

Good morning, distinguished guests, and fellow court administration professionals from court systems around the country and the world, including those of you joining online! As the President of the National Association for Court Management, I am honored to deliver the 7th Annual State of the Profession Address.

This year's theme is "Leadership Opportunities and Challenges for our Nation's Courts: Leading Leaders into the New Tomorrow". Each of you attending this conference, either in person or virtually, are not only investing in your own leadership development, but also building the capacity of your courts to meet the challenges of today and tomorrow.

How does one set about to lead an organization?

First, we establish a culture of trust through constant two-way communication. IF we create an atmosphere that is void of fear, focused not on

coercive power, but on relational power, we give ourselves an opportunity to create a culture that is based on welcoming all to participate. We **MUST** start with culture, building it one person at a time, making it crystal clear that each person's opinion, interests, needs, are essential and add to the benefit of the department, the court, the organization, the society. This effort is not for the faint-hearted.

There will be individual setbacks along the way, those who desire to move at a different pace may step aside. As we prepare to talk about some of these challenges or opportunities to improve the administration of justice, let us start at the root, or the beginning with each one of you and the leadership role each of you takes on every day.

A critical issue that impacts all of us in the judiciary is the safety and security of our courts and all who

come through our doors to resolve their disputes or simply to work here. Our system of justice relies upon courts that are open, accessible, and safe places for the fair and peaceful resolution of disputes.

However, in recent years we have seen a deeply concerning rise in threats, violence, and disruptions at courthouses across the country. From physical attacks on judges, attorneys, and court staff, to intimidation tactics aimed at juries and witnesses, to protesters disrupting proceedings - these incidents undermine the critical principle of fair and impartial justice.

The Federal Judicial Center that serves our federal courts reports there has been a dramatic rise in threats and inappropriate communications against federal judges and other court personnel. The same

is true of our judges and court staff in our state courts.

Make no mistake - preserving the sanctity of our courts is essential for upholding the rule of law and protecting our democratic system of government.

When people fear for their safety going to court, it creates a chilling effect that deprives people of their rights and erodes public confidence in our justice system.

That is why we must take concrete steps to bolster safety and security measures in our courthouses and courtrooms. This includes providing adequate security staffing, installing modern screening equipment, enhancing threat monitoring, and preparing ourselves appropriately.

At the same time, we must carefully balance these security precautions with maintaining open access to be both safe and open spaces that allow for the free

exchange of ideas essential to a functioning democracy.

Keeping our courts and all who enter them safe is one of the most fundamental obligations we have as a society based on the rule of law. As court leaders we must keep ourselves informed about the threats and challenges we face. To that end, NACM, along with our justice partners that you see on this slide, have joined to urge the U.S. Congress to pass the Countering Threats and Attacks on Our Judges Act. This proposed legislation will create a State Judicial Threat Intelligence and Resource Center which will provide the resources you see here to our state courts. Until that becomes a reality, we remain active and aware of the threats to our judges, staff, and facilities. To that end, our colleagues at the National Center for State Courts updated their “Steps to Best Practices for Court Building Security”

in 2022. And NACM will release a revised court security guide later this year.

But we should also remember that excessive security measures can create an intimidating atmosphere that potentially hinders access to justice. Technological solutions, such as remote hearings for low-risk cases, can help maintain public access while mitigating security concerns. By prioritizing a multi-pronged approach that combines physical security with de-escalation tactics, mental health support, and community engagement, courthouses can become true bastions of justice, where both safety and the pursuit of a fair legal system are upheld.

While we typically think of a “threat” in the physical sense, there are other, more abstract threats that we must consider.

Artificial Intelligence has quietly woven itself into the fabric of our lives, shaping our experiences, often without notice. The streaming services we subscribe to now provide suggested content, and targeted ads follow our online searches. This is AI at work, constantly evolving and adapting to our preferences and needs.

The evolution of AI is remarkable and perhaps a bit daunting. AI has already found its way into the court system. Courts in Miami-Dade, Maricopa, Baltimore and Chester County PA have introduced helpful chatbots such as SANDI and CLEO to assist litigants. These bots are multilingual, answering general court queries and offering guidance to self-represented individuals twenty-four hours a day.

But the integration of AI into the legal system doesn't stop there. The Los Angeles court system is testing an AI tool to redact personal information of minors

from court records, while other court systems are attempting to use AI for automating docket entry and case processing. AI even produces accurate transcripts of audio recordings that judges can search, making their workdays more efficient.

Despite AI's potential benefits, there are several ethical concerns such as bias, accuracy, privacy, and accountability that must be considered.

Hallucinations and the use of “black box” technologies are on the forefront of those concerns. A hallucination is when incorrect or misleading results are generated by AI. Black box technologies reference the rapidly increasing use of algorithmic AI models such as facial recognition and risk assessments. These algorithms are unfathomably complex, and creators of the algorithms often do not disclose how they work. Experts in the areas of law and computer sciences contend that some of these

algorithms are incomplete and may perpetuate bias. They conclude that transparency and explainability are essential to ensuring fair and unbiased AI decisions; thereby, making the black box a glass box.

For those who may be more skeptical about AI, keep in mind that human decision-making is also prone to error and bias. As court administration professionals, let's work towards a future where AI enhances our legal systems, promoting efficiency, fairness, and transparency for all.

The courts and court management itself has changed significantly since the formation of NACM some 40 years ago. At that time, we had not arrived at a common understanding of the actual work of court management. Many of the major scholarly works were new and their focus was on determining what we should be doing as court managers; what

were our roles and duties? Through the work of practitioners and scholars, and in large part the work of all of us in this organization, we have been successful. We now have core competencies to guide each of us to develop our skills. We must renew our outlook to join and align our work with new and existing partners. We are part of the system and if the system fails, some of it is our failure.

None of us as individual court professionals, a court or even this association, NACM, operate independently with complete autonomy. Rather, we work interdependently with our justice partners on a micro and macro level. I noted last year upon accepting this role as President of NACM that we would place great emphasis on the relationships with our justice partners. We fully realize this is an ongoing process that will ebb and flow over time with

each partner. These relationships are marked not as an end destination, rather with mileposts of achievements incrementally placed along the journey all the while proclaiming there is more road to travel. Change takes time and continuity, much longer than the typical tenure of a Presiding Judge. So, when it comes to building relationships, partnerships, and trust, we as court leaders must step up. Know your leaders (judges, administrators, elected officials). Acquaint yourself with future leaders in your jurisdiction.

One justice partner that we often do not acquaint ourselves with is the citizen juror. Those jurisdictions who do pay close attention to the needs of these jurors generally exhibit a higher level of confidence and trust from the communities they serve.

In a 2023 white paper, COSCA reported that over 14 % of Americans are summoned and nearly 11 million people report for jury service each year. Jury service is as close as most people get to directly experiencing the courts, so their service is apt to be memorable and impactful. It is a great opportunity for us as the courts to tell our story and influence public trust and confidence.

Although jury management has been studied for decades and best practices widely shared with courts nationwide, we still fall short and fail to implement improvements we should have made long ago. In many courts, too many jurors are called for jury service, out of fear of not having enough jurors. The widely accepted practice of one day, one trial is still not used in many jurisdictions. We need to do better and reduce wait times and inconvenience. We have the knowledge and modern jury software;

we just need the leadership and the willpower to do it.

Jurors are a vital stakeholder group that must be welcomed and valued by courts. It is essential we take into consideration all factors a citizen must weigh and address as they alter their lives to serve as a juror. COSCA points out some emerging issues that deserve our attention. Many jurors, particularly in high profile cases, are rightly concerned about their privacy and personal security. Additionally, similar to our judicial officers and court staff, the trauma some jurors experience by listening to and viewing violent or disturbing images and testimony will need our attention. In Massachusetts, and hopefully soon in my home state, the Commonwealth of Pennsylvania, court funded counseling services will be available to jurors who

experience secondary or vicarious trauma from their service on a jury trial.

Our courts are the bedrock of a just society. As we navigate the aforementioned issues like safety, security, improving the experience for our jurors, and collaborating with justice partners, having an engaged and empowered workforce is paramount.

Anne Mulcahy, former CEO of Xerox famously stated: “Employees are a company’s greatest asset.” This is equally true in our judiciaries. That’s why we must be intentional about creating inclusive work environments where people of all backgrounds and abilities feel valued and respected. In 2023, NACM released the DEI guide to assist courts in their efforts to increase equity and foster inclusion.

Many courts are taking action. They are updating their hiring & promotion practices, reviewing their internal workplace policies, incorporating Diversity,

Equity, and Inclusion (DEI) training into their onboarding process, and providing professional development opportunities to staff throughout the year. It's important that we continue this work so that our employees can be at their best.

Inclusion extends beyond our workforce. It's a principle that must be applied to all stakeholders. We must strive to ensure court customers, jurors, and justice partners feel welcomed and understood.

There will continue to be challenges ahead as we strive to make our courts more inclusive. Our shared purpose is clear: to ensure the fair and impartial administration of justice. By embracing the principles of inclusion and belonging, we can make certain that our court systems are ready to tackle the challenges we face today, and those we face tomorrow.

Jon Gordon, who wrote the book, the Energy Bus, noted successful organizations invest in the root as

much or more than the fruit. The fruit is the result, the root is the process, the life source that eventually gives the tree or plant the opportunity to bear fruit. The root is neither seen nor heard unless it is sick, but it is felt. We understand the importance of process, the culture or the root, and the crucial role it plays, yet we too often do not celebrate its growth or heed its warnings when it is not well. The culture in our workplace, those with whom we work for, those who report to us and most of all those who use our services all make up and become a fabric of our court culture. Culture is NOT one thing; it is EVERYTHING. Inclusion and belonging are crucial elements of that workplace environment. They are not goals, objectives or destinations. Inclusion and Belonging is a continual process. Naysayers and detractors will note it is too difficult to stay focused on creating and maintaining an inclusive culture. Critics will even politicize the terminology to make

inclusion a concept to avoid, or that inclusion is really exclusion. There are many excuses and strategies employed by those who are resistant to view and accept a perspective that may differ from theirs. Ultimately, we can control only our response and our commitment to extending ourselves to everyone, even those with whom we disagree.

Ernie Friesen, the first Court Administrator of the U.S. Administrative Office of Courts and a revered founding father of this profession is known for a creed many court managers know quite well, the eight purposes of courts. The first purpose is to do individual justice in individual cases and the second and equally important, the perception of doing individual justice in individual cases. For our staff, those who dedicate themselves to improving the lives of others through service, we are grateful. We are indeed blessed. We must make known to these

people that their lives, their careers, are important and that they have significant value because they do. It is written that blessed are those who are merciful for they will be shown mercy. Last year, I challenged all of us to hold the rope for each other as well as for ourselves, to assist those in good standing and particularly for those in need and distress. We have done that, yet we can do so much more. We have moved the needle, but the needle has room to move. We can make a difference in the world, each one of us. We can and do change individual lives, the life of a family member, a co-worker, a litigant, a juror, a child, one at a time, and THAT positive influence will make all the difference. Thank you for doing your part.