



Judicial and Litigant Experiences: The Fairness Challenge Pilot National Report

March 2026

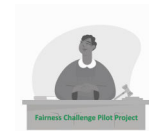


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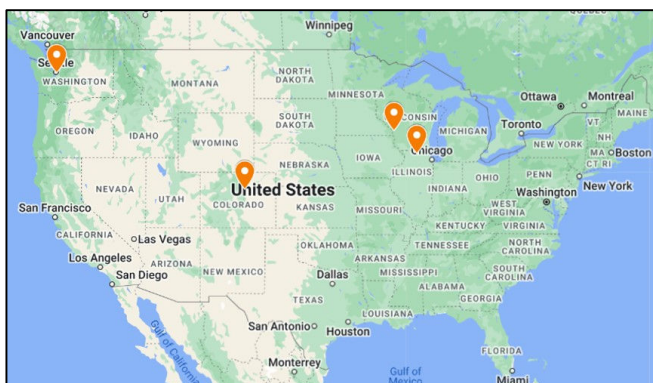
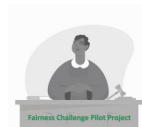
Acknowledgements

We are incredibly grateful to each of the individual judicial officers and court leaders named herein and for the other courtroom staff and system actors who were essential partners in this work. We admire their commitment to improving fairness and for graciously sharing their time, energy, and perspectives towards that goal. Innovative efforts require patience, creativity, and an open mind, which our pilot site partners exhibited consistently throughout this project.

We are grateful also to the State Justice Institute for their support and longstanding commitment to increasing public confidence and trust in courts. Their support helped us to assemble a top-notch team of advisors, including Judge Timothy Kuhlman of the Toledo Municipal Court (OH), Judge Monique Walker of the State Court of Richmond County (GA), and instructional design and evaluation consultant Lesley De Paz



This report was developed under Strategic Initiative Grant number SJI-24P033 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.



**26 judicial officers from
6 jurisdictions
in 4 states**

Getting Started

The Fairness Challenge Pilot Project launched with a national solicitation for pilot sites and judicial officers. Four pilot site jurisdictions were selected, spanning six counties in four states: the Westminster Municipal Court, the King County Superior Court, the Boone County & Winnebago County Circuit Courts, and the La Crosse & Monroe County Courts. Chosen via a national solicitation process, the pilot sites hosted one pre-pilot site visit and helped facilitate remote and court observations and planning. During the pilot, all judicial officers from each site participated in monthly remote training engagements and live meetings for six months (approximately two hours per month). They also agreed to install simple litigant feedback mechanisms for litigants leaving their courtrooms remotely and/or in person during the pilot.

Participating judicial officers included:

- Judge Jason Lantagne and Judge Rebekah Watada [Colorado];
- Judge Todd Ziegler, Judge Ramona Gonzalez, Judge Gloria Doyle, Judge Mark Goodman, Judge Elliott Levine, Judge Rick Radcliffe, Judge Mark Huesmann, Judge Scott Horne, and Commissioner Eric Sanford [Wisconsin];
- Judge Johanna Bender, Judge Hillary Madsen, Judge Elizabeth Berns, Judge Josephine Wiggs, Judge Nick Straley, Judge David Keenan, Judge Monica Cary, Judge Joe Campagna, Judge Coreen Wilson, Judge Melinda Young, Judge Nelson Lee, and Judge Ken Schubert [Washington]; and
- Judge Donald Shriver, Judge Ryan Swift, and Judge Tamika Walker [Illinois].

Court administrators and staff from the pilot sites were key partners in this work, including:

- Brian Poggenklass [Colorado];
- Kimberly Ackmann [Illinois];
- Matt Hodgman and Linda Ridge [Washington]; and
- Anya Crossland and Karen Martin [Wisconsin].



Goals & Strategies

The overarching goal of the project is to make courts more fair by supporting judges in making measurable practice improvements aligned with procedural justice theory. Procedural justice theory demonstrates that people assess fairness not solely based on outcomes, but also in large part on the fairness of the procedures and interactions with judges and other court authorities. When people experience procedural justice, they are more likely to view the legal authority as legitimate and worthy of voluntary cooperation. Put simply, fair and legitimate courts require procedural justice.

Before starting, the participating judicial officers and court administrators from each site were asked to articulate their individual goals. **Participating professionals' goals tracked three primary themes:**

1. *Improving Perceptions of Fairness and Other System Goals*
2. *Improving Knowledge, Skills, and Practice*
3. *Obtaining Feedback and Identifying Areas for Improvement*

Some individual goals are quoted directly at right.

“ *In their own words*”

Judicial officers' goals

- *To ensure that each individual who contacts the court finds fairness and integrity in the justice system, even if they did not “win”*
- *To reduce conflict, foster voluntary decisions, and create better buy-in that leads to successful case outcomes and a more meaningful community impact*
- *To receive constructive feedback on practices and interactions with litigants that will help inform positive change*
- *To establish an ongoing practice of seeking the public's input on court services*
- *To consider how court administrators can support efforts to improve procedural justice skills among non-judicial court staff*
- *To seek skills and techniques for working in difficult situations (pro se litigants with trauma history, high-volume dockets with the pressure to move very quickly, etc.)*

Judicial Engagements

Training Content

The pilot was centered around six months of remote learning engagements for the participating judicial officers. The primary vehicles for this content were monthly meetings and interactive online learning modules that collected participants' knowledge, perceptions, and practices associated with procedural justice. Additionally, participants were referred to relevant resources and interim report-outs of litigant feedback collected in their courts. A final component of the pilot activities was remote peer observations, in which participating judicial officers were paired up with a colleague from another jurisdiction to observe a court session and provide feedback on observed procedural justice practices. The peer observation instrument is provided as **Appendix A**.

Below is an outline of the pilot's training content and related screenshots from the online engagements for each month of the project.

Month 1:

- Report-out of trends from the pre-pilot judicial questionnaires
- Introduction of the elements of procedural justice and its impact
- Continued self-assessment of procedural justice practices
- **Assigned resource:** "[Procedural Justice and the Courts](#)" by Tom Tyler, Court Review (2007)

Elements of Procedural Justice

4 evidenced-based tenets:

1. **Voice**
2. **Understanding**
3. **Respect**
4. **Neutrality**



Impacts of Procedural Justice

Procedural Justice and the Courts

Tom R. Tyler

People come to the courts about a wide variety of problems and disputes. Although this has always been the case, in recent years the court system has become the branch of government in which people deal with an ever broader variety of issues and concerns. And the people who bring their problems to court have themselves become increasingly diverse in terms of their ethnic and social backgrounds. In addition, more and more of these people choose to represent themselves, rather than acting through lawyers. Finally, these changes are occurring in an environment in which people have generally lower levels of trust and confidence in all forms of governmental authority. All of these trends pose a challenge

to distinguish them from assessments of the favorability or the fairness of the outcomes that people received. Studies suggest first that procedural justice has an impact on whether people accept and abide by the decisions made by the courts, both immediately and over time. Second, procedural justice influences how people evaluate the judges and other court personnel they deal with, as well as the court system and the law.

Problems with noncompliance with the decisions of judges are long-standing.

One major motivation for the alternative dispute resolution movement, which seeks alternative forums to traditional courtrooms, is the effort to find a way to increase the willing-

*"We live in an era of scarce resources and high levels of mistrust. Procedural justice approaches provide a mechanism for managing conflicts that produces authoritative decisions while sustaining, and even building, trust and confidence in the courts and the law."
(2007)*



Month 2:

- Explore the concept and benefits of micro-enhancements
- Explore Respect practices and related time-costs
- **Assigned resource:** [“How Judges Can Show Respect,”](#) TED Talk by Judge Victoria Pratt (2016)

Time-costs of RESPECT

“Free” respect practices you named:

- ☐ Short greeting, e.g., “good morning”, to all counsel and parties
- ☐ Addressing litigants as “Sir,” “Ma’am,” or by name
- ☐ Eye contact
- ☐ Listening closely
- ☐ Giving my undivided attention
- ☐ Appropriate demeanor and tone of voice
- ☐ Using courtroom time efficiently
- ☐ Checking my ego at the door



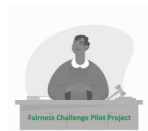
In the pre-pilot questionnaire, we asked you how important specific practices were to you. Each is connected to the elements of procedural justice.

Every single one of you told us that showing respect was “very important” to you. And the average for the others was 4 or above (“important” or “very important”).

This is an excellent starting place!

Let's continue press Enter ↵





Month 3:

- Explore Understanding practices
- Reflect on peer observations
- Discuss ideas to boost litigant feedback response rates
- **Assigned resource:** [Plain Language Glossary](#), National Center for State Courts, last visited: February 26, 2026.

Ideas to boost litigant feedback



✓ **Signage** – Clear and visible signs outside the courtroom and in waiting areas

✓ **QR Codes/links on Zoom Backgrounds**

✓ **Sending Links** – Clerks or bailiffs follow up by sending feedback links via email or text, where applicable.

✓ **Periodic Announcements** – Brief announcements on a fixed schedule to ensure

"At the start and at 10am today, I am reminding court users that there is an opportunity to provide feedback on your experience today via the QR codes or iPad located outside of the courtroom. Thanks in advance for helping to improve our court. It's completely optional."

¹¹ → *Another consideration for today:*

Stating the obvious, the importance of Understanding practices is heightened when litigants don't have a lawyer.

Here are some Understanding practices you've already shared:

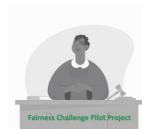
- explain who I am
- explain the process (e.g., the steps of a trial/hearing)
- stop as needed during the hearing to explain what we are doing and why
- direct them to the law library or court websites
- explain how to contact the court if they don't understand

Can you suggest one more practice to improve Understanding among self-represented litigants?*

Type your answer here...

OK

press Enter ↵



Month 4:

- Discuss peer insights from the mid-pilot questionnaire regarding new or enhanced practices
- Brainstorm adaptations for self-represented litigants and remote court

Highlights from the mid-pilot questionnaire

- *Grounding/centering practice at the start of each day/hearing*
- *Slowing down*
- *Annunciating*
- *Acknowledging a party's philosophy or belief system*
- *Be mindful of tone and demeanor*
- *Balance efficiency with access/voice – and be transparent about it*
- *"Put in your own words what you need to do"*
- *Make brief, periodic announcements*

Model Practices

(via breakout rooms)

Adaptations for remote court

- "explain extraneous factors":
- Explain order in which cases are called (vs "here!")
- "this is a court of law," decorum is required
- Choosing what to bring in person instead
- Mute parties/lawyers who can't stop interrupting: "take turns" "remember, it's my turn now"; hand up; "I'm going to bring this to a close". "I just muted everyone (and here's why)
- Acknowledge second monitor
- Announcements in waiting room or posted in writing elsewhere; videos (IL); discourage use of chat except for tech issues

Month 5:

- Explore Voice practices
- Review all procedural justice elements and micro-enhancement opportunities
- Discuss interim litigant feedback data, anonymized across sites
- **Assigned resource:** [Procedural Justice in Action](#), Center for Court Innovation, 2017.
- Additional cited resource: "[Bench Card Promoting Gender Inclusivity in Court](#)," Illinois Judicial Branch, July 2025.

3 → **Think about a time that you weren't heard.** Perhaps it was at the doctor's office or an AI customer service representative.

What were the impacts of that feeling for you in the moment?

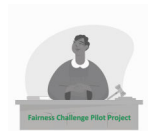
What were the downstream effects on your future willingness to engage with that office or company?*

These aren't rhetorical. Please share any specific insights you have on this!

Type your answer here...

Shift ⌘ + Enter ↵ to make a line break

OK press Enter ↵



Month 6:

- Explore Neutrality practices
- Share all-site summary of litigant feedback totals
- Discuss self-assessment judicial perspectives data alongside litigant perceptions data
- Brainstorm sustainability efforts

Tracking judicial perspectives

Knowledge of litigant perceptions of fairness

"What percentage of out-of-custody litigants do you think would say that you treated them fairly?"

Average estimate of perceptions of fairness: 74%

1 out of 13 judges had an accurate perception at baseline

All 12 who guessed wrong under-estimated litigant perceptions of fairness

5 → With that, let's turn to transparency efforts that can help ensure that your neutral efforts are indeed seen as such.

In other words, it's not enough to *be* neutral. **Legitimate authority figures must be *seen* as neutral.**

Imagine you're presiding over a busy docket of traffic cases. The fact patterns are more or less the same for the most common charges. But some have valid defenses or mitigating factors. And some are assisted by a lawyer.

What's a situation in which a litigant might observe a prior case, then when it's their turn, think: "hey! that other guy got a better deal than I did! It must be because..."

See if you can name a few factors that might explain the difference in outcome.

Type your answer here...

Shift ⌘ + Enter ↵ to make a line break

OK

press Enter ↵



Powered by Typeform



Key Impacts on Judicial Officers

Individual perspectives varied, of course, but the following central themes emerged across all participating judicial officers.

Before the pilot:

- ✓ Many judicial officers could name a procedural justice practice for each element of procedural justice. Prior training on the topic varied.
- ✓ Judicial officers nearly unanimously agreed that it was important for litigants before them to:
 - Feel that the judge treated them with dignity and respect [RESPECT]
 - Feel that they could ask questions and have a chance to tell their side of the story [VOICE]
 - See the judge as transparent and unbiased in their decision-making process [NEUTRALITY]
 - Understand the decisions the judge made in their cases; Understand the court rules and procedures [UNDERSTANDING]
- ✓ The practices participants reported using most commonly, chosen from a list of options, were:
 - Greeting litigants by name
 - Asking litigants whether the next court date works for their schedule
 - Using open-ended questions (versus yes/no questions)

At the pilot's midpoint:

- ✓ On average across the participating judicial officers, they increased their use of six out of seven studied practices:
 - Introducing oneself at the beginning of each court appearance
 - Greeting litigants by name
 - Asking litigants whether the next court date works for their schedule
 - Using open-ended questions (versus yes/no questions)
 - Explaining the order in which cases will be called
 - Explaining why you're asking about sensitive information
- ✓ Judicial officers provided a more accurate estimate than at baseline as to what percentage of litigants would rate them as fair.



At the pilot's end:

- ✓ All participating judicial officers noted practices that they used more often or had enhanced because of the pilot. These included:

“ *In their own words*

Enhanced practices

- *Increased sensitivity to words that I use in court, [trying] more often to simplify language and concepts so everyone can understand.*
- *I pause more frequently... [and] interrupt less.*
- *Use a grounding practice at the start of each day/hearing*
- *Slow down*
- *Be mindful of tone and demeanor*
- *Annunciate*
- *Balance efficiency with access and voice – and be transparent about it*
- *Say “Put in your own words what you need to do next”*
- *Make brief, periodic announcements*

- ✓ Many judicial officers self-assessed using certain procedural justice practices *less* frequently at the midpoint and end of the pilot than they did at the beginning. Participants offered a consistent and plausible explanation for this seemingly counterintuitive effect: at the beginning of the pilot, they may have over-estimated the frequency with which they were using practices that they had the value or intention of using. When focused on the practices more thoughtfully during the pilot, they realized that their intentions weren't always aligned with their behaviors.
- ✓ Getting litigant feedback helped judicial officers to have a more accurate (and positive!) understanding of how litigants perceive them. Most participating judicial officers would recommend to their colleagues the process of collecting litigant feedback.



Practice Enhancements Unique to Special Contexts

Participants dedicated time to exploring practices that addressed specifically the unique challenges of self-represented litigants and remote hearings. Below are a number of enhancements they identified.

We've coded these practices to show how they align with the procedural justice elements.

R: RESPECT **V:** VOICE **N:** NEUTRALITY **U:** UNDERSTANDING

Practices attuned to Self-Represented Litigants

- Do an internal reset before cases you know might pose added challenges for you or the litigants so that each case can begin fresh **R N**
- Introduce yourself as the judge to each litigant **R**
- Give a roadmap to each individual after greeting them, naming why we're here, what the hearing will cover (and what it won't), speaking order, when they can ask questions **V U**
- Explain at the beginning that they can take a recess whenever they want, without explanation needed (e.g., to use the bathroom, to calm down) **R N**
- Create multiple opportunities to ask questions **V**
- Monitor the line between helping in appropriate ways versus not **N U**

Practices attuned to Litigants in Remote Court

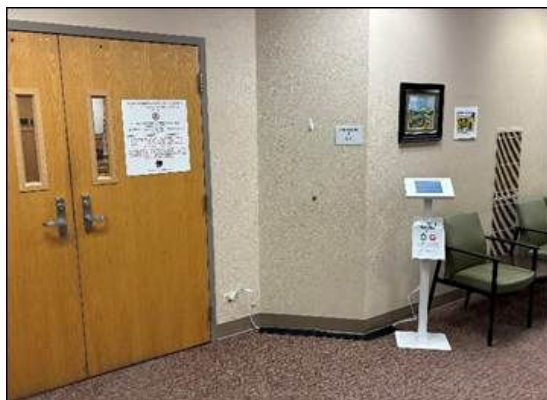
- Explain the order in which cases are called; plan for how to monitor attendance that avoids "here!" **R N**
- Provide periodic updates in the waiting room or the meeting room chat. For example, reinforce rules and expectations such as "Please keep yourself muted until we call your name." **R U**
- Ensure adequate "eye contact" by focusing body language and attention towards the video camera **R**
- Name any expectations of decorum and the reasoning behind them **R N U**
- Be transparent about what types of appearances will be held in person instead (and why, if appropriate) **N U**
- Set expectations for the order in which each side will speak and how interruptions will be handled. For example, "Remember, we're taking turns. I'm muting you until it's your turn." and "I'm going to bring this to a close so we can get to points we need to cover". **V N U**
- Acknowledge conditions that may impede connection or attention, such as a judicial officer's second monitor to review relevant documents **R**
- When available, use a document camera or screen-sharing to review relevant documents together **U**



Litigant Feedback

All 26 judicial officers participating in the pilot across six sites invited feedback from litigants leaving their courtrooms, virtually or in person, although feedback volume varied significantly. It is presumed that all feedback received via iPad pertained to in-person court appearances, while feedback received via link or QR pertained to a mix of in-person and remote court appearances. Depending on the courtroom, the feedback links and QR codes were accessible via remote sessions, as well as via signs posted in the courtroom.

Feedback devices at one pilot court



Questions Asked

Questions were designed to examine perceptions of procedural justice, including two specific elements of procedural justice: understanding and voice. A final open-ended question was offered to capture other types of feedback or elaboration relevant to one of the closed-ended questions. Participating judicial officers had an opportunity to weigh in on the questions before the pilot started. All pilot courts asked the same questions.

1. ***Did the judge treat you fairly today?*** / *¿Le trató el tribunal justamente hoy?* [GENERAL FAIRNESS]
2. ***Did the judge help you understand what happened in court today?*** / *¿El/la juez/a le ayudó a comprender lo que ocurrió hoy en el tribunal?* [UNDERSTANDING]
3. ***Do you feel that the judge listened to your questions and concerns today?*** *¿Se siente usted que el/la juez/a escuchó sus preguntas y perspectivas hoy?* [VOICE]
4. ***How could the court improve its services?*** / *¿Como puede mejorar la tribunal sus servicios?* [EXPERIENCE GENERALLY]

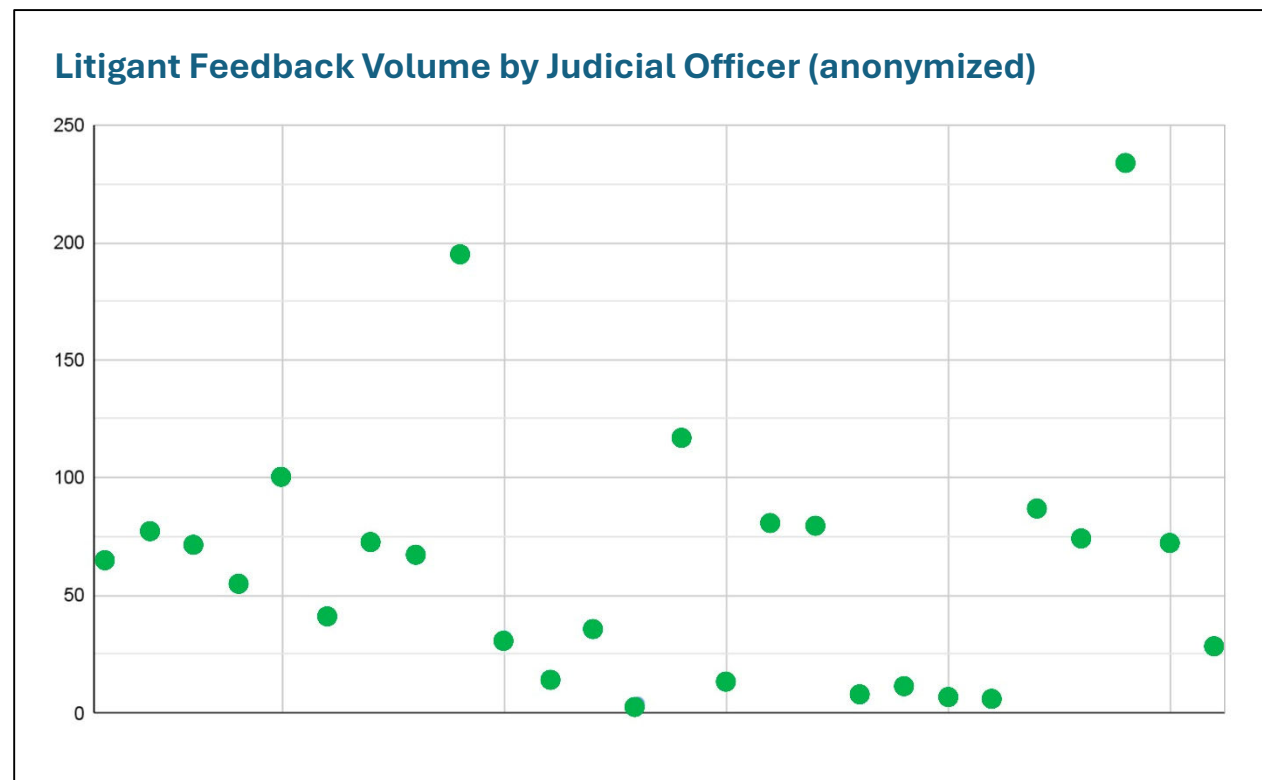


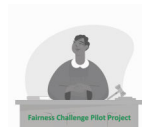
Litigant Feedback Across All Pilot Courts

Collecting litigant feedback is not a common practice in most courts, including these pilot courts. One key outcome of this project was giving voice to hundreds of litigants who likely would not otherwise have had a chance to share insights about their experiences in court. In total, nearly 1,700 litigants gave feedback during the pilot period.

This study was not able to collect response rate data, as we did not have access to accurate data about how many litigants attended each court hearing (*i.e.* the number of litigants who might have participated in the survey). Response volume did vary significantly between participating judicial officers, with some receiving hundreds of responses over the course of the pilot and others receiving only a handful. To boost participation, some judges and court staff choose to hang signs about the project in the courtroom, make brief announcements during court hearings, and/or post a link or QR code in virtual courtroom settings, which was hypothesized to boost response rates.

The chart below demonstrates the range of total feedback responses across all 26 participating judicial officers, with each litigant answering at least one question, either via iPad or QR code constituting a response. Some dockets were not conducive to litigant feedback because most litigants were in-custody or, in others, were significantly impaired.





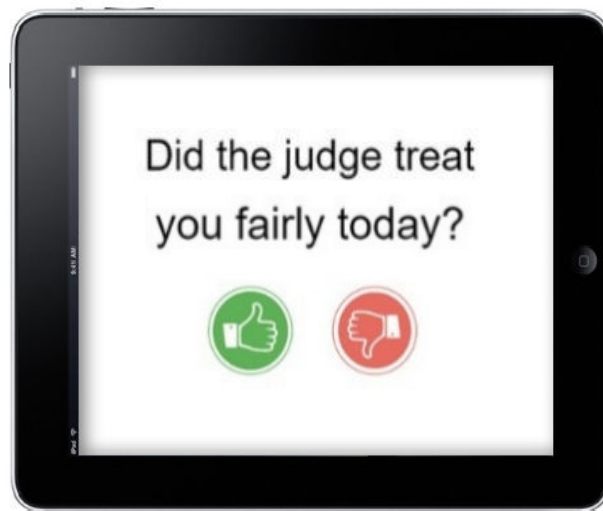
Summary feedback data across all four pilot sites

	TOTAL	Feedback via iPad	Feedback via link/ QR code	NOTES
# of people responding to at least one question	1,677 people responded	1,405 people responded (84% of total)	272 people responded (16% of total)	59 people responded in Spanish
Perceptions of GENERAL FAIRNESS	89%	88%	91%	35% of people who responded answered all 4 questions
Perceptions of UNDERSTANDING	92%	92%	92%	
Perceptions of VOICE	93%	93%	93%	
Comments	42% left a comment among those who answered all three closed-ended questions	29% left a comment among those who answered all three closed-ended questions via iPad	99% left a comment among those who answered all three closed-ended questions via link/QR code	

Reviewing the litigant feedback across all four pilot sites, we note that perceptions of procedural justice are high across all domains, including between in-person and remote court settings, which we discuss below. Pilot site averages hover around 90% across the board, noticeably higher than related public opinion polling showing public trust and confidence levels in state courts holding steady at approximately 60% in recent years (down from the mid-70s less than a decade ago).¹ We are optimistic that this pilot data may demonstrate that concerted intentions and efforts by individual judicial officers are a worthy investment during times of broader societal cynicism about the courts and government generally.

¹ “2025 State of the State Courts,” National Center for State Courts, 2025, available at <https://www.ncsc.org/libraries/mozilla-pdfjs/web/viewer.html?file=https://www.ncsc.org/sites/default/files/media/document/NCSC%202025%20State%20of%20the%20State%20Courts.pdf> (last visited March 1, 2026).

As to perceptions of procedural justice in in-person versus remote court, we note that the high and consistent levels of feedback, independent of forum, add to the disparate findings across prior studies examining the pros and cons of remote versus in-person court. In the Court Voices Project led by LaGratta Consulting in 2022, we found that litigants in rural pilot courts preferred attending court in person, whereas litigants in the urban pilot courts did not.² In 2024, litigant feedback collected by LaGratta Consulting within a randomized controlled trial led by the Harvard Law School's A2J Lab found that family law litigants' perceptions of procedural justice were higher in in-person court than in remote court.³



Feedback tool display

We note also that, while the feedback process was designed to be short and sweet, even so, only 35% of responders answered all four questions. Interestingly, among litigants providing feedback via a hyperlink, following remote court, 99% of responders who answered the first three questions then left a response to the final, open-ended question. By comparison, when providing feedback via an iPad in person, only 29% of responders who answered the first three questions left a comment. That said, our experience in prior studies has produced mixed results about whether remote or in-person contexts generate more feedback. We note also that QR codes generated almost no feedback in this pilot (or either of the prior two pilots mentioned).

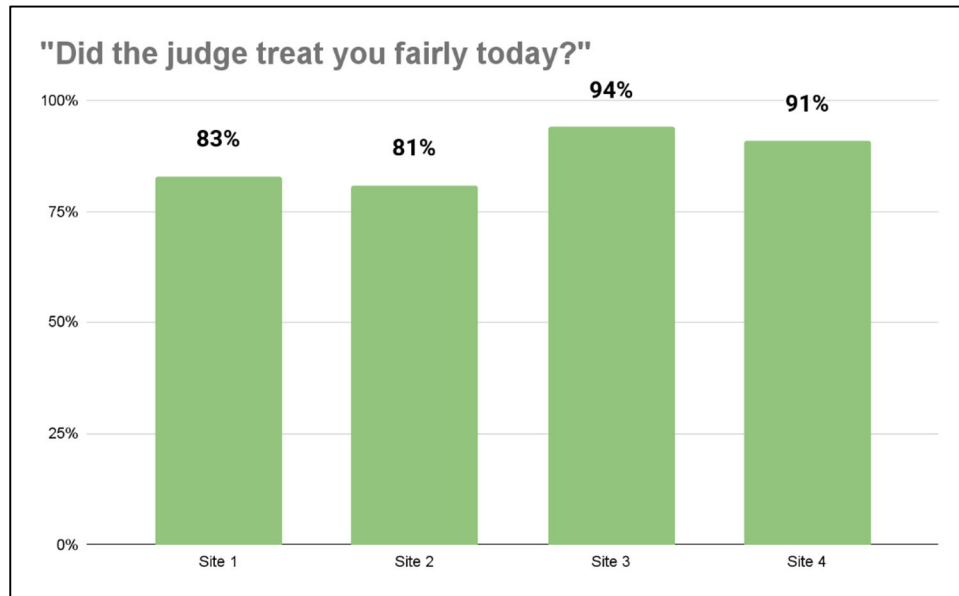
² "Court Voices Project: Using Court User Feedback to Guide Courts' Pandemic Responses," LaGratta Consulting, 2022, available at www.lagratta.com/court-voices-project-user-feedback (last visited March 1, 2026).

³ "Litigant Empowerment Through Choice," Danser, R., LaGratta, E., and Greiner, D, 2025, *Trends in State Courts*, available at <https://nationalcenterforstatecourts.app.box.com/s/xbq2m86rjr0cyep72w8griftiwv6vls6> (last visited March 1, 2026).



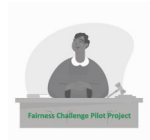
Here we explore the average responses to each question individually, by anonymized pilot site.

Question 1: Did the judge treat you fairly today?



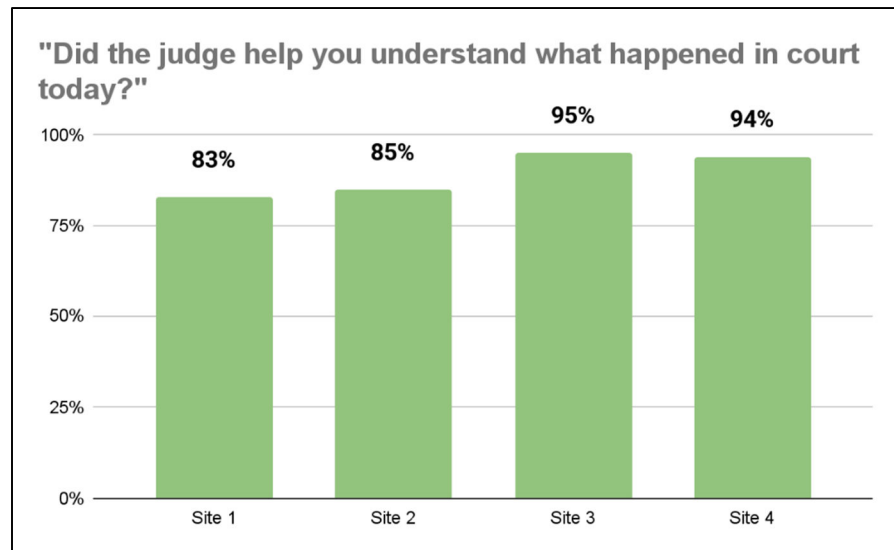
We observe a range in perceptions of procedural justice across the pilot sites when asking “Did the judge treat you fairly today?” At the individual level, per judicial officer, responses to this question spanned percentages from the low 60s to high 90s.

In examining the responses to Questions 2 and 3 about the procedural justice elements of Understanding and Voice (charts on the next page), we note the consistent levels across pilot courts. This consistency was also true across feedback platforms – litigants providing feedback remotely was similarly positive as those providing feedback in person – which is unexpected based on prior studies. While approximately two-thirds of these responses were due to litigants who rated both Understanding and Voice negatively, perhaps indicating a generally negative experience, the remaining third of responders gave distinct ratings (e.g., a positive experience with Understanding and a negative experience with Voice). This offers a bit of counter-evidence to oft-cited concerns that negative ratings may stem primarily from litigants who are indiscriminately disgruntled about their entire experience.



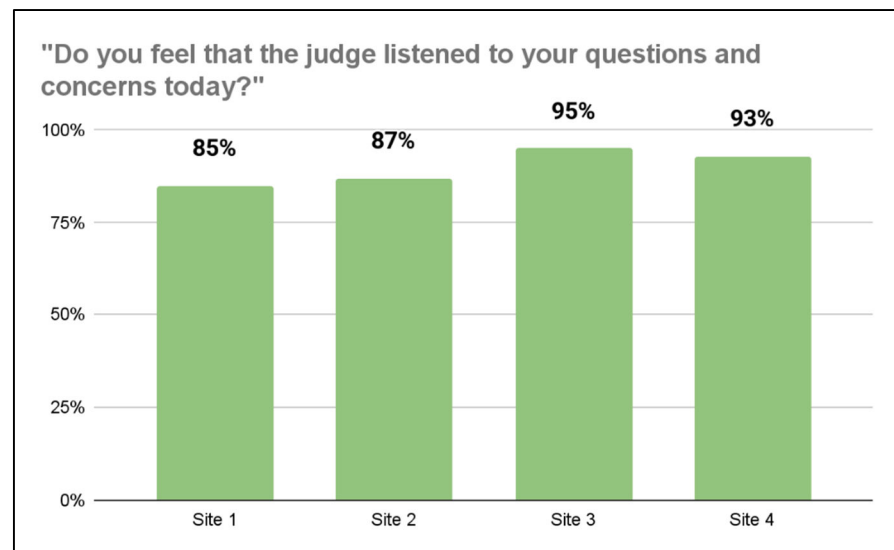
Question 2:

Did the judge help you understand what happened in court today?



Question 3:

Do you feel that the judge listened to your questions and concerns today?



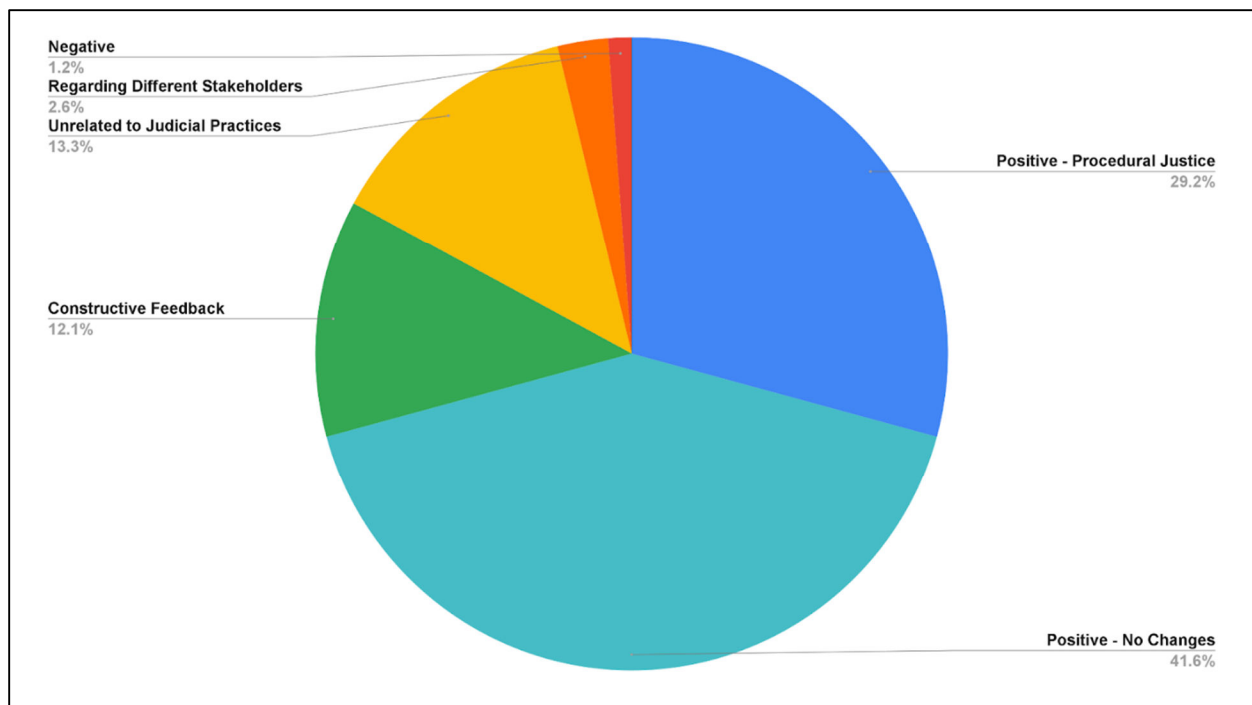


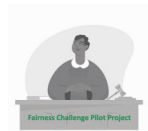
Question 4: “How could the court improve its services?”

Qualitative data via comments provide an important complement to the short, closed-ended questions asked. Even for courts where most litigants perceive their experience to be fair, there is always room for improvement. Comments often point to areas where court leaders could invest in needed improvements. Comments can also offer a rare and impactful opportunity for court professionals: they can send personalized words of encouragement in a field that has few channels for such a feedback loop.

We coded the write-in responses received to reveal patterns in these responses and also pulled sample quotations below. Almost all comments provided by litigants were positive or constructive criticism. All individualized comments, lightly edited and redacted as needed, were shared with individual participating judges.

Themes from open-ended litigant comments





“

In their own words:

Litigants' write-in comments, grouped by theme

Positive (regarding procedural Justice)

~30% of comments

- *Everything was smooth and extremely fair to all parties.*
- *Judge was very professional and informative*
- *Judge cares about victims and families and listened*
- *I didn't have a lawyer. Judge explained things to me and gave me plenty of time to think about everything even though it took me a long time. I'm happy.*
- *I didn't agree with everything but I felt like the judge listened to me and gave me a chance*
- *The Honorable [redacted judge name] is exceptional. He is fair, considerate and kind, and while he is tough and staunchly adheres to the law, he treats everyone before him with appropriate respect.*
- *She listens and cares. I appreciate that.*
- *To be honest was better than I expected. The judge listened to what I had to say and judge answered my questions and explained everything and was clear and made sure I understood. I appreciate the judge for everything. Thank you.*

Positive (no changes recommended)

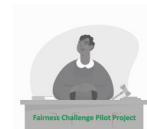
~40% of comments

- *No improvements necessary.*
- *Went as well as possible thank you*
- *No issues*
- *Everything was good*
- *No complaints*
- *satisfied at this time*
- *It's good how it is*

Constructive feedback

~10% of comments

- *Provide more accurate times for when cases will actually be called.*
- *More concern for community safety!*
- *Have your court allocate someone to answer questions and assist clients on a phone line after 5PM*
- *Let us have the time to ask questions before making decision*
- *Explaining legal terms in a simpler way*
- *The judge was not at all concerned with my family coming back together and made her own personal decision on an innocent man's life*
- *Listen to each person, and not just convict someone just to get a conviction*
- *Start at 8:30am*



Litigants' write-in comments (continued)

Negative (unrelated to judicial practices)

~15% of comments

- *Something stinks in this room*
- *Nicer furniture*
- *I feel the court clerk on Tuesday was extremely unprofessional to the prosecutor.*
- *I have had several unpleasant times with the bailiff. She's a bigot and unpleasant to deal with.*

Negative (other)

~1% of comments

- *Judge is no good*
- *SMH!!!!*
- *Better judge*

Judicial Perceptions Compared to Litigant Perceptions

Before the pilot began, judicial officers estimated that out-of-custody litigants would rate their perceptions of fairness between 50-80%. We found that perceptions of fairness were indeed higher than expected for nearly every participating judicial officer, which is a contrary finding to past studies, which have generally concluded that judicial officers often have an inflated perception of public opinion. This could be explained by a growing awareness among the judiciary about lower levels of public trust and confidence than in years past. We note also that this project is centered around judicial officers who opted into this investment in procedural justice practices and therefore are not necessarily representative of their peers generally.



Conclusion

This pilot affirms that there is a healthy appetite from the bench *and* the gallery for more deliberate efforts to improve and measure perceptions of procedural justice. Participating judicial officers demonstrated a sustained commitment, and through that, found numerous ways to make enhancements. This took discipline and a bit of support, and yet amounted to relatively minimal investments in the grand scheme of court reform. These professionals also showed courage in inviting added accountability for their efforts through real-time litigant feedback. Response volume varied and yet all participating courts collected quantities sufficient to create a meaningful baseline for future comparisons.

As for litigants, nearly 1,700 people opted into giving a voice via this pilot. The vast majority of responses were positive and yet came also with constructive feedback about how court procedures and interactions with personnel could be better. Not surprisingly, the bulk of this feedback reinforced their desire to be heard, respected (including their time), and to see that judicial officers and other court personnel are unbiased and working in the public's best interests.

We know from 50 years of procedural justice research that people do not experience justice fully without experiencing procedural justice. And when they do, courts operate more smoothly and effectively because litigants are more inclined to voluntarily cooperate with judicial orders and the law generally. And yet in many, public trust has seemed to plateau around 60%. Perhaps with some small investments, the courts in those communities could set themselves on a path towards the 90% fairness ratings enjoyed by many judicial officers in this pilot.

In short, these pilot courts and their participating judicial officers offer much hope for the quality of justice that can be offered up to community members across our country.

In summary, we find:

- Litigant feedback is a valuable and irreplaceable measure of how courts are performing
- High perceptions of fairness are possible in our courts
- Even the highest performing courts can identify and make meaningful enhancements to improve perceptions of fairness

As one participating judge said, "Be brave and just do it."

To join our next annual Fairness Challenge, sign up for updates at www.lagratta.com.

Fairness Challenge Pilot Project

Peer Observation

We are looking forward to our first peer observation activity with you! This provides an overview of our main goals, strategies, and activities – designed to support our project goal of helping you make concrete, measurable practice improvements aligned with procedural justice theory.

Why Do Peer Observation:

- **Reflective Learning & Inspiration:** Observing others in action creates an opportunity for self-reflection, allowing for insight into areas for growth, reinforcement, and inspiration. It also gives you a rare opportunity to consider different styles, techniques, and approaches that you may not have previously explored.
- **Building Community:** Observing and being observed by your peers fosters a sense of collaboration and mutual respect and promotes a culture of feedback and improvement.
- **Invest in Shared Values of Fairness:** Recognizing practices aligned with procedural justice within diverse judicial styles and contexts can reinforce common judicial values around fairness.
- **Proven Pedagogy:** Learning through observation is a recognized method for professional development, widely used in fields such as medicine, education, and leadership.

How to Do Peer Observation:

- ☐ *Commit to Mutual Respect:* Recognizing the expertise of peers and the unique dockets and court contexts they navigate fosters an environment where both the observer and the observed benefit from the process.
- ☐ *Focus on Learning, Not Critiquing:* The goal is to observe with curiosity and a growth mindset, rather than to evaluate or critique others.
- ☐ *Connect Observed Strengths with Procedural Justice Theory:* Consistent with the emphasis of this project, focus your observation on decision-making practices aligned with procedural justice. Resist the urge to examine individual rulings or outcomes.

Follow-Up Activities After Observation:

1. **Write down 3-5 practices aligned with procedural justice elements:** Noting techniques, statements, or behaviors that support one or more procedural justice element will help build out individual and shared promising practices. Page 2 of this overview is a note-taking template to assist you with this.
2. **Note ideas for integration and possible obstacles:** Document any ideas for how you might integrate observed practices into your courtroom, including any obstacles that may need to be addressed.
3. **Send a thank you email noting at least one observed practice:** Following up with the judge you observe promotes continued respect and creates a forum to share (and receive!) positive feedback.

Fairness Challenge Pilot Project Peer Observation Note-Taking Sheet

Date of Observation: _____
 Docket/Case Type(s): _____

Reminders:

- ☐ *Commit to mutual respect*
- ☐ *Focus on learning, not critiquing*
- ☐ *Connect observed strengths to procedural justice theory*
- ☐ **Send a post-observation thank you email**

Key Observations (goal: 3-5 practices)

Procedural justice practices I observed	Elements of procedural justice enhanced	Ideas to integrate this into my practice, plus potential obstacles
	☐ Voice ☐ Understanding ☐ Respect ☐ Neutrality	
	☐ Voice ☐ Understanding ☐ Respect ☐ Neutrality	
	☐ Voice ☐ Understanding ☐ Respect ☐ Neutrality	
	☐ Voice ☐ Understanding ☐ Respect ☐ Neutrality	
	☐ Voice ☐ Understanding ☐ Respect ☐ Neutrality	