

COMMUNITY ENGAGEMENT IN THE STATE COURTS INITIATIVE

JANUARY 2016
NEWSLETTER TO THE ADVISORY BOARD

Working Towards an Engagement Strategy Update on Activities since Initiative Kick-off

As you are aware, the inaugural meeting of the Advisory Board was held on October 16, 2015, in Washington DC. Advisory Board members present and several participating by phone convened for a thought provoking meeting, which primarily focused on building an engagement strategy and the continual goal of outreach with presentations by Dr. Joseph Hamm, Associate Dean Jonathan Smith, and David Rottman. To review the minutes of the meeting and access other documents related to this initiative, visit our **Dropbox** account (the direct link has been emailed to you), which we have set up for the Board's convenience. Since the Advisory Board meeting, we have been working on next steps and outreach on a number of levels which are summarized below in this newsletter.

Mission Statement

Immediately following the meeting, as an essential preliminary action, the Advisory Board and Staff worked to refine its mission statement. The Board approved a final statement which will be vital in guiding the Board's efforts in this initiative.

Survey

As we continued to work on refining our engagement strategy work plan, as an initial data-gathering step, NCSC conducted a comprehensive public opinion survey to closely examine persistent concerns involving bias, inefficiency, and customer service that are undermining the public's confidence in the courts. The survey, which was administered by GBA Strategies, was conducted by telephone of 1,000 registered voters between October 26-29, 2015. The poll was administered to an oversample of 200 African Americans over the same period.

The survey revealed that there is a disturbingly pervasive belief that the justice system is unequal and systemically produces different results based on race,

income, and other socio-economic factors. The survey also found that confidence in the court system varies greatly based on those factors. Most strikingly, there is a massive racial gap on most measures, including bias, equal justice, and customer service, with African Americans much more distrustful of the courts and the broader justice system. For more information on the survey findings visit, <http://www.ncsc.org/2015survey> or Dropbox.

Roundtable Discussion

A Roundtable Discussion on Racial Equity and the Role of Local Governments was held on October 14, 2015 at Georgetown University, McDonough School of Business, with Chief Judge Washington in attendance. Among others, Julie Nelson, Director of Government Alliance on Race and Equity, Haas Institute for a Fair and Inclusive Society, University of California-Berkeley presented on the responsibility and opportunity for local governments to advance racial equity in partnerships with the community. For agenda and presentations, visit our Dropbox account.

National Symposium in Washington, DC

On December 4, 2015, Chief Judge Washington spoke at a National Association for Civilian Oversight of Law Enforcement and the University of the District of Columbia David A. Clarke School of Law. He informed attendees of the importance of the Community Engagement in the State Courts Initiative. Associate Dean Jonathan Smith, the Reporter to the Advisory Board, is involved with the work of this group and invited Chief Judge Washington to present. His keynote speech was an opportunity to test out our outreach message and was very well-received.

Dear Advisory Board Members,
In an attempt to keep our members abreast of relevant events, activities, and next steps related to the work of the Advisory Board, we are sending you this newsletter which we hope you will find informative.

It is an honor and a privilege to be working with you on an issue so critical to our state courts. I appreciate your taking the time to attend our inaugural meeting on October 16th in Washington DC. I was impressed with the level of commitment and enthusiasm that each of you brought to the table. After seeing this group work together, I know that with your help, we will successfully develop tools that can be utilized by state courts nationally to more effectively engage with communities of color to increase the trust and confidence those communities have in the ability of courts to resolve their disputes peacefully while protecting individual rights and freedoms. I would like to thank Jonathan Mattiello for attending our meeting. Without the generous support of the State Justice Institute, our work would not be possible.

I strongly encourage you to let us know when you learn of issues that have not yet received national press but are important because they undermine the trust and confidence in our courts. Also, please contact Tina Vagenas at kvagenas@ncsc.org to let her know of any upcoming events your organizations are planning that might be appropriate for a presentation or engagement opportunity with our Advisory Board.

Sincerely,
Eric T. Washington
Chair

Mission Statement

The mission of the Community Engagement in the State Courts' Advisory Board is:

To develop effective tools and resources that assist state court leaders in engaging marginalized and disenfranchised communities to ensure equal access to justice for all, and to improve the trust and confidence those communities have in state courts to protect their individual rights and liberties and resolve disputes fairly.



National Task Force on Fines, Fees, and Bail Practices

The Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have formed a National Task Force on Fines, Fees, and Bail Practices to address the ongoing impact of court fines and fees and pretrial bail/bonds on communities across the United States.

The Task Force will be comprised of national judicial and legal leaders, legal advocates, policy makers from state, county and municipal government, academics, and the public interest community. It will be co-chaired by Ohio Chief Justice Maureen O'Connor and Kentucky State Court Administrator Laurie K. Dudgeon. The Task Force will coordinate with other key stakeholders, including the Department of Justice and the State Justice Institute.

The co-chairs are in the process of forming three working groups:

- Access to Justice and Fairness;
- Transparency, Governance & Structural Reform; and
- Accountability, Judicial Performance and Qualifications, and Oversight.

We will keep you posted on the work of this Task Force.



Next Steps: The Listening Tour

We continue to explore and develop the engagement strategy work plan relating to the "Listening Tour." Thank you to those who have sent us comments and suggestions. Please continue to send them along. We have further refined what we previously sent you and are excited to present to you for your consideration the following work plan. We will be polling you shortly to set the next Advisory Board Conference call to discuss this plan.

National Town Hall

We would enlist 5 to 7 jurisdictions to participate in a virtual (videoconference) national town hall. Each participating jurisdiction would have a facilitator. The goal would be to provide a national forum to identify problem areas and to explore ways in which the courts can engage to address those problems and improve public trust and confidence in the courts. The NCSC public opinion survey would serve as a conversation starter. We would also ask the National Consortium on Racial and Ethnic Fairness in the Courts for assistance in identifying the top 3 discussion issues, keeping in mind that each jurisdiction's problem identification will differ.

The Town Hall may then be structured in the following order:

(1) Conduct 3 different larger plenaries during the Town Hall to frame the issue;

(2) All jurisdictions/sites would engage in these plenaries;

(3) Sites phase out into smaller focus group "break out" sessions to discuss and flush out issues. Each then returns to the larger group format to be led in a "talk show" format which could be a more interactive way of conveying the reporting from the break-out sessions.

After we host the National Town Hall, we hope to engage in a broadcast, where we would address our issues on a national platform. We currently are identifying possible opportunities.

State Pilots

Select at least 4 state pilot sites to test a range of minority community engagement strategies, such as living room conversations, twitter town halls, youth conferences, etc., which will be based on the issues identified during the listening tour and designed to improve public trust and confidence in the courts.

Panel Presentation

In addition to these activities, we have been invited to conduct a session at the **Loyola Law School for Journalists on June 10, 2016**. Our session would focus on reporting on the National Town Hall and our work in community engagement.

Advisory Board Members

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Rev. Aundreia Alexander
National Council of Churches

Hon. Anna Blackburne-Rigsby
D.C. Court of Appeals

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Mary McQueen
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Hon. Eduardo Padro
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Rev. Rob Schenck
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Tavis Smiley
Broadcaster, Executive Producer and
CEO, The Smiley Group, Inc.

Reporter
Associate Dean Jonathan Smith
UDC David A. Clarke School of Law

Staff Project Director
Tina Vagenas
Director Access to Justice, NCSC

A Project of:

- **State Justice Institute**
- **Conference of Chief Justices**
- **National Consortium on Racial and Ethnic Fairness in the Courts**
- **National Center for State Courts**



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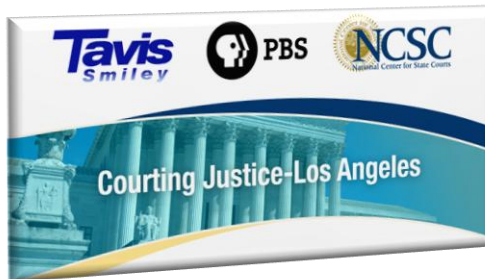
ADVISORY BOARD NEWSLETTER

July 2016 Issue 2

Courting Justice

Embarking on an Unprecedented Listening Tour

We are delighted to announce the successful launch of our unprecedented Listening Tour. On June 22nd, the first episode of **Courting Justice** was broadcast on PBS stations across the country. **Courting Justice** is a multi-part televised Listening Tour being produced in cooperation with Tavis Smiley, PBS broadcaster and Advisory Board member.



The series will be traveling to five cities across the country, offering stakeholders from disenfranchised communities both an opportunity to discuss the issues that continue to erode the public trust in our justice system and a chance to help craft concrete reforms. In each city, Tavis Smiley will facilitate an hour-long dialogue during which the audience is encouraged to speak frankly about how they would reform our court system.

Panelists will include state supreme and appellate court judges and national advocates for judicial reform. The curated audience will be comprised of members of the community, litigants, community

activists, law enforcement, trial court judges, public defenders, and prosecutors.

The inaugural conversation was held in Los Angeles on June 10th, at Loyola Law School. Audience members were drawn from Los Angeles area social justice, advocacy, faith and small business communities, in addition to local and national court and bar leaders. Panelists included judicial leaders: Judge Daniel J. Buckley, Los Angeles Superior Court; Chief Justice Tani Cantil-Sakauye, California Supreme Court; Judge Jimmie Edwards, 22nd Judicial Circuit, St. Louis, MO; Judge Maria P. Rivera, CA First District Court of Appeals; and Chief Judge Eric T. Washington, D.C. Court of Appeals.

"I am gratified that many of the most influential judges in the country are eager to step down from the bench and engage in a free and open exchange with the people most affected by their decisions," Tavis Smiley commented. "This frank discussion is unprecedented. Securing the public's trust in our judicial system is fundamental to our democracy."

Support for **Courting Justice** is provided by the State Justice Institute, the National Center for State Courts, the California Endowment, and the Public Welfare Foundation. The first edition of **Courting Justice** was broadcast on *Tavis Smiley* on PBS and *The Tavis Smiley Show* on Public Radio International.



Message from the Chair

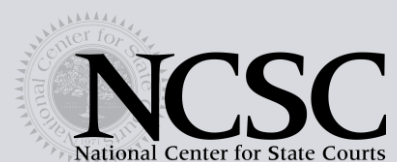
When we set out on this initiative, we could only imagine the impact of the Advisory Board's efforts. By televising the Listening Tour, we are taking these issues to a new level. In order to be fair and impartial, judges must be equal opportunity listeners. While we are used to listening to the concerns of the litigants who appear in our courtrooms, our focus on resolving individual cases has in many ways kept us from seeing the forest for the trees. As a result, surveys show that there has been an erosion of trust between the courts and the communities we serve, especially communities of color. This multi-city town hall series is allowing us to listen to new perspectives on how courts can better deliver justice for all.

I wish to thank the members of the Advisory Board for their innovative thinking which brought us to this pivotal moment at which we are providing a national platform for the most critical issues currently confronting our country. We extend our deepest gratitude to Advisory Board member, Tavis Smiley, for helping us believe we could do this and for making it happen.

Further, thank you to the panelists who have participated, thus far, in the Listening Tour, the members of the Advisory Board, the State Justice Institute, and the NCSC staff for their time, effort, and commitment.

Please contact Tina Vagenas at kvagenas@ncsc.org or 703-841-5618 with any questions or to inform her of any upcoming events your organizations are planning that might be appropriate for a presentation or engagement opportunity with our Advisory Board.

Sincerely,
Eric T. Washington
Chair



A Project of:

State Justice Institute
Conference of Chief Justices
National Consortium on Racial and
Ethnic Fairness in the Courts
National Center for State Courts



Across the County...We are Listening

The Listening Tour in Full Force

The first half of 2016 has been filled with a considerable amount of activity. The Community Engagement in the State Courts Initiative Advisory Board (Advisory Board) and members of the judiciary have been engaging with and listening to the public in events across the nation in an effort to find ways to increase trust and confidence in the courts. In addition to the ***Courting Justice*** broadcast, the following events have occurred:

The Conversation about 'The Conversation' about Race, Delaware

On March 24th the Delaware Historical Society's Contemporary History Series, presented *The Conversation about 'The Conversation' about Race*. The event explored how the community can have a direct and respectful discussion about the intersection of race and public policy. The conversation was structured in four parts: 1) What should we be talking about? 2) What is stopping us? 3) What must we do to make progress? and 4) Where do we go from here?

Chief Justice Leo E. Strine Jr., who was one of the panelists, stated that people of good faith talking candidly and directly about race is "a critical factor that will determine whether our society can make progress in increasing racial harmony and decreasing racial inequality." An abbreviated video of the event has been created and is available upon request.

The 30th Annual National Council on Educating Black Children, Baltimore MD

On April 22nd, Advisory Board members were invited to make a presentation at the 30th Annual National Council on Educating Black Children. The presenters were Chief Judge Washington, Dr. Lorretta Johnson, and Judge Edwards.

Chief Judge Washington opened the panel with an overview of the initiative's mission and work plan. This was followed by Judge Edwards's comprehensive presentation of key findings from the 2015 NCSC Public Opinion Survey, which revealed a pervasive distrust of courts among African Americans. The presenters then turned the focus to the audience and assumed the listening role by posing the following question to the audience, "What do you suggest the courts do to

restore confidence and trust?" Emerging from the audience engagement were four main answers/themes: 1) Increase judges' involvement in the community; 2) Educate schools and communities about the courts; and 3) Conduct/implement racial sensitivity training for judges and law enforcement.

National Consortium on Racial and Ethnic Fairness in the Courts Conference, Williamsburg, VA

On May 27th, Advisory Board members provided an update on their work to the entire National Consortium on Racial and Ethnic Fairness in the Courts during its general session.



Board members on the panel were Chief Judge Washington, Rev. Aundrea Alexander, Judge Edward C. Clifton, Judge Edwards, Jennifer Farmer, Dr. Lorretta Johnson, Judge Eduardo Padro, and Rev. Rob Schenck. Tavis Smiley, speaking remotely via Skype, reported on progress with the ***Courting Justice*** television series.

Also at the conference was a Town Hall Meeting, titled *Community Engagement: Building Trust in the Criminal Justice System*, with legendary talk show host Joe Madison moderating, along with Judge Edwards as one of the panelists.

In addition, the Advisory Board members who were present for the conference participated in a business meeting.

Events Happening Now:

- NACM, Pittsburgh, PA, July 11.
Judge Edwards and Paulette Brown presenting to NACM members at the general session about the Listening Tour, community engagement, and implicit bias.

- National Bar Association Annual Meeting, St. Louis, MO, July 18.
Advisory Board members, Judge Anna Blackburne-Rigsby, Judge Edwards, and Jennifer Farmer presenting on the crisis in confidence, exploring the relationship between the minority community and the justice system.

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COMMUNITY ENGAGEMENT IN THE STATE COURTS INITIATIVE

ADVISORY BOARD NEWSLETTER

January 2017 Issue 3

As The Listening Tour Moves Across the Country We Listen...We Learn

After six months, the Community Engagement in the State Courts Initiative's Listening Tour, ***Courting Justice***, has completed three successful town halls that have been televised on PBS stations across the country. The series has included stops in Los Angeles, Little Rock, and Cleveland.



In each city, Tavis Smiley (PBS broadcaster and Advisory Board member) has facilitated an interactive dialogue where constituents have had an opportunity to voice their concerns and share real world solutions on rebuilding the public trust in our judiciary and crafting concrete reforms.

Following the kick-off town hall in **Los Angeles, California** on June 10, 2016, the second of the series was held in **Little Rock, Arkansas** on September 23, 2016. The panelists included: Chief Justice John Dan Kemp; Circuit Judge Wiley A. Branton, Jr.; Circuit Judge Carlton D. Jones; and District Judge Kim Bridgforth. Two half-hour segments were aired on September 28th and 29th on Tavis Smiley's regular nightly PBS programming slot. The third town hall was held in **Cleveland, Ohio** on

December 8, 2016 and broadcast on December 13th and 14th on PBS. The panelists included: Chief Justice of the Supreme Court of Ohio Maureen O'Connor; Cleveland Municipal Court Judge Ronald B. Adrine; Lakewood Municipal Court Judge Patrick Carroll; and Former Justice of the Supreme Court of Ohio and Partner at Jones Day Yvette McGee Brown.

Each of the forums featured a panel of judges and a studio audience of active questioners. The audience included community members, litigants, community activists, law enforcement, trial court judges, public defenders, and prosecutors.



The Listening Tour is being produced in cooperation with Tavis Smiley. It is an effort of the Community Engagement in the State Courts Initiative, which is a joint project of the Conference of Chief Justices (CCJ), the National Center for State Courts (NCSC), the State Justice Institute (SJI), and the National Consortium on Racial and Ethnic Fairness (NCREF). For episodes, visit NCSC.org/Conferences-and-Events/Courting-Justice.aspx



Public Opinion Survey

In November 2016, NCSC conducted its annual national survey of registered voters regarding their perception of state courts. The survey questions covered a range of issues including public trust in the court system, a general understanding of court funding, and fines and fees.

One of the findings of the survey revealed an improvement of the public's trust in the state court system. Nearly four in five Americans who report direct interaction with the courts expressed satisfaction in procedural fairness. However, those surveyed tended to believe that a judge's ethnicity influences fairness in the court system. The poll also revealed that there is strong public support for reform on issues related to court fines and fees and considerable opposition to incarcerating defendants that are too poor to pay. For complete survey results, visit NCSC.org/2016survey

Board Business Meeting

The Advisory Board on Community Engagement in the State Courts (Advisory Board) convened a business meeting in December in conjunction with the Cleveland Courting Justice recording. The agenda included a discussion of next steps in the Listening Tour and transitioning to the problem-identification phase of the initiative. The crux of the latter will be a validation survey in which survey recipients will be asked to rank order the importance of 8-10 problems identified through the "Courting Justice" broadcasts. The Advisory Board was also



Advisory Board Business Meeting December 8, 2016 * Cleveland, Ohio

pleased to welcome to the meeting and to its initiative the assistance of Dr. Alan Tomkins, the Deputy Division Director of the National Science Foundation.

Beyond the Bench: Law, Justice, and Communities Summit

The Beyond the Bench: Law, Justice, and Communities Summit was held on December 14, 2016 in Dallas, Texas. The Summit brought together Texas judges, law-enforcement officers, activists, and other community leaders to confront simmering civil strife and its effect on Texas courts. The event opened with remarks by Chief Justice Nathan Hecht; host Paul Quinn; President Michael Sorrell; Court of Criminal Appeals Presiding Judge Sharon Keller; and Supreme Court Justice Eva Guzman, the conference's chief organizer.



Houston Police Chief Art Acevedo headlined the Summit, sponsored by the two highest Texas courts, to foster racial understanding and trust in the judicial system in the wake of police shootings and ambushes on officers. Acevedo has led the department through community crises after several shootings during his tenure involving both police officers killed on duty and police officers who shot unarmed suspects. Following Acevedo's remarks, D.C. Court of Appeals Chief Judge Eric Washington guided a series of firsthand accounts by people who experienced life-altering moments with police, including being wrongfully incarcerated or losing a loved one in a violent confrontation.

The Summit featured a presentation by Dr. Jeffrey Rachlinski, a Cornell Law School professor whose research specialty in cognitive and social psychology has focused on unconscious bias in judicial decision-making. The day of listening and learning ended with each participant identifying one big idea to help move the needle on restoring trust in the justice system and a call to action to continue the conversation well beyond the Summit. A Toolkit with details about the event will be released on January 30, 2017. After the release, links to the Toolkit will be available on the Supreme Court of Texas website, www.txcourts.gov/

Update on Issues and Events

Fines and Fees

The National Task Force on Fines, Fees, and Bail Practices met on November 15, 2016 in Arlington Virginia. The focus of the meeting was a review of the National Task Force's near term deliverables, draft Principles, and potential pilots. Next steps include development of the *Best Practices Guide for Determining the Right to Counsel in Legal Financial Obligation Cases*, a Hackathon in April, and continued work on a number of long term deliverables. The near term deliverables will be released shortly, along with the launch of the newly-created website.

National Consortium on Racial and Ethnic Fairness in the Courts

On November 11, 2016, NCREFC held its Board Retreat. At the reception, Tina Vagenas, Director of Access to Justice Initiatives, NCSC, provided an update on the work of the Advisory Board to the Consortium. Ms. Vagenas detailed how the effort is working to develop tools for courts to engage with minority and disadvantaged communities, ensure equal

access to justice, and build public trust and confidence in the judiciary.

National Association for Court Management, Portland, OR

On February 6, 2017, members of the Advisory Board and the Arkansas Administrative Office of the Courts will speak to NACM members about the goals of this important initiative and provide an update on the work that is underway on the listening phase of the initiative, including the televised "Courting Justice" series.

An introduction will be given by Vicky Carlson, NACM President-Elect. Speakers include: James D. Gingerich, Director, Administrative Office of the Courts, Little Rock, AR; Hon. Jimmie Edwards, Circuit Judge, 22nd Judicial Circuit, St. Louis, MO; Rev. Aundrea Alexander, Esq., Associate General Secretary for Justice and Peace, National Council of Churches of Christ, USA, Washington, DC; and Hon. Ronald B. Adrine, Presiding Judge, Cleveland Municipal Court, Cleveland, OH.

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