

COURT COMMUNITY COMMUNICATION

INTRODUCTION: What This Core Competency Is and Why It Is Important

People do not trust what they do not understand. The **Trial Court Performance Standards** recognize Public Trust and Confidence as a critical area of court performance, equal in importance and related to Access to Justice; Expedition and Timeliness; Fairness, Equality, and Integrity; and Independence and Accountability. Accountability and Independence Standards require trial courts “... to inform and educate the public.” Here we go further. This Guideline challenges court leaders to educate, inform, and teach the public about the courts, but also to be educated, informed, and taught by the community.

In his seminal 1906 speech to the American Bar Association, published in the first issue of *Judicature* in 1913, Roscoe Pound made a timeless observation in his first sentence: “Dissatisfaction with the administration of justice is as old as law.” Survey results from more than 35 states over the past quarter century confirm Pound’s insight. Most public surveys indicate that the public generally neither understands nor is satisfied with court performance.

The fact that the court cannot always be on the side of public opinion energizes effective court leaders. They work toward understandable courts and deserved public trust and confidence precisely because there is no guarantee that public perceptions will reflect even truly excellent court performance.

Court leadership is as critical here as it is with respect to caseload management. Court Community Communication requires balance between maintaining judicial impartiality and independence and the adversarial process and ensuring that the court and its leaders communicate with and learn from diverse publics. Distance and reserve is critical to the judicial process, but it need not lead to judicial reserve or institutional isolation. Isolation is harmful to effective interaction with and understanding of the community and response to legitimate public questions, concerns, and insights about courts and court performance. With effective leadership, the local legal culture can advance rather than retard both the pace of litigation and court community communication.

Print and broadcast news are consistently the greatest sources of information about our courts and probably the most influential forces in formulating public understanding of and satisfaction with the courts. More Americans believe that cases are handled in a “poor manner” than in an “excellent manner.”

Findings from more than 30 years of surveys indicate that the public thinks that cases are not decided in a timely fashion and that resolving a matter through the courts is too expensive. But the challenges go deeper. The prestigious 1999 National Center for State Courts survey (*How the Public Views the State Courts: Findings from a 1999 Survey*) also revealed that both Hispanics and African Americans feel that they are routinely treated “worse” in court than Caucasians. Significantly, Caucasians and Hispanics perceived that African Americans are not treated as well as others who come to court. While the public’s view of judges is more positive than their view of courts generally, almost half of those polled in 1999 agreed that courts are “out-of-touch with what’s going on in their communities.” An overwhelming majority of those polled agree that, “Politics influence court decisions.”

Competent court leaders understand that now as in Pound’s day, there are perpetual causes of popular dissatisfaction with the administration of justice. In Pound’s words, some causes are inherent to “any system of law” -- the application of general principles to particular cases -- and others are due to our “peculiar” Anglo-American system of law.

As effective court leaders educate themselves about the public’s current understanding of and satisfaction with the courts, and work to remedy poor court performance and unfounded public perceptions, they understand that some popular dissatisfaction is inevitable. They work hard to remedy performance issues and unfounded public opinions knowing that courts neither can nor should be expected to always be popular.

Effective court leaders avoid and keep others from falling into the trap of believing that “they” cannot and never will understand “us.” They communicate well with and through the media. Court community communication often goes through a reporter and the media as a filter and translator, but court leaders also must communicate without reporters from the print and broadcast media. Alternative methods

COURT COMMUNITY COMMUNICATION

include understandable courts, community outreach, public information, community education programs, and the Internet. Efforts to educate are always balanced and informed by community outreach.

Court executive leadership teams assisted at the state level and in some urban courts by professional public information officers (PIOs) can increase public understanding and ameliorate unduly negative public perceptions. But the basics are the same in courts with PIOs and the vast majority of jurisdictions without them. Communication is grounded in the purposes and responsibilities of courts. Positive, well-conceived, and accurate public information and media relations are bolstered by work toward understandable courts and community outreach. Whatever the size of the jurisdiction, court community communication is a court leader responsibility.

COURT COMMUNITY COMMUNICATION

CURRICULUM GUIDELINES SUMMARY

What Court Leaders Need to Know and Be Able to Do

The Court Community Communication Competency includes six areas of competency:

- Purpose and Communication Fundamentals
- Understandable Courts
- Community Outreach
- Public Information
- The Media and Media Relations
- Leadership and Program Management

Purpose and Communication Fundamentals

Effective court executive leadership teams develop and improve communication channels between the courts and the public to advance court purposes and responsibilities. They engender accurate understandings and positive perceptions about the courts. If this goal is accomplished, public trust and confidence will improve and, very importantly, court operations will improve.

To achieve this, court leaders must master six communication fundamentals essential to effective communication -- both verbally and in writing. The six fundamentals that enable court leaders to construct and carry out effective court community communication are: 1) positive messages, 2) credibility, 3) honesty, 4) accessibility, 5) openness, and 6) understandability.

Understandable Courts

Although most of the population never has personal contact with the court system, most, but not all, national and state surveys indicate that more citizens who have been to court have more negative opinions of courts and the judicial process than those who have not actually been to court as litigants, witnesses, or jurors.

Courts have not historically been user-friendly and are still too often cloaked in mystery for the average person. Unduly complicated courts confound the public. Mysterious court processes and terminology make courts difficult to understand and to access, use, and navigate.

Court leaders must assess their courts and ensure that processes are understandable and useable for the public from the self-represented to witnesses and jurors, to court watchers, and to represented parties. Beyond common courtesy and good customer service, tools include technology and modern multimedia techniques to make the courts more understandable, accessible, and easy to use. With the growth of self-represented litigants, particularly, but not exclusively, in family law matters, these tools help both litigants and the court.

Community Outreach

Community outreach allows court leaders to understand the needs and perceptions of the communities they serve. Courts need community outreach programs to learn how courts can better serve their communities and to reach distinct segments of the public. Public input is vital to effective community outreach. Communication must be two-way.

Good community outreach educates the public and informs the court about community concerns and insights into how the court can be improved. It takes both good teaching and listening skills to make community outreach programming into the two-way communications' street that it must be.

COURT COMMUNITY COMMUNICATION

Public Information

Court public information is the amalgamation of various communication skills such as media relations, public relations, legislative relations, and overall community education. This is more than “media relations.” Courts must formulate and deliver positive information about courts.

Court leaders, who are successful communicators with various public audiences, have the ability to assess what information needs to be conveyed to what specific audience(s) and how it can be delivered. This information may take a general public education format or be tailored to advance legislative and other purposes.

Effective public information managers are masters at multi-tasking and able to communicate with diverse audiences. They respond to crises and plan and communicate proactively.

The Media and Media Relations

Court leaders must understand the news media and have productive relationships with reporters, editors, and news officials. They must respond appropriately to news inquires, generate constructive news coverage, use the media as an educational tool, and communicate with and without reporters through the print and broadcast media

Effective court leaders neither fear the media nor take a reactive posture. Instead, they plan and are skilled and confident in their media relation’s abilities. They develop and effectuate proactive media relations plans. Court messages must be informative, accurate, and consistent, as well as positive.

Leadership and Program Management

Effective court community communications is much more likely in a well-managed than a poorly managed or mediocre court. When affordable in large courts, public information professionals are invaluable. However, court leaders or staff they assign who have other responsibilities must lead, oversee, and deliver community communication in most jurisdictions. Those in charge ensure that their own and others roles as spokespersons for the court are clearly defined. Within a cohesive, well-managed court, court leaders aided by staff assess court community communication needs and prioritize and organize programs to meet general and specific needs. Needs include information related to domestic violence, divorce, and landlord tenant cases.

Court executive leadership teams evaluate court community communication against clear objectives. With the help of court staff, other justice system leaders, and the public, they determine if their messages are reaching the desired audiences. Changes to the message and who delivers it are made when necessary.

COURT COMMUNITY COMMUNICATION

CURRICULUM GUIDELINES

REQUIRED KNOWLEDGE, SKILL, AND ABILITY

PURPOSE AND COMMUNICATION FUNDAMENTALS

UNDERSTANDABLE COURTS

COMMUNITY OUTREACH

PUBLIC INFORMATION

THE MEDIA AND MEDIA RELATIONS

LEADERSHIP AND PROGRAM MANAGEMENT

COURT COMMUNITY COMMUNICATION

PURPOSE AND COMMUNICATION FUNDAMENTALS
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Effective court leaders know and use six communication fundamentals to support the purposes and responsibilities of courts. The fundamentals are 1) positive message, 2) credibility, 3) honesty, 4) accessibility, 5) openness, and 6) understandability.

- Knowledge of the Purposes and Responsibilities of Courts Curriculum Guidelines and their application to Court Community Communication;
- Knowledge of the implications of Roscoe Pound's seminal 1906 ABA speech "The Causes of Popular Dissatisfaction with the Administration of Justice" for Court Community Communication.
- Knowledge of the **Trial Court Performance Standards**, particularly those in the area of Public Trust and Confidence and the relationship of Public Trust and Confidence to Access to Justice, Expedition and Timeliness, Fairness, Equality, and Integrity, and Independence and Accountability;
- Ability to develop and convey a positive message;
- Ability to be credible in the information that is generated by the court;
- Ability to be honest in response to inquiries;
- Ability to be accessible;
- Ability to be open;
- Ability to be understandable;
- Skill in ensuring that the courts are understandable, accessible, and responsive without compromise to the independence and impartiality of court processes and decisions.

COURT COMMUNITY COMMUNICATION

<p>UNDERSTANDABLE COURTS</p>

Court leaders must recognize the importance of understandable courts and know how to assess the court's understandability and ease of use for average citizens. They and other court officials, both judges and staff, increase the community's understanding of, access to, and ease of use of the courts.

- Ability to assess and recognize current court access, communication, and ease of use problems and barriers and to effectuate solutions;
- Knowledge of successful techniques including self-service centers and technology solutions and the Internet used in other courts to make complex processes understandable and accessible to the average citizen considering, responding to, or actively involved in litigation;
- Knowledge of how to improve access to the court both through the telephone and the Internet, to help the public use and respond to court forms and notices, to find the courthouse and its departments, and, once they come to court, to navigate court facilities;
- Ability to oversee staff and processes that translate complex court processes to the average citizen while avoiding the practice of law or giving legal advice;
- Knowledge of needed adjustments and accommodations to the self-represented in family law and other case types;
- Ability to make an inventory of public contact information and to make sure that the court meets public needs;
- Skill in implementing excellent customer service throughout the court;
- Knowledge of current technology that can heighten the public's understanding and increase ease of use through kiosks, interactive computer programs, and the Internet;
- Ability to develop court Web sites that incorporate "new media" (video, audio, photographs, and text) to promote public understanding and public access;
- Skill in educating court employees about the judicial and justice system, how their job fits in the larger system and its importance to justice and public trust and confidence, and how they can better serve the public during daily contacts, whether by telephone or in person.

COURT COMMUNITY COMMUNICATION

COMMUNITY OUTREACH

Court leaders must plan, create, develop, and implement effective and affordable community outreach and establish and maintain a free flow of information between the court and the public. Court leaders not only educate and inform the public, they learn from and improve the court through community outreach.

- Knowledge of the **Trial Court Performance Standards**, particularly those that relate to Access to Justice and Public Trust and Confidence;
- Knowledge of the many communities served by the court, their perceptions of the court, and their needs;
- Knowledge of successful community outreach in other courts;
- Ability to assess a court's need for diverse community outreach, the resources that are available and needed for outreach, and how to deploy available and needed resources;
- Ability to bring together key people from diverse backgrounds to assist the court in a planning process designed to inform and improve the court and the justice system;
- Ability to bring together judges, other court officials, and particular communities and neighborhoods to listen to concerns and to become better known and more knowledgeable about the people and communities the courts serve;
- Skill in garnering support of the other court officials, executive and legislative leaders, and others for community outreach;
- Skill in overseeing development and implementation of use of the Internet and interactive computer programs to interact and communicate with the public;
- Ability to think creatively in developing targeted community outreach programming -- to update existing efforts and to develop new and promising approaches;
- Ability to listen, assimilate, and process community input ;
- Ability to turn constructive input and insight into positive changes.

COURT COMMUNITY COMMUNICATION

<p>PUBLIC INFORMATION</p>

Court leaders must understand public perceptions of courts and be able to assess and respond to the information needs of multiple constituencies. Effective courts plan, package, and deliver messages in positive and understandable ways by diverse means. They effectuate a higher level of public understanding of and satisfaction with the judiciary.

- Knowledge of national and state surveys of how the community gets information concerning the judiciary and their perceptions about courts, judges, and the judicial process;
- Knowledge of the limitations of public information campaigns in correcting every misperception about courts, judges, and the judicial process;
- Knowledge about how to use technology to inform, educate, and persuade and to keep abreast of changes in technology and the opportunities these changes present for court public information;
- Ability to identify specific audiences and interest groups who would be the targets of a public information campaign -- community leaders, people from distinct ethnic and income levels, community action and other civic groups, special interest groups, educators, legislators, and city/county officials, among others;
- Ability to determine information needs of specific groups;
- Ability to create and deliver proactive, targeted information delivery systems that can sustain and support themselves;
- Ability to prioritize potential public education/information projects so that the court is not trying to do too much all at once;
- Skill in overseeing an interactive Web site for the court with accurate current information that tracks cases and provides information about the court, its processes, and innovations;
- Skill in developing and delivering information that educates the other branches of the government about court functions, needs, and accomplishments;
- Ability to articulate realistic expectations about court-generated public information and to explain its benefits to judges, court staff, and legislative and executive branch leaders and their staff;
- Skill in evaluating each program to learn if it is working and worth repeating.

COURT COMMUNITY COMMUNICATION

<p>THE MEDIA AND MEDIA RELATIONS</p>

Court leader relationships with the news media must be positive and proactive. Courts should have a media plan to promote public understanding and respect through the news media. This includes having systems in place to respond to media inquiries in a timely manner.

- Knowledge about the daily workings of the news media including print, broadcast, and “new media” delivered through the Internet, and the demands and constraints on management and reporters from each medium;
- Ability to develop a court “media plan” to establish a productive working relationship with reporters, editors, news directors, and editorial page staffers for routine coverage of the courts, crisis coverage of an acute situation, and promoting accurate and positive information about the courts;
- Ability to assemble a working advisory committee of judges, court officials and news media to assess the regular needs of the news media and the capabilities of the court to meet those needs;
- Knowledge of free press versus fair trial issues, related constitutional, statutory, and case law requirements, and what they mean for both the press and the court;
- Skill in putting court actions and decisions into context;
- Skill in responding to the media and organizing the court when it is faced with the high-visibility, extraordinary case;
- Ability to be an effective interviewee of both print and broadcast media and to enhance the credibility of the court and its leadership;
- Ability to provide incentives for accurate and stellar reporting of court news;
- Ability to decide who is going to speak for the court on what issues and to make sure that these decisions are respected by the entire court family;
- Knowledge of when, with whom, and how to be on or, when occasionally required, to go off the record;
- Ability to use the news media to promote positive information about the courts and the legal system without going through reporters to do so;
- Knowledge of how a court can work closely with the news media to supply appropriate information without compromising the judicial process.

COURT COMMUNITY COMMUNICATION

LEADERSHIP AND PROGRAM MANAGEMENT

Court leaders must lead Court Community Communication and direct and oversee staff assigned to it. To do so, they must ensure that communications fit with the court purposes, people, processes, and operations that they support. Effective courts ensure that court community communication needs are assessed and prioritized, and that programming to meet those needs is well-managed and evaluated.

- Ability to lead the planning and delivery of court community communication through the court executive leadership team and others, both judges and staff;
- Ability to assess overall court community communication needs and determine whether the court is meeting those needs;
- Skill in assessing the court's capacity to perform community outreach, public information, and media relations, to assign the right people to the right task, and to build staff capacity if it is lacking;
- Skill in prioritizing communication issues and needs;
- Ability to plan court community communication needs and to allocate existing and acquire needed resources for court community communication;
- Skill in developing and delivering communications programming that will have the greatest impact on needs for the lowest cost in resources -- human, technology, and otherwise;
- Ability to develop and utilize evaluation techniques to determine the effectiveness of both old and new communication programming;
- Ability to adjust community communication strategy, staff assignments, and delivery when needed.