

Procedural Fairness

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February 2024

UNC SCHOOL OF GOVERNMENT

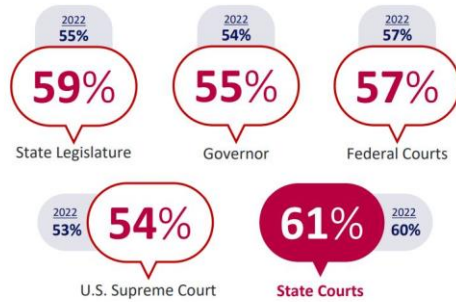


// FIGURE 1

Public trust and confidence is, on balance, unchanged from a year ago...

Q: "How much confidence do you have in each institution?"

Percent saying they have either a great deal of confidence or some confidence.



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// FIGURE 3

There are improvements on numerous attributes compared to the 2022 survey.

Q: "Please indicate whether you agree or disagree with the statement."

Percentage increase of those answering "strongly agree" or "somewhat agree" with each statement compared to 2022 survey.



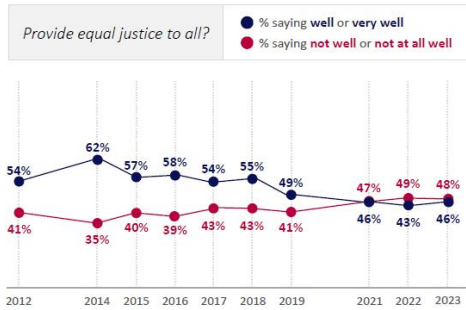
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// FIGURE 4A

Delivering equal justice for all—and being seen as doing so—remains a critical priority.

Q: “Does the following word or phrase describe [state] courts very well, well, not very well, or not well at all?”



// FIGURE 4B

Delivering equal justice for all—and being seen as doing so—remains a critical priority.

“It’s just an underlying fact that if you have money, if you have connections...[then] you have the ability to fight a case and win it.”

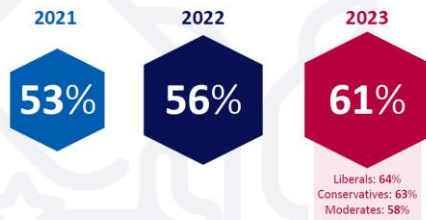
white woman
Phoenix focus group
September 11, 2023

// FIGURE 6A

An increasing number of Americans see the courts as a political institution.

Q: “Do each of the following words or phrases describe [state] courts well or not well?”

Percent saying the word “political” describes the courts “well” or “very well.”



“The goal is Legitimacy; the tactic is procedural justice.”

TRACEY MEARES
JUSTICE COLLABORATORY; YALE LAW SCHOOL



Voice

Neutrality

Respect

Trustworthiness

Understanding

Helpfulness

// FIGURE 4D

Delivering equal justice for all—and being seen as doing so—remains a critical priority.

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“They don’t make it easy, because they don’t want you to figure it out.”

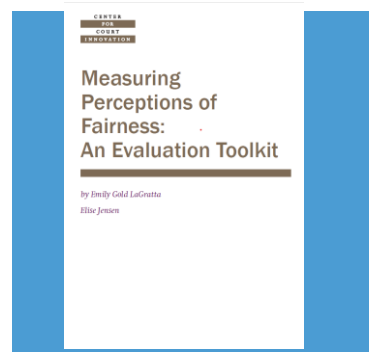
black woman
Arlington focus group
August 31, 2023

The judicial officer gave reasons for his or her decision.	✓
The judicial officer made sure I understood the decision.	✓
The judicial officer seemed to be a caring person.	✓
The judicial officer treated me with respect.	✓
The judicial officer listened carefully to what I (or my lawyer) had to say.	✓
I understand what is required of me in order to comply with the judicial officer's decision.	✓

Hon. Kevin Burke & Hon. Steve Leben, *The Evolution of the Trial Judge from Counting Case Dispositions to A Commitment to Fairness*, 18 Widener L.J. 397, 412 (2009)



- Self-Assessment
- Courtroom Observation
- Anonymous Exit Interviews of Defendants



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- Survey of people who access the court during a typical time frame



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Never Mistake Activity for Achievement

-John Wooden

stretch vp



KEEP IN MIND:

- This may be the most important contact with the court system the parties will ever have.
- Filling out forms on the bench may be important, but eye contact and engagement with the parties are critical.
- Trust is not a given. But it can be gained in each hearing through adherence to procedural-fairness principles.
- People make assumptions when they lack knowledge. Explain things.
- Listening is a key skill. Decision acceptance is greater if it's clear you listened—note their key points when ruling.
- Like others, judges can be affected by perceptions, assumptions, and stereotypes—in other words, implicit biases. Be aware.

Thank you.

Comments? Questions?

