

Global

Bringing the Future to Justice:

Charting the Course in the New Dominion

Service

Access

Virginia

The Judicial System of Virginia

2000-2002 Strategic Plan

21st Century

Trust

Bringing the Future to Justice:
Charting the Course in the New Dominion

The Judicial System of Virginia
2000-2002 Strategic Plan

MISSION

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions.

"It is incumbent upon those in the judiciary today not only to maintain the strength of our system as it presently stands, but also to direct our energies toward the anticipation of needs and the development of well-conceived plans to lead the system into the Twenty-first Century."

Chief Justice
Harry L. Carrico

The Judicial Council of Virginia

The Honorable Harry L. Carrico, Chief Justice of Virginia

The Honorable Johanna L. Fitzpatrick, Chief Judge, Court of Appeals of Virginia

The Honorable Charles E. Poston, Chief Judge, Fourth Judicial Circuit

The Honorable John F. Daffron, Jr., Judge, Twelfth Judicial Circuit

The Honorable Paul M. Peatross, Jr., Judge, Sixteenth Judicial Circuit

The Honorable F. Bruce Bach, Chief Judge, Nineteenth Judicial Circuit

The Honorable Diane McQ. Strickland, Judge, Twenty-third Judicial Circuit

The Honorable Donald A. McGlothlin, Jr., Judge, Twenty-ninth Judicial Circuit

The Honorable William R. Moore, Jr., Chief Judge, Fifth Judicial J&DR District

The Honorable Suzanne K. Fulton, Chief Judge, Thirtieth Judicial General District

The Honorable Joseph V. Gartlan, Jr., Member, Senate of Virginia

The Honorable Thomas W. Moss, Jr., Speaker, Virginia House of Delegates

The Honorable James F. Almand, Member, Virginia House of Delegates

The Honorable Thomas G. Baker, Jr., Member, Virginia House of Delegates

William G. Broaddus, Attorney-at-law

Allen C. Goolsby, III, Attorney-at-law

Robert N. Baldwin, Ex-officio Secretary

January 1, 2000

MEMORANDUM

TO: All Members of the Judicial System

FROM: Harry L. Carrico

Think of it: the Twenty-first Century . . . the dawn of a new millennium. As we prepare to cross this threshold, we cannot help but ponder what changes are in store. How different will the world of 2010, 2050 or 2099 be from what we know, predict or can imagine today? How will Virginia's judicial system progress in the coming decades? How can we act, both individually and collectively, to secure the best possible future for our justice system? With the adoption of the judiciary's first strategic plan for the new millennium, *Bringing the Future to Justice: Charting the Course in the New Dominion*, the Judicial Council has initiated this task. The Plan's 107 action items respond both to the concerns and aspirations voiced by the citizens, judges, court managers, bar leaders, and chief magistrates who participated in its development.

The Plan also addresses issues raised by five overarching themes that emerged during the strategic planning process as likely to have significant impacts on the society in which our courts will be operating. Acknowledging that technology will be a key currency of the new millennium, the Plan seeks to maximize and leverage automation and other technological systems to increase citizen access, convenience and the rendering of fair decisions. Recognizing that the magnitude and pace of change are different from anything we have yet experienced, the Plan's action items are designed to assist the courts in anticipating and embracing change. Anticipating demographic changes in the new millennium, the Plan strives to ensure that our justice system can well serve a multi-cultural society. Issues of service quality and public trust and confidence permeate the Plan. Innovations leading to increased dispositional options for the courts foreshadow a new dimension in the justice landscape.

The possibilities are endless, the course to them challenging. The journey begins with fiscal years 2000 - 2002, but continues well beyond. I am confident that together we can pilot the courts through the channels of change in our mutual quest for continuing to provide an excellent justice system to serve all Virginians.

The first pages of the history of Virginia's court system in the Twenty-first Century soon will be written. In order to assure that these pages chronicle a system that continues to merit the public's trust and confidence, the judiciary engages in a dynamic strategic planning process.

Drawing on four distinct sources of information, the Judiciary's Strategic Planning and Management System (see schematic page 5) assists Virginia's courts in charting a well-conceived course for the years ahead. By ascertaining areas of potential, evolving, or desired change, both within the courts and within society, and what they may mean for the justice system, the courts are able to take action to address the expected demands.

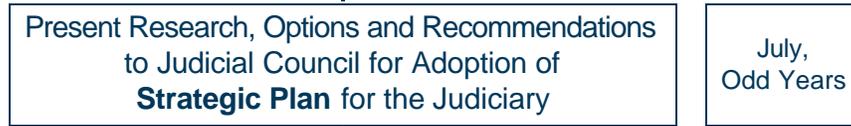
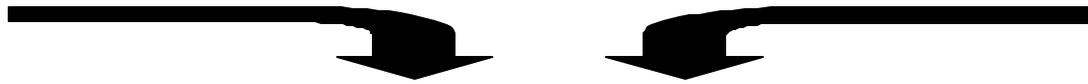
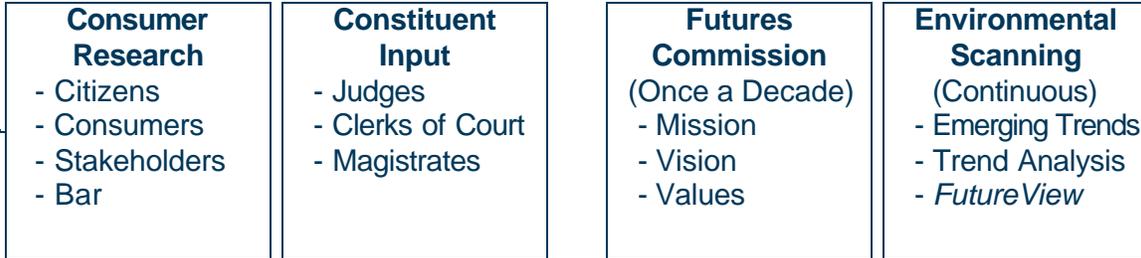
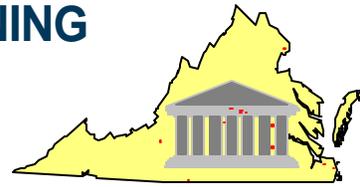
This executive summary first describes the process that produced *Bringing the Future to Justice: Charting the Course in the New Dominion*. Then, recognizing that courts do not operate in a vacuum, five themes that depict an evolving landscape in which the courts will be operating are highlighted. A brief overview of the implementation process follows, before the Plan itself, with its 107 action items, is set forth.

Creating the 2000 - 2002 Plan

Citizens. Judges. Bar leaders. Court personnel. Magistrates. All are important constituents of the courts. All were involved in the creation of the 2000 - 2002 Strategic Plan, the judiciary's first plan for the new millennium. Between August 1998 and May 1999, more than 1,000 Virginians participated in the development of the FY 2000 - 2002 Strategic Plan for the courts.

The first of the four information sources that informed the development of the plan involved extensive research to identify and analyze emerging trends with implications for society in general and the courts in particular. The resulting environmental scan provided insights about changes underway in the world in which Virginia's courts will operate and for which we must plan.

THE JUDICIARY'S STRATEGIC PLANNING AND MANAGEMENT SYSTEM



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Critical to the process was the gathering of citizens' perceptions of the courts. To this end more than 600 adult Virginia residents participated in a state-wide telephone survey. Participants responded to a wide range of questions asking, among other things, for their overall impression of Virginia's court system, their perceptions of how people are treated by judges and court personnel, and the length of time it takes to resolve cases. Those who had been involved in a court case were asked whether they were satisfied with the outcome and whether they felt the process was fair. Additional citizen input came from responses to a survey on the court system's homepage.

Overall, more than 70% of those surveyed had a positive or very positive impression of the court system. Respondents agreed that both court employees and judges show courtesy and respect to the public and that employees are dependable and accurate in their work. At the other end of the spectrum, they did not feel that courts are easy to use without an attorney nor that the courts do a good job of informing the public about court procedures and services. Less than a third agreed that courts treat people with and without attorneys the same, or poor and wealthy people the same.

The third source of information came from those most intimately involved with day-to-day court operations. Some 330 judges, court officials, chief magistrates and bar leaders completed an issues survey. Their perceptions of the current strengths and weaknesses of the system and the implications of the emerging trends on the system, as well as their reactions to the public's perceptions of the courts, all provided valuable insights for the Plan's formation.

Technology issues permeated the concerns of judges, court leaders, and bar leaders. Topping their list of emerging trends and issues were the need for technology in the courts to more closely approximate that used in the public and private sectors, and for using technology to facilitate citizen access to the courts. Reacting to citizen concerns, they agreed the courts need to deal with issues of the length of time people have to wait on the day of trial, as well as the total amount of time it takes to resolve cases. The issues of court being difficult to use without attorneys, and the high cost of attorneys were rated as priority items for resolution.

Analysis of all this data took place in light of the fourth component, the Mission and Visions for the system. (See page 19) Adopted by the Judicial Council, they set forth the underlying philosophy and guiding values by which the system should operate. Developments or improvements to the judicial system always are evaluated against this backdrop to assure consistency.

At the conclusion of the General Assembly session, new mandates, studies and other requirements directed by the legislature were incorporated into the development process. After carefully studying the information from all four sources, five cross-cutting themes emerged which describe changing circumstances that require foresight, preparation and action by the courts.

To determine how that preparation and action might best be approached,

five focus groups or "venture teams" composed of more than 50 business leaders, technologists, citizens, judges, clerks, magistrates, and attorneys were convened. Out of their considerable experience and expertise came numerous ideas. A sixth group, consisting of judicial branch leaders from other states, was convened by conference call to provide insights and ideas from other states facing the same or similar challenges. Ideas elicited from all the groups were synthesized and further research into their ideas was undertaken. This resulted in 107 action items being presented to the Judicial Council for adoption as the 2000 - 2002 Strategic Plan in June, 1999.

The Themes

The five overarching themes emanating from the research for the 2000 - 2002 Plan are summarized below. Each is followed by several tasks from the Plan designed to address the issues raised by that theme. In this way, Virginia's courts are positioning themselves to meet the expected demands of a changing societal landscape.

Surrounded by Technology:

Life in the Twenty-first Century

The electronic transformation of the world has become so ubiquitous that, as we move into the Twenty-first Century, technology has become as much a currency of modern life as is money or electricity. Computer chips support, monitor and affect most aspects of life as we move from the 20th to the 21st century.

In 1994 only 3 million people were connected to the Internet. By 1999, more than 128 million worldwide were using it, including 92 million in North America, the vast majority of which were in the U.S. Estimates of U.S. e-mail use are soaring: 2.1 billion e-mail messages sent and received daily; 50% of the U.S. population will use e-mail by 2001. As fiber optic infrastructure gains ground, the age of the "video phone" or video-capable PC is rapidly approaching.

The technologies that make possible the Internet and the global econo-

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my are opening new possibilities in how and where we live and conduct our business and personal affairs. Personal computers, laptops, modems, fax machines and cell phones make it possible to conduct many types of business and work functions from nearly everywhere, so where citizens live no longer dictates where they work. In the global marketplace, a "world" of talent is available to employers around the world.

On another level, the availability of information on the Internet is challenging the "gatekeeper" status of stock brokers, librarians, doctors, lawyers, judges and other professionals. With information widely available through the Internet, interested individuals can access specialized information directly. While issues remain regarding the quality of the information retrieved and the abilities of laymen to understand its implications, the roles of information seeker and information gatekeeper are changing.

With 24 hour availability of the World Wide Web, on-line commerce knows no time restrictions. Security issues surrounding e-commerce are being addressed, thus enabling a tremendous surge of on-line commercial activity. State and local governments are now assessing the implications of lost tax revenues.

New and developing technologies will offer even more options and potential in the years ahead. "Personalized" computers, digital high-definition televisions, smart cards and global positioning systems will further change how we communicate and transact business.

The widespread awareness of technological capabilities and their growing use in the private sector has led to a redefinition of the relationship between citizens and governments. The era of government services being provided "on-line," not in lines, has emerged. In many instances, citizens can locate information and send messages to government officials during and outside traditional business hours using various government homepages on the Internet. A number of states are venturing into the realm of "cyber-polity," with citizens being able to vote over the Internet.

There is also a dark side to the promise and potential of technology. Issues of privacy take on a new dimension when individuals anywhere in the world can access public and private electronic records through legal or illegal means. In the excitement regarding on-line services, individuals without ready access to cyber-space may be overlooked or left behind by both the private and public sectors.

Just as technology can be used for good and lawful purposes, so too can it be turned to clandestine and unlawful uses. Government must have the personnel, equipment and expertise to regulate, investigate and convict those who use technology to further illegal conduct and enterprises. A "new terrorism" that relies on striking at the automated systems key to government, banking, utilities and other infrastructure components of modern society also looms on

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the horizon.

In the midst of the race to rely more and more on technology, there is recognition of the alienation that can occur if technology continually removes the human element from interactions and transactions. Highly efficient but cold technological approaches send many members of society in search of a more "human" or "community" based experiences.

One thing is clear: technological innovations will continue to change the world. Those individuals, organizations or institutions that embrace technology and what it can accomplish will move forward. Those who do not will be left behind, trying to meet Twenty-first Century demands with Twentieth Century tools.

As we enter the new millennium, nearly one-third of the items in the Plan are designed to help the courts embrace technology. Among them are:

- developing and pilot testing electronic filing from remote locations to the trial courts, and conducting a requirements study for electronic filing in the appellate courts.
- establishing a new long range technology plan for the courts and securing increased funding to modernize the judicial system's technology infrastructure and service delivery systems.
- investigating the use of court forms on the Internet, and, to the extent possible, creating web-accessible versions of selected public-use forms.
- ensuring that each court has a website and implementing procedures for Internet access to circuit court records.
- providing training for the judiciary on new, innovative technologies and personal computers.
- providing regular assessments of new technologies and their applicability in the court environment to all judges and court system personnel.

Alienation can occur if technology continually removes the human element from interactions and transactions.

Life has always involved change. But as we move into the new millennium, we do so with the knowledge that the magnitude and pace of change are different from what people have dealt with in the past. In addition to the unprecedented rate of change, more things are changing at the same time. The rapid change in technology, the driving force in so many aspects of society, is challenging our ability to change in other areas of life. The result is an increasing gap between technological and social change.

Developments in the scientific and medical arenas hold the promise of sweeping new ways of dealing with life and with health. They also raise ethical and social concerns that may pose significant dilemmas for society. Laboratories are developing ways to "grow" replacement body parts. Implanting small computers in the body is on the horizon. Increased understanding of brain functions may lead to new ways to deal with brain-damaged individuals and to treat abnormal brain functions. Some see genetic engineering technologies as the most powerful of the Twenty-first Century.

With the impending completion of the Human Genome project, which aims to map each gene on its chromosome and to sequence the entire stretch of human DNA, we may be able to understand, predict, prevent and design genetic capabilities. Genetic engineering of plants and animals, already a reality, promises to increase yield of and to improve the quality and freshness of the food supply, but not without raising significant fears of unintended consequences.

Developments in biometrics, the use of unique body traits for identification purposes, may lead to improved security, reduced theft and more convenient consumer transactions. Such advantages, however, will need to be balanced against individuals' privacy concerns.

One of the interesting side effects of change at this point in time, but one that may be corrected in the next generation, is the generally inverse relationship between technological affinity and age. It is the young, and in some cases the very young, who most understand and are most comfortable the capabilities of technology. While older individuals can offer companies institutional memory and a seasoned perspective decisionmaking, they often are less enthusiastic about change and about working with and the potential of technology. This is not always a winning combination in today's highly competitive environment, as reflected by the increasing number of 20 and 30 year olds in "senior management."

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In the world of business, changes within an industry, the market place or the economy can have significant and rapid effects. In order to maintain the flexibility needed to respond to these changes, companies downsize and supplement their core staff with temporary ("just in time") workers as needs demand. Today, not only is it acceptable to have many jobs during a career, it is not uncommon to have multiple careers. In some fields it is even expected that individuals will change companies frequently.

In a world where most everything one buys is likely to be outdated or obsolete in a short period of time, patterns of ownership are also changing. Some see the future in this regard as one in which we buy less and lease more. Another impetus for this type of change comes from environmental concerns over the growing volume of appliances and other durable goods that typically end up in the land fill.

With the world changing around them, the courts too will need to change. While the scope and magnitude of that change is evolving, calls for change are evident as we approach the Twenty-first Century. In addition to the obvious need for more and more current technology, there is a demand for courts, like businesses, to be more responsive to those whom they serve.

The 2000 - 2002 Plan includes a number of strategies for the court system to employ in dealing with change. These include:

- establishing committees to advise the Judicial Council and the Office of the Executive Secretary on issues arising from the growth of technology and the application of innovative technology to the courts.
- developing a cadre of judges to receive advanced training to enable them to specialize in the handling of complex litigation involving science, technology, or business issues.
- installing video conferencing capabilities in courts and magistrate's offices statewide for arraignments, expert testimony, distance education and conducting probable cause and bail hearings.
- establishing a second commission on the future of Virginia's judicial system to study the anticipated demand on the court system and to set forth a plan to meet these requirements.
- using "environmental scanning" mechanisms to inform those in the judicial branch of changing trends and needs for court and legal services.

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It has been said of the age in which we live that we think globally and act locally, and that the more global we become, the more tribal we act. Both sentiments reflect the need for balance between the soaring possibilities of global opportunity and enduring need for identity as we move into the Twenty-first Century. In the process of establishing this balance, the quest for group identity appears to be resulting in an increasing segmentation of society. Whether this acts as a positive or negative force depends in large measure on the context.

In order to have a sense of control, to keep one's bearings, individuals seek to strengthen the institutions and relationships within their immediate sphere. To the extent this results in preserving diverse cultural heritages and sharing them, society will be enriched. Taken to extremes, however, this can lead to a segmentation that can be detrimental to the underlying fabric of the society.

The power of ethnic identity is evident in the increasing number of countries in the world. United Nations member states now number 188, up from 51 in 1945, and the struggle to establish additional countries continues. Episodes of genocide and "ethnic cleansing" to purify the populations of some countries evidence a more tragic aspect of ethnic identity. In America, despite years of effort, divisions between races persist.

Legal and illegal immigration and differing birth rates among ethnic groups continue to cause a change in the demographics of many countries throughout the world. Sometime after the middle of the Twenty-first Century, no single racial or ethnic group will constitute a majority of the US population. With this growing diversity come many opportunities for linking communities nationally and globally with social, economic and artistic benefits for all.

When the Baby Boomers begin to reach age 65 in 2010, much of society will be reorganized to meet their needs. This group will change the conventional role of the elderly in society.

In some instances, the evidence of segmentation is very visible. Between 3 and 8 million Americans are estimated to live in gated communities, motivated by fear of crime, status or lifestyle preference. The increase of such communities has the potential to reduce social contact and weaken bonds of mutual responsibility.

The technological explosion contributes to other forms of societal segmentation. The capacity to seek out and form "virtual communities" with like-minded people empowers individuals with similar interests, needs or agendas in

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diverse locations to come together in ways that were not possible until recently. Using the Internet, even relatively small groups have the potential for having a significant impact.

As more and more aspects of Twenty-first Century life migrate to the World Wide Web, further segmentation will be evident along the "digital divide" between those with access to technology and those without. Those without - the technology "have nots" - will be at a significant disadvantage. In the meantime, those with good skills in this area are among the most sought after and highly paid members of the workforce.

Computers and the Internet also have raised to a new height the ability to identify and target specific segments of society. Business has the capability of targeting and tailoring services to niche markets. Individuals can even design their own e-newspapers to contain only those topics in which they have an interest.

People accustomed to having their individual tastes, needs and desires catered to by the commercial sector are likely to expect similar treatment from the public sector. On one level this may lead to more responsive government services. Carried to an extreme, however, this attitude has the potential to undermine a cohesive society by eroding a sense of community and the importance of the common good.

While courts have always been the forum for resolving disputes, their role has become a focus of dispute by different segments of society. Some groups look to the courts to address the social issues of concern to them that are not being adequately handled elsewhere in society. Other groups feel the courts are not the proper forum for such changes and seek legislation to contain the jurisdiction and discretion of the courts.

Even as society becomes more diverse, we remain united in the quest for justice. To this end, the Plan seeks to assist the courts in positioning themselves to embrace the changes and opportunities offered in a more multi-cultural society by:

- expanding diversity training to ensure that every judge and employee of the judicial system has the opportunity to participate in such programs.
- monitoring feedback from citizens through suggestions boxes, exit surveys and the Public Opinion Survey on the judicial branch's homepage.
- assisting in developing programs for peer mediation and conflict resolution programs in the schools.
- expanding and improving the quality and availability of interpreter services available through the courts.
- improving understanding of, access to and use of mediation.

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Fulfilling the Service Imperative

The last half of the Twentieth Century witnessed the transition of the Industrial Age and a manufacturing economy into the Information Age and a service economy with its emphasis on its relationship to customers. Within this shift, there was an intense preoccupation with service quality, the service imperative as it is called.

To thrive in this environment, companies invest heavily in the staffing, training and support of their customer service strategies. Service is no longer an industrial by-product, it is a powerful economic engine in its own right.

The increased emphasis on service quality has also been influenced by growing consumer activism and empowerment since the 1970's. The public became disillusioned with the ability of many institutions, including the government, to have their best interests at heart, to be above board in their dealings with the public and to deliver quality products and services.

Thus, on the brink of the Twenty-first Century, a more critical, empowered, self-reliant citizenry is redefining its relationship with both business and government and challenging them to provide greater accountability, integrity, quality and service. In their definition, quality service is defined not only by the outcome they received, but by the manner in which they were treated throughout the entire process of dealing with an organization.

While Virginia public opinion surveys continue to show a relatively high overall impression of the judicial system, certain aspects of the courts' performance still resonate poorly with the public: unnecessary court delay, inefficiencies in case processing, multiple appearances by litigants and witnesses, the lengthy time it takes to dispose of some cases, and, of course, the cost of litigation.

In a world typified by change and technological advances, the courts should welcome the opportunity to design new approaches to service delivery. Technology makes many things possible. When these capabilities are combined with user-friendly applications, both court staff and the public will benefit.

This is not to say that technology should be embraced without caution. Inappropriate use of technology may create more problems than it solves.

In areas where technology is not a key consideration, a careful review of the services provided in the courts should ask not only "Are we doing things right?" but also, "Are we doing the right things?" The latter is a much broader and more challenging inquiry.

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Whatever the outcome of these inquiries, providing quality service in the courts in the next century will merit on-going investment. Basic to providing consistent, high-quality service is adequate numbers of skilled staff supported by up-to-date technological systems and on-going training programs.

The courts will need a means for gauging how well their efforts to improve and to maintain quality service are being received and where new or renewed efforts should be undertaken. Keeping abreast of changes in the community and in society is one approach. Listening to and assessing the public's needs and expectations is another. Failure to do so imperils the success of initiatives to improve service quality.

Opportunities for courts to improve the quality of the service they provide to the public abound. Increasing numbers of non-English speaking individuals are appearing before the courts. Lingering public perceptions that courts treat people differently based on their wealth, age, sex and race need to be addressed.

While there have always been pro se litigants in the courts, as the cost of legal representation climbs and legal aid funding declines, their numbers are increasing. And, as the Baby Boomers become the senior citizens of the new millennium, they will present courts with other challenges ranging from caseload issues to accommodating their increasingly disabled numbers.

The Plan recognizes the importance of the service imperative and focuses on it at several different levels. Among the approaches included are:

- conducting a statewide Public Trust and Confidence conference to enhance public confidence in the courts.
- developing and securing funding for a Department of Consumer Services within the Office of the Executive Secretary.
- improving the docketing and calendar management procedures in circuit courts and juvenile and domestic relations district courts.
- translating the most frequently used court forms, as well as court-related information, into other languages.
- expanding training programs with customer service components.
- developing a plan for the District Court Services Center and seeking funding to establish two pilot sites.

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Redefining the Role of the Courts in Society

Within the past decade, the concept of therapeutic justice has emerged and is being hailed as a "new and burgeoning area of the law." While this concept once was confined primarily to academics in law reviews and other scholarly publications, today it is "finding a place in day-to-day judging in an increasing number of courtrooms."

Broadly defined, the concept of therapeutic justice or therapeutic jurisprudence proposes that attending to the individual as well as to the legal issues involved in a case leads to more effective dispositions. It attempts to combine a "rights" perspective (focusing on due process, equal protection and other constitutional safeguards) with an "ethic of care" perspective (focusing on care, interdependence, and response to need).

Therapeutic justice does not replace other legal principles, and other considerations often override therapeutic ones. Rather, it enhances the effectiveness of the legal system and courts by offering a different "lens" or perspective from which to view the daily practice of law and justice, balancing insights gathered with other relevant considerations regarding the individual(s) who are before the courts.

While some commentators have argued that therapeutic concerns are the province of sociologists not jurists, proponents argue that the concepts and practices of therapeutic justice are not new. They contend that, for years, case decision-making by individual judges in the areas of mental health law, family and juvenile law often have been based upon or consistent with therapeutic jurisprudence principles.

Similar concepts also can be found in other broad, contemporary philosophies that seek to influence how decisions are reached in the criminal justice system. Community- focused courts, such as the Midtown Manhattan Community Court, often feature special procedures and staff positions explicitly designed to promote therapeutic case outcomes. That court emphasizes immediacy and accountability of sanctions, on the one hand, and comprehensive social and treatment service delivery, on the other hand. The underlying philosophy is that conviction and sentencing create a "teachable moment" in which the defendant is motivated to seek help.

"Drug courts" are considered to be the most recent and widespread example of the application of therapeutic jurisprudence in the criminal justice system. A drug court is an intensive, community-based treatment, rehabilitation, and supervision program, overseen by judges, and available for certain non-violent substance

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abusers. Found in virtually every state in the country, they emphasize treatment as a potential strategy for breaking the cycle of recidivism so characteristic of substance abusers. Evaluations conducted nationally suggest that reductions in recidivism and drug usage are being achieved.

Other examples of therapeutic justice-based programs are mental health courts, family courts, restorative justice programs, which promote the use of restitution agreements between offenders and crime victims, and even the handgun intervention program. These programs are receiving widespread support in their respective communities and have garnered national attention for their innovativeness and effectiveness.

Some have suggested that therapeutic justice programs are to the criminal justice system what alternative dispute resolution (ADR) programs, such as mediation, are to the civil justice arena. That is, rather than adjudicating cases by applying the law to the facts in an adversarial proceeding, both the therapeutic justice approach and ADR processes seek, respectively, to address the underlying causes for the commission of certain crimes or for certain disputes. They aim to "fix the problem," not simply to decide the case.

As with the development of alternative dispute resolution programs, therapeutic justice initiatives appear to be striking a deep chord both within and outside the judicial system. The latter initiatives may present a stunning array of issues, challenges, and opportunities for the legal system and the courts as we enter the new millennium.

The Plan addresses therapeutic justice issues through the following initiatives:

- evaluating the impact of existing differentiated drug case management and drug court programs in Virginia and elsewhere on recidivism of drug and alcohol offenders.
- studying the cost effectiveness of alternative drug court dispositions in effectively handling substance abusers.
- collaborating with the Department of Criminal Justice Services in studying structural, funding and service guideline for Virginia's drug court programs.
- educating the judiciary, the bar, governmental agencies and the public on drug court programs and their effectiveness in resolving drug and alcohol related offenses.
- developing and administering a Request for Proposals to create a multi-door courthouse.
- expanding the availability of mediation services through contracts with community mediation centers and private providers.

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Translating this planning document into actual accomplishments for the court system requires commitment and participation from judges and court personnel throughout the system and from the Office of the Executive Secretary (OES). To this end, each year different portions of the strategic plan are incorporated into the annual operating plan developed by OES to guide its yearly activities in support of the judicial system as a whole. In this way the full range of tasks set forth in the Plan will be undertaken in a systematic manner over the life of the Plan in a manner that includes accountability and follow-up.

Periodic status reports on the implementation of this Plan will be made available to judges, court system personnel, the Bar, media and the public.

The Judiciary uses this strategic planning process to well-position Virginia's courts in a world that will continue to change. The Judicial Council welcomes comments and suggestions at any time on this Plan or for items to be considered for future planning efforts of the judiciary. Please address comments to:

Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street, Third Floor
Richmond, VA 23219

or e-mail them to the Judicial Planning Department at
<webmaster@courts.state.va.us>.

The Judiciary's Mission and Visions

Vision 1

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

Vision 2

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

Vision 3

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

Vision 4

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

Vision 5

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

Vision 6

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

Vision 7

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

Vision 8

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

Vision 9

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

Vision 10

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

MISSION

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions.

To Resolve Justly

Vision 1

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

Objective 1.1

To provide electronic access to court records for the public.

Task 1.1.1

Investigate the use of court forms on the Internet by other court systems and, to the extent feasible, create web-accessible versions of selected public-use forms.

Task 1.1.2

Develop and pilot test electronic filing from remote locations to the trial courts.

Task 1.1.3

Conduct a requirements study for electronic filing in the appellate courts.

Objective 1.2

To provide for improved accessibility to all court facilities and programs.

Task 1.2.1

Continue to conduct voluntary certification programs for Spanish language interpreters serving the courts.

Task 1.2.2

Translate the most frequently used court forms, as well as court-related information, into Spanish.

Task 1.2.3

Seek statutory changes to authorize compensation for the use of foreign language interpreters in civil cases statewide.

Task 1.2.4

Develop a resource handbook for courts and court-related agencies on the use of interpreters.

Task 1.2.5

Plan for the implementation of computer technology for the visually impaired.

Task 1.2.6

Collaborate with Virginia Department for

the Deaf and Hard of Hearing on training for sign language interpreters serving the courts.

Task 1.2.7

Seek grant funding to develop a plan for establishing a volunteer system within Virginia's courts, including details on functions suitable for volunteer involvement and a coordinated scheme for administering the volunteer program.

Task 1.2.8

Develop a detailed plan for the District Court Services Center and seek funding to establish two pilot sites.

Task 1.2.9

Develop models and secure voluntary pilot courts to implement programs for expanded service hours for clerks' offices.

Task 1.2.10

Monitor the Virginia State Crime Commission's study of courtroom security in domestic relations cases.

Objective 1.3

To eliminate economic barriers to legal representation.

Task 1.3.1

Provide linkages on the court system's web page to relevant sites on legal aid society offices and lawyer referral services throughout the state.

Objective 1.4

To facilitate the courts' resolution of disputes in a timely and efficient manner.

Task 1.4.1

Continue implementation of the Calendar Management and Delay Reduction Workshops for Virginia's Juvenile and Domestic Relations District Courts to improve the docketing and calendar man-

agement procedures in juvenile and domestic relations district courts, including the use of the next-available-date automated scheduling system.

Task 1.4.2

Implement a comprehensive statewide program to improve the docketing and calendar management procedures in circuit courts.

Task 1.4.3

Provide direct technical assistance, automated programs and other resources to support the trial and appellate courts in developing calendar management programs which reduce litigation costs and delay, lessen waiting time and inconvenience for the public and enhance the dignity of all court proceedings.

Task 1.4.4

Conduct a study of the processing of landlord-tenant cases to determine ways to expedite their movement through the general district courts.

Objective 1.5

To improve the quality of the court system's processing and disposition of child abuse and neglect cases, foster care cases, custody and adoption cases.

Task 1.5.1

Develop a management information system to track child abuse and neglect and foster care cases.

Task 1.5.2

Develop an interface with the On-Line Automated Services Information System (OASIS) administered by the Virginia Department of Social Services.

Task 1.5.3

Develop and disseminate to circuit and district court judges and commissioners in chancery information on (1) the goals and

availability of parent divorce education material, (2) the role of mediation in custody and visitation cases, and (3) the impact of denied visitation on children.

Task 1.5.4

Convene an advisory committee and develop a model curricula on the effects of the dissolution of a relationship for use in parent divorce education materials.

Task 1.5.5

Conduct a study of factors used by judges in making child custody decisions.

Task 1.5.6

Monitor the Commission on Youth's study of the reorganization of the Commonwealth's adoption laws.

Vision 2

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

Objective 2.1

To ensure that courts merit the respect of society in the handling of criminal cases.

Task 2.1.1

Continue to provide information to the courts, public and other constituencies on questions, projects and subject matter expertise related to family violence issues, legislation and court practices.

Task 2.1.2

Implement the electronic interface between the court system and the Virginia State Police to transfer protective orders.

Task 2.1.3

Provide training to circuit court judges related to the impact of family violence on children and offender accountability.

Task 2.1.4

Coordinate with other states to fully implement the Violence Against Women Act Full Faith & Credit provisions for protective orders.

Task 2.1.5

Assist the Auditor of Public Accounts in its review of circuit court criminal disposition records.

Task 2.1.6

Provide training for circuit court judges on sex offenses, sex offender recidivism, and the need for adequate post-incarceration supervision.

Objective 2.2

To participate in studies relating to the effective handling and disposition of delinquency proceedings brought before the juvenile and domestic relations district courts.

Task 2.2.1

Monitor the Commission on Youth's study of the use of postdispositional detention in juvenile detention homes.

Task 2.2.2

Monitor the Virginia Bar Association's study of the adjudication of the insanity defense in juvenile delinquency proceedings.

Task 2.2.3

Monitor the Department of Juvenile Justice's development of a standardized social history form for use by court service units.

Objective 2.3

To assist the trial courts in the development, implementation and evaluation of expedited drug case management and treatment programs.

Task 2.3.1

Evaluate the impact of existing differentiated drug case management and drug court programs in Virginia and elsewhere on recidivism of drug and alcohol offenders.

Task 2.3.2

Study the cost effectiveness of alternative drug court dispositions in effectively handling substance abusers.

Task 2.3.3

Develop an integrated drug court management information and evaluation system.

Task 2.3.4

Collaborate with the Department of Criminal Justice Services in studying structural, funding and service guidelines for Virginia's drug court programs.

Task 2.3.5

Educate the judiciary, the bar, governmental agencies and the public on drug court programs and their effectiveness in resolving drug and alcohol related offenses.

Task 2.3.6

Develop and distribute a videotape about Virginia's drug court programs.

Objective 2.4

To strengthen the jury system by improving the selection process and the jury's method of operation.

Task 2.4.1

Complete the jury reform task force and submit the final report to the Judicial Council for action.

Vision 3

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

Objective 3.1

To establish a comprehensive range of dispute resolution services in Virginia's circuits and districts.

Task 3.1.1

Expand the availability of mediation services through contacts with community mediation centers and private providers.

Task 3.1.2

Continue to provide materials, training, and assistance to improve public understanding about alternative dispute resolution.

Task 3.1.3

To develop and administer a Request for Proposals to create a multi-door courthouse.

Task 3.1.4

Develop a model screening instrument to use in assessing the appropriateness of case referral from the court system to mediation.

Task 3.1.5

Enhance understanding of the mediation process and its possible uses and encourage the referral of cases to mediation by the judiciary.

Task 3.1.6

Provide training on the guidelines relating to the unauthorized practice of law and mediation.

Task 3.1.7

Develop, in cooperation with the Virginia State Bar, an Advisory Ethics Committee to address ethical questions posed by attorney and non-attorney mediators.

Task 3.1.8

Conduct a study on case referral to mediation from the juvenile and domestic relations district courts.

Task 3.1.9

Assist in developing programs for peer mediation and conflict resolution programs in the schools.

Task 3.1.10

Develop and present training for judges to enhance their settlement and negotiation skills.

To Administer Effectively

Vision 4

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

Objective 4.1

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

Develop and conduct a pilot test using videoconferencing for appellate arguments, based on the experiences of other judicial systems and the needs of Virginia's appellate courts.

Task 4.1.1

Develop a cadre of judges to receive advanced training to enable them to specialize in the handling of complex litigation involving science, technology, or business issues.

Task 4.1.2

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

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 4.2.1

Conduct a study of the use of local rules of court.

Task 4.2.2

Conduct a study of the statutory requirements regarding civil offenses requiring a personal appearance in court.

Task 4.2.3

Conduct a review of the appellate rules to determine the need for extensions to mandatory filing deadlines.

Task 4.2.4

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

Task 4.2.5

Vision 5

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

Objective 5.1

To enhance the administration of the courts by clarifying and reinforcing lines of authority and responsibility.

Task 5.1.1

Establish a study under the auspices of the Judicial Council to review the appointment and supervision of Commissioners in Chancery, policies on orders of referral, fee schedules, and control over the costs involved when cases are so referred.

Objective 5.2

To obtain full state funding of the court system.

Task 5.2.1

Secure state funding to provide law clerks and secretaries for circuit court judges.

Task 5.2.2

Secure increased funding to modernize the judicial system's technology infrastructure and service delivery systems.

Vision 6

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

Objective 6.1

To ensure that the judicial system attracts and retains the most qualified persons for service on the bench.

Task 6.1.1

Introduce legislation to establish a judicial nominations commission process for selecting judges.

Task 6.1.2

Secure increases in salaries for judges and justices in order to maintain compensation levels which are attractive enough to encourage qualified individuals to choose a judicial career.

Task 6.1.3

Establish a peer review and self-evaluation process to provide an internal mechanism for periodic feedback to judges in the performance of their duties.

Objective 6.2

To provide education delivery options which will ensure expanded and career-long training opportunities for all persons in the judicial system's workforce.

Task 6.2.1

Develop alternative educational delivery systems using various technologies in order to increase the capability to provide continuing training.

Task 6.2.2

Develop long-term training curriculum for judges, clerks and magistrates.

Objective 6.3

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment which will attract and retain highly-qualified career personnel for service in the courts.

Task 6.3.1

Modify the compensation package for judicial system personnel in order to provide additional pay for bilingual employees when foreign language skills are needed by the court in order to serve the public.

Vision 7

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

Objective 7.1

To maximize the use of technology within the judicial system to enhance the quality of justice rendered by courts.

Task 7.1.1

Establish and appoint a Technology Subcommittee of the Judicial Council to advise Council on technology policy issues arising from the growth of technology and its importance to all facets of the judiciary's operation.

Task 7.1.2

Implement a Technology Advisory Committee composed of public and private sector information technology specialists to advise and assist the Office of the Executive Secretary in implementing new and innovative technology applications for the courts.

Task 7.1.3

Establish a new long range technology plan for the courts.

Task 7.1.4

Explore the feasibility and advisability of creating a statewide court database which would be offender and incident based, in addition to case based.

Task 7.1.5

Design, develop and implement a new capability within the Case Management System to track key events in a case in order to alert both clerks and judges of required activities or events based on the type of case.

Task 7.1.6

Implement electronic transmission of certificate of deposit reports to the Department of Accounts.

Task 7.1.7

Develop and implement an automated magistrates' log.

Task 7.1.8

Migrate to fourth generation computer programming languages, tools and a modern relational database.

Objective 7.2

To expand collaborative relationships between the courts, state and local governments, and the private sector to facilitate greater ease in electronic exchange of information and in the conduct of judicial proceedings.

Task 7.2.1

Participate in planning and implementation of the Integrated Criminal Justice Information System (ICJIS) to provide access to and tracking of information on criminal defendants.

Task 7.2.2

Establish a cooperative effort between the Division of Forensic Science, the bar, and the judiciary to study the feasibility of permitting scientific and expert testimony via video conferencing where such testimony is frequently required.

Task 7.2.3

Install video conferencing capabilities in courts and magistrates offices statewide for arraignments, expert testimony, distance education and conducting probable cause and bail hearings.

Task 7.2.4

Provide magistrates and the courts direct connectivity to the Virginia Criminal Information Network (VCIN) administered by the State Police.

Task 7.2.5

Provide electronic information exchange among courts and other justice agencies by enhancing and expanding interfaces with the Departments of Corrections, State Police, and Juvenile Justice and the Division of Child Support Enforcement so

that abstracts of court dispositions may be transmitted accurately and efficiently.

Task 7.2.6

Continue implementation of an automated interface between the Central Criminal Records Exchange (CCRE) and the circuit, general district and juvenile and domestic relations courts.

Objective 7.3

To monitor developments in the provision of and funding for technology resources in state and local governments.

Task 7.3.1

Assist the Department of Accounts in the development of a pilot program for selected general district courts to deposit state funds directly to a state depository account on behalf of the clerk of the circuit court.

Objective 7.4

To use technology to increase communication and ease of use for all court users.

Task 7.4.1

Enhance the Frame Relay Network, by installing a firewall for network security and adding the magistrates to the Network.

Task 7.4.2

Continue to install, administer and train court personnel on the use of local area networks in the courts to provide data sharing, printer sharing and software installation and maintenance.

Task 7.4.3

Develop implementation procedures for Internet access to circuit court records.

Task 7.4.4

Ensure that each court has an web site.

Task 7.4.5

Conduct a study to determine the most cost

effective means for responding to data requests under the Freedom of Information Act.

Objective 7.5

To facilitate the use of office automation and statewide automated systems by judicial system personnel.

Task 7.5.1

Provide training for the judiciary on new, innovative technologies and personal computers (PCs).

Task 7.5.2

Automate selected circuit and district court forms.

Task 7.5.3

Create a circuit court "inactive" database and update the existing closed case database for the general district courts.

Task 7.5.4

Develop an Executive Information System (EIS) for the juvenile and domestic relations district courts.

Task 7.5.5

Study the feasibility of establishing a related-case cross-referencing capability for juvenile and domestic relations cases.

Objective 7.6

To ensure that the automated systems utilized by all courts are prepared for the century date change.

Task 7.6.1

Ensure that the court's information systems, telecommunications, facilities and embedded technology, supply chains and data exchanges are century date change compliant.

Task 7.6.2

Monitor systems deemed Y2K-compliant, and identify and correct any Y2K-related problems.

To Preserve the Public Trust

Vision 8

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

Objective 8.1

To improve service quality by increasing the courts' awareness of and responsiveness to the needs of the citizens they serve.

Task 8.1.1

Conduct a statewide Public Trust and Confidence in the Courts Conference for teams of citizens, judges, attorneys and clerks to collaborate on ways to enhance public confidence in the courts.

Task 8.1.2

Develop and secure funding for a Department of Consumer Services within the Office of the Executive Secretary to provide technical assistance, to serve as a clearinghouse and resource for local courts, to establish a public information office capability for the court system, to deliver customer service training, to coordinate a volunteer program for the courts and to assist in local implementation of district court service centers.

Task 8.1.3

Coordinate efforts with the Department of Criminal Justice Services to ensure that educational programs for bailiffs and all court security personnel include a customer service component.

Task 8.1.4

Establish, in cooperation with state bar organizations, a project to produce a series of "how to" or instructional video segments on court system procedures and services to be made available to public and commercial television stations, and local access channels of cable networks.

Task 8.1.5

Revise questionnaires and procedures for suggestion boxes and exit surveys and promote their use in courts throughout the state as a means of allowing the pub-

lic to file formal, written comments on court services and procedures.

Task 8.1.6

Establish a library consisting of video-tapes, in English and other languages, to educate the public about the courts and to provide self-help information on various court procedures.

Task 8.1.7

Monitor public feedback obtained through the Public Opinion Feedback questionnaire on the judicial branch homepage on the Internet.

Objective 8.2

To ensure that participants in the judicial process are not discriminated against because of race, gender, age, disability or socioeconomic status.

Task 8.2.1

Expand diversity training to ensure that every judge and employee of the judicial system has the opportunity to participate in such programs.

Task 8.2.2

Complete the work of the Gender Bias in the Courts Task Force and provide recommendations to the Judicial Council for action.

Vision 9

The impact of changing socioeconomic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Objective 9.1

To expand the strategic planning capabilities of the judicial system.

Task 9.1.1

Establish a commission on the future of Virginia's judicial system to study the anticipated demands on the court system and to set forth a plan to meet these requirements.

Task 9.1.2

Assist local courts in developing and conducting strategic planning efforts to enhance their delivery of services to the public.

Task 9.1.3

Provide regular assessments of new technologies and their applicability in the court environment to all judges and court system personnel.

Objective 9.2

To monitor the impact of new and emerging trends on the courts.

Task 9.2.1

Continue to utilize environmental scanning mechanisms such as the newsletter FutureView to inform those within the judicial branch of changing trends and needs for court and legal services.

Vision 10

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

Objective 10.1

To effectuate better understanding and communications among the three branches of state government.

Task 10.1.1

Develop orientation programs and other efforts to better familiarize and inform legislators and members of new administrations about the needs, services, and operations of the court system.

General Information for Individuals with Disabilities

The Virginia court system has adopted a policy of non-discrimination in both employment and in access to its facilities, services, programs and activities. For further information, contact the Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219. The telephone number is 804/786-6455; communication through a telecommunications device (TDD) is also available at this number.

