

Integrating Procedural Justice in Domestic Violence Cases

A Practice Guide

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Introduction

WHAT IS THE CENTER FOR COURT INNOVATION?

The winner of numerous national prizes for innovation, including awards from the Drucker Institute, National Criminal Justice Association, American Bar Association, National Association for Court Management, Ford Foundation, and Harvard University, the Center for Court Innovation has grown over the past 20 years into an international leader in the field of justice reform.

The Center seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to launch new strategies. The Center accomplishes its goals in three primary ways:

Learning by Doing. The Center conceives, plans, and operates programs that test new ideas and solve difficult problems. In so doing, the Center wrestles with thorny planning and implementation challenges. This experience grounds the organization in the realities of how difficult it is to alter the behavior of individuals, communities, and government bureaucracies.

Advancing Knowledge. The Center conducts rigorous and independent research, documenting what works and what does not. Researchers also provide regular feedback on the results of the Center's own operating programs. In addition to performing original research, we disseminate new ideas about justice reform through books, essays, videos, podcasts, social media, and other vehicles.

Helping Reformers. The Center provides training and assistance to justice reformers inside and outside of government, both domestically and internationally. This includes a commitment to advance reform in the United Kingdom with the help of our spin-off agency, the Centre for Justice Innovation. Experts from the Center help innovators plan and implement new policies, practices, and technologies.

For more information about the Center, visit www.courtinnovation.org or e-mail dvinfo@courtinnovation.org.

WHAT IS THE PURPOSE OF THIS PRACTICE GUIDE?

This Practice Guide is designed to help courts and domestic violence stakeholders assess their current practices and integrate new strategies to enhance procedural justice. The materials in this guide are based upon promising practices identified through both the Center for Court Innovation's operating projects and national training and technical assistance.

Procedural Justice: What is it?

WHAT IS PROCEDURAL JUSTICE?

Procedural justice refers to the perceived fairness of justice procedures and interpersonal treatment of victims/petitioners and defendants/respondents. Research shows that people are more likely to perceive the justice system as fair when the following elements are present:

Voice. Litigants have an opportunity to be heard.

Respect. Litigants are treated with dignity and respect by judges, attorneys, and court staff.

Neutrality. Litigants perceive that the decision-making process is unbiased and trustworthy.

Understanding. Litigants understand the case outcome, their rights, and what is expected of them in order to comply with court orders.

Helpfulness. Litigants perceive that court actors have an interest in their needs and their personal situation.

WHY SHOULD WE CARE ABOUT PERCEPTIONS OF FAIRNESS?

Research conducted in a range of settings—such as criminal, family, and small claims courts—has found that:

- **The court experience is more influential than the actual case outcome.** In contrast to *distributive justice*, which refers to the case outcome (i.e., whether a litigant “won” or “lost” the case), procedural justice can actually have a greater influence on litigants’ views of their court experience.¹
- **Procedural justice can increase compliance with court orders, improve public trust, and reduce recidivism.** Litigants who believe the court process is fair are more likely to comply with court orders, to perceive the courts as legitimate, and to engage in future law-abiding behavior.²
- **All courtroom actors can have an impact on perceptions of fairness.** The treatment of litigants by all court actors—including security staff, clerks, bench officers, defense attorneys, prosecutors, and the judge—contributes to the overall perception of fairness.³

WHY IS IT IMPORTANT IN DOMESTIC VIOLENCE CASES?

Procedural justice has been tested across courts and case types and is critical in matters involving domestic violence for the following reasons:

Enhancing Victim Safety. Given the risk of future violence and lethality for victims of domestic violence, it is crucial that victims seek safety for themselves and their children. If the courts are perceived as legitimate and trustworthy, victims are more likely to access help and request protective orders.

Reducing Trauma. The court experience can be anxiety-provoking for anyone, but victims of domestic violence, in particular, experience high rates of trauma and can be easily triggered by disrespectful court staff or feelings of hopelessness over case outcomes. Trauma can also impact a litigant's understanding of the court process. Efforts to improve perceptions of fairness may reduce anxiety and the risk of re-traumatization.

Aiding Self-Represented Litigants. Many domestic violence litigants are self-represented and lack sufficient understanding of the court process, how to present their case, or what information is admissible. It is not uncommon for those without counsel to leave court without understanding the conditions of a court order, what is expected of them, or how to access resources. By focusing on increased understanding, self-represented litigants may be better equipped to represent themselves.

Promoting Accountability. There is an emphasis on accountability in domestic violence cases to help protect victims and encourage compliance with orders of protection. As an evidence-based practice, procedural justice has been shown to increase compliance and reduce offending with a range of defendants, including those charged with violent felonies.

How Do We Incorporate Procedural Justice in Domestic Violence Cases?

There are many simple, no-cost reforms that court and community stakeholders can implement to enhance perceptions of fairness throughout the courthouse environment. The following practical tips are connected to the domains of helpfulness, respect, understanding, neutrality, and voice. This is not an exhaustive list of practices; rather, it is a snapshot of strategies and interactions that infuse procedural justice throughout the case process. Each section offers practical tips, case examples, and resources to help domestic violence courts, court administrators, judges, and other stakeholders improve the overall experience for litigants.

PROMOTING HELPFULNESS

Domestic violence litigants access the courts in a variety of ways. Some may go online to learn more about filing an order of protection; others may enter the courthouse as a criminal court defendant. Regardless of case type, an individual's overall experience is based on the perceived accessibility and helpfulness of the court and information provided. If the experience of trying to gain a protective order is intimidating or confusing, a victim may be reluctant to take the necessary steps to protect her safety. If a litigant does not know how to get to court or where to go in the courthouse, they may become frustrated and miss their court appearance.

How does the public learn about local courts, access information, and navigate the courthouse? Is the available information perceived as helpful?

Here are some practical tips to promote helpfulness:

- 1. Engage the community.** Conduct outreach to community-based organizations and service providers to broker partnerships to inform the public about how the court works and establish linkages for litigants in need of services. Outreach should include multicultural community centers to help build trust among underserved populations and foreign-born individuals

BUILDING TRUST

Through the Family Court Enhancement Project, the Hennepin County (Minnesota) Family Court engaged Native partners to help build trust and improve the reporting of domestic violence incidents. Specifically, Family Court staff conducted outreach to the Native community to introduce themselves, provide information about Family Court, answer questions, and invite people to utilize the services provided through Family Court.

who, depending on their country of origin, may mistrust the courts or other government institutions. Create easy-to-read flyers or FAQ sheets that outline the availability of online forms and help litigants understand what will happen during their court proceeding. These FAQ sheets should be written at a 6th grade reading level or below, accessible in the region's common languages, and be added to the court's website.

2. Enhance the court website's accessibility.

Assess the court's website and ensure that essential information is easy to find, up-to-date, and comprehensible for court users. Important forms should be available online and in multiple languages to help individuals come to court prepared.

TRANSLATING DOCUMENTS

Title VI of the Civil Rights Act of 1964 requires meaningful access to justice for limited English proficient litigants. In response, many jurisdictions have translated court forms into the most prominent languages spoken in their communities to help reduce barriers and improve language access. For example, translations should be done by official and validated language services to avoid any errors that could lead to inaccurate responses by litigants and compromise a domestic violence case.

New York State has forms in Spanish, Haitian Creole, Bengali, Chinese, Korean, and Russian available online.

3. Maintain the courthouse appearance. To make courthouses more inviting and respectful, review the building conditions and work to improve cleanliness and address signs of neglect, such as graffiti. Keep the courthouse facilities well maintained. Welcome signs and other neutral décor can contribute to a welcoming atmosphere.



4. Provide a safe place for victims. Ensure that there is a waiting area where domestic violence victims feel safe. Victims should not be expected to wait near accused abusers, and special precautions should be made to ensure that children are not caught between parents appearing in court. This sends a message that the court is concerned about victims' safety and interested in their well-being.

IMPROVING SAFETY

Supervised visitation centers across the country specifically consider the safety needs of adult victims and children while designing their space and policies. Many, like Nia's Place in Atlanta, separate victims and offenders in distinct waiting rooms and use staggered arrival and departure times to keep victims safe and avoid exposing children to conflict.

5. Create a child-friendly environment. To be helpful to litigants without childcare, establish children’s waiting rooms and/or childcare facilities where parents can leave their children in a safe environment while they attend to their case. Improve court waiting areas with brightly colored paint and child-friendly decorations, and offer games, toys, and children’s books. Make accommodations for children inside the courtroom by offering books, snacks, or quiet toys. The availability of these facilities should be publicized through the court’s website or other outreach efforts.

ACCOMODATING CHILDREN

At the Bergen County Courthouse (New Jersey) domestic violence victims have a designated waiting room to help them feel safe and secure while waiting for their case to be called. The waiting room offers information on social services and volunteers from a local advocacy organization are present to add a protective presence. The courthouse also has a Children’s Court Care Center in which litigants can leave their children in a supervised play area while they attend court proceedings.

6. Make signage clear and accessible. Assess courthouse signage for comprehensibility and accuracy. Signs should be easy-to-read, written in plain language, and posted at eye level. Ensure that accessible entrances and elevators are clearly marked. Create Americans with Disabilities Act-compliant versions of oral and written instructions for the visually and hearing impaired. Use courteous terms and limit the use of all capital letters. For example, consider the difference between, “Please turn off your cell phone,” versus “NO CELL PHONES.”

CLARIFYING SIGNAGE

COURTROOM RULES



Please help us keep the courtroom quiet.
No talking while court is in session.



Please turn off all cell phones in the courtroom.



Please remove all hats and headwear.



Please do not eat or drink in the courtroom.
Eating is allowed in the hallway. There is a water fountain in the middle of the hallway.

Thank you for your cooperation.

DEMONSTRATING RESPECT

All court stakeholders—from court security to clerks, attorneys, and judges—can impact litigants' perceptions of fairness. If security staff are curt or rude, litigants may feel re-victimized and disrespected. If their questions are dismissed, litigants may not seek help, information, or clarification. Self-represented domestic violence victims may also feel inhibited from asking crucial questions to present their cases efficiently, which might result in a dismissed case against their abuser.

In general, how does court staff communicate with the public? Is that communication respectful?

Here are some practical tips to promote respectful interactions:

1. Train all court staff on procedural justice.

Trainings should be multidisciplinary and attended by all applicable stakeholders including the judge, clerks, court officers and security, defense, prosecution, probation, and child welfare to improve the overall courthouse culture. Customized trainings should also be offered with a focus on self-represented litigants and how to provide legal information without offering advice or compromising neutrality. Tip sheets and regular lunch meetings can also be used to reinforce the importance of respectful interactions.

2. Conduct respectful security screenings.

Ensure that all security measures, such as going through metal detectors, are conducted with respect. Court officers should avoid all joking and speak respectfully to litigants. Court officers should be encouraged to be helpful and direct litigants to where they need to go, including onsite services.

3. Engage in effective communication.

All court staff should demonstrate effective communication skills by introducing themselves, making eye contact, and avoiding multitasking (such as looking down at a cell phone, computer screen, or paperwork) while speaking to litigants. Explain any necessary multitasking to ensure transparency.

4. Start on time.

Court sessions should start on time to demonstrate respect for litigants' time. If there is a delay, court staff should explain the reason for the late start and let litigants know when they can expect court to begin.

5. Introduce yourself and greet litigants.

Judges should begin court proceedings by saying "good morning," apologize if starting late, introduce themselves, and make eye contact with litigants and other audience members. During each proceeding, judges should greet litigants by name and make eye contact when speaking and listening. Keep in mind that some litigants may not be comfortable making eye contact because of cultural differences, feelings of shame, or past trauma, so judges should avoid requesting that a litigant look at him/her during the proceeding.

ENSURING UNDERSTANDING

Because of the fast pace, intimidating setting, and use of legal jargon in courtrooms, most domestic violence litigants find the court process hard to follow. Language barriers can exacerbate confusion. Many domestic violence victims, especially those without counsel, are likely to feel anxious about their case but reluctant to ask questions. Many victims enter a courtroom without a domestic violence advocate or sufficient knowledge to present their case, and leave court without understanding the outcome of their case. If the judge only delivers a written argument and does not take the time to provide a verbal explanation of judicial decisions, litigants may experience heightened confusion and anxiety.

What steps can courts take to ensure that litigants receive the information they need to understand and complete their cases?

Here are some practical tips to ensure understanding:

- 1. Create a self-help center.** Offer information desks and self-help centers within the courthouse or on the court's website that provide a range of information for victims and self-represented litigants including brochures, tip sheets, videos, and guides on court proceedings and available resources. Specific information for domestic violence victims on certain protections and resources should also be available. Ensure that forms are easy-to-read, written at or below a 6th grade reading level, and available in the jurisdiction's major languages. Courts should also develop protocols to communicate information to people who cannot read.

CREATING A SELF-HELP CENTER

Winnebago County (Illinois) offers a web-based legal self-help center to help litigants without legal representation obtain legal information on topics such as filing an order of protection for domestic violence, a stalking no contact order, child support, or guardianship of a child. The site offers FAQs, forms, clear instructions, legal resources, a live chat feature, and invites users to leave feedback.

- 2. Use plain language.** Minimize the use of legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided for litigants with limited English proficiency.

3. Offer legal assistance and victim advocacy.

Offer targeted legal assistance and victim advocacy at low or no cost by using people with legal training (attorneys, paralegals, and law students) to help litigants read instructions and fill out forms. Consider unbundling attorney services—making attorneys available for discrete tasks rather than an entire case—to maximize attorney resources. Non-attorney advocates should not offer legal advice; rather, they can provide information and help with navigating the court process.

PROVIDING A NAVIGATOR

Multnomah County Circuit Court (Oregon) employs a staff member to serve as a court navigator to identify self-represented litigants experiencing domestic violence, refer them to additional services and resources, and provide information about the court process and family law forms in order to mitigate confusion. In addition, the New York Client Assistance Program offers *pro bono* civil and legal advocacy for individuals with disabilities and the Victim Assistance Program in Stearns County, Minnesota, provides counseling, support, transportation, and accompaniment to all court proceedings.

4. Provide resources to self-represented litigants.

Use videos, information cards, or navigators to inform self-represented litigants about court rules, procedures, and resources before and after their cases are heard without advising them about how to present their case. Use plain language and ensure that interpretation services are provided for litigants with limited English proficiency. Consider ways to reorganize dockets to allow more time for self-represented litigants to present their cases.

EDUCATING WITH VIDEOS

In Maryland, the court system offers a series of self-help videos to help litigants understand complex legal principles and procedures, such as expungement, mediation, self-representation, and filing and defending a small claim.

- 5. Explain judicial decisions.** Judges should explain, in plain language, how decisions are made and provide information on what is expected of litigants, including conditions of court orders and how to complete or obtain any necessary forms. Take a short recess if litigants seem unsure or confused. If cases are dismissed, judges should take the time to explain the reasons why. Ideally, decisions will be provided both in writing and verbally. If outlining a sentence on a criminal case, describe the benefits of compliance and the consequences of non-compliance.

EXPLAINING DECISIONS

Research demonstrates that offenders are more likely to accept and follow protective orders if they experience the elements of procedural justice during a domestic violence case.

In Minnesota's Family Court Fairness Study, for instance, it was found that litigants who received a full explanation from the judicial officer and reported fair treatment were more likely to comply with court orders, even if the case outcome was unfavorable.

CONVEYING NEUTRALITY

Domestic violence cases are complex and emotional, and it is not uncommon for litigants to perceive the court process as biased or unfair. If a litigant is waiting all morning for their case to be heard, they may take it personally and believe there is favoritism towards those called before them. Even basic court procedures and interactions between judges and court staff, such as sidebar conversations or joking during a bench conference, may be misinterpreted by litigants. What's more, court staff may not be aware of their own implicit biases and how this might be projected during court proceedings.

How can courts convey neutrality during proceedings?

Here are some practical tips to convey neutrality:

- 1. Train all court staff on implicit bias.** Judges and court staff should attend trainings to enhance their cultural responsiveness and awareness of implicit bias. Discuss these new skills during performance reviews so that court staff can receive feedback on their interactions with litigants.
- 2. Explain the court process.** The court can reduce the risk of perceived bias by explaining, in plain language, the order in which cases are called and the process by which decisions are made.
- 3. Address all parties neutrally.** Judges should address all parties neutrally by using their name and making eye contact. They should ask informal questions and explain the needed information in ways that work for those with and without counsel. Judges should treat all lawyers respectfully and avoid joking with either party, which might be misinterpreted by litigants.
- 4. Explain the use of bench conferences.** Bench conferences or sidebars are often used to protect sensitive or confidential information but can easily be misinterpreted by litigants. Judges should explain the purpose of the sidebar and encourage lawyers to summarize the conversation for their client afterwards.

GIVING VOICE

In many courtrooms, domestic violence litigants are not given an opportunity to have their voices heard—whether to present their case as a self-represented litigant, ask questions about their case as a defendant, or give feedback on their overall court experience. Some litigants feel too overwhelmed by the court process to clearly express themselves. Others may be willing to share their experience, but are never given the opportunity. When domestic violence litigants are invited to share their perspective, they are more likely to accept the court’s decision and follow-up with assistance that is offered. Giving “voice” can take many forms (many of which have been listed above), such as giving litigants the opportunity to fully explain their position, or to provide feedback through a survey or comment box.

What opportunities exist for litigants to express themselves in court, present their side of a case, and report on their court experience?

Here are some practical tips to give litigants a voice:

1. **Ask questions.** Ask open-ended questions, whether directly or through an attorney, to give litigants an opportunity to tell their side of the story and to ensure they understand what is happening. Use questions that invite more than a simple “yes” or “no” response.

CRIMINAL COURT EXAMPLE

A judge presiding over a criminal domestic violence matter may say to the defendant, “Mr. Smith, I am signing an order of protection and you are being instructed to have no contact with Mrs. Smith until your next court appearance in 30 days. If you attempt to contact her, you will be arrested and face felony charges for violating the order of protection. It is important to me that you understand what is expected of you. What questions do you have for me?”

CIVIL COURT EXAMPLE

A judge presiding over a civil case may say to the victim, “Mrs. Smith, I am issuing an order of protection on your behalf which provides that Mr. Smith should have no contact with you until the next court appearance in 30 days. If Mr. Smith attempts to contact you, you can call the police and they should arrest him or you can come back to court and file a violation petition and ask for additional relief. Do you understand your rights under this order? It is important to me that you understand how you can enforce this order. What questions do you have for me?”

2. Elicit feedback from litigants. Provide opportunities for litigants to comment on their experiences and provide feedback through comment boxes in the courthouse and on the court website. At the end of court proceedings or when they are exiting the building, invite litigants to leave comments or complete a survey on their court experience. Comments should be reviewed on a regular basis and used to inform staff trainings, individual performance reviews, and new policies.

SURVEYING LITIGANTS

As part of their Family Court Enhancement Project, the Multnomah County (Oregon) Circuit Court conducted a survey to better understand litigants' experiences in family court. The one-page survey inquired about why the respondent was at the court and examined the basic tenets of procedural fairness. Based on the results, the court offered training and placed an emphasis on procedural justice with all court stakeholders.

Resources

There are many useful resources to help courts and domestic violence stakeholders incorporate elements of procedural justice, such as:

- The Center for Court Innovation offers materials and training and technical assistance at: <http://www.courtinnovation.org/topic/procedural-justice> and training videos at: www.goo.gl/Z8MAbz. For more information or to request sample scripts for judges, contact the Center for Court Innovation's domestic violence team at: dvinfo@courtinnovation.org.
- Procedural Fairness for Judges and Courts is a web-based clearinghouse for information on procedural fairness research and best practices: <http://www.proceduralfairness.org>.
- The National Center for State Courts created CourTools, which offers tools to help courts measure their accessibility and fairness: <http://www.courtools.org/Trial-Court-Performance-Measures.aspx>.

Endnotes

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Appendices

A. PROCEDURAL JUSTICE SELF-ASSESSMENT

B. PRACTICE TIPS FOR SELF-REPRESENTED LITIGANTS

C. PRACTICE TIPS FOR LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

APPENDIX A: PROCEDURAL JUSTICE SELF-ASSESSMENT

A self-assessment provides an opportunity for courts and community stakeholders to take inventory of current practices and identify areas that may need improvement. This self-assessment, in particular, is designed for courts and stakeholders handling domestic violence cases—including criminal, family, and civil matters—to help assess the elements of procedural justice. The tool is divided into sections that correspond to the domains of procedural justice as outlined in the practice guide. It can be administered by individual local court personnel, or be led by a statewide agency, such as the Administrative Office of the Courts. Responses can be used to inform the development of new policies and procedural justice initiatives.

PROMOTING HELPFULNESS					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
We conduct outreach to community centers to inform the public about the courts. Outreach targets LEP and underserved populations.					
Our court's website is updated, clear, and includes important forms. Information is available in multiple languages.					
The courthouse appears inviting and clean.					
There is a safe waiting area for domestic violence victims.					
The court has special facilities for children.					
Entrances and elevators are accessible for individuals with disabilities.					
Signage is accurate and clear.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

DEMONSTRATING RESPECT					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Judges and court staff are trained on procedural justice.					
Procedural justice is reinforced during staff meetings and performance reviews.					
Security screenings are conducted with respect.					
Court staff are trained in and demonstrate effective communication.					
Court begins on time and bench officers explain what will happen procedurally at the beginning of each court session.					
Judges introduce themselves and make eye contact with litigants.					
Signage is accurate and clear.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

ENSURING UNDERSTANDING					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
The court provides information desks or factsheets that are written in plain language and available in multiple languages.					
The court offers legal assistance at low or no cost to litigants.					
Self-represented litigants are informed of court rules, procedures, and resources.					
Key information is conveyed in plain language without the use of legal jargon and acronyms.					
Interpretation services are available for litigants with limited English proficiency.					
Judges and court staff clearly explain the court's decision and what is expected of litigants going forward.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

CONVEYING NEUTRALITY					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Court staff receive training on implicit bias.					
Judges and court staff explain the court process, including how cases are called and decisions are made.					
Judges avoid showing preferences towards either party.					
Judges treat all lawyers respectfully.					
Judges explain the purpose of bench conferences.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

GIVING VOICE					
	Yes, Fully In Place	In Progress	Needs Improvement	Don't Know	N/A
Litigants are encouraged to ask questions.					
Litigants are given an opportunity to tell their side of the story.					
Court staff are trained to ask open-ended questions.					
The court provides user-friendly mechanisms to elicit feedback from litigants, either through the court website or in the courthouse (comment boxes, surveys).					
Litigant feedback is reviewed regularly and used to shape new policies.					
Interpretation services are available for litigants with limited English proficiency.					
The court communicates to users about available resources.					

What goals or milestones will you meet in the next 6-12 months for items that are indicated as a work in progress or that need improvement?

APPENDIX B:

PRACTICE TIPS FOR SELF-REPRESENTED LITIGANTS

Many domestic violence litigants are self-represented and lack sufficient understanding of the court process, how to present their case, or what information is admissible. It is not uncommon for those without counsel to leave court without understanding the conditions of a court order, what is expected of them, or how to access resources. **The following tips will help promote procedural justice and improve case outcomes for self-represented litigants:**

- Assess the court’s website and ensure that essential information is easy to find, up-to-date, and comprehensible for court users. Important forms should be available online and available in multiple languages to help individuals come to court prepared.
- Train all court staff on procedural justice and self-represented litigants and how to provide legal information without offering advice or compromising neutrality.
- Offer information desks and self-help centers within the courthouse or on the court’s website that provide a range of information for victims and self-represented litigants including brochures, tip sheets, videos, and guides on court rules, proceedings and available resources. Specific information for domestic violence victims on certain protections and resources should also be available. Ensure that forms are easy-to-read and available in the jurisdiction’s major languages.
- Offer targeted legal assistance and victim advocacy at low or no cost by using people with legal training (attorneys, paralegals, and law students) to help litigants read instructions and fill out forms. Consider unbundling attorney services – making attorneys available for discrete tasks rather than an entire case – to maximize attorney resources.
- Judges should address all parties neutrally by using their name and making eye contact. They should ask informal questions and clearly explain the reasons why information is needed.
- Use plain language and minimize legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided for litigants with limited English proficiency.
- Judges should explain, in plain language, how decisions are made and provide information on what is expected of litigants, including conditions of court orders and how to complete or obtain any necessary forms. Take a short recess if litigants seem unsure or confused. If cases are dismissed, judges should take the time to explain the reasons why. Ideally, decisions will be provided both in writing and verbally.
- Ask open-ended questions, whether directly or through an attorney, to give litigants an opportunity to tell their side of the story and to ensure they understand what is happening. Use questions that invite more than a simple “yes” or “no” response.

APPENDIX C:

PRACTICE TIPS FOR LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

The court experience can seem confusing and daunting for anyone, and language barriers only exacerbate confusion and feelings of mistrust. **The following tips will help promote procedural justice and improve case outcomes for domestic violence litigants with limited English proficiency:**

- Conduct outreach to community-based multicultural community centers to help build trust among underserved populations and foreign-born individuals who, depending on their country of origin, may mistrust the courts or other government institutions. Create easy-to-read flyers or FAQ sheets that help litigants understand what will happen during their court proceeding. These FAQ sheets should be accessible in the region's common languages.
- Assess the court's website and ensure that essential information and forms are available in multiple languages.
- Assess courthouse signage for comprehensibility, accuracy, and linguistic responsiveness. Signs should be easy-to-read, posted at eye level, and include multiple languages.
- Train all court staff on procedural justice and cultural responsiveness. Trainings should be attended by all applicable stakeholders including the judge, clerks, court officers and security, defense, prosecution, probation, and child welfare to improve the overall courthouse culture.
- Broker partnerships with culturally and linguistically-responsive community-based organizations and invite them to participate in stakeholder meetings. During these meetings, partner organizations can advise court stakeholders on minority cultures in the community, appropriate interactions, and ways to acknowledge diversity in the courthouse. Linkages should be established to help connect litigants to appropriate services.
- Offer information desks and self-help centers within the courthouse or on the court's website that provide a range of information for victims in the jurisdiction's major languages. This includes brochures, tip sheets, and informational videos.
- Use plain language and minimize legal jargon and acronyms so that litigants understand the conversation. Ensure that interpretation services are provided during all court proceedings for litigants with limited English proficiency.
- Ensure that all interpreters have received training on procedural justice, domestic violence, and available resources.

