Next Generation Courts Commission
Embracing the Courts of the Future

Creation of the Commission
The Next Generation Courts Commission (NGCC) is a partnership between the State Bar of Georgia and the Judicial Branch. The Commission was formed after discussions between then-President of the State Bar, Ken Shilgey and the Chief Justice at the time, Carol W. Hunstein. The Chief Justice and Mr. Shigley recognized that the judicial system was perceived as not adapting to emerging technology and trends as quickly as perhaps it could.

Why did we do it?
Charge of the Commission

The Commission was tasked to consider what the court system might look like in 20 years and to develop a strategy for how to get from here to there, including but not limited to, court structure, technology, funding, caseload management, and judicial selection. Given the structure of the judicial system in the state and the number of policy-making councils and bodies, the Commission opted to develop a list of recommendations that it hopes will be used collectively by the judicial branch in collaboration with the State Bar in an effort to make forward progress.

Commission Chairs

- Commission Chair
  - Lawton Stephens - Judge, Western Judicial Circuit
- Education & Outreach
  - Benjamin Studdard - Chief Judge, Henry County State Court
- Program Improvements
  - Charles Auslander - Judge, Athens-Clarke County State Court
- Technology
  - David Emerson - Judge, Douglas Judicial Circuit
- Business Process Improvements
  - Charles Auslander - Judge, Athens-Clarke County State Court
- Funding of the Courts
  - John Ellington - Judge, Court of Appeals

Commission Members

- Hon. Louisa Abbot
- Ms. Dena M. Adams
- Mr. Greg G. Allen
- Hon. Charles E. Auslander, III
- Ms. Patricia Baker
- Ms. Therese S. Barnes
- Mr. Tracy J. BeMent
- Hon. Harold G. Benefield
- Ms. Stephanie S. Benfield
- Hon. Diane E. Bessen
- Hon. G. Grant Brantley
- Mr. Carter Brown
- Ms. Sharon L. Bryant
- Mr. Peter C. Canfield
- Mr. Jason J. Carter
- Hon. Michael P. Cielinski
- Ms. Robin Frazer Clark
- Mr. Walter J. Clarke
- Hon. Alec Glenn Dorsey
- Hon. Sara L. Doyle
- Hon. John J. Ellington
- Hon. David T. Emerson
- Hon. Ronald E. Ginsberg
- Hon. Kathlene F. Gosselin
- Hon. William G. Hamrick, III
- Mr. Daniel B. Hauck
- Mr. Kenneth B. Hodges, Jr.
- Mr. Bart W. Jackson
- Mr. Eric J. John
- Hon. Lynwood D. Jordan, Jr.
- Mr. Jeffrey R. Kuester
- Ms. Sandy Lee
- Mr. Edward H. Lindsey, Jr.
- Ms. Cindy Mason
- Mr. Daniel W. Massey
- Hon. Harold D. Melton
- Ms. Marla S. Moore
- Ms. Mary L. Pierce
- Hon. A. Gregory Poole
- Mr. Julius A. Powell, Jr.
- Mr. William M. Ragland, Jr.
- Hon. Robert V. Rodatus
- Hon. J. Stephen Schuster
- Ms. Sarah Marie Shalf
- Hon. Robin W. Shearer
- Mr. Kenneth L. Shigley
- Hon. Benjamin W. Studdard, III
- Ms. Sheila Studdard
- Ms. Carolyn V. Sullivan
- Hon. Susan P. Tate
- Mr. Curt B. Thompson, II
- Hon. Robert E. Turner
- Mr. David C. Wall
- Hon. Margaret G. Washburn
- Hon. Brenda S. Weaver
- Mr. Kevin P. Weimer
- Ms. Melanie F. Wilson
- Hon. Nelly F. Withers
Who are YOUR Leaders?

- Who are they?
- Why are they important?
- Who do they influence?
- Who can they influence?
- How do they influence?
Who are YOUR Leaders?

- **Participants** – those you serve (not just the program participants)
- **Supporters** – those people who support, endorse or advocate for your program
- **Influencers** – disinterested or objective observers who can affect decisions

Which ones are **REALLY** important?

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**PSI Brainstorm**

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How do you do it?

- What have we and others said already...
- New way of thinking...
- Future trend analysis...
- State surveys...
What have others said...

State & National Trend Review
- Commission members
- Statewide survey
- Blue Ribbon Commission on the Judiciary (2001)
- Georgia court councils’ strategic plans and reports
- State Bar of Georgia
- American Bar Association
- National Center for State Courts (NCSC)
- National Association for Court Management (NACM)
- Etc...

State Trends
State Bar of Georgia
- Technology improvements including e-filing and video conferencing and use of new technology
- State-level commitment to accountability courts with standards
- Standardization in policies and procedures for caseload management
- Expansion of the Fulton County Business Court to other jurisdictions
- Court reporting in the digital age
- Increased need for court interpreters
- Improved court security

American Bar Association
- Develop/Administer growing array of specialized services/courts
- Provide adequate state court funding
- Invest in technology to overcome insufficient staff resources

2011 Task Force on Preservation of the Justice System.

National Center for State Courts
- Technology – courtroom technology, online outreach
- Social Media – communication and outreach in the digital age
- Specialized Courts and Services – problem-solving courts, business courts, security
- Special Programs – adult guardianships, juvenile sentencing reform, mental health court accountability
- Problem Solving Approaches – housing, intensive case management, due process for the self-represented, civic education
- Education – reducing costs through “blended” learning, generational issues, court management training

NCSC’s Trends in State Courts
NCSC’s Harvard Papers

- Shared leadership
- Governance
- Effective communication
- Keeping the courts funded
- Strategic management
- Institutional independence

National Association for Court Management

- Emphasizing Caseflow Management Improvements
- Sustaining Excellence in Difficult Budget Times
- Enhancing Public Perceptions of the Courts and Increasing Community Collaboration
- Promoting Improved Court Leadership and Governance
- Preparing For and Responding to Trends
- Supporting Professional Court Management Education

Why is the National Agenda Important?

- Reflect key judicial branch needs and interests
- Can spark discussion and innovation, and support the institutionalization of promising practices
- Can guide courts in identifying and working through challenges, brainstorming solutions, and developing meaningful strategies and partnerships to improve the administration of justice
Future of the Courts 2025

- A more paperless world...
- User-based fees to generate revenue...
- Access to centrally stored data...
- Accurate differentiated case management...
- Centralized data storage...

A new way of thinking...

Rethinking or Reengineering?
Reengineering Practices
- Centralize and regionalize
- Automate everything
- Overhaul case management practices
- Move transactions to 'on line'
- Reorganize 'back office' functions
- Redistrict/redefine jurisdiction and venue
- Apply best practices

Lifecycle Stages of an Organization
- Idea
- Start-Up
- Growth
- Maturity
- Decline
- Turnaround
- Terminal
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Repurposing (OR Reprioritizing)
Environmental Scanning

It is the starting point for any strategic planning process. It should include trends, events and emerging issues in the economic, technological, demographic and political domains, as well as a close examination of the nature of organization itself.
Environmental Scanning

- Discover emerging trends of strategic importance.
- Gather information from variety of sources.
- Analyze data for planning purposes.

http://www.crg.albany.edu/publications/guides/and_justice_for_all/chapter6/chapter6version2.txt

Future Trends

- Which trends are relevant?
  - Is this trend relevant in this specific context?
  - Are there other trends to take into account?
- How important are these trends?
  - How predictable is this trend?
  - What is the pace of this trend?
  - What is the impact of this trend?
- How can we deal with these trends?
  - Can we predict?
  - Can we influence?
  - Can we react?
Trend Analysis

- **Plausible**: logical, consistent and believable
- **Relevant**: highlighting key challenges and dynamics of the future
- **Divergent**: different for each other in strategically significant ways
- **Challenging**: questioning fundamental beliefs and assumptions

Source: Trend Analysis as a Method, OECD

State surveys...

Ask for Help!

- National Center for State Courts may offer technical assistance...

  www.NCSC.org

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  National Center for State Courts
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  Denver, CO 80202
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Education

- Commit to primarily State-funded Institute of Continuing Judicial Education (ICJE) while making judicial education more cost-effective
- Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisciplinary training on non-routine issues and the sciences - accounting, psychology, etc.
- Ensure that judicial benchbooks are more widely available and relevant

Education

- Develop a robust multi-day new judge orientation for each class of courts
- Provide advance training for career judges with more than 10 years on the bench
- Promote an ethics component in all trainings to include cultural awareness - gender, sexual orientation, Limited English Proficiency (LEP), etc.
- Support training for clerks, court administrators and court support personnel
Outreach

- Promote transparency and timely public access to court procedures, schedules, records and proceedings
- Encourage public understanding and support of the judicial system by training judges to educate the public about the role of the courts and importance of an independent judiciary and encouraging Institute of Continuing Judicial Education to instruct judges on how to do so consistent with codes of judicial conduct

Outreach

- Adopt strong public service-oriented products such as news releases and informational portals to provide greater access court information
- Support local and statewide civics education efforts by the State Bar, local bar associations and other civic groups, including encouraging judges to participate
- Support appropriate efforts to make court procedures more intelligible and navigable by pro se litigants

Program Improvements

- Endeavor to create a pro se center within each circuit so that resources for low income and pro se litigants are more in-line with the majority of states
- Deploy plain-language, standardized, statewide forms, including easy-to-use, interactive online versions of those forms to help ensure that needed information is provided to the court
- Expand or modify county and circuit law libraries to include user-friendly online materials and/or books that contain updated information that the general public finds useful
- Expand Alternative Dispute Resolution (ADR) programs to make them available to all litigants in Georgia and include reduced-cost mediation services for low income and pro se litigants
Program Improvements

- Expand ADR instructional opportunities and promote the establishment of mediation clinical programs at all law schools to bring students into the courtrooms to mediate real cases at no charge to the parties
- Increase the involvement of lawyers in Juvenile Court proceedings including Guardians Ad Litem (GALs), mentors, child advocates, etc.
- Support the establishment of accountability courts or alternatives for substance abuse and mental health treatment throughout the state

Technology

- Support the establishment of a statewide e-filing portal for electronic filing of civil case documents across all levels of courts
- Promote electronic access to civil and criminal court records across all levels of courts
- Encourage the adoption of legislative and rule changes to ensure the protection of personally identifiable information found in court records
- Support the adoption of a web-based central registry of attorney conflicts and leaves of absence

Business Process Improvements

- Promote a uniform approach for the clerk of court to maintain all trial evidence, to mark and note all evidence during a trial and retain such evidence in compliance with appropriate retention schedules
- Support the ability of clerks of court to charge administrative fees for copies as provided within their statute
- Encourage the Judicial Council and the Board of Court Reporting to collaborate with clerks of superior court and other courts of record when developing the rules and regulations to effect implementation
Business Process Improvements
- Encourage the adoption of appropriate technologies for court reporting and court interpreting to enhance business processes
- Promote increased availability of interpretation services including remote interpretation, translation of court forms, etc.

Funding
- Support an increase in state-based funding necessary to provide statewide court improvement programs in the future
- Encourage legislative changes that allow for the currently established self-funded programs and user fees to actually be used for their intended purposes rather than simply going over into the general revenue funds of both state and local government

What’s Missing?
- Expanding functions and mandates
  - (elder abuse, human trafficking, etc.)
- Business and economic pressures
  - (foreclosures, torts, etc.)
- Security and facility issues
  - (courthouse shootings, multi-use, etc.)
- How to maintain core values
  - (Public trust and confidence, fairness, etc.)
What’s Missing?

- Other forms of public access
  - (online access to schedules, court documents, video connections, etc.)
- Accountability and Transparency
  - (performance measurement, business intelligence, effectiveness of programs/services)
- Personnel concerns
  - (telecommuting, retirements, recruitment, retention, professionalization)

Report Distribution

- Key Legislators – Judiciary, Public Safety
- Judicial Councils – Judges, Clerks, etc.
- Judicial Commissions – Interpreters, Family Violence, etc.
- Executive – Governor’s Office, Budget, Audits
- Law Enforcement – Prosecutors, Sheriffs, Police Chiefs, Bureau of Investigation, Corrections
- Social Services – Legal Services, etc.
Next Steps

- Public outreach through State Bar, judicial councils, local meetings, etc.
- Work with legislative committees of the Judicial Council and State Bar to identify areas where recommendations may require statutory amendments
- Develop an action plan and timeline for implementation and review of recommendations

Where Can I Get the Report?

Administrative Office of the Courts of Georgia:

State Bar of Georgia: