



The Resource Page



WEBSITES OF INTEREST

Quarterly Summaries of Procedural-Fairness Research
ProceduralFairness.org



Since January 2014, the website ProceduralFairness.org has been posting quarterly summaries of new research. The website was created in 2012 to provide background information about how to improve procedural fairness in courts and policing. The quarterly research reports make it easy for those who want to follow developments in this area to find descriptions of all the latest research in one place. In many cases, the report even links to the full-text articles.

These quarterly summaries are prepared by Justine Greve, M.A., a staff member with the Kansas Court of Appeals, and Shelley Spacek Miller, J.D., a staff member with the National Center for State Courts. They search the Internet and other sources to locate the most notable procedural-fairness scholarship released over the past three months. Their lists include everything from academic books and articles to presentations, reports, podcasts, and web resources. Magazine articles and news stories on procedural fairness are listed as well.

The reports focus primarily on the justice system—courts and judging, prisons and policing. But they touch on a wide range of topics, including a number of studies on business and management. Judges may find those of interest too; after all, we manage employees and collectively run a very large enterprise.



RECENT ARTICLES WORTH NOTING

Tina Rosenberg, *The Simple Idea That Could Transform US Criminal Justice*, THE GUARDIAN, June 23, 2015.
<http://goo.gl/y66fB3>

This article goes in-depth to describe how Judge Victoria Pratt has transformed her courtroom in the Newark (NJ) Municipal Court into a model court for procedural fairness.

Guardian reporter Tina Rosenberg spent time observing the court and talking to Judge Pratt. She also interviewed Yale Law School professor Tom Tyler, who has written about procedural justice for more than two decades, and Minneapolis judge and former American Judges Association President Kevin Burke, who has practiced and preached procedural fairness in courts for almost as long.

Judge Pratt began to learn about procedural fairness after a city official gave her a report about the Community Justice Center in Red Hook, a neighborhood in Brooklyn. She went to observe the Red Hook court, talked to its judge, Alex Calabrese, and saw how the principles of procedural fairness could be used. She concluded, as she told Rosenberg, “Newark really needs this.” And she has made these principles the basis for her approach to the defendants who come through her court.

Rosenberg’s article combines information from Pratt, Tyler, and Burke, stories about several specific defendants and their treatment in Pratt’s courtroom, and reflections from the court’s longtime public defender. Rosenberg’s lengthy article is perhaps the best treatment of procedural fairness in courts ever to appear in the mainstream press. Judges would find it informative; court staff and the public would find it a great introduction to how these concepts may infuse effective courtroom practices.

Elizabeth Ingriselli, *Mitigating Jurors’ Racial Biases: The Effects of Content and Timing of Jury Instructions*, 124 YALE L.J. 1690 (2015).
<http://goo.gl/HWpIRW>

This law-review note presents an interesting experiment about how the timing and content of jury instructions may be used to reduce racial bias by jurors. This empirical research from Elizabeth Ingriselli may be particularly interesting after you read the article in this issue by National Center for State Courts researchers Jennifer Elek and Paula Hannaford-Agor about their own attempt to reduce juror bias through an experimental jury instruction.

Ingriselli reviews in some detail the social-science research related to racial bias, including research about what leads to the implicit bias often found in studies of whites who unknowingly exhibit bias against blacks. She concludes that these studies “suggest that when race is not explicit, white jurors are not aware of their biases and hence do not try to suppress them, which results in biased decision making.” On the other hand, “[w]hen race is salient, whether explicitly or implicitly, whites attempt to compensate for their implicit negative feelings toward blacks by suppressing their biases.” Thus, her expectation was that when race was not salient and evidence was ambiguous, white jurors’ implicit biases would emerge.

Her experiment used 412 people who completed an implicit-association test to measure implicit racial bias and then read and completed a survey about a crime scenario. They were told that the research was intended to examine how jurors evaluate evidence and determine guilt. Jury instructions were also given—sometimes before participants read the evidence, sometimes afterwards. Ingriselli found that the data provided some support for the proposition that bias was reduced when a “debiasing” instruction was given before the evidence was presented. She also offered suggestions for future research.