

Contact the Hilton Minneapolis at (612) 376-1000 or visit the website for reservations.

The conference rate of \$139/night will be available until January 13. Also available until that date is the early bird conference registration rate of \$395 (member)/\$520 (non-member). Between January 14 and February 4, rates will be \$495/\$620 (non-member). On-site rates will be \$545/670 (non-member). The ECP rate – for those who are under 40 years of age or who have been a court administrator for less than 10 years – is \$345. Contact conferences@ncsc.org or (888) 609-4023 for a special rate for groups of 5 or more. Register now!

The Hilton Minneapolis, located at 11th St. and Marquette Ave., offers guests a fitness center, indoor pool, 24-hour business center, concierge, and Baron's

Brew, serving Starbucks. The hotel, which is 12 miles from the Minneapolis-St. Paul International Airport, does not offer an airport shuttle, but you may reserve shared ride services through Super Shuttle at (800) 258-3826 or visit www.supershuttle.com; the rate is \$17/person one way. The average one-way fare by taxi is \$25; light rail is also available. Self-parking is available for \$13/day; valet parking is \$23/day.

The City of Lakes boasts a large art community, theater and music, shopping and museums, as well as a unique climate-controlled skyway system, the largest in the world, which promises to keep attendees comfortable as they visit downtown businesses, restaurants, entertainment, and retail venues.

NACM's 2010-2015 National Agenda Priorities

By David B. Rottman

This is the fifth article in a series examining the six NACM National Agenda Priorities.

How to Enhance **PUBLIC PERCEPTIONS** of the Courts and Increase Community Collaboration

Last August the annual AP-National Constitution Center Poll reported that confidence in the state courts had risen relative to 12 months previously, as had that in the U.S. Supreme Court. Non-judicial institutions tended to fare less well. Can we discern any message as to what the courts did to effect that improvement? Probably not with any precision, but we do have an evidence-based practice that offers a reliable guide to what drives public perceptions of the courts.

“Procedural fairness” is a field in social psychology, developed by Professor Tom Tyler and others, which demonstrates that in assessing the fairness of a decision by an authority figure, people care more about the fairness of the process they experienced than they do about

the fairness or favorability of the outcome. That may seem counterintuitive to what we believe about human nature, but the procedural fairness perspective is supported by more than 25 years of persuasive research. Defendants and litigants perceive procedural fairness when they experience respect [treated with dignity and their rights respected], neutrality [honest and impartial decision-makers who base decisions on facts]; participation [an opportunity to express their viewpoint to the decision maker]; and trustworthiness [decision makers who are benevolent and sincerely concerned about people].

In 15 years of researching and writing about public opinion on the courts, I have found no more powerful predictor of whether people are

positive or negative about the courts than perceptions of procedural fairness. It offers wise guidance on a wide range of policies and programs found in the state courts. A court that adheres to principles of procedural fairness will, for example, more easily find community partners with which to collaborate. We know, for example, the advantage the courts have in the public's eye: courts are seen as neutral. We also know where the public sees judicial processes as unfair: when courts do not meet people's expectations on the availability of participation, whether expressed through an attorney or pro se.

There are excellent overviews of procedural fairness written specifically for a court audience (see the short list of references for

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a selection). In this short essay I lay out some aspects of procedural fairness that are perhaps less widely known.

First, procedural fairness is not primarily about levels of satisfaction. Desirable as satisfaction with the courts may be, the bottom line for procedural fairness is changed behavior. The more strongly people perceive the four attributes noted above are present in their interactions with judges or the courts as an institution, the greater the likelihood that they will view those authorities as legitimate, comply with or defer to their decisions, and refrain from future criminal or unlawful activities. Drug courts produce lower recidivism rates than traditional courts, in large measure because defendants in drug courts perceive greater procedural fairness. The same relationship exists among people who have never been to a courthouse but reach evaluations of the courts based on media accounts and the experiences reported by friends and family.

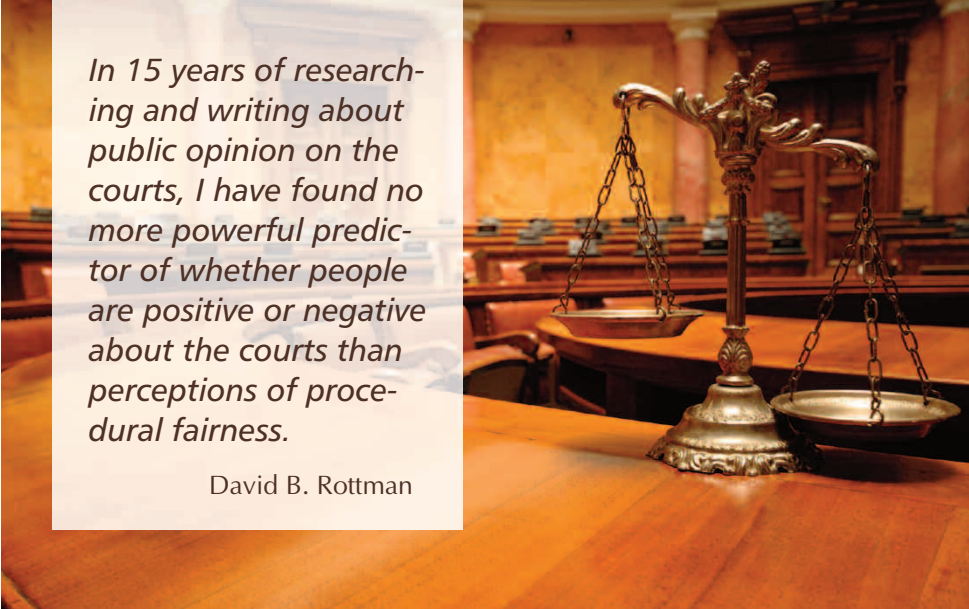
Second, the relevance of procedural fairness for public perceptions is not limited to judges. Procedural fairness applies to situations in which there is a decision maker and a decision recipient. In reading about judges, it is reasonable to substitute “court manager” for “judge” and “court staff” for “litigant” or “defendant.” Procedural fairness principles have been successfully applied to corporate settings, large and small.

Sources:

The topics and authors mentioned above are all represented in a “Special Issue on Procedural Fairness” in the American Judges Association periodical *Court Review*: <http://aja.ncsc.dni.us/publications/courtrv/cr44-1/CR44-1-2.pdf>.

California Procedural Fairness Initiative: <http://www.courts.ca.gov/programs-profair.htm>

The Hennepin County, Minnesota: District Court conducted several studies aimed at improving procedural fairness: <http://mncourts.gov/district/4/?page=1756>.



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Third, there is evidence that judges evaluate fairness differently than do litigants and defendants. Decision-makers are focused more on whether they believe the outcome was fair and about the instrumental aspects of the outcome. They generally value respect less than decision recipients, for example. In the words of Professor Larry Heuer, “While judges and the citizens who appear before them agree that the pursuit of fairness is an important goal in the courts, they disagree about the fairness criteria that judges should employ in their decision making. This discord may decrease citizens’ satisfaction with the judicial process.”

Fourth, you will not be a pioneer entering uncharted territory in implementing procedural fairness practices. A considerable foundation of policies and resources are available from your counterparts in other

states. Notable examples are the statewide California Procedural Fairness Initiative and the programs created by the Hennepin County (Minneapolis), Minnesota, trial court (see the hyperlinks below). Moreover, court managers and judges will have a new source of ideas on how procedural fairness can be implemented in their courts. Led by Judges Kevin Burke and Steve Leben, a new website – www.proceduralfairness.org – was created to host resource centers and blog posts by the two judges, Professor Tom Tyler, staff from the National Center for State Courts, and others on topics relevant to your work.

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