

NCSC



TRENDS

in State Courts 2025



TRENDS in State Courts **2025**

Edited by
Charles Campbell, John Holtzclaw, & Joy Keller

Acknowledgments

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Alexis Allen

Court Administrator,
Tempe Municipal Court, Arizona

Lawton Bourne

Director of Innovation and Evidence-Based
Research, National Center for State Courts

Shay Cleary

Managing Director, Court Consulting Services,
National Center for State Courts

Guiseppe Fazari

Professor, Monmouth University, New Jersey

Aisha Ivey-Nixon

Deputy Director of the Probate Division,
Superior Court of the District of Columbia

Karen Kringlie

Director of Juvenile Court, Unit Two (ret.),
East Central and Southeast Judicial Districts,
North Dakota

Paula Lang

Ninth District Deputy Administrator,
Minnesota Judicial Branch

Tina Mattison

Deputy Court Administrator, Pima County
Consolidated Justice Court, Arizona

Ellen Procida

Operations Manager, Cape May Courthouse,
Superior Court of New Jersey

Mary Quinlan

Chief Deputy Administrator,
Fifteenth Judicial Circuit, Florida

Elizabeth Rambo

Trial Court Administrator,
Lane County Circuit Court, Oregon

Beth Riggert

Communications Counsel, Supreme Court of
Missouri

Jeff Schrade

Director, Education Services Division, Arizona

Katie Schurrer

Director, Strategy, Performance, and Projects
Office (SPPPO), State Court Administrator's
Office, Minnesota Judicial Branch

Suzanne Stinson

Court Administrator (ret.),
26th Judicial District Court, Louisiana

Nicole Waters

Director of Data, Analytics & Forecasting,
National Center for State Courts

Robert Wessels

County Court Manager (ret.), County Criminal
Courts at Law, Houston, Texas

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Preface

State courts are making innovative efforts to reach out to their users in new ways to benefit both court users and court staff. *Trends in State Courts 2025* focuses on Artificial Intelligence (AI) and how courts are improving their services to court users where they are, not as legal experts. This year's *Trends* showcases ways in which state courts are meeting a growing consumer demand for innovation in the delivery of court services.

Artificial Intelligence in the form of Large Language Models (LLMs) have exciting potential to improve court services. LLMs are a type of AI that can operate in the cloud or locally, but precautions must be taken to mitigate potential risks for courts. At this stage LLM Artificial Intelligence systems are not yet at the direct assistance stage for court users. However, specific uses for Artificial Intelligence (AI) are beginning to make their way into state courts. AI applications have been developed, one in the form of aiding in navigating housing issues in New York City.

AI is also being applied to guardianship and conservatorship monitoring by screening annual well-being reports for timeliness and improving the quality of the report review. AI works by flagging potential errors and automatically forwarding these flagged reports to the appropriate review staff.

Guardianship innovation is another trend this year, especially in developing less restrictive alternatives to adult guardianship and improvements to guardianship monitoring in Pennsylvania.

Minnesota has adopted a new statewide hearing framework that integrates remote and in-person formats into court operations. Also, the use of guided interviews is a way of helping court users draft accurate and complete legal documents in a streamlined, efficient way with a minimum of information repetition, an inherent problem with conventional paper forms.

NCSC hopes that *Trends in State Courts 2025* can show how many courts are already addressing their issues with applied technology. This future isn't just on the horizon — it is here today. NCSC is ready to help you in your journey. We look forward to working together with you to strengthen our courts.

Elizabeth T. Clement
President & CEO
National Center for State Courts





1

Justice for All: AI Revolutionizing Human-Centered Access to Legal Services

Early-stage AI projects are closing access-to-justice gaps and providing the opportunity to expand access to legal services at scale for low-income individuals. A human-centered approach in developing AI-powered solutions is paramount.

Kristen Sunday

CEO Paladin

Access to Justice working group member
of NCSC-TR Institute AI Policy Consortium

In an era where access to justice remains a critical challenge for many, artificial intelligence (AI) is emerging as a game-changing tool for legal services organizations (LSOs) serving low-income individuals. Advancing AI-powered tools to improve access to justice is a key priority for the National Center for State Courts and the Thomson Reuters Institute's AI Policy Consortium, which launched in July 2024. Early-stage AI projects are closing access-to-justice gaps and providing the opportunity to expand access to legal services at scale for low-income individuals.

A human-centered approach in developing AI-powered solutions to bridge the gaps in justice is paramount. As AI emerges as a transformative tool for LSOs, the focus must remain on creating solutions that are deeply attuned to human needs and rights and meeting clients where they are. The success of the examples that are discussed in this article all embody a human-first approach and put the client at the center of the solution from concept to deployment.



The Future is Now

The reality is that low-income legal consumers are already turning to AI technologies, like ChatGPT and Claude, to engage with our legal system. Lawyers at LSOs, who stand on the front lines of legal aid conversations, must be empowered by this technology now for both their and their clients' benefit. By embracing AI solutions, legal aid professionals can streamline operations, serve more clients, and better tackle the overwhelming needs that have long challenged the legal aid profession.

Early Adopters See Success

Pioneering organizations, such as Legal Aid of North Carolina, Housing Court Answers, and California's The Innocence Center, demonstrate what is possible by successfully implementing AI tools that empower both legal professionals and clients and pave the way for a more equitable legal system:

- Legal Aid of North Carolina built an AI chatbot called LIA, in partnership with a legal technology company, to provide actionable resources for simple legal matters, focusing on cases involving domestic violence, child custody, landlord-tenant disputes, and consumer law that puts information at the fingertips of self-represented individuals.
- New York's Housing Court Answers (HCA) worked with the New York University School of Law and the legal technology company Josef to build a tool that helps New York City tenants understand and advocate for repairs to which they are entitled under the city's municipal code.

- California's The Innocence Center used AI-powered tools to accelerate case reviews and enhance the efficiency of exonerating wrongfully convicted individuals. By automating the analysis of lengthy case files and generating targeted questions, AI helped attorneys expedite their work and potentially reach the truth faster than ever before. In one case, the executive director of the center explained that had they had AI tools available to them when they opened the client's file, they could have exonerated him ten years earlier than they did.

Exploring a Detailed Use Case: AI-powered Roxanne the Repair Bot

The examples of AI tools designed to improve access to justice took time, resources, and bandwidth with a relentless commitment to centering the user experience during their development. To illustrate how the creation and implementation of an AI tool unfolds, I want to describe in greater detail the specific journey of an AI assistant, Roxanne the Repair Bot.

Housing Court Answers (HCA), an organization specializing in tenancy law in New York City, developed AI-driven tools to empower both staff and tenants in housing repairs. One of these solutions is known as Roxanne the Repair Bot, which addresses a critical gap in the NYC housing landscape in which there is consistently a lack of accessible, actionable information for tenants dealing with substandard housing conditions.

Journey from Development to Implementation

The concept for Roxanne originated when Sateesh Nori, a senior legal innovation strategist at Just-Tech and housing attorney, noticed inequitable resources available for those seeking to address their housing condition and eviction issues. Nori facilitated a partnership between HCA and a legal technology company to use AI in addressing this resource gap.

An interdisciplinary team of individuals from the legal tech company, HCA, and Nori created a prototype that integrated the capabilities of the legal technology company's platform with HCA's comprehensive expertise on repair issues. A key advantage of using this technology platform was that it allowed HCA staff to operate the tool without requiring additional training because it functions like a chat interface.

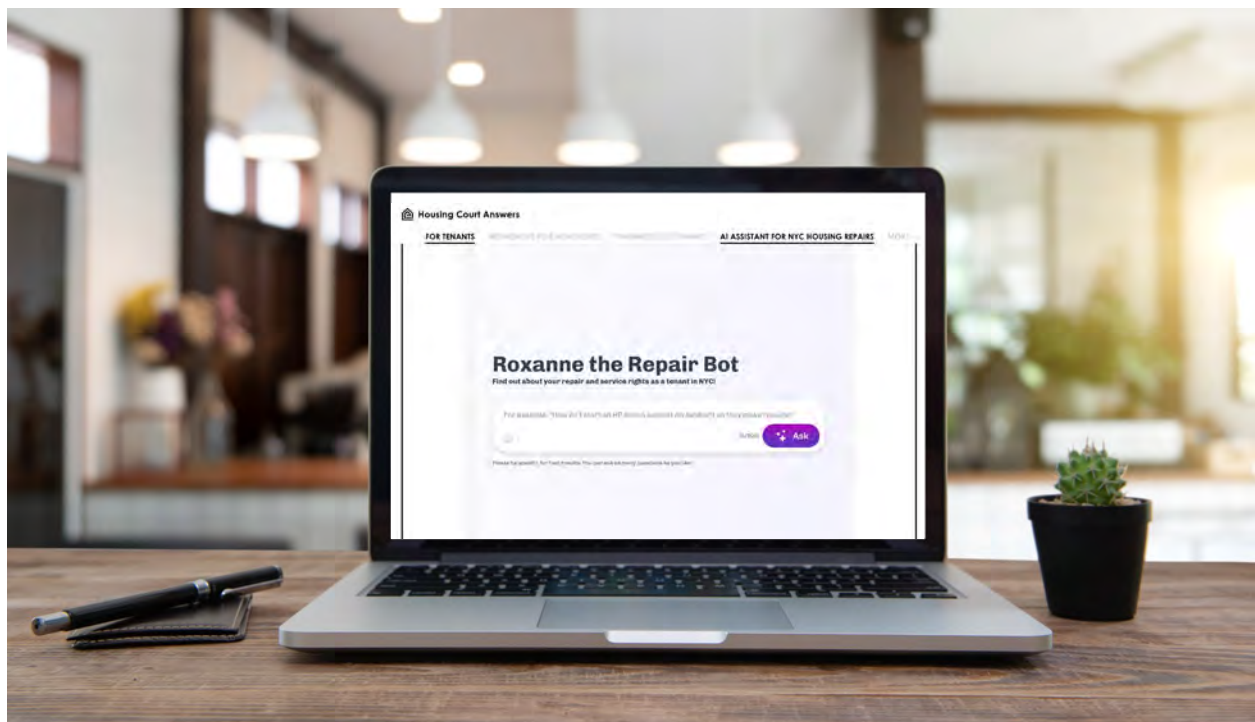
Originally, Roxanne was intended to support HCA's frontline staff by providing valuable insights and solutions for common housing problems as well as areas for legal advocacy. Over time, the tool evolved to become accessible directly by tenants. The team conducted rigorous testing of Roxanne for more than six months to ensure it was accurate and trustworthy.

Challenges and Lessons Learned in Development

The development of Roxanne the Repair Bot prioritized the user experience and ensured accessibility for staff and tenants in addressing housing repair issues. Through rigorous testing and a focus on user trust, accuracy, and safety, the team successfully created a tool that empowers individuals with actionable information while maintaining compliance with legal standards. Roxanne's development utilized Humans-in-the-loop methodology in which attorneys with specialized knowledge checked and updated every chatbot answer before it went to a client to ensure accuracy and create a positive feedback loop.

At the same time, the building of Roxanne encountered several hurdles along the way, which were addressed by maintaining a human-centered approach during the evolution of the tool:

- **Trust.** Initially, there was skepticism among HCA staff regarding the use of AI. Overcoming this required patience and demonstrating the effectiveness of Roxanne.
- **Accuracy.** Although Roxanne initially surpassed human performance in accuracy, the team aimed for an even higher standard, exceeding 95 percent accuracy, to ensure broad acceptance and adoption.
- **Safety and compliance.** Another challenge was ensuring the tool safeguarded user privacy and adhered to regulations regarding nonlawyer legal assistance. These “Unauthorized Practice of Law” rules are being evaluated as AI expands its capacity to offer actionable legal help directly to the public.



10-Step Guide for LSOs to Get Started

A clear, structured roadmap and best practices for developing AI-powered tools are essential for Legal Aid organizations (and other organizations, including courts). Here is a 10-step guide to assist in the launch of an AI project while keeping humans in the loop and at the center of the building process.

Step 1: Pinpoint a challenge. Consider AI as an engine that powers solutions designed to tackle specific problems such as driving a car or helping a plane take off. In the same way, successful legal aid AI projects start with a clear grasp of the issues they aim to address. Many legal aid organizations face bottlenecks in their client intake processes, resulting in delays in providing aid. By pinpointing this challenge, legal aid organizations can develop targeted projects to address them effectively.

Step 2: Clarify the use case. After identifying the problem, define a specific use case by considering these guiding questions to clarify the need. Ask which aspects of the LSO's work are: resource-intensive, repetitive or frequently lead to bottlenecks, or ripe for automation?

Step 3: Assess resources. Next, evaluate the resources required to implement the project and determine the extent to which they are available internally. Consider the following resources:

- **Training data.** Collect historical intake forms or FAQ data to train the AI model and consider examining other intake forms to compile best practices.
- **Budget.** Review your funding options, including potential grants or partnerships.
- **Skills.** Determine if your team possesses the necessary technical expertise or if collaboration with external partners will be needed.

Step 4: Consult with stakeholders. Successful projects thrive on collaboration. Involve attorneys, support staff, and leadership to ensure the solution meets the organization's needs. Additionally, consult clients to gain insights into their preferences and challenges. For instance, clients might favor text-based chatbots over voice-based systems for accessibility reasons.

Step 5: Select the best tools. Choose whether to develop a custom AI solution, partner with an external developer, or use existing tools. For example, there are platforms that provide pre-built chatbot frameworks designed for nonprofits, and it is important to evaluate your specific needs and select the right external partner based on those needs. Focus on tools that prioritize privacy, security, and the ethical use of AI to ensure they comply with legal and organizational standards.

Step 6: Initiate a pilot project. Begin with a small-scale pilot to evaluate the chatbot, involving human oversight to adjust responses as needed. For instance, consider initially deploying the chatbot specifically for eviction cases. Gather feedback from both clients and staff to improve the system. Early testing helps uncover potential issues before scaling up and ensures the technology effectively addresses real-world needs.

Step 7: Provide training and education for staff. Conduct training sessions to introduce the chatbot to your team. Ensure staff understand its functionality, how it fits into their workflows, and its intended impact on clients, the organization, and the public. Highlight that the chatbot is designed to enhance their work and expand their capacity to meet client needs, not to replace them.

Step 8: Observe and assess. Use metrics to evaluate the chatbot's effectiveness and create a feedback loop to continually enhance the system based on user experiences. Key performance indicators (KPIs) could include:

- Decrease in client wait times
- Increase in the number of cases triaged
- Client satisfaction scores

Step 9: Increase scale. Once the pilot is successful, broaden the chatbot's application to include additional case types or geographic regions. For instance, after managing eviction cases, consider expanding its use to address family law or immigration inquiries.

Step 10: Adjust and revise. AI systems need continuous maintenance to stay effective. Allocate funds for updates and keep an eye on AI advancements that could enhance your chatbot's capabilities. Additionally, ensure the system adjusts to any changes in legal procedures or organizational priorities. Schedule regular intervals — whether monthly, quarterly, or biannually — to conduct internal tests, identify any issues, and ensure the content remains current.

10 steps to assist in the launch of an AI project

Step 1

Pinpoint a challenge

Step 2

Clarify the use case

Step 3

Assess resources

Step 4

Consult with stakeholders

Step 5

Select the best tools

Step 6

Initiate a pilot project

Step 7

Provide training and education for staff

Step 8

Observe and assess

Step 9

Increase scale

Step 10

Adjust and revise

As AI continues to evolve, its application in legal aid organizations presents a unique opportunity to address the access to justice crisis by centering on the needs of their human constituents while minimizing administrative work, reallocating talent, and empowering clients. This article offers a glimpse into the future of legal aid, where AI-driven tools could significantly change how individuals access justice at scale, with reduced costs and time commitments.



The background is a solid orange color. On the left side, there are two parallel white lines that start from the top left and extend diagonally towards the bottom right. These lines are interrupted by two small, rounded rectangular cutouts. In the upper right corner, there is a large, white, serif-style number '2'.

2

Large Language Models: Current Offerings and the Appropriate Use for Courts

This article provides an overview of the different offerings of Large Language Models (LLM), both cloud-based services and locally run LLMs. It also discusses the appropriate use of this technology for the courts and its relevancy to judges, managers, and staff who seek to enhance the administration of justice.

Daniel Shin

Cybersecurity Researcher at William & Mary Law School
and Assistant Director for Research at the Center for Legal & Court Technology

When OpenAI released ChatGPT to the public in November 2022,¹ artificial intelligence (AI) systems suddenly caused a seismic disruption that affected nearly all sectors of society. ChatGPT showed the immense potential for AI systems to work on tasks that ordinarily were deemed too complex for prior systems. As a result, the adoption of subsequent AI systems has accelerated, with Microsoft investing heavily in integrating generative AI features into Office 365 products² and its Windows operating system.³

A new portfolio of AI services offers tangible benefits that can supplement the work of the judiciary. However, courts should carefully weigh the value of these technologies against the potential risks in determining the best application of their use in judicial administration. This article serves as a preliminary guide for those interested in the appropriate and safe use of Large Language Model (LLM) systems for courts.

Foundational Concepts of AI

AI has many definitions across various disciplines, but this article adopts the definition from the National Institute of Standards and Technology (NIST): “A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.”⁴ This characterization focuses on the capabilities of a computer system to perform certain tasks, and, as this article will showcase, various classical computing and machine learning-based systems adhere to this description.

In a classical computing system, programs operate based on human programmers’ written computer code, commonly known as source code. Because the code completely determines how a program behaves, classical programming applications operate in a deterministic and explainable way. In contrast, machine-learning systems operate largely on the computer system’s own analysis of a set of data. One common application of machine-learning systems is SPAM email filters. As their core functionality, these filters analyze both legitimate emails and SPAM emails to self-determine key characteristics of messages and then intercept junk emails from reaching the user’s inbox while allowing legitimate emails through.

Machine-learning systems rely heavily on their own analysis of data to perform certain tasks, and the higher the quality and quantity of the data, the better the performance of the machine-learning system. Due to its versatile means of operation, machine-learning systems will likely continue to outperform classical computing in their ability to build impactful AI applications. There are two types of AI systems: predictive/decision-making AI and generative AI. Predictive (or decision-making) AI refers to AI systems that are principally designed to make a decision based on their given inputs. For instance, a facial recognition program is a predictive AI that identifies an individual based on the key features of their face. Generative AI refers to AI systems that are principally designed to synthesize data based on their given inputs. For instance, an LLM is a generative AI that is designed to produce helpful text strings based on the user’s text query. This characterization is important within the LLM context because LLM may appear to produce text outputs that provide predictions or decision recommendations when, in fact, it is still fundamentally designed to produce text outputs that appear to be helpful for the user.

Large Language Models

Language models are computer functions that operate based on the distribution of words in relation to other words.⁵ All written languages are word sequences based on grammatical rules, linguistic norms, and the intention of the writer. As such, computer systems can analyze how different words are placed in relation to other words on a probability distribution. If there is a common trend of certain words being in place of other specific words, language models can predict with relative certainty what words will appear in succession, see Figure 1.

Figure 1: Language Model Example

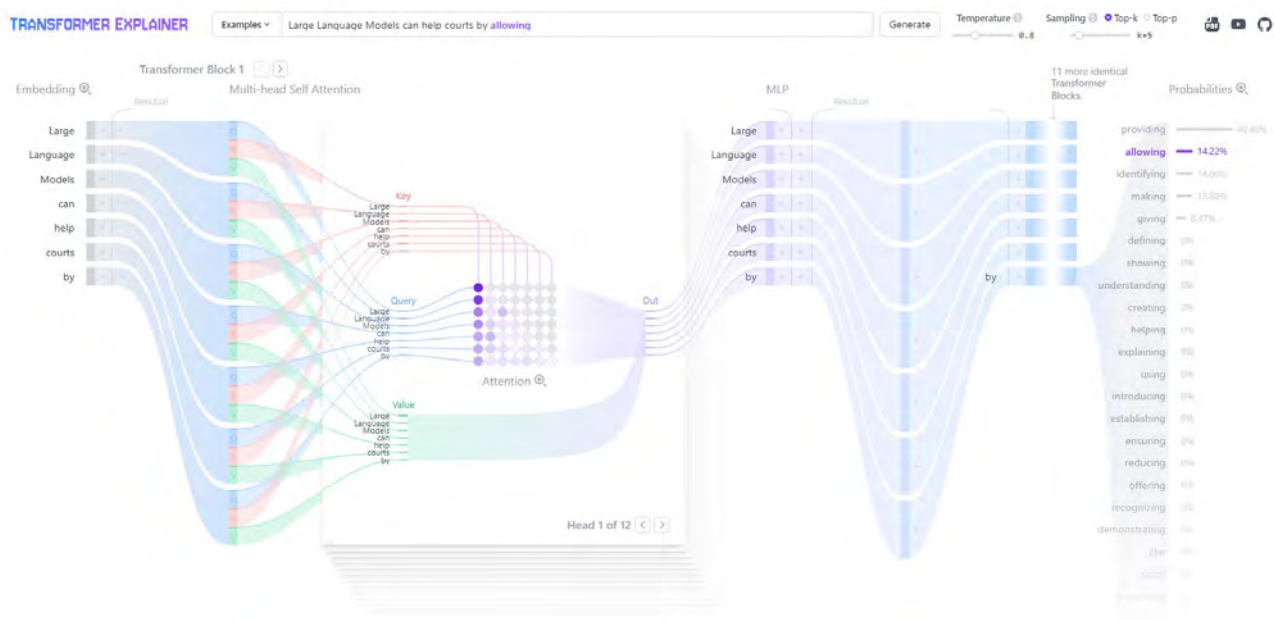


Figure 1: A visual representation of how GPT-2 analyzes the phrase “Large Language Models can help courts by” and prepares a list of likely next words after the phrase.⁶

Language models are developed by using machine learning systems to find patterns of word usage. This process would involve collecting vast corpora of text from the internet and having powerful computer systems find sequential relationships of words. The result is a language model program that can predict what word will appear after a given word. Language models are widely used in cellphone keyboards, where the software provides word choices based on what the user has already typed.

A Large Language Model (LLM) is a language model that has been exposed to an immense corpus of text to develop the model and has significant complex features within the model's deep neural architecture to analyze text data in more complex and subtle ways. While language models may simply look for patterns of characters or words within a text, LLMs can perform higher levels of analysis of the language and find complex contextual relationships. The scale of the training data coupled with the extremely complex nature of deep neural architecture,⁷ allow LLMs to reach a human-level conversational skill. In fact, OpenAI's ChatGPT, one of the world's leading LLMs, was named intentionally to emphasize the "chat" feature of the model.

LLMs can be a versatile chatbot that can handle tasks to supplement everyday work. They can summarize long text, perform discrepancy analysis on a document, brainstorm ideas for a particular project, and even write full-length email messages and other documents. However, LLMs have difficulty in providing factual information about the world, especially current events, because their knowledge of information is only based on the text data it was provided to train the model. Although it is possible for LLM developers to train their LLM with the latest



information daily, the training cost is currently too high to make this arrangement feasible. To overcome this challenge, LLM developers have created the Retrieval Augmented Generation (RAG), which allows the LLM to connect with a separate database containing up-to-date information on a particular subject for the LLM to consult before providing the user with the contextual relevant and accurate information.⁸ RAGs are used by LLM-powered legal research tools, including LexisNexis's Lexis+ AI and Westlaw's Copilot, where the LLM is connected to a database containing up-to-date primary source and secondary source legal material.


Through the use of RAG, LLMs can provide users with vetted, up-to-date, and factual information. However, even with this arrangement, LLMs can provide outputs that are nonsensical or factually false. Commonly known as "hallucinations," LLMs always carry the risk of outputting text that may initially appear to be realistic or helpful but in fact is wrong or useless.⁹ One such hallucination occurred when two New York attorneys were found to have submitted a brief to a U.S. District Court containing citations to nonexistent cases that ChatGPT generated.¹⁰ Despite these risks, LLMs offer features that can greatly benefit the judiciary.

Current LLM offerings

LLMs can be divided into two major groups. First, cloud-based LLM services offer resources over the internet using cloud infrastructure to provide a multitude of LLM features. Currently, cloud-based LLMs perform best for users and generally require a monthly subscription. Major cloud-based LLM services include OpenAI's Chat-GPT,¹¹ Anthropic's Claude,¹² Google's Gemini,¹³ and Meta's Llama.¹⁴ These services offer users a chat interface to interact with the LLM, but some LLMs are "multi-modal LLMs," which allow LLMs to receive inputs beyond just text from the user. Users can share photos, sounds, and video files, along with user-provided instructions to process the inquiry, such as having the LLM describe a particular medium in text.

It should be noted that these LLM services have been integrated into other online services as well. For example, LexisNexis's Lexis+ AI¹⁵ and Westlaw's CoCounsel¹⁶ will likely use one of the cloud-based LLM services with a customized RAG environment to allow users to take advantage of these technologies that are tailored to legal work. Microsoft's 365 Copilot is another example of integrating LLM-enhanced tools to facilitate the Microsoft Office work environment.

Although commercial cloud-based LLMs offer the most premium experience, courts must consider the risk of interacting with a cloud environment in addition to risks stemming from LLMs themselves. In a cloud environment, all user prompts and the LLM responses are stored on the service provider's servers. While these services aim to protect all user interactions from unauthorized third-party access, data breaches have occurred¹⁷ and may likely occur again. Data breaches involving courts can be particularly harmful because nonpublic information disclosures can compromise an ongoing case and negatively affect public trust and confidence.



If cloud-based services pose unacceptable risks to organizations, open-source LLMs running on a computer within court premises may provide an alternative. Locally run LLMs run on a physical computer in the user's possession. Currently, only open-source LLMs are available to run locally on a medium-to-high-end consumer computer. Common open-source LLMs include Meta's open-source and downloadable version of Llama,¹⁸ Google's Gemma,¹⁹ Mistral AI's Mistral,²⁰ Microsoft's "small language model" Phi-4,²¹ Qwen's Qwen,²² and Deepseek's Deepseek.²³ To facilitate setting up the LLM on personal computers, local LLM managers provide an easy-to-use interface to automate the downloading of open-source LLMs and set up the computer environment so that the user can interact with the LLM with some or minimum technical skills. Some examples of local LLM managers include Ollama,²⁴ GPT4All,²⁵ LM Studio,²⁶ and AnythingLLM.²⁷ Some of these programs are also capable of providing RAG service in an easy-to-use interface, allowing users to share documents and other files for the LLM to use as context as it generates a response (e.g., a user can share the PDF of a court case and have the LLM provide a summary). Furthermore, these tools are freely and publicly accessible at no cost. Moreover, local LLM managers allow users to run LLMs without an internet connection because data are not transmitted to a third-party service by virtue of using an LLM (an internet connection is required to initially download both the local LLM manager and the LLM).

Despite the data protection benefits, locally run LLMs are constrained by the performance of the computer on which they are being run. Consumer-level computers do not have the memory to load full versions of these models, so most users are left with running "pruned" versions which requires less memory at some cost of LLM performance. Furthermore, consumer-level computers have limited processing speeds, which increases LLM response time following a user's query. On a less advanced computer, LLM may take several minutes to formulate a



response for the user. As such, locally run LLMs generally have lower performance and slower response time compared to cloud-based LLM services. While locally run LLMs are still at an early development stage, both cloud-based and locally run LLM services will be competitive options for courts in the coming years.

LLM Information and Cybersecurity Risks and Mitigation Strategies

LLMs can help judges draft or edit judicial opinions, support law clerks with legal research or document analysis, or implement a helpful chatbot on the court's website to help visitors with common questions. While these and other LLM uses have the potential to enhance the administration of justice, courts should also weigh information and cybersecurity risks as well as devise incident response strategies before widely implementing LLM use across the organization. One helpful resource that court administrators may consider is NIST's Artificial Intelligence Risk Management Framework,²⁸ which provides a flexible resource for framing AI risks and envisioning high-level organizational actions to mitigate those risks. In addition, state court leadership may need to consider appointing a high-level organizational leader who will be responsible for all AI technology matters. Like how a chief information officer is designated for all information technology (IT) issues, a chief AI officer can be the appointed leader on the court's use of AI.

Finally, courts should consider creating and implementing LLM use policies and a separate LLM incident response plan. These two evolving documents should consider the latest appropriate need for using the technology and the recovery strategies from foreseeable, disrupting incidents. While these approaches somewhat mirror how to respond to cybersecurity threats, the approaches must be tailored to the machine learning and generative AI characteristics of LLMs.

Beyond these proactive measures, all LLM users must ensure that they follow best cybersecurity practices to safeguard against errors that may lead to security incidents. Users should receive ongoing training to ensure that they are aware of the benefits, limits, and risks of using these technologies. Specifically, users must be aware that all LLM systems (even those using RAG) are prone to hallucinations. In addition, IT administrators should perform ongoing credential checking to certify that only authorized individuals have access to LLM resources and “LLMjackings”²⁹ do not occur on publicly facing LLM-powered court chatbots. Furthermore, administrations should confirm that AI resource inventories are consistently reviewed and up-to-date.

If courts are considering using a cloud-based LLM service, leadership must review the data use practices and terms and conditions to ensure that the LLM provider never incorporates user interactions, the LLM response, and any files or documents uploaded for the LLM RAG to be used to train the LLM, as the LLM may disclose such information to another user. In addition, courts must carefully consider the service provider’s reputation, especially when the provider is based in a foreign nation. Clear lines of communication should be established with the provider in the event the court administrators need to contact the company during a data breach incident or if the LLM service becomes unavailable.

If courts are using a locally run LLM, court IT administrators must thoroughly examine the system to ensure that both the local LLM managers and the LLMs do not contain any malicious code. While open-source software and AI models have been generally safe to use, users always assume the risk of a supply chain attack that could pass down malicious code to users.

Conclusion

LLM information and cybersecurity mitigation efforts will be a considerable undertaking, but these challenges alone should not dissuade the courts from using LLMs. AI technologies provide the courts with an extraordinary opportunity to utilize systems, such as LLMs, to enhance the administration of justice so long as proactive safety measures are put into place. Akin to the expansion that electronic filing and remote appearance tools had on the courts' capability to serve the public, LLMs provide another layer of versatility in the operational infrastructure of the court.



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The image features a solid orange background. On the left side, there are two parallel white lines that start from the top left and extend diagonally towards the bottom right. These lines are interrupted by two small, white, chevron-shaped gaps. In the upper right corner, a large, white, serif-style number '3' is prominently displayed.

3

The Promise of AI in Guardianship and Conservatorship Monitoring

Artificial Intelligence offers great promise to courts in providing more effective and timely guardianship monitoring. This article outlines some of the potential benefits for courts, guardians, and protected persons while also providing information on risks.

Diane Robinson

Principal Court Research Associate,
National Center for State Courts

Grace Haviland

Manager, Advancement Programs,
National Center for State Courts

Artificial Intelligence (AI) is transforming work. AI is “the capability of computer systems or algorithms to imitate intelligent human behavior” (“Artificial Intelligence,” 2024). Some uses of AI have become so ubiquitous that they are almost invisible, such as the tools embedded in Microsoft Word. Court staff today can use generative AI (genAI) to create meeting minutes or to summarize a document. Legal research platforms routinely include AI. Courts are beginning to use AI to retrieve key information from filed documents for docketing and scheduling and to create AI-powered chatbots both to assist staff and to help litigants. In fact, the National Center for State Courts (NCSC) has provided a genAI sandbox specifically for court staff to experiment with uses.

Central to deciding whether and how to use AI is the concept of risk. The European Union has classified the use of AI intended for the administration of justice as high risk when it is “intended to be used by a judicial authority or on its behalf to assist judicial authorities in researching and interpreting facts and the law and in applying the law to a concrete set of facts,” but not as high risk when “intended for purely ancillary administrative activities that do not affect the actual administration of justice in individual cases, such as . . . communication between personnel [and] administrative tasks” (Artificial Intelligence Act, 2024).

On the surface, the use of AI in guardianship can be identified as a high-risk use. Certainly, using AI to determine whether a guardianship is granted would be an unacceptable risk given the potential loss of civil rights involved. Considering the spectrum of AI integration in context allows courts to consider which uses of AI within the guardianship process are unacceptable risk, which are high risk, and which are low risk. For high-risk uses, we will further consider how ensuring a human makes the final decision (also known as human-in-the-loop) may lower the risk.



Background

Guardianships and conservatorships are different from most court cases in that they require the court's active attention long past the disposition date. For adults, guardianships and conservatorships are granted when the court rules that a person lacks capacity to make certain decisions for themselves. A guardianship is granted when a person lacks the capacity to make some or all decisions about their personal well-being, including where to live and what medical care to access. A conservatorship, or guardianship of the estate, is granted when a person lacks the capacity to make financial decisions for themselves. The powers granted to a guardian or conservator should be tailored to the specific needs of the person; unfortunately, in most cases, courts grant full powers. Guardians and conservators are most often family members, but they may also be a private or public guardian or conservator if no family member is willing or able to serve in this important role.

An adult can lack capacity to make their own decisions for many reasons. For young adults, the reason is often an intellectual or developmental disability. A severe mental illness or a traumatic brain injury may affect an adult's capacity at any age. For older adults, dementia, stroke, or other illness may result in cognitive decline such that a guardian or conservator is needed.

State laws require guardianships and conservatorships to be monitored, most often on an annual basis. Forty-one states require annual well-being reports for guardianships, while 46 states require annual accounting reports for conservatorships (Moffett et al., 2023). In most cases, the guardian or conservator is required to complete a form which they then submit to the court. However, some courts — including those in Minnesota, Pennsylvania, and Nevada — have modernized their reporting through guided interviews.

This monitoring serves several purposes. The first reason is to look for indications that the person subject to guardianship is experiencing abuse, neglect, or exploitation. The second is to look for indications that the guardianship or conservatorship is no longer necessary, or that it can be limited. A third reason for monitoring is to look for indications that the guardian or conservator, particularly if it is a family member, is struggling to fulfill their role and to identify the support needed.

Providing monitoring at this level is challenging for many courts. The responsibility may rest with a clerk, court staff, or with the judicial officer. Some larger courts have dedicated staff, and Massachusetts has recently centralized the review of well-being reports in the newly

established Office of Adult Guardianship and Conservatorship Oversight (*Probate and Family Court Standing Order 1-25: The Office of Adult Guardianship and Conservatorship Oversight (OAGCO)*, 2025). The National Center for State Courts has created monitoring protocols for both well-being and financial reports, but it can be difficult for courts to complete this essential task in a timely manner. Guardians and conservators express frustration with the monitoring process, often assuming if they do not hear from the court after submission of the report that no one has reviewed the report. Of course, this reduces their incentive to provide a meaningful report the next year, and courts report seeing identical reports submitted year after year with only the date changed.

Improving Guardianship and Conservatorship Monitoring with Artificial Intelligence

Artificial Intelligence offers the potential to help courts improve the timeliness and quality of report review. The current manual processes, lack of dedicated staff, lack of funding, and inadequate case management systems result in missing reports, less-than-robust review of reports in many cases, and a sense of disconnect between guardians and the courts (Robinson et al., 2021).

Although AI offers great potential, judicial officers and court staff must also be aware of the limitations of AI. These include the risk to privacy if an AI tool (particularly a genAI tool) that is not limited to the court's IT environment is used. Uploading a guardianship report to the public version of ChatGPT, Bard, or Claude, for example, poses unacceptable risks to the privacy of the individuals involved because that data may be used to train the underlying dataset, and specific information could be “regurgitated” to other users. Judicial officers and court staff should also have basic AI literacy and understand how AI works. Education materials are available at ncsc.org/ai.

The table below is adapted from “The Spectrum of AI Integration: The Case of Benefits Adjudication” (Martin et al., 2024) and provides some of the possible uses of AI in monitoring guardianships and conservatorships.

Table 1: Sample uses of AI in guardianship monitoring

AI task	How it may be applied in guardianship	Level of risk*
Basic process automation	Automating internal processes, such recording the date a document was received and requesting a follow up from the guardian or conservator if potential errors are flagged.	low
Improved OCR	Leveraging AI to improve OCR to retrieve data from and route documents	low
Checking for potential errors	Checking for potential errors, including math errors and missing information	low
Flagging issues to investigate	Flagging cases for further review based on potential fraud, identical reports, or indications that the person has regained capacity	low
Clustering cases for review or scheduling	Identifying the level of review required and routing to the appropriate staff person or judicial officer	low
Document interpretation and translation	Summarizing, translating, and surfacing relevant information from documents	medium
Preliminary decision	Preliminarily determining action on the guardianship or conservatorship, subject to an appropriate staff person or judicial officer's review	high
Customer service chatbot	Interfacing with guardians and conservators to answer questions about reporting requirements or guardianship powers	high

*with appropriate review

Basic Process Automation

One of the fundamental capabilities of AI is basic process automation, which can be used to automate internal processes. In guardianships, basic process automation can be paired with improved Optical Character Recognition (OCR) to indicate that a form has been received, retrieve relevant information from forms for placement in a guardianship database, recognize when items have been left blank, and trigger a request to a guardian or conservator to complete the missing items or submit a missing form. It can also send a notification to the guardian or conservator that a review is complete. This routine work is low risk, with a human needed only to verify the work.

Improved OCR

OCR has improved tremendously in the last several years. When paired with AI, OCR improves in its ability to contextualize and identify key data from documents and to place that data in a case management system or other data system. Even handwritten documents, which are sometimes received from family guardians and conservators, can be transformed into data with OCR. The improved OCR can also identify the type of document and route it to the appropriate staff person for review. This routine work is also low risk.

Checking for Potential Errors

Checking for potential errors is an area of great promise for AI in guardianship. AI tools can check for math errors in conservatorship reports, reports submitted that are identical to the previous year's report, and missing information such as unanswered questions. With training and verification, this is a low-risk use.

Flagging Issues to Investigate

Once the AI system has checked for potential errors, it can flag issues for human review. In addition to the examples of errors already provided, it can also flag cases where there is an indication that a person has regained capacity, there are concerns about the person's safety or well-being, the guardian is struggling, or the guardian has not provided enough information to be able to assess those areas (National Center for State Courts, 2022b). Specific areas to flag about the person's well-being can include:

- a lack of visitation or face-to-face contact by the guardian;
- the person becoming homeless;
- missed or unscheduled medical appointments; or
- a change in residence without approval of the court.

For conservatorships, an AI tool can check for concerns in financial reporting, including:

- an unexpected change in the value of the estate;
- missing assets;
- missing income sources;
- missing payments;
- cash withdrawals;
- payments to individuals; or
- inappropriate purchases (National Center for State Courts, 2022a).

As with checking for errors, with training and verification and human review, this is a low-risk use.

Clustering Cases for Review or Scheduling

Depending on the errors identified and issues flagged, AI can be used to route the report to the judicial officer or staff member best situated to respond. Issues relating to the same guardian or the same attorney can be clustered for scheduling purposes. This is a low-risk use.

Document Interpretation and Translation

AI can be extremely helpful in document interpretation and translation but must be used with caution in guardianship and conservatorship cases. In cases where the guardian or conservator is not comfortable reporting in English, AI-enhanced translation tools can be helpful, but are not a substitute for a skilled translator knowledgeable in the law and guardianship issues specifically. As long as this work is regularly reviewed, it is medium risk.

Preliminary Decision

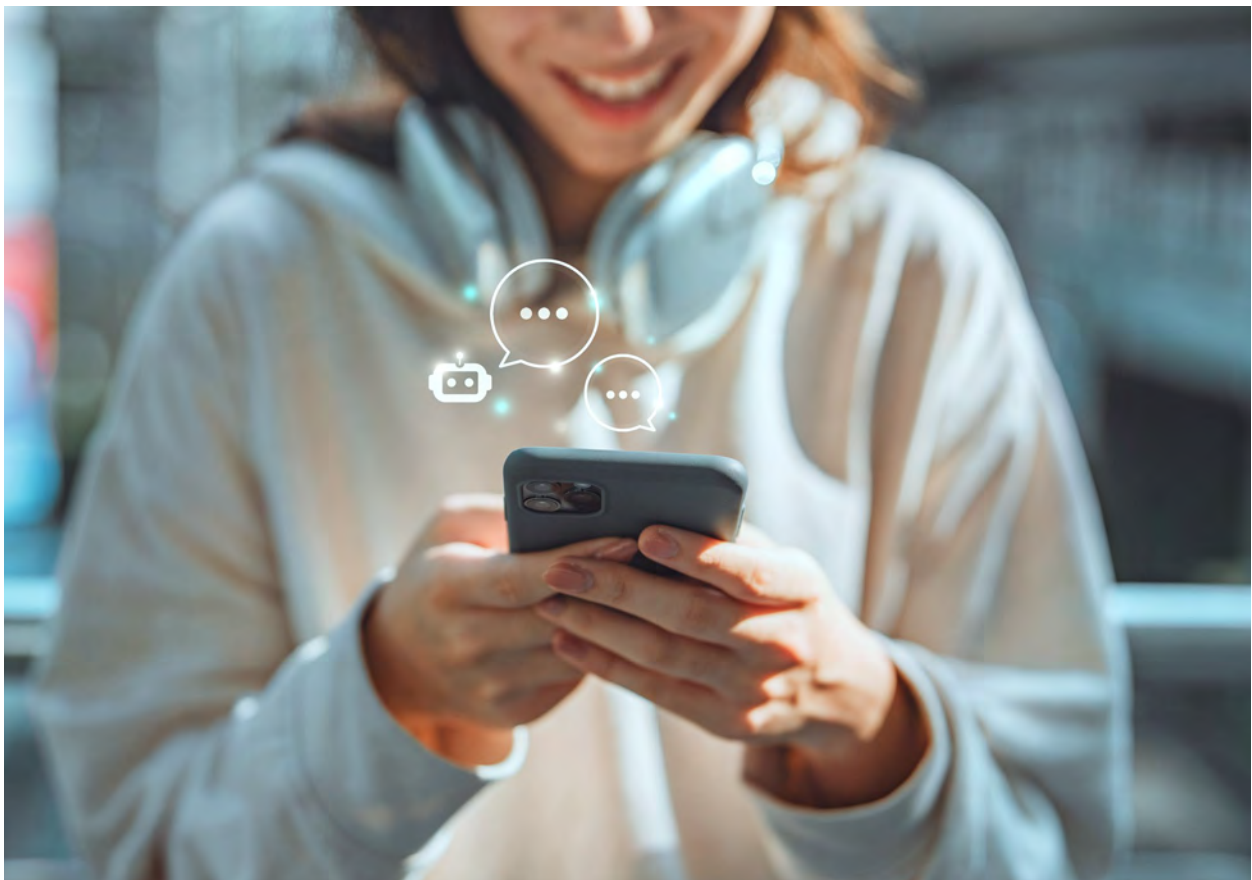
Although a judicial officer should always make the decision about what happens in response to a flagged issue, an AI system could be trained on a [judicial response protocol](#) for guardianship and conservatorship cases. Providing a judicial officer with the flagged issues and possible responses would allow the judicial officer to respond promptly and effectively. This is a high-risk use, but with appropriate training and understanding of how the system works AI could provide useful information to judicial officers for their decisions.

Customer Service Chatbot

Because many guardians and conservators are not professionals but rather family members, they often have questions about common procedures, such as how to complete a form. A customer service chatbot can be trained on the court's policies and procedures and self-help materials to respond to plain-language questions. A chatbot can also be connected to the court's records to indicate to a person when a report is due and whether the guardian is in good standing in terms of required education or registration. A chatbot can also provide information to friends or family members who wish to express concerns about a guardianship or conservatorship. This is also a high risk use and great care must be taken in training and testing the chatbot.

Conclusion

To the knowledge of this author, AI is not currently being used to monitor guardianships, but at least two states are currently working to implement AI in guardianship review. Additionally, courts have implemented relevant pieces of the AI, including the use of chatbots (see, for example, Orange County, California and the State of Alaska) and robotic process automation as in Palm Beach County, Florida (“AI+RPA=First-In-The-Nation Solution for Palm Beach County Clerk of the Circuit Court,” 2021). The use of AI in monitoring guardianships is a promising practice that can ensure that courts follow up promptly on missing reports, extract relevant data from reports, identify concerns, route reports for review, elevate issues for action, and provide the status of report review to the guardian or conservator. This innovation will allow court staff to spend more time on cases that require more intervention and provide a higher level of protection to individuals subject to guardianship and conservatorship.



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4

Zealous Advocacy, Alternatives, and Monitoring: Adult Guardianship Innovation in Pennsylvania

Representation for all persons with, or alleged to be in need of, a guardian; promotion of less restrictive alternatives to guardianship; and improvements to guardianship monitoring have advanced access to justice for older Pennsylvanians. These exciting innovations may have broader application in adult guardianships across the country.

Joan Bertone

Grant Compliance Coordinator, Office of Elder Justice in the Courts, Administrative Office of Pennsylvania Courts

Cole Benko

Analyst, Office of Elder Justice in the Courts, Administrative Office of Pennsylvania Courts

According to the U.S. Census Bureau (2023), 19.32 percent of the nation's population was age 65 and over in 2022, and that number is expected to rise to 25.94 percent by 2040, so work to address the wellbeing of the nation's growing population of older adults is essential. In 2015 the Advisory Council on Elder Justice in the Courts (Advisory Council) and the Office of Elder Justice in the Courts (OEJC), a department within the Administrative Office of Pennsylvania Courts (AOPC), were created by the Supreme Court of Pennsylvania to assist in implementing

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the 2014 Report and Recommendations of the Elder Law Task Force.¹ In collaboration with the Advisory Council and other elder justice and government entities, the OEJC works to enhance older Pennsylvanians' ability to fully participate in legal proceedings, protect them from abuse, and promote best practices for addressing elder abuse and neglect, guardianship, and access to justice in Pennsylvania courts.

Adult Guardianship in Pennsylvania

When an adult is deemed incapacitated by a court in Pennsylvania, a professional or family /lay guardian may be appointed who is responsible for making financial, medical, and personal decisions on their behalf. Courts may appoint a guardian of the person, guardian of the estate (sometimes referred to as conservator in other states), or both, depending on the needs of the person. As of October 31, 2024, there were 20,453 adults with guardians in Pennsylvania and 726 adults with pending guardianship petitions.

Guardianship should always be the last resort when no less restrictive alternatives are appropriate to maintain the safety and well being of the person alleged to be in need of a guardian. This is because guardianship curtails the rights of the person, depriving them of civil and decisional rights by appointing a guardian to make financial, medical, and personal decisions on their behalf. In 2023 the Pennsylvania legislature amended a statute related to adult guardianship. The new legislation, Act 61 of 2023 (Act 61), had its genesis in the work of the Advisory Council and the efforts of the OEJC and has sparked change and innovation to improve guardianship in Pennsylvania.



¹ <https://perma.cc/9JUX-NC3D>

Attorneys and Due Process Protections

When a guardianship petition is filed, the person alleged to be in need of a guardian has certain rights and protections under the law. These include the right to receive notice of the proceeding, be represented by an attorney separate from the petitioner or other party's attorney, have a hearing on the need for guardianship, present evidence and witnesses, cross-examine witnesses, have guardianship ordered only based on clear and convincing evidence, receive notice of guardianship orders, and appeal the court's decision. The attorney representing the person alleged to be in need of a guardian is expected to zealously advocate for the wishes and desires of their client. Representation by counsel is often central to the ability of a person alleged to be in need of a guardian to exercise their legal rights, as they may not be aware of those rights or able to act on them independently. Given the potentially life-changing outcome of guardianship proceedings, protecting due process rights is essential.

Act 61 of 2023

Since June 2024 when Pennsylvania's Act 61 took effect, courts are required to appoint counsel for persons with or alleged to be in need of a guardian in all guardianship proceedings regardless of their ability to pay unless they choose to retain private counsel.² Appointed counsel must serve as a zealous advocate for their client's desires and wishes.

Additionally, Act 61 requires petitioners and the court to make specific findings of fact as to why less restrictive alternatives to guardianship are not adequate before a guardian is appointed. The court must also schedule a review hearing at the time of the final decree ordering a guardianship, to be held within one year of the order date, for cases in which there is evidence that the person's capacity may change. Another significant change brought about by Act 61 is the requirement for professional guardians, defined by statute as individuals who serve as guardians for three or more persons to whom they are not related, to be certified by a nationally recognized program.

Elder Justice Innovation Grant

In September 2022, the OEJC was awarded a three-year Elder Justice Innovation Grant from the federal Administration for Community Living to further its work to protect older Pennsylvanians and implement improvements in the handling of adult guardianship cases. The overarching goals of the OEJC's grant are to ensure due process for persons with, or alleged to be in need

² 20 Pa. C.S. section 5511(c)

of, a guardian, improve guardianship monitoring to prevent abuse and exploitation, and promote alternatives to guardianship. The OEJC launched 14 grant-funded projects with these goals in mind. Several of these projects focus on providing education to guardians, courts, medical and financial entities, other stakeholders, and the public.

Legal Services Pilot Project

While Act 61's requirement for legal representation in guardianship proceedings is key to the protection of due process rights, it can be challenging for courts to identify an adequate number of trained and experienced attorneys who will accept appointments on guardianship cases. There are several contributing factors that can make appointments difficult, including the often lower-than-average hourly rate offered to court-appointed attorneys, challenging nature of some guardianship cases, and special training and experience needed to zealously advocate for their clients in these cases.

One potential approach to ensuring that all persons with, or alleged to be in need of, a guardian are appropriately represented in guardianship proceedings is for courts to contract with a legal services organization (LSO) to provide this representation. Local legal services organizations currently serve every county in the commonwealth, so the infrastructure for this approach is already in place.

An LSO can offer specialized training to its attorneys and assign the same attorneys to many of these cases. This allows them to develop expertise in guardianships and quickly gain experience, thus benefiting their clients and the court by providing consistent, highly skilled representation. LSOs can structure contracts with courts in a way that works for both parties. In Pennsylvania, court-appointed attorneys are paid by their client's estate if the court determines they have adequate funding, otherwise they are paid by the county. The county is then reimbursed by the state's Department of Human Services the following year.³ Similarly, a county could contract with an LSO and be reimbursed by the state.

The OEJC coordinated a grant-funded pilot project with MidPenn Legal Services (MidPenn) and courts in four Pennsylvania counties to provide free legal representation in all guardianship cases for adults aged 60 and older. "Guardianship is sometimes necessary for persons with diminished capacity or persons with a disability in managing their affairs," said the OEJC's Senior Judge Paula Francisco Ott. "The appointment of counsel through this partnership is a tremendous benefit to all older Pennsylvanians, further ensuring that their concerns, wishes and rights are respected and protected at every step of the legal process."

3 20 Pa. C.S. section 5511(c)



Data collected from the pilot project includes hours worked on each case, case type, and case outcome. These pilot data, along with available statewide data, were used to measure the effects of the appointment of attorneys. Data entered into the Guardian Tracking System (GTS), Pennsylvania's statewide guardianship monitoring system, by court users for the period of December 1, 2023, through November 30, 2024 (study period), indicated that 99 percent of persons aged 60 and over alleged to be in need of a guardian were represented by counsel at guardianship hearings statewide. Given the almost-universal representation of these individuals at guardianship hearings, case outcome data for this group was compared to that of the cases included in the pilot project to measure any change in outcome correlated with an LSO model of legal representation.

The OEJC compared case outcome data entered into GTS by court users for persons aged 60 and over alleged to be in need of a guardian to case outcome data provided by MidPenn for the pilot project in the study period.¹ Statewide, 79 percent of petitions for guardianship resulted in a

plenary guardianship being ordered.ⁱⁱ Four percent of petitions resulted in a limited guardianship being ordered, and the remaining 17 percent resulted in no guardianship being ordered. For cases included in the pilot project, 40 percent of petitions resulted in plenary guardianship being ordered, 28 percent resulted in limited guardianship being ordered, and 32 percent resulted in no guardianship being ordered.

The differences in case outcome rates are significant and suggest the LSO model and approach to zealous representation of persons alleged to be in need of a guardian positively affects the preservation of rights of the individual. The percentage of plenary guardianships being ordered is nearly halved, while the sevenfold increase in limited guardianships being ordered suggests that MidPenn's attorneys advocated effectively to preserve their clients' decision-making powers where possible, even when a guardianship was needed. The percentage of cases where no guardianship was ordered nearly doubled, suggesting that alternatives to guardianship are being pursued and recognized wherever possible in pilot project cases. Since June 2024, Act 61 requires a thorough exploration of alternatives to guardianship in all cases and a preference for limited guardianship where possible in lieu of plenary guardianship.

Judge John Joseph McNally presides over guardianship proceedings in Dauphin County, one of the counties participating in the pilot project. In October 2024, he stated "In the ten months since the launch of the pilot program, we have been able to achieve more equitable outcomes with counsels' zealous advocacy, family engagement and a more collaborative thought process." Judge McNally's observations are borne out in the data, which suggests that the LSO pilot model has resulted in significant preservation of rights for persons alleged to be in need of a guardian in counties participating in the pilot project.

Based on data provided by counties for reimbursement of fees for court-appointed attorneys for guardianship proceedings in 2023, counties paid court-appointed attorneys an average of



\$1,014.14 per case.ⁱⁱⁱ It is expected that the average fee per case will increase in 2024, since Act 61 requires a thorough review and consideration of less restrictive alternatives in guardianship proceedings, which is likely to require more hours of work per case on the part of the attorney to ensure all alternatives are being considered in accordance with their client's wishes. In the first year of the pilot project, the median cost per case involving a new guardianship petition for adjudication was \$1,447.15.^{iv} While this is a significant increase over the statewide average for 2023, this is to be expected given the time and effort required to explore potential alternatives to guardianship, gain meaningful understanding of clients' wishes, and protect their legal rights by advocating that any guardianship ordered be limited to the extent possible.

Guardianship Tracking System Enhancements

The OEJC and AOPC's Information Technology (AOPC IT) department collaborated on another grant-funded project to develop and implement enhancements to the Guardian Tracking System. Created by AOPC IT, based on a recommendation of the Elder Law Task Force Report, GTS was first introduced in 2018 and has since become a nationally recognized model for a statewide guardianship monitoring system. GTS is used by Pennsylvania's guardians and courts to streamline guardianship reporting and monitoring. Since its inception, professional and family/lay guardians have used GTS to file annual reports, inventories, and final reports. GTS also has improved the courts' ability to monitor guardianships and protect persons with a guardian by allowing court staff to easily identify late reports and setting automated flags on potential areas of concern.

These enhancements are aimed at improving compliance and accuracy of data entry to expand its efficacy, improve the reliability of data received from the judicial districts and clerks' offices,



and increase interoperable functionality. One such enhancement allows the system to send real-time alerts to all courts that have a guardianship case with an active guardian who has been removed from a case anywhere in the state due to abuse, neglect, or financial exploitation. This feature allows the courts to use their discretion and take action on any guardians who are identified via these notifications.

Building upon this important court notification functionality, the OEJC and AOPC IT are implementing a GTS enhancement under the grant which will identify any active guardians in GTS who have been charged with a crime. Currently, any new guardian is required to submit a Pennsylvania State Police Criminal Background Check dated within six months from the date of the appointment. Any criminal charges against the guardian after this initial background check must be self-reported by the guardian through the annual report filed by the guardian.

The creation of a guardianship criminal record match, which is slated to be the most intensive GTS grant-funded enhancement, will eliminate the courts' reliance on the guardian's self-reporting. In conjunction with a prior GTS enhancement developed under the grant requiring guardians to provide key identifying information, such as Social Security number, driver's license number, and date of birth, the GTS key identifier information will be compared to the AOPC statewide criminal database on a recurring automated basis to identify and match any guardians active on a case in GTS who have been recently charged with a criminal or non-traffic offense.^v Once implemented, GTS will notify all courts of any active guardian matches in their county and provide the courts this information to handle these specific instances at their discretion.

Other Grant Projects

In addition to the LSO pilot project and enhancements to GTS, other grant-funded projects have furthered improvements to the guardianship system and access to justice for older Pennsylvanians. One other project supporting reform in adult guardianship is the development of 14 educational videos for guardians and members of the public that provide an overview of guardianship and alternatives to guardianship in Pennsylvania, an in-depth look at guardianship of the estate and person, and more. The Guardian Training Series provides newly appointed guardians, prospective guardians, and other members of the public with guidance on the roles and responsibilities of a guardian. Additional videos are being developed for attorneys representing clients in guardianship proceedings.

Opportunity and Change

New legislation, the efforts of the Advisory Council and other stakeholders, the work of the OEJC, and several grant-funded projects have been central to increased protection and access to justice within Pennsylvania's guardianship system. Zealous representation for all persons alleged to be in need of a guardian was shown to significantly increase the preservation of their rights, while enhancements to GTS improved the courts' ability to monitor the safety and wellbeing of persons with a guardian. Sustainable improvements built upon the work of the last several years will be critical to the ongoing transformation of the adult guardianship system in Pennsylvania, which is essential to supporting the safety, well being, and financial security of this growing population while also protecting their legal rights, freedom, and access to justice.



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End Notes

- i This data, based on case actions entered by court users in GTS, represents aggregate totals of petitions filed and guardianships granted by guardianship type, is not an exact comparison, since some cases with petitions filed during the study period did not conclude before the end of the period, and some guardianships granted during the study period were for cases filed before the start of the period.
- ii Only guardianships granted with a guardianship type of plenary in GTS (person only plenary, estate only plenary, and person and estate plenary) were considered to be plenary, while cases that included a limited guardianship in at least one domain (person or estate), even if a plenary guardianship was granted in the other domain, were considered to be limited guardianships for the purposes of this analysis.

iii

2023 Data Reported by Counties for Act 24 Reimbursement	
Number of Counties Included*	52
Number of Cases with Counsel Fee Paid by Counties	1548
Total Fees Paid by All Counties	\$1,569,891.62
Average Fee Paid to Counsel per Case	\$1,014.14

*The OEJC received copies of 2023 Act 24 Reimbursement forms from 56 out of 67 total counties in Pennsylvania. Of the 56 counties reporting, 52 counties indicated that they made payments for court-appointed counsel in guardianship proceedings in 2023.

- iv Prior to the start of the pilot project, MidPenn submitted a proposed budget for the project based on the hourly rates of their attorneys and staff, anticipated administrative costs, and other overhead expenses. This budget was used by the OEJC to estimate an hourly rate of

\$103.00 inclusive of all costs identified in MidPenn's budget. This rate was used to calculate the average cost per case for all adjudicatory cases to which a MidPenn attorney was appointed. In the first year of the pilot project, MidPenn was appointed to 85 cases involving new guardianship petitions for adjudication, including 57 cases for which proceedings had concluded by November 30, 2024. For these 57 cases, the median number of attorney hours worked per case was 14.05, resulting in an average cost per case of \$1,447.15.

- v All non-traffic-related charges and traffic-related charges graded as a misdemeanor or higher, such as a DUI, will be included in the GTS criminal records data match.



5

Maryland Judiciary's Family Mediation and Effective Screening for Abuse Project

This article outlines Maryland's statewide efforts to develop an effective intake process to screen child access cases for intimate partner violence (IPV) to ensure that cases are appropriate for mediation.

Annamaria M. Walsh

Director, Alternative Dispute Resolution
Division, Appellate Court of Maryland

Richard P. Abbott

Director, Department of Juvenile and Family
Services, Maryland Administrative Office of
the Courts

According to the World Health Organization, Intimate Partner Violence (IPV) “refers to behavior within an intimate relationship that causes physical, sexual, or psychological harm, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviors.” This definition covers violence by both current and former spouses and partners.¹ As Maryland jurisdictions increasingly implement mediation alternatives for family law cases, it has become clear that the need for effective IPV screening is crucial. IPV screenings ensure that mediation processes and agreements are voluntary, based on the parties’ self-determination, and do not further endanger survivors of IPV. The Maryland Judiciary’s Family Mediation and Effective Screening for Abuse Project was specifically developed to address these concerns. It focuses on screening all child access cases in Maryland to determine whether mediation is appropriate and whether precautions should be put into place, both to

1 See <https://perma.cc/H5CY-K9NH>.

ensure the physical safety of a party who has experienced IPV and to avoid placing them in a position where they could be coerced into making an agreement that is unwanted or unsafe.

This article outlines the Maryland Judiciary's efforts to screen family law cases for physical abuse, coercive control, or both to ensure that mediation referrals in child access cases are appropriately made by courts. The hope is that the lessons learned through this initiative will help other courts develop or refine their screening processes.



Why Is Screening Necessary?

Before mediation takes place, it is critical to screen cases for IPV to protect potential victims and to assess whether mediation is feasible. The power imbalance inherent in abusive relationships can make fair and productive mediation difficult, potentially putting survivors at further risk of harm.

It is commonly understood that physical safety is a paramount concern during family mediation. In Maryland, court-ordered family mediations may take place in a court facility or in a mediator's private office, so security measures for those entering and leaving the building are not always possible. In either location, victims may be required to sit near their abusers in an environment where they do not feel safe.

Although some may think that conducting mediation via videoconferencing services such as Zoom solves the problem of safety risks associated with in-person mediation, even in virtual mediations the trauma of interacting with an abuser can impact the well-being of the survivor and the integrity of any agreement reached. Mediation is grounded in the principle of self-determination. Participants must be able to assert their own interests and voluntarily enter into agreements for the process to be fair. IPV survivors can struggle with asserting their needs due to manipulation, intimidation, or fear. Without proper screening, litigants who lack advocates, may find themselves in situations that do not protect their interests, leading to potentially harmful consequences. On the other hand, not all cases in which a party has experienced IPV in the relationship are inappropriate for mediation. Mediation approaches designed to protect a party's physical and emotional safety can still be a viable option in some cases that demonstrate concerning levels of IPV. Research has indicated that even in these cases, parties report better short and long-term outcomes for their families and shorter resolution times when compared to litigation.²

2 Holtzworth-Munroe, A., C. J. Beck, A. G. Applegate, J. M. Adams, F. S. Rossi, L. J. Jiang, C. S. Tomlinson, and D. F. Hale (2021). "Intimate Partner Violence (IPV) and Family Dispute Resolution: A Randomized Controlled Trial Comparing Shuttle Mediation, Videoconferencing Mediation, and Litigation." 27:1 *Psychology, Public Policy, and Law* 45.; Holtzworth-Munroe, A., C. J. Beck, A. G. Applegate, F. S. Rossi, J. M. Adams, L. J. Jiang, C. S. Tomlinson, and D. F. Hale (2021). "Intimate Partner Violence and Family Dispute Resolution: 1-year Follow-up Findings from a Randomized Controlled Trial Comparing Shuttle Mediation, Videoconferencing Mediation, and Litigation." 27:4 *Psychology, Public Policy, and Law* 581.

Maryland's Screening Efforts

Maryland began adopting screening tools for family law cases in March 2005. However, the initial screening methods were inconsistent across jurisdictions and too often incomplete. Some cases that should have been excluded from mediation were allowed, while others that could have benefited from mediation were not allowed to participate in the court's mediation program. Recognizing these issues, the Maryland Judiciary's Domestic Law Committee established the Family Mediation and Abuse Screening Workgroup in January 2020. This group was tasked with reviewing Maryland Rule 9-205, which governs child custody and visitation disputes, to refine the process for screening child access cases and determining the appropriateness of mediation.

The original rule focused solely on physical violence or threats of bodily harm. However, the workgroup successfully advocated for an expansion of the definition of abuse to include "coercive control," which encompasses emotional or psychological manipulation and intimidation. This change was implemented after the workgroup's efforts led to a modification of Maryland Rule 9-205³ by the Supreme Court of Maryland.

The next step for the workgroup was selecting the best tool for screening child access cases for abuse. After reviewing several options, they recommended the Mediator's Assessment of Safety Issues and Concerns (MASIC)⁴ — an empirically validated screening tool — be used statewide. The workgroup collaborated with Professors Amy G. Applegate and Amy Holtzworth-Munroe from Indiana University, who helped develop a shorter version of the MASIC, known as the MASIC-S with Danger Assessment (DA),⁵ for a pilot project in the Circuit Court for Baltimore County.

3 [Maryland Rule 9-205](#) defines "Coercive Control" as "a pattern of emotional or psychological manipulation, maltreatment, threat of force, or intimidation used to compel an individual to act, or refrain from acting, against the individual's will."

4 Holtzworth-Munroe et al., 2010

5 MASIC-S w/DA; Applegate et al., 2020; Rossi et al., 2022. The Danger Assessment is the original empirically derived measure of risk of lethality among female IPV victims, Campbell et al., 2009.

The Pilot Project and MASIC-S with DA Analysis

In the fall of 2021, the Baltimore County Office of Family Mediation (OFM) launched the pilot project⁶ to test the MASIC-S with DA tool. This project aimed to evaluate the effectiveness of the tool in identifying IPV and assessing the physical and emotional safety of mediation for parties involved in child access cases. The MASIC-S with DA tool is a questionnaire that contains 26 behaviorally specific questions encompassing physical violence, sexual violence, threats of severe violence, coercive control, and stalking. It also considers the party's IPV-related past and current fear of the other party, incidence and severity of injury, and party concerns about engaging in mediation. The party's responses to the questionnaire yield a score that scales the level of abuse and IPV the party has experienced in the relationship. In conjunction with the screener's clinical judgment,⁷ the score informs the determination of whether mediation is appropriate in the case. In the pilot project, the screener's recommendation of whether mediation was appropriate was communicated to the court, but the party's actual responses remained confidential and were not shared beyond the screener and the mediator⁸ assigned to the case.

Between September 2021 and August 2022, the OFM processed 1,027 contested child access cases. Of these, the parties in 991 cases were ordered to complete the MASIC-S with DA screening by a due date set approximately two weeks before the parties' first court appearance.⁹ Each case was randomly assigned to one of two screening formats: a screener-administered interview that was held separately with each party via Zoom or a self-administered format where each party was provided with a link and QR code to complete the questionnaire online. Although not every case involved both of the parties completing the screen, the parties from 929 cases completed enough of it to be included in analyses of format effectiveness and the resulting IPV information. Figure 1 summarizes party responses to each format.

6 Data and analysis related to the pilot project: Huber Gifford (2025). *Implementation and evaluation of evidence-based practices to support trauma-informed court reform* [Unpublished doctoral dissertation/master's thesis]. Indiana University Bloomington.

7 Thirteen experienced staff mediators, graduate level MSW and LCSW candidates, and a private MSW conducted the screenings.

8 Due to case management limitations, currently the screener's recommendation goes to the Court, but the party responses to the MASIC-S screening are not able to be shared in a confidential manner with the mediator assigned to the case.

9 In the Circuit Court for Baltimore County, the first court appearance for family cases is a scheduling conference, where a family magistrate meets with the parties and counsel, if represented, to ascertain the issues in the case, order appropriate court services (such as mediation), and set dates for future court events.

Figure 1: MASIC-S with DA Screening Formats (Sept. 2021 – Aug. 2022)

	Random format case assignment	Cases where enough of the MASIC-S with DA was completed by one or both parties for assessment of appropriateness for mediation
Screener-administered	463	422 (734 parties)
Self-administered	528	507 (820 parties)
Total	991 (1,982 parties)	923 (1,554 parties)

There were challenges with both formats. The screener-administered version involved assigning an appointment time for each party to attend the Zoom interview, which is difficult to execute when a party fails to provide an email address or reliable contact information in their pleadings. The screener’s preparation normally involved a review of the pleadings and a search of court records for past protective order cases between the two parties, and the interview itself could take anywhere from ten minutes to an hour per party, all of which contributed to staffing considerations.

One might assume then that the self-administered format would be a more viable option for family mediation programs, but staff at the OFM found it to be more labor intensive on the back end. This was due largely to the inability of the software used to match the party responses to their corresponding case. The result was that staff members were being assigned to comb through responses to match them up and assess the responses. In short, the self-administered format involved less time and effort for staff on the front end, but more steps on the back end that involved cumbersome and time-consuming work (although measures could be developed to improve functionality of the self-administered format).

After screening a case, the screener submitted their recommendation to the court for the family magistrate’s use at a scheduling conference. The recommendation included, if applicable, a recommendation for “specialized mediation” where safety measures for mediation are advised. Such safeguards can include: allowing only video-conferenced mediation; “shuttle” mediation where the parties remain separated throughout the mediation process, either physically in separate rooms or virtually in separate breakout rooms; security escorts to and from the building where the mediation is held; allowing the survivor to have an attorney or domestic violence

advocate present at the mediation session.¹⁰ The party reporting IPV was referred by the screener to local IPV support services for domestic violence counseling. The screener did not provide legal advice but encouraged the party to inform their attorney, if represented, about the referral.¹¹

In all, 573 (62 percent) of the cases that completed screening in the pilot project met the criteria for specialized mediation. Although those criteria are programmed into the MASIC-S with DA scoring software,¹² and thus can be modified, other studies involving versions of the MASIC have indicated that 25-40 percent of cases indicate a need for specialized mediation.¹³ It became clear to the Maryland workgroup that the implementation of a validated IPV screening tool, specifically the MASIC-S,¹⁴ was a desirable component for court family mediation programs.



¹⁰ A party who reports concerning levels of IPV should never be forced to mediate.

¹¹ The attorney for a represented party was allowed to attend the Zoom screening with their client but very few did.

¹² Qualtrics software was used in the pilot project.

¹³ Rossi et al., 2015; Holtzworth-Munroe, Beck et al., 2021

¹⁴ In an effort to further reduce the time necessary to conduct the MASIC-S interview and maximize court resources and in consultation with the MASIC team at Indiana University, the workgroup decided to eliminate the Danger Assessment lethality assessment from the screening.

Statewide Implementation of the New Intake Process

Assured by the results of the pilot project, the Maryland Judiciary through the Juvenile and Family Services (JFS) office began ensuring the new intake process was implemented in each circuit court in Maryland. This involves ensuring that jurisdictions have sufficient and appropriate personnel to conduct the intake process and jurisdictions that do not have those resources can be made part of a centralized effort to screen cases consistently. JFS is responsible for ensuring all screeners have the desirable skills and abilities to conduct intakes, that they are all trained and comfortable using the MASIC-S¹⁵ tool, and that they have the necessary resources, such as Zoom accounts, virtual phone accounts (Jabber), and access to the statewide court database.

The intake process ensures confidentiality. All responses provided during the intake interview are treated as confidential mediation communications under Maryland law. Party responses are not subject to discovery or disclosure except to the party's attorney with the party's consent.

In the six months since statewide implementation began, a total of 1,657 cases were referred to screeners. Figure 2 shows the breakdown of the cases referred to case screeners.

Figure 2: Results of Cases Referred to Screeners

Results May 1 - October 31, 2024	Total Cases	Percent
Completed Screen		
No Restrictions for Mediation	239	36
No Mediation	252	38
Shuttle/Remote Only	172	26
Total Completed	663	
No Need for Screen		
Agreement	54	18
Case Dismissal	57	19
No Minor Children	119	40
Third Party/Grandparent	68	23
Total No Need	298	

¹⁵ For reasons beyond the scope of this article, Maryland has eliminated the Danger Assessment portion of the MASIC-S tool.

Results May 1 - October 31, 2024	Total Cases	Percent
Unable to Screen		
No Contact Information	237	34
No Response from Party/Parties	459	66
Total Unable to Screen	696	
Total Referred	1,657	
Completed Screen		40
No Need for Screen		18
Unable to Screen		42

One major hurdle for the project are those cases where the screeners are unable to conduct a screen, either because of a lack of contact information for a party or parties, or because a party or parties fail to respond to a screener. However, a recent change in process has resulted in more completed case screens. Magistrates are now obtaining contact information and explaining the importance of screening to the parties at the scheduling conference, then referring parties back to JFS for screening.

For those case screenings that have been completed, 239 (36 percent) of the cases were recommended to proceed to mediation without any restrictions; 172 (26 percent) of the cases were recommended to specialized mediation, but with some type of accommodation, such as remote only or shuttle mediation; and 252 (38 percent) were recommended not to be referred for mediation due to heightened levels of IPV. So, the results of cases that have been completed show that 62 percent of cases screened are appropriate for mediation, but a good number (26 percent) need some type of accommodation.

As we expand implementation to all 24 circuit court jurisdictions, JFS will continue to monitor, compile data, and evaluate whether the screenings are adhering to the recommended protocols and meeting the goals of the new intake process.

Conclusion

The Maryland Judiciary's new intake process for family law cases represents a significant advancement in meeting several key goals.

1. **Prioritizing Safety:** Screening for IPV and other forms of abuse helps identify vulnerable parties early and refer them to appropriate services.
2. **Ensuring Appropriate Use of Mediation:** Mediation is only recommended in cases where it is physically and emotionally safe, preventing further harm to vulnerable parties, particularly abuse victims.
3. **Streamlining the Process:** The process is designed to be efficient while maintaining confidentiality and thoroughness, with options for both Zoom interviews and self-administered online questionnaires.
4. **Providing Support:** Referrals to domestic violence counseling and other services offer support to families as they navigate the family law system.

By identifying abuse and safety concerns early on, the judiciary is advancing its broader commitment to improving family law procedures, providing better support and outcomes for families, and helping all parties work toward more effective and sustainable resolutions.

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6



Growing Role of Guided Interviews for Self-Represented Litigants

Courts are turning to guided interviews, user-friendly digital tools designed to simplify legal processes for self-represented litigants.

Aubrie Souza

Senior Court Management Consultant,
National Center for State Courts

Zach Zarnow

Deputy Managing Director, National Center
for State Courts

The dramatic shift in the makeup of state court users is increasingly challenging courts. Since the 1990s, state court cases with at least one self-represented litigant (SRL) surged from just 4 percent to 55 percent, with some case types regularly reaching 60–100 percent. This shift has forced courts to rethink how to provide access to justice and adapt to better support SRLs.

An increasingly promising piece of the solution is the court's use of guided interviews. These user-friendly digital tools offer assistance for document assembly, providing tailored legal information, and transforming how courts assist self-represented litigants across case types.

This article examines how courts leverage guided interviews to help SRLs complete pleadings, access legal information, and successfully engage with court processes. This piece highlights the use of these innovative tools to promote fair and efficient legal proceedings and access to justice.

Court Forms

A court form is typically the introduction to the formal legal process; forms are the system of communication between parties and the court. Traditionally, courts designed forms to meet administrative needs. Like database fields, forms presented labeled sections for court users to fill in blank lines or checkboxes, often without additional guidance.

To better serve SRLs, courts are updating forms by replacing legal jargon with plain language, adding guidance and instructions, and reformatting and reorganizing for easier navigation. Yet, the fact persists that court forms are complicated and unfamiliar for most people who must use them.

The challenge with forms is not just filling in blanks; it is understanding the legal implications of the answers, ensuring accuracy and completion, and meeting procedural requirements. Filing inaccurate or incomplete forms can delay cases and lead to unfavorable outcomes or dismissals, further exacerbating the difficulties for SRLs and the court hearing these cases.

Guided Interviews

To address these challenges, courts are turning to guided interviews, user-friendly digital tools designed to simplify legal processes for SRLs. Much like TurboTax's approach to tax filing, guided interviews break down complex legal processes into simplified, plain-language questions with personalized guidance to assist with completion. These tools assist with drafting accurate and complete legal documents, connecting users to legal information, providing legal help referrals or advocacy services, and identifying next steps.

The physical constraints of paper forms inherently limit their functionality. Unlike paper, guided interviews expand the universe of features and functions to provide dynamic support. By leveraging these capabilities, guided interviews transform the form-filling experience.

Breaking Forms into Manageable Steps

Rather than present the entire form, guided interviews break the forms into manageable, bite-size pieces. These tools deconstruct the paper form and display one question (or a related group of questions) at a time. This improves the user experience by using manageable "chunks" of questions and organizing them in an order that helps the user progress. Similarly, where no standardized form exists, guided interviews provide structured guidance to draft pleadings. This step-by-step format helps court users focus on each question or topic and reduces the exhaustion resulting from a full form or blank page.

Guided interviews not only break down the physical form but also translate fields into intuitive, plain language. For example, instead of a field for “Grounds for Divorce,” the tool may ask, “Why are you filing for divorce?” Legal jargon such as “irretrievable breakdown” becomes a clear yes-or-no question, such as, “Do you and your spouse agree that your marriage cannot be fixed?” These plain language translations ensure clarity, making it easier for court users to understand and actively participate in their cases.

To further support comprehension, these tools introduce new information or instructions when relevant and usable, known as “just-in-time learning.” This includes instructing users to gather materials before beginning, defining terms, linking external resources, providing visual aids for clarity, and offering example responses to guide users. Finally, these tools complete the form and offer the user a chance to review and make any edits before submission.

Figure 1. Appeal or Stay Your Eviction.

The screenshot shows the 'CourtFormsOnline' interface for 'Appeal or Stay Your Eviction'. The sidebar on the left includes links for 'Case Information', 'Motion to Stay Eviction', 'Affidavit of Indigency', and 'Complete Forms'. The main content area features a question: 'Have you received a 48-hour notice?'. Below this question is an example of a 'Forty-Eight Hours Notice to Vacate Premises' form. The example form includes fields for 'Tenant', 'Apartment', 'Street', 'City, State, Zip', and 'Date'. It also contains a section for 'The Constable' with fields for 'Name', 'Street', 'City, State, Zip', and 'Telephone'. Below the example form, there are two radio buttons labeled 'Yes' and 'No' for the user to select. At the bottom of the page, there are 'Undo' and 'Next' buttons, and a link to 'Sign in or register to save your progress (optional)'.

Here is an example of “just-in-time” learning. The guided interview provides a definition and an example image of the 48-hour notice to help the user answer the question.

Using Logic to Adapt to Court Users' Unique Situations

Guided interviews can adapt to each user's unique situation and help them navigate forms in a way that ensures completeness. Using the court user's answers that define their circumstances, guided interviews automatically skip inapplicable questions and sections. Paper forms employ tactics to help skip sections, but the court user must recognize and implement the instructions properly. Similarly, a user might not realize they are using the wrong paper form, even with warnings on the page. Automatic sorting in guided interviews eliminates the need for users to analyze the form to determine if it is right for them, which sections are applicable, and prevents accidental omissions (Figure 2).

Figure 2. Traffic Resolution Information Platform (TRIP).

The screenshot shows the 'About you' section of the TRIP interface. The header bar is dark blue with the text 'Salt Lake City Justice Court Traffic Resolution Information Platform' on the left and 'EXIT' on the right. Below the header, there is a 'Back' button on the left and a 'Continue later' link on the right. A vertical navigation menu on the left lists several options: 'Welcome', 'The basics', 'Finding your citation', 'About you' (which is highlighted with a blue bar), 'About your driving history', 'About the incident', 'About the citation', and 'Eligible programs'. The main content area is titled 'About you' and contains three questions, each with a 'Choices:' label and two input fields: 'Yes' and 'No'. The questions are: 'Are you 21 years old or older? *', 'Do you have a Commercial Driver's License (CDL)? *', and 'Do you have a Utah Driver's License? *'. At the bottom right of the form is a green 'Continue' button.

TRIP assists court users in the Salt Lake City Justice Court by navigating the programs available to resolve traffic matters. The screenshot above collects key eligibility criteria. Based on the user's answers, the tool customizes the path to provide the options available to them.

Guided interviews also reuse answers to personalize the user experience and reduce the need for repetition. For example, once the parties' names are defined, names are inserted into the questions about each party. This feature mimics conversation by speaking directly to users about their cases and increases clarity. Similarly, repeat data such as addresses are reused on the form effortlessly, minimizing the need to repeat answers and allowing court users to focus on more challenging sections.

Guided interviews also perform calculations, apply formulas, or convert data into required formats. This allows court users to enter information intuitively. For example, a court user may be best able to state their income in a weekly amount. The tool can assist by converting the amount to an annual or monthly income to match the required form field. Assistance with calculations is essential for complex forms, such as child support guidelines worksheets or an affidavit of indigency, which require detailed organization and calculations that can be challenging for court users.

Improving Access Through Electronic Filing

Guided interviews assist not only with form filling but also with filing with the court. They can connect directly to court electronic filing managers (EFM) to allow self-represented litigants to seamlessly continue from document completion to filing with the court with a few additional clicks. Pairing e-filing with guided interviews also reduces the need to decipher handwritten filings, increases flexibility in staffing filing activities, and streamlines the data collection and protection of confidential information in court filings. Guided interviews collect and structure responses as data for court use when filing, allowing the early identification of case needs. This information is typically found within the pleadings but requires manual review.

There are barriers to filing forms in-person such as work or school schedules, caregiving responsibilities, transportation limitations, or disability access, and court users “benefit from the ability to file legal papers remotely.” Courts have updated their rules to allow for electronic signatures - a vital feature for seamless e-filing.

SPOTLIGHT: The Document Assembly Line provides one click delivery of court forms.

Suffolk Legal Innovations and Technology Lab (LIT Lab) Document Assembly Line began as a solution to maintain access to courts in Massachusetts during the pandemic. They have since opened their project and their code, partnering with state courts and legal aid organizations to participate in their “system for building expert systems.”

Today, the LIT Lab is a certified Electronic Filing Service Provider (EFSP) for Tyler Technologies systems, allowing completed forms to deliver directly to a court's case management system.

It can also handle fees. In jurisdictions that use the Tyler EFM, the LIT Lab guided

interviews request the fee calculation, pass off control to the Tyler Payment Gateway, and then once payment is completed, control passes back to the interview. The system also incorporates fee waiver requests.

In addition to enabling the filing process from anywhere, anytime, this connection to the e-filing systems allows litigants to “populate court information, electronically serve the other party, and to look up information from existing cases.”

Nevertheless, guided interviews should enhance not replace paper forms. True accessibility means providing self-represented litigants with multiple avenues to access courts and court services. Online tools such as guided interviews and fillable PDF forms require a court user to have access to a computer, the Internet, and a printer for document submission or a financial institution for e-filing payments. Court users must have the option to choose how they access the court.

Beyond Court Forms: Legal Information and Court Communication

Guided interviews can offer more than just form-filling assistance. The same technology and guidance can help court users obtain legal information, find legal help and advocacy assistance, or learn about resolution options.

SPOTLIGHT: Philadelphia Municipal Court & Salt Lake City Justice Court

Court websites contain valuable legal information, but that content is usually static, and extensive content may become overwhelming. Users must sift through content, pulling from multiple sources to understand their options and make decisions. Self-represented litigants require timely, relevant legal information specific to their circumstances and goals.

Instead of navigating links, PDFs, and sprawling webpages, guided interview technology offers an intuitive solution that provides legal information that is timely, relevant, and tailored to each user’s circumstances and goals. In 2024 NCSC partnered with the Philadelphia Municipal Court to launch guided interviews to address [landlord-tenant](#) and [consumer debt cases](#), and with the Salt Lake City Justice Court for [traffic cases](#).

This use of guided interviews, referred to by NCSC as “virtual companions,” ask targeted questions to generate customized webpages with clear, actionable next steps. Users also receive tailored “boarding passes” that are concise, take-home documents summarizing everything they need for their next court interaction, which also support informed decision-making.

Figure 3. Philadelphia Municipal Court, Tenant/Landlord Digital Assistant (TLDA).

The figure displays three sequential screenshots of the Philadelphia Municipal Court's Tenant/Landlord Digital Assistant (TLDA) interface. Each screen features a progress bar at the top with icons representing different steps in the process. A small cartoon dog mascot is visible on each screen.

Screen 1 (Block ID: 37): Asks the user, "Did you go to a court hearing before you got the order?". The user can choose "Yes" or "No". A "Continue later" link is in the top right.

Screen 2 (Block ID: 38): Titled "If you did not go to a court hearing before you received a judgment or an order...". It explains that missing a hearing can result in a default judgment against the user, potentially leading to payment of money or eviction. It provides instructions on how to look up case information online or by phone, and offers the option to ask for a new hearing. The user can choose "Yes" or "No".

Screen 3 (Block ID: 38): Titled "What happened when you went to court?". It provides instructions on how to read the court order. It then asks, "What happened at the hearing?". The user can choose from three options: "The judge made a decision and I won (the case was dismissed)", "The judge made a decision and my landlord won", or "The landlord and I came to an agreement and the judge approved". A "Continue" button is in the bottom right.

The first image shows the user asked if they received a court order. If the user answers no, the second image shows what the user would receive, educating them that an order without going to court on a landlord tenant hearing means they missed a hearing, and the court may have entered a default judgment. If the court user answered yes, they did attend a hearing before receiving an order. The third image shows the interview asking more questions about what happened at the hearing to provide information to help the user understand the order they received.

SPOTLIGHT: AZPOINT

Courts are expanding guided interview platforms to create trusted spaces for court users. Arizona's Statewide Protective Order Project (AZPOINT) includes a petition portal to complete applications for orders of protection, injunctions against harassment, or injunctions against workplace harassment. Once submitted, the person seeking protection may access the portal to obtain information about the status of their case. Further, as part of this effort in Arizona, as well as in similar programs in Indiana, Florida, and North Carolina, the courts have incorporated the option to receive text or email notifications about case status updates, such as, order granted, order expiring, service attempted, and perfected service.

Enhancing Court Efficiency and Fairness

Complete and accurate filings alleviate administrative burdens. Incorrect or incomplete forms create extra work for courts when processing filings or in court proceedings, resulting in delays. When filings clearly address all issues, both the court user and court are better prepared. Time savings generated by guided interviews allow courts to provide more direct assistance.

Guided interviews can also increase procedural fairness, trust, and confidence in the legal system. SRLs have better interactions with the court when they feel heard. This improves their ability to understand what happened in court after leaving proceedings.

Guided interviews also make legal resources accessible for SRLs with limited English proficiency. A key feature is the ability to translate these tools, ensuring that language is not a barrier. Translating a guided interview tool is more efficient and cost-effective than translating a traditional court form because it does not require the same lengthy approval process.

However, operations optimization must not come at the expense of due process and procedural fairness. To be successful, paper forms, guided interviews, and SRL e-filing must engage and primarily consider the needs of self-represented litigants in process and system design to promote public trust in the court and provide fairness, equity, and respect. User testing is essential to ensure these tools are usable, accessible, and intuitive, and that they effectively meet the needs of those who rely on them.

Courts should also build evaluation and data collection mechanisms to maximize benefits from the outset. Regularly analyzing user interactions, completion rates, and filing accuracy can help identify areas for improvement and ensure that guided interviews remain effective over time. This ongoing assessment allows courts to refine questions, improve usability, and better support SRLs based on real-world data.

Further, it is crucial to ensure that court offerings are accurate and current. Regular review and maintenance by legal and technical experts are required and should be planned for at the outset. However, unlike paper forms that must be reprinted and redistributed with every update, digital tools can be quickly modified and corrected, ensuring accuracy while reducing administrative burdens and costs.

Conclusion

Guided interviews can allow courts to be more responsive to the needs of their users. Implementing guided interviews does not require perfect forms. The flexible format encourages creative solutions that better support both court users and the court, prompting reconsideration of what information is collected and how it is presented.

As courts continue to modernize, guided interviews offer a model for innovation that balances efficiency with fairness. By prioritizing accessibility, continuous improvement, and user-centered design, courts can ensure that all litigants have meaningful access to the justice system.



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7

Minnesota's New Hearing Framework: Transforming Access to Justice

The Minnesota Judicial Branch has adopted a comprehensive hearing framework that permanently transforms how it conducts district (trial) court hearings. This framework integrates remote and in-person options to enhance accessibility and efficiency while respecting local decision-making and discretion.

Kathryn Messerich

Senior Judge, Minnesota Judicial Branch

Heather Kendall

District Administrator, Second Judicial District,
Minnesota Judicial Branch

In July 2024, the Minnesota Judicial Council, the statewide policymaking authority for the Minnesota Judicial Branch, adopted a transformative, statewide hearing framework that integrates remote and in-person formats into district court operations.¹ This innovative approach, led by the oneCourtMN Hearings Initiative (OHI) Steering Committee, is the culmination of nearly three years of intensive research, stakeholder engagement, and iterative policy refinement. It reflects the state's commitment to innovation, collaboration, and access to justice.

The adoption of this framework represents a bold step forward in leveraging technology to modernize judicial operations without compromising fairness or efficiency. The Initiative underscores Minnesota's commitment to continuous improvement and adaptation. It also provides a roadmap for other states grappling with similar challenges in balancing tradition and innovation.

¹ In Minnesota, district courts are the single general jurisdiction trial court that covers both large and small civil claims, criminal, domestic relations, juvenile, and noncriminal violations.

The framework's development was an extraordinary process involving extensive collaboration, rigorous data analysis, and creation of a shared vision for a more accessible and efficient judicial system. By adopting this approach, Minnesota is leading the way in demonstrating how courts can thrive in a post-pandemic world.

Pre-Pandemic Court Operations

Before the COVID-19 pandemic and like many state court systems, the Minnesota Judicial Branch had relatively little experience using remote technology to conduct court hearings. Certain large rural counties used it to minimize transportation costs and save time in certain circumstances. There were also sporadic situations where there was a need to have someone appear remotely in a specific case. However, most district court cases in the state were heard in the county courthouse, and very few courtrooms in the state were outfitted with the technology to conduct routine remote hearings.

While the in-person approach to hearing cases continued to work well, there were signs court users – who were becoming more comfortable conducting important and official business online – were beginning to grow dissatisfied with the traditional court experience. In the Minnesota Judicial Branch's 2019 Access and Fairness Survey of court users, respondents reported they were generally satisfied with their court experience but voiced concerns with long courthouse wait times and the inability to conduct more of their court business online.²



² As summarized in the Minnesota Judicial Branch 2020 Performance Measures Report at <https://tinyurl.com/3n8mncv6>.

Pandemic Pivot: A Successful Shift to Online Hearings

When the COVID-19 pandemic disrupted traditional, in-person court operations, the Minnesota Judicial Branch worked quickly to deploy the software, training, and resources necessary to transition the vast majority of district court hearings to remote technology. By the end of 2020, the Minnesota Judicial Branch was conducting roughly 90 percent of all district court hearings using remote technology. In December 2020, 81,155 of the state's 90,076 district court hearings were conducted using remote technology. While Minnesota's transition to remote hearings was born out of necessity, it quickly became clear that court users appreciated their ease and convenience. In surveys and focus groups conducted by the Minnesota State Court Administrator's Office, attorneys, litigants, and justice partners reported that remote hearings often increased access to justice. Respondents felt they reduced barriers to attending court hearings, such as travel time, parking costs, and the need to take time off work or find childcare. Nearly 80 percent of litigants did not have difficulty attending their remote hearing compared to only half of in-person litigants.³

Likewise, a 2020 survey found that a significant majority of the state's district court judges believed that the use of remote hearings increased access to justice. Nearly 80 percent of responding judges believed remote hearings should continue to be part of court operations after the COVID-19 pandemic subsided.

Embracing the Future: The oneCourtMN Hearings Initiative

Based on positive feedback about remote hearings received from court users and stakeholders, in late 2021, the Minnesota Judicial Council made the strategic decision to embrace the long-term use of remote hearings in the state's district courts. The Minnesota Judicial Council adopted the oneCourtMN Hearings Initiative (OHI) Policy, which officially took effect in June 2022.

The OHI Policy — officially Judicial Council Policy 525 — set out statewide guidelines for which noncriminal hearings would be presumptively held in person or remotely. For criminal and juvenile delinquency proceedings, the OHI Policy gave each judicial district the authority to develop local guidelines for when to use remote and in-person hearings.⁴ This allowed districts flexibility to focus on addressing their pandemic criminal backlogs and addressing these cases in a timely way.

The OHI Policy was not designed as a permanent hearing framework, but rather as a temporary measure to provide greater consistency in how district courts used remote hearings statewide. It also allowed courts the necessary time to gain experience operating in the new hybrid format that blended in-person and remote hearings.

3 See the 2023 Hearing Participants Survey Findings Report at <https://tinyurl.com/99ctuu8>.

4 <https://tinyurl.com/ye29dhtc>

Developing a Long-Term Framework: The OHI Steering Committee

In October 2021, then Chief Justice Lorie S. Gildea appointed the oneCourtMN Hearings Initiative Steering Committee to “oversee implementation of the Judicial Council changes to remote and in-person hearings and help the district courts resolve issues arising during implementation.” The Steering Committee – composed of two district court judges and six court administration leaders from across the state – was to develop recommendations for a permanent district court hearing framework by mid-2024.

Improving the Hearing Experience

For nearly three years, the OHI Steering Committee oversaw extensive efforts to improve the remote and in-person hearing processes in Minnesota. That work included development of several technologies, such as a digital exhibit system,⁵ an online tool to schedule hearings involving incarcerated people at state correctional facilities, and an online hearing check-in tool.⁶ The Steering Committee also oversaw development of an array of resources aimed at improving decorum in remote hearings, including short videos attorneys and litigants could watch before their hearings, and internal written guides describing good remote hearing practices and expectations.⁷

Stakeholder Engagement

The OHI Steering Committee also understood that gathering and addressing feedback from judicial officers, court staff, justice partners, and court customers would be vital to the success of the initiative.

In October 2022, the Steering Committee formed the District Advisory Representatives Team (DART), a group of ten judicial officers and ten frontline court staff from across the state that met every two weeks to share perspectives, information, and ideas on OHI’s work.

5 Learn more about the Minnesota Digital Exhibit System at <https://perma.cc/5YE9-YPZW>.

6 Learn more about Minnesota’s eCheck-In Tool at <https://tinyurl.com/ycywpw6z>.

7 Learn more about Minnesota’s decorum resources: Remote Hearings in the Minnesota Judicial Branch at <https://mncourts.gov/help-topics/echeckin>, Preparing for Your Remote Hearing at <https://tinyurl.com/2nk59wxb>, and Attorney Decorum at <https://tinyurl.com/3w7s9hnb>.

Figure 1: OHI Stakeholder Feedback Gathered

The OHI Steering Committee also conducted numerous surveys, focus groups, and meetings with court stakeholders. This included a statewide hearing participant survey,⁸ which gathered feedback from nearly 3,500 court users in spring 2023. The statewide survey found strong support for the continued use of remote hearings in Minnesota district courts, with 76 percent of hearing participants saying they would prefer to attend their next court hearing remotely. Common reasons participants preferred remote hearings included:

- Reduced travel time and costs
- Increased hearing participation
- More reliable scheduling and less time spent waiting at the courthouse
- Less impact on physical and mental health

The OHI Steering Committee also conducted routine meetings with justice partners, interviews with recent litigants, and focus groups with judicial officers and court staff to gather in-depth feedback about the Judicial Branch's use of remote and in-person hearings (See Figure 1).

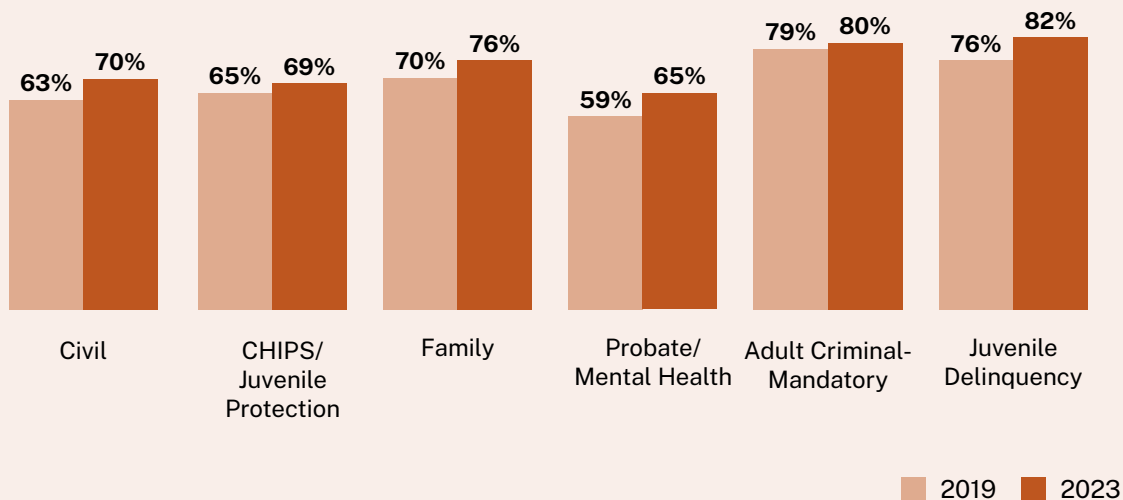
7 Summary of the 2023 Hearing Participant Survey Findings at <https://tinyurl.com/99ctuu8>.

Data Analysis

The OHI Steering Committee undertook a comprehensive analysis of hearing and outcome data to inform its recommendations. Drawing on records from the Minnesota Court Information System (MNCIS) and a detailed hearing time study,⁹ the committee examined trends both before and during the widespread adoption of remote hearings. These insights, paired with stakeholder feedback, provided a critical foundation for refining the new hearing framework.

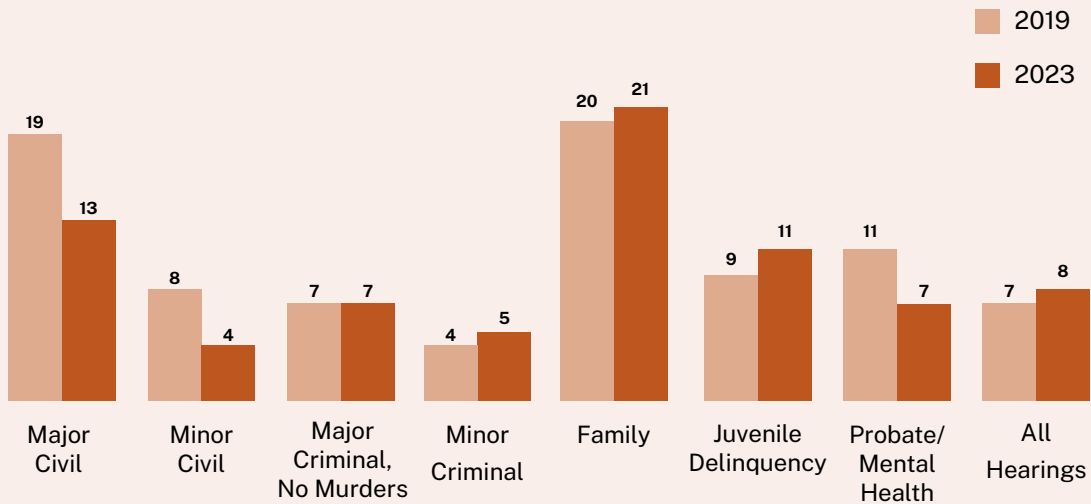
The analysis revealed several noteworthy patterns. Since the introduction of remote and hybrid formats, hearing appearance rates increased slightly, suggesting that these options reduced barriers for court participants (see Figure 2). Hearing durations across all categories were either similar to or shorter than pre-pandemic averages, indicating that efficiency was maintained even as formats shifted (see Figure 3). Clearance rates remained stable for most case areas, with minor variations in Major Civil and Criminal cases attributed to other factors.

Figure 2: Criminal and Noncriminal Appearance Rates (2019 vs. 2023)



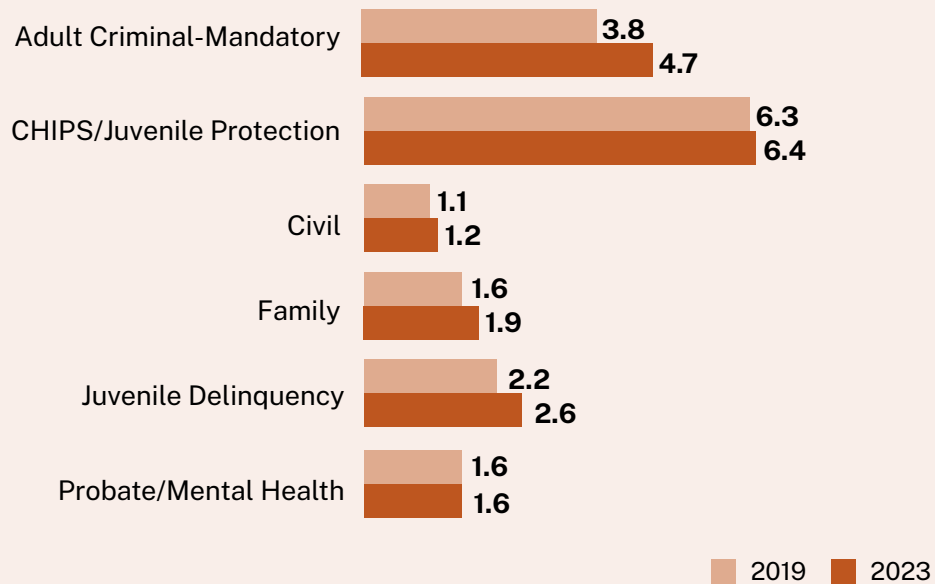
9 Summary of the 2024 Resources and Practices Time Study at <https://tinyurl.com/4hvmn54r>.

Figure 3: Average Hearing Duration in Minutes for All In-person, Remote, and Hybrid Hearings (2019 vs. 2023)



However, the data also highlighted areas for further attention. For instance, since 2019, there was a modest increase in the average number of hearings required to reach disposition in most case categories (see Figure 4). This finding pointed to potential opportunities for process improvement and strategic use of in-person hearings to move cases forward when appropriate as courts continue to adapt to hybrid and remote operations.

Figure 4: Average Number of Hearings to Disposition: MNCIS Disposition and Hearing Data



This detailed analysis, combined with extensive feedback from stakeholders, allowed the steering committee to craft a hearing framework that reflected real-world operations while balancing access, effectiveness, and timeliness. By grounding its recommendations in data, the committee ensured that the new hearing policy would meet the needs of judicial officers, courts staff, court users, and justice partners across the state.



Minnesota's New District Court Hearing Framework

After nearly three years of overseeing and studying the implementation of the oneCourtMN Hearings Initiative Policy, the OHI Steering Committee presented its final report and recommendations to the Minnesota Judicial Council on June 20, 2024. The Minnesota Judicial Council discussed the steering committee's recommendations in June and ultimately approved a finalized version of the framework on July 18, 2024.

Minnesota's new district court hearing framework officially named Judicial Council Policy 525, Remote & In-person Hearings Policy¹⁰, provides a statewide default hearing setting for each criminal and noncriminal hearing while also allowing for judicial discretion and flexibility in meeting local needs.

The OHI Steering Committee presented its report and recommendations under the tagline, "Statewide consistency with judicial discretion and focused local flexibility."

10 See more about the new district court hearing framework at <https://tinyurl.com/5yxfwaff>.

Key Framework Components

Minnesota's new district court hearing framework contains three primary components:

- **Statewide Default Hearing Settings for All Criminal and Noncriminal Hearings.**

All criminal and noncriminal hearing types have a default hearing setting of either in person or remote. All district courts will hold hearings according to those default settings unless a local deviation plan is in place, or the judicial officer orders an exception for a specific case.

For example, all housing court matters have a default hearing setting of remote, except for jury trials, which have a default setting of in person. All adult criminal matters requiring a court appearance have a default hearing setting of in person, except for initial appearances which have a default setting of remote.

- **A Process Allowing for Agency, County, District, and Division Deviations Based on Local Structural Needs.**

The new hearing framework also creates a process for local agencies, counties, judicial districts, or court divisions to request a deviation from the statewide default hearing settings when certain circumstances exist, such as increasing access to justice partner services or legal representation. The requests are reviewed by an executive committee that includes representation from all ten judicial districts and approved by the Judicial Council through a consent agenda process, which allows the deviation requests to be collectively approved without individual discussion. Local deviation requests only affecting a single district first require approval by that district's chief judge and judicial district administrator.

To date over 150 deviations have been approved by Minnesota's Judicial Council. For example, the state's most populous county (Hennepin) secured a deviation for initial appearances in housing court matters to be held in person, allowing tenants to access an array of housing and social services while at the courthouse.

- **A Simplified Process for Case-by-case Exceptions Based on Judicial Officer Discretion.**

Individual judicial officers may also deviate from the default hearing settings for a specific hearing without issuing an order or providing findings. A request for a case-by-case exception may be made by a party or initiated by the court.

While the Judicial Council approved the new hearing framework in July 2024, it officially took effect on February 3, 2025. This delayed effective date gave district courts the time needed to schedule upcoming hearings according to the new hearing policy.

A Vision for the Future of Justice

“This new hearing framework builds on all of the lessons we have learned and feedback we have gathered both during the pandemic and throughout the oneCourtMN Hearings Initiative,” Minnesota Chief Justice Natalie E. Hudson said in announcing the Judicial Council’s approval of the statewide policy. “The new framework aims to bring statewide consistency to how our district courts hold hearings in both criminal and noncriminal matters, while at the same time respecting judicial discretion and providing focused local flexibility.”

The new hearing framework is a carefully balanced system that combines the clarity of statewide defaults with the flexibility of local deviations and judicial discretion. By creating a structure that is both consistent and adaptable, Minnesota is leading the way in modernizing court operations to meet the needs of a diverse and evolving population. Going forward Minnesota will monitor how well the framework works and make changes if needed.

Minnesota’s adoption of this framework demonstrates a commitment to blending tradition, data-based decision-making, and innovation in pursuit of justice. As other states look to modernize their court systems, Minnesota’s new Remote and In-person Hearings Policy offers a model of how to successfully integrate access, effectiveness, and timeliness into judicial operations.



The image features a solid orange background. On the left side, there are two parallel white lines that start from the top left and extend diagonally towards the bottom right, ending in a small hook-like shape. In the upper right corner, a large, white, sans-serif number '8' is displayed.

8

Reimagining Housing Court: Findings from the NCSC Eviction Diversion Initiative

What if housing courts were places that worked with landlords and tenants to resolve housing disputes in the least harmful way? The idea of preventing evictions when possible and minimizing their harm when not is the goal underpinning the work of EDI.

Samira Nazem

Principal Court Management Consultant,
National Center for State Courts

Housing courts have long been viewed as places of last resort. Conventional wisdom suggests that by the time a landlord-tenant dispute ends up in court, it is too late to change its trajectory. But what if, instead, housing court was not something that happened to landlords and tenants, but a place that worked *with* them? This is the question that the National Center for State Courts' Eviction Diversion Initiative (EDI) set out to answer in collaboration with a network of 24 state and local court partners.

Housing instability does not begin or end in state courts, but they are the institutions charged with authorizing evictions. However, not every housing dispute has to become an eviction case, and not every eviction case has to result in an eviction judgment. Even when cases result in a tenant moving out, whether through voluntary or involuntary relocation, connections to resources can reduce the disruption and trauma to the family. This idea—preventing evictions when possible and minimizing their harm when not—is the goal underpinning the work of EDI.

Each EDI site, with grant funding and technical assistance from NCSC, designed and implemented

a court-based eviction diversion program that uses the formal court process to connect landlords and tenants with the time, information, and resources to resolve housing disputes in the least harmful way. Each site also developed intake and outcome surveys used to collect data from over 8,000 litigants who worked with the eviction diversion programs in the first two years. The data underscore the many different goals and motivations that tenants and landlords bring into the court system and the importance of building multifaceted programs that can simultaneously address the immediate crisis while seeking to prevent the next one. It also showcases the many benefits that eviction diversion programs can bring to the court and community.

While each program is staffed and structured differently, a reflection of the diverse courts and communities in which they operate, each was developed in accordance with a core set of guiding principles. The five guiding principles listed below define eviction diversion, outline the necessary elements of a successful program, and show the importance of data in designing and operating effective programs.

1

Courts should implement eviction diversion programs that offer alternative pathways for litigants to resolve disputes outside of litigation, and they should adopt rules and process changes to support program operations.

2

Effective diversion programs require collaboration with a broad range of community partners to meet the legal and non-legal needs of landlords and tenants.

3

Diversion programs should have clearly defined points of access and address litigant needs through timely and efficient referrals.

4

Courts should collect and share data on their diversion programs and adjust as necessary to meet the evolving needs of the community.

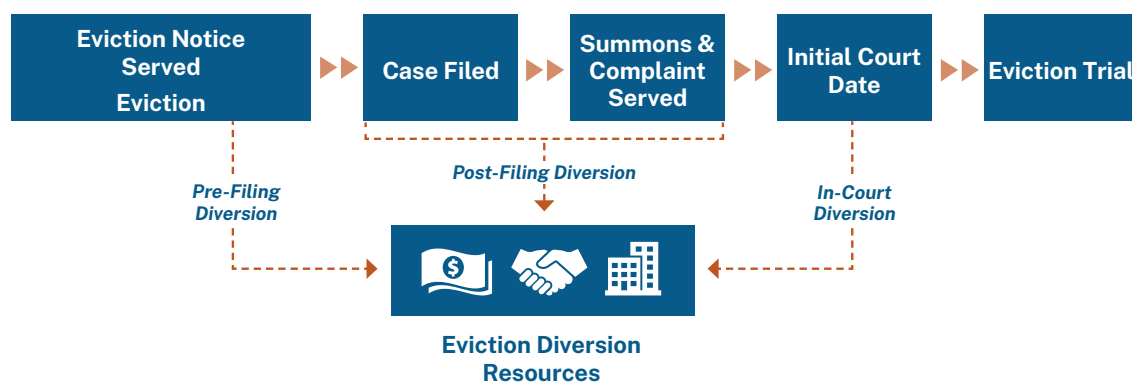
5

Diversion programs are stronger when courts simultaneously focus on improving processes and user experiences.

Guiding Principle 1: Courts should implement eviction diversion programs that offer alternative pathways for litigants to resolve disputes outside of litigation.

Court-based eviction diversion programs do not provide direct services or advocate for substantive changes to the law; rather, they adapt to work within the statutory landscape and community of service providers as it exists in each jurisdiction. Though programs can vary in design and structure, they are built around the same idea of using the formal court process as an opportunity to provide landlords and tenants with the time, information, and resources necessary to resolve a housing dispute in the least harmful way.

Court-based eviction diversion programs may focus on resolving issues before a case has been filed (pre-filing), after a case has been filed (post-filing), or during the initial court date (in-court). Each program model is centered on the idea of building an “offramp” to divert cases at a certain stage of the eviction process. Some programs have also built in post-judgment support for individuals who have been evicted or have agreed to a voluntary move, to help families in transition avoid the most severe, long-term consequences of displacement. Many diversion programs offer multiple points of entry, encouraging early intervention where possible, but also building safeguards into later stages of the court process.¹



¹ For more information on the timing of eviction diversion programs, see <https://cdm16501.contentdm.oclc.org/digital/collection/ctcomm/id/312>.

Guiding Principle 2: Effective diversion programs require collaboration with a broad range of community partners to meet the legal and nonlegal needs of landlords and tenants.

Courts cannot operate eviction diversion programs in a vacuum; they must form collaborative partnerships with both legal and nonlegal service providers in their community. Legal resources in the form of legal information, legal advice, and legal representation are critical in helping litigants navigate the court process, identify and raise defenses, and advocate for themselves. However, tenants at risk of eviction often have coexisting nonlegal needs, and a holistic combination of legal, social, and financial services is more impactful than any one intervention in isolation.

Each EDI program has a direct referral partnership with at least one if not all three of the following types of programs that can help resolve the legal dispute at the center of the eviction action:

Legal Assistance Legal services, which may range from same-day brief advice to full representation at trial, can help tenants identify possible defenses and raise them in court.

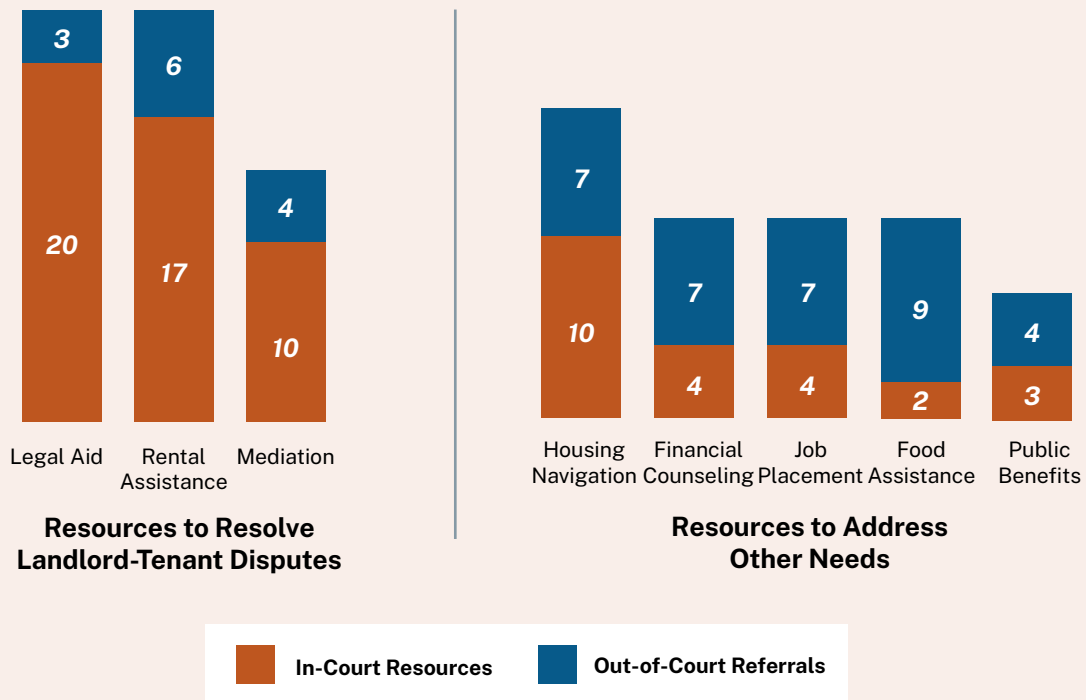
Financial Assistance Rental assistance, moving assistance, and landlord mitigation funds can help tenants recover from temporary economic disruptions and provide financial security for landlords.

Mediation and Settlement Assistance Mediation programs connect paid or volunteer mediators with landlords and tenants to help identify common ground and craft mutually agreeable settlement terms.

Beyond these partnerships, EDI sites have also sought to build relationships with other nonlegal service providers to address the interconnected needs of families that often coexist with housing instability. The most common wraparound services offered through EDI programs include housing navigation, financial counseling, employment and job training resources, public benefits assistance, and food assistance.²

² For more information on eviction diversion resource networks, see <https://cdm16501.contentdm.oclc.org/digital/collection/ctcomm/id/295>.

Most Common Resources and Referrals Across EDI Sites



Guiding Principle 3: Diversion programs should have clearly defined points of access and address litigant needs through timely and efficient referrals.

Courts should work with their partners to determine when and how litigants will access a diversion program. Programs may be open to all litigants, or they may have limited eligibility based on factors including the nature and timing of the case, the income of the parties, or the capacity of the service providers. They may be opt-in programs where litigants request to participate, or opt-out programs where judges or court staff screen and refer cases into the program.

Given the short time frames that govern most eviction cases, litigants are not well positioned to navigate the patchwork of existing community resources in search of help. To bridge this gap, each EDI program serves as a point of connection between the court and the service-provider community by creating referral networks that can function within the compressed eviction timeline and working with litigants to access resources. This removes the burden on landlords and tenants to independently seek out and apply for services by bringing them directly into the court process and closing information gaps. Courts can further streamline this process by sharing information, data, and physical or virtual space with service providers. Each EDI site provides in-court connections to resources during the eviction docket, minimizing the burden on litigants to find and connect with a service provider.



A sign at a courthouse in Lawrence Township, IN directs tenants to free resources available through the eviction diversion program.

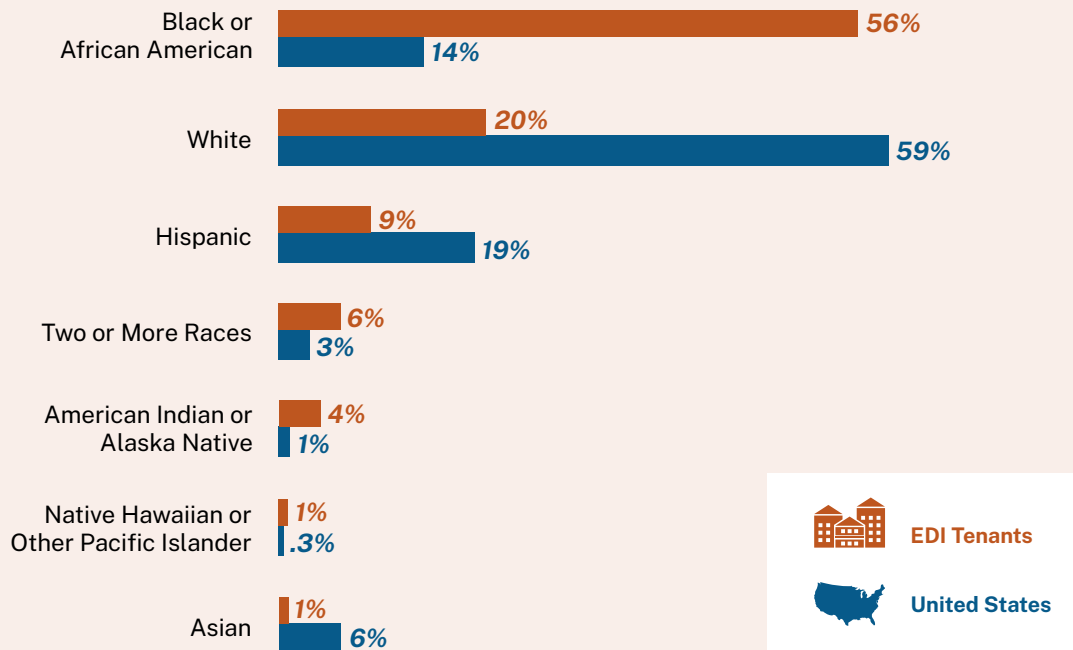
Guiding Principle 4: Courts should collect and share data on their diversion programs and adjust as necessary to meet the evolving needs of the community.

Program data are critical to effectively understanding and addressing litigant needs. The thousands of litigants who have worked with EDI programs represent only a small fraction of the millions of families who face eviction every year in the United States. However, certain trends observed in EDI data track closely with national statistics in showing that while the threat of eviction impacts all communities, it does not always do so equally.

While there was significant variation by jurisdiction, approximately 80 percent of the overall numbers of tenants working with EDI programs identified as non-White. In all but four EDI sites, the majority of tenants identified as African American or Black. This tracks closely with national statistics, which show that eviction has an outsized impact on Black or African American communities and has helped EDI sites refine their outreach strategies to better engage with the communities at the highest risk of eviction.³

³ <https://perma.cc/L3X7-ZF8T>

Tenant Race and Ethnicity Compared with United States Population



EDI program data also indicates that the risk of eviction impacts a disproportionately high number of women and children. In every EDI site, the overwhelming majority of tenants were women, with the exact percentage ranging from 82 percent to 62 percent by jurisdiction. In total, 72 percent of tenants identified as female, while 27 percent identified as male.

While young children are not named in eviction complaints, they are the single largest group at risk of eviction each year.⁴ Across households working with EDI programs, 76 percent had at least one child, and 45 percent had more than one child in the home.



72% of tenants identify as female



77% of tenants have at least one child in the home

42% have two or more children

⁴ <https://perma.cc/JLD2-9VRT>

Beyond demographic diversity, EDI program data also underscore the important point that landlords and tenants are not monolithic groups, but individuals with many different priorities and needs. Landlords may have different motivations for filing an eviction case, and tenants may have different priorities when deciding how to respond. To be effective, eviction diversion programs cannot adopt a one-size-fits-all model; they must be adaptable to meet the differing needs and goals of landlords and tenants.

Eviction diversion programs should offer different resources, interventions, and referrals that can be tailored to the individual. Not every tenant has the goal of staying in their current home. Many tenants want to relocate but need additional time or support to secure new housing and make a moveout plan. Many different factors can influence whether a tenant's primary housing goal is to stay in their current home or to move to a new one. For example, program data shows that tenants are more likely to want to stay in their home and negotiate directly with their landlord if they have young children, owe less than \$3,000 in rent, and do not need repairs made to the unit. Conversely, tenants are more likely to have the goal of moving out or working with a lawyer if they owe over \$3,000, do not have children in the home, or have other problems with their landlord beyond rent. This information can allow diversion programs to better serve landlords and tenants by making data-driven decisions about how to use resources effectively.

Guiding Principle 5: Diversion programs are stronger when courts simultaneously focus on improving processes and user experiences.

Eviction diversion programs work best within well-functioning court systems. Courts should take proactive steps to improve court procedures that can create a more user-centered experience for all litigants. No matter what trajectory a case takes once it enters the court system, housing courts should strive to be accessible for all court users. Not every case can be diverted from eviction, but in every situation, courts can make the experience easier and more compassionate. Program staff have worked to create welcoming spaces and more easily navigable court procedures, while also addressing common barriers such as transportation and childcare needs that may keep litigants from participating in court. These improvements benefit landlords, tenants, and attorneys as all stakeholders stand to gain from a more usable and accessible court system.



The eviction diversion program in Tulsa, OK borrows space from the local food pantry to allow landlords and tenants to more easily connect with social services.

Diversion programs should also include a robust outreach and education campaign to ensure that landlords and tenants understand the benefits to participation and how to engage with the program. Housing courts often see very low appearance rates from tenants — 50 percent default rates are not uncommon — and EDI sites have worked proactively to change the negative perception of housing court and to convey to tenants the benefits of coming to court and participating in their case. To tackle default rates directly, many EDI sites have revamped their court forms so tenants can more easily understand and act on them. Several sites have also supplemented paper communications with text messaging and email reminder systems. Collectively, these improvements to the substance and methods of court communication can help increase appearance rates by making it easier for tenants to understand and engage with the court process and, by extension, the diversion program.⁵ Some courts have also considered additional ways to incentivize participation for landlords, including waiving or reducing filings fees or offering expedited court dates for landlords who engage with a diversion program.

⁵ For more information on communications and outreach strategies for eviction diversion programs, see <https://cdm16501.contentdm.oclc.org/digital/collection/ctcomm/id/313>.

Outcomes and Impacts

While each eviction diversion program is different, they all strive to achieve the same outcome to prevent evictions when possible and to mitigate their harm when not. The quantitative and qualitative data collected through EDI shows the tremendous potential for court-based eviction diversion programs to accomplish this goal. Diversion programs alone cannot solve housing instability or offset rent increases, inadequate affordable housing supplies, or insufficient funding for legal services. However, they can build the collective capacity of a community to respond to housing instability by leveraging the unique position of the court as a connective hub.

The following trends can be seen across the EDI sites:

- **Decreasing Eviction Judgements:** Tenants are more likely to resolve their landlord-tenant disputes without receiving an eviction order. The overwhelming majority of eviction cases that worked with a diversion program, 89 percent, were voluntarily dismissed by the landlord or settled by agreement. This reduces the overall burden on courts and prevents the most harmful outcomes for landlords and tenants.
- **Improving Appearance Rates:** Tenants are more likely to show up for their court dates and to avoid default judgments.
- **Sealing Eviction Records:** More tenants have their past eviction records erased or restricted from public view, allowing them to move forward without the stigma of eviction.
- **Strengthening Connections to Resources:** Landlords have more alternatives to costly litigation and, where available, easier access to rental assistance dollars. Tenants can more easily access resources to resolve housing problems and address their other interrelated needs.
- **Rebuilding Trust and Confidence in the Justice System:** Litigants are more likely to report a positive experience with the court system and to get help achieving their goals. Across all EDI sites, 76 percent of tenants reported that the program helped them reach a better outcome and 91 percent reported a positive experience with the court system.

Conclusion

Courts alone cannot solve housing instability, but they can be key partners in this work. Every eviction story starts out differently, but they ultimately converge in state courts. These courts can change the trajectory of housing disputes through eviction diversion programs and partnerships, while still maintaining their neutrality and independence. Collectively, the participating sites have demonstrated that it is never too early or too late to intervene in a case: upstream interventions can prevent the current eviction while downstream support can avoid the next one.

The initial success of the 24 EDI sites shows the many ways courts can engage in this work and leverage their unique position to bridge the distance between the court, community members, and service providers.⁶ When housing courts focus more on building connections and solving problems than on processing cases, an eviction filing can become the beginning of a housing stability story, rather than the end of one.



A tenant works with a social worker to apply for rental assistance through the Las Vegas Justice Court's eviction diversion program.

⁶ For more findings and data from the Eviction Diversion Initiative, see the full report at <https://ncsc.contentdm.oclc.org/digital/collection/ctcomm/id/322>.



9

Rebuilding the Foundation: Addressing a Crisis in Juror Participation

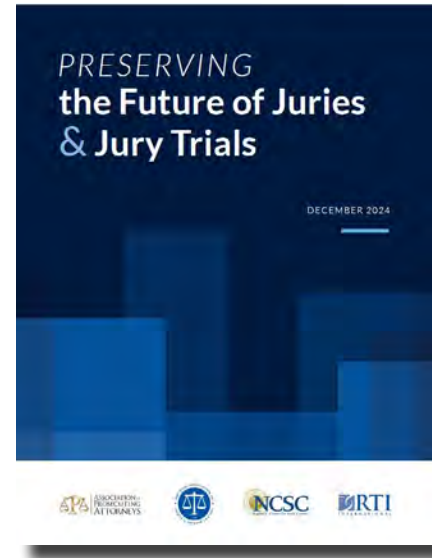
Courts are experiencing dramatic decreases in juror response and appearance rates, threatening the future of jury trials and the legitimacy of the American justice system. Effective strategies exist to reverse this trend, if justice system stakeholders are willing to employ them.

Paula Hannaford-Agor
National Center for State Courts

Jury systems across the United States have faced a growing challenge in recent years: significant increases in juror nonresponse and failure-to-appear (FTA) rates. This trend, which began in the late 2000s, undermines the diversity of jury pools and the overall integrity of jury trials. The consequences are stark. Without representative juries, the justice system loses both legitimacy and effectiveness, and the ideal of equal justice under law is jeopardized.

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Public disengagement with jury service was a key topic at a 2024 workshop on *Preserving the Future of Juries and Jury Trials*. In partnership with the National Association of Criminal Defense Lawyers (NACDL), the Association of Prosecuting Attorneys (APA), and RTI International, National Center for State Courts (NCSC) convened a two-day meeting of key stakeholders in the American justice system. To frame the workshop discussions, NCSC employed strategic foresight, a methodological approach designed to explore a range of possible futures to identify critical vulnerabilities and propose targeted strategies to mitigate risks. For the workshop participants, critical vulnerabilities were those areas of weakness that threaten the long-term resiliency of juries and jury trials. They identified the lack of public education and engagement with jury service as one of four critical vulnerabilities threatening the future of juries and jury trials in the United States. They emphasized the urgent need for a new, more effective approach to public education and outreach.



Preserving the Future of Juries and Jury Trials recommends strategies to preserve the jury system as a fundamental component of the American justice system.

Where Have All the Jurors Gone?

As recently as 2007, the average nonresponse/failure to appear (FTA) rate for jury summonses was 9 percent, a rate that varied considerably from court to court depending on operational practices and community characteristics (Mize et al., 2007). Over the next decade, however, nonresponse and FTA rates increased dramatically. By 2019, NCSC reported that the average nonresponse rate for qualification questionnaires was 17 percent for two-step courts and the average nonresponse/FTA rate for jury summonses was 14 percent for one-step courts (Hannaford-Agor and Moffett, 2024). The pandemic exacerbated these trends, increasing nonresponse rates in two-step courts to 22 percent and nonresponse/FTA rates in one-step courts to 16 percent by 2021-2022.

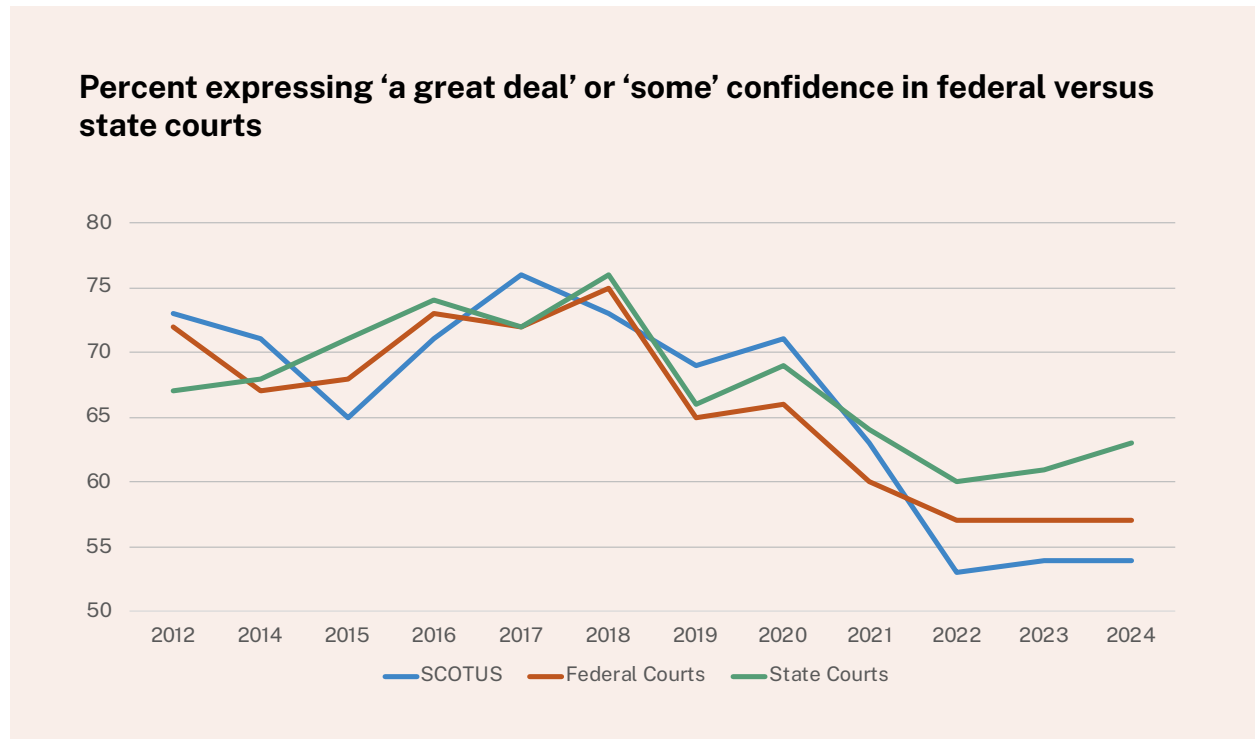
Scholarly research in the late 1990s and early 2000s identified several reasons that citizens fail to respond or appear for jury service, not all of which involved citizens' views of jury service. In many instances, nonresponders and FTA jurors never received their jury summons due to inaccurate or stale mailing addresses or unreliable postal service (Boatright, 1998; Seltzer, 1999). Others were unable to overcome social and institutional barriers to jury service, including inadequate compensation, lack of transportation or childcare, and perceived resistance from employers.

These barriers seemed particularly acute for jurors who believed that they would not be selected as trial jurors due to their education level, their background, or their race or ethnic identity.

Those factors were not necessarily outcome determinative, however. One of the most significant predictors of whether jurors will appear for service is their expectation of what will happen if they do not appear. Jurors who believe that the court will not notice their absence or enforce the summons are significantly less likely to appear than jurors who believe they will experience negative consequences. Nonresponders and FTA jurors were also less informed about what jury service entailed, including the term of service and procedures to be excused or deferred from service. Nevertheless, they were not inherently less supportive of jury service. Jurors who reported for service after receiving an FTA notice did not differ from jurors reporting in response to their first jury summons with respect to beliefs in the value of jury service or the importance of the role of the citizen juror (Smedley, 2008).

In 2023 NCSC and RTI International partnered with the Harris County District Clerk to explore whether factors related to nonresponse and FTA had changed over the past two decades (Hannaford-Agor et al., 2023). The study surveyed 5,000 jurors who failed to respond or appear for jury service in the second half of 2022. Factors related to juror nonresponse and failure-to-appear were similar in most respects to the earlier research. One factor that has not yet been adequately explored is the possibility that traditional messaging about jury service no longer resonates with a large swath of the adult American population. Several decades of underinvestment in civics in K-12 education has left many citizens uninformed about the basic principles on which the nation was founded (Spaulding, 2019). As a result, many Americans no longer fully understand how jury service checks arbitrary power, legitimizes the rule of law, and ensures that court judgments reflect community perceptions of justice.





Nexus Between Jury Service and Public Trust and Confidence

Although it is disappointing that courts have not made greater progress in addressing barriers related to juror nonresponse and FTA, effective solutions to those barriers exist; they simply require effort and resources to implement. Nevertheless, it is difficult to dismiss the possibility that citizen disengagement with jury service is directly related to declining public trust and confidence in government generally and in the judicial branch specifically. NCSC has expressed heightened concern about the dramatic decrease in public trust and confidence over the past decade (NCSC State of State Courts, 2014-2024; Rottman and Thompkins, 2002; NCSC, 1999).

Public opinion is generally more positive about the judicial branch than the executive and legislative branches. Yet reflecting the reality that most people are uninformed about the difference between state and federal courts, public opinion on state courts has historically been closely tied to federal courts, including the U.S. Supreme Court (NCSC State of State Courts Survey 2012-2024; IPSOS 2023). A more granular examination shows that opinions about the justice system are affected by citizens' personal experience with state courts. Significantly, former jurors report more confidence in state courts than people who have not served as jurors (65 percent versus 61 percent, respectively). They also report more favorable opinions on virtually all questions about state court performance, including that state courts are fair and impartial (54 percent versus 48 percent), provide equal justice for all (50 percent versus 44 percent), are a good investment of taxpayer dollars (45 percent versus 41 percent), and are hardworking (57 percent versus 53 percent).

Other studies and public opinion polls confirm the impact of jury service on public confidence in the courts. In 2024 the Trust in Justice Project conducted focus groups with a variety of political, demographic, and professional cohorts. They found that former jurors had generally positive views not only about their own experiences as jurors, but also about the justice system generally (Trust in Justice, 2024). In 2023 the international marketing and public opinion polling firm Ipsos compared responses of 781 people who served as jurors since 2013 with those of 1,017 people drawn from the general population in the United States. In that survey, nearly three-quarters of former jurors (74 percent) expressed trust in state court judges compared to less than half (46 percent) in the general public survey. Even more significantly, respondents in both surveys trusted citizens serving on juries (76 percent former jurors, 58 percent general public) more than they trusted other justice system participants, including state and federal judges, civil and criminal trial lawyers, and court staff. Only local police and law enforcement received higher trust ratings and only in the general public survey (62 percent).

The impact of previous jury service extends beyond citizens' opinions about government. It actively promotes greater civic engagement in the form of more frequent voting behavior, more attention paid to community news, and increased participation in civic and community organizations (Gastil et al., 2010). Jury deliberation teaches critical thinking and problem-solving skills as jurors work together to reach a unanimous verdict. Reaching consensus across diverse perspectives in a single court case increases their confidence in tackling other community problems, creating a virtuous cycle toward increased engagement with government. Once developed, these skills can be employed in future interactions in public affairs. For justice system stakeholders, the classic chicken-or-egg question is if jury service promotes civic engagement, how can justice system stakeholders encourage greater public willingness to participate in jury service?



The Efficacy of Government Efforts to Encourage Civic Engagement

Political consultants, community organizers, and others involved in fostering social change employ many well-honed techniques to inform and encourage citizens to participate in social causes, often to benefit a defined subset of the larger community (e.g., political party, racial/ethnic or socioeconomic group). Much of the academic literature on civic engagement focuses on the efficacy of these “bottom-up” efforts to spur individuals to vote, participate in public protest, petition government officials, or donate to political candidates or nonprofit organizations. Sociological theories explaining the efficacy of these efforts employ a cost-benefit analysis of civic participation, including expectations of success (e.g., will my participation mean anything?) and the impact of participation on the person’s life and commitments. Theories derived from social psychology, in contrast, focus on how closely citizens identify with the cause or group (e.g., do I feel passionately, or just lukewarm, about this cause or group?).

While less research has been done on “top-down” government efforts to invite citizens to participate in public policymaking, scholars have employed the same theoretical frameworks to assess their efficacy. One study found that social identification with the community and the

cost/benefit analysis of participation were both independent predictors of citizen willingness to participate in public policymaking (Antonini et al., 2015). When they analyzed the impact of trust in government, they found no independent effect, but did find an interactive effect. That is, high trust in government resulted in increased willingness to participate in public policymaking when social identification was high even if costs were also high but had no effect when social identification was high and costs were low. When trust in government was low, however, neither high identification nor low costs increased willingness to participate in public policymaking.

Extending this research to jury service suggests that efforts to reduce costs and increase the benefits of jury service should result in increased public participation, particularly among citizens who identify strongly with their communities. Furthermore, efforts to increase public trust in government – a harder proposition, to be sure – should increase public participation even when costs of jury service are high, at least for citizens who strongly identify with their communities. Before accepting this proposition as valid, however, it is worth considering whether public participation in jury service is sufficiently like other forms of government-sponsored public engagement. Although many judges describe jury service as “an invitation” to participate in the administration of justice, a jury summons is nevertheless a court order that mandates participation. Every state has statutes or court rules that authorize courts to punish citizens who fail to appear. Thus, whatever the costs of jury service (lost income, inconvenience, anxiety), prospective jurors must likewise consider the potential costs of refusing to serve.

Another important distinction is that prospective jurors are not asked to participate in policymaking. Instead, the jury summons orders their appearance as part of a pool of prospective jurors from which a few may be selected as trial jurors. At this stage of the process, individual jurors are largely fungible and their opinions about the courts, the law, or anything else are irrelevant (Hannaford-Agor and Munsterman, 2001). Many citizens question the benefit of simply being another live, warm body in a jury assembly room.

Finally, even those jurors who are ultimately selected are not engaged in policymaking per se, at least not directly. Rather, they are engaged in implementing policy as defined in statutes and common law. That is, they draw conclusions about the veracity of the “facts” underlying the charges or claims and apply the relevant law (policy) to determine whether defendant(s) should be found guilty or not guilty, or liable or not liable. Rather than informing public policy, the value that jurors bring is their independence from judges and lawyers and their role in holding judges and lawyers accountable for the policies governing the adjudicative process, especially the burden of proof. It is here that jurors serve as a “bulwark against tyranny” and the mechanism for injecting community values into judicial decision-making.

Conclusions

The challenge for courts in encouraging public engagement with jury service involves creating the conditions in which these efforts are most likely to be successful: increased trust in government, especially in the judicial branch; reduced costs of participation; and increased juror identification with the communities in which they are asked to serve. Resources to address the first two conditions are already widely known, if not always successfully implemented. For example, following protests in Ferguson, Missouri over a decade ago, NCSC launched its Community Engagement in State Courts. That initiative led to the development of the Engage! Toolkit with guidance and resources for courts to learn how best to build public trust by addressing social inequalities and bias. Similarly, the NCSC Center for Jury Studies has provided research, education, and technical assistance on best practices for jury system management for nearly 50 years. Its resources on reducing the costs of jury service for citizens include behavioral science techniques to communicate with prospective jurors more effectively, strategies to reduce barriers such as inadequate financial and logistical support for citizens, and robust decision-making tools to better equip jurors to fulfill their legitimate role in the adjudicative process.

It is less clear how to increase jurors' social identification with their communities, especially given the pervasive sense of isolation experienced by many citizens and the increased social and political divisions plaguing the nation. One approach is to encourage former jurors, who express



Sandstorm Design visual graphic for public outreach on jury service, available at <https://www.ncsc.org/our-centers-projects/center-jury-studies>.

greater trust in government as a direct result of jury service, to share their experience with other citizens. Former jurors will have greater credibility than judges and lawyers when speaking about their confidence in the justice system to provide fair and equal treatment to litigants, making them the best possible ambassadors for the justice system.

Courts also need to improve their own messaging about jury service by leaning into the idea that jury service benefits the whole community, not just discrete subgroups of the community. One message that appears to resonate strongly is that courts should provide fair and equal justice. Sandstorm Design (2025), for example, developed and tested different messages about the importance of jury service and found that messages emphasizing fairness (“Make a Difference. Support Fair Trials. Serve as a Juror.”) rather than civic responsibility (“Your Voice. Our Justice. Be a Juror.”) were more likely to motivate citizens to participate in jury service.

In addition to prospective jurors, it is important for courts to begin sustained conversations with local government, education, and business leaders about how jury service promotes the rule of law and strengthens the social and political cohesiveness necessary for communities to thrive.

Of course, none of these strategies is a silver bullet that will magically solve the problem of juror nonresponse and FTA rates. Nor are they mutually exclusive. Instead, courts must employ a multifaceted approach that addresses the complexity of the problem, including the unique circumstances that exist in their own communities. But they do not have to undertake this work in a vacuum. NCSC and its justice system partners have developed resources and guidance that courts can reference and adapt for local use, including sample public service announcements and op-ed letters, downloadable graphic assets and guidance on their deployment, juror orientation videos and other educational resources, and links to other public outreach ideas and resources. The work will not be accomplished immediately, but a genuine and sustained commitment to citizen engagement will ultimately yield benefits not only for the future of juries and jury trials but also for the legitimacy of the justice system and the long-term health of our communities.

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10

Transforming Court Spaces into Engaging and Interactive Learning Centers

Courthouses are moving from mere buildings of justice into hubs of learning. Several courts have transformed portions of their spaces into engaging and interactive learning centers that use technology and innovative teaching tools to provide impactful experiences for students and citizens, helping them better understand the judicial branch.

Jennifer Bundy

Civics Education Manager,
Supreme Court of Appeals of
West Virginia

Doug Stein

Civic Education Manager,
Supreme Court of Ohio

Tricia Knox

Marketing Manager,
National Center for State Courts

A growing number of state courts are transforming spaces into unique and innovative judicial learning centers (JLCs), which provide experiential learning for students and adults. These centers use interactive exhibits, role-playing games, problem-solving scenarios, voting simulations, and mock courtroom situations to teach generations — old and new — about the rule of law, the role of the judicial branch, and how courts serve the public.

JLCs make learning about government a fun and enjoyable experience. Unlike traditional historical and educational exhibits in many courthouses and law libraries, JLCs allow visitors to engage with content through touch and participation. By incorporating interactive features such as touchscreen kiosks, quizzes, and games, JLCs provide the tools citizens need to understand better — and explore how to improve — one of the three branches of government.

A Growing Trend

Interactive learning centers are typically located within state supreme court buildings in capital cities, allowing them to leverage high-visitor traffic from student groups, educators, and the public who visit their state's legislature or capitol complex. Currently, nine state supreme courts, starting with Hawaii in 1989 and, most recently, West Virginia in 2023, have transformed space within their buildings into interactive, hands-on learning centers. Other states with dedicated JLCs include Colorado, Illinois, Michigan, Ohio, Tennessee, Virginia, and Wyoming. Six states are currently exploring the development of similar centers. Florida offers a JLC alternative — a rare book room and panel exhibits in hallways. Additionally, eight JLCs are in federal courthouses across the United States.¹

“

The practice of democracy is not passed down through the gene pool. It must be taught and learned by each new generation.

Sandra Day O'Connor

United States Supreme Court Justice (1981-2006) and founder of iCivics



The West Virginia Judicial Learning Center occupies two rooms across the hall from the Supreme Court of Appeals courtroom and the hallway in between. The room (above) that is now considered the entrance to the learning center used to be a single-person office. Photo by J. Alex Wilson - Supreme Court of Appeals of West Virginia.

¹ See United States Courts Interactive Civics Map (Feb. 2025) at <https://perma.cc/A8TL-EKM3>.

Judicial Learning Centers by State

State/Location	Exhibits
The <u>Colorado</u> Judicial Learning Center (Carr Colorado Judicial Center)	Experiential Learning Center with interactive games and exhibits, educational panels, courtroom simulations, multimedia, video, courtroom and library tours, mock trials, public programming, online exhibits. Remodeling and expansion starting in February.
King Kamehameha V Judiciary History Center of <u>Hawaii</u> (Supreme Court building)	Traditional museum with interactive and historical exhibits, historic courtroom, public programming, mock trials. Renovation and redesign planned for 2027.
The <u>Illinois</u> Supreme Court Learning Center (Supreme Court building)	Experiential Learning Center featuring interactive games and exhibits, QR codes, case studies, and timeline displays.
The <u>Michigan</u> Supreme Court Learning Center (Hall of Justice building)	Experiential Learning Center with multiple galleries featuring interactive games and exhibits, historical displays, educational panels, online web-based games, and video.
The <u>Ohio</u> Judicial Visitor Education Center (Moyer Ohio Judicial Center)	Experiential Learning Center with a model courtroom, interactive games and exhibits, historical displays, educational panels, multimedia, mock trials, and videos.
<u>Tennessee</u> Judiciary Museum (Supreme Court Library, historic 1937 Supreme Court building)	Traditional museum-style featuring interactive/ touchscreen kiosks, historical documents, and case studies.
<u>Virginia</u> Judicial Learning Center (Supreme Court building)	Experiential Learning Center with interactive/ touchscreen kiosks, historical displays, and educational panels.
<u>West Virginia</u> Judicial Learning Center (West Virginia Capitol building, across from the Supreme Court of Appeals)	Experiential Learning Center with educational displays, interactive/touchscreen kiosks, and courtroom simulations.
<u>Wyoming</u> Judicial Learning Center (Supreme Court building)	Traditional museum-style with interactive and informational exhibits, and online web-based games.

Experiential Learning

By leveraging technology and multimedia, JLCs use experiential learning through digital interactive games to help visitors understand new and often complex legal concepts. Legal problem-solving games like “You Be the Judge” and “Make Your Case” immerse participants in the roles of judges, lawyers, and jurors. In one game, the judge reinforces the importance of the judiciary by stating, “You, as the judge, make the ultimate decision.” These activities often incorporate current legal issues and real-world scenarios, encouraging critical thinking and connecting legal challenges to daily life. Other games, such as “Our Constitution Game,” “Balance of Power,” and “Assembling the Rule of Law,” reinforce civic concepts learned in school.

To inspire the next generation, several states offer “Hear from a Judge” kiosks where visitors can listen to judges share personal stories about their lives, answer questions about what it is like to be a judge, and discuss what they would be doing if they were not judges. West Virginia has an audiovisual exhibit, and a wall panel dedicated to nonjudicial jobs in the court system, like local court clerks, secretaries, court reporters, technology professionals, probation officers, and security personnel.

This innovative approach to teaching and learning transforms civics education into a fun, engaging experience that is accessible, memorable, and inspiring, especially for younger audiences. Even the youngest visitors can learn about the law through play with Scales of Justice by placing different-sized blocks labeled “Evidence,” “The Law,” and “Past Cases” on a scale, demonstrating how these elements can carry varying weights in different cases yet remain balanced.



At Wyoming’s Judicial Learning Center, visitors can make legal decisions in-person and online with interactive games like “You Be the Judge.” As the judge, you’ll analyze evidence, rule on three unique cases, and then compare your sentencing decisions with other players.

Interactive Games: You Be the Judge, Make Your Case, Hear from a Judge, Our Constitution Game, Assembling the Rule of Law, Balance of Power

Enhancing Courthouse Tours

Out-of-school learning experiences such as courthouse tours, mock trials, and mock oral arguments are longstanding outreach opportunities courts use to complement classroom education. However, as emphasized in NCSC’s “Beyond Civics Education” guide, courthouse tours alone are not enough to strengthen civics education; additional strategies are needed to improve public trust and confidence.²

JLCs enhance the courthouse or capitol tour experience by providing visitors with a deeper understanding of the judiciary’s role in society and its impact on everyday life, helping fulfill the judiciary’s role in public education and encouraging greater trust in the court system.

In both Illinois and West Virginia, after touring the supreme court courtrooms, visitors can explore interactive exhibits in nearby learning centers that demonstrate how the judicial branch shapes society and how individuals can participate in the judicial process, whether by being a juror or a voter or by pursuing a career in the court system.³

Similarly, in Ohio, students touring the Thomas J. Moyer Ohio Judicial Center learn about the state’s judicial branch, the appellate process, and how supreme court decisions affect the laws and citizens of Ohio. They then visit the court’s Visitor Education Center, which includes interactive exhibits illustrating cases impacting young people and families, demonstrating how courts and communities are connected.⁴



After taking the tour and exploring the Visitor Education Center, visitors of all ages often remark that they had no idea how influential the judiciary is in our daily lives.

Stacey Gall

Ohio Visitor Education Center Tours Coordinator

² CCJ/COSCA Public Engagement, Trust, and Confidence Committee. (2024). Beyond civics education: A health and wellness guide for getting our public trust and confidence back in shape. Report and recommendations. <https://cdm16501.contentdm.oclc.org/digital/collection/ctcomm/id/320>

³ See more about Illinois at <https://perma.cc/N2QQ-KEX7>.

⁴ See more about Ohio at https://www.courtnewsOhio.gov/happening/2024/TransportationGrants_090924.asp.

Case Studies: Ohio and West Virginia

Midwest neighbors, Ohio and West Virginia, offer a case study in contrast. Despite their differences in size and resources, both states have successfully established JLCs within the resources of their court. Ohio's JLC opened in 2005, while West Virginia's opened in 2023.

SPACE

Creating a JLC requires thoughtful consideration of the available space. While some courts have the advantage of designing expansive educational centers, others must operate within the constraints of their existing buildings. Larger spaces accommodate more hands-on, interactive exhibits, whereas smaller spaces are better suited for electronic displays.

Ohio

The Ohio Visitor Education Center (VEC) is a 4,400-square-foot space located on the ground floor of the 15-story Art Deco styled Moyer Judicial Center, formerly known as the Ohio Departments Building, directly beneath the Ohio Supreme Court courtroom. The VEC was designed to complement the building's historic architecture and provide an engaging learning environment.



The Supreme Court of Ohio's Visitor Education Center features a display that is activated by foot traffic and shows students and guests examples of each branch of government.

West Virginia

The West Virginia JLC is a compact space, occupying 462 square feet (a hallway and two rooms) within the West Virginia Capitol building across from the Supreme Court of Appeals courtroom. The center demonstrates what can be accomplished in a limited area without compromising the integrity of a historic building. A subcommittee of award-winning civics teachers provided guidance about content and curriculum.



One tabletop exhibit in the West Virginia Judicial Learning Center focuses on landmark cases on topics of interest to students. The cases concern locker searches, the right to get a bus to school, the timing of girls' and boys' sports seasons and whether students can be suspended from extracurricular activities for having bad grades. Photo by J. Alex Wilson - Supreme Court of Appeals of West Virginia



The hallway outside the Supreme Court of Appeals of West Virginia's courtroom contains three independently operated touch screens that each contain information about the same eight topics, including the state court system structure and history, juror responsibilities, court system jobs and a court knowledge quiz. Photo by J. Alex Wilson - Supreme Court of Appeals of West Virginia

BUDGET

Funding can be a significant challenge, but strategic planning and resourcefulness can make a difference. Whether through state funding, grants, or partnerships, funding must ensure long-term sustainability.

Ohio

The total cost of the Ohio VEC was \$1.2 million, funded through the capital budget for

the building renovation. The center attracts over 10,000 visitors annually, offers field trip transportation grants, and hosts various educational programs and outreach events. The center's ongoing operations are funded through the Supreme Court's operating budget.

West Virginia

A combination of state funds and grants from the West Virginia Bar Foundation and local groups paid for the West Virginia JLC's total cost, which was less than \$755,000. Using a grant, the court commissioned two paintings for the space: *The Age of Laws* by Michael Teel and *Justice* by Blake Wheeler. A high school shop class won the bid for fabricating benches and window seats/HVAC covers. In its first full year of operation in 2024, the center received more than 1,000 visitors. Its nominal ongoing operating expenses are covered in the Supreme Court's budget.

EXHIBITS

The success of a judicial learning center often depends on the quality and variety of its exhibits. Interactive displays, digital resources, and hands-on activities help bring legal concepts to life. Designing exhibits tailored to different audiences ensures that visitors of all ages leave with a deeper understanding of the judiciary.

Ohio

The Ohio VEC features three courtroom settings where visitors serve as decision-makers in trial proceedings, an interactive scale that allows visitors to balance the three branches of government, and videos that debunk common myths about courts portrayed in television and movies. Student groups watch a three-minute video titled *A Day in the Life*, which explains the work conducted at the Ohio Supreme Court.⁵

The center also includes 25 exhibits covering a wide range of legal topics, including:

- Freedom of speech
- Search and seizure
- Student-athlete rights
- The role of the courts in society
- Careers in law

The center's exhibits align with state curriculum standards and are designed to spark reflection, discussion, and critical thinking among visitors, especially students.

⁵ See "A Day in the Life" video at <https://www.ohiochannel.org/video/a-day-in-the-life-of-the-supreme-court-of-ohio>.

West Virginia

The West Virginia JLC offers interactive electronic exhibits, activity stations, and explanatory wall panels that educate visitors about basic legal concepts and terms, and the state's judiciary. Activities include a supreme court seal puzzle, balance scales for visitors to test their skills, and mini school lockers filled with information about court cases that are relevant to students. Exhibits include:

- History and structure of the West Virginia court system
- Protection of rights and safety
- Landmark cases
- Careers in the judiciary

The center's exhibits are tailored to a variety of age groups, from elementary school students to adults. Work is under way to create online programming.



One of the two rooms in the West Virginia Judicial Learning Center was previously used by attorneys waiting their turn to argue before the Supreme Court across the hall. The space that once held an eight-seat conference table now contains two corner kiosks, each displaying an interactive electronic “You Be The Judge” exhibit; a hands-on court stamp display; lockers with information about landmark school cases; explanatory wall panels; and (unseen) a hands-on scales of justice with balancing blocks. Photo by J. Alex Wilson - Supreme Court of Appeals of West Virginia

Transforming Court Spaces

Ohio and West Virginia demonstrate successful learning center projects despite differing budget, funding, and space constraints. While not every court has the budget or capacity to support a fully interactive JLC, many courts, regardless of size or jurisdiction including trial and appellate courts, can transform their spaces into engaging learning opportunities for visitors.

Below are examples of improvements courts can make based on different budget levels.

No Cost

- Mock trial or moot court scripts posted online
- Court tours by employees or volunteer docents
- Student essay contests
- Live Q&A with a judge (via social media or video conference)

Up to \$4,000

- Off-site court programs: Appellate courts hold argument dockets at local courthouses, schools, or college campuses.

Example from West Virginia: costs cover staff travel expenses.

- Offsite educational displays (exhibits, posters, panels, or banners) in locations like sheriff's offices, libraries, or museums.
- Tactile and decorative displays.

Examples from West Virginia JLC: scales of justice and table \$3,604; embosser activity with vitrine case \$3,517.

Up to \$120,000

- Augmented or virtual reality experiences.

(West Virginia court staff provided content which created significant savings.)

- » Hallway three-screen interactive exhibit with individually operating screens covering eight topics each.

Example costs from West Virginia JLC: software \$88,000; hardware/housing \$30,256; total \$118,256.

- » AV presentation on how cases move through the court system.

Example costs from West Virginia JLC: software \$54,700; hardware (two kiosks) \$17,781; total \$72,481.

- » AV presentation for You Be the Judge interactive exhibit.

Example costs from West Virginia JLC: software \$89,000; hardware (two kiosks) \$24,041; total \$113,041.

Possible Funding Sources: State Funding, Grants from Nonprofit Organizations, Historical Societies, State and Local Bar Associations, Corporate Sponsorships, Educational Institution Partnerships

To overcome space constraints, courts can repurpose underutilized areas such as libraries, hallways, rotundas, conference rooms, or office spaces. For example, Tennessee's State Judiciary Museum, located in the Supreme Court Law Library in Nashville, features exhibits about historical cases and the litigants, lawyers, and judges involved in them. Other exhibits include information about the origins, history, and current operations of Tennessee's legal system.⁶

The Florida Supreme Court Law Library in Tallahassee offers a JLC alternative with its Rare Book Room, which showcases historical law texts and documents. This room is complemented by museum-style informative wall panels displayed in the lawyer's lounge and hallways that highlight the state's judicial history and court structure.⁷ Visitors leave the courthouse with a unique perspective on the evolution of justice in Florida.

Additionally, courts should consider the functionality of the space, ensuring that it is inviting and strategically placed for maximum visibility and access, ideally on the first floor if possible. This approach not only complements existing court services but also prioritizes the safety and security of all visitors.



Tennessee's State Judiciary Museum in Nashville features exhibits about historical cases and the litigants, lawyers, and judges involved in them.



Informative wall panels line the hallway outside the Florida Supreme Court courtroom, highlighting the state's judicial history and court structure.

⁶ See Tales of the Tennessee Judiciary at <https://perma.cc/2H38-A98X>.

⁷ See more about Florida exhibit at <https://perma.cc/T763-GA39>.

Sustainability

Getting started can be challenging, but maintaining a program is often the most difficult aspect. Ohio and West Virginia took similar approaches when developing their learning centers. The list below provides a helpful starting point for courts to consider when planning a project, with an emphasis on sustainability.

Steps to Developing a JLC

1. **Identify a Champion:** Find a passionate advocate within the judiciary to lead the team.
2. **Form a Committee:** Assemble a dedicated project team to drive the development of the center.
3. **Identify a Project Manager and Develop a Plan:** Outline goals, target audiences, and devise funding strategies.
4. **Determine Budget and Funding:** Investigate various sources such as grants, state budgets, and potential partnerships.
5. **Design Exhibits:** Plan⁸ and design exhibits⁹ that integrate technology and diverse learning methods to enhance visitor engagement.
6. **Evaluate the Center:** Use visitor feedback to update educational needs to continuously improve the center.
7. **Sustain the Center:** Secure a permanent funding source to ensure long-term success.
8. **Offer Online Resources:** Elementary and high school educators should also have access to your JLC's online teaching materials that prepare tour groups for their visit.

JLCs need ongoing maintenance and continuing exhibit updates, ideally around the ten-year mark. To maintain the quality of displays, civic education staff should establish a strong working relationship with housekeeping and facilities to ensure display units are cleaned of fingerprints, vacuumed, and touched up to address nicks or worn areas.

8 See more about exhibit planning at <https://perma.cc/H87F-LGC5>.

9 See more about exhibit development at <https://perma.cc/HA4B-BLQX>.

Why now?

According to the National Assessment of Educational Programs, the average civics score for eighth graders in 2022¹⁰ remained below the proficient level. Additionally, the 2024 State of the State Courts¹¹ poll shows confidence in state courts stands at approximately 63 percent. The Annenberg Public Policy Center's 2024 Constitution Day Civics Survey¹² reveals that while 65 percent of Americans can identify all three branches of government, a significant portion — 35 percent — cannot, indicating that over a third of the adult population lacks a fundamental understanding of our government's structure. In this context, JLCs play a crucial role in bridging the gaps in civic knowledge prevalent today. Importantly, they can help increase public trust and confidence in the judiciary by making the law and legal concepts more relatable and understandable.

10 See NAEP Report Card at <https://perma.cc/YD7R-SJ5C>.

11 See National Center for State Courts. (2024, December 20). Nearly two-thirds of Americans express trust in state courts, says new poll. <https://ncsc.contentdm.oclc.org/digital/collection/ctcomm/id/372>

12 See Annenberg Public Policy Center survey at <https://perma.cc/5MP4-RMD8>.

“

We see students from all across Ohio, and although each group varies in total civics knowledge, all groups seem to know the least about the judicial branch of government.

Stacey Gall

Ohio Visitor Education Center Tours Coordinator

“

With our West Virginia Judicial Learning Center, we will no longer be the mysterious branch of government. We try to tell students and adults about our branch, and what we do in the judiciary: that is, we help people. We help people who are in trouble or who have been wronged. We help people who are seeking some kind of redress, and we help people stay safe. We help children find a place where they can be safe and secure. That's why we want people to understand more.

Beth Walker

Former Chief Justice of West Virginia Supreme Court of Appeals, 2023

Begin Today: Evaluate and Elevate

What does this mean for courts today? It means that now is the time to evaluate and elevate your court space, revitalizing unused or underused areas. With this charge, and despite space, budget, and funding limitations, courts — regardless of level, including local and municipal courts — can explore new and innovative ways to transform court spaces into hubs of learning and engagement.

No matter the content or delivery methods, all court educational efforts share a common mission: to educate the public about the judiciary and the legal profession, inspire and engage a new generation, and demonstrate why courts matter. By embracing this mission, courts can enhance their space and strengthen their connection with the public they serve.

Take the first step: begin with a pilot program or a small-scale project to build momentum.



In Colorado's "Make Your Case" exhibit, visitors play key roles as prosecutor, defense counsel, and jury in a criminal court case that follows the entire process, from opening statements through the verdict, as they decide the fate of Ms. Hand, accused of stealing gloves from Ski Outlet.

Begin Today: Reflection

Question to start: What is something you wish the public knew about your court?

Action: What can you do now, using the space you currently have, to engage the public in what you wish they knew about your court?

Community Connections

Have a plan to promote the groups that visit. These strategies can enhance the connection between your court and the community and help foster a sense of transparency and encourage public participation.

- **Leverage Social Media:** Use social media platforms to highlight public access to the courthouse and the engaging activities available to the community.
- **Adhere to Privacy Policies:** Be mindful of privacy regulations concerning the use of photos featuring minors. For instance, in Ohio, court photographers typically capture images of students from behind to respect privacy concerns.
- **Consider Local Rules:** Review existing local rules to determine if they restrict photography and recording. If necessary, revise these rules to permit visitors to take pictures and videos in areas outside of courtrooms.
- **Encourage Sharing:** Remember that visiting schools and groups often share their own photos on their social media channels. Include these options in your “tour information packet,” ensuring visitors are aware of the opportunity to connect and share.



The King Kamehameha V Judiciary History Center helps preserve, interpret, and educate about Hawaii's legal history through the lens of law, public policy, and the courts.



11

Cultivating a Court's Data STORY: A Guide for Court Leaders to Develop Storytelling Skills and Effective Communications

Stories are ideal for communications that hope to inform and encourage audiences. When applied to data-informed communications, data storytelling is a framework that filters principal information for decision-making and reduces reliance on intuition or experience.

Lindsey E. Wylie

Senior Court Research Associate,
National Center for State Courts

Stories transfer knowledge, pass-cultural values, challenge convention, explore possibilities, and foster understanding. Deeply rooted in social history, stories are fundamental to how we make sense of the world because stories transform abstract concepts and fragmented experiences into relatable narratives. Designed to be accessible, engaging, convincing, and memorable, stories are ideal for communications that hope to inform and encourage audiences. Typically, storytelling is associated with fiction but when applied to data-informed communications, *data storytelling* is a framework for relating narrative and illustration¹ “to what they really stand for: knowledge, behaviors, people.”² Ideal for audiences who lack (or avoid) competencies in data literacy, data storytelling filters principal information for decision-making and reduces reliance on intuition or experience.³

1 Cheney, Theodore (2000). Writing Creative Nonfiction: Fiction Techniques for Crafting Great Nonfiction.

2 Giorgia Lupi (2017) Data Humanism, The Revolution will be Visualized at <https://perma.cc/7FNM-LRKB>.

3 Herschel & Clements, 2017

I discovered the power of data storytelling through Malcolm Gladwell's *The Tipping Point*, which explores how small ideas drive measurable sociological change. While his theories intrigued me, it was his engaging, research-based storytelling that captivated me. In graduate and law school, I learned to think like a lawyer, write like a scientist, and teach research methods like a professor, but I did not learn how to genuinely engage audiences to effectively transfer ideas. In speaking with colleagues, I learned that other data reporters also want to better communicate with data. Determined to channel Gladwell's style and impact, I synthesized research from data and information sciences, library sciences, communications, social psychology, and business analytics. Collectively this research indicated that like any skill, data storytelling can be learned, practiced, and mastered.

Effective data storytelling begins with quality data and, importantly, a credible and trustworthy messenger. As outlined by NCSC's Data Dives: The First Step for Growth (see <https://cdm16501.contentdm.oclc.org/digital/collection/ctadmin/id/2593>), to successfully transfer key insights from data collected, much like growing a tree to harvest its fruit, first the court must have strong roots in data governance and a core trunk supporting a data-driven mindset. As the court's culture around data grows, so do leaves containing data-based information. As the data life cycle continues, key insights extend the reach of the branches. Once information from data yields outcomes — the fruit — then discoveries can be confidently shared through data storytelling.

According to Gladwell, "The key to good decision making is not knowledge. It is understanding."⁴ As a leader with special knowledge in court operations and data, you are an ideal narrator to harvest key insights and share your court's story. To begin cultivating your court's data story, this article distills key research on impactful storytelling into Data STORY elements, equipping you to craft data stories that captivate, persuade, balance logic with emotion, and encourage ongoing inquiry into effective data use (Figure 1).

4 Gladwell, M. (2005). *Blink: The power of thinking without thinking*.

Figure 1. Elements for Cultivating a Court's Data STORY

What STORY Should You Share?

It is important to let the data lead the story rather than selecting data to support a foregone conclusion or preferred storyline. In planning a data story, the storyteller asks what can make the data points “come alive” because “a single data point can have a who, what, when, where, and why attached to it.”⁵ Just as characters in stories need to be well-rounded to be believable, statistics also must be well-rounded. Every data point has a backstory, and it is important to present enough detail for enriching the data’s information without providing so much detail that the audience is uninspired.

Data storytelling begins with a dynamic process to shape the Strategy, assess the Target Audience, and select key Observations. In conjunction with these, the next steps involve designing the story Representations: the narrative and accompanying illustrations. Although drafting these can feel challenging, strategizing the data story through planning and continual editing using storyboarding techniques focuses the data story to meet the overall story objective and audience needs. To Yield a desired outcome, the final step in data storytelling includes planned dissemination and evaluation of the story’s impact.

⁵ Yau, N. (2013). Data points: Visualization that means something. John Wiley & Sons. pg. 3.

Strategy

The fruits of effective data use are ripe to share. Court leaders are credible and trustworthy narrators who are ideal for sharing data insights through storytelling across different delivery formats, given quality data and a logical message.

Data storytelling works best with a credible and trustworthy expert narrator because audiences are more agreeable to the directed action when they feel more confident in the narrator.⁶ Often expertise is established through the storyteller's credentials or stated experience, but expertise alone does not suffice for an effective story. Stories shared by expert narrators with poor logic have even worse outcomes than poor stories shared by non-experts; therefore, expertise must also be impressed by audiences through convincing story logic.⁷

Logical data stories are cultivated from quality data and a clear objective. A data story point-of-view⁸ defines the message and action the story is intended to inspire. It also includes any storytelling scope parameters such as purpose, themes, and constraints. For court communications, some common objectives proffered by the Conference of State Court Administrators include securing funding, influencing policy decisions, enhancing engagement and collaboration, improving transparency and accountability, and proactively sharing accurate information.⁹

Whether presented in an online annual report or a single event slide, data stories share core ideas regardless of the delivery format. Figure 2 categorizes delivery formats common to courts by three factors relevant to strategizing a data story: 1) length/space, 2) illustration-to-text ratio, and 3) audience reach. Some court communications require predetermined formats or

6 Suzuki, W. A., Feliú-Mójer, M. I., Hasson, U., Yehuda, R., & Zarate, J. M. (2018). Dialogues: The science and power of storytelling. *Journal of Neuroscience*, 38(44), 9468-9470. Falk, E., & Scholz, C. (2018). Persuasion, influence, and value: Perspectives from communication and social neuroscience. *Annual Review of Psychology*, 69(1), 329-356.

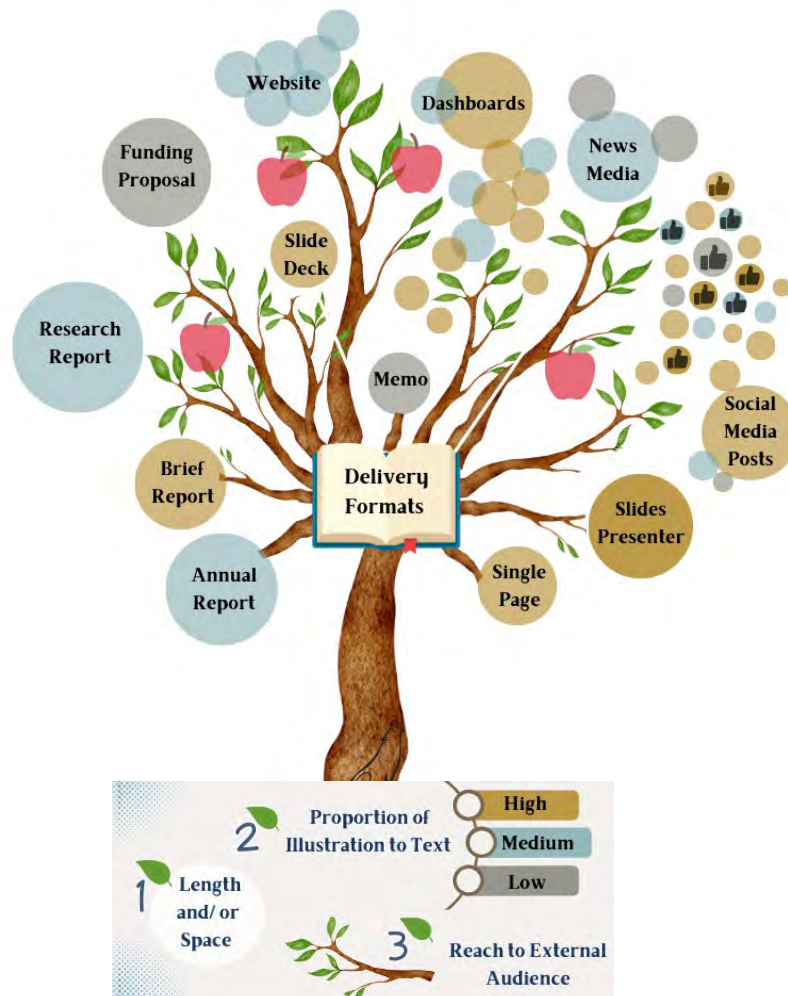
7 Clark, J. K., Wegener, D. T., Sawicki, V., Petty, R. E., & Briñol, P. (2013). Evaluating the message or the messenger? Implications for self-validation in persuasion. *Personality and Social Psychology Bulletin*, 39(12), 1571-1584.

8 Duarte, N. (2019). *Data story: Explain data and inspire action through story* (Vol. 1). Oakton, VA, USA: Ideapress Publishing.

9 Conference of State Court Administrators (2024). *Courting Public Trust and Confidence: Effective Communication in the Digital Age*, retrieved from <https://ncsc.contentdm.oclc.org/digital/collection/ctcomm/id/376>.

constraints based on other story elements (i.e., audience, objective). Some audiences may be most engaged with shorter formats or have higher illustration needs. If the objective is action focused, then effective formats contain heavy messaging and linearly reveal information as author driven (noninteractive); but if the objective is informative, then effective formats contain less messaging and are audience driven (interactive).

Figure 2. Delivery Formats Adjusted to the Strategy and Audience Needs



Target Audience

Foretelling the audience's priorities is key to drafting an inspiring data story that increases the audience's likelihood of tasting the apples of wisdom.

Effective data stories speak to an audience subgroup to change existing attitudes and beliefs, as well as influence information processing. For instance, studies in neuroscience reveal that engaged listeners, regardless of content, exhibit brain activity linked to attention, memory, and reward called neural coupling.¹⁰ With traditional forms of data reporting (or data dumping), the message's logic may resonate with audience subgroups who have similar expertise and motivation to the storyteller. However, evoking emotion through the narrative and illustration may be necessary for neural coupling when audience subgroups require adaptation by expertise and motivation.

Court communications are less impactful when they target broad, undefined audiences like the public or policymakers, which contributes to generalized messages and little action. Instead, data stories focus on a narrow, well-defined audience evaluated for expertise in court operations and data and motivation to engage in the story's objective (see Figure 3). In information sciences, audiences are grouped into categories based on level of expertise: *novice*, *generalist*, *colleague*, *expert*, *trustee/funder*,¹¹ which guides the granularity of data information presented. For the message to be engaging, social science research indicates further segmenting the audience by level of interest or their degree of attention and curiosity and values or their core beliefs that shape attitudes, behaviors, judgments, and serve as evaluation benchmarks. If these factors are unknown, the target audience should be assessed via other data collection methods.

10 Ohad, T., & Yeshurun, Y. (2023). Neural synchronization as a function of engagement with the narrative. *NeuroImage*, 276, 120215.

11 Tabak, R. G., Khoong, E. C., Chambers, D., & Brownson, R. C. (2013). Models in dissemination and implementation research: useful tools in public health services and systems research. *Frontiers in Public Health Services and Systems Research*, 2(1), 8.

Figure 3. Framing the Data Story by Audience Subgroup

Observations

Transforming a single data point into key insights ripe for harvesting requires data to be converted into apples of wisdom worth sharing. While a court's growth begins with strong policies in data governance and thrives in a data-driven atmosphere, ongoing pruning and maintenance allows for continued growth and opportunities for lessons learned.

A model in information sciences, the DIKW pyramid describes the transformation of raw data into wisdom. It assumes that data are processed without human involvement through *bottom-up* cognitive processing, which proposes that sensory information is analyzed as it is purely received. However, despite the ubiquity of terms like "data-driven" and findings described as passively "emerging" from data, the DIKW model overlooks the need for human interaction in making data meaningful throughout its life cycle.¹² Just like a photograph, data requires human participation and is best understood by framing.¹³

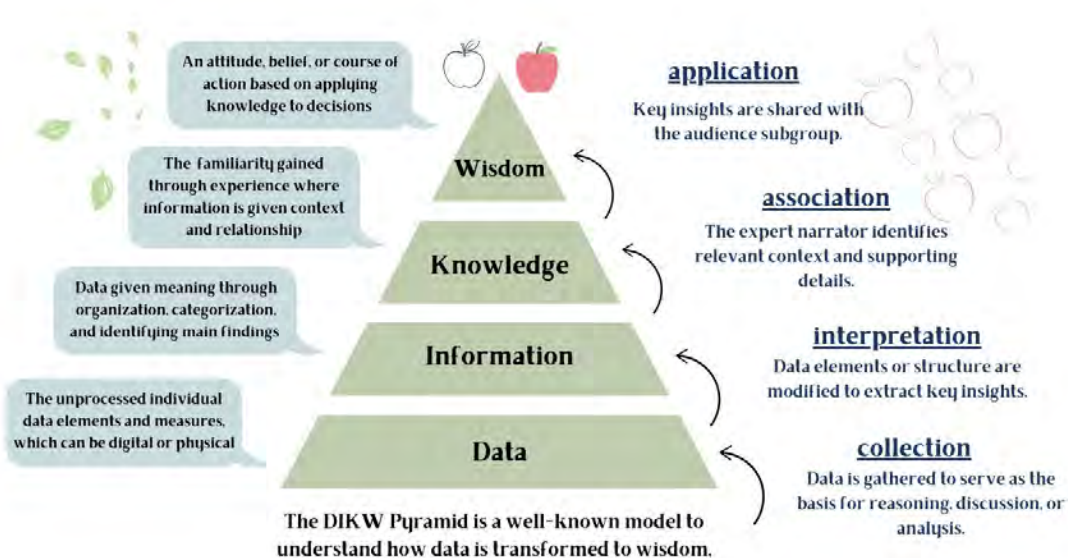
A data humanism approach applies data storytelling to the DIKW pyramid, which acknowledges the human influences on data identification, interpretation, and sharing. The adapted model

¹² McDowell, K. (2021). Storytelling wisdom: Story, information, and DIKW. *Journal of the Association for Information Science and Technology*, 72(10), 1223-1233.

¹³ Gitelman, L., Jackson, V., Data's an Oxymoron, R., Douglas, M., & Think, H. I. (2013). 'The Heavies Were All for Automation': Machine Readable Cataloging and the Bibliographic Framework Initiative.

indicates that interpreting data leads to information, associating information leads to knowledge, and applying knowledge results in wisdom (Figure 4). As such, data storytelling involves *top-down processing* to analyze sensory information through the experience of the expert narrator.

Figure 4. Transforming Data to Wisdom Through Data Storytelling



To ensure biases (e.g., sampling bias, cognitive bias) do not influence the data story, the data's context must be documented throughout the life cycle and transparently described in the data story. The level of granularity in the supporting details depends on the amount of detail necessary to transfer knowledge clearly, accurately, reliably, and objectively, while simultaneously considering the strategy and target audience. The types of supporting details may include how data was collected and by whom; the analyses conducted and the reason; and outliers depicted in the data and how they may be associated with the data's backstory.

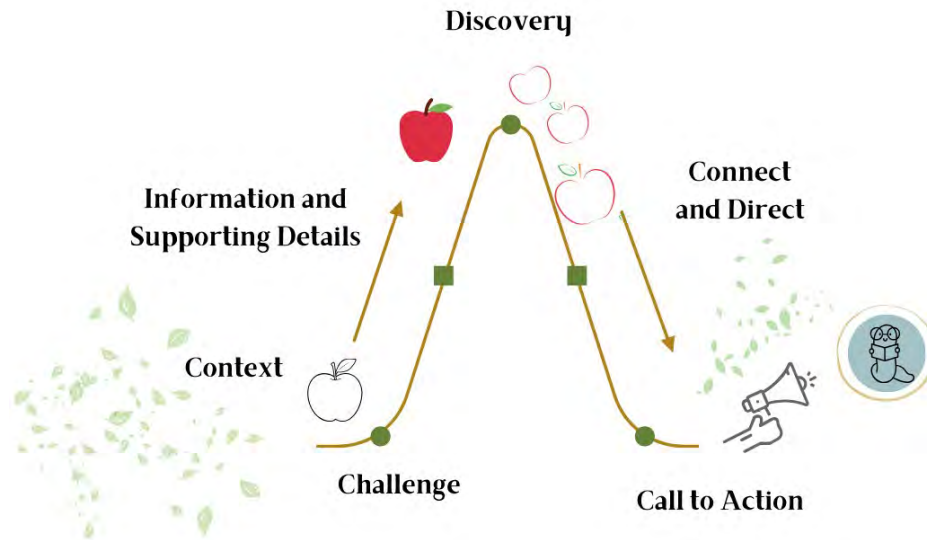
Representations

A well-designed narrative and accompanying illustration that represents a court's data story can inspire audiences to plant seeds of their own.

A narrative is structured with a beginning, middle, and an end, and contains components to create tension and conflict to draw the audience's attention. However, the difference between data reporting and data storytelling is how the narrative is framed to meet the story's objective. While various literary plot types can shape a narrative, the classic Greek narrative arc is familiar to many audiences and is applicable to data storytelling.

In conventional data reporting, the researcher is the protagonist and the narrative arc follows the research methodology that unfolds chronologically with the problem, followed by data collection and analysis, and concluding with insights and recommendations. Or for less interested audiences, the story may start with research insights and then provide relevant supporting information to describe the study's method. A research method narrative arc best suits audiences who intend to replicate the research and require high granularity in detail.

Within data storytelling the main characters are the subjects of the data points (Figure 5). The data storytelling narrative arc humanizes data points, the researcher recedes, and the narrative arc highlights the main character's journey as impacted by the key insights. More specifically, the context presents the plot, characters, and current state. Like a journalistic news hook, the challenge outlines the problem, creating audience tension or surprise. Like a fictional conflict, the challenge sparks curiosity, connects with values, or triggers audience action. A data story balances momentum with sufficient explanation. The challenge drives the story, whereas the information and supporting details leave a lasting impression.

Figure 5. The Narrative Arc as Applied to Data Storytelling

At the arc's peak, the discovery unveils the wisdom cultivated from key insights and aims to emotionally engage the audience, alter their beliefs, and cement their memory. Before revealing the call to action, the narrative connects the wisdom to the audience's self or social relevance and directs them to the desired action of the story's objective. Because insights alone are insufficient, a data story should inspire the audience to enact change. The call to action concludes the narrative and instills urgency about solving the identified problem, outlining what the audience learned, how they can achieve a desired outcome, or the actions they can take to improve their situation. Importantly, the call to action is most effective when proportional to the delivery format and audience. For example, a social media post call to action may be less impactful than a memo to colleagues. Sometimes the call to action might be less direct, requiring the audiences collective knowledge to determine the best course of action with the storyteller.

Illustrations complement but do not fully convey a narrative. Effective data storytelling uses appropriate illustrations for observations, balancing them with the narrative depending on the delivery format. The goal for each illustration is to boost audience understanding and engagement, but to ultimately guide them toward the call to action. A well-crafted visualization enhances understanding and prevents misinterpretation. Best practices within

information sciences include: declutter for clarity to remove distractions, highlight key insights, and use clear language; establish hierarchy to arrange elements by importance, use color strategically, and guide focus; and use text effectively to apply concise titles, labels, and annotations to reinforce key messages.

Data visualization can imply complex graphs made with advanced software. However, as this article shows, observations can be depicted using various forms of illustration and software designed for non-analysts. For instance, Figure 2's tree illustrates three factors across several delivery formats, emphasizing their associations and reinforcing a metaphor presented in a related document — an approach a table could accurately present but without the same impact. The chart in Figure 3 underscores factors to evaluate audience subgroups by highlighting key characteristics beyond typical data expertise. The graphic in Figure 4 adapts the DIKW pyramid to storytelling and demonstrates the analytical process, but most importantly, was included to emphasize the role of court leaders in transforming data into wisdom. Finally, the familiar narrative arc depicted in Figure 5 is applied to an unexpected context, nonfiction, creating an accessible and surprising discovery for the audience.

In addition to visuals, storytelling illustrations can also be text. Personal stories and experiences sometime explain an insight best. As an example in this article, instead of describing in detail how I collected data to synthesize the research studies for this article, after assessing characteristics of the audience subgroup, I chose to summarize the method through my personal journey to write in prose akin to Malcolm Gladwell's.



Yield

Whether a court's use of data storytelling yields a prosperous harvest is measured by whether the audience is moved to action.

Other techniques for efficient harvesting incorporate sustainable practices such as ongoing themes or characters; optimal timing where wisdom is shared at peak ripeness or when the audience is most hungry; and cross-pollination within broader and long-term court objectives (e.g., increasing public trust and confidence).

To ensure a bountiful yield from a data story, employ a dissemination strategy via predetermined channels (e.g., website, social media, community event, newsletter). Shown effective in transferring public health research insights, dissemination and implementation science models provide systematic approaches.¹⁴ To measure the yield of a data story, the storyteller must define the outcome or the specific audience behavior and how it will be measured.

My Call to Action for You

The power of data storytelling lies in its ability to translate complex information into meaningful, persuasive narratives that inspire action. Effective data storytelling requires visualization tools, narrative skills, and the right mindset. This includes embracing data humanism for emotional connection, challenging data biases to ensure fairness, acknowledging data complexity for authenticity, and documenting challenges for building trust and understanding.

As stewards of court data, you have the unique opportunity to craft compelling stories that illuminate key insights, enhance decision-making, and engage stakeholders. Now is the time to put these principles into practice. Use this guide to refine your storytelling skills, experiment with different narrative techniques, and bring your court's data to life in a way that resonates with your audience. By doing so, you will not only strengthen your own communication but also drive more informed and effective justice outcomes. If you do experiment, please send them my way as I would enjoy knowing my data story inspires others.

¹⁴ Tabak, R. G., Khoong, E. C., Chambers, D., & Brownson, R. C. (2013). Models in dissemination and implementation research: useful tools in public health services and systems research. *Frontiers in Public Health Services and Systems Research*, 2(1), 8.

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