Planning in State Courts:

Trends and Developments 1976 - 1978

A publication of the
State Court Planning Capabilities Project
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Publication No. R0040 July 1978

This project publication was supported by Grant Number 78-DF-AX-0051 awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the staff of the National Court Planning and Technical Assistance Office of the National Center for State Courts and do not necessarily represent the official position of the United States Department of Justice.

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Acknowledgments

Preparation of this monograph was directed by Robert W. Tobin, director of the Court Planning Capabilities Project. William Popp of the Northeastern Regional Office contributed to both writing and reviewing the entire document.

Court Planning staff member John Mayson assisted in writing and reviewing sections of the paper and Linda Sweeney assisted in the editing and production process. Alice Avents also played a major role in the logistics and production.

Our thanks to Ellis Katz, associate professor of Temple University, Jon David Pevna, California's court planner, and Joel Zimmerman, of the National Center, for their review and comments on the draft copies of this monograph, and to Richard Hoffman, of the National Center, for his contributions in developing the monograph.

Special appreciation is expressed to Russell Wheeler, former director of the Court Planning Capabilities Project and presently with the Federal Judicial Center. His review of the document included substantial contributions to the text as well as thoughtful editorial comments.

Introduction

This is the second in a series of monographs on the subject of state court planning by the Court Planning Capabilities Project of the National Center for State Courts. The first monograph, published in July 1976, described various concepts and techniques of court planning and summarized the court planning effort that was then developing. This second monograph deals with developments since July 1976, and highlights the effect on court planning of the Crime Control Act of 1976 (Public Law 94-503). It also addresses the prospects for effective court planning.

This monograph is primarily descriptive. It is based on certain assumptions about court planning, however, that should be made explicit: a) planning is related to major systemic or procedural changes involving top judicial leaders; b) planning is an integral part of court management; c) planning is a process of rational decision making, not an esoteric science; and d) planning is such a basic need that it is going to occur in some form, very often in a form that does not bear the title "planning."

The question courts face is not whether to plan, but how to plan effectively. Effectiveness depends heavily on a close working relationship between judicial planners, judicial planning bodies, and state-level judicial leaders. At this point, such a working relationship is rare, but the essential elements of such a process are the following:

BASIC PLANNING STEP	KEY PARTICIPANTS
• Identification and documentation of system needs	Largely a staff function but with significant judicial guidance
• The articulation of these needs in the form of a policy proposal that may be comprehensive or very specific	A proper function of a judicial planning body with staff helping to draft the policy proposals
• Consideration and determination of the proposed policy issues	A proper function of the highest administrative authority in the system, usually the supreme court

• Implementation of policy decisions requiring follow-through	Normally the role of a court administrative office with use of staff planners to create and monitor a plan of action

It would be presumptuous to say that this four-step process is the only route to effective court planning. It does, however, contain the elements associated with good planning in nonjudicial environments and is broad enough to accommodate numerous variations. It also reflects the type of planning process that some judicial leaders aspire to, and provides the conceptual point of reference for this monograph.

The organizational framework of the monograph is essentially chronological. The first chapter describes the historical backdrop against which court planning is evolving. This chapter describes attempts during the past half-century to formulate policies for court improvement through judicial councils, and the later strengthening of administrative staff capabilities through the creation of state court administrator offices. Finally, the first chapter notes the impact of federal legislation and federal funding on court planning. The next two chapters outline the current trends in court planning, dealing respectively with the organization of state court planning, and with the dynamics of court planning as exemplified by the specific planning approaches chosen by various states. The final chapter sets forth factors that may affect the development of court planning and the criteria by which to measure progress in court planning.

The assumptions and observations made by the authors of this monograph are based on their experience in the Court Planning Capabilities Project and on close contact with the evolution of judicial planning.

1.

Antecedents of Current Court Planning Activity

The strongest and most direct stimulus to present court planning activity is the 1976 federal legislation (Public Law 94-503) that fostered the creation of broad-based judicial planning committees supported by federal funds. These committees were charged with the responsibility of planning for the allocation of federal monies but encouraged to plan comprehensively. Such committees have been established in 36 states, and at least nine other states have elected to plan for courts by means other than judicial planning committees.

Current state court interest in formal planning structures and processes is the latest in a series of developments dating back to the turn of the century. These various reform movements have differed in substance but reflect a commonly perceived need to strengthen judicial policymaking and court administration. These early reform movements set the context for contemporary court administration and planning efforts and may provide lessons for their potential success or failure.

Judicial Councils[1]

Court reformers habitually point to Roscoe Pound's 1906 speech to the American Bar Association, in which he advocated unified court systems and simplified procedures to alleviate the "causes of popular dissatisfaction with the administration of justice."[2] Pound concluded on a planning note, looking to "a near future when our courts will be swift and certain agents of justice."[3]

Pound's speech reflected the common assumptions of early twentieth-century progressives, who thought that the social and political problems of the day could be cured by simplicity, economy, and

[1]The discussion of judicial councils and conferences is based largely on Wheeler and Jackson, "Judicial Councils and Policy Planning: Continuous Study and Discontinuous Institutions," *Justice System Journal,* 2, (Winter, 1976), 121.

[2]Pound, "The Causes of Public Dissatisfaction with Administration of Justice," *ABA Reports 29* (1906), 395.

[3]*Ibid,* 417.

professional control of government. In this vein, the newly formed American Judicature Society suggested in 1914 the formation of an all-judge judicial council with rule-making power. In 1920 the Society published a model judicial article that provided for a judicial council composed of presiding judges with rule-making authority.

This type of council was not popular with legislatures, leading court reformers to propose the alternative of an advisory council with judge and nonjudge members. The major impetus to the formation of such councils was a bill proposed in the Massachusetts Legislature in 1919 that was finally enacted into law in 1924. The law, which became a model for many other states, called for the judicial councils to conduct a continuous study of judicial business. Most of the other states followed Massachusetts' lead with the establishment of similar councils. Although the term *planning* was rarely used, court improvement through analysis and recommendations was an explicit mandate of some councils and was an implicit role of most councils. Generally lacking strong administrative and procedural rule-making authority, these councils had to rely heavily on persuasion to implement their recommendations.

Most councils were composed of a mix of professions, mainly judges, but also lawyers, legislators, law school professors and others. Whatever their makeup, the judicial councils were widely encouraged and praised. In a statement typical of other legal publications, a student note in the *Harvard Law Review*, 1929, predicted the judicial council movement could lead "to the elimination of much of the archaic procedure at present impeding the administration of justice."[4] In 1939, Roscoe Pound told the National Conference of Judicial Councils that "the future of the law in the United States may be largely in your hands."[5]

Some council activity in the 1940s and 1050s led to such important changes as the creation of a judicial screening and discipline committee. Often, however, recommendations were simply transmitted to the supreme court, the legislature, the governor's office, or a combination of the three. Gradually, the councils' functions became routine and their potential for initiating change declined.

During the 1930s the first signs of disenchantment began to show. Addressing the National Conference of Judicial Councils three years earlier than Pound's optimistic prediction of 1939, Arthur Vanderbilt saw promise in the councils but cautioned that they must be repre-

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[4]"Judicial Councils in Theory and in Practice," *Harvard Law Review*, 42, (1929), 817 at 820, quoted in Wheeler and Jackson, *supra* note 1 at 136.

[5]Pound, "The Future and Potential of Judicial Councils," *Judicature*, 23, (1939), 53 at 59, quoted in Wheeler and Jackson, *supra* note 1 at 135.

sented by leaders of vision and patience, and that these leaders must be supported by cooperation and constructive criticism from their associates.[6] Underscoring Vanderbilt's points, the Judicature Society acknowledged that effecting change is more difficult than establishing bodies to indicate what is needed.

In 1941 only half of the 24 extant councils had more than a paper existence.[7] To this day, few councils meet regularly to consider issues of importance and fewer still make judicial policy.[8] While it is hard to pinpoint the primary cause for council decline, a principal reason is surely the lack of resources available to them. Most states were restrained in their support, with at least one council relying on bar association contributions. Only a handful had staff support. Other reasons for the lack of success: a naive faith that progress would follow from the articulation of problems; a lack of any power save persuasion; and even where political power existed, a lack of resolve to use it.

Judicial Conferences

Judicial conferences were established partly to supplement judicial councils. While the membership of judicial councils consisted of a relatively small number of judges, augmented by various nonjudge laymen from related disciplines, judicial conferences are usually comprised of many, if not all, judges in the system. This broader judicial membership enlarged the extent of judicial participation but made it difficult for the conferences to deal with policy issues or to hold frequent meetings. Conferences have, however, been used as vehicles for continuing education or as a sounding board for judicial opinions on major issues. On the whole, judicial conferences have not proven to be useful for policymaking purposes and thus have limited utility for judicial planning.

State Court Administrative Offices

In 1948 New Jersey established the first modern state administrative office of the courts. Staffed by professionals, it represented the managerial infrastructure formerly lacking in state courts. Fifteen states established such offices in the 1950s. This trend continued

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[6]"Judicial Councils and Administrative Justice," *J. American Judicature Society* 19, (1936), 137 at 139, cited in Wheeler and Jackson, *supra* note 1 at 137.

[7]Wheeler and Jackson, *supra* note 1 at 130.

[8]Currently only three state judicial councils have significant authority: California, Utah and, to a much lesser degree, Georgia. Only California's council was a product of the early council movement. The Judicial Conference of the United States, which is generically a judicial council, is also a product of the early council movement and has, like the California Council, achieved substantial authority.

during the next two decades, making a state without such an office a rarity today. The chronological and sequential relationships between creation of state court administrative offices and other reform movements are depicted in Table 1.

The size and scope of state administrative offices varies substantially, ranging from two- or three-person offices that have limited responsibilities, to offices with more than 100 employees with responsibility for management and personnel, finances and budgeting, and caseflow management information systems. Of course the size of the court system to be administered is one determinant of the size of the offices.

The significance of state and local court administrative offices for judicial planning cannot be overstated. State courts until the 1950s had to rely for their planning on part-time judicial councils and on supreme courts with little time or inclination to look prospectively at court needs and how to attack them. The advent of state court administrative offices changed this pattern by providing the ongoing staff support essential to planning and by starting to integrate planning into court administration.

The linkage between court planning and court administration has parallels in the private sector where it has been demonstrated that planning will be abstract at best unless it is a process involving a management structure, staff support, and formulation of management policy. Judicial planning has, potentially, a firm position in the management structure of courts since most judicial planners are on the staff of a state court administrator. What is less clear is whether judicial planning will be used by the judiciary in making long-term management policy. Bringing together judicial policymaking and court administration is the basic issue facing states dealing seriously with court planning.

Impact of LEAA Program on Judicial Planning

Current court planning development must be seen against the backdrop of the federal government's 10-year effort to upgrade what has come to be called "the criminal justice system." The centerpiece of this policy is the Omnibus Crime Control and Safe Streets Act of 1968. This legislation, while not specifically directed to court improvement, opened a new source of funds to the courts and exposed them to the comprehensive criminal justice planning requirements of the Law Enforcement Assistance Administration. Money provided under this act has been available to fund court improvements under the condition that the improvements could be justified as improving criminal case processing. Those funds, in addition to paying for various improvement projects, e.g., budget and personnel systems, spurred the development

Table 1. The number of state court systems establishing judicial councils,* judicial conferences, state court administrative offices, and judicial planning committees

	1920s	1930s	1940s	1950s	1960s	1970s
Judicial** Councils	14	12	9	14	6	5
Judicial Conferences	—	—	3	12	8	—
State Court Admin. Offices	—	1	1	18	12	18
Judicial Planning Committees	—	—	—	—	—	36

* Source of figure for judicial councils, judicial conferences, and state court administrative offices is Figure 2 in Russell R. Wheeler and Donald W. Jackson, "Judicial Councils and Policy Planning: Continuous Study and Discontinuous Institutions." *Justice System Journal,* 2, (Winter, 1976), 121 at 126.

** Some states created judicial councils two or three times due to an existing council lapsing. Some states have two councils, one being broad-based and advisory and the other being a small, all-judge council with more authority, e.g., Massachusetts, Wisconsin.

of state and local court administrative offices. Some of these offices included staff planners.

These funds have been put to good use by many courts, but the mechanism by which the courts receive them has raised a number of problems. First, in order to qualify for the funds, the courts had to agree to work closely with other elements of what LEAA perceived to be the criminal justice system. Tensions arose in some cases, such as in the interchange of information, because the courts attached more importance to their role as an independent branch of government than to their role as a cooperative partner in a joint endeavor. Second, since many LEAA state planning agency (SPA) boards were dominated by police or prosecutors, with whom courts often refused to bargain for funds, courts often received a disproportionately small share of the available funds. Finally, emphasis on criminal court improvement has left the civil justice system neglected.

The LEAA program has contributed to a renewed consciousness on the part of the courts as to their status as an independent branch of government. Judicial leaders have frequently resented the assumption that courts could be used to serve law enforcement goals or to effectuate plans designed by executive branch agencies. Moreover, newly hired court administrators challenged long-standing assumptions that many court management functions should be under executive branch control. As traditional relationships were altered, courts experienced tensions with executive branch agencies.

Discontent with LEAA control of court-related projects and the inadequacy of LEAA funding ultimately led court leaders to take their case to LEAA, which commissioned a study that has come to be called the Irving Report, after the task force chairman. The report echoed the fears of judicial leaders, asserting that "concern about the erosion of the independent and equal status of the structure is reaching crisis proportions."[9] Events moved rapidly thereafter. In 1975 LEAA provided a series of discretionary grants to fund state court planning units in such states as North Dakota, Washington, Georgia, and Louisiana, and also funded a one-year project of the Council of State Governments to institutionalize planning processes in state courts. In 1976 Congress enacted PL 94-503, which contained provisions for the financial support of court planning upon the establishment of a judicial

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[9]J. Irving, et al., *Report of the Special Study Team on LEAA Support of the State Courts,* American University Criminal Courts Technical Assistance Project, (1975), Washington, D.C.

planning committee.[10] Within two years of enactment, state court planning efforts through judicial planning committees had been launched in most states, complementing broad-based court planning efforts that had been under way since the early 1970s in Idaho and Utah.

The establishment of these new judicial planning bodies resembled the judicial council movement. In both cases, judge-dominated committees were directed to assess system needs continuously and to chart a course of action. There are differences, however. The JPC movement has spread among the states much more rapidly (but, of course, it has been prodded by federal grant money). More importantly, these committees have been provided with a level of financial and staff support that clearly distinguishes them from the early judicial councils. Moreover, JPCs have the advantage in most states of access to a state court administrative office, which can provide administrative support. This link between JPCs and court administrative offices will be a key element in the ultimate effectiveness of court planning

[10]The legislation requested by state judicial leaders actually called for a set percentage share of block funds for courts. Congressional reluctance to earmark funds led to a compromise whereby judicial representation on SPA Advisory Boards was strengthened and a portion of SPA funds was earmarked for support of judicial planning.

2.

Current Court Planning Organizational Components

A planning process is rarely organized out of dedication to planning for the sake of planning. Normally there is an external event that causes a planning effort to be initiated. Business turned to formal planning in the 1930s only after its contribution to profitability had been demonstrated. The experimentation by the federal executive branch with planning and program budgeting in the 1960s grew out of policymakers' dissatisfaction with their control over the form and substance of programs and with their inability to relate benefits to costs. Contemporary state court planning stemmed from three major events: the desire of the courts to obtain increased federal funding; the impact of court reorganization, which usually required the implementation of long-term projects; and the increased recognition on the part of professional court administrators that planning is an administrative necessity.

In July 1976, when the Project's first monograph was published, only about 10 states had formal, discrete court planning activities, and there was much experimentation with organizational structure and functions. The passage of the Crime Control Act of 1976 changed this situation dramatically by producing a common nationwide incentive for judicial planning. This one event sparked a widespread initiation of judicial planning efforts that, due to their common legislative origin, had some similarity in organizational structure and functions but also considerable diversity in approach. This chapter describes the organization of these various court planning efforts, the form and substance of which have been heavily influenced by the 1976 act.

Organizational Impact of PL 94-503[11]

As of March 1978, 36 of 52 states and territories had established a judicial planning committee in accordance with PL 94-503. Of these 36

[11]Pending legislation on LEAA will, if passed, have further impact on judicial planning but should not severely affect the basic organizational structure of judicial planning.

jurisdictions, 28 created the judicial planning committee anew and eight designated an existing body. Of the remaining 16 states, four are still undecided about creation of a judicial planning committee as defined in the statute and 12 have decided, at least temporarily, against creating a JPC, although not necessarily against creating a planning capability. (Table 2 shows the decisions of each state as well as the distribution of membership of the JPC states.)

These organizational changes in state courts are largely a result of the funding opportunities enjoyed by states that create judicial planning committees. The 1976 act directs the state planning agency in each state with a JPC to provide it at least $50,000 yearly to support the planning process. Moreover, each JPC has the authority to prepare the court component of the annual plan submitted to LEAA by each SPA, specifying the allocation of federal funds to the state's criminal justice agencies, including the courts. This responsibility increases the courts' potential influence in the competition for these federal funds.

The 1976 statute mandates that each JPC be reasonably representative of its state's courts, but it sets no limit on the number of members or number of groups to be represented. Thus, JPCs differ greatly in size, ranging from five to 27 members, with the average JPC having 15 members. Nationwide, members of the judiciary provide 58 percent of the total membership of judicial planning committees. Court administrators and clerks account for 10 percent of the total membership.

The majority of judicial members on judicial planning committees are drawn from courts of general jurisdiction, but the chairman is usually the chief justice or, in a few states, an associate justice of the state's highest court or a judge of an intermediate appellate court. In only one state is the chairman not a judge. Table 2 indicates the internal composition of the JPCs.

Organization in Non-JPC States

Nine states and one territory have chosen to develop a planning process that is not based on the JPC model: Idaho, Kansas, Maine, Maryland, Mississippi, Ohio, Virginia, Puerto Rico, Connecticut, and Hawaii. Several of these states have been in the forefront of judicial planning. Idaho, for example, was one of the first states to devise a formal and relatively comprehensive court plan and to incorporate trial courts into the statewide planning process.

Among the major reasons cited by courts for not establishing JPCs: a desire not to upset a good relationship with the state planning agency; a resolve to be independent of federal control; a reluctance to include prosecutors and defenders in the state's main judicial planning body; and a desire to centralize planning and to avoid the establishment of a large representative planning committee.

Table 2

The Status and Membership of Judicial Planning Committees (JPC) By State
June 30, 1978

	Created a JPC	Designated a JPC	Decided not to Create a JPC	Undecided	Chief Justice is a Member of JPC	State Ct. Administrator is a Member of JPC	Appellate Judges	Trial Judges: General Jurisdiction	Trial Judges: Limited and Other Jurisdiction	Administrative	Prosecution	Defense	Bar, Citizens, Legislators and Others	TOTAL
ALABAMA	•				•	•	4	7	1	3	1	1	0	17
ALASKA	•				•	•	1	1	0	1	1	1	0	5
ARIZONA *	•				•	•	3	3	2	2	1	1	3	15
ARKANSAS	•						1	4	7	0	2	1	2	17
CALIFORNIA **		•					2	3	2	3	0	1	0	7
COLORADO	•				•	•	2	4	4	2	1	1	4	18
CONNECTICUT			•											
DELAWARE	•					•	0	1	3	1	1	1	0	7
D.C.	•				•	•	3	3	0	1	2	1	7	17
FLORIDA	•				•	•	3	3	2	2	1	1	5	17
GEORGIA		•			•		3	10	6	1	1	1	2	24
HAWAII			•											
IDAHO			•											
ILLINOIS		•				•	1	3	0	1	1	1	5	12
INDIANA			•											
IOWA				•										
KANSAS			•											
KENTUCKY	•				•	•	5	7	5	4	0	0	1	22
LOUISIANA	•						3	7	3	0	1	1	5	20
MAINE			•											
MARYLAND			•											
MASSACHUSETTS	•				•		1	2	2	0	0	0	0	5
MICHIGAN	•					•	1	2	2	1	1	1	0	8
MINNESOTA ***	•					•	1	4	2	1	4	2	13	27
MISSISSIPPI			•											
MISSOURI	•				•	•	3	1	2	1	2	1	3	13
MONTANA	•				•		2	7	5	0	3	3	9	29
NEBRASKA				•										
NEVADA	•				•		2	2	3	1	1	1	1	11
NEW HAMPSHIRE	•						2	3	0	2	1	1	0	9
NEW JERSEY	•				•	•	9	0	0	1	0	0	0	10
NEW MEXICO	•				•	•	1	1	2	1	2	1	3	11
NEW YORK		•			•		5	4	9	0	0	0	8	26
NORTH CAROLINA	•					•	2	1	2	2	1	1	4	13

Table 2 continued.

	Created a JPC	Designated a JPC	Decided not to Create a JPC	Undecided	Chief Justice is a Member of JPC	State Ct. Administrator is a Member of JPC	Appellate Judges	Trial Judges: General Jurisdiction	Trial Judges: Limited and Other Jurisdiction	Administrative	Prosecution	Defense	Bar, Citizens, Legislators and Others	TOTAL
NORTH DAKOTA	•						1	7	3	3	2	x	10	27
OHIO				•										
OKLAHOMA			•											
OREGON	•				•	•	1	2	2	7	1	1	2	16
PENNSYLVANIA	•				•	•	3	5	0	1	1	1	0	11
PUERTO RICO			•											
RHODE ISLAND	•				•	•	2	2	1	1	1	1	1	9
SOUTH CAROLINA	•				•	•	1	3	1	2	1	1	0	9
SOUTH DAKOTA				•										
TENNESSEE	•				•	•	4	1	2	2	2	1	3	15
TEXAS	•				•		6	6	2	0	1	3	3	21
UTAH		•				•	5	1	2	0	0	0	1	9
VERMONT	•				•	•	2	4	0	1	2	1	0	10
VIRGINIA			•											
WASHINGTON	•					•	3	3	3	5	0	1	0	15
WEST VIRGINIA			•											
WISCONSIN	•				•	•	2	13	2	1	1	1	4	24
WYOMING	•				•	•	1	2	1	1	1	1	2	9

* Vice-Chief Justice is a JPC member.

** Defense representative is an advisory member from the California Public Defenders Association. Administrative representatives are from the County Clerks Association, the Municipal Court Clerks Association, and the Supreme Court Administrators Associations.

*** Of the 13 members in the category of "Bar, Citizens, Legislators, and Others," one attorney and five legislators serve ex officio.

States without judicial planning committees have centered planning responsibility in one of two bodies: a) in a newly created or existing judicial organization; or b) in a state court administrative office under direct control of the supreme court or the chief justice. Maine, taking the first approach, has placed responsibility in a recently formed five-judge committee made up of an associate justice of the supreme court, two general jurisdiction and two limited jurisdiction judges. Mississippi and Virginia have lodged the responsibility for planning with their judicial councils; in a similar fashion, Ohio has placed the responsibility with the Ohio Judicial Conference.

Hawaii, Connecticut, and Maryland provide examples of the second approach, centering the responsibility in the court administrator's office. All are states with some degree of administrative unification, which may account for the organization of their planning process.

Court Planning Staff

Judicial planning bodies have spent a large proportion of the federal funds available to them to develop a staff capability. As a result, in the spring of 1978 at least 40 of the states and territories had full-time planning staffs, comprised of two professionals on the average. Overall, this group has high qualifications, at least as measured by the number holding law degrees or masters degrees. Although less than thirty years old, the average court planner receives a salary of $20,000, indicating some degree of role status. Interestingly, about half of the planners are women, a much higher female representation than in the judiciary or the upper echelons of court administration. None are black.

This new group of professionals has added a new dimension to court administration. Most state court administrative offices now include one or more planners on their staff to accommodate the staff needs of newly created judicial planning bodies. Consequently, state court administrative offices have enhanced their service potential. Typically, court planners report primarily to the court administrator, but in some jurisdictions court planners report directly and only to a judicial planning body, such as in Michigan.

Since court planners often serve on a court administrative staff, few devote all their time to planning. A recent survey indicates that court planners devote 30 percent of their time to nonplanning functions.[12] The functions of court planners vary significantly from state to state. The most common role is preparation of an annual action plan for

[12]For more detail on this aspect as well as on other aspects of court organization, see the fifth working paper of the Establishing an Effective Court Planning Capability Project, "Survey of the Status of Judicial Planning in State Courts," (Washington, D.C.: National Center for State Courts, February 1978).

LEAA, but they also conduct studies and surveys, prepare staff papers for judicial planning bodies, do legislative research and bill drafting, and review the preparation of federal grant applications. Court planners, like judicial planning bodies, are in the process of defining their role.

Funds for Judicial Planning

While state and local governments fund some planning units (the main cost of which is the staff), most are paid for by LEAA Part B funds made available under PL 94-503 or by other LEAA funds. Even in some states that have elected not to create JPCs, there is reliance on LEAA Part C funds to support a planning staff (Maine, Maryland, Mississippi and Virginia).[13]

The range of funding strategies to support judicial planning is quite varied. Where possible, courts have tried to have their key planners covered by the state budget, but many planning staffs are entirely dependent on federal funds. The principal strategies:

- total reliance on Part B funds;
- use of Part B funds supplemented by Part C discretionary funds, Part C action funds or state appropriations;
- primary reliance on Part C funds, with some state funding for matching and supplementary purposes (most common in non-JPC states);
- total state funding (New York).

Typical of the strategies used to fund court planning offices during the 1977-78 fiscal year are those contained in Table 3.

The reliance of judicial planning staffs on Part B LEAA funds has resulted in a heavy federal orientation in state court planning. The federal funds to support planning represent a small fraction of the federal action funds allocated to courts and an infinitesimal percentage of the total state and local funding available to courts. Yet court planning is very much dominated by the federal requirements for comprehensive criminal justice planning.

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[13]North Dakota, which does have a JPC, has sought Part C funds for its planning staff to avoid some of the regulatory complexities of using Part B funds and getting involved in SPA planning processes.

Table 3

Examples of the Source of Funds for Court Planning Offices in Fiscal Year 1977-78

State	— Funding Sources— LEAA Part B	LEAA Part C	State	Total	Comments
Florida	75,000	50,000	50,000	175,000	The planning unit in Florida was established prior to the judicial planning committee and operates under a broad definition of planning. Part B funding supports the operations of the JPC; state general revenue funds support the salary of the Judicial Planning and Research Administrators plus one assistant. Part C action funding is used to support one staff position and one secretary.
Louisiana	50,000	—	10,000	60,000	The state funds supplement federal money in paying for staff salaries and office operations. JPC member travel is entirely supported by state funds.
Minnesota	58,500	48,000	5,000	111,500	
Montana	50,000	—	7,000	57,000	Before passage of the Crime Control Act and the availability of Part B money for judicial planning, Montana's state budget contained a $7,000 fund for planning purposes. This money has been added to the Part B money.
Oregon	50,000	—	8,000	58,000	The state funds are used to partially support the salary of the JPC planner.
Rhode Island	50,000	13,000	—	63,000	A Part C discretionary grant supplements Part B funds.
Washington	50,000	—	35,000	85,000	State money has been specifically designated to pay the salary of the Director of Planning. One half of another planner's salary is also supported by state revenue.

3.

Court Judicial Planning Roles and Processes

The organization of court planning bodies and their staff resources can be described with considerable specificity. This is not true of the processes of court planning, which are poorly defined and in a state of flux. Participants in the planning process are still shaping their roles and establishing their relationships with other actors in the process. This chapter describes the changing dynamics of court planning, the emerging roles of participants in the process, and the various planning processes being adopted by state court systems.

PLANNING DYNAMICS

The Process

Planning has achieved a certain reputation for softness because it seems to be characterized by the continuing and cyclical production of memos, working papers, and plans as well as by the frequent convening of meetings, both large and small. Nevertheless, these elements of planning, if they do not become ends in themselves, provide the information base and general support for developing policies, setting priorities, and executing management decisions of major long-term significance. Planning assumes meaning in relation to the changes that it effects or guides. The planning process is thus directed to implementation in four major steps:

- **Documentation of needs:** This may range from a full description of each component of the system to informal reports on selected areas of concern, but in either event it must be based to some extent on eliciting views of system participants.
- **Assessing and articulating needs and proposing policies to meet them:** This may include a comparison of extant practices with ABA and other national standards and projections of future work loads and demographic trends. It may further include a statement of goals and objectives, accompanied by suggested priorities.
- **Policy determination:** This means the adoption of a specific

policy or policies, by the highest administration authority, often the Supreme Court.

- **Implementation:** This includes the development of projects; provision for project financing, including federal grants and legislative appropriations; the development of legislation and rules; and the assignment of responsibility for execution, monitoring, and evaluation of projects.

The actual approaches taken by the courts to these four tasks have been shaped by the availability of resources, the environment, and the inclinations of judicial leadership. Mississippi and New Hampshire had their systems documented by external organizations. By contrast, New York's Office of Court Administration has generally performed this function itself. Others feel that because the problems are so obvious and in many cases so massive, it makes more sense to devote as few resources as possible to documentation, conserving them instead for the actual resolution of problems.

North Dakota has adopted a structured means to formulate its planning policy. Objectives are approved, organized around four major goals, and published in a comprehensive court plan. By way of illustration, the third of the four goals is to "improve communication among courts and between courts and citizens at all levels of the North Dakota judicial system." Under that goal, an objective states a need to "facilitate communication among members of the judiciary at all levels and between judicial and administrative court personnel." Further tasks spell out specific action to accomplish objectives, such as using an existing judicial newsletter to report important recent judicial decisions to state judges.[14]

At the other end of the planning spectrum, Maine has recently decided to focus on a few selected issues rather than to develop formal goal statements and a comprehensive plan. The Supreme Judicial Court of Maine will include major planning issues on an administrative agenda, considering each issue individually.

Kentucky makes policy in a third way, using elements employed in North Dakota and projected for use in Maine. By means of an informal administrative agenda, Kentucky's state court administrator brings important issues to the Supreme Court for their resolution. Detailed program objectives are included in the Court's budget report and also are used to measure employee performance. Kentucky has also engaged in extensive implementation planning in connection with court reorganization.

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[14]See North Dakota Judicial Master Program for the Fiscal Year 1977-79 Biennium, Office of State Court Administrator, 1977.

The Kentucky experience illustrates the need for detailed operational planning to achieve objectives. Yet planning is often seen as distinct from implementation and restricted to the analysis and proposal of alternative courses of action. It is not yet clear to what extent court plans will be implemented or whether court planners will be involved in implementation.

The Role of Participants

Court planning involves the interaction of various officials and diverse organizational units. The major units with discussion of the roles they appear to be playing follow:

- the court of last resort
- the state court administrator
- the judicial planning body
- court planners
- judicial conferences or councils
- intermediate appellate courts
- the trial court judiciary
- nonjudicial court personnel
- state planning agencies
- regional planning units
- state legislators
- court related agencies
- citizen and bar members

The role of **state courts of last resort** in judicial planning is not clear. Chief justices select judicial planning bodies and often serve as chairmen of such bodies, thus establishing a link between the supreme court and the judicial planning committee. This tie can be of considerable significance, depending on the interest and effectiveness of the supreme court justice.

According to the principles of centralized court management, the planning role of the highest court would be to review and resolve the policy proposals, followed by administrative directives to implement the change. In a state where a supreme court, by legal restriction or by choice, has eschewed administrative policymaking for trial courts, a centralized planning role would necessarily be limited. In fact, there is currently little indication of formal planning involvement of even those high courts vested with broad authority over the whole court system.

This lack of involvement has reflected itself in the fairly cursory attention paid to court plans by supreme courts. In a number of states the plans are not formally reviewed or approved by the highest court, even though the plans purport to set forth objectives for the system. It appears that supreme courts have not accepted and used judicial planning as a means of developing and implementing court policy. Consequently,

there are few existing mechanisms for applying the administrative decision-making procedures of supreme courts to the consideration of change proposals emanating from the planning process. Moreover, there is a pronounced tendency for the upper judiciary to view planning as a staff function not meriting their attention. This represents the most glaring weakness in judicial planning as it now exists, but it is not surprising since supreme courts have had little experience in this area.

State court administrators serve on 26 of 37 judicial planning committees and are perhaps even more active in the planning process in non-JPC states. While some court administrators are skeptical about judicial planning, they have shown a greater inclination than the upper judiciary to involve themselves in the planning process. They have considerable influence on judicial planning in most states, since they generally have the opportunity to present their positions on possible or needed changes, including the strengthening of their own offices. Since administrators often provide staff planners to judicial bodies, they have an additional chance to influence the planning process. Moreover, they have the ultimate responsibility for plan implementation in some jurisdictions. There are a few states where state court administrators have been excluded from the planning process, but most court administrators have assumed managerial control of judicial planning.

A number of court administrators have sought major roles in planning as a means of enhancing their opportunity to obtain more attention from the judiciary in the resolution of major administrative issues. Many of them have experienced difficulty in obtaining high-level judicial support for their proposals and have seen planning as an additional means of focussing judicial interest and energy on key issues within the system. Other court administrators sense a need to lend some managerial perspective to the formulation of projects and to the implementation of plans. This is accomplished by pointing out the impact of planned projects on the existing system, by suggesting linkages of projects with existing programs, and by heading off impractical or overly ambitious plans.

Judicial planning bodies, whether judicial planning committees created pursuant to PL 94-503 or other bodies, generally lack a strong position in the judicial structure. Most are new, with relatively vague mandates and unclear status.

Public Law 94-503 mandates that judicial planning committees establish priorities for the improvement of the courts and define, develop, and coordinate projects for such improvement. Under the law, the committees are also to prepare the annual judicial plan for federal funds for the state planning agency, to receive requests from courts for financial assistance, and evaluate their conformity with LEAA legislation and the plan.

Most judicial planning committees were created by rules of court that tended, by omission, to limit their role to federal funding aspects of PL 94-503. Even judicial planning bodies with a fairly broad mandate tend to focus on federal grants because this is a concrete function with tangible results. It has been easier to escape this obsession in those jurisdictions that have chosen alternatives to judicial planning committees, but confusion also exists in some of those states.

The limited role of judicial planning bodies can be traced to a lack of solid status in the organizational structure of the judiciary, to a lack of support from the court of last resort, and to competition from other organizations with planning pretenses such as judicial councils and judicial conferences. In short, many judicial planning bodies do not feel authorized or equipped to address major policy issues without a further clarification of their power and their purpose. It was assumed by some federal officials that judicial planning committees might become policy-making bodies; this has not yet occurred, but there has been some indication that these committees may become proponents of major policy to the court of last resort. Some are also involved in liaison with the state legislature.

A number of judicial planning bodies have not even worked out their relationship with their staffs. This relationship is often dependent on the level of support being given to judicial planning by the state court administrator and the extent to which a judicial planning body actually controls its own staff.

Court planners provide the staff support for the judicial planning process and, like judicial planning bodies, are in the process of role-definition and establishing their position in the system. Many court planners also perform duties for the state court administrator and thus occasionally find themselves serving two masters: the administrator and the planning body. Due to the federal grant orientation of many judicial planning bodies, court planners have been the principal liaison with state planning agencies and have, in some jurisdictions, become the focal point of controversy between the courts and the executive branch. Court planners have also quickly become the hub of a court information network since the nature of their data-gathering and need-assessment roles places them in contact with persons in all components of the court system.

It is clear that the position is a vulnerable one, since a court planner may be on the cutting edge of proposed change and yet lack the status or hard budget support to defend his or her position against opponents of change. Unless strongly supported by a judicial planning body, state court administrator, or state supreme court, a planner is in a very exposed position.

The concept of planners as agents of change is quite controversial.

The concept, commonly shared by the young professionals who constitute the court planning cadre, is not popular among many court leaders. There is perhaps an unrealistic expectation of change among some planners, some of whom are not yet fully attuned to the fairly deliberate and somewhat legalistic approach of the judiciary to change issues.

Judicial conferences and councils are carry-overs from the past in all but a few states, but often have roots in the system. In two states, California and Utah, they are the main state-level administrative body. In some instances a judicial council has been designated (or designated itself, as in Utah) a judicial planning body. More commonly, judicial planning bodies have been created anew, leaving considerable doubt as to their relationship with existing councils or conferences.

A number of different organizational arrangements are emerging from this new situation. In some states the judicial planning body reports to the highest court, with the judicial council, if there is one, maintaining some sort of liaison in policy matters with the planning body. In other states, depending on the relative strength of the judicial planning body and the judicial council, one may end up reporting to the other.

Eventually, the roles of the highest court, the judicial planning body, and judicial councils must be defined since the present nebulous character of these roles may prove to be disruptive in the future. Even a relatively inactive judicial council or judicial conference may resent the presence of a new high-level judicial organization.

Intermediate appellate courts often have a uniquely independent status in a court system and represent a power center that must be considered by a judicial planning body. A few judicial planning bodies are chaired by intermediate appellate court judges, and judges of these courts often have a status out of proportion to the organizational status of their court. Where such courts exist, they should be represented on a judicial planning body, for their courts are often closer than the supreme court to trial court problems. Moreover, because intermediate courts, rather than supreme courts, have obligatory jurisdiction, they usually have the most serious problems of appellate volume and delay.

On the surface the **trial court judiciary** would appear to be heavily involved in judicial planning because approximately one third of JPC members are trial judges. Trial judges' impact on judicial planning, however, has thus far been fairly limited.

The reasons:

1. court planning has started at the state level under state-level direction and has generally addressed statewide concerns;
2. few state court plans even include a trial court component, such as that included in the Idaho plan; and

3. except for the large metropolitan courts, few trial courts have a staff planning capability.

Trial judges have been surveyed and consulted by state court planners, as in the Pennsylvania survey of its judges. Trial judges' responses, however, are designed to assist in the formulation of statewide programs rather than to identify local problems. This type of judicial participation is necessary because some trial court problems pervade the whole state. As yet, however, there is no substantial evidence that trial court judges are directing planning efforts to particular problems in their own courts, only that they are generally involved in statewide planning.

Planning at the trial court level represents a significant future need. State judicial administrative bodies can serve trial court planning needs either by addressing particular local court problems or by fostering local court planning capabilities that they support rather than dominate. Trial courts are the basic constituency for court planning and will eventually have to be provided with the means to plan specifically for their own courts.

Nonjudicial personnel at the trial court level have been largely excluded from court planning. Yet this group includes many key people in the trial court system such as clerks and reporters. This represents one of the major current omissions in the planning process and is a further indication of two dominant trends: judicial introversion and a strong state-level orientation.

State planning agencies have an important relationship with judicial planning bodies, especially where court planning is restricted to LEAA funds. SPAs represent the governor and the power of the executive branch. Until recently, planning for court funds was clearly their responsibility. When SPAs choose to be difficult, they can present great obstacles to judicial planning. Some SPAs have gracefully accepted increased judicial control over court planning; some, on the other hand, have attempted to retain their former dominance even, as in Pennsylvania, asserting a power of substantive review over court plans.

Most judicial planning bodies have fared reasonably well with SPAs and have effected a smooth change of planning responsibility, going so far in some cases as to hire the SPA court planner. Moreover, most judicial planning bodies have accepted the fact that overall LEAA funding is down and that, even with recent fair share statutory provisions, the courts must bear some of the reduction. SPAs, even the more cooperative ones, reserve the right to cut the dollar amount required by courts, while recognizing court control over the funds finally allocated.

A number of judicial planning bodies have even relied on SPAs to do

the 1978 LEAA court plan. This occurred due to late starts and a lack of staff but is a fairly good indication that judicial/executive relations are reasonably good in many states.

Further indication of this is the fact that some courts have increased their share of block grant funds. In Louisiana, the court's share of block funds increased from 7.3% in 1977 to 13% in 1978, in Minnesota, from 12% in 1977 to 20% in 1978, and in Washington, from 5% in 1977 to 19% in 1978. Such percentages are a little confusing since it is not clear what is included under the term *courts*, how discretionary funds are distributed, and what was actually expended. Moreover, the percentage increases may disguise reduced allocations due to overall reductions in LEAA funding. It will be very difficult to quantify the success of a judicial planning body in terms of increased and larger federal grants obtained, even though more grant money was clearly the prime reason for the federal legislation on judicial planning committees.

The federal legislation was clearly intended to strengthen the court's position vis-à-vis other members of the criminal justice community in the competition for federal funds. Early signs point to an increased percentage of funds for courts, but a definite judgment on the court's relative strength must await a longer period of experience with the legislation. The clear loser in terms of shifts of power are the SPAs that have lost some of their power to review court plans in JPC states.

Regional planning units, under the terms of the LEAA program, play a leading role in the allocation of local block funds, including those intended for courts.[15] By and large, the courts have not been well represented at the regional level and there is no requirement that courts be represented on local boards. It is already clear that a good potential for conflict is building between JPCs and RPUs, since the two planning bodies may have differences of priorities on the funding of trial courts.

The basic issue is whether a JPC can set funding policy for all trial courts or whether a RPU can determine the funding policy for trial courts in its region. The issue comes to a head when an SPA approves a court application submitted by an RPU over the objection of a JPC.

State legislators are occasionally included on judicial planning committees, just as they are sometimes included in judicial councils. Sooner or later major court reforms require legislative sanction and perhaps legislative appropriations. Unfortunately, legislative understanding of court needs and court operations is generally low. This lack of understanding is often accompanied by resentment against the legal profession and the judiciary, even among lawyer legislators. Therefore,

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[15]A special problem exists in states where the trial courts are unified and not units of local government; such trial courts are not eligible for local block funds without a waiver.

inclusion of legislative members on the judicial planning body is generally an asset since legislators may provide assistance in presenting court needs to the legislature as well as giving the courts some notion of legislative priorities.

Most court systems realize that **court related agencies** must be involved in court planning, but are unsure of how to do it. These agencies include law enforcement, probation, prosecution, public defenders, legal aid societies, juvenile justice planners, and various social or rehabilitation units.

Judicial planning committees established under PL 94-503 have struggled with the issue of whether they must include representatives of prosecution and defense agencies. The dominant judicial sentiment has been to avoid conflicts of interest by planning *only* for courts. Some have recognized that there must be liaison with prosecutors and defense attorneys. LEAA pressure to include prosecution and defense on JPCs and within court plans, however, has led a number of judicial planning bodies into planning for prosecution and defense.

Considerable interaction exists with probation agencies but relatively few court plans have included a probation segment. This partially reflects the LEAA classification of probation as a corrections function It also reflects executive branch control of probation in many states.

There has also been weak interaction between judicial planning and juvenile justice planning. This artificial distinction in planning roles can be traced again to federal legislation requiring separate juvenile justice planning.

Citizens and members of the bar have not been involved in court planning to a great extent. Lawyers have been appointed to about one-third of the JPCs. In most states, representation by the bar is small, usually one individual, but in the District of Columbia seven of 16 committee members are lawyers. Some lawyers are clearly bar representatives; others represent a particular legal specialty, e.g., plaintiff attorneys. Some have been outspoken in the support of issues, others less so, possibly because of the presence of judges before whom they may appear. Part of the problem is that lawyers, like many judges, are unfamiliar with planning terminology. Some observers maintain that attorneys make more of a contribution as members of committees charged with a specific responsibility, for example, drafting new forms, than as members of a JPC. Moreover, lawyers cannot really speak for all their colleagues so that general surveys of the bar are usually required, such as the mail survey recently done in Mississippi.

Citizen representation on JPCs is at about the same level as that of attorneys. Citizen participation has had mixed results: the lone citizen on one JPC never attends meetings, while a citizen member of another offers thoughtful and helpful advice to his fellow committee members.

Most court planning officials acknowledge that citizen participation is desirable but are unsure as to the form it should take. Utah, one of the first courts to take action in this area, has established a citizens advisory committee of fifteen individuals who meet once a month to consider issues. The committee sends its recommendations to the JPC and a member of the committee attends and participates in JPC meetings. All of the committee members are invited to attend the yearly judicial conference where they meet with members of the JPC. One of the advisory committee's recommendations with respect to improvements for a small claims court was incorporated in Utah's plan. Utah also invites representatives of the press and other media to attend JPC meetings and has sponsored a two-day conference of judges and media representatives to discuss issues of mutual interest.

Washington has taken a different approach to citizen involvement. The planning unit there has expanded its jury questionnaire to include general questions about the courts. The results will be used in the formulation of the court plan. Washington court officials feel that this type of questionnaire, in contrast to a more general sample of all citizens, would be more economical, less obtrusive, and, because of juror exposure to the courts, yield more worthwhile information.

New Hampshire involves its citizens in another way. As part of a standards and goals project, a number of citizen groups were established to comment on the future direction of the courts. Provided with material on applicable national standards, extant state practices and court statistics, these groups discussed the issues and made recommendations on court goals. The document containing the court's goals and objectives is now used as a blueprint for court development.

Despite current efforts in some states, citizen viewpoints have had limited impact on court planning. Judicial personnel, while often motivated to give the public a voice, fail to realize that one or two articulate representatives of good-government groups, or a few successful businessmen, cannot necessarily give voice to the range of needs, preferences, and perceptions of citizens generally. In fact, much of the public has a very limited awareness of the courts at all. Few states have systematically surveyed the major categories of court users: complainants in criminal cases, jurors, witnesses, defendants in minor traffic cases, and litigants in civil cases.

The gap between the thinking of judges and lawyers on court needs and the perception of citizens is pronounced.[16] To the extent that court planning ignores these perceptions, it distorts the definition of court needs and objectives.

[16]See Yankelovich, Skelly and White, Inc., *The Public Image of the Courts*, (1978), prepared for National Center for State Courts Conference on *State Courts: A Blueprint for the Future* (1978).

INFLUENCES ON PLANNING

Based on experience to date, the approach of a state toward judicial planning is determined by six factors:

- the degree of federal orientation
- the degree of centralization
- the purpose of the plan
- the degree of comprehensiveness
- the length of the planning cycle
- the emphasis on implementation

The Degree of Federal Orientation

The primary activity of many JPCs is the solicitation and distribution of federal funds. Typically, discussions at meetings of such JPCs open with ringing assertions that the group will not simply manage grants, and then quickly center on what the regulations require, the projects to be funded, and the amount of LEAA dollars available to the courts. Staff activities follow from the concerns of the policymakers and thus consist largely of preparing the annual SPA action plan and the follow-up necessary to secure approval of the plan. With this orientation, court planning revolves around the LEAA planning deadlines and priorities and goal statements. In the extreme case, court planning becomes LEAA planning.

A minority of JPC states have taken a much broader view of planning, considering federal funding as only one facet of planning. In this view, the question of funding is taken up only after the objectives and priorities have been dealt with and resolved. This broader view is even more apparent in the small group of states that have elected not to establish JPCs.

Thus far, federal grantsmanship activities have been dominant, shaping the majority of court systems' approaches to planning. While some courts seem to be moving away from the federal grants preoccupation, at present it overshadows all other aspects of planning.

The Degree of Centralization

PL 94-503 placed the responsibility for establishing a JPC in the court of last resort, usually the supreme court, or, as appropriate in a few states, the judicial council. Most have located the JPC in close proximity to the court (or council, as in California) itself and to the state administrative office. The law also mandated that the JPC write the court component of the yearly action plan, making the JPC the focus of all grantsmanship activities. Some states did not have a regional administrative apparatus and others were in the process of establishing one. All of this has contributed to a substantial degree of centralization

in court planning and to the relative inattention to trial court planning needs. [17]

Pressures to decentralize planning responsibility to meet local needs may force changes, however. Urban court systems process most of any states' litigation and many are moving to obtain their own planning capabilities, a trend also evident in large, wealthy suburban jurisdictions. In states with sharp regional variations, decentralized planning also seems a necessity. Finally, there is the decentralization forced by LEAA block grant procedures, which require a pass-through to localities and coordination between local trial courts and regional planning units.

As a practical matter, some decentralization of court planning seems likely, but for the present most states are planning centrally for their courts.

Purpose of the Plan

A plan can serve many purposes. It can be a funding document, a detailed guide to action, a broad policy statement, a comprehensive statement of goals and objectives, or some mixture of these purposes.

The purpose of a state court plan will determine the organization of the planning effort. If a plan is viewed as a broad policy statement, the mechanism for planning can be fairly simple and staff needs minor. Nevertheless, some courts seeking only a broad policy in their plan have devoted countless hours to drafting the statement.

If planning is used as a comprehensive and detailed means of setting priorities and meeting objectives by project implementation, the required level of planning resources and sophistication is high. Few states have yet made such a strong commitment to court planning and have tended to organize themselves for the limited purpose of doing an LEAA annual action plan or enunciating some very broad goals and objectives.

A very small number of states see the purpose of planning as identification and resolution of individual issues of systemic importance. Where this purpose governs planning there tends to be a heavy emphasis on documenting a few issues and improving administrative decision-making procedures. There is much less emphasis upon funding of specific projects and goal statements.

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[17] The position of the Conference of Chief Justices has been that, whatever the decentralization emphasis in restructuring the LEAA program, planning and grant money to the state courts should continue to go through the supreme courts of those systems.

The Degree of Comprehensiveness

The scope and comprehensiveness of a plan relates closely to plan purpose. *Comprehensive planning* has two meanings in the justice arena. First, it can refer to comprehensive criminal justice planning for all of the criminal justice agencies in a state.[18] *Comprehensive planning* can also be used to refer to planning horizontally and vertically for all elements of an organization. Decisions on plan comprehensiveness have great impact on the nature of the planning approach and involve answers to such questions as: Must the plan include a detailed system description with a broad data base? Must there be a total statement of needs based upon surveys or other techniques? Must the plan address all the major court-related issues in prosecution, defense, juvenile justice, and probation? Must the plan have local trial court components?

The answers to these questions can lead a state court system in many different directions. A totally negative response to such questions may result in a decision that a plan need not even be in writing. A completely positive response would require a major undertaking, probably exceeding the resources currently available in most court systems. A more likely occurrence is that many courts will adopt something less than a comprehensive approach, perhaps focussing on several pressing problems.

The states having the most success with comprehensive planning have tended to be those with relatively small populations; homogeneous demographic, social and political characteristics; and relatively small court systems. Examples are New Hampshire, Utah, Idaho, and North Dakota.

Length of the Planning Cycle

For most states, the length of the planning cycle has been governed by the preparation of annual action plans. In order to qualify for federal funds, court systems that have established a JPC must submit such a plan. Because many newly hired court planners were unfamiliar with LEAA action plan procedures, a large proportion of their time has been devoted to learning the correct format, the personalities involved, and the milestones. As a result, court planning has been limited to the coming year.

A few court systems, especially those with pre-JPC planning experience, have a multi-year planning horizon. This accommodates a multi-year state budgeting cycle and allows for an adequate time span

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[18]This approach has been accounted a failure by knowledgeable observers. See *The Future of Criminal Justice Planning* (Lexington, Kentucky: Council of State Governments, 1976).

to deal with important concerns such as the construction of court facilities.

If planning is to be able to formulate long-term court policy, there must be a planning cycle of at least five years for programming and two years for project implementation. To accomplish this, staff must begin projecting demographic and caseload factors further into the future and policy makers must grapple with the more complex issues, such as alternative means of resolving civil and criminal disputes rather than judicial education.[19]

The Emphasis on Implementation

In all organizations planning tends to focus on preliminary activities: documentation of needs, the formulation of policy, and the preparation and promulgation of the plan. By themselves, these activities accomplish nothing; it is only when the paper objectives thus formulated spur action for change that planning has succeeded.[20]

Because of the newness of judicial planning, the courts have yet to establish a track record with respect to the implementation of plans.[21] The majority of states have simply not reached this stage of their planning effort, although some states have faced the difficulty of implementing various aspects of court reorganization. The use of court administrative offices to implement court changes remains undefined. Ultimately, the mechanism and resources of court planning must encompass implementation.

Actual Approaches

Each of the influences above does not operate in a vacuum; the interplay among them, the personalities in the system, and the resources available all help shape a state's approach to court planning as illustrated in the following cases.

The **Arizona** courts have a strong local orientation, so much decision making is concentrated at that level. Arizona's JPC articulates court planning policy by guiding the construction of the state annual action plan. Policy is also articulated when the court planner travels to local courts and comments on their plans. Favorable commert often provides impetus for the local project and at the same time informs other courts of the JPC's policy.

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[19]For a review of projection techniques, see *Establishing an Effective Court Planning Capability Project, third working paper, "The Role of Data in Judicial Planning,"* (Washington, D.C.: National Center for State Courts, August 1977).

[20]As noted in Chapter 4, the success of planning is ultimately dependent on the quality and vigor of judicial leadership at the highest levels.

[21]Courts have, of course, implemented many changes without formally written plans, e.g., Colorado.

Kentucky's planning effort is interesting for a number of reasons. First, it is an integral part of the implementation of a judicial article adopted as a constitutional amendment in 1975 that mandates sweeping changes in the system. Pursuant to the judicial article the municipal courts, some 330 strong, and the county courts were replaced by a unified trial court that is centrally administered. Accompanying this are a wide range of other changes in such areas as pretrial release, sentencing, and administrative systems. Second, the nucleus of the present administrative office comes from the now defunct Office of Judicial Planning, indicating the link between planners and managers. Third, Kentucky has taken a number of unique approaches to planning.

Kentucky has a single grants manager but otherwise diffuses planning responsibility. Each supervisor is responsible for planning for his or her department. Goals are proposed and approved by the state court administrator. These are narrowly defined and are accompanied by a schedule. For example, the completion of a forms redesign project is scheduled for September of the following year. The yearly plan is made up of the composite of these goals.

Kentucky's JPC deals only with LEAA grants. The JPC and the Administrative Office of the Courts make policy as to the use of these funds. By and large, LEAA funds are used to pay for activities that can be completed within one grant period. By using federal funds in this way, the Kentucky courts do not have to rely on a second or third grant from LEAA to complete a project. This strategy will soften the impact of any future cutback in funding. The courts may have to rethink their plan, but will not be forced to consider the abandonment of a project at midpoint.

Policy-level issues are dealt with through the use of an informal administrative agenda. These issues are presented to the Supreme Court by the state court administrator at their monthly meetings. If an issue is complex, additional supporting materials are prepared by court staff.

Maryland has adopted a modified version of a corporate planning approach associated with the General Electric Company among others. General Electric's top management makes strategic planning policy, setting the overall tone for planning in the company. General Electric's divisions, however, retain responsibility for their own plan. Both of these facets of General Electric's planning are reflected in the Maryland courts' planning effort. The planning unit that is part of the state Administrative Office of the Courts prepares the yearly court plan. It is reviewed and approved by the state court administrator, who has close access to the highest judicial officer, the Chief Judge of the Court of Appeals. Hence, policymaking is centralized. When this

system is fully implemented, trial-level administrators will prepare plans that, although they do not conflict with the state court plan, reflect local priorities. To this extent, Maryland court planning is decentralized.

Maryland has chosen not to establish a JPC. There was a policy question as to whether the administrative responsibility of the Chief Judge of the Court of Appeals should be delegated to a JPC and a further question as to whether such a delegation was legally permissible. Another reason for not establishing a JPC was a desire to avoid some of the LEAA format requirements.

Maryland has made a substantial commitment to court planning. As of September 1978 two planning positions will be state-funded. In addition, the planning staff includes two federally funded planners.

New York finances court planning entirely from state funds. Its planning is centralized, although recently New York City has established its own planning office. Planning is the function of the previously existing Judicial Conference, which was designated the JPC, but the Office of Court Administration provides staff support and major direction of planning efforts.[22]

Although the court recently prepared a four-year plan, it is too early to assess its impact on a system that has largely eschewed long-range, goal-oriented planning in favor of more immediate resolution of issues on a problem-structured basis. For example, two years ago the courts began to implement a unified budgeting and financing system. A personnel reorganization survey and information system development have been under way for some time.

Once the court system has addressed what are regarded as its major structural challenges—personnel, finance, information system facilities—a more comprehensive planning strategy may evolve. The history of court administration in the state over the last decade, however, has emphasized single-issue planning. Initially, planning responded to specific statutory requirements for a plan, as was done in initiating special felony trial and narcotics offense court parts. Emphasis on basic administrative capabilities, such as personnel and financing, has characterized the second phase of court planning.

Should planning become more comprehensive, a broader base of trial court personnel could more readily become involved in the process. At present, with planning beginning to extend beyond the limits of strictly administrative functions, increased participation by trial court judges and staff may signal what might be regarded as a third phase of New York court planning.

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[22]This designation is somewhat *pro forma*, given the judicial position on LEAA funds.

Local participation has begun in the implementing of New York functional systems, such as budgeting. Bases for cooperation between central or department level administrative staff and trial court personnel have been developed through joint preparation of the unified state judicial budget since 1976.

North Dakota's planning effort is one of the most comprehensive in the nation; as noted, states with small, homogeneous populations and small court systems seem more successful at comprehensive planning. The planning process has produced a lengthy plan, made up of comprehensive goals, detailed objectives, and specific tasks, as indicated below by excerpts from the plan.[23]

Goal 1:	**To strengthen the North Dakota judicial system**
Objective 1.3:	To clarify and strengthen the role of the presiding judge in the management of court services within each judicial district.
Task 1.3.2:	To prepare a study of long-term judicial district court management assistance needs.
Task 1.3.3:	To provide short term management assistance to presiding judges in each judicial district through the Office of State Court Administrator.

North Dakota is one of the few states to have established implementation policy. The planning unit has drafted an implementation plan that is intended to be used by the Administrative Office of the Court, for once a concept reaches the action phase, responsibility passes from the planning director to the State Court Administrator.

Like their counterparts in New York, North Dakota, and Kentucky, **Utah** court officials have centralized planning. Reporting directly to the state court administrator and receiving policy guidance from the JPC, the Director of Planning is responsible for the preparation of the state court plan. In terms of comprehensiveness of subject matter, Utah's plan is in the middle of the spectrum. While based on overall court goals, the plan is nonetheless issue-oriented. As the following excerpt from the current plan shows, the Utah courts set a priority and identify the source of funding for each planned project.[24]

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[23]See North Dakota Judicial Master Program for the Fiscal Year 1977-79 Biennium, Office of State Court Administrator, 1977.

[24]*Goals for the Utah Judiciary, 1977-79, and Judicial Plan for Fiscal Year 1978, p. 5.*

Goal: **Develop and publish a Utah Judge's Benchbook by July 1978**

Present Situation:	No benchbook exists, however funds have been assured from the Utah Council on Criminal Justice Administration for its compilation. Initial exploration with some individual judges has taken place but no work has begun.
Approved Action:	Secure grant and compile benchbook as soon as directed by the Judicial Council.
Priority Rank:	2
Funding and Source:	Federal grant for development and printing costs. Staff assistance from the Office of the State Court Administrator.

Utah planners intend to align their plan with the two-year state budget cycle. In another step to establish a link between the plan and the budget, the planners will include a multi-year breakdown of expected costs for each project in future plans. Utah has also established implementation practices; the JPC decides monitoring and implementing responsibilities on a project by project basis.

Summary

There is considerable diversity in the process of planning and in the content of plans, despite the influence of LEAA. It appears that no prescriptive format for plan content can adequately cover the variety of planning situations, nor does it seem that there is a stereotyped planning process. Yet this diversity should not obscure a common characteristic of the states where planning has an impact—namely, close linkage between planning and the administrative power structure.

4

Future of Court Planning

The future of court planning can be discussed in several ways: a) by predicting how court planning will fare in coming years; b) by predicting how court planning will affect court systems; c) by commenting on trends that will shape the development of court planning; or d) by offering a set of critieria by which to evaluate the future development of court planning and to develop means of strengthening it.

Since court planning is so embryonic, predictions are inappropriate. At this stage, the future of court planning is best addressed in terms of trends and assessment criteria.

TRENDS

Demographic Trends

The key planning data for courts, as well as for any other area of government, are population data, Accordingly, court planning, even in its simplest form, has relied heavily on population as a means of documenting court needs. Judge/population ratios and caseload/population ratios have been commonly used as indicators of resource needs. There has not generally been, however, a systematic attempt to go beyond these obvious analyses.

A number of demographic factors have significance for court planning:

- general rate of population growth in various regions of a state
- past and present birthrate trends, particularly as they affect the size of the juvenile population
- the rate of divorce
- increases in life expectancy, particularly as this affects the number of older citizens
- changes in the ethnic composition of the population
- changes in labor market and number of working women
- shift of population into metropolitan areas and consequent loss of rural population
- shift of population within metropolitan areas, urban to suburban and vice versa

The type of the demographic changes outlined above will vary from state to state, but several trends appear likely to affect future workload and the nature and distribution of the population to be served:[25]

- continued increase in metropolitan area populations and accompanying decrease in rural areas will cause more pressure for redistricting and a greater concentration of resources in urban areas
- the fast-growing sun-belt states must increase their judicial resources fairly dramatically
- the escalating divorce rate indicates a heavy allocation of resources to domestic relations cases, or correspondingly, a growth in no-fault divorce, requiring fewer judicial resources
- the percentage of juveniles in the total population will start to decline, having some impact on crime rates and juvenile court caseloads
- the shift of population out of inner cities (there is an opposite trend in a few areas) may lead to more decentralized court facilities

Economic Trends

Economic policies and trends have significance for court planning. Many of these trends are, however, local or regional in nature.[26] The dominant national trends are inflation and the economics of power and fuel. The former has great significance for projecting the costs of system changes; the latter may ultimately have a heavy impact on automobile usage and that part of the court caseload related to motor vehicles, primarily traffic cases and motor vehicle negligence. Changes in automobile usage, however, may portend changes in court resources derived from traffic fines and related court costs. Fines and fees are often the main ingredients in judicial retirement or education funds.

Another strong economic trend has been the increase of women in the work force. The planning significance of this is not clear, but at the least it will probably increase the already existing demand for courts to have evening and weekend hours to accommodate working people. Changes in patterns of family relationships may have major effects on

[25]There will not necessarily be a high correlation between populations and caseloads. A county with a small population may, for example, contain a prison or mental hospital that generates a heavy caseload. A county that is a recreational area or is located near the interstate highway may have caseloads out of proportion to its population.

[26]For a federal example, note this observation in the 1975 report of the U.S. Administrative Office Director: "Perhaps one of the strongest indicators of the economic posture of the country are the bankruptcy cases filed in district courts. The 34.3% increase in 1975 over 1974 was a record . . .." Administrative Office of the United States Courts, *Report of the Director, 1975* (Washington, D.C.: Government Printing Office, 1975), p. 94.

the social landscape with real, if hard to predict, effects on the demand for court services.

Of more immediate significance for courts are trends in the economic conditions in particular local areas, as reflected in levels of employment and of commercial and industrial activity. Court planning has not dealt profoundly with the impact of unemployment on court caseload, but it is likely that it affects court caseloads either through increased civil court activity by commercial institutions or businesses or, in a hard-core unemployment area, by increased criminal activity. Conversely, an expansion in the economy and the rate of business activity clearly generates caseload. These relationships have not been established.

Political/Intergovernmental Trends

Numerous actions of state and federal agencies or legislatures—often spawned by particular movements—affect courts and cause constant adjustments in the nature and volume of caseload. One current trend of major significance is the politics of consumerism and the creation of numerous consumer rights. This reflects itself in a higher volume of enforcement actions by attorneys general and prosecutors as well as in civil litigation by aggrieved consumers, sometimes acting as a class.

Another trend of comparable impact is environmental protection and the range of enforcement actions that this spawns. This activity is simply one reflection of a general expansion in the regulatory and enforcement activities of state government. A major area of concern for court planning will not only be the effect of this growth on trials in state courts but also the volume of administrative appeals that it generates.

Federalism represents yet another area that is likely to have an impact on state judicial planning, such as long-standing legislation to transfer some or all diversity of citizenship cases to state courts, or policies affecting the scope of federal habeas corpus jurisdiction.[27] Moreover, federal judicial developments often create benchmarks for state judicial activity. State judicial salaries rarely exceed federal judicial salaries. The Federal Rules of Civil, Criminal, and Appellate Procedure have been widely copied in state courts.

Technological Trends

Computer technology has not as yet heavily affected courts, although most major courts have some form of computer utilization. The advent of mini-computers has opened a broad range of possibilities for placing computers in small- or medium-size courts and for abandoning time-

[27]If federal diversity jurisdiction is not entirely eliminated, there may be increased demand for state court certification of state law questions to federal courts.

sharing arrangements on large executive branch main frames.

A variety of more court-specific technological developments are already in process, such as computer-aided transcription, video-taping of depositions and trials, and multi-track recording of court testimony. Many of these technological innovations will require planning expertise in obtaining funds, planning implementation, and in anticipating the impact of technology on legal procedures and court operations—as well as carefully considering what technologies are needed.

The Law, the Legal Profession, and Public Attitudes Toward Both

Court planning will be heavily affected by changes in the legal profession and the law. One key planning fact is that the law schools are producing a great abundance of lawyers. The relationship between lawyer populations and caseload has seldom been measured, but it is probably a far more pertinent relationship than the ratio of general population to caseload.

Lawyers have been instrumental in changing many aspects of the legal system, so that their perception of future needs is an important consideration for a judicial planner. Lawyers have been particularly involved in: a) developing uniform rules of civil and criminal procedure; b) promoting merit selection of judges and judicial discipline commissions; and c) court reorganization.

Conversely, lawyers have opposed many proposed changes, most notably those related to no-fault insurance. This type of legislation strikes at the heart of legal economics and it is important for planners to stay abreast of changes in the legal profession that affect the types of cases being brought and the relationship of these cases to legal economics.

The practice of law itself may undergo substantive changes in coming years. While the effect of court decisions allowing legal advertising will not be clear for some time, early reports indicate new firms are using advertising with some success to build practices quickly. This supermarket approach may generate cases that otherwise would not have been initiated. Conceivably, legal fees will be forced downward in such areas as divorce, probate, and real estate, affecting the way lawyers allocate their time.

These changes in the legal profession are occurring in a period of increasing disenchantment with traditional means of dispute resolution and reawakening interest in alternatives to courts. The implications of this trend for the judiciary and for court planning are still unclear but are of great importance since they affect the very nature of the adjudicative process. Judges, like attorneys, are finding that their role is being slowly whittled down by the emergence of parajudicial and

paralegal personnel. The impact of these changes falls in the province of the judicial planner.

Changing Concepts of Court Organization

The last decade has witnessed a gradual centralization in the administration of courts and the supervision of the judiciary. This trend has been buttressed by the formulation of national standards and has taken many forms: unification of courts; stronger exercise of administrative authority over individual judges; development of court administrative offices; development of judicial discipline commissions; and increased use of supreme court rule making.

The continuation of this trend is by no means certain, although early experience with judicial planning indicates that it further buttresses centralized administration. Counterpressures are at work and strong challenges are being hurled at unification on the ground that it has not solved the basic weakness of the court. not made courts more responsive to the people. Judicial planning, which has been heavily tied to court reorganization, may be seeking new directions.

Criteria for Short Term Assessment of Court Planning

Evaluating the future development of court planning requires some guiding propositions with respect to the purposes of court planning. A prevalent view is that court planning has as its purpose beneficial changes in court systems and that the accomplishment of this purpose can be measured either by quantifiable impact on the operation of the courts, e.g., reduced time for moving cases to disposition, or by achievement of specific or organizational structures held to be good by leading authorities on court administration.

This view of court planning has one serious flaw. It assumes a direct causal relationship between court planning and system change, a premise that is quite dubious. Planning may identify the need for changes and various alternatives for effecting change, but the actual accomplishment of change is a political process, usually involving governmental bodies or organizations external to the court system. To evaluate court planning in terms of this political process is to impose upon it a burden it cannot bear—namely, the responsibility for the political weakness of the judiciary. It would be quite unfair to reach the conclusion that judicial planning has failed in some states because judicial leaders cannot win support for reforms contained in a plan. Conversely, it would be a distortion to credit court planning for the political successes of activist judicial leaders.

Court planning must be viewed in more modest and realistic terms. It must be seen for what it is: a means of assisting judicial leaders to identify system needs, to make informed decisions on how to meet those

needs, and ultimately to implement those decisions. Over the short term, the fairest way to evaluate court planning is to measure its impact on the internal processes of the judiciary for making major administrative policy decisions.

Based on this more modest evaluation premise, the development of court planning over the next three to five years can be assessed by means of the following factors:

- Has a judicial planning body attained a position in the court structure that permits it to play a role in policy formulation? Specifically:
  - —Has it achieved, at a minimum, a legal mandate that permits it to deal with the full range of court needs?
  - —Has it achieved a clear definition of its role in relation to existing judicial organizations and is this role an important one?
  - —Has it achieved a direct working relationship with the court of last resort in the resolution of major issues?
  - —Has it achieved a close working relationship with the administrative office of the court?
  - —Does it have roots in the trial court system, as reflected by a broad acceptance of planning by the trial court judiciary?
  - —Does the judicial planning body engage in legislative liaison?
- Has the judicial planning body developed a resource base that would support a major role in policy formulation? Specifically:
  - —Has the judicial planning body obtained state appropriations to support the bulk of its effort?
  - —Is there an adequate staff allocated to planning on a full-time basis (the norm being two person-years)?
  - —Are the planners state funded?
- Has the judicial planning body organized and operated in a manner consistent with a major role in policy formulation? Specifically:
  - —Does the judicial planning body meet on a regular basis and are such meetings built around a substantive agenda supported by staff papers?
  - —Does the judicial planning body have a subcommittee structure that lends itself to serious consideration of issues?
  - —Do subcommittees meet regularly and if so, do they have staff support?
  - —Has the judicial planning body had its staff develop any analyses of system problems or direct any study of major system needs?
  - —Has there been a regularized involvement of the following in the identification of system needs: trial court judges, attorneys, prosecutors, defenders, correctional agencies, and citizens?
  - —Do members of the court of last resort play an active role in the

judicial planning body?

- Have the processes of the judicial planning body yielded proposals for system change? Specifically:
  - —Has the judicial planning committee taken formal positions on issues of system change?
  - —Have these issues been submitted to the court of last resort for resolution? If so, have the proposals been supported by position papers?
  - —Has the judicial planning body drafted and proposed legislation for consideration of the court of last resort?
  - —Has the judicial planning body produced major studies or analyses on system needs or proposed general objectives for the system?
- Has the court of last resort acted upon proposals of the judicial planning body? Specifically:
  - —Does the court of last resort regularly allot time for consideration of issues relating to the operation of the court system?
  - —Has the court formally considered issues presented by the judicial planning body?
  - —Has the court formally taken a position on issues presented by the judicial planning body?
  - —Has the supreme court issued any implementation directives in connection with resolution of issues presented by the judicial planning body?

The above series of questions stop short of asking whether the changes initiated by the planning process were achieved and whether they benefited the system. This is, however, a legitimate extension of the process, provided that it does not become the sole and dominant means of evaluating court planning. Over the short term, the effect of court planning offices should be measured less by their impact on the system and more by their ability to foster a process of rational decision making.

Appendix: Additional Sources of Planning Information

The first monograph of the State Court Planning Capabilities Project, *Planning in the State Courts: A Survey of the State of the Art* (Denver, Colorado: NCSC 1976) contains an extensive bibliography of planning publications. The aim here is to point out a few additional sources that court planners and others concerned about court planning may find useful.

The project, in addition to publishing the two monographs, has published a working paper series under the general title of "Establishing An Effective Court Planning Capability." The specific titles are listed below:

—Paper Number One: Initial Considerations in Organizing a Judicial Planning Effort: Scope and Structure (May, 1977)

—Paper Number Two: Producing a Judicial Plan (July, 1977)

—Paper Number Three: The Role of Data in Judicial Planning (August, 1977)

—Paper Number Four: The Financial Aspects of Judicial Planning (October, 1977)

—Paper Number Five: Survey of the Status of Judicial Planning in State Courts (February, 1978)

Technical assistance in all aspects of planning is available from the project. Those interested should contact:

Mr. Robert W. Tobin
State Court Planning Capabilities Project
National Center for State Courts
1140 Connecticut Avenue, N.W., Suite 506
Washington, D.C. 22036
(202) 833-3270

Other recent publications that discuss aspects of court planning include: J. Uppal, *Judicial Planning in the States* (Lexington, KY: Council of State Governments, 1976,) which among other things contains a list of each state's planning work; and P. Hayes, *Judicial Planning, The Special Study Team Report: Two Years Later* (Criminal Courts Technical Assistance Project, American University, September, 1977),

which is an update to the Irving report mentioned on page 6 of the monograph.

Managing the State Courts, edited by L. Berkson, S. Hays, and S. Corbin (West Publishing Company, 1977) contains two articles that may interest judicial planners. R. Wheeler, "Planning in the State Courts," pp. 337-345, reviews the background of court planning as a management concept and raises a number of major issues which court planning must confront. The second article, D. Jackson, "Program Evaluation in Judicial Administration," pp. 346-356, discusses program evaluation and constraints imposed on it in the judicial arena, subjects that should be of considerable interest to planners as the number of planned projects put into operation grows.

A recent book by R. Anthony and R. Herzlinger, *Management Control in Nonprofit Organizations* (Homewood, Ill.: Richard Irwin, Inc., 1975) is noted because it discusses means of linking management and planning policymaking to budget and accounting systems. Interestingly, it reflects a new-found interest by business schools in the management of public institutions (both authors teach at Harvard Business School).

Guy Benveniste, *The Politics of Expertise* (Berkeley, CA: The Glendessary Press, 1972) discusses the growing pains associated with the introduction of planning and other modern methods over a relatively short period of time into underdeveloped countries. It also deals with the opportunities and pitfalls planners face in trying to influence policy.

The first of two article-length works, A. Ackerman, "The Role of the Corporate Planning Executive" (Working Paper, Harvard Business School) discusses the impact of the organizational environment on the planner's role. The other, X. Gilbert and P. Lorange, "Five Pillars for Young Planning," *European Business,* describes methods to tailor planning to an existing organization environment. (Copies of both are available through the Court Planning Capabilities Project.)

As to periodicals, the *Justice System Journal,* published three times a year by the Institute for Court Management, contains a mix of articles, some practical, some theoretical, dealing with court management and information systems as well as the political environment of court administration. In the main, the *State Court Journal,* published quarterly by the National Center for State Courts, summarizes the recent publications and other work of the National Center for State Courts. Occasionally it carries articles by other officials and scholars working in the court field. With a much larger circulation, *Judicature,* issued monthly, covers much the same material as do the two journals, but from a different perspective. Published monthly, the *Court Systems Digest* reflects its title, summarizing recent court activities and studies. Both

the *Public Administration Review* and the *Harvard Business Review*, the most distinguished journals in their respective fields, occasionally publish articles on planning.

For convenience, the addresses of the periodicals are listed below:

Justice System Journal
Institute for Court Management
1624 Marleet Street, Suite 1624
Denver, Colorado 80202

State Court Journal
Publications Department
National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185

Judicature
American Judicature Society
200 West Monroe Street, Suite 1606
Chicago, Illinois 60606

Court Systems Digest
Washington Crime News Services
7620 Little River Turnpike
Annandale, Virginia 22003

Public Administrative Review
American Society for Public Administration
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Harvard Business Review
Soldiers Field
Boston, Massachusetts 02163

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John W. King
Justice, Superior Court

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Chief Justice, Supreme Court

New Mexico
John B. McManus, Jr.
Chief Justice, Supreme Court

New York
Richard J. Bartlett
State Administrative Judge

North Carolina
Bert M. Montague, Director
Administrative Office of the Courts

North Dakota
William L. Paulson
Justice, Supreme Court

Ohio
To be announced

Oklahoma
B. Don Barnes
Justice, Supreme Court

Oregon
Loren D. Hicks
State Court Administrator

Pennsylvania
Samuel J. Roberts
Justice, Supreme Court

Rhode Island
Walter J. Kane
Court Administrator

South Carolina
J. Woodrow Lewis
Chief Justice, Supreme Court

South Dakota
Roger L. Wollman
Justice, Supreme Court

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Virgin Islands
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Judge, Territorial Court

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