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When digitalization hit the court: Strategizing to turn turbulence into opportunities

Charlotta Kronblad^{1,*} and Johanna Envall Pregmark²

¹Department of Applied IT, House of Innovation, Stockholm School of Economics, Gothenburg University, Swedish Center for Digital Innovation, Forskningsgången 6, 41756 Göteborg, Sweden

²Center for Higher Ambition Leadership Europe, The Institute for Management of Innovation and Technology (IMIT), Chalmers University of Technology, Vera Sandbags allé, 41296 Gothenburg, Sweden

*Corresponding author. Email: charlotta.kronblad@ait.gu.se

During Covid-19, the pace of digitalization in industry and society increased. This article zooms in on the court system in Sweden and its response to this rapidly changing context. During the pandemic, the courts had encountered new expectations, and digital technologies had been implemented at speed. Suddenly online trials and digital delivery of court services became a reality. When the pandemic eased questions arose whether to return to business-as-usual or to continue on the new digital path. This article builds on a series of strategic workshops performed at the Swedish courts 2020–23 (with a total of 200 professionals attending). We found that digitalization had affected core work processes as well as the mindset and culture for further change. However, strategic alignment of different organizational components to fit the new reality is still needed in order for the courts to keep, and develop, the largest gains from digitalization: flexibility, efficiency, and accessibility.

KEYWORDS: digitalization; digital transformation; courts; open strategizing.

INTRODUCTION

The pandemic has made us adopt new ways of working, and now is the time to evaluate and decide what we should keep, let's take advantage of each other's wisdom in that.

- Appellate Court Judge, October 2021

Digitalization has fundamentally shifted the ways that many professional service organizations are operating (Kronblad 2020; Pemer 2021; Kronblad and Pregmark 2021b; Sako, Qian and Attolini 2022). During the Covid-19 pandemic, the pace of digitalization increased and imposed major changes to professional work across many industries (Kronblad and Pregmark 2021a). The public sector is no exception. In different countries, the public institutions responded in various ways in their effort to secure the delivery of public services, while meeting the restrictions imposed on them in their respective jurisdiction. This article zooms in on courts in Sweden, and their

response to the rapidly shifting context and demands, and how these changes enabled new strategic paths. Despite being highly institutionalized as well as professionalized (Muzio, Brock and Suddaby 2013), the court setting has experienced massive changes during the past years. Here, digital processes and workflows have been implemented at speed (Björkdahl and Kronblad 2021), and virtual courts, that were regarded as a future vision before the pandemic started (Susskind 2019), suddenly became reality. However, as restrictions loosened up and things went back to normal, questions arose whether we really should return to the way things were before (Thornburg 2020), or if there was a strategic opportunity to keep certain changes and set off in a new strategic direction.

At the senior level of the Swedish court system, a need to engage in strategic dialogues about how to continuously adapt to the new reality became clear. We were asked to collaborate in a strategizing effort to explore how the courts had been affected by the rapid digitalization and how to strategically respond in terms of adapting their

organizational system (Galbraith 2014) moving forward. Previous research has pointed towards an open strategizing approach (Whittington, Cailluet and Yakis-Douglas 2011; Hautz, Seidl and Whittington 2017; Pregmark and Berggren 2021) as important in a turbulent environment, to include more voices and increase innovative ways of thinking. Open strategizing is different from traditional strategy making (often limited to a smaller group at the top level) by being based on principles of transparency and inclusion, and by inviting external and/or internal stakeholders from different parts of the organization directly into the strategy process (Whittington et al. 2011; Hautz, Seidl and Whittington 2017). We, therefore, supported the court in organizing broad strategic conversations (Liedtka and Rosenblum 1996; Jarzabkowski 2005; Pregmark and Berggren 2021) with a total of 200 court employees to collectively understand the turbulent context, the impacts of digitalization and identify paths forward. We sought to identify what digital work practices, imposed on the courts during Covid-19, that should be kept and incorporated into their strategy and organizational design moving forward. In order to explore this, we addressed opportunities and risks regarding a wide range of imposed changes. This provided an understanding of the digital transformation of courts and how to enable turbulent times to become a starting point for strategic change. In addition, this research provided specific guidance on how to use workshops as a way to gather data on present and future challenges in order to develop viable strategies.

In a collaborative research effort (Birkinshaw, Brannen and Tung 2011; Mohrman and Lawler 2012) we gathered data on the implementation of digital technologies in general and asked how judges and other court staff regarded the digital shift (Pemer 2021). We specifically asked them how their work had been affected by Covid-19 (as for instance increased work from home due to restrictions on the number of people being present at the workplace demanded more digital work processes), about the occurrence of virtual courts, and/or digital and virtual elements to the legal process. We also covered how these new digital work processes could, or should, be supported by organizational system design and what they believed would be needed for a continued successful transformation of their work, workplaces, and the delivery of justice. In these strategic workshops (see for instance Pregmark and Berggren 2021) we combined digital tools with relational workshop methodology (see for instance Isaacs 1999), to understand how major shifts can impact professional work and strategic change.

In this process, we learned that digitalization has put courts in a position where their employees reconsider

what courts are and how justice can be delivered. This mind shift has opened up for new ways to think about the way that their work is performed and organized. Thus, while justice is reimagined (Rossner, Tait and McCurdy 2021) the continuous adoption of new technologies and virtual operations is growing at the court.

We contribute to the literature on courts and the delivery of professional services by showing that Covid-19 imposed changes to work practices that were not only sustained (after the pandemic was over) but also opened up a window for change, enabling a future transformation. Moreover, we contribute to the literature on digital strategy (and strategy work in relation to other external disruptive forces), by suggesting that (1) the different components of a system need to be re-aligned in order for organizations to succeed and (2) issues concerning the digital transformation can be handled through inviting actors of the broader organizational system into open strategizing processes (see for instance Hautz, Seidl and Whittington 2017). We also contribute to the development of qualitative methods, through using an open strategizing effort as a collaborative action research method in early-phase strategy work.

THEORETICAL FRAME

Institutions/courts and judges

Courts are a prime institution in society—and to have a well-functioning system for justice is key for any modern society—serving to uphold and defend democratic ideals (Susskind 2019). It is the courts that ultimately ensure that the law is followed and that hold those that breach the law responsible. Thus, the court system creates the foundation for the *rule of law* in society (Sannerholm 2022). In order to fulfil these ideals, a society needs independent courts and legal professionals that in an efficient and just manner can handle the legal issues they are presented with. Thus, there is a need for set processes, and a set place, where justice can be played out, and where the public can also legitimize these processes, practices, and actors by accepting them and putting trust in them (Webley et al. 2019; Siebert 2020). This operational judicial system is invaluable to create the institutional prerequisites that both the public and the private sector need, and to create the stability and trust that modern societies demand. Due to this central position for courts in a functioning democracy (Sannerholm 2022)—it is clear that Covid-19 presented a large stress. Putting justice to a halt was never an option, but in different countries, the courts, and court systems, were forced to reconsider their ways of working to ensure that they could keep up in delivering justice to the public.

Particular stress comes from the fact that delivering justice has previously been tightly connected with the

physical court buildings: ‘the place of law’ (Mulcahy 2010). The physical courtroom has a particular role in balancing the need for physical security with material symbols (Resnik and Curtis 2011). By having court hearings in set spaces, certain symbols that are displayed and used in these settings have become physical manifestations, and strong symbols, of justice (Susskind 2019). For instance, wooden clubs are used to bring order to the room and to mark when a decision is made, also being indicative of the ultimate hierarchy and power distribution in the room. We see shiny scales that are used to represent how different ideals and positions are weighed against each other, and we see books of legal statutes that are used as a symbol for the rule of law. Furthermore, we often find replicas of lady justice, with her blindfold representing the autonomous and independent judges that should never be influenced by who stands in front of them. All these material symbols and the particular procedures of the court, have over time become institutionalized and have come to play a vital role in how the public sees the court system (Siebert 2020). In different jurisdictions, however, what material symbols that have been used to signal the rule of law, independence, and fairness, have however differed. This is perhaps particularly evident in the Anglo-Saxon court systems where wigs and gowns (ceremonial dress) have been an additional way to communicate that the judges represent their institution in their roles and the delivery of justice. Of course, these symbols and symbolics play out differently in the increasingly virtual context. For instance, now background images, platform design, and cyber security choices carry new symbolic value and show that virtual courtrooms also have both functional and symbolic objectives to handle (Rossner, Tait and McCurdy 2021).

Another vital part of courts and the court system is the professionals that occupy them—judges, court clerks, administrators, IT support, janitors, etc. In this group, the judges stand out in their role of being the key actors responsible for the delivery of justice, where their professional knowledge and legal competence have been key for value creation (Björkdahl and Kronblad 2021). The judges are the dominant profession within the court. Thus, these professionals, and how they deliver their professional service (with a high knowledge intensity and professionalization), resemble service delivery in certain other professional fields—and can be compared with for instance medical doctors, architects, auditors, etc. (Muzio, Brock and Suddaby 2013).

Digital transformation

Digitalization has been affecting many different industries such as manufacturing (Björkdahl 2020) and media

(Fredberg and Pregmark 2016) since decades. More recently—also accelerated by the Covid-19 pandemic (Kronblad and Pregmark 2021a,b)—it has started to have a real impact on professional services, with the introduction of new technologies such as digital Information and Communication Technologies (ICT), Automation, Artificial Intelligence (AI) and most recently Generative AI. Digitalization is now affecting roles, business models, and working processes (Davenport and Westerman 2018). This has put professional work at an *inflection point* (Wirtz et al. 2018) where professional services are ripe for change (Christensen, Wang and van Bever 2013). Brynjolfsson and McAfee (2014) have termed this time *the second machine age*, as digital technologies increasingly challenge and disrupt creative and intellectual work. They compare this with a previous machine age where digital technologies mainly affected work, and workers, in manufacturing and agriculture. This means that the implantation of digital technologies currently presents professional legal work with new challenges (such as the risk of losing professional autonomy and trust), but also with new opportunities linked to efficiency and quality (Barrett and Hinings 2015).

This is particularly evident in regard to AI, where the previously high reliance on human intelligence and knowledge in the legal field is expected to change, with a profound effect on business models, work practices, and organization of work (Armour and Sako 2020). Digital technologies have resulted in a call for alternative ways of organizing work, new practices, and new business models—for instance, digital technologies make work more efficient turning the ‘hour’ less suitable to account for value creation (Susskind and Susskind 2015; Perner 2021). This call for profound changes is not easily met, particularly not in the court setting, which has previously been characterized by very stable hierarchies and traditional work practices (Abbott 1988; Cross and Swart 2020).

Covid-19 imposed changes in different jurisdictions

As for the digital transformation of courts and court systems, it is vital to stress that the digital transformation had commenced prior to Covid-19, but with the pandemic came with a sense of urgency, and new motivations to change (Björkdahl and Kronblad 2021) which speeded up the process (Kronblad and Pregmark 2021b). Different countries all faced the pandemic in different ways. Some countries shut down public spaces, while others kept crucial institutions open. The responses of their court systems also differed. The responses were partly depending on digital maturity and readiness for

change. For instance, [Janssen \(2022\)](#) stresses that there was an initial time of chaos and improvisation when Covid-19 hit, describing that remote hearings in the Netherlands were initially (for a couple of weeks) realized via mobile phone—while setting up the infrastructure to use video tools such as Skype. In this way, courts attempted to realize the changes that were practically possible, and in this context legislation (and what was legally possible to do) also set the stage. For instance, in the USA the courts could turn completely digital: with a virtual courtroom and cases being broadcasted via YouTube ([Sourdin, Li and McNamara 2020](#)), while the same would be impossible in Sweden due to it being illegal to film, photograph, and broadcast what is going on in the courtroom. However, for Sweden, this posed less of a problem as the courts were still allowed to be open for physical procedures due to milder restrictions to battle Covid-19 imposed by the Swedish government. However, in Sweden, the physical courtrooms were still combined with new digital tools—enabling hybrid processes where certain parties could for instance be attending the court session remotely. Other examples from all over the world include digital work practices in Brazil and the launch of a completely virtual court in China (Beijing Internet Court) where the actors accessed the court via WeChat (a Chinese online platform). This court operated around the clock and could consequently handle a massive number of cases ([Sourdin, Li and McNamara 2020](#)).

Opening strategic change processes to manage system change

Many scholars have argued that the contemporary context, characterized by volatility, uncertainty, complexity, and ambiguity (VUCA) ([Bennett and Lemoine 2014](#); [Johansen 2017](#); [Worley and Jules 2020](#)) suggests an approach where organizations need to be ready for more continuous change ([Pasmore 2015](#); [Pregmark 2022](#)) and where innovative and entrepreneurial work is important to keep up with the pace of technological progress as well as competition ([O'Reilly and Tushman 2013](#); [Fredberg and Pregmark 2018](#)). This corresponds well with development in strategy as practice literature ([Whittington, Cailluet and Yakis-Douglas 2011](#); [Birkinshaw 2017](#); [Hautz, Seidl and Whittington 2017](#); [Heimstädt and Reischauer 2018](#); [Doeleman, van Dun and Wilderom 2022](#)), where authors have called for a more open approach to strategizing as a way of keeping up with a faster environment. One way to do so is to make room for more voices to be heard in strategic conversations about important issues ([Liedtka and Rosenblum 1996](#); [Beer 2011](#); [Pregmark and Berggren 2021](#)).

Following that argument, scholars advocate the need for continuously adapting the organization and re-align different organizational components ([Pasmore et al. 2019](#); [Pregmark 2019](#)). However, system change is hard. Michael Beer, quoted in [Fredberg and Pregmark \(2017\)](#), argues that organizational system change is something that scholars and practitioners still have not really figured out how to do effectively. In a recent article, [Beer \(2021\)](#) argues that system change becomes increasingly important (but unfortunately not easier) in a world that calls for continuous adaption as a strategic management practice.

An organizational system can be depicted and described in many ways (see for instance models from [Nadler and Tushman 1980](#); [Beer 2009](#); [Galbraith 2014](#)). As an example, [Galbraith \(2014\)](#) describes the organizational system as a 'star', consisting of the components: strategy, structure, processes, people, and rewards. All these components need to be aligned to form an effective organization, according to [Galbraith \(2014\)](#), and the setup of the components shapes the behaviours and thereby performance. Other models have similar components, and they all seem to put forward an idea of system re-alignment as important to successfully adapt to new circumstances. Arguably, turbulent times and fast-moving technologies (such as digitalization) create needs to re-align the organizational system at a faster pace and with greater frequency. Hence, subscribing to the idea ([Liedtka and Rosenblum 1996](#); [Beer 2009, 2011](#); [Pregmark and Berggren 2021](#)) that organizations need to hold conversations about the critical strategic question, it is not a far stretch that these conversations need to address system re-alignment—especially in the turbulent ([Kronblad and Pregmark 2021a](#)) and fast-paced ([Johansen 2017](#)) world that is facing organizations of today. Following that, we have put the system components suggested by for instance [Galbraith \(2014\)](#) and [Nadler and Tushman \(1980\)](#) as input to the agenda for the strategizing activities.

METHOD

Implementation of digital technologies into the legal system has been an ongoing phenomenon for the past years—which has been clearly intensified through the Covid-19 crisis ([Björkdahl and Kronblad 2021](#); [Kronblad and Pregmark 2021b](#)). We set out to study this phenomenon and its consequences as it happened, without traditional theoretical gap-spotting as our starting point. Rather, we lean on ideas on phenomenon-driven research ([von Krogh, Rossi-Lamastra and Haefliger 2012](#); [Schwarz and Stensaker 2014, 2016](#); [Pregmark 2019](#)), where we are encouraged to take off our theoretical straightjackets

(Schwarz and Stensaker 2014) and use theories to make sense of the data. In this article, the phenomenon at hand—the rapid digitalization of courts—is understood primarily through theories around organizational system change as well as theories around digitalization. In addition, we are using an open strategizing approach (Birkinshaw 2017; Hautz, Seidl and Whittington 2017), and are striving to understand how this can be helpful in dealing with the phenomenon at hand.

We lean on collaborative research (Coghlan and Shani 2014; Beer 2021), where we have actively engaged with the organization to come close enough to understand the ongoing phenomena (Birkinshaw, Brannen and Tung 2011) to create useful research (Prahalad 2011; Mohrman and Lawler 2012; Sharma and Bansal 2020; Langley et al. 2023). Collaborative researchers stress the importance of setting out to be helpful (Schein 1987; Fredberg and Pregmark 2023). To make sure that we were to be of help to the organization we therefore set out to identify the most pressing issues that needed to be handled as a result of the rapid digitalization. Thus, before engaging in the strategizing process we conducted 12 semi-structured interviews with judges to understand the main issues. We asked questions such as: What has changed in your work processes and practices since the Covid-19 outbreak? What is better? What is worse? What opportunities do you see? What threats? How can we realize our opportunities and mitigate the threats?

After analysing the 12 interviews, we came to the conclusion that that this ongoing turbulence needed to be understood (1) while still ongoing (2) with a system perspective (including potential effects on for instance culture, structure, or processes). Moreover, turning to open strategy research (Hautz, Seidl and Whittington 2017), and open strategy workshops as a strategizing method (Pregmark and Berggren 2021), we found a fit between the idea of using an open strategy approach as a research method and the phenomena at hand. We wanted to understand an ongoing phenomenon and collect many different voices, however we did not want to use a questionnaire or other quantitative tools. Instead, we deemed it suitable to choose a method that would allow us to create discussions and ask follow-up questions to understand the collective view of the target organizations in relation to their experience as well as how they planned to move forward in their strategic transformation.

Open strategizing ideas put forward the need to invite a broader range of participants for these strategizing activities (Pregmark and Berggren 2021), to be creative enough to tackle a fast-moving environment as well as to speed up execution. Furthermore, open strategizing

builds on transparency, trust, and honest conversations (Hautz, Seidl and Whittington 2017; Pregmark and Berggren 2021). Following these ideas, together with a group of judges, we co-designed a series of four workshops with more than 200 professionals (during different stages in the pandemic, 2021–3), with an agenda covering several system components and paying special attention to including many voices in the strategic conversations (Liedtka and Rosenblum 1996), both in terms of number of participants, professional roles, and with methods to make sure everyone was heard. For instance, we used principles for creating true dialogues rather than discussions (Isaacs 1999), emphasizing practices of listening to understand, suspending your thoughts, speaking your truth, and doing so with respect. While we were not able to include actors outside the court system in a truly open manner, we still approached the topic with openness. In fact, in order for an open and honest conversation, a true dialogue (Isaacs 1999), to take place—we hold that the internal focus of these workshops was necessary, at this point. We believe that this activity needed to be limited to the target organization to create the needed trust to foster an openness and the ability to critically look upon themselves. Also, in this hierarchical context, it was a big step even to open up the strategic conversations to more than 200 people with different roles and positions from within the court system. Thus, all employees of the participating appellate court were invited to either Workshop 1 or 2, and all employees of the administrative court were invited to Workshop 4. Workshop 3 instead comprised 20 chief judges from 20 different courts.

Below you will find a summary of the workshops, including details on when the workshop was conducted, with what organization, how many that attended, and what roles within the court that these attendees held, see Table 1. All workshops were conducted in Swedish.

The overall topic of these workshops was the ongoing digital implementation. More specifically we looked at the implementation of different digital technologies and tools over the course of the pandemic, how digitalization had changed the practices of legal work, and what risks and opportunities that had been realized in the change process. A major part of each workshop was based on a presentation, targeting the digital transformation and a discussion targeting the specific digital tools and technologies that had affected the way of working and the way of organizing in the courts. In connection with the presentation, there were icebreakers, several discussion points, and also opportunities to raise questions and initiate discussion. We thereafter introduced agenda points where the participants were able to openly reflect and collaborate around potential ideas, barriers, and how the

Table 1. Summary of workshops and attendees

Workshop	Date	Target organization	Nr of attendees	Role of attendees
1	November 2021	Appellate court	71	Judges, chief judges
2	November 2021	Appellate court	68	Junior judges, legal assistants, administrators
3	May 2022	Network of chief judges	20	Chief judges from different courts
4	March 2023	Administrative court	48	Judges and legal assistants
Total			207	

organizational system could be structured/re-aligned to encompass a new digital future.

For these exercises, we collected data by taking notes. Additionally, we decided to use a digital tool to assist in the data collection, Woodlap, which is an interactive electronic platform that can be used to create polls and questionnaires. Thus, it enables different types of data collection: such as answers to multiple choices, answers to open-ended questions, and data collection in word clouds. This tool enabled us to instantly get visuals up on the screen in the room, in order to kick off the discussion. Previously the use of ‘sticky notes’ has been a common way to get visuals up and help to make groups start talking on topics (Peterson and Barron 2007). We hold that digital tools that instantly display data have a similar effect and make the group active as they provide participants with a visual to attend and react to. In addition, digital tools have another benefit compared to the preciously common ‘sticky notes’ as we could instantly download the data and save the visual presentations of it—first for analysis, and second for illustrative purposes of this article.

With the help of Woodlap, we specifically collected data on the professional’s beliefs of the court’s digital performance so far, whether they have been able to deliver justice with confidence in the new digital context, how they perceived the need to handle digital evidence, and whether they experienced a need for additional digital competence to do their work. Using this digital tool to collect data also enabled us to sort the data into chronological order—as the data were collected in different stages of the pandemic. In order to grasp the collective thought (within the court system) on strategic change moving forward we asked the participants about what they believed would happen from now on—asking them both to visualize a future in 5 years’ time and at a longer perspective. For this question, we specifically asked them to reflect upon how the different system components (Beer 2009; Galbraith 2014)—such as organizational structure, rewards/governance, and work processes/content. As the different roles varied between the workshops the questions were adapted to each workshop. We also managed to put in rather sensitive questions in the matter of self-reflection and critique, where we asked the judges whether they had

handled, or knew of, cases where digital evidence or issues had been neglected. Thus, the digital tool in combination with the safe and open environment created in the workshop opened up also for difficult discussions and reflections among the professionals and provided opportunities to bring sensitive issues to light and to our attention.

As already pointed out we gathered data in the shape of observational notes, as well as data collection with the use of digital aid (Woodlap) (see Fig. 1). To use software tools as an assistant in qualitative research is not yet common but is rather regarded as an innovative practice and research method (Wiles, Crow and Pain 2011) and to use new ways to visualize qualitative research is encouraged in recent publications, such as Langley et al. (2023). Particularly, it is unusual to use digital tools in the data collection phase of qualitative research, while it is perhaps more common in data analysis (Maher et al. 2018). Within quantitative research, the use of digital questionnaires is common (Ebert et al. 2018), and crowdsource data on platforms and digital markets are being increasingly used (Steelman, Hammer and Limayem 2014). Also, within medical research and practice, it is increasingly common to use digital platforms for self-evaluations (Aledavood et al. 2017). However, there is a lack of research that combines these digital tools and visual aids with a qualitative approach (Langley et al. 2023). For this particular purpose, to understand an ongoing and complex phenomenon, and to spark discussions during a workshop, we find this mixed, or combined, research practice particularly suitable.

As we collaborated in the workshops, we could start to tease out themes of opportunities and challenges with digitalization as well as early ideas for future system adaption. We also had a chance to discuss further and get the temperature in the organization at different times, and among different roles, for different ideas. For the purpose of this article, both authors analysed the data together. Also, the analytical work took the shape of a workshop where we sat down for 2 days. We grouped the data from the different workshops together to spot emerging themes and changes over time, and we used literature on professional services, courts, and judges, as well as literature on strategic change, and digitalization,

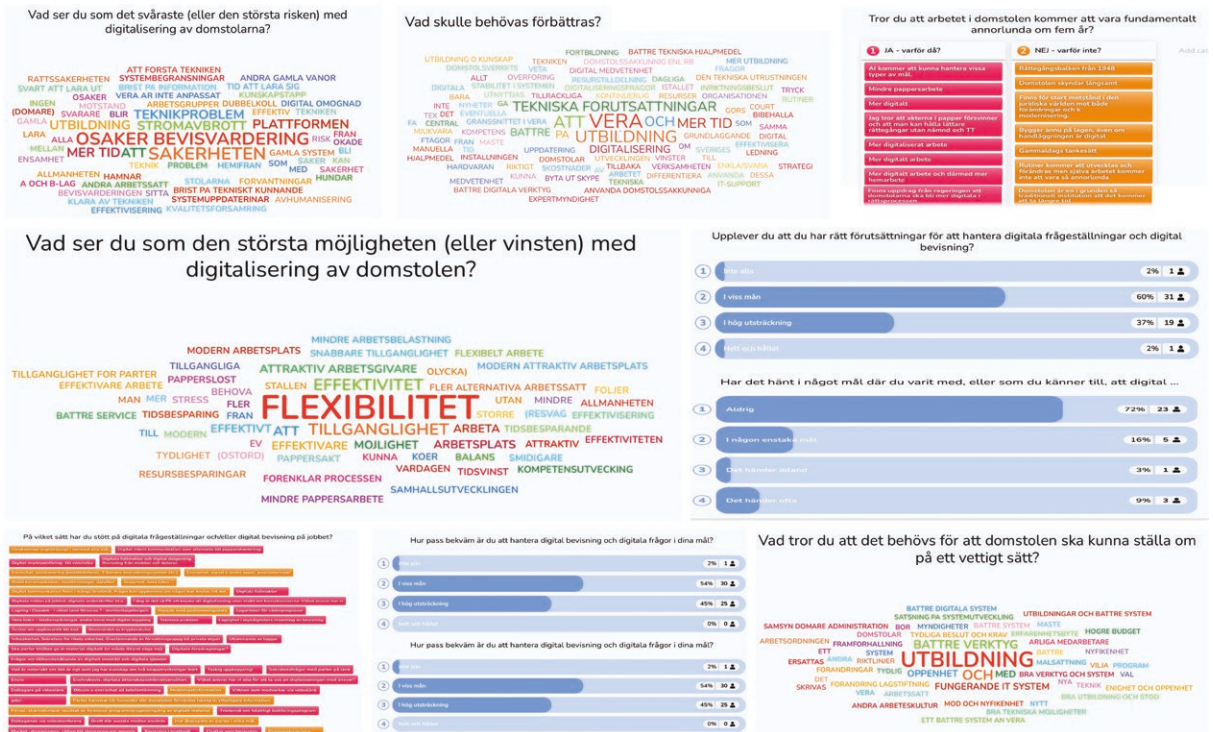


Figure 1. Examples of Wooclap data from workshops.

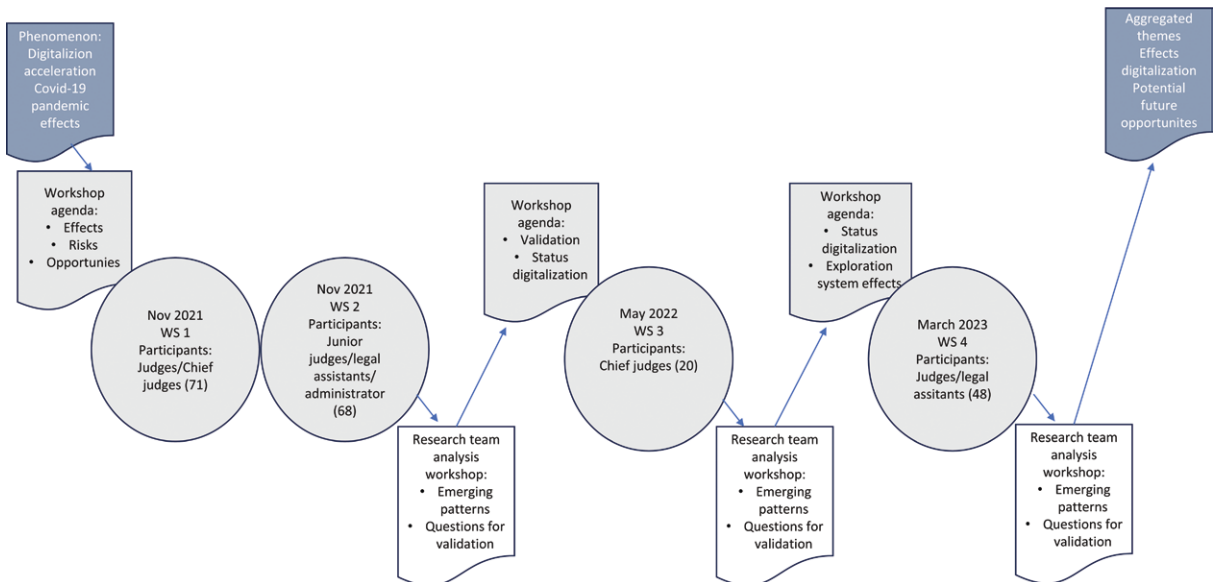


Figure 2. Schematic model of the design of the study.

to understand what we saw. Thus, the findings from the initial workshops in 2021 mainly reflected imposed changes and thoughts about the future, while the later workshops in 2022 and 2023 concerned the evaluation

of imposed changes as well as a strategic direction of what to keep and what should be diverted back to normal. See Fig. 2 for the timeline and the development of the workshop series (the design of our study).



Figure 3. Word cloud of the gains of digital transformation.

By analysing the collected data over time (from initial interviews, Wooclap, and note-taking) we developed an understanding of the digital transformation of the court on several levels. First, we got an understanding of already implemented digital technologies and processes, where some were suggested to be made permanent, and some were suggested to be reverted. Second, we developed an understanding of the development moving forward, and the need to continue to adapt direction, content, work processes, and organizational structure. In this process, a continued digital transformation was viewed as a core strategic direction to bring individual courts and the delivery of justice into the future.

Thus, in this article, we try to explore the ongoing phenomenon's impact on the organizational system seeking viable solutions for the future. We believe that the research approach chosen for this article is in line with a call from Langley et al. (2023), who argue that we need research that goes beyond explaining the past and instead focus on helping to find solutions for the future.

FINDINGS

In the data, we saw that a rapid change had occurred already at the time of the first workshops with new ways of working implemented at speed. For instance, 'digital workflows for matter management' were lifted as a core change, as was the opportunity to 'allow for witnesses [and parties of cases] to appear in court from a distance'—by logging on via the court IT infrastructure. This meant that work could be performed more from home, and other locations, and that less court hearings needed to be cancelled if an actor had to be home due to illness or having been exposed to Covid-19. When discussing what these changes meant for the court and the largest opportunities that came with them, it was evident that the potential for 'flexibility' was seen very positively. However, participants did not only consider internal aspects but also had an external perspective

and talked about these changes allowing for 'the court to become more accessible to the public', for instance in the shape of 'more court hearings being conducted on-line'—and 'allowing for remote presence'. This change entailed a better service to the public and was regarded as a positive change. Also, both judges and other employees talked about their increasing digital focus in terms of 'becoming an increasingly attractive workplace for future employees'.

Fig. 3, a word cloud from Wooclap, presents the anticipated gains of digitalization at the court, collected during the first workshop, which serves as an illustrative example that the judges held that the largest benefit from the digital shift was that it allowed for 'flexibility'. However, the words 'efficiency' and 'availability' also stand out. That the court becomes more like a 'modern workplace', and that this can attract new employees as well as pleasing the public by showing public recourses are spent in an 'efficient and responsible way'.

Data regarding what the judges believed was the most problematic, or the highest risk, with digitalization was an 'uncertainty in how to evaluate proofs'. When asked what they meant by this, the judges explained that this did not respond to the digital shift of their own work, but rather related to the digital shift in society where an increasing amount of 'criminals wash money via cryptocurrencies', and where 'presented evidence might be deepfaked'. Looking however at the largest risk related to the fast implementation of digital technologies into their own work, they pointed to an 'outdated technological infrastructure', 'old practices', and 'established ways of working'. Moreover, a few judges mentioned the more general risk that 'the work of judging could become de-humanized' which could 'affect public trust in the institution of the court'. While the judges stressed that there were vital risks in the digital transformation, when asked if these risks had materialized—the response was that it had 'not yet'. Still, these risks were deemed as 'highly problematic'. Also, some voices from other court employees stressed

that the new ways of working during Covid-19 had led to ‘increased loneliness’, where it had also become ‘more difficult to spread knowledge and information within the group’. Several pointed out that this was particularly affecting younger colleagues who had yet to learn how to do their work. See Fig. 4.

When asked what would be needed to continue the path towards digitalization the ‘lack of digital competence’ was lifted as a main problem. Both the judges and the other court employees stressed they needed ‘more education and training’. Also, ‘better tools’, a ‘higher budget’, and ‘better technology’ was highlighted. Interestingly when talking about these results many stressed that ‘better, and more clear steering and management’ was needed, and that they wanted to see some alignment of different professional goals (while this was not as evident in the collected words via Woodlap). A few judges also talked about ‘a changed work culture and a new mindset’ and in this regard, the words: ‘openness’, ‘honesty’, ‘curiosity’, and ‘courage’ came up as words (see Fig. 5). The mentioning of these words indicates that a new culture for change is needed for strategic change moving forward and that the court employees considered it vital that such culture was nurtured within the organization.

The summary Table 2 depicts the top 6 challenges, and top 6 opportunities from the digital transformation of the court (this table summarizes data collected during Workshops 1 and 2).

In the analysis of the result, we found that what was pointed out as the main opportunities in digitalization: ‘flexibility’, ‘efficiency’, ‘accessibility’, and ‘sustainability’—are quite generic concepts, while the expressed risks were more tightly connected and specific to the professional work of judges. These explicit risks also involved a decrease in the capacity of handling evidence and risks in upholding justice under the rule of law. This shows the judges saw general gains with digital transformation but not (yet) specific gains connected to judging itself. This shows that a window might have been ajar, but not yet fully open for change. Compared to the judges, the other employees of the court were more acceptant of change (also in these earlier workshops). These findings suggest there are institutional constraints connected both to the court and to the profession of judges, as well as ‘old fashion ways of thinking’ where the ‘court will rush in a slow pace’. Another judge stated—‘yes it [the future] will be fundamentally different for us, but not compared to other industries’.

However, at the final seminar in 2023, at the decline of the pandemic, we could see that the judges had in fact opened up for change. During this workshop, we gave the participants the opportunity to discuss realized changes and asked them to consider what this could entail in moving forward. Here, a few judges discussed benefits connected to online participation for some parties as ‘this had resulted in fewer court processes being cancelled’. The discussion about remote/virtual court sessions then moved



Figure 4. Word cloud of the risks of digital transformation.



Figure 5. Word cloud of the needs to continue on the path of digital transformation.

Table 2. Realized challenges and opportunities with court digitalization

Challenges	Opportunities
Security risks and technical problems	Flexibility
Quality risk (risk that legal nuances disappear)	Efficiency
Loss of public trust and credibility	Quality gains
A culture resisting change	More fun to work
Fear of job loss	Accessibility
Lack of knowledge and competence	Sustainability

over to a more philosophical discussion if ‘*courts even need to be connected to a physical place*’—along with a discussion on the potential implications. One junior judge asked: ‘*Do we really need a court in every county or town? If not, we could organize more around professional specialty or field, and not be concerned with place*’.

At this final workshop, we also discussed several ways that the implementation of new digital ways of work had turned opportunities into benefits. Doing this, we noted that the anticipated risks had still not been realized (i.e. the top identified challenges had not become manifested but were still just regarded as risks). This means that while most opportunities had been realized, the corresponding risks had somehow been mitigated (or were just not realized due to an overestimation of digital challenges and risks). This realization opened up for a discussion on further changes. Here, we could see that digitalization had, at least partially, opened a window for change (letting the breeze in) as the judges, as well as the other professionals, had started to use, experience, and evaluate digital technologies—and what was previously deemed too much of a risk suddenly appeared possible. We understood this as a window for change that was not just opened to let some breeze in, but that was actively kept open moving forward. In the same light, several judges expressed during the final workshops that were ‘*open to AI taking on more of the work in the future*’—replacing human input for certain legal matters. This also started a reflection about the need for recruiting new categories of employees and put ‘*tech savvy*’ programmers on the top of the list of desired personnel. Here, we could also spot development over time as digital competence had earlier been seen as ‘*a support function*’, but now, it was discussed as a potential ‘*core competence*’. One judge expressed: ‘*These things will have major implications for our culture and identity, and I think we need to work in a trial-and-error mode to figure things out. Maybe continuously meet and discuss*’.

DISCUSSION

The courts have already changed

We suggest that the implemented digital technologies (combined with new work processes) had a large effect on the organization of the courts in terms of new ways of working—resulting in the benefits of flexibility and increased efficiency. Moreover, the turbulent pandemic times seem to have opened a space for courts, and a mind shift among judges, for new digital strategies where the digital transformation of professional work can be furthered also after the pandemic, when things could in fact return to normal. While our findings stress that ‘*now is the time to evaluate and decide what we should keep*’, the findings also show that this evaluation is not restricted to the imposed changes during Covid-19, but extends to more innovative thinking moving forward. Covid-19 did not just open a window for it to be closed again once the pandemic was over, but the window was kept ajar. This shows major institutional change within a part of the public sector that has previously been considered highly traditional and institutionalized (Abbott 1988; Muzio, Brock and Suddaby 2013; Cross and Swart 2020). We hold that the fact that predominantly opportunities, and not risks, materialized, kept that window for change open, and did in fact create a mind shift amidst the judges.

From our explorative strategizing workshops, we could, however, tell that keeping a window open is not enough, but that many parts of the court system need further alignment (Galbraith 2014) in order to be able to fully realize the potential of the digital shift. This was especially evident, as the workshop participants started to discuss ‘*organizational structure*’, ‘*governance issues*’, and ‘*professional roles*’. One strong point that emerged in the data, was the realization that the court session/court processes did not have to be held at the court, but could be virtual events, which opened for new ways of conducting the work as well as the new ways of structuring the organization—potentially moving away from local courts (and geographically organizing principles) to considering alternative organizing principles. This is in line with previous research stressing that digitalization potentially could have implications for how organizations could and should be designed (Susskind and Susskind 2015; Perner 2021).

In the same light, it became clear that the digital transformation meant that previous symbols that had been used to create an air of professionalism and establish public trust (Siebert 2020), suddenly lost their meaning. For instance, the physical manifestation of a grand court building with marble pillars, the specific layout of courtrooms, and wooden clubs are not present in a virtual setting, at least not in the same way. The judges reflected

on the risk that digitalization would ‘*imply a loss of public trust and acceptance of the court as an institution*’. Thus, the fear of losing public trust was not only connected to new ways of working, but to the lack of symbols that can carry and enable public trust in the transformed court system. There is a lack of symbols that can be efficiently translated into a digital, or virtual, court system. To establish such symbols, we hold, would be vital in order to create a sustainable culture to promote change.

Future changes

Our findings show that the courts have undergone many changes in working processes, imposed, or accelerated by the Covid-19 pandemic. The data from the workshops also clearly indicate that many of these changes are here to stay, which also have been discussed in previous research (Kronblad and Pregmark 2021a). However, as suggested by Davenport and Westerman (2018), for digital transformation to fully succeed, many parts of the organizational system need to be adapted. The data in this study show signs of updated system components (Beer 2009) in terms of for instance work processes and indications of changes in the demand for competence. However, potential changes to other system components seem yet to be developed, for instance, new rewards and structures to support the recent changes, and the change acceptance among the employees (Galbraith 2014). This means that we can currently see that work processes have changed but the structures and reward systems still reflect the past and are not aligned towards a digital strategy. This, however, could be changed moving forward.

This need for future system re-alignment became fully illustrated as we could bring different professions, roles, and levels into the workshops. We believe that this strengthens the previously stressed potential in using open strategizing practices (Whittington et al. 2011; Hautz, Seidl and Whittington 2017). Moreover, we argue that there is a potential in handling disruptive forces (here being digitalization) by using open strategizing ideas and methods (Whittington, Cailluet and Yakis-Douglas 2011; Hautz, Seidl and Whittington 2017), focussing on transparency and inclusion. Whereas many traditional organizations and institutions seem to lead transformation and change from the top, we argue that this article strengthens the idea of opening up the strategy processes, also in very early phases. To truly be open, a multitude of voices should be heard. Hence, in this article, we demonstrate the value of inviting a broader perspective to strategy workshops (as suggested by Pregmark and Berggren 2021) and show how the participants bring different perspectives that could be important in terms of finding the next system configuration in a

new world, that requires rapid adaption (Johansen 2017; Pregmark 2022).

We conclude that the rapid digital shift in society has enabled the spark of a culture change in the highly traditional and institutionalized setting of courts, and we argue that this has enabled the acceptance of digital changes and for digital novelty moving forward. That is, we see that the digital transformation has presented a vital opportunity not only to implement innovation, but for the court system itself to innovate. However, for the true realization of benefits connected to future opportunities, we also see the need for new ways of organizing, for a new strategic alignment, and the need of developing of new symbols that can continue to carry trust to the institution of the court in these digital times. When designing legal platforms and virtual justice solutions for the future we need to consider both functional and symbolic elements (Rossner, Tait and McCurdy 2021). And, in order to establish both functional and symbolic change open strategizing processes (Hautz, Seidl and Whittington 2017), that increase transparency, are needed. This would allow for the entire organization to buy into the changes. From our findings, it is evident that the change in mindset is not enough in itself, but to realize the full digital potential, and successfully continue the implementation of digital technologies (the implementation of AI and automation) and to further innovation judges and other court employees need to be provided with additional recourses, such as training, time, and proper tools as well as organizational structures, and an imaginative capacity (Rossner, Tait and McCurdy 2021) where they can nurture the new symbols for justice, that makes sense in a digital context need to be established and enforced.

CONTRIBUTION

Contribution to theory

This article demonstrates how an open approach to strategizing can be useful—also in a very explorative phase. In this case, external changes in a turbulent world shook up the system. A traditional approach—especially in this kind of environment—would be to initially take on this challenge and make sense of it in a small group at the very top level. However, in this case, the external force (here digitalization) was directly invited into the discussion of a broader group of 200 people, who were encouraged to give voice to co-create alternatives and ideas for the future. This contributes to the literature in the strategy as practice field through adding knowledge about the applicability of open strategy approaches (Whittington, Cailluet and Yakis-Douglas 2011; Hautz, Seidl and

Whittington 2017)—in this case, an explorative strategizing approach not commonly used in this institutionalized setting. In addition, we hold that this research also contributes to the development of qualitative methods. First, we believe that this article demonstrates how open strategizing (Hautz, Seidl and Whittington 2017) and strategy workshops (Pregmark and Berggren 2021) can be used as a collaborative research (Coghlan and Shani 2014) method when dealing with disruptive forces. Second, we contribute to qualitative research methods by showing how digital tools such as Wooclap can both serve as an aid during workshops, by instantly visualizing ideas and sparking discussions, and serve to complement other data collection and visualization methods. We hold that this method, being developed in collaboration with the professionals we set out to help—has been an efficient way to develop and spread new ideas and hope that it can inspire more data-assisted qualitative research moving forward. We believe that this approach is supporting the call from Langley et al. (2023), arguing management research that sets out to support future solutions rather than only analysing the past.

We also believe that this article contributes to theories on digitalization, and especially points towards new ways to take on rapid digitalization. As argued in previous research (see for instance Kronblad and Pregmark 2021b), digitalization will not succeed if looked upon as a technical issue. Rather, it needs to be dealt with as something that affects many parts of the organization. It is strategic and cultural, and it challenges previous assumptions and symbols. In this article, we discuss how rapid changes, imposed by the Covid-19 pandemic, effectively was discussed by a large part of the organization. The 200 different voices were deliberately assigned to discuss the effects (current and future) of digitalization from a system perspective (Galbraith 2014). This in turn, we argue, gave a more comprehensive understanding of current barriers (structural and cultural) for change, and also a broader set of ideas for the future. This becoming increasingly relevant in times of rapid implementation of Generative AI. Moreover, we also see how system change seemed to occur over time (some of the changes in for instance structure yet only present as ideas for the future), contributing to system change literature (Beer 2009; Galbraith 2014) through adding a perspective of temporality. Thus, though often agreed that system change is hard and rarely is a quick fix (Beer 2009; Fredberg and Pregmark 2017), few studies have to our knowledge discussed how different components are adapting over time. This also contributes to the understanding of professional and institutional change, as this article indicates that even if a change becomes accepted, a new system and cultural

change, supported by new meaningful symbols (Rossner, Tait and McCurdy 2021), is still needed in order for change to become permanent, and to become accepted as a constant.

Contribution to practice

For practice, we hope that this article encourages the use of more inclusive strategizing methods and practices when facing disruption and/or turbulence. We suggest that open strategizing workshops can be a way to find ideas for the future, as well as a way of identifying what structures are needed to make changes sustainable, and how to build a culture that will enable the strategic path towards that envisioned future. Where we held just a few workshops, we see the need to return to the same settings and to further explore opportunities, mitigate risks, and build such change-promoting cultures.

Moreover, we believe that this article could point courts towards a larger acceptance of virtual futures where justice could be delivered as a truly virtual service, rather than being restricted to a set place. This we believe could leverage technology and increase access to justice. Possibly also supporting the establishment of new symbols representing justice in digital times. However, this development is up to future studies to explore.

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