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COURT

INNOVATION

PROCEDURAL FAIRNESS IN CALIFORNIA

Initiatives, Challenges, and Recommendations

Submitted to the Judicial Council of California—Administrative Office of the Courts,
Executive Office Programs Division

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This report is also available on the California Courts website.

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IV. ASSESSING PROCEDURAL FAIRNESS

To help court administrators examine procedural fairness in their own courts, this final section provides a brief assessment tool (beginning on the next page). The tool, totaling 45 items, is divided into sections corresponding to the three previous sections of this report. Each item should be judged independent of the others in the section using a scale of 1 (not at all) to 4 (almost always). For those interested in assessing all facets of procedural fairness, the entire instrument can be used. Others may be interested in focusing on individual areas.

By measuring how a court performs on each key dimension of procedural fairness, this tool can isolate a court's strengths and weaknesses. Importantly, surveys of this sort are intended to provide an approximate measure and should be used accordingly. If a court is interested in more detail, court staff may be able to expand the question items on their own with sufficient reflection and discussion, or staff may opt to partner with outside researchers, who may provide assistance at little or no cost. Used as a tool to assess and generate group reflection, this assessment tool could serve as a mechanism to jump-start a procedural fairness initiative in any courtroom, courthouse, or jurisdiction.

PROCEDURAL FAIRNESS ASSESSMENT: INSTRUMENT FOR COURT LEADERSHIP

Every court has strengths that it can build on to enhance users’ perceptions of procedural fairness. This instrument is designed to help assess current capacity and highlight areas for ongoing attention. Each section is self-contained and can be scored separately. All questions in a section should be completed using the scale provided where 1 equals “not at all” and 4 equals “always/almost always.”

To score each section, simply total the responses. For each section the scores can be interpreted as follows:

- 5-9: Procedural fairness in this area is relatively **weak** and could be improved using recommendations listed under “implement today.”
- 10-15: Procedural fairness is **developing** in this area and could be strengthened using recommendations listed under “implement today” and “implement this year.”
- 16-20: Procedural fairness is **strong** in this area. Court should consider visionary planning using the initiatives suggested under “set as a long-term goal” and should consider making court available as a model for other courts to visit, as a mentor court, and as a case study that can be documented.

I. THE COURTHOUSE	SECTION SCORES:
Accessing the court	Total: _____
Interaction between court staff & court users	Total: _____
Understanding court proceedings	Total: _____
Ensuring a voice in the court	Total: _____
II. THE COURT VENUE	
Traffic cases	Total: _____
Small claims cases	Total: _____
Family and juvenile cases	Total: _____
III. THE COURT USER	
Self-represented litigants	Total: _____
Limited English & culturally diverse	Total: _____

I. PROCEDURAL FAIRNESS THROUGHOUT THE COURTHOUSE

1-Not at all 2-Infrequently 3-Sometimes 4-Almost always

Accessing the Court

- Information about our courthouse on our website is accurate. I 2 3 4 N/A
- We provide information about our courthouse location and hours of operation on the voicemail system that is listed for the general public. I 2 3 4 N/A
- We evaluate courthouse signs for clarity and readability. I 2 3 4 N/A
- Our court maintains weekend and/or evening hours. I 2 3 4 N/A
- We schedule court appearances using specific times. I 2 3 4 N/A

Total _____

Interaction between Court Staff & Court Users

- Courthouse staff are trained in respectful interaction. I 2 3 4 N/A
- Bench officers are trained in effective listening. I 2 3 4 N/A
- All courthouse staff consider it part of their job to provide information about courtroom and other room location and where to find necessary forms. I 2 3 4 N/A
- We assess treatment of the public by court staff. I 2 3 4 N/A
- Courtroom staff work together to create a courtroom culture that demonstrates respect and helpfulness to court users. I 2 3 4 N/A

Total _____

Understanding Court Proceedings

- Our website provides information about what to expect for a wide variety of court cases. I 2 3 4 N/A
- Our bench officers explain what will happen procedurally at the beginning of each court session. I 2 3 4 N/A
- Court users are encouraged to ask questions. I 2 3 4 N/A
- Our courthouse provides factsheets and other information that is clearly marked and accessible. I 2 3 4 N/A
- Our court provides information after a case is heard to verify that court users have understood the court’s decision. I 2 3 4 N/A

Total _____

I. PROCEDURAL FAIRNESS THROUGHOUT THE COURTHOUSE (continued)

1-Not at all 2-Infrequently 3-Sometimes 4-Almost always

Ensuring a Voice in the Court

- Our courthouse website has clearly marked comment areas. 1 2 3 4 N/A
- We have a designated person who reviews comments. 1 2 3 4 N/A
- Staff in our self-help center(s) consider it part of their job to listen to clients' accounting of a case. 1 2 3 4 N/A
- Our bench officers are trained in listening. 1 2 3 4 N/A
- Our bench officers prioritize listening to litigants' comments and concerns. 1 2 3 4 N/A

Total _____

II. KEY VENUES: TRAFFIC, SMALL CLAIMS, FAMILY AND JUVENILE CASES

1-Not at all 2-Infrequently 3-Sometimes 4-Almost always

Traffic Cases

- There is an overview of procedure before each session. 1 2 3 4 N/A
- Bench officers give litigants the opportunity to explain their side of the incident. 1 2 3 4 N/A
- Resources to facilitate compliance are available in the courthouse. 1 2 3 4 N/A
- Wait time for a case to be called is kept to a reasonable period (i.e. less than 1 hour). 1 2 3 4 N/A
- All bench officers (assigned and temporary) are trained in elements of procedural fairness. 1 2 3 4 N/A

Total _____

II. KEY VENUES: TRAFFIC, SMALL CLAIMS, FAMILY AND JUVENILE CASES (continued)

1-Not at all	2-Infrequently	3-Sometimes	4-Almost always	
Small Claims Cases				
• There is an overview of procedure for all court users.				I 2 3 4 N/A
• Bench officers give litigants the opportunity to explain their side of the incident.				I 2 3 4 N/A
• Litigants have the opportunity to ask questions.				I 2 3 4 N/A
• Our court offers workshops on common disputes to facilitate resolution.				I 2 3 4 N/A
• All bench officers (assigned and temporary) are trained in elements of procedural fairness.				I 2 3 4 N/A
Total				_____

Family and Juvenile Cases				
• There is an overview of procedure for all court users.				I 2 3 4 N/A
• We provide videos and/or workshops for court users in custody proceedings.				I 2 3 4 N/A
• Our court has special facilities for children (e.g., children's waiting room, play materials in the courtroom).				I 2 3 4 N/A
• Our bench officers give litigants the time they need to explain their cases and ask questions.				I 2 3 4 N/A
• All bench officers (assigned and temporary) are trained about how procedural fairness impacts family cases.				I 2 3 4 N/A
Total				_____

III. KEY USERS: SELF-REPRESENTED, LIMITED ENGLISH, AND CULTURALLY DIVERSE

1-Not at all 2-Infrequently 3-Sometimes 4-Almost always

Self-Represented Litigants

- Our self-help center(s) are located in easy to reach sites for a majority of our customers and have clearly posted hours, and our website has clear links to our self-help resources. I 2 3 4 N/A
- Our self-help center staff helps customers to determine which forms they will need and to fill out forms correctly. I 2 3 4 N/A
- Our self-help center(s) provide workshops, computers, and educational materials. I 2 3 4 N/A
- We provide written and readily available instructions regarding how to fill out forms and what to expect in court. I 2 3 4 N/A
- Our judges are educated in hearing cases with self-represented litigants. I 2 3 4 N/A

Total _____

Limited English & Culturally Diverse

- We assess signs, forms and other key information for readability from a non-English-speaking perspective. I 2 3 4 N/A
- We provide written forms, instructions, tip sheets, etc. in the major languages spoken in our county. I 2 3 4 N/A
- Our bench officers are educated on how to work with interpreters. I 2 3 4 N/A
- We hold staff discussions and brown bag presentations on different cultures that are prominent in our county. I 2 3 4 N/A
- We conduct outreach to diverse communities in our county. I 2 3 4 N/A

Total _____