

A REQUEST FOR LETTERS OF INTEREST

The Community Engagement in the State Courts Initiative

Background Information

The National Center for State Courts Advisory Board for the “Community Engagement in the State Courts Initiative” solicits letters of interest from individual or aggregations of trial courts or court systems willing to design and implement a public engagement project designed to (a) improve trust between courts and minority or low-income communities, and (b) make progress on eliminating a disparity and its impact in a specific problem area. Up to six pilot projects will be selected to receive funding and other support.¹

This request for letters of interest comes after the completion of a national Listening Tour sponsored by the Initiative’s Advisory Board. Listening sessions were held in three cities and broadcast under the title “[Courting Justice](#).” Eleven main issues surfaced from the listening sessions and through an online survey of court and civic leaders active in efforts to reduce racial, ethnic, socioeconomic, and other forms of bias in the courts:

- *Issues based on how judges make decisions:*
 - Lack of awareness of the realities of minority communities
 - Implicit bias on the part of the judges
 - Lack of diversity on the bench
- *Issues based on unfairness in the court system:*
 - Financial and other barriers to accessing the courts and attorneys
 - Court funding dependent on the amount of fines, fees, bail, etc.
 - Bias in the plea-bargaining process
 - Lack of diversity in juries/jury pools
- *Issues based on the outcomes of judicial decisions:*
 - Bias in sentencing outcomes
 - Failure to hold police accountable
 - Impact of sanctions on employment opportunities
 - Bias in imposing legal financial obligations

The expectation is that each pilot project will do the following:

- aim to build court-community trust by focusing on one or more of the issues above (or other issue related to reducing disparities in the courts),
- measure their progress in addressing their chosen issue(s) of focus
- complete their project in 18-months or less,

¹The project is funded by the State Justice Institute and the National Center for State Courts as a strategic initiative carried out in collaboration with the National Consortium on Racial and Ethnic Fairness in the Courts and the Conference of Chief Justices. Its primary goal is to establish engagement strategies to bridge the gap between minority communities and court leadership through collaborative efforts able to increase court trustworthiness to the public, and public trust in the courts. Although some of the issues may seem more related to criminal courts, others (e.g., [issues related to fines and fees](#)) are clearly related to civil matters. This call for letters of interest is open to any issues which relate to disparities and public trust in the courts.

- use methods designed to broadly involve different publics in two-way or multi-way dialogue with the courts and any other relevant partners,
- incorporate evaluation tools developed by the National Center for State Courts (NCSC) and a group of academic advisors, and
- provide matching funds or in-kind support of the proposed project.

The evaluation process will require projects to provide periodic feedback on project progress and to administer and report standard measures. The aim of the evaluation is to help the Advisory Board use the collective experience of the pilot projects to design and provide the state court community with a “tool-kit” of ways to conduct successful engagement.

Representatives of selected “semi-finalist” pilot proposals will be invited to come together for a face-to-face meeting (likely in October or November), to refine their engagement strategies and build relationships based on mutual interests. Participants will have access to technical assistance from social scientists with expertise on designing and implementing successful engagement approaches. After the semi-finalist meeting, up to six proposals will be selected as pilot projects that will receive financial and technical support.

Support to Selected Pilot Projects

The selected pilot projects will be provided with these resources:

- Funding up to \$30,000, requiring a 1:1 in-kind or cash match.
- Technical assistance from staff of the National Center for State Courts and from a panel of experts on topics such as the science of public participation, disparities, and implicit and explicit bias and discrimination.
- An independent evaluation of the project to capture lessons learned from the projects, provide feedback to the project leaders, and monitor progress toward meeting the project’s objectives. Pilot projects must participate in the evaluation process.

Preparing a Letter of Interest

The following information must be provided in a letter of interest in becoming a pilot project. The letter should be about 2,000 words, inclusive of items 1-6 below, but not including references, letters of support, or your estimated budget request and budget justification. It is suggested that the letter be organized to provide reviewers with the following information:

1. Indicate who (individuals and organizations) will be the primary leaders of the pilot project both on the part of the court, the community, and any other partners (e.g., law enforcement, prosecutors, etc.), with evidence of their willingness to participate or otherwise indicating that the pilot project would have broader support beyond the applicants. If names cannot be provided at submission, describe the steps the court will take in attracting community interest and any incentives the court will provide to engage the community.
2. Describe the issue or problem to be addressed and explain why it is of importance to your court and community.

3. Describe the proposed method for engagement, including a description of what it would look like, why it is desirable for the target community, and why it is likely to help address the target problem.
4. Describe the capacity of the organizations and key personnel to successfully plan, implement, and complete this project, including prior engagement experiences or programs. Describe the commitment of resources that would be available through the court and other engagement partners or participants.
5. Describe the decision-making process that will guide the pilot project from the planning phase through to completion.
6. Describe your criteria for determining if your project is successful, how you will measure success, and how the benefits from your project will be sustained after the current support for the project has ended. Criteria for success should include measures of the specific disparity issue(s) upon which the project is focused (e.g., see earlier list of 11 issues). As an example of such criteria and measures, applicants may find it useful to look at the performance measures at <http://www.courttools.org/>. Describe your willingness to participate in the cross-site evaluation.
7. In addition to the letter of intent (1-6 above), please submit the following as supplementary documents:
 - a. A budget estimate that describes projected needs (e.g., for staff, materials, participant support, and so on) and a narrative justifying budget items.
 - b. Letters of support or commitment from project partners and sponsors

Evaluation Criteria:

The following general criteria will be used to select pilot projects for financial and other support:

1. A clearly stated problem the pilot project would address and its potential for addressing that problem
2. Potential for improving trust between the judiciary and the community at large
3. Demonstrated commitment by key members of the court and the community (individuals or representatives of local organizations) to in-depth bidirectional dialogue and engagement with communities
4. Capacity to complete the pilot project as described based on potential collaborators, local resources that can be tapped, and evidence of community openness to engaging with the courts and other partners
5. Commitment by both the court and initial community representatives to make the changes necessary for success in meeting the project's disparity-related objectives
6. Commitment to participate in an evaluation process for the pilot project through interviews with court and community leaders, surveys, making available required data, and following the protocols established by the evaluators
7. Potential for sustainability beyond the pilot period

In addition to the criteria above, projects will be selected in light of their fit with other selected pilot projects. A primary goal of the current effort is to advance the use of public engagement for addressing bias and building trust. Therefore, negotiations prior to selecting projects are likely to involve discussions concerning the ability of the projects to adapt their proposed methods to fit with specific goals as these are developed among the semi-finalists.

Deadline

Letters of interest and supplementary materials must be submitted on or before August 31, 2018 to Konstantina Vagenas of the National Center for State Courts.

Send applications to: commengagement@ncsc.org

For questions, please use the email above, or call: (703) 841-5624

Selected semi-finalist pilot projects will be notified by October 12, 2018.

Definitions of Terms

Community is a geographically or socially defined group. The community that is targeted should be one that is—or believed to—be estranged from the court system.

Engagement is an ongoing two-way dialogue between courts and a minority or low-income community. The engagement should be established to design and carry out activities that address one or more issues related to disparities in the judicial system (see [Toolkit](#), especially [Appendix A](#), for examples). Such disparities are believed to reduce trust in the courts by the community, trust in the community by the courts, or both. As defined in this call for letters of interest, engagement needs to extend beyond educational efforts to push information from the courts to the community and beyond soliciting information from the community through surveys or similar methods (although surveys, focus groups, or other data collecting techniques may play a role in the overall engagement effort). Engagement methods that have the potential to be used at larger scales and that could be used beyond their proposed context of use will be prioritized above others.

Methods of engagement include the examples described in [Appendix B](#). These methods of engagement may be modified to fit the target community and the purposes of the project; other forms of engagement may also be proposed for a pilot project if adequately described and shown to be of likely effectiveness with the target community.

Objectives for an engagement pilot project are to increase trust between the courts and target communities and make demonstrable progress in reducing a specific source or kind of disparity or bias-relevant problem in the courts. Examples of such problems are listed in [Appendix A](#).

Success for a pilot project is an increase in trust between the courts and the target communities and a reduction in the problem or issue the project intends to address. Sustainability of engagement, trust, and progress on the identified issues beyond the 18-month pilot project period is another example of success.



Building Trust by Building Trustworthiness

A Toolkit for Public Engagements Addressing
Disparities in the Courts



VISIONING: Introduction

This Toolkit is designed to assist courts and communities in *focusing* on opportunities to address disparities and build trust with different communities, *imagining* public engagement options, and considering *partners* for effective engagements (hereinafter, **VISIONING** tasks):

1. **Focusing**: Choosing to focus on specific disparities (e.g., differences in outcomes between racial, ethnic, and socioeconomic groups) and identifying outcome measures and metrics.
2. **Imagining**: Brainstorming and designing potentially aspirational forms or methods of public engagement that result both in the growth of court-community trust and reduced disparities.
3. **Partnering**: Identifying the partners, publics, and stakeholders who should be involved (“engaged”) in addressing the focal issue.

The Toolkit provides a starting point for the “visioning” of projects that may have transformative effects on the elimination of disparities in the courts system and the increase of trust between courts and communities. Later additions to this Toolkit will be made to provide additional resources that can be used for PLANNING, IMPLEMENTING, and EVALUATING such engagements.

The three VISIONING tasks are ordered in a manner that may seem temporally logical but, in actual practice, may be completed out of order or in an iterative manner. For example, in some cases, it may be beneficial to identify partners first, and then have them assist in focusing and imagining culturally specific forms of engagement. In other cases, the choice of focal issue may suggest new partners, participants, and methods of participation. The three tasks above may be best seen as concurrent tasks, or as tasks that are iteratively revised, refined, and considered in concert during the visioning process.

1. Finding Focus: Reducing Disparities

As noted in the call for Letters of Interest, a [national listening tour](#) sponsored by the Community Engagement in the State Courts Initiative’s Advisory Board identified several problems relating to the reduction of disparities in the courts based on race, ethnicity, and socioeconomic status. These issues fell into three main categories:

Issues based on how judges make decisions

- Lack of awareness of the reality of minority and low socioeconomic communities
- Implicit bias on the part of the judges
- Lack of diversity on the bench

Issues based on unfairness in the court system

- Financial barriers to accessing the courts
- Court funding dependent on the amount of fines and fees
- Bias in the plea-bargaining process
- Lack of racial and socioeconomic diversity in juries/jury pools

See [Appendix A](#) for longer descriptions and examples of each issue, as well as examples of metrics and measures that might track progress on these issues. The technical assistance provided to projects will include advice on appropriate metrics.

Issues based on the outcomes of judicial decisions

- Bias in sentencing outcomes
- Failure to hold police accountable
- Impact of sanctions on employment opportunities
- Bias in imposing legal financial obligations

This list above is meant to provide a starting point for considering what issues could be relevant in specific areas or courts. The list does not include every issue related to disparities and bias in the courts, and not all issues listed will be relevant to all courts. It may often be the case that courts do not have full or any control over some of the issues. This last point, the lack of court control over certain problems, underscores the need for engagement and collaboration among the courts, the public, and other partners, in order to begin to make lasting changes and improvements.

TIP: As you think about the issues above, and attempt to decide what to focus upon in your community, it may be useful to consider the following questions:

- What is the evidence that it is a problem for your court and communities?
- Would your “partners” agree that it is an important problem? Why or why not? (If you do not know, this suggests engagement is needed to choose the focus.)
- How would you know if the problem were improved?

2. Imagining Engagement: Structures and Features

Defining public engagement is difficult because it has many different meanings. Prior reflections on public engagement have identified it as including widely varied methods for

- involving the community in solving problems and making sure community needs are met
- building relationships between people that can be drawn on in the future
- educating communities to raise awareness and support, or to build capacities
- combinations of the above goals and other goals

Rather than focusing on a single definition or goal, the brief description of the community engagement in Lincoln, Nebraska (see Box 1) is meant to illustrate how effective dialogue and engagement among institutions and communities can lead to real and measurable change. This example is purposely taken from outside the courts context, to encourage courts to go beyond what may have been attempted previously in court contexts. In the remainder of this section we provide some examples of types of engagement that courts may wish to consider, and describe some of the features that can be varied across engagements for different purposes.

BOX 1. A STORY OF A TRUST-BUILDING, PUBLIC ENGAGEMENT

“I wouldn’t trust you guys to run a laundromat.”

In 2007, Lincoln, Nebraska residents’ distrust of City government was palpable. The quote above is but one colorful illustration of concerned resident comments that were all too frequent during the 2007 election. At the same time, the newly elected Mayor was facing a substantial \$8 million deficit in an approximately \$130 million City budget. The 2007 deficit and other deficits that followed in subsequent years were caused in large part by a number of factors outside of the City leadership’s control. For example, state law prevented the City from cutting employee salaries. Also, in the early years of the administration, sales tax revenues were declining in what was a national recession, and property tax valuations underwent previously unheard of decreases due to the national housing collapse.

Clearly, the City of Lincoln was in a challenging situation. Balancing the budget was going to require some combination of serious cuts to programs contributing to Lincoln’s quality of life and revenue raising taxes. The Mayor and his team did not expect an already distrusting public to endorse whatever solutions City Hall might offer.

Rather than simply making the changes it felt was needed, the City instead decided to engage the public. The City sought to hear from business owners, not-for-profit operators, ordinary residents, and other stakeholders, about what budget solutions were preferred and why. Focus groups, deliberative discussions, constituent meetings, and random-sampling survey techniques were used to obtain input. The City partnered with a neutral stakeholder, the local University, to embark on an ongoing public consultation project concerning the City’s budget. This extensive public engagement proved highly successful. Each year since the first engagements in 2008, the City has continued to involve its residents in activities now branded as *Taking Charge*.

A part of *Taking Charge*, sometimes the City asks residents for broad input on its strategic goals. At other times the City checks in with the public regarding its satisfaction with City services. Importantly, the City not only asks questions of the public, but engages in two-way dialogue. In these dialogues, members of the public (including key stakeholders) provide answers to the City’s meaningful budget and associated policy questions, and City officials participate by asking and answering questions and offering their perspectives for public consideration. Further, a website provides access to all program costs and indicators, as well as results from the public engagements.

To date, the research that has been conducted on this effort suggests public trust increases as residents learn that City staff are operating in a trustworthy manner, especially during the *Taking Charge* face-to-face engagements.¹ Meanwhile, the City is empowered to be responsive to resident preferences.² As a result, the City has managed to balance its budget, cut City staff and programs, and raise taxes for important City needs, all while increasing ratings of public trust and confidence, as documented by random sample surveys conducted approximately every other year.³

Notes: The above case summarizes and builds upon the article by Rick Hoppe available at <https://www.questia.com/magazine/1G1-373577952/trust-building-public-confidence-in-lincoln-nebraska>.

See also: ¹PytlikZillig et al. (2012) “Public input methods and confidence in government,” ²Abdel-Monem et al, (2016), “Policymakers’ perceptions of the benefits of citizen-budgeting activities,” and ³the Taking Charge 2017 final report at <http://lincoln.ne.gov/city/mayor/takingcharge/index.htm>.

Examples of engagement methods involving bidirectional communication

The defining feature of engagements using bidirectional or multi-directional communication strategies is that representatives from more than one group are communicating in a back and forth manner that is responsive to the information shared by the representatives from the other group or groups. Usually these methods have the representatives present together at the same time and in the same place. However, as engagement technologies advance, people may find themselves dispersed across space and time, yet still able to productively exchange ideas. Examples of methods using bidirectional communication include:

See [Appendix B](#) to learn more about each of these method's features, strengths, weaknesses, and for example cases of each method

- **Citizen advisory committees** involve choosing representatives from the community as advisors to discuss issues and solutions with the courts.
- **Deliberative discussions** involve bringing experts, community members, the courts, and others together to learn more about an issue and consider information in depth to inform decisions. Variations on deliberative discussions include citizen juries and consensus conferences.
- **Social media facilitated discussions** on platforms like Twitter and Facebook leverage technology to bring together many stakeholders across geographic areas in discussion.
- **“Democratic Community” building efforts** aim for long-standing involvement and use hierarchically structured group discussions to ensure representation across different interests.

IMPORTANT: The instructions for [Letters of Interest](#) note that applicants must use bidirectional communication strategies that facilitate court-community dialogue. Nonetheless, some of the unidirectional methods may be used as part of a larger process that emphasizes bidirectional communication overall.

Examples of engagement methods using unidirectional communication

In unidirectional engagement methods, communication emphasizes one direction over the other. For example, open house methods emphasize communication from the courts to the public, while surveys, interviews, focus groups, and televoting emphasize public to court communication. These methods can often be adapted to include more bidirectional dialogue.

- **Open houses** often involve representatives and information presentation in a context where the public can ask questions.
- **Surveys, interviews, and focus groups** typically use standardized questions to elicit information from the public, to better understand their views.
- **Televoting** allows people to vote from their locales (homes, communities) and encourages people to learn about and discuss the issue with their neighbors and friends prior to offering their opinion.

Features that can vary between engagement methods

The above examples illustrated that engagements can vary by levels and direction of communication. However, there are many ways in which engagement methods can vary, including the following:

- **Goals** (e.g., education, values clarification, consensus-building, relationship-building, networking, problem-solving)
- **Activities** (e.g., discussion, voting, information communication, ranking tasks, deliberation)
- **Size** (e.g., small groups, one-on-one meetings, large audience engagement)
- **Modes and media** (e.g., face-to-face, online, mobile-friendly, telephone, mail, specific electronic platforms)
- **Participants** (e.g., minorities, special populations or interest groups, specific expertise)
- **Duration** (e.g., one-time short engagement, day-long engagement, many engagements over time)

TIP: As you think about what methods and features to include in your engagements, it may be useful to consider the following questions:

- **What are the goals of the engagement?** For example, is the primary aim to clarify the issues and problems (which might be facilitated through storytelling)? Generate potential solutions (through brainstorming)? Come to consensus on best courses of action (through structured deliberation)?
- **What features (e.g. activities, modes, and media) will be effective for the goals and the participants?** For example, what will especially appealing versus not acceptable to the communities you wish to engage? Engaging young people may be more effective if certain forms of social media popular among youth are used.

3. Identifying Partners and Participants

Applicants should consider what partners are necessary to plan for and execute a successful project with meaningful outcomes. Who and how partners are involved should be determined while defining the scope and objectives of your project. In addition to project design, applicants should consider how involving partners will build and foster community support and solve problems over time. As addressing racial, ethnic, socioeconomic, and other bias in the court system is a challenging and long-term endeavor, having active involvement and support from the community is crucial.

Potential partners that courts may consider include the following groups:

Justice System Partners

- Legal professionals (Judges, prosecutors, public defenders)
- Probation
- Law enforcement
- Correctional programs
- Community corrections / diversion programs

Community Partners

- Racial and ethnic minorities, advocates and community leaders
- Justice-system involved individuals and/or families

Community Services, Resources, Stakeholders

- Domestic violence victim support
- Immigration advocates
- Alcohol/Drug treatment providers
- Behavioral/Mental health treatment providers
- Workforce development/Employment support
- Schools/libraries/literacy groups
- Media
- Elected officials
- Community foundations
- Cultural centers
- Faith and community organizations

TIP: As you consider who needs to be involved in your engagement efforts, it may be useful to consider the following questions:

- **What groups, institutions, and individuals does the issue involve?** That is, who is affected? Who can moderate the effects? Who has control over causes or effects?
- **Who has connections to or influence among those listed in the first bullet?**
- **Who/what has special understanding or knowledge relating to the issues, causes and effects?** For example, a psychologist who studies implicit bias may not be a member of the court system nor a minority, but may have relevant expertise.
- **What are the barriers to involving persons/entities listed?** For example, what is the readiness of such persons for involvement and engagement? Readiness to be engaged may include willingness, openness, and background knowledge.

Appendix A:

Issues Identified in the “Courting Justice” Listening Tour

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Background

In 2016, the Engaging Communities in the State Courts Initiative convened a national listening tour in collaboration with the National Center for State Courts, the State Justice Institute, and the Public Broadcasting Service (PBS). The events were collectively titled “Courting Justice,” and they were held in Los Angeles (June 10), Little Rock (September 23), and Cleveland (December 8). Community leaders and members of the public were encouraged to express their concerns regarding the relationship between the state courts and society. Input obtained from these events were distilled to identify 11 major themes, organized into 3 broad categories (listed in Table 1). Each theme is discussed in greater depth in the following pages.

For more information about the “Courting Justice” listening tour and links to the videos go to <http://www.ncsc.org/Conferences-and-Events/Courting-Justice.aspx>.

Table 1. Issues and Themes from the Courting Justice Listening Sessions

<i>Issues based on how judges make decisions</i>	Lack of awareness of the reality of minority communities Implicit bias on part of judge Lack of diversity on the bench
<i>Issues based on unfairness in the court system</i>	Financial barriers to accessing the courts Court funding dependent on the amounts of fines and fees Bias in the plea-bargaining process Lack of diversity in juries/jury pools
<i>Issues based on the outcomes of judicial decisions</i>	Bias in sentencing outcomes Failure to hold police accountable Impact of sanctions on employment opportunities Bias in imposing legal financial obligations

Issues based on how judges make decisions

- **Lack of awareness of the reality of minority communities**

Minority communities live in a reality that differs from majority communities on many dimensions. Differences may relate to the variety of culture realities and language variations, the day-to-day experience of discrimination and bias, and many other issues. Sometimes these differences are recognized by the courts, but this is not always the case. Regardless of whether the courts are aware of the differences, their awareness is not always apparent to minority community members. Listening Tour discussions suggested an illustration of this problem might be seen in the opioid epidemic. Historically, when the problem was largely confined to minority communities, it was met by increasing sentencing severity, suggesting a criminal reality in which punishment was the answer. However, there was a change to a more addiction-centered treatment-based model when the same problems became prevalent in White, middle-class suburbs. In this case, the reality of minority and majority communities likely had similarities relating to the cause of opioid abuse. However, the different treatment of the matter over time suggested that, when the issue only affected minority communities, the courts did not take the time to understand the reality that minority addicts were experiencing. Court understanding only changed when the epidemic moved into majority communities.

- **Implicit bias on the part of the judges**

Implicit bias occurs when attitudes and stereotypes affect people's thinking and actions without them knowing. This is typically contrasted with explicit bias which refers to situations in which the effect of these attitudes and stereotypes are intentional. Implicit biases are common and can lead to disproportionate outcomes throughout the legal system.¹ In the Listening Tour sessions, audience and panel participants frequently discussed implicit bias, and implicit bias training for judges. Importantly, implicit biases are believed to be the source of some of the disparities in outcomes both in and beyond the courtroom.² Further, implicit biases are not limited to majority individuals, which suggests training is important for minority and majority members alike. Research has found negative implicit biases among both Black and White potential jurors and among defense attorneys.³

¹ Anthony G. Greenwald and Linda Hamilton Krieger, *Implicit Bias: Scientific Foundations*, 94 Calif. L. Rev. 945 (2006). (<https://scholarship.law.berkeley.edu/californialawreview/vol94/iss4/1/>).

² Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124 (2012) (<https://www.uclalawreview.org/pdf/59-5-1.pdf>).

³ Theodore Eisenberg and Sheri Lynn Johnson *Implicit Racial Attitudes of Death Penalty Lawyers*, 53 DePaul L. Rev. 1539 (2004) (<http://via.library.depaul.edu/law-review/vol53/iss4/6/>).

- **Lack of diversity on the bench**

While racial and ethnic representation on the bench has greatly increased in recent years, there remains room for further improvement. For example, despite representing 38% of the national population, people of color represent only 20% of the seats on state benches. It is estimated that close to 75% of trial judges are White.⁴ In contrast, people of color represent almost 70% of all criminal defendants nationwide.⁵ A diverse state judiciary may help reduce implicit bias. Similarly, more diversity on the bench would allow for a more representative judiciary and may address concerns about the extent to which courts are aware of realities of minority communities.⁶ Participants in the Listening Tour suggested representativeness of the judiciary is an important goal for both a racially and ideologically diverse court system. During the Listening Tour it was also pointed out that, in some jurisdictions, the political party affiliation of judges is not representative of the population in general and particularly not representative of communities with high levels of racial/ethnic minorities and low socio-economic income. Participants also suggested that the process of electing judges may influence the lack of diversity generally in the court system.

Issues based on unfairness in the court system

- **Financial barriers to accessing the courts**

Socioeconomic stratification plays a significant role in the proper administration of justice. Individuals who lack sufficient money or time often have significantly less access to justice. Such access has been defined as “the ability of any person, regardless of income, to use the legal system to advocate for themselves and their interests.”⁷ Listening Tour participants noted that courts may not understand how judicial sanctions, like imposing a court fee, can be prohibitively expensive for many even when they would be relatively small for others. When compounded with other costs, such as attorneys’ fees, fees for record searches, and the like, the costs associated with access to the courts may result in low-income individuals foregoing the process altogether.

⁴ Tracey E. George and Albert H. Yoon, *The Gavel Gap, Who Sits in Judgement on State Courts?*, American Constitution Society for Law and Policy (<http://gavelgap.org/pdf/gavel-gap-report.pdf>).

⁵ U.S. Dep’t of Justice, *Felony Defendants in Large Urban Counties, 2009 – Statistical Tables* (2009) (<https://www.bjs.gov/content/pub/pdf/fdluc09.pdf>).

⁶ Kate Berry, *Building a Diverse Bench: A Guide for Judicial Nominating Commissioners*, p. 4, Brennan Center for Justice (2016) (<https://www.brennancenter.org/publication/building-diverse-bench-guide-judicial-nominating-commissioners>).

⁷ Texas Access to Justice Commission, *What is Access to Justice*, Texas Access to Justice Commission (<http://www.texasatj.org/what-access-justice>).

- **Court funding dependent on the amounts of fines and fees**

The underfunding of the justice system is one of the most critical issues facing the legal profession.⁸ Due in part to the War on Crime policies of 1970s, the criminal justice system has seen a massive increase in the number of citizens who are in contact with the courts, which in turn causes court expenses to increase dramatically. State courts bear most of these costs. Because politicians are reluctant to increase taxes, the costs are increasingly passed on to defendants through fees and fines. In Ferguson, Missouri, for example, revenue generation may have fundamentally compromised the role of the municipal court. A report concluded that the Ferguson court used its judicial authority as the means to compel the payment of fines and fees that advance the City's financial interests.⁹ It also found that these practices imposed unnecessary harm, overwhelmingly on Black individuals. Listening Tour participants echoed this sentiment, suggesting that this predatory posture is not limited to the Ferguson municipal court and that courts are often considered revenue centers through the imposition of fees, bail and fines. This leads to the burden of funding court systems being placed on the backs of people coming through the court system, which is disproportionately made up of racial/ethnic minorities and the poor.

- **Bias in the plea-bargaining process**

Generally, prosecutors' offices have significant discretion in determining what charges to bring against a defendant and what sentence to recommend. Often, criminal defendants will plead guilty to a lesser charge in return for a shorter sentence or other reduction in penalty. However, research suggests that the plea-bargaining process may be biased by both the prosecutor and the judge. For example, prosecutors can choose which charges to file, and may choose to reduce more serious to less serious charges. Research on Wisconsin cases found, compared to Whites, Black defendants were more likely to be convicted of their highest initial charge. Meanwhile, white defendants were significantly more likely than Black defendants to have their most serious initial charge dropped or reduced in severity.¹⁰ In addition to problems of bias, the heavy caseloads in trial courts can also work against defendants by encouraging plea deals in response to harsh criminal charges. Lack of sufficient representation or overworked public defenders can compound these problems.

⁸ American Bar Association, *Task Force on the Preservation of the Justice System* (https://www.americanbar.org/content/dam/aba/publishing/abanews/1306428613about_task_force_revised052411.authcheckdam.pdf).

⁹ United States Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department* (https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf).

¹⁰ Equal Justice Initiative, *Research Finds Evidence of Racial Bias in Plea Deals*, EJI, (Oct. 26, 2017) (<https://eji.org/news/research-finds-racial-disparities-in-plea-deals>).

- **Lack of diversity in juries/jury pools**

Jury trials are supposed to be comprised of “peers” of the defendant. Problematically, the diversity of both juries and jury pools is limited. Research suggests that the composition of juries can be a source of bias. One study found that all-White juries are 16x more likely to convict a Black defendant than a White defendant; but when a jury contains at least one Black juror, the difference in conviction rates of White and Black defendants is not statistically significant.¹¹ Disparities in outcomes for minority defendants like these have led some to suggest that greater minority representation on juries is needed.¹² Minority participation may be increased by reducing barriers separating the courts and their communities, as well as by reducing barriers to participation. For example, it may be important both to increase trust in the courts generally and to address barriers that result in juries unreflective of their communities.

Issues based on the outcomes of judicial decisions

- **Bias in sentencing outcomes**

Contributing to feelings of fundamental unfairness in the justice system are documented disparities in sentencing outcomes. Research shows that, in federal trials, Black defendants receive sentences that are 20% longer than White defendants convicted of the same crime.¹³ Similarly, research on individuals sentenced to life in prison without the possibility of parole suggests that 71% are Black and Black defendants are 20% more likely to be sentenced to life without the possibility of parole for a nonviolent crime than White defendants.¹⁴ This topic was also touched upon during the Listening Tour. For example, during the second Los Angeles session, Judge Jimmie Edwards of St. Louis noted that there were more reasons for disparities than implicit bias. He had coined the phrase “sentencing while mad,” to recognize that when Judges sentence while feeling angry, defendants receive longer sentences. “And too often, they’re young African American men,” he added.

- **Failure to hold police accountable**

Public perceptions and concern regarding privileged treatment of police by the courts and society more generally has become a major impediment to positive relationships among the police, the courts,

¹¹ Steve Hartsoe, *Study: All White Jury Polls Convict Black Defendants 16 Percent More Often Than Whites*, Duke Today (Apr. 17, 2012) (<https://today.duke.edu/2012/04/jurystudy>).

¹² Ashish S. Joshi and Christiana T. Kline, *Lack of Jury Diversity: A National Problem with Individual Consequences*, American Bar Association, Diversity Inclusion Section of Litigation (2015) (<https://www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2015/lack-of-jury-diversity-national-problem-individual-consequences.html>).

¹³ *Hearing on Reports of Racism in the Justice System of the United States*, Inter-American Commission on Human Rights 153rd Session, 1 (2014) (written testimony of the American Civil Liberties Union on Racial Disparities in Sentencing) (https://www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf).

¹⁴ *Id.*

and the communities they serve. Supporting perceptions of privileged treatment (although outside the court context), research indicates that when police officers have been identified as being guilty of misconduct, only 54% are terminated from their position.¹⁵ In addition, some states statutorily block access to police misconduct records by the public, making it more difficult to hold police departments accountable.¹⁶ During the Listening Tour, when a member of the public brought up issues relating to balancing transparency versus confidentiality in Grand Jury trials, the conversation turned toward public trust (and distrust) in grand juries, particularly in cases of police use of lethal force on a minority civilian target. Former Justice Yvette McGee Brown pointed out that the prosecutor’s office and the police department in many jurisdictions work very closely together, encouraging community perceptions of unfairness and collusion in the case of Grand Jury trials. Meanwhile, Ohio Chief Justice Maureen O’Connor, described Task Force recommendations that cases of police lethal force be handled by the Attorney General rather than by local prosecutors. However, she also described difficulties and barriers to acting on such recommendations, especially relating to a lack of political support among numerous groups.

- **Impact of sanctions on employment opportunities**

When an individual cannot pay a sanction imposed by a court, they often incur additional penalties that compound the economic impact. For example, failure to pay sanctions can in many cases lead to a suspension of a driver’s license. A study conducted by the New Jersey Motor Vehicles Affordability and Fairness Task Force found that 42% of individuals whose license had been suspended lost their employment.¹⁷ Of those who lost their jobs due to a suspended license, 45% could not find employment after being fired.¹⁸ Consistent with this theme, an audience member participating in the “Courting Justice” sessions told a vivid and emotional story about the difficulties finding employment that would help him better himself after imprisonment. A job opportunity consistent with his pre-imprisonment work and career experience presented itself while he was on parole and “flipping burgers for minimum wage.” However, his parole officer told him he was not allowed to move or travel outside of the city to pursue the opportunity, and threatened to jail him if he tried to leave.

¹⁵ Tom Jackman, *Study finds police officers arrested 1,100 times per year, or 3 per day, nationwide*, The Washington Post, (Jun. 22, 2016) (https://www.washingtonpost.com/news/true-crime/wp/2016/06/22/study-finds-1100-police-officers-per-year-or-3-per-day-are-arrested-nationwide/?utm_term=.bb3a8dacadaa).

¹⁶ Michael Sisitzky and Simon McCormack, *This Law Makes It Nearly Impossible To Police The Police In New York*, New York Civil Liberties Union, (Apr. 19, 2018) (<https://www.nyclu.org/en/news/law-makes-it-nearly-impossible-police-police-new-york>).

¹⁷ Alan M. Voorhees and Edward J. Bloustein, *Motor Vehicles Affordability and Fairness Task Force Final Report*, 38, Jew Jersey Motor Vehicle Commission, (Feb. 2006) (http://www.state.nj.us/mvc/pdf/about/AFTF_final_02.pdf).

¹⁸ *Id.*

- **Bias in imposing legal financial obligations**

Legal financial obligations, or LFOs, refer to the fines and fees associated with legal system involvement. As noted in an earlier section of this document describing *Court funding dependent on the amounts of fines and fees*, the same LFOs can have different impacts on minorities and low-income persons than upon majority and average income persons. However, bias can exist in the actual imposition of LFOs, not just the impacts. In the Listening Tour, when explicitly asked “whether or not, people of color and poor people tend to be disproportionately treated in a punitive and pejorative way by these LFOs,” Ohio Chief Justice Maureen O’Connor replied, “I think that there’s no question, that that’s what’s occurring.” Consistent with this view are studies, such as one conducted in Washington State, which find significantly higher fines and fees assessed in cases involving minority (in this case, Hispanic) versus White defendants.¹⁹ Similarly, a study in Texas outlines disparities relating to race at each step of the process, from ticketing, to enforcement through jailing, to requiring forced labor for fine repayment prior to release.²⁰

The Conference of Chief Justices and the Conference of State Court Administrators formed a National Task Force on Fines, Fees and Bail Practices (National Task Force) to address the ongoing impact that court-ordered legal financial obligations have on economically disadvantaged communities and to draft model statutes and court rules for setting, collecting, modifying, and waiving such obligations. Fines and fees, and sanctions for nonpayment, can have a particularly devastating effect on the lives of low-income persons in civil as well as criminal matters, and the National Task Force addresses issues emanating from both. One of the more valuable results of the work of the National Task Force is an online Resource Center (<http://www.ncsc.org/Topics/Financial/Fines-Costs-and-Fees/Fines-and-Fees-Resource-Guide>), which includes work product created by this initiative and highlights other documents related to these issues.

¹⁹ Kathrine A. Becket, Ph. D., et al., *The Assessment and Consequences of Legal Financial Obligations in Washington State, Research Report*, 30, Washington State Minority and Justice Commission, (Aug. 2008).

²⁰ American Civil Liberties Union of Texas, *No Exit, Texas: Modern-Day Debtors’ Prisons and the Poverty Trap* (November 2016), (https://www.aclutx.org/sites/default/files/field_documents/debtorsprisonfinal_0.pdf)

Thoughts on how public engagement can help

In general, courts need to hear from minority communities about the challenges and realities that they face to better serve them. Conversely, minority communities may not know what the courts do not know about their realities. Bidirectional or multi-directional dialogue is therefore necessary to uncover and test potentially hidden assumptions. For example, while prior research provides information on how to encourage or disrupt implicit biases, dialogue with the communities is needed help to identify what community members see as the most troubling and problematic evidence of bias, and to guide choices of metrics and measures of such bias. Dialogue with communities and relevant partners may also suggest interventions that either reduce biases or intervene between implicit biases and decisions made at various stages of experience with the courts.

Engaging the public to discuss these and other bias-relevant problems may lead to a greater understanding of the problems and their impacts, their underlying causes, as well as generate new and creative solutions. In choosing stakeholders to involve, it is important to keep in mind that different experiences and expertise may be most relevant to different aspects of the problem. For example, some stakeholders may advance a deeper understanding of problem impacts while others may advance new solutions. However, for the solutions to meet the needs of those impacted by any given problem, it is necessary for persons with both types of experience and expertise to engage with one another and come to a deeper understanding of one another's perspectives. For more information on public engagement generally, see [Appendix B](#).

Thoughts on how to assess improvement

Efforts to address issues like those presented above can be evaluated in a variety of ways, including through direct measures, indirect measures, surveys and interviews of persons served by the courts, and surveys of the public.

- **Direct measures.** Some issues can be measured objectively. For example, courts can measure the diversity of their bench and juries through record-keeping that includes demographic information relevant to the disparity. Disparities in outcomes can be similarly assessed by maintaining records of dispositions that allow for tracking and comparisons of outcomes for specific groups.
- **Indirect measures.** Not all efforts lend themselves so well to direct measurement, however. In some cases, progress can be assessed by measuring conditions related to or likely to affect the target issue. For example, reductions in implicit bias may be difficult to measure, but tracking implicit bias training and showing increases in the numbers or percentages of court personnel who are trained, would show progress on a factor likely to impact implicit bias.
- **Surveys and interviews of those served by the court.** Another strategy for assessing improvement might include directly speaking to or surveying impacted individuals. CourTools (www.courtools.org) provides many resources for this strategy, some of which are directly related to the disparity issues described in this document. For example, CourTools provides resources for measuring:
 - [perceived fairness of legal financial obligations](#)
 - [perceptions of access to and fairness of the courts](#)
 - [time to disposition](#)Each of these types of variables can be compared between groups to determine if disparities exist and if such disparities change over time or in response to interventions and reforms.
- **Surveys of the public.** Finally, another strategy is to go beyond the perceptions of those having contact with the courts, to assess attitudes of the public. As has been only too clear in the aftermath of serious cases like those involving police use of deadly force, the decisions of the courts, and especially the way those decisions are made, also have important implications for people who may never have any personal contact with the courts. As courts work to overcome disparities, it would be beneficial if perceptions of the courts improved among the public as well as among those directly served. Surveys are one way in which broader public attitudes may be assessed. For example, a measure of confidence in the courts that has been validated with both community²¹ and older adult²² samples is available at <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1682&context=psychfacpub>.

²¹ Joseph A. Hamm et al., *Deconstructing Confidence in the State Courts*, *Journal of Trust Research* (<https://www.tandfonline.com/doi/abs/10.1080/21515581.2013.771501>).

²² Joseph A. Hamm et al., *Measuring Older Adult Confidence in the Courts and Law Enforcement*, *Criminal Justice Policy Review* (<http://journals.sagepub.com/doi/abs/10.1177/0887403415623034>).

Appendix B:

Examples of Public Engagement

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Background

As noted in the Toolkit, we provide examples that we hope will inspire creative and potentially more effective approaches to public engagement rather than focusing on specific definitions of public or community engagement.¹ Thus, the following examples of public engagement are not meant to be comprehensive or constraining. The examples provide information about some of the more common methods of engagement, and illustrate the differences between engagements that emphasize bidirectional communication and those that emphasize unidirectional communication between the public and an institution like the courts. Many other forms of public engagement are described on websites such as participedia.net and NCDD.org.

As one explores the varieties of public and community engagement, keep in mind when engaging vulnerable populations (e.g., minorities, low income, youth, seniors, persons with disabilities) that:

- Techniques may need to be modified for the population. For example, experiential, hands-on activities may be more appropriate for some populations than others. Alternative techniques may involve gaming, art, and using population representatives to gather data.
- Culture brokers can be used to ensure techniques are appropriate for the population.
- Involvement of population representatives in the planning stage is crucial to success.
- Compensation for participation may be required to gain access to some populations.

The strengths of such efforts include:

- Techniques are tailored to the focus population.
- Buy-in to solutions by population members may increase due to participation.
- Culturally sensitive processes and solutions may be more likely.

However, the challenges include:

- Techniques can be complicated to plan and execute.
- The efforts require a champion or someone with access to the population to be involved early in and often throughout the process.
- Quality of input may be difficult to gauge due to uncertainty about the representativeness of those involved and potential limitations on data that might be gathered.

¹ See <http://www.bangthetable.com/what-is-community-engagement/> descriptions of public engagement from multiple disciplinary perspectives.

Bidirectional Communication Engagement

These forms of engagement are more likely to involve multi-directional communication between institutions and communities, and are consistent with the requirements outlined in the [call for Letters of Interest](#).

- **Citizen Advisory Committees**

- **Overview:**

- Committee made up of various community and organizational representatives (e.g. from governmental to public) that represent specifically targeted groups.
- Committee can be asked to deliberate and form informed opinions about issues after receiving information.

- **Strengths:**

- Easy to conduct.
- Easy to control using rules established beforehand or as the session begins.
- Most residents are familiar with this type of input.
- Useful for presenting information and then hearing immediate feedback.
- Can obtain specific input, for example by asking attendees to vote on options or rank order preferences.
- When committee meetings are held over time, there is the opportunity to obtain more sophisticated and nuanced input.
- Committee members can draw up reports and issue recommendations as part of process.

- **Weaknesses:**

- Committees are comprised of residents or stakeholders who have vested interests, so their involvement may not result in new perspectives.
- The number of people involved is small, which may raise questions about how well the public is represented as well as how much influence they will have.
- It can be difficult to get people to make commitments and stay involved in the committees over a period of time.
- Without facilitation, the committees may veer off course or stop functioning.

- **Learn more:**

- <https://participedia.net/en/methods/citizen-advisory-board>
- <https://www.courtinnovation.org/sites/default/files/documents/Community%20Advisory%20Boards%20final%204.pdf> (court-specific overview)

- **Deliberative Discussions**

- **Overview:**

- Aims to give diverse stakeholders a full and fair opportunity to influence the outcome.
- Designed to inform beforehand and have opportunity for informed participants to provide input.
- Typically includes:
 - Briefing materials
 - Baseline surveys
 - Expert presentations, questions and answers
 - Small-group discussions
 - Large-group plenary discussions
 - Post-event surveys

- **Strengths:**

- Offers a level playing field for participants of varying knowledge levels.
- Avoids domination by influential and outspoken people.
- Interesting and enjoyable for participants.
- Survey information reflects views of informed participants, instead of just “top of the head” responses.

- **Weaknesses:**

- Somewhat complicated to plan.
- Staff resource intensive.
- Usually more time investment needed from participants, including 4-6 hours on day of discussions.
- Can be expensive.

- **Learn more:**

- <https://participedia.net/en/methods/deliberation>

- **Exemplar cases:**

- <https://www.nifi.org/en/events-archive>
- <http://www.msccsp.org/reports/focusgroup.aspx> (Maryland courts)
- http://www.democracyco.com.au/wp-content/uploads/2017/03/VSS_FINAL-REPORT-forweb.pdf (adolescent victims of crime)

- **Social Media Facilitated Discussions**

- **Overview:**

- Uses social media platforms like Facebook or Twitter to host real-time discussions about topics.
- Typically includes:
 - A webpage, social media page, and/or hashtag to bring people and content together.

- **Strengths:**

- May be more attractive to younger generations.
- People can participate from all over the world if they have an internet or mobile connection.
- Allows for a lot of information to be gathered at once and relatively automatically transcribed to text for deeper analyses.
- Online tools can be used to easily track data that may be relevant to public opinion such as likes, retweets, replies.

- **Weaknesses:**

- Requires the technology to participate.
- May be difficult to moderate discussions and to keep them focused on the topics.
- Amount of information received may be difficult and time-consuming to process.
- Difficult to enforce thoughtful deliberation if that is the goal.
- Lack of physical presence and use of text based communication can sometimes reduce civility of discussion.

- **Learn more:**

- <https://www.contentfac.com/10-simple-steps-to-hosting-a-killer-twitter-chat/>

- **Democratic Community**

- **Overview:**

- This method combines democratic deliberation groups with an effort to build a longer-lasting community of citizens. The ensemble of groups can use known methods to coordinate their thinking and civic actions.
- As a community, people must get to know each other with sufficient depth to truly understand each other's perspectives regarding policy. This can involve sharing life experiences, values, and identities.
- Sharing should help create compassion and interest that motivate longer-term engagement. Life experiences can be connected to community policies to show the relevance of engagement.
- Groups may seek to replicate by having experienced members create and guide new groups.
- A pyramidal coordination mechanism can allow one group to speak for all others.
- Typically includes:
 - A guided process of group members getting to know each other in some depth
 - A deliberative discussion of some issue of community concern
 - Some effort to expand to include a broader segment of the community

- **Strengths:**

- If successful, democratic communities will persist and expand, affecting deep and long-term community change.
- By connecting the personal to community issues, democratic communities could elicit greater motivation and interest and develop more novel and well-considered policy options.
- Democratic communities could serve as a natural point for bidirectional interaction between officials and the community.
- Such groups may stimulate more active citizenship.
- Institutional actors can consult a self-sustaining democratic community repeatedly.

- **Weaknesses:**

- While promising in theory, this approach is untested.
- The groups might not stimulate sufficient interest to perpetuate themselves or grow in strength.
- The groups take a more substantial time commitment than other approaches.
- While a group might be initially charged with focusing on a given issue, the long-term focus of a group cannot be determined. This may also be an advantage in clarifying genuine grassroots concerns.

- **Learn more:**

- [About Democratic Communities.](#)

- **Examples**

- <https://envisioningjustice.org/> employs some but not all of the techniques of Democratic Community.

Unidirectional Communication Engagement

These forms of engagement are more likely to emphasize one-way or more limited communication between institutions and communities. To fulfill the requirements outlined in the [call for Letters of Interest](#), these methods would need to be used in combination with other methods to facilitate deeper and more multi-way forms of communication.

- **Open Houses (Courts → Public)**

- **Overview:**

- Typically used to communicate TO the public (courts → public communication).
- Residents are invited to drop by at a set location on a set day.
- Residents can speak with representatives, view displays set up in the room, break into discussion groups, complete surveys and so on.
- Typically includes:
 - Attractive and interesting information presentation and display
 - Institutional representatives who can discuss issues and answer questions

- **Strengths:**

- Relaxed, informal atmosphere.
- Good for providing information.
- Multiple events can be held at different locations across a community.
- Can also integrate such techniques as surveys to allow for some bidirectional communication.

- **Weaknesses:**

- Potential for lack of clarity in purpose.
- Because people are coming and going, it may be difficult to have a good discussion.
- Resource intensive for staff.
- Can be expensive.
- May only attract persons who are already interested in the topics.

- **Learn more and Exemplar cases:**

- <http://www.health.state.mn.us/communityeng/groups/tale.html>
- <http://www.alameda.courts.ca.gov/Pages.aspx/Court-Community-Outreach-Programs>

- **Surveys (Public → Courts)**

- **Overview:**

- Questionnaires which can typically be self-administered on paper or via online methods, but may also be administered by an interviewer over the phone.
- Solicit standardized input from a large number of persons.
- Volunteer or convenience sample surveys can be completed by anyone who has the survey instrument, and may allow more people to be heard, and help people feel heard.
- A random-sample survey can be conducted to estimate the prevalence of views in a population.
- Typically includes:
 - A set of standard questions that all persons are asked.
 - Both closed-ended (e.g., rating or multiple response options) questions and open-ended (text response) questions.
 - Questions that can be answered in a short period of time (e.g., 10 minutes).

- **Strengths:**

- Online surveys remove the need for data entry, can randomize questions, and can be very cost-effective for large-scale administration, resulting in quickly obtained results.
- Mail surveys with postage-paid return envelopes sent to address-based samples can overcome issues related to the increasing use of cell phones that are not listed in a phone directory.
- Random-sampling allows generalizability to populations (community as whole, and even minority group members or certain parts of city) beyond those surveyed, with a degree of confidence that can be known and messaged.
- Random sample data considered “Cadillac” method of information gathering from any target group.

- **Weaknesses:**

- Online surveys require people to have access to the internet and this may pose an additional barrier to completion and bias in the sampling.
- Mail and phone surveys can be more expensive.
- If trying to make generalizations to subgroups (e.g., minority group members or parts of city), need to have sufficient numbers of respondents to allow for the assessment, driving up costs even more.
- Even in the case of random-sample surveys you will not obtain the views of people who receive the survey yet do not complete the survey. The results of the survey are only as valid as the similarities between the completers and non-completers.

- **Learn more:**

- <https://participedia.net/en/methods/surveys>

- **Exemplar cases:**

- <http://www.courts.ca.gov/5275.htm> (California)
- http://www.mncourts.gov/mncourtsgov/media/assets/documents/reports/pt-c_survey_strategies.pdf (Minnesota)
- <http://www.ndcourts.gov/court/committees/trust/Summary.htm> (North Dakota)

- **Focus Groups or Stakeholder Meetings (Public → Courts)**
 - **Overview:**
 - Group discussions, 8-12 participants per discussion.
 - Often includes:
 - Pre and/or post surveys
 - A structured set of questions and follow-up prompts to ask of each group
 - A trained facilitator/interviewer
 - **Strengths:**
 - Good way to learn about interests and views of the participants.
 - One participant's perspectives can prompt new ideas or helpful reactions from other participants.
 - Follow-up questions can yield detailed and thoughtful information.
 - **Weaknesses:**
 - Limited number of participants.
 - Participants are not usually representative of the community.
 - Group members can coalesce around perspectives that are not reflected outside the group.
 - Individuals may dominate.
 - **Learn more:**
 - <https://participedia.net/en/methods/focus-group>
 - **Exemplar cases:**
 - <https://aja.ncsc.dni.us/courtrv/cr44-1/CR44-1-2Denton.pdf>

- **Televoting (Public → Courts*)**

- **Overview:**

- In this method, people are contacted and invited to be interviewed or surveyed about their opinions at a future date. Prior to that interview or survey they receive information on the issue of concern and are asked to carefully consider the information and discuss it with friends, family, and neighbors. On the date of the survey they provide their opinions and reasoning.
- Typically includes:
 - Interview/survey format, combined with self-guided deliberation
 - Information provided ahead of the actual voting activities
- It is important that the interview or survey is conducted by a person, so the respondent will feel accountable to adequately consider his or her views.
 - Conceivably, a well-programmed chatbot could create the sense of accountability to another person.
- *Panel discussions could be televised or otherwise broadcast the day of the survey. By allowing people to also call in with questions, the method becomes more bidirectional.

- **Strengths:**

- This method can get substantial numbers of people to deliberate an issue at relatively low cost—including participants' social networks.
- The future interview instills a sense of accountability in the respondent that increases cognitive effort and reduces biases.
- Some research finds that much if not all opinion change in more expensive face-to-face deliberation is due to learning materials, which are incorporated here.

- **Weaknesses:**

- Unlike standard deliberation, it is less likely the respondents' discussion partners will have diverse views.
- It is not known how many people actually deliberate with others, how much they do so, and what the quality of these deliberations are.
- It is not known how large an effort is needed to affect community attitudes.

- **Learn more:**

- <http://www.auburn.edu/tann/tann2/project2.html#TELEVOTE>

- **Exemplar cases:**

- https://www.researchgate.net/publication/237333606_Community_Consultation_in_Environmental_Policy_Making
- <https://www.uts.edu.au/sites/default/files/article/downloads/whiteetal2001depositsNSWvol3.pdf>
- https://scholarspace.manoa.hawaii.edu/bitstream/10125/10136/1/uhm_phd_9312219_r.pdf