RESEARCH

Improving Courtroom Communication

A Procedural Justice Experiment in Milwaukee

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Executive Summary

Research indicates that litigants are more likely to leave court with a positive impression of their experience and to comply with court orders in the future when they perceive the court process as fair. This research underlines the importance of *procedural justice*. In court settings, procedural justice concerns the role of fair and respectful procedures and interpersonal treatment in shaping assessments of legal authorities and reactions to specific case outcomes.

In 2011, with funding from the Bureau of Justice Assistance, the Center for Court Innovation and the National Judicial College launched a pilot demonstration project at the Milwaukee County Criminal Court with the goal of enhancing defendant perceptions of procedural justice by improving the oral, written, and nonverbal communication used by judges in the courtroom. In the initial months of the project, Center staff worked with a group of experts—judges, legal theorists, communications experts, and others—to develop a one-day training for judges and other court staff that aimed to improve courtroom communication practices. Seven Milwaukee judges from misdemeanor and felony courtrooms were recruited to participate in the demonstration (in addition to representatives from partner agencies such as the public defender's office and the district attorney's office), which involved attending the project training, then developing and implementing individualized action plans to improve their communication with defendants.

This report presents research findings from a quasi-experimental evaluation of the demonstration project as well as an analysis of the specific types of perceptions, courtroom actors, and defendant characteristics that play a role in shaping dynamics associated with procedural justice.

Research Design

The study focused on defendants appearing before the seven judges who participated in the one-day pilot training. Research staff surveyed defendants and conducted courtroom observations both before and after the one-day training and subsequent formulation of the judges' individualized action plans. The following data collection methods were used:

- Defendant Eligibility: defendants must have appeared before one of the seven participating judges, been 18 years or older, been out of custody, were convicted, and have received a short-term sentence or mandate, such as probation, community service, or a fine.

- Defendant Survey: The survey included measures of baseline socio-demographic characteristics; baseline perceptions of the legitimacy of laws and legal institutions; baseline *expectations* of procedural justice; perceptions of procedural justice *on the current case*, both overall and on key dimensions identified in the literature (voice, trust/neutrality, respect, understanding, and helpfulness); perceptions of different courtroom actors (judge, other court staff, prosecutor, and defense attorney); and

expected compliance. Between January and August 2012, a total of 209 valid surveys were completed (136 pre- and 73 post-implementation).

- Official Data: Survey data was merged with official compliance and re-arrest information obtained from the Milwaukee District Attorney's Office.

- Courtroom Observations: Structured courtroom observations (utilizing largely quantitative observation forms) were conducted of a total of 206 court sessions (77 pre- and 129 post-implementation). Spanning those sessions, 515 individual court appearances were observed in the misdemeanor and felony courtrooms (146 pre- and 369 post-implementation).

- Focus Group: A final data source was an end-of-project focus group involving three of the seven participating judges. The focus group protocol included questions regarding perceptions of training efficacy; challenges to the implementation of selected communication changes; and recommendations for future trainings and courtroom communication initiatives.

Major Findings

- Impact on Judicial Communication: Based on a comparison of courtroom observations between the pre- and post-implementation periods, 14 of 18 measures that significantly changed trended toward improved courtroom communication. For example, judges became more likely to: begin the court session by explaining why cases would be called in a certain order; make eye contact with defendants during their court appearance; use plain English to explain case procedure and outcome; ask if the defendant or defense attorney had anything to say before the decision; and demonstrate an interest in the defendants' comprehension of the plea agreement.

- Perceptions of the Participating Judges: Overall, the one-day training was positively received by participants. However, participants who attended the post-implementation focus group stated that they were interested in the topic in the first place and acknowledged that the training may not have been received as well if the audience had been a more skeptical group of judges from a different jurisdiction. In sustaining interest and overcoming any initial skepticism, the judges particularly appreciated the incorporation into the training of research findings demonstrating the real world benefits of procedural justice. To reinforce and expand any benefits, the judges recommended follow-up "booster" trainings and recommended including other front-line players, like courtroom security staff, prosecutors, and public defenders.

- Impact on Defendant Perceptions: There is no evidence that defendants formed more positive perceptions of their experience in court due to the observed changes in communication. Across 16 perception measures only two changed, both trending towards *lower* levels of procedural justice after the intervention. One of the measures that changed was the evaluation of the defense attorney, who was not a target of the intervention. While the appearance of this and a second negative change likely reflect no more than

statistical noise there is, conversely, not a basis to conclude that the intervention led perceptions to improve.

- Impact on Defendant Compliance and Recidivism: No significant differences were found between the pre- and post-implementation periods for either compliance or recidivism.

- Context of Procedural Justice: Overall, this study found that socio-demographic characteristics, including race/ethnicity, age, sex, and income, had limited effects on perceptions of procedural justice. Instead, attitudes regarding the legitimacy of laws and courts and expectations of procedural justice played a more influential role in shaping perceptions of procedural justice. However, it was beyond the scope of the study to determine exactly how these attitudes influenced perceptions.

- Key Dimensions and Courtroom Actors: Results indicated that the most influential dimensions of procedural justice were voice (perceived ability to convey one's side of the story), respect (perceived respectful treatment), and helpfulness (perceived interest in meeting defendants' needs). Results also indicated that, as compared with other actors, perceptions of the judge were most strongly associated with overall impressions. (Perceptions of the defense attorney were also influential, but less so than the judge.)

Study Limitations

For the current demonstration, we sought a site whose stakeholders were willing to participate, were willing and able to facilitate data collection, had a relatively high volume of cases with short-term community-based sentences, and appeared likely to benefit from further training in courtroom communication. Observations at site selection and during the pre-implementation period made clear that whereas the commitment and capacity of all participating stakeholders made Milwaukee an attractive pilot site, the participating judges were already communicating at a high level *prior to the intervention*. These observations were confirmed by pre-training defendant survey data indicating high levels of perceived fairness in their court experience at baseline. Additionally, the judges demonstrated their commitment to key elements of procedural justice in a *pre-training* survey; and large portions of the post-training action plans they submitted focused on continuing preexisting practices rather than implementing altogether new techniques. Thus, our inability to detect an impact on defendant perceptions and compliance may, in part, reflect the high level of preexisting practice in Milwaukee. Other limitations included: relatively low sample size (case flow was lower than expected and only 209 surveys were administered); the loss of one of the seven participating judges, who did not appear on the day of the training; and the failure of another judge to submit a post-training action plan. Every one of these study limitations increased the difficulty of detecting positive effects of the demonstration project. Study data nonetheless pointed to significant positive effects on observed judicial behaviors, coupled with favorable impressions of the demonstration amongst the participating judges.

Conclusions

Study findings indicated that the one-day training and subsequent development of judicial action plans led to concrete improvements in courtroom communication. At the same time, the change in observed judicial demeanor and specific procedural justice techniques did not correspond to positive changes in defendant perceptions or behaviors. The absence of such changes cannot be explained with certainty. One possible explanation is that changing perceptions, many of which are shaped before defendants enter the courtroom in light of background views and experiences regarding the legitimacy of legal institutions, is a difficult undertaking requiring more fundamental changes than modified courtroom communication scripts and explanations. A second explanation stems from our finding that the judges in the Milwaukee County Criminal Court were patently ahead of other jurisdictions in terms of effective communication. In light of this limitation of the Milwaukee site, it is promising that even though *perceptions* of procedural justice did not shift, a necessary precondition for changed perceptions—concrete improvements in objectively observed communication practices—was nonetheless achieved. Among other major findings, this study confirmed a consistent theme in other recent research that perceptions of the judge play the most critical role in influencing overall defendant impressions of their court experience. Findings also pointed to the importance of voice, respect, and helpfulness as particularly critical procedural justice domains.

Chapter One: Introduction

Research indicates that criminal defendants and other litigants are more likely to leave court with a positive impression of their experience when they perceive the court process as fair—regardless of whether they "win" or "lose" their case (Frazer 2006; Tyler 2006). Perceptions of fairness have also been linked to an increased likelihood that litigants will comply with court orders and follow the law in the future (Thibault and Walker 1975; Tyler 2003). These findings support the theory of *procedural justice*, which concerns the role of fair and respectful court procedures and interpersonal treatment in shaping litigants' assessment of legal authorities and reactions to specific case outcomes (see also Tyler and Huo 2002).

Researchers have distinguished several distinct dimensions of procedural justice:

- Voice: Litigants' ability to convey their side of the story, either directly or through their attorney.

- Trust/Neutrality: The degree to which litigants perceive the decision-making process to be trustworthy and unbiased by sex, race, appearance, or other litigant characteristics. Although sometimes separated out as additional dimensions, trust/neutrality essentially encompasses consistency (all litigants are treated similarly) and accuracy (official decisions are based on valid and reliable information).

- Respect: The degree to which litigants perceive that they have been treated with dignity and respect by court actors (judge, attorneys, court staff, etc.).

- Understanding: Litigants' comprehension of the court process and of the language used by judges and attorneys.

- Helpfulness: Litigant perceptions of the court staff as caring and supportive of their needs for services or other assistance.

The evidence further suggests that, as the primary authority figure and representative of the court, the judge plays the most pivotal role in fostering (or not) these dimensions of procedural justice (Abuwala and Farole 2008; Frazer 2006; Lee et al. 2013; Marlowe et al. 2003).

In 2011, with funding from the Bureau of Justice Assistance, the Center for Court Innovation and the National Judicial College launched a pilot demonstration project with the goal of enhancing perceptions of procedural justice among criminal defendants by improving the oral, written, and nonverbal communication used by judges. A national search was conducted to locate a suitable site for the demonstration. The Milwaukee County Criminal Court was selected, based primarily on the substantial interest and willingness to participate of the Chief Judge and other stakeholders.

The demonstration project involved three major components: 1) developing and piloting a judicial training on courtroom communication; 2) supporting an implementation period involving tangible steps to implement more effective courtroom communication practices; and 3) conducting a quasi-experimental evaluation to determine the impact of the demonstration project on defendant perceptions and other outcomes. This report presents evaluation findings (results of the third component), as well as an analysis of how particular dimensions of procedural justice influence subsequent behavior.

Procedural Justice

Numerous studies have established a link between procedural justice, decision acceptance, and compliance with the law in policing (Paternoster et al. 1997; Sunshine and Tyler 2003; Tyler and Huo 2002), probation (Taxman and Thanner 2003) and the courts (Tyler 2000; Tyler 2006; Tyler Casper and Fisher 1989; Tyler and Huo 2002).

In a court context, perceptions of procedural justice have been found to influence overall evaluations of both the judge and the court in general. One study found that among misdemeanor defendants, the actual case outcome was *not* as strong a predictor as perceptions of procedural justice of final impressions of the judge and the court (Tyler 1984). In a separate study of felony cases, Tyler et al. (1989) found that defendants' overall view of the court system was shaped by perceptions of the *decision-making process* in their current case and by overall perceptions concerning the legitimacy of laws, rather than by the *outcome* of the current case.

A number of recent studies have drawn attention to the role of procedural justice in contributing to the positive effects of specialized problem-solving courts, including drug courts, mental health courts, and community courts. Embracing several key elements of procedural justice, problem-solving courts involve direct oral interaction between the judge and defendant during regularly scheduled judicial status hearings. At these hearings, the judge attempts to convey or remind defendants of their responsibilities and invites the defendants to respond, express their needs, or ask questions (Rossman et al. 2011). As a result of these communication practices, problem-solving courts have been documented to have positive effects on defendant attitudes. For instance, Frazer (2006) evaluated whether defendants who were sent to a community court in Red Hook, Brooklyn were more satisfied with their experiences than defendants who were sent to a traditional court elsewhere in New York City. The results revealed that defendants who were sent to Red Hook were significantly more likely to perceive their interpersonal treatment as respectful and fair—and were more likely to express that they understood the judge's instructions. These positive overall perceptions were most strongly tied to defendants' impressions of the judge, as contrasted with the prosecutor, defense attorney, and court security staff. Impressions of these other actors were also more positive in Red Hook than in the traditional court—but such impressions mattered less in forming defendants' ultimate judgments. These findings were mirrored in a comprehensive evaluation of the same Red Hood Community Justice Center. An impact evaluation found that the Justice Center reduced recidivism, and process and ethnographic findings suggested that the observed recidivism reductions were most likely to have resulted from the high level of procedural justice in the Justice Center's decision-making process (Lee et al. 2013). Taken together, these findings help to strengthen the argument that perceptions of procedural justice significantly impact subsequent behaviors.

Similarly, Abuwala and Farole (2008) documented that litigants with housing court cases that were handled in a community court in Harlem, New York had more positive perceptions of fairness than downtown litigants—and, once again, perceptions of the judge were more instrumental than perceptions of any other courtroom actors.

Additional research found that specialized drug courts reduce crime and drug use in large part through mechanisms associated with procedural justice (Goffredson et al. 2007; Rossman et al. 2011). For instance, a multi-site evaluation of 23 drug courts across the country found that drug court participants held more positive perceptions of the judge than comparison defendants; and that this difference in perceptions was directly tied to the positive effects of drug court participation on re-offending and drug use. Within the same study, researchers also found that drug courts whose judges were independently observed to exhibit a more positive judicial demeanor in court (e.g., respectful, fair, attentive, and caring) produced relatively better outcomes than other drug courts (Rossman et al. 2011).

It remains an open question whether some of the beneficial principles and practices of problem-solving courts can be transferred to conventional court settings (see Farole et al. 2005). Within conventional court settings, extant research indicates that defendants or other litigants who report fairer treatment are also more likely to report that they complied with court-imposed sanctions (Tyler 2006); to comply with the conditions in mediation agreements (Lind et al. 1993; Pruitt et al. 1993) and to show up for future court appearances (Bornstein, Tomkins, and Neeley 2011).

Research has further suggested that apart from influencing impressions of the current case, practices related to procedural justice can increase broader perceptions of the *legitimacy* of laws and of criminal justice authorities (Sprott and Greene 2010; Tyler and Fagan 2008; Tyler et al. 2007).

However, the relationship between procedural fairness, compliance, recidivism, and broader perceptions of legitimacy needs further documentation, indeed, some of the existing research is conflicting (Dai Frank and Sun 2011; Tyler et al. 2007). The uncertainty regarding this relationship may partially be attributed to the small number of completed studies as well as the weakness of the outcome measures in some studies, such as the use of self-reports to examine compliance and recidivism (e.g., Tyler 2006). Most notably, outside the problem-solving court context, there is a dearth of studies that have sought to link procedural justice to behavioral outcomes utilizing official compliance or recidivism data (i.e., arrest data). Another limitation is a lack of experimental or quasi-experimental methods (outside of problem-solving court studies) that test the impact of specific interventions designed to enhance procedural justice (Tyler et al. 2007).

The Demonstration Project

The current demonstration included two basic steps: a one-day judicial training on courtroom communication and concrete action plans for individual judges to improve communication on an everyday basis in the Milwaukee County Circuit Court.

Site Selection

A search was conducted for an appropriate site to pilot the judicial training and subsequent improvements in courtroom communication. Ideally, the selected site would be a relatively high-volume urban criminal court. This criterion reflected an interest in testing improved communication protocols in a setting where judges face substantial and realistic pressure to communicate effectively but within a limited amount of time for hearing each case. The project also required a high-volume site to ensure a sufficient sample size for the planned defendant survey.

Second, a desirable site included an environment in which the relevant players were interested and supportive of the project and could help to facilitate strong implementation.

Third, the project also preferred a site believed to have room for improvement in preexisting communication practices. Other considerations included the use of community-based sentences, such as probation, that require defendants to comply with some set of future obligations; ease of official records data collection on compliance and recidivism; and ease of surveying logistics (how/where to approach defendants in the courthouse and survey them on their perceptions).

The Milwaukee County Circuit Court in Milwaukee, Wisconsin was selected as the demonstration site based on these advantages:
- High level of interest and commitment of the Chief Judge (the Honorable Jeffrey A. Kremers), other court staff, the local prosecutor, and the local defense bar to participate and facilitate implementation of both the project and the evaluation.
- Location in an urban site that hears a relatively large volume of criminal cases on a daily basis;
- Capacity to provide official records data for the evaluation; and
- Frequent use of probation, community service, and other social service obligations for which compliance could be tracked.

Despite these advantages, based on an early site visit by Center for Court Innovation project and research staff, it also became clear that the judges who handle criminal cases in the Milwaukee County Circuit Court were already well ahead of the curve in their preexisting communication practices, meaning that the site would not meet the preference for one with a clear need and substantial margin for improvement. In addition, as a mid-sized city, Milwaukee did not offer the level of volume and caseload pressures that might be found in the larger criminal courthouses. Nonetheless, the interest and engagement of all key players, the strong leadership of the Chief Judge, the access to relevant criminal history and compliance data, and the prior history of the Milwaukee courts in testing new ideas made Milwaukee an attractive site for a pilot.

Located in downtown Milwaukee, the site consists of three buildings: the main Courthouse, the Criminal Justice Facility, and the Safety Building. The Court includes 47 circuit court judges and 22 court commissioners who clear approximately 150,000 cases a year.[1] The recruitment of interviewees was conducted on three floors—two in the Courthouse and one in the Safety

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[1] Annual clearance rate is derived from Milwaukee County Courthouse Website: http://county.milwaukee.gov/CourtServices7714.htm

Building. The data collection took place over approximately seven months from January 25, 2012 to August 3, 2012.

Prior to developing the training curriculum, a multidisciplinary working group composed of national experts and court practitioners assisted the Center for Court Innovation and the National Judicial College in identifying promising practices for effective courtroom communication. Working group members included:

- Greg Berman – Director, Center for Court Innovation
- Kevin Burke – Judge, Hennepin County (MN) Family Justice Center
- William Dressel – President, National Judicial College
- Malcolm Feeley – Professor of Legal Theory, University of California-Berkeley
- Mark Juhas – Judge, Los Angeles County (CA) Superior Court
- Judy Harris Kluger – Chief of Policy and Planning, New York State Unified Court System
- Noreen Sharp – Former Special Deputy Court Administrator for the Maricopa County (AZ) Superior Court and former Division Chief Counsel of the Arizona Office of the Attorney General
- Alfred Siegel – Deputy Director, Center for Court Innovation
- Larry Solan – Professor of Linguistics and the Law, Brooklyn Law School
- Robin Steinberg – Executive Director, The Bronx Defenders
- David Suntag – Judge, Vermont Judiciary
- Kelly Tait – Communication consultant and instructor
- Tom Tyler – Professor, Yale Law School

The list of promising practices generated by this group were then developed into a curriculum focused on four of the procedural justice dimensions: voice, trust/neutrality, respect, and understanding. Training participants included the seven circuit court judges who were participating in the study, as well as judges from a nearby county (who were not expressly part of the pilot demonstration) and leadership from the local offices of the clerk, probation, prosecutor, and public defender.

The one-day training was conducted on April 20, 2012. Six of the seven judges recruited to participate in the study attended the training. Immediately prior to the training, the 14 participants completed a survey to assess their knowledge of procedural justice, attitudes about their roles in the criminal justice system, and perceptions as to how their verbal and non-verbal practices influence defendant perceptions.

The training involved the presentation of five modules. The first module provided an overview on the theory of procedural justice, its key components, the supporting research, and ways in which it could be beneficial in the courtroom context. Subsequent modules addressed how verbal and non-verbal communication could be used to enhance perceptions of fairness, as well as how practices might be adapted for special populations (e.g. disabled, mentally ill, self-represented etc.). Throughout the training, the curriculum identified concrete steps to implement procedural justice concepts in the courtroom. The final module included brainstorming sessions in small groups to identify particular practices and environmental changes that could enhance at least one of the dimensions of procedural justice (i.e. voice, neutrality, respect, and understanding). To

facilitate this process, preliminary results from our baseline research were presented (including procedural justice surveys with criminal defendants and structured courtroom observations, as described in Chapter Two) to show how preexisting practices were perceived by others.

At the conclusion of the training, each judge was asked to create and submit an individualized action plan which would detail the improved practices the judge would subsequently implement. Specific areas of focus included courtroom management/environment; opening soliloquy (explanation of procedures to all defendants in the courtroom prior to calling individual cases); communication protocols at plea or sentencing; work with special populations; courthouse environment; and system performance. (See Appendix A for a sample action plan). One of the participating judges failed to submit an action plan and, as noted previously, another one of the targeted judges did not attend the training, meaning that five judges participated in full.
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Research Questions

Based on the findings and limitations in the extant literature, and within the context of an intervention that consists of a one-day training and action plans developed by each judge to improve communication, we identified the following research questions:

1) Did the demonstration project increase procedural justice practices?

2) Did the demonstration project increase defendant perceptions of fairness and behaviors?

3) How did the participating judges perceive the effectiveness of the one-day training and subsequent action plan strategy?

4) What are the relationships among defendant characteristics, preexisting perceptions and attitudes related to procedural justice, specific dimensions of procedural justice, overall defendant impressions, compliance with court orders, and recidivism?

Analytic Framework

We constructed a framework (Figure 1.1) that incorporates many of the measures, constructs, and hypothesized relationships that were utilized in prior procedural justice research and that we have the capacity to measure in this study. The directional relationships go from left to right.

- Baseline Characteristics: The first column represents baseline characteristics of the defendants and of the current case, including defendant race, age at referral, and criminal history, as well as the identity of the judge who was assigned to hear the case.

- Baseline Perceptions: The second column represents baseline perceptions that were likely formed prior to the defendants' experience on their current court case. These perceptions include a construct for perceptions of the general *legitimacy of laws* and confidence in and support for the work of the courts. Another construct concerns *expectations of*

procedural justice, representing anticipated treatment by court staff, comprehension of the court process, and fairness of case outcome. The final concept, *courthouse procedural justice*, represents a single measure and reflects the defendants' perceptions of the effectiveness of courthouse signs in directing defendants of where to go when unsure.

- Procedural Justice Dimensions and Courtroom Actors: The third column includes the constructs we utilized to represent distinct procedural justice dimensions, including: *voice*, *trust/neutrality*, *respect*, *understanding*, and *helpfulness*. In addition, we have included four constructs representing the evaluation of various court actors, including the *judge*, *prosecutor*, *defense attorney*, and *non-judicial court staff*.

- Global Perceptions: The fourth column includes overall perceptions of the judge and of the court experience as well as perceptions of *distributive justice*, which concerns perceptions of the case outcome (e.g., whether the defendants won or lost).

- Defendant Behavior: The fifth column includes defendants' *expected compliance*; actual *compliance* (at nine months); and *recidivism* (at four months).

Figure 1.1. Analytic Framework

Baseline Characteristics	Baseline Perceptions	Procedural Justice Dimensions	Global Perceptions	Defendant Behavior
Socio-Demographic Characteristics • Age • Sex • Race/Ethnicity • Income • Education • Employment Criminal Justice Characteristics • Prior Criminal History • Current Charges (felony v. misd) • Presiding Judge	Legitimacy of Laws and Legal Institutions Defendant Expectations of Procedural Justice Courthouse Procedural Justice	Dimensions • Voice • Trust/Neutrality • Respect • Understanding • Helpfulness Courtroom Actors • The Judge • The Prosecutor • The Defense Attorney • Non-Judicial Court Staff	Judicial Fairness Court Procedural Justice Distributive Justice	Compliance Recidivism

Chapter Two: Research Design and Methodology
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Quasi-Experimental Design

To test the effects of the pilot demonstration project, we created a quasi-experimental design as follows:

- Pre-Implementation Research: In the months that immediately preceded the planned intervention, we intended to survey approximately 300 defendants on their perceptions of procedural justice and on other key perceptions, attitudes, and characteristics noted in our analytic framework (see Figure 1.1). We also intended to conduct structured courtroom observations, which would involve quasi-objective, researcher-led ratings of different aspects of courtroom communication during actual court appearances.

- Post-Implementation Research: Utilizing the same instruments as in the pre-implementation research, we intended to survey an additional 300 defendants, and to conduct further researcher-led courtroom observations, following the one-day training and submission of action plans by each participating judge. Results could then be compared between the pre- and post-implementation periods.

- Judicial Focus Group: Several months after the training, we intended to conduct an end-of-project focus group with participating judges to discuss the implementation of improved courtroom communication strategies.

While we were able to successfully execute many facets of our original research plan, unforeseen challenges made it necessary to scale back or adjust several design elements, as described below.

Selection of Judges

Seven judges were recruited with the assistance of the Chief Judge of the Milwaukee County Circuit Court. Four of these seven judges presided in general misdemeanor courtrooms, which hear a wide range of cases, excluding those that involve domestic violence charges. These courtrooms were selected based on the use of short-term, low-level sanctions like probation, community service, fines, and social service obligations, as well as the willingness of judges to participate in the one-day training. Restricting the study to courtrooms where defendants were frequently sentenced to low-level sanctions made it possible to track defendants' compliance with their sentences.

A fifth judge presided over cases with deferred prosecution agreements. These cases involved defendants who entered into an agreement with the district attorney's office to complete certain services (e.g., anger management, drug treatment, and counseling) in exchange for having their charges ultimately reduced or dismissed in the event of compliance. After the initial post-plea appearance in the deferred prosecution court, the court requires defendants to return for several

review hearings before a specialized deferred prosecution court judge, generally after three months and six months respectively.

The aforementioned five judges were recruited prior to beginning data collection. Two additional judges were recruited approximately three months into the pre-implementation period due to unexpectedly low sample size. These final two judges presided over felony cases. Typical sentences included fines, restitution payments, short- to long-term probation, and short- to long-term incarceration.

As previously noted, six of the seven judges who initially planned to participate attended the training, and of those six, five judges submitted an action plan after the training.

Sampling Frame for the Defendant Survey

We planned to survey defendants appearing before each of the seven selected judges. To be study eligible, defendants must have appeared before one of these judges, been 18 years or older, been out of custody, have been convicted (possibly in conjunction with the aforementioned deferred prosecution agreement), and have received a short-term sentence or mandate (e.g., fine, restitution, probation, or community service).

With the approval of the Chief Judge, participating judges, and other court staff, several recruitment methods were used. Public defenders were asked to inform their eligible clients of the study and location of research assistants. Flyers describing the project and the survey (in both English and Spanish) were placed on attorneys' tables in the selected courtrooms and passed out by research assistants to potential interviewees in the hallways. Additionally, research assistants were stationed inside and outside the selected courtrooms in order to identify eligible defendants once their cases concluded. Research assistants were also situated outside the probation office (located on the same floor as six of the participating courtrooms) where many of the defendants were instructed to go to after sentencing.

Typically, research assistants approached defendants after their court appearance and provided them with a brief description of the study, emphasizing the relevance and confidentiality of the study and inquiring as to their interest in participating. In rare cases, a public defense attorney with an interested client would approach our research staff. Those who agreed to participate were provided an informed consent form to sign (and were provided a copy of the consent form), and were given a $15 cash incentive. All surveys were administered verbally to participants and took approximately 30 minutes to complete.[2]

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[2] Surveys were originally written in English and translated into Spanish. One survey was verbally administered in Spanish by a bilingual research assistant.

The Defendant Survey Instrument

Figure 1.1 establishes the analytic framework that the survey was designed to cover; Appendix B provides the complete survey instrument; and Appendix C provides factor loadings for each multi-item index that was created and used in the analysis.

- Baseline Characteristics: Measures included sex, age, education level, household income, employment status, prior arrests and convictions, instant case charge severity (misdemeanor or felony, as verified with official data), and presiding judge.

- Baseline Perceptions:

  o *Legitimacy of Laws and Legal Institutions:* Six statements (each coded on a five-point Likert scale from "strongly disagree" to "strongly agree") tapped defendant perceptions of the legitimacy of laws and legal institutions—and specifically of the court system. The questions were: "The court system is fair," "All laws are good laws," "Laws are intended to protect white people," "Laws only protect rich people," "Laws only protect white people," and "The court system is racist."[3] Factor analysis revealed that the item "All laws are good laws," did not cohere with the others in measuring the same concept. As a result, the remaining five measures were summed to create the legitimacy construct, with a higher score representing a greater perception of legitimacy (alpha = .762).

  o *Defendant Expectations of Procedural Justice:* Seven items, all measured on a similar five-point Likert scale, measured defendant expectations. The questions included, "You expected the judge to treat you fairly," "You expected you would receive a fair outcome for your case," and "You expected to understand the court process."[4] All seven measures were summed to create a concept representing defendant expectations, with a higher score indicating more positive advance expectations of the courts (alpha = .842).

  o *Courthouse Procedural Justice:* Several questions asked how long it took defendants to get through security; how many times they had been in the court before; whether they had ever been lost in the courthouse; was it easy to find their way around the courthouse; whether signs around the courthouse clearly identified courtrooms when they were unsure of where to go; and the length of their court appearance. After initial exploratory analysis, we selected one measure, "When unsure of where to go, signs around the courthouse clearly identify the locations of the courtrooms," to represent courthouse procedural justice.

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[3] A seventh question, "On the whole, Milwaukee judges are fair," was excluded due to a concern that this measure could be influenced by recent judicial interactions on the current court case, whereas the intent behind measuring the legitimacy of laws and legal institutions was to tap opinions that preceded the current case.

[4] Factor analysis revealed that six of the seven items loaded on the first component, with the seventh item closely split across the first and second component.

- Procedural Justice Dimensions: These questions comprised the majority of the survey. They all specifically concerned procedural justice *as conveyed by the judge*. They sub-divided into five dimensions: voice, trust/neutrality, respect, understanding, and helpfulness. Many of the measures were drawn from prior research examining perceptions of procedural justice (i.e., Frazer, 2006; Tyler, 2006; Brisman and Swaner, Forthcoming). Nearly all were on a five-point scale. The few questions that were on a different scale were recoded and standardized prior to inclusion in confirmatory factor analyses or reliability tests. When necessary, measures were reverse-coded so that higher values represented more positive attitudes and perceptions.

    - *Voice:* The survey instrument included five items associated with the concept of voice (e.g., "The judge gave you or your lawyer a chance to tell your side of the story" and "The judge's decision didn't consider what you or your lawyer said"). Factor analysis revealed that all five measures loaded on a single component, comprising the voice construct (alpha = .686).

    - *Trust/Neutrality:* Four questions captured perceptions of trustworthiness or neutrality. Two questions asked defendants if "The judge showed bias in favor of the prosecutor" and if "The judge treated you worse than others because of your race, sex, age, or some other reason." Two other questions were both introduced as follows: "Considering your experience today, including your own court appearance and any other appearance you observed while waiting in the courtroom, please rate from '1' to '5' how often the judge demonstrated each of the following characteristics: 1) Consistency" and 2) "Knowledgeable." Factor analysis revealed that all four items loaded on the same component. Thus, they comprised the trustworthiness/neutrality construct (alpha = .678).

    - *Respect:* After initially considering eight items, five comprised the final respect construct (alpha = .844).[5] Examples of these five questions included, "The judge was polite to you" and "The judge showed concern for your rights."

    - *Understanding:* A total of eleven items loaded on a single component, measuring defendant perceptions of communication between the judge and defendant. Questions included "The judge's decision was clear to you," and "Overall, did the judge take the time to clearly explain any legal terminology that was used during your court appearance" (alpha = .757).

    - *Helpfulness:* Three measures comprised the helpfulness construct: "The judge tried to understand your particular needs for services or any other needs you had," "The judge seemed very interested in helping you," and the judge demonstrated "caring." Factor

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[5] Eight items were initially included on the instrument with the intent of measuring defendant perceptions of respect. Factor analysis revealed that the items loaded across three components with six items loading on the first component. After removing two items from the analysis, the remaining six items loaded on a single component. However, the measure, "The judge tried to understand your particular needs for services or any other needs you had" also loaded very well within the helpfulness construct (see below). Upon further examination, it was determined that this measure was a better fit for the helpfulness construct and, in turn, was excluded from respect.

analysis revealed all three measures loaded well on a single component (alpha = .849).

- Courtroom Actors: In addition to testing particular dimensions of procedural justice as conveyed by the judge, we were also interested in understanding the relative impact on overall perceptions of the judge as compared to other actors, including the prosecutor, defense attorney, and non-judicial court staff.

  o *Evaluation of Presiding Judge:* Twenty items were originally included in an exploratory factor analysis to identify the possibility of an underlying evaluative construct for the judge. (Many of these items were previously included in constructs for the aforementioned specific dimensions of judicial procedural justice.) Seventeen measures loaded on the first component, with the remaining items scattered cross the second to fifth components. Based on how well the items loaded on the first component, 15 of the 17 items were summed to create the construct, with a higher score representing a more positive perception of the judge (alpha = .918). All items were measured with a five-point Likert scale and covered a variety of questions spanning the five dimensions described just above.

  o *Evaluation of the Prosecutor:* One measure, "How fairly did the following court staff treat you? The Prosecutor," was utilized to represent the evaluation of the prosecutor. Reponses were measured with a four-point Likert scale, coded to range from "very unfair" to "very fair."

  o *Evaluation of Defense Attorney:* Seven items, all but one measured on a five-point Likert scale (the final item was standardized), were included in the exploratory factor analysis to determine if there was a more parsimonious measure in which to represent defendants' evaluation of the defense attorney. All seven items loaded on a single component and were summed (alpha =.915). Questions included "Your attorney treated you with respect," "Your attorney listened to you," and "Your attorney seemed very interested in helping you."

  o *Evaluation of Court Staff:* Four items, all measured on a four-point Likert scale, were included in the exploratory factor analysis to determine if there was an underlying construct in which to better represent defendant evaluations of other court staff besides the presiding judge. All four items loaded on a single component and were summed to create the construct, with a higher value indicating a more positive perception of court staff (alpha = .825). Questions included "How fairly did the following court staff treat you: the security staff, the sheriff's deputies/bailiffs, other court staff and arraignment judge/court commissioner."

- Global Perceptions: Several questions tapped the defendants' overall sense of their court experience as fair or unfair. We included measures which pertained specifically to the judge ("Overall, how fairly were you treated by the judge?" and "Overall, how fairly did the judge make his or her decision?") as well as the court ("Your case today was handled fairly by the court"). Responses were measured on either a four- or 5-point Likert scale,

and the measures were recoded as needed so that higher values represented more positive responses (e.g., "1" = very unfair" and "4" = "very fair"). In addition, one question was utilized to measure defendant's perceptions of *distributive justice*: "Overall, how do you rate the fairness of the sentence you received?" Responses were measured on a four-point Likert scale, and as with the other global fairness measures, this measure was recoded so that higher values represented more positive responses.

- Expected Defendant Compliance: One measure, "How likely do you think it is that you will follow the sentence requirements or the deferred prosecution agreement in the future?" was utilized to represent defendants' expected compliance with their sanctions or conditions.

Structured Courtroom Observation Protocols

The courtroom observation protocols included two sets of instruments, one for the misdemeanor and felony courtrooms and a second for the deferred prosecution courtroom (see Appendix D).

Misdemeanor and Felony Courtroom Observation: There were two forms for observing the courtrooms of the study's participating judges (with the exception of the deferred prosecution courtroom). The first form was to be completed for each court appearance of individual defendants that was observed, including the type of court appearance; the outcome; and the type of sentence (if a sentence was imposed). In addition, the form included a simple checklist of 35 yes/no items primarily pertaining to the judges' verbal and non-verbal behaviors, with additional items relevant to other actors present in the courtroom. For example, the measures included:
- "The judge explained the purpose today's court appearance,"
- "The judge made eye contact with defendant,"
- "The judge explained the legal terms he/she used,"
- "The judge demonstrated respect to the defendant" and,
- "The judge asked the defendant if he/she understood his/her sentence and/or next steps."

The second form measured the entire court session that was observed as a whole (which often included multiple individual court appearances), including use of verbal and non-verbal behaviors of various courtroom actors. This form included 11 yes/no items related to what happened in court (e.g., "Court started on time" and "The judge made eye contact with the audience upon entering the court"), as well a question measuring (on a four-point scale) the helpfulness of court officers. In addition, the general assessment included nine measures on a five-point scale intended to document the degree to which the judge was respectful, fair, attentive, interested, consistent/predictable, caring, intimidating, knowledgeable and clear.

Deferred Prosecution Courtroom Observation: The deferred prosecution courtroom observation instrument included two forms. The first was created for individual court appearances and was designed to be shorter than the aforementioned individual appearance form because cases were processed much more quickly. The questions regarding individual appearances asked about the type of mandated program the defendant was in, whether he/she was compliant with court mandates, and if non-compliant, the type of noncompliance. This section also included a short checklist of 15 yes/no items including: "Defendant needed an interpreter," The judge made eye

contact, "The judge asked the defendant if he/she understood the next steps," "The defense attorney demonstrated respect towards client." The second form measured the entire court session that was observed overall (which often included multiple court appearances), including use of verbal and non-verbal behaviors of various courtroom actors.

Courtroom observations often began at the start of the morning and afternoon sessions. In some cases, researchers and research assistants would enter and observe the courtroom after proceedings had begun in an attempt to identify eligible defendants (i.e., soon to be sentenced). There was no set amount of time for courtroom observations,[6] and if a case only involved scheduling another appearance without any interaction on any matter that preceded the adjournment, then it was not recorded in the observations. Also, trials were excluded.

Official Records Data Collection

Official criminal history, compliance, and recidivism data was obtained from two separate datasets: 1) the publicly accessible Consolidated Court Automation Program (CCAP) (http://wcca.wicourts.gov), which includes offense, sentence, and compliance information on the instant case, and 2) criminal charge information (February 2009 to November 2012) provided by the Milwaukee County District Attorney's office, which enabled examining a three-year period for prior criminal charges and a four-month follow-up period for tracking recidivist charges. In general, charges that arose prior to a defendant's instant case, whether or not they resulted in a conviction, were categorized as *prior charges* (prior criminal history). Charges occurring after the case disposition date (including the original plea date for deferred prosecution cases) were categorized as *recidivism*. Charges were aggregated to create total counts as well as to identify misdemeanor, felony, and an "other" category (e.g. traffic cases).

Since the compliance information is publicly accessible through Milwaukee's CCAP, we were able to utilize a nine-month timeframe in which we recorded whether defendants had complied with their sentence or deferred prosecution agreement. Cases in which the sanction was a fine only or a fine in conjunction with a short incarceration sentence were excluded. In those cases, compliance cannot be measured in any meaningful way (since noncompliance with a fine is as likely to reflect simply inability to pay as pure noncompliance in and of itself). Moreover, many of the defendants are indigent, and as such, lack the resources to comply with a financial sanction, even if they wished to do so.

Judicial Focus Group

A n end-of-project focus group was held with three of the seven selected judges (all three had attended the training). The focus group protocol included questions regarding perceptions of training efficacy, successes and challenges to implementation of selected communication changes and recommendations for future trainings (see Appendix E).

Study Implementation

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[6] Research assistants were permitted to terminate courtroom observations in order to interview an eligible defendant once his or her case finished.

Defendant surveys and courtroom observations were administered from January 25, 2012 through August 3, 2012. The one-day courtroom communication training was held at about the midpoint of this period on April 20, 2012.

By the end of data collection, a total number of 209 valid surveys were completed (136 pre- and 73 post-implementation). (As described below, the difference in the number of surveys treated as "pre" and "post"-implementation relates to the unanticipated midcourse exit of one judge from the demonstration project, leading interviews with defendants whose cases were heard by that judge to be universally classified as pre-implementation.) In addition, 206 courtroom sessions were observed (77 pre-implementation and 129 post-implementation) and, spanning those sessions, 515 individual court appearances were observed in the misdemeanor and felony courtrooms (146 pre-implementation and 369 post-implementation).[7] As described below, the study implementation process raised several threats both to external and internal validity.

Threats to External Validity

With respect to external validity, the primary threat was that the judges in the Milwaukee County Criminal Court were already communicating at a relatively high level of effectiveness prior to the intervention. As subsequent chapters will make clear, defendant survey and courtroom observation findings suggest relatively high levels of procedural justice during *both* the pre- and post-implementation periods.

Also demonstrating the prior commitment of the targeted judges to procedural justice were the results of a pre-training survey on preexisting procedural justice knowledge and practices (see Appendix F).[8] All six judges responded "very important" when asked to assess the importance of ensuring legal due process, treating criminal defendants with respect, and having defendants perceive them as neutral decision-makers. Five of the six judges also responded "very important" when asked to assess the importance of moving cases rapidly to resolution; rendering decisions that protect public safety; ensuring that court participants understand how decisions are made; instilling public confidence; and giving criminal defendants a chance to tell their side of the story. Interestingly, five of the judges reported being only "somewhat" to "not at all" familiar with the definition of procedural justice; and none of the six judges reported familiarity with research examining the impact of procedural justice. In sum, the pre-training survey revealed that while the judges could not necessarily define procedural justice and its particular conceptual components or research underpinnings, they generally rated attitudes and behaviors associated with procedural justice as very important.

Additionally, the participating judges' individualized action plans submitted after the training indicated their prior commitment to procedural justice practices. All five action plans included

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[7] There were 38 individual court appearances in the deferred prosecution courtroom and 15 sessions. All were pre-implementation.

[8] Four questions on the pre-training survey measuring participants' perceptions regarding the importance of ensuring legal due process, rendering decisions that protect public safety, rendering decisions that assist defendants and moving cases rapidly through resolution were adopted from the survey provided in Farole Jr., D. J., Rempel, M., Bryne, F., and Chang, Y. (2009). *Problem Solving and the American Bench: A National Survey of Trial Court Judges*. New York, NY: Center for Court Innovation.

effective courtroom communication practices that the judges believed they were *already implementing*. The action plans involved a stated commitment to continue implementing those practices, along with various tweaks or enhancements that, in most cases, were less substantial than the descriptions of current practice. Hence the extent to which attendance at the training led the participating judges to identify and commit themselves, within their written action plans, to initiate altogether new communication practices was relatively modest.

In sum, both quantifiable and qualitative evidence suggests that the Milwaukee site may not have been representative of the kinds of jurisdictions that, ultimately, could benefit the most from a courtroom communication intervention. Ironically, it is perhaps Milwaukee's prior commitment to the issue of effective communication that led its stakeholders to be interested in serving as a pilot site in the first place. (Extensive outreach efforts were undertaken to multiple urban sites across the country, but no site could be identified that met minimal criteria for an acceptable pilot site).

Threats to Internal Validity
We also encountered several threats to internal validity, some of which we were able to handle with the use of statistical adjustments (described below).

Sample Size: Due to an unexpectedly slow rate of recruitment, we fell well below our initial recruitment goal of 300 defendant surveys each in the pre- and post-implementation periods. Although refusal rates were not explicitly tracked, the problem of low recruitment was not due to a high refusal rate (i.e., the problem was *not* one of response bias), but instead can be attributed to a lower than expected rate of eligible defendants. By the end of the data collection phase, a total number of 209 valid surveys were completed (136 pre- and 73 post-implementation).

Loss of Target Judge: Unexpectedly, one of the judges (Judge 7) did not appear at the training and, consequently, did not submit an action plan (see Table 2.1). This judge happened to have been the one who presided in the deferred prosecution court. This court was of particular interest to the research team because of the potential to use improved courtroom communication to increase compliance with the services that were ordered through the deferred prosecution agreement. Due to the potential importance of the deferred prosecution court, 63 of the 209 defendant surveys (30% of the total) were conducted with defendants who appeared before Judge 7. All of these surveys had to be removed from the impact analysis. The exclusion of deferred prosecution cases from the impact analysis removed the very cases that we had hypothesized might see the greatest impact from improved communication. This exclusion also further reduced sample size, exacerbating the threat to internal validity posed by our low N and our resulting low level of statistical power.

Missing Action Plan: As part of the communications overhaul, all judges who participated in the training were asked to submit an individualized action plan. However, we failed to receive an action plan from Judge 6 (see Table 2.1). For analytic purposes, we weighed how to classify and treat Judge 6 and all related defendant surveys. The main issue was that while Judge 6 participated in the training, we could not verify this judge's intent to alter any of his/her pre-training communication styles. Based on the fact that Judge 6 had received a "dose" (via training attendance) and we also had courtroom observations to determine if his/her behaviors

changed between the pre-post period, we decided to included Judge 6 in both the courtroom observation and defendant survey analyses.

Table 2.1. Summary of Judicial Participation

	Pre-Training Survey	Training	Action Plan	End of Project Focus Group**
Judge 1	X	X	X	X
Judge 2	X	X	X	
Judge 3	X	X	X	
Judge 4	X	X	X	X
Judge 5	X	X	X	X
Judge 6	X	X		
Judge 7*				

Note*: Since Judge 7 did not participate in the training all post-period surveys were recategorized as pre-period survey.

Note**: Chief Judge also participated in end-of-project focus group.

Differences between the Pre- and Post-Implementation Defendant Survey Samples: Table 2.2 compares defendant characteristics in the pre- and post-periods *prior to excluding Judge 7* and also gives the combined totals for all defendants surveyed at any time (right-most column). Overall, the average age of the combined sample at referral was 31 years. Only 26% of the sample was female, and a majority self-identified as black/African American (61%). Most defendants had a high school education or GED (66%), were unemployed (57%), and had less than $10,000 in annual income (58%). In addition, prior to the instant offense, 77% reported having ever been arrested and 63% reported having ever been convicted of a crime. For the instant case for which defendants were recruited into the study, 70% had a misdemeanor as their most serious charge, 20% had a felony charge, and 10% had an "other" charge.[9]

Regarding defendant distribution by judge, a large portion of participants were recruited from Judge 7's courtroom (30%), followed by Judge 5 (21%), Judge 4 (17%), Judge 6 (15%), Judge 3 (10%), Judge 1 (5%), and finally Judge 2 (2%). Further comparisons revealed statistically significant differences on a variety of background characteristics and perceptual measures between defendants seen by Judge 7 and by the six other judges (results not shown). In other words, *prior to the intervention*, Judge 7 saw different types of defendants than the other judges and produced different average procedural justice outcomes. These findings confirmed that the inclusion of Judge 7's cases could bias any findings from our impact analyses, and as a result were excluded from the post-implementation data.

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[9] "Other" offenses encompass a wide range of forfeiture cases (municipal citations). For our sample this includes cases like disorderly conduct, possession of marijuana, operating without carrying a license and criminal operating a vehicle while intoxicated (first offense).

Table 2.3 provides the same comparisons of defendant background characteristics but *after* excluding Judge 7's cases. As shown in this table, once removing the biases related to Judge 7, all differences between the pre-post periods lost significance. However, the removal of Judge 7's defendants did not resolve all concerns of selection bias. Even though there were no statistically significant differences, the small sample size and low statistical power meant that a closer examination of the raw percentages and averages was appropriate. Moreover, although these differences were not statistically significant, the data in Table 2.3 suggests that the pre- and post-implementation samples were not well balanced on sex, race, percent with a prior arrest, or percent with each instant case charge severity (felony, misdemeanor, or other). As a way to control for these differences, we utilized a logistic regression model predicting membership in the post-implementation sample. Specifically, for each defendant, a value predicting each case's statistical probability of appearing in the post- as opposed to the pre-implementation sample—a "propensity score"—was produced (see Rubin 1973; Rosenbaum and Rubin 1983). We then included this propensity score in all impact analyses as a way to control for background differences between samples.

Possible Selection Bias in Courtroom Observation Data: Concerns about selection bias regarding Judge 7 extended to the courtroom observations as well. Since Judge 7 did not participate in the one-day training, courtroom observations associated with Judge 7's courtroom were all treated as pre-training observations. Furthermore, examination of courtroom observations between all seven participating judges in the pre-training period revealed Judge 7's courtroom was significantly different from the other six. This can largely be attributed to the fact that Judge 7 presided over cases with deferred prosecution agreements, which are processed differently than traditional cases and, accordingly, led to different types of communication practices, as coded on our observation forms. Based on these concerns, the courtroom observations associated with Judge 7 were also removed from the impact analysis.

Even after removing Judge 7, the distribution of courtroom observations across the other six judges was uneven. Given the specific comparisons shown in Table 2.5, Judges 2, 3, and 5 were controlled (as three separate covariates) in the impact analyses examining whether net changes had taken place between observed practices in the pre- and post-implementation periods.

Table 2.2. Participant Profile Between the Pre-Post Period

	Pre-Sample (n =136)	Post-Sample (n=73)	Total Sample (N= 209)
Age at Referral (Mean)	31.29 yrs	30.79 yrs	31.12 yrs
Female	32%*	16%	26%
Race	+		
Black/African American	66%	52%	61%
Hispanic/Latino	8%	10%	9%
White/Caucasian	20%	22%	21%
Asian	0%	1%	1%
Other	6%	15%	9%
High School Graduate/GED	65%	66%	66%
Employment Status			
Not currently Employed	60%	51%	57%
Part-Time	19%	27%	22%
Full-Time (35+ hrs per week)	21%	22%	21%
Annual Income			
Less than $10,000	59%	56%	58%
$10,000 to $25,000	28%	28%	28%
$26,000 to $50,000	10%	10%	10%
More than $50,000	3%	6%	4%
Ever Arrested (Self-Report)	77%	77%	77%
Ever Convicted (Self-Report)	62%	66%	63%
Prior Felony (mean, official report)	0.06*	0.15	0.09
Prior Misdemeanor (mean, official report)	0.31	0.45	0.36
Prior Other (mean, official report)	0.04	0.04	0.04
Instant Charge			
Felony	23%	15%	20%
Misdemeanor	67%	75%	70%
Other	10%	10%	10%
Judge			
Judge 1	3%***	8%	5%
Judge 2	2%	1%	2%
Judge 3	7%	15%	10%
Judge 4	11%	29%	17%
Judge 5	15%	32%	21%
Judge 6	15%	15%	15%
Judge 7	46%	0%	30%

+ p <.10, * p<.05, **p<.01, ***p<.001

Table 2.3. Participant Profile Between the Pre-Post Period

	Pre-Sample (n =73)	Post-Sample (n=73)
Age at Referral (Mean)	32.56 yrs	30.79 yrs
Female	23%	16%
Race		
Black/African American	65%	52%
Hispanic/Latino	8%	10%
White/Caucasian	19%	22%
Asian	0%	1%
Other	7%	15%
High School Graduate/GED	64%	66%
Employment Status		
Not currently Employed	56%	51%
Part-Time	18%	27%
Full-Time (35+ hrs per week)	26%	22%
Annual Income		
Less than $10,000	55%	56%
$10,000 to $25,000	30%	28%
$26,000 to $50,000	11%	10%
More than $50,000	4%	6%
Ever Arrested (Self-Report)	86%	78%
Ever Convicted (Self-Report)	69%	66%
Prior Felony (mean, official report)	0.08	0.15
Prior Misdemeanor (mean, official report)	0.44	0.45
Prior Other (mean, official report)	0.41	0.41
Instant Charge		
Felony	8%	15%
Misdemeanor	74%	75%
Other	18%	10%
Judge		
Judge 1	6%	8%
Judge 2	4%	1%
Judge 3	14%	15%
Judge 4	21%	29%
Judge 5	27%	32%
Judge 6	29%	15%

+ p<.10, * p<.05, **p<.01, ***p<.001

Table 2.4 : Comparison of Pre-Training Observations

	Judge 7 (n=12)	Other Judges (n=36)
The court started on time.	0%	8%
The judge apologized for delay in starting of court.	0%	3%
The judge or other court staff clearly explained court etiquette and rules at the beginning of the court session.	67%	66%
The judge provided an explanation for the order in which cases would be called.	0%	0%
The judge made eye contact with the audience upon entering the court.	85%	68%
The judge introduced self by name.	0%	0%
The judge thanked audience members for their on-time appearance.	0%	0%
The judge acknowledged the experience of defendants while waiting for their cases to be called.	0%	2%
The judge provided some overview of what might happen during various court appearances and how decisions would be made.	21%	61%
The judge assured the defendants that all of the evidence would be considered before making any decision.	8%**	56%
The judge was respectful.	4.47	4.60
The judge was fair.	4.47	4.60
The judge was attentive.	4.27*	4.65
The judge was interested.	3.93*	4.48
The judge was consistent/predictable.	4.40	4.46
The judge was caring.	4.08	4.35
The judge was intimidating.	3.31	3.02
The judge was knowledgeable.	4.57	4.69
The judge was clear.	4.60	4.60

*+ p<.10, * p<.05, **p<.01, ***p<.001*

Table 2.5: Percentage of Observations by Judge

| Judge | Court Session Observations | | Individual Court Appearances | |
	Pre-Period (n=62)	Post-Period (n=129)	Pre-Period (n=141)	Post-Period (n=361)
Judge 1	11%	16%	14%	19%
Judge 2	21%	9%	23%	10%
Judge 3	3%	21%	4%	19%
Judge 4	19%	23%	18%	24%
Judge 5	27%	14%	26%	13%
Judge 6	18%	18%	15%	15%

Data Analysis Strategy

Initial data analysis entailed examination of the frequencies and distribution of individual measures as well as bivariate comparisons to determine the direction and strength of association between measures. In turn, confirmatory and exploratory factor analyses and reliability tests were conducted, leading to the creation of nine constructs, including voice, trust/neutrality, respect, understanding, expectations, legitimacy, evaluation of judge, evaluation of defense attorney, and evaluation of (non-judicial) court staff. These constructs, already discussed in detail above in describing the defendant survey, were utilized to examine significant variations in defendants' perceptions of procedural justice between the pre- and post-implementation periods as well as the predictors of perceived procedural justice, compliance with court-imposed conditions, and recidivism. For analytic purposes, noncompliance was limited to a nine-month period for all participants and recidivism behaviors to a four-month period.

The impact analyses utilized the General Linear Modeling (GLM) commands in SPSS 19 to examine the main effects of the one-day training and action plans on defendant perceptions and on defendant and judicial behaviors. As previously discussed, impact analyses of defendant survey data entered propensity score as a covariate; and impact analyses of courtroom observation data entered Judges 2, 3, and 5 as separate covariates. Adjusted means were then computed *after controlling for these respective covariates*. In other words, although outcomes are reported as simple percentages or means, they are always, in fact, *predicted* means after implementing our covariate controls.

Finally, the more complex set of analyses examining relationships among baseline measures, procedural justice dimensions, global procedural justice measures, and defendant behaviors utilized ordinary least squares (OLS) regression models in the course of a multi-stage analytic process, which allowed us to examine the complex relationship between defendant perceptions and behaviors (see Chapter 1, Figure 1 and see further discussions of the modeling process in Chapter 5 below). Importantly, these latter analyses *included* survey responses from Judge 7. Since these analyses did not concern intervention impacts but rather concerned relationships among different measures across both the pre- and post-implementation periods, it made sense to retain the 63 defendant surveys linked to Judge 7 and thereby increase our statistical power.

Chapter Three: Main Effects of the Intervention

This chapter tests the effects of the courtroom communication intervention on observed judicial communication, defendant perceptions and defendant compliance and recidivism.

Observed Judicial Communication

We compared the pre- and post-implementation periods on multiple elements of judicial communication, as measured on the general court session observation form (see Table 3.1) and the individual court appearance observation form (see Table 3.2). Across all individual items examined, there were 18 statistically significant differences between the two periods ($p < .05$). Fourteen of these 18 differences (78%) trended towards improved courtroom communication, whereas only four trended towards less effective communication.

Specifically, results indicated that the intervention led judges to become significantly more likely to begin the court session by explaining to the assembled defendants why cases would be called in a certain order (0% pre-implementation v. 67% post-implementation); thanking the defendants for their on-time appearance (0% v. 17%); and assuring the defendants that all of the evidence would be considered before making a decision (54% v. 96%). The benefits of providing defendants with an opening soliloquy on these and other topics before beginning to call cases had been covered at the one-day training.

Judges making eye contact was commonplace during defendants' individual court appearances and significantly increased during the post-training period (97% v. 99%). However, the percentage of times that judges (upon entering the courtroom) made eye contact with individuals in the gallery significantly decreased following the intervention (65% v. 20%).

Several other changes suggested positive movement on specific procedural justice practices. Following the intervention, the judges were observed exhibiting a significantly more respectful, fair, attentive, knowledgeable, and clear judicial demeanor. (On the other hand, results conflicted across different measures concerning whether the judges became more or less "intimidating.") Results indicated that the judges also became significantly more likely to use colloquial English to explain case procedure and outcome (77% v. 85% of appearances); to ask if the defendant or defense attorney had anything to say before the decision (54% v. 76%); to demonstrate an interest in the defendants' comprehension of the plea allocution (83% v. 98%); and to express an interest in the defendants' success (69% v. 82%). The judges, however, became significantly less likely to reconfirm comprehension by asking defendants if they understood their sentence (55% v. 39%) and by asking defendants to repeat back that understanding (9% v. 1%).

Table 3.1. Impact on Judicial Demeanor and Behavior: Court Session Observations

Sample Size	Pre-Period (n=62)	Post-Period (n=129)
The court started on time.	7%	18%
The judge apologized for delay in starting of court.	2%	2%
The judge or other court staff clearly explained court etiquette and rules at the beginning of the court session.	63%	64%
The judge provided an explanation for the order in which cases would be called.	0%***	67%
The judge made eye contact with the audience upon entering the court.	65%***	20%
The judge introduced self by name.	0%	2%
The judge thanked audience members for their on-time appearance.	0%**	17%
The judge acknowledged the experience of defendants while waiting for their cases to be called.	0%	4%
The judge provided some overview of what might happen during various court appearances and how decisions would be made.	57%	63%
The judge assured the defendants that all of the evidence would be considered before making any decision.	54%***	96%
The judge was respectful.	4.57***	4.87
The judge was fair.	4.59***	4.88
The judge was attentive.	4.62*	4.78
The judge was interested.	4.43[+]	4.63
The judge was consistent/predictable.	4.41	4.51
The judge was caring.	4.23[+]	3.94
The judge was intimidating.	3.12***	2.14
The judge was knowledgeable.	4.68***	4.99
The judge was clear.	4.57***	4.89

*+ p <.10, * p<.05, **p<.01, ***p<.001*

Table 3.2: Impact on Judicial Demeanor and Behavior: Court Appearance Observations

Sample Size	Pre-Period (n=141)	Post-Period (n=361)
The judge explained the purpose of today's court appearance.	95%	95%
The judge made eye contact with the defendant.	97%*	99%
The judge greeted the defendant by name.	78%[+]	85%
The judge engaged in direct conversation the defendant.	84%	89%
The judge used colloquial English to explain case procedure and outcome.	77%*	85%
The judge showed favor towards the prosecutor.	0%	0%
The judge showed favor towards the defense attorney.	0%	0%
The judge asked the defendant if he/she or the attorney had anything to say before the decision.	54%***	76%
The judge made eye contact when speaking to other court staff and attorney.	98%[+]	100%
The judge asked the defendant if he needs a short break to discuss the decision with his lawyer.	4%	7%
The judge demonstrated respect towards the defense attorney.	99%	99%
The judge demonstrated respect towards the ADA.	99%	100%
The judge demonstrated respect towards other court staff.	99%	100%
The judge was intimidating to the defendant.	5%*	11%
The judge was caring to the defendant.	56%[+]	65%
The judge adequately described what was happening to the defendant.	95%	98%
The judge demonstrated interest in the defendant's understanding of the plea allocution.	83%***	98%
The judge adequately described what the defendant must do to comply with a court order/sentence.	96%	98%
The judge explained the penalty for noncompliance.	81%	86%
The judge expressed an interest in the defendant's success/compliance.	69%*	82%
The judge asked the defendant if he/she understood his/her sentence and/or next steps.	55%*	39%
The judge asked the defendant to repeat back his/her understanding of the sentence and/or next steps.	9%**	1%
The defendant was provided written instructions about his/her sentence.	88%[+]	95%

*+ p <.10, * p<.05, **p<.01, ***p<.001*

Comparison of Judicial Action Plan with Actual Judicial Behaviors

Additional analysis compared individual changes in judges' behaviors with the planned changes outlined in their individual action plans. Only two of the six judges who attended the training could be used in this analysis, because of small sample sizes between the pre- and post-implementation periods for three judges. A fourth judge did not submit an action plan. In some instances, judicial behaviors that significantly increased in the post-period were also behaviors the judges intended to improve upon as stated in their action plans. For example, one of the judges showed increased interest in the defendant's understanding of the plea allocution, which was also specified in the action plan as something this judge would do. There were other instances of behaviors significantly decreasing even though the judge stated that it was a goal to increase such behavior. Specifically, a few judges proposed making more eye contact with defendants, but there was no significant difference in this behavior. Based on the results from the observations, significant positive change in judicial behavior could be linked, for the most part, with what was stated in the judges' action plans.

Defendant Perceptions

Table 3.3 presents all key results regarding the impact of the intervention on defendant perceptions of procedural justice. Results generally do not reveal much movement in defendant perceptions. Across 15 measures of procedural justice and one measure of distributive justice, there were only two significant changes: evaluation of the defense attorney (although defense attorneys were not, per se, a target of the judicial communication intervention); and rating of how fairly the judge treated the defendant overall. In both of those two cases, the trend was towards *less* procedural justice. Inspection of the raw means in Table 3.3 generally suggests that a conclusion of little, if any, movement is appropriate with the sole two observed statistical differences defying interpretation (particularly since one of those instances, related to perception of the attorney, should not have changed, since attorneys were not a direct target for any change).

Defendant Compliance and Recidivism

Table 3.4 presents nine-month compliance outcomes (with probation sentences or other court mandates) and four-month re-arrest rates. No significant differences were found between the pre- and post-implementation periods. (There was a potentially notable decrease from a 20% re-arrest rate pre-implementation to 9% post-implementation, but this difference fell within the margin of error, only approaching significance at the .10 level.)

Summary

The results of researcher-led courtroom observations suggest that the one-day training and subsequent judicial action plans precipitated concrete improvements in select elements of courtroom communication. At the same time, the change in observed judicial demeanor and concrete procedural justice techniques did not correspond to significantly positive changes in defendant perceptions or behaviors. Accordingly, it cannot be concluded that the intervention meaningfully improved procedural justice as perceived and experienced by the defendants—even

as it *can* be concluded that a necessary precondition for improved perceptions (namely a change in objectively observed communication practices) was achieved.

Table 3.3. Impact on Defendant Perceptions of Procedural Justice	Pre-Sample (n = 71)	Post-Sample (n = 73)
Procedural Justice Dimensions		
Voice	3.97	3.91
Trustworthiness/Neutrality	4.24	4.14
Respect	4.36	4.19
Understanding	4.01	3.89
Helpfulness	4.11[+]	3.8
Evaluation of Different Courtroom Actors		
Judge	4.29	4.11
Prosecutor	1.71	1.94
Defense attorney	4.39*	4.13
Non-judicial court staff	3.45	3.41
Procedural Justice during Plea Process		
Did the judge explain what you had to do slowly and clearly? (Yes)	93%	87%
Did the judge tell you what you needed to do in order to comply with your sentence? (Yes)	97%	92%
Global Perceptions of Procedural Justice		
Overall, how fairly were you treated by the judge?	3.64*	3.37
Overall, how fairly did the judge make his or her decisions?	3.61	3.40
Considering your experience today…please rate…how often the judge…(was)...fair.	4.38	4.19
Your case today was handled fairly by the court.	4.33[+]	4.05
Distributive Justice		
Overall how do you rate the fairness of the sentence or order you received?	3.44	3.30

 + $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Note: Means are based on a five-point Likert scale except prosecutor, nonjudicial staff evaluations, judiciail fairness, fairness of judicial decisions , and fairness of sentence which are represented on a four-point scale. In addition, the two measures respresenting procedural justice during the plea process are measured on a dichotomous variable.

Table 3.4. Impact of Noncompliance and Recidivism

	Pre-Sample	Post-Sample
	(n=43)	**(n=44)**
Nine Month Noncompliance	73%	72%
	(n=72)	**(n=73)**
Four Month Recidivism	20%[+]	9%

 + $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Chapter Four: Qualitative Perceptions of the Participating Judges

At the conclusion of post-implementation data collection, we invited all seven selected judges to participate in an end-of-project focus group. Three of the seven judges, as well as the Chief Judge of the Milwaukee County Circuit Court, attended. (It is unclear why three judges did and four did not attend the focus group. One possibility concerns logistical or workload demands that conflicted with the scheduled timing for some judges. It is also possible that the three judges in attendance were self-selected based on interest in the subject matter.) We created a list of potential questions (see Appendix E) to select from in order to:

1) Determine judicial perceptions of project achievements and limitations; and
2) Solicit suggestions for future refinements and replication.

This chapter discusses some of the prevalent themes identified in the focus group discussion. Specifically, it covers the judges' overall thoughts on the judicial training; similarities between the training and Milwaukee's preexisting judicial training on related topics; obstacles to implementation of the intervention; and suggestions for future trainings and pilot demonstrations.

Overall Perceptions

Our discussion began with the participating judges' thoughts on the presentation of the material in the training, especially in defining procedural justice and connecting the theory to the research. Overall, we found that the judges had positive evaluations of the training:

> *I think the program did a good job of saying that even the little things… right from the get-go, when people are coming in, if they are coming into a building that's properly signed or they understand you know where they're going and that they're there on time and what their expectation can be. That decreases their stress level so that when they get to us, they're more willing to listen to what we say… They're in a better frame of mind. So I think the little things like that are important to address and I think your program looks at that and sees the importance of how that interaction with the court system starts right from the minute they're coming in the door.*

> *I think the presentation was helpful in highlighting those things [how judges can communicate better], get us to be more conscious of it and certainly went so far to encourage our annual judicial conference to include it. I know the deans of the college itself were trying to see if there could be a slot to… [include the Improving Courtroom Communication] presentation.*

Similarities with the Milwaukee Judicial College Curriculum

We also discovered that the judges were familiar with many of the practical applications of procedural justice theory that were presented during the training, as the judges had addressed

these applications during their own training with the Wisconsin Judicial College.[10] However, in the previous Wisconsin training, these practical applications were framed in the language of "legal efficacy" rather than "procedural justice." The following quotations demonstrate this general perception among those participating in the focus group:

> *[Tom Tyler's initial presentation]… tied together some things that we may have intuitively already understood…it was a valuable training in that it reinforced what I think a lot of us already intuitively know…whether the [defendant]…like[s] the outcome or not…we are supposed to talk to people that way [respectfully].*

> *I think part of it too, why we may look… good, as you commented initially, is our Judicial College that our judges have to go through every six years.*

> *[T]he judge [teaching criminal law and procedure at the Judicial College] demonstrates using [procedural justice] techniques, not labeling them as such but just, this is what I find to be effective in talking to a defendant.. The newer judges see that.*

> *In the current course [at the Judicial College] ….there is [an exercise involving] taking a plea and the person has mental health problems and …in the college is an example of what you do with someone who has mental health issues and how do you address it and do it in a respectful manner. There is a section on interpreters, dealing with interpreters and the need for interpreters and how difficult it is to be an interpreter.*

Obstacles to Implementation

Overall, the one-day training was received and reviewed positively by participants. However, the focus group discussion revealed a concern that the training may not have been received as well if the audience had been a more skeptical or uninterested group. (This finding relates to our general observation that the judges of the Milwaukee County Circuit Court were already "ahead of the curve" in their communication practices at baseline.) Alternatively, one judge countered that one colleague who was initially uninterested became a "big promoter" of procedural justice after participating:

> *Are there people here [at the Milwaukee Courthouse] that need the good work of your committee and your study? Yes because…if other people have been sitting here, you wouldn't have had positive responses necessarily. And then…[there are] the Judge [3s] of the world who didn't really want to go and kind of got dragged along and he just loved it and thought it was great and he's very good in the courtroom but he hadn't thought about what he's doing…he's happy to have the signs up now and he tries to make a little bit more effort, you know eye contact and things along the way and he's a big promoter, pushing it onto other people.*

During discussions, the group correctly emphasized that the success of the training and communications overhaul hinged on the support and interest of participating judges. In turn, the

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[10] Newly elected or appointed judges are required to attend the Wisconsin Judicial College directly after they are elected or appointed and then every six years afterwards to refresh and update the information they have learned.

group discussed ways to garner the interest of indifferent judges. For example, one judge highlighted the importance of presenting relevant research findings:

[R]esearch is important for those people [who are not "part of the choir"]. We have to show them that there's a benefit to it. We've all been in situations where our colleagues have said, 'that's not my job, I'm not a social worker.' ...that attitude is prevalent in a lot of judges around the country, not just Wisconsin, and so if you really want to make it effective you have to show these people why it is relevant to what they're doing- why they will get some benefit from it. They'll see fewer cases...feel better about what they're doing.

Another judge also emphasized the importance of research data:

There's the data to show that ... [when someone] was in court [and] heard the judge say these things they thought they were incredibly fair, [and] by the way, they never came back and reoffended...By contrast here's the person who wasn't treated fairly that said screw you guys and comes back six months later ...I think that would be convincing along the way and helpful.

The research data is important I think because... you'll hear judges say, 'they [defendants] don't listen until you give the final numbers [incarceration sentence], that's all they want to hear.' And so research and studies are showing that they do listen...

However, a third judge tempered colleagues' opinions regarding the potential power of research to gain the interest of skeptical judges by suggesting that it may be difficult, since trainers are asking them "to change their personality":

I think what [the other] Judge said ... about the research...even if somebody just really doesn't think that's their style and that's not their job, I don't even know how much the research is going to get them to turn them around... because you're really asking to change their personality.

Training Highlights

Of particular interest to the research team were the evaluations of particular curriculum components. For example, the judges were provided data from the pre-implementation defendant surveys to learn how defendants previously perceived their interactions with and treatment by the judges. As highlighted by the excerpt below, the group expressed that the provision of pre-implementation data revealing defendant perceptions of judicial courtroom communication behaviors (referred to as 'feedback") was valuable. However, the data revealed defendants possessed generally positive perceptions of courtroom communication, which translated into little room for improvement with a number of the participating judges.

[T]he single greatest problem in communication is the illusion that it has been accomplished and... feedback ...is key for us... I was thinking, as I am sure [Judge 1] and [Judge 5] did, that we did a good job and were committed to making sure that we were understood and now ... [with feedback it teaches] you if nothing else, is that there's always room for

improvement. Because now [Judge 1] is saying that he's… making more announcements than [usual] ….and … I am more sensitive to [explaining to people why cases are being called in a certain order]…which I wouldn't have been if I had never done this. So, that kind of feedback is helpful.

A couple of judges appreciated the emphasis on understanding your audience and how small environmental changes in the courthouse could improve the experience of those who are, perhaps, walking into the courthouse for the first time. One judge provided an illustration:

Yeah I thought the signage, as small a piece as that was, I think you know it's right, it's even sweat the small stuff… We're not a user friendly building… But people come into the courthouse all the time and they're stuck and… right from the beginning they're frustrated because they just had to come down and they didn't want to be here and then they couldn't find a place to park, and then they don't know where they're going. So, they're already at 20 degrees above their normal body temperature and by the time they have the courage to ask somebody like me, 'here could you look at this and tell me where I am supposed to be' and I don't know… I think the program really did a good job of saying that even the little things like that, right from the get-go, when people are coming in, if they are coming into a building that's properly signed or they understand where they're going and that they're there on time and what their expectation can be - that sort of just decreases their stress level so that when they get to us, they're more willing to listen to what we say, no matter how we say it. They're in a better frame of mind.

Suggestions for Improving the Curriculum

In addition to discussing the benefits and challenges of the existing training curriculum, we also asked judges about what could be adjusted or added to strengthen the curriculum. Specifically, we inquired about receiving one or two research articles published by Tom Tyler on procedural justice theory prior to the training as a way for judges to familiarize themselves with the theory and research. Overall, the judges felt this was a good idea, even if not all participants decided to read the literature:

I think it would be helpful given the model you're talking about. Not all judges are going to read it, but you know the conscientious ones will or the ones with time will read Tom's stuff and I think that will be a good back drop for the training.

We also inquired about their opinions of a booster training (which was not part of the initial demonstration project), a type of review and refresher that would occur a month or two after the original training, and received group support for the idea:

If you had the training and you try and start implementing, it might be good to have at least a short time to come back again to…reevaluate [and] maybe rekindle the initial enthusiasm.

Another inquiry made during the group discussion regarded the added value of having other courtroom players, like representatives from the public defender and district attorney's offices,

attend the training. Judges responded that it would have been more helpful if their courtroom staff (e.g., bailiff) had been invited:

I think it would be really helpful if in our situation for the training if you could have brought Judge 1, his clerk and one of his bailiff's as a team to the training so you have all three people from each [courtroom]. You don't need the DA and the defense attorney…I think would be really helpful and interesting and cause them to have those kinds of conversations that we've been talking about [and judges] might get some suggestions from clerks and bailiffs about how to [act] differently or better. If nothing else, you save the judge the agony of having to have those conversations with their staff [after the fact].

In fact, one judge spoke of the skepticism verbalized by the staff when speaking to them about changing communication behaviors with defendants and the court audience:

Well they were comical because, 'do you really want me to say this, you've got to be kidding.' And then it became a fun exercise for them to see what they came up with. But I think that if they understood rather than me telling them, if they went through the training themselves and understood the significance of it separate and apart from what we're telling them, [it would have been helpful].

Summary

Overall, the curriculum received positive evaluations from focus group participants. However, they readily admitted that they were "part of the choir," meaning that they were interested and open to the curriculum and research study. In fact, they were already enacting a number of the behaviors consistent with procedural justice theory and had already been introduced to some of the material offered in the judicial training in previous training by the Wisconsin Judicial College. Focus group participants also provided valuable feedback on ways to strengthen the training curriculum and implementation of the project. For example, they supported the provision of research literature by trainers prior to the training as well as a booster training one or two months after the original training.

Chapter Five: Predicting Procedural Justice:
Key Dimensions and Correlates

This next stage of analysis utilized the combined pre-post sample (N=209) to examine the relationships among defendant characteristics, preexisting perceptions and attitudes, specific dimensions of procedural justice, overall defendant impressions of their court experience, defendant compliance, and recidivism.

The analysis was based on the analytic model displayed previously in Figure 1.1 and was structured into four stages. First, we examined the predictive relationship between static baseline characteristics and preexisting perceptions at baseline. Second, we examined the predictive relationship between all of the aforementioned measures and the five specific dimensions of procedural justice. Third, we examined the relationship of all previously examined factors (in stages one and two) with perceptions linked to different courtroom actors (judge, prosecutor, defense attorney, and non-judicial court staff) and with global—overall—perceptions of procedural justice. Fourth, we examined the relationship of all previously examined factors (in all three prior stages) with the behavioral outcomes of expected compliance, actual nine-month noncompliance, and four-month re-arrest outcomes.

Throughout the results reported below, the omission of variables from our original analytic model (in Figure 1.1) can be inferred to signify that such variables did not reach or approach statistical significance in test models whose results are not shown.

Stage 1: Predictors of Baseline Perceptions (Prior to the Current Case)

Table 5.1 indicates which baseline characteristics predicted perceptions concerning the legitimacy of laws and courts (Model 1) and expectations of procedural justice in the current case (Model 2). Referencing the nine baseline characteristics in our analytic model (Figure 1.1), we found, in general, that relatively few such factors were a source of variation that explained baseline perceptions. Concerning those findings that did emerge, defendants with a high school degree or GED held significantly *less* positive perceptions than others concerning the legitimacy of laws and courts, while more educated defendants appeared to hold *more* positive advance expectations of the procedural justice they would experience in their current case. In addition, sex was a particularly powerful predictor of procedural justice expectations, with women more likely to report positive expectations than men. Approaching statistical significance, the findings also suggested that older defendants held *more* positive perceptions than younger ones of legal legitimacy, and defendants facing felony as opposed to misdemeanor charges held *less* positive perceptions on both the legal legitimacy and expectations measures.

Table 5.1. Predicting Legitimacy and Defendant Expectations

Key Procedural Justice Measures	Model 1: Legitimacy	Model 2: Defendant Expectations
Sample Size	187	187
Presiding Judge (#6)	0.106	0.050
Sociodemographic Characteristics		
Age	0.137^{+}	0.035
Sex (Female)	-0.016	0.267***
Education	-0.147*	0.138^{+}
Current Charges (felony v. misdemeanor)	-0.139^{+}	-0.125^{+}
Adj. R-squared	**0.052**	**0.084**

+ $p<.01$, *$p<.05$, **$p<.01$, ***$p<.001$

Stage 2: Predictors of Specific Procedural Justice Dimensions

Table 5.2 presents the findings from the next stage of the analysis, which entailed predicting perceptions of the judge across all dimensions combined (see Model 1) as well as perceptions of how effective the judge was in promoting procedural justice within each of the five individual dimensions (Models 2 through 6).

Analysis revealed that more positive perceptions of legal legitimacy represented a consistent and strong predictor of more positive perceptions of the judge (in general and across each respective dimension). Defendant expectations of procedural justice also significantly predicted the overall evaluation of the judge (Model 1) and perceptions linked to the respect dimension (Model 4). There also appeared to be a relationship between the pre-courtroom experience navigating the courthouse building (i.e. perceptions of courthouse signage) and the subsequent perceptions that were formed of the judge within the courtroom. These findings all confirmed that perceptions of the judge were partially shaped by perceptions and experiences that had been formed before the defendants entered the courtroom, over which the judge lacked direct control.

Among the remaining baseline characteristics, more highly educated defendants held significantly more positive perceptions on the voice and understanding dimensions (Models 2 and 5). Defendants facing felony charges again demonstrated *less* positive perceptions than those facing misdemeanor or other charges, with the effects of charge severity approaching or reaching significance in four of the six models displayed in Table 5.2. Finally, demonstrating some variation from judge to judge, defendants who had their case heard by Judge #6 formed a significantly more positive overall evaluation of the judge (Model 1) and significantly more positive perceptions on both the respect and helpfulness dimensions (Models 4 and 6) than defendants whose case was heard by any other judge.

Concerning the overall predictive power of these analyses, the baseline measures in Table 5.2 explained a relatively high amount of the variation in perceived procedural justice, reaching 33% in predicting the overall evaluation of the judge (see R^2 statistic in Model 1). Another general

theme from these results is that the baseline measures of procedural justice prior to the current courtroom experience (first three variables listed—and the measure of legal legitimacy most powerfully) had a greater impact on perceptions of the judge in the current case than static characteristics such as charge severity, age, sex, or race/ethnicity (of which race/ethnicity did not even approach significance in test analyses, leading it to be omitted from final models).

Table 5.2. Predicting Procedural Justice Dimensions

Key Procedural Justice Measures and Dimensions	Model 1: The Judge	Model 2: Voice	Model 3: Trust/Neutrality	Model 4: Respect	Model 5: Understanding	Model 6: Helpfulness
Sample Size	185	185	185	185	185	185
Legitimacy	0.362***	0.423***	0.390***	0.258***	0.237**	0.412***
Defendant Expectations	0.168*	0.080	0.102	0.204**	-0.018	0.072
Courtroom Signage	0.158*	0.093	0.008	0.180**	0.085	0.102
Presiding Judge (#6)	0.158*	0.102	0.102	0.157*	-0.121+	0.162*
Sociodemographic Characteristics						
Age	-0.032	-0.022	0.019	-0.064	0.084	0.022
Sex (Female)	0.07	0.086	0.116+	0.018	0.127+	0.089
Education	0.053	0.200**	0.073	0.056	0.224**	0.015
Current Charges (misdemeanor v. felony)	-0.132*	-0.019	-0.158*	-0.111+	-0.041	-0.116+
Adj. R-squared	**0.334**	**0.259**	**0.249**	**0.260**	**0.101**	**0.298**

+ p<.01, *p<.05, **p<.01, ***p<.001

Stage 3: Predictors of Overall Impressions of the Judge and Court

Analyses in this stage focused on predicting defendant responses to just three items that, rather than concerning specific aspects of procedural justice, were designed to elicit overall impressions. The first two of these questions concerned the judge ("Overall, how fairly were you treated by the judge?" and "Overall, how fairly did the judge make his or her decision?"); and the third question concerned the court, without specifically referring to any one courtroom actor ("Your case today was handled fairly by the court").

Since responses on the five procedural justice dimensions are highly inter-correlated, the relative effects of each dimension in predicting *overall perceptions* had to be examined through separate regression models, one per dimension (see Tables 5.3 and 5.4). The models whose results are displayed are, otherwise, relatively parsimonious, omitting a large number of variables that were not found to be predictive in test analyses.

As supported by prior research findings, our analysis revealed that perceptions on each of the key dimensions predicted overall impressions of the judge and of the judge's decisions. In addition, preexisting perceptions concerning the legitimacy of laws and courts also appeared to shape and color the overall perceptions of the judge that were formed in the current case.

Regarding the importance of each dimension (Table 5.3), those that stand out due to the relative strength of their beta coefficients include voice (beta = .526); respect and helpfulness (betas = .502); and trust/neutrality (beta = .490). On the other end of the spectrum, understanding

explained overall perceptions to a noticeably lesser degree than the other dimensions (beta = .222). The dimension-specific patterns were similar in predicting perceptions of the judge's "decision," with the very most predictive dimensions again turning out to be voice, respect, and helpfulness (see beta coefficients in Table 5.4).

Table 5.3. Predicting Perceived Global Judicial Fairness

	Model 1	Model 2	Model 3	Model 4	Model 5
Sample Size	204	204	204	204	204
Voice	0.526***				
Trust/Neutrality		0.490***			
Respect			0.502***		
Understanding				0.222**	
Helpfulness					0.502***
Legitimacy	0.105[+]	0.097	0.154*	0.268**	0.082
Courthouse Procedural Justice	0.095[+]	0.142*	0.041	0.141*	0.090
Adj. R-squared	**0.361**	**0.330**	**0.341**	**0.182**	**0.324**

+ p<.10, *p<.05, **p<.01, ***p<.001

Table 5.4. Predicting Perceived Fairness In Judicial Decisions

	Model 1	Model 2	Model 3	Model 4	Model 5
Sample Size	204	205	205	205	205
Voice	0.522***				
Trust/Neutrality		0.496***			
Respect			0.558***		
Understanding				0.252***	
Helpfulness					0.583***
Presiding Judge (#6)	-0.062	-0.065	-0.098[+]	0.025	-0.107[+]
Legitimacy	0.126*	0.125[+]	0.144*	0.285***	0.064
Adj. R-squared	**0.326**	**0.298**	**0.365**	**0.164**	**0.353**

+ p<.10, *p<.05, **p<.01, ***p<.001

Part of our analysis included comparing the findings displayed in Table 5.3 and Table 5.4 to an analysis in which we substituted the procedural justice dimensions with a single construct representing the overall evaluation of the judge. Not surprisingly, the results revealed that the judicial evaluation construct—which essentially constituted an index averaging answers to a large number of question items spanning *all* of the dimensions—was a strong predictor of the judge's overall fairness and the fairness of the judge's decisions (see Appendix G for results).

Besides examining overall impressions of the judge, we also examined the predictors of overall impressions of court fairness. ("Your case today was handled fairly by the court.") The results in Figure 5.2 reveal that nearly all of the baseline measures failed to reach statistical significance— as did evaluations of the prosecutor and non-judicial court staff. Instead, we found that just three predictors accounted for 56% of the variation in perceptions of overall court fairness: (1) the evaluation of the judge (beta = .659, utilizing the index that combined items spanning multiple procedural justice dimensions); (2) the evaluation of defense attorney (beta = .163); and (3) age of the defendant, with older defendants having less positive perceptions (beta = -.090).

Figure 5.2. Significant Predictors of Global Court Fairness
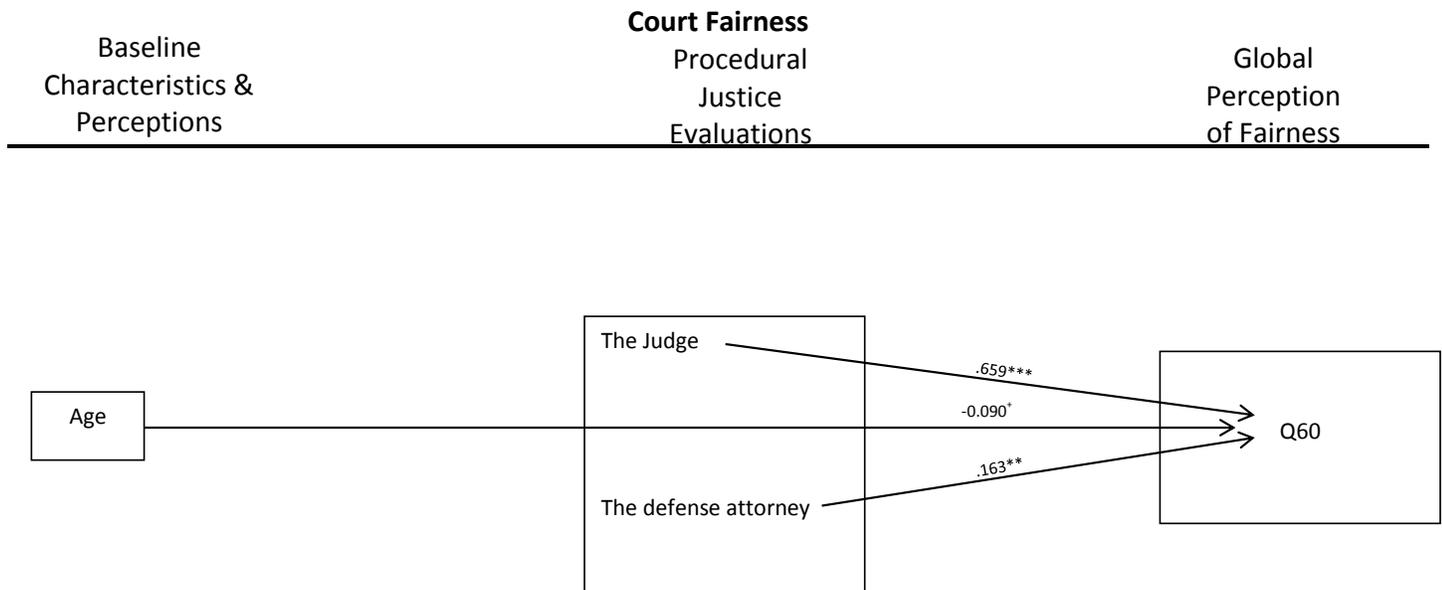
Note: R^2 = .563
+ p <.01, *p<.05, **p<.01, ***p<.001

Stage 4: Predictors of Noncompliance and Recidivism

The fourth and final stage of analysis entailed examining which factors influenced defendant noncompliance and recidivism. In general, this study did not confirm expectations that perceptions related to procedural justice would explain subsequent compliance. Reflecting the connection between all prior perceptions and perceptions of expected future compliance, the results in Table 5.5 reveal that legitimacy (p<.05), distributive justice (p<.001), and the evaluation of the prosecutor (p<.05) were all significant predictors of expected compliance.[11] While these variables represented significant predictors, together they explained only 9% of the variation in expected compliance. In addition, classic procedural justice measures, such as the evaluation of the judge's fairness on the current case (either overall or on specific dimensions) were not predictive and did not make it to the final model. Two subsequent analyses predicting actual nine-month noncompliance and actual four-month re-arrests revealed extremely low R squared statistics (.05 and .04 respectively); few significant relationships; and some relationships that did not appear in expected directions (see Appendix H). The dissonance of some of the aforementioned results with the findings in earlier stages of the analysis, coupled with the low R squared statistics for all of the stage four models we attempted and the relatively brief tracking periods for compliance and recidivism outcomes, trigger a concern that findings in this portion of the analysis may represent a fair amount of statistical noise and bear limited emphasis at best.

Table 5.5: Predicting Expected Compliance

	Expected Compliance
Sample Size	209
Legitimacy	.149*
Distributive Justice	.305***
Evaluation of the Prosecutor	.199*
Adj. R-Squared	0.09

+ p <.10, *p<.05, **p<.01, ***p<.001

Summary

Confirming prior research, perceptions of the judge played a central role in influencing overall defendant impressions of their experience. In addition, the specific dimensions of respect, voice, and helpfulness appeared to be the most important factors shaping defendants' overall impressions. Apart from the judge, analysis revealed that defendant perceptions of their attorney also contributed to their overall impressions. On the other hand, findings regarding the relationship between defendant perceptions and subsequent behaviors can best be described as uncertain and inconsistent with expectations.

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[11] Initial stages of analysis revealed the lack of association or predictive power of age at offense, race, sex, income, education level, employment status, presiding judge, prior arrest (both official and self-report), instant charge, defendant expectations, evaluation of the judge, defense attorney and non-judicial staff, as well as perceptions of judicial fairness and fairness of judicial decisions. These variables were subsequently removed from the final analysis.

Chapter 6: Summary and Recommendations

The goals of this demonstration project were to create a curriculum on effective courtroom communication; to pilot a one-day training and implementation period; and to implement an evaluation. In delivering each of these project components, this study measured the impact of the project on these goals as follows:

- Impact on procedural justice practices: The impact analysis showed significant improvement in judicial demeanor and procedural justice techniques.

- Impact on defendant perceptions of fairness and behaviors: The positive change in judicial behavior did not correspond to any significant positive changes in defendant perceptions or behaviors.

- Participating judges' perceptions of the training and subsequent implementation: Focus group discussions conducted with judges at the completion of the project indicated that the one-day training was well received. Moreover, five of the six participating judges worked to compose and execute an individualized action plan on improving courtroom communication.

Besides evaluating the demonstration project, the study included measurement of the relationships among defendant characteristics; preexisting perceptions and attitudes related to procedural justice; specific dimensions of procedural justice; overall defendant impressionsl compliance with court orders; and recidivism. Considering defendant survey data from both the pre- and post-implementation periods, all five procedural justice dimensions were associated with overall impressions—with respect, voice, and helpfulness emerging as the most influential of the dimensions. These findings affirm prior research that has utilized similar measures and analysis (Frazer 2006; Tyler 1988; Tyler 2006; Tyler and Huo 2002). In addition, defendants' perception of the judge exerted the greatest influence (as compared with the prosecutor, defense attorney, or non-judicial court staff) in predicting overall impressions of court fairness, findings that also replicate prior research (Abuwala and Farole 2008; Frazer 2006; Lee et al. 2013; Marlowe et al. 2003). Less consistent with prior theory was the lack of a clear relationship between defendant perceptions and objective measures of subsequent noncompliance and recidivism.

Study Limitations

This study possessed several notable limitations. First and foremost, as was clear from the moment that Milwaukee was selected as a site, the participating judges already utilized many promising communication practices in their courtrooms; hence, Milwaukee's judges afforded significantly less variation and significantly less room for improvement than we had desired, potentially contributing to the null impact on defendant perceptions at follow-up as well as the lack of a clear relationship detected between perceptions and behavior. A related limitation was that the courtrooms selected did not exhibit the same level of case volume pressures and

attendant visual manifestations of chaos that undoubtedly apply to many of the country's largest urban jurisdictions.

Other more technical limitations were noteworthy as well. Partly related to the lower than expected case volume in the courthouse, our final sample size of 209 fell well below our projected sample size of 600. This concern for sample size was exacerbated by the absence of one of the judges from the one-day training, precluding us from including defendants who appeared before this judge in final analyses of intervention impacts. Another limitation was our brief timeframe for measuring official compliance and recidivism outcomes, nine-months and four-months, respectively. Finally, 59 cases were excluded from the analyses of official compliance because they only received a financial sanction (i.e., fines or restitution), which after some consideration was identified as an invalid sentence about which to investigate compliance, since many of the defendants were indigent and did not have the resources to comply with this type of sanction even if they wished to comply.

Recommendations for Future Training in Courtroom Communication

With respect to the judicial communication training curriculum and subsequent communications overhaul, we recommend the following, based primarily on findings from the focus group with participating judges:

- o The provision of research and other reading material to training participants in advance of the training.

- o An emphasis on research findings that demonstrate the positive impacts of effective courtroom communication. As the participating judges noted, research can be used as a tool to persuade those judges who are not "part of the choir" about the relevance and impact of judicial demeanor and communication.

- o The inclusion of a booster training session a month or so after the original training date as a way to "check in" with judges and to encourage continued enthusiasm and practice.

- o The inclusion of the entire courtroom team (i.e., the judge, bailiff, court staff) so that all relevant actors have exposure to the theory and practical implications of procedural justice as well as the opportunity to participate in subsequent changes.

With respect to future research, we have identified two recommendations:

- o While not labeled "procedural justice," the standard training Milwaukee judges receive from their judicial college incorporates many similar materials regarding effective communication. Possibly in conjunction with this prior training or possibly reflecting the inherent interest of the Milwaukee judiciary in communicating effectively with defendants and other litigants, we found that defendants possessed positive attitudes toward the judge who presided over their cases. Overall, the courtrooms involved in our study were run efficiently and

effectively. There may have been little room to improve in the eyes of the defendants in this context. This highlights the importance of identifying demonstration sites which are in real need of training and improvement. We recommend early evaluation of possible sites (i.e., with the use of structured courtroom observations) as a way of identifying which ones may be a better fit for the training and related communications activities.

o We recommend the continued examination of behavioral outcomes in terms of official compliance and recidivism data with a timeframe of one year or more.

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Appendix A.

Enhancing Procedural Fairness
<u>Individualized Action Plan Worksheet</u>

	New/Improved Practices
Courtroom Management/ Environment	
Opening Soliloquy	
During Each Court Appearance	
Special proceedings	
PLEAS	
SENTENCING	

OTHER	

Enhancing Procedural Fairness
Individualized Action Plan Worksheet
(page 2 of 2)

	New/Improved Practices
Special Populations	
Courthouse Environment	
System Performance	

Strategies for Sustaining New Practices:

Appendix B:
Defendant Survey

Pre-Survey 2012

ELIGIBILITY SCREENING:

Are you 18 years or older?

Did you appear before one of the following judges today?

□ X   □ X   □ X   □ X   □ X   □ X

<u>If you saw X:</u> Do you have an open deferred prosecution case? If your case is closed, do you have any incomplete mandates, such as paying court costs?

<u>If you saw another eligible judge:</u> Did you receive a sentence today that included at least one of the following? {Court costs, fine, restitution, probation, community service, OR other short-term mandate (Note to interviewer: defendants with time-served only are ineligible; defendants with court costs only are eligible)

Are you interested in participating? If you are interested, we can go to a private room where I can describe the study further and there is no chance our conversation will be overheard.

THE FOLLOWING QUESTIONS CONCERN YOUR EXPECTATIONS. Thinking back to the beginning of your current court case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1. You expected the judge to treat you fairly.	○	○	○	○	○
2. You expected your attorney to treat you respectfully.	○	○	○	○	○
3. You expected your attorney to take the time to discuss the case with you.	○	○	○	○	○
4. You expected you would receive a fair outcome of your case.	○	○	○	○	○
5. You expected the prosecutor to be respectful.	○	○	○	○	○
6. You expected the court staff to be respectful.	○	○	○	○	○
7. You expected to understand the court process.	○	○	○	○	○

8. Approximately how many times have you been to the Milwaukee County Courthouse for your current case? _____

Considering all the times you've been to this courthouse for your current case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
9. It is easy to find your way around the courthouse.	○	○	○	○	○
10. When unsure of where to go, signs around the courthouse clearly identify the locations of courtrooms.	○	○	○	○	○

11. I have been lost in the courthouse at least once?
○ No
○ Yes

12. Do you know the location of at least one information kiosk in the courthouse?
○ No
○ Yes

13. Have you ever used an information kiosk? [If no, go to Q15]
○ No
○ Yes

14. If yes, how easy was it to use the kiosk?
- ⬭ Easy
- ⬭ Neither
- ⬭ Difficult

THINKING BACK TO YOUR <u>VERY FIRST COURT APPEARANCE</u> ON YOUR CURRENT CASE:

15. Did the first judge you saw treat you with respect?
- ⬭ No
- ⬭ Yes

16. Did the first judge you saw clearly explain what was going on in the court?
- ⬭ No
- ⬭ Yes

17. Did the first judge you saw answer any questions you had?
- ⬭ No
- ⬭ Yes
- ⬭ N/A

18. Were you at all intimidated by that first judge, causing you not to ask questions you had?
- ⬭ No
- ⬭ Yes

THE FOLLOWING QUESTIONS ASK ABOUT YOUR EXPERIENCE TODAY.

19. Approximately how many minutes did it take to get through the security today? _____

20. Approximately how many minutes did it take to get from security to the courtroom?

_____

21. Approximately how long did you wait in the courtroom before your case was called? _____

22. When did your lawyer speak with you about what might happen during your court appearance today? (Please mark all that apply)
- ⬭ Before today
- ⬭ Today, prior to the court appearance
- ⬭ Today, during the court appearance
- ⬭ None of the above, I did not speak to my lawyer about what might happen today

23. What is the name of the judge you saw today? _____
- ⬭ Don't Know

24. While waiting in the courtroom, did the judge provide an estimate of about how long you would wait until your case was called?
- ⬭ No
- ⬭ Yes

25. Did the judge explain why some cases are called before others?
◯ No
◯ Yes

26. Did the judge apologize for any delay before your case could be called or express appreciation for your patience?
◯ No
◯ Yes

27. Did you find waiting in the courtroom to be?
◯ Very unpleasant
◯ Unpleasant
◯ Neither pleasant nor unpleasant
◯ Pleasant
◯ Very pleasant

THE FOLLOWING QUESTIONS ASK ABOUT YOUR EXPERIENCE TODAY DURING YOUR COURT APPEARANCE.

28. Approximately how many minutes was your court appearance today from the time your case was called to the time when the judge indicated that the appearance was over? _____

<u>CONSIDERING TODAY'S COURT APPEARANCE</u>: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
29. The judge was polite to you.	◯	◯	◯	◯	◯
30. The judge showed concern for your rights.	◯	◯	◯	◯	◯
31. The judge gave you or your lawyer a chance to tell your side of the story.	◯	◯	◯	◯	◯
32. The judge made eye contact.	◯	◯	◯	◯	◯
33. The judge treated you with respect.	◯	◯	◯	◯	◯
34. The judge tried to understand your particular needs for services or any other needs you had.	◯	◯	◯	◯	◯

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
35. The judge explained what was going on in language you could understand.	⬯	⬯	⬯	⬯	⬯
36. The judge seemed very interested in helping you.	⬯	⬯	⬯	⬯	⬯
37. The judge's decision was clear to you.	⬯	⬯	⬯	⬯	⬯
38. The judge clearly explained what will happen if you violate the court's orders.	⬯	⬯	⬯	⬯	⬯
39. At times, the judge used words you didn't understand.	⬯	⬯	⬯	⬯	⬯
40. The judge showed bias in favor of the prosecutor.	⬯	⬯	⬯	⬯	⬯
41. The judge's instructions were confusing.	⬯	⬯	⬯	⬯	⬯
42. The judge cared most about getting your case over with quickly.	⬯	⬯	⬯	⬯	⬯
43. The judge treated you worse than others because of your race, sex, age, or some other reason.	⬯	⬯	⬯	⬯	⬯
44. The judge's decisions didn't consider what you or your lawyer said.	⬯	⬯	⬯	⬯	⬯

45. How often did the judge use legal terminology you did not understand?
⬯ Very often
⬯ Somewhat often
⬯ Not too often
⬯ Not at all

46. Overall, did the judge take the time to clearly explain any legal terminology that was used during your court appearance?
⬯ No
⬯ Yes

47. Did the judge get any of the facts wrong in your case? [If no, skip to Q49]
⬯ No
⬯ Yes

48. If yes, were you or your lawyer able to correct them?
⬯ No
⬯ Yes

49. Was there anything you wanted to say to the judge that you weren't able to?
◯ No
◯ Yes

50. Overall, how fairly were you treated by the judge?
◯ Very fair
◯ Somewhat fair
◯ Somewhat unfair
◯ Very unfair

51. Overall, how fairly did the judge make his or her decisions?
◯ Very fair
◯ Somewhat fair
◯ Somewhat unfair
◯ Very unfair

52. How important was it to you how well you were treated by the judge?
◯ Very important
◯ Somewhat important
◯ Not too important
◯ Not important at all

Considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics.

	Not at all 1	2	3	4	Always 5
53. Respectful	◯	◯	◯	◯	◯
54. Fair	◯	◯	◯	◯	◯
55. Consistent	◯	◯	◯	◯	◯
56. Caring	◯	◯	◯	◯	◯
57. Intimidating	◯	◯	◯	◯	◯
58. Knowledgeable	◯	◯	◯	◯	◯
59. Confusing	◯	◯	◯	◯	◯

CONSIDERING YOUR OVERALL EXPERIENCE TODAY: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
60. Your case today was handled fairly by the court.	◯	◯	◯	◯	◯
61. You feel that you were treated with respect in the court.	◯	◯	◯	◯	◯
62. You felt you had the opportunity to express your views in the court.	◯	◯	◯	◯	◯
63. You understood what was going on in the court.	◯	◯	◯	◯	◯
64. People in the court spoke up on your behalf.	◯	◯	◯	◯	◯
65. You understood your rights during the processing of your case.	◯	◯	◯	◯	◯
66. You felt fully informed.	◯	◯	◯	◯	◯
67. You felt too intimidated or scared to say what you really felt in the court.	◯	◯	◯	◯	◯
68. You felt pushed around by people with more power than you.	◯	◯	◯	◯	◯

THE FOLLOWING QUESTIONS ASK ABOUT THE OUTCOME OF YOUR CASE AND WHAT, IF ANYTHING, THE COURT ORDERED YOU TO DO.

69. Did you plead guilty in your current case? [Includes DPA cases] (If no, go to Q71)
◯ No
◯ Yes

70. How willing were you to accept the plea bargain?
◯ Very willing
◯ Somewhat willing
◯ Not very willing
◯ Not willing at all

71. Did the judge impose a sentence on your current case?
◯ No
◯ Yes

72. Please briefly describe your sentence or anything else the court ordered you to do *(IF DEFERRED PROSECUTION CASE ADD: PLEASE INDICATE WHAT YOU HAVE BEEN ORDERED TO DO EVEN IF THE ORDER WAS IMPOSED ON AN EARLIER COURT DATE OR BY A DIFFERENT JUDGE.)*

_____

_____

_____

_____

73. Did the judge explain what you had to do slowly and clearly?
⭕ No
⭕ Yes

74. Did the judge ask you to repeat what you had to do in your own words just to make sure you understood it all?
⭕ No
⭕ Yes

75. Did the judge seem concerned about making sure you understood your sentence or whatever else the court was ordering you to do?
⭕ No
⭕ Yes

76. Did the judge today tell you what you need to do in order to comply with your sentence?
⭕ No
⭕ Yes

77. Overall, how do you rate the fairness of the sentence or order you received?
⭕ Very fair
⭕ Somewhat fair
⭕ Somewhat unfair
⭕ Very unfair

78. Compared to other people who pled guilty to the same offense, would you say your outcome was:
⭕ Better than others
⭕ Same as others
⭕ Worse than others

79. Is there anything about your responsibilities that is unclear to you at this time?

_____

_____

THE FOLLOWING SECTION ASKS YOU ABOUT THE DECISIONS MADE IN YOUR CURRENT CASE.

80. How likely do you think it is that you will follow the sentence requirements or the deferred prosecution agreement in the future?
○ Very likely
○ Somewhat likely
○ Not very likely
○ Not likely at all

81. In the future how willing would you be to have this judge make decisions about a case you were involved in?
○ Very willing
○ Somewhat willing
○ Not very willing
○ Not willing at all

82. How much did you think about complaining about the judge?
○ A great deal
○ Some
○ A little
○ Not much at all

83. Have you had thoughts about trying to get the decision reversed?
○ No
○ Yes

84. How much effort will you make at avoiding the situation or behavior that has resulted in your current court case?
○ A great deal
○ Some
○ A little
○ Not much at all

THE FOLLOWING SECTION ASKS ABOUT EXPERIENCES WITH YOUR ATTORNEY AND OTHER COURT STAFF.

Throughout your current court case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
85. Your attorney treated you with respect.	○	○	○	○	○
86. Your attorney listened to you.	○	○	○	○	○
87. When speaking with you, your attorney used words you understood.	○	○	○	○	○

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
88. You attorney took the time to explain the judge's decisions to you.	◯	◯	◯	◯	◯
89. Your attorney fought hard for you.	◯	◯	◯	◯	◯
90. Your attorney seemed very Interested in helping you.	◯	◯	◯	◯	◯

91. **Throughout your current case**, how fairly did the following court staff treat you?

	Very fair	Somewhat Fair	Somewhat Unfair	Very unfair
a. The Prosecutor	◯	◯	◯	◯
b. Your Attorney	◯	◯	◯	◯
c. Security Staff	◯	◯	◯	◯
d. Sheriff's Deputy's (Bailiffs)	◯	◯	◯	◯
e. Other Court Staff	◯	◯	◯	◯
f. Arraignment Judge/Court Commissioner	◯	◯	◯	◯

THE FOLLOWING QUESTIONS CONCERN YOUR GENERAL VIEWS OF THE COURT SYSTEM.
Considering the following statements: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
92. The court system is fair	◯	◯	◯	◯	◯
93. All laws are good laws.	◯	◯	◯	◯	◯
94. Laws are intended to protect people.	◯	◯	◯	◯	◯
95. On the whole, Milwaukee judges are fair.	◯	◯	◯	◯	◯
96. Laws only protect rich people.	◯	◯	◯	◯	◯
97. Laws only protect white people.	◯	◯	◯	◯	◯
98. The court system is racist.	◯	◯	◯	◯	◯

NOW I WOULD LIKE TO ASK YOU SOME DEMOGRAPHIC QUESTIONS.

99. Are you:
○ Male
○ Female
○ Transgender

100. How would you describe your racial/ethnic background?
○ Black/African American
○ Hispanic/Latino
○ White
○ Asian
○ Other, specify: _____

101. What is your annual household income?
○ Less than $10,000
○ $10,001 to $25,000
○ $26,000 to $50,000
○ More than $50,000

102. Are you currently employed part-time or full-time?
○ Not currently employed
○ Part-time
○ Full-time [35+ hours per week]

103. Have you obtained a high school diploma or GED?
○ No
○ Yes

104. Have you ever held a position as a police officer or a member of the court staff?
○ No
○ Yes

105. Have you ever been arrested before, excluding this current case? Please note that we are only asking this question for statistical purposes and do not intend to identify your answer to anyone.
○ No
○ Yes

106. Have you ever been convicted of a crime before, excluding this current case?
○ No
○ Yes

107. Do you have any final thoughts you would like to share about the fairness of the court process you've experienced on your current case?

_____

_____

_____

For research purposes would you provide us with your first and last name, date of birth, and docket number (if you know it)? We ask only to help us locate your case information in Wisconsin's publicly available database. All identifying information will be kept strictly confidential and all physical documents like this survey will be destroyed three years after project completion.

First Name: _____

Last Name: _____

Participant Birth Date: _____/_____/_____

Docket Number: _____

If sentenced to probation, have you already met with the probation intake staff today?
- ◯ No
- ◯ Yes
- ◯ N/A

Thank you for completing the interview!!!

The interviewer should complete this page immediately after concluding the interview.

Today's Date: _____/_____/_____

Name of Interviewer: _____

Recruitment Took Place:
- ⬭ Outside courtroom
- ⬭ Outside probation office
- ⬭ Other: _____

How cooperative was the respondent?
- ⬭ Very cooperative
- ⬭ Fairly cooperative
- ⬭ Not very cooperative

How interested was the respondent in the interview?
- ⬭ Very interested
- ⬭ Fairly interested
- ⬭ Not very interested

How accurate do you think the information given to you was?
- ⬭ Very accurate
- ⬭ Fairly accurate
- ⬭ Not very accurate

How good was the respondent's English?
- ⬭ Very good
- ⬭ Fairly good
- ⬭ Not very good

Additional comments:

_____

_____

_____

_____

Appendix C. Means and Factor Loadings of Scale Items

	Mean	Standard Deviation	Factor Loading
EVALUATION OF JUDGE			
Q29. The judge was polite to you.	4.188	0.749	0.785
Q30. The judge showed concern for your rights.	3.990	0.914	0.805
Q31. The judge gave you or your lawyer a chance to tell your side of the story.	4.019	0.897	0.656
Q32. The judge made eye contact.	4.179	0.866	0.576
Q33. The judge treated you with respect.	4.213	0.759	0.835
Q34. The judge tried to understand your particular needs for services or any other needs you had.	3.923	1.045	0.833
Q35.The judge explained what was going on in language you could understand.	4.222	0.667	0.586
Q36. The judge seemed very interested in helping you.	3.812	0.980	0.812
Q38. the judge clearly explained what will happen if you violate the court's orders.	4.145	0.907	0.604
Q43. The judge treated you worse than others because of your race, sex, age, or some other reason. (reverse coded)	4.290	0.713	0.560
Q44. The judge' decisions didn't consider what you or your lawyer said. (reverse coded)	3.918	0.954	0.570
Q53. Considering your experience today, including your own court appearance today and any other appearance you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: Respectful.	4.437	0.923	0.740
Q55. Considering your experience today, including your own court appearance today and any other appearance you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: Consistent.	4.317	0.940	0.602
Q56. Considering your experience today, including your own court appearance today and any other appearance you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: Caring.	3.786	1.311	0.736
Q58. Considering your experience today, including your own court appearance today and any other appearance you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: knowledge.	4.447	0.897	0.600
FINAL ALPHA			0.918
EVALUATION OF ATTORNEY			
Q85. Your attorney treated you with respect.	4.312	0.846	0.820
Q86. Your attorney listened to you.	4.220	0.900	0.884
Q87. When speaking with you, your attorney used words you understood.	4.278	0.783	0.684
Q88. Your attorney took the time to explain the judge's decision to you.	4.259	0.814	0.812
Q89. Your attorney fought hard for you.	4.059	1.025	0.848
Q90. Your attorney seemed very interested in helping you.	4.132	1.006	0.864
Q91. Throughout your current case, how fairly did the following court staff treat you: your attorney. (reverse coded)	4.478	0.891	0.783
FINAL ALPHA			0.915
EVALUATION OF COURT STAFF			
Q91. Throughout your current case, how fairly did the following court staff treat you? (reverse coded)			
c. Security staff (reverse coded)	3.455	0.700	0.829
d. Sheriff's Deputy's (Bailiffs) (reverse coded)	3.464	0.672	0.867
e. Other court staff (reverse coded)	3.485	0.584	0.882
f. Arraignment judge/court commissioner (reverse coded)	3.470	0.699	0.678
FINAL ALPHA			0.825
DEFENDANT EXPECTATIONS			
Q1. You expected the judge to treat you fairly.	4.196	0.817	0.770
Q2. You expected your attorney to treat you respectfully.	4.371	0.692	0.692
Q3. You expected your attorney o take the time to discuss the case with you.	4.410	0.684	0.592
Q4. You expected you would receive a fair outcome f your case.	4.110	0.804	0.721
Q5. You expected the prosecutor to be respectful.	3.861	0.998	0.690
Q6. You expected the court staff to be respectful.	4.182	0.676	0.728
Q7. You expected to understand the court process.	4.172	0.713	0.499
FINAL ALPHA			0.795
LEGITIMACY			
Q92. The court system is fair.	3.206	1.217	0.665
Q93. All laws are good laws.	2.335	1.071	0.512
Q94. Laws are intended to protect people.	3.799	1.037	0.671
Q95. On the whole, Milwaukee judges are fair.	2.990	1.142	0.660
Q96. Laws only protect rich people. (reverse coded)	3.565	1.099	0.718
Q97. Laws only protect white people. (reverse coded)	3.947	0.862	0.738
Q98. The court system is racist. (reverse coded)	3.847	0.978	0.738
FINAL ALPHA			0.795

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Appendix C. Means and Factor Loadings of Scale Items

	Mean	Standard Deviation	Factor Loading
VOICE			
Q31. The judge gave you or your lawyer a chance to tell your side of the story.	4.019	0.897	0.730
Q44. The judge's decisions didn't consider what you or your lawyer said. (reverse coded)	3.918	0.954	0.596
Q49. Was there anything you wanted to say to the judge that you weren't able to? (reverse coded, standardized)	3.970	0.849	0.630
Q62. You felt you had the opportunity to express your views in the court.	3.932	1.073	0.823
Q64. People in the court spoke up on your behalf.	3.758	1.174	0.661
Q67. You felt too intimidated or scared to say what you really felt in the court. (reverse coded)	3.787	1.192	0.556
FINAL ALPHA			0.744
TRUST/NEUTRALITY			
Q40. The judge showed bias in favor of the prosecutor. (reverse coded)	3.641	0.977	0.630
Q43. The judge treated you worse than others because of your race, sex, age, or some other reason. (reverse coded)	4.290	0.713	0.620
Q55. considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristic: Consistent.	4.320	0.940	0.754
Q58. considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristic: Knowledgeable.	4.450	0.897	0.745
FINAL ALPHA			0.628
RESPECT			
Q29. The judge was polite to you.	4.188	0.749	.891
Q30. The judge showed concern for your rights.	3.990	0.914	.817
Q32. The judge made eye contact.	4.179	0.866	.612
Q33. The judge treated you with respect.	4.213	0.759	.898
Q53. Considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: Respectful.	4.437	0.923	.743
FINAL ALPHA			0.844
UNDERSTANDING			
Q35. The judge explained what was going on in language you could understand.	4.222	0.667	0.542
Q37. The judge's decision was clear to you.	4.188	0.652	0.577
Q39. At times, the judge used words you didn't understand. (reverse coded)	3.519	1.090	0.684
Q41. The judge's instructions were confusing. (reverse coded)	3.839	0.779	0.778
Q45. How often did the judge use legal terminology you did not understand.	4.051	1.141	0.745
Q59. Considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics: Confusing. (reverse coded)	4.199	1.219	0.716
FINAL ALPHA			0.754
HELPFULNESS			
Q34. The judge tried to understand your particular needs for services or any other needs you had.	3.923	1.045	0.879
Q36. The judge seemed very interested in helping you.	3.812	0.980	0.920
Q56. Considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated:	3.786	1.311	0.856
FINAL ALPHA			0.849

Appendix D:

DEFERRED COURT APPEARANCE OBSERVATION FORM (Room # _____)

Individual Case Observation

Name of Judge:_____   Date: ___/_____/_____

     Observer:_____

     Case #: _____

     Docket #: _____

     Total # of minutes: _____

1. Case stage: ☐ Initial Appearance ☐ Mid-Review ☐ Final Review ☐ Other: _____
2. Defendant sex: ☐ Male ☐ Female
3. Custody Status: ☐ In ☐ Out
4. The defendant is in a program: ☐ Yes ☐ No
5. If yes, what type of program is the defendant
   in?_____

   _____
   _____

   _____
   _____

6. If yes, is the defendant in compliance with court mandate(s)? ☐ Yes   ☐ No
7. If the defendant was non-compliant, what was the type of non-
   compliance?_____

   _____
   _____

8. If the defendant is noncompliant, describe the judge's reaction/sanction (Check all that apply):
   ☐ None
   ☐ Investigation/Assessment
   ☐ Restart program
   ☐ New program
   ☐ More frequent court appearance
   ☐ Verbal admonishment
   ☐ Judge accepted documented excuse
   ☐ Additional time in program
   ☐ Short jail stay
   ☐ Jail sentence
   ☐ Other_____

9. If the defendant is in compliance, describe the judge's reaction/reward (Check all that apply):

☐ None

☐ Less frequent court appearances

☐ Positive verbal feedback

☐ Favorable change in disposition

☐ Describe_____

☐ Other_____

10. Check the box that applies for each observation:

☐ Defendant needed an interpreter

   ☐ An interpreter was available

☐ The judge explained the purpose of court appearance

☐ The judge made eye contact

☐ The judge engaged in direct conversation with defendant

☐ Reminded defendants of his/her responsibilities

☐ Asked probing questions to defendant (requires multi-word response)

☐ Asked non-probing questions to defendant (requires 1-word response)

☐ The judge asked the defendant if he/she understood the next steps

☐ The judge demonstrated **respect** towards defendant

☐ The judge demonstrated **respect** towards attorneys and other court staff

☐ The defense attorney was present during case

☐ The defense attorney conferred with client at least once in response to judge's questions

☐ The defense attorney demonstrated **respect** towards client

☐ The defense attorney demonstrated respect towards judge

Appendix D:

Courthouse and Session Observation Protocol

Court #:_____   Date:_____   Judge:_____

Observer:_____   Observation Start/End Time:_____

Questions 1-7 pertain to observations started at 8:30 am or 1:30 pm

1. The court started on time (8:30 am or 1:30 pm)?
   ☐ Yes
   ☐ No
   ☐ N/A

2. The Judge apologized for any delay in the starting of court (if there was a delay)?
   ☐ Yes
   ☐ No
   ☐ N/A, there was no delay

3. The Judge or other court staff clearly explained court etiquette and rules at the beginning of the court session?
   ☐ Yes
   ☐ No
   ☐ N/A

4. The Judge provided an explanation for the order in which cases would be called?
   ☐ Yes
   ☐ No
   ☐ N/A

5. The Judge made eye contact with the audience upon entering the court?
   ☐ Yes
   ☐ No
   ☐ N/A

6. The Judge introduced him/herself by name?
   ☐ Yes
   ☐ No
   ☐ N/A

7. The Judge thanked audience members for their on-time appearance?
   ☐ Yes
   ☐ No
   ☐ N/A

8. The court staff interrupted court proceedings to address audience behavior in the gallery (e.g. talking, sleeping)?
   ☐ Yes
   ☐ No

9. The Judge acknowledged the experience of defendants while waiting for their cases to be called (e.g. having to sit quietly, waiting for a potentially long period, etc.)
   ☐ Yes
   ☐ No

10. The Judge provided some overview of what might happen during various court appearances and how decisions would be made?
    ☐ Yes
    ☐ No

11. The Judge assured the defendants that all of the evidence would be considered before making any decision?
    ☐ Yes
    ☐ No

12. Overall, how helpful was the clerk or court officer to defendants between court appearances?
    ☐ Very helpful   ☐ Somewhat helpful   ☐ Not too helpful   ☐ Not helpful at all

    ☐ N/A, defendants did not approach court officer/clerk

Overall Case Observation

Circle the number that best represents the observer's impression based on the court sessions that were observed: 1 = strongly disagree and 5 = strongly agree.

Concerning the actions and demeanor of the judge towards the defendants, was the judge:

Respectful	1	2	3	4	5
Fair	1	2	3	4	5
Attentive	1	2	3	4	5
Interested	1	2	3	4	5
Consistent/Predictable	1	2	3	4	5
Caring	1	2	3	4	5
Intimidating	1	2	3	4	5
Knowledgeable	1	2	3	4	5
Clear	1	2	3	4	5

Overall Comments:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Individual Case Observation					
	Cases				
Docket Number:					
Custody Status (In/Out):					
Case Stage:					
Purpose of court appearance (A, PT, PL, SE, O)[12]					
Case outcome (C, D, PL, SE, PLSE, O)[13]					
Type of sentence (I, P, R, F, CC, N/A) (outcomes are not mutually exclusive)[14]					
General					
1. Number of Minutes:					
2. Defendant sex: (Male/Female)					
3. The defendant requested an interpreter (Yes/No)					
4. There was an available interpreter in the courtroom (Yes/No/NA)					
5. There was not an available interpreter in the courtroom. The case was adjourned until the interpreter arrived (Yes/No/NA)					
6. There was not an available interpreter (Yes/No/NA)					
The Judge: (Yes/ No)					
7. Explained the purpose of today's court appearance					
8. Made eye contact with defendant					
9. Greeted defendant by name					
10. Engaged in direct conversation with defendant					
11. Read a script to the defendant					

[12] A= Arraignment, PT=Pre-Trial, PL= Plea, SE=Sentence, O=Other

[13] C=Continuance, D=Dismissal, PL=Plea, SE=Sentence, PLSE=Plea and Sentence, O=Other

[14] I=Incarceration, P=Probation, R=Restitution, F=Fine, CC=Court Costs, N/A=There was no sentence

12. Explained the legal terms he/she used					
13. Used colloquial English to explain case procedure and outcome					
14. Had all parties approach the bench w/o defendant					
15. Explained why he/she requested that all parties approach the bench (Yes/No/NA)					
16. Showed favor towards the prosecutor (if yes, provide comment)					
17. Showed favor towards the defense attorney (if yes, provide comment)					
18. Asked defendant if he/she or attorney had anything else to say before decision					
19. Made eye contact when speaking to other court staff and attorney					
20. Asked defendant if he needs a short break to discuss decision with his/her lawyer					
21. Demonstrated respect towards defense attorney					
22. Demonstrated respect towards ADA					
23. Demonstrated respect towards other court staff					
24. Demonstrated respect towards the defendant					
25. Appeared impatient with either the defendant or court staff or both? (name one)					
26. Was intimidating to the defendant					
27. Was caring to the defendant					
28. Adequately described what was happening to the defendant					
Answer the following questions only if there was a plea and/or sentence:					
29. Demonstrated interest in the defendant's understanding of the plea allocution					
30. Adequately described what defendant must do to comply with court order/sentence					
31. Explained penalty for noncompliance					
32. Expressed an interest in defendant's success/compliance					

33. Asked defendant if he/she understood his/her sentence and/or next steps					
34. Asked defendant to repeat back his/her understanding of the sentence and/or next steps					
35. The defendant was provided written instructions about his/her sentence					
Additional Comments (see separate page)					

Case #	**Additional Comments** **(e.g. describe the courtroom environment, note if defendant did not understand plea and/or terms of sentence)**
#_____	
#_____	
#_____	
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#_____	
#_____	

Appendix E: Focus Group Protocol

- **Participants complete post-survey**
- **CCI Staff introductions and acknowledgments of Milwaukee staff**

Focus Group Leader: *We would like to take the next hour to discuss your perceptions of the courtroom communication project. We have a number of questions we would like to pose to the group. There is no particular format for responding; we just ask that you speak honestly and one at a time. We would like to record our discussions today for the purposes of our notetaking only. So before we begin, I'd like to explain the consent form we'll hand out and ask you to sign.* [Hand out consent form, read out loud, emphasize confidentiality, ask participants to sign.] *As mentioned in the review of the consent form, your thoughts and opinions may be included in the project report but your name will not be associated with the content used or otherwise released to anyone outside of the research team or this focus group. Are there any questions before we proceed?*

1. **Part I: Training[15]**
   a. *A key component of the training involved describing the theoretical components of Procedural Fairness[16] and describing the research supporting the concept . How effective was the training in defining procedural fairness and its key research findings?*
      i. *What did you take away as the primary benefits of promoting procedural fairness, if any? (to litigants, to the court system, to court staff)*
      ii. *Is there anything you felt needed further clarification?*
   b. *The skills component of the training focused on communication practices, both verbal and non-verbal. Which topics within the communication modules did you find particularly helpful or interesting?*
      i. *Did the training effectively demonstrate the connection between improved communication practices and procedural fairness?*
   c. *The training aimed to identify concrete courtroom communication practices that promote procedural fairness. Did you think the training presented examples of concrete practices that seemed both feasible and effective?*
      i. *Was the group brainstorming session helpful in identifying additional practices that promote procedural fairness?*
      ii. *How did you identify practices (if any) that would complement your individual communication style?*
   d. *The training spent some time discussing concerns specific to certain special population. How important were these discussions in exploring procedural fairness?*
   e. *Looking back on the training as a whole:*

---

[15] Training Objectives: Understand the definition and value of procedural fairness, Explore how improved courtroom communication can enhance procedural fairness, Develop individualized action plans to pilot improve communication practices, Identify environmental changes in the courthouse that would support the project

       i. *Did everyone have a chance to read/review the information/materials provided to them prior to the training?*

          1. *If so, do you feel you were provided enough materials and did they maximize the training? If not, what else would you have liked to have received (quantity, quality)?*

      ii. *How helpful was the one-day training in explaining the meaning and relevance of procedural fairness and also demonstrating practical ways to enhance procedural justice in your courtroom?*

     iii. *Do you think it should have been longer (i.e., broken into 2 days)? What about the training was most valuable or interesting to you? (*Looking for particular answers: theoretical concepts, particular modules[17], exercise, practical implementation etc.*) What was least valuable/interesting?*

2. **Part 2: Implementation**

   a. *After the training, you were asked to complete an action plan.[18] How effective were you in implementing the changes you had proposed (i.e., signs, script, sentencing practices, language)?*

      i. *If you didn't create an action plan, why not? Did you still change any communication practices as a result of the training?*

   b. *If you implemented changed communication practices:*

      i. Were there challenges to implementing those changes?

      ii. *Did you make efforts to engage other court staff in the changed practices? Were they receptive?* Do you feel they have made any of the expected improvements?

     iii. Was anyone influenced by what they saw fellow colleagues doing? (i.e. signs)

   c. *After having tried to implement ideas and practices from the training: Are there any additional training tools that would have been helpful to have incorporated into the training? (Videos, demonstrations, more exercises)*

      i. *Are there additional court staff who were not at the training that you think would have benefited or been interested in attending?*

      ii. *Are there ways in which the training should have been better tailored to Milwaukee?*

     iii. Was it helpful to see a snapshot of the Milwaukee pre-training data from courtroom observations? Would you have liked to see your own individualized data prior to making any suggested changes?

     iv. Do you think a booster session or meeting held sometime after the original training would assist in continued implementation of planned changes? What additional types of support would have been useful to you?

      v. *If we were to adapt the curriculum for online delivery, what advice do you have for us in maximizing its impact?*

---

[17] Training modules: The role of procedural fairness, verbal communication, non-verbal communication, special populations, enhancing procedural fairness, implementing procedural fairness

[18] Categories: Courtroom management/Environment; Opening Soliloquy, During Each Court Appearance, Pleas, Sentencing, Other, Special Populations, Courthouse Environment, and System performance

3. *Are there any additional issues anyone would like to address? Any suggestions for project refinement that have not been discussed?*

Closing statement: Thank you all for you time, we greatly appreciate it. If there is anything else you would like to share with us please feel free to contact us at any time [hand out business cards]. The next few months will be spent analyzing all the data we have collected during the past six months, including analyzing compliance and recidivism rates among our participants. Our report is expected to be published at the end of the year. We will mail a copy of the report to all of you; it will also be published on our website at courtinnovation.org. Thank you again for your time.

Appendix F. Pre-Training Questionnaire

Thank you for attending "Enhancing Procedural Fairness," a training hosted by the Center for Court Innovation and the National Judicial College, in partnership with the Bureau of Justice Assistance at the U.S. Department of Justice.

This questionnaire is designed to gauge some of your baseline perceptions before the training. Your answers will be kept strictly confidential and will be reported in the aggregate only.

Last Name: _____

PART I:
In your opinion, how important is it that the <u>criminal court system as a whole</u> does each of the following?
(1 = Not at all important; 2 = Not too important; 3 = Somewhat important; 4 = Very important)

a. Ensure legal due process 1 2 3 4	f. Be viewed as legitimate 1 2 3 4
b. Move cases rapidly to resolution 1 2 3 4	g. Instill public confidence 1 2 3 4
c. Render decisions that assist defendants 1 2 3 4	h. Be perceived as a neutral decision-maker 1 2 3 4
d. Render decisions that protect public safety 1 2 3 4	i. Give criminal defendants a chance to tell their side of the story 1 2 3 4
e. Ensure that court participants understand how decisions are made 1 2 3 4	j. Treat criminal defendants with respect 1 2 3 4

PART II:

In your opinion, how important is it that <u>people in your current professional role</u> do each of the following?
(1 = Not at all important; 2 = Not too important; 3 = Somewhat important; 4 = Very important)

a. Ensure legal due process 1 2 3 4	f. Be viewed as legitimate 1 2 3 4
b. Move cases rapidly to resolution 1 2 3 4	g. Instill public confidence 1 2 3 4
c. Render decisions that assist defendants 1 2 3 4	h. Be perceived as a neutral decision-maker 1 2 3 4
d. Render decisions that protect public safety 1 2 3 4	i. Give criminal defendants a chance to tell their side of the story 1 2 3 4
e. Ensure that court participants understand how decisions are made 1 2 3 4	j. Treat criminal defendants with respect 1 2 3 4

PART III:
a. Which of the following do you think has the greatest influence on whether a litigant accepts a court's decision? (Check one)
□ Whether the litigant wins or loses
□ How fair the litigant perceives the outcome to be
□ How fairly the litigant perceives he/she was treated

b. In general, how important do you think your interactions with defendants are in influencing their perceptions of how their cases are handled?
(1 = Not at all important; 2 = Not too important; 3 = Somewhat important; 4 = Very important)

1   2   3   4

c. In general, how important do you think your interactions with defendants are in impacting (increasing or decreasing) their likelihood of sentence compliance?
(1 = Not at all important; 2 = Not too important; 3 = Somewhat important; 4 = Very important)

      1   2   3   4

PART IV:
Please rate your familiarity with each of the following.
(1= Not at all familiar; 4 = Very familiar)

a. The definition of procedural fairness or procedural justice

      1   2   3   4

b. The core components of procedural fairness or procedural justice

      1   2   3   4

c. Research about the impact of procedural fairness or procedural justice

      1   2   3   4

PART V:
The following questions are about your background and experience. Your responses will be used for classification purposes only.

a. JUDGES ONLY: In total, how many years have you served as a judge?

□ Less than 2 years
□ 2-5 years
□ 6-10 years
□ 11-19 years
□ 20 or more years

b. In general, how satisfied are you with your job?

□ Not at all satisfied
□ Not too satisfied
□ Somewhat satisfied
□ Very satisfied

c. What is your race or ethnicity? (Check all that apply.)

□ White/Caucasian
□ Hispanic/Latino
□ African American/Black
□ Asian/Pacific Islander
□ Native American/Alaskan Native
□ Other (Please specify): _____

d. What is your gender?

□ Male
□ Female

Thank you for completing the questionnaire.

Please return it at the front of the classroom.

Appendix G. Predicting Global Perceptions of Farness of the Judge and Judicial decisions with Judicial Evaluation Construct

	Perceived Fairness of Judge	perceived Fairness of Judicial Decisions
Sample Size	204	205
Evaluation of the Judge	0.594***	0.665***
Defendant Expectations	-0.083	-0.107$^+$
Adj. R-squared	**0.386**	**0.418**

+ p<.10, *p<.05, **p<.01, ***p<.001

Note: presiding Judge (#6_, age, sex, race/ethnicity, income, education, employment, prior arrests, current charges, legitimacy, courthouse procedural justice failed to reach significance and were excluded from the analysis.

Appendix H: Predictors of Defendant Noncompliance at Nine Months and Recidivism at Four Months

	Noncompliance
Sample Size	151
Annual Income	-.093[+]
Legitimacy	.016[+]
Adj. R-Squared	**0.05**

+ p <.10, *p<.05, **p<.01, ***p<.001

	Recidivism
Sample Size	209
Evaluation of the Judge	.146*
Prior Arrests (Official)	.16*
Adj. R-Squared	0.04

+ p <.10, *p<.05, **p<.01, ***p<.001