



**Court Trends, Changing Times in North Carolina,  
and Public Courts- the World Courts Work in**  
Willow Jacobson,



What are the major  
changes you are seeing in  
your community?



**Six Disruptive Trends**

1. The South Has Risen- Again
2. The “Browning” of America
3. Marrying Out is “In”
4. The Silver Tsunami is About to Hit
5. The End of Men?
6. Cooling Waters from Grandma’s Well– and Grandpa’s too!



**The South Has Risen-- Again**



### The South Has Risen-- Again

Region	Absolute Population Change, 2000-2009	Percent of Total
United States	24,834,593	100%
Northeast	1,616,173	6.5%
Midwest	2,342,955	9.4%
South	12,757,940	51.4%
West	8,117,525	32.7%



### Net Migration Trends, 2000-2008 (in thousands)

	Northeast	Midwest	South	West
Total	-1,032	-2,008	+ 2,287	+46
Black	-346	-71	+376	+41
Hispanic	-292	-109	+520	-117
Elderly	-115	+42	+97	-27
Foreign Born	-147	-3	+145	+3

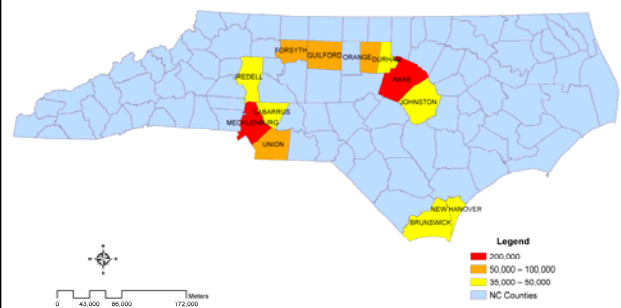


### North Carolina

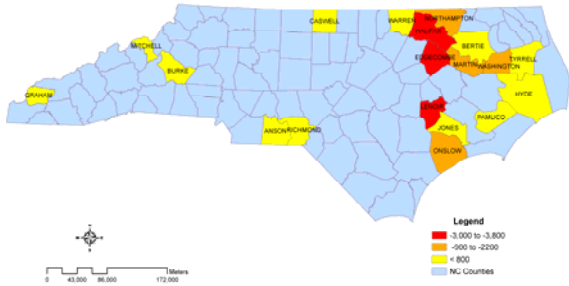
- North Carolina's population grew by 1.5 million between 2000 and 2010
- North Carolina ranked as the nation's 10<sup>th</sup> most populous state in 2010
- North Carolina's population growth during the first decade of the new millennium was not evenly distributed across the state



### North Carolina Counties with Largest Absolute Population Gains, 2000-2010



### North Carolina Counties Experiencing Population Decline, 2000-2010



Two 'colorful' demographic processes are drivers of change

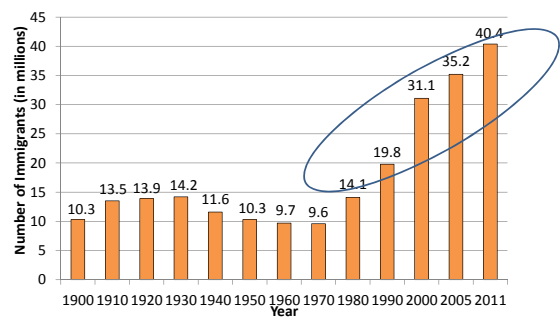
Browning & Graying of America

### The "Browning" of America




Immigration-driven population change

### U.S. Immigrant Population, 1900-2011

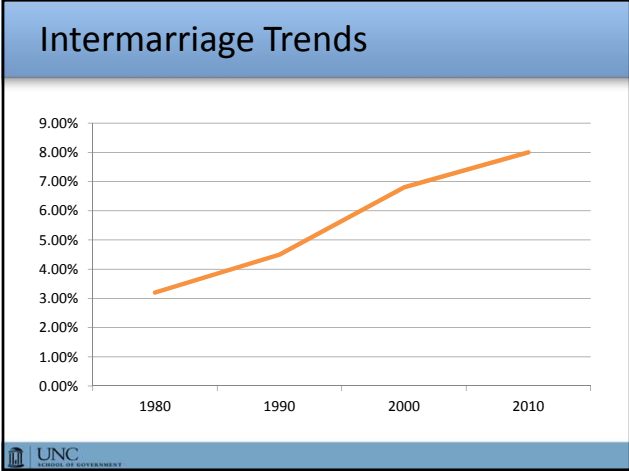


Source: Johnson 2015

### Marrying Out is "In"



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### Non-white And Hispanic Shares Of Population Growth, 2000-2010

Area	Absolute Population Change	Non-White Share	Hispanic Share
US	27,323,632	91.7	55.5
South	14,318,924	79.6	46.4
Texas	4,293,741	89.2	65.0
Florida	2,818,932	84.9	54.7
Georgia	1,501,206	81.0	27.9
NC	1,486,170	61.2	28.3

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Source: Johnson 2015

### Relative Distribution Of U.S. Population By Race / Ethnicity

Race/Ethnicity	2005	2050
White	67%	47%
Blacks	12.8%	13%
Hispanics	14%	29%
Asian	5%	9%

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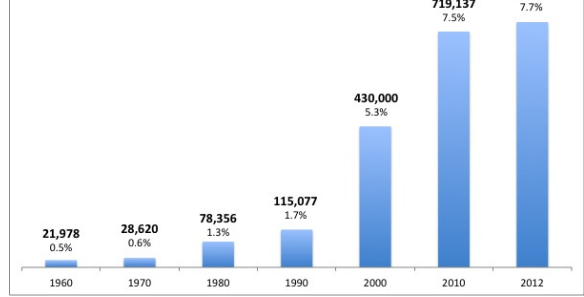
Source: Pew Research Center, 2008 \*projected.

**Total Fertility Rates Of U.S. Women By Race/Ethnicity, 2007**

Race/Ethnicity	Total Fertility Rate
Hispanic	2.99
Non-Hispanic White	1.87
Blacks	2.13
Asian	2.04
Native American	1.86

UNC SOURCE OF GOVERNMENT Source: Johnson and Lichter (2010)

**North Carolina Foreign Born Population Growth, 1960-2012**



UNC SOURCE OF GOVERNMENT Source: Johnson 2015

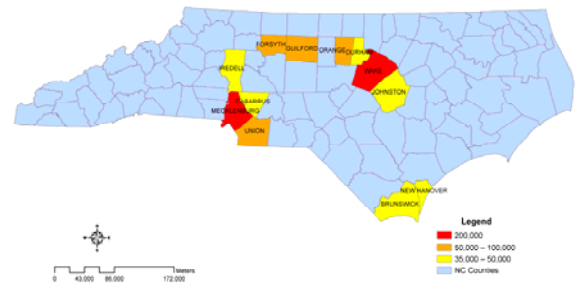
**Change In The Race/Ethnic Composition Of NC Public Schools, 2000-2009**

Group	2009 Enrollment	2000 Enrollment	Absolute Change	Percent Change	Share of Net Change
Total	1,427,960	1,268,422	159,538	12.6	100.0%
AI/AN	20,378	18,651	1,727	9.6	1.2%
Black	444,870	393,712	51,158	13.0	32.1%
Asian	35,140	23,576	11,564	49.0	7.2%
Hispanic	152,605	56,232	96,373	171.4	60.4%
White	774,967	776,251	- 1,284	- 0.2	

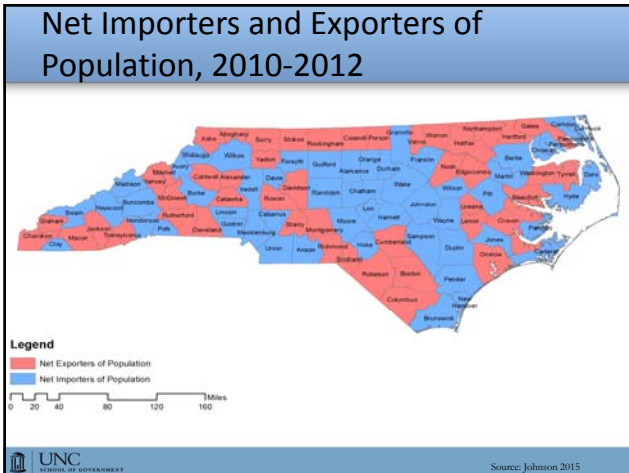
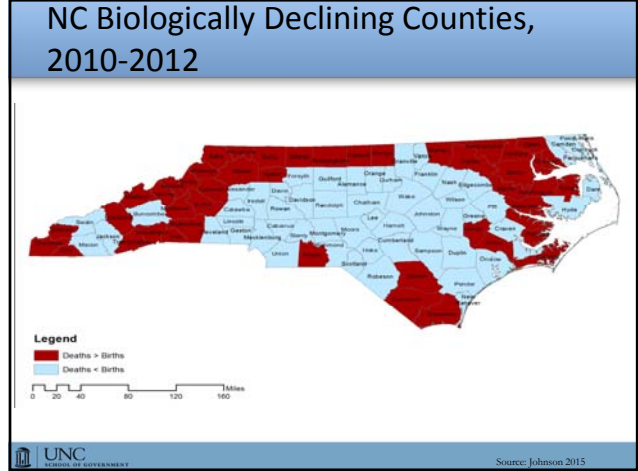
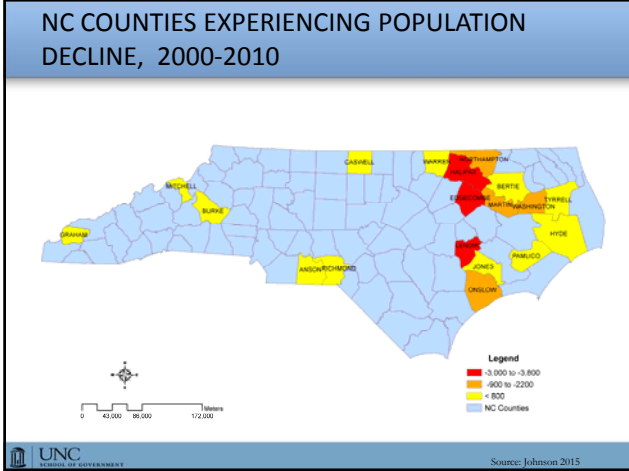
Source: DPI, The Statistical Profile Online

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**NC COUNTIES WITH THE LARGEST ABSOLUTE POPULATION GAINS, 2000-2010**



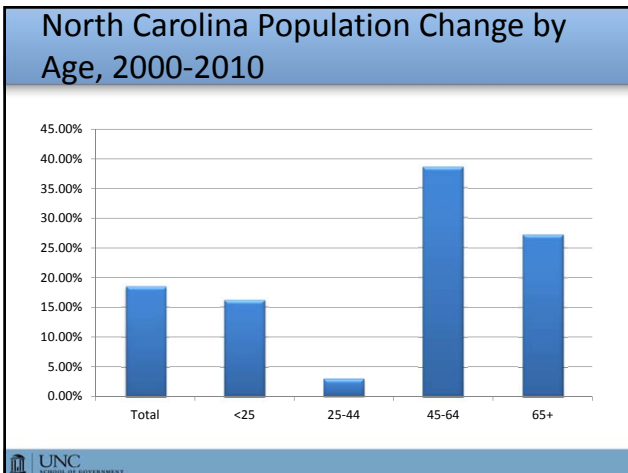
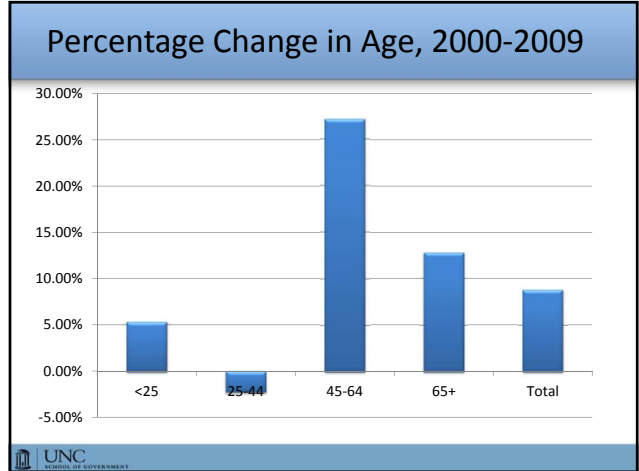
UNC SOURCE OF GOVERNMENT Source: Johnson 2015



### Key Drivers

- Changes in Longevity
- Declining Fertility
- Aging of Boomer Cohort

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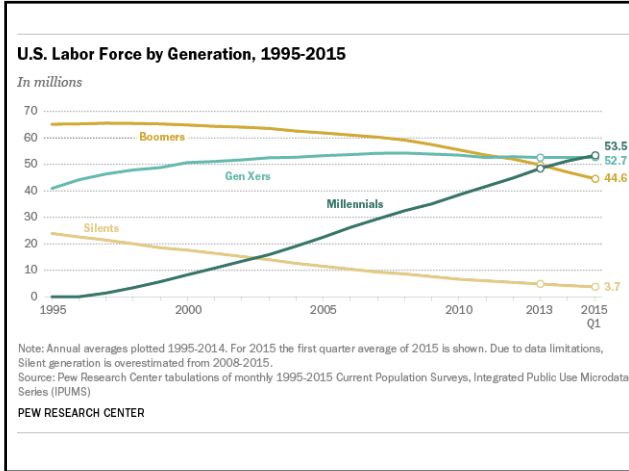


### U.S. Population Turning 50, 55, 62, And 65 Years Of Age, (2007-2015)

	Age 50	Age 55	Age 62	Age 65
Average Number/Day	12,344	11,541	9,221	8,032
Average Number/Minute	8.6	8.0	6.4	5.6

March 2015  
Source: Johnson 2015

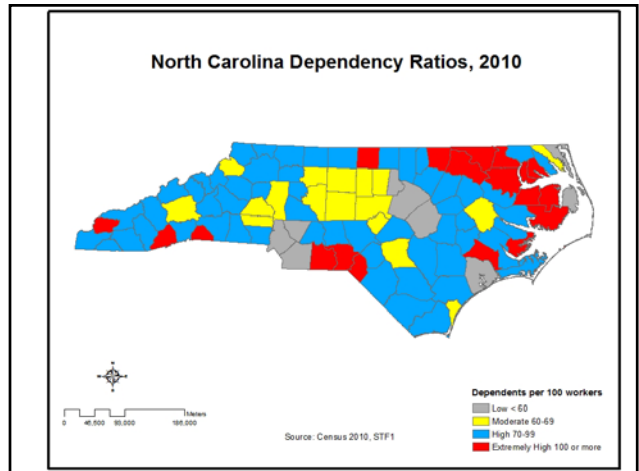
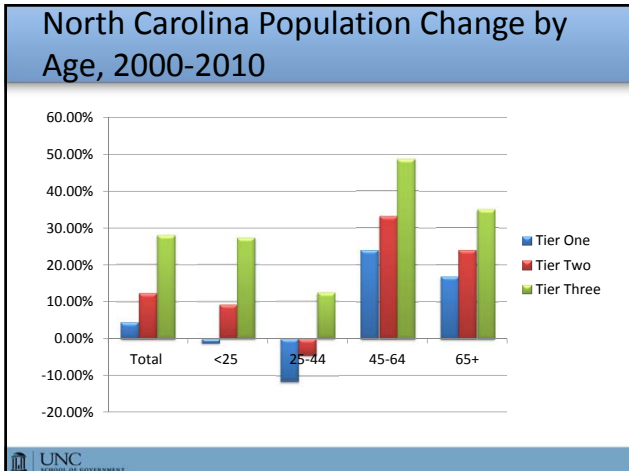
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### NC ABSOLUTE POPULATION CHANGE BY AGE, 2000-2010

Age	All Counties	Tier 3 Counties	Tier 2 Counties	Tier 1 Counties
All Ages	1,486,170	1,088,946	327,859	69,365
<25	449,385	369,818	85,481	- 5,914
25-44	73,209	159,248	- 36,139	-49,900
45-64	698,545	410,705	199,101	88,739
65+	265,031	149,175	79,416	36,440

Source: Johnson 2015

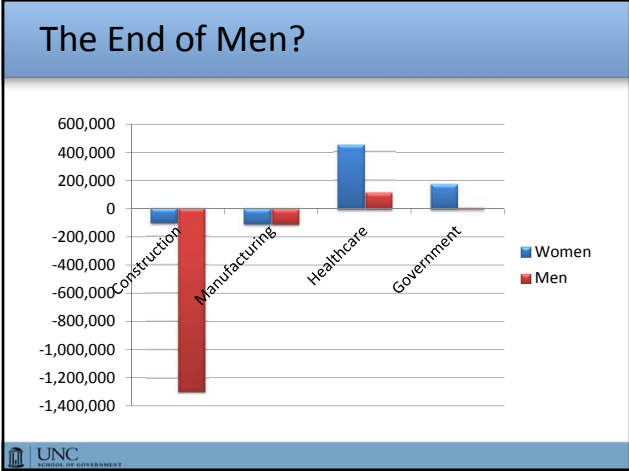




### The End of Men?

The image shows a simple icon on a grey rounded square background. On the left is a white silhouette of a male figure, and on the right is a white silhouette of a female figure. The male figure is smaller than the female figure.

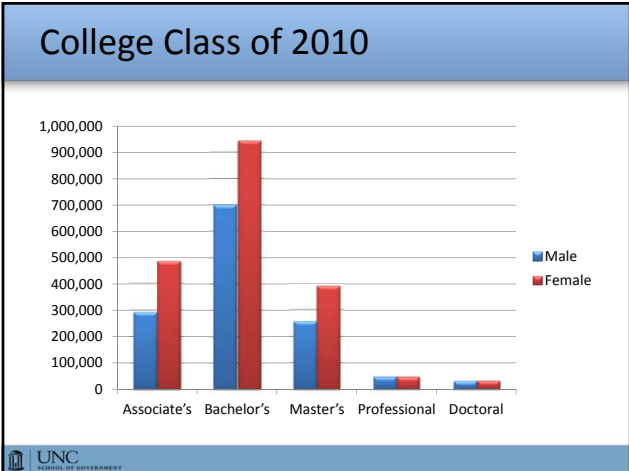
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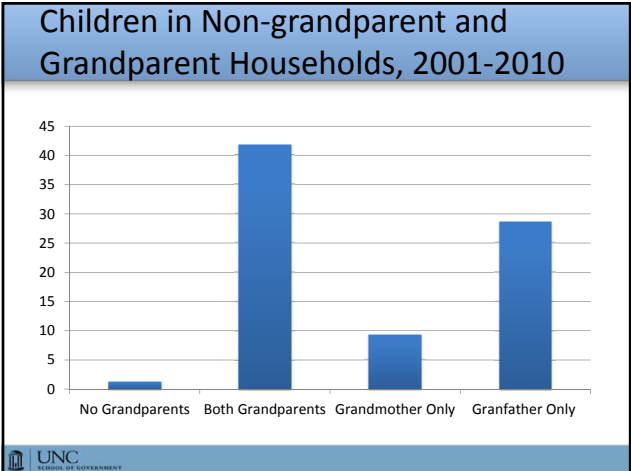
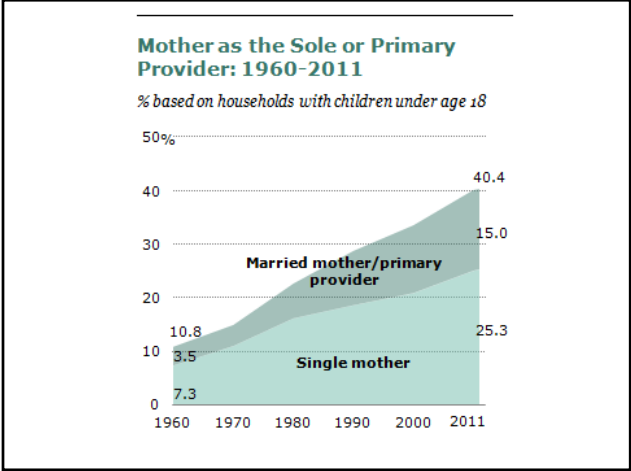
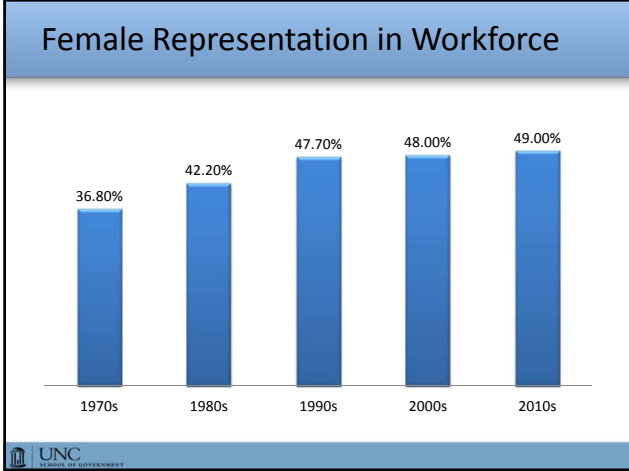


### College Class of 2010

Degree	Male	Female	Difference
Associate's	293,000	486,000	193,000
Bachelor's	702,000	946,000	244,000
Master's	257,000	391,000	134,000
Professional	46,800	46,400	-400
Doctoral	31,500	32,900	1,400
Total	1,330,300	1,902,300	572,000

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### City/county relationships

- Lines between counties and cities are blurring
- Cities and counties face similar issues
- Focus is on efficiency, collaboration, consolidation
- Regional economic coalitions forming
- Working relations strained



### Problems don't stop at county lines



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### State Local Government Relations

- Tension between state and local government over control
- Counties assuming more responsibility because of unfunded state and federal mandates
- Counties and Cities relationship with state changing and will continue to change
- Changing Legislative expectations

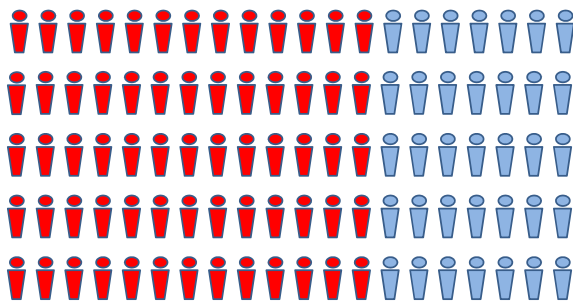
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### Changing North Carolina Demographics

- Changing expectations
  - Schools (desegregation)
  - More schools and services
  - Need to grow economy
  - What to do with young populations
- Board composition
  - “Not from around here”
  - “This is how we do it in \_\_\_\_\_”

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### Government workers retiring



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### Leading in this Environment


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### Public Trust, Trends and Other Court Leadership Challenges, or in other words, "may you live in interesting times"

Jim Drennan  
Judicial District Executive Seminars  
September 26, 2013


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### Public Trust




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"The courts authority, consisting of neither the purse nor the sword, rests ultimately on substantial public confidence in it's moral sanction." *Justice Felix Frankfurter*



"This crisis of confidence in the judiciary is real and growing. Left unaddressed, **the perception that justice is for sale** will undermine the rule of law that the courts are supposed to uphold."



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They're ignorant but  
not stupid

To know us is to love us

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### What the Public Thinks Washington State

- Courts are intimidating and confusing
  - Public 73% agree
  - 89% of court officials think public agrees
- Courts are safe places
  - Public 63% agree, courts 18%
- Courts function is to solve social problems
  - Public 43% agree
  - 92% of court officials think public thinks they should solve social problems

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### What Bothers People

- Courts too lenient
- Costs too much
- Takes too long
- Inadequate attention to individual cases



• NCSJ, 1999  
Futures Commission, 1995  
Common Good, 2012

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## Public Confidence

- NCSC, 1999 **75%**
- NC, 2002 **79%** (Center for Voter Education)
  - **50%** 1995 Futures Commission
- Utah, 2006, **80%**
- Cal, 2006, **67%**, (up from high 40's in 1992)
- Rasmussen, 2013, 44% say courts are fair to most people, 40% say not fair



## Ignorant or in the Know?



- Enemies more passionate than friends (ABA, 1999)
- Generally a lack of passion about courts (NCSC, 2003)
- Recent experiences=less fair, except AA (NCSC 2003), also Minn. 2000

## From a Retiring Court Official

*This is a tough job. It never stops at the office door. Everywhere I go, the job follows. I realize that I have spoiled people by bending the rules to help them. I am a ... on the front lines. This county is small and trying to keep my job by being reelected has always had to be in the back of my mind.*

### Dual System for Rich and Poor



- NCSC 2003, 1999 **80%**
- Justice at stake, 2003 **62%**
- NC (Doble) 1995 **75%**
- NC Center for Voter Education, 2002 **58%**

"We couldn't afford to defend a criminal case like this, and nobody can."

### Not as Fair for African-Americans?


<p>NCSC, 1999, 2003</p> <ul style="list-style-type: none"> <li>■ <b>67% (AA's)</b></li> </ul> <p>Pew, 2013</p> <ul style="list-style-type: none"> <li>■ <b>68% AA</b></li> <li>■ <b>37% Whites</b></li> </ul>	<p>North Carolina, 1995 (Doble)</p> <ul style="list-style-type: none"> <li>■ <b>39% all races</b> <ul style="list-style-type: none"> <li>– 36% whites</li> <li>– 53% AA's</li> </ul> </li> </ul> <p>ABC/WaPo (2012)</p> <ul style="list-style-type: none"> <li>■ <b>55% all races</b></li> <li>■ <b>84% AA's</b></li> </ul>
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### Confidence that Police treat blacks and whites equally

- **Confident/Not Confident**
  - Whites, **63%/36%**
  - Hispanics, **40%/57%**
  - **Blacks, 21%/77%**

– Washington Post/ABC news poll of 1000 adults, December, 11-14, 20014





## What do people know?

- More Americans can name the three stooges than the three branches of government
- Know the name of one of seven dwarfs
  - 87%
- Can name one supreme court justice
  - 39%

• Zogby 2006

## What do people know?

- Right to lawyer
  - 99%
- Could not name any of 3 branches
  - 25%
- Right after Impeachment, 17% could name chief justice
- 2010, 28% chose John Roberts from a list that included Harry Reid, Thurgood Marshall, and John Paul Stevens (Pew); in 2012, 34%

## Where do people get information?

- Nearly half get their information from
  - CSI
  - Law and Order
  - Judge Judy

– Utah 2006



## What affects peoples attitudes?

- Greatest impact on attitude comes from
  - Being treated with respect
  - Being listened to
  - Having case receive individual attention

• California, 2006

## Roger Warren

Fair process more important than outcome

- Things that matter
  - Neutrality
  - Respect
  - Participation
  - Trustworthiness



## The Most Important?

### TRUSTWORTHINESS

- “Ethic of care”
- Seeking to do right
- Measure of character, not competence
- Assessment of motive of court officials



And, ultimately, that authority rests on our ability as judges to live up to those values, to meet the reasonable expectations of litigants and the public, to put a human face on who we are, what we do, and how we do it, to show that we care about the people affected by our processes and decisions—in short, to demonstrate that we are worthy of the public’s trust. *Roger Warren*

## Change happens:

- Because of us
- To us
- Despite us



## Changing Role of the Courts

<u>Court Process</u>	<u>Traditional</u>	<u>Emerging</u>
Civil	Adjudication	Mediation
Criminal	Judgmental	Coaching
Sentencing Objectives	Deterrence	Restorative Justice
	Rehabilitation	Retribution
	Incarceration	
Stakeholders	Attorneys, Litigants	Community, Victim
Relationship to courts	Independent	Collaborative
		Roger K. Warren

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## Challenges

- Court leaders must be responsible for networking with larger community
- Must preserve “core values” while we take advantage of emerging technologies and alternative methods

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## Random Thoughts on our Changing Environment

- **Corrections spending is growing faster than all but Medicaid spending**  
 1985 \$16.5 Billion  
 2010 \$50.8 Billion
- **The risk of incarceration for a black male is 7 times greater than for a white male**
- **Jury Trials are vanishing**  
 44% reduction in civil jury trials between 1992 and 2002 (10 state survey, BJS)  
 In NC, in 2013-14, 2972 superior court jury trials, in 2011-12, 3201; in 2000-01, 3483. Now below 2%.
- **Traditional lawyers roles are changing**  
 Law school curricula moving away from trial advocacy in favor of theory, client-centered law, and ADR

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## Random Thoughts on our Changing Environment

- **Self represented parties are becoming the norm**  
 49% of petitioners and 81% of respondents in domestic cases self-represented (Utah)
- **Multi-media is defining public perception of justice system**  
 49% say their primary source of information on courts are TV dramas
- **Technology is outpacing legislative regulation**  
 (nanotechnology, electronic monitoring, neuroscience; virtual worlds; genetics)
- **Judicial Budget in 2008-09--\$479.8 Million. Judicial Budget in 2013-14--\$456.9 Million.**

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## What are the Trends

Conference of State Court Administrators  
“White Papers”

Future Trends in State Courts  
National Center for State Courts

Personal Experience



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## Conference of State Court Administrators “White Papers”


- 1999/2004 Problem Solving Courts
- 2000 Access to Court Records
- 2000 Self Represented Litigation
- 2001 Racial and Ethnic Fairness
- 2001 Effective Governance and Accountability
- 2002 Justice Information Sharing
- 2002 Family Courts
- 2003 Court Budgets in Times of Crisis
- 2004 State Courts and Domestic Violence
- 2005 The Emergence of e-everything
- 2006 Emergency Preparedness in State Courts
- 2007 Court Interpretation
- 2008 Performance Measure and Accountability
- 2009 Digital Recording
- 2011 Courts are Not Revenue Centers
- 2012 Evidence-Based Pretrial Release
- 2013 Preserving Court Records
- 2014 Limited Jurisdiction Courts

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## Future Trends in State Courts (2006)


- Emergency Preparedness in the State Courts
- The Impact of Technology
- Cultural Diversity: the use of Court Interpreters
- The Impact of an Aging Population
- Privacy and Public Access to Court Records
- Judicial Independence and Selection
- State Courts and Budget Challenges
- Problem Solving Courts
- Access to Justice: The Self Represented Litigant
- Measuring Court Performance



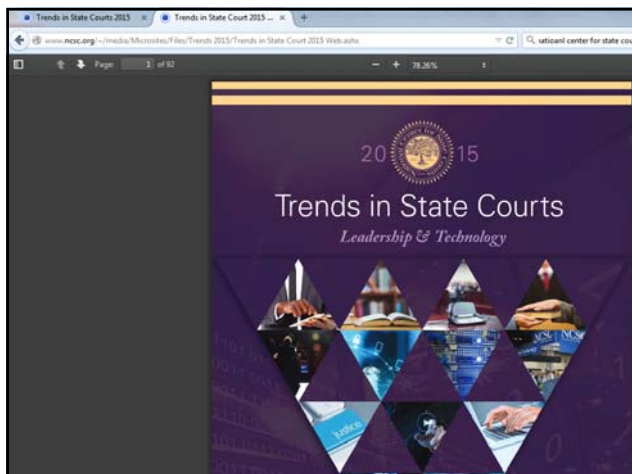
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## Future Trends (2012)

- Leadership
  - Collaborative practices
  - Innovative courts
- Technology
  - Electronic bench books
  - Digital court recording
  - Litigant portals




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## One View


The Future:


- Increasingly tight resources with more strings attached and demands for increased accountability for outcomes
- Increasing challenges to judicial independence and demands for more information on judicial performance
- More and more complex social problems working their way into the courts; juvenile and family law issues overshadowing civil litigation
- Technology advances improving access, but posing significant workforce challenges
- Significantly greater challenges in responding to racial and ethnic minorities and the self represented



## Where to put your energy:

- 1. Diversify/partner at the local level**
  - ride the problem solving court movement
  - outreach to the community
  - generate resources indirectly
- 2. Get creative in spending existing dollars and justifying new dollars**
  - make the difficult decisions
  - prioritize programs based on outcomes
  - market new programs with measurable outcomes







## Where to put your energy:

- 3. Organize for effective decision making**
  - climate for innovation/change
  - measure what you say is important
  - foster a growing organization – invest in education
  - to the extent possible, speak with a single voice
- 4. Exercise Leadership**

“A leader is someone who takes others to a place they wouldn’t go by themselves”





### Change happens:

- Because of us
- To us
- Despite us



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