

# Trust and Confidence in the California Courts

*A Survey of the Public and Attorneys*

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David B. Rottman, Ph.D., Author

Principal Research Consultant  
National Center for State Courts  
300 Newport Avenue, Williamsburg, Virginia 23185

This report, *Part I: Findings and Recommendations*, written by Dr. Rottman, outlines the main findings and offers recommendations for policy and for further research.

*Part II: Executive Summary of Methodology with Survey Instruments*, produced by John Rogers and Diane Godard, presents an overview of the survey methodology, as well as the questions included in the public and attorney surveys.

Parts I and II can be downloaded at:  
[http://www.courtinfo.ca.gov/reference/4\\_37pubtrust.htm](http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm)

This report was produced for the Judicial Council of California, Administrative Office of the Courts. For additional information, please contact:

Dianne Bolotte, Manager  
Planning and Effective Programs Unit,  
Executive Office Programs Division,  
Administrative Office of the Courts  
455 Golden Gate Avenue, San Francisco, California 94102  
[Dianne.bolotte@jud.ca.gov](mailto:Dianne.bolotte@jud.ca.gov)  
415-865-7633

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## Why survey?

What the public thinks about California's courts matters. Respect for the law depends upon public confidence in the integrity of the justice system. Compliance with court orders is influenced by the sense of fairness people have about how courts render decisions. Whether disputes are brought to the courts for resolution or decided elsewhere depends in part on the perceived fairness and efficiency of the courts. Votes in referendums designed to improve court resources are swayed by perceptions of courts.

Perceptions of the courts are forged through a mixture of information, ranging from personal experience as a juror to the latest episode of *Law and Order*. Opinion surveys shed light on how those perceptions are formed and, to some degree, on how those opinions might be changed by policies that address the public's legitimate expectations of courts and expressed dissatisfaction with aspects of what courts do.

Opinion surveys describe patterns in how people use the courts that cannot be derived from court records and establish the perceived barriers and incentives that underlie such patterns. The same potential extends to the activities and concerns of key constituents of the courts, such as practicing attorneys.

In these and other ways, opinion surveys contribute to strategic planning efforts and complement the many other sources of research on the work and accomplishments of the state courts available to the Judicial Council and the Administrative Office of the Courts.

The last comprehensive statewide survey of opinion on the California courts was in 1992 (*Surveying the Future: Californians' Attitudes on the Court System*). The intervening years were momentous for the courts: trial courts were unified, funding shifted to the state, and initiatives like court and community collaboration made their mark. A new survey was overdue, one linked to the issues and concerns now before the Judicial Council and the Administrative Office of the Courts.

## How was the survey conducted?

Between November 2004 and February 2005 over 2,400 California adults were surveyed regarding their:

- knowledge about the courts and the sources of that knowledge
- perceived and experienced barriers to court access
- experiences as jurors, litigants, or consumers of court information
- expectations for what the courts should be doing
- sense of the accessibility, fairness, and efficiency of the courts

Particular care was taken to ensure that the perceptions and experiences of all Californians were given equal weight. Extra efforts were made to interview minority group members and non-English speakers and to capture the range of opinion across the state's geography.

At the same time, over 500 randomly selected practicing attorneys were interviewed for their views on topics covered in the public survey and on issues basic to their conduct of business with the state's trial and appellate courts.

The second part of this report, *Part II: Executive Summary of Methodology with Survey Instruments*, by John Rogers and Diane Godard presents an overview of the survey methodology, as well as the questions included in the two surveys.

## What is in this report?

This report highlights findings from the public and attorney surveys and draws out implications for policymakers. Specific recommendations are offered at the end of each section of the report. The final section offers thoughts on how opinion surveys can best fit within the repertoire of information-gathering methods available to the Judicial Council.

Several questions from the survey relevant to an important aspect of public opinion, such as the fairness of court procedures, are combined into multi-item scales. Measurements based on scales are desirable because they rely less on the wording of a single question and can reflect the multiple aspects of concepts like "approval" or "fairness" (see scales in right column).

In addition to reporting standard percentages for individual questions and averages for scales, this report uses multivariate statistical techniques to look at the influence of several factors simultaneously on people's opinions. Multivariate analysis allows us to predict, for example, the influence of prior court experience on approval of the courts after taking into account (or "controlling for") other factors such as age, gender, educational credentials, income, or racial or ethnic group identity that might also influence an individual's view of California's courts. It is possible to measure how well the factors we selected can predict approval of the courts or any other criterion of interest (on a scale of zero to 100 percent). The list that follows shows the three categories of factors used in multivariate analysis.

### 1. What are we trying to explain?

- Overall approval of the California courts (four-item scale)
- Confidence in the California court system
- Confidence in the courts in your county
- Job performance of the California court system
- Job performance of the courts in your county

### 2. What are the main non-demographic influences on approval and confidence?

- Perceived fairness of court procedures (four-item scale)
- Perceived fairness of court outcomes
- Prior court experience
- Specific aspects of court performance (e.g., protects constitutional rights, reports to public)
- Perceived barriers to court access
- Sources of information about the courts
- Unmet expectations of the courts
- Confidence in other public institutions

### 3. What demographic factors are taken into consideration?

- Race and ethnicity, age, gender, education, income
- Urban or rural resident
- Political orientation
- Recent immigrants, primary language

### Variables included in overall approval and procedural fairness scales

The questions used to measure overall approval and procedural fairness were derived from previous surveys of opinion about the state courts. The resulting multi-item scales meet the conventional standard for reliability, which provides assurance that the questions all measure aspects of the same phenomenon. The scales can range from a low of one to a high of four.

Overall approval:

1. In general, how would you rate your confidence in the California court system?
2. In general, how would you rate your confidence in the courts in your county? *very confident, somewhat confident, not very confident, not at all confident*
3. Now overall, what is your opinion of the California court system? *excellent, very good, good, fair, poor*
4. Still thinking of just the courts in your county, what is your opinion of the overall job they are doing? *very good, good, fair, poor, very poor*

Procedural fairness:

Do you agree or disagree that the courts in your county:

1. Are unbiased in their case decisions?
2. Treat people with dignity and respect?
3. Listen carefully to what people have to say?
4. Take the needs of people into account? *strongly agree, somewhat agree, somewhat disagree, strongly disagree*

Overview of Public and Attorney Opinion: Then and Now

Recommendations

<ul style="list-style-type: none"><li>■ Confidence in the California courts is substantially higher now than when the last comparable statewide survey was conducted in 1992.</li><li>■ The public and attorneys today are moderately positive about their courts. Attorneys tend to be the most positive.</li><li>■ Local courts attract greater public confidence than the overall state court system.</li></ul>	<ol style="list-style-type: none"><li>1. The Judicial Council and the State Bar should meet to reflect on the substantial proportion of practicing attorneys who disagree that judges follow the rules and juries represent communities.</li><li>2. Communications from the Judicial Council and Administrative Office of the Courts should speak to the public about their local courts rather than the more abstract state court system.</li><li>3. Given that uneasiness about going to court among the general population is linked to one's access to resources, immigration status, and other important indicators of life circumstance, the courts must move beyond addressing such unease simply as a public relations issue. Rather, community outreach efforts may have to be paired with the provision of court services that both inform and empower all</li></ol>	<p>members of the public to seek the courts' assistance when necessary.</p> <ol style="list-style-type: none"><li>4. The Judicial Council should adopt a schedule of surveying the public at either five- or ten-year intervals.</li><li>5. Surveys of the public gain value if comparable questions are asked of groups like attorneys who have a professional involvement with the courts.</li></ol>
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Receiving and Seeking Court Information

Recommendations

<ul style="list-style-type: none"><li>■ Self-rated familiarity with the California courts is low for the public, unchanged since 1992.</li><li>■ Knowledge of the courts increases with exposure to court information in newspapers, the Internet, televised trials, and, most importantly, the court itself.</li><li>■ Exposure to fictional representations of how the courts work is associated with lower self-ratings of familiarity with the courts by members of the public.</li><li>■ Members of the public and attorneys accessing information from the courts via the Internet are very satisfied with the service.</li></ul>	<ol style="list-style-type: none"><li>1. Newspapers and the Internet are the most efficient ways to get the courts' message to the public.</li><li>2. The courts should make use of ethnic media, print and electronic, in disseminating information about the courts to the public.</li><li>3. Large-scale investment in the Internet's potential for the courts is warranted.</li><li>4. The Judicial Council should identify and disseminate aggressively the essential information the public needs to protect their rights and use the courts appropriately.</li><li>5. Programs that bring judges and court staff as educators into the classroom and before civic organizations should be expanded.</li></ol>	<ol style="list-style-type: none"><li>6. Courts need to consider outreach efforts to make the less affluent, and less well educated aware of the kinds of information that can be obtained from courthouse personnel.</li><li>7. Extra efforts are needed to understand why Asian-Americans and Latinos report contacting the courts for information less frequently than other groups.</li></ol>
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Experience in a Court Case: Incidence and Consequences			Recommendations
<ul style="list-style-type: none"><li>■ The majority of Californians (56 percent) have been involved in a case that brought them to a courthouse, mainly through responding to a jury summons or serving as a juror. The incidence of court experience varies among racial and ethnic groups and increases markedly with level of education.</li><li>■ Only service as a jury member increases average approval of the courts. Otherwise, court experience tends to be associated with a slightly lower level of approval.</li><li>■ Defendants in traffic cases and litigants and attorneys in family or juvenile cases are less approving of the California courts.</li></ul>	1. The jury is the prime audience for the state courts, and the best available mechanism for disseminating positive information on the courts by word of mouth. Specific policies and programs should be directed at maximizing this potential.	3. High-volume, low-stakes court dockets like traffic and small claims spread ill will for the courts and leave litigants dissatisfied with their day in court. In large and many medium-sized courts the way such cases are processed needs to be redesigned to incorporate procedural fairness criteria.	5. Joint action by the Judicial Council and State Bar is needed to address as a matter of priority the reasons for the perceived unfairness in family and juvenile proceedings.
	2. A focus on the elements of procedural fairness, discussed later in the report, can take the benefits of staff education on customer service to a higher level.	4. The effectiveness of procedural-fairness-driven reforms should be monitored by "exit surveys" of court users to fine-tune the changes as they are introduced and periodically thereafter.	6. The apparent underrepresentation of Asian-Americans and Latinos on juries needs to be examined to see if factors other than eligibility are active.

Barriers to Taking a Case to Court			Recommendations
<ul style="list-style-type: none"><li>■ The cost of hiring an attorney, regardless of the respondent's income level, is the most commonly stated barrier to taking a case to court.</li><li>■ Barriers include lack of childcare, distance to be traveled, time away from work, and unease about what might happen if one became involved in a court case.</li><li>■ Recent immigrants appear to be poorly informed about formal alternatives to court as a way of resolving disputes.</li></ul>	1. The State Bar and the Judicial Council should adopt parallel strategies to re-think the role of self-help centers and similar services in light of the widespread perception that attorney fees are a barrier to going to court.	3. Court interpretation programs should recognize that many non-native English speakers who are comfortable using English in many settings may still feel the need for an interpreter in court.	5. Providing remote locations at which basic court business can be conducted is one way to lower the barrier of geography for the less affluent, immigrants generally, and members of the public living in rural areas.
	2. Awareness of alternatives to court adjudication needs to be made more widely known among immigrants and people with less than a college education.	4. Establishing childcare facilities in courthouses is an important component of policies seeking greater access to the courts among the less affluent and, perhaps, especially recent immigrants.	

Diversity and the Needs of a Diverse Population

- The diversity of the public served by California's courts is striking: 31 percent of all respondents were born outside of the United States.
- Immigrants, especially recent immigrants, tend to hold highly positive views of the California courts but have low levels of contact with the courts.
- The positive opinions of immigrants do not appear to fade away, remaining overall strong after ten, twenty, or more years in the United States.
- Language difficulties appear to be more formidable in court than in other settings: immigrants resident in the United States for more than 10 years typically chose to be interviewed in English but many expressed concern that language would be a barrier to their taking a case to court.

Recommendations

1. The courts should be attentive to the distinctive needs of immigrant groups in accessing the courts, a need only partially met by addressing language issues.
2. Practical aspects of court operations, such as hours of operation and difficult-to-reach courthouses, need to be addressed to ensure access for recent immigrants, as well as others for whom these are barriers.
3. The availability and appropriate use of alternative methods of dispute resolution need to be made more widely known among immigrant populations.
4. The court-related opinions and experiences of the U.S.-born children of immigrants merit study to determine if they will continue their parents' positive views of the California courts.



Fairness in Procedures and Outcomes: The Core Concern

- Having a sense that court decisions are made through processes that are fair is the strongest predictor by far of whether members of the public approve of or have confidence in California courts.
- Californians rate their courts highest on the "respect and dignity" element of procedural fairness and lowest on the "participation" ("listen carefully") element.
- For attorneys, outcome fairness is more important than procedural fairness when predicting approval of the courts.
- Litigants in family and juvenile cases and defendants in traffic cases perceive less procedural fairness than do litigants in other kinds of cases.
- Attorneys practicing family law rate procedural fairness lower than do other attorneys.
- Californians consider that outcome fairness is least for people with low incomes and non-English speakers.
- African-Americans tend to perceive the highest level of outcome unfairness for Latino/Hispanic Americans, African-Americans, and low-income people. They are only slightly less likely than Latinos and more likely than Asian-Americans to perceive unfair outcomes for non-English speakers.

1. Judges and court staff should be educated in the criteria of procedural fairness.
2. Education on procedural fairness is not enough. Initiatives are needed to ensure that all cases are processed in a manner consistent with a sense of fairness in court procedures.
3. There is particular urgency in improving the processing of traffic and similar high-volume dockets in ways that meet the criteria of procedural fairness.
4. There is equal or greater urgency to improving procedural fairness in family and juvenile cases, to improve

Recommendations

- confidence in the process both for litigants and their attorneys. Court resources need to be reallocated to improve the way family and juvenile cases are handled.
5. High-volume, low-stakes cases need to be redesigned so that litigants are afforded an opportunity to express their point of view.
  6. Programs that promote procedural fairness are also the ones that will reduce the gap separating approval of the California courts by African-Americans with that by other racial and ethnic groups.

Expectations and Performance

- Generally the public perceives a high level of job performance by the California courts.
- Protecting constitutional rights, ensuring public safety, and concluding cases in a timely manner are among the responsibilities regarded as most important on which to spend resources.
- Reporting regularly to the public on court job performance is viewed as important by a majority of the survey respondents. That responsibility also emerged as the greatest unmet expectation of the courts.
- The greatest concerns were expressed about politics influencing court decisions, proceedings that cannot be understood, and uneasiness about becoming involved with the courts.

1. The public's greatest unmet expectation for the courts is that they report on their job performance. This suggests that Judicial Council and Administrative Office of the Courts establish initiatives to help trial courts measure their procedural fairness, efficiency, and effectiveness.
2. Programs to promote timeliness in case dispositions continue to be relevant.

Recommendations

3. The hours of court operation should be reconsidered in light of the expectation that courts should be open at convenient hours and the barrier to the courts that current hours appear to represent.
4. The courts should give prominence to their successes in the civil justice arena.



Next Steps: Survey Findings as a Guide to Policy

- Policies that promote procedural fairness offer the vehicle with the greatest potential for changing how the public views the state courts.
- People who believe that the California court system protects constitutional rights and makes sure judges follow the rules are likely to rate procedural fairness high, as are those who feel that judges are honest and fair and that courts are in touch with the community.
- The fairness of procedures used for traffic and other high-volume, low-stakes court cases should be studied to understand what, specifically, contributes to the low sense of fairness they promote.

Data Needs: A Proposed Program of Research

- Some findings from the 2005 survey point to specific policy initiatives and actions that the Judicial Council might wish to pursue. Other findings are suggestive rather than directive, requiring clarification before the appropriate policy implications can be drawn.
- The Judicial Council should adopt a schedule of surveying the public at either five- or ten- year intervals. Such comprehensive surveys should be supplemented by placement of specific questions in ongoing surveys carried out by university survey centers and similar institutions. The questions should combine a few “tracking”

items from the 2005 survey to monitor trends annually or every 18 months with new questions relevant to emerging policy issues demanding the attention of the Judicial Council.

- The 2005 attorney and public surveys should be supplemented this year and next by a series of focus groups, directed at key findings that require further exploration before policies can be constructed. Focus groups can help define what the public has in mind in terms of 1) reporting on court performance and 2) what underlies the sense of unease the majority of the public has when contemplating going to court.

1. The Judicial Council should give renewed emphasis to programs of court and community collaboration.
2. Adhering to principles of procedural fairness is the best approach to reducing the reluctance the majority of people feel about going to court because of unease about what might happen to them.
3. The often negative view African-Americans have of the California courts needs to be addressed in cooperation with law schools and the Bar through community forums, outreach, and a commitment to diversity on the bench and among court staff.
4. The Judicial Council should make a concerted effort to explain to the public and opinion leaders the processes for ensuring that

Recommendations

5. The need for reporting regularly to the public on the job performance of the courts is clearly indicated by the survey results. Further research is needed to clarify what kinds of information in what formats will meet this expressed public expectation.

# I. Overview of Public and Attorney Opinion: Then and Now

## The California public and attorneys are more positive about the courts than they were in 1992

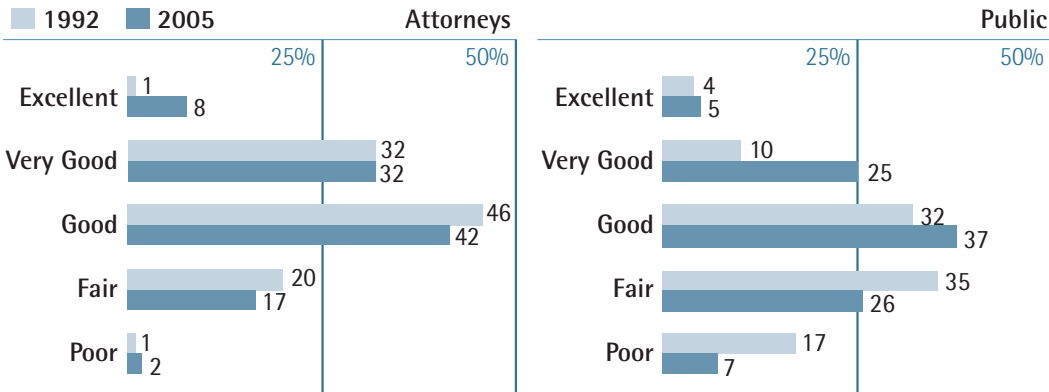
The survey offers encouraging news to the Judicial Council. The California public and attorneys are moderately positive about the courts. This positive assessment emerges from the survey responses in 2005 and from comparison to an identical question asked in a 1992 survey about one's "overall opinion" of the California court system.

Confidence in the California courts is higher now than when the last statewide survey was conducted in 1992, among both the public and practicing attorneys. The change is especially pronounced among African-Americans: the proportion expressing a "poor" opinion declined from 47 to 18 percent. Still, in both years African-Americans tend to be significantly less positive about the courts than other racial or ethnic groups.

In 2005, overall approval (a scale combining answers to four questions) of the California court system, on average, is close to 3.0 on a scale of 1 to 4, where 4 indicates the highest level of approval. Attorneys on the same scale are more positive than members of the public to a degree that is statistically significant, and thus very unlikely to be attributable to chance factors. For overall approval, the average response by the public is 2.95 and for the presumably better informed attorneys 3.1.

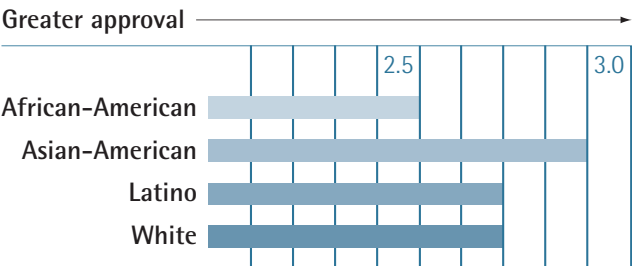
We can better explore some of the current differences among racial and ethnic groups because the 1992 and 2005 surveys differ in a crucial detail: while 64 African-American and 74 Asian-American respondents participated in the 1992 survey, the 2005 survey interviewed 367 African-Americans and 313 Asian-Americans.

### What is your overall opinion of the California court system?



Interviews for both surveys were conducted in the shadow of high-profile court cases. The 1992 survey was based on interviews from mid-September to mid-October, five months after the acquittal in state court of policemen charged with beating Rodney King and immediately after their federal grand jury indictments were issued. Interviews for the current survey overlapped with the Scott Peterson trial and maneuverings for the jury trials of Robert Blake and Michael Jackson.

### Overall approval of the courts: 2005 racial and ethnic differences



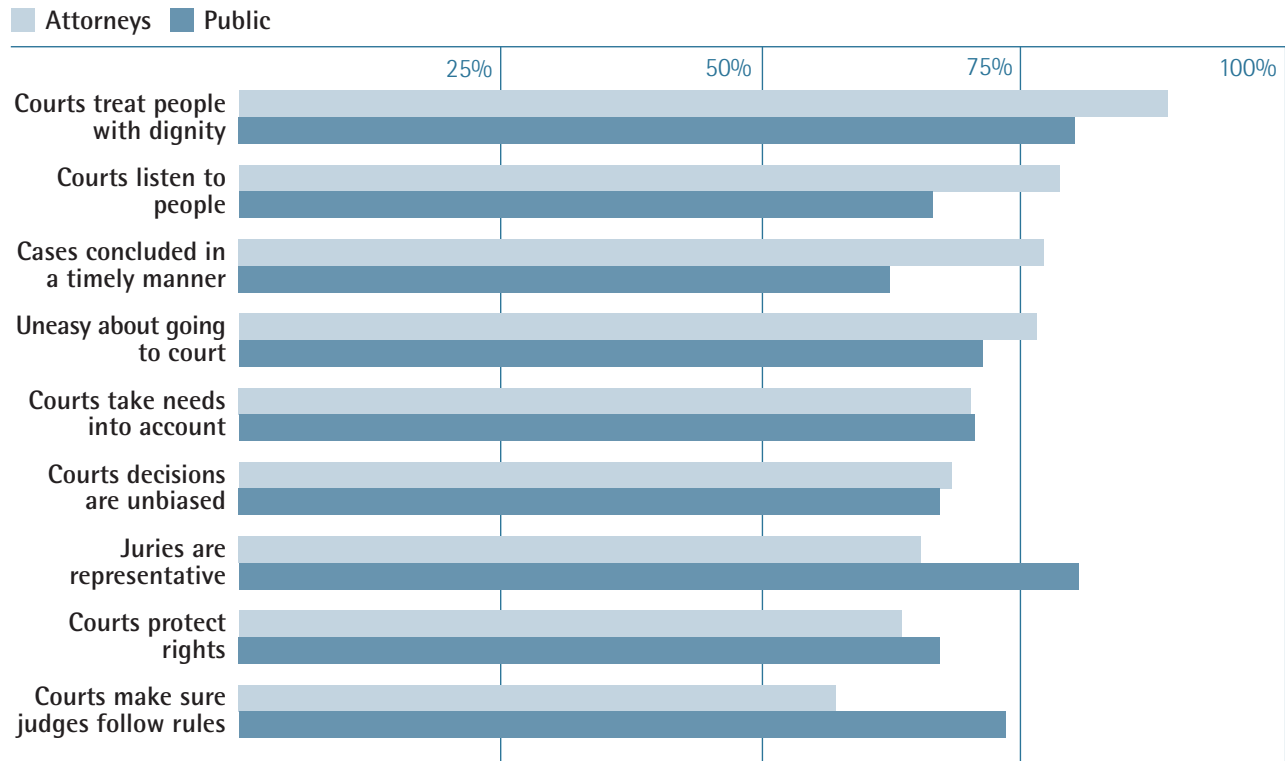
The African-American and Asian-American averages are lower or higher than other groups to a statistically significant degree. Scales from 2.0 to 3.0 are used to draw attention to variation in the data. Actual scales were from 1 to 4.

Attorneys and the public have similar views on the strengths and weaknesses of the courts

Attorneys and the public were asked the same nine questions in 2005 regarding aspects of court performance. Differences between the public and attorneys are statistically significant for all statements except "courts take needs of people into account" and "court decisions are unbiased." The most striking similarity is in public and attorney responses to this statement: "Many people in my community are reluctant to go to court because they're uneasy about what might happen to them." About 70 percent of both groups agree with the statement.

Attorneys tend to perceive higher levels of court performance. There are three notable exceptions: attorneys are less likely than members of the public to believe that "juries are representative," "courts make sure judges follow the rules" or "courts protect constitutional rights" (although the latter difference is small, even if statistically significant). The specialized training and exposure to the workings of the courts give a special status to attorney opinion in these matters. Other research methods, described later in this report, should be brought to bear on determining the observations and reasoning underlying their perceptions.

Percent who agree or strongly agree with the following statements on court performance



Differences between the public and attorneys were statistically significant for all categories except "courts take needs into account", and "court decisions are unbiased".

Approval of the California courts is tied closely to views held on government in general

Recommendations

Public trust and confidence in government has been volatile in recent decades, with a sharp decline over the 1970s and 1980s and more recently a rebound back to higher levels. Opinion on the courts is more stable than for the legislative and executive branches of government, but the courts cannot escape the collateral damage associated with the public's general disenchantment with government institutions.

The current survey allows us to compare trust and confidence in local schools, local police, and the U.S. Supreme Court, to that in "the California court system" and "the courts in your county."

Trust and confidence in the courts is lower than for the police but higher than for the schools and similar to the U.S. Supreme Court. Local courts attract greater public confidence than the state court system.

The survey provides some reassurance that public confidence in the courts is less marked than other institutions by racial and ethnic differences. Notably, the gap between African-American and white opinion is lowest for local courts when trust and confidence of racial and ethnic groups are examined. The proportion of African-Americans confident in their local courts is 7 percent lower than for whites, while the comparable "gap" is 13 percent for local schools and 17 percent for local police. (Confidence in the "state court system" is equal to or very close to the other institutions.) These findings, however, should not distract attention from the tendency for African-Americans to be the group least positive toward the courts.

The public's trust and confidence in government institutions

	Very confident %	Somewhat confident %	Not very confident %	Not at all confident %
Public schools	24	42	24	11
Local police department or county sheriff	42	44	10	4
U.S. Supreme Court	30	48	16	7
California state court system	20	59	15	7
Courts in my county	25	58	12	5

Rows total to 100%.

1. The Judicial Council and the State Bar should meet to reflect on the substantial proportions of practicing attorneys who disagree that judges follow the rules and that juries represent communities.
2. Communications from the Judicial Council and Administrative Office of the Courts should speak to the public about their local courts rather than about the more abstract state court system.
3. A consumer orientation for the courts must go beyond practices in business to address the negative psychological images that make people uneasy about what might happen to them in court. The public (thinking about their neighbors) and attorneys (thinking about the communities in which they practice) believe that people are "uneasy about what might happen if they go to court." This widespread perception challenges the efficacy of policies that make the courthouse less user-friendly by adopting methods used by business firms.

## II. Receiving and Seeking Information on the Courts

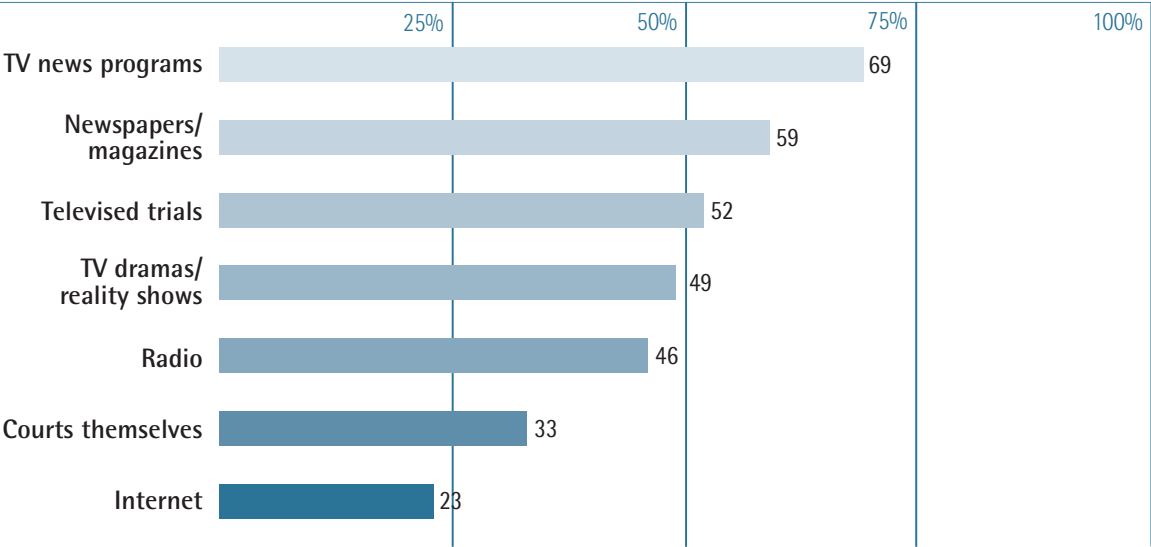
### Traditional news media remain the most common sources of information about the courts

We all are exposed to information about the courts as we watch television, read the newspapers, and listen to the radio. The survey tells us that people most often get information about the California courts from TV news programs and newspapers or magazines. Still, nearly one-half of Californians report often or sometimes getting information about the courts from television dramas or television judges like "Judge Judy." The Internet is a source for about one survey respondent out of four.

The frequency of exposure to each information source is a poor guide to what shapes actual knowledge of the courts. Multivariate analysis shows that self-rated knowledge of the courts increases with exposure to court information from newspapers, the Internet, televised trials, and the courts themselves. The extent of exposure to information from television or radio news has no influence on a person's self-rated familiarity with the courts.

Moreover, the extent of exposure to fictional representations of how the courts work cannot be blamed for public concerns about the fairness or efficiency of the California courts. Exposure to TV dramas depicting the courts or to "TV judges" is associated with *lower* perceived levels of familiarity with the courts.

How often do you get information about the state courts from...



Percent of respondents answering "often" or "sometimes". Other choices given included "hardly ever" and "never".

### Knowledge of the courts is low

The 2005 survey of the public finds self-reported familiarity with the California courts to be low and unchanged from the level found when the identical question was asked in the 1992 survey. Less than one person in five believes that they are "intimately" or "broadly" familiar with the courts.

The lack of familiarity is striking among those who must rely primarily or exclusively on indirect sources of information about the courts—the news media and entertainment programs. Nearly 80 percent describe themselves as either "somewhat familiar" or "not familiar at all" with the

California state court system. Direct experience with the courts makes a difference. Self-rated familiarity is substantially higher among those with experience—few claim to be "not familiar at all" with the courts.

How familiar with the courts are people with no prior court experience compared to those with experience?

	All	With experience	Without experience
Self-reported familiarity	%	%	%
Intimately familiar	5	8	2
Broadly familiar	12	17	6
Familiar	19	23	13
Somewhat familiar	43	42	44
Not familiar at all	21	10	35

II. Receiving and Seeking Information on the Courts (cont'd)

One-third of the public actively sought information about the courts

People do more than passively acquire information on the courts through the mass media. The survey asked, "Have you ever needed to get information about the courts in your county (not including information about the police, prosecutors, or lawyers)?" Over one-third of the public reported having sought such information.

When asked, "Where did you go for this information?" the survey respondents answered in their own words rather than choosing from preset categories.

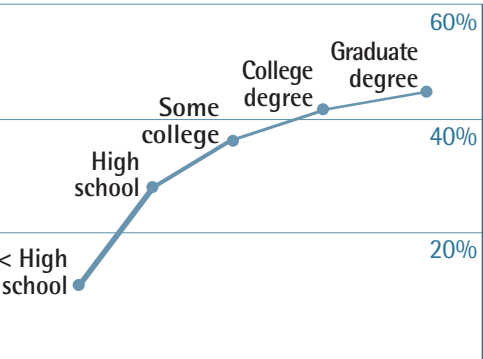
Their answers are shown to the right. The courthouse and court personnel (mentioned by one-half of those questioned) and the Internet (mentioned by one-third) dominate the responses.

Seeking information from the courts is commonplace among the college educated, but rare among those with a high school education or less. The survey cannot tell us the extent to which this is based on differences in the need for information as opposed to perceived barriers that discourage seeking desired information.

34% of the public said they have needed to get information about courts in their county.

Where did you get this information?	%
Courthouse/court personnel	51
Internet and court Web-sites	34
Phone book/directory assistance	11
Attorney or legal service	10
Family/friends/co-workers	5
Library	4
Other	3
Civic/church group	2
Police/sheriff	1
School	1
Newspapers or magazines	1

People with more education are likely to seek out information about the courts.

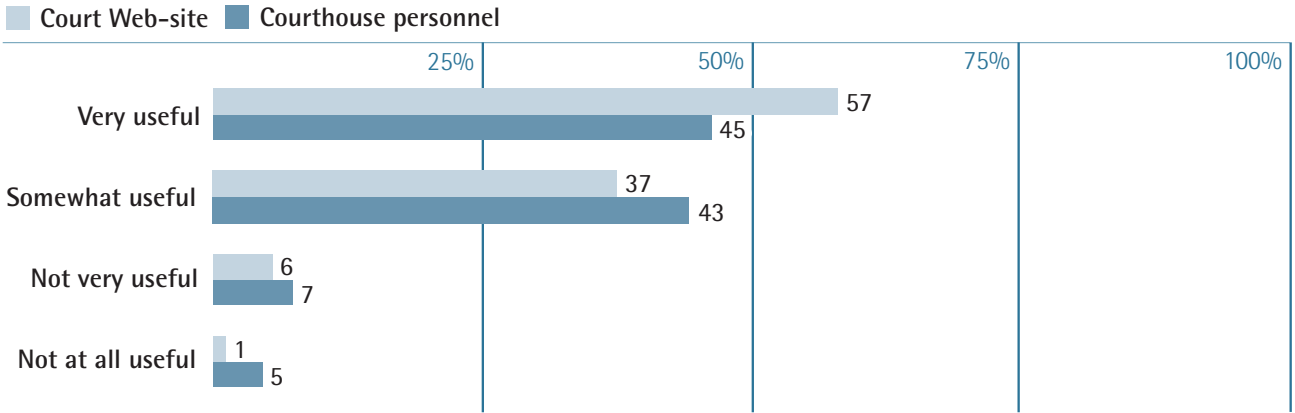


Public satisfaction is high with information provided by court personnel and Web-sites

Members of the public who sought information from the courts via the Internet or court staff were asked how useful the information they had received was. About one-half report that the information was very useful, with a slight advantage for Web-based information.

This and other findings from the survey support the efficacy of the Internet as a way of connecting the public to the courts. The survey findings also suggest that the California courts can build on goodwill already earned by court personnel in launching ambitious programs to enhance the quality of service they provide the public and attorneys.

How useful was the information provided by the court Web-sites and courthouse personnel?



## II. Receiving and Seeking Information on the Courts (cont'd)

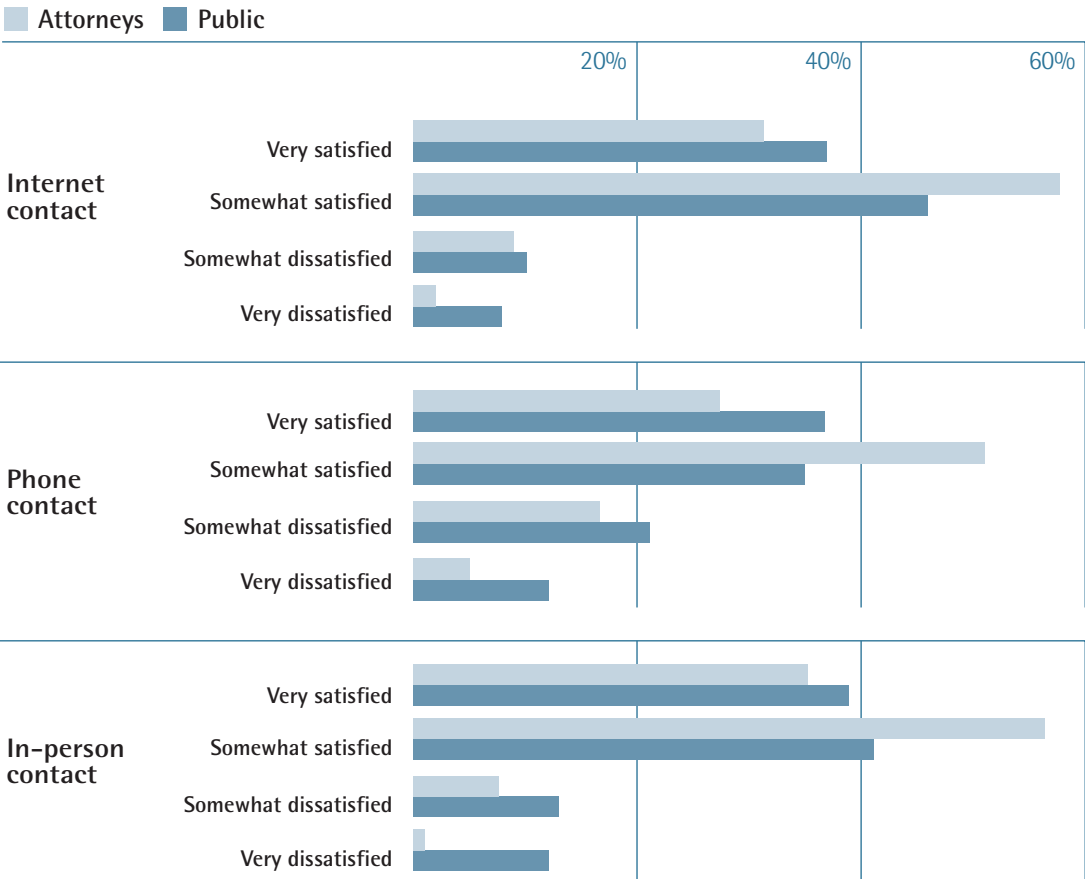
### Attorneys and members of the public who contact the courts for information are satisfied with their experience

Another set of survey questions asked members of the public and attorneys who had “done business with the courts in your county or where you practice” via the Internet, telephone, or in-person at the courthouse if they were satisfied or dissatisfied. For the public, the question referred to information requested within the last three years. Even within that limited timeframe, 29 percent of the public report conducting business with the courts.

Members of the public and attorneys who have used the Internet to access court information and conduct business with the courts have mostly positive reactions. The survey asked attorneys, “In general, would you prefer to submit court filings, including briefs and motions, by person, by U.S. mail, or by the Internet.” The most common response (37 percent) is the Internet. Attorneys could also respond that it depends on the filing (and 32 percent did so).

This reinforces the message from already presented survey findings that increased investment in court Web-sites and Internet access has the potential to reduce barriers to court access for many Californians.

#### In general, were you satisfied or dissatisfied with your court contact?





Knowledge of the courts is rooted strongest in direct experience

Exposure to media coverage of the courts and even minor forms of contact with the courts are conducive to a sense that one knows about the courts. Media effects, however, are minor compared to any form of actual contact with the courts.

Individuals with prior involvement in a court case—whether as litigant, juror, or witness—tend to be, in their own assessment, better informed about the courts. Only 8 percent of former jurors report being “not familiar at all” with the courts, compared to 35 percent of Californians with no court experience (see page 11).

Experience provides information that translates into a sense of knowing about the courts. It is easier to predict the views on the courts of individuals with actual experience. Using a few key influences in a multivariate model, it is possible to predict 32 percent of the variability in responses of jurors, 22 percent for those with other court experience, and 17 percent for those without any court experience. This reinforces the message that impressions formed when people are in contact with the courts, however brief, and in the overall context of the courts' business, however minor, persist and supplant information gleaned from the media.

What types of court experience are associated with familiarity with the courts?

Self-reported familiarity with the courts	Jury member %	Jury summons %	Litigant %	Witness %
Intimately familiar	5	5	13	37
Broadly familiar	19	13	19	19
Familiar	25	19	26	23
Somewhat familiar	44	50	35	17
Not familiar at all	8	14	8	5

Recommendations

1. Newspapers and the Internet are the most efficient ways to get the courts' message to the public.

2. The courts should make use of ethnic media, both print and electronic, in disseminating information about the courts to the public. Further analysis of the current survey can provide insight into the best approach for reaching specific regional and other markets.

3. The Internet is an effective way to provide information to the public and to ease the conduct of business with the courts by attorneys. The level of satisfaction existing users report and the large potential market among attorneys for transacting business with the courts over the Internet warrant large-scale investment in the Internet.

4. Public knowledge about the courts is low and not increasing over time. In the short-term, the Judicial Council should identify and disseminate aggressively the essential information the public needs to protect its rights and to use the courts appropriately.
5. Education programs that bring judges and court staff as educators into the classroom and before civic organizations should be expanded.

6. The survey highlights a public expectation that the courts report on their performance. Court outreach and educational programs should explore using performance measurement as a part of their curricula.

7. The courthouse is the public's primary source of information on the courts. California has been a national trailblazer in developing self-help centers and other information services. Those efforts should be expanded and carefully tailored to the specific needs of individual jurisdictions.

8. The well educated are the most frequent consumers of court information. Courts need to consider outreach efforts to make the less affluent, less well educated aware of the kinds and location of information that can be obtained from the courts.

9. Extra efforts are needed to understand the reasons that Asian-Americans and Latinos so infrequently contact the courts for information.

### III. Experience in a Court Case: Incidence and Consequences

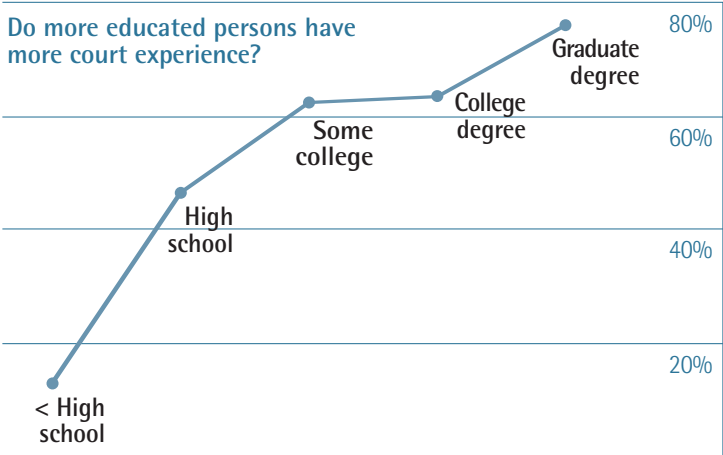
Direct experience with a court case is common, largely through jury service

More than one-half (56 percent) of all Californians report "direct experience, contact, or involvement with a court case which brought you into a California courthouse, including being called in for jury duty." If multiple experiences were reported, the respondent was instructed to answer subsequent questions about the case that had the greatest impact on his or her view of the courts. Consequently, the percentages presented below are not true estimates of the prevalence of jury service or litigation participation.

The extent of court contact varied considerably among racial and ethnic groups, and increased markedly with the level of education obtained. Jury service (sworn jury members or alternates), is reported by 19 percent of African-Americans, 12 percent of Asian-Americans, 6 percent of Latinos, and 24 percent of whites. These percentages are influenced by the proportion of recent immigrants among Asian-Americans and Latinos. Among college graduates, 22 percent report jury service, compared to 13 percent of those with a high school degree.

#### Have you ever had direct experience with the California courts?

All Californians = 56%	%
African-American	62
Asian-American	44
Latinos	33
White	71

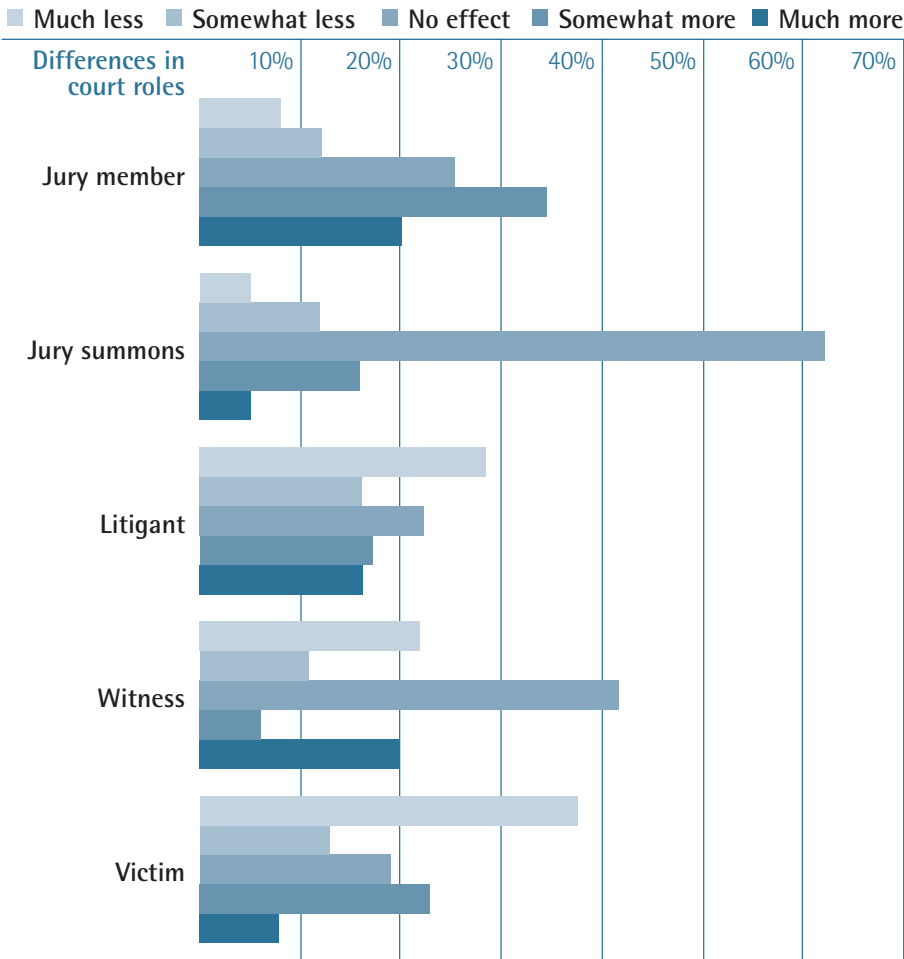


What was your role in the case?	%
Called for jury duty, but not selected	36
Selected to sit on the jury	31
Person filing the lawsuit or action	7
Person being sued	3
Witness in a case	5
Defendant	11
Victim	4
Other	4

Involvement in a court case does not necessarily enhance confidence in the courts

Experience with the courts varies in its influence on confidence in the courts. Only service as a jury member is associated with an increase in confidence. There were relatively few witnesses (65) or victims (49) among the survey respondents, making the findings for those groups less conclusive than for other court roles, such as jurors (415), those summoned but not called for jury service (479), or litigants (264).

Did your court experience make you more confident or less confident in the courts?



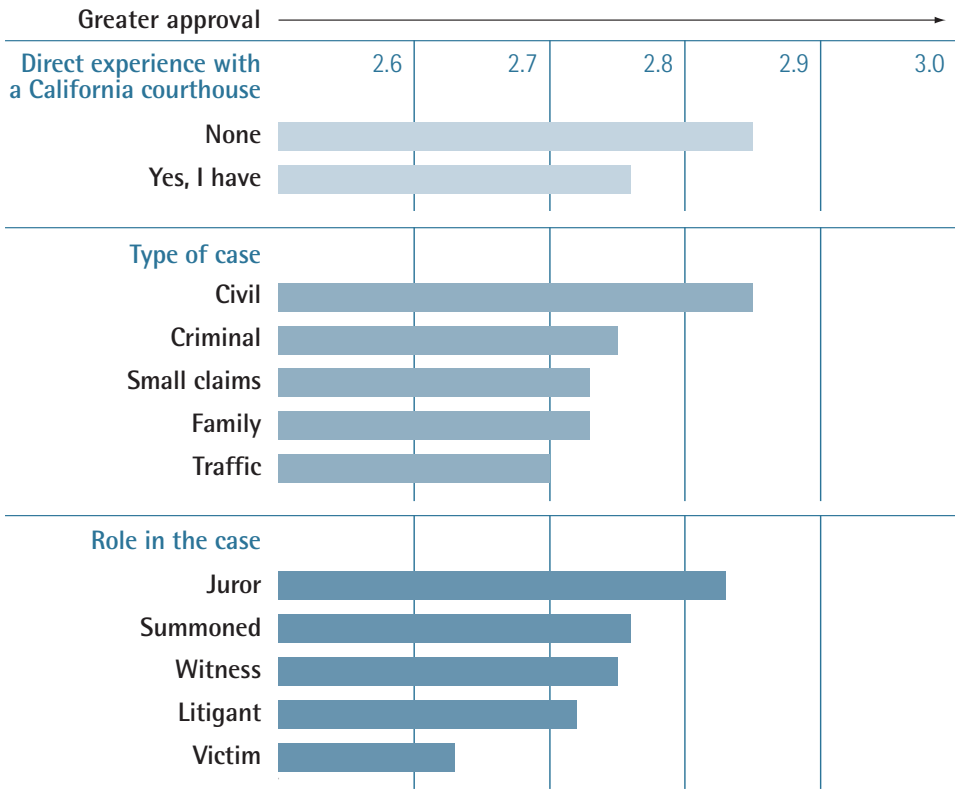
III. Experience in a Court Case: Incidence and Consequences (cont'd)

Experience in a court case other than as a juror is associated with lower approval of the courts

The overall approval scale, which takes on a value from a low of one to a high of four, offers a more general index of the enduring influence of court experience and experience in different kinds of cases and roles.

While the categories within each of the headings in the adjacent table differ to a statistically significant degree, the noteworthy differences are for jurors, traffic defendants, and litigants in family or juvenile cases. Serving on a jury is associated with distinctly higher approval and involvement in a family, juvenile or traffic case with distinctly lower approval (the same pattern is present for perceptions of procedural fairness).

Overall approval of the courts, by court experience, type of case, and role in the case



There were relatively few respondents with experience as a witness or victim, so these averages may be less reflective of the California population and their potential for statistical significance lower than for other litigant categories. Scales from 2.5 to 3.0 are used to draw attention to variation in the data. Actual scales ranged from 1 to 4.

Attorneys with practices in multiple counties perceive variation in the quality of court performance

Recommendations

As would be expected, attorneys as a group tend to describe themselves as familiar with the courts. There is no strong relationship based on types of legal practice or frequency of contact with the courts to their self-rated familiarity with the courts.

Two-thirds of the attorneys practice law in more than one county. Of attorneys who practice in more than one county, 38 percent think the quality of court performance "varies substantially," half (49 percent) that it varies "somewhat," and 13 percent that it varies "very little."

Most attorneys (73 percent) have contact with the California courts at least once a year. Few, however, report daily contact. About one-third of attorneys with court contact do business with the courts over the Internet at least monthly. Nearly one-half (43 percent) do not currently use the Internet in their business with the courts. Comparing the telephone to the Internet as a method of communication for attorneys adds some perspective on the incidence of Internet use. Thirty-seven percent of attorneys are in phone contact with the courts once a month or more, compared to 33 percent in Internet contact, indicating that the Internet is close to overtaking the telephone as the preferred method of communicating with the courts.

How familiar are attorneys with the California state court system?

Self-reported familiarity	%
Intimately familiar	27
Broadly familiar	34
Familiar	23
Somewhat familiar	14
Not familiar at all	3

Attorney contact with the courts, by type of contact

	Daily	Weekly to once a month	Less than once a month, at least once a year	Never
About how many times a week, month, or year do you do business with the California trial or appellate courts?	%	%	%	%
	18	34	21	27
If you do business with the courts at least once a year, about how often do you:				
...do business with the California trial or appellate courts...?				
over the Internet	9	24	25	43
by telephone	5	32	37	26
in person	14	40	42	4
...prepare or respond to documents submitted to a trial or appellate court	17	45	31	7
...personally represent clients before a state judicial officer	13	33	41	14

1. The jury pool is the prime audience for the courts. Jurors have the potential to change the hearts and minds of the California public concerning the courts by spreading positive information on the courts by word of mouth. Specific policies and programs should be directed at maximizing that potential.
2. California's court staff is highly regarded by those who seek information from the courts. Teaching the elements of procedural fairness in staff training and emphasizing them as part of performance reviews will increase that regard.
3. High-volume, low-stakes court dockets like traffic and small claims spread ill will for the courts and leave litigants dissatisfied with their day in court. The way such cases are processed needs to be redesigned.
4. The effectiveness of procedural-fairness-driven reforms should be monitored by "exit surveys" of litigants to fine-tune the changes as they are introduced and periodically thereafter.
5. Family and juvenile cases are associated with lower levels of approval of the courts among both attorneys and the public. Joint action by the Judicial Council and the State Bar is needed to address as a matter of priority the reasons for the perceived unfairness in family and juvenile proceedings.
6. The apparent underrepresentation of Asian-Americans and Latinos on juries needs to be examined to see if factors other than eligibility are active.

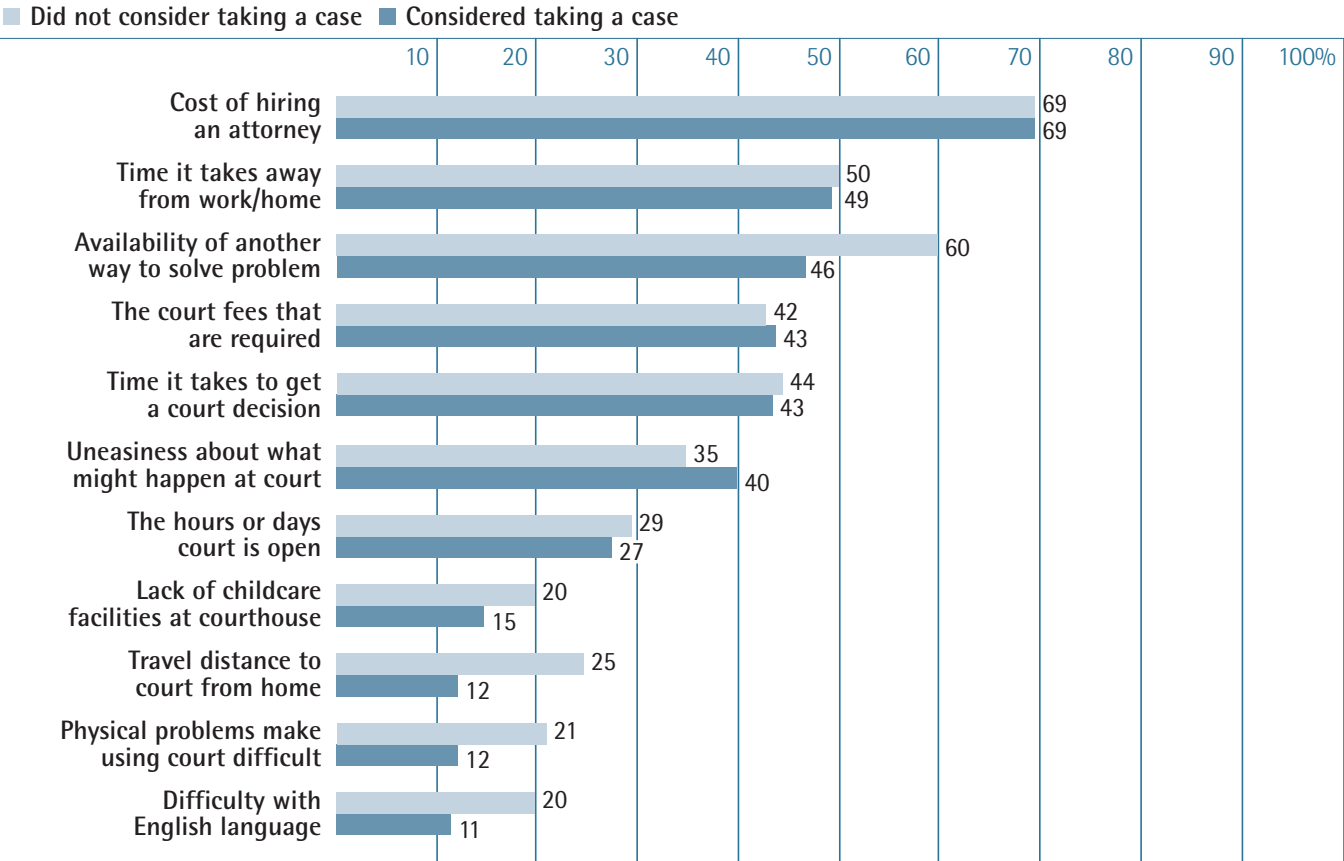
## IV. Barriers to Taking a Case to Court

The cost of hiring an attorney is the most commonly cited potential barrier to court access

Survey respondents were asked if they “ever considered taking a case to court but decided not to.” Twenty-five percent of Californians have considered taking a case to court but decided not to (shown in dark blue).

All respondents were then read a list of 11 reasons that might keep someone from “going to court,” asking for a “yes” or “no” response as to whether that reason might keep them from going to court. Generally, practical barriers seem more formidable to those who have *not* considered a court case. The largest difference between the two groups regards the “availability of another way to solve a problem,” which is cited by 60 percent of those who have not considered taking a case to court and 46 percent of those who have.

### Reasons Californians chose not to take cases to court



The question posed was “Did (or might) the following factors keep you from taking a case to court?”

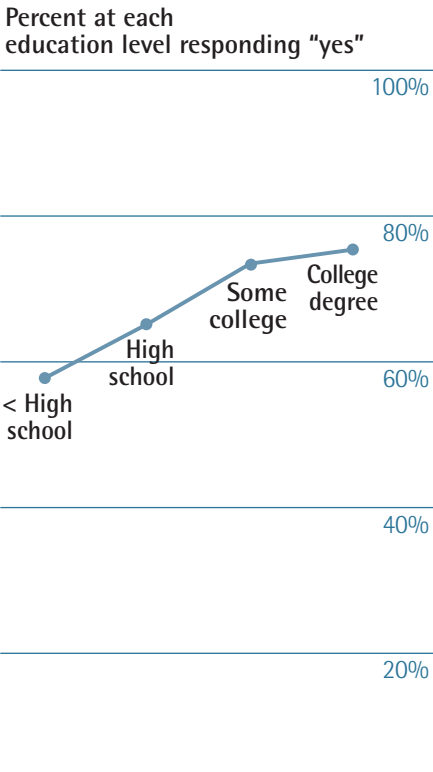
The barrier posed by attorney fees does not vary greatly by education level

Recommendations

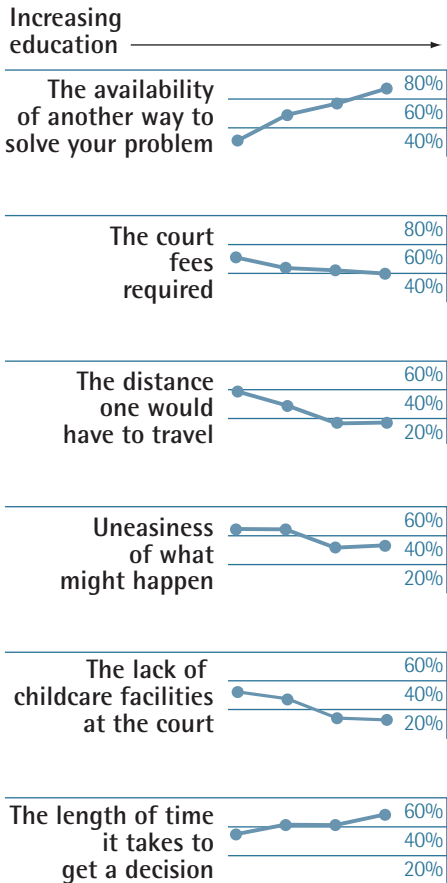
The percent describing attorney fees as a barrier across respondents' education and income levels does not vary much, with roughly 60 to 70 percent of the public indicating attorney fees as a potential barrier regardless of educational level. (Educational level tracks closely with income level.)

Other barriers are more or less formidable depending on the person's level of education. Barriers like distance, lack of childcare, and uneasiness about what might happen all diminish as education level rises. By contrast, timeliness is more of a barrier in the eyes of the college educated than for those with a high school education or less. Thirty-one percent of those with a high school degree and 67 percent of college graduates cite as a reason the availability of another way to resolve the dispute. One implication is that the less well educated lack access to alternatives to court dispute resolution and as a result stand more in need of recourse to the courts than better-educated and more affluent Californians. However, as already shown, the less well educated have little court experience.

Would the cost of hiring an attorney keep you from going to court?



Other barriers that keep people from going to court...



1. Even the relatively affluent view attorney fees as a barrier to going to court. The State Bar and the Judicial Council should adopt parallel strategies to understand and respond appropriately to this articulated barrier to justice.
2. One response to the survey findings might be to adopt a more expansive view of the groups self-help centers are designed to assist. Doing so could increase the number of Californians who benefit from the services the centers provide and at the same time broaden the base of support among voters for the provision of such services.
3. Formal, court-sanctioned alternatives to court adjudication should be made widely known among recent immigrants and other groups identified in the survey as often unaware of their availability.
4. Court interpretation programs should recognize that many non-native English speakers who are comfortable using English in many settings may still feel the need for an interpreter in a court setting.
5. Establishing childcare facilities in courthouses is an important component of policies seeking greater access to the courts among the less affluent, and perhaps especially recent immigrants.
6. Distance is a barrier to court access for the less affluent and immigrants especially. Providing remote locations from which basic court business can be conducted is one way to lower this barrier.



## V. Diversity and the Needs of a Diverse Population

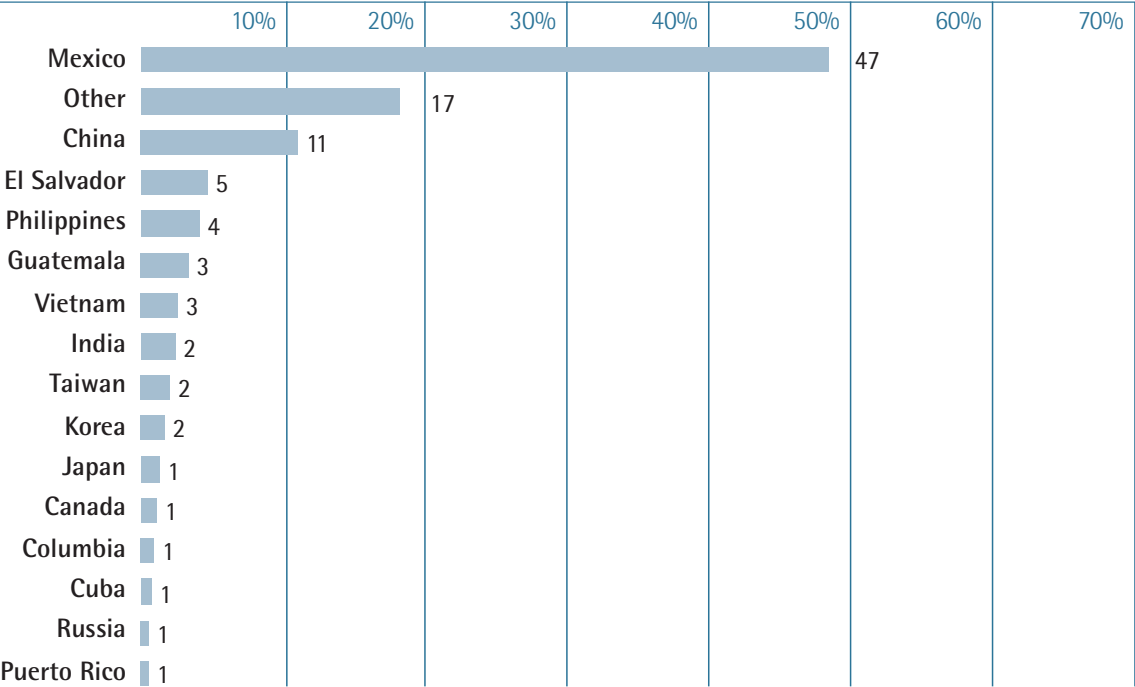
### California's courts are unique in the diversity of the population they serve

The diversity of the public served by California's trial courts is most striking in that 31 percent of all survey respondents were born outside of the United States. The most common country of origin is Mexico. This has a practical implication for interpreting the findings of the survey. Nearly one-half of all immigrants are Mexican-Americans.

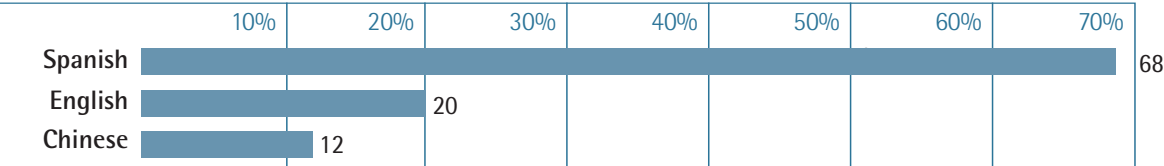
Among immigrants resident in the United States for ten years or less, a particular focus of this section, the interviews were overwhelmingly conducted in a language other than English.

The survey provides evidence of how formidable a barrier to court access language can be for immigrants, even those of long residence. Four out of five survey respondents who had been resident in the United States for more than 10 years chose to be interviewed in English. Yet, nearly one-half (43 percent) of that same group cite difficulty with English as a factor that might keep them from going to court.

#### 31% of all respondents were born outside of the United States...



#### Interview with recent immigrant\* was conducted in...



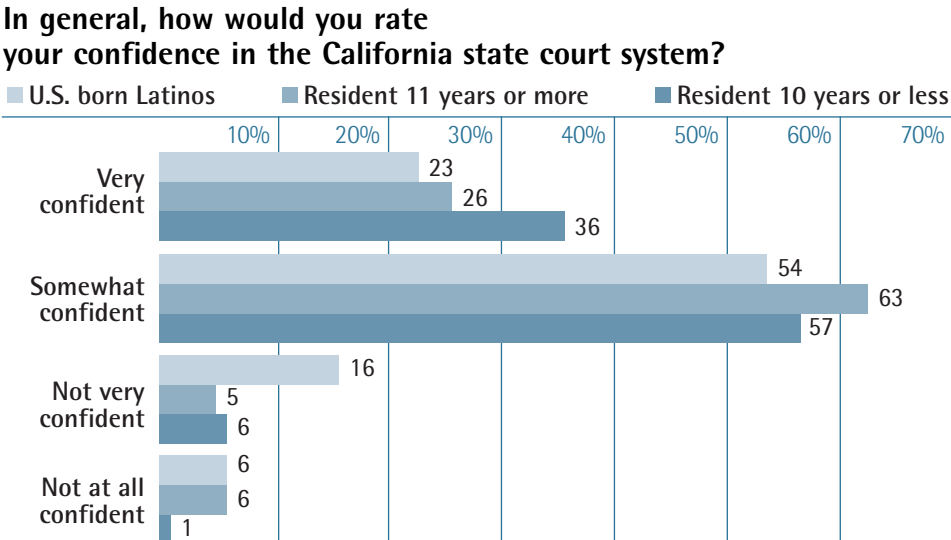
\* U.S. resident 10 years or less.

Immigrants, and especially recent immigrants, tend to have highly positive views of the courts

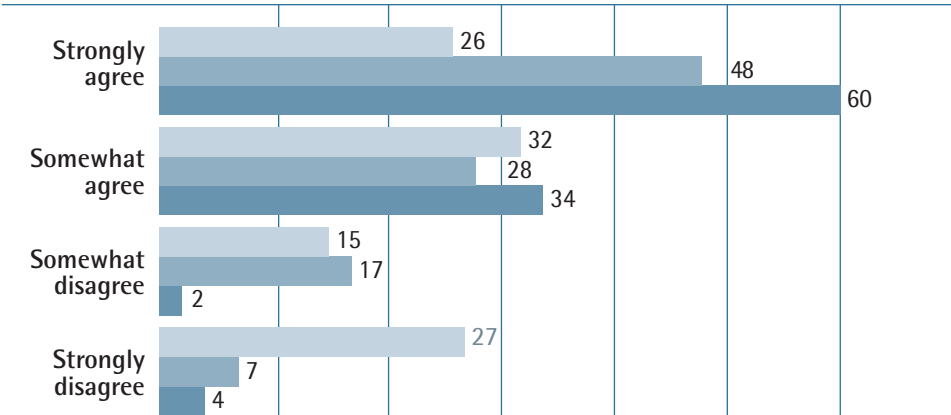
Immigrants, especially recent immigrants, tend to hold distinctly positive opinions of the California state courts. Their positive orientation toward the courts is evident in their responses to two questions: How much confidence they have in the courts and the degree to which they believe that the courts protect the constitutional rights of everyone. The comparisons shown below are based on Latino respondents.

There is only a slight tendency for immigrants' positive views of the courts to decline with length of residence in the United States. Indeed, there is no evident decline in confidence in local courts and only a minor, but statistically significant, decline in confidence in the state court system, regardless of the number of years of residence.

The same analysis was carried out for Asian-Americans. Some patterns characterized both groups: the tendency to agree that the courts protect the constitutional rights of everyone, the rarity of court experience, and language as a barrier. In other respects, there either was no difference for Asian-Americans or the gap was between recent immigrants, on the one hand, and the longer-term residents and U.S. born, on the other hand.



California courts protect the constitutional rights of everyone...

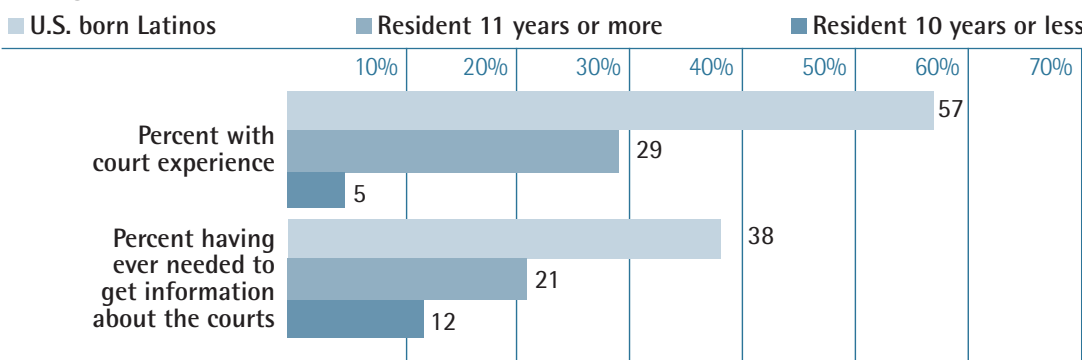


Immigrants, and especially recent immigrants, tend to have low levels of contact with the courts

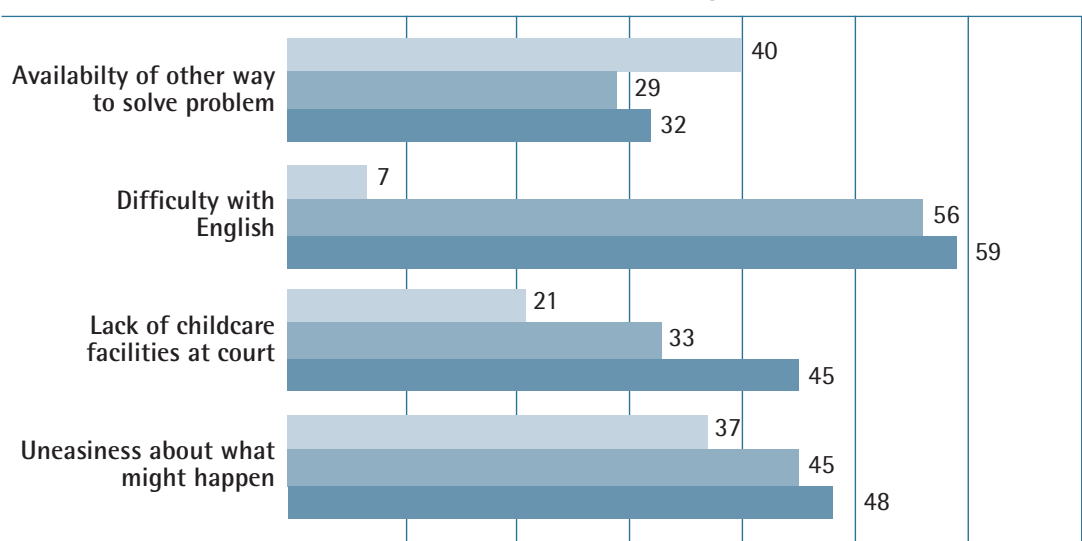
Recommendations

Focusing again on Latinos, recent immigrants have very low levels of contact with the courts, whether as participants in a case or as consumers of information from the courts. Recent immigrants, including the Asian-born, report distinctly low levels of familiarity with the California courts. The barriers to taking a case to court associated with a lack of childcare, difficulty with English, and uneasiness about what might happen to them are marked for immigrants regardless of their length of residence. Asian-Americans report similar, statistically significant patterns, except for the impact of childcare facilities, on access to the courts.

Immigrants have less court experience...



What perceived barriers keep the public from taking a case to court?



1. The courts should be attentive to the needs of immigrant groups in accessing the courts, through policies and special outreach efforts that go beyond language issues to address cultural beliefs and customs.
2. Practical aspects of court operations, such as hours of operation and difficult-to-reach courthouses, need to be addressed to ensure access for recent immigrants.
3. The sense of uneasiness recent immigrants have about going to court needs to be better understood.
4. The origins and long-term retention of immigrants' positive views on the courts need to be studied, not neglecting the significant differences between and within immigrant communities. The court-related opinions and experiences of the U.S. born children of immigrants also merit study.

VI. Fairness in Procedures and Outcomes: The Core Concern

People's opinions of the courts are most influenced by perceptions of fairness in court procedures

Procedural fairness, the sense that decisions have been made through processes that are fair, is the strongest predictor by far of whether members of the public approve of or have confidence in the California courts. Policies that promote a sense of procedural fairness are the vehicle with the greatest potential to change how the public views the state's courts and how litigants respond to court decisions.

Demographic factors are not in themselves strong influences on support for the courts. In combination, race, ethnicity, age, gender, education, and income can explain only a small proportion (about 5 percent) of the variation found in the evaluations Californians make of their courts. Within racial and ethnic groups, approval of the courts does not vary according to a person's income or education level.

"The procedural justice argument is that, on the general level, the key concerns that people have about the police and the courts center around whether these authorities treat people fairly, recognize citizen rights, treat people with dignity, and care about people's concerns."<sup>1</sup>

<sup>1</sup> Tyler, T. R. (1998). "Trust and Democratic Governance." In *Trust and Governance*, V. Braithwaite and M. Levi (eds.). New York: Russell Sage Foundation

Four elements of procedural justice are key:

- 1. **Interpersonal respect:** Treated with dignity and respect, and one's rights protected.
- 2. **Neutrality:** Honest and impartial decision makers who base decisions on facts.
- 3. **Participation:** The opportunity to express one's views to decision makers, directly or indirectly.
- 4. **Trustworthiness:** Decision makers who are benevolent: motivated to treat you fairly, sincerely concerned with your needs, and consider your side of the story.

Factors associated with overall approval of the California courts

(Ranked in order of importance)		
People are more approving of the courts:	...if they perceive fairness in:	court procedures court outcomes
People are less approving of the courts:	...if	they hold a conservative political orientation
These factors have no significant independent influence on approval:		
Age		
Gender		
Education		
Ethnicity/race		
Familiarity with the courts		

The above factors taken together predict 52 percent of the variation in overall approval of the courts.

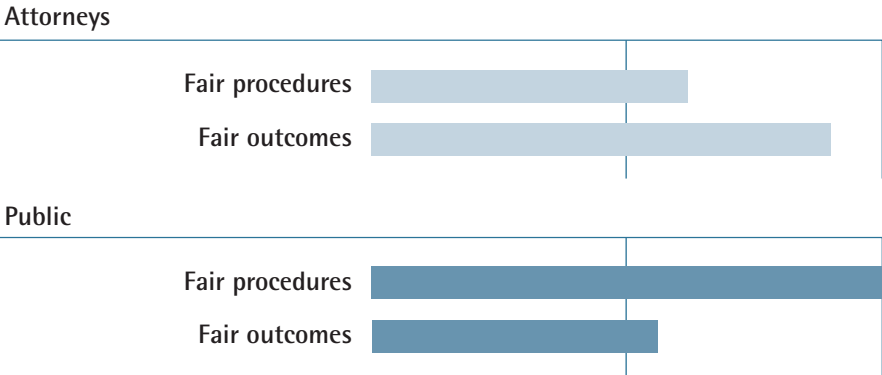
Perceptions of fairness in court outcomes also matter but are secondary for the public, although primary for attorneys

The perceived fairness of court outcomes is influential in the public's evaluations of the California courts but consistently secondary to procedural fairness concerns. The opposite tends to be true for attorneys, who give more weight to outcomes than to procedural fairness in their approval ratings. That said, it is noteworthy that studies in other states suggest that judges give greater weight to outcome fairness than to procedural fairness.

On average, attorneys tend, by a significant margin, to view procedures in the California courts as fairer than do members of the public: an average of 3.0 for attorneys compared to 2.85 for the public.

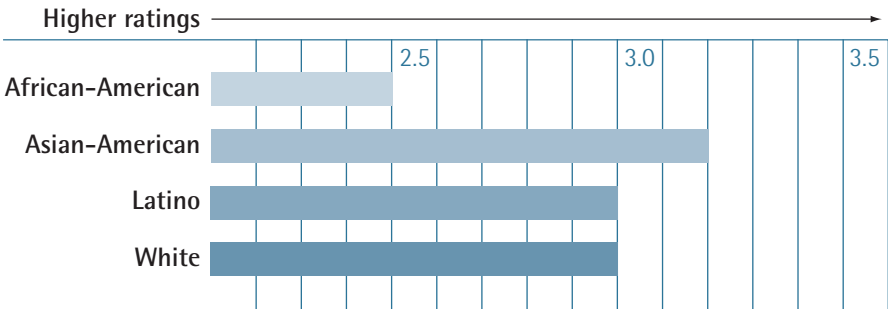
Asian-Americans rate procedural fairness higher and African-Americans lower (19 percent lower, on average) compared to whites.

Relative importance of significant factors on overall court approval



Relative influence is determined after differences due to race/ethnicity, age, gender, and education have been taken into consideration.

Average ratings of procedural fairness by race and ethnicity



Scales from 2 to 3.5 are used to draw attention to variation in the data. Actual scales were from 1 to 4.

Procedural fairness is most evident to Californians in terms of being treated with dignity and respect

The four questions used in the survey to measure procedural fairness each represent one of the four previously identified key components of fair procedures.

The California courts score highest on the component dignity and respect: 39 percent of the public strongly agrees and 79 percent agrees (strongly or otherwise) with that statement. The least procedural fairness is seen for the component "participation" (able to express one's views): 19 percent of the public strongly agree and 65 percent agree (results not shown in chart to the right).

African-Americans are the least likely to agree with all four statements, with between 20 to 30 percent strongly disagreeing that court procedures are fair in each instance.

The elements of procedural fairness, by race and ethnicity

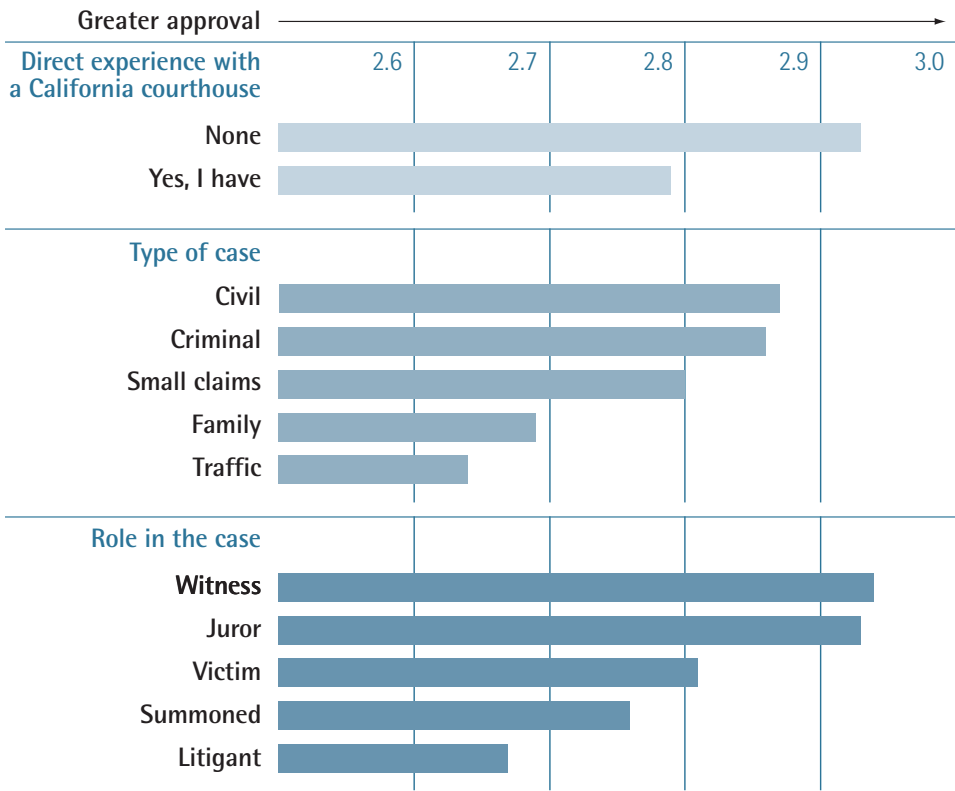
The courts in my county...		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
...are unbiased in their case decisions		%	%	%	%
NEUTRALITY	African-American	14	34	33	20
	Asian-American	27	38	26	9
	Latinos	28	41	17	13
	White	24	44	20	13
...treat people with dignity and respect					
RESPECT	African-American	31	28	19	22
	Asian-American	48	41	10	2
	Latinos	41	35	13	10
	White	38	44	10	9
...listen carefully to what people have to say					
PARTICIPATION	African-American	15	29	30	26
	Asian-American	33	48	15	4
	Latinos	26	39	21	14
	White	21	46	20	14
...take the needs of people into account					
TRUSTWORTHINESS	African-American	13	36	21	30
	Asian-American	29	50	16	5
	Latinos	27	38	22	13
	White	20	53	16	11

Litigants involved in family or traffic cases perceive lower levels of procedural fairness, while jurors perceive higher-than-average levels

Direct experience with the California courts generally is associated with lower levels of perceived procedural fairness. In particular, defendants in traffic cases and litigants in family or juvenile cases see less procedural fairness than litigants or defendants in other kinds of cases. Jurors are more positive than other categories of participants in court cases.

High volume unites these two kinds of cases. Otherwise, low-stakes, uncomplicated traffic cases offer one distinct challenge to meeting public expectations of fairness, perhaps applicable to small claims cases as well. A rather different challenge to redesigning court processes exists for family and juvenile cases that often are high-stakes, ongoing, and complex. Courts can assess their current practices against the criteria of procedural fairness and initiate change as indicated. There are individual courts in California and elsewhere that offer approaches to such improvement consistent with due process.

Rated procedural fairness, by court experience, type of case, and role in the case



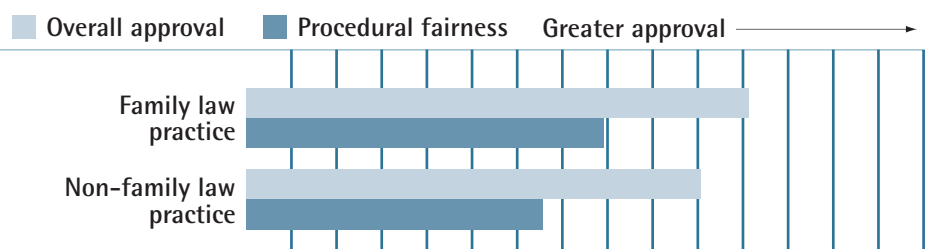
There were relatively few respondents with experience as a witness or victim, so these averages may be less reflective of the California population and their potential for statistical significance lower than for other litigant categories. Scales from 2.5 to 3.0 are used to draw attention to variation in the data. Actual scales were from 1 to 4.



Among attorneys, family law practitioners rate procedural fairness lowest

Among attorneys, procedural fairness does not differ according to frequency of contact with the courts or self-rated familiarity with them. An attorney's gender, income level, and size of firm also are unrelated to perceptions of procedural fairness, with the notable exception of family law practitioners, who rate procedural fairness lower than other attorneys. This parallels the finding that litigants in family law cases tend to see less fairness in court procedures than their counterparts in other types of cases.

Perceptions of procedural fairness among attorneys in family law practice and non-family law practice



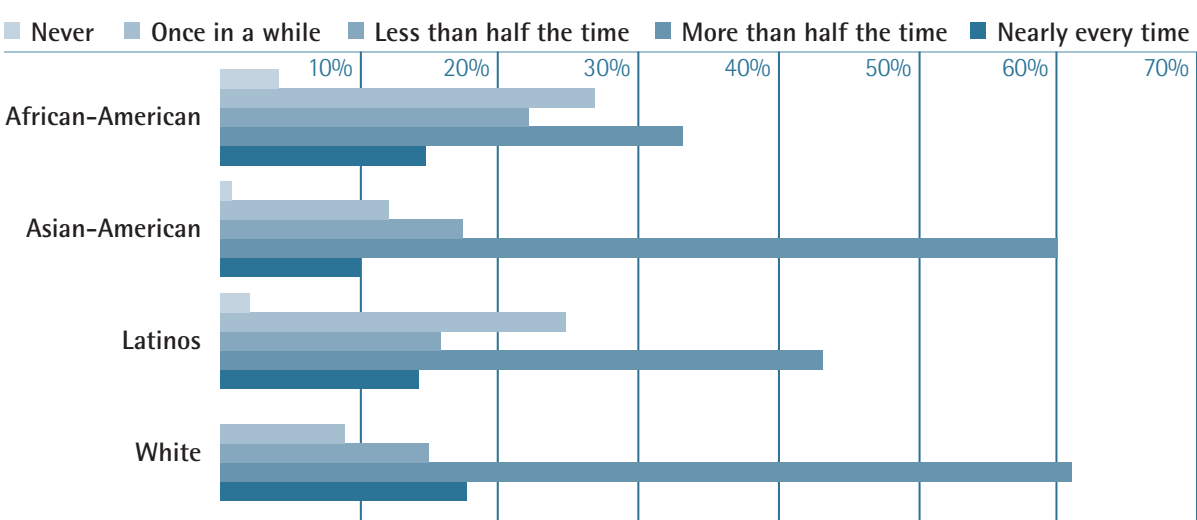
Scales from 2.5 to 3.5 are used to draw attention to variation in the data. Actual scales were from 1 to 4.

Public perceptions of outcome fairness vary across racial and ethnic groups, although not to the degree evident for procedural fairness

Fairness of case outcomes (often referred to as distributive justice) is the second strongest influence on the public's overall approval of the California courts. The table below summarizes the outcome fairness perceptions of Californians, looking at the views of specific racial and ethnic groups.

Few Californians believe that their local courts dispense fair results "nearly every time" but most credit the courts with fair results either "nearly every time" or "more than half the time." African-Americans and Latinos are less positive about outcome fairness than Asian-Americans or whites; the differences are striking. For Latinos, the relatively low ratings for outcome fairness contrast with the relatively high ratings they give for procedural fairness generally and its specific elements.

How often do you think people receive fair results from courts in your county?

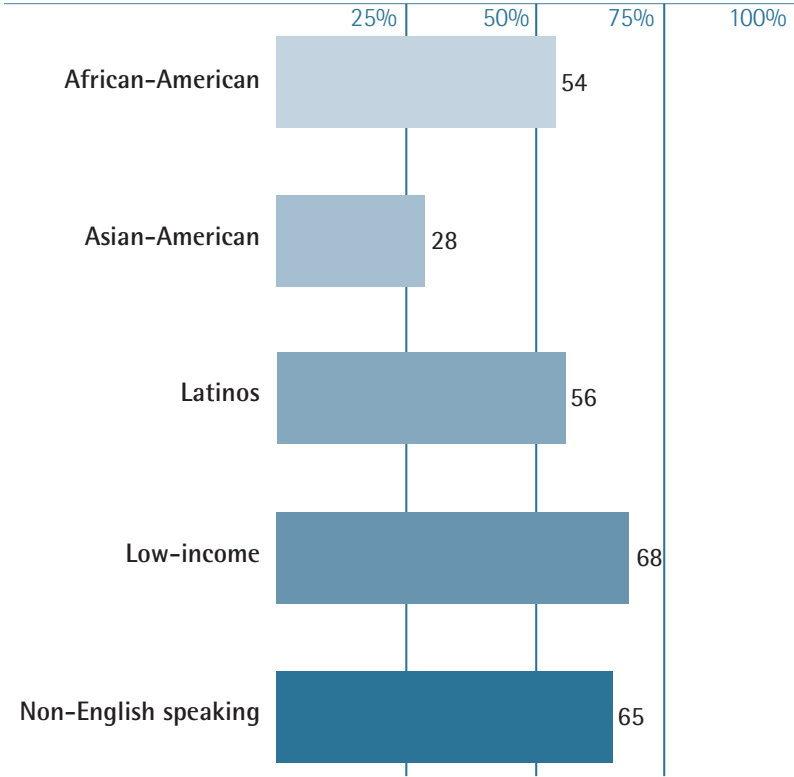


VI. Fairness in Procedures and Outcomes: The Core Concern (cont'd)

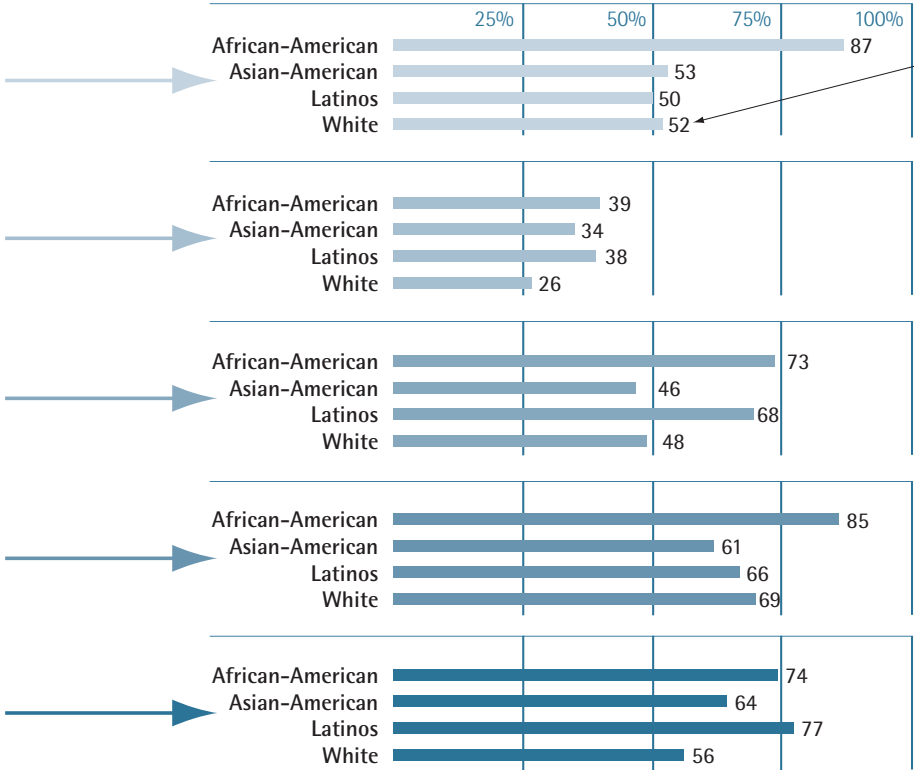
Unfairness is viewed as greatest for people with low incomes and for non-English speakers

How responses relating to the treatment of various groups vary by the survey respondent's race or ethnicity

Percent of **All** surveyed who feel the following groups usually receive worse results...



...perception of worse treatment by respondents' race/ethnicity.



52% of whites felt African-Americans receive worse results.

Perceptions of outcome unfairness... (cont'd)

Recommendations

Overall, outcomes are seen by all respondents as least fair for persons who are low-income or who do not speak English. African-Americans tend to perceive the greatest degree of unfairness, being more likely than Latinos to perceive "worse results" for Latinos as a group and only slightly less likely than Latinos to perceive "worse results" for non-English speakers as a group.

African-Americans are much more likely than other ethnic groups to perceive "worse results" for African-Americans as a group, and for low-income people as a group. It is notable and cause for substantial concern that the majority of every major ethnic group perceive "worse results" in outcomes for African-Americans, low-income people, and non-English speakers.

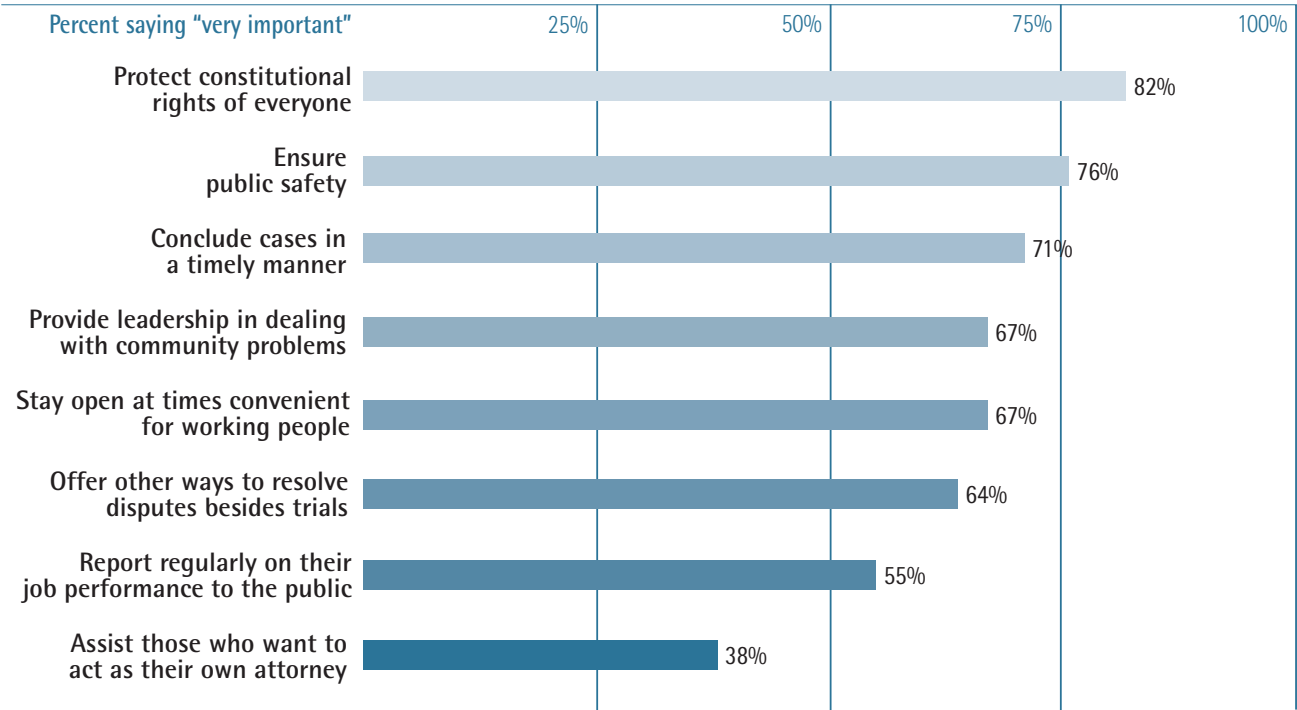
1. Judges and court staff should be educated in the criteria of procedural fairness, the primary criteria by which the public evaluates courts generally and the outcomes of specific cases in which they are involved.
2. Education on procedural fairness is not enough. Programs are needed to ensure that all cases are processed in a manner conducive to a sense of fairness in court procedures.
3. There is particular urgency in improving the process of traffic and similar high-volume dockets in ways that meet the criteria of procedural fairness. After jurors, litigants in such cases are the prime group that the court can impress with fairness and efficiency of court operations.
4. There is equal or greater urgency to improving procedural fairness in family and juvenile cases, to improve confidence in the process for both litigants and their attorneys.
5. Court resources need to be reallocated to improve the way family and juvenile cases are handled.
6. Pro-tem judges or other quasi-judicial officers that hear traffic cases should be required to have special training in the principles of procedural fairness, and their adherence to those principles should be monitored by outside experts. Furthermore, exit surveys should be administered to traffic defendants as they leave the courtroom.
7. "Exit" interviews with litigants should be used to monitor, for example, whether litigants leave the courtroom understanding the conditions they have been ordered to meet.
8. Best practices for promoting procedural fairness can be found in a number of courts around the country and in existing programs within the California courts. Minnesota's Fourth District Court (Minneapolis) uses experts in nonverbal communication to help judges self-evaluate their demeanor and style of interaction from the bench.
9. Fair procedures afford litigants an opportunity to express their views to the court. California's courts are rated poorly on this aspect of procedural fairness. High-volume, low-stakes cases are processed through court dockets poorly designed to afford litigants an opportunity to express their point of view. There is a cost in terms of high levels of recidivism and the large number of disgruntled former litigants who tell others about what they perceive as an unfair process.
10. Programs that promote procedural fairness are also ones that will reduce the gap separating approval of the California courts by African-Americans with that by other racial and ethnic groups (on average, African-Americans are 10 percent less approving of the courts and perceive 19 percent less procedural fairness). Californians share a common set of criteria for evaluating the courts, the most important being procedural fairness. If some groups are more approving and others less so, it is because they differ in how neutral, respectful, attentive, and trustworthy they believe the courts to be.

## VII. Expectations and Performance

### A variety of policy areas have the potential to influence perceptions of procedural fairness

The survey findings provide insight into potential policies and practices to enhance the perception that court procedures are fair. One starting point for identifying avenues through which the courts can gain approval and earn a perception of fairness is through gauging the public's sense of the main responsibilities of the courts. The survey asked a number of questions framed as, "In order to do their job well, how important is it for local courts to spend enough resources to...?" Eight responsibilities were listed, which are each used to represent an expectation of what the California courts should give the highest priority. Seven of the eight responsibilities were viewed as "very important" by a majority of respondents.

#### In order to do their job well, how important is it for courts to spend enough resources to...



There is a consensus on the job performance of the California courts in most areas but sharp disagreement in other areas

The public survey contained 13 statements referencing the courts' performance with regard to specific court responsibilities, ranging from protecting constitutional rights to being open at convenient hours. Survey respondents were asked if they agreed with each statement. The public's ratings on some aspects of court performance got a preview earlier in the report when the ratings of the public were compared to those of attorneys on some of the statements (see page 9).

For the most part, by a substantial margin the public regards the courts as doing a good job in the various performance areas. This is notably true for protecting public safety, having fair and honest judges, and having juries that represent their communities. Local courts are rated slightly higher than the state courts overall.

The public is more divided on some areas of court performance. About as many agree as disagree that the courts report regularly to the public (almost an even split), assist those who want to act as their own attorney, and are open at convenient times.

Agreement with three of the statements—politics influence decisions, proceedings cannot be understood, and people are uneasy going to court—index low court performance. The courts rate poorly on all three measures.

How does the public rate the performance of the state court system and local courts				
State courts	Strongly agree %	Somewhat agree %	Somewhat disagree %	Strongly disagree %
California courts are protecting the constitutional rights of everyone	35	31	17	17
California courts are ensuring public safety	35	43	14	9
California courts do enough to assist those who want to act as their own attorney	22	37	22	19
California courts report regularly to the public on their job performance	22	25	27	26
California courts do enough to make sure judges follow the rules	36	37	15	13
Local courts				
Local courts conclude cases in a timely manner	22	40	20	19
Local courts are open at times convenient for working people	28	30	18	24
Local courts have judges who are honest and fair in their case decisions	33	48	12	7
Decisions made by local judges are influenced by political considerations*	33	40	17	11
The average citizen cannot understand what takes place in the courts*	33	30	22	16
Most local juries are representative of the community	43	37	11	9
The local courts are in touch with what is going on in the community	29	43	15	14
People are reluctant to go to court because of uneasiness about what might happen*	36	34	17	13

\*Agreement with this question indicates a low rating of court performance in this area.

There is less consensus among Californians on where their expectations are not being met

Recommendations

Unmet expectations are indicated whenever a survey respondent agreed that it is important for the courts to spend resources on a responsibility but disagreed that a good job is being done.

Members of the public were asked to agree or to disagree with statements indicating that the courts are meeting six of the responsibilities. In this way, it is possible to identify specific areas in which the public has unmet expectations of the courts. The largest unmet expectation is for the courts to report to the public on their job performance.

The responsibilities seen as the most important are apparently also ones that are viewed as being met to a satisfactory degree. The exception is the high rates of unmet expectations among African-Americans for protecting constitutional rights and, less strikingly, ensuring public safety.

Percent reporting specific unmet expectations, by race/ethnicity and immigrant status

	Protect constitutional rights	Ensure public safety	Assist those who want to act as own attorney	Report to public on job performance	Local courts conclude cases in timely manner	Local courts open at convenient times
	%	%	%	%	%	%
Entire sample	32	21	30	46	37	39
Ethnicity/race						
African-American	47	38	46	51	46	49
Asian-American	19	10	31	38	33	32
Latinos	26	19	32	32	32	33
White	36	22	26	54	40	43
Immigrant status						
Resident 10 years or less	12	14	23	17	23	27
Resident 11 years or more	23	16	33	36	28	29
U.S. born	38	23	31	53	41	44

1. The greatest unmet expectation as measured in the survey is that the courts report on their job performance. More targeted research is needed to establish what kinds of information distributed through what media will accomplish that need and demonstrate the accountability of the judicial branch.
2. Programs to promote timeliness in case dispositions continue to be relevant and potentially bear on ratings of both court performance and procedural fairness.
3. The hours of court operation should similarly be reconsidered in light of the expectation that courts should be open at convenient hours and the barriers to the courts that current hours represent to many Californians.
4. The State Bar and the Judicial Council should take a broad view when designing programs to assist people who want to act as their own attorney. The needs of low-income, non-English speaking groups might take precedence, but the demand for self-representation is likely to grow from middle- and even high-income groups that also find attorney fees a barrier to going to court.
5. Since the public appears persuaded that the courts are adequately ensuring public safety, California courts should draw attention to their successes in the civil justice arena and especially in family law.

# VIII. Next Steps: Survey Findings as a Guide to Policy

## Efforts to bring courts and communities together are the most practical steps to enhance procedural fairness and overall approval

High ratings for several kinds of performance by the state court system and by one's local court are associated with a belief that procedures are fair. At the same time, unmet expectations and certain barriers to court access are associated with a lower sense of fairness.

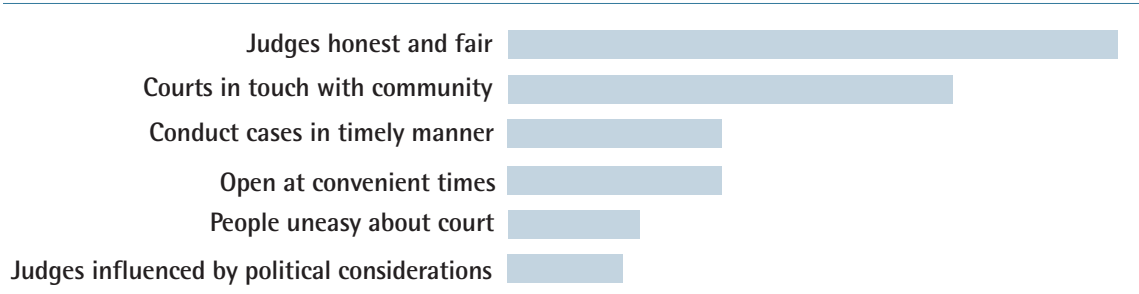
Influences on procedural fairness that are statistically significant are included in the charts on this page and the next. The length of the bar indicates the relative importance of each influence. The longer the bar, the more likely it is that people who agree that the courts are performing well are the same ones who perceive fair procedures. In all instances, statistical significance and relative importance are measured after controlling for demographic factors.

The strongest relationships to a perception of fairness are from having honest and fair judges, being in touch with the community, making sure judges follow the rules, and protecting constitutional rights. The second named factor is the one most susceptible to policy intervention, suggesting the continued relevance of California's court-community initiatives.

African-Americans perceive less fairness in most of the models despite taking into consideration all of the other demographic and evaluative factors.

### Relative influence of statistically significant positive predictors of procedural fairness

#### Local performance



#### Statewide performance



\*Relative influence is determined after differences due to race/ethnicity, age, gender, and education have been taken into consideration.



Meeting expectations for efficient court operations potentially raises perceived fairness

Recommendations

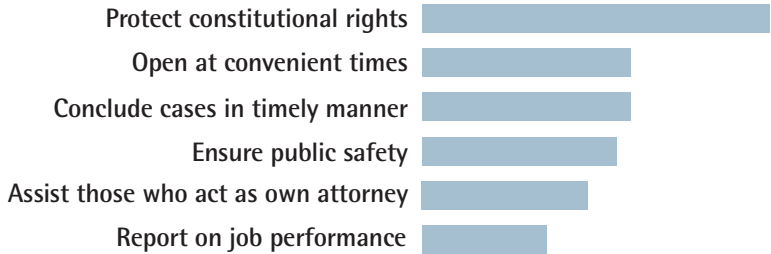
In the charts to the right, the longer the bar, the more likely it is that people who agree that there are unmet expectations or that something is a barrier to taking a case to court are the same ones who perceive a *low* level of fairness.

The same factors used to predict procedural fairness were applied to overall approval of the courts. Both models predict over one-half of the differences among Californians.

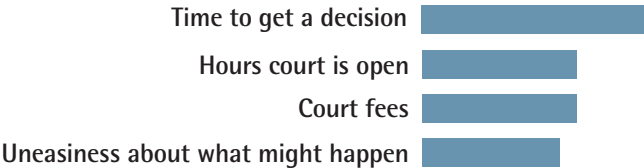
There are some differences, however. A sense of unease about what might happen and the unmet expectation of courts that are open at convenient hours diminish the perception of procedural fairness, but not the overall approval rating. Agreement that courts report on their job performance promotes greater approval, but not a greater perception of procedural fairness.

Relative influence of statistically significant factors negatively related to procedural fairness

Unmet expectations



Perceived barriers



Relative influence is determined after differences due to race/ethnicity, age, gender, and education have been taken into consideration.

1. To enhance perceived procedural fairness, the Judicial Council should renew the emphasis on programs promoting court and community collaboration. A sense that courts are in touch with the communities they serve is a prime factor influencing the perception of procedural fairness.
2. Adhering to principles of procedural fairness is the best approach to reducing the reluctance the majority of people feel about going to court because of unease about what might happen to them.
3. The Judicial Council should make a concerted effort to explain to the public and opinion leaders the processes for ensuring that judges adhere to the rules. As previously noted, the Judicial Council and State Bar should take steps to understand the basis for the only moderately positive ratings attorneys gave to court performance in this area.
4. The high level of agreement that "many people in my community are reluctant to go to court because they're uneasy about what might happen to them" may be linked to concern over the fairness of the procedures they will encounter. However, while a few questions asked in a statewide survey can highlight this uneasiness as a potential problem, other types of research are needed to pin down the nature and sources of that unease.

## IX. Data Needs: A Proposed Program of Research

The 2005 public and attorney surveys cover a wide range of topics. Some survey findings point to specific policy initiatives and actions that the Judicial Council might wish to pursue. Other findings are suggestive rather than directive, requiring clarification before the appropriate policy implications can be drawn. This final section of the report outlines a program of research to enhance the usefulness of the current surveys and to set in place ongoing feedback to the Judicial Council and to individual trial courts for planning and operational purposes.

### A Timetable

The Judicial Council should adopt a schedule of surveying the public at either five- or ten-year intervals. Such comprehensive surveys should be supplemented by placement of specific questions in ongoing surveys carried out by university survey centers and similar institutions. The questions should include a few “tracking” items from the 2005 survey to monitor trends annually or every 18 months, and new questions relevant to emerging policy issues demanding the attention of the Judicial Council. While retaining continuity in question wording and format is important, the AOC should work to refine the methodological sophistication and utility of survey items over time.

### Focus Groups add Context and Nuance

The 2005 attorney and public surveys should be supplemented this year and next by a series of focus groups, directed at key findings that require further exploration before policies can be constructed. Focus groups bring together 8 to 12 people to participate in a structured and intense discussion of an issue. Participants can be selected at random or purposefully chosen because of their experiences or background. Focus groups reveal opinions in the round.

Priorities for such research include the views of attorneys on 1) the effectiveness of mechanisms for ensuring judges follow the rules, 2) promoting consistency in performance across counties, and 3) the representativeness of jury pools. Focus groups can help define what the public has in mind in terms of 1) reporting on court performance, 2) the special circumstances and needs of recent immigrants, and 3) what underlies the sense of unease the majority of the public has when contemplating going to court.

### Local Surveys

Statewide surveys should be supplemented by surveys for individual counties or jurisdictions. Models of opinion surveys are available for large cities from surveys carried out by the courts in Los Angeles and Orange counties. The Administrative Office of the Courts should provide assistance in refining those surveys for use elsewhere and developing model surveys appropriate for counties featuring small cities, towns, and rural areas.

### Informed Opinion

The value of the 2005 surveys can also be enhanced through research techniques like deliberative polling, which counterbalance the tendency of telephone surveys to capture emotional rather than reasoned responses to questions. Deliberative polling typically brings together a randomly selected group of participants for a weekend of discussion with the policy experts relevant to the topic at hand. Participants receive a factual and policy briefing before they attend the weekend session, and complete the same survey before and after the weekend session. Some advocates of deliberative polling hold regional sessions to capture variation of opinion across a state.

### Surveying Court Users

“Exit surveys” are another research technique and the one most vital to implementing recommendations that stem from the survey findings. Such surveys provide feedback from jurors, litigants, witnesses, and others as they leave the courtroom. The Administrative Office of the Courts can make an important contribution by developing exit surveys that represent the best practices in terms of question wording, survey response rates, and formats for presenting information to the courts and to individual judges. Exit surveys tell us what is working and whether it continues to work over time. They are essential to any policy initiatives related to procedural fairness. A relevant example is the Minneapolis Family Court Fairness Study, which monitors the perceived fairness of court proceedings through surveys of litigants (see <http://www.courts.state.mn.us/districts/fourth/Measurements/performance.htm>).

The Insider Perspective

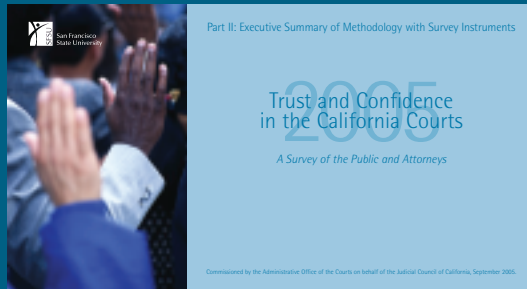
A well-rounded research program must solicit the opinions of insiders such as judges, subordinate judicial officers, and court staff. Like the attorney survey, they provide counterpoints to the views expressed by others. More important, surveying only “outsiders,” which includes attorneys, may distort policy making by giving too little weight to the experiences and opinions of insiders who know and work in the system.

Becoming Research Consumers

Finally, the Judicial Council should inform itself about the advantages and disadvantages associated with various research methods. The methods described above complement one another. Telephone surveys, for example, represent the views of all Californians, while focus groups provide the nuance and context elusive in telephone surveys. Exit surveys express the views of court users; the results translate directly into management information that should be continuously monitored. A program of research designed to monitor changing conditions, understand emerging patterns, and measure the effectiveness of initiatives, old and new, will greatly strengthen the strategic planning process.

David B. Rottman is a principal court research consultant at the National Center for State Courts, where he has worked since 1987. He has directed national surveys of public opinion on the courts (the 1999 “How the Public Views the State Courts” survey) and of perceptions held by recent court litigants (the 2000 “Public Perceptions of the State Courts” survey), as well as surveys about specific courts. His other research interests include judicial selection, the pros and cons of problem-solving courts, and the evolution of court structures. He is co-author of books on community justice, social inequality, and modern Ireland. Rottman has a doctorate in sociology from the University of Illinois at Champaign-Urbana. He previously worked at the Economic and Social Research Institute in Dublin, Ireland and taught at the National University of Ireland and the University of Connecticut.

The National Center for State Courts, headquartered in Williamsburg, Virginia, is a nonprofit court reform organization dedicated to improving the administration of justice by providing leadership and service to the state courts. The National Center, founded in 1971 by the Conference of Chief Justices and Chief Justice of the United States Warren E. Burger, is governed by a diverse board of directors elected by state chief justices and state court administrators. It provides education, training, and technology, management, and research services to the nation's state courts. The National Center is leading efforts to strengthen court security, improve judicial selection, build constituencies that support judicial independence, and increase citizen participation in jury service.



*Part II: Executive Summary of Methodology with Survey Instruments*  
can be downloaded at: [http://www.courtinfo.ca.gov/reference/4\\_37pubtrust.htm](http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm)

