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Suggestions for more user-friendly court hearings

Barrow has about 4,500 people. It's the farthest north community in the United States. The Barrow court serves an area about half the size of California, with a population of about 10,000 people. Most of the population is Inupiaq Eskimo, but there are a large number of other racial and cultural groups, too. These suggestions are offered in a spirit of humility, knowing that there are many different kinds of courts, different types of cases and different amounts of time available for each case. These thoughts are personal to me: they are not an official position of the Alaska Court System.

- Realize that a person who appears to understand everything, and even says they understand, may not. There may be language problems and cultural misunderstandings about the justice system. There may be mental conditions like Fetal Alcohol Spectrum Disorder in which (for example) a young adult in his or her 20's actually has the ability to understand of an elementary school student.
- Slow down and check in with a person during an explanation of rights or similar hearing to make sure that the person knows what is going on. Pauses are probably necessary between different major points just to make sure the concepts sink in. When questions are being asked, pauses may be necessary for the person to respond in a manner that is comfortable and that will allow sharing of information that the person wants to say.
- Consider using visual aids, such a writing on large sheets of paper or on a wipe on/wipe off board. I don't use this system in every hearing, but when it seems important, I don't hesitate to do so. I stand up, move around, and write symbols or subject headings. I notice that the person

involved in the hearing seems to focus really well on what's going on. I also notice putting some things in writing does not lengthen the hearing.

- Be sensitive to your own cultural biases. Someone may not look at you directly. It may be the person is ignoring you. But, in that person's culture, it may be a sign of respect. Some shy persons dealing with justice system personnel in this part of Alaska may raise their eyebrows to indicate "yes". Though not saying anything, they are responding to the question. Saying "he let me do something" might mean the other person allowed it to happen or it might mean that the other person forced it to happen.
- Do not assume that the attorneys involved have had the time to explain what is needed to their clients in a way that the client can understand. There may have been a lack of time or a lack of understanding of a client's mental conditions (such as FASD). I believe that it's the judge's responsibility to make sure the persons involved in the hearing understand what happened.
- Where possible, use plain English in what is said and what is written. Written forms should have places for a defendant or juvenile to initial so that the person focuses on each portion of the form. Concrete language is best. Having "white space" and easy to read type is helpful, even if it uses more paper! We need to avoid having the whole experience being a "blur" of words.
- When appropriate, check in with the lawyer's client about their personal schedule when setting a court hearing. The convenience of the judge and attorneys may not coincide with other factors like making sure that a child's hearing occurs after the school day.
- Bottom line: the goal of timely judicial decision making ("moving cases") must not displace having respect for the individual needs of people involved in the justice system to understand what is happening.