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## Court Review: Volume 40, Issue 3-4 - Racial and Ethnic Bias in the Courts: Impressions from Public Hearings

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# Racial and Ethnic Bias in the Courts: Impressions from Public Hearings

Elizabeth Neeley

Attitudes toward the courts can affect the way individuals perceive their role in the justice system: their willingness to comply with laws, report crimes, file legal suits, serve as jurors, and so on.<sup>1</sup> In short, a positive public perception of the courts is “critical to the maintenance and operation of the judicial system.”<sup>2</sup> Given the import of these perceptions, a substantial body of research has examined the factors that explain differing levels of support for the court system.<sup>3</sup>

Although many of these studies examine national samples or examine attitudes toward the U.S. Supreme Court, it is beyond the scope of those findings to measure attitudes toward state and local courts. Prior research shows that there is often an aura of remoteness concerning the U.S. Supreme Court, whereas state and local courts are not only more visible, but have a direct effect on citizens’ everyday lives.<sup>4</sup> This is consistent with research by Tom Tyler, who found that personal experiences with legal authorities affect an individual’s evaluations of those entities.<sup>5</sup> Additionally, state-level data can improve on nationally aggregated data, which can mask important differences and issues between states.

Of primary interest to this article is the role that race and ethnicity play in explaining varying levels of support. Research has shown that racial and ethnic minority groups in the United States hold more negative perceptions of the justice system than do whites.<sup>6</sup> Although these studies have been successful at identifying different perceptions toward the courts (in terms of fairness, differential treatment, access to services, etc.) between whites and minority group members, the quantitative nature of these studies fails to provide insight into why these perceptions exist.

The present study expands upon past research on minority’s perceptions of the justice system by employing a qualitative methodology, allowing participants to explain in their own words their lived experiences and to express their perceptions of the justice system without the confines of a survey instrument.

In 2002, the Nebraska Minority and Justice Task Force, an organization established by the Nebraska State Bar Association and the Nebraska Supreme Court, conducted a comprehensive examination of racial and ethnic bias in Nebraska’s justice sys-

## Footnotes

The author expresses her appreciation to the Nebraska Minority and Justice Task force for the use of their data and to Judd Choate, the Hon. John Gerrard, Jane Schoenike, and Alan Tomkins for their reviews of a draft of this article.

1. See Sara Benesh & Susan Howell, *Confidence in the Courts: A Comparison of Users and Non-Users*, 19 BEHAV. SCI. & LAW 199 (2001); Timothy Flanagan, Edmund F. McGarrell, & Edward J. Brown, *Public Perceptions of the Criminal Courts: The Role of Demographic and Related Attitudinal Variables*, 22 J. RES. CRIME & DELINQ. 66 (1985).
2. See Flanagan, *et al.*, *supra* note 1, at 66.
3. See Benesh, *et al.*, *supra* note 1; Flanagan, *et al.*, *supra* note 1; Gregory Caldeira, *Neither the Purse nor the Sword: Dynamics of Public Confidence in the Supreme Court*, 80 AMER. POL. SCI. REV. 1209 (1986); Tom Tyler, *Public Trust and Confidence in Legal Authorities: What Do Majority and Minority Group Members Want for the Law and Legal Institutions*, 19 BEHAV. SCI. & LAW 215 (2001).
4. See Benesh and Howell, *supra* note 1.
5. See Tyler, *supra* note 3.
6. An excellent overview of the differing views of whites, African-Americans, and Hispanics on the court system, based on a 1999 survey of 1,826 U.S. residents, is found in David B. Rottman & Alan J. Tomkins, *Public Trust and Confidence in the Courts: What Public Opinion Surveys Mean to Judges*, COURT REVIEW, Fall 1999, at

24. For other resources, see Richard Brooks & Haekyung Jeon-Slaughter, *Race, Income, and Perceptions of the U.S. Court System*, 19 BEHAV. SCI. & LAW 249 (2001); Caldeira, *supra* note 3; Flanagan, *et al.*, *supra* note 1; Rodolgo O. de la Garaza & Louis DeSipio, *A Satisfied Clientele Seeking More Diverse Services: Latinos in the Courts*, 19 BEHAV. SCI. & LAW 237 (2002); NATIONAL CENTER FOR STATE COURTS, HOW THE PUBLIC VIEWS THE STATE COURTS: A 1999 NATIONAL SURVEY (1999) [hereinafter, 1999 NATIONAL SURVEY]; DAVID ROTTMAN & RANDALL HANSEN, HOW RECENT COURT USERS VIEW THE STATE COURTS: PERCEPTIONS OF WHITES, AFRICAN-AMERICANS, AND LATINOS (2002) [hereinafter, *Recent Court Users*]; ROTTMAN, DAVID, ET AL., PERCEPTIONS OF THE COURTS IN YOUR COMMUNITY: THE INFLUENCE OF EXPERIENCE, RACE, AND ETHNICITY (2002); Tyler, *supra* note 3; BRYAN VARGUS, ET AL., PRELIMINARY REPORT FOR THE NATIONAL CENTER FOR STATE COURTS (2000).

These findings have also been confirmed for the state in question, Nebraska. See NEBRASKA MINORITY & JUSTICE TASK FORCE, FINAL REPORT (2003) [hereinafter, FINAL REPORT]. In 2002, Nebraska’s Minority and Justice Task Force replicated a study conducted by the National Center for the State Courts, see Rottman & Tomkins, *supra*, and 1999 NATIONAL SURVEY, *supra*, examining Nebraskan’s perceptions of the courts. Findings showed that in Nebraska, blacks, Native Americans, Hispanics, and non-English speakers were perceived to receive worse treatment by the courts than white Nebraskans. Additionally, minority groups were less likely to agree that courts were fair to minority Nebraskans. FINAL REPORT, *supra*.

tem. As part of their research program, the task force held eight public hearings in five cities across Nebraska between January and May of 2002 to obtain public perceptions about the courts. Data for this article are based on testimony obtained from these public hearings.

Public-hearing participants were asked to provide testimony related to their experiences, perceptions, and concerns with racial and/or ethnic bias or discrimination in Nebraska's court system. Participants were also encouraged to suggest recommendations for correcting racial and/or ethnic bias or discrimination in Nebraska's court system.<sup>7</sup>

Persons not willing to make public statements were encouraged to give private, one-on-one testimony, also provided for at each public hearing site. In addition to verbal testimony, written testimony also was solicited. The task force publicized the opportunity to submit written testimony in mainstream and nontraditional publications as well as noting it in the promotional campaign for each public hearing.

## I. THE CONCERNS OF MINORITY RESIDENTS IN NEBRASKA

Several issues emerged as significant concerns across all nonwhite racial and ethnic groups. These concerns are differential sentencing and acquiring quality legal services. Other issues were of concern only to specific minority groups.

### CONSISTENT CONCERNS OF NONWHITES

#### *Differential Sentencing*

One of the dominant themes to emerge from the public hearings was the perception that minorities receive harsher sentences than whites. This belief was held for all sorts of decisions made in the legal process, including the decision to prosecute, the setting of bail/bonds, length of sentence, and so on. One woman from eastern Nebraska described her observations this way:

When I sit through criminal trials—and I started when I was in college and I continually do it—do you want to know who is prosecuted, who gets bail, who is convicted and how long the sentence is? Each one of you know that. You know that it's the people of color who receive the longest sentence, most likely to be convicted, either get excessive bail or no bail, because half the time they're not able to make it, and who are prosecuted.

Some participants believed that differential treatment initially occurs when charges are filed (prosecutorial discretion). For example, several respondents reported the perception that due to the vagueness of the habitual criminal charge this charge is arbitrarily used against minorities. Similarly, one Nebraskan also described how the second-degree murder statute is misused:

The law allows an arbitrary choice between conviction for the crime of second-degree murder and manslaughter.

ter upon a sudden quarrel...The effect this problem has is to arbitrarily choose between convicting someone for second-degree murder or only for manslaughter. It is possible for the authorities to choose to prosecute and convict minorities of second-degree murder (with its greater punishment) and prosecute and convict non-minorities only of manslaughter.

**One of the dominant themes to emerge from the public hearings was the perception that minorities receive harsher sentences than whites.**

It is statements such as these that suggest that prosecutorial discretion is perceived as a mechanism of discriminatory treatment.

According to testimony, differential treatment also plays out in the setting of bail and/or bond. Several participants believed that judges give larger bonds to minorities than they do whites:

One of the things that I'm really concerned with here in Hall County is bonds and bails with the court system. It seems that frequently Latinos will get picked up for crimes—and I'm not making excuses for anybody's crimes or trying to stand up for those in that way. But it just seems that often people are getting bonded out or bailed out of jail with really excessive, excessively high bails. And comparing it to crimes that are committed by Anglos that live in the community and the bonds are much, much less.

Additionally, differential sentencing was also a primary concern across nonwhite racial and ethnic groups. To one man from Omaha, differential sentencing was evident not by examining specific cases but by the disparate incarceration of individuals of color:

There are two types of profiling: Police and judicial. Well, how can there be—what is it now—about 70 percent, of the African-American population at the penitentiary in Nebraska? About 75 percent in Douglas County. Now, isn't it strange that you have, for a state with less than 4 percent [black] population, but in the penitentiary, 65 to 70 percent. Now, are we to believe that African-Americans are that bad in Nebraska? I don't think so. I think that's why we are hearing that the court system would have that one person commits a crime, is African-American, gets a sentence, the white person doesn't.

There was also a specific concern with differential outcomes in juvenile court. Differential sentencing at this age has the potential to profoundly impact juveniles by establishing a crim-

7. Spanish language interpreters were available at each public hearing so that testimony in both Spanish and English could be obtained.

**A second dominant theme . . . was dissatisfaction with legal services.**

inal record that will follow them into adulthood. This is especially the case for juveniles tried in adult court, one citizen argued:

Juveniles of Afro-American or Hispanic, Latino are more apt to be sent to a correctional facility than any white youth. And

you can take two cases, and the same situation, and you can know which one is going and which one is staying because this one will need—"Let's give him some assistance, let's give him some inpatient care, let's do this." When you have cases which is determined should it be as a juvenile or an adult, as many as 99.9 percent of the time, if it is a young person of color, you know how they are going to be judged, in the adult court.

**Legal Services**

A second dominant theme to emerge from public-hearing testimony was dissatisfaction with legal services. Issues of concern included the availability of low-income services; the reliance on public defender services; and dissatisfaction with the plea-bargaining system.

Testimony suggests that there are not sufficient resources in Nebraska to provide legal aid to low-income individuals. A representative of Nebraska Legal Services<sup>8</sup> described the lack of available legal help for low-income groups:

At Legal Services I spend most of my time telling people, no, I'm sorry, I can't help you. We've just become this huge rejection line. And that's because we have the funding and the staff and the resources to serve about 15 percent of the need. So I spend my time turning 85 people out of a hundred away who all have legitimate legal problems where a remedy at law or in equity exists for them but there's just no time, no money, not enough money to represent them. And when that number of people get turned away they have two choices, you know, they can just do nothing or they can try to defend themselves. If they do nothing, what happens generally is people become very hopeless and they give up on the system and huge amounts of potential are lost. If they try to represent themselves, you're going to see frustration . . . because they can't do it. They just don't have the training, the experience, the ability to do it themselves.

Cost appears to be a significant barrier to gaining access to legal representation. For instance, many participants hold the perception that quality legal services are directly affected by one's ability to pay. So, when arrested and charged in a criminal matter, many low-income minorities must rely on the services of public defenders. Unfortunately, the task force

received many comments voicing minority-group dissatisfaction with public defender services:

I have been to many, many people who have public-appointed attorneys, and almost 90 percent walk away feeling that they have not been served. We have a problem in terms of feeling that we are being treated justly.

An individual from eastern Nebraska elaborates on this sentiment toward public defenders:

I have sat through those court trials and I have seen our county prosecutor go up and make their comments, and a defending public defender, which, when it comes to people of color . . . it is so poor that they should be ashamed to even call it defending. You have inadequacy, you have those who have no compassion, and their purpose is—and I have heard them say, "He's guilty," and you are talking about the person you are supposed to be defending.

Several minorities of limited income relayed their specific dealings with court-appointed counsel. They believed that their court-appointed counsel did not work for their best interest or care about their case outcomes:

She assured me that if I pleaded guilty to two zero-to-five [year] felonies and eight zero-to-one [year] misdemeanors that I would receive no more than four to eight years due to the fact that they were not violent crimes. Well, on sentencing day I received 20 months to five years on each felony and six months to a year on each misdemeanor, all to be ran consecutive to one another. When I looked at my attorney she didn't look one bit surprised and packed up her briefcase and left without saying one word to me. I know that if I had money to obtain a prestigious lawyer I wouldn't have received that sort of sentence and if I was white I would not have received that sort of sentence.

Other individuals felt trapped by the insistence of lawyers to plea-bargain rather than devote time to their case. There is a general belief that the court is more concerned with closing cases quickly than in the administration of justice.

Many recommendations to improve the situation were offered. Solutions centered on increasing the amount of services available to low-income individuals. Participants suggested that this could be accomplished, in part by providing public defenders and other attorneys who dedicate themselves to a life of public service with competitive salary and retirement benefits and a loan forgiveness program. Additionally, participants argued that resources should be made available to aid individuals who choose to represent themselves pro se.

**GROUP-SPECIFIC CONCERNS**

A number of the themes emerged that were concerns specific to certain racial and/or ethnic groups. It is likely that minority

8. Nebraska Legal Services (NLS) is a nonprofit organization that provides free civil legal assistance to low-income Nebraskans.

NLS does not take criminal cases, so all references to NLS regard civil remedies.

groups' different views of the court system are based on group-specific experiences. For instance, a dominant theme to emerge from Latino/Latina populations was interpreter services. For Native Americans, jurisdictional issues were of primary concern. In addition to an overwhelming amount of testimony concerning the police (which is beyond the scope of this project on the courts), blacks were particularly concerned with the justice system's workforce being representative of the population (from justice system employees to representative juries). Descriptions of these group-specific concerns are revisited here.

#### *Latinos/Latinas: Interpreter Services*

Hispanics who took part in the public hearings expressed great dissatisfaction with interpreter services in Nebraska, including a lack of certified interpreters, the prevalence of misinterpretations, the lack of interpreter services both prior to and following court appearances, how interpreter services are compromised by an insistence on moving cases quickly, and a general lack of knowledge about courts and legal proceedings among new immigrants.

At present, there are only 11 certified court interpreters in all of Nebraska, making it nearly impossible for courts to utilize certified court interpreters in all cases. When certified interpreters are not available, respondents expressed concern about the quality:

When I first came here, anybody could be an interpreter in the court, and many times the court didn't bother to get qualified people for the court. And anybody that could, just because they spoke a little Spanish, was considered a competent translator or interpreter. And many times none of these people had any idea what they were doing.

It was not uncommon for people to report that children were providing interpreter services. As a Macy resident reported being told:

"I don't care, bring your friend, your cousins. Don't your kids speak both languages? Bring one of them." Well, what if the child is eight years old? How many of you would like to find yourself having violated a law in another country and have your eight-year-old child interpreting for you what's going on?

Additionally, the lack of available interpreters for certain languages—combined with an increasing number of dialects being spoken in the state—leads to situations in which more than one interpreter is needed. Not only is this process time consuming, it is likely that meaning is sometimes lost in translation:

I recently heard that in Hall County they needed—they had to go find a person that spoke Mayan and Spanish and then another person to speak Spanish and English to relay the information. So [as] anyone . . . who has worked with an interpreter or through an interpreter [knows], it is very true when you hear that something is lost in the translation.

Many incidences of incorrect translations were also reported across multiple public-hearing sites. As an individual from

western Nebraska explained:

I think that judges and all others involved in the judicial process should be more conscientious about this issue. I think that if they were able to understand the interpreters and what they were saying they would be appalled. I feel that if the transcribed recordings were to be played back and a competent interpreter were to listen to the interpretations he would find a lot of shocking misinterpretations and misstatements and it just appears that people just don't care.

**It was not uncommon for people to report that children were providing interpreter services.**

Several individuals believed that courts simply were not concerned with providing quality interpreter services. One court interpreter reported a particularly egregious situation:

And he [the judge] yelled at me right there in front of the court and he said, "I don't care if she doesn't understand what's going on. I don't have time to piss around with this." That's exactly how he said it. He said, "If she doesn't understand, that's her problem. I need to move my cases in a hurry." And I remember that because I was very upset, because that told me that the judge did not care if this lady knew what was going to happen to her or not, he just wanted to move the cases.

#### *Native Americans: Jurisdiction over Sovereign Nations*

Many Native American respondents were concerned about cross-jurisdictional problems related to sovereign lands. Nebraska has two sovereign territories in northeastern Nebraska (as well as another in northwest Nebraska that, unfortunately, was not visited in the public hearings). Citizens of these nations argued that often law enforcement officers as well as the courts use jurisdictional differences as reason to hold Native Americans for charges unworthy of bond. One Native American participant described the potential for conflict:

I am not sure about the judges. There has always been a jurisdictional problem here in this county with regards to who has jurisdiction over what area and where, whether it be the county roads, whether it be the state roads or whether it be private property or trust land. I know there seems to be a big division on that interpretation right now. Although it has not really come to a head yet.

Jurisdictional issues have extended into the justice system, creating barriers to access, particularly for Native Americans. For example, jurisdictional disagreements have created situations where criminals go uncharged. Additionally, jurisdictional disagreements sometimes have impacted a prosecutor's willingness to proceed with charges even in the most severe situations.

#### *Blacks: Representation in the System*

A significant justice issue for blacks in Nebraska is their rep-

**Several black participants expressed the importance of having black judges in their community . . . .**

resentation as court employees and legal professionals. The lack of representation of minorities as employees and administrators of the justice system leads to a perception of injustice. As one African-American woman who has worked in the court system for over thirty years explained:

People's perceptions are that when they go in to any system and they do not see anybody that looks like them, and that's whether they are African American, Native American, Hispanic, Latino, Asian, when they come in that system, if they don't see people that look like them administering those systems, working in those systems, then I think the perception automatically [is] that they're not going to get fair treatment. But when people come in and they are talking to me or they come into the office and they see other people in that office that are people of color, I think it kind of gives them a different notion, and so then they're at least more open to looking at their own behavior, as opposed to where you come in or when you come into a courtroom and when you don't see anybody else but whites in the system, and, I mean from the time you walk in the door to the clerk's office to the bankruptcy court to, you know, the judge's office and everybody in there, and those people are making decisions, well, it really for that person I think starts with their perception of am I getting a fair trial, am I getting a fair shake? And how can I possibly because, you know, the entire system's already set up against me.

Explanations such as these emphasize the need for increasing the number of people of color working for the system both as court employees and legal professionals. Several black participants expressed the importance of having black judges in their community:

And for a number of years, I think we only had one, which was Judge [name of Judge] for years and years, and then she retired. A lot of people liked her, a lot of people didn't, but the fact that she was a sitting black female judge was important to people.

Several participants explained that having a court system with a workforce that is representative of the community is important not only for the perception of justice but because a diverse workforce is likely to be a more accepting community, sensitive to racial and ethnic issues and the unrecognized biases of those in the majority.

To achieve a more diversified legal profession and court system participants advocated unbiased recruitment procedures, not preferential treatment:

And I'm not just saying, hire an attorney because they are of color, I'm saying hire attorneys of quality. But judge them, when you look at them and say, do they meet your standards, judge them on the same basis that

you judge you. That's what you ought to be looking at. Those are the changes and they should be mandated.

**II. A WORD ABOUT METHODS**

Before concluding with a discussion of the policy implications of comments made by minorities in Nebraska, I will review the process through which the underlying data was collected. Those more interested in conclusions than methodology can skip ahead to the next section.

*Participants*

Approximately 175 people gave public testimony and 25 attendees provided private testimony at a public-hearing site. Several tactics were employed to publicize the public hearings in an attempt to attract target populations (racial and ethnic minorities). First, press releases (in English and Spanish) were sent to city newspapers as well as radio and television stations in each region where a hearing was planned. Several news outlets held interviews with task force representatives to discuss the mission of the hearings and explain the logistics for testifying. The task force also sent invitations to community leaders and relevant groups throughout the state in an attempt to inform the largest possible constituency about each upcoming hearing. This list included all district and county court employees, members of the Nebraska State Bar Association and the Midlands Bar Association, Nebraska Legal Services Corporation, Nebraska Appleseed Center for Law and the Public, the Nebraska state senators, city council members, university groups and professors, members of the business community (including Hispanic and black business owners), clergy of minority-populated churches, local NAACP chapters, the Urban League of Nebraska, the Mexican American Commission, the Commission on Indian Affairs, and local chambers of commerce, among others.

*Hearing Locations*

Public hearing sites were selected based on the size and diversity of the population (see Table 1). The state's most populated city, Omaha, was site to three public hearings at three separate locations over a 75-day period. One hearing was held in both Lincoln and Grand Island, the state's second and fourth

**TABLE 1: HEARING SITES AND PERCENTAGE MINORITY**

City	Total Population	Minority Population	Percentage Minority
Omaha	390,007	96,131	24.7%
Lincoln	225,581	127,494	12.2%
Grand Island	42,940	8,980	18.6%
Scottsbluff	14,732	4,184	28.4%
Lexington	10,001	5,394	53.9%
Macy	956	942	98.5%

most populated cities. Scottsbluff, Lexington, and Macy were selected for their racial and ethnic diversity and their location in the state.

In order to create a comfortable and non-threatening atmosphere, great care was taken to hold the public hearings at sites within the cities that were considered “friendly” to minority populations. For example, minority-dominated schools, churches, and community centers were used at all eight sites.

#### Data Collection

Hearings were transcribed verbatim by professional court reporters and carefully read by the author for a full comprehension of the content. Cross-case thematic analysis was used to identify themes across hearings and racial groups. Although participants were asked to provide testimony concerning their experiences and perceptions of racial and ethnic bias in the court system, several participants made contributions outside the scope of the project.<sup>9</sup> Testaments such as these were not included for analysis.

#### IV. POLICY IMPLICATIONS AND STUDY LIMITATIONS

Public perception of the courts is important.<sup>10</sup> It affects both the actual work of the court and the perceptions of those within and outside the court. Existing research documents that racial and ethnic minority groups in the United States hold more negative perceptions of the justice system.<sup>11</sup> This research explores the root of these perceptions qualitatively through public-hearing testimony, where individuals of varying minority status were given the opportunity to explain their experiences and perceptions of the courts.

Minority group members discussed a number of topics relative to the courts, most notably their perceptions of differential sentencing, on the disproportionate number of incarcerated minorities within the state, differential treatment in terms of prosecutorial discretion, bail/bond amounts, being tried in juvenile vs. adult court, and actual sentences imposed by judges. Many minority-group members also commented on the issue of obtaining adequate legal services.

Further analysis reveals that many of the perceptions discussed here may be based on group-specific experiences and are not necessarily similar across groups. For instance, the Hispanic population in Nebraska was primarily concerned with the availability and quality of interpreter services. Native Americans’ perceptions, on the other hand, centered on jurisdictional issues, and blacks were particularly concerned with issues of representation within the system (as employees, lawyers, judges, etc). Since research suggests that individuals’ evaluations of the courts are affected by their personal experiences with the courts,<sup>12</sup> it seems less likely that the concerns identified in this article would even be identified as problematic by a white sample. In other words, whites do not face the same language, jurisdictional, or representational issues that

Hispanics, Native Americans, and blacks face in the state courts.

These findings have several policy implications. First, efforts to improve minority’s perceptions of racial and ethnic bias in the court system should be centered on the issues that they have identified as problematic. In other words, efforts should focus on the concerns of communities of color, rather than solely rely on the perceptions of fairness held by whites (which may be the concerns reflected in overall opinion surveys, given whites’ numerical majority in quantitative samples). More specifically, to improve Hispanic’s perceptions of fairness in the court system, efforts should be made to address the inadequacies in interpreter services. Similarly, working to solve jurisdictional issues and making court systems more representative of their respective communities will improve the perception of procedural and symbolic justice.

Second, this article demonstrates the utility of public hearings as a research method. Public forums are often held on local and state issues, but remain an untapped source of rich qualitative data. In researching concerns of racial and ethnic bias, public hearings serve as a valuable tool—one that can differentiate the real and complex issues between states or jurisdictions, issues that are often not brought to light through quantitative instruments. At the same time, these forums may provide participants with an outlet and a sense of agency.

There are several limitations to this study. First, there appears to be a lack of representation from the Asian community in the public hearings. According to the 2000 U.S. Census Bureau figures, 1.3% of Nebraska’s population is Asian. However, very few public-hearing participants identified themselves as Asian. Additionally, with the exception of needing interpreter services for an increasing Asian population, no specific concerns regarding the Asian community were expressed. It is not the intent of this article to ignore this population or suggest that their concerns with the legal system are nonexistent or of less importance. Future research should attempt to specifically gather data from this population.

Second, several public-hearing participants stated that some hesitation within the community was held concerning testifying at the public hearings. This hesitation stemmed from a fear of backlash—that judges, lawyers, police officers, and/or other court employees would find out who said what at the hearing and take action against those who spoke against them or their practices.

Finally, since this data was collected in a public-hearing setting, it is certainly possible that the positions of those responding are not representative of the public’s opinions or even those

**[T]he Hispanic population in Nebraska was primarily concerned with the availability and quality of interpreter services.**

9. The majority of these contributions were related to law enforcement. Research indicates that individuals often interpret “legal system” as including law enforcement. See Brooks & Jeon-Slaughter, *supra* note 6.

10. See Benesh & Howell, *supra* note 1; Flanagan, *et al.*, *supra* note 1; Caldeira, *supra* note 3; and Tyler, *supra* note 3.

11. See sources cited and discussed in note 6, *supra*.

12. See Tyler, *supra* note 6.

of the specific racial or ethnic group of the respondent. This in no way affects the overall point of the study however, which is to illustrate how the one-dimensional picture of racial and ethnic dissatisfaction with the courts can be illuminated through an analysis of those participants suitably upset and/or motivated to give public testimony. It is unlikely that the concerns of these minority communities could have been as thoroughly expressed using a quantitative instrument.

In conclusion, this research supplements much of what is commonly inferred from court-related surveys of public trust and confidence. By attempting to demonstrate the basis for these differing attitudes through an analysis of public hearing testimony, this project illustrates the deep-seeded distrust of the courts held by many minority group members. It also demonstrates that what might appear monolithic in its dissatisfaction is actually contextual in nature. While blacks, Hispanics, and Native Americans may have some shared concerns and a shared lack of trust in the legal system, there are significantly different attitudes that underlie these feeling of dissatisfaction for each group.



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