



COURTS DISRUPTED

TOWARDS A USER-CENTERED COURT FUTURE

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It is an uncomfortable truth that court systems around the world are **creaking**—they are **too costly and slow**, and they are **unintelligible** for the great majority of non-lawyers. More, these paper-based institutions appear increasingly **outmoded** in a society in which so much daily activity is enabled by the internet and advanced technology...

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... Conceived in the Dark Ages and reformed in the nineteenth century, these court systems became **unfit** for many purposes in the late twentieth century. Now they seem destined, if unchanged, to be **inappropriate** for most disputes of the twenty-first.

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Katsh, Ethan. *Digital Justice: Technology and the Internet of Disputes* (Kindle Locations 139-140). Oxford University Press. Kindle Edition.



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“The courts will often **choose** to be late to the harvest of ingenuity. Courts are simply different in important respects when it comes to adopting technology...they have **proceeded cautiously** when it comes to adopting new technologies in certain aspects of their own operations.”

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Chief Justice John G. Roberts, *2014 Year End Report on the Federal Judiciary*

WHAT IS DISRUPTIVE INNOVATION?



DISRUPTIVE INNOVATION DEFINED

“A process by which a product or service takes root initially in simple applications at the bottom of a market and then relentlessly moves up market, eventually displacing established competitors.”

Source: ClaytonChristensen.com

Clayton Christensen and Joseph L. Bower coined the phrase in 1995.

Some examples of disruptive innovation include:

Disruptor	Disruptee
Personal computers	Mainframe and mini computers
Mini mills	Integrated steel mills
Cellular phones	Fixed line telephony
Community colleges	Four-year colleges
Discount retailers	Full-service department stores
Retail medical clinics	Traditional doctor's offices

**CAVEAT:
NOT EVERYONE
AGREES THAT
DISRUPTION IS
LIKELY.**

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“...today’s technological innovations pale in significance beside electricity and the internal combustion engine—they’ll have some positive impact, but growth will be slower than it used to be.”

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- Justin Fox

Source: Fox, Justin. "The Disruption Myth." *The Atlantic*. Atlantic Media Company, 17 Sept. 2014. Web. 17 Apr. 2017.

HOW DISRUPTION OCCURS

Digital disrupters unseat traditional businesses by appealing to consumers in one or more of three key areas:

- Cost
- Customer experience
- Platform

COST

- Operational improvements
- Virtualization (e-readers, teleconference meetings, etc.)
- Innovative business models
 - Group purchasing
 - “Freemium” pricing
 - Reverse auctions
 - “Pay-as-you-go”
- Skype, Spotify, Groupon, Lending Tree

CUSTOMER EXPERIENCE

- Simplification
- Efficiency
- Convenience
- Personalization
- NetFlix, PayPal, AmazonPrime, 23andMe

PLATFORM

- A unique digital space for providers and consumers to find each other.
- Relies on innovative technologies.
- Leverages big data and human nature.
- Facebook, Craigslist, Etsy, Snapchat, Wikipedia

**COURTS AREN'T
ACCUSTOMED TO
COMPETITION.**

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“Some industries are thought to be less vulnerable to digital disruption, which can create complacency in organizational leaders.”

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**COMPELLING
REASONS TO
LEVERAGE THE
DI CONCEPT:**

- Potential for enhancing the public's experience with the courts.
- Reduce costs.
- Make justice available to a wider audience.
- Preserve fairness, neutrality, and transparency in the judicial process.

**LOOKING AT
DISRUPTIVE
INNOVATION
THROUGH THE
LENS OF THE
COURT**



TECHNOLOGY-BASED DISRUPTORS

- Data
- Intelligent Automation
- Online Dispute Resolution
- Digital Evidence
- Cyberattack

NON-TECHNICAL DISRUPTORS

- Decrease in case filings.
- Cost/benefit imbalance.
- Decoupling the bar from the court.
- Mandatory arbitration clauses.
- Restorative justice.
- Civil justice reform.

THE OBSTACLES ARE DAUNTING:


- Jurisdiction and venue
- Perspective
- Protectionism
- Statutes and rules
- “Lowest common denominator” thinking
- Organizational structure and hiring processes
- Procurement practices
- Funding
- Unions

SOME DISRUPTORS WILL SUCCEED

Some aspects of the court's day-to-day "business" will disappear.



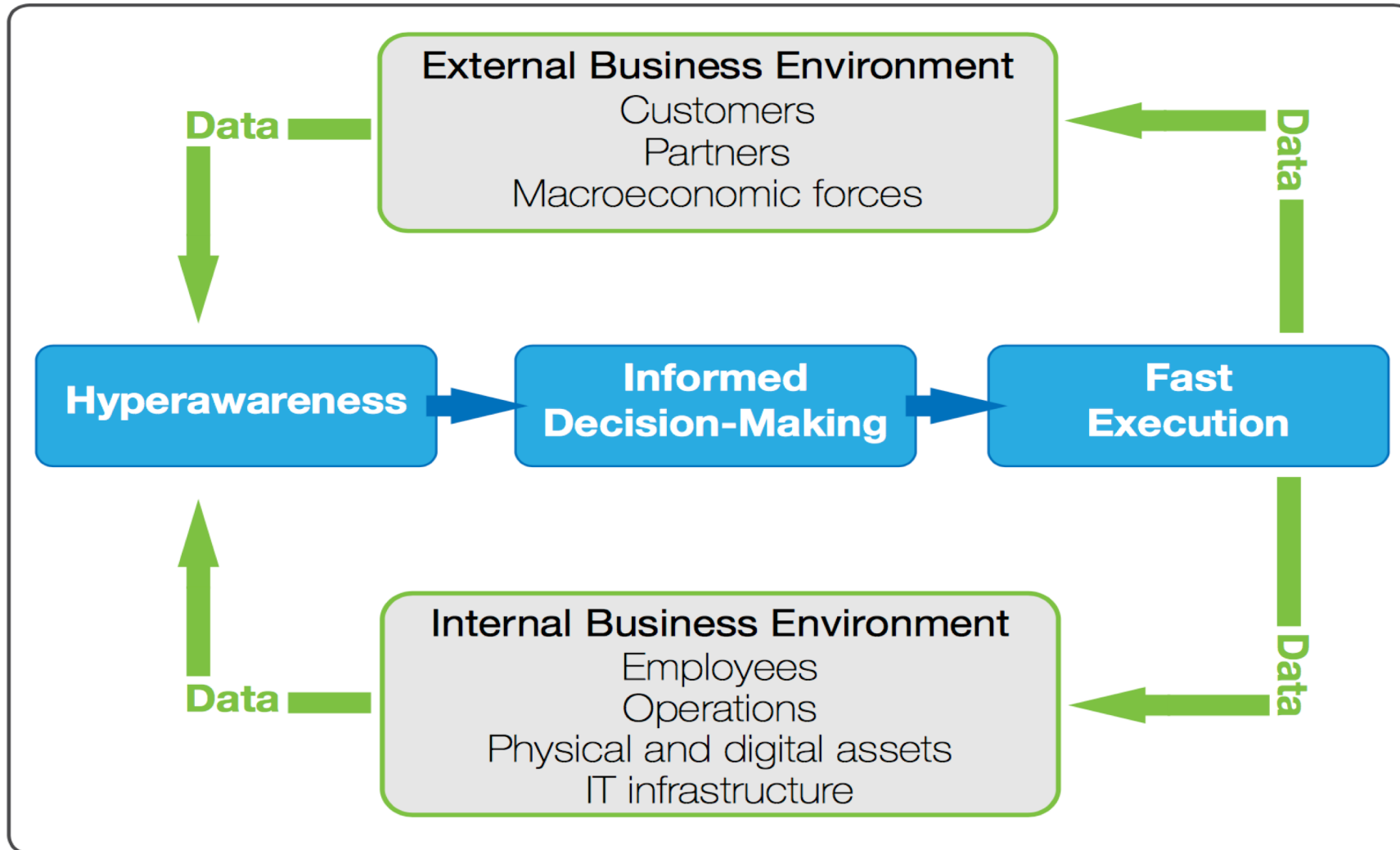
The changes necessary to anticipate and effectively address potential disruptors are varied but are heavily affected as much by **court culture, tradition, and mindset** as by **technology**.



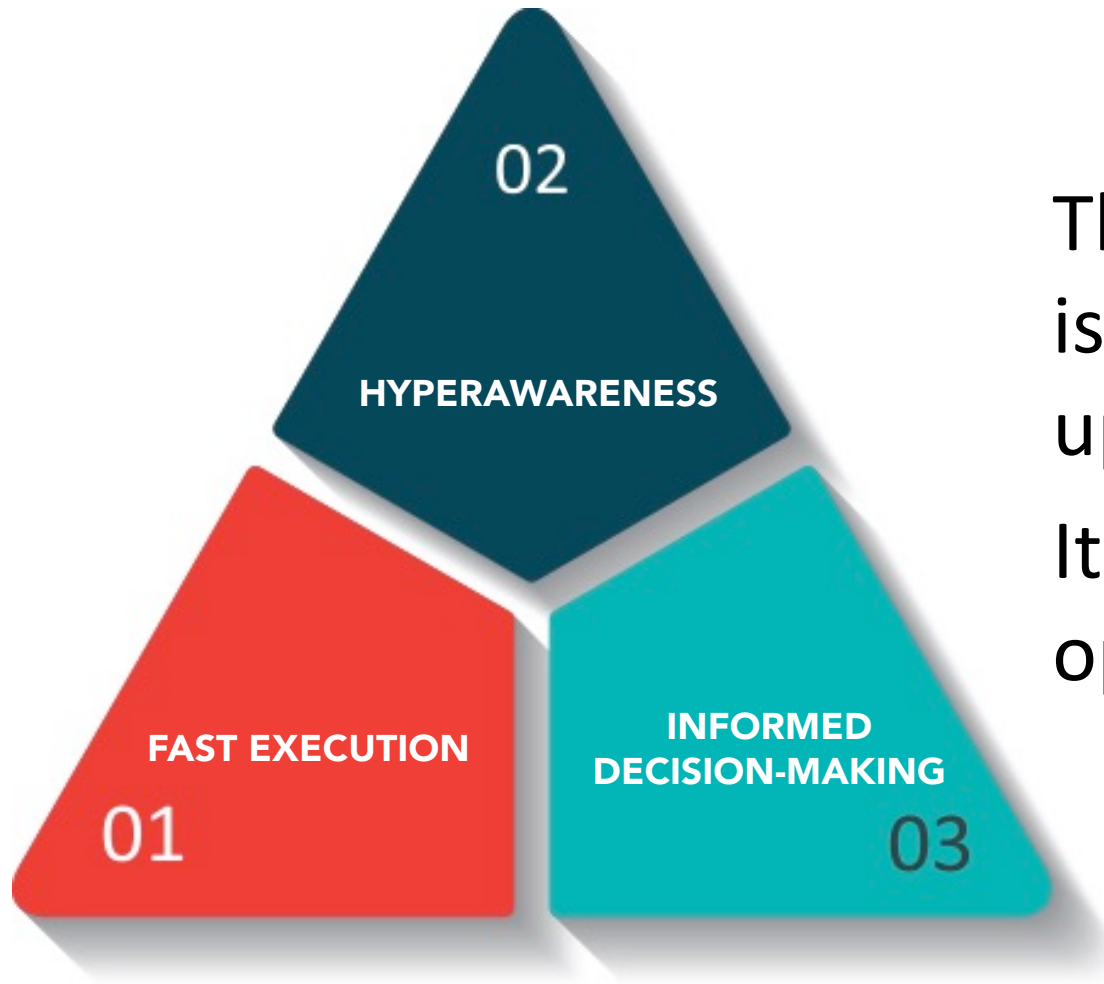
DEVELOPING DIGITAL BUSINESS AGILITY

- **Hyperawareness:**
The ability to detect and monitor changes in both the internal and external business environments.
- **Informed decision-making:**
The ability to make data-driven decisions in response to those changes.
- **Fast execution:**
The ability to act quickly and effectively on decisions.

Figure 1: Digital Business Agility



Source: Global Center for Digital Business Transformation, 2015



This triad of digital capabilities is often most apparent in small start-up companies. It is nearly antithetical to the operational processes of most courts.

CHANGING COURT CULTURE

- Nurture a “can do” mindset.
- Create an environment that facilitates innovation.
- Allow for **failure**.
- Listen to the least/newest.
- Challenge assumptions.
- Embrace model revised statutes and rules.

TECHNOLOGY

- Digitize, digitize, digitize.
- Enhance data gathering and analysis tools.
- Design for increasingly tech-savvy users.
- Embrace tech standards.
- Outsource.

PARTNERSHIPS

- License court capabilities
- Leverage private sector innovations
- Crowdsource

SYSTEMATIC INNOVATION

- Embrace model revised statutes and rules
- Sustain innovation

WHAT SHOULD COURTS BE DOING TO SELF-DISRUPT?



ESTABLISHING A CULTURE OF TECHNOLOGY CREATIVITY & INNOVATION

- **Create a digital workplace**
 - Make it a part of your fabric to foster greater technology adoption
- **Ignite technological innovation**
 - Spark creative, collaborative solutions between IT and court administrators
- **Use consumer platforms to accelerate**
 - Drive innovation through common tools

GETTING DIGITAL

- Foster new ways of working
- Engage your employees
- Become social
- Encourage mobility and flexibility
- Create a consumerized environment



IGNITE TECHNOLOGICAL INNOVATION

Spark creative, collaborative solutions
between IT and court administrators



ESTABLISH A CULTURE OF INNOVATION

- Encourage innovation through technology
 - Get uncomfortable and stretch your thinking
- Inspire employees to tinker with everything
- Encourage grassroots leadership
- Accept that consumer experiences create new ways of working



INNOVATION REQUIRES ATTENTION

- Innovation doesn't just happen – it must be encouraged
- Anyone can innovate – don't assume you know where the good ideas lie
- Innovation must be more than a moment
- Don't let “business as usual” extinguish ideas
- Focus your attention on changing and sustaining your culture

**USE CONSUMER
PLATFORMS TO
ACCELERATE**

Drive innovation through common tools





QUESTIONS?