WE WANT TO HEAR FROM YOU!

A Toolkit for Collecting and Learning from Court User Feedback

Did the court treat you fairly today?

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State Justice Institute

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LaGratta Consulting

Acknowledgments

ABOUT TEXAS MUNICIPAL COURTS EDUCATION CENTER

The Texas Municipal Courts Education Center (TMCEC) strives to advance the fair and impartial administration of justice. In working toward this goal, TMCEC embraces its mission to provide high quality judicial education, technical assistance, and the necessary resource material to assist municipal judges, court support personnel, and prosecutors in obtaining and maintaining professional competence. Funded by the Texas Court of Criminal Appeals, the Center trains over 5,000 individuals each year on substantive legal issues, as well as best practices in court administration, such as past procedural justice initiatives in partnership with the Center for Court Innovation and the National Center for State Courts.

www.tmcec.com

ABOUT LAGRATTA CONSULTING

LaGratta Consulting was founded by Emily LaGratta in 2019 to help courts and other justice agencies prioritize fairness, user voice, and next-generation partnerships. Emily is a national subject matter expert on the topics of procedural fairness and community justice. She has authored dozens of articles, practitioner tools, and curricula on these topics, including To Be Fair and Measuring Perceptions of Fairness: An Evaluation Toolkit. Before starting her own firm, she was the Director of Procedural Justice Initiatives at the Center for Court Innovation where she oversaw a multi-million-dollar consulting portfolio. She is a graduate of the University of Wisconsin Law School and has practiced law in New York City. Other LaGratta Consulting projects include developing curricula and pilot interventions on the topic of procedural justice for judges, court staff, prosecutors, and community and institutional corrections professionals.

www.lagratta.com

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Project Background

This project is founded on the concept of underlined procedural fairness, which emerged out of studies showing that how court users feel they are treated has a significant impact on their perceptions of fairness and their voluntary compliance with court decisions and orders. Among the key dimensions of procedural fairness is voice or court users feeling like they had a chance to be heard. Many courts have made meaningful improvements to their procedural justice practices, whether through judicial and court staff training, use of judicial bench cards, access to justice and plain language initiatives, or improvements to their court websites, signage, and courthouse environments.

Among these advancements in prioritizing procedural fairness, few courts have efficient and effective ways to solicit and utilize input from court users about their experience. Court user feedback serves a dual purpose by giving voice to court users, while also helping courts benchmark their success and use input to improve court users' experiences. Traditional feedback methods are hard to sustain for various reasons: paper surveys, for example, yield low turnout and require manpower to input and analyze the results, while larger-scale research studies are relatively expensive and often take months for results to come back.

This project set out to test new ways for courts to collect and learn from court user feedback, particularly in the domain of perceived fairness. Much like businesses might collect ongoing feedback from their customers, the idea here was to equip court leaders with the tools and process to learn from their end users. The project was not a research study or evaluation but rather an effort to help courts bring court user perspectives into their analysis of how they are performing.

By partnering with a handful of pilot courts, the project was designed to answer four key questions.

1. What questions are appropriate and helpful to ask court users in a municipal courthouse setting?

2. How many court users will opt to give their feedback, and how might the format of the feedback requested affect the volume and quality of feedback?

3. What types of feedback are most helpful or actionable for court leaders?

4. Does this pilot spur ideas for further use and innovation?

The project was led by the Texas Municipal Courts Education Center (TMCEC) in partnership with LaGratta Consulting. TMCEC has a long track record of training and supporting municipal courts throughout Texas on topics that include procedural fairness. LaGratta Consulting LLC helped lead the design and implementation of the project, bringing over ten years of experience training on and implementing projects focused on procedural fairness in courts.

By prioritizing court user feedback, the broadest goal of the project was to help courts advance their purposes of doing justice and being seen as doing justice. This toolkit outlines the steps courts can take to collect and utilize court user feedback in pursuit of similar goals. These recommendations are based on lessons and examples from the pilot, cited throughout. The toolkit also addresses common concerns related to surveying court users.

About the Pilot Courts

Twenty-seven municipal courts throughout Texas applied to participate in the pilot project via a solicitation conducted in January 2020. Municipal courts from seven cities were selected as pilot sites: Colleyville and Keller (a joint court shared by two cities), Del Rio, Fort Worth, Lubbock, San Antonio, Seguin, and West Lake Hills. These cities represent various regions of the state, as well as different sized jurisdictions and court volume. According to 2019 caseload estimates, the smallest pilot court typically serves fewer than 100 court users in person each month and the three largest serve more than 500 court users in person per month. Only one of the seven pilot courts routinely collected court user feedback before the pilot.

Each municipal court committed to collecting court user feedback over a three-month period using provided software and equipment. Each pilot court also participated in regular individual and all-site calls with project staff to monitor progress and troubleshoot any issues. Project staff provided five data reports to each pilot site over the project period that tracked feedback over the five phases of the pilot described below.
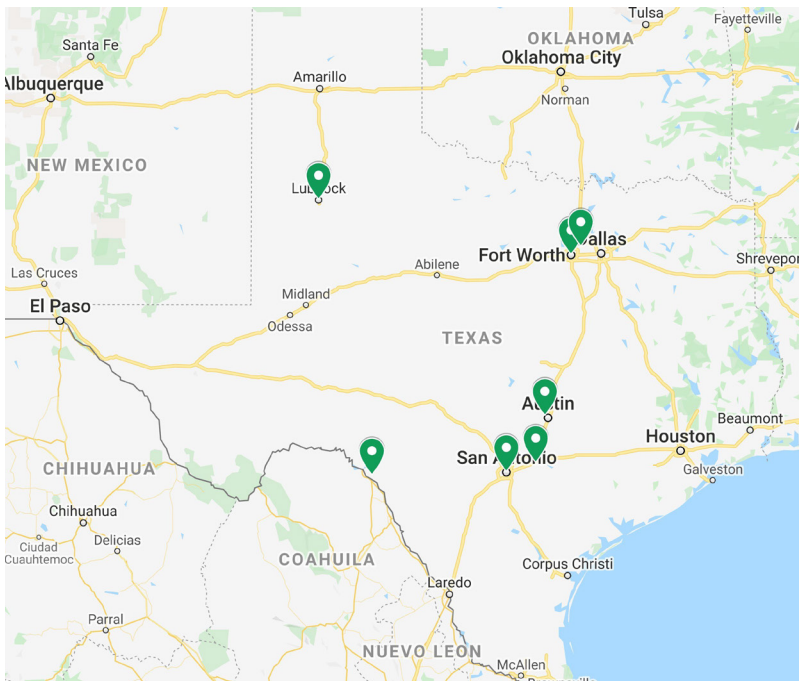
PANDEMIC RESPONSE ADAPTATION: The pilot period ran July through September 2020 when much of the U.S. had social distancing and other health precautions in place. Most pilot courts reported lower-than-normal citations and court caseloads, as well as modified dockets and other court services. All but one court, however, had some in-person foot traffic at the courthouse during the pilot. Types of on-site services varied from on-site virtual access or counter access only to the full range of court services, including in-person court appearances. As such, the pilot adapted to capture court user feedback in on-site and virtual settings, as described below.

5 STEPS TO COLLECTING AND
LEARNING FROM COURT USER FEEDBACK

STEP 1

DETERMINE THE FEEDBACK YOU SEEK AND WHY

An important first step for most projects is gaining clarity on what the goals are. What feedback does your court seek from court users and why? It may be tempting to start by selecting a feedback tool or specific question, but framing efforts around the goals will help ensure success.

This project was oriented around assessing perceptions of fairness, including court users' experiences related to respect, understanding, voice, and neutral decision-making. This framing sought to collect feedback on courts' delivery of a key purpose of courts: fairness. Other topics ripe for feedback may include recent changes to court practices or policies, including those necessitated by the court's pandemic response, or seeking feedback on proposed changes to practices and policies. Feedback might also be sought to better understand the demographics and concerns of court users, such as whether court users are visiting court for the first time or would be interested in referral to other on-site or community-based services. Some of these additional topics were explored within the pilot.

Engage a range of court stakeholders in this goal-setting process. Judges, court administrators, and non-judicial court staff are a good starting place. Others, such as prosecutors, defense counsel, and on-site agencies may also have an interest in court user feedback.

In this initial step, it may be helpful to listen for and anticipate stakeholders' concerns or pushback about a project like this, especially if your court is new to collecting court user feedback.

POSSIBLE STAKEHOLDER CONCERNS:

"NO ONE WILL FILL OUT THE SURVEY."

"WE'RE ONLY GOING TO GET NEGATIVE FEEDBACK."

"THE FEEDBACK KIOSK WILL BE IN THE WAY, GET DAMAGED, OR POSE A SECURITY RISK."

"THE FEEDBACK WILL NOT BE VERY USEFUL TO US."

Each of these concerns is addressed directly within this toolkit based on lessons learned throughout the pilot.

IDENTIFY APPROPRIATE FEEDBACK TOOLS

There are many available tools to help agencies collect customer feedback, both on-site and virtually. Unlike traditional surveys or interviews that require a person to administer them, many tools are now available that require little staff interaction. These feedback mechanisms often prioritize far fewer questions—sometimes as few as one—but can generate a high response volume with little effort required from the customer.

Members of the public are invited to provide feedback in various other areas of their lives, such as after a doctor's visit, airline flight, or visit to a local restaurant. Similar efforts have been emerging in government contexts like city halls, post offices, or public libraries.

Depending on the nature of the feedback the court seeks, the methods may need to include in-person and virtual options.

Requesting feedback via remote avenues may be valuable, particularly for court operations that are limited to virtual settings, like court staff emails providing general information or as follow-up to virtual court appearances.

This project tested in-person feedback via tablet kiosks and remote feedback by embedding a feedback link within staff email signatures. A virtual feedback method not tested but ripe for exploration in a court setting is inbound text-message feedback where court users scan a QR code with their smart phone or are otherwise prompted to text feedback to a designated number. Yet another method is embedding simple feedback requests within outgoing text messages or emails for court date reminders or other notifications. One pilot site in this project explored this option but was not able to do so without additional cost to pay the vendor used for those notifications.

Example of a feedback kiosk used by a local government

One of the feedback kiosks used in a courthouse during the project pilot

Six of seven courts tested an on-site feedback tool (iPad kiosk). All seven sites also tested feedback via staff email signatures.

[1] See, for example, "Are you 'happy or not'? Riverside wants to know," available at
  https://www.riversideca.gov/press_releases/2017-0222-are-you-%E2%80%9Chappy-or-not%E2%80%9D-riverside-wants-to-know.pdf.

Here are some questions to ask when selecting the right tools to collect in-person and virtual feedback in your court.[2]

? Can the feedback tool ask questions in multiple languages and formats? Having the option of different question formats, such as thumbs up/down and multiple choice, adds flexibility and clarity to the questions asked.

? Does the feedback tool allow you to ask multiple questions, either sequentially or within a follow-up landing page? Can questions be structured conditionally, so that the follow-up question is determined based on the response to the initial question?

? Is the feedback tool easy-to-use and intuitive for court users, including those who are not particularly tech literate?

? Is the feedback software easy-to-use for court staff who are editing the questions and reviewing the feedback?

? What are the costs and what do those costs cover? If it is free, what are the data security and data storage concerns that may be vulnerable in a free service? If it is a paid service, what are the start-up or initial costs in addition to ongoing licensing fees?

? Can the software be operated on any type of tablet and operating systems? For in-person feedback, the software may come preinstalled on its own hardware. Some applications are only available on iPads (and not other tablet brands) and require newer operating systems. Courts needing to buy tablets can consider refurbished models to keep hardware costs low (they cost approximately $150 per device). Courts should doublecheck that hardware specifications align with the selected feedback software before making any purchases. Tablets used for feedback collection only on certain days could also be repurposed for other activities as needed, such as being brought on-site for any community-based court operations or being used to administer longer, facilitated surveys on a less frequent basis.

? Does the tool need to be connected to the internet during feedback collection periods? Some software can collect and store time-stamped data even if not connected to the internet. Internet is only needed to sync the feedback data with the web-based portal.

? Can in-person feedback devices be installed so that they are secure from theft and damage? Tablet stands should be sturdy but moveable for charging or relocation. Another option would be mounting the device to a table, wall, or other stationary object (checking first to ensure ADA compliance). Many stands have a feature that blocks user access to the tablet's home button to ensure that court users cannot exit out of surveying mode or access other programs on the tablet when the device is locked in the stand.

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[2] Project staff used SurveyStance feedback software during the pilot. Project staff do not endorse any particular tools or vendors.

Feedback costs:

SOFTWARE for in-person feedback ~$30/month/device
HARDWARE for in-person feedback ~$300/device for tablet and stand
SOFTWARE for email feedback ~$20/month/court

PILOT SITE LESSON: Tailored email signatures generate tailored feedback. One pilot court had already set up distinct email signatures that staff would select depending on the recipient and type of outgoing message. This made adding tailored feedback messages relatively straightforward: one could be focused on post-court appearances and another could be about general email inquiries with court staff. Feedback could then be interpreted for each of those contexts. Conversely, using the same email signature for all email communications, including internal emails or outgoing messages to lawyers and other agencies, may result in feedback from individuals not intended to be surveyed. If staff are asked to manually add the feedback email signature for certain messages only, it will require more staff effort to implement (likely with frequent reminders) and may limit its usage.

ADDRESSING THE CONCERN:

"THE FEEDBACK KIOSK WILL BE IN THE WAY, GET DAMAGED, OR POSE A SECURITY RISK."

Only one iPad was damaged during the pilot: a crack to the replaceable screen protector. The device itself was unharmed and remained functional. There were no incidents of theft or related security risks during the three-month pilot. Low-cost screen protectors and proper selection and installation of tablet stands can help guard against damage. Choose a tablet stand that is sufficiently heavy to prevent it being moved or picked up. Select software features that prevent tampering with the iPad software or settings.

Location is a key factor in deciding what tools to use for collecting in-person feedback.
Additional questions to ask when selecting in-person feedback locations include:

? What locations have high-volume foot traffic but also sufficient space so the device doesn't block the flow of traffic or otherwise pose a safety risk?

? Is the location near an electrical outlet so that the device can remain plugged in, eliminating the need for daily charging elsewhere?

? Might the location reach court users at a particular touchpoint in the process that would allow for more targeted feedback, such as leaving the cashier area or leaving the courtroom?

? Are there any other departments or agencies that should be notified about the feedback initiative because feedback collected in shared spaces may reflect—or seem to reflect— upon their staff as well?

? Is the location sufficiently private that court users will be comfortable providing feedback but sufficiently visible so that staff would notice a problem with the device?

? If the best location to reach court users is outdoors, is the area protected from the elements, including direct sun that might cause a device to overheat?

PANDEMIC RESPONSE ADAPTATION: If court functions are scaled back as part of a pandemic response, it may be easier to tailor feedback to specific functions because there are fewer services court users access inside. For example, feedback collected at the courthouse door might typically reflect a range of court experiences, but in a pandemic, perhaps only the clerks' windows are open so feedback can be interpreted as specific to that experience. With increased court operations, location within the courthouse becomes more important to help capture more targeted feedback about individual touchpoints.

PILOT SITE LESSON: Consider how the location will impact court staff.. One pilot court wondered whether their in-person feedback tablet was located too close to and within view of court staff. One day an upset court user was seen exiting the courtroom and angrily hitting the feedback button multiple times. Even though duplicate entries would be removed from the feedback report, court staff expressed concern to court leadership after seeing feedback come in that was likely negative. Examine what effect having the device within view of court staff might have on morale and workflow.

PILOT SITE LESSON: Collecting feedback outdoors may result in lower response rates and device overheating. One pilot court collected feedback outside the courthouse near virtual communication kiosks. One challenge in such an open area was directing court users to the device before they left. Court staff also learned that the tablet often overheated and shut down when it got too hot due to summer temperatures.

One of the feedback kiosks stationed as court users leave the courthouse

One of the feedback kiosks located near a court's outdoor remote-access stations

26 LBS.

Weight of standard on-site feedback kiosks (tablet plus stand): approximately 26 lbs.

PANDEMIC RESPONSE ADAPTATION: Certainly during a pandemic, but also during normal times, court staff should wipe down the in-person feedback devices regularly to reduce the spread of germs. At least one court provided disinfectant for court users to wipe down the device once they were done. Courts could also station the feedback kiosks near existing hand sanitizer stations so that court users can clean their hands before and/or after providing feedback.

DECIDE WHAT TO ASK AND HOW

Feedback questions should flow from the goals established in Step 1. Be mindful of the "what" and "how" of questions you will ask to ensure court users understand the question and yield results that are useful.

Because a primary goal of this project was to assess perceptions of fairness, each phase centered at least one question around procedural fairness and four of its key elements: respect, understanding, voice, and neutral decision-making. **Accordingly, project staff divided the pilot into five phases**:

- **Phase 1 (4 weeks): feedback about fairness**

- **Phase 2 (2 weeks): feedback about respectful treatment**

- **Phase 3 (2 weeks): feedback about understanding**

- **Phase 4 (2 weeks): feedback about voice (being heard)**

- **Phase 5 (2 weeks): feedback about neutral decision-making**

While the questions could be changed easily at any time and frequency, two- to four-week intervals seemed appropriate to collect sufficient feedback on each topic for a project of this duration.

PILOT SITE LESSON: Ask for feedback in other common languages. Most questions during the pilot were asked in both English and Spanish. Utilizing conditional formatting within multiple choice questions, court users could choose "Español" to answer subsequent questions in Spanish.

EXAMPLE: Initial Questions Asked in Two Languages with Follow-Up in Preferred Language

Feedback about Fairness

Procedural fairness literature is founded on dozens of surveys and interviews with court users about their experiences. These studies use different questions to better understand perceptions of fairness and its dimensions, which include respect, understanding, voice, and neutrality. While this project tested new ways to get feedback from court users on these topics and more routinely than a one-time research study, many of the questions themselves were not new. Court leaders can use resources like the National Center for State Courts' *CourTools: Access and Fairness* and the Center for Court Innovation's *Measuring Perceptions of Fairness: An Evaluation Toolkit* as starting points for sample questions.[3]

Below are the feedback questions about court fairness used by most courts during the pilot. A complete list of feedback questions asked during the pilot is available in the Appendix.

GENERAL FAIRNESS/SATISFACTION

? **Did the court treat you fairly today? /**
¿Le trató el tribunal justamente hoy?
[Question format: THUMBS UP/DOWN]

? **What recommendations do you have for improving our court? /**
¿Que recomendaciones tiene para mejorar nuestra corte?
[Question format: OPEN-ENDED]

? **How could we improve our service? /**
¿Cómo podemos mejorar nuestro servicio?
[Question format: MULTIPLE CHOICE: More respectful staff; Better information; Safer conditions; Other; Español]

VOICE

? **Did the court listen to your questions and concerns today? /**
¿La corte escuchó sus preguntas y preocupaciones el día de hoy?
[Question format: THUMBS UP/DOWN]

UNDERSTANDING

? **Did the court help you understand the process today? /**
¿Le ayudó la corte a comprender el proceso de hoy?
[Question format: THUMBS UP/DOWN]

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[3] "CourTools: Access and Fairness," National Center for State Courts (2005), available at http://www.courtools.org/__data/assets/pdf_file/0026/7793/courtools-measure-1-access-and-fairness.pdf and "Measuring Perceptions of Fairness: An Evaluation Toolkit," Center for Court Innovation (2015), available at https://www.courtinnovation.org/sites/default/files/documents/P_J_Evaluation.pdf.

RESPECT

? **Did the court treat you with respect today? /**
¿La corte lo trató con respeto el día de hoy?
[Question format: THUMBS UP/DOWN]

NEUTRALITY

? **Did the court treat you without bias today? /**
¿La corte lo trató sin sesgo el día de hoy?
[Question format: THUMBS UP/DOWN]

? **Do you think this court is neutral and unbiased? /**
¿Usted cree que la corte es neutral e imparcial?
[Question format: THUMBS UP/DOWN]

Feedback about Other Topics

There are a range of other topics for which it would be valuable to collect court user feedback. As outlined above, these may include demographic questions, expectations or experiences with currently available services, or feedback on anticipated or needed services.

EXAMPLE ⟶ *In-person Feedback Questions on Other Topics*

? **How could the court better protect your health and safety? /**
¿Cómo podía la corte mejorar la protección a su salud y seguridad?
[Question format: OPEN-ENDED] [4]

? **Would you have preferred to handle your court business online today? /**
¿Hubiera preferido hacerse cargo de su caso de corte por linea?
[Question format: YES/NO]   `YES` `NO`

? **Did you visit the court website before coming to court today? /**
¿Visitó el sitio de internet de la corte antes de venir a corte el día de hoy?
[Question format: YES/NO]   `YES` `NO`

EXAMPLE ⟶ *Virtual Feedback Questions on Other Topics*

? **Has the court been able to meet your needs over email?**
[Question format: THUMBS UP/DOWN]

Follow-up question:

? **Did you talk with our staff on the phone as part of our assistance?**
[Question format: MULTIPLE CHOICE:
Yes; No but wish I had; No but that wouldn't have helped]

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[4] Interestingly, court leaders had selected the topic of health and safety before the COVID-19 pandemic began. The topic took on new relevance once the pilot launched and courts began implementing their pandemic responses.

Considerations When Drafting Questions

Regardless of the topic, keep in mind several considerations when drafting feedback questions for in-person and virtual contexts.

- **Write at or below a 6th grade reading level**, which is estimated to be the average reading level in the U.S.[5]

- **Consider image-based response formats**, such as thumbs or emoji, to reach court users with limited English proficiency or limited literacy.

- **Provide questions and answer options in Spanish or other commonly spoken languages**. Consider how sentence construction may pose challenges when translated into other languages that compromise brevity or clarity.

- **Use open-ended questions to follow up and seek additional details or feedback.** For example, pilot court leaders struggled with closed-ended questions about neutrality and bias since these are such loaded terms. Open-ended follow-up questions were used to invite court users to explain their responses.

- **Vary the question format between questions** so court users can more easily notice that a follow-up question appears after they answer the first question.

- **Draft questions that assume all court users will have feedback, even if their experience was positive**. For example, resist the temptation to invite a response to the effect of "No improvements are needed." Even the highest performing courts can continue to improve and inviting that feedback is valuable.

- **Refer court users to a live person to provide additional feedback or get their questions answered**. For example, after answering the last question, provide a room number or phone number for a supervisor or other designated staff member in case court users have more to say.

- **Consider whether emoji or "smiley face" feedback formats may be insensitive or inappropriate in court contexts where more serious legal matters are handled.** For example, if seeking feedback from court users leaving a felony sentencing hearing or child custody hearing, it may appear disrespectful to suggest that any court user would be "happy" in those contexts, regardless of how they were treated by court staff. In the early planning stages for the project, one pilot court leader said the smiley face questions reminded them of a doctor's pain scale, which did not seem relevant or appropriate in a court context.

- **Anticipate that some types of feedback will feel difficult to capture in one question.** For example, accurately surveying perceptions of the court's neutral decision-making with one question is likely challenging. Gain consensus from court leaders on an initial version of each question and know that later versions can be rephrased, and you can use open-ended follow-up questions to seek clarifications from court users.

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[5] Microsoft Word can assess the readability of documents via instructions at https://support.microsoft.com/en-us/office/get-your-document-s-readability-and-level-statistics-85b4969e-e80a-4777-8dd3-f7fc3c8b3fd2.

PILOT SITE LESSON: Most courts opted not to use smiley face questions. Only one court briefly tested the emoji question format; the other courts opted for thumbs up/down and yes/no formats for closed-ended questions. The pilot court that tested the emoji format did not have sufficient volume of feedback responses to detect whether the format was more or less palatable to court users than other question formats.

Did the court listen to your questions and concerns today? // ¿La corte escuchó sus preguntas y preocupaciones el día de hoy?

Terrible   Bad   Good   Excellent!

PILOT SITE LESSON: The pilot sites had differing opinions regarding collecting feedback on judges and the courtroom experience. One local judge at a pilot court had concerns about collecting feedback on the courtroom experience and the judge's neutrality, given how subjective perceptions of neutrality can be. But in another court, a judge expressed disappointment that the pandemic context prevented their court from getting tailored feedback about judges and court users' perceptions of them because judges were not as visible or accessible to the public during this time. Perhaps unsurprisingly, judges and other individual staff members may have different comfort levels with collecting feedback that singles them out specifically.

PILOT SITE LESSON: Make a plan to keep the devices charged. Some refurbished devices did not hold a full-day's charge, requiring them to be installed near an electrical outlet or be swapped out with a charged device at the lunch break. In any case, devices will need to be charged daily at a minimum, so consider the easiest process for that. Longer power cables (10-foot versus the standard 6-foot) may help the cord better reach available electrical outlets. When plugged in, staff should take care to minimize tripping hazards.

One of the feedback kiosks stationed near an electrical outlet

Right-Sizing the Request for Feedback

The feedback tools described here are designed for one or two questions to attain high response and completion rates. Courts should keep questions brief and limited in number, knowing that questions can be changed frequently to still get feedback on a range of topics. Courts can also experiment with asking one, two, or more questions and ascertain at what point completion rates begin dropping off dramatically. The primary risk of asking too many questions is that court users will ignore the final question and thus volume will be lower when analyzing those results. Fortunately, responses will already have been collected on the initial question(s).

> **PILOT SITE LESSON: Ask two (maybe three) questions.** Beyond the first phase, most courts chose to ask two questions per phase, with an average completion rate of 71%. In the final phase, some courts asked a third question, which reduced the average completion rate to 37%. In two sites, however, the completion rate remained the same, indicating people were equally willing to answer three questions as they were two. The response to the first question (positive or negative) did not seem to influence whether or not someone was willing to answer a second question.

<p>STEP 4</p>

REVIEW AND SHARE THE DATA TO GUIDE IMPROVEMENTS

While the first three steps are essential, so is having a plan to mine the feedback you receive and put it to good use. There are at least a few dimensions to the feedback to consider:

- Volume and response rates
- Reviewing feedback content
- Sharing and learning from feedback

Volume and Response Rates

Volume and response rates will help you understand the reach of your feedback efforts. Remember: there is value in inviting feedback, even if few court users opt to provide it. The mere act of inviting feedback suggests to court users that they have a voice and that the court cares about what they have to say. Nevertheless, volume data will need to be sufficiently high to draw conclusions from the feedback received. If two court users provide feedback on a given day, and one rates the court as fair and the other as unfair, this does not necessarily mean that an average of 50% of court users would rate the court as fair.

In-person response rates averaged 14% among those tracking response rates, up to 30-34% in two courts at certain points. Email response rates ranged from 7-15%.[6]

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[6] Only one pilot court tracked email response rates.

Courts that can estimate courthouse volume or outgoing emails soliciting feedback for each phase can calculate response rates: the percentage of court users who were invited to provide feedback and then opted to do so. Typical survey response rates vary widely based on the feedback method and should be assessed alongside financial costs and other costs and benefits.

Some fluctuation in feedback volume day to day is to be expected, either due to fluctuations in court volume or for other less obvious reasons. For example, response volume may increase on a day where something anomalous happens that generates strong reactions, such a flood in the lobby.

Courts may also try to boost response rates by asking staff to make announcements that the court is seeking their feedback or by posting a sign to that effect. A sample sign is included as Appendix B that can be customized with your jurisdiction's or court's logo.
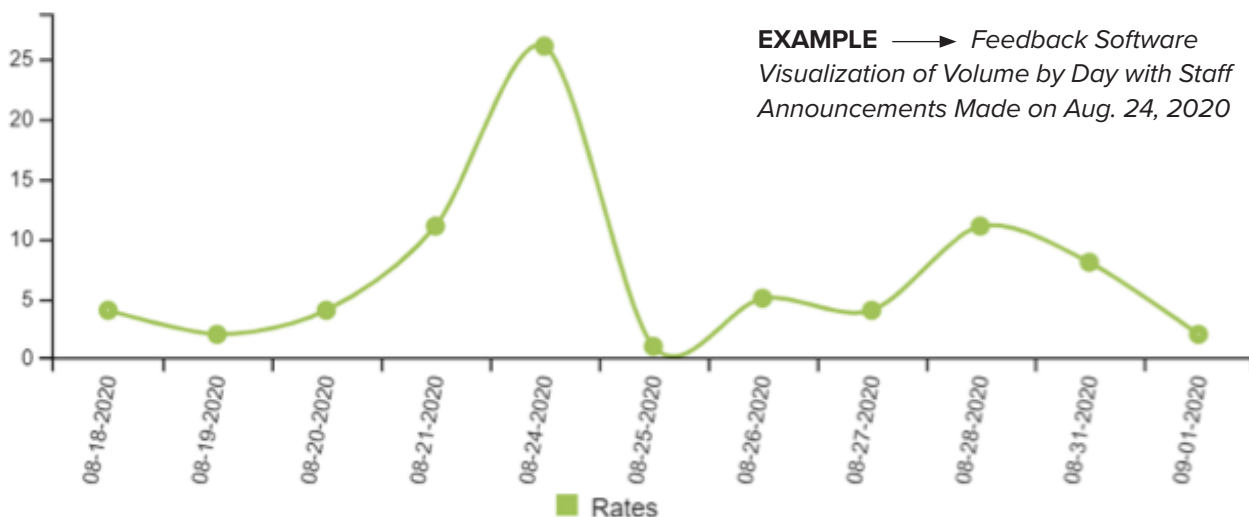
PILOT SITE LESSON: Increase response rates by drawing attention to the feedback tools. In one pilot court, the judge ended virtual court by letting court users know they would be receiving paperwork and an invitation to give feedback via email. Another pilot court made a concerted effort on a specific day to draw attention to the iPad, which led to two to three times more responses from prior or subsequent days as shown in the feedback volume figure below. Two other courts made and posted a sign to draw more attention to the feedback kiosk, but it was unclear if the signs increased feedback rates.

One of the feedback kiosks with a simple sign above in an effort to increase response volume

EXAMPLE ⟶ *Feedback Software Visualization of Volume by Day with Staff Announcements Made on Aug. 24, 2020*

Reviewing Feedback Content

Reviewing feedback content will likely be one of the most exciting steps of the process. This will be the court's opportunity to review what court users have to say about their experiences. Anticipate that some staff may feel defensive about any negative feedback. Negative feedback—especially when multiple users express the same feedback regarding a specific facet of the court experience—creates an opportunity to improve the court's service for all court users.

Here are some considerations when reviewing feedback:

- **At times when feedback was exceptionally positive (or negative), what might you hypothesize to be the reasons?** Were there unique factors in court operations that day, such as different staffing or another change in process or practice, that might explain the difference?

- **How have responses changed over time?** If response ratings are improving for a consistent topic or question, might the feedback be having a positive impact on staff practices and therefore court user perceptions? If response ratings are decreasing, what factors within the court's control might account for the change?

- **As you adjust feedback questions, are there opportunities for growth indicated by questions that receive lower feedback ratings?** It is unlikely for all questions to yield the exact same responses, so consider lower ratings as an opportunity for improvement.

- **If feedback is consistently positive, consider how questions can be more pointed to help guide the court's decision-making on new or anticipated practices and policies.** Open-ended questions can also be useful because they invite organic suggestions from court users, even those who rate the court positively already.

- **Craft a policy on when and how to share feedback that is directed to a specific staff person with that person or the staff as a whole.** For example, positive feedback about a specific person might be forwarded to the whole team to recognize them publicly, whereas negative feedback could be anonymized and used as a training or discussion point among all staff. You might also consider discussing negative feedback one-on-one with the staff member in question to get their side of the story and view it alongside other feedback the court has received.

EXAMPLE ⟶ *Feedback Software Visualization of Feedback Ratings and Volume by Day Over 10-day Period*
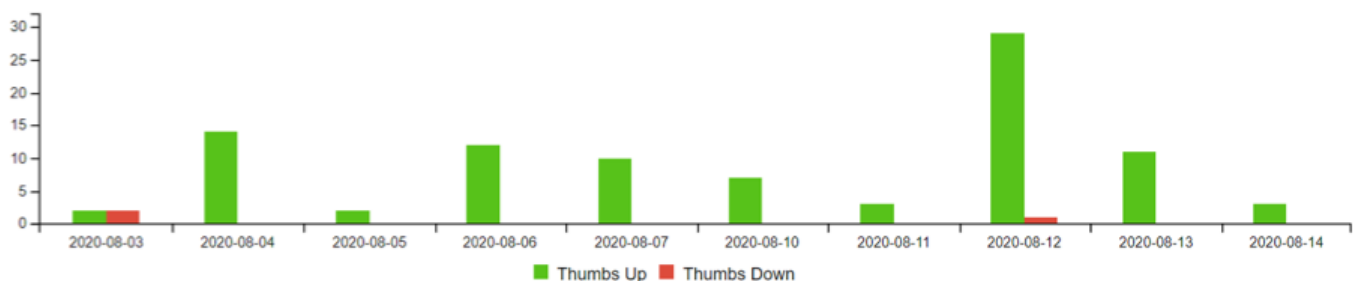
Quantitative Feedback

It is difficult to anticipate what volume, response rates, or feedback ratings an individual court may receive. If collecting feedback on multiple court experiences (e.g., leaving court versus court assistance via email), look for discrepancies between the two. Higher response rates via one method might suggest a court user preference for that feedback type, whereas higher feedback ratings might suggest better experiences in one context versus another. Future feedback questions could be designed to pinpoint why each of those experience types generate different results. Data could then be reviewed with a management overlay to consider how procedures could be improved for each of those specific experiences.

Do in-person interactions yield better or worse feedback than email? It depends!

PILOT SITE LESSON: Review court operations alongside feedback data. One site saw some small clusters of negative feedback on certain dates and was able to consider how it aligned with deadlines to handle citations before warrants would be issued, which increased foot traffic on those days. Knowing more about what brought people to court on a given date might influence how staff need to be prepared to handle their needs and expectations.

EXAMPLE ⟶ *Feedback Variation by Feedback Type*

In one pilot court, email feedback was much more positive than in-person feedback. For example, in one phase, in-person feedback regarding court users' understanding of the process averaged approximately 70% while email feedback was 100% positive. In the phase when court users were asked about perceptions of fairness generally, in-person feedback was 56% positive whereas feedback over email was 88% positive. The consistent disparity between in-person and email experiences may suggest an opportunity for training or practice changes for the in-person context to replicate the types of interactions court users are having via email.

Of the six pilot courts that collected both in-person and email feedback, two received almost identical average feedback ratings across communication types for each question. Interestingly, all sites had higher (or equal) ratings via email on the element of respect versus in-person feedback on the same question.

Below are charts showing (1) total numbers of responses by phase and (2) total percentages of positive responses by topic (fairness, respect, voice, understanding, and neutrality) during the three-month pilot. The charts reflect in-person feedback and email-based feedback, respectively. Note that Phase 1 was twice as long as subsequent phases, accounting for much of the volume disparity there for in-person feedback, while email-based feedback didn't launch fully in most courts until Phase 2.
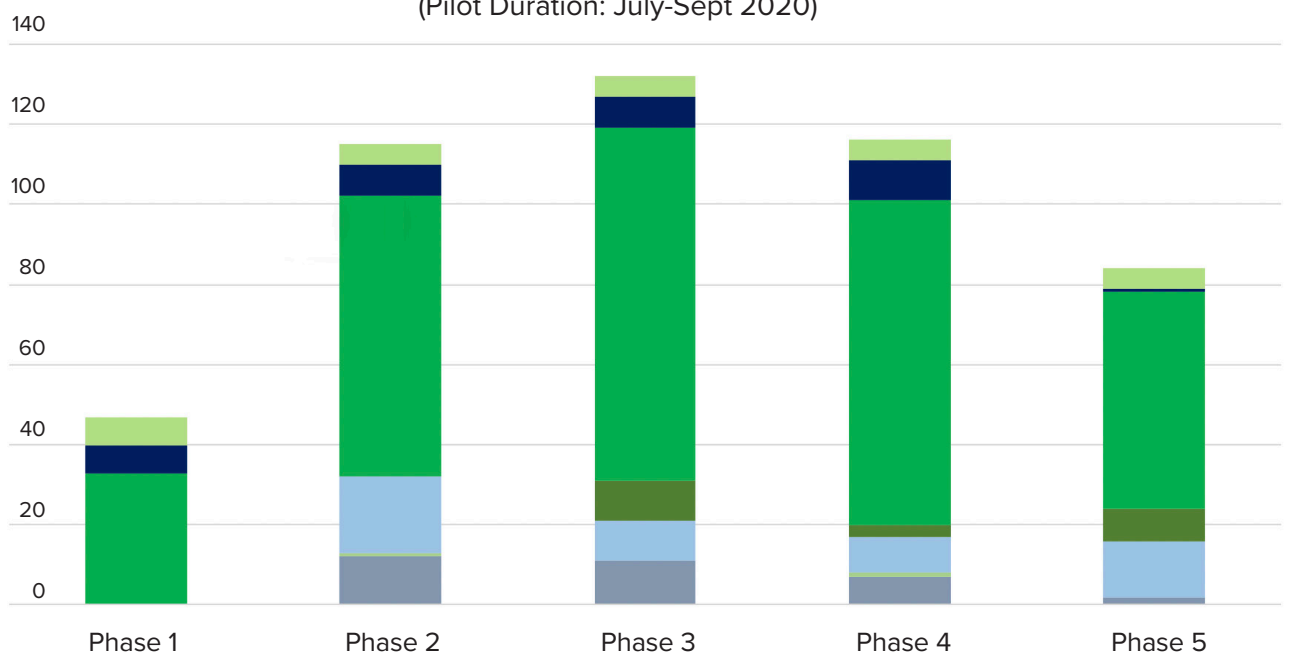
Total **In-Person** Responses by Phase
### (Pilot Duration: July-Sept 2020)
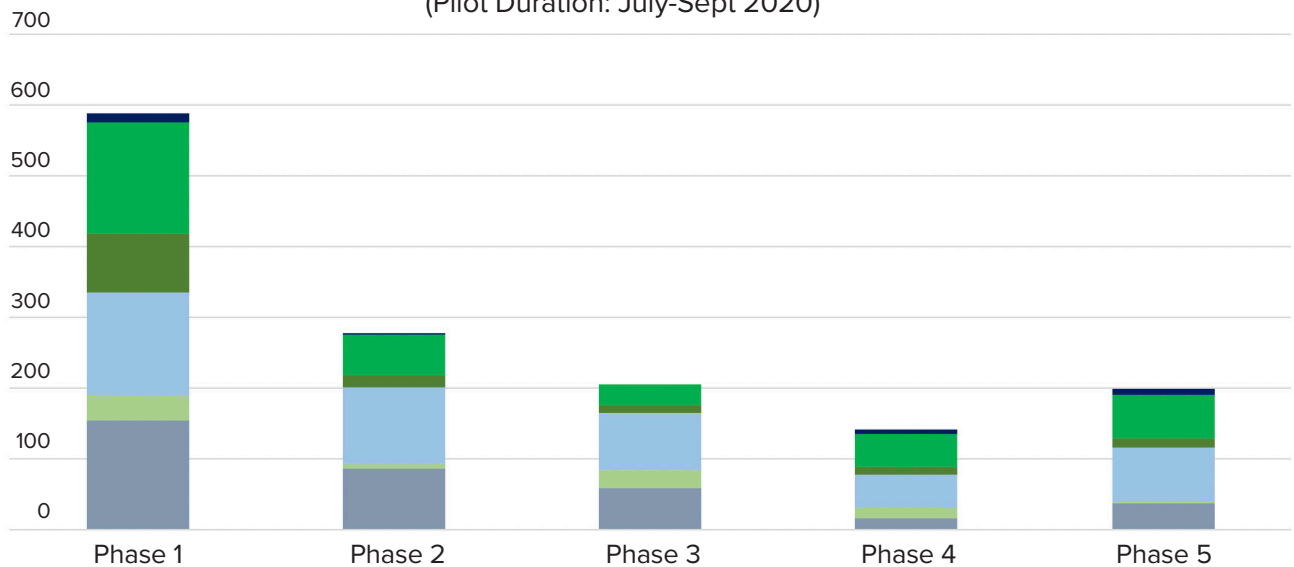
Total **Email** Responses by Phase
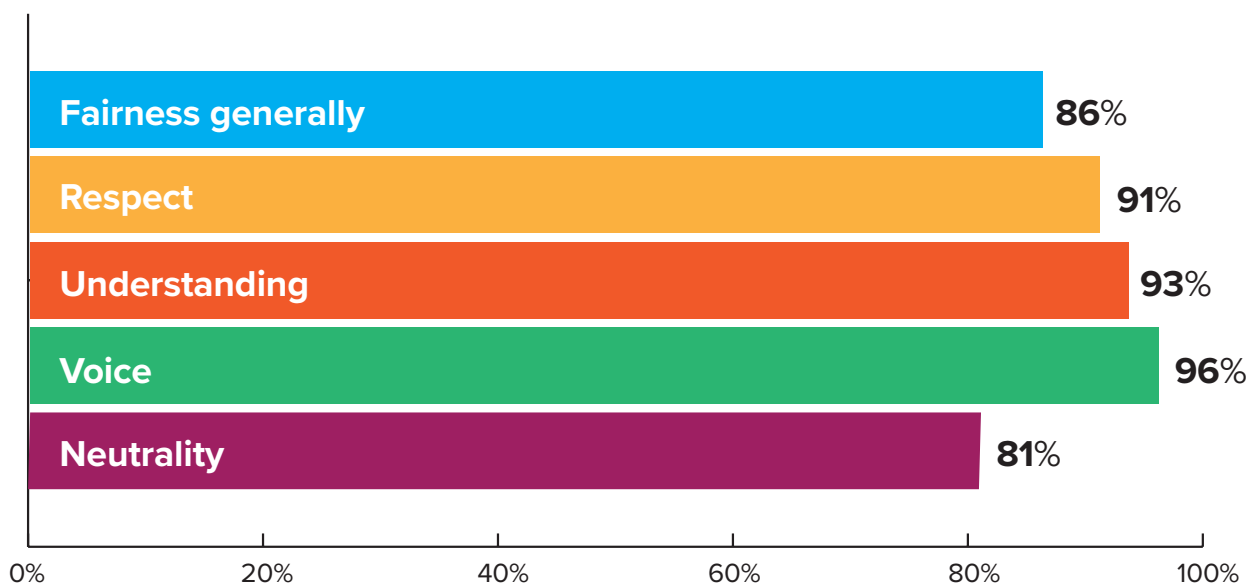### (Pilot Duration: July-Sept 2020)

Feedback on fairness measures (fairness, respect, understanding, voice, and neutrality) at the pilot courts was quite consistent with similar measures included as part of the 2017 Texas Access and Fairness Survey, with identical (or nearly identical) ratings on the dimensions of fairness generally with both in-person and email-based feedback.[7] Others differed only slightly (Respect: 93% statewide versus 86% and 91% in this pilot; Understanding: 90% statewide versus 88% and 93% in this pilot; Voice: 86% statewide versus 81% and 96% in this pilot; and Neutrality: 90% statewide and 90% and 81% in this pilot). These averages can serve as a helpful guide for courts to see how they measure up with their peers.

Total Percentage of **In-Person** Positive Responses by Topic

Topic	Percentage
Fairness generally	87%
Respect	86%
Understanding	88%
Voice	81%
Neutrality	90%
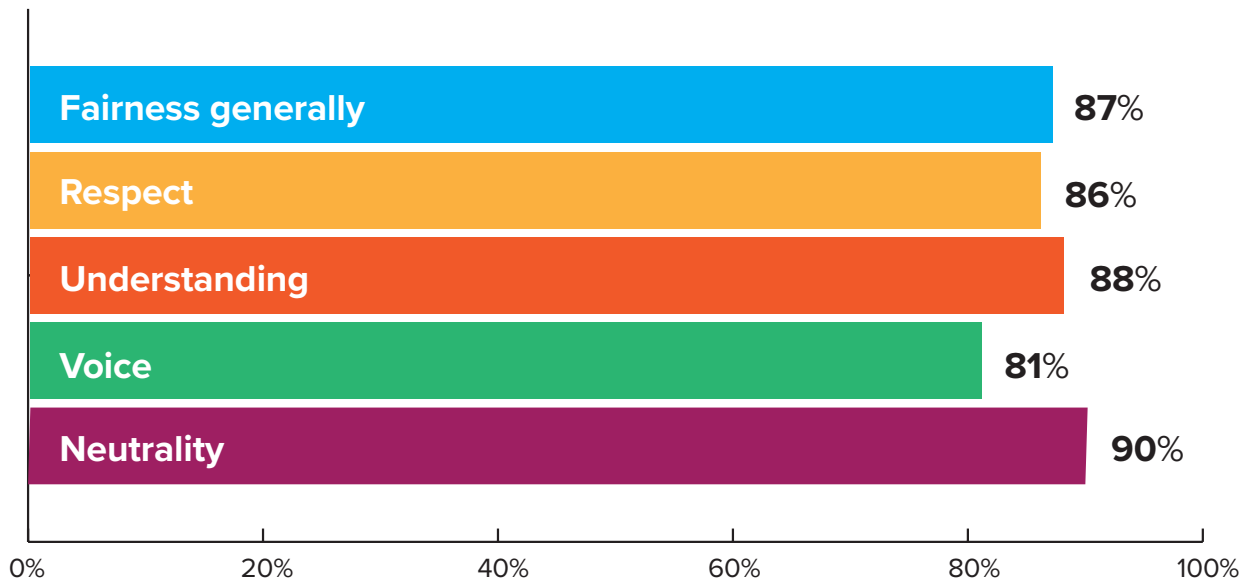
Total Percentage of **Email** Positive Responses by Topic

Topic	Percentage
Fairness generally	86%
Respect	91%
Understanding	93%
Voice	96%
Neutrality	81%

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[7] Texas Municipal Courts Education Center, Summary of Texas CourTools Measure 1: Access and Fairness Public Survey (2017), http://www.tmcec.com/files/2015/1310/0672/FINAL_TMCEC_Public_Survey_1_Results.pdf.

"WE'RE ONLY GOING TO GET NEGATIVE FEEDBACK."

Across all pilot courts, in-person and remote feedback averaged approximately 89% positive across all dimensions of procedural justice and fairness generally. Court leaders expressed surprise about how positive the feedback they received was. One pilot site's court leader said the most surprising thing about the feedback was "court users' willingness to share their experiences" at all.

PILOT SITE LESSON: Seek feedback on new or strained practices. One pilot court anticipated that feedback via email would be quite negative given a backlog in emails that had accumulated during the early days of COVID-19. To the contrary, feedback ratings were extremely positive and included specific comments about the speed and quality of responses. Another pilot court reported that their staff were new to using email as a way of corresponding with the public. As such, the court was reluctant to collect feedback via that mode until staff had more of a familiarity with it.

One of the feedback kiosks stationed near the clerk's windows

Qualitative Feedback

Open-ended questions will generate qualitative feedback that is more time-intensive to review but offers rich insights about the court user experience and opportunities for improvement. Inviting open-ended feedback can be nerve-wracking with concerns that feedback may be largely negative or that court users may disclose sensitive information within. Courts should consider whether asking closed-ended questions in the early stages of a feedback initiative may help staff become familiar with the process, after which a directed open-ended question could be added. It is likely the benefits will far outweigh the potential downsides.

EXAMPLE ⟶ *Positive Comments Received via Open-ended Questions*

Almost all comments received during the pilot project were neutral or positive.

- *Wonderful folks in a thankless job.*

- *I was very please[d] with the way my case was taken care of. They were understanding due to the C-19 and the money situation. Thank you.*

- *I talked to a lady and she was so kind and easy to talk to. I got my first violation which is really embarrassing and she helped me out with no judgment.*

- *Since I couldn't leave work or talk and wait while on the phone, [Staff name] was very very gracious to communicate with me through emails. She did her very best getting me information on how to help me pay my ticket and what I needed to know and keep it off my record.*

- *No suggestions*

- *Todo estuvo muy bien gracias [Translation: Everything was good, thank you]*

Negative comments, such as the one below received via email, can be reviewed for constructive feedback for the court.

> *[I] went to court for nothing. [P]lus I am homeless at the time of the ticket.*

Remember: giving voice to court users has value even if there is not an obvious solution to the underlying complaint. But hopefully in most cases, reviewing feedback will suggest court practices or policies that can be reviewed for possible improvement. If more information is needed, feedback may also suggest edits to questions or new questions to be asked. For example, if "Other" is chosen as a multiple-choice answer by a significant subset of court users, consider how to further tailor the options or add an open-ended follow-up response to get more specific feedback from court users.

PILOT SITE LESSON: Continue getting feedback in languages other than English even if the response rate for that language is low. Given that the pilot was conducted in Texas where Spanish is the second-most-common language spoken after English, most courts opted to ask feedback questions in English and Spanish. Some pilot courts consistently had 0% of court users opt into giving feedback in Spanish and two courts had Spanish responses as high as 14% of responding court users. Most sites continued to ask questions in both English and Spanish regardless of how often the Spanish options were used. Two reasons to continue: (1) There are likely individuals more comfortable reading in Spanish, even if they choose to respond in English; and (2) Providing questions in both languages conveys to all court users that the court works to ensure access to court users speaking both languages.

Sharing and Learning from Feedback

Sharing and learning from feedback is a critical final step in the process after your staff and court users have gone through the effort to collect it. The lessons abound because court user feedback gives courts a new measure of success and tool for improvement that may not have been implemented previously or as routinely as desirable. There are two general categories of how feedback might be shared and used: internally among court staff and externally among other system stakeholders and the community as a whole.

PILOT SITE LESSON: Redefine "access to justice:" One pilot court leader said, "We used to talk about 'access to justice' in one way, like how to help court users access a form, but this procedural fairness pilot (amidst a pandemic) has helped to expand how to define 'access,' such as helping court users learn new software like Zoom."

ADDRESSING THE CONCERN:

"THE FEEDBACK WILL NOT BE VERY USEFUL TO US."

All seven sites utilized and shared the data to some extent. One use was setting real-time notification emails so that court leadership could troubleshoot negative feedback immediately. All seven sites shared the data internally during the pilot period for some of the purposes described below.

Sharing Feedback Internally
Staff performance and recognition

Positive court user feedback—both quantitative ratings and qualitative comments—can be helpful as a morale booster for court staff that may not get unsolicited feedback otherwise about their efforts. When staff are named or are otherwise identifiable, the feedback might also be included in a staff member's performance report or as part of official performance review. It is possible, too, that the presence of feedback tools might encourage staff to elevate their practice to improve the measures on which they are being evaluated.

Post-pilot reflection from pilot court leadership
Do you think the presence of the feedback tools influenced staff behavior and actions?
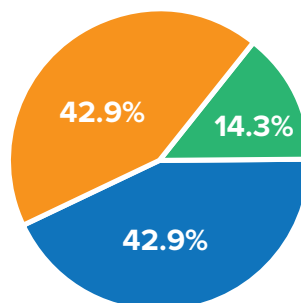
7 responses

- 🔵 Yes, I think it made them strive to be better
- 🔴 No, I don't think it changed their behaviors
- 🟠 Not sure
- 🟢 We were doing surveys before

42.9% 14.3% 42.9%

Seeking feedback from court staff

This toolkit is about court user feedback but many of the same strategies could apply when used to solicit feedback from court staff about their perceptions of the process and suggestions for improvements. Anonymous feedback tools like those explored during the pilot could supplement courts' other efforts to give voice to their staff members on a range of topics, from staff satisfaction generally to their perceived value of new or proposed court practices and policies. Larger courts might find digitized feedback tools valuable in gathering and summarizing data across large staffs. In smaller courts, it may be hard for the feedback to feel truly anonymous. In any case, location and context of the feedback tools would be key to ensure that the feedback was genuinely anonymous and would not be later attributed to individual staff members.

Spurring needed improvements

Smaller courts may be able to engage their whole court staff in court user feedback efforts to continually explore how to maximize the benefits of the feedback collected. For other courts, particularly larger ones, feedback summaries can be included and discussed as part of standard weekly updates to staff to keep staff involved and aware of the pilot's progress. Some feedback, especially open-ended questions seeking recommendations for improvement, may suggest specific practices or policies that would improve the court user experience. Court leaders should find appropriate times and spaces to have those discussions with staff to identify new opportunities or flesh out recommendations suggested by court users.

EXAMPLE → *Actionable Court User Feedback*

Court Feedback Received	Possible Court Improvements in Response to Feedback
"Got a quicker response on email attempt (than) by holding on the phone for 2 hours."	Examine why telephone hold times were considered lengthy by court users. Consider requesting targeted feedback as follow up to phone calls and/or email contacts, including whether court users first tried to resolve their court business by phone yet were unsuccessful.
"When I questioned what a course via Telehealth meant on the Deferred [Disposition] Order, it was stated "on-line". Now court is not accepting my on-line course certificate. Over 65, not savvy. Now what?"	Provide better explanations in court and within related oral and written communication (including forms, social media, and the court's website) about eligible courses for alternative sentencing options. Share contact information for court staff members with knowledge and authority to answer related questions.

Sharing feedback externally

Court user feedback offers a reference point for conversations with external agencies about the court's goals, as well as broader system or local government objectives. Public trust and confidence and customer experience are trending as essential priorities for many local and state governments. To collaborate and inform local efforts, courts can share their survey feedback with local governmental bodies, such as city council or a county executive team.

EXAMPLE → *Sharing Feedback with City Government*

One pilot court leader said their city has been prioritizing performance data, including data that assesses interactions with local residents. So, when the court leader was asked at a recent meeting whether the court was doing anything to gauge the public's response to the court's efforts, describing the pilot was directly responsive. Another court leader said their city is prioritizing local residents' customer experience when accessing government services. This allowed city leadership to learn from the court how these feedback tools might translate to other agencies. "Because our city leadership is really interested in this topic," said one court leader, "it opened up a unique line of communication – to our advantage – that the court might not have had otherwise."

Feedback for system stakeholders

Some court user feedback may address services provided by other agencies or individuals, such as local law enforcement or attorneys. Courts could choose to digest this feedback, too, as constructive recommendations to be shared and discussed with the appropriate parties. It might also suggest court improvements that could assert the court's independence from other agencies and affirm the court's commitment to neutrality and fairness.

EXAMPLE ⟶ *Court User Feedback about Other Agencies*

- "In all of my years of driving I have never once been given a warning for speeding it is always been just another way to steal hard-working Texans money."

- "The parking lady that ticketed me, even though my vehicle was idling and I was in my vehicle,… was very rude and dehumanizing… She did not even give me any time to explain that I had the credentials to be there."

Four of the seven pilot courts shared the feedback externally during the pilot period, primarily to city council or city managers.
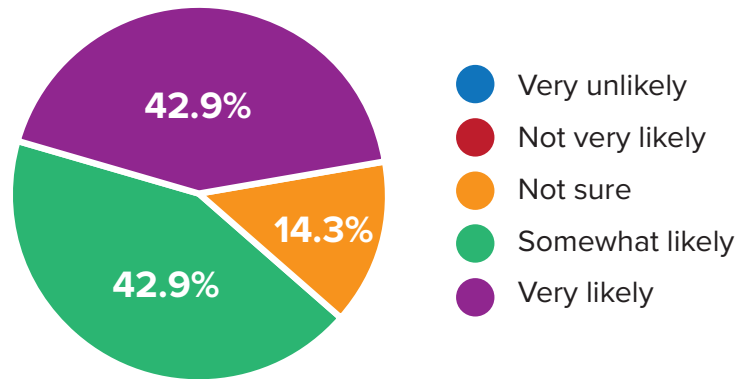
ADVANCING THE CONCEPT

The final goal of the project was to spur innovation and ideas to further improve the fairness and effectiveness of courts. Six out of seven pilot courts reported that they would be likely to continue collecting court user feedback once the pilot ended. They reported needing little beyond the relevant software to do so, but some were already making plans to purchase tablets that could be used for court user feedback, as well as other court activities.

Post-pilot reflection from pilot court leadership

How likely are you to continue collecting court user feedback now that the pilot has ended?

42.9%
14.3%
42.9%

- Very unlikely
- Not very likely
- Not sure
- Somewhat likely
- Very likely

Below are some ideas for advancing the concept beyond the steps outlined above.

1. **Review data in real-time to quickly address negative feedback**. One pilot court cited a challenge of "trying to decipher reasons for... responses using dated reports" several days after the feedback was received versus accessing the online feedback data portal. Real-time or same-day review of feedback would make it easier to link court operations information with the feedback coming in— and make any necessary changes on the spot. Another court leader thought real-time notifications would be valuable if used in a non-pandemic context and only periodically—perhaps as a quality control period or in conjunction with a specific activity the court was leading during that time, like "Court Week." Another court leader, though, worried that real-time notifications might be too granular and distract from the real value, which is tracking feedback trends over time.

2. **Test other feedback methods that best capture feedback about virtual court experiences.** Post-court emails were only moderately successful in generating feedback about virtual court experiences. As virtual court appearances and other virtual court services continue to gain prevalence, consider how similar or identical feedback questions asked elsewhere in the court process could be embedded within the virtual court platform. For example, Zoom offers mid-meeting and end-of-meeting polling and survey options that would allow for feedback to be judge- and date-specific, if desired.

3 **Incorporate court user feedback efforts within other court technology uses.** Prior to the pilot, one pilot site hypothesized that, due to a lack of current contact information, court users were not opening the emails the court sent. Low response rates to the email-based feedback they requested during the pilot seemed to confirm their hypothesis. Court leadership should consider pairing feedback efforts with other technology uses to maximize the benefits. For example, a court might choose feedback software that would allow the court to follow-up on email bounce-backs or flag unopened emails from the court if that is an additional concern of the court. Similarly, court date reminder software could be enhanced to include requests for feedback, perhaps eliminating the need for a second software license.

4 **Routinize internal review of feedback.** It may be easier to focus on an initiative when it is new or has support from external partners or agencies. But routinizing practices once that novelty or those supports have worn off is important. Courts can commit to reviewing feedback by adding it as a standing agenda item at management and staffing meetings, like some pilot courts did.

5 **Consider cross-court peer groups that could share and review court user feedback collectively.** Project staff did not share site-specific feedback data with other pilot courts or elsewhere without it being anonymized first. But just as an individual court might use feedback as a gauge of the court's performance, a peer group of multiple courts could agree to share and discuss court user feedback with one another as a way to maximize the lessons that flow from it and challenge one another to use feedback to measure the court's success and accomplishments of its core purposes. Similar structures have been tested in the health care industry among peer hospitals who work to elevate the practice of the whole group by reviewing performance measures as a collective.

6 **Report out feedback systematically to court users and other members of the public.** Court websites, social media, or other communication channels likely offer easy avenues for courts to publicize the summary feedback they are collecting. For example, court leadership could decide to publicize the court's "fairness rating" as a regular measure of court performance, alongside other relevant measures in an annual report, for example. Publicizing the data would assert the court's commitment to court user satisfaction and perceptions of fairness as a key court function and objective.

The court user feedback collected in this pilot and the corresponding efforts of the pilot courts suggest great promise for these methods as an ongoing strategy for courts elsewhere. With a necessary focus on the law, some courts may view the prospect of implementing procedural fairness feedback efforts to be a luxury that their limited resources of staff and time cannot afford. It is true that every court must focus on the law; in fact, a knowledge of black letter law is needed for courts to be adequate - but embracing and practicing procedural fairness empowers courts to be great. All courts should strive to demonstrate their commitment to fairness and procedural fairness while also seeking feedback about needed improvements. Court user feedback is an essential component to ensure those successes. We hope this project inspires other courts to make similar investments and expand what is possible in collecting and utilizing court user feedback.

A knowledge of black letter law is needed for courts to be adequate. Embracing and practicing procedural fairness empowers courts to be great.

Do you have other ideas for how user feedback or related strategies could improve courts?

Do you have your own lessons about collecting court user feedback?

Email ideas and questions to emily@lagratta.com.

Appendix A: Sample Feedback Questions

On-Site Feedback Questions

GENERAL FAIRNESS/SATISFACTION

- Did the court treat you fairly today? / ¿Le trató el tribunal justamente hoy? [THUMBS UP/DOWN]

- How could the court better treat all court users fairly? / ¿Cómo podría La Corte tratar a todos sus usuarios en una forma más justa? [OPEN-ENDED]

- What recommendations do you have for improving our court? / ¿Que recomendaciones tiene para mejorar nuestra corte? [OPEN-ENDED]

- "How could the court improve its service for you? / ¿Cómo podría la corte mejorar su servicio hacia usted?" [OPEN-ENDED]

- "How could we improve our service? / ¿Cómo podemos mejorar nuestro servicio?" [OPEN-ENDED]

- How could we improve our service? / ¿Cómo podemos mejorar nuestro servicio? [MULTIPLE CHOICE: More respectful staff; Better information; Safer conditions; Other; Español]

VOICE

- "Did the court listen to your questions and concerns today? / ¿La corte escuchó sus preguntas y preocupaciones el día de hoy?" [THUMBS UP/DOWN]

- As follow-up to court appearance only: "Did the judge listen to all sides of the story before making a decision?" [THUMBS UP/DOWN]

UNDERSTANDING

- Did the court help you understand the process today? / ¿Le ayudó la corte a comprender el proceso de hoy? [THUMBS UP/DOWN]

RESPECT

- Did the court treat you with respect today? / ¿La corte lo trató con respeto el día de hoy? [THUMBS UP/DOWN]

NEUTRALITY

- Did the court treat you without bias today? / ¿La corte lo trató sin sesgo el día de hoy? [THUMBS UP/DOWN]

- How could the court better treat all court users fairly? / ¿Cómo podría La Corte tratar a todos sus usuarios en una forma más justa? [OPEN-ENDED]

- Was the judge unbiased with his/her decisions today? / ¿El juez fué imparcial con su decisión el día de hoy? [THUMBS UP/DOWN]

- Do you think this court is neutral and unbiased? / ¿Usted cree que la corte es neutral e imparcial? [THUMBS UP/DOWN]

- How could the court be more neutral? / Si no, ¿cómo puede ser la corte más neutral? [OPEN-ENDED]

OTHER TOPICS

- How could the court better protect your health and safety? / ¿Cómo podía la corte mejorar la protección a su salud y seguridad? [OPEN-ENDED]

- Would you have preferred to handle your court business online today? / ¿Hubiera preferido hacerse cargo de su caso de corte por linea? [YES/NO]

- Did you visit the court website before coming to court today? / ¿Visitó el sitio de internet de la corte antes de venir a corte el día de hoy? [YES/NO]

Email Feedback Questions

- Do you think this court is neutral and unbiased? / ¿Usted cree que la corte es neutral e imparcial? [THUMBS UP/DOWN]

- Did the court treat you the same as everyone else? / ¿La corte lo/la trató igual que a todos los demás? [THUMBS UP/DOWN]

- Did the court listen to your questions and concerns today? [THUMBS UP/DOWN]

- Did the court help you understand the process today? [THUMBS UP/DOWN]

- As follow-up to virtual court only: Did the court help you understand what happened today and what's next? [THUMBS UP/DOWN]

- Did the court treat you with respect today? [THUMBS UP/DOWN]

- Did the court treat you fairly today? / ¿Le trató el tribunal justamente hoy? [THUMBS UP/DOWN]

- What recommendations do you have for improving our court? / ¿Que recomendaciones tiene para mejorar nuestra Corte? [OPEN-ENDED]

- Did the court meet your needs today? [THUMBS UP/DOWN]

Appendix B: Sample Feedback Sign

WE WANT TO HEAR FROM YOU!

Your **feedback** helps us improve the court