Strategic Plan for the Federal Judiciary

Judicial Conference of the United States

Acknowledgement

The Strategic Plan for the Federal Judiciary was approved by the Judicial Conference of the United States on September 14, 2010. This plan was developed by an ad hoc advisory committee established by the Conference's Executive Committee with the permission of the Chief Justice. The ad hoc advisory committee worked closely with the committees of the Judicial Conference to identify planning issues, and the strategies and goals to address them. Conference committees will lead the judiciary's efforts to implement this strategic plan, with facilitation and coordination by the Executive Committee.

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Strategic Plan for the Federal Judiciary

The federal judiciary is respected throughout America and the world for its excellence, for the independence of its judges, and for its delivery of equal justice under the law. Through this plan, the judiciary identifies a set of strategies that will enable it to continue as a model in providing fair and impartial justice.

This plan begins with expressions of the mission and core values of the federal judiciary. Although any plan is by nature aspirational, these are constants which this plan strives to preserve. The aim is to stimulate and promote beneficial change within the federal judiciary—change that helps fulfill, and is consistent with, the mission and core values.

Mission

The United States Courts are an independent, national judiciary providing fair and impartial justice within the jurisdiction conferred by the Constitution and Congress. As an equal branch of government, the federal judiciary preserves and enhances its core values as the courts meet changing national and local needs.

Core Values

Rule of Law: legal predictability, continuity, and coherence; reasoned decisions made through publicly visible processes and based faithfully on the law

Equal Justice: fairness and impartiality in the administration of justice; accessibility of court processes; treatment of all with dignity and respect

Judicial Independence: the ability to render justice without fear that decisions may threaten tenure, compensation or security; sufficient structural autonomy for the judiciary as an equal branch of government in matters of internal governance and management

Accountability: stringent standards of conduct; self-enforcement of legal and ethical rules; good stewardship of public funds and property; effective and efficient use of resources

Excellence: adherence to the highest jurisprudential and administrative standards; effective recruitment, development and retention of highly competent and diverse judges and staff; commitment to innovative management and administration; availability of sufficient financial and other resources

Service: commitment to the faithful discharge of official duties; allegiance to the Constitution and laws of the United States; dedication to meeting the needs of jurors, court users, and the public in a timely and effective manner

The Plan in Brief

This plan continues the judiciary's tradition of meeting challenges and taking advantage of opportunities while preserving its core values. It takes into consideration various trends and issues affecting the judiciary, many of which challenge or complicate the judiciary's ability to perform its mission effectively. In addition, the plan recognizes that the future may provide tremendous opportunities for improving the delivery of justice.

This plan anticipates a future in which the federal judiciary is noteworthy for its accessibility, timeliness, and efficiency, attracts to judicial service the nation's finest legal talent, is an employer of choice for highly qualified executives and support staff, works effectively with the other branches of government, and enjoys the people's trust and confidence.

This plan serves as an agenda outlining actions needed to preserve the judiciary's successes and, where appropriate, bring about positive change. Although its stated goals and strategies do not include every important activity, project, initiative, or study that is underway or being considered, the plan focuses attention on issues that affect the judiciary at large, and on responding to those matters in ways that benefit the entire judicial branch and the public it serves.

Identified in the plan are seven fundamental issues that the judiciary must now address, and a set of responses for each issue. The scope of these issues includes the delivery of justice, the effective and efficient management of resources, the workforce of the future, technology's potential, access to the judicial process, relations with the other branches of government, and the public's level of understanding, trust and confidence in federal courts.

Strategic Issues for the Federal Judiciary

The strategies and goals in this plan are organized around seven issues— fundamental policy questions or challenges that are based on an assessment of key trends affecting the judiciary's mission and core values:

Issue 1: Providing Justice
Issue 2: The Effective and Efficient Management of Public Resources
Issue 3: The Judiciary Workforce of the Future
Issue 4: Harnessing Technology's Potential
Issue 5: Enhancing Access to the Judicial Process
Issue 6: The Judiciary's Relationships with the Other Branches of Government
Issue 7: Enhancing Public Understanding, Trust and Confidence

These issues also take into account the judiciary's organizational culture. The strategies and goals developed in response to these issues are designed with the judiciary's decentralized systems of governance and administration in mind.

Issue 1. Providing Justice

How can the judiciary provide justice in a more effective manner and meet new and increasing demands, while adhering to its core values?

Issue Description. Exemplary and independent judges, high quality staff, conscientious jurors, well-reasoned and researched rulings, and time for deliberation and attention to individual issues are among the hallmarks of federal court litigation. Scarce resources, changes in litigation and litigant expectations, and certain changes in law challenge the federal judiciary's effective delivery of justice. To address this issue, this plan includes three strategies that focus on improving performance while ensuring that the judiciary functions under conditions that allow for the effective administration of justice:

Pursue improvements in the delivery of justice on a nationwide basis. (Strategy 1.1)

Strengthen the protection of judges, court staff and the public at court facilities, and of judges and their families at other locations. (Strategy 1.2)

Secure resources that are sufficient to enable the judiciary to accomplish its mission in a manner consistent with judiciary core values. (Strategy 1.3)

Strategy 1.1. Pursue improvements in the delivery of justice on a nationwide basis.

Background and Commentary. Effective case management is essential to the delivery of justice, and most cases are handled in a manner that is both timely and deliberate. The judiciary monitors several aspects of case management, and has a number of mechanisms to identify and assist congested courts. Despite ongoing efforts, pockets of delay persist in the courts. The work of chief judges in managing each court's caseload is critical to the timely handling of cases, and these local efforts must be supported at the circuit and national level. Circuit judicial councils have the authority to issue necessary and appropriate orders for the effective and expeditious administration of justice, and the Judicial Conference is responsible for approving changes in policy for the administration of federal courts. With the understanding that some delays and backlogs cannot be avoided and do not reflect upon a court's case management practices, this plan calls for a concerted and collaborative effort among Judicial Conference committees, circuit judicial councils and others to make measurable progress in reducing the number of cases that are unduly delayed, and the number of courts with persistent and significant backlogs that may be unwarranted.

The delivery of justice is also affected by high litigation costs. High costs make the federal courts less accessible, as is discussed in Issue 5. Litigation costs also have the potential to skew the mix of cases that come before the judiciary, and may unduly pressure parties towards settlement. Rule 1 of the Federal Rules of Civil Procedure calls for the "just, speedy, and inexpensive determination of every action and proceeding," and this plan includes a goal to reduce unnecessary costs as well as delay.

Other efforts to improve the delivery of justice should continue. For example, a number of significant initiatives to transform the judiciary's use of technology are underway, including the development of next-generation case management systems. Also, improvements in the supervision of offenders and defendants include the use of techniques that are supported by research. This evidence-based approach has been enhanced through the use of a Decision Support System that integrates data from other agencies with probation and pretrial services data to facilitate the analysis and comparison of supervision practices and outcomes among districts.

This strategy also includes a goal to ensure that persons entitled to representation under the Criminal Justice Act are afforded well qualified representation through either a federal defender or panel attorney. Well qualified representation requires sufficient resources to assure adequate pay, training, and support services. Further, where the defendant population and needs of districts differ, guidance and support must be tailored to local conditions.

Goal 1.1a: Reduce delay through the work of circuit judicial councils, chief judges, Judicial Conference committees and other appropriate entities.

Goal 1.1b: Reduce unnecessary costs to litigants in furtherance of Rule 1, Federal Rules of Civil Procedure.

Goal 1.1c: Ensure that persons represented by panel attorneys and federal defender organizations are afforded well qualified representation consistent with best practices for the representation of criminal defendants.

Strategy 1.2. Strengthen the protection of judges, court staff and the public at court facilities, and of judges and their families at other locations.

Background and Commentary. Judges must be able to perform their duties in an environment that addresses their concerns for their own personal safety and that of their families. The judiciary works closely with the U.S. Marshals Service to assess and improve the protection provided to the courts and individuals. Threats extend beyond the handling of criminal cases, as violent acts have often involved pro se litigants and other parties to civil cases.

While judiciary standards for court facilities provide separate hallways and other design features to protect judges, many older court facilities require judges, court personnel and jurors to use the same corridors, entrances and exits as prisoners, criminal defendants, and others in custody. Assuring safety in these facilities is particularly challenging. Protection for judges must also extend beyond court facilities and include commuting routes, travel destinations, and the home. A key area of focus for the judiciary has been raising the level of awareness of security issues, and assisting judges in taking steps to protect themselves while away from court facilities. Efforts include "Project 365," a joint judiciary-Marshals Service initiative to increase the awareness of potential security risks away from court facilities for judges, their families, and court staff.

The effective implementation of this strategy is linked to other efforts in this plan. Strategy 1.3 includes a goal to ensure that judiciary proceedings are conducted in secure facilities. In addition, Strategy 4.1 includes a goal to ensure that IT policies and practices provide effective security for court records and data, including confidential personal information.

Goal 1.2a: Improve the protection of judges and their families in all court facilities, at home, and in other off-site locations.

Goal 1.2b: Provide increased training to raise the awareness of judges and judiciary employees on a broad range of security topics.

Goal 1.2c: Improve the security of court facilities, including perimeter security at primary court facilities.

Goal 1.2d: Work with the U.S. Marshals Service to improve the collection, analysis and dissemination of protective intelligence information concerning individual judges.

Strategy 1.3. Secure resources that are sufficient to enable the judiciary to accomplish its mission in a manner consistent with judiciary core values.

Background and Commentary. Funding levels in recent years have allowed staffing in most clerks' offices, probation and pretrial services offices and defender organizations to keep pace with the judiciary's workload. However, critical resource needs in other areas remain. Judges' pay has failed to keep pace with inflation for many years, placing at risk the judiciary's ability to attract and retain highly competent judges from a broad spectrum of backgrounds and career paths. In addition, many appellate, district and bankruptcy courts have an insufficient number of authorized judgeships. The judiciary has received very few Article III district judgeships, and no circuit judgeships, since 1990.

Beyond the needs of judges, resources are needed for jurors. Compensation for jurors is still $40 per day, reaching $50 only after the tenth day of jury service. Inadequate compensation creates a financial hardship for many jurors. And, while the judiciary has made progress over the past two decades in securing additional space, some court proceedings are still conducted in court facilities that are cramped, poorly configured, and lacking secure corridors separate from inmates appearing in court.

Further, the judiciary relies on resources that are within the budgets of executive branch agencies, particularly the U.S. Marshals Service and the General Services Administration. The judiciary must work with these agencies to ensure that the judiciary's resource needs are met.

Strategies and goals in other sections of this plan are closely related to this strategy of securing adequate resources. For example, Strategy 3.2 and its associated goals focus on the importance of attracting, recruiting, developing and retaining the staff that are required for the effective performance of the judiciary's mission, and will be critical to supporting tomorrow's judges and meeting future workload. Also, a goal under Strategy 4.1 urges the judiciary to continue to build and maintain a robust technology infrastructure.

Goal 1.3a: Restore judicial compensation to attract and retain the best-qualified persons from varied backgrounds as judges and eliminate disincentives to long judicial service.

Goal 1.3b: Secure needed circuit, district, bankruptcy and magistrate judgeships.

Goal 1.3c: Ensure that judiciary proceedings are conducted in court facilities that are secure, accessible, efficient and properly equipped.

Goal 1.3d: Secure adequate compensation for jurors.

Issue 2. The Effective and Efficient Management of Public Resources

How can the judiciary provide justice consistent with its core values while managing its resources and programs in a manner that reflects workload variances and funding realities?

Issue Description. The workload of the federal courts can vary greatly from year to year, and it is an ongoing challenge to ensure that adequate resources are available in each court to meet workload demands. Consequently, whether cases are handled in a timely manner can sometimes be a function of location. The judiciary relies upon effective decision-making processes governing the allocation and use of judges, staff, facilities, and funds to ensure the best use of limited resources. Developing, evaluating, publicizing and implementing best practices will assist courts and other judiciary organizations in addressing workload changes. Local courts have many operational and program management responsibilities in the judiciary's decentralized governance structure, and the continued development of effective local practices should be encouraged. At the same time, the judiciary may also need to consider whether and to what extent certain practices should be adopted judiciary-wide. This plan includes a single strategy to address this issue.

Strategy 2.1. Allocate and manage resources more efficiently and effectively.

Background and Commentary. The judiciary has worked to contain the growth in judiciary costs, and has pursued a number of studies, initiatives, and reviews of judiciary policy. Significant savings have been achieved, particularly for rent, compensation, and information technology. Cost containment remains a high priority, and new initiatives to contain cost growth are under consideration. Other initiatives identify better and more efficient practices, such as the methods analysis program, which analyzes discrete clerks' office functions and identifies techniques that save staff time and improve service. Efforts to ensure the effective use of resources are also underway, including the effective utilization of magistrate judges.

This strategy includes two goals to increase the flexibility of the judiciary in matching resources to workload. The intent is to enable available judges and staff to assist heavily burdened courts on a temporary basis, and to reduce the barriers to such assistance. Advances in technology have increased the ability to perform many tasks, such as handling certain proceedings in civil cases, without the need for travel. A third goal speaks to the critical need to maintain effective court operations when disaster strikes.

Goal 2.1a: Make more effective use of visiting and senior judges, and judges who are recalled to service, to relieve overburdened and congested courts.

Goal 2.1b: Facilitate the sharing of administrative staff and services within courts and, where appropriate, across organizational boundaries.

Goal 2.1c: Plan for and respond to natural disasters, terrorist attacks, pandemics and other physical threats in an effective manner.

Issue 3. The Judiciary Workforce for the Future

How can the judiciary continue to attract, develop and retain a highly competent and diverse complement of judges and staff, while meeting future workforce requirements and accommodating changes in career expectations?

Issue Description. The judiciary can only meet future workload demands if it can continue to attract, develop and retain highly skilled and competent judges and staff. Chief Justice Roberts has noted that judicial appointment should be the "capstone of a distinguished career" and not "a stepping stone to a lucrative position in private practice." Attracting and retaining highly capable judges and staff will require fair and competitive compensation and benefit packages. The judiciary must also plan for new methods of performing work, and prepare for continued volatility in workloads, as it develops its future workforce. Two strategies to address this issue follow:

Support a lifetime of service for federal judges. (Strategy 3.1)

Recruit, develop and retain highly competent staff while defining the judiciary's future workforce requirements. (Strategy 3.2)

Strategy 3.1. Support a lifetime of service for federal judges.

Background and Commentary. It is critical that judges are supported throughout their careers, as new judges, active judges, chief judges, senior judges, judges recalled to service, and retired judges. In addition, education, training, and orientation programs offered by the Federal Judicial Center and the Administrative Office will need to continue to evolve and adapt. Technology training, for example, is moving away from a focus on software applications toward an emphasis on the tasks and functions that judges perform. Training and education programs, and other services that enhance the well being of judges, need to be accessible in a variety of formats, and on an as-needed basis.

Goal 3.1a: Strengthen policies that encourage senior Article III judges to continue handling cases as long as they are willing and able to do so. Judges who were appointed to fixed terms and are recalled to serve after retirement should be provided the support necessary for them to fully discharge their duties.

Goal 3.1b: Seek the views of judges on practices that support their development, retention and morale.

Goal 3.1c: Evolve and adapt education, training and orientation programs to meet the needs of judges.

Strategy 3.2. Recruit, develop and retain highly competent staff while defining the judiciary's future workforce requirements.

Background and Commentary. The judiciary continues to be an attractive employer, and staff turnover is relatively low. Employees are committed to the judiciary's mission, and the judicial branch provides staff with many resources and services, including training and education programs. Nonetheless, ongoing changes that the judiciary must address include an increase in the amount of work performed away from the office, shifting career expectations, and changes in how staff communicate and interact.

The judiciary also must develop the next generation of executives. More than half of the existing senior executive leadership in the federal courts is currently eligible to retire or will become eligible to retire within the next five years. The management model in federal courts provides individual court executives with a high degree of decentralized authority over a wide range of administrative matters. The most qualified candidates often come from within the system since the judiciary's management model is not currently replicated in other government systems. To ensure a sufficient internal supply of qualified candidates, the judiciary should initiate a meaningful leadership development training program along with the creation of executive relocation programs to widen the pool of qualified internal applicants.

Goal 3.2a: Attract, recruit, develop and retain the most qualified people to serve the public in the federal judiciary, emphasizing a commitment to nondiscrimination both in hiring and in grooming the next generation of judiciary executives and senior leaders.

Goal 3.2b: Identify future workforce challenges and develop programs and special initiatives that will allow the judiciary to remain as an employer of choice while enabling employees to strive to reach their full potential.

Goal 3.2c: Deliver leadership, management, and human resources programs and services to help judges (especially chief judges), executives and supervisors develop, assess and lead staff.

Goal 3.2d: Strengthen the judiciary's commitment to workforce diversity through expansion of diversity program recruitment, education and training.

Issue 4. Harnessing Technology's Potential

How can the judiciary develop national technology systems while fostering the development of creative approaches and solutions at the local level?

Issue Description. Implementing innovative technology applications will help the judiciary to meet the changing needs of judges, staff and the public. Technology can increase productive time, and facilitate work processes. For the public, technology can improve access to courts, including information about cases, court facilities, and judicial processes. The judiciary will be required to build and maintain effective IT systems in a time of growing usage, and judicial and litigant reliance. At the same time, the security of IT systems must be maintained, and a requisite level of privacy assured.

Responsibility for developing major national IT systems is shared by several Administrative Office divisions and Judicial Conference committees, and many additional applications are developed locally. In addition, local courts have substantial responsibilities for the management and operation of local and national systems, including the ability to customize national applications to meet local needs. The judiciary's approach to developing, managing and operating national IT systems provides a great deal of flexibility but also poses challenges for coordination, prioritization and leadership. A key challenge will be to balance the economies of scale that may be achieved through certain judiciary-wide approaches with the creative solutions that may result from allowing and fostering a more distributed model of IT administration. The judiciary's strategy for addressing this issue follows.

Strategy 4.1. Harness the potential of technology to identify and meet the needs of court users for information, service, and access to the courts.

> **Background and Commentary.** The judiciary is fortunate to be supported by an advanced information technology infrastructure and services that continue to evolve. The functional requirements of next-generation case management systems are being defined, while existing systems are being updated and refined. Services for the public and other stakeholders are being enhanced, and systems have been strengthened to provide reliable service during growing usage and dependence. Collaboration and idea sharing among local courts, and between courts and the Administrative Office, foster continued innovation in the application of technology.
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> The effective use of advanced and intelligent applications and systems (calendaring systems that suggest optimal hearing dates, for example) will provide critical support for judges and other court users. This plan includes a goal supporting the continued building of the judiciary's technology infrastructure, and another encouraging a judiciary-wide perspective to the development of certain systems. Another goal in this section focuses on the security of electronic court records.

The effective use of technology is critical to furthering other strategies in this plan. Success in pursuing Strategy 2.1, concerning the effective and efficient management of resources, is closely linked to the use of technology. An effective technology program also supports training and remote access to courts (Strategies 3.1 and 3.2), programs to improve the accessibility of the judiciary (Strategy 5.1), and enhancements to the judiciary's oversight and review systems (Strategy 7.1).

Likewise, an effective technology program is also dependent upon the successful implementation of other strategies in this plan. In a rapidly changing field requiring the support of highly trained people, is it critical that the judiciary succeed in recruiting, developing and retaining highly competent staff (Strategy 3.2). And, investments in technology also require adequate funding (Strategy 1.3).

Goal 4.1a: Continue to build and maintain a robust and flexible technology infrastructure that fully meets and anticipates the judiciary's requirements for communications, record-keeping, electronic case filing, and effective case management.

Goal 4.1b: Exercise effective leadership to coordinate and integrate national IT systems and applications.

Goal 4.1c: Develop systemwide approaches to the utilization of technology to achieve enhanced performance and cost savings while at the same time encouraging the development of local initiatives that can improve services.

Goal 4.1d: Refine and update security practices to ensure the confidentiality, integrity and availability of court records and information.

Issue 5. Enhancing Access to the Judicial Process

How can courts remain comprehensible, accessible and affordable for people who participate in the judicial process while responding to demographic and socioeconomic changes?

Issue Description. Courts are obligated to be open and accessible to anyone who initiates or is drawn into federal litigation, including litigants, lawyers, jurors, and witnesses. The federal courts must consider carefully whether they are continuing to meet the litigation needs of court users. This plan includes two strategies that focus on identifying unnecessary barriers to court access, and taking steps to eliminate them:

Ensure that court rules, processes and procedures meet the needs of lawyers and litigants in the judicial process. (Strategy 5.1)

Ensure that the federal judiciary is open and accessible to those who participate in the judicial process. (Strategy 5.2)

The views of participants — including parties, lawyers and jurors — should be solicited as a first step in implementing these strategies.

Strategy 5.1. Ensure that court rules, processes and procedures meet the needs of lawyers and litigants in the judicial process.

Background and Commentary. The accessibility of court processes to lawyers and litigants is a component of the judiciary's core value of equal justice, but making courts readily accessible is difficult. Providing access is even more difficult when people look to the federal courts to address problems that cannot be solved within the federal courts' limited jurisdiction, when claims are not properly raised, and when judicial processes are not well understood.

To improve access, civil, criminal, appellate and evidence rules of practice and procedure were rewritten to simplify and clarify them, and make them more uniform. Rules changes have also been made to help reduce cost and delay in the civil discovery process, to address the growing role of electronic discovery, and to take widespread advantage of technology in court proceedings. In addition, many courts provide settlement conferences, mediation programs, and other forms of alternative dispute resolution to parties interested in resolving their claims prior to a judicial decision. Despite these and other efforts, some lawyers, litigants, and members of the public continue to find litigating in the federal courts challenging. Court operations and processes vary across districts and chambers, and pursuing federal litigation can be time consuming and expensive.

To improve access for lawyers and litigants in the judicial process, this plan includes the following goals:

Goal 5.1a: Ensure that court rules, processes and procedures are published or posted in an accessible manner.

Goal 5.1b: Adopt measures designed to provide flexibility in the handling of cases, while reducing cost, delay, and other unnecessary burdens to litigants in the adjudication of disputes.

Goal 5.1c: Adopt measures to preserve judicial resources regarding claims that cannot be properly addressed in the federal judicial system.

Strategy 5.2. Ensure that the federal judiciary is open and accessible to those who participate in the judicial process.

Background and Commentary. As part of its commitment to the core value of equal justice, the federal judiciary seeks to assure that all who participate in federal court proceedings — including jurors, litigants, witnesses, and observers — are treated with dignity and respect and understand the process. The judiciary's national website and the websites of individual courts provide the public with information about the courts themselves, court rules, procedures and forms, judicial orders and decisions, and schedules of court proceedings. Court dockets and case papers and files are posted on the internet through a judiciary-operated public access system. Court forms commonly used by the public have been rewritten in an effort to make them clearer and simpler to use, and court facilities are now designed to provide greater access to persons with disabilities. Some districts offer electronic tools to assist pro se filers in generating civil complaints. And, the Judicial Conference will continue to work to reduce the burden of jury service, improve juror utilization, and improve citizen participation in juries.

However, federal court processes are complex, and it is an ongoing challenge to ensure that participants have access to information about court processes and individual court cases, as well as court facilities. Many who come to the courts also have limited proficiency in English, and resources to provide interpretation and translation services are limited, particularly for civil litigants. Continued efforts are needed, and this strategy sets forth three goals to make courts more accessible for jurors, litigants, witnesses, and others.

Goal 5.2a: Provide jurors, litigants, witnesses, and observers with comprehensive, readily accessible information about court cases and the work of the courts.

Goal 5.2b: Reduce the hardships associated with jury service, and improve the experiences of citizens serving as grand and petit jurors.

Goal 5.2c: Develop best practices for handling claims of pro se litigants in civil and bankruptcy cases.

Issue 6. The Judiciary's Relationships with the Other Branches of Government

How can the judiciary develop and sustain effective relationships with Congress and the executive branch, yet preserve appropriate autonomy in judiciary governance, management and decision-making?

Issue Description. Increasingly, the judicial branch's ability to deliver justice in a manner consistent with its core values is dependent upon its relationships with the other two branches of the federal government. An effective relationship with Congress is critical to success in securing

adequate resources. In addition, the judiciary must provide Congress timely and accurate information about issues affecting the administration of justice, and demonstrate that the judiciary has a comprehensive system of oversight and review. The judiciary's relationships with the executive branch are also critical, particularly in areas where the executive branch has primary administrative or program responsibility, such as judicial security and facilities management. Ongoing communication about Judicial Conference goals, policies, and positions may help to develop the judiciary's overall relationship with Congress and the executive branch. By seeking opportunities to enhance communication among the three branches, the judiciary can strengthen its role as an equal branch of government while improving the administration of justice. At the same time, the judiciary must endeavor to preserve an appropriate degree of self-sufficiency and discretion in conducting its own affairs. This plan includes two strategies to build relationships with Congress and the executive branch:

> Develop and implement a comprehensive approach to enhancing relations between the judiciary and the Congress. (Strategy 6.1)
>
> Strengthen the judiciary's relations with the executive branch. (Strategy 6.2)

Strategy 6.1. Develop and implement a comprehensive approach to enhancing relations between the judiciary and the Congress.

> **Background and Commentary.** This strategy emphasizes the importance of building and maintaining relationships between judges and members of Congress, at the local level and in Washington. The intent is to enhance activities that are already underway, and to stress their importance in shaping a favorable future for the judiciary. Progress in implementing other strategies in this plan can also help the judiciary to enhance its relationship with Congress. Goals relating to timeliness and accessibility directly affect members' constituents, and the ability to report measurable progress in meeting goals may bring dividends.
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> **Goal 6.1a:** Improve the early identification of legislative issues in order to improve the judiciary's ability to respond and communicate with Congress on issues affecting the administration of justice.
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> **Goal 6.1b:** Implement effective approaches, including partnerships with the legal, academic and private sector organizations, to achieve the judiciary's legislative goals.

Strategy 6.2. Strengthen the judiciary's relations with the executive branch.

> **Background and Commentary.** The executive branch delivers critical services to the judiciary, including space, security, personnel and retirement services, and more. In addition, the executive branch develops and implements policies and procedures that affect

the administration of justice. This strategy focuses on enhancing the ability of the judiciary to provide input to the Department of Justice and others regarding proposed actions and policies that affect the administration of justice.

Goal 6.2a: Develop ongoing communications with the executive branch about policies and solutions to address issues affecting the judiciary.

Issue 7: Enhancing Public Understanding, Trust and Confidence

How should the judiciary promote public trust and confidence in the federal courts, in a manner consistent with its role?

Issue Description. The ability of courts to fulfill their mission and perform their functions is based on the public's trust and confidence in the system. In large part, the judiciary earns that trust and confidence by faithfully performing its duties, adhering to ethical standards, and effectively carrying out internal oversight, review and governance responsibilities. However, public perceptions of the judiciary are also often colored by misunderstandings about the institutional role of the federal courts and the limitations of their jurisdiction, as well as attitudes toward federal court decisions on matters of public interest and debate.

Advances in communications technology and the attendant transformation of journalism and public information will continue to play a key part in how the judiciary is portrayed to, and seen by, members of the public. Although these changes provide the judicial branch and others in society an opportunity to communicate broadly with greater ease and at far less cost than previously possible, they also present the challenge of ensuring that the information now more readily available to all is both complete and accurate. For the judiciary, this challenge is an especially difficult one because judges are constrained in their ability to participate in public discourse. This plan includes two strategies to enhance public understanding, trust and confidence in the judiciary:

Assure high standards of conduct and integrity for judges and staff. (Strategy 7.1)

Improve the accessibility of information about the judiciary in an appropriate manner that preserves the rights of participants in judicial proceedings. (Strategy 7.2)

Strategy 7.1. Assure high standards of conduct and integrity for judges and staff.

Background and Commentary. This strategy emphasizes up-to-date policies, timely education, and relevant guidance about ethics, integrity, and accountability. The strategy also relies upon the effective performance of critical internal controls, audit, investigation and discipline functions. A comprehensive redesign of the Guide to Judiciary Policy, and regular Guide updates, will help judges and employees to access current, relevant

information about judiciary policies. An emerging issue with implications for the protection of private information and other conduct-related issues is the conveyance of inappropriate information via electronic social networking.

Goal 7.1a: Enhance education and training for judges and judiciary employees on ethical conduct, integrity and accountability.

Goal 7.1b: Ensure the integrity of funds, information, operations and programs through strengthened internal controls and audit programs.

Goal 7.1c: Perform investigative, disciplinary and other critical self-governance responsibilities to achieve appropriate accountability.

Strategy 7.2. Improve the accessibility of information about the judiciary in an appropriate manner that preserves the rights of participants in judicial proceedings.

Background and Commentary. Changes in the media landscape will continue to have a significant impact on how the judiciary is portrayed, and ultimately viewed by the public. More writers without a traditional journalism background will write about the judiciary in stories and opinion pieces, many of which will gain a wide audience. New forms of communication may also provide opportunities for the judiciary to interact more directly with the public. A communications strategy that takes into account the changes in journalism is needed.

Over the past several years, the judiciary has participated in many initiatives to improve the level of understanding about the federal courts, and retired Justices Sandra Day O'Connor and David Souter are among those who have championed civic education efforts. Communications and collaborations with organizations outside the judicial branch may help the judiciary to participate in efforts such as these in a cost effective manner. While civic education is critical, the vast majority of the work involved in improving public understanding is borne by individual judges and court officials in the course of their official duties or through individual outreach efforts.

Goal 7.2a: Develop a communications strategy that considers the impact of changes in journalism and electronic communications.

Goal 7.2b: Communicate and collaborate with organizations outside the judicial branch to improve the public's understanding of the role and functions of the federal judiciary.

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