



Just Horizons

CHARTING THE FUTURE OF THE COURTS

FINAL REPORT - DECEMBER 2022



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We thank the Council members for their willingness to tackle the complex concepts the initiative was exploring in a series of short virtual meetings rather than the multi-day, in-person meetings as planned and for their graciousness and understanding as we frequently re-adjusted plans based on the pandemic's evolving status. The Council's passion, insights, and guidance throughout the initiative were invaluable.

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Zalman challenged us throughout the initiative to think differently and to imagine the future when there are no facts or data available. Her influence is embedded throughout the report, and we are grateful for her gentle nudging and good humor as we tackled how to frame and describe various issues.

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help us explore the future from the perspectives of a diverse group of experts. Their presentation provided the Council with a series of provocative signals of potential future paths that helped all of us think about “what could/might be” rather than purely grounded in “what is” today. We appreciated the excitement and interest they brought to our effort.

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PREFACE

In August 2020, the National Center for State Courts launched the *Just Horizons* initiative to explore the changing needs of the judicial system and those who use it. The initiative was conceived in 2019 in preparation for the Center's celebration of its 50th anniversary in 2021. At that time, we had no idea that the initiative would be launched amid a global pandemic and intense social and political unrest at home and abroad. These events only crystallized the importance of our effort to better anticipate and understand emerging social, technological, and environmental trends that also could disrupt the meaningful delivery of justice by our nation's courts.

Courts play a vital role in our American system of democracy. They safeguard the rule of law, ensuring a level playing field for all who seek assistance based on the laws passed by legislatures and established in the Constitution. This traditional role of courts, however, is under threat in these volatile and uncertain times of rapid social and technological change. It is up to those of us who work in and with courts to ensure the long-term future viability of our courts.

This report offers a path forward on that journey. The *Just Horizons* initiative, led by a Council of court leaders and scholars, explored driving forces of change in society that could impact the work of courts in the future, developed scenarios of possible futures based on the drivers of change, and identified key areas of vulnerability we should bolster now to ensure a resilient and robust functioning court system no matter how the future unfolds.

Tackling these court system vulnerabilities requires a concerted and sustained effort by all who work in and use the courts. The report's suggested strategies for moving forward are illustrative of actions that can be taken at the individual, community, and national level. We recognize that state courts vary significantly in terms of their size, resources, governance structures, and specific needs and challenges. Thus, the strategies offer a starting point to implement as is, customize, or generate additional ideas for readying our courts for the future.

We need to act now. If the events of the last two years have taught us anything, it is that courts can be innovative and forward-thinking. Our challenge is to embrace that lesson and build on it rather than slipping back into complacency. Working together, we can ensure that courts continue to light the path of those seeking justice well into the future.

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1

Writing the Future of Courts

Institutional narratives are the stories and images that insiders and outsiders collectively use to explain the history, culture, and future of an organization. They chronicle not only where an organization has been in the past but where it is going in the future. Because institutional narratives drive behaviors, decisions, policies, and processes, they also shape realities on the ground. Thus, when institutions seek to transform, they will do well to begin by transforming the story they tell about themselves.

The traditional story of the American court system focuses on judges and their substantive work. In this narrative, judicial

decision-making is deliberative and reliant on precedent. Judges seek to give individual attention to cases and weigh facts and precedent to resolve cases fairly and effectively. In this traditional narrative, the measured pace of court action is a virtue: it shows courts playing a critical role in sustaining the fundamental values of an orderly society by resolving disputes in a clear and predictable manner without regard to the political whims of the moment.

The classic story, however, ignores that courts are more than the individual decisions of judges. They also are organizations of professional and administrative staff



responsible for ensuring the effective and efficient operation of a critical institution of our American democracy. As public service organizations competing in today's fast-moving world, courts cannot allow their administrative functions to follow the same deliberative approach crucial to deciding individual cases. Like other public institutions, the court system today faces mounting public pressure to be more accessible and timely, make better use of technology, and recognize the evolving needs of all constituents.

The times demand, in other words, that the court system embrace the paradox of needing to be both slow and fast in its work. Delivering

justice requires careful deliberation and the adherence to rules and procedures. Arguably, this fundamental role of courts to serve as a bulwark of the enduring ideals of justice and human dignity is even more important in an era of rapid technological advances and cultural extremes. At the same time, in the procedural arenas of judicial administration, including providing services to the public, innovation and agility are of the essence.

The urgency to act is now. Many of the nation's public institutions, shaped by expectations of prior centuries, are struggling to meet the service demands of the maturing information age. Courts are no exception.

Their struggle, however, is not a reflection of the irrelevancy of their mission. The court system's mission to serve as the public's impartial arbiter of disputes and protector of the rule of law remains crucial, particularly in these volatile and uncertain times. Instead, the struggle reflects the failure of court administration to focus full attention on enhancing service quality, employee engagement, and customer experience. Ignoring these challenges has direct implications for public perceptions of the accessibility, fairness, and trustworthiness of courts.

A measured, evolutionary pace of progress in court administration has characterized the last few decades. To ensure the preservation of our state court system and its mission, those who work in and with courts must be willing to grasp a more transformational pace of systemic change. New practices and adaptations underway hint at the transformative potential of the court system. But to date, they are merely hints. Stand-alone pilots, initiatives, and experiments will not by themselves produce the degree of systemic change in judicial administration that is needed to meet the emerging conditions of the 21st century and beyond. We need a commitment to innovation and change across all levels of state courts, across all states, and across all stakeholders, internal and external, who cherish the values of an impartial, responsive, and transparent judicial system.

To propel this shift, courts need an electrifying new tale – one that encompasses not only their role as guardians of the rule of law and deliberative justice but also their embrace of innovation in the delivery of justice. The current way people think about courts, and the narrative that both insiders and outsiders use in talking about courts-- in official documents, through conferences and law journals, and in popular movies and television-- is predominantly backward-looking and protective rather than forward-looking and open to change. Rather than driving transformative change, this narrative impedes it and consequently, places courts, and the justice they strive to deliver, at risk.

As courts face the future, they have an opportunity to shape a new narrative born of their commitment to look forward; identify, analyze, and interpret current and future trends impacting courts; anticipate challenges and needs; innovate and modernize to address challenges; and secure the long-term vitality of the role of courts in our democracy. In this new narrative, the court system successfully manages the paradox of deliberative speed, by shaping a system that is never hasty about the preservation of justice but that does its work and serves court users with optimal speed and effectiveness and without fear of innovating as context demands.

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This report begins the work of fashioning this new narrative. It considers how the United States is changing, from demography to technology, and how these changes could impact courts. Section 2 describes the process we used to explore possible futures for courts, including identifying driving forces of change that could impact courts and developing scenarios of possible futures. Section 3 presents six key areas of vulnerability that emerged from discussions about the scenarios with different audiences. The six are:

- **Including a forward-looking, anticipatory capacity in court governance**
- **Focusing on user-centered experience and inclusive design,**
- **Embracing a data-driven mindset,**
- **Understanding and managing the role of private entities in court work,**
- **Preparing for emergencies, and**
- **Cultivating a future-fit court workforce and workplace.**

As discussed in Section 3, the impact of these areas of critical vulnerability is dependent on the extent to which courts adopt a proactive stance to address them. If ignored, critical vulnerabilities run the risk of weakening courts over time. Alternatively, marshaling our combined efforts to address these areas, in a holistic rather than piecemeal fashion, helps ensure a resilient and robust functioning court system no matter how the future unfolds.

Section 4 discusses the vital need to act now and to engage all internal and external court stakeholders and court users in executing the unfolding narrative of the future court system. Only with our combined efforts can we realize a rejuvenated court system that continues to serve as the public's arbiter of disputes and guardian of the rule of law while embracing innovations to enhance the delivery of justice.



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We need a commitment to innovation and change across all levels of state courts, across all states, and across all stakeholders, internal and external, who cherish the values of an impartial, responsive, and transparent judicial system.



2

Exploring the Future

Thinking about the future is hard. We tend to be grounded in our everyday experience. How many of us would have thought that when Apple released its first iPad in 2010, we would be using it ten years later to help keep our courts open during a pandemic? Who knew ten years ago that we would now know what wind sounds like on Mars or that a volcano in Iceland would erupt for the first time in 6,000 years? What is on the horizon for the next ten years?

To rise above our current mindset, the Just Horizons Council used a strategic foresight approach, a planning discipline that helps people think rigorously and systematically about the future. Unlike strategic planning,

it does not focus on prediction. Rather, it considers many plausible futures. One possibility, for instance, is that the future might be very similar to what we have today -- so concerns about racial justice and income inequality may be just as prevalent in ten years as they are today. However, strategic foresight also asks us to consider futures where racial justice and income inequality may have substantially improved or worsened compared to today. The importance of the strategic foresight approach is to think about these different possibilities to take steps to influence what we can change and to prepare for what we cannot.

The strategic foresight process we used included four steps (see Graphic 1). We began by identifying potential societal forces that could impact courts in the future. Through various discussions, surveys, interviews, and environmental scans, we identified a long list of possible forces that the Just Horizons Council eventually narrowed down to 13 based on their potential impact on courts in the future (see Table 1).

Our next step was to develop alternative scenarios of futures based on the drivers of change. The purpose of the scenarios was to help us imagine future possibilities. The Just Horizons Council chose two clusters of current drivers to frame the scenarios: 1) data-driven public services which combined the drivers of digital transformation of public services and data-driven organizations, and 2) socio-political discord which combined the drivers of racial justice and equity and trust in public institutions. The Council considered these cluster drivers as critical uncertainties for courts in the future. That is, their disruptive impact on courts is potentially large and the certainty of their current trend continuing is unknown. We defined these two cluster drivers as follows:

Graphic 1: Just Horizons Strategic Foresight Process



TABLE 1. KEY DRIVERS OF CHANGE FACING COURTS



RACIAL JUSTICE AND EQUITY

The 2020 global protests about systemic racism, sparked by a succession of high-profile police brutality cases suffered by Black Americans, has heightened the visibility of differential treatment of individuals by race and ethnicity and renewed calls to address continued inequities.



INCOME INEQUALITY

Income inequality in the U.S. continues to rise and has profound effects on the health and well-being of individuals, families, and communities.



DIGITAL TRANSFORMATION OF PUBLIC SERVICES

Public institutions face a growing demand for easily accessible services on digital platforms, designed from a user's perspective, though challenged by limited budgets, outdated technology, and concerns over data security.



TRUST IN PUBLIC INSTITUTIONS

The fracturing of public trust in institutions continues apace with increasingly deep divides among Americans related to confidence in the transparency and accuracy of government data and policies, media reports, and political parties. These divisions vary substantially by identity (e.g., age, gender, race), disposable income, and education.



BEHAVIORAL HEALTH ISSUES

Substance use and mental health disorders, already prevalent across society, have increased with the chronic nature of stress associated with the 2020 covid-19 pandemic, uncertain economy, and racial and social inequities.



CYBERTHREATS & DISINFORMATION

Cyberthreats and disinformation campaigns continue to expand and evolve, accelerated by the rapid transformation of many private and public sector businesses to remote operations during the covid-19 pandemic.



DEMOGRAPHIC COMPOSITION

Significant shifts in population demographics such as age, gender, race, birth and death rates, education levels, income levels, and family size pose challenges for government, business, and society.



PROFESSIONAL REGULATION

Current models of professional regulation and licensing, impacting who can develop, provide, and access goods and services, are increasingly facing criticism for stifling innovation and flexibility in responding to consumer needs and restricting consumer choices. This phenomenon is forcing professions and government entities to re-think their business models to remain relevant.



IMPACT OF SOCIAL MOVEMENTS

Civic activation, supported by social media and philanthropic agents, is rising sharply and spurring change on a variety of social issues with potentially significant effects on the current roles, responsibilities, and operations of various public institutions.



DATA-DRIVEN ORGANIZATIONS

The public sector relies increasingly on data and advanced data analytics to inform decision making and optimize performance. Tools for capturing and using data grow more sophisticated and broadly available, eliminating the need for specialized expertise and resulting in real-time use of information for management and decision making.



CLIMATE CHANGE

Despite mitigation efforts, global warming continues, affecting areas such as human health (including potential pandemics), the quantity and quality of water, energy, transportation, agriculture, forests, and ecosystems.



CHANGING CONCEPTIONS OF WORK

The fundamental meaning and nature of work is evolving rapidly as a result of digital and augmented intelligence, shifts from physical to virtual spaces, multi-generational expectations of the work environment and job satisfaction, and the need for new and different skill sets to accommodate new and reconceptualized jobs.



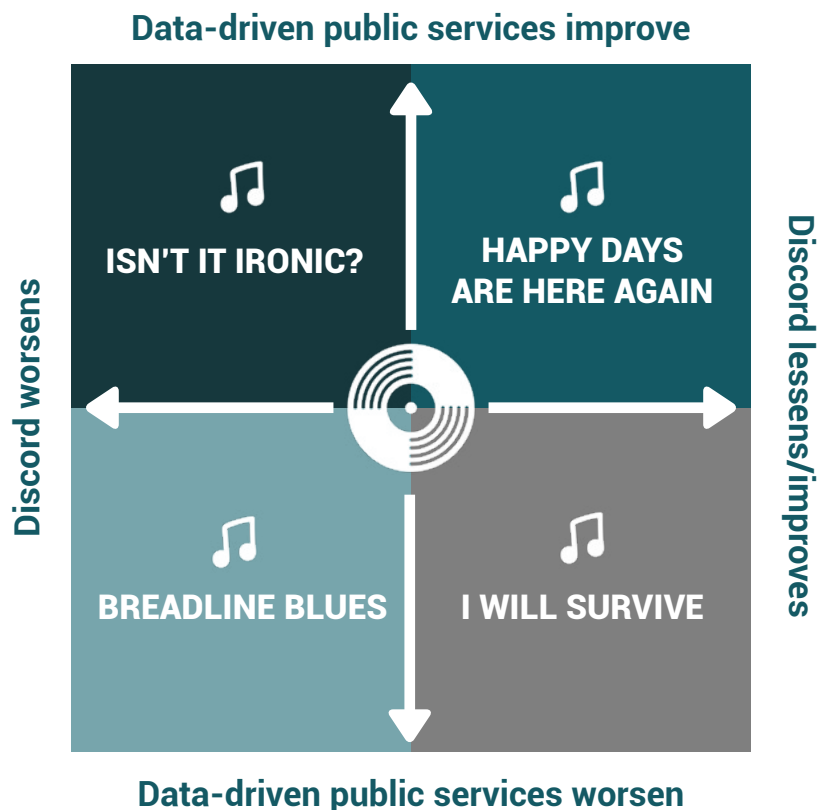
ECONOMY

The Congressional Budget Office projects a slow but steady improvement in economic growth over the next several years, with an associated decline in the unemployment rate to pre-pandemic levels. While the national debt remains high, federal revenues are projected to increase as a result of the expiration of temporary pandemic-related expenses, scheduled increases in taxes, and other factors.

- **Data-Driven Public Services.** The public sector's limited use of data and advanced data analytics fails to meet the public's expectation for easily accessible and efficient public services. Although tools for capturing and using data grow more sophisticated and broadly available, public institutions continue to be challenged by financial and human resource limitations, outdated technology, and concerns over data security.
- **Socio-Political Discord.** The fracturing of trust in public institutions continues apace with increasingly deep divides among Americans over socio-political issues. This polarization is exemplified by American attitudes toward the results of the 2020 election and global protests about systemic racism. The divisions are sharpened by competing views on the merit of governmental responses, lack of confidence in the transparency and accuracy of government data, and increasing partisanship in the news and social media. Perceptions vary substantially by identity (e.g., age, gender, race), disposable income, and education.

Each of the two cluster drivers anchors one axis of a 2x2 matrix to create four possible future worlds as depicted in Graphic 2.

Graphic 2: Four Scenarios Based on Cluster Drives



Appendix A includes the full narrative of each scenario. Table 2 provides a few descriptors of each world. The scenarios reflect the perspective of someone living in 2032. They focus primarily on what is happening in the United States. They also offer imagined events that could have occurred to lead to each future and suggest how some of the key drivers of change play out in each scenario. The scenarios are fictionalized worlds, but they each have components of plausibility.

Table 2. Scenario Summaries

Data-driven public services improve	
Discord worsens	<p style="text-align: center;">♪ ISN'T IT IRONIC? ♪</p> <ul style="list-style-type: none"> • By end of decade, most state and local courts had become “smart courts.” The entire court system had decent e-services for court users. • Rulings on intrusive technology such as public sensors, motion detectors, and algorithmic decision making were generally favorable to technology providers; data analytics and technology were seen as a boon to the development of more evidence-based policy. • Beyond the courthouse lay interminable political deadlock and frequent violent confrontations between demonstrators on the right and left. • With the rise of both smart courts and socio-political discord, courts became susceptible to cyberthreats and blackmail, continuing the downward slide of their reputation among the public.
	<p style="text-align: center;">♪ HAPPY DAYS ARE HERE AGAIN ♪</p> <ul style="list-style-type: none"> • Following a brief but intense #DefundtheCourts movement in 2023, court leaders, public officials, and business leaders sought to shore up and modernize this sacred component of American democracy and society. • Supreme Court cases helped quell the most egregious acts of big tech firms. • A new generation of politicians focused on teamwork, and collaboration began to increase public trust in government for solving problems. • With better tools to address social injustice at its roots, the courts became an integral hub in a justice ecosystem instead of a hated location of last resort.
	Discord lessens/improves
	<p style="text-align: center;">♪ I WILL SURVIVE ♪</p> <ul style="list-style-type: none"> • Routine aspects of daily life, including public services such as prisons and airport security, are gradually privatized to a point where the public doesn't realize what is public and what is private. • Americans gradually balkanized into cities and neighborhoods to avoid confrontation and live with others who were like them. They turned to each other to solve problems. • Those who did not live in new smart cities had to become more self-sufficient to survive. • Courts are relegated to the specific interests of the various communities. • The theme by the end of the decade is indifference or hostility to the public sector. Americans have grown strong without government help and had learned to get along.
	Data-driven public services worsen

We shared these scenarios with participants at various conferences and meetings and asked them to consider 1) how courts might be affected – positively or negatively – in each scenario, and 2) what actions courts should take now to enhance or influence positive outcomes and prepare for possible negative events we cannot control. Six themes, which we referred to as key areas of vulnerability for courts, emerged from these discussions. We defined vulnerability as a recognizable fault line that runs through the court system and threatens to weaken it severely if it is not rectified or addressed.

The key areas of vulnerability we identified are:

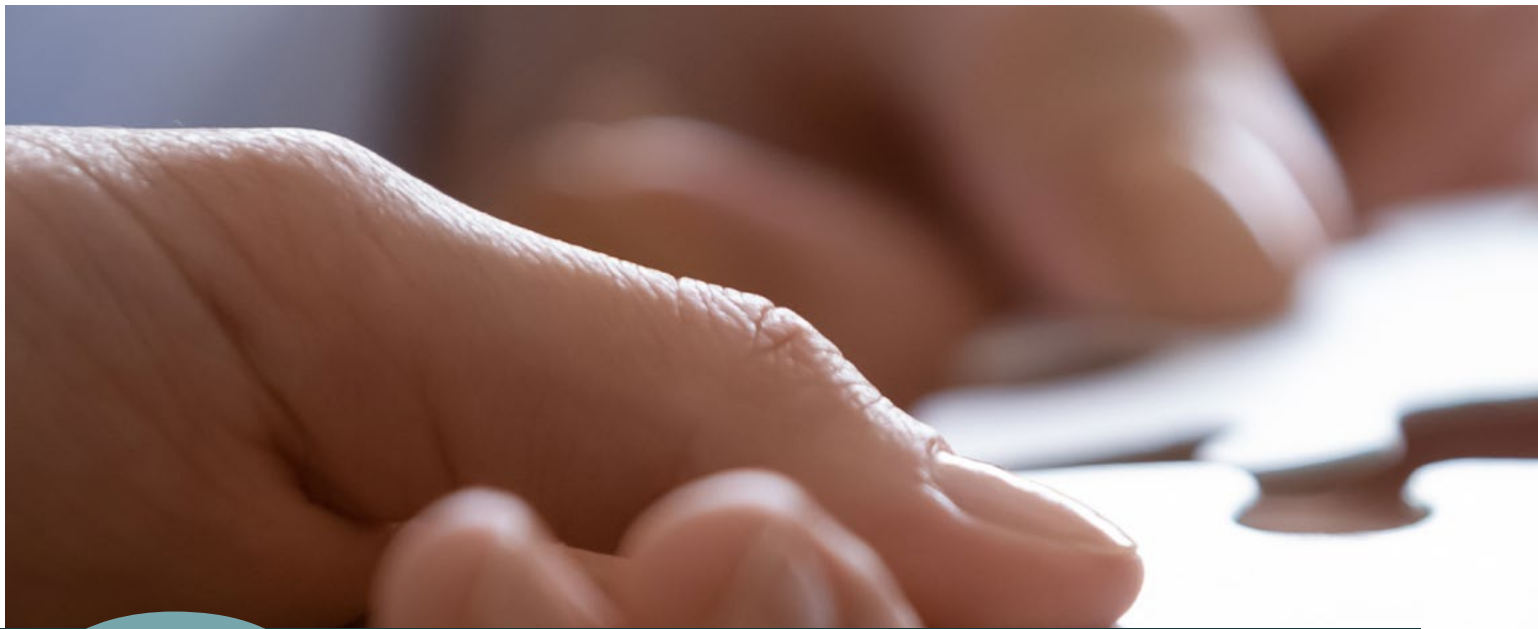
- **Including a forward-looking, anticipatory capacity in court governance,**
- **Focusing on user-centered experience and inclusive design,**
- **Embracing a data-driven mindset,**
- **Understanding and managing the role of private entities in court work,**
- **Preparing for emergencies, and**
- **Cultivating a future-fit court workforce and workplace.**

Section 3 includes a description of each area. The impact of these six areas of critical vulnerability is dependent on the extent to which courts adopt a proactive stance to address them. If ignored, critical vulnerabilities run the risk of weakening courts over time. Alternatively, marshaling our combined efforts to address these areas helps ensure a resilient and robust functioning court system no matter how the future unfolds.

The last step in our strategic foresight process involved identifying illustrative strategies courts could undertake to address the six areas of vulnerability. Again, we sought feedback from the Just Horizons Council and court professionals regarding 1) how each area of vulnerability might impact courts and the work they do in the future and 2) possible strategies or actions courts could undertake now to influence or better prepare for each vulnerability. Based on these discussions, we identified examples of actions that could be taken at the local, state, and national levels to begin the process of addressing the areas of vulnerability. As explained in Section 3, the strategies are not intended to be comprehensive but to offer a starting point for deliberations and actions to ensure a more resilient and robust functioning court system no matter which specific future unfolds.

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Our definition of a critical vulnerability is a recognizable fault line that runs through the court system and threatens to weaken it severely if it is not rectified or addressed.



3

Key Areas of Vulnerability Challenging Courts

As noted earlier, this section focuses on six areas of critical vulnerability facing courts as we move into the future. Our definition of a critical vulnerability is a recognizable fault line that runs through the court system and threatens to weaken it severely if it is not rectified or addressed. Critical vulnerabilities are those risks that arise over time as emerging conditions make the existing system less fit for its purpose. For presentation purposes, we describe each vulnerability area individually. In practice, however, they are all part of a related story. They all focus on challenges to delivering

high-quality justice to all individuals using the court system. To the extent that courts work on these areas of vulnerability, they will meet the challenges delivering justice now and into the future from a position of strength.

Table 3 summarizes the key areas of vulnerability, our vision for them in 2032 if we take action to address them, and their relationship to key driving forces of change and court values. In identifying the related driving forces of change and court values, we selected three we considered most critical to each, though several other



driving forces and court values are obviously reflected in the various vulnerability areas.

Following the table, we provide a description of each vulnerability area and ideas and suggestions for beginning to tackle the challenges they pose. The ideas are not meant to be comprehensive but to stir our collective thinking for moving ahead at a national, state, and local level to address the vulnerabilities. Because the areas of vulnerability are not unique to courts, we also include suggestions for working with other government agencies, private sector







organizations, community organizations, and universities to take advantage of work already underway that could be helpful to courts. We also encourage local and/or state jurisdictions to combine and build on each other's efforts to address common problems, particularly those that would benefit from a regional focus. By marshaling all our resources, we enhance our opportunities to identify effective strategies for building a more robust and resilient court system fit for the future.

**SIX AREAS OF VULNERABILITY
FACING COURTS DURING THE NEXT DECADE**

- 1 Including a forward-looking, anticipatory capacity in court governance**
- 2 Focusing on user-centered experience and inclusive design**
- 3 Embracing a data-driven mindset**
- 4 Understanding and managing the role of private entities in court work**
- 5 Preparing for emergencies**
- 6 Cultivating a future-fit court workforce and workplace**



Table 3. Areas of Vulnerability Facing Courts During the Next Decade

Area of Vulnerability	2032 Vision if Vulnerability Addressed	Key Driving Forces	Key Court Values
 <p>Including a forward-looking, anticipatory capacity in court governance</p>	<p>Courts are viewed internally and externally as anticipating and prepared for societal changes that impact the delivery of justice</p>	<ul style="list-style-type: none"> • Trust in public institutions • Cyberthreats & disinformation • Professional regulation 	<ul style="list-style-type: none"> • Trustworthiness • Responsiveness • Resiliency
 <p>Focusing on user-centered experience and inclusive design</p>	<p>Court policies and procedures reflect the needs and experiences of all who seek legal remedies</p>	<ul style="list-style-type: none"> • Digital transformation of public services • Racial justice & equity • Income inequality 	<ul style="list-style-type: none"> • Accessibility • Fairness • Transparency
 <p>Embracing a data-driven mindset</p>	<p>Courts have a data-literate workforce who use and communicate with data to generate insights, optimize performance, and sustain key values</p>	<ul style="list-style-type: none"> • Digital transformation of public services • Trust in public institutions • Data-driven organizations 	<ul style="list-style-type: none"> • Efficiency • Fairness • Transparency
 <p>Understanding & managing the role of private entities in court work</p>	<p>Courts have a productive relationship with private entities in which the courts preserve their autonomy and principles, while benefiting from the contributions of private innovators</p>	<ul style="list-style-type: none"> • Trust in public institutions • Digital transformation of public services • Data-driven organizations 	<ul style="list-style-type: none"> • Efficiency • Trustworthiness • Transparency
 <p>Preparing for emergencies</p>	<p>Using foresight and training, courts have become resilient and nimble and remain fully functional and committed to their mission in light of any crisis</p>	<ul style="list-style-type: none"> • Climate change • Trust in public institutions • Cyberthreats & disinformation 	<ul style="list-style-type: none"> • Accessibility • Resiliency • Responsiveness
 <p>Cultivating a future-fit court workforce and workplace</p>	<p>Courts are designed to reflect the needs of those who use and work within them and are powered by a diverse, flexible, and motivated workforce</p>	<ul style="list-style-type: none"> • Digital transformation of public services • Demographic composition • Professional regulation 	<ul style="list-style-type: none"> • Accessibility • Efficiency • Fairness

VULNERABILITY 1:

INCLUDING A FORWARD-LOOKING, ANTICIPATORY CAPACITY IN COURT GOVERNANCE

VULNERABILITY 1 AT A GLANCE

Including a Forward-Looking, Anticipatory Capacity in Court Governance

2032 Vision: Courts are viewed internally and externally as anticipating and prepared for societal changes that impact the delivery of justice

Key drivers: Trust in Public Institutions, Cyberthreats & Disinformation, Professional Regulation

Key Court Values: Trustworthiness, Responsiveness, Resiliency



Traditional court governance focuses on the effectiveness of court operations in achieving outcomes such as access to justice, timely dispute resolution, and procedural fairness. It seeks to ensure the optimal performance of court operations in delivering justice today.

Many court systems include short-term strategic planning as part of their governance activities; however, few explicitly incorporate a robust, forward-looking exploration of emerging societal and technological trends that could impact courts and the delivery of justice in the future. Such a long-term focus is necessary to enable courts to be more resilient in an increasingly interconnected world by looking ahead to what might be coming. Without

such anticipatory governance, courts are vulnerable to unforeseen disruptive changes and consequently unprepared to adapt or innovate to address the changes. In this context, our default tendency is to stick with the comfortable and familiar even if it no longer meets the demands of a rapidly changing societal landscape.

If courts are to fully embrace the need for transformative change in their administrative and procedural functions, they need to build and sustain the capacity to better anticipate potential changes in the future and identify options for innovation, adaptation, and modernization. This includes relying on experts and data from a variety of fields and embedding strategic foresight planning

frameworks, such as identifying driving forces of change and developing scenarios of possible futures, like those used in generating the key areas of vulnerability discussed in this report.

Part of building this forward-looking, anticipatory governance capacity is developing a future-literate court community. Armed with strategic foresight skills to expand their traditional frameworks for gathering and using information, judges and court staff will be better positioned to anticipate change, ensure the future-readiness of existing policies, and develop new policies that take advantage of scientific insights and technological innovations. Keeping eyes on the road ahead will create a court community that is flexible, agile, and resilient when faced with new challenges.

The benefits of building a future-literate court community extend far beyond any specific innovation courts may adopt to better serve the public. In a time of great uncertainty and information overload, coupled with misinformation and disinformation, the power and clarity of the court narrative is weakened. Public trust in our courts and workforce morale can be casualties in this environment. A shared narrative across the court community that champions the adaptability and inventiveness of courts to meet the evolving needs of the public helps to counteract these trends. Further, demonstrating the court community's commitment to the narrative by taking action to improve court operations as discussed in this report's key vulnerabilities provides an opportunity to enhance public trust and confidence in a way that words, alone, cannot.



If courts are to fully embrace the need for transformative change in their administrative and procedural functions, they need to build and sustain the capacity to better anticipate potential changes in the future and identify options for innovation, adaptation, and modernization.



Table 4. Illustrative Strategies for Tackling Vulnerability 1
Including a forward-looking, anticipatory capacity in court governance

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>1</p> <p>Support a focus on futures thinking across all levels of state courts.</p>	NATIONAL	<p>Provide national resources that address the importance of incorporating futures thinking into court governance principles and strategies.</p> <p>Offer presentations and education programs on the importance of anticipating and preparing for societal and technological changes.</p>
	STATE	<p>Review state governance principles to ensure they consider the impact of future trends on courts.</p> <p>Include strategic foresight exercises in state judicial education programs and conferences.</p>
	LOCAL	<p>Participate in national and state educational programs focused on futures thinking.</p>
<p>2</p> <p>Identify, monitor, and analyze current and emerging societal trends.</p>	NATIONAL	<p>Prepare resources (e.g., environmental scans, potential future scenarios, interviews with experts on trends in specific areas) to help the court community better anticipate potential areas of disruptive change.</p>
	STATE	<p>Review implications of specific trends for the state's courts.</p>
	LOCAL	<p>Explore how specific trends might impact the delivery of justice in local communities.</p>
<p>3</p> <p>Ensure the future readiness of court operations, policies, and practices.</p>	NATIONAL	<p>Keep current with innovations and new technologies from private and public sectors that could be evaluated and adapted for use in the courts.</p> <p>Work with experts from a variety of disciplines to identify new court policies and practices to address emerging trends.</p>
	STATE	<p>Convene workshops to review the robustness of current state court operations and policies to meet the emerging demands of the future.</p>
	LOCAL	<p>Using resources developed at the national and state level, convene workshops with local community members to identify key areas of future justice vulnerabilities and develop solutions to address them. Consider working with neighboring jurisdictions on priority areas in common.</p>

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>4</p> <p>Foster a network of court professionals across the country engaged in strategic foresight work.</p>	NATIONAL	Create opportunities (e.g., online forums, remote and in-person meetings) to share the collective intelligence gained from strategic foresight work being done in local and state courts across the country and to co-create adaptive and inventive solutions for meeting future challenges.
	STATE	Encourage communication across those involved in strategic foresight work in the state to share their ideas, tools, and strategies for advancing future-ready court operations and policies.
	LOCAL	Provide local court input into the development of national and state strategic foresight resources and future-ready local court policies and practices.
<p>5</p> <p>Be vigilant about the changing landscape of the information environment and its influence on public assumptions and expectations.</p>	NATIONAL	<p>Regularly examine how the methods by which people create, share, receive, and evaluate information are changing and create resources to inform state and local courts.</p> <p>Work with government and private sector experts to identify strategies to enhance the proliferation of accurate information and counter inaccurate information about courts.</p>
	STATE	Review sources of information that drive public perceptions about courts and their likely influence on court efforts to adopt future-fit operations, policies, and practices.
	LOCAL	Identify the sources of information driving local communities' perceptions of courts and their likely acceptance of innovations intended to address disruptive change.



The benefits of building a future-literate court community extend far beyond any specific innovation courts may adopt to better serve the public.

VULNERABILITY 2:

FOCUSING ON USER-CENTERED EXPERIENCE AND INCLUSIVE DESIGN

VULNERABILITY 2 AT A GLANCE

Focusing On User-Centered Experience and Inclusive Design

2032 Vision: Court policies and procedures reflect the needs and experience of all who seek legal remedies

Key drivers: Digital Transformation of Public Services, Racial Justice & Equity, Income Inequality

Key Court Values: Accessibility, Fairness, Transparency

People come to courts to address a variety of legal problems. How courts address those problems—from the viewpoint of the people seeking solutions—affects their relevancy and trustworthiness to the communities they serve. Courts have customers, and the administration of courts should satisfy, not frustrate, the expectations of customers. To what extent do people view courts as working for them?

One view is that court cases “belong” to lawyers who set the pace of litigation. This traditional outlook, still present in some places, puts judicial institutions in a passive or reactive position. Case events are scheduled and occur when lawyers deem it important or convenient. Even in matters where lawyers are not involved, court policies and procedures often reflect a “one-size-fits-all” mentality.

These approaches are no longer sustainable. Individuals' expectations regarding customer service have intensified with the private sector's focus on user design and a service culture of continuous improvement. Courts are particularly vulnerable to these expectations because they, unlike private sector dispute resolution competitors, cannot limit their focus to specific customer needs and legal problems; rather they are responsible for addressing all customers' legal needs.

User-centered and inclusive design is key in addressing the needs of all, especially marginalized groups. The success of inclusive design is dependent on efforts to identify not just the needs of the majority, but also marginalized groups and their unique requirements. Access issues, from physical court access for

individuals with disabilities, to language access, to equitable access to virtual court proceedings, to difficulties participating in proceedings due to behavioral health issues can be identified and addressed through user-centered and inclusive design. Similarly, incorporating the recognition and acceptance of cultural differences into court processes and interactions with court users will allow courts to be viewed as approachable and trustworthy in communities with low levels of trust in the court system.

Although courts have made significant efforts to address the experiences of some groups and simplify some processes, these efforts have not been robust and undertaken holistically. To alleviate the risk of ultimate irrelevancy to the communities they serve, courts need to cultivate a comprehensive focus on the needs and experiences of all who seek legal remedies, including those from all demographic and economic groups and those with behavioral health and disability issues.

Table 5. Illustrative Strategies for Tackling Vulnerability 2

Focusing on user-centered experience and inclusive design

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>1</p> <p>Establish key staff to review all court policies and procedures from the standpoint of those who access and use the system and ensure that court services are available, accessible, and fair for all.</p>	NATIONAL	Provide annual report on the landscape of court users and court efforts to improve access to and use of court services based on information from state and local staff focused on user design.
	STATE	Consider establishing a Chief Inclusive Design Officer (CIDO) within the state to oversee and reinforce a user-design focus throughout the system. Examine the landscape of potential court users in the state to ensure their needs are addressed.
	LOCAL	Examine the landscape of potential court users in the jurisdiction to ensure their needs are addressed. Identify one or more key staff to conduct the review for all court divisions.
<p>2</p> <p>Create a community of practice of individuals focused on user-centered and inclusive design issues to share innovative practices.</p>	NATIONAL	Establish a network of experts in design from the public and private sectors and develop resources to support local and state user-experience design work. Convene periodic conferences to share innovative practices, lessons learned, and new technologies to improve user experience.
	STATE	Reinforce a focus on user-centered experience by convening representatives from local jurisdictions to share court user issues and potential changes to court policies and practices aimed at improving the user's experience.
	LOCAL	Foster a focus on user-centered experience as a constant reference point by Including community members from a variety of demographic groups representative of court users in designing solutions and reviewing court policies and procedures.

<p>3</p> <p>Offer multi-channel methods to address the various needs of the different types of people seeking court services. These include basic in-person and phone interactions, website information, do-it-yourself online platforms, and innovative digital methods such as virtual reality that become more routine during the coming decade.</p>	NATIONAL	<p>Work with various providers to increase access for individuals with limited resources/access to technology.</p> <p>Provide examples of how jurisdictions across the country are increasing access through multi-channel methods.</p>
	STATE	<p>Review access and service provision methods available in jurisdictions across the state and address gaps appropriate to specific localities.</p>
	LOCAL	<p>Review current methods to offer services and consider additional alternatives to expand accessibility.</p>
<p>4</p> <p>Develop systems for routinely collecting and basing decisions on user-experience data.</p>	NATIONAL	<p>Explore new technologies for automatically building in user evaluations of services.</p> <p>Compile & disseminate state and local strategies for collecting and using user-experience data.</p>
	STATE	<p>Suggest/adopt metrics to help local jurisdictions better understand user experiences and identify technical assistance needs to improve the user experience across the state.</p>
	LOCAL	<p>Consider options (e.g., surveys, service evaluations, interviews, focus groups, observations, simulations) for obtaining systematic information about current user experiences.</p>
<p>5</p> <p>Build a service culture among judges and court staff. Provide opportunities for court leaders and staff to reimagine their work from a user's perspective, and encourage all staff to adopt a user-centered mindset through training, performance measurement, and rewards.</p>	NATIONAL	<p>Offer in-person and virtual national training programs and special topic webinars to supplement local and state programs.</p> <p>Create resources to help local and state courts assess their user-focused culture.</p> <p>Explore new technologies to help judges and court staff experience courts as a user.</p>
	STATE	<p>Reinforce training at state conferences and meetings, especially for local court leaders. Infuse a user experience focus throughout judicial branch education, including through the use of exercises and role plays.</p> <p>Recognize courts that have demonstrably included a focus on user-based experience.</p>
	LOCAL	<p>Offer training through in-person and/or online programs, conferences, and informal brownbag meetings on why a service culture is important and how to identify and respond to user needs. Ask for recommendations to identify user needs and reinforce those who demonstrate a user-based mindset.</p>

VULNERABILITY 3:

EMBRACING A DATA-DRIVEN MINDSET

VULNERABILITY 3 AT A GLANCE

Embracing a Data-Driven Mindset

2032 Vision: Courts have a data-literate workforce who use and communicate with data to generate insights, optimize performance, and sustain key values

Key drivers: Digital Transformation of Public Services, Trust in Public Institution, Data-Driven Organizations

Key Court Values: Efficiency, Fairness, Transparency



Big data, data analytics and business intelligence are now common concepts broadly used in both public and private business contexts. The recognition of data as a valuable asset and not just a by-product of business processes has redefined how leaders and organizations approach decisions and highlights the importance of a strong data-driven culture for success. Court leaders increasingly embrace a data-driven mindset to better understand their current work practices, identify and respond to customer needs, and deliver a higher quality of justice.

Despite ongoing efforts, courts struggle to fully embrace a robust use of data to inform the court's work. As a result, courts are not in a position to understand which of

their policies, practices, and decisions are performing well and which are failing and require further attention. Consequently, courts are left vulnerable in several dimensions. First, without proper data collection and analysis, courts cannot optimize their own processes, generating challenges to achieving justice. Second, when courts are unable to share data-driven stories that demonstrate their effectiveness with policymakers, court users, the public or the media, they put themselves at risk of losing critical resources and the public trust that is the foundation of the courts' legitimacy.

One cause of the vulnerability is that some court leaders have not fully embraced the concept of courts as organizations that

need to be efficiently managed to succeed, and not solely arbiters of disputes. Another is the often-legitimate concern about the quality of court data. The challenge of improving court data quality is formidable and requires a collaborative approach among all levels of court staff, including judges, administrators, clerks, IT, and support staff. This collaborative approach can only succeed, however, with an ongoing strategy to build data-literacy among all staff. Data literacy involves a focus on developing problem-solving skills, including asking the right questions; understanding which data are relevant; and interpreting data to get meaningful insights.

A critical benefit to improving data fluency is that it allows courts to better address concerns of both internal and external audiences. Using the best available information enhances a court's capacity to apply the law justly and equally for every individual. Careful attention to data-informed practices, policies, and outcomes supports the elemental value of fairness: every person has the right to their day in court and to have their case resolved by an impartial court. This focus helps court leaders lock-in on the results of a court's efforts to achieve and sustain key values and to communicate their success stories effectively and persuasively to all interested parties outside the court.



Court leaders increasingly embrace a data-driven mindset to better understand their current work practices, identify and respond to customer needs, and deliver a higher quality of justice.

Table 6. Illustrative Strategies for Tackling Vulnerability 3
Embracing a data-driven mindset

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>1</p> <p>Identify a designated individual or individuals, such as a Chief Court Data Officer, to oversee and elevate the importance of a range of data-related functions such as data governance and management, ensuring data quality, and creating a data strategy.</p>	<p>NATIONAL</p>	<p>Work with private sector Chief Data Officer community to determine how to derive maximum value from the data available to the court system. Disseminate high-level data governance guidelines and assist state and local courts in implementation.</p>
	<p>STATE</p>	<p>Establish a Chief Court Data Officer (CCDO) position. The CCDO establishes a data governance program; defines expectations for use of data in effective court management; facilitates interactions between court departments and IT (local or statewide) and works with local courts to promote data quality.</p>
	<p>LOCAL</p>	<p>Convene diverse group of local judges/staff to assess current use, breadth, and quality of existing data. Establish a local Court Data Officer (CDO) position or identify staff to serve in “data steward” positions, with responsibility to promote data governance and the importance of data-driven management.</p>
<p>2</p> <p>Increase data literacy through training and education targeted to the specific needs of various court audiences (e.g., leadership, judges, court staff).</p>	<p>NATIONAL</p>	<p>Establish an association of CCDOs to share strategies and develop guidance within the court community on building data management systems, creating a culture that normalizes the sharing of data, and implementation of proper data analytics.</p>
	<p>STATE</p>	<p>Create a data culture within the state by focusing on data literacy as a strategic goal. This involves communicating best practices and fostering a culture of data sharing.</p>
	<p>LOCAL</p>	<p>Develop training curriculum for local court staff and judges to jointly establish an understanding around how data can/should be used to support court administration.</p>

<p>3</p> <p>Embrace data democratization by providing easy access to data for all judges and court staff to use in making decisions and identifying effective practices.</p>	NATIONAL	Develop national education program to clarify how a good data analytics system enables court leaders to use and present the data in a way that informs and improves business operations.
	STATE	Increase efforts to automate data collection and processing, integrate error checking methods, and create algorithms to make the analytics process consistent and pain-free.
	LOCAL	Work with judges and staff in developing targeted and accurate reports to see past practice, anticipate what will happen in the future, and communicate this information to all interested parties.
<p>4</p> <p>Develop a public-private consortium of expert thinkers in the data analytics field to serve as a resource for tackling the huge issues courts face with gathering, using, and governing court data and augmenting court data with other databases.</p>	NATIONAL	Design a national mini think tank dedicated to resolving court data issues drawing on a consortium of experts from the private sector, academia, think tanks, executive branch agencies, and CCDOs. Convene an annual conference with different tracks to address key data trends, issues, and ways in which improved data supports sustainable solutions.
	STATE	Participate in the think tank consortium and the annual conference to inform state strategies for addressing critical court data issues.
	LOCAL	Establish regular meetings between judges and administrators, informed by the CCDO and the consortium, to discuss the types of outcomes they hope to achieve and to identify the data (metrics) necessary to measure success.
<p>5</p> <p>Establish an ongoing process to review data-related technologies (e.g., automated input, cleaning, and reporting tools; case management systems; data warehouses; data visualization software) that will enhance the use of data by courts.</p>	NATIONAL	Establish a process, perhaps incorporated into the Court Technology Conference, for helping courts identify, assess, and test new data-related technologies based on court needs and resources. Provide resources to support court efforts to collaborate with one another to achieve efficiencies with vendors.
	STATE	CCDO evaluates current statewide capabilities in light of how emerging technology can support adoption of data-driven mindset; facilitate automating data input, cleaning, and reporting; and better meet the needs of all users and reduce barriers to access.
	LOCAL	In anticipation of new technology, local courts should review and adjust business processes to reduce redundancy and eliminate unnecessary steps. Map current processes and determine which elements can be eliminated or combined to better meet user needs.

VULNERABILITY 4:

UNDERSTANDING & MANAGING THE ROLE OF PRIVATE ENTITIES IN COURT WORK

VULNERABILITY 4 AT A GLANCE

Understanding & Managing the Role of Private Entities in Court Work

2032 Vision: Courts have a productive relationship with private entities in which the courts preserve their autonomy and principles, while benefitting from the contributions of private innovators.

Key drivers: Trust in Public Institutions, Digital Transformation of Public Services, Data-Driven Organizations

Key Court Values: Efficiency, Trustworthiness, Transparency



Today, public-private partnerships and private philanthropy engage in research and service innovations for the justice system, software vendors require access to court data to provide services, and private contractors administer prisons and probation services. Practices such as private arbitration, on-line dispute resolution, and private mediation illustrate how some traditional court functions are being altered or displaced.

Several trends strongly indicate that courts can and should expect the potential role of private entities to grow in the decade ahead, for the same reasons that private entities are increasingly supporting or supplanting other government functions. These trends include the growing importance of technology

firms to government and public functioning, and the expanding influence of private philanthropy and think tanks in driving specific reform and innovation agendas.

These trends are unfolding in a landscape where the marketization of other public goods and services, such as healthcare and scientific research, is rising, often in direct competition with the public sector. These phenomena are tied in complex ways to the socio-cultural context of the United States which historically has championed individual self-sufficiency, hard work, and ingenuity over reliance on government interventions. This philosophy is deeply ingrained in American culture and can be seen today in many policy innovations, from charter schools to health

care reform, which rely on private firms and markets to supply public goods and services on the assumption that the private sector is efficient and dynamic while the public sector is wasteful and slow. As a result, courts must assume that private engagement in the work of the courts will increase and grow in influence.

Consequently, it is important for courts to prepare for a future in which they intentionally engage with the private sector in a way that preserves courts' public values and purposefully articulates their own agendas and principles. Because courts have traditionally been reluctant to proactively declare their own agenda, this approach to public-private partnerships will require a mindset shift. Yet without such a paradigm shift, courts risk the possibility that the values and objectives of private actors will dominate public-private partnerships and undermine courts' fundamental purpose of preserving justice.

A direct result of this imperative relates to the ownership and control of courts' and court users' data. Data are one of the courts' most valuable assets, and there is increasing pressure for courts to grant private entities privileged access to court data. This scenario, which may violate societal expectations of data privacy, raises concerns over data breaches, the misuse or misinterpretation of data, and the possibility of limits being placed on a court system's access to its own information. It is essential for courts to establish data governance agreements with vendors of court data systems and consumers of court data that regulate the use, transfer, and storage of court data. It is also critical that the court community be the drivers of analyzing and exploiting court data to guide process improvements and ensure better case outcomes.



Table 7. Illustrative Strategies for Tackling Vulnerability 4
Understanding & managing the role of private entities in court work

Strategy	Specific Actions: National Organizations/Experts, State, & Local
<p>1</p> <p>Build awareness across the court system of the role private entities are playing in developing court agendas, research, reforms, and services.</p>	<p>NATIONAL</p> <p>Create an assessment instrument for state and local courts to evaluate and monitor the nature, extent, and effects of private entities' engagements in court processes and reforms.</p> <p>Implement a campaign, using a variety of methods such as presentations and video recordings, to encourage courts to use the instrument.</p>
	<p>STATE</p> <p>Complete the assessment instrument pertaining to private entities involved in state level activities, and ask local courts to do the same. If local courts lack resources to complete the assessment, consider pairing national or state representatives to assist.</p> <p>Review and discuss the results of the assessment with a statewide committee.</p>
	<p>LOCAL</p> <p>Complete the assessment on private entities, provide the information to the state court office, and consider the implications of the assessment's results for the local justice system with other court officials and local leaders as appropriate.</p>
<p>2</p> <p>Anticipate the impacts of court engagements with private actors to promote beneficial and mitigate adverse outcomes.</p>	<p>NATIONAL</p> <p>Institute an ongoing process to monitor and anticipate trends related to the nature and extent of private actors' engagement in state courts across the country. Identify where private actors are enhancing the cause of justice and where their own agendas may be superseding those of courts.</p>
	<p>STATE</p> <p>Periodically review the involvement of private entities in state court work to identify trends regarding growing participation in certain areas or expansion into new areas. Consider the possible positive and negative effects of these trends on the delivery of justice in the state.</p>
	<p>LOCAL</p> <p>Add to the national and state assessment and discussion of private sector participation in the courts by identifying specific local factors such as caseloads, resources, or reforms that are enhanced or impacted negatively with private sector involvement.</p>

Strategy	Specific Actions: National Organizations/Experts, State, & Local		
<p>3</p> <p>Formulate principles for court engagement with private entities with the goal of cultivating a proactive approach to ensure court needs and values are reflected in vendor contracts, philanthropic projects, and other relationships.</p>	NATIONAL	<p>Work with state representatives to develop principles for proactively initiating and managing relationships with private entities that further the goals and purposes of courts.</p> <p>Provide examples of templates (e.g., memoranda of understanding and data use agreements) that specify the principles and standards by which private actors are expected to abide.</p>	
	STATE	<p>Participate in the creation of new principles and standards for engaging with private actors and implement the principles and standards in vendor contracts and other relationships with private entities.</p>	
	LOCAL	<p>Review the principles, standards, and templates developed for initiating and managing relationships with private entities. Evaluate adherence of existing private sector relationships with the principles. Initiate new relationships based on the principles.</p>	
<p>4</p> <p>Ensure data governance guidance (see Vulnerability 3) includes provisions to protect courts' ownership of and access to court data.</p>	NATIONAL	<p>Specify that courts and the public retain ownership of and access to court and court-user data managed and/or used by private entities. Also include protections for both individual privacy and access to public records and provisions to protect against the sale or other inappropriate transfer of data.</p>	
	STATE	<p>Review state data governance guidelines to ensure issues of ownership and access to court data are addressed. Educate state court judges and professionals about the guidance and require them to follow the standards when engaging with any private entities.</p>	
	LOCAL	<p>Review data management practices to ensure consistency with state data governance guidelines regarding ownership and access to court data. Ensure new relationships with private entities specify the court's ownership and access to court data.</p>	

VULNERABILITY 5:

PREPARING FOR EMERGENCIES

VULNERABILITY 5 AT A GLANCE

Preparing for Emergencies

2032 Vision: Using foresight and training, courts have become resilient and nimble and remain fully functional and committed to their mission in light of any crisis

Key drivers: Climate Change, Trust in Public Institutions, Cyberthreats & Disinformation

Key Court Values: Accessibility, Resiliency, Responsiveness



In the past few decades, courts have experienced a range of emergencies, from various weather-related events to pandemics, cyber-attacks, and riots at the courthouse. Crises create a fundamental danger for the rule of law. If courts lose their capacity to remain operational and accessible to all and struggle to provide essential services, there is a real possibility our constitutional democracy could fail. Thus, most jurisdictions have a continuity of operations plan (COOP) in place.

Yet, courts traditionally develop strategies for emergency planning in silos. So it was, for instance, that jurisdictions across the country reacted to the COVID-19

pandemic with makeshift and piecemeal measures. COOP strategies are also seldom expansive enough to cover the wide range of emergencies courts may encounter. Some may be crises, such as acts of terrorism, nuclear explosions, natural disasters, or cyber-attacks. Other emergencies may call for longer-term adjustments, for instance, economic collapse, civil disorder, or even government coups and other constitutional crises. Some emergencies may develop gradually and require early and continuous mitigation, like those related to climate change, including rising sea levels, extreme heat, drought, and water and energy scarcity.

Without a sufficiently holistic and proactive approach, courts may not have fully

adaptable, resilient, and secure procedures and structures to remain efficient frontline service providers during adverse conditions. Just as accessibility and trustworthiness are central to the courts' mission, so must be *maintaining* access and confidence under all circumstances. To accomplish this, a broader concept of emergency planning is vital. Expanding strategies to prepare for the wide range of both familiar and yet-unknown emergencies will require a more collaborative role in government emergency planning than courts are used to, as the executive branch has had the prime responsibility for broader crisis readiness historically.

Courts can harness the specialized and, at times, siloed expertise and key principles

that are already known inside and outside the court system and integrate innovations and initiatives triggered by the recent pandemic. For system-wide sustainability, all domains of court business will need to be included. This sustainability is made easier when court leaders become experts in the design and day-to-day operations of the court itself and the way emergency planning may influence various essential functions. With these tools, courts can further take advantage of foresight expertise to think through a greater variety of foreseeable events. Yet, courts should also anticipate encountering the unexpected. To prepare for the unforeseen, structures and skills must be developed ahead of time to enable situational awareness and adaptability when needed.



Without a sufficiently holistic and proactive approach, courts may not have fully adaptable, resilient, and secure procedures and structures to remain efficient frontline service providers during adverse conditions.

Table 8. Illustrative Strategies for Tackling Vulnerability 5
Preparing for emergencies

Strategy	Specific Actions: National Organizations/Experts, State, & Local		
<p>1</p> <p>Using information gained from foresight work, identify a broader array of potential events that might negatively affect court operations.</p>	NATIONAL	Engaging foresight expertise and utilizing insight from intelligence created in similar efforts conducted by federal agencies, such as the Department of Homeland Security (e.g., FEMA and CISA), identify potential events with negative short- or long-term implications for courts across the country.	
	STATE	Using the techniques and tools of future research, gain insight from the intelligence created at the federal level and integrate it with state-specific information to identify the array of events relevant for the emergency planning of the state's courts.	
	LOCAL	Utilizing insight from state and national intelligence, identify those potential events that may negatively affect the local court.	
<p>2</p> <p>Conduct periodic, scenario-specific risk assessments and tabletop exercises to identify court vulnerabilities and mitigation strategies, expanding existing COOP efforts to a wider array of emergencies.</p>	NATIONAL	As part of the foresight capacity building in each state, acquire methodologies for risk assessments from other emergency planning agencies. Distribute the needed intelligence, even for uncertain but impactful events, and offer training for tabletop exercises and strategy development.	
	STATE	Review national resources and simulate potentially impactful events to identify specific weaknesses within the state's courts. Develop scenario-specific policies and procedures with the necessary legal authorities and a plan for public communications to secure continuity of operations while preserving the courts' independent role and core values.	
	LOCAL	Including relevant staff within each of the court's business domains, use self-assessment tools and simulate events that may negatively affect the local court. Identify weaknesses within each domain and create scenario-specific procedures to secure the court's continuity of operations.	

<p>3</p> <p>Integrate and develop consistent responses across jurisdictional lines, focusing on a wider array of emergencies, and advancing interoperability between government branches and jurisdictions.</p>	NATIONAL	Support consistency in COOP policies and procedures. Support the development of shared technologies and standard terminology to enable efficient, timely coordination and nationwide mitigation and preparation goals.
	STATE	Establish an emergency coordinator to lead teams of managers representing essential court functions, who regularly review structures, policies, and procedures; make recommendations; and organize training. Coordinate with other government agency mitigation planning and develop shared technologies.
	LOCAL	Integrate new and existing COOP strategies into other local and state-wide government mitigation plans, develop ways to share data internally and externally, and coordinate responses quickly.
<p>4</p> <p>Incorporate a focus on prevention and resilience into planning efforts in addition to the traditional focus on mitigation.</p>	NATIONAL	Prepare for a changing book of court business, impacted by gradually developing emergencies such as those stemming from climate change, by developing appropriate caseload management strategies and forward-looking judicial education. Gather and coordinate innovative ideas and research on sustainable courthouse design and business practices.
	STATE	Explore resource-efficient business practices such as a greater reliance on virtual services and staff communications, digital record-keeping, and pooling resources with community partners.
	LOCAL	Consult experts to ensure resilient, sustainable courthouses that can withstand various crises, conserve energy and water, and reduce emissions. Prioritize IT protocols and infrastructure that limit cyberattack risks. Consider sharing spaces, and, particularly in rural areas, decentralizing court operations.
<p>5</p> <p>Foster a culture of preparedness and agility among court leadership and personnel.</p>	NATIONAL	Raise awareness and initiate system-wide discussions on crisis preparedness by applying future-based thinking to a broad range of administrative priorities. Offer training to maintain mental health and effective decision-making in times of crisis. Develop a repository of innovative crisis-response tools.
	STATE	Include future-based thinking and emergency planning in the state's wider discussions on organizational priorities. Build emergency response plans that include innovative solutions to respond to temporary staffing shortages.
	LOCAL	Train court staff on alternative operating procedures and equip staff and leadership with tools to maintain mental health and effective decision-making abilities in times of crisis. Plan for temporary staffing shortages.

VULNERABILITY 6:

CULTIVATING A FUTURE-FIT COURT WORKFORCE AND WORKPLACE

VULNERABILITY 6 AT A GLANCE

Cultivating a Future-Fit Court Workforce and Workplace

2032 Vision: Courts are designed to reflect the needs of those who use and work within them and are powered by a diverse, flexible, and motivated workforce

Key drivers: Digital Transformation of Public Services, Demographic Composition, Professional Regulation

Key Court Values: Accessibility, Efficiency, Fairness



The fundamental meaning and nature of work is rapidly evolving. Advancements in technology, data, and augmented intelligence affect the way work is done and the cultural shift from physical to virtual spaces alters the expectations of the work environment and job satisfaction. Swift and ongoing change creates considerable challenges for leaders to grasp and oversee new and different skill sets that accommodate reconceptualized jobs.

Society has already begun to evolve to accommodate the needs and expectations of a changing workforce. Undoubtedly, the pandemic fast-tracked the need for both private and public sectors to adapt to an increasingly virtual work environment, as evidenced by courts' quick adoption of

remote technologies to remain operational during the pandemic.

As more physical and geographical boundaries dissolve in this virtual environment, courts face additional challenges to ensure their workplaces and workforce are future-fit. Failing to address these challenges could leave courts trying to operate with outdated workflows, technologies, and facilities and a workforce that is unprepared and unmotivated to meet the demands and expectations of those who use courts.

To address this vulnerability, those who work in courts must fully embrace the changing conceptualization of courts as

service providers rather than as physical structures where court business takes place. This has implications for what work is done where (e.g., courthouse, community center, kiosk, virtual platform), by whom, (e.g., decisionmakers, administrators, courtroom staff, professional staff, support staff, technical staff) and with what technological assistance. It also has implications for the kind of workforce needed to accomplish the

work, which likely includes new positions (e.g., technology ethics officers to evaluate new technologies, technology bailiffs to support hybrid and remote proceedings, community navigators to better serve the public) and incentives needed to recruit and retain highly motivated and innovative individuals in a competitive marketplace.

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Failing to address these challenges could leave courts trying to operate with outdated workflows, technologies, and facilities and a workforce that is unprepared and unmotivated to meet the demands and expectations of those who use courts.



Table 9. Illustrative Strategies for Tackling Vulnerability 6
Cultivating a future-fit court workforce and workplace

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>1</p> <p>Examine and respond to recruitment, hiring, and retention needs to ensure a healthy pipeline of trained, skilled, and energized employees who want to work for the courts.</p>	NATIONAL	<p>Identify best practices that focus on retaining high-performing court professionals and attracting new staff with innovative ideas from other industries. Focus on well-being issues and resources to enhance staff resiliency.</p> <p>Identify successful recruitment and retention strategies used in the international court community.</p>
	STATE	<p>Conduct statewide assessments that recommend solutions for qualification barriers (e.g., admission to the bar, health care benefits, tax reciprocity agreements) that enable a wider pool of candidates for recruitment and engagement.</p>
	LOCAL	<p>Regularly assess court employee satisfaction and the diversity and equity climate, especially before, during, and after implementing new technologies and innovative solutions. Monitor staff diversity in public-facing positions particularly, to explore ways that the workforce can best represent the community it serves. Identify lateral pathways for career growth and training opportunities.</p>
<p>2</p> <p>Understand and respond to the changing landscape of work for courts.</p>	NATIONAL	<p>Convene internet service providers and technology vendors and review research on the digital divide to develop state and community-based solutions. Gain insight about how intelligence and tools are used by other local and federal government agencies, such as the Department of Homeland Security (especially FEMA and CISA).</p>
	STATE	<p>Identify opportunities to share resources across jurisdictions (e.g., assigning court administrators or specialized staff to more than one court), especially for rural and small jurisdictions.</p> <p>Provide opportunities for court professionals to learn about strategies for repurposing their existing courthouses for better customer service and enhanced communication from courthouse architects and planners.</p>
	LOCAL	<p>Regularly examine workflows, and assign resources (e.g., judges, staff, technology) based on the level of effort needed to effectively perform each task.</p>

Strategy	Specific Actions: National Organizations/Experts, State, & Local	
<p>3</p> <p>Meaningfully incorporate technology into the court's infrastructure and work.</p>	<p>NATIONAL</p>	<p>Convene meetings with technologists from the private sector (e.g., hospitals) to identify promising technologies for use within the court context.</p> <p>Work collaboratively with ethicists and cybersecurity experts to develop a set of core ethical principles about the development and application of technology in courts, integrating issues of privacy and data security.</p>
	<p>STATE</p>	<p>Identify and share prototypes and existing examples of local courts that have effectively implemented technology to streamline processes and augment staff resources. Identify technology competencies and training for staff assigned to new tasks.</p>
	<p>LOCAL</p>	<p>Consider use of augmented intelligence resources (such as bots for customer service, or automation in virtual hearings). Natural language processing can be used to review documents and employ triage decisions. Automation for routine cases will eliminate routine or repetitive tasks and allow clerks, judges, and staff to focus their time on more complex tasks.</p>
<p>4</p> <p>Plan court facilities to accommodate dynamic operations with a focus on customer needs.</p>	<p>NATIONAL</p>	<p>Consult with national association for geo-spatial information officers to identify possible alternative locations (e.g., libraries, internet access points) for providing court services rather than requiring court users to physically appear at a courthouse.</p>
	<p>STATE</p>	<p>Review integrated technology options for courthouse workspaces, adjudication spaces, attorney consultation, judicial conferences, and public spaces.</p>
	<p>LOCAL</p>	<p>Redesign workspaces to accommodate staff mobility (e.g., no longer using static offices, but stations for work in various parts of the courthouse) and encourage dynamic collaboration (e.g., spaces for individual work, group collaboration, or remote connection).</p>



4

Making the New Narrative a Reality

A central theme of the critical areas of vulnerability identified by the Just Horizons initiative is a call for courts to advance administrative practices that deliver high quality services to all individuals using the court system. The vulnerabilities challenge courts to put their house in order to better meet the needs of our evolving society and continue our work on the path to the noble goal of justice.

Any court system that takes the preceding pages to heart and begins the work of anticipating and addressing vulnerability will make great strides toward becoming the

court system that the United States needs now and for the coming decades. Yet this work may be for naught if court users and the general public fail to perceive and appreciate the emergence of a more effective, responsive court system. This final section concerns the vital need to also look outward to engage court stakeholders and users in the unfolding narrative of the future court system.

What we mean here by engagement should not be confused with simple injunctions to communicate better, using modern tools and analytics and targeted messaging, although it may include these tactics. The court system



should resist viewing engagement merely as positioning court users as recipients of judicial decision-making or as the objects of strategic communication campaigns. Rather, engagement means putting users front and center as protagonists of American justice and as full participants in creating the story of a court system that reflects and responds to current needs. This is the story that should animate our civics education—the story of how courts are moving forward through innovation and modernization to respond to societal trends impacting the delivery of justice.

Recent scholarship in cognitive psychology has persuasively demonstrated the critical role “storytelling” plays in the human experience. Humans’ ability to function in a complex environment depends on our ability to rely on internal scripts—stories—to make sense of events around us efficiently. Yet our efficiency has a dark side. We often cling to our pre-established stories even in the face of countervailing evidence, as the epidemic of mis- and disinformation in our era makes clear. Empirical facts have often proven to be weak weapons for combatting the narratives we already believe to be true.

Consequently, it must be understood that even clever communication campaigns or clearly demonstrated facts will not necessarily change existing views, whether these are suspicion of state courts' ability to deliver justice or the images from romanticized TV courtroom dramas. To be sure, intelligent, on-target communication that meets court users where they are is essential. But the credibility of these communications in the long-term stems from how well they represent the reality of the courts as a future-focused and innovative system. It is really the wisdom in the old maxim that actions speak louder than words.

There is no quick fix for a system out of sync with its users. One goal is for court users to experience a positive form of cognitive dissonance: their old beliefs about courts being unjust, slow, and inefficient to be challenged by a new reality. Together, we can make that new reality.

Our challenge to each person reading this report is to take one step in creating that new reality by identifying at least one action you can take to address one of the areas of vulnerability. This may be as simple as asking a local community group to walk

through your courthouse and record their perceptions from a user's perspective to initiating a multidiscipline design task force focused on enhancing the user's experience throughout the system. We also note that the areas of vulnerability are not unique to any one court or to courts generally. Thus, we encourage you to explore potential strategies with your neighboring jurisdictions, other government agencies, and other community sectors such as those focused on healthcare and education. Our combined efforts at the local, state, and national level will help drive change at the speed and scale needed for courts to thrive in our fast-moving and complex environment.

The objective of all our efforts is not merely to win the public's confidence or goodwill for its own sake but for the more ambitious project to strengthen the civic fabric of our democracy. When court users consistently experience the narrative of a rejuvenated court system, they will begin to trust the new narrative of courts as embracing change without sacrificing the abiding values of liberty and justice for all.



... engagement means putting users front and center as protagonists of American justice and as full participants in creating the story of a court system that reflects and responds to current needs.



“

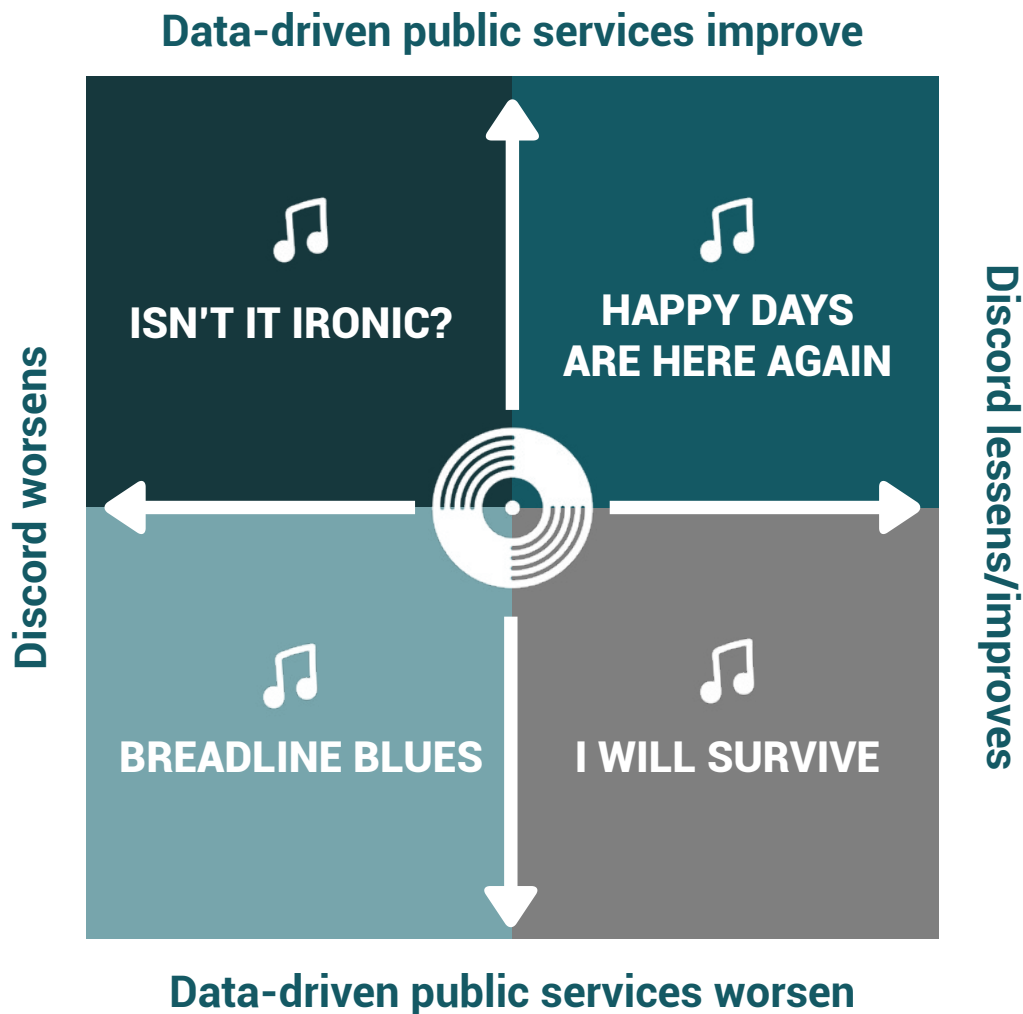
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**APPENDIX:
SCENARIOS OF COURT FUTURES**

Each of the two cluster drivers anchors one axis of a 2x2 matrix to create four possible futures as depicted below.



The descriptions of the scenarios begin on the next page. In creating each, we considered events that might have occurred to bring us to each future. In addition, we considered how some of the other drivers might play out in each scenario. Although these are obviously fictionalized worlds, they each have different elements that could serve as legitimate signals of what's to come. As you read through them, remember to think about the following: **1) How might each scenario impact what courts do and how they do it, 2) how might each impact how the public views and uses courts, and 3) how might we prepare courts for each scenario?**



SCENARIO 1: Happy Days Are Here Again

IMPROVED DATA-DRIVEN PUBLIC SERVICES & LESS SOCIO-POLITICAL DISCORD

Happy days are here again!

*The skies above are clear again,
Let us sing a song of cheer again,*

Happy days are here again!

Altogether shout it now,

*There's no one who can doubt it now,
Let us tell the world about it now,*

Happy days are here again!

Milton Ager & Jack Yellen, 1929

As the country began to emerge from the pandemic in 2022, courts found themselves facing a new crisis. Non-stop daily media coverage of several high-profile political corruption cases involving judges “selling” their decisions, coupled with an exposé on the unprecedented length of time courts were taking to process the spiking backlog of child welfare cases due to the lack of foster care placements during the pandemic, eventually led to #DefundtheCourts protests. Initially, the movement started as small protests outside court buildings in a few scattered communities; but later, over the summer of 2023, the protests grew and served to rally segments of the

public whose anger and frustration over the last few years had reached a tipping point. The logic of the demand to defund courts mattered less than the anger and disillusionment that it represented. Media worldwide took note of the furious demonstrators outside of court buildings, holding effigies of judges aloft, and of the signs painted with messages like, “The verdict is in: Defund Now!”

Court stakeholders, public officials and even business leaders recognized the protests as a crisis threatening a sacred component of American democracy and society. In the last half of the decade, the justice system was in a ferment

of self-exploration about fairness and transparency. Court leaders grew determined to redesign the justice system in keeping with contemporary values, feeling that this could be their last chance to transform the system and its role in society. Their redesign comprehensively addressed process and execution, including the courts' digital architecture for record-keeping and communication.

It helped that in other areas of society in the late 2020s, the public sector was enjoying an extended moment of good standing. A new generation of politicians raised on the concepts of teamwork and collaboration had filled the ranks of the House of Representatives and then the Senate. The combination of people in office who were competent, sophisticated marketers of their own policies had a moderating influence on national politics. A new green economy flourished after being relabeled as the 'new greenback economy' and presented to the public as a way to challenge Chinese global power. This goodwill toward the public sector flowed to the court system. Local papers showcased modernization projects. Court users responded positively when they interacted with a more tech-savvy court system.

Decisive actions in the Supreme Court helped quell the most egregious acts of the big tech firms. New taxation policies, weak as they were, still brought in enough revenue to fund the new "continuous learning" grants to state education departments. Innovative programs helped reskill adults for the new economy and ensure more jobs for the growing population of healthy

workers in their sixties and seventies. The mood of national reconciliation was infectious. People felt good about being Americans and catchphrases about diversity and inclusion that were ubiquitous at the beginning of the decade began to need less emphasis toward the end, as actual diversity and genuine inclusion could be felt and seen in people's jobs, homes, and communities.

Having always struggled to fund new initiatives, court budget planners found a new lease on life in the extension of their eligibility for Byrne-JAG grant funds. Coupled with state budgeted funds, the extra funding helped state systems make progress on the knotty challenge of digital transformation.

Many states also accepted grants from a private sector consortium called Access to Justice (A2J) founded in 2028. The consortium was founded by two Silicon Valley tech billionaires who happened to be raised by a court translator mother and a drug court judge dad, respectively. "We value the court system. We want to improve it, not replace it," said one of the founders, in a dig at Amazon's and other tech firms' mammoth private arbitration programs. They seeded A2J with a billion dollars each of their own funding and brought in another three billion through fundraising. Then they opened the grant floodgates.

As the money and goodwill flowed, a diverse board of advisors from the private and public sectors began working to reimagine the information architecture of a 21st-century justice system. Some members of the court community

expressed hesitancy about working so closely with grantors and private sector advisors. But the overwhelming response was to accept the assistance and heartfelt intentions of their tech sponsors, so new technology and analytics could be introduced into the system holistically.

The benefits began to be felt by the early 2030s, as pilot programs were scaled. The system redesign also extended beyond software and hardware to the whole court environment. Infused with the minimalist aesthetics of the young billionaires, buildings and offices were revamped to fit the new technological needs. Desks cluttered with faxmachines, accounting calculators and giant screens were replaced with lighter, paper-free workspaces with built-in ambient technology. People who worked in the justice system felt better about themselves and their work, walking into their shiny new offices.

The newly networked justice system offices connected more efficiently and productively to other institutions.

Administrators used more sophisticated, more easily accessed insights to generate better solutions and prompt early interventions in behavioral health, substance abuse, poverty, and education.

Having been chastised by the #DefundtheCourts movement and with better tools to address social injustice at its roots, the courts began the 2030s revitalized as an integral hub in a justice ecosystem that extended across different social services. For judges and court administrators, it felt like happy days were here, and they shouted it out at international conferences and peer seminars all through the early 2030s.



SCENARIO 2: Isn't It Ironic?

IMPROVED DATA-DRIVEN PUBLIC SERVICES & WORSENERD SOCIO-POLITICAL DISCORD

It's like rain, on your wedding day

It's a free ride when you've already paid

It's the good advice that you just didn't take

And who would've thought? It figures

Mr. Play-It-Safe was afraid to fly

He packed his suitcase and kissed his kids goodbye

He waited his whole damn life to take that flight

And as the plane crashed down He thought, "Well, isn't this nice?"

And isn't it ironic? Don't you think?

Glen Ballard & Alanis Nadine Morissette, 1996

Like nearly every other service institution and office in the country, the courts digitized its processes throughout the late 2020s. Although there were a few splashy projects and grand "digital justice" initiatives, improvements were mostly the product of incremental additions to existing contracts, overall

improvements in broadband access, and rising computational speed and capacity.

By the end of the decade, all state supreme courts and most lower courts had become "smart courts." Courtrooms had good cameras and recording devices. The entire system had decent e-services for court users with good

oversight and processing.

Secure apps helped court staff members connect with court users awaiting processing. In some districts, people who didn't have smartphones were given an inexpensive one loaded with the necessary information and allowed to keep them after their court business was concluded. (Allowing people to keep their phones gave them an incentive to not lose or misplace them along the way, a big problem in the beginning).

Technology-enabled accessibility solutions from automated translation apps to court-specific image libraries (with faces displaying different emotional states, for example) made it easier to communicate with children and some intellectually disabled adults.

Over time, employees in the court system developed a relationship with technology that would once have seemed futuristic. The concern of some that technological interactions would displace the court focus on people and humane interactions lessened. More people began to see how technology could enhance human interactions and benefit court users.

With that normality came rulings that also reflected the zeitgeist of the age. Apps that had once seemed intrusive and were periodically challenged in court were normalized by forgiving court judgments. Public sensors, motion detectors, and more algorithmic decision-making became a part of modern life. Court systems that could afford an extra hire created new positions to ensure government oversight on data and technology usage and liaise between the courts and technology providers.

The vast and accessible new data trove gave policymakers, researchers, and advocacy groups a new lease on life in creating evidence-based policy. They could show with ever greater clarity where due process was failing; how rulings could be made more equitable, and who had access and who lacked it. Even a famously grumpy and "old school" law professor weighed in from his emeritus chair at Yale to call the applications of data a "golden age" for justice.

Beyond courthouse walls, however, many felt they were in a neo-dark age for justice and democratic rule. The national anger that was so visibly unleashed over the killing of George Floyd and the presidential election in 2020 turned out to be the tip of the iceberg. The rest of the decade was spent in complete political deadlock. Each summer, some event triggered a new round of violent confrontations between hardened demonstrators on the right and the left.

The situation deteriorated into a genuinely dark spiral after the 2024 presidential election. After considering a run in 2024, former President Donald Trump had eventually given his blessing to a popular governor who won on the same aggressively populist messages as his mentor.

Like those of previous presidents, many of the new president's executive judgments landed in federal courts. Despite taking extreme care to maintain an apolitical position, view cases on their legal merits, and avoid the national fray, some courtrooms still became the sites of violent protest. As for the Democrats, they spent their time whipping the rest of the country into a fighting position of their own. News outlets on both sides

of the divide grimly warned of a second Civil War all through the presidential campaigning of 2028, as angry politics showed up everywhere, including within the justice system itself.

Many court employees took issue with the biometric authentication systems that had become standard technology in most American offices and institutions. Much of the population appreciated the efficiency of entering their workplace with a blink of an eye or a thumbprint. But not everyone. "This is how we protect privacy!?" said one judge angrily in a meeting called to address the issue.

Judicial passports, a form of blockchain-based records, became the pride of court systems that used them. From the courts' perspective, a trustworthy record of each time a person interacted with the judicial system helped them be more efficient and fairer, because they could better understand court users. Not everyone saw it that way. In one community, demonstrators showed up on the local courthouse lawn to express their outrage. "This is just another way that the American justice system has historically controlled Black people. Judicial passports are high-tech slave passes," one demonstrator told a reporter.

In the early months of 2028, a conspiracy theory grew on social media that the US Government was collecting White people's location data from their phones and smart watches as the first step in a plot to round them up and put them in internment camps. The event that fueled it was the murder conviction of a man based on evidence from his watch. The case itself had to do with a family dispute that had turned violent; but because the man had been a vocal White Lives Count

supporter, movement leaders seized it and nurtured it until it fueled enough anger to produce protests. "Hey Feds, Don't Watch My Watch!" was one of the more polite signs that could be seen in an April demonstration in Washington DC.

Judges and other court employees kept their heads down and tried to focus on work, but the continuous barrage of protest was taking a toll on their ability to gain cooperation and work with court users, no matter how well their systems worked.

The situation deteriorated further after the hack of a chatbot in a Midwestern city became a national scandal. Chatbots to provide faster service without huge labor costs had become a standard application on most state court websites; they made customer service much faster and easier for most people. When the chatbot of one court system was hacked, the attackers rewrote the bland and helpful robot scripts, replacing them with obscene comments that helped accelerate the downward slide of the court's reputation until the chatbot was disabled. It wasn't until several months afterward that the true motive of the attack became clear: The attackers tried to blackmail two famous actors and the CEO of a public company with proof they could access sealed court records showing crimes committed by these high-profile figures years earlier.

Many judges and court administrators began to feel they were living in ironic times: Finally, the system was as efficient and high-tech as any other service in the country, but all that technology simply got caught up in the same problems that had always existed.



SCENARIO 3: Breadline Blues

WORSENERD DATA-DRIVEN PUBLIC SERVICES & WORSENERD SOCIO-POLITICAL DISCORD

It's a rich man's job to make some rules In order to rid our breadline blues

Now listen here folks and it ain't no joke

We've got to do something or we're all going to croak

We can't get a job, we've all been robbed

We've got no money and the corn's all cob

We've got nothing but blues, breadline blues

Bernard (Slim) Smith, 1931

It was supposed to be the Roaring Twenties. Instead, it turned out to be the Great Crash. Blame it on the weather. The hot, hot summer of 2025 led to the worst year the country had ever seen. Wildfires in the West lasted longer, did more damage, and left more people homeless and desperate than in any prior years.

The 2026 Great Plains drought left yards and gardens parched, but just a few hundred miles to the east, the country was perpetually underwater. Entire neighborhoods floated away. As soon

as one great storm was over and people had returned home to take stock of the wreckage, another disaster seemed to take its place. That was also the year that fourteen hurricanes made landfall along the southern and southeastern coasts. Houses and pets disappeared into the rising waters, office buildings and stores and factories became unusable. Inland, tornadoes ripped houses apart, sending them flying, and a storm of the century hit the Northeast.

It was impossible to contain the effects of the bad weather as it rippled across the country, putting people out of work and out of their houses. National agriculture was devastated, and the homeless population skyrocketed. Underinsured homeowners found themselves unable to afford repairs, even when they could help make their homes livable again. FEMA resources were exhausted by late summer.

The Cabinet under the Democratic President, who won the 2024 election with the skinniest of margins, did what it could. But the snowballing emergency made mincemeat of even the most competent leaders. Almost every state in the country needed emergency assistance on a large scale.

National guards and volunteer coast guards became full-time professionals on loan to a neighboring state as soon as their own location was stabilized.

Not surprisingly, state budgets were ravaged. After the efforts to rebuild budgets in the wake of COVID-22 many thought they were on the road to recovery. Still, the lack of federal funding and the compounding disasters brought things to a standstill.

The court system did not escape the unfolding crisis. There was, of course, the same suffering among employees that the entire country faced. People's homes were damaged; their children's schooling was interrupted; childcare and basic needs like groceries seemed like unbridgeable obstacles some days, and everyone was stressed financially. It was highly

disruptive to the basic work of the courts, as absences were up, and people could not focus well when they were at work.

Court buildings, like every other workplace, faced electricity outages, building damage, and the destruction of paper records. Efficiency lagged as software services became sporadic in many areas where the telephone lines and satellite dishes that delivered internet services were disrupted.

The courts' ability to manage caseloads worsened. Response times slowed. The whole system appeared sluggish and increasingly unhelpful to court users as new issues piled up at the door. Every kind of crime and social ill seemed to be increasing. Assault and domestic abuse, robberies, homicides, drug abuse, divorce, child placements and bankruptcies were all up. People turned to the courts for help; but it was desperation, not trust, that sent them there, especially as it became increasingly difficult to communicate well with displaced clients using spotty communications technologies. Clerks and administrators turned to paper appointment books and notepads to keep track of their cases.

The age of innovation that many believed would emerge in the wake of the Covid-19 pandemic did come about, in a way. But it was born out of desperate necessity to continue performing existing work, not move into the future. The hi-tech concept of courts-as-a-service looked more like a revival of 19th century judges "riding the circuit," as court employees took to the road to hold proceedings for people

immobilized by transportation and housing issues.

Of course, there was an uneven quality to the devastation. People who could afford to get out of the way of the storms and the droughts did that, calling on private firefighters or equivalent services to help keep them safe. While no one fully escaped the descent into economic depression that enveloped the country in the late 1920s, the crisis exacerbated wealth disparities, as those without safety nets were hit hardest. Employers all over the country tightened their belts at precisely the same time that millions of people lost jobs or access to their gig work.

Social unrest erupted most prominently when rental property corporations in several major cities raised rents by more than fifty percent. The evicted took to the streets, where they were joined by many others in demonstrations protesting inequalities, corporate power, and the

lack of affordable housing and jobs, inspired by the once-again popular slogan, We are the 99%. Many participants emphasized the need to remain peaceful, but others did not contain their frustration, causing destruction and occupying buildings. Some thought that eventually, the government might turn to a 1930s style public works program to get people back to work in order to stimulate the economy. That was the talk in Washington, anyway; but as many people even in that cloistered city recognized, lack of trust in the government might doom any national projects of that scope. Small wonder then, that a couple of sixteen-year-olds' remake of a depression-era ditty Breadline Blues, a hundred years after it was first written, went viral on TikTok and became the most recognizable tune in the country in the first months of 2021.



SCENARIO 4: I Will Survive

WORSENERD DATA-DRIVEN PUBLIC SERVICES & LESS SOCIO-POLITICAL DISCORD

At first I was afraid, I was petrified

Kept thinking I could never live without you by my side

But then I spent so many nights thinking how you did me wrong

And I grew strong

And I learned how to get along. . .

Dino Fekaris & Frederick J. Perren, 1978 (performed by Gloria Gaynor)

Despite the bold claims of President Biden in 2021 that "big government is back," it was clear by 2032 that, in retrospect, it never really had been. Moderate increases in corporate taxation and the taxes on the very wealthy that many states passed in the mid-2020s did not reverse the flow of ownership and expertise into private control.

Most people didn't notice the disappearance of governance itself into private hands. Even in the early 2020s,

people with relatives in prison couldn't tell you if it was public or privately owned. Travelers paid no mind to whether security checkers at the airport were government employees or contractors. In the same way, no one took much notice as other areas of daily life were privatized, including cities and neighborhoods themselves.

One such city was Culdesac Tempe, a carless all-rental neighborhood completed in 2024. Painted Rock, Nevada,

was another example, the brainchild of tech investors who wanted to create a showcase for cutting-edge technology and a platform for profits. The new smart city in the desert was a peaceful haven for its 50,000 residents. Built on the blockchain, the connected community eliminated many of the outward signs of the presence of rules or law, obviating the need for many minor court processes. Car owners didn't get tickets when they overstayed their time in a spot.

Instead, a parking fine was simply removed from their bank accounts. Everyone in Painted Rock received a receipt in the mail on a quarterly basis of infractions and charges. Same thing if anyone exceeded their garden water allotment in the ever hotter, drier Southwest. Home water meters connected seamlessly to a central office-in-the-cloud and to everyone's personal banking account. Once anyone saw the steep fines for overages hit their bank accounts, they stayed within the sustainability limits established by Painted Rock's chief executive officer.

But regardless of the different ideological veneers of these new cities, they all accelerated the well-established trend of Americans to cloister themselves with people they felt were like them. In the latter half of the 2020's, Americans increasingly chose to live with those who looked like they looked, worshiped the way they worshiped and wanted to eat what they ate. The openly confrontational mood of the early 2020s died down as Americans turned away from each other and toward the effort to live their lives peacefully

among people with whom they were already comfortable.

There were various effects of this ethnic balkanization. Whether white, brown, or black, there were many positive effects for professional communities, even if some privately yearned for greater diversity. Black entrepreneurs and philanthropists sponsored private cities designed around the perceived needs of Black professional families, often harkening back to residential and community experiments of earlier centuries. Taking this cue, other groups built affinity communities. There was Transcity in Rhode Island, El Cielo Azul, a gated community in Texas, and the City of God in Arkansas.

People turned to civic projects of their own making in these new, homogenous surroundings. They no longer expected or responded to government efforts to "democratize" everything. It was easier to help and try to serve others they felt were like themselves. A few communities developed ad hoc arbitration systems built on ancient precepts of religious courts to settle minor disputes. When a community did turn to the formal court system, it was expected that the court would be responsive and knowledgeable about their particular priorities and issues.

In the meantime, the economy roared along, fueled by the infrastructure needs of the new smart cities, autonomous vehicle fleets and a thriving market in digital goods. Due to the proliferation of digital labor platforms as well as the broad digitalization of the workplace generally, people seldom needed to

interact socially with individuals outside their community. That was how it was: you only socialized with the people who lived near you and were like you, but you consented to connect online with the more diverse group of co-workers in your company office.

Polls reflected that many in the country reported feeling less on edge than earlier in the century. Homelessness and other social issues were often kept out of direct view in private cities by security services and police hired to protect them.

Of course, not everyone lived in a new city. Millions of people lived in the same towns and cities run by elected officials that they always had. Yet, the general zeitgeist reflected the values of the privatized community and the new hi-tech economy. In traditional cities and communities, the general sense of well-being that had settled across much of the country helped buoy the mood. Many people felt hopeful, if not entirely trusting, of their local and state governments, at least in the first part of the decade.

In 2023 and 2024, happy to put the scourge of the pandemic behind them, mayors, too, took the time to kick back and relax. This turned out to be a mistake. Public pockets were emptied as private wealth and privatized municipalities took hold of the national purse strings. Cities and small towns were abandoned to the most disadvantaged people in the country. Left to their own devices and less digitally connected, they too became more self-sufficient and neighborly. Community

gardens in lower-income areas flourished, for example.

At the lowest end of the economic spectrum, small encampments of homeless people took on the look of refugee camps in war-torn countries, becoming full-scale communities with barter economies of their own. Although there was some violence, the more remarkable fact was their generally harmonious quality. The police tended to stay away, having been organically defunded as public coffers emptied, so people created local ways to manage disputes. As for the courts, their fear of abandonment turned into a self-fulfilling prophecy, as fewer students and young professionals saw a future for themselves in the judicial system.

Even though violent crime was strikingly low all over the country, the number and destructive reach of cyberattacks grew every year. An attack could hold a city hostage for weeks and slow public services, including the work of the courts, even further. But with little to do, anyway, the court system had little incentive to modernize court technology. By 2030, the few big initiatives that existed had petered out.

For both people in private cities and people in traditional ones, the theme by the end of the decade was hostility or, even more typical, indifference to the public sector. If anyone gave a thought to the government or the courts, it was with the recognition that they had grown strong without government in their lives.

They had learned how to get along.



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