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## **2022-2025 STRATEGIC AGENDA**

Planning for the Future of the Michigan Judicial System

February 24, 2022 (DRAFT)

Michigan Judicial Council



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Michigan Judicial Council

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## 2022 - 2025 Strategic Agenda

February 24, 2022 - DRAFT

### Section 1: Overview

This document is the first strategic agenda developed for the judicial branch of the State of Michigan. While the idea for state-wide strategic planning for the judicial system has been discussed for decades, on April 14, 2021, the Michigan Supreme Court took the historic step of adopting MCR 8.128 creating the Michigan Judicial Council to establish a strategic planning process and strategic agenda for Michigan's judicial system.

The Judicial Council is charged with making recommendations to the Supreme Court on matters pertinent to the administration of justice, including development of a strategic agenda for the judicial branch and suggesting proposals that would enhance the work of all courts. The Supreme Court also provided that the Judicial Council would be representative of Michigan's diverse population and regions, ensuring and advancing diversity, equity, and inclusion.

Discussion about the creation of a Judicial Council had its origins a few years after the adoption of the Constitution of 1963. The Detroit News reported on March 15, 1972, that a special commission, created by the Legislature, had unveiled its proposal to reform the state's judicial system. Among the recommendations was a proposal to establish a 31-member Judicial Council.

The Commission on the Courts in the 21<sup>st</sup> Century published its report in December, 1990. That Commission built on the foundation of the 1963 Constitution's "One Court of Justice" language to suggest systematic improvements to make the administration of the courts less costly and the provision of justice swifter and fairer. A key recommendation was that the State Court Administrator should design and supervise a uniform system of case management for all state courts.

In 2011, the Judicial Crossroads Task Force, created by the State Bar of Michigan, recommended establishing a Judicial Council, Chaired by the Chief Justice of the Michigan Supreme Court, responsible for the development and adoption of a strategic plan to serve as the foundation of the Council's policy-making responsibilities and to provide administrative direction for the trial court system, under the constitutional authority of the Supreme Court. It was also recommended that the Council should make recommendations on administrative orders and rules to the Supreme Court. In determining the composition, duties, and responsibilities of the Council, it was recommended that the Supreme Court draw upon the successful features of the judicial councils of California, Utah, and Minnesota.

Finally, the Trial Court Funding Commission, in its report in 2019, cited the need for a uniform system to provide for all the technology needs of the trial courts stating that in a data-driven world, a common data collection point is vital for service improvement. With a single system, the likelihood of data being accurate, reliable, and consistent would be improved.

These Task Forces and Commissions have established many innovative judicial practices around mental health, racial equity, access to justice, pretrial practices, the use of money bail, and equitable models for trial court funding. However, the lack of statewide judicial planning and implementation creates logistical and organizational hurdles that hamper effectiveness. Judiciary-wide strategic planning will coordinate and prioritize these programs with statewide support and will support the Constitutional objective of "One Court of Justice".

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The 29-member Michigan Judicial Council held its first meeting on July 22, 2021, to begin the process of developing a strategic agenda for Michigan’s judicial system. It was the beginning of an ongoing strategic planning cycle. The Council, which includes a representative group of judges, court administrators, court clerks, attorneys, and members of the public, met every four weeks via Zoom during the development of the strategic agenda. The virtual planning sessions were facilitated by Dr. Brenda Wagenknecht-Ivey of PRAXIS Consulting, with grant assistance from the State Justice Institute. Zoom breakout groups and real time polling were used to promote participation and encourage diverse ideas and open dialogue.

The strategic planning process included the following.

1. Develop a mission, vision, and core values for the judicial branch.
2. Analyze a myriad of external and internal trends affecting the judicial system in the future including describing long-term implications on the branch and considering several future scenarios.
3. Review the results of a 2021 strategic planning survey, which included judicial officers, court administrators, and external partners.
4. Review the results of a court user satisfaction survey administered by courts across Michigan in the fall of 2021.
5. Use the survey results to summarize the strengths, weaknesses, and potential threats facing the judicial system in the future.
6. Review the findings and recommendations of prior or existing Commissions and Task Forces, and the innovative work of other states.
7. Identify branch-wide strategic goals and strategies for making improvements, based on all of the above.

Lastly, the Council explored a wide range of strategic priorities for the first year of implementation. The improvement initiatives were discussed and prioritized. The highest priority initiatives in each of the strategic goals establish the Council’s work for the next year. Existing and/or new Commissions and Task Forces will work on the strategic initiatives. The Council will meet regularly (e.g., at least three times per year, more if needed) to review and report on progress. Recommendations related to each of the strategic initiatives, where appropriate, will be made to the Council and ultimately to the Supreme Court. New strategic priorities will be identified each year. The strategic agenda will be reviewed and updated at least every 4 years, or sooner if needed.

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## Section 2: Mission, Vision, and Core Values of the Michigan Judicial System

Below are the mission, vision, and core values of the Michigan Judicial System.

### 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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### Section 3: Strategic Goals and Strategies

The Michigan Judicial Council identified five long-range, strategic goals for the judicial branch after:

1. Analyzing internal and external trends, identifying long-term implications on the judicial branch, and considering future scenarios.
2. Reviewing strategic planning survey results, which was completed by external partners, court users, judicial officers, and court administrators.<sup>1</sup>
3. Summarizing strengths and weaknesses of, and threats facing, the branch.
4. Reviewing findings and recommendations of previous or current task forces/commissions as well as other justice reform practices across the United States.

The strategic goals are:



As noted above, a number of councils, commissions, and task forces in Michigan have done work in these (and other) areas over the years. The Michigan Judicial Council was informed by the work of these prior groups; the findings and recommendations were reviewed and discussed. That said, while highly regarded and very helpful in developing long-term strategies for system-wide improvements in the strategic goal areas, the Council does not necessarily endorse the recommendations made by the

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<sup>1</sup> External partners surveyed were representatives from: State Bar of Michigan, MI Sheriffs' Association, MI Association of Chiefs of Police, MI Indigent Defense Commission, Criminal Defense Attorneys of MI, MI Department of Corrections, Prosecuting Attorney's Association of MI, Domestic and Sexual Violence Prevention/Treatment Board, Committee on Juvenile Justice, MI Association of County Clerk's, House Judiciary Committee, House Appropriations Subcommittee on Judiciary, Judiciary and Public Safety Committee, and Appropriations Subcommittee on Corrections/Judiciary. Court users surveyed included litigants, family members, attorneys, and others using the courts during November and December 2021.

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various groups. Instead, where appropriate, the Council used the work of the other groups to assist in formulating strategies to address each of the goal areas and for shaping specific strategic initiatives.

Each of the strategic goals is fundamentally important to Michigan’s judicial system. Together they frame the strategic direction and improvement priorities for the coming years. The Michigan Judicial Council will focus on making system-wide improvements in these areas going forward.

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## Strategic Goal 1: Court Funding and Technology Infrastructure

### Description

#### Court Funding:

The people of Michigan deserve a court system that is adequately and equitably funded and funding that is sustainable over the long-term. 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.

Trial court funding in Michigan is broken, concluded the Trial Court Funding Commission<sup>2</sup> after a year-long study of Michigan's historic and existing trial court funding system, national innovations, and best practices. Michigan's trial courts are facing a potential fiscal crisis due to the changes in financing methods brought on by two recent court cases: *People v Cameron*, 504 Mich 927 (2019) decided by the Michigan Supreme Court and *Timbs v Indiana*, 139 S Ct 682; 203 L Ed 2d 11 (2019). These cases challenged the constitutionality of assessing court costs as part of a sentence and using courts to generate revenue. Going forward, it is imperative to create a stable and consistent funding source for trial courts that removes trial court judges from the role of raising money for the operation of the courts.

Michigan trial courts are funded through a complex collection of general tax revenue and monies assessed and collected by the courts. The TCFC determined it costs up to \$1.44 billion each year to operate Michigan's trial courts. These funds come from the following sources:

- Transferred from the state (22.7 percent)
- From federal sources (7.2 percent)
- From local funding sources (43.9 percent)
- Generated by the trial courts (26.2).<sup>3</sup>

Reforming trial court funding in Michigan will address the following problems:<sup>4</sup>

- A real or perceived conflict of interest between a judge's impartiality and the obligation to use the courts to generate revenue.
- Inadequate funding from all sources due to excessive dependence on local government funding.
- Unequal access to justice harming those who are most vulnerable and have the least access to financial resources.

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<sup>2</sup> The Trial Court Funding Commission (TCFC) was created by the Michigan Legislature through 2017 PA 65.

<sup>3</sup> Trial Court Funding Commission, [Final Report](#) (September 6, 2019), p 7.

<sup>4</sup> *Id.* at 4.

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## Technology Infrastructure

Michigan’s judicial system also needs a technology infrastructure that connects and integrates courts across the state. A unified and integrated technology platform (including case processing and document and records management systems) will enhance information sharing, promote consistent data collection, analysis, and reporting, and will improve judicial and administrative decision-making. An investment in the Branch’s technology infrastructure including uniform data structure, collection, and reporting will reduce duplication and local costs, improve state and local decision-making, and increase efficiencies over the long-term.

The Judicial Branch’s technology infrastructure is inadequate to meet current and future needs. The trial courts currently use 16 different case management systems and 150 different computer systems. This approach is costly, and many courts lack the local resources and support to effectively and efficiently upgrade and adapt to existing and emerging technologies/digital systems. A unified technology system and infrastructure also improves data gathering and reporting; it will yield more consistent and reliable data and will be less labor intensive to compile. Further, a unified technology system and infrastructure will enable the broader use of online court services and resource sharing (e.g., e-filing, virtual interpreting, online dispute resolution, secure digital recording, etc.) and eliminate or reduce duplication and costs to local governments while at the same time improve access and services to the public.<sup>5</sup> Finally, a unified technology system and infrastructure will better position the Judicial Branch for integration with other justice system stakeholders, such as law enforcement, corrections, and child and social welfare agencies.

## 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.

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<sup>5</sup> *Id.* at 25.

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- 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.

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

**Description:**

The coronavirus pandemic has been a catalyst for transforming how judicial and court services are provided to court users. The sweeping changes instituted in 2020 and 2021 that allowed courts to continue providing justice during the pandemic along with the criminal and civil justice reforms advocated by state and national court leaders, provide opportunities to redesign the experiences of the public and provide more effective problem resolution. In the future, it is important to: (1) leverage existing and emerging technologies; (2) challenge previously held assumptions about how judicial and court services were provided; (3) draw upon and expand evidence-based and promising/effective practices; and (4) address endemic and persistent inadequacies and injustices.

**Improve the Public's Experience:**

Access to justice is vitally important and a high priority for the judicial branch. Technology is advancing at an unprecedented pace and the expectations of diverse court users are shifting. All people need to be able to interact with and easily navigate today and tomorrow's court system. For example, the public must be able to access the court (virtually and in-person), receive needed assistance and information, understand procedures and how to conduct court business, and have evidence-based services and programs available to them regardless of the court or county in Michigan.

The experience of the public must engender understanding, trust, and respect in the judicial system. Meeting the evolving needs of those who use the courts and improving the experience for all people are high priorities for Michigan's judicial system.

**Provide More Effective Problem Resolution**

Michigan's courts provide justice through dispute and problem resolution. The branch is committed to improving and expanding effective dispute and problem resolution practices. This includes improving pretrial practices, expanding services to people experiencing mental health and substance abuse issues, using evidence based and other effective problem resolution practices to achieve effective outcomes for youth, families, and others who use the courts, to name a few.

According to data from the Michigan Joint Task Force on Jail and Pretrial Incarceration, county jails are being utilized equally for both pretrial and post sentencing purposes. Further, data shows that any amount of time spent in detention can have negative outcomes for individuals and their families as well as increase the likelihood of future offending.<sup>6</sup> Effective problem resolution includes considering alternatives to incarceration at pretrial and sentencing along with procedural changes that will both ensure public safety and achieve the best possible outcomes for individuals and families, according to the Michigan Joint Task Force on Jail and Pretrial Incarceration.

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<sup>6</sup> The Michigan Joint Task Force on Jail and Pretrial Incarceration, [Report and Recommendations](#) (January 10, 2020), p 11-14.

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Additionally, effective problem resolution requires managing cases effectively to ensure timely, fair, and effective resolution of legal matters, implementing operational efficiencies, expanding other programs and services to enhance problem resolution (e.g., alternative dispute resolution methods, online dispute resolution), collaborating with justice system and community partners to meet the needs of those who use or are involved in the courts (e.g., education, housing, etc.), and implementing system-wide changes that enhances fair, efficient, and effective dispute and problem resolution.

The Michigan judicial branch will continue its quest to strengthen dispute and problem resolution practices across the state. Doing so will help build a judicial system that is accessible to all and trusted by all.

## **STRATEGIES FOR MAKING IMPROVEMENTS:**

### **Improve the Court User 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.

### **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.

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- 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.

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### Strategic Goal 3: Racial and Social Equity

#### Description:

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; they will experience a justice system that is free from bias, equitable, consistent, and predictable. The judicial system will be fair and just for everyone.

Disparities in arrest and incarceration rates of white people and people of color have been found in Michigan, according to the Michigan Joint Task Force on Jail and Pretrial Incarceration<sup>7</sup> and the 2019 Criminal Justice Policy Commission Report, which completed an Evaluation of Straddle Cell Sentencing, Class E Felonies covering six years of data.<sup>8</sup> Additionally, Michigan State University recently compared the racial and ethnic composition of traffic stops across Michigan State Police districts from 2020 and found similar disparities.<sup>9</sup> It also is widely recognized that sentencing practices across Michigan are not uniform, which can have the appearance of being unjust and unfair. Sentencing practices must take into consideration individual circumstances while also being fair and consistent.

The Council is committed to addressing long-standing disparities throughout the judicial system and taking actions that will eliminate disparate treatment and ensure equity and fairness for all people.

#### 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.

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<sup>7</sup> Michigan Joint Task Force on Jail and Pretrial Incarceration, [Report and Recommendations](#) (January 10, 2020).

<sup>8</sup> Criminal Justice Policy Commission, [Evaluation of Straddle Cell Sentencing in Michigan Class E Felonies](#) (June 6, 2019).

<sup>9</sup> Michigan State University, [Michigan State Police Traffic Stop External Benchmarking: A Final Report on Racial and Ethnic Disparities](#) (2021).

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- 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.

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

Description:

Public trust and confidence in governmental institutions, including the judicial branch, have been on the decline for decades. It is time to reverse this trend. Educating about and maintaining trust and confidence in the judicial branch are essential to protecting the rule of law, maintaining a civil society, and preserving our democracy.

Michigan courts deliver justice for all by providing access, protecting rights, resolving disputes, and applying the law under the Constitution (mission statement). The judicial system 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) are the bedrock for increasing understanding and building and maintaining the public's trust and confidence.

**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.

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## Strategic Goal 5: Workforce Excellence

### Description:

Employing a professional, diverse, and skilled workforce is a high priority for the Michigan Judicial Branch. Providing the highest quality of services to the people of Michigan is dependent in part on being able to recruit and retain judicial officers and employees who are dedicated to public service and providing justice for all people. Creating workforce excellence, including a work environment/court culture that is equitable, inclusive, and engaging is vitally important for the future.

The Judicial Branch will work to ensure judicial officers, court administrators, and employees reflect the diversity in communities, and all will possess the knowledge, skills, and abilities to perform at the highest levels. All will embrace and adhere to the highest ethical and professional standards. Court cultures will also be inclusive and engaging. Judicial and administrative leaders will foster court cultures that are equitable, welcoming, and satisfying. Together these high standards will ensure 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.
- g. Develop existing and the next generation of judicial and administrative leaders.
- h. Improve and expand implementation of best/promising practices that strengthen court culture and improve employee well-being.
- i. 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).