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## The Public Is Willing

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# THE PUBLIC IS WILLING

*Margot Lindsay and Mary K. Shilton\**

## INTRODUCTION

Public outreach and education are critically important for the courts.<sup>1</sup> When it comes to conveying information about pro se litigation and pro bono services, public outreach<sup>2</sup> benefits both the courts and the public. The criminal justice and court systems enhance their ability to solve problems and the public gains insight into the court system.<sup>3</sup>

Chief Justice William H. Rehnquist recognized the importance of public trust and court outreach in his keynote speech at the Public Trust and Confidence Conference: "Next to doing right, the great object in the administration of justice should be to give public satisfaction."<sup>4</sup> Over the past decade, community education or outreach projects have been undertaken in thirty-three states and many lo-

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1. NAT'L CTR. FOR STATE COURTS, NATIONAL CONFERENCE ON PUBLIC TRUST AND CONFIDENCE IN THE JUSTICE SYSTEM National Action Plan Draft 1-3 (1999) [hereinafter PT & C CONFERENCE], <http://www.ncsc.dni.us>

2. Recognizing the fundamental need for action in this area, the ABA, NATIONAL ACTION PLAN: A GUIDE FOR STATE AND NATIONAL ORGANIZATIONS 23 (1999), suggests steps to advance national leadership roles including: (1) developing and or disseminating models or best practices; (2) examining the role of lawyers and their impact on public trust; (3) engaging in public education at the national level; and (4) improving public access through information technology.

3. Although researchers have debated whether public confidence in the courts is enhanced by personal experience, most of the research has been shown to reveal a more positive influence. ABA, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM, EXECUTIVE SUMMARY 3 (1999) (citing findings in Herbert Kritzer & John Voelker, *Familiarity Breeds Respect: How Wisconsin Citizens View Their Courts*, 82 JUDICATURE 58 (1998).)

4. PT & C CONFERENCE, *supra* note 1.

calities.<sup>5</sup> Many New York courts<sup>6</sup> created education programs to correct misperceptions about the court system.<sup>7</sup> Other states are developing such programs as well.<sup>8</sup>

While public education is largely acknowledged as fundamental to providing access to justice,<sup>9</sup> outreach that involves in-person interaction with the public<sup>10</sup> is a more recent development less familiar to the courts. Why so? According to Justice Sandra Day O'Connor,

Sometimes, in the pressure of doing what judges have to do and running a tight ship in the courtroom and deciding tough issues, we might forget that, in the last analysis, it is, after all, the public we serve and that we do care how the courts are perceived generally.<sup>11</sup>

All too often courts have operated independently and without the knowledge of the communities<sup>12</sup> they serve.

Some contend that judicial neglect of community outreach has contributed to a decline in public confidence in the courts.<sup>13</sup> Even

5. A topical search of projects funded by the State Justice Institute over the past ten years reveals outreach projects in over thirty-three states and localities, [http://jeritt.msu.edu.Grants\\_search.asp](http://jeritt.msu.edu.Grants_search.asp). A topical search of courts and community projects funded by the U.S. Justice Department reveals additional projects, <http://www.ncjrs.org>.

6. HON. JUANITA BING NEWTON, FIRST ANNUAL REPORT OF THE DEPUTY CHIEF ADMINISTRATIVE JUDGE FOR JUSTICE INITIATIVES 2000 (2000).

7. *Id.*

8. *See, e.g.*, COMM'N ON JUSTICE IN THE TWENTY-FIRST CENTURY, DOING UTAH JUSTICE (1991); MICH. SUPREME COURT, CITIZENS' COMM'N TO IMPROVE MICH. COURTS, FINAL REPORT AND RECOMMENDATIONS TO IMPROVE THE EFFICIENCY AND RESPONSIVENESS OF MICHIGAN COURTS 1 (1986) ("The commission was directed to recommend to the Court ways in which the court system may be made more readily accessible and more responsive to the needs of the citizens of this state.").

9. Public education is comprehensively covered in four performance areas: Access to Justice (Standard 1.1-1.5), Expedition and Timeliness (Standard 2.1-2.3); Equality, Fairness, and Integrity (Standards 3.1-3.6); and Independence and Accountability (Standard 4.1-4.5). ABA, TRIAL COURT PERFORMANCE STANDARDS, COMMISSION ON TRIAL COURT PERFORMANCE STANDARDS, TENTATIVE TRIAL COURT PERFORMANCE STANDARDS WITH COMMENTARY (1989).

10. John Feinblatt, Greg Berman & Aubrey Fox, *Institutionalizing Innovation: The New York Drug Court Story*, 28 FORDHAM URB. L. J. 277, 286-87 (2000) (referring to the leadership and public outreach in the New York Drug Courts).

11. Justice Sandra Day O'Connor's speech before the PT & C CONFERENCE, *supra* note 1.

12. Frances Kahn Zemans, *In the Eye of the Beholder: The Relationship Between the Public and the Courts*, 15 JUSTICE SYS. J. 1 (1991) (suggesting the public and courts have divergent views describing how public understanding of the courts can be improved).

13. Thomas Church, *The Mansion vs. the Gatehouse: Viewing the Courts from a Consumer's Perspective*, 75 JUDICATURE 255-61 (1992).

if this is true, the traditional constraints of judicial independence must be preserved. Hillary Efke and David Rottman of the National Center for State Courts believe that while the need to preserve judicial independence affects the nature of collaborations with the community, a balance has been achieved in the collaborative programs they have studied.<sup>14</sup> They suggest the following principles to guide collaborations: (1) there should be clear and identified ground rules and boundaries; (2) community participation should be inclusive and open; (3) attention should be given to observing judicial canons and ethics with respect to private funding for a project; (4) collaborations should be evaluated for effectiveness; and (5) court budgets and staffing allocations should not restrict court and community collaborations.<sup>15</sup>

Given ethical considerations, it is understandable that courts have proceeded cautiously with community outreach programs. While a difficult and murky term, community outreach is best described as problem solving with the community around mutual interests—a collaboration between court and community within certain constraints.<sup>16</sup> In describing the concept of collaboration, Efke and Rottman incorporate a statement by Chief Justice Shirley Abrahamson of Wisconsin:

Court and community collaboration is a sustained, two-way commitment to ensuring that the justice system is open and effective. The process of court and community collaboration is integral to the fair administration of justice. It is not a one-shot event aimed at solving one isolated problem or satisfying one special interest group.<sup>17</sup>

Building and strengthening community problem-solving and collaborations take time, leadership, and agency resources.<sup>18</sup> Until recently, neither academic lessons, professional judicial

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14. Hillary S. Efke & David Rottman, *Bringing the Public In: Collaborations Between Courts and Communities in AM PROB. AND PAROLE ASS'N., COMMUNITY JUSTICE CONCEPTS AND STRATEGIES* 148-49 (1998).

15. *Id.*

16. ABA OFFICE OF JUSTICE INITIATIVES, *SMALL GROUP DESIGN AND IMPLEMENTATION WORKBOOK* (1995); ARNOT BERGSTROM ET AL., *COLLABORATION FRAMEWORK ADDRESSING COMMUNITY CAPACITY* (describing problem-solving activities typical of outreach).

17. Efke & Rottman, *supra* note 14, at 132.

18. See ROGER FISHER, WILLIAM URY & BRUCE PATTON, *GETTING TO YES. NEGOTIATING AGREEMENT WITHOUT GIVING IN* (1991); WILLIAM POTAPCHUK, ROBERTA MILLER & DINA BOOGAARD, *MAKING COLLABORATIONS WORK: COURSE GUIDE*.

experiences,<sup>19</sup> nor institutional help<sup>20</sup> prepared court personnel to engage with the community. This is beginning to change.

New Jersey courts began to focus on community problem-solving in 1952.<sup>21</sup> A number of other states quickly followed with innovative programs using volunteers.<sup>22</sup> By 1978, the National Center for State Courts and Arthur D. Little had studied the use of juvenile court volunteers in thirteen sites.<sup>23</sup> The findings noted that most of the programs were helpful although they varied widely.<sup>24</sup> Collaboration involves members of the business sector, the social service sector, and the public at large.<sup>25</sup> These members are involved as volunteers, professionals, advisers, and mentors in a variety of projects.<sup>26</sup> Such projects include therapeutic courts, such as drug courts and family courts, restorative justice panels, and sentencing circles.<sup>27</sup> Although recognition of community outreach's importance is growing,<sup>28</sup> it is not yet an accepted fact of life in all states.<sup>29</sup>

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19. A handbook on court outreach issued by the California Judicial Council provides a guide for courts in this area. JUDICIAL COUNCIL OF CAL. COURTS REACHING OUT TO THEIR COMMUNITIES: A HANDBOOK FOR CREATING AND ENHANCING COURT AND COMMUNITY COLLABORATION (1998).

20. See JUDGE RICHARD FRAIN, THE ABA, JUDICIAL OUTREACH ON A SHOESTRING: A WORKING MANUAL.

21. See Robert G. Seidenstein, *New Jersey State Court System Cultivates Its Volunteers*, 77 JUDICATURE 335-36 (1994).

22. See *infra* notes 44-51 and accompanying text.

23. The thirteen states were New Jersey, Illinois, Kansas, Minnesota, the District of Columbia, Ohio, Rhode Island, South Carolina, Utah, Washington, and Arizona. NAT'L CTR. FOR STATE COURTS AND ARTHUR D. LITTLE, INC., VOLUNTEERS AND THE JUVENILE COURT (1978) <http://www.ncjrs.org>.

24. *Id.*

25. See DAVID ROTTMAN, HILLERY S. EFKEMAN & PAMELA CASEY, NAT'L CTR. FOR STATE COURTS, A GUIDE TO COURT AND COMMUNITY COLLABORATION (1998).

26. For example, the Administrative Office of the Courts in New Jersey oversees over 6000 volunteers who help advise the courts on racial bias; provide assistance with civil guardianships; mentor adults and juveniles; conduct dispute resolution; and assist with other family and adult court matters. Dana Coleman, *All in a Day's Work: She Oversees 6,000 Court System Volunteers*, N.J. LAW., Apr. 17, 1995, at 12.

27. CTR. FOR CMTY. CORRS., PARTNERSHIPS IN CORRECTIONS (1999) (highlighting collaborations from six perspectives including the courts), <http://www.communitycorrectionsworks.org>.

28. BETSY FULTON, AM. PROB. AND PAROLE ASS'N, RESTORING HOPE THROUGH COMMUNITY PARTNERSHIPS: THE REAL DEAL IN CRIME CONTROL 60-68 (1996) (providing a variety of examples, strategies, and methods for community outreach by justice agencies).

29. JUSTICE RESEARCH AND STATISTICS ASS'N, INNOVATIVE COURT PROGRAMS: RESULTS FROM STATE AND LOCAL PROGRAM WORKSHOPS (1995) (providing an array of problem solving approaches taken by courts in recent years).

Efkeman and Rottman of the National Center for State Courts distinguish between programmatic and systematic applications.<sup>30</sup>

On the programmatic level, collaboration is a blueprint for establishing court programs or special courts, or for dedicating a judge and courtroom to a particular set of cases. Trial courts gain the resources needed to adjudicate new types of disputes in criminal and civil law, enhance public understanding and support, and generate energy and enthusiasm among volunteers. Communities gain a unique vehicle for addressing local problems by combining the teeth of court sanctions with the power of community networks and knowledge. Thus far, such collaborations have been forged primarily between communities and courts of limited jurisdiction that process misdemeanor criminal and juvenile delinquency cases.<sup>31</sup>

## I. THERAPEUTIC JUSTICE AND THE COMMUNITY CONNECTION

In Erie County, New York, the court works with the incarceration board to develop community-wide treatment options for drug court clients.<sup>32</sup> The program resulted in more community support for treatment options as well as increased links between program planners and treatment professionals.<sup>33</sup> Drug courts and community justice approaches are but two examples of a jurisprudential shift toward court outreach.<sup>34</sup> Some claim that a fundamental shift in jurisprudence has changed the role of the courts toward therapeutic justice.<sup>35</sup> Therapeutic courts form collaborations with social

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30. See Efkeman & Rottman, *supra* note 14, at 131-50.

31. *Id.* at 131.

32. Jane Nady Sigmon et al., *Key Elements of Successful Adjudication Partnerships*, Bureau of Justice Assistance Bull. No. 173949 (May 1999), at <http://www.ojp.usdoj.gov/BJA>.

33. *Id.*

34. Hon. Peggy Fulton Hora et al., *Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System's Response to Drug Abuse and Crime in America*, 74 NOTRE DAME L. REV. 439, 476. The Drug Treatment Court encompasses collaboration between the court, prosecution, defense, treatment providers, and criminal justice agencies. Furthermore it considers local needs, community organizations, services and populations in its therapeutic operations. *See id.*

35. Christopher Slobogin, *Therapeutic Jurisprudence: Five Dilemmas to Ponder*, 1 PSYCHOL., PUB. POL'Y & L. 193, 196 (1995). Slobogin stressed the influence of and reliance on social science to shape the law and legal practices toward a goal of affecting social stability and the welfare of affected persons. This use of social science necessitates not only research but outreach and feedback in order to measure the impact of such legal decisions. *See id.*

service and health agencies in the community.<sup>36</sup> Community and therapeutic courts necessitate a shift in judicial leadership and thinking toward problem-solving. Drug court judges unite prosecuting attorneys, defense attorneys, and treatment providers into a single team.<sup>37</sup> When more resources are needed for treatment, education, or family support, the drug court judge assembles the people who can make those resources available.<sup>38</sup>

### A. Outreach for Volunteers

The ideals behind public outreach stem from the same goals as those of the therapeutic courts;<sup>39</sup> namely the significance of citizen contact with the courts for problem solving purposes. The New Mexico Courts Volunteer Program, for example, has developed an outreach to retirees.<sup>40</sup> Since 1984, some New Mexico courts have engaged volunteers in probation to assist probation officers.<sup>41</sup> New Mexico Supreme Court Policy Directive No. 10, adopted in 2001, was instituted to recognize the importance of this outreach.<sup>42</sup> New Mexico courts also recruit volunteers to serve on Citizen Advisory Boards and as court appointed special advocates for abused and neglected children.<sup>43</sup>

Other court systems including those of Alabama,<sup>44</sup> Alaska,<sup>45</sup> Nebraska,<sup>46</sup> New Jersey,<sup>47</sup> Maine,<sup>48</sup> Massachusetts,<sup>49</sup> Washington,<sup>50</sup>

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36. JOHN FEINBLATT & GREG BERMAN, *RESPONDING TO THE COMMUNITY: PRINCIPLES FOR PLANNING AND CREATING a Community Court* (1997).

37. *See generally* GEN. GOV'T DIV., U.S. GEN. ACCOUNTING OFFICE, *DRUG COURTS: OVERVIEW OF GROWTH, CHARACTERISTICS, AND RESULTS* (1997).

38. Symposium, *Special Issue: The Drug Policy Debate*, 28 *FORDHAM URB. L.J.* 3 (2000).

39. Hon. Sheila M. Murphy, *Therapeutic Jurisprudence: Its Time Has Come*, *TRIAL JUDGES NEWS*, Winter 1997/1998, at 3.

40. *See* N.M. ADMIN. OFFICE OF THE COURTS, *NEW MEXICO COURT VOLUNTEER PROGRAM 5* (2001).

41. *See id.* at 6.

42. *See id.* at 16.

43. *See id.* at 5-7.

44. *See* Coleman, *supra*, note 26.

45. *See* ALASKA COURT SYS., *REPORT OF THE ALASKA SUPREME COURT ADVISORY COMMITTEE ON FAIRNESS AND ACCESS* (1999). This project produced an array of reforms and strategies to improve public access.

46. In Nebraska, the District Judges' Association developed a conference, resources, and outreach to community. *See* NEB. DIST. JUDGES' ASS'N EDUC. COMM. & NEB. COUNTY JUDGES' ASS'N EDUC. COMM., *CULTURAL DIVERSITY AWARENESS IN NEBRASKA COURTS: A PHILOSOPHICAL PROGRAM WITH PRACTICAL APPLICATIONS* (1993).

47. *See* Seidenstein, *supra* note 21 (1994).

and Virginia,<sup>51</sup> involve citizen input as part of their strategic planning process for the courts and criminal justice system.

Since 1952, the New Jersey Courts have recruited volunteers to develop the Juvenile Conference Committee program to screen and divert non-violent juvenile offenders to a citizen committee.<sup>52</sup> In New Jersey, there are over 2000 volunteers a year participating in over 10,000 juvenile cases. Another 1000 volunteers participate in a Community Dispute Resolution program.<sup>53</sup> More than 400 volunteers do child placement review.<sup>54</sup> There are 250 court appointed special advocates to represent abused children; another 100 volunteers assist in supervised visitation of children by non-custodial parents.<sup>55</sup> There are hundreds of mentors for juvenile offenders, and more than 200 volunteers in probation who work as mentors.<sup>56</sup>

### B. Community Courts and Neighborhood Advisory Boards

In New York City's Midtown Community Court, the planning team opened social services at the court to residents.<sup>57</sup> It also gave the community a voice in shaping sanctions.<sup>58</sup> A community advisory board was formed to provide a means for judges and court administrators to hear input from neighbors.<sup>59</sup> The input included

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48. According to the State Justice Institute, the Maine Volunteers for Justice has undertaken projects to support development and use of volunteers for Justice. [http://jeritt.msu.edu/Grants\\_Search.asp](http://jeritt.msu.edu/Grants_Search.asp).

49. Massachusetts has explored community involvement at the municipal level. See Lucinda S. Brown, *Court and Community Partners in Massachusetts*, 81 JUDICATURE 200-05 (1998), available at <http://www.ajs.org/pubs3.html>.

50. A number of studies and projects in the Washington State system yielded development of a curriculum for court employees in public outreach. WASH. STATE OFFICE OF THE ADMIN'R FOR THE COURTS, *SERVING THE PUBLIC: A CURRICULUM FOR COURT EMPLOYEES* (2000).

51. See KATHY L. MAYS & BEATRICE MONAHAN, SUPREME CT. OF VA., *THE PUBLIC AS PARTNERS: INCORPORATING CONSUMER RESEARCH INTO STRATEGIC PLANNING FOR COURTS* (1994).

52. Robert G. Seidenstein, *supra* note 48.

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. See MICHELE SVIRIDOFF, DAVID ROTTMAN, BRIAN OSTROM & RICHARD CURTIS, *DISPENSING JUSTICE LOCALLY: THE IMPLEMENTATION AND EFFECTS OF THE MIDTOWN COMMUNITY COURT 1-5* (1997).

58. *See id.*

59. *See id.*



suggestions for community service projects, addressing quality of life in communities, and combining punishment with help.<sup>60</sup>

Outreach has long existed in family and juvenile courts.<sup>61</sup> Courts involved in outreach often incorporate local resources into their work. An impact evaluation of the Alabama Administrative Office of Courts Judicial Volunteer program found that both the juvenile conference committees and district court mediators were extremely positive.<sup>62</sup> In Detroit, an effort to link community volunteers resulted in a community resource handbook that inventoried various services to be accessed by the courts.<sup>63</sup> Today the handbook is also found in drug courts, where the cooperation and collaboration of the community are essential to successful outcomes.

Restorative justice,<sup>64</sup> family group conferencing,<sup>65</sup> and sentencing circles<sup>66</sup> also involve citizen input<sup>67</sup> and emphasize meeting the reparation needs of victims and communities. In Minnesota, restorative justice has operated under the sponsorship of the Minnesota Department of Corrections and has focused on reintegrating offenders while hearing the voices of victims, offenders, and powerless individuals in the community.<sup>68</sup> In Deschutes County, Oregon, a Commission on Children and Families composed of lay citizens advises a presiding judge and county commissioners about victims' services, community restitution, and community invest-

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60. See *id.* at 5-7.

61. See *id.* at 259. Since 1952 Hudson County New Jersey volunteers have helped to dispose of juvenile family court cases. In Norfolk Virginia, the Juvenile and Domestic Relations Court utilized a Citizen Advisory Council to make recommendations about children's services and needed legislation.

62. See KENNETH F. DUNHAM, ALA. ADMIN. OFFICE OF COURTS, JUDICIAL VOLUNTEER PROGRAM EVALUATION REPORT (2000).

63. See PARTNERS AGAINST CRIME, COMMUNITY RESOURCE HANDBOOK (1993).

64. For a discussion of the concept and purposes of restorative justice, see DAN VAN NESS & KAREN STRONG, RESTORING JUSTICE (1997).

65. See Kay Pranis, *Conferencing and the Community*, in FAMILY GROUP CONFERENCE: NEW DIRECTIONS IN COMMUNITY-CENTERED CHILD AND FAMILY PRACTICE 40-48 (G. Burford & J. Hudson eds., 2000).

66. In Canada and Minnesota, sentencing circles have been used to assemble community members to talk about problem solving in their neighborhoods and rural communities. See Barry Stuart, *Circle Sentencing: Turning Swords into Ploughshares*, in RESTORATIVE JUSTICE: INTERNATIONAL PERSPECTIVES 193-206 (B. Galway and J. Hudson eds., 1996).

67. See FULTON, *supra* note 28.

68. See Kay Pranis, *Rethinking Community Corrections: Restorative Values and an Expanded Role for the Community*, 8 ICCA J. ON COMMUNITY CORRECTIONS 36-39, 43 (1997) (discussing the basic principles underlying such efforts).

ment and support in a youth program.<sup>69</sup> In Vermont, Reparative Probation Boards have reached out to victims of crime such as merchants victimized by shoplifting and have crafted reparative sentences to pay back the merchants.<sup>70</sup> Probation and community corrections boards are fairly common at the state and local levels.<sup>71</sup>

### C. Problem Solving Concerning Gender, Cultural, and Ethnic Issues

In Kansas,<sup>72</sup> Michigan,<sup>73</sup> New Jersey,<sup>74</sup> New Mexico,<sup>75</sup> and Alaska,<sup>76</sup> courts have conducted surveys to identify gender, racial, and ethnic issues. Concerns raised by the surveys were addressed by action plans to enhance communication with the various communities and increase the accessibility of the courts. These action plans included multilingual, immigrant, and Native American outreach, redesign of Court Interpreter Services,<sup>77</sup> and municipal court brochures to reach specific populations.<sup>78</sup> A comprehensive national handbook was developed to recruit and train court personnel about gender issues.<sup>79</sup>

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69. See Dennis Maloney, *Justice and the Community*, in COMMUNITY JUSTICE CONCEPTS AND STRATEGIES 214 (Edward Barajas et. al., Am. Prob. and Parole Ass'n eds., 1998).

70. Lynne Walther and John Perry, *The Vermont Reparative Probation Program* in COMMUNITY JUSTICE CONCEPTS AND STRATEGIES, *supra* note 14 at 181-194.

71. See CAL. PROB., PAROLE AND CORR. ADMIN., THE POWER OF PUBLIC SUPPORT (1985).

72. JOSEPH A. AISTRUP, CTR. FOR SURVEY RESEARCH, DOCKING INST. OF PUB. AFFAIRS, KANSAS CITIZENS' JUSTICE INITIATIVE SURVEY (1998).

73. See MICH. SUPREME COURT, CITIZENS' COMMISSION TO IMPROVE MICHIGAN COURTS FINAL REPORT AND RECOMMENDATIONS TO IMPROVE THE EFFICIENCY AND RESPONSIVENESS OF MICHIGAN COURTS 6 (1986) (discussing public opinion survey results regarding race and gender).

74. See COLEMAN, *supra* note 26.

75. In New Mexico, a survey of citizens showed that concerns over treatment of persons from various economic backgrounds were a fundamental cause of public distrust of the courts. See Ariz. State Court Citizen Survey, *A Preliminary Report for the 1997 Judicial Conference*, in ARIZ. COURTS ASS'N, ANNUAL CONFERENCE CO-SPONSORED WITH THE NATIONAL ASSOCIATION OF COURT MANAGEMENT (1998).

76. See ALASKA COURT SYS., *supra* note 45.

77. See *id.*

78. See *id.*

79. LYNN HECHT SCHAFRAN, NORMA J. WIKLER & JILL CRAWFORD, NAT'L JUDICIAL EDUC. PROGRAM ET AL., GENDER FAIRNESS STRATEGIES PROJECT: IMPLEMENTATION DIRECTORY (1998).

## II. SUGGESTIONS FOR IMPROVING OUTREACH

An informed media is helpful, but it is not a substitute for outreach. Most people get their impressions and information about the courts from the media.<sup>80</sup> To help provide better public knowledge, the American Judicature Society published a planning manual to help courts conduct educational workshops for practicing journalists.<sup>81</sup> Still, outreach to targeted groups is more important than mere public relations, because it allows court leaders to develop a more direct line of communication with members of the public. This lets them convey what they want the public to know.<sup>82</sup>

Of course the media is not the only way people learn about the courts. Many people's understanding and opinions are tempered by their exposure to the courts. It is not known precisely how many citizens have direct experience with the court system, but over half of the respondents surveyed by the National Center for State Courts had some personal experience or involvement.<sup>83</sup> Outreach allows courts to develop direct channels of communication with the public, and ones less likely to distort information because of a sensational case or sentence. Outreach that involves dialogue with an audience allows courts to explain to those outside the legal system the purposes and programs of the judicial system and the myriad of issues it must address.<sup>84</sup> This allows court personnel to gauge the public's perceptions and focus on how they can perform their duties with sensitivity to the views of the community.<sup>85</sup>

The following suggestions come from years of working with courts and public agencies to develop better community relations. Many of these suggestions have been incorporated in training programs for court leaders.

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80. NAT'L CTR. FOR STATE COURTS, *HOW THE PUBLIC VIEWS THE STATE COURTS: A 1999 NATIONAL SURVEY* 19 (1999).

81. AM. JUDICATURE SOC'Y, *REPORTING ON THE COURTS AND THE LAW: A WORKSHOP FOR PRACTICING JOURNALISTS: A PLANNING MANUAL* (1989).

82. DONALD W. REYNOLDS NAT'L CTR/ FOR COURTS AND THE MEDIA, *COURTS AND THE MEDIA—CONFLICT AND COOPERATION* (2000).

83. NAT'L CTR FOR STATE COURTS, *supra* note 80, at 7.

84. *See* MARGOT C. LINDSAY, CTR. FOR CMTY. CORR., *CREATING THE COMMUNITY CONNECTION—AND A CONSTITUENCY IN THE PROCESS* (2000); MARGOT C. LINDSAY, CTR FOR CMTY. CORR., *THOUGHTS AND DEFINITIONS FOR VOLUNTEERS* (2000) (discussing various models of collaboration and working with volunteers in a criminal justice setting). <http://www.communitycorrectionsworks.org>.

85. *See* KATHY L. MAYS & BEATRICE P. MONAHAN, *THE PUBLIC AS PARTNERS: INCORPORATING CONSUMER RESEARCH INTO STRATEGIC PLANNING FOR COURTS* (1994) (exploring the dimensions of outreach using consumer research techniques to provide courts with information).

Effective outreach strategies are purposeful, targeted and ongoing.<sup>86</sup> Purposeful, in that they are directed at a specific issue; targeted, in that they are aimed at specific populations; and ongoing, in that they essentially represent continuing associations.

Be clear about the information you want to convey and prepare a short and understandable written piece that can be made broadly available. Even when speaking with groups, there should be something in writing to leave with each person to make sure the message left is not filtered by human memory.

Emphasize the court's role in upholding laws that are not necessarily of the court's making. People without legal experience or training often think that the court's purpose is to deliver justice rather than uphold the laws. They are shocked when court decisions are handed down that they find unjust. Several programs dealing with community justice, community ownership, and problem solving allow for direct involvement of citizens in the justice process. Such citizen-justice interactions give the members of the public a first-hand experience of the potential tensions between the laws and justice.<sup>87</sup>

Make sure decisions are understood. Why judges make certain decisions is as important for the public to understand as what a particular decision is. This is particularly true for people who are directly affected. About forty-five percent of participants in the National Center for State Courts survey believed that court rulings are not understood by the people involved in the cases.<sup>88</sup> The public assumes that judges have more leeway in their decisions than they actually have. Outreach will inform the public of the restrictions on judicial decisions, particularly in controversial outcomes. If the court's hands are tied by a mandatory sentence, the public needs to know that. Understanding the court's true purpose and the constraints upon the court can play an important role when dealing with public trust and confidence.

Analyze the various groups within a particular jurisdiction and use the groups' networks to help convey court-related information. Every jurisdiction, no matter how small, has a number of different communities within it; the business and education com-

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86. *E.g.*, JACQUES BARZUN, *SIMPLE AND DIRECT* (1976); JOSEPH M. WILLIAMS, *STYLE: TEN LESSONS IN CLARITY AND GRACE* (1981).

87. *See generally* COMMUNITY JUSTICE CONCEPTS AND STRATEGIES, *supra* note 14.

88. NAT'L CTR. FOR STATE COURTS, *supra* note 1, at 34.

munities, the religious communities, ethnic groups, social agencies, civic organizations, neighborhood associations, and so forth. Each group has its own network, and you want to tap into those networks to save the time and trouble of reaching each group individually. According to Judge Newton's First Annual Report,<sup>89</sup> New York courts are already taking that step.<sup>90</sup>

If court leaders do not feel they know the groups within their jurisdictions well enough, they can obtain the necessary information from two excellent publications that are widely available; the United Way's directory of social services<sup>91</sup> and the Chamber of Commerce's packet for the particular area.<sup>92</sup> The Chamber's packet is a treasure trove of information about demographics, houses of worship, civic organizations, schools and colleges, and both major and minor employers. These materials are indispensable sources of information.

Involve citizen advisors. Court leaders can bring in a couple of representatives of target groups to help them fashion an appropriate approach and review any materials. These representatives will know how best to approach their colleagues. They will know whether a meeting with a selected few or a talk at an annual conference will be the most effective venue. They will be able to tell court leaders whether the written materials they have prepared will be understood as intended. The courts are incredibly interesting to people and as such, those approached will respond positively and can be immensely helpful.

Engage audiences on their own terms. Give audiences examples of the court's work through cases, well disguised, that allow them to see the court at work. People love stories, and stories make your work come alive. Find a hook that lets people see the work of the courts in terms of their own interests. In Oregon, for instance, a curriculum about the court was developed around a recent statutory change that lowered the age of majority to fourteen for certain drug charges. Imagine how that fact engaged the attention of the high school crowd!

Allow time for plenty of back and forth with the audience regardless of the forum. People need a chance to express their

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89. NEWTON, *supra* note 6.

90. *Id.*

91. See the United Way website at <http://www.unitedway.org> to find United Way Directory information about a particular area.

92. To find information about businesses, resources, government and community schedules, the Chamber of Commerce website at <http://www.chamberofcommerce.com> provides a way to link to state and local chamber information.

feelings and test their perceptions. Court leaders need to hear those feelings and perceptions to make their information and interactions with the public more responsive. This is particularly true when meeting with those who feel alienated by the justice system. The public will respond to invitations from court leaders to participate in dialogue.

Sociologist Daniel Yankelovich spoke eloquently about the dangerous disconnect between the public and its leaders that leads to alienation and lack of civic involvement:<sup>93</sup> “What drives people wild with frustration is the lack of responsiveness, a feeling of being ignored . . . the disconnect between leaders and the public—is so deeply embedded in our modernist culture that as recently as a decade ago we were not even aware of its strength.”<sup>94</sup> His solution to “the disconnect” is dialogue—dialogue between the public and its leaders. Yankelovich notes that leaders must change their institutions in the interest of “broader participation in decision making.”

Use your jurors to educate their friends and neighbors. Approximately twenty-four percent of people have sat on a jury<sup>95</sup> and there is always some downtime in the jury pool. Use it. Take jurors on a tour of the courthouse. This allows them to see the vast range of activities that go on in a court, both the variety of courts—juvenile, family, drug, probate, traffic, housing if that exists—and all the infrastructure that is needed to support them: the record keeping, the interface with other agencies such as probation and prisons, the fine collection, the schedule keeping. It is the rare member of the public who knows the full spectrum of the various courts and certainly no one on the outside knows the infrastructure needed to keep it going. The jurors will be really interested in the tour and will discuss widely what they have seen and heard when they go home and back to work. Knowing the full range of activities that go on in a courthouse will help people understand and appreciate the resources needed to carry them out.

Maintain the contacts, even when what you want to accomplish has been achieved. As you meet with a group, tell them of your interest in maintaining contact, and ask with whom you should stay in touch. An occasional note with a piece of news that

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93. Daniel Yankelovich, *Three Destructive Trends*, 5 KETTERING REV. (1995), <http://www.danyankelovich.com/threedestructivetrends.pdf>.

94. *Id.*

95. NAT'L CTR. FOR STATE COURTS, *supra* note 1, at 7.

might be of interest or an invitation to an open house if you have one, will remind the group of their relationship to the courts and will form the basis of an eventual constituency.

### III. BUILDING A CONSTITUENCY

By "constituency," we refer to a group of knowledgeable citizens who can go to bat whenever courts, particularly family and drug courts, need public support around an issue or access to community resources. A demonstration of public support to help obtain needed funds in a tight economy can be helpful. Areas such as the environment and mental health have constituencies who know how to highlight the needs of their public agencies with funding sources.

Judge Newton's First Annual Report indicates New York courts will soon be holding town hall meetings.<sup>96</sup> The town hall meetings are a golden opportunity for the courts to create a constituency. Target the groups you want. Bring in their representatives to help you fashion the meeting, select the materials to be distributed, and ensure that people attend. The authors recommend the League of Women Voters because they are very good at designing and moderating public forums. For example, in Oklahoma, the League co-sponsored a series of justice forums with the courts and Department of Corrections throughout the state.<sup>97</sup> Courts already have made many of the needed contacts through their outreach.

It is important to keep that group of representatives together and meet with them periodically<sup>98</sup> so that they can form the base of a constituency. Some courts have created advisory committees—an excellent way to keep those ties ongoing.<sup>99</sup> The public will respond positively to court leaders' overtures.

Public education and outreach take time and energy, of which the courts are in short supply. However, in reaching out court leaders will find a responsive public, grateful for the effort, and eager to take the courts' extended hand.

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96. NEWTON, *supra* note 6.

97. In Oklahoma and New York, the League of Women Voters used a curriculum *Balancing Justice: Setting Citizen Priorities for the Corrections System* to organize small group discussions. Information about this curriculum from the Study Circles Resource Center is available at <http://www.studycircles.org>.

98. *E.g.*, MO. CITIZEN ADVISORY BD., *THE ABCs OF THE CABs: A HOW-TO-MANUAL ON CREATING CITIZEN ADVISORY BOARDS* (1981).

99. MARGOT C. LINDSAY & DEBORAH B. STOESSEL, *YOUR ADVISORY BOARD AND YOU: SOME GUIDES FOR ADMINISTRATORS AND BOARD LEADERS*. (1981).