

Future of the Courts: The Next Ten Years

Combined Survey Results

Comparing NACM Members with Overall Responses

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Purpose

This report discusses the estimated probabilities of 170 different court-related scenarios potentially occurring. The estimates were assessed by conducting seven surveys of a large and diverse group of court professionals from around the globe. The first survey was started in the Spring of 2013; the second started in the Summer of 2013; the third – Winter-Spring of 2014; the fourth – Winter 2015; the fifth – Winter 2016; the sixth – Winter 2017; our latest survey started in the Winter of 2018. The goal is to develop a realistic environmental scan of scenarios likely to occur within the next 10 years.

Probability Assessments

The surveys asked respondents (well over 1,200)² to assess the probability of various scenarios based on a five-point Likert-type scale. We averaged the assessments and arranged the scenarios under several thematic questions to provide insight into how the questions may be addressed in the future. The heading for each scenario identifies in which survey (or surveys) the scenario was presented, its mean overall likelihood, and a general likelihood label based on broad groupings.

<u>Assessment Category</u>	<u>Label</u>
1.0 – 1.9	Highly Likely
2.0 – 2.4	Likely
2.5 – 2.9	Maybe (50–50 Chance)
3.0 – 3.4	Unlikely
Above 3.4	Improbable

Additionally, this report analyzes scenario responses from members of the National Association for Court Management (NACM) versus the overall group response.

Respondent Group

Below are some overall respondent group demographics.³

<u>Respondents' Age Distribution: Overall</u>		
Traditional Generation (Born before 1945)	25	2%
Baby Boomer Generation (Born between 1945 & 1964)	668	53%
Generation X (Born Between 1965 & 1979)	414	33%
Millennial Generation (Born Between 1980 & 1994)	153	12%
Generation Z (Born after 1994)	1	

¹Thanks to Alma Alvarez-Smith, Nicole Garcia and Bob James for their invaluable assistance in researching topics, editing, and offering ideas that have enhanced the presentation of these results.

²Many of the respondents replied to several of the surveys disseminated over the years. The Spring 2013 survey received 233 responses, 70 responses were from NACM members; the Summer 2013 survey received 212 responses, 67 NACM responses; the Winter-Spring 2014 survey received 508 responses, 120 NACM responses; the Winter 2015 survey received 494 responses, 137 NACM responses; the Winter 2016 survey received 369 responses, 119 NACM responses; the Winter 2017 survey received 391 responses, 132 NACM responses; the latest Winter 2018 survey received 352 responses, 155 NACM responses.

³Not every respondent answered every survey or every demographic question.

Respondent Gender Distribution

Men	524	42%
Women	719	58%

Respondents' Geographic Distribution

Alabama	4	Kentucky	1	New York	8	Wisconsin	38
Alaska	6	Louisiana	23	North Carolina	10	Australia	59
Arizona	173	Maine	1	North Dakota	10	Canada	69
Arkansas	2	Maryland	45	Ohio	29	Congo	2
California	55	Massachusetts	3	Oklahoma	3	Romania	3
Colorado	26	Michigan	30	Oregon	49	Japan	10
Delaware	6	Minnesota	41	Pennsylvania	32	Moldova	4
Washington DC	15	Mississippi	2	Rhode Island	1	Netherlands	3
Florida	42	Missouri	14	South Dakota	11	New Zealand	21
Georgia	93	Montana	1	Texas	86	Puerto Rico	1
Hawai'i	1	Nebraska	5	Utah	10	Nigeria	1
Idaho	7	Nevada	14	Vermont	1	Philippines	1
Illinois	21	New Hampshire	2	Virginia	43	Trinidad & Tobago	3
Indiana	4	New Jersey	45	Washington	36	Serbia	1
Iowa	5	New Mexico	6	West Virginia	4	Latvia	1

Respondent Group Jurisdictional Distribution

General Jurisdiction Courts ⁴	400	36%	Limited Jurisdiction Courts ⁵	259	23%
Supreme Courts or State Offices ⁶	140	13%	U.S. Federal Courts ⁷	84	8%
State Court Administrators	20	4%	Provincial Courts	10	2%
Probation or Pretrial	18	2%	Vendors & Consultants	39	4%
Tribunal Courts	3		National Center for State Courts	26	3%
Children's Court	1		High Court	2	
Environmental Court	2		District & Lands Court	1	
Retired	11		Corrections	1	
Court Reporters	2		Surveillance Court	1	
Universities	2		Ministry of Justice	2	
Lawyers	2		National Judicial College	1	

⁴ Includes Superior Courts, Circuit Courts, District Courts designated as having general jurisdiction, Family Courts, Probate Courts, Courts of Common Plea, and Juvenile Courts

⁵ Includes Municipal, City, Justice, Metropolitan, County, Parish, & Traffic Courts

⁶ Includes State Administrative Offices of the Courts (AOC), State Supreme Courts, State Courts of Appeal, Law Libraries, & those identified with State Court or Court Services

⁷ Includes U.S. District Courts, U.S. Bankruptcy Courts, the D.C. Superior Court, the U.S. Circuit Courts of Appeals, and the U.S. Administrative Office of the Courts.

Respondents' Years of Experience in the Justice System

Five Years or Less	120	11%
Between Six and Ten Years	143	13%
Between Eleven and Twenty Years	297	27%
Between Twenty–One and Thirty Years	305	27%
More than Thirty Years	251	22%

Invitation

Email us your comments and any new suggested scenarios that may influence the courts within the next ten years. Also, let us know of anyone else who may be interested in taking future versions of the survey. Please send emails to futureofcourts@gmail.com. Thanks again for your continuing help.

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What is the Likelihood of the Following Scenarios Occurring within the Next Ten Years?

An international group of respondents assessed the probability of the following scenarios occurring (or having had occurred) within the next ten years.

<i>How Will Technology Affect Courts in the Future?</i>	
<p><i>Court Forms Are Available on the Internet</i> Parties (particularly self-represented) can complete forms interactively online, and electronically file them as nearly all trial courts make their forms available on their web pages.</p> <p style="text-align: right;">CT.7.2013.11</p> <p><i>Court Technology: Highly Likely – Mean Overall Likelihood: 1.4 in the Summer 2013 Survey</i></p>	<i>NACM Member Respondents: Highly Likely – Mean Likelihood: 1.3</i>
<p><i>Virtually All Trial Courts Maintain Web-Based Information Systems</i> These court systems provide answers to public inquiries about cases and court processes.</p> <p style="text-align: right;">CT.7.2013.15</p> <p><i>Court Technology: Highly Likely – Mean Overall Likelihood: 1.5 in the Summer 2013 Survey</i></p>	<i>NACM Member Respondents: Highly Likely – Mean Likelihood: 1.5</i>
<p><i>Almost All Courts Use Electronic Filing (eFiling)</i> More and more courts convert to document imaging; electronic filing becomes a requirement to successfully go “paperless.”</p> <p style="text-align: right;">CT.1.2014.25</p> <p><i>Court Technology: Highly Likely – Mean Overall Likelihood: 1.5 in the Winter-Spring 2014 Survey</i></p>	<i>NACM Member Respondents: Highly Likely – Mean Likelihood: 1.5</i>
<p><i>Law Enforcement Moves to eTickets</i> Law enforcement, traffic control, and parking patrol agencies shift from using paper tickets to eTickets that automatically upload to courts' case management systems thus eliminating paper tickets and initial court clerical data entry. Tickets are immediately available for processing and payment.</p> <p style="text-align: right;">CT.1.2016.31</p> <p><i>Court Technology: Highly Likely – Mean Overall Likelihood: 1.5 in the Winter 2016 Survey</i></p>	<i>NACM Member Respondents: Highly Likely – Mean Likelihood: 1.4</i>
<p><i>The eTicket Function Ends Up Only in Larger, Well-Funded Jurisdictions</i> Although larger, better-funded law enforcement, traffic control, and parking patrol agencies shift from paper tickets to eTickets, the trend stalls before it spreads to smaller jurisdictions. Most courts end up operating two concurrent processes; electronic for some tickets, paper for the rest.</p> <p style="text-align: right;">CT.1.2017.38</p> <p><i>Court Technology: Maybe (50–50 Chance) – Mean Overall Likelihood: 2.7 in the Winter 2017 Survey</i></p>	<i>NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8</i>

Electronic Process Service

Online social networking services and email are so ubiquitous that courts allow service of summons, complaints, petitions, and other initiating court documents by posting to a defendant's or respondent's network site or email address. This profoundly affects the process service business, court processes, and court rules.

CT.1.2015.28

*Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey*

NACM Member Respondents: *Maybe (50–50 Chance)* – Mean Likelihood: 2.5

Court Implement Some System of “Remote Interpretation”

Remote interpretation allows interpreters to assist in court hearings through electronic conferencing without being physically present in the courtroom.

This scenario was first surveyed in the Summer of 2013 and assessed as Highly Likely with a 1.6 average probability.

CT.7.2013.12

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Winter 2017 Survey*

NACM Member Respondents: *Highly Likely* – Mean Likelihood: 1.7

Courts Will Use Electronic Recording Systems

Electronic recording becomes the official record for court proceedings.

CT.7.2013.16

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey*

NACM Member Respondents: *Highly Likely* – Mean Likelihood: 1.5

Virtually All Courts Go “Paperless”

Most courts go “paperless” by converting to document imaging or electronic filing thereby going to “paper-on-demand.”

CT.12.2012.3

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Spring 2013 Survey*

NACM Member Respondents: *Highly Likely* – Mean Likelihood: 1.7

Almost All Courts Use Intelligent Forms (“SmartForms”) Applications

More courts will adopt applications to allow parties to prepare court documents by answering a series of computer-generated questions, which then prompts electronic forms to be produced, filed, and disseminated.

This scenario was first surveyed in the Winter-Spring of 2014 and assessed as Highly Likely with a 1.7 average probability

CT.1.2014.26

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Winter 2018 Survey*

NACM Member Respondents: *Highly Likely* – Mean Likelihood: 1.6

Courts Standardize Confidentiality of Judges’ Private Notes for Electronic Record

Courts nationally standardize the confidentiality of electronically maintained private case notes and files, often referred to as “left side” files. In the age of paperless courts, either legislation or supreme court rule will exempt such information from public disclosure.

CF.1.2018.29

*Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey*

NACM Member Respondents: *Likely* – Mean Likelihood: 2.0

Litigant Portals

Litigant portals developed by private vendors spring up providing more robust information for litigants and simplifying requirements (especially for the self-represented). These portals transcend individual courts, giving information on things like how to obtain birth certificates or the best drug testing companies to use.

CT.1.2017.37

*Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2017 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.2

Litigants Schedule Most Routine Hearings Online

Online communication allows litigants to schedule a variety of more routine hearings online without involving court staff. Status conferences, judgment-debtor exams, parenting classes, small claims hearings, garnishment returns, even many pretrial conferences are scheduled by the litigants online without either calling or coming to court.

CF.1.2017.21

*Court Functions: **Likely** – Mean Overall Likelihood: 2.3 in the Winter 2017 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Electronic Content Management (ECM) Eliminates Court Forms

Courts shift from managing electronic documents and eFilings to ECM. Eventually, all court information is content-based, freeing court information from electronic documents and court forms. Examples of functions initially converted to direct court database input include civil cover sheets, the results of service of process, results from drug tests, demands for jury trials, mental health evaluations, and scheduled court dates.

This scenario was first surveyed in the Winter of 2015 and assessed as Likely with a 2.3 average probability
CT.1.2015.27

*Court Technology: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2018 Survey*

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.5

Courts Electronically Certify and Exemplify Documents

Courts convert to electronically producing certified and exemplified copies of court documents thus eliminating the need to hand stamp copies with raised seals to get a certified copy. Court customers can now get a certified copy of a court document without leaving home.

CT.1.2016.35

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter 2016 Survey*

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.7

Court Applications Become More Intuitive for Court Customers

Court applications get more accessible, thus reducing the learning curve necessary for court customers to manage the systems.

CT.1.2014.21

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter-Spring 2014 Survey*

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.8

Courts “Over-Rely” on Technology

Technology becomes so ubiquitous in courts that they are no longer able to operate if “the computer goes down.” What to do if there is a technology system failure becomes the new “emergency prep” focus.

CT.1.2014.24

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter-Spring 2014 Survey*

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Court Computer Systems Are Compromised

With more courts becoming part of centralized databases for electronic case management and other functions, a hacker eventually compromises an entire network of court system operations. Multiple case management systems, financial transactions, and confidential data are compromised.

CT.7.2013.17

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Court Applications Become Easier for Court Staff to Use

Court applications get more intuitive thus reducing the amount of time it takes court staff to learn how to manage court applications.

CT.1.2014.23

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter-Spring 2014 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.8

Computer Applications Develop Real-Time Transcripts of Court Proceedings

Court transcripts are created without human intervention.

CT.7.2013.14

Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Improved Technology Eliminates Courtroom “Dead Spots”

Microphones continue to improve. They send out a warning when they are inadvertently covered over by papers or a book. They are now embedded in the ceiling eliminating dead spots in the well of the courtroom. Voice identification technology identifies speakers by their voice profile when several speakers are talking over each other in a heated session. Word recognition can speed through audio-video recording looking for the utterance of a specific word or phrase allowing attorneys to look for specific appealable segments in a hearing.

CF.1.2017.25

Court Function: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter 2017 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Electronic Transcripts are Produced Faster and at Higher Quality

Voice-to-text conversion software improves allowing audio-video recordings with less human intervention; voice recognition software accurately identifies different speakers; better sound systems reduce the number of “inaudibles;” and transcripts are produced in accepted legal formats (e.g., numbered paper with correct headings). Transcribers’ jobs to shift to becoming proofreaders.

CF.1.2017.24

Court Function: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter 2017 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Courts Accommodate With “Bring Your Own Technology (BYOT)”

Increasingly, judges and staff get comfortable with their own devices (e.g., laptops, tablets, smartphones, etc.). Technology staff adapt and accommodate so that court applications run on all platforms.

CT.1.2014.20

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter-Spring 2014 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Courts Qualify Jurors Using Remote Technology

As electronic communication devices become commonplace, courts turn to remote conferencing to qualify jurors before they even set foot in the courthouse.

CT.1.2014.19

*Court Technology: **Likely** – Mean Overall Likelihood: 2.4 in the Winter-Spring 2014 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.2

Courts Give Jurors Apps Providing Instant Update Information on Scheduled Trials

Courts install apps that allow jurors to instantly find out if a trial they were being called to the courthouse for was canceled at the last minute. These apps mean fewer potential jurors have to show up at the courthouse just to wait in the jury assembly room. This also allows jury operations to manage potential jurors more efficiently, quickly assembling panels for trials that are still scheduled to start.

CT.1.2017.39

*Court Technology: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2017 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.0

Natural Speech Technology Allows Anyone to Talk or Write to Anyone Else

Computer translation allows people with limited English proficiency access to court even when interpreters are unavailable.

This scenario was first in the Spring 2013 survey and was assessed as having a 50–50 Chance with a 2.6 average probability.

CT.7.2013.13

*Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2016 Survey*

NACM Member Respondents: Maybe (50–50 Chance) — Mean Likelihood: 2.7

Courts Use More Invasive Yet Less Visible Technology to Screen the Public

Court security will use a combination of technological and human intelligence gathering methods. For example, new technologies will replace metal detectors and X-ray machines, including facial recognition, biodata, and unobtrusive weapons identification processes. The public will be only minimally aware of these systems. These techniques will even identify individuals with outstanding warrants as they walk through the front door. It will result in a need for fewer court security personnel. Courts will be able to retain the data collected during screenings for later analysis.

CO.1.2015.22

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2015 Survey*

NACM Member Respondents: Unlikely – Mean Likelihood: 3.1

How Will Courts Use Information?

Centralized Data Storage

With ever-increasing centralization of data storage, input, and transactions, centralized (state) centers for payment of traffic fines, filing fees, restitution, and bail bonds will become the norm.

CT.1.2013.7

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Spring 2013 Survey*

*NACM Member Respondents: **Highly Likely** – Mean Likelihood: 1.7*

Centrally Stored Data Will Be Immediately Available to Stakeholders

With centralized data storage, real-time access to payment, restitution, bond, case, and criminal history information will be the norm.

CT.1.2013.8

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Spring 2013 Survey*

*NACM Member Respondents: **Highly Likely** – Mean Likelihood: 1.6*

Most Courts Maintain Their Records in the Cloud (or its successor)

Some form of off-site data storage (known as Cloud Storage in 2018) run by organizations dedicated to managing electronic data constitutes the primary storage solution for courts.

CT.1.2018.41

*Court Technology: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2018 Survey*

*NACM Member Respondents: **Highly Likely** – Mean Likelihood: 1.9*

Records Management, including E-Filing, Uses Blockchain (or its successor) Technology

Data transmission and management use technology such as blockchain that guarantees the identity of senders and recipients, requires no intermediary for recording, processes data, and transactions based on previously agreed terms ("smart contracts"), and cannot be altered or removed.

CT.1.2018.42

*Court Technology: **Likely** – Mean Overall Likelihood: 2.3 in the Winter 2018 Survey*

*NACM Member Respondents: **Likely** – Mean Likelihood: 2.2*

Legislatures Require Standardized Data Formats for Stakeholders

Courts have traditionally maintained that stakeholders are provided with information in the way the courts store it. If a court can only query their case management system one case at a time, that's how stakeholders are able to access it. Legislatures start requiring courts to adapt their case management systems to standardized formats making sophisticated data passes by stakeholders more possible.

CO.1.2016.29

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter 2016 Survey*

*NACM Member Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5*

Courts Accept Electronic Records Redaction Software

Courts accept on a widespread basis vendor developed software applications that provide foolproof redaction of sensitive personal information like social security numbers on electronic legacy documents thus allowing the underlying documents to be accessible online.

CT.1.2016.32

*Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey*

*NACM Member Respondents: **Highly Likely** – Mean Likelihood: 1.9*

Long-Term Electronic Records & Data Retention Standards Established

Standardized formats and retention schedules for long-term electronic records and data storage are developed, assuring trial courts that formats for storing older data have a well-defined upgrade migration path. Electronic information never becomes inaccessible due to newer software versions or platforms.

CF.1.2016.20

*Court Functions: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter 2016 Survey*

*NACM Member Respondents: **Highly Likely** – Mean Likelihood: 1.7*

Courts Push for Industry Standards to Mitigate Risk with Vendor Based Case Management Systems (CMS)

As fewer vendors offer court case management systems, the court community pushes for system standardization to ease database transfers to other CMSs if a vendor can no longer support an older CMS product.

CT.1.2016.36

*Court Technology: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2016 Survey*

*NACM Member Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.5*

Courts Turn to Vendor Based Case Management Systems

The number of "in-house" court developed case management systems slowly dwindles as vendors offer nationally based standardized case management systems.

CT.1.2015.29

*Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2015 Survey*

*NACM Member Respondents: **Likely** – Mean Likelihood: 2.0*

Vendor Case Management Systems Determine Court Processes

As fewer vendors offer case management systems, and those systems become increasingly "off the shelf," courts adapt their processes to make use of the fewer pre-set systems that operate nationally.

CF.1.2016.19

*Court Functions: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2016 Survey*

*NACM Member Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.7*

Accurate Differentiated Caseflow Management

Continued refinements in examining case filings, parties, and investigations through regression analysis lead to increasingly accurate predictions of which cases go to trial, how long trials will take, which cases will settle, and when. Courts become increasingly able to direct resources to where they will manage cases most effectively and even proactively manage cases that predictions indicate are likely to go to trial.

*This scenario was first surveyed in the Spring of 2013 and assessed as **Highly Likely** with a 1.9 average probability.*

CO.12.2012.5

*Court Organization: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2017 Survey*

*NACM Member Respondents: **Likely** – Mean Likelihood: 2.0*

Reliable Predictive Technology Has Courts Become Preventative Rather than Reactive

“Big data” analytics allow government agencies, law enforcement, employers, financial institutions, and even courts to identify and help people to stop doing things that get them in trouble before they do it, which reduces court filings. Examples include stopping people from making bad (illegal) custody decisions, preventing juveniles from committing delinquent actions, preventing people from getting into financial trouble that would eventually end up in not paying credit cards or foreclosing on their house.

CT.1.2015.30

*Court Technology: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2015 Survey*

NACM Member Respondents: Improbable – Mean Likelihood: 3.7

Courts End "Operational Confidentiality"

Public court documents are accessible to everyone on any computing device, anywhere unfettered by restrictions such as registering with the court beforehand or having to travel to the courthouse to view documents online.

CF.1.2015.14

*Court Functions: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2015 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.3

How Will Courts Be Funded?

Courts Will Increase User-Based Revenue

As many cases require more services than others, courts will charge users fees for specific types of activities based on the resources needed.

C\$.1.2013.2

Court Funding: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Spring 2013 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.8

User-Based Transaction Fees Dramatically Increase

Typical user-based transaction fees that the justice system charges include post-conviction classes (e.g. theft school, anger management, life skills programs, etc.) probation visits, drug testing, accessing archived court records, and eFiling court documents.

C\$.1.2015.6

Court Funding: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2015 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Monetary Bail is Largely Abolished

Courts nationally take the lead in finding alternative ways to ensure defendants return to court. This results in a dramatic decrease in the use of cash bail as a form of assuring court attendance.

CF.1.2017.26

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

Courts Charge to View Electronic Records

Courts and service providers charge the public to view case information and records. Customers can view courts records and content information for free if they come to the courthouse, but they must pay to view the same information remotely.

C\$.1.2016.10

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2016 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

Courts and Vendors Offer Discounts to High Volume Filers

Courts and vendors offer high volume law firms and businesses volume filing discounts. (Other government agencies are already exempt from these fees.) For example, a high-volume law firm pays for 10,000 documents in advance at a discount and avoids the per eFiling charge by electronic filing service providers (EFSP) and some courts.

C\$.1.2015.7

Court Funding: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Courts Use a Wide Variety of Automated Payment Apps

Courts accept payments by an ever-increasing variety of electronic means, from swiping credit and debit cards to PayPal to automated bill pay systems. Physically coming to the courthouse and paying a fine or fee becomes rare. Courts save money from more streamlined payment processing.

C\$.1.2017.12

Court Funding: **Highly Likely** – Mean Overall Likelihood: 1.4 in the Winter 2017 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.5

Courts Raise Filing Fees Then Offer Rebates When Cases Resolve Sooner

Courts are able to substantially raise filing fees, but then offer rebates on cases that resolve sooner rather than later. The rebates run on a sliding scale so the closer a case gets to trial the smaller the proportion of the filing fee that is rebated to the parties.

C\$.1.2016.11

Court Funding: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2016 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.8

Courts Accused of Facilitating the Reappearance of “Debtors’ Prisons”

Court user fees particularly those imposed on defendants and the growing inability of individuals to pay those fees sends more of the poor to jail until their fines and fees are resolved. Courts are accused of re-establishing Dickensian “debtors’ prisons.”

LW.1.2015.15

Law: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter 2015 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

Monetary Bail Ends for Low-Level Offenses but Remains for Serious Crimes

Alternative ways of ensuring defendants return for their court hearings (particularly misdemeanors, traffic offenses, and violations) are developed. Monetary bail remains an option for serious offenses such as violent felonies.

CF.1.2018.27

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.0

Nonprofit Groups Offer Grants to Courts

Nonprofit groups start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, countering barriers to court access due to income disparity, and assisting children in need are examples of issues groups offer grant money to enhance court operations.

This scenario was first surveyed in the Winter of 2016 and assessed as having a 50-50 Chance with a 2.9 average probability.

C\$.1.2016.9

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Private Groups Offer Grants

Private associations start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, and assisting children in need could be examples of where groups might offer grant money to improve court system performance.

C\$.1.2013.3

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Court Systems Become “State Funded”

Trial courts receive most of their operating funds, along with judicial and employee salaries, from state governments rather than local funding sources.

C\$.7.2013.4

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8

Grant Writers’ Role Expands Looking for Unconventional Funding Sources

As government funding continues to evaporate, courts look for new ways to find startup investment cash for projects. Professional grant writers expand their expertise to include heretofore untapped areas such as crowdfunding⁸ philanthropy.

C\$.1.2014.5

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Courts Are Freed from Executive Budget Oversight

Long under the budgetary control of the executive (e.g. in many countries it might be the Ministry of Justice or Ministry of Finance; in the U.S. it might be the County Executive or City Manager), courts emerge to manage their own budgets and resources.

CO.1.2015.25

Court Organization: **Improbable** – Mean Overall Likelihood: 3.6 in the Winter 2015 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.8

What Will Trials Look Like?

Alternative Dispute Resolution (ADR) Becomes the Norm for Courts

⁸“Crowdfunding” is defined as tapping into the collective effort of individuals who pool their money usually via the Internet to support other people or organizations. Well known crowdfunding sites include Kickstarter, Indieblog, Crowdfunder, Crowdrise, and Quirky.

Courts routinely have ADR programs such as mediation, arbitration, settlement conferences, and short trials for cases prior to trial.

CF.7.2013.7

Court Functions: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Summer 2013 Survey

NACM Member Respondents: **Likely** – Mean Likelihood: 2.0

Online Mediation Reduces Court Filings

Widespread acceptance of online mediation siphons off cases from the courts.

CF.1.2016.17

Court Functions: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2016 Survey

NACM Member Respondents: **Unlikely** – Mean Likelihood: 3.0

Alternative Dispute Resolution (ADR) Makes the Contingency Fee System in Medical Malpractice Cases Irrelevant

ADR moves medical malpractice matters to the administrative arena.

LW.1.2014.12

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter-Spring 2014 Survey

NACM Member Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Civil Jury Trials Become an Anachronism

The steady decline in the number of civil trials held (both jury and non-jury) finally reaches a point where they become such a rarity as to be virtually nonexistent.

LW.1.2014.13

Law: **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter-Spring 2014 Survey

NACM Member Respondents: **Unlikely** – Mean Likelihood: 3.1

Specialized Jurors

Courts begin to qualify specialized jurors experienced in specific subject areas for specific types of cases such as contracts, product liability, and patent infringement.

CF.1.2015.13

Court Functions: **Improbable** – Mean Overall Likelihood: 3.9 in the Winter 2015 Survey

NACM Member Respondents: **Improbable** – Mean Likelihood: 3.9

Litigation Entrepreneurs Become a Significant Factor in Lawsuits

As the gap between rich and poor widens well-funded groups seek out individuals with legal grievances against large corporations. These groups fund (back) individuals in lawsuits in return for a percentage of the settlement or judgment.

DM.1.2016.17

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.6 in the Winter 2016 Survey

NACM Member Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

Sovereign Citizen Groups Become a Dominant Issue for Courts

Increasing numbers of groups that question the legitimacy of government at all levels regularly appear in courts forcing operations to be altered to address their contentions.

DM.1.2016.18

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.8 in the Winter 2016 Survey

NACM Member Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

Attorneys Become an Extremely Small Niche in Court Functions

Computerized legal “self–help” applications become increasingly sophisticated to the point where most people no longer see the need for legal representation. The clear majority of people represent themselves in court. Attorneys represent clients in criminal and juvenile matters only because they do not have to pay for indigent defense.

LW.7.2013.9

Law: **Improbable** – Mean Overall Likelihood: 3.5 in the Summer 2013 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.5

Litigants Turn to Online Legal Advice

Websites and blogs that provide litigants with legal advice and court strategies cover an array of dispute types such as landlord-tenant actions, child custody and support, foreclosures, defaults, traffic and parking tickets, and drunk driving. Demand for attorneys continues to decline.

DM.1.2018.24

Demographics: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.0

The Public Turns to Ways Outside of Courts for Satisfaction

Frustrated by the cost, inaccessibility, and slow speed of the court system the public turns to other forms of retribution to exact satisfaction, such as the internet and specifically social media (e.g., public shaming, trolling, and doxxing).

DM.1.2018.25

Demographics: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2018 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.6

Professions Increasingly Convert to Nationwide Certifications

Professions including such vocations as pharmacists, counselors, lawyers, massage therapists, optometrists, nurses, teachers, and contractors move from requiring individual state licenses to national certifications. People can now choose attorneys from any other part of the country.

LW.1.2015.18

Law: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2015 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

How Will Court Administrators Be Different?

Courts Recognize Administrative Professionalism

Judges increasingly recognize the benefits of professional court managers, which impacts courts' governance, structure, and function. This recognition leads to well-managed courts based on sound business practices rather than management constrained by limitations inherent in the judicial perspective of court operations.

CO.1.2016.28

*Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.2

The Knowledge Base for Court Administrators Will Significantly Broaden

In the past, court administrators were expected to be knowledgeable in a large but defined set of areas (i.e. caseload management, budgeting, personnel, project management, information processing, and leadership). Future court administrators must put greater emphasis on new areas (e.g., community outreach, public relations, social media, probate accounting, mental health, immigration, education methodologies, program evaluation techniques, etc.)

CS.7.2013.7

*Court Staffing: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Summer 2013 Survey*

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

The Private Sector Will Attract More Clerks of Court & Court Administrators to Other Positions

Clerks of Court and Court Administrators begin to leave the court system for more lucrative private sector jobs. Tight budgets and pay freezes compel high-level administrators to see court administration as a mid-career stepping stone.

CS.7.2013.9

*Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Summer 2013 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

What Will Court Cases Look Like?

Case Complexity Will Increase

Some types of cases will continue to become more and more complex.

This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.0 average probability.

LW.12.2012.4

Law: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

How Will Courts Deal with Social Media?

Courts Will Redefine Their Relationship with Social Media

Modeling off the example of a few of the most innovative courts nationally, courts across the country craft workable and enforceable regulations on the limits of social media within the justice system.

CT.1.2013.9

Court Technology: **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Mobile Devices and Social Media Overwhelm Courts

The variety of ways parties, court observers, and even jurors communicate expands beyond the capacity of courts to control. Although courts continue issuing policies regulating mobile devices and social media within the court, the policies are largely ignored.

This scenario was first run in the Spring 2013 survey and was assessed as having a 50–50 Chance with a 2.6 average probability. At that time the scenario's title was "Social Media Overwhelms the Courts" The scenario was run again in the Winter-Spring 2014 survey and was assessed as Likely with a 2.3 average probability.

CT.1.2013.10

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

The "Deepnet" Becomes Popular

As people rebel against government agencies' ability to monitor them on the traditional World Wide Web, more and more individuals turn to the Deepnet to enjoy the benefits of electronic information without being tracked. Courts deal with a growing number of cases involving this hidden portion of the World Wide Web.

DM.1.2016.14

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.7 in the Winter 2016 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.7

What Societal Changes are Likely in the Future?

The Gap Between Rich and Poor Becomes the Overriding Societal Challenge

Although race, gender, and age divisions continue to be community concerns, the widening gulf between the rich and the poor dwarfs other issues facing society. Courts are challenged to cope with the growing subculture of the poor.

DM.1.2015.7

Demographics: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2015 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

The Education Gap Widens

The gap between those with advanced degrees and those unable to obtain a higher education widens. This divide becomes a concern for courts.

DM.1.2016.16

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.6 in the Winter 2016 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

The Traditional Family Unit is Only One of Many Alternatives People Choose

Family Courts look to new and different resolution methods to handle issues as dealing with a variety of alternative family lifestyles becomes an everyday occurrence.

DM.1.2015.10

Demographics: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Winter 2015 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.7

The Traditional Family Unit Becomes a Relic

People marry later in life and blended families become the norm. Family Courts nationally must craft new methods for dealing with these social arrangements.

DM.1.2013.3

Demographics: **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Paper Money Disappears

The ease of electronic forms of money, such as credit, debit, gift cards, and smartphones (and successor technology) applications, along with the electronic transfer of funds results in little or no use for paper money or coins anymore. Fewer businesses, public agencies, and individuals will have the means to accept cash. Courts are forced to adapt their financial transactions almost exclusively to electronic fund transfer of restitution, bail, bonds, fees, and fines payments.

This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.3 average probability under the same title.

DM.1.2013.4

Demographics: **Likely** – Mean Overall Likelihood: 2.4 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.6

24/7 Court TV

Television networks' search for "notorious" high profile trials will reach a fever pitch. As they scour the country looking for sensational trials to hold the public's interest, the court system nationally will become the next great "reality TV" venue. The public will eventually be able to tune in any time (day or night) and watch a trial either live or tape delayed from earlier that day.

CT.12.2012.4

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

Tribal Courts Will Increase in Authority

The role of tribal courts will grow in jurisdiction and authority. At one time, many tribal courts outsourced jurisdictional authority; those courts now reclaim that authority.

CO.12.2012.3

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

Racial Distinctions Disappear

Intermarriage and immigration will increase to the point that it will become virtually impossible to distinguish the racial origin of an individual.

DM.12.2012.1

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

Courts Focus on Ethnic Disparity

More courts focus on issues of ethnic disparity regarding arrest, conviction, and sentencing. Ethnic distinctions can be traced along racial lines, indigenous group, or cultural background, depending upon location.

DM.1.2017.20

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

Courts Expand Their Role to Adapt to the Aging Demographic

As the population gets progressively older, the issues of the elderly become a primary concern for courts. Both employees and customers drive courts to start new programs to address the issues of the elderly.

DM.1.2016.15

Demographics: **Likely** – Mean Overall Likelihood 2.2 in the Winter 2016 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Government Dramatically Increases Investment in “At Risk” Communities

Finally coming to grips with the economic reality that increased investment in “at risk” communities keeps individuals out of costly prisons and jails, states and the Federal government increase funding to these communities to keep incarceration rates down.

DM.1.2017.19

Demographics: **Unlikely** – Mean Overall Likelihood 3.0 in the Winter 2017 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Courts Deal with Human Lifespan That is No Longer Biologically Limited

Legal assumptions regarding ultimate death (for example, Rule Against Perpetuities) are re-examined. The complexion of cases involving wills, trusts, conservators, and estates changes. Appropriateness of sentence duration is challenged. Who cares about a 20-year sentence if one’s lifespan is over 200 years?

DM.1.2016.13

Demographics: **Improbable** – Mean Overall Likelihood 3.6 in the Winter 2016 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.6

National Demographics Dramatically Change

Multiracial families, changing age cohorts, changing immigration patterns, and blended families all change national demographics. Courts must adapt their focus and reposition services.

DM.1.2015.9

Demographics: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2015 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.8

Technology Enables Us to Engage in Communication Virtually Without Physical Interaction

Technology-enabled immediate access to information and communication (currently in its rudimentary stages with smartphones) will advance to where there will be no need for external action (voice, touch, or motion). People will "think" their questions, receive answers and other input, send and receive messages (both visually and orally), all without any outward evidence that they are doing so.

CT.1.2014.22

Court Technology: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter-Spring 2014 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

Mental, Physical, and Perceptual "Augmentation" is Commonplace

New medications and surgery "enhance" people. For example, drugs allow for enhanced concentration and perception, as well as manage an increasing number of personality issues. Prosthetics (some acquired by choice) change how human bodies withstand stress and even age. Courts must face new ADA issues.

DM.1.2015.11

Demographics: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.8

Self-Driving Vehicles are Commonplace on the Roads

Self-driving vehicles reduce traffic citations and tort motor vehicle lawsuits.

This scenario was first surveyed in the Winter of 2015 and assessed as Unlikely with a 3.2 average probability.

DM.1.2015.8

Demographics: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2018 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.8

Vehicles Become Increasingly Self-Managing

Vehicles continue becoming increasingly self-managing which reduces accidents. They self-manage speed (no more drag races), they guide drivers directly to available parking spaces, they manage traffic intersections (no more "red light" running), they self-brake (fewer rear-enders), and they prevent improper directional driving (no more going the wrong way on a one-way street or getting on the off-ramp on a freeway).

DM.1.2017.22

Demographics: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2017 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Ridesharing Services Significantly Decreases Private Vehicle Ownership

Vehicle sharing services such as Uber and Lyft reduce the need for people to own a vehicle. People find using a vehicle sharing service is easier, faster, cheaper (in the long run), and safer. Courts see traffic and parking violation revenue drop.

DM.1.2017.23

Demographics: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2017 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

How Much Will We Be Tracked in the Future?

People Wear or Carry Locator Devices at All Times

Virtually everyone will wear or have implanted a GPS device (or the successor technology). Children will be required to have them; businesses will require their employees to have them; schools will require students and staff to have them. Basic services will come to assume the presence of the system including public transportation, airlines, and courts. While perhaps not strictly required, it will be difficult to go without, in much the same way as it is difficult to go without a picture ID, Social Security number, a cell phone, a mailing address, or a credit card.

A version of this scenario was first run in the Winter 2014 survey and assessed as Improbable with a 3.5 average probability under the title "People carry and/or have implanted devices showing their location at all times."

DM.1.2014.6

Demographics: **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter 2016 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

Electronic Probation Will Be the Norm

The entire world of probation will change as ankle bracelets, GPS, and video monitoring become less costly and less intrusive. Virtually all probationers will be tracked 24/7 in real-time and immediately reported if they violate a condition.

This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.1 average probability.

CT.12.2012.18

Court Technology: **Likely** – Mean Overall Likelihood: 2.3 in the Winter 2017 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

Social Network Vigilantism

A combination of the social network and ever-increasing security tracking will assist in a burgeoning movement of citizen "vigilantes" who will keep an eye on their neighbors. If someone has been recently arrested for drunk driving, arrested for driving while suspended, or suspected of being delinquent in child support obligations, neighbors will start posting information about that individual on the social network. This movement will be assisted by ever-increasing electronic vigilance by security cameras, unmanned drones, and electronic tracking through credit cards, debit cards, and profiles.

CT.12.2012.5

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

Pervasive Citizen Video Surveillance of Government

Citizens now video everything. No transaction with a government worker, whether law enforcement or court staff, goes unrecorded and unanalyzed. Courts must deal with an influx of video evidence plus deal with social media videos of incidents that are parts of ongoing litigation.

CT.1.2016.33

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

How Will the Public See the Courts?

The Gap Between Society's Expectations of Courts and Courts' Capacity to Meet Those Expectations Will Widen

Communities will expect courts to do an even better job of solving family problems, rehabilitating the homeless and drug addicted, protecting neighborhoods from potential criminals, and dispensing mistake-free justice quickly without additional resources.

This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.1 average probability
DM.12.2012.2

Demographics: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2017 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

The Gap Between Urban and Rural Courts Widens

The resources and services gap between urban and rural courts widens, leaving rural courts needing to “catch up” to enjoy technological advances and innovations.

This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.4 average probability.
CO.7.2013.15

Court Organization: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2017 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.3

The Gap Between Well-Funded and Poorly Funded Courts Widens

Poorly funded courts (usually smaller, rural courts) receive proportionally less funding and are less capable of offering sophisticated services to the public than well-funded courts.

For example, large courts embark on electronic content management (ECM), while poorer courts still operate on paper; poorer courts are unable to offer advanced counseling services or sophisticated security systems.

C\$.1.2015.8

Court Funding: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2015 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.4

Judiciary Engages in Comprehensive and Sophisticated Public Outreach

Gone are the days of court officials going out to preach boring civics lessons to high school classes and community groups. The judicial branch builds on examples from advertising and even Hollywood storytelling to show the public a compelling depiction of courts' value to society.

CF.1.2014.11

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Traditional Court Outreach

Courts collaborate with local bar associations, business and community leaders, local media (including social media) and the educational community to develop educational campaigns, materials, and curriculums used by civic groups as well as high schools, colleges, and other educational venues. Typical efforts meant to raise the level of public understanding of the justice system include “the role of courts in government.”

CF.1.2015.12

Court Functions: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2015 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.8

How Will the Laws Change in the Future?

Marijuana will be Legal

Marijuana will be legal or “decriminalized” essentially everywhere.

This scenario was first in the Spring 2013 survey and was assessed as Likely with a 2.3 average probability. At that time the scenario’s title was “Medical Marijuana Will Be Legal”

LW.12.2012.1

Law: **Likely** – Mean Overall Likelihood: 2.2 in the Winter-Spring 2014 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Legalized Marijuana Leads to Increases in Related Crimes

Legal or “decriminalized” marijuana results in increased arrests for offenses such as driving under the influence.

LW.1.2013.7

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Intermediate Sanctions Will Dominate Criminal and Traffic

Courts develop a series of intermediate sanctions to impose on violators of minor criminal and post-sentencing actions such as violating probation or missing treatment sessions.

CF.12.2012.1

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

Many Lower-Level Crimes Will Be Reduced

A significant number of lower-level felonies are converted to misdemeanors; many lower-level misdemeanors are converted to violations.

This scenario was first run in the Summer of 2013 and assessed as having a 50–50 Chance with a 2.6 average probability.

LW.7.2013.10

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter 2017 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Jurisdictions Send “Short-Term” Prison Bound Defendants to Local Jails

To save on housing costs in central prisons, jurisdictions send “short-term” prisoners who have committed major crimes (e.g., felonies) to local jails to serve their terms.

CF.1.2017.23

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

States Give Significantly More Sentencing Discretion to Judges

To reduce prison populations, state legislatures restore more judicial sentencing discretion to minor non-violent offenders.

This scenario was first surveyed in the Summer of 2013 and assessed as having a 50–50 Chance with a 2.6 average probability.

LW.7.2013.8

Law: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2017 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Courts Find More Alternatives to Jail

As the numbers of incarcerated defendants increase, courts use an increasing variety of alternatives to custody to manage jailed defendants.

This scenario was first surveyed in the Winter of 2016 and assessed as Likely with a 2.0 average probability.

CF.1.2016.18

Court Functions: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2017 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Courts Restore the Civil Rights of Convicted Felons to Allow Them to Vote

Responding to the national momentum to re-enfranchise convicted felons, courts begin simplifying procedures for restoring individuals' civil rights allowing previously ineligible individuals to vote and serve on juries.

LW.1.2018.16

Law: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2018 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.5

Streamlined Expungement Processes Help Convicted Drug Felons

Simplified court procedures for expunging convictions allow individuals to seek jobs and housing without having to answer “yes” to questions about prior felony convictions.

LW.1.2018.17

Law: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.3

Courts are Confronted by Ever-Increasing Cultural and Linguistic Challenges

Immigration, racial traits, cultural identity, language distinctions, and age differences all demand courts be responsive to increasingly diverse communities.

DM.1.2017.21

Demographics: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Winter 2017 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.7

Courts Will Define Limits to Interpretation

Demand on courts for more and more exotic languages will increase. Courts will finally demarcate boundaries on these demands requiring parties to demonstrate their inability to truly understand more universal languages such as English or Spanish.

CF.12.2012.2

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8

Collecting on Judgments Gets Easy

Collecting civil judgments will become easier. Parties no longer have to transcribe civil judgments from one court to another and from one jurisdiction or state to another.

LW.1.2013.5

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8

Grand Juries Disappear

Because of their expense and inadequacy as a legitimate vetting agent, grand juries will be phased out; all criminal cases will commence by preliminary hearing, which defendants can (and often do) waive.

LW.12.2012.2

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8

Jurisdictions Allow Felons Released from Prison to Sit on Juries

Laws automatically allow individuals released from prison after being convicted of a felony to become jurors once they register to vote or obtain a driver's license. Courts must modify their jury operations as well as deal with the backlash of allowing criminals to judge criminals.

LW.1.2016.19

The Law: **Improbable** – Mean Overall Likelihood: 3.6 in the Winter 2016 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.4

Distinctions Between Juvenile and Adult Cases Will Virtually Disappear

As procedural requirements increase, the juvenile system takes on more of the attributes of the adult system until the two systems become indistinguishable.

CO.12.2012.4

Court Organization: **Improbable** – Mean Overall Likelihood: 3.6 in the Spring 2013 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.6

How Will Courts Be Organized?

States Will Adopt Common Case Management Time Standards

States adopt common standards (i.e. time to disposition, etc.) such as those promoted by the American Bar Association and Conference of State Court Administrators.

CF.7.2013.4

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Fine and Fee Collections Will Centralize to Pursue Monies Owed to the Courts

Regional or statewide fine and fee collections processing becomes the norm to achieve efficiencies from large-scale uniform administration.

This scenario was first surveyed in the Summer of 2013 and assessed as being **Likely** with a 2.1 average probability.

CO.7.2013.14

Court Organization: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Courts Maintain Programs that Guard Against Abuse of Vulnerable Populations

Courts regularly maintain programs that assertively monitor potential abuse of individuals including the elderly, the mentally ill, wards of the state, protected persons, children, etc.

CF.7.2013.8

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.2

States Adopt Uniform Standards for Dealing with Self-Represented Litigants

Uniform standards will include access to forms, interpreters, and procedural information.

CF.7.2013.5

Court Functions: **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

Specialty Problem-Solving Courts Abound

The success of and demand for problem-solving courts grows exponentially. Every general and limited jurisdiction court in the country runs a problem-solving court ranging from drugs and drunk driving, to gambling, petty theft, and “deadbeat” spouses.

CO.1.2013.9

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Spring 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Specialty Problem-Solving Courts Disappear

The resource demands of problem-solving courts eventually overwhelm the rest of court operations. In courts across the country, leadership decides that these courts must be limited in favor of more traditional adjudication modalities.

CO.1.2013.10

Court Organization: **Improbable** – Mean Overall Likelihood: 3.5 in the Spring 2013 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.6

Successful “Problem-Solving Court” Model Expands to the Rest of Court

Staffings, celebratory court sessions, extensive judicial involvement, rewards and sanctions, social assistance, regular testing, and intense supervision become a standard in all case types. The therapeutic model used in drug courts, mental health courts, domestic violence offender courts, prison re-entry courts, veterans’ courts etc. spreads throughout the court.

This scenario was first surveyed in the Winter 2015 survey and assessed as having a 50-50 Chance with a 2.8 average probability.

CO.1.2015.23

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2018 Survey*

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Drug Companies & Private Treatment Centers Increase Pressure on Drug and Mental Health Courts

As new drug treatment medications come to market and new treatment regimens are tried, drug companies and private treatment facilities compete to have drug and mental health courts order participants to take specific drugs & to attend specific treatment centers.

CO.1.2018.31

*Court Organization: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2018 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

Court Infrastructure Functions Will Centralize

To reduce expenses and balance budgets, court functions such as human resources, revenue accounting and disbursement, payroll, grant development, and information management are centralized on a statewide or regional basis.

CF.7.2013.3

*Court Functions: **Likely** – Mean Overall Likelihood: 2.3 in the Summer 2013 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.3

Central Court Administrations Monitor Limited Jurisdiction Courts

Supreme Courts and centralized court administrative offices monitor city, municipal, justice, magistrate, and other limited jurisdiction courts for adherence to regulations.

CO.1.2018.32

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2018 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

One Court System Per State

The ongoing budget crisis continues to force court systems to unify in virtually every state across the country. Court unification blurs and eventually eliminates distinctions between general jurisdiction and limited jurisdiction courts.

CO.12.2012.1

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

States Consolidate Court Levels Within Their State Court Structures

State legislatures consolidate two or more levels of trial court jurisdictions believing that the consolidations enhance “economies of scale” and flexibility within a state.

CO.7.2013.12

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Summer 2013 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

Courts Once Again Expand Their Hours

After years of budget cutbacks, courts once again offer “night court” and other expanded hours services to customers in the community.

CF.7.2013.9

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Summer 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

Federal Courts and Offices Administratively Consolidate

The District Courts, the Bankruptcy Courts, Federal Probation, Circuit Courts, and some specialty courts (e.g., Court of Claims and Tax Court) consolidate their administrative operations. This may include human resources, payroll, building services and security, information technology, court reporting and electronic recording, interpreting, finance, budget, and purchasing. Although the judges in these courts handle different case types, efficiencies from economies of scale are achieved in non-judicial administrative areas.

A version of this scenario first ran in the Summer 2013 survey and was assessed as having a 50-50 Chance with a 2.9 mean probability. At that time the scenario was titled “The Federal Court System Consolidates” (CO.7.2013.16) and referred only to the merger of federal district and bankruptcy courts.

CO.1.2015.26

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

State Courts Share Administrative Functions with Federal Courts

State and federal budget cuts force the cooperation of the two court systems creating efficiencies through volume management (e.g., human resources, payroll, computer technology, telecommunications, courtroom resources, etc.).

CO.7.2013.13

Court Organization: **Improbable** – Mean Overall Likelihood: 4.0 in the Summer 2013 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 4.1

Probation Supervision Increasingly Specializes

As society becomes more complex, so too does probation supervision. With increasing numbers of the mentally ill, sex offenders, gang members, and the drug addicted as probationers, probation departments hire more and more specialists in these various areas to supervise and treat individuals on their caseload.

CF.1.2016.16

Court Function: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

What Will Court Innovation Look Like in the Future?

"Evidence-Based Practice" Becomes the Standard for New Court Program Development

Valid substantiation of successful outcomes measured through nationally accepted standards becomes the definition of an "evidence-based practice" and becomes the criterion for new program funding.

CF.7.2013.6

Court Functions: **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.3

Courts Sponsor Developer Tournaments to Speed Creation of New Software

To tap into the brainpower of millennial software developers, courts sponsor developer tournaments to quickly acquire new software prototypes. The tournaments offer money prizes to developers who produce the best potentially usable new software.

CF.1.2018.28

Court Functions: **Unlikely** – Mean Overall Likelihood: 3.4 in the Winter 2018 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.3

Will Courts Remain Relevant?

Parking & Minor Traffic Cases Will Go Administrative

Acknowledging the largely administrative nature of front-end processing for traffic and parking cases, states, counties, and cities place the functions under administrative jurisdiction such as state dept. of motor vehicles, county enforcement, or city finance.

This scenario was first surveyed in the Spring 2013 survey and assessed as being Likely with a 2.2 average probability.

CO.1.2013.8

Court Organization: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter 2018 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Routine Probate Cases Will Go Administrative

Acknowledging the largely administrative nature of many estate matters, states and counties turn over initial routine probate functions to administrative jurisdictions such as the state or county fiduciary.

CO.1.2013.11

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Family Court Goes Administrative

Acknowledging the growing need for a combined approach to marriage dissolutions and separations through family counseling, financial counseling, investigation, and mediation, states remove these cases from the courts placing them under administrative jurisdiction allowing for a seamless combination of approaches unhindered by judicial intervention.

This scenario was first surveyed in the Spring of 2013 and assessed as having a 50-50 Chance with a 2.7 average probability.

CO.12.2012.6

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

More Functions Move from Courts to the Executive

Courts adjust as several functions including Security and Probation move from court operations to the city, county, or state executive agencies.

CO.1.2016.30

Court Organization: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2016 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Executive Directly Manages Court Records and Information

Executive agencies (e.g. in many countries it might be the Ministry of Justice or Ministry of Finance; in the U.S. it might be the County Executive, City Manager, or state administrative services agency), manage court records and information. Courts become a “customer” of the managing executive agency.

CO.1.2015.27

Court Organization: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2015 Survey

NACM Member Respondents: Improbable – Mean Likelihood: 3.9

How Will Other Parts of Government Relate to the Courts?

The Legislature and Executive Drive Judicial Branch Policy Decisions

These mandates and directives expand further into the fiscal arena and drive the use of performance metrics.

CO.1.2014.19

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Winter-Spring 2014 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Governance Issues Continue to Challenge Courts

Unclear role definitions, unclear relationships with funding bodies, and unclear assignments of responsibility between leadership judges and court managers continue.

CO.1.2014.20

Court Organization: **Likely** – Mean Overall Likelihood: 2.4 in the Winter-Spring 2014 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.3

“Community Safety” Will Become an Integral Part of Court Mission Statements

Acknowledging its attractiveness to funding bodies, courts promote “community safety,” which eclipses other traditional mission objectives such as dispensing individual justice and maintaining independent forums for resolving disputes.

CF.7.2013.10

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

Legislative Budgetary Disapproval

As courts remain underfunded, legislatures legitimize their long “sub rosa” strategy of disapproving of court decisions by tying funding packages to specific court actions.

C\$.12.2012.1

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.8

What Will Staff Look Like and How Will Courts Relate to Staff?

Courts Will Lose Most of Their Organizational Memory

An aging workforce fearing loss of retirement pensions and more judicial officers seeing a judgeship as a career stepping stone instead of a capstone, results in a significantly younger workforce with little recall of organizational history.

This scenario was first surveyed in the Spring of 2013 and assessed as being Likely with a 2.4 average probability.

CS.12.2012.1

Court Staffing: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.0

Courts Employ Significantly More Knowledge Workers

As caseload management and court management, in general, becomes more complex, courts will hire more and more staff relying on their knowledge of court procedures, the law, various languages, and interpersonal interaction.

This scenario was first surveyed in the Spring of 2013 and assessed as being Likely with a 2.4 average probability.

CS.1.2013.6

Court Staffing: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.9

Court Staffs Continue to Shrink

Ever-shrinking budgets and increased use of technology continues to allow courts to “do more with less” requiring fewer court employees.

CS.1.2018.12

Court Staffing: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2018 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Courts Offer Their Training Through Distance Learning

Most staff training is offered through webinars, videos, downloadable PowerPoints, etc.

CS.7.2013.8

Court Staffing: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.7

Alternative Work Schedules Will Become the Norm

Employee pressure for more flexibility, coupled with budget pressures force virtually all courts to adopt alternative work schedules.

CS.12.2012.3

Court Staffing: **Likely** – Mean Overall Likelihood: 2.4 in the Spring 2013 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.3

Court Outsourcing

As more knowledge workers enter the court system, more sophisticated tasks are outsourced to professionals, many of whom work part-time, often from their homes.

This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.9 average probability. That scenario described routine jobs being outsourced; this scenario describes outsourcing sophisticated tasks.

CS.12.2012.4

Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.5

Court Professionals (Particularly in IT) Trend to Short-Term Projects

Various court professionals, including those involved in information technology, want to be associated with a particular court only for the duration of a specific project. They appreciate the ability to quickly move on to other assignments.

CS.1.2017.11

Court Staffing: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.9

Court Employees Will Work “at the pleasure”

Virtually all court employees nationwide will become unclassified and work “at the pleasure” of the court’s presiding judge and executive leadership.

CS.12.2012.2

Court Staffing: **Unlikely** – Mean Overall Likelihood: 3.0 in the Spring 2013 Survey

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.9

Will We Address Human Trafficking?

Human Trafficking Cases Sharply Increase on Dockets

Human trafficking becomes a national concern. Many individuals are arrested and tried around the country and around the world for crimes related to human trafficking.

LW.1.2014.14

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Immigration Issues Increase on Court Dockets

Parties' immigration status becomes a decision point in virtually all court cases. Courts will have to establish parties' citizenship before being able to move ahead on a case.

This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.9 average probability. It surveyed again in 2014 and again assessed as having a 50–50 Chance with a 2.7 average probability.

LW.12.2012.3

Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2017 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Concern Over Immigration Status Fades Away

As the economy recovers and the country is faced with a skilled labor shortage, courts are no longer required to determine parties' immigration status to adjudicate cases.

LW.12.2012.6

Law: **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

How Will Our Courthouses Survive?

Many Aging Courthouses Fail to Meet Code or are Condemned

After years of ignoring the judiciary's aging physical plant, funding bodies are finally faced with courthouses that are declared unsafe and are condemned.

CO.1.2014.18

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Courthouse Construction Goes Regional

Shrinking budgets eventually force courts to collaborate between jurisdictional venues (e.g., between counties, districts, provinces, or territories) to construct new courthouses. New courthouses are not necessarily located in urban settings but are more often built near jurisdictional borders in order for multiple court operations to use the facility.

CO.1.2014.17

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6

Public-Private Courthouse Construction

Shrinking budgets force courts to turn to the private sector for financial help with the physical plant. Courts develop innovative ways private entities can help fund new courthouse construction. *This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.9 average probability under the same title.*

CO.12.2012.2

Court Organization: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter-Spring 2014 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

Courthouse Construction Focuses on Multi-Use Facilities

To satisfy demands from funding bodies, jurisdictions move away from constructing courthouses used only (or primarily) for court operations. Facilities containing multiple functions such as courtrooms, the local jail, law enforcement, probation, prosecutors, indigent defense, and treatment are all in one facility.

CO.1.2015.24

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2015 Survey

NACM Member Respondents: Likely – Mean Likelihood: 2.4

How Will We Treat the Mentally Ill in the Future?

Governments Relocate Mentally Ill Defendants Out of Jails and Prisons

As so many mentally ill defendants end up in jail or prison, governments finally enact rules and statutes to relocate the mentally ill to separate facilities away from general populations to focus on giving them needed treatment.

DM.1.2014.7

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

By Default, Incarceration is the Most Common Way of Dealing with the Mentally Ill

Jails and prisons end up as the default location for the mentally ill.

This scenario was first surveyed in the Winter-Spring of 2014 and assessed as having a 50-50 Chance with a 2.8 average probability.

DM.1.2014.5

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2018 Survey

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9

Devices Attached to Mentally Ill Defendants Monitor & Manage Chemical Imbalances

Devices to check on a variety of medical conditions such as blood pressure, heart rate, and even brain activity are easily and inconspicuously worn or even implanted into the human body. Mentally ill defendants are monitored and managed to keep them stable.

DM.1.2015.12

Demographics: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

How Will Juvenile Justice Look in the Future?

Education Becomes a Huge Component of the Juvenile Justice System

Pressure on schools to demonstrate academic excellence continues to increase. To maintain rigorously high academic standards many schools adopt an aggressive policy of removing or expelling disruptive students. These students have no place to turn but the juvenile justice system for their education.

CO.12.2012.7

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey*

*NACM Member Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7*

What Will It Be Like to Serve as a Judicial Officer?

Judgeships Become a Career Stepping Stone

Year after year, state legislatures refusing to authorize raises for judges' salaries results in more judges leaving the bench for more lucrative jobs. A judgeship eventually becomes a mid-career stepping stone to other endeavors.

CS.12.2012.5

*Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7

Judicial Decision–Making Becomes Highly Specialized

Like medicine (e.g. doctors pursue specialization through post-medical degrees and internships) judges become specialized in narrow fields of law. Parties appearing before these specialized judges appreciate the enhanced expertise these jurists bring to cases; judges are no longer considered fungible between, for example, criminal, civil, and family court.

CS.1.2015.10

*Court Staffing: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey*

NACM Member Respondents: Unlikely – Mean Likelihood: 3.0

Applications Aid in Judicial Decision–Making

Judicial decision–tree technology advances. Judges can enter a variety of factors into a judicial decision–making application that produces the most probable decision based on thousands of court decisions nationally including applicable case law.

CF.1.2015.15

*Court Functions: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter 2015 Survey*

NACM Member Respondents: Unlikely – Mean Likelihood: 3.2

What Will Court Hearings Look Like?

Most Court Hearings are Conducted Remotely

Video conferencing continues to increase until most court hearings are held through remote conferences (often recorded); hearings with parties physically in the courtroom become the exception rather than the rule.

This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.7 average probability under the title “Most Court Hearings are Conducted by Audio-Video.”

CT.12.2012.1

*Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter-Spring 2014 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8

Community Centers Will Become “Remote Courthouses”

As audio–video conferencing comes to dominate the court landscape, the poor will be a segment of the population unable to communicate electronically. These people will be able to go to their local library, police substation, or community center and attend their court hearings via monitors, microphones, and computers at that location.

CT.12.2012.2

*Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey*

NACM Member Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5

Courts Adopt Online Dispute Resolution for Small Claims and Smaller Matters

Online communications allow courts to provide small claims hearings and alternative dispute resolution sessions through the web-based conferencing systems without the parties, mediators, or judicial officers meeting face-to-face.

CF.1.2017.22

*Court Function: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2017 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.3

A Significant Number of Courthouses Across the Country Go “Virtual”

As audio-video teleconferencing grows, and local community centers serve as remote courthouses, many courthouses simply disappear. Many judicial officers have no actual courtroom but conduct all their hearings from their offices.

CT.1.2013.6

*Court Technology: **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey*

NACM Member Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.9

Trials Are Completed in Advance of Jury Selection

Trial testimony and evidence presentations are video recorded in advance. Sustained objections are omitted; overruled objections are included. Private judge–attorney discussions, admonishments, and long in–chambers discussions are removed. Only after the last witness has testified and trial presentation is complete does the court turn to selecting a jury to be sworn in and pass judgment on a finished video recorded trial.

LW.1.2018.18

*Law: **Improbable** – Mean Overall Likelihood: 3.8 in the Winter 2018 Survey*

NACM Member Respondents: Improbable – Mean Likelihood: 3.8

Courts Effectively Determine How to Deal with Video Evidence

The number of cases involving video recordings grows; courts must manage long-term storage, retrieval, as well as standardized authentication and accuracy of submitted video evidence. Courts will devise ways to determine if a video is authentic, shows what it depicts to show, and was not doctored. Courts also solve how to store video evidence and verify its authenticity after long periods of time.

CT.1.2016.34

*Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey*

NACM Member Respondents: Likely – Mean Likelihood: 2.1

Courts Face an Avalanche of Electronic Data

Courts continue to be inundated by a flood of electronic information. Examples include emails, tweets, blog posts, digital photos, body-worn camera videos, electronic spreadsheets, databases, peer-reviewed reports, and new algorithms. Courts continue to struggle to determine how to store, secure, organize, retrieve, and dispose of it all.

CT.1.2018.40

*Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.5 in the Winter 2018 Survey*

NACM Member Respondents: Highly Likely – Mean Likelihood: 1.5