

# Strategic Plan for the Federal Judiciary

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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.

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## Mission

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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.

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## Core Values

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**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.

**Diversity and Respect:** a workforce of judges and employees that reflects the diversity of the public it serves; an exemplary workplace in which everyone is treated with dignity and respect.

**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 employees; 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

The *Strategic Plan for the Federal Judiciary*, updated in 2020, 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, this plan recognizes that the future may provide tremendous opportunities for improving the fair and impartial 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 providing an exemplary workplace for a diverse group of highly qualified judges and employees; 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, this plan focuses 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 this 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 fair and impartial delivery of justice; the public's trust and confidence in, and understanding of, the federal courts; the effective and efficient management of resources; a diverse workforce and an exemplary workplace; technology's potential; access to justice and the judicial process; and relations with the other branches of government.

# 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: Preserving Public Trust, Confidence, and Understanding**
- Issue 3: The Effective and Efficient Management of Public Resources**
- Issue 4: The Judiciary Workforce and Workplace**
- Issue 5: Harnessing Technology’s Potential**
- Issue 6: Enhancing Access to Justice and the Judicial Process**
- Issue 7: The Judiciary’s Relationships with the Other Branches of Government**

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 fair and impartial 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 employees, conscientious jurors, well-reasoned and researched rulings, and time for deliberation and attention to individual issues are among the hallmarks of federal court litigation. Equal justice requires fairness and impartiality in the delivery of justice and a commitment to non-discrimination, regardless of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability. Scarce resources, changes in litigation and litigant expectations, and certain changes in the law, challenge the federal judiciary’s effective and prompt delivery of justice. This plan includes three strategies that focus on improving performance while ensuring that the judiciary functions under conditions that allow for the fair, impartial, and effective administration of justice:

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

Secure resources that are sufficient to enable the judiciary to accomplish its mission in a manner consistent with judiciary core values. (Strategy 1.2)

Strengthen the protection of judges, court employees, and the public at court facilities, and of judges and their families at other locations. (Strategy 1.3)



**Strategy 1.1.** Pursue improvements in the delivery of fair and impartial 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 civil case management, and has a number of mechanisms to identify and assist stressed courts. These mechanisms include biannual reports of pending civil cases and motions required under the Civil Justice Reform Act of 1990, and identifying stressed courts and the categories of cases with the longest disposition times.

National coordination mechanisms include the work of the Judicial Panel on Multidistrict Litigation, which is authorized to transfer certain civil actions pending in different districts to a single district for coordinated or consolidated pretrial proceedings. 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. Cooperative efforts with state courts have also proven helpful, including the sharing of information about related cases that are pending simultaneously in state and federal courts.

Despite ongoing efforts, some pockets of case delays and backlogs persist in the courts. Some delays are due to external forces beyond the judiciary's control, cannot be avoided, and do not reflect on a court's case management practices. With this understanding, this plan calls for the courts, Judicial Conference committees, and circuit judicial councils to undertake reasonable, concerted, and collaborative efforts to reduce the number and length of preventable case delays and backlogs.

The fair and impartial delivery of justice is also affected by high litigation costs. High costs make the federal courts less accessible, as is discussed in Issue 6. 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 avoid unnecessary costs and delay.

This strategy also includes a goal to ensure that all 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, subject to Judicial Conference policy.

In addition, this plan includes a goal to enhance the fair and effective management of all persons under supervision. Probation and pretrial services offices have led judiciary efforts to measure the quality of services to the courts and the community, including the use of evidence-based practices in the management of persons under supervision.

Other efforts to improve the fair and impartial delivery of justice must continue. For example, a number of significant initiatives to transform the judiciary's use of technology are underway, including the development and deployment of next-generation case management and financial administration systems. The work of the probation and pretrial services offices has also been enhanced through the use of applications that integrate data from other agencies with probation and pretrial services data to facilitate the analysis and comparison of supervision practices and outcomes among districts.

- Goal 1.1a:** Reduce delay through the dissemination of effective case management methods and the work of circuit judicial councils, chief judges, Judicial Conference committees and other appropriate entities.
- Goal 1.1b:** Avoid unnecessary costs to litigants in furtherance of Rule 1, Federal Rules of Civil Procedure.
- Goal 1.1c:** Ensure that all persons represented by panel attorneys and federal defender organizations are afforded well qualified representation consistent with best practices for the representation of all criminal defendants.
- Goal 1.1d:** Enhance the management of all persons under supervision to reduce recidivism and improve public safety.

**Strategy 1.2.** Secure resources that are sufficient to enable the judiciary to accomplish its mission in a manner consistent with judiciary core values.

**Background and Commentary.** The judiciary is facing an uncertain federal budget environment, with likely constraints on the ability of congressional appropriations committees to meet judiciary funding requirements. Multiweek government shutdowns have happened twice in the recent past (2013 and 2018/2019). The judiciary was able to remain open through reliance on fees and other no year balances, and by delaying contractual obligations not critical to the performance of constitutional responsibilities. However, judges, judicial employees, the bar and the public were impacted by the shutdown of many executive branch agencies and operations; by limits on normal court operations; and by time and resources being diverted to manage the effects of the funding lapse. Uncertainty and shortfalls, when they occur, present particular challenges to clerks offices, probation and pretrial services offices, and federal defender organizations in ensuring that operations are adequately staffed.

Another key challenge for the judiciary is to address critical longer-term resource needs. 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.

Resources are also needed for jurors. Compensation for jurors is limited and inadequate compensation creates a financial hardship for many jurors. While the judiciary has made progress in securing needed space — including the construction of new courthouses and annexes — some

court proceedings are still conducted in court facilities that are cramped, poorly configured, and lacking secure corridors separate from inmates appearing in court. As the judiciary's facilities continue to age, additional resources will be needed to provide proper maintenance and sustain courthouse functionality. The judiciary will need to continue apportioning resources based on priorities determined by the consistent application of policies across the courthouse portfolio.

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 continue to work with these agencies to ensure that the judiciary's resource needs are met.

The ability to secure adequate resources serves as the foundation for a vast majority of the judiciary's plans and strategies. For example, to ensure the well qualified representation of criminal defendants (Goal 1.1c), the defender services program requires funding sufficient to accomplish its mission. Additionally, to enhance the management of persons under supervision to reduce recidivism and improve public safety (Goal 1.1d), probation and pretrial services offices require sufficient funding. Strategy 4.4 and its associated goals focus on the importance of attracting, recruiting, developing, and retaining the competent employees that are required for the effective performance of the judiciary's mission, and critical to supporting tomorrow's judges and meeting future workload. Also, a goal under Strategy 5.1 urges the judiciary to continue to build and maintain robust and flexible technology systems and applications, requiring a sustained investment in technology.

**Goal 1.2a:** Secure needed circuit, district, bankruptcy and magistrate judgeships.

**Goal 1.2b:** Ensure that judiciary proceedings are conducted in court facilities that are secure, accessible, efficient, and properly equipped.

**Goal 1.2c:** Secure adequate compensation for jurors.

**Goal 1.2d:** Secure adequate resources to provide the judiciary with the employees and resources necessary to meet workload demands

**Strategy 1.3.** Strengthen the protection of judges, court employees, 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, assisting judges in taking steps to protect themselves while away from court facilities, and educating judges on how they can minimize the availability of personal information on the internet.

The effective implementation of this strategy is linked to other efforts in this plan. Strategy 1.2 includes a goal to ensure that judiciary proceedings are conducted in secure facilities. In addition, Strategy 5.1 includes a goal to ensure that IT policies and practices provide effective security for court records and data, including confidential personal information.

- Goal 1.3a:** Improve the protection of judges, court employees, and the public in all court facilities, and the protection of judges in off-site judicial locations.
- Goal 1.3b:** Improve the protection of judges and their families at home and in non-judicial locations.
- Goal 1.3c:** Provide continued training to raise the awareness of judges and judiciary employees on a broad range of security topics.
- Goal 1.3d:** Improve the interior and exterior security of court facilities through the collaborative efforts of the judiciary, the U.S. Marshals Service, the Federal Protective Service, and the General Services Administration.
- Goal 1.3e:** Work with the U.S. Marshals Service and others to improve the collection, analysis and dissemination of protective intelligence information concerning individual judges.

## Issue 2. Preserving Public Trust, Confidence, and Understanding

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

**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 judiciary. 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. These responsibilities include accountability for a failure to observe scrupulous adherence to ethical standards. The surest way to lose trust and confidence is failure to live up to established ethical standards and failure to hold judges and judiciary personnel accountable for misconduct. Transparency in efforts to ensure accountability for misconduct, where possible and appropriate, helps foster public trust and confidence.

Public perceptions of the judiciary are 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. Changes in social media and communication will continue to play a key role in how the judiciary is portrayed to and viewed by members of the public. These changes provide the judicial branch an opportunity to communicate broadly with greater ease and at far less cost. However, they also present the challenge of ensuring that judiciary information is complete, accurate, and timely. This challenge is especially difficult because judges are constrained in their ability to participate in public discourse. This plan includes four strategies to enhance public trust and confidence in, and understanding of, the judiciary:

Assure high standards of conduct and integrity for judges and employees. (Strategy 2.1)

Hold accountable judges and judiciary personnel who engage in misconduct, and be transparent, in furtherance of statutory and other requirements and consistent with confidentiality and privacy requirements, about accountability for misconduct. (Strategy 2.2)

Improve the sharing and delivery of information about the judiciary. (Strategy 2.3)

Encourage involvement in civics education activities by judges and judiciary employees. (Strategy 2.4)

**Strategy 2.1.** Assure high standards of conduct and integrity for judges and employees.

**Background and Commentary.** Judges and judiciary employees are guided by codes of conduct, internal policies, and robust accountability mechanisms within the judiciary that work together to uphold standards relating to conduct and the management of public resources. These mechanisms include disciplinary action, as well as formal complaint procedures for impacted employees to seek redress, such as dispute resolution processes, audits, program reviews of judiciary operations, internal control and information technology self-assessments, and workplace conduct oversight and response processes. The judiciary has adopted several measures, described in Issue 4 of this plan, to ensure an exemplary workplace in which all employees are treated with dignity and respect, and on a non-discriminatory basis.

Accountability mechanisms must address critical risks, keep pace with changes in regulations and business practices, and respond to public and government interest in detailed and accessible information about the judiciary. The regular review and update of policies, along with efforts to ensure that they are accessible to judges and employees, will help to improve judiciary compliance and controls. In addition, guidance relating to conduct that reflects current uses of social media and other technologies can help to avoid the inappropriate conveyance of sensitive information.

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 integrated internal controls; governance of judiciary financial information; audit, investigation, and discipline functions; risk management practices; and self-assessment programs.

**Goal 2.1a:** Enhance education and training for judges and judiciary employees on ethical conduct, integrity, accountability, and workplace conduct.

**Goal 2.1b:** Ensure the integrity of funds, information, operations, and programs through strengthened internal controls and audit programs.

**Strategy 2.2.** Hold accountable judges and judiciary personnel who engage in misconduct, and be transparent, in furtherance of statutory and other requirements and consistent with confidentiality and privacy requirements, about accountability for misconduct.

**Background and Commentary.** The judiciary seeks to ensure accountability by openly receiving information about potential misconduct and following existing procedures to address misconduct. Credible allegations of misconduct will be examined, investigated, and subject to appropriate action in accordance with existing statutory, policy, and other procedures. Individuals who experience or witness possible misconduct should be able to seek redress or satisfy their obligation to take appropriate action by bringing these issues to the attention of an appropriate official without fear of retaliation or adverse consequences. The judiciary's codes of conduct, Rules for Judicial Conduct and Judicial Disability Proceedings, and Model Employment Dispute Resolution Plan were updated in 2019 to reinforce these principles.

Transparency, to the extent permissible and possible, demonstrates the judiciary's fidelity to accountability for misconduct. Law and policy related to confidentiality and the legitimate privacy interests of victims, witnesses, and others may limit what information can be made public. The judiciary strives to make public information about misconduct procedures and related actions, where permissible and appropriate.

**Goal 2.2a:** Ensure avenues for seeking advice, obtaining assistance as to potential misconduct, obtaining redress, where appropriate, and filing a complaint are easily accessible.

**Goal 2.2b:** Ensure timely action is taken on credible allegations of misconduct according to established procedures, and when the evidence supports it, ensure action is taken with regard to misconduct.

**Goal 2.2c:** Ensure each circuit’s website prominently displays actions taken under the Judicial Conduct and Disability Act and Rules for Judicial Conduct and Judicial Disability Procedures, in accordance with the requirements of the Act and the Rules, and summaries of other records or reports of workplace conduct issues, where permissible and appropriate.

**Goal 2.2d:** Consider conducting reviews of systemic issues, when appropriate.

**Strategy 2.3.** Improve the sharing and delivery of information about the judiciary generally.

**Background and Commentary.** Sources of news, analysis, and information about the federal judiciary continue to change, as do communication tools used by the public. These changes can present challenges to the accurate portrayal of the judiciary and the justice system. Enhanced communication between the judiciary and the media is one way to help increase the accuracy of stories about the justice system and public understanding of the courts. Since the media is a significant way in which the public learns about the judiciary, helping reporters understand court processes is one way to improve the public understanding of the justice system. Judges can undertake these efforts within the parameters of the Code of Conduct and while avoiding discussion of any specific cases.

It is now easier to communicate directly with the public, which can help to improve the public’s understanding of the federal judiciary’s role and functions. The judiciary must keep pace with ongoing changes in how people access news and information when formulating its own communications practices.

The federal judiciary also serves as a model to other countries for its excellence, judicial independence, and the delivery of equal justice under the law. The judiciary should continue to work with the executive branch when called on to communicate with representatives of other countries about the mission, core values, and work of the federal judiciary.

**Goal 2.3a:** Develop a communications strategy that considers the impact of changes in journalism and electronic communications and the ability of federal judges and employees to communicate directly with the public.

**Goal 2.3b:** Develop or increase communications and relationships between judges and journalists, consistent with the Code of Conduct and not specific to any case, to foster increased understanding of the judiciary.

**Goal 2.3c:** Communicate with judges in other countries to share information about the federal judiciary in our system of justice and to support rule-of-law programs around the world.

**Strategy 2.4.** Encourage involvement in civics education activities by judges and judiciary employees.

**Background and Commentary.** The federal judiciary relies on public respect, understanding, and acceptance. The lack of civics knowledge can have an adverse effect on the branch. A civically

informed public will also be better inoculated against attempts to undermine trust in the justice system. As noted by the Chief Justice of the United States in his 2019 Year End Report on the Federal Judiciary, “[t]he judiciary has an important role to play in civic education ...” Reinforcing the perspective of the Chief Justice, at its March 2020 session, the Judicial Conference of the United States “affirmed that civics education is a core component of judicial service; endorsed regularly-held conferences to share and promote best practices of civics education; and encouraged circuits to coordinate and promote education programs.”

Public outreach and civics education efforts by judges and judiciary employees take place inside courthouses and in the community. These efforts could be facilitated through greater coordination and collaboration with civics education organizations. Resources to help judges and judiciary employees participate in educational outreach efforts are available from the Administrative Office, the Federal Judicial Center, and private court administration and judges’ associations.

**Goal 2.4a:** Communicate and collaborate with organizations outside the judicial branch to improve the public’s understanding of the role and functions of the federal judiciary and its accountability and oversight mechanisms and external financial reporting.

**Goal 2.4b:** Facilitate participation by judges and court employees in public outreach and civics education programs.

**Goal 2.4c:** Support education about the defense function and the critical role it plays in ensuring fair trials and proceedings, as well as in maintaining public confidence in the justice system.



## Issue 3. The Effective and Efficient Management of Public Resources

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

**Issue Description.** The judiciary’s pursuit of cost-containment initiatives has helped to reduce current and future costs for rent, information technology, the compensation of court employees and law clerks, and other areas. These initiatives have also improved resource allocation within the bankruptcy judges system, as well as the prudent allocation and management of resources within the magistrate judges system, and have helped the judiciary operate under difficult financial constraints. Cost-containment efforts have also helped the judiciary demonstrate to Congress that it is an effective steward of public resources, and that its requests for additional resources are well justified (Strategy 1.2).

The judiciary relies upon effective decision-making processes governing the allocation and use of judges, employees, facilities, and funds to ensure the best use of limited resources. These processes must respond to a federal court workload that varies across districts and over time. 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 must 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 3.1.** 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 and make better use of resources are being implemented or are under consideration.

For example, over the past several years, court units throughout the judiciary have developed and implemented alternative approaches for carrying out their operational and administrative functions. These approaches have helped courts maintain the level and quality of services they deliver, and in many instances, have increased efficiencies and controlled costs associated with providing those services.

This strategy also includes two goals to increase the flexibility of the judiciary in matching resources to workload. The intent is to enable available judges and court employees to assist heavily burdened courts on a temporary basis, and to reduce the barriers to such assistance. Supporting these goals is a third goal to ensure that the judiciary utilizes its networks, systems, and space in a manner that supports efficient operations. A fourth goal speaks to the critical need to maintain effective court operations and anticipate alternative delivery of services when disaster strikes.

- Goal 3.1a:** Make more effective use of judges to relieve overburdened and congested courts, including expanding ways to provide both short- and long-term assistance to districts and circuits with demonstrated needs for additional resources, and ensuring the effective utilization of magistrate judge resources.
- Goal 3.1b:** Analyze and facilitate the implementation of organizational changes and business practices that make effective use of limited administrative and operational employees but do not jeopardize public safety or negatively impact outcomes or mission.
- Goal 3.1c:** Manage the judiciary’s infrastructure in a manner that supports effective and efficient operations, and provides for a safe and secure environment.
- Goal 3.1d:** Plan for and respond to natural disasters, terrorist attacks, pandemics and other physical threats in an effective manner.

## Issue 4. The Judiciary Workforce and Workplace

*How can the judiciary attract, develop, and retain a highly diverse and competent complement of judges, employees, and Criminal Justice Act (CJA) attorneys, and ensure an exemplary workplace in which everyone is treated with dignity and respect?*

**Issue Description.** The judiciary can retain public trust and confidence and meet workload demands only if it is comprised of a diverse complement of highly competent judges, employees, and CJA attorneys. It cannot attract and retain the most capable people from all parts of society, nor can it keep the public's trust and confidence, unless it maintains a diverse and exemplary workplace in which all are treated with dignity and respect and are valued for their contributions regardless of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability. Attracting and retaining highly capable and diverse judges, employees, and CJA attorneys, will require fair and competitive compensation and benefit packages. The judiciary must abide by and enhance, where appropriate, its standards and procedures to assure proper workplace conduct, and must also plan for new methods of performing work, and prepare for continued volatility in workloads, as it develops its future workforce. Three strategies to address this issue follow:

Recruit, develop, and retain a talented, dedicated, and diverse workforce, while defining the judiciary's future workforce requirements. (Strategy 4.1)

Support a lifetime of service for federal judges. (Strategy 4.2)

Ensure an exemplary workplace free from discrimination, harassment, retaliation, and abusive conduct. (Strategy 4.3)

**Strategy 4.1.** Recruit, develop, and retain a talented, dedicated, and diverse workforce, while defining the judiciary's future workforce requirements.

**Background and Commentary.** Public trust and confidence are enhanced when the judiciary's workforce – judges, employees, and CJA attorneys – broadly reflects the diversity of the public it serves. While it has no control over the appointment of Article III judges, the judiciary can and should strive for diversity in all other positions, particularly bankruptcy judges, magistrate judges, federal defenders, and CJA panel attorneys, all of whom occupy positions highly visible to the public. The judiciary must continue to pursue initiatives to attract future judges, such as the "Roadways to the Bench" programs, that are designed to secure a wide and diverse pool of applicants for every position, and ensure diversity among members of screening and selection committees. Judges must be encouraged to give special attention to diversity in their law clerk hiring practices.

The judiciary must also continue to pursue initiatives to retain its position as an employer of choice. The judicial branch provides employees with many resources and services, including training and education programs. To remain competitive, especially with hard-to-fill occupations, the judiciary must have a strong program to attract, recruit, develop, and retain a diverse and highly qualified workforce.

Ongoing changes that the judiciary must address include an increase in the amount of work performed away from the office, shifting career and work-life expectations, and the unique challenges faced by probation and pretrial services offices in recruiting, retaining, training, and ensuring the physical and mental well-being of officers. Changes in how employees communicate and interact, and in how and where work is performed, are related to Strategy 3.1, as certain types of changes provide opportunities for the judiciary to reduce its space footprint and rental costs while creating a better and more efficient work environment. The judiciary must continue to invest in technology and explore changes to policy and procedures that allow for an effective remote and mobile workforce.

In addition, the judiciary must develop the next generation of executives. 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 judiciary must maintain a meaningful leadership and executive development training program and create executive relocation programs to ensure a wide pool of qualified internal applicants, while also conducting outreach efforts to attain a diverse and talented field of candidates.

- Goal 4.1a:** Establish, maintain and expand outreach efforts and procedures to make diverse audiences aware of employment opportunities in the judiciary, including as judicial officers.
- Goal 4.1b:** Strengthen the judiciary’s commitment to workforce diversity, equity, and inclusion by expanding diversity program recruitment, education, and training; identifying barriers to recruitment of a diverse workforce; ensuring all recruitments are designed to attract and consider a diverse pool of applicants; and ensuring screening and hiring committees consist of diverse members.
- Goal 4.1c:** Identify current and future workforce challenges and develop and evaluate strategies to enhance the judiciary’s standing as an employer of choice while enabling employees to reach their full potential.
- Goal 4.1d:** Deliver leadership, management, and human resources programs and services to help judges (especially chief judges), executives and supervisors develop, assess and lead employees.
- Goal 4.1e:** Provide mentoring and career advancement opportunities to all employees.
- Goal 4.1f:** Provide resources and develop Health and Wellness Committees to examine policy, practices, and programs that provide a supportive and healthy work environment for the maintenance or restoration of judiciary employees to promote health and competence throughout their career and beyond.

**Strategy 4.2.** 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. 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 4.2a:** 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 must be provided the support necessary for them to fully discharge their duties.
- Goal 4.2b:** Seek the views of judges on practices that support their development, retention, and morale, and evolve and adapt education, training, and orientation programs to meet the needs of judges.
- Goal 4.2c:** Encourage circuits to develop circuit-wide Health and Wellness Committees to promote health and wellness programs, policies, and practices that provide a supportive environment for the maintenance or restoration of health and wellness in support of a lifetime of service for judges.

**Strategy 4.3.** Ensure an exemplary workplace free from discrimination, harassment, retaliation, and abusive conduct.

**Background and Commentary.** Public trust and confidence and workforce morale and productivity are enhanced when the judiciary provides an exemplary workplace for everyone. As a result of efforts by the judiciary’s Workplace Conduct Working Group – which recommended more than thirty measures to enhance the judiciary’s workplace policies and procedures – the judiciary has adopted amendments to the applicable codes of conduct and the Rules for Judicial Conduct and Judicial Disability Proceedings to expressly state that sexual and other harassment, discrimination, abusive conduct, and retaliation are misconduct. In addition, the judiciary has adopted an improved Model Employment Dispute Resolution Plan to clearly describe prohibited conduct and provide simplified and effective redress, has established a Judicial Integrity Office and regional workplace conduct committees and workplace relations directors, and has undertaken extensive training on workplace civility and preventing harassment and other forms of discrimination. Beyond these and other measures already taken, the judiciary can continuously improve. The judiciary must diligently continue to work to ensure that it provides an exemplary workplace for all of its employees.

- Goal 4.3a:** Educate all judges and employees on standards of appropriate and inappropriate conduct, with continuing education on a regular basis, including as related to the codes of conduct and judicial conduct and disability procedures.
- Goal 4.3b:** Educate all judges and employees about the obligation to take appropriate action when they have reliable information about misconduct by a judge or other person, and about the available options for guidance regarding reporting misconduct, as well as mechanisms to report misconduct.

- Goal 4.3c:** Enhance accountability and effective redress, where appropriate, through universal adoption and conscientious application of the Model Employment Dispute Resolution Plan, and be transparent regarding judicial conduct and disability proceedings and other workplace conduct procedures in furtherance of and consistent with the law, related judiciary policy, and legitimate privacy interests.
- Goal 4.3d:** Provide a circuit director of workplace relations in each circuit, to whom employees within the circuit can report wrongful conduct concerns, and who will provide circuit-wide assistance to managers and employees on workplace conduct issues, including training, conflict resolution, and workplace investigations. Ensure that all court Employment Dispute Resolution (EDR) Coordinators are trained and certified under the CourtsLearn EDR Coordinator Certification course.
- Goal 4.3e:** Consider conducting reviews of systemic issues related to workplace conduct at the circuit and district level, when appropriate, and systematically evaluate whether guidance and procedures designed to foster an exemplary workplace are effective and whether additional action may be needed.

## Issue 5. Harnessing Technology's Potential

*How can the judiciary develop, operate, and secure cost-effective national and local systems and infrastructure that meet the needs of court users and the public for information, service, and access to the courts?*

**Issue Description.** Implementing innovative technology applications will help the judiciary to meet the changing needs of judges, judiciary employees, 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, maintain, and continuously enhance 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 and applications 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 operating as an enterprise with the creative solutions that may result from allowing and fostering a more distributed model of IT development and administration. The judiciary's strategy for addressing this issue follows.

**Strategy 5.1.** Harness the potential of technology to identify and meet the needs of judiciary users and the public 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. Next-generation case management systems are being developed, 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. In addition, technology is allowing for exponentially more data to be created, stored, and managed. The effective use of data tools supports evidence-based decision making.

The effective use of advanced and intelligent applications and systems 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 for the development of certain systems. Another goal in this section focuses on the security of judiciary-related records and information.

The effective use of technology is critical to furthering other strategies in this plan. In particular, the effective use of technology is critical to judiciary efforts to contain costs, and to effectively

allocate and manage resources (Strategy 3.1). Technology also supports improvements in the delivery of justice (Strategy 1.1); efforts to strengthen judicial security (Strategy 1.2); the delivery of training and remote access capabilities (Strategies 4.3 and 4.4); the accessibility of the judiciary for litigants and the public (Strategies 6.1 and 6.2); and judiciary accountability mechanisms (Strategies 2.1, 2.2, and 2.3). In addition, the judiciary must be aware of the ongoing threat of cyberattacks from domestic and foreign actors, and both individual and state-backed threats, and prepared to maintain the integrity of judiciary IT systems.

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, it is critical that the judiciary succeed in recruiting, developing, and retaining highly competent employees (Strategy 4.4). Investments in technology also require adequate funding (Strategy 1.2).

- Goal 5.1a:** Continue to build, maintain, and continuously enhance robust and flexible technology systems and applications that anticipate and respond to the judiciary's requirements for efficient communications, record-keeping, electronic case filing, public access, case management, and administrative support.
- Goal 5.1b:** Coordinate and integrate national IT systems and applications from a judiciary-wide perspective; continue to utilize local initiatives to improve services; and leverage judiciary data to facilitate decision-making.
- Goal 5.1c:** Develop system-wide approaches to the utilization of technology to achieve enhanced performance and cost savings.
- Goal 5.1d:** Continuously improve security practices to ensure the confidentiality, integrity, and availability of judiciary-related records and information. In addition, raise awareness of the threat of cyberattacks and improve defenses to secure the integrity of judiciary IT systems.



## Issue 6. Enhancing Access to Justice and the Judicial Process

*How can the judiciary ensure that justice in the federal courts is fair, impartial, and accessible to all, regardless of wealth or status, and that the courts remain comprehensible, accessible, and affordable for people who participate in the judicial process?*

**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. In the criminal context, where the vast majority of federal criminal defendants are eligible for the appointment of counsel, the judiciary must ensure that the needs of appointed counsel and the clients they represent are met. This plan includes three strategies that focus on identifying unnecessary barriers to justice and 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 6.1)

Ensure that the federal judiciary is open and accessible, on a non-discriminatory basis, to all those who participate in the judicial process. (Strategy 6.2)

Promote effective administration of the criminal defense function in the federal courts. (Strategy 6.3)

**Strategy 6.1.** 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, rules of practice and procedure undergo regular review and revision to reflect changes in law, to simplify and clarify procedures, and to enhance uniformity across districts. 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. National mechanisms to consolidate and coordinate multidistrict litigation have been implemented to avoid duplication of discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary. 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 6.1a:** Ensure that court rules, processes, and procedures are published or posted in an accessible manner.

**Goal 6.1b:** 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.

**Strategy 6.2.** Ensure that the federal judiciary is open and accessible, on a non-discriminatory basis, to all 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, bankruptcy participants, witnesses, journalists, 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. The Judicial Conference is working to enhance citizen participation in juries by improving the degree to which juries are representative of the communities in which they serve, reducing the burden of jury service, and improving juror utilization.

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 and bankruptcy participants. Continued efforts are needed, and this strategy sets forth four goals to make courts more accessible for jurors, litigants, bankruptcy participants, witnesses, and others.

**Goal 6.2a:** Provide jurors, litigants, bankruptcy participants, witnesses, journalists, and observers with comprehensive, readily accessible information about court cases and the work of the courts.

**Goal 6.2b:** Improve the extent to which juries are representative of the communities in which they serve, reduce the hardships associated with jury service, and improve the experiences of citizens serving as grand and petitjurors.

**Goal 6.2c:** Develop best practices for handling claims of pro se litigants in civil and bankruptcy cases.

**Strategy 6.3.** Promote effective administration of the criminal defense function in the federal courts.

**Background and Commentary.** In the criminal context, access to fair and impartial justice is supported by appointing counsel to represent defendants who cannot afford to pay for their own counsel or other services necessary for their defense. Under the Criminal Justice Act (CJA), the judiciary oversees the provision of these defense services to eligible criminal defendants. In exercising this role, consistent with the Sixth Amendment, judges, acting as neutral arbiters in individual cases, must fairly and reasonably determine the resources available to the defense in any given case involving appointed counsel. To ensure the effective operation of the adversarial system and access to effective and conflict-free representation, the judiciary must strive to ensure that CJA practitioners can mount a skilled and vigorous defense of their clients, regardless of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability, so that the rights of individual defendants are safeguarded and enforced.

Consistent with the recommendations of the Judicial Conference’s Ad Hoc Committee to Review the Criminal Justice Act Program, the judiciary must continue to consider improvements to the national administration of the defender services program.

This strategy supports the judiciary’s efforts to pursue improvements in the fair and impartial delivery of justice (Strategy 1.1) and promotes public trust and confidence in the justice system by ensuring fair trials and proceedings (Issue 2), through three goals:

- Goal 6.3a:** Encourage districts to adopt and implement CJA plans based on the judiciary’s model CJA plan to ensure compliance with relevant Judicial Conference policies.
- Goal 6.3b:** Ensure that CJA practitioners have the resources to provide effective and conflict-free representation.
- Goal 6.3c:** Provide training regarding best practices for criminal defense representation.

## Issue 7. 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.** The judiciary is an independent branch of government with the solemn responsibility of safeguarding the constitutional rights and liberties of the nation's citizens, not simply a line item in the non-defense discretionary portion of the federal budget.

An effective relationship with Congress is critical to success in securing adequate resources. 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 that ensures the integrity of financial information, provides comprehensive financial reporting, and builds upon its foundation of internal controls and methods to prevent and detect fraud, waste, and abuse.

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 reporting on annual government-wide financial activity, 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 Congress. (Strategy 7.1)

Strengthen the judiciary's relations with the executive branch. (Strategy 7.2)

**Strategy 7.1.** Develop and implement a comprehensive approach to enhancing relations between the judiciary and 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 also strengthen the judiciary's relationship with Congress. Congressional awareness of the judiciary's ongoing efforts to strengthen its financial oversight and reporting — building upon its existing foundation of internal controls and methods to prevent and detect fraud, waste and abuse — is critical to assure oversight bodies, as well as the public, that the judiciary has a robust program of oversight and effective controls in place.

- Goal 7.1a:** 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.
- Goal 7.1b:** Implement effective approaches, including partnerships with legal, academic, and private sector organizations, to achieve the judiciary's legislative goals.
- Goal 7.1c:** Encourage judges to engage with members of their local congressional delegation to foster mutual understanding and respect, and to establish lines of communication between the two branches.

**Strategy 7.2.** 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. The executive branch is also a source of financial reporting requirements for government-wide financial activity. The judiciary's ongoing efforts to transform financial reporting, enhance the judiciary's internal controls programs, and strengthen the integrity of judiciary financial data, provide tangible assurance to judiciary officials, oversight bodies, taxpayers, and others for whom the judiciary holds money in trust. This strategy focuses on enhancing the ability of the judiciary to provide input and information to its executive branch partners.

- Goal 7.2a:** Improve communications and working relationships with the executive branch to facilitate greater consideration of policy changes and other solutions that will improve the administration of justice.

# Strategic Planning Approach for the Judicial Conference of the United States and its Committees

Committees of the Judicial Conference are responsible for long-range and strategic planning within their respective subject areas, with the nature and extent of planning activity varying by committee based on its jurisdiction.

The Executive Committee is responsible for facilitating and coordinating planning activities across the committees. Under the guidance of a designated planning coordinator, the Executive Committee hosts long-range planning meetings of committee chairs, and asks committees to consider planning issues that cut across committee lines.

At its September 2010 session, the Judicial Conference approved a number of enhancements to the judiciary planning process:

**Coordination:** The Executive Committee chair may designate for a two-year renewable term an active or senior judge, who will report to that Committee, to serve as the judiciary planning coordinator. The planning coordinator facilitates and coordinates the strategic planning efforts of the Judicial Conference and its committees.

**Prioritization:** With suggestions from Judicial Conference committees and others, and the input of the judiciary planning coordinator, the Executive Committee identifies issues, strategies, or goals to receive priority attention every two years.

**Integration:** The committees of the Judicial Conference integrate the *Strategic Plan for the Federal Judiciary* into committee planning and policy activities, including through the development and implementation of committee strategic initiatives – projects, studies, or other efforts that have the potential to make significant contributions to the accomplishment of a strategy or goal in the *Strategic Plan*.

**Assessment of Progress:** For every goal in the *Strategic Plan*, mechanisms to measure or assess the judiciary's progress are developed.

Substantive changes to the *Strategic Plan for the Federal Judiciary* require the approval of the Conference, but the Executive Committee has the authority, as needed, to approve technical and non-controversial changes to the *Strategic Plan*. A review of the *Strategic Plan* takes place every five years. (JCUS-SEP 10, p. 6)

Once approved by the Judicial Conference, updated or revised editions of the *Strategic Plan for the Federal Judiciary* supersede previous long-range and strategic plans as planning instruments to guide future policy-making and administrative actions within the scope of Conference authority. However, the approval of an updated or revised strategic plan should not necessarily be interpreted as the rescission of the individual policies articulated in the recommendations and implementation strategies of the December 1995 *Long Range Plan for the Federal Courts*.

# Acknowledgements

On the recommendation of its Executive Committee, the 2020 edition of the *Strategic Plan for the Federal Judiciary* was approved by the Judicial Conference of the United States on September 15, 2020. This edition was prepared following an assessment of the implementation of the 2015 *Strategic Plan*, an analysis of issues and trends likely to affect the federal judiciary, and the consideration of updates and revisions proposed by Judicial Conference committees. An Ad Hoc Strategic Planning Group prepared drafts of the revised plan for review by Judicial Conference committees and consideration by the Executive Committee, which facilitates and coordinates strategic planning for the Conference and its committees.

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