



Thomson Reuters Institute

# State of the Courts Report 2024

As concerns over caseloads and backlogs recede, GenAI makes its presence felt

## Executive summary

In his year-end Report on the Federal Judiciary for 2023, U.S. Supreme Court Chief Justice John Roberts devoted much of his annual letter to the impact that artificial intelligence (AI) and specifically generative AI (GenAI) will most certainly have on the justice system, the legal profession, and the courts themselves.

While Chief Justice Roberts said he doesn't see a future in which AI robots replace judges, he does acknowledge that the nation's courts and its system of dispensing justice to its citizens may be dramatically altered by AI. For example, he noted that Rule 1 of the Federal Rules of Civil Procedure directs case participants and the courts to seek the "just, speedy, and inexpensive" resolution of cases. "Many AI applications indisputably assist the judicial system in advancing those goals," he said.

While acknowledging the risks to privacy and other concerns, Chief Justice Roberts also noted that AI may also aid in improving access to justice for all citizens. "For those who cannot afford a lawyer, AI can help," he said, adding that AI can allow for new technology solutions that all citizens can access to get answers to basic questions or find court forms to proceed with their cases — all without leaving home. "These tools have the welcome potential to smooth out any mismatch between available resources and urgent needs in our court system."

Clearly, Chief Justice Roberts is not alone in seeing the potential sea change that GenAI could bring to the nation's courts. In the second annual State of the Courts Survey Report, published by the Thomson Reuters® Institute, we surveyed judges and court professionals from state, county, and municipal courts to identify their initial insights about the impact that GenAI could have on how they conduct the business of the courts.

Not surprisingly, our survey respondents in this year's report showed some uncertainty and reluctance about the use of GenAI in the court setting. Indeed, while 15% said they think generative AI can be used in the court setting, only 9% think it should be used. And much larger portions said the opposite: more than two-thirds (68%) said they are uncertain if GenAI can be used in a courtroom, and 58% said they are unsure if it should be.

As one staff attorney at a state courthouse said of the potential use of GenAI in the courtroom, "The technology is being pushed too fast and hyped too far."

Also not surprisingly, nearly two-thirds (65%) said their objection had to do with risk concerns about generative AI, with the strongest concerns relating to accuracy and quality of data sources (51%); and how GenAI lacks the human judgment, reasoning, and emotion that is critically inherent to the legal profession (19%).

Indeed, one county court clerk of courts said her concerns were that GenAI use in court proceedings could make “the process less humanizing and dignified for litigants.”

Beyond generative AI, our survey showed that judges and court professionals at all levels said they are still managing many of the challenges that they had cited in our previous survey, conducted in 2022. These concerns were strongly reflective of how courts have had to navigate through the post-pandemic environment, and included burdensome hearing delays, growing caseloads, and the glacial pace of modernization within the courts.

Yet, while these concerns were still reflected in our latest survey, many of these challenges have receded, making room in many respondents’ minds for a clearer path toward more positive outcomes. For example, while increasing caseloads continue to be the biggest change that respondents said they had experienced in the past two years, the portion of our survey saying that has decreased. So too have the portions of our survey citing increases in case delays and court backlogs greatly diminished as well.

And even though more than half of respondents (56%) said they expect to experience staffing shortages in the coming 12 months, that was down from the past 12 months when almost two-thirds (64%) reported staffing shortages.

Overall, it seems that courts and their workers are enjoying broader engagement with technology solutions, especially around such critical areas as evidence collection and storage as digital storage and certain case-material sharing and management tools are seeing more acceptance across the board.

It’s as if both the easing of the pandemic-induced stasis in the courts and the slow, albeit steady movement toward new technology solutions to improve court operations have melded with the great expectations of GenAI to make today’s survey respondents more conscious of their opportunities amid the frenetic pace of work and even daring enough to envision a future in which overwork, delays, and staffing shortages may finally be moved to the backburner.

## Top findings

- When asked about the biggest change that they've experienced over the past two years, 40% of respondents said increasing caseloads; however, this is down from 45% in 2022.
- All other aspects of work also are less likely to have increased since our previous survey, with increased case delays being cited by 27% of respondents, compared to 45% in 2022; and increased courts backlogs cited by 25%, compared to 44%.
- Respondents also said they are participating in fewer hearings per week on average (35 per week compared to 43 in 2022). And while there was a slight increase in hearings being delayed by more than 15 minutes in our latest survey, the incidence of these delays always or often impacting other cases on the docket dropped considerably, to 25% of respondents citing this problem, compared to 32% in 2022.
- Most respondents (82%) said that virtual courts increase justice opportunities for litigants — a sentiment that has risen from 76% since 2022. And nearly all of those respondents (90%) say that virtual courts increase justice opportunities by removing the geographic and financial barriers that had previously been major impediments to litigant participation.
- More than one-third (35%) of respondents say they now use a digital evidence management system — an 8-percentage point increase since the last survey. However, nearly three-fifths (58%) of those who say they are not using a digital evidence management system think that having one would be at least somewhat beneficial for their operations.
- Similar to last year, a large majority of respondents (72%) said they are very confident or somewhat confident about the security of their technology systems.
- Further, one-third of respondents (33%) said they do not welcome the use of generative AI by case participants in the courtroom, although a larger majority (59%) said they don't know enough about it to have an opinion.
- The strongest differences between respondents from state courts and those from county/municipal courts are related to staffing, technology use, and confidence in their technology security.

## Methodology

Thomson Reuters annual State of the Courts surveys are conducted via an online questionnaire with judges and court professionals to better understand challenges in the judicial system, specifically around hearings, evidence, caseload, and technology as it quickly evolves.

Whenever possible, our latest survey results are trended against the 2022 survey responses. In this year's survey, however, questions were asked for the first time about the use of GenAI in court operations and the use of GenAI by other parties in the courtroom.

This year's online survey was conducted with 223 state, county, and municipal court judges and court professionals, between November 2 and 17, 2023. Statistical significance testing was conducted at the 90% confidence level.

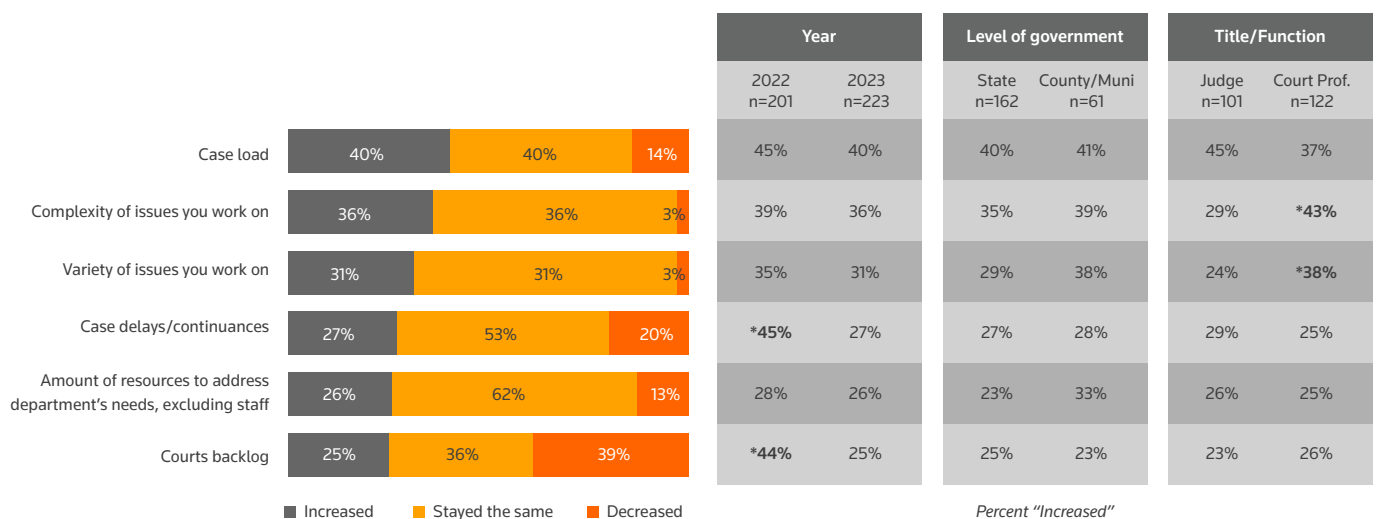
## Demographics

	Year		Level of government			Year		Level of government	
	2022 n=201	2023 n=223	State n=162	County/Muni n=61		2022 n=201	2023 n=223	State n=162	County/Muni n=61
<b>Place of employment</b>					<b>Job Title/function</b>				
Court system	92%	93%	94%	92%	Judge	55%	45%	54%	20%
Government organization	8%	7%	6%	8%	Staff Attorney	7%	15%	17%	8%
<b>Level of government</b>					Law Clerk	5%	10%	7%	16%
State	72%	73%	100%	---	Clerk of Court	5%	7%	2%	20%
County	23%	23%	---	84%	Judicial Clerk	2%	6%	7%	3%
Municipal	4%	4%	---	16%	Magistrate	6%	5%	6%	2%
<b>State department/agency</b>					Court Administrator	2%	2%	1%	5%
State court system	81%	74%	74%	---	Chief Clerk	4%	2%	1%	5%
Superior court system	12%	18%	18%	---	Deputy Clerk	<1%	1%	0%	5%
Other court system	7%	8%	8%	---	Administrator	2%	1%	0%	3%
<b>County department/agency</b>					Attorney/Lawyer	1%	1%	1%	2%
County court system	94%	84%	---	84%	Judicial Assistant	1%	1%	1%	2%
Other court system	6%	16%	---	16%	Paralegal	<1%	1%	1%	2%
<b>Municipal department/agency</b>					Referee	0%	1%	0%	3%
City or municipal court system	89%	100%	---	100%	<b>Role in legal information purchases</b>				
Other court system	11%	0%	---	0%	I am one of the key decision makers	24%	24%	20%	36%
					I am only somewhat involved in decisions but give input	23%	22%	20%	30%
					I have little involvement	22%	15%	19%	7%

# Current working situation in the courts

Increases in caseloads continues to be the biggest changes that respondents say they have experienced over the past two years. However, all aspects of work are less likely to have increased since last year, with case delays and courts backlogs significantly less likely to have increased.

Figure 1: **Changes in aspects of work in last 24 months**



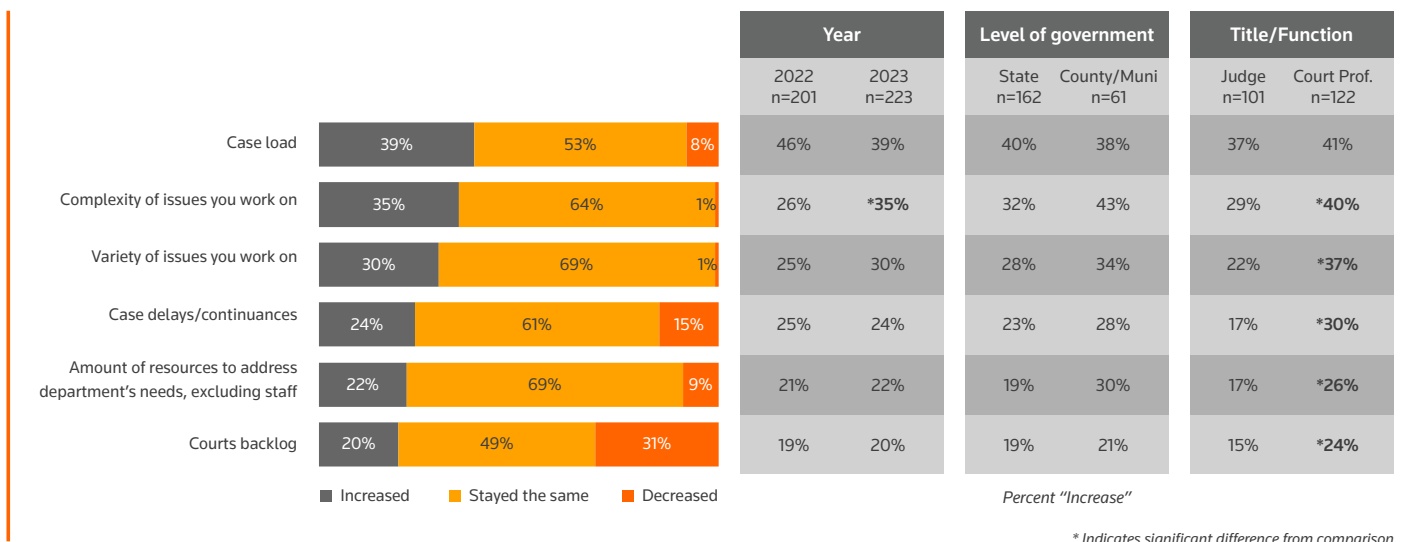
*\* Indicates significant difference from comparison*

While 40% of those surveyed said increasing caseloads continues to be the biggest change they've experienced over the past two years, this is down from 45% in 2022.

Indeed, all other aspects of work are less likely to have increased since last year as well, with increases in case delays being cited by 27% of respondents, compared to 45% in 2022; and increases in courts backlogs cited by 25% of respondents, compared to 44% in the previous survey. Both of these point to an easing of some of the stifling congestion that hindered the swift dispensing of justice and was greatly increased by the restrictions caused by the pandemic.

Looking ahead to the coming 12 months, respondents cited increased caseloads as the most highly anticipated change in the next year, but respondents are significantly more likely to expect an increase in the complexity of issues they face than they were in 2022. And court professionals are more likely than judges to expect increased issue complexity and variety, case delays, and court backlogs, but they are also more likely to anticipate receiving more resources to address their department’s needs.

Figure 2: **Expected changes in next 12 months**



Almost two-thirds of respondents (64%) said they experienced staffing shortages in the past year, and 56% said they expect them again in the coming year. Also, state court respondents were more likely than county/municipal court respondents to have experienced staffing shortages in the past year and to expect them in the coming year.

Figure 3: **Experienced staffing shortages in past 12 months**

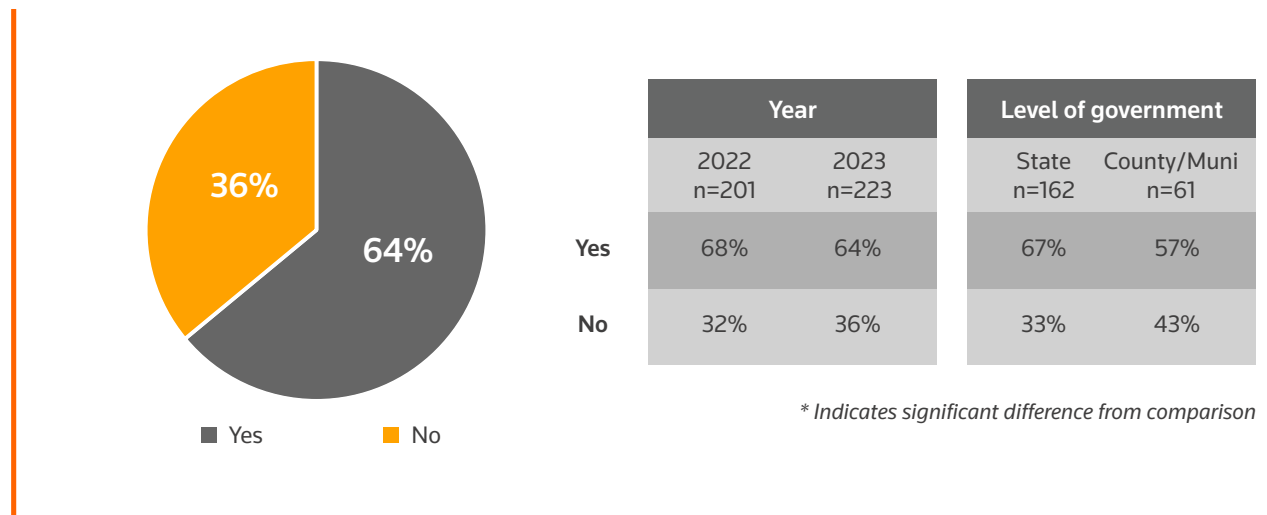
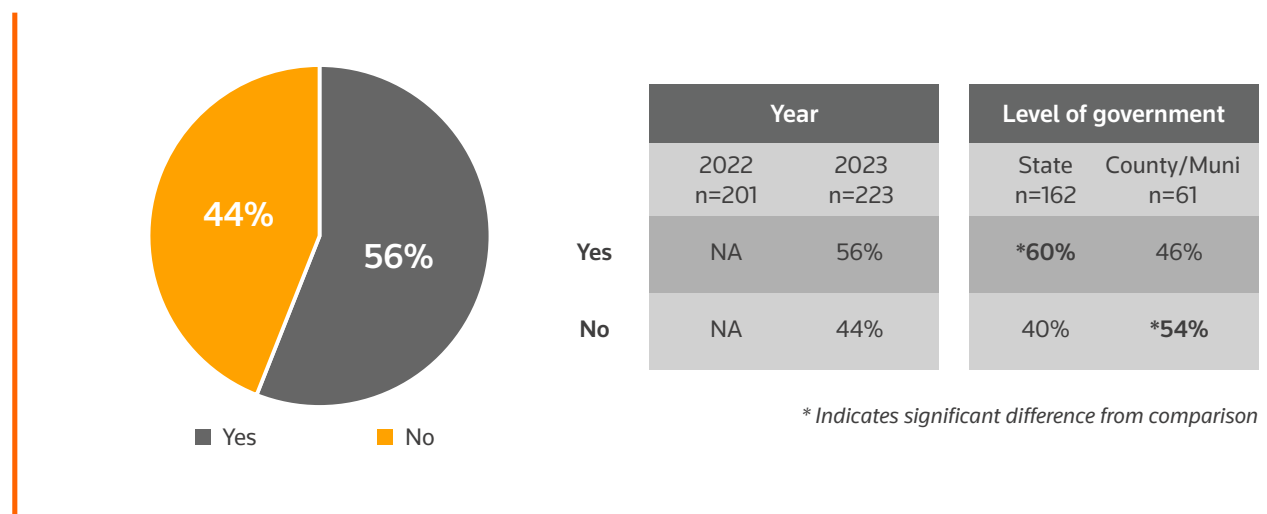


Figure 4: **Anticipate staffing shortages in next 12 months**





Interestingly, there was very little change in staffing budget situations between 2022 and 2023, with more than two-thirds of respondents (66%) saying they expect their budgets to stay the same over the coming year. County/municipal courts are significantly more likely than state courts to have increased staffing budgets in the past year, and are more likely to expect budget growth in the coming year.

Figure 5: **Experienced staffing budget change in past 12 months**

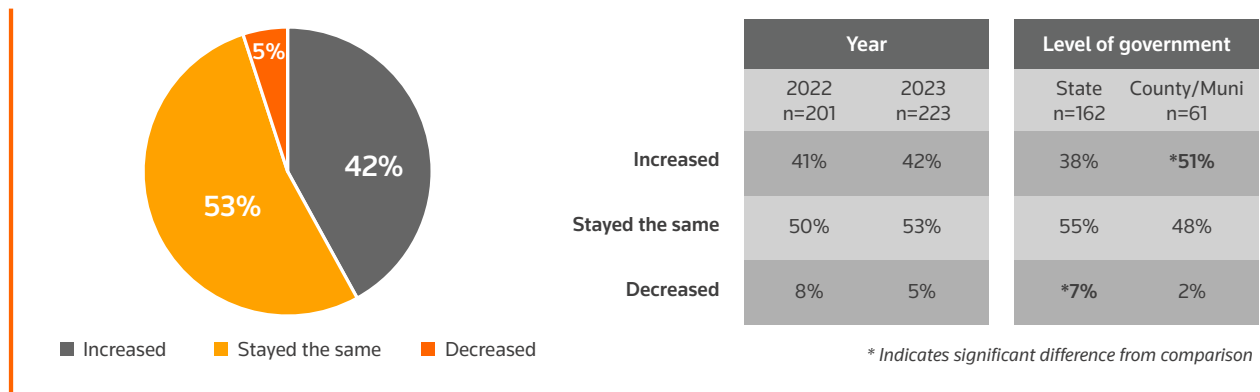
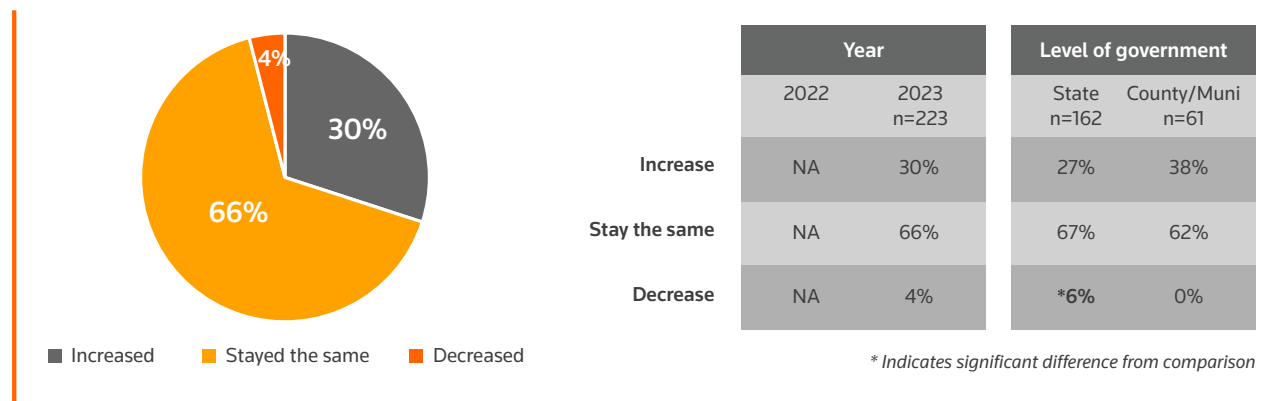


Figure 6: **Anticipate staffing budget change in next 12 months**



## Hearings delays

Hearings are also becoming more manageable, according to survey respondents, with one-half of respondents participating in 10 hearings or fewer per week. The average number of hearings per week has dropped in the past year to 35, compared to 43 in 2022.

Not surprising, judges participate in significantly more hearings per week, 55, than do court professionals, 19, on average.

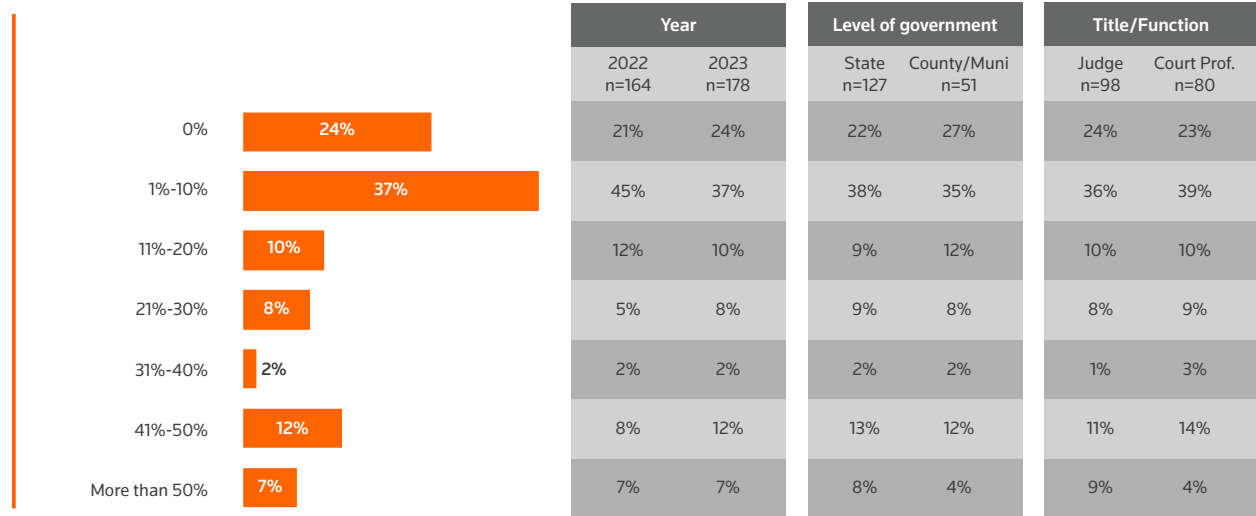
Figure 7: **Hearings participating in per week**



\* Indicates significant difference from comparison

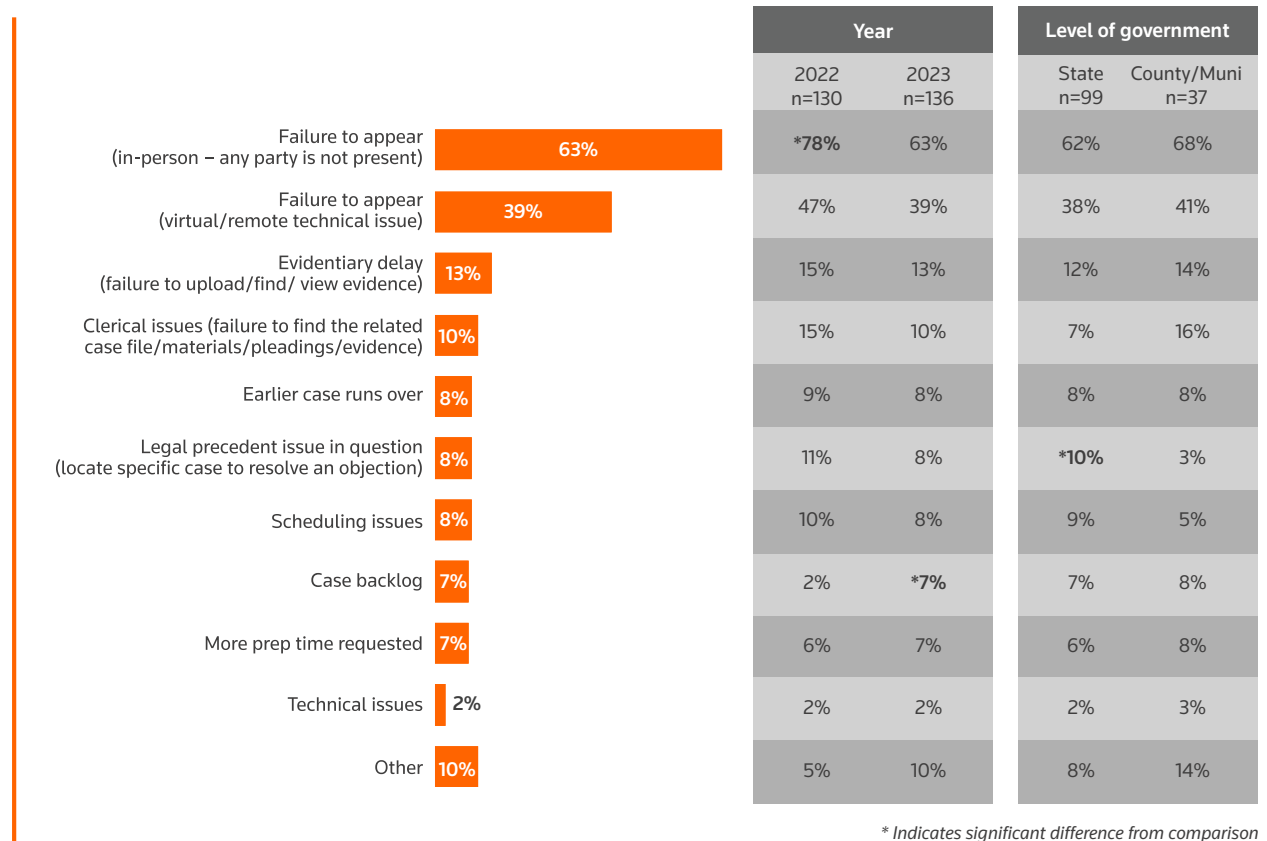
As to the important issue of hearing delays, respondents said that an average of 19% of hearings per week are delayed by more than 15 minutes, which is a slight increase from 2022 when respondents said an average 17% per week were delayed by more than 15 minutes.

Figure 8: **Hearings delayed by more than 15 minutes**



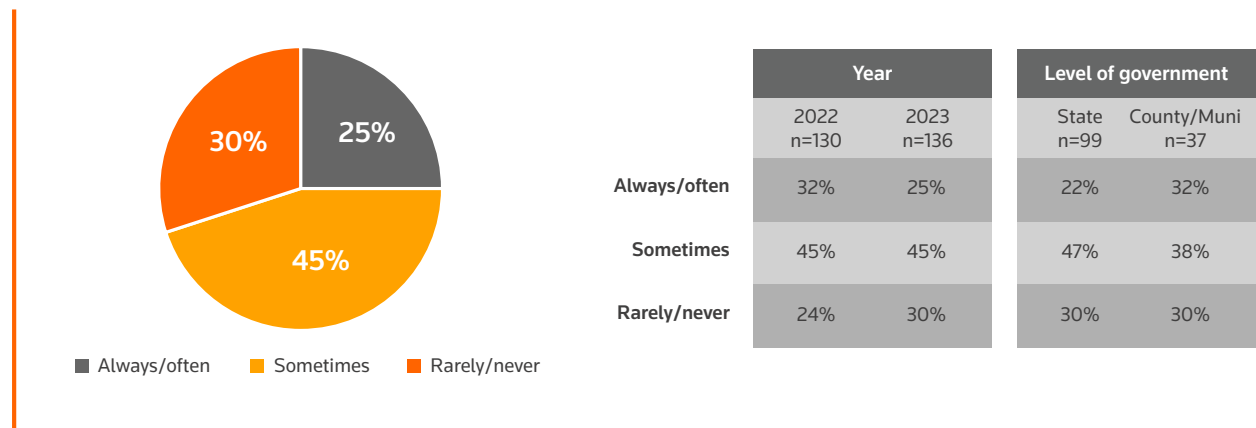
As to the primary causes of hearing delays, failures to appear — both in-person and virtually — were cited by respondents as the main cause, by a very wide margin. In-person failures to appear (with 63% of respondents citing that as a primary cause of hearing delays) were much more common than virtual failures to appear, cited by 39%. Fortunately, both types of failure to appear have declined since the previous survey, and the only cause for delays that increased significantly was case backlog, with 7% of respondents citing that, up from 2% in 2022. Further, state courts are more likely than county/municipal courts to cite legal precedent issues as cause for hearing delays.

Figure 9: **Primary causes of hearing delays**



Further, hearing delays are less likely to impact other cases on the docket compared to the last survey, with one-quarter (25%) of respondents now saying that hearing delays always or often impact other cases slated on the docket for that week, compared to almost one-third of respondents (32%) who said that in the last survey. Also, slightly more respondents from county/ municipal courts than from state courts say delays always or often impact other cases.

Figure 10: **How often hearing delays impact other cases**



## How generative AI can be of use in court

When asked about the use of GenAI in their court, most respondents said they are unsure about whether it can or should be used in a court setting. However, 15% of respondents overall think GenAI can be used, and 9% think it should be used.

Also, respondents from state courts (11%) are more likely than those from county/municipal courts (5%) to think GenAI should be used in court settings; and respondents from county/municipal courts are more likely to feel unsure about whether it should be used.

No comparison can be made to the last survey because questions around the use of GenAI in court settings were not asked at the time of the last survey, which concluded just two weeks before the public release of ChatGPT, a GenAI chatbot developed by OpenAI.

Figure 11: **Believe generative AI can be used in a court setting**

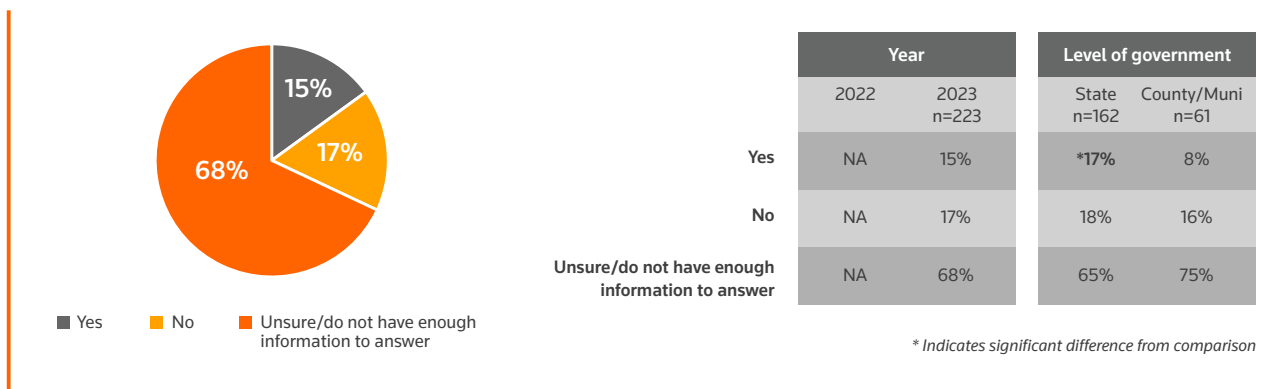
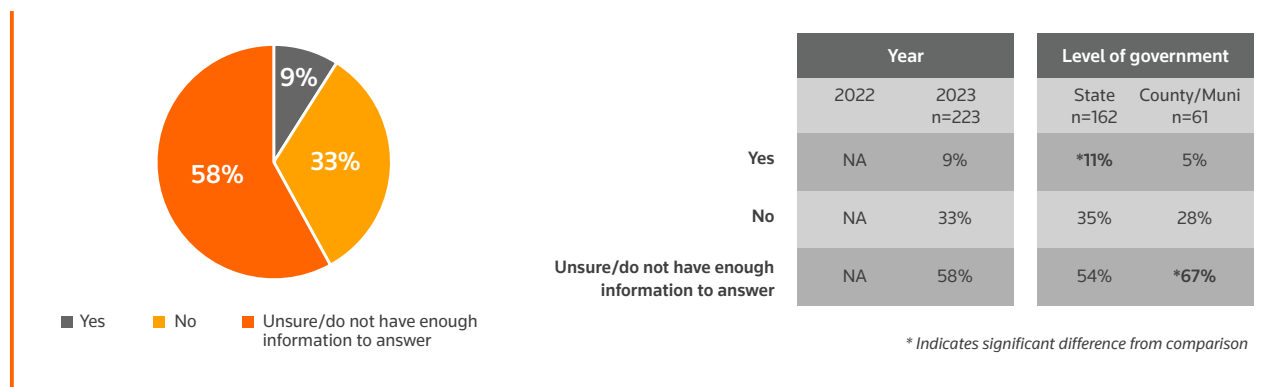


Figure 12: **Believe generative AI should be used in a court setting**



Not surprisingly, nearly two-thirds of respondents (65%) expressed risk-related concerns about using GenAI in the court setting. And while another one-third (33%) said they were unsure about the risk of GenAI in court operations, a small sliver of respondents (3%) said they had no concerns.

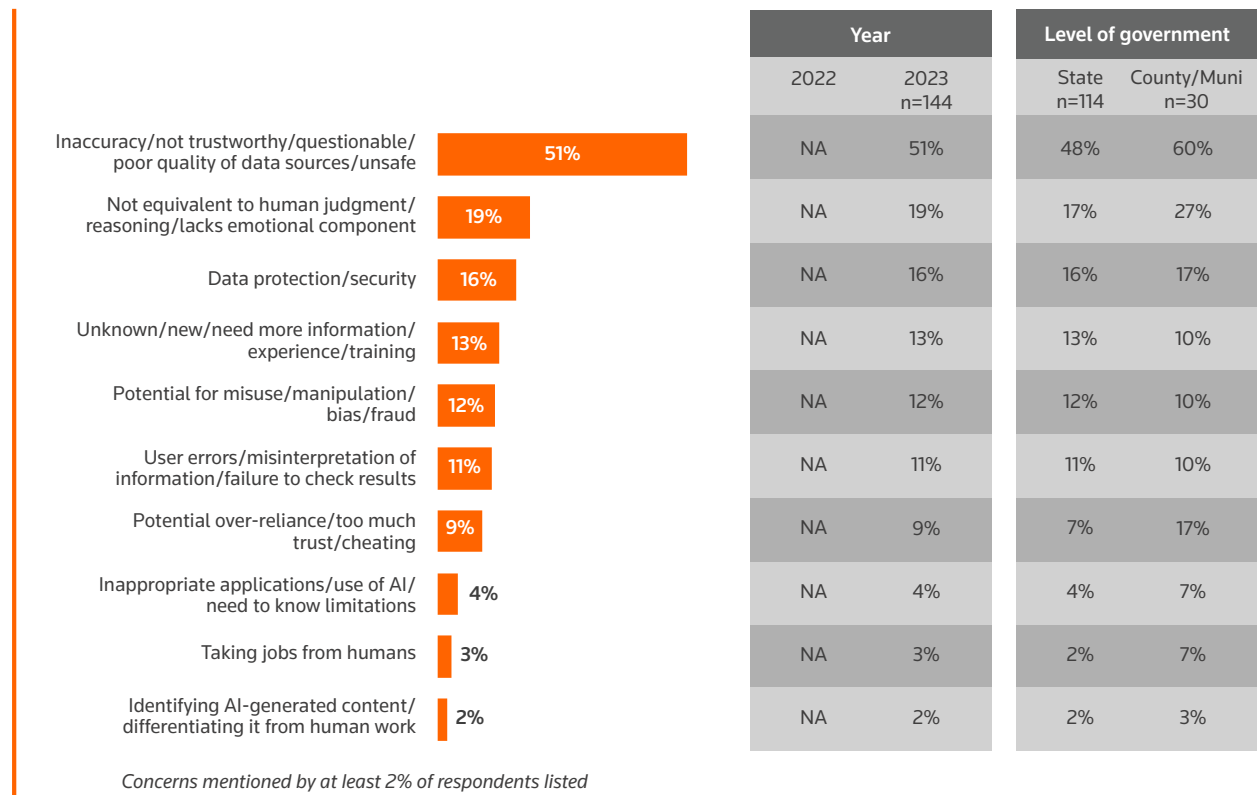
Interestingly, despite stronger agreement that it can and should be used in the court setting, state court respondents show a significantly higher level of concern (70%) about associated risks, while county/municipal court respondents were significantly more unsure (51%) at this point.

“I don’t think we are at the point in generative AI yet where we can place any amount of confidence in the results generated,” said one state court staff attorney. “I also don’t think we can be sure of the security of those platforms at this point in time because there doesn’t seem to be any security measures in place to avoid ‘snooping’ or ‘surveillance’ by bad actors.”

## Specific concerns over GenAI

When asked their greatest concerns about using GenAI in court settings, a majority of respondents (51%) cited accuracy and quality of data, followed distantly by GenAI’s lack of human judgment, reasoning, and emotion (19%), which are essential skills in the legal profession.

Figure 13: **Concerns about generative AI use in court setting**



One state court judge summed up the feelings of many, citing concerns over criminal hacking, inaccuracies, sloppiness, and miscommunications in situations in which “accuracy is paramount.”

Finally, when asked about other parties, such as outside attorneys, in a court setting using GenAI, respondents were mostly uncertain (59%) to unwelcoming (33%) of parties using it in the courtroom. And those respondents from state courts said they are more likely (10%) than those from county/municipal courts (3%) to welcome use of GenAI from parties in the courtroom, while a majority of county/municipal court respondents (69%) said they are uncertain about other parties using GenAI in the courtroom at this point.

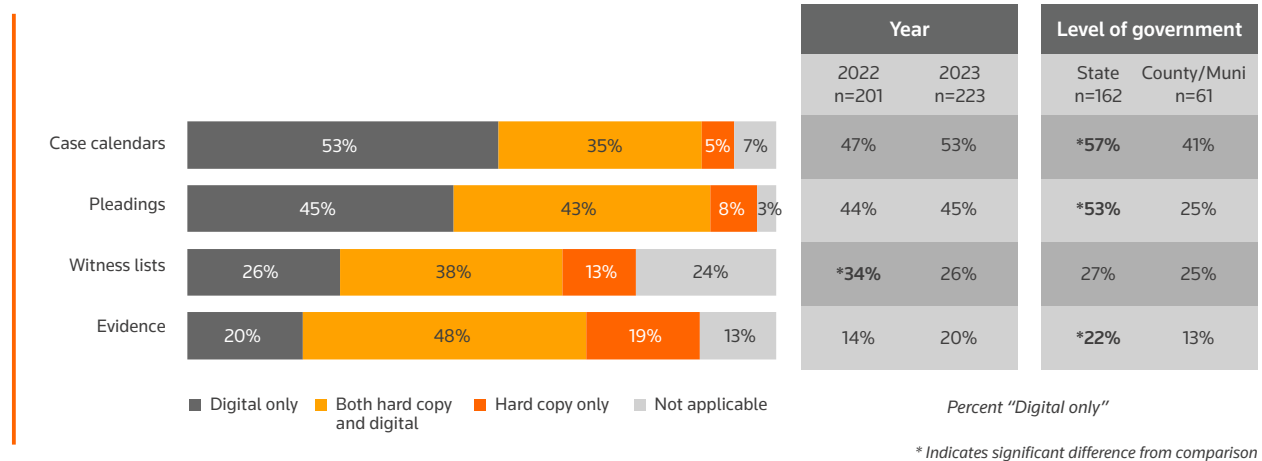


# Storing and sharing case materials and evidence

Courts overall seemed to enjoy broader engagement with technology solutions around evidence collection and storage, with digital storage and certain case-material sharing and management methods seeing more use and acceptance across the board.

Indeed, digital-only storage increased for all materials except witness lists; and the materials most stored in digital formats only are case calendars, with more than half of respondents (53%) saying they store these materials in digital formats only, and pleadings (45%). And respondents from state courts were more likely than those at county/municipal courts to store all types of materials digitally.

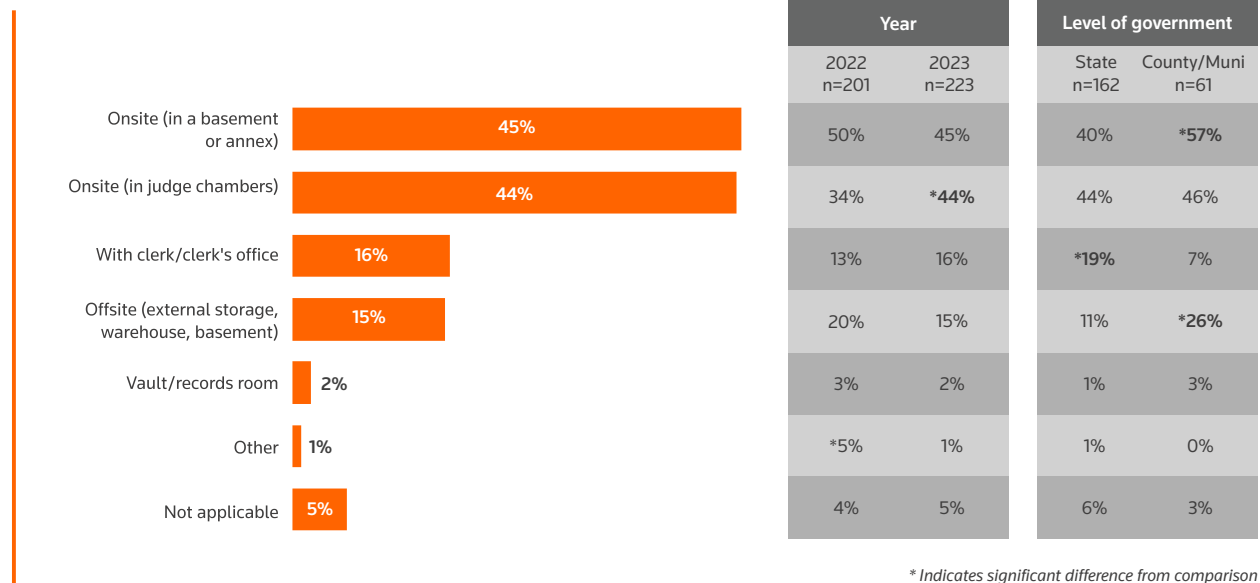
Figure 14: **Storing case-related materials**



Interestingly, the storage of paper evidence onsite increased significantly since the last survey, with 45% of respondents saying they store paper evidence in a courthouse basement or annex (45%) and/or judge chambers (44%). Further, state courts are more likely to store paper evidence with clerks, while county/municipal courts are more likely to use a basement, annex, or off-site storage facility.

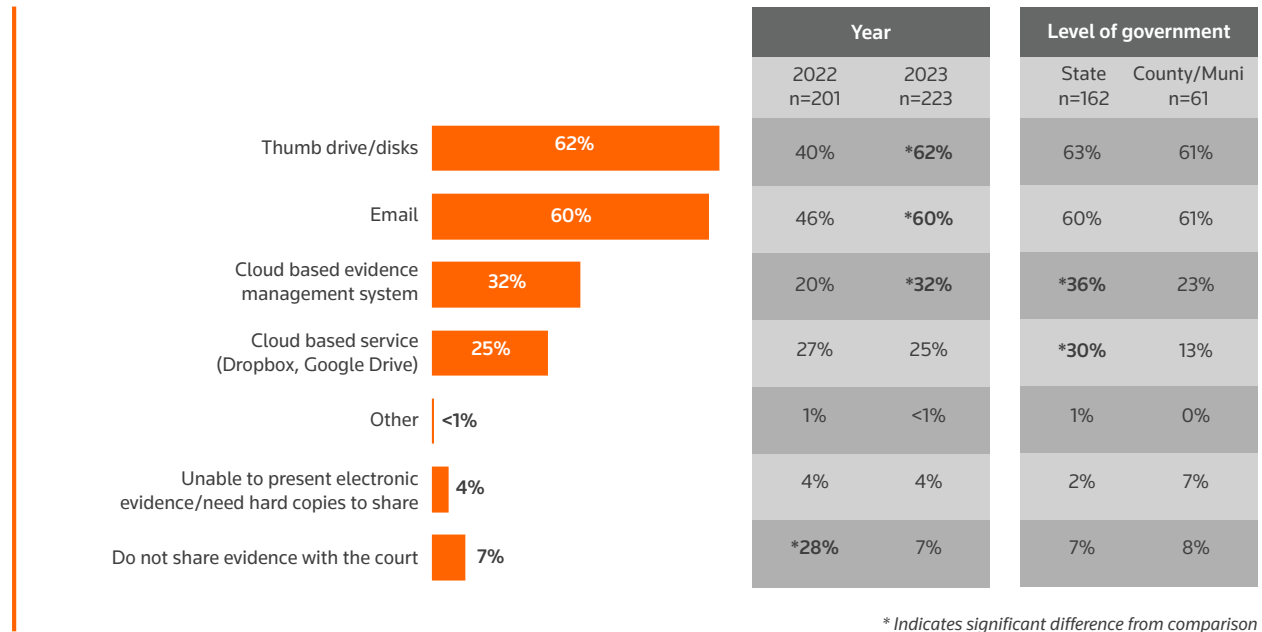
Also, nearly three-fifths (57%) of respondents report that their courthouses are having paper evidence storage limitations, which was down slightly from last year.

Figure 15: **Physical/paper evidence storage**



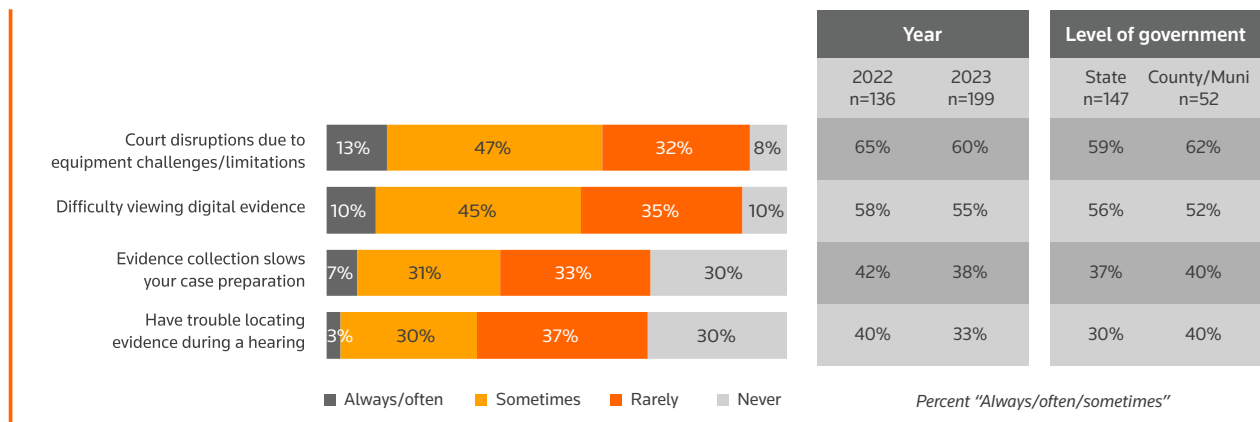
While thumb drives and email, by a wide margin, continue to be the top ways for sharing digital evidence with the court, the use of these along with cloud-based evidence management systems increased significantly since 2022.

Figure 16: **Methods for sharing digital evidence with the court**



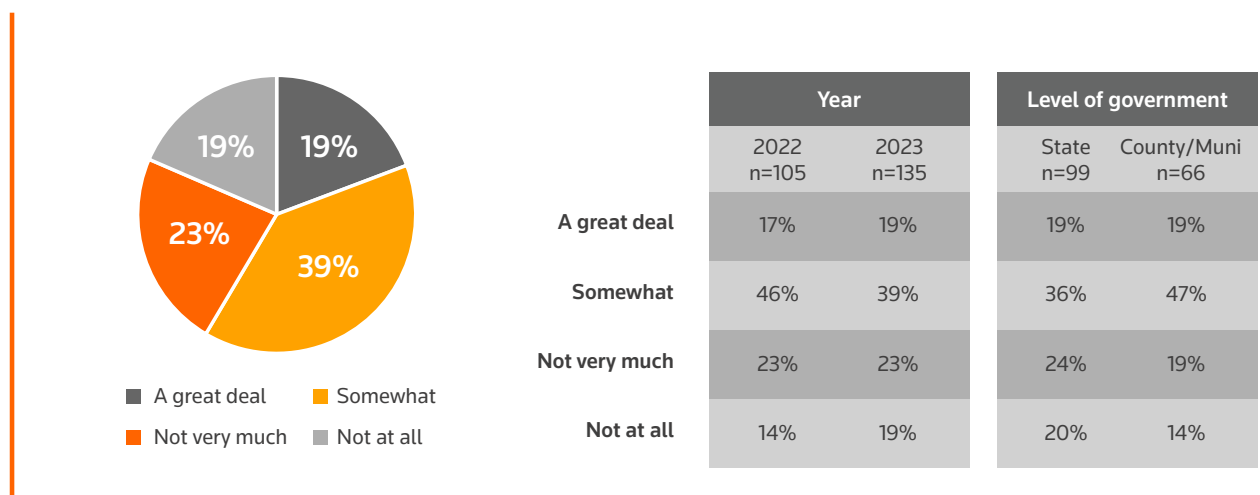
As for challenges experienced in using digital evidence methods, the biggest difficulty cited by respondents continues to be disruptions related to equipment, however, the frequency of this issue and all others have declined since the last survey.

Figure 17: **Frequency encountering digital evidence challenges**



More than one-third (35%) of respondents say they use a digital evidence management system, representing an 8-percentage point increase since 2022. However, nearly three-fifths (58%) of those who say they are not using a digital evidence management system think that having one would be at least somewhat beneficial for sharing digital evidence with the court.

Figure 18: **Anticipated benefit of digital evidence management system**



## Virtual hearings

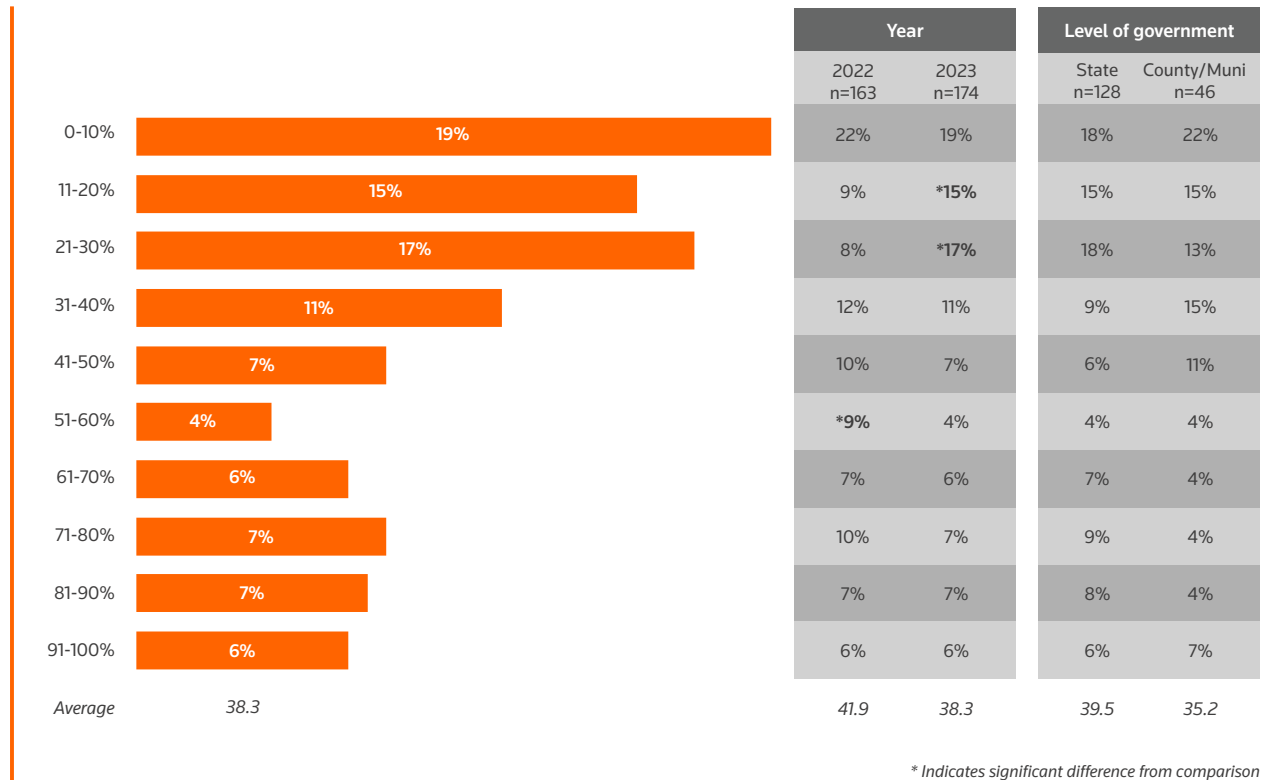
Despite acknowledging the beneficial factors of virtual hearings in the courts, participation in such hearings seems to be leveling off. Fully 82% of respondents say that virtual courts increase justice opportunities for litigants, a sentiment that has risen since the last survey; yet participation in virtual hearings is down slightly, with 78% of respondents saying their courts are conducting virtual hearings, compared to 81% in 2022.

One state court judge who said virtual hearings greatly help increase justice opportunities for litigants said that when individuals don't have to take as much time off to appear in court, it can make managing their cases much easier. "It also eliminates the need for individuals to drive to courthouses that may not be near their homes, schools, or place of employment," the judge said.

However, not everyone agreed. Another state court judge was not sold on the value of virtual hearings, saying that "technology access and familiarity impact self-represented litigants from fully participating or understanding the proceedings" in some cases. Further, the judge felt that "credibility issues are difficult to properly assess when litigants are appearing virtually", as are interruptions or whether the litigant is paying attention "due to the lack of formality of these proceedings."

On average, 38% of hearings are being conducted virtually, down from 42% in 2022, with state courts conducting more virtual hearings on average than county/municipal courts, but not to a significant degree.

Figure 19: **Percentage of hearings conducted virtually**



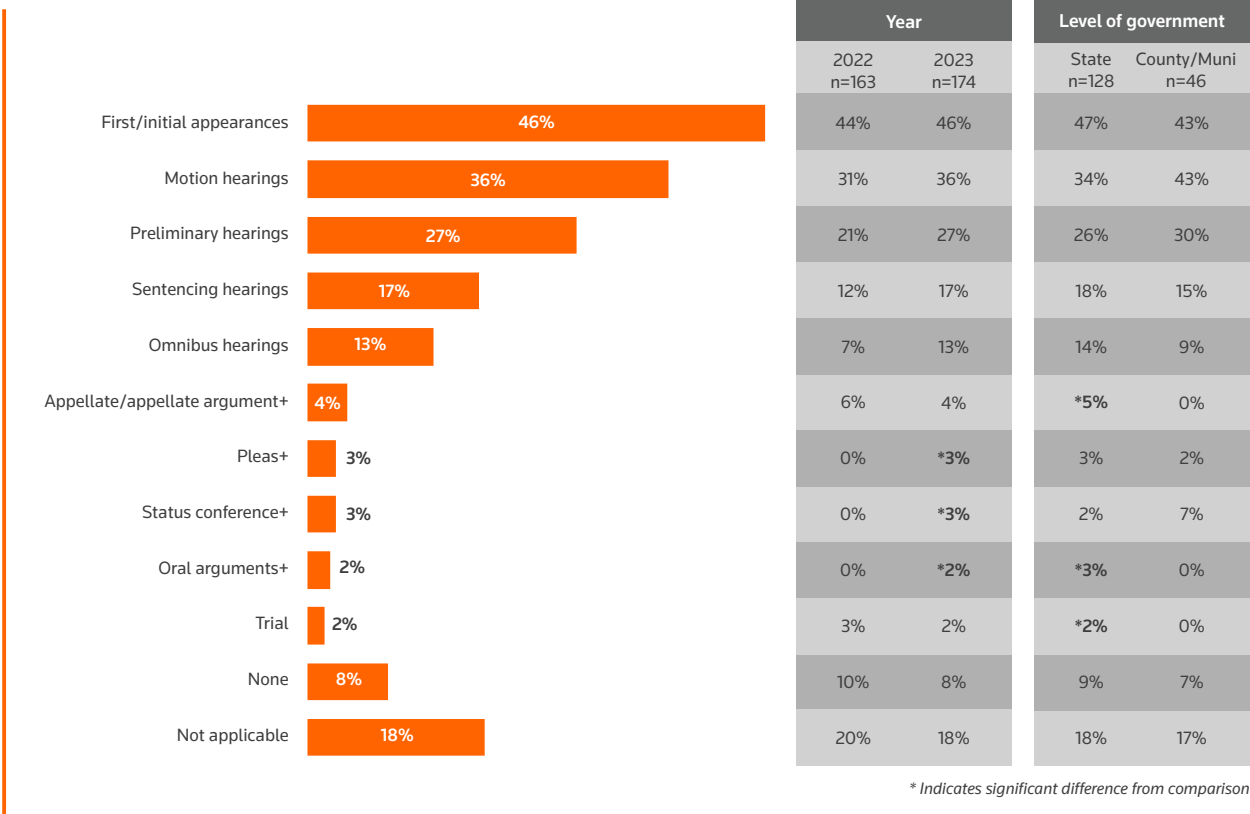
Further, 76% of respondents now say they expect the number of virtual hearings to stay the same over the next 12 months, with just 11% expecting them to increase, with respondents from state courts more likely than those from county/municipal courts to say they expect increases in virtual hearings.

## Most common types of virtual hearings

### Criminal court

Initial appearances and motion hearings continue to be the most common types of virtual court hearings conducted for criminal cases. Since 2022, there has been a significant increase in virtual hearings for pleas, status conferences, and oral arguments; and state courts are significantly more likely than county/municipal courts to hold virtual hearings for appellate arguments, oral arguments, and trials.

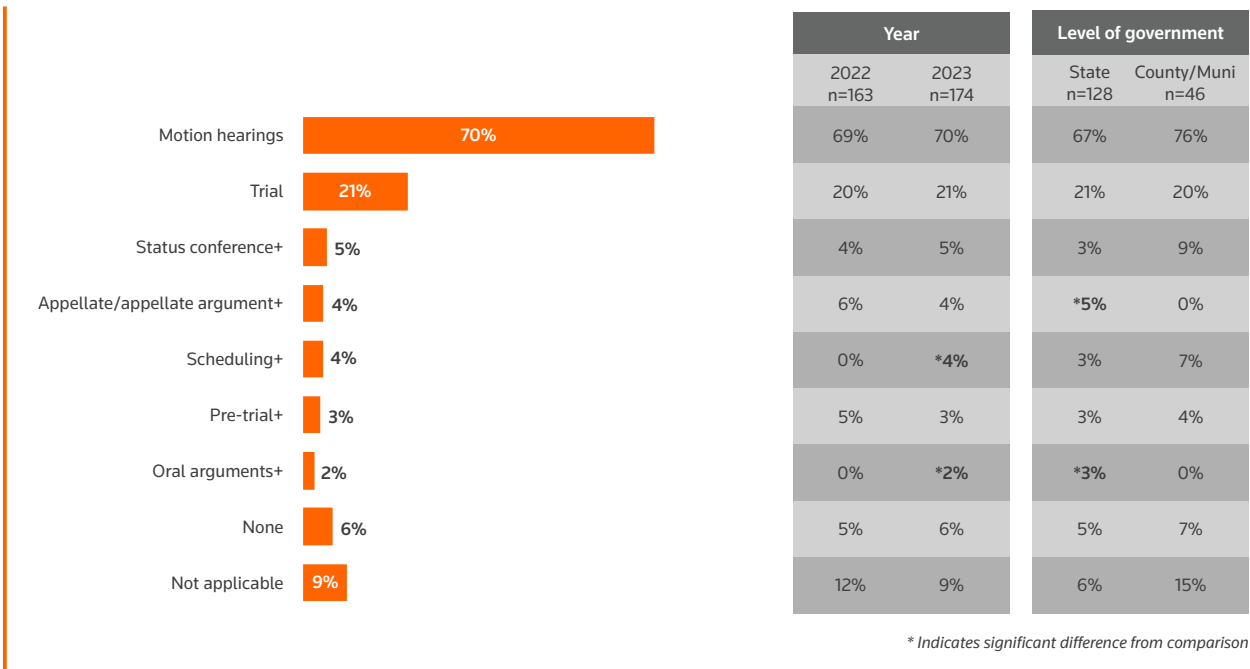
Figure 20: **Types of virtual criminal court hearings**



### Civil court

Among civil court cases, motion hearings continue to be the dominant type of hearing being held virtually, followed distantly by trials. Since 2022, there have been significant increases in scheduling and oral arguments held virtually. Also, state courts are significantly more likely than county/municipal courts to hold virtual appellate hearings and oral arguments.

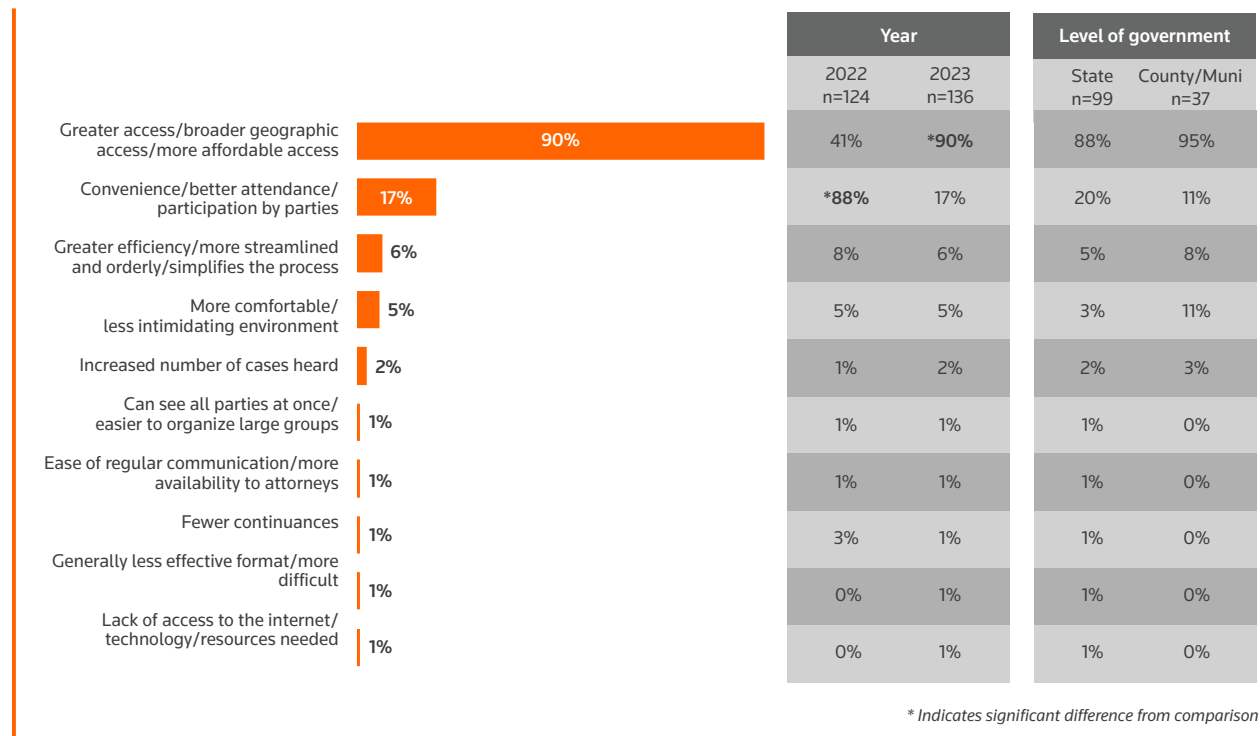
Figure 21: **Types of virtual civil court hearings**





As mentioned, a large majority of respondents (82%) say that virtual hearings increase justice opportunities for litigants. When asked how, respondents said that the primary benefit is by making the courts more accessible to those who would have to travel long distances, miss work, or face other financial hardships if required to make in-person appearances.

Figure 22: **How virtual court opportunities increase access to justice**

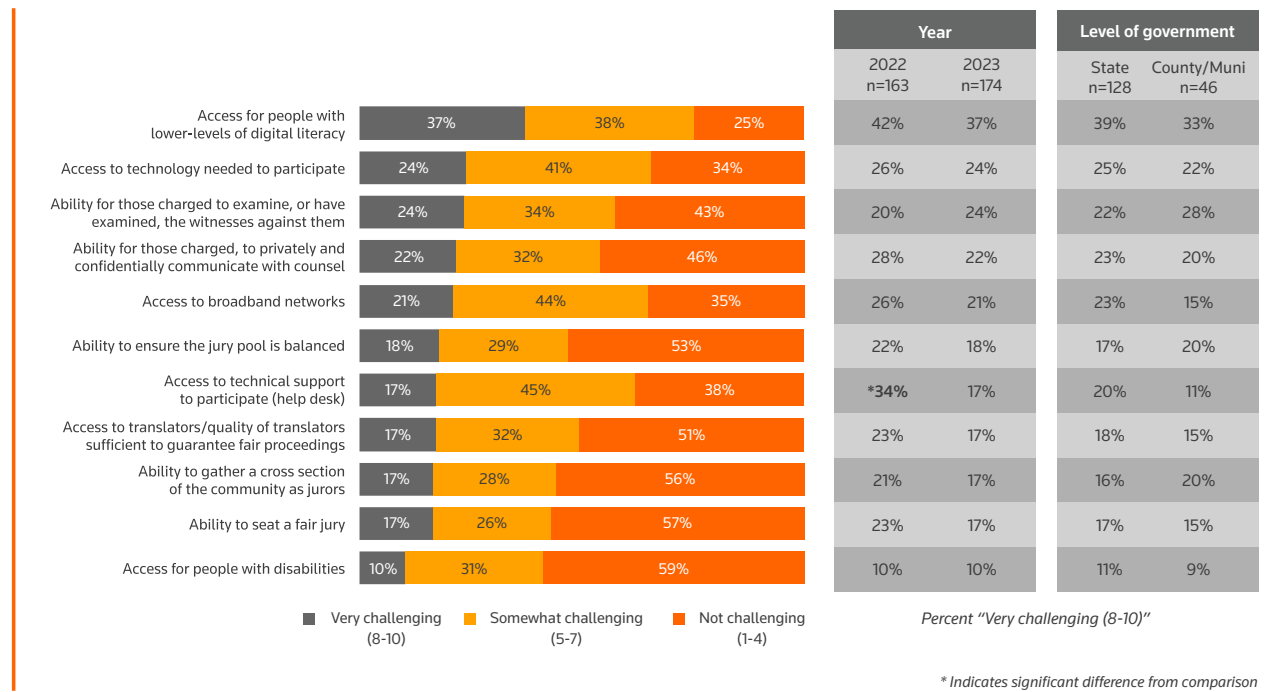


While more than one-half of respondents (55%) say access to virtual courts hasn't impacted the number of litigants failing to appear, up from 40% in 2022, respondents also are significantly less likely to say virtual hearings are increasing failed appearances, suggesting that virtual hearings may be having a stabilizing effect on litigant attendance.

Of course, virtual hearings are not without challenges for litigants as well. The top challenge for litigants cited by respondents continues to be access for those litigants with lower levels of digital literacy, with more than one-third of respondents (37%) saying this was very challenging.

However, all cited challenges for litigants have decreased compared to the last survey, except for two – the ability for those charged to examine, or have examined, the witnesses against them (24% now, compared to 20% previously); and access for people with disabilities, which stayed the same at 10%.

Figure 23: **Level of challenge for litigants in virtual hearings**



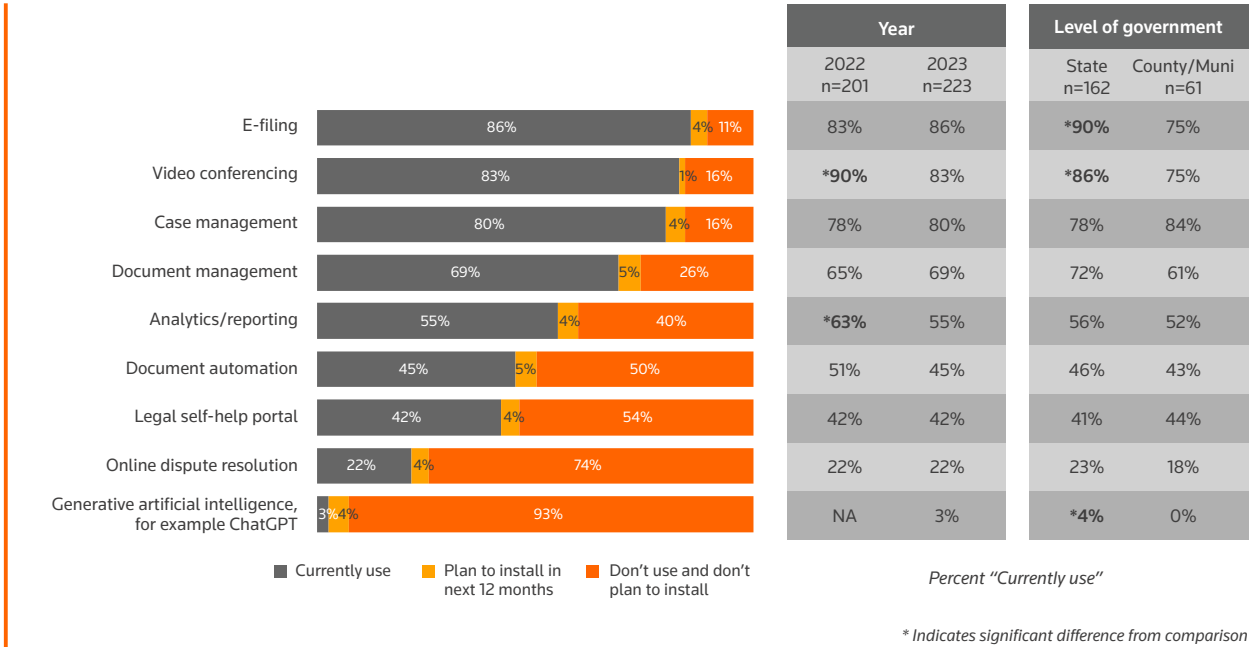
# Technology use

Although the overall impacts of new technologies are mostly positive, according to many respondents, there has been little in the way of adoption of new technology, perhaps due to budget considerations. Still, a majority of survey respondents (62%) say that the impacts of new technologies have been largely positive, while 33% say it's been a mix, and only 5% say it's been mostly negative.

As for specific use of favored technologies, a majority of respondents said they are using technology systems for e-filing (86% of respondents cited this), video conferencing (83%), case management (80%), and document management (69%). Interestingly, the use of video conferencing and analytics/reporting technologies have declined significantly since the previous survey. Further, respondents from state courts are significantly more likely than those from county/municipal courts to say their courts use e-filing, video conferencing, and GenAI technologies.

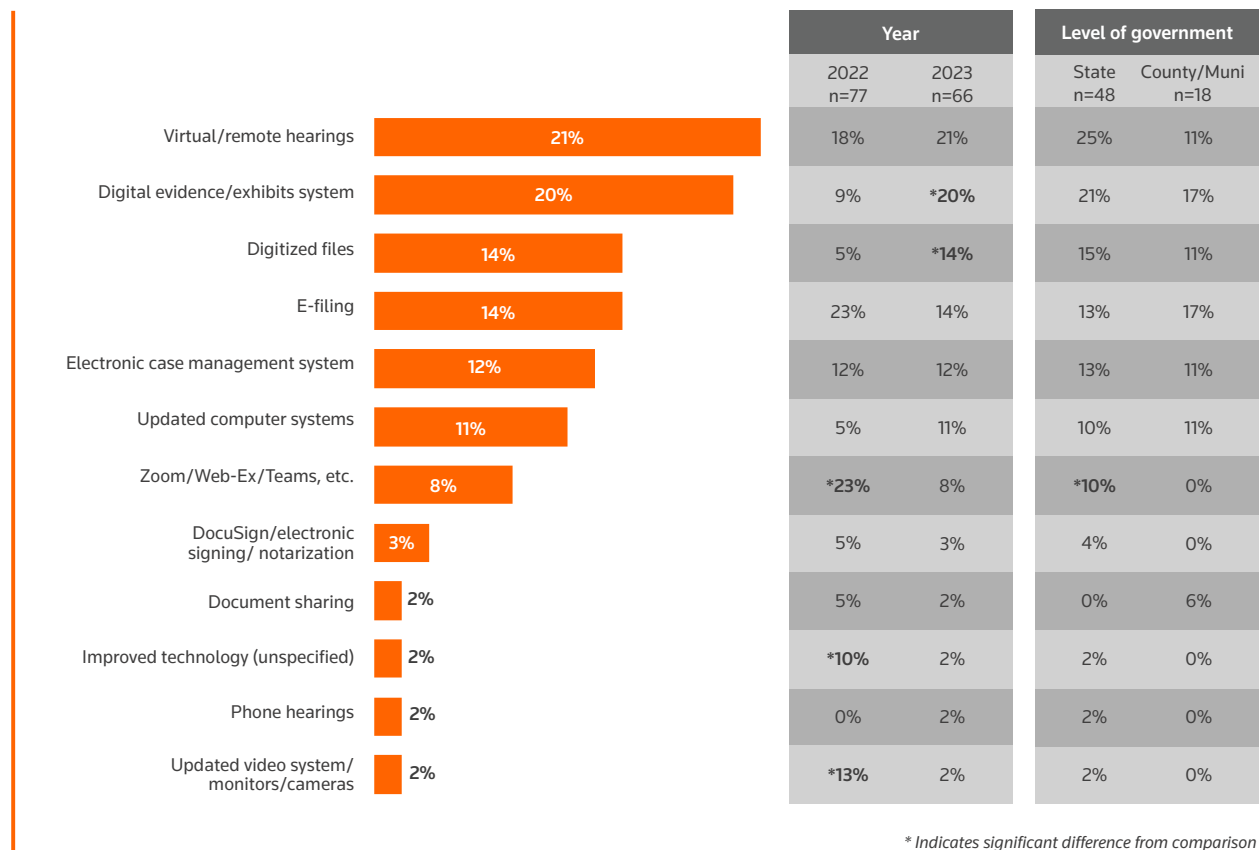
Also, a surprising 93% of survey respondents overall said they don't use nor plan to install generative artificial intelligence at the current time.

Figure 24: **Technology systems in use**



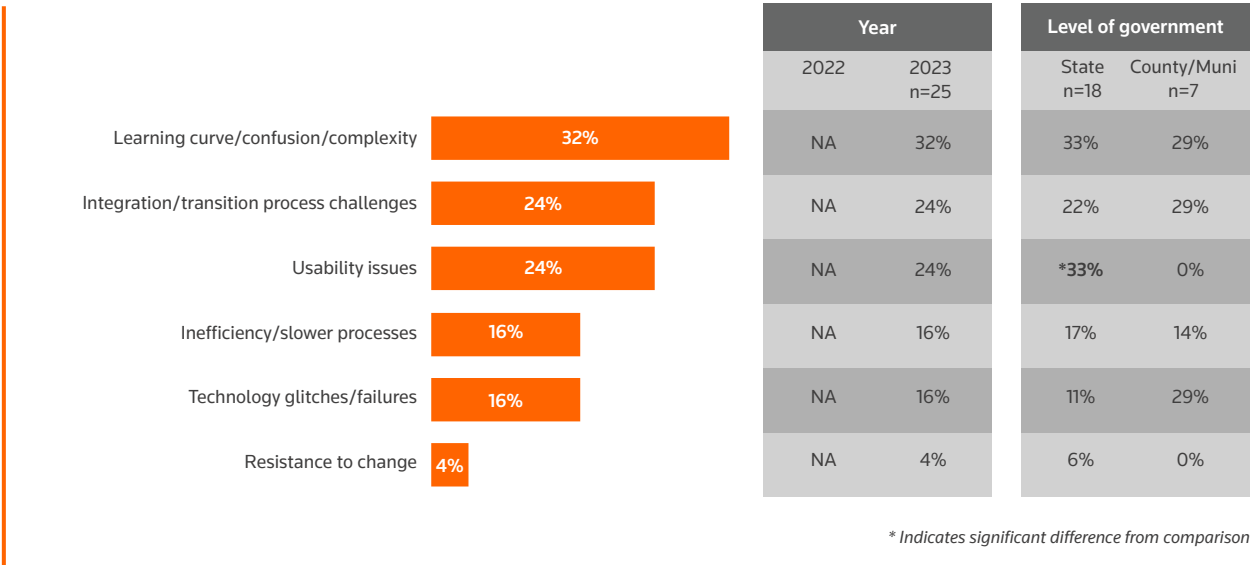
A majority (70%) also said their courts did not introduce new or modified methods or service innovations in the past year, a significant change from 2022 results when just 62% said this. Yet, of those who said their courts did introduce new or modified methods or processes, the most common were virtual hearings (21%) and digital evidence systems (20%). And state courts were more likely than county/municipal courts to have introduced team video platforms, such as Zoom, Web-Ex, or Microsoft Teams in the past year.

Figure 25: **New or modified methods/processes/service innovations**



As mentioned, 62% of respondents say that the new methods, processes, and service innovations they have implemented over the past year have had mostly positive impacts. When asked about the negative aspects of new methods and processes, almost one-third of respondents (32%) cited challenges related to learning curves, while almost one-quarter (24%) cited integration transitions and usability issues.

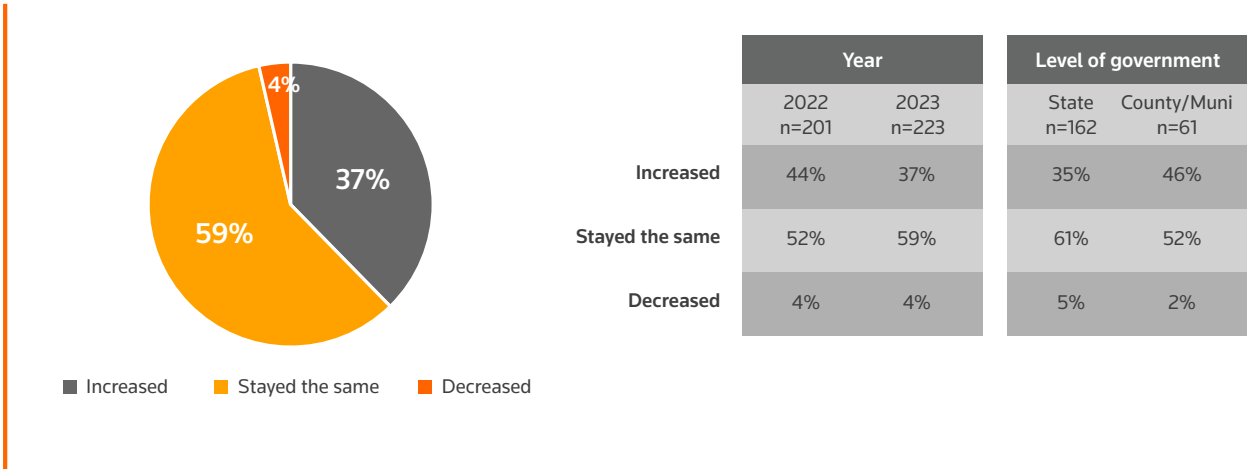
Figure 26: **Negative aspects of new or modified methods/processes**



## Technology budgets and security

When asked about the status of their court budgets specifically for technology investments, nearly three-fifths of respondents (59%) reported that their courts' technology budgets stayed the same over the past year, a 7-percentage point increase over 2022 when 44% of respondents said their courts' technology budgets increased. Interestingly, respondents from county/municipal courts were more likely than those from state courts to have seen an increase in their court technology budgets.

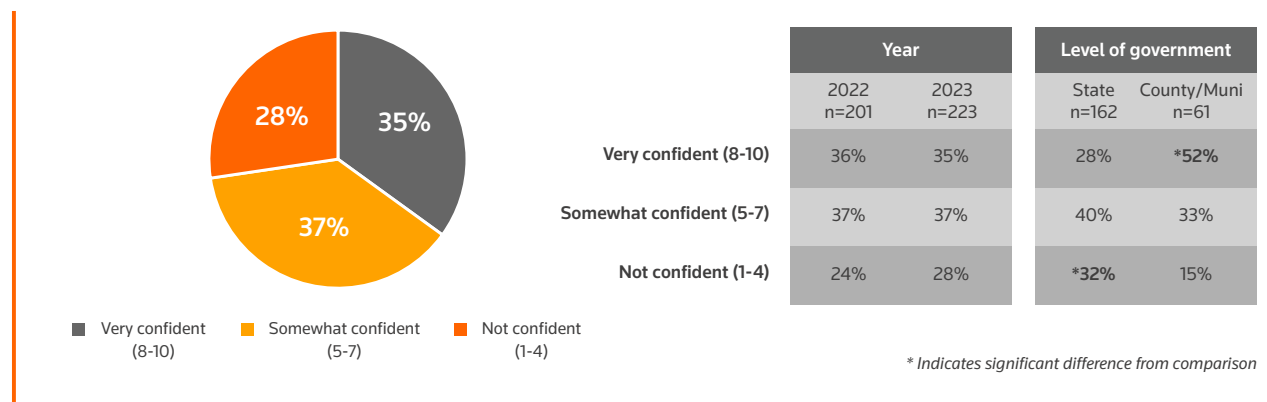
Figure 27: **Change in court budget for IT/technology in past 12 months**



Similar to last year’s survey, when asked about their level of confidence in their courts’ security against cyber-threats, 72% of respondents said they were either very or somewhat confident in the security of their courts’ technology systems.

However, respondents from county/municipal courts and state courts have very different opinions about their system security status, with those from county/municipal courts more likely to be very confident and those from state courts more likely to be not confident.

Figure 28: **Confidence systems are secure against cyber security threats**



## Looking ahead

Judging by his comments in his annual report on the courts, Chief Justice Roberts clearly sees the potential for an advanced technology like generative AI to change how this nation dispenses justice in its court system. And judging by many of the responses and comments we've received as part of our second annual 2024 State of the Courts Survey Report, he is not alone.

While much concern and uncertainty still surround the use of GenAI in courts, there also seems to be a growing willingness to either learn more about it, or at least consider the possibility of what it could do. As Chief Justice Roberts said, "AI obviously has great potential to dramatically increase access to key information for lawyers and non-lawyers alike. But just as obviously, it risks invading privacy interests and dehumanizing the law."

Yet even beyond GenAI, survey respondents seemed to be moving out of a quite understandable post-pandemic malaise, as major challenges of the past — growing caseloads, numerous hearing delays, staffing worries, and slower technology adoption — while not evaporating, have certainly receded as major worries in the minds of many judges and court professionals.

All this has coalesced to give our survey respondents something akin to breathing room, or at least, a chance to take steps to better manage — often through new technology solutions — the challenges they continue to face.

As judges and court professionals look to 2024 and beyond, they seem to be doing so without one eye steadily held in the pandemic-era rearview mirror, and instead are looking forward, moving to take advantage of whatever benefits and efficiencies that new technologies can offer.



## **Thomson Reuters**

Thomson Reuters is a leading provider of business information services. Our products include highly specialized information-enabled software and tools for legal, tax, accounting, and compliance professionals combined with the world's most global news service — Reuters.

For more information on Thomson Reuters, visit [tr.com](https://tr.com) and for the latest world news, visit [reuters.com](https://reuters.com).

## **Thomson Reuters Institute**

The Thomson Reuters Institute brings together people from across the legal, corporate, tax & accounting, and government communities to ignite conversation and debate, make sense of the latest events and trends, and provide essential guidance on the opportunities and challenges facing their world today. As the dedicated thought leadership arm of Thomson Reuters, our content spans blog commentaries, industry-leading data sets, informed analyses, interviews with industry leaders, videos, podcasts, and world-class events that deliver keen insight into a dynamic business landscape.

Visit [thomsonreuters.com/institute](https://thomsonreuters.com/institute) for more details.