Addressing Trends Shaping the State Courts 2000 - 2020: Where Have We Been, Where Are We Going, and What Must We Do

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Session Purpose and Overview

- Understand Key Trends Shaping Demand on the Courts and the Capacity of Courts to Meet Demands Between 2000 and 2020
- Understand Trend Implications and Challenges Confronting Courts
- Review Status Quo Future Scenarios For 2010 and 2020
- Identify What Must Happen to Shape a Better Future

Point of departure for this presentation - 2000 Court Manager article “Courts 2010: Critical Trends Shaping Courts in the Next Decade” by Martin and Wagenknecht-Ivey
Essential Message

As a Profession:

- We Have Been Able To Anticipate The Future In The Past
- We Can Anticipate What The Courts Will Look Like In 2020
- We Must Shape A Better Future
Looking Back: Key Trends 2000 - 2010

- Increasing demand for culturally appropriate court and justice services.
- An increasing number of expectations for the courts’ role in society.
- Alterations in family composition, including declining numbers of traditional families and alterations in the role of societal institutions and community norms and values.
- Polarization of people by class, race, ethnicity and lifestyle preferences.
Looking Back: Key Trends 2000 – 2010 (continued)

- Increasing demand for acceptance of alternative lifestyles.
- Increasingly sophisticated manipulation of public opinion about crime and the courts using the mass media.
- A growing shortage of court administrators and staff.
- Increasing reliance on therapeutic approaches to court and justice service provision.
Increasing demand for justice system performance accountability.

Rapidly emerging information, telecommunication, and networking technology.
Looking Forward: Key Trends 2010 - 2020

- Review list from NCSC survey handout.
- Stagnant budgets.
- Declining caseloads generally but increasing proportion of more difficult cases.
- Aging facilities, equipment, technology, and other infrastructure.
Looking Backwards and Forwards: Status Quo Scenario 2000 – 2020

By 2010 and Continuing Towards 2020, the State Courts had:

- drifted further away from their mission of providing effective and timely resolution of legal matters while promoting respect for the courts and maintaining the independence of the judiciary;
- become courts of criminal, family, and quasi criminal jurisdiction;
- become increasingly unable to address social problems once in the purview of executive agencies such as substance abuse, child welfare, and truancy;
- faced increasingly precarious funding and reduced capacity to safeguard the quality of justice services;
Looking Backwards and Forwards: Status Quo Scenario 2000 – 2020

(continued)

- continued to be challenged by more partisan, and ideology and interest group driven judge selection;
- faced increased costs per case and more and more pro se litigants;
- lost the support of former allies;
- faced increased scrutiny of resources and less flexibility to use resources at the courts’ discretion;
- struggled to provide services using a less professional workforce unversed in the unique “justice” mission of the courts; and
- experienced declining morale among judges and court personnel who felt they had become mere cogs in an increasingly technologically sophisticated but less humane and caring case processing machine.
Shaping A Better Future

- Work more effectively with numerous court stakeholders including local and state legislative and executive branches, justice partners, media, public generally and diverse ethnic/national cultures.
- Use evidence based risk assessment and other practices.
- Assertively manage cases, caseload, and case-flow across all justice partners.
- Streamline and coordinate governance and implement effective work practices across entire justice system.
- Establish decentralized service delivery that leverages local, regional, and global resources.
- Create a workforce that sees court work as a unique, important and honorable job but still a job with readily transferable KSAs -- not necessarily a career but part of a career.