

# SUPREME COURT OF VIRGINIA

## Report

### Adoption of Recommendations from

*Commission on Virginia Courts  
In the 21<sup>st</sup> Century:*

*To Benefit All,  
To Exclude None*

Office of the Executive Secretary  
Supreme Court of Virginia  
2011





## **Deliberating the Future of Virginia's Courts**

From 1987 to 1989, the Virginia Judiciary conducted its first Commission on the Future of Virginia's Judicial System. The Commission's charge was to develop a "vision" for an effectively-functioning justice system for the twenty-first century reflecting the ideas, desires, and study of a diverse group of Virginians. This Commission was among the first of several similar initiatives that were conducted by courts among the 50 states during the late 1980s and early 1990s. The Judiciary's current mission statement was adopted in conjunction with these efforts, and the essential characteristics of the current comprehensive planning process were developed during this period. It was not possible to immediately implement every recommendation that the Council approved (indeed, if it had been possible, then that would have been a sign that the Commission had not reached very far in developing its recommendations). For some recommendations, technological advances, financial resources, or changes to existing laws were required. Nevertheless, over most of the next twenty years, under the direction of the Supreme Court of Virginia and with the guidance of the Judicial Council and the efforts of the OES, most of the First Futures Commission's recommendations were implemented. These included improvement in the accessibility of court records via remote computer access, the adoption of time standards for the processing of trial and appellate cases, the development of sentencing guidelines to reduce disparity, and the expansion of alternative dispute resolution services for a variety of case types.

By the early twenty-first century, Virginia's court leaders recognized that there might be benefit to convening another futures commission. A leading principle of effective planning calls for periodic reexamination of organizational mission, visions, and strategies to be certain that they are still appropriate for an evolving institution in an ever-changing world. Consequently, Chief Justice Leroy R. Hassell, Sr., established Virginia's second judicial futures commission, *Virginia Courts In the 21st Century: To Benefit All, To Exclude None*, in 2005. This Commission was challenged to look at what the citizens of the Commonwealth would need from the Judicial System in the year 2016 and beyond. This Second Futures Commission presented its report in 2007.

In reviewing the recommendations of the Second Futures Commission, the Supreme Court of Virginia has been mindful not only of policy and legal considerations but also of the resource requirements that would affect implementation efforts during the Commonwealth's current budgetary restrictions. Based upon careful prioritization, the Court informed the OES in 2010 that the Judicial System should begin or continue current efforts toward the fulfillment of selected recommendations.

### **Judicial Branch Visions**

The recommendations of the Second Futures Commission were organized around the ten vision statements that were originally developed in conjunction with the work of the first Futures Commission. In 2009, however, the Supreme Court of Virginia approved a new Strategic Plan for the Judicial System in which the vision structure was revised and seven new visions were presented. The following review of the Court's approved Futures Commission recommendations

will be made with reference to the current vision structure. As is the case with the strategies of the Strategic Plan, the approved recommendations often support more than one vision.

Vision 1 affirms one of the highest governmental ideals, judicial independence.

*Virginia's courts will be distinctive and independent—as a branch of government and in judicial decision making.*

The aspect of this vision that would be most widely understood around the world is the principle of independence in judicial decision making. The basic idea is that justice is best served when judges are free of political, economic, and other pressures that might influence how they interpret the law and render decisions in cases. More unique, however, is the American governmental model in which the court system is administered as a separate and distinct branch of government rather than as a part of the executive or legislative branches. This operational independence is believed to reinforce decisional independence, particularly in situations where decisions may be politically significant or unpopular.

The recommendations, strategies, and tasks that support Vision 1 address issues such as the importance of good communications in maintaining healthy relationships among the three branches of government. They emphasize balancing concepts of independence and accountability and of judicial discretion and restraint. Consistent with Vision 1 are statements and actions that recognize the importance of competitive compensation packages and good training programs to the recruitment and retention of highly qualified judges and administrators. Similarly, Vision 1 requires the maintenance of the highest standards of judicial conduct.

Examining the Supreme Court-approved recommendations as they relate to the visions of the current Strategic Plan, one notes with respect to Vision 1 that the Court remains concerned that compensation for judges remain sufficient to attract and retain the best-qualified people and that judges continue to receive appropriate education and training. These recommendations are also consistent with the effective administrative practices advocated in Vision 6. Approved recommendations include:

**Judicial Compensation.**

*Virginia should address judicial compensation by*

**Recommendation**

Providing judicial salaries and benefits sufficient to continue to attract and retain the best qualified people for the judiciary.

**Judicial Education and Training.**

*Virginia should support judicial education and training by*

**Recommendation**

Funding education and training for all judges, substitute judges, senior judges, clerks, and magistrates throughout their careers.

- (1) Judicial education provided to judges through the Supreme Court of Virginia should be comprehensive with regard to content and delivery methods; and
- (2) Judges should be able to attend specialized courses offered by other states or organizations.

Expanding the education programs provided to judges to include education in the principles governing the assessment of scientific information.

Vision 2 verifies the high value that our society places on equality before the law.

*Virginia's courts will ensure due process through the equal application of law and procedure to all cases and controversies.*

The report of the First Futures Commission recognizes that courts cannot guarantee that all parties will be satisfied with the results of their cases. Given the opposing interests and differing points of view of parties and witnesses and the limits of human discernment, perfect resolution in each case is obviously not possible. Nevertheless, there are basic principles that can and should be guaranteed to all:

What is possible, and is the duty of the courts, is providing a fair process, equally applied. To be viewed as fair, the judicial process should be consistent and reliable. ...A diligent search for truth conducted in an environment of mutual respect with equality of process will allow the courts to fulfill the reasonable expectations of society and to maintain the rule of law.<sup>1</sup>

Thomas Jefferson noted, "The most sacred of the duties of a government [is] to do equal and impartial justice to all its citizens."<sup>2</sup>

The recommendations, strategies, and tasks supporting Vision 2 are aimed at the quality and fairness of court proceedings. They contemplate adjustments to the handling of cases based on differences in legal subject matter because some subjects tend to be more complex than others. They emphasize having up-to-date procedural and evidentiary rules that are as easy to locate and understand as possible. The elimination of harmful biases is a priority. Also appropriate to this vision are strategies and tasks concerned with the making and preservation of the trial record, the representation of indigent defendants, and the strengthening of the jury system.

Most of the approved recommendations that support Vision 2 focus on the jury, in particular on the quality of citizens' experience of jury service (e.g., encouraging courtesy toward jurors and respect for their time) rather than only on reforms to the jurors' role in the judicial process. The Court has approved the following recommendations:

**Juror Experience.**

*Virginia should improve the experience of jurors by*

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<sup>1</sup> Commission on the Future of Virginia's Judicial System, *Courts in Transition: The Report of the Commission on the Future of Virginia's Judicial System* (Richmond: The Commission, 1989), p. 24 [hereinafter cited as *Courts in Transition*].

<sup>2</sup> Thomas Jefferson: Note in Destutt de Tracy's *A Treatise on Political Economy* (1816) in Andrew A. Lipscomb and Albert Ellery Bergh, eds., *The Writings of Thomas Jefferson - Memorial Edition* (Washington, D.C.: Thomas Jefferson Memorial Association, 1903-04), 14:465.

### **Recommendation**

Encouraging courtesy to jurors and prospective jurors and respecting their time. Courts should assess jury fees and other associated costs of empanelling a jury to the parties in civil cases which settle after the Clerk's office closes on the business day preceding the scheduled trial.

Standardizing and publicizing policies and procedures for jury service from the circulation of the uniform background document to conclusion of the trial. These policies and procedures should communicate the high regard of the Court for citizen participation in the judicial process. They can also minimize opportunities for inappropriate communications or influence.

Providing guidelines and "best practices" to minimize the need for multiple appearances by jurors during a court term.

Providing guidelines and "best practices" for use by courts and clerks to encourage juror engagement and comprehension of the matters before them.

Devising a meaningful system of follow-up for those prospective jurors who do not complete the uniform background document.

Implementing an automated jury management system to enable courts to inform and to manage their jury panels more effectively.

Providing up-to-date information about the need for the juror to come to the courthouse. If there has been a delay or settlement, the juror should be informed as soon as reasonably feasible. Comparable information should be made available to litigants and witnesses.

Providing orientation materials for prospective jurors.

Providing driving and public transportation instructions to prospective jurors and instructions as to when to arrive, what to bring (and what not to bring) and court security requirements.

### **Guardians Ad Litem.**

*Virginia should address the need for Guardians Ad Litem by*

#### **Recommendation**

Establishing procedures for the *ex parte* appointment of guardians in emergency circumstances.

Vision 3 prioritizes human dignity and meaningful access to justice.

*Virginia's courts will maintain human dignity and provide effective access to Justice for all persons.*

Citizens' ability to gain access to the courts is a factor that directly correlates with the quality of justice rendered by the Judicial System. In the words of the first futures commission, "[t]he courts must be accessible to all who desire to and are required to use them."<sup>3</sup> Furthermore, "[t]he dignity of the judicial process also presumes a reciprocal dignity afforded to each

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<sup>3</sup> *Courts in Transition*, p. 18.

individual who comes before the courts.”<sup>4</sup> Institutional and personal biases have a significant effect on the barriers and treatment that confront those who would come before the courts, whether as workers within the court system or as members of the public seeking services and justice. Hostility or indifference to individuals associated with their race, ethnicity, language, sex, physical (dis)abilities, age, income, or other attributes is contrary to a fair and open system of justice. To fulfill the courts’ mission, those within the court system have an affirmative duty to work toward the elimination of barriers and to offer good and equal services.

The recommendations, strategies, and tasks that support Vision 3 are aimed at the elimination of barriers associated with prejudice and economic resources. They advocate a broader range of dispute resolution options and ready access to magistrate services. The Vision calls for the courts to expand the use of technologies, both existing and emergent, for conducting business with the courts, understanding the improvements to the volume and quality of service they can offer. Courtesy, respect, and high-quality customer service are all priorities.

Under Vision 3, the recommendations approved by the Court address several types of barriers—financial, linguistic, and physical—and affirm that Virginia should foster increased voluntary use of alternative dispute resolution methods. Clearly, recommendations that are successful in providing access to justice also foster public trust and confidence in and respect for the courts and legal authority, consistent with Vision 7. Relevant recommendations among those approved by the court include:

**Access to Affordable and Efficient Legal Representation.**

*Virginia should provide more affordable and efficient legal representation by*

**Recommendation**

Authorizing the Virginia State Bar, with the assistance of the voluntary bar associations, to create a statewide voluntary program in which lawyers would provide defined legal services for financially qualified individuals for a reduced fee.

**Legal Aid.**

*Virginia should strive to remove economic barriers to legal representation for low- income individuals by*

**Recommendation**

Increasing funding for legal aid and considering funding other non-profit agencies that provide free legal services to low-income individuals.

Encouraging increased pro bono representation by the private bar.

**Indigent Defense.**

*Virginia should provide access to and resources for effective representation of indigent criminal defendants by*

**Recommendation**

Providing for funding of Public Defender offices at a level comparable to the funding provided to Commonwealth Attorneys’ offices.

Reforming the current system of compensation of court appointed attorneys by

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<sup>4</sup> *Id.* at 24.

removing the fee caps.

Developing maximum caseload standards for attorneys working in Public Defender offices and attorneys serving as court appointed counsel. Compliance with the caseload standards should be closely monitored to ensure that attorneys can meet their ethical responsibility of providing competent, effective representation to their clients. Public Defender offices should be adequately staffed to allow attorneys to handle all cases, except those presenting a conflict of interest, without exceeding caseload standards.

Providing the Indigent Defense Commission authority to compile and qualify a roster of attorneys to be appointed by the Courts to handle cases that cannot be handled by Public Defenders.

**Fee Waivers.**

*Virginia should ensure filing fees are not economic barriers to access to its courts by*

**Recommendation**

Assisting qualified individuals to file petitions for leave to proceed *in forma pauperis* by posting forms for petitions in clerk's offices, at local law libraries and public libraries and on the Supreme Court of Virginia's website.

**Legal Assistance following Disasters.**

*Virginia should prepare for disasters by*

**Recommendation**

Maintaining a volunteer corps of attorneys trained to provide fundamental legal services to Virginians during large-scale emergency situations. The volunteer corps should be coordinated with federal and state disaster preparedness agencies. Virginia should enact legislation to protect such volunteer attorneys from malpractice claims.

Establishing a plan for the judicial branch's response to disasters.

Establishing a plan for each court's response to disasters.

**Self Represented Litigants.**

*Virginia should address self representation in litigation by*

**Recommendation**

Developing a training program for judges and substitute judges to provide them guidance and direction on the effective handling and management of cases involving self-represented litigants. This training should be presented during the pre-bench orientation program for newly elected judges, as part of the continuing educational curriculum at the voluntary and mandatory judicial conferences and as an on-line tutorial.

**Court Users Whose First Language is not English.**

*Virginia should address the needs of Non-English speaking court users and cultivate their respect for the rule of law by*

**Recommendation**

Increasing efforts to recruit, train and certify foreign language interpreters for criminal and civil cases.

Evaluating salary supplements for court personnel who offer skills such as fluency in a foreign language or sign language proficiency.

Posting a court website that is user friendly with understandable information for the general public and court users, including jurors and witnesses.

Providing that court facilities contain clear and legible signs and instructions. Signs and instructions should be understandable by persons with a fifth grade education. Signage and instructions should be addressed to lay users, not lawyers or those with experience with the special language of the courts (e.g., signs should say “file your papers over there,” “pay your fines over here,” or “check in as a juror on the second floor”). All written instructions should be available in LARGE PRINT. (This Recommendation also addresses the needs of court users who need special accommodations.)

Recruiting a significant number of interpreters for as many languages as possible.

Developing certification programs for interpreters in as many languages as possible.

Encouraging the MCLE Board to grant credit for courses aimed at the representation of clients whose first language is not English, including courses exploring cultural patterns and practices.

### **Court Users Who Need Special Accommodations.**

*Virginia should address the needs of court users with who need special accommodations and cultivate their respect for the rule of law by*

#### **Recommendation**

Encouraging litigants and other court users to provide notice to the court at the earliest opportunity of any disability that may require accommodation to permit court personnel to accommodate their needs.

Providing prospective jurors the opportunity to disclose in the uniform background document any disability that may require accommodation to permit court personnel to accommodate their needs.

Training all court personnel to assist court users with disabilities and the needs associated with aging.

Providing equipment to accommodate vision and hearing impairments in court facilities.

Adopting assistive technology to accommodate the hearing, visual and mobility.

Conducting an inventory and assessment of all court facilities and procedures for compliance with the Americans with Disabilities Act and develop a statewide plan to achieve compliance.

Supporting courts with respect to Americans with Disabilities Act compliance, reasonable accommodation, adaptive technology, courthouse design, and services for persons with disabilities, including sensory impairment.

Undertaking to make all new or significantly-modified court facilities compliant with the Americans with Disabilities Act.

Including input from responsible stakeholder groups at the earliest possible stages of planning for construction of new court facilities and retrofitting of existing court facilities.

### **Voluntary Alternative Dispute Resolution.**

*Virginia should foster increased voluntary alternative dispute resolution by*

#### **Recommendation**

Encouraging the fullest use of alternative dispute resolution through complementary activities in the public and private sectors, including providing publicly funded alternative dispute resolution services for financially qualified parties.

Supporting voluntary participation in alternative dispute resolution without mandating participation by statute, rule, order or otherwise.

Vision 4 emphasizes the need for adaptation to changing societal demands.

*Virginia's courts will be responsive to the changing needs of society—in the development and operation of the law, in the functions of the judicial process, and in the delivery of public services.*

The first futures commission explained as follows:

The justice system has intrinsic to it elements of supply and demand, with the system supplying its concept of justice and society demanding what it needs. The needs and demands of society change. The legal system must be able to respond to these changes.<sup>5</sup>

Although the Legislative Branch is responsible for making the law, the Judicial Branch is responsible for interpreting the law. An active awareness of societal changes—demographic, scientific, economic, etc.—may inform the effective interpretation and application of the law. Similarly, the courts should strive for the prudent modernization of the adjudicative process and of the administrative tools and procedures that allow courts to effectively serve the public by resolving disputes fairly and efficiently.

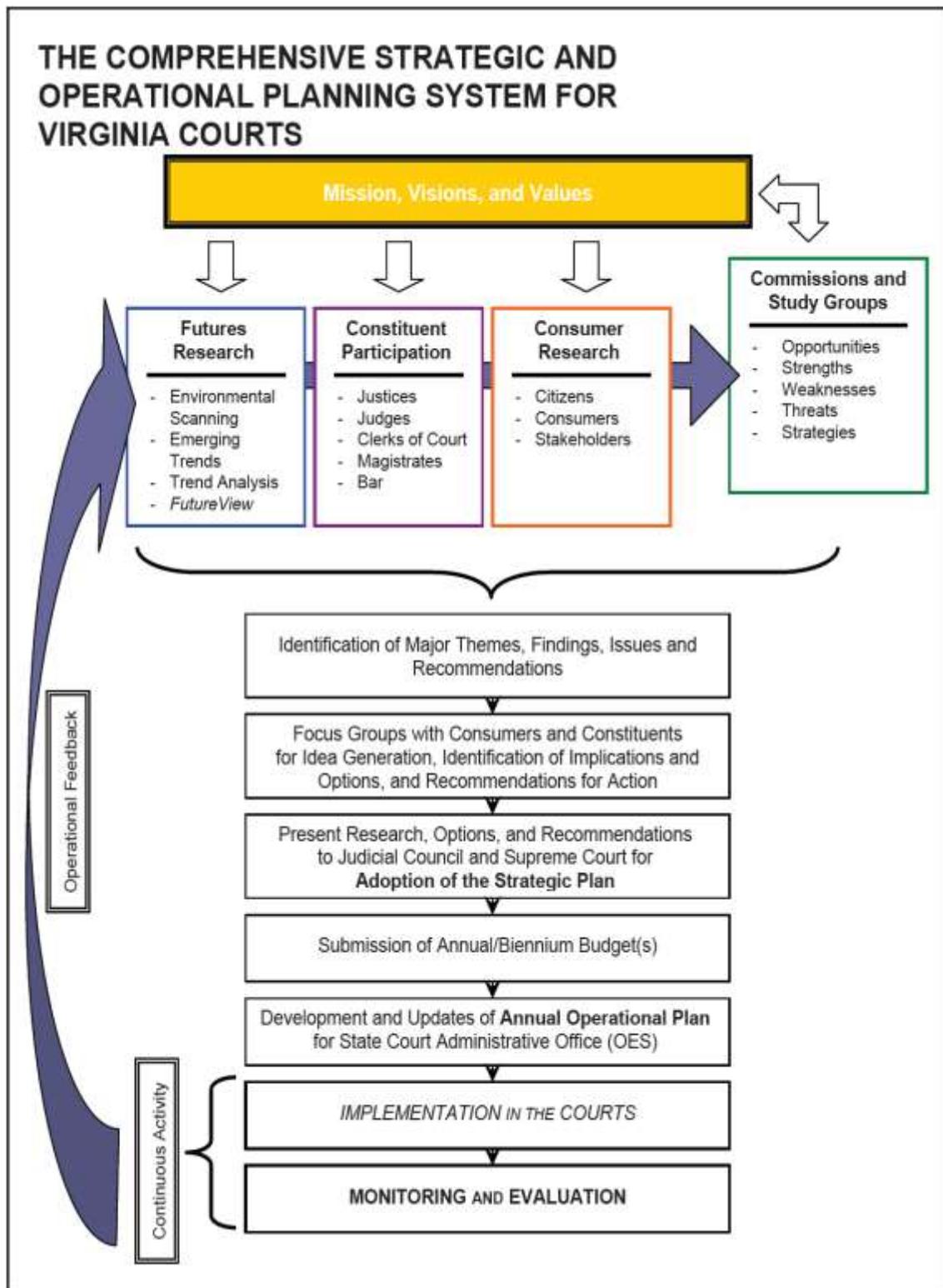
Vision 4 requires recommendations, strategies, and tasks that commit the courts to learning about and acting intelligently in response to change. Not only should this mean that the court system will invest in state-level strategic planning capabilities, but it should also mean the nurturing of local planning capabilities. Capacities for futures research—for monitoring and assessing change and its implications—are required. Surveys designed to measure the satisfaction and expectations of the general public and of internal constituents are appropriate. To be responsive, the courts must have strategies for maintaining and enhancing resources—people, technologies, and facilities. They should be able to offer a comprehensive range of dispute resolution options and should encourage collaborative relationships among the courts and various government and private sector institutions.

The Second Futures Commission relied upon the Judiciary's comprehensive planning process (see diagram on the following page) and drew heavily upon resources provided by the Department of Judicial Planning of the Supreme Court's Office of the Executive Secretary

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<sup>5</sup> *Id.* at 70.

(OES). Supporting Vision 4, the Court acknowledges the Commission’s statement that the court system should respond to anticipated demographic changes and approves flexibility in the adjudicative process.



Vision 5 highlights the need for justice to be affordable and reasonably swift.

*Virginia's courts will be expeditious, economical, and fair in the resolution of disputes.*

Vision 5 recognizes one of the oldest truths among our concepts of justice—“Justice delayed is justice denied.”<sup>6</sup> Delay impedes factual recall, predictability, finality, deterrence, and rehabilitation. This vision also expresses the need for the courts to be economical. This point has two dimensions. One relates to the costs that the operation of the judicial process imposes on litigants—another potential barrier to justice—while the other relates to the effective organization and use of court resources in order to produce the most value (qualitatively and quantitatively) at least cost to the taxpayers. Lastly, the aspiration for fairness both underlines and tempers the other concepts. Expeditious and economical case processing helps ensure that weaker parties are not forced, out of hardship, to settle their cases prematurely or that criminal defendants do not languish in jail awaiting trial. On the other hand, courts should not be so interested in speed and economy that they do not allow litigants a reasonable amount of time to adequately prepare their cases.

Achieving expeditious, economical, and fair dispute resolution involves many factors that affect court operations. One of these factors is how the court system is structured, particularly at the trial court level. Others include the availability of alternatives to traditional adjudication, the cost of legal representation, the adequacy of court facilities, the appropriate use of technology, the quantity and quality of human resources, and, probably most important, the processes and procedures by which resources are managed. The strategies and tasks for realizing Vision 5 are diverse. For example, to reduce delay, courts must find ways to take control of their dockets and should institute calendar management practices aimed at achieving the prompt disposition of cases. There are many ways to improve docket control; likewise, there is no single method of calendar management that is best for all courts. The strategies encourage flexibility in the adaptation of infrastructure, processes, and services to achieve the vision. Some strategies, such as the evaluation of court structure, may bring about statewide changes, while others may require varying local adjustments. The strategies require conscious effort to meet public needs, to treat everyone fairly, and to avoid mindsets in which the nature of court operations is governed by “the way things have always been done.”

Recommendations supporting Visions 5 and 6 (Accountable Management) reflect a common focus on the management of structures, processes, and resources. Perhaps one way to frame the differences between the visions is to think of Vision 5 in terms of management of the adjudicative process and Vision 6 in terms of the management and development of people, facilities, and technology. Recommendations, strategies and tasks for both visions are related and naturally overlap. The recommendations approved by the Court emphasize the use of enhanced technologies for case management and financial transactions; effective organizational structures and exercise of supervisory authority; adequate training and certification for those who work within the court system; and appropriate levels of security for judges, participants in legal processes, and court records.

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<sup>6</sup> Attributed to William Gladstone, 19th Century British politician. Analogous statements may be found earlier in English legal history.

**Supreme Court of Virginia.**

*Virginia should assure an efficient court system by*

**Recommendation**

Periodically examining the relationships of all entities reporting to the Supreme Court to ensure an effective span of control and appropriate organization.

**Court of Appeals of Virginia.**

*Virginia should enhance the impact of the Court of Appeals of Virginia by*

**Recommendation**

Providing separate space for the Court of Appeals.

**Trial Courts.**

*Virginia should improve the administration of justice at the trial level by*

**Recommendation**

Establishing a Family Court as a court of record as either a separate court or as a division of the Circuit Court.

Expanding the Drug Treatment Court case management system to include all circuits that desire these courts.

Devising a system by which traffic tickets can be input directly into court records to facilitate the prompt payment of uncontested violations and near real-time caseload information.

**Probate System.**

*Virginia should improve the probate system by*

**Recommendation**

Providing consistent, complete and easy to read information to the public regarding the probate system.

Making information regarding the probate system and the Manual for Commissioners of Accounts available to the public through the judicial system's website.

Conducting a comprehensive review of its system of supervising fiduciaries (executors, administrators, curators, trustees, guardians and conservators) to determine how much supervision is appropriate and who should be charged with their supervision, including the role of the Commissioner of Accounts.

Providing specialized continuing legal education for all personnel with the probate system, including Commissioners of Accounts and their staff, clerks' office staff and the judiciary.

**Court Administration.**

*Virginia should modify the system of court administration and enhance its efficiency by*

**Recommendation**

Providing adequate resources and training to implement an effective calendar management system in all courts.

Vision 6 is concerned with managerial accountability.

*Virginia's courts will demonstrate accountability to the public through effective management practices, including the use of the most appropriate processes and technologies for court operations.*

This vision speaks to the critical role that judicial administration must play in the achievement of the mission. Again, the first futures commission summarized the key points to understand:

Administration of the court system exists to facilitate the substantive role of dispute resolution, and to serve the economical and fair consideration of each case.... The challenge for the administrative components of the Judicial System is to ensure the availability of sufficient resources and the use of those resources to meet all judicial responsibilities within a cost range that is acceptable to society and to do so without interfering with the independence of the Judiciary in the decision-making process. Moreover, the courts as a public entity are accountable for their use of limited public funds. Such accountability requires a constant process of self-assessment and public scrutiny.<sup>7</sup>

Goals that support Vision 6 are concerned with the development and demonstration of what have been identified as core competencies for the fulfillment of courts' purposes and responsibilities:

- Caseflow Management
- Visioning and Strategic Planning
- Information Technology Management
- Human Resources Management
- Education, Training, and Development
- Resources, Budget, and Finance
- "Essential Components" such as facility management, court security, and interaction with non-court members of the justice system (e.g., attorneys, social services, law enforcement, etc.) and
- Court Community Communication<sup>8</sup>

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<sup>7</sup> *Courts in Transition*, p. 40.

<sup>8</sup> Beginning in the early 1990s, work by the National Association for Court Management (NACM) indicated that the nation's court managers wanted and needed a greater amount of and more diverse education and training. They set out to develop guidelines that would focus educational programming on the development of competencies in core areas of court management skill and responsibility. They eventually identified ten core competencies—the eight listed above plus Leadership and an understanding of the Purposes and Responsibilities of Courts. See "Core Competency Curriculum Guidelines: History, Overview, and Future Uses," *Court Manager*, Winter 1998, at 6; *Core Competency Curriculum Guidelines: Applications and Uses* [NACM Mini Guide] (Williamsburg, VA: National Association for Court Management, 2004); NACM Core Competency Curriculum Guidelines, [http://www.nacmnet.org/CCCG/cccg\\_homepage.htm](http://www.nacmnet.org/CCCG/cccg_homepage.htm).

To manage themselves well, the courts also need strategies and tasks for developing and using valid measures of their performance in these core areas.

Commission recommendations that support Vision 6 include:

**Commissioners of Accounts.**

*Virginia should improve the Commissioners of Accounts system by*

**Recommendation**

Adopting uniform minimum statewide standards for selection of Commissioners of Accounts.

Adopting a uniform statewide fee schedule for Commissioners of Accounts which is regularly reviewed.

Providing for regular audits of the operations and financial transactions of the Commissioners of Accounts by the Auditor of Public Accounts or an independent certified public accountant to oversee the operations of Commissioners of Accounts.

Providing that the Chief Judge of each circuit will supervise each Commissioner of Accounts. The supervision should include a review of the audit and quarterly reports of the Commissioner, a meeting with the Commissioner at least annually and seeking comments from relevant sources concerning the Commissioner's performance and ability to continue to carry out the duties of the office.

Directing that Commissioner of Accounts will avoid filing documents in the public record that include social security numbers and other private information of the decedent, the fiduciary, creditors and beneficiaries. If such information is necessary, it should be redacted.

**Guardians Ad Litem.**

*Virginia should address the need for Guardians Ad Litem by*

**Recommendation**

Providing for certification, evaluation of quality of services and complaint review procedures for, as well as education in the proper use and oversight of, Guardians Ad Litem.

Conducting continuing assessments of the volume of Guardian Ad Litem cases and establish programs to recruit and train an appropriate roster of attorneys to serve as Guardians Ad Litem.

Providing training for guardians and conservators.

**Court Administration.**

*Virginia should modify the system of court administration and enhance its efficiency by*

**Recommendation**

Examining the compensation of all court staff to ensure that it is appropriate.

### **Security for Court Facilities.**

*Virginia should increase security for court facilities by*

#### **Recommendation**

Installing panic buttons in court facilities. Emergency response teams should be trained to respond to emergencies in the courtroom or in chambers. Court facilities should have emergency response plans that are reviewed and rehearsed regularly. Emergency response plans should be exempt from the Freedom of Information Act.

Providing separate and secure rooms for victims and witnesses in criminal and civil cases.

Requesting law enforcement academies to include training in courtroom protocol and security as required topics.

### **Security for Judges.**

*Virginia should increase security for judges by*

#### **Recommendation**

Promoting the availability of personal security assessments for judges and conducting them for all judges who request them.

Providing security for any judge or members of any judge's family when there are threats to the judge or a member of the judge's family.

### **Access and Security for Records.**

*Virginia should balance the public's right of access to public records and the need for security for electronic communications and data by*

#### **Recommendation**

Employing the most effective methods available to secure all electronic communications and data storage systems.

### **Creation of Judgeships.**

*Virginia should improve the procedure for requesting additional judgeships by*

#### **Recommendation**

Developing objective criteria for determining the need for new judgeships. The criteria should include caseload and benchtime per judge and such other criteria as the Supreme Court of Virginia deems appropriate.

### **Potential of Technology.**

*Virginia should continue to take advantage of all the benefits technology can offer the court system and users of the court system.*

### **Public Support for the Court System.**

*Virginia should strive to achieve full funding for the court system by*

#### **Recommendation**

Encouraging broad public support for full funding of the court system including appropriate levels of compensation and benefits, physical facilities, advanced technology and educational programs.

Vision 7 confirms the conscious connection that should exist between court operations and public trust and confidence.

*Virginia's courts will operate in a manner that fosters public trust and confidence in and respect for the courts and for legal authority.*

Public support is crucial to the fulfillment of the courts' mission. "Compliance with the law depends heavily upon public confidence in the court system as well as its legitimacy in the eyes of the citizens it serves. The deference and esteem accorded to the courts come not only from actual performance but also from how the public perceives justice to be done."<sup>9</sup> In order for the public's perceptions to have merit, it is first necessary that the public have a reasonable understanding of the role of the courts in our system of government. The courts must then perform that role effectively and make sure that the public knows that this work is being done.

The recommendations, strategies, and tasks that are necessary to realize Vision 7 are ones that support civic education and good relations with both the public and other governmental institutions. The strategies for effective court operations have already been identified in conjunction with the other visions. At the most fundamental level, the core curricula of the school system must include content about the role of the court system. This civic education should be supplemented, perhaps by judge and clerk presentations at school and other civic events and by essays or articles published in various media, including online options. Jury service should be encouraged and appropriately rewarded. Judges and court employees should exemplify high standards of ethics, and high-quality customer service should be the norm.

The recommendations approved by the Court support investments in customer service and better communications with the public that are consistent with the aims of Vision 7:

**General Public Assistance in Court Facilities.**

*Virginia should provide a courthouse experience for all members of the public that promotes understanding and respect for the court system by*

**Recommendation**

Training all personnel in court facilities to be helpful and proactive, and to identify those who may need special assistance.

Conducting performance evaluations of all personnel in court facilities that include an assessment of their helpfulness and efforts to assist court users, to solve problems and to treat all court users with respect.

Developing, in consultation with affected populations, a set of "Best Practices" addressing "way finding", signage and clear communication about where to find services in court facilities.

Developing a comprehensive diversity training program for all court personnel.

Continuing to promote recruitment and retention of a diverse workforce in the judicial system.

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<sup>9</sup> *Courts in Transition*, p. 64.

Developing a uniform assessment instrument to gather and tabulate information from trial participants and other court users regarding their court house experience.

Ensuring that all District Court Clerk's Offices have coverage by at least one employee whenever Courts are open.

Ensuring that court forms are written in plain language and are easily comprehensible.

Ensuring that all clerk's offices are appropriately staffed.

**Public Education about the Court System.**

*Virginia should increase and support public education about the court system by*

**Recommendation**

Partnering the court system with media to produce informative and interactive programming about the legal system.

Establishing a program to educate middle and high school teachers about the organization of the Virginia courts, including courtroom visits, interactions with judges, judicial visits to classrooms, mock trials and jury deliberations, arbitration and mediation.

Adequate funding for public law libraries statewide in order to increase the resources available to the public.

The work of the Second Futures Commission represented an ongoing commitment of the Virginia courts to excellence and accountability in fulfilling the Judiciary's 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.

Recognizing that there is no time other than the present in which we can shape the future that we desire, the Supreme Court of Virginia has approved the recommendations reviewed in this report for implementation. These recommendations provide guidance about how the Judiciary might maintain and improve its performance given the current and anticipated opportunities and challenges that the Commission identified.