

# Procedural Fairness:

## Improving Access & Justice for Self-Represented Litigants & Others in Oregon's Family Courts



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# Today's Topic

- Understanding the principles and research basis for procedural fairness
- Contextualizing procedural fairness principles with self-representation and other realities in Family Court
- Discussion of strategies and practical tools for measuring and improving public perceptions of fairness

# Procedural Fairness (PF)

Definition: The perception that you are treated with **respect** and your concerns \* are **taken seriously** by an **unbiased** decision-maker

\* Includes your **ability to understand** the encounter

**re-spect** (ri spekt/), *n.* **1.** a particular, detail, or point (usually prec. by *in*): to differ in some respect. **2.** relation or reference: inquiries with respect to a route. esteem for or a sense of the worth or excellence of a person, a personal quality or ability, or something considered as a manifestation of a personal quality or ability. *I have great respect for her judgment.* **4.** deference to

# Why Start with Procedural Fairness in discussing Self-Representation?

**FOUNDATIONAL**: Research has shown that people are more likely to:

- Accept and comply with decisions
- Cooperate in reporting problems and be involved in solutions, and
- Support and empower (with laws, funds, votes)

an institution with authority (courts, police, etc.)  
when they **feel as if the PROCESS was fair**



## “PROCEDURAL FAIRNESS” PRINCIPLES -

- Voice -- opportunity to tell side
- Neutrality
- Respect
- Engagement on human level -- listening, conversing, and explaining understandably

How *litigants* view the court system is related more to their perceived fairness of the *process* than to their perceived fairness of the *outcome*

**The public will not long entrust its confidence to a system of justice it often cannot navigate, afford, or understand.**

Former Chief Justice John Broderick,  
New Hampshire Supreme Court

- Crime rates overall have been steadily dropping the last 20 years
- But **confidence in the criminal justice system** (which includes courts) has **dropped** by over 32% in the last 10 years
- And we have a wide racial divide in perceptions of fairness nationally & in Oregon



# Research Basis

- **Immediate Effects:** PF is more influential than distributive justice (winning or losing) in determining compliance or intent to comply (Tyler & Huo 2002; Tyler and Jackson, 2012)
- **Enduring Effects:** PF can increase compliance with court orders, reduce crime, and reduce recidivism (e.g., Paternoster et al. 1997; Tyler and Huo 2002; Gottfredson et al. 2009)

## Prison survey in Slovenia -- Prison initiative in The Netherlands --



1. The guards treat inmates with respect.
2. Guards treat prisoners fairly.
3. The guards are courteous to inmates.
4. Guards explain their decisions to the prisoners.
5. The guards make decisions to handle problems involving inmates fairly.
6. Guards take time to listen to prisoners.

**RESULT: Fair and respectful treatment by prison guards promotes rule compliance and reduce grievances**



## Research re Procedural Fairness in Contested Restraining Order proceedings - 2004



- Family Court in Minnesota – restraining orders
- Random assignment at contested hearings –
  - Full explanation re ruling (+ Q & A) or just ruling
  - Research staff debriefed afterwards in separate room
- Litigants who received full explanation of ruling gave higher fairness ratings than those who didn't
- Litigants who gave high fairness ratings reported they were more likely to comply
- Litigants who *didn't* get the ruling they wanted were more likely to report planned compliance when they had fair treatment + full explanation

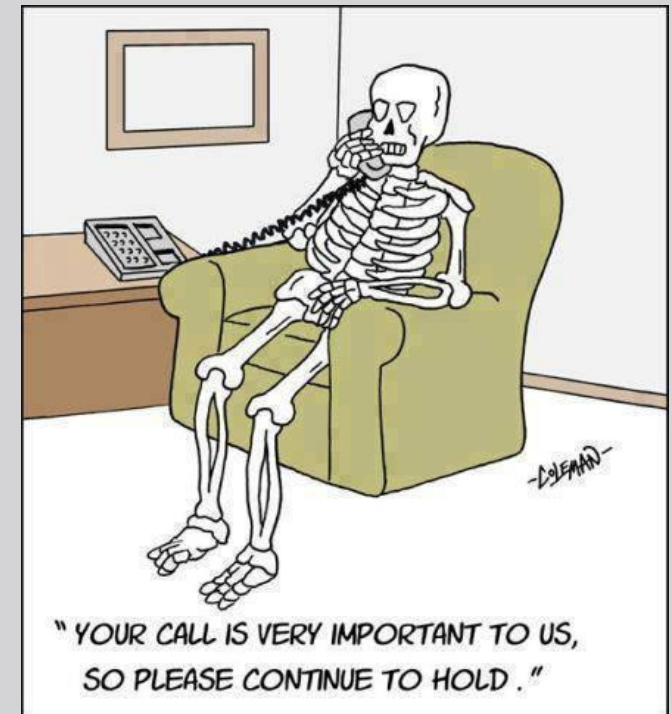
“We should treat *each encounter* between the citizens and the police, courts, and other legal actors as a socializing experience – a teachable moment – that builds or undermines legitimacy”

- Tom Tyler (Yale University) - preeminent national scholar on legitimacy, trust, and procedural Justice



# Consider a time when:

- You had to wait in a long line
- You were the lay person and someone in a position of authority failed to explain something important to you



**How did you WISH you had been treated:**

**With respect** (for your time, with eye contact,  
addressed by name)

**With an explanation of the process and what to  
expect**



Making a decision is a sign of **authority**.

*Explaining* a decision is a sign of **respect**.

*"Giving Reasons," Frederick Schauer, 47 Stanford Law Review 633 (1995)*

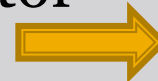


Drill Sergeant



or

Doctor



# Judges model for court staff, who are sometimes the first rung on the ladder to justice

Sometimes *attorneys* or *mediators* are the first (and only) “face” of the court process





## The public's interactions with each of us matter.



- Each of us could be the **first** stop on the ladder to justice;
- Each of us could be the **first** person someone talks to about their problem; and
- Each of us could be the **first** (or **only**) chance someone has to form an opinion about the legal system.

## *Breaking out the elements of Procedural Fairness:*

### **VOICE –**

opportunity to speak, to ask, to appeal

### **NEUTRALITY –**

consistent principles, unbiased decision-makers, transparency in process

### **RESPECT –**

treat with dignity, respect rights, be trauma-informed

### **ENGAGE on HUMAN LEVEL –**

listen and explain understandably, connect as a person



# What interferes with our providing optimal Procedural Fairness?

## Language

### Understandable Terms

Use Plain English  
principles

### Accessible interpreters

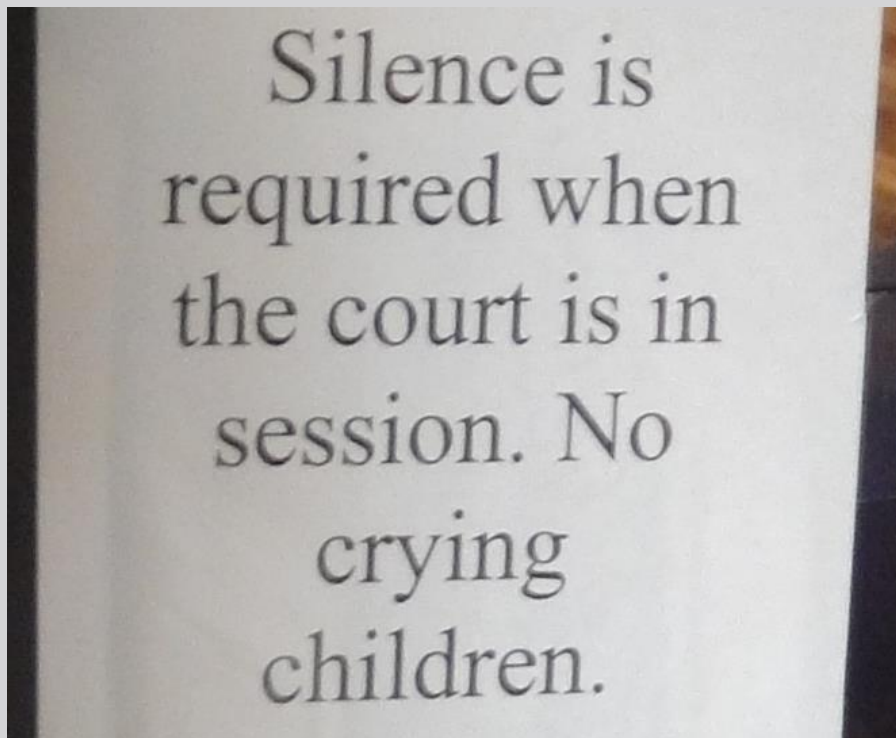


# Plain English -- principles

- Active voice, not passive
- **SHORT** words, sentences, paragraphs
- Lots of white space (350 words/page)
- Numbers that are graphical -- ①②③④⑤
- Sans serif fonts (Arial, Helvetica, Verdana)
- Font size 11-12 for body; 13-14 for heading
- No separate instructions
- Provide glossary (or parenthetical definition)
  
- FIELD TEST all forms
- + More (see hand-out)

# What undermines Procedural Fairness?

## Signage

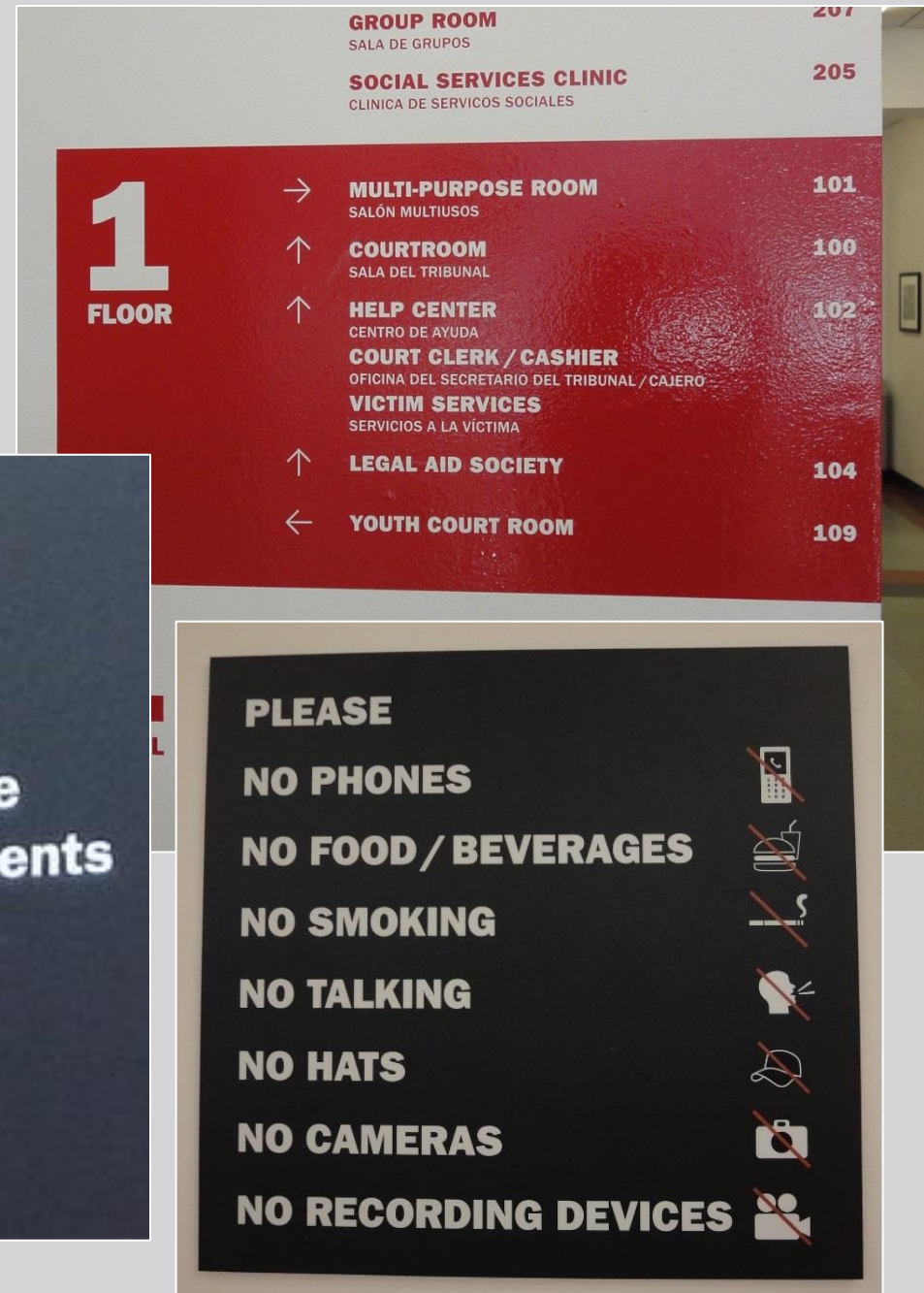


Better ?

**Questions?  
Our court officers  
are happy to help.**

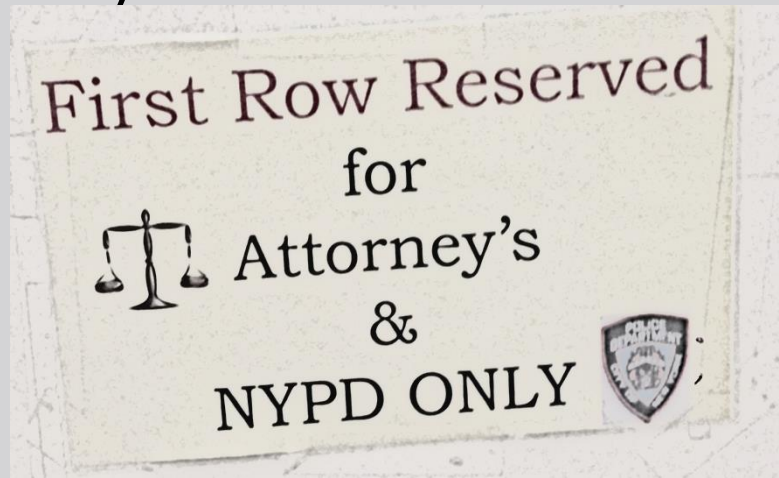
**For security screening, please  
remove your belt and all contents  
from your pockets (phones,  
wallets, coins).**

**Thank You.**





In many courtrooms:



## Perceptions of neutral decision-making require:

- Decisions must be seen to be based on facts and rules,
  - not personal opinions
- Rules are applied consistently across all people and cases

# What Helps ?

## Example:

### 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.**



**We will LISTEN to you**

**We will respond to your QUESTIONS about**

**We will treat you with RESPECT**

**공정한 재판을 위한 서약**

앞대사가 법원의 기본 임무는 법치주의에  
기각하여 본래의 재정을 위해 공정한 재  
판을 보장하는 것입니다. 공정한 재판은  
말할 수 있는 기회, 법정절차에 대해 선정을  
할 수 있고, 그리고 공정한 대우를 받을 권리를  
포함합니다. 그러므로 앞대사가 법원의  
관사와 모든 직원들은 각각의 소속국가와,  
피고, 피해자, 증인, 배심원 그리고 법정절차에  
관련된 모든 사람들에게 아래와 같이  
서약합니다.

우리가 당신의 이야기를 듣겠습니다.

우리는 범정절차에 대한 당신의 질문에  
대답하겠습니다.

우리는 당신을 정중히 대하겠습니다.

## 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 se les explique 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**  
Respondéremos a sus PREGUNTAS acerca del  
procedimiento judicial  
**Le trataremos con RESPETO**

AKGUIN PICUILRIA  
ALLAKAKNGAUNRITLLERKAMEK

Alışkanlıkların, davranışların düzeltilmesi için en etkili yöntem, bu davranışların olumsuz sonuçları ile sonuçlandırılmasıdır. Bu davranışların olumsuz sonuçları, davranışın tekrarlanmasıyla sonuçlanmalıdır. Bu davranışların olumsuz sonuçları, davranışın tekrarlanmasıyla sonuçlanmalıdır. Bu davranışların olumsuz sonuçları, davranışın tekrarlanmasıyla sonuçlanmalıdır.

Wanguta NIICUGNICIKAMTEREN  
APKAURUTETEN idacikapat tungnan qanercetayilim  
caliyagal  
TAKAKLUTEN sulucikamerten

## Cog Lus Kev Ncaj Ncees

Luh hom phinj stawm Alaska Court System yog lo rehniw  
 thiab tub tuoj kev ncaj noom rau stawm kev sai dawb tosh  
 noom nws i tuoj kev sai tuoj hom. Tuoj kev ncaj noom  
 muaj lub hwij sam rau loj lo hais kom sawv dawb hmoov,  
 muaj lub oho myooj rau nws twiiv toom plawb los piav tuoj  
 kev plawb ncaj, thiab muaj oho kom ib tug sai ib tug rau  
 tuoj kev sam tosh. Tus kws twiiv toom plawb thiab cov noom  
 khiaiv hauj hom rau stawm Alaska Court System oho rau  
 rau txhaw rau noom uas thiab, txhaw rau noom rau toom  
 toom, txhaw rau noom uas pov thiab, cov noom rau tus kws  
 twiiv toom plawb, thiab txhaw rau noom uas muaj toom ciaw  
 rau ib noom plawb twa thiab.

Peñ yany un nen mlong koi

Poh yauv teb koi cov hne mas tawv kev ua plehn ntawv

Pada tahun 2000, ketika saya masih muda, saya pernah mendengar bahwa ada orang-orang yang bisa berbicara dengan hewan. Mereka bilang, mereka bisa mendengar suara-suara yang tidak bisa didengar oleh orang lain. Mereka bilang, mereka bisa berbicara dengan hewan-hewan yang mereka sukai. Mereka bilang, mereka bisa memahami perasaan hewan-hewan itu. Mereka bilang, mereka bisa merasakan apa yang sedang dirasakan oleh hewan-hewan itu. Mereka bilang, mereka bisa merasakan apa yang sedang dirasakan oleh hewan-hewan itu.



**We will LISTEN to you**

**We will respond to your QUESTIONS about court procedure**

**We will treat you with RESPECT**

разрешения споров. Справедливое отношение исключает за себя возможность быть усиленным возможностью получения разъяснения судебного процесса и право уважительного отношения. Судьи и работники Судебной Системы ищут Аляски общими справедливым отношением к каждой стороне судебного процесса: поспешному, поспешному, свидетелю, присяжному заседателю и лицу, вовлеченному в судебный процесс.

**Мы выступаем за:**

Мы ответим на Ваши ВОПРОСЫ по поводу  
судебного процесса

Мы относимся к Вам с УВАЖЕНИЕМ

### Pangako ng Pagkamatatagpo

Ang napakalalaganang misyon ng Alaska Court System ay magbigay ng trabahatungan at walang kinikilingang hugdang para sa pagpapaya ng mga pagtatatag alinsunod sa patatkarin ng batas. Kabilang sa pagtukol sa trabahatungan ay ang oportunidad na magbigay, ang pagtukol sa trabahatungan sa proseso ng hakukarin at ang karapatang sunatin ng mga may pagpapala. Dahil dito ang mga hakukarin o barista at mga kawani ng Alaska Court System ay hahamig ng pangako sa hawag bitatag, bitatag, sakal, hawag, at ang laing sanghat sa laing paglalita ng buhay.

Makikinig kami sa iyo.

Saagutin natin ang inyong mga tanong tungkol sa pamamaraan ng buhay.

Pakikitunguhan namin kayo nang may paggalang.

*Example:*

## Traffic stops in Australia

Traffic stop **SCRIPTS** that  
include elements of PF,  
*e.g.* respect, voice



Test	• 'I now require you to provide a specimen of breath for a breath test.' Etc ...
Positive Message	• <i>If under the RBT limit</i> finish with this statement: I just want to finish off by thanking you for [positive thing that driver had done such as ... child being buckled up in car seat in back/well maintained car/seat belt use for passenger or driver etc.] Thank you taking part in this Random breath test, I <b>appreciate your time and attention.</b> <i>If over the RBT limit...</i> process as usual.

**RESULT: Higher satisfaction with police and increased compliance** (compared to control group)



# Scripts for Family Court conversations

(or standard explanations that recognize the frustration but stress the affirmative help):



“You’re right. I can’t give you advice about that. And I can see how frustrating that is, particularly after waiting X time to talk to someone here. But what I can do is give you some referrals for a low-cost attorney consultation . This costs only \$35. And I can give you the forms that will set up the hearing you want.”

# Dealing with the Argumentative Litigant

Who says

“So you are saying she can do anything she wants. . . .”

“You aren’t really helping me.”

“So I’m just supposed to wait until he hurts me/them . . . .”

“Big surprise -- I knew I never had a chance here”

## Affirm the emotion

“I can see how upset you are”

“I can see how much you care about your . . . .”

“I can understand how upsetting it is when . . . .”

## Articulate an *affirmative* step

Let’s concentrate on what you/I can do . . . . Your next time with Elijah will be .. ” or “I’ll be looking at the next hearing to see whether . . . .”

# Procedural Fairness Myths

- **MYTH #1:** Delivering bad news will always make you unpopular
- **MYTH #2:** People don't care about fair treatment as much when the stakes are high
- **MYTH #3:** Procedural justice is just about being nice to people



**The courthouse doors  
are open to all.**

**If members of the public don't understand how to  
use the system,**

**and we don't tell them in some meaningful way,**

**we are denying them access.**

# Measuring Public Perceptions of Fairness

## Multnomah County's Experience with Feedback Mechanisms

- Court-watches
- Focus Groups
- Surveys
- Comment Cards
- Peer Review & Courtroom Observation



### Defendant Exit Survey

We would like to hear about your experience in court.

Your feedback will help us to improve the service we provide to court users. Your answers will not affect your case in any way.

Thank you for your time.

Today's Date: \_\_\_\_ (MONTH) / \_\_\_\_ (DAY) / \_\_\_\_ (YEAR)

**The first 6 questions are about your experience today only.**

Please write in the blank or fill in the bubble next to your selected response.

1. What is the name of the judge you saw today? \_\_\_\_\_  
(Leave blank if you don't know)
2. Approximately how long did you wait in the courtroom before your case was called today?  
\_\_\_\_\_ minutes

# Courtwatches

A **community** project observing hearings for the purpose of collecting information.

**Looking at:**  
Process, environment,  
and outcomes of cases

**TOTAL HEARING TIME (HHMM)** Do not mark outside this line

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
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Oregon Coalition Against Domestic and Sexual Violence  
Legal Access Project  
COURT WATCH FORM: CIVIL

**A. GENERAL INFORMATION**

1. Observer's name: \_\_\_\_\_

2. County: ☐ Clackamas ☐ Multnomah ☐ Washington ☐ Marion ☐ Polk ☐ Yamhill ☐ Lane

3. Court: ☐ District ☐ Circuit

4. Type of Hearing: ☐ TRO/RO ☐ 21 day hearing ☐ Stalk/Protective ☐ Other (please specify) \_\_\_\_\_

5. Judge's name: \_\_\_\_\_

6. Date of hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

7. Beginning time of hearing: \_\_\_\_\_

8. Ending time of hearing: \_\_\_\_\_

**B. CASE INFORMATION**

1. Gender of Plaintiff/Petitioner: ☐ female ☐ male

2. Gender of Defendant/Respondent: ☐ female ☐ male

3. Was advocate present to help Plaintiff/Petitioner? ☐ yes ☐ no

4. Did Plaintiff/Petitioner have an attorney present? ☐ yes ☐ no

5. Did Defendant/Respondent have an attorney present? ☐ yes ☐ no

6. Did judge explain the restraining order or purpose of hearing to Petitioner/Plaintiff? ☐ yes ☐ no

7. Did judge in any way discourage or belittle Petitioner/Plaintiff? (If so, explain on back of form) ☐ yes ☐ no

8. Did Petitioner/Plaintiff request custody of children? ☐ yes ☐ no ☐ NA

9. Did Defendant/Respondent request custody of children? ☐ yes ☐ no ☐ NA

10. If 21-day hearing, what issue(s) did Respondent contest? (check all that apply)  
☐ custody ☐ visitation ☐ other ☐ NA

11. Did judge issue a mutual restraining order? ☐ yes ☐ no ☐ NA

12. Did judge suggest or order the parties into mediation? ☐ yes ☐ no

13. Did the judge ask about weapons? ☐ yes ☐ no

14. If requested, did the judge grant custody of children to Petitioner/Plaintiff? ☐ yes ☐ no ☐ NA

15. What is the primary language of the Petitioner/Plaintiff?  
☐ English ☐ Spanish ☐ Russian ☐ Vietnamese ☐ Cambodian ☐ Other ☐ Unknown

16. Given the primary language of the Petitioner/Plaintiff: ☐ no interpreter necessary ☐ interpreter necessary, but not available ☐ interpreter necessary, and available ☐ NA

17. What is the primary language of Defendant/Respondent?  
☐ English ☐ Spanish ☐ Russian ☐ Vietnamese ☐ Cambodian ☐ Other ☐ Unknown

18. Given the primary language of the Defendant/Respondent: ☐ no interpreter necessary ☐ interpreter necessary, but not available ☐ interpreter necessary, and available ☐ NA

If you have observed any event in the court which you believe the Legal Access Project should be made aware of, please describe it on the back of this form.

© 2008 Portland State University

1996-

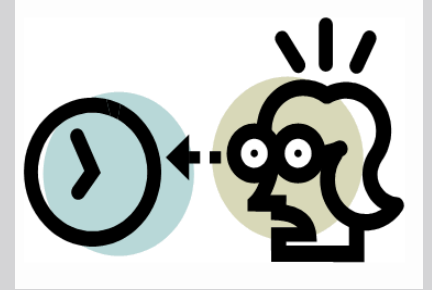
1117 FAPA applications and 335 Contested Hearings in Marion, Multnomah, and Washington Counties



2008-2009 – 167 Contested Hearings in Multnomah County

# Courtwatch Takeaways - 1996

- Not enough time per hearing, *averaged 9.6 minutes* per contested hearing
- *50%* of the time interpreters were needed, *none was available*
- *7%* of the cases, *judges discouraged or belittled* the petitioners
- *Less than 10%* of petitioners were represented by attorneys





# Courtwatch Takeaways – 2008-09

- **92%** of cases had at least one unrepresented party
  - If only one party represented, s/he was ***significantly more likely to prevail***
- Only ***one case*** went forward without an interpreter



- Average length of contested now **30 minutes w/o attorneys; 46 w/attorneys**
- Noted many ***procedural differences*** among judges

# Courtwatch **Impact**

- Initial minimization by Judges
- Gradual acceptance of themes — Outside input mattered:
  - MultCty reorganized its dockets to provide more judicial time for contested restraining order hearings
  - MultCty Family Court increased efforts on behalf of SRLs and in DV cases
- Increased openness to more feedback

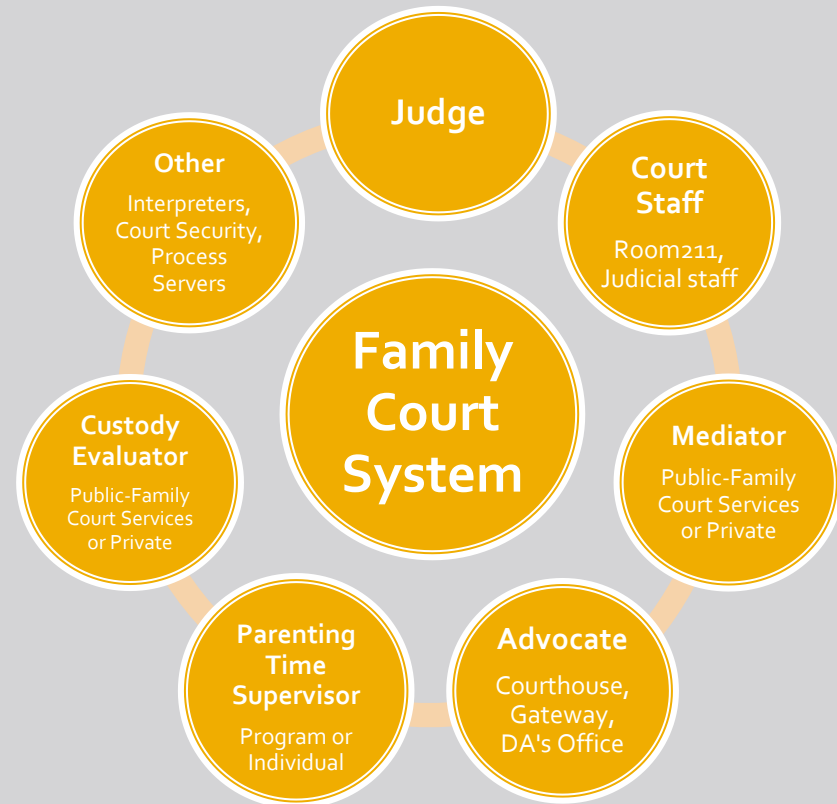


# Focus Groups

VAWA-grant funded, worked with PSU

## DV Survivors

- 30 DV survivors in 7 focus groups & 11 additional 1:1 interviews
- 4 groups in languages other than English
- “Looking at this, what worked and what didn’t?”





## ■ DV Survivors:

- had both positive and negative experiences with the system
- did not have the information they need to get through court
- felt frustrated and disappointed with custody and parenting time decisions

## ■ Court specific:

- problems with interpretation
- felt judges applied rules unfairly
- worries of safety/DV minimized or dismissed by judges
- victim blaming by staff & judges
- not enough assistance
- not safe in building

# Focus Groups – Family Law Professionals

- 4 Custody Evaluators
- 3 Children's Attorney
- 9 Attorney Representing Parents
  
- Common themes:
  - Concern children's voices get lost
  - Cultural issues not understood by judges;
    - judges seen as biased
  - Lack of trauma practices by judges
  - Need shared understanding of DV
  - SRLs need more resources and help through process



# Survey – Multnomah County

## Method:

- Created survey after researching other courts' surveys
- Collaborative creation with attorneys, judges, advocates, court staff
- Distributed by hand, at customer service windows, and in courtrooms – at all court locations – 1 week
- Anonymous, not staff/judge specific
- Collections boxes on each floor
- Online option – access told at courthouse





## 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 1<sup>st</sup> 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@ojd.state.or.us](mailto:Jennifer.I.woodson@ojd.state.or.us)

	<b>Why are you at the courthouse today?</b>		
<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 _____	

	<b>Who are you?</b>		
<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>

# Surveys -- Lessons Learned



- Most lessons are simple fixes –
  - “No opinion” option not helpful – did people check because did not apply to them, were neutral, or truly had no opinion?
  - Some court leadership felt we should not tell staff or they would change behavior. Will change next time.
  - **Staff** who did know were reluctant to give out, **concerned about negative feedback**
  - Gave to Jurors

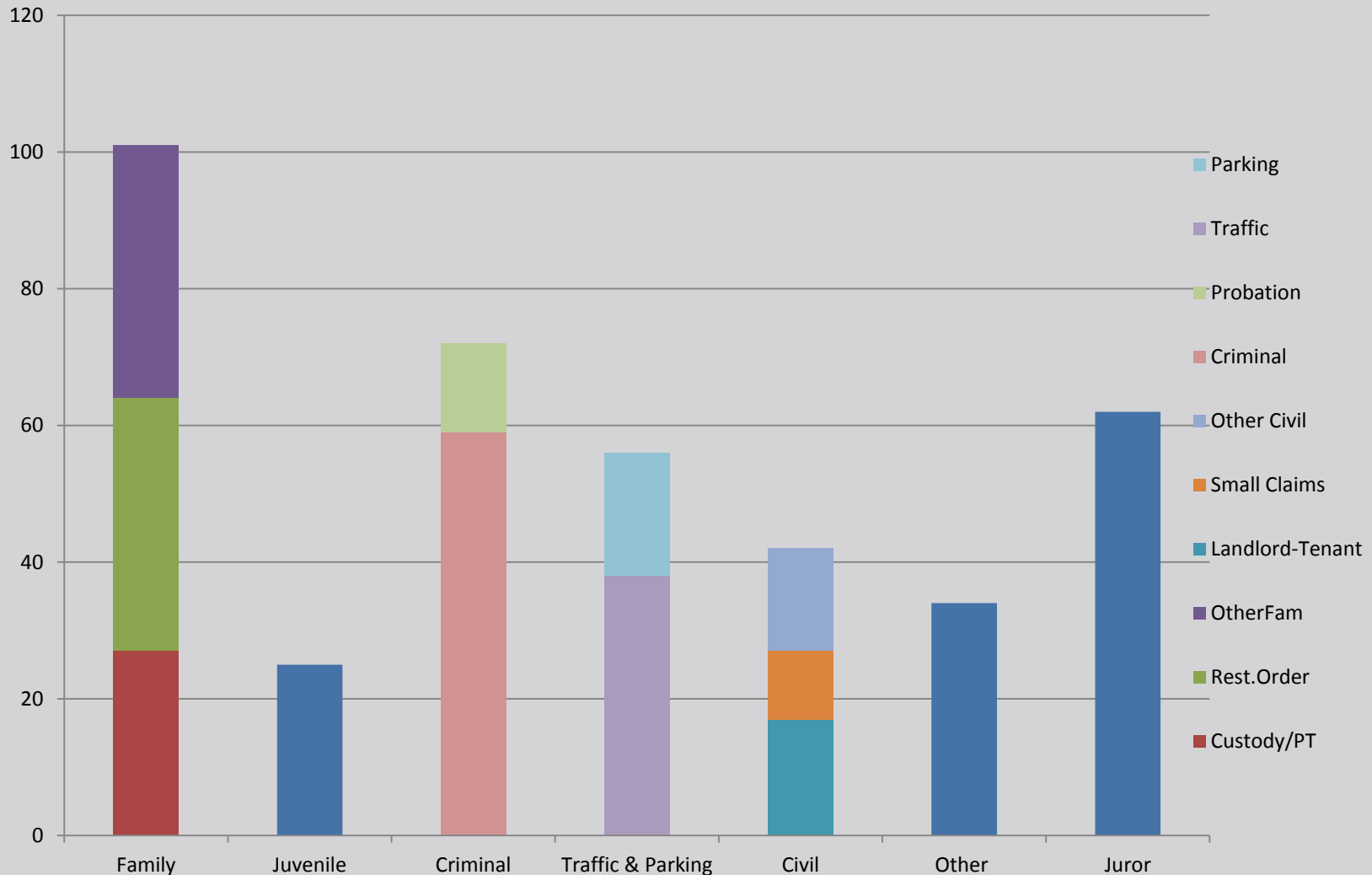


# Surveys -- Numbers

- 392 completed surveys
  - (4 courthouses; 1 week)
- 199 were parties in a case
- For some comparisons , sample size was too small to be helpful
- Overall, very positive responses.
  - 85% strongly/agreed with all statements affirming positive results

# Surveys -- Who filled them out?

Why Survey Respondent was at Courthouse



## Key Survey Conclusions – Family Law

- In general, parties in Family Law cases gave more negative responses than did parties in Criminal, Probation, Parking, and Traffic cases.
- Nevertheless, parties with the highest rated experiences were parties in Family Law restraining order cases.
- 100% of the parties in R.O. cases responded positively to the item *"The people in the courthouse were respectful to me."*
- Parties in Family Law cases were the least likely of all types of parties to report that they understood what the next steps in their case were.

# Survey Responses: **Family Law vs. Criminal/Civil**

## ■ Parties in Family Law matters:

- Reported **less positive experiences** at the courthouse overall
- **Felt less safe** in the downtown courthouse
- Were **less likely** to strongly/agree that court staff had explained things in an **understandable** manner
- Were **less likely** to strongly/agree that on leaving they **understood the next steps**
- Were **slightly less likely** to strongly/agree that they **understood the judge's decision** **BUT**

➡ Were **more likely** to report having an opportunity to speak and perceiving the **Judge as conducting the hearing in a neutral manner**



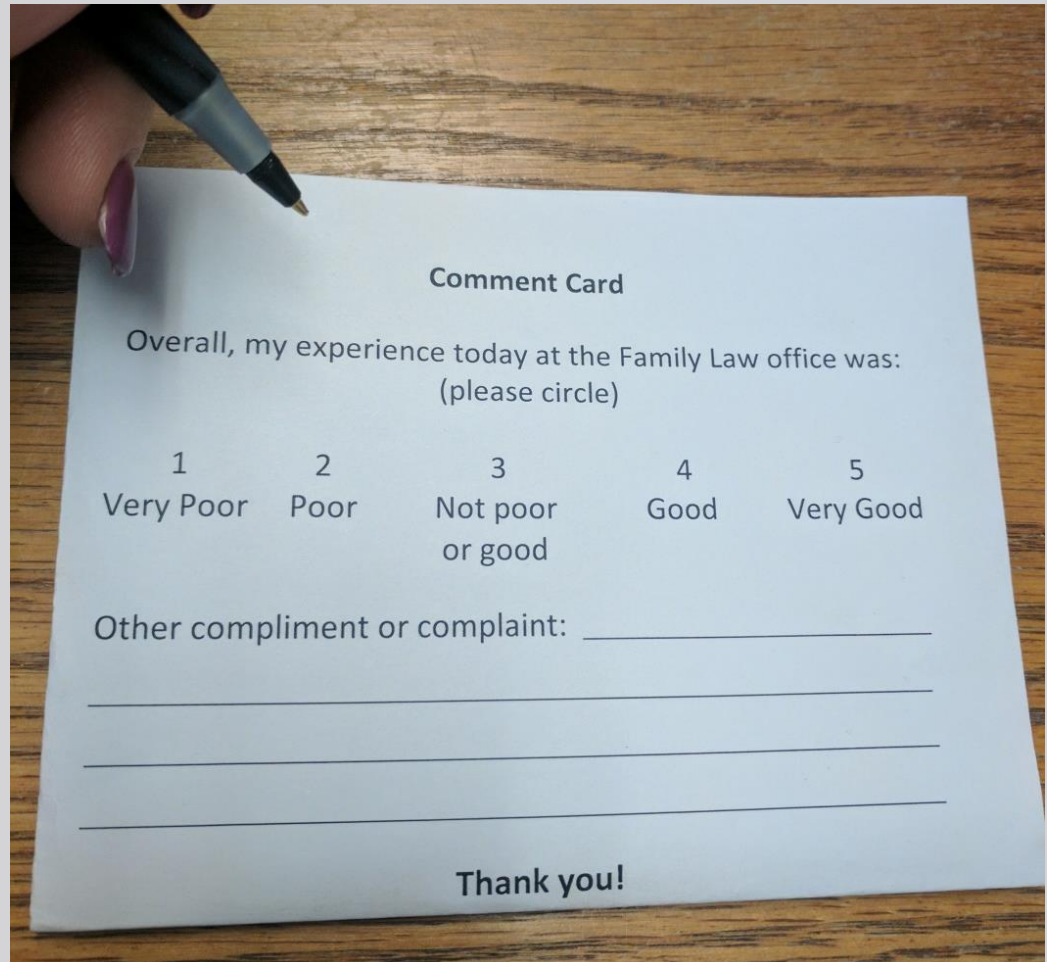
# Washington County Survey

- Judge specific
- Addressed following areas:
  - Case Management
  - Application and Knowledge of Law
  - Communications
  - Fairness
  - Demeanor
- Similar to a survey conducted in Linn County

# Comment Cards

Available in  
Family Law  
Office –

Just started



The image shows a hand with a pen pointing to a 'Comment Card' form. The form is titled 'Comment Card' and asks for an overall experience rating from 1 to 5. The ratings are: 1 Very Poor, 2 Poor, 3 Not poor or good, 4 Good, and 5 Very Good. Below the rating scale, there is a section for 'Other compliment or complaint:' with three lines for writing. At the bottom, it says 'Thank you!'.

**Comment Card**

Overall, my experience today at the Family Law office was:  
(please circle)

1	2	3	4	5
Very Poor	Poor	Not poor or good	Good	Very Good

Other compliment or complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you!**

# Additional Resources

## Publications:

### **Procedural Justice: Practice Tips for Courts**

[http://www.courtinnovation.org/sites/default/files/documents/P\\_J\\_Practical\\_Tips.pdf](http://www.courtinnovation.org/sites/default/files/documents/P_J_Practical_Tips.pdf)

### **Improving Courtroom Communication: A Multi-Year Effort to Enhance Procedural Justice**

[http://www.courtinnovation.org/sites/default/files/documents/Courtroom\\_Communications.pdf](http://www.courtinnovation.org/sites/default/files/documents/Courtroom_Communications.pdf)

### **Improving Courthouse Signage: Procedural Justice Through Design**

[http://www.courtinnovation.org/sites/default/files/documents/Red%20Hook%20OctoberFinalP roofed\\_REDUCED%20%281%29.pdf](http://www.courtinnovation.org/sites/default/files/documents/Red%20Hook%20OctoberFinalP roofed_REDUCED%20%281%29.pdf)

### **Procedural Fairness in California: Initiatives, Challenges, and Recommendations**

[http://www.courtinnovation.org/sites/default/files/documents/Procedural\\_Fairness\\_CA.pdf](http://www.courtinnovation.org/sites/default/files/documents/Procedural_Fairness_CA.pdf)

### **Improving Courtroom Communication: A Procedural Justice Experiment in Milwaukee**

<http://www.courtinnovation.org/sites/default/files/documents/Improving%20Courtroom%20Communication.pdf>

### **The Perceptions of Self-Represented Tenants in a Community-Based Housing Court**

[http://www.courtinnovation.org/sites/default/files/Perceptions\\_Tenants.pdf](http://www.courtinnovation.org/sites/default/files/Perceptions_Tenants.pdf)

### **A Judicial Guide to Child Safety in Custody Cases**

<http://www.ncjfcj.org/resource-library/publications/judicial-guide-child-safety-custody-cases>



## **Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide**

<http://www.ncjfcj.org/resource-library/publications/navigating-custody-and-visitation>

## **Family Violence Information Packets, including (among others) *Decision-Making in Child Custody Cases* and *Effects of Domestic Violence on Children***

<http://www.ncjfcj.org/resource-library/publications/specialized-family-violence-information-packets>

## **Civil Protection Orders: A Guide for Improving Practice**

<http://www.ncjfcj.org/resource-library/publications/civil-protection-orders-guide-improving-practice>

## **Synergy, FVPSA 30<sup>th</sup> and VAWA 20<sup>th</sup> Anniversary issue, No. 1 of 2 (devoted to trauma)**

<http://www.ncjfcj.org/resource-library/publications/synergy-fvpsa-30th-vawa-20th-anniversary-issue-no-1-2>

## **Web resources:**

### **Center for Court Innovation**

[www.courtinnovation.org/proceduraljustice](http://www.courtinnovation.org/proceduraljustice)

[www.courtinnovation.org/procedural-justice-practical-tips-and-tools](http://www.courtinnovation.org/procedural-justice-practical-tips-and-tools)

### **Professor Tom Tyler, Yale Law School**

[www.law.yale.edu/faculty/TTyler.htm](http://www.law.yale.edu/faculty/TTyler.htm)

### **Procedural Fairness for Judges and Courts**

[www.proceduraljustice.org](http://www.proceduraljustice.org)

Thank you!

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