

Future of the Courts: The Next Ten Years Combined Survey Highlights by Court Jurisdictions and State Court Administrative Offices

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The Surveys

This summary highlights the results from six surveys conducted over the last few years on the probability of different court-related scenarios potentially occurring within the next ten years. The surveys asked respondents (currently just over 1060 worldwide)² to assess the probability of various scenarios occurring. The assessment results were then averaged, and sorted into the categories *Highly Likely*, *Likely*, *Maybe (50 – 50 Chance)*, *Unlikely*, or *Improbable*. For a more in-depth analysis, send an email request to FutureofCourts@gmail.com and we will send you a copy of the full combined results. Also let us know of anyone you know who might be interested in participating in our current 2017 survey.

Top Ten Highlights

No. 10: Access to Justice Versus Caseflow Management

Discussions over emphasizing *Access to Justice* or *Caseflow Management* look to continue for some time to come.

Theme	Overall Group
States Adopt Uniform Standards to Deal with Self-Represented Litigants	Likely
Differentiated Caseflow Management Will Become More Accurate	Highly Likely

General jurisdiction court respondents, Federal system respondents, and state court administrative office staff assessed states adopting uniform standards to deal with self-represented litigants as **Likely**; limited jurisdiction court respondents assessed it as having a **50-50 Chance**.

General Jurisdiction and Federal system respondents thought that differentiated caseflow management becoming even more accurate in the future was **Highly Likely**; limited jurisdiction respondents and state court administrative office staff thought it was **Likely** to occur.

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²Many respondents have replied to multiple surveys disseminated over the years. The Spring 2013 survey received 234 responses (47 were from limited jurisdiction court professionals, 132 from general jurisdiction respondents, 16 from state court administrative office staff, and 15 from Federal system respondents); the Summer 2013 survey received 211 responses (20 from limited jurisdiction respondents, 82 from general jurisdiction respondents, 31 from state court administrative office staff, and 31 from Federal system respondents); the Winter-Spring 2014 survey received 510 responses (48 limited jurisdiction, 170 general jurisdiction, 63 state court administrative office, 19 Federal system); the Winter 2015 survey received 493 responses (58 limited jurisdiction, 168 general jurisdiction, 68 state court administrative office, 49 Federal system); the Winter 2016 survey received 369 responses (70 limited jurisdiction, 120 general jurisdiction, 58 state court administrative office, 38 Federal system); this current 2017 survey has so far received 127 responses.

No 9: Uncertain Times for Cash Bail

Respondents thought cash bail going away in the next ten years had a 50–50 chance of occurring.

Theme	Overall Group
<i>Monetary Bail is Abolished</i>	<i>Maybe</i>
<i>Courts Accused of Facilitating the Reappearance of “Debtors’ Prisons”</i>	<i>Unlikely</i>

State court administrative office staff, general jurisdiction, and limited jurisdiction respondents thought cash bail being eliminated had only a **50–50 Chance**; Federal system respondents thought it was **Unlikely**. State court administrative office staff, general jurisdiction, and limited jurisdiction respondents thought courts facilitating the reappearance of debtors’ prisons was **Unlikely**; Federal system respondents thought it was **Improbable**.

No 8: More User Fees

There are myriad user-based fees that the justice system tacks on to activities and it appears those are likely to increase.

Theme	Overall Group
<i>Courts Increase Use of User-Based Fees</i>	<i>Highly Likely</i>
<i>User-Based Transaction Fees Dramatically Increase</i>	<i>Likely</i>

State court administrative office staff, general jurisdiction, and limited jurisdiction respondents thought court user fees were **Likely** to increase; only Federal respondents thought it had a **50–50 Chance**.

No. 7: It is Questionable if Courts Will Take the Fast Track to Audio–Video

Courts are moving to SmartForms, but more extensive use of audio–video conferencing seems questionable.

Theme	Overall Group
<i>Almost All Courts Use Intelligent Forms (“SmartForms”) Applications</i>	<i>Highly Likely</i>
<i>Most Court Hearings are Conducted Remotely</i>	<i>Maybe</i>
<i>Significant Number of Courthouses in the Country Go “Virtual”</i>	<i>Unlikely</i>

State court administrative office staff, Federal system, general jurisdiction, limited jurisdiction respondents all thought courts using more SmartForms was **Highly Likely**. State court administrative office staff, Federal system, general jurisdiction, limited jurisdiction respondents thought most court hearings being held remotely (through audio–video) had only a **50–50 Chance**. State court administrative office staff, general jurisdiction, and Federal system respondents, thought courthouses going “virtual” was **Unlikely**; limited jurisdiction court respondents thought it had a **50–50 Chance**.

No. 6: National Demographics: Future Unclear

Respondents thought it likely national demographics will dramatically change; they thought the wealth gap will widen. What will happen with immigration seems to be a toss–up.

Scenario	Overall Group
<i>National Demographics Dramatically Change</i>	<i>Likely</i>
<i>The Gap Between Rich and Poor Becomes the Overriding Societal Challenge</i>	<i>Likely</i>
<i>Immigration Issues Increase on Court Dockets</i>	<i>Maybe</i>

Federal system and limited jurisdiction respondents, and state court administrative office staff all thought national demographics dramatically changing was **Likely**; general jurisdiction respondents thought it **Highly Likely**. Federal system, general jurisdiction, limited jurisdiction respondents, and state court administrative office staff thought the gap between rich and poor becoming the overriding societal challenge was **Likely**. Federal system respondents thought immigration increasing on court dockets was **Likely**, general jurisdiction, limited jurisdiction respondents, and state court administrative office staff it had a **50–50 Chance**.

No. 5: Interpreting in Courts Goes Remote

Court interpreters linking to courtrooms remotely through Skype or GoToMeeting appears to be on the horizon.

Theme	Overall Group
Courts Implement Some System of “Remote Interpretation”	Highly Likely

Federal system, general jurisdiction, limited jurisdiction respondents, and state court administrative office staff all thought courts going to remote interpretation was **Highly Likely**.

No. 4: Creating Alternatives to Incarceration

There seems to be pressure for courts to move away from large scale incarceration. We need to track this trend to see if courts find more alternatives to placing individuals in custody.

Scenario	Overall Group
Courts Find More Alternatives to Jail	Likely
Many Lower–Level Crimes Will Be Reduced	Maybe

Federal system, general jurisdiction, and limited jurisdiction respondents thought courts finding more alternatives to jail was **Highly Likely**; state court administrative office staff it was **Likely**. Federal system and general jurisdiction respondents thought lower–level crimes being reduced (lower–level felonies to misdemeanors) had a **50–50 Chance**; limited jurisdiction respondents thought it was **Likely**.

No. 3: Prepare to Be Hacked

Respondents thought that at some point within the next ten years information technology systems (including networks servicing multiple court systems) will likely fail. Courts will either have a major hardware communications failure, or system data will be “hacked,” stolen, and sold.

Theme	Overall Group
Courts “Over–Rely” on Technology	Highly Likely

Federal system, general jurisdiction, and limited jurisdiction respondents thought courts “over–relying” on technology was **Highly Likely**; state court administrative office staff it was **Likely**.

No. 2: Court Outreach – A Head Scratcher

Respondents thought it likely society’s expectations of courts will exceed courts’ ability to respond.

Scenario	Overall Group
Gap Between Expectations & Courts’ Ability to Meet Expectations Widens	Likely

General jurisdiction, and limited jurisdiction respondents, and state court administrative office staff thought it **Likely** that the gap between the public’s expectations of courts and courts’ ability to meet those expectations will widen; Federal system respondents though it had a **50–50 Chance**.

No. 1 – Governance Confusion Continues to Vex the Courts

Legislative intrusions into the judicial branch are not uncommon and confusion over the courts’ own governance structure does not help when facing the other government components. Respondents to the 2014 survey thought it likely the legislature and executive would continue dictating policy to the courts.

Scenario	Overall Group
Legislature & Executive Continue Driving Judicial Policy	Likely
Governance Issues Continue to Challenge Courts	Likely

Federal system, general jurisdiction, and limited jurisdiction respondents, and state court administrative office staff thought it **Likely** that legislature and the executive would continue to drive judicial policy. Federal system respondents, and state court administrative office staff thought it **Likely** that governance issues would continue to vex the courts; general jurisdiction and limited jurisdiction respondents thought it had a **50–50 Chance**.