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Court Watching's Promise: A Preliminary Survey

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Abstract

Contemporary political science research suggests historically low public faith in judicial institutions. However, modern years have seen a proliferation of “court-watching” groups that harness volunteer observation to increase accountability in the courts. While these trends may seem in conflict, this article suggests that, in the absence of faith in traditional judiciary systems, court watching acts as a decentralized, grassroots method of legal participation, allowing engagement in the American socio-legal system. We address this relatively under-analyzed area of legal activism by establishing an original dataset ($n = 59$) that tracked court watch groups as of 2024. Our dataset includes the mission, jurisdictional focus, and major accomplishments of each court-watching group, providing a useful starting point for the analysis of court watching as a growing area of legal socialization. We also establish a four-part definition of “court watching,” which builds on existing scholarship. We proceed with descriptive analysis of our database and findings, providing brief vignettes of well-established or unique court-watching groups and preliminary observations. Based on these preliminary findings, we assert that these volunteer organizations are well positioned to increase civic engagement and democratic faith in US legal proceedings among broad populations and thus deserve further attention from socio-legal scholars.

Keywords: courts; justice; legal mobilization; activism; civic engagement; legal consciousness; judicial accountability

Introduction

Recent polling points to a lack of faith in judicial institutions across broad swaths of the US population. A 2022 Gallup poll found that overall trust in the judicial branch, for

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example, fell by more than 20 percentage points in just two years' time (Jones 2022). Paired with a decline in trust in policing and law enforcement institutions in the wake of the 2020 murder of George Floyd and the resulting racial justice protests (Jones 2021), this lack of faith in the utility or trustworthiness of legal structures seems to be in line with similar trends of democratic backsliding discussed by political scientists in the wake of the 2016 election (Grumbach 2022). These trends of decreased faith in traditional legal and political structures seem likely to contribute to decreased levels of activism or involvement. However, while dissatisfaction in traditional means of political action seems on the rise, recent decades have simultaneously seen an increase in participation in the decentralized and grassroots method of legal activism known as "court watching."

Since at least the late twentieth century, groups of volunteers have organized to observe court proceedings, and, in recent decades, the scale and number of these groups has increased. The highly dynamic nature of court-watching groups and their decentralized format have left this particular form of legal activism relatively understudied in socio-legal studies and judicial politics. Especially as technological advancements have improved methods of communication and participation, activist groups and others interested in increasing government accountability have leveraged the relative accessibility and ease of "court watching" to broaden participation in the legal system and advance changes or reforms.¹

Regardless of the general faith in the institutions and actions of government actors at any given time, the courtroom is one of the most common sites at which individuals experience the power of the state. In court, Candace McCoy and Galma Jahic (2013, 61) argue that "the citizen and the government are at their closest, directly interacting, with judges making decisions of direct personal significance to the citizen." For this reason, the power of court watch groups to change the dynamic of that space can greatly shift the experience of government or state power in individuals' lives. According to scholars of legal mobilization, the experience and awareness that court watching engenders may also play a role in the political activation of otherwise politically indifferent individuals via their involvement in the legal system (Zemans 1983; Hartmus, Cauthen, and Levine 2006). Despite this power, however, the nature of these groups as decentralized and hugely diverse in their missions and methods makes them difficult to study in a comprehensive way.

This article provides a starting point for analyzing court watching as a meaningful site of legal and political mobilization as well as civic engagement in democratic processes in two central ways. First, we establish a four-part definition of court watching, making the case that, in order to serve as the accessible mode of civic engagement and legal accountability that we associate with the court-watch tradition, groups must: (1) recruit volunteers who do not necessarily have legal expertise (and are not required to); (2) provide some form of training to prime observers before entering court; (3) collect data that traces the work of the court; and (4) observe court proceedings in real time (not recordings). Second, we provide what

¹ As we discuss in further detail below, the COVID-19 public health crisis beginning in 2020 ushered in a new era of increased reliance on virtual courtrooms and other technological tools that allowed the machinery of the US legal system to continue amid stay-at-home policies and lockdowns (see, for example, US Courts 2021).

is to the authors' knowledge the first accounting of every court-watch program in the United States as of the spring of 2024.² By leveraging our original database, we provide preliminary evidence supporting the fact that, despite declining faith in legal and political institutions, individual activists and community members are seeking out this form of legal activism as a method of local participation and mobilization.

Taking seriously the idea inherited from critical legal studies that law is constantly mediated through systems of inequality like class, race, and gender (Unger 1983; Tushnet 1991), we assert that court watching could play a vital role in both addressing imbalances of power in the courtroom setting and increasing general legal consciousness among populations otherwise isolated from legal settings. As we discuss more in the following sections, court watchers often provide crucial bystander effects and other forms of accountability for legal actors that may otherwise operate in settings of unchecked power. Our work thus builds on existing literature that points to the importance of accountability and transparency in effective judicial proceedings—a fact that has been proven across time periods, geographic areas, and academic disciplines (Voermans 2007; Costa 2020). Court watching, especially in its contemporary incarnation and expanded through technologies and grassroots networks, thus can and should be looked to as a democratizing force in US legal culture in this era of otherwise waning faith in political institutions.

Existing literature

The preliminary analysis below connects court watching to two central areas of legal studies and social science research that are well established: (1) methods of establishing accountability in the criminal legal context and (2) legal mobilization and activism in the US tradition. This discussion of the connections between court watching and existing academic work should motivate future research into this method of legal activism and its potential for increasing civic engagement among diverse groups of activists.

Accountability in the criminal legal system

Plenty of legal doctrine, especially in the criminal law tradition, has established the need for accountability within the judicial system. Legal actors like judges and prosecutors hold an immense amount of power in the courtroom, with the state's monopoly on the legitimate use of violence at their disposal (Weber 2009). In a pithy summation of the centuries-old debate surrounding judicial accountability, former Supreme Court Justice Warren Earl Burger (1964) famously asked “who will watch the watchmen” during a 1964 speech centered on the Suppression Doctrine. But the means available to those seeking to “watch the watchmen” have historically been largely inaccessible to those outside of legal elites, when available at all (Simonson 2016, 2019).

² The authors note that some observations in the dataset represent court-watching groups that are not currently active but have been in the relatively recent past. Given the grassroots nature of these groups, their activity often ebbs and flows with current events. We include both active and inactive groups in the dataset to capture the wide range of court-watching activity during the given time frame.

The tradition of procedural justice in US criminal and civil liberties law is centrally motivated by the theoretical desire to install checks on the state in the process of criminal accusation and prosecution. Especially with the era of incorporation beginning with the Warren court in the United States, legal accountability through instruments like guaranteed representation,³ Miranda rights,⁴ and minimum expectations for effective counsel⁵ have all emerged from some form of the idea that, while the criminal legal system is meant to ensure law and order, it cannot operate without the existence of “watchmen” in the form of procedural hurdles between state power and those accused. Recent work by socio-legal scholars highlights how these protections have become only more crucial and tenuous as the United States has ushered in an era of increased surveillance (Balkin 2008; McCoy 2009; Harris 2010). Especially in the context of welfare and protective services, the existence of procedural roadblocks that limit the state’s ability to run roughshod over individual liberties and rights are just as, if not more, important to the US legal system as they were at their establishment (Noonan, Sabel, and Simon 2009; Dettlaff and Boyd 2020; Koningisor 2022).

Despite the fact that these procedural hurdles exist in the form of guaranteed civil liberties and protections, many criminal defendants and other participants in the legal system are unfamiliar with what those guarantees actually look like in practice (Brown 1996; Denvir, Balmer, and Pleasence 2013). For this reason, the specialized knowledge of elite legal actors (lawyers, judges) and the accompanying cordoning off of legal knowledge from everyday American life makes for a tenuous setting in which those procedural protections operate.⁶ As most any public defender would report, many judges and prosecutors in busy courtrooms across the United States view these protections as aspirational goals rather than hard and fast rules (Van Cleave 2016; Woog and Fennell 2021). This reality limits the kind of applied or material accountability that these traditions of procedural justice ensure in criminal legal processes. But, when considered outside the bounds of procedural justice or constitutional standards, systems of judicial accountability have been developed using more practical or quantifiable methods (Espeland and Vannebo 2007).

The moment of sentencing is perhaps the most obvious point at which the power of the criminal legal apparatus bears down on an individual. A singular judge’s power during the sentencing process illustrates the vast discretion that legal elites, in the form of judges, have in punishment (Reitz 1998). During sentencing, *de jure* legal guardrails for the judge are almost always present in the form of sentencing guidelines, at least in the contemporary history of the United States (Gertner 2010). On the federal level, the Sentencing Reform Act of 1984 codified the government’s long-debated position that leaving judges with “extremely broad discretion to select among the purposes of punishment” is too risky of a prospect for a fair criminal legal apparatus (Ogletree 1988, 1943).⁷ Of course, state-level sentencing guidelines meant to

³ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁴ *Miranda v. Arizona*, 384 U.S. 436 (1966).

⁵ *Strickland v. Washington*, 466 U.S. 668 (1984).

⁶ Here, we refer to the lack of legal consciousness among everyday actors traced by legal studies work. See, for example, Sally Engle Merry’s (1990) work on the long process of transforming personal problems into “legal” ones.

⁷ Sentencing Reform Act, 1984, 98 Stat. 1987.

limit judges' discretion existed long before the law, but growing attention on disparate legal outcomes among American racial and class groups in the mid-century, in conjunction with a general popularity of "tough-on-crime" political campaigns, justified the new law and its accompanying Sentencing Commission. This new body lent credence to the idea that guidelines are an extension of procedural standards that contribute to overall accountability and fairness in the system.⁸

In 1978, the US Justice Department, via a report developed by the National Institute of Law Enforcement and Criminal Justice (1978), endorsed sentencing guidelines as a means for "structuring" judicial discretion rather than eliminating it. Considering this institutional buy-in across the US legal landscape, sentencing guidelines and related "rules" for judges are some of the most visible and traditional means by which to install a layer of accountability and transparency in criminal legal proceedings. However, the debate over whether or not sentencing guidelines have been effective in limiting discretion and increasing overall fairness or transparency continues (Albonetti 1997; Anderson, Kling, and Stith 1999; Hofer, Blackwell, and Ruback 1999; Frase 2019). And, while the Sentencing Reform Act addressed discretion and sentencing rules for judges, sentencing guidelines for prosecutors, as developed through federal and state legislative bodies, are constantly in flux and, thus, difficult to analyze as a true guardrail or source of accountability in the criminal legal process. Going further, these rules often become a political messaging tool for legal elites pursuing politically "tough-on-crime" agendas and have been correlated with an increase in plea bargains by defendants across jurisdictions (Rakoff 2016).

Researchers have also applied concepts inherited from human resources and benchmarking in the private sector in order to develop "judicial performance evaluation" measures that aim to assess judicial independence and other standards of legal accountability (Brody 2003; Paynter and Kearney 2010). These measures, while effective as performance evaluations of judges, usually circulate among a limited group of legal elites and are not necessarily guaranteed to be performed across geographies and jurisdictions. Along with the sometimes aspirational guarantees of procedural due process and civil liberties case law, this method for accountability has limits, leaving room for other methods of legal accountability to fill the gap (Espeland and Vannebo 2007). Court watching or citizen accountability programs thus represent a more "bottom-up" approach to accountability—one that relies less on federal legislation or state statute and more on the willingness of outsiders to enter the legal space and provide direct, physical, accountability to actors in the courtroom.

Court watching as legal activism

This bottom-up approach to installing accountability into the criminal legal process is the aspect of court watching that we argue is of most interest to researchers studying criminal justice, civic engagement, and legal mobilization. We assert that this kind of judicial activism taps into a long tradition of citizen oversight that plays a substantial

⁸ The US Supreme Court has long wrestled with the balance between judges' sentencing power and the due process enshrined in the Constitution. However, most legal scholars agree that the 1949 case *Williams v. New York*, which expanded the power of judges to enhance sentences, helped to set the stage for the adoption of federal sentencing guidelines decades later. *Williams v. New York*, 337 U.S. 241 (1949).

role in shaping US legal culture. Just as procedural protections and sentencing guidelines have been used for decades, even centuries, in the US context, citizen accountability or observer programs are nothing new. The development of court-watching programs in the modern era often emerged out of very specific interest groups or activist movements. But the practice was widespread enough that, likely through policy diffusion, the groups proliferated beyond their individual movement aims and were taken up by factions across ideological and political spectra. For example, by 1975, four general categories of court-watching programs had emerged: “defendant protector projects,” “law and order” groups, “specific data projects,” and “concerned citizen projects,” as defined by the US Justice Department (quoted in Stecich 1975, 468). Unsurprisingly, this wide range of missions bred a multitude of strategies and methods for entering and tracking the happenings in courts. It is illustrative, however, to examine two particular movements that incorporated court watching into their legal activism as a window into the wide applicability of court watching across time periods and political movements.

Groups engaged in the fight against domestic violence and sexual assault have long pointed to court attendance as a method for increasing legal accountability and system efficacy.⁹ One New York nonprofit wrote in 2005 that there is a particular value added in court watching for groups seeking to make an impact in reducing violence against women. That value emerges from the historical experience of domestic violence victims receiving little to no assistance in the criminal legal space after episodes of violence (Goodmark 2011). The group thus promotes court watching as one part of a broad slate of domestic violence-related reforms in an effort to address this long history of insufficient legal protections:

The pervasiveness of violence against women and the failure of the judicial system to respond may leave victims believing that the legal system does not want to and cannot protect them adequately. Court watching is a clear demonstration to law enforcement and the judiciary that the community is concerned about these crimes and committed to addressing them seriously. Court watching is a positive way for concerned groups and individuals to address problems of bias within the system by *documenting when these myths and stereotypes are carried into the courtroom and how they undermine justice for victims*. (Legal Momentum: Advancing Women’s Rights 2005; emphasis added)

The report goes on to provide practical advice on how to begin and administer a court watching system focused on issues related to domestic violence and violence against women. Beyond the broad goal of “oversight” or “transparency,” the work of domestic violence activists to make court systems more responsive in these cases illustrates the appeal of court watching as a tactic for broader political and social movements. As jurisdictions have developed diversionary courts or systems dedicated to domestic or family violence in recent years, many court-watching groups make these sites their focus. These family and domestic violence court systems, which often

⁹ Historians and media scholars have helpfully traced the concept of domestic violence and its discussion in the court room as a crucial site for the perpetuation of racial and sexual hierarchy (see, for example, Moore 2022).

operate outside of, and parallel with, the more traditional criminal legal court system, are of course not immune to the kinds of corruption or bias that characterizes much of the US criminal legal system. As Carole Bell Ford (2005) found in Houston's courts in the early 1980s and 1990s, court-watching groups spearheaded by anti-domestic violence activists became a real impetus for structural reform.¹⁰ Beginning with typical court-watching activities, these activists eventually became a full-fledged political action committee, successfully running candidates and exposing the bias and corruption of family court judges (Ford 2005). The connection here between court watching and generalized legal activism is clear; drawing on populations who are directly and indirectly affected by issues of domestic and gender violence, court-watching groups put this grassroots method of legal accountability to work. This intersection of political activism and systems of legal accountability illustrate the crucial role that court watching has and continues to play in movements across time and place.

Contemporary activist groups seeking racial justice through legal reforms are perhaps the most visible subset of court watchers, especially since the emergence of the highly visible Black Lives Matter movement in 2014.¹¹ Racial justice and other political activist groups often provide opportunities for new volunteers to participate through court watching in an effort to sustain political momentum beyond marches and protests. This particular activity is accessible to those with little experience in the legal system and provides a means of enacting some change, however small, to the system. Again, during an era in which lack of faith in institutions has spurred reformist, radical, and abolitionist movements to swell, court watching and the process of oversight and data collection that it entails provides a tangible means for enacting positive change and channeling frustration over existing systems into productive work. The experience of one new court watcher in Maryland, who was inspired to join her local group after watching the trial and acquittal of Kyle Rittenhouse in 2021, is perhaps the best crystallization of the role that court watching can play within movements to connect a lack of judicial transparency to broader movements for racial justice and equity: "If a high-profile case could play out this way," she told NBC News, "then what are judges doing when no one is watching?" (quoted in Ali 2021). While high-profile killings of young Black Americans helped to galvanize broad-based movements on behalf of criminal legal reform and police oversight, many national and local groups used court watching as a means by which to draw legal outsiders into the movement. Anecdotal and narrative evidence

¹⁰ While addressing and/or establishing harsher punishments for domestic and gendered violence have long been goals of the US feminist movement, those goals are in opposition to many radical and abolitionist factions of the broader feminist movement (see note 29 below for further discussion).

¹¹ One community-based nonprofit focused on decarceration notes that the political shift away from "tough-on-crime" messaging in the United States has contributed to the increase in court-watching groups in general: "In the most recent decade, as public conversation has shifted from being 'tough-on-crime' to ending mass incarceration, activists and advocates have started courtwatching as one way to hold their local criminal legal system or immigration system accountable to community demands for decarceration" (Nala 2022, 1).

suggests that these experiences often led to increased awareness of crises in local justice systems.¹²

As we have established, court watching itself is nothing new among movements in US legal politics. But these contemporary developments in movements, especially in the wake of Black Lives Matter, has likely contributed to growing prevalence of court watching among “outsiders”—those with little personal exposure to the legal system but who nevertheless have become activated to affect change.¹³ While this phenomenon has at this point been identified by journalists through anecdotal or observational evidence, the authors hope that this research can contribute to a more systematized study of the role that court watching might play in deepening activist movements and their capacity for lasting change in the criminal legal system.¹⁴

What Court Watch New Orleans Louisiana (Court Watch NOLA) founder and lawyer Simone Levine (2020, 1) calls “system outsiders” are crucial for the operation of court-watching groups: those with little to no knowledge or involvement in the legal system provide a form of oversight that is not guaranteed in constitutional law precedents or state statutes. And, just as important, those who do not (yet) view themselves as activists or movement participants are likely to see court watching as a low-stakes and largely accessible form of getting involved—an on-ramp that can bolster participation in these broader movements for years to come (Levine 2020). Since the act of court watching requires only one’s presence in the courtroom (as opposed to, say, marching in a protest or physically blocking arrests), it can be a crucial tool for these growing movements for systemic change by establishing a first step for bringing in those outsiders. Thus, the context of contemporary racial justice movements is like that of movements against domestic violence in that both have taken up court watching as one tenet in a much broader landscape of activism. In both contexts, the accessibility of court watching is key in terms of broadening the appeal of these movements to “legal outsiders” who are often new to fights for social, legal, or cultural change.

What is court watching? Establishing a definition

Despite the contemporary flourishing of these court-watching groups, there is little scholarly literature on the role that court watching does, or could potentially play, in

¹² After an overall increase in court-watching activities in New York City beginning in 2018, for example, the (eventually successful) movement to close the Rikers Island jail complex gained popular support and traction among a broader network of casual observers and new activists (Osberg 2021).

¹³ Just as political science researchers have found a connection between political attitudes and protest activity, we anticipate that these high-profile events are likely connected to a general increase in court-watching participation and further involvement in legal activism write large (Branton et al. 2015).

¹⁴ Numbers of exonerations across jurisdictions, for example, might be an illustrative starting point for understanding the progress of legal activism and the role that court-watching activities might play. The National Registry of Exonerations notes that states saw the highest rates of exonerations in 2022. Preliminary comparisons show that some states with robust court-watching groups (Illinois, Louisiana) also saw higher than average exonerations. While we are in no position to establish anything beyond correlation at this point, these rate comparisons point to a fruitful means for investigating the impact of court watching across time and space (see National Registry of Exonerations 2022).

the broader picture of American legal culture and democratic politics.¹⁵ Our intervention aims to address this gap by establishing a working definition of court watching that can be adapted by future researchers. As early as 1970s, researchers acknowledged that these court-watching or accountability groups run the gamut in terms of their mission, approach, and activist aims across the context of US jurisdictions. This diversity necessitates a working definition that is broad enough to encompass that diversity but refined enough to establish a universe of relevant, active, and robust groups that make up the contemporary landscape of court watching.

When developing our database of contemporary court-watching programs, we developed a four-part definition in order to limit the universe of observations and narrow the scope of our analysis as well as to focus on those groups whose central aim is to provide accountability in the legal system, no matter the jurisdiction. While the court-watching groups included in the database are widely diverse in terms of mission, funding structure, political position, and size, they share these four central tenets and thus contribute to the broader culture of accountability and transparency that we argue court watching engenders in the context of US legal mobilization. Each group included in our database exhibits the following characteristics.

Volunteer powered

To be included in the below dataset, a US court-watching or legal accountability group must rely on and recruit volunteer court watchers. Those volunteers might receive course credit, service hours, or other remuneration but they should not be classified as employees of the organization.¹⁶ This volunteer stipulation is central to our preliminary theory about the accessibility of court watching to the broadest possible pool of actors. As discussed above, we conceive of court watching as a form of accountability that, more so than traditional means of legal oversight like sentencing guidelines or constitutional protection, emerges “from below.”¹⁷ The practice, by virtue of requiring only someone’s presence in the courtroom, provides a chance for those with no legal training or specialized knowledge to participate in the machinations of legal spaces. For this reason, volunteers, rather than paid employees, exemplify the kind of radical accessibility that we assert characterizes court watching. As noted by McCoy and Jahic (2013, 61), court watchers occupy a distinct but similar role to jurors in the courtroom: “[T]hey are non professional members of the public with no personal economic or reputational stake in litigation.”¹⁸ Their voluntary capacity cements that status as a court actor without an active stake in the outcome of any one proceeding.

¹⁵ The report titled “Keeping an Eye on the Courts: A Survey of Court Observer Programs,” for example, provides a comprehensive account of existing court-watching groups in 1975 (Nala 2022; see Steich 1975). While this account is useful, it is outdated for the purposes of contemporary researchers.

¹⁶ Indeed, many court-watching groups rely on the work of law students or undergraduate students to track data and establish a presence in the courtroom. We consider this work voluntary despite any receipt of course credit. For a useful account of how helpful court watching can be in the context of legal education (see McCoy and Jahic 2013).

¹⁷ For previous work on the importance of legal mobilization that emerges from below, see Black 1973; Michener 2020; Aspinwall 2021.

¹⁸ Note here that these authors studied the impact of court watching on the perception among volunteers of the court itself. Broadening their research questions is a crucial step in expanding the research agenda associated with court watching.

This tenet of our definition limits the universe of observations in another important way: by tracking those groups that need not emerge from a formal legal entity. As will be revealed in our analysis, most of these groups operate in conjunction with law schools, undergraduate institutions, and community groups that likely host court watching as just one aspect of a broader agenda. However, while these partnerships have become central to the effectiveness of court watching in general, they are peripheral to the work of the volunteers, who often learn about the opportunities through those groups but, nevertheless, see court watching as being outside of their formal employment or educational roles. The role of the volunteer in the courtroom thus contributes to the narrative that court watchers, as outsiders, do not represent any one side in the legal process. In the courtroom space, which is, by nature, adversarial, this un-attached or un-affiliated reputation of court-watching volunteers ensures that legal elites like judges or lawyers do not dismiss offhand watchers as institutional actors on behalf of any one interest in the legal process. For these reasons, for a contemporary court-watching group to be included in our database, it must rely on the participation of volunteers.¹⁹

This aspect of the four-part definition accounts for certain exclusions from our dataset. The Alliance against Intoxicated Motorists (AAIM), for example, which is one of the most visible and long-running programs, has an active court-monitoring program where staff members observe impaired and reckless driving proceedings, with a focus on increasing accountability and illustrating public concern for these cases. However, this group does not fit our traditional definition of court watching as both the training and observation hours are paid. Similarly, a Court Observation Project was conducted in the Alabama Municipal Courts where observations were completed by the Civil Rights Enforcement Unit of the United States Attorney's Office for the Southern District of Alabama to identify and inform justices of any unconstitutional practices. However, like AAIM's court monitoring, this project also failed to use community volunteers. Although the methods and results are similar to that of other court-watching groups, the wage or salary arrangement of these groups justify their exclusion from our universe. Our project attempts to evaluate non-legal actors contributing to the legal system through court watching, and, thus, we specifically examined volunteer-based programs for this project.

¹⁹ The authors acknowledge that, due to limited information across the dataset, it is not always possible to guarantee the accuracy of whether or not court watchers are paid by an organization. However, our qualitative analysis aimed to capture this information if and when it was provided. For example, the New Mexico American Bar Association shows the difficulty in distinguishing between staff and volunteer work. Their self-published report states that the research and observations were done in "a collaborative effort among consultants and staff with the American Bar Association Standing Committee on Legal Aid and Indigent Defense" (Standing Committee on Legal Aid and Indigent Defense 2023, 4–5). It is unclear if these researchers were paid or volunteers; however, we left them included in our table because they fit the other criteria and have a clear length of time and clear jurisdictional focus. By our definition, New Mexico's American Bar Association is an explicit court-watching group, even if it is unclear if any or all of their participants have been paid at any point.

Training provision

The stipulation that groups must rely on volunteer court watchers informs the second tenet of our four-part definition. When a court-watching group relies on volunteers, the assumption among the existing legal actors and the community becomes that many or most of those participants have very little legal training in the formal sense. In building our universe of observations, we considered only those groups that, in addition to engaging volunteer court watchers, provided some form of training (however brief) to their participants before sending them into courtrooms to monitor and observe. By providing this training themselves, court-watching groups play a role in equalizing the levels of situational knowledge among individual volunteers. Whether it happens in person or virtually, training sessions provided by court-watching groups also give insight into what to expect once volunteers enter the space.

Additionally, these training sessions allow groups to provide contextual or “insider” knowledge tailored to a specific geographic region or legal jurisdiction.²⁰ This insight, no matter how basic the training itself, can make a court watcher’s data collection or accountability measures more effective in practice. Considering this fact, our universe includes groups that provide any type of training, ranging from basic training to contextualize the legal process in general to more intensive training on the history and inner workings of a jurisdiction. For our purposes, the quality or length of the training provided does not determine inclusion in the universe of observations. Rather, whether the training exists at all is what we track in developing this definition. Vignettes of individual court-watching groups provided below illustrate the variety of training, in terms of detail and specialization, across our dataset.

Data collection

For a group to be considered a “court-watching” entity according to our research process, the third tenet of our four-part definition specifies that it must collect data as part of its overall mission. This aspect of court watching instills in volunteers a responsibility, in the form of tracking the actions taking place in a courtroom, to “watch the watchmen.” In many cases, especially in overburdened criminal district or municipal courts that face long dockets and overwhelmed judges and lawyers, a court-watching group might be the only entity tracking overall statistics. Observations like the number of plea deals taken, the number of cases continued onto the next day’s docket, or the average amounts of bail, are usually lost to the everyday machinations of the courtroom, as lawyers focus on individual clients and judges have wide discretion in how they move through their assigned cases. The sort of bird’s eye view that a court watcher embodies, as a non-specialist and someone not attached to any one side in the adversarial legal process, is thus crucial in their capacity to track broader trends in a city or municipality’s criminal legal apparatus.

²⁰ In the authors’ home city, for example, the active court-watching group (Court Watch NOLA) dedicates a significant portion of their virtual training to logging the group’s historical achievements (for example, exposing financial incentives and connections between a judge and a local ankle-monitor company; exposing a regular practice among prosecutors of issuing fraudulent subpoenas for witnesses). The process not only contextualizes the worthwhile reasons for participating in court watching but also signals to volunteers the kinds of practices to be on the lookout for.

For inclusion in the dataset, groups must perform (and therefore train their volunteers to perform) some form of data collection, but that data need not be shared publicly. As discussed in more detail below, many court-watching groups present public-facing reports to broad audiences, legal actors, or potential funders as part of their overall mission.²¹ These reports then become a crucial tool for increasing public knowledge about the inner workings of legal systems. These fact-based reports, supported by consistent data collection, can become especially important in political contexts where crime or crime rates are wielded by political and cultural elites. However, for inclusion in our set, a group need not share the results of the data collection process publicly. Some groups, whose mission might be more connected to a particular legal or political outcome rather than broader accountability and transparency, may retain any data collected within the organization, to use only internally. These groups too are included in our dataset.

As discussed above, the oversight of judges, prosecutors, and other state actors in the legal context is rare outside of the context of sentencing guidelines or difficult-to-implement ethics guidelines. Especially in states that have a history of corruption, racial violence, and discrimination, or other forms of legalized inequalities, the act of tracking the happenings inside the courtroom serves as a rare form of oversight over which legal elites have no, or very little, control. This oversight, which happens by virtue of routine and careful data collection, is sometimes met with resistance by judges who are accustomed to only having defendants and associated legal actors in the room as they work.²² However, the popular desire for more oversight in the criminal legal system often endears the position of court watchers to the public in general, as they do not represent any one side in the legal system and instead work toward generalized transparency—a goal that largely transgresses partisan and ideological distinctions.

While reporters or journalists might seek out coverage of high-interest cases or individual judges through tools like requests under the Freedom of Information Act or in-depth reporting, court watchers instead trace the less-publicized machinations of court rooms through their process of routine data collection.²³ This coverage of broader trends and the more mundane aspects of legal life, especially in the criminal legal context, we argue, is a crucial but often missing aspect of conversations concerning the criminal legal system in the era of mass incarceration. While stories following things like wrongful incarcerations, life sentences, violent crimes, and overzealous judges often draw large audiences, the more mundane or everyday aspects of the criminal legal apparatus are less likely to make headlines. Nevertheless, these everyday scenes make up a huge portion of the state's punishment apparatus. For this reason, court watchers who trace the broader trends of individual courtrooms and dockets play a crucial role not just in providing an extra layer of

²¹ Court Watch NOLA (2020, 4–5), for example, released annual reports with recommendations for how the Orleans Parish criminal district and magistrate courts might increase accessibility and transparency amid the COVID-10 pandemic.

²² Stop Crime San Francisco, a court-watching group that aims to increase criminal legal penalties for crime in the city, for example, publishes report cards for the area's judges. This practice, predictably, has drawn ire from judges and other legal actors who disagree with the tactic (Lamb 2023).

²³ Freedom of Information Act, 1967, 80 Stat. 250.

accountability but also in tracing the contours of how a city's criminal legal apparatus is operating day by day.

Real-time observations in person

Finally, each group analyzed here performs observations of real-time court proceedings. The court-watching groups included trained volunteers to watch courts work through dockets in real time rather than comb through archived legal documentation or court reports. Similarly, we do not include groups that rely only on recordings of court proceedings. The ability of observers to trace the happenings of court through previously recorded Zoom or other video recordings only really emerged in earnest during the onset of the COVID-19 pandemic in 2020.²⁴ As Judith Townend and Lucy Welsh (2023) have argued, the process of opening court processes up to virtual and digital spaces has increased, for the most part, access and accountability on a broad scale, but central to our analysis of contemporary court watching is the embodied act of observing proceedings real time, even if some aspect of the work happens virtually. As Nick Gill and Jo Hynes (2020, 569) argue, “the intimacy of court watching in the flesh—hearing the same sounds, experiencing the same atmospheres, feeling the same heat and cold as litigants—can equip courtwatchers with a heightened empathy with experiences of state power. Intimate and embodied approaches to courtwatching help to reclaim and hold accountable the corporeal power that courts claim.” Here we draw on the work of critical and legal geographers who analyze the space of a courtroom as a site of the ultimate state power (Zemans 1991; Levenson 2008; Givoni 2013; Hynes, Gill, and Tomlinson 2020).

While many court-watching groups have shifted to observation over Zoom in recent years, our working definition of court watching here requires that a group must, as part of its mission, attend court proceedings as they are happening in person. We include groups that provide coverage of online proceedings, but we require, as the fourth tenet of our four-part definition, that the group also relies at least in part on in-person real-time observations. It is not uncommon for advocacy groups to use publicly available court data rather than live observations. For example, the Wisconsin Civil Justice Council Appellate Program aims to “promote fairness and equity in Wisconsin’s civil justice system” by monitoring court cases and publishing amicus curiae briefs “as needed,” but their lack of real-time observations renders them ineligible for inclusion in our database (Wisconsin Civil Justice Council, n.d.). Strategies and groups like this, despite not meeting our working definition of court watching, still represent an important piece in the landscape of “bottom-up” methods of court accountability and reform.

The reasoning for this fourth aspect of our working definition derives from the difficult-to-quantify bystander effect that court watching has been known to generate since its origins.²⁵ Judges, prosecutors, lawyers, and other legal actors, especially

²⁴ For discussion and preliminary analysis of virtual court practices, their benefits and shortfalls, and the ways in which they have shifted US legal proceedings, see O’Leary 2022.

²⁵ Critical geographers and cultural studies writers often write about the space of the courtroom as a material one, which shifts with the introduction of new observers or increased bystander presence. However, the specific effects of court watchers in creating a bystander effect strong enough to influence legal behavior or outcomes are thus far only noted anecdotally through individual accounts. This area of research is ripe for exploration, and the authors hope that this survey might serve as a starting point for those investigations.

when they are accustomed to relatively empty courtrooms, register the presence of an observer. It is of course nearly impossible, without deep research into the experience and perspectives of actors like judges and lawyers, to make any conclusions about the impact that this presence might have in terms of behavior by those actors. However, by requiring via our four-part working definition that these groups generate in-person and real-time observations, we hope to capture the existence of those groups who are most likely to generate a bystander effect in these legal spaces within our universe of observations.²⁶

This four-part definition establishes the universe of observations that we provide below and aims to maximize the breadth of court-watching groups while highlighting those groups that are most likely to serve as a nonpartisan and grassroots form of accountability and transparency. A long-standing court-watching group that emerged from activism among crime victims in Anchorage, Alaska, provides one of the simplest and clearest outlines of this definition in a 2000 report: “CourtWatchers are concerned citizens who want to make a positive contribution to the community and who hope to make a positive change in the system” (Alaska Judicial Council 2000, 1). These participants may be described by their respective groups as court watchers, court monitors, or court observers, but they all have the same purpose: to sit in court proceedings and collect data and perhaps create a bystander effect in the process. By involving these “outsiders” in the specialized world of legal proceedings, court watching, by our definition, trains, educates, and mobilizes a fruitful form of legal oversight. We propose that groups operating under these four stipulations thus have great potential to increase mobilization, deepen legal culture, and provide a distinctive form of oversight in many US jurisdictions.

Method

The authors, after registering a lack of engagement with court watching as a meaningful check (or potential check) on legal systems and actors within socio-legal literature, aimed to take the preliminary step of collecting these groups into the working dataset replicated in the Appendix. Our hope is that this work may serve as a starting point for future researchers seeking to understand the role that court-watching groups play in the US context. The starting point in our data collection method was to consult the existing aggregations of court-watching groups and their work across the United States. We relied on the work of groups like the Abolitionist Law Center (ALC), the American Bar Association (ABA), and the Marshall Project (MP), all of which have highlighted the act of court watching as a worthy method of increasing the transparency and effectiveness of legal actors and institutions. The missions of these nation-wide organizations vary. The ALC (2025), for example, explicitly works to “end mass incarceration, empower impacted people, and protect individuals who encounter the

²⁶ In some cases, nonprofit or activist groups have the stated purpose of attempting to increase public education regarding court proceedings but, nevertheless, do not meet the definition of court watching that we lay out here. For example, the Right to Counsel Court Watch in New York City’s housing courts meets with tenants outside the courtroom immediately before proceedings to inform them of their rights. Although our definition focuses on groups with live observations, the Right to Counsel Court Watch illustrates the expansive reach of “court watching” and helps establish the need for our four-part definition.

criminal punishment system,” but the ABA and the MP take a more neutral or nonpartisan tack in promoting the practice. The MP, in an article tracking the growing prevalence of court watching in 2018, provides a simple, matter-of-fact justification for the practice: “Legislators can be held accountable to a voting record, but much of what prosecutors do goes unrecorded” (quoted in Schwartzapfel 2018). While the ABA (2023) does not advocate for court watching as a means for outright legal reform or abolition, it uplifts public access to courts as an overarching public good that legal observers and everyday people should take advantage of in an effort to uphold constitutional standards: “Requiring the work of the courts to be conducted in public view provides an important check on the potential for abuse of power.” This statement illustrates the fact that court watching need not be associated with radical movements or activist aims (we discuss the ideological flexibility of court watching in more detail below).

These groups have, over time, aggregated existing court watching groups in the United States and thus provided a starting point for our analysis, but the existing lists created by these aggregators were far from complete. An online presence, which for many groups is substantial, was the most accessible means by which to trace and analyze court-watching groups, especially those that were not represented in the existing reports and aggregations. Court Watch Massachusetts, Court Watch Chicago, Court Watch New York City (Court Watch NYC), and Court Watch NOLA, for example, all have updated and easily accessible websites along with social media profiles (see the Appendix for the complete dataset and links to each organization). We recorded every group that fit the earlier-mentioned criteria, with a special note if it was still active in its respective community as of the winter of 2024. While this first step in the process allowed us to capture the most well-publicized or well-resourced groups, our process of identifying those groups with a smaller virtual footprint involved a method resembling process tracing in the qualitative social sciences (Collier 2011; Beach 2018). Starting with an alphabetical list of all US states, the authors searched scholarly and policy-based databases for court-watching or legal accountability groups associated with state-level and other jurisdictions. This state-by-state method significantly expanded the database but still privileged those groups with a substantial media presence. As detailed below, the authors aimed to embody the tenets of qualitative content and narrative analysis using a diverse set of sources, many of which were produced by the court-watching groups themselves (Flick 2013).

After a first pass using online searches to find state-specific groups, the authors shifted to a method of more individualized outreach.²⁷ Especially in cases where a group’s website or social media had limited activity in the years from 2022 to 2024, the authors would reach out via email and phone to confirm (1) the group’s existence and (2) their status as an active group. As many court-watching groups have emerged amid social movements or activism, their activity often waxes and wanes with current events or popular interest in a given policy area. Acknowledging this, we included both active and inactive groups in our database to provide a historical record of court watching. To be categorized as “active,” groups needed to be currently recruiting, training, or collecting data from volunteer watchers during our analysis in the winter

²⁷ The authors acknowledge that the methodology of this project was constrained by time and funding limitations; a full ethnographic survey that identifies and interviews subjects from each group would be a fruitful next step in this research area.

of 2024. By speaking directly with staff through phone and email correspondence, we captured a greater number of observations and aimed to rely less on social media or Internet presence alone. For those groups with recent posts on their social media or website (any made in 2024), training scheduled, or active calls for volunteers, they were included in our universe without contact.

Our state-by-state process tracing lasted for approximately three months in early 2024, after which we fleshed out the database by investigating each group and recording information related to the following categories: state; jurisdiction; year established; mission statement (if available, substituted with one to two sentences on a group's background if not); noteworthy accomplishments; current activity (active or inactive); website or profile link; and contacted (yes or no), which was used to determine current activity. The authors generated insights about the "purpose" of each group based on the information provided by groups themselves, whether through mission statements or externally released publications (see [Figure 3](#)). It is important to note here that many groups included in our dataset identify publicly as nonpartisan. Even though much activism in the criminal legal space is often coded as progressive or conservative (for example, extending sentences and increasing incarceration of defendants is associated with conservative and punitive views of the criminal legal system, while decreasing punitiveness and promoting anti-racism and abolitionist aims are cornerstones of liberal/progressive movements), we steered clear of these ideological labels in the data collection and analysis processes. We used the language of "accountability" and "oversight" rather than the language of conservative/liberal and partisanship to reflect how the groups themselves identify and take seriously our commitment to tracing the mission and focus of the groups as they themselves define them. The authors acknowledge that some groups advance aims that, when considered in the broader context of American political polarization, could be seen as leaning in one direction ideologically. However, in nearly every case we have captured here, the court-watching organizations do not identify their goals as partisan or conservative in nature. Thus, we mirror this tendency in our data collection and analysis, in keeping with our method of deriving conclusions and coding criteria from materials generated by the observed groups themselves.

To give an example, Stop Crime San Francisco (SCSF) has a court-watching group focused on repeat offenders and serious offenses and aims to "ensure judges and prosecutors consider public safety and the rights of victims of crimes when handling criminal cases" (see Appendix).²⁸ While victim advocacy groups are often seen as a conservative or punitive segment of the US political landscape, SCSF's inclusion of court watching into their activist agenda incorporates increasing accountability (an aim that transcends conservative/liberal ideological commitments) into their broader agenda. This shows the complexity of labeling groups as leaning in one direction politically; four other groups have the explicit purpose of decreasing crime by tracking chronic offenders or pushing for higher bail, but many other groups focus on a victim's rights through an accountability lens.²⁹ We acknowledge this complexity

²⁸ This language is taken directly from the group's mission statement (Stop Crime San Francisco, n.d.).

²⁹ Four other groups in our dataset reflect relatively "conservative" aims like decreasing crime and harshening sentences: Florida Sarasota Court Watch, Atlanta Court Watch, Citizen's Court Watch, and Minnesota Court Watch. However, we contend that, despite the conservative coding of these goals in the

and resist the urge to label any court watching group as inherently conservative or progressive for the purposes of this project.

Mothers against Drunk Driving (MADD), one of the nation's longest-running court-watching groups, provides another illustrative example (see Appendix). MADD tracks conviction and offender rates of drunk-driving cases but with the stated purpose of holding courts and judges accountable, not just increasing punishments or lengthening sentences. Other victim-focused groups are coded as being accountability focused in our data because that is what they claim to be upholding, in their own words.³⁰ The accountability category does not mean that all groups are left leaning, but it also does not mean to imply any partisanship at all. Some are openly partisan (for example, Courtwatch Prince George County (Court Watch PG) makes explicit calls to "anti-racist" action and "abolitionist futures"), while others (for example, Court Watch NOLA) are specifically nonpartisan, but all have the same goal of accountability, which does not map neatly onto the contemporary spectrum of political ideology or partisanship.

In investigating these categories, we consulted a mix of scholarly and popular sources in addition to sites, posts, reports, or other materials created by the groups themselves. The sources included local and national newspapers, published reports and abstracts based on data collection, reports developed through the US Department of Justice (especially via the Office of Justice Programs division), coverage from related or aligned civic engagement groups (for example, the League of Women Voters or Neighborhood organizations), and even notes from city council meetings and other local governance entities.³¹ We discuss the results of these research methods below, with special attention to their diversity. We also use selected groups as case studies to demonstrate key aspects of our working definition.

Analysis and preliminary findings

Our analysis resulted in a dataset with fifty-nine observations, each representing individual groups dedicated, at least in part, to court watching in a given jurisdiction. The goals of these groups vary, with some stated purposes including expanding transparency and public knowledge of court proceedings; informing court actors of the need for reform; issuing broader calls of bail reform or abolition; providing a baseline for comparison; and monitoring behavior and consistency of court actors. Data collected often includes quantitative notes such as the duration of court,

broader political context, the activity of court watching tends to eschew sharp political or ideological designations given its focus on accountability and transparency above other priorities.

³⁰ The tension between victims' rights and accountability and feminist goals of abolition and transformative justice have been well documented by contemporary Black feminist writers (see especially Richie 2012; Kaba et al. 2021). While abolitionist writers like Mariame Kaba and Andrea Richie do not specifically advocate for or analyze court watching, our preliminary research shows that the goals of accountability and oversight might sometimes dovetail with feminist aims of abolition, but it is by no means guaranteed that court watching on its own will always be feminist or abolitionist in practice.

³¹ The court-watching group in Sarasota, Florida, for example, was established in 1997 and funded mostly via a block grant that was dispersed during a city commission meeting. The researchers found no documentation or formal record of this group's existence apart from the meeting minutes, during which \$36,992.00 was dispersed to the court watchers.

charges, bail requests and amount granted, and demographics. Qualitative notes are also often used—court watchers often write down statements made in court, their opinions and attitudes toward court actors or the overall experience, and verbatim quotes.³² Special attention is often paid to technological difficulties, language barriers, and forms of discrimination. The data are then used in varied ways. As discussed above, the data may be shared with the public or shared exclusively to court actors, kept for organizational use, or collected purely to showcase public concern and care for court proceedings and advocacy. Most importantly, this analysis revealed the vast diversity among groups in terms of jurisdiction, stated purpose, and level of ongoing activity (see [Figures 1–3](#)).

According to our analysis, thirty-four out of fifty-nine (57.6 percent) court-watching groups are currently active in the United States. This data includes court-watching groups that date back to around 1974, the oldest being the League of Women Voters Illinois, with at least nine groups established before 2000. Of these nine groups, only three (33.3 percent) remain active: the Fund for Modern Courts Citizen Court Monitoring in New York, Minnesota’s WATCH, and the National Council of Jewish Women Chicago North Shore Court Watch in Illinois. Out of the forty-nine³³ groups established after 2000, thirty-one (63.3 percent) remain active, and eighteen (36.7 percent) are currently inactive. There is a large variety in terms of courts and jurisdictions that are observed. Twenty-three groups observe general criminal and municipal courts. The other thirty-six groups have a more specified range of cases they observe. Six groups observe general family courts, while eight only observe domestic violence cases. Twelve groups focus on bail/arraignment hearings, and six only hear eviction courts. Two groups observe reckless or impaired driving. One group observes general circuit courts, and one group observes immigration courts.

The majority (thirty-nine) of groups emphasize accountability of justice or fairness in the courts as their primary priority or mission. These groups are mostly neutral, objective parties, although six groups also cite strong reform purposes as a main goal. This does not imply that the other groups have no reform purposes—accountability often comes with advocacy, and many groups compile data to publish reports or submit recommendations to justices to improve the judicial process. Three groups emphasize abolition as a main objective, two of which also emphasize bail reform and the other has a variety of other priorities that are aligned with broader movements for abolition or radical reform in the criminal legal system. Five groups focus on decreasing crime by tracking repeat offenders or serious offenses. Six groups have the main goal of bail reform. Six groups cite varying types of reform purposes that did not align with the existing categories and thus merited an additional category in our analysis. This category includes a diverse set of central case types and purposes, including but not limited to the tracking of fees and fines, the advancement of racial justice, and the advancement of “public awareness” of legal proceedings writ large.

³² The international group Advocates for Human Rights notes that two forms of data are most helpful in the court-watching process: that cataloging “how” things happened is deemed “process data” and that cataloging “what” happened is deemed “substance data” (see [Stop Violence against Women 2019](#)).

³³ One observed group did not have a clear start date that the researchers could identify: Hennepin County Court Watch in Minnesota (see [Appendix](#)).

In some cases, a group may have multiple purposes; in those cases, the authors determined a central mission by evaluating sources like mission statements and internally created reports. For example, some groups may observe domestic violence or family courts but not have a sustained or exclusive domestic violence focus—they are listed under accountability because they are attempting to hold judges or offenders accountable in multiple judicial contexts. Two court-watching groups that mention domestic violence in their materials are listed under varied reform (see Figure 2). We grouped them under “varied reform” because there is not enough information to assume a purpose other than protecting victims, and they do not limit their observations to domestic violence or family courts. In contrast, all the groups that we coded as focused on accountability/fairness specifically stated that as their goal in court watching. This coding scheme of course forced the authors to make inferences, but we aimed to use the most updated information sources available, whether that was published reports or direct outreach to groups.³⁴

Group activity* as of February 2024	Number of groups (%)
Active	34 (57.6)
Inactive	25 (42.4)

Figure 1. Total court watch groups, spring 2024
Notes: Activity confirmed directly with project volunteers/coordinators or through website updates/volunteer signups. Groups that have been contacted with no response and have no recent updates are assumed inactive

Type of cases observed	Number of cases (%)
Bail/Arraignment	12 (20.34)
Family court	6 (10.17)
Domestic violence	8 (13.56)
Eviction	6 (10.17)
Reckless driving	2 (3.39)
Nonspecific criminal/Municipal court	23 (38.98)
Other*	2 (3.39)

Figure 2. Distribution of jurisdiction/case type among court watch groups
Note: Includes one circuit court and one immigration court.

³⁴ Again, the authors were bound by constrained resources and a time frame, which limited the initial data collection and analyses processes. We aim with this article to capture a “moment-in-time” picture of the court-watching landscape and acknowledge the need for future work that further investigates these distinctions.

Figure 3. Distribution of stated goal among court watch groups
Notes: * See Analysis section above for discussion of this category and justification.

Purpose of group	Number of groups (%)
Accountability/Fairness	39 (66.1)
Abolition	3 (5.08)
Decrease crime	5 (8.47)
Bail reform	6 (10.17)
Varied reform*	6 (10.17)

Our analysis also revealed that a general bystander effect is another central goal of groups, which connects to the general presence of volunteers and their actions through data collection. A desire to be seen and registered by the judges and other legal actors buttresses this overall desire for generating a bystander effect. For example, Court Watch NYC volunteers wear “conspicuous yellow CWNYC t-shirts” so that “courtroom actors are aware they are being watched,” and the organization claims that judges and prosecutors are “more ‘lenient’” when they recognize court watchers (Court Watch NYC 2020, 6). FCC CourtWatch describes a similar phenomenon, and one volunteer CourtWatcher stated that judges “look over at me with my notebook nervously” and “know they’re being watched” (Freedom Community Center 2021, 4). Again, these anecdotal reports are a fruitful starting point for future research investigating the causal relationship between court observers’ presence and changing judicial outcomes.

Our data collection process also revealed that, as expected based on existing literature, technology has played a unique role in expanding access to, and the effectiveness of, court watching. Many groups use online resources such as Zoom or PowerPoint for training, and publicly available online docket sheets are beneficial for data collection after an in-person volunteer shift has concluded. Data collection tools such as Survey Monkey and Google Forms are also used for the easily accessible submission of volunteer data. Technology such as Zoom and publicly accessible phone lines allowed many groups to continue observing courts during the COVID-19 pandemic, according to their published materials. For example, Circuit Courts of Cook County, Chicago Appleseed, and Arch City Defenders, among many other programs, were able to go fully remote to maintain court watching and evaluate the courts’ responses to COVID-19. These remote observations revealed that the transition to these virtual spaces was often marred by issues of access, such as unstable Internet connections or admission refusal into the meetings by the court administrator or judge. Social media has also played a special role in recruiting volunteers, promoting court watching, and releasing updates. One group, King County Court Watch, is even based entirely on Twitter or X: anonymous users live-tweet from eviction courts and provide information such as the duration of hearings and the levels of tenant

presence in the space. Overall, the use of technology has greatly expanded the range of court-watching efforts, and many groups within our dataset remain hybrid today.

Future research on court watching might investigate questions of geographical variation in both the number and type of court-watching groups that are operational in a single state or municipality. In our study, we found that, currently, New York is the state with the most court-watching groups, with five active organizations. This is followed by Illinois, in which at least four groups have been organized, three of which are still active. While Missouri also historically has four groups, only two are still active. Maryland and California each have three active groups. Out of the twenty-eight states that have had court-watching programs, only nineteen (67.9 percent) still have existing active programs.³⁵ Additionally, seventeen (60.7 percent) have created more than one program. This variation in the levels of activity among groups highlights the unstable nature of court-watching groups; many rely on grant funding and other sources that ebb and flow with political and social priorities. This database thus captures a moment in time, featuring both active and inactive groups, all of which factor into the process of democratizing legal culture, to which we propose court watching contributes.

The court-watching groups included in our universe of observations also contain significant variation in terms of chronology or the age of the group. For example, the League of Women Voters of Illinois is the oldest court-watching group in the dataset. According to published materials and correspondence from actors within this group, its long tenure has had a substantial impact on the work of other court watchers. In some respects, work by the League of Women Voters laid the foundation for future organizations: groups such as Alaska's Victims for Justice Court Watch, for example, cite this group as its inspiration (Alaska Judicial Council 2000, 1–2). Similarly long-lasting, Court Watch NYC is often referenced by other groups and news articles as a court-watching group of major importance.³⁶ It is a wide-scale program that has received national recognition, especially in the wake of the movement to reform the bail system in New York City, in which CourtWatch NYC was an active participant.³⁷ While these two groups boast expansive missions that include goals like increasing accountability, empowering defendants, and generally improving outcomes of the criminal legal system, other programs with impressively long tenures serve a more pointed mission. Beginning in 2015, MADD established the MADD Court Monitoring Program, which focuses on jurisdictions hearing cases involving impaired driving. MADD now activates volunteers to monitor impaired driving cases in roughly 130 counties nationwide. They publish annual reports that track both conviction and offender rates of impaired driving on both a state and national level and identify court watching or monitoring as one method within their broader “campaign to eliminate drunk driving.”³⁸

³⁵ This only includes state-specific programs, excluding data from Mothers against Drunk Driving (MADD) and the National Family Court Watch Program (NFCWP) as they both operate in several states. Including these two expansive programs, thirty-five states have had court-watching programs. However, we exclude these in the above description as it is difficult to determine which states still have active court monitoring under MADD or the NFCWP.

³⁶ Court Watch New York City (Court Watch NYC), in its current iteration, was established in 2018 and paid special attention to the operation of cash bail systems in the city (see Osberg 2021).

³⁷ See Marshall Project 2018; CourtWatch NYC 2020.

³⁸ Beginning in 2019, MADD publishes annual reports using this data and archives them on the national website. See “Court Monitoring Program,” accessed April 25, 2025, <https://madd.org/court-monitoring/>.

Our data collection process, preliminary descriptive analysis, and brief vignettes of these notable groups all ultimately support our contention that court watching as a practice has grown in both prevalence and geographic diversity in the contemporary moment. Based on the four-part definition established above, we have established a universe of observations that reflects deep diversity in terms of mission, style, and size among court-watching groups, while illustrating the overarching prevalence of volunteer-run court-watching practices in the contemporary United States and across time. Our hope is that this universe of observations represents a productive starting point for researchers aiming for a deeper understanding of the role that court watchers play in upholding and expanding systems of accountability and oversight in legal settings.

Conclusions and opportunities for future research

Judge Warren Burger's (1964, 23) concerns over the Suppression Doctrine drove his observation in 1964 that "the wrath of public opinion may descend alike on police and judges" without sufficient oversight of those charged with upholding the criminal legal system. In the wake of highly visible police killings and in the era of mass incarceration, this wrath seems far from abating. However, public awareness and displeasure with the seemingly unjust operations of the US criminal legal system can only be generated through sufficient public knowledge of the everyday machinations of the legal system and its associated actors. Court watching, we assert, is a fundamentally accessible, affordable, and well-established means by which to increase that public knowledge and broaden calls for accountability.

We have also found, especially through the process of analyzing group purpose and judicial focus, that court watching as we define it is a practice that has wide appeal across political or ideological spectra and often eschews categorization as solely progressive or conservative in nature. It is also a widespread practice both in terms of time period and geographical space. As our preliminary data collection reflects, this method of grassroots legal activism has been adopted in extremely diverse contexts; the jurisdictional focus, geography, size, and mission of these groups reflect a commitment to the act of court watching that translates across space and time. Given this wide appeal and application, court watching may play a substantial role in generating and creating a baseline of public knowledge that not only increases accountability in courtrooms but also deepens legal consciousness among those unfamiliar or disconnected from legal systems in their everyday lives.

Due to its traditional nature as a grassroots and largely decentralized movement among disparate activist groups and movements, however, the work of court watchers is difficult to trace in a quantifiable way. While some effort to catalog court-watching groups across the nation has been made in activist and media circles, we assert that the academic promise of this activity is deep and should be pursued in an effort to understand what legal activism, legal mobilization, and legal culture entails in the contemporary era.³⁹ While this method of legal accountability is more difficult

³⁹ A recently established website, Courtwatch.org, for example, lists eight organizations and relies on self-reporting from unlisted groups. "Courtwatch: Take Action," <https://courtwatch.org/takeaction/>. More comprehensive data collection can better capture the scope of court watching across the United States.

to study systematically than, say, judicial scoring or developments in sentencing guidelines, it still represents an important component of the contemporary US legal landscape. The authors hope that by establishing a widely applicable working definition and collecting preliminary data on the subject, this article may serve as a starting point for those seeking to understand the impacts of court watching across jurisdictions in the United States.

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Appendix

State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Alaska	Victims for Justice (VFJ) CourtWatch	Anchorage	1988	1998 Report 2000 Report	Inactive			
Alaska	Alaska Judicial Observers, Inc.	Anchorage, Kenai, Palmer	2002	2014 Report First 2004 Report 2008 Report	Inactive	3-7-2024	Called (907) 646-9881	Number out of service
California	CourtWatch LA	Los Angeles	2019	https://courtwatchla.org/	Active			
California	Vanguard Court Watch	Yolo, Sacramento, and San Francisco Counties	2006	https://www.davisvanguard.org/category/yolo-county/court-watch/	Active	2-22-2024	info@davisvanguard.org	
California	Stop Crime SF Court Watch	San Francisco	Around 2019	https://stopcrimesf.com/court-watch	Active			
Colorado	Project Safeguard CourtWatch Program	Denver, Jefferson, potentially Adams and Broomfield	1994	https://psghelps.org/who-we-are/	Inactive	2-9-2024	Email info@psghelps.org	2/12 - No current courtwatching program
Colorado	Court Watch Colorado	Denver County Court, Denver Municipal Court, Aurora Municipal Court	2019	News Article Outdated sign-up link	Inactive	2-9-2024	Email info@peoplepower.org	Email info@aclu-co.org 2/29

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Florida	Sarasota Court Watch	Sarasota County	1997	Notes from a Saracota City Commission meeting End of program? Just some more info More info	Inactive			
Florida	Families Against Court Travesties, Inc. (FACTS)	South Palm Beach County	2003	https://factscourtwatch.org/about/	Active	2-20-2024	FactsCourtwatch@gmail.com	2/21 Active and trying to expand
Georgia	Atlanta CourtWatch	Fulton County	2022	https://fultoncountyga.gov/courtwatchat/	Active	2-19-2024	Email customerservice@fultoncountyga.gov	just sent a link to the court watch page; I guess still active?
Georgia	Citizen's Court Watch	Fulton County	2006-2019(?)	https://www.midtownatlanta.org/court-watch/	Inactive			
Illinois	Coalition to End Money Bond	2017: Cook County Central Bond Court 2022: Champaign, DuPage, Kane, McLean, Peoria, Sangamon, Winnebago Counties	July-October 2017 June-Sept 2022	https://endmoneybond.org/advocacy-2/	Active	2-9-2024	Email info@endmoneybond.org	2/19 Yes it is ongoing, currently evaluating fall data and will relaunch in the spring

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Illinois	Court Observation and Education Program (COEP)	Circuit Court of Cook County	Chicago Appleseed Center for Fair Courts since 2005; joined the Chicago Count of Lawyers in 2023	https://www.chicagoappleseed.org/court-watching/	Active			
Illinois	National Council of Jewish Women (NCJW) Chicago North Shore Court Watch	Domestic Violence Court Second Municipal District of Cook County - Des Plaines, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Morton Grove, Niles, Northbrook, Northfield, Park Ridge, Skokie, Wilmette, and Winnetka.	1999	https://ncjwcns.org/what-we-do/community-service/court-watch/	Active	2-9-2024	Email courtwatch@ncjwcns.org	2/12 - Program still active
Illinois	League of Women	1975: Cook, Dupage, Champagin, Warren Counties	1974-1977	Office of Justice Programs Report	Inactive			

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
	Voters Illinois	1976: Add St. Clair, Rock Island, and Winnebago Counties 1977: Adams, Bureau, Champaign, Cook, DuPage, Jackson, Kane, Kankakee, Knox, Macon, McHenry, McLean, Warren, Will and Winnebago Counties		News Article 1 Article 2				
Indiana	St. Joseph County Court Watch Project	St. Joseph County	2023	https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf https://law.nd.edu/news-events/news/clinical-professor-emerita-judith-fox-co-authors-eviction-court-watch-study/	Inactive			
Indiana	Indiana Eviction Justice Network	Hamilton, Hendricks, Marion Counties	2024	Website Training materials and FAQ will be based on this site	Active	2-23-2024	email aspiegel@indymultifaith.org	2/24, would like to see final list of active court watch groups if possible :)

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Kentucky	NCJW Louisville	Jefferson County	1995	https://ncjwlou.org/home/ourwork/	Inactive	2-20-2024	office@ncjwlou.org	2/21 Responded with a phone number, saying she would be happy to talk about court watch. neither confirmed nor denied program activity; called 3/7, voicemail; spoke 3/19
Louisiana	Court Watch NOLA	Orleans, EBR, St. Bernard Parishes	2007	https://www.courtwatchnola.org/	Active			
Maine	CourtWatchME	Kennebec County	2021	https://www.mainepublic.org/courts-and-crime/2022-06-21/new-group-aims-to-shed-light-on-whats-happening-in-maine-district-courts more mission statement/ background: https://web.colby.edu/drugpolicy/2022/05/02/courtwatch-maine/	Inactive			
Maryland	Courtwatch PG	Prince George's County	At least after 2017	https://courtwatchpg.com/	Active			

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Maryland	Baltimore Courtwatch	Baltimore City Circuit Court	2020	https://baltimorecourtwatch.org/	Active	2-9-2024	email <admin@baltimorecourtwatch.org>	2/16 Still active, volunteers still observing, just transitioning data team and hope to have full 2023 data in the next month or two
Maryland	Court Watch Montgomery	Montgomery County	2010	https://courtwatchmontgomery.org/	Active	2-19-2024	Email info@courtwatchmontgomery.org	2/22 still active
Massachusetts	Court Watch MA	Suffolk County, Essex County, South Bay jail court (a session of the Boston Municipal Court)	2018	https://www.courtwatchma.org/	Inactive	2/19/2024 3/19/2024	email info@courtwatchma.org information@massbailfund.org	3/20 (second email) no longer active; last court watch program was in 2021 to shut down a “jail court” in Suffolk County House of Corrections; linked this article
Minnesota	WATCH	Hennepin and Ramsey Counties	1992	https://watchmn.org/about-watch/	Active			
Minnesota	Immigration Court Observation Project	Fort Snelling Immigration Court	2017	https://www.theadvocatesforhumanrights.org/immigration_Court	Active			
Minnesota	Court Watch	Hennepin County		https://www.hennepinnattorney.org/prevention/community-engagement/court-watch	Inactive	2-26-2024	sandra.filaro@hennepin.us	

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Missouri	FCC Courtwatch	St. Louis 22nd Judicial Circuit	2021	https://www.freedomstl.org/courtwatch-reports	Active			
Missouri	Arch City Defenders Landlord-Tenant Court Watch	St. Louis City and County (22nd and 21st Circuit Courts)	at least 2021	https://www.archcitydefenders.org/sdm_tags/court-watch/	Inactive	2-9-2024	Email jestes@archcitydefenders.org	2/13 ACD is not as “robust or consistent” with court-watching, but is partners with FCC who is
Missouri	ACLU MO Court Watch	St. Louis County Circuit Court	At least 2020	https://www.aclu-mo.org/en/campaigns/court-watch	Inactive	2-19-2024	Email tbastian@aclu-mo.org	
Missouri	Saint Martha’s Court Watch Project	St. Louis City and County	2009	https://www.sledsvn.org/court-watch-project	Active	2-19-2024	Email carlam@saintmarthas.org	still active
Nationwide - AZ, CO, CT, ID, IL, LA, MO, NE, NM, NV, NC, SC, TN, VA (as of 2021)	MADD Court Monitoring Program (Mothers Against Drunk Driving)	Roughly 130 Counties: AZ, CO, CT, ID, IL, LA, MO, NE, NM, NV, NC, SC, TN, VA Only reports for 10 of these - Colorado and Nebraska are not included in the data set due to “report cycles” and	2015	https://madd.org/court-monitoring/	Active	2/19/2024 3/15/2024	Email media@madd.org Called 877-275-6233	no operator - left message

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
		idk what happened to Virginia and Connecticut Reports for: ARIZONA: Coconino, Gila, Graham, Greenlee, La Pass, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma Counties IDAHO: Canyon County ILLINOIS: Bond, Boone, Brown, Bureau, Carroll, Champaign, Clay, DeKalb, Du Page, Henry, Jefferson, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Macon, Macoupin, Madison, Marion, Marshall, McHenry, McLean, Mercer, Monroe, Montgomery, Ogle, Peoria, Rock Island, Saint Clair,						

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
		Stephenson, Tazewell, Whiteside, Will, Williamson, Winnebago coun- ties LOUISIANA: Bossier, Caddo, East Baton Rouge, Lafayette, Livingston, Rapides, Tangipahoa Parishes MISSOURI: Cass, Clay, Franklin, Greene, Jackson, Jefferson, Platte, Saint Charles, Saint Louis NEBRASKA: Washoe and Clark counties NEW MEXICO: Bernalillo, Dona Ana, McKinely, Santa Fe, San Juan, Rio Arriba, Sandoval, Valencia counties NORTH CAROLINA: Carteret, Cumberland,						

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
		Davidson, Durham, Forsyth, Guilford, Johnston, Lee, Mecklenburg, Onslow, Orange, Person, Robeson, Union and Wake counties SOUTH CAROLINA: Berkeley, Charleston, Greenville, Horry, Lexington, Richland, Spartanburg coun- ties TENNESSEE: Davidson, Rutherford, Shelby, Sumner and Wilson counties This is 108 counties - does not include Virginia or Connecticut because those two states just weren't included in the year data for some reason - fits the 130 rough estimate listed						

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Nationwide, but based in MI	National Family Court Watch Project (NFCWP)	MI, CA, MA, RI, NJ, NY, WA, OR, UT, NV, CO, FL, IL. 54 counties	Tentatively 2006 - unclear	https://nationalfamilycourtwatchproject.org/	Active	3-21-2024	online form - jurisdiction inquiry	4/5 - “I can tell you that we have been in 13 states. MI, CA, MA, R, NJ, NY, WA, OR, UT, NV, CO, FL, IL” 54 counties
Nebraska	ACLU of Nebraska	Douglas, Lancaster, Omaha Counties	2021	2022 Report 2024 Report Initial Launch	Active			
Nevada	NHJA Eviction Watch	Las Vegas	2023	Launch News Article NHJA Website NHJA Twitter	Active	2-26-2024	ben@nvhousingjustice.org	2/26 program is “alive and well,” would love to chat more if it would help with research and to hear about groups
New Mexico	American Bar Association	Focus on Bernalillo County; also observed in Socorro, Chaves, Doña Ana, Lincoln, Sandoval, and Santa Fe Counties	2018-2022	https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lssclaid-punishing-poor-rept.pdf	Inactive			

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
New York	Court Watch NYC	New York City - Manhattan, Brooklyn, Queens, Staten Island, and The Bronx; with special focus on Manhattan, Brooklyn and Queens	2018	https://www.courtwatchnyc.org/	Active	2-9-2024	Email info@courtwatchnyc.org	2/13 - just relaunched this month as an all-volunteer organization
New York	Citizen Court Monitoring	Varies across state and by project; both criminal and family courts	1975	https://moderncourts.org/citizen-court-monitoring/	Active	2-19-2024	justice@moderncourts.org	2/20 no current program but still does court watching projects on and off; wants to be considered as an ongoing project
New York	The Court Watch Project, created by the League of Women Voters Geneva	Geneva and Ontario Counties	2000	Website Link News Article	Active	2-21-2024	jmck@hws.edu	2/21 Paused during the pandemic, but have resumed with a smaller program and only a few active volunteers; currently only observing eviction cases
New York	AAUW Family Court Monitoring (American Association of University Women)	Dutchess County	2010	https://poughkeepsie-ny.aauw.net/community-services/court-watch/	Active			

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
New York	Police Reform Organizing Project (PROP) Court Monitoring Project	Manhattan, Brooklyn, Queens, the Bronx, Staten Island	2014	https://police reform organizingproject.org/court-monitoring-project/	Active	4-12-2024	prop@police reform organizingproject.org	4/15 very active
North Carolina	Court Watch of North Carolina → Court Support for Families	Guildford County	1985	https://courtwatchnc.org/about/	Inactive	2-20-2024	info@courtwatchnc.org	2/21 Name has changed to “Court Support for Families” and is no longer court watching
Oklahoma	Court Watch Oklahoma	Seemingly all of OK - current cases in Kay, Custer, Cleveland, and Oklahoma Counties (as of 2/26)	2017	https://abateok.clube xpress.com/content.aspx?page_id=22&club_id=585797&module_id=415339	Active			
Pennsylvania	Abolitionist Law Center (ALC) Court Watch	Allegheny County (Pittsburg)	Jan 2020	https://alccourtwatch.org/our-mission/	Active			
Pennsylvania	Philadelphia Bail Watch	Philadelphia municipal Court (expanding into Pittsburgh?)	2018	https://www.pmconline.org/watches	Active	4-10-2024	watches@pmconline.org	

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Tennessee	Court Watch Nashville	Probably just Nashville?	2020? info suggesting 2020 startup	https://courtwatchnashville.weebly.com/	Inactive	2-9-2024	Website Form	
Tennessee	Just City Court Watch	Shelby County	2019 (based on twitter footprint)	https://www.justcity.org/courtwatch	Active	2-9-2024	Email courtwatch@justcity.org	2/22 still active
Tennessee	SONG Nashville Courtwatch	Davidson County	2019	https://southernersonnewground.org/resource/2019-courtwatch-report-southernersonnewground-nashville-chapter/	Inactive	3-19-2024	kindred@southernersonnewground.org	
Texas	HCDVCC CourtWatch Program	Harris County	2021?	Flyer 2021 Twitter Post 2021 Facebook Post	Inactive	2-19-2024	Email courtwatch@hcdvcc.org	2/27 not active but would like to hear more about the research; may try to bring the program back if there is enough community interest and benefit
Texas	Houston Court Watch	Harris County	2022	Site Article	Inactive	2-28-2024	yangf@uhd.edu	
Utah	CourtWatch Provo	Provo Justice Court, 4th District Court	2019	https://www.ucasa.org/courtwatch_provo	Inactive	2-28-2024	info@ucasa.org	

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Utah	Judicial Performance Evaluation Commission; Courtroom Observation Program	Every county	2008	https://judges.utah.gov/courtroom-observation-program/	Active			
Virginia	WJCC Court Watch	William/James City County	2019	https://wjccjustice.org/court-watch	Inactive	2-19-2024	Email wjcc.ccj@gmail.com	
Washington	Northwest Community Bail Fund Court Watch	Seattle, King and Pierce Counties	2020	https://www.nwcombailfund.org/courtwatch/	Inactive	2-19-2024	email info@nwcombailfund.org	
Washington	King County Court Watch	King County	2021	https://twitter.com/KCSCCourtWatch	Active	4-27-2024	email kingcountycourtwatch@gmail.com	4/28 created in 2021, virtual Court
Washington, D.C	Council for Court Excellence - Court Community Observers Project	D.C.	2000	Council for Court Excellence Website 2nd Court Watch Report	Inactive	2-20-2024	email info@courtexcellence.org	
Washington, D.C	CourtWatch DC	D.C.	2022	https://www.courtwatchdc.org/	Active			

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State	Name of group	Jurisdiction	Year established	Link(s) to website	Active/ Inactive	Contact – date	Form of contact	Response
Washington, D.C.	DC Domestic Violence Court Watch Project	D.C.	2006	https://courtwatchdc.wordpress.com/about/	Inactive			
Wisconsin	Justified Anger Court Observers Program	Dane County	2018	https://nehemiah.org/our-work/criminal-justice-reentry/	Active	2-20-2024	2/28 still active	

Source: Reinke 2024 (draft version).
Note: This table represents a simplified reproduction of the dataset on which this article is based. Columns expressing “mission statement,” “accomplishments,” and “notes” are not reproduced here to facilitate readability.

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