

2020 CourtFutures Top Trends to Watch: By Age Cohort

Phillip Knox and Peter C. Kiefer
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The Surveys

We have summarized the best thinking of over 1,500¹ court professionals who have reviewed 201 different scenarios of possible futures. This report highlights the 2020 assessments and focuses on the responses by age cohort, comparing the assessments of each cohort with the overall group. **Events of this year have challenged all of us, including our ability to keep up with the current issues faced by our courts. The responses to this survey were returned to us before the full impact of the Coronavirus became known. We compiled the results during the first quarter of the year when the country and the world were only beginning to realize the depths of these effects.**

We do feel some encouragement in the relevance of the survey questions and how the survey manages to assess and predict change as a few of the offered scenarios have synched with events that are being faced now because of the pandemic's influence. Please note the scenarios related to remote hearings, distance learning, and online dispute resolution.

Number of Respondents by Age Cohort

Cohort	2013	2014	2015	2016	2017	2018	2019	2020
Traditional Gen Born before 1945	N/A	N/A	13	8	14	12	13	10
Baby Boomers Born 1945-1964	123	294	283	203	206	164	201	176
Generation X Born 1965-1979	57	143	145	112	130	126	146	170
Millennials Born 1980-1994	31	58	49	42	38	47	36	44
Generation Y Born After 1994	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8

The nine surveys conducted over eight years have sought to answer the question: what is the most likely future for courts? By assessing the probability of various scenarios occurring within the next ten years and then averaging those results, we have developed estimates of what the future might hold for courts. The assessments averaging from 1.0 to 1.9 are labeled *Highly Likely*; 2.0 to 2.4: *Likely*; 2.5 to 2.9: *Maybe (50-50 Chance)*; 3.0 to 3.4: *Unlikely*; and 3.5 and higher: *Improbable*.

For an in-depth look at many scenarios, we invite you to go to the <https://www.Courtleader.net> website. Janet Cornell hosts the site where we have posted several “thought pieces” on the *CourtFutures* webpage. You can request a full set of survey results by emailing us at CourtFutures@gmail.com.

¹The Spring 2013 survey received 232 responses; the Summer 2013 survey received 212 responses; the 2014 survey received 510 responses; the 2015 survey received 493 responses; the 2016 survey received 369 responses; the 2017 survey received 391 responses; the 2018 survey received 352 responses; the 2019 survey received 398 responses; the latest 2020 survey received 412 responses.

No. 10: Most Court Hearings are Conducted Remotely

This trend shows how quickly circumstances can change. In 2013, in 2014, and mostly in January of 2020 we asked about the probability that most court hearings would be held through remote recorded conferencing; parties physically present in courtrooms would be the exception rather than the rule. The scenario assessed each time as having only a **50-50 Chance**. In just six short months, courts now routinely hold virtual hearings.

Theme	Overall Group
Most Court Hearings are Conducted Remotely	Maybe
The overall group assessed this scenario as having a 2.6 probability. Traditionals, Baby Boomers, and Generation X assessed it as having a 50-50 Chance – Baby Boomers’ probability: 2.5; Traditionals and Generation X probability: 2.7; Millennials’ probability: 2.8. Generation Y assessed it as Likely with a probability: 2.4	

Along with virtual hearings, the Coronavirus has propelled teleworking into the spotlight. The survey has never asked respondents to assess the probability of teleworking becoming routine in courts. (Rest assured that scenario will be in the 2021 survey.) Two scenarios came close:

- In 2013 respondents assessed the probability that **Alternative Work Schedules Would Become the Norm** as **Likely** with a 2.4 mean overall average.
- In 2013 and 2014 respondents assessed the probability that **Sophisticated Tasks Would Be Outsourced to Professionals, Many of Whom Would Work Part-Time from Their Homes**. Both times the scenario was assessed as having a **50-50 Chance** with a 2.9 mean overall average in 2013 and a 2.6 mean overall average in 2014.

No. 9: Courts Offer Their Training Through Distance Learning

Most staff training is offered through webinars, videos, downloadable PowerPoints, etc. In 2013, respondents assessed this scenario as **Highly Likely** with a 1.6 probability.

Theme	Overall Group
Courts Offer Their Training Through Distance Learning	Highly Likely
The overall group assessed this scenario as having a 1.6 probability. Traditionals, Baby Boomers, and Generation X assessed it as being Highly Likely – Traditionals’ probability: 1.3; Baby Boomers’ probability: 1.6; Generation X and Millennials’ probability: 1.5. Generation Y assessed it as Likely with a probability: 2.0.	

In 2019, respondents assessed the likelihood that **Courts Would Develop Online Individual Learning Modules to Train New Employees** as **Highly Likely** with a 1.7 probability.

No. 8: Ransomware Attacks on Court Computer Systems Become Routine

Ransomware attacks become common against court computer systems, as well as against city and county computer systems which courts use. Ransomware terrorists often target smaller jurisdictions because they do not have the financial resources to install the expensive cybersecurity safeguards.

Theme	Overall Group
Ransomware Attacks on Court Computer Systems Become Routine	Likely
The overall group assessed this scenario as having a 2.0 probability. Traditionals assessed it as having a 50-50 Chance : 2.5 probability. Baby Boomers, Millennials, and Generation Y assessed it as Likely - Baby Boomers’ probability: 2.1; Millennials and Generation Y probability: 2.0. Generation X assessed it as Highly Likely with a 1.9 probability.	

No. 7: Courts Secure Their Systems and Data Against Malicious Attacks

Responding to widespread ransomware attacks, viruses, and data hacks, courts manage to secure their critical systems and data against malicious attack and theft.

Theme	Overall Group
Courts Secure Their Systems and Data Against Malicious Attacks	Highly Likely
The overall group assessed this scenario as having a 1.8 probability. Traditionals, Baby Boomers, Generation X, and Millennials assessed it as Highly Likely – Traditionals: 1.9 probability; Baby Boomers: 1.7 probability; Millennials and Generation Y: 1.8 probability. Generation X assessed it as Likely with a 2.4 probability.	

No. 6: Therapeutic and Problem-Solving Courts Abound

The success of and demand for therapeutic and problem-solving courts grows exponentially. Courts throughout the country run an array of therapeutic and problem-solving courts addressing issues ranging from drug addiction and drunk driving, to gambling, petty theft, and “deadbeat” spouses. This scenario was first run in the Spring of 2013 survey under the title “Specialty Problem-Solving Courts Abound” and assessed at that time as **Likely** with a 2.2 average probability.

Theme	Overall Group
Therapeutic and Problem-Solving Courts Abound	Highly Likely
The overall group assessed this scenario as having a 1.6 probability. Traditionals assessed it as Likely with a 2.1 probability. Baby Boomers, Generation X, Millennials, and Generation Y assessed it as Highly Likely – Baby Boomers and Generation X: 1.6 probability; Millennials: 1.8 probability; Generation Y: 1.5 probability.	

No. 5: The Gap Between Urban and Rural Courts Widens

The resources and services gap between urban and rural courts widens. Rural courts must continue to “catch up” to enjoy technological innovations. This scenario was first surveyed in the Spring of 2013 and assessed as **Likely** with a 2.4 average probability. It was run again in the Winter of 2017 and assessed as **Likely** with a 2.4 average probability.

Theme	Overall Group
The Gap Between Urban and Rural Courts Widens	Likely
The overall group assessed this scenario as having a 2.3 probability. Traditionals assessed it as Highly Likely with a 1.8 probability. Baby Boomers, Generation X, Millennials, and Generation Y assessed it as Likely – Baby Boomers and Generation X: 2.3 probability; Millennials and Generation Y: 2.4 probability.	

No. 4: Limited License Legal Technicians (LLLT) Assist Court Customers

Jurisdictions across the country permit LLLTs to advise and assist court customers going through a divorce, child custody, family law, probate, and some civil matters. In some courts, they are referred to a “Legal Technicians” or “Legal Navigators.” This is the first time we posed a scenario about LLLTs.

Theme	Overall Group
Limited License Legal Technicians (LLLT) Assist Court Customers	Likely
The overall group assessed this scenario as having a 2.3 probability. Traditionals, Baby Boomers, Generation X, Millennials, and Generation Y assessed it as Likely – Traditionals, Baby Boomers, and Millennials: 2.3 probability; Generation Y: 2.0 probability.	

No. 3: States Adopt Uniform Standards for Dealing with Self-Represented Litigants

Uniform standards will include access to forms, interpreters, and procedural information. This scenario was first run in the Spring of 2013 survey and was assessed as **Likely** with a 2.2 average probability.

Theme	Overall Group
States Adopt Uniform Standards for with Dealing Self-Represented Litigants	Likely
The overall group assessed this scenario as having a 2.2 probability. Traditionals, Baby Boomers, Generation X, and Millennials assessed it as Likely – Traditionals and Baby Boomers: 2.3 probability; Generation X: 2.2 probability; Millennials: 2.4 probability. Generation Y assessed it as Highly Likely with a 1.8 probability.	

No. 2: Online Dispute Resolution (ODR) Becomes the Norm for Courts

Courts nationally incorporate ODR programs to resolve disputes without the parties having to physically come to the courthouse.

Theme	Overall Group
Online Dispute Resolution (ODR) Becomes the Norm for Courts	Likely
The overall group assessed this scenario as having a 2.4 probability. Traditionals assessed it as Unlikely with a 3.2 probability. Baby Boomers, Generation X, Millennials, and Generation Y assessed it as Likely – Baby Boomers: 2.4 probability; Generation X and Millennials: 2.3 probability; Generation Y: 2.6 probability.	

No. 1: Most Courts Maintain Their Records in the Cloud (or its successor)

Some form of off-site data storage (known as Cloud Storage in 2018) run by organizations dedicated to managing electronic data constitutes the primary storage solution for courts. This scenario was first surveyed in the Winter of 2018 and assessed as **Likely** with a 2.0 average probability.

Theme	Overall Group
Most Courts Maintain Their Records in the Cloud (or its successor)	Highly Likely
The overall group assessed this scenario as having a 1.9 probability. Traditionals and Millennials assessed it as Likely – Traditionals: 2.1 probability; Millennials: 2.1 probability. Baby Boomers and Generation X assessed it as Highly Likely – Baby Boomers: 1.8 probability; Generation X: 1.9 probability; Generation Y assessed it as having a 50-50 Chance with a 2.5 probability.	

We are gearing up for our 2021 survey and want to hear what you think we should ask. Also, let us know of anyone who might be interested in participating in the next survey. Email your suggestions to courtutures@gmail.com.