

**National Association for Court Management (NACM) 2014 Midyear
Conference
Savannah, Georgia**

**Handout for
Shared Interest Group #3: Court Trends in 2025
And
Future of Courts 2025: The Next Big Thing
Combined Spring and Summer 2013 Survey Results**

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Purpose

This handout discusses the estimated probabilities of 71 different court related scenarios potentially occurring by the year 2025 along with analytical descriptions of the scenarios to be presented at the NACM conference. The estimates were assessed by conducting two surveys of a large and diverse group of court professionals from around the country and around the world. The first survey started in December, 2012 and lasted through June, 2013. The second survey (consisting of new scenarios many respondents suggested during the first survey process) started in August, 2013. Every potential scenario could affect the courts in some way within the next 15 years. The goal of this analysis is to develop a realistic environmental scan of the more likely scenarios.

Probability Assessments

The survey asked a group (currently over 340 respondents) to assess the probability of the scenarios based on a five-point Likert-type scale. We then averaged the assessments, sorted the scenarios, and categorized them by their probabilities into the table in Section One.

- 1 – Highly Likely
- 2 – Reasonably Likely
- 3 – Equal Chance
- 4 – Unlikely
- 5 – Improbable

Respondent Group

We have included some demographics of the respondent group (not every respondent answered every demographic question):

Respondents' Age Distribution

Traditional Generation (Born before 1945)	7	2%
Baby Boomer Generation (Born between 1945 & 1964)	190	56%
Generation X (Born Between 1965 & 1980)	92	27%
Millennial Generation (Born after 1980)	48	14%

Respondent Gender Distribution

Men	146	42%
Women	200	58%

Respondents' Geographic Distribution

Georgia	39	Arizona	44	Wisconsin	30	Washington	21
Minnesota	24	Louisiana	20	Virginia	16	New Jersey	15
Illinois	9	California	15	Oregon	15	Colorado	6
South Dakota	5	Texas	4	Maryland	11	Michigan	5
District of Columbia	4	Pennsylvania	6	Florida	5	New Mexico	3
New York	3	Ohio	5	North Carolina	5	Missouri	2
Idaho	3	Alabama	2	Indiana	1	Montana	1
Alaska	2	Nevada	2	Iowa	1	Nebraska	2
New Hampshire	1	Delaware	1	West Virginia	1	Oklahoma	1
North Dakota	1	Kentucky	1	Romania	2	Japan	2
Canada	9	Nigeria	1	Moldova	3		

Respondent Group Jurisdictional Distribution

Superior Courts	55	15%	Limited Jurisdiction Courts ¹	54	15%
Circuit Courts	54	15%	Federal Courts ²	39	12%
Judicial District Courts	18	5%	District Courts	26	8%
Supreme Court or AOC ³	29	9%	Juvenile Courts	6	2%
State Court Administrators	18	5%	Family Court	3	1%
Court of Common Pleas	2	1%	Vendor	7	2%
Probation or Pretrial	2	1%	National Center for State Courts	13	4%
Probate Court	2	1%	Provincial Court	2	1%
Justice Court	1		Lawyers	2	1%
County Court	1		Ministry of Justice	2	1%
Student	1		Retired	2	1%

¹Includes Municipal, City, Justice, Metropolitan, Parish, & Traffic Courts

²Includes U.S District Courts, U.S. Bankruptcy Courts, the D.C. Superior Court, & the U.S. Circuit Court of Appeals.

³Includes AOCs, Supreme Courts, State Courts of Appeals, Law Libraries, & those identified as State Court or Court Services

Contents

Section One is a sort of the 71 surveyed scenarios arranged in order of their assessed likelihood of occurring by the year 2025. Each scenario's heading shows its average likelihood and in which survey the scenario was included. The scenarios are grouped (somewhat arbitrarily) into *Highly Likely*, *Likely*, *Equal (50-50) Chance*, *Unlikely*, and *Improbable*.

Section Two contains analytical descriptions of the scenarios to be discussed at the conference. They are intended to be short "thumbnail sketches" of the issues surrounding the scenario. Each includes the scenario's description, a graph showing the distribution of the group's responses, the average assessed probability, and a discussion of the pertinent drivers (trends moving the

scenario to becoming an actuality), and counter drivers (trends that might thwart the scenario becoming a reality).

Invitation

If you have not yet responded to one of the surveys we would love to have you become a respondent. Please add your name and email address to the Sign-Up sheet being circulated and we will send you an email with the link to our current survey.

Also email us your comments and any new suggested scenarios that may influence the courts by 2025 and we will include your comments in future versions of the analytical descriptions. Finally, let us know of anyone else who may be interested in taking future versions of the survey.

Please send emails to

PKiefer@superiorcourt.maricopa.gov. Thanks again for your continuing help.

**Section One:
What is the Likelihood
of the Following Scenarios Occurring
by the Year 2025?**

An international group of respondents assessed the probability of the following scenarios occurring (or having had occurred) by 2025.

Highly Likely	
<i>Court Technology – Overall Average Likelihood: 1.4 in the Summer 2013 Survey</i> Virtually All Court Forms Will Be Available on the Internet Parties (particularly self-represented) will be able to complete forms online interactively, and electronically file them.	CT-7.2013.11
<i>Court Technology – Overall Average Likelihood: 1.5 in the Summer 2013 Survey</i> Virtually All Trial Courts Will Maintain Web-Based Information Systems These court systems provide answers to public inquiries about cases and court processes.	CT-7.2013.15
<i>Court Technology – Likelihood: 1.6 in the Summer 2013 Survey</i> Courts Will Implement Some System of “Remote Interpretation” Remote interpretation allows interpreters to assist in court hearings through electronic conferencing without being physically present in the courtroom.	CT-7.2013.12
<i>Court Technology – Overall Average Likelihood: 1.6 in the Summer 2013 Survey</i> Trial Courts Will Use Digital Electronic Recording Systems Electronic recording becomes the official record for court proceedings.	CT-7.2013.16
<i>Court Staffing – Overall Average Likelihood: 1.6 in the Summer 2013 Survey</i> Courts Offer Their Training Through Distance Learning Almost all staff training is offered through webinars, videos, downloadable PowerPoints, etc.	CS-7.2013.8
<i>Court Technology – Overall Average Likelihood: 1.7 in the Spring 2013 Survey</i> Virtually All Courts will be “Paperless” More and more courts will convert to document imaging or electronic filing thereby going “paperless.”	CT-12.2012.3
<i>Court Funding – Overall Average Likelihood: 1.8 in the Spring 2013 Survey</i> Courts Will Increase User Based Revenue As many cases require more services than others, courts will charge users fees for specific types of activities based on the resources needed.	C\$-1.2013.2
<i>Court Technology – Likelihood: 1.8 in the Spring 2013 Survey</i> Centrally Stored Data Will Be Immediately Available to Stakeholders With centralized data storage, real time access to payment, restitution, bond, case, and criminal history information will be the norm.	CT-1.2013.8

<p><i>Court Functions – Overall Average Likelihood: 1.8 in the Summer 2013 Survey</i> Alternative Dispute Resolution (ADR) Will Become the Norm for Courts <i>Courts routinely have ADR programs such as mediation, arbitration, settlements conferences, and short trials for cases prior to trial.</i></p>	CF-7.2013.7
<p><i>Court Organization – Overall Average Likelihood: 1.9 in the Spring 2013 Survey</i> Accurate Differentiated Caseload Management Continued refinements in analysis of case filings, parties, and investigations through regression analysis lead to increasingly accurate predictions of which cases go to trial, how long trials will take, which cases will settle and when. Courts become increasingly able to direct resources to where they will manage cases most effectively and even proactively manage cases that predictions indicate are likely to go to trial.</p>	CO-12.2012.5
<p><i>Court Technology – Overall Average Likelihood: 1.9 in the Spring 2013 Survey</i> Centralized Data Storage With ever increasing centralization of data storage, input, and transactions, centralized (state) centers for payment of traffic fines, payment of filing fees, payment of restitution, and bail bond payments will become the norm.</p>	CT-1.2013.7
<p><i>Court Staffing – Overall Average Likelihood: 1.9 in the Summer 2013 Survey</i> The Knowledge Base for Court Administrators Will Significantly Broaden In the past, court administrators were expected to know about a large but fairly defined set of areas (i.e. caseload management, budgeting, personnel, project management, information processing, and leadership). Future court administrators will need to put greater emphasis on new areas (e.g. community outreach, public relations, the social media, probate accounting, mental health, immigration, education methodologies, program evaluation techniques, etc.)</p>	CS-7.2013.7
<p>Likely</p>	
<p><i>The Law – Overall Average Likelihood: 2.0 in the Spring 2013 Survey</i> Case Complexity Will Increase Some types of cases will continue to become more and more complex.</p>	LW-12.2012.4
<p><i>Court Technology – Overall Average Likelihood: 2.0 in the Spring 2013 Survey</i> Courts Will Redefine Their Relationship with the Social Media Modeling off the example of a few of the most innovative courts nationally, courts across the country craft workable and enforceable regulations on the limits of social media within the justice system.</p>	CT-1.2013.9
<p><i>Demographics – Overall Average Likelihood 2.0 in the Spring 2013 Survey</i> The Traditional Family Unit Becomes a Relic People marry later and later and blended families become the norm. Family Courts nationally must craft new methods for dealing with these social arrangements.</p>	DM-1.2013.3
<p><i>Court Technology – Overall Average Likelihood: 2.0 in the Spring 2013 Survey</i> Electronic Probation Will Be the Norm The entire world of probation will change as ankle bracelets, GPS, video monitoring become less costly and less intrusive. Virtually all probationers will be tracked 24/7 in real time and immediately reported if they violate a condition.</p>	CT-12.2012.2

<p><i>Demographics – Overall Average Likelihood 2.1 in the Spring 2013 Survey</i></p> <p><i>The Gap Between Society’s Expectations of Courts and Courts’ Capacity to Meet those Expectations Will Widen.</i></p> <p>Communities will expect courts to do an ever better job of solving family problems, rehabilitating the homeless and drug addicted, protecting neighborhoods from potential criminals, and dispensing mistake free justice quickly without additional resources.</p> <p style="text-align: right;">DM-12.2012.2</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.1 in the Spring 2013 Survey</i></p> <p><i>Intermediate Sanctions Will Dominate Criminal and Traffic</i></p> <p>Courts develop an ingenious series of intermediate sanctions to impose on violators of minor criminal and post-sentencing actions such as violating probation or missing treatment sessions.</p> <p style="text-align: right;">CF-12.2012.1</p>
<p><i>Court Functions – Overall Average Likelihood 2.1 in the Summer 2013 Survey</i></p> <p><i>States Will Adopt Common Case Management Time Standards</i></p> <p>States adopt common standards (i.e. time to disposition, etc.) such as those promoted by the American Bar Association and Conference of State Court Administrators.</p> <p style="text-align: right;">CF-7.2013.4</p>
<p><i>Court Technology – Overall Average Likelihood: 2.1 in the Summer 2013 Survey</i></p> <p><i>Computer Applications Will Develop Real-Time, Transcribed Records of Court Proceedings</i></p> <p>Court transcripts are created without human intervention.</p> <p style="text-align: right;">CT-7.2013.14</p>
<p><i>Court Organization – Overall Average Likelihood 2.1 in the Summer 2013 Survey</i></p> <p><i>Fine and Fee Collections Will Centralize to Pursue Monies Owed to the Courts</i></p> <p>Regional or statewide fine and fee collections processing becomes the norm to achieve efficiencies from large scale uniform administration.</p> <p style="text-align: right;">CO-7.2013.14</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.1 in the Summer 2013 Survey</i></p> <p><i>Courts Maintain Programs that Guard Against Abuse of Vulnerable Populations</i></p> <p>Courts regularly maintain programs that assertively monitor potential abuse of individuals including the elderly, the mentally ill, wards of the state, protected persons, children, etc.)</p> <p style="text-align: right;">CF-7.2013.8</p>
<p><i>Court Functions – Overall Average Likelihood: 2.2 in the Summer 2013 Survey</i></p> <p><i>States Adopt Uniform Standards for Dealing with Self-Represented Litigants</i></p> <p>Uniform standards of access will include access to forms, interpreters, and procedural information.</p> <p style="text-align: right;">CF-7.2013.5</p>
<p><i>Court Functions – Overall Average Likelihood: 2.2 in the Summer 2013 Survey</i></p> <p><i>"Evidence Based Practice" Becomes the Standard For New Court Program Development</i></p> <p>Valid substantiation of successful outcomes measured through nationally accepted standards becomes the definition of an “evidence based practice” and becomes the criterion for new program funding.</p> <p style="text-align: right;">CF-7.2013.6</p>

<p><i>Court Organization – Overall Average Likelihood: 2.2 in the Spring 2013 Survey</i></p> <p>Specialty Problem–Solving Courts Will Abound</p> <p>The success of and demand for problem–solving courts grows exponentially. Every general and limited jurisdiction court in the country runs a problem–solving court ranging from drugs and drunk driving, to gambling, petty theft, and “dead beat” spouses.</p> <p style="text-align: right;">CO–1.2013.9</p>
<p><i>Court Organization – Overall Average Likelihood: 2.2 in the Spring 2013 Survey</i></p> <p>Parking & Minor Traffic Cases Will Go Administrative</p> <p>Acknowledging the largely administrative nature of front end traffic and parking case processing, states, counties, and cities place the functions under administrative jurisdiction such as state dept. of motor vehicles, county enforcement, or city finance.</p> <p style="text-align: right;">CO–1.2013.8</p>
<p><i>Court Technology – Overall Average Likelihood: 2.2 in the Summer 2013 Survey</i></p> <p>Court Computer Systems Are Compromised</p> <p>With more courts becoming part of centralized data bases for electronic case management and other functions, eventually a hacker compromises an entire network of court system operations. Multiple case management systems, financial transactions, and confidential data are compromised.</p> <p style="text-align: right;">CT-7.2013.17</p>
<p><i>Court Functions – Overall Average Likelihood 2.2 in the Summer 2013 Survey</i></p> <p>Court Infrastructure Functions Will Centralize</p> <p>To reduce expenses and balance budgets court functions such as human resources, revenue accounting and disbursement, payroll, grant development, and information management are centralized on a statewide or regional basis.</p> <p style="text-align: right;">CF-7.2013.3</p>
<p><i>The Law – Overall Average Likelihood: 2.3 in the Spring 2013 Survey</i></p> <p>Medical Marijuana Will Be Legal</p> <p>Medical marijuana will be legal or “decriminalized” virtually everywhere in the nation resulting in a decrease in drug arrests, drug court cases, and drug convictions.</p> <p style="text-align: right;">LW–12.2012.1</p>
<p><i>Demographics – Overall Average Likelihood 2.3 in the Spring 2013 Survey</i></p> <p>Paper Money Disappears</p> <p>The ease of credit, debit, and gift cards along with the electronic funds transfers results in virtually no one having paper money any more. Courts are forced to adapt their financial transactions to exclusively electronic funds transfers of restitution, bail, bonds, fees, and fines payments.</p> <p style="text-align: right;">DM–1.2013.4</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.3 in the Spring 2013 Survey</i></p> <p>Courts Will Employ Significantly More Knowledge Workers</p> <p>As caseload management and court management in general becomes more complex, courts will hire more and more staff relying on their knowledge of court procedures, the law, various languages, and interpersonal interaction.</p> <p style="text-align: right;">CS–1.2013.6</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.4 in the Spring 2013 Survey</i></p> <p>Courts Will Lose Most of Its Organizational Memory</p> <p>An aging work force that fears losing retirement pensions and more judicial officers seeing a judgeship as a career stepping stone rather than a capstone results in a significantly younger work force with little recall of organizational history.</p> <p style="text-align: right;">CS–12.2012.1</p>

<p><i>Court Staffing – Overall Average Likelihood: 2.4 in the Spring 2013 Survey</i> Alternative Work Schedules Will Become the Norm Employee pressure for more flexibility coupled with budget pressures force virtually all courts to adopt alternative work schedules.</p> <p style="text-align: right;">CS-12.2012.3</p>
<p><i>Court Organization – Overall Average Likelihood: 2.4 in the Summer 2013 Survey</i> The Gap Between Urban and Rural Courts Widens The resources and services gap between urban and rural courts widens leaving rural courts to continue having to “catch up” to enjoy technological advances and innovations.</p> <p style="text-align: right;">CO-7.2013.15</p>
<p>Equal Chance</p> <p><i>Court Staffing – Overall Average Likelihood: 2.5 in the Summer 2013 Survey</i> The Private Sector Will Attract More Clerks of Court & Court Administrators to Other Positions Clerks of Court and Court Administrators begin to leave the court system for more lucrative private sector jobs. Tight budgets and pay freezes compel high-level administrators to see court administration as a mid-career stepping stone.</p> <p style="text-align: right;">CS-7.2013.9</p>
<p><i>Court Funding – Overall Average Likelihood: 2.5 in the Spring 2013 Survey</i> Private Groups Offer Grants Private associations start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, and assisting children in need could be examples of where groups might offer grant money to improve court system performance.</p> <p style="text-align: right;">CS-1.2013.3</p>
<p><i>Court Organization – Overall Average Likelihood: 2.5 in the Spring 2013 Survey</i> Routine Probate Cases Will Go Administrative Acknowledging the largely administrative nature of many estate matters, states and counties turn over initial routine probate functions to administrative jurisdictions such as the state or county fiduciary.</p> <p style="text-align: right;">CO-1.2013.11</p>
<p><i>Court Organization – Overall Average Likelihood: 2.6 in the Summer 2013 Survey</i> The Federal Court System Consolidates Many district and bankruptcy courts will combine.</p> <p style="text-align: right;">CO-7.2013.16</p>
<p><i>The Law – Overall Average Likelihood: 2.6 in the Spring 2013 Survey</i> Legalized Marijuana Leads to Increases in Related Crimes Legal or “decriminalized” medical marijuana results in increased arrests for offenses such as driving under the influence.</p> <p style="text-align: right;">LW-1.2013.7</p>
<p><i>Court Technology – Overall Average Likelihood: 2.6 in the Spring 2013 Survey</i> The Social Media Overwhelms the Courts The variety of ways parties, court observers, and even jurors can communicate expands beyond the capacity for courts to regulate it. Although courts continue to issue policies regulating the social media within the court, the policies are largely ignored.</p> <p style="text-align: right;">CT-1.2013.10</p>

<p><i>Court Organization – Overall Average Likelihood: 2.6 in the Spring 2013 Survey</i></p> <p>Education Becomes a Huge Component of the Juvenile Justice System</p> <p>Pressure on schools to demonstrate academic excellence continues to increase. To maintain rigorously high academic standards many schools adopt an aggressive policy of removing or expelling disruptive students. These students have no place to turn but the juvenile justice system for their education.</p> <p style="text-align: right;">CO-12.2012.7</p>
<p><i>The Law – Overall Average Likelihood: 2.6 in the Summer 2013 Survey</i></p> <p>Many Lower Level Crimes Will Be Reduced</p> <p>A significant number of lower level felonies are converted to misdemeanors; many lower level misdemeanors are converted to violations.</p> <p style="text-align: right;">LW-7.2013.7</p>
<p><i>Court Technology – Overall Average Likelihood: 2.6 in the Spring 2013 Survey</i></p> <p>24/7 Court TV</p> <p>Television networks’ search for “notorious” high profile trials will reach a fever pitch. As they scour the country looking for sensational trials to hold the public’s interest, the court system nationally will become the next great “reality TV” venue. The public will eventually be able to tune in any time (day or night) and watch a trial either live or tape delayed from earlier that day.</p> <p style="text-align: right;">CT-12.2012.4</p>
<p><i>Court Technology – Overall Average Likelihood: 2.6 in the Summer 2013 Survey</i></p> <p>Computers Will Translate Languages in Court Without Interpreters</p> <p>Computer translation allows people with limited English proficiency access to court even when interpreters are unavailable.</p> <p style="text-align: right;">CT-7.2013.13</p>
<p><i>The Law – Overall Average Likelihood: 2.6 in the Summer 2013 Survey</i></p> <p>States Will Give Significantly More Sentencing Discretion to Judges</p> <p>In order to reduce prison populations, state legislatures restore more judicial discretion in sentencing minor non-violent offenders.</p> <p style="text-align: right;">LW-7.2013.8</p>
<p><i>Court Organization – Overall Average Likelihood: 2.7 in the Spring 2013 Survey</i></p> <p>Family Court Will Go Administrative</p> <p>Acknowledging the growing need for a combination approach to marriage dissolutions & separation through family counseling, financial counseling, investigation, & mediation, states remove these cases from the courts and place them under administrative jurisdiction allowing for a seamless combination of approaches unhindered by judicial intervention.</p> <p style="text-align: right;">CO-12.2012.6</p>
<p><i>Court Technology – Overall Average Likelihood: 2.7 in the Spring 2013 Survey</i></p> <p>Most Court Hearings are Conducted by Audio-Video</p> <p>Video conferencing will continue to increase until the majority of court hearings are held through recorded audio-video conferences; hearings with parties physically in the courtroom become an exception rather than the rule.</p> <p style="text-align: right;">CT-12.2012.1</p>

<p><i>Court Technology – Overall Average Likelihood: 2.7 in the Spring 2013 Survey</i></p> <p>Community Centers Will Become “Remote Courthouses”</p> <p>As audio–video conferencing comes to dominate the court landscape the poor will be a segment of the population unable to communicate electronically. These people will be able to go to their local library, police substation, or community center and attend their court hearings via monitors, microphones, and computers at that location.</p> <p style="text-align: right;">CT–12.2012.2</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.7 in the Spring 2013 Survey</i></p> <p>Judgeships Become a Career Stepping Stone</p> <p>Year after year state legislatures refusing to authorize raises for judges’ salaries results in more judges leaving the bench for more lucrative jobs. A judgeship eventually becomes a mid–career stepping stone to other endeavors.</p> <p style="text-align: right;">CS–12.2012.5</p>
<p><i>Court Technology – Overall Average Likelihood: 2.7 in the Spring 2013 Survey</i></p> <p>Social Network Vigilantism</p> <p>A combination of the social network and ever increasing security tracking will assist in a burgeoning movement of citizen “vigilantes” who will keep an eye on their neighbors. If someone has been recently arrested for drunk driving, arrested for driving while suspended, or suspected of being delinquent child support obligations, neighbors will start posting information about that individual on the social network. This movement will be assisted by ever increasing electronic vigilance by security cameras, unmanned drones, and electronic tracking through credit cards, debit cards, and profiles.</p> <p style="text-align: right;">CT–12.2012.5</p>
<p><i>Court Functions – Overall Average Likelihood: 2.7 in the Summer 2013 Survey</i></p> <p>“Community Safety” Will Become an Integral Part of Court Mission Statements</p> <p>Acknowledging its attractiveness to funding bodies, courts promote “community safety,” which eclipses other traditional mission objectives such as dispensing individual justice and maintaining in independent forums for resolving disputes.</p> <p style="text-align: right;">CF-7.2013.10</p>
<p><i>Court Funding – Overall Average Likelihood: 2.7 in the Summer 2013 Survey</i></p> <p>Court Systems Become “State Funded”</p> <p>Trial courts receive most of their operating funds, along with judicial and employee salaries from state governments rather than longer local funding sources.</p> <p style="text-align: right;">CS-7.2013.4</p>
<p><i>Court Organization – Overall Average Likelihood: 2.8 in the Spring 2013 Survey</i></p> <p>Courts Will Define Limits to Interpretation</p> <p>Demand on courts for more and more exotic languages will increase. Courts will finally demarcate boundaries on these demands requiring parties to demonstrate their inability to truly understand more universal languages such as English or Spanish.</p> <p style="text-align: right;">CF–12.2012.2</p>
<p><i>Court Organization – Overall Average Likelihood: 2.8 in the Spring 2013 Survey</i></p> <p>Tribal Courts Will Increase in Authority</p> <p>The role of tribal courts will grow in jurisdiction and authority. At one time many tribal courts outsourced jurisdictional authority; those courts now reclaim those jurisdictions.</p> <p style="text-align: right;">CO–12.2012.3</p>

<p><i>Court Funding – Overall Average Likelihood: 2.8 in the Spring 2013 Survey</i></p> <p>Legislative Budgetary Disapproval</p> <p>As court budgets remain chronically short, legislatures begin to legitimize their long “sub rosa” strategy of displaying their disapproval with court decisions by tying funding packages to more specific court actions.</p> <p style="text-align: right;">CS-12.2012.1</p>
<p><i>The Law – Overall Average Likelihood: 2.8 in the Spring 2013 Survey</i></p> <p>Collecting on Judgments Gets Easy</p> <p>Collecting civil judgments will become easier. Parties no longer have to transcribe civil judgments from one court to another and from one jurisdiction or state to another.</p> <p style="text-align: right;">LW-1.2013.5</p>
<p><i>Court Organization – Overall Average Likelihood: 2.8 in the Spring 2013 Survey</i></p> <p>One Court System Per State</p> <p>The ongoing budget crisis continues to force court systems to unify in virtually every state across the country. Court unification blurs and eventually eliminates distinctions between general jurisdiction and limited jurisdiction courts.</p> <p style="text-align: right;">CO-12.2012.1</p>
<p><i>Court Organization – Overall Average Likelihood: 2.8 in the Summer 2013 Survey</i></p> <p>States Consolidate Court Levels Within Their State Court Structures</p> <p>State legislatures consolidate two or more levels of trial court jurisdictions believing that the consolidations enhance “economies of scale” and flexibility within a state.</p> <p style="text-align: right;">CO-7.2013.12</p>
<p><i>Court Functions – Overall Average Likelihood: 2.9 in the Summer 2013 Survey</i></p> <p>Courts Once Again Conduct Expanded Hours Calendars</p> <p>After years of budget cut backs, courts once again offer “night court” and other expanded hours services to customers in the community.</p> <p style="text-align: right;">CF-7.2013.9</p>
<p><i>The Law – Overall Average Likelihood: 2.9 in the Spring 2013 Survey</i></p> <p>Grand Juries Disappear</p> <p>Because of their expense and inadequacy as a legitimate vetting agent grand juries will be phased out; all criminal cases will commence by preliminary hearing which defendants can (and often do) waive.</p> <p style="text-align: right;">LW-12.2012.2</p>
<p><i>Demographics – Overall Average Likelihood 2.9 in the Spring 2013 Survey</i></p> <p>Racial Distinctions Virtually Disappear</p> <p>Intermarriage and immigration will increase to the point that it will become virtually impossible to distinguish the racial origin of an individual.</p> <p style="text-align: right;">DM-12.2012.1</p>
<p><i>The Law – Overall Average Likelihood: 2.9 in the Spring 2013 Survey</i></p> <p>Immigration Cases Will Increase on Court Dockets</p> <p>Parties’ immigration status becomes a decision point in virtually all court cases as courts must establish parties’ citizenship before being able to move ahead on a case.</p> <p style="text-align: right;">LW-12.2012.</p>
<p><i>Court Staffing – Overall Average Likelihood: 2.9 in the Spring 2013 Survey</i></p> <p>Court Outsourcing</p> <p>Most repetitive court tasks nationally are outsourced to individuals who work part-time, often from their homes.</p> <p style="text-align: right;">CS-12.2012.4</p>

<p><i>Court Organization – Overall Average Likelihood: 2.9 in the Spring 2013 Survey</i></p> <p>Public–Private Courthouse Construction</p> <p>Budgets continue to shrink eventually forcing courts turn to the private sector to help with their need for a revitalized physical plant. Courts develop innovative new ways private entities can help fund new courthouse construction.</p> <p style="text-align: right;">CO-12.2012.2</p>
<p>Unlikely</p> <p><i>Court Staffing – Overall Average Likelihood: 3.0 in the Spring 2013 Survey</i></p> <p>Court Employees Will Work “at the pleasure”</p> <p>Virtually all court employees nationwide will become unclassified and work “at the pleasure” of the court’s presiding judge and executive leadership.</p> <p style="text-align: right;">CS-12.2012.2</p>
<p><i>The Law – Overall Average Likelihood: 3.1 in the Spring 2013 Survey</i></p> <p>Concern Over Immigration Status Fades Away</p> <p>As the economy recovers and the country is faced with a skilled labor shortage, courts are no longer required to determine parties’ immigration status to adjudicate cases.</p> <p style="text-align: right;">LW-12.2012.6</p>
<p><i>Court Technology – Overall Average Likelihood: 3.1 in the Spring 2013 Survey</i></p> <p>A Significant Number of Courthouses Across the Country Go “Virtual”</p> <p>As audio–video teleconferencing grows and local community centers serve as remote courthouses, many courthouses simply disappear. Many judicial officers have no actual courtroom, but conduct all their hearings from their offices.</p> <p style="text-align: right;">CT-1.2013.6</p>
<p><i>The Law – Overall Average Likelihood: 3.4 in the Summer 2013 Survey</i></p> <p>Attorneys Become an Extremely Small Niche in Court Functions</p> <p>Computerized legal “self–help” applications become increasingly sophisticated to the point where most people no longer see the need for legal representation. The vast majority of people represent themselves in court. Attorneys represent clients in criminal and juvenile matters only because they do not have to pay for indigent defense.</p> <p style="text-align: right;">LW-7.2013.6</p>
<p>Improbable</p> <p><i>Court Organization – Overall Average Likelihood: 3.5 in the Spring 2013 Survey</i></p> <p>Specialty Problem–Solving Courts Will Disappear</p> <p>The resource demands of problem–solving courts eventually overwhelm the rest of court operations. In courts across the country leadership decides that these courts must be limited in favor of more traditional adjudication modalities.</p> <p style="text-align: right;">CO-1.2013.10</p>
<p><i>Court Organization – Overall Average Likelihood: 3.6 in the Spring 2013 Survey</i></p> <p>Distinctions Between Juvenile and Adult Cases Will Virtually Disappear</p> <p>As procedural requirements increase, the juvenile system takes on more of the attributes of the adult system until the two systems become indistinguishable.</p> <p style="text-align: right;">CO-12.2012.4</p>
<p><i>Court Organization – Overall Average Likelihood: 4.0 in the Summer 2013 Survey</i></p> <p>State Courts Share Administrative Functions with Federal Courts</p> <p>State and federal budget cuts force cooperation of the two court systems creating efficiencies through volume management. (e.g. human resources, payroll, computer technology, telecommunications, courtroom resources, etc.)</p> <p style="text-align: right;">CO-7.2013.13</p>

Section Two: Analytical Descriptions

Virtually All Court Forms Will Be Available on the Internet

CT-7.2013.11

Rev: 12/10/2013

Scenario

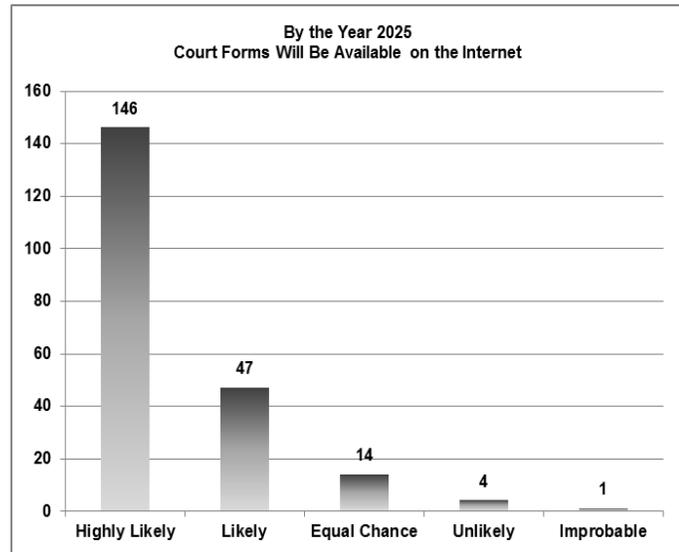
Parties, particularly self-represented, will be able to complete forms online interactively, and electronically file them.

Average Assessed Probability

Assessed as the *Most Likely* scenario in the summer 2013 survey with 212 respondents giving it an average assessed probability of 1.4.

Background

When one drills down into this scenario, it separates into 1) “fill in the blanks” type forms and 2) intelligent forms where an application asks the user a series of questions and completes one or more forms based on user answers to the questions.



Drivers

- Internet forms do not require courts to maintain a stock pile available of old forms that must be discarded if there is a statute or rule change, which can save a lot of money.
- Internet forms can be completed either at the courthouse or at home so customers can take as much time as they need.
- Intelligent forms can provide professional looking pleadings, which judicial officers appreciate since they can work with them easily.

Counter Drivers

- As with paper, internet forms must be kept current if there is a rule or policy change. Many times multiple sites may carry the form, which means the court must keep track of all the sites where the form resides, which can take time and money.
- Some parties will insist on printing out blank internet forms and then writing in the necessary components by hand, which can result in messy pleadings.
- A lot of people in the older generational cohorts find web based forms unhelpful.
- Many of the younger generation may be able to use a mobile device but may be unable to work their way through an internet form and fill it out.

Courts Increase User Based Revenue

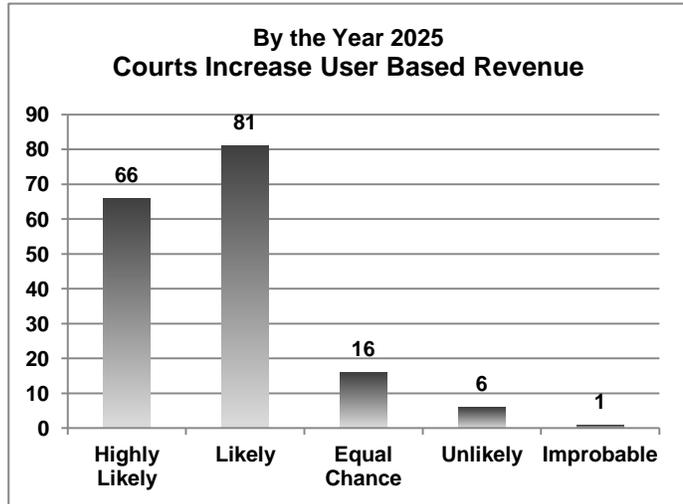
C\$-1.2013.2
Rev: 10/14/2013

Scenario

Some cases require more services than others, by 2025 courts will charge user fees for specific types of activities based on the resources needed.

Background

There is already a variety of user fees courts around the country either manage (e.g. fees enacted by other bodies such as state legislatures or charged by vendors) or impose to compensate for effort the courts must put out for the functions.



Below is just a small sampling of fees and charges levied.¹ Issuing an arrest warrant, probation officer visits, jail stays, driver's license reinstatement, installing and maintaining an electronic tracking anklet, criminal history search, drug testing, demanding a civil jury trial, records search, remote records retrieval, expediting, certifying or exemplifying a copy, court reporter in civil cases, transcribing court reporter notes, registering a sex offender, attending driving school, sex offender counseling, filing a motion for summary judgment, attending family counseling sessions, electronically filing subsequent civil documents, and attending anger management sessions, designating a civil case as complex.

Average Assessed Probability

Assessed as *Highly Likely* in the spring 2013 survey with 179 respondents giving it an average assessed probability of 1.4. The *Highly Likely* assessment was reflected across the board in all age cohorts and jurisdictional subgroups.²

Drivers

- Courts are chronically underfunded and desperate for operating funds. State legislatures have always been reluctant to fully fund the judicial branch. With the new economic crisis, the prospect of adequate funding is even less likely. Courts are now looking to new and innovative ways to secure operating funds.

Counter Drivers

- User fees are a limited solution to court funding woes. Added user fees only increases the number of parties requesting fee waivers and deferrals.
- Increasing user fees always excluding the poor from accessing the courts

¹ We are grateful to John Matthias, Nial Raaen, & Laura Klaversma at the National Center for State Courts for their background assistance.

² We analyzed scenario responses by respondent age (Baby Boomer, Gen Xer, and Millennial) and by jurisdictional level or agency (General Jurisdiction, Limited Jurisdiction, Federal Court system, State Administrative Office, or National Center for State Courts staff). We reported the analyses when the responses were of interest.

Drivers (continued)

- User fees are easier to link directly to a specific activity and therefore allow courts to more easily retain revenue collected for that specific purpose. More generalized revenues (e.g. filing fees) are more apt to be disbursed for a wider variety of funding purposes (e.g. legal aid, law library, etc.)
- Now fee waiver requests are passed by a judicial officer in most states. This process may well become ministerial.
- Policies regarding credit card payments vary across the nation; however as more courts allow credit card payments, there may be more instances of courts utilizing third party firms who collect payment fees. Courts may also start passing these fees directly on to offenders; court may ask legislatures for statutes to allow that.
- There is a price point where fees will become cost prohibitive, but that point is much higher than economists would agree with because the court system has a captive audience and the ability to provide fee deferrals.
- The Michigan Senate submitted bills requiring the State Court Administrator create database of people that have outstanding court fees, fines, or costs accessible by every trial court clerk in the state as well as the lottery bureau. Civil litigants who win money judgments would have the judgment withheld from them, with the judgment used to pay off as much of the court-owed debt as possible.³

Counter Drivers (continued)

- Many judges, clerks and funding unit representatives feel that enhanced collection efforts are not worthwhile given that much of what they collect goes to fund other activities unrelated to the courts. They may also feel there is no room to add more fees even if these fees go directly or indirectly to fund the courts or court-related activities.
- As legislatures become more and more dependent on fees to fund basic government services they will probably reduce the court's discretion on waiving fees just like with so many other areas in which they wish to reduce Court's discretion.
- There is a small but growing sentiment throughout the country that the new user fees imposed on criminal defendants are onerous and impose costs on communities, taxpayers, and indigent people convicted of crimes. The fees often force defendants back to jail because they cannot pay their debts.⁴
- There is definitely a point at which user fees are no longer advantageous.

³National Center for State Courts, "Gavel-to-Gavel, October 3, 2013.

⁴Alicia Bannon, Mitali Nagrecha, & Rebekah Diller, Criminal Justice Debt: A Barrier to Reentry, The Brennan Center for Justice, 2010

Virtually All Trial Courts Will Maintain Web-Based Information Systems

CT-7.2013.15
Rev: 12/23/2013

Scenario

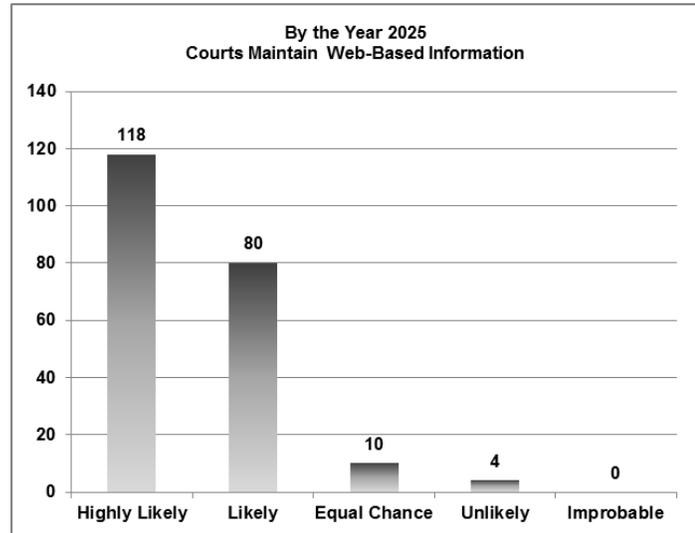
These court systems provide answers to public inquiries about cases and court processes.

Average Assessed Probability

Assessed as *Highly Likely* in the summer 2013 survey with 212 respondents giving an average assessed probability of 1.5. The *Highly Likely* assessment was reflected across the board in all age cohorts and jurisdictional subgroups.

Background

Although it seems as if most courts now maintain web sites many courts still do not have one or they use an informational web page as a sub-link from either their county or state administrative office web site.



Drivers

- Having a web presence is beyond argument as being one of the best ways to disseminate valuable court information to customers. It saves significant amounts of money in phone calls and office visits customers do not have to make to get fundamental questions answered.
- The concept of the “digital divide” is a myth. Poorer people have just as much access to the Internet as anyone else.

Counter Drivers

- Having a web presence means devoting time to keeping the site information updated. The more transitory the information, the more time and effort it takes to keep the site current. It can be a hidden resource cost courts frequently do not think about.
- This is a viable option, but only to members of the public who can access the web.

Courts Will Implement Some System of “Remote Interpretation”

CT-7.2013.12

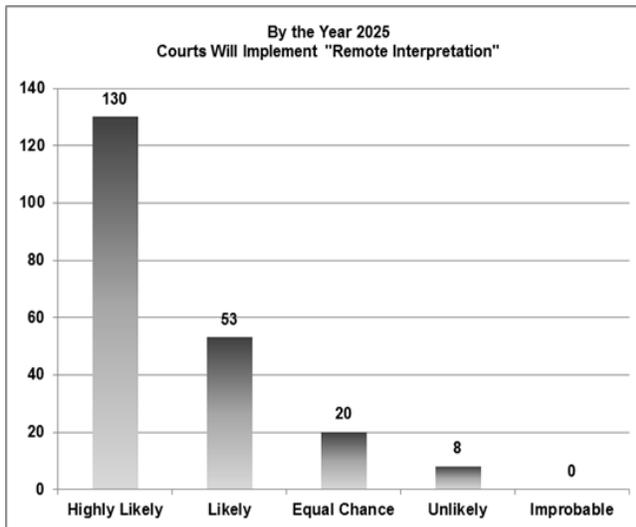
Rev: 12/19/2013

Scenario

Remote interpretation allows interpreters to assist in court hearings through audio-video conferencing without being physically present in the courtroom.

Overall Average Assessed Probability

Assessed as *Highly Likely* in the summer 2013 survey with 212 respondents giving the scenario an average assessed probability of 1.6. This assessment was more or less reflected across the board in all age cohorts and jurisdictional subgroups.



Background

Remote interpreting can be implemented using telephonic communication or audio–video connections. Some courts use professional vendor services (e.g., “Language Line”), other courts have in–house interpreter staff and are able to have them access courtrooms to interpret. Obviously audio–video links are necessary if a court wishes to use it for ASL (sign language). Some audio–video operations have one–way video links where the interpreter can see the courtroom participants, but not vice versa; other operations offer two–way video links where the interpreter can also be seen.

Drivers

- Remote interpreting can have enormous cost savings, particularly for courts with regional facilities. Although set–up costs can be significant, not paying interpreter travel costs can be a big costs savings.
- Remote interpreting is almost a necessity for courts with regional facilities if they are to comply with Title VI.
- This is a ripe area for state administrative offices to offer assistance particularly to courts that have difficulty getting interpreters to come assist them.
- This can be especially efficient for interpreting any of the lesser seen languages in a court.

Counter Drivers

- Remote interpreting can have huge initial equipment and communications infrastructure set–up costs, which can be prohibitive for less well funded courts.
- There is a strong culture that having an interpreter physically present in the courtroom is better than using a remote system. Remote interpreting is a drastic cultural change and hard to overcome.
- Many courts will have to change their local rules to facilitate remote interpretation.
- The quality of communication connections can vary significantly. A poor connection can drive judges away from using remote interpretation.

Trial Courts Will Use Electronic Digital Recording Systems

CT-7.2013.16
Rev: 12/10/2013

Scenario

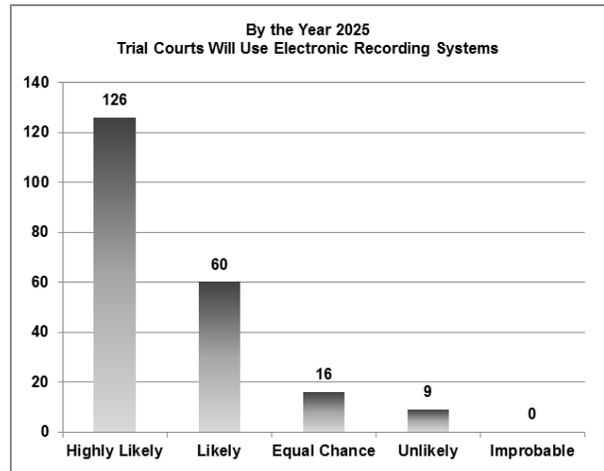
Electronic recording becomes the official record for court proceedings.

Average Assessed Probability

Assessed as *Highly Likely* in the summer 2013 survey with 211 respondents giving it an average assessed probability of 1.6.

Subgroup Average Assessed Probability

All five groups assessed the scenario as *Highly Likely* with Limited Jurisdiction Court respondents giving it a 1.3, Federal Court respondents and State Court Administrative Office Staff giving it a 1.4, and National Center staff along with General Jurisdiction Court respondents giving it a 1.8 probability.



Drivers

- As courts continue to lose funding electronic recording is becoming a requirement: just an option to save money.

Counter Drivers

- Electronic recording is a hopeful answer, but not a realistic answer. Who is working with the Bar and appellate courts to make this a reality?
- The cost savings from electronic recordings is an illusion. More money is spent on trying to reconstruct poorly recorded hearings.

Courts Offer Their Training Through Distance Learning

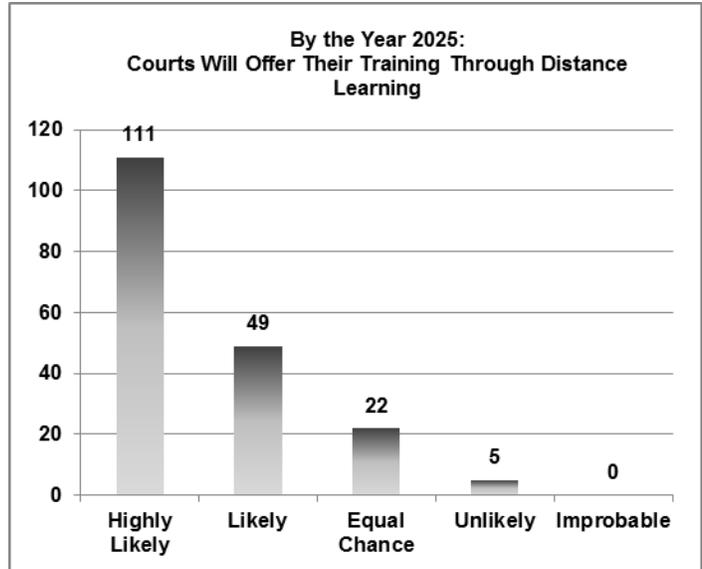
CS-7.2013.8
Rev: 12/2/2013

Scenario

Almost all staff training is offered through webinars, videos, downloadable PowerPoints, etc.

Average Assessed Probability

Assessed as *Highly Likely* in the summer 2013 survey with 201 responses assessing the scenario as having an average assessed probability of 1.6. The *Highly Likley* assessment was reflected across the board in all age cohorts and jurisdictional subgroups.



Drivers

- Distance learning can reach a broad array of court employees quickly and cheaply
- Distance learning requires much less concern over individual attendee schedules. Attendees can complete the module at their own pace and within their own schedule.
- Distance learning can be less expensive since people do not have to travel to attend. They can be more productive.⁵
- Distance learning is very effective at conveying fundamental information about courts and court operations.

Counter Drivers

- Distance learning requires up-front costs, including equipment needed (e.g. cameras, distance learning applications) and in facilitator training to create preset learning modules.
- Sophisticated distance learning modules requires a new set of skills; they are much more like making a very short movie.
- Distance learning requires attendees to be competent with new technology.⁶
- Distance learning is not effective at fostering interaction with the audience and promoting seminar like interchanges.

⁵“Advantages and Disadvantages of Distance Learning,” Kaplan University

⁶ Ibid.

Drivers (continued)

- The contention that Baby boomers are uncomfortable with distance learning is inaccurate. In fact many baby boomers are ready and willing to engage in distance learning. This very survey shows that baby boomers think distance learning is slightly more likely than millennials.
- With the right kind of equipment (immediate feedback technology – maybe even Twitter) distance learning could foster robust audience interchange.
- Younger generations are much more comfortable with distance learning modes and quickly become bored with the traditional classroom training style.
- Distance learning is easily adaptable to a wide variety of audio–video formats including videos, PowerPoints, short audio clips, and even short quiz questions.
- Distance learning modules used to be difficult to modify, but in recent years the ability to modify an existing module has become much easier.

Counter Drivers (continued)

- Many baby boomers are still uncomfortable with distance learning. Most conferences even today use the traditional education mode of a “talking head” at the front of room with the audience arranged classroom style.
- We need to be aware of influences, such as U.S. Department of Labor rules regarding non-exempt personnel who will "suffer work" as a result of their employer demanding work of them and making them "suffer" more work as they commute to work with their mobile devices accessing training that is not a part of their working day.
- It's not just the *distance learning* mode that bores millennials. They need to be actively and continually engaged. Besides making “little movies” *distance learning* producers will have to develop realistic ongoing problem solving simulations in order to keep millennials engaged.

Centralized Data Storage/Centralized Data Will Be Immediately Accessible

CT-1.2013.7 & CT-1.2013.8

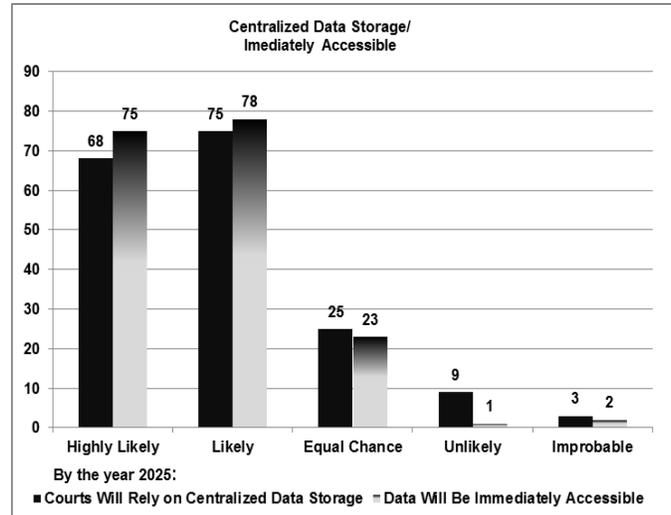
Rev: 10/14/2013

Scenarios

With ever increasing centralization of data storage, input, and transactions, centralized (state) centers for payment of traffic fines, payment of filing fees, restitution payments, and bail bond payments will become the norm. With centralized data storage will come routine real time access to payment, restitution, bond, case, and criminal history information.

Average Assessed Probability

Centralized Data was assessed as *Highly Likely* in the spring 2013 survey with 180 respondents giving it a 1.9 average assessed probability; Data Immediately Accessible also assessed as *Highly Likely* in the spring 2013 survey with 179 respondents giving it a 1.8 average assessed probability.



Centralized Data was assessed as *Highly Likely* in the spring 2013 survey with 180 respondents giving it a 1.9 average assessed probability; Data Immediately Accessible also assessed as *Highly Likely* in the spring 2013 survey with 179 respondents giving it a 1.8 average assessed probability.

Background

For these scenarios “centralized” data storage is defined as data storage at the statewide level or regional level fed by multiple trial courts although the data may not be physically stored at a central location.

Drivers

- Centralized data storage means smaller or less storage locally at less cost.
- Centralized data storage is easier for multiple jurisdictions to access. An example could be parties who go from court to court seeking an order of protection from judicial officers who refuse to grant their request. In many states, courts do not know that a party has already been to other courts seeking an order.

Counter Drivers

- Privacy groups worried about the “big brother” effect centralized data warehouses can have could thwart the move to centralization. Many states are now enacting laws to limit data access.⁷
- Data accuracy questions have always been an issue with centralized data bases. For centralized data to work effectively contributors must have an active interest in the accuracy and uniformity of the data.
- Some courts strongly desire to remain separate, with their own rules and regulations.

⁷ Somini Sengupta, “No U.S. Action So States Move on Privacy Law”, New York Times, October 30, 2103.

More Accurate Differentiated Caseflow Management (DCM)

CO.12.2012.5

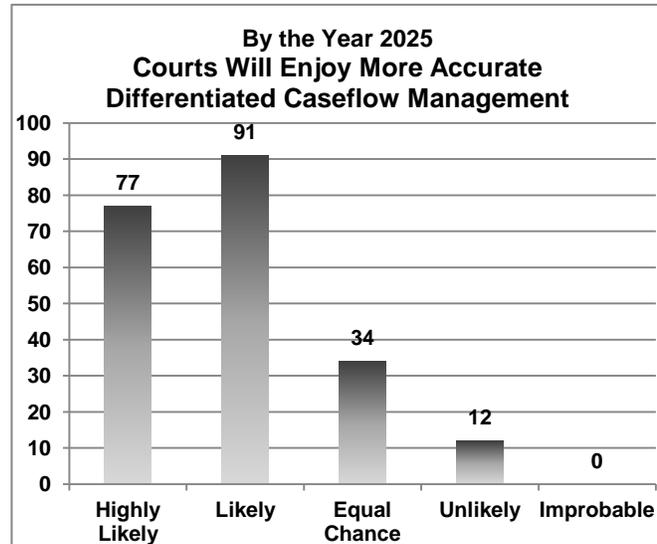
Rev: 7/15/2013

Scenario

Continued refinements in analysis of case filings, parties, and investigations through multiple regression analysis leads to increasingly accurate predictions of which cases go to trial, how long the trial will take, which cases will settle and when. Courts become increasingly able to direct resources to where they will do the most case management good and even proactively manage cases that predictions indicate have a high degree of probability of being trial bound.

Average Assessed Probability

Assessed as *Highly Likely* in the spring 2013 survey with 214 respondents giving it an average assessed probability of 1.9. The *Highly Likely* assessment was reflected across the different age cohorts and court jurisdictions.



Drivers

- Courts are advancing differentiated case management in some surprising new areas such as contested guardianship and conservatorship Probate cases.⁸
- Law enforcement is increasingly using data analysis to predict times, locations, and circumstances of criminal behavior and to prepare for it. It is no stretch that courts could use these same “predictive techniques” to predict court behavior and prepare to respond to it.⁹

Counter Drivers

- Research on which cases will settle and how soon could intrude into parties’ private realm.

⁸New differentiated case markers in Probate conservatorships & guardianships include a risk assessment, estate value to expenditure ratios, number of fiduciary hours expended, number of petitions for additional fees, and timeliness of annual accountings. Reinventing Probate in Maricopa County: Restoring Public Trust and Confidence in the Judiciary, April 2013.

⁹Beth Pearsall, “Predictive Policing: the Future of Law Enforcement?” *National Institute of Justice Journal*, No. 266, June 2010.

Drivers (continued)

- We are all familiar with the private sector tracking our social buying habits through items like supermarket loyalty cards. It is not too much of a stretch to see courts more intensely tracking frequent court users in criminal or possibly family court to see what they have done and how successful were previous efforts. Would it help if a judge knew *immediately* that a mentally challenged defendant was on specific medication last time he or she showed up, that the defendant had been arrested in an adjoining state last month, or that a specific counselor had seen the defendant and it did not go well?¹⁰
- Probate and Family have many post adjudication issues that absorb a great deal of court resources. Courts will develop models to identify factors that lead to post adjudication contests, and separate more volatile cases, designating them “complex/contested.” The issues arising post–adjudication are as time consuming as pretrial/trial matters.

¹⁰ National Public Radio, “Morning Edition,” July 15, 2013 discussion of tracking customer buying habits.

Case Complexity Increases

LW-12.2012.4

Rev: 8/6/2013

Scenario

Some types of cases will continue to become more and more complex.

Average Assessed Probability

Assessed as *Likely* in the spring 2013 survey with 183 respondents giving it an average assessed probability of 2.0.

Subgroup Average Assessed Probability

Age

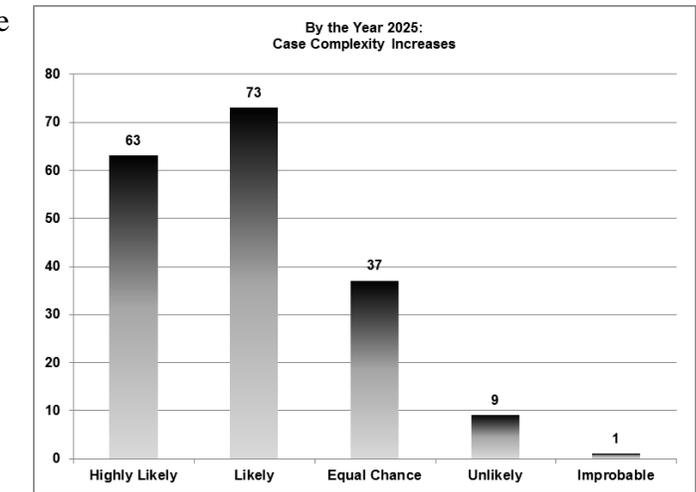
Baby Boomers, assessed the scenario as *Highly Likely* giving it a 1.9 probability; Gen Xers and Millennials assessed it as *Likely* giving it a 2.2 and 2.0 probability respectively.

Function or Jurisdictional Level

Limited Jurisdiction respondents assessed the scenario as *Highly Likely* giving it a 1.8 probability; General Jurisdiction and State Court Administrative Office staff assessed it as *Likely* giving it a 2.0 and 2.3 probability respectively.

Drivers

- Domestic relations, juvenile dependency, guardianship, civil, probate, and adoptions cases will become more complex as society continues to experiment with “the modern family and modern society.” (Same-sex marriage, multiple marriages, immigration-impacted marriages – with associated divorce, custody, and support, intellectual property rights, new marijuana laws, identity theft, remote electronic testimony, graphic designers in trial preparation).
- Technology will make discovery infinitely more complex based on sheer volume of information available, particularly as people rely on recorded e-mail and text messaging for conversations previously conducted by telephone.



Counter Drivers

- Technology may make (mainly criminal and traffic) cases simpler to resolve as enhanced electronic surveillance makes committing crimes more difficult.
- Technology will make presentation of complex cases at trial easier to understand for jurors and judges.
- Technology will translate all languages in court without an interpreter, greatly decreasing hearing and trial times involving limited English proficient individuals and the rescheduling of proceedings due to the unavailability of an interpreter.

Most Parking & Lower Level Traffic Cases Will Be Handled Administratively

CO-1.2013.8

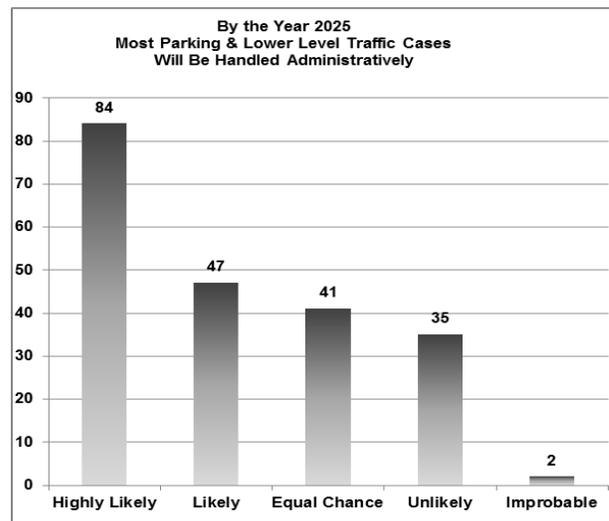
Rev: 1/6/2014

Scenario

Acknowledging the largely administrative nature of front-end traffic and parking case processing, states, counties, and cities will place the functions under administrative jurisdiction such as state dept. of motor vehicles, county enforcement, or city finance.

Average Assessed Probability

Assessed as *Likely* in the spring 2013 survey with 209 respondents giving an average assessed probability of 2.2. General Jurisdiction respondents assessed the scenario as *Highly Likely* giving it a 1.9 probability; Limited Jurisdiction respondents assessed it as having an *Equal (50-50) Chance* giving it a 2.6 probability.



Drivers

- Parking and traffic cases have become routine and financially focused. Many jurisdictions see no point in incurring the costs of intense juridical oversight.
- Many cities have already replaced judges with administrative hearings officers for parking and traffic hearings. Drivers can appeal to a court at their own expense.
- Defendants see more convenience in submitting written statements by email or online to mitigate offenses, which eliminates the need for person-to-person interaction. This will reduce the need for traffic court facilities.
- Cities will start using cameras and “robocops” for enforcement. This leaves much less room for errors to occur and for drivers to use as a defense. There will not be nearly as much for a judge to handle.

Counter Drivers

- Many citizens still feel that they deserve the independent forum only the courts provide even involving routine parking and traffic cases.
- This direction loses the benefit provided by the courts’ core belief that every person is different; every case is different; and people need to have their day in court. A level of disrespect or even broken trust will occur.

Marijuana Will Be Legal

LW-12.2012.1
Rev: 4/23/2013

Scenario

By 2025 medical marijuana will be legal or “decriminalized” virtually everywhere in the nation resulting in a decrease in drug arrests, drug court cases, and drug convictions.

Average Assessed Probability

Assessed as *Likely* in the spring 2013 survey with 185 respondents giving the scenario a 2.2 average assessed probability.

Legalized Marijuana Leads to Increases in Related Crimes

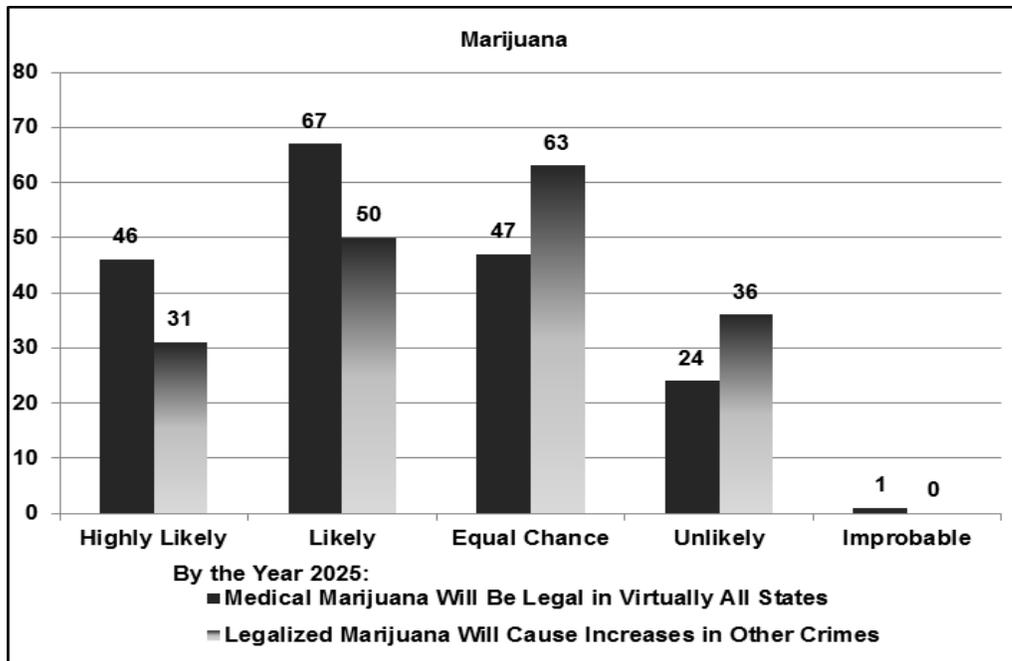
LW-1.2013.7
Rev: 4/23/2013

Scenario

Legal or “decriminalized” medical marijuana results in increased arrests for offenses such as driving under the influence.

Average Assessed Probability

Assessed as having an *Equal (50–50) Chance* in the spring 2013 survey with 180 respondents giving an average assessed probability of 2.8.



Drivers

- Eighteen states and the District of Columbia have legalized medical marijuana; four more have pending legislation; New York State is on the verge.
- Polls now show that more people think that marijuana should be legal than illegal.¹¹

Counter Drivers

- Marijuana is being sold or given to children. This may slow the progression of legalizing marijuana across the states.
- Legalizing marijuana will spark an increase in related crime.

¹¹ Pew Center for the People & the Press, April 4, 2013, reported that 52% of those polled responded that marijuana should be legal; 45% poll responded that it should remain illegal.

Paper Money Virtually Disappears

DM-1.2013.4

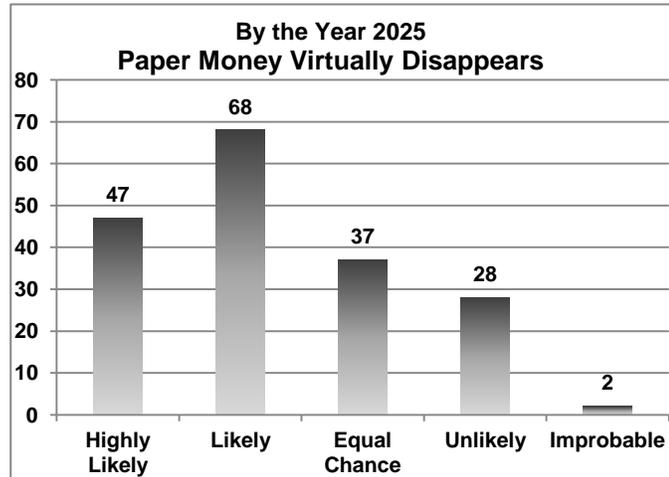
Rev: 12/19/2013

Scenario

The availability of credit, debit, and gift cards along with electronic funds transfers (EFT) results in virtually no one having paper money any more. Courts are forced to adapt their financial transactions to exclusively electronic funds transfers of restitution, bail, bonds, fees, and fines payments.

Average Assessed Probability

Assessed as *Likely* in the spring 2013 survey with 182 respondents giving it an average assessed probability of 2.3.



Drivers

- Governments at all levels will benefit from the ease, speed, convenience, accounting simplicity, and lower cost of electronic funds transfer.
- Credit and debit cards are becoming so widespread that fewer and fewer people carry any appreciable cash.
- Bail money posted in other states could become immediately available for accounting and reconciling. Electronic safeguards will make reconciling accounts much easier.¹²
- Attorney firms will maintain ongoing accounts that courts will simply electronically drawdown per filing.
- Even probation departments will maintain electronic funds transfers via credit or debit card swipes for payment of probation fees.

Counter Drivers

- The poor will always rely on paper currency. Courts will never be able to get away from having to deal with cash.
- Courts will have to adapt to a more intensely internet-based financial system, which will require education to help transition and prepare for the transition.
- Given the numbers of self-represented parties courts serve, having designated places and people to assist will be critical.
- Courts administrators will need continual education so as to adjust to the changing environment with a real vision of what will be needed and how to provide this new mode of service.

¹² Some Illinois courts use electronic funds transfer of bail money through Illinois EPay and CourtMoney.

Drivers (continued)

- Some courts already accept electronic payments for traffic and some criminal fines.¹³ Some courts also already accept electronic payments from vendors and grant funding agencies.¹⁴
- Cyber–currency (sometimes called “bitcoins”) is already making its way into global commerce. Developed by Satoshi Nakamoto, many companies now accept *bitcoins* including Virgin Galactic.¹⁵ How long will it be until courts will have to accept cyber–currency for fine and fee payments?

¹³ Some Oregon, Illinois, and Pennsylvania courts accept credit cards payments for traffic and some criminal fines. Pennsylvania courts expect to be using electronic payments in their general jurisdiction courts within the next two years.

¹⁴ Some Illinois courts accept electronic funds transfers from grant agencies.

¹⁵ National Public Radio December 18, 2013

Private Groups Offer Grants

C\$-1.2013.3
Rev: 5/23/2013

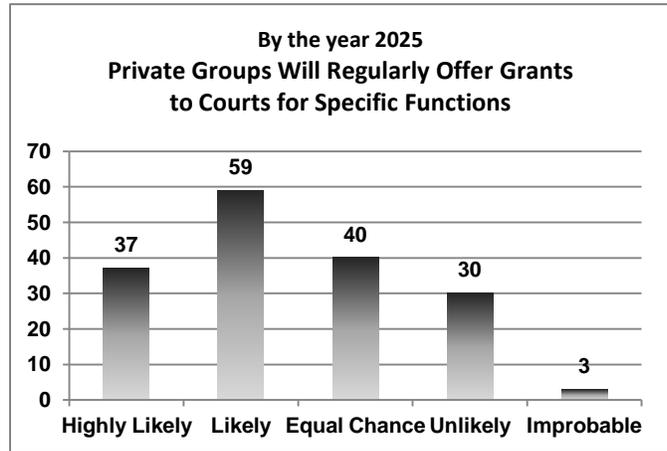
Scenario

Private associations start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, and assisting children in need could be examples of where groups might offer grant money to improve court system performance.

Average Assessed Probability

Assessed as *Likely* in the spring 2013 survey with 180 respondents giving it an average assessed probability of 2.4. Limited

Jurisdiction respondents and State Court Administrative Office staff assessed the scenario as *Likely* giving it a 2.4 and 2.2 probability respectively. General Jurisdiction Court respondents assessed it as having an *Equal (50–50) Chance* both giving it a 2.7 probability.



Drivers

- Many problem-solving courts already have 501(c)(3) support groups that seek funding for gifts, travel vouchers, and housing. These groups can accept money from a variety of funding sources including ones with specific agendas. It is no great leap for a private funding source to direct a 501(c)(3) that their contribution be used in a specific manner.¹⁶
- Private citizens now offer funds in order to speed up various government projects.¹⁷
- Some courts have already pursued private organizations for some forms of funding.¹⁸

Counter Drivers

- Private groups supplementing court funding could arguably bias the system in favor of a specific agenda.

¹⁶ 501(C)(3) support groups for some trial courts in Illinois have received funding from private business; Pennsylvania has reached out to the VFW and the American Legion for help with their Veterans and Drug Courts.

¹⁷ A wealthy private citizen offered the State of California \$50,000 to speed up renovation of the 405 freeway. “Elon Musk Hates 405 Freeway Traffic, Offers Money to Speed Widening,” *Los Angeles Times*, April 25, 2013.

¹⁸ Maricopa Superior Court obtained a grant from American Express to renovate the museum on the sixth floor of the historic Old Courthouse. Some Illinois courts have pursued grants from Target, the Eli Lilly Foundation, and the Lois Lenski Covey Foundation.

Alternative Work Schedules Will Become the Norm

CS-12.2012.3

Rev: 11/22/2013

Scenario

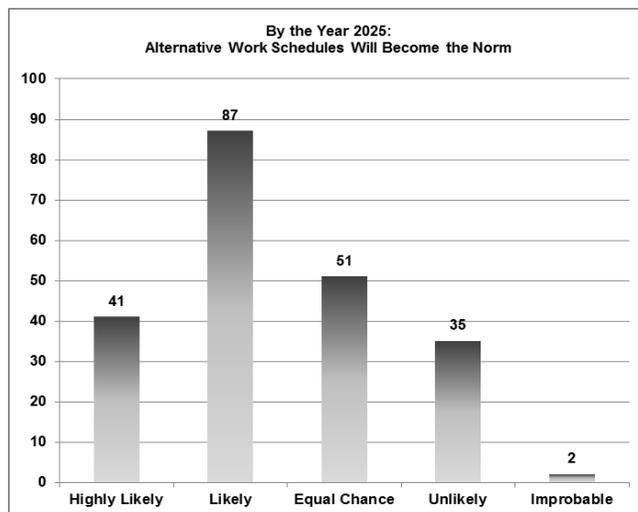
Employee pressure for more flexibility coupled with budget pressures force virtually all courts to adopt alternative work schedules (AWS).

Background:

Many speculate that more extensive use of AWS will be closely linked to electronic filing and *Paperless Courts* (CT.12.2012.3).

Average Assessed Probability

Assessed as *Likely* in the spring 2013, survey with 216 respondents assessing the scenario as having a 2.4 probability.



Subgroup Average Assessed Probability

Age

Baby Boomers and Gen Xers assessed the scenario as *Likely* with Baby Boomers giving it a 2.3 probability and Gen Xers giving it a 2.4 probability. Millennials assessed it having an *Equal* (50-50) *Chance* giving it a 2.6 probability.

Function or Jurisdictional Level

Federal Court respondents assessed the scenario as *Highly Likely* giving it a 1.9 probability; State Court Administrative Office Staff, General Jurisdiction, and Limited Jurisdiction Court respondents assessed the scenario as *Likely* all giving it a 2.4 probability.

Drivers

- Increasing computer enhancements will allow courts to become more flexible with staff schedules.
- Telecommunications enhancements (e.g. audio-video conferencing) will allow courts to permit greater numbers of staff to work from home and still attend important meetings.

Counter Drivers

- Court administrators will need the skills to be able to manage from “afar” – it’s difficult to manage people now when everyone is in the office. Add distance, and communication can sometimes get lost or misinterpreted. Courts will have to develop new ways to supervise office staff and track work product. We are just beginning to develop how employees will be supervised remotely. The social aspect of not having a full staff on board at all times needs to also be considered.

Drivers (continued)

- Years of working without pay increases will drive court staff to demand non-monetary benefits such as flexible work schedules.
- Increased public demand for 24 hour access to courts (since they are used to getting 24 hour internet access) will motivate courts to adopt AWS in different shifts. This is inevitable unless courts choose to become irrelevant. Just about every private sector firm has 16 or 24 hour access for their customers.
- Electronic filing allows courts to use more AWS.
- Telecommuting (which is part of AWS) is a widespread trend born out of necessity on many different levels. The trend allows courts to retain employees that need to be somewhere other than at work during "normal" hours.
- Rather than paying employees for hours worked courts could develop ways to pay for work produced or processed.
- AWS will help in breaking down the "it's not my job" aspect that can befall many employees.
- Courts can reorganize around true worker teams rather than the standard intake and case processing that so many courts use. This might also result in changing salary structures.
- The perception that the public expects face-to-face contact is an aspect of older generations. Younger generations have become comfortable with electronic interaction.

Counter Drivers (continued)

- Traditional images of the workplace (staff at their desks in the courthouse working) die hard, especially in tradition bound organizations such as the courts.
- There needs to be some way to monitor employees workload and work product when they are at home.
- Courts will need better infrastructure – faster computers, faster remote access. Courts would also need enhanced accessibility to electronic court documents. This is already occurring in many courts
- Courts will have to engage in more cross training to cover the necessities of *in office* work.
- The public still expects face-to-face contact when dealing with the courts.

24/7 Court TV

CT.12.2012.4

Rev: 11/22/2013

Scenario

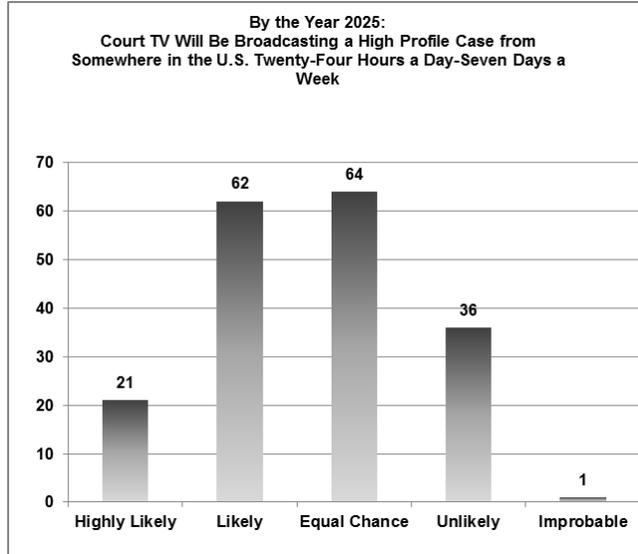
Television networks' search for "notorious" high profile trials will reach a fever pitch. As "In-Session" and related shows scour the country looking for sensational trials to hold the public's interest, the court system nationally will become the next great "reality TV" venue. The public will eventually be able to tune in any time (day or night) and watch a trial either live or tape delayed from earlier that day.

Average Assessed Probability

Assessed as having an *Equal (50-50)*

Chance in the spring, 2013, survey with 184 respondents giving it an assessment of a 2.6

probability. Limited Jurisdiction respondents assessed the scenario as *Likely* giving it a 2.3 probability. General Jurisdiction and Federal system respondents assessed it as having an *Equal (50-50) Chance* both giving it a 2.7 probability. State Court Administrative Office Staff assessed it as *Unlikely* giving it a 3.0 probability.



Drivers

- High profile trials have always been popular part of America's legal landscape dating back (in the modern era) to the 1964 trial of Jack Ruby. Recent high profile trials have included O.J Simpson, Rodney King, and most recently Casey Anthony, Jodi Arias, Jordan Lynn Graham (Missoula, Montana), and George Zimmerman.
- It is difficult enough for larger metropolitan courts to deal with high profile trials. Smaller courts will likely find it impossible and be overwhelmed by the "media circus."
- The recent added emphasis in court literature on "transparency" might actually fuel the argument for courts to accommodate the media during high profile trials.

Counter Drivers

- Courts are finding it increasingly difficult to conduct these trials in an impartial atmosphere. Given the way society has evolved, courts may have no choice but to learn how.
- Court TV will not have much impact on the courthouse facilities other than to ensure the cable trays/electronic backbone are accessible and can be added to/subtracted from/modified over time.

Court Hearings Will Be Conducted by Electronic Audio–Video Conferencing

CT-12.2012.1

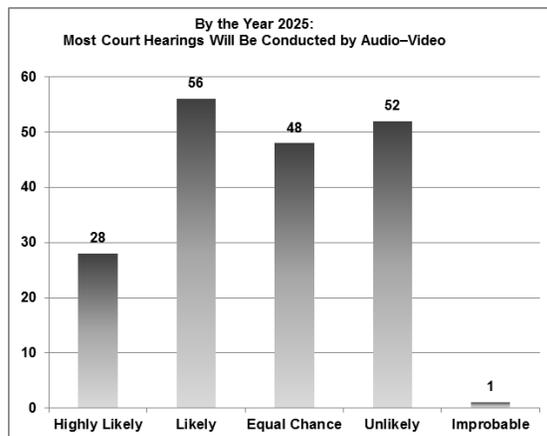
Rev: 11/19/2013

Scenario

Video conferencing will continue to increase until the majority of court hearings are held through recorded audio–video conferences; hearings with parties physically in the courtroom become an exception rather than the rule.

Average Assessed Probability

Assessed as having an *Equal (50–50) Chance* in the spring, 2013, survey with 185 respondents giving it an assessment of a 2.7 probability. This assessment was more or less reflected across the board in all age cohorts and jurisdictional subgroups.



Drivers

- Courthouses are expensive to build and maintain. If conducting remote video proceedings can delay the need to construct a new courthouse for a couple of years it would be money well spent.
- Conducting electronic court hearings is becoming commonplace. The American Institute of Architects has excellent Guidelines for Audio-Video Infrastructure for Courts available.¹⁹
- As courthouses close around the country using electronic conferencing is becoming a necessity. As an example the courthouse in Coalinga, CA is now largely dormant. The court uses Remote Video Proceedings (RVP) for their traffic cases.²⁰
- Courts need to adopt this technology or face the possibility of becoming irrelevant to the public. They could end up looking more like the U.S. Postal Service.

Counter Drivers

- For remote video proceedings to really take off, courts will have to invest in much better equipment, which will be expensive. Most remote video court hearings are conducted on little tiny computer screens and small televisions placed on a rolling cart brought into some courtroom.
- Another long–term hidden cost of electronic communication is that technology is always changing. Changes require courts to absorb the purchase cost of updated hardware and software. Often courts also have to maintain multiple systems for private parties or other justice partners that may not have migrated to the newer technology; this can also be expensive.²¹
- The cost and impersonal nature of remote video hearings still inhibits its widespread use.

¹⁹ AV/IT Infrastructure Guidelines for Courts

²⁰Emily Green, “With Budgets Tight, Small Towns Go Without Courthouses,” *National Public Radio*, August 6, 2013.

²¹*AV/IT Infrastructure Guidelines for Courts*, The American Institute of Architects InfoComm International, 2013

Public–Private Construction

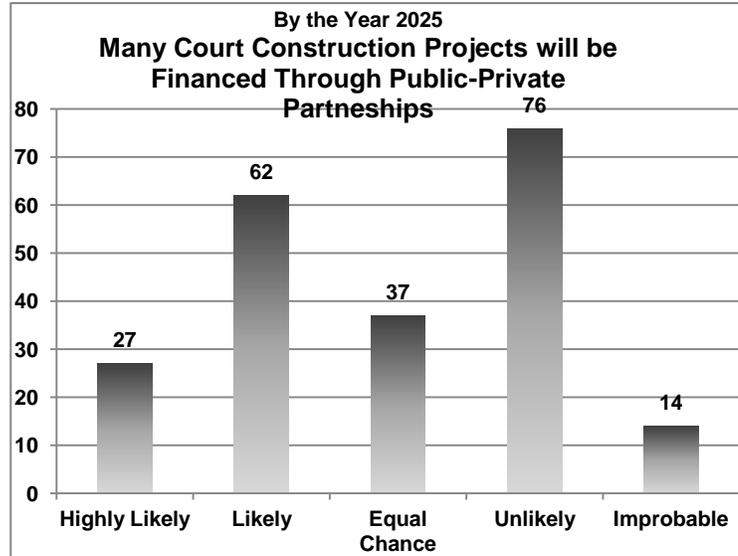
CO–12.2012.2
Rev: 9/24/12013

Scenario

Budgets continue to shrink eventually forcing courts turn to the private sector to help with their need for a revitalized physical plant. Courts develop innovative ways private entities can help fund new courthouse construction.

Average Assessed Probability

Assessed as having an *Equal (50–50) Chance* in the spring, 2013, survey with 216 respondents giving it an assessment of a 2.9 probability.



Subgroup Average Assessed Probability

Age

Baby Boomers assessed the scenario as having an *Equal (50–50) Chance* giving it a 2.9 probability; both Gen Xers and Millennials assessed it as *Unlikely* giving it a 3.0 probability.

Function or Jurisdictional Level

Federal Court respondents and State Court Administrative Office Staff assessed it as *Likely* with Federal Court respondents giving it a 2.3 and State Court Administrative Office Staff giving it a 2.4 probability. Limited Jurisdiction and General Jurisdiction Court respondents assessed the scenario as *Unlikely* giving it a 3.0 and a 3.1 probability respectively.

Drivers

- As money continues to remain tight, counties could look for increasingly innovative ways to balance budgets even in the short-term. For example the State of Arizona sold many government buildings including its own state capitol building to a private real estate consortium that rented the buildings back to the state.
- There are estimates that a third of the over 16,000 courthouses in the United States were built prior to 1930.

Counter Drivers

- Courthouses are traditionally sacred buildings. The public will not support even partial private ownership arrangements.

Drivers (continued)

- Some courtrooms (civil, probate, or appellate) that do not require extensive security) are housed in rented office building space.
- Courts are severely limited in their ability to acquire major capital funding. The public not usually is predisposed to support courthouse construction projects. Increasingly there is no other choice but to go private.
- Courts and other government facilities are already “privatized” – design, planning, construction, as well as certain operations.
- There is not much difference between debt service paid to private sector individuals or companies, vs. paid to a private sector corporation.