

A Research Agenda for Justice Technology

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Abstract

This paper reviews evidence related to justice technology, focusing on what we know—and still need to know—about the role and importance of technology and technology policy in achieving people-centered justice. Over the past two decades, technology has emerged as a core focus of efforts to close the global justice gap. Despite significant investment in justice technology—ranging from data digitization and online dispute resolution to AI-powered legal tools—rigorous evaluation of whether these interventions achieve their intended outcomes remain scarce.

This article surveys the existing research landscape across two domains: the justice technology stack, including data infrastructure and public-facing services, and the enabling environment required for justice technology to thrive, encompassing state capacity, funding models, and regulatory frameworks. While the literature documents considerable activity in user experience design, technology access, and AI governance, it largely fails to answer the fundamental question of whether justice technologies work for the people they are meant to serve. This contribution also identifies critical knowledge gaps across both domains—including the absence of agreed-upon impact metrics, systemic interoperability failures, inadequate cybersecurity research, and limited inquiry into procurement practices and public budgets—and proposes a research agenda to address them. It argues that closing these knowledge gaps is essential not only to improving justice technology outcomes, but to building the evidence needed to attract sustained investment, support credible policy reform, and ultimately advance a people-centered justice system.

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A Research Agenda for Justice Technology

*Jason Tashea**

Introduction

Over the last two decades, access to justice emerged as a global issue. Affecting 5.1 billion people worldwide, this topic impacts rich and poor countries alike.¹ The life events that entangle people in the legal system—which range from wage theft to eviction to criminal penalties—are ubiquitous.

As this problem comes into focus, momentum for reform and government accountability grows. At an international level, this includes Sustainable Development Goal 16.3, which promotes the rule of law and aims to ensure equal access to justice for all. Following suit, the United Nations, the Organization for Economic Co-operation and Development (OECD), the World Bank, national governments, civil society, and private industry have put increased focus, effort, and resources toward closing the justice gap.² This reform movement has increased the focus on “people-centered justice,” which prioritizes the needs and experiences of justice-involved people.³

This increased interest in justice reform overlaps with separate trends: the growing ubiquity of the internet, consumer communications technology, and digitization of government functions and services. The convergence of these trends led to a two-decade era of justice sector experiments that leverage technology, like data digitization, smartphones, and video conferencing, with the intent of increasing access to justice. Across the globe, the adoption of these types of technologies accelerated during the pandemic.⁴

While technology alone is generally insufficient for successful justice reform, it is increasingly a necessary component, making technology a critical area of inquiry for three key reasons. First, technology aids the collection and use of data, allowing stakeholders to identify problems, opportunities, and outcomes across the justice landscape. Second, technology has the power to complement other reforms and alleviate burdens placed on system-involved people by making the process more accessible or responsive to public need. In other words, it has the capacity to make the justice system more people-centered. Third, technology, without evaluation, oversight, and transparency, exacerbates existing power dynamics contributing to poverty and democratic erosion, as opposed to alleviating them.

For this paper, justice technology refers to hardware or software “that is used in the administration of a justice system or service, creates access to that system or service, or increases the agency of justice system-involved people through support, like information or assistance.”⁵

This paper will discuss the existing justice technology research, knowledge gaps, and research recommendations for a path forward regarding both justice technology itself and its enabling environment. In doing so, the paper aims to reframe what’s needed to identify chokepoints that limit the development and implementation of justice technology and uncover the foundational building blocks that enable successful justice technologies that support a people-centered justice system.

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1. Existing Research

Technology is only as good as the environment it operates in.⁶ For that reason, this section considers research into two main areas: (1) the tech stack, that is, the software and hardware deployed by the justice sector and its complements; and (2) the enabling environment, meaning the people, funding, and policy impacting the tech stack's creation, implementation, and review.

1.1. The Tech Stack

The tech stack concerns itself with the hardware and software used by justice sector agencies, nongovernmental organizations (NGOs), and justice system patrons. There have been multiple surveys and landscape reports identifying justice technologies.⁷ The Hague Institute for Innovation of Law (Hiil) has also identified more than 120 justice tech startups through its accelerator program.⁸ More narrow landscapes look at remote technologies,⁹ artificial intelligence (AI),¹⁰ and tech used by courts.¹¹ There are also country-level landscapes,¹² which identify projects in the field, but do not evaluate the projects—although many of the reports call for evaluation. It's notable that most of these landscape reports and the ongoing research described below are largely from richer nations. This paper identifies two major areas of existing research into the justice tech stack: data and services.

1.1.1. Data

Data is the backbone of modern software generally and, ideally, justice policy too.¹³ Everything flows from the creation, collection, management, and deletion of data. Various programs have built infrastructure to collect data to be researched, including administrative data¹⁴ and legal information.¹⁵ Tools have also been built to aid¹⁶ or automate legal research, making updating legal information easier.¹⁷ There are gap analyses into what data is missing and why, in both criminal¹⁸ and civil matters.¹⁹ Research has also identified process gaps concerning automating error correction and the need for user experience updates to decrease errors in data collection.²⁰

When data is collected, it should be structured so that researchers and administrators can analyze and use it. There is research about how justice system data should be structured, particularly by the courts.²¹ However, the lack of a standard definition of “access to justice” when collecting justice system data has led to data gaps.²² There is a growing call to shift court data collection standards from the institution's vantage point, concerning issues like time to case closure, and focus instead on the people involved in the justice system: their experience, the outcomes they achieve, and their personal wellbeing.²³

Once data are collected, they are used in various ways, including publication,²⁴ system overviews and trend analysis,²⁵ policy formation,²⁶ and predictive tools.²⁷ However, as governments increase open access to data, public engagement is lacking.²⁸ Each project's utility, usability, and actual use are different and impacts on individual people or cases are often not tracked.

When it comes to that data being used in AI applications, there is a growing body of research into efficacy. However, this research is largely concerned with legal practice, including assessments of the reliability of legal research AI tools²⁹ and how to tailor large language models for the legal domain.³⁰ Regarding how these tools function for a justice system actor, a first-of-its-kind audit shows the limitations of a chatbot deployed by legal aid.³¹ There is also a running list of AI-hallucinated legal cases cited in court filings.³²

There is also research into the deletion of justice data. This includes analysis of an automated criminal recording clearing regime in the U.S. where hundreds of thousands of charges presumed to be erased from public record were still available publicly.³³ In a rare instance demonstrating people-centered impact, research shows that criminal record deletion increases individual economic opportunity, mental health, and the quality of personal relationships.³⁴ Other research points to how justice system data deletion can reinforce authoritarian rule.³⁵

Taken together, existing research asks how data systems should look, limitations around defining data, and considers the problems with poorly functioning data systems. However, this research has yet to demonstrate the impact of data systems—functioning or malfunctioning—on justice-involved people.

1.1.2. Services

This paper considers services to encompass apps, websites, and other software tools developed by both government and private actors for an array of justice related issues. In other terms, this section focuses on the interfaces employees and the public use to administer, access, or understand the justice system. Broadly, existing research includes access to justice tech principles,³⁶ a methodology for creating and vetting new justice interventions,³⁷ and analysis of how to incorporate the public into the development of legal AI tools to better ensure the technology is responsive to people's needs.³⁸

A key feature of modern software development is design, including both user interface (UI) and user experience (UX). This is what the user sees and how they interact with it, respectively. A modern design approach ideally promotes the development of people-centered software, in that it is both user friendly and meets the user's needs. Research into user needs has preceded the development of tools impacting domestic violence survivors,³⁹ online tribunals,⁴⁰ and self-represented electronic filers.⁴¹ There have been UX evaluations into existing software, including online dispute resolution,⁴² data presentation,⁴³ disability benefits,⁴⁴ and court case management tools.⁴⁵ There is also research putting forward a participatory design approach in law, incorporating users into the design process.⁴⁶

A complement to UX research includes customer satisfaction surveys. Some government agencies, companies, and nonprofits engage in customer satisfaction surveys to assess the quality of their services.⁴⁷ For example, the English and Welsh court service developed an access to justice assessment both for its technology stack and the courts' patrons.⁴⁸ A framework first deployed with women in Tanzania guides the study of technology acceptance of justice technology.⁴⁹ There are also national surveys on justice tech services, which try to capture a nation's or group's experience and perceptions of the justice system.⁵⁰

Beyond usability and satisfaction is research into access to the technology itself, regarding both access to physical technology and literacy. The divide in technology access became more pronounced during the pandemic across a mix of mid- and low-income countries, when justice services were by necessity remote.⁵¹ Not just technical, a divide exists due to the digital and language illiteracy of people seeking online justice and legal support.⁵² A lack of research into the role disability plays in the court access divide has also been noted.⁵³

Access and usability research are key areas of understanding technology's functionality, but it doesn't tell us the outcomes of the technology's use. Here, research is thinner. There is research into the promising efficacy of postcard, phone call, and text message reminders to increase court appearances.⁵⁴ Field studies found promise in online dispute resolution (ODR).⁵⁵ But research also found ODR's stated access to justice benefits "lack empirical proof and likely depend on the platform's design."⁵⁶ At the same time, ODR may put pressure on justice system ethics pertaining to transparency, accountability, and fairness.⁵⁷ Similarly, virtual hearings have produced mixed evidence showing increased efficiency and diminished justice.⁵⁸ When courts went virtual during the pandemic, failures to appear and default rates dropped, but people without lawyers found navigating the system more difficult.⁵⁹

Beyond the discrete tools meant for justice applications, justice researchers also analyzed how non-legal tools are used in justice contexts. This includes auditing search engine performance when users ask for legal help,⁶⁰ as well as the use of Wikipedia by judges in Ireland.⁶¹ Both instances relate to existing infrastructure's potential to scale access to legal information to the public.

Taken together, there is significant research going into UI and UX issues. However, as with research on data discussed in the preceding section, research on services to date largely fails to illuminate outcomes for users employing these tools, leaving us to wonder if any of these tools work.

1.2. Enabling Environment

Technology does not operate in a vacuum. Software interacts with other software, requires people to manage it, vendors to update it, and money to pay for it. Not to mention, the laws and regulations responsible for the legal system often control technology, too. To that end, this section looks at existing research concerning state capacity, financing, and regulatory considerations that impact justice technology.

1.2.1. State Capacity

State capacity refers to a government's ability to implement its policy goals, like increased justice system access.⁶² Building state capacity requires having the right people focused on the right problem with limited restraints and sufficient resources. While there is research into state capacity and executive branch functions generally, research into the justice system and the judicial branch specifically is limited.

For example, there is minimal research into justice agency budgets and staffing as it impacts technology. In the United States, government budget cuts have hindered basic functions, like hiring, and the adoption of technology in courts, like digital payment systems.⁶³ Further, inadequate staffing in courts has led to increased data deficiencies.⁶⁴ To try and offset staffing limitations, a recent pilot tested a fellowship model for technologists to embed in courts to help improve accessibility, which demonstrated both technical and cultural successes.⁶⁵

When agencies don't make their own technology, they buy it from private vendors through procurement. Investigative journalism is the forefront of research into private companies' "janky" justice tech, looking at both the procurement process and instances when contracts are abused, products don't deliver, and costs are inflated by vendors.⁶⁶ In other government sectors, it was found that government IT projects overrun their budget by 310% on average.⁶⁷ There's no similar investigation into justice system projects. The justice sector is just now starting to see academic research into the privatization of courts through justice technology vendors and its impacts for both people and state capacity.⁶⁸ Due to the increased privatization of justice systems through technology vendors, there is growing focus on identifying government procurement deficiencies and ways to increase buyer sophistication.⁶⁹

1.2.2. Funding & Business Models

There is a lack of funding for justice technology work both in and outside government.⁷⁰ One investment firm calculated that \$77 million had been invested across the United States justice technology sector over a decade, including criminal and civil projects.⁷¹ This implies minimal interest in justice technology in a country that, by contrast, spends nearly \$700 million on costumes for pets a year.⁷² Internationally, private funding is also lacking, sometimes because the market for justice technology is not mature enough to attract investor interest.⁷³

At the same time, there are few examples of research on justice technology business models and sustainability.⁷⁴ This may be in part because in low-income countries, the traditional donors' delivery methods and donor fragmentation make it hard to scale up services.⁷⁵ But the lack of spending in the U.S., by contrast, indicates that a country's GDP has nothing to do with the maturity or organization of the justice philanthropy sector. Donor fragmentation means that organizations that are best suited to help those individuals struggling in the justice system will not have the funding to access or build new technologies.⁷⁶ But for those frontline justice organizations that *can* scale their services in low-income countries, their per unit costs go down.⁷⁷

1.2.3. Policy and Regulatory Considerations

Policy and regulatory considerations can restrain or bolster technology use, implementation, and impact. While not an exhaustive list, this paper identifies practice of law rules, data sharing and privacy laws, and AI regulation as areas of existing research.

One reason for the limited investment to date in justice technology is the regulation of legal markets.⁷⁸ This includes threshold issues of when software is violating unlicensed practice of law rules,⁷⁹ attorney-client privilege expectations,⁸⁰ and advertising rules,⁸¹ for example. In the United States, some states, such as Arizona and Utah, have

researched “regulatory sandboxes” to test new business models and regulatory structures impacting justice tech offerings.⁸²

Limitations also exist when it comes to data’s publication, utility, and impact. Research has found that policy changes and lack of trust across agencies hinder data sharing and use.⁸³ In a stark example from France, the judiciary banned data analytics that could reveal the identity of individual judges.⁸⁴

Research has also outlined the range of harms that more accessible data may create for data subjects. The literature in this area highlights a tradeoff and a tension between the goals of court transparency and data subject privacy.⁸⁵ Accessible criminal justice data create privacy concerns and stigma for data subjects,⁸⁶ especially through the sale of court data to private companies.⁸⁷ There is also findings that data is either biased or can be used in ways to reinforce bias in the justice system, especially in criminal justice matters.⁸⁸

Research into AI and algorithmic regulations is largely focused on principles and frameworks. Research globally identifies what regulations exist⁸⁹ and available frameworks for AI in justice systems and law.⁹⁰ The research community continues exploring possible regulations, including how unlicensed practice of law regulations should consider AI,⁹¹ generative AI,⁹² and when AI is used by self-represented litigants.⁹³ In countries without AI specific oversight, consumers may be protected by existing laws; but AI may challenge the boundaries and efficacy of existing consumer protections.⁹⁴

The need for regulation is made apparent by research into the harms of AI in the justice space. Even though it’s early, the growing body of literature makes clear that automated decision-making can entrench bias⁹⁵ and impacts poor communities the most severely.⁹⁶ AI also has the potential to increase the number of predatory debt lawsuits, regardless of the validity of the underlying claim.⁹⁷ On a societal scale, automated decision making can erode the rule of law⁹⁸ and AI tools can increase state control over judicial authority, eroding the judiciary’s independence.⁹⁹

The justice technology research community is just now beginning to explore the enabling environment that can help or hinder technology adoption, use, and impact. While there is broad research into the impacts of AI harms and oversight, there is a dearth of research regarding state capacity and funding surrounding these projects.

2. Gaps in Research

Rigorous research into how justice technology impacts people is lacking globally. Most reports that refer to justice technology do so in descriptive ways, rarely answering the question: does it work? This is a failure. These shortcomings are found in both research into the technology itself and the enabling environment needed for technology to succeed.

2.1. Tech Stack

There are major knowledge gaps regarding the impact of justice technology on justice system patrons. Regarding the software itself, there is a shocking lack of research into key areas of functionality, including interoperability and cybersecurity, which undercut the potential of the technology at large.

Understanding which projects close the justice gap remains elusive.¹⁰⁰ Failure to monitor outcomes is an ecosystem-wide problem and, ultimately, a data issue.¹⁰¹ The problem is persistent in part because there isn’t an accepted definition of what “success” means for a justice technology; instead, evaluators rely on “efficiency” metrics¹⁰² or user and web traffic numbers, which don’t show people-centered outcomes.¹⁰³ Moreover, these numbers can be inflated due to data duplication and poor product design.¹⁰⁴ Another reason capturing outcomes is challenging is that many products offer support for one step in the user’s journey but don’t—or can’t—capture the user’s ultimate outcome.¹⁰⁵ There are researchers developing randomized controlled trials (RCT) in this space that can get at issues of outcome.¹⁰⁶ The yield on these studies is high quality—if sometimes inconclusive. Regardless, RCTs are expensive, require a high level of expertise to do well, and are time consuming, making them hard to replicate.

A major reason why tracking outcomes is hard is due to the lack of interoperability in justice technology systems employed by governments. Interoperability allows data in one system to be used across other applications. Without it, data

is of limited use and application. In the justice system, interoperability hinders the ability to see across data silos, and ultimately a justice system patron's journey and outcome. This problem can be due to both government and private sector choices.

It doesn't have to be this way, as shown by the Estonian e-court system. Built on the x-Road platform—a secure data exchange layer—it might be the most technically integrated court system in the world. But while there is writing about the system itself,¹⁰⁷ literature (at least in English) is lacking on the impact the e-court system is having on court patrons. Besides x-Road, there is only one project the author is aware of that builds data exchange infrastructure to bring disparate parts of the justice tech stack together, which is CourtStack.¹⁰⁸ This data exchange software that sits on top of a court's existing CMS, which allows easier access to data, as well as the ability to build functionality outside of the CMS restraints and avoid vendor up-charging. There is no published research about the impact a CourtStack deployment has on court operations or individual outcomes even though it is deployed in the majority of California's superior courts.

By not examining the role of interoperability, the research community is missing an opportunity to identify a cause of public harms. First, other sectors have found that a “network effect” can be created where interoperability is lacking, which leads to tipped markets and locked-in customers.¹⁰⁹ In other words, it produces wasteful spending on subpar products. Second, interoperability limits the ability to integrate new tools into systems, which reinforces stasis in a sector at best and hobbles function at worst. There are a couple of reports that have identified this as an issue in prisons and courts, but research is still needed to delineate the public harm that arises from interoperability.¹¹⁰

Another dearth of technical research concerns security. At a time when justice agencies generally, and courts specifically, are digitizing at record rates they are also being hacked with increased frequency. On this topic, the justice tech sector still suffers from immature cybersecurity and data governance practices and often lacks a common standard for what good practices ought to look like. Illustrating the lack of insight, the author is aware of only one court cybersecurity survey,¹¹¹ which is insufficient to cover the scope and scale of this issue. This oversight not only undercuts the efficacy of justice technologies, but the very agencies and people that technology are intended to serve.¹¹²

Lax security not only slows or shuts down justice agencies but also puts data subjects at risk. For example, a hack of U.S. federal courts imperiled ongoing criminal investigations, classified intelligence, and prized trade secrets at issue in civil cases. Described as a “threat to our national security” by a sitting U.S. senator, the U.S. courts' security failures have cost the lives of dozens of confidential informants and witnesses.¹¹³

In this way, aside from undercutting the performance of justice institutions and technologies, technical knowledge gaps put people's lives at risk and jeopardize national security. Continued failures will only further jeopardize justice system credibility, undercut the impact of new technologies, and further deteriorate the public's trust in these systems.

2.2. Enabling Environment

When it comes to the enabling environment, there are research gaps regarding justice sector staffing and staff training, procurement and public budgets, and business models. These oversights by both public and private justice technology creators and implementers hamstring sector function, innovation, and sustainability, all of which complicates the public's access to justice.

While there is growing literature on state capacity in government generally, the justice sector has largely been left out or failed to engage with it. State capacity research asks the question: Who and what do agencies need to successfully implement policy? In the justice sector, do justice agencies need more staff? Probably. But what technical and managerial skills are missing for a court or legal aid organization to accomplish its mission or improve technology adoption to the public's benefit? We don't know.

We are similarly in the dark when it comes to public budgets of justice agencies. Justice agencies are most likely the largest spender on justice technology because of the role they play in society, but there is no data confirming that assumption is true. As discussed elsewhere in this paper, if we can't say how much money is spent on justice technology

and to what end, then it is hard to convince new entrants and new funders to come join the space. What's worse, the author is unaware of any research that draws a line between state budget appropriations, the purchase of justice technology, and people-centered outcomes. This leaves the field flying blind without knowing how much money is currently appropriated, how it is used, and to what ends.

Another troubling blind spot regards the public procurement of justice technology. This is no more apparent than regarding AI. While the number of justice agencies using AI will increase dramatically over the coming years, there are few if any benchmarks to validate Generative AI (GenAI) applications used by justice actors. Increasingly common in other fields, benchmarks create the opportunity for standardization, evaluation, and training around GenAI. With benchmarks, purchasers can have insight into whether an AI tool does what its creators claim and with what level of accuracy. In other words, it increases the sophistication of the purchaser by creating insights into the product. Without benchmarks, the public and justice agencies lack standards of measurement for accuracy, bias, and other relevant factors. Further, without benchmarks, justice agencies run the risk of losing public trust by perpetuating existing harms and creating new ones at the scale and speed of AI.

Another area for exploration in procurement includes what technologies should cost. In other areas of government, progress is being made to determine what government IT projects should cost.¹¹⁴ But the justice sector simply doesn't know what a case management system or text message reminder service should cost, making vendor proposals hard to vet, inflating costs, and creating confounding systems that hurt the public.¹¹⁵ Removing this blind spot would also increase justice agency sophistication and leverage when negotiating vendor technology contracts.

With accurate cost information, another novel avenue of research would be bolstered: assessing the viability of "public option" justice technology. White labeled products developed by government or NGOs that meet common functionality requirements across organizations or agencies could be developed and managed as a consortium, as opposed to the current model of private vendors charging for discrete deployments of the same products in different courts, pushing up costs. This approach underpins the x-Roads platform and was considered in the proposed Open Courts Act in the United States,¹¹⁶ which did not become law. With an accurate sense of cost, it would be possible to seed research into credible alternatives to the current vendor-reliant model, potentially leading to a consortium approach that shares costs across agencies and improves functionality for the agency and the public.

Similarly, we know little about anti-competitive and consumer harms created by private vendors. While some reporting has hinted at harmful market control by certain justice technology vendors, there is no research into whether justice technology vendors are committing anti-competitive behavior that harms the justice-involved public, wastes limited public funds, and degrades justice system administration and outcomes. Research into potential illegal behavior and possible litigation strategies that correct harmful incumbents could loosen a major chokepoint and open markets and technical systems to a new generation of people-centered justice technology.

Beyond existing vendors, the balkanized nature of justice systems generally makes replicability and scalability hard, which can scare off new entrants and funders.¹¹⁷ This challenge can be exacerbated by a lack of funding, disparate needs across potential client agencies, and vendor capture by entrenched companies.¹¹⁸ Similarly, lawyers and bar associations prove a barrier to entry for companies trying to provide legal information and advice.¹¹⁹ While the field has developed knowledge about limitations to scaling justice technology, there are few evidence-based approaches to overcome those limitations. Research into how companies or non-profits can successfully enter a consolidated market with government technology buyers could provide value, jump starting more companies and bringing in new funders looking to help the justice-involved public.

The justice technology sector has many blind spots regarding the technology itself, and the enabling environment required for new, promising technologies to flourish. Bringing focus to these topics would not only increase insights into how the justice system operates and why but also put forward ways to improve it.

3. Recommended Research Priorities

We do not know what works in people-centered justice technology. We also lack foundational research into the enabling environment that technology relies on to thrive. The recommendations in this section tackle the “chokepoints” identified above that hinder the development, implementation, and assessment of justice technology.

The proposed research areas and questions below intend to build an evidence-based policy and practice approach that fosters a more mature and supportive justice technology ecosystem. These recommendations also intend to attract researchers not usually part of the justice ecosystem both to expand perspectives in the space—including, perhaps, economists, antitrust experts, and cybersecurity professionals—and to build a larger constituency to support this work. By no means are the questions below exhaustive, but hopefully they serve as onramps to these critical yet under-researched areas of justice technology.

3.1. Tech Stack

When it comes to the technology itself, there are two main questions the sector needs to answer: (1) what works in justice technology?; and (2) what don’t we know about the software itself that hinders development, adoption, and impact?

As noted above, we largely do not know what works and what doesn’t. There are three core areas for new or expanded research that can help fill in these gaps.

Does the tool do what creators claim it does?

Unless required by law, audits of justice technology are rare. Vendors have shown an inability to police themselves, and nonprofits and government agencies are often too resource-strapped to handle this work. This offers a prime opportunity for the research community to leverage its skills and provide a needed service to the justice technology sector. The recent AI chatbot audit from Duke University shows one potential path for third-party researchers looking into the people-centered impact—or lack thereof—of these interventions. These types of audits could expand to focus on data privacy, bias, disability access, cybersecurity, and human rights, among other topics. Similarly, AI benchmarking is a ripe and underdeveloped area for the research community to explore, especially as GenAI products become more common in justice system applications.

What failed and why?

Post-mortem reports document why a project didn’t succeed. While these documents are common in the tech industry generally, the justice sector is not forthcoming about failures in this transparent way. As a sector, we shouldn’t be bothered that new things fail. What should worry us is that we keep making the same mistakes. To overcome the dearth of information explaining justice technology failures, researchers should compile data describing why certain classes of interventions fail and propose learnings from that collection of research.

What systemic technical issues undercut technology’s potential?

Beyond the overarching questions regarding efficacy and impact, there are more narrow questions regarding technical areas, like cybersecurity and interoperability. There is only a small cohort of researchers with a computer science background that spend time thinking about justice technology. This leaves the sector’s literature on cybersecurity and interoperability lacking. Potential research questions include:

- How does the sector increase cybersecurity professionals’ attention on justice technology?
- What are the financial costs and the externalities when cybersecurity fails or interoperability doesn’t exist?
- What resources do justice agencies need to be more secure or interoperable?
- What would the benefits be of secure and interoperable justice agencies?
- What would the architecture of an interoperable justice system look like?

By researching the technical aspects of justice technology, the sector can develop a better understanding of what is not working and identify solutions.

3.2. Enabling Environment

The successful deployment of justice technology relies on the health of its enabling environment. To this end, the field should ask questions regarding staffing and staff training, procurement and public budgets, and business models.

How do we improve justice system staffing and training?

There is limited research into how justice system staff and staff training impact justice technology, even though technology implementation falls to them. Potential research could include:

- A gap analysis into justice sector staffing, illustrating what skills are currently hired for and what skills are needed to run a modern agency. This could include calculating the cost of those missing skillsets in both public dollars and externalities across the justice system.
- Once gaps are identified, we need to know how justice agencies effectively inject missing talent into their organizations, whether with new hires or training?
- How does the sector ensure that increased technology and automation do not come at the cost of human jobs?

How do we increase justice agency procurement capacity?

How justice agencies buy technology impacts the administration of justice and the public. Yet, there is limited research into justice sector technology procurement and spending. Building on other government procurement research, new research should focus on the unique constraints faced by justice actors and system-involved people. Research questions may include:

- What is the state of justice sector procurement of technology and how does it impact people-centered outcomes?
- What rules or processes need to change to increase the sector's sophistication when buying software?
- What training do staff need to increase their capacity to appropriately write requests for proposals, vet vendor proposals, and manage vendor projects?
- What should common services and software licenses—like those used for case management systems, online dispute resolution platforms, and file digitization—cost?
- What could a consortium of justice agencies accomplish if they pooled resources to negotiate contracts for technology? What are the trade-offs compared to a vendor-first model?
- Are vendors committing human rights violations or creating consumer harm?

What is the state of justice technology funding?

We know vanishingly little about the amount of money spent on justice technology, especially by governments. And we don't know anything when it comes to showing return on investment of that money. Further, as the limited literature shows, the amount of private money being spent on justice technology is small. If we want to see increased, smarter funding in the justice technology space, we need to understand the current state of play.

- How much money do governments spend on justice technology currently? What is that money spent on?
- What do lawmakers need to make smarter appropriations?
- Is there a relationship between the amount of money a state spends on justice technology and measurable outcomes?
- What is the return on investment for justice technology interventions for an agency, the public, and society generally? This should consider financial return on investment metrics, as well as broader externalities.
- What is required to expand the number of funders of justice technology, both philanthropic and for-profit?

How do we increase the chance for replicability and/or scaling of promising technologies?

As discussed above, the fragmented nature of legal systems globally stymies the replicability and scaling of justice technologies. To foster and support a new generation of justice tech entrepreneurs, the research community should explore the following questions:

- Which projects have scaled or replicated successfully across jurisdictions and what do the technologies and jurisdictions have in common?
- What would it take to develop and manage a “public option” alternative to commonly purchased justice technologies, like a case management system? Would this approach overcome scaling hurdles and, if so, how?
- What has the “hype cycle” of technology creation, excitement, adoption, and impact looked like since the 1990s as applied to the justice system? While there are many surveys of justice technology, the field has not seen a historical analysis of the delta between promises and outcomes.

Collectively, these queries ask tough questions of a sector seeking a winning strategy. By taking a step back and interrogating the technology itself and its enabling environment, the sector could look honestly at its assumptions, refine its approach, and emerge stronger to the benefit of the public and the institutions themselves.

Conclusion

The justice technology sector has its work cut out for itself. With few successes to point to, this paper proposes prioritizing research that may serve to loosen chokepoints and bring into focus the foundational building blocks that would enable successful justice technologies to be developed and flourish. Beyond research priorities, this paper proposes using the present moment to increase the coalition of researchers to not only improve our knowledge but also grow the constituency doing this work. This approach has the potential to strengthen and empower public and private actors to support an accountable, nimble, and people-centered justice system.

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- ¹¹⁵ Hewlett & Billman, A \$100 Million Mess, *supra* n. 66; Jackson, *supra* n. 66; Carr, *supra* n. 66; Tashea (2023), *supra* n. 69.
- ¹¹⁶ S. 2614, 117th Cong. (2021).
- ¹¹⁷ Dhru, Nikam & Barendrecht, Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation, *supra* n. 100.
- ¹¹⁸ Tashea & Rostain, The Judicial Innovation Fellowship: A Review of the Pilot and Path Forward, *supra* n. 65.
- ¹¹⁹ Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centred Justice Programming, *supra* n. 6; Nikam, Need for a Level Playing Field for Justice Entrepreneurs in Kenya, *HiIL*, *supra* n. 81.