

TRENDS IN STATE COURTS



2024



TRENDS IN STATE COURTS



Edited by

Charles Campbell, John Holtzclaw & Joy Keller

Acknowledgments

Trends in State Courts 2024 was truly a team effort. Without the support and dedication of the court community this publication would not have been possible.

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2024 Review Board & Trends Committee

Trends in State Courts 2024 articles have been through a rigorous review process. The members of the 2024 Review Board and Trends Committee have provided valuable feedback on this edition. The patience and commitment of the Review Board and Trends Committee are greatly appreciated.

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Call for Article Submissions

Trends in State Courts is an annual, peer-reviewed publication that highlights innovative practices in critical areas that are of interest to courts, and often serves as a guide for developing new initiatives and programs and informing and supporting policy decisions. *Trends in State Courts* is the only publication of its kind and enjoys a wide circulation among the state court community.

Submissions for the 2025 edition are now being accepted. Please email abstracts of no more than 500 words by October 14, 2024 to John Holtzclaw at jholtzclaw@ncsc.org. Abstracts received after this date are welcome and will be considered for later editions.

Visit the *Trends in State Courts* website at ncsc.org/trends for more information and detailed submission guidelines.

Table of Contents

Preface	vii
Mary Campbell McQueen, President, National Center for State Courts	
1 Artificial Intelligence: The Need for State Court Leadership	1
Laks Kattalai and Jessica Lewis Kelly	
2 Data Governance and AI in State Courts	8
Diane Robinson, Shay Cleary, Sarah Gibson, and Andrea L. Miller	
3 Court Navigation Programs: Providing Connections and Support Across the Legal and Behavioral Health Systems	20
Brandon Morrissey, Samantha A. Zottola, Isolynn A. Massey, Elan C. Hope, and Sarah L. Desmarais	
4 Litigant Empowerment Through Choice? Insights from an Ongoing Study of Remote versus In-Person Family Court Hearings	30
Emily LaGratta, Renee Danser, and D. James Greiner	
5 Customer-Centered Juvenile Justice	40
Logan Seacrest	
6 Multidisciplinary Representation for Parents in Dependency Cases	50
Teri Deal and Alicia Summers	
7 Transforming Justice: Navigating Data Challenges in Domestic Violence Courts	56
Alicia Davis, Diane Robinson, Rachel Buck, and Sarah Vandenberg Van Zee	
8 Action Planning to Advance Systemic Change	64
Glenn A. Grant and Jessica Lewis Kelly	
9 From Classroom to Courtroom: Engaging Today’s Students to Become Tomorrow’s Court Professionals	72
Giuseppe M. Fazari	
10 PHASE: A Practical Approach to Implementation	84
Teri Deal, Conor Geiger, Wendy Schiller, and Mariarenee Contreras	



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Preface

Mary Campbell McQueen

President, National Center for State Courts

Courts are cornerstones of their communities.

Most of the articles in the 2024 edition of *Trends in State Courts* are about how courts provide both leadership in, and connections to, the communities they serve. For example, the first article calls for increased state court leadership in the adoption of artificial intelligence (AI) to improve access to justice and fairness. Accurate, unbiased, and reliable data are also essential for improving court performance, so another article stresses the need for strong data governance in the use of AI.

Data and research also play a key role in assessing how well courts connect families with vital services. This group of *Trends* articles leads off with the findings of an environmental scan of court navigation programs, focusing on connections to behavioral health and social services. Another examines how the National Open Court Data Standards have improved data and case management in domestic violence matters. Other articles examine the perception of fairness and the quality of connections between the courts, families, and social services via remote hearings, restorative justice, and multidisciplinary representation in the child welfare system.

Trends 2024 even shows how students can be connected to careers in the courts. There is a discussion of a field visitation program in which university undergraduates learn about the roles, responsibilities, and opportunities of a career in the justice system.

Trends 2024 also discusses the vital importance of action planning to improve access to justice and successfully implement policies, practices, and programs. Courts must be proactive to ensure that these and other connections to their communities remain adaptable to user needs.



Artificial Intelligence:

THE NEED FOR STATE COURT LEADERSHIP

This article explores the importance of state court leadership in the era of generative artificial intelligence. It advocates for proactive engagement and strategic leadership from courts to shape this evolving landscape, support access and fairness, and advance justice in a period of rapid technological change.

Laks Kattalai

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A Transformative Moment in Society

State courts stand at a significant moment in history. The rapid growth of generative artificial intelligence (Gen AI) has the potential to propel us into a new chapter in the practice of law and court operations, even while the capabilities and risks associated with Gen AI technologies are only partially understood. For state courts, the question looms large: In the face of this technological transformation, will we be bystanders or active participants?

The choice we make today will yield lasting effects on the legal system and will shape the trust and confidence the public holds in the judicial system. To uphold that public trust, this article sets out a framework for state courts to provide guidance and guardrails to support the ethical, safe, and secure use of AI and Gen AI by judges and court staff, lawyers, and court systems.

State Court Users

State courts serve and shape several communities: internal consumers, i.e., judges and court staff, including judicial law clerks and assistants; lawyers; and self-represented or unrepresented court users and members of the public. Gen AI has the potential to fundamentally change relationships with each of these groups, requiring recalibration of expectations, roles, and responsibilities.

What is AI?

Artificial Intelligence, or AI, refers to machine-based technologies that make predictions, recommendations, or decisions. AI technologies use machine and human-based inputs to perceive environments, abstract such perceptions into models through automated analysis, and formulate opinions through model inference. Generative artificial intelligence, or Gen AI, is a subset of AI in which machine-based systems create text, images, or other content based on predictive models derived from training with large datasets.

Judicial Officers and Court Staff

For judges and court staff, Gen AI technologies offer the potential to expedite routine processes, such as review of pleadings for sufficiency and compliance with court rules, preliminary research and organization of information, and structuring of template documents. Automation of these daily functions, such as preliminarily flagging court applications that appear to be missing required content so that staff can review those submissions before scheduling a hearing, can enable judges to reallocate resources to more complex tasks. At the same time, Gen AI also brings challenges, including the need to evaluate the authenticity of evidence and to differentiate real content from deepfakes. To the extent that Gen AI is used without sufficient oversight by lawyers and unrepresented litigants, judges and court staff also may be required to conduct deeper review of legal pleadings and possibly to manage an influx of AI-generated filings by vexatious litigants. To address these developments, state courts should provide comprehensive training for judges at all levels and court staff about how to use Gen AI in their work and how the availability of Gen AI to the public affects their duties. Court systems should also consider development of a vision statement for their use of Gen AI.

Lawyers

As the regulators of legal practice, state supreme courts should promptly address the questions and concerns of legal practitioners who are using or may use Gen AI. While this effort should involve collaboration with state and local bar associations and other stakeholders, court leaders should exercise responsibility for ensuring that the ethical practice of law evolves appropriately in response to the capabilities and limitations of Gen AI to the extent practicable in light of administrative structures.¹ Guidance to lawyers may involve amendments or new comments to the rules of professional conduct, advisory opinions issued by designated committees, or new procedural requirements, such as mandatory certifications regarding the use of Gen AI in legal submissions. State courts should take the lead in developing and delivering training to lawyers both independently and in partnership with bar associations and other continuing legal education providers. Further, state courts should advise or remind lawyers about who to contact with specific professional responsibility and ethics questions. In light of the speed of Gen AI's evolution, state courts should be prepared to update preliminary guidance to respond to new technological developments and to specific questions raised by lawyers.

¹ See, e.g., *Mata v. Avianca*, __ F.Supp.3d __ (S.D.N.Y. June 22, 2023) (2023 WL 4114965; 2023 U.S. Dist. LEXIS 108263), in which lawyers were sanctioned for reliance on cases generated by ChatGPT in legal submissions (<https://perma.cc/PML3-582W>).



Public Court Users

Gen AI has the potential to democratize the law, offering tools that help self-represented litigants navigate the court system. Yet Gen AI cannot and will not solve the justice gap (which the National Center for State Courts has described as “the chasm between legal needs and available legal services in our state courts”²), and it must not be misunderstood as an equivalent substitute for legal representation. In the best-case scenario, Gen AI can narrow the justice gap by enabling people who otherwise would navigate the courts on their own to access and effectively use higher-quality tools than currently available through an internet search.

Courts should consider a multipart approach to support nonlawyer court users. First, courts

should provide public-facing information about how judges and court staff are and are not using Gen AI to provide transparency and avoid misinformation. Second, courts should provide plain-language information about public Gen AI options that court users may find on their own, noting the limitations on such resources. Third, courts should engage in ongoing communications with legal service providers and community advocates to incorporate their input into the development of policies and practices related to Gen AI. Through these strategies, state courts can harness the benefits of AI while minimizing risks, ensuring that while access to justice is broadened, the reliability and accuracy of legal information and processes are not compromised.

² “Justice for All: A Roadmap to 100% Civil Access to Justice,” p. 1 (<https://perma.cc/Y8Y4-XD9S>).

New Jersey's Proactive Approach

Through the vision of Chief Justice Stuart Rabner, the New Jersey Judiciary has positioned itself to learn as much as possible about AI and its implications for legal practice and court operations. In summer 2023, two pivotal groups were established: the New Jersey Supreme Court Committee on AI, which focuses on public-related issues including the practice of law, and a separate internal Working Group on Judiciary Use of AI, which explores policies for ethical AI use by the courts.

New Jersey's approach is notable for its coalition building. Administrative Director of the Courts Glenn A. Grant chairs the 34-person committee, with retired federal judge and AI expert Katherine Forrest as vice-chair. The committee includes individuals with expertise in technology, judicial and administrative leaders, lawyers, educators, security specialists, legal service providers, and nonlawyer advocates. This inclusive model fosters buy-in and collaboration, ensuring that as AI transforms the legal landscape, all segments of the legal community move forward together.

The supreme court committee and the internal working group quickly developed critical strategies that set an example for how state court systems can and should approach Gen AI. These strategies seek to balance the benefits available through AI technologies, including the potential to improve court access and legal resources for unrepresented court users with the very real risks that flow from biases associated with AI tools. They reflect the court's ongoing promise to prioritize fairness, inclusion, and neutrality over expediency.

Guidance to the Court Workforce

As a first step, the internal working group drafted an initial message to judges and staff, reminding all court employees that existing codes of conduct prohibit the sharing of confidential court information, which includes inputting confidential information into public Gen AI systems. As authorized by the supreme court, the judiciary provided that initial guidance to its entire workforce in August 2023, following up in October 2023 with a comprehensive, but still preliminary, policy on how judges and court staff can and cannot use Gen AI in their work.

Ongoing reminders to the judiciary workforce emphasize that open AI tools consider large amounts of data of unknown accuracy and with the potential to yield unfair, incomplete, inaccurate, or biased results. Accordingly,

content generated in response to a query to such a generative AI tool must be presumed to contain potential biases, and judges and court staff must exercise caution when using such AI-generated content within approved parameters.

Guidance for Lawyers and the Public

The committee submitted preliminary recommendations to the supreme court in January 2024. The court authorized initial deliverables, including two public-facing policies:

- The "Preliminary Guidelines on the Use of Artificial Intelligence by New Jersey Lawyers" focus on five main aspects of professional conduct that may be implicated by the use of AI: accuracy and truthfulness; honesty/candor and communication; confidentiality; prevention of misconduct,

including discrimination; and oversight.³ The New Jersey Supreme Court authorized the preliminary guidelines to be effective immediately while also providing directions for lawyers to raise individual questions about specific AI ethics issues and provide comments and suggestions to inform the committee's ongoing work.

- The “Statement of Principles for the New Jersey Judiciary’s Ongoing Use of Artificial Intelligence, Including Generative Artificial Intelligence” explains to the public how the courts will and will not use AI to align with and advance the core principles of independence, integrity, fairness, and quality service.⁴ In the statement, the judiciary promises to “engage in ongoing oversight to ensure that AI technologies are Transparent, Explainable, Accurate, Reliable, and Secure.” In addition, it also affirms that AI technologies will be used to support access, fairness, and equity for all parties.

In addition to public information, guidelines for lawyers, and ongoing guidance to the workforce, the committee also coordinated and provided initial training on Gen AI and established a schedule for ongoing CLE programs with the New Jersey State Bar Association (NJSBA) and others. Further, members of the committee participated in the judiciary’s annual Judicial College and Staff College in November 2023, offering both introductory and practical courses on Gen AI for judges and court executives. Judges and court leaders, including external experts, continued and expanded on those introductory

AI trainings at statewide civil, criminal, family, and municipal education conferences in spring 2024.

As authorized by the New Jersey Supreme Court, the committee developed a survey that was administered to around 75,000 registered and active New Jersey lawyers regarding their knowledge, perceptions, and use of Gen AI. More than 6,400 attorneys completed the survey, sharing their views and offering more than 1,800 narrative responses. The judiciary published major takeaways from this large-scale survey in a June 12, 2024 notice to the bar (see <https://tinyurl.com/4rcjj278>). Overall, survey respondents reported little knowledge and understanding of how generative AI technologies work and how they can be used in legal practice. Informed by the survey responses, the New Jersey Judiciary has launched a series of CLE programs at no cost to attendees, which started with a program on the Ethics of AI Use in July 2024.

The committee’s ongoing work continues to focus on the multiple communities affected by Gen AI. In anticipation of situations in which self-represented court users could improperly rely on AI technologies⁵ without yet understanding the capacity of those technologies to generate inaccurate and false content, the judiciary has posted a notice on the self-represented page of its website to reinforce the distinction between AI technologies and legal representation and to help court users find reputable legal services as needed (see <https://tinyurl.com/bdhubke33>).

³ See <https://perma.cc/36LL-AHL8>.

⁴ See <https://perma.cc/EQU2-AF5A>.

⁵ See, e.g., *Kruse v. Karlen et al.*, case no. ED111172 (Feb. 13, 2024), in which the Missouri Court of Appeals imposed sanctions on a self-represented litigant who submitted a slew of fabricated cases to the court (<https://perma.cc/3N5T-73XN>).

Regulation of Uses of AI in State Courts

California, Florida, New York, and New Jersey legal associations also provided early guidance to lawyers about the ethical uses and limitations of Gen AI.

In California, the Committee on Professional Responsibility and Conduct submitted recommendations to the state bar association, which were approved and published in November 2023. The committee's "Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law"⁶ does not carry the weight of an ethics opinion or court rule but does assist lawyers in thinking through the ethical issues associated with Gen AI. The guidance also can be cited if a lawyer is alleged to have engaged in wrongdoing through using AI.

After seeking public comment on a proposal, the Florida Bar Association issued guidance to legal practitioners in Advisory Opinion 24-1 on January 19, 2024.⁷

On April 6, 2024, the New York State Bar Association Task Force on Artificial

Intelligence released a report and recommendations, focusing on the need for guidelines, education, regulation, and the role of the law (see <https://perma.cc/EMF9-4ZMU>).

The New Jersey State Bar Association Task Force on AI and the Law issued its final report and recommendations in May 2024, providing practical guidance to lawyers and law firms as to the assessment of AI tools and services, as well as templates for organizational AI policies (see <https://perma.cc/DGA2-ZRYJ>).

The core message from the California, Florida, and New York bar associations aligns with that adopted by the New Jersey Supreme Court: that the advent and expanding use of Gen AI technologies does not fundamentally change lawyers' responsibilities or their standards of professional conduct. Lawyers remain responsible to oversee and ensure the accuracy of their work, including communications to the court and clients, to maintain confidentiality, and to otherwise comply with the rules of professional conduct.

⁶ This is described as "a living document that is periodically updated as the technology evolves and matures, and as new issues are presented" (<https://perma.cc/TG7W-HKVY>).

⁷ See <https://perma.cc/3QE4-ASZK>.



Conclusion

As society confronts the transformative potential of Gen AI, state courts face a choice that will define our role in the future legal landscape. By embracing leadership in AI, courts can ensure they not only adapt to but also shape the evolution of legal practice and administration. The courts' response to AI will determine the future direction of the practice of law and judicial management. The time for us to decide is now. As we make this critical choice, we must remember that the public's trust and confidence are at stake. State courts have the opportunity to lead the way in ensuring that as the legal landscape changes, justice remains fair, accessible, secure, and effective. The path forward is clear: to engage, lead, and shape the future.



Data Governance and AI in State Courts

Accurate and timely data are essential for managing cases, measuring court performance, and administering courts. The rapid increase in the use of AI and advanced data analytics increases the urgency and importance of having strong data governance.

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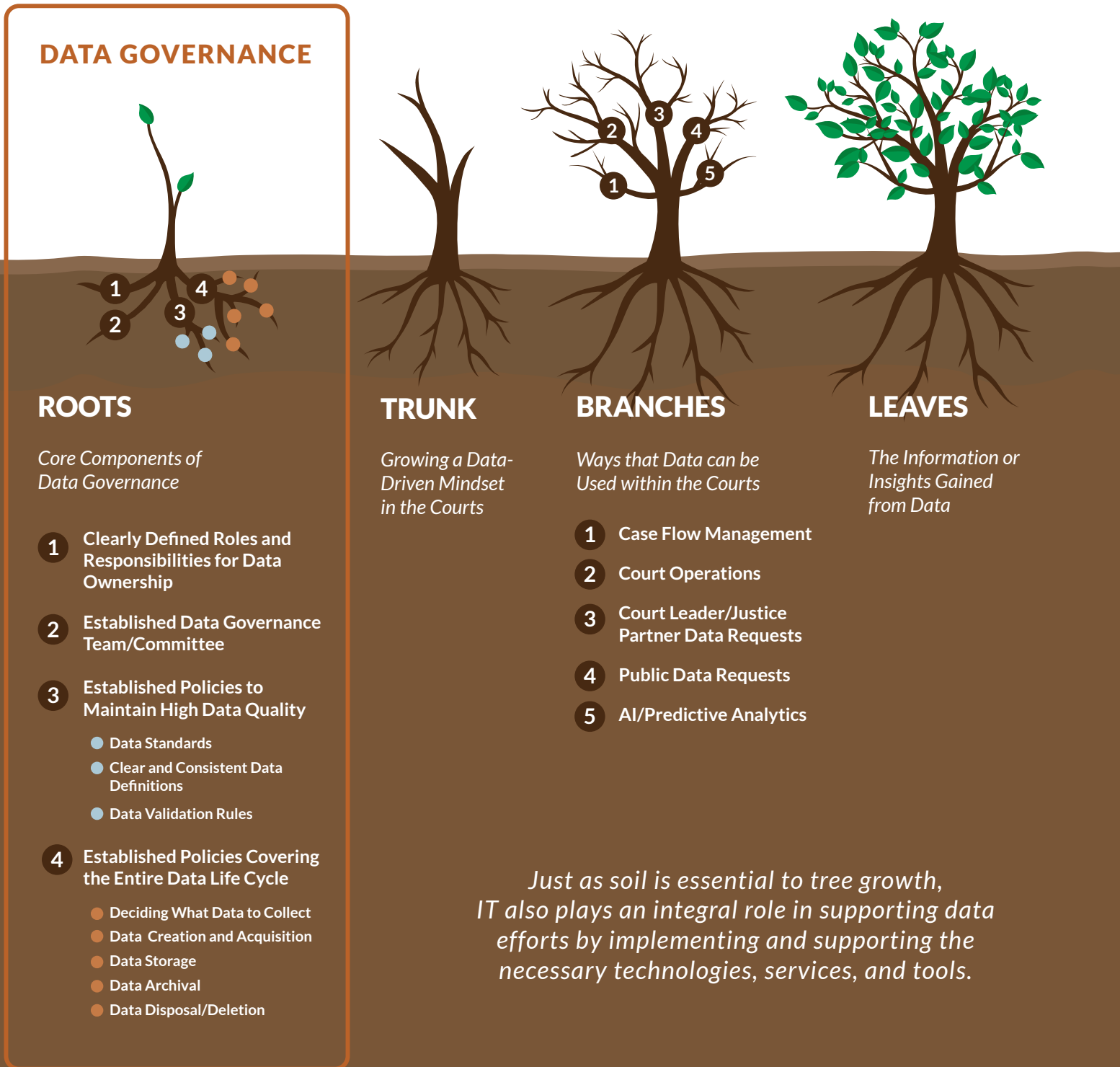
Data Governance

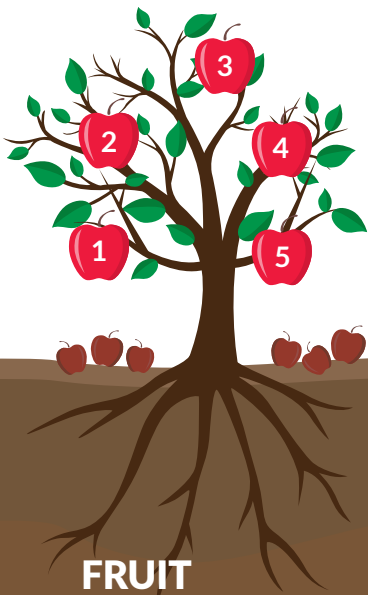
Data governance is a framework encompassing the people, policies, processes, and technology that ensure high-quality data, data management, and data security. Although strong data governance has always been an essential component of high court performance, the increasing use of artificial or augmented intelligence (AI) in court operations makes data governance even more critical. This article explores best practices for data governance and the intersection of data governance and AI. Data governance can be considered the “roots” of data use in the courts, including clearly defined roles and responsibilities, an established data governance team, documented policies to maintain consistent and high-quality data, and policies that cover the entire data life cycle (see *Figure 1, next page*).

Figure 1 The Roots of Data Use

THE FIRST STEP FOR GROWTH: DATA GOVERNANCE

Successful Data Use Starts with Strong Roots



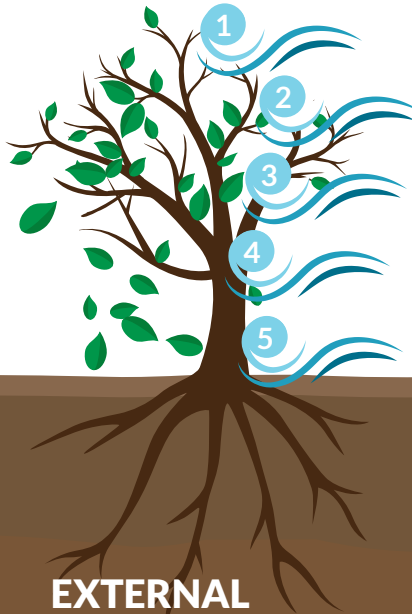


FRUIT

The Outcomes of Effective Data Use

- 1 Improved Case Processing
- 2 Effective Resource Management
- 3 Consistent and Timely Response to Data Requests
- 4 Increased Trust and Confidence in the Judiciary
- 5 Improved Case Outcomes

Note: Not all fruit will be viable. Some will fall to the ground but will break down and enrich the soil (i.e., the lessons learned will be invaluable).



EXTERNAL FORCES (WIND)

Strong Data Governance Roots Mitigate Damage and Decrease Impact from External Events

- 1 Inaccurate Narratives about Courts/Court Data
- 2 Data Breaches
- 3 Misuse of Court Data
- 4 Legislative or Rule Changes that Impact How Data are Shared/Handled
- 5 Advancements in Technology



PRUNING AND MAINTENANCE

Data Governance Needs to be Maintained and Revised

Prune dead branches to make room for new areas of data use that can also result in new root growth (aka data governance policies).

Water soil with lessons learned and feedback from court staff and impacted groups like court users, stakeholders, and community members to encourage continued growth.

Figure 2 Data Governance and AI

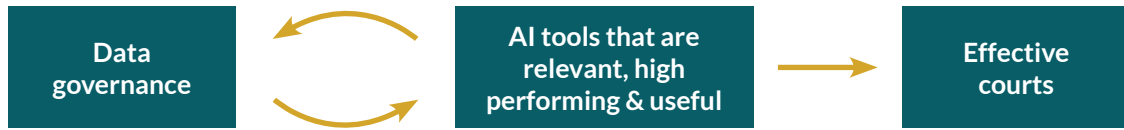
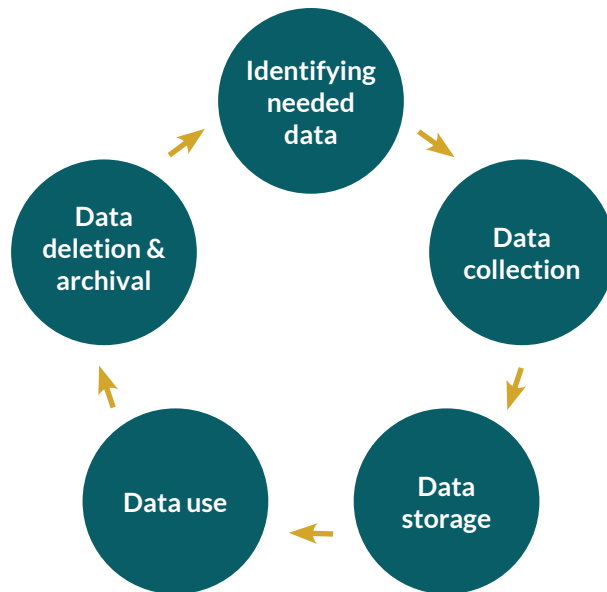


Figure 3 Life Cycle of Data



Source: Robinson and Gibson, 2019.

The relationship between court data governance and AI moves in both directions (see *Figure 2*). The quality of the courts' current data will determine what kinds of AI innovations are possible and how successfully new AI tools will be integrated into the courts. Conversely, the introduction of AI technologies can improve data governance while also creating new kinds of data and corresponding data-governance-related issues, considerations, and ethical concerns.

A hallmark of courts with strong data governance is that everyone working with court data understands the importance of data to the court and to court customers. This includes judicial officers, the court administrator, the newest employee in the clerk's office, and even the attorney e-filing a case. Data governance requires attention to data quality throughout the entire data life cycle (see *Figure 3*).

Data governance begins with identifying needed data. No court has unlimited time or resources to collect data and ensure data quality. “Nice to know” is not a sufficient justification for collecting data. This means looking with a critical eye at data collected to ensure that they are being used effectively. However, effective use of AI may make data collection more efficient, expanding the scope at little cost.

Data collection must be done in a way that maximizes the data’s quality. Case management systems and other court IT systems should be configured to maximize data quality. For example, entering a date should have validation to ensure the date is in the correct format and is plausible. Courts should also streamline codes to encourage selection of the most accurate choice. Data collection is an area with real opportunity for AI to improve the speed and accuracy of data entry from documents, while also being able to learn patterns and provide alerts and potentially automatically adjust incorrectly entered data.

Data storage must ensure that the necessary data are available to the right individuals at the right time and in the right amount. For example, having a production database separate from that used for reports or research helps manage traffic while keeping data accessible. Data-use policies address who has access to what information and what resources or information are used to check and improve data quality. Finally, data governance policies should be consistent with state law and court rules about how long data are kept. For courts working on clean-slate initiatives or other decriminalization steps, careful consideration is needed of how to protect individuals’ rights while maintaining accurate information about caseloads.

AI

Merriam-Webster defines artificial intelligence as “the capability of computer systems or algorithms to imitate intelligent human behavior.” AI includes a wide variety of technologies that are built using machine learning, such as natural language processing, facial recognition, and generative AI. *Merriam-Webster* defines generative AI as “artificial intelligence . . . that is capable of generating new content (such as images or text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples.” The promise of more effective state courts through the use of AI is no longer a characteristic of a hypothetical future court—it is the work of state courts today.

A core component of effective courts has always been collecting and storing information and data. Although the mechanisms have evolved from physical papers and filing boxes to digital documents, databases, and cloud storage, information gathering has always been central to the functioning of courts. What *has* changed is both the widely accepted view of data as a strategic asset, instead of merely a byproduct of court operations, and the rapidly expanding capabilities of AI-based tools and technologies to enhance data-driven decision-making. As the pace of improvements in AI accelerates, effective and responsible use of data is critical. Data provide the foundation for the use of AI, and to successfully navigate and use these new AI-based tools, strong and effective data governance is an absolute necessity.

Early examples of AI applications in the state courts illustrate the potential breadth of roles that AI might play in this sector. Some courts, such as Mohave County Superior

Court, Maricopa County Superior Court, and Miami-Dade County Courts, are using bots to help answer court users' questions and assist court users with wayfinding.¹ Others, including Palm Beach County and Orange County, are using AI to increase their efficiency in processing new filings and managing caseflow (see Joint Technology Committee, 2024, and Reinkensmeyer and Billotte, 2019, for more examples of early AI applications).² As technologies improve over time, AI could be used for a wide variety of tasks involved in case processing and caseflow management, in interfacing with court users and helping them navigate court systems, and in substantive legal decision-making that shapes case outcomes. If AI is integrated thoughtfully and with care, these technologies could improve access to the courts, promote equitable justice outcomes, improve equity in the workforce, increase efficiency in case processing, and promote public trust and confidence in the courts.

Because AI technologies are built on data, data quality must be addressed before implementing AI. When inaccurate or biased data are used to design or train a new AI tool, the AI will perpetuate and magnify those inaccuracies and biases. Consider Amazon's recruiting tool that was created to screen résumés and identify top talent. On its surface, the tool seemed like an efficient use of AI technologies to help automate a time-consuming process of screening applicants. The tool was trained on data Amazon had collected from previously submitted job applications. What Amazon did not consider is the quality and diversity of those data and the inherent bias that was present. In the tech field, most job applicants and eventual hires have historically been men. The AI model noticed this pattern and penalized résumés that had indicators that the applicant was a woman. Now imagine a cyclical process of using

¹ See Mohave County at <https://perma.cc/2QEL-HZLT>; Maricopa County at <https://perma.cc/S7SW-8BUA>; and Miami-Dade County at <https://perma.cc/C5MP-UPU6>.

² See Palm Beach County at <https://perma.cc/83UG-SL4G> and Orange County at <https://perma.cc/H87S-E8DU>.



the output from the screening tool as additional data to train the model, and it becomes clear how the initial data-quality issues and bias are not only perpetuated, but made worse every time new data are supplied to the model (Dastin, 2018).

Examples like Amazon's recruiting tool provide a poignant reminder of the necessity for strong data governance to ensure that questions of bias and overall data quality are addressed. Because the potential impacts of AI on society are so great, the European Union and other governmental bodies have already implemented AI regulation ("EU AI Act: First Regulation on Artificial Intelligence," 2023). Having established definitions and policies in place at every point in the data life cycle ensures that there are accountability and methods for identifying potential risks and issues. Strong data governance creates transparency and accountability that will enhance trust among court customers, stakeholders, and the public.

To the extent that a court's data measure the right things and are accurate, complete, and compatible across jurisdictions, the court will be equipped to:

- Understand where AI technologies are most needed, will have the greatest benefits, and will do the least harm;
- Identify specific court operations and tasks to enhance with AI and which tasks to leave to humans;
- Develop better-performing AI tools;
- Measure the performance of AI tools to ensure they meet the courts' needs before launch and make adjustments and improvements as needed;
- Make sound, data-driven decisions about court policies and practices; and
- Share technology and knowledge across jurisdictions, coordinate with justice partners, and learn from other courts.

AI Can Support Strong Data Governance

AI has the potential to support data governance by improving data entry and data quality. By leveraging AI to automate and streamline data entry, AI can reduce human error, resulting in greater accuracy and reliability of data. AI can also improve overall data quality by using machine learning to analyze, categorize, and validate data against data governance policies and flag anomalies or potentially incorrect information for further review. The following are examples of how AI may improve data entry and data quality.

Contextual Understanding and Validation

AI does not just read text; it can compare it to its context. This means it can validate data as they are entered. For instance, if an AI system is processing an efiled or scanned judgment or order, it can cross-reference elements to check for consistency and accuracy.

Automated Data Categorization and Tagging

AI can automatically categorize and tag data as they are entered. For example, in an efiled or scanned document, AI can identify and categorize important elements such as case numbers, dollar amounts, party names, dates, and the type of document being filed, streamlining subsequent data entry. AI can even identify a case type based on the content of the text.

Real-Time Correction

When incorporated into a workflow, AI can provide real-time suggestions for error correction during data entry, thereby preventing errors from entering the system in the first place.

Data Imputation

AI can intelligently fill in missing values based on the patterns and relationships it discerns in the data. For example, it might identify missing values in a motion based on the known values of similar records (or even the same case) and alert the submitter/user to the missing value, make suggestions, or input what is missing.

Automated Data Governance

AI can enforce data governance policies automatically, ensuring data quality standards are consistently met across the organization. Furthermore, AI can continuously learn from new data and feedback and improve its ability to cleanse, correct, and augment data over time.

Scalability

AI can manage large volumes of data efficiently, a task that is not feasible for manual processes, especially while maintaining high data quality.

AI Will Complicate Data Governance

Although new AI technologies have the potential to improve data quality and strengthen data governance practices in the courts, AI may also complicate court data governance. AI will create new data and new types of data, and it will require additions or revisions to data governance policies. The following are a few examples of critical issues for courts to consider.

Court Leadership and Administration

AI will affect how courts engage in strategic planning, goal setting, performance evaluation, and data-driven decision-making. AI tools will create new data and help the courts draw new insights out of complex data. If AI is implemented well, AI-produced data might enable courts to continuously and seamlessly assess effectiveness and efficiency and to update and improve practices. However, the proliferation of data may also make it more challenging for court leaders to extract useful insights from what may feel like an ocean of data—in other words, separating the signal from the noise. Courts will need to increase their data literacy to confront these new complexities.

Court Workforces and Job Design

AI will change how court personnel interact with data. As AI technologies change how data are created, stored, protected, and used, the types of court roles involved in data governance may change. New court jobs may emerge as new types of skills are needed to develop, operate, and maintain AI tools. Existing court roles may expand to have a bigger role in data governance, requiring a higher level of data literacy. Courts' practices relating to job design, recruitment and hiring, and continuing education will need to evolve to meet these demands.

Security and Privacy

AI will affect data security and privacy concerns. As part of the creation, use, and maintenance of AI technologies, court data may be shared with more organizations and entities outside of the court system. For example, court data may be shared with technology vendors for building and maintaining AI technologies or shared with justice partners for collaborative case processing. While greater coordination with outside entities may enable the court to provide better and more efficient services, it will also increase the need for strong security practices that protect court users from inappropriate uses of their information.

Technology Vendors

AI will change the courts' relationships with private technology vendors. Courts will need to establish and monitor appropriate roles of private for-profit entities in court operations. They will need to make important decisions surrounding who will control algorithms, data, quality control, performance monitoring, and maintenance of AI technologies. Courts should especially be wary of "black box" AI tools, where the AI's algorithms and decision-making processes are not transparent.

Action Items for Courts

Strong data governance provides the guardrails needed to effectively use AI. AI has the potential to improve data quality and data-driven decision-making, but rapid change also means that policies need to be carefully considered before a court reaches a crisis point. Courts need to lay the groundwork to meet the opportunities and challenges that new changes will bring *before* AI technologies are integrated into the courts on a large scale. Strong data governance will be a vital component of successfully adopting these technologies, and courts can begin to take important steps now to build the foundation for these changes.

Improve Data Quality

Currently, much of the court data that will be used to build AI tools using machine learning are rife with missing or inaccurate data or are collected by another entity outside of the courts. Addressing these issues will be crucial, and NCSC's Data Governance Policy Guide is a useful starting point.³

Standardize Across Jurisdictions

Software platforms and data standards are often incompatible across jurisdictions. The courts' increased reliance on future technologies will make it vital to reconcile technology and data formats, increase information sharing, and build systems that can share and merge mismatching data. Adopting the National Open Court Data Standards (NODS) is one step in this direction.⁴

Build Data Literacy

To meet the coming changes, court leaders and staff need a better understanding of the fundamental principles of data governance and data-driven decision-making. Other court stakeholders, including justice partner organizations, attorneys, and the public, also need a better understanding of how courts collect and use data. To this end, NCSC is developing an online course on data literacy.

Develop New Principles and Standards Related to AI Governance

NCSC is gathering court leaders, experts, and stakeholders to begin developing these principles.⁵ We are providing guidance on issues such as weighing the risks and benefits of AI for specific court tasks, appropriate roles for private vendors, defining and measuring acceptable AI performance, transparency in AI-assisted decision-making, data privacy and security, using a human-centered approach to integrate AI into the court workforce, identifying and eliminating disparate impacts of AI-assisted decisions, and ensuring full and equal access to the courts, among other considerations.

³ See Data Governance at <https://perma.cc/2WXW-2R8N>.

⁴ See NODS at <https://perma.cc/8ND7-A4XR>.

⁵ See Artificial Intelligence at <https://perma.cc/6MF6-YE9M>.

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COURT NAVIGATION PROGRAMS: Providing Connections and Support Across the Legal and Behavioral Health Systems*

This article reviews the findings from an environmental scan of court navigation programs. It focuses on programs that provide connections to community-based behavioral health and social services.

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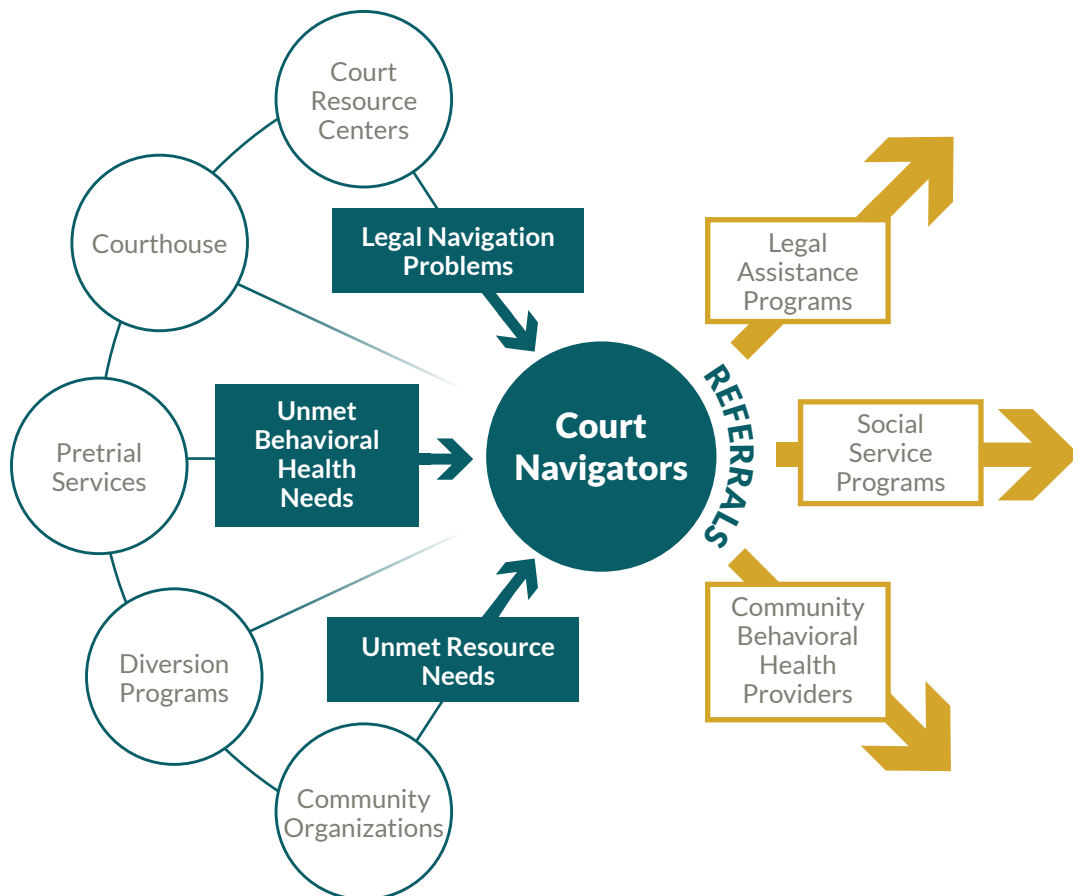
Courts face significant challenges when people involved in legal proceedings lack the knowledge and support to navigate complex legal processes. People may lack knowledge of how the legal system operates, the expectations placed on them by the court, or the resources and support needed to move through the legal process (Hagan, 2018). These challenges may be particularly pronounced for those navigating complex court procedures while also experiencing unmet needs related to mental health, substance use, housing instability, or unemployment (Couloute and Kopf, 2018; Desmond and Gershenson, 2017). Behavioral health and economic needs often lead to court involvement, and when not addressed, people risk cycling through the court system repeatedly (Zottola et al., 2023). Failure to address the behavioral health and economic needs of people who cycle through the courts not only takes a toll on their well-being but also places an undue burden on the courts (Dollar et al., 2018; Menendez and Eisen, 2019; Redlich and Han, 2014). In recognition of these challenges, many jurisdictions are seeking comprehensive and innovative solutions for enhancing the efficiency of court administration to improve both case processing and individual well-being.

One solution that courts have begun to explore are nonlawyer court navigation programs. These programs assist people through the intricacies of the court process, while also facilitating access to behavioral health, social, and human services. By facilitating connections to community-based services, court navigation programs can holistically respond to factors that may lead to court involvement while also supporting people through complex legal

processes. Court navigation programs are popping up across the United States; however, little research has documented how these programs function. To provide a comprehensive picture of court navigation programs, we completed a national scan and developed an accompanying compendium of programs that emphasize connecting people to community-based behavioral health, social, and human services while also helping them navigate the court process. Our work complements that of McClymont (2019), who conducted a foundational scan of nonlawyer navigator programs that help provide legal aid, primarily to self-represented litigants in the civil system.

How Do Court Navigation Programs Help Connect People to Resources?

Court navigation programs guide people through the legal process and play a crucial role in establishing connections to a variety of community-based behavioral health, social, and human services. While people involved in both civil and criminal court can lack the necessary knowledge and support for navigating legal processes, access to legal navigation services is not a universal solution (Sandefur, 2019). For some people, their court involvement may be at least partially attributable to mental health concerns, substance-use issues, housing instability, and unemployment. Court navigation programs help by offering invaluable assistance in clarifying legal procedures, directing people to resources, and ultimately empowering people to navigate the court system with greater confidence and understanding.

Figure 1 Diagram of Court Navigation Programs

Court navigation programs can function as centralized hubs for facilitating voluntary connections to needed resources, with navigators identifying unmet needs and providing warm hand-off connections to the appropriate community-based services. Participation in a court navigation program starts with a referral (*see Figure 1*). These referrals come from a variety of courtroom actors and court-affiliated organizations, such as pretrial services. Additionally, many court navigation programs allow self-referral. Once a person has been connected to a court navigation program, the court navigator speaks with the person to assess their needs and identifies appropriate services and support. Court navigators often call ahead to schedule appointments, provide or arrange for transportation, or directly connect the person with service providers. In this way, court navigators aim to have relatively brief, informal interactions with people intended to identify needs, answer questions, and connect people to resources all within a typical visit to the courthouse.

Method

We conducted an environmental scan of active court navigation programs across the United States. We developed our inclusion criteria based on a thorough review of the existing literature on nonlawyer court navigation programs and on discussions with a broad group of experts, including legal professionals, court personnel, court navigators, clinicians, community-based service providers, and researchers (see Figure 2). Our scan consisted of four steps. First, we reviewed the existing literature on court navigator programs to identify potential programs for inclusion. Second, we conducted internet searches for additional programs. We identified 107 programs for potential inclusion in our environmental scan. Third, we attempted to schedule brief interviews with each program to determine if programs met our inclusion criteria. We excluded 82 programs because we could not reach them or they did not meet our inclusion criteria, resulting in a list of 25 potential programs. Fourth, we created and distributed a detailed survey that queried the program development, funding, organizational structure, and service delivery. In total, 18 court navigation programs that met inclusion criteria responded to the survey.

Figure 2 Inclusion and Exclusion Criteria

CRITERIA CATEGORY	INCLUSION	EXCLUSION
Context of service provision	Navigators offer services through a court, court-based office (e.g. office of the public defender), court-affiliated resource (e.g. law library, resource center), or pretrial service agency. Services may also be offered in jail.	Navigators offer services exclusively through jail or prison.
Nature of services provided	Navigators provide guidance related to court processes and legal matters and connect people to behavioral health, economic, and social services in the community.	Navigators provide legal aid or provide guidance exclusively related to the court process and legal matters.
Population being served	Navigators provide services to people with active court cases (may provide services to others including the public, court personnel, family members of people involved with the court).	Navigators provide services exclusively in the context of a comprehensive program (e.g. assertive community treatment, community court, jail diversion programs.)
Process of providing services and making referrals	Navigators offer services person to person and include a warm handoff to community-based service providers when possible.	Navigators offer services through a self-help stand or kiosk and only connect people to services by providing information about the service provider.
Participation in services	Navigator services are intended to be offered on a voluntary basis.	Navigator services are offered exclusively as a part of an alternative to incarceration program, a specialty court program, a condition of release or exclusively by pretrial services officers.
Jurisdictions served	Navigators offer services within the United States in the context of state or lower-level courts (criminal, civil, juvenile, and family).	Navigators offer services outside the United States or exclusively under tribal or federal jurisdiction.

Based on our conversations with program personnel and survey results, we compiled a compendium of programs. All programs provided feedback to confirm accuracy in our representation of the program. In our summary of findings below, we refer to all programs as court navigation programs for clarity although several programs use different terminology. More complete descriptions of each program are available in the Court Navigator Compendium (<https://perma.cc/X29R-9DET>).

Findings

Geography

The programs we surveyed were geographically diverse. The 18 programs are located across 21 different states. Fourteen programs are local and operate in a single jurisdiction. Four programs operate in multiple jurisdictions. Of those four, three operate in courthouses across entire states. For example, the Criminal Justice Behavioral Health Liaison program provides services across all 95 counties in Tennessee, while another program, Partners for Justice, provides navigation services in multiple counties across the United States. Twelve programs operate in urban or suburban areas, five in mixed suburban-rural areas, and one in an entirely rural jurisdiction.

Program Development

The personnel providing navigation services are employed by an array of organizations. Some positions are directly employed by the court in which they work. Other positions are in the court but employed through local government agencies. For example, the court navigator in Phoenix, Arizona works with people in a municipal court and is employed by the city's human services department. Others are employed by local behavioral health agencies that have partnerships with county governments, as seen with the Criminal Justice Behavioral Health Liaison

program in Tennessee. Additionally, certain court navigation programs, like Partners for Justice or the program in Kalamazoo, Michigan, are embedded within public defender's offices.

Programs were typically developed through partnerships across various agencies, a common trend in their creation and sustainability. For instance, the Recovery Support Navigator program in Massachusetts is a product of collaborative efforts, stemming from Sequential Intercept Mapping workshops (<https://smtc.prainc.com/>). During these workshops, representatives from different parts of the criminal-legal continuum came together to identify gaps in services within their communities. As a result, a consortium comprising the Executive Office of the Trial Court, District Court, Probation, State Medicaid Office, Massachusetts Alliance for Sober Housing, Department of Public Health-Bureau of Substance Addiction Services, and the Department of Mental Health collaborated to create the court navigator position. Similarly, the navigator position in Columbus, Ohio also resulted from a collaboration between the court administration, the Columbus Mayor's Office, judicial leadership, and the Columbus Bar Foundation, demonstrating the importance of cross-agency cooperation in the development of these support roles.

Population Served

While all programs provide services for people with ongoing court cases, the programs surveyed report differences in the other populations that they serve. Half of the programs surveyed provide navigation services exclusively for people involved in criminal cases, while half work with people involved in civil court. For example, the court navigator in Columbus mostly works with people who have open eviction cases. In addition to serving people with open cases, many programs provide services to those who are adjacent to the court process. Eleven programs also provide services for family members of people who are facing criminal charges. Nine programs are open to the public, meaning they will provide services to people even if they do not have open court cases. The Community Resource Center in King County, Washington is in a courthouse, and anyone in the community can go to be connected to resources. Some programs emphasize vulnerable populations. For instance, the court navigator in Englewood, Colorado can provide services to anyone with an open case but was specifically designed to provide services to those experiencing homelessness.

Referral Process

The court navigation programs we surveyed all reported receiving referrals from a range of personnel within the courthouse community, such as judges, attorneys, and non-navigator courthouse staff. Some programs also reported referrals from community partners outside of the courthouse. For example, the court navigator in Englewood, Colorado has received referrals from employees of the city's public library. Several programs were designed to facilitate self-referrals. Both

the court navigator at the Justice Resource Center in Buncombe County, North Carolina and the court clinician in Chesterfield, Virginia have desks strategically located in or near the courthouse lobby, easily accessible to anyone entering. Similarly, some programs operate as resource centers in courthouses. The Resource Hub in Thurston County, Washington, and the Community Resource Center in Seattle are spaces within the courthouse complex where people receiving services can walk in at their convenience, have quick intake appointments, and be referred to appropriate services.

Services Provided

Sixteen of the court navigation programs surveyed conduct rapid screenings to determine a person's needs and to connect them with the appropriate resources for behavioral health, economic and social services, and legal aid. These assessments are typically conducted during initial intake meetings. Some programs are intentionally designed to streamline the referral process. For instance, the social work navigator in Columbus, Ohio streamlines the process with five-to-ten-minute appointments, wherein the navigator provides immediate referrals based on assessed needs. Eleven programs reported they conducted mental-health or substance-use screening or both. Programs often indicated that screening results alone do not determine connection to services. If a person expresses that they are seeking behavioral health services, the navigator will refer them to a community-based provider for a more comprehensive assessment, regardless of their screening results. Further, several programs indicated that they do not conduct a formal screening. Instead, they simply ask people if they would like to be connected to behavioral health services.



Court navigation programs provide a variety of direct services with the goal of meeting economic and social needs. Eleven programs offer transportation assistance to either court proceedings or community-service providers. This commitment ensures that logistical challenges do not hinder people from seeking the help they need, while also assisting in maintaining progress through the court process. Similarly, court navigation programs offer direct services that can reduce the administrative burden of accessing public services. Eleven programs assist people with completing applications for Social Security benefits or insurance enrollment, allowing quicker access to needed resources. For example, employees of the Community Resource Center in King County, Washington provide direct assistance to the people they work with in applying for Social Security

benefits. Half of the programs directly provide aid with essentials such as food, clothing, and shelter, which helps address resource-based barriers to participation in the court process.

Sixteen programs assist court-involved persons in navigating the physical courthouse, and thirteen programs answered questions about what steps were next in the court process. In addition to these services, some court navigation programs offer assistance related to legal tasks, though all programs were clear that they do not provide legal advice. Eleven programs assist people with legal paperwork, either in locating the correct documents or helping to ensure documents are completed. Navigators in ten programs were available to attend court hearings or meetings with attorneys to provide support if requested by the people receiving services.

Conclusion

Across the United States, court navigation programs assist people in civil and criminal courts by providing the knowledge and support necessary to navigate the complex procedural steps that constitute court involvement. Court navigators also facilitate access to services needed to address the underlying behavioral health or other needs that often drive court involvement. Providing aid to those with behavioral health needs is especially critical during a time when courts have become one of the primary sources of referral to both substance use and mental health treatment (Marks and Turner, 2014). Indeed, a National Judicial Task Force convened to examine state courts' response to mental illness and acknowledged the role courts must play in addressing the needs of people with serious mental illness. Suggestions included connecting people with community services and supports, bringing behavioral health specialists and social workers into court flow, and expanding the use of behavioral health screening and assessment (Reiber and Marks, 2022). Court navigation programs are one strategy to incorporate these suggestions.

Our compendium offers a starting point to explore examples of court navigator programs that could be adopted and adapted to fit local needs. The court navigator position is flexible by design and the programs to which we spoke emphasized their deliberate focus on addressing the needs most prevalent within their communities by connecting people to locally developed resource networks. Courts interested in developing a navigation program may benefit from assembling a team of community partners to discuss unique ways a court navigation program can help their community. In doing so, they can create a program that meets the specific needs of the people they serve within the bounds of the resources available in their community.

There is still much that is unknown about court navigation programs. While several of the programs we spoke with are collecting data on potential outcome measures, there has not been a comprehensive evaluation of their effectiveness. Anecdotal evidence supports the value of court navigators. As part of our ongoing work exploring court navigator programs, we have begun conducting interviews and site visits with several programs. One person in Tennessee described the navigators as glue that pulls the system together toward the goal of getting a person access to services. Navigators communicate with the people in the courtroom, the jail, the family, the service provider, and the persons seeking services themselves: “[T]hat really takes a lot of pressure off of these other individuals that have their own jobs and responsibilities and speeds up the process of individuals getting [to services].” This observation was echoed by a person who was connected to a transitional living facility by the navigator: “I couldn’t tell you how much I appreciate the work that [the navigator has done, they] went over and beyond what [their] job title is . . . every state ought to have this.” Once interviews and site visits have been completed, we hope to conduct formal outcome evaluations examining the effectiveness of these programs in enhancing outcomes for courts and individuals.

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LITIGANT EMPOWERMENT
THROUGH CHOICE?

Insights from an Ongoing Study of Remote versus In-Person Family Court Hearings

There is little credible evidence to help inform policy and practice for remote courts. In this study of self-represented family law litigants, preliminary information suggests that remote court may not affect appearance rates or case timelines but may come at a cost in terms of litigants' perceptions of fairness.

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Why This Research? Why Now?

Most courts used some version of remote appearances during the COVID-19 pandemic, and many chose to continue doing so afterward, at least to some extent. Yet little credible research exists to help guide court leaders in setting policy and practice. Thus far, the most useful thing the research finds is “it depends.”

In this article we describe an ongoing study exploring the interplay among remote versus in-person appearances, case timelines, access, and perceived fairness. The Access to Justice Lab at Harvard Law School (A2J Lab) and LaGratta Consulting LLC, with funding from the State Justice Institute and in partnership with the commissioners and court staff of the Third District Court in Salt Lake County, recently embarked on an investigation of the experiences of the most vulnerable, and common, class of litigants: self-represented litigants (SRLs) in family law matters. The rise in remote-proceeding offerings brought on initially by the COVID-19 pandemic makes understanding this interplay critical. This article summarizes the progress at the study’s halfway point to inform ongoing policy discussions in advance of the publication of the full report in 2025.

State of the Research: What Do We Already Know?

Research to understand the effect of widespread remote justice is scant, particularly in family law where 80 percent of litigants are SRLs (California Judicial Council, 2005; Engler, 1999). What we know thus far from a mere two articles, both with severe methodological limits, is that litigants in this population perceived that online hearings, as compared to in-person proceedings, hindered fairness (i.e., procedural justice) but improved their ability to attend (Thornburg, 2020; Munro and Riel, 2020). That said, the methodologies of both studies limited their definitiveness.

Some scholars posit that remote proceedings help equalize inequities by reducing the opportunity cost of attending in-person proceedings.¹ Others suggest that remote participation may replicate the accessibility problems of in-person appearances (Morris, 2021).

There is no clear guidance regarding whether sustaining remote appearances necessitated by the pandemic facilitates or inhibits justice system access or fairness, let alone case timelines. Some recent research is helping the field to get closer to understanding how best to proceed. Quintanilla et al. (2023) found a preference for remote proceedings among SRLs in large-scale civil dockets. In this study, judicial officers chose to conduct some hearings remotely and adapted their processes to accommodate remote users, rather than merely replicating the in-person process, such as using breakout rooms for mediation. It seems that the court improved the remote court process—and litigant satisfaction was correspondingly higher. In contrast, in rural settings, Statz (2022) found that litigants overwhelmingly prefer to appear in person, a preference perhaps attributable to a prevalence of “active judging,” where judges actively assist SRLs to navigate the system. Similarly,

¹ Thornburg, 2020: 188; Munro and Riel, 2020; 259. See also Sela, 2016, for a broader discussion, extending beyond family law, of how online courts can help SRLs better obtain justice.

LaGratta Consulting's (2022) prior Court Voices Project found that litigants from rural pilot courts preferred attending court in person, which was not consistent with the preferences of litigants in the urban pilot courts.

Study Design

This study tests three hypotheses using a randomized control trial (RCT) design to collect quantitative data, litigant surveys, and other qualitative data. The three hypotheses are 1) online proceedings do not change case timelines; 2) online proceedings increase participation; and 3) online proceedings decrease litigant perceptions of fairness. We test these hypotheses using an RCT that randomly assigns litigants to in-person or remote participation. Random assignment ensures to the extent feasible that groups are statistically identical except for whether participation occurred remotely or in-person, allowing us to know with as much certainty as we can that the intervention caused any observed differences in timelines or experiences.²

The RCT and Quantitative Data Collection

We randomly assign custody and divorce matters scheduled to appear on the pro se calendar docket. Commissioner Joanna Sagers designed the pro se calendar as a mechanism to allow SRLs to engage with their cases in an environment with system supports, including lawyers-for-the-day who can assist litigants if so desired. Some litigants in the study have private or consistent legal counsel, but most do not. Once a

case enters the study, we follow it through court orders, docket entries, and minutes of proceedings. Data collection continues until September 2024.

Random assignment must occur upon the appearance of the case on the pro se calendar to allow clerks to schedule hearings quickly. Therefore, we assign cases based on their case number, with the understanding that case numbers themselves are as good as randomly assigned because neither parties nor court staff can manipulate the case number. The court divides pro se calendar dockets into days for remote cases and in-person cases. The court provides litigants either a notice to appear in person or one to appear remotely.

For the quantitative portion of the evaluation, we evaluate case-processing timelines and failure-to-appear (FTA) rates. We study whether the medium is the cause of 1) longer periods of time to disposition; 2) less durability of that disposition, measured by length of time to a modification or enforcement request with shorter periods of time indicating less durability; and 3) a difference in FTA rates.

Litigant Surveys and Observations

To gauge litigants' experience, we use a brief survey asking a few questions about litigants' experience as they leave their court hearing and structured court observations. This section describes those activities.

We administer surveys to litigants appearing in person via an iPad kiosk at the back of the courtroom and to litigants appearing remotely for whom email addresses were

² See Angrist, 2006: 24, arguing that randomized studies are considered the gold standard for scientific evidence.

known (the vast majority) via a follow-up email. Simple signs were posted at the courtroom entrance or inside the courtroom, inviting participation in the survey, including via QR code (see *Figure 1*). Approximately 20 percent of all litigants responded in both surveying contexts, which is a relatively high response rate for an unmanned and uncompensated effort. The questions asked are outlined below.

Figure 1**iPad Kiosk Signage and Placement**

We conduct court observations periodically during the study through attendance at some remote and in-person proceedings. We look for visible indicators of litigants' experience with the key dimensions of procedural justice (e.g., confusion or misunderstanding of aspects of the process or judicial rulings), conflict or safety concerns among opposing parties, technological challenges, and other factors that may influence access or fairness.

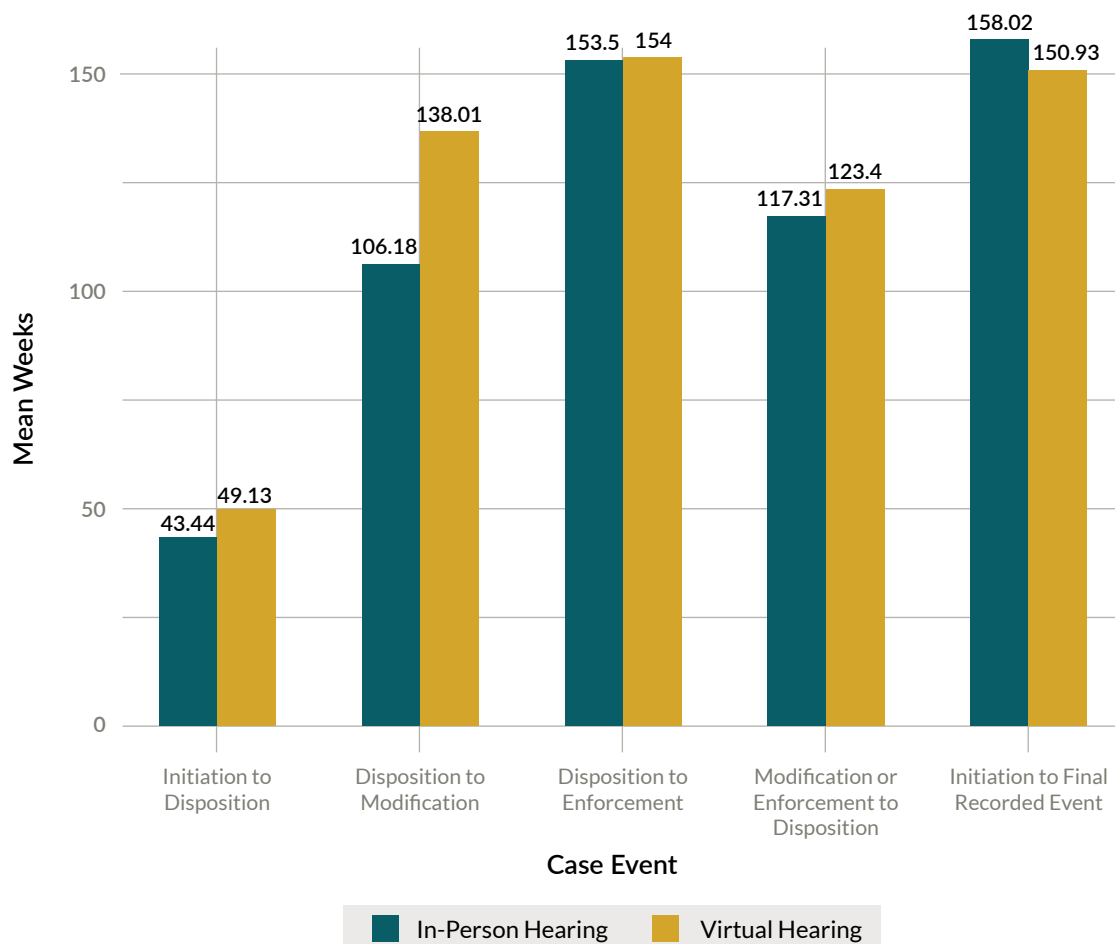
Early Insights

Using these methodologies and the data collected so far, we engage in preliminary data analysis to understand trends and offer early insights although we cannot opine on causation until we collect and analyze all data. Within this preliminary context, we can explore case-processing trends and litigant experience metrics obtained thus far.

Case-Processing-Timeline Trends

Initial data offer insights into trends related to time to disposition and durability metrics. We see little effect in the current data set on time to disposition and durability between each medium. Figure 2 shows the mean number of weeks for time to disposition and durability metrics. We can calculate time to disposition only when the metric exists. We do not include data for cases with no disposition or no modification or enforcement request. At the conclusion of data collection, more advanced statistical methods can be used to account for cases which never get to those data points.

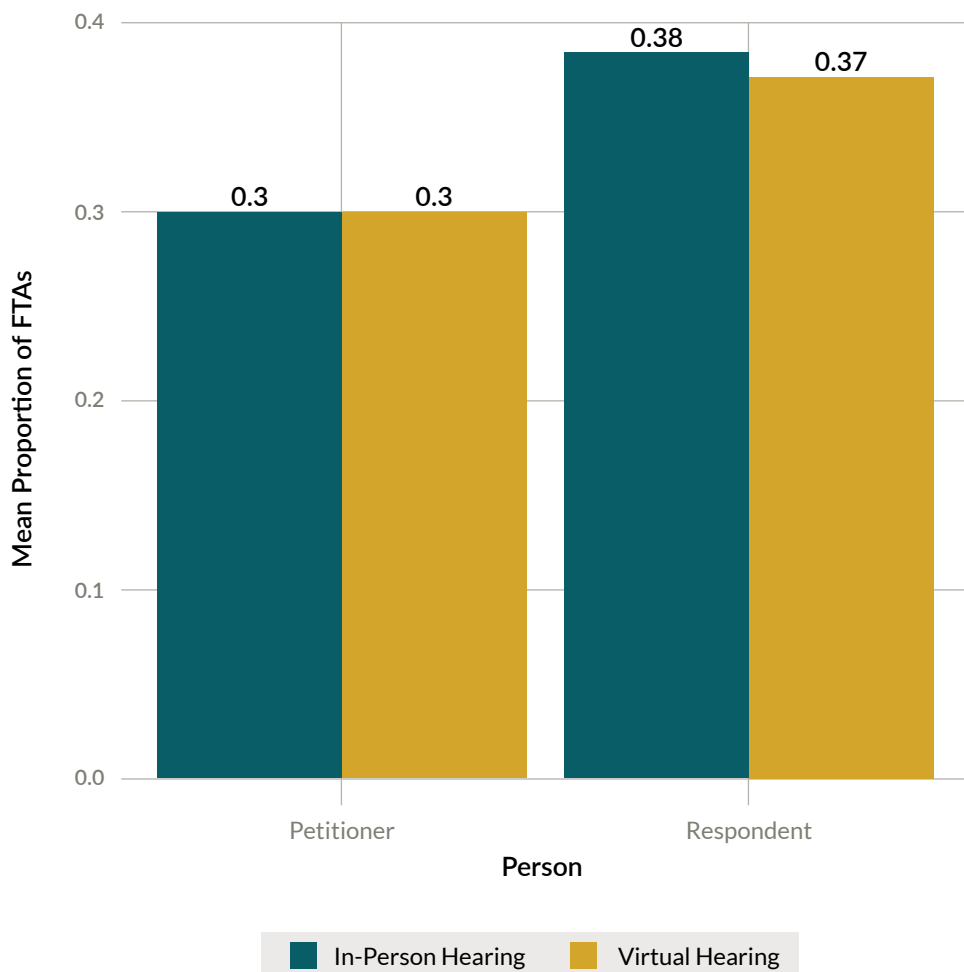
Figure 2 Average Number of Weeks to Case Event for Remote and In-Person Cases



Based on the court minutes, we can determine petitioner and respondent presence at each hearing. We are forced to assume that all absences are considered FTA. We display the proportion of hearings for which the individual failed to appear below in Figure 3.

Both parties appear at most of their hearings, with little variation between each medium. This suggests medium may not affect FTA, contrary to our initial hypothesis that remote proceedings would facilitate increased participation.

Figure 3 Mean Proportion of FTA by Study Condition



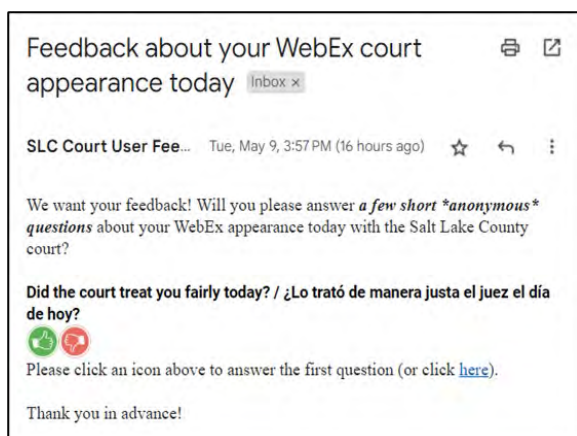
Litigant Experience

As with administrative data, the litigant survey data received as of September 2023 gave a preview of potential trends in litigant experiences.

Of all responding litigants, most rate their experience as fair when asked, “Did the court treat you fairly today?” However, the rates vary by medium. Approximately 84 percent of in-person litigants answered this question favorably, while only 65 percent of remote litigants did so. Figure 4 depicts this question as viewed by remote-medium study participants. Response numbers and rates to date are similar across both contexts, with approximately 60 litigants responding in remote and in-person settings, respectively (a 20 percent response rate as noted above).

As to litigants’ appearance-medium preferences, only a slight majority prefer their randomly assigned medium. Specifically, 44 percent of remote litigants indicate a preference for in-person appearance, and 41 percent of in-person litigants indicate a

Figure 4 Fairness Survey Question for Remote Litigants



preference for remote appearance. Stated another way, approximately half of litigants prefer appearing remotely and half prefer appearing in person.

In response to the third and final question, “How could the court better serve you?,” several litigants offer constructive feedback about some procedural aspects of remote appearances, and several comments center on the procedural justice dimension of voice, more so in the remote context than in person. Examples of each are presented in Figures 5 and 6.

Figure 5

Fairness Survey Responses About Remote Court Procedures

- *The connection failed and froze several times during my hearing.*
- *I would just check in with everyone at the start and maybe in between cases. I was on the line for over 1.5 hours and wasn't sure what was going on.*
- *I wish things ran on time. I also wish that the commissioner had given me the chance to talk.*

Figure 6

Fairness Survey Questions for Remote Litigants

- *To actually have a (volunteer) attorney to represent me would have been nice, that way, maybe my concerns would have actually been heard.*
- *[The Commissioner] asks open questions not directed at a specific person and if I answer acts like I spoke out of turn.*
- *The court could have improved my experience by letting me explain my side of the issue*
- *Let me be heard.*

How Can We Use This Information Now?

While we still have additional data to collect and analyze, and thus cannot say for certain that preliminary trends will hold up, it is valuable to take notice at this stage what factors and measures all court leaders should be monitoring closely. Namely, dimensions of litigant choice, access, appearance rates, and perceptions of fairness all seem to be key pieces for understanding what is happening in these cases, alongside more traditional administrative case data. And it seems we may be approaching a new paradigm: that court timelines and attendance are not impacted much in either appearance context, yet litigants have preferences for how they handle their court matters. Perhaps courts do not need to prescribe the medium by which hearings must occur to maximize the benefits for courts or court users.

In this vein, the early insights for this project reveal a couple of broad takeaways:

1. At least in the short-term, medium may not affect case timelines. But it is not enough to look only at case timelines without considering the impact on the litigant experience.
2. When read alongside other recent research, these insights caution against generalizing the policy question to a binary “to Zoom or not.”

If the trends hold up, it may be that there is no difference on key court case-processing metrics, at least in the studied contexts, and litigant preferences seem split. Adapting remote processes to maximize the experience in ways with which judicial officers feel comfortable, which seems necessary for fairness, we may find that more litigants prefer remote appearances, as happened in the Quintanilla et al. (2023) study. If the perceived benefits of in-person appearances are important to a litigant and cannot be achieved in a remote setting, as observed in the Statz (2022) work, we may find more litigants appearing in person.

It is worth noting that there are also downstream benefits to approaches that generate improved perceptions of fairness. Litigants who perceive their experience in court to be fair are more likely to comply voluntarily with court orders and appear in court next time (Tyler, 2007).

Considering the infrastructure now exists for both in most courts, albeit by necessity, and there may be no outsized case processing harm done to either SRLs or the courts, perhaps the power to choose should rest with the individuals that are in the best position to know what works best for themselves and who have the most at stake.

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Customer-Centered Juvenile Justice

Juvenile offenders and their victims can benefit from a restorative justice approach. This article highlights the latest evidence on restorative justice, evaluates innovative programs, and offers practical recommendations for effective implementation.

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Society has debated how to respond when a young person breaks the law since before the juvenile court was introduced in 1899 (Shepherd, 1999). Restorative justice unites timeworn wisdom with a first-principles focus on the justice system’s “customers”—namely, victims and young people who have caused harm—recognizing that those most affected by crime are best equipped to determine a just outcome. This approach has proven effective in a variety of contexts from international peace tribunals to the school playground. While juvenile courts across the country have been experimenting with restorative practices for over 40 years, new research and innovative programs continue to push the field forward.

Customer-Centered Justice

Similar to successful companies that start with the customer and work backward, restorative justice seeks to understand and prioritize the needs of people who come into contact with the justice system. By listening to key stakeholders, including community members, victims, and young people who have caused harm, restorative justice puts the justice system’s core customers at the center of the process.

A customer-centered, restorative model of juvenile justice elevates the role of victims, holds young people accountable, and heals—to the extent possible—the emotional scars and material losses of both. This recontextualizes delinquency as a breach of human relationships rather than primarily a violation of the law. Crimes are not transgressions against an impersonal, monolithic state; they are acts against specific human beings. Instead of owing a debt to society, young people owe a debt to their victims. This approach contrasts with the adversarial nature of the state-centered system, which inhibits victims and young people from engaging in meaningful communication (see *Table 1*). Sometimes, victims and offenders are even explicitly forbidden from interacting by court order. While separation can be important in some cases, unnecessary barriers can postpone healing and hinder efforts to ascertain the deeper causes of crime. The winner-take-all nature of the traditional, state-centered system replaces the search for truth and reconciliation with the desire for victory over the opposing side. This zero-sum incentive structure deters taking personal responsibility, which psychologists suggest is an important step in rehabilitation (Bibas and Bierschbach, 2004).

Table 1 Restorative Justice vs. State-Centered Justice

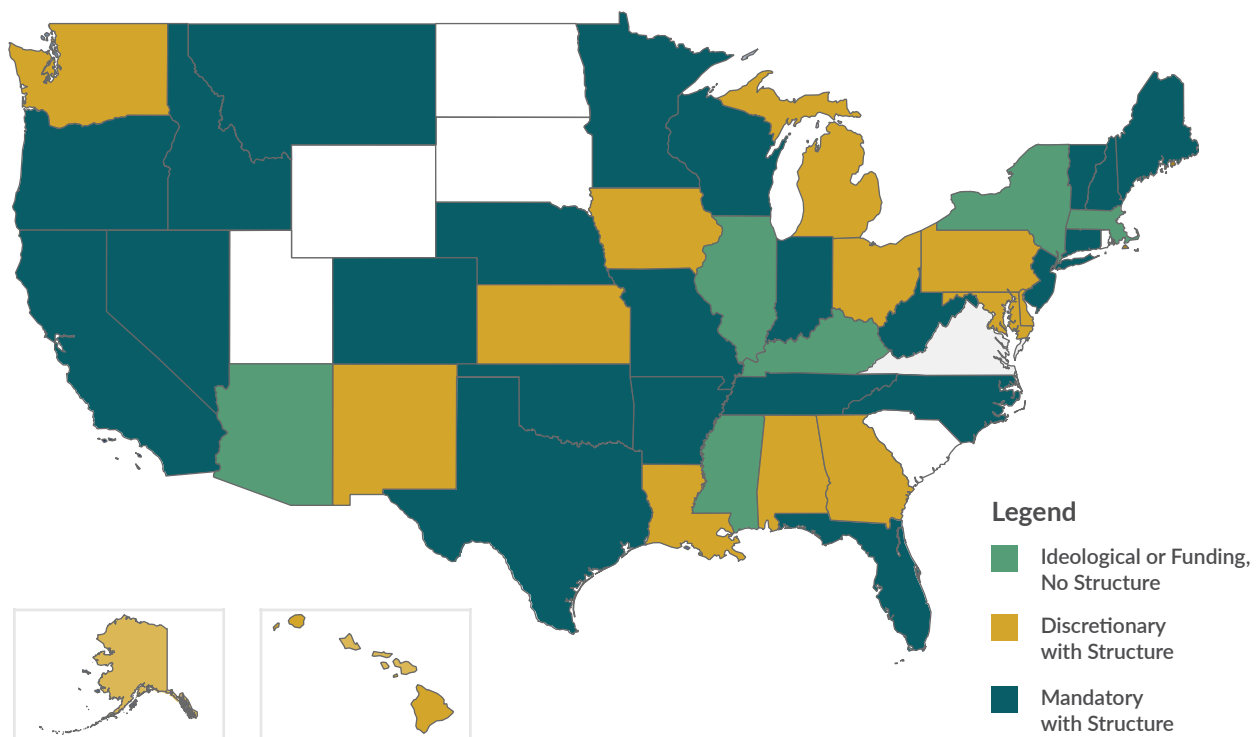
RESTORATIVE JUSTICE	STATE-CENTERED JUSTICE
Crime violates people and relationships	Crime violates the state and its laws
The central parties are the victim and the person who caused harm	The central parties are the state and the defendant
Justice focuses on individual needs and obligations so that things can be made right	Justice focuses on establishing guilt so that blame can be assigned
Justice is sought through dialogue and mutual agreement	Justice is sought through a conflict between adversaries
Accountability is achieved by making amends and repairing harm	Accountability is achieved by punishing offenders

Adapted from Zehr, 2015.

Even though the modern incarnation came to prominence in the 1970s, restorative justice is an old idea rooted in ancient cultures from around the globe (Zehr, 2015). For millennia, indigenous populations in New Zealand, the United States, Canada, and elsewhere have relied on restorative principles to deal with wrongdoing. Rather than focusing solely on the fault of a single individual, these traditions are based on the interconnectedness of all within the community. As one restorative justice practitioner explains, “indigenous people in the Pacific Northwest call it ‘breathing the smoke of the same fire.’ The idea is we are connected, not just through the fact we are all human, but intimately linked by breathing the same air at the same time” (Logan Seacrest interview with Kimiko Lighty, Zoom, March 14, 2023).

So far, 45 states have enacted laws supporting the use of restorative justice or similar models, and 35 have codified the use of restorative justice in juvenile justice processes (see *Figure 1*; González, 2020; OPPAGA, 2020). These interventions can occur at various contact points in the juvenile justice process. Some deflect or divert youth from formal system involvement, whereas others happen post-adjudication as part of a juvenile disposition (OJJDP, 2021). Regardless of where in the process it occurs, the goal of a restorative justice conference is always to bring together victims, young people, and their families to come up with a collective plan to repair the harm caused by wrongdoing.

Figure 1 Juvenile Restorative Justice Laws in the United States



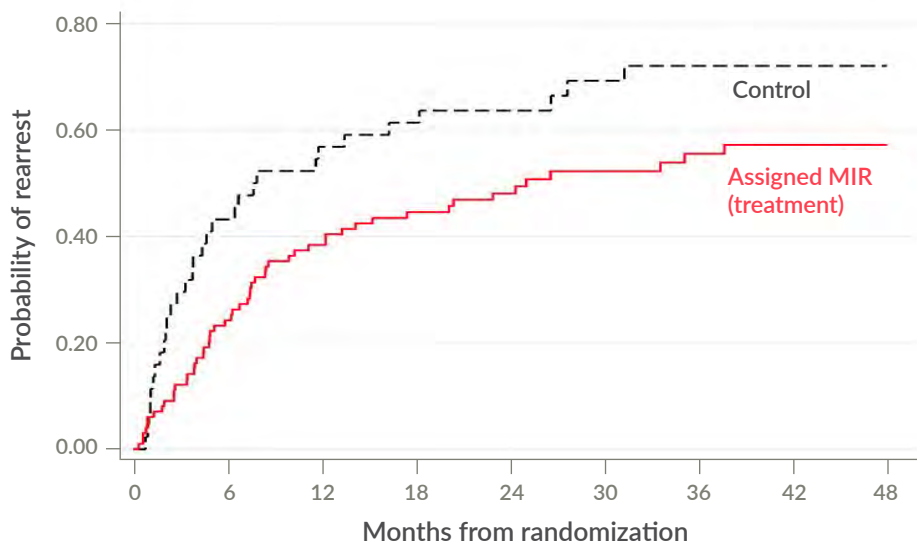
Source: NCSL, 2022.

Innovations in Juvenile Restorative Justice

Most innovations to make the criminal justice system more customer centric have occurred within juvenile justice (OJJDP, 2021). As less cognitively developed than adults, children are more malleable to restorative interventions, particularly those involving family and peers (Suzuki and Wood, 2017). Over the last 30 years, an enormous amount of research on these programs has been published. Until recently, much of this research has been limited by methodological issues, such as small sample sizes, lack of random assignments, nonequivalent control groups, and varied definitions of re-offense (Umbreit and Coates, 1993). Due to the voluntary nature of restorative justice programs and their restriction to mostly minor and nonviolent offenses, older studies have also suffered from threats to validity, such as self-selection bias (Pointer, 2021).

With these technical limitations in mind, in 2022 the California Policy Lab conducted a randomized controlled trial—the gold standard for social science research—to empirically determine the impact of restorative justice. They selected a program called Make-It-Right (MIR), which differs from other restorative justice programs because it prioritizes more serious cases, such as robberies, assaults, and weapons violations (Logan Seacrest interview with Kyle Magallanes, Email, April 10, 2023). To evaluate Make-It-Right, researchers randomly assigned eligible youth to either receive an offer to participate in restorative justice (intervention group) or be processed through traditional juvenile prosecution (control group). The researchers found that juveniles in the intervention group were, on average, 19 percent less likely to be rearrested than those in the control group, an astonishing reduction for a one-time intervention (Shem-Tov, Raphael, and Skog, 2022). In addition, the study suggested the program had a causal effect, as rearrest rates among youth who completed it were much lower (19.2 percent) than those who enrolled but did not finish (57.7 percent). The reduction in arrests continued four years after participation, providing strong evidence that Make-It-Right can reduce justice-system involvement among youth charged with relatively serious offenses (see Figure 2; Shem-Tov, Raphael, and Skog, 2022).

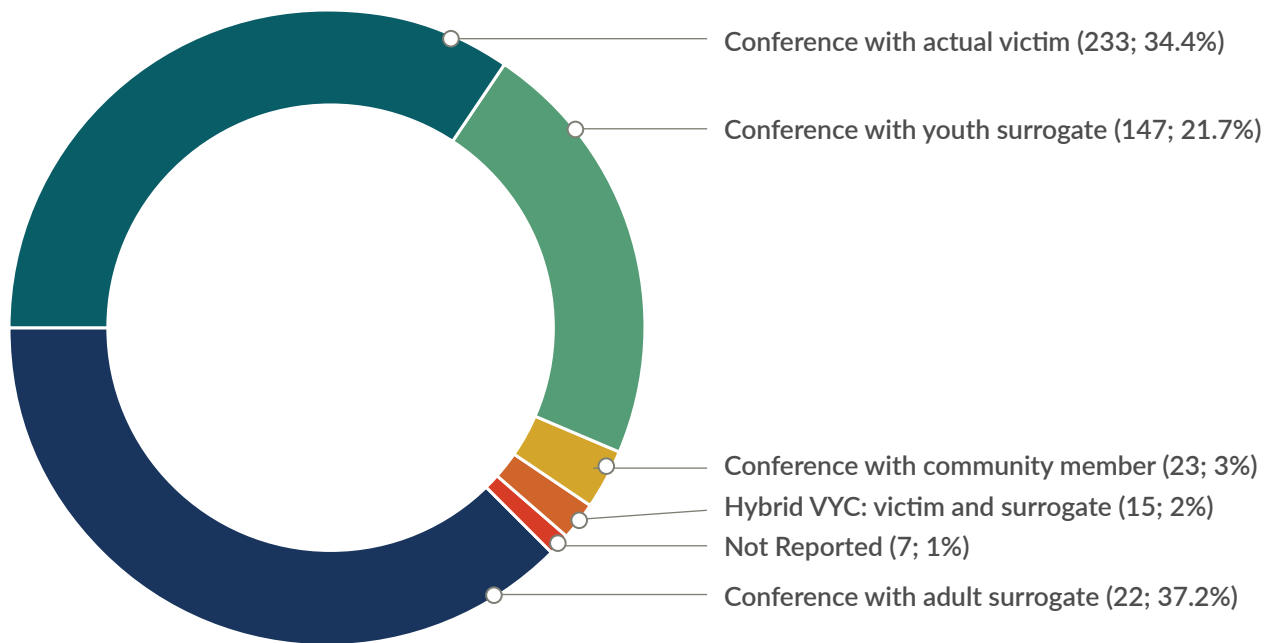
Figure 2 Rearrest Probability Curve in the Four Years Following Make-It-Right



Source: Reprinted with permission from Shem-Tov, Raphael, and Skog, 2022.

Nebraska is another state that has invested heavily in making its juvenile justice system more customer centric. In January 2018, the state set out to integrate restorative practices into every aspect of its juvenile justice system (NEB. REV. STAT. §43-260.03). One of Nebraska’s innovations is the use of youth surrogates in cases where victim participation is either not possible or not appropriate (Blankley and Jimenez, 2019). Surrogates do not necessarily represent the victim, but instead engage the youth in a dialogue about the harm they caused. Even if a crime has no individually identifiable victim, such as cases of drunk driving or drugs, surrogates who have been adversely affected by substance abuse can confront the destructive nature of the conduct in a personal way. Nebraska trains former justice-involved youth to be future surrogates, which benefits the program and provides continuing restorative benefits to participants who go on to become volunteers (see *Figure 3*). So far, Nebraska has one of the only programs nationwide that intentionally identifies and trains former youth offenders to be victim surrogates in future cases (Blankley and Jimenez, 2019: 44).

Figure 3 Participation in Nebraska Victim-Youth Conferences



Source: Data derived from Jimenez, 2021.

Nebraska's program has proven successful across a number of metrics:

- Of 871 case referrals, 78 percent held a restorative conference.
- Of the 677 conferences, 99.6 percent produced a reparation plan.
- Of the 668 cases with a reparation plan, 88.8 percent were successfully fulfilled.
- Overall, 90 percent of participants reported being satisfied with the outcome and would recommend the process to others.
- Overall, 90 percent of youth participants did not recidivate within one year of participating in the program (Jimenez, 2021).

Benefits for Victims

A customer-centered criminal justice system should help victims heal. However, the traditional system can leave little room for victims, who are too often either treated like pieces of evidence or excluded from the process entirely (Bazelon and Green, 2020). One of the greatest sources of frustration for victims is the difficulty in getting information about their cases (Strang et al., 2006). Restorative justice conferences are a useful venue for victims to get questions answered, such as “Why did you target me?,” “Am I safe now?,” and “How will you make this right?” directly from the source (GravitasOPG, 2021). Empowering victims to narrate their trauma and define their own needs, rather than have them defined by the state or even victim advocates, can be a critical step in transcending the experience of a crime (Sherman and Strang, 2007).

Research suggests that victims who participate in restorative justice report higher levels of satisfaction, increased perceptions of fairness, and enhanced psychological benefits compared to victims that suffered the same type of crime but went through the conventional legal process (Allan et al., 2022). A 2023 meta-analysis found that victims experience considerable reductions in negative emotions (fear, anger, guilt, anxiety, distress, etc.) after a restorative conference (Nascimento, Andrade, and Castro Rodrigues, 2022). This catharsis persisted over a period of years, indicating that a transformation from “victim” status to “survivor” status had occurred, which is imperative to emotional recovery following a traumatic event. Interestingly, the severity of the crime appears to have little effect on victim satisfaction or outcomes (Umbreit, Vos, and Amour, 2006).

Challenges

As juvenile courts move toward a more customer-centered approach to justice, it is worth noting some common challenges. Like any transaction between a business and a customer, consent is a prerequisite for participation in a restorative process. However, children may not always understand that participation is voluntary. Consider a young person who is given the choice between a restorative program or taking their chances in court. In such a situation, even a wrongly accused minor might feel pressured to falsely accept responsibility to avoid further legal ramifications (Suzuki and Wood, 2018). Research has confirmed this issue, suggesting that some youth agree to restorative justice purely out of self-interest, especially when the alternative is viewed as worse (Choi, Green, and Gilbert, 2011). Moreover, in a restorative process, young people are expected to display significant emotional maturity, even when they may lack the psychological tools necessary to do so (Scott and Steinberg, 2008). Many justice-involved youth have underdeveloped communication skills, limiting their ability to express remorse in a way that would be perceived as genuine, leading to suboptimal restorative outcomes (Snow, 2013).

Recommendations

To address concerns over coercion, one solution is for courts to make restorative justice the default response to certain delinquent behaviors. Courts should also consider expanding referral criteria beyond misdemeanors to include more serious offenses and implementing a screening process to ensure youth have the cognitive and emotional capacity to meaningfully participate. Victims should also be screened and substituted with surrogates as necessary, particularly in domestic violence cases or other situations in which victim participation could be inappropriate or harmful (Choi, Bazemore, and Gilbert, 2012). Finally, for restorative justice to work, everyone involved must be able to talk openly and honestly, without fear their words will later be weaponized against them. “Reverse *Miranda* Rights” ensure that what is said in a restorative setting remains confidential and will not be used as evidence or an admission of guilt in subsequent legal proceedings. In other words, instead of the right to remain silent, individuals should have the right to be heard.

Conclusion

Restorative justice is a philosophy that challenges the justice system to adopt a more customer-centric approach that can better address the needs of victims, youth, and communities. When those closest to injustice take ownership in helping resolve it, an ethic of co-responsibility can emerge—a recognition that crime arises in a social context and fault usually does not lie entirely with the accused. The evidence-based recommendations provided here can improve public safety outcomes and lower costs by reducing the need for court time, probation officers, and other judicial system resources (Baliga, Henry, and Valentina, 2017). By taking a page from the business world and adopting a more customer-centered philosophy, leaders can create a “five-star” court system that maximizes healing and provides lasting justice.

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Multidisciplinary Representation for Parents in Dependency Cases

Many jurisdictions are establishing multidisciplinary representation programs to provide additional support to families in the child welfare system. This article discusses an evaluation of one such program in New Mexico and provides recommendations for courts looking to implement multidisciplinary representation programs.

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The New Mexico Family Advocacy Program (NMFAP) was designed to provide multidisciplinary representation for parents in the child welfare system. NMFAP focused on identifying and securing appropriate placement, promoting frequent and quality visitation, providing tailored supportive services, and ensuring parents' involvement in their case planning. Parents in child welfare cases had access to a legal team that included a highly trained attorney, a master's-level social worker contracted by the New Mexico Administrative Office of the Courts (AOC), and a parent mentor. The

parent mentors who worked in NMFAP had experience in the child welfare system and were also contracted by the AOC.

Multidisciplinary representation models have demonstrated positive results for families in other states. For example, an evaluation in New York demonstrated that children whose parents received multidisciplinary representation spent 118 fewer days in foster care during the four years following the case filing (Gerber et al., 2019). A study of a similar program in Washington State found that enhanced parental representation

Four Cornerstones of the Advocacy Model

- 1 Identify and secure an appropriate placement, which will keep the child connected to their family, community, and culture
- 2 Promote frequent and quality visitation between parents and their children to maintain and strengthen the family relationship
- 3 Provide tailored supportive services to parents to address the circumstances that led to contact with the child welfare system
- 4 Ensure that parents are meaningfully involved in their case planning and that important decisions are made in collaborative family conferences, outside of the courtroom whenever possible

is associated with an increase in the rate of family reunification (Courtney, Hook, and Orme, 2011). The evidence of the benefits of multidisciplinary representation has led the American Bar Association Center on Children and the Law to include access to a multidisciplinary team in their best practices for child welfare attorneys.

Although the evaluation of the NMFAP did not find a significant difference in time to reunification for families with multidisciplinary representation, program cases were significantly more likely to reunify than nonprogram cases or those discharged from the program before reaching permanency. This article describes implementation challenges that may have impacted the outcomes for the NMFAP and recommendations for states interested in implementing and evaluating their own multidisciplinary representation program.

Implementation Challenges

The Children's Bureau awarded the New Mexico AOC one of the Strengthening Child Welfare Systems to Achieve Expected Child and Family Outcomes (SCWS) grants. New Mexico used the funding to formalize and expand multidisciplinary representation efforts. Throughout the grant period, NMFAP grew to serve six counties. In 2022 New Mexico passed the Family Representation and Advocacy Act (HB46). This bill created the Office of Family Representation and Advocacy (OFRA). This independent, adjunct executive agency will establish models for direct and multidisciplinary representation and provide training and supervision of practitioners. The success of NMFAP helped pave the way for the OFRA. Even though the NMFAP ultimately succeeded as a stepping-stone to enhanced statewide parental representation, its implementation was not without challenges.

The timing of implementation was the most significant challenge. The NMFAP was officially launched in February 2020, just one month before the COVID-19 pandemic. The reduced case filings and the unanticipated halt of and then limitations to in-person interactions lasted for more than half the program's life. Only near the end of the grant period were many interactions transitioning to in-person activities. The program model was focused on closely developed interpersonal interactions between the teams internally and externally with other system practitioners. The pandemic led to adaptive, creative workarounds that allowed operations to continue; however, the initial restrictions hampered some aspects, such as team trust and stakeholder collaborations.

The pandemic also prompted increased turnover and low staffing levels, especially at New Mexico's Children, Youth, and Families Department (CYFD), resulting in challenges with maintaining a consistent message about NMFAP. Implementing a multidisciplinary representation program requires a strong partnership with the judiciary, the attorneys, and the child welfare agency. Everyone must understand the program's purpose, how it will alter existing operations, and anticipated outcomes. While the NMFAP team engaged in several activities to build buy-in among court, attorney, and child welfare professionals, increased turnover required constant training of partners. Turnover at CYFD also resulted in losing program champions early in the program's implementation, which slowed momentum. NMFAP also experienced some turnover in the interdisciplinary teams, potentially impacting relationship and trust building, an essential program element.

Evaluation Challenges

The NMFAP evaluation was designed with the project team to identify appropriate practice changes. Short-term and long-term outcomes of interest were measured. The evaluation included components of both processes (did the program get implemented as intended) and outcomes (did the program change outcomes). There were challenges in both the process and outcome evaluations.

A vital component of any program is fidelity to the model. We need to know if the program is being implemented as expected to know whether the program makes a difference. The NMFAP was designed based on cornerstone advocacy; thus, we needed to measure advocacy. The advocacy of attorneys in court is fairly straightforward to measure through a structured court observation process. However, that was a limited definition of advocacy. It did not account for social worker advocacy (as social workers attended but did not speak in court) nor did it account for advocacy that occurred outside of court.

Discussions with the program team yielded two additional measurement strategies. The first was to add advocacy to the log files that attorneys and social workers used to track their time and activities. The second was to design a structured observation of an out-of-court activity like mediation. Neither of these activities sufficiently measured out-of-court advocacy. The weakness of the log files was that professionals, despite their training, seemed to define advocacy differently and thus showed significant differences in reported advocacy. The inconsistencies were too great to use the data in a meaningful way. The challenge of observing mediations was that we were unable to get a sufficient sample of cases from both program and nonprogram mediations to make statistical comparisons.

Parent engagement was a critical short-term outcome of the program. We expected program parents to be more engaged in the process than nonprogram parents. We had two plans to measure parent engagement. The first involved surveying parents about their engagement in the process, as asking parents is one of the best ways to understand if parents feel engaged. Response rates were low for all parents, so we could not make comparisons. In year two, we changed methods to a semi-structured interview process and increased incentives for parents. More parents participated in the semi-structured interviews, but they still did not yield a sufficient sample of program and nonprogram cases for comparison.

We also used parental compliance with the case plan as a proxy for parental engagement. However, NMFAP attorneys, social workers, and parent mentors did not think that was a valid measure of whether the parent was engaged. In later years of the evaluation, we developed a survey of NMFAP

attorneys about their perceived engagement of parents in the program and the CYFD case plan. This data collection tool was in response to discussions with NMFAP attorneys during continuous quality improvement meetings to better assess parent engagement in their case plans.

A final challenge with the evaluation was that we used random assignment to increase robustness of the design so that causal inferences could be made. However, the program is not equally effective for all parents. In particular, some parents were assigned to the program but could not be located or did not want to engage with the program. Including these parents diluted any effects of the program. As part of the evaluation efforts, we explored which parents were more likely to stay engaged. Mothers were generally more likely to stay in the program than fathers. A larger proportion of mothers who remained in the program had mental health concerns than those who were discharged (*see Figure 1*).

Figure 1 Differences in Parental Engagement with the Program

CASE CHARACTERISTICS	ASSIGNED (Stayed in Program)	ASSIGNED (Discharged from Program)
Mother Assigned to NMFAP	54% (n=54)	46% (n=46)
Father Assigned to NMFAP	42% (n=19)	58% (n=26)
Indian Child Welfare Act Case	22% (n=17)	11% (n=8)
Mother, Mental Health Concerns	38% (n=30)	25% (n=19)
Mother, Homeless	19% (n=15)	33% (n=25)
Father, Allegations of Emotional Abuse	4% (n=3)	12% (n=9)
Father, Homeless	8% (n=6)	24% (n=18)
Father, Incarceration	5% (n=4)	23% (n=17)

Recommendations for State Courts Looking to Implement Model

The implementation and evaluation of NMFAP provided some lessons learned that can be useful for other sites implementing multidisciplinary legal representation models.

Implementation Recommendations

- Create opportunities for ongoing training for all professionals to learn about the program and how it works.
- Include the child welfare agency in planning and implementation of the program.
- Identify opportunities to enhance collaboration between professionals.
- Be flexible and ready for backup planning in case program implementation has unexpected challenges.

Evaluation Recommendations

- Measure parent engagement, whether via surveys, interviews, or focus groups, immediately before implementing the program. This will be helpful if sufficient numbers are not available post-implementation for comparison.
- Work with attorneys, social workers, and parent mentors to identify the best way to measure advocacy and engagement.

- Build in resources for early testing of the measures and process.
- Consider opportunities to observe client interactions, such as shadow the attorney, caseworker, or parent partner for a day or multiple days, to observe practice in areas outside of court.
- Work with agency professionals and multidisciplinary representation program staff to identify recruitment strategies to get a mix of parents to ensure a representative sample.
- Use the findings from this and other multidisciplinary legal representation evaluations to understand clients who are most likely to engage and most likely to be successful with the program to refine program strategies, recruitment, and retention.
- Be realistic in expectations.
- Have specific exit criteria in place for nonengagement and ensure fidelity to the discharge process.

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TRANSFORMING JUSTICE: Navigating Data Challenges in Domestic Violence Courts

The National Center for State Courts addresses challenges in court data by promoting the use of National Open Court Data Standards (NODS). NCSC has expanded NODS to include specific case types like domestic violence (DV), which has led to improvements in court data and case management.

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Without active case management, bottlenecks and delays occur, weakening accountability and posing risks to those affected by DV.

Courts grapple with challenges in effectively capturing and using data in domestic violence (DV) cases. Such cases are often characterized by missing or incomplete data, or the data may be of poor quality, meaning that essential details and pertinent information about incidents, survivors, or perpetrators are unavailable. Incomplete data lead to a lack of information on case timeliness and can result in less efficient and effective case processing. Without active case management, bottlenecks and delays occur, weakening accountability and posing risks to those affected by DV. This article addresses the challenges in capturing court data for DV cases, the impact of poor-quality court data, case studies of data improvement efforts in DV cases, and NCSC's continuing work in this field.

The Challenges

Courts play a crucial role in addressing crimes related to the Violence Against Women Act (VAWA), such as domestic violence, dating violence, sexual assault, and stalking.¹ To effectively do so requires collecting high-quality data across different case types, linking DV cases to existing matters involving the same parties, and addressing the related complex needs impacting survivor safety and offender accountability. However, courts, including those addressing DV, encounter challenges in capturing and reporting essential data. Inconsistent data collection and data use are common.

¹ See American Bar Association, Violence Against Women Act (VAWA) Toolkit, at https://www.americanbar.org/advocacy/governmental_legislative_work/grassroots-action-center/ABA_Day_Digital/vawa-toolkit/.

Data Collection Problems

Variability in Reporting

Courts across the country vary in case and data management systems, with differing capabilities to capture information. Further, some courts lack a data dictionary or other mechanism to provide consistency in data elements. Jurisdictions and agencies may use different criteria and definitions when recording DV incidents. As a result, qualifying elements for a case in one jurisdiction might be recorded differently in another, creating barriers to comparing and analyzing data consistently.

Incomplete or Missing Information

Some jurisdictions may collect comprehensive details about incidents, survivors, and perpetrators, while others may have more limited or selective data. Further, a lingering effect of the transition from paper to electronic court records is that essential information needed to oversee individual cases and the court's overall caseload is often buried within PDF documents, making it inaccessible for many data management systems. Challenges to collecting demographic information have impacted courts' ability to analyze trends and uncover and address potential disparities across racial and ethnic groups.

Data-Sharing Challenges

Court data often come from attorneys or law enforcement, yet defects in information sharing result in duplicative data collection. Sometimes data-sharing objectives are at odds with one another. Data quality depends on good data governance among justice partners. Improved information sharing with law enforcement would facilitate service of process of civil protection orders, including notifications to courts and survivors of whether an order was served effectively. This is another area where uniformity in data elements goes a long way in improving information sharing and collaboration.

Data Use Problems

Impaired Comparative Analysis

The absence of standardized methods of calculation makes it challenging to conduct meaningful comparative analyses. Researchers, policymakers, and practitioners rely on consistent data to identify trends, patterns, and best practices. Without uniformity, drawing accurate comparisons is impractical.

Barriers to Policy Development

Identifying best practices for managing DV cases in courts requires consistent data. Policymakers require reliable and consistent data to formulate effective strategies and policies. However, the lack of standardized data collection methods makes it challenging to identify priorities, allocate resources efficiently, and tailor interventions to specific needs.

Addressing the issues of inconsistent data collection and usage involves establishing standardized protocols and definitions that are uniformly applied across jurisdictions.

The Impact

While court data will never achieve perfection, the necessity and urgency to enhance its quality become clear when considering the risks for the parties involved. Quality data support timely hearings, orders that better meet the needs of the survivors, and survivor referrals to needed services. This creates a more positive court experience by reducing confusion for survivors, who are then able to focus on the DV case without having to keep track of other legal matters/hurdles that may arise from poor-quality data, such as duplicative or conflicting court orders that may occur with cases being handled in different courts. The expedited nature of DV cases often results in independent proceedings for DV cases involving the same parties. For example, a family may be simultaneously moving through a family court (for a dissolution), a civil court (for a civil protective order), or a criminal court (for a criminal case regarding the abuse). This combination of court processes, coupled with a lack of awareness among judicial officers, impedes effective institutional responses by potentially fostering duplicative and conflicting processes and outcomes (e.g., distance requirements, possession of the house or car, or child visitation arrangements).

In DV cases, tracking progress and assessing the effectiveness of interventions or policies are crucial. A more thorough data-informed understanding of a court's DV caseload also provides opportunities to identify trends, as well as any disparities that may exist. For example, if courts collect quality demographic data, they can identify if DV court practices and service referrals are impacting certain groups of court users differently and possibly refer to culturally specific victim service providers.

Quality court data are essential to equip judges with the information necessary for effectively resolving cases and supporting courts in adapting their approaches, particularly in addressing case backlogs. Courts must proactively gather and utilize data to effectively manage cases, especially DV cases. Collaboration between judicial officers, court-process experts, and data-process experts is crucial to ensure that data and technological solutions meet the needs of all court personnel. Addressing the issues of inconsistent data collection and usage involves establishing standardized protocols and definitions that are uniformly applied across jurisdictions. For this, the implementation of National Open Data Standards (NODS) (www.ncsc.org/nods) emerges as a solution.

The Solution

The adoption of NODS, designed to improve court data and enable cross-jurisdictional research analysis, has been recognized by some courts for its benefits. NODS is fundamentally a process of mapping court data to standards so that the data can be used accurately and effectively. NODS can be part of a data governance plan, supporting the overall data life cycle, by helping courts:

1. Identify needed data, which fosters consistency and quality in data collection;
2. Provide sample values for data elements to increase data consistency;
3. Improve the quality of data so that meaningful analysis can be done, illustrating what courts are doing and how they are impacting the community; and
4. Establish policies related to data deletion and archival.

Courts that have implemented NODS have illuminated opportunities to improve data quality, a critical element for effective case management, across three key areas:

Navigating Caseloads/Optimizing Case Progression: Tracking time frames and case status is essential for accurately assessing how courts manage caseloads. The absence of accurate data poses a challenge in identifying bottlenecks or backlogs in the court process. This can lead to delays in DV cases. Analyzing events impacting timeliness, such as the granting of continuances, is essential to uncovering root causes behind delays and inconsistencies in case progression, which delay relief for survivors.

Enhancing Demographic Data Collection: Improved data collection and proactive monitoring across demographic groups are essential for analyzing and addressing racial and ethnic disparities. An equity analysis approach can optimize resource allocation by identifying disparities at multiple decision points in a case's life cycle.

Utilizing Data/Unlocking Insights: While individuals seek relief from courts in DV cases, external life factors impact cases. Courts are striving to determine the prevalence of complex issues in protection order cases, such as mental illness, substance use, advocacy, legal support, transportation, childcare, housing assistance, and coercive control. Courts can serve as a gateway to a comprehensive support network by utilizing data to understand service needs, available resources, and gaps. However, only a few courts possess the necessary data, primarily within the framework of a mental health task force, to broaden the scope of inquiry to diagnose service gaps and prompt changes in funding or community partnerships. Data utilization helps courts identify and communicate needs, build public trust, and understand survivor needs beyond the immediate case.

As NODS continues to gain popularity, courts can amplify data-collection processes by using this tool to consider key factors for DV and adopt a complete set of data standards that can be applied across jurisdictions. This has provided opportunities for NCSC to develop use cases for NODS that focus on specific case types, such as the DV extension.

Case Studies

NCSC piloted the DV extension to NODS (<https://perma.cc/NUL7-EYN7>) in summer 2023 via a Domestic Violence Backlog Lab to help courts better understand and address factors contributing to backlogs and case delays. As part of the lab, participants, including courts in Delaware, Illinois, and Puerto Rico, assembled teams of judges, court-process experts, and data experts to learn about the multifaceted data life cycle, including data-quality and data-improvement practices. Participants also compared their court data with the DV extension to NODS, analyzing where their data met the standards and where it did not align. This analysis, coupled with discussions during the lab itself, revealed that certain important data elements were not being collected, including information on parties present, postponements (requesting party and reason), and identifiers to track individuals across cases and courts within the state. Momentum built by participation in this lab has spurred data-improvement efforts in their jurisdictions.

Case Study: Delaware

Delaware's family court has launched efforts to increase the capacity for court services by implementing a dedicated DV compliance calendar for added accountability for litigants ordered to DV intervention and community services. They are also pursuing recidivism data analyses to determine if case management through the DV compliance calendar has helped reduce recidivism and increase completion rates for their DV intervention program. Administrative staff have indicated that rates of petitioner dismissals for civil protection order cases have been a significant concern. Thus, the court is considering opportunities for partnerships with universities and advocates to identify the reasons for dismissals to assess potential gaps in court services. A multijurisdictional study will be able to evaluate this trend and the impact of various frameworks as they are developed. As this work continues, Delaware aims to bring a procedural justice focus to these cases to explore the possibility of the court providing assistance, identifying needed resources, and maximizing self-efficacy for survivors. However, many of these efforts are challenged by the lack of an electronic filing system. Paper-filing systems make it difficult to track data and case history; thus, Delaware will continue burgeoning efforts to identify and establish an electronic case management system.

Case Study: Illinois

Illinois's participation in the lab was particularly timely as the Illinois Supreme Court has established the Supreme Court Committee on Domestic Violence and Human Trafficking to identify strengths and opportunities for improving court processes for these cases. The committee has since created workgroups on data collection, firearms restrictions, human trafficking, and remote access. It is also addressing issues related to T and U Visas to support survivors of trafficking and other crimes.² The data collection workgroup is focusing on data improvement efforts, including identifying data elements the various stakeholders collect, determining which elements to keep or discard, and

² See Victims of Human Trafficking: T Nonimmigrant Status at <https://perma.cc/Q5PN-RNS5> and Victims of Criminal Activity: U Nonimmigrant Status at <https://perma.cc/36NG-B2S9>.

assigning stakeholders to collect the consensus list of elements. Though Illinois does not use a singular case management system, the Administrative Office of the Illinois Courts is updating their statewide data collection and storage system and plans to include DV-related data in this new system.

Case Study: Puerto Rico

The Judicial Branch of Puerto Rico leveraged what they learned from the DV extension of NODS and the lab to implement immediate strategies and develop a work plan for longer-term efforts. According to Dr. Mario Marazzi, director of the Office of Statistics, Data Sciences, and Judicial Planning, “In the case of Puerto Rico, the National Open Court Data Standards (NODS) helped us perform a metadata benchmarking exercise that let us identify a feature of our clerk’s data entry that needs improvement.” This exercise revealed incorrect coding of case identification affected the judge’s disposition of the order. As a result, approximately 50 percent of the civil protection order requests in some regions were found to be incorrectly recorded as denied. Puerto Rico has been working to quickly fix the errors to all incorrectly registered civil-protection-order cases that have occurred since 2015 and are sharing the results of this audit with their judges. Puerto Rico has transformed their court statistics team with the establishment of an Office of Statistics, Data Sciences, and Judicial Planning and is adding continuous quality improvement functions to their work. In addition, the courts are working to build an organizational structure to support quality data by pursuing training for clerks on data-entry practices and establishing a cohort of staff to pilot new data-entry processes. Puerto Rico is encouraged by the work that has been undertaken thus far to improve identification of gaps and strengthen relationships with stakeholders. Dr. Marazzi added, “These changes are critical to strengthening the judicial processes in Puerto Rico to better protect victims of domestic violence.”

Future Work by NCSC

The combined achievements of the DV extension of NODS and DV Backlog Lab continue to lead to data-improvement efforts beyond the original scope of the project. With support from the U.S. Department of Justice, Office on Violence Against Women, NCSC is conducting a research and evaluation project in Illinois to further the data-improvement efforts begun by the state’s supreme court committee and the DV Backlog Lab. With a goal to create a more efficient and human-centered court system, NCSC will conduct data and process analyses to streamline processes and improve offender monitoring. NCSC will also leverage the application of NODS to the model Domestic Violence Coordinated Court in Winnebago County to evaluate the program’s impact. This evaluation will identify potential practices that can be infused into other courts to equip judges with critical information and provide appropriate attention to survivors through case management and services, potentially serving as a blueprint for jurisdictions nationwide. Findings and lessons learned from this project will be made available on www.vawaandcourts.org.³

³ Also available at <https://perma.cc/9TPN-JCSR>. For more information on data standards, see Pandemic Response Team, [Business Data Dictionary for Courts](#) (Williamsburg, Va.: National Center for State Courts, 2024).



Action Planning to Advance Systemic Change

State courts should embrace action planning as a mechanism to amplify access to justice, in particular for people of color and other historically marginalized groups. Action planning requires continuous work to break down institutional barriers, making way for environments rich in diversity, equity, inclusion, and belonging (DEIB).



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A Catalyst for Change: New Jersey's Courts

Through the vision of Chief Justice Stuart Rabner, the New Jersey courts are engaged in an ongoing effort to dismantle institutional biases and improve court operations for greater justice equity. This initiative is more than aspirational pronouncements about equality and fairness. It is about the implementation of measurable steps to improve the court system. This article provides a roadmap for how courts, regardless of size, can use New Jersey's action-planning model to fulfill their mission.

The New Jersey Supreme Court Action Plan for Ensuring Equal Justice, launched in July 2020, reinforced and focused New Jersey's commitment to DEIB initiatives. This plan addressed systemic racism and other inequalities with nine specific, measurable action items.¹ From improving impartiality in jury selection to requiring continuous legal education on diversity and bias, the first installment of the plan laid a foundation for concrete change.

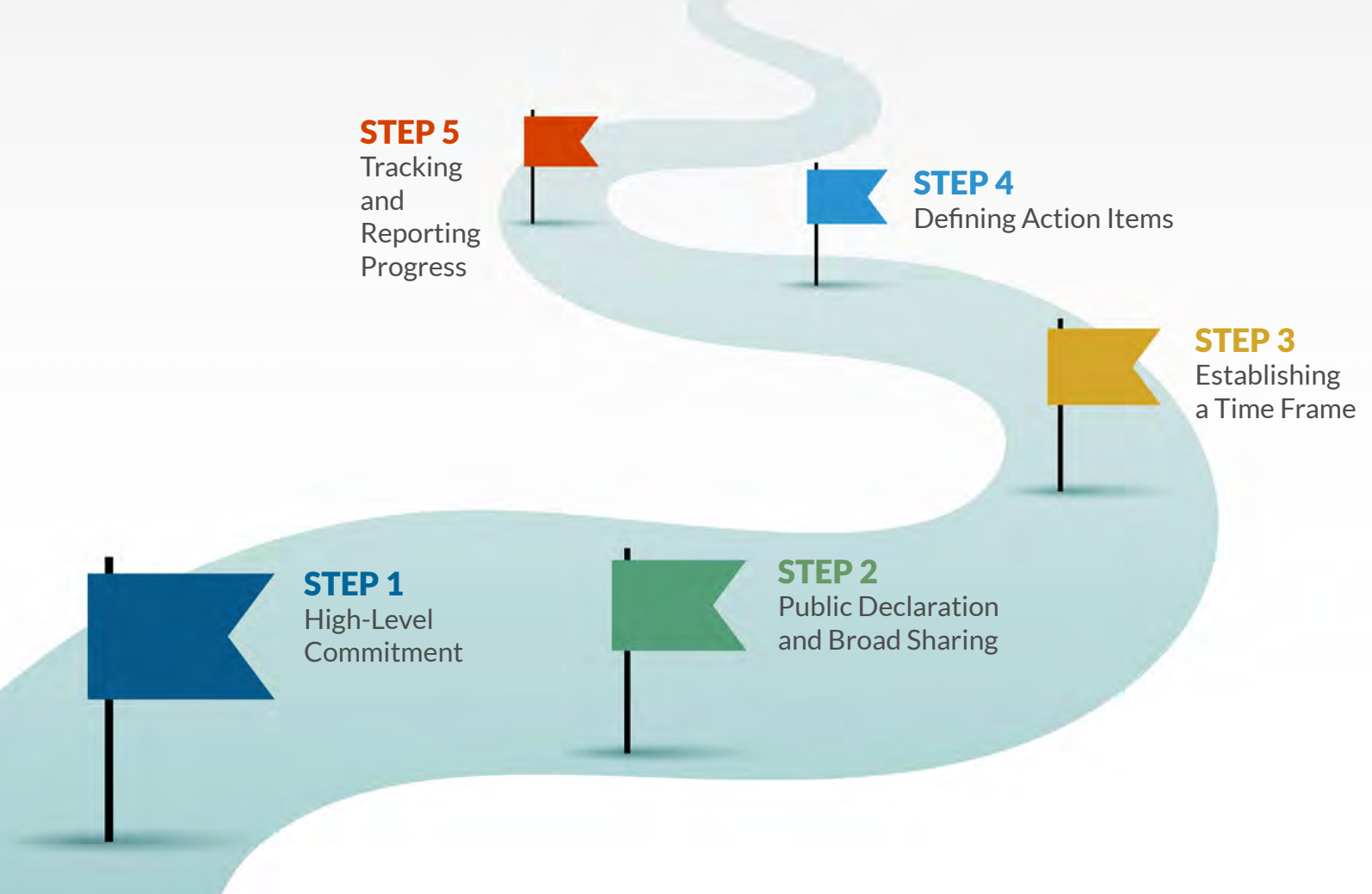
Each subsequent year, the New Jersey Supreme Court has reported on its progress, documenting achievements and setting new goals for reform. The plans for 2021 and 2022 and the latest installment in 2023 include pledges to provide greater transparency in collection of debts and court-imposed fines and fees, investigation of potential biases in juvenile probation interventions, and support for attorneys of color.² In addition, the judiciary also adopted an Equity Impact Analysis tool to ensure that all policy and other proposals are evaluated for alignment with DEIB Guiding Principles.³ Each of the 36 items in the first four installments of the court's action plans focuses on an identified gap and proposes one or more ways to address that gap through improvements to court practices, procedures, or outcomes.

The action-planning process is shaping New Jersey's court culture. By acknowledging hidden inequities and fostering a community where everyone is encouraged to voice concerns, the courts engage in collective problem-solving and shared victories. Successes are no longer celebrated only by people directly involved with clients or local initiatives; rather, they are broadcast throughout the judiciary, inspiring further change and reinforcing the value of the action-planning process.

¹ See New Jersey Judiciary, "Commitment to Eliminating Barriers to Equal Justice: Immediate Action Items and Ongoing Efforts," at <https://perma.cc/99YX-H6NT>.

² See the plans for 2021 at <https://perma.cc/J3PR-4QWX>; for 2022 at <https://perma.cc/CN92-WG9Y>; and for 2023 at <https://perma.cc/74AA-6GC7>.

³ See the Equity Impact Analysis at <https://perma.cc/6MAC-5J2F> and the Guiding Principles at <https://perma.cc/4SVG-R4DD>.



A Roadmap for Action Planning in the Judiciary

To make action planning effective and meaningful, courts need a clear, actionable roadmap. This is not just about setting goals but about committing to a process that yields results and fosters accountability. As one model, consider this roadmap to ensure that action planning translates into progress and change.



STEP 1 | High-Level Commitment

Action begins at the top. The most successful action plans have buy-in from the highest levels of leadership. When a chief justice, supreme court, or administrative director publicly commits to action, especially concerning race equity, it sends a powerful message. The commitment must be clear, and its progress must be measurable. Action planning is not about making promises; it's about setting a standard for accountability and creating a metric for success.



STEP 2 | Public Declaration and Broad Sharing

Once the commitment is made, it should be shared across the entire organization. It is important to communicate the pledge to all levels, from senior leaders to frontline staff. This transparency ensures that the commitment is known, shared, and supported, promoting a culture of inclusivity and collective responsibility.



STEP 3 | Establishing a Time Frame

Change rarely happens overnight, but without a timeline, it might not happen at all. By setting a time frame of one year or less, the court places significant pressure on itself to act and not let initiatives languish. Some objectives might be reached sooner, but the deadline ensures sustained attention and effort. This step is about pacing to ensure that the court stays on track without becoming complacent.



STEP 4 | Defining Action Items

Identifying specific action items is critical. Courts can consider an ABC approach to action planning:

- **Authority:** Ensure that the right people are empowered to act.
- **Buy-In:** Gain the support of those involved and affected by the actions.
- **Collaboration:** Work together within and beyond the court system.
- **Duration:** Set realistic time frames for each action item.
- **End Results:** Define what success looks like.
- **Follow-Up:** Determine how the court will maintain improvements over time.

This structured approach ensures that each action item is grounded in a strategy that's both achievable and sustainable.



STEP 5 | Tracking and Reporting Progress

The final step is ongoing evaluation. This is about tracking what's working and what's not and understanding why. It's about being transparent with progress, or the lack thereof. Reporting out, ideally annually, holds the court accountable not just to itself but to the public it serves. The court must own its successes and its failures, learning from both to continually refine and improve its action plan.

By following these steps, courts can ensure that their action planning is more than just a set of intentions; it becomes a dynamic process that drives systemic change. Each step builds on the last, creating a cycle of continuous improvement that can respond to the evolving needs of the community and the demands of justice.

By following this roadmap, courts can ensure that their action planning is more than just a set of intentions; it becomes a dynamic process that drives systemic change. It creates a cycle of continuous improvement that can respond to the evolving needs of the community and the demands of justice.

Selecting and Implementing Action Items: The ABCs of Effective Reform

To select the right action items, courts can use an ABC model focusing on Authority, Buy-In, Collaboration, Duration, End Results, and Follow-Up. This model provides a structured approach to choosing and implementing reforms that can lead to systemic and lasting change.



AUTHORITY | The Starting Point for Independent Action

Before embarking on a reform, courts must assess their independent authority to enact change. Some initiatives, like amending court rules to mandate diversity and bias training for attorneys, may lie well within the judiciary's purview. Similarly, requiring implicit bias training for judges and court staff is a move the court can unilaterally implement. These kinds of actions are ideal starting points because they do not require external approval, allowing the court to act decisively and swiftly.

Court-driven reforms often yield significant return on investment that can catalyze interest and engagement. For example, New Jersey announced, implemented, and then reported on the court's pledge to train its entire workforce (approximately 9,000 employees) on implicit bias. Judges and staff at all levels participated in those critical training programs, which enhanced awareness of DEIB issues and strengthened support for action planning.



BUY-IN | Securing Stakeholder Support

Not all reforms are solely within the court's control. In these cases, securing buy-in from necessary stakeholders becomes essential. This involves gauging current support levels and identifying strategies to bring stakeholders on board within the set time frame. The objective is to ensure that those who have a stake in the court's functioning are not just aware of the proposed changes but are active proponents of them.

The landlord-tenant reforms launched in New Jersey in 2021 illustrate the value of buy-in from parties with different interests. Rather than unilaterally adding new pleading requirements for property owners and additional opportunities for tenants to raise affirmative defenses, a special committee, including plaintiff attorneys, legal service providers, and community advocates, worked together to recommend reforms that were acceptable and workable to all parties.



COLLABORATION | The Key to Joint Initiatives

Certain reforms extend beyond the judiciary's scope and require collaboration with other branches of government or external organizations. Determining the feasibility of such partnerships is vital. Will the legislature, executive, or local agencies be open to working with the court? Is there a history of collaboration that can be expanded? Courts must evaluate whether these cooperative efforts can be established promptly and effectively within the relevant schedules.

One example is New Jersey's Judiciary Opportunities for Building Success (JOBS) program. Through the JOBS program, the judiciary has connected hundreds of probation clients and participants in recovery court with employment opportunities made possible through public-private partnerships with some of the top companies in New Jersey, including hospital systems, utilities, and large and small businesses. While the judiciary leads this initiative, its success derives from the voluntary engagement of employers who offer good pay, benefits, training, and employment, in particular for Black clients, who comprise the largest race category (53 percent) of those who have secured employment through the JOBS program.



DURATION | Balancing Short-Term Wins and Long-Term Goals

The timeline for reform can significantly influence the perception of success. While long-term initiatives lay the groundwork for systemic improvements, short-term wins can be crucial for maintaining momentum and demonstrating progress. To that end, courts should identify reforms that can deliver immediate, visible benefits while also contributing to the broader, ongoing objectives of the judicial system.

As part of the first installment of its action plan, in 2020 the New Jersey Supreme Court vacated old outstanding warrants for failures to appear for 592 juveniles. This action provided immediate, measurable results for youth, including disproportionate numbers of youth of color. More recently, in furtherance of the spirit of this earlier promise, the court vacated more than \$7 million in unpaid supervision fees owed by people no longer subject to probation supervision.



END RESULTS AND FOLLOW-UP | Measuring Impact and Sustaining Progress

Finally, courts must clearly define the intended outcomes of their reforms. Some changes may have a direct and immediate positive impact on those interacting with the justice system. Others may be more indirect, setting the stage for future benefits. It is important to consider what will resonate with the community and stakeholders. Additionally, a plan for regular follow-up and assessment ensures that the reforms have the desired effect and that the court remains accountable for continuous improvement.

For example, in December 2020 the court approved a framework for standardized statewide review of certain adults and juveniles subject to probation supervision. Consistent with that protocol, superior court judges ordered early termination of probation supervision for more than 500 individuals who had achieved critical rehabilitative goals and met other relevant criteria. Some individuals were discharged entirely, and others had their cases converted from supervision to collections only.

To ensure that such actions are more than a one-time effort, the court authorized and directed probation services to review future cases periodically to determine eligibility for early termination. A review conducted in 2024 confirmed that since the court authorized ongoing review, judges have concluded supervision early for around 8,000 more people on probation.

By carefully evaluating potential reforms, courts can select and implement initiatives that not only address immediate concerns but also pave the way for a judiciary that is more equitable, inclusive, and responsive to the needs of all its citizens.

Examples for Inspiration

Initiatives across various states offer a wealth of knowledge and strategies for courts at every level to adapt and adopt in their quest to improve equity in the administration of justice. Additionally, state courts looking to advance racial justice initiatives are encouraged to consider the action plans or strategic plans published by Delaware, Michigan, Minnesota, New Hampshire, New Jersey, and Washington, as well as the ongoing work of other court systems as highlighted in NCSC webinars and policy resources.⁴

Conclusion

As our state court systems continue to evolve, so do our responsibilities. The work of New Jersey's courts exemplifies a commitment to systemic change that ensures justice for all. As these plans continue to unfold and more courts embrace action plans of their own, the promise of a truly fair and equitable judicial system becomes increasingly attainable.

⁴ See Delaware's plan at <https://perma.cc/G56R-QVRS>; New Hampshire's plan at <https://perma.cc/C4DQ-9ERP>; and Washington's plan at <https://perma.cc/BX39-HZP4>.



FROM CLASSROOM TO COURTROOM: Engaging Today's Students to Become Tomorrow's Court Professionals

This article summarizes the findings of a field visitation program during the 2022-23 academic year in an urban district trial court. A diverse cohort of undergraduates from a national university participated in an onsite learning experience about the various roles, responsibilities, and career opportunities in the judicial branch.

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Background

Experiential learning involves the application of concepts and ideas. Activities that place students in working environments as a part of the course curriculum result in a learning experience that enhances students' comprehension of the material and, perhaps more importantly, fosters personal and social development (Larsen et al., 2017; Lei, 2010). Furthermore, scholars have found that students who engage in experiential learning in tandem with classroom activities had better retention of the material, were more highly motivated following the experience, and scored better academically in the course (Fedesco, Cavin, and Henares, 2020; Ryan and Deci, 2017). Field experiences, in particular, help shape and inform students' perspectives on early career choices (Kolb, 1984; Hutson, Cooper, and Talbert, 2011).

Courts can use experiential learning to build on the interests and curiosities of university students by helping them explore the depth and breadth of careers in the judiciary that they would not have otherwise discovered. These benefits are generally supported by the literature for both public- and private-sector organizations that partner in comparable initiatives (Cupps and Olmosk, 2008; Sanahuja Vélez and Ribes Giner, 2015; Rothman, 2007). Courts that are not already engaged in these collaborative programs fail to reap the advantages that these high-reward/low-risk opportunities can yield. For instance, prospective employers can use experiential learning to differentiate their recruitment from other agencies and industries competing to draw the best and brightest into their organizations. Managers can also use these occasions to bring awareness about required and preferred qualifications and develop students' skills to secure employment with the institution. Moreover, employers gain a forum to demonstrate the value of their contributions to the people and businesses located in the same community as the university.

This visitation program discussed here provided a district trial court a platform to enhance its recruitment pool by engaging with a diverse student cohort. For those court employees assigned to interact directly with students, it allows them to reflect on their experiences and the development of skills they cultivated during their careers. These collective experiences can increase employee job satisfaction by broadening the scope of their daily work and reinvigorating their commitment and dedication to the purposes and responsibilities of courts.

With these objectives and potential benefits in mind, and in accordance with Kolb's cycle of experiential learning, an onsite visitation program was designed for the purposes of integrating the following into the curriculum:

- 1. Knowledge:** the concepts, facts, and information acquired through formal learning and experience.
- 2. Activity:** the application of knowledge to a real-world setting.
- 3. Reflection:** the analysis and synthesis of knowledge and activity to create new knowledge.



The pilot program focused on developing and coordinating the field visitation program at a district trial court located in the same county of a national university where select courses were offered during the 2022-23 academic year. The court ombudsman office corresponded with faculty for several months to arrange a half-day program for students to observe various operations of the trial court.¹ Ultimately, the aim of the pilot was to determine the relative value of these unique experiences when students are afforded greater insight into the general working conditions and environment of professionals employed in the judiciary (and specifically the trial courts).

Methodology

Students enrolled in the Fundamentals of Courts, Criminal Courts, and Comparative Justice Systems courses during the fall 2022 and spring 2023 semesters were selected for the study. Students were surveyed before the program launch and then again following the half-day session. The visitation allowed students to observe actual court proceedings, including a sentencing and plea hearing, and engage with judges, executive-level managers, and other personnel, all of whom provided an overview of their roles and responsibilities. Time was allocated at the end of each segment for students to ask questions about the work and career trajectory of the professionals. The areas of work that were incorporated into the visitation program included the Trial Court Administrator's Office, Office of the Ombudsman, Criminal Division, Probation Division, and General Operations (including Jury Management).

Post-visitation survey data were collected along 11 variables and elicited through a series of Likert scale questions (five-degree differential) pertaining to students' experiences and observations. Demographic data were organized along the criteria of major, resident/commuter status, year of study, race, ethnicity, and gender. A content analysis was done on comments extracted from two open-ended questions in determining the strengths, areas in need of improvement, and perceived utility of the program. The results, conclusions, and recommendations were provided to the Center of Faculty Development—the university institute that granted the fellowship to conduct this study. The university sent a follow-up letter to the district court conveying appreciation for hosting the student cohort, with the recommendation that the partnership with the university be continued and expanded given the study's preliminary findings.

¹ In some jurisdictions, the role of an ombudsman is overseen by a communications director or officer.



Findings

Findings matched conclusions in the related literature demonstrating benefits for both the academic institution and court organization. More specifically, results showed high rates of satisfaction among participants. Students were more highly motivated to learn about career opportunities in the courts following the onsite learning experience and interaction with judges, probation officers, and court management professionals. Comparing pre- and post-survey results of the program indicated that undergraduates' knowledge base expanded and general interest in the court administration profession increased. The content analysis of comments was particularly noteworthy regarding the effects the visitation had on perceptions of the court profession.

Results were tabulated using the mean score for each of the 11 variables to assess students' feedback about their experiences and observations. The fall 2022 cohort totaled 13 students, whereas the spring 2023 cohort comprised 21 students. Students' evaluations of the program ranged between "agree" and "strongly agree" (see *Table 1*). With respect to the agenda, administration, judge, and courthouse environment, both cohorts likewise assessed the overall program favorably as either "very good" or "excellent." Both sets of the evaluation suggest that students found each segment of the program overwhelmingly positive.

Table 1 Mean Scores of Undergraduate Feedback of Court Visitation Program by Survey Measure and Semester

SURVEY MEASURE	FALL 2022 COHORT Mean Score	SPRING 2022 COHORT Mean Score
<i>Visitation Program Deliverable</i>		
Student would participate in another visitation	4.69	4.76
Course prepared student for visitation	4.54	4.81
Visitation enhanced student learning	4.69	4.71
Student would recommend professor organize visitations for future course offerings	4.85	4.95
Presentation materials provided by the court were informative	4.77	4.76
Duration of the visitation was satisfactory	4.69	4.76
Visitation provided a good proportion of theoretical and practical learning	4.92	4.71
<i>Visitation Program Deliverable</i>		
Agenda/Program Organization	4.46	4.48
Administration Presentation	4.38	4.62
Judge Presentation	5.00	4.57
Courthouse Environment	4.69	4.62

Notes:

Response scale for the visitation program deliverable denoted students' level of agreement as follows: 1 = Strongly Disagree; 2 = Disagree; 3 = Neutral; 4 = Agree; 5 = Strongly Agree.

Response scale for visitation program presentation denoted students' level of satisfaction as follows: 1 = Poor; 2 = Below Average; 3 = Average; 4 = Above Average; 5 = Excellent.

Most program participants were criminal justice majors (*see Table 2*). This is not surprising given that the selected classes are upper-level courses that are not generally taken as electives by nonmajors. Slightly more than 60 percent of the undergraduate group were campus residents. Sophomores comprised the largest faction of the class groupings, making up 38 percent of the cohort. More than 70 percent of the cohort identified as female. While most of the class identified as Caucasian, more than a third of the cohort identified themselves as Hispanic. African Americans comprised 15 percent of the group. There were no significant differences observed in the satisfaction rates of the deliverables or presentation of the program. All students regardless of status or semester enrolled rated the onsite visit favorably.

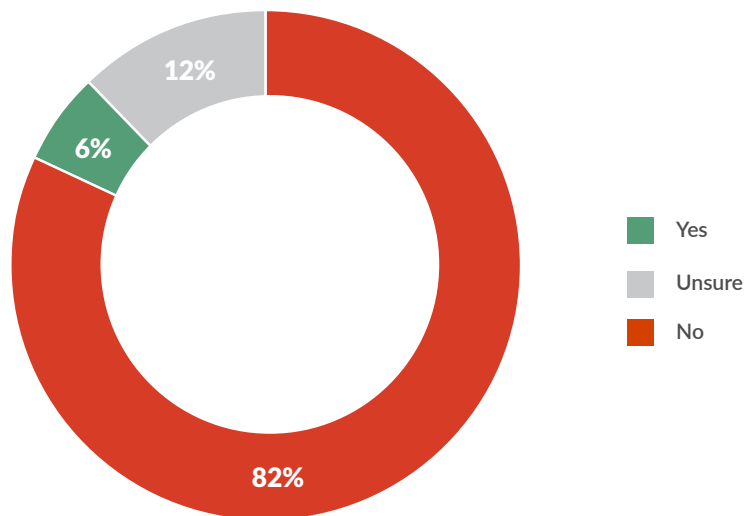
Table 2 Notable Demographics of Undergraduate Participants

DEMOGRAPHIC VARIABLE	PERCENTAGE OF COHORT
Criminal Justice Major	91
University Resident	62
Sophomore	38
Female	71
Hispanic	35
<i>Race</i>	
Caucasian	76
African American	15
Asian	6
Other	3

Students were asked to respond to this statement before the field visit: I have an interest in pursuing a career in the court administration field. All but two of the undergraduates were interested in pursuing a career in law enforcement, law (as a practicing attorney), or unrelated fields (nonmajors who were taking the course as an elective) or were uncertain. It should also be noted that the instructor made clear to those seeking work in policing that probation could be a viable option.² The data demonstrated that more than 80 percent of the cohort at the start of the semester had no apparent interest in exploring court administration as a profession (*see Figure 1*).

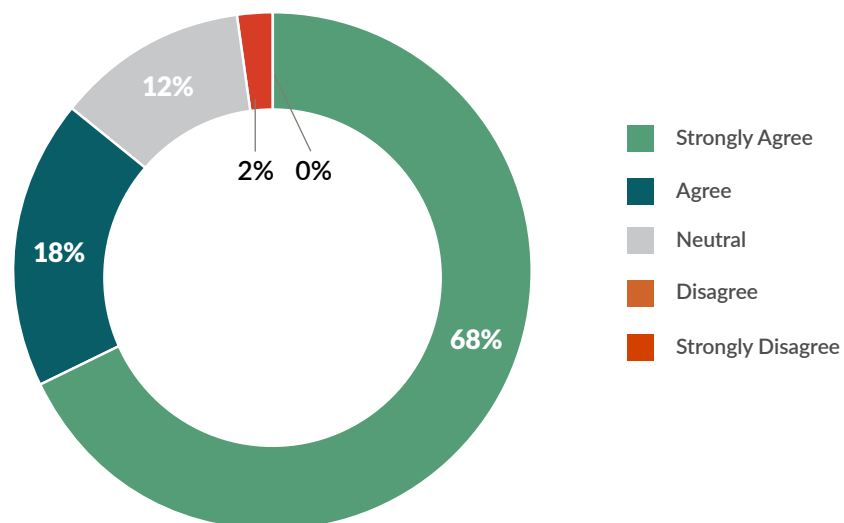
² In the state where the field visit was conducted, probation fell under the auspices of the judiciary as a division of the courts.

Figure 1 Percentage of Student Cohort with an Interest in Pursuing a Career in Court Administration Before Onsite Visit



Following the onsite visit with judges and court professionals, the undergraduates expressed their level of agreement with this statement: *This course increased my interest in the court administration field as a possible career choice.* Eighty-six percent expressed a newfound interest in at least exploring and discussing the job opportunities available in the judiciary. Only 2 percent appeared determined to pursue an entirely different line of work outside the judicial branch (see Figure 2).

Figure 2 Percentage of Student Cohort's Level of Agreement with an Interest in Pursuing a Career in Court Administration following the Onsite Visit



Undergraduates were asked to respond to the following open-ended questions from which a content analysis was conducted:

- 1. What specific aspects (if any) did you find positive about the onsite visitation program?**
- 2. In what ways (if any) do you believe the onsite visitation program can be improved?**

More precisely, the students’ aggregate feedback was reviewed to determine the existence and frequency of factors that elevated their onsite experience, as well as considerations that could have enriched it further. Students were most notably absorbed by the live court sessions, the professionalism of the presenters, and the breadth of information about careers in the judiciary. Suggested improvements were grouped into providing transportation to and from the courthouse and expanding the program to a full day to deepen their exposure to the processes and professionals of the courts (see *Table 3*). Incidentally, this latter recommendation could be viewed as a positive remark given that many students sought to build on the experiences afforded during the visit.

Table 3 Emergent Themes to Research Questions and Sample Responses

THEME	SAMPLE RESPONSES
<i>Positive Aspects of Visitation Program</i>	
Viewing live court hearings	<ul style="list-style-type: none"> • The ability to see the court process in practice was really good. • Seeing the judge sentence a defendant was a unique experience. • Viewing a court proceeding so that I could connect it to our class discussion was very informative.
Disposition of visitation speakers	<ul style="list-style-type: none"> • Meeting with administrators because it felt personal. It was great to see the diversity of managers and judges. • Everybody was incredibly enthusiastic and really loved what they do. • The love for their job really resonated with me. Made me feel like I could belong. • I enjoyed getting to hear from the administrators who had a similar background to me and how they make a difference in the community.
Career presentation information	<ul style="list-style-type: none"> • I liked hearing from different sectors of the courts. • I gained a lot of new information and insight I was not previously aware of—I am interested in a whole new set of careers now. • I enjoyed the internship opportunities presented and talking to the different people from various areas of the court.
<i>Suggested Improvements for Visitation Program</i>	
Transportation	<ul style="list-style-type: none"> • It would be beneficial to provide transportation from campus to the courthouse. • The organization of getting to the court—maybe a bus for transportation so the whole class could travel together.
Lengthen visitation time frame	<ul style="list-style-type: none"> • A longer visitation would give more depth (including more divisions, greater detail on the inner workings of the different courts, viewing more court proceedings, etc.). • Make it a full day and add a portion for networking with professionals. I would have liked to have spent more time talking with [the probation supervisor].

Apart from field visits, there are several methods that allow students to apply what they learn in the classroom to work environments, including internships, cooperative education, course fieldwork, faculty-led research projects, volunteer engagements, and employer-university led partnerships, conferences, guest speaker series, and networking events.

The preliminary results of this pilot program suggest that courts should consider exploring these collaborations with post-secondary institutions. Overall, this specific visitation provided students with a clearer understanding about select concepts of court administration, a broader view of the trial court system and the community it serves, and an opportunity to build and foster network contacts for future internships and job opportunities in the courts. The judiciary, likewise, appeared to benefit from the program because it gained a diverse candidate pool of students from which to recruit prospective interns and employees, who were evidently more enthusiastic about working for the courts following their visit.

This appeared particularly noteworthy for minority students who engaged with court professionals with similar ethnic and racial backgrounds. The professionalism and positive impression espoused by a probation supervisor (a Hispanic female), criminal division judge (an African American male), and jury management supervisor (an African American female) were remarkable and noted in students' comments.

Many students were observed by the instructor approaching these professionals following their respective presentations to inquire further about their experiences. The comfort level was made possible by the administrators and judge, who offered their advice and support and were generous with their time in responding to the impromptu questions of the group that gathered around them. These observations are indicative of the benefits of meeting and speaking with historically underrepresented persons who are professionals in the court workplace. As evidenced by the subsequent classroom discussions and some of the salient points made by students, the visitation showed them firsthand that the court was inclusive, served as an advocate for disenfranchised groups, removed real and perceived barriers, demonstrated a commitment to a diverse workforce, and amplified the sense of community that the court administrators were proud to serve. It also provided institutional spokespersons with a unique opportunity to discuss their work experiences while conveying their commitment and passion about the purposes and responsibilities of the courts—discourses that appeared to energize both the students and professionals.

Conclusions

Findings corresponded to the literature in showing that the benefits derived from the visitation are inextricably linked to the design of the initiative. Thus, the role of the instructor and court liaison in developing these kinds of learning experiences cannot be understated because it directly affects the extent to which objectives for the program are achieved (Menkshi and Braholli, 2020). Recommendations were segmented along suggestions that were research, action, and project oriented. One of the key proposals included strengthening the pilot program experience with other opportunities to engage professionals for the purposes of internships, guest-speaker engagements, or undergraduate research projects. Because the visitations provided a venue that allowed students to interact intellectually and socially with judges and court administration professionals, it could be used as a touchstone to further enhance diversity, equity, and inclusion initiatives and other collaborations such as hosting practitioners for university-sponsored forums, conferences, and roundtable discussions. More broadly, questions remain: How can the university and court work together to best involve stakeholders in the development and delivery of onsite visitations? To what extent, given time and resource constraints, can visitations be individualized to best meet students' interests even if they are not fully aware of the potential possibilities? Should students be given a modicum of control over the areas toured and professionals they interact with while visiting the court?

The program appeared to improve undergraduates' ability to think more critically about the concepts discussed in the classroom, particularly as it related to various court events and the internal and external stakeholders who play important roles in those processes.

Perhaps most critically, the visitation widened the students' perspectives of court administration because it involves an experience that cannot be replicated in the classroom. Being onsite, however briefly, enabled them to empirically study the many areas of the court, including case management, probation, finance, operations, human resources, and information technology.

This exposure was at least partly responsible for the change in interest that most of the group had when asked about considering a career in the courts following the visit. Expanding the general scope and scale of the pilot was central to the proposed recommendations, principally because the results showed remarkable promise in helping to shape cognitive and affective learning outcomes. In this way, it shifts students' understanding of and appreciation for the work of the courts, which can ultimately inspire them to become its next generation of leaders.

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PHASE: A Practical Approach to Implementation

Implementation science is the study of strategies to promote the successful adoption and integration of policies, practices, or programs. PHASE is a research-based implementation framework specifically designed for court professionals.

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Even the most meticulously crafted plans can encounter challenges when it comes to implementation. Lack of buy-in, limited resources, and the absence of readiness can stall or stop an action plan in its tracks. This is especially true in the court community, where there may be frequent shifts in priorities, multiple partners with diverse perspectives, and resistance to change. Fortunately, research from other fields, including education, healthcare, and social services, can teach strategies to drive successful change efforts. This area of study is called implementation science, and its application in justice settings is growing (Zielinski, Allison, and Brinkley-Rubenstein, 2020).

Implementation science is the study of strategies to promote the adoption and integration of practices and programs. Lessons from implementation science bridge the gap between plan and practice and optimize the conditions that lead to effective implementation. There are many different implementation frameworks; however, most agree that implementation happens over time and in phases and can be impacted by factors external to the change itself, such as policies, organizational culture, and leadership. Successful implementation of a policy or practice change begins long before it is executed. Implementation starts with an intentional focus on mobilizing interest, consensus, and support among key partners and the building of structural supports, such as policies, performance measures, and feedback loops (Fixsen et al., 2005).

The National Center for State Courts (NCSC) developed the PHASE framework, a practical approach to help courts implement new policies, programs, and practices. The PHASE framework integrates research-based strategies from implementation science in other fields to support courts in cultivating the internal and external conditions that create environments conducive to change. It creates an easy-to-follow structure for courts on how to intentionally plan for implementation efforts. The framework has five components.



PURPOSE

A clear statement of the purpose for making a change, including its anticipated outcomes, is critical for successful implementation. It can keep the effort focused and unite court professionals, community members, and partners in support. A purpose statement should cover two key aspects:

- Description of the issue prompting the change, including specific areas for improvement.
- Anticipated consequences of the change, including its expected impact on processes and long-term outcomes.



HOW

Failure to establish readiness for a change is the most common reason change efforts fail (Weiner, 2009). When preparing to implement a change, court professionals can assess readiness by identifying individuals who will be involved or impacted, understanding the court's current capacity for change, and considering how the court's organizational culture may affect change efforts. When preparing to implement a new policy or practice, ask these questions:

- Are there resources (e.g., workforce, financial, time) to implement the change?
- How do individuals who will be involved or impacted by the change feel about it?
- Is there a court or judicial leader who is a champion for the change?



ACTION PLAN

A clearly documented action plan is vital for courts implementing new policies or programs. It ensures clear communication, aligns efforts, optimizes resources, and fosters accountability. The action plan also documents implementation strategies to mitigate risks identified in the readiness assessment (Powell et al., 2015). Key elements of an action plan include:

- Agreed upon tasks, timelines, and responsibilities.
- Clear expectations for communication frequency and methods to track progress on the action plan.
- Performance measures to monitor implementation.



SUPPORT

Court professionals and partners crucial to court operations benefit from strategic support via training, coaching, and feedback loops. These activities foster successful knowledge transfer, skill building, and a court culture that values continuous improvement. Intentionally planning how to prepare individuals to implement a new policy or practice includes:

- A targeted training schedule ensuring a shared understanding of the change and the reasons for it.
- Individualized coaching to support behavior change.
- Intentional feedback loops to share information and receive feedback from court professionals and partners.



EXAMINE

Evaluating whether a program, policy, or practice achieves its intended outcomes requires waiting until it is fully implemented; however, examining how implementation is going can provide valuable insights throughout the implementation process. Considerations when planning how to examine implementation include:

- Identifying the data necessary to objectively measure progress and when and how it will be collected.
- Processes and opportunities for sharing and discussing information to assess fidelity, identify successes and barriers, and inform adjustments to the action plan.

Pilot Testing the PHASE Framework

In fall 2023, NCSC welcomed 22 courts into the Implementation Consulting Collaborative (ICC) to pilot the PHASE framework. The ICC focused on educating participating courts on the PHASE framework and helping them apply it to real changes they are making in their courts. This involved a five-part virtual-training series, concurrent development of implementation plans, and follow-up monthly consultations. The pilot aimed to evaluate how the PHASE framework supports court professionals in assessing readiness, identifying strategies to address barriers, creating action plans, and implementing new policies and practices.

NCSC is evaluating the ICC to assess whether the content of the ICC was valuable and applicable to participants, how much the ICC contributed to participants' knowledge about key aspects of implementation science, and the extent to which the PHASE framework contributed to the effective implementation of court improvements. It takes years for efforts to be fully implemented. This article describes the short-term outcomes of the evaluation, including the usefulness and applicability of the framework and changes in knowledge.

The 22 courts selected to participate in the ICC represent 13 states and 4 international locations. The courts' implementation efforts were diverse, including data improvement and performance measurement efforts, new practices for managing records, court-community collaborations, and incorporating new hearing formats and case management processes such as mediations. Initial feedback from the participating courts demonstrated that the PHASE framework was applicable across court types and for a variety of implementation efforts.

NCSC tracked attendance in the five-part virtual-training series and established that participating courts needed to attend at least three sessions to receive subsequent monthly consultations. The ICC experienced nominal attrition, and 18 courts were eligible to receive monthly consultations. Many participating courts had multiple individuals attend the ICC sessions, and an average of 27 individuals attended each week.

NCSC developed several guided worksheets to help the ICC participants develop a comprehensive implementation plan that incorporates all the components of the PHASE framework. The worksheets were designed to spur critical thinking about implementation steps and understand the change process (see Figure 1).

Figure 1 Example of a Guided Worksheet that Was Provided to Site Participants

PHASE - Implementation Plan

Purpose Statement – TIP: Read the purpose statement before implementation meetings begin to help the group stay focused on the main goal of implementation.

Implementation Strategy – TIP: Implementation strategies are most effective when they are tailored to the need identified and multifaceted. Consider the items that scored a 1-2 on the **Questionnaire** and identify at least one strategy that can be applied at the individual and team level.

Key Information from the Questionnaire – needs identified	Implementation Strategies – add information here regarding the implementation strategies chosen and how it will be employed during implementation.

Working Action Plan

Objectives	Tasks	Responsible Person	Timeline / Due Date	Performance Measures

The worksheets were given as homework at the end of each training session, and participants were asked to submit their completed homework before the next training session. Several participants shared that the worksheets helped them think through details often overlooked during action planning. For example, one participant reflected that the stakeholder analysis worksheet was “a crucial step worth taking more time to consider.” They added that without intentionally analyzing the influence and support of stakeholders, implementation efforts can “lose out on potential partners or miss opportunities.” Another participant shared how the worksheets helped managers slow down and be intentional, stating, “As a manager, we are all busy and often want to press the easy button for everything, but this does not allow you to do that; instead, it forces you to slow down, think and take time showing that the investment [of time] really pays off.”

As part of NCSC’s evaluation efforts, participants were asked to complete a survey after each session. One of the items on the survey asked them to rate the relevance of the session’s content to their work. An average of 11 participants completed the evaluation at the end of each session. Participants felt strongly that the training content was relevant to their current work, and 91 percent rated the content as extremely relevant or very relevant across all five sessions (see Figure 2).

Similarly, participants reported that they would use what they learned in each session. When asked if they would use what they learned in the five-part training series, 77 percent of participants responded “definitely yes” (see Figure 3).

Figure 2 Relevance to Work

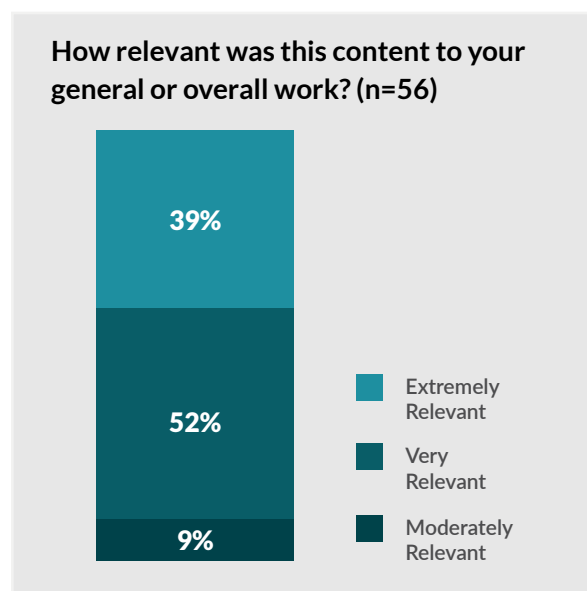
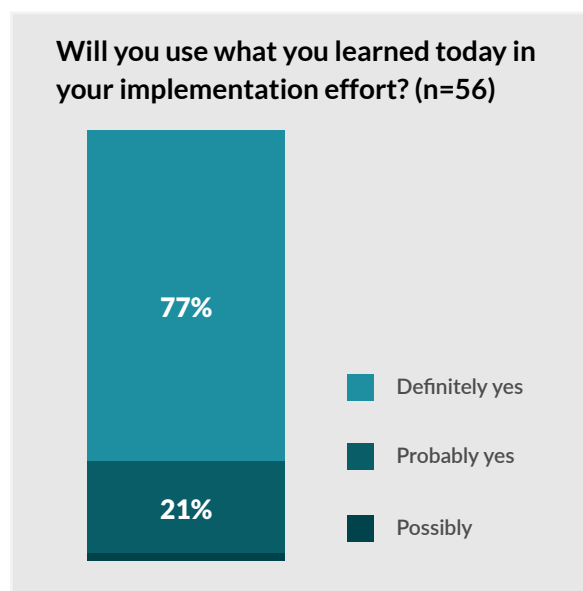


Figure 3 Application of Information



Increase in Knowledge

NCSC surveyed participants before and after the training series to gauge their agreement with statements about applying implementation science concepts. Twenty-five individuals completed the pre-test, and ten completed the post-test. In the pre-test results, participants disagreed with several statements, including:

- “I know how to apply principles of implementation science to my work.”
- “I can describe implementation drivers.”
- “I know how to identify threats to successful implementation and address them in an action plan.”
- “I know how to incorporate coaching and feedback loops into support plans.”

This meant their confidence in applying implementation science concepts was low; however, in the post-test results, no participants disagreed with any of the statements. The three items with the greatest increase in the level of agreement were:

- “I can describe implementation drivers.”
- “I know how to apply principles of implementation science to my work.”
- “I know how to assess whether my court is ready to implement a new policy or practice change.”

Courts’ Readiness to Change

During the ICC, NCSC asked the participants to complete a readiness assessment to identify how prepared their court was to implement their proposed change. Participants frequently rated their courts as having a high level of readiness in terms of collaborating with partners, having support for data collection and reporting, and having an identified champion. Conversely, participants frequently rated their courts as having a low level of readiness in terms of having the resources, the expertise, and the communication plan needed to implement the change. After completing the readiness assessment, the courts reflected on the items they rated at the lowest level of readiness and incorporated research-based implementation strategies into their action plan that mitigate those risks to implementation. One participant noted, “Assessing readiness is a well-designed exercise as it breaks down the very definition of readiness and helps the implementation plan preparation by taking into account all mechanisms, tools, and factors necessary for successful implementation of the new policy.”

Monthly Consultations

Since January 2024, 16 of the 22 courts have been participating in monthly consultations to enhance their understanding and application of PHASE, receive feedback on their implementation plans, and identify solutions to implementation barriers. During the consultations, participants discuss how they have used the implementation strategies presented during the ICC sessions and receive feedback from NCSC staff and other participants on how to address anticipated and unanticipated implementation challenges. They also have an opportunity to share feedback on the efficacy of the ICC and the PHASE framework so that NCSC can continuously improve its usefulness and applicability.

Conclusion

While the field of implementation science is not new, the court community has yet to fully incorporate its lessons into court reform efforts. The PHASE framework and the ICC are two steps forward. The content of the ICC resonated with the participating courts, and the court professionals who attended the sessions took away information they could immediately apply in their work. More than one participating court has reported using the PHASE framework to plan for additional efforts. With the monthly follow-up consultations from NCSC, these courts will continue to receive coaching on implementation strategies to increase the likelihood that their proposed plans are implemented fully and sustained. NCSC is also developing a guidebook for courts on the PHASE framework that will incorporate the worksheets developed for the ICC and lessons learned from the experiences of the ICC sites. The guidebook will be released in fall 2024. Visit www.ncsc.org/phase for more information on PHASE and to see the guidebook when it is released (also at <https://perma.cc/B92E-R7TY>).

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