

ADVANCING INNOVATION

A NATIONAL SUMMIT ON JUDICIAL LEADERSHIP

SEPTEMBER 19-20, 2024 | DENVER, COLORADO



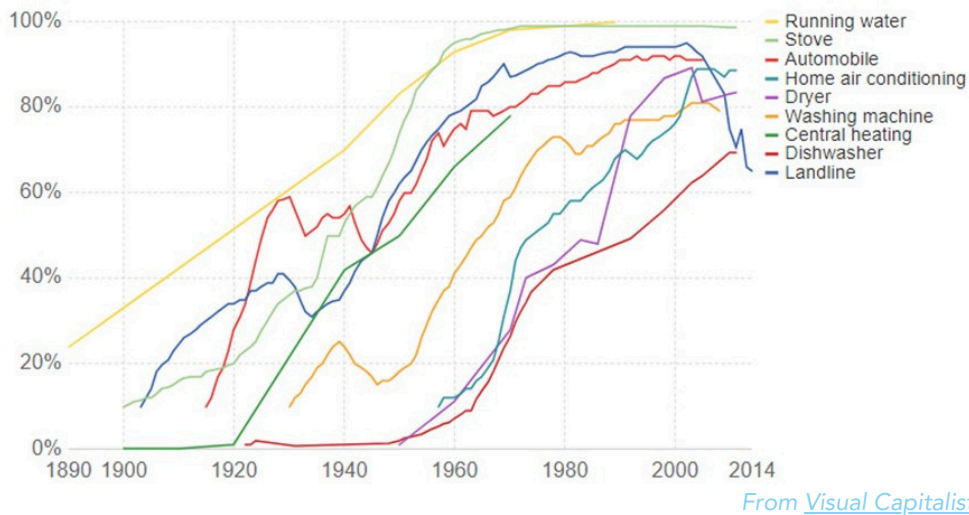
TOOLS AND FRAMEWORKS FOR INNOVATING FROM THE BENCH

In preparation for this Summit, we invite participants to consider the current climate of change, the impact of that change on the justice system, and the role of judges in shaping a more effective justice system. We have gathered some resources to help set the stage for our conversations. This document serves as a tool to prompt ideas for innovation and to support judges in navigating this evolving environment, both in preparation for the Summit and beyond.

NAVIGATING CHANGE IN THE MODERN ERA

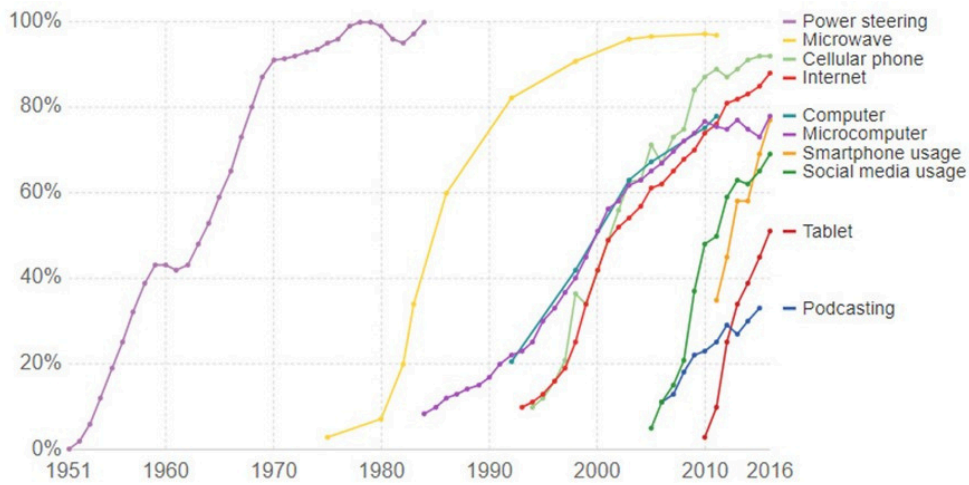
The modern era is defined by an accelerating pace of change—change that is becoming increasingly complex and multifaceted. This environment necessitates proactive and creative responses to emerging challenges and speaks to a shift in culture. Questioning the status quo and improving systems is expected. The images below illustrate this accelerating pace of change, using technology as an example. What would a similar growth curve look like for our legal system?

The first graph illustrates adoption rates for essential household products over 120 years. For example, the landline was invented in 1876 but took about a century to be widely adopted because this change required a massive amount of new infrastructure.



The second graph illustrates how newer technologies over the last 65 years have been adopted more quickly. This is in part because modern technology requires less infrastructure and also because modern consumers are better able to adapt to new technology.





From [Visual Capitalist](#)

THE EVOLVING LANDSCAPE OF JUSTICE

The nature of contemporary change highlights the critical need to transform and modernize our justice system. While recent years have brought innovation at a scale and pace that we have never seen before, we still have increased demand for low-cost legal assistance, inequities in access to justice, and deepening concerns about public trust and confidence. As you think about ideas for innovation, you may consider the resources below that highlight key changes impacting the justice system and underscore the need for a system that is open, transparent, equitable, and accessible.







The report [Just Horizons: Building Future-Ready Courts](#) from the National Center for State Courts outlines key drivers of change facing courts today.

TABLE DRIVERS OF CHANGE FACING COURTS	
<p>RACIAL JUSTICE AND EQUITY The 2020 global protests about systemic racism, sparked by a succession of high-profile police brutality cases suffered by Black Americans, has heightened the visibility of differential treatment of individuals by race and ethnicity and renewed calls to address continued inequities.</p>	<p>PROFESSIONAL REGULATION Current models of professional regulation and licensing, impacting who can develop, provide, and access goods and services, are increasingly facing criticism for stifling innovation and flexibility in responding to consumer needs and restricting consumer choices. This phenomenon is forcing professions and government entities to re-think their business models to remain relevant.</p>
<p>INCOME INEQUALITY Income inequality in the U.S. continues to rise and has profound effects on the health and well-being of individuals, families, and communities.</p>	<p>IMPACT OF SOCIAL MOVEMENTS Civic activation, supported by social media and philanthropic agents, is rising sharply and spurring change on a variety of social issues with potentially significant effects on the current roles, responsibilities, and operations of various public institutions.</p>
<p>DIGITAL TRANSFORMATION OF PUBLIC SERVICES Public institutions face a growing demand for easily accessible services on digital platforms, designed from a user's perspective, though challenged by limited budgets, outdated technology, and concerns over data security.</p>	<p>DATA-DRIVEN ORGANIZATIONS The public sector relies increasingly on data and advanced data analytics to inform decision making and optimize performance. Tools for capturing and using data grow more sophisticated and broadly available, eliminating the need for specialized expertise and resulting in real-time use of information for management and decision making.</p>
<p>TRUST IN PUBLIC INSTITUTIONS The fracturing of public trust in institutions continues apace with increasingly deep divides among Americans related to confidence in the transparency and accuracy of government data and policies, media reports, and political parties. These divisions vary substantially by identity (e.g., age, gender, race), disposable income, and education.</p>	<p>CLIMATE CHANGE Despite mitigation efforts, global warming continues, affecting areas such as human health (including potential pandemics), the quantity and quality of water, energy, transportation, agriculture, forests, and ecosystems.</p>
<p>BEHAVIORAL HEALTH ISSUES Substance use and mental health disorders, already prevalent across society, have increased with the chronic nature of stress associated with the 2020 covid-19 pandemic, uncertain economy, and racial and social inequities.</p>	<p>CHANGING CONCEPTIONS OF WORK The fundamental meaning and nature of work is evolving rapidly as a result of digital and augmented intelligence, shifts from physical to virtual spaces, multi-generational expectations of the work environment and job satisfaction, and the need for new and different skill sets to accommodate new and reconceptualized jobs.</p>
<p>CYBERTHREATS & DISINFORMATION Cyberthreats and disinformation campaigns continue to expand and evolve, accelerated by the rapid transformation of many private and public sector businesses to remote operations during the covid-19 pandemic.</p>	<p>ECONOMY The Congressional Budget Office projects a slow but steady improvement in economic growth over the next several years, with an associated decline in the unemployment rate to pre-pandemic levels. While the national debt remains high, federal revenues are projected to increase as a result of the expiration of temporary pandemic-related expenses, scheduled increases in taxes, and other factors.</p>
<p>DEMOGRAPHIC COMPOSITION Significant shifts in population demographics such as age, gender, race, birth and death rates, education levels, income levels, and family size pose challenges for government, business, and society.</p>	



It also outlines areas of vulnerability facing courts as well as a vision for how courts could function if those vulnerabilities are addressed.

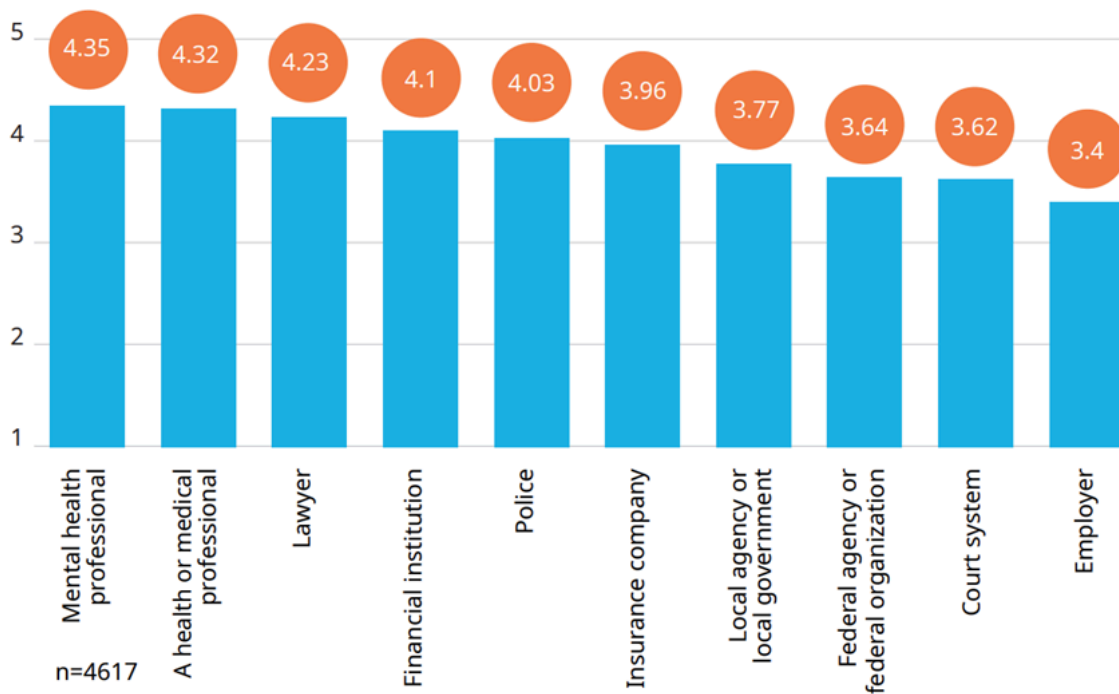
Areas of Vulnerability Facing Courts During the Next Decade

Area of Vulnerability	2032 Vision if Vulnerability Addressed	Key Driving Forces	Key Court Values
 Including a forward-looking, anticipatory capacity in court governance	Courts are viewed internally and externally as anticipating and prepared for societal changes that impact the delivery of justice	<ul style="list-style-type: none"> • Trust in public institutions • Cyberthreats & disinformation • Professional regulation 	<ul style="list-style-type: none"> • Trustworthiness • Responsiveness • Resiliency
 Focusing on user-centered experience and inclusive design	Court policies and procedures reflect the needs and experiences of all who seek legal remedies	<ul style="list-style-type: none"> • Digital transformation of public services • Racial justice & equity • Income inequality 	<ul style="list-style-type: none"> • Accessibility • Fairness • Transparency
 Embracing a data-driven mindset	Courts have a data-literate workforce who use and communicate with data to generate insights, optimize performance, and sustain key values	<ul style="list-style-type: none"> • Digital transformation of public services • Trust in public institutions • Data-driven organizations 	<ul style="list-style-type: none"> • Efficiency • Fairness • Transparency
 Understanding & managing the role of private entities in court work	Courts have a productive relationship with private entities in which the courts preserve their autonomy and principles, while benefiting from the contributions of private innovators	<ul style="list-style-type: none"> • Trust in public institutions • Digital transformation of public services • Data-driven organizations 	<ul style="list-style-type: none"> • Efficiency • Trustworthiness • Transparency
 Preparing for emergencies	Using foresight and training, courts have become resilient and nimble and remain fully functional and committed to their mission in light of any crisis	<ul style="list-style-type: none"> • Climate change • Trust in public institutions • Cyberthreats & disinformation 	<ul style="list-style-type: none"> • Accessibility • Resiliency • Responsiveness
 Cultivating a future-fit court workforce and workplace	Courts are designed to reflect the needs of those who use and work within them and are powered by a diverse, flexible, and motivated workforce	<ul style="list-style-type: none"> • Digital transformation of public services • Demographic composition • Professional regulation 	<ul style="list-style-type: none"> • Accessibility • Efficiency • Fairness

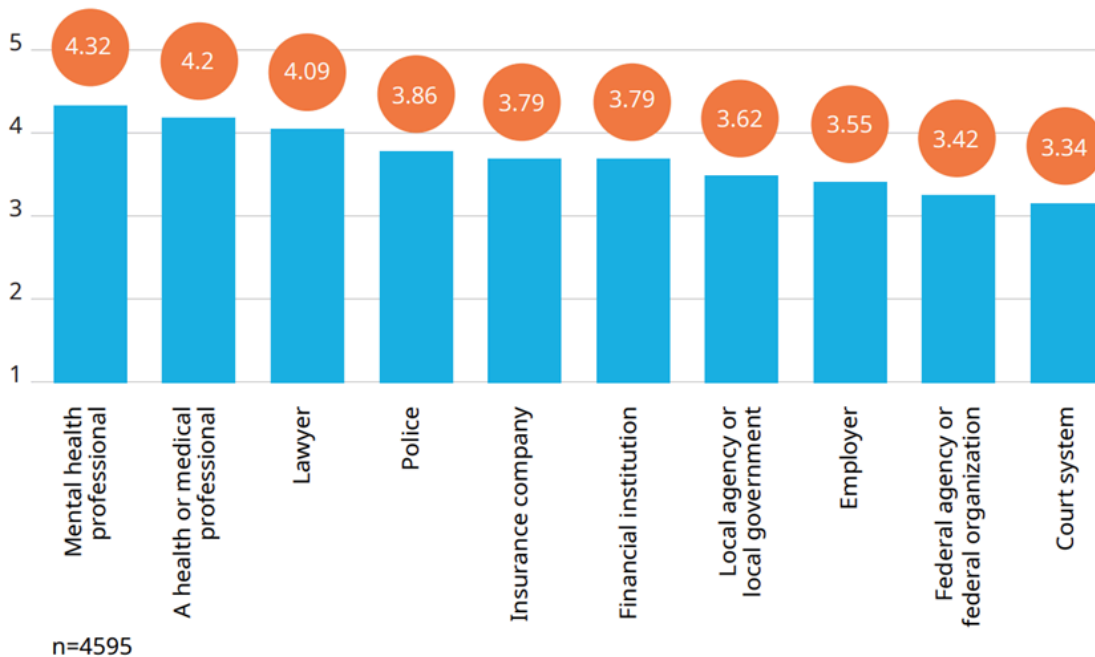
One of the key drivers of change listed above is the loss of trust in public institutions. IAALS’ study *Justice Needs and Satisfaction in the United States of America* surveyed 10,000 individuals about their experiences with the legal system, asking about the degree to which they felt various institutions treated them with respect and allowed them to express their views and feelings. Courts were among the lowest-rated institutions along these metrics. The charts below share how participants rated different institutions in response to some of the survey questions.



To what extent this resource treated you with respect?

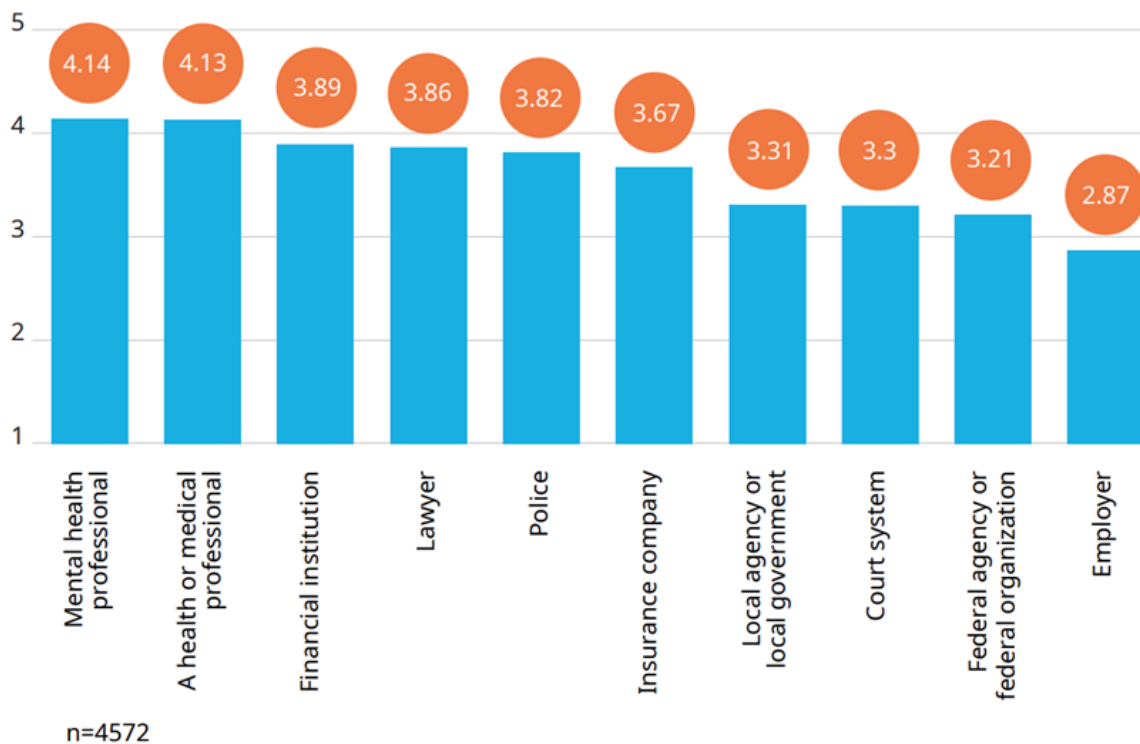


To what extent were you able to express your views and feelings with this resource (1=min, 5=max)?



These experiences with the justice system translate to a lack of trust in courts and the outcomes they produce.

To what extent would you trust this resource in the future?



FOSTERING JUDICIAL LEADERSHIP AND INNOVATION

Judicial leadership is crucial to respond to these challenges and to drive justice system reform. Judges have a front-row seat to the problems in the legal system and are in a unique position to address them. The resources below cover change management strategies that center on intentional, effective, and responsible innovation.



LEADING THROUGH CHANGE

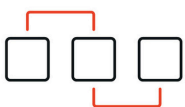
Successful judicial leaders must be able to lead through ambiguity and constant change. The VUCA leadership approach is one framework for understanding the challenges and opportunities facing modern leaders. It focuses on leading in an environment that is volatile, uncertain, complex, and ambiguous.



VOLATILITY	Abrupt and unpredictable changes that can impact an organization's operations, strategies, and stability
UNCERTAINTY	Lack of predictability or clarity about future events or outcomes
COMPLEXITY	Intricate and interconnected nature of situations, systems, and relationships
AMBIGUITY	Information is unclear, vague, or open to interpretation

From [EPAM SolutionsHub](#)

According to the VUCA framework, leaders need to be adaptable, strategic, and resilient to be successful in such an environment. They must be able to counter volatility with a clear vision, meet uncertainty with understanding, respond to complexity with clarity, and confront ambiguity with adaptability.



FRAMEWORKS FOR CONCEPTUALIZING CHANGE

There are many ways to conceptualize managing change and transition. As you think about how to make change in the justice system, here are a few common change frameworks to consider as a starting point. Additional frameworks will be discussed at the Summit.

Kotter's 8 Steps for Leading Change

John Kotter identified common factors that lead to successful change and documented them in eight steps. These steps are not linear but rather iterative in a way that is meant to accommodate constant change.

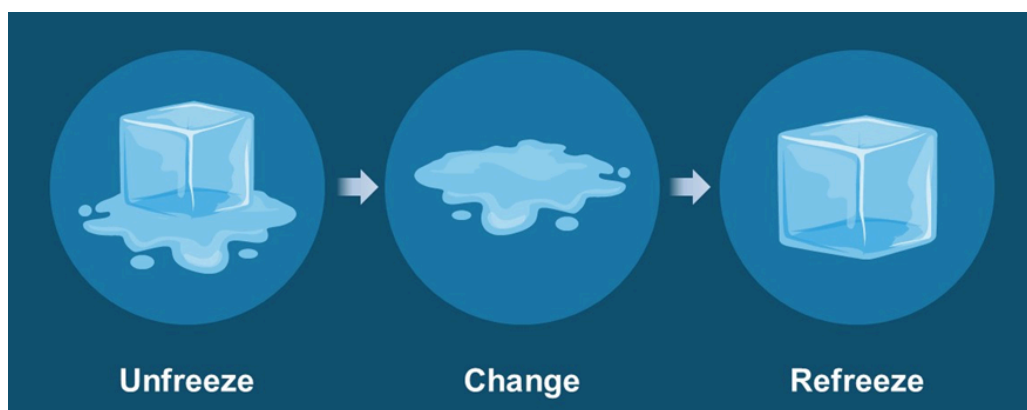




From John Kotter, [8 Steps to Accelerate Change in Your Organization](#)

Lewin's Change Management Template

Kurt Lewin's model of change represents a simple and practical way of understanding the change process. It entails disrupting the current status quo to create a willingness to change, moving toward the new desired state, and solidifying the new behavior as the new normal.

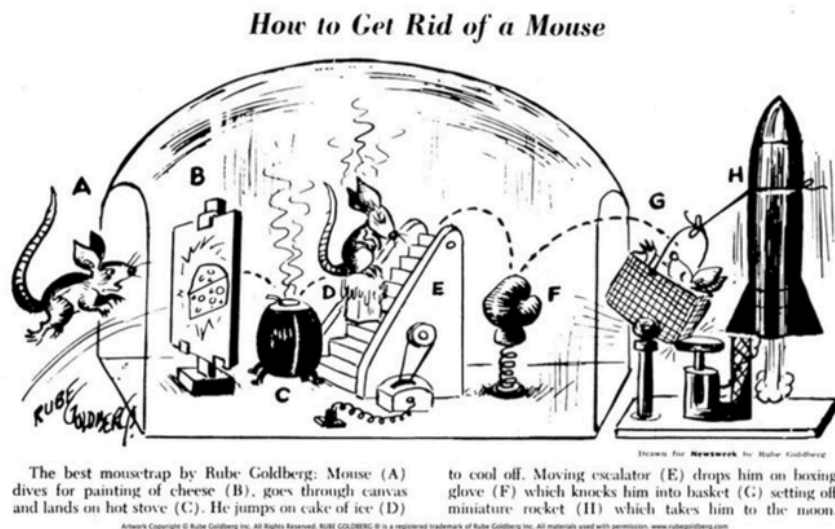


From Karl Lewin, [Frontiers in Group Dynamics](#)

In addition to mapping stakeholders, it is essential to listen to them. As noted above, courts are one of the institutions rated lowest in giving stakeholders a voice. This is of concern because ensuring participants feel seen and heard is essential to bringing about sustainable change.

Designing Systems

The justice system is the product of evolution over time rather than deliberate design. If we were to design a justice system from scratch today, it is unlikely any of us would choose the system we now have in place. Change is best accomplished through intentional design rather than accident or circumstance.



Overcoming Institutional Inertia

Organizational resistance is exemplified when entities are slow to adopt emerging innovations or shift their focus to new consumer preferences. Below are some factors that might create resistance to change.



From [Change Management Review](#)

Fostering Organizational Resilience

Resilient organizations are open to change, encouraging exploration of novel ideas and operating models. They foster development of skills and knowledge that help members innovate and adapt in often ambiguous circumstances. In addition, they adopt future-focused strategies to anticipate disruptions before they happen, enacting preventative measures to limit the impact if they occur.



From [Change Management Review](#)

Innovative judges recognize the evolving and complex landscape of the justice system. They actively identify areas where processes or structures need modernization to remain effective. These leaders champion change by involving stakeholders, exploring solutions, and securing resources. Most importantly, they inspire others to embrace change and collaborate on better solutions.

RESOURCES FOR FURTHER EXPLORATION

This list is by no means exhaustive but rather provides a few resources as a starting point should you be interested in learning more.

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

- Federal Judicial Center, [Competencies for United States Judges](#)
- Federal Judicial Center, [In Session: Leading the Judiciary](#)
- 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](#)
 - NCSC, [Just Horizons: Building Future-Ready Courts](#)
- **Technology**
 - Scott Schlegel, [The Judicial Technologist](#)
- **Trust in Public Institutions**
 - COSCA, [Courting Public Trust and Confidence: Effective Communication in the Digital Age](#)
 - Faith Popcorn’s Brain Reserve, [Icon Toppling](#)
 - IAALS, [Public Perspectives on Trust and Confidence in the Courts](#)
 - NCSC, [Custom-Building Trust](#)
- **Community Engagement**
 - NCSC, [ENGAGE! Toolkit](#)

About Advancing Innovation: A National Summit on Judicial Leadership

Innovative judges recognize the evolving and complex landscape of the justice system. They actively identify areas where processes or structures need modernization to remain effective. These leaders champion change by involving stakeholders, exploring solutions, and securing resources. Most importantly, they inspire others to embrace change and collaborate on better solutions.

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