OVERVIEW

The nation's trial courts have evolved considerably over the past few decades. In an ongoing effort to better meet increasing service needs and demands, in addition to adding more judges and staff in general, the courts have created new or greatly expanded divisions and court support programs such as domestic violence, mental health, and drug courts; family support and mediation programs; and enhanced technology services. Moreover, across the nation, trial courts have become increasingly important partners in a rapidly expanding community justice network composed of jails, defense service providers and private attorneys, numerous public and private treatment and human service providers, community and public advocates, and law enforcement and corrections agencies. In short, as we begin the new century, America's state trial courts have evolved into formidable institutions located at the hub of expanding and increasingly complicated interorganizational justice networks.

In part, the evolution of the courts toward becoming the hub of an extensive and complicated justice network is attributable to significant state and locally initiated policy changes, such as widespread movement toward community-oriented policing, increased emphasis on regional court service delivery, court administrative consolidation in many jurisdictions, and the rebirth of numerous state court funding efforts. Also, in part, state trial court evolution is attributable to ongoing efforts in many courts to increase the sophistication of their management and technology infrastructure and improve facilities.

Finally, in part, and perhaps most importantly, the evolution of the nation's trial courts has been, and will continue to be, shaped by a variety of broader global, national, regional, and local economic, social, demographic, and technological trends. For example, combined, a variety of trends have resulted in communities throughout the United States becoming more international, ethnically and racially diverse, and economically vibrant. But at the same time, many of these same communities are in economic transition and must continue to wrestle with the effects of lingering poverty, unemployment, violence, changing family composition, and economic dislocation. As a result, these trends often foreshadow continued need for courts to develop new service delivery strategies routinely within a local and state political climate that includes ongoing expectations for the courts to do more with less.

We have facilitated nearly four dozen state court system, trial court, or court support organization long-range strategic planning efforts during the past decade, using a nine-step planning model we developed with our colleagues at the Center For Public Policy Studies in Denver. Comprehensive trends analyses and scenario construction have been essential components in each of these strategic planning efforts. Examined here are the implications of trends that have routinely emerged as being important in trial courts regardless of whether the jurisdiction was large or small, urban or rural, and more affluent or poor. More specifically, this article begins with a brief overview of the mechanics of trends analysis, continues with a description of important trends likely to greatly shape trial courts over the next decade, and concludes with two court future scenarios. The first scenario describes the unpleasant status quo future for many courts, while the second scenario provides a far more positive alternative court future. We warn that the positive court future can only be obtained by considerable improvement in many of today's courts.

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<tr>
<th>TREND TYPES</th>
<th>DEFINITIONS AND EXAMPLES</th>
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| CONTINUATION TRENDS      | DEFINITION: Trends that describe the continuation of past and present  
EXAMPLE: Population aging                                                                                                                                  |
| CYCLIC TRENDS            | DEFINITION: Cycles are events that might not be part of our present, but were some part of the past and could possibly be important in the future.  
EXAMPLE: Depressions, droughts                                                                                                                               |
| EMERGING TRENDS          | DEFINITION: Issues that may affect the future, but which are barely visible now and were nonexistent in the past  
EXAMPLE: Fifteen or 20 years ago, the use of personal computers and telecommunications tools — such as the Internet — would have been emerging trends. |
| SOCIAL TRENDS            | DEFINITION: These trends describe changes in the composition, order, and structure of interactions among individuals within a society. In large part, they define the size and nature of the justice system client population, particularly the size of its indigent client population.  
EXAMPLE: Changes in drug use, family formation                                                                                                               |
| ECONOMIC TRENDS          | DEFINITION: These trends describe changes in the relationships among individual well being, the nature and composition of work and the work force, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundation of the courts and justice system, and shape basic social conditions.  
EXAMPLE: Rate of business formation/failure, employment growth rates                                                                                       |
| TECHNOLOGICAL TRENDS     | DEFINITION: Technological trends describe changes in the composition, application, and broader social effects of tools. They also describe changes in techniques for developing, producing, and distributing products and services. Technological trends shape the types of demands confronting service organizations and, perhaps even more importantly, hold the potential for dramatically altering the way organizations can do their work.  
EXAMPLE: Genetic engineering, telecommunications patterns                                                                                                    |
| POLITICAL AND POLICY TRENDS | DEFINITION: These trends describe changes in the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for collective, public decision making and for resource distribution. They also describe preferred responses to societal problems and the appropriate roles of individuals — as well as public and private organizations — in developing, implementing, monitoring, and modifying actions to group responses.  
EXAMPLE: Minimum sentencing laws, immigration policy, drug control strategies                                                                                   |
Critical Trends for Trial Courts: 2000-2010

The purpose of a trends analysis within a court strategic planning effort is, first, to identify the nature, magnitude, and sources of demands likely to be placed on a court, and, second, to assess the potential implications of the trends on the structure, organization, operations, and mission of the court. A trend is a series of related events or activities that appear to have a demonstrable direction over time. Figure 1 provides a summary of the types of trends often encountered in a trends assessment. Even though the trends analysis accompanying a trial court strategic planning effort typically will encompass a total of between two or three dozen social, economic, political, policy, and technological trends, described below are the dozen or so trends that routinely were identified in recent planning efforts as being most important for the first decade of the new century.

Increasing demand for culturally appropriate court and justice services. The United States has long been a multicultural society which includes very diverse and, throughout the twentieth century and likely into the future, at times very rapidly expanding minority racial and ethnic group populations. Over the next 10 years, migration growth, along with sizeable non-migration growth, will result in continued rapid growth in Latino, Middle Eastern, and Asian populations in particular. Indeed, not too far into the new century, California Latinos are likely to join New Mexico Latinos and diverse Asian groups in Hawaii as their respective states' majority populations. Sizeable increases in the numbers of people with Central and Eastern European and African origins are also expected in many communities across the nation over the next decade. Still, despite the changing population demographics, the forums, styles, and orientation of the nation's courts, for the most part, remain Anglo-American. The implications of these trends on the nation's trial courts include:

- increased demand for language and "culture" interpreters;
- increased need to develop mechanisms for accommodating the dispute resolution needs of economically diverse but culturally similar people within a racial or ethnic group;
- increased opportunity to build new sources of political support for the court among a variety of racial and ethnic groups;
- increased presence of ethnic population centered crime, including ethnically based gang and organized crime, and greater numbers of victims from different ethnic backgrounds;
- increased opportunity to incorporate new forms of dispute resolution into the courts and justice system;
- increased opportunity to diversify the court workforce;
- increased need to educate judges, attorneys, and court staff about cultural diversity and its potential implications on the justice system;
- increased numbers of time-intensive court cases, that is, cases that involve newer arrivals, people with diverse language expectations and skills, and varying levels of understanding of court process;
- increased opportunity to link court services with other services for newer residents; and
- increased opportunity to involve newer residents in programs that support the courts.

An increasing number of diverse expectations for the courts' role in society. The increasingly complex social and economic problems of the past decade are expected to continue over the next few decades. As one consequence, the courts and judicial system will be confronted by a variety of diverse expectations about their appropriate roles in society. In particular, the nation's courts will be expected to be tough on crime yet also be heavily involved in the provision of social services, while continuing to ensure adequate judicial system access for "ordinary" citizens. The potential implications of these trends might include:

- increased demand for educational materials describing what courts can and cannot be expected to do;
- a need to redefine caseload measures to reflect case complexity;
- ongoing debate about the appropriate role of the judicial branch relative to executive and legislative branches;
- demands for mediating very diverse views about the appropriate role of courts in society; and
- new types of cases resulting in increasing service demands on courts and court support agencies.

Alterations in family composition, including declining numbers of traditional families and alterations in the role of societal institutions and community norms and values. Numerous long-term social, economic, and political trends — such as increasing class divisions, racial segre-
greater levels of stress among court users; and
confusion and disagreement about which groups
which programs should target.

Increasing demand for acceptance of alternative lifestyles. The continued decline of the number of traditional families, along with increases in the number of single-member, unrelated-adult, and single parent-families, and the changes in the roles of a variety of social institutions, will continue to be accompanied by increased demand for recognition of the validity of non-traditional families and other alternative social units such as collections of elderly people and same-sex and non-married partnerships. Implications of these trends include:

- new areas of law and demand for reference and training materials explaining the potential implications of the new areas of law on court and justice system operations;
- greater demand for non-traditional-family-oriented policies and programs;
- increased opportunity to increase support for the courts with relatively new community interest groups;
- intolerance and backlash by groups supporting more traditional values;
- increased interest group involvement in setting public agency agendas;
- increased demand for government and court intervention in lifestyle issues; and
- increased pressures for lifestyle issues to be considered in judicial elections.

Increasingly sophisticated manipulation of public opinion about crime and the courts using the mass media. Public perceptions of crime, the courts, and justice are shaped largely by distorted mass media coverage which tends to suggest that crime is increasing constantly despite long-standing declines in crime rates and that courts in general are ineffective. Moreover, many national commentators have stressed that press coverage of crime and the courts is becoming increasingly instantaneous, shallow, sensational, overly critical, and misleading. For example, a 1998 examination of crime, community, and local television news concluded that crime and justice stories best fit, or are made to fit, into a contemporary television news style that downplays large societal issues in favor of the human trials and triumphs that sit at the surface of events.

Crime stories are personalized. Victims and offenders are at the center of the story, and audiences are constantly made to identify with the victim and to be repulsed by the offender. Crime stories are dramatic, and conflict and tension are essen-
ential elements — complete with good guys and bad guys. Yet crime stories are fragmented. As Daniel Yanich notes, “Crime stories are isolated from each other and larger events. Consequently, they are much harder to assemble into a big picture that might provide context to the audience. They are simply offered as a set of random and chaotic incidents through which the audience is instructed that their own possible trauma is just a matter of chance.” In addition, crime stories are visual. Crying victims, offenders in handcuffs, court rooms and judges, all provide strong pictures or visuals. Nonetheless, poor press coverage remains the primary vehicle the public and policymakers use to understand the courts. The increasingly competitive nature of the media business will likely accelerate these trends. Some of the more important implications of this trend on the trial courts likely will include:

- general dissatisfaction with justice system and the courts;
- increased awareness, but often distorted awareness, of the court system;
- increased opportunity to inform the media and public about actual crime trends, and examine the sources of disparity between perception about crime and actual crime;
- more and more special interest group demands being placed on the courts;
- demands for narrowing judicial discretion;
- trivialization of important issues;
- difficulty ensuring fair trials in some unusual or sensational cases;
- increased security risks;
- a need to develop better ways of informing the press and the public; and
- a need to inform and educate the public directly about the courts, without the filtering, interpretation, or intervention of the press.

Increasing reliance on therapeutic approaches to court and justice service provision. Drug courts, which offer a comprehensive approach to offender supervision and treatment, likely will continue to provide popular models for adjudication and justice service delivery with other types of offenders. The characteristics of this model include risk assessment, comprehensive service provision for offenders (and potentially their families and associates), mandatory periodic drug testing, use of graduated sanctions, and early, continuous, and judicially supervised treatment. The potential consequences of this trend on trial courts include:

- greatly increased processing costs per case;
- greatly increased expectations for new court services, such as gun courts and re-entry courts;
- a potential for more effective case adjudications;
- increased need for effective program evaluations, including long-term assessment of offender post-adjudication performance;
- increased need for more detailed court performance measurement;
- increased need to monitor the impacts of therapeutic programs on larger court operations, including case processing times, workloads, and resource allocations; and
- increased skills training for court staff.

A growing shortage of court administrators and staff. Analysis of court staff tenure trends included in many strategic planning efforts have revealed that the trial court workforce is getting older — that it is aging. Rapid aging is especially apparent among the middle management and senior administrative segments of the court workforce in many jurisdictions. These patterns likely reflect a number of long-term trends, including changes in pension plans which have made the financial incentives for long tenure less desirable over the last decade or so; less growth in the number of middle and senior management positions as a result of tight budgets over the past few decades; and the rapidly widening gap between the salaries of private and public sector managers, administrators, and executives. In addition, as a result of advances in computer and telecommunications technology and changes in public expectations for customer service, the types and levels of skill requirements for court staff and administrators are rising and should continue to rise over the next decade. Moreover, rapid changes in many community demographic compositions indicate a need for increased cultural competency among court staff and managers. These trends are likely to accelerate over the next decade as a result of the general aging of the baby-boom population, a declining pool of potential candidates for middle and senior level positions across the country, and increased competition for qualified court managers. At a minimum, the potential consequences of these trends on trial courts and court support interest groups, training, and technical assistance organizations include:

- developing strategies to assertively recruit and rapidly train non-court management-educated personnel;
- increased demand to develop a staff training capacity, especially a management training capacity within trial courts; and
- increased demand for a more skilled workforce in general.

Increasing demand for justice system performance accountability. Dissatisfaction with the justice system, combined with expectations that the courts and justice system must somehow solve a variety of difficult social problems and continuing unwillingness to increase adequately the resources needed to support courts, are among a few of the many forces that will contribute to greater demand for judicial system accountability. Expectations for increased accountability of judicial system judges and staff will accompany the more gen-
eral demand for system accountability. In addition, demands for increased accountability are also likely to reflect the increased scrutiny of the court system — especially scrutiny of the quality of the services the courts provide — by state government, in light of increased state funding for the courts in many states, as well as municipalities and private organizations seeking new sources of revenues. The implications of these trends might include:

- stiffer competition for resources;
- expectations for better collaboration among justice agencies;
- a need for more effective lobbying;
- mandatory continuing education courses for judges and court staff;
- voter expectations for judge and court “report cards” and other simplified performance assessments;
- minimum educational qualifications for judges and court staff;
- a need to develop more sophisticated workload indicators and budgeting systems;
- increased demand for more efficient court administration;
- monitoring of judge and court staff performance; and
- more and more public interest group requests for information about how the justice system works and the resources it uses.

The emerging revolution in legal service provision, including the bundling of legal, accounting, management, and financial services. The emerging trend of the bundling of legal, accounting, management, alternative dispute, and other services by accounting, consulting, alternative dispute resolution (ADR), and legal firms is likely to accelerate over the next decade as businesses and individuals seek greater efficiency in business services. In addition, the emergence of LMOs and other forms of legal service provision is likely to emerge in response to what to many potential litigants are currently prohibitive legal costs. The long-term impacts of these trends on the legal profession and the public might include reductions in legal costs; increased mergers among legal and other business service organizations, demand for professionals that have financial, accounting, management, and other skills in addition to legal skills, and a general breakdown in the monopoly in legal services now enjoyed by lawyers. The potential consequences of this trend on the nation’s trial courts and court support organizations might include:

- need to re-examine codes of professional ethics for a variety of “bundled” professions;
- alterations in traditional forms of defense service provision, including the role of state public defender agencies;
- review of conflict of interest provisions;
- increased case filings of more difficult disputes that cannot be resolved by other dispute resolution mechanisms; and
- increased need for the courts to establish good relationships with groups other than those dominated by attorneys.

Rapidly emerging information, telecommunications, and networking technology. The sophistication of technology already has moved well beyond the technical sophistication of many court personnel, and the gap is likely to increase during the next few decades. Moreover, technology, especially multi-media technology, is changing public expectations of how the trial courts and court-related organizations should do their work, as well as changing the way much of the work of these organizations can be conducted. For example, there is increasing demand and opportunity for “user-friendly” access to information, alternative work arrangements, and on-demand service delivery to remote sites. Also, technology-based changes are creating the opportunity for much greater networking of information among individuals and organizations. The implications of these trends include:

- a need to better define information access and manipulation standards;
- increased need for court participation in designing data collection and analysis standards and establishing methodologies for performing analyses;
- increased need to establish and maintain information network software and hardware and regulate network use;
- increased availability of information to better manage cases, caseloads, and court operations;
- increased public access to records;
- a need for different types of technical staff training;
- a need to redefine the roles of judges and court staff;
- changes in evidence rules and other court procedures and the types of teaching materials best suited for teaching rules and procedures;
- changes in the compilation, manipulation, and storage of records;
• increased need to address the potential disparity in access to services by the technology haves vs. the technology have-nots;
• a general reallocation of resources, including the size and composition of the courts and court staff; and
• increased feasibility that staff might do more of their work from their homes and other "remote" locations rather than at a central agency location.

TWO COURT FUTURE SCENARIOS

The purpose of a scenario is to provide a comprehensive picture of the collective effects of a variety of diverse trends. Scenarios serve as a tool for understanding and exploring how a trial court might shape a positive future. Thus, a scenario describes the possible magnitude, source, direction, and perhaps most importantly, the potential consequences of anticipated trends on a court. Moreover, a scenario is not a prediction, but rather is a fact-based speculation about what might happen in the future.

The two scenarios presented in this section attempt to provide histories of the future based on the trends identified previously. In particular, the first scenario presents a "status quo" history of a typical trial court. It assumes that the trends shaping a jurisdiction will have a profound effect on the local court environment but that the typical trial court will continue to operate in the future much as it has in the past. In contrast, the second active "intervention" scenario assumes considerable change in both the typical court's activities and the court system environment.

The Status Quo Court Future:
The Decline of the Third Branch?

By the end of the first decade of the twenty-first century, the Any Where Trial Court was drifting further from its desired mission — "to provide effective and timely resolution of legal matters while promoting respect for the courts and maintaining the independence of the judiciary."

Moreover, the Any Where Trial Court's desired future seemed very unobtainable in light of current trends. Contrary to its mission and values, by 2010, the Any Where Trial Court was becoming a largely criminal court that was increasingly isolated and at odds with its justice system partners over the division of declining resources, rather than a dynamic institution offering a variety of forums to meet diverse needs in cooperation with community service providers and other branches of government. As the new decade progressed, the court provided limited services to increasingly desperate court users required to appear in increasingly inaccessible and unsafe facilities. Also, by the end of the new decade, the Any Where Trial Court had effectively become a subservient executive agency with limited discretion and authority as a result of the confusion surrounding what the role of the courts should be.

Especially disturbing to judges and court staff was the reality that they were spending more and more of their time managing crises rather than providing the leadership needed to coordinate all of the services necessary for an effective, high-quality court system. In particular, eight aspects of the milieu surrounding the Any Where Trial Courts were particularly vexing.

First, the court, for the most part, had become a court of criminal, family, and what insiders knew to be "quasi-criminal" jurisdiction. The increasingly criminal and quasi-criminal court caseload had emerged largely as a result of caseload pressures and priorities and, perhaps most importantly, the court's failure to have previously clarified its desired role in the justice system relative to the roles of other local service agencies and private ADR organizations. In effect, private ADR groups had skimmed-off the lucrative civil litigation, while the Any Where Trial Courts retained jurisdiction over criminal cases.

Second, because of a lack of clarity about the appropriate role of the courts relative to the executive branch and increased demand for quality services that were not being provided by executive agencies, the Any Where Trial Courts had increasingly assumed more and more social and family service functions. As one consequence, judges and court staff felt they were being asked far too often to quickly, inexpensively, and thus miraculously, "fix" greater numbers of seemingly intractable problems. Indeed, by the beginning of the new century, many of the broader social, political, and economic problems confronting the local community — and the state and nation generally — somehow had become court and justice system problems.

The origins of the supposedly "new" problems confronting the court stemmed from the increased demands accompanying the boom and bust cycles of the increasingly large local service and export economy, coupled with the inability (or more often unwillingness) of other political, economic, and social institutions to address aspects of local life traditionally within their purview. For example, the restructuring of the local economy led to a breakdown of the effectiveness of local public and private sector institutions. It also contributed to a loss of the widespread sense of community pride that had once been a valued Any Where Trial Court characteristic.

Moreover, local governments and the state legislature — chanting anti-government rhetoric and following a banner of
Judicial Council and the State Court Administrative Office and the negative impacts of poverty, dysfunctional families, and poor neglect of these broader issues resulted in far more work for community education and mental health services. Over time, neglect of these broader issues resulted in far more work for the courts and the justice system, which, along with the local school district, had become the public forums of last resort by default. In addition, separate and very unequal systems of justice were beginning to emerge for those who could afford private ADR forums and those who could not. Civil litigation in particular had become divided between those who could afford private ADR services and those who could not.

Third, the funding for the Any Where Trial Courts had become increasingly precarious, as had its capacity to safeguard the quality of justice for court users. The court could no longer count on the revenue once obtained from the more lucrative caseloads (now being handled by private dispute resolution organizations) but instead had to spend more and more time on increasing numbers of criminal cases. In addition, even though judges and staff suspected that the quality of justice for litigants was being diminished by local policy maker and private organization demands for increased revenues via private ADR and other vehicles, they were not in a position to adequately monitor quality of justice concerns. Moreover, state funding had not proven to be an adequate replacement for local funds. Rural and relatively smaller urban jurisdictions had used their greater political power to gain a very large, disproportionate share of state court funding. Also, new state court funding formulas had failed to take into account the greater costs involved in running a court for an extremely ethnically and racially diverse — and geographically dispersed — jurisdiction.

Fourth, judge selection had become more and more partisan and was increasingly driven by ideology and interest group politics. Increased political partisanship had led to judges frequently becoming embroiled in local political conflicts and had made it more and more difficult for the court to maintain its role as an independent, non-partisan, client-focused, service agency. Ethnic politics began to emerge as well, as rapidly expanding Latino and Asian groups strove to address what they felt were the insensitivities of the court in the past. Also, good judges left as a result of the increasingly challenging climate.

Fifth, the per case cost of services provided by the Any Where Trial Court continued to increase rapidly as greater numbers of pro se litigants used the courts. In addition, more and more of the court's cases involved non-English-speaking litigants and the added demands resulting from a need to provide more culturally appropriate court services to a growing non-Anglo population majority. The extensive service needs of an aging baby-boom population and an increasingly elderly and disabled population also inflated per case court expenses.

Sixth, the Any Where Trial Courts had lost some potential allies as a result of broader political and social forces. For example, perhaps somewhat ironically, even though the State Judicial Council and the State Court Administrative Office and other court support agencies wanted to target their services more closely to local court needs, they were unable to do so. This was true largely because they had become auditing agencies responsible for ensuring that the funds allocated to individual courts in the state court system were being used within the very narrow confines stipulated in increasingly inflexible legislation. Sadly, demands for court system accountability had been used to justify the increasing use of inflexible, "mandated outcome" oriented legislation which (not incidently) also reflected the narrow views of better and better organized and funded special interest groups.

Seventh, there were numerous staff position vacancies within the court and few senior court administrators with sufficient court experience. Toward the middle of the new decade, many senior managers retired under the more lucrative circumstances offered by pre-1980s retirement pension plans. Trying to find suitable replacements was becoming even more difficult as the decade progressed, as a result of the rapid aging of the court management profession across the nation generally. No longer could the AnyWhere Courts hire top administrators away from other courts.

Eighth, the work environment of the Any Where Trial Courts, along with judge and staff morale, had declined greatly from just a decade or so earlier. Toward the end of the first decade of the twenty-first century, Any Where Trial Courts judges and staff had joined their court colleagues from throughout the state in feeling that they had become mere cogs — court-cyber-automroids — in an increasingly technologically sophisticated, but less humane and caring, case processing machine.

Unwise, legislatively mandated use of inappropriate technology had resulted in less and less face-to-face human contact for judges and court staff. Unfortunately, even well-intentioned efforts had contributed to a more depersonalized working environment. For example, face-to-face training — both training in general skills and specialized training — had been replaced by the electronic interactive mentoring made possible by the State Court Professionals Mentoring Network and the interactive State Technical Assistance Service (SATAS). Not too surprisingly, as a result of an increasingly poor work environment, the professionalism and general quality of people working in the courts was declining noticeably. When their complementary but mandatory pharmaceutical mood enhancers wore down, judges and staff occasionally acknowledged that it was no longer rewarding to work for the Any Where Trial Courts. The bottom line seemed to be that local judges and staff found themselves more and more isolated from the community and increasingly limited by the rigid demands imposed by an interest group-dominated legislative branch — a branch that had successfully subverted the independence of the once powerful (and equal) third branch of government.

Creating A Favorable Court Future

One important result of the strategic planning effort undertaken by the Any Where Trial Courts in 2000 was recognition that each of the court's geographic and administrative divisions needed to work far more closely together, and the court in general needed to work closely with representatives from throughout the local community to actively shape a positive future. The courts recognized early on that a variety of fiscal responsibility and privatization — increasingly redefined and limited the courts' and government's discretion and legitimate role in addressing the "quasi-criminal" cases resulting from a wide range of social, political, and economic issues. Essentially, legislatures increased the number of mandates the courts needed to follow but provided few resources or the discretion or authority the courts needed to have to address the negative impacts of poverty, dysfunctional families, and poor neglect of these broader issues.
local, state, and national trends were shaping a future that could have many negative, as well as positive, effects on the health and vibrancy of Any Where Trial Courts and the justice system. Judges and staff were determined to position themselves so they could best confront potentially negative consequences and foster the many valuable aspects of their community. More specifically, an Any Where Trial Courts strategic planning team implemented an ongoing process of strategic thinking and planning — strategic management — and prepared an initial road map to a more positive future. Among the details included in the court’s road map for a positive future were five general guidelines.

First, the Any Where Trial Courts had implemented a variety of mechanisms for working effectively with diverse court stakeholders, including local and state legislative and executive branch officials, the numerous racial and ethnic communities within the jurisdiction, the media, justice system partners, and the public in general. In particular, the court had worked closely with state and local executive agencies, the public schools, and other service providers, to clarify the role of the courts relative to the work of executive agencies and identify appropriate areas for collaboration. In addition, the court developed a variety of outreach and participation mechanisms designed to create effective partnerships among the courts and the increasingly racially and ethnically diverse populations in order to collectively create more responsive and culturally appropriate court services. Moreover, by 2010, the courts had implemented ways to more systematically obtain and respond to the views and opinions of court system stakeholders about their needs and expectations.

These efforts greatly increased the court’s credibility with the public, policy-makers, and other state and local units of government. Policy-makers better understood what the courts could and could not be expected to do and had a greater awareness and appreciation for both how the courts operated and why. They could and could not be expected to do and had a greater awareness and appreciation for both how the courts operated and why. The court found that by helping to clarify what it could and could not do, the courts could prepare for the needs and expectations of their communities.

More specifically, an Any Where Trial Courts strategic planning team implemented an ongoing process of strategic thinking and planning — strategic management — and prepared an initial road map to a more positive future.

diverse, and public service-oriented court workforce. The emergence of a stronger 2010 Any Where Trial Court workforce was attributable to a variety of activities undertaken early in the new century, including the development of assertive staff recruitment and mentoring programs targeting diverse groups from throughout the entire county, as well as potential applicants across the state and the United States. Also, the court implemented career development planning and on-going training for all court personnel and judges, along with management programs that encouraged mobility and diverse job experience for middle-level and senior managers.

Fourth, the court had perfected a decentralized service delivery strategy which emphasized the continued provision of court services at diverse sites throughout the community. Providing culturally appropriate, court-connected ADR was one important component in the service delivery strategy; as was the coordination of court-relevant, community problem-solving efforts, particularly efforts among Latino and Asian communities. In addition, communicating more effectively with external and internal stakeholders had resulted in the Any Where Trial Court being in a much better position to develop targeted responses to particular issues and concerns and evaluate the impacts of improvement efforts. Supporting family and social service providers so that they could provide better services and limit the number of social problems that became criminal or family court problems was an additional component in the court’s decentralized service delivery strategy. The court found that by helping to clarify what it could and could
not do well and by working to improve the position of other service providers, it was able to better shape the demands placed on the court and implement more focused service provision.

Fifth, effective acquisition and use of technology had enabled the Any Where Trial Court to dramatically increase access to court services and greatly increase court productivity by 2010. In particular, the Any Where Trial Court had developed and followed a technology strategy that focused on: (1) improving case and work processes; (2) increasing public access to the court and enhancing user convenience; and (3) enhancing the court’s capacity to manage technology and appropriately coordinate the acquisition and use of technology among justice agency partners.

More specifically, the improved case processing components of the technology strategy included: (1) greatly enhancing the efficiency of court case record keeping, document production and file retrieval; (2) implementing data entry at the point of transaction for all court-related case activity; and (3) dramatically increasing the capacity for data transmission within and between the various justice system agencies and service providers on case-related events. The increased public access and convenience components of the technology-improvement strategy stressed enhanced public access and convenience, such as on-line access to records and schedules, fine payments, and language translation, and enhanced consumer-driven service provision, such as the maintenance of accurate and complete court records to protect litigants.

Finally, the technology management and interorganizational coordination aspects of the technology strategy focused on enhanced: (1) data retrieval capability for operational purposes, such as access to state and local data bases by the court and justice agency partners; (2) data retrieval for management purposes by the court and justice agency partners, such as efficient query systems to allow on-line, real-time access to selected data items and consistent standards for data entry across the various justice agencies; and (3) interorganizational coordination and consistency of technology applications across organizations, such as joint acquisition of hardware and software and joint across-agency training, planning, and management.

CONCLUSION
In general, this article has shown that trends analysis and scenario construction provide tools for (1) identifying the nature, magnitude, and sources of the demands likely to be placed on a court; (2) assessing the potential implications of demands on the structure, organization, and operations of the court; and (3) exploring how a court might shape a more favorable future. Thus, they provide the foundation for courts to begin to chart a more favorable future by illustrating what the future might look like both with and without assertive court improvement. Moreover, when part of comprehensive strategic planning or continuous quality improvement efforts, trends analysis and scenario construction provide guidance about the types of long-term, as well as more immediate, issues a court must address. As one consequence, trends analysis and scenario construction offer guidance for creating dynamic improvement strategies that acknowledge the importance of past, present, and likely future factors in shaping both what a court is now and what is can be in the future.

In addition, the trends analysis and scenarios presented in this article have suggested that without considerable, well-thought-out effort, the future for many trial courts across the nation is likely bleak. Combined, a variety of emerging, as well as long-term social, economic, technological, and political trends suggest that without considerable improvement activity, trial courts across the nation are likely to be addressing more and more difficult problems, under greater resource constraints, within an increasingly unpleasant — if not hostile — political environment. Still, the analysis presented here also indicates that the fate of trial courts is not preordained. Courts can shape a more favorable future, in part by systematically exploring the forces of change and how those forces might be shaped toward positive outcomes.

SOURCES
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