**A New Courthouse Paradigm**

**Bob:** We’re going to go ahead and start. The topic is “A New Courthouse Paradigm.” This is a first presentation as part of an ongoing, growing relationship between the AAJ and the National Association of Court Management.

This presentation today is about re-imagining and predicting characteristics of tomorrow’s courthouse by anticipating future court operational and facility changes that will result from rapidly advancing technologies, economic necessities, significant operational trends, and changing demographic, climatic, and societal changes.

This will not be about tricking **[? 0:49]** today’s courthouse. It will be about anticipating the emergence of an entirely new paradigm for future judicial facilities. This, in turn, could have an astonishing impact on how today’s court facilities are programmed, planned, and designed.

Leading this session is Chuck Oraftik. Chuck has more than 35 years’ experience focused on justice facilities. He is the justice director of the HOK San Francisco Office.

Phil Knox is a court administrator. He has 17 years with the Superior Court in Maricopa County, and He is just coming off as a director on the board of NACM.

You might have seen Jay Farbstein earlier today in the Court Technology conference. He is nationally recognized for his contributions in the field of court planning, with over 50 projects, including 26 California AOC offices, ranging from three to 44 courts. He is also co-chair of the research committee. He’s a past chair of the Environmental Design Research Association, where he was the recipient of its Career Award.

Lorenzo Lopez is vice president of Nacht & Lewis architects in San Francisco. He has worked on a variety of justice projects for the past 20 years, focusing on planning, co-compliance, and sustainability. He is also heavily involved in both local and national components of the AAJ, and he has authored several new code sections that were implemented in the California Building Code and being considered for inclusion in the IBC.

Peter Kiefer has worked for the Maricopa Superior Court since 2001, as criminal court administrator, regional administrator, and now as civil court administrator.

With that, I will turn it over to Chuck. I look forward to a great presentation.

**Chuck:** The premise of today’s session is that today’s state-of-the-art, cutting-edge courthouses will become obsolete in about 20 or 30 years, in the same way we look back at courthouses from the ’60s and ’70s.

What we want to figure out is how can the next generation of architects see beyond the next five to ten years – that’s mostly the horizon we’re looking at these days – to prevent or mitigate this kind of obsolescence?

Over the past decade or so, we’ve seen the continuous death and rebirth of just about every aspect of American life, but this tsunami of change still really hasn’t reached the courts yet. However, big changes are around the corner, and Phil and Peter will be talking about some of them in the midterm – 10 to 15 years.

Today, we’re going to try to take a leap in the future to see if we can see beyond what’s currently state-of-the-art and what might be for the next generation of architects. When we Baby Boomers move on and are sitting on the porch of the shady rest, what is the next generation of architects going to be doing?

As Bob mentioned, I’ve been dedicated to this for 35 years, and I realize now that a lot of what I’ve learned is really becoming obsolete. It’s not just the computer skills, which of course, happened a long time ago – I don’t have that – but it’s the knowledge of how we’re going to be working with these new facilities and new technologies.

As an amateur court futurist, when I heard that Phil and Peter were doing this research for NACM and for themselves about operational changes that are coming up, I was fascinated. I decided that I needed to learn more about this and work with them to share their insights into what would be the next generation of facilities.

Their research is mainly at a 10-to-15-year range, but I’m really looking forward to using that as a stepping-stone. This is the tip of an iceberg. Let’s extrapolate what they’re doing now and look beyond that another 10 or 15 years.

One of the most obvious forces that is making changes is public expectations. There is a generation growing up a set of expectations of service that are very different from those of us Baby Boomers – instantaneous everything, visual everything, interactive everything, texting, Google Glass, smartphones, joysticks, iPads, Twitter.

Even some of the more recent technologies, like laptops, television and e-mail, are starting to fall behind. Some of my daughter’s friends don’t even know how to use a regular landline telephone. They keep looking for the “send” button on it.

This generation, which has grown up with Grand Theft Auto, in 20 years, will be DAs, attorneys, judges, and defendants. They will have expectations of easy, immediate access that I think will consign the way the courts operate today into the dustbin. As I said previously there, change or die. Like the private sector, they’re going to have to find a way to meet society’s expectations or likely find that society changes the system for them – like the USPS has found out.

The new normal for courts: a new normal is the reality of reduced budgets. I think those who think that this reduced budget is a temporary aberration are in for a surprise. It’s going to have to be the mother of efficient and effective operations. As Judge Broderick said, “Hope and cope is not a solution,” but a lot of people have their head in the sand right now.

Compounding is, I think, an evolving civic understanding of sympathy for and funding of the third branch of government, and the private sector has been dealing with this in a number of ways.

One of the more prominent ones is tiered services. When you get on a plane, you have business, coach, and first. When you try to get information on your credit card or whatever, you can either go through the phone tree or if you’re a good customer, you get a private, concierge kind of service. Even though everyone on the plane gets to the same destination, you get there in different ways.

I know Jack Clark from LA County, dealing with ten million people, is looking at that very carefully. How can we tier services, get everyone to have the access to justice, but somehow figure out how to make it more efficient?

What are the obstacles to change? Well, there are a lot of them. Again, Judge Broderick from New Hampshire spoke at NACM a couple of years ago. He said that the only mistake courts can make is assuming that they are immune from the riptide of change. I think that’s really important.

Most of these things that we’re talking about can change. There’s one thing that really can’t change, or a lot of people think can’t change, and that is the law. But I think the law is on the table, too. In the past, a lot of things have changed, and I think there are a lot of things that might change in the future.

It used to be that when you signed a document, you had wax, a seal, and a quill pen. Now, just electronic signatures are just fine – they’re perfectly legal. I think we need to figure out where the law might be changing.

Today’s generation won’t believe anything unless they see it on TV or otherwise it’s electronic. Why do they prefer text over voice? People watch a Jumbotron when they go to a game instead of the game itself. Hi-definition, 3D, zoomable, replayable transmissions are changing the way Americans view reality.

Is viewing through a glass screen destined to become as acceptable as, or even preferable to, viewing through a glass window? Can you imagine how much that sort of change could affect the way courts are programmed, planned, located, and operated?

Video communications are now standard operating procedure in the private sector for a wide range of situations – from the most personal and casual to the most formal and official – yet it is scarcely used in the courts. This is now beginning to change, and when it does, I predict that there will be a major transformation in the way courts operate and the way we need to respond as architects.

Finally, you may have heard this before, there was a book called, “When Old Technologies Were New.” When television first came out, the first telephone, the airplane, or the transistor, people knew that this was important, this was something new, but they really had no idea where it was going to lead. The whole face of the country has changed because of these – the highway system, automobiles, and so on.

I think we’re at the same point with the courts, and I think we’re at the cusp of some major changes that Peter and Phil are seeing are starting to arise. When that iceberg finally appears in its entirety, I think we’re going to have a very different animal. It’s going to be a very different kind of court system. I don’t want to say “courthouse,” because I think the courthouse as we know it may become a subset of something larger.

I think I’ve probably used as much time as I should for right now, so I will pass it on to Phil and Peter.

**Peter:** I’m going to spend just a few minutes to discuss the project that Phil and I, along with Janet Cornell, who used to be with the Scottsdale Municipal Court, have engaged in. We pitched this to the leadership at the National Association for Court Management back in 2012.

We wanted to reach out to a very large and very diverse group of court professional nationwide, and we wanted to create an ongoing evolving vision of the future of the courts. We also wanted to take this and make this, as I said, an interactive and also evolutionary kind of project.

Having done that, we developed over 40 different scenarios. This was starting back in late fall – November and December – of 2012. One of our objectives at that time was to make these scenarios as particular and as specific as we could and also, to some extent, pretty provocative, to get a wide range of assessments.

With that, we asked folks to assess the probability of each one of these scenarios occurring on a Likert scale of one to five, one meaning it is highly likely that it’s going to occur – the joke that we had is that a one would be the sun is going to rise in the east on January 1st of 2025 – versus a five, which would be highly improbable – space aliens are going to come down and take over all of our minds.

We started out back in December and the number of respondents that we got really mushroomed. For our first spring survey round, which lasted until about June of this year, we finally got 218 individuals from all over the country and, frankly, a number of other countries to respond.

I think we had representation from over 20 different states. A significant portion of the NACM leadership responded to the survey. We had folks from general jurisdiction courts and limited jurisdiction courts, and we had some input from AOCs and supreme courts.

We have then moved on from the development of this first survey, and we are right now in the midst of our second survey. During the development of the first survey, a significant number of respondents said, “You really ought to be asking about this, and this other thing, and this other thing.”

We ended up with 27 new scenarios that we are currently in the middle of surveying individuals on. We should be wrapping that survey up in a couple of months. We currently have 153 respondents to the second survey, including folks we had asked from the first survey, and our expectation is that we will be going out, ongoing, about every six months.

We’re already in the development of a January survey, where we’re going to mix some of the scenarios that we asked back in January of this year along with a number of new scenarios that we’ve asked that have been suggested to us.

With that, we also have developed – from folks who have volunteered in and then also through an extensive literature search – drivers and counter-drivers for many of the more highly probable scenarios. We’re going to be up front with you right now and say that these are not going to be a complete list.

In fact, once we start in discussing the 11 scenarios that we thought would be most pertinent to you at the AIA, we’re going to be up there and say, “If you suggest an additional trend or counter-trend on any one of these scenarios, we would love to hear it and we would love to add those in to this ongoing, evolving analysis on the future of the courts.”

With that, I’m going to turn it back to Phil, and we’re going to go through 11 different scenarios that we think are the most pertinent to you folks. We’re going to tell you what the average rating of probability of these 218 individuals thought on this particular scenario. They range from highly likely to about 50/50. Listen carefully to what the national group of court professionals thought of each one of these things. With this, I’ll turn it back to Phil.

**Phil:** Here is the challenge: getting a semi-warm room, filling it with about 70 people right after lunch, and keeping them at least awake a little bit.

Peter and I are both members of the National Association for Court Management (NACM) and have been for a long time, and as you heard, I was on the board until just July. They are not necessarily sponsoring us today, but Peter brought this idea to the NACM Board about 14 months ago, in July of 2012, while I was on the board. He suggested this to some members, and the board quickly grabbed onto this.

Likely, the reason that the group of court administrators and managers thought this was a great idea – looking out a dozen years at what we might look like as courts and what the court managers and administrators might be facing – is because we don’t look out like this very often, if at all, whether in our individual courts or the state levels, and certainly, not at a national level, even.

Jay and I were talking just before Chuck began this afternoon, and your role is much different than that. Your role is to look out much further. In us looking at these drivers and counter-drivers to what these opportunities are – for example, as we look to see what we might look like in 12 years – we hope this group can maybe invigorate our study and cause us to look out further even than that dozen years.

What we will display for you, as you heard Peter say, is about 11 or so of what we posed to this group of mostly court administrators around the country and asked them on a Likert scale from one to five. Anything close to one and two is what this group, as a body, believed would likely be a scenario in our courts.

We have some, as we get further in this group of 11, that are further and close to the halfway mark – 2.57 – but we included those not because they’re likely to happen, but because this group of court administrators ranked them, and those are the issues that are more pertinent to you, as architects.

You see here, electronic court records. In an innovative court, like the one we work in Maricopa County, we serve 4 million people, 9222 square miles. We have regional courts. We have 3000 employees in the judicial branch of the court. There were 185 respondents, and they ranked this as an assessment of 1.7. Some of those that were responding, obviously, are in our court.

This is oftentimes from the AOC down, and there is a push. For example, in our court, we had mandatory e-filing in civil, and it’s rolling out further and further. Sometimes you’ll see it that way. Many courts are on their way to providing electronic court records.

There is a huge motivation to save costs in storing these records. I know in our county alone, the clerk of court is responsible, as they are in many of the courts, to provide housing of the records and for taking a record down. In doing that, about seven years ago, our elected clerk of court had approval for funding for a building. I don’t know how many thousands of square feet it is, but it holds nothing but paper records.

Some years later, we moved to getting rid of those records and then, of course, scanning them. Many of us are trying to go paperless – less need for files, file storage space, for example. At some point, if we can empty out that large building, we can use it for something else other than just paper. Some of the other drivers are moving towards courts going paperless and instantaneous information provided. Paper on demand will increase, and increase of standardization.

Now on the other side of this, counter-drivers: those that will, even in ten years for some courts, maybe slow this down or prevent electronic records is it’s difficult to plow through large legal documents. Many of our civil judges, for example, quickly asked for dual monitors so that they could look at these files. This was all in civil.

Even in our court, we have 154 judicial officers, judges, and commissioners. We have what Peter and I call this “subversive subculture” of when a judge is getting ready to either read motions or go into the courtroom, they’ll turn to their staff and ask for them to have it printed out on paper, even though it’s electronically provided and electronic on the bench. We still have that going on.

Too much information in the hands of the public is one of the things that came up as a counter-driver to allowing this to happen in the near future. Even in our state court, we are arguing the individual’s right to privacy and then the public’s right to access the court records. There is still no answer.

As we were preparing for this session, this group talked about physical evidence that’s needed in many of our cases. There is still no easy way to electronically provide those things.

**Peter:** The next scenario that we looked at was centralized data storage and that this storage will become immediately available to stakeholders. We had 180 respondents, specifically, to these two different scenarios. They were rated as highly likely or likely at 1.9 and 1.8. We saw this as a very likely scenario.

While I go through this, again, I would ask that you listen to these drivers and counter-drivers, and if you were trying to watch these two scenarios for the next ten years, what would you be watching for as an indicator that they’re going to come to fruition by 2025? Conversely, what would you watch for if you thought these things were going to end up dead in the water? These are the reasons we have these drivers and counter-drivers.

In terms of the drivers: criminal databases already exist. Most states have criminal history and wants and warrants databases so that when a police officer stops somebody on the street, they can get an immediate hit. The thought of a database that would include things like traffic fines, filing fees, restitution, bond payments, domestic relations orders, and child support payments on a regional or statewide basis, doesn’t seem to be that much of a stretch and could be very attractive to a number of stakeholders.

Certainly, as we saw at the last national conference of NACM, discussion of putting this data into the cloud is becoming more and more frequent. The possibility of low-cost, high volumes of information in a pretty easily accessible area looks like it’s going to become more and more of a discussion point – plus the fact that making this data storage available to multiple jurisdictions, either through the cloud or through a centralized data storage area, becomes much less expensive for any individual jurisdiction.

While we were doing this, we also came across another phenomenon, which we have melded in here, and that, for lack of a better term, is Judicial Information Exchange Management (JIEM), which implies that the data itself still is quite dispersed but it’s the data entry and management of the data as it comes in that allows stakeholders to still be able to access this information from a variety of locations.

We’re not really making much of a distinction as to whether the data is held in a single location at some storage house or whether it’s still dispersed all over the place, as long as somebody with a few clicks of a button could be able to see all of this information coming in.

However, as a counter-driver, statewide databases have been reputed to be inaccurate – and I’ve certainly seen that. I think this is still a counter-driver that is going to be a hurdle to get over.

I have been witness to the statewide wants, warrants, and criminal history databases –maybe we don’t want to talk about it too much – but the accuracy can sometimes be as low as 65%, which means that when a law enforcement officer stops somebody on the street, there is only about a 2/3 chance that they’re actually going to get accurate, up-to-date information about wants, warrants, and criminal history.

That has changed to some extent, but I still think – and I think a lot of folks think – that the accuracy of these databases still needs to increase, and this is a counter-driver that could prohibit or at least retard the development of this particular process.

Another issue would be the whole concern for Big Brother. We have just gone through a major discussion of the National Security Agency getting all of our phone messages and texts, and here is another example of large databases with a lot of information on folks who are going to be doing business. This, again, would be another counter-driver that we would be looking at.

**Phil:** Before we even begin on this scenario, what I probably should have suggested is that we welcome any questions even at this point, as we’re going through this, as opposed to holding them to the end. If there are any comments, questions, or clarification, we will certainly address those.

The third of our scenarios that we list here is electronic monitoring will become the norm. In a previous life of mine, I was actually with pre-trial services, which is very much akin to probation departments. Even in small jurisdictions, we were using electronic monitoring at the time. That was probably almost 20 years ago.

Some of the drivers that caused this to get to a 2.0 on our five-point scale – fairly likely – are that it allows for the expansion of oversight of one probation officer for a larger number of probationers.

In the downturn of the economy that we had in ’08, ’09, ’10, etc., in Maricopa County, we were allowed, through the Supreme Court, to expand the ratio that we had. For one officer, it went anywhere from 15 to 30 to sometimes upwards of 65. This type of technology could actually allow for one officer to have oversight in community corrections of a larger number of offenders.

Security cameras, as we see, are everywhere, and some police now are using aerial drones, for example, to monitor different high-crime areas. Private sector has been driving this area for a while. As cameras get better and as technology gets better, it’s certainly allowing the courts then to grab onto some things that will help expand their resources.

As far as counter-drivers, what might prevent electronic monitoring from becoming a norm in even a dozen years or so is there could be a backlash against tracking on sociometrics. This group had some discussion about that in preparing for this. Especially in the criminal area, we’re talking about people’s constitutional rights. Allowing for ever-expanding, you’re going to get some groups that push up hard against that.

The only other counter-driver that we have noticed that would prevent electronic monitoring from growing in the courts and for its use is that oftentimes, what we learn in the pre-trial or probation world is that the more oversight that you have on somebody, they’re not going to be able to handle the restrictions that you put on them.

Basically, there is this terminology that you’re setting them up for failure. A lot of these people don’t have some of the wherewithal to even get from one site to the other, and then you’re causing them, too, to get drug tested in a number of other things, look for a job, etc. Sometimes even today, if we don’t even expand things, we’re pushing them to their limits and causing them to fail because they just don’t have the ability to get all of these things taken care of. That was the other counter-driver to this one.

**Chuck:** I think this has some real implications for the rest of the justice system, too. If this alternative means of sentencing becomes popular, if you think about the impact on detention and corrections, the technology here could really be expanding quite a bit, such that if a pedophile within 150 feet of the school, all of a sudden, the alarm goes off in the principal’s office, maybe the bracelet starts buzzing or something, and back at some central location, the GPS indicates where the guy is.

The same thing with orders of protection and so on. There are a lot of people who are maybe incarcerated who wouldn’t necessarily have to be there When you look at the system as a whole, things like this – with the next generation of bracelets, I think – could be a major impact on what we do.

**Phil:** Chuck is right. Generally, what we know as electronic monitoring is you hook up a box in somebody’s house, attach it to the phone line, and then if he or she goes outside of a range, it goes off and somebody gets a notification, whether it’s probation or pre-trial. Typically, the model is that the company will get the warning at some site, and then they will call the probation officer or pre-trial officer.

For example, understanding that, we knew that there was a victim of a sexual assault case and we had an offender who was released, we reversed all of this and we put the electronic monitor in her house, even with the current technology back in ’96 or ’97. Because he had a unit in his house, as well, we knew if he was outside of the range of his box, but then we would know if he was within the range of the unit that was in her house.

The technologies are easy enough to address. Obviously, maybe what I didn’t hit very strongly here is community corrections certainly allows for an expansion of resources and allows, too, for any jurisdiction to reduce their costs dramatically. If we have somebody on electronic monitoring, they typically are held to pay for that service, and so it’s a lot less costly for the jurisdiction to either keep them out of jail or not have them go to prison.

**Lorenzo:** If I can just add, I was talking to a jail commander a few weeks back. They had one detainee on home detention. He had health problems. During the time that he was at home with the ankle monitor, he had seven surgeries. Now, had he been in the jail, that would have been on the county, but because he was at home, it was on him and his health insurance. He said that it would have bankrupted them.

**Peter:** This is definitely an area that we are going to have to be watching. The difference between a defendant on probation, which could be less than $100 a day, to be sure, versus somebody who is incarcerated in state prison – last time, I saw the average day of incarceration in state prison was several hundred dollars. The cost difference is going to be dramatic and something that we need to watch.

The next scenario: case complexity increases. We had 183 folks respond to this. Probability is likely. We have moved from the highly likely to just likely, though 74% of the respondents said that it was either likely or highly likely that this scenario would come to fruition by 2025.

Trends: the big ones, interestingly, are blended families – including same-sex marriages, immigration-affected marriages – which is potentially going to make family court, juvenile, even conservatorships and guardianships much more complicated with much more intertwined cases. The whole concept of the television series “Modern Family” moving into the courtroom was a powerful driver.

Technology is another driver. Technology is going to complicate cases, particularly civil cases. As intellectual property rights become increasingly esoteric and hard to analyze, these issues are going to be turned over to a judge to decide.

Also, that the technology is going to expand the types of material that will be available as evidence – e-mails, texts, iPhone videos. All of these are now available to include in anyone’s civil, probate, or family court case, where, obviously, 10 or 20 years ago, a lot of the information wasn’t available or wasn’t nearly as ubiquitous as it is now.

Audio video conferencing could promote trial testimony as witnesses, including expert witnesses, who might not have been available ten years ago because they weren’t about to be flown from upstate New York as the only expert witness in some area, now can call in on audio video conferencing and give that sort of testimony – again, the potential for expanding and complicating court trials.

Counter-drivers, counter-trends: technology will make court trials easier and simpler – a direct counter to the first trend. Mountains of electronic discovery information can be gotten through and analyzed much faster and much simpler with increasingly complex apps. I think we have two directly conflicting trends, and it’s going to be really interesting to watch which one wins out over the next 10 to 15 years.

Enhanced electronic surveillance, as we were just talking about for probation monitoring, is going to make committing crimes much more difficult and convicting folks of crimes much easier to do. There is not going to be a whole lot of discussion if you have two surveillance cameras on the perpetrator as the crime was being committed.

Technology is also going to make presenting complex civil trials or other trials much simpler and easier for both the judges and jurors to understand. The counter-trend on this is that cases are going to be able to be resolved much more quickly. An interesting aspect to watch is what is going to win out over the next 10 to 15 years.

**Phil:** The next of those scenarios that proved out as likely to the group that we surveyed is intermediate sanctions dominate criminal and traffic. Again, we’re talking about community corrections and those sanctions.

For example, fine payments don’t appear to have much of an outcome as to the driving habits of people, and costs will make jail and prison for these types of offenses almost something that can’t be considered as practical.

We still have a justice court system in Maricopa County, and in a lot of our cases, the justices of the peace get fed up with people who fail to pay a fine – FTP cases – so they put out a warrant for them. If they’re picked up, they’ll be placed in jail for failure to pay a certain amount of the fine. Now, the county is paying for their housing and the very first day, for example, is well over $100 to book that person in. Those costs are heavy for criminal traffic and something that might come up as a minor offense, but there is money attached to it.

Law enforcement’s asset forfeitures could become more attractive. That’s something else that might drive this. Through the court system, law enforcement can get possession of property and then sell it, so that drives revenues for them. In explaining as to why they chose that this might be likely, this group thought that this might be a driver for this scenario.

As far as counter-drivers for intermediate sanctions, concern for individual privacy will stop strict controls of bad drivers, and desire for retribution will depict alternative sanctions as soft on crime.

Many of these ideas may have constitutional issues – debtor’s prison, for example – and who manages alternative sanctions that are issued? For example, on the traffic, is it the DMV, or is it the vendor that we have a contract with for the interlock systems for people who have been charged with DUI?

Those are some of the things that were listed as what might cause this to either slow down or not happen within the next dozen years or so.

**Peter:** One interesting driver that did come up in this area, which admittedly is pretty controversial but is certainly worth watching, is the prospect of electronic public shaming through the social network. It’s probably not so much for the court, but certainly being able to post somebody’s picture and flame them on whatever social network could become a real possibility, and I think that’s something worth watching.

Could it potentially become sanctioned in some way? I don’t know. Previous attempts at doing this usually have not ended well for the judge, but times always change.

The next scenario we looked at: the gap widens between the public’s expectations of courts and the court’s capacity to actually fulfill those expectations. This went in two interesting directions. We had 184 folks actually respond to this specific scenario, and as you can see, the probability was likely. 73% of the respondents said that it was either highly likely or likely that this scenario was going to come to fruition by 2025.

Drivers: there is a controversial but I think very present perception by many in the public that government is supposed to solve all of your problems – particularly, the courts are expected to protect you. That, alone, is an interesting perception, but I think a lot of folks have that perception.

As most of us know, one of the most fundamental missions of the court is the impartial resolution of a controversy, not specifically to protect you in a very real sense. – that’s law enforcement – but we protect your rights.

I think one driver – and this is something to watch – is that more and more people are beginning to think that the court’s job is to physically protect you from things, from stuff.

As I said, there were two directions that this thing went into, which I found interesting. Another perception is that rural courts are often left behind the curve on many of these innovations. I’m sure a number of you have worked with rural justice agencies and whatnot, and you frequently see the fact that the large urban area – not the least of which is Maricopa County – enjoys very advanced technological innovations.

Rural courts often are not privy to that, and this is probably one reason why we see, for example, paper courts as still a controversial scenario that still might be up there by 2025. Maybe urban courts are going to have it, and rural courts will still be struggling with that.

The counter-driver to “government is supposed to solve all of your problems” is I think that there is definitely an increasing trend that courts have overstepped their bounds and become sometimes social service agencies, trying to solve problems that they really should just be making decisions on.

I think those two trends – “government should solve your problems and courts protect you,” versus “courts have overstepped their bounds and they should be going back to their more traditional role” – will be two counter-trends which are worth watching in the next 10 to 15 years.

Another counter-trend, which we certainly have seen right now, is that courts, as with all government agencies, should pay for themselves. Some levels of courts can do this, but for others, it’s going to be extremely challenging if we are ever trying to fulfill that expectation. But I think there are a lot of folks out there who think that courts, as a government agency, should be paying for itself.

**Phil:** Out of respect for you and the other presenters, Peter and I are going to speed things up. We’re pushing on the time, here.

Parking and lower-level traffic cases will be handled administratively. In the last several years, when courts looked at closing sites or stopped performing some duties, they quickly learned that this is where all of the money is at. The lower-level parking and traffic really drives some of the revenue issues. That’s some of what drives this to come out to a 2.2 on the scale.

As far as counter-drivers, many people still want an independent forum that the courts provide, and then two, doing away with this – handling these cases administratively – will do away with what is termed “individual justice.”

For those of us who have been in the court business for a while, Ernie Friesen is probably the godfather of case management, and in his “Purposes of Courts,” he goes on and on about individual justice and individual cases. That’s what one of the counter-drivers to this might be.

If you just want to hit some of the highlights on these.

**Peter:** Alternative work schedules start to become the norm. 216 folks responded, with an average probability of 2.4. Only 59% of the folks responding said it was either highly likely or likely. It’s interesting in this day and age that alternative work schedules are not thought of as being that much of a certainty in the next 10 to 15 years.

Drivers: enhancements, electronic filing, for example, ought to be able to make working at home much more accessible and easy for courts to manage. Audio video conferencing ought to allow court staff to be at home and attend meetings, which has always been the traditional bugaboo about flextime and alternative work schedules.

The fact is, as we all know with the financial crisis, many court staff have gone for years without pay raises and many staff still think that this is a suitable alternative: “If you’re not going to give us pay raises, give us something, such as alternative work schedules, as something of a perk.”

Counter-drivers: the concept, the vision of the traditional courthouse – going downtown to do your business – still is very strong, and I think it’s going to last and it’s going to be a counter-driver to allowing folks to be at home. There is still a very strong expectation that you should have a clerk at the counter on the other side of the counter who, as you walk in, will help you do your business.

An interesting aspect that this takes off: court administrators, who have had over the years a fairly defined set of skills, are going to have to be able to cope with managing larger and potentially geographically diverse staff who will be doing things outside of their norm. The old adage that I’ve heard so often of management by walking around isn’t going to work all that well if you have to walk 25 miles to somebody’s home.

Many courts are going to have to much better infrastructure. Some of the new courthouses that are being built are going to be able to cope with this. Retrofitting older courthouses – which, as we were talking about, some of them seem to actually be held up by ancient chaseways of coaxial cable – may not be able to cope with extensive audio video conferencing and the expectations of alternative work schedules.

**Phil:** I’m going to hit the next two pretty quickly. These are now hitting at the 50/50 mark, as far as whether people think they will come about or not in the next 12 years. Court hearings will be conducted via audio video. Many of that is being done now. The counter-driver that surfaces a lot is the dignity and decorum of a courthouse is something that will probably slow this process down.

Now, these last four – that one and the next several – even though they’re at the 50/50 mark, if you will, they really hit a lot of what architects should be thinking about, as far as dealing with courts. The audio video, this next one, community centers will become remote courthouses.

How do we link for those who do not have the ability financially to have an iPhone or the ability to connect to the courthouse for hearings offsite? Do we respond to them? How do we do that? What is this remote courthouse going to look like? Could courts actually be mobile sites for places – you actually have an RV and you take it out into the community? Even we, in Arizona, have a lot of rural places that we need to address the court issues.

**Peter:** One court system per state is assessed as only having a 50/50 chance by 2025. We had 215 respondents, and as you can see, actually more people said that it was probably either only a 50/50 chance or unlikely to occur.

An assessment – if I’m going to get on my soapbox on this – is it’s possible that the strong state court administrator’s office model may be something that has seen its highpoint and may be on the downslide right now, interestingly enough.

Certainly, more than half a dozen states have what would be termed a centralized one-court system that has policy strongly situated and funding through a state court administrator’s office.

But certainly, we have also seen that there is very strong animosity to that, in terms of a potential for loss of local control. That’s beginning to be quite a bit of pushback of folks who feel that they have lost their ability to make changes where the problems really are because their funding is pretty much determined by bureaucrats at the state capitol or by some sort of impersonal funding formula that doesn’t take into account local nuances.

**Phil:** Lastly, and this is probably a good place to leave off, is public-private construction. Courts have limited budgets and are not able to acquire capital at times. I’ll read this quote that Peter added for me here, “The public will not vote for Taj Mahals for crooks and pointy-headed judges.”

The only counter-driver listed is courthouses are sacred buildings, and the public will not support private ownership.

We leave you with that. Hopefully, we have some time to hit some other things.

**Participant:** Just a couple of **[55:45–55:47 inaudible]**.

**Peter:** **[55:48 inaudible]**, yes.

**Chuck:** Just very quickly, what they’re looking at are people who are currently in the system and trying to deal with the here and now. But I think if you look at 50/50 chance in 10 to 15 years, maybe it’s 100% chance in another 10 or 15 years. Our projects we’re designing now will be around beyond 10 or 15 years, and we need to be thinking about that.

Thinking about cars in the twenties, where you still had to crank them up, the windshields were optional, they didn’t have heaters, and so on, I think so much of the technology we’re talking about – even computers, to a certain extent – is in the early stages, and as I’ve said before, we have no idea where this is going.

I have a feeling that each one of these things you’re talking about right now, maybe it’s 50/50 or whatever for the foreseeable future, but take another leap beyond it, and I think your next round of research ought to have 10 to 15 years and then another 20 to 30 years, and see what people think.

I quickly put together here some food for thought. Here are the kinds of things that probably will get smaller, there will be fewer of them, they’ll go away. There are questions about whether what needs to be centralized and decentralized.

We used to go to the bank all of the time, and now you have your ATM and Quik stop. You fill your gas tank up and do your banking, or you do it online, or swipe your little Square, or whatever. It’s being decentralized to the lowest level, and yet all of the records are centralized in South Dakota, for example.

The private sector is doing that. What will happen with the courts? Will they be able to do that? Are they able to bat agilely? Other spaces will get larger, and there will be new spaces coming up and more of them.

There is certain dignity and requirements for certain cases, but could there be perhaps any intermediate sanctions? Could there be a justice a center of which the courthouse is one component and there is a large self-help center? Maybe there is a data center there. It becomes like a justice mall, if you will, and the traditional courthouse is one piece of that.

The question is, does everything need to go through the courthouse? Does everything need to be inside security? What can be outside of security? What is going to be online?

I think something new will be happening. We’re not there yet, but that’s just food for thought.

**Jay:** Just a couple of responses. My practice is based on planning and projecting and trying to think about the future, so when this topic arises, it’s of great interest to me. I think of something that I often say to my clients – that when I graduated from architecture school, I didn’t get a crystal ball. I wish I had.

I see what these guys are doing as really a potentially valuable tool to use with our clients to discuss these issues. Maybe we don’t have certainty, we have probabilities – more likely, less likely – but we’re looking at the kinds of things that drive our design decisions as we plan courthouses.

They affect who’s going to be there, what’s going to happen, the activities that are going to take place, and certainly, they affect the spaces and the technology that’s going to be in the building and how the building is going to support it.

As a team of architects with our clients, we need to really vote with our feet about these things as we plan a new building and decide where we want to spend the money, where we want to invest, what things we might leave out, as Chuck was saying, what things might be bigger, what kinds of technologies we may want to support.

If you happened to go to the session this morning on AV technology guidelines for the courts, we talked a lot about how you can try to cope with an uncertain future by investing in infrastructure if you can’t afford all of the technology now. That’s one way to think about this.

I was also struck by the way that you mentioned the impact of economic pressures. Those of us who work in the California courts know that they’re going through an exercise of shrinking the space budgets, and therefore the construction budgets, for the current round of courthouses.

We just had one restart literally this week. In fact, the kickoff meeting is going on right now, while I’m here. That’s a small five-courtroom courthouse in Indio. I just reviewed the changes in the space list, and the client decided that they would take out the space that had been allocated for storing current court records, that they were going to use this pressure of finances on the building to accelerate their commitment to scanning and keeping their records electronically.

These pressures are very real, and they change the reality or the speed, maybe, with which some of these things get adopted.

The California AOC is also actively reviewing the provision of central holding cells and courtroom area holding cells in the courthouse. It’s a very high cost area. Their utilization level is often very low. They’re trying to figure out, really, how much to provide, and the question of video appearances by in-custody inmates, I think, is being weighed by the state court system as a driver for reducing, now, the number of holding cells that will be provided. These things are very real.

I just wanted to throw out one other idea that I was exposed to recently as someone who engages, as I said earlier, in forecasting – that there’s a whole different way of thinking about planning for the future other than trying to predict it. That is a wonderful concept called “backcasting,” rather than forecasting.

The notion is to come up with a vision of a desirable future state, rather than a probable future state, and then figure out what steps would be needed in order to arrive at that desired state. It’s a very different way of thinking, one that architects might be comfortable with.

It falls into what Phil and Peter were talking about with these probabilities, in terms of we’re not just victims of what’s likely to happen. We can actually take a stand and say, “This is what we want to happen. Let’s plan for it and make it happen.”

**Lorenzo:** One of my pet projects over the last few years has been really trying to speak with futurists and figure out where we’re going, not just on the court side, but from the law enforcement and corrections side. I think they’re really interlinked, and so it’s very hard to look at one of those – just courts – and figure out what’s really going to happen. It’s going to be driven by those outside drivers.

Decentralization is a theme we’re seeing. Since the industrialized age, we have been moving closer and closer, denser and denser, because it was necessary. Now, technology is paving the way for us to decentralize. In some ways, that’s good, and some ways, that’s bad. That’s one of the things I think we see as a theme here, with all of these issues that we’re looking at.

But there are also some underlying drivers. One we’ve already talked about is the financial crisis that we’ve been in. The Great Recession, hopefully, is coming to an end. We’re starting to see some of these things are necessary – like you said, with removing the file storage – .but some of the other things are sustainability. We can’t continue to build.

A few years ago, back in San Francisco, Roy McBrayer, who was then with the state architect in California, was talking about AB32, I think it is, which is environmental requirements for us to reduce our carbon emissions.

Even if we were to design every building to LEED Platinum, we’re not going to reach that benchmark, and so the best thing to do would be to use technology and build fewer buildings, which is not good news for us, but it’s an indication of what might be coming.

The other issue I see over and over again is accessibility. Buildings are very expensive, because we’re trying to make everything accessible. If we make things more accessible to people at home, then we’re getting part of the way there.

But it’s not just that. I don’t know about the rest of you, but I see a lot of buildings, especially renovations, being canceled and shelved, because they get ballooned out of scale and beyond the budget because of all of the accessibility upgrades that need to take place.

Those are all things I see pushing the use of decentralization and use of technology for these services. With that, we should open it up to Q&A.

**Participant: [1:06:44 inaudible]** presented an example of how change in operations in court may have an impact on the use of space. But I noticed in your list of things that might disappear over the next 10 to 20 years, you had shared courtrooms.

Way down south, where I live, if you take those county commissioners to a courtroom at three o’clock in the afternoon, they see dark courtrooms. They want know why are we building so many courtrooms when we could be sharing courtrooms? I was just wondering why that was on your list as something disappearing.

**Chuck:** Disappearing? No. Maybe I got that on the wrong slide. Shared courtrooms, I think, is something that is going to have to happen.

**Jay:** Fewer courtrooms, because they’ll be shared – I think that’s what you’re saying.

**Chuck:** Yes.What I’m looking at actually for all of this, both detention/corrections and courts… I’ve gotten a little bit depressed because I see this new technology and new alternate means of sentencing and everything online. I see the overall demand for courthouses and detention facilities still being there but being at a lower level.

The same thing with banking halls. We don’t go to banking halls anymore. You do it from your home computer, your iPhone, or wherever. I had dinner the other night in the beautiful banking hall with stain glass windows, a big vault door, and so on, and it was repurposed.

Not that we’re going to repurpose courthouses, but I think there is going to be less of a demand. The push to get more and more is going to decrease, because we’re going to be working smarter, hopefully.

**Participant:** I may have misread the slide – it was about third from the bottom, and I can’t read that fast. It said something about **[1:08:31–1:08:37 inaudible]**.

**Chuck:** We did a project years ago where we put five chambers for four courtrooms, even though there were only four judges at the time, with the idea that the fifth one would be a conference room, a law library, or whatever. But as time goes by and the younger judges come in and they’re more used to a different standard than the old guys, they’ll start using that, and they’ll have five judges with four courtrooms.

**Susan:** I think it’s important as the paperless courtroom and getting all files into digital forms is emphasizing the use of a website for a lot of the simple transactions – for instance, paying your traffic fines or paying other fines, looking up your jury instructions, which could lead to not needing as large of a jury room, if you need a jury room at all.

The new Long Beach Courthouse has an interesting thing that we talked about for four years and they actually put it in. They put in an ATM for paying your fines. I know that people like to go to the post office, go to the courthouse, and go to the bank, rather than doing it all online, so for those folks that like to go to the courthouse, they can access it at 24 hours.

It might be interesting to ask about how important the website will be to courts in the future, because I’ve seen how Cook County is struggling with getting all of their systems online.

**Peter:** I completely agree with your analysis. Remember that we had 44 different scenarios in that survey, of which we chose only 11 to talk about today. In fact, with our latest survey, we have 27 more scenarios, so we have just about 70 different scenarios that we’re looking at.

One of the scenarios was the ubiquitous use of websites for courts – most all courts by 2025 will have websites – and that is highly likely. I can tell you that. That’s in the current survey. The use of electronic forms will be pretty much nationwide. That’s in the current survey, so we’re not in a position right now of being able to discuss the results yet, because we’re still looking for folks.

By the way, if any of you guys would like to take our survey, drop us your card and you will get an e-mail from me when I get back to the office with the link to the survey. We would love to have you take it.

Jay would like to take it.

**Jay:** I do want to take it. If you get a lot of architects taking it, I want you to do a stratified analysis of the difference in response between the architects and the court, because I’m going to put my money on the notion that architects are going to find many of these changes much more likely than…

**Peter:**  Absolutely. I wasn’t going to get really geeky about this sort of thing, but part of what we are doing is t-test regression analysis on the general jurisdiction folks versus the limited jurisdiction folks versus the federal people.

In fact, one of my personal favorites is that we’ve been able to do stratified analysis on the Baby Boomers versus the Gen-Xers, and we have just about enough Millennials who have responded to be able to do statistically significant variations of analysis between those three groups. We would love to be able to do that for the architects, too.

**Participant:** Thank you for a really interesting and provocative discussion. I’m intrigued by this notion of the intermediate sanctions as a key strategy going forward. It rung a bell, because when we were in Boston a few years ago, there was a panel – head of corrections, head of state police, head of…

One of the big issues – and I think Liz knows this very well – is that the prisons in Massachusetts were way overcrowded. A big reason for that was remands – essentially failed probations that hadn’t worked out.

We thought, “Okay, that’s a problem everywhere,” but then we walked out the door and we saw the newspaper – I think it was the Globe or the Herald. They said that the head of the state probation department had been arrested on corruption charges.

It turned out that on behalf of the political establishment, he had been treating probation officers as a prime patronage job. Essentially, all of the probation officers in the state – I’m over exaggerating – were basically political hacks, whose number one job was raising money for political campaigns, not keeping guys successfully transitioning back to society. They’re going to fix that in Massachusetts, because that guy went to prison.

I guess the flipside of that is, thinking about the role of the courts and the gap between public perception and what the courts can actually do, how involved should the courts be, can the courts be, are they, in seeing that the probations themselves proceed successfully?

In other words, in problem-solving courts, the judge actively manages that time. As a trend going forward, do you see that as an evolving role for the court – that that would become more mainstream, and the court would move from just simply due process to taking an activist role in improved outcomes? That’s a long question, I know.

**Phil:** I’ll try to parcel it out. First of all, you have to determine first if the probation department is attached to an executive branch locally, or for example, what I’m more used to seeing and what is in Maricopa County right now is that it’s part of the judicial branch.

Then two, understanding that and understanding your last terminology – the “activist” piece – and attaching that to courts, because that’s often used – “activist judges.” I know our judges have to be careful how far across the line they go, faced with the legislature, especially.

If the probation department is part of the judicial branch, then the courts – generally through court administration, because you want to maintain some sort of neutrality or at least buffer – can oversee the probation department.

We have, for example, probation revocation, too, where the commissioners are responsible for allowing the person to continue in community corrections or then revoke them. But it’s a tough place for the court to be. I think it starts with whether it’s a part of the executive branch or judicial branch.

**Chuck:**  It has to with breaking down the silos, and that’s beginning to happen, I think. We have everyone is in a different funding stream and different goals and so on, but in California, now, they’re starting that every county has to have a community corrections committee or something like that, which has everyone together, trying to read from the same songbook.

In California, 80% of detentions are nothing more than a reservoir for the funnel of the court. They go hand in glove. Then, as they’re coming out of the other end of the court, they go back into another system.

I think a lot of it depends upon what the public expects from us. If we’re going to work smarter, do more things more quickly and more efficiently, things like that are going to have to happen – be emergent.

**Phil:** Where I thought you were going with that was a different type of corruption. What we’ve seen in some other jurisdictions is that where the court is responsible for directing where somebody is on probation will be sent for community corrections or sanctioning and then the judge has a relationship, if you will, with that particular…

**Chuck:** That’s New Jersey.

**Phil:** Yes. It was Pennsylvania, too.

**Jay:** I’m really curious to ask you… You were talking about resistance to the courts being activist and taking a larger role. On the other side of that, though, my perception is that the problem-solving courts – the drugcourts, the mental health courts, the community courts, etc. – is really a growing trend, where the interest in rehabilitation and solving people’s problems rather than just locking them up or giving them a fine is really gaining a lot of support.

**Peter:** Jay, thank you so much. You have played into my hand! Interestingly enough, in the spring, we actually intended to have two conflicting scenarios, and we did – problem-solving courts will abound by 2025, and problem-solving courts will disappear by 2025. Not much of a surprise that problem-solving courts abound got a likely probability of occurring. Problem-solving courts disappearing was one of those that I think actually made it to the improbable level.

However, having said that, I will tell you that if you look carefully through the news clippings and some literature, there is still a small but significant undercurrent about problem-solving courts. You’re absolutely right: they are right now politically very attractive, but others will say, number one, they are not scalable. The euphemism is they are boutique courts.

In fact, a couple of court administrators in some states have begun to mutter under their breath that they can’t get a judge available for a trial because they’re all involved in their own personal problem-solving calendars. God knows, we have over a dozen different types of problem-solving courts now, I think, that I could name nationally – maybe a court doesn’t have all of them, but they would have some subset.

And the fact that the evaluations probably may not be as rigorous as it could be… Many times, these evaluations rely on cost-avoidance, and cost-avoidance money gets to be pretty squishy, in terms of you could hypothesize what this defendant would have done if he had not gone to some sort of a drug court or problem-solving court, and there is no real way to counter that this defendant would have or would not have engaged in this kind of behavior and would have ended up with some sort of high-cost kind of rehabilitation or sentencing option.

I think those two are not very popular, but I have seen those criticisms. It will be interesting to watch. All I can ever tell you is that we should watch these trends to see which one actually comes to fruition in the next 10 to 15 years.

**Chuck:** Is it possible that both could be true – that we have the traditional courthouse with judges, and we have another justice annex? It’s a justice annex without courtrooms. They have hearing rooms, mediation rooms, with court-appointed officers who are mediators, and basically do the problem solving.

We’re doing a project in Miami where they actually brought social service agencies directly into this complex, so if you have a problem with education, job training, anger management or whatever, it’s integrated.

**Peter:** Chuck, I’m with the court system. I want a winner and a loser. I don’t want everybody to win! No, I think you’re right. I think it’s very possible. I think we’re just going to have to watch to see if problem-solving courts possibly begin to moderate in the years to come. They are extremely popular now and most people think they will become even more and more popular, or maybe they will begin to settle into a specific modality, I guess.

**Jay:** They seem to ramifying and becoming more specialized and getting more…

**Peter:** Yes. Just for us, we have drug court, we have family drug court, we have juvenile drug court, homeless… We are parsing out these calendars with greater and greater specificity.

**Jay:** The key, really, on problem-solving courts is to follow the money trail. They were spurred on by mostly federal dollars – sometimes you will get some local money, but usually it’s where is the federal money going to be put? The only place, probably, that will see invigoration as far as funding is in the mental health area in coming years.

**Participant:** What’s the political sense in Maricopa County, given the legendary jailers and sheriff you havedown there?

**Peter:** Do we have a controversial sheriff?!

**Jay:** This is being recorded, okay? You’re going back home.

**Peter:** Well, I’m toast.

**Phil:** The sheriff just had a birthday, and just turned 80-something. We’re counting the days.

**Peter:** Oh, and you thought I was in trouble!

**Chuck:** Any other questions? Does anybody else want to pick on the sheriff?

**Phil:** I didn’t do enough? I can keep going.

**Jay:** Well, I’ll predict we’ll see many of you next year in St. Louis.

**Lorenzo:** I was just going to point out that this whole idea of a virtual trial is something that we’ve been talking about for a long, long time. Every opportunity I get, I ask judges and attorneys what they think the likelihood is.

In California, they just made it possible to do all of the traffic courts virtually. Most people agree that, in the next few years, maybe in the next 20 years, we’ll start to see civil trials be virtual. The problem is always going to be criminal trials. There was actually a study a while back when they were trying to try the folks in Guantanamo Bay using a remote jury. They found out that that really does not work.

What we have to remember is that a very small portion of the trial actually needs the jury. The arraignment can be virtual. All of the procedural hearings that occur before the actual trial can be remote. There is the opportunity to downsize and share a courtroom because they’re not using them as often.

**Chuck:** Even as TVs have changed – I never thought I could afford one of those big flat screen TVs, but they came down in price so much – I wouldn’t be surprised if, in a few years, this whole wall could be… They have these electronic billboards now.

What’s to stop from having maybe one row in the courtroom for seating, but the audience… Actually, maybe it’s a Jumbotron and they can see each other full size. HOK has got conference rooms where we look at each other, full scale, across the same table from each other, and it’s essentially being in the same room.

**Participant:** Chuck, what’s the potential of remote jury selection? It takes so many people, that crowd the facilities, fill up the parking lot for these selection juries…

**Phil:** Chuck and I spoke a little bit about this yesterday. Travis County in Austin, Texas, actually, won an award through NACM I think three or four years ago for what they’re doing in jury management, jury service. Understand that that community is likely because it’s Austin and there are a lot of tech people there.

They were able to conduct much of this through their website – the jury selection, people opting out of jury service, suggesting that they couldn’t for a particular trial because of X reason. They don’t even have a large jury assembly room, so some of it was done because they didn’t have the space to bring them in. A lot of this is conducted through technology.

When I saw that – and understand that we have a regional court center in Mesa, southeast part of my county; you heard me say we have 9200 square miles that we have to cover – I wanted to include some of this in this discussion. Someone had mentioned it earlier, maybe Lorenzo.

A lot of what we do, and the most expensive part of what we do, culminates at a trial, for example, and understanding that the trial rate in a large metropolitan court like ours, between criminal and civil, it’s about 1.6% of everything. In the civil world, it’s actually 6/10 of 1%. 6/10 of those cases are going to go to trial, and 1.4% or so in criminal. There’s nothing.

Responding to the gentleman’s comment from some time earlier, as far as local funding agents walking down the hallways, seeing darkened courtrooms because we’re not holding trials – they may have morning calendars or something else – the question might be why are we having all of these courtrooms built?

Getting back to the jury issue, Travis County has found that they don’t need even a space this size to bring people in. They send them directly to the courtroom, mostly already chosen for that trial.

**Participant:** My question relates around the fact that I have heard this story from so many people who get on jury selection. They ask them three questions and say, “Thank you, we don’t need you.” Why can’t we do that remotely? Why can’t we do that beforehand? We’re saturating the courthouses with people, just to have them come in and say, “Thank you, you can leave now,” after they sit there for three hours.

**Lorenzo:** I just interviewed Imperial County a few weeks back, and they have a huge problem because, first of all, they’re down right on the Mexico border, and a lot of people there don’t speak English or they’re nomadic – they move from one place to another. They were having huge challenges with calling people in and then having a very small percentage of people who could be in panel on a jury.

They haven’t integrated the technology in as much as they should, but now they have done a pre-screening by mail, and they’re trying to convert that to e-mail. They have been asking the questions, “Do you speak English? Are you going to be in town? Are there any reasons you can’t serve?” Now, they say over 80% of the people that go into court are empaneled onto a new jury.

**Chuck:** It’s moving in that direction, everything. You can see a trend where electronic everything is starting to have an impact. Where it’s going to lead, we’re not quite too sure yet. That’s why we’re scratching our heads here today.

**Participant:** Lots more courtrooms, in many cases. Still have the big ones but have a number of smaller ones.

**Phil:** There are some things converging. As you heard me say, we’re not holding trials anymore. Then the other thing is – and I know I’m among friends and this is not being taped – but a lot of judges are now leaving the bench, and they’re finding that they’re young enough in their lives where they can do something else. A lot of them are finding that mediation practice, settlement conference.

I would guess that that’s likely where we should probably be putting some of our space – maybe less courtrooms, smaller courtrooms, but on site, in the courthouse. I just got a call, probably the day before I left. Somebody from the bar had this case where they believed one of the parties might have some mental issues, and they wanted them to go through electronic screening.

They know that our court is going to send them through the magnetometers, through the x-ray, and that when they get into the building chances are, I hope – they’re going through security – they don’t have a weapon on them. They wanted to know, “Can we send them through and find a place in your courthouse to hold this mediation?”

You have all of these judges leaving the bench, becoming mediators and settlement conference officers, or now we’re doing hire a judge. We’re not taking anything to trial, so probably we need to be constructing courthouses that have mediation centers and places where the lawyers can meet with their clients and get cases resolved, because 98% of everything is going by way of something other than trial.

**Participant:** Resolving the issue at the lowest possible point, just like we do in the construction industry.

**Chuck:** I think we’re probably out of time at this point here. Thank you.