

A BLUEPRINT FOR JUDICIAL INNOVATION

Takeaways from Advancing Innovation:
A National Summit on Judicial Leadership







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A National Summit on Judicial Leadership

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Director of Civil Justice and the Judiciary

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IAALS—Institute for the Advancement of the American Legal System

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IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research organization that innovates and advances solutions that make our civil justice system more just.

Founded in 2006 at the University of Denver, IAALS believes that justice for all must be a reality for everyone. When innovation is rooted in finding common ground, questioning the status quo, and centering the people, we begin to craft solutions that transform our civil justice system. IAALS' unique approach depends on purposeful research, deep collaboration, and diversity of perspective, followed by evidence-based recommendations that take hold in courts and legal institutions across the country—jumpstarting the groundbreaking and achievable solutions that will clear a path to justice for everyone. Because justice for all will never be a reality if those seeking justice cannot access the system designed to deliver it.

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Berkeley
Judicial Institute

Berkeley Judicial Institute

www.law.berkeley.edu/research/bji/

The Berkeley Judicial Institute (BJI) fills a long-standing need to establish an effective bridge between the legal academy and the judiciary for the primary purpose of promoting judicial integrity and judicial independence. Judicial integrity encompasses professional competence, high ethical standards, objectivity, impartiality, respect for due process, and judicial wellness. Judicial independence includes avoidance of political influence, understanding of and respect for the separation of powers, and support for judges facing retribution for their decisions. BJI focuses on supporting and expanding innovation in education for and about the judiciary and developing best practices for efficient case management and judicial administration.

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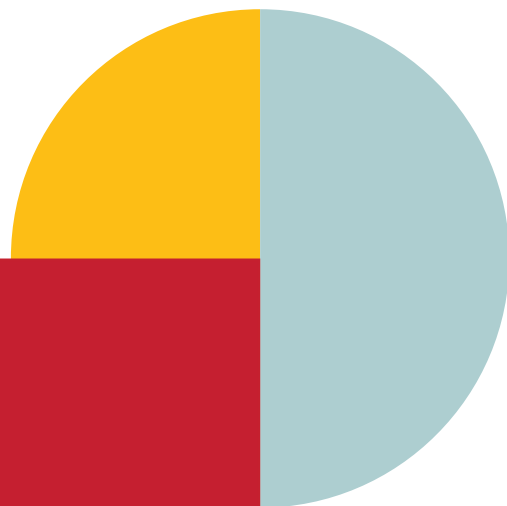


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The Advancing Innovation summit on judicial leadership is a critical component of this movement. We are grateful to the **State Justice Institute** (SJI) for providing funding support of the summit and its accompanying projects, including this report and the coordinating webinar series.

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- ▶ **Judge Jennifer Bailey (Ret.)**,
Bailey Judicial Solutions
- ▶ **Magistrate Judge Celeste Bremer (Ret.)**, United States District Court for the Southern District of Iowa
- ▶ **Judge David G. Campbell**, United States District Court for the District of Arizona
- ▶ **Chief Justice Wallace B. Jefferson (Ret.)**, Partner, Alexander Dubose & Jefferson
- ▶ **Judge Clemens Landau**, Salt Lake City Justice Court, Utah
- ▶ **Chief Justice Bridget Mary McCormack (Ret.)**, President and CEO, American Arbitration Association-International Centre for Dispute Resolution
- ▶ **Judge Scott Schlegel**, Louisiana Fifth Circuit Court of Appeal

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- ▶ **Brian Abrams**, Founder and Managing Partner, B Ventures Group
- ▶ **Chief Justice Nathan Hecht (Ret.)**, Texas Supreme Court
- ▶ **Dr. Lana Cook**, Associate Director, Systems Awareness Lab, Massachusetts Institute of Technology
- ▶ **Judge Carlton Reeves**, United States District Court for the Southern District of Mississippi

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Finally, we thank everyone who attended Advancing Innovation: A National Summit on Judicial Leadership. We appreciate those judges who participated in subsequent virtual meetings to provide insights on the innovations they have incorporated into their judicial practice following the summit.



SUMMIT OVERVIEW

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Why a National Summit?

“If you are a judge in a democracy, in this democracy, in our American democracy, innovation is at the heart of the job. It is what we should do. It is what we must do now more than ever,” said Judge Carlton Reeves, in his morning keynote address.

Our justice system is facing unprecedented challenges in a rapidly changing world. We live in an era marked by national and global crises and external pressures that exacerbate existing issues in our justice system. We have a persistent and pervasive access to justice crisis, and public institutions, including courts, are not working for the people who use them.

The culmination of these challenges has led to a loss of public trust and confidence in our judiciary. While equal justice under the law is a foundational principle of our democracy, fewer people today believe our courts are achieving this goal. In fact, many feel courts are failing. In the face of this erosion of trust, it becomes critically important to build a justice system that is truly transparent, equitable, and accessible for everyone.

Working toward this system is easier said than done, and it requires sturdy, resilient, and responsive leadership. As IAALS CEO Brittany Kauffman shared in her introductory remarks at the September 19-20, 2024, Advancing Innovation summit in Denver, Colorado, “We’re

rebuilding the plane while we’re flying it,” and we need leaders up to that task.

Advancing Innovation: A National Summit on Judicial Leadership, was all about those leaders. Co-hosted by IAALS, the Institute for the Advancement of the American Legal System, and the Berkeley Judicial Institute (BJI), the summit brought together judges from an array of federal and state courts. A total of 30 jurisdictions were represented across nearly 50 attendees, including federal district courts and state supreme courts, courts of appeal, district courts, and county courts. Also in attendance were legal system researchers and reform experts.

Through this summit, we highlighted exceptional court leaders who are actively addressing these complex challenges and empower them with concrete strategies to amplify their efforts. We defined leadership broadly beyond just those in official court leadership roles. It takes leaders of all sorts to make change, and there are lots of ways to exercise leadership to improve the justice system. The summit had a number of core goals, which we accomplished by highlighting and bringing together innovative judges, providing a valuable opportunity for learning and collaboration, and giving judges dedicated time and tools to consider how to bring about a more responsive and trusted justice system.

GOAL 1

EMPOWER RESPONSIVE AND RESILIENT JUDICIAL LEADERS WHO CAN SPEARHEAD CRITICAL REFORMS.

Judicial leadership is crucial to addressing the challenges faced by our legal system. Through education, collaborative problem solving, and innovative approaches to reform, the summit supported and empowered responsive and resilient judicial leaders who thrive amid challenges, respond to crises, and drive change at the speed and scale needed in the face of mounting challenges confronting the legal system.

GOAL 2

CREATE OPPORTUNITIES FOR COLLABORATIVE PROBLEM SOLVING AND COMMUNITY BUILDING AMONG JUDICIAL LEADERS.

A frequent refrain we hear from judges is that there are limited opportunities to collaborate with peers and learn from one another, particularly on key concerns across courts and systems. Judges tend to work in their own bubbles, and this can lead to feelings of isolation and obstacles to creative and collaborative problem solving. There are so many innovative and effective strategies being adopted by judges across the country, but efforts can be siloed and therefore challenging to scale.

The summit brought together judges who have displayed leadership in courts and created an interactive forum for them to discuss the unique challenges that they face in their role as agents for justice system reform and the solutions they are well-positioned to champion. Gathering together these individuals who tend to work in silos provided an opportunity for community building to support our current leaders and the development of future leaders, as well as foster a spirit of collaboration and idea-sharing across jurisdictions and court systems.





BEGIN TO IDENTIFY AND PROVIDE A FRAMEWORK FOR CORE COMPETENCIES OF JUDICIAL LEADERSHIP.

Leadership is critical to well-functioning courts. The importance of judicial leadership has long been recognized, and reform efforts featuring strong leadership from the judiciary have been among the most successful and sustainable. This notion is not a new one, but it has yet to be fully realized. It is crucial not only to identify individuals with an aptitude for leadership but also to cultivate strong leaders through training, support, and professional development resources.

While effective judicial leaders have many different personal styles, there are competencies that they almost always have in common. These can include, for example, a deep understanding of the structure and culture of the organization they are leading, strong communication skills, emotional intelligence, and curiosity about and respect for others. The summit helped to identify the core knowledge, skills, and abilities judicial leaders need today and provided guidance to judges about how to foster those competencies in their own work and in the judiciary more broadly.



GROUND THE DISCUSSION OF LEADERSHIP AND ADVOCACY IN ETHICS.

It is crucial for judges to discharge their duties in accordance with the highest ethical standards, and new ethical considerations arise regularly as the roles and expectations of judges shift. There is much discussion of how these ethical considerations inform the role of judge as systems reformer. The summit featured discussion of ethical concerns facing judges and equipped them to navigate those concerns when it comes to exercising leadership and advocating for systems-level change. As former Chief Justice Bridget Mary McCormack has noted, “As first-hand observers of the flaws in our legal system, judges are uniquely positioned to help fix them. The ethical rules governing judges do not preclude such advocacy. To the contrary, ethical rules and their accompanying moral concerns require it.”¹

Topics Covered

Judge Carlton Reeves, U.S. District Court Judge for the Southern District of Mississippi, kicked off the summit by speaking about the critical role of judicial leaders in advancing justice system innovation and how taking a people-centered approach is fundamental to maintaining trust in our democratic institutions. He shared his own leadership experiences both on the bench and as chair of the U.S. Sentencing Commission, reflecting on successes, challenges, what continues to drive his work, and what gives him hope. He urged participants to embrace the idea that innovation is central to their role. This was followed by roundtable discussions on the challenges judges face in exercising innovative leadership, takeaways from which are outlined in this report. We then moved into an interactive session led by BJI Executive Director and retired federal district court judge Jeremy Fogel on the competencies needed for innovative leadership. The knowledge, skills, and abilities identified during that session are shared in this report.

On the afternoon of day one, two experts on systems change—Dr. Lana Cook and Brian Abrams—presented on systems change frameworks and strategies. Dr. Lana Cook led the group through two Systems Awareness Lab tools—the Systems Awareness Iceberg and the Systems Change Mandala—and taught judges how to apply these tools to areas of the legal system they wanted to change. Often, we only address the problem we can see. But Dr. Cook invited attendees to look beneath the surface: **“Systems change is not just learning about how a system behaves but how it shapes our behavior.”** This requires continually questioning assumptions we hold about why we do things the way we do them. She encouraged participants not to be discouraged by the gap between where we are and where we want to be; but rather to view that as a creative tension and generative spark to propel their work forward. Brian Abrams likewise encouraged participants to consider assumptions they make about the judicial system and question whether those assumptions are serving users. **“Take the wealth of knowledge and experience that you have, and leave it behind for just a short period of time. Pretend you know nothing about the system in which you work, challenge those assumptions, and see what’s possible.”** These presentations were followed by further roundtable discussions applying these frameworks to real-world problems.

The second day led off with a special presentation on judicial well-being by retired Judges Jeremy Fogel and Jennifer Bailey, entitled Managing Stress and Maintaining Resiliency: Practical Strategies for Judges. These two experienced judges provided an in-depth look at how chronic stress interferes with the physiological functioning and interconnectivity of our internal systems. They noted that judicial stress stems from a large and various collection of sources, including excessive workload; exposure to traumatic situations; concerns about safety and security; a tendency toward perfectionism and high self-standards; and the limited opportunities, given rules of the profession, to share the true nature of the judicial existence. Judges Fogel and Bailey discussed coping strategies, including a self-care regimen that includes meditation, the maintenance of healthy relationships, and the practice of self-compassion.

The program continued with an energetic exchange between two former Texas Supreme Court Chief Justices—Wallace B. Jefferson and Nathan Hecht—on how they led change on the front lines and amid resistance. They shared specific examples of changes they brought about in Texas courts, reflecting on the importance of building buy-in, assembling coalitions, and messaging the need for reform in a way that resonated with their target audience. The final session of the summit was an engaging roundtable discussion of how to transform leadership into innovation.



“

If you are a judge in a democracy, in this democracy, in our American democracy, innovation is at the heart of the job. It is what we should do. It is what we must do now more than ever.”

JUDGE CARLTON REEVES

United States District Court for the Southern District of Mississippi

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THE NEED FOR INNOVATION AND LEADERSHIP

2

Our legal system is at a critical juncture. Although recent years have brought innovation at a scale and pace we have not seen before, core challenges remain, including persistent barriers to accessing justice, complex and convoluted systems, a dearth of affordable legal help, deepening inequities, and dwindling public trust in courts. These challenges exist against the backdrop of a nation and world in constant flux, marked by volatility, uncertainty, complexity, and ambiguity. We need immediate, transformative action and visionary leadership at the highest levels to bring about a justice system that rises to meet modern needs and expectations. This need was the focus of the Advancing Innovation summit as well as IAALS and BJI's publication, *Tools and Frameworks for Innovating from the Bench*, which covers navigating change in the modern era, the evolving landscape of justice, and strategies for fostering judicial leadership and innovation.

IAALS' research highlights the need for this transformation. Across the U.S., millions of Americans face unresolved or inadequately resolved legal problems, many of them without access to the help of a lawyer.² The effects of this justice crisis are widespread, but data shows they rest most significantly on the shoulders of people of color, women, and those with low income.³ In recent years, the pandemic and economic uncertainty have only exacerbated these challenges. This is evidenced by relatively poor global rankings in accessibility, affordability, and

non-discrimination within our civil justice system.⁴ When people do not believe courts are doing what they are supposed to, it can negatively impact public trust and confidence in our judiciary.

The Advancing Innovation attendees observe these challenges firsthand in their courts every day, and they reflected an understanding of how they impact public trust. Before the summit, attendees were asked to identify the top three areas of our justice system most urgently in need of reform from a list of options. By a wide margin, the top three areas identified were **access to legal services**, **improved court processes and practices**, and **disparate outcomes in justice**. Other areas identified as key for innovation included accessibility of courts, cyberthreats and disinformation, data-driven courts, new models for diversion, professional regulation and licensing, and technology.⁵

All of this highlights the critical and urgent need for transformation of our justice system to bring about a system that is effective, fair, and accessible to everyone—a justice system that not only responds to current crises but also anticipates and prepares for future challenges.

This kind of transformation requires visionary judicial leadership to drive it. Prior to attending the summit, judges were invited to share their visions and aspirations for the future of the legal system. Their responses revealed a powerful and unified desire for transformative

change, reflecting a deep understanding of the challenges facing our courts and a strong commitment to bringing about a system that works for the people who use it. Judges envision a justice system that is more accessible, equitable, and human-centered, driven by innovation and collaboration. They aspire to bring about this system in the following ways:

Expanding Access

Many judges expressed an aspiration to remove physical, technological, and financial barriers to court access, particularly for low-income and underserved populations. There was interest in exploring alternative pathways for legal assistance, including the use of allied legal professionals and community justice workers. There was also a desire to create a system that meets users where they are, whether that be moving beyond traditional courthouse settings or interacting with parties beyond traditional court proceedings.

Enhancing User Experience

Judges reflected a desire to create a more trauma-informed and human-focused court experience, recognizing individuals as whole people. There was a call for better support for the growing number of self-represented litigants in their courts, including through technology and AI. Judges also highlighted the need to promote procedural fairness and thoughtful interactions between legal professionals and system users.

Driving Systemic Reform

Judges see themselves playing an important role in implementing innovative systemic reforms to increase efficiency and access, including regulatory reform, changes to licensing, and the use of technology. They envision improving public understanding of the legal system through outreach and civic education, as well as fostering collaboration among stakeholders to develop and implement effective solutions. There was a call for using empirical data to improve court processes. Several judges also suggested implementing administrative processes to deal with high-volume, low-complexity cases, freeing up judicial resources.



The Advancing Innovation summit was a call to action for those working toward this vision. It was a platform for judicial leaders and innovators to converge, collaborate, and catalyze the change our justice system so urgently needs.

This report shares key takeaways from the summit and also offers a roadmap for judges and other legal system stakeholders seeking to innovate. It highlights the role of judges in leading innovation, the competencies of judicial leadership, the challenges judges face, strategies for overcoming obstacles and making change, and resources judges need to bring about a better system. Ultimately, this report paints a picture of a judiciary committed to exploring novel solutions, fostering transformative leadership, and charting a course toward a future where justice is accessible and equitable for everyone.

“

Take the wealth of knowledge and experience that you have, and leave it behind for just a short period of time. Pretend you know nothing about the system in which you work, challenge those assumptions, and see what’s possible.

BRIAN ABRAMS

Founder and Managing Partner, B Ventures Group

”

THE ROLE OF JUDGES IN LEADING INNOVATION

3

It was with this vision in mind that we opened the summit. Across our justice system, dedicated individuals are driving innovation and positive change every day. They demonstrate the importance of broad collaboration by diverse stakeholders and justice system users. Within these coalitions, judges play a unique and pivotal role. Their capacity to champion and implement reform makes strong judicial leadership a core component of meaningful and lasting systems change. This judicial leadership is necessary for the following reasons.

Judges have a front row seat to problems and challenges.

Any justice system transformations must have judicial buy-in and feature input and leadership from those most intimately familiar with the way the system works. Judges are on the front lines, witnessing firsthand the challenges faced by everyday people entangled in the legal system. They see the bottlenecks, inefficiencies, and disparities that can turn what should be a simple dispute into a life-altering and all-consuming ordeal. They have deep knowledge of the legal system's nuances, limitations, and complexities. This expertise makes them well-positioned to bring about reform.

Judges have the opportunity to enact impactful change.

Judges have the authority, influence, and ability to bring about practical, tangible improvements to the legal system. Within the courtrooms where they serve, they can adopt new technology, streamline court processes, and make it easier for court users to navigate their cases. They also can affect broader systems change, serving as catalysts for innovation by championing new ideas, testing pilot programs, and sharing insights with other system actors. For some judges, this systemic work is an implicit part of the job.



COMPETENCIES OF INNOVATIVE JUDICIAL LEADERSHIP

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Public trust in the justice system requires trust that those at the helm are exercising innovative leadership to drive change and make it work better for everyone. Judges, in particular, hold a unique position of authority and influence, making their leadership essential for fostering innovation. But just as legal analysis, clear communication, and effective case administration require specific expertise, so too does innovative leadership. To effectively drive systems-level change, judges must possess a distinct set of knowledge, skills, and abilities. These critical attributes, which were a core component of summit discussions, are vital for transforming the justice system.

During the Advancing Innovation summit, participants brainstormed the key knowledge, skills, and abilities they believe judicial leaders need to drive systems-level change. This section provides a summary of that discussion. It is important to note that this is not a comprehensive or final framework. Rather, this conversation at the summit serves as a foundational starting point for continued development of a formal competency framework for innovative judicial leadership.

Knowledge that Judicial Leaders Need

Judicial leadership requires developing a knowledge base to understand the scope of the problem and the various factors at play in resolving it. Summit participants identified the following areas of knowledge needed:

- ▶ What is the problem?
- ▶ What are the narratives of the problem?
- ▶ What is the data regarding the problem?
- ▶ Who are the people and players? How did we get here?
- ▶ Who is opposed and who favors these efforts? Why?
- ▶ Who is necessary for a solution? What are positive examples?
- ▶ What are the resources and barriers?
- ▶ Who makes the decisions?
- ▶ What are the desired outcomes?
- ▶ What are the timing considerations?
- ▶ What is success?
- ▶ What are the key relationships?
- ▶ What is the priority?
- ▶ How do we align with our mission?
- ▶ Where is there a willingness to compromise?
- ▶ What are the collateral consequences?
- ▶ What general system knowledge is needed?
- ▶ How does culture play a role?
- ▶ What are the cultural expectations?
- ▶ Where is the actual power and influence?
- ▶ What do judges need to know about themselves?
- ▶ What biases are at play?
- ▶ What is the bandwidth?
- ▶ What is the strategy?
- ▶ What are the incentives?

Skills and Abilities of Judicial Leadership

This knowledge must be paired with skills and abilities of judicial leaders. The skills and abilities identified at the summit are organized here into the following categories or competencies.⁶

Problem Solving and Strategic Thinking

Summit participants discussed the need for judicial leaders to possess a variety of analytical and strategic skills. These include the ability to issue spot as well as understand and distill complex issues. They also include balancing creativity and the capacity for experimentation with realistic expectations. The discussion highlighted the importance of being able to understand and use data, as well as the ability to prioritize initiatives and know when to move on. The skill of subtraction was mentioned as a way to simplify and focus efforts.

Communication and Interpersonal Skills

Many of the competencies identified during the brainstorming session centered around strong communication and interpersonal skills. Participants highlighted the importance of active listening and making sure voices are heard, in addition to persuasion, storytelling, and distilling the message. The discussion touched on the ability to navigate difficult conversations with civility, to respect disagreement, and to be honest and clear. Qualities like charisma, approachability, empathy, compassion, emotional intelligence, support of colleagues, and the ability to read the room were also raised as essential.

Coalition Building

The brainstorming underscored the importance of the judicial leader's role in facilitating collaboration and building coalitions to achieve change. This coalition building involves the ability to compromise and collaborate with a variety of stakeholders, as well as the ability to understand what motivates people. Participants also mentioned inclusion of

various perspectives and the ability to facilitate difficult conversations.

Project Management and Execution

The conversation around practical execution skills centered on a strong work ethic and the ability to translate ideas into action. Participants mentioned the need for organization and time management skills. The discussion included the importance of delegation, motivating others, and respecting people's time. Participants also identified the need for tech savviness to manage modern systems and information.

Vision and Purpose

Participants identified several attributes related to a leader's ability to galvanize people around a clear direction and a sense of purpose. This included the ability to articulate a vision and build enthusiasm for that vision. Participants also mentioned curiosity, a growth mindset, and imagination as key to developing forward-thinking strategies. The discussion also referenced the need for self-confidence and the ability to inspire hopefulness among colleagues.

Character and Integrity

The discussion highlighted the importance of core values such as authenticity, integrity, and trustworthiness. Other qualities included fairness, kindness, wisdom, humility, and respect for others. The ability to give credit and the willingness to accept criticism were also mentioned, along with the importance of self-awareness and cultural intelligence.

Resilience

Finally, the conversation focused on the attributes necessary to sustain leadership through challenges and persevere in the face of setbacks. The importance of grit, courage, flexibility, and endurance was mentioned. Participants also identified the need for a leader to have thick skin and the ability to overcome discouragement.

Consistency and optimism were identified as important qualities. Central to resilience are self-care, mindfulness, and reflection, including the ability to relax and set boundaries.



This list of competencies is a summary of a single brainstorming session from the Advancing Innovation summit and is not intended to be an exhaustive or definitive framework of judicial leadership competencies. Rather, this conversation was designed to be a starting point, offering a glimpse into the key knowledge, skills, and abilities the summit participants believe judges need to drive systems-level change. More work and research are needed to develop an official framework

of judicial leadership competencies, including analyzing and refining the list of competencies, building consensus around a formal framework, and defining the competencies in ways that are clear and measurable.⁷

The variety of knowledge, skills, and abilities identified in these discussions underscores the multifaceted nature of judicial leadership required to drive meaningful innovation within the justice system. It is important to keep in mind that there is no one way of being a judicial leader. As Judge Fogel, who led this session, said at the start of the discussion, “I think about judges I’ve known who have been really effective change agents; they are all different from each other.”





CHALLENGES OF INNOVATIVE LEADERSHIP

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Even the most well-equipped and committed judicial leaders experience challenges innovating in the legal system. Change is hard, and leading change is even harder. A portion of the summit discussion centered on the challenges, obstacles, and barriers to exercising innovative leadership. Responses fell into three categories: resources, mindset, and roles.

Resources

Challenges related to resources fell into two buckets: material support and information.

Lack of Material Support

Material support includes money, time, and staffing. Participants noted the limited capacity of judges to take on work beyond managing their dockets, as well as the limited funds that are “barely enough” for a court’s core functions. They also noted challenges hiring, training, and retaining staff aligned with the mission of innovation. This lack of support can translate into limited capacity for reform.

Lack of Information

The lack of information encompassed a variety of topics: engaging the public, understanding public opinion, education about the benefits of innovation, data justifying the need for innovation (as opposed to anecdotes), and competency regarding technology.

Mindset

Judges described encountering resistance to change and innovation in their work, which can create a significant obstacle.

Status Quo Bias

“We’ve always done it this way” and “If it ain’t broke, don’t fix it.” Participants pointed to these common refrains by naysayers opposing

change, noting that the judiciary and other legal system stakeholders can be reactive, slow to change, and satisfied with the status quo. This resistance makes it hard to shift culture, build buy-in, and make proactive improvements.

Dismissal of Ideas

This challenge encompassed a number of responses, including the lack of important voices or perspectives represented in the legal system and the tendency to default to role stereotypes. In addition, some shared that innovation—especially related to making the legal system more equitable—can be dismissed as a progressive cause.

Apathy

Buy-in requires stakeholders who care enough to make change. When people are apathetic, change becomes very difficult. In addition, even among people who feel strongly about systems reform, it is hard work to start and maintain programs and avoid burnout.

Fear

Fear is a significant obstacle to change, whether it be fear of risks, fear of the unknown and unpredictable outcomes, fear of change, fear of failure, fear of not having the skills to lead change, fear of criticism, or fear of technology. All of these factor into barriers to innovation in the legal system.

Roles

Judicial Independence and Ethics

Participants pointed to a perceived belief that judicial ethics and independence preclude innovation, and that judicial work on anything other than adjudicating cases would call into question a judge's impartiality.

Scope of Judicial Role

There is a perception that innovation is not the job of judges, or that judges and their staff are simply too busy with their day job to innovate. Systems-level work can be viewed as separate from the core duties of the court, which, in the minds of some, are limited to adjudicating cases.

Challenges with Collaboration within the Judiciary

These challenges pertain to judicial colleagues and leaders. Judges tend to work in silos. That, in combination with the frequent turnover in judicial leadership, leads to fragmented efforts and difficulty getting universal buy-in on innovative ideas.

Challenges with Collaboration with Outside Stakeholders

These challenges involve collaboration with anyone outside the judiciary, including legislators, the bar, other government agencies, and community groups. It can be difficult to navigate relationships, define roles and goals, and build buy-in.





INNOVATING FROM THE BENCH

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With a clear understanding of the necessary competencies and the obstacles to innovative leadership, the summit shifted to discussion of the “how.” This section outlines the concrete strategies for driving innovation and resources needed to empower judges to translate ideas into action and impact.

Strategies for Innovation

These practical strategies for driving innovation, born from judges’ insights in collaborative roundtable discussions, offer actionable steps for judges seeking to effect meaningful change.

- ▶ Normalize change
- ▶ Question assumptions and reevaluate goals
- ▶ Pilot new ideas
- ▶ Don’t fear failure
- ▶ Find your people
- ▶ Gather evidence and data
- ▶ Gather diverse perspectives
- ▶ Engage skeptics and resisters
- ▶ Make it simple
- ▶ Keep momentum
- ▶ Identify and support strong leaders
- ▶ Be strategic about timing
- ▶ Create a process and be persistent
- ▶ Communicate clearly and effectively
- ▶ Educate
- ▶ Build buy-in
- ▶ Work with the community and stakeholders
- ▶ Understand barriers
- ▶ Identify diverse funding sources
- ▶ Invest in judicial wellness
- ▶ Celebrate success
- ▶ Just start

Normalize Change

In many other professions, discussions of innovation are routine, yet innovation is not a term judges are encouraged to embrace. To embrace innovation, challenge the assumption that established practices are best or are necessary. Reassure people that deviating from the norm is not the end of the world and that learning and growing from failure is part of the process. Set an expectation of judges as innovators, considering innovation is a key factor in evaluating judicial performance. Emphasize the importance of moving the system forward and the fact that, as one participant put it, “Doing nothing is not an option.”

Question Assumptions and Reevaluate Goals

Continually question assumptions—both your own personal assumptions and the assumptions built into the status quo. Reevaluate our goals as a system, then pivot to meet those re-identified goals. This requires not just responding to behavior, but understanding what structures and beliefs drive that behavior and addressing root causes. It also requires continually reevaluating the system, looking for improvements, and checking in on the effectiveness of changes made.



“Innovation comes from somebody who is willing to fail at it and try again.”

Pilot New Ideas

Test and try new ideas, whether that is trying something new in the courtroom or launching a formal pilot program. Commit to learning from successes and setbacks. Manage expectations for pilots by acknowledging the circuitous nature of progress and the importance of iterating to achieve positive results. As one participant said, “Innovation comes from somebody who is willing to fail at it and try again.”

Don't Fear Failure

Failure and iteration are an important—and expected—part of making change and building effective systems. As one participant said, “Don't fear failure. If you're going to fail, fail fast and know that you can pull the plug and move onto something different.” Trying is worth celebrating, even if it doesn't work right away.

Find Your People

Look for and assemble allies. Find a core group of people willing to take risks. Establish an implementation committee or task force and be wise about who to choose. Support colleagues in this work. Do not work in isolation; rather, build community and approach this work as a group effort. Learn from others. As one participant said, sometimes “you don't even know that you actually have a problem until you hear that someone else has solved it in another jurisdiction.”

Gather Evidence and Data

Gather data and evidence not only to support the case for innovation but also to back up solutions and show improvements. This can include both quantitative data, such as case metrics, and qualitative data, such as evaluations and surveys. Share the data to build buy-in and educate stakeholders.

Gather Diverse Perspectives

Listen to, ask questions of, and gather stories from a diverse set of stakeholders to get their perspectives. Seek a range of viewpoints from multiple sources. Get input on proposals from all interested parties, including not only legal system actors but also those who will be impacted by changes. Incorporate the resulting ideas and feedback to be responsive to these perspectives.

Engage Skeptics and Resistors

Identify the strongest resistors and try to understand where they are coming from. Bring naysayers into the fold and engage in difficult discussions. As one participant put it, “You can’t achieve system change

top down; you can’t just impose it through rules.” Accept that not everyone will agree or like change. Ultimately, make it clear that forward progress is inevitable (or as one participant said, “Let go or be dragged”).

Make it Simple

Use the power of subtraction to simplify innovation. Identify and eliminate unnecessary complexities that hinder progress. Break down barriers into manageable pieces. Assess existing processes and identify opportunities for simplification.

Keep Momentum

Do not let perfect be the enemy of good enough. Keep steps timebound to prevent inertia and



“ You can’t achieve system change top down; you can’t just impose it through rules. ”



maintain momentum. Put meetings on the calendar. Delegate responsibility to subgroups. Keep things moving.

Identify and Support Strong Leaders

Successful initiatives often start with a leader who is willing to be vulnerable and put themselves out there as the face of the project. Identify strong leaders from diverse backgrounds to champion innovation. Bolster them through peer reflection, coaching, and other support.

Be Strategic About Timing

Adapt the timing of your efforts to the specific context, as each situation demands a unique approach. Sometimes being strategic means acting immediately to take advantage of an opportunity. Sometimes it means waiting to introduce a new idea or plan a rollout until the time is right. Sometimes it means planting a seed and exercising patience while it grows.

“

Do it on your own, and hope people follow.

”

Create a Process and be Persistent

Systems change is a marathon, not a sprint. Develop a long-term vision and stay persistent, recognizing that real change takes time and sustained effort. Maybe the time is not right for immediate change, but have a process in place to revisit opportunities in the future rather than simply letting it go.

Communicate Clearly and Effectively

Understand your target audiences, and personalize your message to align with the specific needs of each audience. Drive cooperation by fostering transparency with the public. Share compelling stories to clearly define the issue. Illustrate the problem with real-world examples to underscore the need for change.

Educate

Engage in education efforts targeting a diverse range of stakeholders to build buy-in and promote understanding. Inform judges and lawyers through presentations, training, and publications. Train court staff and administrators on new approaches and technologies. Educate the public about the benefits of innovation in the justice system.

Build Buy-In

Reflect on and articulate the rationale behind the innovation. As one participant put it, “Explain the why.” Establish common ground by identifying shared values and areas of agreement. Highlight the various benefits for different stakeholders. Actively solicit, listen to, and integrate stakeholder feedback. Help stakeholders understand how the innovation furthers the mission or will help them.

Work with the Community and Stakeholders

Identify supporters, potential allies, and key partners. Build diverse coalitions to amplify support and resources, and ensure different perspectives are represented. Develop strategic relationships and support outside the justice system, including in other branches of government. Involve stakeholders in developing plans for change.

Understand Barriers

Apply systems thinking methodologies to map out the various barriers and challenges hindering

innovation. Use that information to develop examples and strategies for problem solving that address each identified barrier element.

Identify Diverse Funding Sources

Proactively explore and pursue funding opportunities from external sources, such as grants from bar associations or 501(c)(3) organizations. Start with seed money and strategically build from there to secure more sustainable funding over time.

Invest in Judicial Wellness

Prioritize judicial well-being to sustain the hard work of innovation. Provide judges with dedicated and comprehensive wellness support, including resilience and boundary training.

Celebrate Success

Highlight achievements and progress, no matter how small, to maintain momentum and build a sense of collective accomplishment. Note positive impacts and outcomes resulting from innovative efforts. Praise people for innovative and good work. Share credit with those involved in initiatives. Establish formal or informal mechanisms to reward or recognize those who actively support and contribute to change. Communicate success stories to showcase the value of innovation and encourage broad adoption.

Just Start

In the words of one participant, “Just do it.” Do something, even something small, because small improvements matter. Start with the low-hanging fruit. Identify one small innovation you can make today. Take action without waiting for permission or the perfect conditions. Lead by example through proactive efforts, or as one participant put it, “Do it on your own, and hope people follow.” Be persistent with a modest sense of urgency.

Resources Judges Need to Innovate

To exercise leadership and bring about a more effective and responsive legal system, judges require a comprehensive and multifaceted set of resources at their disposal. These resources, identified by summit participants, range from people power and creative ideas to vital support structures and cutting-edge technology. By understanding and prioritizing these key resources, we can empower judges to drive necessary transformation within the legal landscape.

- ▶ Engaged people and empowered leadership
- ▶ Supportive partners and collaborators
- ▶ Information and knowledge
- ▶ Funding
- ▶ Time
- ▶ Culture of creativity and iteration
- ▶ Legal and regulatory framework
- ▶ Technology infrastructure
- ▶ Communication with the public
- ▶ Vision

Engaged People and Empowered Leadership

People are central to courts and to innovation, and no one can lead in isolation. Sustaining innovation over time requires strong support systems and the right people, including engaged court personnel, strong court leaders, and supportive peers. Strong administrative support is essential not only for the efficient operation of courts but also for the successful implementation of reforms. The expertise and perspectives of court personnel are valuable resources for informing reform efforts. Innovative judges also need support from presiding or chief judges who are “willing to take risks and to embrace change.” These leaders can foster a cohesive culture of innovation among all court personnel, which is important for building lasting change.

Supportive Partners and Collaborators

External collaborators represent crucial resources for broadening perspectives, increasing capacity, and accessing expertise and support. This encompasses partnerships with other branches of government, research institutes, academia, law enforcement, nonprofits, civil legal services, court users, bar associations, and national court organizations. Strong partnerships with these collaborators can help judicial leaders understand public needs and expand the universe of potential solutions to meet those needs.

Information and Knowledge

To make informed decisions and steer innovation, judges need robust information, knowledge, and data. This includes access to existing data to justify reform, the capacity for data collection and analysis, and the involvement of researchers to provide specialized skills. Using both quantitative data and qualitative narratives from those affected by reforms is necessary to understand needs and measure impact. Beyond data, judges also need opportunities to share information across courts, including disseminating best practices and learning from experiences across jurisdictions. In addition, resources for training and education are essential to equip judges and other stakeholders with the knowledge and skills required for reform. This includes access to conferences for sharing ideas, education programs for foundational knowledge, and ongoing professional development to build skills needed for implementing changes.

Funding

Funding and time were the two most common areas of need identified. There are a lot of changes that can be made without any cost, but judges still need adequate funding to invest in innovation. This includes funding for technology, infrastructure, staff, and training.

Time

Dedicated time is a critical but limited resource for judges given the demands of their cases. Allocating sufficient time to focus on improvement of the courts, while acknowledging the long-term nature of change, is essential for meaningful and sustainable progress.

Culture of Creativity and Iteration

For judges to truly lead innovative change, they need an environment that fosters creativity and continuous improvement. This involves allowing the space to experiment, learn from mistakes, and develop new ideas. This could involve educational opportunities for judges, comprehensive training for court staff to ensure alignment with a shared vision, encouraging everyone to embrace a culture of trying new things, and equipping personnel with the requisite knowledge and skills. Judges also need open minds—both their own and those around them—and a genuine willingness to consider alternatives and look outside traditional systems. This creates an environment where people feel empowered to challenge the status quo and explore new approaches. Finally, a supportive and encouraging environment is a vital resource for the well-being and resilience of those driving court reform. This includes access to wellness resources, peer support and community, and encouragement from colleagues and leadership.

Legal and Regulatory Framework

The foundational structure within which judges operate and innovate is defined by its legal and regulatory framework. When there are court rules or legal procedures standing in the way of an accessible and effective system, innovation may require changes to that framework, and judges may need support from court leaders and/or legislators to make those changes. Judges are uniquely positioned to view legal and regulatory frameworks that may either support judicial innovations or be a barrier to such changes.

Technology Infrastructure

Technology infrastructure and expertise are increasingly vital resources for modernizing courts. This includes reliable technology, access to skilled technologists, and knowledge of effective technology development and implementation methods to enhance efficiency and access.

Communication with the Public

Judicial leaders need an open line of communication with the public. Public input and sustained community involvement are crucial resources to ensure court reforms are relevant and responsive to the public. There need to be opportunities to gather meaningful public input on necessary court improvements that provide valuable insights and foster trust.

Judges need avenues and strategies for disseminating information to the public about innovative court initiatives and the role of the court. An informed public is more likely to engage with and trust the legal system, and outreach can highlight the impacts of new efforts. Getting there requires experts who can break through the clutter of information as well as effective advocates to spread the message.

Vision

A clear and shared vision serves as a foundational resource for guiding court reform efforts. An articulated vision, backed by thoughtful planning and a focus on meaningful impact, provides direction, inspires commitment, and promotes a cohesive approach to change.



By providing judicial leaders with these critical resources, we can empower them to fulfill their essential role as leaders in bringing about a better, more innovative legal system.

Judicial Wellness

Judicial leaders and innovators face unique challenges and demands that can impact their well-being. Judicial stress stems from a large and varied collection of sources, including excessive workload, consistent exposure to traumatic situations, legitimate concerns about safety and security, a pervasive tendency toward perfectionism, and high self-standards. Furthermore, serving as a judge can be an isolating experience. There can be limited opportunities, given the rules and norms of the profession, to share the true nature of the judicial existence. This accumulation of chronic stress can seriously impact judges' quality of life, manifesting itself physically and emotionally.

It is crucial that all judges, especially those taking on the taxing work of innovating within the justice system, have robust resources to support their wellness. Serving as a judicial leader can be a profoundly isolating experience, underscoring the need to develop genuinely supportive relationships as essential to overall well-being.

Strategies for Cultivating Wellness

Cultivating wellness as a judicial leader, like many other leadership skills, requires practice, intention, and a multi-faceted approach. Here are some examples of what it might encompass:

Adopting a Personal Self-Care Regimen

A strong self-care regimen can involve the following components:

- ▶ **Mindfulness and meditation** to help judges remain grounded and manage the mental demands of their roles.

- ▶ Maintaining **healthy personal and professional relationships** to combat isolation and stress.
- ▶ Practicing **self-compassion** to acknowledge the immense pressure and responsibility of the job can help develop emotional resilience.
- ▶ Developing habits that involve **living in the present**.
- ▶ Appreciating **simple pleasures** such as enough sunlight, rest, play, and interactions with pets can help alleviate chronic stress.

Cultivating Wellness Skills

As with any skill, wellness must be practiced over time. Beyond personal habits, developing wellness skills like the examples here can help reduce emotional distress:

- ▶ Learning **different ways of listening and reacting** to demanding situations can help judicial leaders maintain emotional steadiness.
- ▶ Recognizing that judges are human beings who aspire to do much, achieve a great deal, and should **acknowledge and reward themselves** for their efforts.

Supporting Judicial Wellness

In addition to judges' personal habits and skill-building, the justice system needs to devote resources to providing meaningful wellness support to judges. Wellness is a crucial component of supporting the efforts of judicial leaders innovating in the justice system, and when judges are able to stay well and sustain this work over a long period of time, we all benefit.

Resources for Further Exploration

Change Management

- ▶ University of California Berkeley, *[Change Management Toolkit](#)*

General Leadership

- ▶ Daniel Goleman, Richard E. Boyatzis, and Anne McKee, *[Primal Leadership: The Hidden Driver of Great Performance](#)*
- ▶ McKinsey & Company, *[Leading Agile Transformation: The New Capabilities Leaders Need to Build 21st-Century Organizations](#)*

Judicial Leadership and Competencies

- ▶ Terry Maroney, *[Emotional Regulation and Judicial Behavior](#)*
- ▶ Bridget Mary McCormack, *[Staying Off the Sidelines: Judges as Agents for Justice System Reform](#)*
- ▶ Samuel A. Thumma, *[On Leadership for “the Every Judge”](#)*

Drivers of Change

General

- ▶ IAALS, *[Change the Culture, Change the System](#)*
- ▶ IAALS, *[Redefining Case Management](#)*

Technology

- ▶ Scott Schlegel, *[The Judicial Technologist](#)*

Trust in Public Institutions

- ▶ Faith Popcorn’s Brain Reserve, *[Icon Toppling](#)*
- ▶ IAALS, *[Public Perspectives on Trust and Confidence in the Courts](#)*

Wellness resources are available on the IAALS website here: https://iaals.du.edu/sites/default/files/documents/publications/tools_frameworks_innovating_from_bench.pdf

WHAT'S NEXT? A CALL TO ACTION

7

The Advancing Innovation summit was not just a discussion. Its purpose was to empower judges to catalyze change in the justice system, and it did just that. The summit brought together judicial leaders united by a profound understanding of the challenges facing our system and a powerful, shared desire for transformative change. Judges articulated a compelling vision for a future where justice is more accessible, equitable, human-centered, efficient, and trustworthy.

The summit was just the beginning of realizing that vision. This report highlights the importance of this shared vision and calls upon judges across the country to recognize the critical importance of judicial leadership and innovation. This vision will not materialize on its own. It requires deliberate action, courageous leadership, and sustained commitment from judges all across the country. This report serves as a call to action for leaders within the judiciary to bring about this vision in the following ways:

Embrace Your Role as an Innovator and Leader

Own the Mantle

Recognize that leading innovation to improve the justice system is increasingly integral to the judicial role.

Assess and Develop Your Competencies

The knowledge, skills, and abilities identified in this blueprint provide a starting point for judges seeking to drive change. Use these competencies to identify areas of strength and areas for personal growth. Seek out training, mentorship, and resources to build your capacity for leading change.

Model the Change

Demonstrate a growth mindset, curiosity, and experimentation in your own courtroom and interactions. Be the leader who challenges the status quo, drives evidence-based reforms, and is willing to try new things.

Translate Vision into Action

Choose a Starting Point

It's not necessary to tackle everything at once. Rather, choose one or two of the strategies discussed previously that resonate most with your situation or address an urgent need in your court. Pilot one new idea, even on a small scale. Gather data on a specific problem in your court. Identify one process that could be simplified.

Use Data and Diverse Perspectives

Gather quantitative and qualitative data to better understand problems, justify the need for reforms, and measure the impact of solutions. Actively seek input from diverse stakeholders, including court users, staff, and the community.

Communicate and Build Buy-In

Clearly articulate the value proposition behind any proposed change (the "why"), tailor your message to the relevant audiences, engage naysayers thoughtfully, and celebrate incremental successes.

Develop Your Network and Share Knowledge

Find Your People

Identify and connect with fellow innovators in your court, your state, and across the country. Share challenges, successes, and lessons learned. Attend and leverage connections made at events like the summit.

Engage Collaborators

Reach out to and join forces with collaborators like bar associations, legal aid, researchers, community groups, and other branches of government. Use collaboration strategically to amplify impact.

Use IAALS and BJI

Engage with [IAALS](#) and [BJI](#) as resources for research, support, education, and connection to a national community of judicial innovators.

Tackle Challenges Strategically

Acknowledge Obstacles

Recognize the reality of obstacles related to resources, resistance, roles, and emotions, and be realistic about how they will impact your approach.

Seek Resources Proactively

Explore diverse funding sources, leverage technology effectively, and invest in needed training and support.

Address Resistance Constructively

Engage skeptics and build coalitions to bolster support. Persistence and strategic timing are key.

Prioritize Well-Being

Sustain Yourself and Your Team

Recognize that innovation is demanding work that requires sustained commitment over a long period of time. Invest in judicial wellness and provide support for yourself and your staff to avoid burnout and foster resilience.

Just Start

Embrace Action

Perhaps the most crucial takeaway is to just get started. Don't wait for the perfect circumstances or universal approval. Take one concrete step, however small, towards the vision you hold. Small improvements make a difference and build momentum for larger change.



The future that judges envisioned during the summit—a justice system that truly serves all people effectively and fairly—is within reach, but only through dedicated effort and courageous leadership. The primary goals that judges identified as most crucial, including expanding access, enhancing the user experience, and driving systemic reform, are not only the product of peer discussions, but serve as objectives for positive change on a national scale. These insights, strategies, and connections should propel us forward into action and prompt a commitment to taking concrete steps to bring about this vision.

ENDNOTES

- 1 Bridget Mary McCormack, Staying off the Sidelines: Judges as Agents for Justice System Reform, 131 The Yale L.J. 175 (2021).
- 2 THE HAGUE INST. FOR INNOVATION OF LAW AND INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 6 (2021).
- 3 *Id.*
- 4 The World Justice Project 2024 Rule of Law Index ranks the United States as 107th out of 142 countries in accessibility and affordability of civil justice and 115th out of 142 countries in freedom from discrimination in the civil justice system.
- 5 The pre-summit survey presented respondents with a list of justice system issues and asked them to indicate the three areas they viewed as most urgently in need of reform. Thirty-four people responded to the survey. Responses were as follows: (1) access to legal services = 20; (2) improved court processes and practices = 19; (3) disparate outcomes in justice = 18; (4) accessibility of courts = 8; (5) new models for diversion and problem solving processes = 8; (6) data-driven courts = 7; (7) professional regulation and licensing = 7; (8) cyberthreats and disinformation = 6; (9) technology = 5; (10) other (please describe) = 3; (11) ethics = 2; (12) training, education, and workforce development = 2; (13) emergency response and recovery = 0.
- 6 There are some resources that could inform an eventual framework for judicial leadership competencies, including IAALS' *Foundations for Practice* framework, available at <https://iaals.du.edu/projects/foundations-practice>.
- 7 IAALS' *Foundations Instructional Design Guide* offers a model for creating and implementing a competency framework. That publication focuses on learning outcomes and standards-based assessments to train better lawyers. However, the framework for implementing foundations learning outcomes provides a useful, step-by-step guide that can inform the creation of a framework in other contexts. It outlines the following steps to implementation: (1) analyze learning outcomes, (2) refine foundation definitions, (3) revise learning objectives, (4) operationalize the learning objective, (5) determine appropriate assessments, (6) develop rubrics. Read more at https://iaals.du.edu/sites/default/files/documents/publications/foundations_instructional_design_guide.pdf.





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