



# Action Planning to Advance Systemic Change

*State courts should embrace action planning as a mechanism to amplify access to justice, in particular for people of color and other historically marginalized groups. Action planning requires continuous work to break down institutional barriers, making way for environments rich in diversity, equity, inclusion, and belonging (DEIB).*

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## A Catalyst for Change: New Jersey's Courts

Through the vision of Chief Justice Stuart Rabner, the New Jersey courts are engaged in an ongoing effort to dismantle institutional biases and improve court operations for greater justice equity. This initiative is more than aspirational pronouncements about equality and fairness. It is about the implementation of measurable steps to improve the court system. This article provides a roadmap for how courts, regardless of size, can use New Jersey's action-planning model to fulfill their mission.

The New Jersey Supreme Court Action Plan for Ensuring Equal Justice, launched in July 2020, reinforced and focused New Jersey's commitment to DEIB initiatives. This plan addressed systemic racism and other inequalities with nine specific, measurable action items.<sup>1</sup> From improving impartiality in jury selection to requiring continuous legal education on diversity and bias, the first installment of the plan laid a foundation for concrete change.

Each subsequent year, the New Jersey Supreme Court has reported on its progress, documenting achievements and setting new goals for reform. The plans for 2021 and 2022 and the latest installment in 2023 include pledges to provide greater transparency in collection of debts and court-imposed fines and fees, investigation of potential biases in juvenile probation interventions, and support for attorneys of color.<sup>2</sup> In addition, the judiciary also adopted an Equity Impact Analysis tool to ensure that all policy and other proposals are evaluated for alignment with DEIB Guiding Principles.<sup>3</sup> Each of the 36 items in the first four installments of the court's action plans focuses on an identified gap and proposes one or more ways to address that gap through improvements to court practices, procedures, or outcomes.

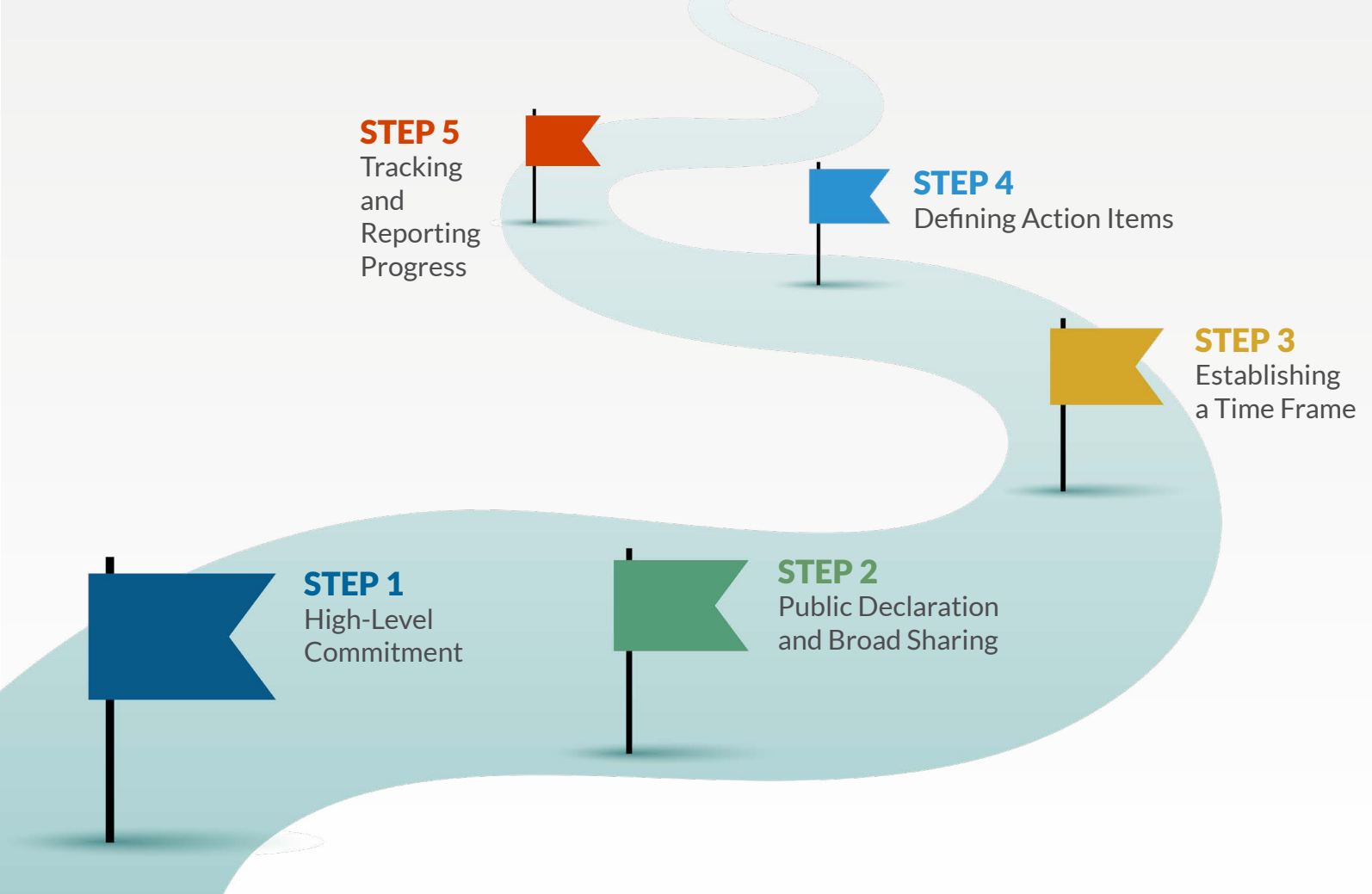
The action-planning process is shaping New Jersey's court culture. By acknowledging hidden inequities and fostering a community where everyone is encouraged to voice concerns, the courts engage in collective problem-solving and shared victories. Successes are no longer celebrated only by people directly involved with clients or local initiatives; rather, they are broadcast throughout the judiciary, inspiring further change and reinforcing the value of the action-planning process.

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<sup>1</sup> See New Jersey Judiciary, "Commitment to Eliminating Barriers to Equal Justice: Immediate Action Items and Ongoing Efforts," at <https://perma.cc/99YX-H6NT>.

<sup>2</sup> See the plans for 2021 at <https://perma.cc/J3PR-4QWX>; for 2022 at <https://perma.cc/CN92-WG9Y>; and for 2023 at <https://perma.cc/74AA-6GC7>.

<sup>3</sup> See the Equity Impact Analysis at <https://perma.cc/6MAC-5J2F> and the Guiding Principles at <https://perma.cc/4SVG-R4DD>.



## A Roadmap for Action Planning in the Judiciary

To make action planning effective and meaningful, courts need a clear, actionable roadmap. This is not just about setting goals but about committing to a process that yields results and fosters accountability. As one model, consider this roadmap to ensure that action planning translates into progress and change.



### **STEP 1 | High-Level Commitment**

Action begins at the top. The most successful action plans have buy-in from the highest levels of leadership. When a chief justice, supreme court, or administrative director publicly commits to action, especially concerning race equity, it sends a powerful message. The commitment must be clear, and its progress must be measurable. Action planning is not about making promises; it's about setting a standard for accountability and creating a metric for success.



### **STEP 2 | Public Declaration and Broad Sharing**

Once the commitment is made, it should be shared across the entire organization. It is important to communicate the pledge to all levels, from senior leaders to frontline staff. This transparency ensures that the commitment is known, shared, and supported, promoting a culture of inclusivity and collective responsibility.



### STEP 3 | Establishing a Time Frame

Change rarely happens overnight, but without a timeline, it might not happen at all. By setting a time frame of one year or less, the court places significant pressure on itself to act and not let initiatives languish. Some objectives might be reached sooner, but the deadline ensures sustained attention and effort. This step is about pacing to ensure that the court stays on track without becoming complacent.



### STEP 4 | Defining Action Items

Identifying specific action items is critical. Courts can consider an ABC approach to action planning:

- **Authority:** Ensure that the right people are empowered to act.
- **Buy-In:** Gain the support of those involved and affected by the actions.
- **Collaboration:** Work together within and beyond the court system.
- **Duration:** Set realistic time frames for each action item.
- **End Results:** Define what success looks like.
- **Follow-Up:** Determine how the court will maintain improvements over time.

This structured approach ensures that each action item is grounded in a strategy that's both achievable and sustainable.



### STEP 5 | Tracking and Reporting Progress

The final step is ongoing evaluation. This is about tracking what's working and what's not and understanding why. It's about being transparent with progress, or the lack thereof. Reporting out, ideally annually, holds the court accountable not just to itself but to the public it serves. The court must own its successes and its failures, learning from both to continually refine and improve its action plan.

By following these steps, courts can ensure that their action planning is more than just a set of intentions; it becomes a dynamic process that drives systemic change. Each step builds on the last, creating a cycle of continuous improvement that can respond to the evolving needs of the community and the demands of justice.

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## Selecting and Implementing Action Items: The ABCs of Effective Reform

To select the right action items, courts can use an ABC model focusing on Authority, Buy-In, Collaboration, Duration, End Results, and Follow-Up. This model provides a structured approach to choosing and implementing reforms that can lead to systemic and lasting change.



### **AUTHORITY | The Starting Point for Independent Action**

Before embarking on a reform, courts must assess their independent authority to enact change. Some initiatives, like amending court rules to mandate diversity and bias training for attorneys, may lie well within the judiciary's purview. Similarly, requiring implicit bias training for judges and court staff is a move the court can unilaterally implement. These kinds of actions are ideal starting points because they do not require external approval, allowing the court to act decisively and swiftly.

Court-driven reforms often yield significant return on investment that can catalyze interest and engagement. For example, New Jersey announced, implemented, and then reported on the court's pledge to train its entire workforce (approximately 9,000 employees) on implicit bias. Judges and staff at all levels participated in those critical training programs, which enhanced awareness of DEIB issues and strengthened support for action planning.



### **BUY-IN | Securing Stakeholder Support**

Not all reforms are solely within the court's control. In these cases, securing buy-in from necessary stakeholders becomes essential. This involves gauging current support levels and identifying strategies to bring stakeholders on board within the set time frame. The objective is to ensure that those who have a stake in the court's functioning are not just aware of the proposed changes but are active proponents of them.

The landlord-tenant reforms launched in New Jersey in 2021 illustrate the value of buy-in from parties with different interests. Rather than unilaterally adding new pleading requirements for property owners and additional opportunities for tenants to raise affirmative defenses, a special committee, including plaintiff attorneys, legal service providers, and community advocates, worked together to recommend reforms that were acceptable and workable to all parties.



### **COLLABORATION | The Key to Joint Initiatives**

Certain reforms extend beyond the judiciary's scope and require collaboration with other branches of government or external organizations. Determining the feasibility of such partnerships is vital. Will the legislature, executive, or local agencies be open to working with the court? Is there a history of collaboration that can be expanded? Courts must evaluate whether these cooperative efforts can be established promptly and effectively within the relevant schedules.

One example is New Jersey's Judiciary Opportunities for Building Success (JOBS) program. Through the JOBS program, the judiciary has connected hundreds of probation clients and participants in recovery court with employment opportunities made possible through public-private partnerships with some of the top companies in New Jersey, including hospital systems, utilities, and large and small businesses. While the judiciary leads this initiative, its success derives from the voluntary engagement of employers who offer good pay, benefits, training, and employment, in particular for Black clients, who comprise the largest race category (53 percent) of those who have secured employment through the JOBS program.



### **DURATION | Balancing Short-Term Wins and Long-Term Goals**

The timeline for reform can significantly influence the perception of success. While long-term initiatives lay the groundwork for systemic improvements, short-term wins can be crucial for maintaining momentum and demonstrating progress. To that end, courts should identify reforms that can deliver immediate, visible benefits while also contributing to the broader, ongoing objectives of the judicial system.

As part of the first installment of its action plan, in 2020 the New Jersey Supreme Court vacated old outstanding warrants for failures to appear for 592 juveniles. This action provided immediate, measurable results for youth, including disproportionate numbers of youth of color. More recently, in furtherance of the spirit of this earlier promise, the court vacated more than \$7 million in unpaid supervision fees owed by people no longer subject to probation supervision.



## END RESULTS AND FOLLOW-UP | Measuring Impact and Sustaining Progress

Finally, courts must clearly define the intended outcomes of their reforms. Some changes may have a direct and immediate positive impact on those interacting with the justice system. Others may be more indirect, setting the stage for future benefits. It is important to consider what will resonate with the community and stakeholders. Additionally, a plan for regular follow-up and assessment ensures that the reforms have the desired effect and that the court remains accountable for continuous improvement.

For example, in December 2020 the court approved a framework for standardized statewide review of certain adults and juveniles subject to probation supervision. Consistent with that protocol, superior court judges ordered early termination of probation supervision for more than 500 individuals who had achieved critical rehabilitative goals and met other relevant criteria. Some individuals were discharged entirely, and others had their cases converted from supervision to collections only.

To ensure that such actions are more than a one-time effort, the court authorized and directed probation services to review future cases periodically to determine eligibility for early termination. A review conducted in 2024 confirmed that since the court authorized ongoing review, judges have concluded supervision early for around 8,000 more people on probation.

By carefully evaluating potential reforms, courts can select and implement initiatives that not only address immediate concerns but also pave the way for a judiciary that is more equitable, inclusive, and responsive to the needs of all its citizens.

## Examples for Inspiration

Initiatives across various states offer a wealth of knowledge and strategies for courts at every level to adapt and adopt in their quest to improve equity in the administration of justice. Additionally, state courts looking to advance racial justice initiatives are encouraged to consider the action plans or strategic plans published by Delaware, Michigan, Minnesota, New Hampshire, New Jersey, and Washington, as well as the ongoing work of other court systems as highlighted in NCSC webinars and policy resources.<sup>4</sup>

## Conclusion

As our state court systems continue to evolve, so do our responsibilities. The work of New Jersey's courts exemplifies a commitment to systemic change that ensures justice for all. As these plans continue to unfold and more courts embrace action plans of their own, the promise of a truly fair and equitable judicial system becomes increasingly attainable.

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<sup>4</sup> See Delaware's plan at <https://perma.cc/G56R-QVRS>; New Hampshire's plan at <https://perma.cc/C4DQ-9ERP>; and Washington's plan at <https://perma.cc/BX39-HZP4>.