

## Making Futures Productive in the Courts and in Education

---

Lester E. Cingcade\*

It is with deep sadness that we report Lester Cingcade's passing away. Successful futures research needs a champion. Lester Cingcade was that champion - first for the Hawaii Judiciary and later for Mid-Pacific Institute, a private College preparatory school in Hawaii. This article is reproduced from, Sohail Inayatullah, ed. *The Views of Futurists: Vol 4. The Knowledge Base of Futures Studies*. Brisbane, and Melbourne, Foresight International, 2001.

### *Futures in the Courts*

My introduction to the field of futures research came in 1966, when James Dator of the University of Hawaii Political Science Department, and George Chaplin, editor of the Honolulu Advertiser, approached Chief Justice William S. Richardson of the Hawaii Supreme Court suggesting the judiciary of Hawaii consider convening a conference to discuss the future of the administration of justice. Dator and Chaplin suggested that the format be similar to that utilized by the legislatively authorized Hawaii Commission on the Year 2000 which, following a very successful conference, had just published its recommendations for legislative and executive action for the several levels of government in Hawaii.

Chief Justice Richardson had come to the judiciary in the spring of 1966, charged by the appointing authority, Governor John A. Burns, to bring the third branch into the fold as an equal partner with the Legislature and the Executive Branches of government. During his first months in office, Chief Justice Richardson had been searching for a means to carry out the mandate handed him by his friend and mentor, John Burns. A conference as suggested by Professor Dator and Editor Chaplin seemed to be the perfect vehicle.

---

\* January 31, 1934 - March 12, 2002.

A planning mechanism lead by Professor Dator was immediately set in motion that resulted in a Conference on the Administration of Justice in the Year 2000 being convened in 1967. A group of notables active in futures research from throughout the United States was enlisted to participate in the conference. Not the least of which was noted author and futurist, Alvin Toffler. Toffler served both as keynote speaker and an active participant throughout the conference. This endeavor was an overwhelming success. The final report compiled by the conferees contained not only numerous recommendations for immediate action, but also laid the foundation for developing a planning process within the judiciary that would ultimately have a decided futures perspective.

The recommendations that came from the conference, inasmuch as they set forth a call for action on a broad political front, could not have come at a better time. Hawaii was fortunate to have a Chief Justice with many years of experience with the political process in Hawaii. His mandate to the staff was to proceed with implementation of the recommendations as soon as possible. An implementation plan was developed that took full advantage of his vast knowledge of the political and governmental processes in Hawaii. It was not only a work-order that was developed by a man who had vast knowledge of the governmental processes in Hawaii, but also a man who was every bit as much a visionary as the conferees who had initiated the recommendations. In addition, he was a master at instilling in the minds of others his personal vision for a strong and independent judiciary that would ultimately become a reality. With a vision in mind, a plan in hand, and the support of individuals such as Alvin Toffler, who continued to be interested in the Hawaii Judiciary as well as the support of Professor Dator and the Political Science Department of the University of Hawaii, we were ready to proceed. It was serendipitous that financial support for such an undertaking was readily available from the Law Enforcement Assistance Administration of the Federal government.

Subsequently, a planning mechanism was developed within the judiciary to implement the wide-ranging recommendations of the Conference, utilizing the major elements of futures research and methodologies. In the introduction to the document published to outline the planning process to be utilized by Hawaii judiciary, I made the following statement summarizing not only my personal thinking but also the mind-set behind the entire planning process in the judiciary.

*Equally significant and perhaps more inspired is the concept of using futures research to influence the direction of the Judiciary. This technique*

*not only serves as a catalyst for innovative and encyclopedic planning but also promotes a marriage of effort between the Judiciary, through its planning office, and the University of Hawaii, through its Political Science Department and Law School. It also adds a new and vital dimension in our planning effort that will strengthen our continuing efforts to achieve the highest standards of justice attainable under our system of government.*

As a result of the liaison between the Hawaii Judiciary and the University of Hawaii, a wealth of support was available to the planners. This liaison not only provided a resource for staff training in futures methodology, but it also brought an invaluable resource to the judiciary in the form of graduate students from the futures program of the political science department. These students were charged with the responsibility to see that those who participated in the planning process never lost sight of the need to be futuristic in the development of concepts and methodologies. As administrative director of the courts, I, along with countless others, profited immensely from this association with the "brightest and best" the political science department had to offer. The continuing association with Jim Dator, Alvin and Heidi Toffler, Sohail Inayatullah, Wayne Yasutomi, and the myriad of their friends provided me with a lasting futures mind-set that has not only served me well in my professional life, but also continues to be a part of my everyday life. These individuals were not only intellectually stimulating, they were absolutely passionate in their desire to instill in others the need to think about the future.

However, organizing a conference to promote the concept of futures and implementing a mechanism in a government agency to insure the use of futures thinking proved to be poles apart. To the typical government bureaucrat, the future is viewed as the beginning of the next funding cycle. The problem is exacerbated in the Judiciary inasmuch as precedent is the established foundation of all legal decision making. These two conditions, short-range thinking and the precedent orientation, presented obstacles that at times seemed insurmountable. Great administrative skill coupled with perseverance beyond measure was required of those who embarked upon the course that would instill in the minds of agency administrators a sense that the Judiciary could and should participate in the formulation of its future. The Hawaii Judiciary was fortunate to have a leader who believed in the proactive approach to managing the courts as well as administrators skilled in creating avenues for change that were not threatening. As indicated above, the passion that fortified the effort came, in large measure, from those outside the agency who were committed by educa-

tion and just plain common sense to the cause. From these beginnings, the Hawaii judiciary charted a course that would eventually see the courts in Hawaii recognized as being exemplary among the fifty states. Tangible evidence of the innovative approach, administrative skill and perseverance of those associated with this effort is evidenced in a two-hundred page document entitled *Comprehensive Planning in the Hawaii Judiciary*. Unfortunately, the passion for change that was so much a part of the Judiciary administration during two decades was lost when Chief Justice Richardson retired in 1982. Following Chief Justice Richardson's retirement, the passion for change on the part of the Office of the Chief Justice, the spirit that sparked innovation, and tenacity to see things through gave way to a day-to-day stance reactive to conditions as they were instead of dreaming about what they might be.

### *Futures in Education*

Upon my retirement from the Hawaii Judiciary in 1985, I attempted to carry the knowledge and passion for change garnered in the courts to the field of education. As president of a private college preparatory school, I initiated a planning process that mirrored in many ways the judiciary experience. Some of the actors who had been instrumental in assisting the judiciary took part in this educational planning effort.

My experience in attempting to bring about change in education proved to be every bit as challenging as in the Judiciary. Many of those in positions of authority in education were nurtured in an environment that charged them with being the "guardians of the culture." In fulfilling this role they, like those in the legal profession, live in a world that looks to established knowledge bases and processes to give them a reason for being. For them the role of education is limited to passing on to students this established knowledge base using time-honored methods. Although progress was being made in developing a sense that foresight and innovation was the wave of the future, I retired from the school before this planning process could be fully developed. What was left behind was a long-term facilities master plan aimed at allocating resources for many years to come. Embedded in this facilities plan is the need for administrators to keep their sights high looking to the future.

Considering that operational plans were not completed when I retired, and they may never be developed and implemented as envisioned, I firmly believe that the process as far as it was developed will have a lasting affect

on some of those who participated. Simply by participating in the process, the manner in which administrators at the school think about planning in general and the future in particular, changed for at least some.

### *Hopes for the Future*

In thinking about what lies ahead, I am sure that my vision for society in general would be compatible with the visions of most futurists. That being the case, I am prone to confine specific comments to my most recent experience as an administrator of an educational institution.

It has often been said that education is a corner stone of democracy. Unfortunately, many of those in positions of leadership in education interpret this to mean that the primary role of education is simply to perpetuate tradition. Of equal concern to me is the fact that the present day educational model is one designed more for social control than developing creative thinkers. As I see it, the first task for educational policy-makers is to break this mold, replacing it with new tools and new structures aimed at truly addressing individual needs of students, thus releasing and enhancing creativity.

In a world where operations are accelerating at ever-increasing speeds, new processes based on new premises, are required to support the human endeavor. In arriving at these new premises it is my hope that they will be the result of a combined effort of all citizens. Perpetuation and revitalization of society needs the best effort of all of its citizens, not just the educational specialists. A thorough examination of the forces that drive the educational enterprise is an absolute necessity. We continue in the western world, as we have done for generations, to educate technicians who see materialism as a basis for determining their personal worth. This simplistic attitude has allowed us to place our heads in the sand throughout much of our history in large measure laying waste the potential for creativity that lies within students. We have given very little thought as to what ingredients make for an adequate, let alone an exemplary education for the individual.

However, I see signs of a growing willingness to participate in an endeavor directed at making a determination as to what constitutes an education, as well as an expanding willingness to participate in a fundamental examination of the paradigm that supports our present educational system. At the moment, it would appear computer technology holds the greatest potential for bringing about a real awareness that change is re-

quired not only in how educators go about the business of educating, but also in how they view their role.

All of the things we take for granted, e.g., building configuration, time allocation, class size, curriculum, norms for the teaching profession, role of the student, the tools we use in the educational process, are beginning to be subjects for conversation. Although I expect that progress will continue at a snail's pace, it is my vision that the educational conversation will evolve eventually to a point where we will indeed have the courage to examine all facets of the paradigm that supports our present educational system.

I also envision that the outcome of this examination will be a more complete education for all individuals, one in which students with many different kinds of abilities can be equipped to play a constructive role in a fast-paced global society. There is a growing acceptance of evidence that programs which address skills other than those that are presently considered to be the corner stones of education result in an increased level of achievement in all areas for all individuals. It is my hope that future conversations about education will begin with this child centered awareness.

I would also add in redefining education, I see the need to search for a more appropriate balance between instilling knowledge and articulating values. It is my hope that we will abandon the myth that as knowledge increases, so does human goodness. I am inclined to believe that the conversation surrounding knowledge and values will, indeed, evolve to a point where we will see the wisdom in finding new ways to express our consciousness as human beings. This may well mean a re-articulation of the mythical structures that support the human endeavor. This, in turn, will mean a restructuring of what we teach and how we teach.

I am by nature a perennial optimist and so it is that I end here with confidence that we are on the path to a productive future in education.