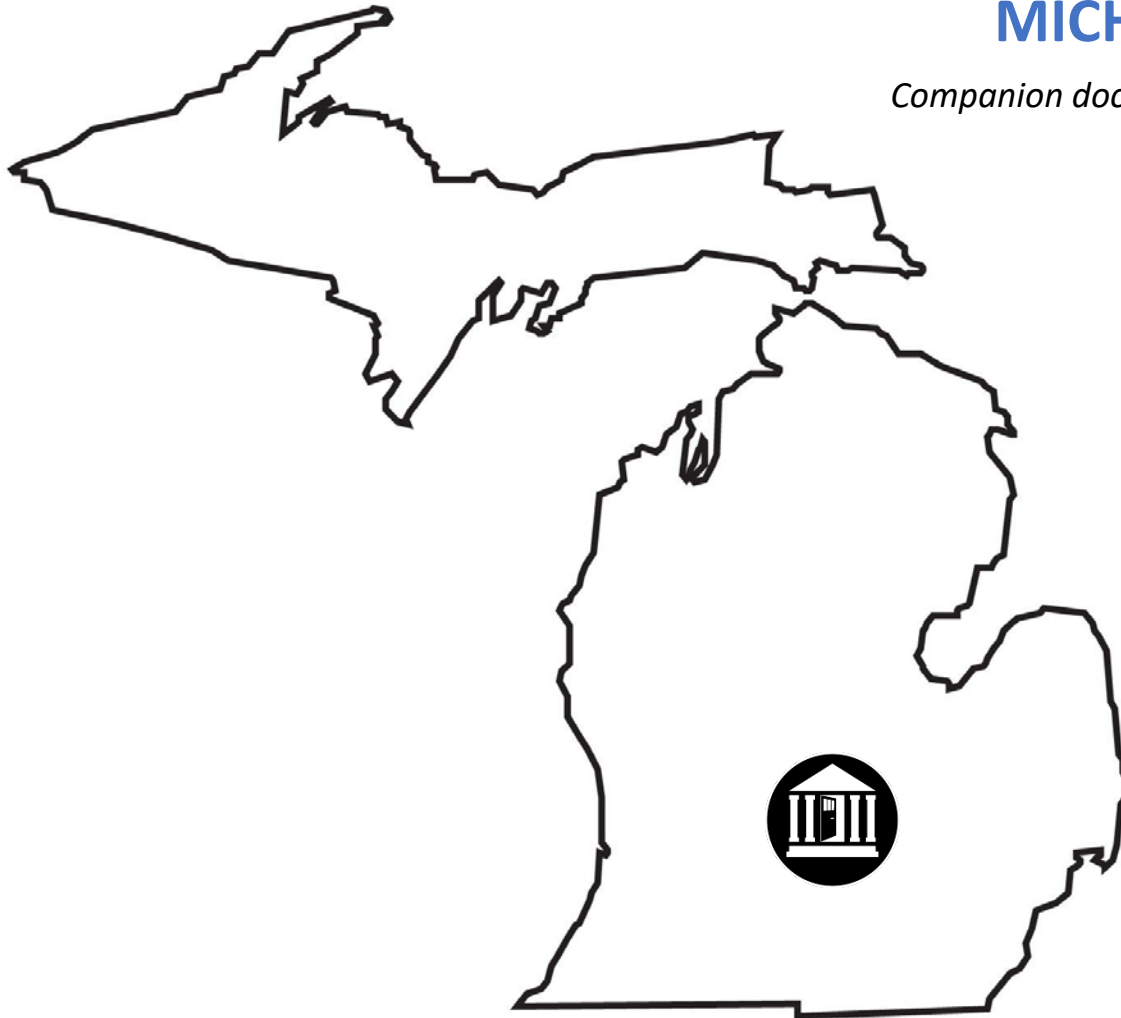


# 2022 - 2023 OPERATIONAL PLAN MICHIGAN JUDICIAL COUNCIL

*Companion document to the 2022 – 2025 Strategic Agenda*

*JULY 19, 2022*



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## 2022-2023 OPERATIONAL PLAN – MICHIGAN JUDICIAL COUNCIL

*Companion Document to the 2022 - 2025 Strategic Agenda*

July 19, 2022

The Operational Plan lays out the strategic priorities for the Michigan Judicial Council for 2022 – 2023.

### MISSION

Michigan’s One Court of Justice delivers justice for all by providing access, protecting rights, resolving disputes, and applying the law under the Constitution.

### VISION

Michigan’s Judicial System is accessible to all and trusted by all.

### CORE VALUES

- ❖ **Independent:** remain free from external influences, pressures, and control.
- ❖ **Timely:** resolve legal matters and disputes in an efficient and effective manner.
- ❖ **Fair:** be impartial and free of bias in our actions, procedures, decisions, and treatment of all.
- ❖ **Responsive:** implement innovations and improvements to meet the diverse and evolving needs of court users.
- ❖ **Consistent:** provide court users with similar experiences and the highest quality of services across courts in Michigan.
- ❖ **Compassionate:** be caring, understanding, and professional in all we do.
- ❖ **Collaborative:** provide leadership in engaging with court users, justice system partners, and courts.
- ❖ **Accountable:** be responsible and answerable for our conduct and performance and be transparent in the use of public resources.

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## Strategic Goals, Strategies, and 2022 – 2023 Strategic Initiatives

### **Strategic Focus Area 1: Court Funding and Technology Infrastructure**

*Overview:* Michigan’s trial courts are funded through a complex collection of general tax revenue and monies assessed and collected by the trial courts. Reforming trial court funding has many benefits. For example, funding reform will help alleviate real or perceived conflicts of interest between impartiality and any obligation to generate revenue. Reform will also provide for adequate and consistent funding across the state and eliminate excessive dependence on local governments. Equal access also will be improved with funding reform. Finally, statewide court funding will bring about needed improvements to the courts’ technology infrastructure. The Judiciary is currently home to 16 different case management systems. A unified technology system will allow for improved data gathering and reporting, improved access to justice, and better position the judicial branch for integration with other justice system stakeholders.

#### **STRATEGIES FOR MAKING IMPROVEMENTS:**

##### **Court Funding:**

- a. Design and recommend a new approach to trial court funding.
- b. Educate about the current problems with trial court funding system and needs for the future.
- c. Collaborate with legislative and executive branch leaders to create and implement a viable approach to trial court funding.
- d. Build internal and external support for implementing a new trial court funding model in Michigan.

##### **Unified Technology Infrastructure**

- a. Fund a statewide technology infrastructure (e.g., hardware, software/applications, and data improvements) that meets security and other requirements/specifications using existing and new funding (i.e., American Recovery Plan).
- b. Develop and implement a uniform statewide data structure and uniform data collection methods and reporting to guide decision-making as part of the statewide technology infrastructure.
- c. Educate about and build support for a unified technology infrastructure among judicial officers, employees, local funding units/leaders, and others.

- d. Identify and mobilize a wide range of champions to advocate for change.
- e. Develop a strategy to achieve uniformity/consistency when transitioning to the technology infrastructure.
- f. Improve and expand IT education and support to courts across the state.

**Below are 2022 – 2023 Strategic Initiatives.**

<b>STRATEGIC GOAL 1: COURT FUNDING AND TECHNOLOGY INFRASTRUCTURE</b>			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible
<p><b>1. Statewide Unified Case Management System (CMS) Funding Appropriation Strategies and Transition Plan</b></p> <p><b>Description:</b> The use of different case management systems in the trial courts presents a barrier to consistent data gathering and reporting, data driven decision making, and implementation of supplemental technology infrastructure across the judiciary. By securing appropriations for making improvements to the courts technology infrastructure, a statewide case management system can be implemented which will lead to enhanced data reporting and gathering, accessibility, and data driven decision making.</p>	<ul style="list-style-type: none"> <li>• Unified technology infrastructure: a, b, c, d, e</li> </ul>	<ul style="list-style-type: none"> <li>• Develop strategies to support funding appropriation and assist in implementation of statewide case management system (CMS)</li> <li>• Secure \$175 million appropriation for implementation</li> <li>• Develop a transition plan to a statewide, unified CMS.</li> </ul>	<p>MJC Work Group</p> <p>Chair: Tom Boyd</p>

STRATEGIC GOAL 1: COURT FUNDING AND TECHNOLOGY INFRASTRUCTURE			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible
<p><b>2. Alternative funding for trial courts</b></p> <p><b>Description:</b> The current method of funding courts across Michigan is complex, inadequate, and inequitable. Sufficient, stable, and consistent funding is needed for courts in Michigan to meet the needs of the public and provide the highest quality of justice to all who access and use the court system.</p>	<ul style="list-style-type: none"> <li>• Court funding: a, b, c</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a plan for alternative trial court funding consistent with the Trial Court Funding Commission report recommendations.</li> <li>• Draft and propose specific statutory language. Work with executive and legislative leaders to support any proposed statutory changes.</li> </ul>	<p>Trial Court Funding Group</p>

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## **Strategic Goal #2: The Public's Experience & Effective Problem Resolution**

*Overview:* Access to justice is imperative and a high priority for the judicial branch. All people need to be able to interact with and easily navigate today's and tomorrow's court system. The experience of the public must engender understanding, trust, and respect in the judicial system. Additionally, the judicial branch is committed to improving and expanding effective dispute resolution practices. This includes improving pretrial practices; expanding services to people experiencing mental health and substance use disorders; and using evidence-based and other effective problem-resolution practices to achieve effective outcomes for youth, families, and others who use the courts. The judicial branch is looking to leverage existing and emerging technologies and address endemic and persistent inadequacies and injustices. Improving the public's experiences and dispute and resolution practices will build and ensure a system that is accessible to all and trusted by all.

### **STRATEGIES FOR MAKING IMPROVEMENTS:**

#### **Improve the Public's Experience:**

- a. Make the courts more understandable and user friendly for all who use the courts.
- b. Enhance/expand educational and other resources (e.g., information, technology, personal assistance) available to court users so they are able to access and conduct business successfully with courts in-person and virtually.
- c. Use existing and emerging technologies to enhance access to services, court and case information, and the ability to conduct business with the courts remotely/virtually, etc.
- d. Improve websites and enhance dissemination of information using a variety of media and platforms to reach all court users.
- e. Implement regulatory and other policy changes that will allow for an expansion of legal and non-legal assistance to court users (all types of cases) (e.g., implement regulatory reform).
- f. Ensure courts across the state have access to a wide range of services and programs that meet the needs of court users.

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**Provide More Effective Problem Resolution**

- a. Implement operational efficiencies through technology and simplify court procedures.
- b. Increase consistency in staffing levels, resources, procedures, and scheduling.
- c. Expand the use of case management practices that help resolve cases expeditiously.
- d. Develop a comprehensive continuum of court and community services to effectively address mental/behavioral health and substance abuse and addiction issues.
- e. Establish methods for collaborating and providing needed services (e.g., housing, education, mental health, substance abuse and addiction, rehabilitation) across justice and social service systems.
- f. Collaborate with partners to expand the availability of justice and community resources across the state, particularly in rural areas.
- g. Continue to expand uses of alternative dispute resolution methods and options (e.g., mediation, online dispute resolution, etc.).
- h. Be a leader in implementing justice and judicial system reforms consistent with the recommendations of Michigan’s Task Forces and Commissions and other national leaders and studies.

**Below are 2022 – 2023 Strategic Initiatives.**

STRATEGIC GOAL 2: The Public's Experience & Effective Problem Resolution			
2022-2023 Strategic Initiative	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible/ MJC Work Group
<p><b>3. Behavioral Health Improvements</b></p> <p><b>Description:</b> Behavioral health issues permeate all case types. New strategies are needed to divert adults and youth with mental health and substance use disorders from entering the justice system (criminal and civil) and/or to connect youth, adults, and families with needed behavioral health services. Appropriately addressing behavioral health issues will provide more effective problem solving and may improve the public's experience.</p>	<ul style="list-style-type: none"> <li>• Improve the public's experience: e, f</li> <li>• Provide more effective problem resolution: d, e, f</li> </ul>	<p>Study the justice system's response to behavioral health issues and make recommendations for improvements across all case types.</p> <ul style="list-style-type: none"> <li>• Final report that includes: <ul style="list-style-type: none"> <li>○ Assessment of the effectiveness of the judicial system's response to behavioral health issues across civil/criminal case types in Michigan.</li> <li>○ Identify areas where further study is needed.</li> <li>○ Recommendations for improvement.</li> <li>○ Recommended next steps and actions.</li> </ul> </li> </ul>	<p>MJC Work Group</p> <p>Chair: Hon. Michael Jaconette</p>
<p><b>4. Access and Service Improvements</b></p> <p><b>Description:</b> The Justice for All Commission (JFAC) is working to enhance the civil justice system by addressing barriers to access and improving services. The MJC recommends collaborating with, and expanding on the work of the JFAC to continue to make the courts, more accessible, understandable, and easy to navigate.</p>	<ul style="list-style-type: none"> <li>• Improve the public's experience: a, b, c</li> </ul>	<p>Expand non-lawyer navigator programs, in collaboration with the JFAC.</p> <p>Study and develop recommendations for ensuring courthouses (physical and virtual) are welcoming and accessible.</p> <p>Study and develop recommendations for simplifying legal processes and court procedures, with an initial focus on summary proceeding and debt collection cases.</p> <p>** Updates will be provided by the Justice for All Commission.</p>	<p>Coordinate with Justice for All Commission</p> <p>MJC Liaison: Angela Tripp</p>



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### **Strategic Goal #3: Racial and Social Equity**

*Overview:* All people who interact with the judicial system will be treated equitably and with dignity and respect. The Michigan Judicial Branch will work to eliminate racial and social inequities across the entire justice system, including from initial contact, while cases are pending, and as people exit the system. All people, especially people of color and disenfranchised and marginalized groups, will have similar experiences. All will experience a justice system that is free from bias, equitable, consistent, and predictable. Working from studies that have found large disparities in arrests, sentencing, and incarceration rates between white people and people of color, the judicial branch will work to implement practices, policies, and procedures to eliminate disparate treatment and ensure equity and fairness across the justice system.

#### **STRATEGIES FOR MAKING IMPROVEMENTS:**

##### **Racial and Social Equity**

- a. Identify and study practices that may, or are known to, result in disparate treatment and share data to understand and educate about the magnitude and impacts of these practices.
- b. Eliminate practices that disadvantage specific groups and/or result in disparate treatment and outcomes; implement new practices that are just and equitable for all.
- c. Continue to improve and expand trainings and educational opportunities for judicial branch employees.
- d. Build trust with all people, especially people of color and disenfranchised and marginalized groups, in collaboration with justice system and community partners.
- e. Promote/advocate for diversity in justice system leaders, including judicial officers, prosecutors, law enforcement, etc. to ensure leaders and employees reflect the diversity in the communities they serve.
- f. Normalize conversations about racial and social equity across the judicial branch, with justice system and community partners, and within communities.
- g. Lead efforts to increase equity, consistency, and predictability within and across courts and with external partners.
- h. Implement consistent and predictable processes across all courts.

Below are 2022 – 2023 Strategic Initiatives.

STRATEGIC GOAL 3: Racial and Social Equity			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible/MJC Work Group
<p><b>5. Training/Education for Judicial Officers and Court Employees</b></p> <p><b>Description:</b> Studies show racial and social disparities continue to exist throughout the justice system. Working to address and mitigate racial and social inequities will ensure that all people who interact with the judicial system are treated equitably, and with dignity and respect. Expanding and continuing to improve training and educational opportunities for judicial branch employees and normalizing conversations about racial and social equity will allow for individuals to experience a justice system that is free from bias.</p>	<ul style="list-style-type: none"> <li>c, e, f, g</li> </ul>	<p>Review current educational resources and provide recommendations for new judicial officers with the goal of increasing awareness and cultivating understanding of issues that lead to social and racial inequity within the judicial system.</p> <ul style="list-style-type: none"> <li>Identified evaluation component to measure the learning progress of participants. Final Report that includes:               <ul style="list-style-type: none"> <li>Suggested improvements to existing curriculum,</li> <li>Strategies for providing the training/education to more judicial officers. Recommendations for how to evaluate / measure the impact of the training/education</li> <li>Recommended next steps/actions.</li> </ul> </li> </ul>	<p>MJC Work Group in collaboration with DEI Commission</p> <p>Chair: Zenell Brown</p>

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## **Strategic Goal #4: Public Trust and Understanding**

*Overview:* Public trust and confidence in governmental institutions, including the judicial branch, have been on the decline for decades. Reversing this trend is a high priority for the Michigan Judicial Branch. Michigan courts deliver justice for all by providing access, protecting rights, resolving disputes, and applying the law under the Constitution (mission statement). The judicial branch strives to be accessible to all and trusted by all (vision statement). Remaining independent, being fair and impartial, responding to needs, being accountable for conduct and performance, and being transparent in the use of public resources (core values) will garner increased public trust and confidence in the branch. The judicial branch will work diligently on a variety of strategies to educate people about the branch, reach out to and collaborate with the public and partners to make improvements, and fulfill its mission, vision, and core values.

### **STRATEGIES FOR MAKING IMPROVEMENTS:**

#### **Public Trust and Understanding**

- a. Expand public outreach and education to promote confidence in the judicial branch, and educate about civics, democracy, the rule of law, and court procedures and practices.
- b. Collaborate with justice system and community partners to educate about and build trust and confidence in the judicial branch.
- c. Build upon and strengthen court performance metrics and reporting (e.g., public dashboard, etc.).
- d. Increase transparency while also protecting the privacy of court participants.
- e. Continue to improve and expand training and educational opportunities for the judiciary and court employees on professionalism, civility, ethics, etc.
- f. Continually solicit and listen to public/court user feedback.
- g. Demonstrate neutrality/non-partisanship and remain independent/free from bias and impropriety as judicial officers and employees carry out their sworn and professional duties.

Below are 2022 – 2023 Strategic Initiatives.

STRATEGIC GOAL 4: Public Trust and Understanding			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible/MJC Work Group
<p><b>6. Increasing Public Trust Through Procedural Fairness</b></p> <p><b>Description:</b> Procedural fairness is defined as court users having a sense decision are made through court processes that are fair. Procedural fairness includes perceptions about (1) how cases are handled and (2) the quality of treatment people receive throughout the court process. The four dimensions of procedural fairness are: Respect, Voice, Neutrality, and Trust.</p> <p>Perceptions of procedural fairness are the strongest predictor of public satisfaction, approval, and confidence in the courts irrespective of why people are at court, whether they won or lost their case, and their ethnicity, race, and economic or social status, according to 35 years of research. Thus, increased perceptions of procedural fairness can lead to greater public support for the courts.</p>	<ul style="list-style-type: none"> <li>b, c, d, e, g</li> </ul>	<p>Study and develop and recommend approaches (e.g., practices, resources, tools) for embedding procedural fairness principles and practices into court operations including the courtroom and court processes.</p> <p>Assess the effectiveness of the current SCAO Public Satisfaction survey, to garner public perception of MI judiciary.</p> <ul style="list-style-type: none"> <li>Evaluate existing education tools and trainings on procedural fairness.</li> <li>Final Report that includes:               <ul style="list-style-type: none"> <li>Strategies for embedding procedural fairness principles and practices into court operations, as well the behaviors of judicial officers and court employees.</li> <li>Recommendations for measuring perceptions of procedural fairness.</li> <li>Recommendations for additional and updated training and education.</li> <li>Recommendations for next steps.</li> </ul> </li> </ul>	<p>MJC Work Group</p> <p>Chair: Hon. William Baillargeon</p>

STRATEGIC GOAL 4: Public Trust and Understanding			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible/MJC Work Group
<p><b>7. Transparency and Public Access – Live Streaming Policies/Rules</b></p> <p><b>Description:</b> Transparency of our courts are critical to maintaining public trust in the judiciary. Transparency is achieved not just by having the doors to courtrooms open, but by having those proceedings reported out to the world. The recent increase in the use of remote proceedings has presented challenges in balancing the interests of transparency and privacy that must be addressed.</p>	<ul style="list-style-type: none"> <li>d, g</li> </ul>	<ul style="list-style-type: none"> <li>Develop recommendations regarding remote proceedings and livestreaming consistent with the Michigan Supreme Court’s administrative orders.</li> <li>Develop recommendations for balancing transparency of the courts and privacy interests of parties that is consistent with the final report of the Task Force on Open Courts, Media, and Privacy.</li> </ul>	<p>MJC Work Group</p> <p>Chair: Hon. Aaron Gauthier</p>

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## **Strategic Goal #5: Workforce Excellence**

*Overview:* Employing a professional, diverse, and skilled workforce and creating workforce excellence, including a work environment/culture that is equitable, inclusive, and engaging, are high priorities for the Michigan Judicial Branch. The judicial branch strives to ensure judicial officers, court administrators, and employees reflect the diversity in its communities. Priorities also include ensuring all judicial employees possess the knowledge, skills, and abilities to perform at the highest levels, and embrace and adhere to the highest ethical and professional standards. Maintaining high standards will help ensure the courts are able to recruit, hire, and retain a professional, competent, and diverse workforce and maintain an environment that is healthy, purposeful, and rewarding.

### **STRATEGIES FOR MAKING IMPROVEMENTS:**

#### **Professional and Diverse Workforce and Inclusive Work Environment:**

- a. Promote and improve diversity, equity, and inclusion/belonging throughout the court system – judicial officers and administrators.
- b. Collaborate with legal and education partners (e.g., law schools, associations, schools) to demonstrate paths for becoming a judicial officer and encourage careers at courts (e.g., administrative, direct client services, etc.)
- c. Advocate for/provide competitive compensation for court employees – pay, benefits, and incentives.
- d. Continue to improve and expand training and educational programs for judicial officers, administrators, and supervisors on workplace issues (e.g., DEI, implicit bias, well-being/self-care, leadership, management, secondary trauma, etc.) and expand training to all employees.
- e. Promote best human resource practices and expand support to courts on human resource issues.
- f. Develop existing and the next generation of judicial and administrative leaders.
- g. Improve and expand implementation of best/promising practices that strengthen court culture and improve employee well-being.
- h. Implement practices that ensure equitable opportunities for all, especially people of color and marginalized groups; discontinue practices that disadvantage some groups (e.g., hiring, pay, promotions).

Below are 2022 – 2023 Strategic Initiatives.

STRATEGIC GOAL 5: Workforce Excellence			
2022-2023 Strategic Initiatives	Alignment with Strategies (See Above)	Activities (By July 2023)	Group Responsible/MJC Work Group
<p><b>8. Workforce of Today and Tomorrow</b></p> <p><b>Description:</b> The judicial branch is dedicated to advancing improvements for the current workforce while also preparing for the workforce of the future. Preparing for the workforce of the future including what courts may look like (e.g., service and operational needs), the skills needed to meet future needs, and the ability recruit and retain a talented and dedicated workforce is critical the successful operation of the judiciary. Preparing for the workforce of the future will ensure Michigan’s judiciary is effective, accessible, and trusted by all.</p>	<ul style="list-style-type: none"> <li>c, e, f, g, h</li> </ul>	<p>Study what courts may look like in the future and anticipate what courts will need to meet service and operational needs, and to attract and retain a qualified workforce. Make recommendations for preparing courts for a workforce of the future, which may include:</p> <ul style="list-style-type: none"> <li>Strategies for attracting and retaining a highly qualified workforce, including sharing pay and benefit information among the trial courts</li> <li>Reimagining, redesigning, and redefining traditional court jobs</li> <li>Identifying the skills needed to do the jobs based on changing needs, expectations, and service demands</li> <li>Upskilling/re-skilling judicial officers and court employees</li> </ul>	<p>MJC workgroup</p> <p>Co-Chairs: Ines Starube and Lindsay Oswald</p>