

# Semi-Annual Court-Watching Report

June 2023

## CONTENTS

|   |          |
|---|----------|
| <b>INTRODUCTION.....</b>                          | <b>1</b> |
| Court Observation & Education Program.....        | 1        |
| Program Outcomes.....                             | 1        |
| <b>RECRUITMENT AND PARTICIPATION.....</b>         | <b>1</b> |
| Training.....                                     | 1        |
| Observations.....                                 | 2        |
| <b>LESSONS LEARNED.....</b>                       | <b>3</b> |
| Poor Retention.....                               | 3        |
| <i>Student Schedules</i> .....                    | 4        |
| <i>Lack of Variety</i> .....                      | 4        |
| Difficulty in Submitting a Response per Case..... | 4        |
| Little Information from Likert Scales.....        | 4        |
| Complications in Observing.....                   | 4        |
| Incomplete Data on Complications.....             | 5        |
| Identifying Themes in Narratives.....             | 5        |
| <b>FUTURE GOALS.....</b>                          | <b>5</b> |
| In-Person Court-Watching.....                     | 5        |
| Sustainable Growth and Expansion.....             | 6        |

## INTRODUCTION

### Court Observation & Education Program

While Chicago Appleseed Center for Fair Courts has observed court proceedings since 2010, we joined the Chicago Council of Lawyers to formalize our court-watching process as its own program at the start of 2023. The Court Observation and Education Program (COEP) has two parts, each with its own objectives:

1. The first part, overseen by the Chicago Council of Lawyers, intends to increase the accountability and transparency of the judiciary by sharing performance reviews of judges with the public.
2. The second part, overseen by Chicago Appleseed, utilizes court observations to supplement ongoing research and advocacy projects related to systemic injustices.

### Program Outcomes

Chicago Appleseed released two reports in recent months that relied on court observation data:

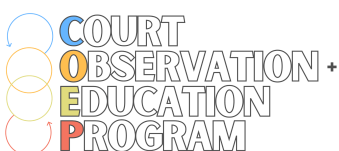
1. In the past, reports were exclusively advocacy project-centered, with court-watching data supplementing other, more primary forms of data. [I Don't Know Why I'm Here: Observations from Cook County's Civil Asset Forfeiture Courtrooms](#), on the other hand, is specifically a court-watching report and the first of its kind. I Don't Know Why I'm Here details the common sentiment of confusion experienced by litigants in civil asset forfeiture cases and offers recommendations for improvement. It is meant to contribute to the ongoing legislative efforts of the Civil Asset Forfeiture Reform Working Group, composed of experts and activists invested in its work.
2. In [One Size Doesn't Fit All: A Review of Post-Plea Problem-Solving Courts in Cook County](#), Chicago Appleseed identifies various shortcomings in the management of problem-solving courts based on public health best practices. For this report, we worked on creating an even more effective data collection form and experimented with measures such as creating three new informational documents for volunteers.

We are currently in the process of writing two preliminary judicial reports based on observations submitted by our volunteers. As we synthesize the qualitative and quantitative data, we are improving upon our data collection and analysis procedures.

## RECRUITMENT AND PARTICIPATION

### Training

Between January and June of 2023, we have trained 71 volunteers to court-watch. Most have been trained virtually through a livestream, though some pro bono lawyers who were not able to attend were provided a recording of a training session. Training sessions included information about the Circuit Court of Cook County,



a review of Chicago Appleseed and the Council's work, and expectations and guidance for court-watching. Following training sessions, each participant was assigned a judge to observe and provide feedback on.

In June, we conducted our first training session that prepared volunteers to observe hearings in the Domestic Violence (DV) Division. Leveraging our Civil Courts Project Director's extensive knowledge about DV in Cook County, COEP invited prospective and returning volunteers to a training session on the functions and sensitivities of the division as well as general court-watching information. Significantly, we experienced our highest turnout at a training yet: 19 volunteers from various backgrounds. There was a very high level of engagement, with volunteers asking questions at every juncture.

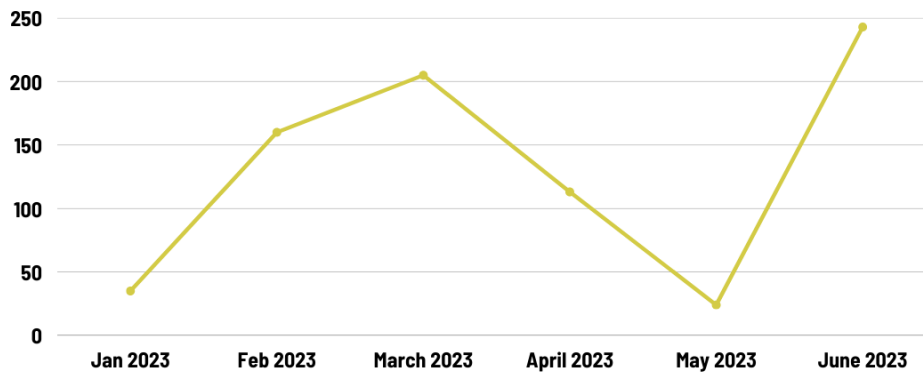
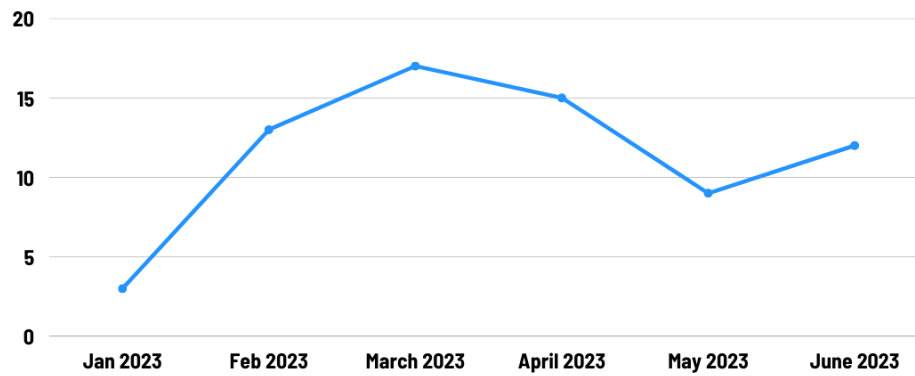
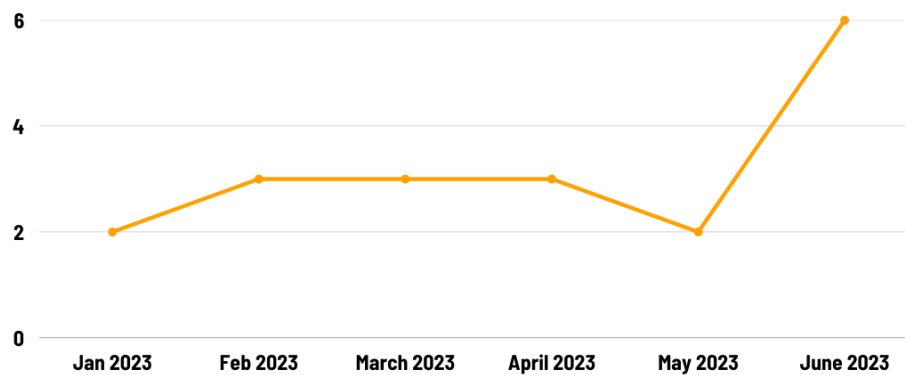
## Observations

An observation from a court-watcher takes the form of a survey submission on Google Forms. The survey presently consists of five sections:

- I. **General Information:** The participant identifies themselves and marks whether they are reporting an observation or complication.
- II. **Judicial Behavior:** If the participant reports an observation in Section I, they then submit Likert scale responses to prompts about judicial temperament and courtroom management and a narrative of the hearing they observed.
- III. **Domestic Violence:** If the participant identifies a DV judge in Section II, they are then asked to provide the perceived gender and race of the petitioner and respondent/defendant and answer DV-specific questions.
- IV. **Complications:** If the participant reports a complication in Section I, they are asked to then document which judge they intended to observe, what complication occurred, and a narrative of the experience.
- V. **Survey Feedback:** Regardless of how they respond throughout, the survey ends with an opportunity for the participant to provide feedback on the survey.

**Court-watchers submitted 660 observations or complications in the first six months of 2023. Each of 33 participants submitted at least one observation, and 12 observed court proceedings for at least a month. In addition to quantitative data, the narratives in these submissions total to 86,000 words.**

These observations provide data about the temperament and courtroom management of eight assigned judges in the Domestic Relations and Domestic Violence Divisions in Chicago, Skokie, Rolling Meadows, and Maywood, as well as a few substitute judges.

**OBSERVATIONS****OBSERVERS****JUDGES OBSERVED BY MONTH**

## LESSONS LEARNED

We have set out to improve COEP with each step we take. The following are some valuable insights from the first six months of the program.

### Poor Retention

The number of active observers and observations submitted declined dramatically between March and May even as the number of judges observed did not change significantly. To our understanding:

#### Student Schedules:

- Many of our court-watchers are students undergoing rigorous academic programs at undergraduate and graduate levels. As a result, court-watching volunteers from this demographic don't often apply to our program and attend a training session with a very strong understanding of what their schedules will look like over the next quarter or semester. Engagement drops once they have a better understanding of how court-watching may or may not fit into their schedules; it drops further whenever exam season hits. Our program staff accommodates whenever possible—even allowing ad hoc court-watching for those who are very passionate about court-watching but cannot commit to the minimum requirement. One solution to this matter may be to inform student volunteers sufficiently ahead of time what the minimum requirements are.

#### Lack of Variety:

- We at COEP have learned time and time again that building and maintaining a thriving program goes beyond procedure, methodology, and technical competencies. While those are crucial to the foundation and structure (ergo the longevity) of any program, it is imperative that programs offer variety, challenge, support, and communication. Over the past six months, we experienced a decline in volunteer engagement and stamina, and we believe this decline occurred, in part, due to a lack of variety in assignment. It appears volunteers do not want to observe any one judge for a long period of time, instead wanting to watch a variety of judges across divisions to get a macro-level understanding of the court system. Clearly, it is important for staff to help volunteers see the big picture. One solution to this issue may be to shuffle judicial assignments periodically.

### Difficulty in Submitting a Response per Case

We generally recommend that court-watchers submit one survey response for each case they observe; however, volunteers have expressed the difficulty of providing complete, perfectly separated information for a sequence of short hearings or overlapping hearings. To account for this in our quantitative data analysis, we appended a question to the Observations Survey asking how many cases a submission represents.

## Little Information from Likert Scales

As we wrote our first preliminary report, we recognized that the quantitative data from our Likert scale prompts did not reflect differences across judges as acutely as the narratives. Specifically, means and distributions of Likert scale responses, while varying by judge, tend to obscure some of the troubling behaviors court-watchers repeatedly recognize in their narratives. We have yet to determine whether this reflects a failure of our Likert scale prompts to accurately reflect the kinds of evaluations participants notice about judges.

## Complications in Observing

Many active volunteers were able to submit fewer observations than they anticipated because they experienced complications when trying to observe. Since judges tend to be off the bench for many days per year and case schedules are not easily accessible, our court-watchers have reported repeatedly trying and failing to observe their assigned judge. Volunteers also documented multiple instances of being kept indefinitely in a Zoom waiting room. We learned the importance of data on complications faced by participants, which has proven to be very informative to our understanding of the efficiency and accessibility of virtual courts in Cook County.

## Incomplete Data on Complications

While data on complications is qualitatively useful, the data is too incomplete at this moment to use it quantitatively. When there was a Complications Survey (distinct from the Observations Survey), submissions to this survey seemed to undercount actual complications faced by court-watchers. To increase reporting of complications in the future, we eased the process by combining the two surveys. With more complete data, we hope to uncover insights about Zoom courtroom management and accessibility.

## Identifying Themes in Narratives

As we approached COEP's first preliminary report on a judge's behavior, we found difficulty identifying themes in the 311 observations submitted by our court-watchers. Likert scale responses did not reflect differences among judges as starkly as narratives, which amounted to nearly 40,000 words for this judge alone. As a solution, we identified themes and pertinent quotes by qualitatively coding every narratives. Furthermore, we added a checkbox question to the Observations Survey asking which of a few themes were reflected in the narrative for that submission.

## FUTURE GOALS

As we work toward setting an innovative precedent via the Court Observation and Education Program for procedures and frameworks of a well-functioning court-watching program with meaningful impact on its local jurisdiction and court culture. At COEP, we are dedicated to finding what actually works and helps individual litigants and their communities. Court-watching has been a powerful tool for identifying and recommending solutions for important issues within the Circuit Court of Cook County, and we hope that other jurisdictions will be able to replicate our program's results. As people of action, we are committed to strengthening the

groundwork, procedures, practices, and, most importantly, culture of the Court Observation and Education Program.

## In-Person Court-Watching

We are pleased to announce that Chicago Appleseed will be reinstating its in-person court-watching through COEP. The pandemic caused upheaval in many industries, and the courts were not immune. In response to COVID-19, the Circuit Courts of Cook County went fully remote, and all hearings were conducted via Zoom. Chicago Appleseed successfully adapted to this change and continued to support virtual court-watching past 2020. But at various points over the last six months, we have certainly noticed that virtual court-watching, though useful to many litigants and the public, makes it difficult to capture the rich and varied nuances of watching cases in person. It is often difficult for volunteers to observe nuances around conversation and relationships in the courtroom. While an impatient judge may exhibit impatience no matter the medium, there may be a dimension to these proceedings we simply aren't able to see in the Zoom courtroom. On July 10, 2023, we are effectively launching the in-person component of COEP via a tour of the George Leighton Criminal Courthouse on 26th Street and California Ave. This tour will be led by a long-time friend of Chicago Appleseed and advocate of justice. We plan to have approximately 8-10 volunteers, staff members, and interns present at this first tour. On July 20, 2023, COEP will conduct a second tour led by another attorney. We are in the process of formalizing our protocol and tools for in-person court-watching, and we expect to draw from court-watching lessons of the pre-pandemic past to create effective resources.

## Sustainable Growth and Expansion

Over the past six months, COEP has not only been formalized but shaped into a stable program with great capacity for sustainable growth and expansion. Previously managed by Jennifer Won-Young Lee alone, COEP was able to hire a second program staff member, Austin Segal, due to increased funding. Over the next six months, we hope to solidify and improve our programmatic and project frameworks, processes, and tools to establish a fully realized court-watching program.

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