

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.

The Judicial Council of Virginia

The Honorable Leroy Rountree Hassell, Sr., Chief Justice
Supreme Court of Virginia

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

The Honorable S. Bernard Goodwyn, Judge
First Judicial Circuit

The Honorable Randall G. Johnson, Judge
Thirteenth Judicial Circuit

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

The Honorable Leslie M. Alden, Judge
Nineteenth Judicial Circuit

The Honorable William N. Alexander II, Judge
Twenty-second Judicial Circuit

The Honorable Birg E. Sergent, Judge
Thirtieth Judicial Circuit

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

The Honorable Alfreda Talton-Harris, Judge
Fifth Judicial District

The Honorable William J. Howell, Speaker
*Virginia House of Delegates**

The Honorable Kenneth W. Stolle, Member
Senate of Virginia

The Honorable Walter A. Stosch, Member
*Senate of Virginia**

The Honorable Robert F. McDonnell, Member
Virginia House of Delegates

The Honorable Kenneth R. Melvin, Member
*Virginia House of Delegates**

Mr. William G. Broaddus, Esquire

Mr. George W. Wooten, Esquire

Mr. Robert N. Baldwin, Ex-Officio Executive Secretary

*By invitation of the Chief Justice

CHIEF JUSTICE
LEROY ROUNTREE HASSELL, SR.

JUSTICES
ELIZABETH B. LACY
BARBARA MILANO KEENAN
LAWRENCE L. KOONTE, JR.
CYNTHIA D. KINBER
DONALD W. LENOHE
D. STEVEN ADEE

SENIOR JUSTICES
HARRY L. CARRICO
A. CHRISTIAN COMPTON
ROSCOE S. STEPHENSON, JR.

SUPREME COURT OF VIRGINIA

THIRD FLOOR
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334

(804) 786-6455
FACSIMILE
(804) 786-4542

CLERK
PATRICIA H. KRUEGER
EXECUTIVE SECRETARY
ROBERT N. BALDWIN
CHIEF STAFF ATTORNEY
GREGORY E. LUCKY
REPORTER OF DECISIONS
KENT BINGLAIR
STATE LAW LIBRARIAN
GAIL WARREN

December 6, 2004

MEMORANDUM

TO: All Members of the Judicial System

FROM: Leroy Rountree Hassell, Sr., Chief Justice
Supreme Court of Virginia

On behalf of the Judicial Council of Virginia, I am pleased to forward to you a copy of the FY 2004-2006 strategic plan for Virginia's judicial system. This document is the result of a comprehensive process involving more than 1,000 Virginians-the most broad-based planning effort yet undertaken by the judiciary.

Two new avenues for gathering information about the perceived needs for court reform were incorporated in the Plan's development. The first was a series of Town Hall Meetings held around the Commonwealth in 2003. Members of the Judicial Council and judges met with citizens and local government officials to discuss a wide range of issues regarding the administration of justice. Later in the year, community leaders, citizens, judges, lawyers, and court personnel met in Richmond at the statewide Solutions Conference to review the most promising ideas and innovations gleaned from the Town Hall meetings.

Consequently, the Judicial Council adopted and the Supreme Court of Virginia approved some 140 action items to address critical issues confronting our courts. Successful implementation of these solutions will require broad participation from judges, clerks of court, and magistrates. I look forward to working with members of the judiciary, legislators, lawyers, and citizens during the biennium to achieve the important objectives contained herein as we seek to provide an excellent judiciary for all Virginians.

The Planning Process

Change is an integral part of life, yet the magnitude and rapidity of change in this century continues to astound. Old world orders fall and new ones struggle to replace them. Events occurring around the world are instantaneously communicated globally and affect life locally in unforeseen ways. Promising technological advances are often supplanted before they mature by newer, more promising developments. Advances in science unleash new realities that often confound the legal, social, and ethical "status quo".

Surviving and thriving in this environment requires both the public and private sectors to adapt quickly and effectively. Organizations must be sufficiently nimble to meet changing conditions while remaining faithful to their core missions. This often requires that organizations seek more effective ways to gather broad-based data for enhancing their capacity to think and respond creatively and effectively.

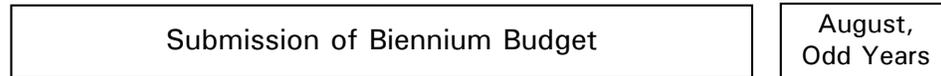
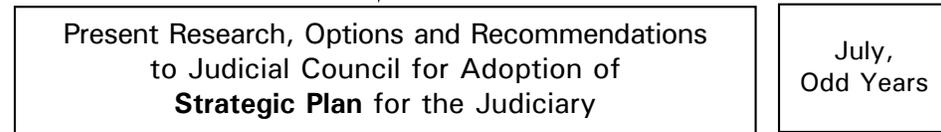
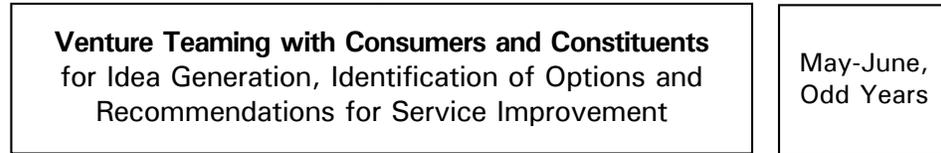
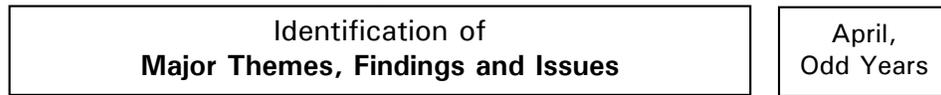
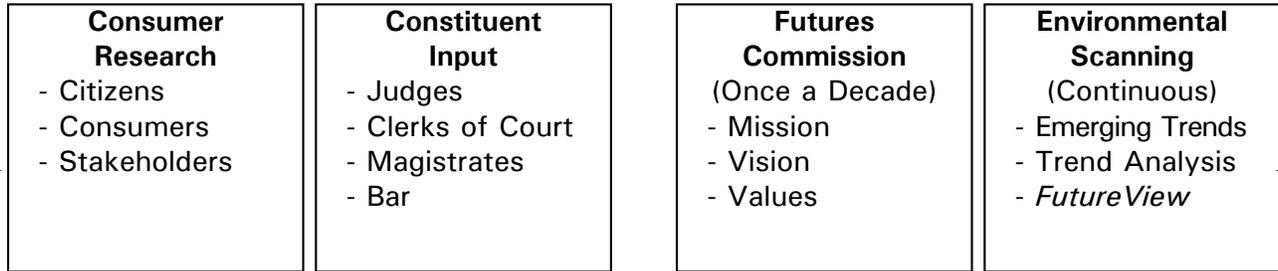
It is for this reason that the judiciary's strategic planning process exists. Using the information-gathering steps afforded through this process, the court system has sought and received perspectives both from within and outside the judiciary on critical issues that or may impact the court system's operation. By compiling this information and determining steps to seize upon potential opportunities and to address anticipated problems early on, leaders in the judicial system are better able to position the courts to meet the expected demands.

Creation of the FY2004-2006 Plan was initiated in 2003 with the presentation of an extensive environmental scan to Judicial Council members. This report was designed to provide data and insight on expected developments in the areas of demographics, technology, consumer trends, and law and government. Next, several steps were undertaken to garner the opinions of citizens and those who serve the courts today about needed court reforms. In total, nearly, 1,100 individuals contributed to the development of the Plan through the following means:

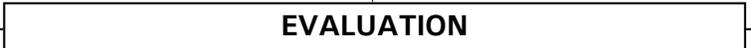
- Citizens participated in a telephone survey seeking public perceptions of Virginia's courts.
- Court and bar leaders responded to a written survey and heard presentations on emerging global, national and local trends with implications for the courts and the environments in which they operate.
- Members of the public, the court community, and government agencies appeared at five Town Hall Meetings to share their opinions on where the court system's operation should be improved. Members of the Judicial Council and a number of other trial and appellate court judges listened to those testifying at the meetings and engaged them in dialogue about their perspectives.

Adoption of the Plan by the Judicial Council represents the commitment of the judiciary's leadership to continual improvement within the system.

THE JUDICIARY'S STRATEGIC PLANNING AND MANAGEMENT SYSTEM



Continuous



Continuous

- Representatives of civic and advocacy groups, Bar Associations, government agencies, as well as judges, clerks, and magistrates collaborated during a statewide conference to craft solutions for problems identified through the Town Hall meetings.

Thus, the Judicial Council of Virginia's 2004 - 2006 strategic plan reflects a collective sense of the preferred direction for the court system in these changing and challenging times.

Once all the data was compiled, cross-cutting themes were identified. Then the themes and ideas emanating within each were evaluated against the framework of the judiciary's Mission and Visions. The Judicial Council met in December, 2003 and reviewed and adopted 143 action items for inclusion in the Plan. The Plan then was forwarded for review by the Supreme Court of Virginia.

The adoption of this Plan signals the commitment of the judiciary's leadership to continual improvement of the court system. It also represents the beginning of a system-wide implementation effort. Only with the commitment and participation of judges, clerks of court, magistrates and other state and local justice system officials can this blueprint be translated into demonstrable action for the benefit of all Virginians.

To assure that the full range of tasks set forth in the Plan will be undertaken in a systematic manner, the Office of the Executive Secretary (state court administrator' office) incorporates different portions of the strategic plan in each of its annual operating plans during the biennium. This operating plan guides yearly activities within the Office 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 that includes accountability and follow-up.

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

The Judicial Council welcomes comments and suggestions at any time on this Plan or on items to be considered for future planning efforts of the judiciary. Please address comments to the Judicial Planning Department:

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

OR

By e-mail:
webmaster@courts.state.va.us

The Themes

The six cross-cutting themes emanating from the research for the 2004-2006 Plan are summarized below. Each is followed by several action items designed to address the issues raised by that theme. In this way the Council is attempting to position the courts to better meet the expected demands of a changing society.

1. Widening the Courthouse Doors: Meeting the Diverse Needs for Access to Justice
2. Children, Families and the Courts
3. Technology As A Way of Life
4. Courts As A Core Function of Government: Maintaining Independence and Accountability
5. Courts and Communities: Exploring Roles, Responsibilities, and New Paths to Justice
6. Reclaiming a Secure Virginia: The Courts Post-9/11

Widening the Courthouse Doors:

Meeting the Diverse Needs for Access to Justice

Significant shifts in demographic profiles continue to reshape national and state populations. Hispanics now outnumber African-Americans in the United States. The percentage of Asian Americans more than doubled between the 1990 and 2000 and is increasing. As their overall numbers have grown, so has the internal composition of these minority groups. More countries of origin are represented, with increased numbers from each. There is more variation in the economic and educational backgrounds within groups. The one-size-fits-all characterization of America's Hispanic and Asian populations does not satisfactorily address their increasingly diverse needs.

In some developed nations, the aging populations are producing birth rates insufficient for population replacement, placing them on the brink of population decline. This fate is being staved off only by population gains through immigration. While not facing immanent population decline, the US population, too, is aging. More than 50,000 individuals have celebrated their 100th birthdays. "Boomers" are on the verge of retiring in staggering numbers. By 2005 one in every five Virginians will be age 60 or older. The gap between the poor and the wealthy in American is increasing with more than 3 million older Americans living below the poverty line.

Businesses in the private sector seek to capitalize on this diversity by targeting marketing initiatives and services to growing but underserved segments of the pop-

Six cross-cutting themes raise numerous issues with which society and the courts are now or soon will be grappling.

Significant shifts in demographic profiles continue to reshape national and state populations.

ulation. The boom in assisted living facilities, home services for the elderly, and product designs with less agile hands and limbs in mind illustrate this point. At the same time, they seek to diversify their workforce to gain insights about and credibility with the groups they seek to serve.

The courts, too, are recognizing that assuring access to justice in this changing environment requires a multifaceted approach. Business as usual excludes too many people. The increasing cost of legal representation is perceived to be pricing even moderate-income individuals out of the market. The growth of self-represented litigants, particularly in family matters, is a nationwide phenomenon. While barriers to effective access to the courts differ from group to group, they may include: inaccessible facilities and equipment, language, bias, scheduling, processes and procedures.

Through the addition of the Town Hall Meetings and the Solutions Conference to the judiciary's planning process, judicial system leaders were able to put faces and voices to the diversity of court access needs in Virginia. Members of the immigrant community described with clarity the linguistic and cultural barriers they feel they experience in using the courts. Representatives of the legal community were passionate in their calls for systemic change in providing both improved indigent defense services and addressing the plight of self-represented litigants. Individuals with disabilities and those who work with the elderly called for understanding of and accommodations for the functional limitations of these groups. Their common theme was that courts must do more to provide meaningful access for all citizens.

While some of these calls for change require additional funding, others do not. At the same time the courts are seeking funding for new or expanded programs, they can move forward with revising processes and procedures to foster accessibility, and to increase the diversity of their workforce. The 04-06 plan sets forth numerous tasks to address the need to widen the courthouse doors. Among them are the following:

- expanding the voluntary certification process for foreign language interpreters serving Virginia courts to include languages in addition to Spanish.
- supporting efforts to increase the compensation paid to court-appointed counsel in criminal cases.
- developing a specialized Judicial Institute on the trial and management of capital cases to be delivered on an annual basis.
- conducting periodic reassessments of the effectiveness of individual courts' of the Americans with Disabilities Act (ADA) and where necessary work with the courts to develop plans for corrective action, and
- establishing an Equal Opportunity Employment Committee for the judicial system to develop and implement specific actions such as creating internships, conducting recruitment visits, and expanding placement sources in order to increase the diversity of the judicial system's workforce.

Children, Families, and the Court

Throughout the United States, escalating caseloads and significant changes in the roles of judges are transforming juvenile and family courts. At the same time, the work of these courts is under greater scrutiny than ever before as all things "family" receives greater public attention.

In Virginia, the juvenile and domestic relations district courts experienced dramatic growth in their caseloads throughout the 1990's. Caseloads statewide for these courts increased more than 70%. Juvenile cases, comprising more than half of the courts' cases, grew by 63%, while domestic relations cases increased by 83%. Not until 2001 was there any sign of these caseloads abating. Even so, caseloads for these courts should continue to increase.

Increasingly complex issues, exacerbated by poverty, drug and alcohol use, HIV, and domestic violence, are now decided in cases each day and are consuming greater proportions of judicial time and court resources. In addition, juvenile and family courts are hearing cases that present a host of novel and public policy issues, some of which stem from advances in reproductive technology. Conception and birth scenarios now exceed anything heretofore contemplated. The implications of these technologies on legal relationships can produce complex questions for the courts.

The composition of families coming into the courts reflects changes in society. While the traditional family of two parents and their biological children still exists in America, it now accounts for less than 25 percent of the nation's households. Family profiles are much more diverse. Nearly 30% of American children live in single parent households. With the high rate of divorce, the joining of two single parent households produces a blended family that is often augmented by a new biological child or children. When the epidemic of substance abuse leaves many parents unable or unwilling to care for their children, other provisions must be made. Foster care is one option. An estimated 60 - 95% of the children in foster care are there due to the substance abuse of parents or other care givers. Another, less formal option is kinship care, where relatives provide homes for nieces, nephews, cousins or grandchildren. One of these arrangements has become so common that a new term, grandfamilies, has been coined. Unmarried couples, heterosexual or same-sex, with or without children comprise another form of family today. This profound change in Americans' concept of family is a development that some find heartening and others find troubling. Yet, it is the reality the courts and society, in general, must recognize.

Families that come to court often are receiving or are in need of services from other government entities. In many instances, the courts are placed in the position of coordinators of services for dysfunctional families, in addition to being resolvers of their disputes. In addition, many family cases often do not lend themselves to a

In many instances, the courts are placed in the position of coordinators of services for dysfunctional families, in addition to being resolvers of their disputes.

rational fact-finding process that resolves the disputes. A "final" resolution, the hallmark of our adversarial system, is difficult to attain for a number of reasons. Cases involving families and children are emotionally charged and conflict-laden. The relationships between the parties will continue beyond the disposition of the matter in court on any given day, with the case often remaining within the court's jurisdiction until a young child eventually becomes an adult.

Virginia's juvenile and domestic relations district courts (J&DR) have been on the forefront in seeking creative and appropriate means to address their caseloads and the difficult issues presented at their doors. Mediation is now available in many areas of the state to families dealing with custody and visitation issues. Family drug courts are being introduced as a means for breaking the cycle of substance abuse in order to keep families together. Parent education programs have been developed and offered throughout the state. To increase access to the courts for family matters, Chief Justice Hassell has underway an effort to provide greater pro bono representation for persons of limited means.

Because the issues that bring children and families into the courts are often complex and multi-layered, resolution of their problems may involve dealing with the courts in several different contexts. In Virginia, the J&DR district courts have original jurisdiction in most juvenile and family cases, except divorce and adoption. Even in these matters, many relevant issues can originate in the J&DR Court. In addition, the provision of a de novo appeal in family law matters, where a complete retrial of the case takes place in the circuit court, allows the adversarial process to protract already emotionally charged issues and delays the restoration of the reorganized family unit. It has been found that this two-tier adjudicatory system in family law matters creates hardships, inconvenience and inefficiencies when multiple problems within the same family are allocated to different courts for resolution. The family may be offered conflicting solutions to the same or similar problems, and problems may fall into the crack created by the division of court jurisdiction. This lack of a comprehensive approach to family issues is seen by many as a major weakness of Virginia's judicial system. Having the ability to consolidate related cases would not only improve the quality of dispute resolution in these family law cases; it would enhance the efficiency of the necessary organizational and resource support of the court system to effectively resolve disputes.

On a daily basis, Virginia's J&DR courts are handed a demanding mission. They know the decisions they make are critical to children and families, affecting the quality of life for the families and for the community. As one speaker said at a Town Hall meeting, "The Juvenile and & Domestic Relations District Courts are the one place where, if we change the life of one individual, we can make an enormous difference in society." Although the courts continue to strive to handle their growing caseload more effectively, the current structure of the court system continues to be seen by many as hampering effective access to justice for troubled families.

The avenues for attacking the perplexing issues presented by children and families in the courts are wide-ranging. Among the more than 20 action items that seek to address various components of the need are the following:

Virginia's juvenile and domestic relations district courts (J&DR) have been on the forefront in seeking creative and appropriate means to address their caseloads and the difficult issues presented at their doors.

- seeking legislation and funding to implement a family court to deal with all family related issues;
- designing and implementing a statewide program to provide pro bono legal services to litigants involved in child custody and visitation disputes who cannot afford representation;
- assessing the handling of child dependency cases in the circuit courts to determine the extent and impact of the delay on permanency for children;
- expanding the delivery of training programs for substitute judges, with particular emphasis on substitute judges serving in the juvenile and domestic relations district courts;
- conducting a study of recidivism rates of custody/visitation cases mediated versus those adjudicated in the JDR courts; and
- developing a model truancy mediation curriculum to train mediators throughout the state in support of the expanded use of truancy mediations by schools and judges.

Technology as a Way of Life

Technology is becoming increasingly ubiquitous in our world, in our expectations, and in our collective conscience. Faster, smaller, cheaper computing power influences every facet of 21st Century life. The capacity to understand, to manipulate, and to create starting at the nano and genetic levels spawns previously unimagined issues to ponder. The rapidity of technological advances continually changes how we live, work, and communicate.

While the Internet is a learned reality for older generations, it is simply a fact of life for today's younger generations. Global Positioning Systems (GPS) track the speed and location of rental cars, locate lost pets, and tell farmers where and how much fertilizer to use when planting genetically modified crops. Questions of where and how those crops can be sold or used fuel international debates. Vocabulary changes as familiar words like network, portal, blackboard and virus take on new meaning and words such as blogs, Bluetooth and push technology become part of the modern lexicon. Genetics, stem cell research and cloning promise lifesaving possibilities while sparking ethical maelstroms.

Wireless communication and portable technologies have introduced unprecedented flexibility in work arrangements and personal communications. With laptops and cell phones, "portable offices" are possible almost anywhere. Law enforcement officers operate with computers in their squad cars and mini-cameras to record traffic stops. Abduction victims call for help from car trunks and hijacked airplanes, and lost or injured hikers alert authorities to their need for help.

The rapidity of technological advances continually changes how we live, work, and communicate.

Yet as some Americans eagerly embrace each succeeding generation of technological innovation, others grow more wary of technology's pervasiveness and impacts on their lives, their communities, and the world at large. Citizens young and old use cell phones while shopping, dining, and driving, often with little regard for the privacy or propriety previously attached to personal communications. Both private sector companies and public agencies are moving to ban camera phones recognizing their potential for compromising everything from trade secrets to personal privacy in locker rooms. As the capacity for working anywhere, anytime drifts toward an expectation, the line between home and work blurs.

Citizens, customers and constituents are migrating to cyberspace seeking convenient, user friendly access to information, services and entertainment, 24 hours a day, seven days a week. Private sector responsiveness sets the bar for expectations of e-government. Yet, a recent study of both the content and public assessment of digital government concludes that e-government, at this stage in its development, generally falls short of its potential to transform government service delivery and trust in government. Still, individuals, law firms, private sector entities, and state and local executive branch agencies, want to be able to do business with the courts on-line. State and local criminal justice agencies advocate for the court system, particularly magistrates' offices, to serve as the portal for automated entry of information on criminal defendants. They want to have those records integrated with court actions and related events so that a complete automated record for every offender can be compiled and easily retrieved.

Simultaneously, citizens, government, industry and the media grapple with the technical and philosophical dimensions of privacy as they apply in cyberspace. The potential for harm due to unauthorized access to and the misuse of private information on the Internet far exceeds anything faced previously in terms of speed and volume. The relative ease with which electronic government records can be compiled, mined, sold, and broadcast through cyberspace raises questions as to what information governments can and should compile and how much of it is "public" information. The epidemic of identity theft, the increasing dangers posed to children by cyber predators, and the routine gathering of personal information on those surfing the web or otherwise living on-line ratchet up the societal stakes for failing to come to terms with privacy in cyberspace.

While individuals and bar groups assert with vigor their desires for expanded access to court information, they also demand that the court system do its part to ensure that their privacy rights are respected. State and federal statutes and case law impact efforts to balance access to court records and privacy requirements. The CCJ/COSCA Guidelines for Policy Development by State Courts: Public Access to Court Records, promulgated in 2002, highlight the major issues needing to be addressed by such policies and attempt to provide language as a starting point for drafting a policy tailored to the needs of a given state. In Virginia, court leaders are working with the General Assembly's Joint Subcommittee Studying the Protection of Court Records to develop appropriate policies, using the Guidelines as a resource.

Still, technology is perceived as the single most potent force transforming the justice system landscape. Technology in its many facets impacts the types of dis-

[T]echnology is perceived as the single most potent force transforming the justice system landscape.

putes brought to court, the manner in which trials can be conducted and evidence presented, how court and trial papers are filed, stored and accessed, and how decisions are distributed. Trial courts are becoming hubs through which a myriad of state and local agencies, businesses, and individual citizens access timely and accurate information on court decisions and actions. Individual court and court system web sites provide ready access to court dockets, statistics and publications. Court forms are available both for downloading and for on-line completion. Payments of fines and costs can be made on-line. Electronic submission of selected forms will soon be possible. The success of Virginia's past and current automation efforts position the judicial branch to move forward and to respond to requests for expanded access to court information and for conducting business with the courts via the Net.

Yet, two factors are critical to the court system's ability to continue and increase technology initiatives. First is securing sustained funding to maintain and upgrade the technology infrastructure needed to develop and support these efforts. Second is ensuring sufficient training and support for judges and court personnel in the implementation and daily use of court technology solutions. Many judges and court personnel sense that technology has already moved beyond their technological sophistication and fear that this gap is likely to increase in the next few years.

In order to realize the full potential of technology as a way of life for the courts, the Virginia judiciary must strive to use technology's significant leverage to transform the ways in which their courts do business. To this end, the Plan includes a diverse group of technology action items designed to increase the access, convenience and ease of use of the courts, as well as to support the delivery of the highest quality of service. Among these are:

- redesigning and expanding the court system's Internet website in order to provide additional features, links, and search capabilities so that citizens may become better informed about court procedures and the availability of resources for legal representation;
- completing implementation of Internet access to appropriate trial court data to enable citizens to access specific case data from each circuit and general district court;
- redesigning the Automated Magistrate Information System (AMS) to serve as a primary gateway to exchange data in standardized formats with criminal justice agencies; and
- conducting legal research pursuant to HJR631 (2003) on the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth and report the results to the General Assembly; and
- seeking funding to upgrade and maintain the judicial system's telecommunications network to support existing and projected communications needs.

In order to realize the full potential of technology as a way of life for the courts, the Virginia judiciary must strive to use technology's significant leverage to transform the ways in which their courts do business.

Courts as a Core Function of Government:

Maintaining Independence and Accountability

This theme represents a confluence of three critical and interrelated elements of an excellent justice system. These are the ability of the court system to carry out its core functions in (1) providing an independent, responsive and accessible forum for resolving disputes; (2) demonstrating accountability in all aspects of the court system's operation, and (3) serving in a manner that merits the respect, trust and confidence of the people it serves.

Fundamental to our system of government, and indeed to the functioning of our society is an independent, accessible and responsive forum for the just resolution of disputes. From coexistence of neighbors to regulation of the relationships among multinational corporations, courts provide the means for peaceful resolution of disagreements which inevitably arise. In deciding whether to do business in a new country, many corporations first determine whether there is a stable court system capable of resolving disputes without corruption and independent of the political process. Only when these conditions are met is it safe to risk a business venture in an emerging nation.

Throughout the years many aspects of social change have ultimately been resolved in the courts. While there is recognition of the partisan nature of the political branches of government and the benefits which derived therefrom, there is also acknowledgement of the need for a judicial system before which all persons are equal and none has advantage because of position or power. In this crucible of equality basic individual rights and the human dignity guaranteed in the Constitution are protected. When most of the nations of the world live under constitutions less than forty years old, the United States Constitution has not only survived but has remained vital. The courts have contributed to health of the Great Document through the doctrine of judicial review under which they have historically played the role as the interpreters of the Constitution and the protectors of the sovereign will of the people. It is axiomatic that there can be no real peace in society without justice. Thus the courts, as the instrument of government responsible for administering justice, are in fact a core function of government and their ability to act with independence is key to discharging their central role.

Recognition of the importance of an independent judiciary is as old as the nation itself, and as current as today's news. The doctrine of separation of powers, deeply rooted in the country's political and constitutional history, places judges in a position to check the excessive use of power by the other branches of government and to ensure that no one is above the law, thereby defending even the weakest members of our society from violations of their rights.

Further, the perception of judicial independence is essential to maintaining public trust and confidence in the courts. Without the ability to engender respect and support from the public, the judiciary would have limited power to hand

From coexistence of neighbors to regulation of the relationships among multinational corporations, courts provide the means for peaceful resolution of disagreements which inevitably arise.

down decisions that are sometime politically unpopular. Wide public acceptance of and obedience to highly controversial decisions involving election outcomes, the death penalty, and religious beliefs are possible because the public believes that outcomes result from a process that is not predetermined but in which independent judges strive faithfully to apply the laws to specific cases. As Thurgood Marshall said, "We must never forget that the only real source of power that we as judges can tap is the respect of the people."

Judicial independence is comprised of two key components. Decisional independence allows judges to perform the judicial function subject to no authority but the law. When truly independent, judges are not influenced by personal interests or relationships, the identity or status of the parties to a case, or external economic or political pressures. As Alfred P. Carlton, Jr., past president of the American Bar Association said, "A judge has no constituency but due process and the rule of law and must be above the shifting sands of political expediency."

In recent years, a number of trends have been identified that have been need as jeopardizing the independence of the judiciary by increasing the politicization of the courts. A proliferation of controversial cases have placed courts at the frontlines of deciding disputes that strike at the heart of Americans' social, moral, and religious beliefs. The emergence of single-issue interest groups has lead to more vocal opposition to individual case decisions and judicial candidates. As the two-party system has expanded, judicial selection has become more contentious, and in states with popularly elected judges, increasingly expensive. In addition to these factors, leaders are contending with a public that has grown increasingly skeptical, if not cynical, about the performance of all three branches of government.

The second component, institutional independence, provides a check on the over-concentration or excessive use of power by the other branches of government. By interpreting state and federal constitutions, the judicial branch checks the will of the legislative and executive branches, to ensure that all citizens, whether part of the majority or not, are allowed equal access to all rights and liberties guaranteed them.

The maintenance of an independent judiciary produces concomitant responsibility for the branch to be maintained in such a way as to ensure effectiveness, accountability and public respect. The judicial branch must demonstrate that it is operating in the best interests of the public. That is, the court system must responsibly seek, use, and account for public funds while conducting business in ways that demonstrates a sense of value for citizens' time and resources and a willingness to institute methods for internal evaluation.

Virginia's judiciary continues to seek new avenues for assessing how well the court system serves the public and how that service might be improved. The planning process for the 2004-2006 biennium introduced a series of Town Hall meetings and a statewide conference that sought input from citizens on areas of court operations that needed to be improved and on how those improvements might be made. With the appointment of an Interim Judicial Performance Evaluation Commission in 2003, a program for evaluating the performance of trial judges was readied and is being pilot tested in 2003-2004.

"We must never forget that the only real source of power that we as judges can tap is the respect of the people."

Thurgood Marshall

Accountability permeates the structure of the judiciary and the environment in which it functions. Court decisions are subject to review by higher courts. Judges are bound by Canons of Conduct. Legislatures have the power to impeach, to pass new laws, set judicial salaries, and, in Virginia, to elect judges. The judicial system relies on the good will of the public for its efficacy. Thus, courts that devalue and demonstrate a lack of respect for members of the public do so at their peril. Litigants and witnesses who must appear on multiple occasions before a case is actually heard or who must wait for hours in the court before their case is called perceive a system that does not value them or their time.

The immense responsibility that comes with judicial independence requires accountability to the law, to other branches of government and to the public. Although an inherent tension exists with the juxtaposition of independence and accountability, maintaining the proper balance between the two is of critical importance to our system of government.

Among the action items included in the Plan to further enable the judiciary to fulfill its core functions in Virginia's government are the following:

- completing a pilot judicial performance evaluation program and reporting the results to the Supreme Court of Virginia and the General Assembly;
- implementing time-segmented dockets statewide in the district courts in order to assure that no litigants must wait more than one hour for their cases to be called and to enhance the dignity of all court proceedings;
- improving the quality of decision-making and service delivery provided by all magistrates through the development and implementation of a nine-week comprehensive training and certification program;
- addressing the personnel shortages that exist in the district court and magistrate systems by seeking funding for additional positions and salary increases that will enable the judicial system to successfully attract and retain highly qualified clerks and magistrates;
- developing and implementing a judicial settlement conference pilot program;
- facilitating legislative access to information about the process, policies, and priorities of the judicial branch by developing and implementing additional communication strategies, such as legislative "ride along" programs and a legislator's guide to the courts; and
- expanding the court system's data analysis capability to better support decision-making regarding court management, resource allocation, the impact of legislative proposals and improved accountability within the court system.

The immense responsibility that comes with judicial independence requires accountability to the law, to other branches of government and to the public.

Courts and Communities: Exploring Roles,

Responsibilities, and New Paths to Justice

This theme reflects the increasingly divergent expectations that exist regarding the appropriate role of the courts in dealing with a wide range of behavioral and social problems that besiege many Virginia communities. Courts are on the frontlines in dealing with offenses relating to substance abuse, family breakdown, and mental illness. They cannot restrict the flow of such problems into the courtroom and often such problems are at the heart of the criminal offenses being committed. In the mid-90's, some judges, trial courts, and entire state court systems said "Enough". As a number of these judges lamented, "Insanity is doing the same thing over and over and expecting a different result."

They began to adopt a new 'problem-solving' approach to improve the kinds of results that courts achieve for victims, litigants, defendants and communities. "Problem-solving" courts use their authority to forge new responses to chronic social, human and legal problems - including problems like family dysfunction, addiction, delinquency and domestic violence - that have proven resistant to conventional solutions.

Thus, drug court treatment programs were born with judges exercising both a club and a carrot approach to non-violent offenders. The club was mandatory compliance with an individualized treatment plan developed by drug court program staff and the carrot was a reduction or dismissal of charges for some and the provision of treatment services for others. Since the 90's, more than 1,000 drug courts have been established across the county. Approximately 25 programs operate in Virginia, and others are being planned.

After community leaders, citizen groups and judges across the country heard the anecdotal successes of drug court programs, they began to apply the same techniques to other types of cases including domestic violence, mental health-related offenses, prostitution, and youth gangs. The speed and acceptance of the problem-solving court movement surprised many judges and court administrators. To some degree the spread of such programs was fueled by the availability of federal dollars to plan and implement these initiatives. Rigorous evaluations on drug courts and other problem-solving court programs have been initiated only recently and some crucial questions remain. Nonetheless, the early evaluations both in Virginia and elsewhere have been positive.

Notwithstanding the leadership and commitment of some drug court judges to their programs, other trial court judges are not persuaded that their direct involvement in overseeing drug court treatment or other similar programs is appropriate to their role. They argue that the responsibility of judges and the court system is to be an impartial, dispassionate arbiter with the responsibility for treatment being the sole province of the executive branch. They further argue that if judges are to be involved, guidance on ethical and legal issues needs to be provided not only

Courts are on the frontlines in dealing with offenses relating to substance abuse, family breakdown, and mental illness. They cannot restrict the flow of such problems into the courtroom and often such problems are at the heart of the criminal offenses being committed.

regarding judicial involvement in these programs but also in other court-community collaboration efforts. They question just how far the court system should customize or fragment dockets or the unified court system as a whole to address individual offenders. Some say if this approach is more effective, perhaps it should be integrated across the board in dealing with non-violent offenses. Finally, some question the sustainability of problem-solving courts particularly in current times of acute competition for state dollars.

Even so, there are indications of widespread support by the public for problem-solving courts, just as there is for mediation programs in the civil arena and for restorative justice programs for juvenile offenders charged with minor offenses. And, in what is perhaps an unintended consequence, these programs appear to be providing a means long sought by the legal system and courts to reconnect with the public and to engage community interest and involvement with the courts.

Thus, in order to further examine and explore the appropriate role and responsibilities of the courts in dealing with cases involving underlying chronic social and behavioral issues, the 2004-2006 Plan includes the following action items:

- conducting a comprehensive evaluation of drug treatment programs in Virginia with a special emphasis on their impact on recidivism rates;
- evaluating the effectiveness of family treatment drug courts in reuniting dependent children with substance-addicted parents;
- assessing the results of court-connected DUI programs operating in Virginia and elsewhere to make recommendations to the Judicial Council and the Committee on District Courts on the advisability of establishing similar specialized dockets in Virginia; and
- undertaking, as a part of the Second Commission on the Future of Virginia's justice system, an evaluation of the concepts of problem-solving courts, as these concepts might be applied in the handling of additional types of criminal cases.

Yet, in all circumstances the rule of law needs order and security to flourish and to maintain public trust and confidence.

Reclaiming a Secure Virginia:

The Courts Post-9/11

While much of the court system's preferred future course can be planned, America's experience with 9/11 reminds us there can be events, when in the blink of an eye, massive, fundamental, and largely unforeseen changes occurs. Yet, in all circumstances the rule of law needs order and security to flourish and to maintain public trust and confidence. Thus, the ability of the courts to minimize the disruption of essential services, to assure continuity of the judicial process, and to preserve court records is crucial to the integrity of the courts.

In our democratic society, ready access to government buildings, records and services is expected. However, as focal points of the justice system and the most visible symbols of the rule of law, courthouses and the records they contain may pose tempting targets to dissidents, terrorists, and computer hackers in uncertain and volatile times. Recognizing this, court leaders continue to grapple with how best to balance security needs with public access to the courts.

Since 9/11 court leaders have embraced the need for developing and maintaining contingency plans. Doing so has meant planning both for the protection of court leaders and employees and for operating in alternative locations. Courthouse security, evacuation plans and succession planning have taken on new urgency. Where necessary, statutory authority is being sought for these alternative modes of operation.

State governments and court systems throughout the country also have begun to address the challenge of creating fail-safe systems for communication, automation, and records access. Designing, locating and contracting for "hot sites" for automated system recovery became priorities. Equally important to setting into motion the parameters for operating in such extraordinary circumstances is defining the circumstances and methods for returning to normal operations.

The events of 9/11 and its aftermath also have led to new laws and legal issues with which the courts must deal as they balance national security interests with the protection of civil liberties. At the federal level, the USA Patriot Act encompasses greater authority to track and intercept communications, regulatory powers with respect to money laundering, closing US borders to foreign terrorists and to detaining and removing those within our borders. Further, it creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. Perspectives vary as to whether it goes too far or not far enough. While most of the cases arising under this Act will be heard in the federal courts, Virginia's judges must be kept abreast of this and other national security legislation.

The Plan contains six action items that respond to the issues raised by this theme. They are:

- establishing a committee to study the security needs within courthouses and to issue minimum security standards for all courthouses;
- developing and offering training and technical assistance to chief judges and clerks in the trial courts to assist them in establishing protocols for emergency preparedness;
- seeking legislation to amend Virginia Code Section 17.1-300 to ensure that procedures are in place for the Supreme Court of Virginia to convene in the event of a catastrophic incident;
- obtaining and implementing an uninterrupted power supply (UPS) for the judicial systems' statewide central computer system to prevent disruptions in court operations;

State governments and court systems throughout the country also have begun to address the challenge of creating fail-safe systems for communication, automation, and records access.

- 
- establishing a "Hot Site" for disaster recovery of the judicial systems' statewide central computer system to ensure business continuity of court system computer operations; and
 - developing and delivering a training program for judges on the potential impact and implications of federal and state anti-terrorism legislation.

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.

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 utilize technology to improve citizens' access to court information and records consistent with legitimate expectations for privacy.

Task 1.1.1

Redesign and expand the court system's Internet website in order to provide additional features, links, and search capabilities so that citizens may become better informed about court procedures and the availability of resources for legal representation.

Task 1.1.2

Conduct legal research pursuant to HJR631 (2003) on the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth and report the results to the General Assembly.

Task 1.1.3

Complete implementation of Internet access to appropriate trial court data to enable citizens to access specific case data from each circuit and general district court.

Task 1.1.4

Implement Internet access to the circuit court records indexing system in accordance with the standards set forth in HB 2426, adopted by the 2003 General Assembly.

Objective 1.2

To expand use of the Internet for conducting business with the courts.

Task 1.2.1

Complete implementation of the electronic pre-payment system for fines and costs in all remaining general district and combined district courts.

Task 1.2.2

Expand on-line submission by the

courts of administrative forms to provide greater convenience to the courts and the OES and to integrate these data submissions directly into existing databases.

Task 1.2.3

Implement electronic case-filing in the circuit courts, including integration with the Courts Automated Information System, a docket management system and e-commerce.

Task 1.2.4

Continue to add public use forms to the judicial system's Internet site in order to allow completion of these forms on-line.

Task 1.2.5

Develop the capability for citizens to file public use judicial system forms on-line.

Objective 1.3

To enable the courts to more effectively respond to the growing number of non-English speakers in Virginia's courts.

Task 1.3.1

Expand the voluntary certification process for foreign language interpreters serving Virginia courts to include languages in addition to Spanish.

Task 1.3.2

Seek funding to create a foreign interpreter coordinator position to administer the training and certification programs for foreign language interpreters serving the courts.

Task 1.3.3

Establish a Court Interpreter Advisory Committee to make recommendations to the Judicial Council regarding the quality and evaluation of interpreter services.

Task 1.3.4

Work with Virginia colleges and universities to explore the feasibility of developing low-cost advanced skills workshops for foreign language interpreters serving the courts.

Task 1.3.5

Create an on-going educational curriculum for judges and court personnel to assure the proper and effective use of foreign language interpreters, including the use of telephone interpreting services.

Objective 1.4

To eliminate economic barriers to legal representation.

Task 1.4.1

Design and implement a statewide program to provide pro bono legal services to litigants involved in child custody and visitation disputes who cannot afford representation.

Task 1.4.2

Support efforts of the Legal Services Corporation of Virginia to enhance funding of legal aid offices as the primary means of expanding access to legal representation.

Task 1.4.3

Work with the Virginia State Bar's Access to Legal Services Committee in its study of discrete task representation to determine additional potential avenues for access to low cost legal services.

Task 1.4.4

Provide assistance to the Family Law Coalition's study of the current limitations on fee arrangements for attorneys in domestic relations cases and consider their proposals to reduce or contain the costs of legal representation in these cases.

Objective 1.5

To improve the court system's response to the challenges and needs presented by self-represented litigants.

Task 1.5.1

Develop principles, guidelines, protocols, and training curricula for all clerks' office personnel and magistrates to clarify the types of information and assistance that may be provided to self-represented litigants.

Task 1.5.2

Seek funding to expand the number of dispute resolution coordinators in the trial courts in order to screen appropriate cases for mediation and to provide effective management of such cases.

Task 1.5.3

Institutionalize a process within the circuit and district court forms committees which will ensure that all forms are developed in "plain language" in order to ensure comprehension by litigants.

Task 1.5.4

Collaborate with the Legal Services Corporation of Virginia and state and local bar associations to develop and pilot the use of the web-based Interactive Community Assistance Network (I-CAN!) for general district courts.

Task 1.5.5

Expand the judicial system's capacity to develop, maintain and update information resources for self-represented litigants and establish a plan for uniform distribution of such information in all courts and magistrates offices.

Task 1.5.6

Seek funding to establish pilot court services centers as an additional means of providing assistance to self-represented litigants.

Objective 1.6

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

Task 1.6.1

Implement time-segmented dockets statewide in the district courts in order to assure that no litigants must wait more than one hour for their cases to be called and to enhance the dignity of all court proceedings.

Task 1.6.2

Implement an automated case scheduling capability to support segmented docketing procedures in circuit courts.

Task 1.6.3

Develop performance indicators for the processing of cases in each case type and provide judges and clerks of court relevant statistical reports and other performance data necessary for accurate monitoring of caseload management.

Task 1.6.4

Develop automated, standardized order forms so that district court judges may complete and print copies of their decisions and orders for parties in the courtroom.

Task 1.6.5

Develop and implement the capability to print dockets on demand in the general district and juvenile and domestic relations district courts to provide for more efficient management in the courtroom.

Task 1.6.6

Develop a capability within the Courts Automated Information System to enable judges to be informed of all pending cases involving members of the same family or household.

Objective 1.7

To improve the quality of the court system's handling of juvenile and family law matters.

Task 1.7.1

Seek legislation and funding to implement a family court to deal with all family related issues.

Task 1.7.2

Prepare informational resources in electronic formats and multiple languages to assist parents in understanding the court process applicable to the filing and resolution of custody, visitation and support petitions.

Task 1.7.3

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 1.7.4

Undertake, in conjunction with the Department of Child Support Enforcement representatives, trial court judges, attorneys and citizens, a project to strengthen case management of child support cases by improving: 1) the quality of materials and support available to self-represented litigants in child support and other cases, 2) case and calendar management in the J&DR courts for child support and non-child support cases, and 3) the accuracy and timely communication of judicial paternity orders and other child support-related business among partner agencies (e.g., the courts, the Departments of Vital Records and Child Support Enforcement).

Objective 1.8

To improve court practice in child abuse, neglect and foster care cases

in order to expeditiously restore children to safe and permanent homes and measure the success of these efforts.

Task 1.8.1

Complete the delivery of local interdisciplinary training on child dependency litigation in every judicial district of the Commonwealth.

Task 1.8.2

Expand and support the Best Practice Courts program for juvenile and domestic relations district courts to promote the uniform application of law and best practices in child dependency cases.

Task 1.8.3

Provide training for lawyers and juvenile and domestic relations district court and circuit judges on the Standards Governing the Performance of Guardians Ad Litem for Children.

Task 1.8.4

Assess the handling of child dependency cases in the circuit courts to determine the extent and impact of the delay on permanency for children.

Task 1.8.5

Identify and eliminate barriers to the timely adoption of children in foster care due to court procedures or practices.

Task 1.8.6

Develop, in cooperation with the Virginia Departments of Social Services and of Mental Health, Mental Retardation and Substance Abuse Services improved protocols and enhanced resources for local courts when serving substance-addicted parents in child dependency cases.

Task 1.8.7

Evaluate the effectiveness of family

treatment drug courts in reuniting the dependent children with substance-addicted parents.

Task 1.8.8

Implement a management information system to track child abuse, neglect and foster care cases, including a related-case cross-referencing capability.

Task 1.8.9

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

Task 1.8.10

Develop active case monitoring reports to improve the courts' ability to comply with statutory time frames and best practices in case processing for the juvenile and domestic relations courts.

Objective 1.9

Enhance the security of courthouses both for the general public and all personnel who work within them.

Task 1.9.1

Establish a committee to study the security needs within courthouses and to issue minimum security standards for all courthouses.

Task 1.9.2

Develop and offer training and technical assistance to chief judges and clerks in the trial courts to assist them in establishing protocols for emergency preparedness.

Task 1.9.3

Seek legislation to amend Virginia Code Section 17.1-300 to ensure that procedures are in place for the Supreme Court of Virginia to convene in the event of a catastrophic incident.

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.

Task 1.9.4

Obtain and implement an uninterruptible power supply (UPS) for the judicial systems' statewide central computer system to prevent disruptions in court operations.

Task 1.9.5

Establish a "Hot Site" for disaster recovery of the judicial systems' statewide central computer system to ensure business continuity of court system computer operations.

Task 1.9.6

Develop and deliver a training program for judges on the potential impact and implications of federal and state anti-terrorism legislation.

Objective 2.1

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

Task 2.1.1

Implement the automated entry of protective orders via the electronic interface between the Courts Automated Information System and the Virginia State Police.

Task 2.1.2

Determine ways to expedite hearings on protective order violations.

Task 2.1.3

Establish scheduling procedures that facilitate optimal participation by Commonwealth's Attorney in domestic violence cases.

Task 2.1.4

Seek funding to program and pilot the protective order component of the automated Interactive Community Assistance Network (I-CAN!) system.

Task 2.1.5

Develop and distribute an interactive

CD-ROM training module for magistrates on the effective handling of family abuse cases, with emphasis both on the legal requirements and respectful treatment of all parties involved.

Objective 2.2

To improve the quality of indigent defense representation in Virginia.

Task 2.2.1

Support efforts to increase the compensation paid to court-appointed counsel in criminal cases.

Task 2.2.2

Support the development and implementation of statewide training and qualification standards for court-appointed counsel.

Task 2.2.3

Develop guidelines and provide training for judges in the assessment of applications for experts and investigators for indigent defense to help ensure fairness in the adjudication of serious criminal cases.

Objective 2.3

To assist the trial courts, as well as state and local criminal justice agencies, in the development, implementation and evaluation of problem-solving courts.

Task 2.3.1

Conduct a comprehensive evaluation of drug treatment court programs in Virginia and their impact on recidivism rates.

Task 2.3.2

Assess the results of court-connected DUI programs operating in Virginia and elsewhere to make recommendations to the Judicial Council and the Committee on District Courts on the advisability of establishing similar specialized dockets in Virginia.

Task 2.3.3

Evaluate the concepts of therapeutic justice and problem-solving courts to determine ways in which the integration of those concepts may improve the processing and disposition of criminal cases.

Objective 2.4

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

Task 2.4.1

Evaluate the need for and cost effectiveness of a jury management system for circuit courts with small numbers of jury trials.

Task 2.4.2

Provide technical assistance to circuit courts in the implementation of the Judicial Council's Jury Management Standards.

Objective 3.1

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

Task 3.1.1

Develop and implement a judicial settlement conference pilot program.

Task 3.1.2

Provide continuing legal education programs for the Bar and judiciary, and on-site technical assistance to individual courts for the development and integration of ADR options into the litigation process and court procedures.

Task 3.1.3

Evaluate the need for revisions to existing Guidelines for the Certification of Court Referred Mediators to enhance the competency of mediators and the quality of services provided.

Task 3.1.4

Develop a model truancy mediation curriculum to train mediators throughout the state in support of the expanded use of truancy mediations by schools and judges.

Task 3.1.5

Determine the means to provide greater access to mediation services for the Commonwealth's non-English speakers.

Task 3.1.6

Work with all Virginia law schools to expand ADR course offerings, develop mediation clinics and advise law students of their ethical obligation to consider ADR in all cases.

Objective 3.2

To provide greater access to a broader range of dispute resolution options in family matters.

Task 3.2.1

Conduct a study of recidivism rates of custody/visitation cases mediated versus those adjudicated in the JDR courts.

Task 3.2.2

Evaluate the effectiveness and accessibility of mediation in custody/visitation cases for low-income families.

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 that foster the efficient use of public resources and enhance the effective delivery of court services.

Objective 4.1

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

Task 4.1.1

Evaluate the use of specialized dockets as a means for more effectively handling complex business and technology litigation.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 4.2.1

Circulate for consideration by the bench and bar a proposal to create a single form of action for claims at law and in equity.

Task 4.2.2

Amend necessary court forms and Rules of Court to clarify procedures for accepting guilty pleas for misdemeanors in district courts.

Objective 5.1

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

Task 5.1.1

Conduct a study on the effect of eliminating or limiting the use of Commissioners in Chancery on court caseloads.

Task 5.1.2

Support legislation to remove from the judicial branch responsibility for certifying bail bondsmen.

Task 5.1.3

Conduct a study on involuntary mental commitment procedures in order to 1) clarify the roles of general district court judges and special justices, 2)

review issues involving transportation for patients and the locations of hearings, and 3) assure that the process is handled in an efficient and humane manner.

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 on-going funding to modernize and maintain the judicial system's technology infrastructure and service delivery systems.

Objective 5.3

To improve the accuracy, quality and integrity of caseload data submitted by the trial courts.

Task 5.3.1

Establish an effort to revise and update procedures for uniform data collection from the trial courts and recommend ways to improve the integrity of the process.

Task 5.3.2

Expand the court system's data analysis capability to better support decision-making regarding court management, resource allocation, the impact of legislative proposals and improved accountability within the court system.

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

Secure increases in salaries for judges and justices in order to maintain com-

pensation levels that are attractive enough to encourage qualified individuals to choose a judicial career.

Task 6.1.2

Conduct a pilot judicial performance evaluation program and report the results to the Supreme Court of Virginia and the General Assembly.

Task 6.1.3

Establish and implement a mechanism for indexing judicial salaries so that judicial compensation may be assessed regularly and removed from the political process.

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

Provide training opportunities for judges, clerks and magistrates in the use of on-line learning resources and courses.

Task 6.2.2

Complete installation of a distance learning infrastructure system so that judges and court personnel can be trained at regional hubs or local sites throughout the state.

Task 6.2.3

Integrate the long-term training curriculum for Virginia's judicial system with the distance education plan.

Task 6.2.4

Develop and implement educational programs to be delivered via satellite technology.

Task 6.2.5

Develop a specialized Judicial Institute on the trial and management

of capital cases to be delivered on an annual basis.

Task 6.2.6

Develop an on-line resource center to serve as a portal for judges and court system personnel to access a myriad of web-based education and training programs.

Task 6.2.7

Develop, in conjunction with Virginia law schools, a series of judicial education programs to be delivered via distance learning technology.

Objective 6.3

To develop advanced and specialized training opportunities for all judges, clerks and magistrates.

Task 6.3.1

Increase the options for providing technical assistance services to the courts to include on-site support for strategic planning efforts, caseload management projects and building collaborative relations within and between the trial courts and the magistrate offices.

Task 6.3.2

Expand the delivery of training programs for substitute judges, with particular emphasis on substitute judges serving in the juvenile and domestic relations district courts.

Task 6.3.3

Develop and deliver specialized management training programs for chief judges.

Objective 6.4

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment to attract and retain a highly-qualified, diverse and skilled workforce.

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 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.

Task 6.4.1

Address the personnel shortages that exist in the district court and magistrate systems by seeking funding for additional positions and salary increases that will enable the judicial system to successfully attract and retain highly qualified clerks and magistrates.

Task 6.4.2

Assess, on a continuing basis, the competitiveness of salaries and benefits of court system employees with those provided for equivalent positions in the executive branch and private sector, and advance appropriate recommendations to eliminate any identified disparities.

Task 6.4.3

Establish an Equal Opportunity Employment Committee for the judicial system to develop and implement specific actions such as creating internships, conducting recruitment visits, and expanding placement sources in order to increase the diversity of the judicial system's workforce.

Task 6.4.4

Explore means used in the private sector and in state and local executive branch agencies to enhance communications with judicial branch personnel and to recognize outstanding achievement and public service provided by judges and court system personnel.

Objective 6.5

To provide ready access to magistrate services and increase the proficiency, expertise, and oversight of magistrates throughout the state.

Task 6.5.1

Increase access to magistrates throughout the state by eliminating on-call services and creating: (1) hub offices

in designated localities to provide full-time in-person services and 24-hour video conferencing capabilities to each locality within a district; and (2) offices in other localities to provide in-person services on a specified schedule.

Task 6.5.2

Improve the quality of decision-making and service delivery provided by all magistrates through the development and implementation of a nine-week comprehensive training and certification program.

Task 6.5.3

Strengthen the management and accountability of each magistrate's office by expanding the management component of the annual continuing legal education curriculum for chief magistrates.

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

Complete migration to a modern relational database and fourth generation computer programming languages in order to expand the capabilities of the Courts Automated Information System.

Task 7.1.2

Assess the feasibility and implications of courtroom evidence presentation technologies and provide technical assistance to the courts on their use.

Task 7.1.3

Seek funding to upgrade and maintain the judicial system's telecommunications network to support existing and projected communications needs.

Task 7.1.4

Seek funding to pilot the use of imaging and documents management systems in all levels of courts to improve the handling of and legitimate access to court documents.

Objective 7.2

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

Task 7.2.1

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 7.2.2

Complete Phase I of the Charge Standardization Project and implement the utilization of Virginia Crime Codes with standard charge descriptions.

Task 7.2.3

Develop and implement in selected magistrate's offices and pilot courts an Offense Tracking Number (OTN) and an OTN database.

Task 7.2.4

Redesign the Automated Magistrate Information System (AMS) to serve as a primary gateway to exchange data in standardized formats with criminal justice agencies.

Task 7.2.5

Seek funding for Phase II of the Charge Standardization Project to permit integrated data exchange with additional criminal justice agencies throughout the state.

Task 7.2.6

Provide magistrates direct connectivity to the Virginia Criminal Information Network administered by the State Police, where requested.

Task 7.2.7

Implement the automated interface between the Central Criminal Records Exchange and juvenile division of the juvenile and domestic relations courts.

Task 7.2.8

Establish the capability to send magistrate system and court case management system data electronically to Public Defender Office to reduce duplicate data entry and report changes in hearing dates.

Objective 7.3

To provide comprehensive training and support to judicial system personnel in the use of technology and automated systems.

Task 7.3.1

Establish an on-going, broad-based technology training program for judges and court system personnel to provide a continuum of initial and refresher training based on assessed needs.

Objective 7.4

To facilitate the use of technology and automated systems by judges and judicial system personnel.

Task 7.4.1

Expand the use of video conferencing to facilitate activities of the Supreme Court of Virginia.

Task 7.4.2

Seek funding to expand the use of videoconferencing in trial courts and magistrates' offices to expedite proceedings.

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 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 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

Create a public information and outreach office to carry out a variety of activities including 1) handling media relations on behalf of the courts; 2) expanding public information and education materials for posting on the court system's website; and 3) developing templates for speeches and presentation materials that clarify the role and responsibilities of the judicial branch of government for use by judges, clerks and chief magistrates.

Task 8.1.2

Establish a Court/Community Outreach Committee for the purpose of identifying barriers, real or perceived, that exist between the court system and the public it serves.

Task 8.1.3

Develop and offer training to judges and court personnel to increase their understanding of cultural differences and their significance in the context of the legal system and the courts.

Task 8.1.4

Develop the use of videotapes in court waiting areas as a means of better informing litigants on court procedures and processes.

Task 8.1.5

Participate with the legislative and executive branches in commemorating the 50th anniversary of the Brown vs. Board of Education decision by the Supreme Court of the United States.

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

Participate in the study directed by House Joint Resolution 142 (2002) by developing a model court order that addresses the mental illness treatment needs of offenders and cross-train judges and magistrates on treatment services and security for these offenders.

Task 8.2.2

Conduct periodic reassessments of the effectiveness of individual courts' of the Americans with Disabilities Act (ADA) and where necessary work with the courts to develop plans for corrective action.

Task 8.2.3

Develop and incorporate an ADA audit into technical assistance visits to courts and magistrates offices.

Task 8.2.4

Develop a brochure containing information on the types of accommodations available in the courts for individuals with disabilities and how to request them.

Objective 9.1

To expand the strategic planning capabilities of the judicial system.

Task 9.1.1

Establish and conduct 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

Incorporate town hall meetings and statewide Solutions Conferences into the development of the judiciary's strategic plans as a means for obtaining citizen input.

Task 9.1.3

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

Objective 10.1

To promote the independence and accountability of the judicial branch.

Task 10.1.1

Develop and conduct, in cooperation with legislative members of the Judicial Council and the Committee on District Courts, an orientation program for newly-elected legislators to review the distinctive role of the judicial branch, the dimensions of judicial independence and accountability, and the parameters for legislator-judge communications.

Task 10.1.2

Expand the judiciary's website as a method of providing additional information to judges, clerks and magistrates about issues arising during legislative sessions that affect the judicial branch and court operations.

Task 10.1.3

Facilitate legislative access to information about the process, policies, and priorities of the judicial branch by developing and implementing additional communication strategies, such as legislative "ride along" programs and a legislator's guide to the courts.

Objective 10.2

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

Task 10.2.1

Create opportunities for regular meetings among representatives of all three branches of government to promote improved communication on such issues as court funding, salary needs within the judicial branch, and structural reform of the courts.

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.

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.