

# Strategic Management in the Courts: Training Staff in How to Plan for the Future

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**"G**ood management requires good planning." This aphorism links management, the process of directing an organization toward achieving objectives, with planning, the series of steps by which goals, methods, and means are wedded. It assumes a future and a desired place in that future. A discussion of this principle most likely would be found in a textbook on business management. Yet, within the last few years and with increasing frequency, it has found a place in primers on court management as well. Its application to the court environment has begun to alter dramatically the posture many courts have historically taken toward management demands. Through planning, they have begun to learn that they can take a proactive rather than a reactive posture toward change. Evidence for this shift in focus is abundant. Many courts from Maine to Hawaii have had or have recently established futures commissions to examine the health of and offer a prescription for the judiciary that will take it into the next century.

Why has there been this surge of interest in planning for the future? After all, the courts have for years been experiencing rapid changes in the nature of their caseloads (e.g., white-collar crime increasing in proportion to traditional street crime) and increasing demands from society to provide leadership in newly emerging areas of criminal and civil

justice (e.g., drug-related offenses, product liability litigation). Therefore, it cannot be said that courts have suddenly discovered the future, because they have already seen it and experienced its effects. What they seem to have discovered, however, is that they can anticipate and help to shape that future. How? Through good planning, which in turn provides the basis for good management.

Historically, there has been a scarcity of good planning in the courts. This can be attributed to a number of factors, but one that seems key is

that the courts frequently lack the knowledge about what constitutes good planning and lack the skills to undertake it. Therefore, good planning will only occur when the judges, court staff, practitioners, researchers, and policymakers involved in shaping the court's responses to demands are adequately trained in the theory and processes involved in planning. Herein lies the role of and challenge for the judicial educator.

The outcome of good planning is usually a written document that sets  
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## What Is Good Planning?

Good planning is a linear process, partially repetitive, that involves a series of interrelated steps. Listed below are eight steps that may define the scope of the planning process in the courts:

- Initiating and agreeing on a planning process (i.e., what should be the scope and outcomes of planning?);
- Identifying organizational mandates and clarifying missions and goals (i.e., what is the court's mission?);
- Developing a comprehensive organizational vision for the future (i.e., ideally, how would the court be organized to accomplish its mission?);
- Conducting trends analyses and constructing scenarios (i.e., what external demands will potentially affect the court, and what implications do these demands have on the operations and structure of the court?);
- Conducting an organizational assessment (i.e., what are the relative strengths and weaknesses of the courts relative to their established goals?);
- Outlining strategies to manage issues (i.e., what actions should the court initiate to achieve its objectives?);
- Operationalizing the strategies (i.e., implement the plan!); and
- Monitoring and evaluating organizational performance (i.e., how well did the plan work?).

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forth objectives and defines a method for implementing and measuring the effects of those objectives. The document serves many purposes, perhaps the most important being that (1) it establishes a blueprint for action that is tangible; (2) it can be reviewed by others in developing a shared commitment to its successful implementation; and (3) it can be revised in developing courses of action.

This last feature of a written plan, flexibility, may be its most potent. That is, the plan that results from good planning should be capable of being modified and updated. Modification may be necessary if the plan is not practical, possibly because the funds to implement it fully are not allocated. Alternatively, the plan may not work either because it cannot be implemented as designed or because it fails to meet its intended objectives. Or the external demands that led to the plan may change, which may require revising the plan or discarding it for a different plan. Good planning will produce a flexible plan that can accommodate these unanticipated obstacles.

**Education—The Key to Good Planning:** As courts begin to look toward the next century and take a more proactive posture toward changing demands for services, the role of the judicial educator will be ever more important. This results because the consequences of good planning are court structures and services that meet demands adequately. The consequences of poor planning, on the other hand, may be a misallocation of resources and a court system that administers justice ineptly. Education in the fundamentals of the planning process is necessary before the court can identify and adopt adequate and appropriate responses to emerging demands.

Before education in the planning process can begin, however, there are certain characteristics participants should possess. Choosing the right team can be critical to the success of training and to its effectiveness in fostering change in the courts.

- Participants should be convinced of the merits of good planning. If they do not believe that good planning is a key to good strategic

management, the impact of education in the planning process may be diluted.

- Participants should look beyond the frenetic present and be able to formulate strategic options to meet emerging and future needs.
- Participants must not be expecting a "quick fix." If done correctly, the planning process is lengthy and may consume considerable resources.
- Participants should understand that whatever strategic plan is

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outlined as a result of the planning process is flexible. It can and should be changed as experience and demands dictate.

- Participants should be part of a team that includes a judge and a court administrator. No matter how good the planning process, the prospects of implementing a plan are reduced if judges and court administrators do not support it.

**Resources Available to the Judicial Educator:** Training the judiciary in the planning process is no different from training them in other skills. That is, it uses the same edu-

cational tools as those used in other learning situations. Before applying those tools, however, educators will need a thorough understanding of each of the eight steps in the planning process (see page three).

The Center for Public Policy Studies, under a grant from the State Justice Institute (SJI), is developing a set of curriculum materials for training the judiciary in the planning process. This effort is part of a larger project on futures planning in the courts. By June 1992, with the help of an advisory board representing a broad range of perspectives on the courts, the project will have accomplished three major tasks:

- Detailed an approach to long-range, strategic planning in the courts;
- Developed a set of curriculum materials to teach the approach to teams representing a broad range of trial courts nationally; and
- Conducted a seminar to provide selected court teams with (1) a basic level of understanding about planning concepts; (2) how to use those concepts with available economic, demographic, and general trends data to estimate demands on the courts; and (3) methods of developing appropriate court responses to those future demands.

A major purpose of the training seminar is to test both the planning approach outlined in the guide and test the usefulness of the curriculum materials. Final versions of the guide and curriculum materials will be available to all interested individuals sometime during the summer of 1992.

SJI also is sponsoring other projects related to futures planning in the courts. Videos, handouts, reports, and other educational materials are or will be available from these projects. In some instances, funding to use or to help disseminate the products from these projects also may be available from the Institute.

The next several years will offer tremendous opportunities to judicial educators because their actions will help shape the complexion of the courts. Materials now being developed under a wide range of projects will assist judicial educators in their critical role as facilitators for change. ■