

**Dialogue - releasing the value of courts** investigates the trends in adjudication by courts of law. It argues that they will continue to be essential for holding societies together. Some form of third party adjudication, public or private, is necessary for resolving the most difficult conflicts and dealing with the worst possible crimes. Courts deliver highly valued goods such as recognition, voice, respect, fairness, financial security and proportionate retribution. They contribute to finding peace of mind and sustainable relationships.

Doing that effectively, delivering justice to people through excellent procedures, is at the core of the mission of courts. Courts attract most attention by their judgments. They create even more value by being available. It is the option of seeing a neutral adjudicator, that causes people to cooperate and find fair solutions for conflicts that will work between them.

Going to court is thus generally a good thing, not to be discouraged. In the midst of many challenges, courts find ways to deliver fair and effective procedures at reasonable prices. Breakthroughs are on their way that enable courts to be accessible without becoming overburdened. Litigation about divorce, employment, minor crimes and business disputes is gradually becoming more attuned to client needs and emotions. Judges, and their clients, can greatly benefit now that court procedures start to move online.

Another trend is that court hearings become more interactive, geared towards dialogue in order to build sustainable solutions. But many courts are still struggling with vast demand, want to connect more to the problems of their clients and have yet to work on accountability.

Courts are at a crossroads. Detailed laws of procedure and a lack of good funding models tend to restrain innovation at courts, sometimes turning them into an annoying cost for governments who are then tempted to restrict access. Courts are ready to invest heavily in IT, but digitising complex, outdated procedures may lead to frustration of judges and their clients.

Citizens would benefit if courts take their future in their own hands, and they should be allowed to do so.

As a step in building a strategy, courts could be more clear about what they offer in each of their procedures. Is it a last resort when all else fails, an avenue for answering legal questions or a neutral forum for resolving disputes and coping with crime? What are terms of reference for such procedures? What are the skills and resources needed?

If courts negotiate more freedom they can select a strategy, specialise and innovate in a more systematic way. Courts, and their clients, know best what works, and can co-create procedures for the most frequent problems of businesses and individuals. They are in the best position to develop smart models for financing these procedures, either from user fees or from government contributions, but always on the basis that court interventions tend to have far more economic value than their costs.

Taking more responsibility is also risky. But it gives courts the option to become truly independent. If they take the lead, and become more accountable for their performance and accessibility, courts are likely to see trust in them increase.