

TRANSFORMING JUSTICE

THE 2022–2025
NCSC STRATEGIC
CAMPAIGN



Introduction

The most recent strategic plan for the National Center for State Courts (NCSC)—the *Roadmap to Justice Campaign 2020-2021*—was prepared in the waning weeks of 2019. It reflected on the past, noting the organization’s role as the preeminent leader in advancing the administration of justice in state courts, and it looked to the future:

“Do courts in this country, and internationally, have public dispute resolution systems designed to meet public expectations in the 21st century?” it asked.

What that plan couldn’t foresee was the coming cataclysm of the COVID-19 pandemic, or the social or political upheaval that followed the murder of George Floyd in Minneapolis in May of 2020. The tumult of 2020 had tremendous consequences across society, and the same was true for both the state courts—and NCSC. Overnight, business practices were upended, and in many locations, revolutionized. As one state Supreme Court Chief Justice has noted: “This pandemic was obviously not the disruption we [state courts] wanted, but I think it might have been the disruption we needed.”¹ Cries for diversity, equity, and inclusion across the justice system grew louder, with state court leaders adding their voices to those calling for immediate improvement.

Through 2020 and 2021, NCSC’s role, as a convener of leaders, an identifier of solutions and promising and best practices, and a national voice for equal justice for all, was showcased in unparalleled ways.² And in the midst, the organization took the time to reflect on, and celebrate, its 50th anniversary in 2021.

Campaign Areas

With the worst effects of the pandemic behind us, NCSC emerges with a focus on taking the best lessons learned and applying them to assist state courts, and courts around the world. This 2022–2025 Campaign Plan is the result of months of focused thinking by the organization’s 27-member Board of Directors, and articulates five specific objectives:

1. Enhance Rural Court Services
2. Improve Remote and Hybrid Court Proceedings and Services
3. Integrate National Court Initiatives into Court Policies and Practices
4. Enhance Court Leadership and Governance
5. Advance the Rule of Law in Domestic and International Courts and Justice Systems

Overarching Principles that Transcend Campaign Areas

There are certain principles that must stand alone as ones that transcend all of the campaign areas and are the lens through which all campaign areas must be viewed. Those principles are listed below.

Access to Justice

Access to justice is achieved when a person facing a legal issue has timely and affordable access to the level of legal help they need to get a fair outcome on the merits of their legal issue and can walk away believing they got a fair shake in the process.

Racial Justice

Improving racial equality by intensifying efforts to ensure all court users, litigants, community members, judges, and court employees are not only heard and respected by the nation's justice system but that all perceive that the justice system has treated them fairly.

Human Rights & Social Justice

Ensuring that all court users, litigants, community members, judges, and court employees are treated with dignity and can achieve fair outcomes, regardless of their status in society, is essential to maintaining public trust and confidence in the justice system. This means that a person should have equal opportunities and privileges within the justice system and be seen equal before the law no matter the person's nationality, place of residence, sex, gender, national or ethnic origin, color, religion, language, or any other status.

Technology

In this world of rapid technological change, technology impacts everything that courts do and has the potential to improve the way courts operate and deliver services. No matter the subject area, technology solutions must be considered as a key element of solving the problems courts face.

Pillars of NCSC Services

NCSC delivers its services in many ways, but there are four main pillars of that delivery that set us apart as an organization:

- 1. Data Quality, Governance, and Analysis:**
Turning data into useful, actionable information.
- 2. Strategic Foresighting:** Helping courts prepare for the future through trendspotting, anticipating challenges and needs, and introducing this information into other programmatic work.
- 3. Reengineering of Court Processes:**
Helping courts rethink how they are doing business today.
- 4. Leadership and Governance:** Improving crucial skills for court leaders.

Campaign Area 1: Enhance Rural Court Services

The United States Census Bureau defines “rural” as any population, housing, or territory not in an urban area. An “urban area” has a population of 50,000 or more. Rural areas contained 19% of the population and 97% of the country’s land in the 2010 census.³

Much of the focus on court improvement has been in urban areas, and while that attention is critical, the needs of rural courts are often quite different from those in urban areas. In addition, the vast geographic areas covered by rural courts can create barriers to access to justice.

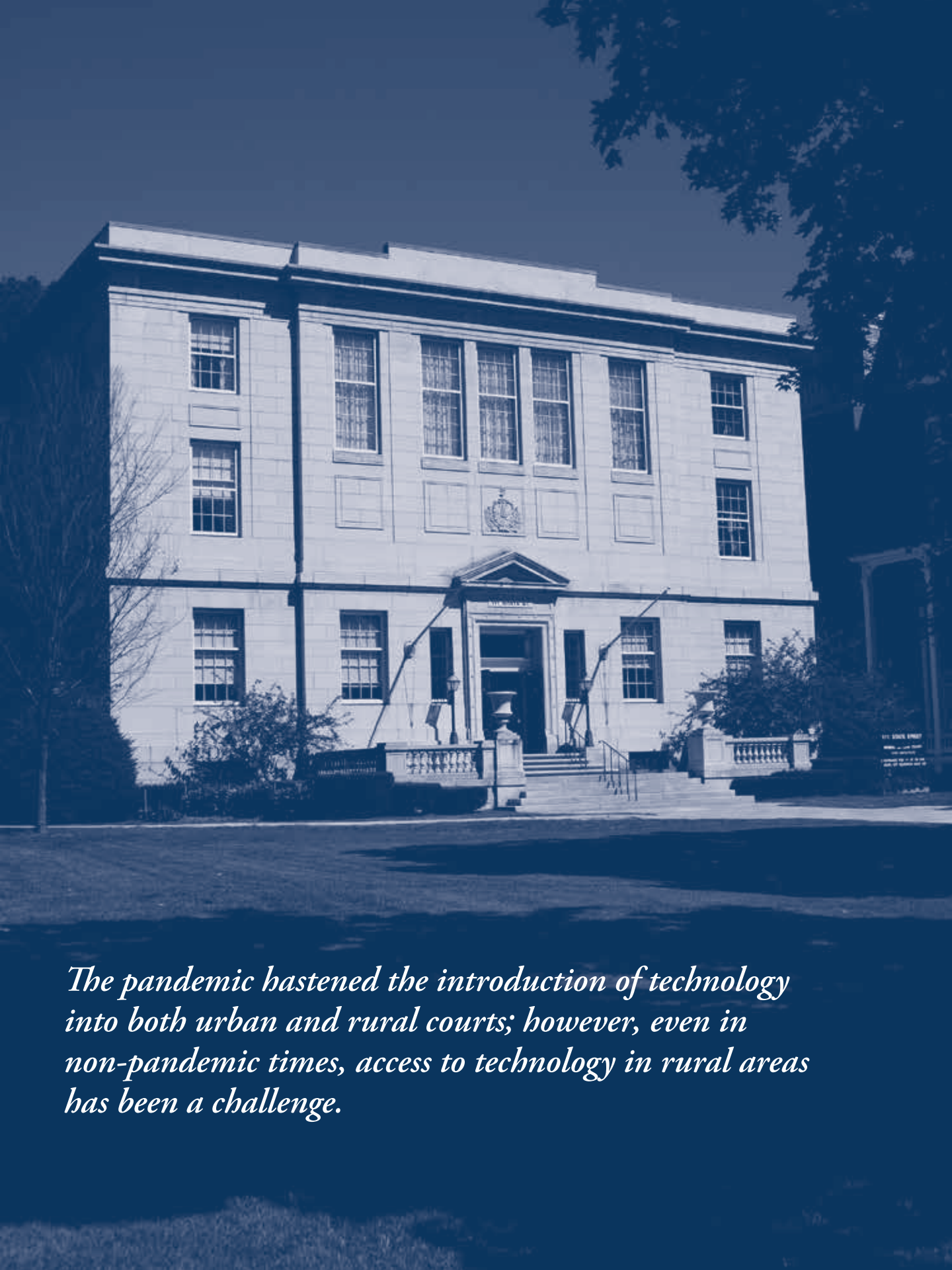
The pandemic hastened the introduction of technology into both urban and rural courts; however, even in non-pandemic times, access to technology in rural areas has been a challenge. This continues to be the case. Access to legal representation is equally as challenging in rural areas because the vast majority of attorneys live in urban areas.

The Conference of State Court Administrators 2018 policy paper titled “Courts Need to Provide Access to Justice in Rural America” provides some discussion and recommendations in these areas and spurred NCSC’s renewed focus on rural justice.

Moving forward, NCSC will focus on developing tools, consulting, technical assistance, and education specific to rural courts. NCSC also seeks to expand into areas of the country that may be less familiar with NCSC’s services.

Campaign Area 1 Objectives

- Develop tools and best practices to assist rural courts in delivering services to expand access.
- Implement improvements to jury system operations in rural courts.
- Identify causes of delay in criminal case processing to improve access to justice in rural areas.
- Develop models to assist rural courts in attracting and retaining resources for better handling workloads.
- Develop educational tracks at national, state, and local conferences to focus on the needs of rural courts.
- Increase the utilization of the National Center for State Courts’ services, products, and resources in rural courts.



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Campaign Area 2: Improve Remote and Hybrid Court Proceedings and Services

Courts provide many services to the public—self-help services, court fee payment options, customer support, document filing, probation and pretrial reporting, and so on. One of these services is conducting court proceedings. Even before the COVID-19 pandemic, court users were increasingly demanding remote services to conduct business similarly to how they do in other areas of their lives. The pandemic hastened this issue when courts were forced to transition to remote proceedings and services to continue providing access to justice. Despite the tremendous benefits to court users, courts are struggling to determine how best to institutionalize the delivery of remote and hybrid services.

When it comes to remote and hybrid court proceedings and services, one size does not fit all. Each court must decide what works best for their jurisdiction while also meeting the legal requirements of varying case types. A broad set of issues have emerged, ranging from internal pushback to inadequate technology infrastructure to building constraints.

A **remote proceeding** is one where all parties and participants appear via telephone or videoconferencing platform.

A **hybrid proceeding** is one where at least one participant attends from the courtroom using the courtroom's technical infrastructure and at least one participant attends remotely via telephone or videoconferencing platform.

Beyond internal court conversations, considerations must also be made for litigants, the bar, and other stakeholders. Access to justice becomes a concern in communities lacking adequate technology and infrastructure. Some courts are bridging the digital divide by providing public kiosks and remote hearing locations for litigants. States like Texas have experienced increased access to justice as litigants can more easily attend and participate in hearings.

It's become clear that identifying long-term solutions for the future of courts is no easy task. NCSC's Hybrid Hearings Improvement Initiative will provide deeper insights into technical issues and build on pandemic-era best practices. Changing physical space needs will also be contemplated as courts adapt to new ways of doing business.

NCSC will focus on developing tools, researching innovations, providing consulting and technical assistance services, and delivering education to assist courts with improving those remote services.

Campaign Area 2 Objectives

- Develop and evaluate effective practices for hybrid proceedings and remote services.
- Develop best practices for using remote technologies to address procedural fairness, possible gaps in access to justice and public access to court proceedings, and differences in user perception of fairness.
- Evaluate the impact of remote and hybrid proceedings on justice outcomes.
- Develop tools and training to improve remote and hybrid court services for domestic and international justice systems.
- Collect global best practices in remote and hybrid services for distribution to domestic and international justice systems.
- Assist courts with reimagining courtroom space to deliver justice more effectively.

Figure 1: A majority would like to see remote hearings continue.

Question: “Which statement comes closest to your own view?”

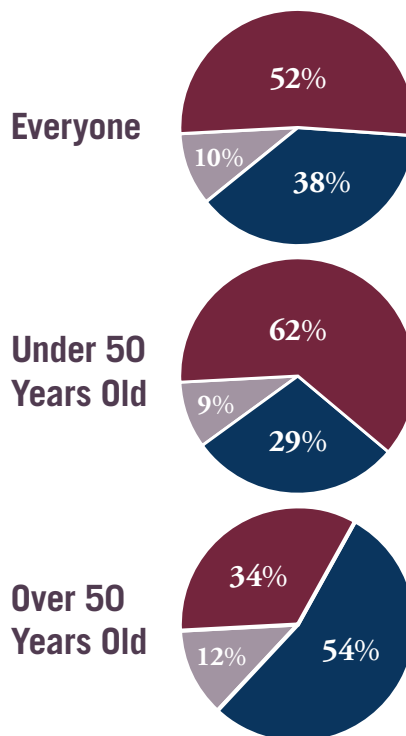
STATEMENT 1

Once the pandemic is over, courts should continue to hold hearings by video because it allows them to hear more cases and resolve cases more quickly, and it makes it easier for people to participate without having to travel to a courthouse, take time off work, or find childcare.

STATEMENT 2

Courts should stop holding hearings by video as soon as possible because technology problems can disrupt the whole system, not everyone can use this technology, and people are less likely to take video hearings as seriously as if they had to appear in a courtroom in person.

DON'T KNOW



Source: NCSC's 2021 State of the State Courts national public opinion survey.

Campaign Area 3: Integrate National Court Initiatives into Court Policies and Practices

Over the years, NCSC has developed a model for engaging large and diverse groups of stakeholders to examine a wide range of complex issues facing state courts. These efforts provide an opportunity for both reflection and learning as new approaches and practices are introduced by courts from across the country. Through collaboration and conversation, court leaders develop strategies and customizable solutions to meet the needs of their local jurisdiction.

The past decade has seen several national court initiatives tackle significant policy issues impacting the justice system, such as fines, fees, and bail reform; civil justice improvement; language access; racial justice improvement; mental health; opioid addiction; and pandemic response.

Recent national initiatives include the Judicial Task Force to Examine State Courts' Response to Mental Illness, Blueprint for Racial Justice, and Just Horizons: Charting the Future of the Courts. While the focus of these projects varies, the primary goal remains the same—to promote the rule of law and improve the administration of justice in state courts. To fulfill this goal, NCSC must lead efforts to ensure project deliverables are put into practice and desired outcomes are realized.

Several policy and practice recommendations have come with each of these initiatives, and courts must endeavor to integrate them into regular court processes. NCSC will work to develop tools, education, and services to assist courts and justice partners with integrating the national court initiative work into the courts' processes and policies. In addition, NCSC will develop pilot court implementations where appropriate.

Key vulnerabilities identified in the NCSC Just Horizons Campaign:

1. Including a forward-looking, anticipatory capacity in court governance
2. Focusing on user-centered experience and inclusive design
3. Embracing a data-driven mindset
4. Understanding and managing the role of private entities in traditional court work
5. Preparing for emergencies
6. Cultivating a future-fit court workforce and workplace

Campaign Area 3

Objectives

- Identify and address barriers to the implementation of national court initiatives.
- Develop pilot courts to implement national court initiative products and evaluate their success.
- Develop best practices based on the literature on the adoption of innovations and from lessons learned from courts that have successfully integrated innovations from national court initiatives.
- Identify tools, education, and services to enhance the courts' ability to prepare for or address the key vulnerabilities identified in the NCSC Just Horizons Campaign.
- Develop training on national court initiatives on mental health, eviction diversion, court data standards, and other national court initiatives to facilitate implementing innovative policies and practices.
- Modify court leader education certification programs to include national court initiatives.



Campaign Area 4: Enhance Court Leadership and Governance

Continuing from the 2020–2021 Strategic Campaign, this campaign area focuses on the need to provide improved leadership and governance skills and resources to court leaders, including judges, court administrators, clerks, and others.

To effectively govern the Judicial Branch, ensuring that its judicial leaders, who may frequently change, are prepared effectively to lead courts is vital to the administration of justice.

Succession planning is critical to the success of any organization. The Judicial Branch is no exception. It is not enough to employ well-qualified, well-trained leaders. Courts need to proactively develop and adopt strategies to grow, recruit and retain high-performing employees to build a strong leadership pipeline.

According to Pew Research Center, the rate of retirement in Baby Boomers has accelerated since the start of COVID-19 with almost 29 million boomers retiring in 2020—an increase of more than 3 million from 2019.⁴ With 75 million Baby Boomers retiring by 2030, The Great Retirement may supersede The Great Resignation as the biggest employment trend of the future.

As courts learned from the last few years, change can come swiftly and unexpectedly. But some changes, such as retirement of key court staff, can be anticipated. The benefits of succession planning and talent development are two-fold – addressing both current and future needs.

Similarly, ensuring that there are well-trained court administrators, clerks, and others is equally important to supporting judicial leaders' role in administering the Branch. Building on the success of the Judicial Branch Leadership Academy, future offerings will continue to provide instruction on today's most pressing issues facing chief justices, presiding judges, trial judges, state court administrators, and trial court administrators. It is through these experiences, whether in-person or virtual, that court personnel will share their knowledge and passion for the Judicial Branch and ensure its effectiveness going forward.

NCSC will work to provide tools, education, direct assistance, consulting, and technical assistance to address these issues.

Campaign Area 4 Objectives

- Develop strategies for court leaders to address justice system vulnerabilities and respond to crises to help courts build a more resilient court system.
- Identify and create innovative strategies to develop and prepare new judicial system leaders and build a motivated, resilient workforce to meet the demands and expectations of court users.
- Develop tools and practices for court leaders to improve the productive pair relationship.⁵
- Develop ongoing education and training programs to increase court leaders' data and information governance and literacy as big data becomes more embedded in courts.
- Annually conduct Judicial Branch Leadership Academy.
- Update and improve the Institute for Court Management's Fellows Program.

The court productive pair is generally the presiding judge and court executive. They hold separate bodies of knowledge and networks; understand and value each other's area of expertise and perspective; have a shared passion for the purpose as well as a shared vision; spend enough time together to share the interdependencies; and trust one another and resist being split apart.

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Campaign Area 5: Advance the Rule of Law in Domestic and International Courts and Justice Systems

Public trust and confidence in the courts have been dropping, and there are active threats to the rule of law, both domestically and internationally. According to NCSC's 2021 State of the State Courts Survey, the public's confidence in state courts declined from 76 percent in 2018 to 64 percent in 2021. Even more troubling is the steady erosion in recent years, seen in Figure 2, of the belief in equal justice for all.

These perceptions and opinions are influenced by many factors – some of which are within the courts' control. By engaging in activities such as court communications, community relations, and civics education, courts have an opportunity to deliver direct information to the public to counter hearsay, rumors, and disinformation.

Public sentiment is also influenced by lived experiences of litigants. To address issues of equity and race, the Blueprint for Racial Justice is working toward improving racial justice, equity, and inclusion in the justice system. The Blueprint's goal is to ensure that all court users, litigants, and community members across the country are heard, listened to, and respected by the nation's justice system.

NCSC will increase its work on projects that (i) educate the public and policymakers about the importance of the rule of law, (ii) provide direct assistance in rule of law projects meant to stabilize democracies, and (iii) contribute tools and resources that improve the public's trust and confidence in the justice system.

Whether a person belongs to a vulnerable community will depend on the contours of the dominant culture and may be based on the person's religion, skin color, socioeconomic status, gender, or sexual orientation, just as a few examples.

Campaign Area 5 Objectives

- Develop and deploy effective community engagement strategies that enable domestic and international justice systems to respond to the needs of the communities that they serve.
- Engage vulnerable and marginalized communities domestically and abroad to identify perceptions of court access and fairness and barriers to successful interaction, developing tools and resources that courts can use to address those barriers.
- Increase expertise in responding to disinformation and misinformation and promote active court-public communication about justice issues.
- Using virtual and live delivery, conduct faculty training and substantive seminars for domestic and international judges and court managers.
- Increase domestic and international court awareness and interaction on solutions to issues of common interest.
- Identify tools, education, and services to enable the state courts' response to the Blueprint for Racial Justice.
- Implement the NCSC International Programs Division Global Justice Campaign.⁶

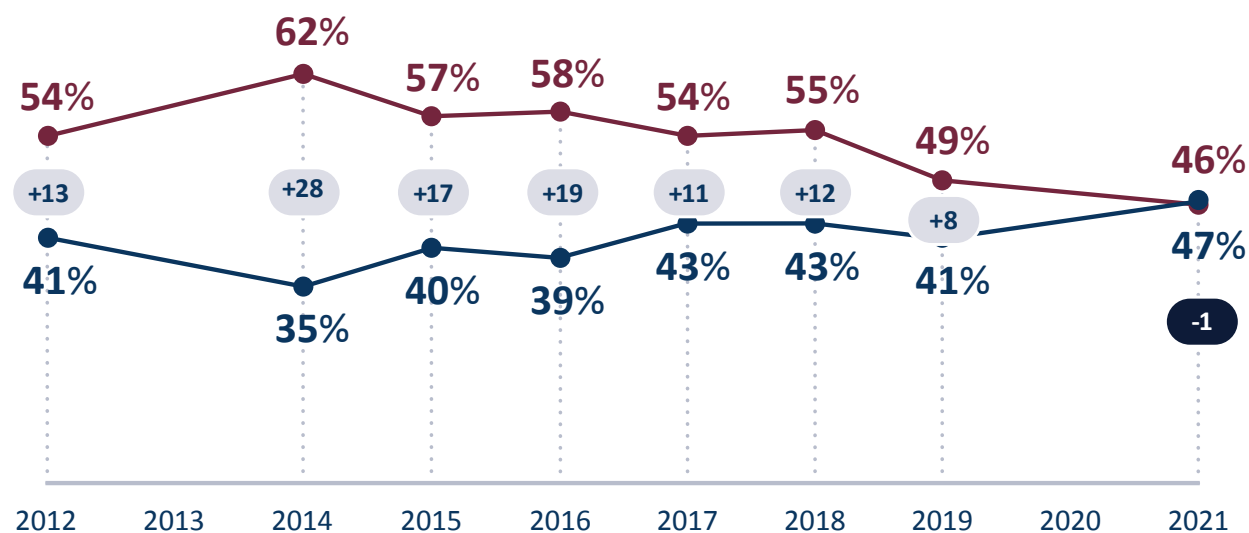
Figure 2: Americans are concerned about the ability of the courts to deliver on a core promise—equal justice for all.

Question: “Does the following word or phrase describe [state] courts very well, well, not very well, or not well at all?”

Provide equal justice to all?

● **% SAYING WELL OR VERY WELL**

● **% SAYING NOT WELL OR NOT AT ALL WELL**



Endnotes

1. Michigan Chief Justice Bridget Mary McCormack, quoted at the Legal Service Corporation (LSC) conference, November 30, 2020. See: <https://abovethelaw.com/2021/03/one-year-of-challenges-and-changes-for-the-legal-industry/>
2. For more on NCSC's recent impact, review our 2021 Annual Report: <https://www.ncsc.org/about-us/annual-report-archive>
3. <https://www.census.gov/library/stories/2017/08/rural-america.html#:~:text=Urban%20areas%20make%20up%20only,Census%20Bureau%20%2D%20Opens%20as%20PDF>. The Census Bureau plans to announce final urban areas based on the 2020 Census in December 2022: <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>
4. <https://blog.adecousa.com/2022-hiring-trend-great-retirement/>
5. Barry Dornfeld, National Association for Presiding Judges and Court Executives, Leadership Guide 1: Building and Maintaining Productive Pairs. See: <http://napco4courtleaders.org/wp-content/uploads/2020/01/NAPCO-2016-Leadership-Guide-Productive-Pairs.pdf>
6. Goal from the NCSC International Programs Division Global Justice Campaign. See: <https://www.ncscinternational.org/our-purpose/vision-and-strategy>



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