

Bringing the Future to Justice:

Charting the Course in the New Dominion

The Judicial System of Virginia

2002-2004 Strategic Plan

MISSION

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions.

“I call upon each of you to join me in the pursuit of excellence by providing the leadership necessary to maintain a court system capable of meeting today’s needs and preparing for the challenges of tomorrow.”

Chief Justice
Harry L. Carrico

The Judicial Council of Virginia

The Honorable Harry L. Carrico, Chief Justice of Virginia

The Honorable Johanna L. Fitzpatrick, Chief Judge, Court of Appeals of Virginia

The Honorable Charles E. Poston, Judge, Fourth Judicial Circuit

The Honorable Randall G. Johnson, Judge, Thirteenth Judicial Circuit

The Honorable Paul M. Peatross, Jr., Judge, Sixteenth Judicial Circuit

The Honorable Joanne F. Alper, Judge, Seventeenth Judicial Circuit

The Honorable Diane McQ. Strickland, Judge, Twenty-third Judicial Circuit

The Honorable Donald A. McGlothlin, Jr., Chief Judge, Twenty-ninth Judicial Circuit

The Honorable William R. Moore, Jr., Judge, Fifth Judicial J&DR District

The Honorable Suzanne K. Fulton, Judge, Thirtieth Judicial General District

The Honorable Kenneth W. Stolle, Member, Senate of Virginia

The Honorable S. Vance Wilkins, Jr., Speaker, Virginia House of Delegates

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A. CHRISTIAN COMPTON

SUPREME COURT OF VIRGINIA
THIRD FLOOR

100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334

(804) 786-6455

FACSIMILE

(804) 786-4542

CLERK
DAVID B. BEACH

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
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REPORTER OF DECISIONS
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November 1, 2001

MEMORANDUM

TO: All Members of the Judicial System

FROM: Harry L. Carrico 

The new millennium has just begun and already Virginians face a different world. The rapidity and significance of the changes in the Commonwealth, in the country and around the globe make it difficult to know what the next few years may hold, and for what circumstances we should plan. And yet, one thing is certain: the future of the justice system is too important to be left to chance.

It is for this reason that the judiciary's strategic planning process exists. By identifying and assessing the challenges, opportunities and expected demands that lie ahead, we can act to better position the court system to adapt as new circumstances arise.

In the course of developing the judiciary's *2002-2004 Strategic Plan*, a myriad of new and continuing issues coalesced into five crosscutting themes, each of which generates action items within the *Plan*. In light of significant demographic changes and their impact on the demand for court services, the *Plan* includes several objectives aimed at ensuring that courts are accessible to all citizens. Responding to the growth and pervasiveness of the electronic dimension, more than 20 action items focus on enhancing technology within the courts and on increasing service delivery to court consumers through technology. Acknowledging the significant impacts recent scientific discoveries and innovations are having on our society and on the justice system, the *Plan* provides strategies for making available to judges and court officials the information and training resources needed to adjudicate these cases effectively. Finally the *Plan* includes tasks aimed at assessing the changing role of the courts in the community as it relates to longstanding societal problems.

In presenting this *Plan* to you, I am reminded of the adage that the best way to predict the future is to create it. *Bringing the Courts to Justice: Charting the Course in the New Dominion* provides our collective sense of the preferred direction for the court system to pursue for this biennium and beyond. I look forward to working with each of you to fully implement this *Plan* as we seek to provide for Virginians an excellent court system, both today and tomorrow.

Four key sources of research and information fuel the development of the court system's plans. (See schematic, page 5) An extensive **environmental scan** provides insight and data on expected developments in the areas of demographics, technology, consumer trends, law and government to highlight what lies on the horizon. A **telephone survey** registers the public's perceptions on how well the courts are performing and indicates where citizens perceive that improvements are needed. An extensive **issue survey** of judges, clerks of court, chief magistrates and Bar organization representatives gathers information on their needs, concerns, and suggestions for improving the courts. The **mission of the courts and the vision statements** adopted by the Judicial Council articulate the underlying values on which the judicial system is founded. Each of these sources yields different, but often intersecting, data upon which to gauge the potential demands for court services in the years ahead.

Once this data is gathered and compiled, the search for both innovative and pragmatic solutions to the identified issues begins by analyzing the cross-cutting themes suggested by the data. For each theme, a focus group or "**venture team**" is convened. Participants include a broad base of citizens, business persons, representatives of other government agencies, judges, clerks, magistrates, technologists and attorneys. Based on the individual and collective experience of its members, each team is asked to contribute ideas and solutions for how the courts can manage the repercussions that may flow from one of the themes.

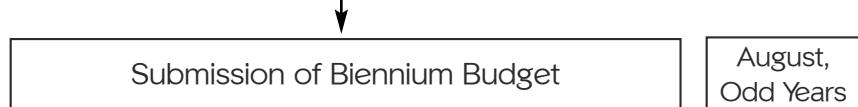
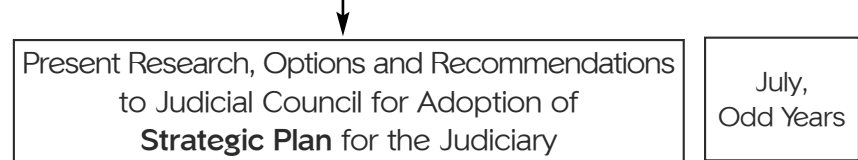
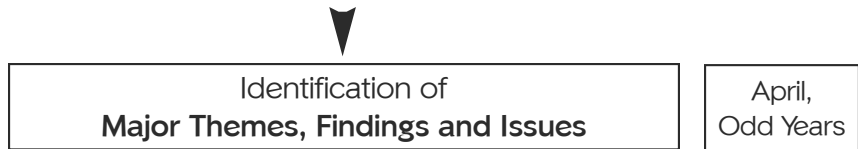
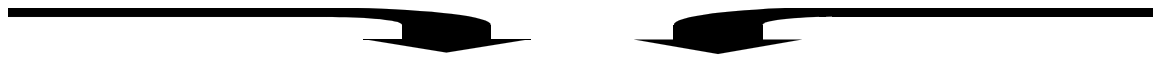
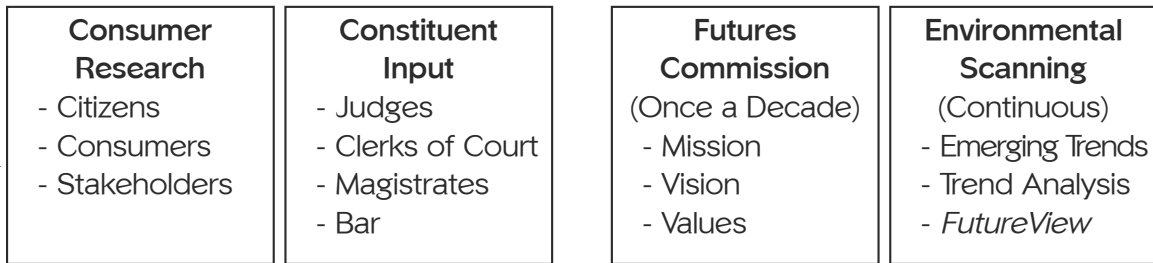
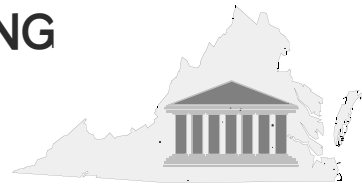
All ideas received are reviewed and evaluated within the framework of the judiciary's Mission and Visions. Those showing the greatest promise are researched and assessed further prior to being sent for review by the Judicial Council.

In October 2001, the Council met, received, and approved 132 tasks for inclusion in the 2002 - 2004 Plan. (See pages 22-40) Together these action items represent the preferred future direction for Virginia's courts.

Adoption of the Plan by the Judicial Council represents the commitment of the judiciary's leadership to continual improvement within the system. It also signals the beginning of a system-wide implementation effort. Only with the commitment and participation of judges, court personnel, and justice system officials statewide can the Plan be translated into demonstrable accomplishments that citizens using the courts can see in action.

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THE JUDICIARY'S STRATEGIC PLANNING AND MANAGEMENT SYSTEM



To assure that the full range of tasks set forth in the Plan will be undertaken in a systematic manner, the Office of the Executive Secretary (OES) includes different portions of the strategic plan in each of its annual operating plans during the life of the strategic plan. The operating plan guides yearly OES activities in support of the judicial system as a whole. In this way, the full range of tasks set forth in the Plan will be undertaken in a systematic manner that includes accountability and follow-up.

Periodic status reports on the implementation of this Plan will be made available to judges, court system personnel, the Bar, media and the public.

The Judicial Council welcomes comments and suggestions at any time on this Plan or on items to be considered for future planning efforts of the judiciary. Please address comments to the Judicial Planning Department:

by mail:
Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street, Third Floor
Richmond, VA 23219

OR

by e-mail:
webmaster@courts.state.va.us

Five cross-cutting themes raise numerous issues with which society and the courts are now or soon will be grappling.

The Themes

The five cross-cutting themes emanating from data gathered through the planning process research raise numerous issues with which society and the courts are now or soon will be grappling. Each of these themes is summarized below. Examples of action items contained in the Plan that are designed to address particular issues raised by a theme appear at the end of each summary. The five themes are:

- The New Face of the Old Dominion
- The Emergence of E-Everything
- Brave New World: The Intersection of Science and Justice
- Creating a New Service Paradigm
- Defining the Courts' Role in the Community

The New Face of the Old Dominion

Within the last decade, there has been tremendous change in the world's population, in the movement of people around the globe, and in societal norms. In 1999, the earth's population numbered more than 6 billion for the first time. It now stands at 6.16 billion and grows hourly by about 8,700. Some 281 million live in the US - over 7 million of them in Virginia.

Increasing population generally signals the establishment of new businesses, highways, and demands for public services. In addition, population concentrations can provide more opportunity for conflict. Contemporary life for most people is fast-paced, hectic if not frenetic, and increasingly characterized by "24/7" work schedules. "Time poverty" has been said to be a contributing factor to a decreasing level of civility among people. Previously unimaginable episodes of road-, shopping- or office-rage are becoming more frequent, often resulting in serious injury or death. Judges and others working in the courts report concern about the increased hostility they see among litigants. The Arlington General District Court is piloting the "Aggressive Driving Behavior Program," an effort to curb road-rage.

There have been striking changes in family composition and circumstances in the US in the past decade. Non-family households (individuals living alone, or two more non-relatives sharing a home) have increased at twice the rate of family households. The percentage of families with children headed by a single parent has increased, and poverty continues to affect families and particularly children. The number of children entering foster care has risen significantly both nationally (89%) and in Virginia (31%) between 1987 and 1999, largely as a result of child abuse and neglect complaints.

The caseloads for Virginia's juvenile and domestic relations courts are growing much faster than either the general district or the circuit courts. By 2010 they are expected to rise by 56%, with domestic relations case filings accounting for the greatest part of the increase. These increases, combined with the fact that adjudication of family disputes continues to be split between the juvenile and domestic relations district courts and the circuit courts, are leading to renewed interest having the courts manage and resolve family disputes holistically.

The composition of the population in the Commonwealth is changing. The racial and ethnic mix within communities is in a state of flux, and multiculturalism is increasingly evident in every area of the state. As the numbers and

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types of immigrants and refugees grow, destination countries grapple with how to best to deal with large numbers of individuals living within their borders who bring with them different social, cultural, religious, and political views and expectations.

For the courts this presents a number of challenges. At the most basic level is the issue of communication and the need for qualified language interpreters to be readily available to courts. Beyond language, however, is the broader need for cultural competency and sensitivity in dealing with those who are adapting to the language, institutions, laws and justice system in Virginia.

In addition, the population of the world, the nation and the Commonwealth is aging. Persons over 60 now account for 10% of the world's population, and 16.2% of the U.S. population. In Virginia the figure is 11.2%. As the oldest Baby Boomers retire, these numbers will continue to swell. In the world's wealthiest countries, the fastest growing populations are the "old-old", aged 80 and above.

Population aging is expected to present tremendous challenges to public policy-making in the future. Elderly Virginians will constitute a political force to be reckoned with. Members of the "sandwich generation," those who are raising families and caring for aging parents, will seek assistance with their increasing responsibilities. Relationships between generations also may become more strained. In general, civil cases dealing with the needs, treatment, and estates of the elderly population are expected to appear more frequently on the courts' dockets. On the criminal side, elder abuse at the hands of caregivers, family members or others, is a growing problem. The aging trend will also have impacts for the court system's workforce and on the court system's ability to attract and retain qualified personnel to assure continuity of service.

Another facet of the Commonwealth's population that will be gaining attention in coming years is the rising number of incarcerated persons who will be released after having served longer sentences. These inmates will be released into an increasingly technological world for which few will have the skills to compete for economically meaningful jobs. In a few states, criminal justice officials have moved to establish a specialized type of docket for inmates leaving prison. Called "re-entry" courts, these programs provide for court oversight of new releasees and probation department supervision for specified periods of time, with additional educational, counseling, and job training provided by other community agencies.

Even as the state's population shifts and our society becomes more diverse, the cry for justice remains universal. In response to that cry, the 2002 - 2004 Plan includes initiatives such as the following:

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- establishing an Access to Justice Task Force to assess the barriers to effective use of the court system.
- expanding the voluntary certification process for foreign language interpreters serving Virginia courts to include Spanish, Korean and Vietnamese.
- providing all courts with more efficient and cost-effective access to qualified foreign language interpreters by contracting for a statewide telephone interpreter service.
- implementing a qualification/screening mechanism for bilingual court system employees who will use their foreign language skills in serving the public.
- assessing and making recommendations regarding the impact of the aging of the judiciary's workforce on the court system's ability to provide continuity of service with highly qualified personnel.

The Emergence of E-Everything

With the meteoric growth and acceptance of the Internet in the past few years, the e-dimension has burst into modern life and is changing society in ways few could have imagined just a decade ago. While the full implications of an electronic world have yet to be determined, the pervasiveness of e-everything cannot be denied or ignored. E-mail, e-filing, e-commerce, e-medicine, e-universities, and e-communities are but a few of the manifestations.

The electronic capacity transforms old ways, making them faster and more accessible, and introduces new ways for living and communicating worldwide. Cyberspace provides a fertile meeting ground for people with similar interests, mutual causes, and/or common needs - without anyone leaving home. In this environment, geographic and other boundaries dissolve.

Currently access to the Internet is not universal, thus posing the question of whether to go electronic and exclude those without access, or to

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combine brick and mortar operations with a web component: the "bricks and clicks" approach. Both private industry and government, including the courts, are caught up in the challenge of establishing an appropriate balance.

Within a few short years, electronic government has moved from theory to practice. State and local governments are moving to provide information and services, accept payments, and even explore voting via the Internet. Courts throughout the country are making the transition to the electronic dimension with on-line services as fast as their funding will permit.

As the electronic dimension becomes more pervasive, citizens are learning just how invasive technology can be. Privacy has become a major concern. Both privacy and the security of financial transactions on the web are major impediments to wholesale public acceptance of electronic transactions.

One response to these concerns has been the adoption and posting of privacy policies. Some users, however, remain skeptical, knowing that having a policy and following a policy are not necessarily the same thing. Governments are having to rethink whether the amount and type of information accessible in public records should vary depending on how the information is retrieved - via the Internet or in hard copy in the courthouse.

Because of the reach and speed of the web, the importance of the accuracy of information made available in this medium takes on a new importance. Once released it is almost impossible to correct effectively.

Against this swirling backdrop of change and innovation, the electronic-court is emerging, fueled by public expectations for easier access and better service, the need to find more efficient and effective ways to keep pace with growing populations and caseloads, and the need to interact with other agencies in the electronic age. Electronic filing is a reality in some court systems and is being introduced in others, although the scope of what is encompassed in electronic filing differs from system to system.

New kinds of cases and legal questions are finding their way into the courtrooms. Cybercrime, genetics/DNA issues and cases involving complex technologies are among them. Case preparation is being altered by the discovery of electronic records and pro se litigants' access to information of all types on the Internet.

Maintaining a credible presence in the electronic environment is crucial for the future of justice. In order for the courts to adapt their structure and operations to this new age, they must understand and address the implications of this transformation of the environment in which they operate. To move the courts in this direction, the 2002 - 2004 Strategic Plan includes tasks such as the following:

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- developing and piloting a capability to permit electronic payment of fines and costs and making recommendations regarding the implementation of e-payment in all courts statewide.
- implementing electronic filing in the circuit courts, including integration with the Courts Automated Information System, a document management system and e-commerce.
- expanding Internet access to trial and appellate court records.
- creating web-accessible versions of selected public use forms.
- developing and implementing an Intranet for the judicial system for the automated transmission of internal forms, personnel communications, and training.
- developing and implementing on-line learning resources and courses and training all judges and court personnel in the use of such resources.
- developing and distributing electronic versions of benchbooks for all judges and manuals for clerks and magistrates.

Brave New World:

The Intersection of Science and Justice

Almost daily, Americans awake to headlines announcing new scientific or technological innovations that have the power to alter our lives. Even five years ago, few would have predicted the staggering impacts that such developments have had on our society and on the justice system. From the use of DNA (deoxyribonucleic acid) evidence to the rapidly advancing field of genetic engineering, the promise that these new tools and discoveries offer for convicting the guilty, exonerating the innocent, eradicating disease and extending life may be matched only by the legal, ethical and public policy questions they raise.

The revolutionary nature of these developments has produced new demands for legislative bodies and courts to undertake wholesale reviews of statutes and procedures regarding the introduction of evidence and the integrity of the criminal justice process. Both at the federal and state levels,

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DNA technology has been the catalyst that has fueled the most recent debate over the efficacy of the death penalty.

A host of new technological inventions aimed at crime detection are being integrated into mainstream life in America. For example, the miniaturization of Global Positioning Systems combined with increased satellite capabilities make it possible for car leasing companies to monitor the location and speed of travel at which lessees drive, with penalties levied against drivers who do not obey posted limits. Electronic cameras and monitoring equipment utilized in Virginia now permit law enforcement departments to detect and electronically ticket traffic law violators without having an officer on the scene. Such technology also is being used to scan crowds of people to search for fugitives and other crime suspects. Biometric systems are being employed to provide unique identifiers, such as searching the iris of the eye, to ensure that only authorized personnel gain entry to secure environments. Airport security personnel are experimenting with machines that permit "X-ray" vision, or views of travelers naked, thus enabling searches for weapons or contraband, among other detectable items.

At the same time, genetic information gained from the Human Genome Project is revolutionizing biology and medicine. The goal of this project is to determine and map the entire sequences of the human chromosome set as well as other selected organisms by 2003. This knowledge base, along with a database of the most common sequence variations that distinguish one person from another, is and will be freely available over the Internet. At this point, there appear to be three primary end-uses of genetic technology: genetic testing, gene therapies, and drug development.

While this knowledge will facilitate greatly the treatment of genetic based illnesses, databanks of individuals' genetic profiles will make possible an assessment of an individual's predisposition for contracting certain diseases. This prospect raises complex ethical, legal, and privacy issues.

Other challenging issues for the future include the indefinite storage of biological samples with the expectation of future scientific advances that will permit additional analyses not anticipated or dreamt of at the time the sample was collected. The creation of DNA databanks holds enormous potential for assisting law enforcement throughout the country to solve crimes. However, the sharing of such databanks among forensic laboratories and federal, state and local law enforcement departments also has raised questions of sample and storage integrity, particularly given the different levels of sophistication among agencies.

As legislative action on such critical public policy issues often lags behind litigation on the issues, the courts may be thrust into the forefront of what has been hailed as the "law's scientific revolution." Virginia courts already have been called upon to deal with increasing numbers of criminal,

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family law, and civil filings that involve increasingly complex science and technology (S&T) issues.

While S&T-laden cases defy attempts at categorization, two types of implications for the justice system have emerged. The first are the direct impacts of the innovation itself, such as with the use of DNA evidence to establish the guilt or innocence of individual defendants. Second are the indirect repercussions. An example of these impacts is the profound privacy issues that surround the use of some S&T innovations, as in the case of DNA testing in criminal cases and civil disputes.

In addition to the substantive issues involved in these S&T cases, the judiciary will have to consider the role of the courts in handling S&T issues. With the legal issues and complexities involved in these cases, they may require a different institutional response from the court system. Should judges become even more specialized in order to understand and deal with the complex scientific issues involved? If judges and their staffs need to be more knowledgeable and intelligent consumers of scientific and technological information, court systems will need to find ways to assist them in acquiring this knowledge.

To assist the courts in meeting these challenges, tasks such as the following are a part of the 2002-2004 Strategic Plan:

- exploring the feasibility of providing "neutral tutorials" at the beginning of cases involving complex science and technology issues.
- developing a capability for judges, clerks, magistrates, law clerks, and staff counsel to be able to access on a continuing basis updated information about capital case law, DNA evidence, and emerging legal and scientific issues relating both to criminal and civil cases.
- creating a forum for judges, lawyers, legislators, and scientists to review existing DNA statutes in light of advancements and developments in the field and their implications for due process rights and privacy issues.
- developing a cadre of judges to receive advanced training to enable them to specialize in the handling of complex litigation involving science, technology, or business issues.

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Creating a New Service Paradigm

Service excellence is the name of the game in the Twenty-first Century. Consumer expectations are high when it comes to their treatment at the hands of business and government. Attuned to the pace of cyberspace, the public's patience with poor, slow or non-existent service is in short supply.

While the public sector can learn from and adapt private sector service concepts, the relationship between governments and citizens differs in many ways from the relationship between businesses and customers. For example, government is the only provider of some services.

But despite having a captive audience, government, especially the courts, must be concerned with the way citizens are treated in-person, on the phone, or in cyberspace in order to maintain the public's trust and confidence. Unlike businesses that strive to build repeat business and customer loyalty with quality service, courts and government agencies must seek to engender public trust and confidence daily by treating each transaction as if it may be that person's only exposure to that entity.

Overall, citizens today are more critical, empowered, and self-reliant. Many appear to be attempting to redefine their relationships with both business and government. In particular, some citizens are challenging government to provide greater accountability, integrity, quality and service. They define quality service not only by the outcome they received, but also by the manner in which they were treated throughout the entire process of dealing with an organization.

A growing number of citizens are coming into courts without attorneys. Their reasons for self-representation vary (cannot afford / do not want / feel they do not need) but the result is the same. Pro se litigants want and need more extensive assistance than judges, clerks, and magistrates currently are permitted to provide. Some of these litigants come to court with court forms or information downloaded from the Internet to assist in their defense or to press claims.

Across the country, judicial systems are responding to citizen demands for improved service. To do so, committees and commissions are revisiting statutes and rules governing the unauthorized practice of law. Legal aid offices are partnering with private law firms to provide additional

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legal representation for low income citizens. Self-help centers have been established in a number of states.

Improved service delivery often involves the use of new technologies and the innovations that they make possible. Among the innovations adopted by many courts across the country is use of the Internet to provide general information on court homepages, to receive e-filings for certain types of cases, to permit access to various court records, to provide self-guided assistance programs for filing cases, and to accept payments for fines, fees and costs. Other courts employ "kiosks" and self-service centers to provide information in public locations away from the courthouse, and automated information telephone lines, which both facilitate and frustrate service to the public. Such creative uses of technology may serve to improve access and enhance service.

At the same time, court systems are exploring ways to reengineer their basic processes and practices to provide more responsive service. Establishing and maintaining a culture of service requires committed leadership and team management that supports, models, and expects a commitment to service. In this environment, training becomes vital for staff at all levels. In addition to traditional educational programs / formats, technological and other innovative training options provide avenues for increased training in the face of limited resources.

Courts around the country are using a variety of approaches to make service more accessible. Satellite offices in shopping centers, mobile clerks offices, improved signage, evening and weekend hours, and services provided on a 24/7 basis via the Internet are a few of the mechanisms being employed.

Clearly the court system's most valuable service resources are judges and court system personnel. Today, personnel and other resources available to the courts are limited. Therefore, the challenge to the court system is to determine and then secure the service delivery options that hold the greatest potential for positively enhancing service for the citizens of Virginia. Towards this end, the 2002 - 2004 Plan sets forth action items such as the following:

- conducting a Pro Se Litigant Planning Committee to study issues relating to pro se litigation in Virginia and to create a statewide action plan for serving unrepresented persons.
- developing and securing funding for a Department of Consumer Services within the Office of the Executive Secretary.

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- seeking funding to develop the use of videotapes in courts' waiting areas as a means of better informing litigants on court procedures and processes.
- evaluating the use of technologies and equipment to permit easier viewing of court dockets in the courthouse and making recommendations regarding the expansion of such systems statewide.
- creating a public information office for the judicial system.
- developing and delivering a team building course for judges and clerks to strengthen the judge/court manager relationship and to improve skills in effectively managing court operations.

Citizens are challenging conventional assumptions and practices throughout the business world and government, including the courts.

Defining the Courts' Role in the Community

A justice system must be designed to meet the needs of the society it serves. As society evolves, so do citizens' concepts of justice and equity, their sense of entitlement under the law, and their expectations of the courts. Within the past decade, a breathtaking array of new trends and developments in society, technology, medicine, and law have been introduced and are transforming the way Americans think, work and live. As a result, citizens are challenging conventional assumptions and practices throughout the business world and government, including the courts.

Within state judicial systems, a wave of court reform has been underway in an effort to respond to rapid societal change and to address the perceived inefficiencies in court operations. The widespread expansion of mediation and other forms of civil dispute resolution into the legal system and courts, the explosion of therapeutic justice programs or "problem-solving courts" in the criminal justice arena, the steady acceptance of restorative justice programs, and even the extensive programs established by numerous state court systems to assist self-represented litigants, bespeak of the changing nature of the justice landscape in the nation and in the Commonwealth. Such innovations are spurring significant change in the operation of America's state courts and, in fact, in the very nature of the courts' role in society.

Some see these movements as the wave of the future. Others wonder whether they are more temporary in nature and dependent on the ebb and flow of federal and state dollars. These developments, however, could embody the means long sought by the legal system and courts to reconnect with alienated and distrustful court users. They also may serve to increase public trust and confidence in the justice system overall. Whether they will have the effect of making the courts more or less accessible and accountable to the public remains to be seen.

In this process, the courts are having to consider the philosophical underpinnings and day-to-day operation of "problem-solving courts", such as drug, mental health, and DUI courts to determine whether these new "courts" alter the fundamental constitutional role of the courts in the adjudication of criminal offenses. Inherent to these considerations are issues such as whether the role of the courts should continue to be adjudication of cases and determination of legal status or whether it also should involve courts assuming responsibility for providing treatment programs for offenders. Also to be considered is to what extent, if any, the independence of the judicial branch is affected when the judge becomes a member of the "treatment team" with law enforcement, probation and treatment personnel, so that the line between the branch that interprets the law and the branch that implements the law is blurred.

Yet the popularity and reported success of such programs suggest a new construct in which both branches must act cooperatively and systematically in order to adequately address fundamental societal problems such as drug use. Viewed from another perspective, these programs could offer a previously unavailable avenue for courts to engage with citizens and communities in confronting such problems. If that is the case and these programs are to be expanded, further considerations will be needed as to what, if any, system-wide institutional change is required to support their successful and permanent incorporation in the court system. In order to further this consideration, the 2002-2004 Strategic Plan includes the following initiatives:

- evaluating the concepts of therapeutic justice and problem-solving courts to determine ways in which the integration of those concepts may improve the processing and disposition of criminal cases.
- exploring the feasibility and advisability of legislation allowing judges to refer minor criminal offenses to mediation or restorative justice programs.
- overseeing the development of three pilot Dependency Mediation Programs, evaluating these pilots, and creating Guidelines for Dependency Mediation Programs.

[The current wave of court reform] could embody the means long sought by the legal system and courts to reconnect with court users.

- evaluating the effectiveness of family drug court programs.
- exploring the need for training and/or certification for neutrals providing services in specialized areas, including dependency mediation, adult guardianships, and restorative justice efforts.
- developing a set of "best practices" for effective intergovernmental collaboration and planning among the courts, state and local executive branch agencies, and local governments.

The Judiciary's Mission and Visions

Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality pre-professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Vision 9

The impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

MISSION

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions.

To Resolve Justly

Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Objective 1.1

To utilize technology to make court records more accessible to the public in a manner consistent with legitimate expectations for privacy.

Task 1.1.1

Expand Internet access to trial and appellate court records.

Task 1.1.2

Participate in the legislative study on the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth.

Task 1.1.3

Establish Internet access to land records in the circuit courts.

Objective 1.2

To provide for improved accessibility to court programs and facilities.

Task 1.2.1

Expand the voluntary certification process for foreign language interpreters serving Virginia courts to include Spanish, Korean and Vietnamese.

Task 1.2.2

Implement the use of computer technology for the visually impaired.

Task 1.2.3

Seek grant funding to develop a plan for establishing a volunteer system within Virginia's courts.

Task 1.2.4

Develop models and secure voluntary pilot courts to implement programs for expanded service hours for clerks' offices.

Task 1.2.5

Establish a Court Interpreter Advisory Committee.

Task 1.2.6

Encourage courts to post multi-language signs in the courts and magistrate offices, where appropriate.

Task 1.2.7

Offer voluntary advanced skills workshops for Spanish language interpreters.

Task 1.2.8

Institute an evaluation and recertification program for certified interpreters.

Task 1.2.9

Provide all courts with more efficient and cost-effective access to qualified foreign language interpreters by contracting for a statewide telephone interpreter service.

Task 1.2.10

Explore the feasibility of using videoconferencing to provide interpreter services.

Task 1.2.11

Encourage the use of childcare centers at or near courthouses, including the possibility of private/public partnerships, and evaluate the results of these pilot centers.

Task 1.2.12

Establish an Access to Justice Task Force to assess the barriers to effective use of the court system.

Objective 1.3

To eliminate economic barriers to legal representation.

Task 1.3.1

Conduct a Pro Se Litigant Planning Committee to study issues relating to pro se litigation in Virginia and to create a statewide action plan for serving unrepresented persons.

Task 1.3.2

Provide linkages on the court system's web page to relevant sites on legal aid offices and lawyer referral services throughout the state.

Objective 1.4

To facilitate the courts' resolution of disputes in a timely and efficient manner.

Task 1.4.1

Conduct a comprehensive statewide program to improve the docketing and calendar management procedures in circuit courts, including the development of an automated scheduling component to support segmented docketing procedures.

Task 1.4.2

Implement time-segmented dockets statewide in the district courts in order to reduce waiting time and inconvenience for the public and enhance the dignity of all court proceedings.

Objective 1.5

To improve the quality of the court system's handling of juvenile and family law matters.

Task 1.5.1

Continue to support the courts' efforts to comply with the Adoption and Safe Families Act of 1997.

Task 1.5.2

Implement a management information system to track child abuse and neglect and foster care cases, including a related-case cross-referencing capability.

Task 1.5.3

Develop a capability within the Courts Automated Information System to enable judges to be informed of all

pending cases involving members of the same family or household.

Task 1.5.4

Develop an interface with the On-Line Automated Services Information System administered by the Virginia Department of Social Services.

Task 1.5.5

Conduct six regional training conferences for staff of the juvenile and domestic relations district courts focusing on needed improvements for case processing in child dependency cases.

Task 1.5.6

Evaluate Parent Education Seminars throughout the Commonwealth.

Task 1.5.7

Oversee the development of three pilot Dependency Mediation Programs, evaluate these pilots, and create Guidelines for Dependency Mediation Programs.

Task 1.5.8

Secure funding to provide expanded technical assistance to local court improvement teams.

Task 1.5.9

Assess the handling of child dependency cases in the circuit courts to determine the extent and impact of delay on permanency for children.

Task 1.5.10

Provide training for judges on the trial and treatment of child custody, visitation and support cases which addresses 1) perceived gender stereotyping; 2) assisting litigants with understanding the reasons for custody and visitation rulings; and 3) appropriate circumstances for deviating from support guidelines.

Task 1.5.11

Provide greater access to a broader range of dispute resolution options in family matters.

Task 1.5.12

Seek legislation and funding to implement a family court to deal with all family related issues.

Task 1.5.13

Increase judicial education on the dynamics of family abuse using an interdisciplinary approach including psychologists, social workers, legal academics, and jurists.

Task 1.5.14

Evaluate the effectiveness of family drug court programs.

Task 1.5.15

Develop a pilot project to determine the feasibility of adapting the concept of Court Appointed Special Advocates for use in elder abuse cases.

Task 1.5.16

Develop statewide guidelines for determining spousal support similar to those guidelines available for child support.

Objective 1.6

Enhance the security of courthouses both for the general public and all personnel who work within them.

Task 1.6.1

Establish a committee to study the security needs within courthouses and to issue minimum security measures for all courthouses.

Task 1.6.2

Encourage the education of court security personnel on security issues of special concern to female staff and court users.

Task 1.6.3

Coordinate efforts with the Department of Criminal Justice Services to ensure that educational programs for bailiffs and all court security personnel include a customer service component.

Task 1.6.4

Develop and make recommendations in conjunction with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Criminal Justice Services, for implementing a curriculum for training judges in the effective handling of cases involving adult and juvenile offenders with mental illness and substance abuse disorders.

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Objective 2.1

To ensure that courts merit the respect of society in the handling of criminal cases.

Task 2.1.1

Implement the automated entry of protective orders via the electronic interface between the Courts Automated Information System and the Virginia State Police.

Task 2.1.2

Provide judges, court personnel and magistrates with ongoing education on the proper issuance and enforcement of protective orders.

Task 2.1.3

Determine ways to expedite hearings on protective order violations.

Task 2.1.4

Establish scheduling procedures that facilitate optimal participation by Commonwealth's Attorney in domestic violence cases.

Task 2.1.5

Encourage and support the creation of local coordinating councils to increase awareness of gender bias and facilitate discussion about sexual assault and domestic violence cases.

Objective 2.2

To assist the trial courts in the development, implementation and evaluation of specialized criminal case management programs.

Task 2.2.1

Evaluate the cost effectiveness of drug court programs in Virginia and their impact on recidivism rates.

Task 2.2.2

Develop and implement a comprehensive drug court management information and evaluation system, including a drug case management component of the Courts Automated Information System.

Task 2.2.3

Evaluate the concepts of therapeutic justice and problem-solving courts to determine ways in which the integration of those concepts may improve the processing and disposition of criminal cases.

Task 2.2.4

Educate the judiciary, the bar, governmental agencies and the public on drug court programs and their effectiveness in resolving drug and alcohol related offenses.

Objective 2.3

To strengthen the jury system by improving the selection process and the jury's method of operation.

Task 2.3.1

Support the introduction of legislation to eliminate jury sentencing.

Task 2.3.2

Develop a jury management system for smaller circuit courts.

Task 2.3.3

Update existing jury orientation materials to include guidance for the jury deliberation process.

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Objective 3.1

To establish a comprehensive range of dispute resolution services in Virginia's circuits and districts.

Task 3.1.1

Issue a Request for Proposals to create a multi-door courthouse.

Task 3.1.2

Revise and update the dispute resolution proceedings statutes.

Task 3.1.3

Enhance understanding of the mediation process and its possible uses and encourage the referral of cases to mediation by the judiciary and the bar.

Task 3.1.4

Explore the feasibility and advisability of legislation allowing judges to refer minor criminal offenses to mediation or restorative justice programs.

Task 3.1.5

Explore the need for training and/or certification for neutrals providing services in specialized areas, including dependency mediation, adult guardianships, and restorative justice efforts.

Task 3.1.6

Seek funding to expand the number of dispute resolution coordinators in the trial courts in order to screen appropriate cases to mediation and to provide effective management of such cases.

Task 3.1.7

Support the provision of peer mediation and conflict resolution programs in the schools.

To Administer Effectively

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Objective 4.1

To structure the judicial system in a manner that best enables the prompt, fair and cost-effective resolution of disputes.

Task 4.1.1

Propose legislation to authorize the Chief Justice to designate and temporarily assign any judge, with his or her consent, to sit at any trial court level.

Task 4.1.2

Explore the feasibility of providing "neutral tutorials" at the beginning of cases involving complex science and technology issues.

Task 4.1.3

Develop a cadre of judges to receive advanced training to enable them to specialize in the handling of complex litigation involving science, technology, or business issues.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 4.2.1

Continue to seek adoption of legislation to provide that, when a preliminary hearing is held, establishment of probable cause at that hearing will be sufficient to initiate a trial in the circuit court without indictment by the grand jury.

Task 4.2.2

Develop and conduct a pilot test using videoconferencing for appellate arguments, based on the experiences of other judicial systems and the needs of Virginia's appellate courts.

Task 4.2.3

Examine the feasibility of designing and implementing a model court order that addresses mental health services at the time of adjudication in cooperation with relevant executive branch agencies.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Objective 5.1

To enhance the administration of the courts by clarifying and reinforcing lines of authority and responsibility.

Task 5.1.1

Establish a study under the auspices of the Judicial Council to review the appointment and supervision of Commissioners in Chancery and judges pro tempore, policies on orders of referral, fee schedules, and control over the costs involved when cases are so referred.

Task 5.1.2

Conduct a study on the effect of eliminating or limiting the use of Commissioners in Chancery on court caseloads.

Task 5.1.3

Assess the continuing need and appropriateness for judges to perform certain appointive duties and administrative tasks.

Objective 5.2

To obtain full state funding of the court system.

Task 5.2.1

Secure state funding to provide law clerks and secretaries for circuit court judges.

Task 5.2.2

Secure increased funding to modernize the judicial system's technology infrastructure and service delivery systems.

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations.

Lawyers, who constitute an essential element in the legal system, will receive a quality pre-professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Objective 6.1

To ensure that the judicial system attracts and retains the most qualified persons for service on the bench.

Task 6.1.1

Secure legislative adoption of merit selection of judges in order to recruit and to elect the most qualified judiciary.

Task 6.1.2

Secure increases in salaries for judges and justices in order to maintain compensation levels which are attractive enough to encourage qualified individuals to choose a judicial career.

Task 6.1.3

Seek funding to pilot the use of the judicial performance evaluation system endorsed by the Supreme Court of Virginia.

Objective 6.2

To provide education delivery options which will ensure expanded and career-long training opportunities for all persons in the judicial system's workforce.

Task 6.2.1

Develop and implement on-line learning resources and courses and train all judges and court personnel in the use of such resources.

Task 6.2.2

Secure and install a distance learning infrastructure for the court system.

Task 6.2.3

Integrate the long-term training curriculum for Virginia's judicial system with the distance education plan.

Objective 6.3

To develop advanced and specialized

training opportunities for all judges, clerks and magistrates.

Task 6.3.1

Develop a capability for judges, clerks, magistrates, law clerks, and staff counsel to be able to access on a continuing basis updated information about capital case law, DNA evidence, and emerging legal and scientific issues relating both to criminal and civil cases.

Task 6.3.2

Develop and deliver a team building course for judges and clerks to strengthen the judge/court manager relationship and to improve skills in effectively managing court operations.

Task 6.3.3

Develop a set of "best practices" for effective intergovernmental collaboration and planning among the courts, state and local executive branch agencies, and local governments.

Task 6.3.4

Increase the options for providing technical assistance services to the courts to include on-site support for strategic planning efforts, caseload management projects and building collaborative relations within and between the trial courts and the magistrate offices.

Objective 6.4

To provide non-traditional learning opportunities for judicial branch personnel which advance their professional development and personal growth.

Task 6.4.1

Create joint learning opportunities for trial and appellate judges, clerks and magistrates.

Objective 6.5

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment which will attract and retain highly-qualified career personnel for service in the courts.

Task 6.5.1

Address the personnel shortages that exist in the district court and magistrate systems by seeking funding for additional positions and salary increases that will enable the judicial system to successfully attract and retain highly qualified clerks and magistrates.

Task 6.5.2

Reevaluate the district court salary and classification system in light of reforms made in the executive branch classification and compensation systems.

Task 6.5.3

Assess and make recommendations regarding the impact of the aging of the judiciary's workforce on the court system's ability to provide continuity of service with highly qualified personnel.

Task 6.5.4

Implement a qualification/screening mechanism for bilingual court system employees who will use their foreign language skills in serving the public.

Task 6.5.5

Modify the compensation package for judicial system personnel in order to provide additional pay for bilingual employees when foreign language skills are needed by the court.

Task 6.5.6

Explore means used in the private sector and in state and local executive branch agencies to enhance communications with judicial branch personnel

and to recognize outstanding achievement and public service provided by judges and court system personnel.

Objective 6.6

To implement the recommendations of the Gender Bias in the Courts Task Force.

Task 6.6.1

Strengthen the gender-bias education components of all training programs provided to judges, clerks and magistrates, including segments on the use of gender-neutral language.

Task 6.6.2

Provide information on state and local policies to prevent sexual harassment as a component of new employee orientation for all judges, clerks and magistrates.

Task 6.6.3

Recommend expanded education for members of the bar on preventing gender bias through 1) components of appropriate continuing legal education programs, including those on ethics and professionalism; and 2) presentations at local bar association meetings.

Task 6.6.4

Encourage the Compensation Board in conjunction with the Virginia Circuit Court Clerks' Association to require that all circuit court clerks adopt written sexual harassment policies and procedures.

Task 6.6.5

Request the legislature to provide more alternatives to incarceration for women near the major metropolitan centers.

Task 6.6.6

Encourage circuit judges to consider the demographic makeup of the jurisdiction to assure representativeness in making appointments for substitute judges, Commissioners of Accounts, and other quasi-judicial officers.

Task 6.6.7

Encourage legislative delegations, local bar associations, and others involved in the judicial selection process to identify any impediments to achieving fair representation in judicial appointments.

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Objective 7.1

To use technology to increase communication and access for all court users.

Task 7.1.1

Create web-accessible versions of selected public use forms.

Task 7.1.2

Develop and pilot a capability to permit electronic payment of fines and costs and make recommendations regarding the implementation of e-payment in all courts statewide.

Task 7.1.3

Implement electronic filing in the circuit courts, including integration with the Courts Automated Information System, a document management system and e-commerce.

Task 7.1.4

Conduct a requirements study for electronic filing in the appellate courts.

Objective 7.2

To maximize the use of technology within the judicial system to enhance the quality of justice rendered by courts.

Task 7.2.1

Establish and appoint a Technology Subcommittee of the Judicial Council to advise Council on technology policy and privacy issues arising from advancements in technology and their potential repercussions for the legal system and the courts.

Task 7.2.2

Implement a Technology Advisory Committee composed of public and private sector information technology specialists to advise and assist the Office of the Executive Secretary in implementing new and innovative technology applications for the courts.

Task 7.2.3

Design, develop and implement a new capability within the Case Management System to track key events in a case in order to alert both clerks and judges of required activities or events based on the type of case.

Task 7.2.4

Complete migration to a modern relational database and fourth generation computer programming languages in order to expand the capabilities of the Courts Automated Information System to include additional cross-referencing, tracking of key events, and enhanced search capabilities, and to provide additional data for the Integrated Criminal Justice Information System.

Task 7.2.5

Develop and distribute electronic versions of benchbooks for all judges and manuals for clerks and magistrates.

Objective 7.3

To expand collaborative relationships between the courts, state and local governments, and the private sector to facilitate greater ease in the electronic exchange of information and in the conduct of judicial proceedings.

Task 7.3.1

Seek funding to participate in the phased implementation of an Integrated Criminal Justice Information System to provide access to and tracking of information on criminal defendants.

Task 7.3.2

Establish a cooperative effort between the Division of Forensic Science, the bar, and the judiciary to develop and implement procedures for scientific and expert testimony via video conferencing where such testimony is frequently required.

Task 7.3.3

Develop and implement an updated automated magistrate information system with a centralized magistrate database.

Task 7.3.4

Provide magistrates and courts direct connectivity to the Virginia Criminal Information Network administered by the State Police, where requested.

Task 7.3.5

Expand electronic information exchange among courts and other justice agencies by enhancing interfaces with the Departments of Corrections, State Police, and Juvenile Justice and the Division of Child Support Enforcement.

Task 7.3.6

Implement the automated interface between the Central Criminal Records Exchange and the juvenile and domestic relations courts.

Task 7.3.7

Develop the capability to provide for the Integrated Criminal Justice Information System an offense-based tracking number, a uniform code description, and an interface to the Compensation Board to provide jail commitment data from the magistrates.

Task 7.3.8

Establish the capability to directly download warrants to Public Defender offices.

Objective 7.4

To facilitate the use of technology and automated systems by judicial system personnel.

Task 7.4.1

Provide to and train court personnel on the use of e-mail, Internet and Intranet access, and local area networks.

Task 7.4.2

Create and fund technology support specialist positions to provide daily support and training for the more effective use of technology in larger courts.

Task 7.4.3

Develop an Executive Information System for the juvenile and domestic relations district courts to track and report management information and allow ad hoc queries of the juvenile and domestic relations district courts' database.

Task 7.4.4

Secure funding to develop and deliver a comprehensive technology training program for judges and judicial system personnel.

Task 7.4.5

Enhance the Financial Management System to automatically assess all appropriate misdemeanor conviction fees upon the updating of a misdemeanor conviction in the Case Management System.

Task 7.4.6

Develop individual court access to databases of other courts via the Courts Automated Information System.

Task 7.4.7

Study the development of data exchange between trial and appellate courts.

Task 7.4.8

Create a centralized Help Desk capability to assist judges and judicial system personnel with questions and problems pertaining to the use and operation of their automated systems.

Task 7.4.9

Enhance opportunities for judicial system personnel to learn about new and emerging technology by holding vendor fairs at judicial conferences.

Task 7.4.10

Develop and implement an Intranet for the judicial system for the automated transmission of internal forms, personnel communications, and training.

Task 7.4.11

Install 24 LANs in J&DR courts and seek funding for additional LANS.

To Preserve the Public Trust

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Objective 8.1

To improve service quality by increasing the courts' awareness of and responsiveness to the needs of the citizens they serve.

Task 8.1.1

Develop and secure funding for a Department of Consumer Services within the Office of the Executive Secretary to provide technical assistance, to serve as a clearinghouse and resource for local courts, to deliver customer service training, to coordinate a volunteer program for the courts and to assist in local implementation of district court service centers.

Task 8.1.2

Seek funding to develop the use of videotapes in court waiting areas as a means of better informing litigants on court procedures and processes.

Task 8.1.3

Create a public information office for the judicial system in order to carry out the following functions: 1) develop a statewide action plan for enhancing public understanding about the courts; 2) assist judges, clerks, and magistrates in developing public information materials for use locally, including model speeches, programs, and resources; 3) evaluate the use of innovative means for providing public information and education.

Task 8.1.4

Evaluate the use of technologies and equipment to permit easier viewing of court dockets in the courthouse and make recommendations regarding the expansion of such systems statewide.

Objective 8.2

To ensure that participants in the judicial process are not discriminated against because of race, gender, age, disability or socioeconomic status.

Task 8.2.1

Create a Task Force on Racial and Ethnic Bias to examine any existing or perceived barriers to full access to justice for persons of different races and ethnic backgrounds.

Vision 9

The impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Objective 9.1

To expand the strategic planning capabilities of the judicial system.

Task 9.1.1

Assist local courts in developing and conducting strategic planning efforts to enhance their delivery of services to the public.

Task 9.1.2

Provide regular assessments of new technologies and their applicability in the court environment to all judges and court system personnel.

Objective 9.2

To monitor the impact of new and emerging trends on the courts.

Task 9.2.1

Create a forum for judges, lawyers, legislators, and scientists to review existing DNA statutes in light of advancements and developments in the field and their implications for due process rights and privacy issues.

Task 9.2.2

Study and develop with assistance from the Joint Commission on Technology and Science, a procedural scheme, by statute or by rules of evidence, for discovery of electronic data in civil cases.

Task 9.2.3

Continue to utilize environmental scanning mechanisms such as the newsletter *Future View* to inform those within the judicial branch of changing trends and needs for court and legal services.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

Objective 10.1

To effectuate better understanding and communications among the three branches of state government.

Task 10.1.1

Continue to discuss unique approaches and ideas for improving legislative/judicial/executive branch relations in Virginia.

General Information for Individuals with Disabilities

The Virginia court system has adopted a policy of non-discrimination in both employment and in access to its facilities, services, programs and activities. For further information, contact the Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219. The telephone number is 804/786-6455; communication through a telecommunications device (TDD) is also available at this number.

