

## **REFLECTIONS ON THE TENTH STRATEGIC PLANNING SESSION**

**SEPTEMBER 15 AND 16, 2008**

**The purpose of the United States Bankruptcy Court for the Southern District of New York is to provide, economically, a fair, consistent and effective forum for the protection and marshaling of estate assets, the discharge or adjustment of debts, and the timely distribution of property or securities, in accordance with applicable law.**

### **INTRODUCTION**

The United States Bankruptcy Court for the Southern District of New York held its tenth strategic planning session on September 15 and 16, 2008 in New York City.

The participants in the session, as has been done in previous sessions, consisted of a cross-section of court constituents and staff of the clerk's office, including representatives from the three divisions of the court located in Manhattan, White Plains and Poughkeepsie. The process is a collaborative effort among judges, clerk's office staff, representatives from the offices of the United States Trustee and United States Attorney and members of the bankruptcy bar. For the second time, representatives from the two *pro bono* programs, jointly sponsored by the Eastern and Southern Districts of New York, joined the session to represent the interests of the *pro se* population. The Federal Judicial Center and the Administrative Office of the United States Courts continue to play a valuable role in helping to support the process.

The strategic planning process identifies the framework for changes in policy and procedure necessary to guide the Court in the future, while the structure of the strategic planning process encourages information sharing and innovative thinking among participants.

The Court's purpose, values and critical functions established at previous strategic planning sessions continue unchanged. The mission of the Court, together with the underlying constants, continue to serve as the foundation on which management decisions are made and goals for the Court are identified.

### **THE PROCESS**

The focus of this year's session was on the strategic issues identified in a questionnaire circulated to the participants prior to the session. The responses identified areas where it was recommended for the Court to spend its energy and resources in coming years to accommodate the changing expectations of the Court's stakeholders. The participants identified aspects – in a changing environment – that the Court's planning efforts should focus in meeting its commitment to the Court's core mission.

The participants identified constituents' expectations in each of the Court's five critical functions: 1) dispute resolution, 2) case management, 3) marshaling and distribution of estate assets, 4) processing and dissemination of information and 5) education. These areas were

studied and an assessment was made of their impact on the work of the Court. Specifically, the focus was on how they affect the Court's ability to meet its mission and the expectations of the Court's constituency.

## **THE PLAN**

The strategic plan emerging from this year's two-day session consists of **four** goals developed and agreed to by the participants and designed to help the Court translate intentions into achievable goals. In developing the strategic plan, the participants clearly reaffirmed the Court's commitment to excellence and identified the criteria by which the achievement of each goal will be determined and measured.

**GOAL 1:** *Create a fully integrated chambers information management system to enhance the decision-making process.* The participants agreed that in order for the Court to advance technologically, it is now critical to develop a complete integration of electronic technology with the operation of chambers and utilize technology to improve trial activity.

**STRATEGY** – The strategy is to design a system that produces a virtual file of all information and documents necessary or helpful for effective preparation and decision-making, including briefs, supporting papers, exhibits, transcripts, case files and calendars. The different types of documents would be kept separate for easy reference, and all information would be hyperlinked (to the extent possible). The system would make data available quickly, easily and electronically to the judge, law clerk and courtroom deputy.

**RESPONSIBLE PARTIES** – The Chief Judge will serve as the chair of the project, with two other judges functioning as implementation managers. The Clerk of Court, Information Technology Director and an Information Technology staff member will be responsible for the analysis, programming and implementation of the project, and a Courtroom Deputy will be responsible for evaluating the effectiveness of the project and for training and supplying support for users of the system.

**GOAL 2:** *Ensure that all court constituents have ready access to the information they need – when they need it – through multiple delivery mechanisms.*

**STRATEGY** – The strategy for this goal begins with the development of a program to measure whether information dissemination is effective and responsive to the needs of the constituents. It is anticipated this can be accomplished through such things as providing surveys to counsel; distributing quarterly newsletters with relevant information; installing electronic signs to provide announcements and other information, such as locations for court room reassignments or overflow hearings; and exploring the use of analytical software to provide answers to questions and other software that translates English into other languages.

**RESPONSIBLE PARTIES** – The Chief Deputy will be responsible for forming a

committee of not more than ten people to be responsible, at least quarterly, for reviewing the content on the Court's website. Meetings of the committee will be held via telephone conferences or by making use of desktop meeting software. The committee will consist of the Chief Deputy, the Information Technology Director, the Court Services Supervisor, Assistant Operations Manager in charge of Intake and Records, an outside attorney, an attorney from the United States Trustee's Office and a Deputy in Charge at one of the Divisions, with each individual to be responsible for implementing various aspects of the strategy.

**GOAL 3:** *Reduce the number of individuals preparing for filing pro se and needing counsel in contested matters and adversary proceedings by actively promoting the concept of increasing attorney representation – at the earliest time achievable – of those who would otherwise not be represented, while providing an enhanced level of information to those individuals who proceed without attorney representation.*

**STRATEGY** – With respect to individuals in need of attorney representation in contested matters or adversary proceedings, the Court will continue and expand efforts to increase *pro bono* assistance of *pro se* parties. The Court will conduct a cost/benefits analysis to determine the possibility and impact of employing a *pro se* attorney, who would be available to all three divisions to assist *pro se* filers. The Court will also explore the feasibility of installing a kiosk to assist the *pro se* filer with identifying and meeting filing requirements. Additionally, the Court will make available – to those individuals seeking to commence a bankruptcy case without the assistance of counsel – a self-help kit containing all of the required forms due at filing along with basic instructions and filing information.

**RESPONSIBLE PARTIES** – Judges representing the Court's three divisions, management and staff of the Clerk's Office and interested constituent parties from outside of the Court have assumed responsibility to implement the strategy outlined above. The Operations Manager will coordinate the efforts of those involved in meeting this goal.

**GOAL 4:** *Create the perfect model of a technologically enhanced courtroom that will lead to effective trial presentations.*

**STRATEGY** – The strategy begins with the investigation of funding opportunities and the use of outside resources. A strategic plan would be developed to expend funds provided for this purpose in the Court's annual budget. In developing a plan, those participating would identify the features to be included in a model courtroom and would establish a schedule for implementation in the Court's eleven courtrooms.

**RESPONSIBLE PARTIES** – The Information Technology Director and judges representing the three divisions of the Court will assume responsibility for investigating and implementing various aspects of this goal.

## **CONCLUSION**

The Court recognizes that strategic planning is an ongoing process. As the Court focuses on meeting the goals identified in this session, it continues to work on goals set out in previous strategic plans that have not yet been achieved.

The Court is indebted to the participants of the Court's tenth strategic planning session for contributing their time, enthusiasm for the process, support and hard work in helping the court maintain its level of efficiency. The strategic plan continues to assist the Court enormously in remaining focused on a shared vision of the future.