



PROCEDURAL FAIRNESS

for Judicial Officers and Court Personnel

Participant Guide





This course was developed under grant number SJI-15-P-118 from the State Justice Institute. The points of view expressed are those of the course developers and do not necessarily represent the official position or policies of the State Justice Institute.

Table of Contents

Overview.....	4
LESSON 1: Introduction to Procedural Fairness.....	5
• Identify tools to build public trust and practice procedural fairness in interactions with court users and other members of the public	
• Define procedural fairness	
LESSON 2: Fairness.....	10
• Define fairness and how it is connected to procedural fairness	
• Identify the key elements of procedural fairness	
• Describe the benefits of procedural fairness	
LESSON 3: Report Card.....	15
• Describe the nature and importance of national and local public perceptions of the court	
LESSON 4: What Does Procedural Fairness Look Like?.....	19
• Identify practices and behaviors that judicial officers and court personnel can implement to promote procedural fairness	
LESSON 5: Myths.....	24
• Describe the common myths, misconceptions, and other obstacles concerning procedural fairness	
LESSON 6: Sustaining Improved Practices.....	28
• Describe how to “protect our hope” (stay optimistic despite ongoing challenges).	
• Define internal procedural fairness.	
• Identify the importance of a team approach.	
• Identify the links and resources you may use to gain access to additional information.	
Closing thoughts for participants.....	31
APPENDIX.....	32



Overview

Thank you for participating in the course, “Procedural Fairness for Judicial Officers and Court Personnel.” The guide is designed to be used primarily as part of a facilitated discussion but can also be used as a companion to the self-study course. It is recommended that, after you complete each lesson of the course, you review each corresponding section of this guide while the content is freshest in your mind.

About the course:

The course takes approximately 60 minutes to complete all six lessons. The course can be paused and resumed at any time. There are quizzes at the end of each lesson but the course will not record participants’ answers. The course has two primary goals: to provide learners with the tools to (1) build public trust and (2) practice procedural fairness.

About this guide:

This guide is organized by lesson with specific considerations for each section, including:

- **Lesson Learning Objectives**
 - These summarize the learning objectives for each module, as outlined by the course itself.
- **Review and Reflect**
 - Most lessons in the course have at least one “Activity” or quiz to test your understanding. The questions are repeated here for your reference and reflection. Answers are provided in the online course.
- **Topics for Consideration/Discussion**
 - This section outlines questions you can consider to further explore the content in each lesson. Some of these questions for consideration are role-specific: for judges or for non-judicial staff. These questions will be most valuable if participants make efforts to write down specific answers as opposed to solely reading the questions.
 - This section also includes progress checks on action items from the previous lesson.
- **Action Items**
 - Action Items are suggested activities you can engage in after each lesson, including completing the next lesson of the online course. These are optional but are suggested as concrete ways to deepen your understanding and practice and/or prepare for the next lesson.
 - Some action items are role-specific: for judges only or non-judicial court staff only.
 - Blank action items are provided for additional ideas you come up with during your coursework, such as new or enhanced practices you might try or potential policies to discuss with court leadership.
- **Key Takeaways & Resources**
 - These summarize the primary takeaways of each lesson.
 - Resources cited in each lesson are listed here, as well.
- **Notes/Questions**
 - Space is provided here for your own notes.

Resources:

Resources cited in each lesson are noted under Key Takeaways. All course resources are listed on a two-page document in the course’s Resources Tab. The “Procedural Fairness Resource Document” is included and annotated in the Appendix [here](#) – labeled according to the relevant lesson of the course.



LESSON 1: Introduction to Procedural Fairness

Lesson Learning Objectives:

As a result of completing this lesson, participants will be able to:

- Identify tools to build public trust and practice procedural fairness in interactions with court users and other members of the public
- Define procedural fairness

Lesson 1: Review and Reflect

- QUESTION 1: True or False (Check One): The appearance of doing individual justice in individual cases is a distinct purpose of courts, separate from doing justice.

ANSWER:

* NOTE: Victor Flango, former vice president of Research and Technology at the National Center for State Courts, revised the purposes of courts in 2018. Note that the reformulated version includes a specific purpose (#6): “To promote public trust and confidence in the courts,” which lists the elements of procedural fairness. This provides an even clearer mandate for courts to prioritize procedural fairness, whereas the original purposes included “to be seen as doing justice” (#2).

- QUESTION 2: True or False (Check One): Research has shown that when court users feel they’re being treated fairly (regardless of the type of court or the court outcome), they’re more likely to comply with court orders and procedures.

ANSWER:



Topics for Consideration/Discussion

What is Procedural Fairness?

- Do you have preconceptions about the value of changing court users’ and the public’s perceptions of the court? Do you think such change is possible based on how you interact with them?

- What was your instinct about what’s most influential in determining perceptions of fairness: the outcome of the case or how someone was treated along the way?

Purposes of Courts

Screenshot [Lesson 1.6]



ICM Institute for Court Management | Procedural Fairness for Judicial Officers and Court Personnel | 6 of 11
Summary: The 8 Purposes of Courts

Think about how knowing the purposes of courts impacts how you think about your work

How does your work reflect the purposes and responsibilities of courts?

How does the oath you took impact how you think about your job?


Can you “do justice” if the public we serve doesn’t actually perceive that justice is being done?

Select Next to continue

- How does knowing the “purposes of courts” impact how you think about your work? How did the purposes – as relevant to procedural fairness - change in the reformulated version?
- In what ways does your work reflect the purposes and responsibilities of courts?
- Can you “do justice” if the public we serve doesn’t actually perceive that justice is being done?
- What role does public trust play in executing these responsibilities?
- What happens if the court does not have the public’s trust?

Sample mission, vision, and values statements

Screenshots [Lesson 1.8]




Mission Statement Examples

To resolve matters fairly and timely in accordance with the law by providing an impartial, independent, and dignified forum, in order to promote respect for the Rule of Law, engender public confidence and trust, and protect individual rights and liberties

To protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes

To provide fair, efficient, and effective justice for all

To provide an independent forum to (1) resolve legal disputes in a fair, efficient, and effective manner, and (2) protect the right of all parties before the Court pursuant to state law and the state and federal constitution



Vision Statement Examples

The Court advances justice for all who come before it. We are an efficient, innovative, and accessible court system that works collaboratively with justice partners to serve the community with integrity and transparency.

The Court will resolve disputes fairly, in a manner that promotes public trust and confidence. We will be innovative, efficient, and provide equal meaningful access to justice. Judicial officers and employees will stand together with a united court culture, where all are able to achieve their very best to serve the needs of the Court and the community.

- Can you identify how these mission statements are consistent with procedural fairness and public perceptions of fairness?
- Are there any common themes among these mission and vision statements? What might be the significance of such themes?
- If your court has a mission statement, vision statement, or a statement of values:
 - How often do you consider how your work helps fulfill the court's mission?
 - How do you currently prioritize this mission in your role? How might other staff within the court prioritize this mission?

- How might the public be aware of the mission? Reflect upon how/where it is visible now.

- How often do you accomplish the goals/themes of our mission statement? How do we know if we're successful in achieving our mission?

- What role does fairness play in your court's mission? Are perceptions of fairness included? Are there any purposes or values that are at odds with fairness or procedural fairness?

- Are there other values you or your court hold that aren't reflected here? How might the public observe those values?

- If your court does not have a mission statement, vision statement, or a statement of values:
 - Are there other statements or pledges the court has made to assert its values?

 - If you were to create a values statement designed to speak to the public's skepticism or concerns about the court, what values do you think should be included and why? How might it incorporate fairness and perceptions of fairness?

 - How might we better clarify and document the court's mission or values to the public?



ACTION ITEM(S)

Before proceeding to the next lesson, please review and complete the action item(s) below. If you've identified any other action items or questions during the coursework so far, add them in the blanks below.

1. All participants: Complete Lesson 2 of the online course.
2. JUDGES:
 - Consider at least two judicial practices that might be fair *in fact* but might not *appear* to be fair or just.
 - Review the three judicial scenarios at www.proceduralfairnessguide.org.
3. COURT STAFF:
 - Consider at least two ways non-judicial practices might be fair *in fact* but might not *appear* to be fair or just.
 - Review the court staff scenario, "The Counter Clerk and the Upset Litigant," at www.proceduralfairnessguide.org.

Other action items:

Key Takeaways & Resources:

- Procedural fairness in courts concerns how fair the public perceives the courts and court processes to be.
- Court professionals can improve those perceptions by what they can do in their day-to-day work.
- Perceptions of fairness are based primarily on fair treatment, not on outcome fairness.
- This is a research-based concept informed by surveys and interviews with court users.
- Fairness and perceptions of fairness are core to the purposes & responsibilities of courts.
- Resource: [The Purposes & Responsibilities of Courts](#), Ernest Friesen video (19 minutes)
- Resource: [Purposes of Courts Reformulated](#)
- Resource: [American Judges Association Fairness Interviews](#) with nine national leaders in Procedural Fairness
- Resource: ["How Judges Can Show Respect"](#): Hon. Victoria Pratt's TED Talk. This is an excellent introduction to the topic from a judge's point of view
- Resource: [What is Procedural Justice?](#), Center for Court Innovation, 2017

Notes/Questions:



LESSON 2: Fairness

Lesson Learning Objectives:

As a result of completing this lesson, participants will be able to:

- Define fairness and how it is connected to procedural fairness
- Identify the key elements of procedural fairness
- Describe the benefits of procedural fairness

Lesson 2: Review and Reflect

- Match each element of procedural fairness to the appropriate description and discuss any points of confusion.

Elements of procedural fairness: RESPECT, VOICE, NEUTRALITY, TRUST

	Refers to an individual's ability to participate in the case by expressing their own viewpoints
	Refers to an individual's perception that decisions are made in an unbiased, transparent way
	Refers to the sense that decision-makers are trustworthy and sincere and are trying to do the right thing
	Refers to an individual feeling they are being treated with courtesy and respect. This includes showing respect for their rights.



Topics for Consideration/Discussion:

What is Fairness?

- How would you articulate the distinctions between "fairness" and "procedural fairness"? Consider how prior training and priorities may have focused on other types of fairness more than – or at the exclusion of – procedural fairness.

Key Elements of Procedural Fairness

- How would you describe each element of procedural fairness in your own words? Note that the key is in framing these elements from the court user's perspective.

Demographics

- Are you surprised that race, ethnicity, and other demographic factors are likely to influence individual's levels of trust and confidence in the court?
- Are you surprised that those same factors do not influence individuals' definition of fairness or its elements?
- How might those facts influence how this concept is put to work in your court?

Benefits of Procedural Fairness

- Which of the research-based benefits of procedural fairness were most compelling to you? Which were difficult to believe, and why do you think you are skeptical?

Explore current procedural fairness practices

- If you are a judge:
 - What are examples of each element that you or other judges already practice?
 - Which element do you think is most challenging for you to implement and why?

- If you are a non-judicial staff member:
 - What are examples of each element that you or other court staff already practice?
 - Which element do you think is most challenging for you to implement and why?

Review Procedural Fairness Guide video scenarios

If you are a judge: Watch all three video scenarios about judging, then consider:



The Multitasking Judge (5:18):
A judge conducting a hearing on whether to modify the no-contact order in a domestic-violence case pending trial also signs a stack of routine orders during the hearing.



The Computerized Judge (9:15):
A judge hearing a proceeding to terminate a mother's parental rights sits in a modern courtroom, where he accesses the court file on one computer, the court calendar on an iPad, and texts about emergency warrant requests on an iPhone. This leads to a motion for mistrial based on the judge's inattention.



The Criminal First-Appearance Docket (3:04):
A judge must process more than 100 defendants making their first court appearances in criminal cases.

- What strategies do you use to balance the need for multitasking with the need to demonstrate active listening?
- How might procedural fairness practices help to improve your practices for routine matters that have become rote for you?
- How might procedural fairness practices offer efficiencies when handling large dockets? What new practices might be worth the added time because they avoid conflict or questions down the road?



ACTION ITEM(S):

Before proceeding to the next lesson, please review and complete the action item(s) below. If you've identified any other action items during the coursework so far, add them in the blanks below.

1. Complete Lesson 3 of the online course.
2. Messaging the court's mission: Consider one new practice you could implement in your role to better assert to the public your commitment to the court's mission of fairness. This might include posting the court's mission in a highly visible area, adding the mission to your email signature, or verbally including the mission in certain interactions. Consider what approval might be needed before doing so.

Other action items:

Key Takeaways & Resources:

- Fairness is in the eye of the beholder. Fairness isn't limited to the procedures followed or the outcome at the end, but it is also about how court users experience that process.
- Perhaps counterintuitively, people care most about: "Was I treated fairly during the process?"
- Elements of procedural fairness include: Voice, Neutrality, Respect, and Trust.
- When procedural fairness elements are perceived or experienced, people are more likely to feel treated fairly and comply with what is being asked of them. Workers also experience higher job satisfaction and engagement.
- Procedural fairness principles hold true independent of demographics, but racial and ethnic minorities report lower levels of trust and confidence.
- Resource: www.proceduralfairnessguide.org
- Resource: [The Ultimatum Game](#)
- Resource: [Two Monkeys Were Paid Unequally](#)
- Resource: ["Obstacle Courts"](#)

Notes/Questions:



LESSON 3: Report Card

Lesson Learning Objectives:

As a result of completing this lesson, participants will be able to:

- Describe the nature and importance of national and local public perceptions of the court

Lesson 3: Review and Reflect

- QUESTION 1: True or False (Check One): The national average for public approval of the course is at or above 80 percent.

ANSWER:

- QUESTION 2: (Check One) Studies indicate that respect can be demonstrated to members of the public by:
 - a) Staff making eye contact with them
 - b) Staff smiling
 - c) All of the above

- QUESTION 3: (Check One) Procedural fairness helps us improve the courts and achieve our purpose by seeing our work through the perspective of the:
 - a) Judge
 - b) Court personnel generally
 - c) Court users and members of the public



Topics for Consideration/Discussion

Perception is Reality

- What do your instincts tell you about how the public would rate their trust and confidence in your court? Do you think the general public would have a different rating than recent court users? Might the answer differ if you asked your colleagues what rating they felt they deserved?

National Perception

- Click [here](#) to review the 2019 State of the State Courts survey results, conducted by the National Center for State Courts. This resource is also included in the Resource Guide in the Appendix. Go to <https://ncsc.org/survey> to see several years of survey results. How do your estimates from the previous questions align with these national averages? What are two or three interesting statistics that you'd be interested in knowing about your local court?

Local Perceptions and public opinion ratings

- If public opinion or litigant feedback data is available about your court or other local courts:
 - How does local feedback about your court compare to national averages? Why do you think local feedback is better/worse than the national averages?
 - What does local feedback suggest regarding needed improvements?
 - How was existing public opinion or court user feedback collected? How can you and your colleagues support those efforts to ensure they are useful to court staff and sustainable over time?
- If public opinion or litigant feedback data about your court or other local courts is not available:
 - What do you think your court's approval or trust rating would be? How might it compare to the national average and why?
 - Is it anyone's job in your court to collect or review feedback regularly and use it to inform needed improvements? How might you and your colleagues support efforts to start collecting public opinion or court user feedback?

- Consider and explore what methods have been tried to collect and review court user feedback. (Additional methods will be explored in the next subsection)

Review two sets of evaluation tools: [CourTools Measure 1 - Access and Fairness](#) and [Measuring Perceptions of Fairness: An Evaluation Toolkit](#)

- If you are a judge:
 - Which of the feedback questions or formats outlined in these tools would provide valuable information for judges?

 - How might having this feedback improve your practice?

 - What would be needed to implement one or more of these feedback types?

- If you are a non-judicial staff member:
 - Which of the feedback questions or formats outlined in these tools would provide valuable information for non-judicial staff?

 - How might the answer vary by role?

 - How might having this feedback improve your practice?

- What would be needed to implement one or more of these feedback types?

Progress check of Lesson 2 Action Items

- Can you identify a new practice that could be implemented to better exhibit the court's commitment to fairness and procedural fairness?



ACTION ITEM(S):

Before proceeding to the next lesson, please review and complete the action item(s) below. If you've identified any other action items during the coursework so far, add them in the blanks below.

1. Complete Lesson 4 of the online course.
2. Read the article "[What do defendants really think?](#)"

Other action items:

Key Takeaways & Resources:

- Perception is reality.
- Between 50-70% of individuals polled in a national survey think state courts are fair, including in terms of each element of procedural fairness. For example, 60% think state courts treat people with dignity and respect. 50% think state courts listen carefully to what people appearing before them. 50% think state courts are unbiased.
- Polls suggest opportunities for all courts to make improvements.
- Resource: [CourTools Measure 1 - Access and Fairness](#)
- Resource: [Measuring Perceptions of Fairness: An Evaluation Toolkit](#)
- Resource: [2019 State of the State Courts survey results](#)
- Resource: [State of the State Courts complete survey data 2014-2020](#)

Notes/Questions:



LESSON 4: What Does Procedural Fairness Look Like?

Lesson Learning Objective:

As a result of completing this lesson, participants will be able to:

- Identify practices and behaviors that judicial officers and court personnel can implement to promote procedural fairness



Topics for Consideration/Discussion

What does procedural fairness look like?

- Based on your understanding of procedural fairness so far, what are a few tangible practices you or your colleagues already use to promote perceptions of fairness?

Court appearance scenarios: First visit to court and the initial court appearance

- What aspects from the first two scenarios are similar to how court users experience your court? What is different?
- What are the first touchpoints with your court? What unintended, negative first impressions may the court be making before court users even set foot in the courtroom?
- If you are a judge:
 - As a judge, what experiences or knowledge would you like court users to have before they get to the courtroom to facilitate a smoother interaction? How might the court better provide that for court users?
 - As a judge, what are the challenges of courtroom communication in your court? What are common areas of confusion, disrespect, or other dimensions of procedural fairness that court users might experience in the courtroom?

- If you are a non-judicial staff member:
 - In your specific role, what experiences or knowledge would it be helpful for court users to have before they communicate with you? How might the court better provide that for court users?

 - What are the communication challenges in your court? Both inside and outside of the courtroom, what are common areas of confusion, disrespect, or other related dimensions of procedural fairness that court users might experience?

Organizational procedural fairness

- Scenario questions
 - In the scenario, how could court leadership have helped staff to feel heard? Did you observe other elements of procedural fairness – or lack of – in this scenario?

 - How are the elements of procedural fairness present in how staff members interact with one another, particularly from supervisors (i.e., organizational procedural fairness)? What are our aspirations for what it could look like?

- If you are a judge:
 - How do judges in your court implement or support organizational procedural fairness?

 - What unique opportunities do judges have to help improve these efforts?

- If you are a judge:
 - What unique opportunities do judges have to help improve these efforts?

 - Is there one new practice you can commit to trying before we meet again?

- If you are a non-judicial staff member:
 - What unique opportunities do non-judicial staff have to help improve these efforts?

 - Is there one new practice you can commit to trying before we meet again?

Progress check of Lesson 3 Action Items

- Discuss: “What do defendants really think?”
 - Which quotations from the report were most impactful to you?

 - Which quotations could have plausibly come from participants of our local legal system? Are there professionals in our court who use words like “irresponsible,” “menace to society,” or other disrespectful terms when referring to court users? How might we replace those labels with more respectful language?



ACTION ITEM(S):

Before proceeding to the next lesson, please review and complete the action item(s) below. If you've identified any other action items during the coursework so far, add them in the blanks below.

1. Complete Lesson 5 of the online course.
2. Read: "[Building Public Trust and Confidence Through Model Court Websites](#)"
3. Read: "[Procedural Fairness: A Bench Card for Trial Judges](#)"

Other action items:

Key Takeaways & Resources:

- Procedural fairness can take many different forms.
- Procedural fairness strategies may be role-specific.
- Procedural fairness practices and policies should build upon your local strengths.
- Procedural fairness practices and policies can also support how courts interact with their staff.
- Resource: [What do defendants really think?](#)
- [Talking About Fairness](#), Center for Court Innovation 2018. This resource is a practitioner guide on convening community dialogues about system fairness.

Notes/Questions:



LESSON 5: Myths

Lesson Learning Objective:

As a result of completing this lesson, participants will be able to:

- Describe the common myths, misconceptions, and other obstacles concerning procedural fairness

Lesson 5: Review and Reflect

- QUESTION 1: True or False (Check One): Procedural Fairness makes sense in theory, but the volume of cases makes implementation nearly impossible.

ANSWER:

- QUESTION 2: True or False (Check One): Being “nice” is an integral part of procedural fairness. If we are “nice” the public will have a good perception.

ANSWER:



Topics for Consideration/Discussion

The ten most common myths/misconceptions

- MYTH #10: Procedural fairness conflicts with the statutory requirements, rules of procedures, or local rules.
- MYTH #9: We should focus our improvement efforts on fairness and justice, not just the ‘perceptions’ of fairness and justice.
- MYTH #8: Our court staff won’t buy into this. We’ll never get everyone to participate in these types of changes. In fact, our court leadership doesn’t practice these things among the staff. Why would they with court users?
- MYTH #7: I’m only one person. My actions can’t make a difference.
- MYTH #6: Procedural fairness makes sense in theory, but our volume makes implementation impossible.
- MYTH #5: Procedural fairness won’t work at my court. We’re unique.
- MYTH #4: Implementing procedural fairness is too costly.
- MYTH #3: Practicing procedural fairness is just one more thing to do by staff who are already overwhelmed and stretched too thin.
- MYTH #2: Our court users aren’t complaining, so we must be doing a good job. It’s impossible to make all court users happy anyway. Why bother?
- MYTH #1: Procedural fairness is just about being ‘nice.’ The primary role of the courts is to hold people accountable.

- Which myth(s) did you find most difficult to accept as untrue?

Progress Check of Lesson 4 Action Items

- What new procedural fairness practices did you test since the last time we talked?

- Discuss: “Building Public Trust and Confidence Through Model Court Websites”
 - How are fairness and procedural fairness demonstrated on our court’s website? Are any of the elements of procedural fairness visible on the website?

 - What are two website features discussed in the toolkit you think our court’s website might benefit from?

 - What steps are needed to explore making those changes?

- If you are a judge:
 - What website edits would better convey local judges’ commitments to each element of procedural fairness?

 - Is there a question or concern that comes up frequently in your work as a judge that might be better addressed on the website?



ACTION ITEM(S):

Before proceeding to the next lesson, please review and complete the action item(s) below. If you've identified any other action items during the coursework so far, add them in the blanks below.

1. Complete Lesson 6 of the online course.
2. Download and begin reading [To Be Fair: Interviews About Fairness](#) (Center for Court Innovation 2017). This book contains practitioner interviews about procedural fairness from a range of perspectives, from judges to court administrators to lawyers.
3. Consider identifying a peer familiar with procedural fairness or who has taken this course who would agree to discuss the topic with you periodically to help one another troubleshoot challenges as they arise.

Other action items:

Key Takeaways & Resources:

- See the 10 myths listed above.
- Resource: [Building Public Trust and Confidence Through Model Court Websites](#)
- Resource: [Procedural Fairness: A Bench Card for Trial Judges](#)

Notes/Questions:



LESSON 6: Sustaining Improved Practices

Lesson Learning Objectives:

As a result of completing this lesson, participants will be able to:

- Describe how to “protect our hope” (stay optimistic despite ongoing challenges)
- Define internal procedural fairness
- Identify the importance of a team approach
- Identify the links and resources you may use to gain access to additional information

Lesson 6: Review and Reflect

- QUESTION: (Fill in the blank): Your organization should examine to ensure you are practicing procedural fairness internally. (Options: Hiring practices; Promotions; Personnel policies; or All of the above)

ANSWER:



Topics for Consideration/Discussion

Protecting our hope

- What are some strategies you use (or aspire to use) to stay positive and committed to your work? What’s one additional strategy you can commit to trying in the short-term?

Consider the connection of procedural fairness to personnel policies

- How might you and your colleagues review and improve your hiring and promotion practices and personnel policies from a procedural fairness perspective?

- What other roles can supervisors play in advancing this topic?

Addressing internal pushback

- What might you say or do if you observe a colleague struggling to implement procedural fairness, for example, if your colleague is communicating with a dissatisfied court user at the counter and is becoming impatient?

Reread Purpose #6 within “Purposes of Courts Reformulated”: To promote public trust and confidence in the courts

- What are the concrete ways you’ll commit to serving this purpose of courts?

- Has your view of the court’s purposes changed over time or since beginning this course?

Progress check of Lesson 5 Action Items:

- Did you identify a peer familiar with the topic who can serve as a resource to you going forward?

- Were there interviews within To Be Fair that resonated with you or sparked questions for discussion here?



ACTION ITEM(S):

You've completed all six lessons! However, your work to increase your practice of procedural fairness in your court will continue. Please review and complete the action item(s) below. If you've identified any other action items during the coursework so far, add them in the blanks below.

1. Complete an evaluation! This can be created by your group's facilitator or you can click [here](#) to take an evaluation created by the Institute for Court Management. Using this guide in hard copy format? Type this URL into your browser to access the evaluation:
<https://www.ncsc.org/pfsurvey>
2. Bookmark www.proceduralfairness.org as a resource you can use going forward. Key components include relevant research, practitioner tools and samples, and a blog.
3. Research shows that new practices take approximately two months to become routine. Set a reminder on your calendar for one and two months from now to review these materials and assess your progress.

Other action items:

Key Takeaways & Resources:

- Procedural fairness will have a stronger effect if it's a concerted effort by judges and court staff.
- We should support each other if we notice someone is struggling to implement procedural fairness.
- Resource: [To Be Fair: Interviews About Fairness](#)
- Resource: www.proceduralfairness.org
- Resource: [Procedural Fairness Blog](#)

Notes/Questions:



Closing Thoughts for Participants

Thanks again for your engagement with the “Procedural Fairness for Judicial Officers and Court Personnel” course! This participant guide, whether used in an in-person or virtual discussion with colleagues or on your own, was designed to help you and other court professionals deepen your understanding and implementation of procedural fairness practices. Our goal is to ensure that all court professionals have the tools and support they need to deliver a fair and just experience for all court users, thereby enhancing public trust and confidence in our courts.

We welcome feedback on the course and Participant Guide to help us make needed improvements. Feedback can be directed to elarning@ncsc.org, and don’t forget to complete an evaluation on the facilitated sessions you attended. Click here for that evaluation: <https://www.ncsc.org/pfsurvey>



Appendix: Website and Publication Resources

National Center for State Courts Resources

- [CourTools Measure #1: Access and Fairness](#). A tool to help courts determine how court users perceived their experience. See the complete CourTools website with all ten measures [here](#). Lesson 3
- [Procedural Fairness for Judges and Courts](#) Lesson 6
- [Procedural Fairness Blog](#) Lesson 6
- Court Review, Special Issue, [Procedural Justice and the Courts](#)
- State of State Courts survey results. This website presents six years of national survey results measuring the level of public trust and confidence in the state courts. [2019 results](#) Lesson 3
- Procedural Fairness / Procedural Justice: A [Bench Card](#) for Trial Judges. Lesson 5

Texas Municipal Court Education Center Resources

- ["Building Public Trust and Confidence Through Model Court Websites,"](#) Texas Municipal Courts Education Center, 2019. This toolkit outlines how procedural fairness principles were incorporated into a court website prototype. Lesson 5
- ["If Walls Could Talk: Can Better Court Signs Help Build Public Trust?"](#) Texas Municipal Courts Education Center, 2019. This toolkit outlines how procedural fairness principles can be incorporated into court signage.

Center for Court Innovation Resources

- ["Measuring Perceptions of Fairness: An Evaluation Toolkit"](#) Center for Court Innovation, 2015. Lesson 3
- [To Be Fair, Center for Court Innovation 2017](#). This book contains practitioner interviews about procedural fairness. Lesson 6
- [Talking About Fairness](#), Center for Court Innovation 2018. This resource is a practitioner guide on convening community dialogues about system fairness. Lesson 4
- [What Do Defendants Really Think?](#) Center for Court Innovation 2018. Study findings featuring surveys and interviews with justice-impacted individuals, including their experiences in criminal court). Lesson 4

National Association for Court Management Resources

- ["Purposes of Courts Reformulated"](#) by Victor E. Flango, May 2018, NACM Court Manager Lesson 1



Appendix: Video Resources

- [American Judges Association Fairness Interviews](#) with nine national leaders in Procedural Fairness. Lesson 1
- [“How Judges Can Show Respect”](#): Hon. Victoria Pratt’s TED Talk. New Jersey judge Victoria Pratt shares from her own experience about the effectiveness of procedural fairness. This is an excellent introduction to the topic from a judge’s point of view. Lesson 1
- [“Obstacle Courts”](#) This video from the Judicial Council of California’s Advisory Committee on Access and Fairness shows multiple scenarios highlighting the different types of accommodations courts are required to make under the ADA. Lesson 2
- [Procedural Fairness Guide](#): video scenarios with facilitator guide. Lesson 2
- [Purposes and Responsibilities of Courts](#). In this video, father of court administration Ernie Friesen introduces the original eight Purposes of Courts. Friesen compiled the Purposes over years of teaching judges and court personnel. In each course he would ask his students their views on the Purposes & Responsibilities of Courts and this is the result. In the article “Purposes of Courts Reformulated”, the original eight Purposes are also reviewed. The video is a unique chance to hear from Friesen himself on the topic. Lesson 1
- [The Ultimatum Game](#). In this game (note: the game is used in economics and other experiments), two parties interact anonymously and only once, so reciprocation is not an issue. The first player proposes how to divide a sum of money with the second party. If the second player rejects this division, neither gets anything. If the second accepts, the first gets her demand and the second gets the rest. The ultimatum game is important from a sociological perspective, because it illustrates the human unwillingness to accept injustice. Lesson 2
- [Two Monkeys Were Paid Unequally](#): an excerpt from the TED Talk: “Frans de Waal: Moral behavior in animals.” In this video, we observe an experiment with monkeys in which one monkey receives “better pay” (a grape vs. a cucumber) for performing a task. When other monkeys notice the discrepancy, they refuse to continue performing the task. The researcher proposed that humans, like their primate ancestors, have an instinct for fairness. Lesson 2
- [What is Procedural Justice?](#), Center for Court Innovation, 2017. This brief animated video provides an overview of procedural fairness and its benefits and applications in courts. Lesson 1

