



**California Judicial Council
Advisory Committee on Racial and Ethnic Bias in the Courts**

*Fairness in the California State Courts:
A Survey of the Public, Attorneys and Court Personnel*

FINAL REPORT

December, 1993



93-0042-01



COMPOSITION OF REPORT

The results of this opinion research are presented in the following order:

The *Introduction and Research Objectives* section provides general background about the purpose of the program.

A summary of the major findings for both the telephone poll and the mail survey is located in the *Executive Summary*.

An overview of the survey instruments and an explanation of the analysis strategy are described in *Research Design*.

The data and an interpretation of the findings are contained in the *Analysis and Findings* section.

Supporting documents can be found in the following Appendices located in five separate volumes of the report:

Appendix A	<i>Interview Schedule (Public)</i> <i>Data Schedules (Court Personnel & Attorneys)</i>
Appendix B	<i>Codebooks for the Data Set</i>
Appendix C	<i>Minority Participation</i>
Appendix D	<i>Definition of Statistical Terms</i>
Appendix E	<i>Explanation of Statistical Output</i>
Appendix F	<i>Statistical Output (four volumes)</i>

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APPENDICES (five separate volumes):

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1.0 INTRODUCTION AND BACKGROUND

In March 1991, Chief Justice Malcolm M. Lucas appointed the Advisory Committee on Racial and Ethnic Bias in the Courts. The committee was charged with:

- Studying the treatment of ethnic and racial minorities in the state courts
- Ascertaining public perceptions of fairness or lack of fairness in the judicial system
- Making recommendations on reforms and remedial programs

To meet its mandate, the Committee undertook public hearings throughout the state from November 1991 through June 1992. Oral and written testimony was obtained from 352 people. Most of those who testified were members of the legal profession, in addition to past and present employees of the courts, representatives of community and legal services organizations, and a diverse range of concerned citizens. A large number of participants were from minority groups.

Public testimony indicated *less than positive* public attitudes toward the judicial system in California. Issues raised in the hearings included:

- Lack of access to justice
- Poor representation and treatment of minorities in the legal profession
- Urgent need for court reporters
- Fear of not receiving a “fair shake” from the system
- Public perception of bias in the jury system
- Disparate treatment of minorities
- Abuse of judicial power
- Abuse of prosecutorial discretion
- Need for continuing education and cultural awareness training throughout the judicial system
- Inadequate judicial accountability
- Family law issues
- Minorities and the jury system
- Impact of a shrinking budget on the judicial system
- Problem courtroom interaction
- Bias against women of color
- Bias in the media
- Bias in the juvenile justice system
- Problems with law enforcement



The public testimony has been reported in (*1991-92 Public Hearings on Racial & Ethnic Bias in the California State Court System*). In order to balance the public testimony, which did not reflect a representative sampling, the committee commissioned a subsequent opinion survey which is known as: *Fairness in the California State Courts: A Survey of the Public and Court Personnel*. Therefore, this survey evolved primarily as a result of these public hearings. It seeks to *objectively* verify the extent to which the concerns expressed in the hearings are shared by the major racial and ethnic groups, high-level court personnel, and attorneys with interests in minority issues throughout the state.

1.1 Research Objectives

The opinion research program measured perceptions that reflect people's attitudes toward the state courts. While perceptions may not necessarily reflect the facts of every situation, for most people, perceptions *are* reality whether or not they are supported by actual events. Therefore, this study was concerned not with the nature of court activities and actions, but rather, with their perceptual *consequences*.

The research program was designed to:

- Assess public *perceptions* of the fairness of the state court system
- Determine differences in *perceptions* of fairness among key racial/ethnic groups
- Ascertain *perceptions* of fairness among judges, commissioners, top court administrators and attorneys
- Compare public *perceptions* of fairness to those of court personnel and attorneys
- Determine if there are regional differences in perceptions of fairness among the public, court personnel, and attorneys



2.0 EXECUTIVE SUMMARY

The following sections summarize the major findings from both surveys. In the first section we review the key results from the telephone survey of Californians and in the second section we cover the key issues from the mail survey of court personnel and attorneys.

Since every reader will value each finding differently, results are listed in the order of their presentation in the report rather than in any arbitrary order of importance.

A numeric indicator is provided in square brackets [] at the end of each key finding indicating the section of the survey report to turn to for further information.

a. Telephone Survey of Public Opinion

Overall Issues

- Most respondents (54%) report low to moderate levels of experience with the courts. While varying patterns of experience are evident across the groups, Asians and Hispanics have *significantly lower* experience scores than do other groups (p <.001). [ref. 4.4.1]
- The results for familiarity corroborate the experience findings. Asians are significantly *less familiar* with the courts than other groups. [ref. 4.1.2]
- A majority of survey respondents (58%) report that they obtain most, if not all, of their information about the California courts from the mass media. Asian respondents (seconded only by Hispanics) are significantly *more likely* to obtain their impressions of the court from the mass media than are any other group. [ref. 4.1.3]
- On a scale of '1' to '10', ranging from *not at all fair* to *extremely fair*, respondents, on the average, rated the *overall fairness* of the California Courts to be approximately 5. California's two largest minorities, Hispanics and Asians, give the California courts their highest marks for fairness. Nevertheless, African Americans as a group have a significantly poorer impression of the courts. [ref. 4.2]
- Compared with all other respondents, African-Americans give the state courts a significantly lower rating for fairness toward minorities. [ref. 4.3.1]
- Californians believe their courts to be significantly fairer to Whites than the courts are to any other group of residents. African Americans and Native Americans are perceived to be treated less fairly than everyone else. [ref. 4.3.2]



- Minorities think Whites get a significantly fairer break than Whites think they themselves receive. Whites think they get less of a break than minorities think whites do. Compared with minority opinions on this issue, Whites think minorities, especially people of Hispanic origin and African Americans, are treated significantly more fairly by the courts than these people themselves think they are treated. [ref. 4.3.2]
- African-Americans, when compared with other minority groups, are *systematically* more negative about the fairness of the courts toward every minority group. Native American perceptions of fairness to specific groups closely parallel those of African Americans. [ref. 4.3.2]
- If there is unanimity to be found in this data, it is that everyone, Whites and other minority groups alike, thinks the courts are unfair to Native Americans. [ref. 4.3.2]
- The statistical evidence tends to argue that compared with minority opinion, Whites may be *under-estimating* the level of the their own fair treatment and *over-estimating* the fairness of everyone else's treatment. On the other hand, African-Americans may be under-estimating, not only the level of their own fair treatment, but every other minority group's treatment as well. In other words, Whites are inclined to think the courts are fairer than they may actually be toward minorities and African Americans take an opposite view and are prone to think the courts are less fair toward everyone, especially themselves, than may actually be the case. [ref. 4.3.2]
- Specific findings indicate that respondents tend to feel that the state courts are not equally fair to all people no matter what their race or ethnic origin. Compared to other groups, African Americans are significantly more negative, and the most dramatic differences of opinion are between African Americans and Asians (who often have the most positive opinions among the minority groups surveyed). Only Asians, by a significant majority (63%), do not feel that the courts discriminate on the basis of race or ethnicity. [ref. 4.4.1]
- A majority of African Americans (72%) and to a lesser degree, a majority of Native Americans (65%) and Hispanics (62%), clearly feel that the courts do *not* ensure the same decision regardless of race. [ref. 4.4.1]
- Virtually half of minorities surveyed feel that discrimination against minority attorneys *does* constitute a problem. In contrast, only 27% of Whites perceive discrimination against minority attorneys as a problem that hampers a minority attorney's performance. [ref. 4.4.3]
- Californians of most racial and ethnic backgrounds feel that minorities have *inadequate* access to education and information about the courts. The consensus of opinion is strongest for Native Americans (average level of agreement of 4.0), Hispanics (average level of agreement of 3.6), African Americans, (average level of agreement of 3.5) and Asians (average level of agreement of 3.4). [ref. 4.5.1]



- Respondents perceive that people with a good understanding of English are treated *better* by the courts than people who speak little or no English. In this respect, exceedingly large majorities of Asians (76%) and Hispanics (74%) surveyed feel the language barrier leads to inequitable treatment before the courts. [ref. 4.5.2]
- The survey data reveal that many Californians feel that minority women have a harder time than other women obtaining fair treatment before the courts. The Native American consensus was significantly stronger than that of all the other groups. In addition, African Americans feel there is a specific bias against women of color. [ref. 4.6.2 and 4.6.3]
- Overall, Californians believe that in cases of inter-racial crime involving a minority defendant, the defendant will be treated *more harshly* than a White defendant would be treated. The opposite scenario also is widely believed to hold true: White defendants will be treated *less harshly* than minority defendants in a crime where a minority is the victim. In cases of minority-on-minority crime, respondents tended to feel that sentencing would be more or less the *same* as in cases of White-on-White crime. [ref. 4.7]
- Minorities overall feel they *seldom* face juries containing members of their own group. There is *little consensus* among Whites on this important issue. [ref. 4.8.1]
- Californians feel that juries usually reflect the racial and ethnic mix of the community. However, African Americans and Native Americans are significantly divided on the issue. [ref. 4.8.2]
- There is a *strong* consensus of opinion that youths who look like gang members *are* treated less fairly by the courts than those who don't look like gang members. [ref. 4.9]
- Generally, African Americans give the state courts the lowest fairness ratings. [ref. 4.10]
- With regard to the number of problems and issues related to bias and lack of fairness, African Americans are by and large more negative than all other racial and ethnic groups. Opinion trends point to particular problems with discriminatory sentencing and the notion that in general, the courts don't give minorities "a break," especially if they are African American. [ref. 4.10]
- Whites are somewhat divided on most issues, however, on balance they tend to disagree with the *existence* of many problems. [ref. 4.10]



- Asians tend to be moderates with regard to many problems and issues, aligning themselves with Whites on several important measures. They also have the least amount of experience and familiarity with the courts and the greatest dependence on media for information about the system. Perhaps cultural factors such as language differences, a differing orientation toward authority, and unfamiliarity with western legal practices, as well as the availability of alternate dispute resolution mechanisms, prevent many Asians from engaging the system. Clearly the ability to obtain information about the courts in their own language is an inhibitor to access. [ref. 4.10]
- Among Hispanics, the critical issues tend to be related to peer representation on juries and access problems revolving around a need for more education and information about the courts and the inability to obtain information and take on the system in Spanish. [ref. 4.10]
- Native Americans as a group tend to reflect opinions similar to African Americans. However, their particular concerns are oriented toward lack of fairness to women, disparate sentencing, a feeling that they seldom are judged by a jury of their peers, and lack of access to education and information about the courts. They also tend to have significantly more exposure and familiarity to the courts. In addition, when it comes to learning about the courts, they tend to be less media dependent than other groups. The latter two trends possibly may be an artifact of the Native American sample, which was derived from local community groups and associations whose members may be more activist oriented. [ref. 4.10]
- The results of the mapping analyses make it clear that each racial/ethnic group has its own perceptions of fairness that have been shaped by its particular experiences and circumstances. Nevertheless, taking all the data into account, the umbrella issues that any program to change attitudes must address are: (1) Providing compelling evidence that the courts reach the *same decision regardless of race or ethnicity*; (2) effective measures to limit *perceived bias against minority women*, and; (3) improved access to *information and education* about the courts. [ref. 4.11.4]

Public Support for Suggested Changes in Procedures and Programs

- The majority of Californians (80%) feel *strongly* that people who work in the courts need to be trained to understand the special needs of minority groups. The magnitude of opinion is strongest and the consensus of opinion is greatest among African Americans (4.6) and Native Americans (4.4). [ref. 4.12.1]
- Findings also confirm strong support for: (a) educational programs to overcome existing biases against minorities [ref. 4.12.2]; (b) the courts to become more representative of the communities they serve [ref. 4.12.4]; (c) the courts to ensure that an adequate number of interpreters are available to assist non-English speakers [ref. 4.12.3]; (d) providing interpreters *free-of-charge* to non-English speaking people [ref. 4.12.5], and; (e) increasing minority representation on juries [ref. 4.12.6].



Taking into account the orientation and magnitude of opinion, as well as the level of intra-group consensus, there are several key areas where the opinion gaps are greatest and offer the potential for inter-racial conflict on the issues. See the discussion and summary in Section 4.10 for a complete review of the major problem areas.

b. Mail Survey of Court Personnel and Attorneys

Overall Issues

- Compared with non-judicial personnel and attorneys, judicial officers give the courts a significantly higher fairness rating. [ref. 5.2.1]
- There is a trend among attorneys working traffic, small claims and criminal courts (and to a lesser degree among attorneys in appeals, civil, and juvenile) to provide significantly lower than average ratings of fairness. [ref. 5.2.1]
- All respondents feel Whites are treated fairly by the courts. However, when it comes to minorities, a significant difference of opinion exists between judicial officers whose impressions tend to be that minorities are subject to *very fair* treatment, non-judicial personnel who feel minorities are treated somewhat fairly, and attorneys, who feel minorities are treated *unfairly*. [ref. 5.2.2]
- Judicial officers across the board feel that there *are* enough minority court personnel, however, opinion among non-judicial personnel is more varied. Non-judicial personnel associated with appeals courts, family law courts and, to a lesser extent, probate and juvenile courts are divided on the issue while staff working in other courts generally feel the same as judicial officers. The strong consensus among the attorneys is that minorities are *not* adequately represented among court personnel and attorneys working the small claims, traffic and criminal courts express this view significantly more strongly than staff in other courts.[ref. 5.3.1]
- The greatest racial/ethnic *diversity* appears to be among lower level staff like interpreters, technicians and clerical staff. The least diversity is among judges. [ref. 5.3.2]
- The consensus of opinion among judicial officers is that the courts are more or less *unbiased*. The feelings are most positive in probate and appeals courts. Non-judicial officers across the spectrum of court divisions tend to be substantially more divided or uncertain. Compared with judicial officers, attorneys are on the opposite end of the fairness issue entirely. Attorneys feel strongly that *all* state courts are biased, and that the problem is most prevalent in *small claims and traffic courts*. [ref. 5.4.1]



- Judicial officers, and to a lesser degree non-judicial personnel, feel that the courts are only *somewhat* able to ensure race or ethnically-blind decisions. Continuing the overall trend, the racially diverse attorney group are very pessimistic about the likelihood of unbiased decisions. [ref. 5.4.2]
- Results indicate significant agreement among judicial officers and, to a lesser extent, non-judicial personnel that an exclusionary “Old Boy Network” does not exist. In contrast, attorneys generally feel that it does. [ref. 5.6.1]
- The majority opinion among court personnel is that minority attorneys are *not* treated as second class professionals by judges. However, the attorneys who took part in the survey overwhelmingly feel (58%) that the opposite is in fact the case. [ref. 5.6.2]
- There are significant differences of opinion between judicial and non-judicial personnel who generally contest the claim that minority attorneys are treated like second class professionals by other attorneys, and attorneys who overwhelmingly feel this problem does exist. [ref. 5.6.2]
- In keeping with the observed trends, the findings provide compelling evidence, that at least as far as attorneys are concerned, they do not have the same credibility as White attorneys. On the other side of the issue are judicial officers and non-judicial personnel who feel that minority attorneys enjoy the same credibility as non-minority attorneys. [ref. 5.6.3]
- Judicial officers and non-judicial personnel feel that minority women *do not* have a more difficult time obtaining fair treatment in the courts than do other women. The more ethnically and racially diverse attorney sample feels that the issue does have merit. [ref. 5.7.1]
- With the exception of attorneys who moderately agree that African-American women have a harder time other minority women, the consensus of opinion is that no special bias in the courts exists against African American women. [ref. 5.7.2]
- Judicial officers and non-judicial personnel attest that minority female lawyers are treated with the *same* respect as other female lawyers. Attorneys disagree. [ref. 5.7.3]
- In cases involving a minority defendant and a White victim, non-judicial court personnel and attorneys *agree* that the defendant is *more likely* to be found guilty when he or she is a minority. However, fully 61% of the jurists polled feel the minority defendant is *as likely* as any other defendant to be found guilty. The results for jurists should be compared with 93% of the attorneys and 51% of the non-judicial staff who feel the minority defendant is *more likely* to be found guilty. [ref. 5.8]



- In cases involving a White defendant and a minority victim, attorneys surveyed *agree* that the defendant is *less likely* to be found guilty when he or she is White. On balance, judges and non-judicial staff were neutral. [ref. 5.8]
- In cases involving a minority defendant and a minority victim, judges and non-judicial personnel believe that the minority defendant is *as likely* as a White defendant to be found guilty. However, attorneys consider that the minority defendant is slightly more likely to be found guilty than if he or she was White. [ref. 5.8]
- Judicial officers and other court personnel feel that sentencing will be *about the same* in most cases involving minority defendants. Attorneys, on the other hand, believe that in all cases involving a minority defendant (regardless of the victim's background) the sentence will be harsher. [ref. 5.9]
- The sample of court personnel reported that minorities usually do face a jury containing members of their own racial or ethnic group. In contrast, attorney opinions were mixed. [ref. 5.10.1]
- Court personnel are *divided* regarding whether or not juries usually reflect the racial and ethnic mix of the community. However, attorneys who took part in the survey clearly do not believe that juries are racially/ethnically representative of the community at large. [ref. 5.10.2]
- Court personnel were fairly evenly *divided* as to whether or not minorities have poorer access to the courts than Whites. Attorneys strongly feel that minorities have significantly less access to the courts. [ref. 5.11.1]
- Judicial personnel are more or less *divided* on whether or not people with a good understanding of English get treated better than people who speak little or no English. Fully 44% of the judicial officers feel English-speakers get a better break, versus 37% who feel they don't. Attorneys feel *strongly* that a good understanding of English affords one better treatment in the courts. [ref. 5.11.3]
- There is a general consensus of opinion that immigrants with grievances have trouble filing complaints because legal forms are not in their native language. The language barriers created by a lack of multi-lingual forms seems fairly widespread. Nevertheless, taken together, the data indicate this problem is possibly of greater concern in Probate, Appeals, Juvenile, and Family Law courts. [ref. 5.11.4]
- Court personnel are *divided* on whether there are enough interpreters available to non English-speaking people in the court system. Attorneys, generally feel that there is an inadequate supply of interpreters. [ref. 5.11.5]
- An overwhelming majority of all respondents feel that people with high incomes get significantly better legal advice and representation than people with low incomes. [ref. 5.11.6]



- Respondents generally *agree* that a fear of the judicial system keeps minorities and immigrants from standing up for their rights. In fact, in this case a plurality of judicial officers (44%) agree that new immigrants are often prevented from engaging the legal services because they fear the legal system. [ref. 5.11.7]
- Pluralities of judicial officers (44%) and non-judicial personnel (48%) agree that young people are in fact more likely to receive biased treatment if they dress like gang members. [ref. 5.12]
- Judicial officers feel that public defenders do have sufficient education and training to assist minorities. Non-judicial personnel, however, clearly are *divided* on this question. Interestingly, attorneys feel that public defenders are not adequately prepared to adequately assist minorities. [ref. 5.13.1]
- Judicial officers feel that judges *do* have sufficient education and training to ensure fairness in court proceedings. However, non-judicial personnel are *divided* on the subject, and attorneys decidedly indicate that they do not believe judges have adequate cultural training. [ref. 5.13.3]
- The general consensus among attorneys and non-judicial personnel is that court personnel are *insufficiently* trained to provide adequate assistance to minorities. [ref. 5.13.4]
- Judicial Officers feel the courts are *very* fair. As well, they indicate that the pool of judicial talent is *moderately* racially and ethnically diverse. The latter finding is an interesting one given the overwhelming proportion of White jurists in the state court system. Judges and other officers of the courts tend to feel that, compared to Whites, minority defendants in fact may be subject to some forms of discrimination. For instance, the judicial respondents indicated that discrimination could occur when it comes to judgments and sentencing. Also, language barriers make it difficult for many immigrants to gain access to the courts and income affects quality of legal representation. In addition, many minorities and immigrants avoid the judicial system because of fear. Yet, when it comes to cases involving minorities, jurists feel they have sufficient education and training to ensure that court proceedings are fair. They also believe that the courts treat minority professionals and women as fairly as any other group of people. These contradictory opinions on the part of the individuals who sit on the bench leave many issues open to question, especially since public opinion tends to be on the side of most of the contentions measured. [ref. 5.14]
- Generally, non-judicial court personnel rate the courts only moderately fair overall and to minorities in particular. In addition, they think the racial and ethnic composition of most categories of court personnel is moderately diverse. Reflecting similar opinions to judicial officers, non-judicial staff think that minority professionals and women are treated about as well as anyone else and that minority defendants are somewhat subject to disparate treatment in judgments and sentencing. They also are aligned with judges with regard to minority jury representation, access to the courts and cultural issues. [ref. 5.14]



- Compared with court personnel, the attorneys surveyed tend to represent the opposing view on almost all issues. They are in strong consensus concerning fairness to minorities, which they believe is very poor. Moreover, their opinions corroborate hearing testimony and overall public opinion findings virtually across the board. The large proportion of attorneys who testified at the public hearings also lends credence to these observations. [ref. 5.14]

Public Support for Suggested Changes in Procedures and Programs

- Corroborating the results of the public opinion poll, the consensus of opinion in the mail survey clearly favors the proposition that persons who work in the courts need to be trained to understand the special needs of minority groups. [ref. 5.15.1]
- In light of the significant opinion gap between judges and attorneys on most of the minority fairness issues, it is interesting to note the high consensus of opinion between these two groups for special training to help better understand minority needs. Among judges, there appears to be general acknowledgment that a remedy is due, but little recognition that a problem exists.[ref. 5.15.1]
- In line with public opinion on the issue, jurists, non-judicial personnel, and attorneys generally favor: (1) Increasing qualified minority employment in the courts to reflect the ethnic and racial background of the community [ref. 5.15.2]; (2) increasing the number of interpreters to assist non English-speaking persons and providing these interpreters free of charge [ref. 5.15.3].
- Judicial officers are somewhat against increases in minority representation on juries in cases involving minority defendants (41% against the proposition versus 29% for the idea). Judges also are strongly against increasing jury compensation for low income jurors. Attorneys tend to favor both proposals. [ref. 5.15.4]

Overall, the consensus of opinion regarding improvements centers around the need for improved cultural awareness and sensitivity, improved information access as well as a desire for increasing the involvement of minorities in the judicial system.

Concerning minority issues, the results of the mail survey paint a clear picture of discord between jurists and the attorneys who represent the minority communities served by the courts.



3.0 RESEARCH DESIGN

The research program was composed of two related but different studies: (1) A comprehensive *telephone* survey of the California public, and (2) a *mail* survey of court personnel (such as judges and top administrators) and attorneys who had taken part in State Bar programs concerning minority issues.

A total of 1,338 people participated in the telephone study and 828 individuals responded to the mail survey. Overall, the research program surveyed 2,166 people. A sample of this size yields an overall margin of error of approximately 2.1%. The margin of error for the telephone survey was approximately 2.8% and the mail survey carried a margin of error of approximately 3.5%.

Since the perspective of the public, whose exposure to the courts often is external, is different from the views of court personnel and attorneys, who have an inside view of the courts, two different but *comparable* survey questionnaires were developed.

The telephone survey was conducted from a central facility by trained interviewers using a computer-assisted telephone interviewing system (CATI). The CATI system both ensures precision and limits the margin for interviewer error. The telephone interview took approximately ten minutes to complete.

The judicial personnel and attorney survey was conducted by mail using a self-administered questionnaire which was sent, with assistance from the Administrative Office of the Courts, to approximately 4,000 court personnel and attorneys.

Fieldwork for both components of the study was conducted during August and September, 1993. The design and administration of each of the surveys is described in the following sections.

3.1 Sample Composition

The sample design for each survey was fundamentally different. In the case of the telephone survey, the considerations that governed sample development were as follows:

- It was necessary to have large enough subsamples of the major ethnic groups to accommodate reliable inter-group comparisons
- Given the size of the sample, regional representation needed to be made statistically practical by combining counties with similar racial/ethnic composition and geographic location
- The small and regionally dispersed population of American Indians and other Native Americans had to be oversampled to permit comparison with other groups
- The sample should have been representative of the state overall with regard to age, gender, income, and educational characteristics



The telephone survey targeted adults eighteen years or older who do not work with the state court system and who are not employed or in training as a public safety officer or attorney.

The mail survey was actually a *census* of judges, commissioners and top-administrators of the state courts. The attorney sample, as noted above, was drawn from lists of individuals who had attended State Bar meetings concerning minority issues. Budgetary and other practical considerations prevented a more extensive survey of attorneys in the state. Nevertheless, the study's reliability was enhanced by selecting attorneys with minority interests for participation because the latter group was more familiar with the issues than any other subgroup of state attorneys.

By *comparing* the results of both surveys and taking the above-mentioned limitations into account, we were able to draw a comprehensive picture of perceptions of the fairness of the state courts. The sampling framework for each survey is described in more detail below.

3.1.1 Sampling Frame (Telephone Survey)

Essentially, the telephone survey was designed to adhere to the racial/ethnic and regional considerations previously outlined:

Ethnic/Racial Sampling Frame. The telephone survey incorporated an equally stratified random dial sample of 1,338 people consisting of approximately 300 people from each of four major ethnic/racial groups (Whites, Hispanics, Asians and African Americans) plus an *oversample* of approximately 100 American Indians (a group that may also comprise of a handful of Eskimos and Aleutian Islanders).

Since American Indians comprise under one percent of the state's general population, random dialing alone would have not yielded sufficient numbers for comparison with other groups. Therefore, anonymous telephone lists were obtained from tribal organizations, churches, Indian associations and community groups. Although the Native American sample can be reliably compared to those of the other ethnic groups, its small size precludes its inclusion in some analyses, most notably regional comparisons of findings.

The data on race/ethnicity were derived by requesting respondents to self-classify themselves according to the racial/ethnic group with which they most closely identify. A similar technique is used in the U.S. Census.

The ethnic/racial categories were:

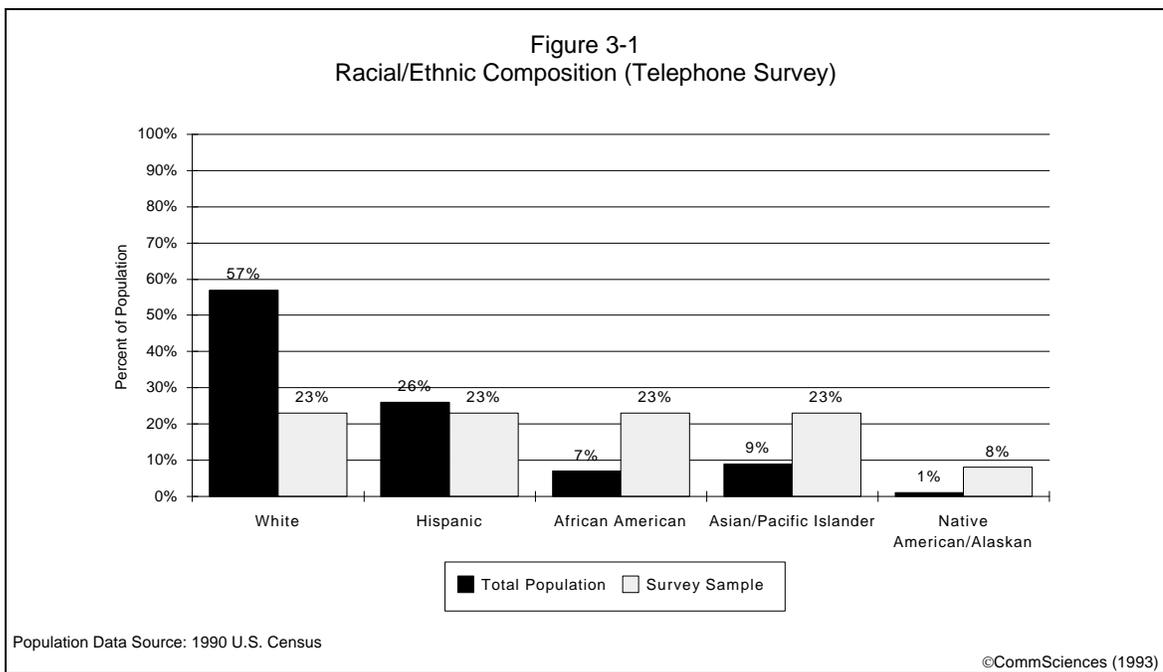
- White, not of Hispanic origin
- Hispanic
- African American or Black, not of Hispanic origin
- Asian or Pacific Islander
- Native Americans



Under this classification scheme, Hispanic could describe a person of *any* race. Since the vast majority of people of Hispanic origin in California are of Mexican or Central American decent (versus Caribbean or Coastal South American, where there are many more Afro-Hispanics), this classification scheme does not result in any significant ambiguities.

For purposes of brevity, throughout this report “Asians and Pacific Islanders” will be referred to collectively as “Asians.” Similarly, American Indians, Eskimos and Aleuts are referred to as “Native Americans.”

Figure 3-1 compares the racial/ethnic composition of the overall sample to that of the overall population:



Regional Sampling Frame. The strategy that was employed for developing a geographically balanced sample entailed using U.S. Census data to obtain the racial/ethnic composition of each of California’s fifty-seven counties. Then four predominantly *rural* and three predominantly *urban* survey regions were created by grouping together contiguous counties with similar ethnic profiles.



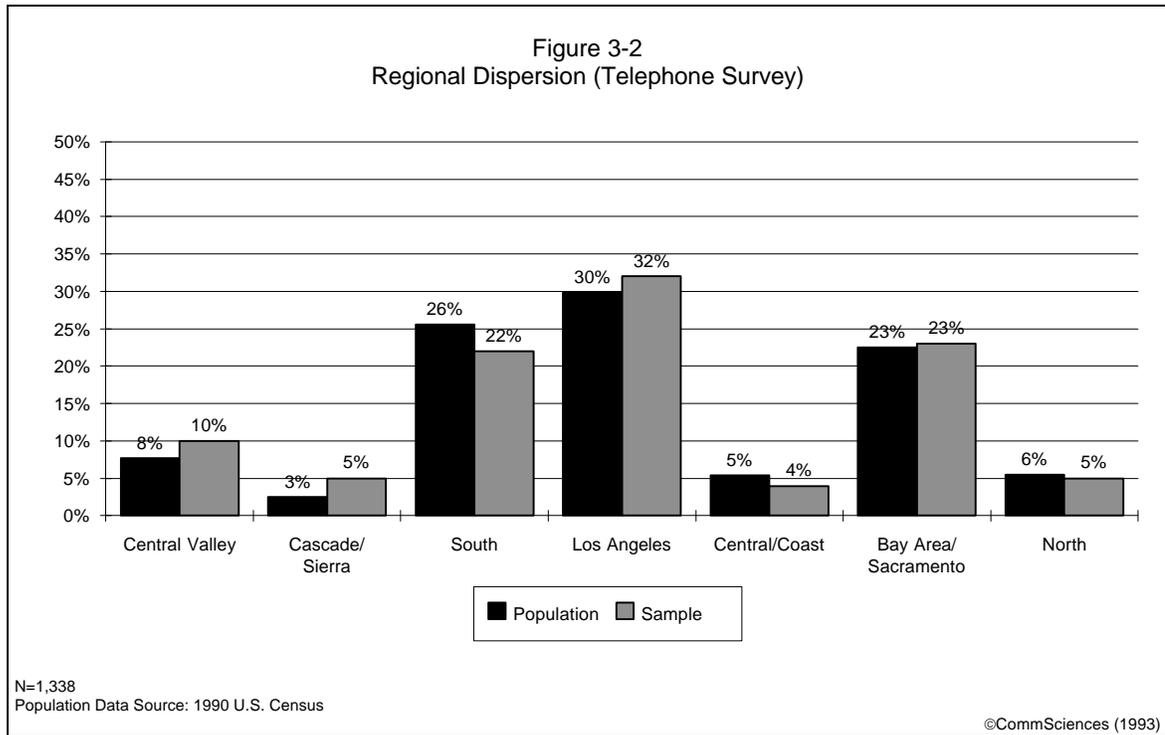
Table 3-1 lists the counties that comprised each of the seven survey regions:

**Table 3-1
Survey Regions (Telephone Survey)**

NORTH (Rural)	CASCADE /SIERRA (Rural)	CENTRAL COAST (Rural)	CENTRAL VALLEY (Rural)	SOUTH (Urban)	LOS ANGELES (Urban)	BAY AREA/ SACRAMENTO (Urban)
Butte	Amador	Monterey	Fresno	Imperial	Los Angeles	Alameda
Colusa	Alpine	San Luis Obispo	Kern	Orange		Contra Costa
Del Norte	Calaveras	Santa Barbara	Kings	Riverside		Marin
Glenn	El Dorado	Ventura	Madera	San Bernardino		Sacramento
Humboldt	Inyo		Merced	San Diego		San Joaquin
Lake	Lassen		San Benito			San Mateo
Mendocino	Mariposa		Stanislaus			San Francisco
Napa	Modoc		Tulare			Santa Clara
Solano	Mono					
Sonoma	Nevada					
Sutter	Placer					
Tehama	Plumas					
Yolo	Shasta					
Yuba	Sierra					
	Siskyou					
	Trinity					
	Tuolumne					

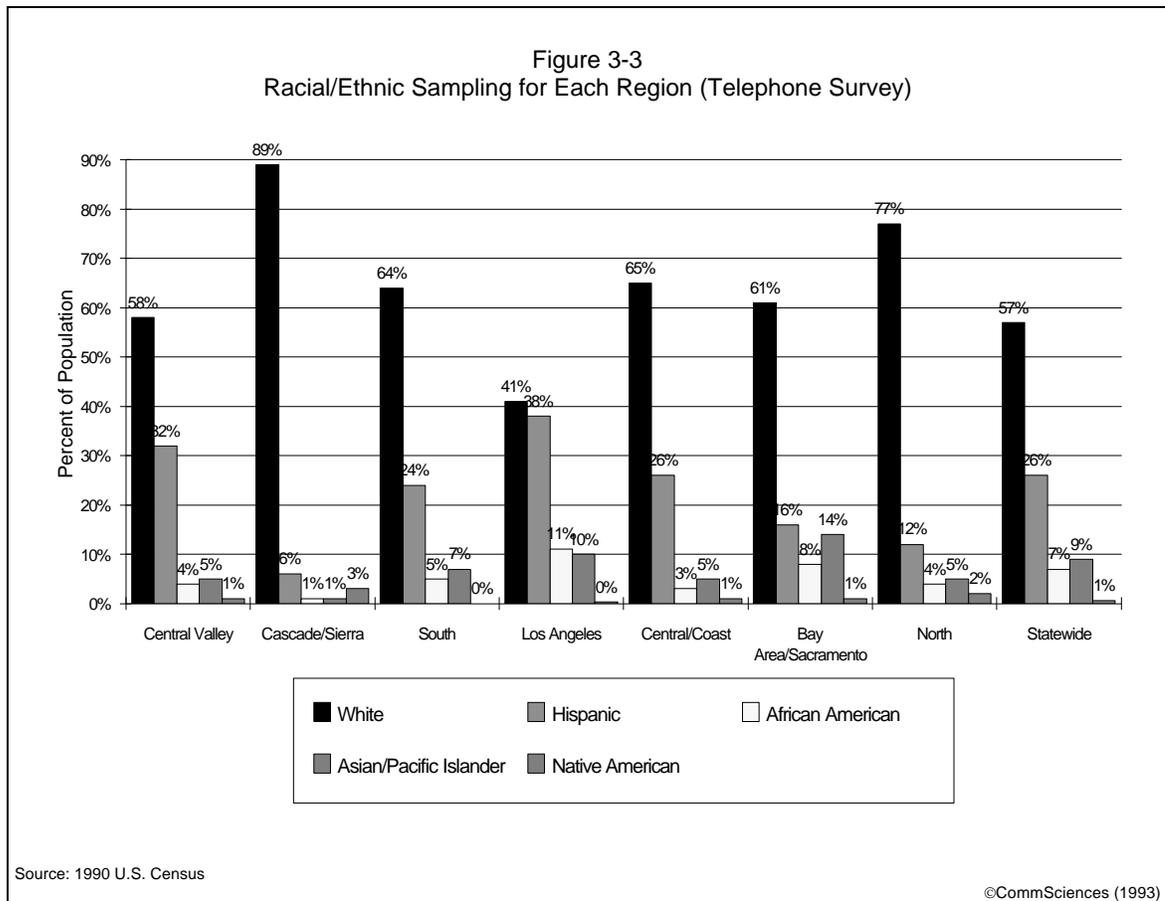
©CommSciences (1993)

Geographic dispersion of the survey sample closely approximated that of the actual population. (Figure 3-2)



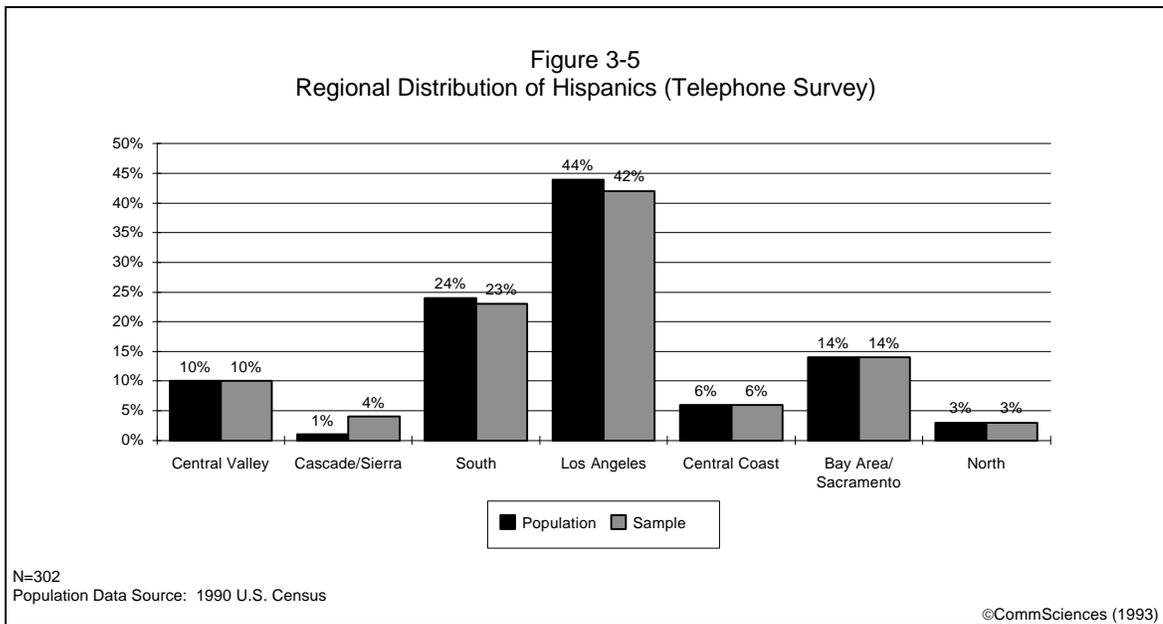
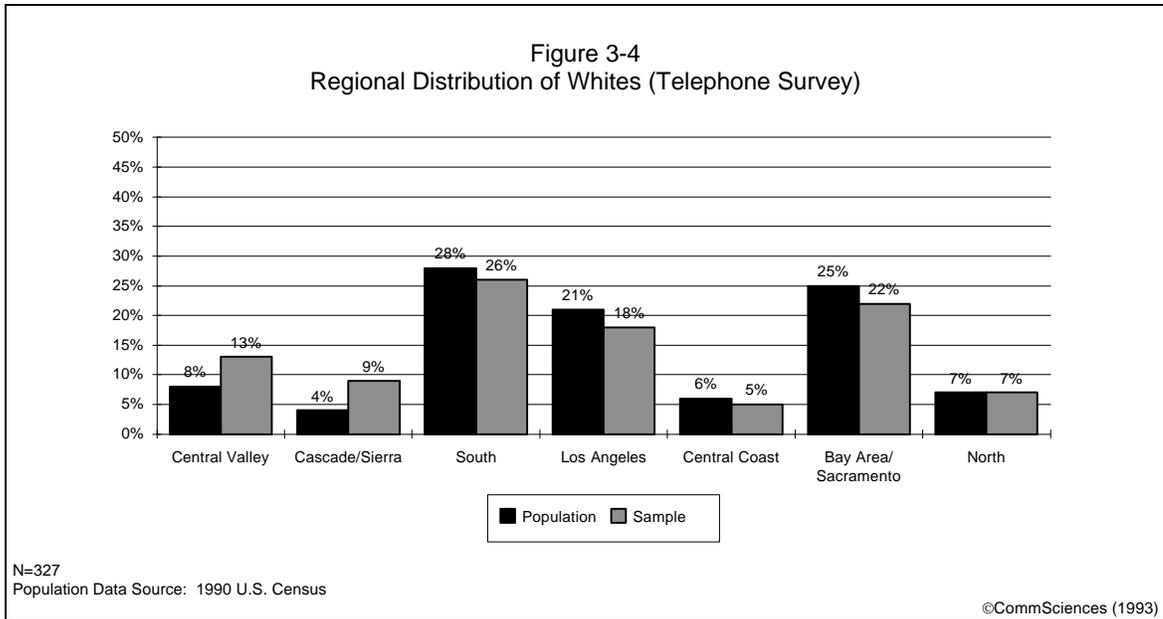


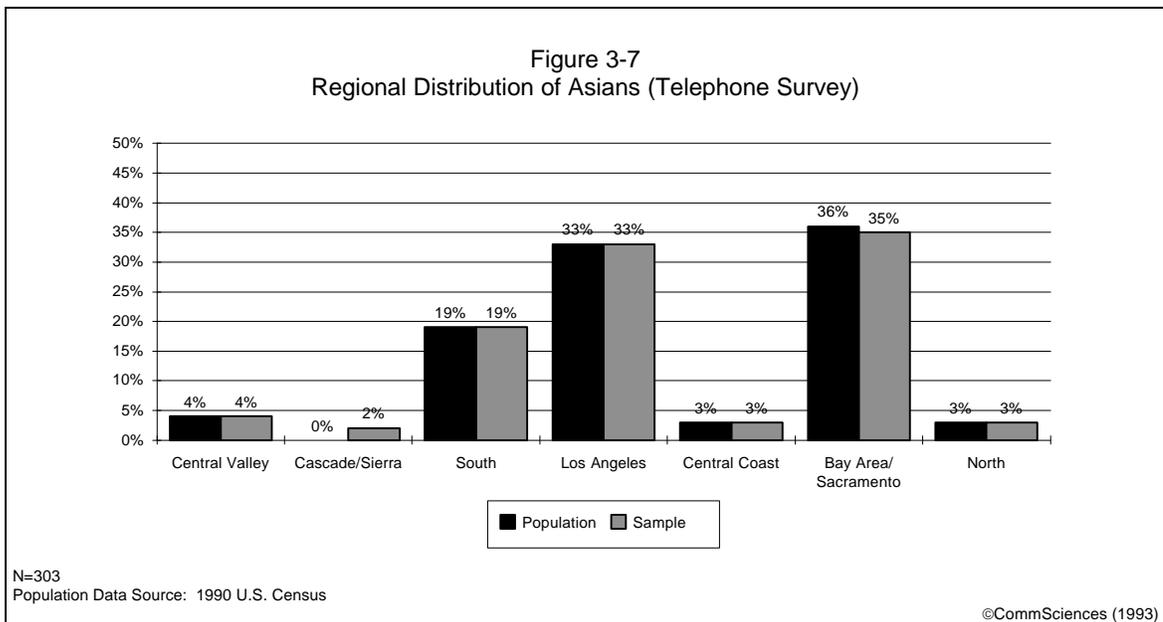
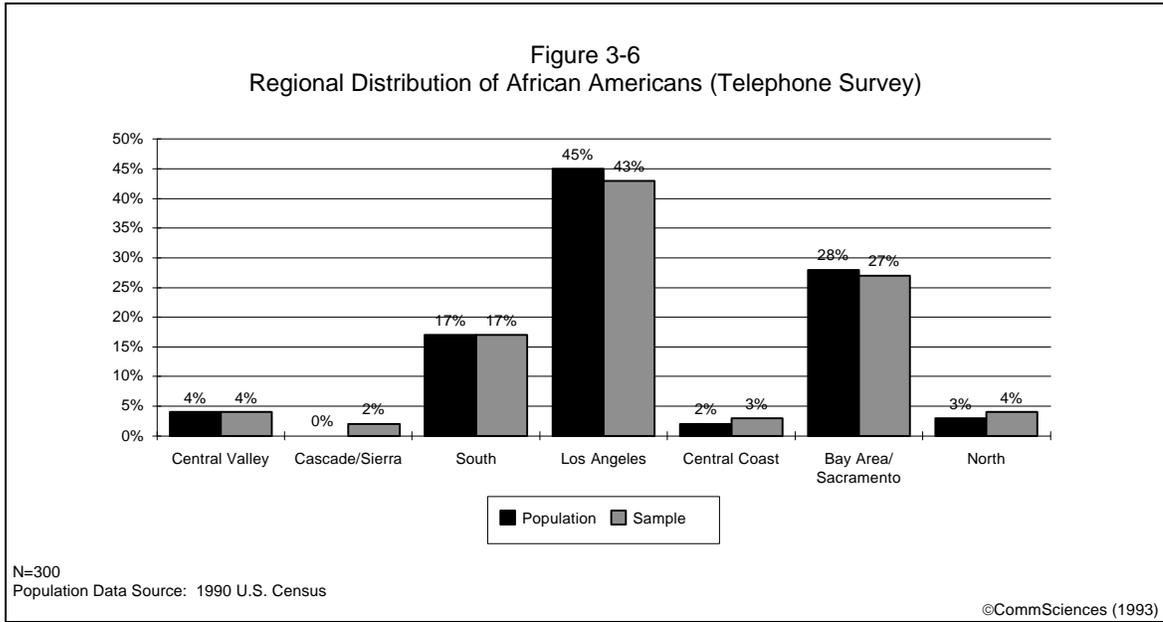
With the exception of Native Americans (see Figure 3-8 below), *each* major racial/ethnic group was sampled according to its proportion to the 1990 U.S. Census in each region. Figure 3-3 illustrates the approximate sampling distribution of the five racial/ethnic groups in each of the survey regions.





The survey's regional actual distribution of Whites, Hispanics, African Americans, and Asians mirrored the census data. Figures 3-4 through 3-7 illustrate the representation of each of these groups.

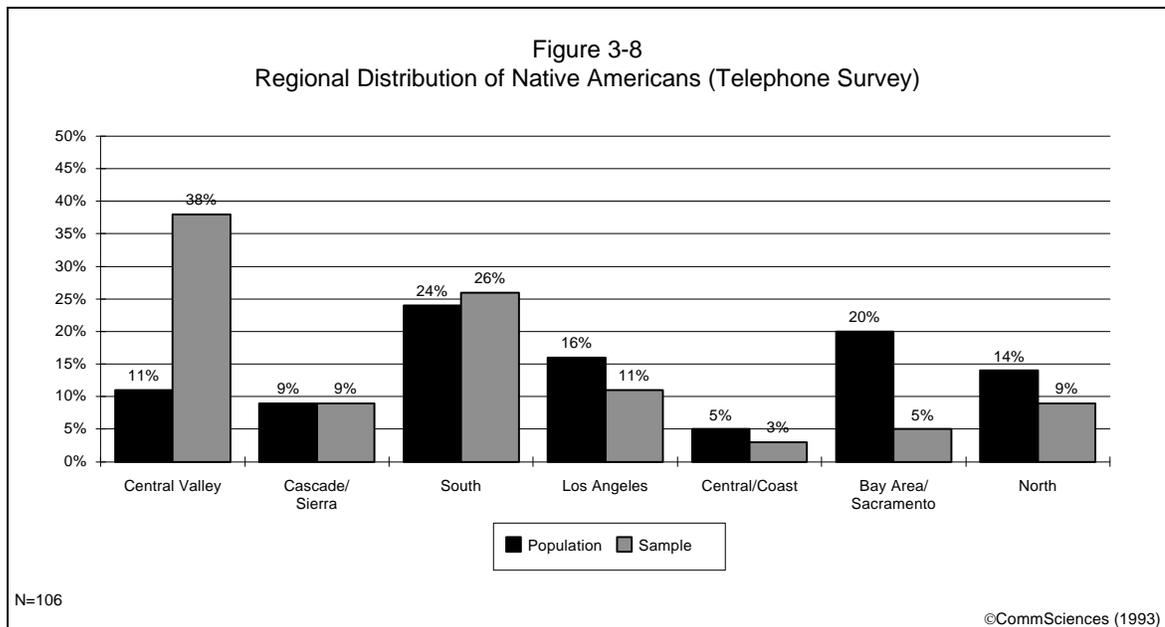






While the sampling procedure ensured that Native American respondents represented a wide variety of geographic locations, the sample was not necessarily in exact proportion to the actual regional distribution.

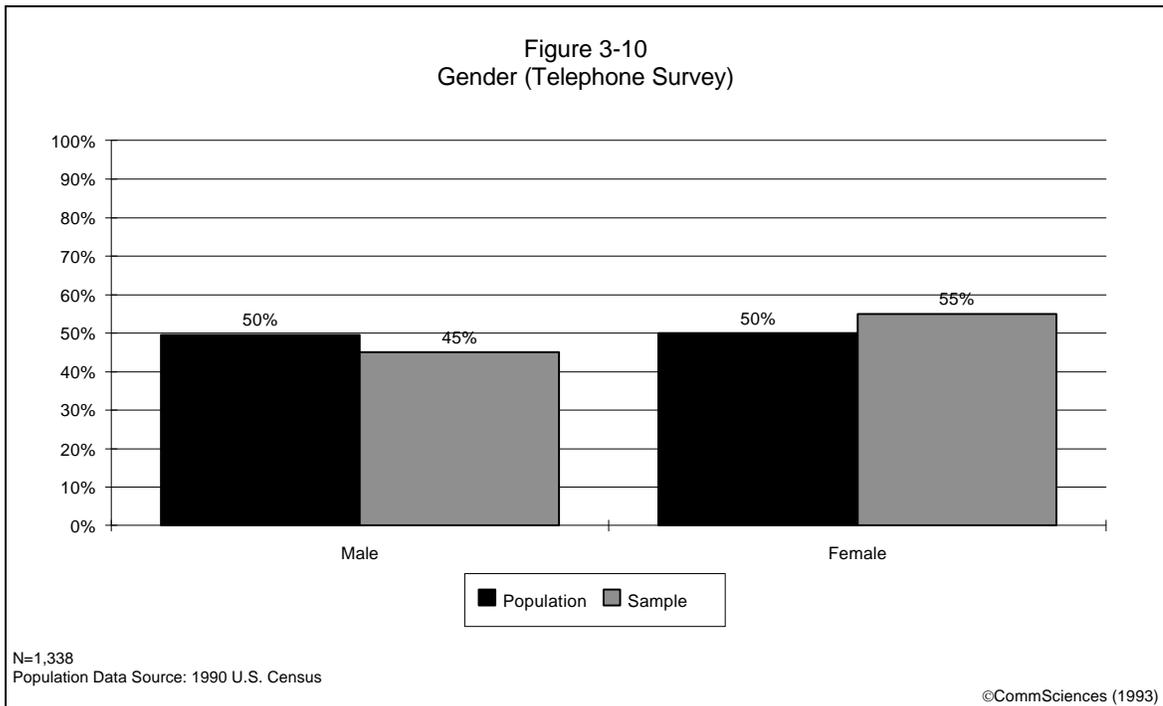
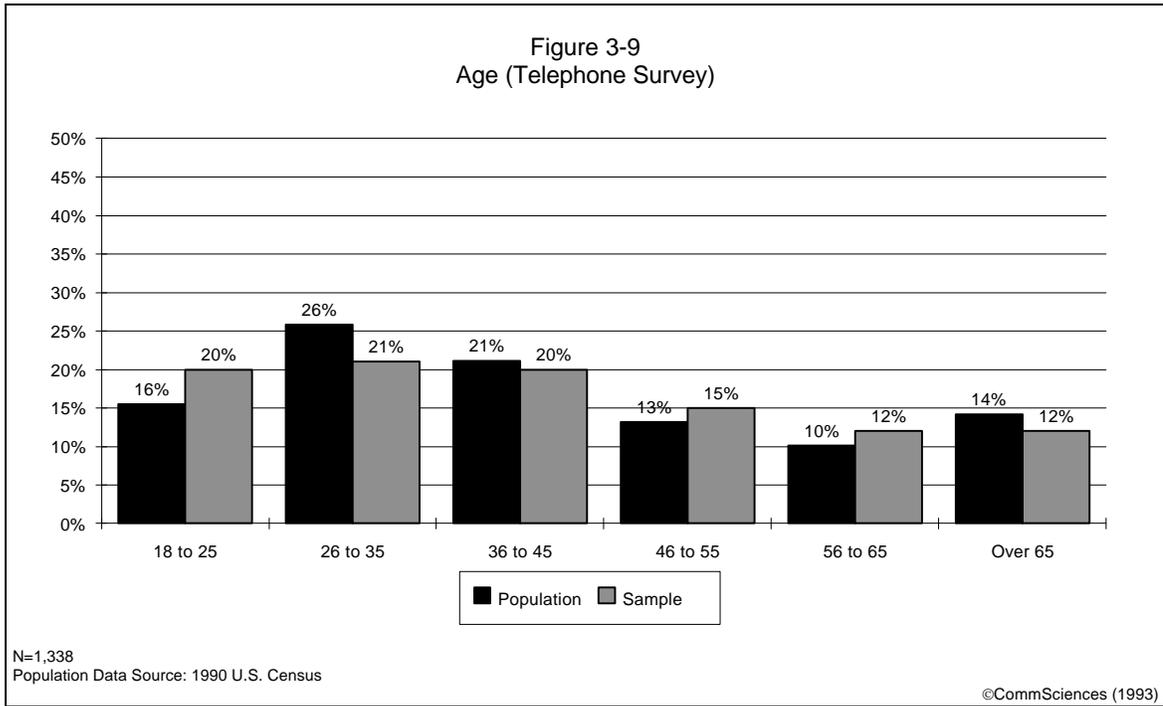
Figure 3-8 illustrates the regional distribution of the Native American oversample as it occurred in this survey.

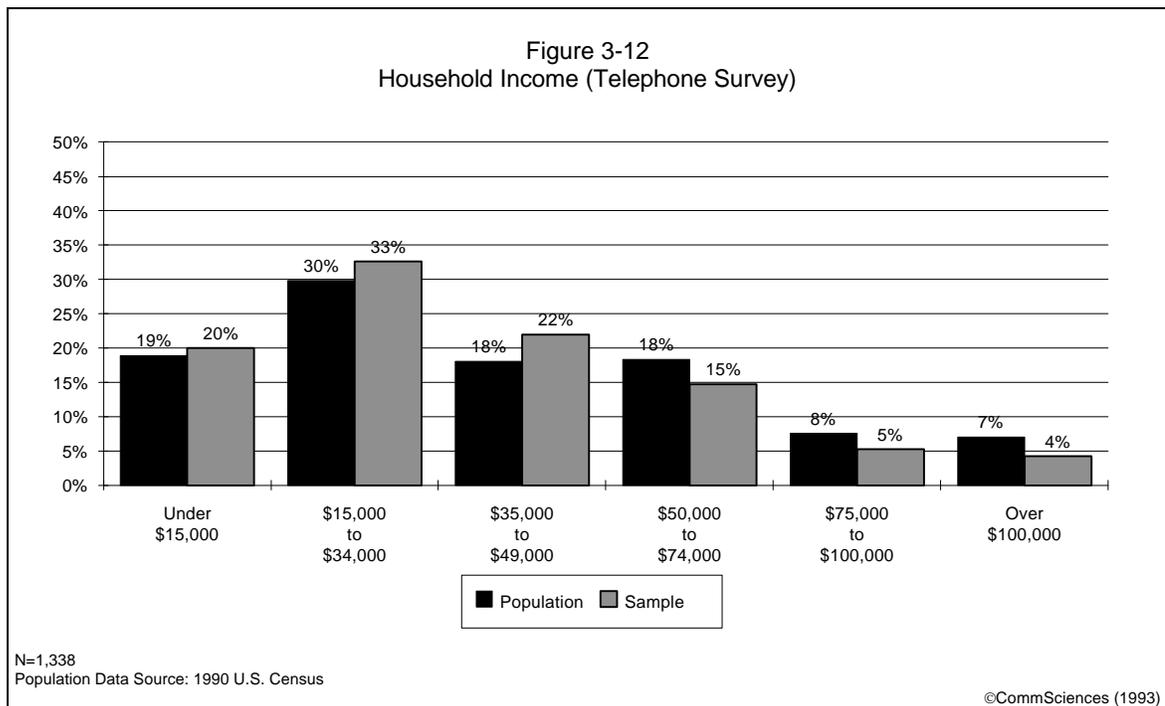
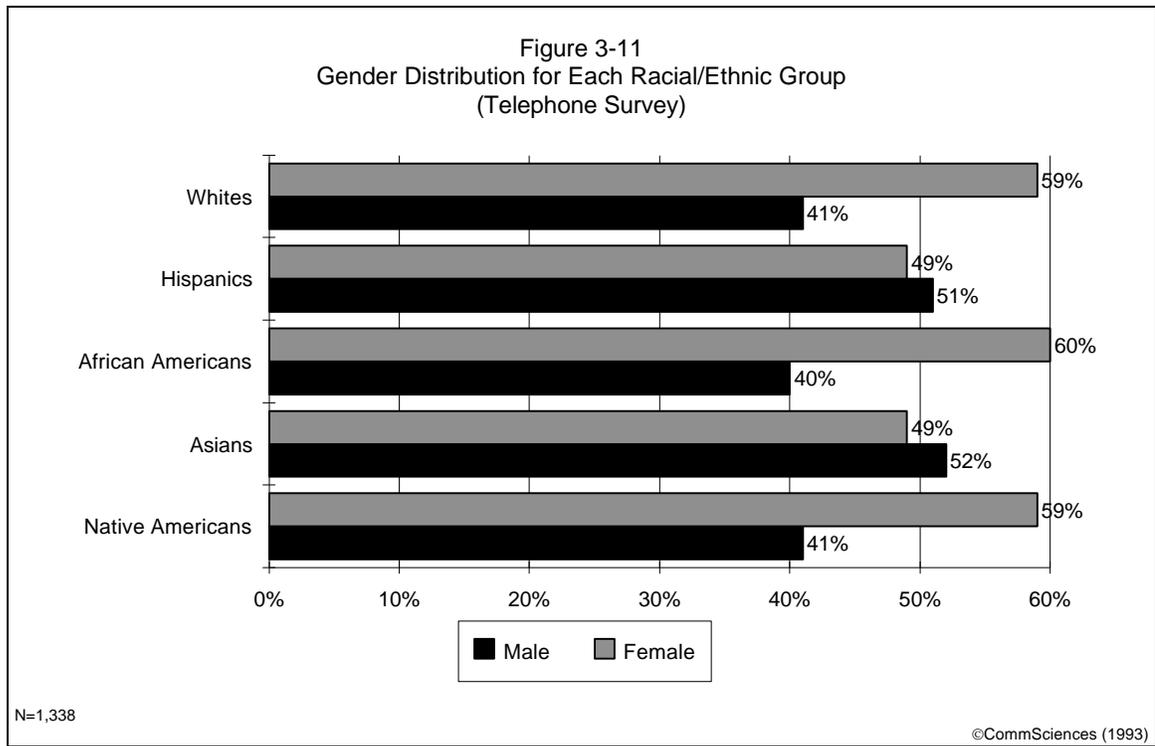


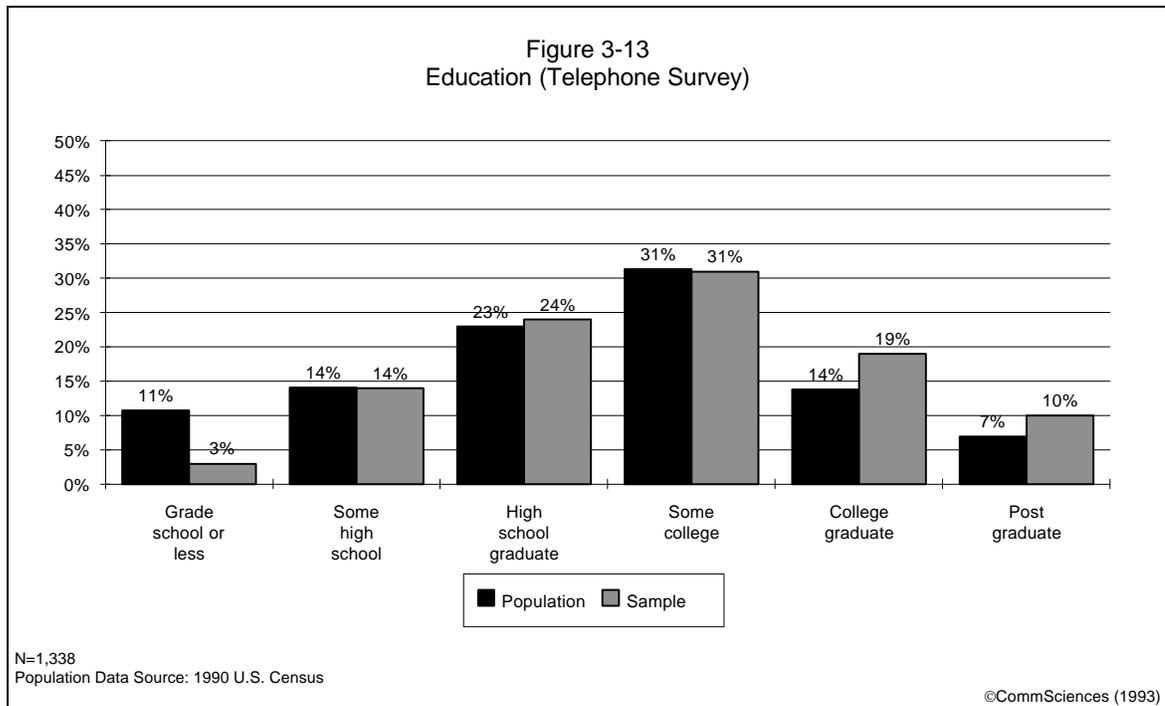


3.1.2 Demographic Characteristics (Telephone Survey)

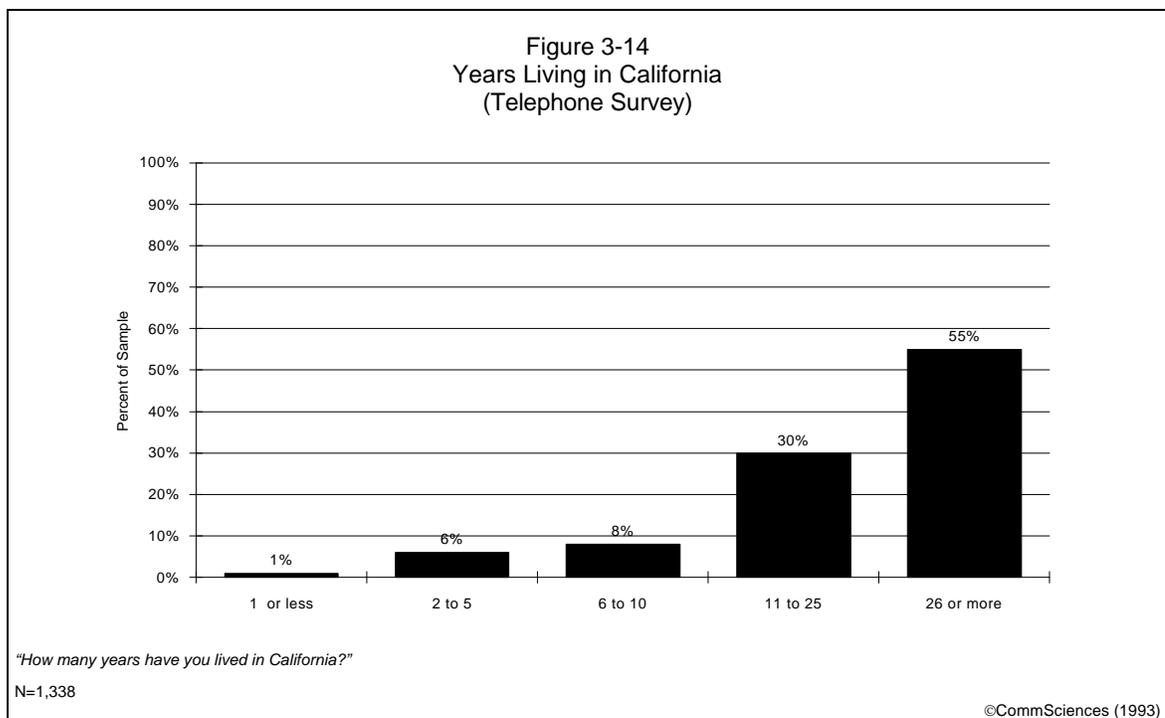
Random dialing also produced a survey sample that closely reflected the state population in terms of its age, gender proportions, household income, and education. (see Figures 3-9 through 3-13)





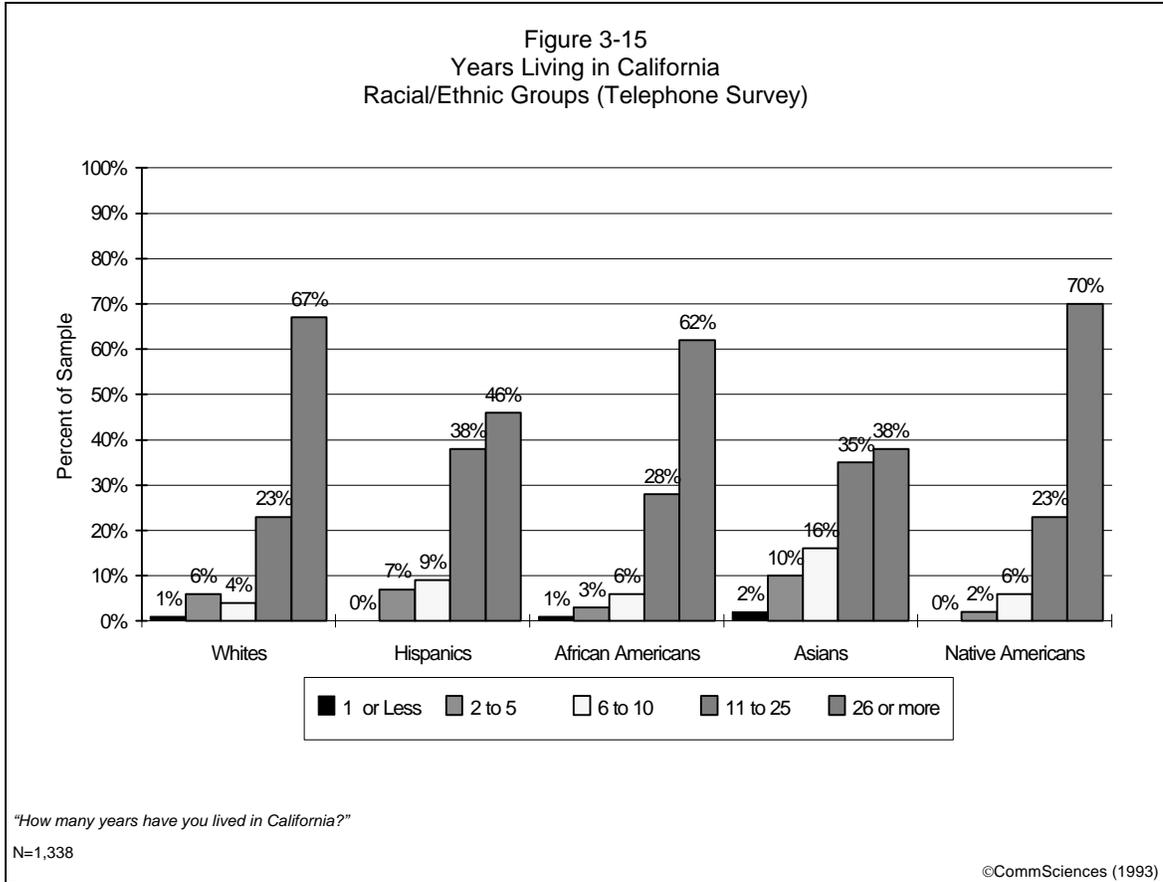


Residency. In addition, a majority of the people who took part in the telephone survey were long-time residents of the state. (Figure 3-14)





As might be expected, compared with other racial/ethnic groups, the Asian and Hispanic subsamples had greater proportions of relative newcomers to California than any of the other groups. (Figure 3-15)





3.1.3 Sampling Frame (Mail Survey)

Overall, approximately 2,070 questionnaires were mailed to all judicial officers as well as top administrative officers of the state courts. A total of 643 or approximately 31% of the surveys were returned.

In addition, approximately 2,000 questionnaires were mailed to attorneys who have an expressed interest in minority legal affairs. A total of 185 or approximately 9% of the attorney surveys were returned.

The distribution and return of survey questionnaires among court personnel and attorneys is summarized in the following table:

Table 3-2
Distribution of Questionnaire (Mail Survey)

CATEGORY	MAILED	RETURNED	PROPORTION
Judges & Commissioners	1,856	557	30%
Non-Judicial Officers	215	86	40%
Attorneys	2,000	185	9%
<i>Total</i>	<i>4,071</i>	<i>828</i>	<i>20%</i>

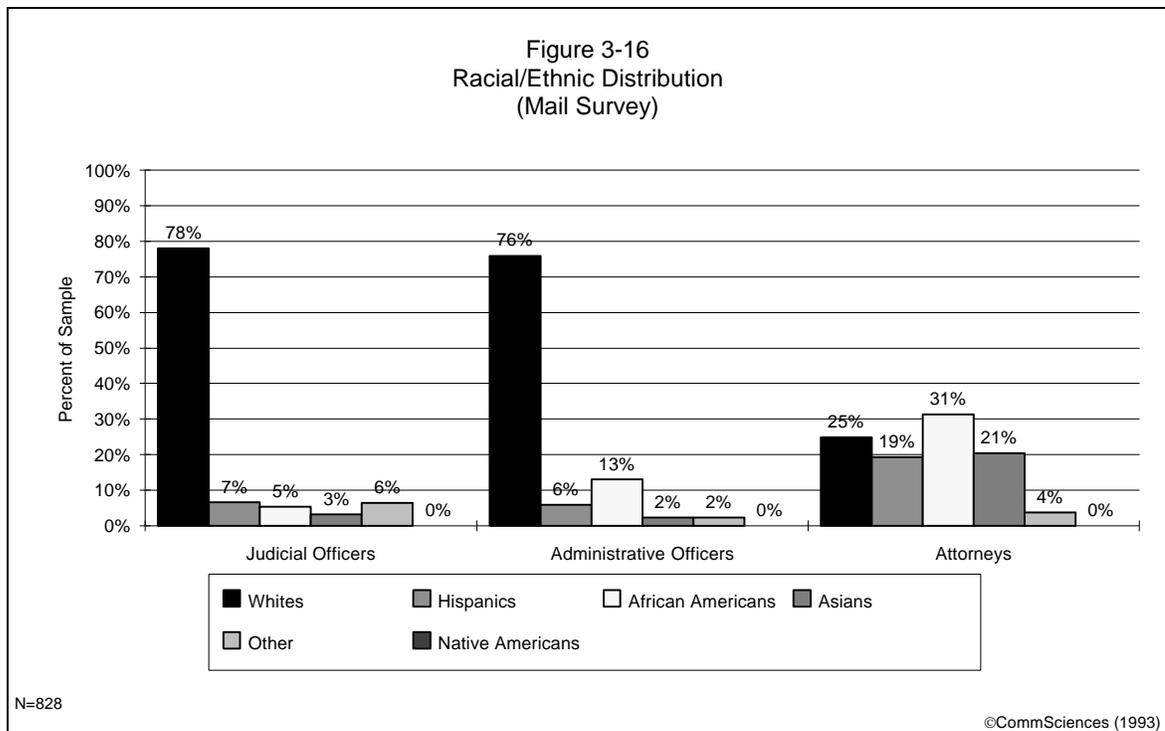
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3.1.4 Demographic Characteristics (Mail Survey)

Several demographic measures were used to profile the mail survey's respondents. Measures included racial/ethnic background, region or location, gender, tenure, and type of court.

Racial/Ethnic Representation. Figure 3-16 illustrates the racial and ethnic characteristics of the mail survey's sample of court personnel and attorneys.



Regional/County Representation. Although survey instruments were sent to court personnel in every county, in some of the smaller counties, questionnaires from personnel in some categories were not returned. The small return in these counties may be in part due to a concern on the part of some potential respondents in small counties that their confidentiality cannot be ensured. The survey addressed this concern by broadening the job categories on the survey instrument so that even in small counties, it would have been difficult to pinpoint particular individuals by knowing their job level. This assurance may not have been enough to satisfy the concerns of everyone.

Table 3-3 on the following page portrays, for each occupation category, the number of returns from each county as well as the percentage contribution to the overall sample from each county.



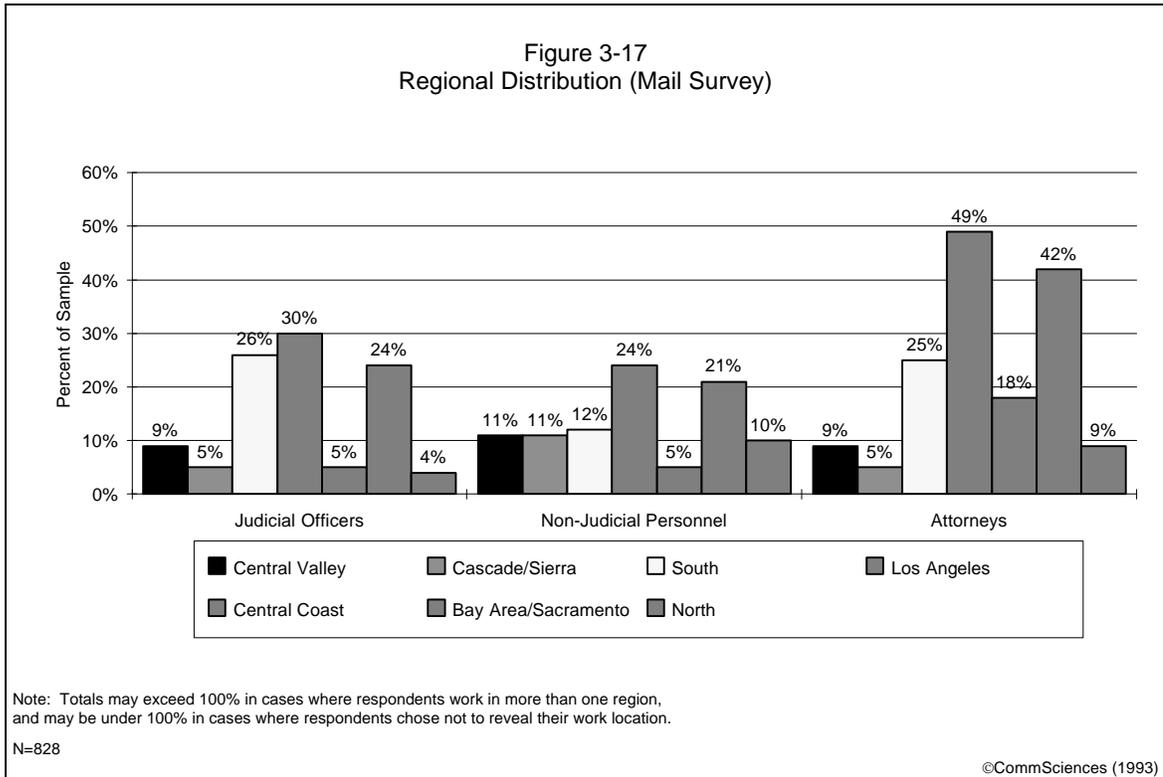
Table 3-3
County Distribution of Sample (Mail Survey)

COUNTY	JUDICIAL OFFICERS	%	NON JUDICIAL PERSONNEL	%	ATTORNEYS	%	OVERALL SAMPLE	%
Alameda	26	4.7	5	6.2	41	21.5	72	21.5
Alpine	1	0.2	1	1.2	---	---	2	---
Amador	3	0.5	---	---	1	0.5	4	0.5
Butte	4	0.7	2	2.5	1	0.5	7	0.5
Calaveras	2	0.4	---	---	1	0.5	3	0.5
Colusa	5	0.9	---	---	2	1.0	7	1.0
Contra Costa	13	2.4	3	3.7	20	10.5	36	10.5
Del Norte	1	0.2	---	---	1	0.5	2	0.5
El Dorado	10	1.8	2	2.5	3	1.6	15	1.6
Fresno	20	3.6	2	2.5	6	3.1	29	3.1
Glenn	5	0.9	---	---	---	---	5	---
Humboldt	4	0.7	2	2.5	2	1.0	8	1.0
Imperial	8	1.5	---	---	2	1.0	10	1.0
Inyo	3	0.5	---	---	1	0.5	4	0.5
Kern	8	1.5	2	2.5	3	1.6	13	1.6
Kings	1	0.2	---	---	---	---	1	---
Lake	5	0.9	---	---	---	---	5	---
Lassen	1	0.2	1	1.2	1	0.5	3	0.5
Los Angeles	162	29.5	19	23.5	93	48.7	276	48.7
Madera	3	0.5	1	1.2	1	0.5	5	0.5
Marin	8	1.5	2	2.5	18	9.4	28	9.4
Mariposa	---	---	---	---	2	1.0	2	1.0
Mendocino	2	0.4	1	1.2	4	2.1	7	2.1
Merced	3	0.5	1	1.2	4	2.1	8	2.1
Modoc	1	0.2	---	---	1	0.5	2	0.5
Mono	---	---	---	---	---	---	---	---
Monterey	5	0.9	---	---	13	6.8	18	6.8
Napa	3	0.5	---	---	5	2.6	8	2.6
Nevada	8	1.5	1	1.2	1	0.5	10	0.5
Orange	47	8.5	3	3.7	27	14.1	78	14.1
Placer	7	1.3	---	---	5	2.6	12	2.6
Plumas	2	0.4	---	---	---	---	2	---
Riverside	27	4.9	3	3.7	19	9.9	49	9.9
Sacramento	22	4.0	2	2.5	28	14.7	52	14.7
San Benito	3	0.5	---	---	3	1.6	6	1.6
San Bernardino	26	4.7	2	2.5	16	8.4	44	8.4
San Diego	52	9.5	2	2.5	21	11.0	75	11.0
San Francisco	23	4.2	2	2.5	45	23.6	70	23.6
San Joaquin	9	1.6	3	3.7	6	3.1	18	3.1
San Luis Obispo	8	1.5	1	1.2	6	3.1	15	3.1
San Mateo	9	1.6	2	2.5	24	12.6	35	12.6
Santa Barbara	9	1.6	2	2.5	13	6.8	24	6.8
Santa Clara	34	6.2	1	1.2	27	14.1	62	14.1
Santa Cruz	9	1.6	1	1.2	6	3.1	16	3.1
Shasta	4	0.7	1	1.2	1	0.5	6	0.5
Sierra	3	0.5	1	1.2	---	---	4	---
Siskiyou	2	0.4	1	1.2	1	0.5	4	0.5
Solano	3	0.5	3	3.7	7	3.7	13	3.7
Sonoma	6	1.1	---	---	5	2.6	11	2.6
Stanislaus	10	1.8	2	2.5	3	1.6	15	1.6
Sutter	5	0.9	---	---	2	1.0	7	1.0
Tehama	3	0.5	---	---	---	---	3	---
Trinity	2	0.4	---	---	1	0.5	3	0.5
Tulare	4	0.7	1	1.2	5	2.6	10	2.6
Tuolumne	---	---	1	1.2	1	0.5	2	0.5
Ventura	14	2.5	1	1.2	16	8.4	31	8.4
Yolo	5	0.9	0	---	2	1.0	7	1.0
Yuba	3	0.5	0	---	2	1.0	5	1.0
TOTAL	557	100	86	100	185	100	828	100

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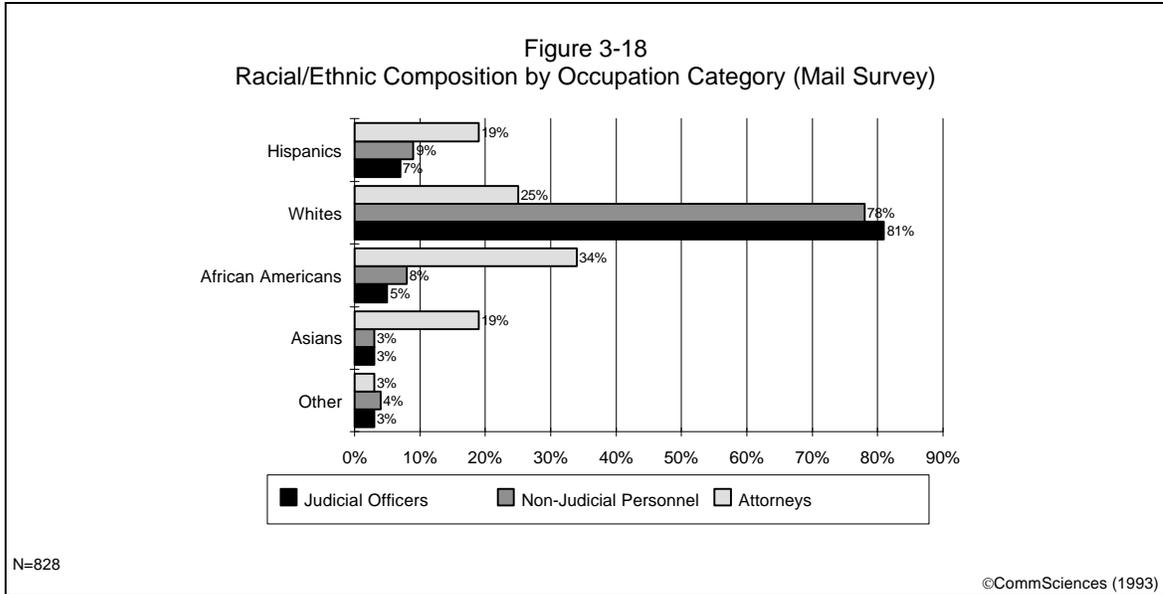


Figure 3-17, illustrates, for each occupation category, the percentage of returns from each of the survey regions.



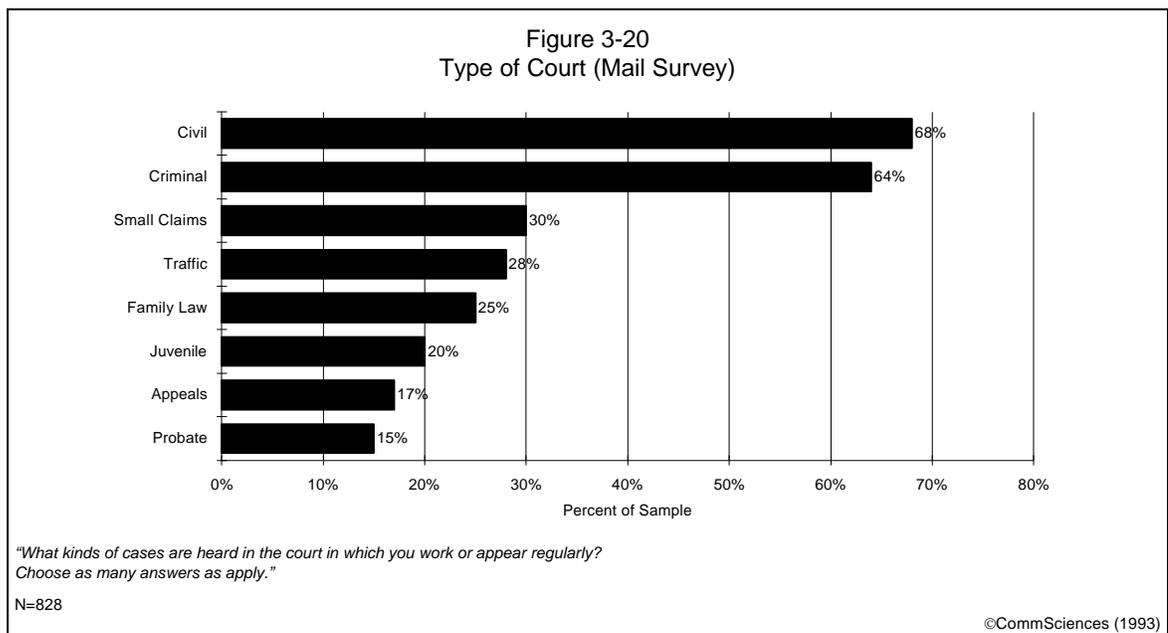
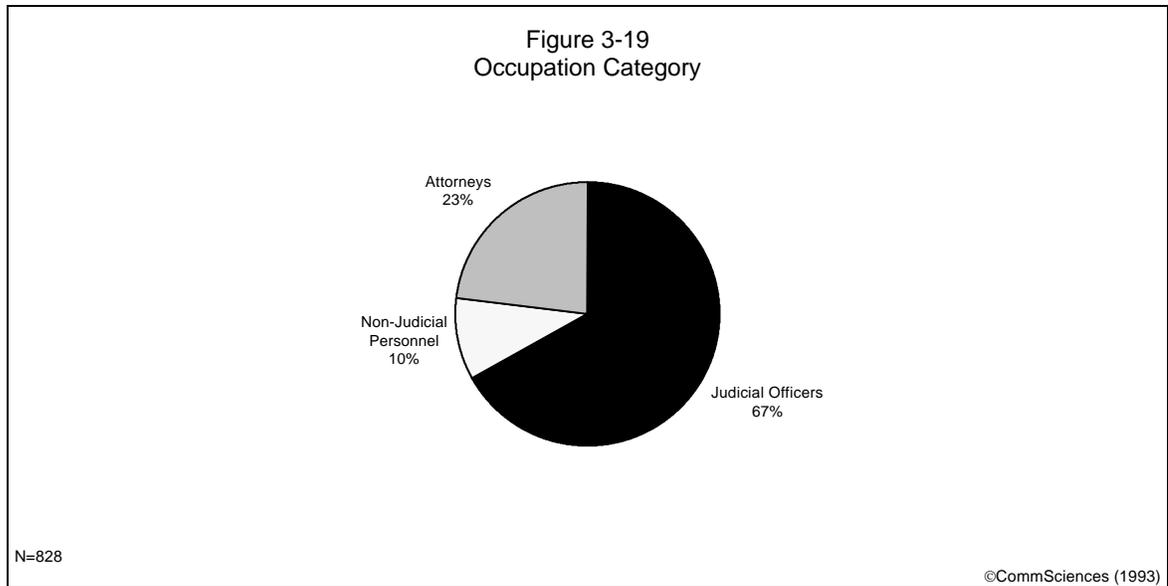


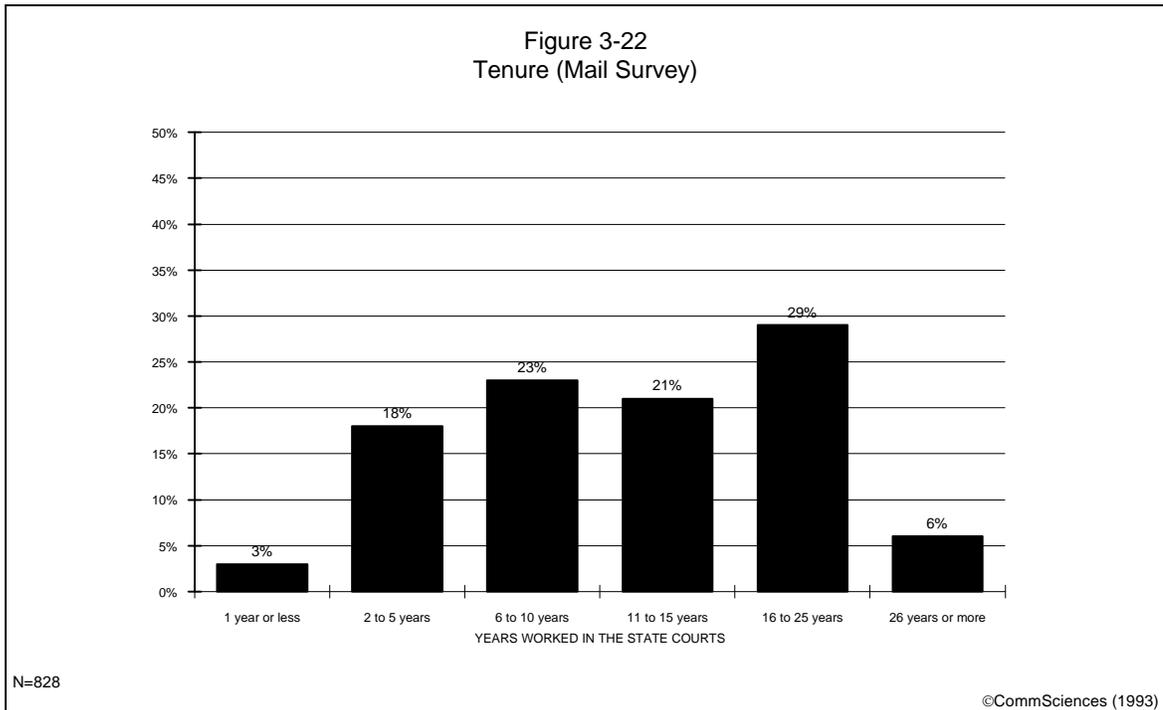
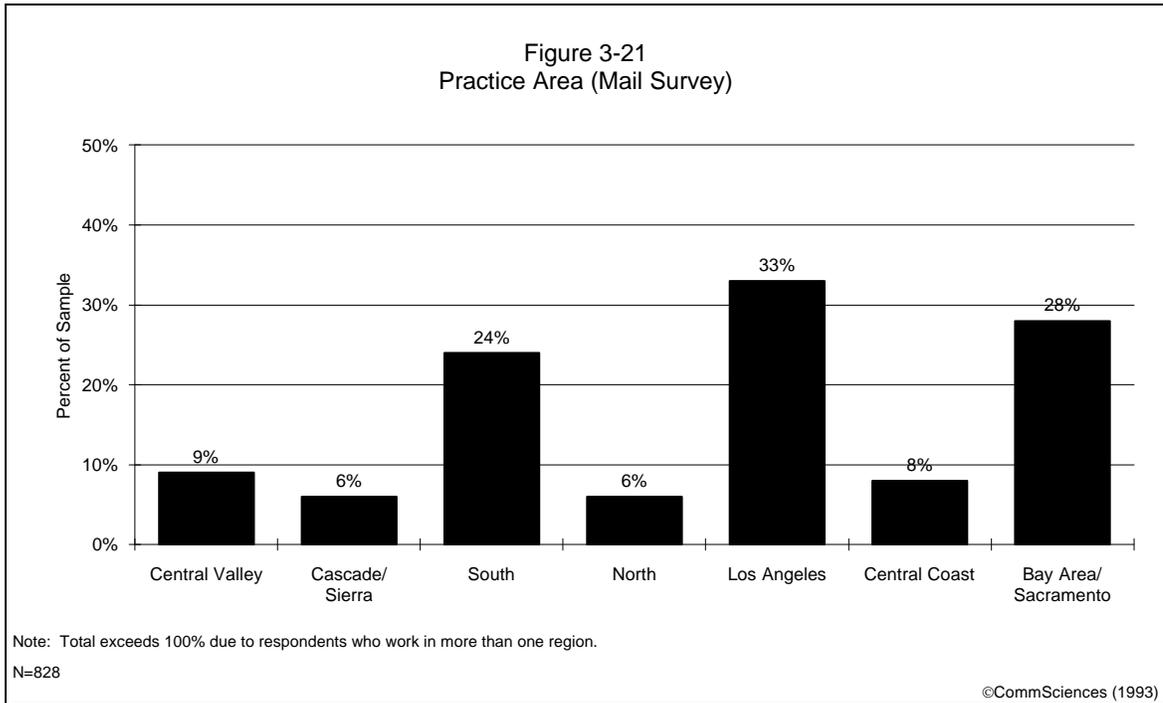
Racial/Ethnic Composition. It is helpful at the outset to recognize that the racial/ethnic composition of each occupation category varies considerably. The majority of judges (81%) and other judicial officers who took part in the survey are White. Respondents who listed their occupation as non-judicial personnel also are mostly White (78%) with a small proportion of Hispanics (9%) and African Americans (8%). Attorneys in the poll are racially and ethnically more diverse than either of the latter two groups. They are approximately 25% White, 19% Hispanic, 34% African American and 19% Asian (Figure 3-18).

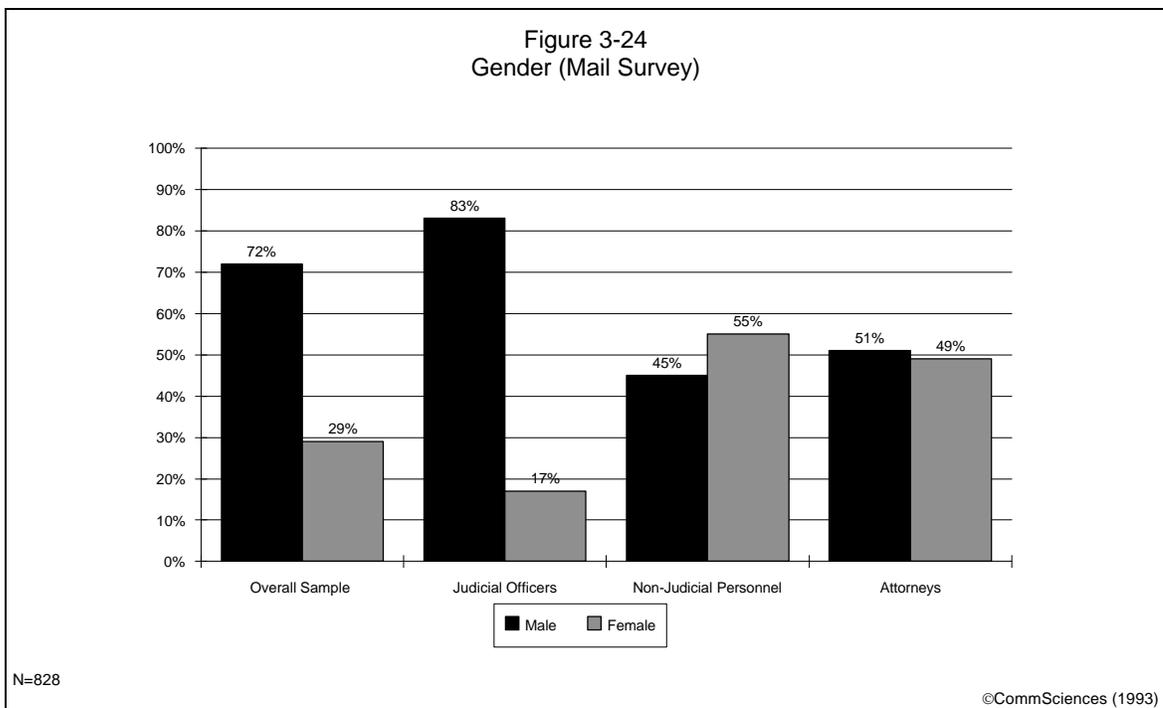
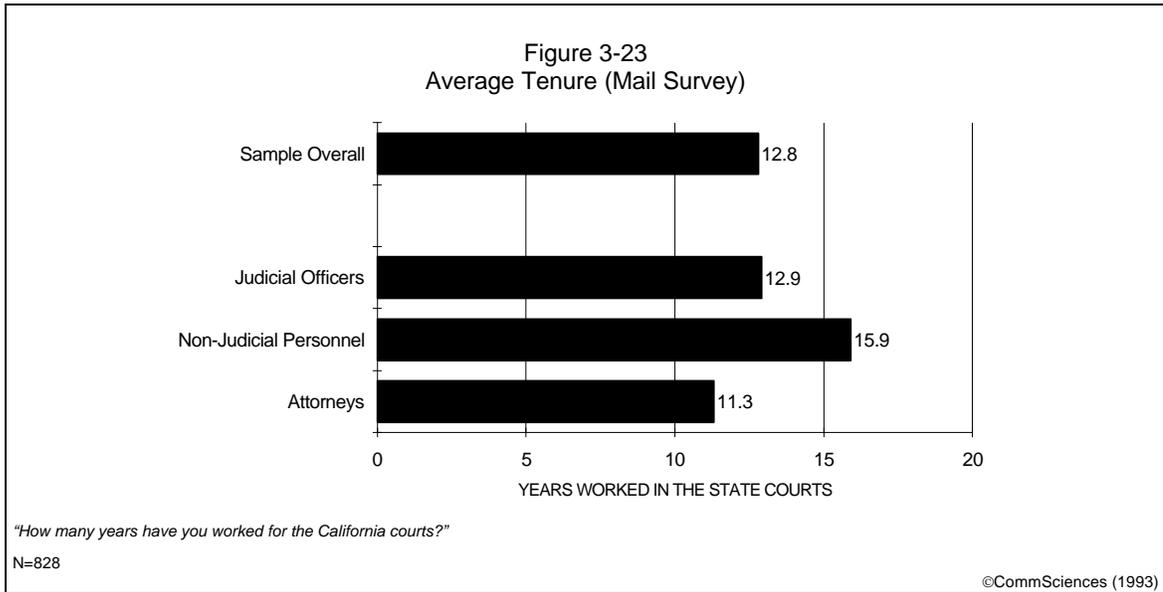




Occupation Category, Court Type, Practice Area, Tenure, Gender. The remaining diagrams in this section (Figures 3-19 through 3-24) depict respondent *occupation category* (Figure 3-19), the percentage of respondents from each major *type of court* (Figure 3-20), distribution by *practice area* (Figure 3-21), *tenure* of the respondents (Figure 3-22), *average tenure* of each respondent group (Figure 3-23), and the *gender* proportions of the mail survey (Figure 3-24). Since there is no previous data concerning these parameters for the state courts, the analysis cannot compare the demographics of the sample with the demographics of the survey population.









3.2 Questionnaire Design

The survey instruments were developed in consultation with members of the Advisory Committee. As noted earlier, concerns voiced during the public hearings guided development of questionnaire items. Transcripts of the hearings were carefully examined for commonly cited complaints about the court system as well as illustrative case histories.

Although some aspects of the telephone survey and the mail survey are different, there is significant overlap in the following areas:

- Comparing fairness of the state courts to fairness of other institutions and organizations
- Assessments of fairness to minorities
- Assessments of fairness to women
- The influence of race/ethnicity on sentencing
- Assessment of the adequacy of minority representation on juries
- Ability of minorities to gain access to the courts
- Cultural sensitivity of the system
- The changes that should be made to make the courts fairer toward minorities

Overall Questionnaire Design. The telephone survey instrument was composed of forty-three items. Thirty-four questions measured perceptions of *fairness* in the courts, six items measured demographics and three items were *control measures* of experience or exposure to the courts.

Nearly twice the length of the telephone survey, the mail questionnaire contained seventy-four items, of which six measured demographic and control (practice area) factors. One unique item asked respondents to rate their impression of the ethnic diversity of the courts.

Objectivity. Most questions were presented as situations or scenarios about which respondents were asked to agree or disagree. In some cases, *multiple* measures of the same general issue area were used to cross validate results on key issues. All questions were closed-ended, using either a five-point bipolar scale or a 10-point rating scale.

Spanish Language Version. A Spanish language version of the telephone survey instrument was prepared for non-English speaking Hispanic respondents. The Spanish language telephone translation can be obtained by contacting the state office concerned. The Questionnaire was not translated from English into any language other than Spanish.

Table 3-4 on the following page summarizes and compares the measures that appear on each survey instrument.



**Table 3-4
Comparison of Survey Content**

TELEPHONE SURVEY	MAIL SURVEY
Control Factors	
What kinds of experience have you had with the court system?	What kinds of cases are heard in the court in which you work or appear regularly?
How familiar are you with the California courts?	<i>No comparable item</i>
Most, if not all, of my opinions about the law in California and the California courts are based on what I see on TV and what I read in newspapers and newsmagazines. (agree/disagree)	<i>No comparable item</i>
Demographics	
Race/Ethnicity Region Sex Education Household Income Years living in California	Position in the California Courts: <ul style="list-style-type: none"> • Judicial Officer • Non-judicial Personnel • Attorney Years working for the courts Race/Ethnicity Sex Region where employed
Comparison of Fairness of Institutions	
Overall, how fair is... <ul style="list-style-type: none"> • The United States Supreme Court • The Internal Revenue Service • The national news media, like national newspapers, TV and radio news • The California court system • Your local police department 	Overall, how fair is... <ul style="list-style-type: none"> • The United States Supreme Court • The Internal Revenue Service • The national news media, like national newspapers, TV and radio news • The California court system • Your local police department
Racial/Ethnic Diversity in the Courts	
<i>No comparable item</i>	There are not enough minority court personnel. (agree/disagree)
<i>No comparable item</i>	How would you rate the racial or ethnic diversity of the following groups in the California court system? <ul style="list-style-type: none"> • Judges • Commissioners/referees • Officials and managers • Attorneys • Technicians/paraprofessionals • Courtroom clerks • Office and clerical • Protective services • Service and maintenance • Court interpreters • Court reporters
Fairness to Minorities	
In your opinion, how fair do you think the California court system is to minorities overall?	In your opinion, how fair do you think the California court system is to minorities overall?
How fair do you believe the California courts are to ... <ul style="list-style-type: none"> • Whites • African Americans • Hispanics • Asians or Pacific Islanders • Native Americans, for example American Indians or Alaskan Natives • Other minority groups 	How fair do you believe the California courts are to ... <ul style="list-style-type: none"> • Whites • African Americans • Hispanics • Asians or Pacific Islanders • Native Americans, for example American Indians or Alaskan Natives • Other minority groups
The California courts are equally fair to all people no matter what their race or ethnic origin. (agree/disagree)	The California courts are equally fair to all people no matter what their race or ethnic origin. (agree/disagree)
The California courts ensure that you can expect the same decision regardless of your race or ethnic origin. (agree/disagree)	The courts ensure that a person can expect the same decision regardless of their race or ethnic origin. (agree/disagree)
Because of discrimination in the courts, a minority lawyer cannot serve the needs of his client as well as a non-minority lawyer. (agree/disagree)	Due to discrimination in the courts, the needs of a client will not be as well served by a minority lawyer as they will by a white lawyer. (agree/disagree)



TELEPHONE SURVEY	MAIL SURVEY
Fairness to Minorities (continued)	
No comparable item	Often, minority attorneys are treated as second-class professionals by judges. (agree/disagree)
No comparable item	Often, minority attorneys are treated as second-class professionals by other attorneys. (agree/disagree)
No comparable item	Often, minority attorneys are treated as second-class professionals by non-judicial court personnel. (agree/disagree)
No comparable item	Generally speaking, minority attorneys enjoy the same credibility as non-minority attorneys. (agree/disagree)
No comparable item	Often, minority judges are treated as second-class professionals by other judges. (agree/disagree)
No comparable item	Often, minority judges are treated as second-class professionals by other non-judicial personnel. (agree/disagree)
No comparable item	When a minority person is the defendant, judges tend to favor the prosecutor over the public defender. (agree/disagree)
No comparable item	Judges, prosecutors and public defenders are members of an "old boy network" that excludes minorities. (agree/disagree)
No comparable item	Attorneys treat minority clerks the same as they treat White clerks. (agree/disagree)
Fairness to Women	
Generally speaking, women have a harder time than men obtaining fair treatment in the courts. (agree/disagree)	Minority women have a harder time than other women obtaining fair treatment in the state courts. (agree/disagree)
Minority women have a harder time than other women obtaining fair treatment in the state courts. (agree/disagree)	African American women have a harder time than other minority women obtaining fair treatment in California courts. (agree/disagree)
African American women have a harder time than other minority women obtaining fair treatment in California courts. (agree/disagree)	Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers. (agree/disagree)
Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers. (agree/disagree)	No comparable item
Disparate Judgments	
No comparable item	In a case where there is a minority defendant and a white victim, is the defendant less likely or more likely to be found guilty than if the defendant was white?
No comparable item	In a case where there is a white defendant and a minority victim, is the defendant less likely or more likely to be found guilty than if the victim was white?
No comparable item	In a case where there is a minority defendant and a minority victim, is the defendant less likely or more likely to be found guilty than if both the defendant and victim were white?
Disparate Sentencing	
In a case where there is a minority defendant and a white victim, will the sentence be lighter or harsher than a case with a white defendant?	In a case where there is a minority defendant and a white victim, will the sentence be lighter or harsher than a case with a white defendant?
In a case where there is a white defendant and a minority victim, will the sentence be lighter or harsher than a case with a white victim?	In a case where there is a white defendant and a minority victim, will the sentence be lighter or harsher than a case with a white victim?
In a case where there is a minority defendant and a minority victim, will the sentence be lighter or harsher than a case where both the defendant and victim are white?	In a case where there is a minority defendant and a minority victim, will the sentence be lighter or harsher than a case where both the defendant and victim are white?
Minority Representation on Juries	
Minorities seldom face a jury containing members of their own racial or ethnic group. (agree/disagree)	Minorities seldom face a jury containing members of their own racial or ethnic group. (agree/disagree)
Juries usually reflect the racial and ethnic mix of the community. (agree/disagree)	Juries usually reflect the racial and ethnic mix of the community. (agree/disagree)
Access	
Minorities, for example, African Americans, Asians, Hispanics or Native Americans, do not have enough access to education and information about using the courts. (agree/disagree)	Many times, minorities have noticeably poorer access to the courts than do Whites. (agree/disagree)
In the courts, people with a good understanding of English are treated better than people who speak little or no English. (agree/disagree)	Whites have greater access to education and information about using the courts than do minorities. (agree/disagree)
No comparable item	The courts treat people with a good understanding of English better than people who speak little or no English. (agree/disagree)
No comparable item	Immigrants with grievances have trouble filing complaints because legal forms are not in their native language. (agree/disagree)
No comparable item	There are enough interpreters available to non-English speaking people in the court system. (agree/disagree)
No comparable item	People with high incomes get better legal advice and representation than people with low incomes. (agree/disagree)
No comparable item	A fear of the judicial system keeps minorities and immigrants from standing up for their rights. (agree/disagree)



TELEPHONE SURVEY	MAIL SURVEY
Cultural Sensitivity of the Courts	
Youths who look like gang members are treated less fairly by the courts than those who don't look like gang members. (agree/disagree)	Youths who look like gang members are treated less fairly by the courts than those who don't look like gang members. (agree/disagree)
A minority lawyer can serve the needs of a minority client better than a White lawyer (agree/disagree)	A minority lawyer can serve the needs of a minority client better than if the client was represented by a White lawyer. (agree/disagree)
No comparable item	When it comes to cases that involve minorities, judges have sufficient education and training to ensure that court proceedings are fair. (agree/disagree)
No comparable item	Court personnel have sufficient education and training to provide adequate assistance to minorities. (agree/disagree)
No comparable item	Lawyers working as public defenders have sufficient education and training to assist minorities who are involved with the court system. (agree/disagree)
Recommendations	
Persons who work in the courts need to be trained to understand the special needs of minority groups. (favor/oppose)	Persons who work in the courts need to be trained to understand the special needs of minority groups. (favor/oppose)
The California courts should include appropriately-qualified people who reflect the ethnic background of the community. (favor/oppose)	The California courts should include appropriately-qualified people who reflect the ethnic background of the community. (favor/oppose)
The courts should see that an adequate number of interpreters are available to assist non English-speaking persons (favor/oppose)	The California courts need more minority judges. (favor/oppose)
Court personnel should be better educated about existing biases against minorities. (favor/oppose)	The California courts need more minority public defenders. (favor/oppose)
Interpreters should be available free-of-charge to non English-speaking people. (favor/oppose)	The California courts need more interpreters to assist non English-speaking persons (favor/oppose)
In order to ensure a fair trial for a minority member, minority representation on juries should be increased. (favor/oppose)	Court personnel need to be better educated about existing biases against minorities. (favor/oppose)
No comparable item	Interpreters should be available free-of-charge to non English-speaking people. (favor/oppose)
No comparable item	In order to ensure a fair trial; for a minority member, minority representation on juries should be increased. (favor/oppose)
No comparable item	People with low incomes should receive more compensation from the court so they can afford to take time off and serve on a jury. (favor/oppose)

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3.2.1 Control Measures (Telephone Survey)

The purpose of the three control items was to establish the level of experience of each respondent with the state court system. It was reasonable to assume that experience would have a significant influence on opinions. The three measures consisted of: (1) A measure of actual *experience* with the courts (e.g., whether the respondent had actually been on a jury or participated in a court case), (2) a general measure of *familiarity*, and (3) a measure of the influence of *media exposure* on the respondent's opinions about the courts.

Experience. The experience measure consisted of a series of statements that typified the encounters the average respondent was likely to have had with the state courts. Respondents were asked to indicate the *types of experiences* they had with the California courts. Experience measures ranged from *direct* experiences, such as "having served on a jury," to *indirect* experiences, such as "having a friend who had been to court and shared stories about the experience."

An *experience score* was derived for each respondent by assigning a point value to each type of experience and summing the points attained. Point values could range from '0' (no experience at all) to '6' the highest level of experience (associated with "having been a party to a case that went to court"). Generally, more direct encounters were assigned higher point values. The highest possible experience score was 21 and would have been attained by respondents who reported every type of experience (thus $1+2+3+4+5+6=21$).

For ease of comparison, the range of possible scores was further subdivided into six experience categories ranging from *no* experience to a *very high* level of experience.

The following table illustrates the point system and the six categories:

Table 3-5
Explanation of the Experience Measure (Telephone Survey)

Experience Level	Total Score	Type of Experience (score)
No	0	<ul style="list-style-type: none"> ■ Been to court to file papers, pay fine, etc. (1)
Very Low	1 to 3	<ul style="list-style-type: none"> ■ Had a close friend or relative who has been to court and shared experiences with you (2)
Low	4 to 7	<ul style="list-style-type: none"> ■ Had a close friend or relative who worked with the courts or police and shared experiences with you (3)
Moderate	8 to 13	<ul style="list-style-type: none"> ■ Observed court proceedings at least once in person or appeared as a witness (4)
High	14 to 17	<ul style="list-style-type: none"> ■ Served on a jury (5)
Very High	18 to 21	<ul style="list-style-type: none"> ■ Been a party to a case that has gone to court (6)

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For example, a *very low* level of experience (total score of 1 to 3) may have been derived from any one of *four* possible combinations: “Gone to court to file papers,” “Had a close friend or relative who has been to court and shared experiences,” “Had a close friend or relative who worked with the courts or police and shared experiences,” or had both the first two experiences.

At the other end of the spectrum, anyone with *very high* experience must have *at least*: “Been a party to a case that has gone to court,” “served on a jury,” and “observed court proceedings in person or appeared as a witness.” In addition, the respondent would also have reported some combination of the lower level experiences as well.

Familiarity with the Courts. As a cross-validation of the experience score, respondents also were asked to indicate their level of *familiarity* with the California courts. The familiarity measure was a highly subjective index of experience.

Mass Media Exposure. To see if media exposure to information about the courts had an impact on opinions, respondents were asked to rate the degree to which what they learn about the courts is gleaned through the *mass media*. This question is used as an additional means of separating respondents with direct court experience from those with indirect, media-derived impressions.

3.2.2 Control Measures (Mail Survey)

The single control measure concerned the respondent’s specialty area.

Practice Area. In order to determine how perceptions of fairness vary by type of judicial experience, respondents were asked to indicate their legal practice by describing the types of cases that are heard in the court where they work or the cases which appear most regularly before them. Respondents could select more than one specialty area.

Practice areas included:

- Traffic
- Small claims
- Juvenile
- Appeals
- Civil
- Criminal
- Family law
- Probate

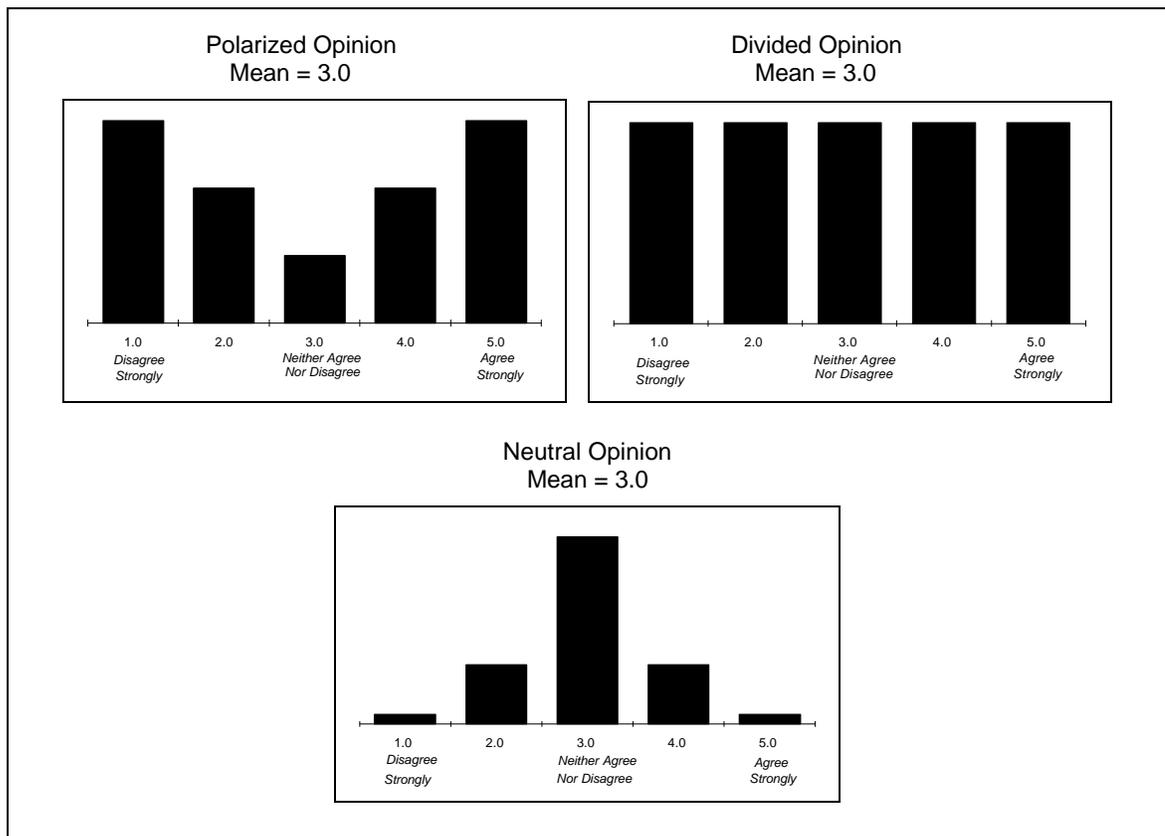


3.3 Analytic Strategy

Means (averages) were calculated for all questions. Where useful, frequency distributions are presented. Tables were developed for certain variables, and correlation matrices were produced to uncover important relationships between variables. Multi-variate regression techniques also were used to produce attitude models which reveal those factors underlying perceptions of fairness.

Interpreting Means. Means (averages) were calculated for all questions. On the bipolar five-point scales used in this study, means of around 3.0 can reflect *polarized* opinion, *divided* opinion, or *neutral* opinion. Polarized opinion is characterized by the clustering of responses at both extremes of the scale. Divided opinion is characterized by a fairly even distribution of responses across the entire range of the scale. Neutral opinion is characterized by a bell-shaped distribution, with responses clustering around the midpoint of the range. (Figure 3-25)

Figure 3-25
Interpretation of Means



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Whenever possible, the report will note the characteristics of the mean value. As often as necessary frequency distributions are presented graphically, however, the reader is directed to the appendices for complete frequency tables.

Sample Weighting (Telephone Survey Only). As noted earlier, relative to an ethnic/racial group's actual proportion in the total population, sample stratification can result in the *over-sampling* of certain groups (and *under-sampling* of others). Therefore, in a study such as this one, where the major ethnic/racial groups are equally stratified to facilitate comparison between groups, in order to make valid inferences about the *total* population, sample weighting need to be employed. Weights are used to create overall sample statistics that reflect the *actual* composition of the population about which inferences are being made.

Though the telephone survey targeted adults only, weights have been assigned proportionate to 1990 U.S. census figures for *all* residents (adults as well as children). The primary reason for this approach is that an adult-only weighting would cause under representation of racial/ethnic groups that have higher proportions of young people. Moreover, the courts have a mandate to serve not only the adult community but the community at large, *regardless* of age.

Rounding Error. In addition, column totals may vary slightly, but insignificantly, depending on the analytic procedure used. Therefore, for reporting purposes most data were rounded to the first decimal place. As such, percentages on some figures and tables in this report will not sum to precisely 100%.

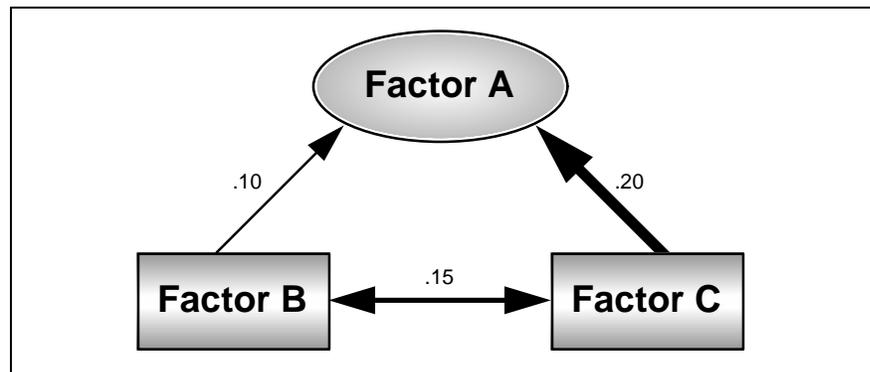
Tests of Significance. Where significant differences between groups exist, they have been examined using standard t-tests and Analyses of Variance (ANOVA's). As a rule of thumb in this report, statistical significance is not reported unless the significance level is less than 5 percent ($p < .05$) meaning that the value has a likelihood of occurring less than five percent of the time.

Multi-Variate Models. Most of the time, the survey data are illustrated using a variety of graphs, tables, and charts. However, in some cases, regression models of the data were produced to illustrate the factors that underlie perceptions of fairness. For example, regressions used as a *diagnostic* tool help illustrate the relationship between specific facets of the courts (e.g., access and disparate sentencing) on overall opinion of fairness.



Attitude models of public perceptions of judicial fairness to minorities are represented by flow charts such as the one below.

Figure 3-26
Interpretation of Models



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In the flow charts, arrows indicate the influence some factors in the model exert on other factors. The direction (force) of influence is illustrated by the direction of the arrow. In some cases, two-headed arrows appear which refer to factors that have a significant *reciprocal* effect on each other.

The *relative* magnitude (strength) of influence is graphically depicted by varying the width of the arrow. Wider arrows indicated stronger influence. An arrow that is approximately twice as wide as another indicates approximately twice the influence. Associated with the arrows are coefficients or weights (sometimes known as path coefficients or beta weights depending on the procedure used to create the model) which refer to the actual weight or strength of influence. Coefficients are relative measures of strength. Hence, a coefficient of .20 means that the factor exerts twice the strength or influence of a relationship with coefficient .10.

In the example model above, Factor C (e.g., access) exerts twice the influence on Factor A (e.g., overall fairness) as does Factor B (e.g., disparate sentencing). Factor B and Factor C are interrelated, each affecting the other by a force that is about 1.5 times the influence that Factor B has on Factor A. The model can be interpreted to mean that Factor A can be explained by the influences Factors B and C have on it, Factor C being the stronger, but no less significant, influence of the two. Factors B and C can be explained by their influence on each other.

Data was analyzed using SPSS (Statistical Package for the Social Sciences) software.

3.4 Survey Limitations

Data was collected at a particular point in time and the results reflect characteristics in place and at the time of the study. Surveys of this nature should only be used to observe trends and provide general indicators of opinion at a particular point in time.



4.0 ANALYSIS AND FINDINGS: TELEPHONE SURVEY

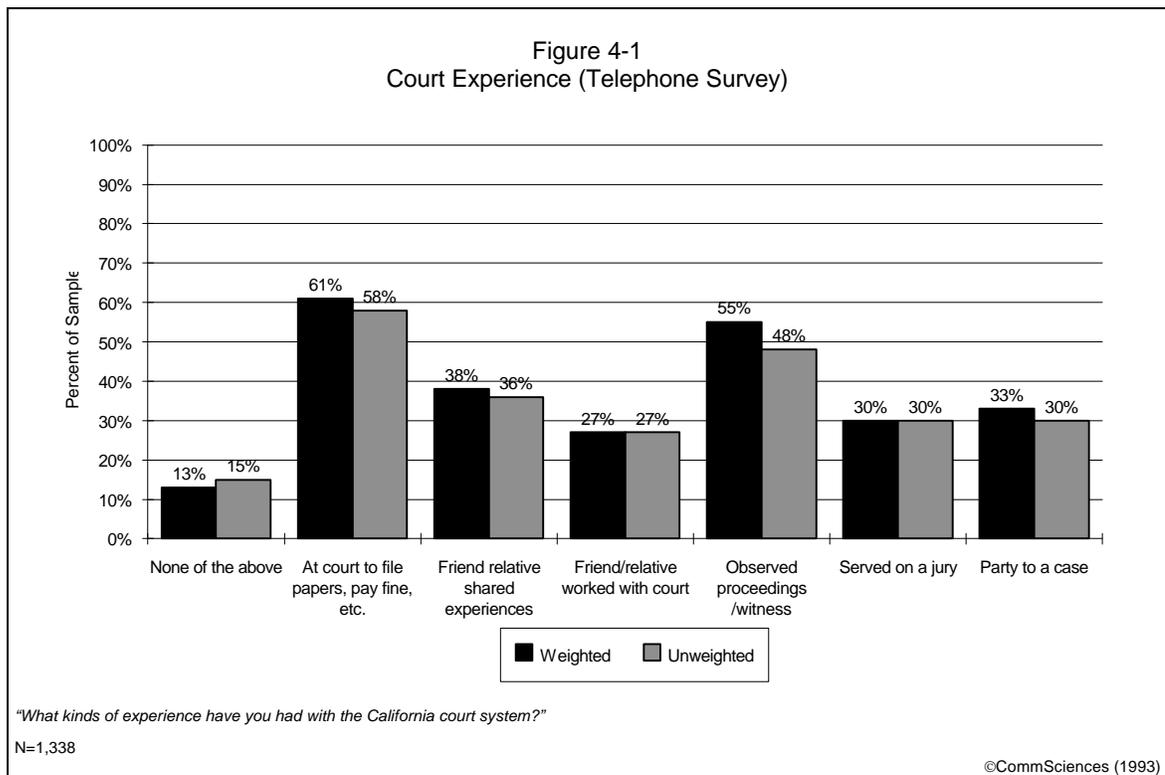
4.1 Control Factors

4.1.1 Experience with the Courts

As noted earlier, the *experience* measure consisted of a series of statements describing the types of encounters a respondent might have had with the state courts. There were six experience measures in all. In order of decreasing point value, they were:

1. Been a party to case that had gone to court
2. Served on jury
3. Observed court proceedings in person on at least one occasion or appeared as a witness
4. Had a close personal friend or relative who worked with the courts or with the police who often shared experiences
5. Been to the courthouse to file papers, pay a fine or obtain a license

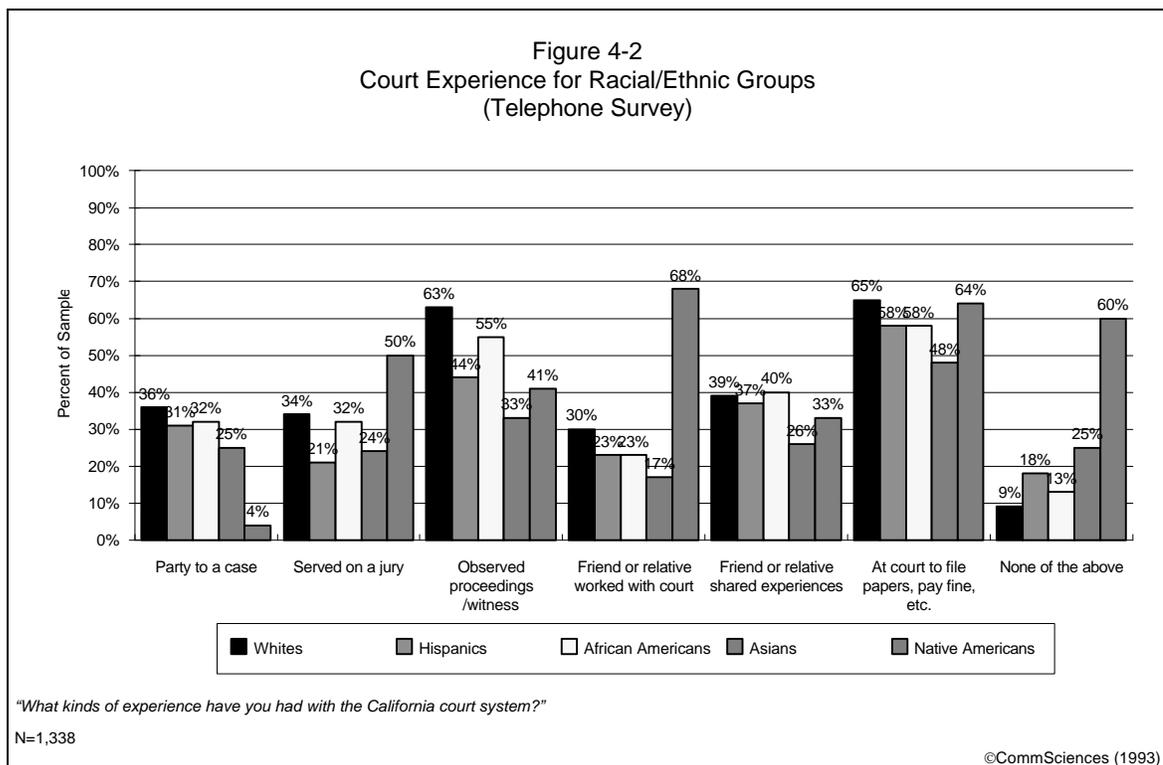
Figure 4-1 summarizes the weighted (proportionate to the state population) and unweighted responses to this question:





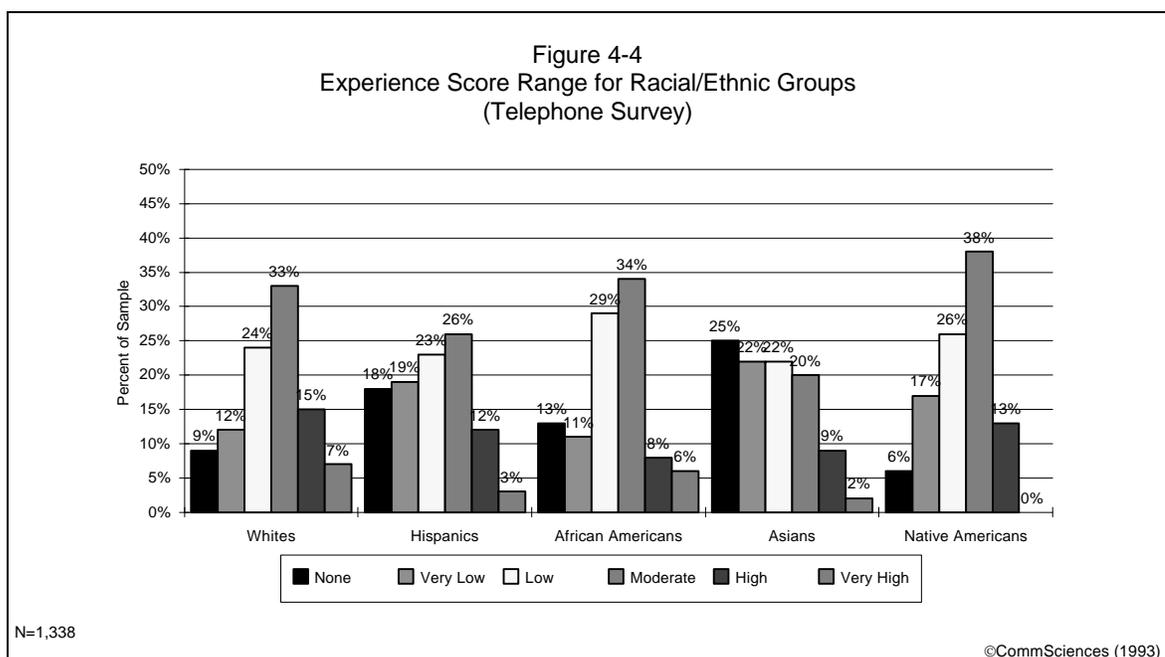
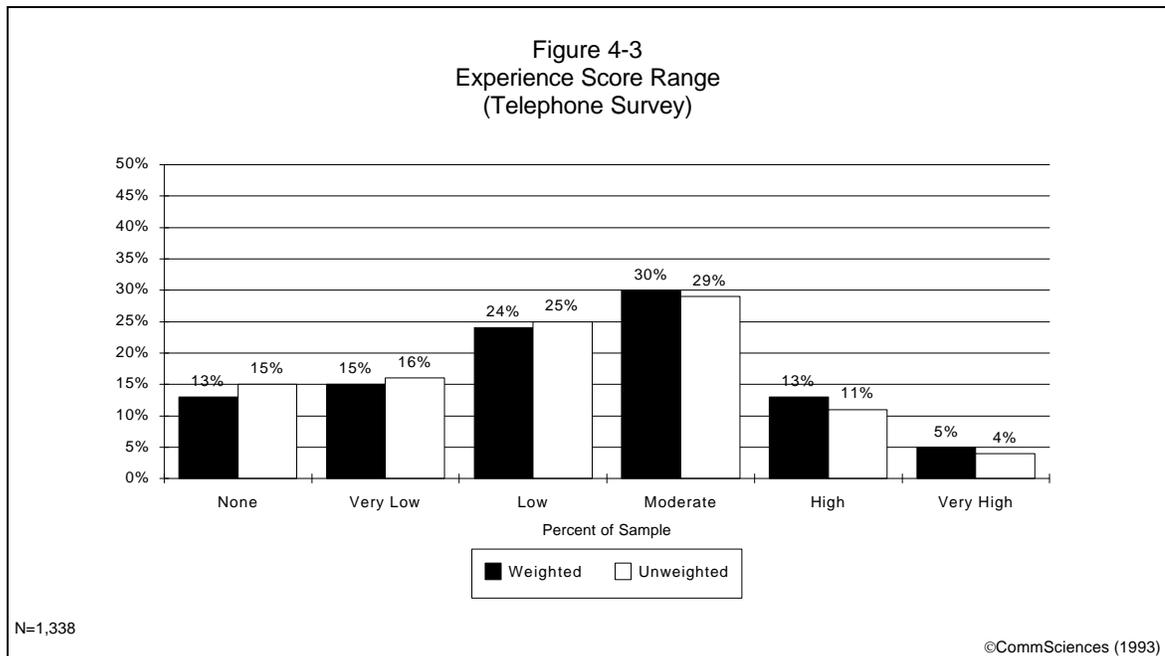
Perhaps most striking about these findings is the large proportion of respondents (55%) who report having observed court proceedings in person or having served as a witness. In contrast, as few as 15% claim little or no experience with the courts.

There is some variation in the range of court experiences shared by different racial/ethnic groups. Figure 4-2 illustrates how experience with the courts varies with racial/ethnic background. The group that stands out most distinctly is Native Americans (mostly composed of American Indians). Unlike the other groups, only an extremely small percentage (4%) of Native Americans report ever having been party to a case in a California court. It is possible that this low incidence arises primarily from the availability to Native Americans of alternative dispute resolution mechanisms, such as tribal courts. Interestingly, Native Americans report the highest level of participation on juries (50%) *and*, more than any other group, have friends or relatives who have worked with the courts (68%). Clearly, more than any other ethnic/racial group, Native American's report the most experience with the court system.



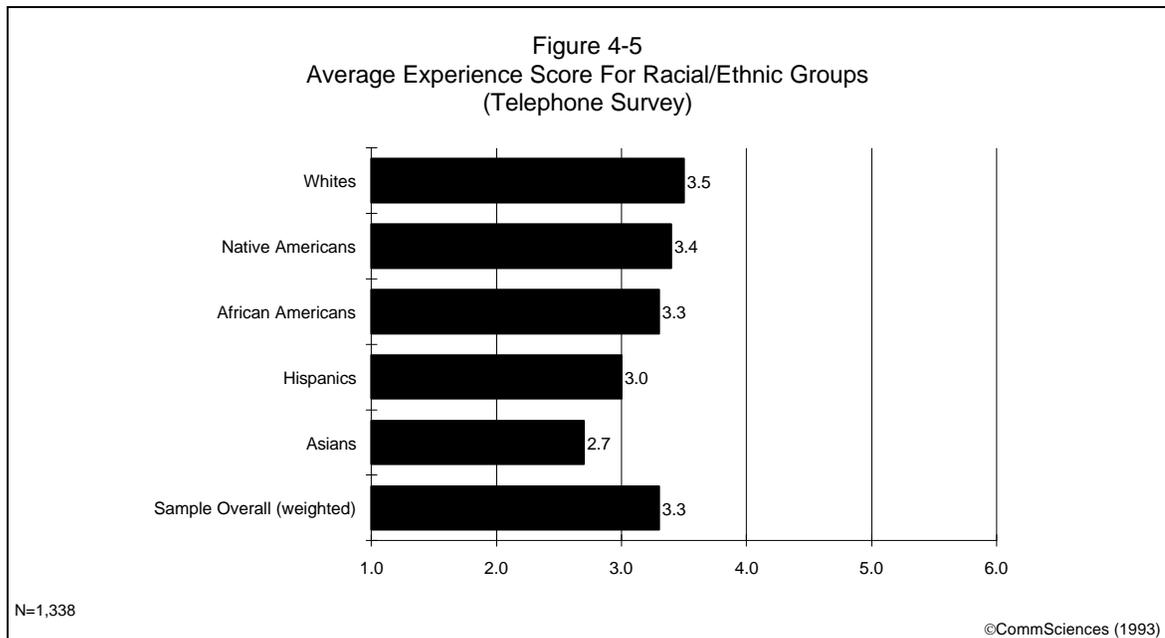


Experience Score. When experience scores are calculated, it becomes evident that most respondents (54%) report low to moderate levels of experience with the courts. Although we have no previous measures for comparison, it seems reasonable to conclude that the survey sample is representative of people with a variety of backgrounds and experience. Figure 4-3 illustrates the experience scores for the entire survey sample, Figure 4-4 depicts the experience findings for each racial/ethnic group, and Figure 4-5 compares average scores for each group.

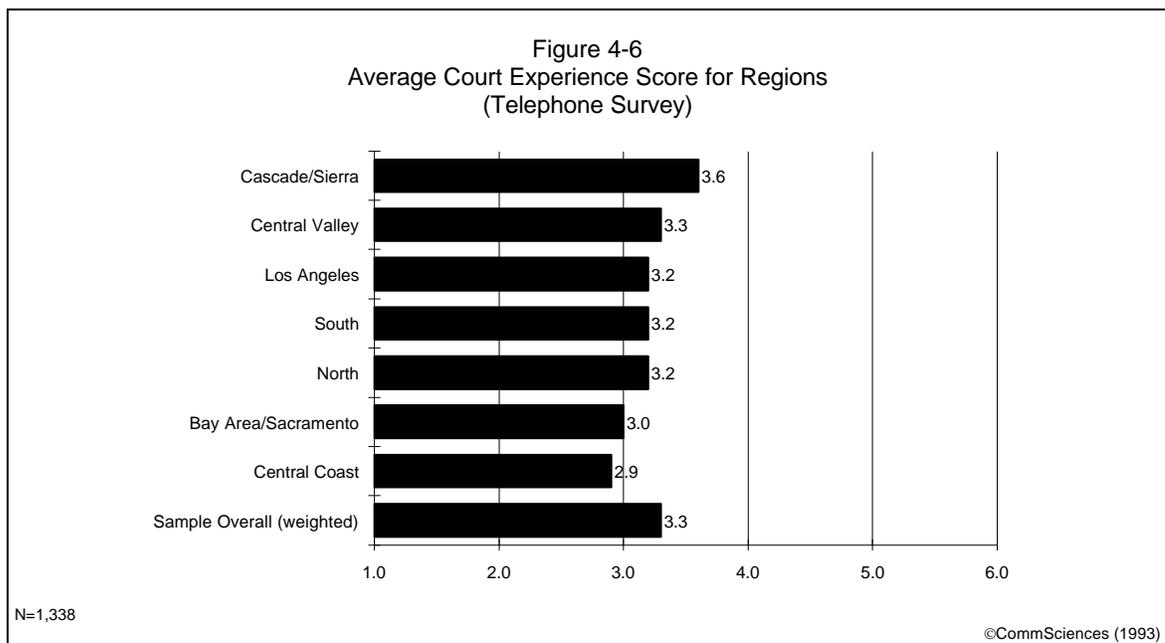




While varying patterns of experience are evident across the groups, Asians and Hispanics have *significantly lower* experience scores than do other groups ($p < .001$).



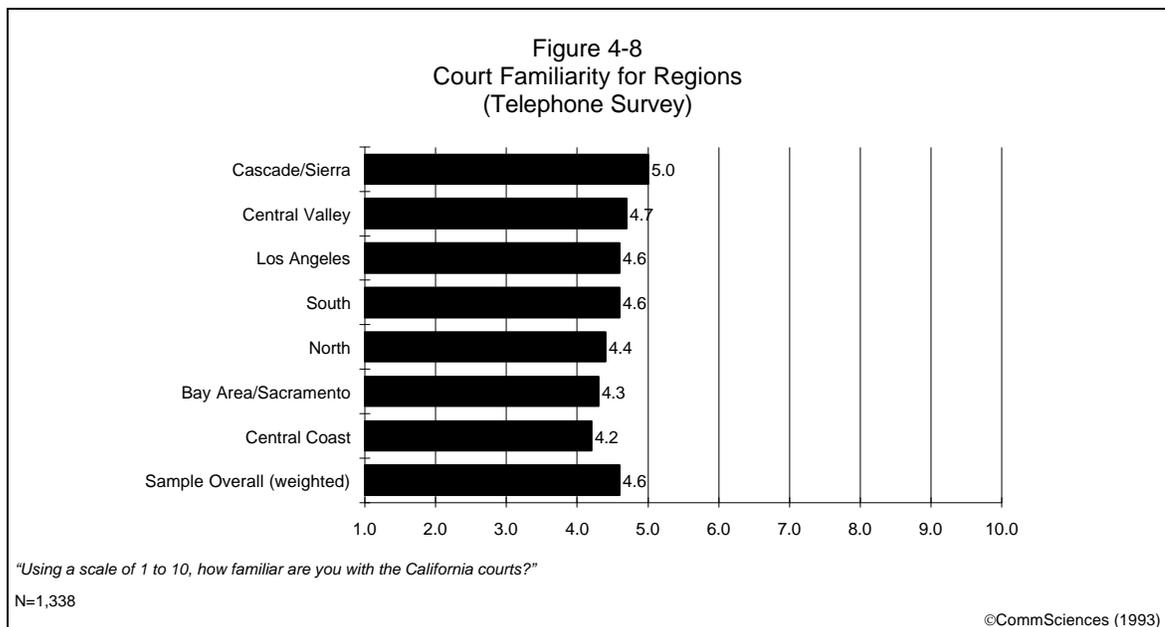
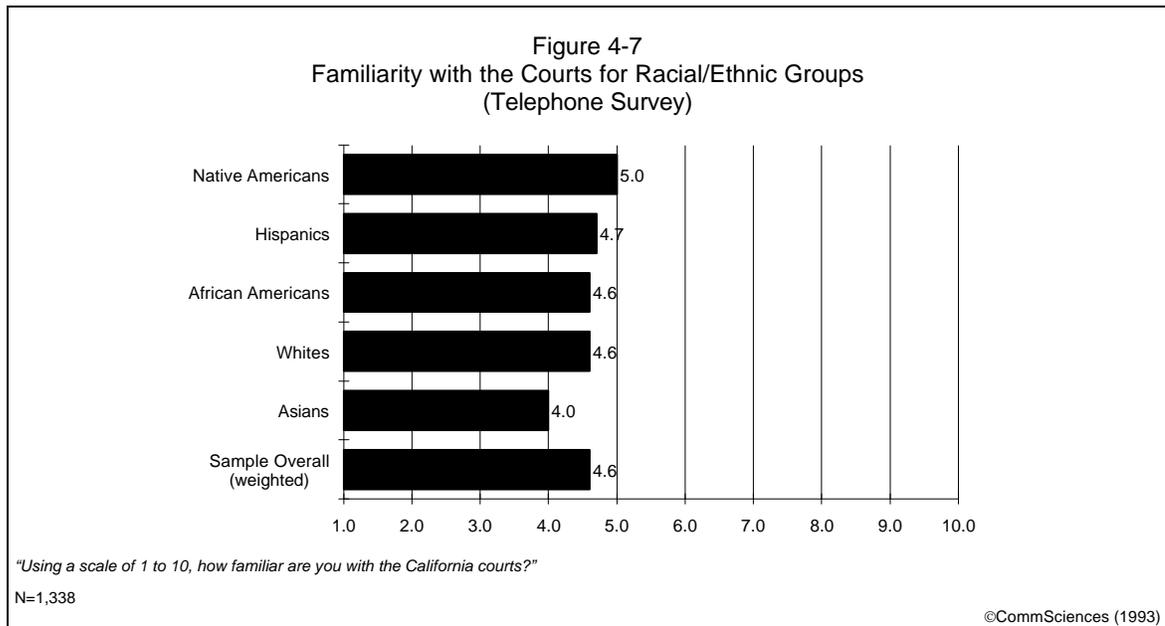
In addition, as Figure 4-6 reveals, residents of Cascade/Sierra tend to have significantly *more* experience than residents of other regions, while those from the Central Coast have the *least* experience with the courts.





4.1.2 Familiarity with the California Courts

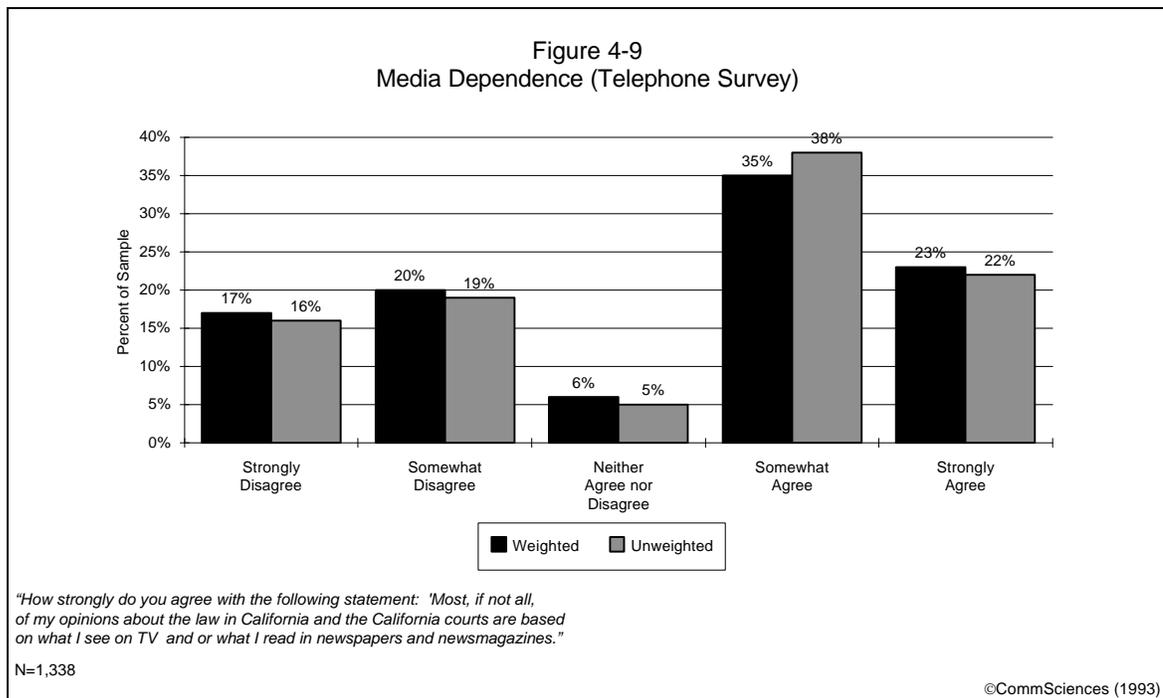
The results for familiarity corroborate the experience findings (Figure 4-7). Although average levels of familiarity are in the midrange for the 10-point scale across all racial/ethnic groups, Asians are significantly *less familiar* with the courts than other groups ($p < .001$). As was the case for the experience score, familiarity shows little variation across regions (Figure 4-8), with the greatest familiarity reported in the Cascade/Sierra region and the least familiarity in the Central Coast survey region. There is a high correlation (.38) between the familiarity and experience scores, indicating that the two measures are virtually synonymous.





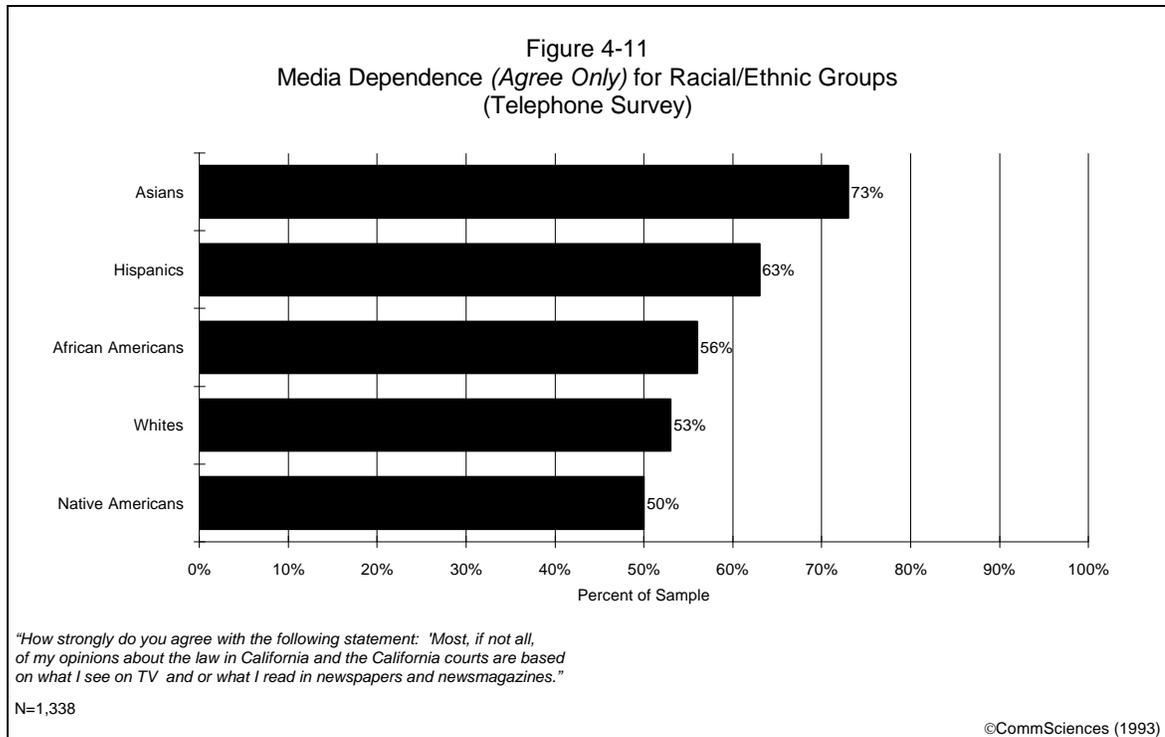
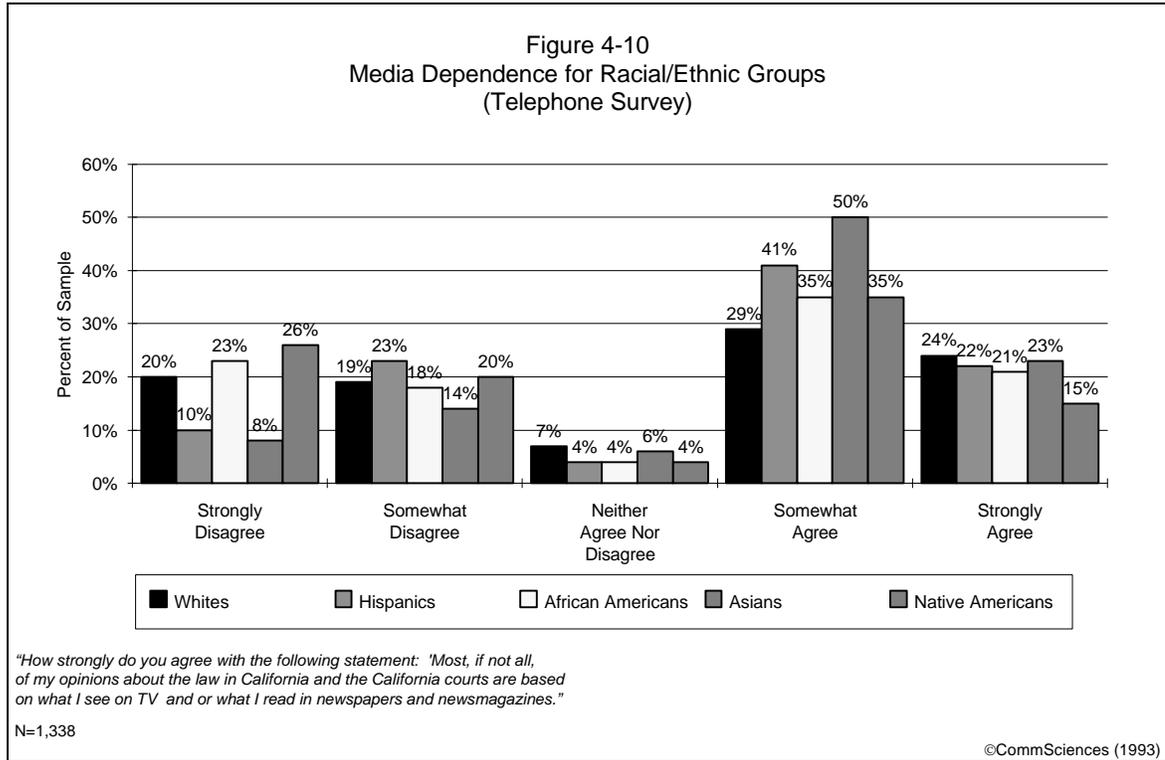
4.1.3 Mass Media Exposure/Dependence

As might be expected, a majority (58%) of survey respondents report that they obtain most, if not all, of their information about the California courts from the mass media. This figure is perhaps not even as high as it will be in the future with the growth of court television and the increasing prominence of mass media in all aspects of everyday life. (Figure 4-9)



The following two diagrams (Figures 4-10 and 4-11 on the following page) describe racial and ethnic differences with regard to media dependence. The figures illustrate quite clearly that, in spite of the high media dependence numbers for the state as a whole, Asian respondents (seconded only by Hispanics) are significantly *more likely* to obtain their impressions of the court from the mass media than are any other group ($p < .001$). In fact, nearly three-quarters (73%) of Asians, and two-thirds (63%) of Hispanics obtain most of their information about the courts from the information they see or hear in the mass media.

Media dependence does not vary significantly by survey region.



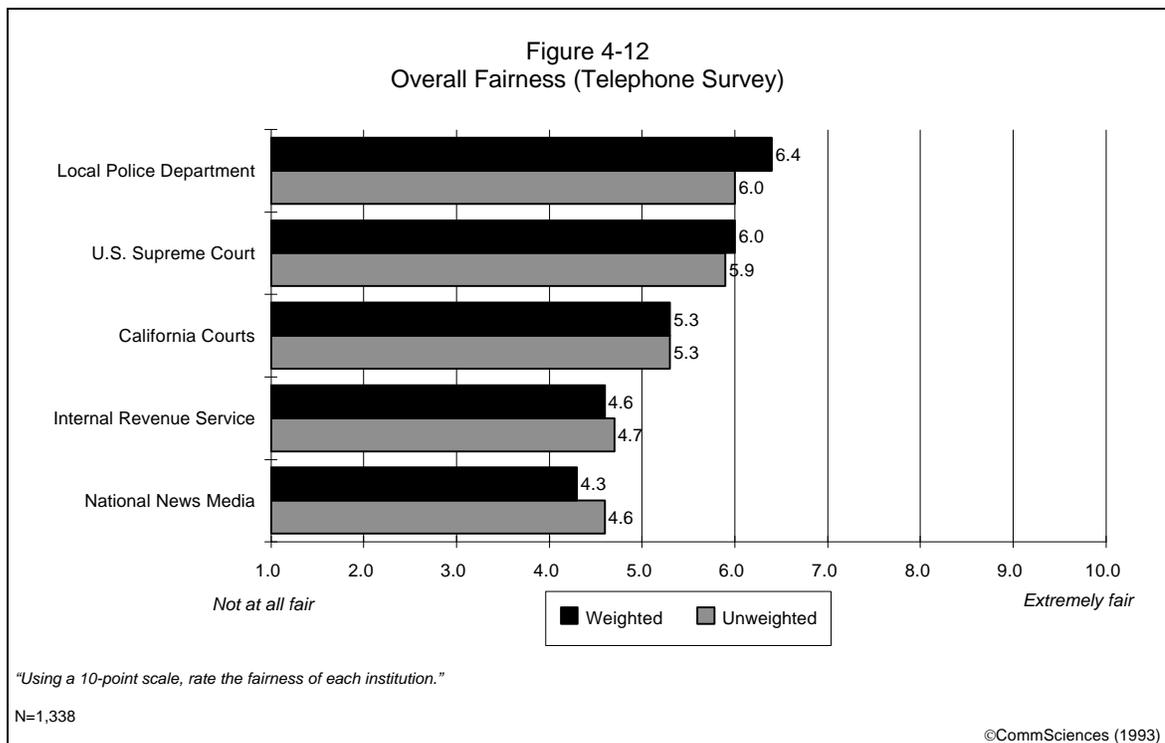


4.2 Overall Fairness of the California Courts

On a scale of '1' to '10', ranging from *not at all fair* to *extremely fair*, respondents, on the average, rated the *overall fairness* of the California Courts to be approximately 5. This measure of fairness is a general indicator that has little value on its own unless it is compared against other criteria such as overall fairness ratings for other major American institutions.

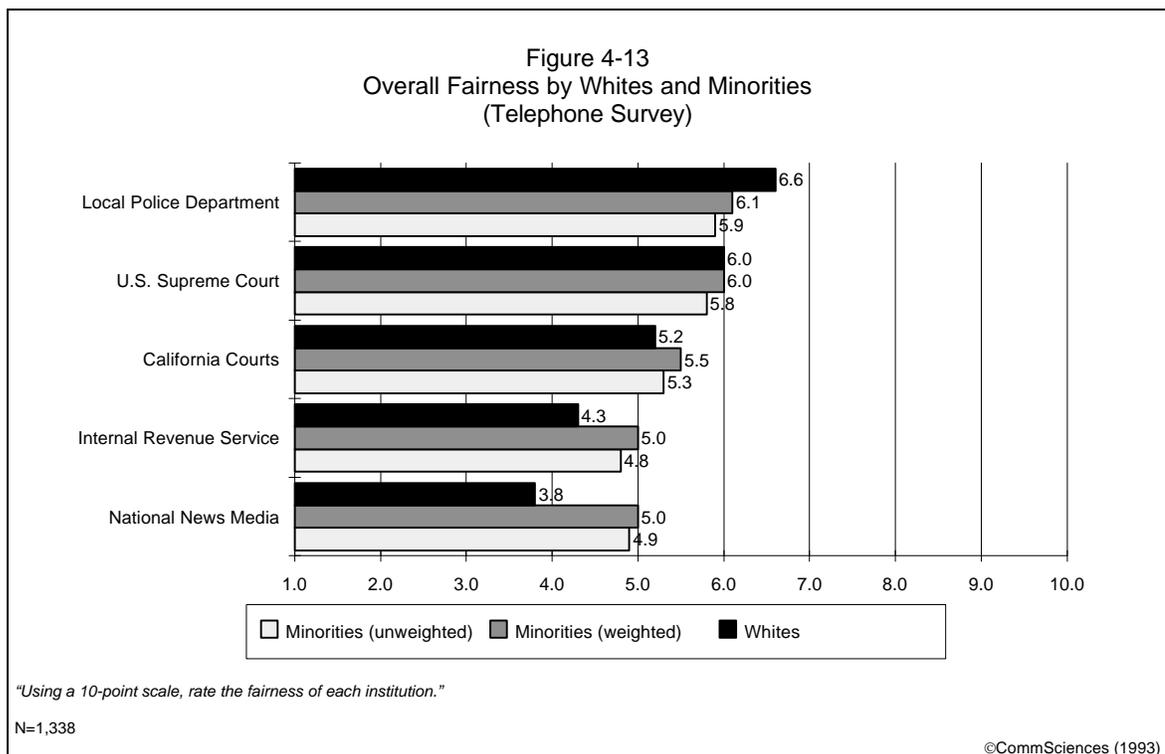
According to the survey results, public perceptions of the fairness of other American institutions are not overly positive either. *Local police departments* topped the order with a 6.4 rating while the *national news media* anchored the bottom at 4.3.

Interestingly, the state courts are rated significantly less fair than the *U.S. Supreme Court*. (Figure 4-12)



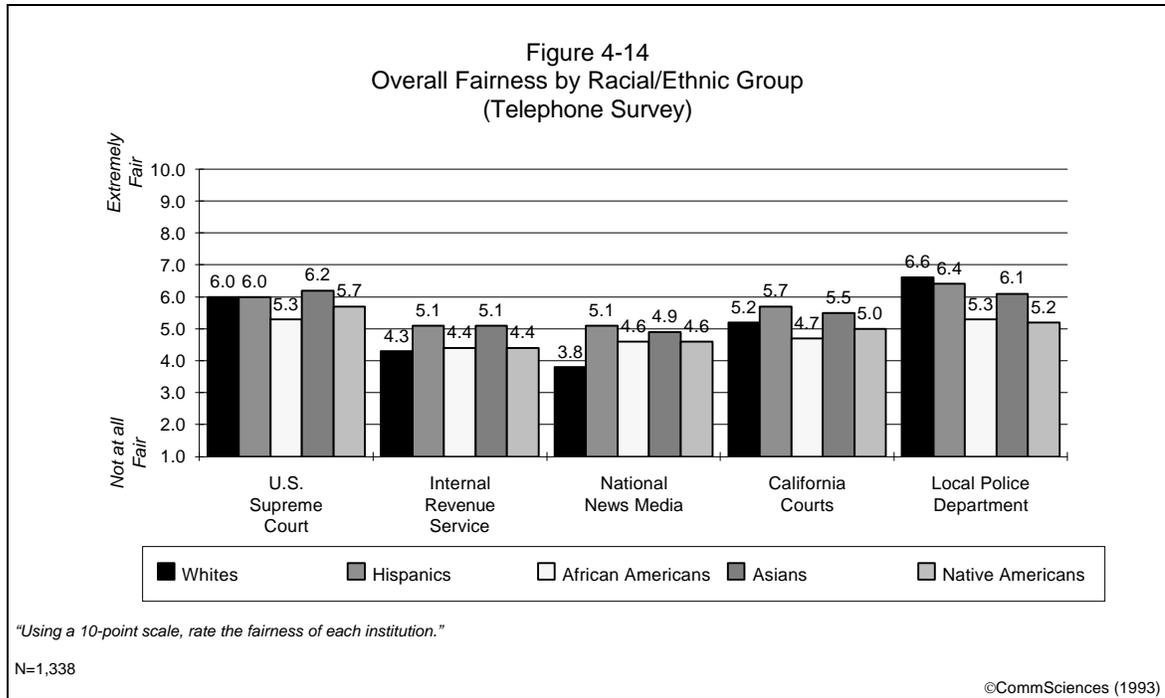


Racial/Ethnic Differences. Perhaps even more interesting is the fact that some minorities rate the California courts as significantly *more fair* than do Whites ($p < .014$) (Figure 4-13). The minority sample was weighted to reflect the actual composition of California’s minority population, and was then compared to Whites. When interpreting this data, it is important to remember that minorities are not, in fact, a uniform group. Strong perceptions held by a larger minority group, such as Hispanics, will have a significant effect on the weighted average for minorities overall.





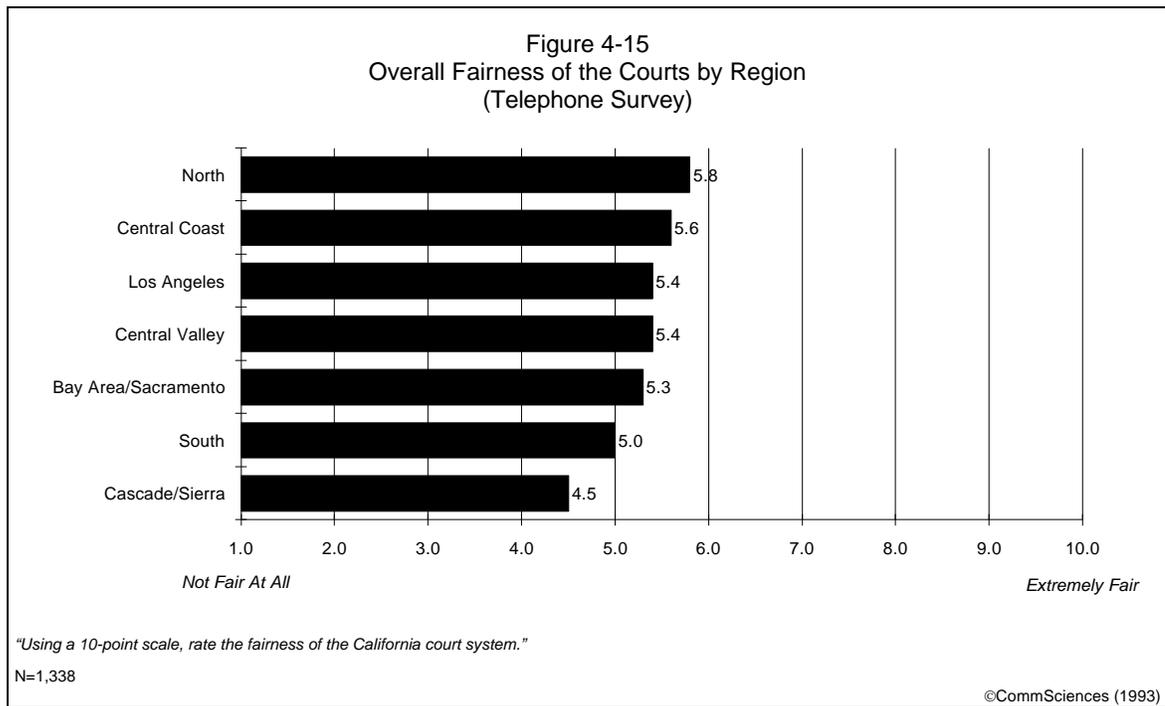
Therefore, on closer examination (Figure 4-14) it's easy to see the effect of the largest minority groups on the overall minority response to this question. As the chart indicates, California's two largest minorities, Hispanics and Asians, give the California courts their highest marks for fairness. Yet, compared to all other respondents, African Americans as a group have a significantly poorer impression of the courts.





Regional Differences. Furthermore, there appears to be significant regional disparity with regard to overall fairness ratings for the courts. Respondents from Cascade/Sierra and the South give the courts the *lowest* overall fairness ratings, while people in the North and Central Coast give the courts the *highest* fairness ratings.

The findings do *not* appear to be related to inherent regional factors such as the racial/ethnic composition of the regions concerned. Rather, they probably are related to experiential factors, such as historical events or court history in the region concerned that were not measured by this study. Follow-up research would need to be undertaken to ascertain the reasons for these regional differences. (Figure 4-15)



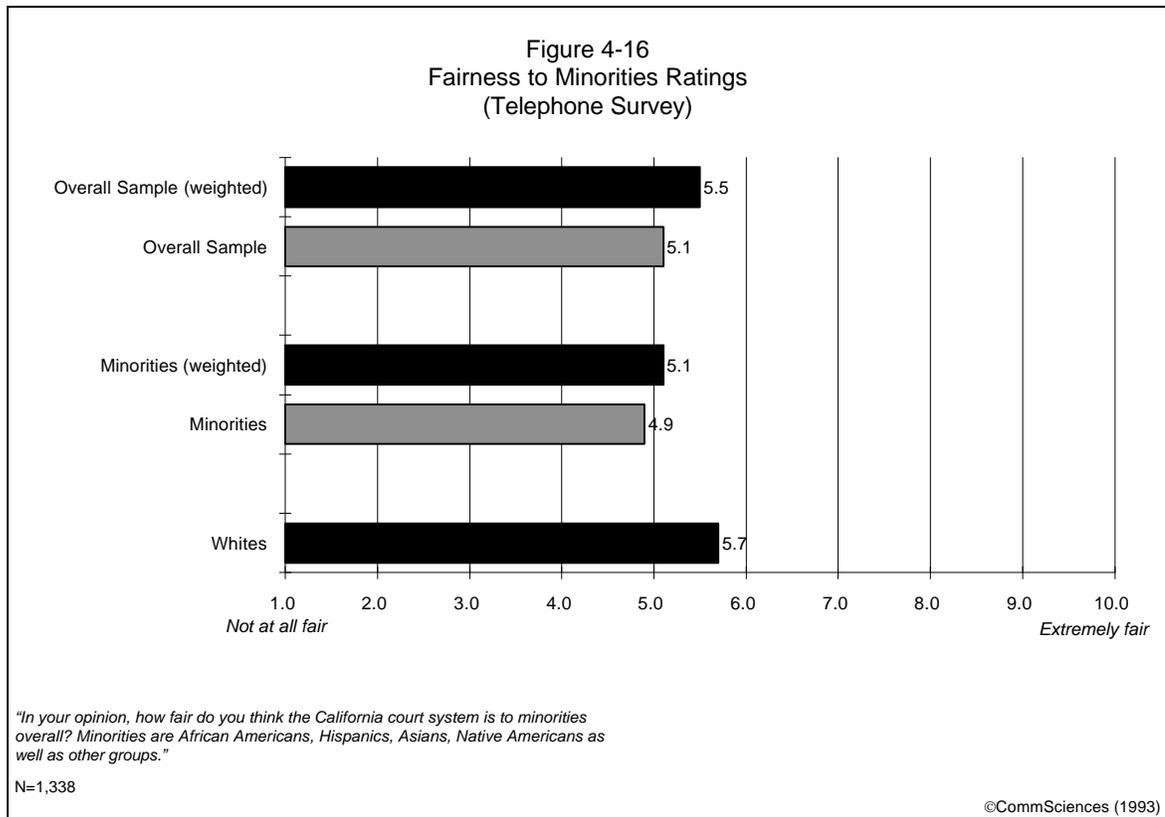


4.3 Fairness to Minorities

In addition to measuring perceptions of fairness overall, the survey also asked respondents to rate the fairness of the courts toward: (a) Minorities in general, and (b) each of the specific minority groups under consideration in the study. The results of these analyses are discussed in this section.

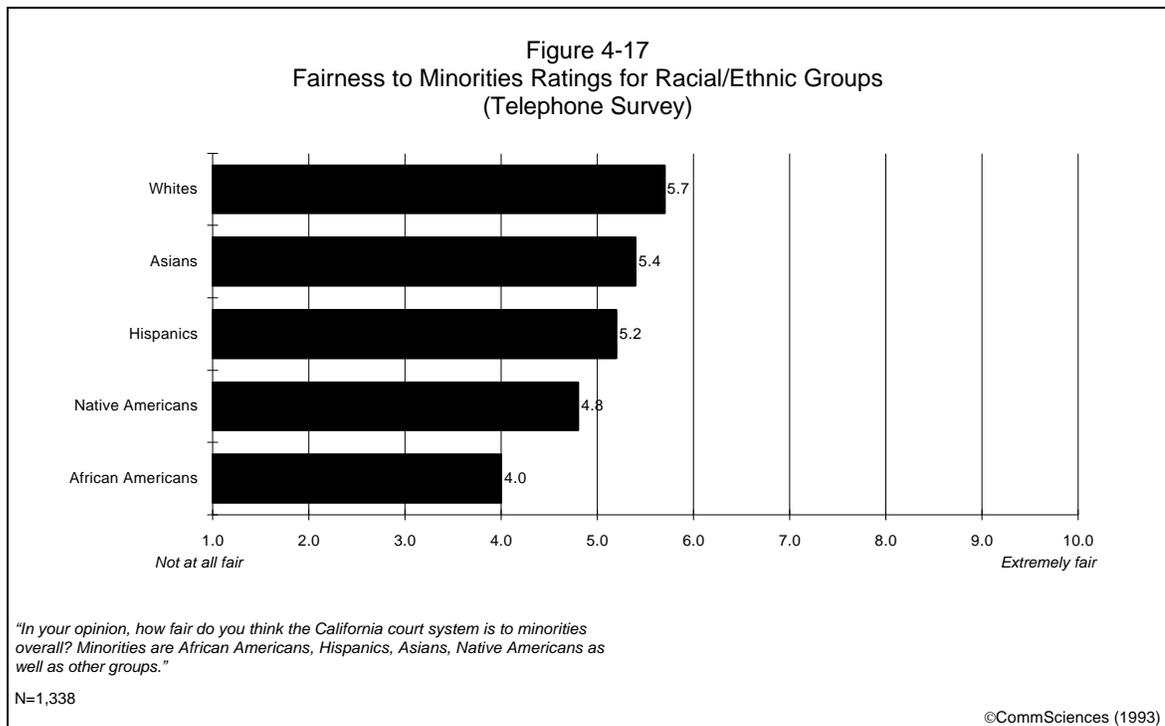
4.3.1 Fairness to Minorities Overall

As in the case of the overall fairness ratings, public perceptions of the fairness of the state courts *toward minorities* in particular is only 5.5 on the ten-point scale. Moreover, when only the impressions of minorities are examined separately (by excluding responses from Whites), then the rating drops significantly to 5.1 (Figure 4-16)





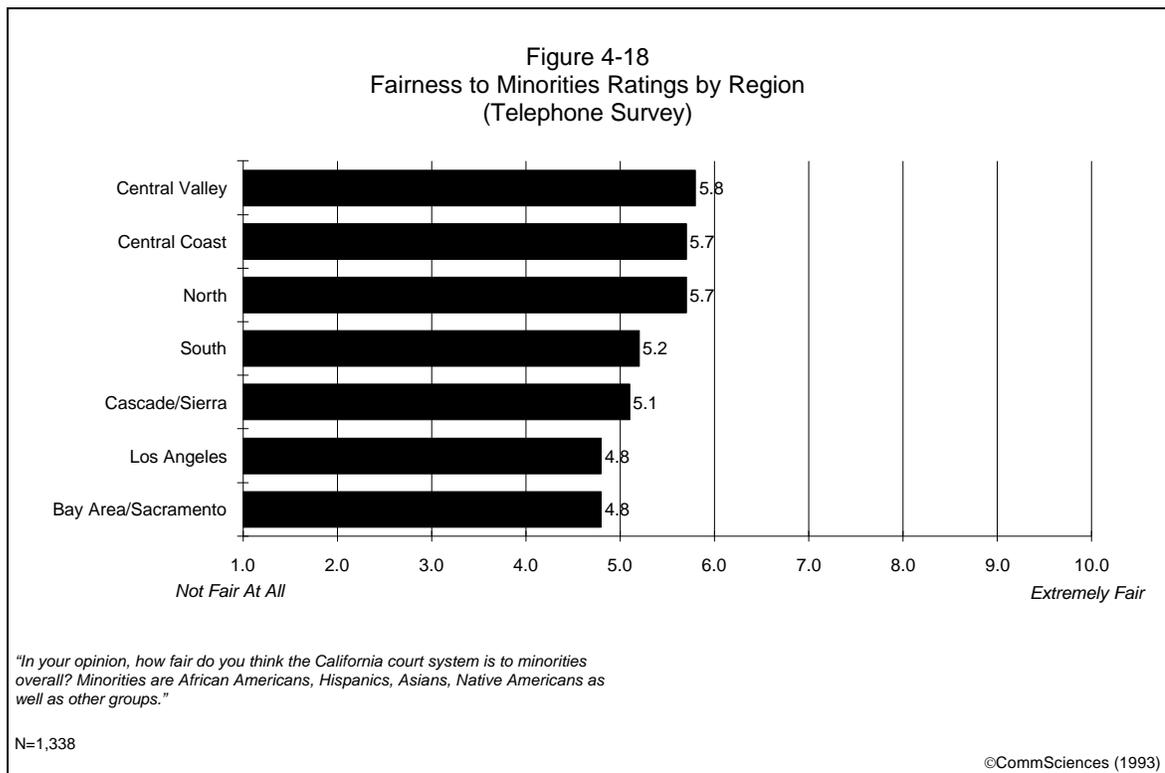
Racial/Ethnic Differences. The key to understanding the latter finding is the fact that, compared with all other respondents, African-Americans give the state courts a significantly lower minority fairness rating (4.0 for African Americans, versus ratings closer to 5.0 for everyone else). Furthermore, the usual dichotomy exists between Whites and minorities since compared to other respondents, Whites tend, more often than not, to think that the courts are fairer to minorities (5.7). (Figure 4-17)





Regional Differences. There is a significant ratings split between: (a) Counties in the central regions and the North, and (b) the urban areas, South, and the Cascade/Sierra area. Compared to respondents from the former regions, the latter tend to rate the courts significantly *less fair* toward minorities.

The worst ratings are provided by people in the Los Angeles and Bay Area/Sacramento regions. The results may be explained in part by the racial/ethnic composition of the two regions. Together, the Los Angeles and Bay Area/Sacramento regions have the largest proportion of African Americans, who, as was illustrated earlier, tend to be significantly more negative about the fairness of the courts toward minorities. (Figure 4-18)



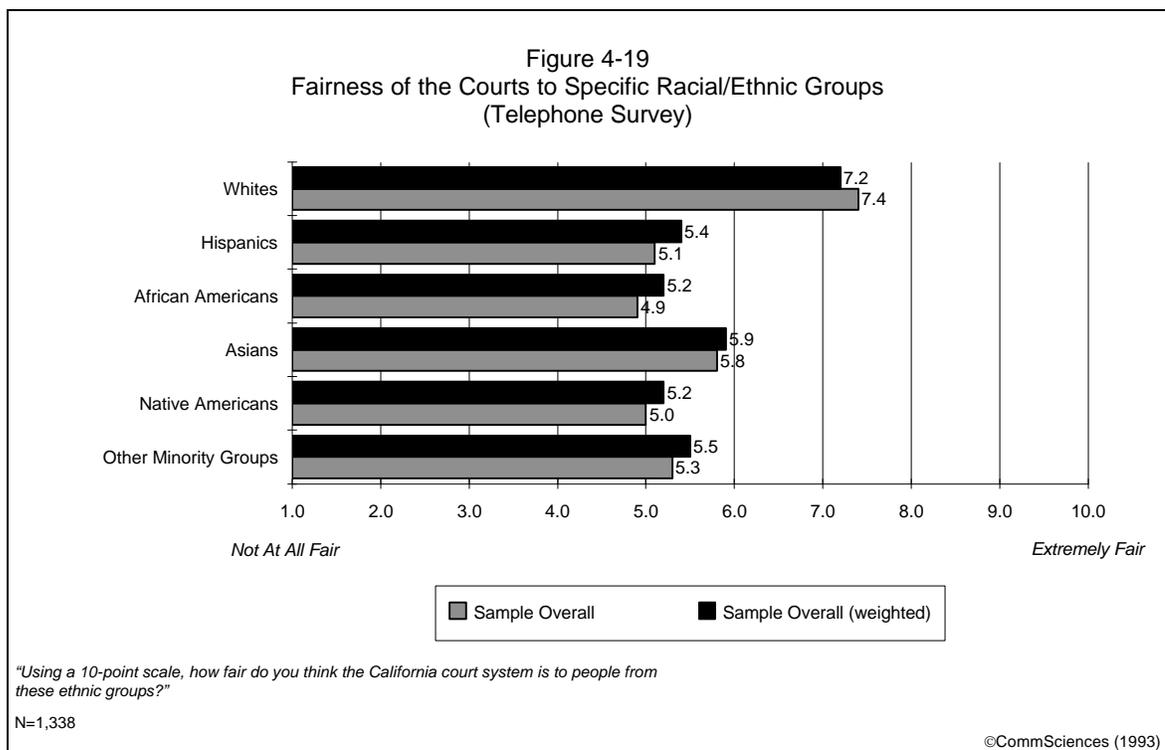
In effect, these are not what we would consider to be “positive” ratings. However, with the exception of the views of African Americans, the findings are not *overly* negative either. The results generally indicate that respondents of all colors or ethnic backgrounds do not perceive the courts to be unequivocally fair toward minorities. Nor, could it be said that respondents feel the courts are unequivocally unfair.



4.3.2 Fairness to Specific Racial/Ethnic Groups

When respondents are asked to rate fairness of the courts to specific racial/ethnic groups, a clearer picture of public attitudes begins to emerge. Overall, the weighted sample scores produce a picture of public perceptions that partially substantiates the overall outcome of the public hearings. (Figure 4-19)

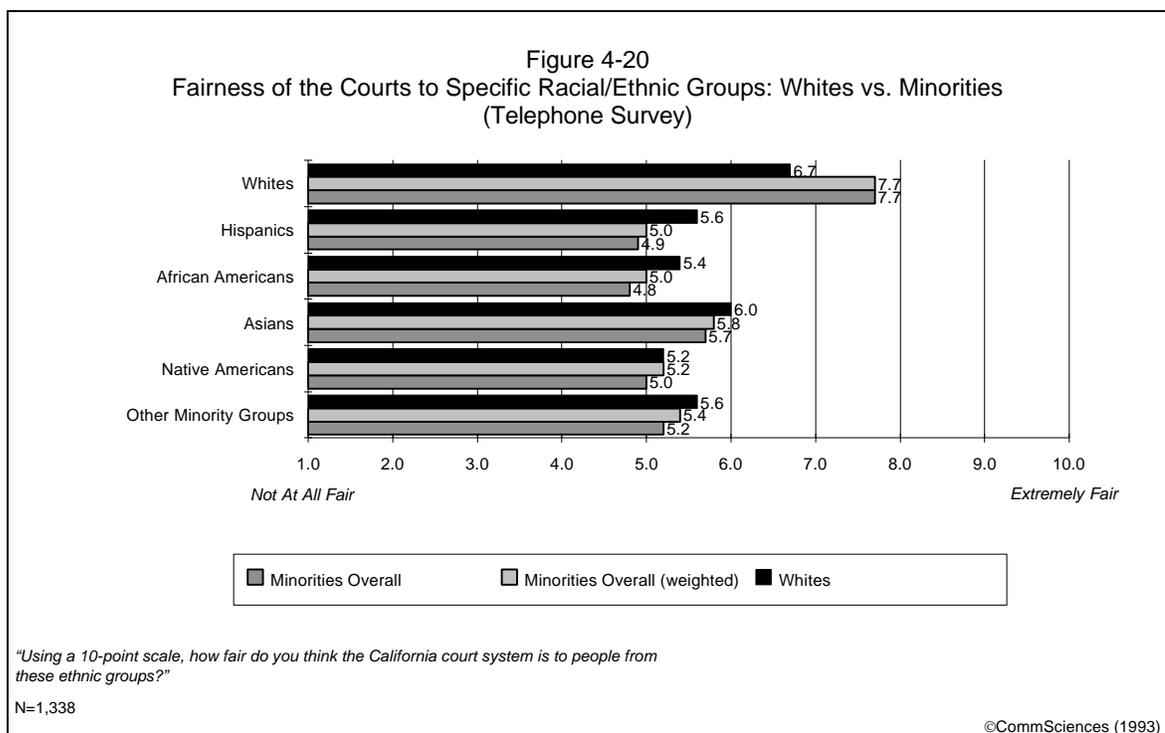
Clearly, Californians believe their courts to be significantly fairer to Whites than they are to any other group of residents. And, while no particular minority group seems to suffer excessively (the lowest weighted fairness rating for any specific minority group was 5.2), nevertheless African Americans and Native Americans are perceived to be treated less fairly than everyone else.





Racial/Ethnic Differences. In order to untangle the web of value-laden opinions that surely influence ratings of fairness toward specific groups, it is important to determine how each group rated fairness of the courts toward itself and compare these findings with how each group rated fairness toward others. By examining the patterns that emerge from the results of this analysis, we can better understand how the consensus of opinion was formed. This analysis begins first by examining whether significant differences exist between the way Whites rate fairness to themselves and the way minorities rate fairness toward Whites.

Figure 4-20 below illustrates that there is a significantly large gap (a full point on the rating scale) between the rating Whites give their own handling before the courts, and the way minorities rate the treatment that Whites receive.



Clearly, minorities think Whites get a significantly fairer break than Whites think they themselves receive. The opposite trend appears when we look at the treatment of minorities. Compared with minority opinions on this issue, Whites think minorities, especially people of Hispanic origin ($p < .001$) and African Americans ($p < .002$), are treated significantly more fairly by the courts than these people themselves think they are treated.



Even though differences exist, the degree of consensus on the treatment of minorities is much greater than the degree of consensus on the treatment of Whites. In other words, there is a significantly larger opinion gap concerning the treatment of Whites than there is about the treatment of minorities. Moreover, it's hard to say whether Whites tend to understate their advantage before the courts or whether minorities overstate the advantage that Whites possess.

If there is unanimity to be found in this data, it is that everyone, Whites and other minority groups alike, thinks the courts are unfair to Native Americans.

Now, let's take a closer look at the fairness findings by comparing impressions that each particular group has of its own treatment before the courts with the impressions the other groups hold of its treatment. Figures 4-21(a) to 4-21(e) illustrate how fairness toward each group was rated by every other group.

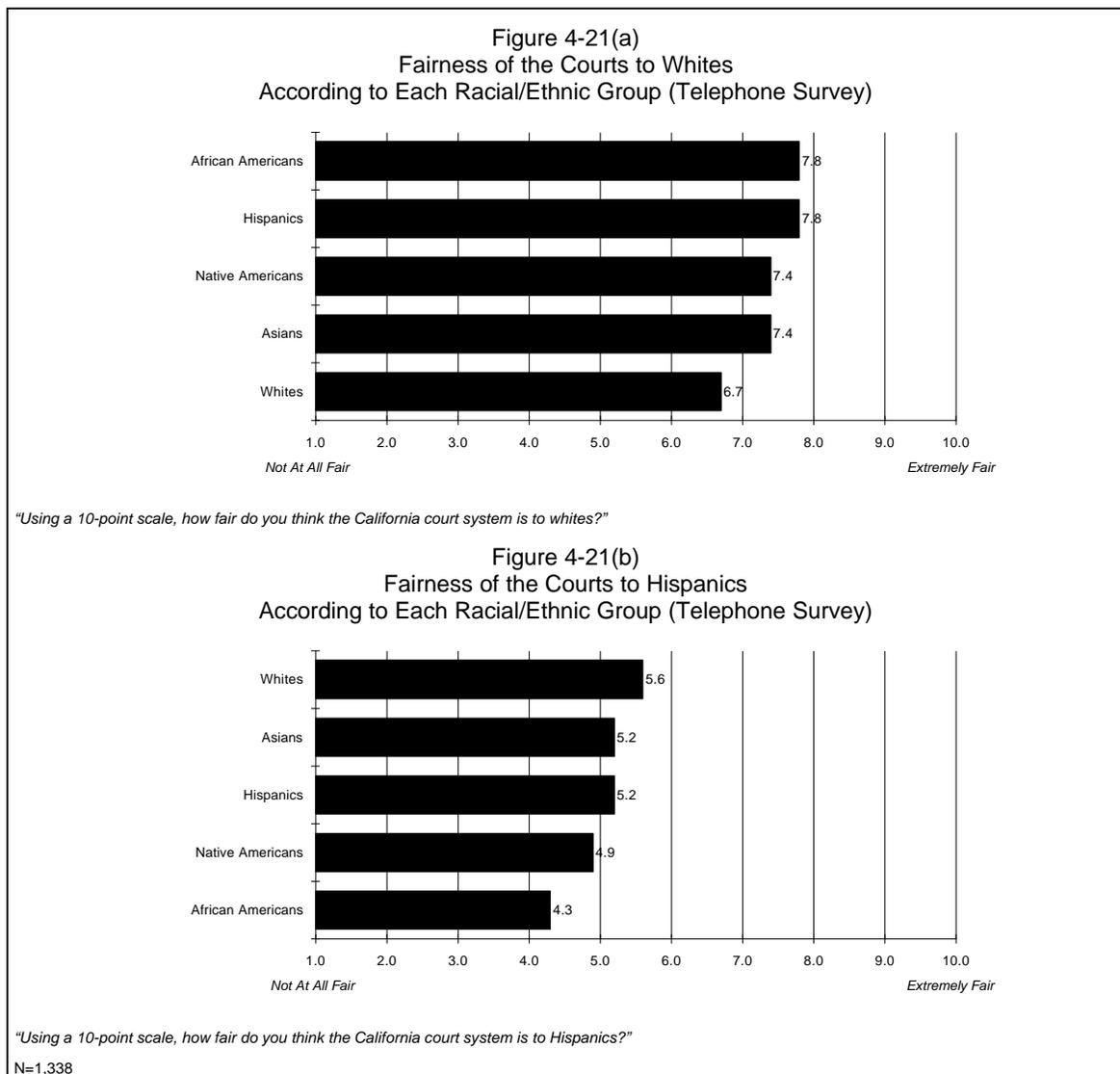
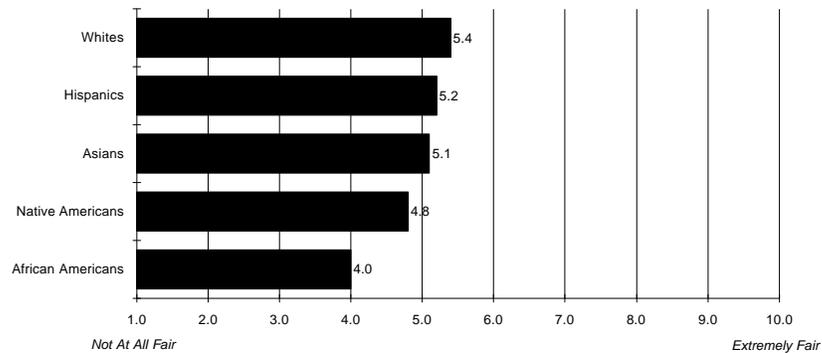


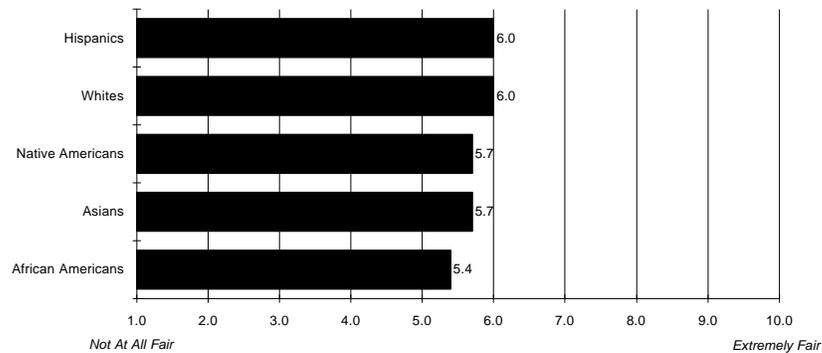


Figure 4-21(c)
Fairness of the Courts to African Americans
According to Each Racial/Ethnic Group (Telephone Survey)



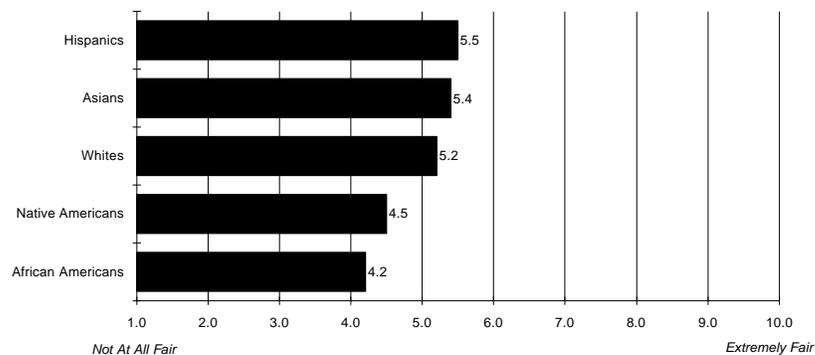
"Using a 10-point scale, how fair do you think the California court system is to African Americans?"

Figure 4-21(d)
Fairness of the Courts to Asians
According to Each Racial/Ethnic Group (Telephone Survey)



"Using a 10-point scale, how fair do you think the California court system is to Asians?"

Figure 4-21(e)
Fairness of the Courts to Native Americans
According to Each Racial/Ethnic Group (Telephone Survey)



"Using a 10-point scale, how fair do you think the California court system is to Native Americans?"

N=1,338

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Two important patterns are evident from the figures:

The first pattern, depicted by Figure 4-21(a), illustrates that, compared with the impressions of Whites that is held by all other groups, Whites themselves think that they receive significantly poorer treatment by the courts.

A second pattern is also evident. African-Americans, when compared with other minority groups, are *systematically* more negative about the fairness of the courts toward every minority group. Native American perceptions of fairness to specific groups closely parallel those of African Americans, only Native Americans are significantly more positive.

Table 4-1 summarizes these conclusions. Note the italicized figures on the table that illustrate that African-American opinion is significantly less aligned with overall opinions. In addition, note the disparity between the opinion Whites have of their own treatment by the courts, and the opinions that the other groups have of the treatment of Whites.

The statistical evidence tends to argue that compared with minority opinion, Whites may be *under-estimating* the level of the their own fair treatment and *over-estimating* the fairness of everyone else’s treatment. On the other hand, African-Americans may be under-estimating, not only the level of their own fair treatment, but every other minority group’s treatment as well. In other words, Whites are inclined to think the courts are fairer than they may actually be toward minorities and African Americans take an opposite view and are prone to think the courts are less fair toward everyone, especially themselves, than may actually be the case.

Table 4-1
Ratings of Fairness of the Courts to Specific Groups by Racial/Ethnic Groups

FAIRNESS TOWARD	RESPONDENT IDENTITY				
	Whites	Hispanics	African American	Asians	Native American
Whites	6.7	7.8*	7.8*	7.4*	7.4*
Hispanics	5.6*	5.2*	4.3	5.2*	4.9
African Americans	5.4*	5.2*	4.0	5.1*	4.8
Asians	6.0	6.0*	5.4	5.7	5.7
Native Americans	5.2*	5.5*	4.2	5.4*	4.5
Other Minorities	5.6*	5.5*	4.8	5.4	5.1

Note: Read across left to right. Figures with * are significantly different (p <.05) from those in ***bold italic***.

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Regional Differences. Across regions, some variation exists in perceived fairness of the courts to African Americans, Hispanics and Native Americans. (Table 4-2 and visually depicted on Figure 4-22(a) through (e) on the following pages).

**Table 4-2
Regional Ratings of Fairness to Specific Minority Groups**

FAIRNESS LOWARD	REGION						
	Bay Area/ Sacrmnto	Los Angeles	Cascade/ Sierra	South	Central Valley	Central Coast	North
Whites	7.5	7.5	6.7	7.5	7.3	7.2	7.2
Hispanics	4.8	4.9	5.1	5.2	5.6*	5.4	5.3
African Americans	4.7	4.6	5.1	5.2	5.4*	5.4	5.3
Asians	5.5	5.9	5.6	5.8	6.0	6.0	5.7
Native Americans	4.7	4.9	4.3	5.3	5.6*	5.2	5.2
Other Minorities	5.2	5.2	5.2	5.5	5.9	5.4	5.3

Note: Read across. Figures with * are significantly different ($p < .05$) from those in **bold italic**.

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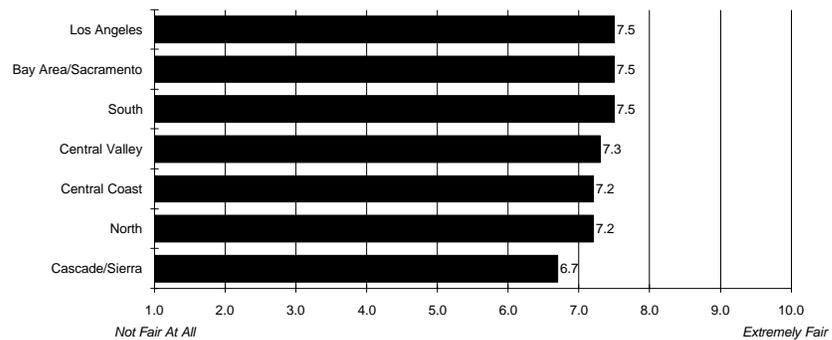
For the most part, regional variation is probably an artifact of racial/ethnic differences between regions, nevertheless:

- Central Valley respondents consider the courts *significantly fairer* to Hispanics, African Americans, and Native Americans than do residents of other regions
- The urban areas of the Bay Area/Sacramento and Los Angeles consider the courts *less fair* to African Americans and Hispanics than do residents of other regions



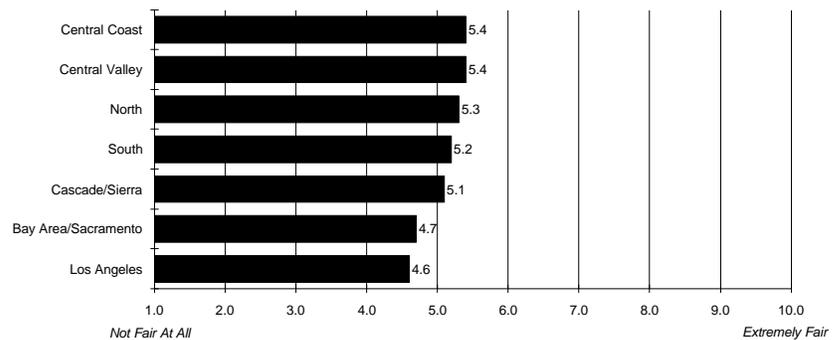
- Residents of the Cascades/Sierra and Bay Area/Sacramento regions consider the courts less fair to Native Americans than do residents from elsewhere
- There is no significant variation in regional perceptions of judicial fairness to Whites and Asians

Figure 4-22(a)
Fairness toward Whites by Region
(Telephone Survey)



"Using a 10-point scale, rate the fairness of the California courts to Whites."

Figure 4-22(b)
Fairness toward African Americans by Region
(Telephone Survey)



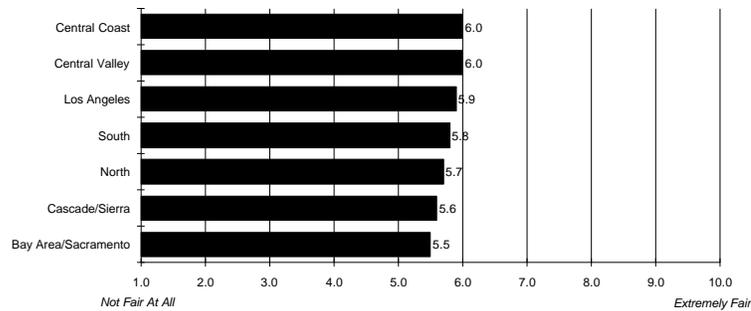
"Using a 10-point scale, rate the fairness of the California courts to African Americans."

N=1,338

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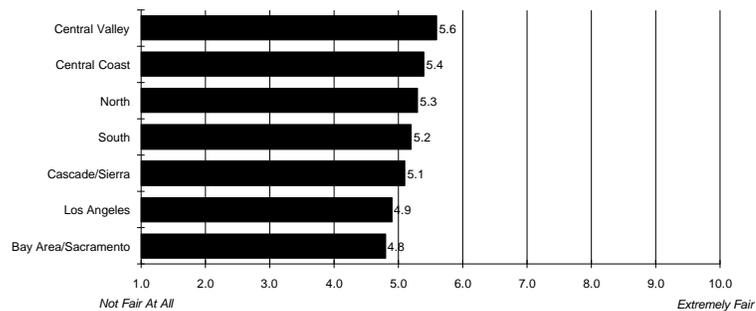


Figure 4-22(c)
Fairness toward Asians by Region
(Telephone Survey)



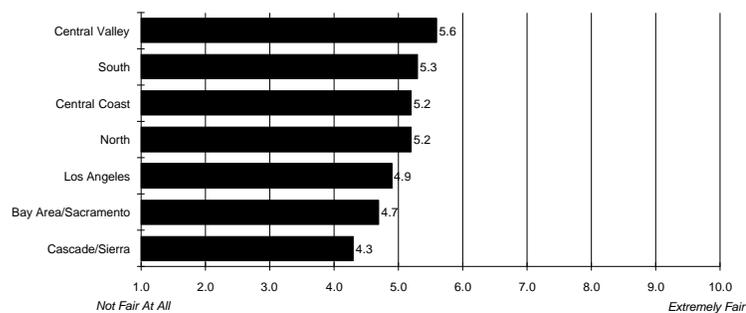
"Using a 10-point scale, rate the fairness of the California courts to Asians or Pacific Islanders."

Figure 4-22(d)
Fairness toward Hispanics Across Regions
(Telephone Survey)



"Using a 10-point scale, rate the fairness of the California courts to Hispanics."

Figure 4-22(e)
Fairness toward Native Americans by Region
(Telephone Survey)



"Using a 10-point scale, rate the fairness of the California courts to Native Americans."

N=1,338

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Now let's take a closer look at the survey response to many of the specific issues that came to denote unfairness in the public hearings and see how these issues are related to the general opinions of fairness described above.



4.4 Issues From the Public Hearings: *Corroborating Evidence?*

The following sections summarize public reaction to issues derived from the public hearings.

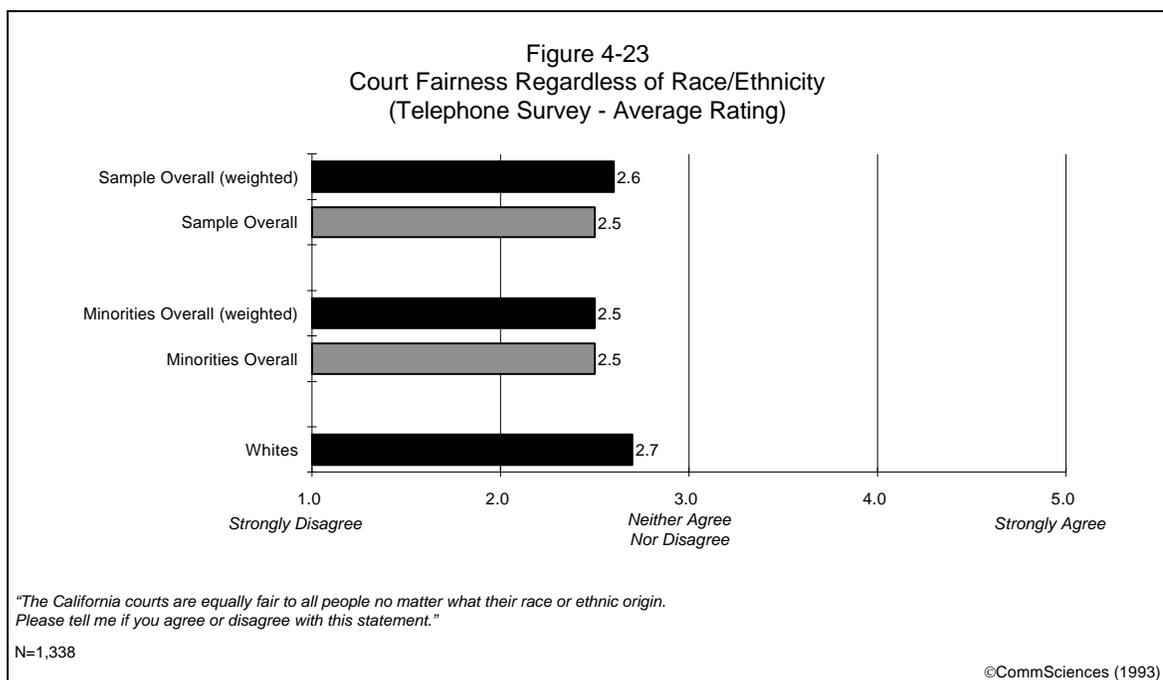
As noted in the research methods section of this report, the style of inquiry used measures of *agreement* or disagreement with statements that reflected specific opinions obtained from the hearing data. The agree/disagree measure consisted of a five-point bipolar scale where '1' denoted *strongly disagree*, '2' denoted *somewhat disagree*, '3' represented *neither agree nor disagree*, '4' meant *somewhat agree*, and '5' represented *strongly agree*.

Regional differences generally are not reported because they tended to be statistically insignificant and usually can be attributed to the ethnic/racial composition of each region.

4.4.1 Are the Courts Equally Fair Regardless of Race/Ethnicity?

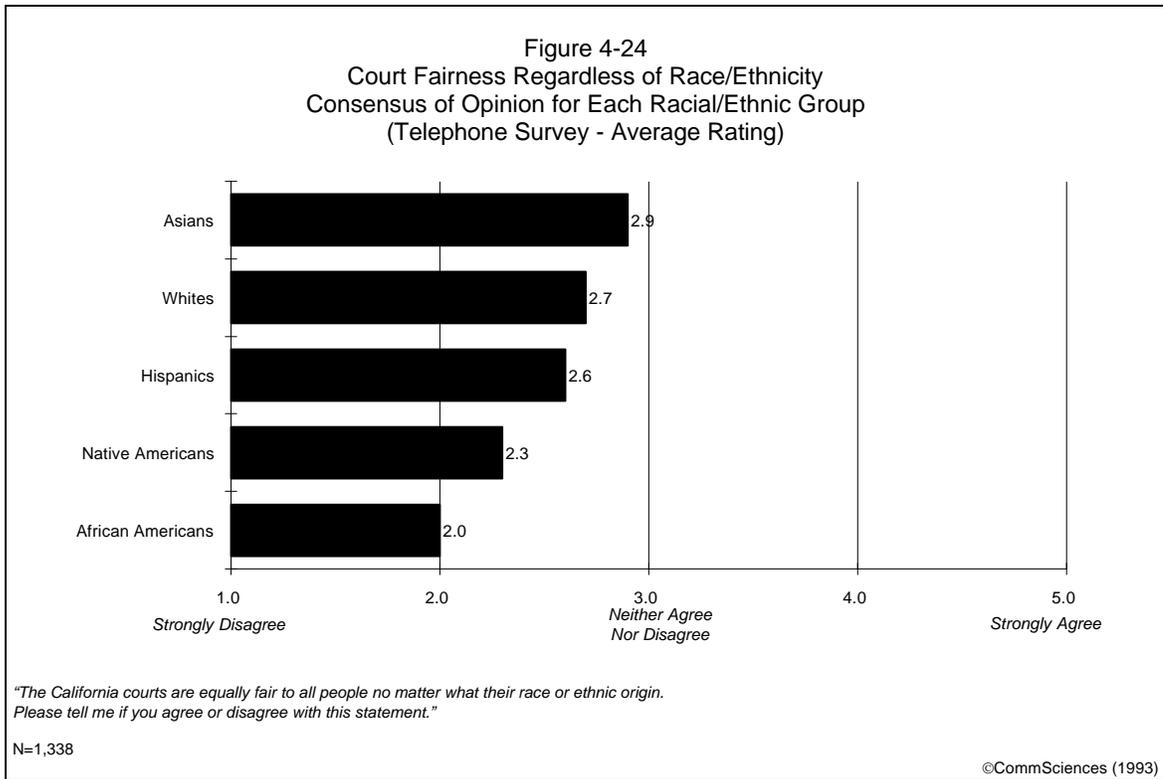
The first issue pertained to the general assertion, made at the public hearings and in written testimony, that minorities cannot “get a fair shake from the system.” Most of these concerns related to perceptions that a generalized, structural bias against minorities exists in the judicial system.

Confirming other findings, on the average, respondents tend to feel that the state courts are *not* equally fair to all people no matter what their race or ethnic origin (Figure 4-23). Overall, minorities tend more or less to feel the same as Whites.



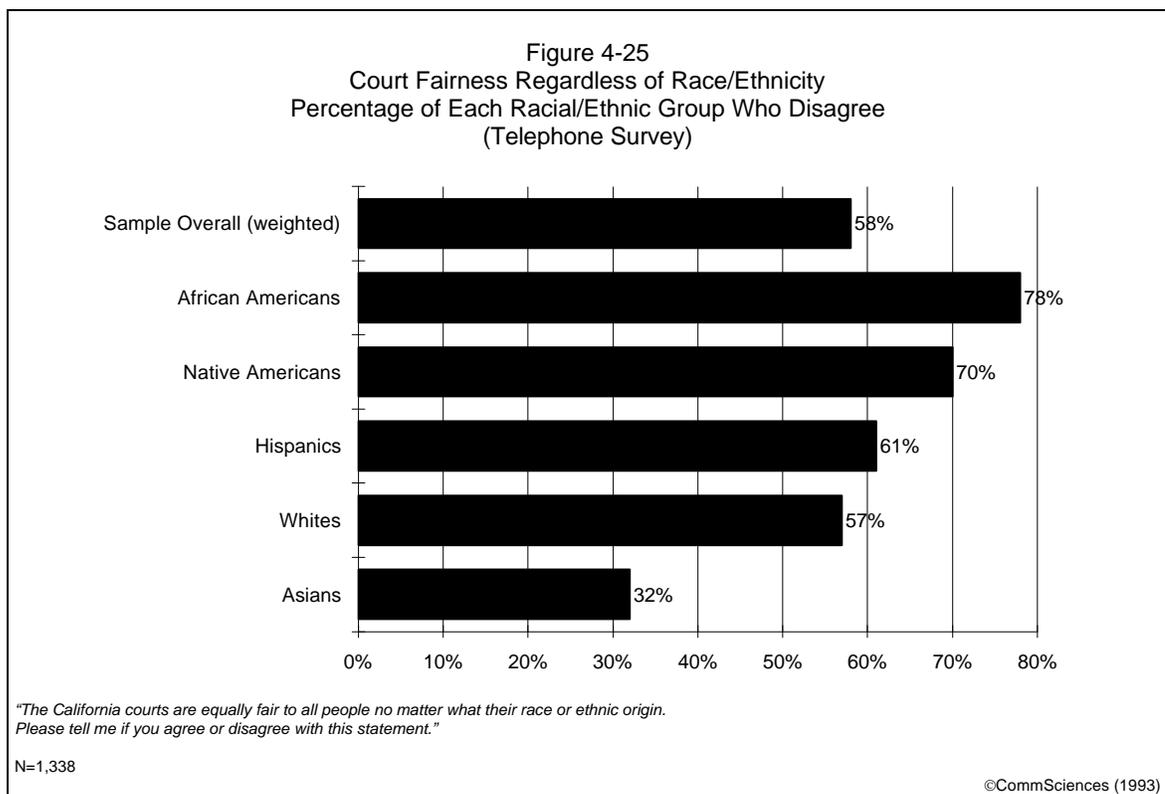


However, individual minority groups manifest statistically significant differences of opinion (Figure 4-24). For example, compared to other racial/ethnic groups, African Americans are significantly *more negative*, and the most dramatic differences of opinion are between African Americans and Asians (who offer the most positive opinion in this regard).





These contrasting opinions are amplified by examining the percentage of people in each group who feel the courts are racially/ethnically blind (Figure 4-25). As the mean findings indicate, *only* Asians, by a significant majority (63%), *do not* feel that the courts discriminate on the basis of race or ethnicity. More importantly, overwhelming majorities of African Americans (78%) and Native Americans (70%) feel that the courts *are* racially biased. In addition, a significant majority of Hispanics (61%) as well as *Whites* (57%) feel this way.

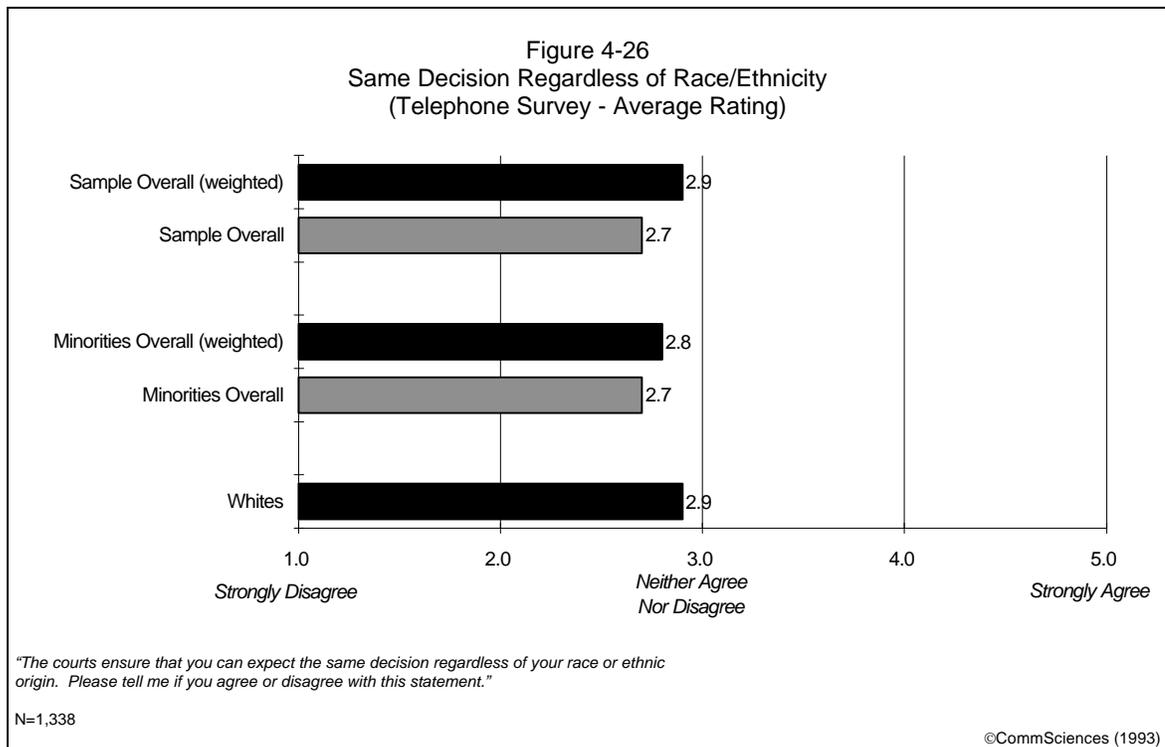




4.4.2 Can One Expect the Same Decisions Regardless of Race/Ethnicity?

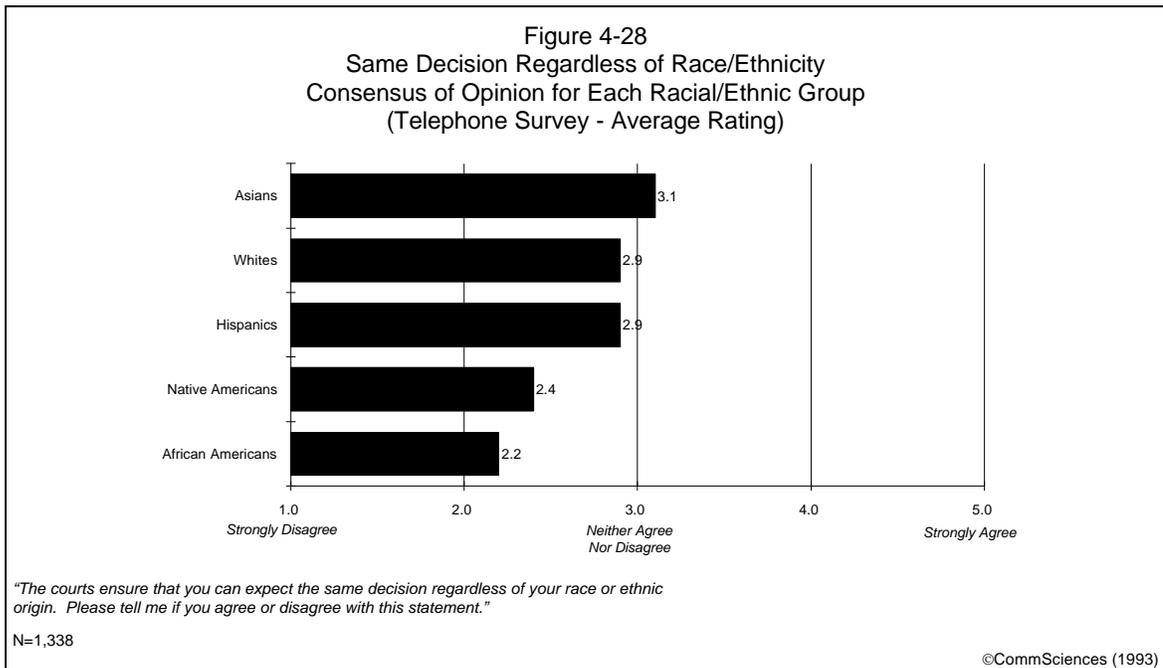
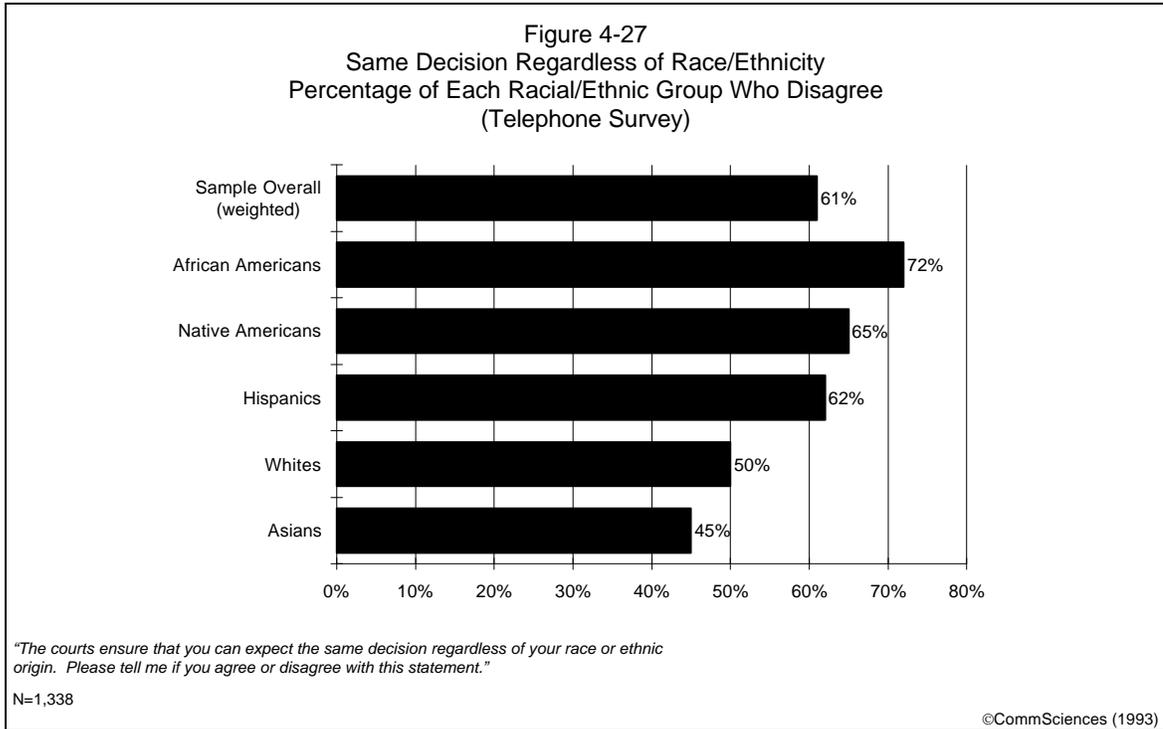
In order to gauge public perceptions about the equality of decisions, respondents were asked whether they believed court *decisions* to be racially/ethnically blind.

Survey findings reveal that overall, most Californians also are *divided* on the question of whether the courts can ensure the same decision regardless of one's race or ethnic origin. (Figure 4-26)





Moreover, only a majority of African Americans (72%) and to a lesser degree, a majority of Native Americans (65%) and Hispanics (62%), clearly feel that the courts do *not* ensure the same decision regardless of race. Asians (45%) and Whites (50%) are significantly more polarized on this issue. (Figure 4-27 and 4-28)



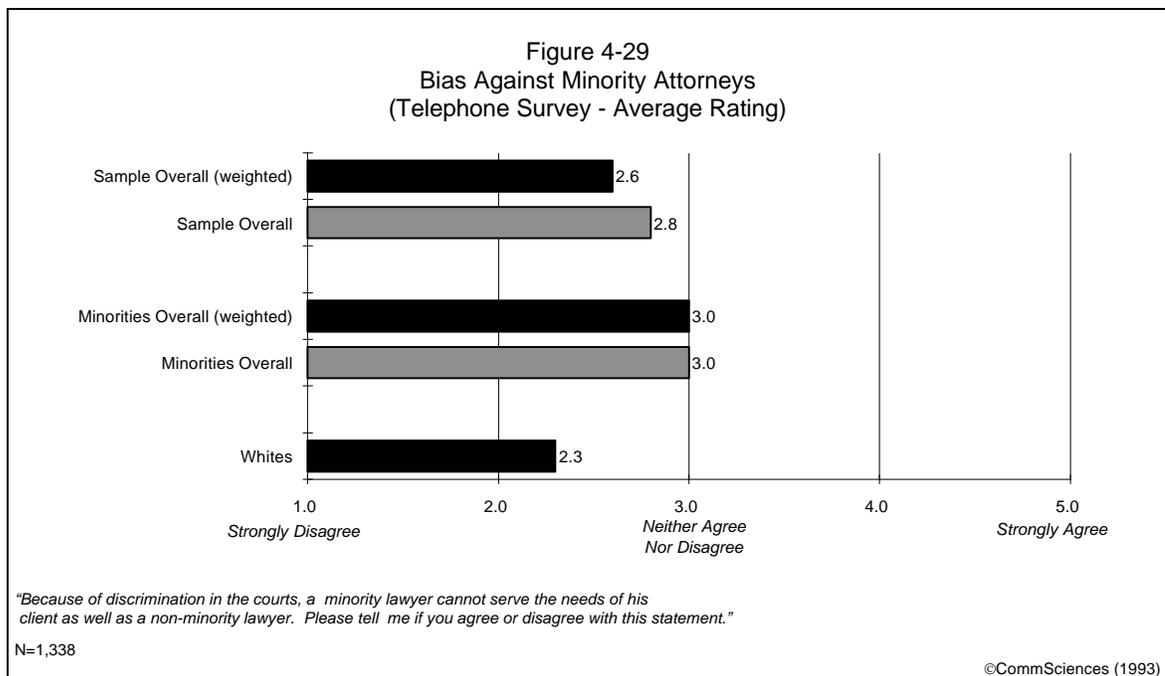


4.4.3 Treatment of Minorities in the Legal Profession

Several incidents of mistreatment of minority attorneys were cited during the public hearings. Many attorneys described the destructive impact of biased treatment on their self-esteem and sense of professional competence.

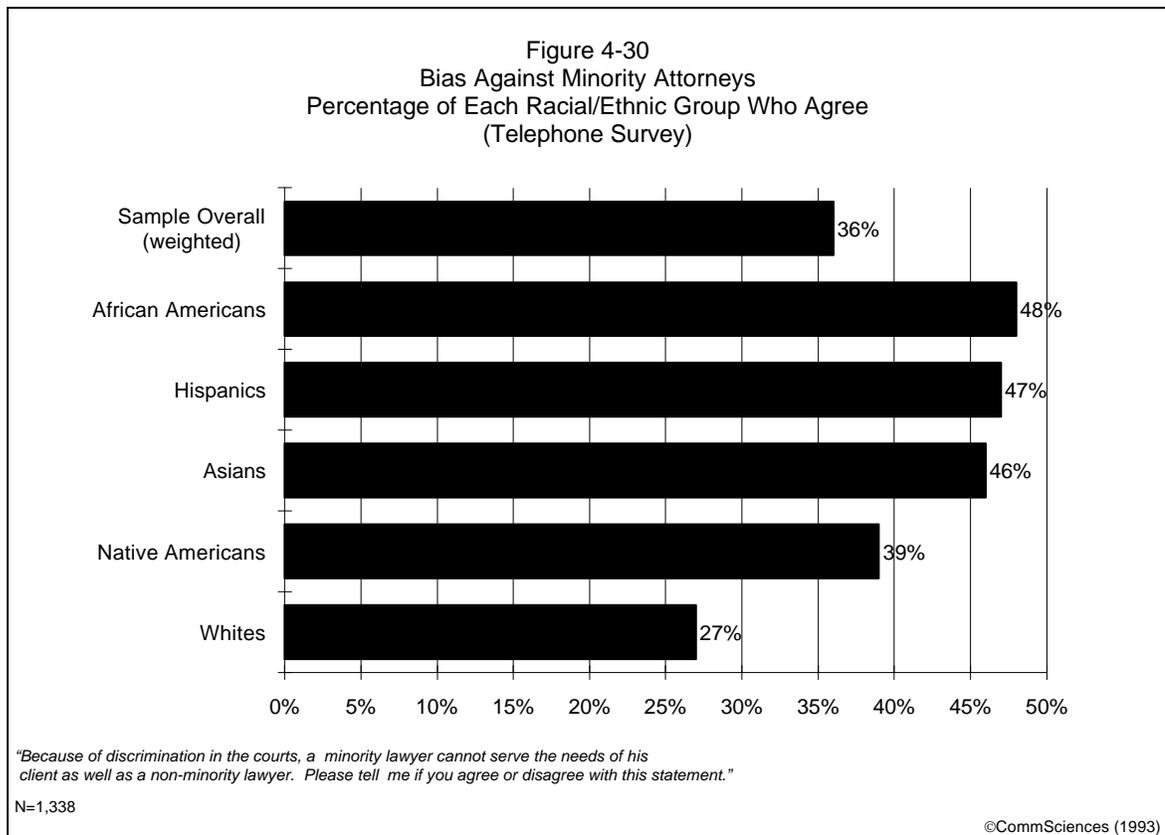
The telephone survey used a broad-based bias measure to determine whether minority attorneys are *less effective* than their non-minority counterparts due to discrimination in the legal system.

As the results portrayed in Figure 4-29 indicate, in general, Californians *do not* feel that discrimination against minority attorneys constitutes a problem.



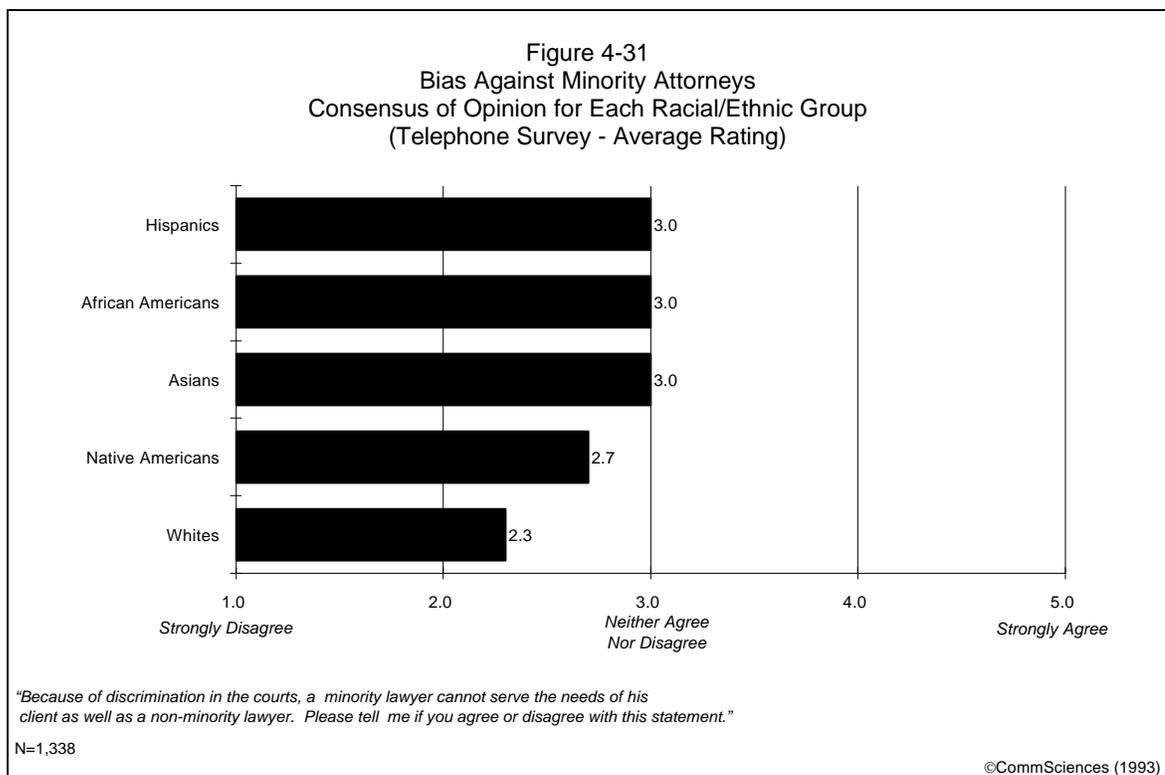


Yet, when the opinions of Whites are factored *out*, the findings are not so unequivocal. As a group, minority respondents are more polarized on this issue. Virtually half of them feel that discrimination against minority attorneys *does* constitute a problem, and more importantly, there is consistency across racial/ethnic groups. The perception that discrimination against minority attorneys is a problem that prevents them from effectively representing their clients is shared by approximately half of the Hispanics (47%), Asians (46%) and African Americans (48%) polled, and to a lesser extent for Native Americans (39%). In contrast, 27% of Whites perceive discrimination against minority attorneys as a problem that hampers a minority attorney’s performance. (Figures 4-30)





This issue is one that concerns a significant proportion of each of the state’s major racial/ethnic groups and is masked in the overall survey findings unless the results for Whites are factored out. Yet, compared with other issues under discussion, there is less consensus within minority groups (including African Americans) with regard to the impact of discrimination against minority attorneys. It is likely that the average respondent probably has had minimal direct experience on this particular issue and may have attempted to infer from other related experiences or feelings to answer the question. (Figure 4-31)





4.5 Lack of Access to Justice

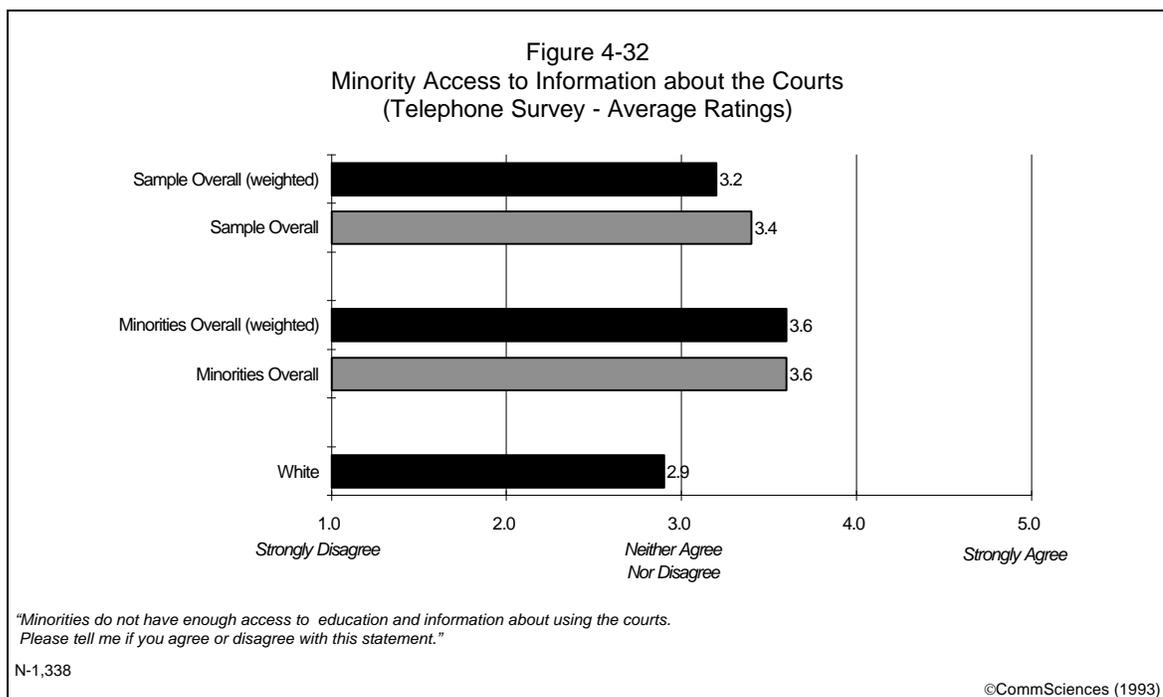
During the public hearings, one of the most frequently cited problem areas pertained to a lack of access to justice.

Better information about the courts, including information that provides a better understanding about how to use the courts, was one of the most important access-related issues. In addition, language barriers and the need for improved cultural sensitivity also were cited as recurrent obstacles to access. In the latter respect, cultural misconceptions held by non-minority attorneys and other non-minority professionals were implicated as factors that limit access to the legal system for minorities. The telephone survey addressed these issues by ascertaining:

- Whether the public believes that minorities have adequate access to information about the courts
- Whether the public believes that non-English speakers receive poor treatment by the courts
- Whether the public believes that more minority attorneys would improve access to the courts for minorities

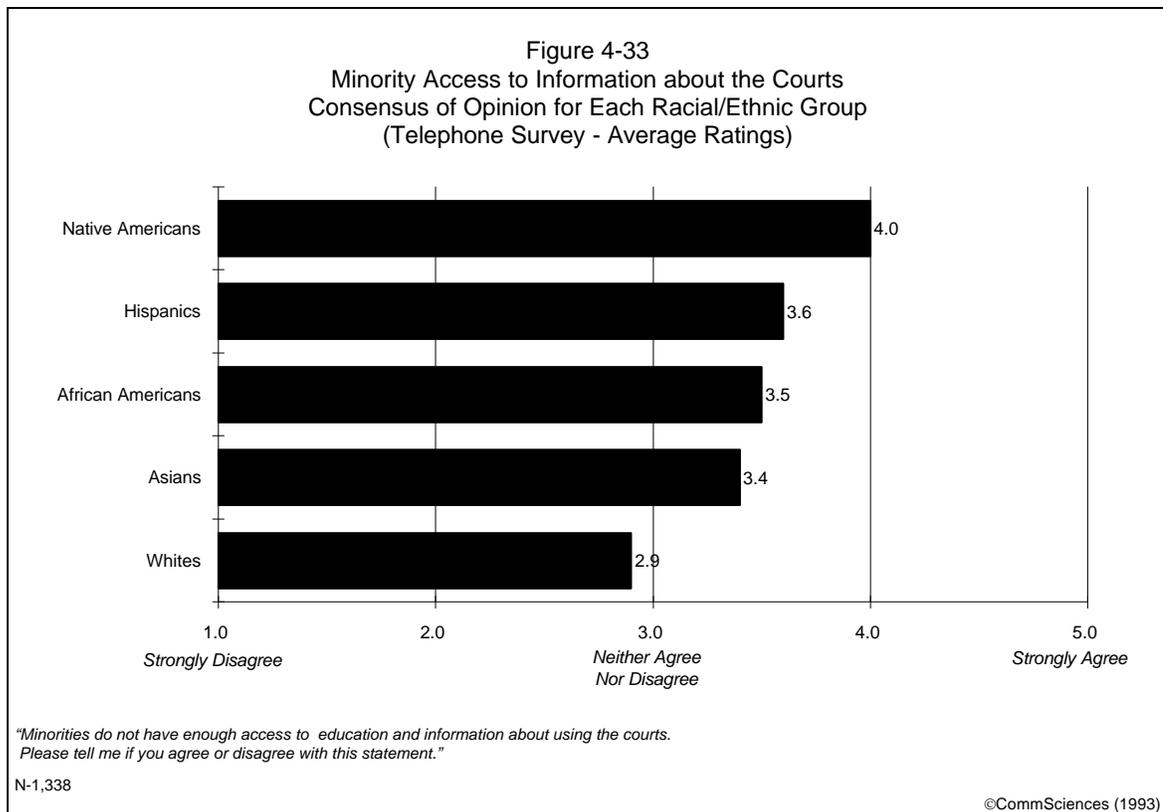
4.5.1 Access to Information about the Courts

Californians of most racial and ethnic backgrounds feel that minorities have *inadequate* access to education and information about the courts. (Figure 4-32)





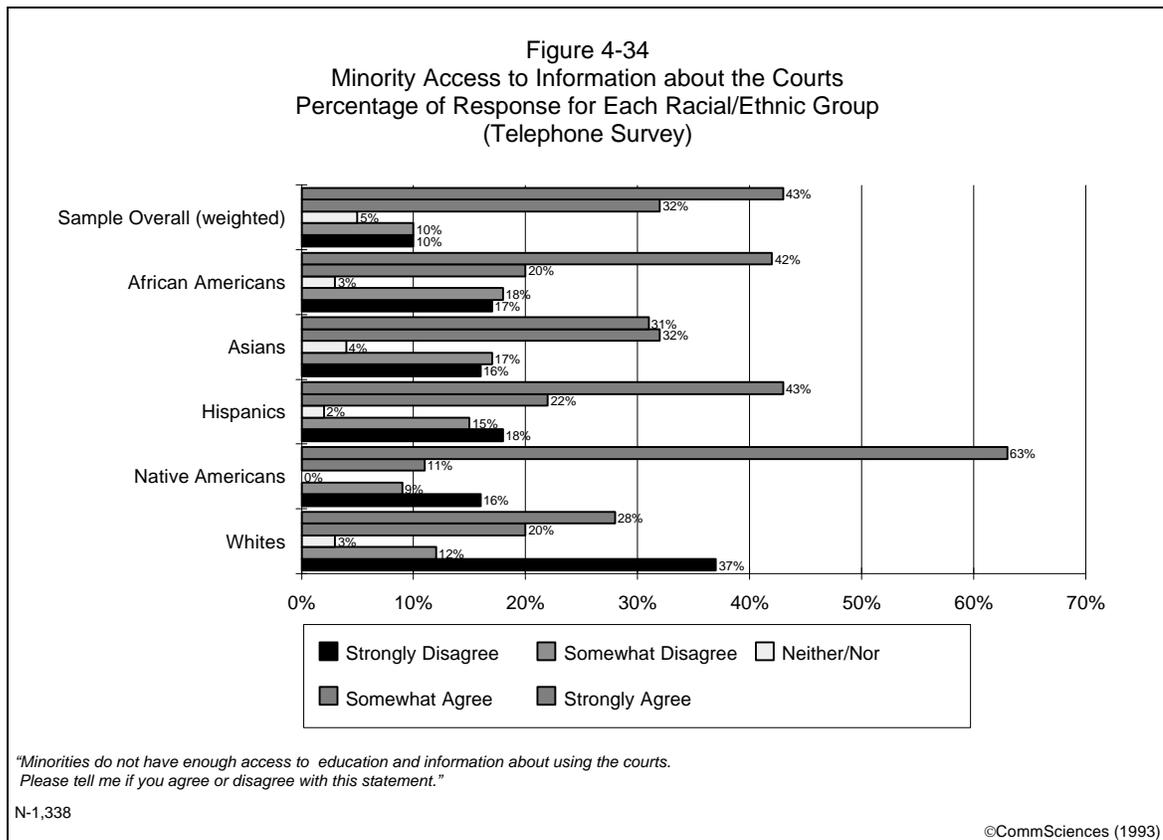
The consensus of opinion is strongest for Native Americans (average level of agreement of 4.0), Hispanics (average level of agreement of 3.6), African Americans, (average level of agreement of 3.5) and Asians (average level of agreement of 3.4) in descending order of strength of opinion. (Figure 4-33)



Perhaps of greatest importance in the analysis is the *magnitude* of feelings concerning this issue. Overall, a significant majority (63%) of the Native Americans who took part in the survey feel *strongly* that minorities have inadequate access to information about the courts. The findings for Native Americans are supported across the board by the outcome for all other minority groups.



Pluralities of Hispanics (43%), African Americans (42%) and Asians (31%) also feel *strongly* that inadequate access is an issue. These results contrast with the data for Whites, where opinion is much more divided and a small but significant plurality (37%) feel strongly that access for minorities is *not* a problem. (Figure 4-34)



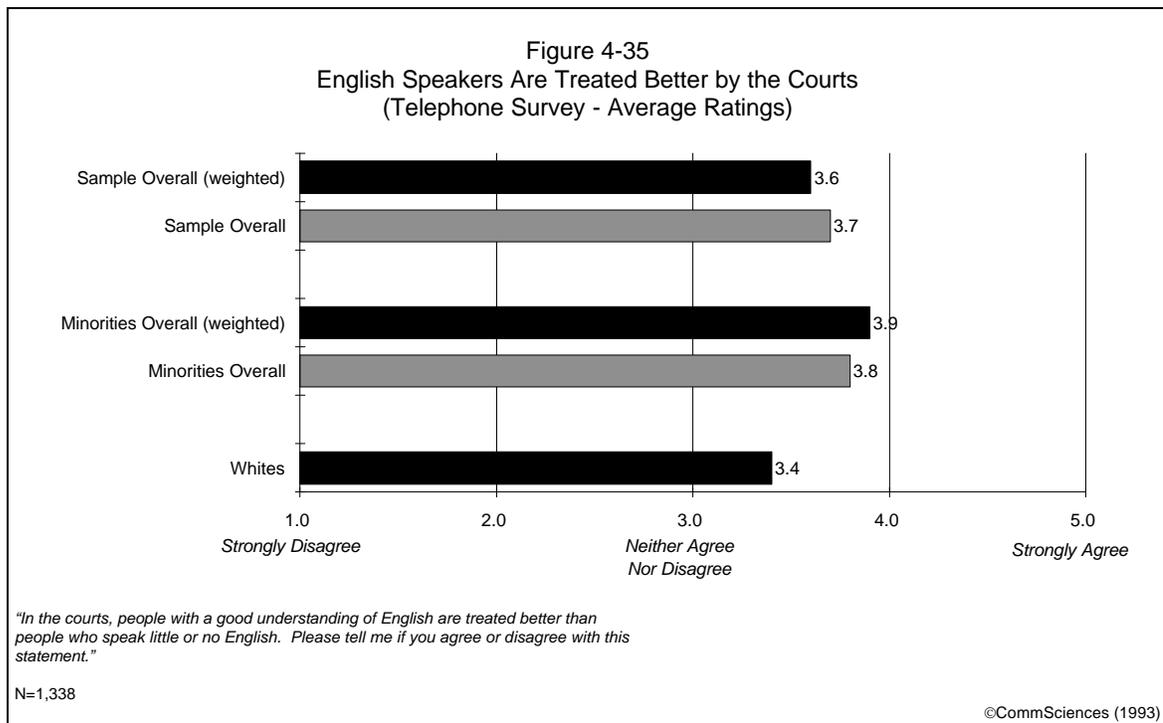
Nevertheless, whether Whites concur is not the issue since the empirical data suggest that lack of access to information about the courts is a real issue for minority groups.

Moreover, it also is particularly valuable to note that the people with the strongest opinions about the need for more access to information about the courts also tend to be people with the highest level of experience with the courts. Fifty-two percent (52%) of respondents who are characterized as having a *very high level of experience* with the state courts, feel *strongly* that minority access to information about the courts is inadequate. The more experience a person has with the courts, the more that person tends to feel that inadequate information is available to help that person navigate the system.

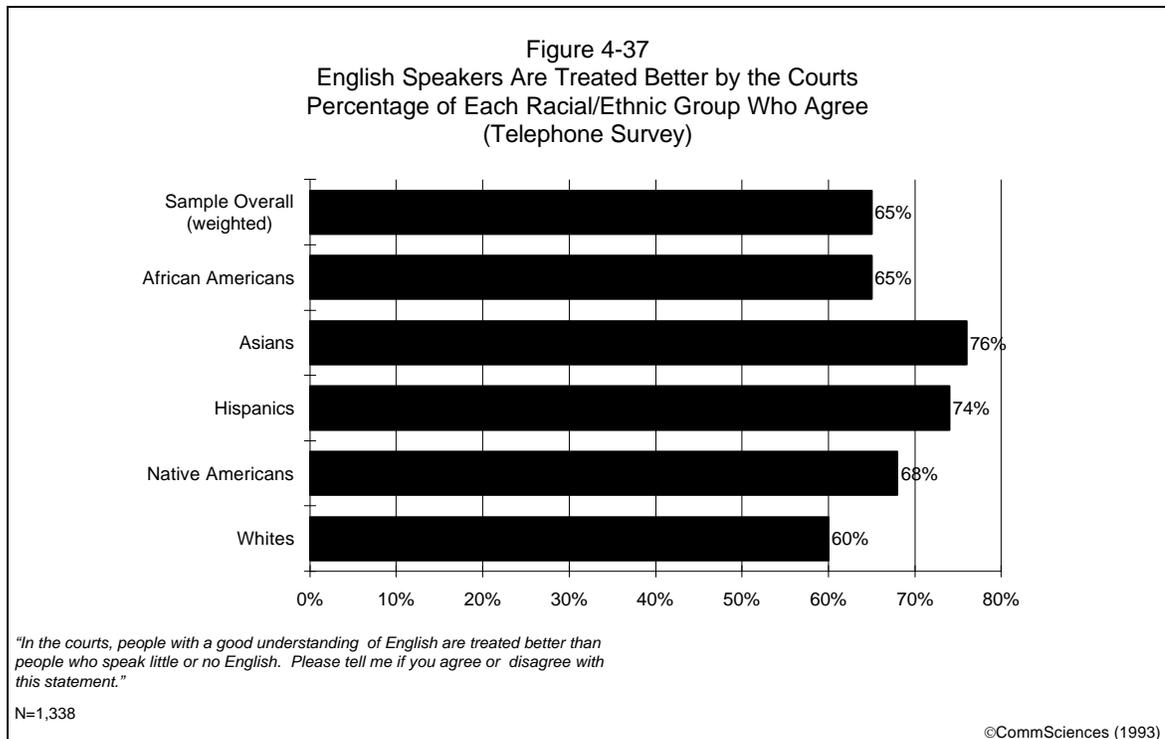
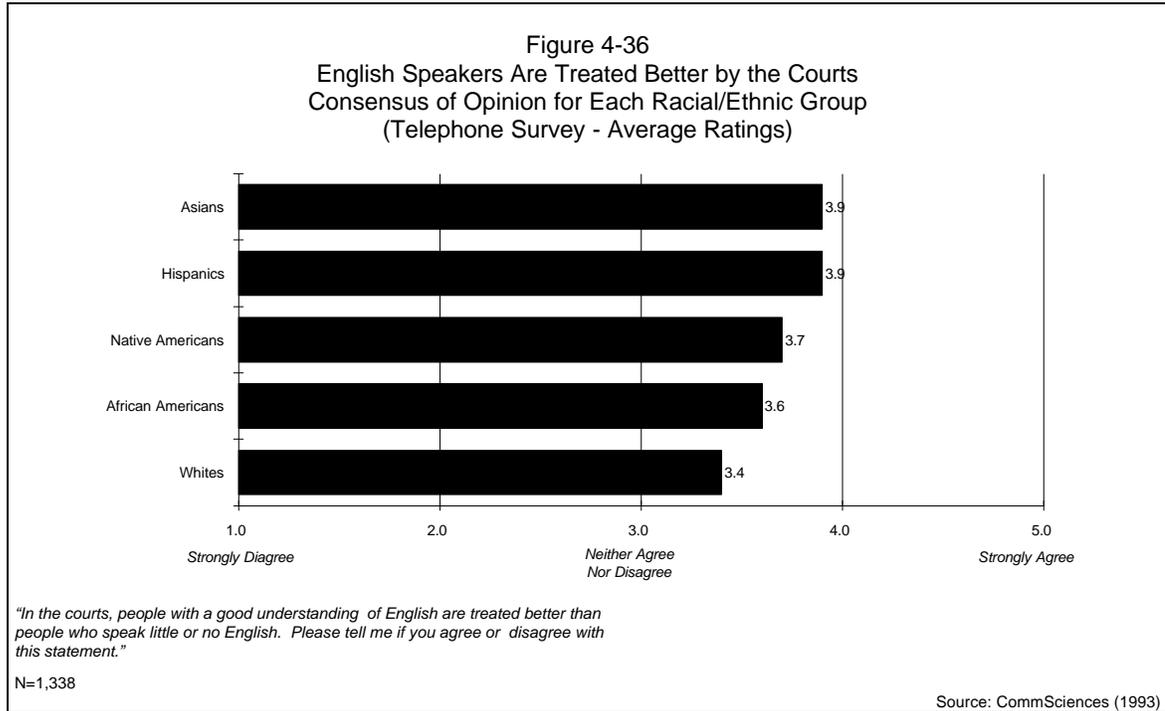


4.5.2 Treatment of Non-English Speakers

Probably one of the least divisive issues we examined concerned language as a barrier to access. Indeed, the survey data suggest that most Californians, whether White or non-White, agree that people with a good understanding of English are treated *better* by the courts than people who speak little or no English. (Figure 4-35)



As might be expected, the magnitude of the consensus is greatest for the state's largest groups of non-English speakers; Hispanics and Asians (Figure 4-36). In this respect, exceedingly large majorities of Asians (76%) and Hispanics (74%) surveyed feel the language barrier leads to inequitable treatment before the courts. These results are unequivocal and provide ample evidence that the language barrier is a problem worthy of further examination. (Figure 4-36 on the following page)

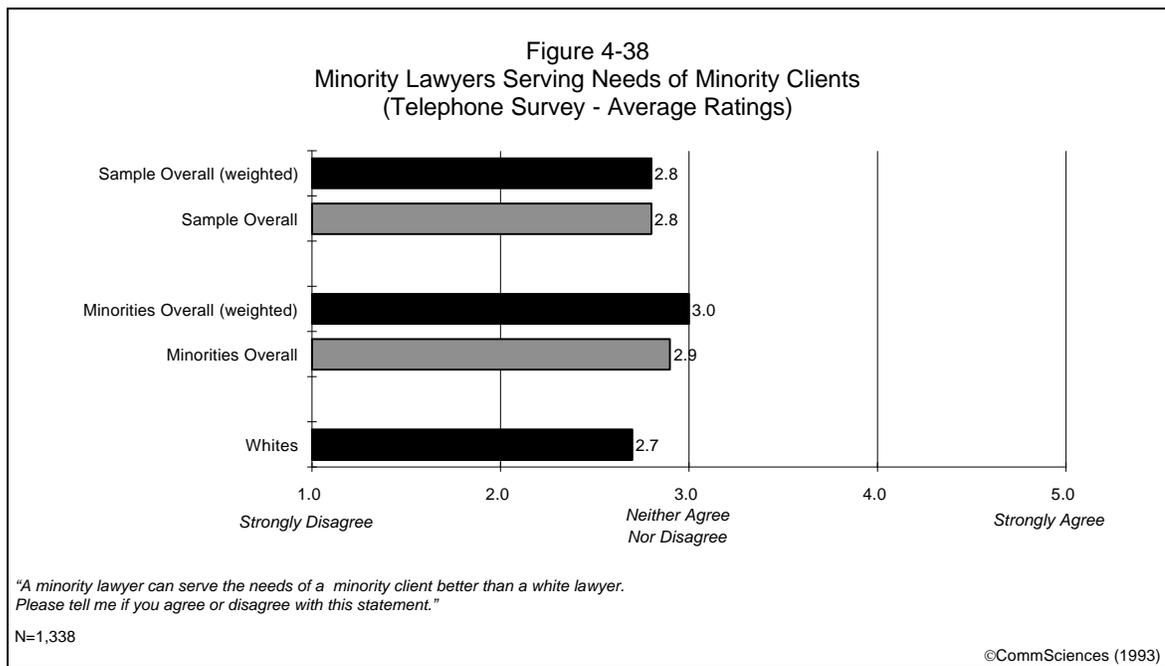


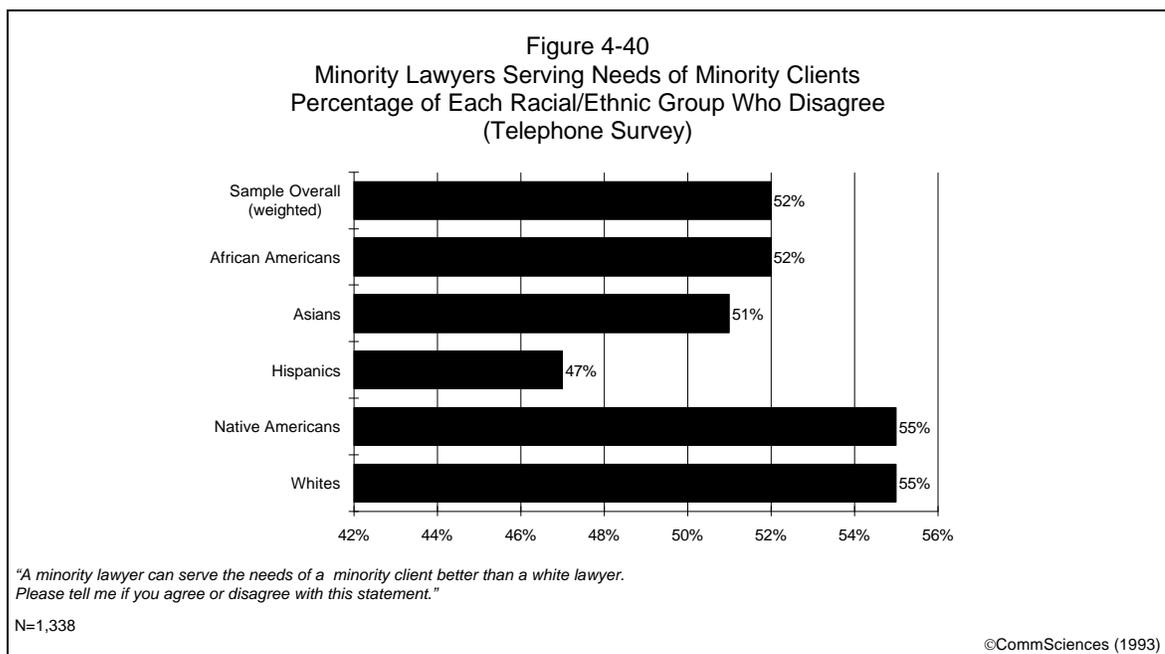
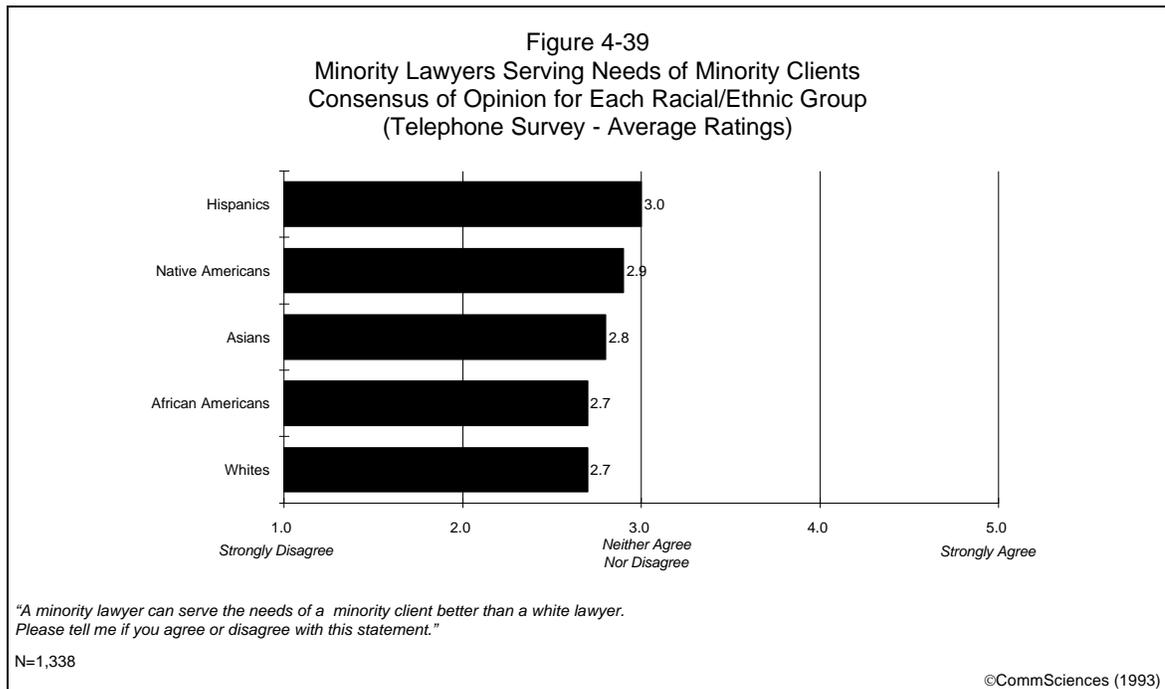


4.5.3 Do Minority Clients *Need* Minority Attorneys?

With the exception of Hispanics (who are virtually equally divided on the issue), the majority opinion is that, compared with White attorneys, minority lawyers *do not* necessarily serve the needs of minority clients better. (Figures 4-39 and 4-40)

It is important to interpret this finding in light of previously-mentioned results that indicate that the public is divided about whether discrimination against minority attorneys makes them less able to serve the needs of their clients. While the hearings provided strong evidence to the contrary, the outcome of these two survey measures indicates that the public does not regard this problem as a major issue. These results should not be taken as a refutation of the problem, but merely an indicator that the public, most likely due to minimal direct experience, does not recognize it as such.





In summary, survey results for the access questions confirm that the public shares the perception that lack of access to information about the courts is a problem for minorities. Moreover, Californians generally believe that English speakers are treated better by the courts than non-English speakers. However, with the exception of Hispanics, who are divided on the issue, the majority of people surveyed feel that minority lawyers are not necessarily better suited than White lawyers to help minority clients.



4.6 Fairness toward Women

One major area of concern in the public hearings related to bias against women in general, and more specifically, against women of color. This section presents the results of four broad measures devoted to assessing fairness or lack of fairness toward women. These four measures were:

1. Fairness toward women
2. Fairness toward minority women
3. Fairness toward women of color in particular
4. Treatment of non-White female attorneys in the legal profession

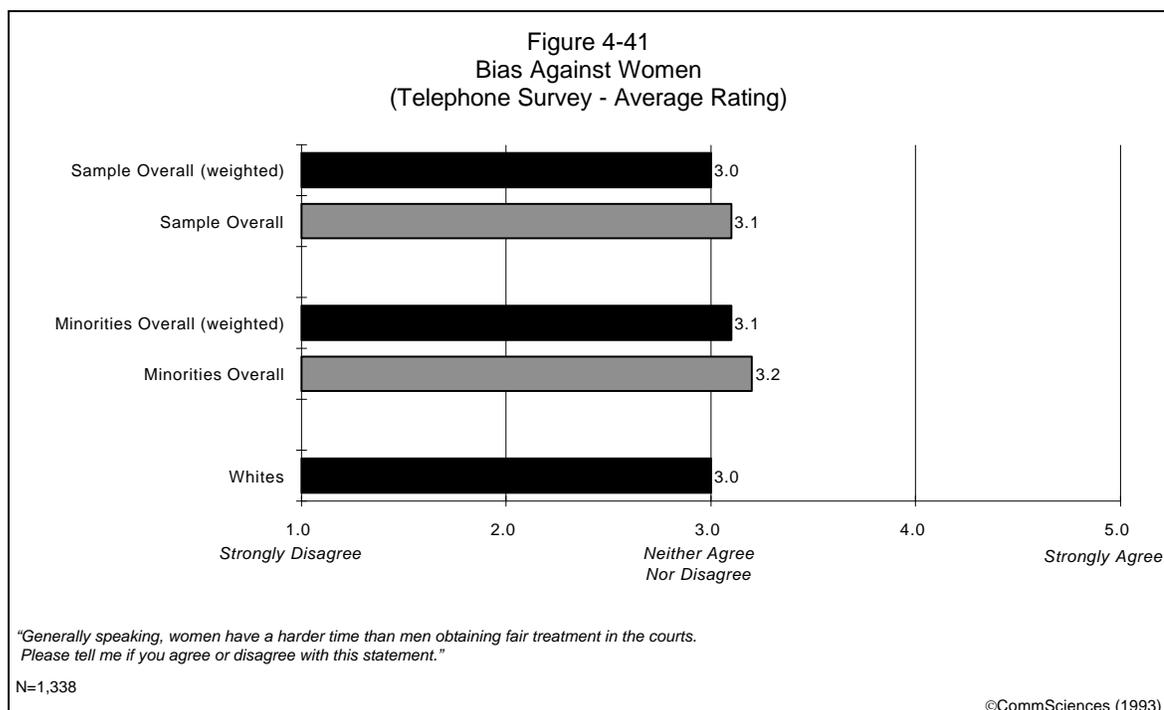
We begin with the baseline measure, fairness toward women.

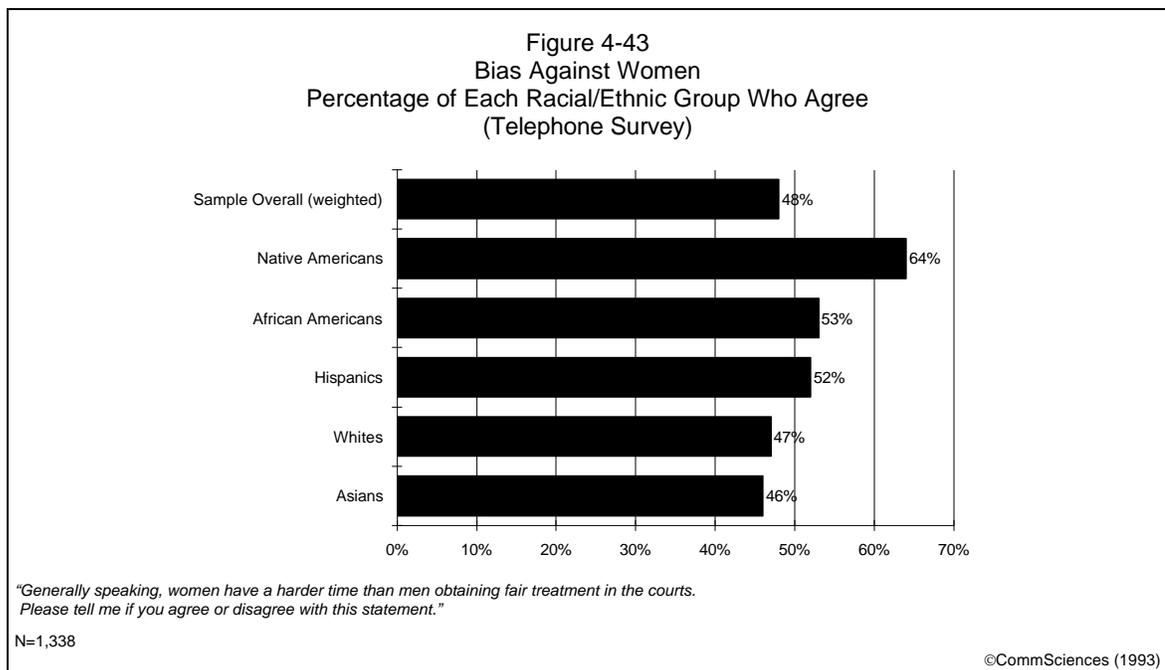
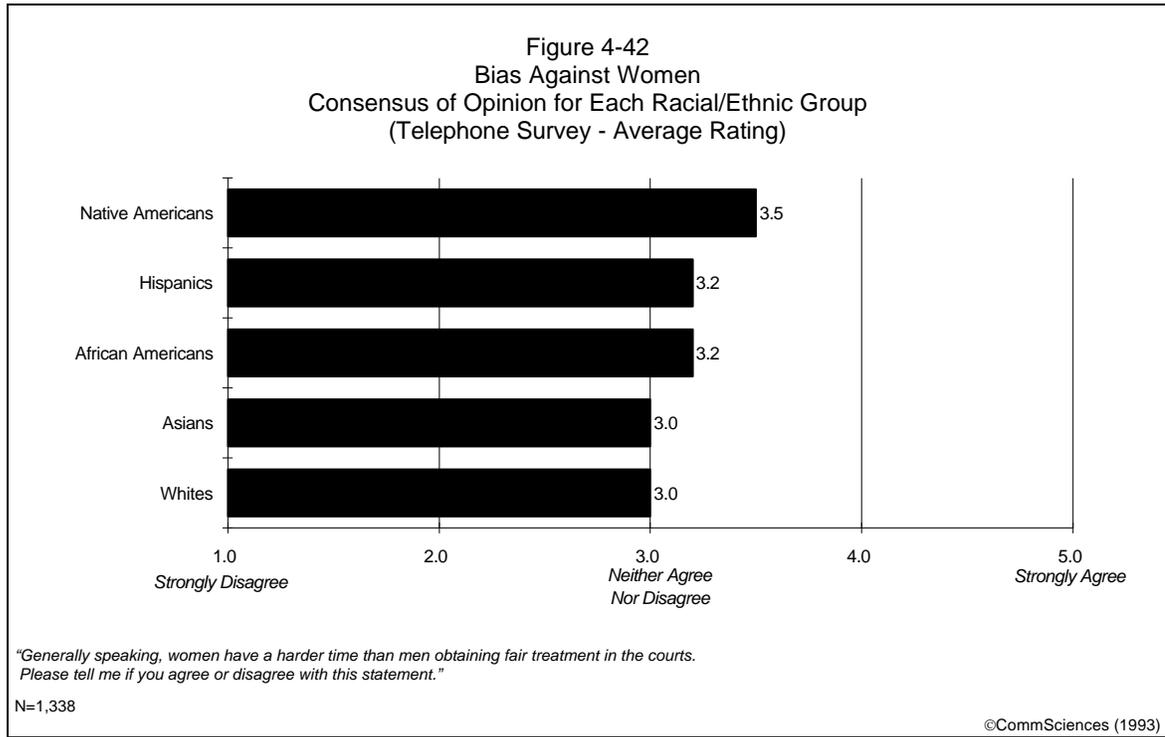
4.6.1 Fairness toward Women

As Figure 4-41 indicates, in general, Californians are *undecided* about whether women have a harder time than men obtaining fair treatment in the courts.

However, the overall findings mask significant differences in opinion that exist between Native Americans and other racial/ethnic groups. In this vein, Figures 4-42 and 4-43 demonstrate that the greatest consensus of opinion exists among Native Americans, 64% of whom agree that a generalized bias against women exists.

In addition, a significantly greater proportion of women feel that gender bias exists (56% versus 44% for men).

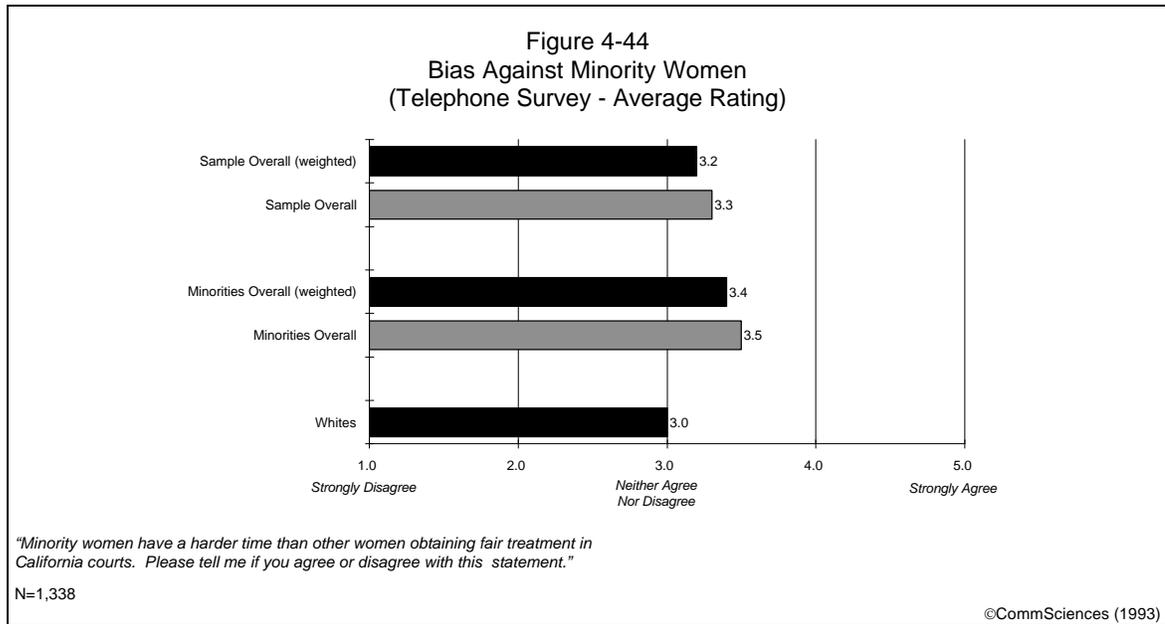




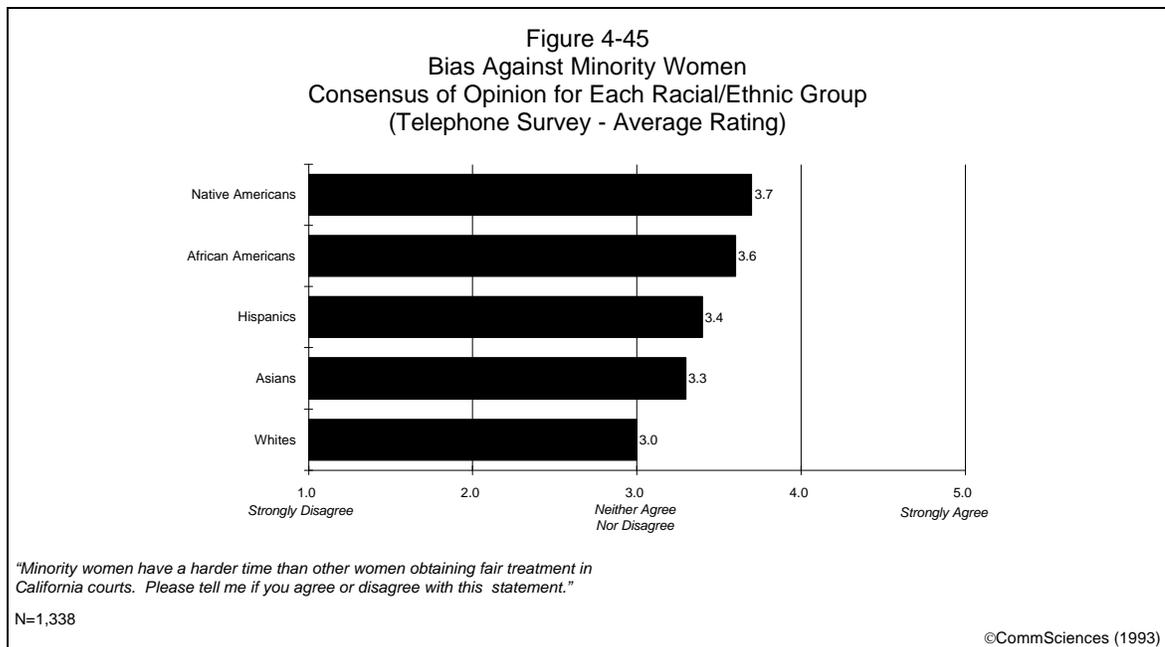


4.6.2 Fairness toward Minority Women

The survey data reveal that many Californians feel that minority women have a harder time than other women obtaining fair treatment before the courts. (Figure 4-44)

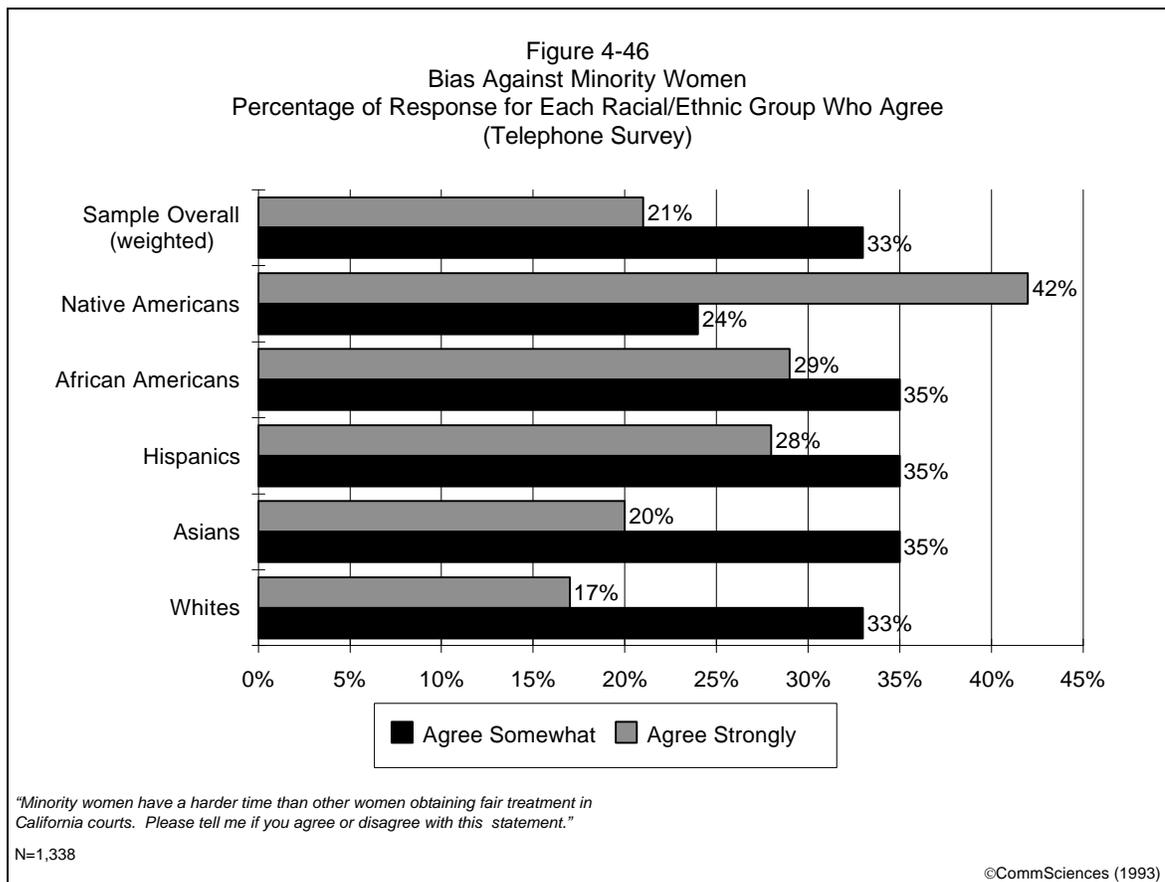


Yet, in keeping with previously-observed trends, there is greater consensus of opinion among some groups than there is among others (Figure 4-45). Although the consensus is not overly strong, compared with Whites, Native Americans, African Americans and Hispanics tend to see bias against minority women as a greater problem.





This finding is underscored by the fact that approximately two-thirds of the Native Americans, African Americans and Hispanics who were polled feel that minority women have a harder time obtaining fair treatment by the state's courts (Figure 4-46). The Native American consensus was significantly stronger than the other groups (42% expressed *strong feelings* that there is a bias against minority women, compared with 29% for African Americans and 28% for Hispanics).

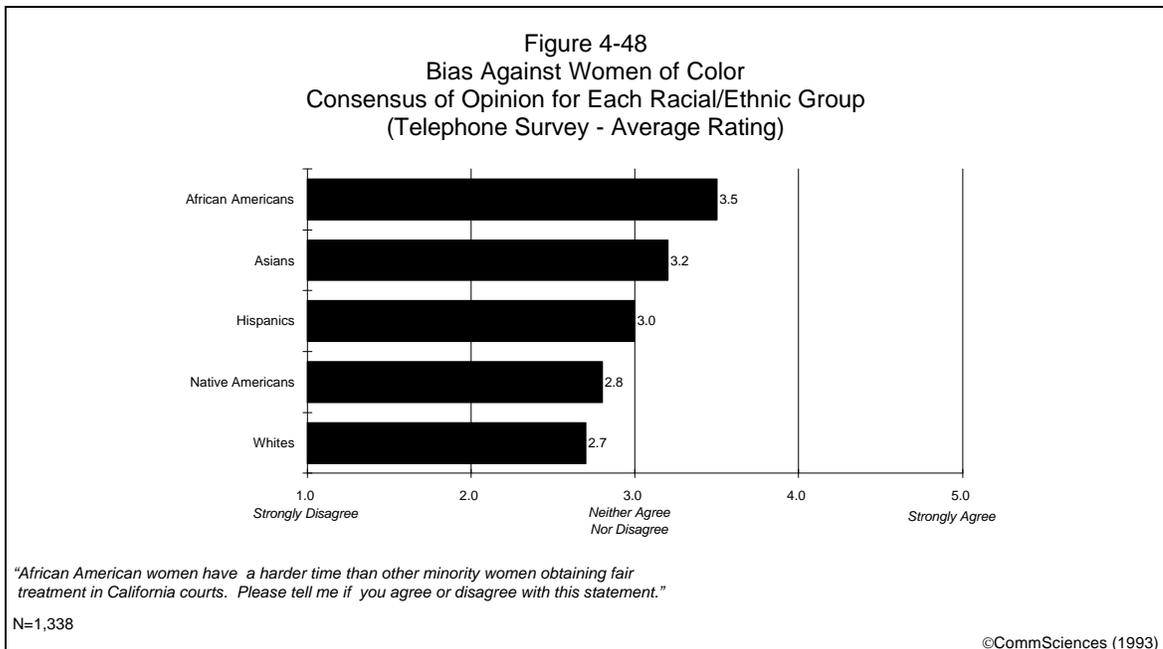
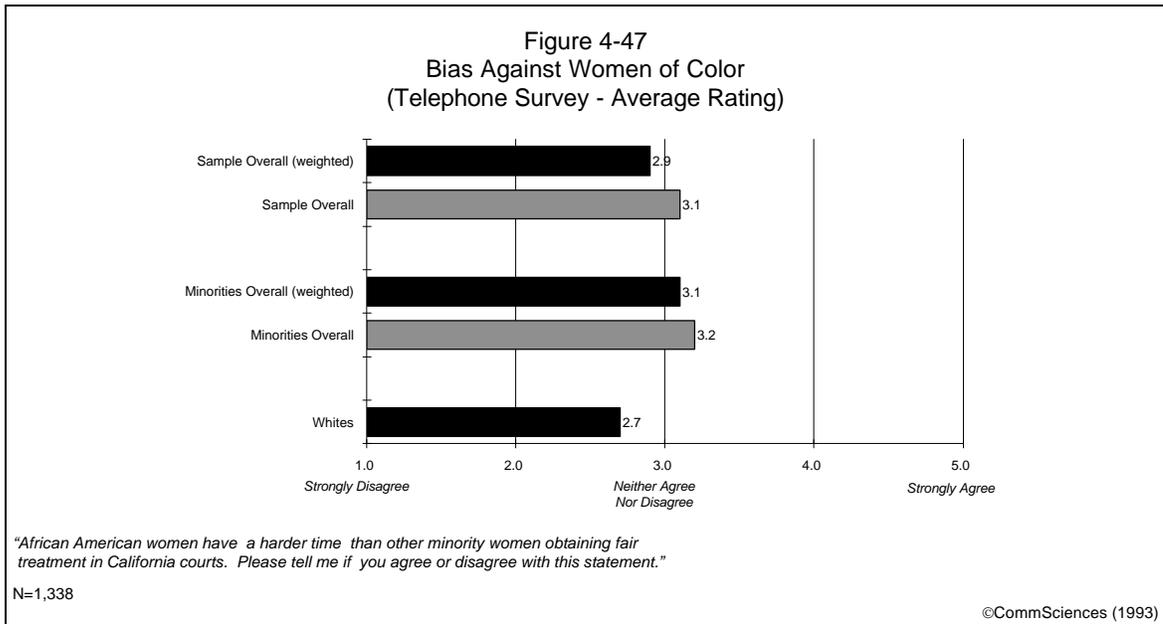




4.6.3 Fairness toward Women of Color

It has been duly noted that women of color suffer bias based on both race and gender. Testimonials at the hearings portrayed instances where the police and the courts fail to protect minority women, and claim that there is a lack of cultural sensitivity throughout the judicial system in this regard.

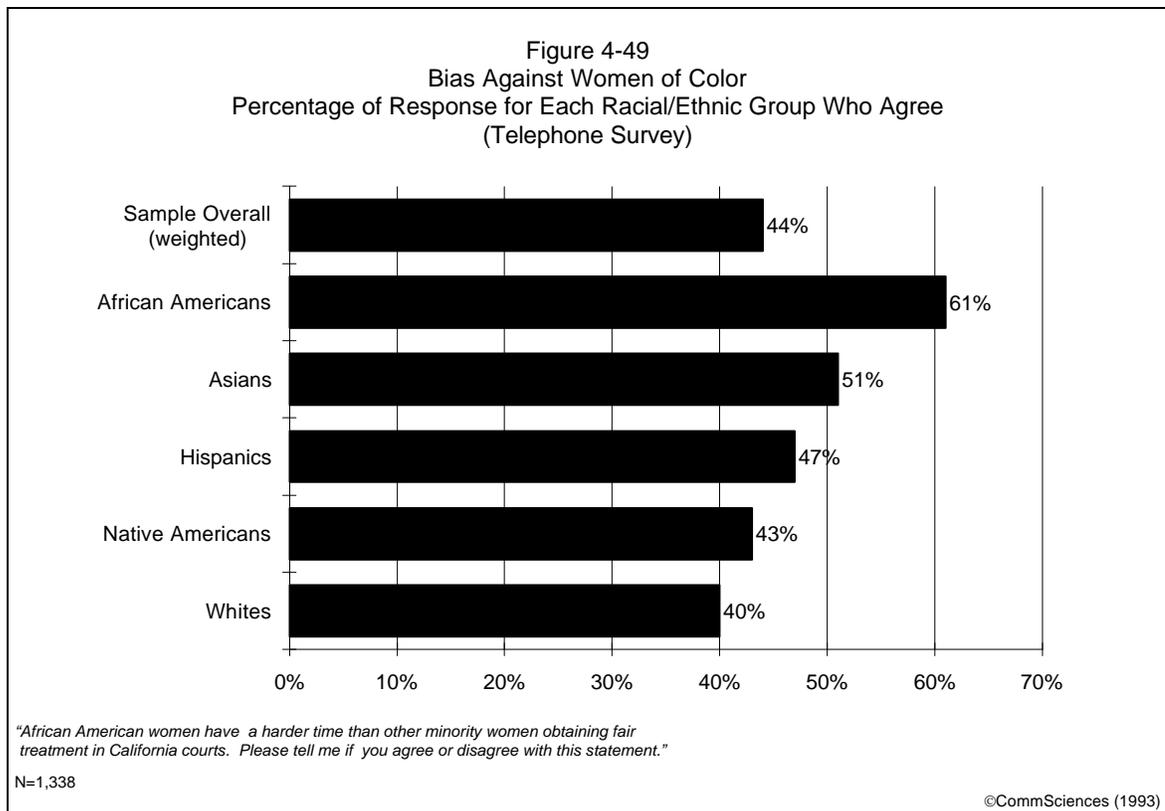
Once again, the survey data reveal that *overall* public opinion is polarized on this issue (Figure 4-47). Yet, among African Americans there *is* a consensus of opinion that a specific bias against women of color exists. (Figure 4-48)





Fully 61% of the African Americans who took part in the survey feel that a bias against colored women exists. This figure contrasts sharply with 40% of White respondents, 43% of Native Americans, 47% of Hispanic respondents, and 51% of Asian respondents who felt the same way. It also differs markedly from the earlier baseline finding that 29% of African Americans felt a generalized bias against minority women.

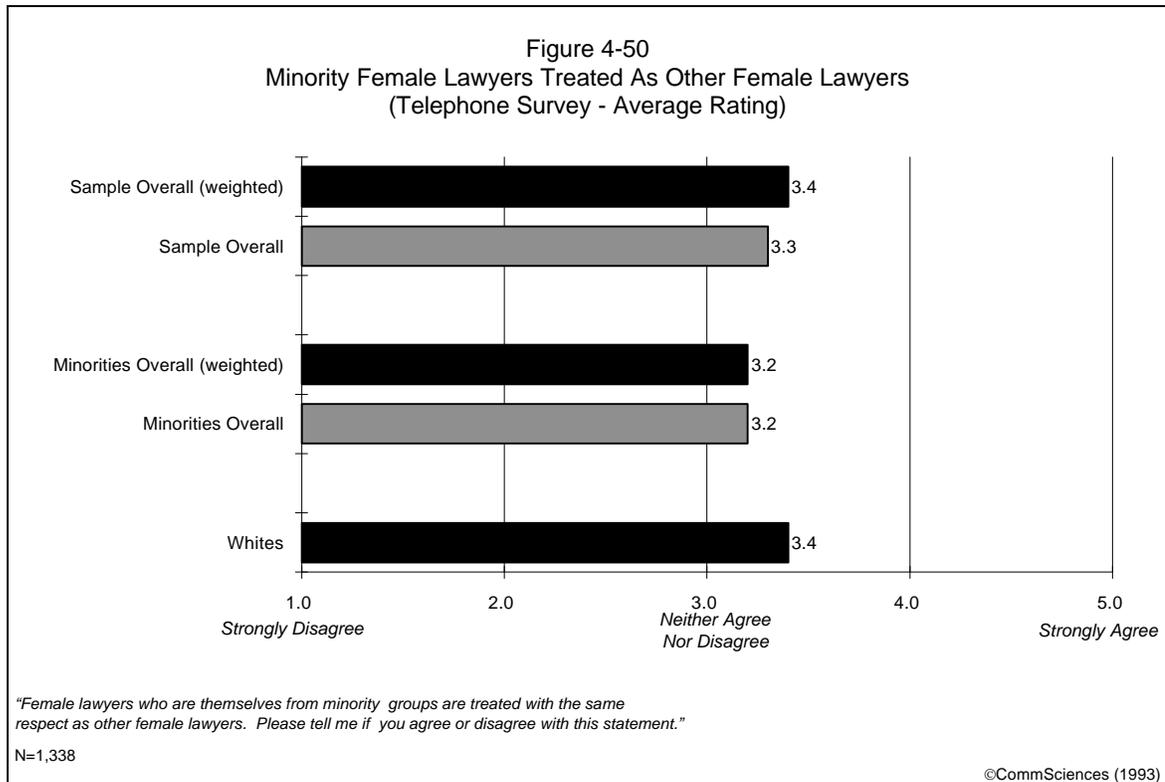
These results provide an indication that at least as far as a majority of African Americans are concerned, the bias against minority women is an issue that begs for further study. (Figure 4-49)

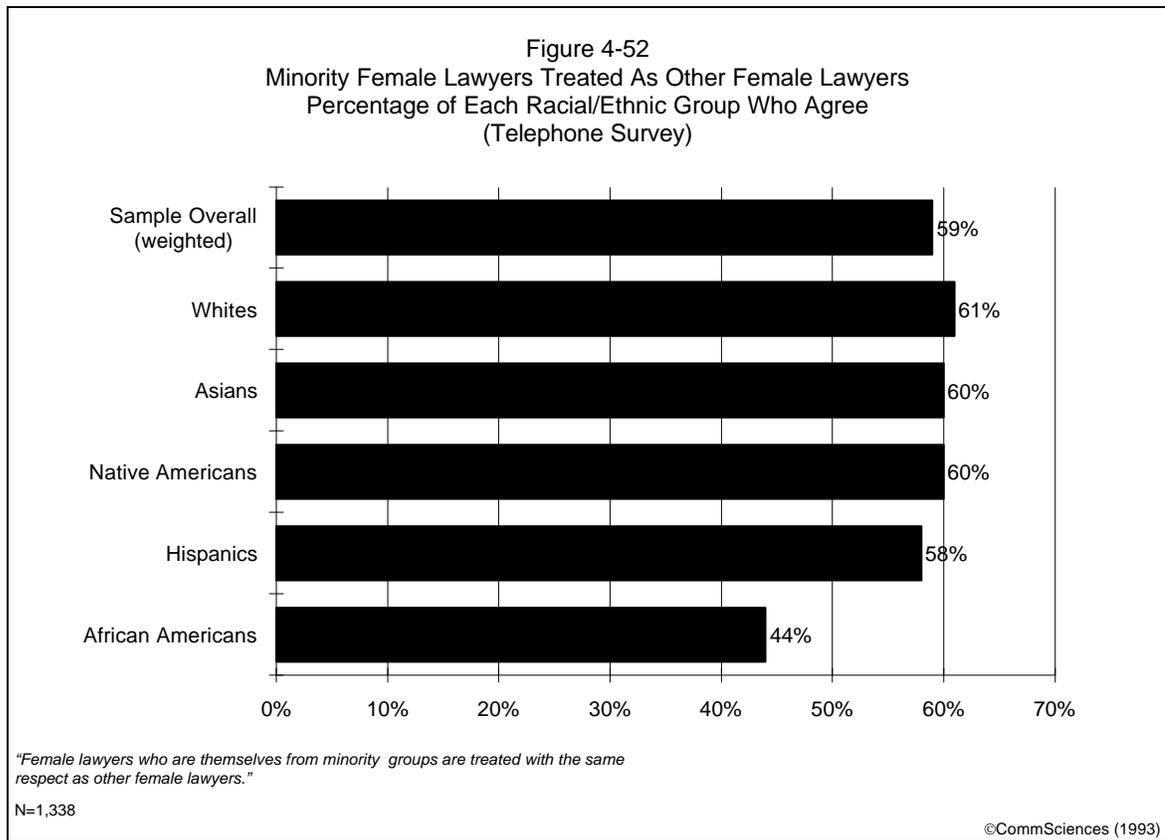
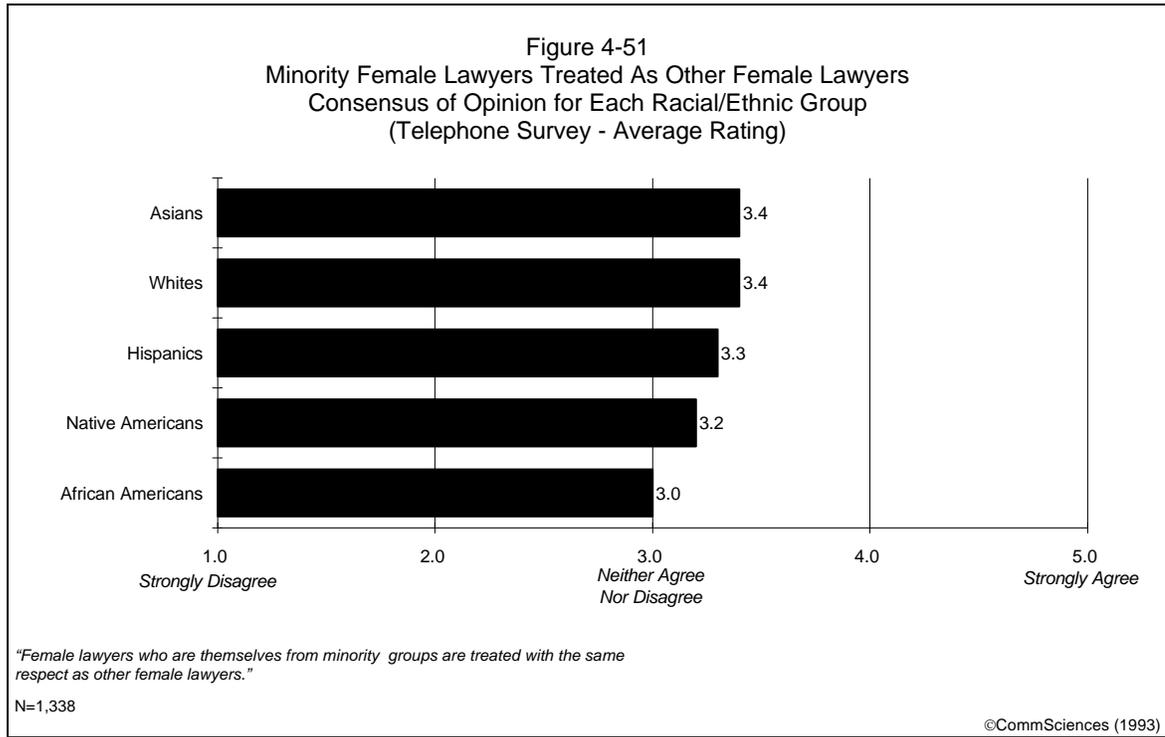




4.6.4 Treatment of Non-White Female Attorneys

With the exception of African Americans, who are more or less split on the issue, most Californians feel that minority female lawyers are treated with at least *the same respect* as other female lawyers. (Figures 4-50, 4-51, and 4-52)







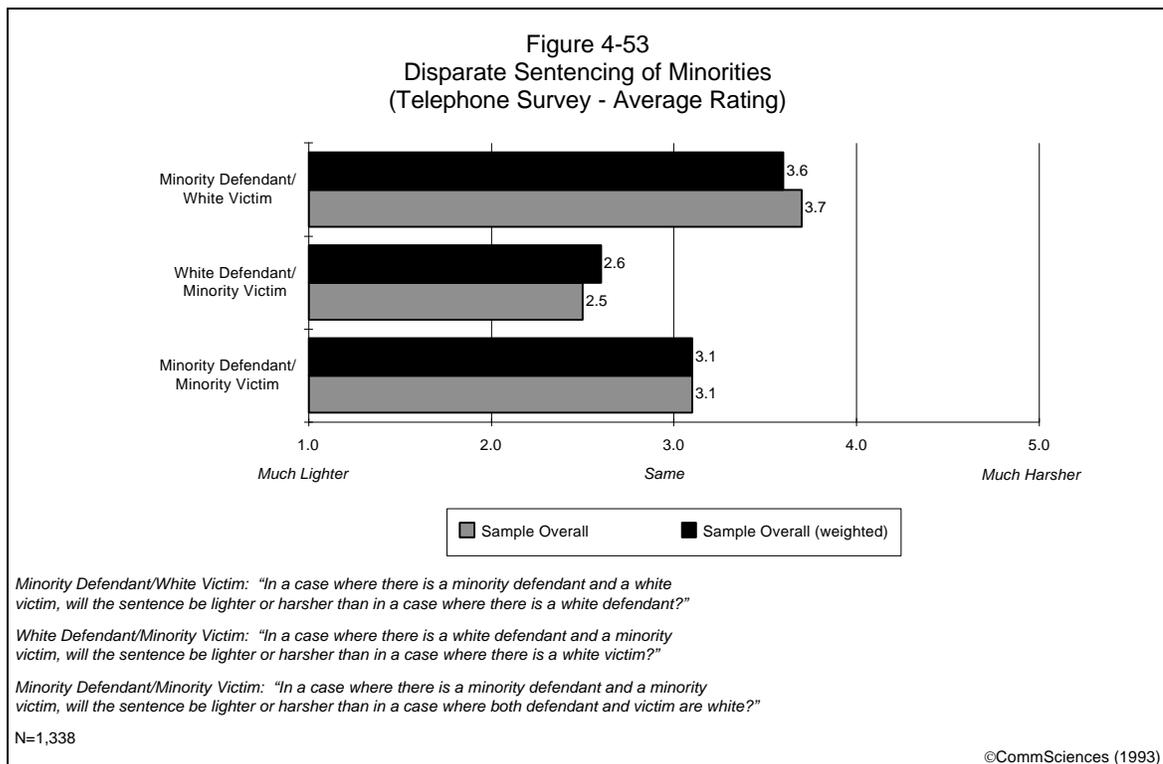
4.7 Disparate Sentencing of Minorities

The hearings produced numerous assertions of disparate treatment of minorities by the courts. Complaints of prosecutorial discretion focused on claims that bias affects the severity of sentencing or charges against minorities.

Survey respondents considered three sentencing scenarios and, using a five-point bipolar scale ranging from much lighter to much harsher, were asked to predict whether the sentence would be lighter or harsher based on the defendant's race or ethnicity: The three scenarios are as follows:

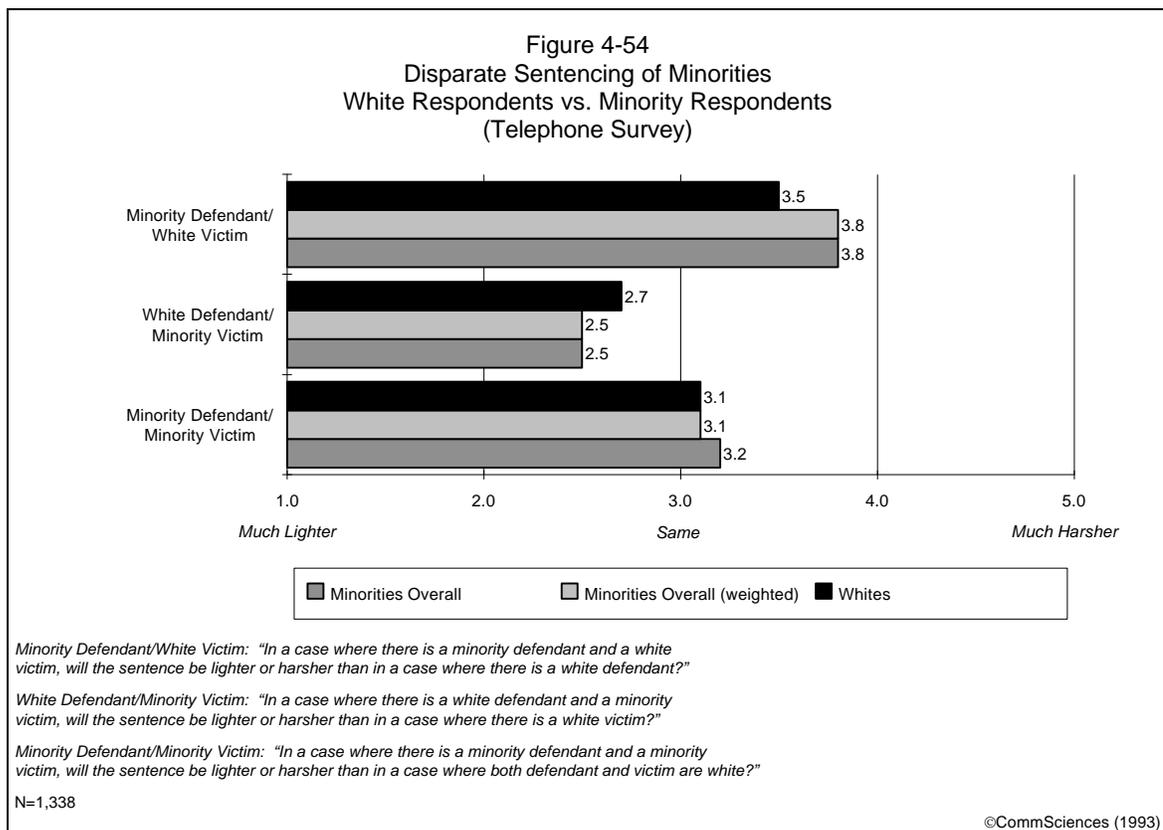
1. In a case with a *minority* defendant and a *White* victim, will the sentence be *lighter* or *harsher* than a case where the defendant is *White*?
2. In a case with a *White* defendant and a *minority* victim, will the sentence be *lighter* or *harsher* than a case where there is a *White* victim?
3. In a case with a *minority* defendant and a *minority* victim, will the sentence be *lighter* or *harsher* than a case where both defendant and victim are *White*?

Overall, Californians believe that in cases of inter-racial crime involving a minority defendant, the defendant will be treated *more harshly* than a White defendant would be treated. The opposite scenario also is widely believed to hold true: White defendants will be treated *less harshly* than minority defendants in a crime where a minority is the victim. In cases of minority-on-minority crime, respondents tended to feel that sentencing would be more or less the *same* as in cases of White-on-White crime. (Figure 4-53)





The overall findings do not tell the whole story since results are confounded by the views of Whites, who constitute the majority of the population statewide. As Figure 4-54 discloses, in cases of inter-racial crimes, as defendants, minorities tend to feel that they will be sentenced harsher than Whites and that sentencing of Whites for crimes against minorities will be lighter than otherwise would be if a minority was the defendant.

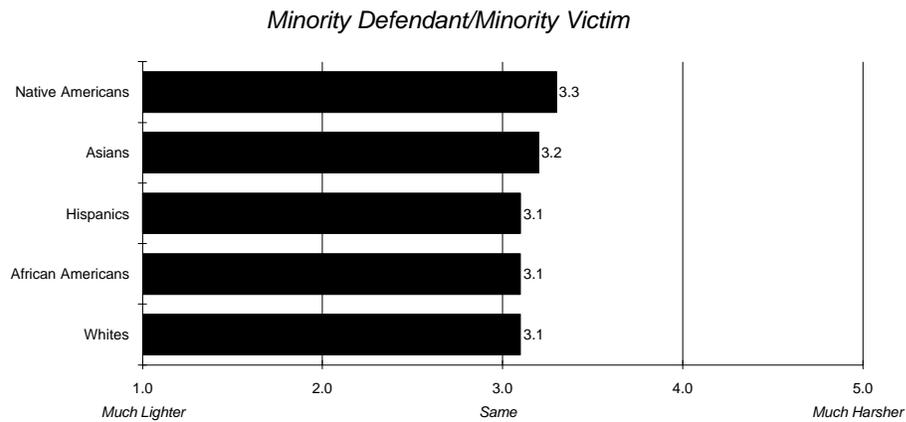
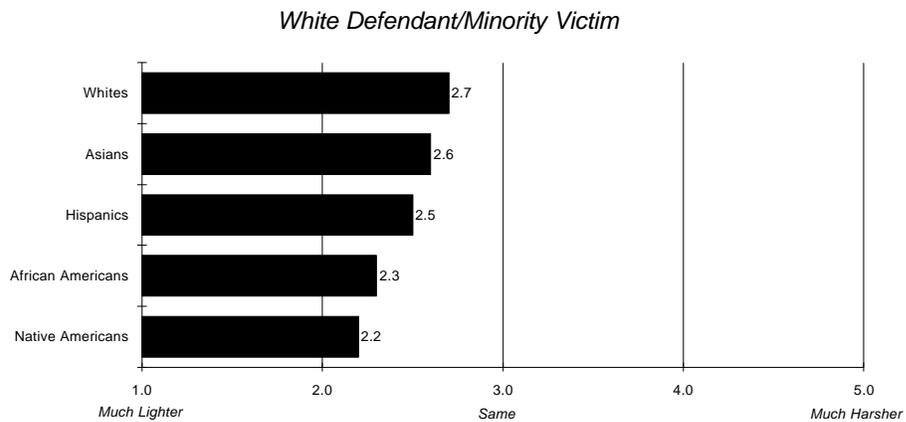
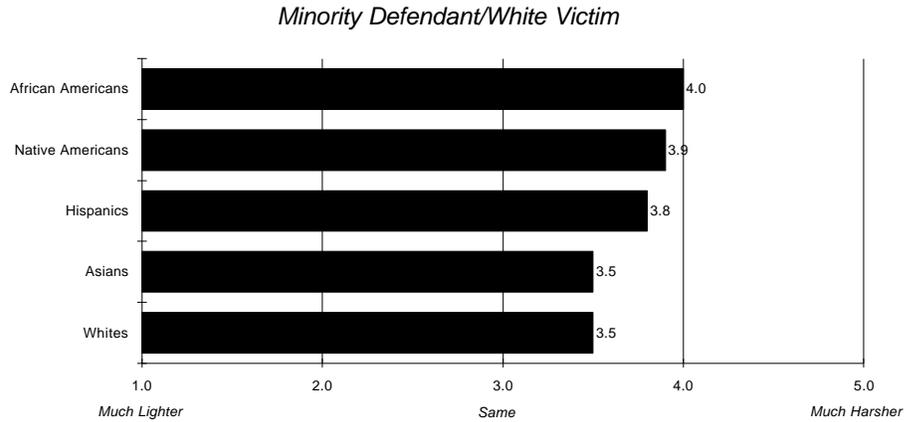


These findings become more discernible if the results for each racial/ethnic group are examined separately. Figure 4-55 and Table 4-3 on the following pages indicate the following differences in attitudes among the various groups who took part in the survey:

- Although all groups tend to feel that, compared with a White defendant, a minority defendant in a crime against a White victim will receive a harsher sentence, African Americans (and to a lesser degree Native Americans) are significantly more skeptical than Whites, who tend to be the least skeptical.
- In a crime with a White defendant and a minority victim, *all groups* tend to feel that the White defendant will receive a lighter sentence than in the reverse situation. However, African Americans and Native Americans tend to be significantly more skeptical than Whites, who are once again the least skeptical group.
- In a crime with a minority defendant and a minority victim all groups tend to concur that sentencing will be about the same as it would have been if both were White. Yet, a significant proportion of Asians and Native Americans (28% and 34%, respectively) feel sentencing would have been harsher for a minority defendant in this instance than it would have been for a White. (see also Figure 4-56)



Figure 4-55
 Disparate Sentencing of Minorities
 Consensus of Opinion for Each Racial/Ethnic Group
 (Telephone Survey - Average Rating)



"In a case where there is a minority defendant, and a white victim, the sentence will be lighter or harsher than in a case where there is a white defendant?"
 "In a case where there is a white defendant and a minority victim, will the sentence be much lighter or much harsher than a case where there is a white victim?"
 "In a case where there is a minority defendant and a minority victim, will the sentence be much lighter or much harsher than a case where both are white?"

N=1,338

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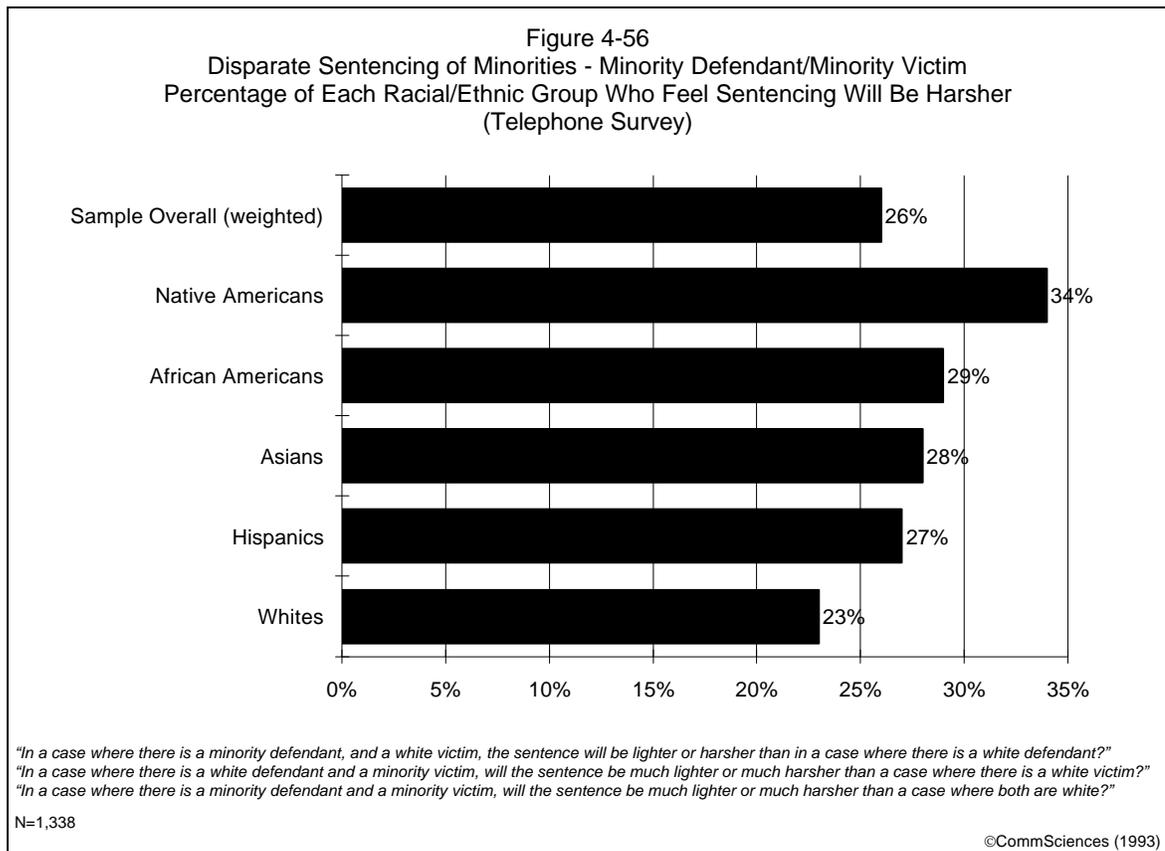


Table 4-3
Disparate Sentencing: Average Response for Each Racial/Ethnic Group
(Telephone Survey - Average Ratings)

Scenario	Race/Ethnicity of Respondent				
	Whites	Hispanic	African Americans	Asians	Native Americans
Minority Defendant/ White Victim	3.5*	3.8	4.0*	3.5*	3.9
White Defendant/ Minority Victim	2.7 [□]	2.5	2.3*	2.6*	2.2[□]
Minority Defendant/ Minority Victim	3.1	3.1	3.1	3.2	3.3

Note: Read table left to right. Figures with * or [□] are significantly different (p <.05) from those in **bold** with the same notation.

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Overall, when it comes to sentencing for multi-racial crimes, it would appear that most people feel that minorities will be treated differently (and more harshly) than Whites for the same crime.



4.8 Minorities and the Jury System

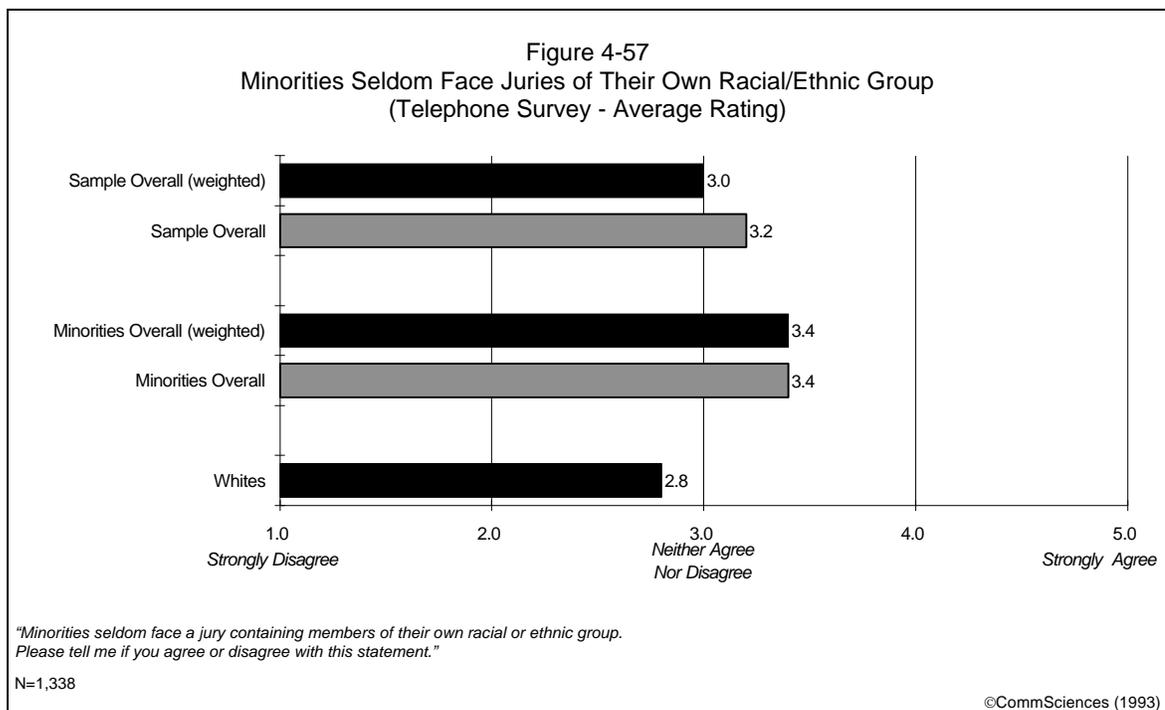
At the hearings, speakers criticized the lack of diversity and the selection process for both grand juries and trial juries as well as decrying discriminatory tactics that eliminate minorities from the jury pool. The survey assessed public opinion on two related issues:

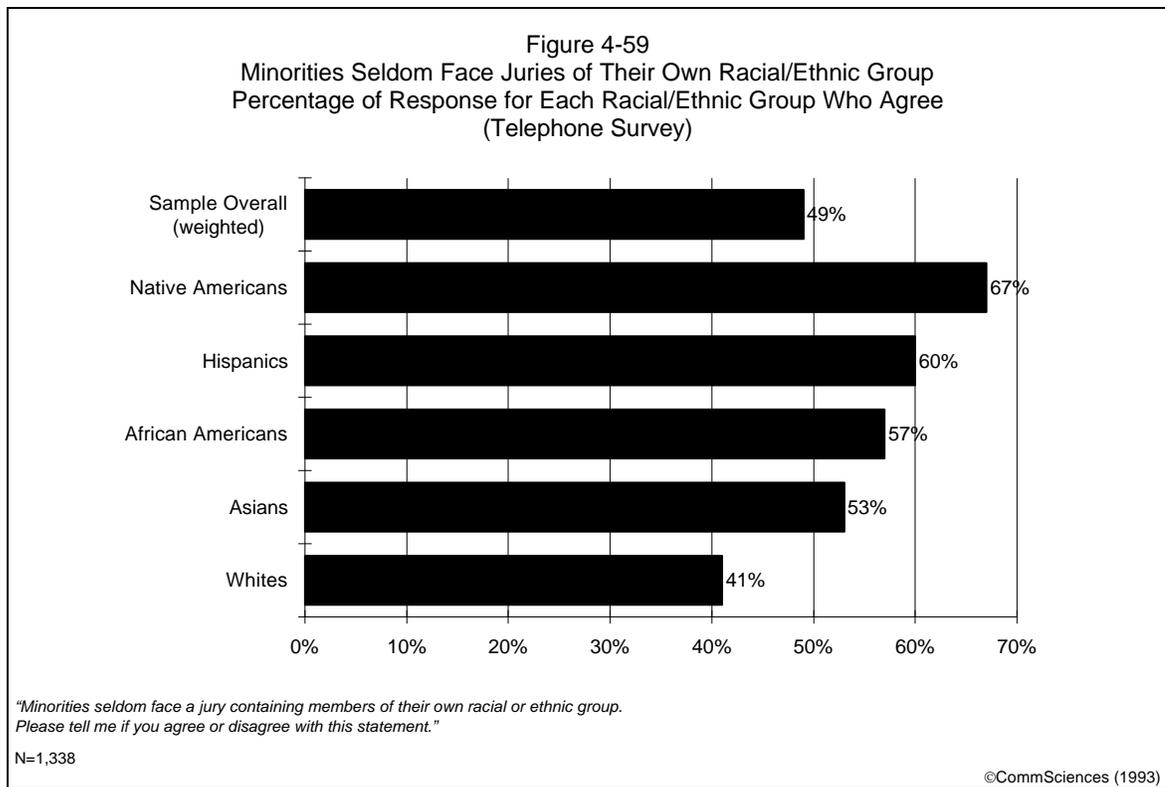
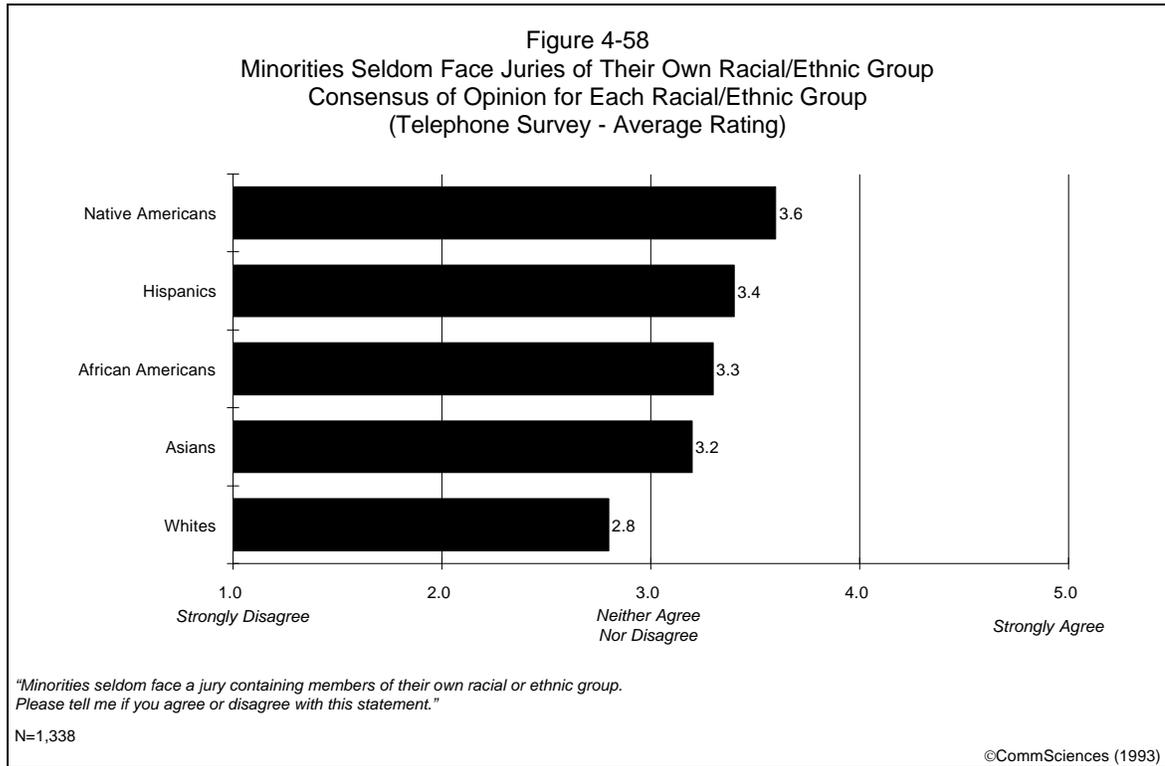
1. Whether there is adequate representation of minorities on juries so that minority defendants face juries of their peers
2. Whether juries tend to reflect the racial/ethnic composition of the jurisdiction

4.8.1 Do Minority Defendants Face Juries of Their Peers?

The survey results indicate that in California, opinions are *divided* on whether minorities usually face juries containing members of their own racial or ethnic group. As we've seen before, this division is largely due to the fact that minority respondents and Whites tend to have the opposite views. While minorities overall feel they *seldom* face juries containing members of their own group, most Whites tend to feel this is not the case. (Figures 4-57 and 4-58)

It is important to note that a significant proportion of White Californians (41%) agree with the opinions of the minority respondents. It's safe to say that there is *little consensus* among Whites on this important issue. (Figure 4-59)

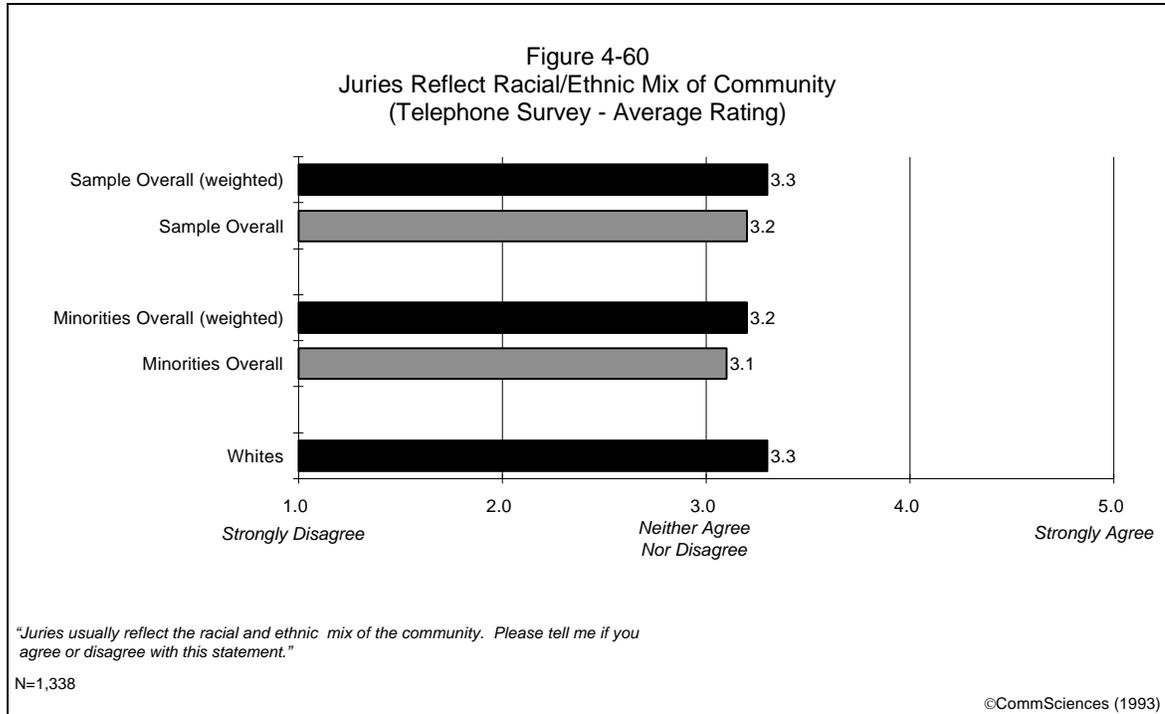


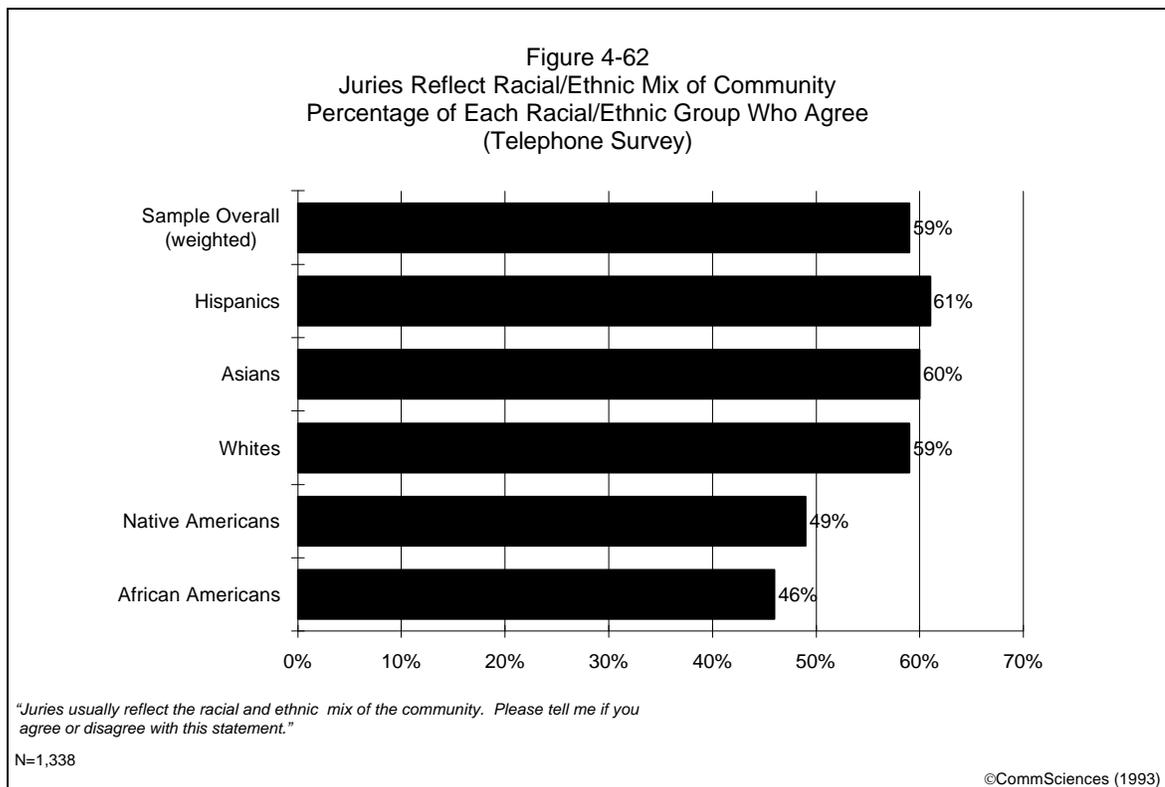
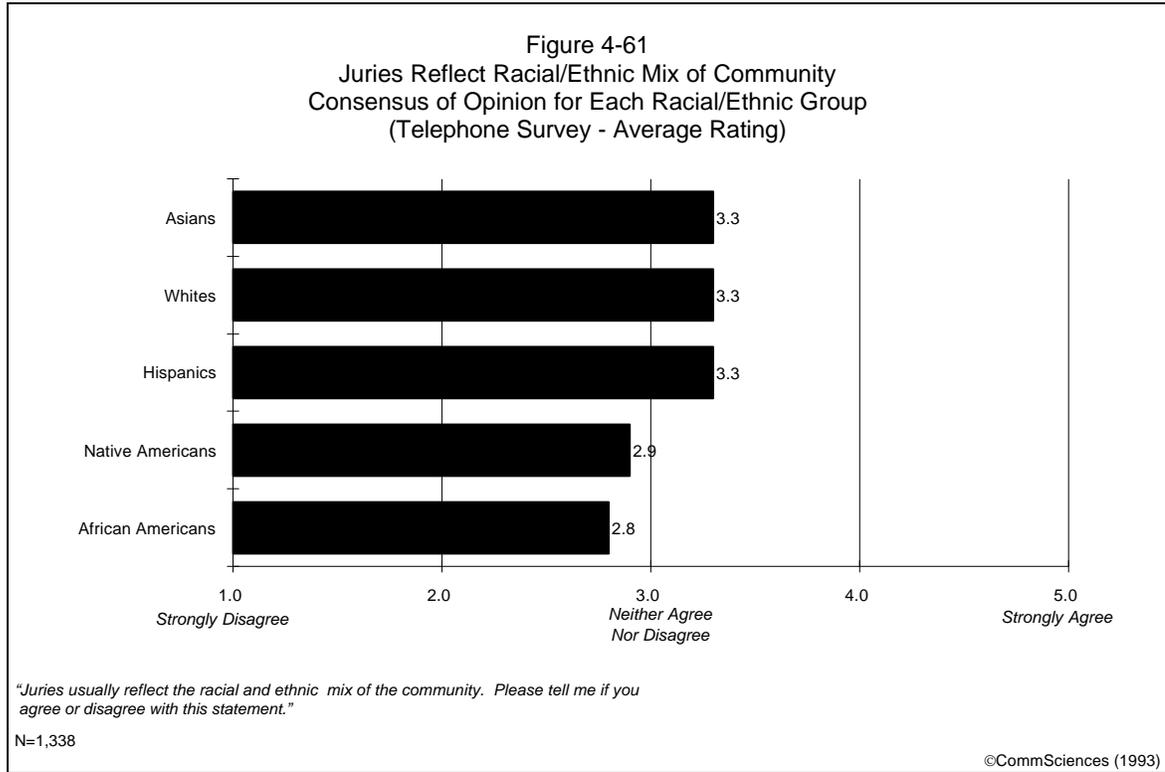




4.8.2 Do Juries Tend to Reflect the Racial/Ethnic Composition of the Jurisdiction?

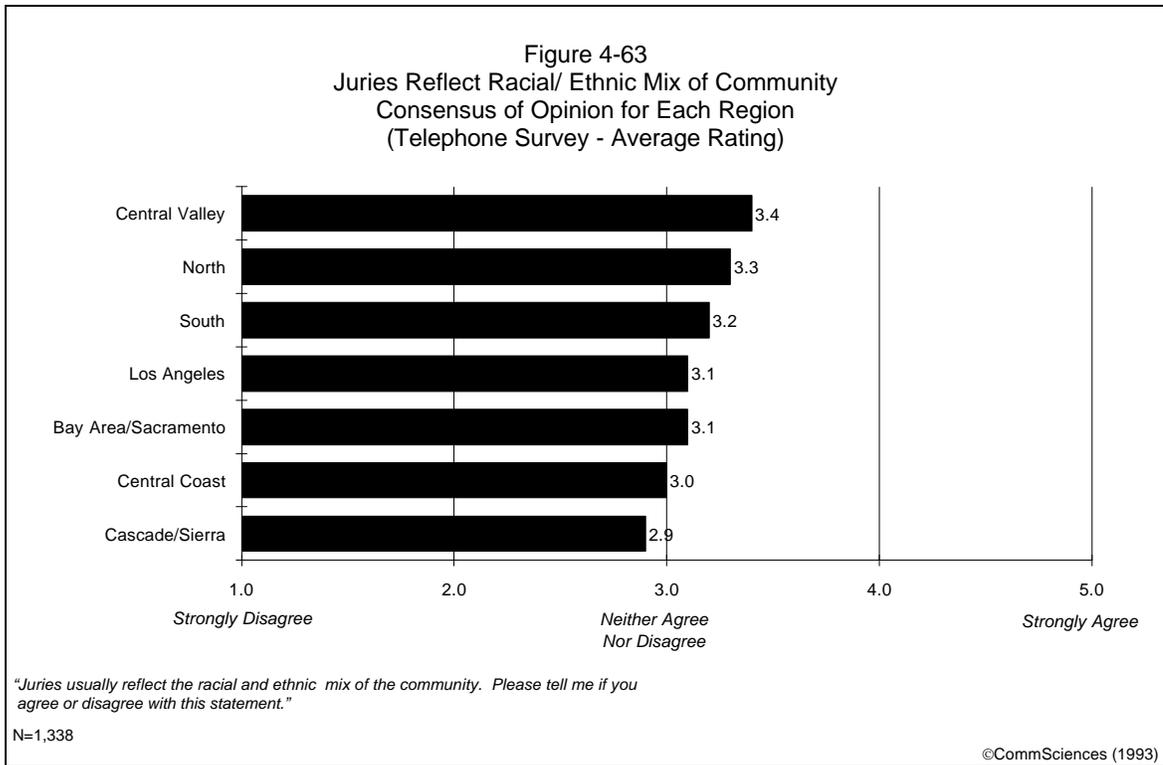
Californians feel that juries usually reflect the racial and ethnic mix of the community (Figure 4-60). This finding is the general consensus among Whites, Asians and Hispanics (Figure 4-61). However, African Americans and Native Americans are divided on the issue. (Figure 4-62)







In addition, there is statistically significant regional variation in the data. People in the Central Valley, the Northern counties and the Southern counties are in general agreement that juries reflect their communities, and people elsewhere are more divided. Still, the regional evidence can most probably be attributed to the racial and ethnic diversity in each community concerned.



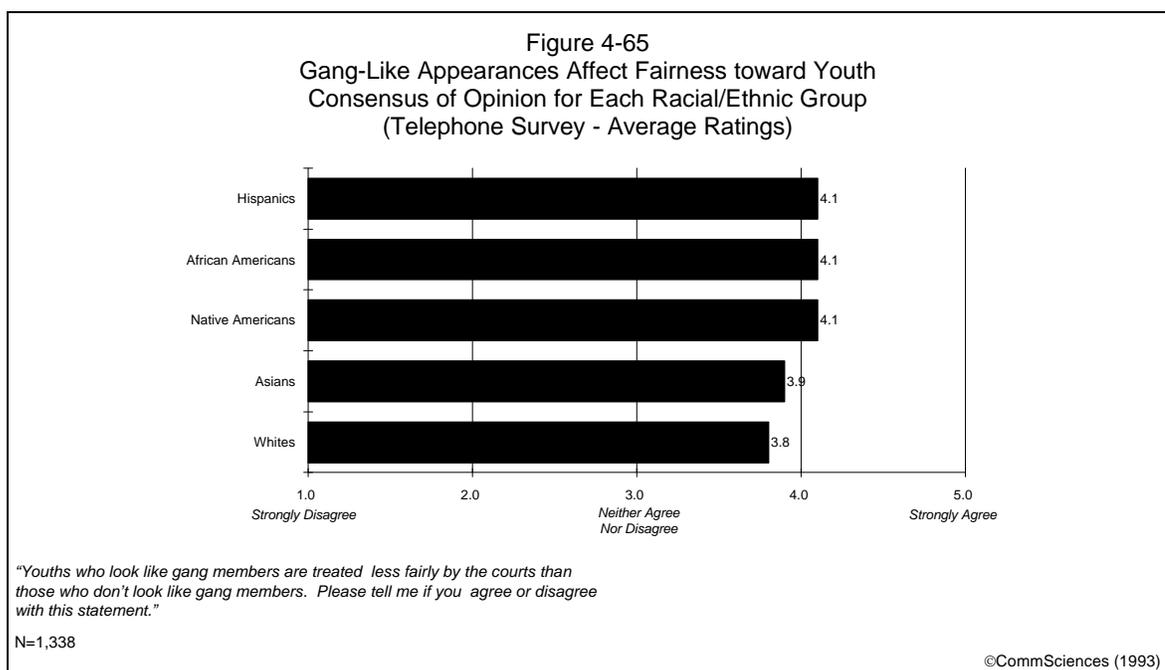
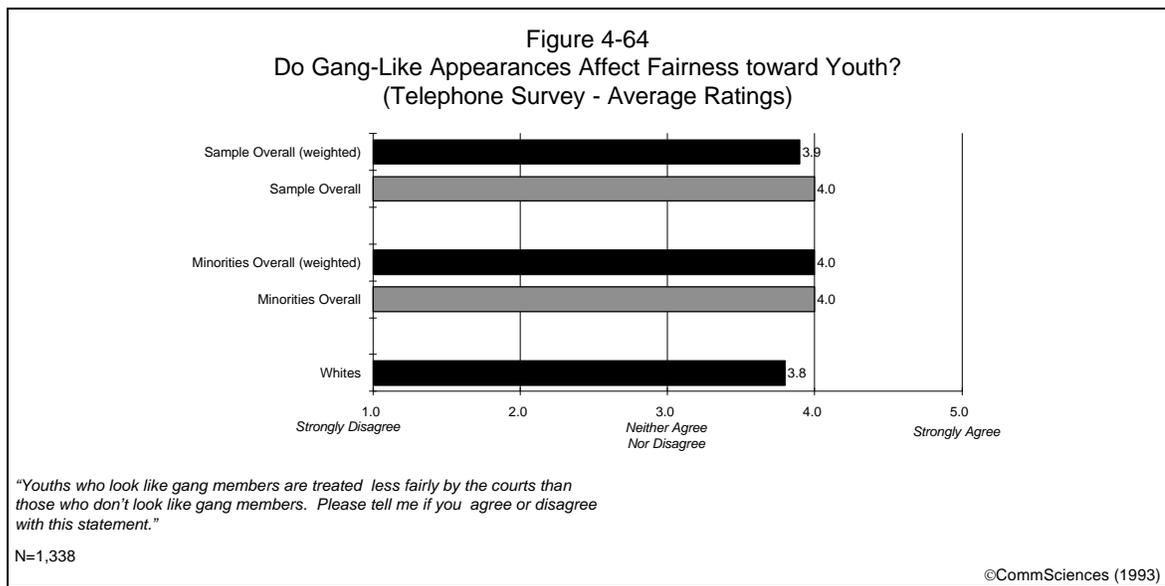
Taken together with the findings concerning peer representation, the empirical results for community representation indicate that while most minorities feel they will not be confronted by a jury of their peers, with the exception of African Americans and Native Americans, most people do feel that juries are by and large representative of the jurisdiction in which they sit.



4.9 Disparate Treatment of Minority Youth on the Basis of Appearance

Some of today’s popular urban clothing styles emulate “gang-like” attire and streetwear though clearly not all youth who dress like gang members *are* gang members. The public hearings produced assertions that minority youth are frequently targeted by the criminal justice system partially because of gang-like appearances.

The poll data suggest that, overall, there is a *strong* consensus of opinion that youths who look like gang members *are* treated less fairly by the courts than those who don’t look like gang members. (Figures 4-64 and 4-65)





4.10 Summary of Opinion Findings

The following section provides a summary of findings discussed in previous sections. Although findings have been discussed in some detail, by examining Table 4-4, which compares the average rating (or score) for each question across the various racial/ethnic groups polled, several important trends become more evident. Unless otherwise indicated, the values on the table refer to averages on a five-point scale.

- Generally, African Americans give the state courts the lowest fairness ratings
- With regard to the number of problems and issues related to bias and lack of fairness, African Americans are by and large more negative than all other racial and ethnic groups. Opinion trends point to particular problems with discriminatory sentencing and the notion that in general, the courts don't give minorities "a break," especially if they are African American
- Whites are somewhat divided on most issues, however, on balance they tend to disagree with the *existence* of many problems
- Asians tend to be moderates with regard to many problems and issues, aligning themselves with Whites on several important measures. They also have the least amount of experience and familiarity with the courts and the greatest dependence on media for information about the system. Perhaps cultural factors such as language differences, a differing orientation toward authority, and unfamiliarity with western legal practices, as well as the availability of alternate dispute resolution mechanisms, prevent many Asians from engaging the system. Clearly the ability to obtain information about the courts in their own language is an inhibitor to access
- Among Hispanics, the critical issues tend to be related to peer representation on juries and access problems revolving around a need for more education and information about the courts and the inability to obtain information and take on the system in Spanish
- Native Americans as a group tend to reflect opinions similar to African Americans. However, their particular concerns are oriented toward lack of fairness to women, disparate sentencing, a feeling that they seldom are judged by a jury of their peers, and lack of access to education and information about the courts. They also tend to have significantly more exposure and familiarity to the courts. In addition, when it comes to learning about the courts, they tend to be less media dependent than other groups. The latter two trends possibly may be an artifact of the Native American sample, which was derived from local community groups and associations whose members may be more activist oriented



Table 4-4
Summary of Results for Each Racial/Ethnic Group
(Telephone Survey)

Study Variables	Whites	Hispanics	African Amer.	Asian	Native Amer.
Comparison of Fairness of Institutions					
<i>Fairness of the California court system[†]</i>	5.2	5.7	4.7	5.5	5.0
<i>...United States Supreme Court[†]</i>	6.0	6.0	5.4	6.2	5.7
<i>...Local police department[†]</i>	6.6	6.4	5.3	6.1	5.2
<i>...Internal Revenue Service[†]</i>	4.3	5.1	4.4	5.1	4.4
<i>...National news media[†]</i>	3.8	5.1	4.6	4.9	4.6
Fairness to Minorities					
<i>Fairness of the California court system to minorities overall[†]</i>	5.7	5.2	4.0	5.4	4.8
<i>Fairness of the California courts to Whites[†]</i>	6.7	7.8	7.8	7.4	7.4
<i>...to African Americans[†]</i>	5.4	5.2	4.0	5.1	4.8
<i>...to Asians or Pacific Islanders[†]</i>	6.0	6.0	5.4	5.7	5.7
<i>...to Hispanics[†]</i>	5.6	5.2	4.3	5.1	4.9
<i>...to Native Americans[†]</i>	5.2	5.5	4.2	5.4	4.5
<i>...to other minority groups[†]</i>	5.6	5.5	4.8	5.4	5.1
<i>The California courts are equally fair regardless of race/ethnicity</i>	2.7	2.6	2.0	2.9	2.3
<i>The California courts ensure the same decision regardless of race/ethnicity</i>	2.9	2.9	2.2	3.1	2.4
<i>Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers</i>	2.3	3.0	3.0	3.0	2.7
Fairness to Women					
<i>Women have a harder time than men obtaining fair treatment in the courts</i>	3.0	3.2	3.2	3.0	3.5
<i>Minority women have a harder time obtaining fair treatment than other women</i>	3.0	3.4	3.6	3.3	3.7
<i>African American women have a harder time than other minority women obtaining fair treatment in the courts</i>	2.7	3.0	3.5	3.2	2.8
<i>Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers</i>	3.4	3.3	3.0	3.4	3.2
Disparate Sentencing					
<i>Sentencing in a case with a minority defendant and a White victim</i>	3.5	3.8	4.0	3.5	3.9
<i>...in a case with a White defendant and a minority victim</i>	2.7	2.5	2.3	2.6	2.2
<i>...in a case with a minority defendant and a minority victim</i>	3.1	3.1	3.1	3.2	3.3
Minority Representation on Juries					
<i>Minorities seldom face a jury of their own racial/ethnic group</i>	2.8	3.4	3.3	3.2	3.6
<i>Juries usually reflect the racial and ethnic mix of the community</i>	3.3	3.3	2.8	3.3	2.9
Access					
<i>Minorities have inadequate access to education/information about the courts.</i>	2.9	3.6	3.5	3.4	4.0
<i>English speakers are treated better by the courts</i>	3.4	3.9	3.6	3.9	3.7
Cultural Sensitivity					
<i>Youths who look like gang members are treated less fairly by the courts</i>	3.8	4.1	4.1	3.9	4.1
<i>Minority lawyers can better serve minority clients than White lawyers</i>	2.7	3.0	2.7	2.8	2.9
Experience					
<i>Experience Score[‡]</i>	3.5	3.0	3.3	2.7	3.4
<i>Familiarity with the California Courts[†]</i>	4.6	4.7	4.6	4.0	5.0
<i>Media Dependence for Information about California Law and Courts</i>	3.2	3.4	3.1	3.7	2.9

[†]This variable is measured on a 10-point scale

[‡]This variable is measured on a 6-point scale

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The differences between Whites and minorities overall are summarized in Table 4-5. The table displays the average value for Whites on each dimension and the weighted average value for minorities on each dimension.

Readers should recall that weighted average values take into account the proportion of each group in the population of concern. Therefore, the weighted average value for minorities, is the value based on the proportion of each racial/ethnic group in the *minority* population.

The third column of the table contains the computed difference between the average for Whites and the average for minorities. The difference calculation is a convenient way to demonstrate whether large or small differences of opinion separate the groups on any measure.

The fourth column contains the two-tailed t-test probability statistic which indicates the level of statistical significance of the observed differences. In general, if a t-test probability statistic appears in the column, the difference score associated with it is considered to be significant. If no statistic appears, then the difference is considered not significant. A probability of approximately .01 means the difference is moderately significant at an α -level (alpha-level) of .01, meaning that the probability that the difference might have occurred by accident is 1 in 100. An α -level of .001 means that the probability that the difference might have occurred by accident is 1 in 1000. Commonly used α -levels are .05 and .01. The larger the α -level, the greater the chance that the difference really is *not* significant. Given the sensitivity of the survey, we have selected relatively conservative α 's of .01 and .001.



Table 4-5
Summary and Comparison of Opinions of Whites and Minorities
(Telephone Survey)

Study Variables	Whites	Minorities (Weighted)	Diff. (White- Minority)	Signif. T-Test p <
Comparison of Fairness of Institutions				
<i>Fairness of the California court system</i> [†]	5.2	5.5	-0.3	.014
...United States Supreme Court [†]	6.0	5.9	+0.1	---
...Local police department [†]	6.6	6.1	+0.5	.001
...Internal Revenue Service [†]	4.3	5.0	-0.7	.001
...National news media [†]	3.8	5.0	-1.2	.001
Fairness to Minorities				
<i>Fairness of the California court system to minorities overall</i>	5.7	5.1	+0.6	.001
<i>Fairness of the California courts to Whites</i> [†]	6.7	7.7	-1.0	.001
...to African Americans [†]	5.4	5.0	+0.4	.002
...to Asians or Pacific Islanders [†]	6.0	5.8	+0.2	---
...to Hispanics [†]	5.6	5.0	+0.6	.001
...to Native Americans [†]	5.2	5.2	---	---
...to other minority groups [†]	5.6	5.4	+0.2	---
The California courts are equally fair regardless of race/ethnicity	2.7	2.5	+0.2	---
The California courts ensure the same decision regardless of race/ethnicity	2.9	2.8	+0.1	---
<i>Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers</i>	2.3	3.0	-0.7	.001
Fairness to Women				
Women have a harder time than men obtaining fair treatment in the courts	3.0	3.1	-0.1	---
<i>Minority women have a harder time obtaining fair treatment than other women</i>	3.0	3.4	-0.4	.001
<i>African American women have a harder time than other minority women obtaining fair treatment in the courts</i>	2.7	3.1	-0.4	.001
<i>Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers</i>	3.4	3.2	+0.2	.047
Disparate Sentencing				
<i>Sentencing in a case with a minority defendant and a White victim</i>	3.5	3.8	-0.3	.001
...in a case with a White defendant and a minority victim	2.7	2.5	+0.2	.001
...in a case with a minority defendant and a minority victim	3.1	3.1	---	---
Minority Representation on Juries				
<i>Minorities seldom face a jury of their own racial/ethnic group</i>	2.8	3.4	-0.6	.001
Juries usually reflect the racial and ethnic mix of the community	3.3	3.2	-0.1	---
Access				
<i>Minorities have inadequate access to education/information about the courts</i>	2.9	3.5	-0.6	.001
<i>English speakers are treated better by the courts</i>	3.4	3.9	-0.5	.001
Cultural Sensitivity				
<i>Youths who look like gang members are treated less fairly by the courts</i>	3.8	4.0	-0.2	.001
<i>Minority lawyers can better serve minority clients than White lawyers</i>	2.7	3.0	-0.3	.005
Court Experience				
<i>Experience Score</i> [‡]	3.5	3.0	+0.5	.001
Familiarity with the California Courts	4.6	4.5	+0.1	---
Media Dependence	3.2	3.4	-0.2	.018

[†]This variable is measured on a 10-point scale

[‡]This variable is measured on a 6-point scale

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From the standpoint of judicial fairness, the most significant and most important differences of opinion between Whites and minorities occur in the following areas:

- Fairness of local police
- Fairness of the California Courts toward minorities overall
- Fairness of the California Courts toward Whites
- Fairness of the California Courts toward African Americans
- Fairness of the California Courts toward Hispanics
- Discrimination against minority lawyers
- Discrimination against minority women
- Discrimination against African American women
- Disparate sentencing
- Peer representation on juries
- Education and access to information about the courts
- Discrimination against non-English speakers
- Cultural sensitivity

Whites and minorities tend to concur in the following important areas:

- Fairness of the California courts toward Asians or Pacific Islanders which overall is considered *relatively* high
- Fairness of the California courts toward Native Americans which overall is considered relatively low
- The courts' *inability* to be ethnically and racially blind
- Representation of the community on juries

As we've noted during the analysis, there are two key areas where *all* the groups generally are divided among themselves: These areas include:

- Discrimination against women
- Disparate sentencing for crimes involving minority defendants and minority victims

Taking into account the orientation and magnitude of opinion, as well as the level of intra-group consensus, there are several key areas where the opinion gaps are greatest and offer the potential for inter-racial conflict on the issues.



Table 4-6 summarizes these key conflict areas.

Table 4-6
Major Opinion Gaps between Whites and Minorities
(Telephone Survey)

Whites	Minorities
<ul style="list-style-type: none"> ■ Rate the fairness of American institutions lower overall 	<ul style="list-style-type: none"> ■ Rate the fairness of the local police department lower
<ul style="list-style-type: none"> ■ Rate the fairness of the California courts <i>lower</i> 	<ul style="list-style-type: none"> ■ Rate the courts' fairness to minorities overall <i>lower</i>
<ul style="list-style-type: none"> ■ Tend to feel that African American women do <i>not</i> have more difficulty obtaining fair treatment 	<ul style="list-style-type: none"> ■ Rate the courts' fairness to African Americans and Hispanics minorities overall lower
<ul style="list-style-type: none"> ■ Believe that minority female lawyers are treated with the same respect as other women 	<ul style="list-style-type: none"> ■ Obtain significantly <i>more</i> information about the courts from the mass media
<ul style="list-style-type: none"> ■ Feel that minority lawyers do not necessarily serve minority clients better than White lawyers 	<ul style="list-style-type: none"> ■ Feel the courts are fairer to Whites
	<ul style="list-style-type: none"> ■ Believe the courts are <i>less</i> fair to African Americans and Hispanics
	<ul style="list-style-type: none"> ■ Feel that minorities usually do not face a jury of their own racial/ethnic group
	<ul style="list-style-type: none"> ■ Perceive minority women to have a harder time obtaining fair treatment than White women
	<ul style="list-style-type: none"> ■ Think that minorities are discriminated against in the sentencing process
	<ul style="list-style-type: none"> ■ Believe that minorities seldom face juries of their own racial/ethnic group
	<ul style="list-style-type: none"> ■ Agree <i>more</i> strongly that English-speakers are treated better by the courts
	<ul style="list-style-type: none"> ■ Feel that minorities have inadequate access to education/information about the courts

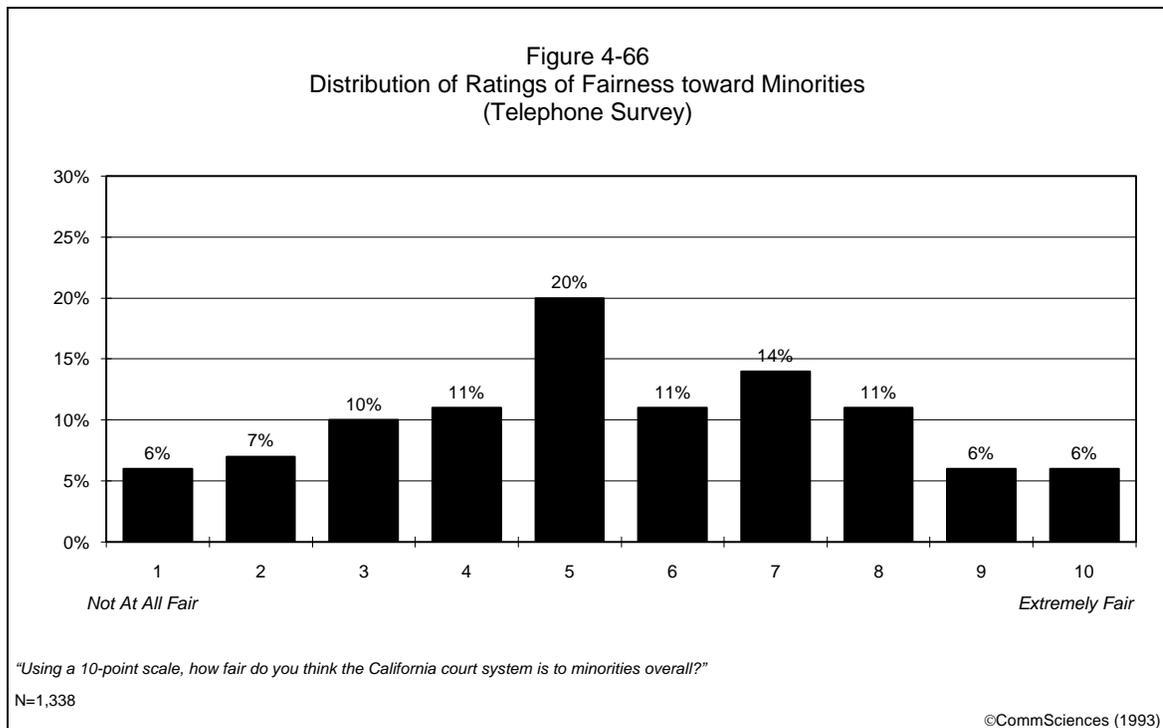


4.11 Understanding Fairness

In this section we attempt to develop a better grasp of the opinion gap by reviewing demographic characteristics and control factors that underlie the observed trends. In addition, we will construct several opinion *models* help explain the attitudes that have the strongest influence on public perceptions of fairness.

4.11.1 Demographic Background and Fairness

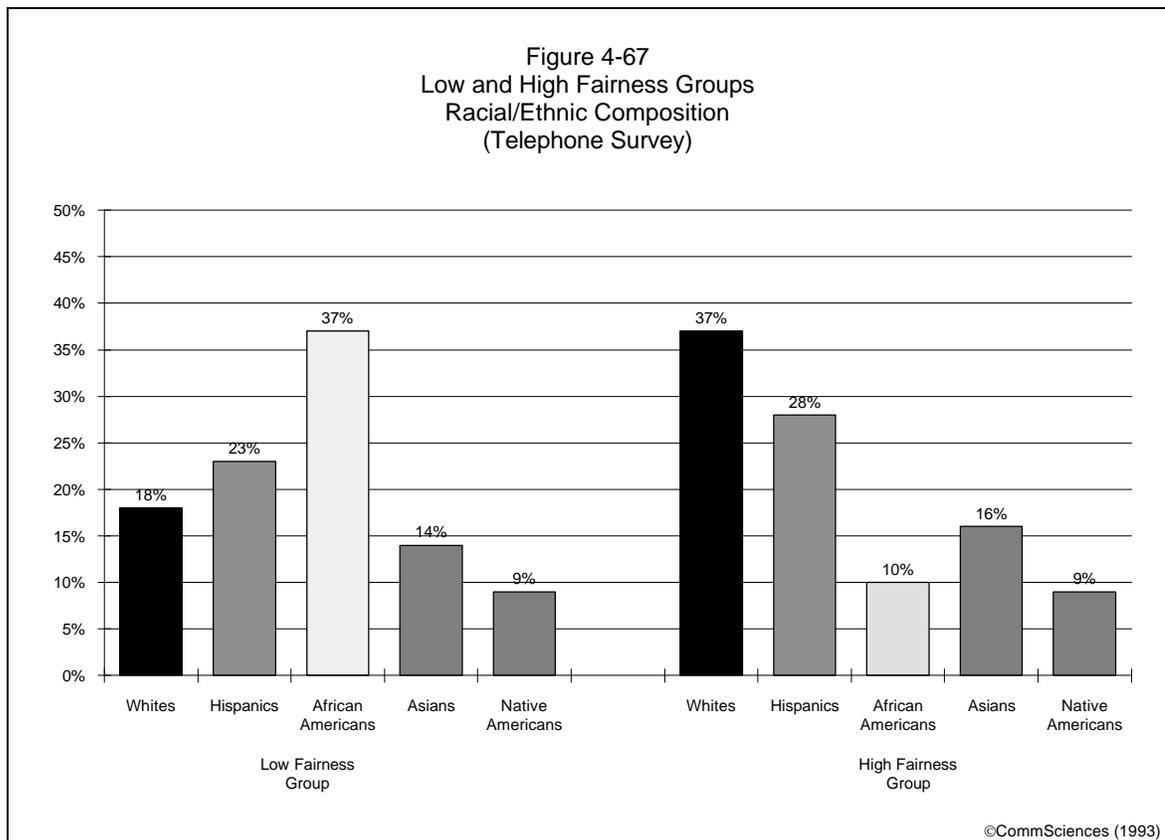
Figure 4-66 illustrates the distribution of survey ratings for fairness toward minorities. Two groups of people are at either extreme of the fairness distribution, approximately 2% who believe that minorities are treated *very unfairly* (rating 1 to 3) and another 25% who believe minorities are treated *very fairly* (rating 8 to 10).



By comparing and contrasting the two groups at either extreme of the opinion spectrum, we can develop a demographic profile of characteristics that can aid understanding underlying opinions of the public.



The high and low fairness groups are significantly different in terms of their racial and ethnic composition (Figure 4-67). As we have noted previously, the most evident differences occur for African Americans and Whites. The former anchor the low end of the fairness scale, while the latter anchor the high end.



Significance testing reveals that besides racial/ethnic differences, no other demographic measures add significant explanatory power to the fairness ratings.



4.11.2 Media Dependence and Fairness

A similar analysis was performed using the media dependence measure. Table 4-7 summarizes the differences of opinion between low and high media dependence groups. Clearly, very few important significant differences are evident, and those that are, can be attributed to the confounding influence of ethnicity.

Table 4-7
Differences of Opinion between Low and High Media Dependence Groups
(Telephone Survey)

Study Variables	Media Dependence		Diff (High-Low)	Signif. T-Test p <
	Low	High		
Comparison of Fairness of Institutions				
Fairness of the California court system [†]	5.2	5.4	+0.2	---
... <i>United States Supreme Court</i> [†]	5.7	6.0	+0.3	.034
...Local police department [†]	6.0	6.1	+0.1	---
... <i>Internal Revenue Service</i> [†]	4.3	4.9	+0.6	.001
... <i>National news media</i> [†]	4.2	4.8	+0.6	.001
Fairness to Minorities				
Fairness of the California court system to minorities overall [†]	5.0	5.1	+0.1	---
Fairness of the California courts to Whites [†]	7.4	7.5	+0.1	---
...to African Americans [†]	4.8	5.0	+0.2	---
...to Asians or Pacific Islanders [†]	5.7	5.8	+0.1	---
...to Hispanics [†]	4.9	5.2	+0.3	---
...to <i>Native Americans</i> [†]	4.8	5.2	+0.4	.003
...to other minority groups [†]	5.2	5.4	+0.2	---
The California courts are equally fair regardless of race/ethnicity	2.4	2.6	+0.2	---
<i>The California courts ensure the same decision regardless of race/ethnicity</i>	2.6	2.8	+0.2	.009
<i>Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers</i>	2.7	2.9	+0.2	.040
Fairness to Women				
Women have a harder time than men obtaining fair treatment in the courts	3.1	3.1	---	---
<i>Minority women have a harder time obtaining fair treatment than other women</i>	3.2	3.4	+0.2	.019
African American women have a harder time than other minority women obtaining fair treatment in the courts	3.0	3.1	+0.1	---
Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers	3.2	3.3	+0.1	---
Disparate Sentencing				
Sentencing in a case with a minority defendant and a White victim	3.7	3.7	---	---
...in a case with a White defendant and a minority victim	2.5	2.5	---	---
...in a case with a minority defendant and a minority victim	3.1	3.2	+0.1	---
Minority Representation on Juries				
Minorities seldom face a jury of their own racial/ethnic group	3.2	3.2	---	---
Juries usually reflect the racial and ethnic mix of the community	3.1	3.2	+0.1	---
Access				
Minorities have inadequate access to education/information about the courts	3.4	3.4	---	---
English speakers are treated better by the courts	3.7	3.7	---	---
Cultural Sensitivity				
Youths who look like gang members are treated less fairly by the courts	4.0	4.0	---	---
Minority lawyers can better serve minority clients than White lawyers	2.8	2.9	+0.1	---

[†]These variables measured on a 10-point scale; all others measured on a 5-point scale.



4.11.3 Court Experience and Fairness

The following analysis seeks to determine how experience with the courts affects perceptions of fairness. As in the previous section, respondents reporting *very little* experience were compared to those with *very much* experience. In a sense, the experience score serves as a “reality check.” Where large or highly significant differences of opinion exist between the two groups, we might plausibly conclude that the opinions expressed by the low experience group probably *do not* represent reality. Table 4-7 summarizes the opinion differences between the high and low experience groups.

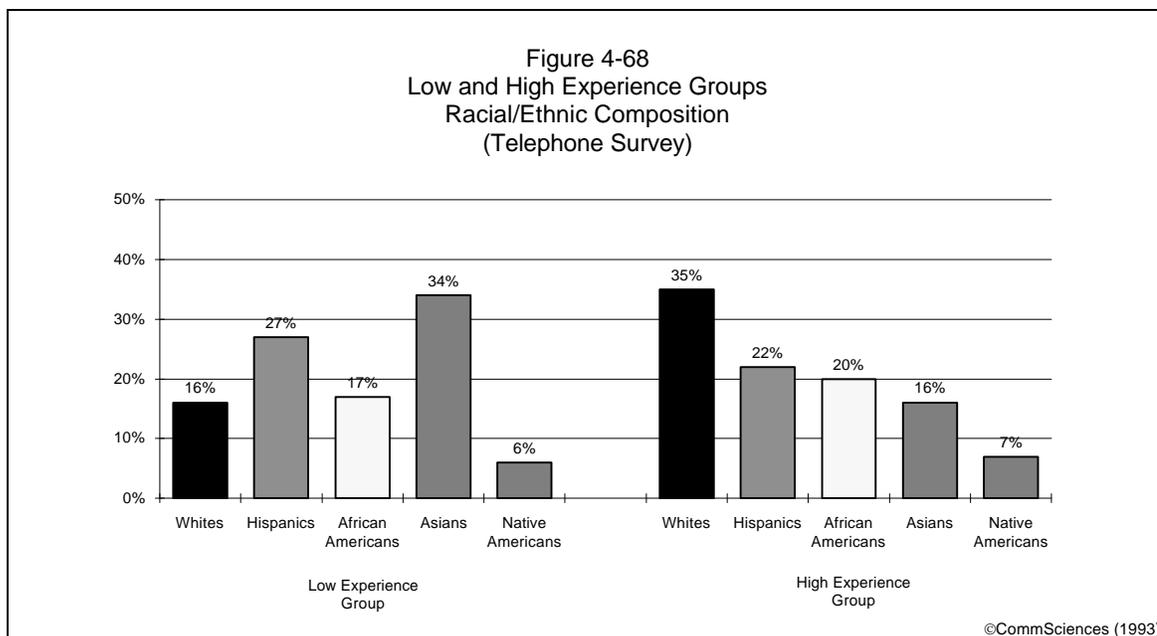
Table 4-8
Differences of Opinion between Low and High Experience Groups
(Telephone Survey)

Study Variables	Experience Score		Diff (High-Low)	Signif. T-Test p <
	Low	High		
Comparison of Fairness of Institutions				
Fairness of the California court system†	5.4	5.3	-0.1	---
... <i>United States Supreme Court</i> †	5.6	6.0	+0.4	.042
...Local police department†	6.0	6.0	---	---
...Internal Revenue Service†	4.9	4.5	-0.4	---
... <i>National news media</i> †	5.0	4.2	-0.8	.001
Fairness to Minorities				
Fairness of the California court system to minorities overall†	5.2	5.2	---	---
Fairness of the California courts to Whites†	7.5	7.3	-0.2	---
...to African Americans†	5.0	5.0	---	---
...to Asians or Pacific Islanders†	5.8	5.9	+0.1	---
...to Hispanics†	5.1	5.1	---	---
...to Native Americans†	5.2	5.1	-0.1	---
...to other minority groups†	5.3	5.4	+0.1	---
The California courts are equally fair regardless of race/ethnicity	2.7	2.6	-0.1	---
The California courts ensure the same decision regardless of race/ethnicity	2.9	2.8	-0.1	---
<i>Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers</i>	3.0	2.6	-0.4	.001
Fairness to Women				
<i>Women have a harder time than men obtaining fair treatment in the courts</i>	3.2	3.0	-0.2	.049
<i>Minority women have a harder time obtaining fair treatment than other women</i>	3.4	3.1	-0.3	.017
<i>African American women have a harder time than other minority women obtaining fair treatment in the courts</i>	3.0	2.9	-0.1	---
<i>Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers</i>	3.4	3.3	-0.1	---
Disparate Sentencing				
Sentencing in a case with a minority defendant and a White victim	3.6	3.8	+0.2	---
...in a case with a White defendant and a minority victim	2.6	2.5	-0.1	---
...in a case with a minority defendant and a minority victim	3.2	3.2	---	---
Minority Representation on Juries				
Minorities seldom face a jury of their own racial/ethnic group	3.3	3.1	-0.2	---
Juries usually reflect the racial and ethnic mix of the community	3.2	3.2	---	---
Access				
Minorities have inadequate access to education/information about the courts	3.5	3.4	-0.1	---
English speakers are treated better by the courts	3.8	3.6	-0.2	---
Cultural Sensitivity				
Youths who look like gang members are treated less fairly by the courts	4.0	4.0	---	---
<i>Minority lawyers can better serve minority clients than White lawyers</i>	3.1	2.8	-0.3	.015

†These variables measured on a 10-point scale; all others measured on a 5-point scale.



There is very little difference of opinion dividing the two experience groups. For the most part, the only highly significant finding relates to discrimination against minority lawyers and discrimination against minority women. This difference probably can be explained, not by actual experience, but rather by the fact that the high experience group contains a large percentage of Whites and the low experience group tends to be led by the opinions of Asians. (Figure 4-68)



Therefore, the fairness opinion gap primarily is race-related, having little to do with actual experience. Under the circumstances, it seems fair to conclude that the opinions respondents expressed are probably based more on conjecture than on factual evidence or real-life experience. Nevertheless, as we noted at the outset, for most people perception *is* reality.

Regardless of policy and structural changes that may need to be considered to improve public opinion of the courts, an overall attitude adjustment is necessary on the part of some groups. Helping people change attitudes requires more than information and education, it requires a thorough understanding of the type and nature of the information that will most effectively precipitate the change. In order to accomplish this end, we conducted a structural analysis of the survey data to help pinpoint the strategic change areas. This analysis is described in the following sections.



4.11.4 Attitudes Maps

To develop an understanding of the issues that have the greatest influence on perceptions of fairness, the data was mapped using a standard linear regression modeling technique to determine which factors underlie the observed fairness ratings. To the extent that public perceptions can be enhanced or mitigated and objections overruled, perceptions of fairness toward minorities overall will improve.

Five separate maps were constructed:

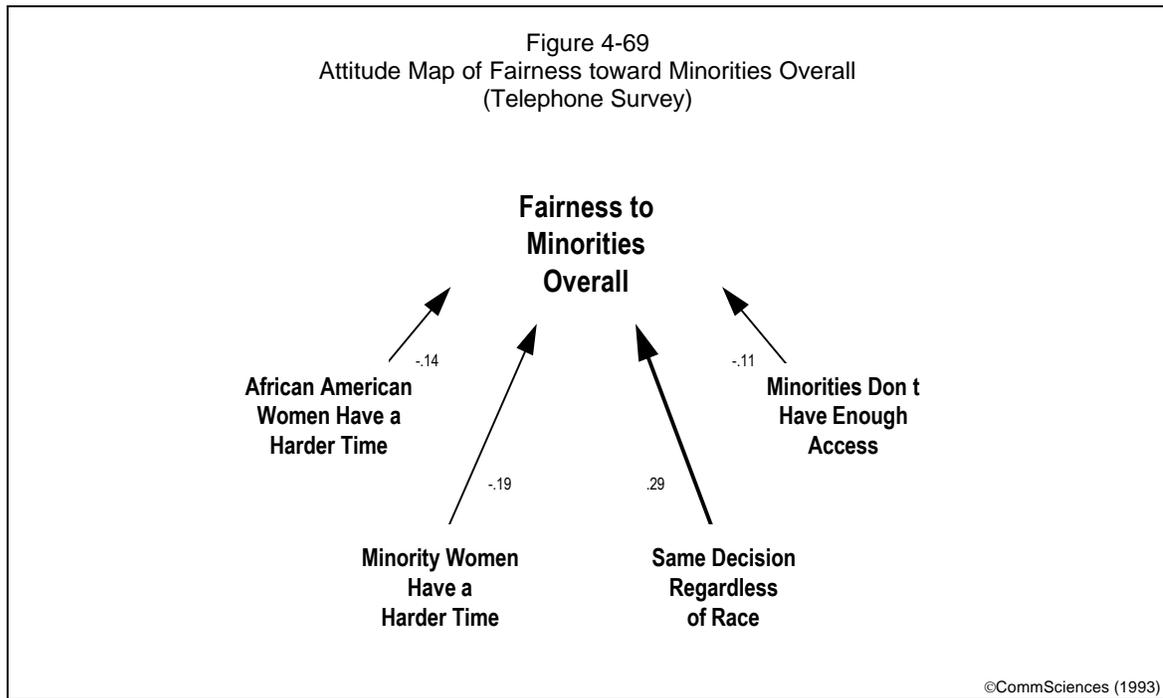
- Public perceptions of fairness to minorities overall (heavily influenced by White opinion)
- African American perceptions of fairness to themselves
- Hispanic perceptions of fairness to themselves
- Asian perceptions of fairness to themselves
- Native American perceptions of fairness to themselves

a. Fairness toward Minorities Overall

Four issue measures (agree/disagree statements) underlie public perceptions of judicial fairness to minorities *overall*. Taken together, these four factors explain 27% of the total variation in perceptions and they account for a similar proportion of White attitudes. (Figure 4-69)

The issues include:

- The courts ensure the *same decision* regardless of race or ethnicity ($\beta=.29$)
- *Minority women* have a harder time than other women obtaining fair treatment in the courts ($\beta=-.19$)
- *African American women* have a harder time than other minority women obtaining fair treatment in the California courts ($\beta=-.14$)
- Minorities do not have enough *access to education* and information about using the courts ($\beta=-.11$)



Same Decision Regardless of Race or Ethnicity. This factor is the single most important element underlying public perceptions of fairness to minorities overall. As we'll soon demonstrate, it appears in virtually all the attitude models. The more people perceive that the courts ensure *fair decisions* regardless of race, the more they perceive the courts as being fair to minorities overall.

Minority Women Have a Harder Time. Somewhat less significant than the previous factor, but still quite important, are perceptions that minority women have a more difficult time than other women obtaining fair treatment by the courts. To the extent that the public believes that minority women are treated equitably (at least as well as other women), perceptions of fairness overall will be enhanced.

African American Women Have a Harder Time Than Other Minority Women. Similarly, the extent to which the public perceives that African American women face additional challenges obtaining fair treatment by the courts significantly affects perceptions of fairness overall. The presence of two women-related issues in the map can partially be accounted for by the presence of a majority of women (59%) in the overall sample.

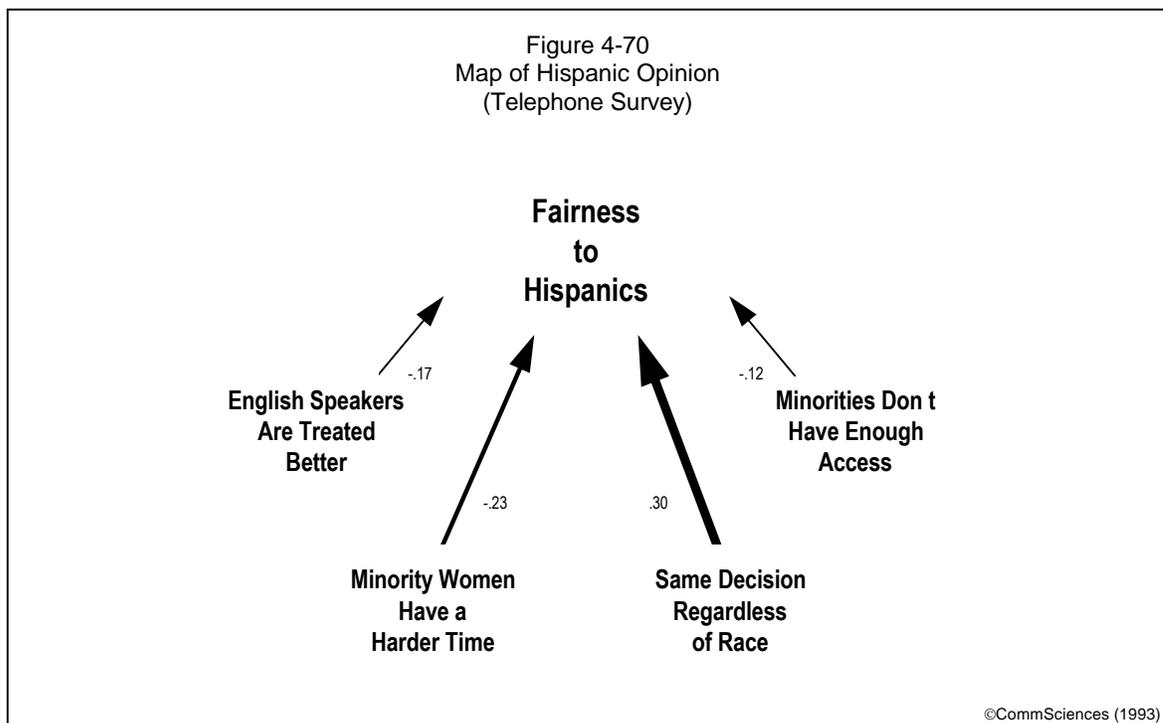
Access to Education and Information about the Courts. A perceived lack of information and education about the courts that is available to minorities has a moderate influence over public perceptions of fairness. Efforts which heighten access to information and raise public awareness of the availability of this information will improve perceptions of fairness.



b. Hispanic Perceptions of Fairness

Four issues underlie Hispanic perceptions of judicial fairness to their *own* group. Taken together, these three factors explain 31% of the total variation in perceptions of fairness among Hispanics. (Figure 4-70)

- The courts ensure the *same decision* regardless of race or ethnicity ($\beta=.30$)
- *Minority women* have a harder time than other women obtaining fair treatment in the courts ($\beta=-.23$)
- People with a good *understanding of English* are treated better than people who speak little or no English ($\beta=-.17$)
- Minorities do not have enough *access to education* and information about using the courts ($\beta=-.12$)



Same Decision Regardless of Race or Ethnicity. For Hispanics, just as for all other groups, perceptions that the court must ensure the same decision regardless of race or ethnicity strongly underlie perceptions of fairness to their own group. Any effort that enhances the perception that race or ethnicity does not affect judicial outcomes will have a positive effect on Hispanic perceptions of fairness to themselves.

Minority Women Have a Harder Time Than Other Women. The treatment of minority women is an issue the weighs heavily in the minds of everyone. Efforts which result in improved Hispanic perceptions of fairness to Hispanic women will result in higher Hispanic fairness ratings.



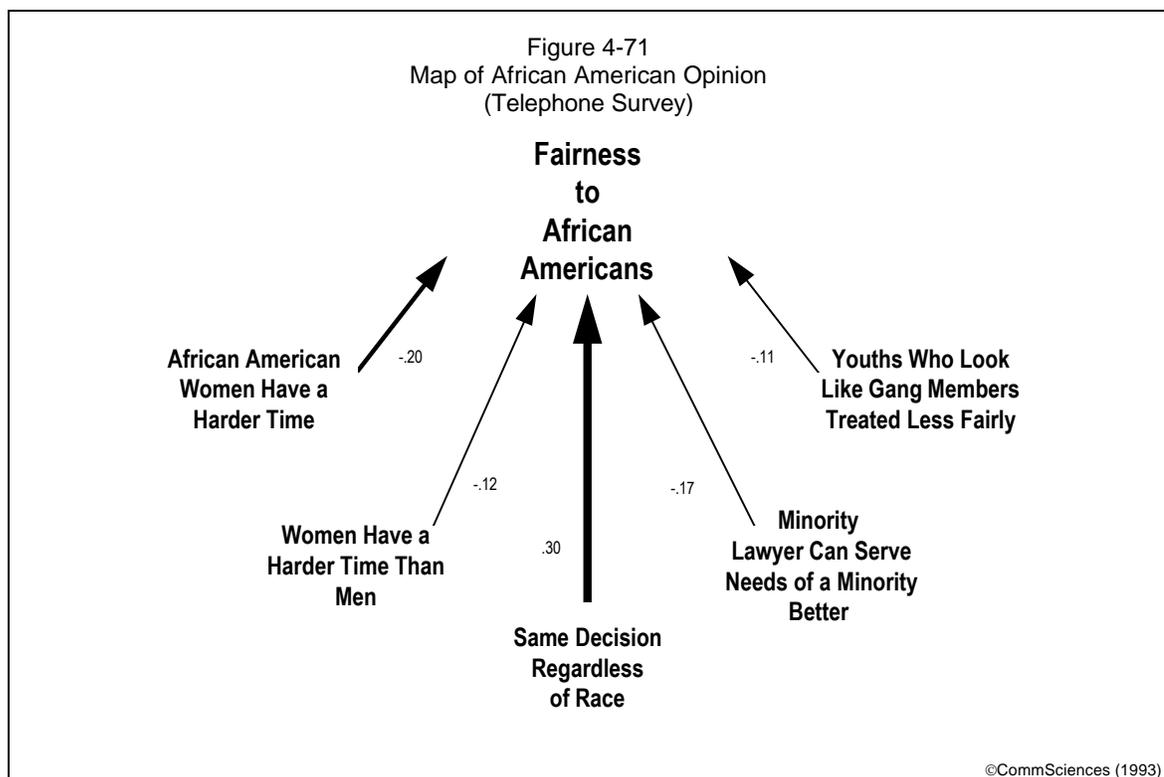
English Speakers Are Treated Better. As we might expect, language issue is a strong consideration for Hispanics. Improved Hispanic impressions of fairness hinge on their belief that the Spanish language barrier has been lowered.

Access to Education and Information about the Courts. A perceived lack of access to information and education about the courts also is a significant factor. Efforts to improve the availability of information and educational material/programs in Spanish will positively influence Hispanic feelings about fairness.

c. African American Perceptions of Fairness

Five issues underlie African American perceptions of judicial fairness toward themselves. Combined, these five issues explain 25% of the total variation in perceptions. (Figure 4-71)

- The courts ensure the *same decision* regardless of race or ethnicity ($\beta=.30$)
- *African American women* have a harder time than other minority women obtaining fair treatment in the California courts ($\beta=-.20$)
- *Minority lawyers* can serve the needs of minority clients better than can White lawyers ($\beta=-.17$)
- *Women* have a harder time than men obtaining fair treatment in the courts ($\beta=-.12$)
- Youths who look like *gang members* are treated less fairly than those who do not ($\beta=-.11$)





Same Decision Regardless of Race or Ethnicity. As in other cases, this issue is the strongest mitigator of perceptions of fairness toward African Americans. Of course, fair decisions are the cornerstone of public perceptions.

African American Women Have a Harder Time Than Other Minority Women. As expected, the treatment of African American women in particular weighs more heavily in this community of interest than anywhere else. Although the treatment of women in general is an important and significantly influential issue, the specific treatment of African American women carries substantially greater weight for this group. The strength of this issue in the map can partially be accounted for by the fact that the majority of the African American subsample consists of women (60%). Nevertheless, given the presence of similar factors in maps for other racial/ethnic groups the effect of gender proportions is probably a weak one and the outcome is clear: To the extent that African Americans feel that African American women face additional hurdles when compared with other women, their perceptions of fairness to African Americans overall will be diminished. Accordingly, regardless of the strides that may be taken to improve treatment of women overall, African Americans must feel that the courts have taken extra steps to ensure that the *additional* gap for African Americans fairness is eliminated as well.

Minority Lawyers Can Serve Minority Clients Better Than White Lawyers. This issue is an important factor in the attitude map of African Americans because it underlies a general feeling that White lawyers, and by extension, the courts themselves, are culturally insensitive to the needs of African Americans.

Women Have a Harder Time Than Men Obtaining Fair Treatment. The perception that women suffer inequities when compared with men is another influential dimension in the minds of African Americans. Once again, the presence of this factor may possibly be an artifact of the percentage of women in the subsample.

Youths Who Look Like Gang Members Are Treated Less Fairly. Although a weak link in the map, the perception that youths are treated less fairly because of stereotypes about appearance and dress underlies negative perceptions of fairness to African Americans. Efforts which overcome perceptions of cultural insensitivity involving young people will have a positive overall effect.

d. Asian Perceptions of Fairness

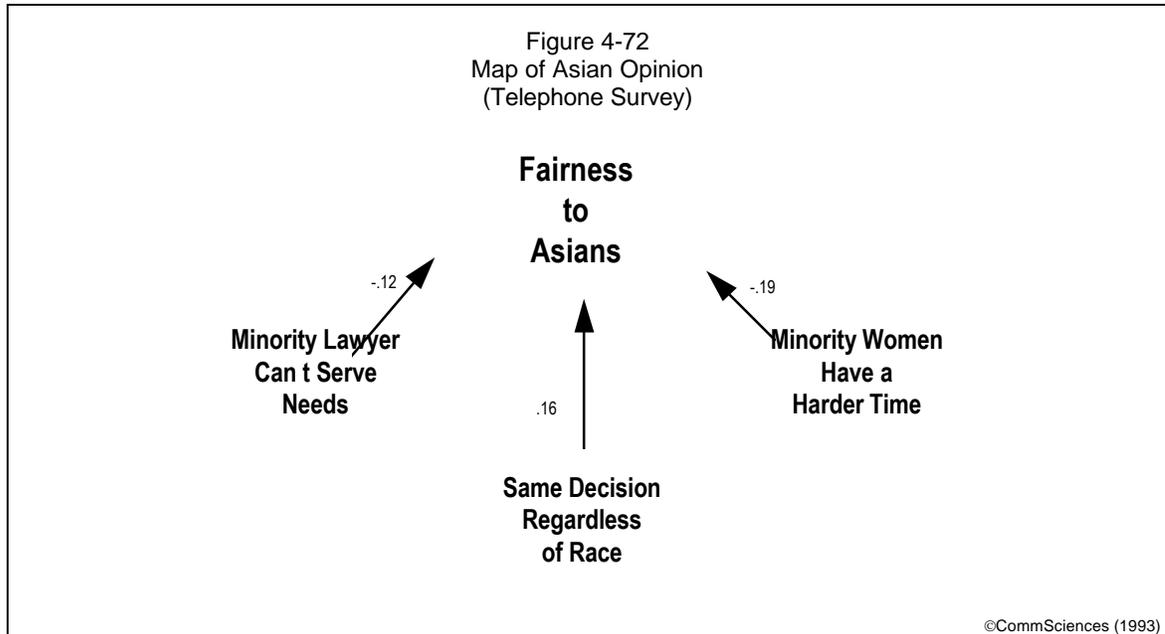
The three factors that comprise the map of Asian perceptions of fairness explain only 11% of the total variation. This weak model implies that many of the issues that were presented in the survey are not strongly associated with overall Asian attitudes in the poll. Therefore additional issues would need to be explored in order to better understand the factors that sustain Asian opinions of fairness.

The three factors in the map are:

- *Minority women* have a harder time than other women obtaining fair treatment in the courts ($\beta=-.19$)
- The courts ensure the *same decision* regardless of race or ethnicity ($\beta=.16$)



- Because of discrimination, *minority lawyers cannot serve minority clients needs* as well as non-minority lawyers ($\beta=-.12$)



Minority Women Have a Harder Time Than Other Women. Compared with other issues, poor treatment of minority women is an issue that is uppermost in the minds of Asian respondents.

Same Decision Regardless of Race or Ethnicity. Unlike attitude maps for other minority groups, perceptions that the court can ensure the same decision regardless of race or ethnicity is a significant, yet weaker contingency factor.

Discrimination Prevents Minority Lawyers From Serving Minority Needs As Well As Non-Minority Lawyers. To the extent that Asians feel that minority lawyers face discrimination that inhibits their ability to effectively serve their minority (Asian) clients, their perceptions of judicial fairness to their own group suffer.

e. Native American Perceptions of Fairness

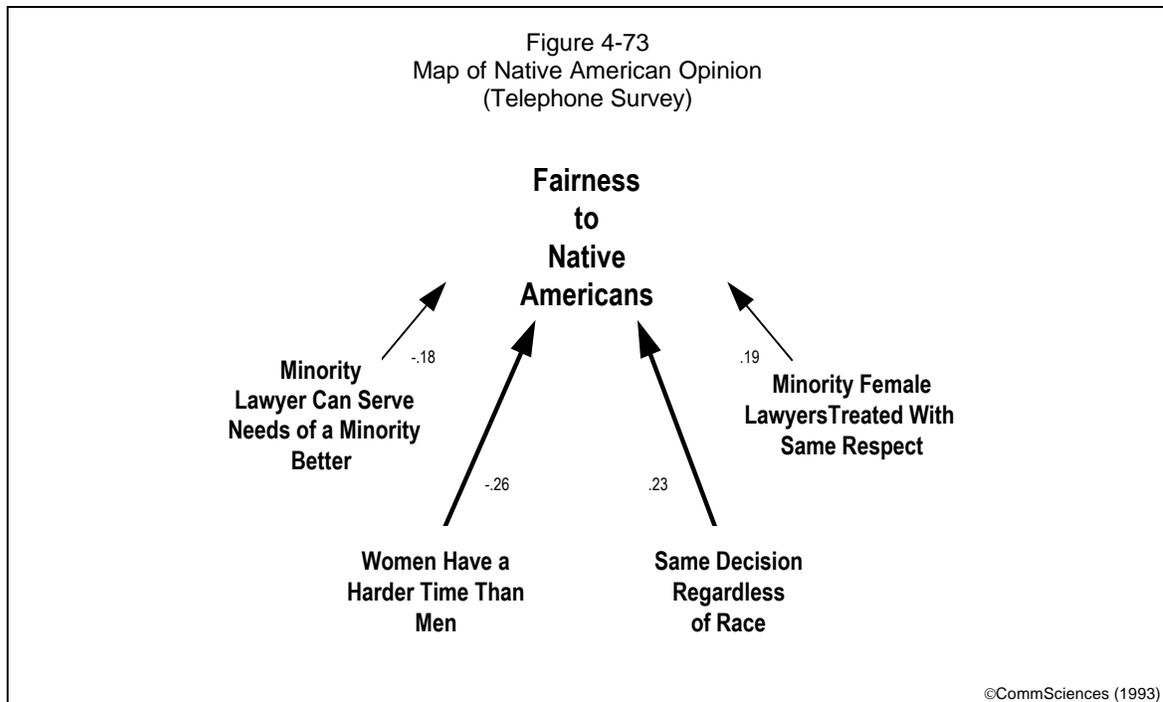
The fairness map for Native Americans is a fairly strong one, explaining approximately 35% of the total variation in perceptions.

The four factors that constitute the map are:

- The courts ensure the *same decision* regardless of race or ethnicity ($\beta=.23$)
- Women* have a harder time than men obtaining fair treatment in the courts ($\beta=-.26$)
- Minority female lawyers* are treated with the same respect as other female lawyers ($\beta=-.19$)



- *Minority lawyers* can serve the needs of minority clients better than can White lawyers ($\beta = -.18$)



Women Have a Harder Time Than Men Obtaining Fair Treatment. Perhaps more than any other group, Native Americans are very concerned about the treatment of women and the comparative inequities in the way the courts treat women and men. The magnitude of the influence of this issue is partially explained by the preponderance of women (59%) in the Native American sample.

Same Decision Regardless of Race or Ethnicity. Unbiased decisions by the courts is synonymous with fairness.

Minority Female Lawyers Are Treated with the Same Respect. To the extent that Native Americans believe that minority female lawyers are treated with the same respect as other female lawyers their perceptions of fairness to themselves is better. This finding mirrors their attitudes about fairness to women more generally.

Minority Lawyers Serve Minority Client Needs Better Than White Lawyers. Perceptions that minority lawyers are best able to serve the needs of minority clients is a significant factor in the attitude map of Native Americans because, as in the case of African Americans, it underlies a general feeling that White lawyers, and by extension, the courts themselves, are culturally insensitive to the needs of Native Americans.

The results of the mapping analyses make it clear that each racial/ethnic group has its own perceptions of fairness that have been shaped by its particular experiences and circumstances.



Nevertheless, taking all the data into account, the umbrella issues that any program must address are: (1) Provide compelling evidence that the courts reach the *same decision regardless of race or ethnicity*, (2) effective measures to limit *perceived bias against minority women*, and (3) improved access to *information and education* about the courts.

In the next section we examine public support for several changes that have been suggested to improve the fairness of the courts.

Table 4-9
Summary and Comparison of Attitude Maps
(Telephone Survey)

	Overall	White	Hispanic	African American	Asian	Native American
Underlying Factor	R ² =.27	R ² =.28	R ² =.31	R ² =.25	R ² =.11	R ² =.35
The California courts ensure the same decision regardless of your race or ethnic origin.	β=.29	β=.29	β=.30	β=.30	β=.16	β=.23
Minority women have a harder time than other women obtaining fair treatment in the state courts.	β=-.19	β=-.20	β=-.23		β=-.19	
African American women have a harder time than other minority women obtaining fair treatment in the state courts.	β=-.14	β=-.18		β=-.20		
Women have a harder time than men obtaining fair treatment in the courts.				β=-.12		β=-.26
Minority female lawyers are treated with the same respect as other female lawyers.						β=.19
Minorities do not have enough access to education and information about using the courts.	β=-.11		β=-.12			
Youths who look like gang members are treated less fairly by the courts than those who do not.				β=-.11		
A minority lawyer can serve the needs of a minority client better than a White lawyer				β=-.17		
Because of discrimination in the courts, a minority lawyer cannot serve the needs of his client as well as a non-minority lawyer.					β=-.12	β=-.18
In the courts, people with a good understanding of English are treated better than people who speak little or no English.			β=-.17			

N.B. Values in cells are beta weights for the associated factor in the attitude map

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4.12 Public Support for Suggested Changes in Procedures and Programs

Speakers at the public hearings urged the courts to initiate a variety of procedural changes or programs to remedy several of the problems outlined in the testimony. In this section, we discuss the results of survey measures that address these changes. *Caveat emptor*: Supportive findings should not be interpreted to mean that the changes are warranted or even desirable. Rather, the results serve merely to demonstrate the extent of public support that could be expected were the suggested changes or programs to be implemented.

The survey items included measures of public support for:

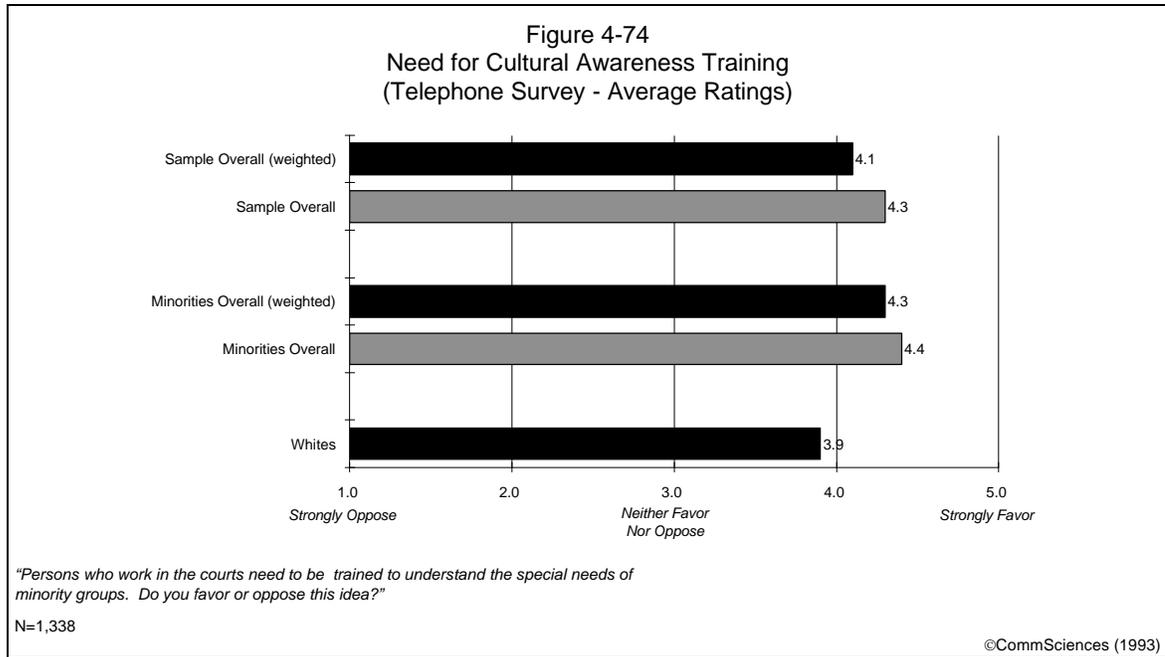
- Extensive *cultural awareness* programs for judges, attorneys, court support staff, and law enforcement officers to help these people better understand the special needs of minority groups
- Educational programs for court personnel to help them recognize and overcome *racial/ethnic bias* and racism that may be present in the court system
- Increases in the level of *minority employment* in the courts
- Provision of an adequate number of *court interpreters* in all civil areas
- Interpreting services at the courts that would be *subsidized* or provided free-of-charge for non-English speaking people
- More *minority representation* and diversity in the jury pool and on both grand and trial juries

4.12.1 Cultural Awareness Training

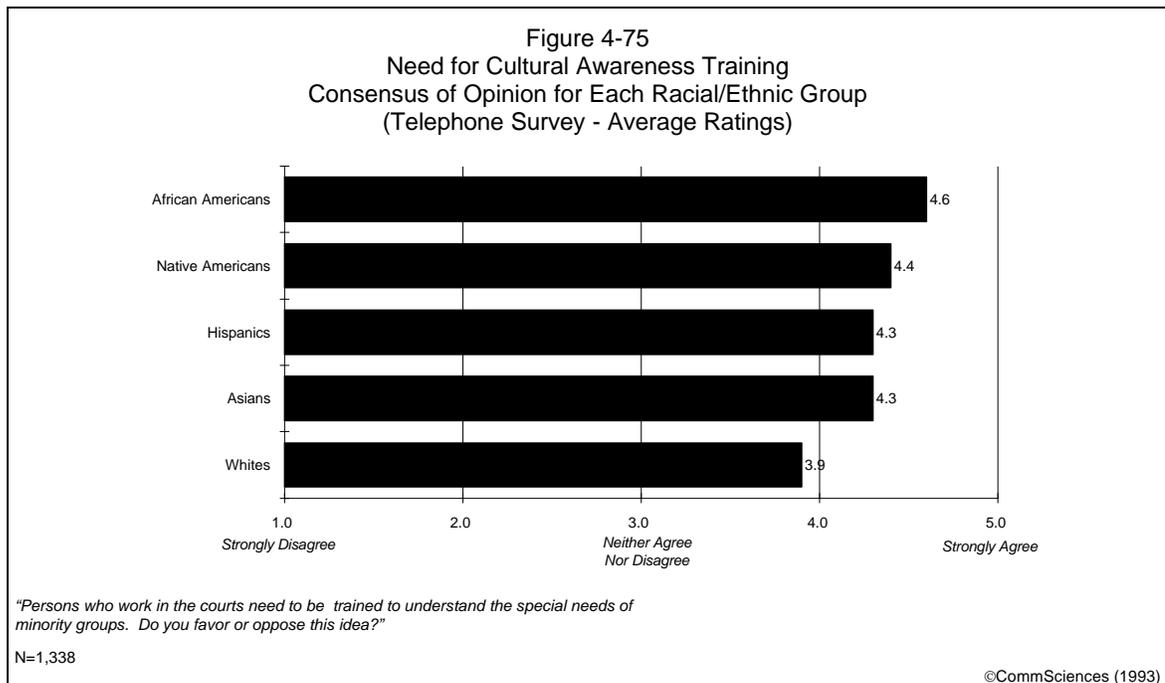
Racial and ethnic diversity brings various pressures to bear on the court system that precipitate a need for extensive cultural awareness programs for court personnel whose jobs frequently are exacerbated by racial tension.



The majority of Californians (80%) feel *strongly* that people who work in the courts need to be trained to understand the special needs of minority groups. (Figure 4-74)



The magnitude of opinion is strongest and the consensus of opinion is greatest among African Americans (4.6) and Native Americans (4.4). Even Whites mostly concur with the need for cultural awareness training. (Figure 4-75)

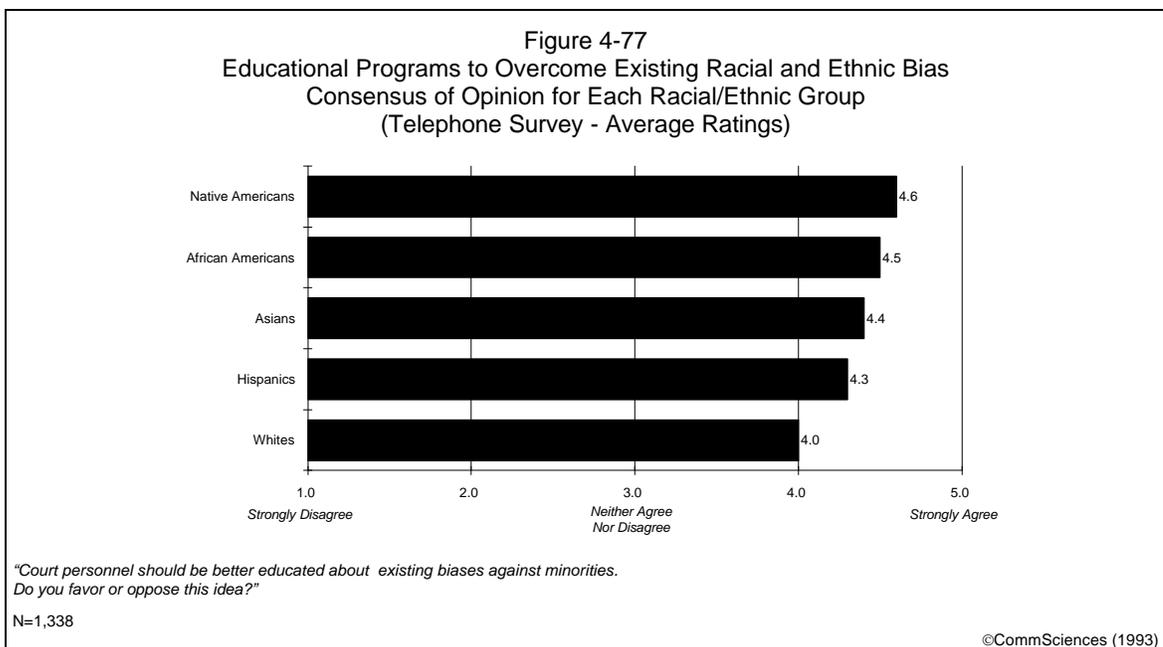
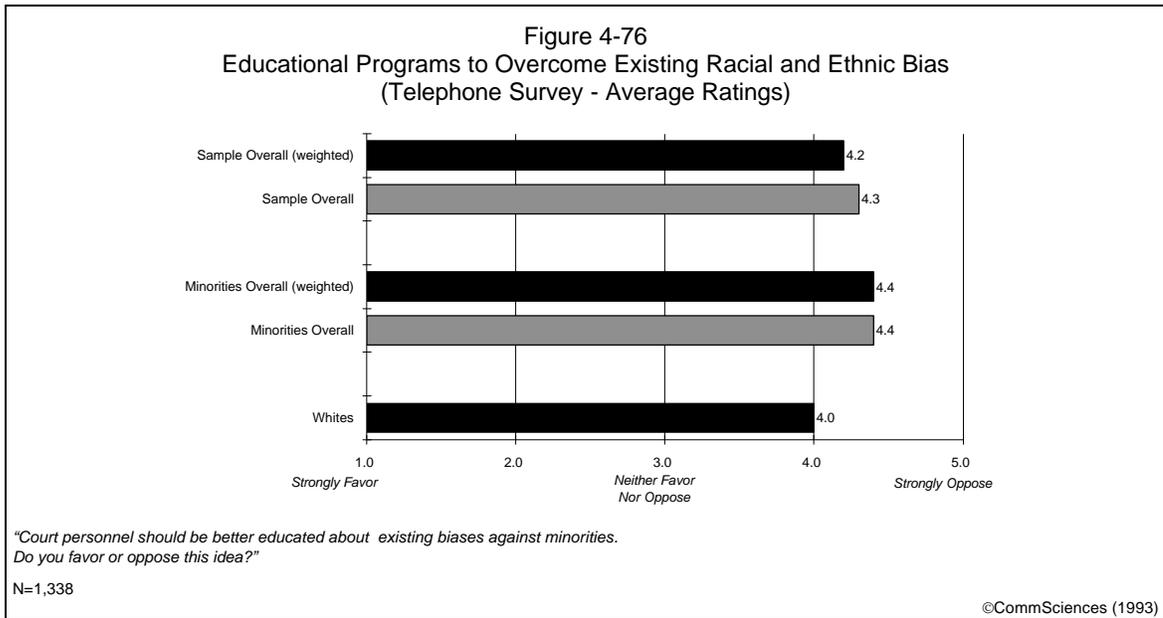




4.12.2 Educational Programs to Overcome Racial and Ethnic Bias

Testimony at the hearings revealed that many people feel structural and institutionalized racism exists in the state’s court system. Common complaints concerned racist or insensitive behavior allegedly by court personnel, district attorneys, public defenders and police department officials. There was a call for educational programs targeting the latter groups to counter these problems.

Findings confirm strong support across the board (82% in agreement) for educational programs to overcome existing biases against minorities. (Figures 4-76 and 4-77)

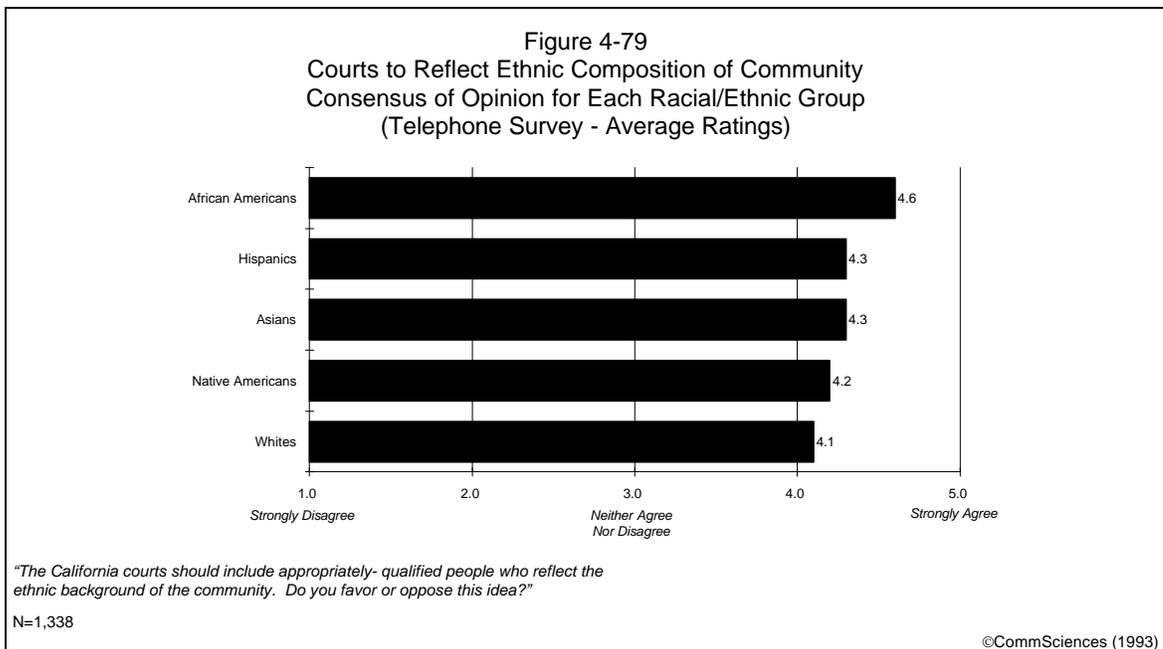
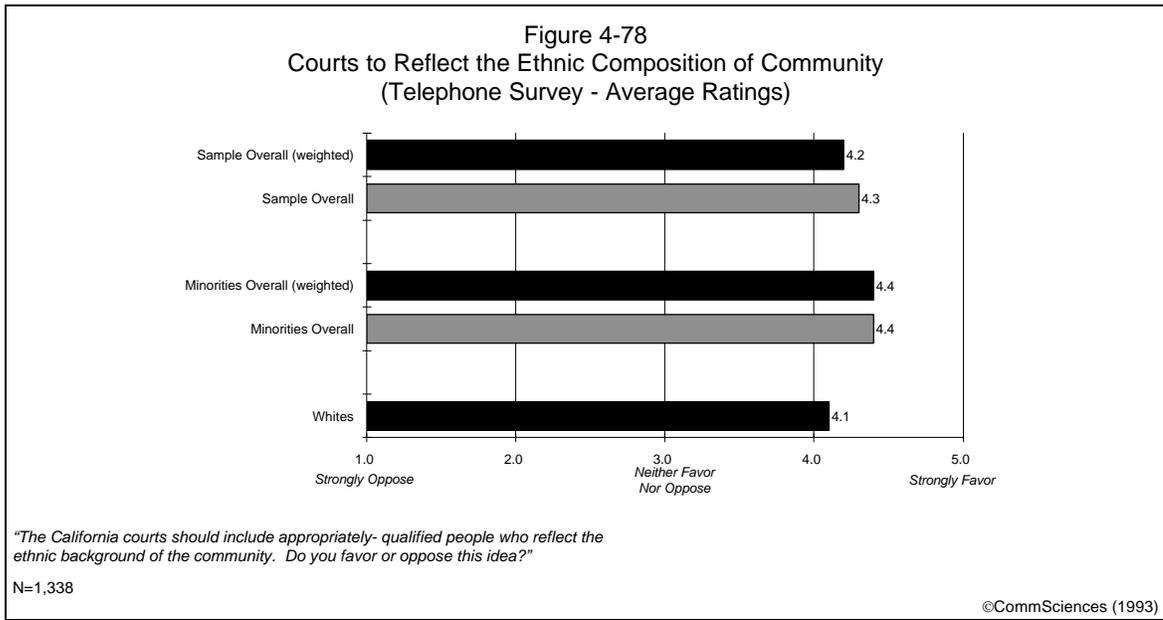




4.12.3 Improved Minority Employment in the Courts

Testimony indicated that there is a lack of ethnic and racial diversity as well as unfair hiring and promotion practices within the state’s court system. Speakers called for increased minority employment in the courts to ensure that the composition of court personnel is representative of the community at large.

Empirical results unequivocally affirm (85% in agreement) the fact that the public desires to see the courts become more representative of the communities they serve. (Figures 4-78 and 4-79)

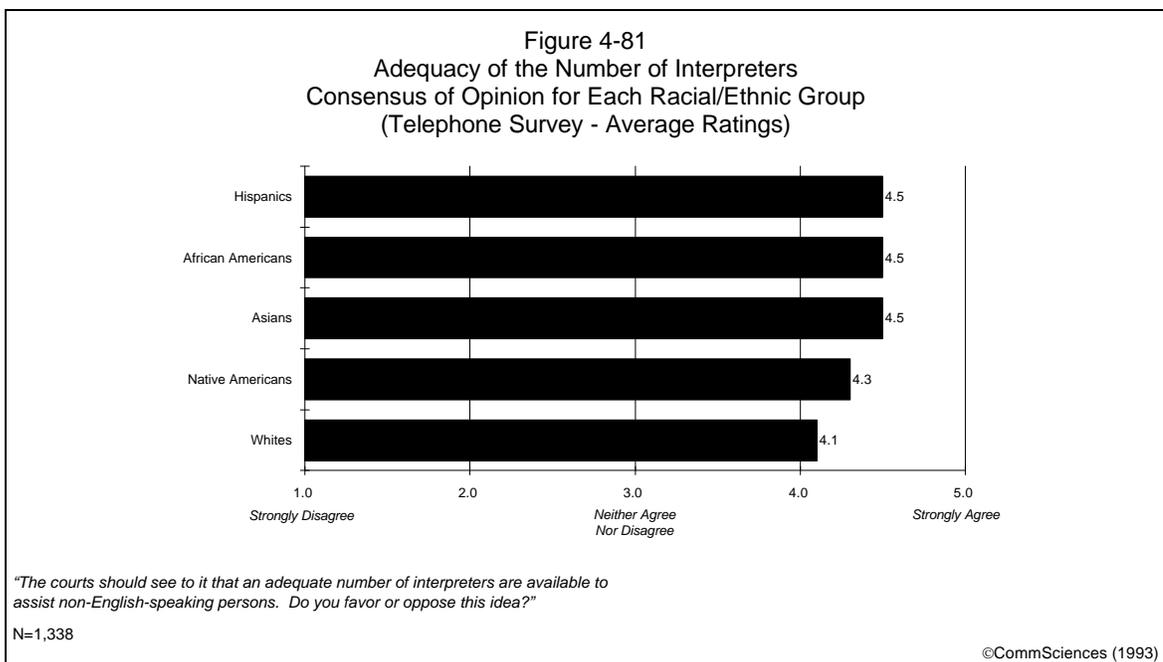
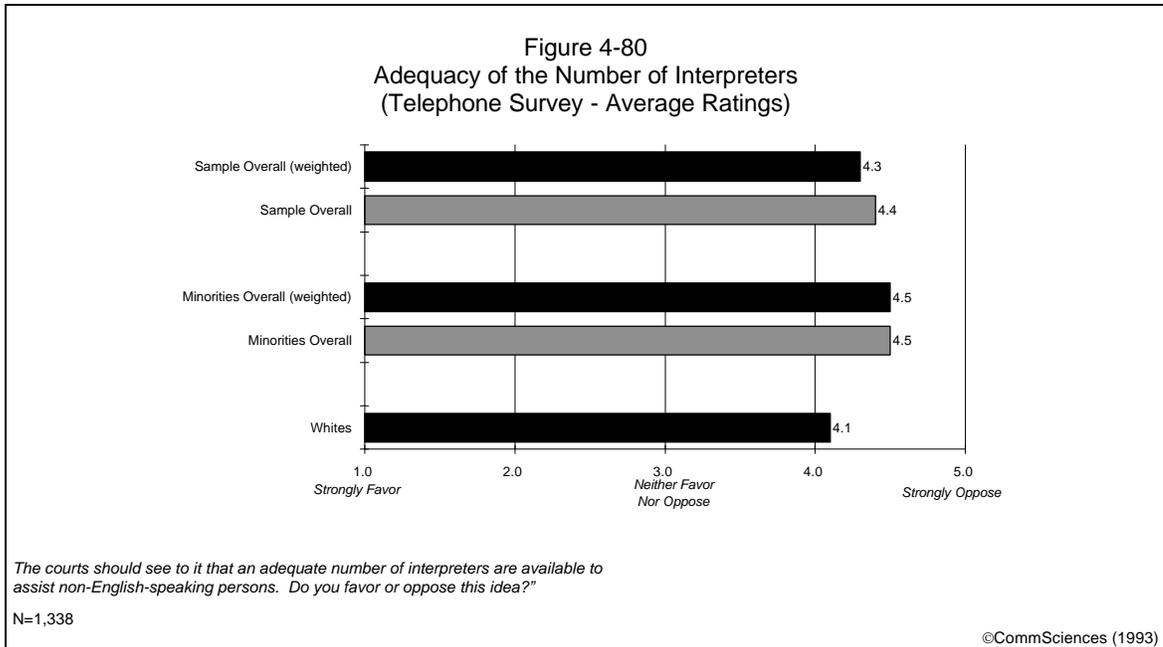




4.12.4 Increase in the Number of Interpreters

The pressing need for more and better court interpreters was cited very often during the public testimony. The survey findings mirror the views expressed in the hearings.

Californians overwhelmingly agree (85%) that the courts must ensure that an adequate number of interpreters are available to assist non-English speakers. (Figures 4-80 and 4-81)

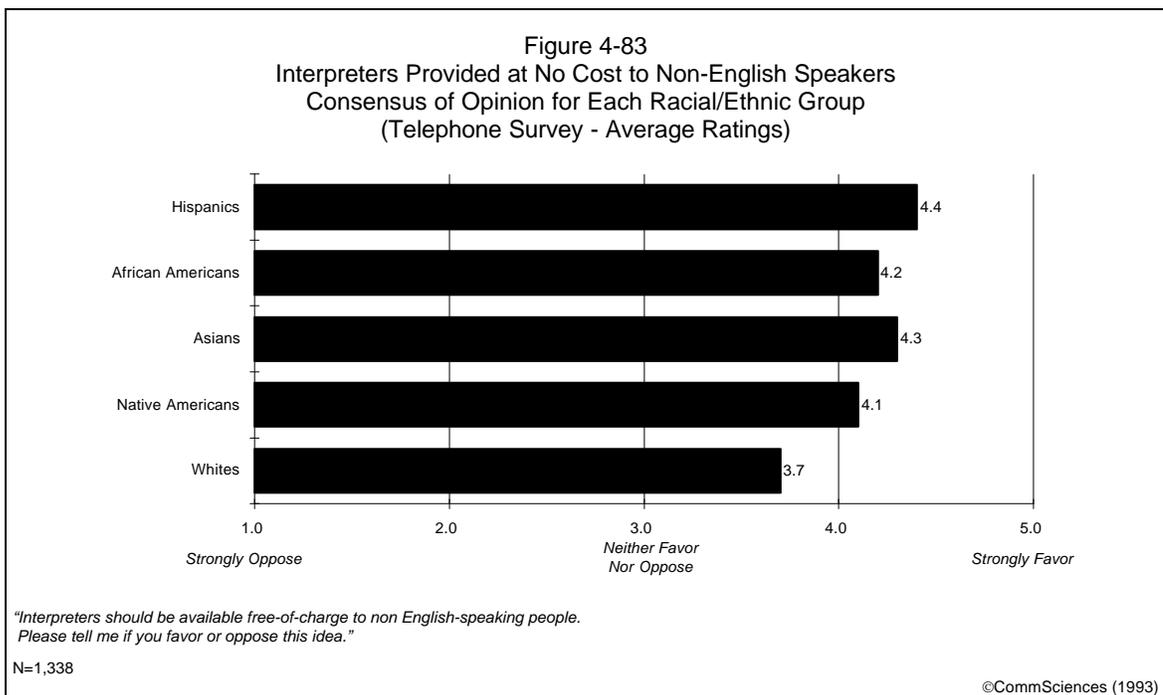
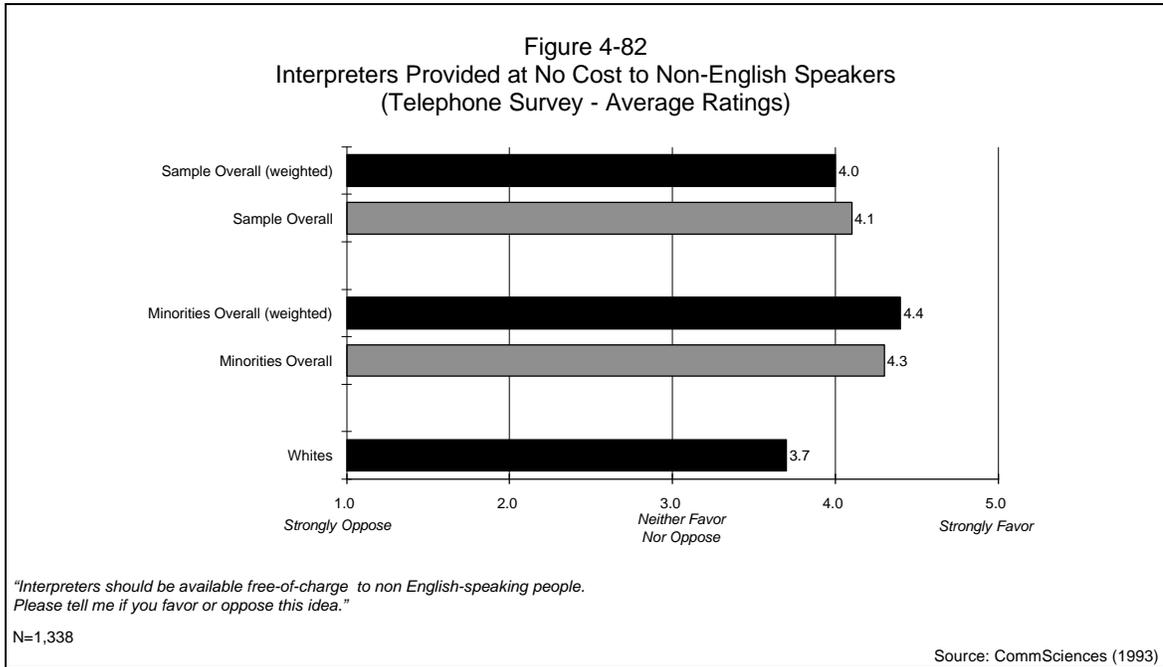




4.12.5 Subsidized Interpretation Services for Non-English Speakers

Suggestions were made during the hearings that court-appointed interpreters should be appointed free-of-charge, or at a subsidized rate, to low-income non-English speakers.

Survey results indicate that Californians overwhelmingly favor (76%) providing interpreters *free-of-charge* to non-English speaking people. (Figures 4-82 and 4-83)

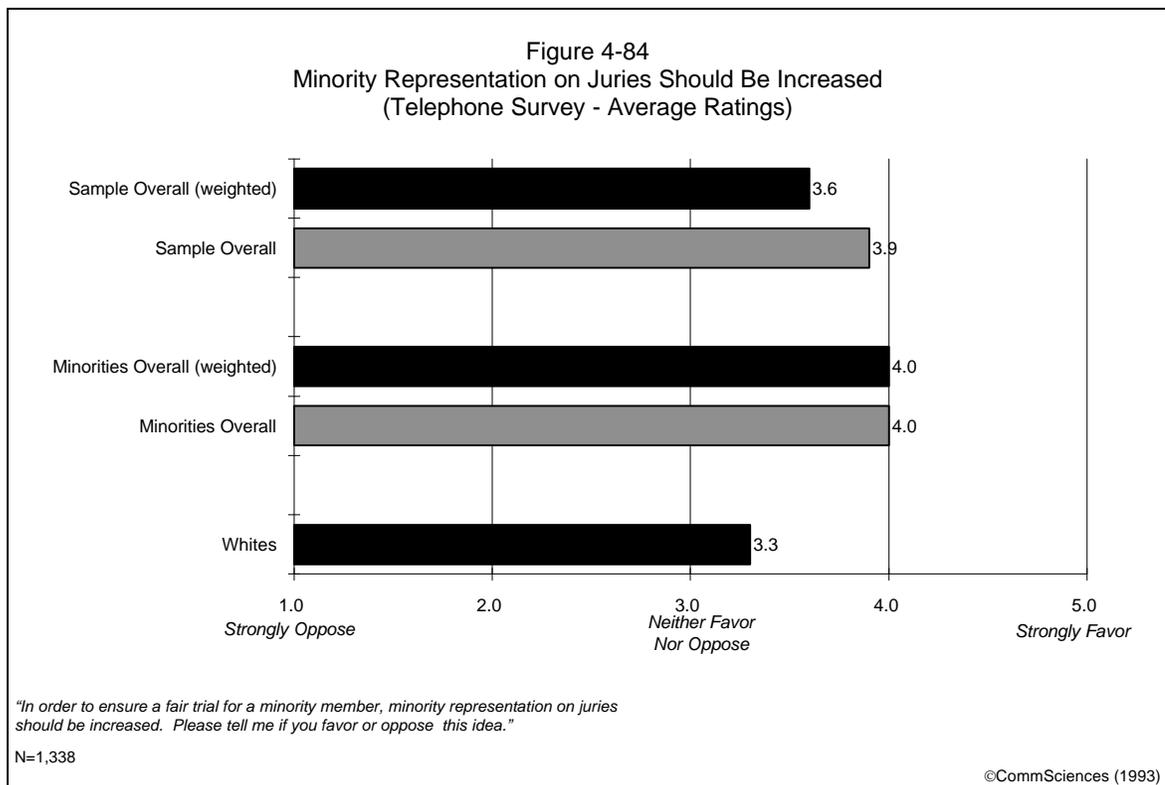


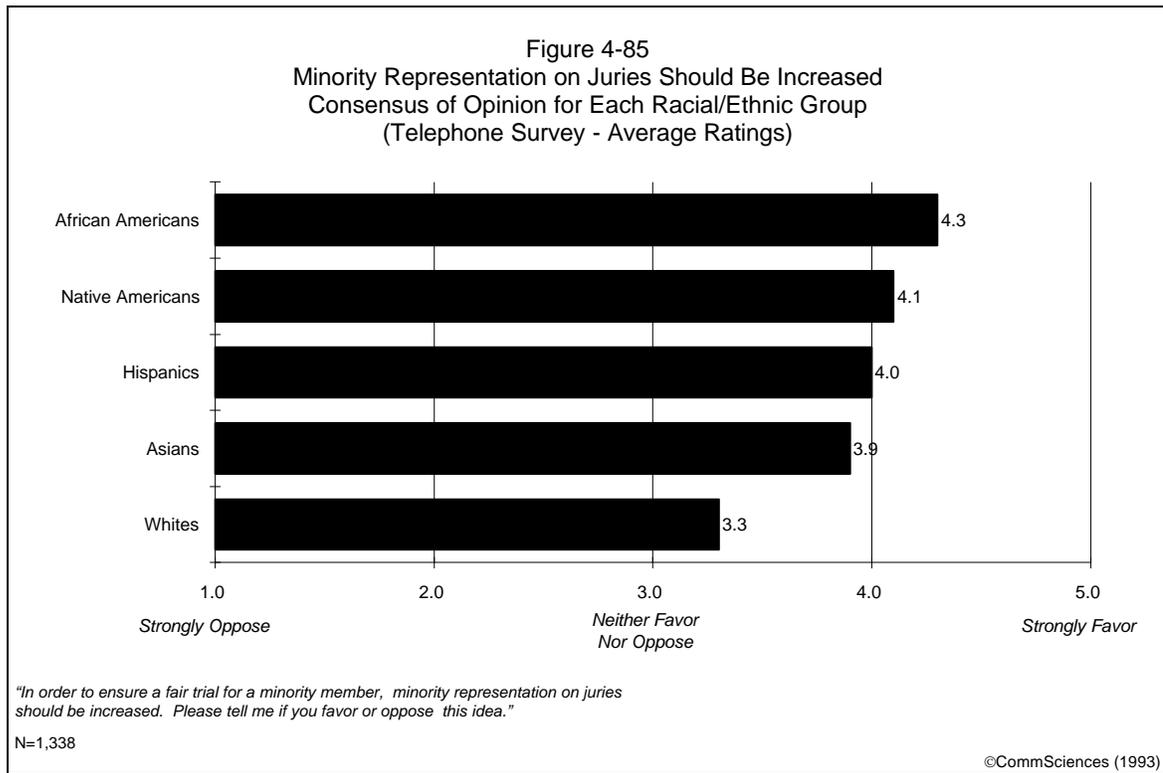


4.12.6 Increased Minority Representation on Juries

Racial and ethnic bias in both grand juries and trial juries is an issue that has been widely debated. Critics have noted the lack of racial and ethnic diversity on juries and in the selection process, decried discriminatory practices that tend to eliminate minorities from the jury pool, and emphasized the negative impact of racial stereotypes on non-White jurors. The courts have been urged to find ways to increase minority participation in both the jury pool and on juries themselves.

As might be expected, minorities in California strongly support increasing minority representation on juries (Figure 4-84). However, while on balance, Whites tend to support increasing minority involvement on juries, compared with minority opinions, White support is significantly weaker (Figure 4-85).





4.12.7 Summary of Public Support for Changes

Table 4-10 summarizes the findings across racial/ethnic groups for this section. It should be clear from the table that, with few exceptions, there is widespread agreement on most issues.

Table 4-10
Public Support For Improvements in Procedures and Policies
Summary of Differences between Racial/Ethnic Groups
(Telephone Survey - Average Ratings)

Public Support For Improvements	Whites	Hispanics	African Americans	Asians	Native Americans
Persons who work in the courts need to be trained to understand the special needs of minority groups.	3.9	4.3	4.6	4.3	4.4
The California courts should include appropriately-qualified people who reflect the ethnic background of the community.	4.1	4.3	4.6	4.3	4.2
The California courts should have an adequate number of interpreters to assist non English-speakers.	4.1	4.5	4.5	4.5	4.3
Court personnel need to be better educated about existing biases against minorities.	4.0	4.3	4.5	4.4	4.6
Interpreters should be available free-of-charge to non English-speaking people.	3.7	4.4	4.2	4.3	4.1
In order to ensure a fair trial; for a minority member, minority representation on juries should be increased.	3.3	4.0	4.3	3.9	4.1

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In general, these findings suggest the need for improved access. If these suggested changes in policies and programs were implemented, they would go part of the way toward addressing the desire for racial and ethnically blind judicial procedures. However, they still would not resolve all of the issues, such as addressing the issue of bias against minority women.

Overall, Californian courts will have to do much more than modify policies and programs to improve their image of fairness. They also will have to mount an extensive and lasting public information campaign to expound on change and counter public misperceptions where they exist.



5.0 ANALYSIS AND FINDINGS: MAIL SURVEY

The following analysis examines the results of a mail census of judicial officers (judges and commissioners), non-judicial personnel and a survey sample of attorneys with minority interests.

As previously outlined, attorneys represent approximately 23% of the total sample, the overall findings are mostly reflective of the views of judicial and non-judicial personnel (see Sample Distribution section for details). Clearly, the views of judicial officers and non-judicial personnel primarily represent the feelings of White professionals and court staff while the attorney sample is representative of a much wider range of views and constituencies. (For more information see page 3-1).

Where appropriate, responses are compared on the basis of *occupation category* and *type of court*. In many cases there is very little variation based on court division, however, there are some systematic trends that appear throughout the data.

Regional differences generally are not reported because, where significant differences do exist, they can be attributed to the respondent job-type composition of each region. In other words, where variation in response is evident, it is usually attributable the type of job the respondent holds (i.e., whether the respondent is a judicial officer, non-judicial staff member, or an attorney with an interest in minority affairs) and once the job-related influence is removed, there are few significant differences in responses across regions. Further, many respondents indicated that they work in more than one county location, often transcending the pre-established regions. County by county data is not reported but is available from the raw data.

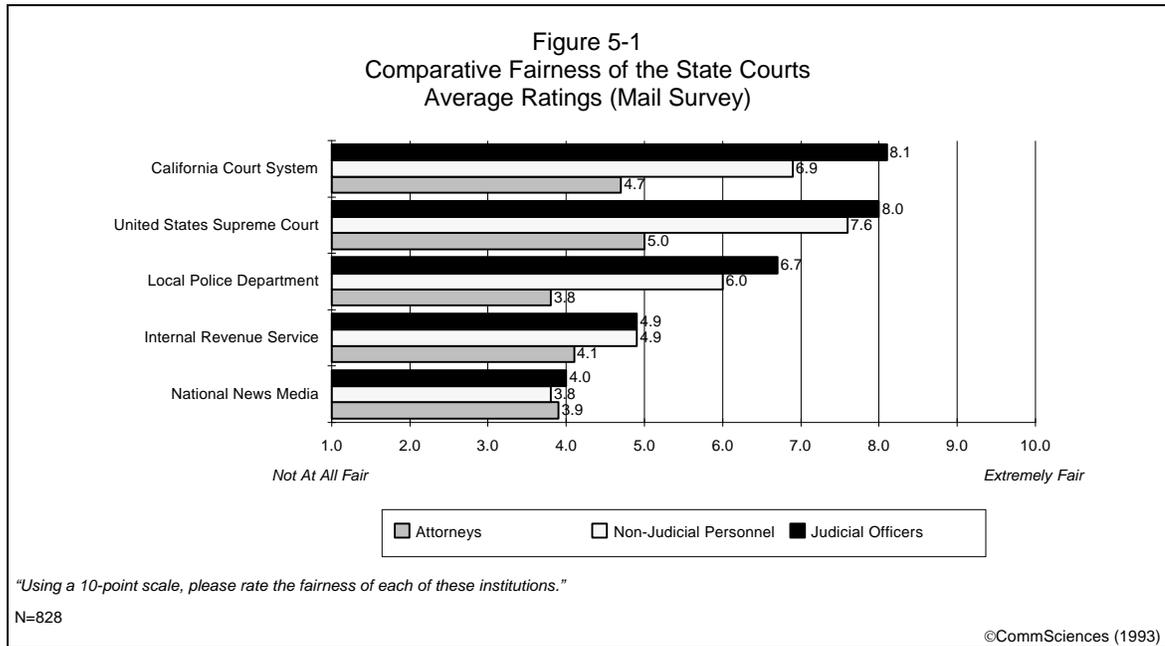
5.1 Overall Fairness of the California Courts

As in the telephone poll, in order to determine where the California state courts stand in relation to other major American institutions, respondents used a 10-point scale to rate various institutions in terms of their *overall fairness*.

Officers of the court provide *high* overall fairness ratings for the California Courts, the United States Supreme Court and the local police (average 6.0 to 8.1 on a 10-point scale). Judges provided the highest average ratings. However, attorneys, who rated fairness *low* for all institutions (never higher than 5.0), rated the state courts 4.7, ranking the state's institutions below the U.S. Supreme Court (5.0) and slightly above the IRS (4.1). Ratings provided by non-judicial personnel are significantly lower (6.9) than the ratings provided by judicial officers (8.1).



It's safe to conclude that, compared with judicial officers, non-judicial personnel have a significantly poorer impression of the fairness of the state courts (Figure 5-1). Yet, the courts receive higher ratings by both these groups than the ratings they receive from the general public or from attorneys in this sample. It is clear that people who work for the courts have a decidedly positive impression of the institution, while minorities and some attorneys are lukewarm at best.



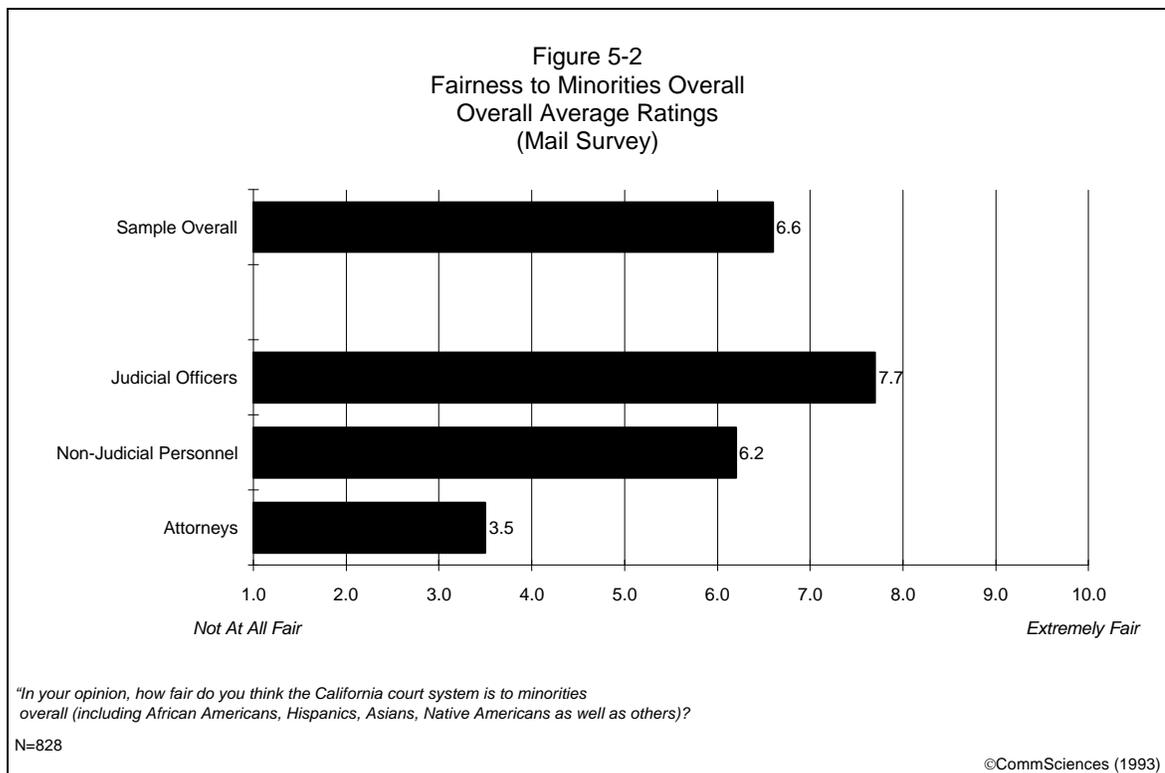


5.2 Fairness To Minorities

The minority fairness measure was identical to the 10-point fairness measure used in the telephone survey. The following discussion presents the overall results.

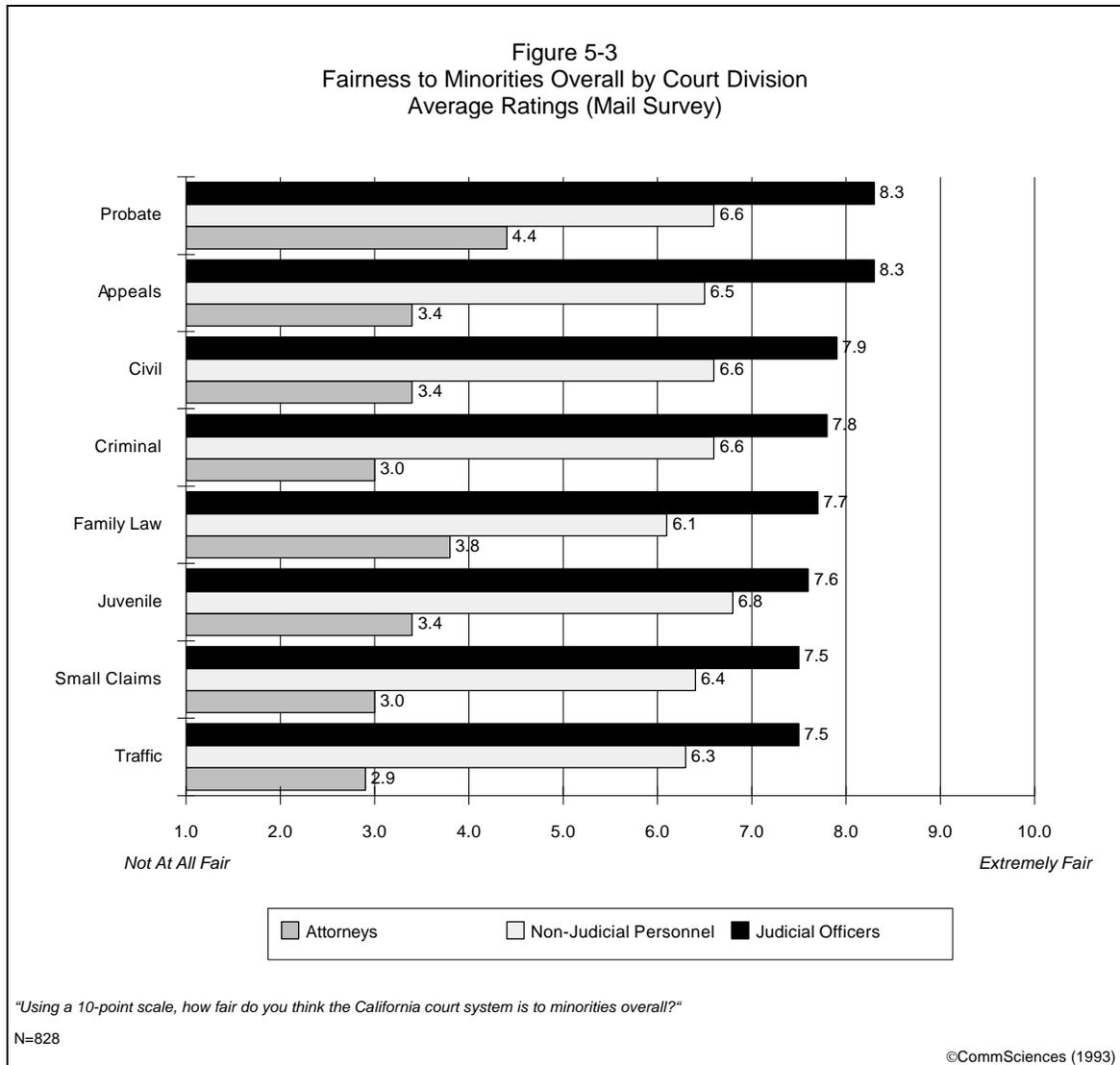
5.2.1 Fairness to Minorities Overall

Consensus among Court Personnel and Attorneys. As before, compared with non-judicial personnel and attorneys, judicial officers give the courts a significantly higher fairness rating. The extremely low average fairness rating among the ethnically and racially varied attorney group (3.5) is a cause for some concern since it indicates the existence of an extremely large difference of opinion with the mostly White court personnel who took part in the survey. (Figure 5-2)





Consensus by Court Division. Generally, there was no significant variation in ratings across types of courts. However, as we'll point out in later findings as well, there is a trend among attorneys working traffic, small claims and criminal courts (and to a lesser degree among attorneys in appeals, civil, and juvenile) to provide significantly lower than average ratings of fairness. The latter finding indicates a particularly negative opinion set about fairness toward minorities among attorneys working in these areas. (Figure 5-3)

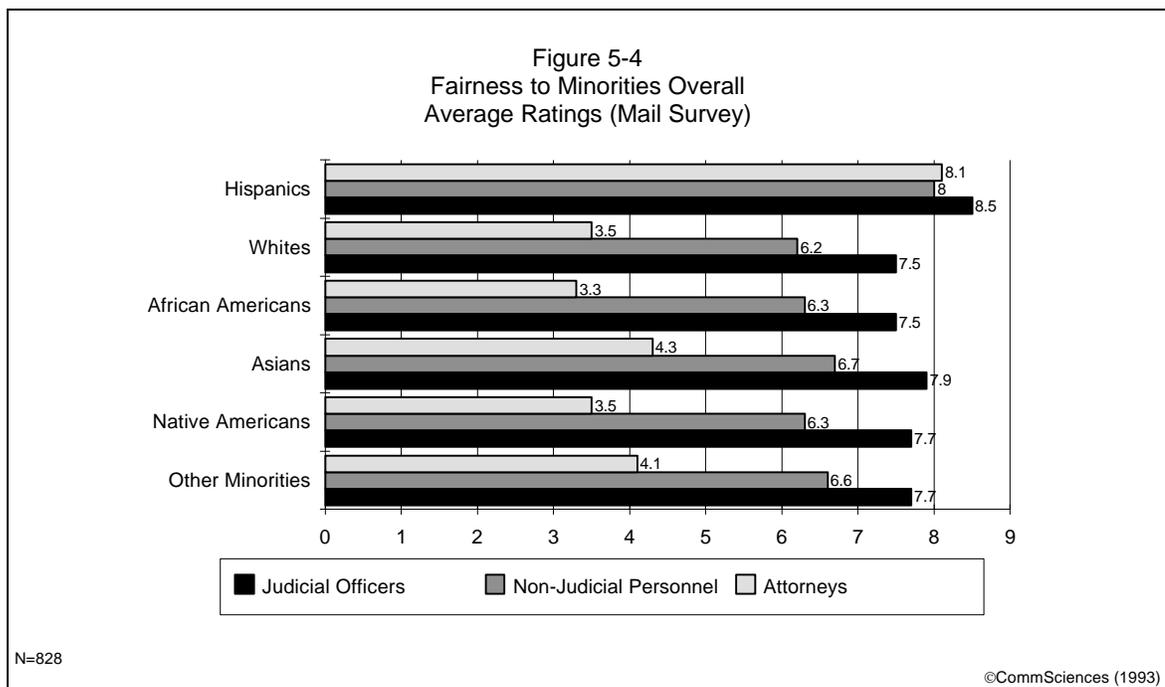




5.2.2 Fairness to Specific Racial/Ethnic Groups

As in the case of the telephone survey, a clearer picture of attitudes begins to emerge when we examine fairness ratings toward specific racial or ethnic groups.

Consensus among Court Personnel and Attorneys. There is unanimous agreement that Whites are treated very fairly by the courts. However, when it comes to minorities, a significant difference of opinion exists between judicial officers whose impressions tend to be *very positive*, non-judicial personnel who tend to be *moderately positive*, and attorneys, who are *overwhelmingly negative*. There is a trend among respondents in all job categories that Asians are treated better than all other minorities, but not by much. The findings for judicial officers are disconcerting because they reveal a consistent and highly positive impression of the fairness of the courts that is not shared by the other groups. (See Figure 5-4)





Consensus by Court Division. There was minimal variation in perceived fairness to specific minority groups across divisions of the court system. The general trends for different courts are consistent with previously mentioned findings whereby criminal courts, traffic courts and small claims courts tend to receive significantly lower fairness ratings overall, especially by attorneys (see Figures 5-5(a) through (f)).

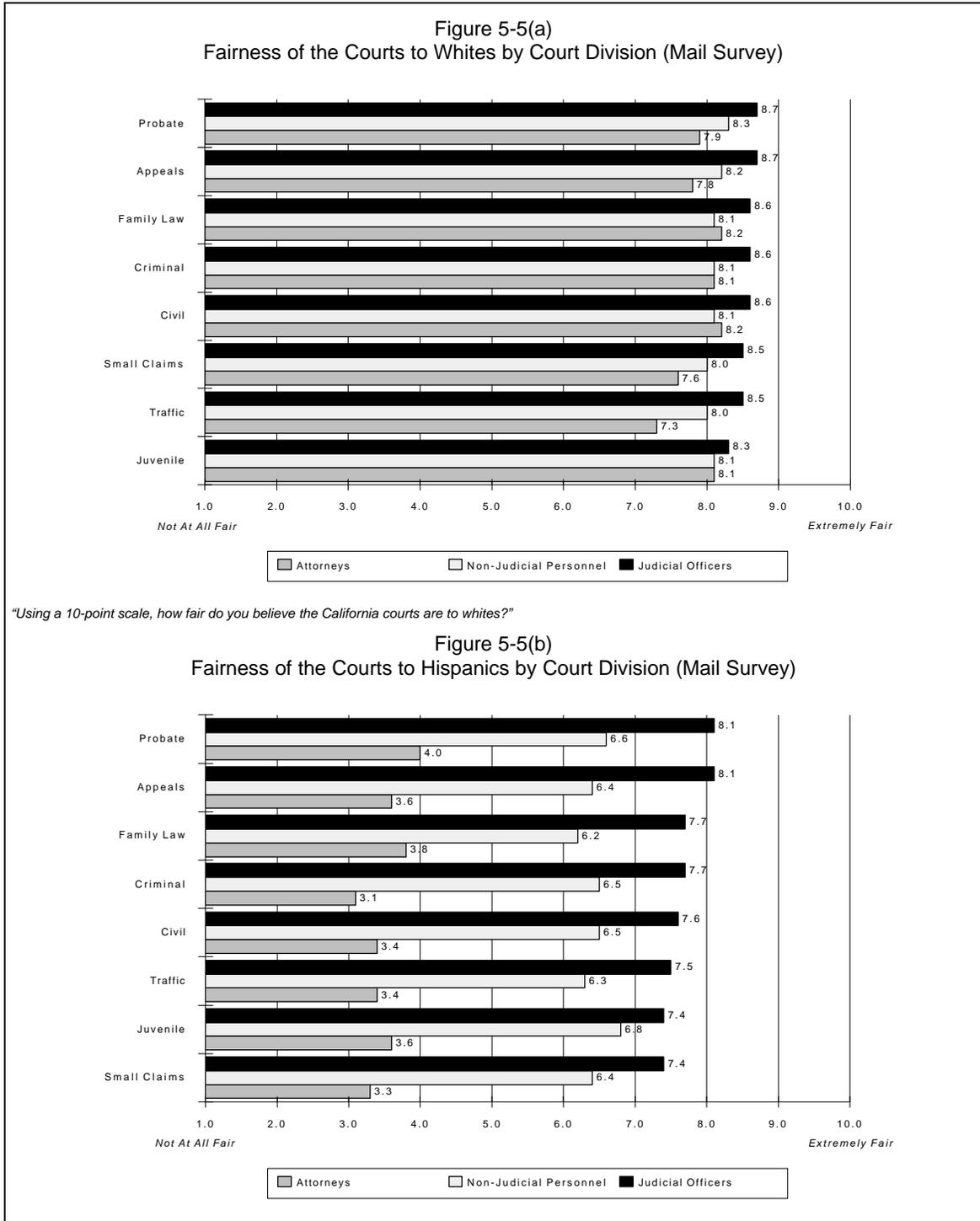
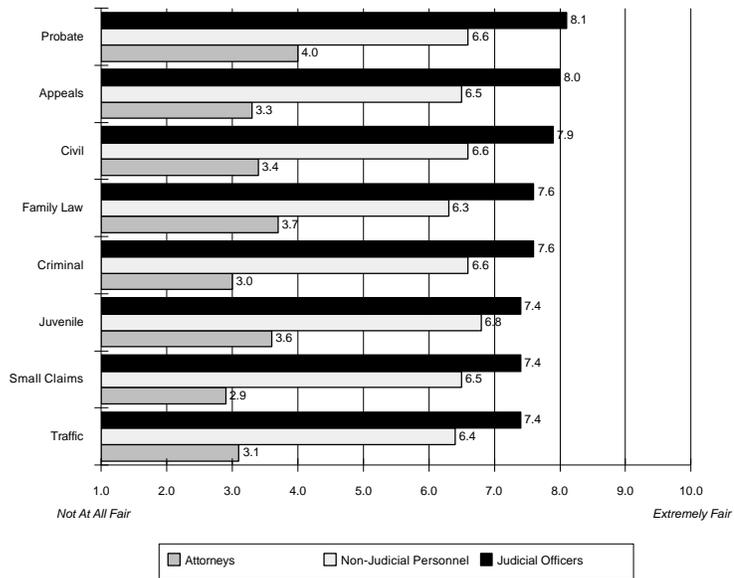


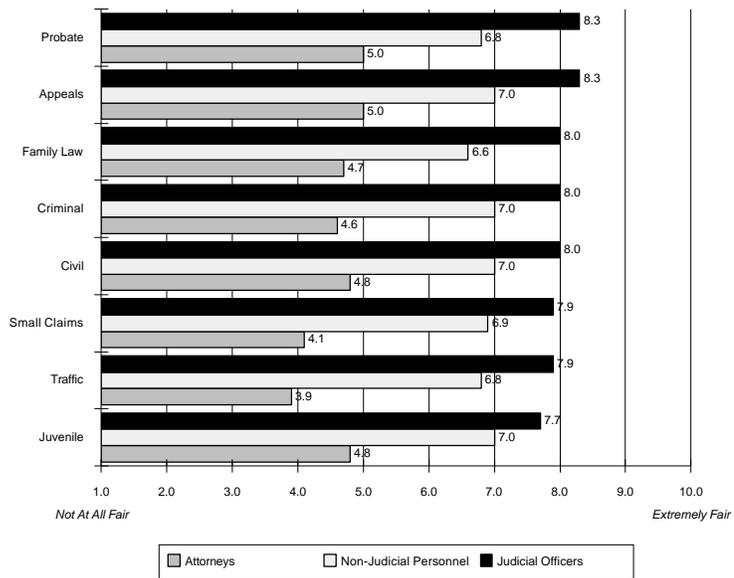


Figure 5-5(c)
Fairness of the Courts to African Americans by Court Division (Mail Survey)



"Using a 10-point scale, how fair do you believe the California courts are to African Americans?"

Figure 5-5(d)
Fairness of the Courts to Asians by Court Division (Mail Survey)



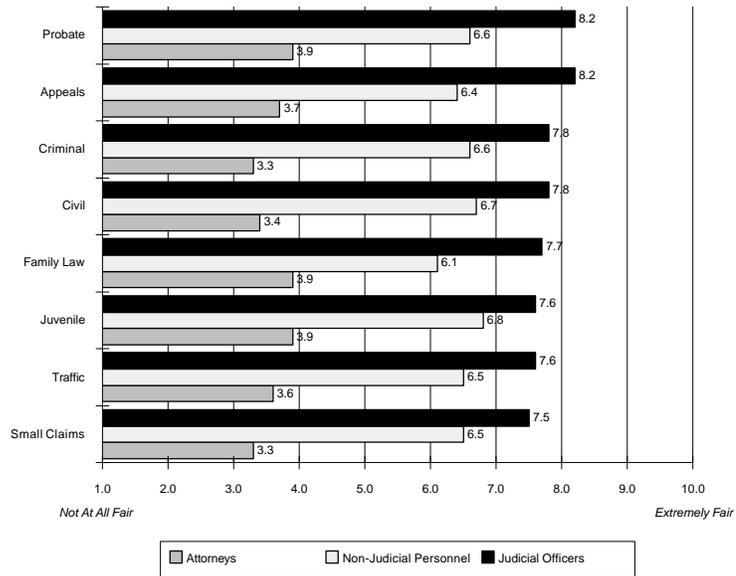
"Using a 10-point scale, how fair do you believe the California courts are to Asians or Pacific Islanders?"

N=828

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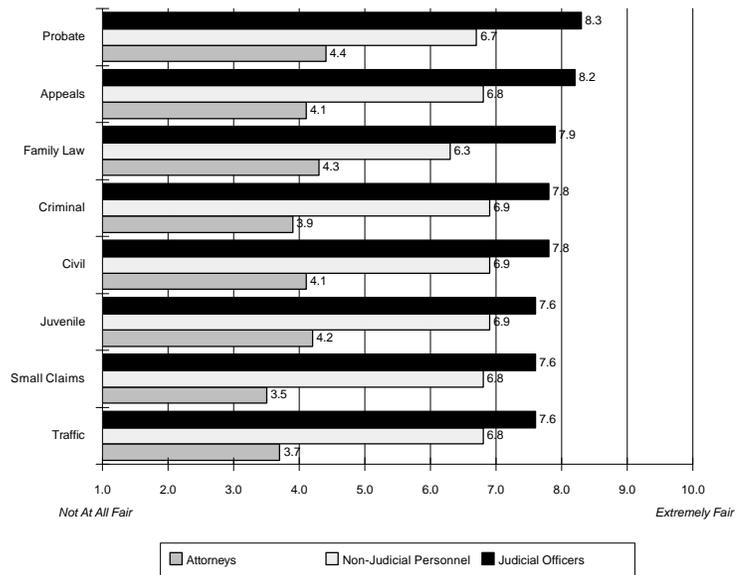


Figure 5-5(e)
Fairness of the Courts to Native Americans by Court Division (Mail Survey)



"Using a 10-point scale, how fair do you believe the California courts are to Native Americans?"

Figure 5-5(f)
Fairness of the Courts to Other Minority Groups by Court Division (Mail Survey)



"Using a 10-point scale, how fair do you believe the California courts are to other minority groups?"

N=828

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5.3 Racial/Ethnic Diversity in the Courts

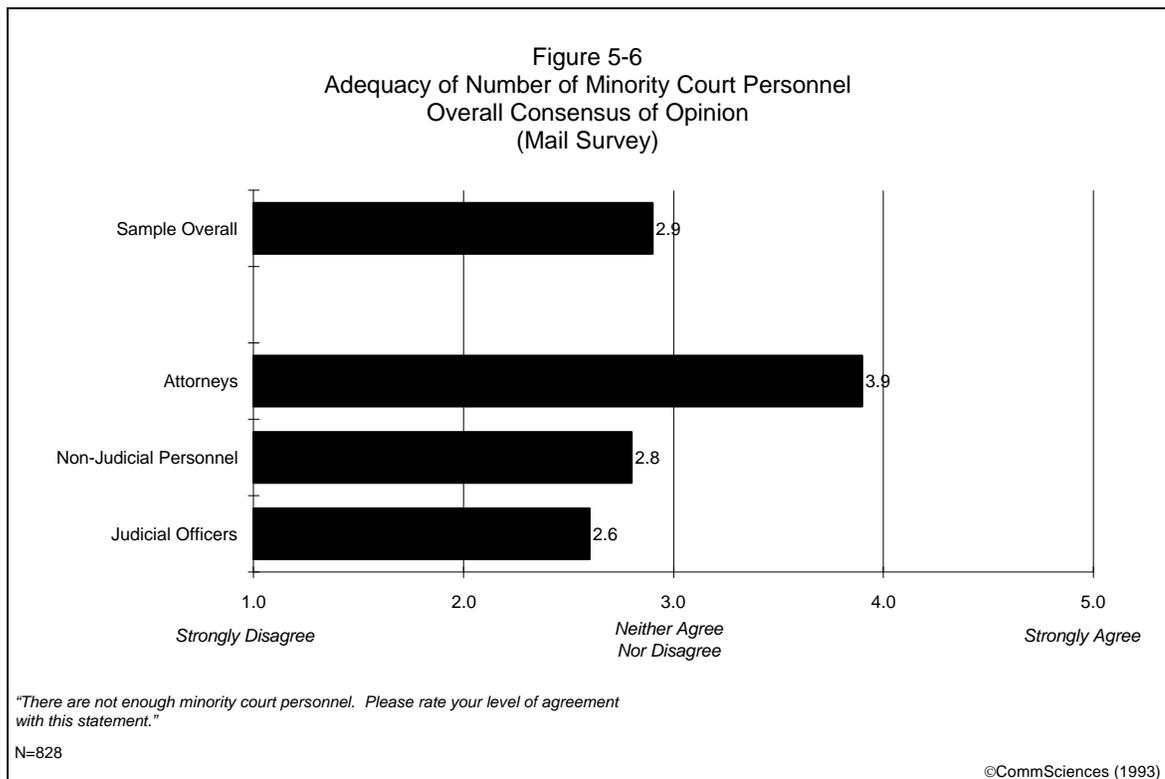
Racial and ethnic diversity on the courts was assessed using two types of measure:

- A five-point agree/disagree rating of the following statement from the public hearings: *“There are not enough minority court personnel.”*
- A ten-point *diversity rating* of the following groups: Judges, commissioners/referees, officials and managers, attorneys, technicians/paraprofessionals, courtroom clerks, office and clerical people, security people, service and maintenance people, court interpreters, and court reporters. The rating asked respondents to rate the racial or ethnic diversity of people in various jobs at the courts.

We begin with a discussion of the results for the five-point agree/disagree measure of whether there are enough minority court personnel.

5.3.1 Are There Enough Minority Court Personnel?

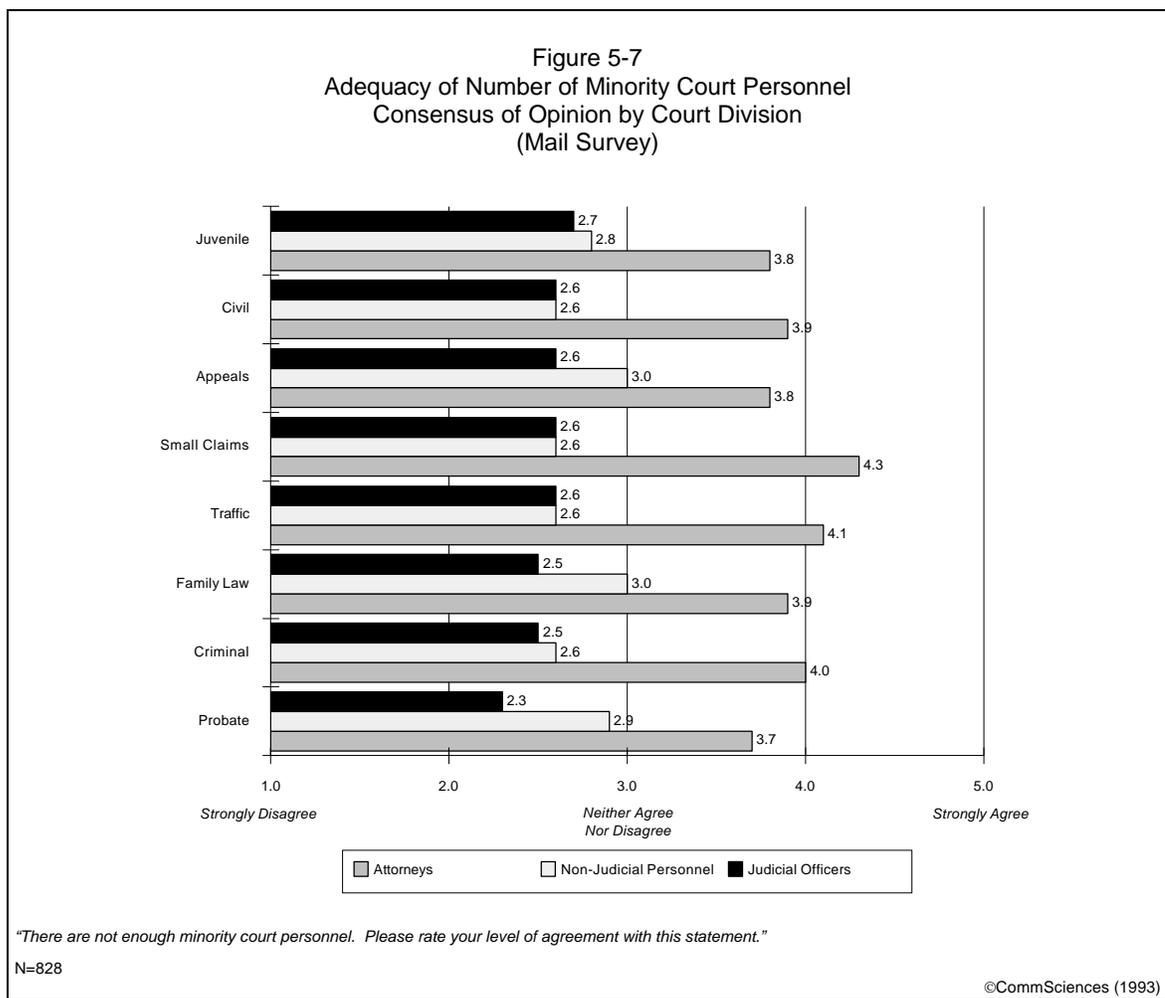
Overall Consensus. Although judicial and non-judicial personnel tend to *disagree* with the proposition that there are too few minority court personnel, attorneys surveyed clearly believe that minorities *are* under-represented. (Figure 5-6)





Consensus by Court Division. Judicial officers across the board feel that there are enough minority court personnel, however, opinion among non-judicial personnel is more varied. Specifically, non-judicial personnel associated with appeals courts, family law courts and, to a lesser extent, probate and juvenile courts are divided on the issue while staff working in other courts generally feel the same as judicial officers.

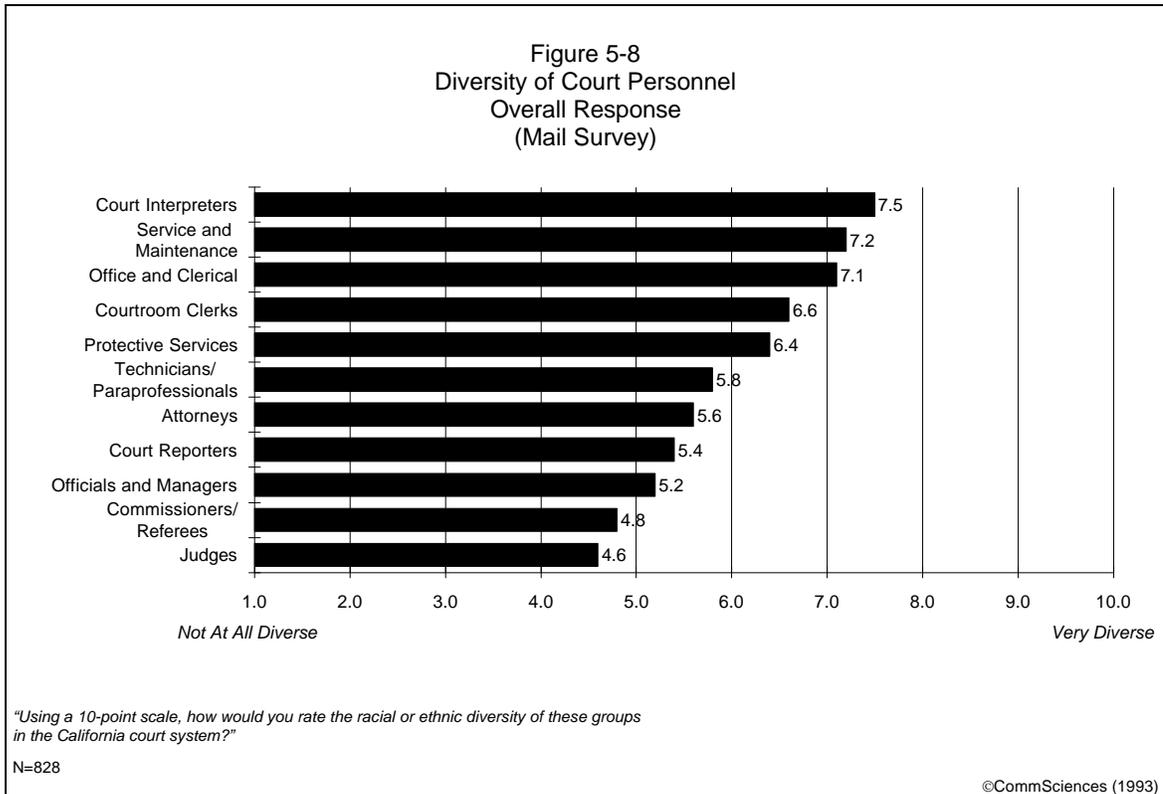
Just the opposite views were expressed by attorneys who took part in the survey. The strong consensus among these attorneys is that minorities are *not* adequately represented among court personnel and attorneys working the small claims, traffic and criminal courts express this view significantly more strongly than staff in other courts. (Figure 5-7)





5.3.2 Racial/Ethnic Diversity of Court Personnel

Overall Rating of Diversity. According to the survey, the greatest racial/ethnic diversity appears to be among lower level staff like interpreters, technicians and clerical staff. As might be expected, less and less diversity is evident as one moves up the ladder to higher job levels. The least diversity is among judges. (Figure 5-8)





5.4 Issues from the Public Hearings: *Do Court Personnel Corroborate the Testimony?*

The following sections summarize the reactions of court personnel and attorneys to issues that were raised in the public hearings.

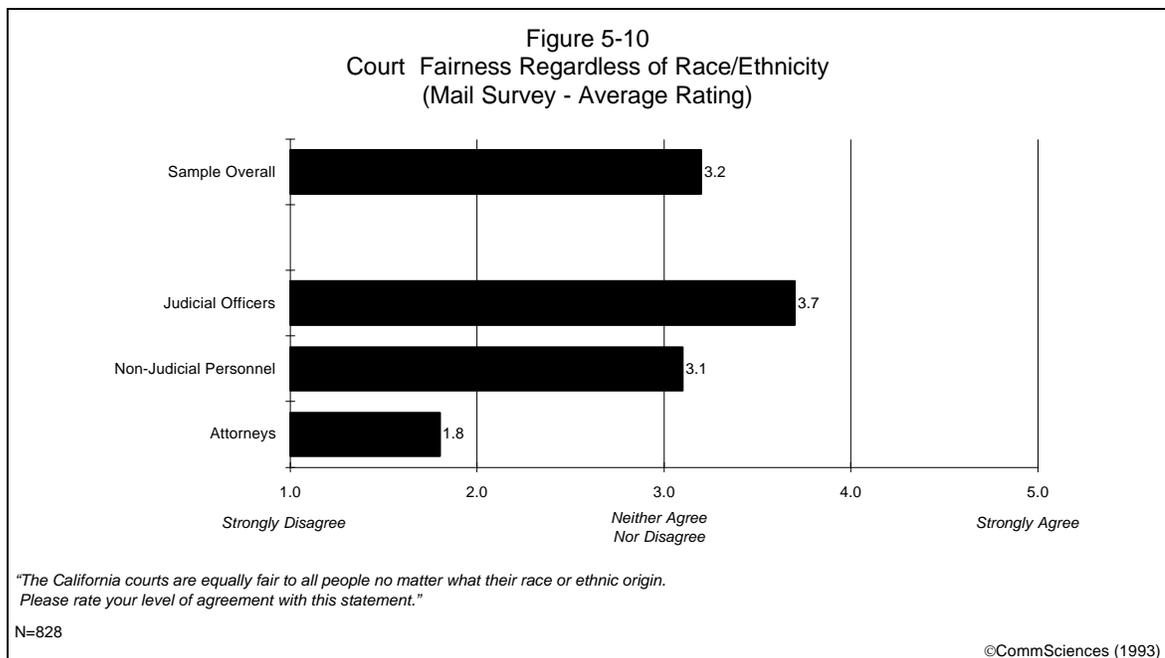
Readers should recall that the style of inquiry used for this section involved measures of *agreement* or disagreement with statements that reflected specific opinions obtained from the hearing data. The agree/disagree measure consisted of a five-point bipolar scale where '1' denoted strongly disagree, '2' denoted somewhat disagree, '3' represented neither agree nor disagree, '4' meant somewhat agree, and, '5' represented strongly agree.

5.4.1 Are the Courts Equally Fair Regardless of Race/Ethnicity?

As was the case in the telephone survey, the first issue pertained to the general assertion, made at the public hearings and in written testimony, that minorities cannot "get a fair shake from the system." Most of these concerns relate to perceptions that a generalized, structural bias against minorities exists in the judicial system.

Corroborating the overall fairness findings, on balance, non-judicial personnel are somewhat undecided with regard to whether the courts are equally fair to all people regardless of race or ethnicity. While a plurality of approximately 48% agree that the courts are fair, 21% are not sure and 30% feel the courts are biased. The overall average rating for non-judicial personnel is 3.1.

Moreover, as other data have indicated, judicial officers tend to believe that the courts are at least *somewhat* unbiased with regard to race or ethnicity while the consensus of opinion among attorneys is that the courts in fact *are* decidedly biased. (Figure 5-10; for frequencies please refer to the Appendix)

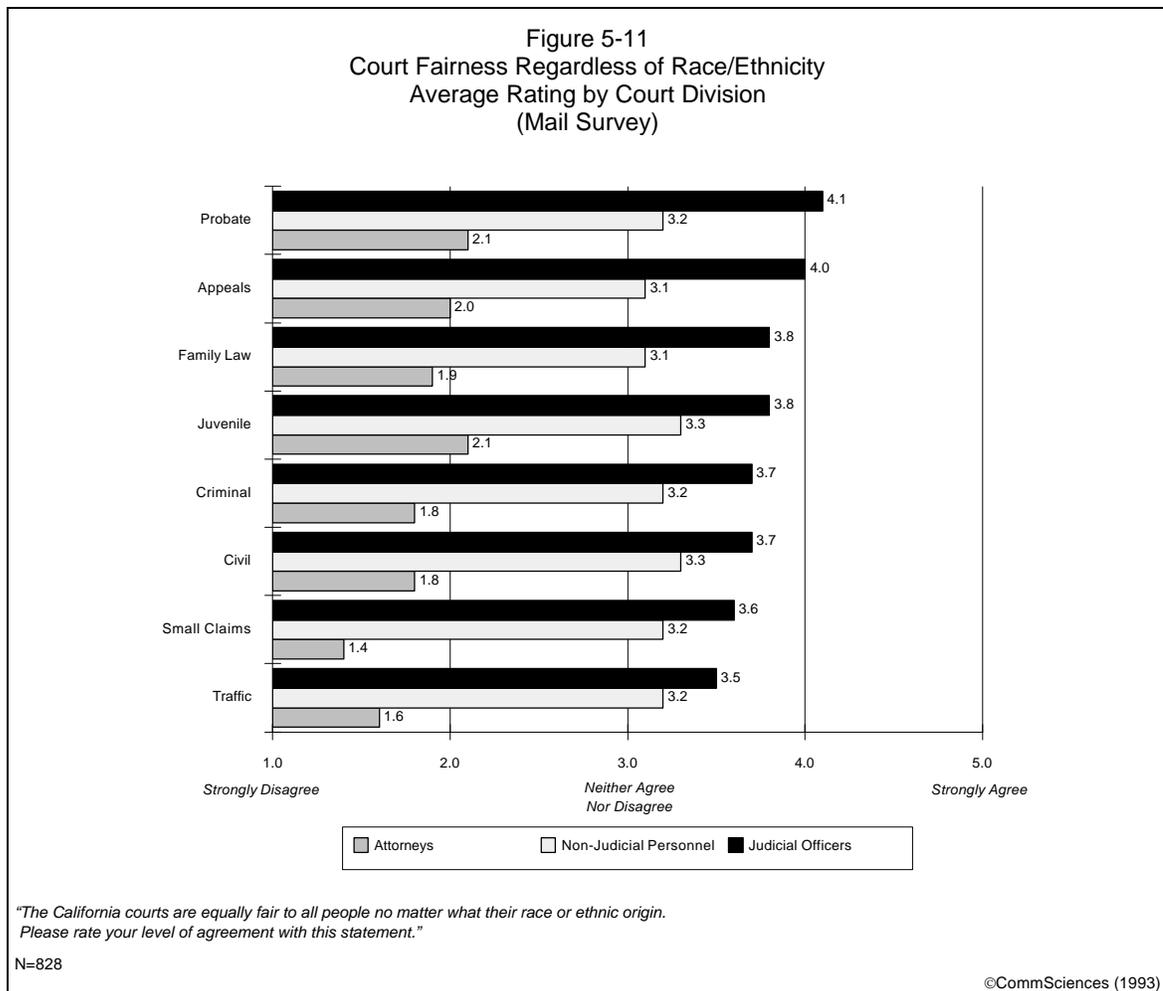




Consensus by Court Division. Although highly correlated with the overall fairness ratings, this question provides a more vivid indication of perceived problems in particular divisions of the courts.

Except perhaps in the case of small claims and traffic courts, the consensus of opinion among judicial officers is that the courts are more or less *unbiased*. The feelings are most positive in probate and appeals courts. Non-judicial officers across the spectrum of court divisions tend to be substantially more divided or uncertain. Their overall ratings hover around the mid-point on the measurement scale.

Compared with judicial officers, the attorneys surveyed are on the opposite end of the fairness issue entirely. These Attorneys feel strongly that *all* state courts are biased, and that the problem is most prevalent in *small claims and traffic courts*. Considering the opinions of judicial officers and attorneys, it appears that substantial racial/ethnic bias exists in these two busy courts. This conclusion should be considered in light of the telephone survey outcome which indicated that the public believes the state courts overall are biased. Since small claims and traffic are the forefront of most people's exposure to the court system, the existence of bias in the latter two court divisions certainly is worthy of further scrutiny. (Figure 5-11)

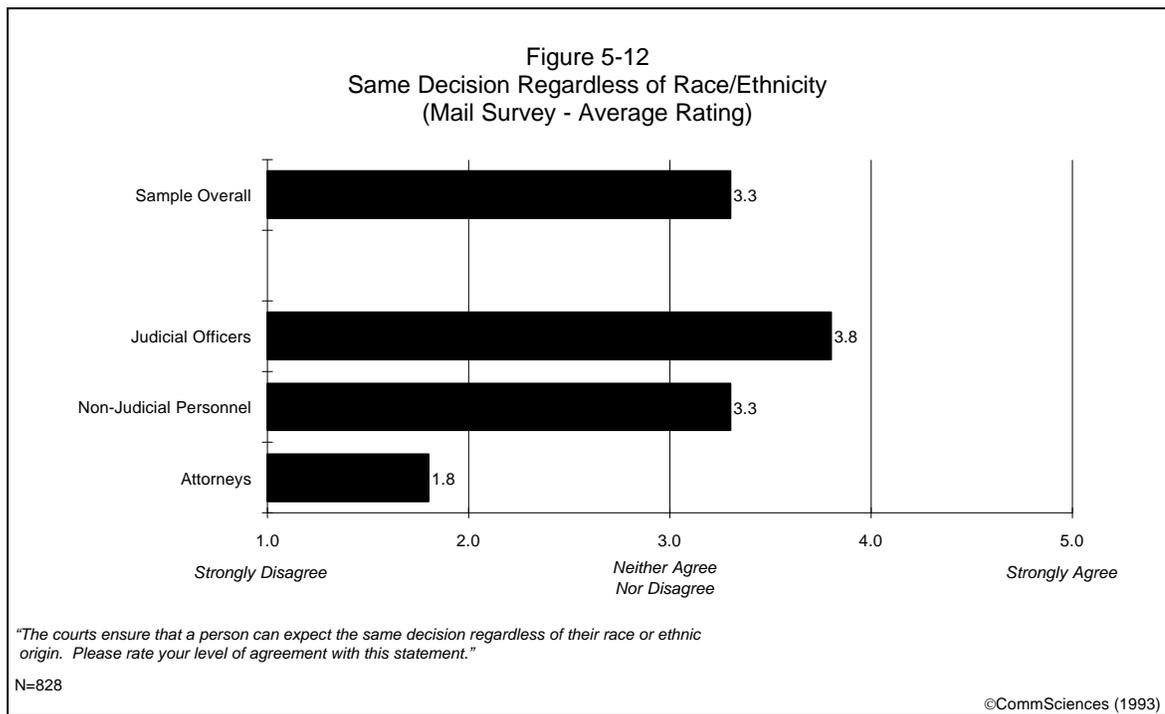




5.4.2 Can One Expect the Same Decision Regardless of Race or Ethnicity?

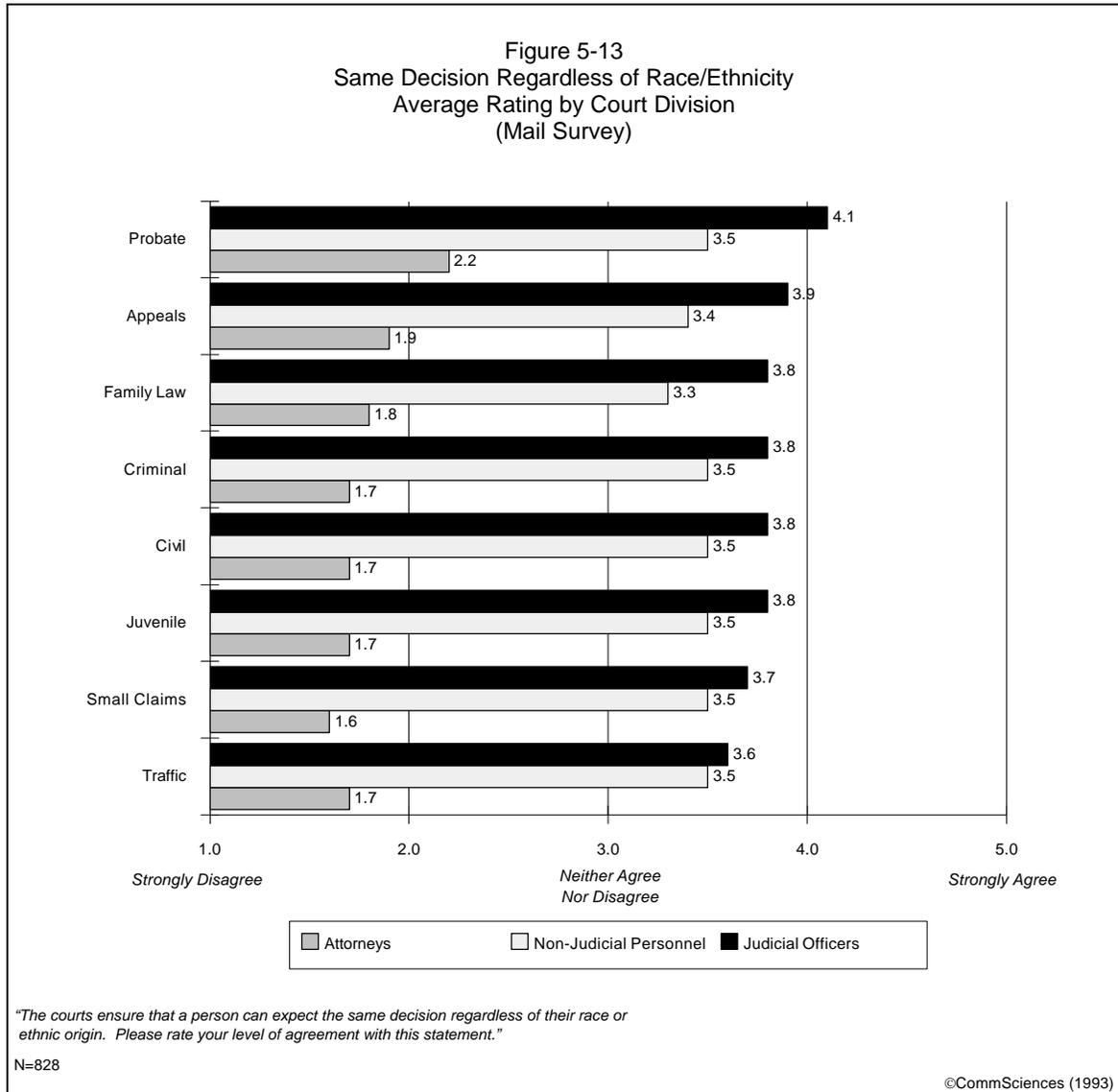
As on the telephone questionnaire, respondents also were asked whether they believed court *decisions* are racially/ethnically blind.

Consensus among Court Personnel and Attorneys. Judicial officers, and to a lesser degree non-judicial personnel, feel that the courts are somewhat able to ensure race or ethnically-blind decisions. Continuing the overall trend, the racially diverse attorney group are very pessimistic about the likelihood of unbiased decisions. (Figure 5-12)





Consensus by Court Division. Examining perceptions across court divisions, there is not much variation in responses concerning whether the same decision can be ensured regardless of race or ethnicity. (Figure 5-13)

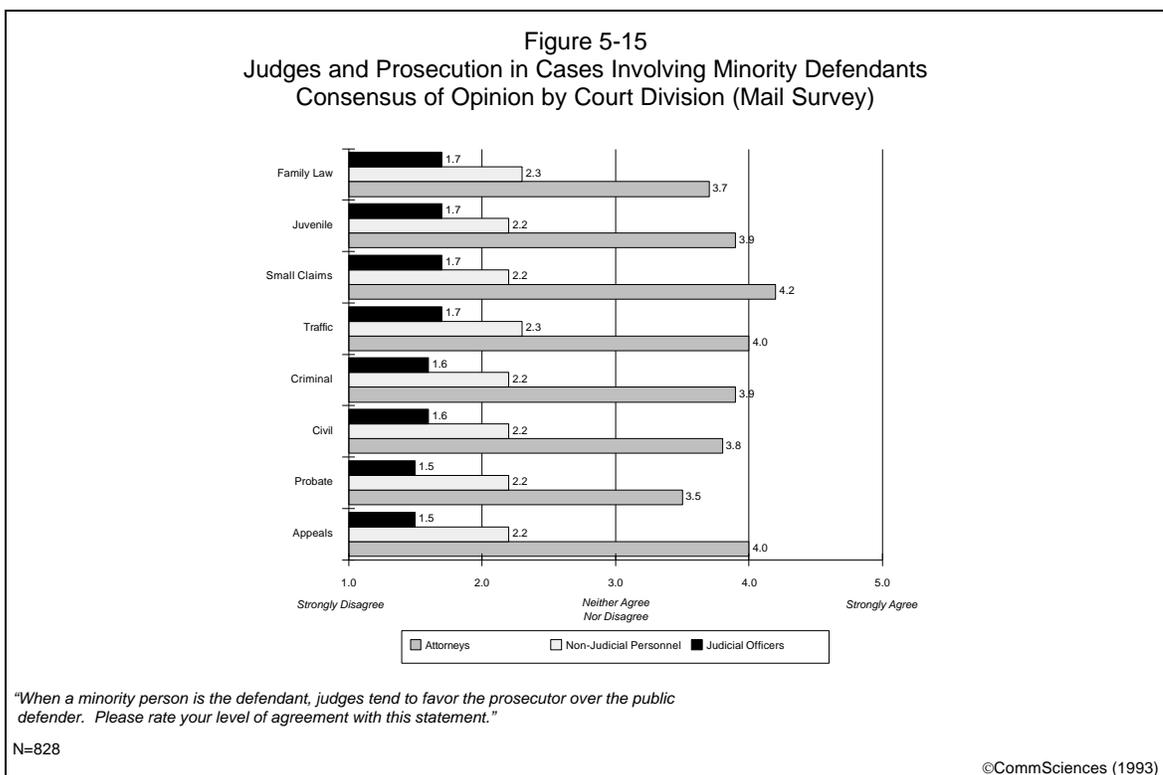
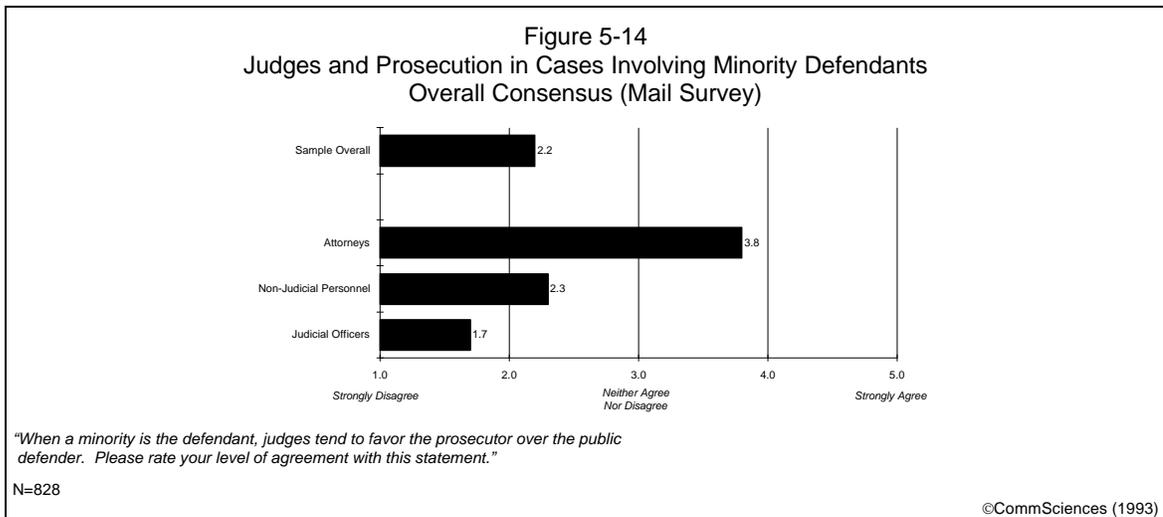




5.5 Treatment of Minority Defendants

The mail survey used a broad-based bias measure to determine respondent opinions of whether judges favor the prosecution over the public defender in cases involving minority defendants.

Consensus among Court Personnel and Attorneys. Judicial officers and non-judicial personnel do not feel that judges favor the prosecution in cases with minority defendants. Attorneys surveyed believe that such favoritism *does* exist (Figure 5-14), especially attorneys in small claims, appeals and traffic courts. (Figure 5-15)





5.6 Treatment of Minorities in the Legal Profession

During the hearings the representation and biased treatment of non-White judges and attorneys was frequently noted. For example, many attorneys described the destructive impact of biased treatment on their self-esteem and sense of professional competence.

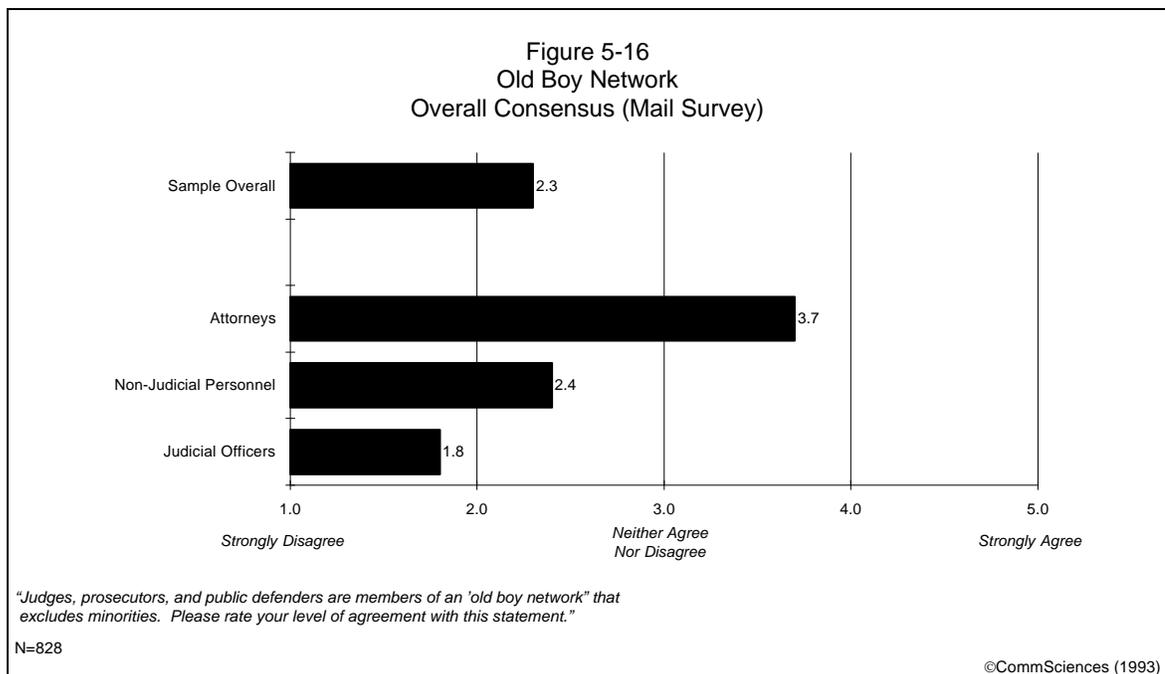
Unlike the telephone survey, the mail survey used a series of broad-based measures to determine whether racial and ethnic bias against minority professionals exists. Survey items included:

- Whether an “Old Boy Network” exist among judges, prosecutors and public defenders
- Whether bias exists in the way minority attorneys are treated by judges, non-minority attorneys, and other court personnel.
- Whether minority attorneys have the same credibility as non-minority attorneys
- Whether minority attorneys have the same credibility as non-minority attorneys

5.6.1 Is There an “Old Boy Network” That Excludes Minorities?

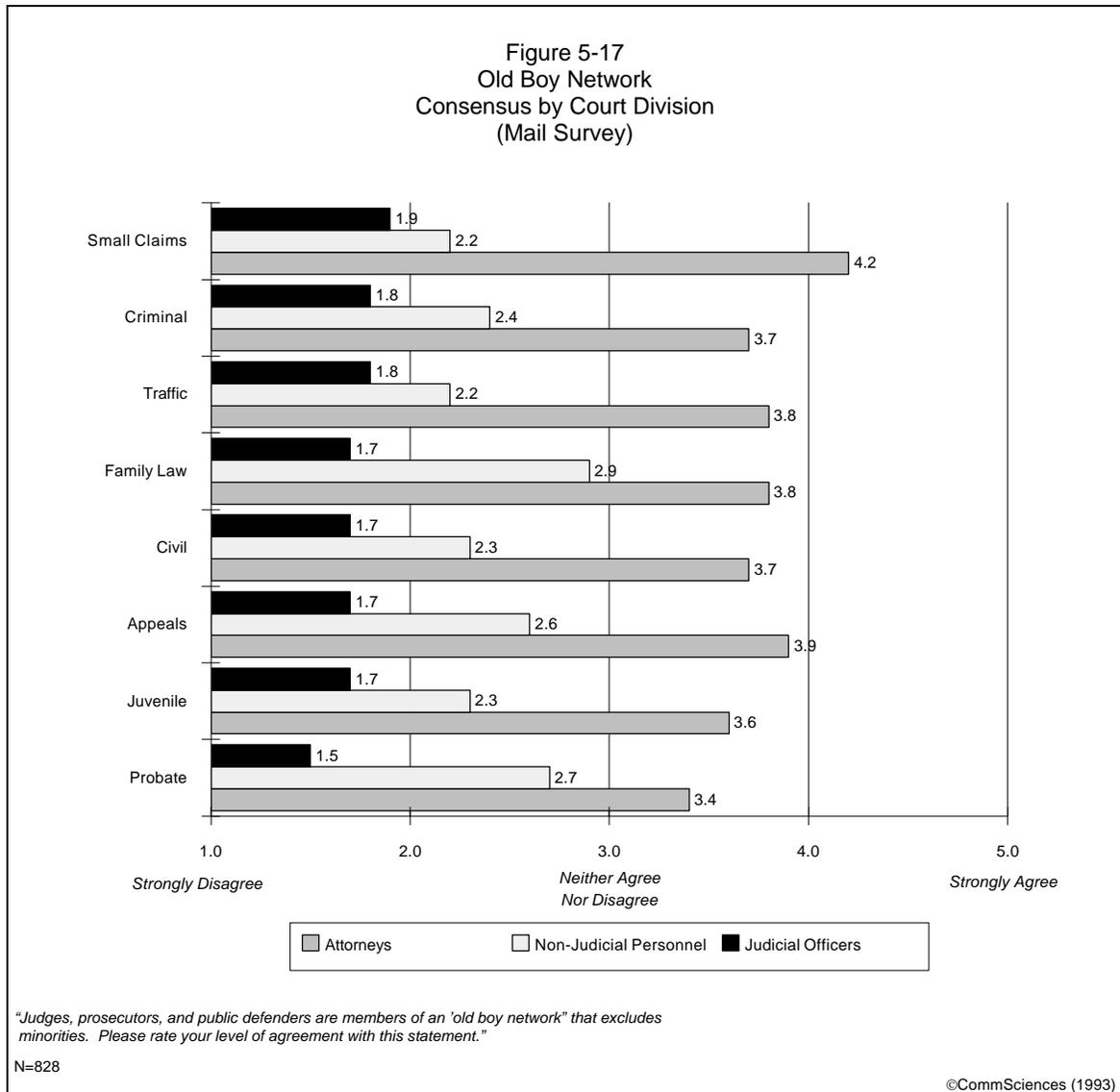
The first question addressed was whether an old-boy network exists at the courts that makes it difficult for minority attorneys to conduct their business effectively.

Consensus among Court Personnel and Attorneys. Once again the results indicate significant agreement among judicial officers and, to a lesser extent, non-judicial personnel that an exclusionary “Old Boy Network” does not exist. In contrast, attorneys generally feel that it does. (Figure 5-16)





Consensus by Court Division. Judicial officers from all types of courts disagree strongly and uniformly that an “Old Boy Network” exists. Non-judicial personnel in most courts also tend to disagree, however, their opinions are more moderate and varied. Not unexpectedly, attorneys surveyed in all courts uniformly agree that an “Old Boy Network” exists, especially in Small Claims and to some degree in Appeals courts. (Figure 5-17)

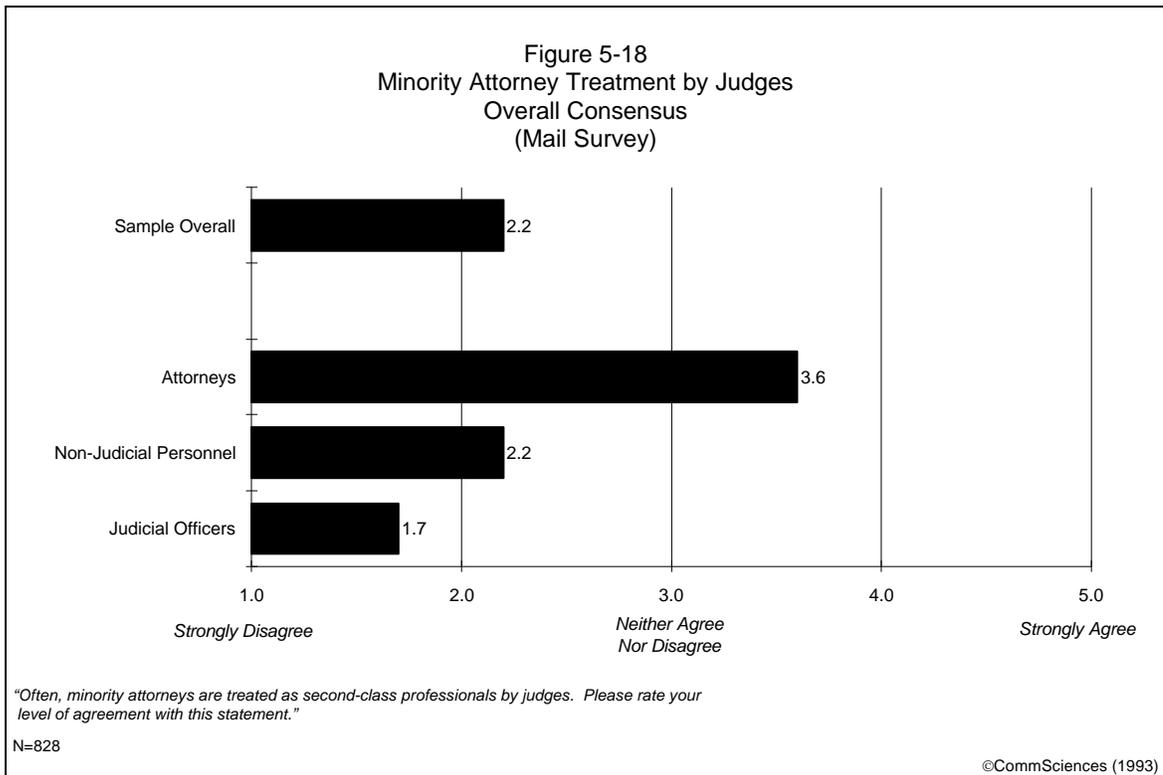




5.6.2 Treatment of Minority Attorneys

a. Treatment of Minority Attorneys by Judges

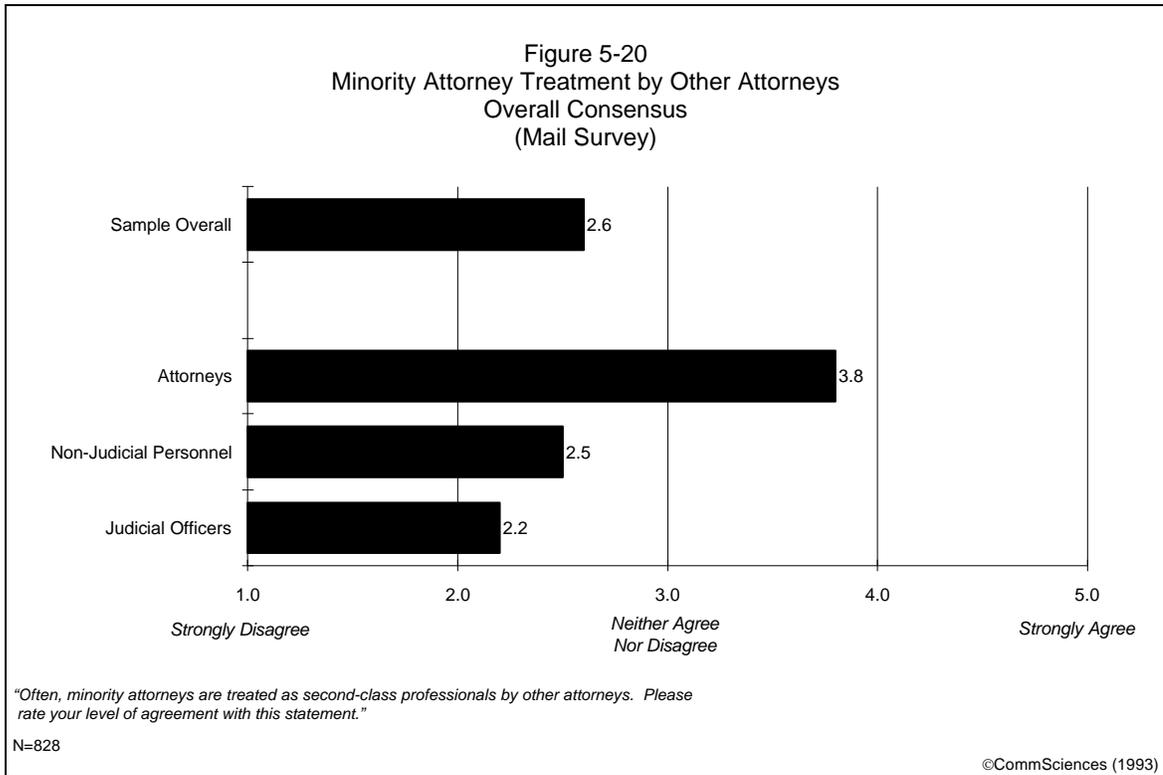
Consensus among Court Personnel and Attorneys. The majority opinion among court personnel is that minority attorneys are *not* treated as second class professionals by judges. However, the attorneys who took part in the survey overwhelmingly agree (58% in overall agreement, 18% very strongly) that the opposite is in fact the case. (Figure 5-18)





b. Treatment of Minority Attorneys by Other Attorneys

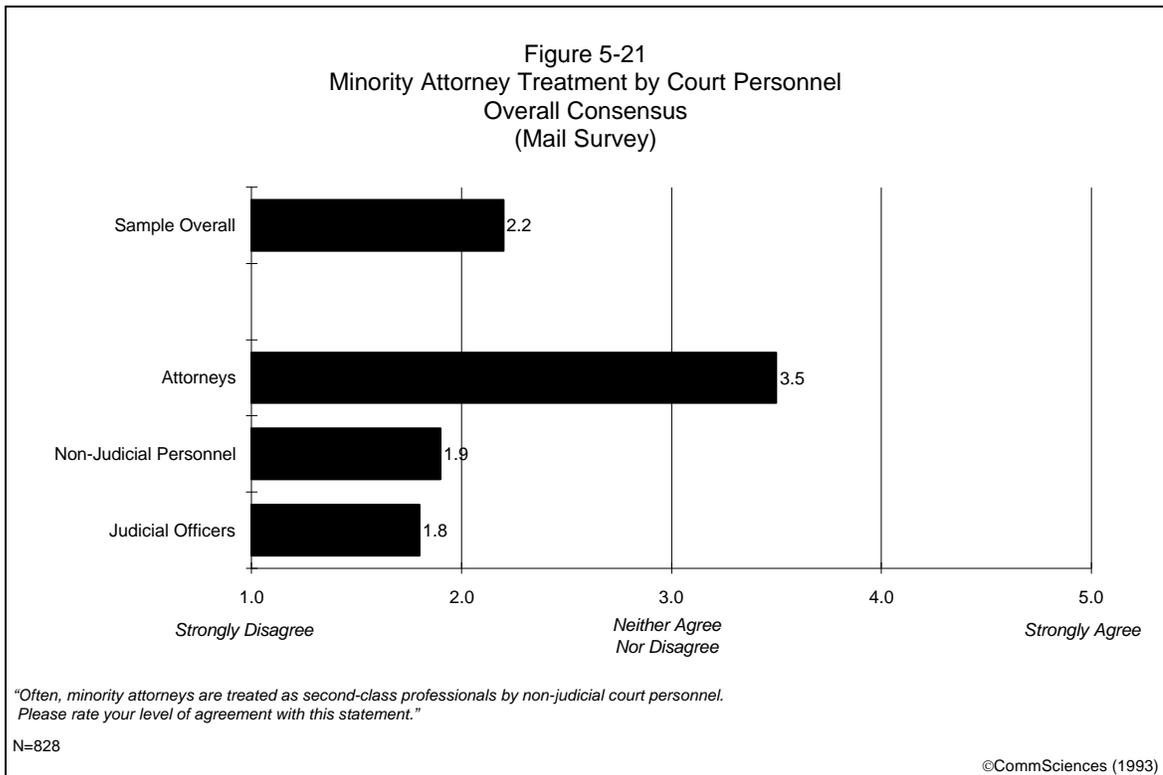
Consensus among Court Personnel and Attorneys. Once again, there is a significant difference of opinion between judicial and non-judicial personnel who generally contest the claim that minority attorneys are treated like second class professionals by other attorneys, and attorneys who overwhelmingly feel this problem does exist. (Figure 5-20)





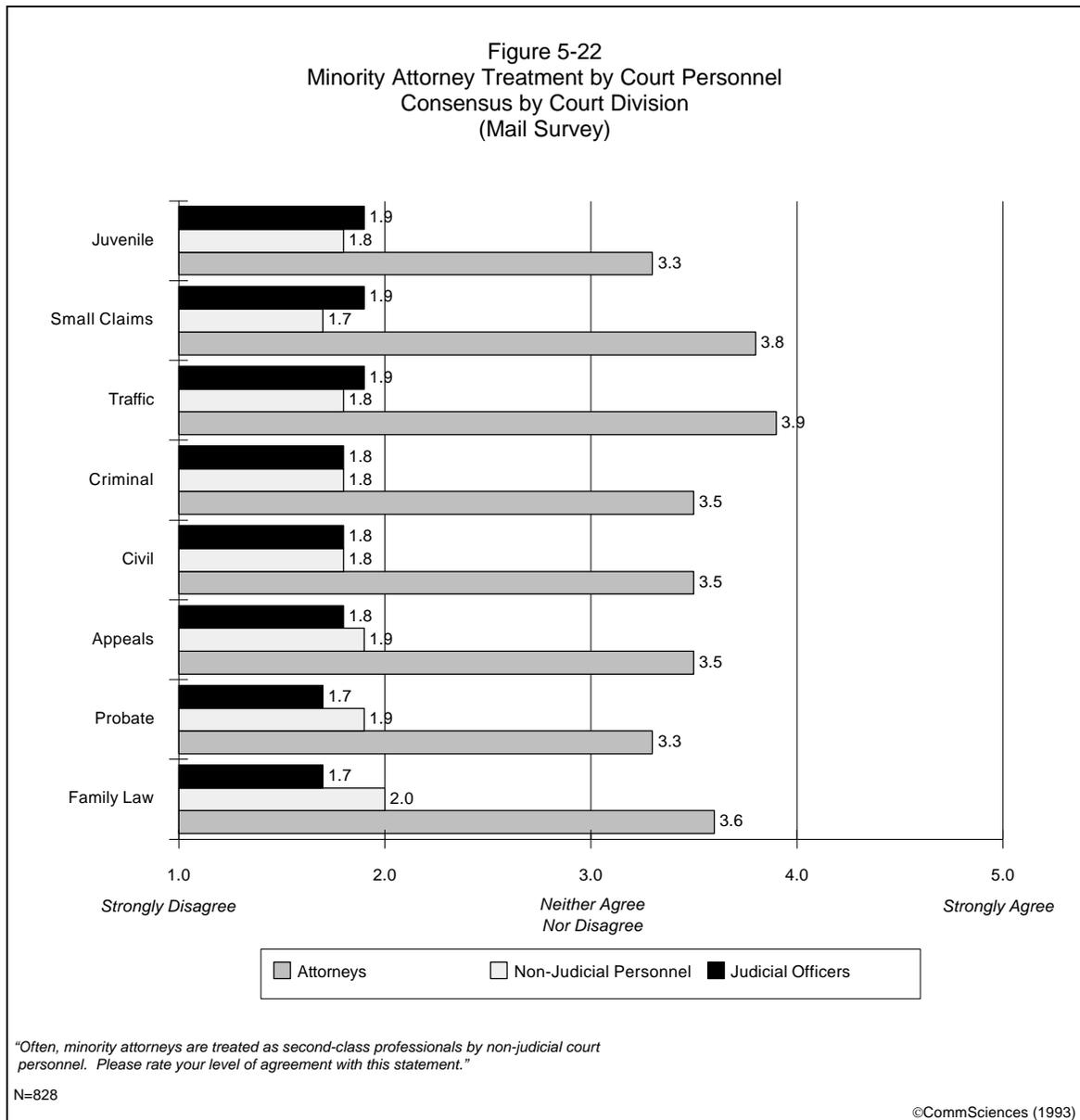
c. Treatment of Minority Attorneys by Court Personnel

Consensus among Court Personnel and Attorneys. Overall, attorneys surveyed and court personnel are polarized. Attorneys who participated in the survey provide moderate support for the contention that minority attorneys are treated as second class professionals by court personnel. Judicial officers and non-judicial personnel disagree strongly with the position taken by attorneys. (Figure 5-21)





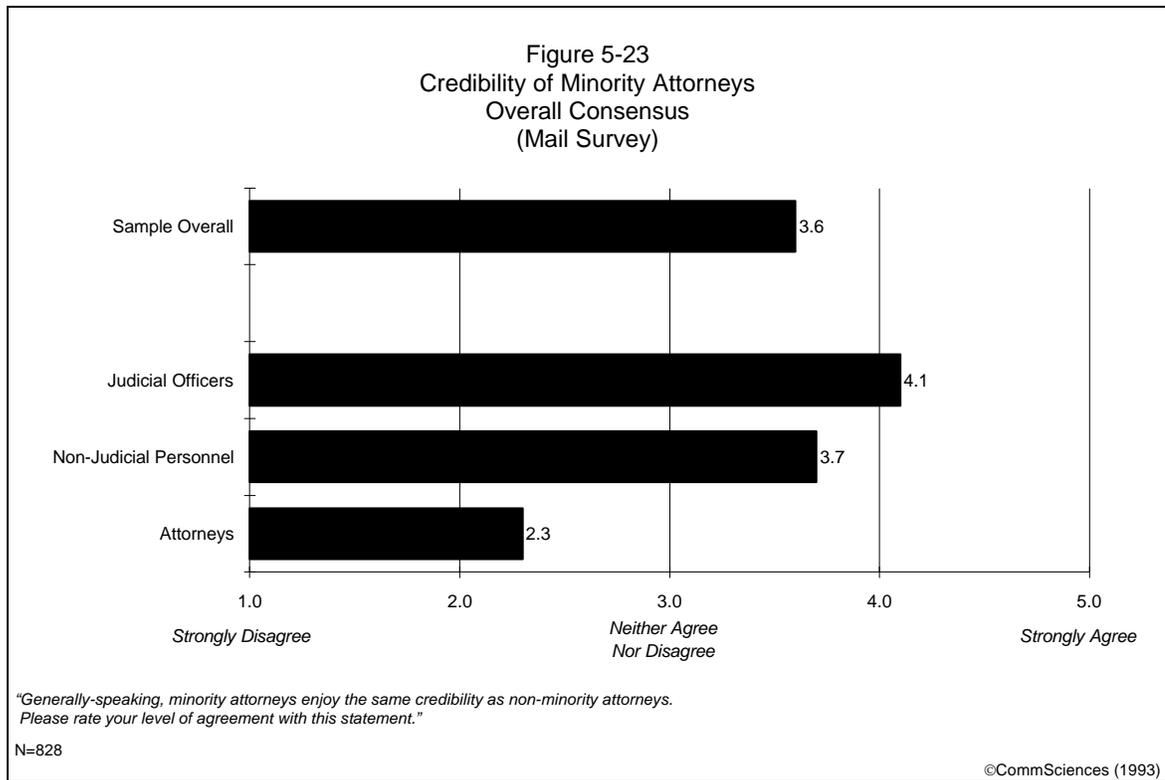
Consensus by Court Division. In most cases, there is little variation in the response across court divisions. In line with previous findings, it is noteworthy that attorneys who work in Small Claims and Traffic Courts do perceive *significantly* more of a problem with court personnel than those working in other court divisions. (Figure 5-22)





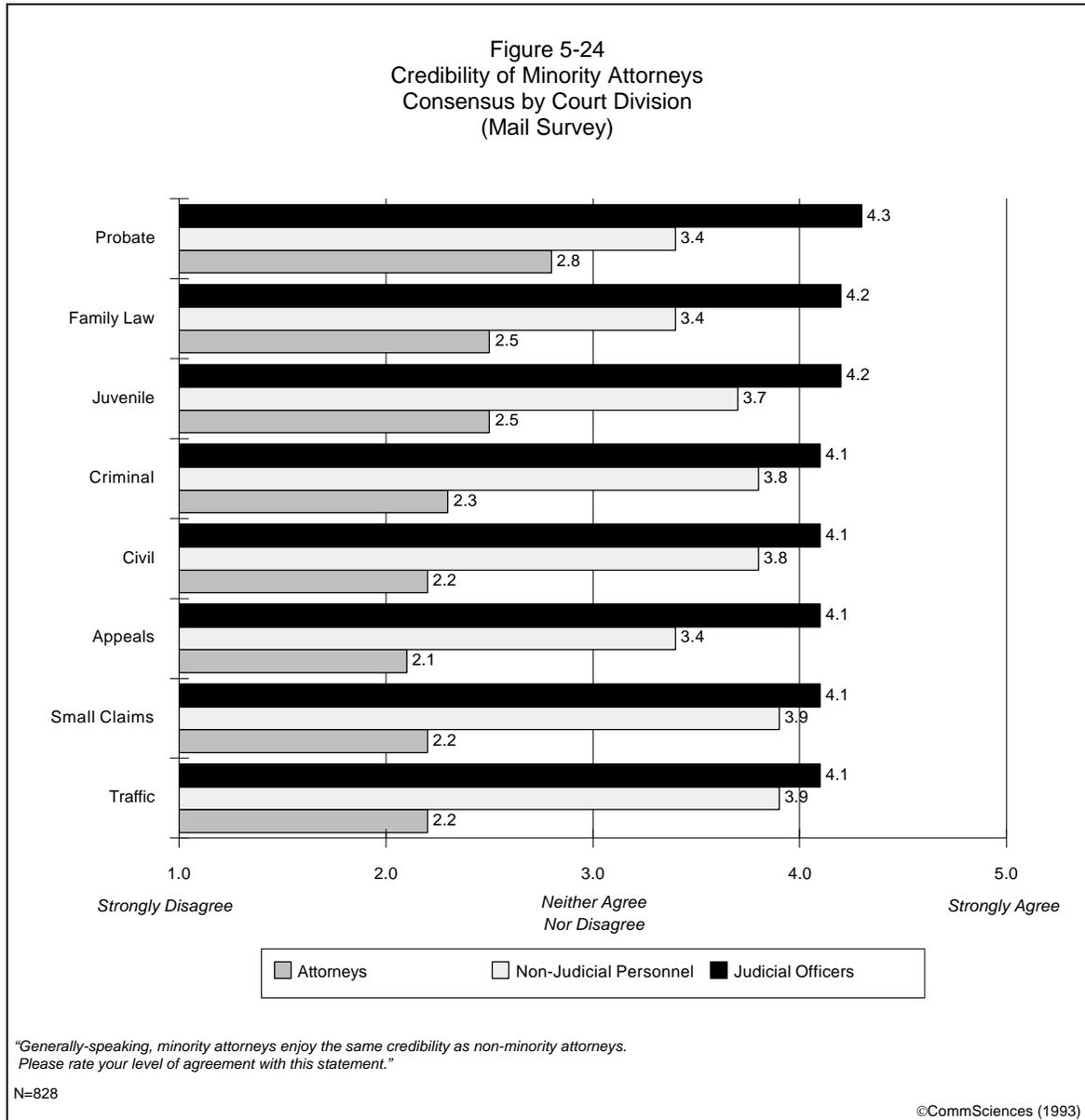
5.6.3 The Credibility of Minority Attorneys

Respondents rated the credibility of minority attorneys relative to the credibility of non-minority attorneys. In keeping with the observed trends, the findings provide compelling evidence, that at least as far as attorneys are concerned, a credibility gap exists. On the other side of the issue are judicial officers and non-judicial personnel who feel that minority attorneys enjoy the same credibility as non-minority attorneys. (Figure 5-23)





Consensus by Court Division. There is little difference of opinion for each group across court divisions. The smallest credibility gap appears to occur in Probate Courts. (Figure 5-24)



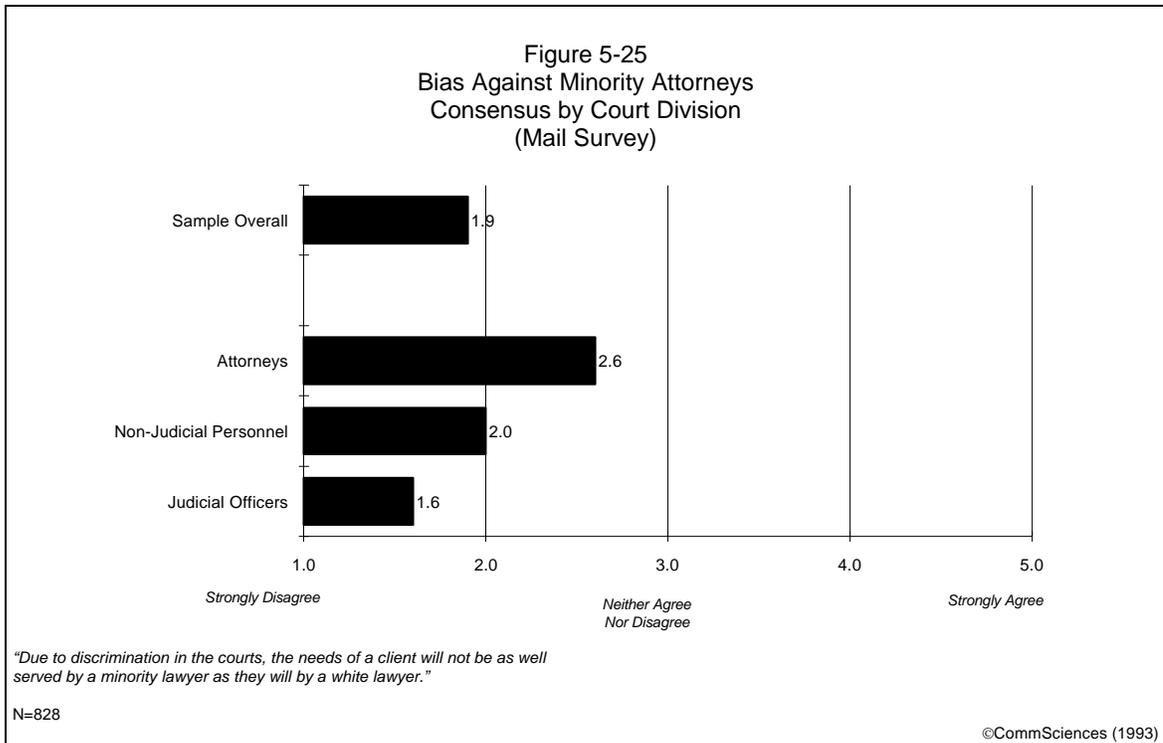


5.6.4 Does Bias Against Minority Attorneys Make Them Less Effective?

Several incidents of mistreatment of minority attorneys were cited during the public hearings and many attorneys described the destructive impact of biased treatment on their self-esteem and sense of professional competence.

As in the telephone survey, the mail survey used the same broad-based bias measure to determine whether minority attorneys are *less effective* than their non-minority counterparts because of discrimination in the legal system.

Corroborating the public opinion findings, the results portrayed in Figure 5-25 indicate, in general, that neither court personnel nor attorneys feel that discrimination against minority attorneys constitutes a problem.



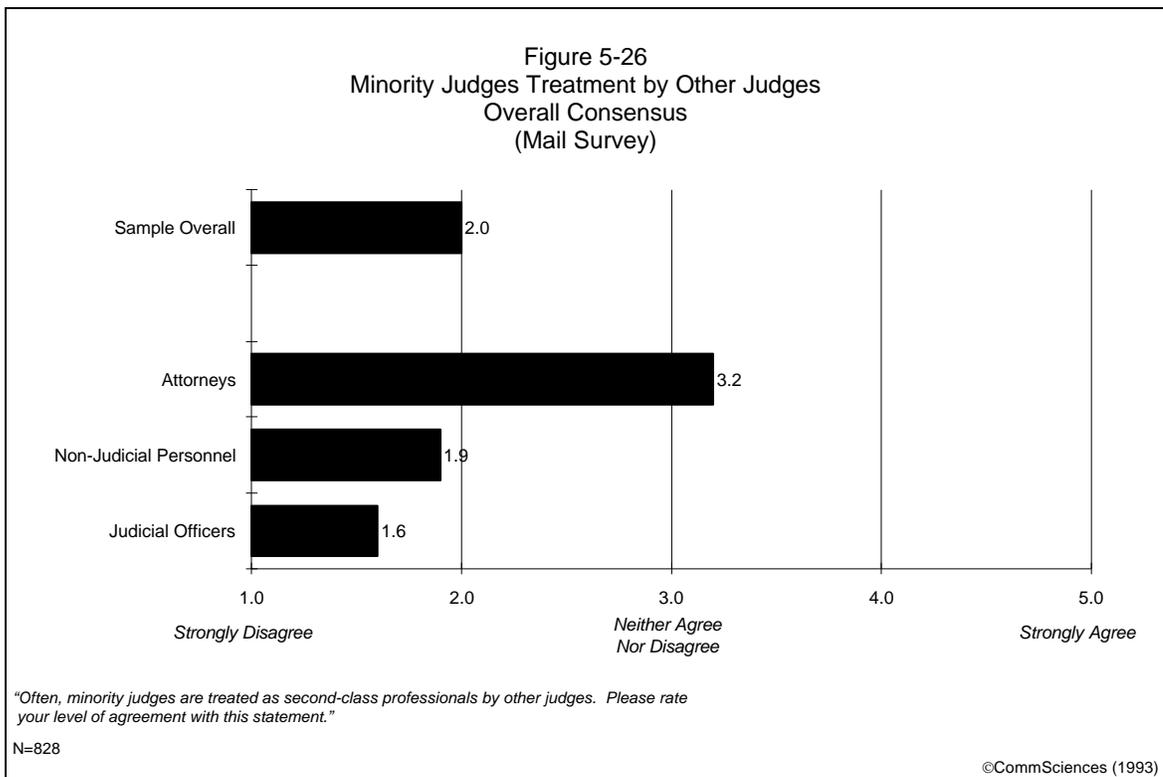


5.6.5 Treatment of Minority Judges

a. Treatment of Minority Judges by Other Judges

Judges and other court personnel feel that minority judges are treated equitably by other judges. Attorneys were more or less neutral with regard to this issue. The survey results do not substantiate a contention that minority judges are treated as second class professionals by other judges. (Figure 5-26)

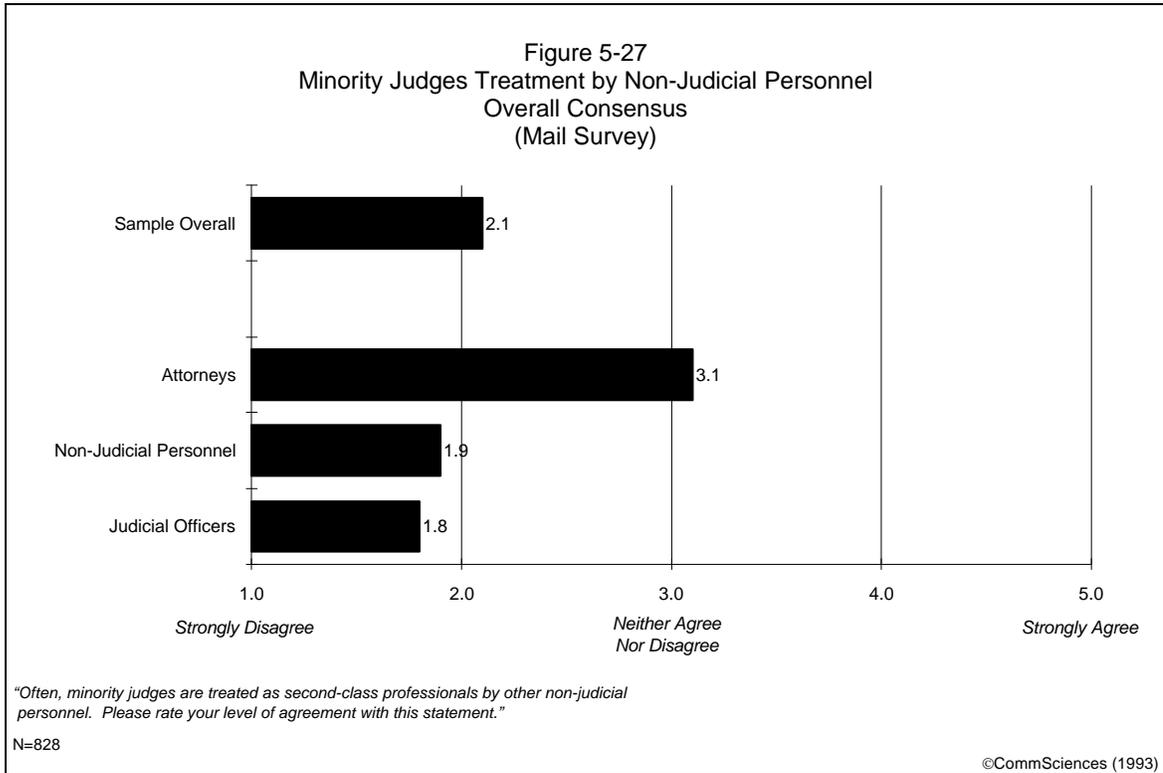
There is no significant variation in perceptions across court divisions for the three groups.





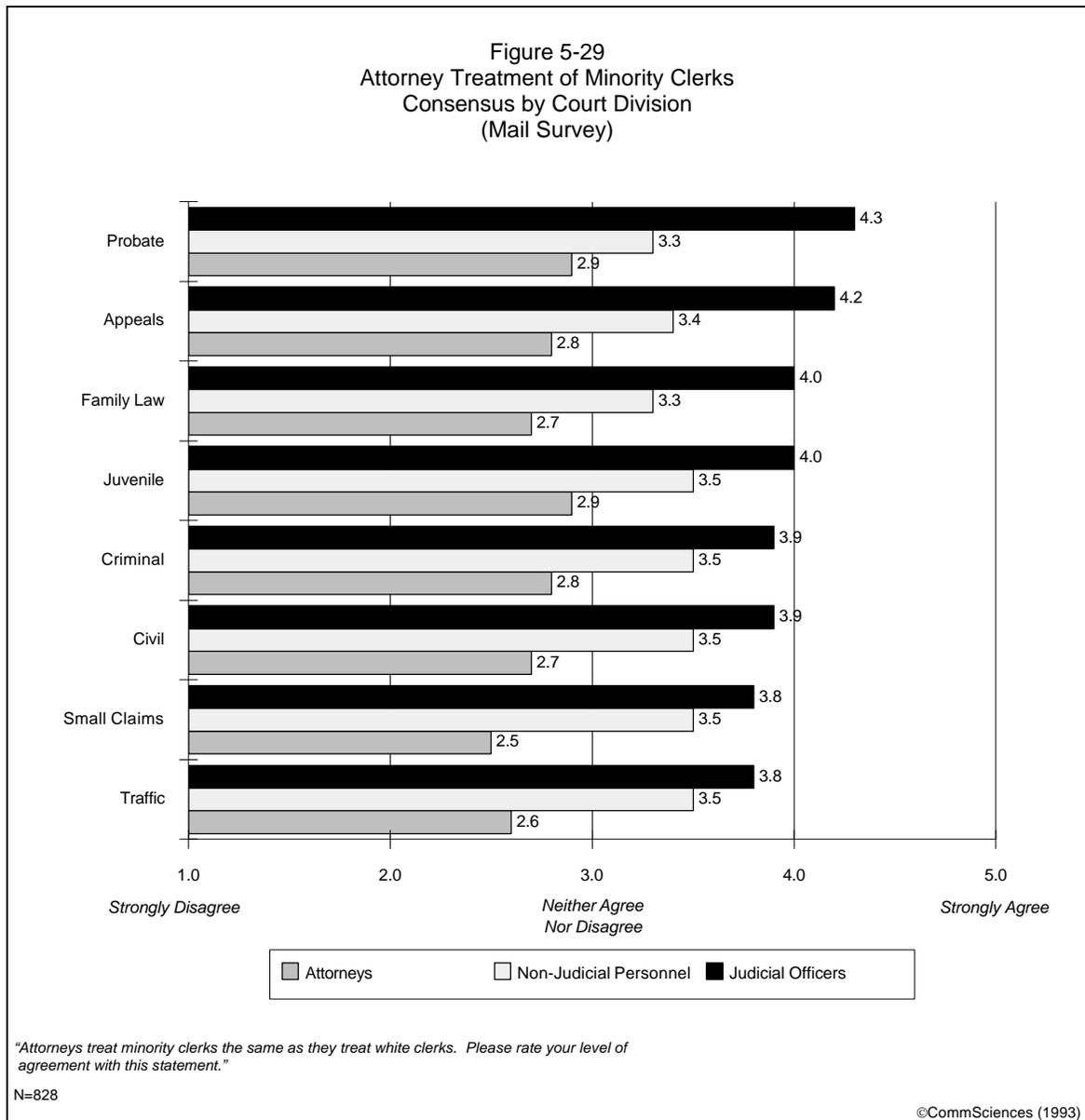
b. Treatment of Minority Judges by Non-Judicial Personnel

Judicial officers and non-judicial personnel also feel that minority judges are *not* treated as second-class professionals by non-judicial personnel. Attorneys once again surveyed were *divided* on this question (Figure 5-27), and there is minimal difference in responses across court divisions.





Consensus by Court Divisions. There is a consensus of opinion among attorneys working Small Claims and Traffic that minority clerks are treated differently than White clerks. Elsewhere, attorneys are more divided on the issue and throughout the system, court personnel tend to feel that no systemic discrimination against minority clerks occurs. Clearly, if there is an issue here, it mostly is confined to Small Claims and Traffic courts. (Figure 5-29)





5.7 Fairness toward Women

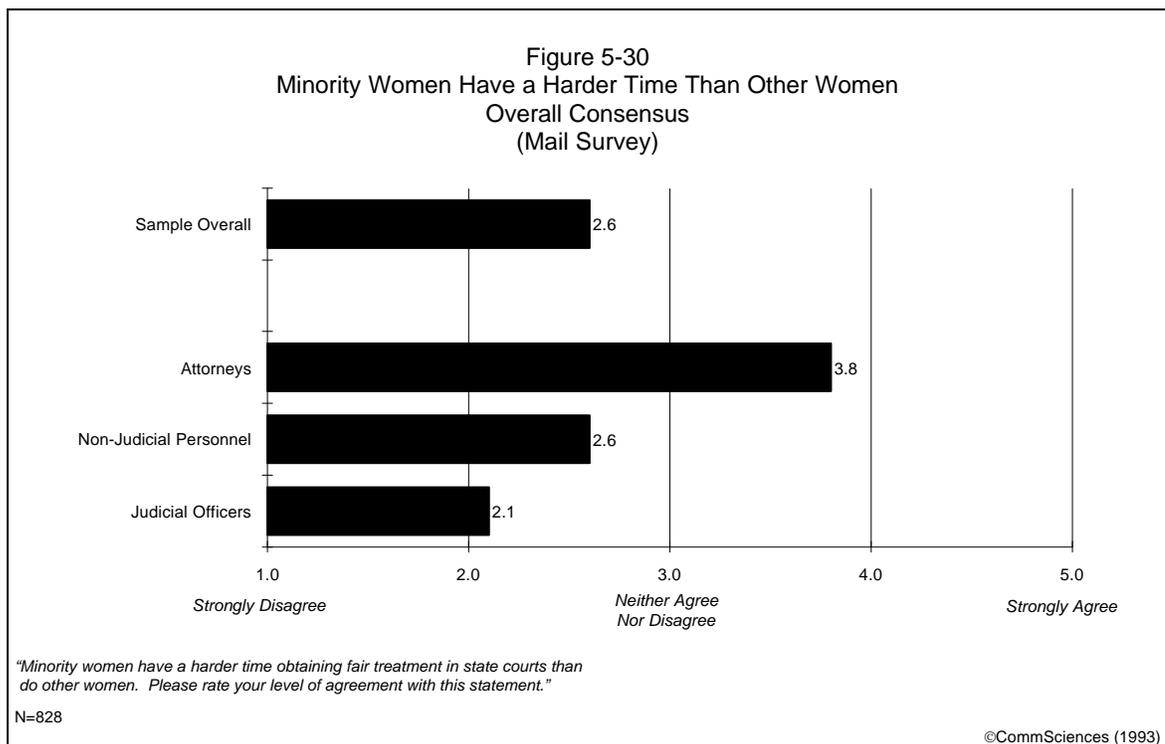
As we noted in the analysis of the telephone survey results, one important area of contention in the public hearings related to bias against women. This section presents the results of three broad measures of fairness or lack of fairness toward women. Similar items appeared on the telephone survey.

The three measures were:

1. Fairness toward minority women
2. Fairness toward women of color in particular
3. Treatment of non-White female attorneys in the legal profession

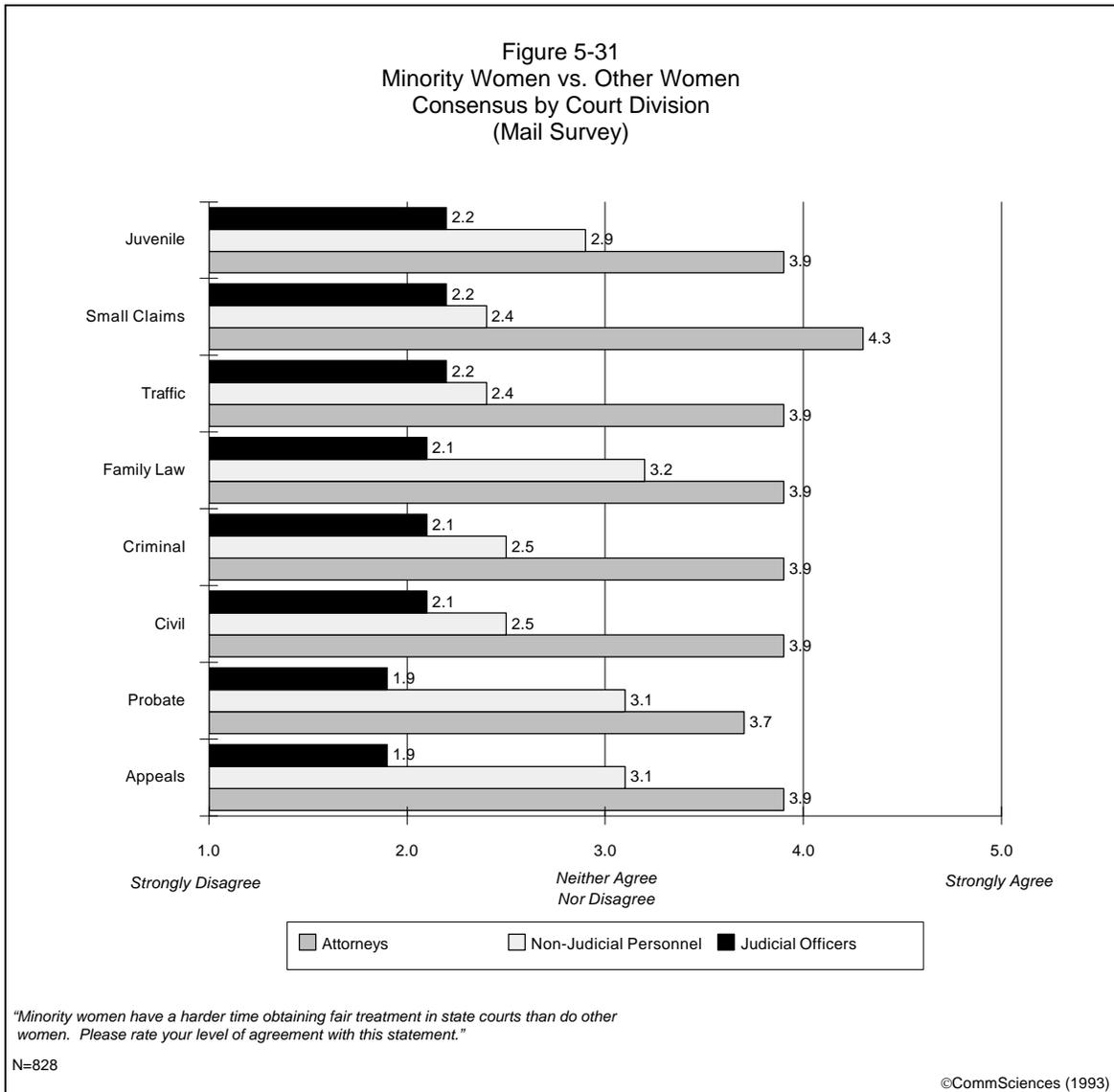
5.7.1 Fairness toward Minority Women

Consensus among Court Personnel and Attorneys. Once again the heavily White sample of judicial officers and non-judicial personnel feel that minority women *do not* have a more difficult time obtaining fair treatment in the courts than do other women. The more ethnically and racially diverse attorney sample feels that the issue does have merit. (Figure 5-30)





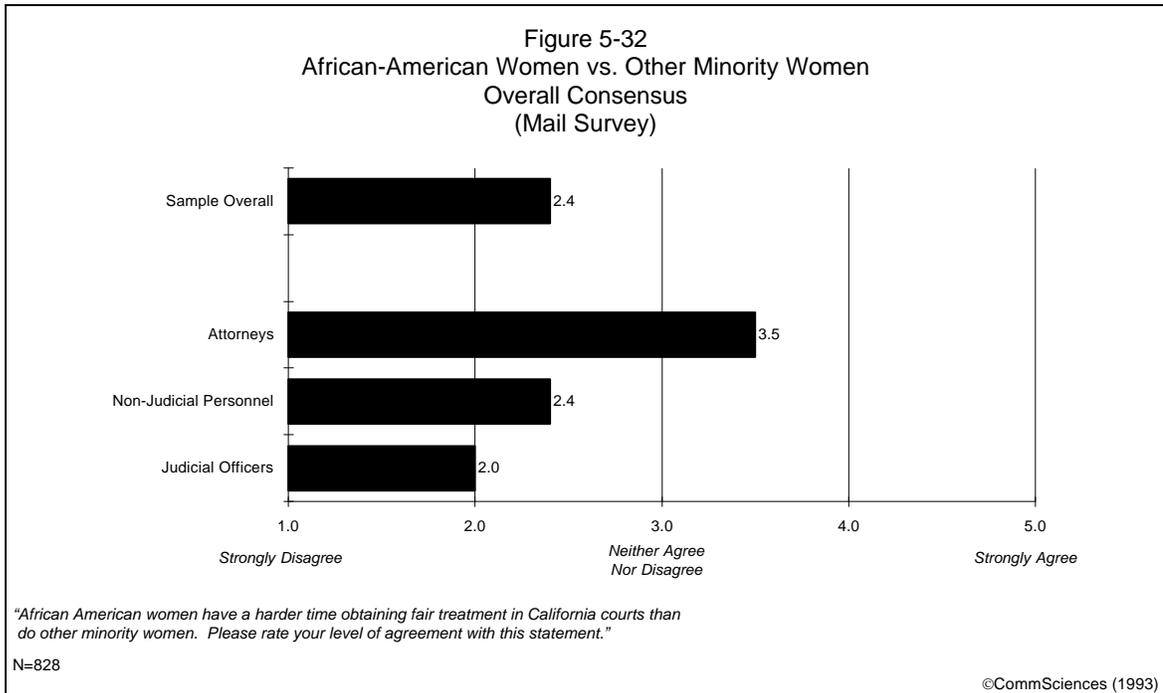
Consensus by Court Divisions. When the findings are examined across divisions of the courts, attorneys and non-judicial personnel in Small Claims, Family Law, Probate and Appeals Courts consider that systemic bias against minority women truly exists. (Figure 5-31)





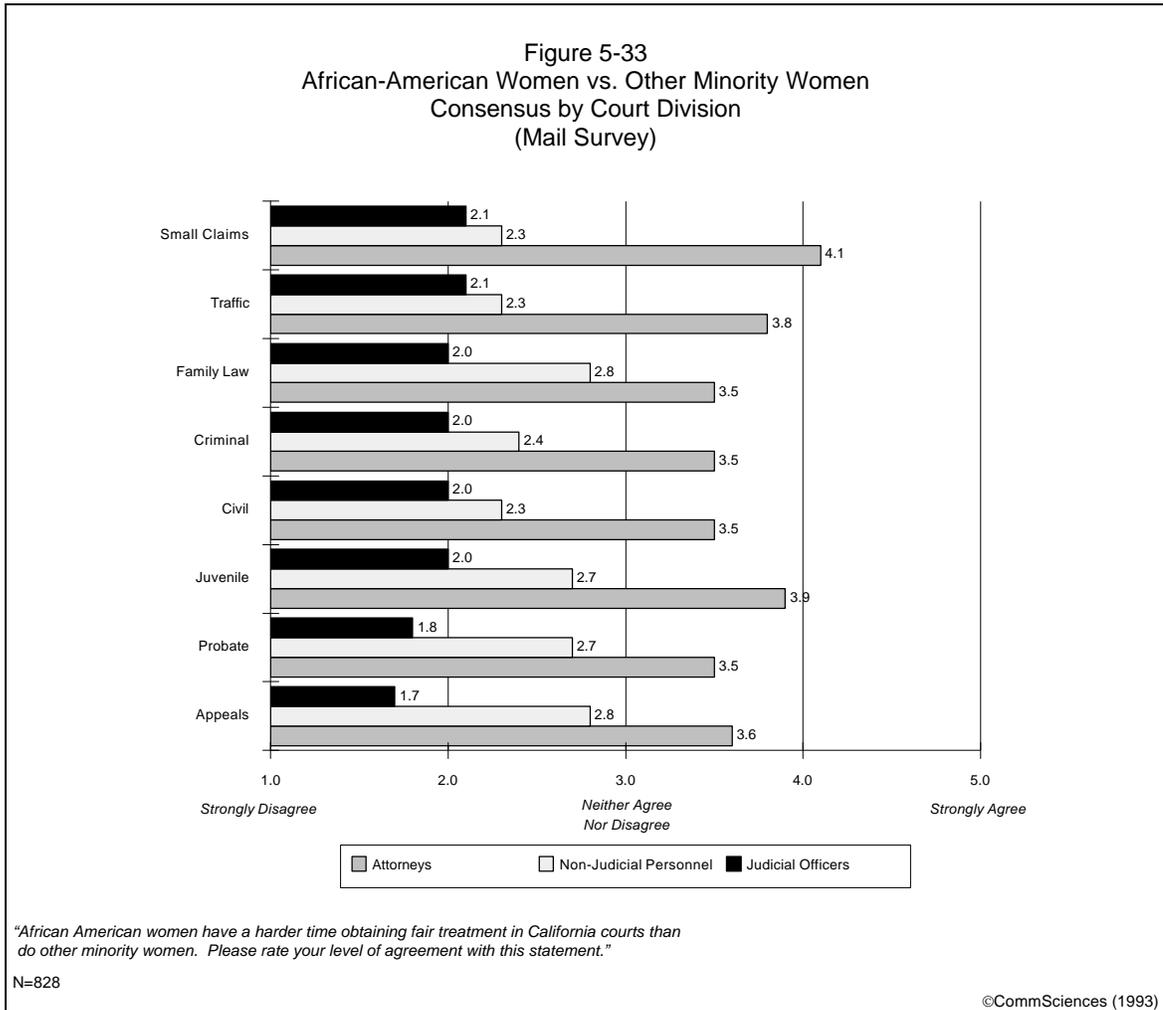
5.7.2 Fairness toward Women of Color

Consensus among Court Personnel and Attorneys. With the exception of attorneys who moderately agree that African-American women have a harder time than other minority women, the consensus of opinion is that no special bias in the courts exists against African American women. (Figure 5-32)





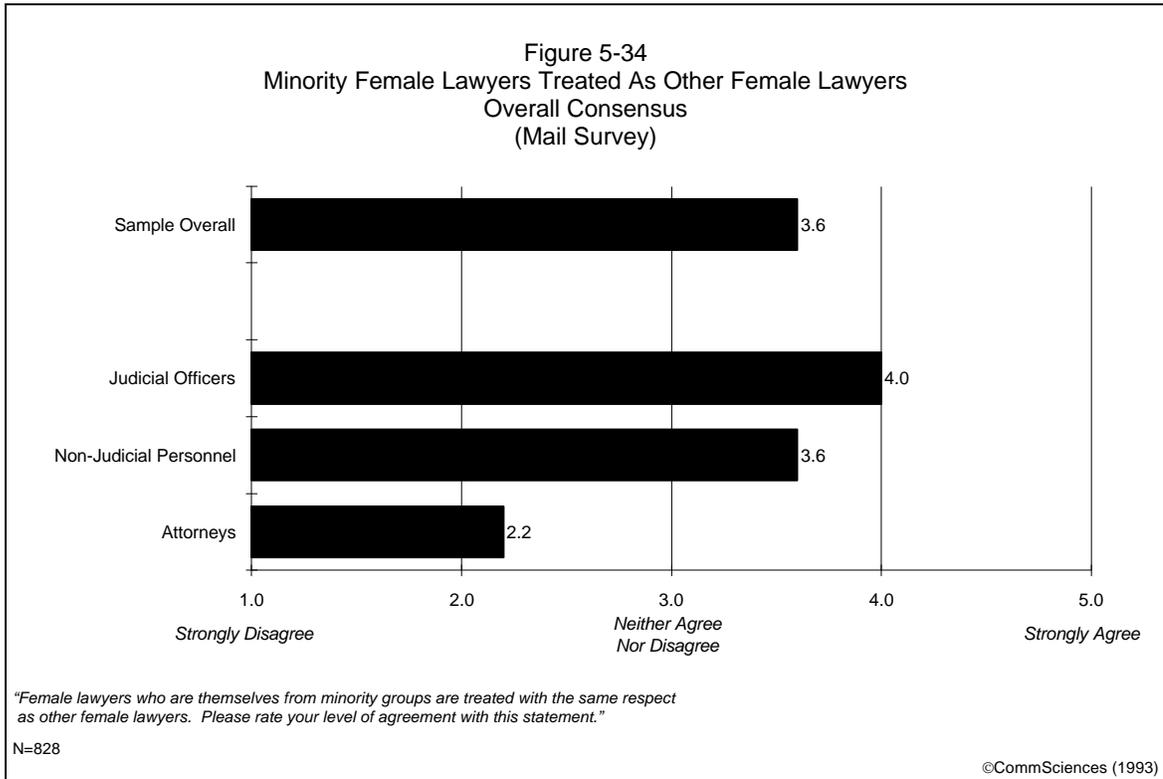
Consensus by Court Divisions. On balance, it would appear that if a systemic bias against African American women exists at all, it is more likely to be occurring in Family Law and Juvenile courts. Regardless of court type, attorneys feel that women of color are at a disadvantage in the courts. (Figure 5-33)





5.7.3 Treatment of Non-White Female Attorneys

Consensus among Court Personnel and Attorneys. Judicial officers and non-judicial personnel attest that minority female lawyers are treated with the *same* respect as other female lawyers. Attorneys disagree. (Figure 5-34)





5.8 Disparate Judgments

Respondents were asked to predict the likelihood of a defendant receiving a guilty verdict as a result of the race or ethnicity of the defendant and the victim. Three case scenarios were considered:

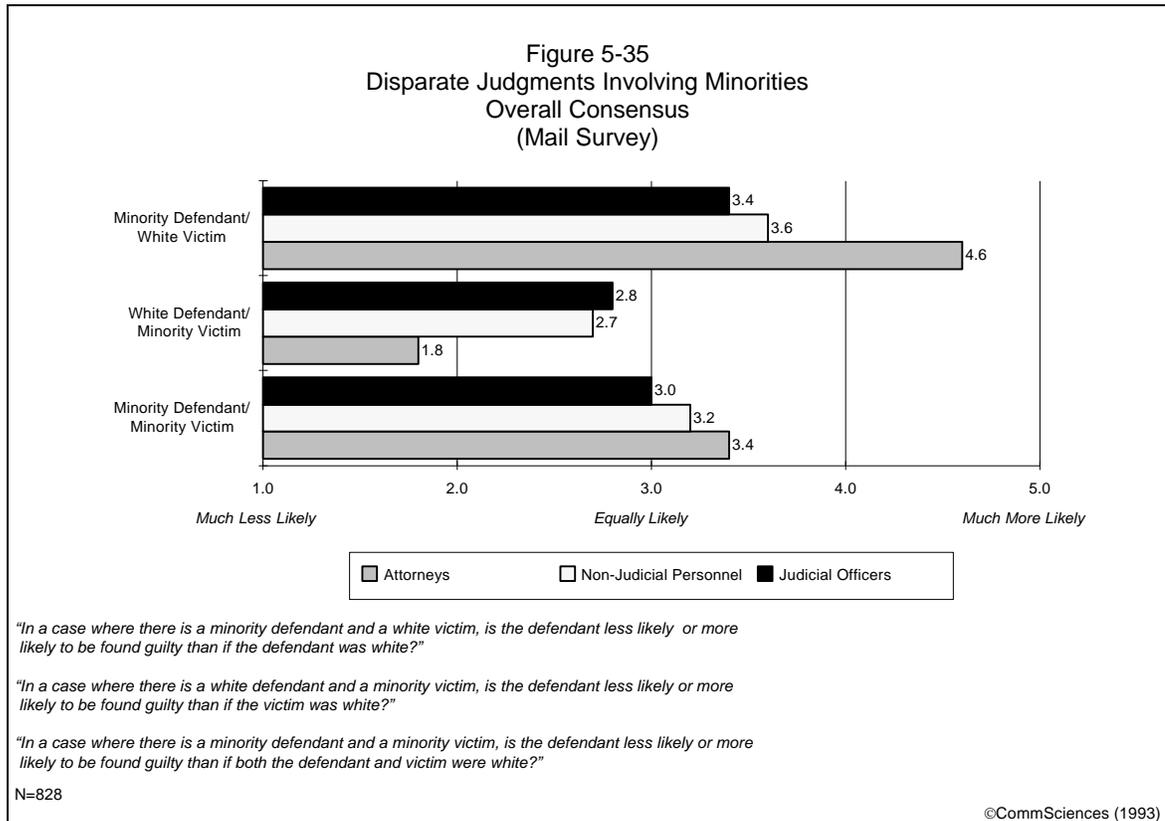
1. In a case where there is a *minority* defendant and a *white* victim, is the defendant *less likely* or *more likely* to be found guilty than if the defendant was white?
2. In a case where there is a *white* defendant and a *minority* victim, is the defendant *less likely* or *more likely* to be found guilty than if the victim was white?
3. In a case where there is a *minority* defendant and a *minority* victim, is the defendant *less likely* or *more likely* to be found guilty than if both the defendant and victim were white?

Consensus among Court Personnel and Attorneys. Figure 5-35 presents the average level of agreement for each of the question items concerning disparate judgments. The average agreement ratings indicate the following consensus of opinion:

- In cases involving a minority defendant and a White victim, judges, other court personnel, *as well as attorneys agree* that the defendant is *more likely* to be found guilty when he or she is a minority. However, although the averages indicate that judges (on balance of their responses) tend to be in agreement with attorneys on this issue, fully 61% of the judicial officers polled feel the minority defendant is *as likely* as any other defendant to be found guilty (however 35% who feel the defendant is more likely to be found guilty and 5% who think the defendant is less likely to be found guilty). Compare these findings with 93% of the attorneys and 51% of the non-judicial staff who feel the minority defendant is *more likely* to be found guilty. (Figure 5-36)
- In cases involving a White defendant and a minority victim, attorneys surveyed *agree* that the defendant is *less likely* to be found guilty when he or she is White. On balance, judges and non-judicial staff were neutral since a majority of (71% and 56% respectively) felt the defendant was *as likely* as a minority defendant to be found guilty, while a significant proportion of non-judicial personnel (38%) felt the defendant was *less likely* to be found guilty. (Figure 5-36)



- In cases involving a minority defendant and a minority victim, judges and non-judicial personnel believe that the minority defendant is *as likely* as a White defendant to be found guilty. However, attorneys consider that the minority defendant is slightly more likely to be found guilty than if he or she was White. (see Figure 5-36)

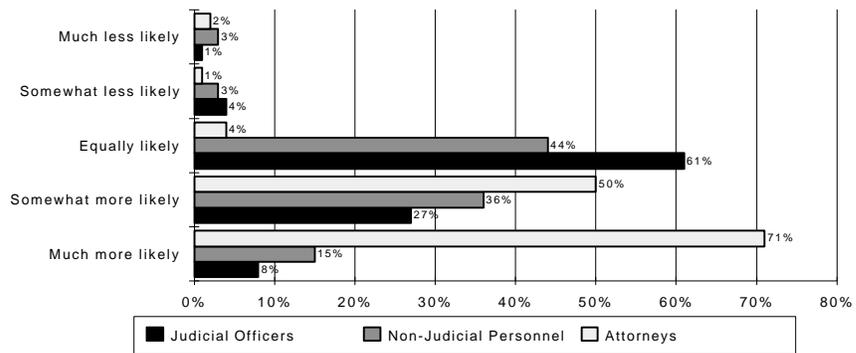


On balance, it seems that the consensus of opinion among court personnel and attorneys is closer on the issue of disparate judgments for minorities than they are on other issues. The data suggest that in cases of crimes involving minority defendants and White victims, some systemic disparity against minority defendants is likely to occur.



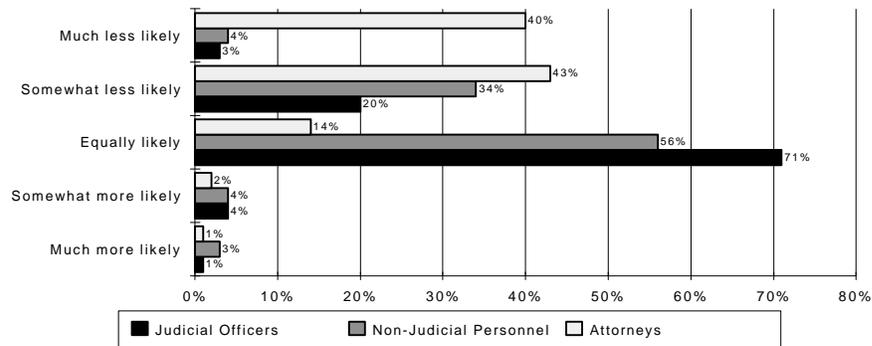
Figure 5-36
Disparate Judgments Involving Minorities
Percentage Response for Each Occupation Category (Mail Survey)

Minority Defendant/White Victim



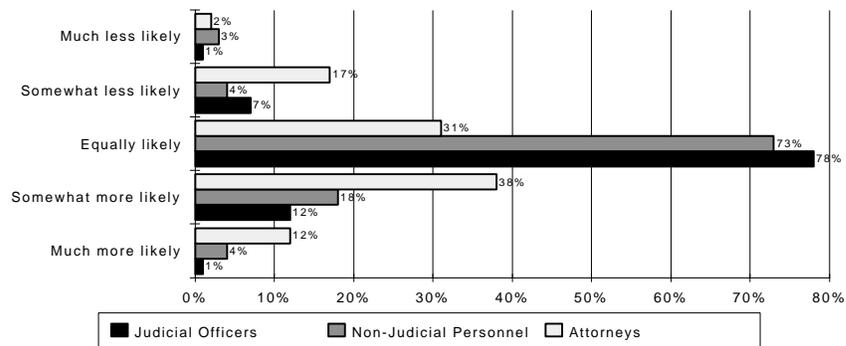
"In a case where there is a minority defendant and a white victim, is the defendant less likely or more likely to be found guilty than if the defendant was white?"

White Defendant/White Victim



"In a case where there is a white defendant and a minority victim, is the defendant less likely or more likely to be found guilty than if the victim was white?"

Minority Defendant/Minority Victim



"In a case where there is a minority defendant and a minority victim, is the defendant less likely or more likely to be found guilty than if both the defendant and victim were white?"

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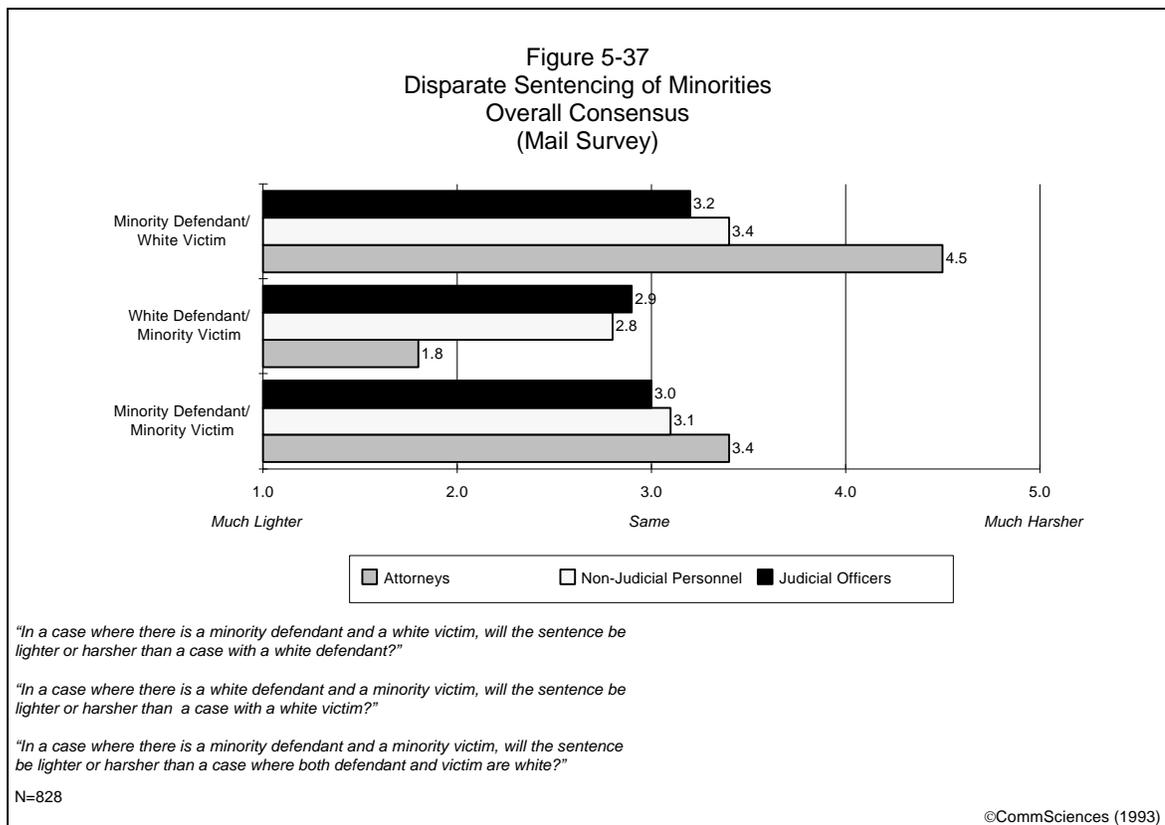


5.9 Disparate Sentencing

In addition to determining respondent perceptions of the outcome of cases that involved divergent racial/ethnic composition, they also rated the degree of harshness in case sentencing. Sentencing scenarios included:

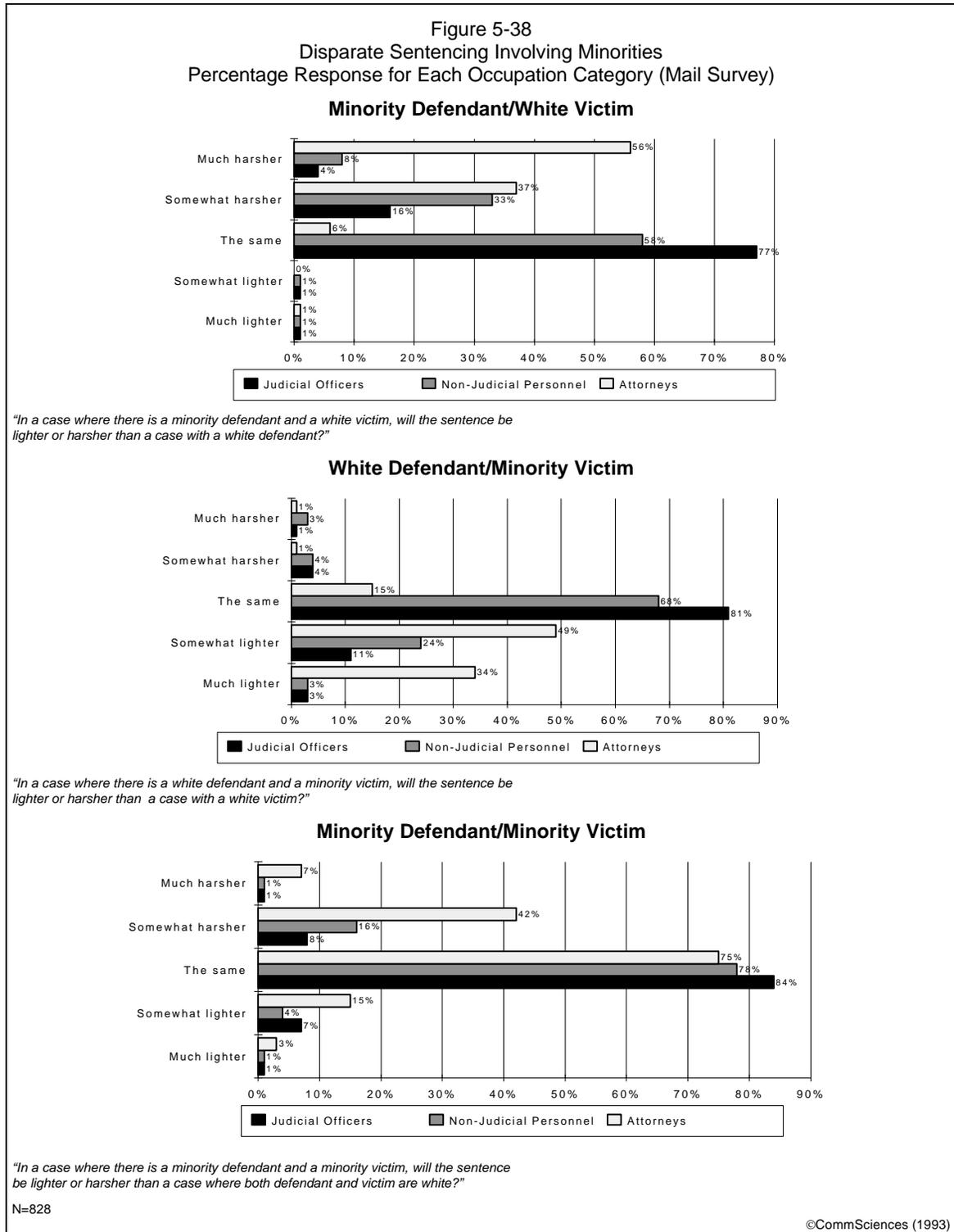
1. In a case where there is a *minority* defendant and a *white* victim, will the sentence be *lighter* or *harsher* than a case with a white defendant?
2. In a case where there is a *white* defendant and a *minority* victim, will be sentence be *lighter* or *harsher* than a case with a white victim?
3. In a case where there is a *minority* defendant and a *minority* victim, will the sentence be *lighter* or *harsher* than case where both defendant and victim are white?

Consensus among Court Personnel and Attorneys. On one hand, judicial officers and other court personnel feel that sentencing will be *about the same* in most cases involving minority defendants. Attorneys, on the other hand, believe that in all cases involving a minority defendant (regardless of the victim’s background) the sentence will be harsher. (Figure 5-37)





Although the mainstream view among non-judicial personnel (58% reporting) in cases involving minority defendants and white victims is that the sentence will be the same, 41% believe that minority defendants will be sentenced *more harshly*. (Figure 5-38)





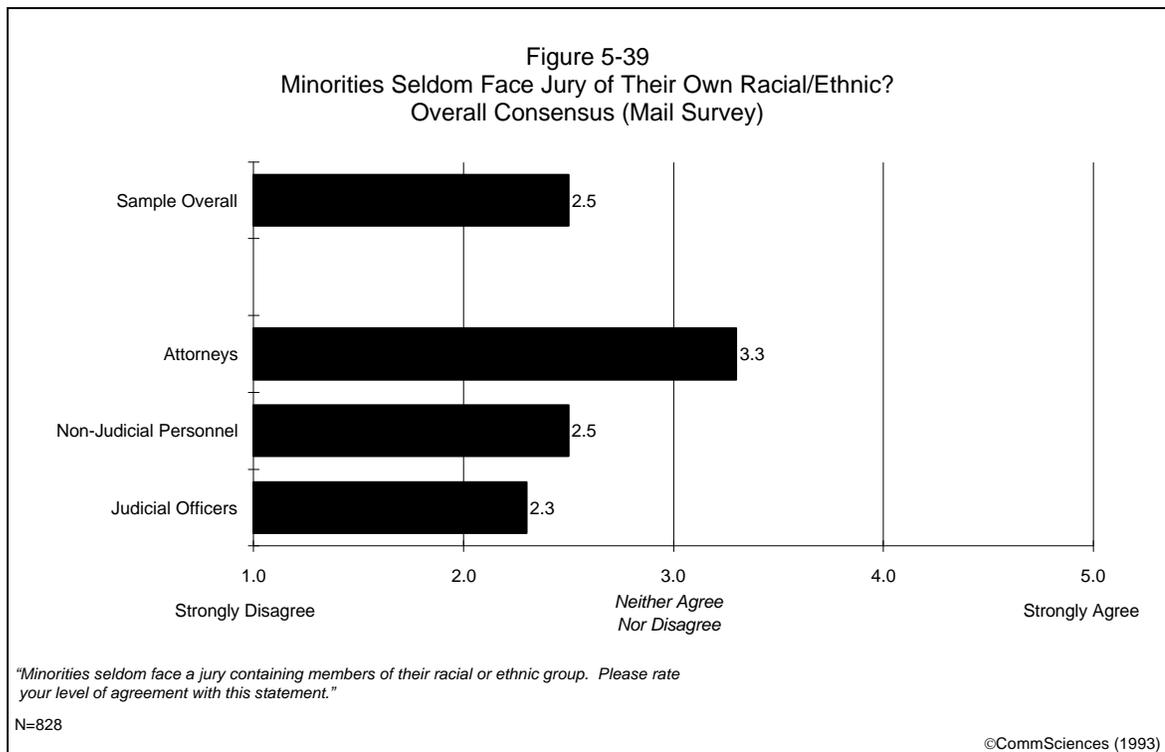
5.10 Minorities and the Jury System

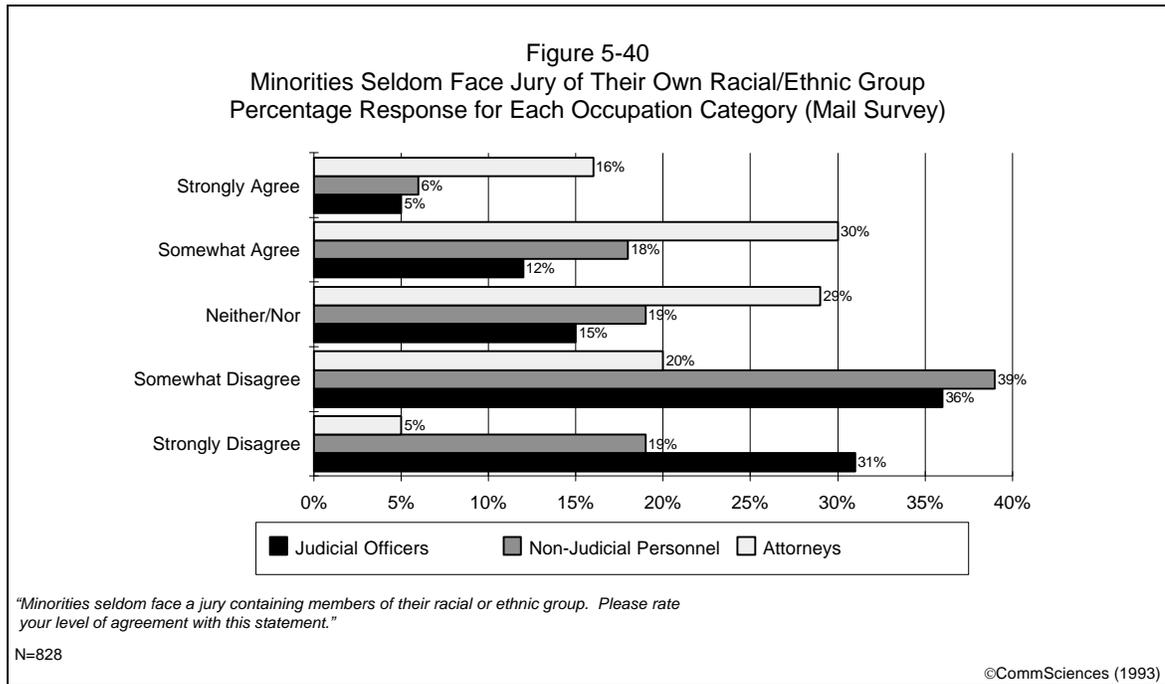
The court personnel survey assessed public opinion on the impact of policies and tactics that may cause minorities to be eliminated from the jury pool. Two related issues were assessed:

1. Whether there is adequate representation of minorities on juries so that minority defendants face juries of their peers.
2. Whether juries tend to reflect the racial/ethnic composition of the jurisdiction.

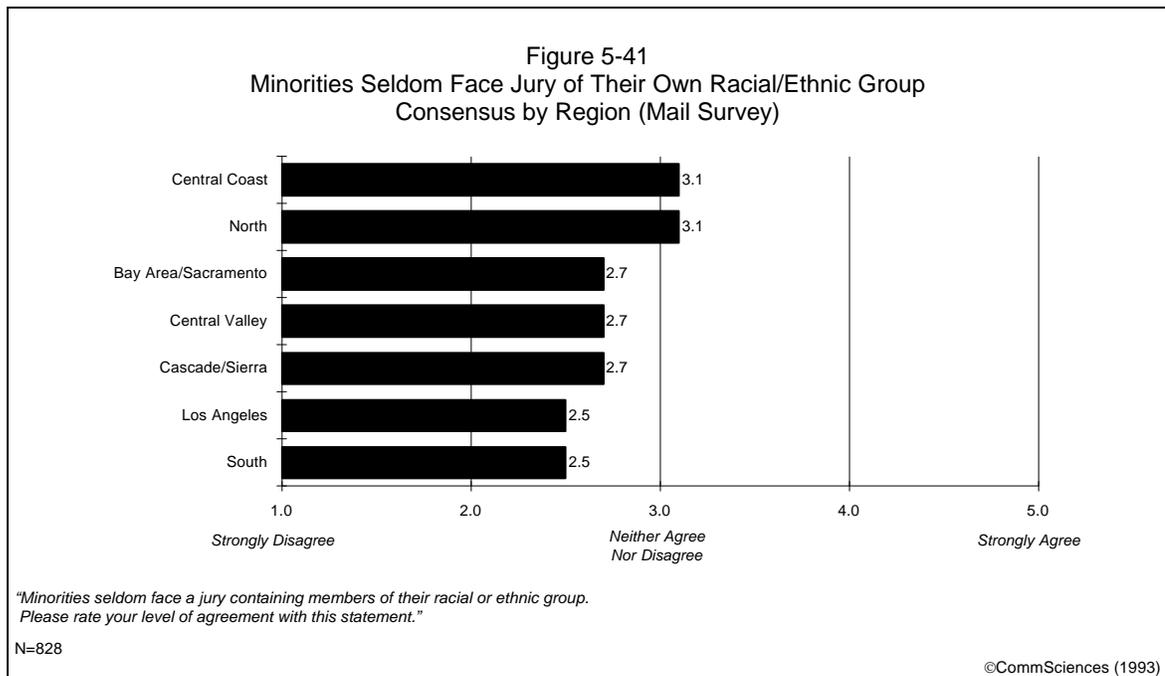
5.10.1 Do Minority Defendants Face Juries of Their Peers?

Consensus among Court Personnel and Attorneys. The heavily White sample of court personnel reported that minorities usually do face a jury containing members of their own racial or ethnic group (Figure 5-39). In contrast, attorneys showed a mixed reaction to the question with a significant plurality (46%) who agree with the contention.





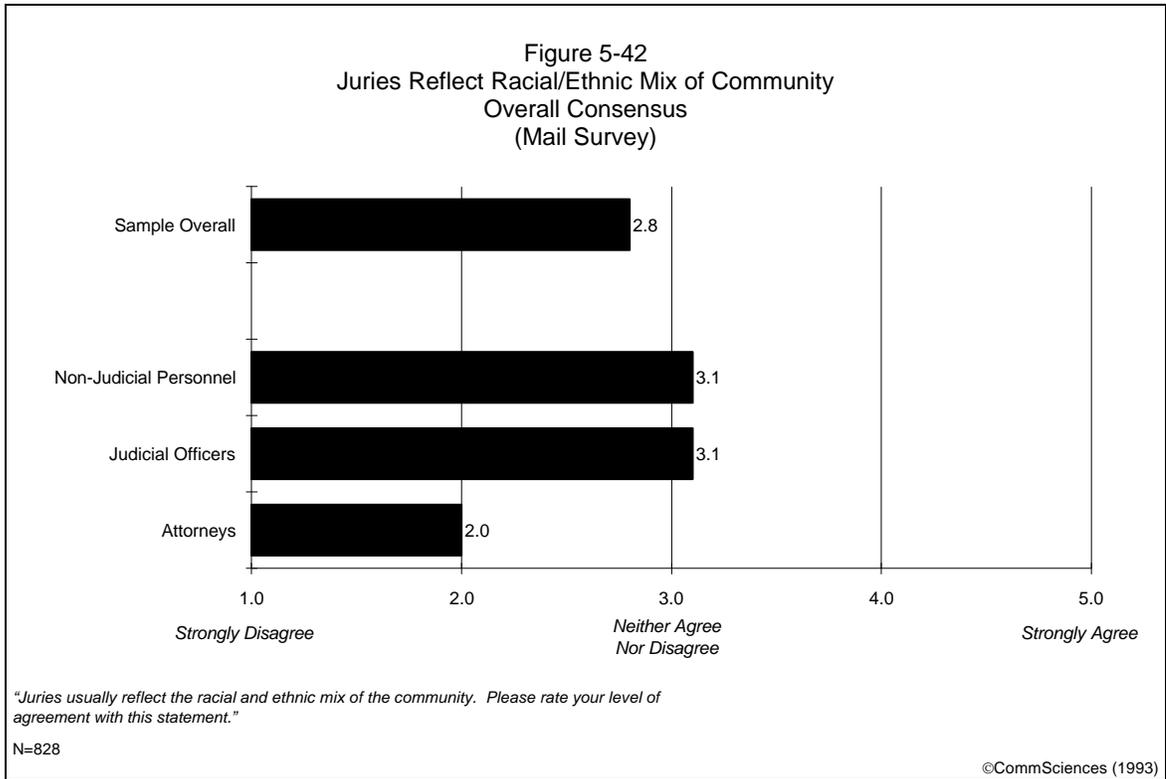
Regional Consensus. There appears to be more of an issue with regard to minority representation on juries in the counties of the Central Coast and the North. (Figure 5-41)





5.10.2 Do Juries Reflect the Racial/Ethnic Composition of the Jurisdiction?

Consensus among Court Personnel and Attorneys. Court personnel are *divided* regarding whether or not juries usually reflect the racial and ethnic mix of the community. However, attorneys who took part in the survey clearly do not believe that juries are racially/ethnically representative of the community at large. (Figure 5-42)





5.11 Lack of Access to Justice

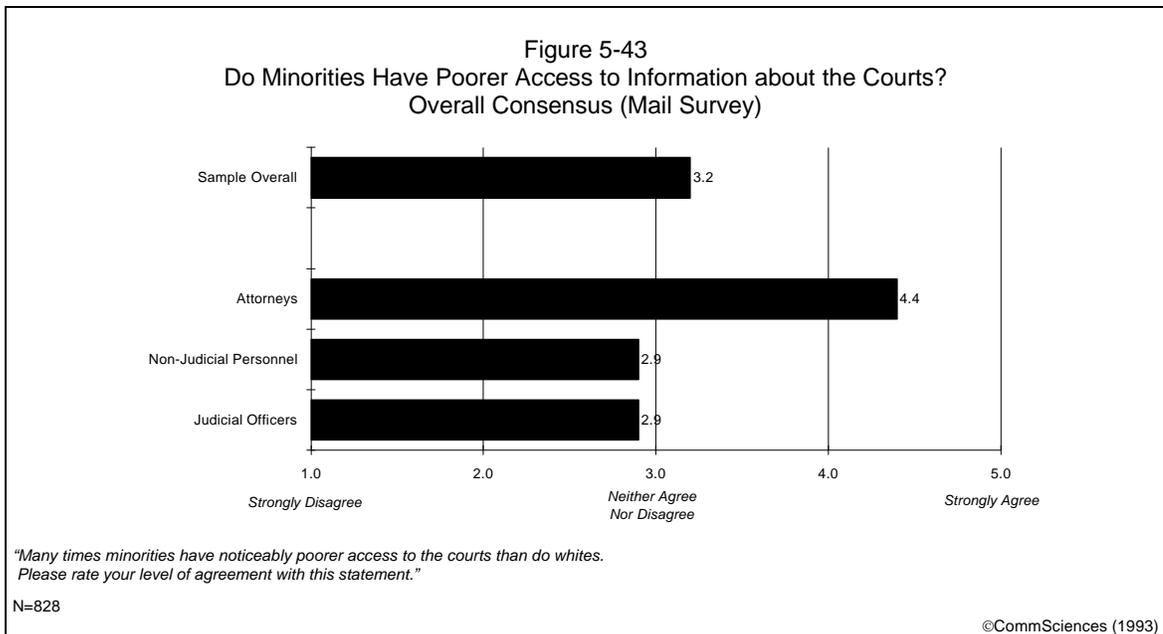
As we noted in the telephone survey results, during the public hearings one of the most frequently cited problem areas pertained to a lack of access to justice. Better information about the courts, including information that provides a better understanding about how to use the courts, was one of the most important access-related issues. In addition, language barriers and the need for improved cultural sensitivity also were cited as recurrent obstacles to access.

The mail survey covered a wider variety of access issues than the telephone survey. Assessments included:

- Compared with Whites, whether minorities have poorer access to the courts in general?
- Compared with Whites, whether minorities have poorer access to information and education about the courts
- Whether non-English speakers receive poor treatment by the courts?
- Whether immigrants have trouble filing complaints because forms that are not in their own language?
- Whether enough interpreters are available to non-English speaking people?
- Whether income affects a person’s ability to get effective legal counsel?
- Whether a fear of the judicial system keeps immigrants from standing up for their rights?

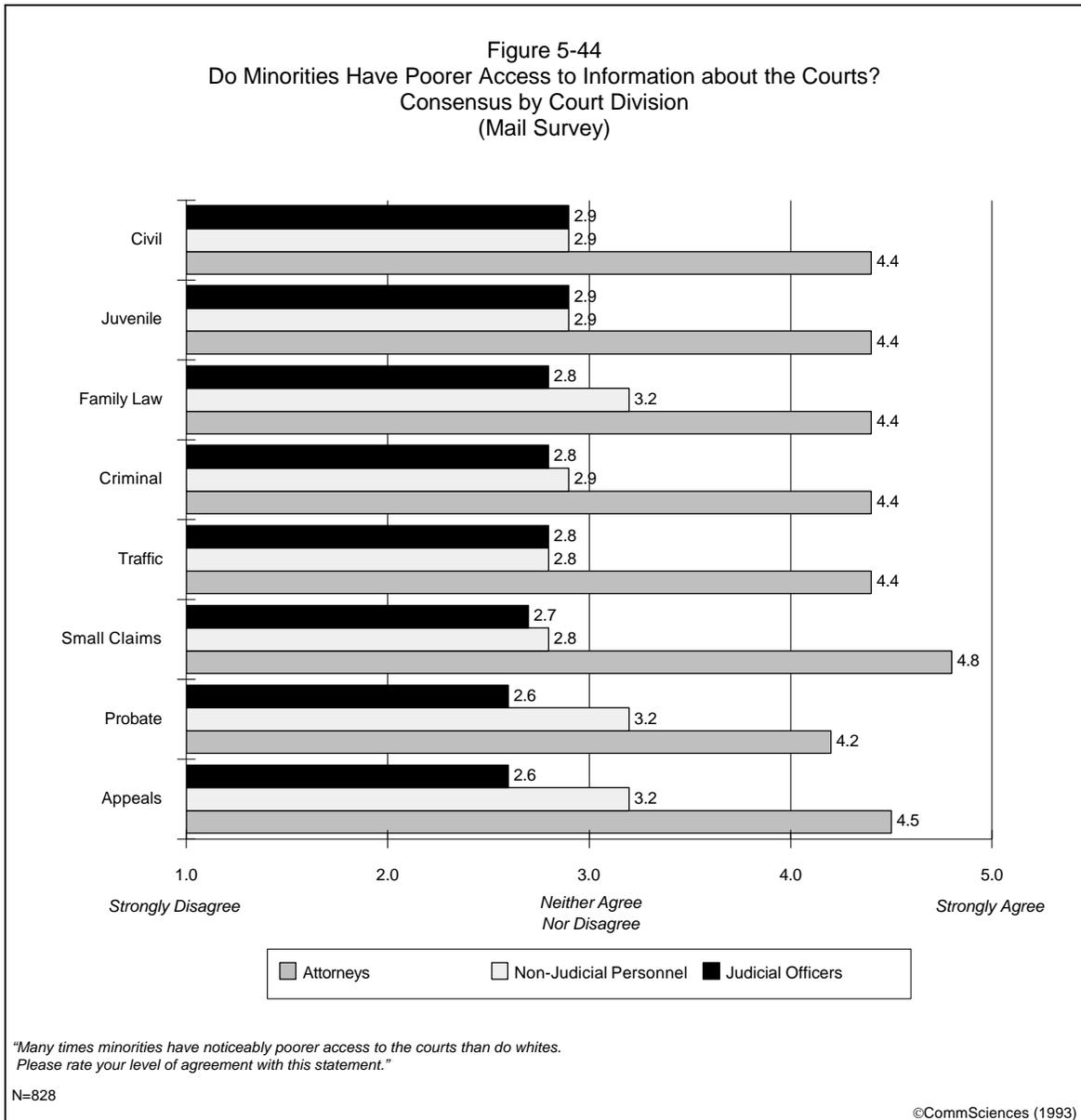
5.11.1 Minority Access to the Courts

Consensus among Court Personnel and Attorneys. Court personnel were fairly evenly *divided* as to whether or not minorities have poorer access to the courts than Whites. Attorney surveyed strongly feel that minorities have significantly more limited access.





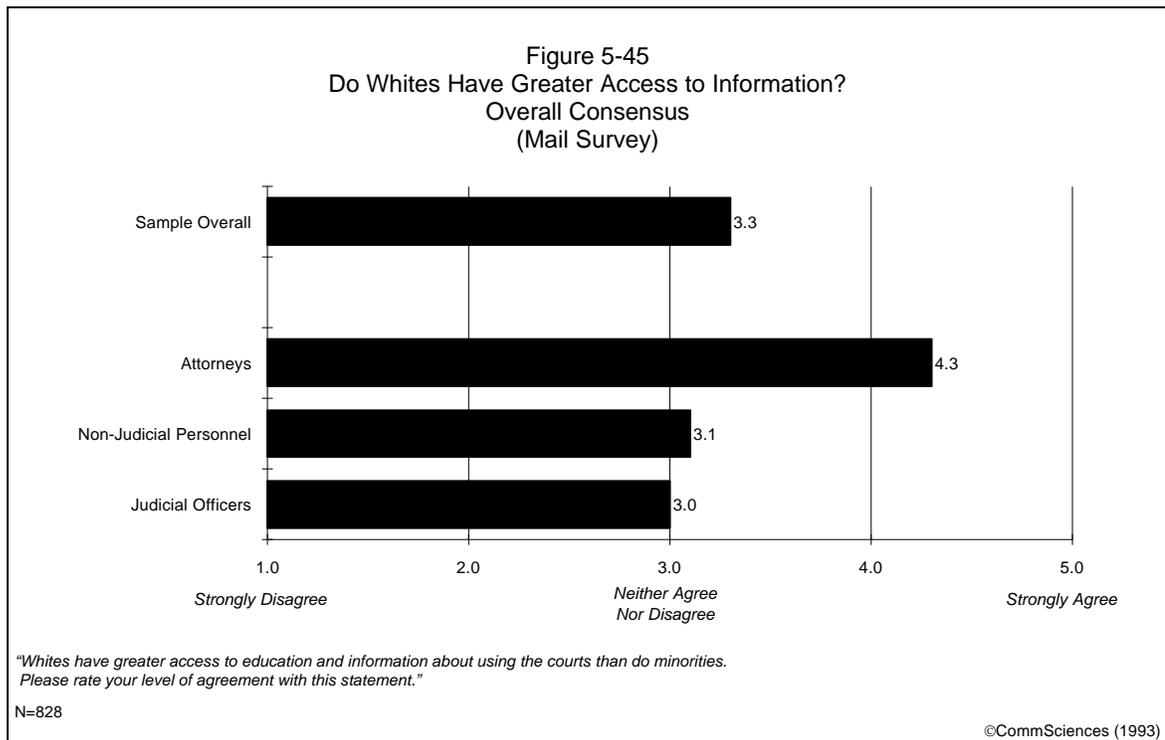
Consensus by Court Division. Court personnel across most court divisions were divided on the subject of comparative access to the courts. The data indicate that special problem areas may exist in Family Law, Small Claims, Probate and Appeals Courts. (Figure 5-44)





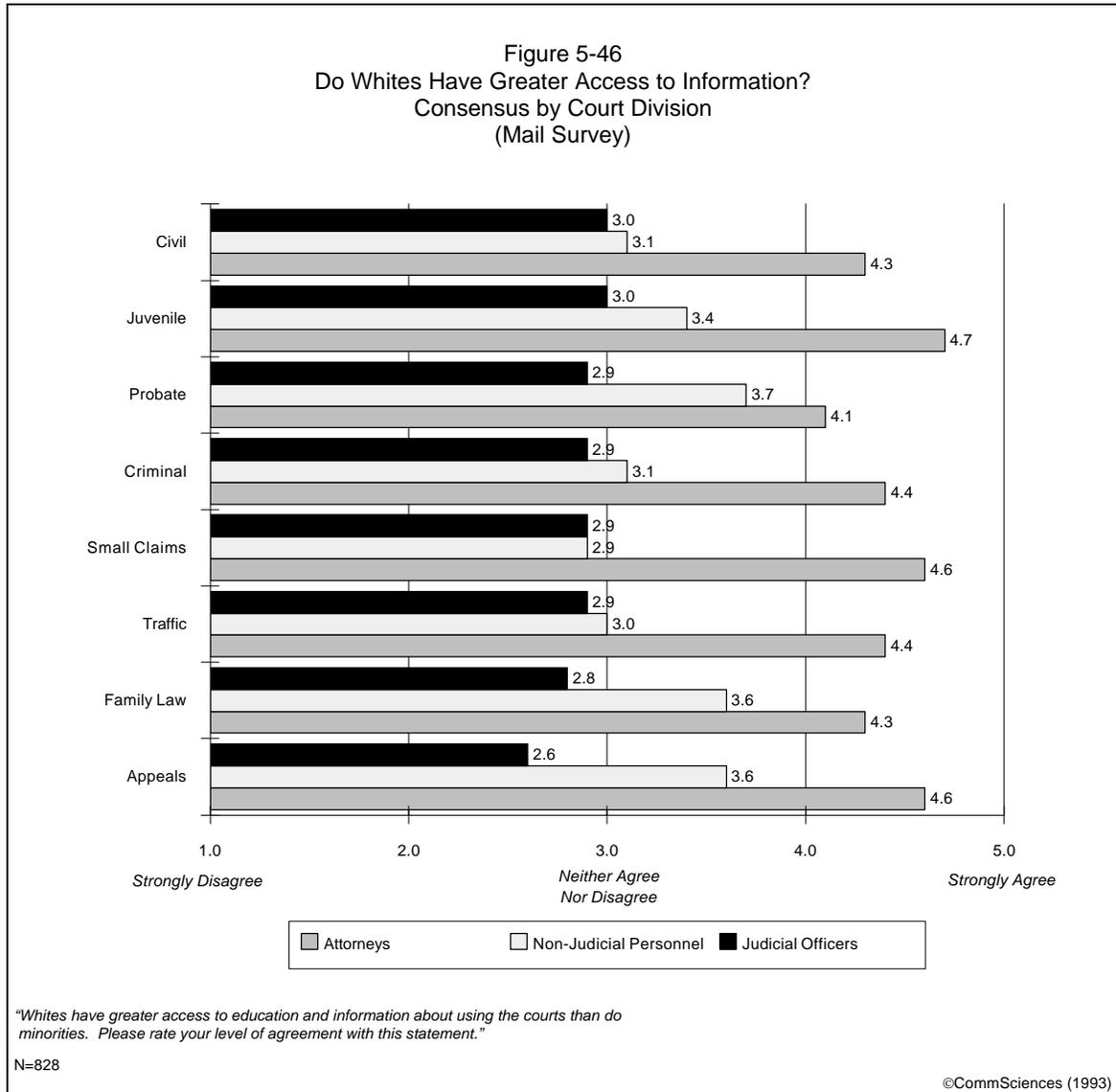
5.11.2 Access to Information about the Courts

Consensus among Court Personnel and Attorneys. Again, court personnel were *divided* whether Whites have an advantage when it comes to access to education and information about using the courts. Attorneys take the opposite view. (Figure 5-45)





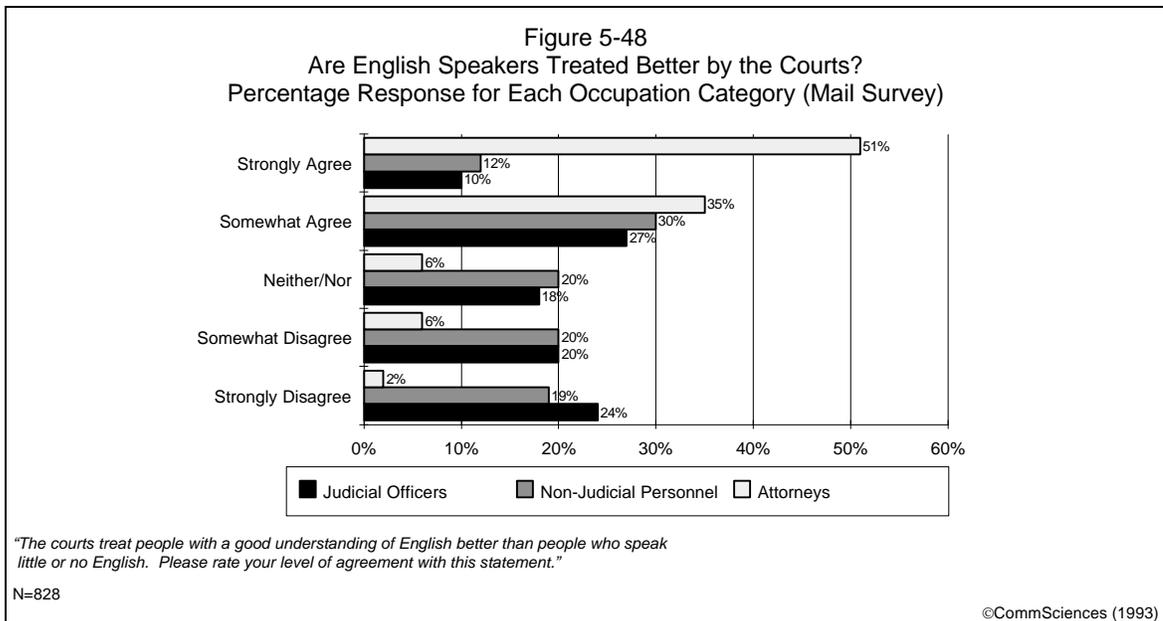
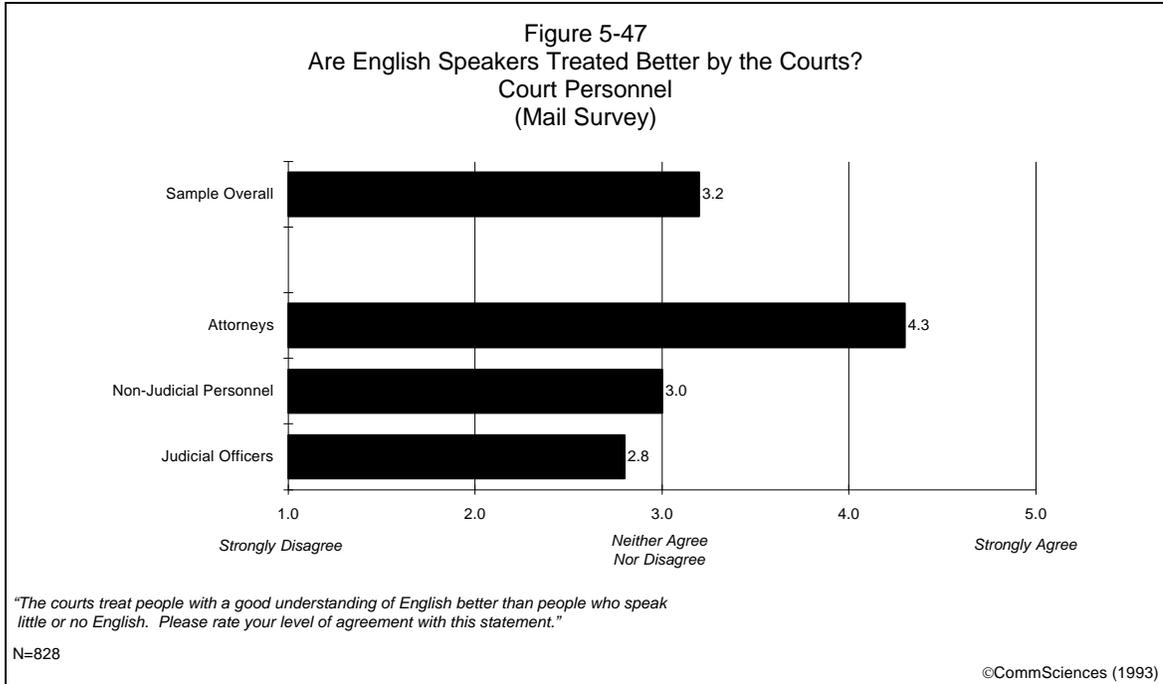
Consensus by Court Divisions. Variation in responses across courts indicate that, for minorities, problem access areas are likely to exist in Juvenile, Probate, Family Law, and Appeals. (Figure 5-46)





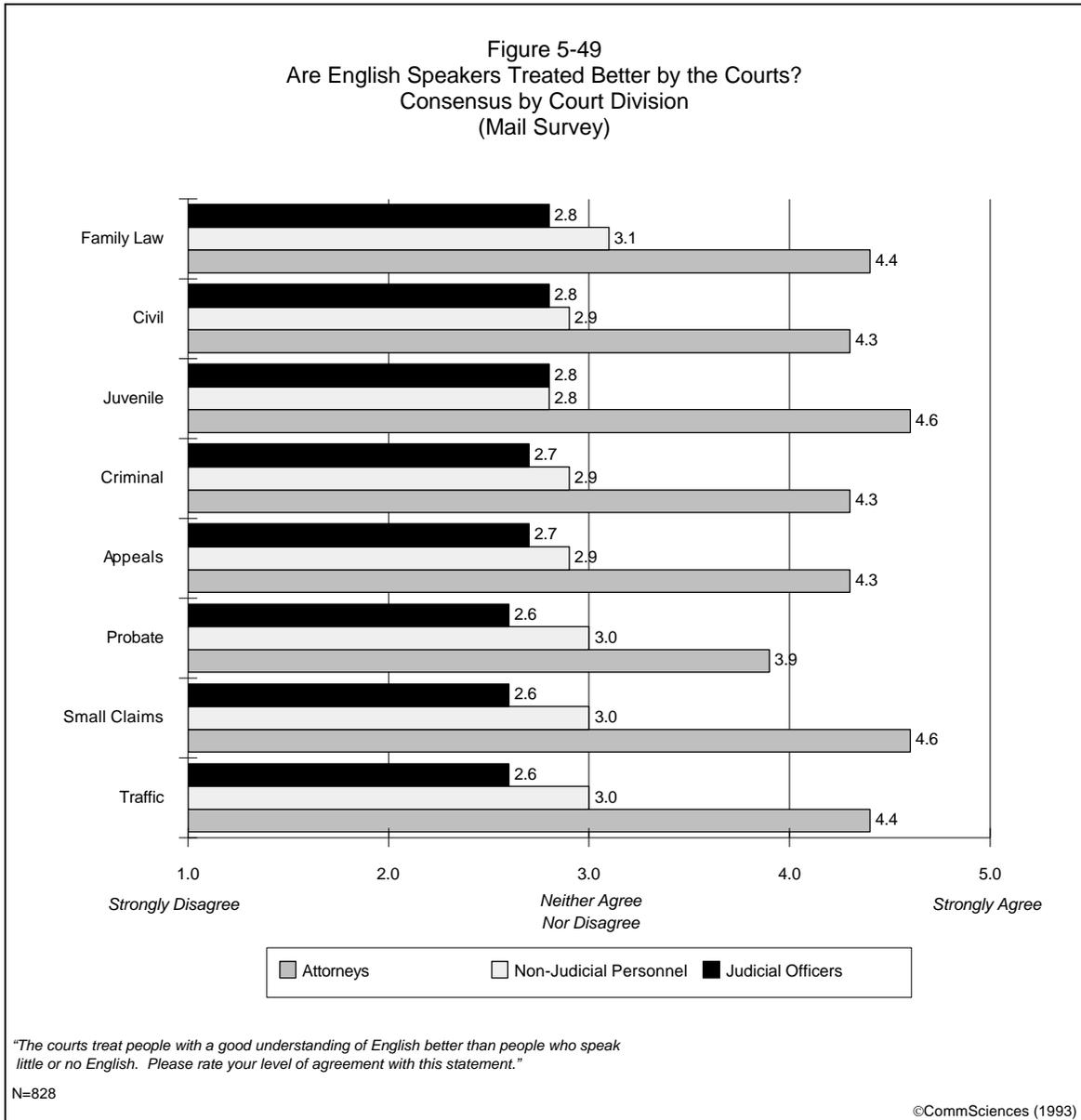
5.11.3 Overall Treatment of Non-English Speakers

Consensus among Court Personnel and Attorneys. Continuing the trend, judicial personnel are more or less *divided* on whether or not people with a good understanding of English get treated better than people who speak little or no English. Fully 44% of the judicial officers feel English-speakers get a better break, versus 37% who feel they don't. Attorney opinions are *strongly supportive* of the contention that a good understanding of English affords one better treatment in the courts. (Figures 5-47 and 5-48)





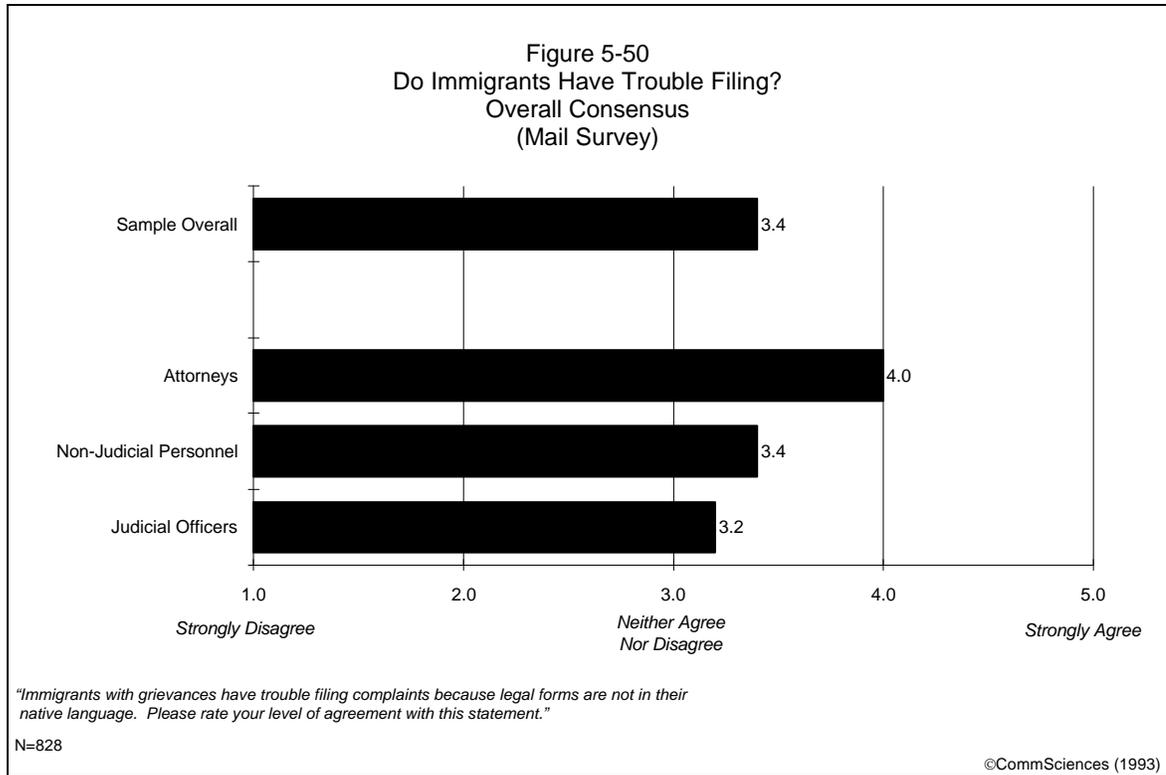
Consensus among Court Divisions. When it comes to language barriers, there is greater consensus that potential problems exist in the following areas: Family Law, Probate, Small Claims, and Traffic. (Figure 5-49)





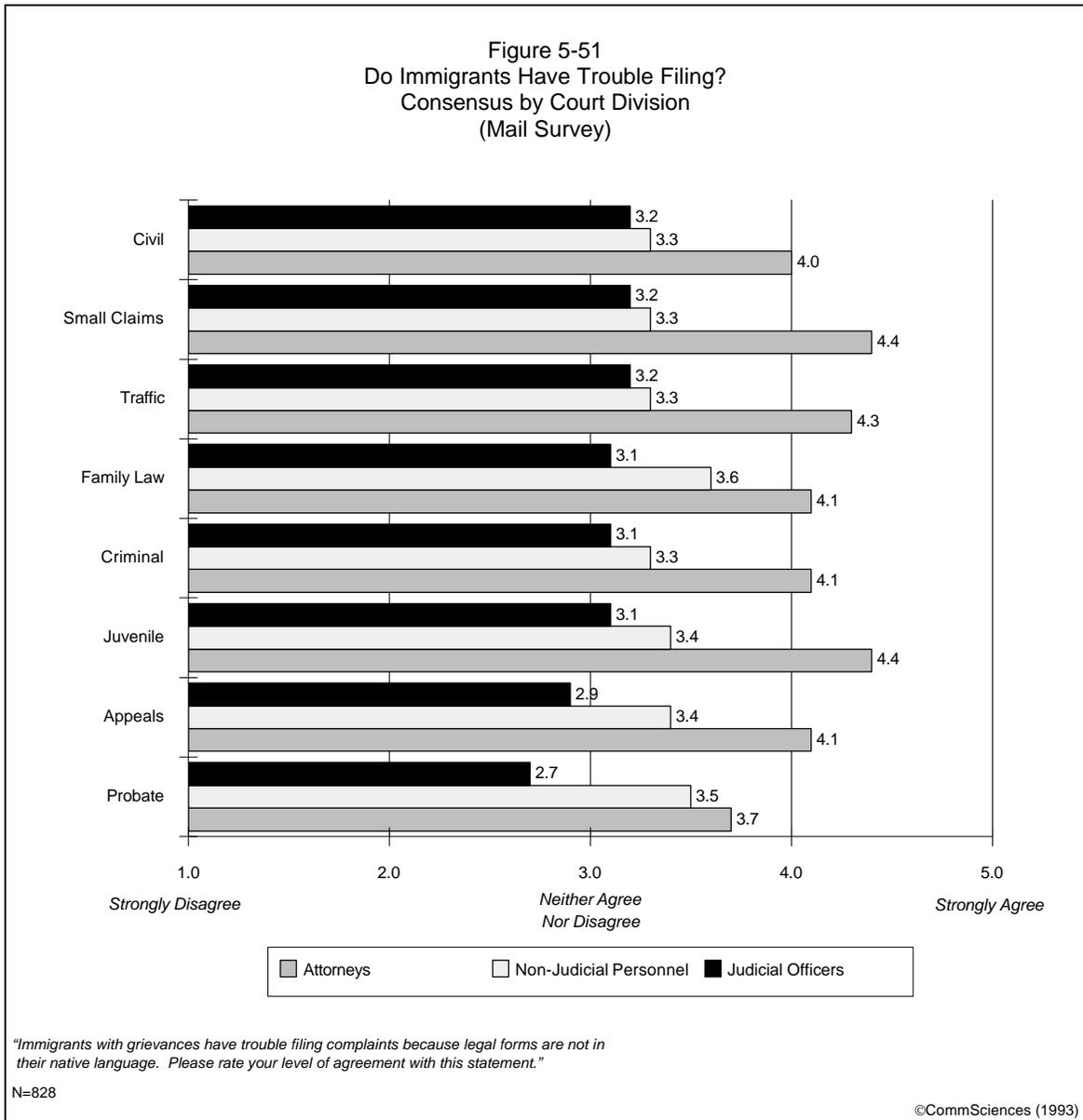
5.11.4 Does Unavailability of Multi-Lingual Forms Prevent Many Immigrants from Filing Complaints?

Consensus among Court Personnel and Attorneys. There is a general consensus of opinion (to varying degrees) among *all* groups who participated in the poll that immigrants with grievances have trouble filing complaints because legal forms are not in their native language. (Figure 5-50)





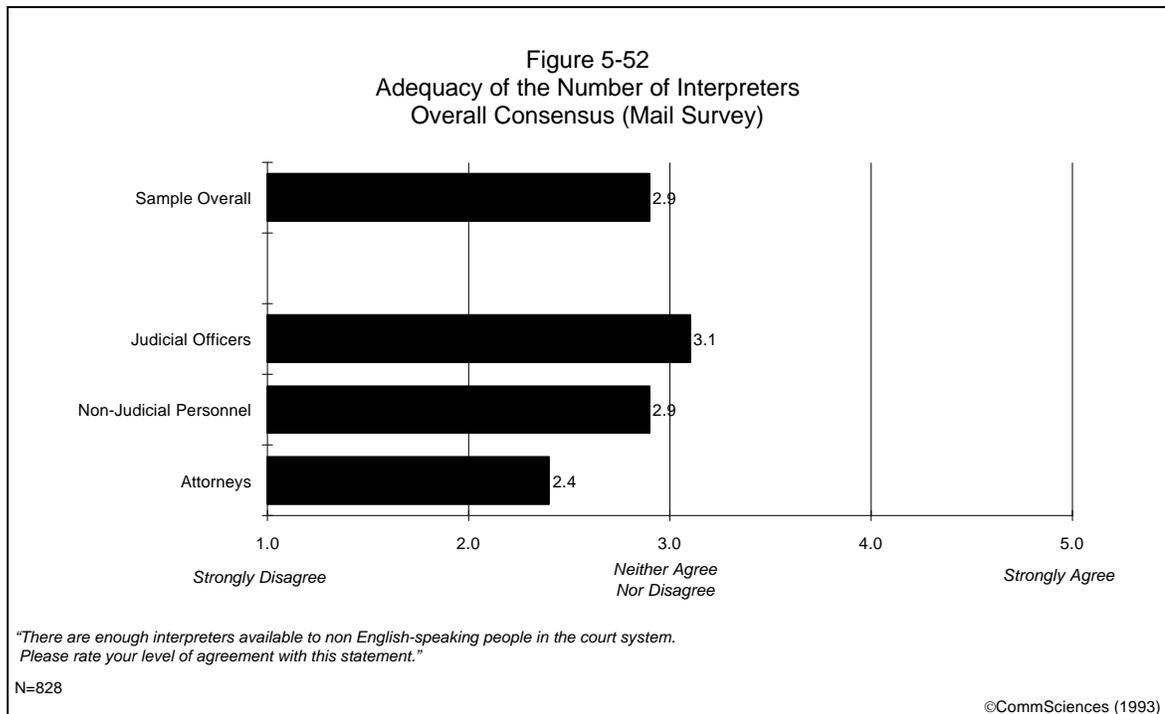
Consensus by Court Divisions. Most respondents concurred that there are language barriers created by a lack of multi-lingual forms; this opinion seems fairly widespread. Nevertheless, taken together, the data indicate this problem is possibly of greater concern in Probate, Appeals, Juvenile, and Family Law courts. (Figure 5-51)





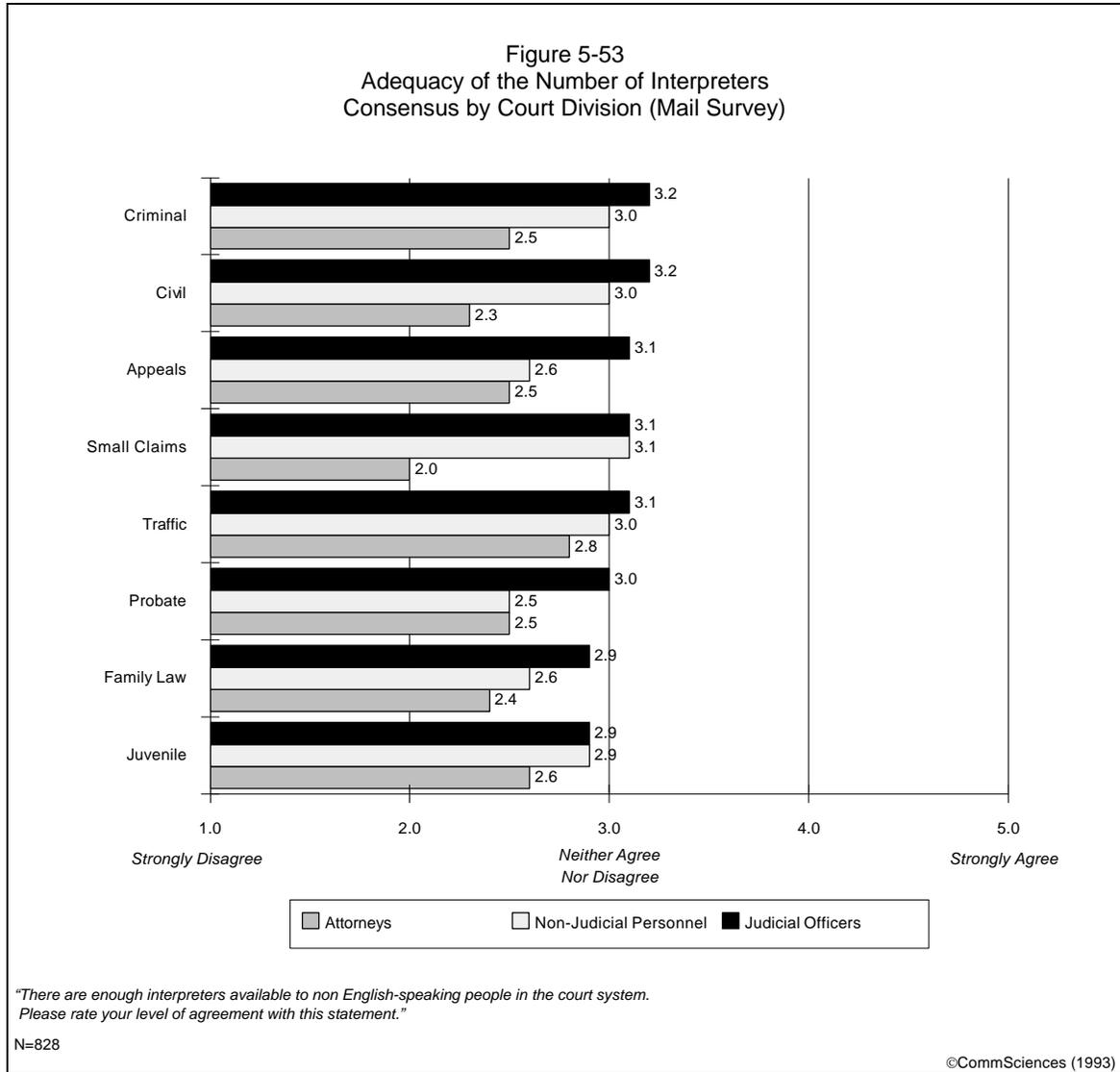
5.11.5 Are There an Adequate Number of Interpreters?

Consensus among Court Personnel and Attorneys. Court personnel are *divided* on whether there are enough interpreters available to non English-speaking people in the court system. Attorneys, as we might expect by now, generally feel that there is not an adequate supply of interpreters. (Figure 5-52)





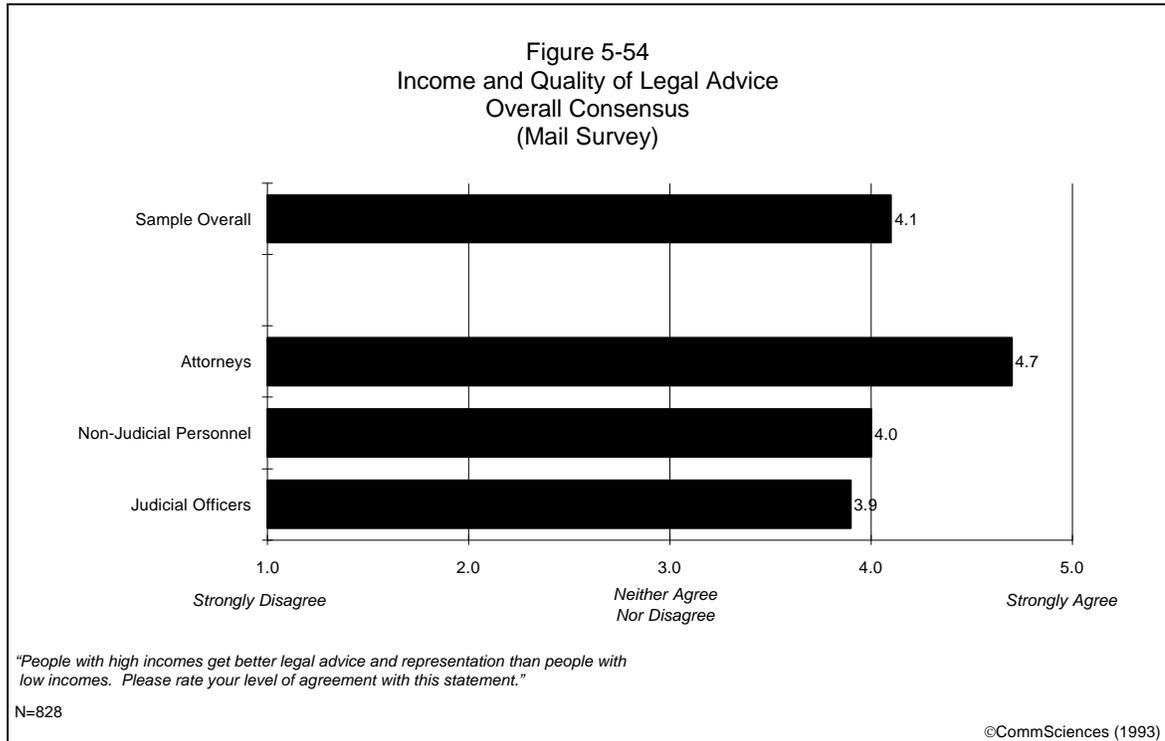
Consensus by Court Divisions. A deficiency of interpreters appears to be more prevalent in Appeals, Small Claims, and Family Law courts. (Figure 5-53)





5.11.6 Does Personal Income Affect Quality of Legal Representation?

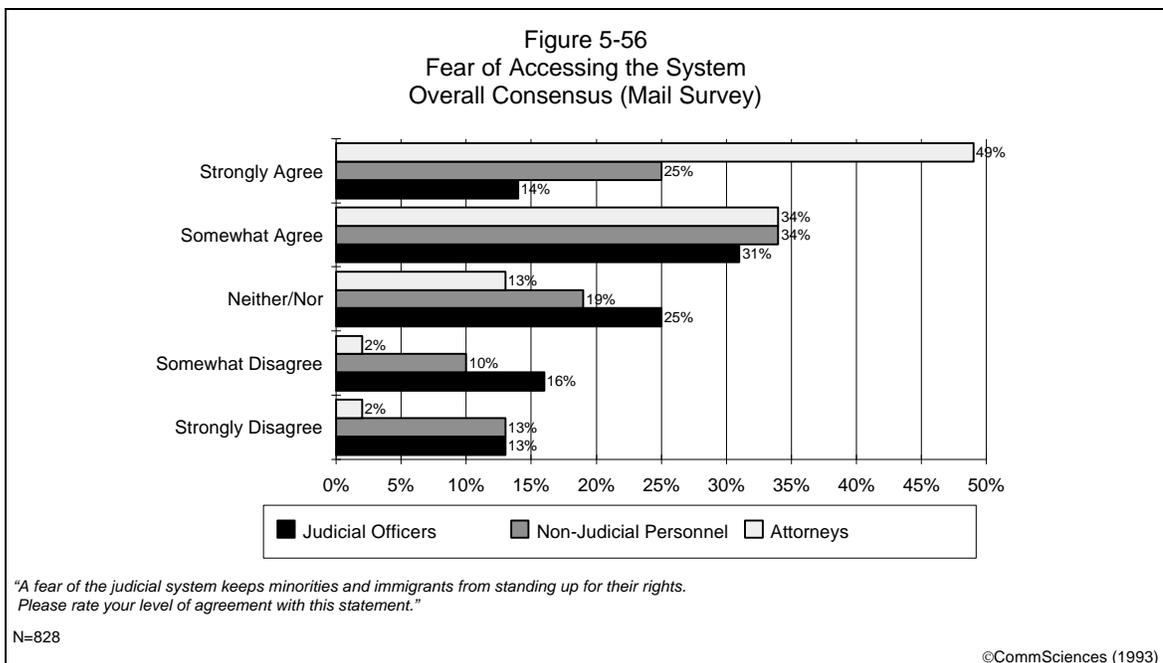
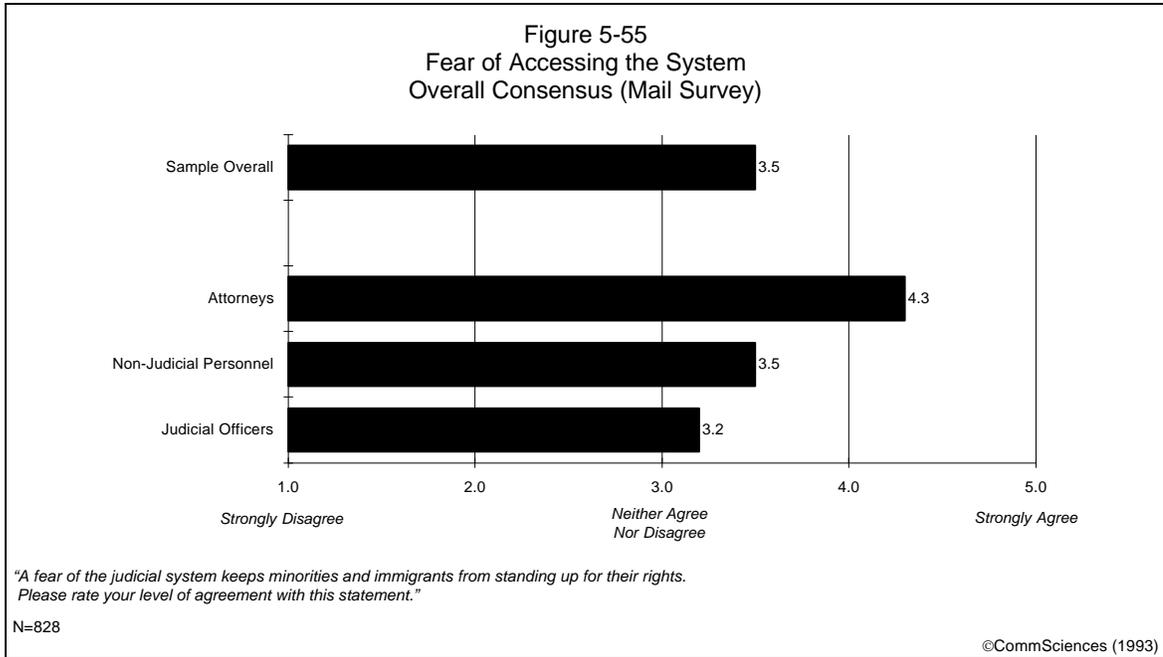
Consensus among Court Personnel and Attorneys. An overwhelming majority of all respondents feel that people with high incomes get significantly better legal advice and representation than people with low incomes. (Figure 5-54)





5.11.7 Does Fear Prevent Minorities and New Immigrants from Accessing the System?

Consensus among Court Personnel and Attorneys. Respondents generally agree that a fear of the judicial system keeps minorities and immigrants from standing up for their rights. In fact, in this case a plurality of judicial officers (44%) agree that new immigrants are often prevented from engaging the legal services because they fear the legal system. (Figures 5-55 and 5-56)





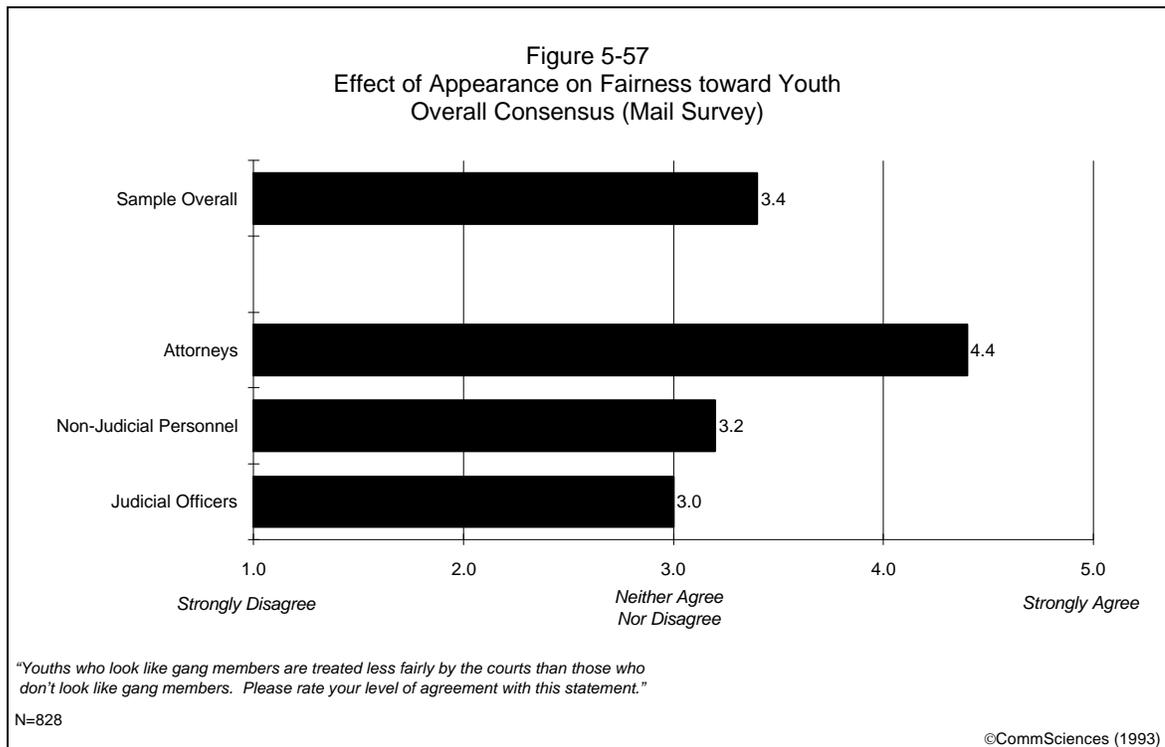
5.12 Disparate Treatment of Minority Youth on the Basis of Appearance

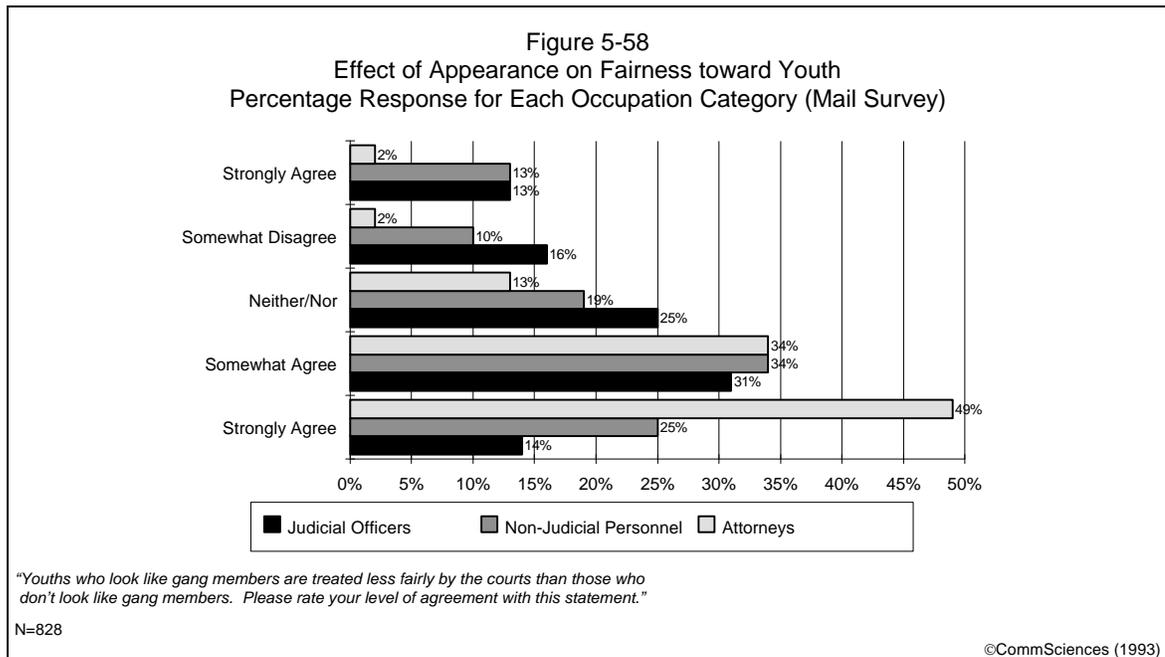
As we noted earlier, the public hearings produced assertions that minority youth are frequently targeted by the criminal justice system partially because of gang-like appearances. Like the telephone survey, the mail survey ascertained the extent of opinion about this issue.

The telephone poll suggests that, overall, there is a *strong* consensus of public opinion that youths who look like gang members *are* treated less fairly by the courts than those who don't look like gang members.

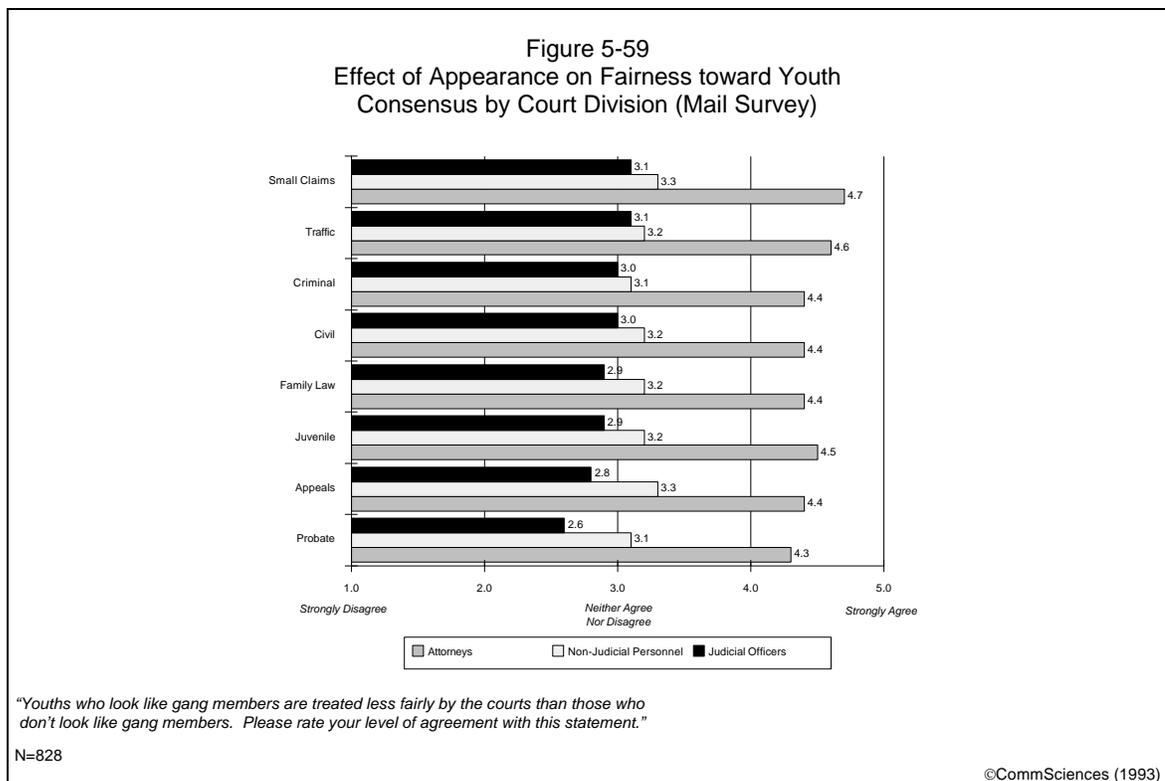
Consensus among Court Personnel and Attorneys. Both judicial officers and non-judicial personnel are *divided* on the issue of whether young people who look like gang members are treated less fairly by the courts than other youths. Attorneys, as we might expect, strongly agree that young people who dress like a gang members are likely to receive biased treatment by the courts. (Figure 5-57)

Though the average ratings imply that court personnel are divided, pluralities of judicial officers (44%) and non-judicial personnel (48%) agree that young people may be more likely to receive biased treatment if they dress like gang members. (Figure 5-58)





Consensus by Court Division. There is greater consensus on this issue from respondents who work in Small Claims, Traffic, Criminal, and Civil Courts. (Figure 5-59)





5.13 Continuing Education and Cultural Awareness Training

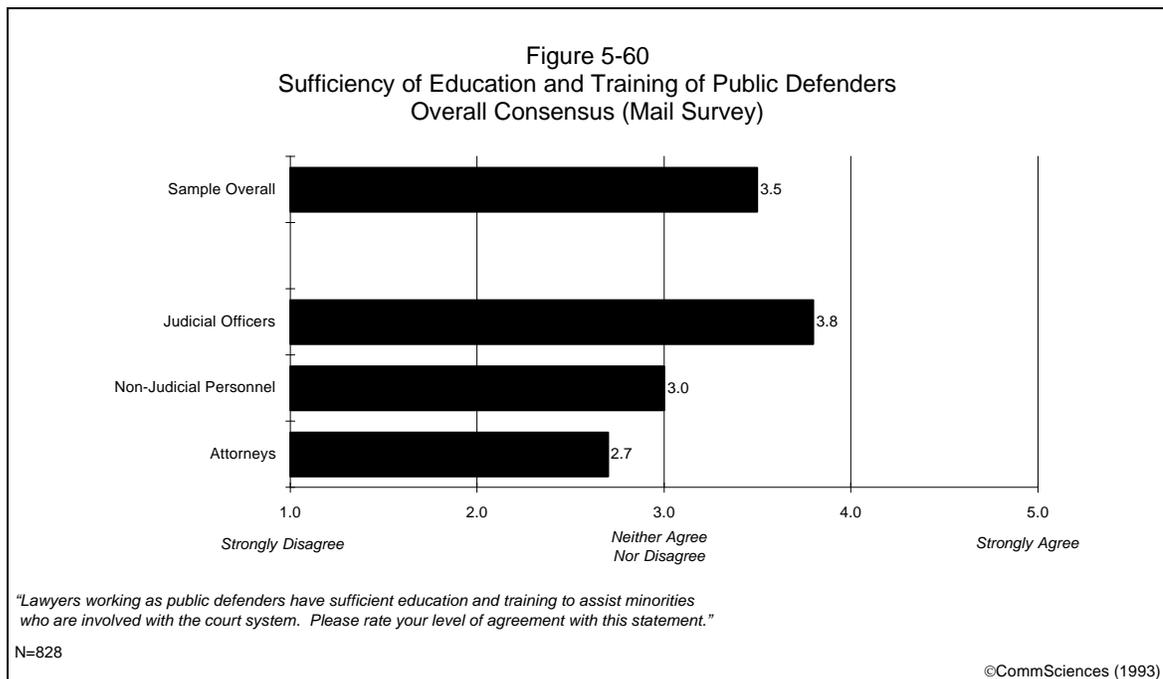
During the hearings, many speakers urged the courts to initiate a refresher course for judges in areas such as anti-discrimination statutes and the basic civil procedures that dominate small claims court activity, and for lawyers in civil rights law. Speakers commented on the various pressures racial and ethnic diversity brings to bear on the court system, and called for extensive cultural awareness programs for professionals and non-professionals who work in the courts.

The mail survey addressed the call for contenting education and cultural awareness training by assessing opinions on the following issues:

- Whether public defenders have sufficient education and training to assist minorities who are involved with the court system
- Whether judges have sufficient education and training to ensure that court proceedings are fair in cases that involve minorities
- Whether court personnel have sufficient education and training to provide adequate assistance to minorities

5.13.1 Do Public Defenders Have Sufficient Cultural Training?

Consensus among Court Personnel and Attorneys. Judicial officers feel that public defenders do have sufficient education and training to assist minorities. Non-judicial personnel, however, clearly are *divided* on this question. Interestingly, attorneys feel that public defenders are not adequately prepared to adequately assist minorities. (Figure 5-60)

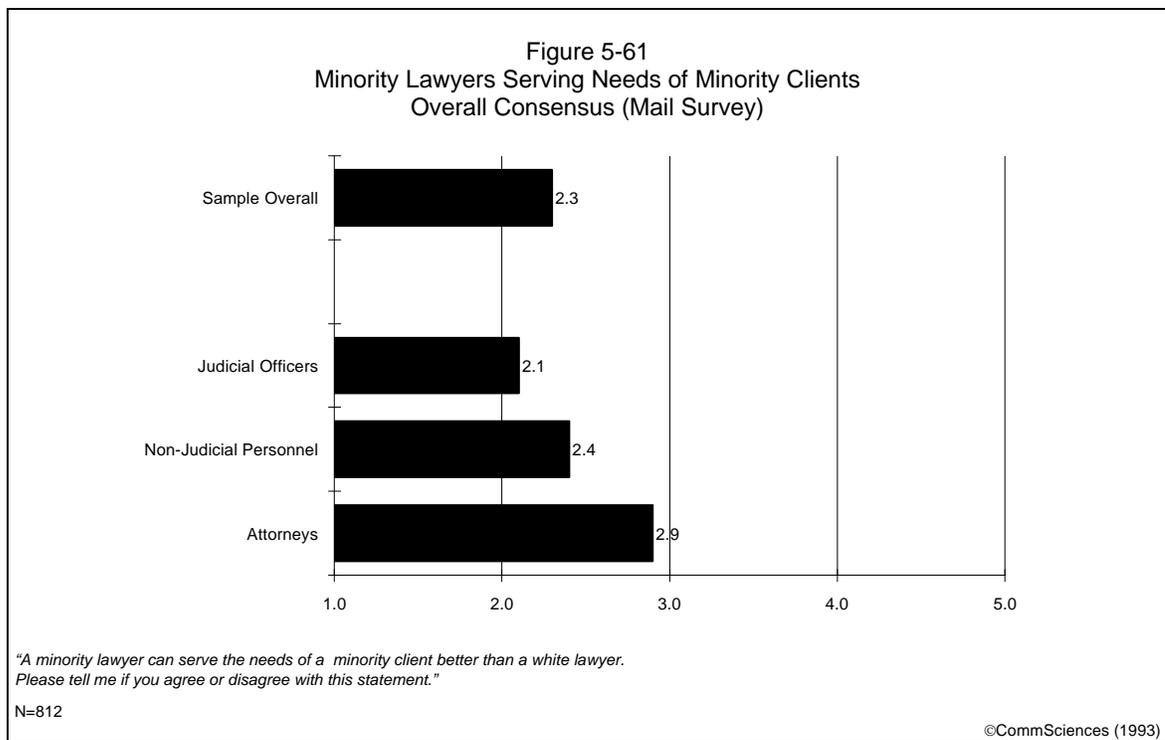




5.13.2 Do Minority Clients *Need* Minority Attorneys?

Figure 5-61 demonstrates that with the exception of attorneys (who are undecided), the opinion of court personnel is that compared with White attorneys, minority lawyers *do not* necessarily serve the needs of minority clients better.

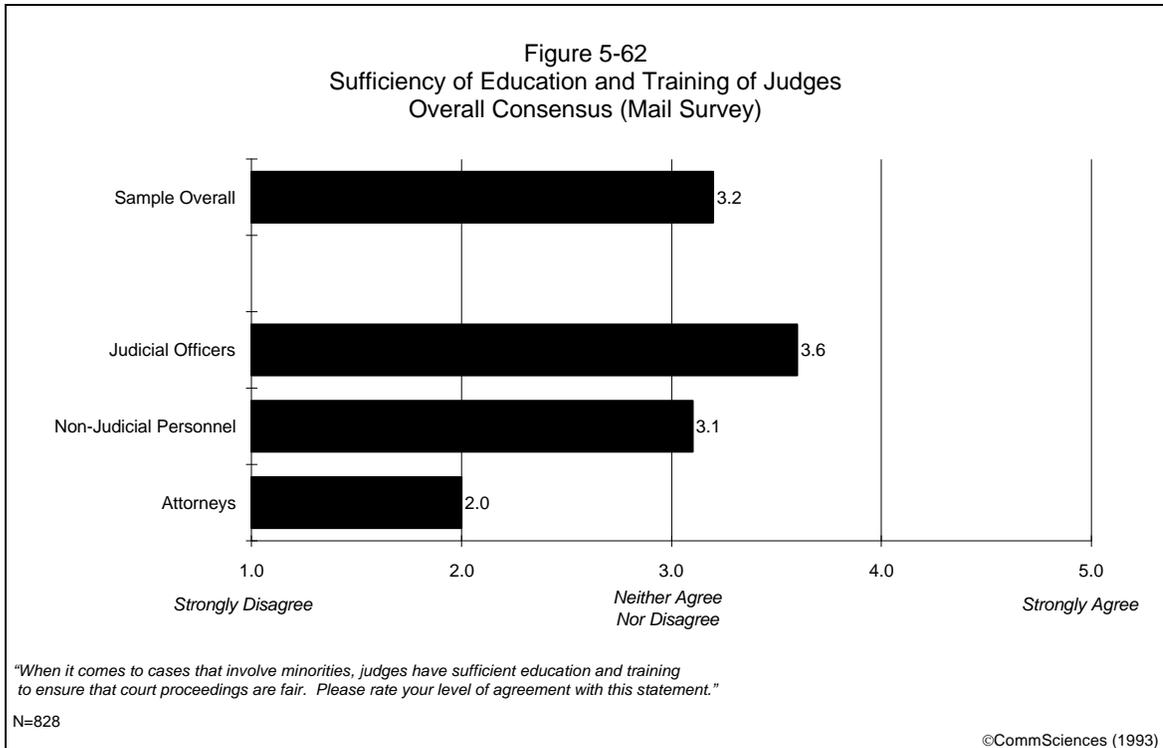
Combined with similar results from the public opinion poll and other findings in the mail survey, the outcome of this measure indicates that minority clients can be well served by White attorneys who are sensitized to cultural factors that may impact the attorney-client relationship. In view of the response to this question, this issue probably should not be regarded as a major problem that needs further examination by the Judicial Council Committee on Racial and Ethnic Bias.





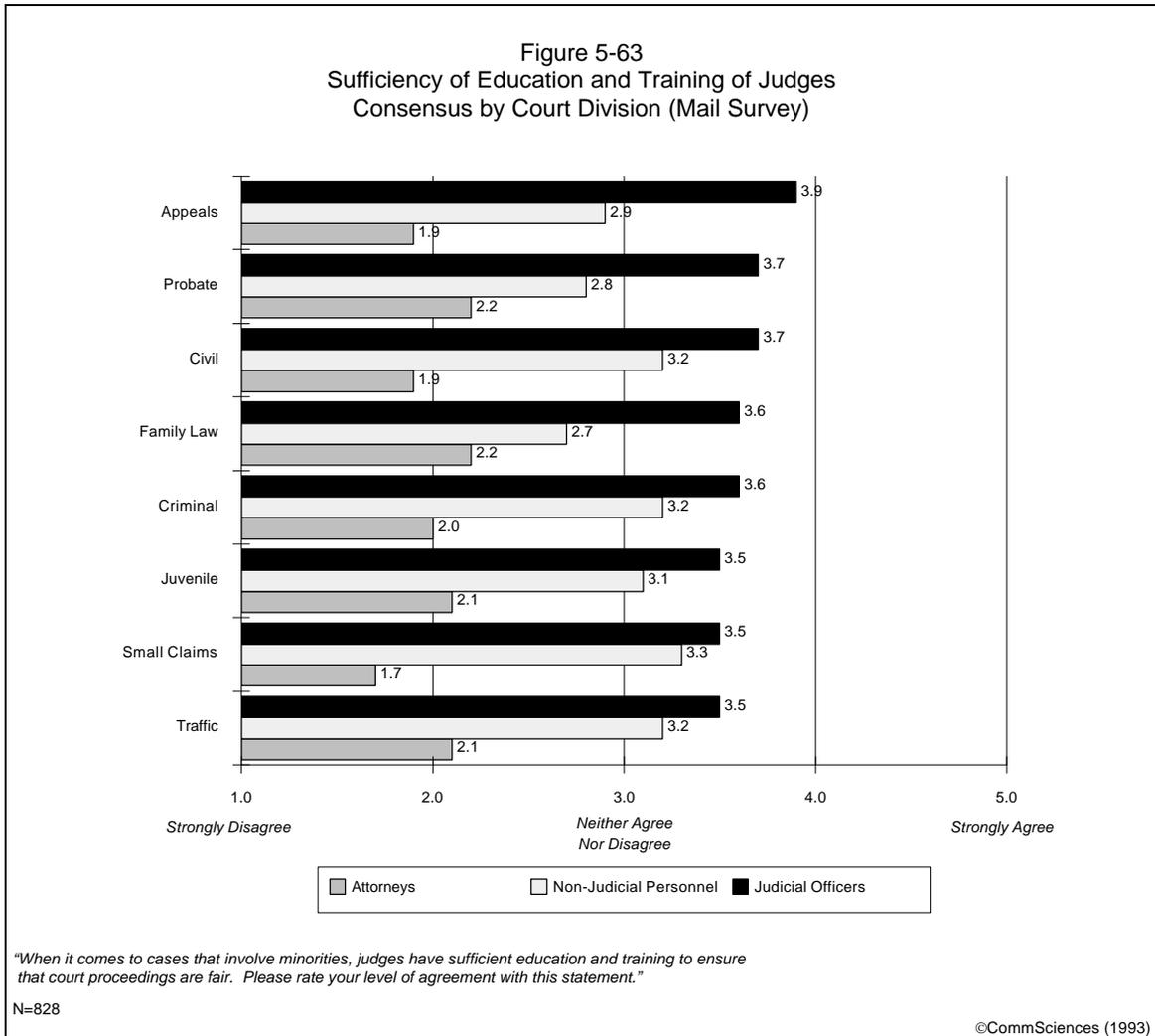
5.13.3 Do Judges Have Sufficient Cultural Training?

Consensus among Court Personnel and Attorneys. Judicial officers clearly agree that judges do have sufficient education and training to ensure fairness in court proceedings. However, non-judicial personnel are *divided* on the subject, and attorneys surveyed decidedly indicate that they do not believe judges have adequate cultural training. (Figure 5-62)





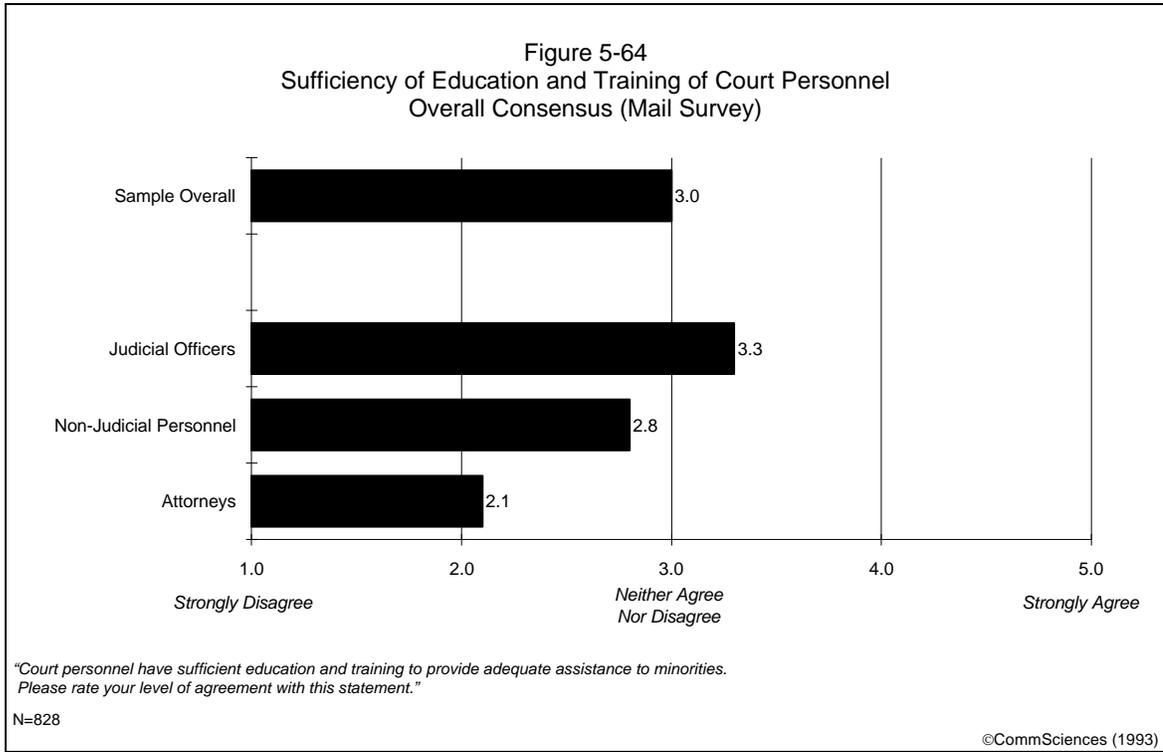
Consensus by Court Division. Judicial officers throughout the system feel that judges are adequately trained to ensure proceedings that involve minorities are fair. However, there is a significantly greater consensus between non-judicial personnel and attorneys who work in family law and probate courts that judges do *not* have sufficient training. (Figure 5-63)





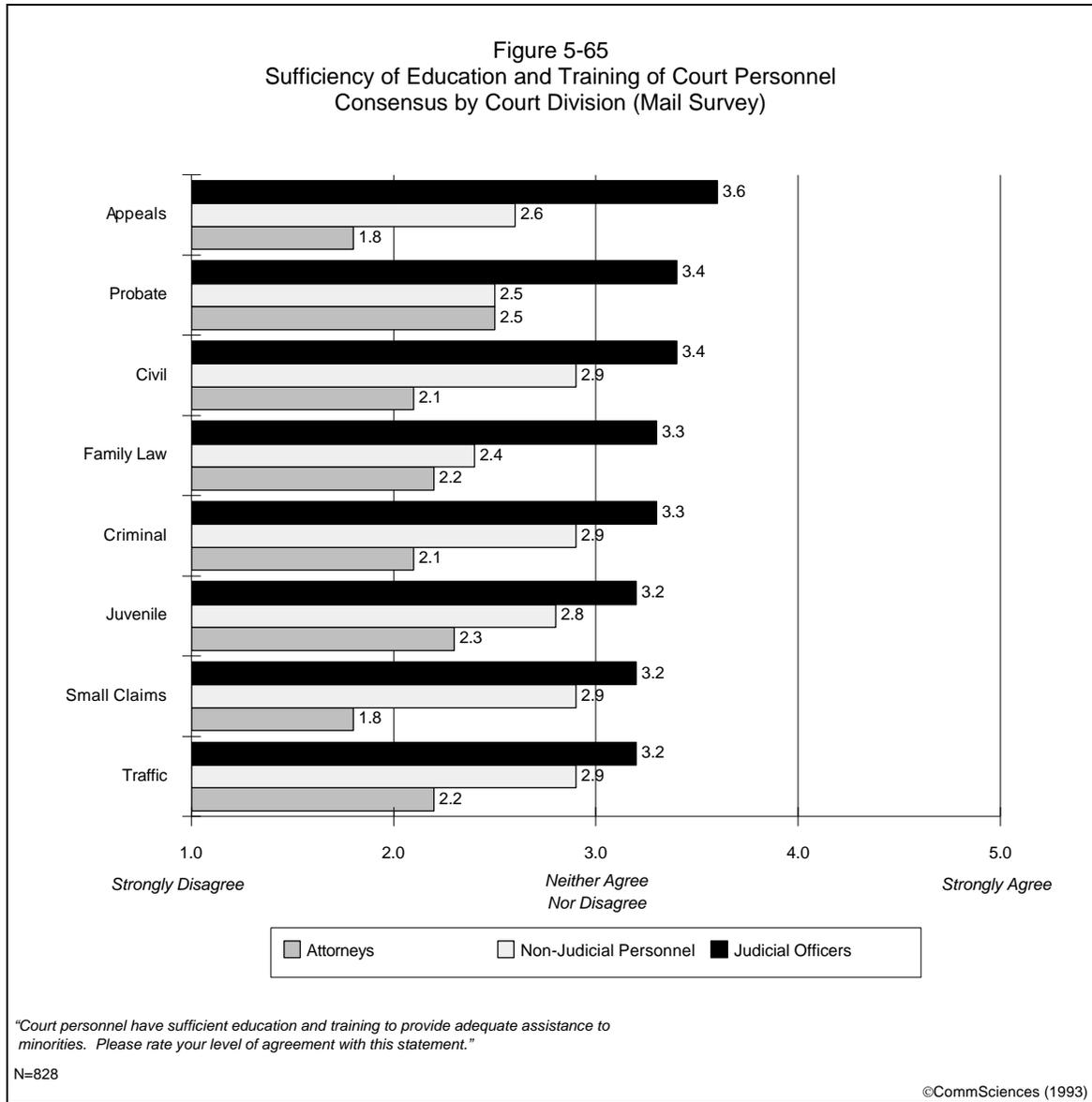
5.13.4 Do Court Personnel Have Sufficient Cultural Training?

Consensus among Court Personnel and Attorneys. The general consensus among attorneys and non-judicial personnel is that court personnel are *insufficiently* trained to provide adequate assistance to minorities. The consensus among judicial officers places them on the other side of this issue. (Figure 5-64)





Consensus by Court Division. The consensus among judicial officers in all court divisions is that training of court personnel is adequate, while the opinions of non-judicial court personnel are varied depending on their area of concentration. Nevertheless, attorneys and non-judicial court personnel who work in Probate, Family Law and Appeals courts are in close agreement that court personnel need to be better trained to provide more effective assistance to minorities. (Figure 5-65)





5.14 Summary of Opinion Findings (Mail Survey)

Table 5-1 compares the average score/rating for each question across employment categories. Unless otherwise indicated the values on the table refer to averages on a five-point scale.

Although these findings were discussed in detail in the foregoing sections of the report, by examining them in summary form several important trends become more evident:

- Judicial Officers feel the courts are *very* fair. As well, they indicate that the pool of judicial talent is *moderately* racially and ethnically diverse. The latter finding is an interesting one given the overwhelming proportion of White jurists in the state court system. Judges and other officers of the courts tend to feel that, compared to Whites, minority defendants in fact may be subject to some forms of discrimination. For instance, the judicial respondents indicated that discrimination could occur when it comes to judgments and sentencing. Also, language barriers make it difficult for many immigrants to gain access to the courts and income affects quality of legal representation. In addition, many minorities and immigrants avoid the judicial system because of fear. Yet, when it comes to cases involving minorities, jurists feel they have sufficient education and training to ensure that court proceedings are fair. They also believe that the courts treat minority professionals and women as fairly as any other group of people. These contradictory opinions on the part of the individuals who sit on the bench leave many issues open to question, especially since public opinion tends to be on the side of most of the contentions measured.
- Generally, non-judicial court personnel rate the courts only moderately fair overall and to minorities in particular. In addition, they think the racial and ethnic composition of most categories of court personnel is moderately diverse. Reflecting similar opinions to judicial officers, non-judicial staff think that minority professionals and women are treated about as well as anyone else and that minority defendants are somewhat subject to disparate treatment in judgments and sentencing. They also are aligned with judges with regard to minority jury representation, access to the courts and cultural issues.
- Compared with court personnel, the attorneys surveyed tend to represent the opposing view on almost all issues. They are in strong consensus concerning fairness to minorities, which they believe is very poor. Moreover, their opinions corroborate hearing testimony and overall public opinion findings virtually across the board. The large proportion of attorneys who testified at the public hearings also lends credence to these observations.

Clearly, there are significant contradictions in the survey results that would need to be resolved. Regarding minority issues, jurists have a view of the courts that is substantially different from the opinion of many minority groups as well as the racially-diverse group of attorneys which were surveyed. Who is right and who is wrong? Perhaps neither group. Nevertheless, steps should be taken to reconcile these evident differences of opinion.



Table 5-1
Perceptions of Fairness by Employment Category (Mail Survey)

Study Variables	Judicial Officers	Non-Judicial Personnel	Attorneys
Comparison of Fairness of Institutions			
Fairness of the California court system†	8.1	6.9	4.7
...United States Supreme Court†	8.0	7.6	5.0
...Local police department†	6.7	6.0	3.7
...Internal Revenue Service†	4.9	4.9	4.1
...National news media†	4.0	3.8	3.9
Racial/Ethnic Diversity in the Courts			
There are not enough minority court personnel	2.6	2.8	3.9
Racial and ethnic diversity of Judges	5.2	4.8	2.8
...of Commissioners/referees†	5.5	4.9	3.0
...of officials and managers†	5.9	5.4	3.3
...of attorneys†	6.3	5.5	3.8
...of technicians/paraprofessionals†	6.2	5.9	4.5
...of courtroom clerks†	7.1	6.5	5.2
...of office and clerical†	7.5	7.1	5.9
...of protective services†	6.9	5.7	5.2
...of service and maintenance†	7.5	6.6	6.6
...of court interpreters†	7.8	7.2	6.5
...of court reporters†	5.7	4.8	4.5
Fairness to Minorities			
Fairness of the California court system to minorities overall†	7.7	6.2	3.5
Fairness of the California courts to Whites†	8.5	8.0	8.1
...to African Americans†	7.5	6.3	3.3
...to Asians or Pacific Islanders†	7.9	6.7	4.8
...to Hispanics†	7.5	6.2	3.5
...to Native Americans†	7.7	6.3	3.5
...to other minority groups†	7.7	6.6	4.1
The California courts are equally fair regardless of race/ethnicity	3.7	3.1	1.8
The California courts ensure the same decision regardless of race/ethnicity	3.8	3.3	1.8
Treatment of Minorities in the Legal Profession			
Often, minority attorneys are treated as second-class professionals by judges.	1.7	2.2	3.6
Often, minority attorneys are treated as second-class professionals by other attorneys.	2.2	2.5	3.8
Often, minority attorneys are treated as second-class professionals by non-judicial court personnel.	1.8	1.9	3.5
Generally speaking, minority attorneys enjoy the same credibility as non-minority attorneys.	4.1	3.7	2.3
Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers	1.6	2.0	2.7
Often, minority judges are treated as second-class professionals by other judges.	1.6	1.9	3.2
Often, minority judges are treated as second-class professionals by other non-judicial personnel.	1.8	1.9	3.1
When a minority person is the defendant, judges tend to favor the prosecutor over the public defender.	1.7	2.3	3.8
Judges, prosecutors and public defenders are members of an "old boy network" that excludes minorities.	1.8	2.4	3.7
Attorneys treat minority clerks the same as they treat White clerks.	3.9	3.4	2.8
Fairness to Women			
Minority women have a harder time obtaining fair treatment than other women	2.1	2.6	3.8
African American women have a harder time than other minority women obtaining fair treatment in the courts	2.0	2.4	3.5
Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers	4.0	3.6	2.2



Study Variables (continued)	Judicial Officers	Non-Judicial Personnel	Attorneys
Disparate Judgments			
Judgments in a case with a minority defendant and a white victim	3.4	3.6	4.6
...in a case with a white defendant and a minority victim	2.8	2.7	1.8
...in a case with a minority defendant and a minority victim	3.0	3.2	3.4
Disparate Sentencing			
Sentencing in a case with a minority defendant and a White victim	3.2	3.4	4.5
...in a case with a White defendant and a minority victim	2.9	2.8	1.8
...in a case with a minority defendant and a minority victim	3.0	3.1	3.4
Minority Jury Representation			
Minorities seldom face a jury of their own racial/ethnic group	2.3	2.5	3.3
Juries usually reflect the racial and ethnic mix of the community	3.1	3.1	2.0
Minority Access			
Minorities have poorer access to the courts than do Whites	2.9	2.9	4.4
Whites have greater access to education and information about using the courts than do minorities	3.0	3.1	4.3
English speakers are treated better by the courts	2.9	3.0	4.3
Immigrants have trouble filing complaints because legal forms are not in their native language.	3.2	3.4	4.0
There are enough interpreters available to non-English speaking people	3.1	2.9	2.4
People with high incomes get better legal advice and representation than people with low incomes.	3.9	4.0	4.7
A fear of the judicial system keeps minorities and immigrants from standing up for their rights.	3.2	3.5	4.3
Cultural Sensitivity			
Youths who look like gang members are treated less fairly by the courts	3.0	3.2	4.4
Minority lawyers can better serve minority clients than White lawyers	2.1	2.4	2.9
When it comes to cases that involve minorities, judges have sufficient education and training to ensure that court proceedings are fair.	3.6	3.1	2.0
Court personnel have sufficient education and training to provide adequate assistance to minorities.	3.3	2.8	2.1
Lawyers working as public defenders have sufficient education and training to assist minorities who are involved with the court system.	3.8	3.0	2.7

[†]This variable is measured on a 10-point scale

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5.15 Support for Suggested Changes in Procedures and Programs

In this section we assess support for a variety of procedural changes or programs that have been suggested to remedy several of the problems outlined in the testimony. As in the case of the telephone survey, supportive findings should not be interpreted to mean that the changes are warranted or even desirable. Rather, the results serve merely to demonstrate the extent of support that could be expected were the suggested changes or programs to be implemented.

The survey items included measures of support for:

- Extensive *cultural awareness* programs for judges, attorneys, court support staff, and law enforcement officers, to help these people better understand the special needs of minority groups
- Educational programs for court personnel to help them recognize and overcome *racial/ethnic bias* that may be present in the court system
- Increases in the level of *minority employment* in the courts, including more people who reflect the ethnic background of the communities they live in, minority judges and more minority public defenders
- Increases in the number of interpreters to assist non-English speaking people
- Interpreting services at the courts that would be provided free-of-charge for non-English speaking people
- More *minority representation* and diversity in the jury pool and on both grand and trial juries as well as better financial remuneration for low income people so they can afford to serve on a jury

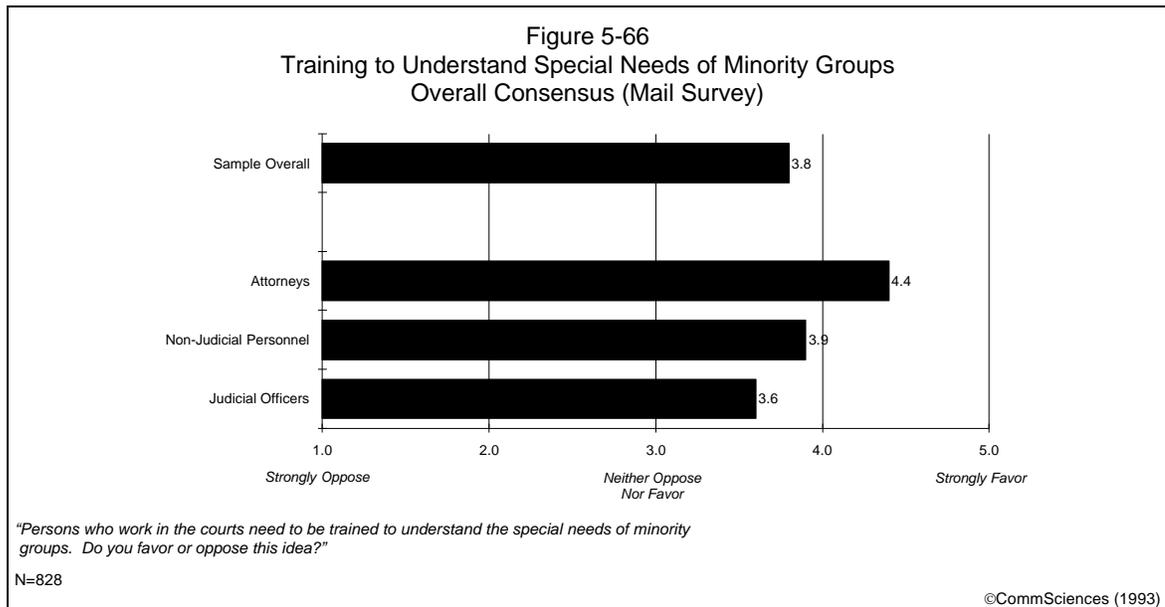
5.15.1 Cultural Awareness Training

Some of the issues we discussed here precipitate a need for extensive cultural awareness programs for court personnel. In fact, in the telephone survey an overwhelming majority of Californians (80%) noted *strongly* that people who work in the courts need to be trained to understand the special needs of minority groups.

a. Need for Training to Understand the Needs of Minority Groups

Consensus among Court Personnel and Attorneys. Corroborating the results of the public opinion poll, the consensus of opinion in the mail survey is clearly in favor of the proposition that persons who work in the courts need to be trained to understand the special needs of minority groups. (Figure 5-66)

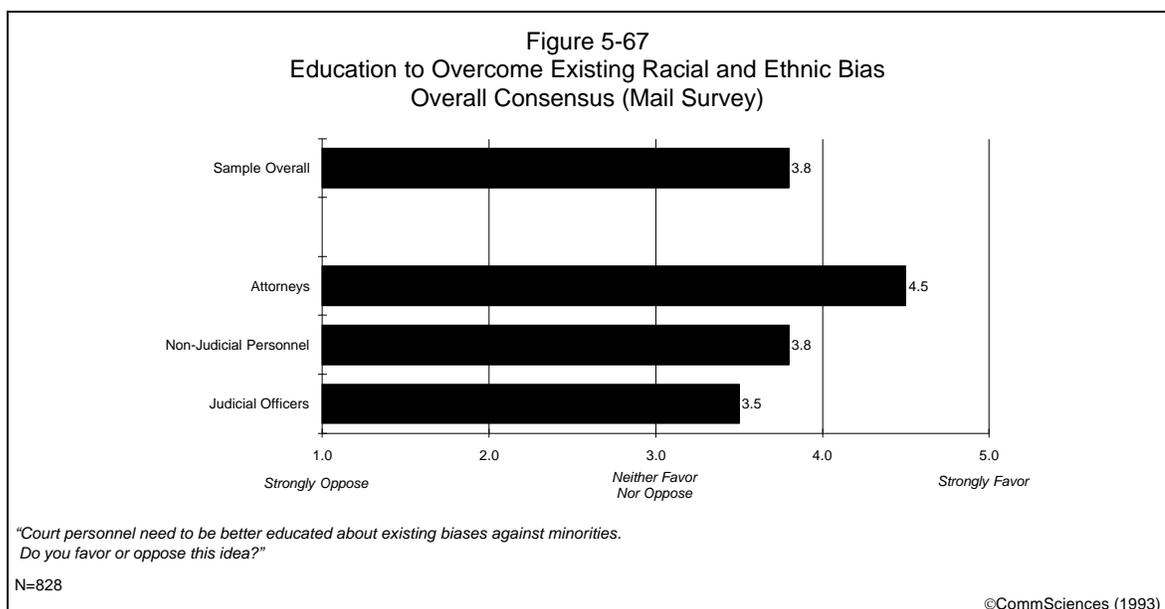
In light of the significant opinion gap between judges and attorneys on most of the minority fairness issues, it is interesting to note the high consensus of opinion between these two groups for special training to help better understand minority needs. Among judges, there appears to be general acknowledgment that a remedy is due, but little recognition that a problem exists.



b. Education to Overcome Racial and Ethnic Bias

Testimony at the hearings revealed complaints about racist or insensitive behavior allegedly by court personnel, district attorneys, public defenders and police department officials. There was a call for educational programs targeting the latter groups to counter these problems. Public opinion is strongly behind educational programs to overcome existing biases against minorities.

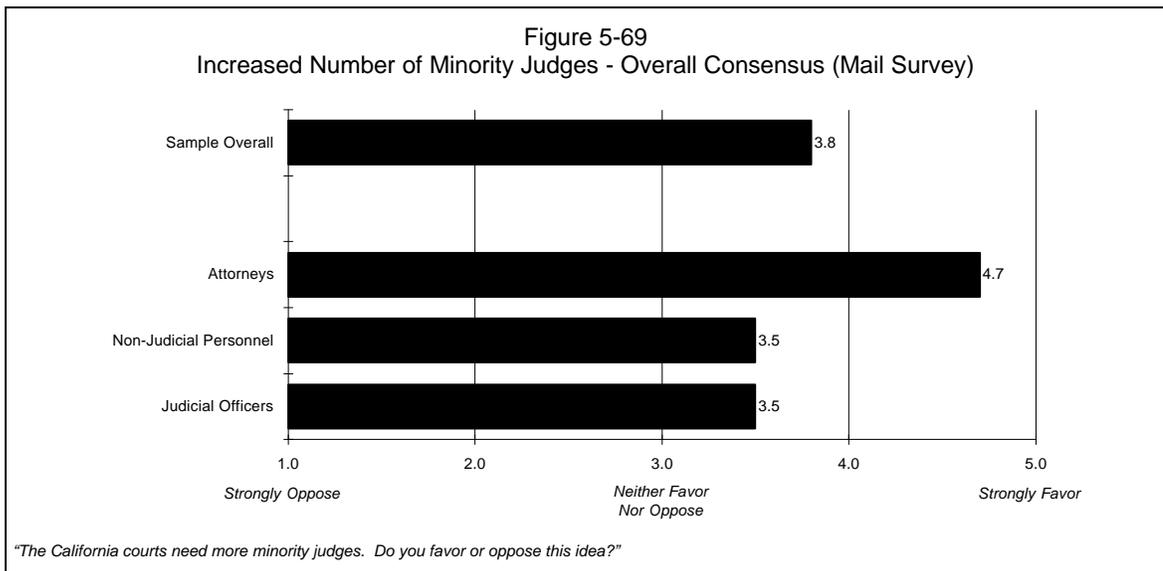
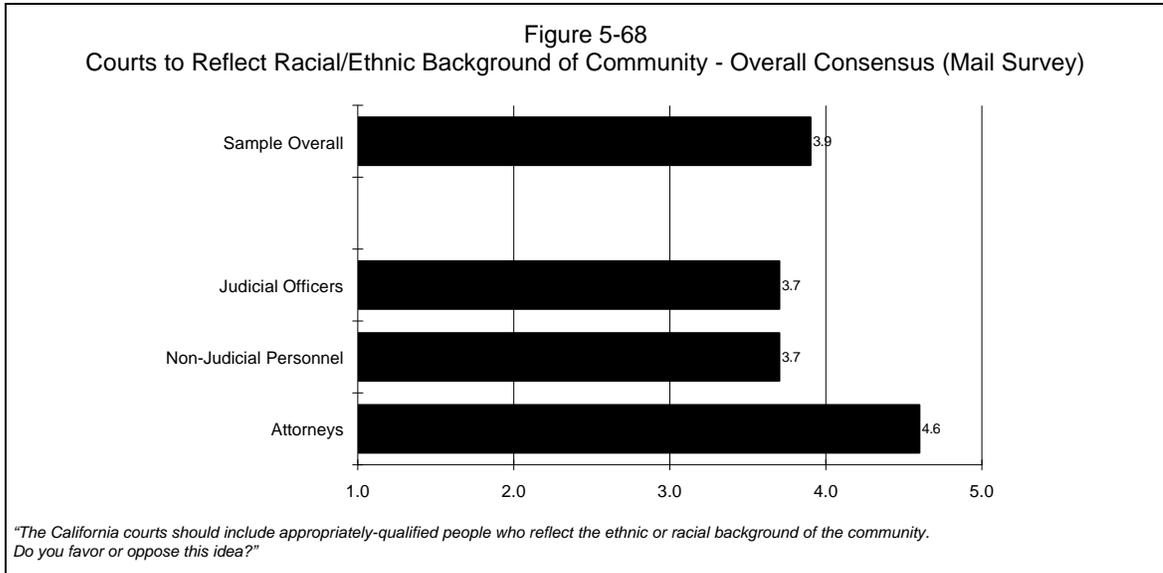
Consensus among Court Personnel and Attorneys. Once again, the overall response indicated general *agreement* that court personnel need to be better educated about biases against minorities. (Figure 5-67)

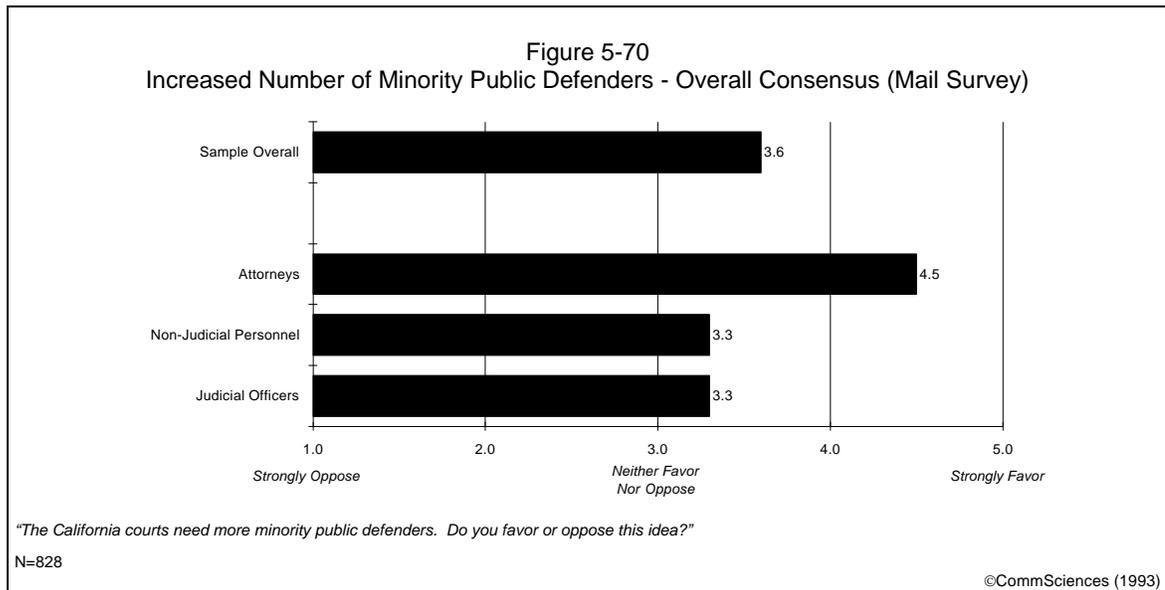




5.15.2 Improved Minority Employment in the Courts

In an earlier discussion, we noted that hearing testimony indicated that there is a lack of ethnic and racial diversity as well as unfair hiring and promotion practices within the state court system. Corroborating the public response, judicial officers, non-judicial personnel, and attorneys generally favor increasing qualified minority employment in the courts to reflect the ethnic and racial background of the community. (Figures 5-68 through 5-70)



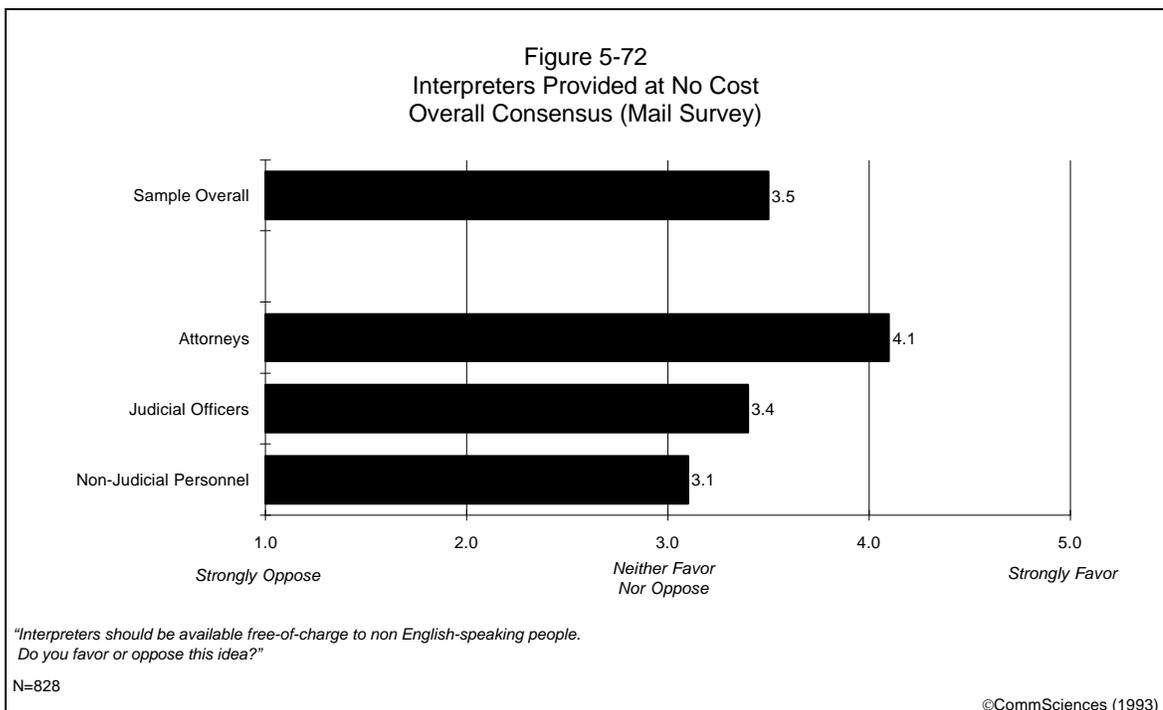
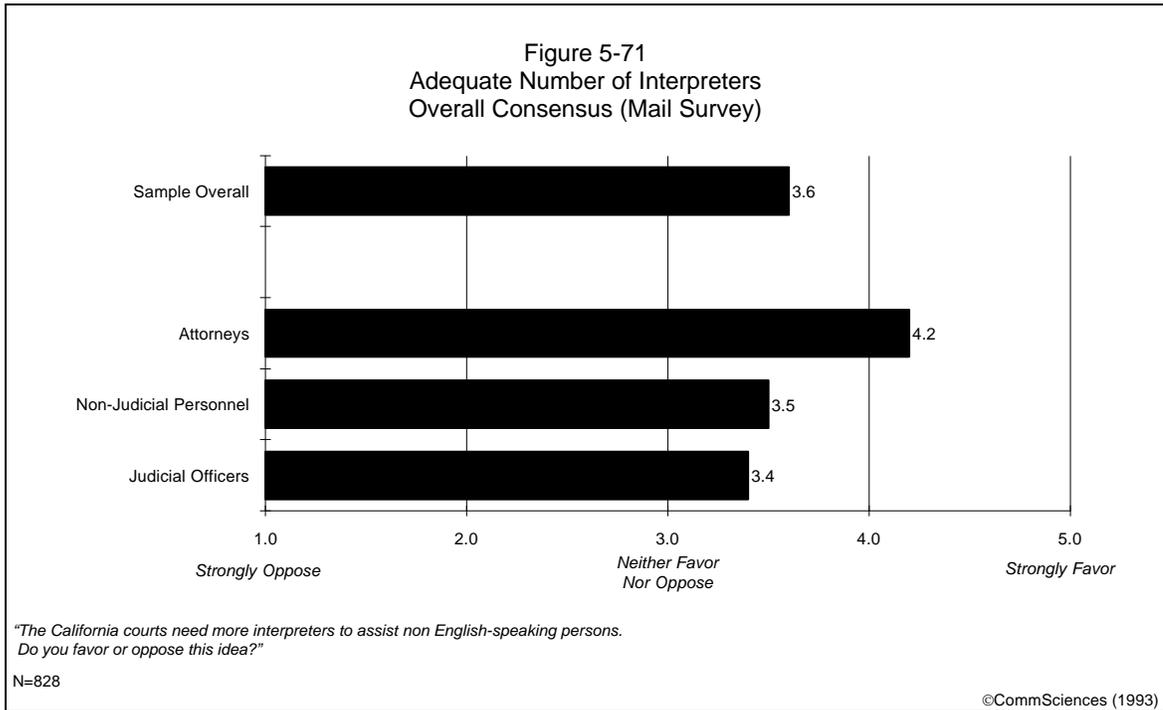


5.15.3 Improve Interpreting Services

Californians agree that the courts must ensure that an adequate number of interpreters are available to assist non-English speakers. In addition, public opinion poll results indicate that Californians overwhelmingly favor providing interpreters without charge to non-English speaking people.



Consensus among Court Personnel and Attorneys. Respondents in the mail survey also favor increasing the number of interpreters to assist non English-speaking persons. (Figure 5-71). In addition, judicial officers *and* attorneys clearly favor providing *cost-free* interpreters for non English-speaking persons. (Figure 5-72)



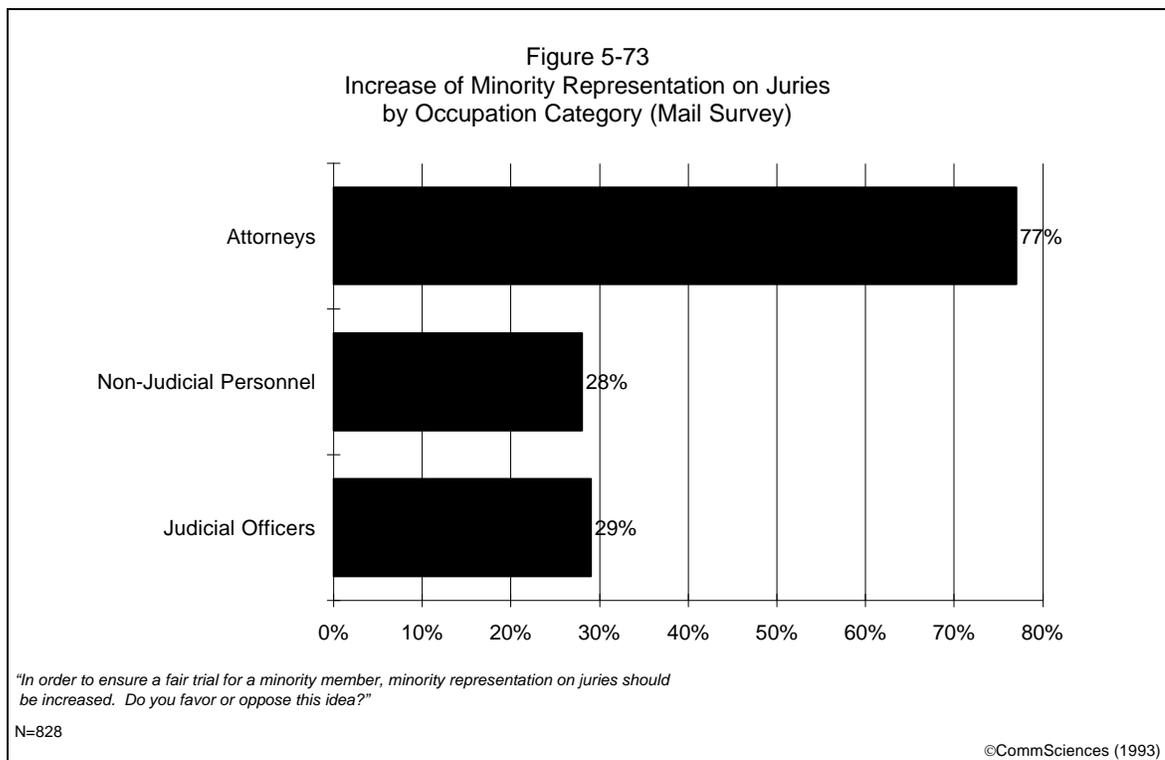


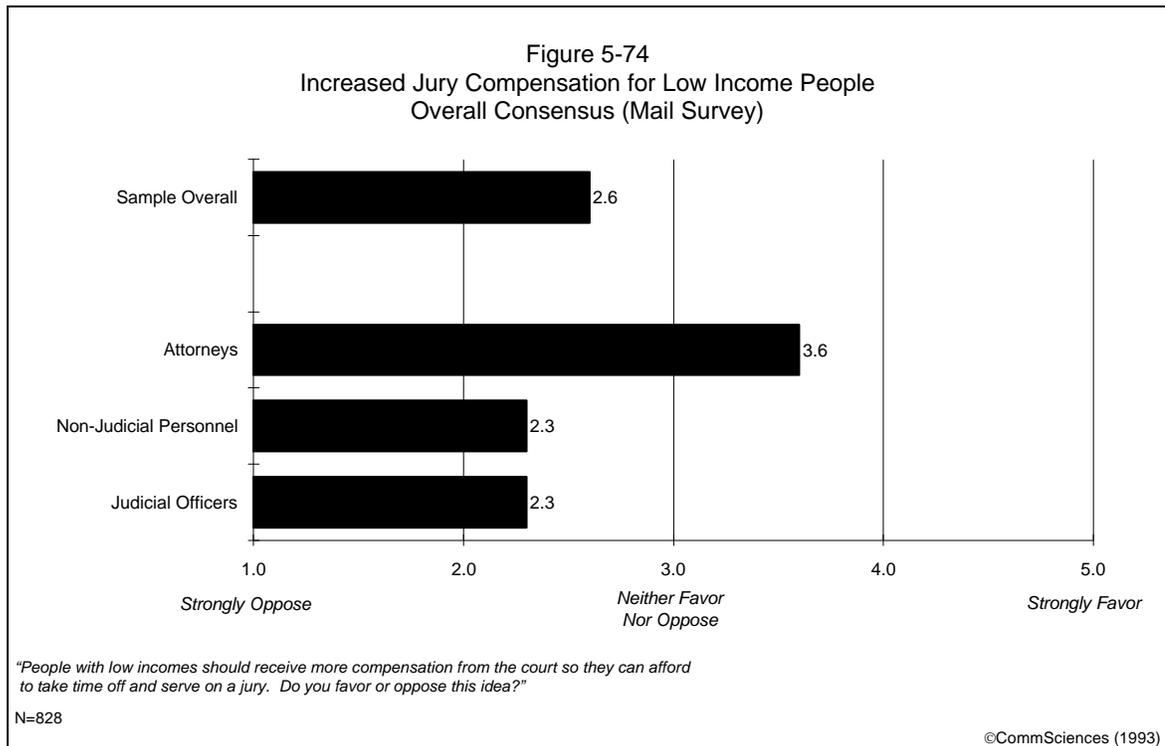
5.15.4 Increasing Minority Representation on Juries

The courts have been urged to find ways to increase minority participation in both the jury pool and on juries themselves. As well, there were suggestions that one way to increase minority involvement on juries is to provide more monetary compensation so potential jurors can afford to take time off to sit on a jury.

Readers will recall that the results of the public opinion poll indicated that there is strong support around the state for increasing minority representation on juries in cases involving minority defendants.

Consensus among Court Personnel and Attorneys. Judicial officers are somewhat against increases in minority representation on juries in cases involving minority defendants (41% against the proposition versus 29% for the idea). Judges also are strongly against increasing jury compensation for low income jurists. Attorneys tend to favor both proposals. (Figures 5-73 , and 5-74)





5.15.5 Summary of Court Personnel and Attorney Support for Changes

Table 5-2 summarizes the findings across each survey group for this section. It should be clear from the table that, with the exception of proposed changes in jury representation rules and compensation for jurors, there is moderate to strong support for most other propositions.

Table 5-2
Support for Improvements in Procedures and Policies
Summary of Differences between Occupation Categories
(Mail Survey - Average Ratings)

Proposed Change	Judicial Officers	Non-Judicial Personnel	Attorneys
Persons who work in the courts need to be trained to understand the special needs of minority groups.	3.6	3.9	4.4
Court personnel need to be better educated about existing biases against minorities.	3.5	3.8	4.5
The California courts should include appropriately-qualified people who reflect the ethnic background of the community.	3.7	3.7	4.6
The California courts need more minority judges.	3.5	3.5	4.7
The California courts need more minority public defenders.	3.3	3.3	4.5
The California courts need more interpreters to assist non English-speaking persons.	3.4	3.5	4.2
Interpreters should be available free-of-charge to non English-speaking people.	3.4	3.1	4.1
In order to ensure a fair trial; for a minority member, minority representation on juries should be increased.	2.8	2.9	4.3
People with low incomes should receive more compensation from the court so they can afford to take time off and serve on a jury.	2.3	2.3	3.6

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These proposals address the need for improved cultural awareness and sensitivity, information access, and address the desire for increased involvement of minorities in the judicial system.

Concerning minority issues, the results of the mail survey paint a clear picture of discord between jurists and the attorneys who identified themselves as either representing minority clients or as having a strong interest in minority issues..



6.0 OVERALL SUMMARY TABLES AND FIGURES (COMPARISON)

In this section we summarize and review the opinions expressed by each of the groups who took part in the surveys. The following tables and graphs provide comparative data for both surveys.

Interestingly, although there is significant disagreement between groups, as well as division within groups, on many issues, there is *near universal agreement* concerning the types of suggested changes that might improve fairness in the courts.

6.1 Summary Tables

**Table 6-1
Fairness and Issues
(Comparison of Results)**

MEASURE	Judicial Officers	Non-Judicial Personnel	Attorneys	Whites	Hispanics	African Amer.	Asians	Native Amer.
Overall Fairness of the State Courts								
Fairness of the California court system†	8.1	6.9	4.7	5.2	5.7	4.7	5.5	5.0
...United States Supreme Court†	8.0	7.6	5.0	6.0	6.0	5.4	6.2	5.7
...Local police department†	6.7	6.0	3.8	6.6	6.4	5.3	6.1	5.2
...Internal Revenue Service†	4.9	4.9	4.1	4.3	5.1	4.4	5.1	4.4
...National news media†	4.0	3.8	3.9	3.8	5.1	4.6	4.9	4.6
Fairness to Minorities								
Fairness of the California court system to minorities overall†	7.7	6.2	3.5	5.7	5.2	4.0	5.4	4.8
Fairness of the California courts to Whites†	8.5	8.0	8.1	6.7	7.8	7.8	7.4	7.4
...to African Americans†	7.5	6.3	3.3	5.4	5.2	4.0	5.1	4.8
...to Asians or Pacific Islanders†	7.9	6.7	4.8	6.0	6.0	5.4	5.7	5.7
...to Hispanics†	7.5	6.2	3.5	5.6	5.2	4.3	5.2	4.9
...to Native Americans†	7.7	6.3	3.5	5.2	5.5	4.2	5.4	4.5
...to other minority groups†	7.7	6.6	4.1	5.6	5.5	4.8	5.4	5.1
The California courts are equally fair regardless of race/ethnicity	3.7	3.1	1.8	2.7	2.6	2.0	2.9	2.3
The California courts ensure the same decision regardless of race/ethnicity	3.8	3.3	1.8	2.9	2.9	2.2	3.1	2.4
Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers	1.6	2.0	2.7	2.3	3.0	3.0	3.0	2.7
Fairness to Women								
Minority women have a harder time obtaining fair treatment than other women	2.1	2.6	3.8	3.0	3.4	3.6	3.3	3.7
African American women have a harder time than other minority women obtaining fair treatment in the courts	2.0	2.4	3.5	2.7	3.0	3.5	3.2	2.8
Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers	4.0	3.6	2.2	3.4	3.3	3.0	3.4	3.2
Disparate Sentencing								
Sentencing in a case with a minority defendant and a White victim	3.2	3.4	4.5	3.5	3.8	4.0	3.5	3.9
...in a case with a White defendant and a minority victim	2.9	2.8	1.8	2.7	2.5	2.3	2.6	2.2
...in a case with a minority defendant and a minority victim	3.0	3.1	3.4	3.1	3.1	3.1	3.2	3.3
Minority Jury Representation								
Minorities seldom face a jury of their own racial/ethnic group	2.3	2.5	3.3	2.8	3.4	3.3	3.2	3.6
Juries usually reflect the racial and ethnic mix of the community	3.1	3.1	2.0	3.3	3.3	2.8	3.3	2.9
Access								
Minorities have inadequate access to education/information about the courts	2.9	2.9	4.4	2.9	3.6	3.5	3.4	4.0
English speakers are treated better by the courts	2.8	3.0	4.3	3.4	3.9	3.6	3.9	3.7
Cultural Sensitivity								
Youths who look like gang members are treated less fairly by the courts	3.0	3.2	4.4	3.8	4.1	4.1	3.9	4.1
Minority lawyers can better serve minority clients than White lawyers	2.1	2.4	2.9	2.6	3.0	2.7	2.8	2.9

†These variables measured on a 10-point scale. ©CommSciences (1993)



**Table 6-2
Fairness and Issues
(Consensus Summary)**

MEASURE	Judicial Officers	Non-Judicial Personnel	Attorneys	Whites	Hispanics	African Amer.	Asians	Native Amer.
Fairness to Minorities								
The California courts are equally fair regardless of race/ethnicity	AGREE	Divided	DISAGREE	DISAGREE	DISAGREE	DISAGREE	Divided	DISAGREE
The California courts ensure the same decision regardless of race/ethnicity	AGREE	AGREE	DISAGREE	Divided	Divided	DISAGREE	Divided	DISAGREE
Because of discrimination, minority lawyers cannot serve minority client needs as well as non-minority lawyers	DISAGREE	DISAGREE	DISAGREE	DISAGREE	Divided	Divided	Divided	DISAGREE
Fairness to Women								
Minority women have a harder time obtaining fair treatment than other women	DISAGREE	DISAGREE	AGREE	Divided	AGREE	AGREE	AGREE	AGREE
African American women have a harder time than other minority women obtaining fair treatment in the courts	DISAGREE	DISAGREE	AGREE	DISAGREE	Divided	AGREE	Divided	Divided
Female lawyers who are themselves from minority groups are treated with the same respect as other female lawyers	AGREE	AGREE	DISAGREE	AGREE	AGREE	Divided	AGREE	Divided
Disparate Sentencing								
Sentencing in a case with a minority defendant and a White victim	Same	Same	HARSHER	HARSHER	HARSHER	HARSHER	HARSHER	HARSHER
...in a case with a White defendant and a minority victim	Same	Same	LIGHTER	Divided	LIGHTER	LIGHTER	LIGHTER	LIGHTER
...in a case with a minority defendant and a minority victim	Same	Same	Divided	Same	Same	Same	Same	Same
Minority Jury Representation								
Minorities seldom face a jury of their own racial/ethnic group	DISAGREE	DISAGREE	AGREE	Divided	AGREE	AGREE	Divided	AGREE
Juries usually reflect the racial and ethnic mix of the community	Divided	Divided	DISAGREE	AGREE	AGREE	Divided	AGREE	Divided
Access								
Minorities have inadequate access to education/information about the courts	Divided	Divided	AGREE	Divided	AGREE	AGREE	AGREE	AGREE
English speakers are treated better by the courts	Divided	Divided	AGREE	AGREE	AGREE	AGREE	AGREE	AGREE
Cultural Sensitivity								
Youths who look like gang members are treated less fairly by the courts	Divided	Divided	AGREE	AGREE	AGREE	AGREE	AGREE	AGREE
Minority lawyers can better serve minority clients than White lawyers	DISAGREE	DISAGREE	Divided	DISAGREE	Divided	DISAGREE	Divided	Divided

Note: "Agree" or "Disagree" indicates a clear majority opinion for a given group. "Divided" means that there is no clear majority opinion. In the case of sentencing questions, "Same" signifies a majority opinion that equivalent sentencing would occur regardless of race/ethnicity.

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Table 6-3
Suggested Changes and Improvements
(Comparison of Results)

MEASURE	Judicial Officers	Non-Judicial Personnel	Attorneys	Whites	Hispanics	African Amer.	Asians	Native Amer.
Changes/Improvements								
Persons who work in the courts need to be trained to understand the special needs of minority groups.	3.6	3.9	4.4	3.9	4.3	4.6	4.3	4.4
The California courts should include appropriately-qualified people who reflect the ethnic background of the community.	3.7	3.7	4.6	4.1	4.3	4.6	4.3	4.2
<i>Public:</i> The California courts should have an adequate number of interpreters to assist non English-speakers.	---	---	---	4.1	4.5	4.5	4.5	4.3
<i>Court Personnel & Attorneys:</i> The California courts need more interpreters to assist non English-speaking persons.	3.4	3.5	4.2	---	---	---	---	---
Court personnel need to be better educated about existing biases against minorities.	3.5	3.8	4.5	4.0	4.3	4.5	4.4	4.6
Interpreters should be available free-of-charge to non English-speaking people.	3.4	3.1	4.1	3.7	4.4	4.2	4.3	4.1
In order to ensure a fair trial; for a minority member, minority representation on juries should be increased.	2.8	2.9	4.3	3.3	4.0	4.3	3.9	4.1

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Table 6-4
Suggested Changes and Improvements
(Consensus Summary)

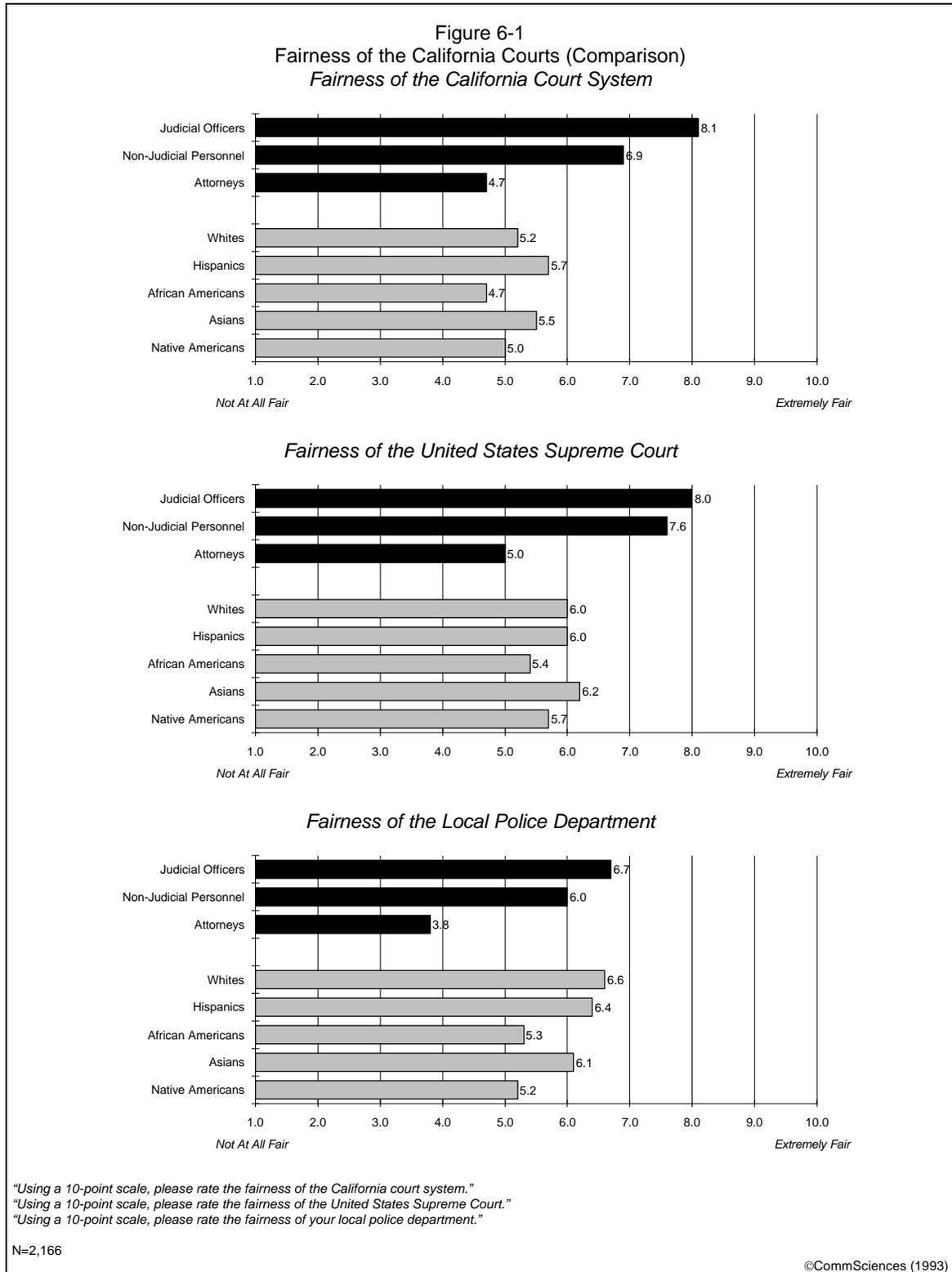
Changes/Improvements	Judicial Officers	Non-Judicial Personnel	Attorneys	Whites	Hispanics	African Amer.	Asians	Native Amer.
Persons who work in the courts need to be trained to understand the special needs of minority groups.	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR
The California courts should include appropriately-qualified people who reflect the ethnic background of the community.	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR
<i>Public:</i> The California courts should have an adequate number of interpreters to assist non English-speakers <i>Court Personnel & Attorneys:</i> The California courts need more interpreters to assist non English-speaking persons.	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR
Court personnel should be better educated about existing biases against minorities.	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR
Interpreters should be available free-of-charge to non English-speaking people.	FAVOR	Divided	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR
In order to ensure a fair trial for a minority member, minority representation on juries should be increased.	OPPOSE	Divided	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR	FAVOR

Note: "Favor" or "Oppose" indicates the opinion of a clear majority of that group. "Divided" means that there is no clear majority opinion.



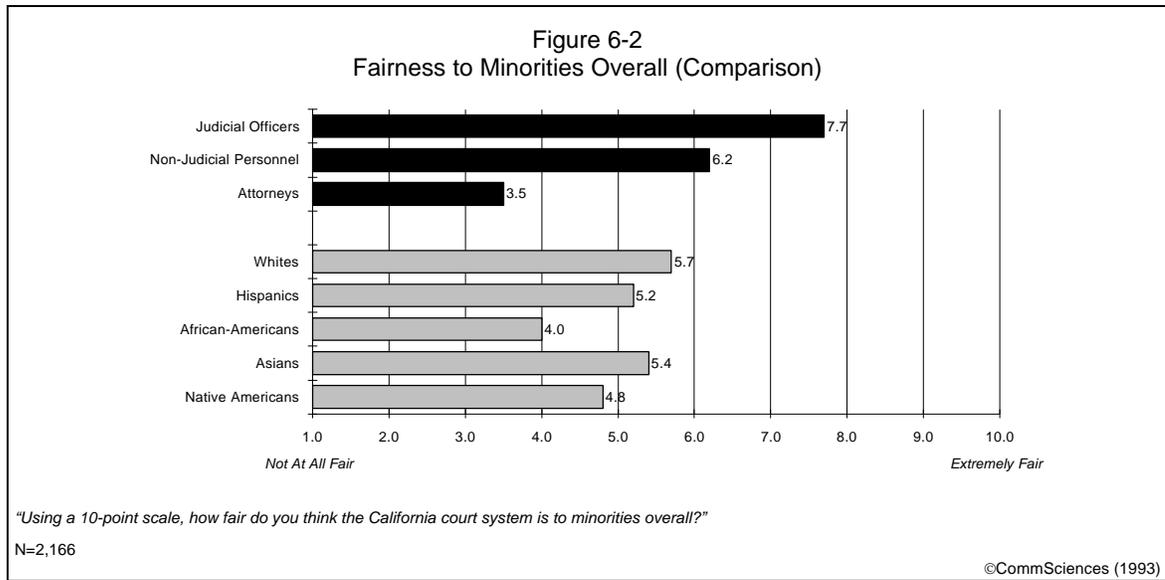
6.2 Summary Figures

6.2.1 Fairness of the State Courts (Comparison)

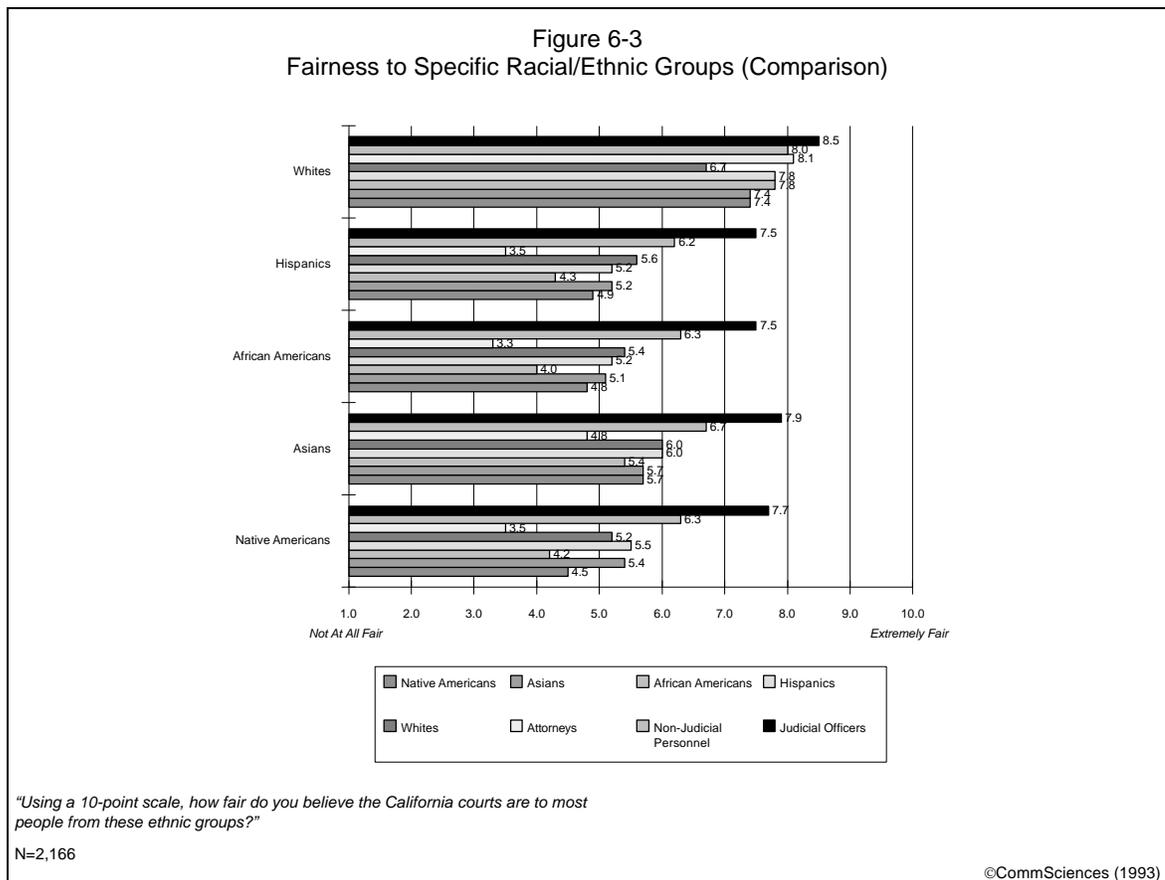


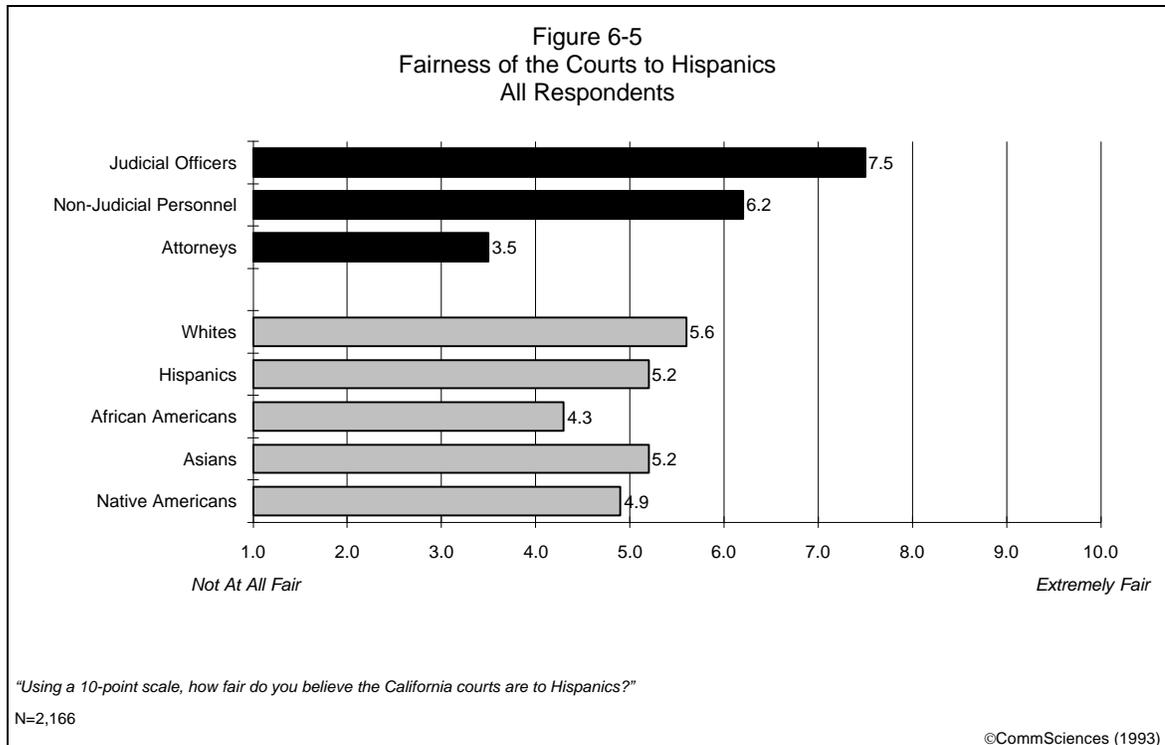
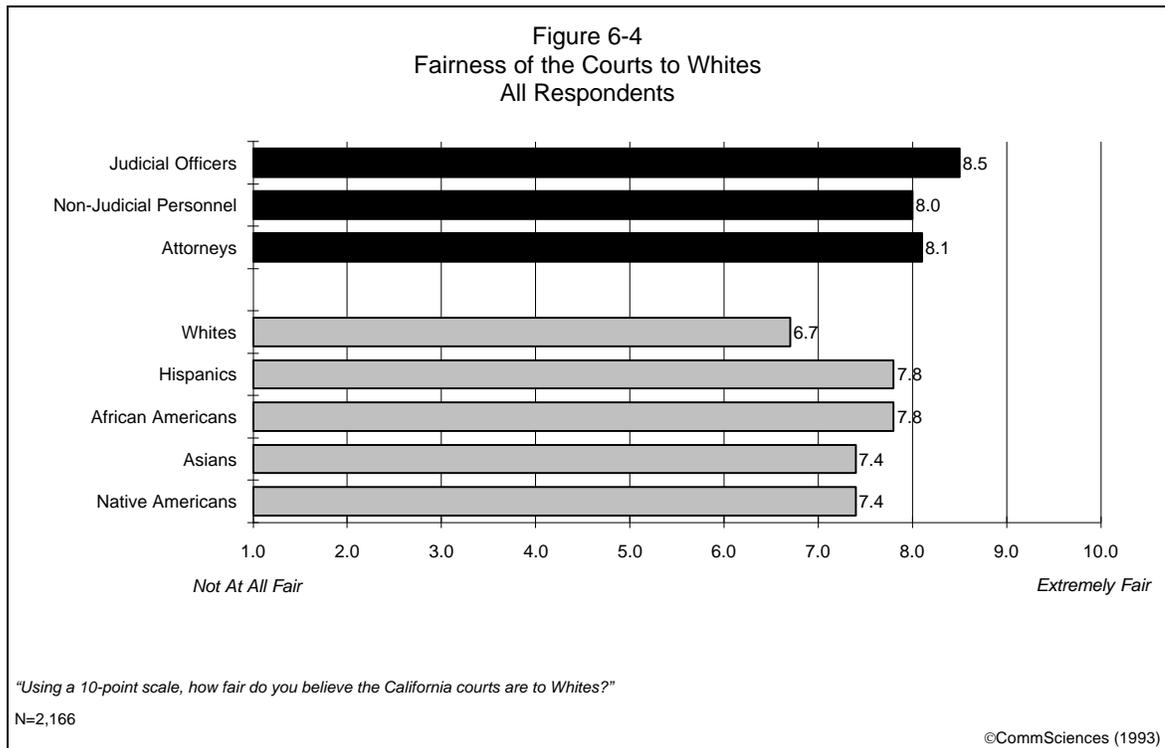


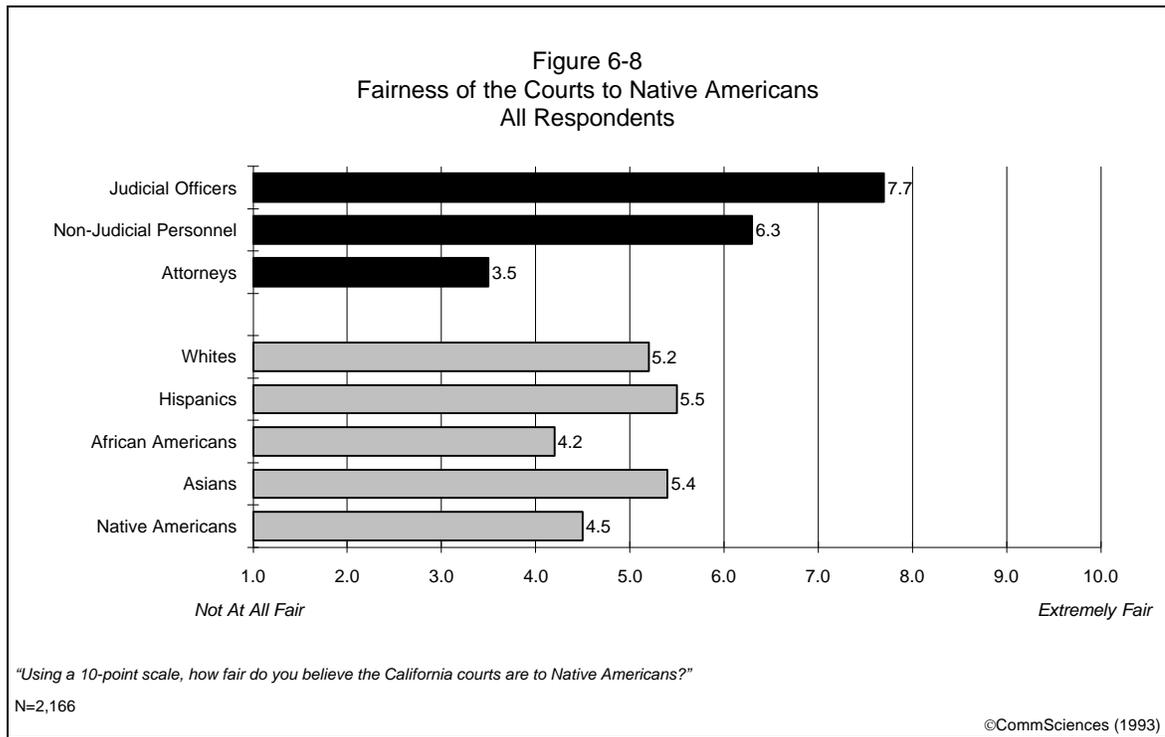
6.2.2 Fairness to Minorities Overall



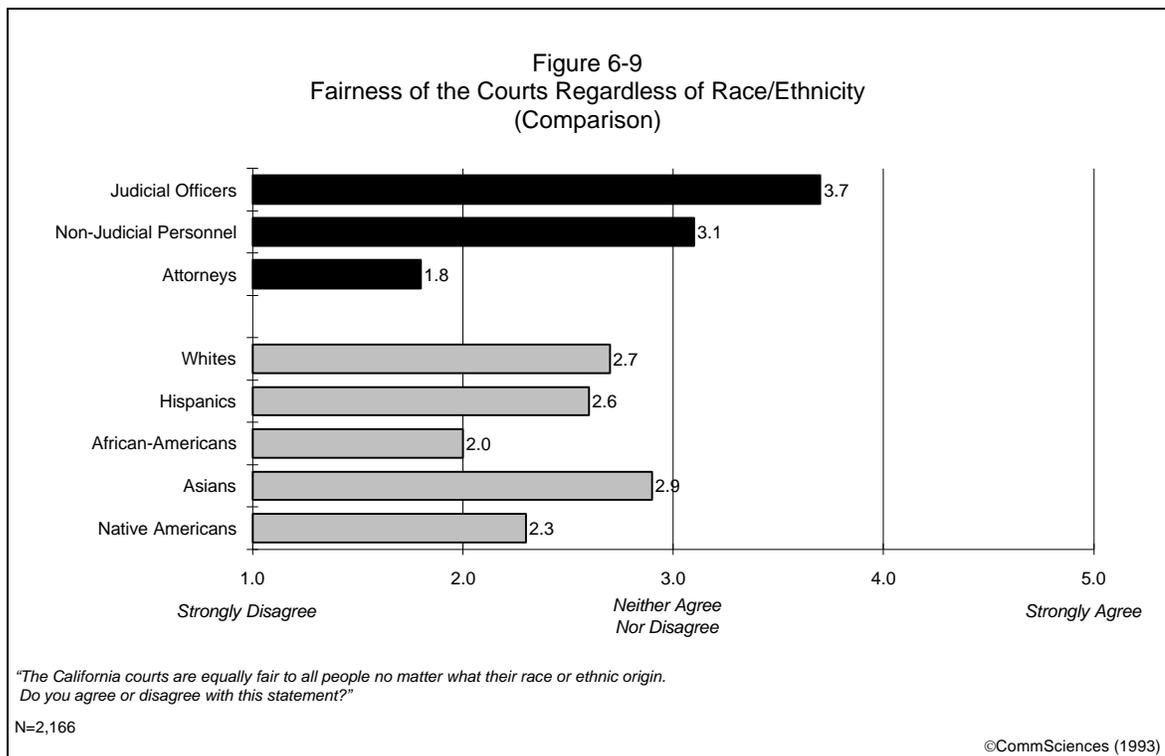
6.2.3 Fairness to Specific Racial/Ethnic Groups





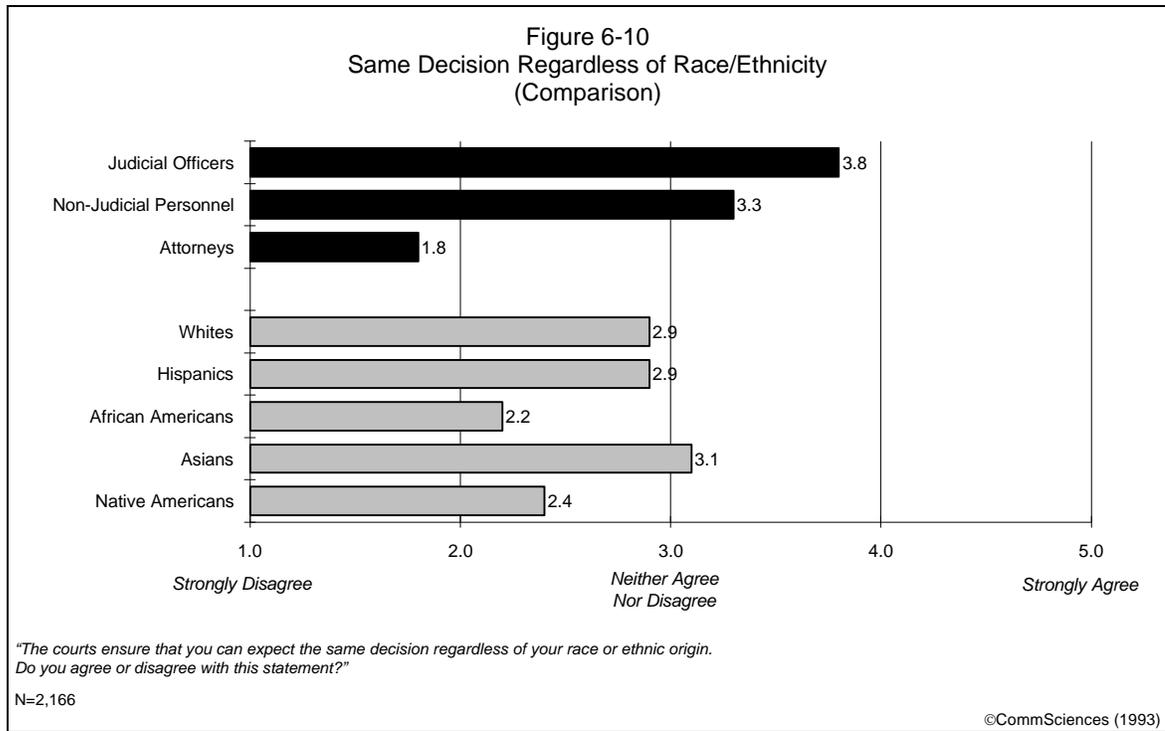


6.2.4 Fairness Regardless of Race or Ethnicity

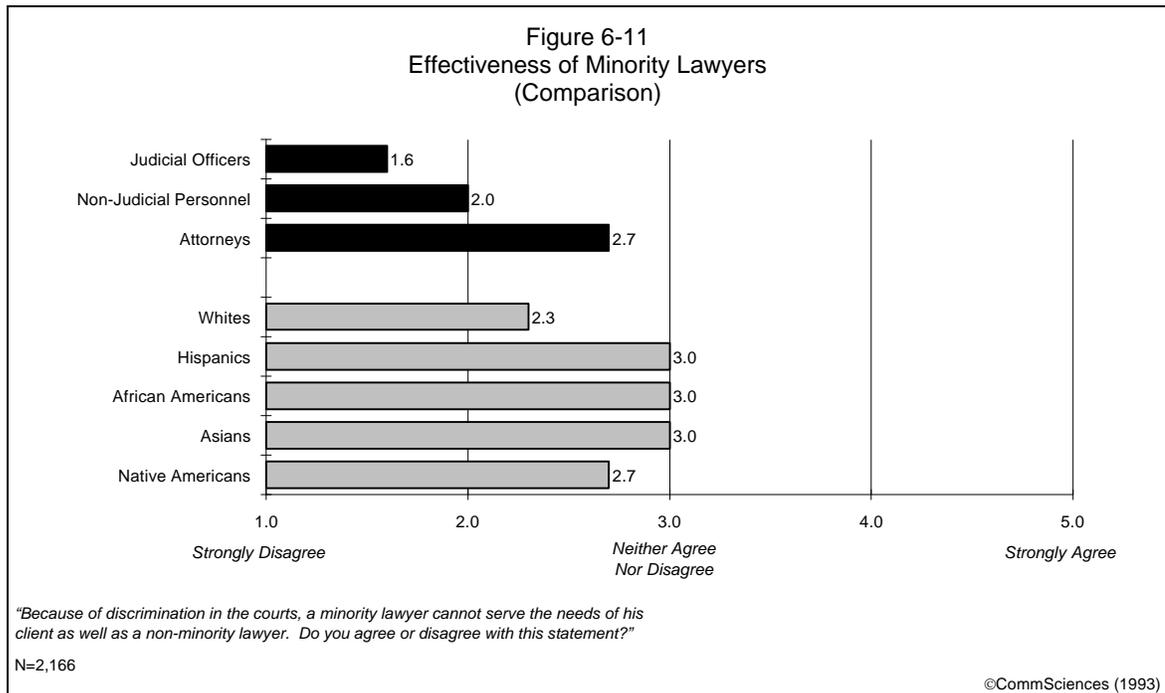




6.2.5 Equality of Judicial Decisions Regardless of Race or Ethnicity

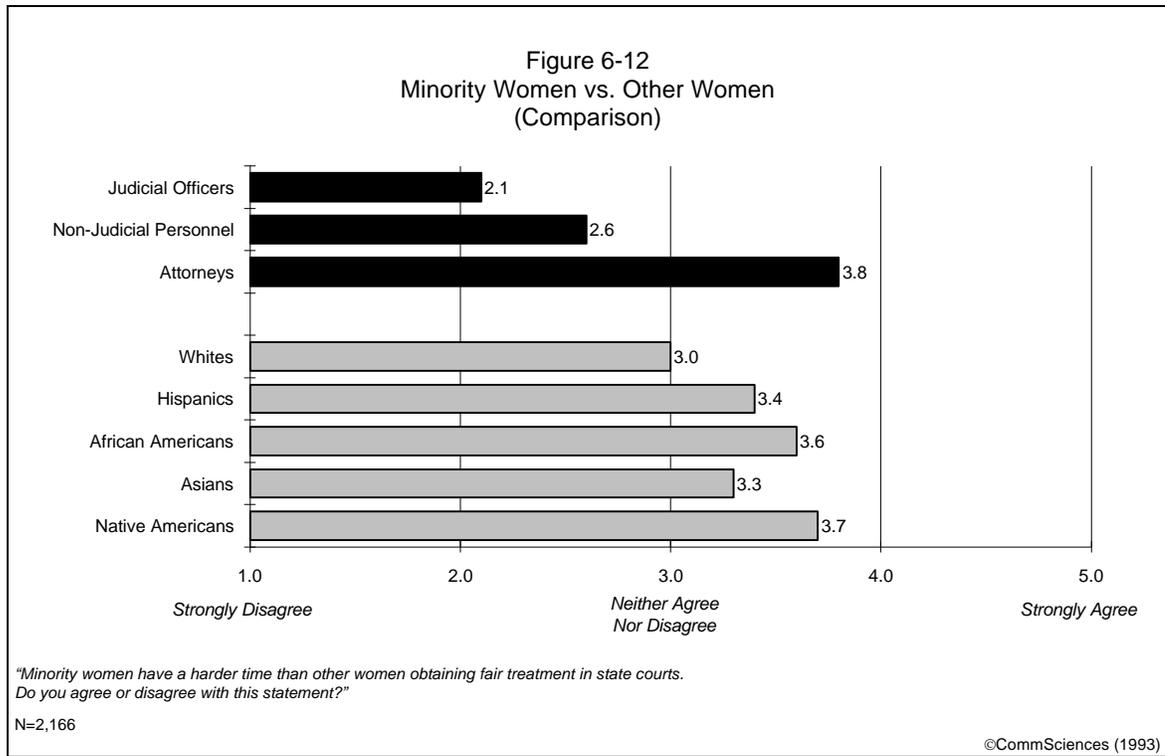


6.2.6 Discrimination Against Minority Attorneys

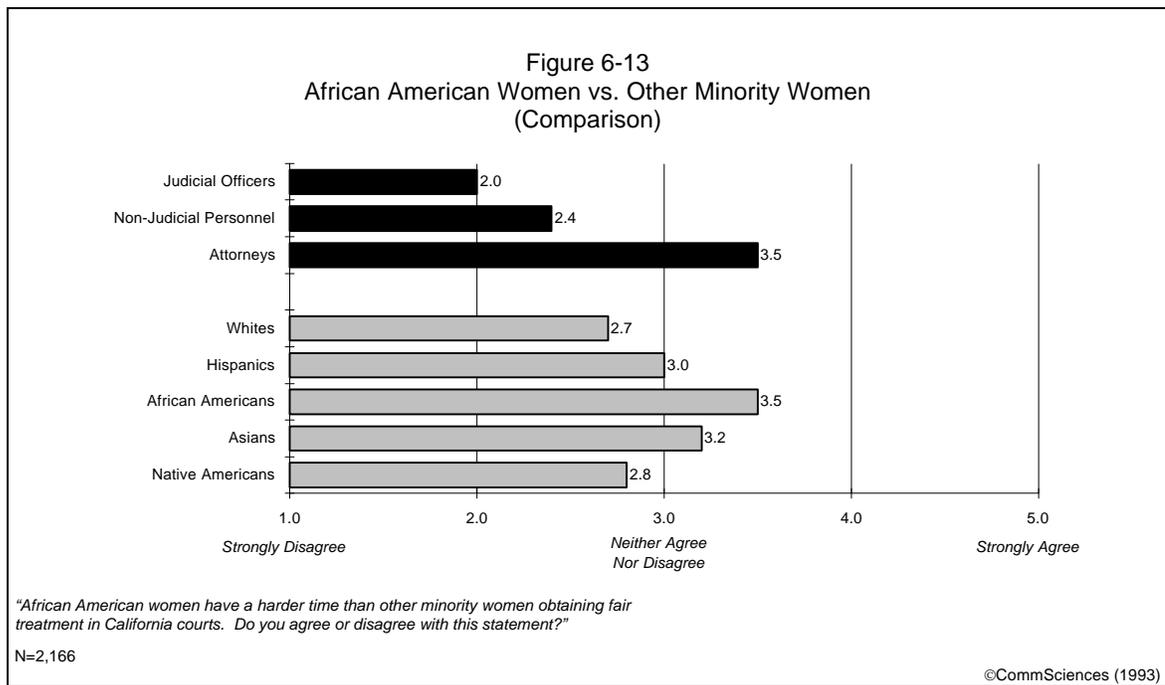




6.2.7 Fairness to Minority Women

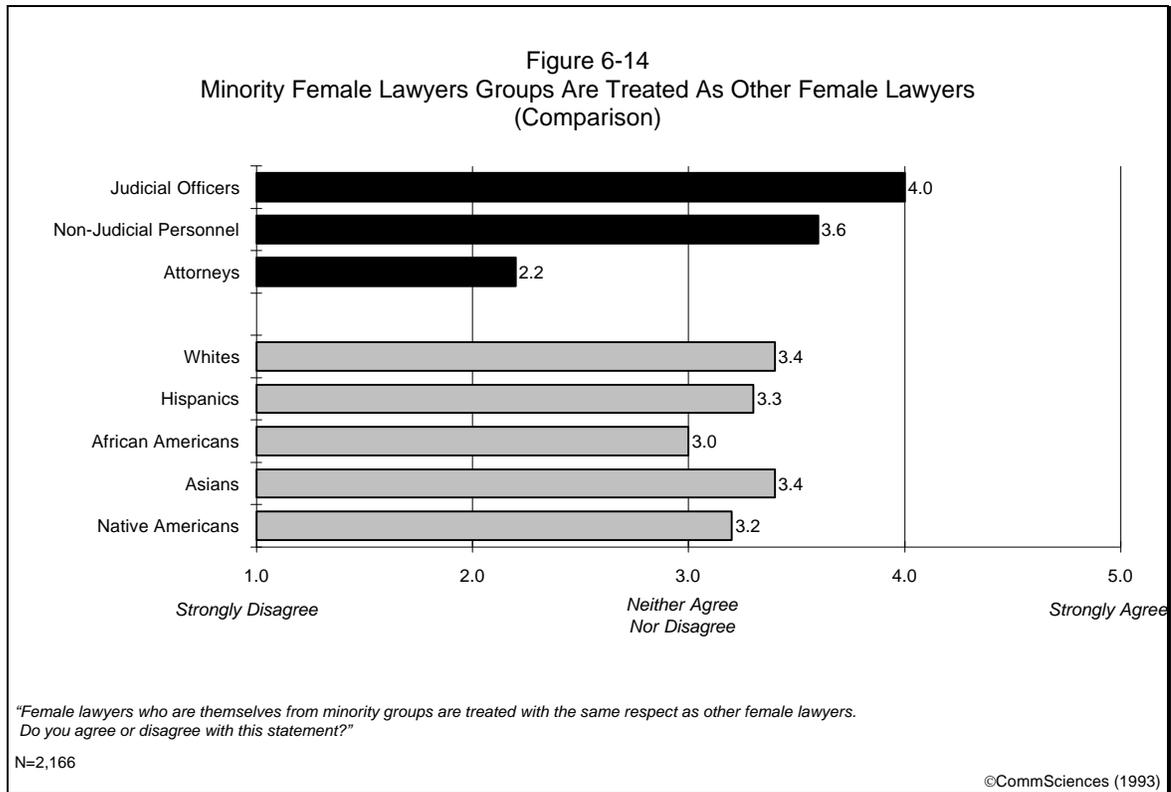


6.2.8 Fairness to African-American Women



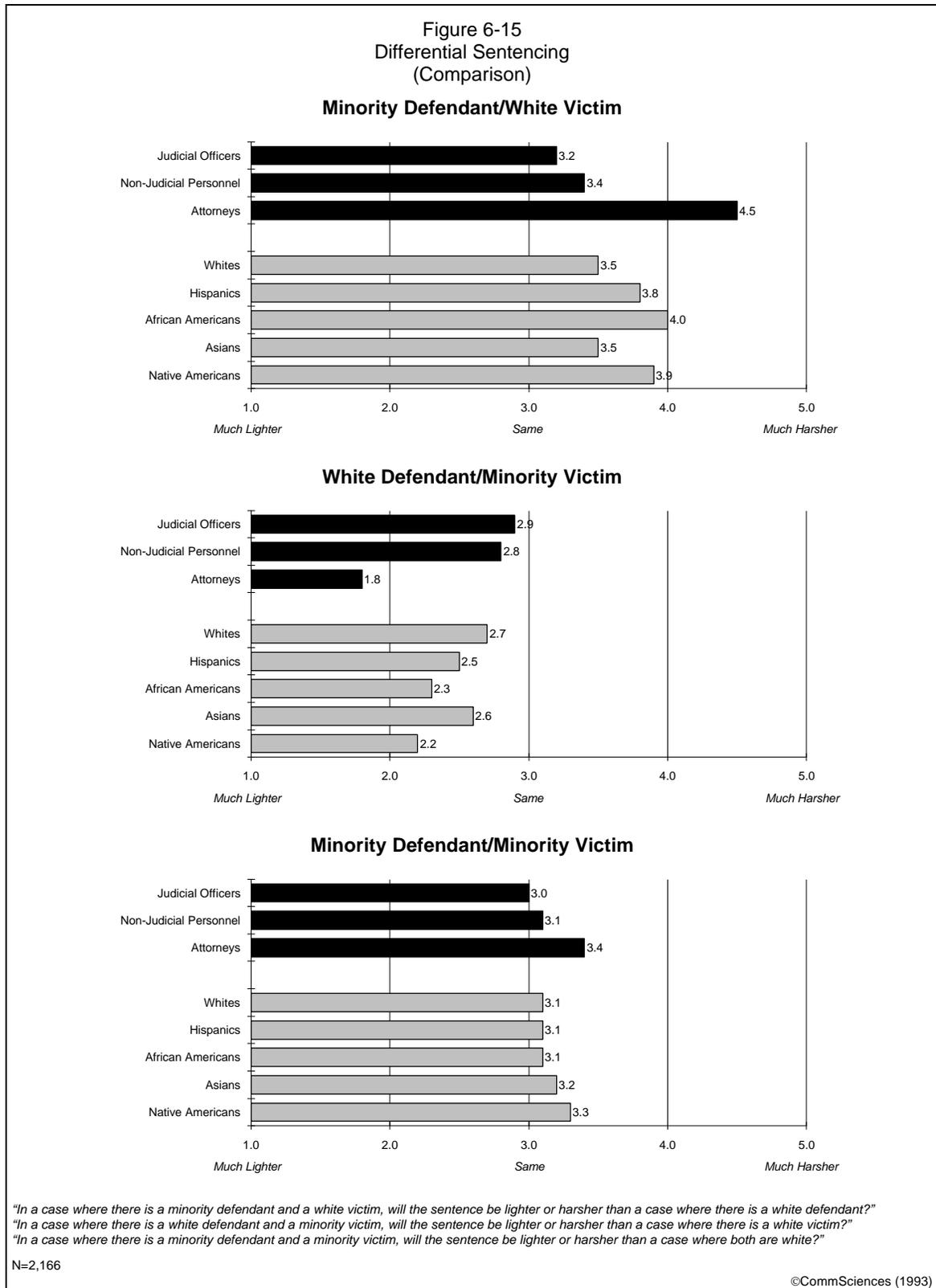


6.2.9 Fairness to Minority Female Attorneys



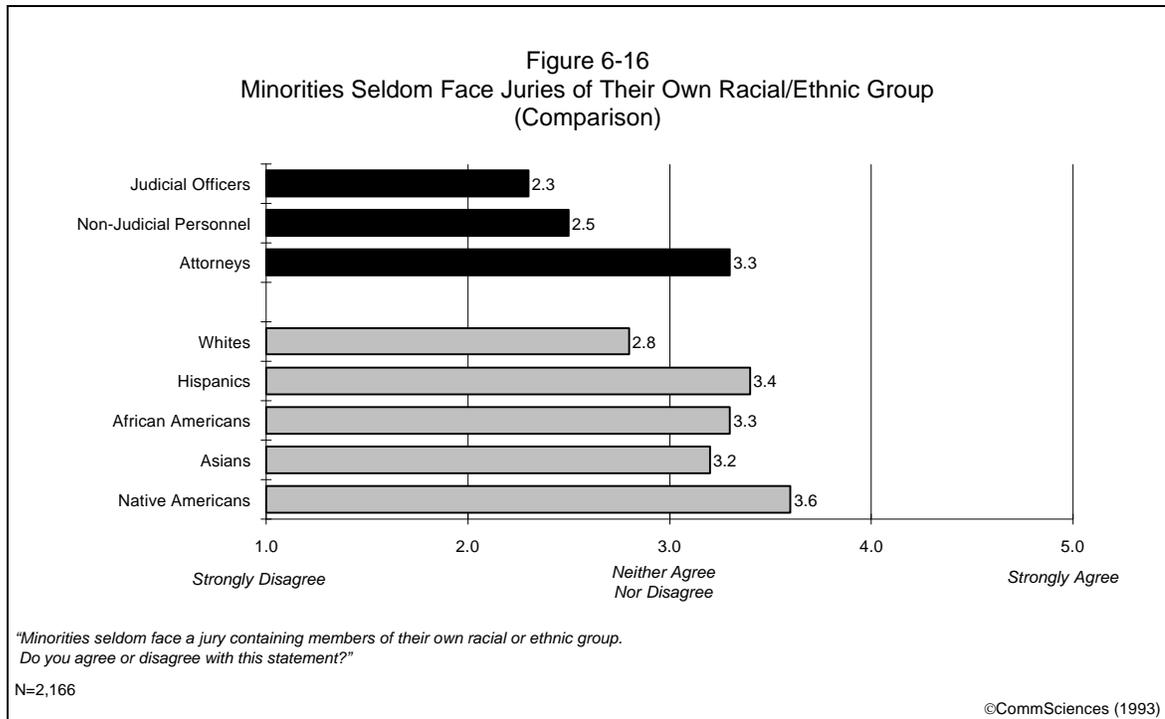


6.3 Disparate Sentencing

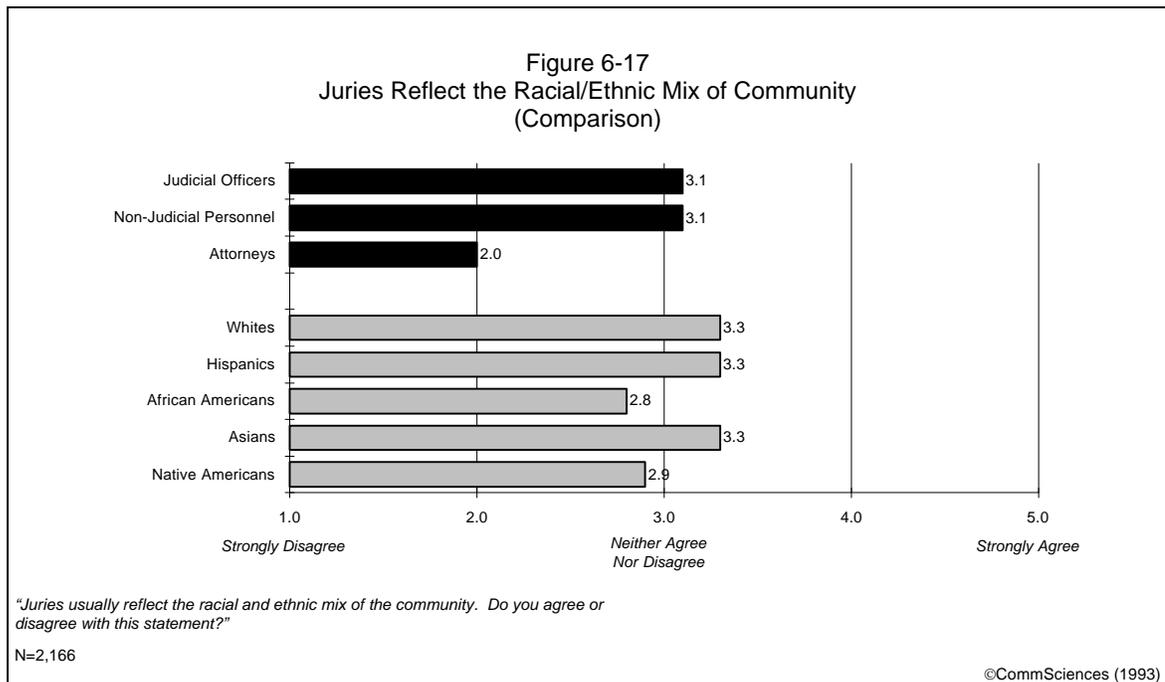




6.4 Minority Jury Representation

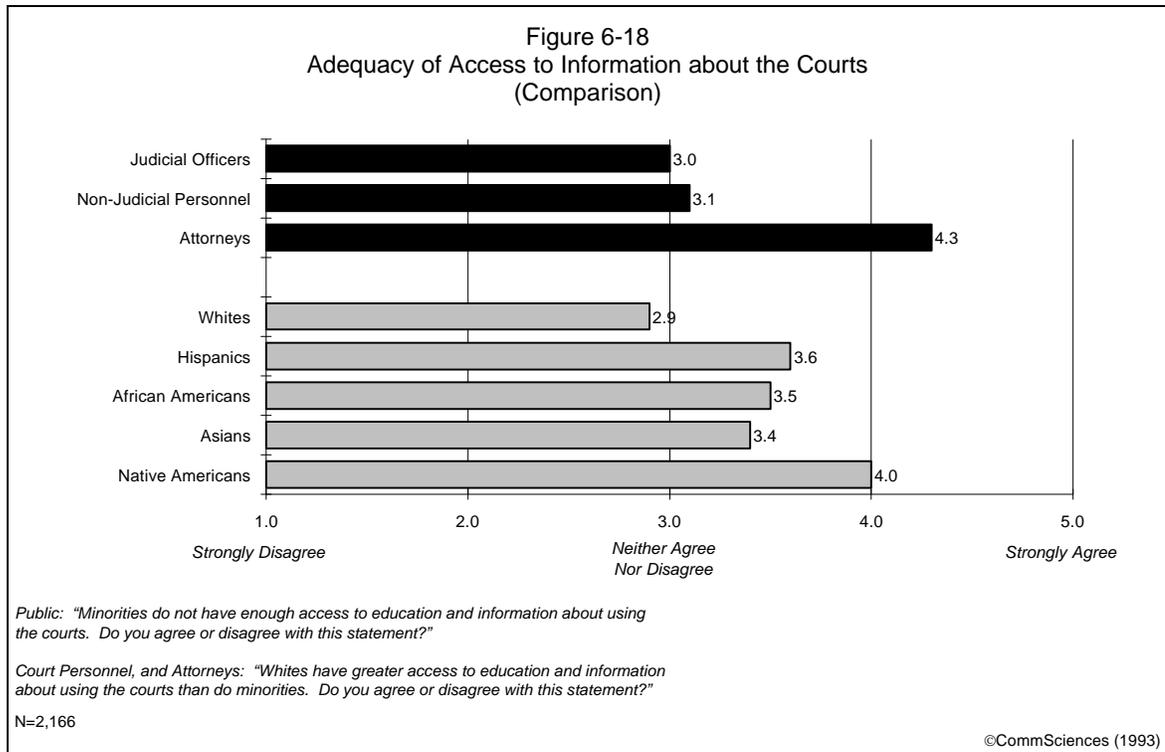


6.4.1 Balanced Composition of Juries

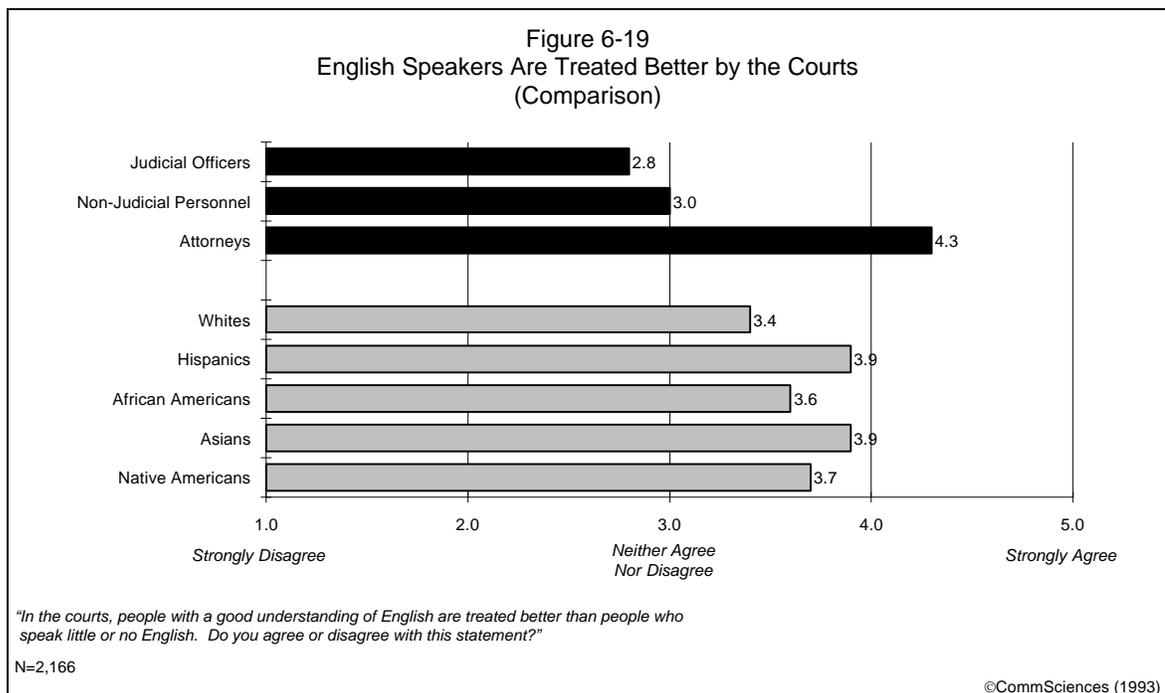




6.5 Access to Information about the Courts

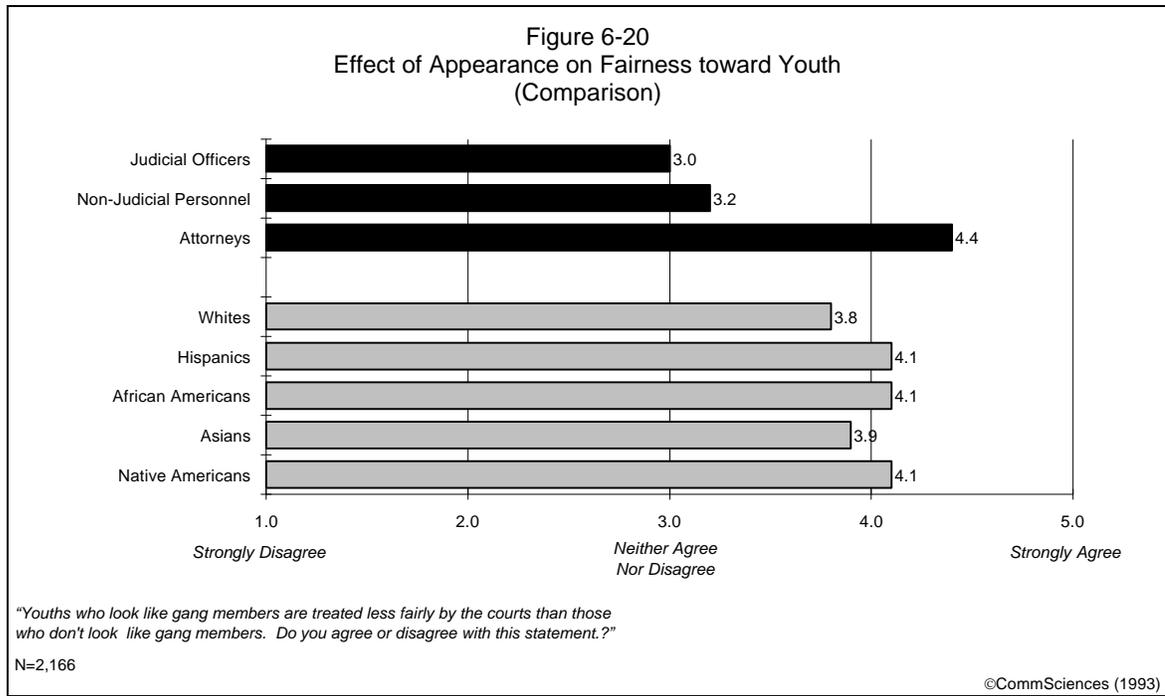


6.6 Treatment of Non-English Speakers

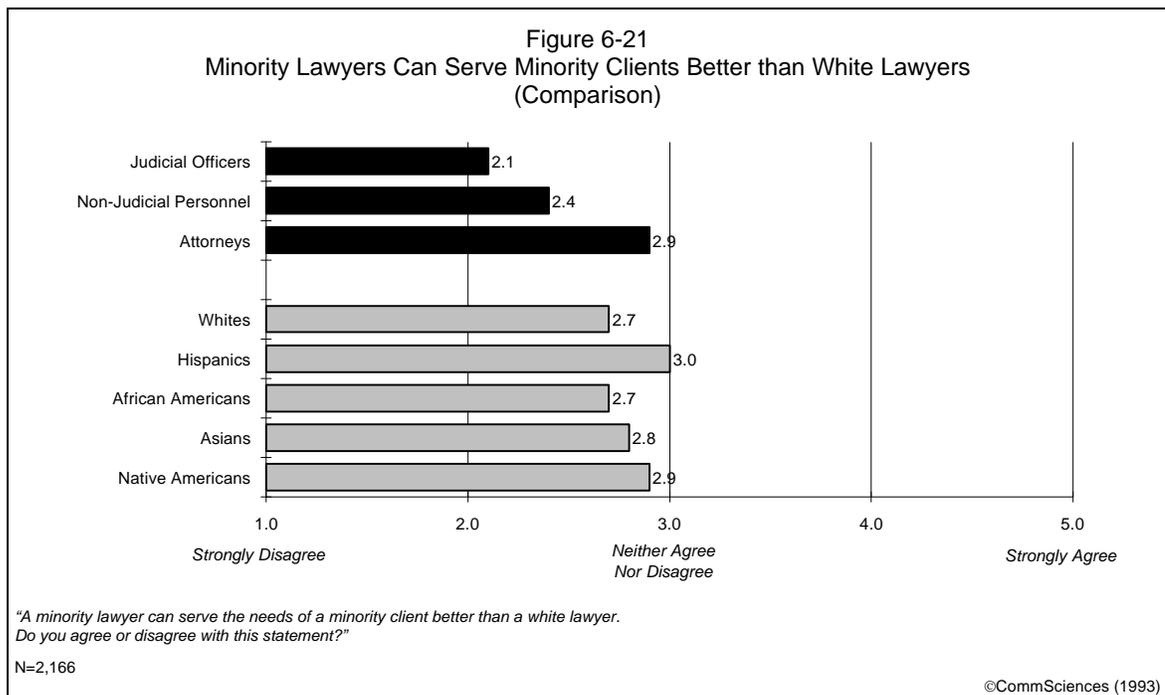




6.7 Effect of Appearance on Fairness to Youth



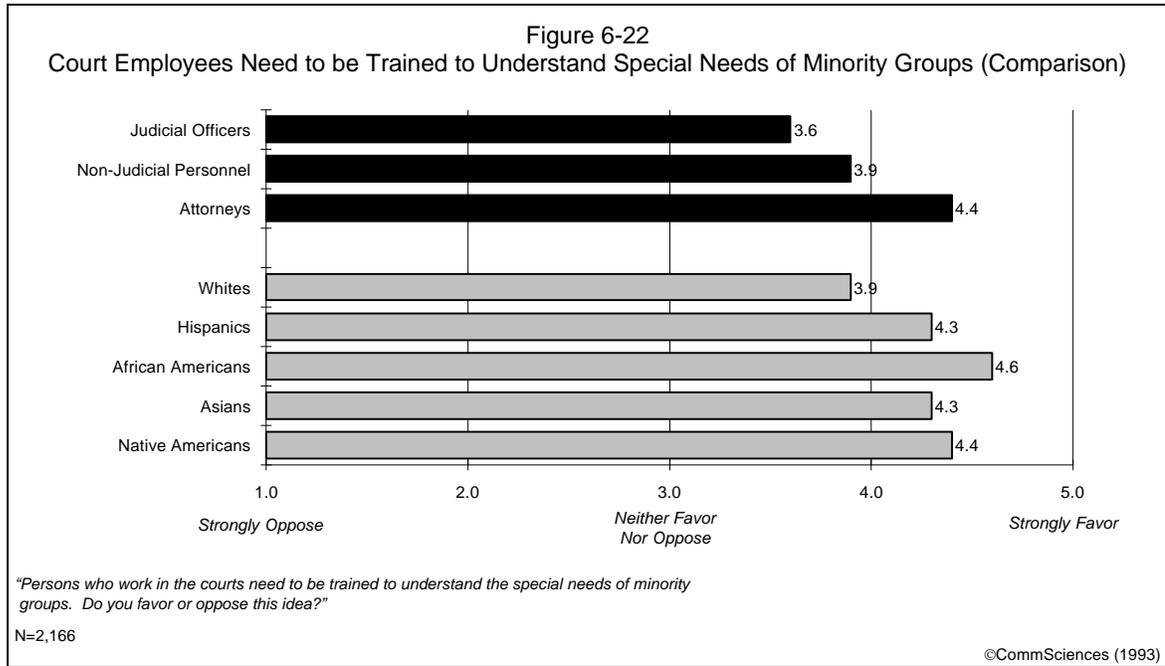
6.8 Cultural Sensitivity of Legal Counsel



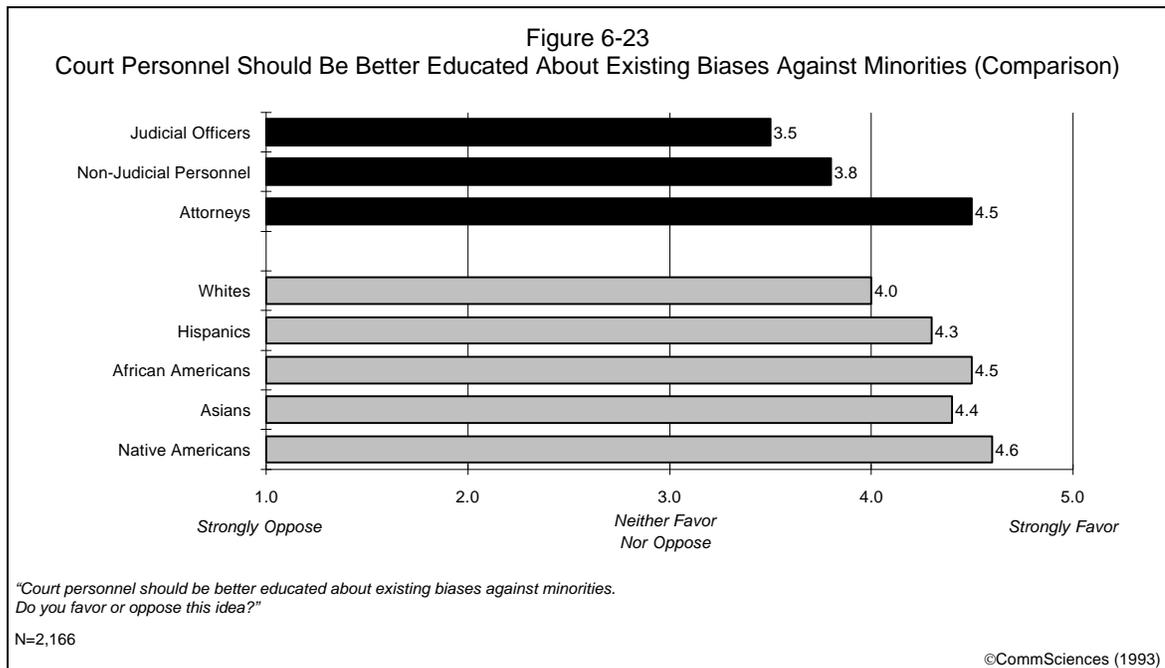


6.9 Suggested Changes or Improvements

6.9.1 Training of Court Personnel

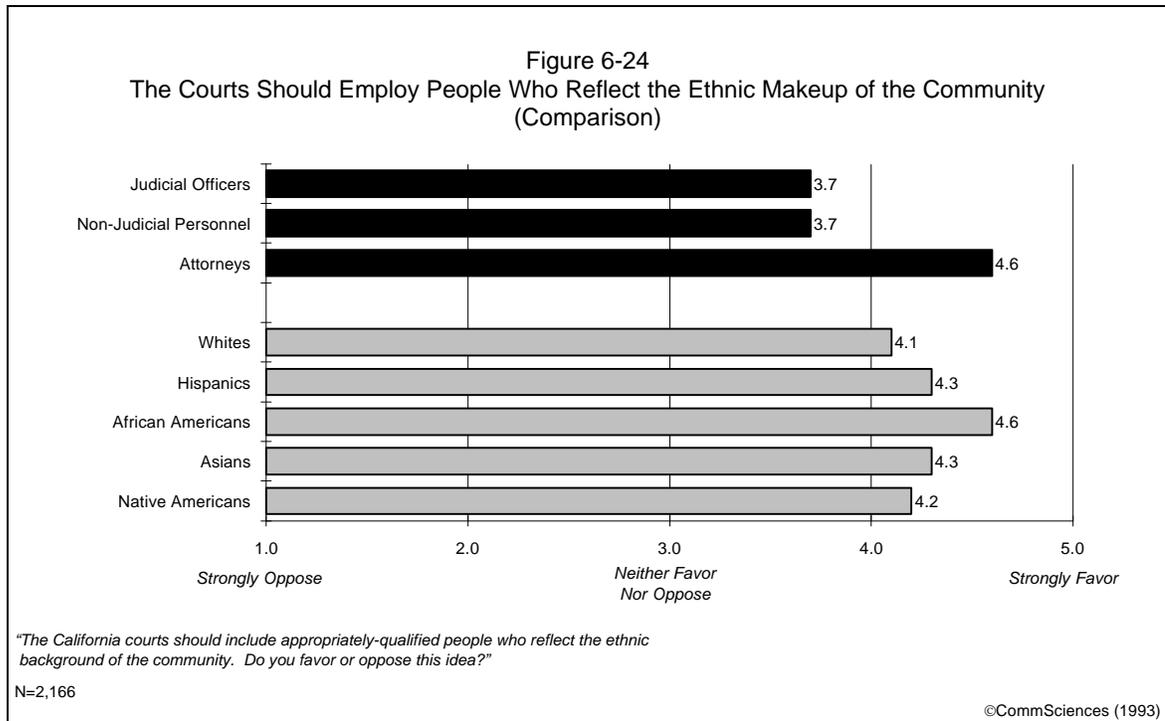


6.9.2 Increasing Cultural Sensitivity for Court Personnel

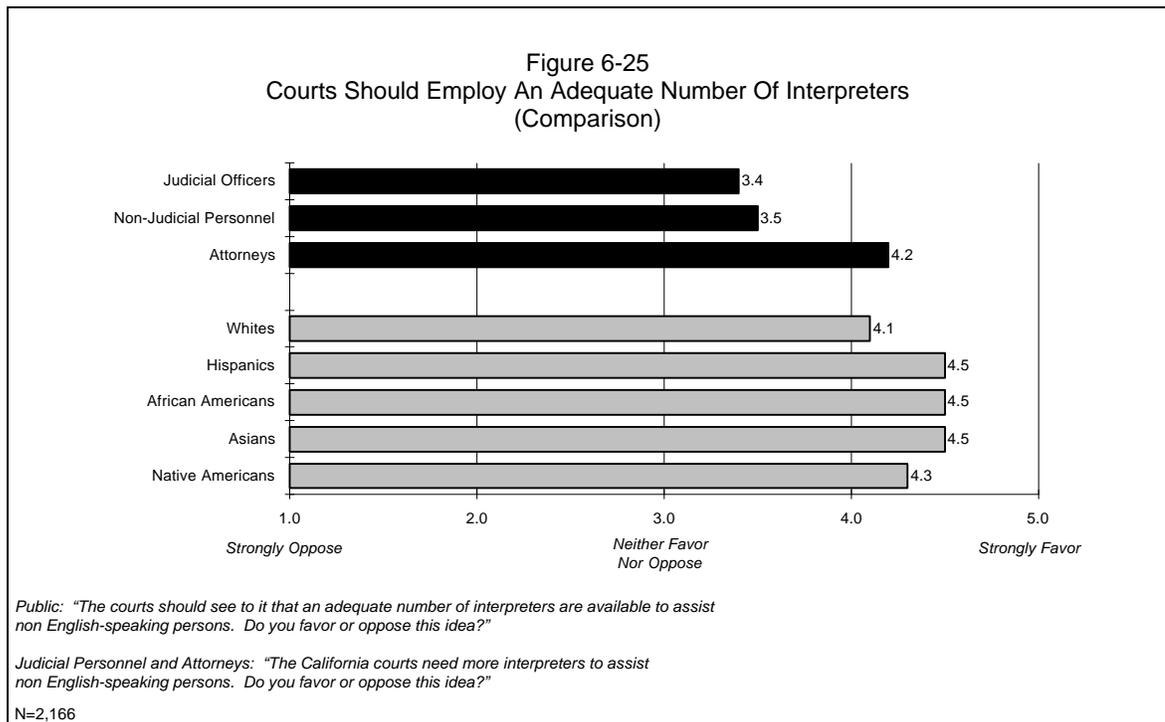




6.9.3 Racial/Ethnic Composition of the Courts

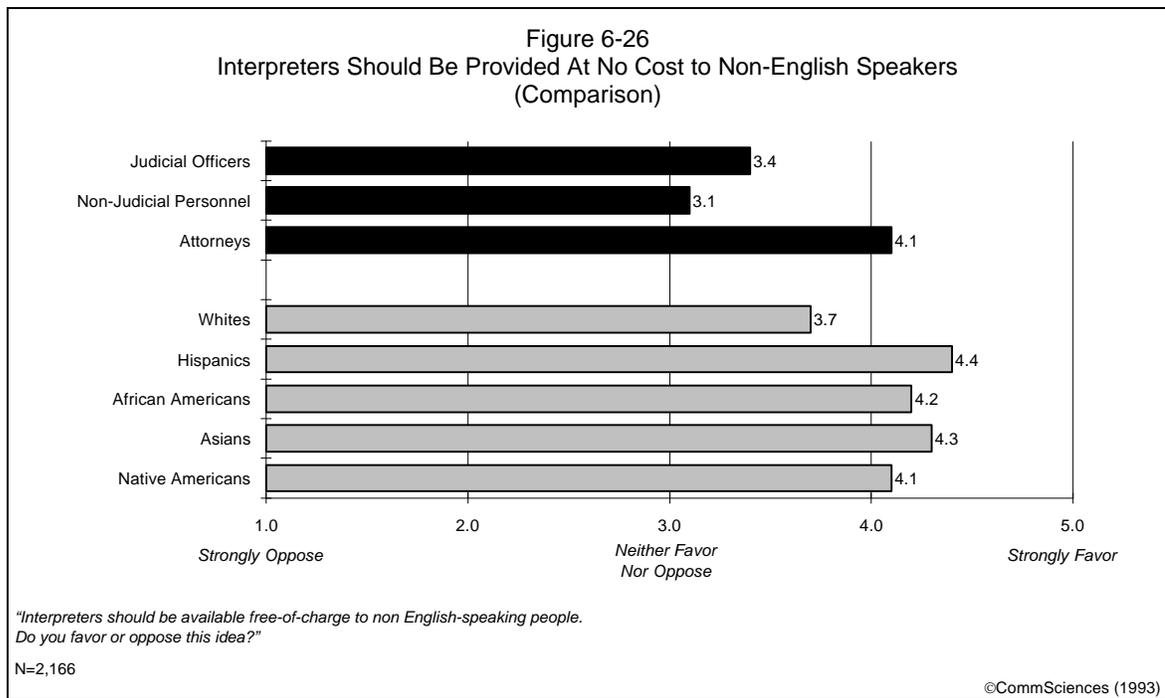


6.9.4 Increasing the Number of Interpreters





6.9.5 Free Interpreters



6.9.6 Increasing Minority Representation on Juries

