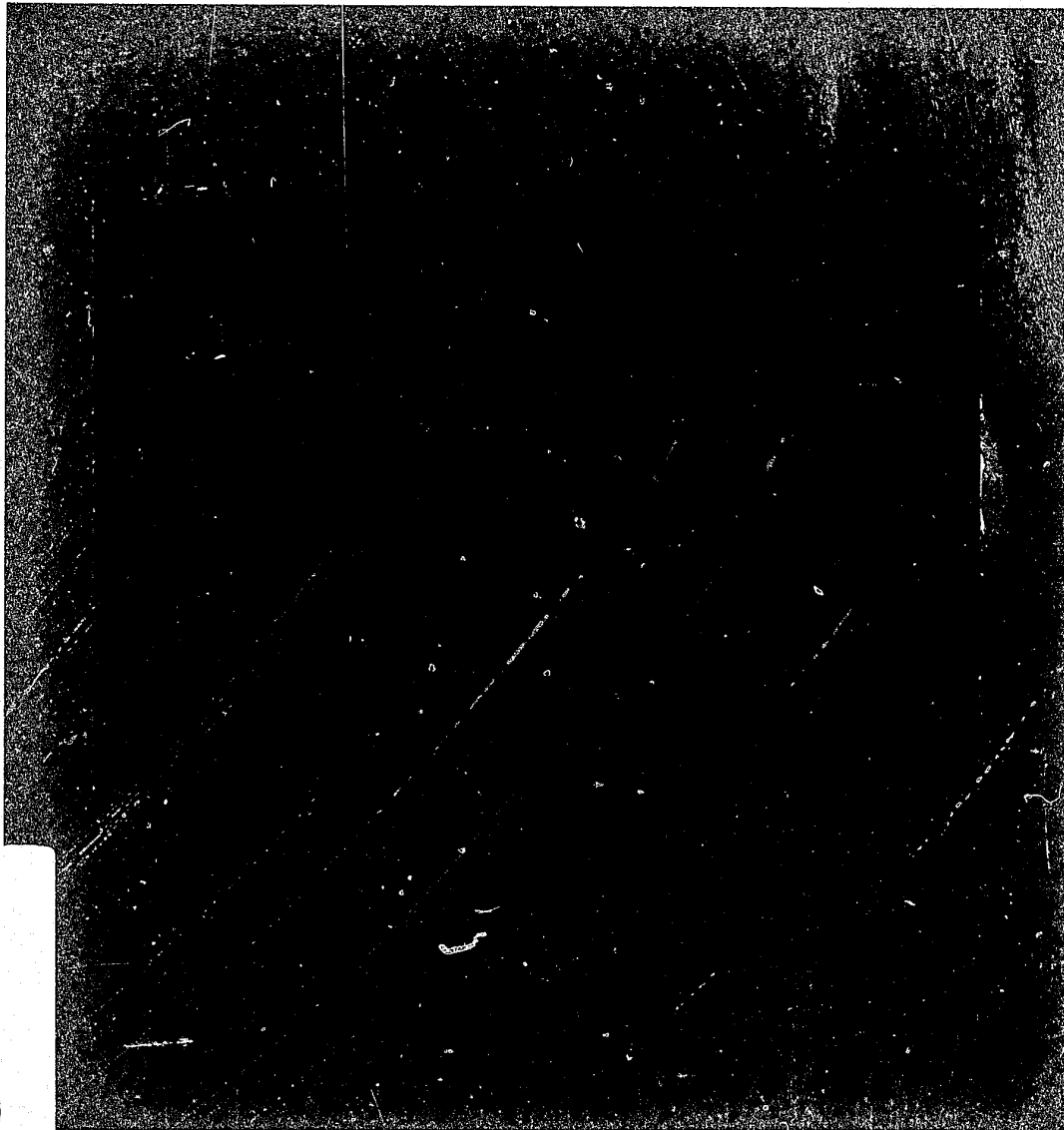


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SUMMARY OF COMMENTS OF THE
NORTHEASTERN REGIONAL
PLANNING CONFERENCE
April 25-26, 1976

FIGURE

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ACQUISITION

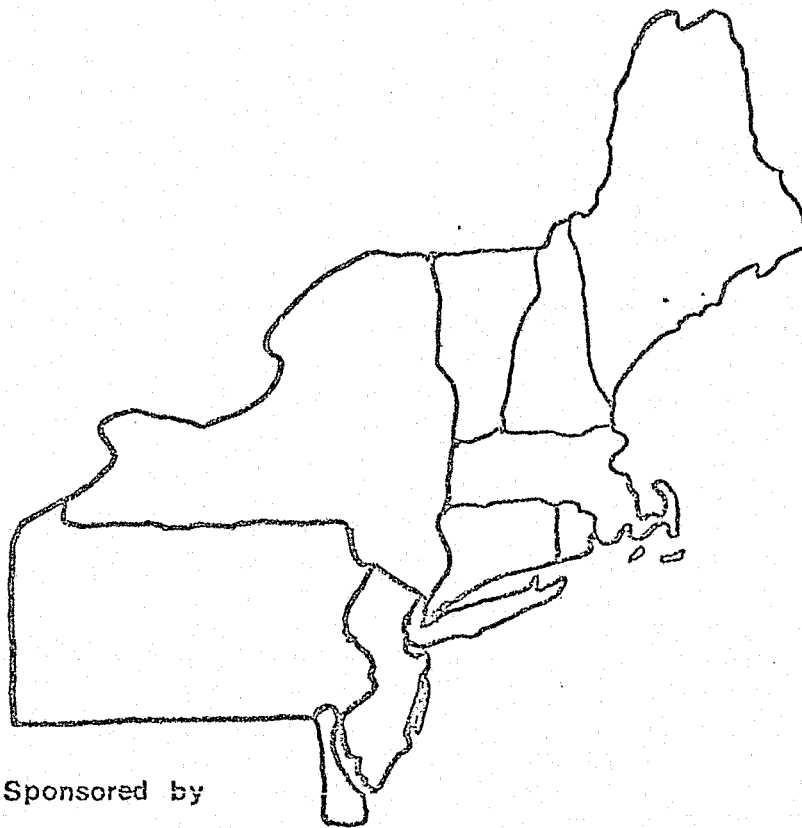


National Center for State Courts
401 Commonwealth Avenue
Boston, Massachusetts 02215

PLANNING
NORTHEASTERN REGIONAL CONFERENCE

BOSTON 1975

APRIL 25-26



Sponsored by

THE NATIONAL CENTER FOR STATE COURTS
NORTHEASTERN REGIONAL OFFICE

AND

THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
REGIONS I, II, III

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National Center for State Courts

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August 31, 1976

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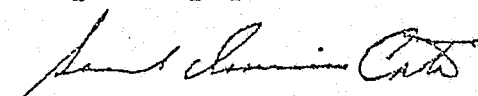
Mr. George Campbell
Regional Administrator
Law Enforcement Assistance
Administration
100 Summer Street, 19th Floor
Boston, Massachusetts 02110

Dear George:

Although long delayed, the enclosed Summary of Comments of the Northeastern Regional Planning Conference contains insights which we believe are still very useful in the formulation of state court plans. In the preparation of this summary, I wish to thank Lorraine Moore, Staff Associate at the Northeastern Regional Office, for her comprehensive review of the several tapes and earlier transcripts.

We hope the material contained in the report is helpful and we will be pleased to provide further information on the conference as requested.

Very truly yours,



Samuel Domenic Conti

SDC/clc

Enclosure

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ACKNOWLEDGEMENTS

We wish to express our deep appreciation to the John Hancock Institute for donating the meeting facilities for this conference.

PREFACE

This report of the proceedings of the Northeastern Regional Planning Conference consists of excerpts of speeches presented by the guest lecturers at the conference.

PROGRAM

April 25

- 8:30 a.m. Coffee and registration at John Hancock Institute
- 9:30 WELCOME AND OPENING REMARKS
Honorable Paul C. Reardon, Justice, Massachusetts
Supreme Judicial Court and member of the Board
of Directors of the National Center for State
Courts
- THE RELATIONSHIP OF THE JUDICIARY TO THE EXECUTIVE
AND LEGISLATIVE BRANCHES
Honorable Joseph R. Weisberger, Presiding Jus-
tice, Superior Court of Rhode Island
- 10:00 COMMENT
Dr. Frederick M. Jervis, President, Center for
Constructive Change, Durham, New Hampshire
- 10:30 Coffee break
Discussion sessions
- 12:30 p.m. Buffet luncheon at Hancock Institute
- 1:30 MORE EFFECTIVE TRANSMISSION OF COURT ADMINISTRATION
PRACTICES AMONG STATES
Edward B. McConnell, Director, National Center
for State Courts
- 2:00 COMMENT
Dr. Frederick Jervis
- 2:30 Coffee break
2:45 Discussion sessions
- 4:00 Summary discussion
- 6:00 Cocktails at Colonnade Hotel (Cash bar)
7:00 Dinner at Colonnade Hotel

April 26

- 8:30 a.m. Coffee at Hancock Institute
- 9:00 TAILORING NATIONAL PROGRAMS TO ADDRESS
SPECIFIC NEEDS OF INDIVIDUAL JURISDICTIONS
James C. Swain, Acting Director of
Priority Programs to Improve Adjudication,
Law Enforcement Assistance Administration,
Washington, D.C.
- 9:30 COMMENT
Dr. Frederick Jervis
- 10:00 Discussion sessions
- 12:00 p.m. Luncheon at Copley Plaza Hotel
- 1:30 THE PLANNING PROCESS: USE AND POTENTIAL
EFFECTIVENESS OF PROPOSED COURT ADMINISTRA-
TION GUIDELINES
Professor Geoffrey C. Hazard, Yale Law
School
- 2:00 COMMENT
Dr. Frederick Jervis
- 2:30 Discussion sessions
- 3:30 SUMMARY DISCUSSION AND CLOSING REMARKS

Conference Facility

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Boston, Massachusetts

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Northeastern Regional Office

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THE RELATIONSHIP OF THE JUDICIARY TO THE EXECUTIVE AND
LEGISLATIVE BRANCHES

Honorable Joseph R. Weisberger,
Presiding Justice, Superior
Court of Rhode Island

The relationship between the judiciary and the executive branch is a very interesting one, but one which is difficult to define. In spite of the judiciary's enormous prestige in the area of decision-making, and its enormous power in terms of adjudication, it is almost unbelievably impotent. The judiciary has little immediate control over, or selection of, personnel with whom it has daily contact - for example, building commissioners who provide the court facilities, or deputy sheriffs, or clerks. They must presumably conform to our requirements, but can we really make them do so?

The judiciary has great reluctance even to approach the legislature on matters. Frequently the legislature simply takes the budget and does with it what they will. Some efforts can be taken to change this situation. In Rhode Island the state court administrator has previously served as a senator; he actively attends legislative sessions to ensure adequate explanation of bills before the legislature which affect the judiciary; he keeps a close relationship with the state budget office. Budgets are now a matter of constant interchange and explanation between our court system and between the legislative and executive branches. The relationship must be a continuing one; the court cannot be diffident.

The Law Enforcement Assistance Agency is not widely understood. The statute creating it is complex; it is so subject to interpretation, and so complicated by regulations issued from time to time that it largely defies understanding. Should a judge or judges or court administrators be a part of the state planning agency? Although their participation alone may not achieve all desires and needs of the judiciary, their presence may stave off the more disastrous results which might occur than if no part were taken.

If one can overcome the problems of the variable pass-through (which has to do with sums which must go to local agencies as opposed to state agencies), there may be a possibility of utilizing such funds for state purposes. On the state level, of course, there's a great deal of competition for the forty percent plus which state agencies are entitled to receive. In Rhode Island the court system has attempted and has received some LEAA allocations for judicial education and for certain security equipment. Such money might in the future be used to buy essential materials (e.g., metal detectors for sensitive trials) which cannot appropriately or feasibly be garnered from the state budget. Although the state court system will probably never receive a great percentage of LEAA funds, largely because other agencies need it more, these funds can be a vital supplementary source. The only way they can be that source is if at least some judges participate sufficiently to understand what the act has to offer, to understand what funds are available, and to understand what funds can be made available to

the court system in light of all other demands upon those sources of funds. It is my understanding that many court systems in the United States either have never made any requests to their state planning agency or have done so only within the last few years. The State Planning agency needs to be aware of court needs. The LEAA is definitely a resource which should not be overlooked.

An effort should be made to have someone representing the court (judge, court administrator) appointed to the state planning agency. It now is most often dominated by law enforcement and corrections, and other elements of the justice system. If we allow the state planning agency to be so dominated, then we have no one to blame other than ourselves.

I urge you to strongly consider active participation in your state planning agency; and to consider setting up liaison between the court on one hand and the legislative and the executive on the other in a broad range of areas, so that when it becomes necessary to make needs and demands known, the lines of communication will be clear. It is an element of judicial discretion to be able to carry on this liaison function as smoothly and as vigorously as we have always carried out on a regular basis our adjudicatory functions.

COMMENT

Dr. Frederick M. Jervis,
President, Center for Con-
structive Change, Durham,
New Hampshire

Traditionally we have considered planning to be the distribution or allocation of resources in response to what is. There is another way of looking at planning and I think that it bears on our topic of the relationship between the judiciary, the legislative branch and the executive. The way we look at planning has a great deal to do with the kind of relationships that develop.

In planning, we try to build a bridge or building block between some distant purpose and the actual results we're getting today. If you look at it this way, you'll realize that all of us do planning all the time (e.g., getting out of bed and to the breakfast table - showering, shaving, dressing, etc.; writing a novel - the end result, the impact on the reader; opening a new plant in two years - setting up tasks as to building, equipment, personnel, concept). This is the way we all do planning if we want to accomplish anything: we start at the end with the purpose, break it down into its component elements (result areas) and build benchmarks to monitor our progress from where we are to where we want to be. Planning is knowing how to construct the structure which allows us to bridge the gap between some distant far out purpose (e.g., putting a man on the moon) and the actual everyday results we're now getting.

What is amazing is that as we get into formal planning it is not carried out this way at all. In formal planning the knowledge in information for planning says that you start by asking questions as to one's capacity, resources, obstacles in forms of needs and problems, questions which lock us in to where we are right now. We start at the beginning rather than at the end, and we try to do planning with all kinds of constraints built in.

Here's an example chosen not for the content but for the process which illustrates the difference between the two approaches to planning - the front desk operation of a hotel. Instead of asking what are the resources available, the capacity, the problems and the needs, one starts by asking "What would be happening if there were an ideal front desk which was working perfectly?" For example, we'd like guests registered without waiting in line more than two minutes; guests should be able to check out and pay bills without waiting in line; guests shouldn't be booked in rooms that haven't been cleaned or that already are occupied by other guests; guest reservations should be honored; bellboys should be available; we'd like to run it at a certain cost, etc.

Our purpose is to improve front desk operations and we're going to improve it by making explicit what kind of results we expect from it. Now we find out what is happening

in all of these areas (designated key result areas) where we want to see improvement. The next step is to talk to those who work the front desk to get them to establish a set of objectives and goals (a game plan) where they can improve in all of these areas so they can move us from where we are today to where we want to be.

One problem in planning is what I call the interface problem, which occurs whenever there's a superior/subordinate relationship involved. You can help people do planning, but whether the executive branch is planning for the judiciary or whether a corporate structure is planning for the profit centers, you'll find there's a great deal of resistance to having somebody else do the planning. What we're suggesting is an interface - that the superior or the agency divide its responsibilities. In the front desk example, the management's responsibility is to help people at the front desk; the supervisory people at the front desk supply the objectives and goals, the benchmarks, to formulate the game plan to move them to where the management wants to be.

A second consideration in planning has to do with how people can participate. The planning process has to integrate planning, implementation and evaluation as an ongoing process. If all of this takes place then it is important that all the people affected by it can participate in the process.

Only by working with inclusive purposes and then building result areas which relate to these result areas can we let the people participate. To the extent that we do that, and also make our result areas public and explicit, can the people participate. People can provide feedback as to how well the results are being achieved. All too often we don't provide this amount of exposure to our planning process, eliminating any participation on the part of the people.

The three basic techniques involved in this planning process, then, are:

1. Start at the end. Ask "what would be happening if everything were going well?"
2. Start with a big picture. "At some distant point, maybe five or ten years out, what would be happening?"
3. Constantly look for similarities in purposes so that you're looking for an inclusive purpose. Look for even more inclusive purposes which subsume other purposes.

(Dr. Marshall then introduced another in-detail example to further illustrate the planning process.)

In your discussion groups we'd like you to keep these principles in mind. The reporters will help you in terms of

addressing yourselves to the question, "If there were ideal relationships between the executive, the legislative and the judiciary, what would or could be taking place? There must be some results we want beyond simply the good relationships. We'll turn that task over to the discussion groups.

(The participants then broke into four discussion groups led by National Center staff.)

MORE EFFECTIVE TRANSMISSION OF COURT ADMINISTRATION
PRACTICES AMONG STATES

Edward B. McConnell, Director,
National Center for State Courts

For purposes of setting the stage for subsequent discussions, I'd like to set forth ten statements or platitudes.

1. Experience is the best teacher. We learn quicker by doing it ourselves, by making mistakes and hopefully recognizing and correcting them. But the amount we can learn by experience in a given period of time is extremely limited.

2. Education is an efficient substitute for experience. It's not only formal education, but what we learn from reading and talking to others, picked up from meetings such as this. This is why the National Center, like other organizations in similar areas, seeks to provide an information center for what goes on in the field.

3. Experimentation is the life blood of progress. We move ahead by trying out new ways to see if they work. The beauty of our federal government is that it provides us with fifty state laboratories for experimentation. With the transfer of what one learns to others, we can multiply our effectiveness.

4. Familiarity breeds not just contempt, but often makes us blind to what is going on around us. Remoteness lends perspective. Any of you could walk in to your counterpart office

in another state and see a number of ways in which things might be done better. But you do not recognize those same sorts of things at home in your own court or office.

5. The degree of involvement in day-to-day operations reduces the ability to plan or think ahead. Few people in administrative positions seem to find time to do other than that which demands an immediate response. Accordingly we either need to force ourselves to take time out to think, or we need to have someone free of operational responsibilities to help do our thinking for us.

6. There are few unique problems -- just differences in environment due to time, size, traditions and the like.

7. There are only two tests of a good court system, or for anything, for that matter. Does it work, and do you like it? If a court system meets these two tests, it should make no difference that it does not resemble any other or that it does not conform to any so-called models or to any external standards.

8. Problems come in many varieties and must be solved in different ways. No one solution or approach fits all. Sometimes all that is needed is the bluntness of common sense. At other times, the solution calls for the rapier exactness of highly specialized skills.

9. The range of available skills in an organization, a court system, is in direct relation to its size. Small states and small courts just cannot have economically on staff the range of specialists needed to deal with all their problems. That is the value of an organization such as the National Center, which can serve as an invaluable extension of your own court status.

10. The most profitable journey is the one where we know where we want to go and how we are going to get there. We need to have a plan and an objective to get there, or we waste our time, efforts and money. Courts are no exception, although, until recently, we have acted as if they were.

Finally, as a simple mental exercise, I would ask that each participant develop his own state plan. Make four columns: in column 1, state your principal objectives in order of priority; in column 2, list the most important things you should do to accomplish those objectives; in column 3, put the next important things; and reserve column 4 for your accomplishments. You now have a mini-plan for your court. One of the problems in court planning seems to be that we tend to make it so complex that we convince ourselves and others that it is impossible.

COMMENT

Dr. Frederick Jarvis

Now after we've built a planning process which focuses on the purposes and is tied back to results, the second step is managing for improvement.

Managing is the ability to move us from where we are to where we want to be, to bring about a different kind of result from the one we're getting today. That's basic in the skill of being a manager. What is happening today is that many people think that managing is explaining why it doesn't happen; or that it is keeping the boss informed about the fact it's not happening.

In listening to and getting feedback from the group discussions, I could tell there was a lot of difficulty talking about an ideal court situation or an ideal relationship between the three branches in terms of what kind of results we would have as it related to justice. We tended to talk a great deal about methods, processes and programs.

But out of the groups there was a clear indication of certain results. In all the groups there was some mention of the fact that the purpose of the court in an ideal situation could be the dispensing of quality justice. There were some critical indicators (key result areas) underneath that: equal access; even application of rules; people's expectation of fairness

in the system; a system open and responsive to the people; speedy trials. These are results that are inclusive in that they would include the purposes of the citizens the system was established to serve.

Our next step would be to ask questions to determine what is happening today in each of those areas. The information may not now be available; but it can be made available, and we can collect it if we desire to.

Identifying this discrepancy between where we are today and where we want to be gives us the opportunity to do something about it. The next step is to construct a game plan including specific objectives and goals on how we're going to improve in each area. In order for managers to orient themselves in this way, they must understand the bases for innovation and creativity. Innovation is simply to recognize that what is taking place today is a consequence of the methods, strategies and programs you're following. Recognizing that, then, to be innovative and creative simply calls for knowing how to construct your information so that you can experience the problem or limitation in your current methods of strategy and seek an alternative.

The reason people do not change is because they have no basis for experiencing the limitation of problems in their current methods of strategies and programs. We have worshipped

methods and programs at the expense of results. A problem exists in a discrepancy between an expectation and an actual result. Once the problem has been defined and experienced, it's not difficult for people to come up with alternative strategies.

Once each key result area has been identified, e.g., equal access to all, one would ask three simple questions. (1) Why is it important, and to whom? (2) Why isn't it happening today? (3) What alternative methods and strategies might I follow to make it happen?

There seems to be unfailing belief in the myth that the way you make improvement is by improving people, systems, and facilities. But if one is going to manage to bring about improvement, he has to understand first of all in what areas he's trying to get results, and to see the discrepancy between what he wants and what is happening today.

In summary, then, managing is having the skill to make it happen -- knowing how to make things improve. You first have to have an ability to state what you're trying to accomplish in result terms. And those results have to be results that the people for whom the system was set up are also interested in. Then you must get accurate information as to where you are today. Then managing -- those game plans which enable us to improve the results we're now getting in those key areas we're all interested in -- comes into sway.

(Discussion groups -- Using example of dispensation of quality justice and indicators that would show it were happening, try to determine where the courts are today and what alternatives might be followed.)

TAILORING NATIONAL PROGRAMS TO ADDRESS SPECIFIC NEEDS OF
INDIVIDUAL JURISDICTIONS

James C. Swain, Acting
Director of Priority Programs
to Improve Adjudication, Law
Enforcement Assistance
Administration, Washington, DC

Since we're talking of planning, I think it's timely to discuss the findings of the American University Technical Assistance Project, which examined LEAA funding of court programs. The formal report was given on March 8, 1975 in Washington, D.C. to the committee members of the national court and SPA organizations and to LEAA officials, including administrator Pete Velde. The major recommendation was that LEAA ought to assist in the development of a planning capability, now lacking, within the state court systems. Planning responsibility ought to be placed with the court systems with the retention of the state planning agency in an advisory, evaluative and supportive role. Other recommendations deal with how such a capacity would be developed. Another suggestion went to make-up of the supervisory boards -- that one-third should consist of judicial representatives together with citizens. It recommended also that state planning agencies should be more adequately staffed. Peter Velde responded to the findings by asking that the project team be retained as an advisory committee to LEAA in the implementation of the report and pledged that LEAA funds would be set aside to begin implementation of the recommendation in planning unit development.

Response is now on-going, taking the form of a two track system. One is a national resource or technical assistance center which will be developed for the purpose of aiding court planning. The other track will be direct funding of those court planning units in states which feel ready to do their own planning and, if given direct assistance, are ready to proceed. Such planning units would address not only the use of LEAA funds, but also the total resources available to the court system in that state.

I'll very quickly give you an overview of where the National Discretionary Program is directed for this year. Discretionary funds will be used in three ways: (1) for planning unit development; (2) development of prototypical models for basic court improvement, and (3) technical assistance. Technical assistance will include such as what has been done under the American University contract -- an immediate delivery of expertise to a particular area of the country where a problem has been identified; management centers, which examine office workflow; educational technical assistance, including training of judges for expanded roles; and service technical assistance - grants to service organizations such as the National Center and the National Association of Attorneys General.

An important element of planning is making provision for evaluation, particularly in a long term plan -- that is, revisiting the original plan to determine what succeeded and to be able to change strategies so that the result you're seeking can be achieved. Our evaluative program will have essentially three tracks. One will be to improve the individual evaluation component placed in each grant project. An individual evaluator with measurement skills will help with the project plan from the outset, and provide quarterly reports on how well the stated objectives are being achieved. Another device will be inviting grantees that fit in a cluster of subject matter activity, such as, for example, all prosecution grants, and asking them to give a report on their progress and to share successes and failures. Another form would be essentially on-site visitations. The hope is that the three activities together will keep the focus on the objectives of the grant and teach us where we've gone wrong or where we're succeeding so that grants are more effective in the future.

I think it's clear to everyone here that there is a lack of planning and that is the problem in our court section of the criminal justice system. It can be a rather simple process, fairly readily understandable. I urge you to resolve to do something about it. With that resolved, I think you're halfway on the way to resolving the problem.

COMMENT

Dr. Frederick Jervis

I think it's important to realize the significance of the things we tried to deal with yesterday. The first one had to do with asking a different question; the second with defining a different problem. The information that we work with is a direct function of the questions we ask. It is with the skill of asking a different kind of question that one can then move into a different kind of planning -- a planning concept which integrates different purposes with immediate results.

In our schooling, the focus has been on problem solving. But sometimes people have failed to point out to us that the solution to any problem is always inherent in the way it's defined. Solving problems is really not the task. The task is rather to understand how to define problems and how to define the essential problems. As one establishes inclusive purposes, and knows how to break them down into critical indicators and further break these down, then he is able to define the essential problems, because they are the discrepancies between our purposes and where we want to be and where we are today. He is now in the position to manage improvement, recognizing that the problem is in the current methods, strategies and programs. This is what we've tried to do with you at the previous sessions.

This morning we'll talk about constructing change. Everybody in the organization, from the top to the bottom, has to be doing planning. The only planning actually done at the top is to have them put the planning, managing, correcting function into everybody in the organization. (Then followed an in-depth example of planning that can be done by a hotel doorman.)

One cannot separate planning, implementation and evaluation -- it's an ongoing, continuous process.

Having a part in the planning process brings about immediate change in the actions of the planner. If you change what you pay attention to, what you evaluate and what you change, you're going to function very differently. A new framework cannot be imposed on people; but if a new choice of operation is offered, and he sees this as contributing to a larger system (e.g., the doorman in improving his functions, improves all-over hotel management), our experience has been that most of the time people choose it because people would rather be productive, effective people who make clear to themselves what they're trying to accomplish, who set up benchmarks to see what they are accomplishing, who ask themselves how they can contribute to the larger system.

This kind of planning matrix is built for everyone in the organization; everybody in the organization has to know how to construct in order to bring about change. And it is important that all of these planning matrices be integrated or unified within the organization.

In the example we've chosen, equal accessibility to everyone, a traditional approach is to try to define your terms more exactly. In our approach we do not. Our next question is how would you know if the court system was equally accessible. I would break it down in terms of geographic areas within the state; would look at social economical levels and racial characteristics. One would also look at negative indicators, e.g., finding that people with lawyers get preferential treatment. If you have difficulty getting information about what is happening today, it almost always means that you haven't broken that thing down far enough.

Once broken down, it's quite simple to develop the game plan to move you from where you are to where you want to be. When we talk about courts, we should be talking about the purposes of the system and of the people that the system supposedly serves.

There's a parallel here with the construction of prototypical models Jim Swain talked about. LEAA funds and organizations such as the National Center can help court systems

build these prototypical models that can provide us with a different level of alternatives so that we can choose something which is a system that is integrated, unified, but which moves us on to a different level. If we choose that system, we will choose it because it enables us to get the results we want; because it enables us to be the effective, productive people we want to be. The systems cannot be imposed on us. They will be chosen only to the extent that they are better systems.

When one understands how you construct change, you give people a choice to the extent that you can help them see that the limitations they are experiencing today are the results of the model or framework they're operating in; and if you help them construct an alternative model which enables them to accomplish what they want to accomplish, they will choose it. (Following was a panel discussion, led by Dr. Jervis and formed of conference participants which experimented with the approach to planning presented by Dr. Jervis.)

THE PLANNING PROCESS: USE AND POTENTIAL EFFECTIVENESS OF
PROPOSED COURT ADMINISTRATION GUIDELINES

Professor Geoffrey C. Hazard
Yale Law School

First of all, it might be useful to note that the ABA project on standards and judicial administration has produced the standards of court organization which talk about basic concepts of structure and toward the end deal with some important matters of administrative structure that have not heretofore, until recent years, been regarded as integral to the problem of court administration and management. There are some things you can begin to do right now without constitutional and legislative change. Those have first to do with an administrative office and staff; secondly, financial administration, including budgeting; and thirdly, information systems. These are things on which the court can energize itself and proceed to move in directions that might be aimed for. I do think sometimes we underestimate the amount of effective change that can be brought about through the initiative of the court system within the structure of its existing powers and within the structure of the court system as it may exist at any particular jurisdiction.

The Commission on Standards of Judicial Administration has completed a tentative draft concerning the administration of the trial court, of which a central theme is caseflow

management. The report will soon be distributed.

The report on Appellate Court Management is now in progress and should be ready in draft form within about 8 or 10 months. That gives you an update to the work of the commission.

I'd like to focus on the problem of improving the way you do things in the structure in which you find yourself at the moment. First of all you have to have some idea of where you want to wind up -- goals give you a continually available frame of reference. The next immediate step is to determine where we are in relationship to those goals. In a sense the world is always presented to us in terms of existing official authority in the existing procedures. One of the problems of analysis is to try to get behind the set of appearances presented to you; the picture we get is inevitably distorted, because it's what we see from wherever it is we are sitting. That problem explains the necessity for research because we have to be better informed as to exactly where we are and what we're now doing.

A second problem is that anyone in the system has in a sense his own cocoon of perceptions in which he operates and one of the toughest problems is that cocoons don't respond. Research serves the purpose of producing an integrated picture of all the individual world views. It is important to let them know what you want to do, and create informal pathways of response to get feedback.

A further step is experimentation -- a trial run. If, for example, you want to introduce a change statewide, you should be concerned about whether it will work, and secondly, whether it will be accepted. One way to find out, or to promote both goals, is to find someone in the court system willing to try it -- purely on an experimental basis, which permits you to de-bug it in operation; it overcomes the argument that you can't do it. Now you have experienced fellow workers who have done that which you are asking somebody else to do -- something proven and worked through.

The final element in it is what they call evaluation -- which means simply to look at what you've done to see whether it seems to be bringing about the results that you intended.

This approach is just as sound whether you're talking about a change in court rules, rules of procedure, budgeting system change, reporting system, assignment or caseflow management system.

SUMMARY DISCUSSION

Dr. Frederick Jervis

We started off with an excellent presentation on the relationships between the various branches of government. It is important to realize that, whether we're talking about political structure, or business corporations, or educational institutions, or whatever, the question of dealing with these relationships is basically subsumed under the problem of whether you're dealing with an inclusive purpose or not. That is to say, that when we achieve an integration of purposes, when we can take the various purposes of separate systems or separate branches, and subsume them under an inclusive purpose, we find the whole problem of relationships becomes less important.

It is important to recognize that all people, all organizations, all segments of our society, have to be making decisions based on the pursuit of some objective or goal and if we want to create a climate where people can work together effectively, we have to have the ability to construct inclusive purposes and goals. Before one can construct inclusive purposes and goals, he has to have the skill we have been talking of here at the conference.

If you do not know how to do planning where you can take five distant loose guide purposes and make them into very concrete specific results-oriented objectives, then you can't

deal with inclusive purposes. If you don't have the skills to do management for improvement, if you don't have the skill to be involved in constructing change, then you're not going to have the skill to deal with these distant purposes and therefore you will not have the skill to deal with inclusive purposes.

One thing we've come to recognize in management by objective, the wonderful planning process that Professor Hazard has just described, is the importance of objectives and goals. We do recognize today that they are the basis for decision-making, they are the basis for evaluating; however, the more our organizations start working with objectives and goals, the greater is the recognition of the need to have a means of integrating and unifying these objectives and goals.

As we worked this morning, I think it became clear that we couldn't select one segment or one category to work on, but we had to ask ourselves, "compared to what?" We had to line out all the various categories that were involved as positive and negative indicators under the particular problem we were working on. Only after you've laid them all out and you've gotten information as to what's happening in all of these are you in a position to start formulating any kind of game plan. You cannot work on one separate area as if it were unrelated to the others. In this approach, you're able to watch what you're doing in one area, but you're also able to watch the side effects it has in other areas.

Unless you have a way of integrating and looking at your methods and strategies in terms of the side effects they create, and how they relate to your inclusive purposes, you're going to be in serious trouble.

Another point is when you recognize that problems are our constructions, that we construct the problem as we construct the discrepancy between where we want to be and where we are. When we realize that problems are not negative externals, but constructions of ours, and they can be seen as opportunities, then you recognize the importance of being able to define essential problems.

This morning we tried to put on a demonstration which demonstrated how when you help people recognize that the results they're getting now come from their current methods and strategies, they are now able to formulate goals and objectives that go far beyond anything they've done in the past. But what I want you to notice is that if we had not gone through this exercise, these people would not have set goals like that, their goal would have been "maybe we could reduce it 5 percent."

There is a tremendous difference between being able to construct your purposes and results from the other end and focus on managing for improvement and the old emphasis on achieving goals, being successful, etc. The other point here is that we never work with a simple relationship, but we are

always working with a whole host of relationships, a whole integrated system of objectives.

Finally, the only thing I'd like to comment on has to do with openness, openness of systems. I think we have to realize that it is impossible to function without operating in some kind of a framework or model and that the only way we can operate with openness is when we first of all recognize that we have to be working in some kind of a framework. This framework has boundary conditions, it has certain essential relationships designated, and it has a method for change, inherent within it. If we're going to achieve openness in our institutions, then we must recognize that our institutions are working in some kind of a framework. And, ultimately, an open system is a system which tells us how to generate alternative frameworks.

Only when we know how to generate an alternative framework, only when we know that the results and outcomes we're viewing today are consequences of the framework we work in and we start comparing alternative frameworks on the basis of their outcomes to see which one we desire, only then do we operate in an open system.

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