



## **Court Outreach to Minority Communities: Methods Used, Lessons Learned, and Transitioning from Outreach to Engagement<sup>1</sup>**

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### **I. The Challenge of Outreach and Engagement**

State court systems, individual trial courts, and many judges have experimented and expended considerable prestige, resources, and efforts to create a bridge between courts and communities. ‘Outreach’ is a necessary first step to community engagement, providing community members with knowledge about the role of courts and the rationale for court procedures, as well as building a potential audience with which to engage. The state courts have a long and impressive experience conducting outreach. Programs such as the American Bar Association’s “Least Understood Branch” provide tool-kits, guides and other resources to enable local implementation of outreach practices.

To summarize court experiences with outreach, this paper first identifies five prominent community outreach mechanisms state courts have deployed over the years. Text boxes are inserted in places to highlight one or two concrete examples of how each mechanism is being used. An outline of two noteworthy national initiatives on bias and engagement follows. Many state and local court outreach programs follow the direction set by those initiatives and use resources they developed. The paper then takes a step back to consider the lessons we have learned on outreach to date and how outreach can transition smoothly into engagement. The briefing report concludes by introducing some potential new directions through which courts and communities can engage with one another to create change.

It is important to begin with a basic distinction between outreach and engagement for purposes of this briefing paper:

*Outreach* seeks to provide the public with accurate information about the judiciary and, in turn, receive feedback from the public to inform administrative decision-making. It usually takes the form of a series of discrete events.

*Engagement* is an ongoing forum allowing two-way interaction with the public in which both sides listen to one another, recommend reforms, and take joint steps to address community and court concerns.

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The dividing line between outreach and engagement is not always brightly drawn. Successful engagement efforts usually start with outreach to motivate a community to view engagement with the courts as feasible and desirable. Outreach in itself can promote trust, which in many ways is a prerequisite for meaningful engagement.

Despite the long tradition of court outreach, courts and their allies face formidable challenges in getting the attention of minority communities through outreach. Public trust in government and other institutions is on the decline. However, among African-Americans, in particular, and other minority groups to a lesser degree, the decline is from a base of deeply-rooted, fundamental distrust of the courts. Courts are rarely seen as open to a dialogue that addresses bias and strengthens communities. Moreover, in the absence of crisis the public shows little interest in knowing more about or supporting the courts.

## **II. Mechanisms for Court Outreach to the Public**

Five outreach mechanisms are currently in use by courts at the state and local levels. The examples accompanying each mechanism are chosen to illustrate the heart of what each mechanism entails.

**1. *Explaining:*** Court outreach efforts such as judicial speaker's bureaus, court newsletters, and supreme courts that hold oral arguments in cities throughout the state all seek to educate the public about the constitutional role of judges and courts and demystify court processes. Outreach can also be accomplished indirectly by partnering with other organizations providing youth and adult education. In doing so, courts are confronting the challenge of overcoming the near abandonment of civics education by the school system and the pervasive exposure the public has to misrepresentations of how courts operate conveyed daily to the public by television dramas and "reality" judges (Rottman 2015). Explaining, however, tends to be most successful for student audiences. Adult education, while valuable, generally reaches a narrow audience of citizens with an existing interest in how government operates.

Among other outreach programs, the Arizona Supreme Court promotes understanding of the judiciary through collaboration with the Arizona Foundation for Legal Services & Education and the Center for Civic Education. A joint annual "We the People Summer Institute" for advanced elementary and high school teachers prepares them to present a curriculum on the judiciary. (McGregor 2008:1288).

Outreach on behalf of the courts is sometimes best accomplished indirectly. In 2006, South Dakota's notorious J.A.I.L.4Judges initiative failed by a margin of 89 to 11 percent after initially appearing likely to pass. The leader of the campaign to defeat the initiative (the state bar executive director) relied on a distinctive set of messengers to explain the negative ramifications if the initiative were to be approved: bankers, beauticians, barbers, and bartenders (dubbed the "four B's"), along with insurance brokers—"people who talk with people every day" Blankenship, 2007). Judges and lawyers took a backseat. The selected messengers were primarily independent small business owners who would be harmed by the initiative's provisions. They were ordinary people armed with the information they needed to explain why the initiative was bad for South Dakotans.

**2. Social Science Research:** Courts are the most proactive public institution in using social science techniques to identify areas of satisfaction and dissatisfaction. The first national survey to gauge satisfaction levels was carried out in 1977 and was followed quickly by numerous surveys conducted at a national, state, or neighborhood level. Many task forces and commissions distribute opinion surveys, convene focus groups, and other research to hear from the public. Surveys identify broad patterns; focus groups use group dynamics to obtain a more nuanced understanding of public perceptions of the courts. Other inquiries document disparities in outcomes to determine if they result "from the fair application of neutral policies or the uneven or prejudicial application of the law" (Neeley 2007:157).

The California Judicial Council commissioned a state-wide survey of 2,400 adult residents to inform its Public trust and Confidence initiative. In the nation's most diverse state, where nearly one in three residents is born in a non-English speaking country, precautions were taken to ensure linguistic and other minority groups were represented. The survey report informed a statewide conference. To dig deeper into how people felt, 15 focus groups of court users were commissioned, with each group bringing together 10-12 residents to talk about their experiences and perceptions of the courts. These included three groups with Latinos (one session held in Spanish), two with African-Americans, and two with Chinese Americans (held in both Cantonese and Mandarin). The other focus groups were held with cross-sections of California residents. State forums were convened to reflect on what was learned from the surveys and focus groups. Local initiatives were established based on that knowledge under the oversight and with the support of the Judicial Council.

**3. Active Listening:** Courts can convene forums whose primary objective is to allow judges and court staff to hear directly about community concerns and to obtain feedback and advice directly from members of the public. This give the community a voice in discussions about court practices and outcomes. Interest groups are sometimes recruited as co-organizers in outreach efforts but the main objective is to hear directly from citizens rather than from those acting on their behalf. A common approach to listening is to establish advisory boards. However, there is a tendency to select representatives of various community organizations and good government groups to fill the limited number of board member slots. Public hearings offer access to a broader base of peoples concerns and advice. Active listening through public hearings involves a degree of risk to the courts because these forums are open to anyone in the

community, not just leaders of groups led by professionals. They therefore require careful preparation and an openness to discuss difficult issues.

In 2002 Nebraska's Minority and Justice Task Force in collaboration with a university public policy center convened eight public hearings in five cities to listen to the "experiences, perceptions and concerns with racial and ethnic bias or discrimination" and hear "recommendations for correcting racial and/or ethnic bias and discrimination" in Nebraska's court system. In all, 175 people gave public testimony in well-attended hearings in non-court locations. Differential sentencing and delivery of legal services were concerns of all minority groups. Latinos also focused on interpreter services, African-Americans on their underrepresentation in court staff and judiciary, and Native Americans on jurisdiction over sovereign nations (Neeley 2004). The Task Force sponsored a second round of public events was held in the participating cities to present the recommendations made and listen to reactions from minority communities.

**4. Reform of Court Processes:** Through public hearings and other forms of active listening and sometimes social science research findings, state court systems and trial courts have introduced specific reforms in response to a dialogue. At its most ambitious, these reforms include giving the community a role in implementation. The results include bail reform, increased use of community service as a sentencing alternative to jail, provision of substance abuse and other forms of treatment, and expungement of recorded convictions.

The Cleveland Municipal Court in 2005 responded to information about the reluctance of people to enter the downtown courthouse by establishing "In the Neighborhood," an outreach program to publicize the availability of and facilitate the expungement of convictions for minor offenses that were interfering with employment prospects by local residents. Churches proved the most suitable venues, along with community centers and even corner lots. Word about the program initially was spread via television and radio advertising, but the Court switched to social media and mass text messages as the most efficient way to spread the word on the street (Turner 2015).

**5. Local Delivery of Justice:** Until the 1950s, most cities and rural areas were served by multiple courthouses. Trial court consolidation reforms changed the landscape in such a way that few communities are now able to claim a local courthouse. The 38 community courts in the United States reflect a belief that the process went too far. The first community court opened in Midtown Manhattan in 1990, the first of several local courts developed in New York City to focus on the issues faced by residents in predominately low income, minority communities. A core feature of a community court requires it to "establish a dialogue with community institutions and residents, including obtaining community input in identifying target problems and developing program" (Lee et al. 2013:2). Some community courts have city-wide jurisdiction for specific types of offenses).

The Harlem Community Justice Center, which opened in 2001, has the long-term goal of testing “the extent to which a court can work together with a community to spur neighborhood renewal” (Center for Court Innovation 2015). To that end, after extensive consultations, the new court established four main programs: housing (to resolve disputes before they reached the court), youth justice (to provide court processes and programs for young offenders), reentry dockets and services delivered under judicial supervision), and Justice Corps (an intensive career development and service program for court-involved youth aged 18-24). Various evaluations provide evidence that the court produces better outcomes for offenders and has the support of the community (e.g., Center for Court Innovation 2015). A lengthy planning process is necessary to establish such a court and funding for the planned non-traditional features needs to be secured. Resources, however, often are provided by agencies eager to locate their staff in the court building.

### **III. National Initiatives Promoting Court and Community Engagement**

Two nationally-led strategic efforts at promoting court outreach and community engagement provide a legacy on which to build. One is specially aimed at reducing bias against minority communities and the other seeks to address the fundamental problem of how courts and communities can engage with one another to address joint concerns.

#### ***A. Minority Concerns/Fairness Commissions and Task Fairness***

Since 1988 the National Consortium on Racial and Ethnic Fairness in the Courts has encouraged and assisted states in establishing a central body responsible for efforts to reduce bias against and meet the needs of minority groups within their jurisdiction. The first of many Consortium contributions was a handbook, “Establishing and Operating a Task Force or Commission on Racial and Ethnic Bias in the Courts” (Handy et al. 1995). Subsequent publications and other resources gave concrete assistance to states on how to establish and develop their own commissions or task forces. The Consortium’s annual national meetings provide education about the latest thinking about the sources of and remedies for bias and showcase innovative emerging local models for meeting minority group concerns.

The task forces or commissions established by state supreme courts investigate the presence of and sources of bias in the courts, share knowledge with the state’s judges, law enforcement agencies and the public and establish processes to issue recommendations to address identified problems in the justice system. Fewer states have taken the step of moving from investigation to implementing projects and programs for reducing bias in partnership with community leaders or groups (National Consortium 2015).

California's Access and Fairness Advisory Committee is the implementation group for the Advisory Committee on Race and Ethnic Bias in the Courts established by the chief justice in 1991. Fourteen years later, the advisory committee's legacy included the following projects: (a) "Fairness in the Law School Curriculum and Law School Environment," (b) representative grand juries, (c) training on the previously created "Native American Resource Guide for the Bench, (d) establishing an inter-branch statewide Criminal Justice Racial and Ethnic Fairness Task Force, (e) a web page for "Women of Color in the Courts," and (f) "Fairness Training for Temporary Judges.

After issuing their investigative report, the Nebraska Supreme Court created a Minority Justice Committee in pursuit of three basic objectives: address racial-discrepancies in both the juvenile and adult justice systems, ensure equal access to the justice system, and increase the diversity of the judicial workforce and legal profession. Three main methods were employed to address problems: legislative reforms, changes to court rules, and programmatic initiatives (Neeley 2007:157).

All state commissions develop resources for use by local jurisdictions to ease the time and expense of implementing recommended programs and practices. This extends to providing sample invitations to public events, advice on where meetings should take place, and recommended follow-up steps.

The Minnesota Judicial Branch's Committee for Equality and Justice developed a "Community Dialogue Toolkit" in 2009, revising it in 2015. The purpose is to: "Create a public forum for community members to describe their experiences and discuss ideas for advancing equality and fairness ...". The Toolkit prescribes the purpose and expected outcomes of the dialogue process, specifies the desired outcomes and essential elements of community dialogue, and offers "success indicators" that can measure the success of a dialogue. Practical matters dealt with include site selection criteria, a form that directs a meeting space inventory of facility needs, and an overall highly detailed planning check-list. A template is provided for court districts to use in preparing their reports to the state-level Committee (Committee for Equality and Justice 2015).

### ***B. Court and Community Collaboration***

The community-focused courts strategic initiative (also called "court and community collaboration) emerged in the 1990s to reduce the distance that developed between courts and communities. The first community-focused court initiative was launched by the Los Angeles Municipal Court under the leadership of its presiding judge, Judge Veronica McBeth (1999). The initiative was soon adopted on a statewide effort by the California Judicial Council. Although not specifically dedicated to improving racial fairness, the unique diversity of the state's residents inevitably made that a core concern. The California initiative provided a new perspective on the courts' role in responding to community concerns and created a set of tools for effecting engagement.

California's statewide Community-Focused Courts initiative was launched at a court planning conference in 1998. Fifty-seven of the state's 58 counties sent planning teams to the conference where they developed several products for local teams to use in developing and implementing strategic plans. During Phase Two, a Planning Implementation Committee of judges, court administrators and community leaders in 1999 oversaw the submission of county-specific plans and projects and provided resources for their implementation. Ultimately, the Judicial Council received plans from 52 counties (Judicial Council of California 1998),

At much the same time as the California initiative, the National Center for State Courts sought to extend the concept of court and community collaboration nationally. Starting in 1994, a series of projects were undertaken in partnership with the US Department of Justice's Bureau of Justice Assistance. Court and community collaboration was given a bold mission:

*We call these efforts 'court and community collaboration' because they stem from and require consultation with the public about how the courts should operate. Court and community collaboration is a sustained two-way commitment to ensuring that the justice system is open and effective for all. It is not a one-shot event . . . (Abrahamson 1995).*

Working with an advisory group drawn from the courts, civic organizations, and academia, the National Center produced a *Guide to Court and Community Collaboration* to assist in starting and sustaining neighborhood or city-level programs (Rottman et al, 1998) and then a *Leadership Guide to Court and Community Collaboration* (Rottman et al 2002) to enable supreme courts and administrative offices of the courts to support and nurture locally based collaborations. The original guide drew on profiles of successful collaborations the National Center for State Court researchers identified and studied.

#### **IV. Lessons from Court Outreach for Programs of Minority Community Engagement**

The following list of "lessons learned" is based on the 40 years of court efforts at community outreach that appear relevant to successful minority community engagement. It also is informed by social science research and evaluations of what underlies the public's level of trust in the courts and what can increase trust. The list represents the views of the author in the absence of a comprehensive authoritative statement.

##### ***A. Promising Practices:***

- The number of judges and lawyers involved in an engagement organizing group should be limited (Kiernan, 2008:63).
- Lawyers are not necessarily the best leaders of court and community engagement efforts. They can be seen as allies of or apologists for the courts and too from the experiences ordinary people have with the judiciary.
- Meetings convened by a court and community engagement body should be public and a record of the proceedings made public.

- Participants need to understand the boundaries that are inherent in the role of a judge.
- National and state-level initiatives make a difference chiefly by setting strategic directions and developing the programs and implementation tools for individual court jurisdictions who rarely have the resources to create on their own.
- Public hearings can be held in partnership with a university or other professional group that has the training and skills needed to ensure that everyone present has their opportunity to speak and that all points of view and concerns are heard.
- Participants in organized judicial outreach programs should decide on their joint objectives early on and then devise methods they will use for assessing the degree to which those objectives are met, as well as why they were or were not successful.
- Community leaders give credibility to engagement programs but cannot be assumed to be accurate guides to the concerns that motivate members of the community.
- Well-organized special interest groups can dominate public hearings. As a result, other ways of listening to community residents may be needed to supplement the hearings. Focus groups are one possibility (Kiernan 2008:63).
- In an engagement program that intends to begin with an investigative phase and from there to an implementation phase, the transition between the two phases needs to be a seamless. Typically, there is a gap of 6-18 months to the transition, presenting a danger that enthusiasm will wane (Neeley 2007).

### ***B. Transitioning from Outreach to Engagement:***

- A degree of trust in the courts is a prerequisite to effective community engagement. Low trust leads communities to regard the courts as antagonists, rather than partners, the courthouse a place evoking anxiety and even fear.
- Low trust is difficult to address because the public is not very attentive to new information from the courts or impressed by court reforms that make courts more efficient.
- Meaningful engagement is accomplished through a forum or program that allows two-way interaction with the public in which both sides listen to one another, devise recommendations, and take joint steps to change court practices.
- Effective engagement requires that judges and courts take risks. Once a dialogue is opened and participation broadened beyond community leaders, topics will arise and expectations raised that might prove uncomfortable to judges.
- It is critical to be clear from the start on what is meant by “community.” A court community can be defined at the neighborhood, city, state or national levels.
- The sustainability of an engagement should be addressed early on to ensure adequate funding, sponsorship and leadership will be available when an implementation phase is reached.
- Courts need to enter into community engagements with a clear understanding of the degree to which court procedures and practices are unknowingly inflicting significant disadvantages on the quality of life experienced by community residents. Existing



practices for setting bail and for imposing fines and fees potentially increase unemployment, break-up families, and raise personal debt.

- “Minority” embraces more distinctions than might commonly be considered. African-Americans and Hispanic-Americans report different perceptions and expectations of the courts. Among Latinos, the overwhelming majority of those included in public opinion surveys are Mexican-Americans and cannot be assumed to represent an undifferentiated view of Latino communities. Racial and ethnic groups are formed of sub communities based on age, national-origin, income level and many other factors. In community engagement the primary targets are groups that self-identify with one another.
- Judges and legal professionals generally rely on different criteria for deciding what is fair than do members of the public. Judges and lawyers are attentive to the fairness of case outcomes. Offenders, litigants, and people generally assess fairness in terms of the perceived manner in which they were treated or how others like them would be treated, what is termed “procedural fairness” (Tyler, 2006).
- Many types of bias identified by minority concerns commissions will require legislative action to remedy. Local court and community engagement needs to be supported at the state-level by a group able to press for changes to state law.

## **V. New Directions for Court and Minority Community Engagement**

The state courts are embracing two promising directions for increasing fairness and building trust in minority communities: (a) building community trust by practicing procedural justice principles and (b) addressing the implicit bias that is present in decisions made by judges and others in the justice system. Other potential new directions for engagement are already in use by many courts based on programs developed by private foundations and government agencies in areas such as dependency, domestic violence, and juvenile justice.

### **A. *Building Community Trust through Procedural Fairness***

Psychologists and political scientists have established an understanding of how public institutions generate trust and maintain high levels of trust (and, conversely, why levels of trust decline). This knowledge can add a new dimension to the work of minority fairness task forces and commissions. Perceptions that courts reach decisions by following procedural justice lead to a belief that the decision-maker has a moral basis for their authority. The result is enhanced cooperation with and compliance with courts (Tyler 2006, Burke and Leben, 2007).

Although best practices are still evolving, this approach has been applied vigorously and with success in law enforcement and, to a lesser extent, in problem-solving courts (such as adult drug courts) and in specific court programs (such as reducing failure-to-appear rates). Basically, when people perceive that judges, court staff and the court treats them with respect, acts in a neutral manner, affords them a voice, and has their interests at heart, they believe they are being treated fairly. The most documented demonstration of this potential is New York City’s Red Hook Community Justice Center, as described below.

Opened in 2000, the Red Hook Community Justice Center (“RHCJC”) is a multi-jurisdictional court. Reflecting what the court’s planners heard from local residents and community organizations, the Criminal Court judge assigned to arraign misdemeanors was also given jurisdiction over juvenile and housing cases. The desire to be seen as trustworthy underlies the justice Center’s housing court, youth and community programs, and extensive cultivation of close ties to residents and community institutions. These steps were intended to strengthen residents’ affective ties to their community and their commitment to obey the law (Lee 2013:4). The inclusion of housing jurisdiction proved critical. Nearly 80% of housing in Red Hook is provided by the New York Housing Authority. The RHCJC judge gave a powerful signal of concern and fairness by personally inspecting conditions in a housing unit subject to a dispute between a tenant and the Housing Authority. The judge is highly visible to residents by regularly attending meetings of community organizations and routinely walking through the neighborhood. A comprehensive evaluation led by the National Center for State Courts concluded that the RHCJC is perceived by the public as having the moral authority to do its work, promoting voluntary compliance and cooperation with the law. This was the case despite clear evidence that the local residents for the most part distrusted the New York Police Department (Lee et al. 2013). Based on the available evidence, it appears that the Justice Center’s positive impact on crime and recidivism results primarily from the Justice Center’s ability to project its legitimacy to offenders and the local residential community, than from strategies of deterrence or intervention (Lee et al 2013)

In such programs, the main objective is to build perceptions that courts have the legal right to be obeyed, share the moral concerns of the public, and show respect for the groups with which people identify. The Red Hook experience is consistent with findings from research that “legitimacy [trust] can motivate engagement and thereby help communities to build themselves socially and economically” (Tyler and Jackson 2014: 1130).

### ***B. Highlighting the Presence of Implicit Bias***

State judicial education programs should prepare judges and court staff on how to incorporate the latest knowledge about decision-making as it applies to judges. This includes curricula on implicit bias, procedural fairness, and the emotional dimension to being a judge. Education also should address the specific code of judicial conduct provisions that set the parameters for judicial engagement with the public. The curriculum should also address “cultural competency” issues.

Implicit bias is a “form of bias that occurs when a person makes associations between a group of people and particular traits that then operate without self-awareness to affect one’s perception of, understanding of, judgement about or behavior toward others” (Elek and Hanaford-Agor 2015:116). Research evidence suggests that while judges are affected by implicit bias, “when judges are aware of a need to monitor their own responses for the influence of implicit racial biases, and are motivated to suppress that bias, they appear able to do so (Rachlinski et al. 2009:1221, as cited in Casey, Burke, and Leben 2013:84). Judicial conferences and education programs increasingly provide opportunities for judges to learn about how judicial decision-making can be influenced by implicit bias, providing self-awareness to judges and a resource for engagement with minority communities.

The National Association of State Judicial Educators: in 2015 launched a new guide to designing curriculum on “diversity, fairness, and access,” providing entry-level content. The curriculum design covers the fundamentals judges need to know about the complex American experience with racial and ethnic fairness.

“Race Matters for Juvenile Justice” is a collaborative leadership group formed in 2008 by the juvenile court judges of Mecklenburg County, North Carolina. The group includes judicial officers, systems’ expert, service providers and community partners. Their mission is “to reduce the disproportionate representation of and disparate outcomes for children and families of color in the juvenile justice.” The overall concept and supporting materials was provided by Casey Family Programs. One distinctive features of “Race Matters” is the way in which it directly addresses biases held by the leaders of the justice system, schools, social services, and, among others, the police. “Race Matters” participants attend an intense, two-day Dismantling Racism Workshop and, are then eligible to join “Catalyzing Change,” consisting of three overlapping caucuses: the People of Color Affinity Group, White Affinity Group, and a Joint Caucus. The affinity groups meet monthly and come together quarterly as the Joint Caucus Group. In this way, the main participants in the local juvenile justice system address their own perspectives and actions on matters of race and thereby build the capacity to engage with minority communities (Race Matters for juvenile Justice 2015).

### ***C. Learning from or Partnering with Non-Court Minority Engagement Efforts***

The work of the Annie E. Casey Foundation is highly relevant to the issues likely to be confronted by the National Advisory Group. The Foundation’s “Race Matters: Community Building Strategies, for example, produced a chart outlining steps which, in its experience, are important to successfully engagement with a community. These include a local needs assessment, specific resident engagement efforts, cultural competence training, and social network development. (Annie E. Casey Foundation 2006). The Mecklenburg County, North Carolina juvenile justice program just described is an adaptation of the Casey Foundation model.

Cultural competence is “a set of congruent practice skills, attitudes, policies and structures, which come together in a system, agency or among professionals and enable that system, agency or those professionals to work effectively in the context of cultural differences.” (Annie E. Casey Foundation, 2006). Lack of cultural competence can result in an inability understand the background and issues of other cultural groups and not being able to relate to their experiences. (National Education Association & Mexican American Legal Defense and Educational Fund 2010).

Both procedural fairness and reducing bias/stereotyping are at the center of the new National Initiative for Building Community Trust and Justice (the “National Initiative”). Funded by a \$4.75 million grant from the Department of Justice, the National Initiative will implement policing reforms in six pilot cities, and data from those six cities will be compared to six untreated comparison communities. Although the specific details of the reform efforts are under development in cooperation with several academic institutions including the Yale Justice

Collaboratory and the John Jay College of Criminal Justice, the National Initiative will have three primary foci: (1) implementing tenants of procedural fairness, (2) reducing implicit bias, and (3) facilitating racial reconciliation. (Yale Law School Justice Collaboratory 2015). The courts should be attentive to the emerging thinking and experimental programs the Initiative generates.

## **VI. Conclusion**

Outreach is a necessary first step to community engagement. The state courts and their national and local allies provide a rich legacy of diverse approaches to community outreach and, also developed a library of resources to facilitate each type of outreach initiative. The experience of court outreach extends from an individual judge speaking to a local Rotary Club to an official statewide program built over a period of years that each court district in the state is required to implement in a flexible manner that fits the circumstances of individual communities.

Outreach provides communities with new information and corrects misinformation. It potentially also primes the community residents to be attentive to engagement efforts by the courts. Engagement, on the other hand, gives the community a voice and courts an important perspective on their operations and the cumulative effect of judicial decision-making. Ultimately, both outreach and engagement have the capacity to build trust and legitimacy with the public.

There are limitations. Outreach efforts often reach only the sections of the population with a pre-existing interest in good government; however, their reach does not appear to be very deep. Outreach efforts are heavily judge-centric, while research suggests that the public discounts messages about the courts delivered by sitting judges or lawyers. Retired judges are preferred over sitting judges, but business people and other outsiders are often cited as optimal. There have been few evaluations of the effectiveness of existing outreach programs to identify the efforts most likely to be rewarded by a better-informed, more pro-court public.

This broad base of experiences and resources related to outreach is valuable up to a point when the concern is outreach to or engagement with minority communities. This is primarily because there is less experience to build on when the focus is on reaching out to minority communities or, more realistically, sub-communities comprised of specific racial or ethnic identities.

There are, however, good outreach models for courts to consider. The public hearings held by the Nebraska Minority and Justice Task Force offer one such model. The example of the Red Hook Community Justice Center demonstrate that, with effort and persistence, a state of mutual trust can be achieved at least within individual communities.

Finally, the work of the Annie Casey Foundation and other private foundations or government-foundation partnerships are examples of successful efforts to reach out to minority communities and promote fairness and trust. These efforts have already been implemented in many courts, notably in efforts to reform court-based efforts in areas such as dependency. So there are some reasons for optimism on the potential for court and communities to engage with one another.

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