Analysis of Stakeholder Data and National Trends

SUMMARY REPORT: FINDINGS AND THEMES

Final Draft
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ADMINISTRATIVE OFFICE OF THE COURTS

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EXECUTIVE SUMMARY

This report was prepared to assist the Judicial Council of California at its 2004 planning session. It includes findings from an analysis of stakeholder data that was solicited by the council for the purpose of considering changes and enhancements to the branch operational plan.

The report summarizes:

- Issues facing California's trial courts;
- National and state trends likely to affect the branch in the future;
- Testimony presented at the budget hearings held across the state; and
- Opportunities for collaboration with the State Bar of California.

Core Themes

Five themes emerged from the analysis of stakeholder data and the review of national and state trends. They are:

- The adverse impact of budget cuts on the courts;
- The need to strengthen the infrastructure of the judicial branch;
- Trends influencing the judicial branch and courts in the future;
- The need to transform judicial system services; and
- Opportunities for intergovernmental and interagency collaboration.

Branch Leadership

These themes represent a myriad of issues that need to be addressed and opportunities to be seized in the future. Dealing effectively with them and others will require strong judicial branch leadership. Strong, focused, and aligned leadership throughout the judicial branch—at both state and local levels—will be essential to dealing with and responding to these significant challenges.

Data Sources and Summary of Findings

The data sources used in this analysis are (1) annual progress reports completed by trial courts in April 2004 along with the discussions of trial court leaders and planning staff at three regional planning workshops held in March 2004; (2) a trends analysis and environmental scan conducted by the National Center for State Courts; (3) testimony presented at five budget hearings held around the state by Senator Joseph Dunn and the Judicial Council; and (4) a review of the *State Bar of California Long-Range Strategic Plan*. A brief overview of the findings follows.

Annual Progress Reports (APRs)

Fifty-three (n = 53) trial courts, or 91 percent of all trial courts in California, submitted updated APRs to the Administrative Office of the Courts in early April 2004. Of these, 43 (n = 43) identified priority issues and trends facing the courts. Thus, nearly 75 percent of California's trial courts provided input into and information used in this analysis.

The trial courts identified 195 priority issues in the APRs. The issues were grouped into 18 broad categories. The responses of trial courts clustered around seven of the priority-issues areas, listed below in descending order:

1. Human Resources/Labor Relations
2. Facilities/Security/Space
3. Unstable Funding/Erosion of Baseline Funding/Budget Process
4. Technology
5. Services to Pro Pers and Non-English-Speaking Users
6. Increase in Workloads, Delay, and Pending Cases
7. Uncontrollable/Increasing Costs

See section I of this report for a description of each priority-issue area and the findings by region and size of court.

Trends Affecting the Branch and the Courts

Ten key challenges emerged from the National Center for State Courts' environmental scan, which examined a variety of trends likely to affect courts across the country.

- The changing makeup and needs of the public;
- Continued shifts toward alternatives to traditional courts;
- Mission creep regarding the services they should provide, especially with regard to restorative justice, families, drug courts, and other such efforts;
- Increased use of information technology in court management, information management, cross-jurisdictional and public communication, and provision of trial information;
- More cases involving science and technology, either as the subject of the case or the means for dealing with the subject of the case;
- Increased use of private alternatives within the justice system, including private prisons and private judging;
- Focus on the rights of new groups, including alternative lifestyle groups and future persons;
- Complex ethical and legal issues arising from the biotechnology and life sciences revolutions;
- Globalization of everything; and
- Serious short-term budget challenges and long-term staffing challenges.

Section II of this report includes detailed information about many social, economic, technological and scientific, policy and governmental, and justice system trends likely to affect the judicial branch and trial courts in the coming years.

Summary of Budget Hearing Testimony

Five public hearings were held across the state in February, March, and April 2004. Four themes emerged:

- Budget cuts to date have adversely affected access to, and the services provided by, trial courts across the state.

- Future budget cuts are expected to (1) impede the courts' ability to provide justice by further reducing access to and services provided by the trial courts, (2) jeopardize public safety, and (3) erode the public's trust and confidence in the third and equal branch of government.

- Low-income, self-represented, and non-English-speaking people are expected to be the most severely affected by further budget reductions.

- Court users testified about the value of court services, many of which are not typically considered core functions.

Section III of the report presents specific examples of services and programs that are at risk of being cut or eliminated and/or are of high value to court users.

Opportunities for Collaboration With the State Bar of California

There are three areas of the State Bar's strategic plan that appear to relate directly to, or are complementary with, the work of the Judicial Council:

Equal access to justice—Ensuring that all people have access to high-quality legal services regardless of financial or other circumstances;

Stakeholder relations—Encouraging and supporting bench-bar efforts to improve the administration of justice and access to the legal system for low and moderate-income Californians; and

Leadership and accountability—Enhancing opportunities for, and encouraging attorney participation in, state and local justice system policymaking activities.

Refer to section IV of this report for more information about these opportunities.

Conclusion

California's trial courts are experiencing significant operational and strategic challenges given the recent and likely future budget cuts and the increasing and expanding needs and expectations of court users. The branch also is facing many systemic challenges, including preserving the

independence of the judiciary and securing adequate and stable funding. Leadership throughout the judicial branch will be vital to dealing with these local and statewide issues. In addition to leadership, other conditions of success include alignment around and relentless focus on branchwide and local priorities, effective communication practices and mechanisms, a spirit of collaboration and partnership, and sound state and local decision-making and policymaking processes.

INTRODUCTION AND OVERVIEW

For over a decade, the Judicial Council of California has embraced and conducted long-range strategic planning for the judicial branch. The resulting strategic plans, the most recent of which was revised in March 2000 — *Leading Justice Into the Future* — articulate the branch's purpose, define a vision of the future, identify trends likely to affect the branch, and establish long-range priorities and goals.

In the late 1990s, the Judicial Council developed and adopted its first operational plan. The Judicial Council most recently adopted a revised *Operational Plan for California's Judicial Branch* in December 2003 as part of its ongoing planning efforts. The current operational plan sets forth 14 shorter-term objectives that are organized into three major categories: (1) Independence and Accountability; (2) Modernization of Management and Administration; and (3) Access, Fairness, and Diversity.

The Judicial Council reviews and revises the branch strategic plan every six years and the operational plan every three years. In addition, it conducts an interim review each year to check its course and determine if changes or enhancements to the operational plan are needed. To assist the Judicial Council in this review, input is gathered from the trial courts, advisory committees, the appellate courts, and other stakeholders, and an analysis is conducted of national and state trends.

As part of this effort, this report presents findings from an analysis of stakeholder data and national trends[1] for purposes of considering changes and enhancements to the branch operational plan. The report discusses:

- Issues facing California's trial courts;
- Trends currently affecting, or likely to affect, the judicial branch and trial courts in the upcoming years;
- A summary of the testimony presented at budget hearings held across the state in February, March, and April 2004 on the impact of budget cuts on trial courts;
- Opportunities for collaboration with the State Bar of California based on the strategic priorities listed in its strategic plan; and
- Summary of core themes that emerged from the analysis.

[1] The data and information sources used in this analysis include (1) the priority issues and trends information submitted by 43 trial courts in their annual progress reports; (2) discussions of 126 judges, court executive officers, and other attendees at the regional planning meetings held in March 2004; (3) summaries of the five public hearings held around the state by Senator Dunn and the Judicial Council; (4) *State Bar of California Long-Range Strategic Plan* (2002); and (5) national trends information gathered from the National Center for State Courts (NCSC).

Section Overview

- *All regions*—A large number of the trial courts—nearly 75 percent—provided information about the priority issues they face. Given this high response rate, it is fairly safe to generalize the findings to all of California's trial courts.

- *All regions*—The response rate by region was also high: 80 percent of courts in the Southern Region, 69 percent in the Bay Area/Northern Coastal Region, and 75 percent in the Northern/Central Region.

- *All regions*—The trial courts identified 195 priority issues in the annual progress reports (APRs), which were grouped into 18 broad categories. Of these, seven priority-issue categories were mentioned most frequently.

- *All regions*—Overall, the responses of trial courts clustered around the same seven priority-issue areas. Trial courts across the state report similar priority issues.

- *Southern Reg*ion—The priority issue most frequently mentioned by courts in the Southern Region was Human Resources/Labor Relations. In addition, Human Resources/Labor Relations and Increase in Workloads/Delay/Pending Cases appear to be of greatest relative importance to courts in this region.

- *Bay Area/Northern Coastal Region*—The issue most frequently mentioned by courts in this region was Unstable Funding/Erosion of Baseline Funding/Budget Process, followed closely by Services to Pro Pers and Non-English-Speaking Users. However, Pro Pers/Non-English-Speaking Users appears to be of greatest relative importance to courts in this region.

- *Northern/Central Region*—Courts in this region identified Human Resources/Labor Relations most frequently. A close second was Facilities/Security/Space.

- *Mega courts*—The two priority issues most frequently mentioned by mega courts were (1) Technology and (2) Human Resources/Labor Relations.

- *Large courts*—The priority issue most frequently mentioned by large courts was Human Resources/Labor Relations.

- *Medium courts*—Medium-sized courts mentioned Unstable Funding/Erosion of Baseline Funding/Budget Process most frequently.

- *Moderate courts*—Moderate-sized courts identified Unstable Funding/Erosion of Baseline Funding/Budget Process most frequently, followed closely by (1) Human Resources/Labor Relations and (2) Facilities/Security/ Space.

- *Small courts*—The two priority issues most frequently mentioned by small courts were (1) Human Resources/Labor Relations and (2) Facilities/Security/Space.

Introduction

The California judicial branch has undergone profound institutional and structural change over the past decade. The reforms have escalated over the past six years with the passage of several legislative acts that have, in essence, formed a statewide judicial system that is funded by the state and governed by the Judicial Council of California.

In particular, the Lockyer-Isenberg Trial Court Funding Act of 1997 shifted the funding of trial courts from the counties to the state. Second, superior and municipal courts unified into a single level of trial court to avoid duplication and to make better use of resources. Third, effective January 1, 2001, the Trial Court Employment Protection and Governance Act (also known as Sen. Bill 2140) established a personnel system for trial court employees under a new local court governance structure. Finally, the Trial Court Facilities Act of 2002 provided for the transfer of more than 450 court facilities from the counties to the state. Indeed, these changes, along with significant fiscal pressures, including budget reductions and other external and operational pressures, have significantly affected California's trial courts.

This section summarizes the pressing issues faced by California's trial courts as reported over the past few months. It includes a summary of information gathered from:

- One-hundred and twenty-six trial court leaders (e.g., presiding judges, court executive officers, planning staff) who attended three regional planning workshops held in March 2004; and

- The APRs submitted by 43 trial courts in April 2004.[2]

The findings are presented for all courts statewide, by region, and by size of court.

Priority Issues of Trial Courts

A large number of trial courts—nearly 75 percent (n = 43)—provided information about their particular priority issues. This is a high response rate. The response rate of each region also was very high: 80 percent in the Southern Region (n = 8), 69 percent in the Bay Area/Northern Coastal Region (n = 11), and 75 percent in the Northern/Central Region (n = 24). Consequently, it is fairly safe to generalize the findings about priority issues to all of California's trial courts.

The APR template included a section for trial courts to identify specific priority issues and trends affecting their operations. There was no limit on the number of issues and trends that courts could list. The 43 trial courts identified a total of 195 priority issues. The average number of issues identified by each court was 5. See Table 1 for a summary of respondent (i.e., trial court) demographics.

[2] Fifty-three (n = 53) trial courts, or 91 percent of all trial courts in California, submitted updated APRs in early April 2004. Of these, 43 (n = 43) included priority issues and trends they face. See Appendix A for a list of the 43 trial courts that submitted priority issues and trends.

Table 1. **Trial Court Demographics**								
	SRO (n = 10)		**BANCRO (n = 16)**		**NCRO (n = 32)**		**Total (n = 58)**	
	n	***%***	***n***	***%***	***n***	***%***	***n***	***%***
Statewide response rate	8	80%	11	69%	24	75%	43	74%
Number and percentage of *respondents* (trial courts contributing priority issues in APRs) (n = 43)	8	19%	11	26%	24	56%	43	100%
Number and percentage of *responses* (priority issues identified in APRs) (n = 195)	58	30%	58	30%	79	40%	195	100%
Average number of priority issues identified by each trial court (n = 43)	7	–	5	–	3	–	4.5	
SRO = Southern Region; BANCRO = Bay Area/Northern Coastal Region; NCRO = Northern Central Region								

The 195 issues identified by the trial courts were coded and grouped into broad categories. Eighteen broad categories emerged (see list in Appendix B). The issues identified by the trial courts clustered around 7 of the categories—that is, the trial courts identified 7 priority-issue areas most frequently. The other responses by trial courts were evenly distributed across the remaining 11 categories. The 7most frequently identified priority issues are listed below in descending order.

Most Frequently Identified Priority Issues of Trial Courts
(in descending order)
April 2004

1. Human Resources/Labor Relations
2. Facilities/Security/Space
3. Unstable Funding/Erosion of Baseline Funding/Budget Process
4. Technology
5. Services to Pro Pers and Non-English-Speaking Users
6. Increase in Workloads, Delay, and Pending Cases
7. Uncontrollable/Increasing Costs

A brief summary of each follows.

1. *Human Resources/Labor Relations*—This issue area includes a variety of human resources and labor relations issues in the trial courts such as (1) declining levels of staff; (2) lack of judicial officers; (3) lack of succession planning; (4) systemwide classification, compensation, and benefits systems; (5) challenges in recruiting and retaining qualified judges and staff; (6) staff morale and burnout; and (7) labor contract issues.

2. *Facilities/Security/Space*—Included in this area are (1) inadequate facilities (e.g., not enough courtrooms, noncompliance with the Americans with Disabilities Act (ADA), deteriorating facilities), (2) lack of facilities in locations with growing populations, (3) lack of weapons screening and perimeter security, and (4) lack of space for staff and programs.

3. *Unstable Funding/Erosion of Baseline Funding/Budget Process*—This issue area covers (1) difficulties associated with unstable funding and unfunded mandates, (2) erosion of baseline funding, (3) funding reductions, (4) retrenchment resulting from budget cuts, and (5) budget problems and challenges related to specialty courts.

4. *Technology*—The issues related to technology include (1) the inability to use, while at the same time experiencing an increasing demand for, technology to increase access, provide improved services, and make other internal improvements (e.g., e-filing, Web-based access to court records and to pay fines and fees, imaging, streamlining data input, interagency integration of work processes); (2) the inability to invest in and implement technological innovations; and (3) the lack of, and slow pace of implementing, a statewide case management system.

5. *Services to Pro Pers and Non-English-Speaking Users*—This issue area includes (1) the increasing numbers of pro per court users; the increased need for self-help centers, information, and resources to assist self-represented parties; (2) the increasing numbers of pro per users in conservatorship, unlimited civil, and probate cases; (3) the need for simplified court processes, procedures, and rules; (4) growing pressure to find innovative means to assist pro per parties; (5) the amount of staff time required to assist pro per court users; (6) the increasing numbers of non-English-speaking court users; (7) the increased need for bi- and multilingual staff; (8) an increased need for certified interpreters; and (9) the need for greater cultural understanding and sensitivity of all judges and staff.

6. *Increase in Workloads, Delay, and Pending Cases*—This issue includes the challenges experienced by trial courts due to (1) numerous filings and increasing workloads; (2) inability to approve overtime for staff; (3) delays in case processing caused by staffing shortages, increasing workloads, and more self-represented litigants; (4) increased judicial workloads due to the closure of court locations; and (5) the importance of finding innovative ways to efficiently manage growing caseloads and resolve pending cases.

7. *Uncontrollable/Increasing Costs*—The uncontrollable and increasing costs mentioned by trial courts were in the areas of (1) court security, (2) custodial services, (3) court interpreter services, (4) dependency matters, (5) personnel, and (6) health benefits. This category also

includes (7) the inability to negotiate rates guaranteeing a lower cost, (8) the reduction of security staff, (9) inconsistencies among courts due to the lack of statewide wage and benefits packages with centralized funding authorization, and (10) lack of a statewide agreement on staffing and technology standards.

Regional Findings: Priority Issues by Region

Below are findings from a regional analysis of the APR data. The findings are based on how frequently the priority issues were mentioned by the courts in the three regions.

When reviewing the regional data, please keep in mind the following:

- The trial courts in the state's three regions identified a total of 195 priority issues in the APRs. While this is a fairly large number of issues, overall it is fairly small for analysis purposes. The n sizes are relatively small for each of the regional offices and for each of the seven categories.

- The number of courts in each region varies significantly. Eight (n = 8), or 80 percent, responded from the Southern Region; 11 courts, or 69 percent, responded from the Bay Area/Northern Coastal Region; and 24, or 75 percent responded from the Northern/Central Region. As a proportion of all courts completing the priority-issue section of the APR, 19 percent were from the Southern Region, 26 percent were from the Bay Area/Northern Coastal Region, and 56 percent were from the Northern/Central Region.

- However, it is important to note that courts in the Southern and the Bay Area/Northern Coastal Regions identified a total of 58 issues respectively, each region representing 30 percent of the total number of issues. The courts in the Northern/Central Region identified a total of 79 issues, or 40 percent of the total.

Summary/Findings: Priority Issues by Region

All regions—Overall, the responses of courts in the three regions clustered around the same seven priority- issue areas. Courts across the three regions report similar priority issues.

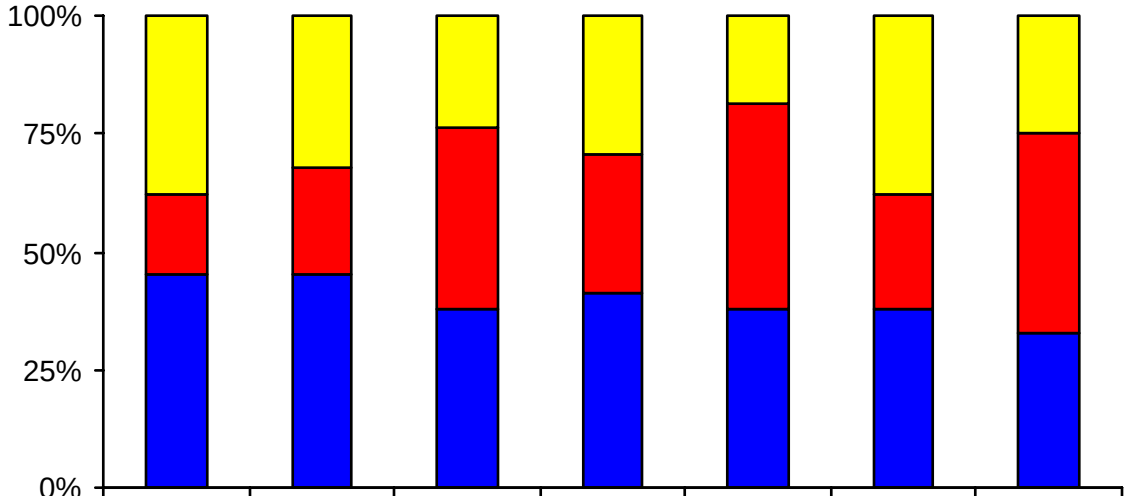
Southern Region—The priority issue most frequently mentioned by courts in the Southern Region was Human Resources/Labor Relations. Responses were distributed evenly across the other six issue areas.

Bay Area/Northern Coastal Region—The issue most frequently mentioned by courts in the Bay Area/Northern Coastal Region was Unstable Funding/Erosion of Baseline Funding/Budget Process, followed closely by Services to Pro Pers and Non-English-Speaking Users. Responses were distributed evenly across the other five issue areas.

Northern/Central Region—Courts in the Northern/Central Region identified Human Resources/Labor Relations most frequently. A close second was Facilities/Security/ pace. Responses were distributed evenly across the other five issue areas.

Next is a discussion of the regional data based on an analysis of the proportional frequency that courts in the three regions mentioned each of the seven issue areas. Table 2 represents the proportional breakdown of each of the seven issue areas by region. The bars in the table, each representing an issue area, show the proportion of courts in the three regions citing the issue.

Table 2.
Proportion of Priority-Issue Areas by Region
(shown as percentages)



	HR/Labor Relations (n=29)	Facilities, Security, Space (n=22)	Unstable Fund./Budget Proc. (n=21)	Technology (n=17)	Pro Pers/Non-Engl. Speak.	Incr. Work., Delay, Pend. Cases(n=16	Uncontr./Increasing Costs (n=12)
SRO (n=40)	38%	32%	24%	29%	19%	38%	25%
BANCRO (n=39)	17%	23%	38%	29%	44%	25%	42%
NCRO (n=54)	45%	45%	38%	41%	38%	38%	33%

It is reasonable to expect that if each issue were of equal importance to courts in the three regions, then the proportional frequency that an issue was mentioned by a region *should be* equal to the proportional representation that that group is of total respondents. As a reminder,

- The Southern Region (SRO) represented 19 percent of all responding courts (n = 8);
- The Bay Area/Northern Coastal Region (BANCRO) represented 26 percent of all responding courts (n = 11); and
- The Northern/Central Region (NCRO) represented 56 percent of all responding courts (n = 24).

Interpretation Example: Human Resource/Labor Relations Priority Issue

The SRO represented 19 percent of the responding courts, but it cited 38 percent of the Human resources/Labor relations issues mentioned. By contrast, the NCRO represented 56 percent of responding courts, but only 45 percent of the human resources issues cited. The same relationship holds for the BANCRO as for the NCRO: 26 percent of the responding courts but only 17 percent of the human resource issues cited. This suggests that human resource issues are of greater relative importance to courts in the SRO than to courts in the other two regions.

Summary/Findings: By Region

Human Resources/Labor Relations—This issue area appears to be of greater relative importance to courts in the Southern Region than to courts in the other two regions.

Facilities/Security/Space—Facilities, security, and space issues appear to be of greater relative importance to courts in the Southern Region. In addition, Bay Area/Northern Coastal Region courts are slightly overrepresented in this priority-issue category, suggesting that it is of greater relative importance to them as well.

Unstable Funding/Erosion of Baseline Funding/Budget Process—This issue appears to be of greater relative importance to courts in the Bay Area/Northern Coastal Region than to courts in the other two regions.

Technology—This issue area appears to be of greater relative importance to courts in the Southern and Bay Area/Northern Coastal Regions than to the Northern/Central Region.

Services to Pro Pers and Non-English-Speaking Users—This issue area appears to be of greater relative importance to courts in the Bay Area/Northern Coastal Region than to courts in the other two regions.

Increase in Workloads, Delay, and Pending Cases—This issue is of greater relative importance to courts in the Southern and Bay Area/Northern Coastal Regions than it is to the Northern/Central Region.

Uncontrollable/Increasing Costs—This issue area appears to be of greater relative importance to courts in the Bay Area/Northern Coastal Region and of slightly greater relative importance to courts in the Southern Region.

Southern Region—Human Resources/Labor Relations and Increase in Workloads/Delay/Pending Cases appear to be of greatest relative importance to courts in the Southern Region. Courts in this region are underrepresented proportionally in only one of the seven issue areas: Services to Pro Pers and Non-English-Speaking Users.

Bay Area/Northern Coastal Region—Services to Pro Pers and Non-English-Speaking Users appears to be of greatest relative importance to courts in the Bay Area/Northern Coastal Region. Courts in this region are underrepresented proportionally in only one of the seven issue areas: Human Resources/Labor Relations.

Northern/Central Region—Courts in this region are underrepresented proportionally in each of the seven priority-issue areas.

Additional Findings: Priority Issues by Size of Court

Below are the results of an analysis of the priority issues identified most frequently by size of court.[3]

Summary/Findings: By Size of Court

Mega Courts

- Overall, there was very little clustering around priority-issue areas for the mega courts. The distribution was relatively even across all 18 broad categories. (See Appendix B for a list of categories.)
- Nonetheless, the two most frequently mentioned priority issues by mega courts were (1) Technology and (2) Human Resources/Labor Relations.

Large Courts

- The most frequently mentioned priority issue by large courts was Human Resources/Labor Relations.
- The distribution was relatively even across all the other 18 broad categories.

Medium-Sized Courts

- Medium-sized courts mentioned Unstable Funding/Erosion of Baseline Funding/Budget Process most frequently.
- The distribution was relatively even across all the other categories.

Moderate-Sized Courts

- Moderate-sized courts identified Unstable Funding/Erosion of Baseline Funding/Budget Process most frequently, followed closely by (1) Human Resources/Labor Relations and (2) Facilities/Security/Space.
- The distribution was relatively even across all other categories.

Small Courts

- The two most frequently mentioned priority issues by small courts were (1) Human Resources/Labor Relations and (2) Facilities/Security/Space.
- The next most frequently identified priority-issue area was Increase in Workloads, Delay, and Pending Cases, followed closely by (1) Services to Pro Pers and Non-English-Speaking Users, (2) Unstable Funding/Erosion of Baseline Funding/Budget Process, and (3) Technology.
- The distribution was relatively even across all other priority issues.

See Appendix D for a comparison of priority issues by region and size of court.

[3] See Appendix C for the population range of each size of court and the trial courts in each of the five court-size categories.

II. TRENDS AFFECTING THE JUDICIAL BRANCH AND TRIAL COURTS

Section Overview

- Trends and their likely implications for the judicial branch and the trial courts are discussed.
- Ten key challenges emerged from the NCSC's environmental scan:
  - – Attending to the changing makeup and needs of the public, with responses such as court monitoring and accountability programs, community outreach, empowering juries by giving them better information, and generally seeing citizens as customers;
  - – Continued shifts toward alternatives to traditional courts, including alternative dispute resolution (ADR), the multidoor courthouse, and culturally appropriate dispute resolution;
  - – Mission creep regarding the services the courts should provide, especially with regard to restorative justice, families, drug courts, and other such efforts;
  - – Increased use of information technology in court management, information management, cross-jurisdictional and public communication, and provision of trial information;
  - – More cases involving science and technology, either as the subject of the case or the means for dealing with the subject of the case, necessitating great leaps in scientific and technological knowledge and the creation of special expert resources;
  - – Increased use of private alternatives within the justice system, including private prisons and private judging;
  - – Focus on the rights of new groups, including alternative lifestyle groups and future persons;
  - – Complex ethical and legal issues arising from the biotechnology and life sciences revolutions;
  - – Globalization of everything; and
  - – Serious short-term budget challenges and long-term staffing challenges.

Introduction/Overview

A trend is a series of related events and activities that appear to have a demonstrable direction over time. There are many types and categories of trends—for example, there are continuation, cyclical, and emerging trends and social, economic, political/policy, technological/scientific, and industry-specific trends.

A trends analysis is a critical component of a planning process. An analysis of existing and emerging trends helps assess (1) the nature, magnitude, and sources of demands likely to be placed on an organization or system in the upcoming years and (2) the implications that these demands will have for the structure and operations of the organization or system in the future.

This section presents a summary of national and state trends affecting, or likely to affect, the judicial branch and trial courts in the upcoming years. This section concludes with a list of 10 key challenges included in the NCSC Environmental Scan for the State courts.[4]

Trends Affecting/Likely to Affect the Judicial Branch and Trial Courts

Environmental scanning is a tool frequently used to conduct a trends analysis. It is a tool that helps identify the events, trends, and developments shaping the future.[5] Below is a discussion of national trends likely to affect state courts based on the research conducted by the National Center for State Courts. Also included is mention of the trends noted by California's trial courts in their APRs.[6]

The trends are organized into six categories:

- Social/Demographic
- Economic
- Technological/Scientific
- Policy/Political/Governmental
- Miscellaneous Trends
- Justice System/Court Trends

This section concludes with a list of 10 key challenges included in the NCSC Environmental Scan for State Courts.

[4] Sources used in the analysis include the *Annual Report on Trends in the State Courts (2003)*, prepared by the National Center for State Courts; trends listed by the trial courts in the APRs submitted in 2004, a trends article published by John A. Martin and Brenda J. Wagenknecht-Ivey in 2000, and other recent trends analysis work with courts and other private organizations completed by the consultant over the past several years.
[5] National Center for State Courts and G. Hiemstra, *An Environmental Scan for the State Courts, 2003* (National Center for State Courts, p. 61).
[6] The 43 trial courts identified a total of 90 trends affecting them. The trends were coded and grouped in 13 broad categories. See Appendix E for a list of the categories.

Social/Demographic Trends

Social trends describe changes in the composition, order, and structure of interactions among individuals within a society. In large part they define the size and nature of the justice system's client population.

The environmental scan revealed seven major social and demographic trends shaping the future.

Seven Social and Demographic Trends Shaping the Future

- Real Population Decline
- Population Aging
- Generation Y Comes of Age
- Growing Hispanic Population
- Polarization of People by Class, Race, Ethnicity, and Lifestyle Preferences
- Alterations in Family Composition
- Ongoing Increases in Geographic Mobility

They are briefly described below.

Real population decline—Fertility rates around the world are plummeting in part because of economic development, communications, and family planning. Most countries, including the United States, will approach real population decline over the next two decades. By 2025, the population of the whole world will likely be shrinking. Population migration will be the only force helping to maintain the size of the labor force in countries with real population decline. Some of California's trial courts report a growth in population, which is most likely a result of immigration and shifting population centers.

Population aging—Rising old-age dependency and shrinking working-age populations among the world's largest economic powers suggest that people are living longer. It is projected that by 2020, 20 to 25 percent of the populations of most states will be people over the age of 65.

Generation Y comes of age—Generation Y, born between 1979 and 1994, represents about 60 million people, while the baby boom generation (born between 1946 and 1964) numbered about 72 million and Generation X (born between 1965 and 1979) numbered about 18 million. In the next decade, the United States will see a shortage of entry-level workers that will be balanced by immigration and an increase in the real numbers of young people. In 2007, there will likely be nearly as many teenagers in the population as at the peak of the baby boom.

Increasing Hispanic population—Hispanic immigrants, primarily from Mexico and Latin America, represent the fastest-growing minority population in the United States. They currently represent 13 percent of the U.S. population. Spanish is their first language.

Polarization of people by class, race, ethnicity, and lifestyle preferences—The polarization of people by class, race, ethnicity, and lifestyle preferences will continue in the future. There will be greater gaps between the "haves" and "have-nots," especially in the digital arena; tension will continue over shifting social norms and values; and disputes over lifestyles will persist.

Alterations in family composition—A decline in the number of traditional families (breadwinner, stay-at-home spouse, children) is predicted.

Ongoing increases in geographic mobility—Some of California's trial courts report a shift in population centers in their counties. The movement of people into segregated communities, including gated communities, is predicted.

Implications

Some of the likely implications of the aforementioned social and demographic trends on the judicial branch and trial courts are as follows:

1. Many disputes will arise about immigration, migration, the world labor movement, and borders.

2. There will be challenges to retirement and pension laws.

3. Government funding will reach a crisis point as the need to support a dependent generation comes to the foreground.

4. Social institutions serving youth (e.g., schools, juvenile courts) will experience increased demand for services.

5. There will be an increased need and pressure for courts to serve people who speak Spanish as their primary language. There will be an increased demand for translation and other services that assist non-English-speaking court users. There also will be an increased need for culturally sensitive solutions, programs, and services.

6. As private- and public-sector employers increasingly compete for a declining number of entry-level workers, courts will likely have a difficult time recruiting workers to the courts.

7. Courts, like other organizations, will experience a mass exodus of baby boomers over the next decade as they reach retirement age. Courts will experience a "brain drain"—a massive loss of knowledge and experience from retirements.

8. Courts will continue to resolve disputes concerning social norms and values and the changing nature of the traditional family.

Economic Trends

Economic trends describe changes in the relationships between individual well-being, the nature and composition of work and the workforce, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundation of the courts and justice system, and shape basic social conditions.

The NCSC's environmental scan identified three economic trends.

Three Economic Trends Shaping the Future

- The Long Boom
- Synchronized Global Downturn
- Continued Spending Wave

A brief description of each follows.

The long boom—One set of indicators and opinions suggests that the downturn of recent years is a temporary adjustment in an otherwise positive future for economic growth. Some suggest that the years 1980–2020 will constitute an unprecedented time of global economic opportunity and prosperity, driven primarily by two megatrends: (1) the technology revolution and (2) an ethos of global openness.

Synchronized global downturn—Others suggest that the economic downturn of the early 2000s is a "synchronized" trend as various industries, countries, and regions sank into economic slumps. They predict that the next decade will be more similar to the 1930s and that the world will be on the brink of global depression for the next five years.

Continued spending wave—Currently, the last baby boomers are going through their peak spending years (ages 42–48), which has caused consumer spending to continue to rise despite the recession in business investment. It is predicted that the spending wave will drive a growing U.S. economy at least through 2007. After that, consumer spending may slow and lead to a slowing of economic growth, depending on immigrants and the global economy.

Implications

1. If the long boom occurs, then current federal and state budget woes will be temporary—continuing for the next two to three years. A long boom also suggests less crime overall but a rise in global criminal associations and activity.

2. An economic downturn suggests an increase in crime; more bankruptcies, especially among small businesses; and an increased need for community and neighborhood mediation and

other resources to mitigate pressures on the judicial system. Funding for governmental programs will become more constrained (e.g., Social Security, health care), and budget challenges will persist or even worsen.

Technological/Scientific Trends

Technological and scientific trends describe changes in the composition, application, and broader social effects of tools and scientific developments and breakthroughs. Technological trends shape the types of demands confronting service organizations and hold the potential for dramatically altering the way organizations do their work. Scientific trends shape new litigation areas and the need for specialized expertise.

The NCSC's environmental scan revealed four primary technological and scientific trends.

Four Technological/Scientific Trends Shaping the Future

- Nanotechnology
- The Wireless Revolution
- Applications of Genomics, Life Sciences, and Bioethics
- Continued Developments in Information Technology

Below is a description of each of these trends.

Nanotechnology—Rapid development in nanotechnology, information technology, and biotechnology may signal a coming triple technological revolution. "Nanotechnology" means constructing materials at the molecular or atomic level and in nanoscale size. Research and development breakthroughs are announced almost weekly. Nanotechnology will revolutionize surveillance technology.

The "wireless" revolution—"Wi-fi" technology eliminates the need for fixed, hard-wired connections between communication devices. Business and government organizations will tap this technology to make computer connectivity practical in facilities that are too unsuitable or temporary to warrant investment in wiring for communications. This technology also allows people to move around freely and connect from almost anywhere within a building.

Applications of genomics, life sciences, and bioethics—Developments in biotechnology promise greater improvements in human well-being but are fraught with ethical and legal issues. Biotech issues include stem cell research; DNA evidence; cloning; genetically modified foods, animals, and people; and genetic screening and discrimination.

Continued developments in information technology—The information technology revolution will continue. Computing and telecommunication will increase in capacity five to seven times in the next decade.

Implications

1. The development of increasingly sophisticated surveillance devices will bring investigative and privacy issues to the forefront.

2. The public will expect immediate access to court information and services.

3. Courts will be able to save significant installation time and expense by using wireless technology while better equipping staff to conduct court business. Security concerns may be a stumbling block for courts. Security concerns may temporarily slow courts' adoption of wireless connectivity.

4. DNA testing will be used in virtually all criminal investigations.

5. The genetics revolution will increase the number and complexity of cases coming to courts and challenge judges and court personnel to keep up with scientific breakthroughs. New areas of litigation will emerge (e.g., equity in medical treatment, safety of genetically modified organisms, the rights of future persons, and artificially created body parts).

6. Judicial system leaders and staff will continue to confront whether and how to use information technology to improve the delivery of justice.

Policy/Political/Governmental Trends

Policy trends describe the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for collective, public decision making and for resource distribution. They also describe preferred responses to societal problems and the appropriate roles of individuals in developing, implementing, monitoring, and modifying actions to group responses.

The NCSC's environmental scan revealed three policy/governmental trends.

Three Policy/Governmental Trends Shaping the Future

- Changes in Expectations for Government Solutions
- Politicization of the Judicial Branch
- Rethinking of Approaches to Security and Continuing Pressures to Roll Back Civil Liberties

Each is described below.

Changes in expectations for government solutions—Between the late 1970s and 1990s there was a general turning away from the notion that government was the best or primary institution for solving large social problems. However, during the same time period, public schools and courts

have experienced mission creep. They have been asked to take on a greater role in solving societal problems, particularly in relation to youth and families.

Politicization of the judicial branch—During the last decade or two there has been an increased focus on the political affiliation of judges, their stand on single issues, and allegiance to particular political philosophies. In turn, this has complicated and in some ways compromised the work of an independent judiciary as well as limited the number of qualified people willing to work in this volatile climate.

Rethinking of approaches to security and continuing pressures to roll back civil liberties—The terror attacks of September 11, 2001, and subsequent discussions about policy related to national security are challenging conventional wisdom about profiling. The war on terrorism, which is expected to last a generation or more, may lead to an erosion of the rights of American citizens.

Implications

1. Trial courts are likely to play an increasingly central role within a network of government and social institutions attempting to address societal problems in new ways. Courts will be expected to be tough on crime but also heavily involved in providing or seeing to the provision of social services. These services increasingly will be considered essential services in all jurisdictions.

2. Nurturing healthy interbranch relations at the state and local levels will be a high priority.

3. Courts will find themselves handling more politically volatile cases.

4. Issues of profiling will be sorted out in the courts.

5. Leadership throughout the judiciary will be of vital importance. A strong, unified statewide voice will be key to shaping statewide judicial branch policy, advocating for and preserving an independent and equal judicial branch, and acquiring adequate and stable funding. Strong leadership at the local level will be equally important to ensuring the provision of fair, timely, and effective services to all users of the trial courts.

Other Trends

Environmental trends—Global warming will continue over the next several decades. In addition, the imperative for and probable emergence of an eco-economy will occur over the next 25 years. This economy will be organized around new energy technologies such as hydrogen. Conflicts over the environment will continue to increase.

Global trends—Globalization of commerce, along with the globalization of crime and justice, will continue to occur. There will be an increased search for global justice institutions and approaches. Courts will need to develop orderly and efficient ways to resolve conflict in local communities and among the nations of the world.

Implications

1. Environmental disputes, including criminal cases revolving around environmental terrorism, are almost certain to increase in number.

2. Caseloads for environmental disputes will continue to increase, as will the need to understand complex environmental sciences. There will be an interest in using ADR methods to resolve these disputes.

3. Globalization is expected to affect courts more than any other governmental institution. Courts will need to deal with an increasingly complex range of disputes likely to arise in the 21st century.

Justice System/Court Trends

The NCSC environmental scan identified a variety of justice system and court trends. Many of the trends noted below are the result of combined interactions with the national trends discussed earlier.

Performance accountability—Courts will continue to experience an increasing demand for culturally appropriate programs and services, an increasing number of diverse expectations for the courts' role in society, and court and justice system mission creep. Additionally, challenges to judicial independence will continue. The multidoor courthouse concept (i.e., intake specialists who determine the optimal routes to dispute resolution, including community resource centers, mediation, arbitration, etc.) will increase in application, and there will be increasing demand for justice system performance budgeting.

Criminal justice—There is a probable slowing of the 10-year decline in crime if economic conditions worsen and as a large youth population comes of age. There will be an increased reliance on problem-solving courts and other therapeutic approaches to service provision, and there will be increasing demand for justice system accountability. Identity theft cases will increase, as will requirements for providing counsel to indigent persons.

Civil justice—Civil cases will migrate toward private justice. In addition, efforts to limit liability and alter jurisdictions will continue. There will be an increase in international disputes. Consumers will be demanding more options for legal services, resulting in rule changes that allow for unbundled or limited-scope legal assistance.

Juvenile and family justice—Restorative justice is gaining worldwide attention, particularly in family law cases, where a systemic approach is paramount. The decline in crime rates has been steady for a decade but may be leveling. The "get tough" approaches to juvenile crime will compete with restorative justice approaches. There will continue to be an emphasis on permanency planning and adoption, and family rights of same-sex couples will continue to be at issue and litigated in the courts.

Personnel/workforce—There will be a growing shortage of court administrators and staff, and younger generations will possess different attitudes toward work. Cultural diversity will be

expected, and, thus, cultural education for judges and court staff will need to become mandatory. There will be an increased emphasis on multilingual and multicultural hiring criteria and an increased need for judges and staff with scientific and technical literacy.

Facilities/security—Courthouse security, including evidence storage and remote and virtual technologies, homeland security, and secure waiting rooms will continue to be emphasized. There will be more construction of community court facilities, but the physical requirements will change significantly (e.g., less emphasis on bricks and mortar) as more work is conducted remotely or electronically. Providing a user-friendly environment for court users will continue, suggesting more childcare facilities, for example.

Technology—There is a growing need and expectation for integrated justice systems that link the courts with criminal justice and social service systems at the local, state, and national levels for purposes of sharing information. In addition, courts will need to update the technology in most courtrooms to keep pace with technological advancements. Significant advances are likely in interpretation technology, and emergent network technology (e.g., SSL, Secure Sockets Layer) will provide improvements over virtual private networks (VPNs). There will be an increase in demand for electronic and Web services.

Community and customer service—The mass media will continue to shape public opinion about crime and the courts. Consumers will continue to demand multidoor courthouse options that meld with therapeutic and problem-solving approaches. Consumers also will continue to demand more options for obtaining legal services (e.g., unbundling legal and other services). Courts will need to communicate more effectively with a diverse population.

Ten Key Challenges Revealed in the NCSC Environmental Scan

- Attending to the changing makeup and needs of the public, with responses such as court monitoring and accountability programs, community outreach, empowerment of juries with better information, and generally seeing citizens as customers.

- Continued shifts toward alternatives to traditional courts, including ADR, the multidoor courthouse, and culturally appropriate dispute resolution.

- Mission creep regarding the services courts should provide, especially with regard to restorative justice, families, and drug courts.

- Increased use of information technology in court management, information management, and cross-jurisdictional and public communication and in providing trial information.

- More cases involving science and technology, either as the subject of the case or as the means for dealing with the subject of the case, necessitating great leaps in scientific and technological knowledge and the creation of special-expert resources.

- Increased use of private alternatives within the justice system, including private prisons and private courts.

- Focus on the rights of new groups, including alternative lifestyle groups and future persons.
- Complex ethical and legal issues arising from the biotechnology and life sciences revolutions.
- Globalization of everything.
- Serious short-term budget challenges and long-term staffing challenges.

Strong, focused, and aligned leadership throughout the judicial branch—at both the state and local levels—will be essential to dealing with and responding to these significant challenges.

III. SUMMARY OF TESTIMONY PRESENTED AT BUDGET HEARINGS HELD ACROSS THE STATE

Section Overview

- Budget cuts to date reportedly have adversely affected access to, and the services provided by, trial courts across the state.

- Future budget cuts are expected to have a profound adverse effect on courts' ability to fulfill their constitutionally mandated functions.

- Future budget reductions reportedly will:

  – Further impede courts' ability to provide justice to individuals, families, children, victims of crime, businesses, and the public by further reducing access to and services provided by trial courts;

  – Jeopardize public safety; and

  – Erode the public's confidence in the third and equal branch of government.

- Low-income, self-represented, and non-English-speaking people are expected to be the most severely affected by further budget reductions and cutbacks.

- Court users (e.g., adults and children) testified about the value of many of the court's services that are typically thought of as noncore functions. Services and programs that court users believe are valuable and made a significant difference in their lives included:

  – Self-help centers;
  – Family law courts and family law facilitators;
  – Drug and mental health courts;
  – Early intervention programs;
  – Domestic violence programs;
  – Interpreter services;
  – Elder abuse services;
  – CASA (Court Appointed Special Advocate) volunteers;
  – Mediation programs; and
  – Homeless advocates.

Introduction/Overview

Four Senate hearings were held in various locations around the state between February 18 and March 18, 2004, to receive testimony related to the proposed 2004–2005 budget for the judicial branch.[7] In addition, the Judicial Council held a hearing on April 23, 2004, in San Francisco to receive testimony on the proposed budget. Many individuals testified on behalf of the courts and court users throughout the state.[8]

This section presents a summary of the testimony presented at the five hearings held across the state.

Themes From the Public Hearings

The themes that emerged from an analysis of transcripts of the public hearings are presented next.

Impact of budget cuts to date—Budget cuts to date have adversely affected access to, and the services provided by, trial courts across the state. Specific examples are as follows:

- Facilities have been closed;
- Court hours have been reduced;
- Courthouse security is inadequate or nonexistent in some facilities;
- Some court facilities are in disrepair;
- Judicial officers have not been added where needed;
- Staffing levels have been reduced;
- Core and innovative court programs have been merged or reduced;
- Delays in case processing and case resolution are on the rise;
- Staff morale is low; and
- Feelings of "burnout" are on the rise.

Impact of future budget cuts—Future budget cuts are expected to have a profound adverse effect on courts' ability to fulfill their constitutionally mandated functions. As suggested by the testimony, future budget cuts will significantly:

- Impede courts' ability to provide justice to individuals, families, children, victims of crime, businesses, and the public by further reducing access to and services provided by trial courts.

- Jeopardize public safety; and

- Erode the public's confidence in the third and equal branch of government.

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[7] The Senate hearings on the proposed 2004–2005 judicial branch budget were held on February 18, 2004, in San Diego; March 5, 2004, in Los Angeles; March 12, 2004, in Fresno; and March 18, 2004, in Oakland.

[8] Those testifying included judges, executive officers, commissioners, State Bar members, legal representatives for seniors/elderly, families, children, and non-English-speaking, low-income, and mentally ill litigants, CASAs, judge pro tems, court reporters, courtroom clerks, law enforcement officials, judicial assistants, jury clerks, litigants/defendants, prosecutors, and public defenders.

Additionally, low-income, self-represented, and non-English-speaking people are expected to be the most severely affected by further reductions and cutbacks.

The following are specific examples mentioned at the hearings.

- Innovative, nonmandatory, and mandatory services and programs are at risk of being cut or eliminated, according to presiding and other judges and court executive officers. Programs mentioned included drug courts, mental health courts, domestic violence programs, self-help centers, family law facilitators, early intervention programs, interpreter services, elder abuse services, CASA volunteers, mediation programs, homeless advocates, and complex litigation dockets.

- Court users (e.g., adults and children) testified about the value of many of the court's services and programs that are typically thought of as noncore functions. They testified that many of the services and programs provided by courts across the state are extremely valuable; they made a significant difference in their lives. Programs specifically mentioned included (1) self-help centers, (2) family law courts and family law facilitators, (3) drug and mental health courts, (4) early intervention programs, (5) domestic violence programs, (6) interpreter services, (7) elder abuse services, (8) CASA volunteers, (9) mediation programs, and (10) homeless advocates.

- Vacancy rates for staff positions are expected to rise (many courts report current vacancy rates of 10 to 20 percent). It will be increasingly difficult to attract and retain qualified judges and staff, staff morale will continue to plummet, and feelings of burnout will be pervasive.

- More court facilities, community courts, and courtrooms will be closed, and hours of service will be reduced further.

- Extreme delays in processing cases, especially civil, family, and probate cases, are expected to occur.

- Court facilities will continue to deteriorate and become increasingly run down and inadequate.

- The ability to invest in and implement technological innovations and other innovative programs and services will be greatly limited or nonexistent.

IV. OPPORTUNITIES FOR COLLABORATION WITH THE STATE BAR OF CALIFORNIA

Section Overview

Several similar, long-term strategic priorities of the Judicial Council and the State Bar of California provide opportunities for mutual and joint collaboration:

- The State Bar is committed to providing all parties with access to high-quality legal services regardless of financial or other circumstances.
- The State Bar wants to improve the administration of justice and access to the legal system for low- and moderate-income Californians through effective stakeholder relations, including bench-bar efforts.
- The State Bar wants to be actively involved in improving the administration of justice and ensuring the rule of law in our civil society by encouraging attorney participation in policy-setting activities.

Introduction/Overview

In 2002, the State Bar of California developed a long-range strategic plan that identifies six strategic issue areas. Three issue areas appear to present opportunities for joint collaboration with the judicial branch:

1. Equal Access to Justice;
2. Stakeholder Relations; and
3. Leadership and Accountability.

Each of the strategic issues includes a goal and several strategies for addressing the issue area and accomplishing the goal. Below is an overview of the parts of the State Bar's long-range strategic plan that appear to relate directly to work of the Judicial Council and other judicial system leaders.

Opportunities for Collaboration With the State Bar of California

1. *Equal Access to Justice*—The goal related to this strategic issue is that all people will have access to high-quality legal services regardless of financial or other circumstances. The strategies include:

    - Increasing pro bono representation throughout the state;
    - Advocating for increased funding and other resources for no- and low-cost legal service providers;
    - Actively informing the public about the role and operation of the justice system and services available in collaboration with the Judicial Council, local bar associations, trial courts, and educators;
    - Supporting the appropriate use of alternative dispute resolution processes such as mediation; and
    - Working collaboratively with the Judicial Council to improve access and services for self-represented litigants.

2. *Stakeholder Relations*—The State Bar will fulfill its mission through effective and supportive relationships with all stakeholders. One of its strategies is to encourage and support bench-bar efforts to improve the administration of justice and access to the legal system for low- and moderate-income Californians.

3. *Leadership and Accountability*—The goal in this strategic-issue area is for the State Bar to be recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society. One of the State Bar's strategies is to enhance opportunities for, and encouraging attorney participation in, state and local justice system policy-setting activities, including the development, consideration, and support or opposition to rules of court and legislation affecting the practice of law.

V. CORE THEMES

Section Overview

Five core themes emerged from the analysis of stakeholder data and national and state trends:

- Adverse impact of budget cuts on courts;
- Need to strengthen the infrastructure of the judicial branch;
- Trends affecting the judicial branch and courts in the future;
- Need to transform judicial system services; and
- Opportunities for intergovernmental and interagency collaboration.

Introduction

Five core themes emerged from the analysis of stakeholder data and national and state trends. They represent (1) intrabranch areas that need continued attention and focus in the future; (2) external events and pressures that will place increased demands on the branch and the trial courts in the upcoming years; (3) opportunities and pressures to transform judicial system services; and (4) opportunities for collaboration with justice system partners and stakeholders.

This section describes the core themes that emerged from the analysis. They represent future issues and opportunities for the judicial branch.

The core themes are:

- The adverse impact of budget cuts on the courts;
- The need to strengthen the infrastructure of the judicial branch;
- Trends affecting the branch and courts in the future;
- The need to transform judicial system services; and
- Opportunities for intergovernmental and interagency collaboration.

Discussion of Core Themes

Each of the core themes is discussed below.

The Adverse Impact of Budget Cuts on the Courts

Recent funding reductions have hampered courts' abilities to provide fair, timely, and efficient justice to all Californians. Future budget cuts will further limit access, increase delays, jeopardize public safety, and erode public trust and confidence in the third and equal branch of government.

California's trial courts have become extremely lean over the past few years. As a result of recent budget cuts, they have consolidated programs, eliminated nonessential positions, streamlined work, expanded and changed job responsibilities, and found innovative ways to reduce costs and provide services to court users. Future budget reductions will adversely affect the services the trial courts can provide to court users and their communities. In fact, many of the programs and services likely to be cut or eliminated (e.g., noncore functions) are those that court users believe are extremely valuable and have made a significant difference in their lives.

Specific examples follow.

- Mandatory and nonmandatory services and programs are at risk of being cut or eliminated. Some of the "at -risk" programs are drug courts, mental health courts, domestic violence programs, self-help centers, family law facilitators, early intervention programs, interpreter services, elder abuse services, CASA volunteers, mediation programs, homeless advocates, and complex litigation dockets.

- More court facilities, community courts, and courtrooms will be closed, and hours of service will be reduced further.

- Extreme delays in processing cases, especially civil, family, and probate cases are expected to occur.

- The ability to invest in and implement technological innovations and other innovative court programs and services will be greatly limited or nonexistent.

- Low-income, self-represented, and non-English-speaking people are expected to be the most severely affected by further cutbacks.

In sum, adjudicatory and nonadjudicatory court services will be adversely affected by future budget cuts at a time when service expectations and needs (e.g., for greater access, expeditious resolution of legal matters, the provision of culturally appropriate services and problem-solving approaches, greater uses of technology, legal and language assistance) are actually increasing.

The Need to Strengthen the Infrastructure of the Judicial Branch

A sound infrastructure is the backbone of an effective judicial branch. Adequate facilities and other internal support functions such as human resources, information technology, finance, accounting, budgeting, legal services, and effective communication systems are integral to the trial courts and the branch as a whole. Over the past six years, the infrastructure of the branch has been tested, having gone through court unification, a transition from county to state funding, and a recent transfer of court facilities to the state, all in an environment of diminishing state and local resources.

California's trial courts report many existing and transitional infrastructure needs. Further, they have identified longer-term infrastructure needs and investments (e.g., effective case management systems, succession planning, facilities in emerging population centers) that are being overlooked as a result of existing constraints and challenges.

For example, many courts lack the technological infrastructure to manage cases and keep pace with the service expectations of an increasingly technologically sophisticated public. Resource limitations will likely slow the branch's ability to bring archaic, incompatible systems up to reasonable performance levels across the state and to network them to enhance information sharing and communication. Developing integrated systems and networks with justice system and social service providers continues to be a major challenge.

In addition, trial courts are assuming increasing responsibilities for human resources, finance, and legal services. Many are ill equipped to assume these responsibilities, and the branch is not able to provide the assistance needed. Moreover, there are tensions between the need for standardization and consistency statewide in some areas but local flexibility and autonomy in others.

The recent transfer of facilities from the counties to the state also is imposing new burdens on trial courts. For example, of the 451 court facilities across the state, over 70 percent were built in the fifties, sixties, and seventies—under earthquake code design requirements that are now considered inadequate, particularly for concrete structures. Many of these facilities are in disrepair, lack the space needed to accommodate staff and programs, are not ADA compliant, and lack the weapons screening or perimeter security systems needed in today's environment. Some counties need facilities in growing population centers. In addition, some courts are experiencing escalating security costs (because of statewide contracting requirements) and declining relations with county officials resulting from the transfer of facilities.

Finally, formal and informal communication systems, mechanisms, and protocols need to be developed and improved at the state and local levels. Effective communication is paramount to leading and effecting change and improvements throughout the branch.

In sum, trial courts and the branch as a whole need a sound infrastructure to be able to continue to provide high-quality services to the people of California. The delivery of justice by California's trial courts will be adversely affected if these infrastructure issues are not resolved and improved in the near and longer term.

Trends Affecting Courts in the Future

Courts are facing a challenging future unless proactive and aggressive steps are taken to shape a more positive future. There are many interacting trends and pressures that will have profound impacts on the branch and courts in the years ahead. They include (1) continued globalization and economic uncertainty; (2) the burgeoning demands and expectations of court users and stakeholders for access, services, and accountability; (3) changing population and workforce demographics; (4) new areas of litigation; and (5) the second information technology revolution.

Fragile and uncertain global and national economies mean that uncertainties and challenges will continue for several years at a minimum. Some indicators reflect a recovery, while others suggest a continued downward trend in the economy. Population demographics suggest that consumer spending will continue to fuel the economy over the next four to five years, with a slowing economy after that, unless global and business investments rebound between now and then.

Expectations and demands for higher levels of service will continue into the future. That is, courts will continue to experience increasing pressures to improve access and services at a time when they are retrenching rather than expanding and innovating. Further, mission creep will continue to be an issue for courts. They will be expected to be tough on crime while simultaneously providing a range of needed, nonadjudicatory services especially to families, children, and low-income, non-English-speaking, and self-represented court users. Additionally, they will be expected to provide effective and culturally responsive services and therapeutic and problem-solving approaches to resolving legal matters. Courts also will experience greater pressure to be accountable and responsible for the use of public resources.

Changing population and workforce demographics will pose specific challenges for courts. In particular, the population is aging, and there will be more non-English-speaking residents and immigrants and self-represented litigants in the future. ADA accessibility will be even more important in the future as will courts' ability to provide a range of services. Moreover, workforce challenges for courts in the future are expected to include (1) many retirements in the next decade, resulting in a major loss of institutional knowledge and experience; (2) a shortage of court administrators and staff; (3) difficulties in recruiting entry-level workers; (4) a need for multilingual and multicultural staff; and (5) a need for judges and staff with scientific and technical literacy.

New and complex areas of litigation are emerging, especially in the areas of science and technology. Examples include bioethics (e.g., cloning, stem cell research), privacy issues, government monitoring, environmental issues, and global disputes.

Courts must find a way to harness the second technology revolution. They need to be able to tap the wireless revolution and keep pace with advances in information technology.

The Need to Transform Judicial System Services

Trial courts are at a critical juncture. In order for courts to keep pace with the changing times and ultimately increase the public's trust and confidence, a radical transformation of the services that the judicial system provides, and how they are provided, is needed and likely. The current milieu and a variety of trends are interacting to make this transformation inevitable. In short, courts will need to find innovative ways to use technology and provide more and different types of services (including services that are often considered to be noncore functions) to meet the ever changing and increasing needs and expectations of court users. Additionally, courts will be required to conduct the business of the courts differently—even more effectively and efficiently—in the future.

While continuing to focus on their core mission, courts must continue to be innovative and responsive. They must continually search for innovative ways to (1) provide improved access to the courts, (2) resolve disputes in a fair and timely manner, and (3) respond to the rapidly expanding and changing needs of court users (e.g., provide self-help, interpreter, and early intervention services; develop therapeutic and problem-solving approaches to resolving disputes).

Courts also must develop innovative ways to be more efficient and effective. For example, they must critically examine and make improvements to their work processes and streamline the delivery of services. In addition, they must invest in technology that will yield internal efficiencies, improved communications with other courts and partners, and improved services and access to court users. Emerging innovative practices and technologies can revolutionize how courts do their work, from reengineering work processes and service delivery to virtual courthouses and hearings, paperless files, telecommuting, and wireless systems, to name a few.

The transformation of judicial system services would be challenging in the best of times. Although difficult and seemingly daunting in the current environment, organizational and systemwide innovations are possible and necessary to continue to provide high-quality judicial system services to the people of California.

Opportunities for Intergovernmental and Interagency Collaboration

The long-term success of the branch and trial courts depends, in part, on seizing opportunities for increased collaboration with state and local partners and stakeholders. There are many compelling reasons for increasing and institutionalizing collaboration with sister branches of government, the legal community, and justice and social service partners and providers: (1) the interdependence of many executive, legislative, and judicial branch organizations; (2) mutual interests and complementary goals; and (3) limited resources. However, this collaboration must coexist with preservation of the judicial branch's independence and the judiciary's integrity.

Although the judicial branch is an independent branch of government, the branch as a whole and the courts in particular are dependent in significant ways on the executive and legislative branches of government, the legal community, and justice and social service partners and providers. For example, (1) the branch needs stable and adequate funding, which can only be provided by the Legislature; (2) local justice and social service partners transport prisoners, supervise parolees and probationers, maintain adequate court security, provide treatment services to litigants, families, and children, and perform numerous other court-related services; and (3) courts are dependent on the legal community to provide adequate legal services to indigent court users and expeditiously resolve all matters before the courts.

Further, many stakeholders and partners have mutual interests and complementary goals. For example, the legislative and executive branches of government want the judicial branch to be responsible and accountable for its use of resources. The State Bar of California has complementary goals and strategies that include collaboration with the judicial branch. Local legal service providers are concerned about and committed to providing high-quality legal services to those in need. Attorneys representing litigants want fair and expeditious resolution of their cases. Local justice system and social service providers are committed to providing efficient and effective services to users and the public and are responsible and accountable for their own use of public resources.

Finally, all branches of government, justice system agencies, social service providers, the legal community, and other system stakeholders are experiencing limited and declining resources. All are being forced to critically evaluate the manner in which they provide services and find innovative means for continuing to meet the needs of their customers. Coordination of services will become increasingly important to eliminate duplication and achieve efficiencies.

These and other conditions suggest a need and opportunities for the judicial branch to work toward greater collaboration with state and local partners and stakeholders while remaining an independent and separate branch of government. Opportunities abound for joint planning, problem solving, and implementation of organizational and system improvements.

SOURCES

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2003 Report on Trends in the State Courts and an Environmental Scan for the State Courts, 2003 (Williamsburg, Virginia, National Center for State Courts and Futurist.com., 2003).

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Judicial Council of California, *Leading Justice Into the Future: Strategic Plan* (March 2000).

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J. A. Martin and B. J. Wagenknecht-Ivey, "Courts 2010: Critical Trends Shaping the Courts in the Next Decade" (2000) 15(1) *Court Manager* 6–15.

State Bar of California Long-Range Strategic Plan (2002).

APPENDIX A

List of Trial Courts That Submitted Priority Issues and Trends (in alphabetical order)

Fifty-three trial courts, or 91 percent of all trial courts in California, submitted updated annual progress reports (APRs) in early April 2004. Forty-three of these, or nearly 75 percent statewide, identified priority issues and trends facing their courts. Below is a list of the 43 trial courts that provided priority-issue and trend information.

1. Amador
2. Butte
3. Calaveras
4. Colusa
5. Fresno
6. Imperial
7. Inyo
8. Kern
9. Lassen
10. Los Angeles
11. Madera
12. Marin
13. Mariposa
14. Mendocino
15. Merced
16. Modoc
17. Mono
18. Monterey
19. Napa
20. Nevada
21. Orange
22. Placer
23. Riverside
24. Sacramento
25. San Benito
26. San Bernardino
27. San Diego
28. San Francisco
29. San Joaquin
30. San Mateo
31. Santa Clara
32. Santa Cruz
33. Shasta
34. Sierra
35. Siskiyou
36. Solano
37. Sonoma
38. Stanislaus
39. Tehama
40. Tulare
41. Tuolumne
42. Ventura
43. Yolo

Trial courts that submitted APRs without priority issues or trends: Alpine, Del Norte, Humboldt, Kings, Lake, Plumas, San Luis Obispo, Sutter, Trinity, Yuba.

APPENDIX B

Priority Issues Identified by Trial Courts

The trial courts identified 195 priority issues in their annual progress reports, and many of these issues were similar. For analysis purposes, the issues were coded and grouped into broad, thematic categories. The categories are listed below in random order.

The analysis revealed clustering around seven of the broad categories. That is, the responding courts mentioned seven issue areas most frequently. The remaining responses were distributed evenly across the other areas. See section I of the report for a discussion of the seven most frequently mentioned issue areas.

1. Technology*
2. Human Resources/Labor Relations*
3. Facilities/Security/Space*
4. Services to Pro Pers and Non-English-Speaking Litigants*
5. Availability/Access to Interpreters
6. Jury Services
7. Family Court Services
8. Reduction in Court Services and Access to the Court/Inability to Implement New Services and Innovations
9. Increase in Workloads, Delay, and Pending Cases*
10. Public Education/Community Outreach
11. Relations With External Partners
12. Unstable Funding/Erosion of Baseline Funding/Budget Process*
13. Collections/Retaining Fees/Fines and Fees Distribution
14. Uncontrollable/Increasing Costs*
15. Alternative Dispute Resolution (ADR)
16. Collaborative Courts/Alternative Courts

17. Tribal/Prisoner Issues

18. Other—miscellaneous issues such as court reporters, ongoing community-focused court planning, availability of qualified judges to sit on assignment, asbestos management, and opening of a new juvenile courthouse

* One of the seven most frequently mentioned priority issues.

APPENDIX C

Courts by Size of Population

Mega (3 courts)	Greater than 2,000,000
Large (5 courts)	Greater than or equal to 1,000,000 and less than 2,000,000
Medium (6 courts)	Greater than or equal to 600,000 and less than 1,000,000
Moderate (13 courts)	Greater than or equal to 200,000 and less than 600,000
Small (31 courts)	Less than 200,000

Courts Classified by Size

Mega:
Los Angeles
Orange
San Diego

Large:
Alameda
Riverside
Sacramento
San Bernardino
Santa Clara

Medium:
Contra Costa
Fresno
Kern
San Francisco
San Mateo
Ventura

Moderate:
Butte
Marin
Merced
Monterey
Placer
San Joaquin
San Luis Obispo
Santa Barbara
Santa Cruz
Solano
Sonoma
Stanislaus
Tulare

Small:
Alpine
Amador
Calaveras
Colusa
Del Norte
El Dorado
Glenn
Humboldt
Imperial
Inyo
Kings
Lake
Lassen
Madera
Mariposa
Mendocino
Modoc
Mono
Napa
Nevada
Plumas
San Benito
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Tuolumne
Yolo
Yuba

APPENDIX D

Comparison of Priority Issues by Region and Size of Court

Summary of Priority Issues by Region and Size of Court		
Region/Size of Court	**Priority Issues Mentioned Most Frequently**	**Priority Issues of Greater Relative Importance to Courts in Regions**
Southern Regional Office	▪ Human Resources/Labor Relations	▪ Human Resources/Labor Relations* ▪ Increase in Workloads, Delay, and Pending Cases* ▪ Facilities/Security/Space ▪ Technology ▪ Uncontrollable/Increasing Costs
Bay Area/ Northern Coastal Regional Office	▪ Unstable Funding/Erosion of Baseline Funding/Budget Process ▪ Services to Pro Pers and Non-English-Speaking Users	▪ Service to Pro Pers and Non-English-Speaking Users* ▪ Facilities ▪ Unstable Funding/Erosion of Baseline Funding/Budget Process ▪ Technology ▪ Increase in Workloads, Delay, and Pending Cases ▪ Uncontrollable/Increasing Costs
Northern/Central Regional Office	▪ Human Resources/Labor Relations ▪ Facilities/Security/Space	
Mega	▪ Technology ▪ Human Resources/Labor Relations	
Large	▪ Human Resources/Labor Relations	
Medium	▪ Unstable Funding/Erosion of Baseline Funding/Budget Process	
Moderate	▪ Unstable Funding/Erosion of Baseline Funding/Budget Process ▪ Human Resources/Labor Relations ▪ Facilities/Security/Space	
Small	▪ Human Resources/Labor Relations ▪ Facilities/Security/Space	

*Priority issue that is of *greatest* relative importance to the region.

APPENDIX E

Trends Identified by Trial Courts

The trial courts identified a total of 90 trends affecting their courts. Many of the trends were similar. For analysis purposes, the trends were coded and grouped into broad categories. The 13 broad categories are listed below in random order. The responding courts mentioned four trends most frequently. The trends are discussed in section II of the report.

- Aging population/increase in retirements
- Population growth/shifting population centers in the county*
- Increase in non-English-speaking population
- Increase in public demand/expectations for information, access, and services (generally and through the use of technology)*
- Increase in unemployment/increase in the poverty rate
- Increase in the number of filings, workload, delay, and pending cases*
- Declining economic condition of counties
- Increasing focus on branch priorities and away from local needs and priorities
- Increasing growth and demands of the AOC
- Increase in the numbers of pro pers and self-represented litigants*
- Increasing numbers of unfunded legislative mandates
- Increase in the use of collaborative courts/alternative dispute resolution
- Other—miscellaneous trends such as joint administration between courts; increasing public and justice partner demands for information coordination among family, juvenile, and criminal domestic violence courts; more politically driven decisions from outside agencies

* Trends identified most frequently by trial courts.