

## *Improving Courtroom Communication* *2013 Training Site Solicitation* **REQUEST FOR PROPOSALS**

The Center for Court Innovation, the National Judicial College, and the US Department of Justice's Bureau of Justice Assistance seek proposals from courts interested in receiving training on a new one-day curriculum called *Enhancing Procedural Fairness*. The curriculum – developed as part of BJA's Improving Courtroom Communication Project – helps judges and other court personnel improve communication practices in an effort to promote perceptions of fairness in the courtroom and compliance with judicial directives. Three sites will be selected nationally.

### **Project Overview:**

The Improving Courtroom Communication project is a collaboration between the Center for Court Innovation, the National Judicial College (NJC), and the US Department of Justice's Bureau of Justice Assistance. The initiative builds on research showing 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. It is distinguishable from distributive justice, which refers to the impressions formed by litigants derived from case outcomes (*i.e.* whether the litigant agrees with having ultimately “won” or “lost” the case).

Leading researchers on this topic, including Professor Tom Tyler of Yale Law School, have identified several critical dimensions that contribute to procedural fairness: (1) *voice* (litigants' perception that their side of the story has been heard); (2) *respect* (litigants' perception that the judge, attorneys, and court staff treat them with dignity and respect), (3) *neutrality* (litigants' perception that the decision-making process is unbiased and trustworthy); (4) *understanding* (litigants' comprehension of the language used in court and the decisions that are made); and (5) *helpfulness* (litigants' perception that court actors are interested in their personal situation to the extent that the law allows).<sup>1</sup>

When all the dimensions of procedural fairness are present, litigants consistently report higher perceptions of fairness and public trust in government institutions and are subsequently more likely to be compliant. For example, litigants in problem-solving courts typically rate the fairness of the process far higher than litigants in traditional courts and, significantly, recidivate at lower rates – results that have been attributed to procedural justice.<sup>2</sup>

For many litigants, victims, and members of the public, words like “understanding” and

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<sup>1</sup> Tyler, T.R. 2006. *Why People Obey the Law*. Princeton University Press. See also 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.” Center for Court Innovation.

<sup>2</sup> Frazer, M.S. 2006. “The Impact of the Community Court Model on Defendant Perceptions of Fairness.” Center for Court Innovation; Rempel, M. 2012. “Review of NIJ's Multi-Site Adult Drug Court Evaluation.” Center for Court Innovation. Available at <http://www.courtinnovation.org/sites/default/files/documents/MADCE.pdf>.

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“respect” are not routinely associated with a typical trip to court. Navigating the courthouse, its rules, and procedures can be daunting and stressful. And once in the courtroom, technical jargon and acronyms often restrict the conversation to all but the most seasoned criminal justice players. For a typical non-legal professional observer, it is not uncommon to watch a case unfold and have only the vaguest idea of what actually transpired. As Malcolm Feeley, author of the seminal *The Process is the Punishment* (1982), has observed: “I’ve sat in courtrooms in Sweden and Germany and had a better sense of what was going on, even with only a smattering of the language, than I do in many American arraignment courtrooms.”

The Improving Courtroom Communication project seeks to enhance perceptions of fairness and trust in the justice process by creating practical “how to” recommendations for judges and other court actors, focusing on both oral and written communications. The initiative has drawn upon the expertise of judges, court administrators, attorneys, legal theorists, and linguists to develop and test improved communication strategies.

For more information about the Improving Courtroom Communication project, please visit [www.courtinnovation.org/topic/procedural-justice](http://www.courtinnovation.org/topic/procedural-justice).

### **About the Training Curriculum:**

A central component of the Improving Courtroom Communication project has been the development of a training curriculum for criminal court judges and other court staff. The curriculum, “Enhancing Procedural Fairness,” is one of the first of its kind to translate the principles of procedural fairness into concrete practices that could be readily incorporated into the daily operation of busy criminal courts. The National Judicial College, in collaboration with a working group comprised of leading judges, educators, and administrators, created a training curriculum based on procedural fairness research, verbal and nonverbal communication techniques, cultural competency lessons, and best practices in adult learning.

The training includes five modules:

- I. *The Role of Procedural Fairness*, including research findings of the impact of procedural fairness in various justice system contexts;
- II. *Verbal Communication*, including how written and oral communication in the courtroom affects perceptions of fairness;
- III. *Nonverbal Communication*, including how body language, tone, and other nonverbal communication affects perceptions of fairness;
- IV. *Considering Special Populations*, including how communication can be adapted to meet the needs of various court participants; and
- V. *Implementing Procedural Fairness*, including group brainstorming and the development of individualized action plans.

The curriculum was piloted in Milwaukee, WI in April 2012 by faculty that included Professor Tom Tyler, communications expert Kelly Tait, and Milwaukee Chief Judge Jeffrey Kremers.

### **Training Site Eligibility and Responsibilities:**

Building upon the pilot training in Milwaukee, the Improving Courtroom Communication project seeks three criminal courts interested in receiving, free-of-charge, an in-person training of the Enhancing Procedural Fairness curriculum. In partnership with each selected site, project staff

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from the Center for Court Innovation and the National Judicial College will work to tailor the focus of the curriculum to the jurisdiction's unique needs and interests. Project staff will also conduct pre- and post-training surveys with training participants to gauge their expectations and reactions.

To be eligible to apply, applicant sites must be a local or state court with jurisdiction to hear criminal cases (includes multi-jurisdictional courts).

Additionally, the lead contact(s) at the selected training sites must commit to:

- Participate in a minimum of two planning calls in the months leading up to the training;
- Identify and recruit a minimum of 15 judges and court staff (at least five of whom are judges) to attend the training and participate in the pre- and post-training survey evaluation;
- Arrange for a convenient and appropriate venue for the training;
- Participate in one post-training call to provide feedback on the planning and training process; and
- Allow their participation to be featured in relevant project publications, including press releases, reports, and a range of web-based and social media platforms.

Training sites are encouraged to recruit other local agencies (*e.g.* prosecutor's office, defenders, probation, pretrial services) to participate in the planning and implementation of the training.

Training sites will *not* be responsible for covering the travel expenses of training faculty or project staff, but will be required to arrange for travel and accommodations for training participants (if necessary).

### **Benefits of Becoming a Training Site**

All planning, training, and evaluation materials, as well as the training itself, will be provided at no charge to the training sites. Project staff will work with each training site to apply for Continuing Legal Education credit for training participants. By participating in the training, the selected sites will have the opportunity to learn the skills to improve the functioning of the criminal justice system.

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### **Site Selection Process**

Applications will be evaluated by a team of peer reviewers that includes judges, academics, and court managers. In the selection of training sites, geographic diversity and jurisdiction size will be taken into account.

A complete application must include:

- Application Cover Sheet (Attachment A)
- Application Narrative
- Letter of Support from the applicant court's administrative or presiding judge
- Letter(s) of Interest from partner agencies who would participate in planning and/or implementation (optional)

Project staff may conduct site visits to finalist jurisdictions before the selection process is completed. Successful applicants will be announced by August 15, 2013. On-site trainings are expected to take place between September and December 2013.

### **Application Narrative**

The application narrative should be double spaced, using 12-point Times Roman font with 1-inch margins. It should not exceed three (3) pages.

Please respond to each of the following questions in your application.

- 1) Approximately how many cases does the applicant court hear annually? What percentage of those cases are criminal cases?
- 2) What are the top three criminal charges heard by the applicant court? Please specify the approximate percentage of the total criminal court docket that each of these charges represents.
- 3) Approximately how many judges does the applicant court currently have? How many of these judges hear criminal cases?
- 4) What other local agencies (*e.g.* prosecutor's office, defenders, probation) do you anticipate recruiting to attend the training?
- 5) Are you aware of any recent efforts in your jurisdiction to enhance litigant perceptions of fairness?
- 6) What are the existing mechanisms (if any) for court users to provide feedback about their experience in court?
- 7) Why are you interested in this opportunity and what challenges do you expect it to address?

### **Letters of Support**

With your application, you must provide a letter of support from the administrative or chief judge of the applicant court. The letter must pledge the court's support in becoming a training site for the Improving Courtroom Communication project.

If you intend to invite other agencies to participate in the planning and/or training, you may also include a Letter of Interest from each partner agency that describes the proposed role they would play.

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**INSTRUCTIONS FOR SUBMITTING PROPOSALS**

Please send completed proposals:

*In hard copy to:*

– OR –

*In PDF format by email to:*

Training Site Solicitation  
c/o Center for Court Innovation  
520 8<sup>th</sup> Avenue, 18<sup>th</sup> floor  
New York, NY 10018

[golde@courtinnovation.org](mailto:golde@courtinnovation.org)  
Subject: Training Site Solicitation

For questions about this solicitation, please contact Emily Gold at the above email address or at 646-386-4468.

**Proposals must be received no later than 5PM Eastern Standard Time on Friday, June 14, 2013.**

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**ATTACHMENT A**

**Application Cover Sheet**

**Contact Information**

Agency Name	
Contact Person and Title	
Mailing Address	
Phone Number	
Email Address	

**Application Checklist**

- Application Cover Sheet
- Application Narrative (max of 3 pages, double-spaced, 12-point font)
- Letter of Support from the applicant jurisdiction's administrative or presiding judge
- Letter(s) of Interest from partner agencies who would participate in planning and/or implementation (optional)

**If submitting via email, all proposal documents should be submitted as PDF files.**