Strategic plans are common in many organizations, yet there is frequently widespread grumbling about the time invested in developing them and their often marginal impact on operations. Assumptions about trends can easily prove wrong over time; priorities and leaders may change, diverting painstakingly crafted objectives; and unexpected circumstances derail the best of plans. Court leaders are asking whether they can afford the time, money, and energy necessary—sometimes involving meetings, task forces, data collection, environmental scans, analyses, and implementation strategies—to develop full-blown, detailed strategic plans. Many are wondering if there is a better way.

Classic strategic planning is familiar to most managers in public and private organizations. It involves methodical and sequential steps, producing a document that serves as a road map to move an organization forward. Typically, these efforts focus primarily on individual courts or a statewide judicial branch as a single component of the justice system. Strategic planning fundamentals in the courts include canvassing other justice system stakeholders through focus groups or surveys for input regarding their expectations of the courts, identifiable trends, and their own plans, strategies, and initiatives. This process generally requires six to seven months or more to complete and the help of outside consultants.

Some courts are short-circuiting lengthy strategic planning procedures by developing strategic networks to continually formulate and implement strategies through experiments and pilot projects that generate quick results, create buy-in by managers and staff, and actually change the organization. It’s an approach worth considering by more courts.

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THE NEED FOR NIMBLE COURTS:
How to Develop Flexible Strategic Networks, Not Rigid Strategic Plans

TREND

Some courts are short-circuiting lengthy strategic planning procedures by developing strategic networks to continually formulate and implement strategies through experiments and pilot projects that generate quick results, create buy-in by managers and staff, and actually change the organization. It’s an approach worth considering by more courts.
WHAT’S WRONG WITH CONVENTIONAL STRATEGIC PLANNING?

Why do so many top-flight managers and leadership judges, who love to get things done and are considered innovators and leaders in their professions, cringe at developing a strategic plan? Certainly, anyone leading an organization needs an idea (vision) of where they want to go, a way to get there (strategies), and some actions or activities (tactics) that clearly move them in that direction. It all seems simple enough; however, the devil is in the details.

A widespread problem with strategic planning is its rare occurrence. Commonly, after a plan is developed there are retreats and initiatives to implement the strategies, and enthusiasm abounds. Sooner or later interest and energy fade; the chance to create a grander organization diminishes; and people turn their attention back to day-to-day operations. Consistency in direction is progressively lost as separate presiding judges develop independent agendas without much reference to the plan. Judges who created and supported the plan leave the bench through retirements or elevations to higher courts. Problems confronting the court change, and some strategies are just too complicated and difficult to accomplish. For years, court administration may be tasked with keeping the plan alive as a guide for program development, but that attention often eventually washes away over time. This all-too-often experience generally results in a long time lapse before new or revamped strategic plans are tackled again.

Unanticipated events can derail the best of strategic plans, too, as was so harshly learned by many court policymakers during the recent economic downturn. Many courts now have plans they cannot move forward and that are structured in ways that provide little help in deciding what to do instead.
Strategic planning is sometimes used for the wrong purposes—to deflect criticism, satisfy funding agencies, or advance nonstrategic issues such as dumping specific programs that have fallen out of favor, advancing personal agendas, or avoiding challenging decisions. Here the process is not at fault. The problem lies with the reason for its use.

Loosely coupled court environments and cultures, where both professionals and work units display a high level of autonomy, present unique difficulties for planners. Actions in one part of the system can have little or no effect in another. Policy decisions are commonly made by consensus requiring significant compromise and political adjustments, which can weaken action plans and initiatives to the point of failure. Numerous and significant independent elected officials in the justice system who may not agree with resulting strategies—even if developed by consensus and collaboration—can easily thwart or minimize early tangible results. The important and challenging implementation phase for strategic initiatives often becomes a major stumbling block.

There are so many interests to balance, so many amorphous vision and mission statements, and so many unknowns that the exercise seems more academic than real. Courts are real-world process organizations. Judges and staff routinely work on specific cases, projects, and tasks with concrete outcomes. They are in the “here and now,” dealing with an individual litigant, attorney, controversy, or a specific incident before them. No wonder traditional strategic planning has a hard road to travel and frequently hits numerous dead ends in its journey to completion.

WHAT’S RIGHT WITH TRADITIONAL STRATEGIC PLANNING?

On the positive side, strategic planning can certainly be a vehicle for leadership to raise new ideas and directions. And through consensus building and vetting strategic issues, leaders can assess the levels of support or resistance to various courses of action directed at improving efficiency (e.g., savings in terms of money, time, and personnel) and effectiveness (e.g., enhanced fairness in outcomes, reduced recidivism, and improved quality of life) in the work of the court.

In establishing visions, missions, values, and priorities, it fosters greater ownership and commonalty by both judges and staff in the court as an important public institution dedicated to justice and the rule of law. In doing so, it strengthens the court’s importance and prominence in the community, as well as trust levels among judges and staff.

If done honestly and openly, strategic planning is thorough enough to raise the real dilemmas that frequently plague
an organization, whether they are governance problems, unproductive programs, poor management, caseflow delays, or antiquated organization structures. The collective resolve to solve them through creative and impactful strategic initiatives is quite another story, however.

Even with these benefits, traditional strategic planning remains time-consuming, episodic, and costly as a way to work out and pursue organizational change. A new, better way has appeared on the horizon advanced by John Kotter (1996), a Harvard University leadership and management authority, based on his eight-stage framework for leading major change and his continual work observing successful organizations. Interestingly, it holds great relevance for judicial system strategies development and implementation because many courts have used facets of the approach to devise new initiatives and reengineer operations through interdisciplinary committees, coalitions, task forces, and pilot projects, which Kotter dubs “strategic networks.”

**TODAY’S NEED: NIMBLE COURTS WITH FLEXIBLE STRATEGIC NETWORKS**

With the fast pace of society and technology today, it is important for courts to quickly and strategically adapt to changing needs. In doing so, many of the limitations of rigid strategic planning models can be avoided and their strengths accentuated by taking reasonable risks to introduce new ways to improve core services that contribute proven value, and reinvent or discard struggling programs or processes that have exhausted their usefulness, often amid a mix of urgency, high stakes, and uncertainty.

Strategic decisions get made routinely, not just in a planning process. Courts need to prepare leaders for the challenges and opportunities they face that may not be in a plan. Effective present-day court leaders must be true strategic thinkers who operate from a perspective of objective insight and analytical clarity, whether or not they go through a formal strategic planning process. Although they need people’s help to discover key organizational directions, they frequently have neither the time nor inclination to develop grand, detailed strategic plans. So, what is the alternative?

Dr. John Kotter (2012) advocates a parallel operating system or network of volunteers devoted to designing and implementing strategy. The network works in concert with an organization’s traditional hierarchy charged with running the day-to-day operations.
Although Kotter targets this new strategic planning method toward businesses, there is no reason to believe a similar concept could not apply to courts. It may be more easily adaptable to courts due to their widespread practice of innovating through pilot projects. In the case of a judicial branch at the local or state level, Kotter’s model requires the strategic network to continually assess the court, the justice system, and the surrounding environment. No more intermittent strategic plans.

The new strategy system expands on Kotter’s eight-step method of successful major change with three main differences. The steps are 1) not rigid and sequential as they are in his major change model but concurrent and always at work, 2) not driven by a small core group but a large “army” of volunteers, and 3) not designed to function within a fixed hierarchy but in a flexible, agile network. The strategies network runs through specific processes or accelerators. “The organization leaders play an important role in launching and maintaining the network. The network cannot be viewed as a rogue operation or the hierarchy will crush it,” cautions Kotter (2012:51).

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<th>Kotter’s Eight Accelerators in a Strategic Network</th>
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Creating Urgency for Strategic Opportunities and Issues
The strategic network approach allows the executive team or court leadership group to select the most urgent strategic opportunities or issues. It assumes that typical strategic planning activities can be accomplished separately in a more constant and repetitive manner by other ways, including leadership retreats, executive committees, the presiding judge and court administrator team, dedicated planning staffs, and references to widely accepted performance themes or standards, such as the National Center for State Courts’ High Performance Court Framework and CourTools.

Building and Maintaining a Guiding Coalition
A guiding coalition is a group of trusted volunteers (generally six to eight people) from various work units and disciplines selected by court leaders, given “permission” to be change agents, and asked to work on one or more strategic opportunities in addition to their day jobs. The team selects its own leadership from among its members and decides what initiatives to launch and how best to do so.

Form a Strategic Vision and Initiatives
A well-formulated vision is feasible, easy to communicate, emotionally appealing, and strategically smart. Inspired by the vision, the guiding coalition can develop a handful of initiatives that are critical to its accomplishment and share them with the court executive group for comment.

Gather More Volunteers Through Promoting the Vision and Strategies
Here the objective is to attract and motivate other employees to encourage them to make a commitment to the message. It does not take many volunteers to launch a full-blown strategic network, which could eventually encompass 10 percent or more of the court’s personnel.

Accelerate Movement Toward the Vision and the Strategies by Removing Barriers
Where there are roadblocks or obstacles to implementing the strategic issues and realizing the vision (i.e., problems with staff competencies, information systems, facilities, or the bureaucracy itself), the members of the strategic network, coordinated by the guiding coalition, are at liberty to promote changes and solve the problem. Design and implementation occur in the network and are instituted in the hierarchy. If the network and hierarchy are working together, those in the hierarchy are likely to be equally desirous of the change.

Celebrate Short-Term Wins
The network’s guiding coalition and cadre of additional volunteers must show proof in tangible, creditable, celebratory short-term wins that the dual operating system is creating real, beneficial results to quiet cynics and prompt more employees to buy in to the overall vision and strategies. If wins do not appear, it is useful feedback that

Strategic Planning
Twenty-five years ago several state court systems undertook massive strategic planning efforts. In 1987, Chief Justice Harry Carrico appointed a 34-member Commission on the Future of Virginia’s Judicial System. The commission’s report was published in 1989. In 1988, Chief Justice Frank Gordon established the Commission on the Courts to develop a long-range plan for the Arizona courts through 2000, and the Iowa Supreme Court appointed a Year 2000 Committee to review the existing structure and internal operating procedures of Iowa’s appellate courts.
something is wrong. The guiding coalition can then make course corrections.

**Never Let Up, Keep Volunteers Energized**

This step in Kotter’s original eight-stage framework for instituting major change within an organization encouraged more change, not less. It is equally true in strategic networks. Skeptics and detractors always lurk on the sidelines to sink the initiative if possible. Losing momentum and declaring victory before the change is securely entrenched can scuttle the best of initiatives and allow strategic opportunities to slip away, even though substantial work has been done toward improvements.

**Anchor the Strategic Change in the Culture**

A new strategic direction, process, method, or program is not complete until it has been incorporated into the day-to-day activities of the court and essentially seen as creating a better future by the influence leaders and a majority of those involved. The rewards for those in the strategic network are rarely monetary. In large measure, they are what Frederick Herztberg, a renowned expert on workplace motivation, termed *satisfiers*, namely, achievement, recognition, responsibility, advancement, and fulfillment.

**STRATEGIC NETWORKS: A NATURAL FOR THE COURT COMMUNITY**

Some trial courts and state judicial systems have employed many of John Kotter’s Strategic Network Accelerators in developing new opportunities and programs. They just did not realize it.

Arizona provides some interesting examples. Court leaders at the superior court in Phoenix empowered a small network of innovators working outside the court’s hierarchy to pioneer the first court-annexed Self-Help Center for unrepresented litigants in the early 1990s.

The Arizona Judicial Branch *Power of Twelve Committee* proposed and spearheaded new jury rules that transformed the courtroom into a classroom by permitting jurors to ask questions, take notes, receive evidence and exhibit notebooks, and discuss the case in private with other jurors at any time during the trial provided they do not make up their minds before deliberations take place.
A recent example occurred in Utah in response to the Judicial Council’s endorsement of a widespread e-court plan—a preferred future for many state courts. In large measure, their vision became a reality in early 2013; all records are computerized, court reporting is digitized, and public2court interfaces are electronic. But the more interesting part of the story is how they unknowingly used many of Kotter’s strategic network ideas to remake and redefine their workforce in support of the new electronic environment.

Concurrent with the early move to e-records, court leaders began wondering how such a change would impact the paper-focused clerical ranks of trial courts. To address the transition, a special, diverse task force (i.e., coalition) of university professors; experienced and newly hired clerks, including those at the entry level; clerks of court; court managers; technologists; and others was assembled to develop a strategic vision and strategies to revamp the workforce. They were charged with establishing new positions, new job descriptions, new pay scales, a competency-based advancement system, a team management structure, and a plan that would accommodate continued staff downsizing through attrition due to expected future budget cuts. Much of their work was based on the realization that the courts would need a more highly educated and trained workforce with the incentive to function as “knowledge workers” and problem solvers. This volunteer group of change agents guided adjustments in personnel policies, procedures, hiring, training, and structure; kept employees apprised of the workforce-reengineering process; and helped ensure the new approaches were institutionalized.

Instead of specialists, the clerks’ offices now have cross-trained generalists and paraprofessionals. Before the new staffing system, 20 percent of the employees held an advanced degree. Today, 52 percent hold bachelor’s degrees, and 25 percent have associate-of-arts degrees. Employee retention and morale have increased, and dollar savings from position reductions are used to raise the salaries of a more versatile, productive, professional staff.

Other courts and justice systems have likely used some of Kotter’s strategic network accelerators, too. Indeed, strategic networks appear to be alive and well in the court community. They offer a useful alternative to traditional strategic planning.

REFERENCES