



## *The Scenario*

The literature says *Millennials* tend to be tech savvy and creative. They don't like red tape and hierarchy; they are task oriented. They are critical thinkers and willing to take initiative.<sup>i</sup> Unlike some previous generations, predictions are that *Millennials* will have up to a dozen jobs before they reach middle age.

We have been surveying court professionals from around the world for the last two years and have come across a number of trends that reveal some interesting dynamics when matched up with our changing workforce.<sup>ii</sup> The survey reports that it is likely courts will hire a significant number of *professional knowledge workers* in the years to come. Knowledge workers are defined staff with distinct skill sets useful to courts but not specifically in the area of law and administration. Examples include probate court accountants and investigators; family court navigators; conciliators; mediators; interpreters; specialty problem-solving court counselors specializing in drug addiction, domestic violence, and even early childhood development; information processing specialists; social media and public information professionals; human resources staff; budget and finance technicians; adult learning specialists; courthouse architectural design consultants; and security experts. As court and caseload management becomes increasingly sophisticated, courts will come to depend on the professional expertise of these knowledge workers.

### ***Monday, January 6, 2025:***

Kai, court executive for the fifth largest trial court in the United States, steps into his office to prepare for the day's business. He is unmarried but has many friends. His court staff still includes a few *Baby Boomers* who are now in their early 70s, but mostly it's made up of *Gen Xers* (born between 1965 and 1979), *Millennials* (born between 1980 and 1995), and a small but growing number of *GenZers* (born after 1995).

Born in 1980, Kai has never known a time when courts did not have sophisticated information processing systems, tablet computers, or SmartPhones. Smart and comfortable with technology, he can explain the workings of the court's many information technology systems to visitors in more detail than they often care to hear. He is frustrated with bureaucracy and wants to just "get things done."

Kai manages a sizable group of professionals who possess expertise in many areas. In fact the court employs very few strictly *clerical staff* anymore. The court has a team of counselors who work in the many problem-solving courts. They are experts in drug addiction, mental health, domestic abuse, family financial management, and infant and toddler behavior. The court's information technology director manages information specialists who work with several vendors as well as the state administrative office's information technology and statistics units. The technology director also oversees telecommunication and web design. The court's Public Information Officer provides content for the web site and as social media platforms, in addition to managing the traditional media when the court tries a high-profile case. Potential conflicts of interest are a real concern; these professions have skill sets that are easily transferrable and in demand. They can and often do move to other private sector employment and then back into the public sector.

## What Could This Mean?

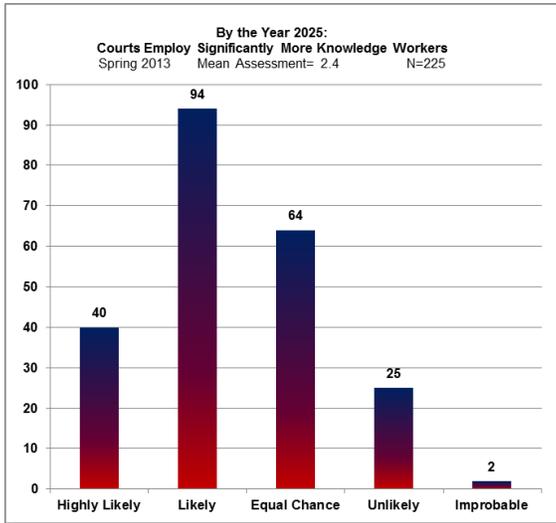


Figure 225 respondents in the Spring 2013 survey assessed the scenario courts will hire more professional knowledge workers as *Likely* with a 2.4 average assessment.

**The Federal government ratio of clerical staff to professional staff (knowledge workers) has been declining for years. Today clerical staff make up a mere four percent of the workforce.**

Lisa Rein  
Washington Post, January 15, 2014.

**“The knowledge workers expect more from their organization and will also give more when they receive it.”**

Edward T. Chen  
University of Massachusetts

**“Perhaps, in time, we should consider licensing specialized paralegals, under the supervision of a lawyer, to give legal advice in discrete areas where they are highly knowledgeable. Landlord/tenant and Social Security come to mind. Perhaps an even smaller number of paralegals could be licensed to advocate for clients in court as paralegal practitioners. Many people might be able to afford \$60 an hour for a paralegal, who could not afford \$150 or more per hour for a lawyer.”**

Hon. John T. Broderick, Jr.  
“The Changing Face of Justice in a New Century: The Challenges It Poses to State Courts and Court Management,” *Future Trends in State Courts*, 2010

- The demand for *professional knowledge workers* to be treated as professionals may be persuasive. It is likely that courts will have to adopt alternative work schedules (flex-time), which means managing an even more challenging work environment. How do you “manage by walking around” when many of your professional staff work from home? What happens to the traditional eight hour day?
- Many of these professionals will have an expertise in areas that may not be well understood or appreciated by the general public, particularly as it relates to the judicial branch. Could this leave them vulnerable during times of fiscal austerity?
- *Professional knowledge workers* may demand new modes of training. “Talking heads” at the front of a classroom may well be a thing of the past. Pre-developed PowerPoints and videos accessible from one’s desk, webinars, real world simulations where participants “learn-by-doing,” in-room sessions electronically fed to remote sites, and programmed teaching modules (e.g. short pieces with pre-formatted quiz questions and supplementary student material) all are highly likely.
- Hiring high priced knowledge workers may be an option for larger courts, but how will smaller, less well funded courts deal?

## Respondents

We asked Christi Weigand, Court Services Division with the Arizona Administrative Office of the Courts; Tanya Damm from the Washington County Trial Courts in Hillsboro, Oregon; Nina Thomas, Civil Division Manager for the Superior Court in New Jersey – Burlington Vicinage; and Kimberly Erickson, Civil Division Supervisor for the Second Judicial Circuit Court in Sioux Falls, South Dakota to comment on the likelihood of courts experiencing an in-flux of *professional knowledge workers* in the years to come.

## Where Will Courts Use Professional Knowledge Workers?

Nina Thomas saw that courts are acknowledging the benefits of knowledge workers in specific areas such as information technology, human resources, etc. “I see how we hire these workers changing slightly, in that HR folks won’t be limited to HR, etc. The specialized areas are very much a part of what we do in all areas of the court and we will hire people to meet those needs.” Nina also thought courts would start working more closely with colleges and universities to offer specialized programs that move past criminal justice and public administration into offerings for probation workers, family workers, mediators, and even civil.

Christi Weigand and Kimberly Erickson both agreed that court will see an influx of *professional knowledge workers*. Kimberly pointed out that in the age of technology, and this coming generation being so tech savvy, courts will have to make a conscious effort to move forward. “The world of ‘e-everything’ is here, and the courts need to jump on board now.” Christi noted that as courts shift to a more problem-solving focus and change to accommodate technology demands, the need for knowledge workers will grow. “I would expect a higher number of social and technology related positions to be the most prevalent.”

Tanya Damm anticipated that Probate would be where knowledge workers are most prevalent. “This is because, with an aging population, more protective proceedings will likely be filed in the coming years in order to protect the financial and physical well-being of the aging population. . . . Conservatorship accountings are complex and require specific training in order to ensure compliance with Oregon laws as well as to identify any misuse of the protected person’s money.”

## How Will Professional Knowledge Workers Affect Court Management?

Christi thought that courts would have to explore new time management techniques (e.g., flex-scheduling and part-time workers). She also pointed out that courts could encounter shortages if demand for knowledge workers were high in an area where supply was low. “Courts may need to explore resource sharing between courts at a local level and new options to use technology as a means to resource share over long distances.”

Editor’s note: *Professional knowledge workers* working across jurisdictions could lead to interesting questions about employee loyalty. Would knowledge workers be expected to be loyal to the court, to the judicial branch, or to his or her profession and skill set?

Tanya predicted that the increasing use of knowledge workers could increase a court’s productivity. As more people would be trained to handle specialized tasks, the more efficiently those people could accomplish those tasks. “I also feel that more *professional knowledge workers* will increase the accessibility of the court.”

Kimberly felt that there would less of a need for “clerical positions” and more of a need to manage through the technology. The focus of local policies will shift to making things more efficient for staff, attorneys, and the public. “The customer service skills we have focused on for so long will be more based towards how can we make things run faster and smoother, which will be a new aspect of customer service?”

Nina believed that *professional knowledge workers* would strengthen the court’s infrastructure to meet the courts’ growing challenges. Traditionally court staff has been limited so existing personnel has had to learn the areas

these knowledge workers will be hired into. This means new staff will not possess traditional expertise. “The challenge will be to remember the core responsibilities of courts, to continue to place them in the highest priority, and to figure out the best way to mix these various areas of expertise together with the overall purpose of the courts.”

### ***What Should Court Leaders Be Doing Now to Prepare?***

Nina said that we will need to put stronger training and mentoring programs in place to ensure that these knowledge workers understand and are prepared to work within a court environment. “Although we may be hiring for specialized skills, the operation of courts usually requires everyone to also be a court generalist and have expertise in multiple areas. Since I do not see courts increasing the number of staff overall to hire these knowledge workers, we have to be prepared to expand their knowledge rather quickly.”

Tanya recommended that court leaders identify areas that need knowledge workers and develop training materials so that when courts are able to hire them, the training process will run smoothly.

Kimberly said that current court leaders need to be accepting of the new ideals voiced by the new generation. Millennials like to see immediate results, which is positive when it comes to technology. If they become frustrated they could move on to careers where their ideas are more seriously considered. “The biggest hurdle for court leaders will be to get the mindset changed of the GenXers.”

Christi remarked that court leaders could learn from each other, especially from courts that piloted non-traditional court functions, such as problem-solving courts and innovative technology. “Courts may also want to explore private sector strategies and techniques that could be applied to the court workforce that may address any time, personnel or resource management challenges stemming from the increased use of *professional knowledge workers*.”

### ***We Want to Hear From You***

Our thanks to Nina, Tanya, Kimberly, and Christi for their insights on what the future might hold for courts and court staff.

#### ***Write in and Comment!***

- ***Will trial courts see an influx of young professional knowledge workers over the next ten years? If so, in what areas?***
- ***If not, what is a more likely scenario? If so. . .***
- ***How will this affect how courts are managed?***
- ***What should court leaders be doing now to prepare?***

***Comment here or email us at [pkiefer@superiorcourt.maricopa.gov](mailto:pkiefer@superiorcourt.maricopa.gov)***

### ***The Link to the Full Survey Results***

Write to us at the following email address for a copy of the entire combined list of survey results and send us your comments to: [courtutures@gmail.com](mailto:courtutures@gmail.com)

Phillip Knox & Peter C. Kiefer  
January 14, 2015<sup>iii</sup>

<sup>i</sup>Shama Hyder, “Study Reveals Surprising Facts About Millennials in the Workplace,” *Forbes Magazine*, December 5, 2013.

<sup>ii</sup>In the three surveys we have so far distributed respondents were asked to assess scenarios using a 1 to 5 scale(1: highly likely, 2: Likely, 3: Maybe (50-50 Chance, 4: Unlikely, 5: Improbable). We then grouped responses by average assessment. (1.0–1.9: Highly Likely, 2.0–2.4: Likely, 2.5–2.9: Maybe (50–50 Chance, 3.0–3.4: Unlikely, Above 3.4: Improbable).

<sup>iii</sup>Considerable thanks goes to Keith B. Kaplan, Jeff Barlow, and Ridge Franks who made significant contributions to this piece.