

Thurston County District Court Site Visit Report

I. Project Overview

On August 21-23, 2017, Robyn Mazur, Director of Gender and Justice Initiatives at the Center for Court Innovation; Danielle Pugh-Markie, Program Director of Program Development and Judicial Engagement at the National Council of Juvenile and Family Court Judges; and Tamara Chin Loy, Program Associate of Domestic Violence Programs at the Center for Court Innovation, conducted a site visit to the Thurston County District Court in Olympia, Washington. Thanks to coordination with Jennifer Creighton, Court Administrator of the Thurston County District Court, this site visit was performed anonymously, with the informed consent of the court; although the various court staff and stakeholders knew of and agreed to the visit, they did not know who the individual staff persons from the Center for Court Innovation and the National Council of Juvenile and Family Court Judges were, nor did they know when the staff were arriving. This was done in order to obtain as much of an unbiased snapshot of day-to-day court procedures as possible.

The goals of this site visit were as follows:

1. Assess the extent to which the Thurston County District Court incorporated aspects of procedural justice into their operations, and in particular, the extent to which the Court incorporated aspects of procedural justice as it relates to domestic violence cases
2. Create a report detailing observed strengths and challenges as well as recommendations for a future procedural justice and implicit bias training.

This site visit was a part of the Center for Court Innovation's (Center) work as the Office of Violence Against Women Comprehensive Technical Assistance Provider for Justice for Families (JFF) grantees and the National Council of Juvenile and Family Court Judges' (NCJFCJ) Comprehensive Training and Technical Assistance to Judges. Both the Center for Court Innovation and the National Council of Juvenile and Family Court Judges collaborate with court systems and court-related stakeholders in jurisdictions throughout the country in order to promote access to justice.

Participating stakeholders will review the recommendations in this report and agree on a final version. We would like to thank the Thurston County District Court for allowing us to conduct this visit, and we'd also like to especially thank Jennifer Creighton for her efforts in organizing this project and Judge Brett Buckley for his leadership.

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II. **What is procedural justice and why does it matter?**

Based on “Integrating Procedural Justice in Domestic Violence Cases” - Danielle Malangone, Center for Court Innovation, with support from the Office on Violence Against Women, Department of Justice (Appendix A).

Procedural justice is the perceived fairness of justice procedures and interpersonal treatment of litigants, survivors, and defendants in court. The main five dimensions of procedural justice are as follows:

- **Voice:** Litigants feel they have an opportunity to be heard.
- **Respect:** Litigants feel they are treated with dignity and respect by court stakeholders, which includes judges, attorneys, and court staff.
- **Trust/Neutrality:** Litigants perceive that the decision-making process is unbiased and trustworthy.
- **Understanding:** Litigants understand their rights and the case process and what is expected of them in order to comply with court orders.
- **Helpfulness:** Litigants perceive that court actors have a genuine interest in their needs and their personal situation.

Studies conducted in various settings (including small claims, family, and criminal courts) demonstrated the following key findings:

- **The court experience is more influential than the case outcome.** In comparison to distributive justice (the favorability of the case outcome - i.e. whether a litigant received the case outcome that they wanted), procedural justice can have a greater influence on litigants’ perception of their overall court experience.
- **Procedural justice can increase compliance with court orders, improve public trust, and reduce recidivism (the tendency of someone to reoffend).** Litigants who perceive the court process as fair are more likely to comply with court orders, believe the courts are legitimate, and to engage in future law-abiding behavior. Additionally, especially for self-represented litigants, procedural justice also reduces the likelihood of litigants leaving court without understanding what is expected of them, which in turn increases court compliance.
- **All courtroom actors influence perceptions of fairness.** The treatment of litigants by all court actors - including security staff, clerks, bench officers, defense attorneys, prosecutors, and the judge - contributes to the overall perception of fairness.

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Furthermore, integrating procedural justice is especially critical in matters involving domestic violence.

- **Safety:** If domestic violence survivors perceive the courts as legitimate, trustworthy, and fair they are more likely to access help, request protective orders through the courts, and comply with these orders. Given the risk of further violence and lethality for survivors, it is imperative that they view the courts as an access point for protection.
- **Trauma:** The court experience can be anxiety-inducing for anyone, but this is especially true for survivors of domestic violence, many of whom experience high rates of trauma. They can be easily triggered by disrespectful court staff or feeling helpless/hopeless during the litigation process.
- **Self-Representation:** Many survivors of domestic violence represent themselves in court and often lack information about the court process, how to present their case, or what information is admissible in the courtroom. This can lead to survivors leaving court without understanding how to access resources that would ensure their safety, such as obtaining a protection order.
- **Accountability:** Even though all courts strive to hold litigants accountable, this is particularly crucial in matters involving domestic violence to protect survivors by encouraging litigants to comply with protection orders, respect court outcomes, and understand what the court expects of them.

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III. Observation Summaries

Center and NCJFCJ staff arrived at the Thurston County District Courthouse on August 21, 2017. At this point in time, court staff (except for Jennifer Creighton, Court Administrator) were unaware of who the Center and NCJFCJ staff were, or that the observation was taking place at this time. Staff conducted court observations on August 21, 22, and 23 and also visited the court's information desk as well as the probation office.

Overall observations about implicit bias:

In preparation for this visit, Thurston County District Court Administration specifically requested that Center and NCJFCJ staff look for racial and socioeconomic bias during observations. During the time that Center and NCJFCJ staff were at District Court, there were few instances where people of color were in the courtroom and of those cases or encounters; staff did not observe any different treatment to individual litigants based on race. However, Center and NCJFCJ staff did experience a socioeconomic bias when asking for different forms and case types that are heard in other courthouses. Court staff seemed to assume that Center and NCJFCJ staff had economic resources such as access to cars and that it would be easy to travel to the other courthouses in a short amount of time. In addition, the District Court has a separate "interpreter calendar" that segregates cases where there are individuals who require an interpreter, many of whom are foreign-born. While this practice is very problematic because litigants are placed in a separate court calendar solely based on their language access needs, there may be staffing and resource reasons that the court must consider if it wants to integrate these cases throughout the regular dockets. Center and NCJFCJ staff encourage the District Court to consider the elimination of this docket, but suggest that a reflection and weighing of possible unintended consequences to litigants such as possible reduced access to interpreters if a change to this calendar is made.

Overall observations of the courthouse facilities:

Upon arrival at the courthouse complex, Center and NCJFCJ staff observed the signage, located at the front of the complex. The signage was unclear and difficult to follow, which made it even more frustrating to navigate an already confusing courthouse layout [Appendix B]. Our impression was that the information provided in the courtyard/parking lot did not make clear which types of cases were heard in each court and there were no outside information signs in multiple languages. This is even more problematic since there is another court campus in another part of the county that hears family and juvenile matters which may further confuse litigants. After identifying the correct building, Center and NCJFCJ staff went through the secured entrance. This was the only entrance into the building, and at times throughout the three-day observation, Center and NCJFCJ staff entered the courthouse at the same time as the judicial officers, who did not have a separate entrance. Additionally, the secured entrance was

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very small; only about 2-3 people were able to fit inside the security area of the entrance and everyone else had to stand in the doorway, or line up outside of the building. This physical layout would be particularly challenging for those with disabilities who are using wheelchairs and walkers.

Inside of the courthouse, Center and NCJFCJ staff noted the large electronic information boards, which displayed information about the various calendars and courtroom assignments for different hearings. Underneath the boards, there were a series of informational pamphlets. Many of these pamphlets had information related to concealed weapon permits and traffic laws. There were no informational packets regarding case types (except for concealed weapon permits and traffic), no informational packets for domestic violence/sexual violence victims or witnesses, and no informational packets for individuals filing anti-harassment orders. A television displayed a video on the myths and misperceptions about Washington Courts but the volume so low one had to stand directly under the television to hear it. The video was not closed captioned. Additionally, Center and NCJFCJ staff observed an absence of language access provision. Namely, there was no information in other languages, no "I Speak..." cards/posters, and no images located on the signs. Furthermore, Center and NCJFCJ staff noted that the bathrooms were also small, which raised concerns about accessibility, especially for individuals in wheelchairs and/or traveling with a personal assistant.

By addressing these concerns regarding the courthouse facilities, the Thurston County District Court can enhance the accessibility of their courthouse and, in turn, enhance their incorporation of procedural justice.

Day One:

Court Observations:

NCJFCJ staff observed the pro tem judge's morning Lacey CAC calendar. The court was slow to start and delayed even though litigants were waiting. There was no apology or reason given to the litigants for the delay.

Center and NCJFCJ staff observed both Judge Wilcox's and Commissioner Wohl's in-custody calendars. During this observation, defendants who were currently incarcerated appeared in court with their counsel via live video streaming. The prosecutor, judge/commissioner, and other court stakeholders were present in the actual courtroom. During Commissioner Wohl's calendar, the court heard several cases with alleged intimate partner violence, including a testimony from the spouse of a currently-incarcerated defendant. The spouse was military personnel in uniform. When he requested to address the court, there was a noticeable shift in attention paid by the judicial officer than with others in the courtroom. Commissioner Wohl issued several no contact orders, and made sure to explain what those orders entailed as well as

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answer any questions that the defendants may have had. During these cases, Commissioner Wohl also made sure to ask the defendant, the prosecutor, and the defense counsel for any clarifying information that would inform his decision-making process. Similarly, Judge Wilcox heard a number of cases that involved alleged intimate partner violence, including an arraignment where the defendant plead guilty to a domestic violence charge. During these cases, Judge Wilcox clearly explained treatment plans, conditions of probation, fines & fees (including the domestic violence fee, which goes toward supporting local victim services), and no contact orders. In both calendars, there did not appear to be any concrete referral process to an abusive partner intervention program/batterers intervention program or to victim services. Additionally, defendants were responsible for reporting their own compliance; probation did not have a court presence in either. Center and NCJFCJ learned from the court staff after the observation that information about compliance and treatment and probation reports are routinely provided to the judge in the court file. Also, probation officers will appear in court when there is any issue or confusion about compliance with conditions. However, procedural justice would be enhanced if the judge says to the defendant that he/she has received a report from [treatment, probation, etc.] agency and using the information contained in that report, the judge was basing his/her response and/or possible sanction.

Information Desks

NCJFCJ staff attempted to get information on obtaining a protection order. First, staff went to the wrong counter and after talking with the clerk, was directed to another area of the courthouse. The location to fill out the paperwork is not ideal; it lacks sufficient space to sit and fill out paperwork. There was no mention of a private space to fill out the form. NCJFCJ staff walked to the counter to explain that she needed to get an anti-harassment order against a friend. After being handed the form, staff was instructed to go into the waiting room. Staff asked what she should do if she had any questions about the form, to which the clerk said, "she cannot offer legal advice." Staff took the paperwork to a bench and began reading instructions on how to fill out the anti-harassment form. Using the scenario described to the clerk, staff returned to the counter and asked if whether the Sexual Assault Protection Order (SAPO) would be the more appropriate order. The clerk said that it was up to the staff to decide which order was more appropriate and notified staff that the SAPO had to be filled out over at Family Court. Family Court is not on the court campus. Staff was provided bus instructions on how to get to Family Court. Staff observed that there was another person helping the clerk at the front counter. The clerk at the front counter was courteous but offered no other resources to contact to help customer decide on the more appropriate order.

Day Two:

Court Observations:

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Center staff observed Commissioner Wohl's in custody calendar. The Commissioner took time with each defendant and displayed a positive demeanor including allowing litigants and their families the opportunity to address the court. These elements are important components of ensuring procedural justice. However, it was often hard to hear the Commissioner's voice and there was limited eye contact with the attorneys and the litigants. In the domestic violence cases, there were no advocates or victim services information available. Safety and support would be enhanced by having advocates available in the courthouse to assist victims and families. Also, it would also assist the court and litigants to have representatives from mandated offender services on-site to make immediate referrals and connections to the defendants (similar to treatment court operations).

Center staff observed the interpreter calendar, during which Judge Buckley heard the cases of respondents who require a court interpreter. During this calendar, most of the respondents required a Spanish interpreter, but there was also a few other cases requiring Tigrinya, Russian, and Arabic interpretation. Many of the cases during this calendar were traffic violations, and Judge Buckley made sure to explain respondents' options to them, including information regarding fines and fees. Additionally, Judge Buckley made sure to speak directly to the respondents, spoke clearly and with pauses to allow time for translation to occur, and also gave respondents opportunities to speak in court. It was unclear whether respondents received applicable court forms in their native language.

Center staff observed Judge Wilcox's arraignment calendar. The courtroom was extremely crowded with many attorneys, litigants and their families left with no place to sit. In addition to being uncomfortable, there was a safety concern about the possible close proximity of litigants to victims during the proceedings. There were no visible court security officers in the courtroom during this time which was also a safety concern. While the judge's demeanor was good and provided each defendant with time to be heard, there could have been more information presented to all of the people waiting to have their cases called. For example, if the judge came on the bench and said good morning and that this was an arraignment calendar and this is how cases will be called, it could enhance procedural justice and the ability for litigants to better understand the court process.

Center and NCJFCJ staff observed Judge Meyer's compliance calendar, where there were several cases involving intimate partner violence. During the hearings, Judge Meyer often spoke directly to defendants, asking them clarifying questions. Almost all of the cases involved no contact orders, and Judge Meyer made sure to get input from the prosecutor, defense counsel, defendant, and (where applicable) observing parties (such as the victim, the defendant's family, etc.). There was no victim advocate present in the room, and providing compliance reports to the court was the responsibility of the defendant/defense counsel. It was also unclear if the

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judges and attorneys had been trained on domestic violence risk factors and how that could be used in decision-making. There was also concern for the safety of the litigants since there was no visible courtroom security officer during the proceedings.

Center and NCJFCJ staff observed the Mental Health Court, as well as the pre-court staffing meeting. Presided by Judge Buckley, the staffing meeting included care coordinators, mental health treatment providers, the prosecutor, and the public defender, who discussed relevant updates for each court participant that would be heard that day. They also brought up any questions that they wanted to ask the participant. During the court proceedings, all of the stakeholders took a very casual approach - which felt appropriate and also seemed to make the court participant feel more comfortable. Each court participant was able to discuss their progress in the program, including any explanations of setbacks. The various court stakeholders went around individually to report on the court participants' progress, and also ask any questions that they had. The court also outlined very clear goals and expectations to be met for each participant's next hearing date.

Probation Office

Center staff talked with representatives from the Probation Office. The staff reported that they are interested in learning more about procedural justice principles and incorporating them into their work. The probation officers have large caseloads that would benefit from additional resources and staff. Center staff asked specifically about domestic violence case monitoring and training via a risk assessments and additional offender programming (pre and post trial) options. The probation staff said that they would be interested in having targeted training on domestic violence risk tools as well as thinking through other offender programming such as high risk teams and other new approaches to this population. Unfortunately, Center and NCJFCJ staff did not observe probation in court during our observation.

Day Three

On the morning of the 23rd, Center and NCJFCJ staff met with Presiding Judge Brett Buckley, Judge Sam Meyer, Judge Kalo Wilcox, Commissioner Paul Wohl, as well as other staff members of the Thurston County District Court to debrief the observations and to discuss a timeline for the report and future trainings. It was an extremely productive meeting with consensus that additional training and technical assistance on these topics would be appreciated.

After the meeting, staff observed Judge Meyer. Immediately, the judge made changes to his introduction to the litigants by saying "Good morning" and in his demeanor. The judge gave family members an opportunity to address the court. During the observation, it was not clear how much training the prosecutor's office had on domestic violence risk assessment and how much engagement and support that the victims in the cases had. The judge was very responsive

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to the attorneys and the litigants and reviewed the orders and conditions of his orders so that it was clear to the litigants what the court's expectation is.

Staff also observed Judge Wilcox during her mitigation docket. The judge incorporated all elements of procedural justice during the hearings. Judge Wilcox was respectful to the audience, was an active listener and had a good demeanor. The judge started the hearings by giving a clear explanation to the litigants about the docket and what will be happening. While this is a very particular docket with mostly self-represented litigants, the strategies used by the judge could be adapted and used throughout the District Court.

Center and NCJFCJ staff observed the Veterans Treatment Court, as well as the pre-court staffing meeting. Presided by Judge Buckley, the staffing meeting included care coordinators, representatives from the Veterans Affairs Office, the prosecutor, and the public defender, who discussed relevant updates for each court participant that would be heard that day. They also discussed any questions that they planned on asking the court participants in court that day. Additionally, since Judge Buckley has also served in the military, it was clear that there was an added level of military cultural competency from the bench, in addition to the various stakeholders in the room. Each court participant was able to discuss their progress in the program, including any explanations of setbacks. The various court stakeholders went around individually to report on the court participants' progress, and also ask any questions that they had. The court also outlined very clear goals and expectations to be met for each participant's next hearing date. The general court dockets/calendars would benefit from adopting the components/principles of procedural justice that are utilized effectively in the Veteran's Treatment Court in order to improve accountability and safety.

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IV. Strengths

One of the most notable strengths about the Thurston County District Court is their dedication to improving their court system. The Court's initiative to invite Center and NCJFCJ staff to perform this site visit demonstrated their commitment to enhancing their system. During the visit itself, all of the court stakeholders were very open to hearing feedback, and were genuinely interested in learning more about the ways in which they could improve their respective practices and protocols.

Overall, the judges and commissioner demonstrated a good judicial demeanor. During court, they were fair and even-tempered, even in instances where litigants would get visibly frustrated or upset. In all circumstances, regardless of how upset the litigants were, the judges and commissioner gave litigants an opportunity to have their respective voices heard in court. In addition to giving them opportunities to ask questions and contribute anything that would help inform the decision-making process, the judges and commissioner explained court expectations directly to the litigants. Furthermore, the judges and commissioner also explained their thought process when making decisions, for example "because of ____, I am going to do ____".

There was one case in particular in which the defendant had entered the court visibly upset. The presiding judge gave the defendant the floor in order to hear all of the defendant's concerns and to learn more about the circumstances. The court outcome was not what the defendant had wanted (based on what was expressed at the beginning of the hearing). Nevertheless, after explaining the situation, asking questions, and hearing the court's explanation of the thought process, the defendant left court still upset, but articulating gratitude that he felt heard and that he understood why the court made their decision.

Additionally, the court security, who are stationed at the front of the courthouse, were quite helpful. There were several moments when Center and NCJFCJ staff asked questions, or otherwise looked confused, and court security offered assistance, namely pointed staff in the direction of proper courtrooms and/or the information desk.

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V. Challenges & Recommendations for Reform

The following recommendations address areas where the Thurston County District Court could enhance their current practices and protocols. Center and NCJFCJ staff developed these recommendations in an effort to address the components of procedural justice, particularly as it applies to domestic violence. As such, the following suggestions range in ease of implementation. Center and NCJFCJ staff understand that reform is not a “quick-fix,” and that many of these recommendations require a large amount of resources (which are not easily obtained) for implementation. It is the hope of Center and NCJFCJ staff that the Thurston County District Court take all of these recommendations into consideration, with the mutual understanding that may not be feasible to implement each and every recommendation at once. Center and NCJFCJ recommend the development of a strategic plan working group that can begin to address how best to incorporate and implement future system improvements.

1. Enhance the safety & accessibility of the facilities.

- a. **Physical Space:** There are a few recommendations about the general space.
 - i. **Courthouse:** It is strongly recommended that the existing courthouse either be expanded, or that the courts be relocated to a larger, more accessible space. The current layout of the courthouse is confusing, especially for visitors who have never been to the courthouse. A larger physical space would allow the court to incorporate further recommendations, including separate waiting areas, larger security area, larger courtrooms, more probation staff, having local service providers on-site, and child care (see below for more information on these recommendations).
 - ii. **Courtrooms:** There were a few instances during which individuals had to stand in the courtrooms, as there were no other places to sit. It is recommended that the facilities make expansions, if possible, to accommodate court participants so that people do not have to stand.
 - iii. **Bathrooms:** The bathrooms were relatively small. This raised concerns for anyone with a wheelchair and/or traveling with a personal assistant.
 - iv. **Security line:** The space allowing for a security check-in line allows for 2-3 people at any given time to be inside; the rest have to stand outside. Especially because there are no court security outside, it is recommended that this space for security be expanded to accommodate more people.
- b. **Victim and Child Safety:** It is strongly recommended that the courthouse accommodate victim safety concerns, especially because the court hears cases involving domestic violence. Suggestions for enhancing victim safety include:

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- i. **Separate waiting rooms:** The courthouse should have separate waiting rooms available for litigants to safely wait for their hearing/trial. This would reduce the likelihood of any violence or intimidation of a victim to occur.
 - ii. **Security near the parking lot:** There is a great amount of distance between the parking lot and the front of the courthouse. In order to best promote victim safety, it is recommended that additional security be placed in the parking lot.
 - iii. **Child Care:** It is strongly recommended that the courthouse institute some sort of child care facilities. There were several litigants who brought their children into court, presumably because they had no other option for child care. Especially in matters involving domestic violence, keeping children outside of the courtroom reduces the level of trauma that the child may encounter in a courtroom.
- c. **Language Access:** Language access is an incredibly important component of future improvements. It is strongly recommended that the court work to enhance language access -- a cornerstone of many of the procedural justice principles including understanding and voice. Suggestions include:
 - i. **Signage:** Clear signage is strongly recommended for comprehensibility. Signs should have text in an easy-to-read font and size, written in “plain language”, in both English and Spanish, and be posted at eye level. When possible, it is also recommended to include pictures/icons depicting the message of the sign. See Appendix C for examples.
 - ii. **Exterior:** Similar to the previous recommendation, exterior signage should be placed to help indicate which building is the District Courthouse.
 - iii. **Information Desk:** A sign detailing what court personnel can and cannot do for court participants should be put next to all information windows. This is particularly helpful in distinguishing help from “legal advice.” An example of this can be found in Appendix D.
 - iv. **Courtroom Rules:** A sign detailing court rules (such as no phones, no food, no talking, etc.) should be put in all court rooms. This will communicate court expectations to court participants, including individuals who are simply observing. An example of this can be found in Appendix C.
 - v. **Pledge of Fairness:** A pledge of fairness should be put in all court rooms. This sign should be available in English and at least 2-3 non-English languages. We recommend creating a pledge of fairness with your court staff that reflects your court system’s values. An example of this can be found in Appendix E.
 - vi. **I Speak Card/Poster:** An I Speak card/poster should be available in every common space, including by clerk desks, in all court rooms, and in the main lobby. In the event that a litigant enters the courthouse and cannot

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understand/speak English, this tool will help court staff identify the interpreter needed to facilitate communication. An example of this poster can be found in Appendix F.

- 2. Coordinate with victim services as well as enhance compliance monitoring and probation:** At present, court litigants are responsible for finding their own services, including victim services and batterers intervention programs. It is strongly recommended that the court implement the following in order to coordinate with local service providers, as other courts have done. This has been shown to greatly enhance community collaboration and service provision for court participants.
- a. Develop a list of local domestic violence service providers:** Be sure to vet these resources as dependable and credible prior to adding them to this list.
 - b. Develop connections with local domestic violence and social service providers:** By developing contacts with staff members at the various provider agencies, the court enhances its communication and collaboration with the community.
 - c. Develop a list of treatment programs and make this list available to defendants:** Regardless of whether the court can mandate a specific provider, it is recommended that the court have a list of service providers (batterer's intervention, substance abuse, mental health, Vets Center, etc.) from which litigants can choose or otherwise gain more information.
 - d. Make informational pamphlets/contact information available:** The court has some flyers available in the main lobby. It is recommended that the court also include informational pamphlets for victim services, batterers' intervention programs, and other local service providers.
 - e. Develop a protocol for sharing compliance information and enhancing offender accountability:** The court currently relies on litigants to provide their own information regarding compliance (such as progress reports, letters, and certificates) in the non-treatment court dockets. It is recommended that the court develop a protocol (which may involve the use of technology/electronic reporting) with local service providers in order to effectively share information regarding litigants' compliance so that they are not responsible for doing so themselves. This practice will greatly enhance the integrity of compliance reporting as well as improve the efficiency of communication between the court and local providers.
 - f. Fund additional probation department staff:** It is recommended that more probation staff be funded in order to reduce caseloads and allow for opportunities to develop specialized caseloads (e.g. high risk domestic violence offenders).
 - g. Convene on-going stakeholder meetings:** These meetings can be convened by the court for all members of the stakeholder community to discuss systemic policies, resources

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and needs. These meetings are not case-specific, but rather are intended to address on-going community and court communication at a macro level.

3. **Implement consistent protocols:** While the judges and commissioner demonstrated a good understanding of procedural justice at various points throughout their calendars, there is a general lack of consistent protocol between everyone. It is strongly recommended that the judges and commissioner implement the following protocols to bolster consistency:
 - a. **Start on time:** Be sure to start the court promptly on time. If for whatever reason the proceedings are starting late, be sure to apologize and address the tardiness before moving on to the court proceedings.
 - b. **Greet the court:** Be sure to greet the courtroom appropriately, starting with “Good morning/afternoon” and a quick (1-2 sentence) explanation of the calendar. This will help ensure that court participants understand the court’s expectations, and also contributes to a general feeling of mutual respect in the courtroom.
 - c. **Develop consistent explanations:** There are several standard court orders that require further explanation, such as a no contact order or probation conditions. The court should standardize the explanations of court orders (within reason) in order to ensure that court participants are all receiving the most accurate, consistent explanations of what is expected from them. Be sure that these explanations are conducted clearly, with plain language. A list of plain language alternatives to commonly used legal terminology can be found in Appendix G.
 - d. **Professional peer observation and feedback:** Judges and court staff should observe each other doing their work so that existing best practices can be more consistently replicated throughout the entire courthouse. During the site visit, Center and NCJFCJ staff observed some strong procedural justice practices occurring in the courthouse. However, there was a lack of consistency across courtrooms, dockets and information desks in utilizing these practices and it is the Center and NCJFCJ’s recommendation that observation and feedback with professional peer-to-peer learning can assist in adopting these practices more comprehensively.
4. **Develop a formal protocol for receiving litigant feedback:** Although there were several instances of litigants informally thanking the judges and commissioner upon the conclusion of their hearings, there are no formal protocols for litigants to share their feedback on their respective court experiences. Litigant feedback is critical to gauging the court’s efficacy, especially as it pertains to procedural justice. Through a formal litigant feedback protocol, the court can have insight into how litigants perceive their experiences in the court. This also adds to opportunities for litigants to feel heard, as their opinions and experiences could then be taken into account by the court. It is strongly recommended that the court implement a formal

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litigant feedback protocol, such as through litigant surveys and/or a comment box. An example of a litigant feedback survey can be found in Appendix H.

5. **Conduct and participate in ongoing training:** Ongoing training for court staff, including judicial officers, prosecutors, court clerks, defense attorneys and probation, is strongly recommended to ensure that all staff are informed of operational matters as well as subject matter. Subject matter training topics should include domestic violence dynamics, procedural justice, risk assessment, and how domestic violence impacts children. Such training can be obtained at the state and/or national level.

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VI. Conclusion

It is the hope of Center and NCJFCJ staff that this initiative and the findings in this report will encourage communication with other courts in Thurston County as well as with local organizations that may collaborate with the court. Multidisciplinary communication contributes to the cohesiveness of the court system overall, which can be particularly beneficial for litigants in domestic violence cases who often navigate multiple court systems (such as District Court, Superior Court, Family Court, etc.). Furthermore, multidisciplinary communication strengthens overall service provision to litigants, as the courts are better able to connect litigants to the resources that they need.

Prior to conducting the site visit, Center and NCJFCJ staff as well as Jennifer Creighton, the Thurston County District Court Administrator, discussed holding a training for the Thurston County District Court focusing on elements of procedural justice and implicit bias. Based on the observations made during this site visit as well as the findings in this report, Center and NCJFCJ staff plan to return to Olympia in the spring of 2018 to conduct this training, which will be tailored to meet the specific needs and context of the Thurston County District Court.

The Center for Court Innovation and the National Council for Juvenile and Family Court Judges would like to thank the Thurston County District Court again for the invitation and willingness to conduct this project -- we are looking forward to returning in the spring.

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VII. Appendices

- **Appendix A:** “Integrating Procedural Justice in Domestic Violence Cases” - Danielle Malangone, Center for Court Innovation
- **Appendix B:** Photographs of Thurston County District Court exterior signage
- **Appendix C:** “Improving Courthouse Signage: Procedural Justice Through Design” - Rachel Pope-Sussman, Center for Court Innovation
- **Appendix D:** Legal Advice-Legal Information Guidelines Task Force’s Mandatory Signage
- **Appendix E:** Alaska Court System Pledge of Fairness
- **Appendix F:** I Speak Poster
- **Appendix G:** Excerpt from How to Write Good Legal Stuff, Group Five: Words that Only Lawyers Use, and their Plain English Alternatives - Eugene Volokh and J. Alexander Tanford
- **Appendix H:** Multnomah County Circuit Court Litigant Feedback Survey
- **Appendix I:** “Procedural Justice: Practical Tips for Courts” - Emily Gold LaGratta, Center for Court Information

Integrating Procedural Justice in Domestic Violence Cases

A Practice Guide

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Introduction

WHAT IS THE CENTER FOR COURT INNOVATION?

The winner of numerous national prizes for innovation, including awards from the Drucker Institute, National Criminal Justice Association, American Bar Association, National Association for Court Management, Ford Foundation, and Harvard University, the Center for Court Innovation has grown over the past 20 years into an international leader in the field of justice reform.

The Center seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to launch new strategies. The Center accomplishes its goals in three primary ways:

Learning by Doing. The Center conceives, plans, and operates programs that test new ideas and solve difficult problems. In so doing, the Center wrestles with thorny planning and implementation challenges. This experience grounds the organization in the realities of how difficult it is to alter the behavior of individuals, communities, and government bureaucracies.

Advancing Knowledge. The Center conducts rigorous and independent research, documenting what works and what does not. Researchers also provide regular feedback on the results of the Center's own operating programs. In addition to performing original research, we disseminate new ideas about justice reform through books, essays, videos, podcasts, social media, and other vehicles.

Helping Reformers. The Center provides training and assistance to justice reformers inside and outside of government, both domestically and internationally. This includes a commitment to advance reform in the United Kingdom with the help of our spin-off agency, the Centre for Justice Innovation. Experts from the Center help innovators plan and implement new policies, practices, and technologies.

For more information about the Center, visit www.courtinnovation.org or e-mail dvinfo@courtinnovation.org.

WHAT IS THE PURPOSE OF THIS PRACTICE GUIDE?

This Practice Guide is designed to help courts and domestic violence stakeholders assess their current practices and integrate new strategies to enhance procedural justice. The materials in this guide are based upon promising practices identified through both the Center for Court Innovation's operating projects and national training and technical assistance.

Procedural Justice: What is it?

WHAT IS PROCEDURAL JUSTICE?

Procedural justice refers to the perceived fairness of justice procedures and interpersonal treatment of victims/petitioners and defendants/respondents. Research shows that people are more likely to perceive the justice system as fair when the following elements are present:

Voice. Litigants have an opportunity to be heard.

Respect. Litigants are treated with dignity and respect by judges, attorneys, and court staff.

Neutrality. Litigants perceive that the decision-making process is unbiased and trustworthy.

Understanding. Litigants understand the case outcome, their rights, and what is expected of them in order to comply with court orders.

Helpfulness. Litigants perceive that court actors have an interest in their needs and their personal situation.

WHY SHOULD WE CARE ABOUT PERCEPTIONS OF FAIRNESS?

Research conducted in a range of settings—such as criminal, family, and small claims courts—has found that:

- **The court experience is more influential than the actual case outcome.** In contrast to *distributive justice*, which refers to the case outcome (i.e., whether a litigant “won” or “lost” the case), procedural justice can actually have a greater influence on litigants’ views of their court experience.¹
- **Procedural justice can increase compliance with court orders, improve public trust, and reduce recidivism.** Litigants who believe the court process is fair are more likely to comply with court orders, to perceive the courts as legitimate, and to engage in future law-abiding behavior.²
- **All courtroom actors can have an impact on perceptions of fairness.** The treatment of litigants by all court actors—including security staff, clerks, bench officers, defense attorneys, prosecutors, and the judge—contributes to the overall perception of fairness.³

WHY IS IT IMPORTANT IN DOMESTIC VIOLENCE CASES?

Procedural justice has been tested across courts and case types and is critical in matters involving domestic violence for the following reasons:

Enhancing Victim Safety. Given the risk of future violence and lethality for victims of domestic violence, it is crucial that victims seek safety for themselves and their children. If the courts are perceived as legitimate and trustworthy, victims are more likely to access help and request protective orders.

Reducing Trauma. The court experience can be anxiety-provoking for anyone, but victims of domestic violence, in particular, experience high rates of trauma and can be easily triggered by disrespectful court staff or feelings of hopelessness over case outcomes. Trauma can also impact a litigant's understanding of the court process. Efforts to improve perceptions of fairness may reduce anxiety and the risk of re-traumatization.

Aiding Self-Represented Litigants. Many domestic violence litigants are self-represented and lack sufficient understanding of the court process, how to present their case, or what information is admissible. It is not uncommon for those without counsel to leave court without understanding the conditions of a court order, what is expected of them, or how to access resources. By focusing on increased understanding, self-represented litigants may be better equipped to represent themselves.

Promoting Accountability. There is an emphasis on accountability in domestic violence cases to help protect victims and encourage compliance with orders of protection. As an evidence-based practice, procedural justice has been shown to increase compliance and reduce offending with a range of defendants, including those charged with violent felonies.

How Do We Incorporate Procedural Justice in Domestic Violence Cases?

There are many simple, no-cost reforms that court and community stakeholders can implement to enhance perceptions of fairness throughout the courthouse environment. The following practical tips are connected to the domains of helpfulness, respect, understanding, neutrality, and voice. This is not an exhaustive list of practices; rather, it is a snapshot of strategies and interactions that infuse procedural justice throughout the case process. Each section offers practical tips, case examples, and resources to help domestic violence courts, court administrators, judges, and other stakeholders improve the overall experience for litigants.

PROMOTING HELPFULNESS

Domestic violence litigants access the courts in a variety of ways. Some may go online to learn more about filing an order of protection; others may enter the courthouse as a criminal court defendant. Regardless of case type, an individual's overall experience is based on the perceived accessibility and helpfulness of the court and information provided. If the experience of trying to gain a protective order is intimidating or confusing, a victim may be reluctant to take the necessary steps to protect her safety. If a litigant does not know how to get to court or where to go in the courthouse, they may become frustrated and miss their court appearance.

How does the public learn about local courts, access information, and navigate the courthouse? Is the available information perceived as helpful?

Here are some practical tips to promote helpfulness:

- 1. Engage the community.** Conduct outreach to community-based organizations and service providers to broker partnerships to inform the public about how the court works and establish linkages for litigants in need of services. Outreach should include multicultural community centers to help build trust among underserved populations and foreign-born individuals

BUILDING TRUST

Through the Family Court Enhancement Project, the Hennepin County (Minnesota) Family Court engaged Native partners to help build trust and improve the reporting of domestic violence incidents. Specifically, Family Court staff conducted outreach to the Native community to introduce themselves, provide information about Family Court, answer questions, and invite people to utilize the services provided through Family Court.

who, depending on their country of origin, may mistrust the courts or other government institutions. Create easy-to-read flyers or FAQ sheets that outline the availability of online forms and help litigants understand what will happen during their court proceeding. These FAQ sheets should be written at a 6th grade reading level or below, accessible in the region's common languages, and be added to the court's website.

2. Enhance the court website's accessibility.

Assess the court's website and ensure that essential information is easy to find, up-to-date, and comprehensible for court users. Important forms should be available online and in multiple languages to help individuals come to court prepared.

TRANSLATING DOCUMENTS

Title VI of the Civil Rights Act of 1964 requires meaningful access to justice for limited English proficient litigants. In response, many jurisdictions have translated court forms into the most prominent languages spoken in their communities to help reduce barriers and improve language access. For example, translations should be done by official and validated language services to avoid any errors that could lead to inaccurate responses by litigants and compromise a domestic violence case.

New York State has forms in Spanish, Haitian Creole, Bengali, Chinese, Korean, and Russian available online.

3. Maintain the courthouse appearance. To make courthouses more inviting and respectful, review the building conditions and work to improve cleanliness and address signs of neglect, such as graffiti. Keep the courthouse facilities well maintained. Welcome signs and other neutral décor can contribute to a welcoming atmosphere.



4. Provide a safe place for victims. Ensure that there is a waiting area where domestic violence victims feel safe. Victims should not be expected to wait near accused abusers, and special precautions should be made to ensure that children are not caught between parents appearing in court. This sends a message that the court is concerned about victims' safety and interested in their well-being.

IMPROVING SAFETY

Supervised visitation centers across the country specifically consider the safety needs of adult victims and children while designing their space and policies. Many, like Nia's Place in Atlanta, separate victims and offenders in distinct waiting rooms and use staggered arrival and departure times to keep victims safe and avoid exposing children to conflict.

5. Create a child-friendly environment. To be helpful to litigants without childcare, establish children's waiting rooms and/or childcare facilities where parents can leave their children in a safe environment while they attend to their case. Improve court waiting areas with brightly colored paint and child-friendly decorations, and offer games, toys, and children's books. Make accommodations for children inside the courtroom by offering books, snacks, or quiet toys. The availability of these facilities should be publicized through the court's website or other outreach efforts.

ACCOMODATING CHILDREN

At the Bergen County Courthouse (New Jersey) domestic violence victims have a designated waiting room to help them feel safe and secure while waiting for their case to be called. The waiting room offers information on social services and volunteers from a local advocacy organization are present to add a protective presence. The courthouse also has a Children's Court Care Center in which litigants can leave their children in a supervised play area while they attend court proceedings.

6. Make signage clear and accessible.

Assess courthouse signage for comprehensibility and accuracy. Signs should be easy-to-read, written in plain language, and posted at eye level. Ensure that accessible entrances and elevators are clearly marked. Create Americans with Disabilities Act-compliant versions of oral and written instructions for the visually and hearing impaired. Use courteous terms and limit the use of all capital letters. For example, consider the difference between, "Please turn off your cell phone," versus "NO CELL PHONES."

CLARIFYING SIGNAGE

COURTROOM RULES



Please help us keep the courtroom quiet.
No talking while court is in session.



Please turn off all cell phones in the courtroom.



Please remove all hats and headwear.



Please do not eat or drink in the courtroom.
Eating is allowed in the hallway. There is a water fountain in the middle of the hallway.

Thank you for your cooperation.

DEMONSTRATING RESPECT

All court stakeholders—from court security to clerks, attorneys, and judges—can impact litigants' perceptions of fairness. If security staff are curt or rude, litigants may feel re-victimized and disrespected. If their questions are dismissed, litigants may not seek help, information, or clarification. Self-represented domestic violence victims may also feel inhibited from asking crucial questions to present their cases efficiently, which might result in a dismissed case against their abuser.

In general, how does court staff communicate with the public? Is that communication respectful?

Here are some practical tips to promote respectful interactions:

1. Train all court staff on procedural justice.

Trainings should be multidisciplinary and attended by all applicable stakeholders including the judge, clerks, court officers and security, defense, prosecution, probation, and child welfare to improve the overall courthouse culture. Customized trainings should also be offered with a focus on self-represented litigants and how to provide legal information without offering advice or compromising neutrality. Tip sheets and regular lunch meetings can also be used to reinforce the importance of respectful interactions.

2. Conduct respectful security screenings.

Ensure that all security measures, such as going through metal detectors, are conducted with respect. Court officers should avoid all joking and speak respectfully to litigants. Court officers should be encouraged to be helpful and direct litigants to where they need to go, including onsite services.

3. Engage in effective communication.

All court staff should demonstrate effective communication skills by introducing themselves, making eye contact, and avoiding multitasking (such as looking down at a cell phone, computer screen, or paperwork) while speaking to litigants. Explain any necessary multitasking to ensure transparency.

4. Start on time.

Court sessions should start on time to demonstrate respect for litigants' time. If there is a delay, court staff should explain the reason for the late start and let litigants know when they can expect court to begin.

5. Introduce yourself and greet litigants.

Judges should begin court proceedings by saying "good morning," apologize if starting late, introduce themselves, and make eye contact with litigants and other audience members. During each proceeding, judges should greet litigants by name and make eye contact when speaking and listening. Keep in mind that some litigants may not be comfortable making eye contact because of cultural differences, feelings of shame, or past trauma, so judges should avoid requesting that a litigant look at him/her during the proceeding.

ENSURING UNDERSTANDING

Because of the fast pace, intimidating setting, and use of legal jargon in courtrooms, most domestic violence litigants find the court process hard to follow. Language barriers can exacerbate confusion. Many domestic violence victims, especially those without counsel, are likely to feel anxious about their case but reluctant to ask questions. Many victims enter a courtroom without a domestic violence advocate or sufficient knowledge to present their case, and leave court without understanding the outcome of their case. If the judge only delivers a written argument and does not take the time to provide a verbal explanation of judicial decisions, litigants may experience heightened confusion and anxiety.

What steps can courts take to ensure that litigants receive the information they need to understand and complete their cases?

Here are some practical tips to ensure understanding:

1. **Create a self-help center.** Offer information desks and self-help centers within the courthouse or on the court's website that provide a range of information for victims and self-represented litigants including brochures, tip sheets, videos, and guides on court proceedings and available resources. Specific information for domestic violence victims on certain protections and resources should also be available. Ensure that forms are easy-to-read, written at or below a 6th grade reading level, and available in the jurisdiction's major languages. Courts should also develop protocols to communicate information to people who cannot read.

CREATING A SELF-HELP CENTER

Winnebago County (Illinois) offers a web-based legal self-help center to help litigants without legal representation obtain legal information on topics such as filing an order of protection for domestic violence, a stalking no contact order, child support, or guardianship of a child. The site offers FAQs, forms, clear instructions, legal resources, a live chat feature, and invites users to leave feedback.

2. **Use plain language.** Minimize the use of legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided for litigants with limited English proficiency.

3. Offer legal assistance and victim advocacy.

Offer targeted legal assistance and victim advocacy at low or no cost by using people with legal training (attorneys, paralegals, and law students) to help litigants read instructions and fill out forms. Consider unbundling attorney services—making attorneys available for discrete tasks rather than an entire case—to maximize attorney resources. Non-attorney advocates should not offer legal advice; rather, they can provide information and help with navigating the court process.

PROVIDING A NAVIGATOR

Multnomah County Circuit Court (Oregon) employs a staff member to serve as a court navigator to identify self-represented litigants experiencing domestic violence, refer them to additional services and resources, and provide information about the court process and family law forms in order to mitigate confusion. In addition, the New York Client Assistance Program offers *pro bono* civil and legal advocacy for individuals with disabilities and the Victim Assistance Program in Ada County, Minnesota, provides counseling, support, transportation, and accompaniment to all court proceedings.

4. Provide resources to self-represented litigants.

Use videos, information cards, or navigators to inform self-represented litigants about court rules, procedures, and resources before and after their cases are heard without advising them about how to present their case. Use plain language and ensure that interpretation services are provided for litigants with limited English proficiency. Consider ways to reorganize dockets to allow more time for self-represented litigants to present their cases.

EDUCATING WITH VIDEOS

In Maryland, the court system offers a series of self-help videos to help litigants understand complex legal principles and procedures, such as expungement, mediation, self-representation, and filing and defending a small claim.

5. Explain judicial decisions. Judges should explain, in plain language, how decisions are made and provide information on what is expected of litigants, including conditions of court orders and how to complete or obtain any necessary forms. Take a short recess if litigants seem unsure or confused. If cases are dismissed, judges should take the time to explain the reasons why. Ideally, decisions will be provided both in writing and verbally. If outlining a sentence on a criminal case, describe the benefits of compliance and the consequences of non-compliance.

EXPLAINING DECISIONS

Research demonstrates that offenders are more likely to accept and follow protective orders if they experience the elements of procedural justice during a domestic violence case.

In Minnesota's Family Court Fairness Study, for instance, it was found that litigants who received a full explanation from the judicial officer and reported fair treatment were more likely to comply with court orders, even if the case outcome was unfavorable.

CONVEYING NEUTRALITY

Domestic violence cases are complex and emotional, and it is not uncommon for litigants to perceive the court process as biased or unfair. If a litigant is waiting all morning for their case to be heard, they may take it personally and believe there is favoritism towards those called before them. Even basic court procedures and interactions between judges and court staff, such as sidebar conversations or joking during a bench conference, may be misinterpreted by litigants. What's more, court staff may not be aware of their own implicit biases and how this might be projected during court proceedings.

How can courts convey neutrality during proceedings?

Here are some practical tips to convey neutrality:

- 1. Train all court staff on implicit bias.** Judges and court staff should attend trainings to enhance their cultural responsiveness and awareness of implicit bias. Discuss these new skills during performance reviews so that court staff can receive feedback on their interactions with litigants.
- 2. Explain the court process.** The court can reduce the risk of perceived bias by explaining, in plain language, the order in which cases are called and the process by which decisions are made.
- 3. Address all parties neutrally.** Judges should address all parties neutrally by using their name and making eye contact. They should ask informal questions and explain the needed information in ways that work for those with and without counsel. Judges should treat all lawyers respectfully and avoid joking with either party, which might be misinterpreted by litigants.
- 4. Explain the use of bench conferences.** Bench conferences or sidebars are often used to protect sensitive or confidential information but can easily be misinterpreted by litigants. Judges should explain the purpose of the sidebar and encourage lawyers to summarize the conversation for their client afterwards.

GIVING VOICE

In many courtrooms, domestic violence litigants are not given an opportunity to have their voices heard—whether to present their case as a self-represented litigant, ask questions about their case as a defendant, or give feedback on their overall court experience. Some litigants feel too overwhelmed by the court process to clearly express themselves. Others may be willing to share their experience, but are never given the opportunity. When domestic violence litigants are invited to share their perspective, they are more likely to accept the court’s decision and follow-up with assistance that is offered. Giving “voice” can take many forms (many of which have been listed above), such as giving litigants the opportunity to fully explain their position, or to provide feedback through a survey or comment box.

What opportunities exist for litigants to express themselves in court, present their side of a case, and report on their court experience?

Here are some practical tips to give litigants a voice:

1. **Ask questions.** Ask open-ended questions, whether directly or through an attorney, to give litigants an opportunity to tell their side of the story and to ensure they understand what is happening. Use questions that invite more than a simple “yes” or “no” response.

CRIMINAL COURT EXAMPLE

A judge presiding over a criminal domestic violence matter may say to the defendant, “Mr. Smith, I am signing an order of protection and you are being instructed to have no contact with Mrs. Smith until your next court appearance in 30 days. If you attempt to contact her, you will be arrested and face felony charges for violating the order of protection. It is important to me that you understand what is expected of you. What questions do you have for me?”

CIVIL COURT EXAMPLE

A judge presiding over a civil case may say to the victim, “Mrs. Smith, I am issuing an order of protection on your behalf which provides that Mr. Smith should have no contact with you until the next court appearance in 30 days. If Mr. Smith attempts to contact you, you can call the police and they should arrest him or you can come back to court and file a violation petition and ask for additional relief. Do you understand your rights under this order? It is important to me that you understand how you can enforce this order. What questions do you have for me?”

- 2. Elicit feedback from litigants.** Provide opportunities for litigants to comment on their experiences and provide feedback through comment boxes in the courthouse and on the court website. At the end of court proceedings or when they are exiting the building, invite litigants to leave comments or complete a survey on their court experience. Comments should be reviewed on a regular basis and used to inform staff trainings, individual performance reviews, and new policies.

SURVEYING LITIGANTS

As part of their Family Court Enhancement Project, the Multnomah County (Oregon) Circuit Court conducted a survey to better understand litigants' experiences in family court. The one-page survey inquired about why the respondent was at the court and examined the basic tenets of procedural fairness. Based on the results, the court offered training and placed an emphasis on procedural justice with all court stakeholders.

Resources

There are many useful resources to help courts and domestic violence stakeholders incorporate elements of procedural justice, such as:

- The Center for Court Innovation offers materials and training and technical assistance at: <http://www.courtinnovation.org/topic/procedural-justice> and training videos at: www.goo.gl/Z8MAbz. For more information or to request sample scripts for judges, contact the Center for Court Innovation's domestic violence team at: dvinfo@courtinnovation.org.
- Procedural Fairness for Judges and Courts is a web-based clearinghouse for information on procedural fairness research and best practices: <http://www.proceduralfairness.org>.
- The National Center for State Courts created CourTools, which offers tools to help courts measure their accessibility and fairness: <http://www.courtools.org/Trial-Court-Performance-Measures.aspx>.

Endnotes

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Appendices

A. PROCEDURAL JUSTICE SELF-ASSESSMENT

B. PRACTICE TIPS FOR SELF-REPRESENTED LITIGANTS

C. PRACTICE TIPS FOR LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

APPENDIX A:

PROCEDURAL JUSTICE SELF-ASSESSMENT

A self-assessment provides an opportunity for courts and community stakeholders to take inventory of current practices and identify areas that may need improvement. This self-assessment, in particular, is designed for courts and stakeholders handling domestic violence cases—including criminal, family, and civil matters—to help assess the elements of procedural justice. The tool is divided into sections that correspond to the domains of procedural justice as outlined in the practice guide. It can be administered by individual local court personnel, or be led by a statewide agency, such as the Administrative Office of the Courts. Responses can be used to inform the development of new policies and procedural justice initiatives.

PROMOTING HELPFULNESS					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
We conduct outreach to community centers to inform the public about the courts. Outreach targets LEP and underserved populations.					
Our court's website is updated, clear, and includes important forms. Information is available in multiple languages.					
The courthouse appears inviting and clean.					
There is a safe waiting area for domestic violence victims.					
The court has special facilities for children.					
Entrances and elevators are accessible for individuals with disabilities.					
Signage is accurate and clear.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

DEMONSTRATING RESPECT					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Judges and court staff are trained on procedural justice.					
Procedural justice is reinforced during staff meetings and performance reviews.					
Security screenings are conducted with respect.					
Court staff are trained in and demonstrate effective communication.					
Court begins on time and bench officers explain what will happen procedurally at the beginning of each court session.					
Judges introduce themselves and make eye contact with litigants.					
Signage is accurate and clear.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

ENSURING UNDERSTANDING					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
The court provides information desks or factsheets that are written in plain language and available in multiple languages.					
The court offers legal assistance at low or no cost to litigants.					
Self-represented litigants are informed of court rules, procedures, and resources.					
Key information is conveyed in plain language without the use of legal jargon and acronyms.					
Interpretation services are available for litigants with limited English proficiency.					
Judges and court staff clearly explain the court's decision and what is expected of litigants going forward.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

CONVEYING NEUTRALITY					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Court staff receive training on implicit bias.					
Judges and court staff explain the court process, including how cases are called and decisions are made.					
Judges avoid showing preferences towards either party.					
Judges treat all lawyers respectfully.					
Judges explain the purpose of bench conferences.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

GIVING VOICE					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Litigants are encouraged to ask questions.					
Litigants are given an opportunity to tell their side of the story.					
Court staff are trained to ask open-ended questions.					
The court provides user-friendly mechanisms to elicit feedback from litigants, either through the court website or in the courthouse (comment boxes, surveys).					
Litigant feedback is reviewed regularly and used to shape new policies.					
Interpretation services are available for litigants with limited English proficiency.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

APPENDIX B:

PRACTICE TIPS FOR SELF-REPRESENTED LITIGANTS

Many domestic violence litigants are self-represented and lack sufficient understanding of the court process, how to present their case, or what information is admissible. It is not uncommon for those without counsel to leave court without understanding the conditions of a court order, what is expected of them, or how to access resources. **The following tips will help promote procedural justice and improve case outcomes for self-represented litigants:**

- Assess the court’s website and ensure that essential information is easy to find, up-to-date, and comprehensible for court users. Important forms should be available online and available in multiple languages to help individuals come to court prepared.
- Train all court staff on procedural justice and self-represented litigants and how to provide legal information without offering advice or compromising neutrality.
- Offer information desks and self-help centers within the courthouse or on the court’s website that provide a range of information for victims and self-represented litigants including brochures, tip sheets, videos, and guides on court rules, proceedings and available resources. Specific information for domestic violence victims on certain protections and resources should also be available. Ensure that forms are easy-to-read and available in the jurisdiction’s major languages.
- Offer targeted legal assistance and victim advocacy at low or no cost by using people with legal training (attorneys, paralegals, and law students) to help litigants read instructions and fill out forms. Consider unbundling attorney services – making attorneys available for discrete tasks rather than an entire case – to maximize attorney resources.
- Judges should address all parties neutrally by using their name and making eye contact. They should ask informal questions and clearly explain the reasons why information is needed.
- Use plain language and minimize legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided for litigants with limited English proficiency.
- Judges should explain, in plain language, how decisions are made and provide information on what is expected of litigants, including conditions of court orders and how to complete or obtain any necessary forms. Take a short recess if litigants seem unsure or confused. If cases are dismissed, judges should take the time to explain the reasons why. Ideally, decisions will be provided both in writing and verbally.
- Ask open-ended questions, whether directly or through an attorney, to give litigants an opportunity to tell their side of the story and to ensure they understand what is happening. Use questions that invite more than a simple “yes” or “no” response.

APPENDIX C:

PRACTICE TIPS FOR LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

The court experience can seem confusing and daunting for anyone, and language barriers only exacerbate confusion and feelings of mistrust. **The following tips will help promote procedural justice and improve case outcomes for domestic violence litigants with limited English proficiency:**

- Conduct outreach to community-based multicultural community centers to help build trust among underserved populations and foreign-born individuals who, depending on their country of origin, may mistrust the courts or other government institutions. Create easy-to-read flyers or FAQ sheets that help litigants understand what will happen during their court proceeding. These FAQ sheets should be accessible in the region's common languages.
- Assess the court's website and ensure that essential information and forms are available in multiple languages.
- Assess courthouse signage for comprehensibility, accuracy, and linguistic responsiveness. Signs should be easy-to-read, posted at eye level, and include multiple languages.
- Train all court staff on procedural justice and cultural responsiveness. Trainings should be attended by all applicable stakeholders including the judge, clerks, court officers and security, defense, prosecution, probation, and child welfare to improve the overall courthouse culture.
- Broker partnerships with culturally and linguistically-responsive community-based organizations and invite them to participate in stakeholder meetings. During these meetings, partner organizations can advise court stakeholders on minority cultures in the community, appropriate interactions, and ways to acknowledge diversity in the courthouse. Linkages should be established to help connect litigants to appropriate services.
- Offer information desks and self-help centers within the courthouse or on the court's website that provide a range of information for victims in the jurisdiction's major languages. This includes brochures, tip sheets, and informational videos.
- Use plain language and minimize legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided during all court proceedings for litigants with limited English proficiency.
- Ensure that all interpreters have received training on procedural justice, domestic violence, and available resources.

Building 2-Detention

District Court

Civil
Probation

Small Claims
Traffic Citation

Sheriff

Civil
Criminal

Emergency Services
Jail

Detention
Esc
20
2025

INFORMATION **Building 1 LOBBY**

Auditor

Elections
Marriage Licenses

Motor Vehicle Licenses
Recording

Assessor

Assessor Parcel Maps
Property Records

Senior Citizen
Tax Exemption

Central Services

Data Processing

Commissioners

Board of County
Commissioners

Chief Administrative
Officer

Environmental Health

Food Handlers Permits
Septic Permits

Sanitation Desk Sign
Water Sample Test

Building Dept.

Delivery Permits
Moving Permits

Building Permits
Mechanical Permits

Mobile Home Permits
Plumbing Permits

PLANNING DEPARTMENT

Treasurer

Excise Tax Payments
Property Tax Payments

Tax Certificate For
Mobile Home Movement

INFORMATION **Building 1 LOBBY**

Auditor

Elections
Marriage Licenses

Motor Vehicle Licenses
Recording

Assessor

Assessor Parcel Maps
Property Records

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Officer

Environmental Health

Food Handlers Permits
Septic Permits

Reception Desk, Info
Water Sample Test

Building Dept.

Driveway Permits
Moving Permits

Building Permits
Mechanical Permits

Mobile Home Permits
Plumbing Permits

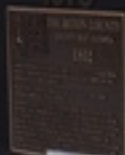
PLANNING DEPARTMENT

Treasurer

Excise Tax Payments
Property Tax Payments

Tax Certificate For
Mobile Home Movement

DEDICATED
to the
CITIZENS
of
THURSTON
COUNTY
1978

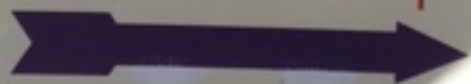


Clerk
Prosecuting Attorney
Superior Court



Perk You Up **Espresso**

Mon-Fri 7:30am to 3:30pm



Daily Drink Specials

Pastries-Snacks

2 Punch Thursdays

Building 2 - Court

Clerk

Prosecuting Attorney

Superior Court



CENTER
FOR
COURT
INNOVATION

A black and white photograph of a courthouse building. A large, leafy tree is in the foreground on the right. On the left, a banner hangs vertically with the text 'JUDICIAL BRANCH' and 'COMMUNITY'. The building has a stone facade and arched windows. The title 'IMPROVING COURTHOUSE SIGNAGE' is overlaid in large, white, outlined letters.

IMPROVING COURTHOUSE SIGNAGE

Procedural Justice Through Design

<i>author</i>	<i>date</i>	<i>about</i>
Raphael Pope-Sussman Senior Writer Center for Court Innovation	2015	This publication was supported by Grant No. 2011-DC-BX-K002 awarded by the Bureau of Justice Assistance to the Center for Court Innovation. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. Photos by Michael Falco and Emily Gold LaGratta.

IMPROVING COURTHOUSE SIGNAGE: PROCEDURAL JUSTICE THROUGH DESIGN

INTRODUCTION

Few government facilities are lauded for their welcoming atmosphere. Picture the typical motor vehicle department or post office with long lines, grey walls, and a cold, institutional feel. Courthouses pose particular challenges to user-friendly design given security concerns and a tradition of imposing architecture. But what if the physical atmosphere of the justice system is actually working against one of its fundamental goals? Could a more accessible and respectful atmosphere enhance the legitimacy of the courts?

Over 20 years of sociology research suggests that the answer is yes. The concept of “procedural justice” has been examined in a variety of contexts—from courthouses to corporate workplaces. The research shows that when people feel they have been respected and understand the process, they are more satisfied and more likely to accept decisions, even ones they might view as unfavorable. In the justice system, minor adjustments like helping court users to navigate a courthouse may translate into increased compliance with court orders and enhanced perceptions of legitimacy. Yet courts often remain unwelcoming and opaque to those who pass through.

A recent experiment at the Red Hook Community Justice Center in Brooklyn set out to test how graphic design strategies and new signs could change the look, feel, and navigability of a courthouse—and improve perceptions of fairness along the way.

RED HOOK COMMUNITY JUSTICE CENTER

Launched in 2000, the Red Hook Community Justice Center is a neighborhood-based court that seeks to improve public safety, reduce the use of incarceration, and promote public trust in justice. Operating out of a refurbished Catholic school in the heart of a geographically and socially isolated neighborhood in southwest Brooklyn, the Justice Center seeks to solve neighborhood problems using a coordinated response. A single judge

hears neighborhood cases from three police precincts (covering approximately 200,000 people) that under ordinary circumstances would go to three different courts downtown—Civil, Family, and Criminal.

In 2013, an independent evaluation conducted by the National Center for State Courts documented a range of positive results in Red Hook, including decreased use of jail and reduced re-arrest rates for participants compared to those whose cases were processed in a conventional court. The evaluators asserted that procedural justice might be responsible for these wins, citing the respectful interactions between the presiding judge and defendants, helpful staff, and an environment that is more welcoming than the larger, more anonymous downtown court.

As encouraging as these results were, the evaluators noted opportunities for improvement. Among their recommendations was providing better instructions for people entering the courthouse and information about appropriate courtroom behavior. While the Justice Center, a 26,000 square-foot building with a single courtroom, is far smaller than many courthouses, it is home to a range of services and organizations, which visitors may not be familiar with or may have trouble finding.

“The evaluators pointed out that for a court program that was so good on the procedural justice front, we were missing an opportunity to extend this thinking to the physical plant,” says Greg Berman, director of the Center for Court Innovation.

Based on the findings of the evaluation, staff from the Center for Court Innovation set out to redesign the signage at the Red Hook Community Justice Center. What follows is a description of the planning, implementation,



The security desk at the Red Hook Community Justice Center before and after the signage initiative.



Previously, visitors entering the Justice Center passed by a blank wall. That wall is now adorned with a prominent Red Hook Community Justice Center logo and the message “A Community Court Since 2000,” a reminder that this is not a traditional courthouse.

and evaluation process of the signage initiative. By highlighting how this process unfolded, we hope to encourage like-minded jurisdictions to experiment with their own signage improvement projects.

PLANNING

The first step was to assemble a team. Emily Gold LaGratta, who leads procedural justice efforts at the Center for Court Innovation, identified a core group of Justice Center staff and representatives from partner organizations to help guide the project. LaGratta knew that the project would require input and buy-in to be successful. A year earlier, she had attempted to help the Milwaukee Circuit Court implement a similar signage renovation project, but red tape stalled the initiative.

Identifying needs

The planning team wanted the signage initiative to focus on two primary elements of procedural justice: treating people respectfully and helping them understand key procedures.

Over several weeks, the planners spoke with a broad cross-section of the court community, including judges, attorneys, and court personnel. LaGratta says these consultations were critical for gaining early buy-in. “I think the various stakeholders were enthusiastic about this project because they really got to shape it—and saw that, in some cases, it would make their jobs easier,” she says. “People are much more amenable to change if they feel they have a seat at the table.”

Questions the planners asked included:

- Are there opportunities to explain the mission and function of the Red Hook Community Justice Center to court participants?
- How can courtroom rules be efficiently and respectfully explained to all court users?
- How can resources be made more accessible and identifiable throughout the building?
- What key terms or places need definitions or explanations? Are there words or phrases currently being used that could be rephrased to improve clarity and understanding?

The team also conducted walk-throughs of the Justice Center. While Red Hook is viewed as a national leader in community justice, the interior of the courthouse was less than welcoming in places. Many signs in the building were home-made, either handwritten or printed hastily on plain paper. Hallways and doors were dirty and in need of a fresh coat of paint. “The messaging coming across through the signs and environment didn’t seem to match the mission of the court,” says LaGratta.

To document these conditions, the planning team took high-resolution photographs throughout the courthouse, focusing on heavily trafficked areas like the lobby and the corridors near the courtroom. The team arranged for researchers to conduct a two-week survey of court users about their experiences in the building.

These data points would serve as a useful reference throughout the planning process and as a baseline for comparison after the installation of the new signage.

According to LaGratta, “We began the process with some initial ideas, but we needed to understand the experiences of the entire spectrum of courthouse users. The Justice Center staff know the building—what’s confusing or frustrating and what’s working well—and they were able to talk about common complaints or questions from the public.”



Before the signage initiative, handmade signs were a frequent sight at the Justice Center.

Choosing a design partner

The next step in the process was to look for help with design. The planning team wanted a graphic designer who shared their vision and understanding of improving perceptions of fairness, and who could offer innovative designs that were appropriate for the context of the justice system. Flexibility and a willingness to work collaboratively and iterate were musts. The views of stakeholders would have to be incorporated, and the New York State Office of Court Administration would need to sign off on the final designs.

Several local design firms submitted proposals for the project. The team selected Zago, a New York-based design shop focused on social impact. Zago had previously designed the Center for Court Innovation's website as well as several printed publications for the Center. The designers understood the challenges and were willing to work within a relatively modest budget. Zago proposed using paid design interns as the primary workforce for the project, with supervision provided by the firm's director.



Helping court users navigate the courthouse was a priority. Here, the cashier and court clerk window before and after the signs went up.

Setting goals

To begin the design process, the planning team brought the designers to the Justice Center for a guided tour. Based on the results of their information gathering, the planning team and Zago identified three initial priorities for improving procedural justice through improved signage: create a welcoming atmosphere at the courthouse, help court users navigate the building more easily, and communicate rules and procedures clearly and respectfully.

Create a welcoming atmosphere: The Justice Center strives to improve confidence in justice, and to make the justice system more accessible, so one focus was making its mission more apparent before visitors even walk in the door. The simple, elegant architecture and the human scale of the building, formerly a parochial school, feels more welcoming than traditional courthouses. But the planning team felt that additional logos and welcome signs would more clearly represent the Justice Center’s commitment to procedural justice.

Help court users navigate more easily: Improving navigability centered on two primary tasks: re-designing building directories and designating clear pathways to the facility’s most frequented locations. The building’s prior directory was on the main floor only. Etched in glass, it was beautiful but difficult to read and prohibitively expensive to edit, rendering it obsolete shortly after it was installed.

Communicate rules and procedures clearly and respectfully: A courthouse necessarily has many rules. Staff had developed an array of self-made signs over the years in response to frequently asked questions, as well as rules frequently broken by visitors.

Flagging areas that are off-limits to the general public was another recurring need. On the first floor, many doors had a handmade “Restricted Area” sign.

Changing these signs seemed like an easy opportunity to respectfully articulate expectations for behavior in the building.

The project focused on adhering to fundamental design principles such as the use of a consistent, legible font type and size and placement of signs at eye level. Special care was also given to ensuring that the signs matched the existing branding of the Red Hook Community Justice Center, including the use of its signature shade of red.

On a practical level, the planning team wanted the new signs to be simple, replicable, and cost-effective. Signage materials were chosen with durability and adaptability in mind. The new signs would need to be tough enough for a high-use setting, but affordable and easy to modify in response to changes in programming. The team also wanted designs that could be adapted for use at other local projects.



New signs outside the courtroom politely and clearly present rules for courtroom behavior.

Adhering to a budget

The planning team wanted the signage project to be ambitious and to visibly change the Justice Center, but they also knew they weren't going to be able to give the entire building a makeover. A signage project was uncharted territory, and both time and money were limited. (A preliminary proposal had called for a budget almost triple the amount that was ultimately spent.) The team, with Zago's help, sought to use affordable materials and restrict the scope of the project to control costs.

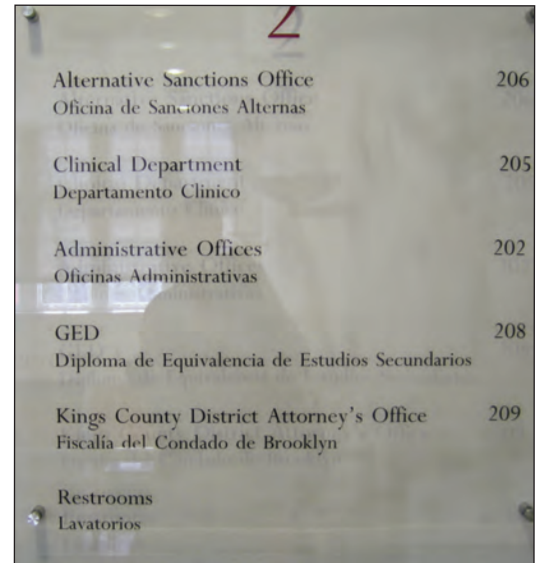
Defining parameters

There were serious obstacles to changing certain kinds of signage. For example, one need identified during the information-gathering stage was the holding cell area in the basement. The planners felt that the holding cells would benefit from better messaging to detained offenders. But they ultimately decided that crafting appropriate messaging for these offenders would be too complex for the initial phase of the project. Addressing holding cell signage later on would allow the planners to draw on lessons from Phase One and give them more time to get the messaging right. The holding cells are also under the jurisdiction of the New York Police Department, so approval would have required yet another layer of review, which might have further delayed implementation.

Dividing the work into phases

After LaGratta's experience with the Milwaukee signage project, she wanted to aim for achievable, realistic wins to start. "This was particularly important with time and money in short supply, but also to gain some credibility with key stakeholders through a 'baby steps' approach," she says.

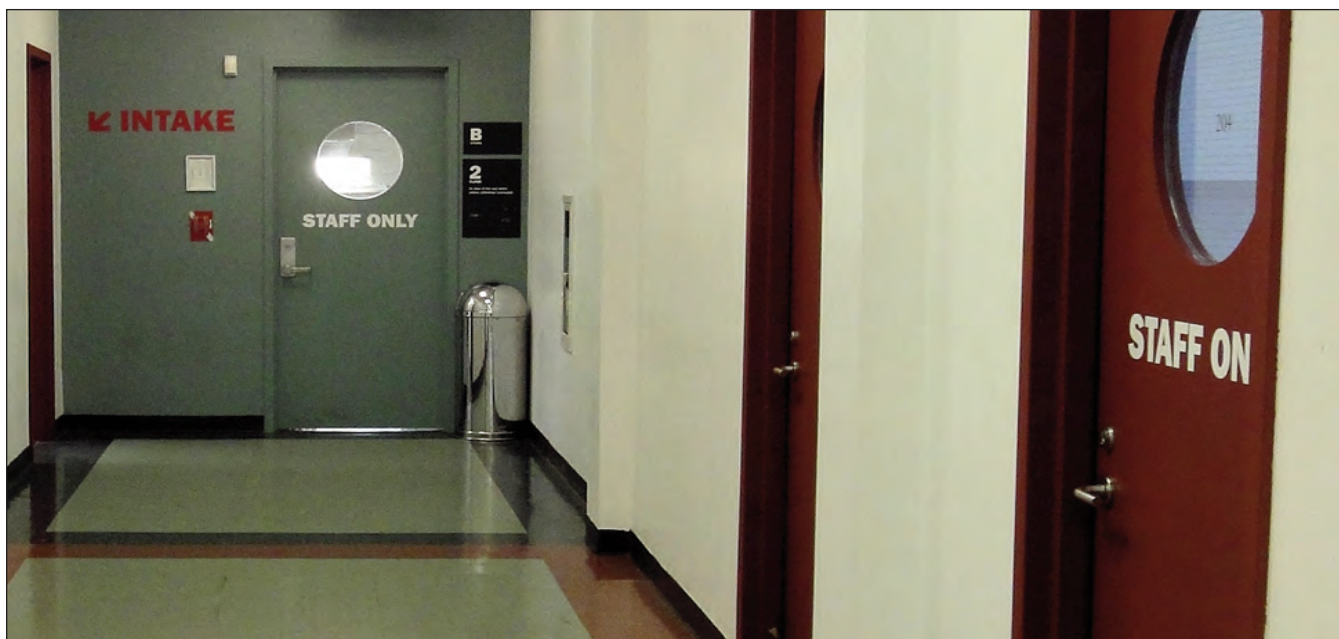
Thus the project was divided into phases. The first phase would focus on four primary tasks: re-designing building directories, designating clear pathways to the facility's most frequented locations, making the building entrance more welcoming, and creating user-friendly signs about building rules. Issues that could not be



The old etched glass directories were attractive but presented limited information and could not be updated.



New directories were made out of vinyl, which can be removed from the wall and updated easily and inexpensively.



Prominent labels were added to doors and hallways throughout the building.

addressed in Phase One, such as the signage for the holding cells, were documented, to be considered for inclusion in a later phase.

DRAFTING

Once the planners and Zago had agreed on a rough scope for the project, they began the process of testing out designs. An early proposal included designs as well as explanations of font and color choices. The color scheme was drawn from the colors already in use around the building—the greens of the doors, the blacks and reds of the floor tiles, and the whites of the walls—to create a cohesive theme. Zago also provided maps of the courthouse, as well as illustrations and renderings of the building with the proposed signage.

Consulting stakeholders

The planning team carefully examined Zago's draft designs, seeking input from relevant stakeholders when necessary. For example, initial drafts included a welcome sign translated into three languages other than English: Spanish, Mandarin, and Arabic. The planners reached out to interpreter staff in the court system for suggestions on other languages to include on the list, based on data showing annual interpretation requests for the court. But the interpreters pointed out that given the linguistic diversity of the city—particularly in southwest Brooklyn—including languages beyond English and Spanish might grow the list to 10 or more languages. The

sign was revised to include only English and Spanish, an imperfect but necessary compromise that prioritized clarity over inclusivity.

The planning team also consulted agency partners with offices located within the Justice Center, including the Legal Aid Society and the Brooklyn District Attorney's Office. Both requested tailored messaging for their respective offices to address their specific needs. While this messaging was crafted by each agency, the tone and formatting were consistent with the rest of the building's signs.

Rethinking language

As the project progressed, the planners identified and documented smaller challenges that needed resolving before the larger goals could be achieved. Redesigning the directories revealed that some of the room names were inherently confusing and could be improved. For example, the room that all defendants must report to after seeing the judge to complete community-based sanctions was called "Alternative Sanctions" (or "Alt Sanc" for



An important facet of the renovation was making language clear and comprehensible to visitors. The "Alternative Sanctions" department was renamed "Intake."

short). While this name was perfectly logical to court staff, it was somewhat of a mystery to court users, particularly those with limited English proficiency. After much deliberation, the room was renamed “Intake”—a short and accurate description of the room’s purpose.

Some changes were controversial. Toni Bullock-Stallings, assistant deputy chief clerk at the Justice Center, pointed to a signage change in the clerk’s office. An area that had been known as the “Housing Resource Center” was relabeled “Help Desk,” even though a housing specialist still sat behind the desk. “This sign is too generic because people see it and think they can ask for help with any problem,” says Bullock-Stallings. Project planners had favored the change because the building lacks a dedicated and designated place to direct questions. “The alternative was that court users would have no one designated to answer questions, or would simply never ask questions,” says LaGratta. “Having the housing specialist triage the situation and make any necessary referrals was much more in line with the mission of the Justice Center.”

Revising along the way

Originally, project planners had identified signage in the courtroom as a central focus of the first phase. They discussed creating signage that would communicate the rules of the courtroom and the goals of the Justice Center and explain to visitors frequently used terms and the role of each person in the courtroom. However, they found the process of drafting language far more complicated and freighted than they had originally envisioned. To keep the project moving forward, the team ultimately decided to limit their intervention in the courtroom to the list of posted rules, with the understanding that further changes could be explored in a later phase.

Over the course of the project, the planners reviewed and revised several drafts from the design team, offering comments, line edits to language, and suggestions. Midway through the process, stakeholders, including representatives from the Office of Court Administration, had the opportunity to offer feedback.

The original Zago proposal had suggested a timeline of 8 to 12 weeks, plus fabrication time; the project actually took much longer.

Julian Adler of the Center for Court Innovation admits that the planners’ original timeline was overly ambitious. “To do this right, we needed to have several layers of review—by Justice Center staff, partners, and the court system,” he says. “If we had skipped any one of those steps, we would have faced the possibility of our signs being removed as soon as they went up.”

FINALIZING

After all of the iterations and fine-tuning, project planners and Zago brought a proposal back to the Office of Court Administration for approval. This was the final green light needed before printing.

The printing process was straightforward. The team bid out the job to three signmakers, pricing out different materials—vinyl versus plastic—for signs that would be frequently touched, such as those in hallways and on bathroom doors.

INSTALLATION

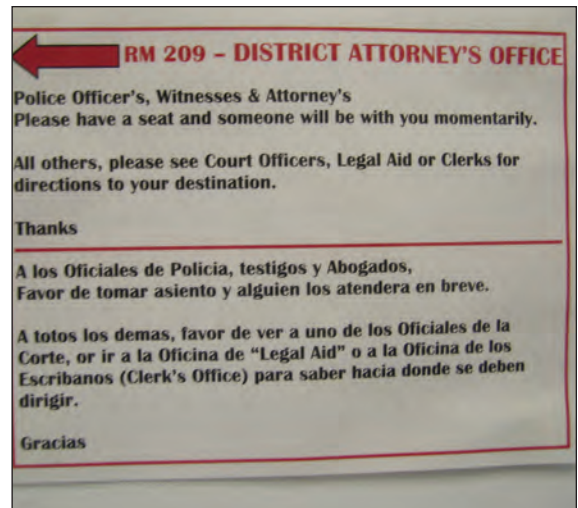
The installation was scheduled over a few days. To prep the space, walls and doors were painted and old signs removed.

By the end of the first day of installation, the new signs had transformed the look and feel of the Justice Center—which presented a bit of a shock to some staff. Throughout the process, planners had been in communication with the staff in the building, but some seemed initially put off by the new signs.

While the planning team had scheduled the installation for certain dates, many staff members were caught by surprise when the installation team arrived. Some expressed frustration at what they perceived as a failure of communication. “The problem dissipated once staff got used to the changes, but we definitely missed an opportunity to review the planning process and explain how staff could provide feedback going forward. We overlooked one the key tenets of procedural justice that motivated the entire project,” LaGratta says.

EVALUATION

Two months after the signs were installed, researchers conducted a follow-up survey of court users to measure the signs’ impact. One key finding: court users were five times more likely to report that they found their destination using signage. Nearly one in four court users attributed feeling welcome in the Justice Center to the building’s signage, compared with just 7 percent before.



The old handmade signs were flimsy and the text was often wordy and difficult to read.



The new room signs are made of durable hard plastic and communicate information through the use of simple labels and crisp, legible lettering.

Judge Alex Calabrese, who has presided over Red Hook's courtroom since it opened in 2000, says the signs have made the Justice Center run more efficiently. He believes they make life easier for visitors, changing their perceptions of the court process. "Reducing confusion helps people understand that they are important to us," Calabrese says. "These signs underscore our mission to treat everyone with respect."

CONCLUSION

The Red Hook signage project represented a new approach to procedural justice. The Center for Court Innovation had previously applied the concept to courthouse architecture, training, and program development, but it had never attempted to use signage to create a more welcoming atmosphere for visitors. In the days ahead, the Center hopes to refine its approach to courthouse signage and to look for new opportunities and new locations to improve.



The new signage mirrors the Red Hook Community Justice Center's commitment to procedural justice.

Center for Court Innovation

The Center for Court Innovation is a non-profit organization that seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to improve public safety, reduce incarceration, and enhance public trust in justice.

For more information, call 646 386 3100 or e-mail info@courtinnovation.org.

C E N T E R
F O R
C O U R T
I N N O V A T I O N

Center for Court Innovation

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New York, New York 10018

646 386 3100 Fax 212 397 0985

www.courtinnovation.org

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
LEGAL ADVICE – LEGAL)	Administrative Order
INFORMATION GUIDELINES)	<u>No. 2007 - 28</u>
MANDATORY SIGNAGE)	
_____)	

Administrative Order No. 2006-40 entered on May 3, 2006, established the Legal Advice – Legal Information Guidelines Task Force to review materials and information gathered from other states that have adopted policy statements, develop standards adopting authoritative distinctions between legal information and legal advice for guidance to court staff, and to determine the best method(s) for implementation of the proposed guidelines in Arizona’s courts that will promote consistent quality service. The Court further ordered the Task Force to provide a final report and recommendations to the Arizona Judicial Council for adoption by March 2007.

On March 6, 2007, the Arizona Judicial Council approved the Task Force’s final report and recommendations, including the recommendation that the signage in Appendix A be prominently displayed at court service counters, self-service centers, and law libraries open to the public. The Council further approved the posting of signage in Spanish at the discretion of each court.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached content is approved for posting and shall be prominently displayed at court service counters, self-service centers, and law libraries open to the public no later than December 31, 2007.

Dated this 22nd day of March, 2007.

RUTH V. MCGREGOR
Chief Justice

APPENDIX A

WELCOME TO THE ARIZONA COURTS

WE WILL BE HAPPY TO HELP YOU IF WE CAN. AS WE MUST BE FAIR TO EVERYONE, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS.

This is a list of some things court personnel can and cannot do for you:

- We can explain and answer general questions about how the court works.
- We can give you general information about court rules, procedures, and practices.
- We can provide you with the number for lawyer referral services, legal aid programs, and other services where you can get legal information.
- We can provide court schedules and information on how to get a case scheduled.
- We can give you information from your case file that is not restricted.
- We can provide you with court forms and instructions that are available.
- We can usually answer questions about court deadlines.

- We cannot tell you whether or not you should bring your case to court.
- We cannot tell you what words to use in your court papers or whether they are correct.
- We cannot tell you what to say in court.
- We cannot give you an opinion about what will happen if you bring your case to court.
- We cannot conduct legal research for you.
- We cannot talk to the judge for you or let you talk to the judge outside of court.
- We cannot alter court documents.

OUR ABILITY TO ASSIST YOU WILL DEPEND ON THE TIME AND RESOURCES AVAILABLE AS WELL AS THE SCOPE OF OUR RESPONSIBILITIES, KNOWLEDGE AND EXPERIENCE.



PLEDGE OF FAIRNESS

The fundamental mission of the Alaska Court System is to provide a fair and impartial forum for the resolution of disputes according to the rule of law. Fairness includes the opportunity to be heard, the chance to have the court process explained, and the right to be treated with respect. The judges and staff of the Alaska Court System therefore make the following pledge to each litigant, defendant, victim, witness, juror, and person involved in a court proceeding:

We will LISTEN to you

We will respond to your QUESTIONS about court procedure

We will treat you with RESPECT

공정한 재판을 위한 서약

알래스카 법원의 기본임무는 법치주의에 의거하여 분쟁의 해결을 위해 공명정대한 재판을 제공하는 것입니다. 공정하다 함은 말할 수 있는 기회, 법정절차에 대해 설명을 들을 기회, 그리고 정중한 대우를 받을 권리를 포함합니다. 그러므로 알래스카 법원의 판사들과 모든 직원들은 각각의 소송당사자, 피고, 피해자, 증인, 배심원 그리고 법정절차에 관련된 모든 사람들에게 아래와 같이 서약합니다.

우리가 당신의 이야기를 들겠습니다.

우리는 법정절차에 대한 당신의 질문에
답답하겠습니다.

우리는 당신을 정중히 대하겠습니다.

AKGUIN PICUILRIA ALLAKAKNGAUNRITLLERKAMEK

Alaskam qanercetarviim calvian ciumugta piavciluni ayukluki cali quyugcivigmek cali calivigmek tuani yum ayukucia wall' kitucia allakaukevkenaku caliaknaluku maligtakuluki alerkutet. Ukugrut, niicimallerkak, nallunaigiluteng aperturluku qanercetagviim caliara, cali piyunarkucik aulukllerka yuk qircikluku. Cukcistai cali calistai Alaska Court System-ak wanirpak pikiurtuq makunun: yuk qanercetagvigkun akiligcetarilyagamek elagautelria, qanercetarumalria, pinerluggimalria, tangvagtet, kanginaurteni elagautelria, cali yuk elagautelria qanercetagvgkun caliamii:

Wanguta NIICUGNICIKAMTEREN
APKAURUTETEN kiucikaput tunginun qanercetagviim
caliyagai
TAKAKLLUTEN aulukcikamerten

Cog Lus Kev Ncaj Ncees

Lub hom phiaj ntawm Alaska Court System yog los nrhiav thiab pub txoj kev ncaj ncees rau ntawm kev sib daws teeb meem raws li txoj kev cai tswj hwm. Txoj kev ncaj ncees muaj lub hwj tsam rau koj los hais kom sawv daws hnov, muaj lub caij nyoog rau tsev txiv txim plaub los piav txog kev plaub ntug, thiab muaj txoj cai kom ib tug sai ib tug rau txoj kev sam xeeb. Tus kws txiav txim plaub thiab cov neeg khiav hauj lwm rau ntawm Alaska Court System cog lus rau txhua tus neeg uas raug foob, txhua tus neeg raug tsim txom, txhua tus neeg ua pov thawj, cov neeg pab tus kws txiav txim plaub, thiab txhua tus neeg uas muaj feem cuam rau ib roog plaub twg tias:

Peb yuav ua zoo mloog koj
Peb yuav teb koj cov lus nug txog kev ua plaub ntug
Peb yuav saib koj rau txoj kev sam xeeb

Обещание справедливого отношения

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Мы ВЫСЛУШАЕМ Вас

Мы ответим на Ваши ВОПРОСЫ по поводу
судебного процесса

Мы отнесемся к Вам с УВАЖЕНИЕМ

COMPROMISO DE JUSTICIA

La misión fundamental del Sistema Judicial de Alaska es proporcionar un foro justo e imparcial para la resolución de litigios de acuerdo con el estado de derecho. La justicia incluye la ocasión de ser oído, la oportunidad de que el proceso judicial le sea explicado y el derecho a ser tratado con respeto. Por consiguiente, los jueces y el personal del Sistema Judicial de Alaska hacen el siguiente compromiso a cada litigante, acusado, víctima, testigo, miembro del jurado y a toda persona involucrada en un proceso judicial:

Le ESCUCHAREMOS

Responderemos a sus PREGUNTAS acerca del
procedimiento judicial

Le trataremos con RESPETO



Pangako ng Pagkamakatarungan

Ang napakahalagang misyon ng Alaska Court System ay magbigay ng makatarungan at walang kinikilingang husgado para sa pagpapasya ng mga pagtatalo alinsunod sa patakaran ng batas. Kabilang sa pagkamakatarungan ay ang oportunidad na mapakinggan, ang pagkakataong pagpaliwanagan sa proseso ng hukuman at ang karapatang taratuhin nang may paggalang. Dahil dito ang mga hukom o huwes at mga kawani ng Alaska Court System ay lumikha ng pangako sa bawat litigante, biktima, saksi, hurado, at ang taong sangkot sa isang paglilitis ng hukuman.

Makikinig kami sa inyo

Sasagutin namin ang inyong mga tanong tungkol sa
pamamaraan ng hukuman.

Pakikitunguhan namin kayo nang may paggalang.



Language
Identification
Guide

I speak...

This language identification guide is a tool for law enforcement and other criminal justice agencies to identify the language of individuals they encounter who do not speak English.



Summit County Sheriff's Office

The National Association of Judiciary
Interpreters and Translators

American Translators Association

2nd Edition — 4/06

The Purpose of This Language Identification Guide



As the limited English proficient (LEP) population continues to increase in the state of Ohio and nationwide, the number of LEP defendants, victims, and witnesses processed through the Ohio criminal justice system will also increase. This guide can help to obtain interpretive services, which is the first step in working with LEP persons. It is also intended as a resource for the criminal justice community to ensure consistent and effective interaction with LEP persons.

I speak ...



A

Arabic

أنا أتحدث اللغة العربية

Armenian

Ես խոսում եմ հայերեն

B

Bengali

আমী বাংলা কথা বোলতে পারী

Bosnian

Ja govorim bosanski

Bulgarian

Аз говоря български

Burmese

ကျွန်တော်/ကျွန်မ မြန်မာ လို ပြောတတ် ပါတယ်။

C

Cambodian

ខ្ញុំនិយាយភាសាខ្មែរ

Cantonese

我講廣東話 (Traditional)

我讲广东话 (Simplified)

Catalan

Parlo català

Croatian

Govorim hrvatski

Czech

Mluvím česky

D

Dari

من دری حرف می زنم

Dutch

Ik spreek het Nederlands

F

Farsi

من فارسی صحبت می کنم

French

Je parle français

G

German

Ich spreche Deutsch

G

Greek

Μιλώ τα ελληνικά

Gujarati

હુ ગુજરાતી બોલુ છુ

H

Haitian Creole

M pale kreyòl ayisyen

Hebrew

אני מדבר עברית

Hindi

मैं हिंदी बोलता हूँ ।

Hmong

Kuv has lug Moob

Hungarian

Beszélek magyarul

I

Ilocano

Agsaonak ti Ilokano

Italian

Parlo italiano

J

Japanese

私は日本語を話す

K

Kackchiquel

Quin chagüic'ká chabal' ruin' rí
tzújon cakchiquel

Korean

한국어 합니다

Kurdish

man Kurdii zaanim

Kurmanci

man Kurmaanji zaanim

L

Laotian

ຂອບປາກພາສາລາວ

Latvian

Es runāju latviski

Lithuanian

Aš kalbu lietuviškai

M

Mandarin

我講國語 (Traditional)

我讲国语/普通话 (Simplified)

Mam

Bán chiyola tuj kíyol mam

Mon

အဲဟို အင်္ဂလိပ်

N

Norwegian

Jeg snakker norsk

P

Persian

من فارسی صحبت می کنم.

Polish

Mówię po polsku

Portuguese

Eu falo português do Brasil
(for Brazil)

Eu falo português de Portugal
(for Portugal)

Punjabi

ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ/ਬੋਲਦੀ ਹਾਂ।

Q

Qanjobal

Ayin tí chí wal q'anjob'al

Quiche

In kinch'aw k'uin ch'e quiche

R

Romanian

Vorbesc românește

Russian

Я говорю по-русски

S

Serbian

Ja говорим српски

S

Sign Language (American)



I, ME



SIGN, SIGN LANGUAGE

Slovak

Hovorím po slovensky

Somali

Waxaan ku hadlaa af-Soomaali

Spanish

Yo hablo español

Swahili

Ninaongea Kiswahili

Swedish

Jag talar svenska

T

Tagalog

Marunong akong mag-Tagalog

Thai

พูดภาษาไทย

Turkish

Türkçe konuşurum

U

Ukrainian

Я розмовляю українською мовою

Urdu

میں اردو بولتا ہوں

V

Vietnamese

Tôi nói tiếng Việt

W

Welsh

Dwi'n siarad

X

Xhosa

Ndithetha isiXhosa

Y

Yiddish

איך רעד יידיש

Yoruba

Mo nso Yooba

Z

Zulu

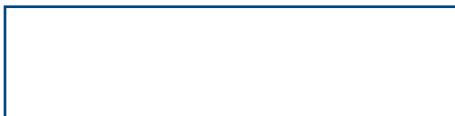
Ngiyasikhuluma isiZulu



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Criminal Justice Services**

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HOW TO WRITE GOOD LEGAL STUFF

© 2001, 2009 Eugene Volokh¹ and J. Alexander Tanford²

(Excerpt)

Group five -- words that only lawyers use, and their plain English alternatives

accord (verb) – give
acquire -- get
additional -- more
additionally – also
adjacent (to) -- next (to) or near
adjudicate -- determine/try
afforded – given
aforementioned -- none --- omit ambit -- reach or scope
any and all -- all
approximately – about
ascertain -- find out
assist -- help
as to – about
as well as – and
case at bar -- this case
attempt (verb) – try
cease – stop
circumstances in which -- when or where
cognizant of -- aware or knows
commence – start
conceal – hide
consensus of opinion -- consensus
consequence – result
contiguous to -- next to
counsel – lawyer
deem -- find/believe
demonstrate – show
desire – want
donate -- give
echelon – level
elucidate -- explain/clarify
endeavor (verb) -- try
ensue -- take place/follow
evidence (verb) -- show/demonstrate
evinced – show
exclusively – only
exhibit (verb) -- show/demonstrate
exit (verb) – leave
expedite – hurry
facilitate – help
firstly, secondly -- first, second, ...

foregoing – these
forthwith -- immediately
frequently – often
fundamental – basic
has a negative impact -- hurts or harms
indicate -- show or say or mean
individual (noun) – person
inquire -- ask
locate -- find
manner – way
methodology -- method
modify – change
narrate -- say
negatively affect -- hurt, harm or injure
notify – tell
notwithstanding – despite
numerous -- many
objective (noun) -- goal
observe -- see or watch
obtain -- get
owing to – because
period of time -- time or period
permit -- let or allow
personnel -- people
pertains to -- refers or belongs to
point in time -- time or point
portion – part
possess -- have
post hoc – hindsight
prior to -- before
procure -- get
provide -- give
provided that -- if or but
provision of law -- law
purchase -- buy
purport -- claim or intend
rate of speed -- speed
referred to as -- called
remainder – rest
render assistance -- help
request (verb) -- ask
require -- need
respond -- answer
retain -- keep
said (adjective) -- the or this ("this contract" not "said contract")


stipulates – says
subsequent -- later
subsequent to – after
subsequently -- after or later
substantiate – prove
sufficient -- enough
sufficient number of -- enough
termination -- end
the case at bar -- this case
the fact that – that
the instant case -- this case
the manner in which – how
upon – on
utilize – use
verbatim -- word for word
was aware -- knew
Whereas -- since/although


Court Survey


The Multnomah County Circuit Court cares about its service to the public.


Please let us know how you feel about your time at the courthouse today. Drop your completed survey in any blue box marked "Courthouse Survey." The boxes are on each floor by the stairs and in the 1st floor lobby.

You do not need to identify yourself or anyone else by name on this survey. If you have any questions about this survey, please contact Jenny Woodson at 503-988-3918 or Jennifer.I.woodson@oid.state.or.us

	Why are you at the courthouse today?		
<input type="checkbox"/> Child custody or parenting time <input type="checkbox"/> Restraining/Protective Order <input type="checkbox"/> Family Law case (not listed above) <input type="checkbox"/> Juvenile case	<input type="checkbox"/> Criminal case <input type="checkbox"/> Probation Violation or Probation Issue <input type="checkbox"/> Traffic or <input type="checkbox"/> Parking	<input type="checkbox"/> Landlord-Tenant Case <input type="checkbox"/> Small Claims Court <input type="checkbox"/> Other Civil Matter <input type="checkbox"/> Other _____	

	Who are you?		
<input type="checkbox"/> party in a case <input type="checkbox"/> attorney <input type="checkbox"/> witness in a case	<input type="checkbox"/> victim in a criminal case <input type="checkbox"/> support person <input type="checkbox"/> juror/jury duty	<input type="checkbox"/> observer <input type="checkbox"/> needed court documents <input type="checkbox"/> Other _____	

	Do you agree or disagree with the following statements?	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The people who work in the courthouse were respectful to me.						
Court staff explained things to me in ways I could understand.						
When I left, I understood what the next steps in my case were.						
I felt safe while in the courthouse.						

	If you appeared in a court hearing today, please respond to these additional statements:	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
At the start of the hearing, the Judge explained how the hearing would proceed.						
The Judge listened to me when I was speaking.						
I was able to share with the Judge the information I felt was important. (Or the Judge told me why he or she could not consider information I wanted the Judge to know about).						
The Judge conducted the hearing in a neutral manner.						
I understood what the Judge's decision was.						
The Judge explained the reasons for his or her decision.						
The Judge and staff in the courtroom were respectful to me.						

Thank you! Please use the space on the back of this page for any other comments you have.

You can complete the survey as many times as you visit the courthouse.

You can also fill out this survey on-line at <https://www.surveymonkey.com/r/NWTJ5S3>

CENTER

FOR

COURT

INNOVATION

Procedural Justice: Practical Tips for Courts

by Emily Gold LaGratta

About the Center for Court Innovation

The Center for Court Innovation is a non-profit organization that seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to improve public safety, reduce incarceration, and enhance public trust in justice.

About This Report

This project was supported by Grant No. BJA 2010-DB-BX-K050 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official positions or policies of the U.S. Department of Justice.

October 2015.



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Procedural Justice: Practical Tips for Courts

Research shows that when litigants believe the court process is fair, they are more likely to comply with court orders and the law generally. This concept – called “procedural justice” – refers to the perceived fairness of the procedures and interpersonal communications that defendants and other litigants experience in the courthouse and courtroom, as distinguished from distributive justice, which refers to the impressions derived from case outcomes (*i.e.* whether the litigant ultimately “won” or “lost” the case). Numerous studies have linked procedural justice to increased compliance with court orders and reduced recidivism.¹

This resource was developed as part of a multi-year collaboration involving the Center for Court Innovation, National Judicial College, and the U.S. Department of Justice’s Bureau of Justice Assistance, with guidance from a national advisory board of judges, court administrators, academics, and others. “Practical Tips for Courts” is a compilation of communication strategies that can be used to promote perceptions of fairness. Each of the suggested practices is tied to one or more of these critical dimensions of procedural justice: **voice** (litigants’ perception that they have an opportunity to be heard), **respect** (litigants’ perception that the judge and other court actors treat them with dignity), **neutrality** (litigants’ perception that decisions are made without bias), and **understanding** (litigants’ comprehension of the language used in court and how decisions are made).

This resource is not intended to be comprehensive but rather a sampling of the types of interactions that can enhance perceptions of fairness. For more information about procedural justice and the Improving Courtroom Communication project, please visit www.courtinnovation.org/proceduraljustice.

¹ See, e.g., Tyler, T.R. 1990. *Why People Obey the Law*. Yale University Press New Haven: London; Frazer, M.S. 2006. *The Impact of the Community Court Model on Defendant Perceptions of Fairness: A Case Study at the Red Hook Community Justice Center*. New York, NY: Center for Court Innovation; Papachristos, Andrew V., Tracey Meares, and Jeffrey Fagan. 2007. “Attention Felons: Evaluating Project Safe Neighborhoods in Chicago,” *Journal of Empirical Legal Studies*.

Courthouse environment

☐ **Security screenings**

Ensure that all security measures, such as checkpoints and/or metal detectors, are administered with respect. Court officers should be encouraged to convey procedures orally and through signage that uses clear and respectful language.

☐ **Signage**

Examine facility signage throughout the courthouse for comprehensibility. Signs should use an easy-to-read font type and size, written in plain language, and be posted at eye level. Limit the use of all capital letters and bold typeface, except for short titles and phrases.

☐ **Information desks**

Clearly designate the hours of the information desk. Re-route court participants to another source of information when the desk is closed. Anticipate and address frequently asked questions with pre-printed materials.

☐ **Accessibility**

Clearly designate handicap-accessible entrances and elevators. Ensure that oral and written instructions have ADA compliant versions for the visually and hearing impaired.

☐ **Décor**

Opt for landscape pictures or other culturally neutral images.

☐ **Feedback**

Provide court users with an opportunity to offer regular feedback via a comment box or other method. You may also consider asking community members to help audit the navigability of the courthouse.

Courtroom management

☐ Post clear courtroom rules

Rules should be simple, clearly posted, and consistent throughout the courthouse.

EXAMPLE:



Efforts should be made to use respectful language. Whenever possible, rules should be communicated in images and words, using Spanish or other common secondary languages as needed. Court staff should enforce rules using a respectful tone of voice.

☐ Explain the reason for late starts

Court sessions should begin promptly at the time scheduled to demonstrate respect for everyone's time. Thank audience members for being on time. If court does not start on time, court staff should tell the audience the reason for the delay and the anticipated start time.

EXAMPLE: *"Thank you for being here on time. We will begin court as soon as your attorneys have arrived. I appreciate your patience."*

☐ Explain the order in which cases will be called

Giving information about the order in which cases will be called demonstrates respect for those who are waiting, including friends and family who are hoping to see a detained defendant. Consider explaining why certain cases are called first to reduce the risk that the practice will be perceived as showing favoritism or bias.

During each court appearance

☐ Introduce yourself

Judges should introduce themselves at the beginning of proceedings, making eye contact with litigants and other audience members. Court staff can recite the basic rules and format of the court proceedings at the beginning of each court session. Written procedures can be posted in the courtroom to reinforce understanding.

☐ Greet all parties neutrally

Judges should address litigants and attorneys by name and with eye contact. They should demonstrate neutrality by treating all lawyers respectfully and without favoritism. This includes minimizing the use of jokes or other communication that could be misinterpreted by court users.

☐ Address any timing concerns

If court will be particularly busy, judges should acknowledge this and outline strategies for making things run smoothly. This can help relax the audience, as well as make the process seem more transparent and respectful.

EXAMPLE: *"I apologize if I seem rushed. Each case is important to me, and we will work together to get through today's calendar as quickly as possible, while giving each case the time it needs."*

☐ Explain extraneous factors

If there are factors that will affect a judge's conduct or mood, they should consider adjusting their behavior accordingly. When appropriate, judges should explain them to the audience. This can humanize the experience and avoid court users' making an incorrect assumption.

EXAMPLE: *"I am getting over the flu, so please excuse me if I look sleepy or uncomfortable."*

EXAMPLE: *“Ms. Smith: I’m going to ask the prosecutor some questions first, then I’ll ask your lawyer some questions. After that, you’ll have a chance to ask questions of me or your attorney before I make my decision.”*

□ **Explain the court process and how decisions are made**

The purpose of each appearance should be explained in plain language. The defendant should be informed if and when she will have an opportunity to speak and ask questions. Judges and attorneys should demonstrate neutrality by explaining in plain language what factors will be considered before a decision is made.

□ **Use plain language**

Minimize legal jargon or acronyms so that defendants can follow the conversation. If necessary, explain legal jargon in plain language. Litigants should be asked to describe in their own words what they understood so any necessary clarifications can be made.

□ **Make eye contact**

Eye contact from an authority figure is perceived as a sign of respect. Try to make eye contact when speaking and listening. Consider other body language that might demonstrate that you are listening and engaged. Be conscious of court users’ body language, too, looking for signs of nervousness or frustration. Be aware that court users who avoid making eye contact with you may be from a culture where eye contact with authority figures is perceived to be disrespectful.

□ **Ask open-ended questions**

Find opportunities to invite the defendant to tell his/her side of the story, whether directly or via defense counsel. Use open-ended questions to invite more than a simple “yes” or “no” response. Judges should warn litigants that they may need to interrupt them to keep the court proceeding moving forward.

EXAMPLE: *“Mr. Smith: I’ve explained what is expected of you, but it’s important to me that you understand. What questions do you have?”*

□ **Explain sidebars**

Sidebars are an example of a court procedure that can seem alienating to litigants. Before lawyers approach the bench, judges should explain that sidebars are brief discussions that do not go on the record, and encourage lawyers to summarize the conversation for their clients afterward.

□ **Stay on task**

Judges should avoid reading or completing paperwork while a case is being heard. If they do need to divert their attention, they should think about explaining this to the defendant and the audience. In general, judges should take occasional short breaks to keep themselves focused.

EXAMPLE: *"I am going to take notes on my computer while you're talking. I will be listening to you as I type."*

□ **Personalize scripted language**

Scripts can be helpful to outline key points and help convey required information efficiently. Wherever possible, scripts should be personalized – reading verbatim can minimize the intended importance of the message. Judges should consider asking defendants to paraphrase what they understood the scripted language to mean to ensure the proper meaning was conveyed.

EXAMPLE: *"Ms. Smith: I'm going to read you the three things I must consider at sentencing. It's important to me that you understand these factors. After I finish, I'm going to ask you to summarize those three things in your own words."*

Tips for certain types of proceedings

Certain types of criminal proceedings may present unique obstacles to enhancing procedural fairness. Judges should consider the following:

Bail hearings

- Ask defendants to repeat back their understanding of any orders of protection. The order should be provided in clear, plain language and typed in a large font.
- Explain immediate next steps related to probation intake or pre-trial release mandates. Consider having staff or volunteers direct defendants to the intake office.
- Ensure that instructions for a defendant's next court appearance are given clearly – both orally and in writing.
- Call and/or send written reminders of subsequent court dates. Research shows that court date reminders using procedurally just language (*e.g.* respectful tone, clear expectations) are more effective than those that only emphasize the consequences of failure to appear.

Plea hearings

- Consider ways to give voice to defendants, either directly or via their attorneys, during plea allocutions and/or sentencing hearings.
- Go beyond rote plea colloquy questions to ensure true understanding. Consider asking defendants to repeat back their understanding of what rights they are surrendering by pleading guilty.
- If a defendant seems unsure about his desire to plead guilty, offer a short recess so he can discuss with counsel and reflect on the terms of the plea. Also, consider having a clear, planned response for a defendant who wants to take a plea but also asserts that he is not guilty.
- If defendants must disclose any mental illness/medications to ensure they are of sound mind when making a plea decision, this should be clearly explained. Whenever possible, ask questions privately.

EXAMPLE: *"It's important to me that you understand your rights. For this reason, can you tell me whether you take any medications to clear your mind?"*

Sentencing

- Explain what factors will (and will not) be considered during sentencing, making it clear that while the defense attorney and prosecutors will have their say, their recommendations will not necessarily be followed.
- Describe the benefits of compliance and the consequences of non-compliance when outlining a sentence. Ask defendants to repeat back what is expected of them. Convey to defendants and to the audience that it is in everyone's best interest if the defendant is able to successfully complete his sentence.

- Provide a written summary of sentencing requirements in plain language. If the sentence includes probation or other community-based referral, briefly explain the intake process and what to expect going forward.
- Demonstrate interest in the defendant getting the help she needs to avoid future offending. Direct defendants to voluntary service providers or referrals that may be able to support them in getting their lives on track.

Addressing special populations

☐ In-custody defendants

- Be aware of holding area conditions and acknowledge the effects of detention on defendants (*e.g.* hunger, fatigue).
- Consider opportunities for defendants to acknowledge and/or interact with family members in the audience; if not possible, explain why contact with family members will not be allowed.

☐ Court users with limited English proficiency

- Focus on respectful and non-intimidating body language with limited English proficiency court users.
- Work to ensure that interpretation services are provided when needed.

EXAMPLE:



☐ Defendants with social service needs

- Make connections with local service providers. Invite reputable providers to make presentations to judicial and other court staff during lunch meetings or other trainings.
- When appropriate, refer court users to additional services on a voluntary basis. Making voluntary referrals can be a way to show helpfulness, even if court users opt not to avail themselves of those services.

☐ Other challenging populations

- Anticipate challenging or stressful populations – such as distraught family members or individuals with behavioral disturbances – by preparing scripts or other plans to respond appropriately.