

## 2019 NACM State of the Profession Address

Good morning, distinguished guests and my esteemed fellow court administration professionals from court systems around the country – the world - including those attending online. On behalf of the NACM board, I am honored to present the 2<sup>nd</sup> Annual State of the Profession Address for the National Association for Court Management. We began last year delivering this annual speech to reflect on issues and trends most of our constituents—indeed, all of us—face.

When we meet with colleagues from around the nation, we often hear stories about people who come to court to vent. But—and this is a testimony to each one of you—because of the professional demeanor and impartiality with which people’s complaints are addressed, by engaging with those you serve, someone who comes to vent often leaves with a better understanding of the purposes of courts and how courts can support individual rights.

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How can we manage that? Court administration increases public trust by engaging with the public, often at the most pivotal moments of their lives... By listening and being patient. And by focusing on the important work we do... Delivering justice. Along that vein, we, the NACM board, have listened to you. Our conference theme this year is, "Courts and Society: Creating Public Trust through Engagement and Innovation." During this conference we will explore together the issues and trends you identified as high priority areas within state courts. By connecting with each other and sharing our insights and innovations, we will grow public confidence.

Our profession is responding to the needs of a changing world. NACM helps provide overarching vision and support so we can adapt to changing times and priorities. There are few professions nowadays which exist as they had a generation ago. Technology has changed the way we conduct our lives and also our business. This may be due to the expectations of our customers or our own

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personal willingness to rely on technology. As court administrators, we are not only charged with reflecting on the state of the profession as it exists; we must anticipate how we may utilize innovation to enhance our effectiveness when providing services to future communities served by courts.

Who could have imagined how alternative dispute resolution over the Internet would positively impact something many of us had thought of solely as an in-person event? Just ten years ago, online dispute resolution, or ODR, did not exist as an alternate means of resolving cases. However, courts now can provide it as a more accessible alternative to the sometimes arduous task of coming to a courthouse and having a case heard before a judge. ODR provides justice which in many cases is more expedient and even less stressful than traditional case processing. Last fall, Utah courts piloted the first statewide ODR program in the nation, with encouraging results.

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Another area where technology is advancing is artificial intelligence, or AI. It is so prevalent in the private sector, that when we call a company, we often end up talking with chatbots rather than a person to resolve our questions. This technological advancement can be applied in courts today. NACM produced two podcasts about AI, describing its advantages and drawbacks which may raise some concerns for courts. The potential growth in the use of AI could force courts to alter some essential administrative and case processing functions. AI might modify the need for some clerical functions and replace them with interpretative data analysts.

Although the application of new technologies creates some short-term growing pains, the future holds great promise. Through the strategic application of technology solutions not only do we enhance the public perception of the courts, but also courts reflect public opinion on popular issues which ultimately drive social and even court changes.

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Around the nation, criminal justice reform gains momentum. The President signed the First Step Act in December 2018. Individual states are taking on issues surrounding bail, sentencing, and fine & fee reform. When discussing criminal justice reform, it is perhaps fitting that we are meeting in our conference host state of Nevada, where Assembly Bill 236 made sweeping recommendations to this state's criminal justice system. These recommendations include pre-prosecution diversion programs; changes to probation and parole; revisions to specialty court programs; and establishment of the Nevada Local Justice Reinvestment Coordinating Council. This Council will examine ways to better invest in the entire criminal justice system, specifically at the front end when courts and stakeholders are better able to address concerns.

Our nation's expanding aging population creates a likely need for more court-appointed guardians into the future. Nevada's court system, like many others, has

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undertaken a Guardianship reform effort to develop a comprehensive court guardianship program toward improving court processes and monitoring practices which seek to protect the well-being and assets of vulnerable adults.

As we make progress in the area of public trust, there is still room for improvement in the area of perceived bias, as well as efficiencies to gain. The overall social justice movement has led to efforts in legislatures across the country to confront the disparate effect of criminal justice debt on various racial and economic groups. The results will come to impact court work at all levels. And so, we must develop court practices in response to legislation and our colleagues will need support in obtaining necessary resources to implement new laws and policies. NACM stands ready to support this effort.

Staying true to our duty to strengthen a culture of accountability and professionalism, we work to make courts a safe place to work. NACM has partnered with the National

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Council of Juvenile and Family Court Judges and the National Association of Women Judges to develop resources and training opportunities to aid courts in identifying and addressing sexual harassment and LGBTQ issues in the workplace. Building the exemplary workplace we all want is more than #MeToo. The job is not finished until we have done all we can within our workplaces to ensure—not just that our internal and external stakeholders—but also that every employee, is treated with fairness and respect.

There is an increasing need for mental health initiatives in courts due to the number of defendants with a serious mental health condition and as jails and prisons are becoming a default mental health provider. We must seek ways within courts to effectively manage cases involving mental health needs such that they are dealt with as appropriately as possible. NACM has developed relationships with judicial partners to improve the judicial system's response to mental illness. Through committed

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stakeholder involvement, we are participating in the national conversation under the auspices of the CCJ-COSCA Advisory Committee to Improve the Courts' Response to Mental Illness. The goal of this committee is to develop resources, best practices and standards, promote education, and build the capacity of state and national court leaders to respond to this emergent issue.

Our courts are impacted by an opioid epidemic, reaching unprecedented proportions across the country. This tragic disease knows no boundaries and creates crisis points within our communities and throughout our system, not just in criminal courts when individuals face drug charges... but also in our family, dependency, and probate courts. It seems no one is immune. It affects our workplaces too as so many, including some of our colleagues or their family members, experience an injury requiring pain management and risk subsequently becoming addicted to opioids. In August 2017 CCJ/COSCA joined in establishing the National Judicial Opioid Task Force. And NACM

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supplied a representative so that the voices of professional court administrators are heard at the forefront when developing solutions to address this pressing issue.

As court administrators, we work to make the court system more understandable. At the beginning of this year, NACM produced the Plain Language Guide. This resource helps courts increase public trust by incorporating plain language in court forms, instructions, signage, and other public materials. These reforms go hand-in-hand with access to justice, especially for those who choose to navigate courts on their own. As court administrators we face the reality that a significant portion of the population we serve will use the court system without counsel. It is, therefore, essential to determine what access to justice means for this demographic and be prepared to provide it.

To demonstrate court efficiency, data is becoming all important. And state courts generate a lot of it. For if we can't count it, how can we say we've really done it? NACM has partnered to explore data and challenge the

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conventional understanding of caseflow efficiency, focusing on its intersection with the timely appointment of counsel. Working under a State Justice Institute Technical Assistance Grant along with the American University's Justice Programs Office, the National Association for Presiding Judges and Court Executive Officers, and other key court organizations, we are assisting in the development of solutions to ensure cases flow efficiently surrounding the appointment of counsel. This guidance will be offered in the form of a white paper, due later this year.

But data is no longer simply used for caseflow management purposes. Our data is valuable to research and decision-making--often used by those outside court systems. And so we have become keenly aware how we must engage to clarify the facts serving as the basis for our data, thus avoiding assumptions about courts which may not be accurate.

Nowadays, openness and transparency in courts is so widely accepted, there is a general presumption of judicial

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openness. “Openness” is the norm, with closed proceedings being more of an exception. This leaves courts in the position of balancing how to preserve a transparent judicial system while at the same time protecting the confidential information in our care. This can be addressed by the adoption of unified data standards for court records. NACM, through an initiative of the National Center for State Court’s “National Court Open Data Standards Project,” is participating, along with many other leading court partners, in developing a set of data standards for state and local courts to address this challenge and to utilize a strategic organizational focus in improving data governance efforts.

To emphasize enhancement in the administration of justice throughout our profession, NACM’s 2020-2022 Strategic Plan will drive our priorities in the coming years. Indeed, it is NACM’s mission, serving as the primary source for education, resources, and innovative practices within

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the court management profession to promote information sharing to our mutual advantage.

And we also provide a unique forum to deliver and share innovations, thought-provoking trends, questions which matter to the court community, and more. We stay current through podcasts and publications, webinars, conferences, and strong, active partnerships. NACM is also the clearinghouse for the lessons-learned and best practices we hope to never need, but are so grateful for when an emergency is at hand. NACM provides support as courts prepare for the one-off considerations of the past, which have become all-too-common worries now. After all, we live in a world of cyberattacks, natural disasters, and other outside events adverse to court operations.

NACM's focus on issues is a direct reflection of matters identified by NACM members. So, the need for each of us to speak on matters of importance to the court system is perhaps greater now more than ever. After this conference, please be on the lookout in your email for the Voice of the

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Profession Survey to provide your input. If you would like to complete the survey sooner, you will notice a link to the survey in your conference app under this session. We need your help identifying current issues and trends impacting courts, and your responses guide what we highlight in our future work.

Advancing excellence in court management; promoting fair and accessible justice; developing leaders for tomorrow's challenge; utilizing technology to promote best practices... These are at the backbone of what we do each day... Public trust and confidence in the courts was identified by last year's Voice of the Profession survey as the number one issue our members feel NACM should address. This important trend is our priority at this conference and it has been included in our National Agenda. To achieve gains in this, NACM's strategy is to partner with justice stakeholders and other governmental agencies to share information, promote education, explain

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the unique role of the courts, and recommend initiatives which enhance the public perception of courts.

Public engagement is an important consideration for courts because it yields positive results. In the fall of last year, the National Center for State Courts assessed public sentiment toward courts. Confidence in state courts is the highest it has been over a seven-year period. 76% of respondents report at least some--if not a great deal of--confidence in courts. We each are empowered to contribute to this very good news. Every time someone crosses the threshold into our courts, or contacts us by phone or email, subscribes to our feed, or follows us on social media, we have an opportunity to share our message. As modern court administrators, communication is the main tool we use to engage and bolster the public perception of courts. It's how we develop relationships within our communities. Direct engagement is important whether we are communicating in person or using technology. So, our message should be relevant and

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sincere, and we also might have to fit it into a 140-character tweet. On that point, we must communicate via a variety of available methods... op-eds; on-line forums; podcasts; and through the strategic application of new technologies. And when we need to, we should consider how we can communicate outside regular business hours.

Over the years the public may have hardened in its opinion of government. Whether that is a fair characterization or not, courts must acknowledge the public has a “show-me” attitude toward our efforts to improve our relationship with them. Changing perceptions takes time and consistent effort. We need to use any chance we have to remind the public of the strong set of values which courts rely on to do our work. And this is an area of true strength for the judicial branch. Not because good people aren’t doing valuable work in the legislative and executive branches, but in the judicial branch, public perception is reflected by our adherence to our values. These values include:

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- Independent judges uniformly applying the law;
- Fair and impartial decisions;
- Equal access to justice; and
- Impartial and professional customer service.

By sticking to these values, we have a society ruled by laws. People can take this for granted. Courts are not always vocal in the work we do and the rights we guarantee. And when people are not reminded, they can take our silence as being proof that government is ineffective, or maybe even part of the problem.

How do we demonstrate we're part of the solution instead? We engage to reflect and respond to the concerns of our communities. For we too are concerned with adequate access to the courts... Daily we meet ADA needs, navigate language barriers, and are professional even when our customers are in a heightened emotional state. Taking the opportunity to share we are acting on these concerns while handling routine matters which come before us, can

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remind the public that the court is here for all those we serve.

Engagement doesn't work in only one direction. We need to be consistent in considering the input of our own team on the front lines of public service in addition to the customers themselves, by asking openly about their satisfaction and preferences for how they would like services delivered. This valuable feedback helps us match service provision with community expectations and available support. A steady feedback conduit can also help us better gauge the effectiveness of our improvement efforts. Finally, acting on feedback makes us responsive to customers and our team, demonstrating our commitment to them.

Getting out into the community is another way to improve public trust and confidence in courts. While judges have limited time to engage with citizens, doing so can make them more relatable. Also, judges have been said to have the "power to convene" both system and community

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partners. Using this power can get necessary partners in the room to spark new initiatives, and the resulting dialog can lead to greater mutual understanding and respect. Court managers with more flexible schedules should consider supporting outreach efforts. Community outreach can happen in a number of ways. A great example is “One Judge – One School,” from the New Jersey Superior Court in Atlantic and Cape May Counties. This program matches up superior court judges with 17 high schools in the counties. Judges work with schools to visit classes, appear at assemblies, and provide mentoring and other programs which complement the curriculum. It’s a reciprocal exchange. Judges visit the schools several times a year and students and teachers are invited to visit courthouses as well.

By engaging about available value-based services and by partnering with community members to solve problems, courts can increase public confidence in the judicial system and stay relevant and effective. Our profession is up to deal

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with the issues of today... By adapting and innovating through our NACM relationships, I am confident we will make the most of today's challenges and tomorrow's opportunities. I appreciate so much your hard work, dedication, and strong principles. And appreciate your contribution to the Voice of our profession. Together, we can make a positive impact. Thank you for your attention, and thank you for all you do to positively contribute to the state of our profession!