

**Future of the Courts: Courts 2025**  
**Combined Survey Results Arranged by Issue Themes:**  
**United States Respondents Compared to Overall Responses**

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**Purpose**

This report discusses the estimated probabilities of 91 different court related scenarios potentially occurring by the year 2025. The estimates were assessed by conducting three surveys of a large and diverse group of court professionals from around the globe. The first survey was started in December, 2012; the second started in August, 2013; and the third was started in January 2014. The project's goal is to develop a realistic environmental scan of scenarios likely to occur within the next 10 to 15 years.

**Probability Assessments**

The surveys asked respondents (currently over 700)<sup>2</sup> to assess the probability of various scenarios based on a five-point Likert-type scale. We averaged the assessments and arranged the scenarios under a number of thematic questions in order to provide insight into how the questions may be addressed in the future. The heading for each scenario tells in which survey (or surveys) the scenario was presented, its mean overall likelihood and a general likelihood label based on broad groupings

<u>Assessment Category</u>	<u>Label</u>
1.0 – 1.9	Highly Likely
2.0 -2.4	Likely
2.5 – 2.9	Maybe (50-50 Chance)
3.0 - 3.4	Unlikely
Above 3.4	Improbable

The Winter–Spring 2014 survey scenarios include the mean responses from the 387 respondents from the United States shown in dark blue bands with light grey lettering on the applicable scenarios. There were not enough foreign respondents to previous surveys to make analyzing early scenarios by United States vs. foreign respondents worthwhile.

**Respondent Group**

Below are some demographics of the respondent group. (Not every respondent answered every survey or every demographic question):

<u>Respondents' Age Distribution</u>		
Traditional Generation (Born before 1945)	16	2%
Baby Boomer Generation (Born between 1945 & 1964)	440	61%
Generation X (Born Between 1965 & 1980)	194	27%
Millennial Generation (Born after 1980)	70	10%

<u>Respondent Gender Distribution</u>		
Men	309	43%
Women	405	57%

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<sup>1</sup>Thanks to Nicole Garcia for her invaluable assistance in researching topics, editing, and offering ideas that have enhanced the presentation of these results.

<sup>2</sup> The Spring 2013 survey received had 234 respondents; the Summer 2013 survey received 212 respondents; the Winter–Spring 2014 survey received 511 respondents.

Respondents' Geographic Distribution

Alabama	3	Kentucky	1	North Carolina	6	Argentina	1
Alaska	2	Louisiana	21	North Dakota	5	Australia	36
Arizona	89	Maryland	36	Ohio	5	Canada	51
California	29	Michigan	16	Oklahoma	1	Congo	2
Colorado	18	Minnesota	34	Oregon	20	Italy	1
Delaware	5	Missouri	5	Pennsylvania	21	Japan	9
District of Columbia	9	Montana	1	South Dakota	6	Moldova	3
Florida	18	Nebraska	3	Texas	7	Netherlands	3
Georgia	71	Nevada	5	Utah	6	New Zealand	19
Idaho	3	New Hampshire	1	Virginia	32	Nigeria	1
Illinois	10	New Jersey	31	Washington	24	Philippines	1
Indiana	3	New Mexico	3	West Virginia	2	Romania	2
Iowa	3	New York	6	Wisconsin	32	Serbia	1

Respondent Group Jurisdictional Distribution

General Jurisdiction Courts <sup>1</sup>	285	42%	Limited Jurisdiction Courts <sup>2</sup>	124	18%
Supreme Courts or State Offices <sup>4</sup>	90	13%	U.S. Federal Courts <sup>3</sup>	41	6%
State Court Administrators	20	4%	District Courts	10	1%
Probation or Pretrial	2		Vendors	14	2%
Tribunal Court	3		National Center for State Courts	19	3%
Justice Courts	1		Consultants	11	2%
Environmental Court	2		Provincial Court	10	2%
Court Reporters	2		Retired	6	1%
Universities	2		Children's Court	1	
Student	1		Ministry of Justice	2	
Lawyers	2		Surveillance Court	1	

<sup>1</sup>Includes Superior Court, Circuit Courts, District Courts designated as the general jurisdiction court, Family Court, Probate Court, Courts of Common Plea, and Juvenile Courts

<sup>2</sup>Includes Municipal, City, Justice, Metropolitan, County, Parish, & Traffic Courts

<sup>3</sup>Includes U.S District Courts, U.S. Bankruptcy Courts, the D.C. Superior Court, & the U.S. Circuit Court of Appeals.

<sup>4</sup>Includes Administrative Offices of the Courts (AOC), Supreme Courts, State Courts of Appeals, Law Libraries, & those identified as State Court or Court Services

Respondents' Years of Experience in the Justice System

Less than Five Years	47	9%
Between Six and Ten Years	71	14%
Between Eleven and Twenty Years	126	25%
Between Twenty–One and Thirty Years	131	26%
More than Thirty Years	126	25%

**Invitation**

Email us your comments and any new suggested scenarios that may influence the courts by 2025. Also 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](mailto:PKiefer@superiorcourt.maricopa.gov). Thanks again for your continuing help.

## 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.

<b><i>How Will Technology Affect Courts in the Future?</i></b>	
<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.4 in the Summer 2013 Survey</i>	
<b><i>Court Forms Will Be Available on the Internet</i></b>	
Parties (particularly self-represented) will be able to complete forms online interactively, and electronically file them as nearly all trial courts will have their forms available on their web pages.	CT-7.2013.11
<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.5 in the Summer 2013 Survey</i>	
<b><i>Virtually All Trial Courts Will Maintain Web-Based Information Systems</i></b>	
These court systems provide answers to public inquiries about cases and court processes.	CT-7.2013.15
<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.5 in the Winter Spring 2014 Survey</i>	
<b><i>United States Respondents: Highly Likely - Mean Overall Likelihood: 1.4</i></b>	
<b><i>Almost All Courts Use Electronic Filing (E-Filing)</i></b>	
More and more courts will convert to document imaging, electronic filing becomes a requirement to successfully go “paperless.”	CT-1.2014.25
<i>Court Technology – <b>Highly Likely</b> – Likelihood: 1.6 in the Summer 2013 Survey</i>	
<b><i>Courts Will Implement Some System of “Remote Interpretation”</i></b>	
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 – <b>Highly Likely</b> – Mean Overall - Likelihood: 1.6 in the Summer 2013 Survey</i>	
<b><i>Trial Courts Will Use Digital Electronic Recording Systems</i></b>	
Electronic recording becomes the official record for court proceedings.	CT-7.2013.16
<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.7 in the Spring 2013 Survey</i>	
<b><i>Virtually All Courts will be “Paperless”</i></b>	
More and more courts will convert to document imaging or electronic filing thereby going “paperless.”	CT-12.2012.3
<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.7 in the Winter Spring 2013 Survey</i>	
<b><i>United States Respondents: Highly Likely - Mean Overall Likelihood: 1.7</i></b>	
<b><i>Almost All Courts Use Intelligent Forms (“SmartForm”) Generation Applications</i></b>	
More courts will adopt applications to allow parties to prepare courts documents by answering a series of computer generated questions, which then prompts electronic forms to be produced, filed, and disseminated.	CT-1.2014.26

<i>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.8 in the Winter-Spring 2014 Survey</i>
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<p><b>United States Respondents: Highly Likely - Mean Overall Likelihood: 1.8</b></p> <p><b>Court Applications Become More Intuitive for Court Customers</b>  Court applications get more accessible thus reducing the learning curve necessary for court customers to manage the systems.</p> <p style="text-align: right;">CT-1.2014.21</p>
<p><i>Court Technology – Highly Likely – Mean Overall Likelihood: 1.9 in the Winter–Spring 2014 Survey</i></p>
<p><b>United States Respondents: Highly Likely - Mean Overall Likelihood: 1.9</b></p> <p><b>Courts “Over Rely” on Technology</b>  Technology becomes so ubiquitous in courts that they are no longer able to operate if “the computer goes down.” What to do if there is a technology system failure becomes the new “emergency prep” focus.</p> <p style="text-align: right;">CT-1.2014.24</p>
<p><i>Court Technology – Highly Likely – Mean Overall Likelihood: 1.9 in the Winter–Spring 2014 Survey</i></p>
<p><b>United States Respondents: Highly Likely - Mean Overall Likelihood: 1.9</b></p> <p><b>Court Applications Become Easier for Court Staff to Use</b>  Court applications get more intuitive thus reducing the amount of time it takes court staff to learn how to manage court applications.</p> <p style="text-align: right;">CT-1.2014.23</p>
<p><i>Court Technology – Likely – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey</i></p>
<p><b>Computer Applications Will Develop Real–Time, Transcribed Records of Court Proceedings</b>  Court transcripts are created without human intervention.</p> <p style="text-align: right;">CT-7.2013.14</p>
<p><i>Court Technology – Likely – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey</i></p>
<p><b>Court Computer Systems Are Compromised</b>  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 Technology – Likely – Mean Overall Likelihood: 2.2 in the Winter–Spring 2014 Survey</i></p>
<p><b>United States Respondents: Likely - Mean Overall Likelihood: 2.2</b></p> <p><b>Courts Accommodate “Bring Your Own Technology (BYOT)”</b>  Increasingly judges and staff get comfortable with their own devices (e.g. tablets, smartphones, and laptops). Court technology staff adapt and accommodate so that court applications run on all platforms.</p> <p style="text-align: right;">CT-1.2014.20</p>
<p><i>Court Technology – Likely – Mean Overall Likelihood: 2.4 in the Winter–Spring 2014 Survey</i></p>
<p><b>United States Respondents: Likely - Mean Overall Likelihood: 2.3</b></p> <p><b>Courts Qualify Jurors Using Remote Technology</b>  As electronic communication devices become commonplace, courts turn to remote conferencing to qualify jurors before they even set foot in the courthouse.</p> <p style="text-align: right;">CT-1.2014.19</p>
<p><i>Court Technology – Maybe (50–50 Chance) – Mean Overall Likelihood: 2.6 in the Sum 2013 Survey</i></p>
<p><b>Computers Will Translate Languages in Court Without Interpreters</b>  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>

**How Will Courts Use Information in the Future?**

<p>Court Technology – <b>Highly Likely</b> – Mean Overall Likelihood: 1.9 in the Spring 2013 Survey</p> <p><b>Centralized Data Storage</b></p> <p>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> <p style="text-align: right;">CT-1.2013.7</p>
<p>Court Technology – <b>Highly Likely</b> – Likelihood: 1.8 in the Spring 2013 Survey</p> <p><b>Centrally Stored Data Will Be Immediately Available to Stakeholders</b></p> <p>With centralized data storage, real time access to payment, restitution, bond, case, and criminal history information will be the norm.</p> <p style="text-align: right;">CT-1.2013.8</p>
<p>Court Organization – <b>Highly Likely</b> – Mean Overall Likelihood: 1.9 in the Spring 2013 Survey</p> <p><b>Accurate Differentiated Caseload Management</b></p> <p>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> <p style="text-align: right;">CO-12.2012.5</p>
<p><b>How Will Courts Be Funded in the Future?</b></p>
<p>Court Funding – <b>Highly Likely</b> – Mean Overall Likelihood: 1.8 in the Spring 2013 Survey</p> <p><b>Courts Will Increase User Based Revenue</b></p> <p>As many cases require more services than others, courts will charge users fees for specific types of activities based on the resources needed.</p> <p style="text-align: right;">C\$-1.2013.2</p>
<p>Court Funding – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey</p> <p><b>Private Groups Offer Grants</b></p> <p>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;">C\$-1.2013.3</p>
<p>Court Funding – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey</p> <p><b>Court Systems Become “State Funded”</b></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;">C\$-7.2013.4</p>

<p>Court Funding – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.8 in the Wintr–Spring 2014 Survey</p> <p><b>United States Respondents: Maybe (50–50 Chance) – Mean Overall Likelihood: 2.5</b></p> <p><b>The Role of Grant Writers Will Expand Looking Unconventional Funding Sources</b></p>
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As government funding continues to evaporate, courts look for new ways to find startup investment cash for projects. Professional grant writers will have to expand their expertise to include heretofore untapped areas such as crowdfunding<sup>3</sup> philanthropists.

CS-1.2014.5

## **What Will Trials Look Like in the Future?**

*Court Functions – **Highly Likely** – Mean Overall Likelihood: 1.8 in the Summer 2013 Survey*

### **Alternative Dispute Resolution (ADR) Will Become the Norm for Courts**

*Courts routinely have ADR programs such as mediation, arbitration, settlements conferences, and short trials for cases prior to trial.*

CF-7.2013.7

*The Law – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter–Spring 2014 Survey*

*United States Respondents: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9*

### **Alternative Dispute Resolution (ADR) Makes the Contingency Fee System in Medical Malpractice Cases Irrelevant**

*ADR moves medical malpractice matters to the administrative arena.*

LW-1.2014.12

*The Law – **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter–Spring 2014 Survey*

*United States Respondents: **Unlikely** – Mean Overall Likelihood: 3.4*

### **Civil Jury Trials Become an Anachronism**

*The steady decline in the number of civil trials (both jury and non-jury) held finally reaches an end point where they become such a rarity as to be virtually nonexistent.*

LW-1.2014.13

*The Law – **Improbable** – Mean Overall Likelihood: 3.5 in the Summer 2013 Survey*

### **Attorneys Become an Extremely Small Niche in Court Functions**

*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.*

LW-7.2013.6

## **How Will Court Administrators Be Different in the Future?**

*Court Staffing – **Highly Likely** – Mean Overall Likelihood: 1.9 in the Summer 2013 Survey*

### **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, social media, probate accounting, mental health, immigration, education methodologies, program evaluation techniques, etc.)*

CS-7.2013.7

*Court Staffing – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Summer 2013 Survey*

### **The Private Sector Will Attract More Clerks of Court & Court Administrators to Other Positions**

<sup>3</sup>“Crowdfunding” is defined as tapping into the collective effort of individuals who pool their money usually via the Internet to support other people or organizations. Well known crowdfunding sites include Kickstarter, Indiegog, Crowdfunder, Crowdrise, and Quirky.



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.

CS-7.2013.9

## **What Will Court Cases Look Like in the Future?**

*The Law – **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey*

### **Case Complexity Will Increase**

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

LW-12.2012.4

## **How Will Courts Deal With Social Media?**

*Court Technology – **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey*

### **Courts Will Redefine Their Relationship with 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.

CT-1.2013.9

*Court Technology – **Likely** – Mean Overall Likelihood: 2.3 in the Winter-Spring 2014 Survey*

**United States Respondents: Likely – Mean Overall Likelihood: 2.3**

### **Mobile Devices and Social Media Overwhelm Courts**

The variety of ways parties, court observers, and even jurors communicate expands beyond the capacity for courts to control. Although courts continue issuing policies regulating mobile devices and social media within the court, the policies are largely ignored.

*This scenario was first in the Spring 2013 survey and was assessed as having a 50-50 Chance with a 2.6 average probability. At that time the scenario's title was "Social Media Overwhelms the Courts"*

CT-1.2013.10

## **What Sort of Societal Changes are Likely in the Future?**

*Demographics – **Likely** – Mean Overall Likelihood 2.0 in the Spring 2013 Survey*

### **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.

DM-1.2013.3

*Demographics – **Likely** – Mean Overall Likelihood: 2.4 in the Winter-Spring 2014 Survey*

**United States Respondents: Maybe (50-50 Chance) – Mean Overall Likelihood: 2.5**

### **Paper Money Disappears**

The ease of electronic forms of money, such as credit, debit, gift cards, and smartphones (and successor technology) applications along with the electronic transfer of funds results in little or no use for paper money or coins any more. Fewer business, public agencies, and individuals will have the means to accept cash. Courts are forced to adapt their financial transactions almost exclusively to electronic fund transfer of restitution, bail, bonds, and, fees, and fines payments.

*This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.3 average probability under the same title.*

DM-1.2013.4

*Court Technology – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey*

### **24/7 Court TV**

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.

CT-12.2012.4

Court Organization – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spr 2013 Survey

**Tribal Courts Will Increase in Authority**

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.

CO-12.2012.3

Demographics – **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.9 in the Spring 2013 Survey

**Racial Distinctions Virtually Disappear**

Intermarriage and immigration will increase to the point that it will become virtually impossible to distinguish the racial origin of an individual.

DM-12.2012.1

Court Technology – **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter–Spring 2014 Survey

**United States Respondents: Unlikely - Mean Overall Likelihood: 3.3**

**Technology Enables Us to Engage in Communication Virtually Without Physical Interaction**

Technology-enabled immediate access to information and communication (currently in its rudimentary stages with smartphones) will advance to where there will be no need for external action (voice, touch, or motion). People will be able to "think" their questions, receive answers and other input, send and receive messages (both visual and oral), all without any outward evidence that they are doing so.

CT-1.2014.22

Demographics – **Improbable** – Mean Overall Likelihood: 3.5 in the Winter–Spring 2014 Survey

**United States Respondents: Improbable - Mean Overall Likelihood: 3.6**

**People Carry and/or have Implanted Devices Showing Their Location at All Times**

Virtually everyone will wear or have implanted a GPS device (or the successor technology). Children will be required to have them; businesses will require their employees to have them; schools will require students and staff to have them. Basic services will come to assume the presence of the system including public transportation, airlines, and courts. While perhaps not strictly required, it will be difficult to go without, in much the same way as it is difficult to go without a picture ID, Social Security number, a cell phone, a mailing address, or a credit card.

DM-1.2014.6

**How Much Will We Be Watched in the Future?**

Court Technology – **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

**Electronic Probation Will Be the Norm**

The entire world of probation will change as ankle bracelets, GPS, and 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.

CT-12.2012.18

Court Technology – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

**Social Network Vigilantism**

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.

CT-12.2012.5

## **How Will the Public See the Courts in the Future?**

Demographics – **Likely** – Mean Overall Likelihood 2.1 in the Spring 2013 Survey

### **The Gap Between Society’s Expectations of Courts and Courts Capacity to Meet those Expectations Will Widen.**

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.

DM-12.2012.2

Court Organization – **Likely** – Mean Overall Likelihood: 2.4 in the Summer 2013 Survey

### **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.

CO-7.2013.15

Court Functions – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Wtr–Spr 2014 Survey

**United States Respondents: Maybe (50–50 Chance) – Mean Overall Likelihood: 2.6**

### **The Judicial Branch Engages in a Comprehensive and Sophisticated Outreach Effort to the Public**

Gone are the days of court officials going out to preach boring civics lessons to high school classes and community groups. The judicial branch builds on examples from advertising and even Hollywood story-telling to show the public a compelling depiction of courts’ value to society.

CF-1.2014.11

## **How Will the Laws Change in the Future?**

The Law – **Likely** – Mean Overall Likelihood: 2.2 in the Winter–Spring 2014 Survey

**United States Respondents: Likely - Mean Overall Likelihood: 2.1**

### **Marijuana will be Legal**

Marijuana will be legal or “decriminalized” essentially everywhere.

*This scenario was first in the Spring 2013 survey and was assessed as Likely with a 2.3 average probability. At that time the scenario’s title was “Medical Marijuana Will Be Legal”*

LW-12.2012

The Law – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey

### **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.

LW-1.2013.7

Court Staffing – **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

### **Intermediate Sanctions Will Dominate Criminal and Traffic**

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.

CF-12.2012.1

The Law – **Maybe (50–50 Chance)** Mean Overall Likelihood: 2.6 in the Summer 2013 Survey

**Many Lower Level Crimes Will Be Reduced**

A significant number of lower level felonies are converted to misdemeanors; many lower level misdemeanors are converted to violations.

LW-7.2013.7

*The Law – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Summer 2013 Survey*

**States Will Give Significantly More Sentencing Discretion to Judges**

In order to reduce prison populations, state legislatures restore more judicial discretion in sentencing minor non-violent offenders.

LW-7.2013.8

*Court Organization – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spr 2013 Survey*

**Courts Will Define Limits to Interpretation**

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.

CF-12.2012.2

*The Law – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey*

**Collecting on Judgments Gets Easy**

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.

LW-1.2013.5

*The Law – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Spring 2013 Survey*

**Grand Juries Will Disappear**

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.

LW-12.2012.2

*Court Organization – – **Improbable** – Mean Overall Likelihood: 3.6 in the Spring 2013 Survey*

**Distinctions Between Juvenile and Adult Cases Will Virtually Disappear**

As procedural requirements increase, the juvenile system takes on more of the attributes of the adult system until the two systems become indistinguishable.

CO-12.2012.4

**How Will Courts Be Organized in the Future?**

*Court Functions – **Likely** – Mean Overall Likelihood 2.1 in the Summer 2013 Survey*

**States Will Adopt Common Case Management Time Standards**

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.

CF-7.2013.4

*Court Organization – **Likely** – Mean Overall Likelihood 2.1 in the Summer 2013 Survey*

**Fine and Fee Collections Will Centralize to Pursue Monies Owed to the Courts**

Regional or statewide fine and fee collections processing becomes the norm to achieve efficiencies from large scale uniform administration.

CO-7.2013.14

*Court Staffing – **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey*

**Courts Maintain Programs that Guard Against Abuse of Vulnerable Populations**

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.)

CF-7.2013.8

*Court Functions – **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey*

<p><b>States Adopt Uniform Standards for Dealing with Self-Represented Litigants</b> Uniform standards will include access to forms, interpreters, and procedural information. CF-7.2013.5</p>
<p>Court Organization – <b>Likely</b> – Mean Overall Likelihood: 2.2 in the Spring 2013 Survey <b>Specialty Problem-Solving Courts Will Abound</b> 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. CO-1.2013.9</p>
<p>Court Organization – – <b>Improbable</b> – Mean Overall Likelihood: 3.5 in the Spring 2013 Survey <b>Specialty Problem-Solving Courts Will Disappear</b> 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. CO-1.2013.10</p>
<p>Court Functions – <b>Likely</b> – Mean Overall Likelihood 2.3 in the Summer 2013 Survey <b>Court Infrastructure Functions Will Centralize</b> 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. CF-7.2013.3</p>
<p>Court Organization – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.8 in the Spr 2013 Survey <b>One Court System Per State</b> 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. CO-12.2012.1</p>
<p>Court Organization – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.8 in the Sum 2013 Survey <b>States Consolidate Court Levels Within Their State Court Structures</b> State legislatures consolidate two or more levels of trial court jurisdictions believing that the consolidations enhance “economies of scale” and flexibility within a state. CO-7.2013.12</p>
<p>Court Functions – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.9 in the Summer 2013 Survey <b>Courts Once Again Expand Their Hours</b> After years of budget cut backs, courts once again offer “night court” and other expanded hours services to customers in the community. CF-7.2013.9</p>
<p>Court Organization – <b>Maybe (50–50 Chance)</b> – Mean Overall Likelihood: 2.6 in the Sum 2013 Survey <b>The Federal Court System Consolidates</b> Many district and bankruptcy courts will combine. CO-7.2013.16</p>
<p>Court Organization – – <b>Improbable</b> – Mean Overall Likelihood: 4.0 in the Summer 2013 Survey <b>State Courts Share Administrative Functions with Federal Courts</b> 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.) CO-7.2013.13</p>
<p><b>What Will Court Innovation Look Like in the Future?</b> Court Functions – <b>Likely</b> – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey</p>

**"Evidence Based Practice" Becomes the Standard For New Court Program Development**

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.

CF-7.2013.6

**Will Courts Remain Relevant in the Future?**

Court Organization – **Likely** – Mean Overall Likelihood: 2.2 in the Spring 2013 Survey

**Parking & Minor Traffic Cases Will Go Administrative**

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

CO-1.2013.8

Court Organization – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey

**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.

CO-1.2013.11

Court Organization – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

**Family Court Will Go Administrative**

Acknowledging the growing need for a combined approach to marriage dissolutions & separations through family counseling, financial counseling, investigation, & mediation, states remove these cases from the courts placing them under administrative jurisdiction allowing for a seamless combination of approaches unhindered by judicial intervention.

CO-12.2012.6

**How Will the Other Branches of Government Relate to the Judicial Branch?**

Court Organization – **Likely** – Mean Overall Likelihood: 2.2 in the Winter-Spring 2014 Survey

**United States Respondents: Likely - Mean Overall Likelihood: 2.3**

**Legislative and Executive Branches Drive Judicial Branch Policy Decisions**

These mandates and directives expand further into the fiscal arena and also drive the use of performance metrics.

CO-1.2014.19

Court Organization – **Likely** – Mean Overall Likelihood: 2.4 in the Winter-Spring 2014 Survey

**United States Respondents: Likely – Mean Overall Likelihood: 2.4**

**Governance Issues Continue to Challenge Courts**

Unclear role definition, unclear relationships with local funding bodies and unclear responsibility assignments between leadership judges and court managers remains.

CO-1.2014.20

Court Functions – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

**"Community Safety" Will Become an Integral Part of Court Mission Statements**

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.

CF-7.2013.10

Court Funding – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

**Legislative Budgetary Disapproval**

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.

CS-12.2012.1

**What Will Court Staff Look Like and How Will Courts Relate to Staff in the Future?**

Court Staffing – **Likely** – Mean Overall Likelihood: 2.3 in the Spring 2013 Survey

**Courts Will Lose Most of Its Organizational Memory**

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.

CS-12.2012.1

Court Staffing – **Likely** Mean Overall Likelihood: 2.4 in the Spring 2013 Survey

**Courts Will Employ Significantly More Knowledge Workers**

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.

CS-1.2013.6

Court Staffing – **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey

**Courts Offer Their Training Through Distance Learning**

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

CS-7.2013.8

Court Staffing – **Likely** – Mean Overall Likelihood: 2.4 in the Spring 2013 Survey

**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.

CS-12.2012.3

Court Staffing – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Wtr–Spr 2014 Survey

**United States Respondents: Maybe (50-50 Chance) - Mean Overall Likelihood: 2.6**

**Court Outsourcing**

As more knowledge workers enter the court system more sophisticated tasks are outsourced to professionals, many of whom work part-time, often from their homes.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50-50 Chance with a 2.9 average probability. That scenario described routine jobs being outsourced; this scenario describes sophisticated tasks being outsourced.*

CS-12.2012.4

Court Staffing – **Unlikely** – Mean Overall Likelihood: 3.0 in the Spring 2013 Survey

**Court Employees Will Work “at the pleasure”**

Virtually all court employees nationwide will become unclassified and work “at the



pleasure” of the court’s presiding judge and executive leadership.

CS-12.2012.2

## **Will We Address Human Trafficking?**

The Law – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter-Spring 2014 Survey

**United States Respondents: Maybe (50-50 Chance) - Mean Overall Likelihood: 2.6**

### **Human Trafficking Cases Sharply Increase on Dockets**

Human trafficking becomes a concern as large numbers of individuals are arrested and tried around the country and the world for crimes related to human trafficking.

LW-1.2014.14

The Law – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

**United States Respondents: Maybe (50-50 Chance) – Mean Overall Likelihood: 2.6**

### **Immigration Issues Will Increase on Court Dockets**

Parties’ immigration status becomes a decision point in virtually all court cases. Courts will have to establish parties’ citizenship before being able to move ahead on a case.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50-50 Chance with a 2.9 average probability under the same title.*

LW-12.2012.3

The Law – **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey

### **Concern Over Immigration Status Fades Away**

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.

LW-12.2012.6

## **How Will Our Courthouses Survive?**

Court Organization – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 Wntr-Sprg 2014 Survey

**United States Respondents: Maybe (50-50 Chance) - Mean Overall Likelihood: 2.7**

### **Many Aging Courthouses Fail to Meet Code or are Condemned**

After years of ignoring the judiciary’s aging physical plant funding bodies are finally faced with courthouses that are declared unsafe and are condemned.

CO-1.2014.18

Court Organization – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7:Wntr-Sprg 2014 Survey

**United States Respondents: Maybe (50-50 Chance) – Mean Overall Likelihood: 2.7**

### **Courthouse Construction Goes Regional**

Shrinking budgets eventually force courts to collaborate between jurisdictional venues (e.g. between counties, districts, provinces, or territories) to construct new courthouses. New courthouses are not necessarily located in urban setting, but more often built near a jurisdictional border in order to allow multiple court operations to use the facility.

CO-1.2014.17

Court Organization – **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter-Spring 2014 Survey

**United States Respondents: Unlikely – Mean Overall Likelihood: 3.1**

### **Public-Private Courthouse Construction**

Shrinking budgets force courts turn to the private sector for financial help with the physical plant. Courts develop innovative ways private entities can help fund new courthouse construction.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50-50 chance with a 2.9 average probability under the same title.*

CO-12.2012.2

## **How Will We Treat the Mentally Ill in the Future?**

Demographics – **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Wntr-Sprg 2014 Survey

**United States Respondents: Maybe (50-50 Chance) – Mean Overall Likelihood: 2.7**

### **Governments Relocate Mentally Ill Defendants Out of Jails and Prisons**



As so many mentally ill defendants end up in jail or prison, governments finally enact rules and statutes to relocate the mentally ill to separate facilities away from general populations to focus on giving them needed treatment.

DM-1.2014.7

Demographics – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Wtr–Sp 2014 Survey

**United States Respondents: Maybe (50-50 Chance) - Mean Overall Likelihood: 2.8**

### **Jails and Prisons End Up By Default Being the Most Common Way of Dealing with the Mentally Ill**

Jails and prisons end up as the default location for the mentally ill.

DM-1.2014.5

### **How Will Juvenile Justice Look in the Future?**

Court Organization – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Sp 2013 Survey

#### **Education Becomes a Huge Component of the Juvenile Justice System**

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.

CO-12.2012.7

### **What Will It Be Like to Serve as a Judicial Officer?**

Court Staffing – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

#### **Judgeships Become a Career Stepping Stone**

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.

CS-12.2012.5

### **What Will Court Hearings Look Like in the Future?**

Court Technology – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Wt–Sp 2014 Survey

**United States Respondents: Maybe (50-50 Chance) - Mean Overall Likelihood: 2.7**

#### **Most Court Hearings are Conducted Remotely**

Video conferencing will continue to increase until the majority of court hearings will be held through remote conferences (often recorded); hearings with parties physically in the courtroom becomes the exception rather than the rule.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50-50 Chance with a 2.7 average probability under the title "Most Court Hearings are Conducted by Audio-Video."*

CT-12.2012.1

Court Technology – **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

#### **Community Centers Will Become "Remote Courthouses"**

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.

CT-12.2012.2

Court Technology – **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey

#### **A Significant Number of Courthouses Across the Country Go "Virtual"**

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.

CT-1.2013.6

