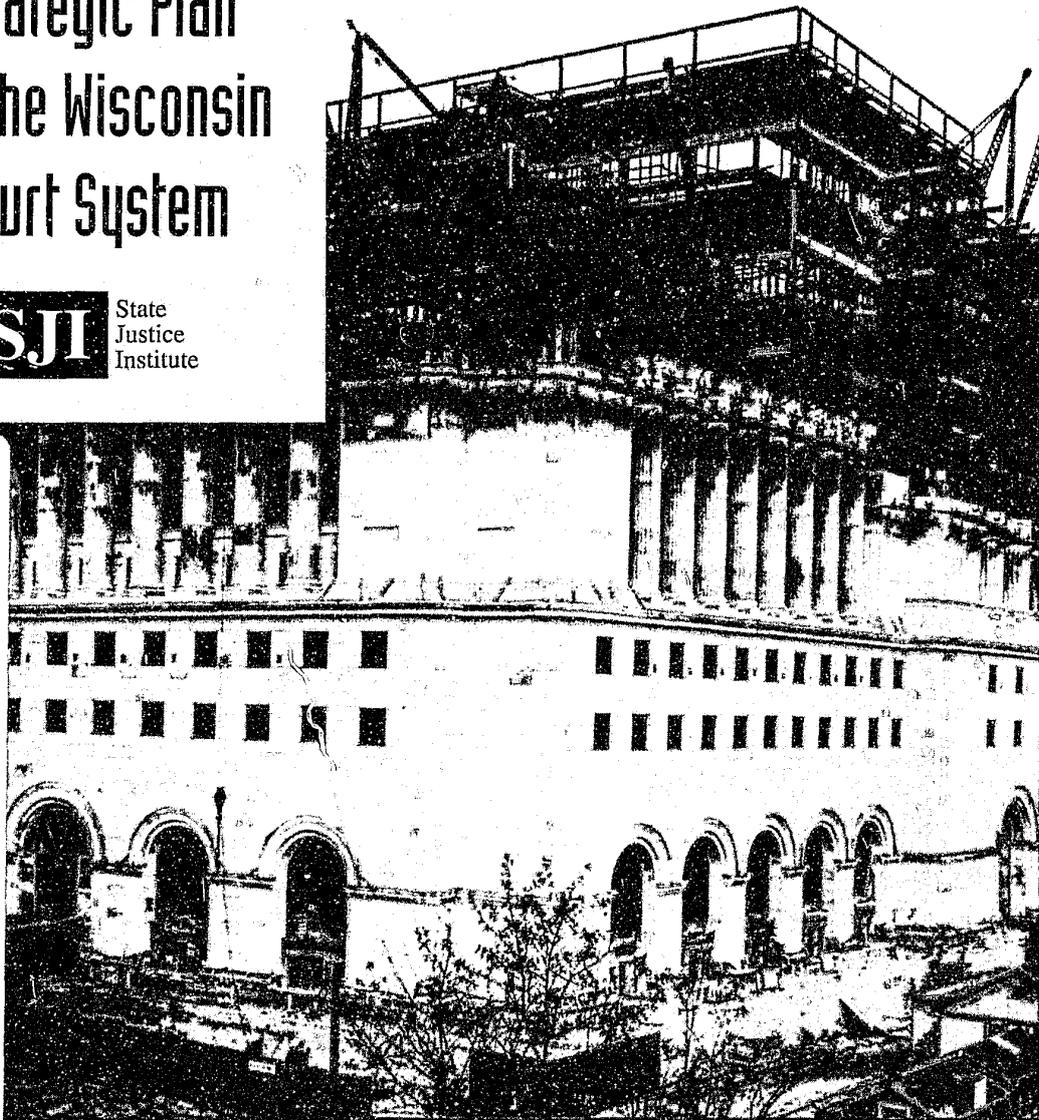
Strategic Plan for the Wisconsin Court System



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Supreme Court Planning and Policy Advisory Committee

Prepared by John Martin and John Voelker • July, 1994

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FRAMEWORK FOR ACTION:**STRATEGIC PLAN FOR THE WISCONSIN COURT SYSTEM**

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July, 1994

NCJRS

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SECTION I: INTRODUCTION

Introduction

Strategic planning -- a disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does, and why it does it -- was undertaken by the Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court as one response to increased concern about the court system's ability to adequately meet the demands confronting it today and in the future. More specifically, the purpose of the one-year intensive strategic planning effort included:

- ▶ Articulating what the Wisconsin state courts should be doing by establishing a current organizational mission and vision for the future;
- ▶ Assessing the court system's capacity for providing services by examining its structure, organization, procedures and policies, and determining its strengths and weaknesses in light of expectations for what it should be doing and the social, political, economic, and technological trends shaping the justice system environment;
- ▶ Developing an enduring, future-oriented, service provision strategy that responds to critical issues by establishing general improvement strategies that include comprehensive goals and objectives; and
- ▶ Establishing a foundation for on-going strategic planning and strategic management within the courts.

Strategic Plan Contents

This document provides a summary of the general direction the Wisconsin court system should head over the next decade, describes why PPAC has chosen the direction it has recommended, and outlines the goals and objectives it intends to pursue over the next 3-5 years. It also describes how and why each step in the strategic planning process was undertaken.

Section II presents Wisconsin court system's mission and vision statements. The mission statement stresses that the court system's fundamental purpose must include:

- ▶ protecting individual rights, liberties, and privileges;

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- ▶ maintaining the rule of law;
- ▶ providing forums and the infrastructure for dispute resolution; and
- ▶ insuring that justice in Wisconsin is fair, accessible, independent, and effective.

The vision statement emphasizes that the Wisconsin court system will pursue its mission while also embracing a variety of fundamental organizational and institutional values. These values include being fair, understandable, consistent, flexible, compassionate, affordable, user-friendly, truth seeking, accessible, efficient, and final.

Section III summarizes the results of an analysis of the social, economic, political, and technological trends likely to shape Wisconsin's future, accompanied by a review of the trends' potential implications on the mission, organization, and operations of the state court system. The eight trends examined in detail are:

- ▶ An increasing number of diverse expectations for the courts' role in society.
- ▶ Increasing multi-racial and ethnic population contact with the judicial system.
- ▶ Population aging.
- ▶ Slow or gradual economic growth.
- ▶ Economic restructuring.
- ▶ Increased scrutiny of court and justice system resources.
- ▶ Increasingly sophisticated computer technology.
- ▶ The merging of computer and communication technologies.

Unless positive actions are taken to shape a more favorable future, the Wisconsin court system will become less able to fulfill its mission and move towards its desired goals. Without action, courts might more frequently become losers in an increased competition for adequate resources, and unsatisfied consumers of justice and other public services might increasingly blame the courts for broader social problems. It is feared that separate and very unequal systems of justice for those who can afford private alternative dispute resolution forums and those who cannot will develop, and that greater gaps in service quality between rural and urban areas will emerge. Also, the courts could lose their distinct role within society and become part of an encompassing, and unaccountable, justice system. Finally, as a result of an increasingly

poor work environment, the professionalism and general quality of people working in the courts might decline.

Section IV catalogs the strengths and weaknesses of the Wisconsin court system's institutional capacity. The aspects of organizational capacity examined were the structure and organization of the system; the rules, policies, and procedures designed to shape performance; attitudes and expectations about the appropriate roles of the courts and court staff; and, the magnitude and predictability of resources available to the court system.

The assessment of the Wisconsin court system's strengths and weaknesses shows that among the system's greatest strengths are the flexibility local courts retain to make appropriate rules governing their day-to-day operations, and the good reputation for integrity enjoyed by judges and other court personnel. In contrast, among the more serious system weaknesses are the public's lack of understanding about what the courts and justice system can and cannot be expected to do, conflict between courts, county boards and the state legislature over policy and funding priorities, and a general lack of resources to provide administrative support.

Section V describes the five strategic or critical issues to be addressed by the Wisconsin court system during the next five years. Strategic issues reflect trends, events, or policy choices that fundamentally affect the court system's mandates, mission, values, service levels and mix of services, costs, organization, and management. Section V also describes the general strategies as well as some of the specific goals and objectives the courts will follow over the next five years.

The five issues and the general strategies for responding to each issue described in Section V are:

Issue 1: Delineate the societal needs the judicial system can realistically meet.

Facilitate understanding between the judiciary, the legislature, the executive branch, and the public about what the courts and justice system can and cannot do, and should and should not do.

Issue 2: Refine the manner in which the judicial system addresses the problems confronting it.

Often, the independently elected judges and the many justice system agencies that must work effectively together for there to be a responsive, effective judicial branch, do not speak with a

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consistent, visionary voice. There needs to be increased communication among different courts and justice system agencies and collaborative decision making.

Issue 3: Improve the judiciary's ability to obtain sufficient resources for fulfilling its constitutional and statutory responsibilities.

Determine the total costs of court and justice system services and the advantages and disadvantages of a state-wide funding approach.

Issue 4: Improve public understanding and support for the judicial system.

Increase community understanding of the court system by establishing community outreach programs, communicating court system actions and decisions clearly and completely to the community, and providing meaningful public access to the court system. Also, increase the court system's awareness and understanding of the community by developing effective ways to elicit community input concerning the court system, and integrating public needs and suggestions into court policies and procedures.

Issue 5: Define the appropriate role of the courts in developing and participating in the use of alternative dispute resolution.

Involve judges, court administrators, and attorneys when developing court system oversight of alternative dispute resolution processes.

Finally, Section VI reviews the methodology the planning process employed and describes how planning results will be implemented and updated.

SECTION II: THE MISSION OF THE WISCONSIN COURTS

Introduction

Organizations, like individuals, need a sense of purpose if they are to function effectively in the long term. Both a mission statement and the process of creating a mission statement help provide that sense of purpose. A mission statement also helps an organization or an institution focus on what is important, and provides a reference point or touch-stone to help it when it develops and prioritizes goals and strategies.

In contrast, a vision statement describes what an organization desires to become. It provides a picture of what the Wisconsin court system would be like under ideal conditions; it describes what the courts intend to move towards.

Both the court system's mission and vision statements reflect the expectations, needs, and desires of a variety of diverse stakeholders in the courts, as well as the mandates the court system is required to meet. Stakeholders are people, groups, or organizations that either can place a claim on the court system's attention, resources, or services, or are affected by what the courts produce. Stakeholders in the Wisconsin courts include the people of Wisconsin, litigants, court staff, attorneys generally, participants from other agencies in the justice system, policy-makers, and judges.

The Mission and Vision of the Wisconsin Courts

- ▶ The mission of Wisconsin's court system is to protect individuals' rights, privileges and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes, that is fair, accessible, independent, and effective.

The mission statement includes four important dimensions. First, it stresses the court system's role of protecting individuals, particularly by protecting their rights, privileges and liberties. Second, the mission statement emphasizes that the court system helps to maintain the rule of law. Third, the mission statement acknowledges the need for the court system to provide a forum or forums for the resolution of disputes; it acknowledges the need to provide an infrastructure for dispute resolution. Fourth, the mission statement indicates that the court system is to provide more than just forums for dispute resolution but provide forums that are fair, accessible, independent, and effective.

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The vision statement stresses the need to be efficient, fair, understandable, consistent, flexible, compassionate, affordable, friendly, protective, truth seeking, accessible, final, and adequately and appropriately funded. Specifically:

- ▶ In the future the Wisconsin court system will be understandable, readily accessible, and flexible. It will provide prompt, user-supportive, and appropriate forums for the types of disputes that need to be resolved. It will operate efficiently and effectively. The core values of integrity, compassion, fairness, and consistency will be reflected throughout the Wisconsin court system.

SECTION III: TRENDS ANALYSIS

Introduction

The purpose of a trends analysis is to identify the nature, magnitude, and sources of demands likely to be placed on an organization or institution and to assess the potential implications of the demands on the structure and operations of the institution.

A trend is a series of related events or activities that appear to have a demonstrable direction over time. Continuation trends -- e.g., population aging -- describe the continuation of past and present. Cycles are events -- e.g., depressions, droughts -- that might not be part of our present, but were some part of the past and quite possibly could be important in the future. Emerging issues are issues potentially looming in the future that are barely visible in the present, and nonexistent in the past. For example, fifteen or twenty years ago the use of personal computers would have been an emerging issue.

Four categories of trends -- social, economic, political/policy, and technological -- were identified in the trends analyses conducted by the planning team.

Social trends describe changes in the composition, order, and structure of interactions among individuals within a society, and in large part define the size and nature of the justice system client population, particularly the size of its indigent client population.

Economic trends describe changes in the relationships among individual well-being, the nature and composition of work and the work force, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundation of the justice system, and shape basic social conditions.

Technological trends describe changes in the composition, application, and broader social effects of tools. They also describe changes in techniques for developing, producing, and distributing products and services. Technological trends shape the types of demands confronting service organizations and perhaps even more importantly, hold the potential for dramatically altering the way organizations can do their work.

Finally, political and policy trends describe changes in the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for public decision making, and resource distribution. Political and policy trends also describe preferred responses to collective problems and the appropriate roles of individuals, as well as public and private organizations, in developing, implementing, monitoring, and modifying responses to collective responses.

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Described below are the important social, economic, political/policy, and technological continuation trends, cycles, and emerging issues identified by the PPAC planning group. The trends' potential implications on the courts are described, as well.¹

Social Trends

- ▶ An increasing number of diverse expectations for the courts' role in society.

The increasingly complex social and economic problems of the past decade are expected to continue over the next few decades. As one consequence the court system will be confronted by a variety of very diverse expectations about its appropriate role in society. In particular, Wisconsin courts will be expected to be tough on crime yet also be heavily involved in the provision of social services, while continuing to insure adequate judicial system access for "ordinary" citizens.

- ▶ Increasing multi-racial and ethnic population contact with the judicial system.

Largely as a result of birthrate and migration trends, during the next few decades the size of Wisconsin's non-white minority racial and ethnic population is expected to increase more rapidly than the white majority population. As one consequence the courts will need to be better prepared to deal with issues of cultural diversity such as cross-cultural communication.

- ▶ Population aging.

As a result of migration patterns, the aging of the baby-boom generation, and other factors, the Wisconsin population will continue to age over the next few decades. An eroding tax base, a less vibrant economy, increased health care litigation, and an aging workforce are among the likely implications of population aging.

¹ Detailed implications assessment wheels, developed by planning group members, for each of the trends are included as Appendix I.

Economic Trends

▶ Slow or gradual economic growth.

It is likely that both the United States and Wisconsin economies will experience up and down cycles over the next few decades. Still, when compared to past decades, slow or gradual economic growth is expected to be the underlying long-term pattern. Increased competition for relatively fewer tax dollars, demands for job training and growth stimulation, user fees, and the potential for greater social instability are some of the likely implications of slow economic growth.

▶ Economic restructuring.

The dramatic restructuring of the American and Wisconsin economies within the increasingly global economy that emerged in the 1980s and early 1990s, is likely to continue into the next century. The consequences of the restructuring are likely to include declining numbers of better paying manufacturing jobs, increasing wage and salary disparity among different types of workers, a shrinking middle-class, increasing numbers of business start-ups and failures, and changing job skill requirements.

Policy Trends

▶ Increased scrutiny of court and justice system resources.

Suspicion of government in general, and a less robust economy are among a few of the factors that will lead to increased scrutiny of court system resources in the coming decades. The consequences of this increased scrutiny of resources will include stiffer competition for resources, a need for court representatives to lobby more effectively, a need for better judicial system management, and a need for more clearly established court system priorities.

Technological Trends

▶ Increasingly sophisticated computer technology.

The Wisconsin court system has not been able to keep up with emerging computer technology. The sophistication of technology already has moved well beyond the technical sophistication of many judicial system personnel, and the gap is likely to

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increase during the next decades. Some of the more important implications of increasingly sophisticated computer technology are a need for systematic equipment procurement, adequate funding, and extensive judge and staff training.

▶ The merging of computer and communication technologies.

Not only is computer technology becoming more sophisticated, it is increasingly becoming merged with rapid developments in communications technologies. The wedding of computer and communications technologies will be even more pronounced in the next decades. This trend will result in possible redefinition of the role of judges and other staff, dramatic changes in rules of evidence, and the compilation, manipulation, and storage of court records.

"Slow Bleed" Scenario

The purpose of a scenario is to provide a comprehensive picture of the potential collective effects of a variety of diverse trends. A scenario describes the possible magnitude, sources, direction, and consequences of anticipated trends. A scenario is not a prediction, but rather is a fact-based speculation about what might happen in the future.

The "slow-bleed" scenario presented below indicates that without considerable effort by the Wisconsin courts to shape a more favorable future, gradually but steadily a largely undesirable future is most likely to emerge over the next few decades.

By the beginning of the 21st century the Wisconsin court system was less and less able to fulfill its desired mission of protecting individuals' rights, privileges and liberties, maintaining the rule of law, and providing a forum for dispute resolution that is fair, accessible, independent, and effective. The direction and magnitude of the trends shaping the Wisconsin court future had resulted in a large and increasing gap between the Wisconsin court system's service delivery capacity and the serious demands confronting it.

Specifically, lacking an effective united voice and a coherent, comprehensive improvement agenda, the courts more and more frequently lost the increased competition for adequate resources. Moreover, because they lacked a realistic understanding about what the courts should and should not be doing, dissatisfied consumers of justice and other public services increasingly blamed the courts for broader social problems. Separate and very unequal systems of justice emerged for those who could afford private alternative dispute resolution forums and those who could not, and a sizeable service quality gap also emerged between rural and urban areas. Also, by the end of the first decade of the new century, courts had lost their image and

distinct role within society, and had become part of an all encompassing, unaccountable justice system. Perhaps not too surprisingly, as a result of an increasingly poor work environment the professionalism and general quality of people working in the courts was noticeably declining.

SECTION IV: THE WISCONSIN COURT SYSTEM INFRASTRUCTURE

Introduction

An organizational assessment describes the structure and operation of an organization and identifies its strengths and weaknesses. It helps to determine an organization's or institution's capacity to meet not only current but likely future demands. The assessment process conducted by the planning team examined the structure and organization of the court system; the rules, policies, and procedures designed to shape performance; attitudes and expectations about the appropriate roles of the court and court personnel; and the magnitude and predictability of resources available to the courts.

Organizational Strengths and Weaknesses

The Wisconsin court system vests considerable control in local courts over both day-to-day court management as well as broader court policy. It also relies heavily on local government resources for the funding of many essential court services. However, at the same time, the Wisconsin courts are formally structured to be a unified state-wide court system, and thus the system is expected to provide uniform or standardized court services throughout the entire state. Unless there is tremendous communication and cooperation between state and local court system representatives, the constant tension between the need for both centralized court system funding and governance and decentralized local governance and funding, can lead to fragmentation and limit the court system's capacity to be an effective, equal, third branch of government.

Listed below are the structural and organizational, policy and procedural, and resource strengths and weaknesses of the Wisconsin court system identified by the PPAC planning team.

Summary of Structural and Organizational Strengths -

- ▶ Wisconsin has a fundamentally workable state court structure and organization.

Summary of Structural and Organizational Weaknesses -

- ▶ Some judicial districts are too large.

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- ▶ Chief judges of the administrative districts are expected to do more than realistically can be done.
- ▶ The Wisconsin Supreme Court needs to be more involved in system management and planning.
- ▶ There is not enough court administrative support in many jurisdictions.
- ▶ There is uneven use of parajudicial personnel throughout the state.

Summary of Policy and Procedural Strengths -

- ▶ Judges are not hemmed in by numerous mandatory standards.
- ▶ A system for the enforcement of judicial ethics is in place.
- ▶ Sentencing guidelines are not mandatory; judges have sentencing flexibility.
- ▶ Generally, an emphasis on local rules permits courts to meet local needs and to experiment.
- ▶ Relaxed rules of evidence are allowed where appropriate (e.g., small claims court).
- ▶ Family dispute mediation is mandatory in certain cases.

Summary of Policy and Procedural Weaknesses -

- ▶ Statutes for court operations need revision.
- ▶ In some instances, too many local court rules result in too many differences in practice among local court districts; there is a need for greater standardization.
- ▶ The discovery process is too open and broad.

- ▶ The extent to which mediation is used varies too greatly from county to county.
- ▶ Jury terms vary too greatly from jurisdiction to jurisdiction. Wisconsin has not adopted ABA jury management standards.

Summary of Organizational Culture Strengths -

- ▶ The Wisconsin Judicial System has a good reputation for integrity and a tradition of strong ethical standards.
- ▶ In general, judges are respected by the public.
- ▶ There is a strong work ethic among judges and staff.
- ▶ There is a desire to make improvements among judges and staff.

Summary of Organizational Culture Weaknesses -

- ▶ The public lacks information about what judges do.
- ▶ A portion of the public holds the perception that judges are not busy enough.
- ▶ Often there is a poor relationship between local courts and county boards of supervisors.
- ▶ Status quo oriented inertia among some judges and staff deters needed improvements.

Summary of Resource Strengths -

- ▶ Wisconsin is a relatively prosperous state.
- ▶ Wisconsin citizens are generally supportive of government and do not want to impose reactionary tax limitations.

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Summary of Resource Weaknesses -

- ▶ Court resources need to be more targeted.
- ▶ Court resources need to be more predictable.
- ▶ A lack of personnel and facilities restricts ability to manage calendars.
- ▶ There are too few programs -- e.g., drug and alcohol rehab programs -- available as sentencing alternatives.
- ▶ Sentencing guidelines, coupled with the lack of alternatives, limit judge sentencing flexibility.

SECTION V: STRATEGIC ISSUES AND RESPONSES

Introduction

Identifying strategic issues and developing institutional responses to those issues are the heart of the strategic planning process. Strategic issues are trends, events, or policy choices that affect the basic mission, values, and activities of an organization and the organization's capacity to respond to service demands. Typically, strategic issues focus on general direction rather than on specific operations. In fact, strategic issues are often the underlying or more encompassing issues of what might superficially appear to be numerous unrelated or loosely-related problems. Strategic issues routinely involve conflict centered around (1) ends, or what the courts should be doing, (2) means, that is, how the courts can do what they should be doing, (3) timing and philosophy, or (4) the particular interests of groups within the justice system that might be advantaged or disadvantaged by different ways of resolving issues.

Strategic planning includes tools for developing an organization's most appropriate response to strategic issues. Strategies are the policies, programs, actions, and decisions that define how an institution can position itself to respond to strategic issues. Strategies should reflect the court system mission and vision of what it should be.

Five strategic issues were identified by the PPAC planning team, and general strategies as well as specific goals and objectives were developed as comprehensive responses to each issue. As will be shown in the next section, goals are normative expressions of what you would like to achieve. Objectives are specific concrete statements of what needs to be accomplished to implement goals and strategies.

Issues and Responses Summary

Issue 1: Delineate the societal needs the judicial system can realistically meet.

Issue 1: Description:

The judicial system is being called upon to resolve more and more difficult societal problems, including problems it cannot solve. Diverse trends are creating this demand. These trends include the weakening of the family, church, schools, and other traditional institutions, conflict about racial and cultural values, and changing sexual mores. Numerous mandates on the courts -- such as truancy, mandatory arrest and jail, and driving under the influence provisions -- reflect both the break-down of

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other institutions and expectations that the courts will fill the void. The courts will be overwhelmed and support for the courts will decline greatly, if this issue is not addressed.

Issue 1: Description of General Strategy for Responding:

Facilitate understanding among the judiciary and stakeholders about the court and justice system's capacity to meet societal needs and expectations. Also, facilitate more open communication between the judicial branch, the legislature, and the executive branch concerning what role courts can realistically and effectively fill, and increase the courts' role in making decisions concerning the source, amount, and allocation of funding.

Issue 1: Operational Goals and Objectives:

Goal 1.1: Increase agreement among justice system agencies and actors about what the system can and cannot do.

Objective 1.1.1: Evaluate current and anticipated judgeship needs to determine what likely can and cannot be done.

Objective 1.1.2: Facilitate a consensus within the judiciary about what the system can and cannot do.

Objective 1.1.3: Facilitate a consensus with other justice system agencies about what can and cannot be done.

Goal 1.2: Increase public understanding about what the courts and justice system can and cannot do.

Objective 1.2.1: Inform the public about the workings and limitations of the system.

Objective 1.2.2: Educate executive and legislative bodies about what the system can and cannot do.

Objective 1.2.3: Initiate work groups of social service interest group stakeholders to examine service demand implications on the courts.

Goal 1.3: Focus limited court resources on needs the courts can meet realistically.

Objective 1.3.1: Initiate appropriate legislative changes.

Objective 1.3.2: Tailor case processing procedures and policies to direct court resources in accordance with established priorities.

Goal 1.4: Encourage development of alternative responses to societal problems.

Objective 1.4.1: Initiate appropriate legislative changes.

Objective 1.4.2: Coordinate changes with other justice system groups.

Issue 2: *Redesign the manner in which the members of the judicial branch address the problems they confront.*

Issue 2: *Description:*

Independently elected judges and the many agencies that must work together effectively if there is to be a responsive judicial branch, often do not speak with a consistent, visionary voice. Instead, the system appears fragmented, reactive, and defensive. The judicial branch also often appears to assume an ineffective victim's role in its interactions with other units of government and the public.

Inherent institutional tensions exist between judicial decision makers and non-judicial managers. Without an ongoing process for communication among those responsible for judicial decision making and other adjudicative functions, management of day-to-day court operations, and

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the business and financial functions within the judicial branch, contributions made by different groups might not be recognized and misunderstandings might increase.

Issue 2: Description of General Strategy for Responding:

Increase communication within the judicial branch and throughout the justice system, and foster collaboration in policy and administrative decision making within the judicial branch.

Issue 2: Operational Goals and Objectives:

Goal 2.1: Establish a clearly defined and effective judicial branch governance structure.

Objective 2.1.1: Develop institutional linkages which permit courts within the judicial branch to operate effectively, subject to the supervision of the chief justice and supreme court.

Objective 2.1.2: Clearly define and communicate the policy making process within the governance structure.

Objective 2.1.3: Clearly define and communicate the role of judicial branch committees and organizations in regard to system governance.

Objective 2.1.4: Define the appropriate extent of the judicial branch authority to exercise rule making power as it relates to the judiciary.

Goal 2.2: Establish more effective structures and processes for identifying issues, developing responses, and implementing decisions.

Objective 2.2.1: Institutionalize mechanisms to incorporate trial court judge views.

- Objective 2.2.2: Refine the supreme court rule-making mechanism to be more responsive to issues facing the judicial branch.
- Objective 2.2.3: Create and maintain institutional relationships for the purpose of informing the legislature and the governor concerning judicial branch priorities.
- Objective 2.2.4: Increase efforts to communicate goals and priorities to the legislature.
- Objective 2.2.5: Maintain planning capability to monitor and evaluate the goals and objectives of the judicial branch.
- Goal 2.3: Increase the court's role as a leader in the justice system.
- Objective 2.3.1: Establish and maintain district meetings to collect ideas and improve communications between judges, court administrators, clerks of court, and other justice system agencies.
- Objective 2.3.2: Establish mechanisms for on-going communication on a statewide level between the judicial branch and other justice system related agencies.
- Objective 2.3.3: Increase attorney and other interest groups' involvement in problem identification.
- Objective 2.3.4: Increase the visibility of the Supreme Court as a spokesperson for the entire justice system.

Issue 3: Improve the ability of the judiciary to obtain sufficient resources to fulfill its constitutional and statutory responsibilities.

Issue 3: Description:

Increased reliance on user fees, reduced resources, and reluctance to support the courts and the justice system are examples of trends shaping this issue. Unless these issues are addressed, the independence of the courts will erode, and increasing numbers of people will be denied access to the courts.

Issue 3: Description of General Strategy for Responding:

Determine the total overall cost of a state takeover of funding for the entire court system. Determine what it would cost the ordinary taxpayer in taxes to fund the system with GPR funds. Convince the public and the legislature that a revised system will be more efficient and will reduce tensions among different government units and levels.

Issue 3: Operational Goals and Objectives:

Goal 3.1: Insure sufficient funding and resources for the support and operation of the judicial system.

Objective 3.1.1: Establish mechanisms for determining justice system needs.

Objective 3.1.2: Communicate needs and priorities to stakeholders and the public.

Objective 3.1.3: Communicate all documented needs to the legislature.

Goal 3.2: Insure funding mechanisms provide equity and guarantee access for all citizens.

Objective 3.2.1: Insure funding for all court costs except facility costs based on advantages of a state-wide funding approach.

Objective 3.2.2: Eliminate fee based funding for all state court functions.

Issue 4: Increase efforts to improve public understanding and support of the judicial branch.

Issue 4: Description:

The public expects the court system to provide quality justice through fair and equitable procedures. However, there is a perception that the courts have not fulfilled public expectations, leading to a lack of trust and confidence in the court system. As a result, the court system can expect limited public understanding and support unless it, (1) increases efforts to inform the public about its role, responsibilities, and needs, and (2) attempts to accommodate public expectations for quality service.

Issue 4: Description of General Strategy for Responding:

Provide more opportunities to foster a better understanding between the judicial branch and the public.

Issue 4: Operational Goals and Objectives:

Goal 4.1: Increase public awareness and understanding of the judicial system.

Objective 4.1.1: Increase public outreach programs that help the public understand the judicial system.

Objective 4.1.2: Effectively communicate to the public what the justice system does.

Objective 4.1.3: Initiate educational programs for children and adults.

Objective 4.1.4: Maintain programs that allow legislative and executive branch leaders on all levels to witness courts in action.

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Goal 4.2: Increase judicial system awareness of public concerns and expectations.

Objective 4.2.1: Develop mechanisms to solicit public views concerning the operations of the judicial system.

Objective 4.2.2: Establish effective mechanisms for integrating public needs and suggestions into judicial system policies and procedures.

Issue 5: Define the appropriate role of the courts in developing and participating in the use of alternative dispute resolution (ADR).

Issue 5: Description:

A variety of trends are creating demand for increased use of ADR as an alternative to the traditional, formal court setting. For example, in addition to family disputes, mediation is increasingly seen as a desirable forum for resolving business, contractual, and other disputes. Moreover, it appears extremely likely that mediation will be a preferred method for resolving health care disputes in the future. National health care legislation now being contemplated as part of a major overhaul of the U.S. health care system, in particular, includes a strong emphasis on mediation. If this issue is not confronted soon, there will be increased tension between ADR supporters and the courts, the courts will not be able to adequately shape the details of potentially useful and fair alternative forums, and courts might lose an opportunity to provide effective oversight of ADR processes to insure that they provide quality justice.

Issue 5: Summary Description of General Strategy for Responding:

Incorporate the alternative dispute resolution process into part of the justice system. This would include the participation of the judiciary with other justice system stakeholders in the development of the alternative dispute resolution process for proper types of cases and assessment of its effectiveness.

Issue 5: Operational Goals and Objectives:

Goal 5.1: Insure that ADR programs provide high quality justice services.

Objective 5.1.1: Establish court involvement in ADR program education and training.

Objective 5.1.2: Establish quality ADR training.

Objective 5.1.3: Increase citizen involvement in ADR planning and assessment.

Objective 5.1.4: Develop mechanisms for monitoring mediator and other ADR staff training and performance.

Goal 5.2: Insure that ADR programs are an integrated part of the larger court and justice system.

Objective 5.2.1: Increase judicial participation in the governance and on-going evaluation of ADR programs.

Objective 5.2.2: Insure adequate funding from more than one source.

Goal 5.3: Insure ADR is offered in appropriate case types and situations.

Objective 5.3.1: Identify appropriate areas of ADR.

Objective 5.3.2: Educate judges and court personnel to recognize cases appropriate for ADR.

Objective 5.3.3: Maintain procedures that allow court personnel to recommend ADR methods when appropriate.

SECTION VI: PROJECT METHODOLOGY

Planning Approach

The PPAC planning effort followed the eight-step approach to long-range strategic planning outlined in Figure 1, an approach developed specifically for courts and justice system agencies in the early 1990s by the Denver based Center For Public Policy Studies.² The planning effort was initiated in Madison in late March 1993 with a two-day seminar on long-range strategic planning conducted by Center For Public Policy Studies staff for PPAC members. PPAC members learned the fundamentals of long-range strategic planning and were motivated to begin developing a plan for the state court system. Between April 1993 and June 1994, the initial strategic plan presented in this document was developed by a PPAC planning team composed of judges, lawyers, court administrators, and other justice system and public policy agency representatives from throughout Wisconsin.

²See for details J. Martin (1992) *An Approach to Long-Range Strategic Planning For the Courts*, Denver: Center For Public Policy. Development of the approach was funded by the State Justice Institute, a private non-profit corporation established and funded by the United States Congress. In addition, the State Justice Institute and the Wisconsin Supreme Court funded the subsequent planning effort. Dr. John A. Martin, the planning, policy, and management consultant who developed the approach, also facilitated the PPAC effort.

FIGURE 1
**The Long Range Strategic
Planning Process**

Step 1: Initiating and Agreeing on A Planning Process

- ▶ **Introducing strategic and long range planning** includes selecting a sponsor for a planning process; selecting and contacting potential participants; describing the potential planning effort.
- ▶ **Developing an understanding of what strategic and long range planning can mean in practice.** This includes describing how the planning effort could make a difference for the organization, for individuals (especially individuals involved in the planning effort), and for the community.
- ▶ **Developing a commitment to strategic planning.** This includes forming a planning team, enlisting political support, and enlisting the support and involvement of agency staff.
- ▶ **Reaching a working agreement among participants** including a written summary of project goals and expectations, establishing the time frame to meet those goals, and assigning responsibilities to participants to complete specific tasks.

Step 2: Identifying Organizational Mandates, Missions, Goals and Expectations

- ▶ **Assessing formal and informal mandates** includes identifying those mandates, assessing the mandates' limits and potential, and eliminating mandates that no longer make a positive contribution to organizational performance.
- ▶ **Conducting stakeholder analyses.** This step includes identifying stakeholders, determining the standards stakeholders use to assess organizational performance, and tentatively assessing organizational performance using stakeholder standards.
- ▶ **Developing a current mission statement, and instrumental and end goals.**

Step 3: Establishing A Common Vision of Success

- ▶ **Preparing and promulgating a vision statement** that describes what the court desires to become in the future.

Step 4: Conducting Trends Analyses and Developing Scenarios

- ▶ **Understanding the "external" environment** includes assessing the social, political, economic, and technological trends generating demands on the courts and the justice system.
- ▶ **Constructing and using future scenarios.**

Step 5: Conducting An Organizational Assessment

- ▶ **Examining court structure, organization, procedures, and performance** includes assessing the structure and organization of the court system, case management and case processing procedures, the practices and work habits of staff, agency and justice system resources, and jurisdictional characteristics.
- ▶ **Detailing organizational strengths and weaknesses.** This includes identifying strengths and weaknesses and their consequences, and developing strengths and minimizing weaknesses.

Step 6: Developing Strategies to Manage Issues

- ▶ **Identifying strategic issues.** This step includes distinguishing strategic issues from immediate problems and solutions, developing standards of issue severity, and prioritizing issues.
- ▶ **Developing strategies to manage issues** includes identifying options and impediments, developing proposals to maximize positive forces and to overcome impediments, and identifying and structuring both more immediate and longer-term actions.
- ▶ **Documenting a strategic and long range plan** includes the reasons for preparing a written document and the components that should be included in a planning document.

Step 7: Operationalizing the Plan

- ▶ **Preparing and promulgating a 2-5 year strategic and long range plan** that specifies structural, organizational, and procedural changes, operational goals, unit responsibilities, action steps, activities, and time frames for goal implementation.
- ▶ **Preparing and promulgating annual operational plans** that specify the year's operational goals, action steps, individual responsibilities, time frames, and performance indicators.
- ▶ **Preparing and promulgating individual performance plans** that specify individual goals, action steps, time frames, and performance standards.

Step 8: Monitoring Organizational Movement Toward Success

- ▶ **Establishing an ongoing monitoring system** that includes indicators of organizational performance and movement.
- ▶ **Reporting and reviewing performance indicators** including organizational and individuals' accomplishments.
- ▶ **Revising management strategies.**

On-going Strategic Planning and Management

Successful implementation of this plan requires courts to move from strategic planning to strategic management. In particular, the Wisconsin court system needs to institutionalize an approach to management which emphasizes continuously evaluating court system performance in light of longer-term goals and objectives. PPAC's role in strategic planning and strategic management will center around four yearly meetings:

- ▶ At an annual one-day trends review, PPAC will assess the potential implications on the courts of new and previously identified trends. The review will concentrate on trends which might require modification of the mission and strategy detailed in the *Framework For Action*. Although PPAC will devote only one session per year to examining trend implications, Director of State Courts staff will monitor trends throughout the year so that the interactions of trends can be cataloged as they unfold.

- ▶ At an annual two-day annual strategy assessment, PPAC will "rethink" the strategy presented in the *Framework For Action* in light of emerging trends and actual performance during the previous year. Priority goals, objectives and action steps for the coming year will also be established during the annual assessment.

Director of State Courts office staff will prepare and circulate, prior to the PPAC session, an annual assessment report that highlights deviations between expectations and actual performance, and summarizes the potential impacts of emerging trends.

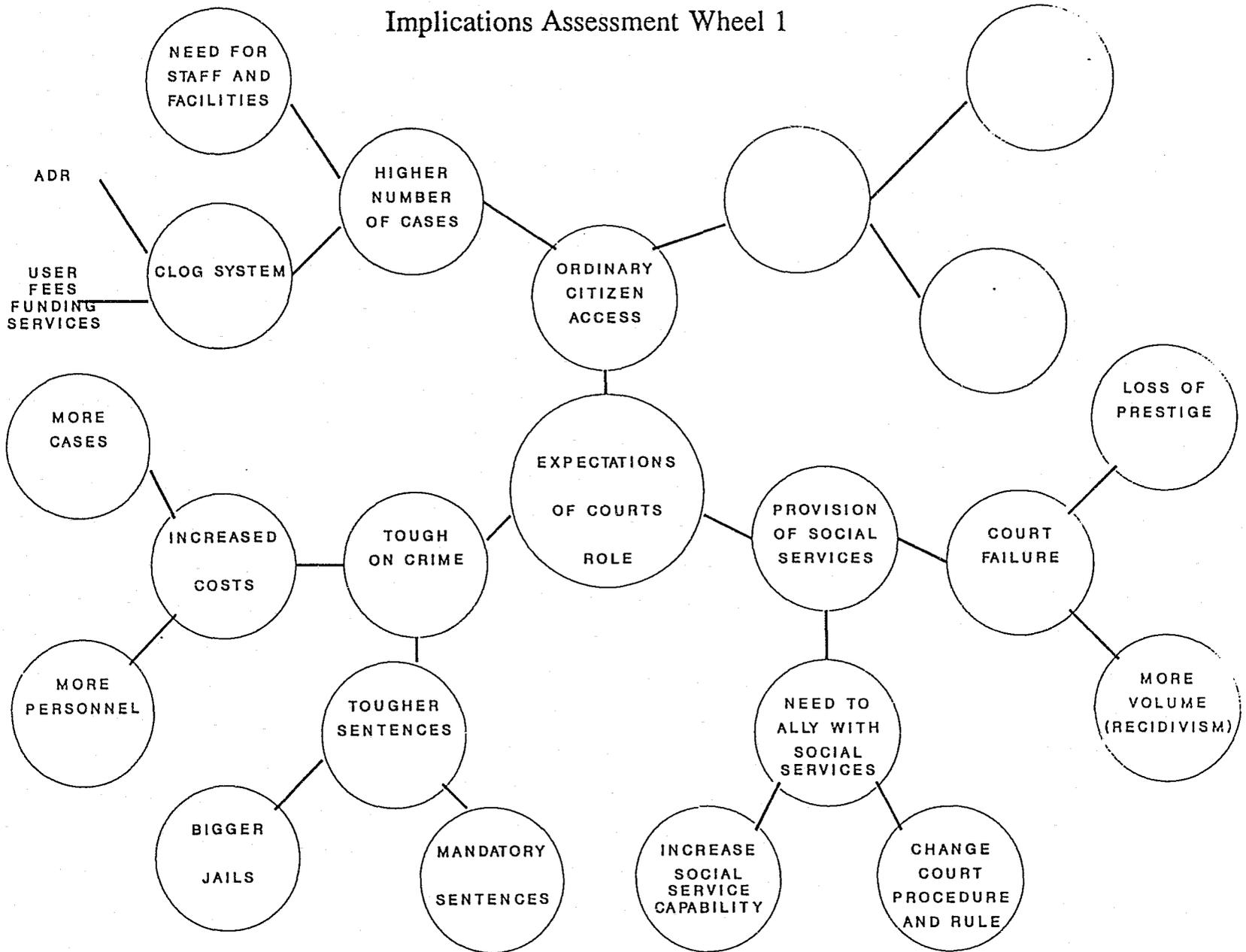
- ▶ At an annual one-day budget review, PPAC will evaluate court system budget requests in light of the goals and objectives detailed in the *Framework for Action*.

- ▶ At an annual one-day court system users satisfaction review, PPAC will examine information about court users' perceptions of aspects of court performance and determine how to reflect court user views in the goals, objectives, and tasks included in the *Framework For Action*. In addition, the views of judges and court staff will be included in the user satisfaction review.

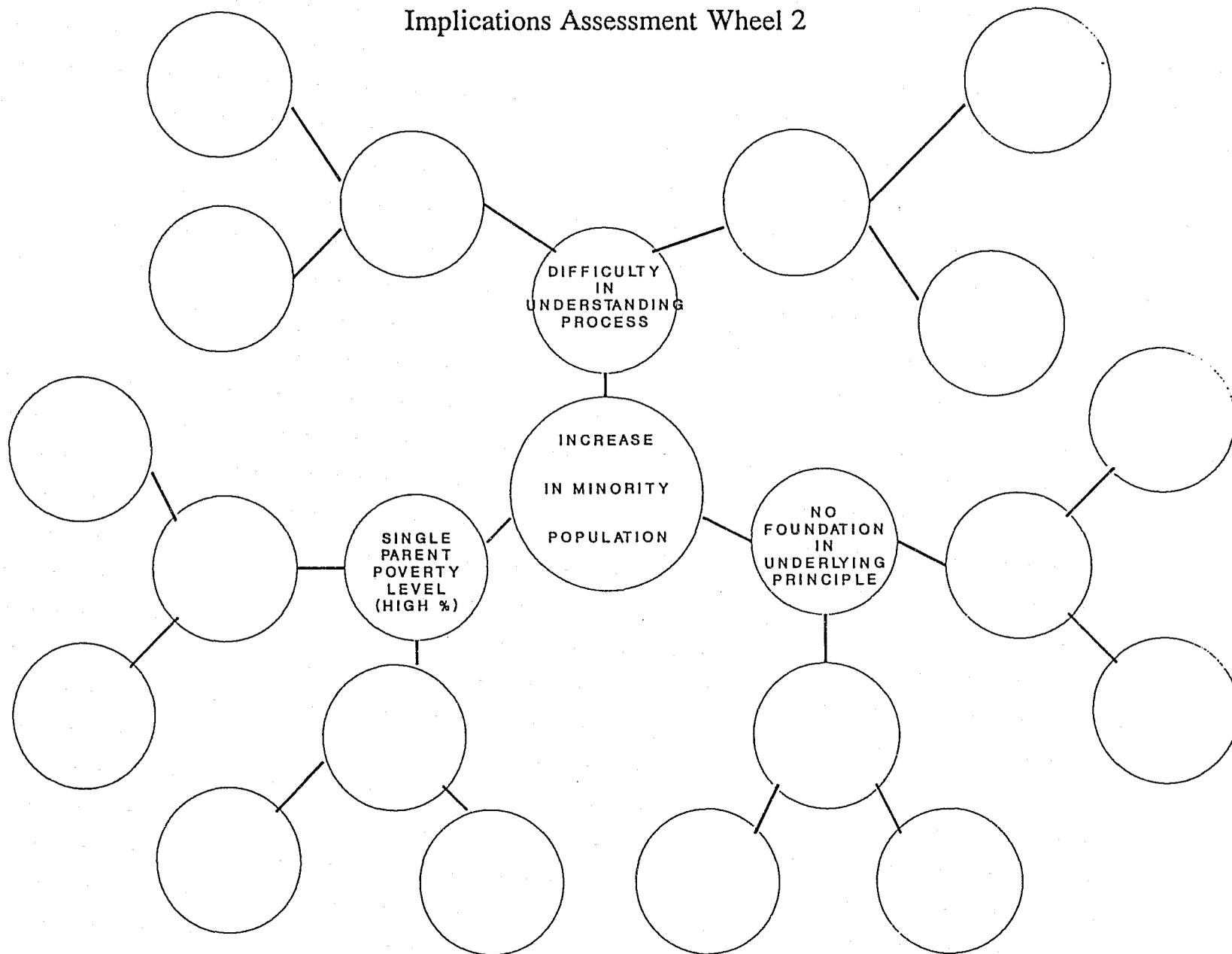
APPENDIX I

TREND IMPLICATION ASSESSMENTS

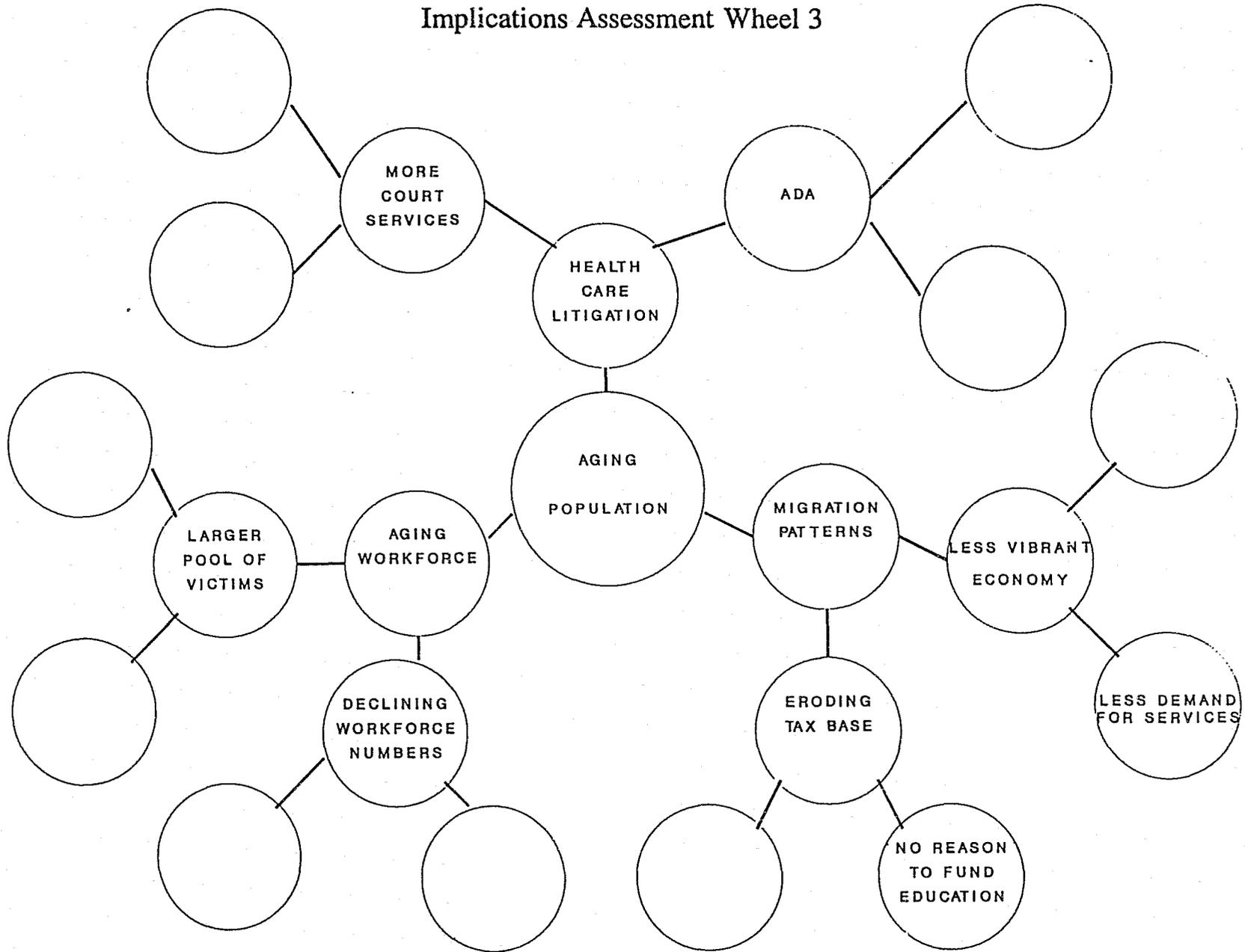
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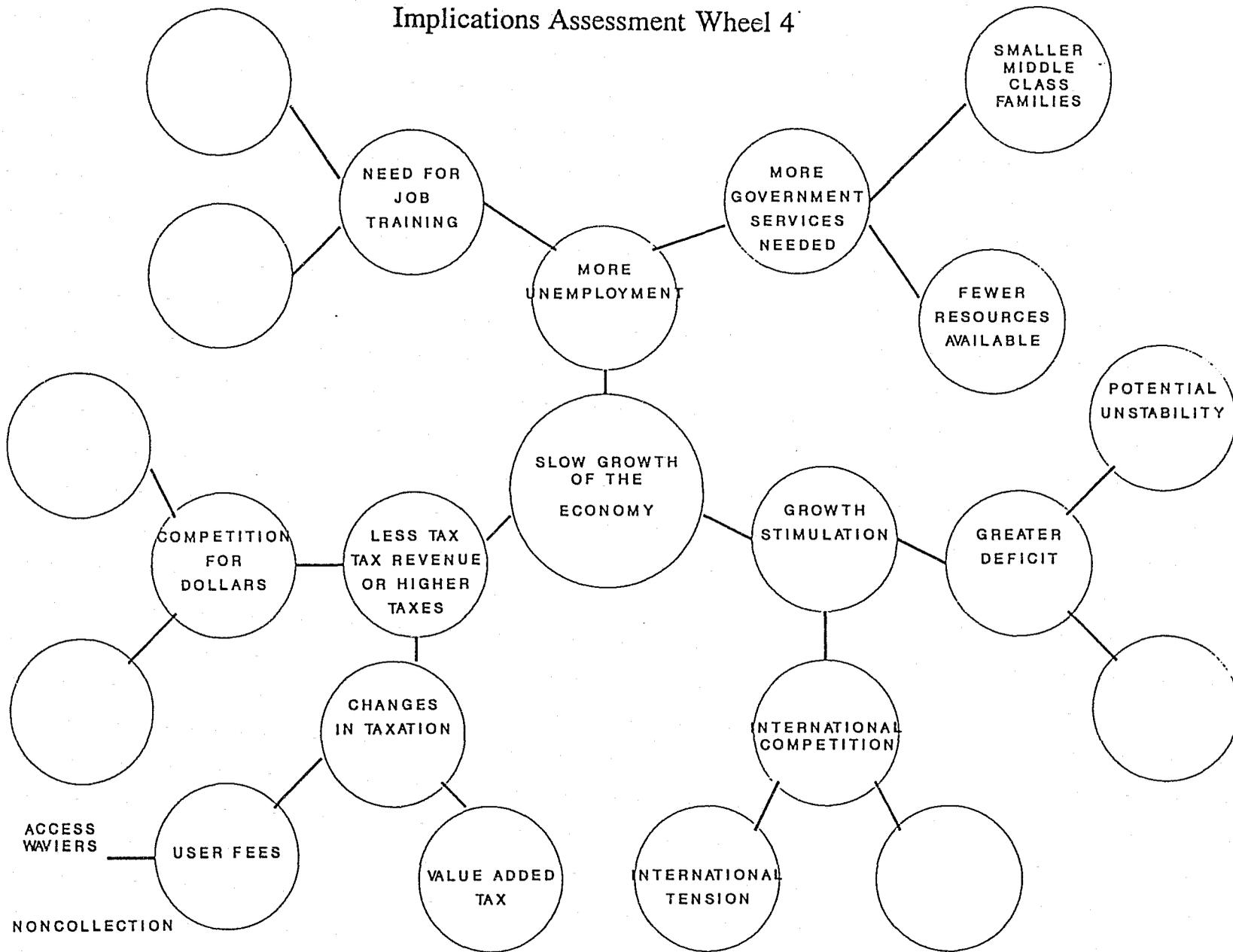
Implications Assessment Wheel 2



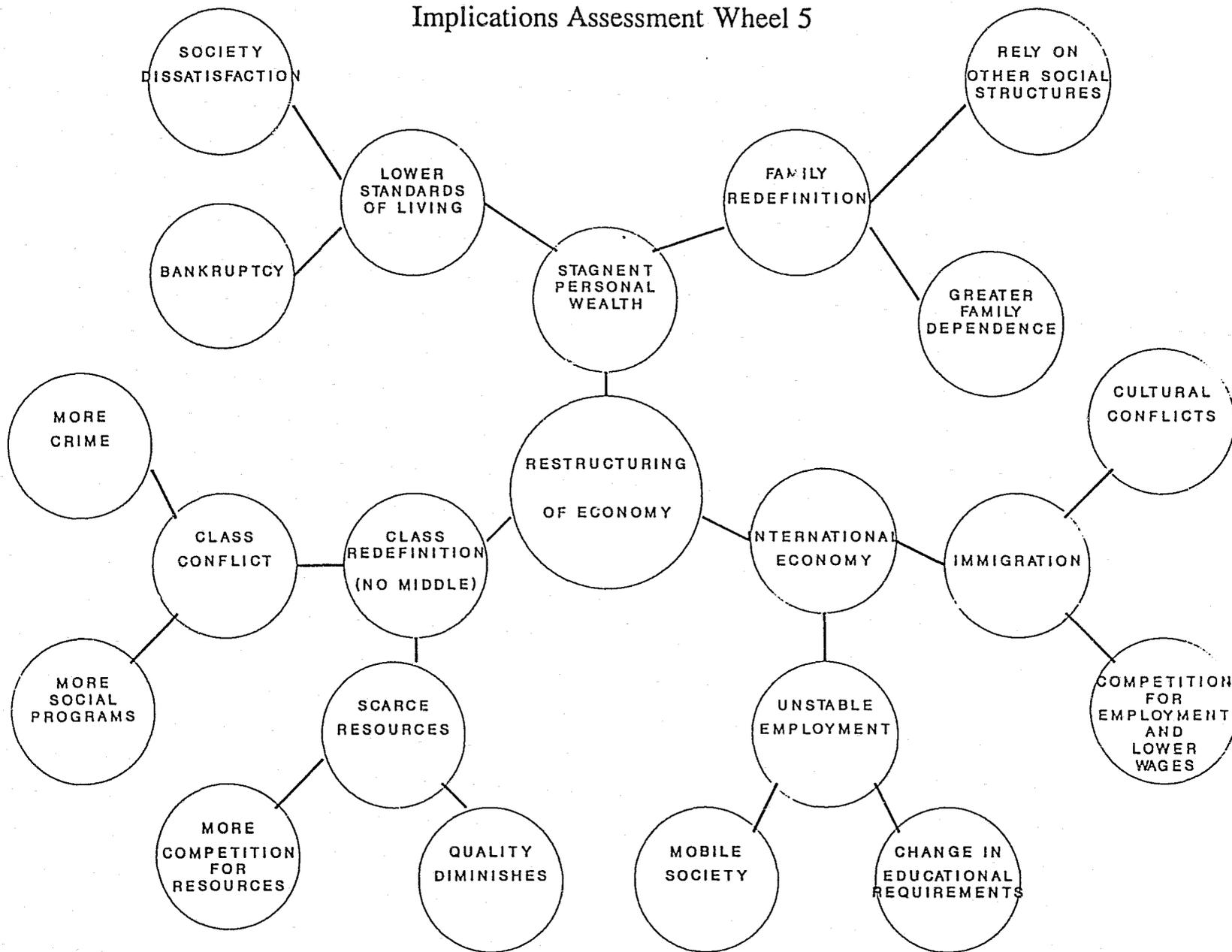
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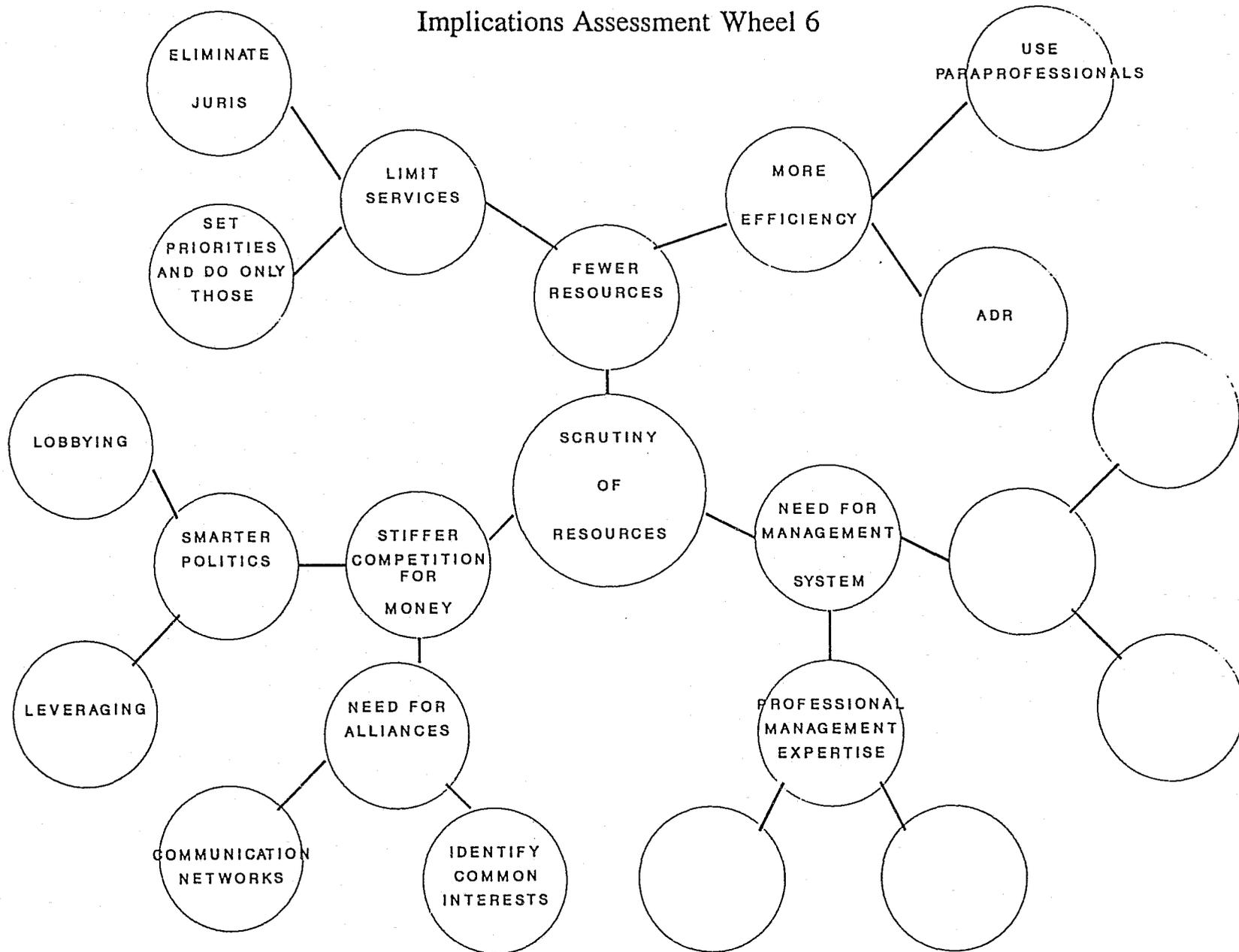
Implications Assessment Wheel 4



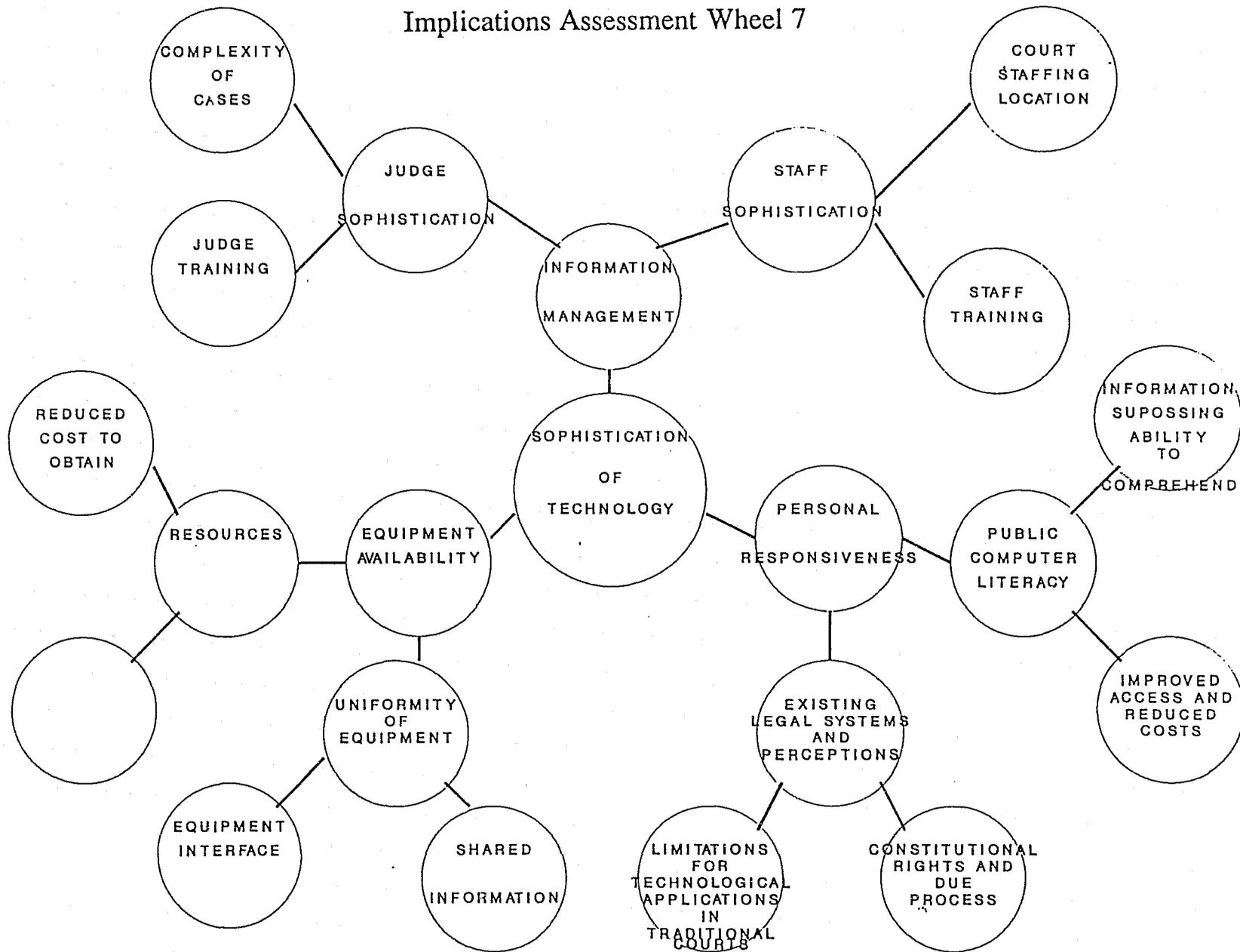
Implications Assessment Wheel 5



Implications Assessment Wheel 6



Implications Assessment Wheel 7



Implications Assessment Wheel 8

