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Amid frequent policy change and public demands for accountability, savvy court leaders are using strategic listening to both build trust and inform changes. Available tools and supports make this easier than ever to give voice to both staff and court users alike for significant gains.

User Feedback Is Essential

It should go without saying that most courts have undergone major changes in the past few years in how they serve the public and their employees. These changes happened in a frenzy in the early days of the COVID-19 pandemic out of necessity and were built on assumptions about what court employees and the public needed and wanted.

Recent months have brought a new phase of change, which brings up questions, such as which practices should revert to the pre-pandemic status quo? What interests, or whose interests, are served by keeping them?

Some courts were well prepared to answer these tough questions. They employed a relatively provocative strategy in the courts field—listening. By listening to end users, not just litigants but also line staff, they got insights into not only what would improve upon existing efforts but also how to deliver on broader court goals like access and fairness. Listening became a key to overall success.

Perhaps the value of getting feedback is obvious to many, but so are the real and perceived barriers. Absent any formal studies, this author has asked hundreds of court leaders in training sessions and the like over recent years whether they collect feedback from court users and usually the answer is no. Of those that do collect feedback, available tools can be time-intensive to implement or analyze on the back end. Indeed, this author has visited courts with empty and unused comment-card boxes or large-scale litigant survey results that felt outdated shortly after they were published.



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In short, there are some common responses voiced about why court user feedback has not been more widespread or feasible in our field.

- Listening is too time-intensive, cost-prohibitive, or both: *“We don’t even have the resources to handle our current work.”*
- No one will agree to share their perspectives: *“Our efforts will be for nothing.”*
- The feedback will be negative: *“Our jobs are thankless enough without absorbing people’s complaints,”* or *“No one wants to come to court so the feedback will be mostly negative.”*
- We will not know what to do with the feedback when we get it: *“What will we do with the feedback that focuses on things outside of our control?”*

These concerns are understandable, but the trend points toward growing examples of why many of them are largely unfounded or easy enough to address.

With support from the State Justice Institute’s [Emergency Response and Recovery \(https://perma.cc/7UDZ-ZHD5\)](https://perma.cc/7UDZ-ZHD5) grant program, several courts were able to employ listening strategies in tackling one of the greatest challenges of a generation: the COVID-19 pandemic. The pandemic spurred so many changes in courts. Using various methods of strategic listening helped these courts assess the impact of select practices and weigh the pros and cons comprehensively, including from the user perspective.

Citing lessons from these courts, the following are the benefits that happen when courts listen strategically.

Listening Takes Some Guesswork Out of Improving Court Practices and Policies

The pandemic spurred a number of innovations as courts aimed to serve the public in new forums, whether through remote hearings, self-scheduling, or e-filing. Deciding which of these practices serve the court's interests now has occupied many post-pandemic meetings. Good things happen when leaders pause to ask those most impacted what they think: court staff and court users.

One example of this is how a state-mandated parent-education program was adapted to a virtual, on-demand format by the Arizona Superior Court in Pima County. The project's multidisciplinary team employed user testing with parents to inform and assess the curriculum's value and impact. Parents reported high levels of learning and satisfaction with the course, that it saved them time and money, and increased convenience (Praxis Consulting Inc., 2022). Parents of young children seemed to get more out of the curriculum, suggesting that alternate resources may be more valuable for parents of older children. This is an example of an insight that might have gone unnoticed if parents were not asked.

Similarly, the Eviction Settlement Program in Shelby County, Tennessee, asked attorneys for feedback on a new housing-court data tool to inform its ongoing development and rollout. One of the key findings of the effort, perhaps unsurprisingly, was that the first iteration of the data tool needed to be more user friendly for attorneys, the ultimate end users. Skipping

the listening step might have yielded a well-intentioned tool that few attorneys used.

When listening happens nationally or across settings, the field can see trends on a broader scale. The Court Voices Project worked with 12 courts around the country in collecting in-person and remote feedback from court users and staff about their experience with remote versus in-person hearings (LaGratta Consulting, 2022). Feedback included a surprising variation of preferences. In some courts, most court users preferred in-person hearings, while the majority of court users in other jurisdictions preferred remote hearings. The type of hearing and size and type of jurisdiction likely contribute to this variation, suggesting that more in-depth, localized listening would be valuable. But for local court leaders, these insights helped steer them toward solidifying virtual court options or advocating for a more consistent return to in-person appearances.

In another effort, the National Council of Juvenile and Family Court Judges (NCJFCJ) used surveys and in-depth interviews to assess the experiences of judges, court administrators, and other court professionals about ongoing pandemic-response challenges and innovations. Listening revealed that while the impacts of the pandemic were widespread, they have been particularly acute in tribal courts. Targeted listening reveals nuanced needs that a broader poll, or no poll at all, would have failed to uncover (Siegel, Bilfield, and Sickmund, 2022).

Listening Helps Courts Measure Key Court Goals, like Fairness

There are many dimensions of effective courts. To be sure, “effective” requires measures beyond efficiency, including access, fairness, equity, and compliance. And in many ways, the COVID-19 pandemic forced an analysis of how to weigh those priorities against one another. To do that well requires getting insights from end users.

In one example, the Texas Office of Court Administration led focus groups with judges who participated in a time study to add context to the quantitative findings that virtual hearings take approximately one-third more time than in-person hearings (Ostrom et al., 2021). Focus groups revealed professionals’ perceptions that, while more time-consuming, the quality of hearings was better for certain

types of remote appearances. Focus group insights helped also explain why the time study data was scant: judges were simply too busy to collect it. Without listening, court leaders might have drawn overly narrow conclusions based on efficiency concerns alone.

Another pilot led by the Texas Municipal Courts Education Center and LaGratta Consulting with support from the State Justice Institute in 2020 focused exclusively on assessing court users’ perspectives about court fairness in seven municipal courts throughout Texas (Goodner, Metteauer, and LaGratta, 2021). A first-of-its-kind effort, court leaders collected feedback using off-the-shelf digital tools, such as iPads with user-friendly software stationed in high-traffic locations in the courthouse, as well as hyperlinks and QR codes on signs and embedded within court websites, staff email signatures, and other written correspondence. The feedback software was selected in part for its low operating cost: approximately \$100 per month for both remote and in-person feedback options.

All courts asked their court users: “Did the court treat you fairly today?” They also asked about specific dimensions of procedural fairness, like “Did the judge give you a voice today?” and “Did the court treat you without bias today?” With little effort required from court staff, these courts got real-time feedback on the court goal of fairness that can serve as a baseline for future efforts. Leadership at the participating courts was encouraged by the relatively high satisfaction ratings, averaging 82 percent positive across all sites.



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Listening Helps Courts Build Public Trust and Confidence (and Cooperation)

A final, invaluable benefit of listening to the perspectives of court users and court professionals alike is rooted squarely in procedural fairness theory. When people feel like they have a voice in the process, they are more likely to have trust and confidence in that legal authority and are more likely to cooperate and comply with what the authority is asking of them. The same is true for employees. Even for individuals who are invited to give feedback and choose *not* to may perceive courts as fairer and more trustworthy given the use of this strategy.

National opinion polls suggest that, in fact, U.S. state courts' fairness ratings are not as high as we might hope. In a 2019 National Center for State Courts public opinion poll—before the ongoing disruptions of 2020—just 54 percent of voters surveyed felt the courts were fair and impartial (GBAO Strategies, 2019). Furthermore, only 65 percent of people polled had confidence in the courts, down from 76 percent the year before. These numbers have fallen steadily in the years since (GBAO Strategies, 2022). In short, courts have an uphill challenge of delivering justice without the public's confidence or cooperation along the way and would be wise to invest in trust-building strategies wherever they can.

Each of the examples already discussed include dimensions of this cooperation and trust. Indeed, when court leaders asked end users to share their perspectives, they did, often eagerly. People want to be asked for

their opinion in arenas that matter to them. Implementation goes more smoothly when listening generates buy-in.

As one last example of this, the King County Washington Superior Court surveyed jurors, attorneys, interpreters, and court employees about their experiences with the court's virtual services. The process was reported to be time-intensive but worth the effort. Improved buy-in was among the byproducts that helped the effort to be successful. Any one of those stakeholder groups could have slowed or derailed implementation efforts had they not been invited into the process to share their perspectives.

With the changes that were directed by and imposed upon courts these past few years, it can feel like there is no extra energy or resources to go around. But treating strategic listening as a luxury that can be skipped is short changing the courts out of huge near- and long-term gains. Listening promotes public trust and confidence, not to mention helps to assess the quality of justice processes and experiences. And it can be done with little to no financial resources beyond a plan to ask a few questions of the right people. It is likely to pay off manyfold and help build capacity to become a more routine business practice, pandemic or not.

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