STRATEGIC PLAN
FOR THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

July, 1999

I. INTRODUCTION

This is the strategic plan for the United States District Court for the District of Nebraska. It was adopted on July 27, 1999.

II. PREFACE

The adoption of this strategic plan has been long in coming. In early 1998, Chief Judge Cambridge asked Judge Kopf, Clerk of Court Gary McFarland, Chief Probation Officer Craig Saigh and Chief Pretrial Services Officer Don Ranheim to attend a meeting in Florida to learn about strategic planning. They attended this conference and came away enthused. The concept of strategic planning was promoted by the Federal Judicial Center.

As a result of the Florida meeting, the court employed Dr. Dale Lefever, a consultant used by the Federal Judicial Center, to present the concept of strategic planning to all of the judges and agency heads. Dr. Lefever met with the court in December of 1998. At that meeting, all of the judges and agency heads agreed that the concept of strategic planning was something that each judge and each agency head believed was important and should be pursued.

As a consequence of this initial decision, Dr. Lefever was hired to assist the court with strategic planning. This strategic plan follows an intensive two and one-half day meeting in July of 1999 with Dr. Lefever, where judges, agency heads, and deputy agency heads attended.[1]

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[1]The United States Bankruptcy Court for Nebraska was invited to attend the strategic planning session. Both Bankruptcy Judges and four members of the Bankruptcy Court Clerk's Office attended. While the Bankruptcy Court is not a part of this plan, the plan will be implemented in such a manner as to promote a strong collaborative working relationship with the Bankruptcy Court.

III. STRATEGIC PLANNING: THE DEFINITION, NEED AND CONTEXT

Strategic planning is a process by which the guiding members of an organization imagine its future and develop the necessary procedures and operations to achieve that future. We believe that aspects of the future can be influenced and changed by what we do now and that we can do more than plan for the future. We can help our court create its future.

Most of us, because we are under such enormous daily pressure, tend to focus on the small and the immediate. We have little time to think about potentially big and important changes. We must be able to think about "big things" while we are doing "small things," so that the "small things" go in the right direction. Thus, we need to plan strategically.

IV. OUR VALUES

The United States District Court for the District of Nebraska has several core values. A core value is what we want to become and stay; a core value is intrinsic to our organization and will not be affected as trends and environment change; a core value transcends individual judges, current practices, and management fads; a core value is authentic, that is, it is discovered and not created.

Our core values are these:

- Integrity
- Impartiality
- Quality
- Civility
- Timely decision-making
- Principled decision-making
- Competent decision-making
- Accessibility
- Responsiveness
- Flexibility
- Economical operation

V. OUR MISSION: THE CENTRAL PURPOSE OF OUR COURT

If the court had to describe its essential purpose in one sentence, it would be this:

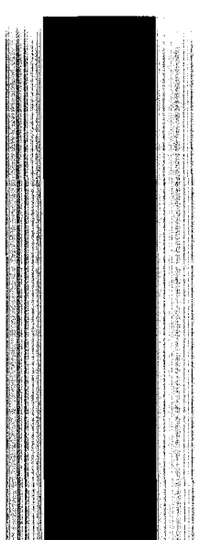
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA EXISTS TO MAINTAIN AND PERPETUATE A LAW-ABIDING SOCIETY BY PRESERVING THE RULE OF LAW THROUGH JUST AND ORDERLY RESOLUTION OF DISPUTES.

VI. EMERGING TRENDS AND IMPLICATIONS

The court believes that there are various political, economic, social, and technological trends that are emerging. We view these trends as opportunities, not as threats. For example, we believe that Congress is likely to increase our jurisdiction over a wide variety of cases and thus increase our caseload. We believe there will be an increasing demand for cost-effective courts. At least in the short term, we believe that the farm economy in Nebraska will struggle. We believe that there will be increasing conflict in our society between the majority and the minority. We believe that the percentage of Hispanic and Asian peoples will increase in Nebraska. We recognize that the population is aging. We believe that the social fabric of our communities will continue to be strained by such things as gambling. We believe that many of our employees will seek to work at home and will request flexible work schedules. We believe that automation will continue at an even more rapid pace. We believe that video-teleconferencing as a substitute for hearings will become common.

All of these trends have implications. Some of the implications we identified are these: (1) we will have more cases; (2) we will have less money to handle more cases; (3) we will have demands for justice at a much lower per case cost; (4) our population will become more, not less, diverse, thus requiring new skills (such as language proficiency); (5) the skills required to do our work will become increasingly technical and computer-based, thus eliminating the need for certain jobs but creating the need for other jobs; (6) we will need to dedicate resources to the recruitment and retention of competent employees; (7) we will need to increase accessibility to the courts.

We have taken these trends into account. We recognize that we must continue to identify and monitor trends.



VII. WHAT OUR STAKEHOLDERS WANT

The court does not exist to serve itself. Rather, the court exists to serve "stakeholders" who are the users, both external and internal, of the resources of the court. We have done our best to analyze who our stakeholders are and what they want. While we might not necessarily agree with each of the demands of our stakeholders, we need to be aware of them.

We have identified Congress, the public, the media, civil lawyers, criminal lawyers, civil litigants, criminal defendants, judges, and court employees as stakeholders. We believe that Congress will insist upon better stewardship of funds and increasing work on behalf of the court. Congress will use cost-sensitive measures to judge the courts. Congress will also use timeliness and common sense as measures of our performance.

The public will have many of the same demands as Congress. The public will judge us using money and common sense as a measure of our value.

The media want increased accessibility to the court and advance notice of courtroom proceedings.

Lawyers believe that they are entitled to priority. They will demand prompt rulings; objectivity of pretrial services and probation officers; flexibility; and consistency. They expect that the court will adopt their stipulations and agreements. Lawyers want 24-hour accessibility to court records.

Litigants want quick decisions at a low cost. So do criminal defendants. They also want to be treated in a fair, civil, helpful, respectful and humane manner.

Judges expect to have a competent staff and they expect the staff to make competent decisions. Judges will use increasingly sophisticated management techniques to judge the staff. Judges expect collegiality and loyalty from one another.

We think our staff want to be treated as responsible and respected professionals who seek to do a better job through increased educational opportunities provided by the court. We also think our staffs want a flexible environment that is both individual and family friendly. Our staff wants consistency among the judges. We believe our staffs will judge us on our deeds rather than on our

words.

In conducting the stakeholder analysis, we also realize we have not made an extensive survey of our stakeholders. As the strategic planning process becomes institutionalized within our court, we want to do a better job of surveying our stakeholders.

VIII. CRITICAL FUNCTIONS AND KEY RESULT AREAS

We have tried to identify the critical functions that are central to performing the mission of our court. We think those critical functions are these:

(1) Adjudication and case management;

(2) Records management;

(3) Dissemination of information;

(4) Jury management;

(5) Supervision of defendants and convicted offenders (pretrial services and probation);

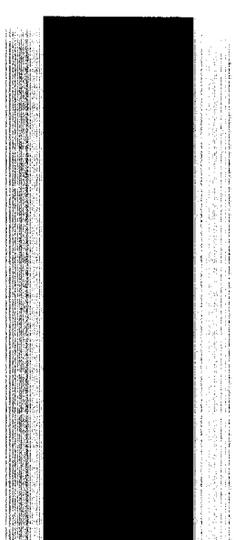
(6) Administrative management;

(7) Education;

(8) Research and development.

Among these critical functions, we think some are more critical than others for purposes of our first strategic plan. We have chosen the following five critical functions to focus on: (1) case management; (2) records management; (3) jury management; (4) administrative management; and (5) education.

For each of these critical functions, we have identified key result areas. We have tried to identify within these five critical functions where our court needs to make a specific effort to excel in order to further the mission of our court.



For case management, we need to excel in the area of timeliness of disposition of civil and criminal cases and in the increased use of Magistrate Judges. In the record management area, we need to excel in the area of paperless filing. In the jury management area, we need to excel in the non-utilization percentage of jurors (reducing the number of jurors who do not participate directly in voir dire). We need to excel in making jury service more satisfying, and we need to excel in making our jury population more representative.

In the administrative management area, we need to articulate how the judges will govern the court and we need to stress the elimination of duplication in personnel services, budget services, automation services, and procurement. In terms of education, we need to excel in improving public perception and understanding, in improving the quality of education delivered to lawyers and our staff, and in improving the quality of education provided to our Nebraska congressional delegation.

IX. PRIORITY GOALS AND MEASURES OF SUCCESS

We agree that our court will never be greater than the vision that guides us. Nevertheless, that vision must be coupled with hard work. As a consequence, we have endeavored to develop priority goals[2] and we have set criteria by which successful completion of each goal will be measured.

A. Timely Disposition of Cases

In the area of adjudication and case management, we will stress the timely disposition of cases. In order to ensure that we do this and are able to do this, we adopt the following three goals: (1) by June 30, 2001, median time to disposition of criminal cases will be reduced from over 9 months to 6 months; (2) by June 30, 2001, the median time from filing to disposition of civil cases will be reduced from 11 months to 8 months; (3) by January 1, 2002, we will secure Congressional approval for converting the fourth district judgeship from a temporary judgeship to a permanent judgeship in order that we can continue to be timely.

[2]We do not have a priority goal for each critical result area, because we did not want to "bite off more than we could chew."

B. Paperless Filing

In the area of records management, we have keyed on paperless filing. The goal is to provide the opportunity for electronic case filing (submitting pleadings to the court electronically) to all lawyers who want it, by June 1, 2001. We will begin a pilot program by June 1, 2000.

C. Reduce Non-Utilization of Jurors

In terms of jury management, we have keyed on reducing the number of jurors not selected or challenged during jury selection. Our goal is to reduce the percentage of jurors not selected or challenged to no more than 25 percent by June 30, 2000.

D. Governing Bylaws and Elimination of Duplication

With regard to administrative management, we are keying on two areas. First, the court will adopt bylaws of governance by January 1, 2001. Second, the Clerk of the Court, the Chief Probation Officer, the Chief Pretrial Services Officer, and the Clerk of the Bankruptcy Court, if she desires to participate, will make a specific consensus recommendation by January 1, 2000, about how the court could eliminate duplication in procurement functions and services.

E. Our Congressional Delegation

Insofar as education is concerned, we have developed two related goals that focus upon on our Congressional delegation: (1) by August, 2000, all of the judges, as a group, will have met with our Congressional delegation; and (2) by August, 2000, at least one judge will have met with each Congressman or Senator and his or her assistant who handles judiciary matters.

X. STRATEGIES FOR IMPLEMENTATION

Focusing on the goals that we have just mentioned, we have selected a basic strategy for each goal and we have assigned a person or group who will be accountable for managing implementation of this strategy and the ultimate achievement of the goal. We describe those matters next.

With regard to the goal of reducing the median time of disposition of criminal cases to six months, our basic strategy is to substantially reduce continuances at each stage of the criminal proceeding. Judge Jaudzemis is the person who will manage this strategy and she will provide a progress report by November 1, 1999, and at such other subsequent times as are appropriate.

With regard to the goal of reducing the median time from filing to disposition in civil cases to eight months, we will use a threefold strategy: (1) we will set time standards for each chamber to resolve dispositive motions (such as 60 days from the ripe date) and, when that goal is not achieved, the Clerk's office will send a list to each chambers identifying the number of cases that failed to meet this standard; (2) with regard to Rule 26 and progression orders, we will standardize our approach and try to reduce the time between deadlines; and (3) we will examine ways to set and keep specific trial dates. The three Magistrate Judges will manage these strategies and will provide a progress report by November 1, 1999, and thereafter as is necessary.

With regard to the goal of converting the fourth judgeship from a temporary judgeship to a permanent judgeship, our basic strategy will be to seek legislation that implements this goal for the District of Nebraska. Judge Bataillon will manage this strategy and be responsible for the achievement of this goal. He will submit a preliminary report by September 1, 1999, and thereafter as needed.

With regard to the goal of providing an opportunity to utilize electronic case filing, our basic strategy will be to emulate the United States District Court for the Western District of Missouri and to be selected by the Administrative Office as a pilot district. Gary D. McFarland and Denise M. Lucks will manage this strategy and be responsible for the achievement of this goal, and will issue a preliminary report by September 1, 1999, and thereafter as needed.

With regard to jury management, and our goal of reducing the percentage of jurors not selected or challenged to 25 percent, our basic strategy is to summon the fewest number of jurors possible and to use the greatest number of jurors who are summoned. Judge Strom will manage this strategy and be responsible for the achievement of the goal. He will provide an initial report by September 1, 1999, and thereafter as required.

In terms of administrative management, and the goal of drafting bylaws of governance for the court, our basic strategy will be to survey each of the judges and agency heads to determine their views on the proper administrative structure. Then, we will draft bylaws in an effort to

respond to the views of the judges and agency heads. Judge Kopf will be responsible for managing this strategy and for the achievement of the ultimate goal. He will draft a survey instrument and send it to the judges and agency heads by September 1, 1999. By December 1, 1999, Judge Kopf will circulate a draft outline of the bylaws for review by the judges and agency heads. After they have responded to the draft, a final draft of the bylaws will be submitted for consideration.

In the area of the elimination of duplication in the area of procurement, Craig Saigh will meet with Gary McFarland and Don Ranheim and will issue a preliminary report by November 1, 1999, and thereafter, as required.

In terms of education and the goals of meeting with our Congressional delegation both as a group and one-on-one, the basic strategy will be to follow an action plan developed by Judge Bataillon. He will provide this action plan by September 1, 1999. Judge Bataillon will be responsible for managing this strategy and for achievement of the ultimate goal.

XI. EVALUATION AND MONITORING

We recognize that we must continually evaluate and monitor our progress. Accordingly, we will use status reports, the quarterly judges' meetings, and a meeting with Dr. Lefever on July 31, 2000 (and probably thereafter) to evaluate and monitor this strategic plan.

XII. SUMMARY

Strategic planning is a fluid process. As our goals are achieved, new ones will emerge. Essentially, we have begun a race with no finish line.

We also recognize that policies must be set by policy makers, but that specific solutions will likely come from our employees. As a result, we will meet with all of our employees and explain this strategic plan and our enthusiasm for it. For this plan to succeed, we will need the active support of our employees.

Lastly, with the exception of Judge Urbom,[3] all judges and agency heads have agreed to this strategic plan. Therefore, these judges and agency heads commit to fully support the plan. We hope that all of our employees, from the Clerk's Office, to the Probation Office, to the Pretrial Services Office, to chambers, will do likewise.

William G. Cambridge
Chief Judge

Richard G. Kopf
District Judge

Thomas M. Shanahan
District Judge

Joseph F. Bataillon
District Judge

Lyle E. Strom
Senior Judge

Kathleen A. Jaudzemis
Magistrate Judge

David L. Piester
Magistrate Judge

Thomas D. Thalken
Magistrate Judge

Gary D. McFarland
Clerk of District Court

Donald A. Ranheim
Chief U.S. Pretrial Services Officer

J. Craig Saigh
Chief U.S. Probation Officer

[3]Judge Urbom was trying a case in Arkansas on July 26 & 27, 1999. As a consequence, he could not participate in the development of this strategic plan.