Six ways technology is disrupting the courts
We the People of the United States, in Order to form a more perfect Union...

The United States Constitution was not simply an epiphany that sprang from the mind of one or even a small group of brilliant thinkers. Instead, it was the result of years of numerous attempts, re-workings and compromises. The New Jersey Plan, the Virginia Plan, the Connecticut Compromise—what the founders ultimately created leveraged the collective experience of centuries of nation-building, successes and failures, dating all the way back to 200 B.C. (checks and balances of the Roman Empire the very beginnings of the idea of multiple, separate branches of government) to create a single, timeless and enduring framework that would be the foundation for a new form of democracy. Interestingly, when he did finally sign the Constitution, Benjamin Franklin said that he accepted it “because I expect no better and because I am not sure that it is not the best!”

In this new federalist system, the judicial branch was one of the three branches of government established to maintain checks and balances among the institutions set in place to govern daily life in the new nation.

The U.S. Supreme Court heard its first case until 1792, over 200 years ago, when “daily life” meant something altogether different than it means today. Still on the horizon were electricity and batteries, the steam engine and the telegraph machine. Today, we combine the descendants of these technologies into brand new phenomena—think self-driving, electric cars with on-board internet access. In short, the way we interact with the world has changed exponentially since the dawn of the American judiciary. So how do courts leverage new technologies amidst such explosive and fundamental changes in society while still upholding the law of the land?
Challenges facing the courts today

First, we have to look at the challenges facing the federal and state courts today. These aren’t technology issues but rather process, policy, and practice issues and trends. They will inevitably influence and drive the need for technology to enable fair and equitable justice. Here are five fundamental challenges:

1. **Funding** – While many commercial and government organizations are being asked to do more with less, courts are not immune to similar budget challenges. Continuing to make small incremental improvements on what we already do and have isn’t enough. We need to proactively develop different business models to optimize court processes and efficiencies.

2. **Increasing use of Alternative, Specialty Courts** – These address the needs of both the unrepresented litigants and those whose needs require specialization (Veterans’ Courts, Opioid Courts). Establishing alternative courts not only provides specific constituencies with possible alternatives to incarceration, but can also create new partnerships between the courts, law enforcement and social service agencies to address unique needs.

3. **Courtroom and System Scheduling and Time Management** – Developing efficient scheduling and time management innovations takes more than just automation of existing manual processes of searching calendars for court dates. We need to develop solutions that address all stakeholders’ needs for dates and information, including court system staff, judges, police, municipal inspectors, housing, health, child care, guardian ad-litem staff, children and family services staff, and so forth.

4. **People** – We have more generations in the workforce than ever before and yet there is the real potential to lose a lot of institutional knowledge as our most experienced workers exit the courts and legal system workforce. As the courts increase technology adoption, they will also need to address needs of multiple generations of customers and ensure simple, external and timely access to court information.

5. **Keeping up with Criminal Justice Reform** – While addressing overpopulated detention facilities and jails that impact a large segment of our population awaiting trial and who can’t post bail and, therefore, remain incarcerated for significant periods, through reform, we still need to ensure that courts can move cases quickly through the justice system.

These and many more challenges create opportunities to develop dramatically different business models to not only uphold the law of the land, but to improve the administration of justice.

**Technology’s Role in the Courts**

The application of technology to our courts presents significant, measurable opportunities—but it’s not without challenges. The judicial and legal professions are traditional, based on hundreds of years of practice and process. Like other areas of government, courts have been slower to change and adapt to innovative, disruptive technologies. Because of this, solutions providers must bear several factors in mind when balancing emerging technologies with the judiciary’s lengthy history of slow, incremental adoption:

- **Automation is not modernization.** We can’t just keep putting today’s process and court records on computers and claiming that it represents modernization. Technology can be so much more to the courts than the simple automation of rote processes. It can be a multiplier, and it can enable new and different approaches and modes of thinking. We should be leveraging new capabilities that disrupt norms and test convention—a mentality we call “1+1=3.” Innovation does not occur unless we question what we believe to be true.
• **New tech can make courts faster.** Technology done right can bend time in ways we haven’t thought of yet. We should be able to significantly accelerate the pace of the court system while simultaneously increasing the quality and the timeliness of the decisions rendered. Technology can allow courts to adapt more quickly to changes in laws, society and demographics by taking advantage of configurable platforms, business rules engines and workflows. We should demand that advancements be implemented quickly and have the flexibility to scale and extend to problems we haven’t even discovered yet.

• **Technology should make courts more democratic.** Our court systems and records must be accurate, secure and accessible all at the same time. This should be table stakes for any court solutions. Make the right information available to the right person at the right time—even 24x7. Justice can’t be served without that.

• **It can make courts more mobile.** We need technology to be platform- and location-agnostic. One-dimensional systems are a thing of the past. Our stakeholders are mobile, and they’re equipped with multiple devices. Again: table stakes.

• **Data analytics can increase fairness.** The amount of data we move and store is growing exponentially. We need data analytics technology to get more business value out of that data—trends, correlations and patterns that are only machine recognizable but that will enhance the ability of our courts to deliver fair and impartial justice.

• **These new systems can (and must) be seamless and secure.** Finally, yet importantly, we need to be able to better integrate new solutions into existing systems, leveraging APIs and web services for better data interfaces and more deliberate movement and management of data. Systems must be consistent, accurate, timely, and—most of all—secure.

### Disrupting the Courts

To date, we have just seen a steady pace of continued, incremental improvements in court technology and process. We need to identify fundamental ways to change the equation by finding those transformational “1+1=3” ideas that leverage technology in more provocative, disruptive ways.

Wave one of technology advancements was automation; wave two will be about leveraging mobile, analytical, cloud and other emerging technologies that enable agility and configurability to dramatically implement different business approaches that serve court constituents and uphold the law of the land.

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