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HOW THE PUBLIC VIEWS THE STATE COURTS A 1999 NATIONAL SURVEY

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HOW THE PUBLIC VIEWS THE STATE COURTS

A 1999 NATIONAL SURVEY

BY THE
NATIONAL CENTER FOR STATE COURTS

FUNDED BY
THE HEARST CORPORATION

INTERVIEWS CONDUCTED BY
Indiana University
Public Opinion Laboratory
SURVEY DESIGNED AND ANALYZED IN COLLABORATION WITH
University of Nebraska Public Policy Center and Scientific Resources for the Law, Inc.

PRESENTED AT
The National Conference on Public Trust and Confidence in the Justice System
May 14, 1999, Washington, DC

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A REPORT ON THE NATIONAL SURVEY

BY

FRANK A. BENNACK, JR.

PRESIDENT & CHIEF EXECUTIVE OFFICER
THE HEARST CORPORATION

PRESENTED AT THE

NATIONAL CONFERENCE ON PUBLIC TRUST AND CONFIDENCE IN THE JUSTICE SYSTEM

WASHINGTON, DC

MAY 14, 1999

Good morning. And thank you very much for the chance to talk about an issue that is very important to our nation's civic health, to our war against public cynicism and to the trust we place in our institutions.

It was 16 years ago when I was the relatively new CEO of The Hearst Corporation that I was asked by the National Conference of Metropolitan Courts to speak at their annual conference. The topic was courts and the media, something as a newspaper publisher and broadcaster—not to mention a stint as foreman of a grand jury—that I thought I knew something about.

That invitation led The Hearst Corporation to undertake a national survey on “The American Public, the Media and the Judicial System.” That survey proved not only did I know less about the subject than I thought but so, too, did many in the judicial system.

So here I am, close to two decades later, about to deliver another report card of sorts on how the public views the state court system.

And like the report 16 years ago, there are still strengths and weaknesses, there are still inconsistencies, and there is still a worrisome disconnect between the courts and the people they are sworn to serve.

Which brings me to two questions: why do we care and why am I here?

I think the two are related. I'm here, and Hearst is involved in this project, because of a deep belief in the importance of the state court system.

If Alexander Hamilton was right when he said the chief duty of society is justice, the judicial system is the bedrock of our ability to meet that responsibility.

Think about it—it would be nice if everybody had complete trust in the media. Those of us in the media earnestly want that trust but it's doubtful that we'll ever have it for a whole range of reasons that are not the mission of this speech.

And what about complete trust in politicians? Not likely. We learned a long time ago that those tracks all over our trust in institutions have been left by feet of clay.

But the courts—that’s something different. Here, trust is essential. Here, knowledge is essential. Here, society and institution come together in ways that really define who we would like to think we are as a society—fair, open and protective of the rights of every individual.

Politicians can advocate it; the media can comment on it; only the courts actually make it happen.

So when Chief Justice Phillips of Texas, in his role as President of the Conference of Chief Justices, asked Hearst a little over a year ago to fund another look at public perceptions of the court system in a study by the National Center for State Courts, we said yes.

First, let me clarify my role today with the story of the frog who wanted to cross a river full of hungry alligators. He called up to an owl sitting in a nearby tree: “How can I get across?” And the owl said, “Flap your wings and fly across.”

So the frog backed up, gave a mighty leap, flapped its arms furiously—and fell into the jaws of a waiting alligator.

As he was about to be swallowed, he called to the owl, “Hey, wait a minute. Frogs can’t fly.” To which the owl replied, “That’s a matter of execution. I deal only in concepts.”

And so it is with me today. I will be delivering broad conclusions and opinions, not dissecting causes and solutions.

So let’s take a look at the survey and what it found.

The survey covered four broad areas: access to the courts, timeliness of court decisions, fairness of judicial decision-making, independence and responsiveness of the courts to the public and to changing conditions in society.

The questions came at the issues from many angles, but when all the figures were totaled and all the comments considered, the courts came out just okay on average.

This conclusion is a mix of high, medium and low marks across different categories. Sometimes there was broad consensus and other times views differed widely by race, ethnic group, income and other factors.

Neither my time on the agenda nor your threshold for pain will allow me to go through the survey line by line. But in the next few minutes I think I can give you a sense of the findings and some fuel for the panel discussion to follow.

Let’s start with access. There are high marks and broad consensus here. The survey indicates that fully three-fourths of Americans believe that the courts make an effort to make sure people have adequate legal representation. And they also believe the courts treat people with dignity and respect. Nearly six out of ten believe that they could represent themselves in court if they wanted to.

But there seems to be a rather large caveat attached to access. And it comes down to money. Only one in three agrees that taking a case to court is affordable. And, nearly nine of ten point to the cost of legal representation as the main barrier.

Other barriers include: the slow pace of justice, complexity of the law, the amount of personal time required.

Glacial speed is seen as a special problem. Or as one respondent commented: “I think they’re just so overworked and backlogged that they can’t get anything done.”

I think the perceptions about self-representation are interesting. On one hand, that’s good because it speaks to a favorable view of access. But on the other hand, Judges Wapner, Mills and Judy have created unreasonable expectations about the ease of interaction with the court system.

And if so, and if that perception grows, are the courts ready to accommodate it? And should they?

As another respondent said: “People don’t understand all of the legal things that go on and the system needs to bring it to a level that ordinary educated people can understand.”

I’ll have a little more on TV justice in a minute. Let’s move now from access to fairness.

Here, not surprisingly, the results are mixed. Opinion is divided sharply across racial lines. The consensus is that the courts protect our Constitutional rights, and that they are honest and fair in case decisions. But there is also an overwhelming belief that equal justice under the law is more equal to some than to others.

And this is important—it’s not just specific groups who see inequality. It’s the public at large.

White and Hispanic-Americans tend to agree that African-Americans are treated worse than other groups by the legal system. And only 23 percent of African-Americans believe the court system treats them the same as it does other people. While twice as many whites and Hispanics believe the court system treats them the same as it does other people.

Interestingly, a larger portion of African-Americans and whites believe Hispanics are treated worse than other groups in court than do Hispanics themselves.

Even though jury participation has gone from 16 percent to 24 percent from the 1983 survey to this one, most Americans believe that juries do not represent the makeup of their communities. This is one area, I should point out, where the concerns of the public do not match up with the priority concerns of the state teams represented at this Conference.

Moving to independence, we found in 1983 that the public does not fully grasp the concept of separate but equal branches of government. People may, however, understand the concept of judicial independence. But the problem is they don’t believe the concept applies in the real world.

A full 78 percent believe that elected judges are influenced by having to raise campaign funds. Nearly 40 percent strongly agree that judges are influenced by political considerations, while only 20 percent disagree. And this is just as likely to be a concern in states with partisan elections as it is in states without. This seems to be a real problem when it comes to honesty and impartiality.

When we talk about issues like access, fairness and independence, we need also to take a quick side trip into how perceptions about those issues are formed.

I mentioned that 24 percent of people have served on juries. In all, about half of all Americans have had some experience with the courts. And direct involvement would seem to be the best teacher—for better or worse. One respondent said simply: “It does not seem to be a mockery when you are there.”

However, while those with prior court experience are more likely to say they know a lot about the system, they are also far more likely to claim that the system is too slow.

But suppose you have no direct experience with the courts. Where do your perceptions come from?

Television, newspapers and drama have stayed roughly the same since 1983 as sources of information about courts. For example, six of ten still say they get court information from electronic media and half regularly receive it from print media. About a fourth get it from dramas and comedies with a legal theme, which is actually an increase. Perhaps we can thank Mr. Grisham for that.

The big change, however, has been court television. Let’s face it—people wait for Judge Judy to come down on an evasive defendant the same way they wait for the furniture to start flying on Jerry Springer. It’s justice as entertainment.

Is that bad or good? Apparently neither. There is no strong pattern connecting sources of information, including court TV, with ratings or degree of knowledge.

And that takes us finally to the issue of responsiveness. Here the numbers are both simple and clear...and a bit troubling. Two out of three African-Americans, a slim margin of Hispanics, and four out of 10 whites believe the courts are out of touch with their communities.

One respondent said, “I think that they are making an effort, but they do have problems because there is such a major gap between the courts and the community.” Another simply said, “I don’t think what the people think and the courts think is the same.”

These findings track others. In a recent speech at the 1998 William H. Rehnquist Award Dinner, Chief Justice David A. Brock of New Hampshire referred to a Gallup Poll in which only 15 percent of respondents believed the courts were meeting society’s needs or would in the future.

And the concern is not one-sided. In that same speech he pointed out that at the 1997 National Conference on the Future of the State Judiciary, 87 percent of the participants believed the greatest challenge facing the state courts is strengthening the relationship with the public.

In stressing the need for a tighter connection between court and community, he pointed out what he called a sea change in community expectations as the courts are being called upon more and more to deal with society’s problems. We find ourselves in a new era of what

Justice Brock called therapeutic justice in which the courts have a role that extends beyond adjudication to active intervention.

And given the reality and awesome responsibility of that role, public impressions extend worlds beyond mere public relations. It becomes integral to the ability to do a new and infinitely more difficult job.

That is a very quick and superficial look at some very complex and important findings.

Unfortunately, a problem identified is not a problem solved. The second can't come without the first. So, hopefully this is a step in the right direction. And we at Hearst applaud you for taking that step through this research—and I, the Hearst newspapers, magazines and broadcast stations thank you for the opportunity to have been a part of it.

Thank you very much.

EXECUTIVE SUMMARY

- The survey results indicate that the American public gives an average grade to the performance of the courts in their communities.
- Only 10% of the survey respondents felt the courts in their communities handled cases in an “Excellent” manner, with 20% indicating criminal cases and family relations cases are handled in a “Poor” manner and nearly 30% indicating juvenile delinquency cases are handled in a “Poor” manner.
- Hispanic respondents expressed the greatest satisfaction with the performance of the courts. Whites/Non-Hispanics report assessments that were somewhat lower than those given by Hispanics. The opinions of African-Americans were consistently the most negative about the courts.
- Approximately 53% of respondents indicated some personal involvement in the courts, with almost one-half of personal experience taking the form of jury service.
- The proportion of Americans who have served on a jury has grown over the last 16 years, rising from 16% to 24%.
- Respondents who reported a higher knowledge about the courts expressed lower confidence in courts in their community.
- Almost two-thirds of respondents felt they knew “Some” or “A Lot” about the courts.
- Respondents indicated reliance on electronic sources (59%) and print sources (50%) for information about the courts.
- The American public is close to evenly split between those who believe the media’s portrayal of the courts is accurate and those who disagree.
- Sixty-eight percent of respondents disagreed with the statement “It is affordable to bring a case to court,” with 38% strongly disagreeing.
- Eighty-seven percent of Americans strongly believe that having a lawyer contributes “A Lot” to the cost of going to court.
- Likewise, 42 to 57% of respondents said court fees, the slow pace of justice, the complexity of the law and the expenditure of personal time (e.g., missing work) contributes “A Lot” to the cost of going to court.
- At the same time, the majority of Americans (six out of ten) believe that it would be possible to represent themselves in court if they wanted to.
- Most respondents (74%) “Strongly” or “Somewhat” agree that court personnel are helpful and courteous, but as compared to Whites/Non-Hispanics, African-Americans were significantly less likely to agree with the statement “Court personnel are helpful and courteous.”
- Respondents overwhelmingly believe cases are not being resolved in a timely manner—46% strongly agree.
- Fifty-six percent of respondents agree that “Most juries are not representative of the community” and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were more likely to agree.

- Seventy-nine percent of respondents agree that “Judges are generally honest and fair in deciding cases” and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were significantly less likely to agree.
- Although most Americans (83%) feel that “people like them” are treated either better or the same as others, that perception is not shared by African-Americans. Two-thirds of African-Americans feel that “people like them” are treated somewhat or far worse than other people.
- Almost 70% of African-American respondents think that African-Americans, as a group, get “Somewhat Worse” or “Far Worse” treatment from the courts, whereas over 40% of White/Non-Hispanic and Hispanic respondents have that opinion.
- Forty-four percent of respondents agree that “Courts are out-of-touch with what’s going on in their community” and, as compared to Whites/Non-Hispanics, all other groups were more likely to agree.
- The vast majority of respondents (81%) agree that politics influences court decisions. This pattern holds across racial and ethnic groups.
- Seventy-eight percent of respondents agree that “Elected judges are influenced by having to raise campaign funds” and, as compared to Whites/Non-Hispanics, other groups were more likely to agree.

INTRODUCTION

Early in 1999, 1,826 Americans were asked to express their opinions regarding “the courts in your community” through a national survey funded by The Hearst Corporation. The objectives of the survey were to:

- establish what the American public thinks about the performance of state and local courts in key areas such as access to justice, timeliness, fairness and equality, and independence and accountability;
- clarify what the public believes about basic aspects of court performance and explain different levels of confidence in and satisfaction with the courts;
- provide a model survey that can be used by individual states and localities wanting to undertake a systematic inquiry into what their public thinks about court performance; and
- enhance and refine the knowledge accumulated through surveys conducted between 1977 and 1998.

Particular care was taken to adequately represent the views that members of minority groups hold about the courts. In addition, all respondents were given an opportunity to express their views in their own words, in response to questions inquiring about the most important thing that the courts were doing well or poorly.

Earlier surveys of public opinion about the courts include three major national surveys and 27 surveys commissioned by the judicial branches of 24 states.

The landmark survey was the 1977 “Public Image of the Courts,” commissioned by the National Center for State Courts to inform a national conference, “State Courts: A Blueprint for the Future.” The methodology used was a face-to-face survey of 1,931 adults. The survey was notable for its gloomy picture of the courts’ standing with the American public, the finding that the public was poorly informed about the courts, and its conclusion that “those having knowledge and experience with the courts voiced the greatest dissatisfaction and criticism.”

In 1983, The Hearst Corporation undertook a national telephone survey of 1,000 adults, “The American Public, the Media and the Judicial System: A National Survey of Public Awareness and Personal Experience.” That survey found that Americans were largely ignorant about the legal system, that jury service was experienced by only a small proportion of the population and that public opinion about the courts was strongly influenced by the mass media.

In August of last year, the American Bar Association sponsored a national survey, “Perceptions of the U.S. Justice System.” In the ABA study, 1,000 adults were interviewed via telephone. Relative to previous surveys, the ABA survey findings suggested improvements to the public image of the courts, a vastly increased extent of public involvement with the courts and a positive relationship between such involvement and confidence in and satisfaction with the courts.

Numerous state surveys were conducted between 1984 and 1999. The results of these surveys reveal significant changes in the public perceptions of the courts and indicate that more and more Americans have direct experience with the courts. In several instances, states conducted more than one survey; the trends over time indicate improvements in public knowledge about the courts and shifts, largely positive, in the public's perceptions of court performance.

Previous surveys have hinted at differences among racial and ethnic groups in how the courts are perceived. The present survey seeks to contribute to this body of knowledge by explicitly searching for points of view that are broadly shared by all Americans and points of view that differ across racial, ethnic and other demographic groups. This survey also examines some new topics related to court performance and investigates in greater depth some of the areas where there is widespread public agreement that the courts need to improve their performance.

RESEARCH METHODS

This report uses three kinds of information to describe the findings from the survey. The first kind of information is in small tables that show the percentage of all 1,826 respondents who gave a particular answer to a question.

The second kind of information is in the form of charts that compare the answers given to a question by the members of different groups of respondents. Typically, the charts compare racial and ethnic groups. All differences between groups mentioned in the text of this report are statistically significant and thus unlikely to be the product of chance. We would find the same basic differences between groups were we able to ask our questions of all adult Americans.

The third kind of information is in the form of brief summaries of what we learned from sophisticated statistical analyses about the relative importance of various factors in predicting the responses people gave to survey questions. “Multiple regression” allows us to look at the distinct contribution made by, say, income, court experience and media exposure in predicting how much confidence people have in the courts of their communities. All of the summaries made in the text meet the standard of statistical significance and pass conventional tests for the integrity of such analyses.

Between January 13 and February 15, 1999, the Indiana University Public Opinion Laboratory conducted telephone interviews with approximately 1,200 adults randomly selected from the population, and an additional 300 African-Americans and 300 Hispanics to ensure that the findings reflect the voices of the major groups in American society. The final sample of 1,826 was weighted according to population statistics for African-Americans (12.1%), Hispanics (13.4%) and Whites/Non-Hispanics (72.1%) to ensure that each group was represented in the same proportion as in American society. Respondents indicating Asian, Native-American and Biracial heritage were classified as “Other.”

Public opinion surveys yield estimates of what we would find if we were able to obtain the opinions of all persons relevant to our study—in this instance, all American adults. The percentages and averages provided in this report therefore come with a known margin of error. The maximum margin of error for findings based on all respondents is $\pm 2.3\%$. This means that if the same questions were asked of a similarly selected sample of respondents, 19 out of 20 times one would receive answers, consistent to within $\pm 2.3\%$ points, of those found in this report. When we are looking at a specific group of respondents—say, African-Americans—the margin for error increases (to $\pm 5.8\%$). Additional caution is required when assessing findings based on Hispanic/Latino respondents because that group had a higher level of potential respondents who refused to participate or broke off participation before all of the questions had been asked.

Additional errors may result from things such as question wording, respondents’ inattention, pace of speech by the interviewer and a host of other factors. Each of these considerations was given particular attention during the interview process so that they are minimized as much as possible. The Indiana University Public Opinion Laboratory reports that “we have no reason to believe there are any significant biases in the data collected for this research.”

Further information about the methodology of the survey and the survey findings can be obtained through the Web sites of The Hearst Corporation (www.hearstcorp.com) and the National Center for State Courts (www.ncsc.dni.us/ptc/results.htm).

FINDINGS

The first section of this report considers how the public views the state courts in terms of trust and confidence in the courts of their communities and how that compared to their views of other important public institutions and the job that courts do in handling various kinds of cases. The second section looks at experience with the courts, people’s self-rated knowledge about the courts and the sources of information people use to get the news generally and information about the courts specifically. The third section represents the public’s report card on the performance of the courts in their communities. Overall performance ratings are discussed first, followed by a focus on the key arenas of access to the courts, the timeliness of courts, the equality and fairness of the courts and, finally, the independence and responsiveness of the courts.

TRUST, CONFIDENCE AND APPROVAL

Public Trust and Confidence in America’s Institutions

- Overall, people have a good deal of confidence in American institutions. (See Table 1)¹

The results reveal that 50% or more of the public have a “Great Deal” or “Some” trust and confidence in America’s institutions. However, depending on the institution being rated, there is a marked range in the percentage of the public that has a “Great Deal” of trust and confidence. Almost half of the sample indicated a great deal of trust and confidence in the medical profession. Nearly the same proportion indicated a great deal of trust and confidence in the local police. On the other hand, only about one in five Americans indicated a great deal of trust and confidence in their state legislature, and only one in ten indicated a great deal of trust in the media. The courts (U.S. Supreme Court and the courts in the respondent’s community) fall somewhere in the middle of America’s public institutions.

Table 1: Trust and confidence in American institutions

INSTITUTION*	AMOUNT OF TRUST/CONFIDENCE			
	Great Deal	Some	Only a Little	None
Medical Profession	45%	42%	10%	3%
Local Police	43%	39%	12%	6%
U.S. Supreme Court	32%	45%	17%	6%
Office of the Governor	30%	47%	16%	8%
Public Schools	26%	49%	20%	5%
Courts in Your Community	23%	52%	17%	8%
State’s Legislature	18%	58%	17%	7%
Media	10%	40%	31%	19%

*ranked in order of “Great Deal” of confidence

¹ Fifty percent of those surveyed were asked about their “confidence,” and 50% were asked about “trust.” The differences between the groups were not statistically significant, and the data have been combined in this report.

- Confidence in public institutions appears to vary systematically across racial groups with race being a significant predictor of confidence in each institution after controlling for education and income.

In comparison to Whites/Non-Hispanics, African-Americans expressed lower levels of confidence in public schools, the office of the governor, police, their state's legislature, the U.S. Supreme Court and courts in their community. In contrast, compared to Whites/Non-Hispanics, Hispanics expressed greater levels confidence in their state's legislature and the U.S. Supreme Court.

- Confidence in local police and in the U. S. Supreme Court is associated with confidence in the courts in the community.
- Income level was independently predictive of confidence in public institutions, with increased income associated with increased confidence in the public schools, the office of the governor, the police and the U.S. Supreme Court.

Those respondents with higher incomes and higher levels of education had greater trust and confidence in most of the public institutions surveyed.

The Manner in Which Courts Handle Cases

- Overall, only 10% of respondents felt the courts in their community handled cases in an “Excellent” manner. Twenty percent said criminal cases were handled poorly and 21% said that family relations cases were handled in a “Poor” manner, while nearly 30% said that juvenile delinquency cases were handled in a “Poor” manner. It appears that Americans are not especially satisfied with the way cases are handled by the courts.
- Indeed, more people felt, across all case types examined, that cases are handled in a “Poor” manner than felt cases are handled in an “Excellent” manner. (See Table 2)

Table 2: In what manner do courts in your community handle cases?

CASE TYPE	Excellent	Good	Fair	Poor
Civil	7%	46%	36%	11%
Criminal	11%	40%	30%	20%
Small Claims	8%	44%	37%	11%
Family Relations	7%	36%	36%	21%
Juvenile Delinquency	6%	29%	36%	29%

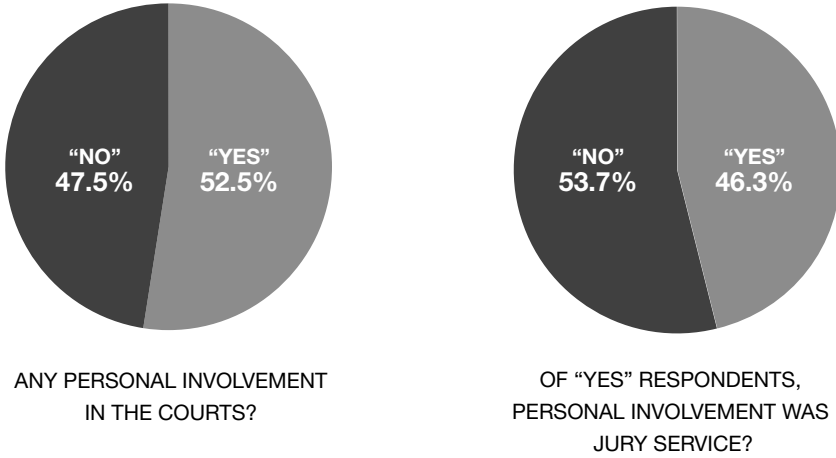
These data can be interpreted in two ways. The data indicate that Americans are not especially satisfied with the way that cases are handled by the courts. On the one hand, it is also true that virtually all court cases involve a party who prevails and a party who loses, and it is perhaps inevitable (and perhaps inherent in their function) that courts will not be perceived as performing in an “Excellent” manner by a large proportion of the population.

On the other hand, there is a large body of research supporting the view that if litigants perceive that their case was decided in a fair and efficient manner, their confidence in the courts is likely to increase even if the decision in the case went against them. Public trust and confidence and satisfaction with the courts are driven as much, and probably more, by perceptions of how courts reach decisions they are by the decisions themselves. In this interpretation, then, the survey findings are less comforting to the courts.

Personal Involvement

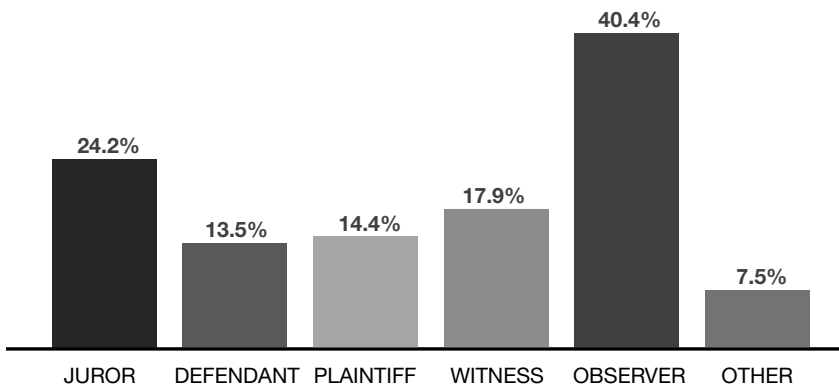
- Overall, roughly 53% of the sample reported some personal involvement with the courts.

Figure 1: Extent and nature of personal involvement in courts



- Twenty-four percent of respondents had served on a jury (that is, summoned and served). More than one-quarter of respondents had been a defendant or a plaintiff, and almost one-fifth had been a witness in a court proceeding.

Figure 2: Type of personal involvement in courts



This percentage of jurors and witnesses is consistent with the trends for court involvement found in previous surveys (see Tables 3 and 4), documenting a steadily rising rate of jury service.

Table 3: Percentage of all adults indicating prior experience as a juror

YEAR	STUDY SAMPLE	YES
1977	National (“Public Image”)	6%
1983	National (Hearst)	16%
1986	Michigan	18%
1988	Washington	19%
1991	Massachusetts	21%
1992	California	21%
1995	Iowa	24%
1995	Mississippi	30%
1995	North Carolina	22%
1997	New Mexico	27%
1998	National (ABA)	27%
1999	This Survey	24%

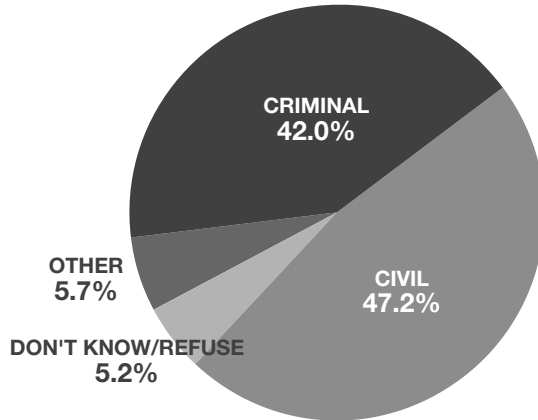
Table 4: Percentage of all adults indicating prior experience as a witness

YEAR	STUDY SAMPLE	YES
1977	National (“Public Image”)	4%
1983	National (Hearst, “in a criminal case”)	10%
1991	Massachusetts	22%
1992	California	20%
1998	National (ABA)	32%
1999	This Survey	18%

The proportion of people with court experience differs across education, income and ethnic group, with respondents having a high school education or less, those having an income of less than \$20,000 and Hispanics significantly less likely to have served on a jury.

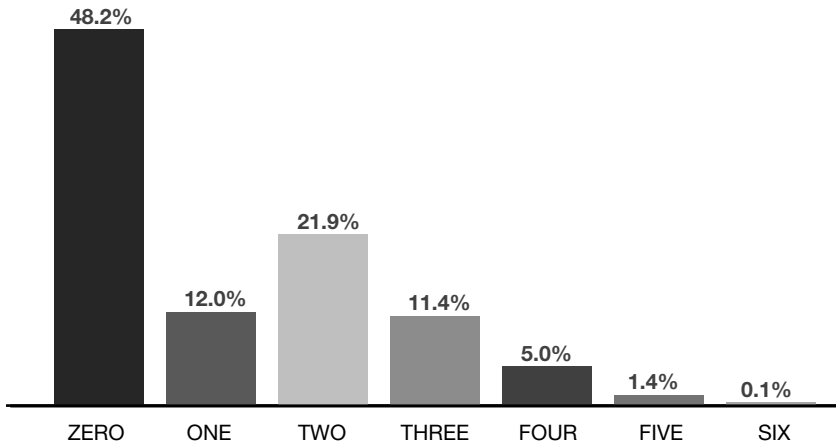
Jury service was divided more or less evenly between civil and criminal cases.

Figure 3: On what type of case did you serve as a juror?



Approximately 40% of respondents reported multiple involvement with the courts (e.g., as a defendant and as a juror).

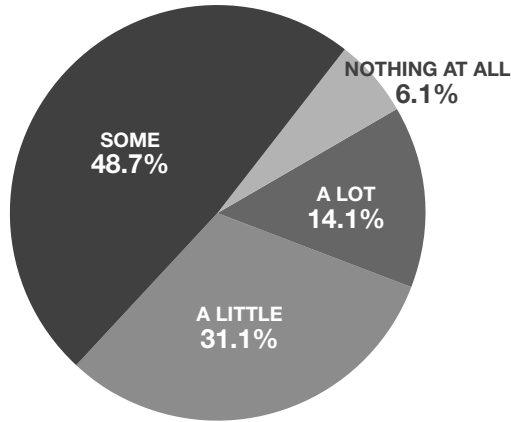
Figure 4: Number of different involvements in courts



Self-Rated Court Knowledge

- Respondents who reported a higher level of knowledge about the courts expressed lower confidence in courts in their community.
- Overall, almost two-thirds of respondents felt they knew “Some” or “A Lot” about the courts.

Figure 5: How much would you say you know about the courts?



“The average person doesn’t know the law, and is more afraid of it than anything else. The law is difficult to understand, and there needs to be a general understanding, but it is not shared by the people of the courts. I don’t think that what the people think and what the courts think is the same.”

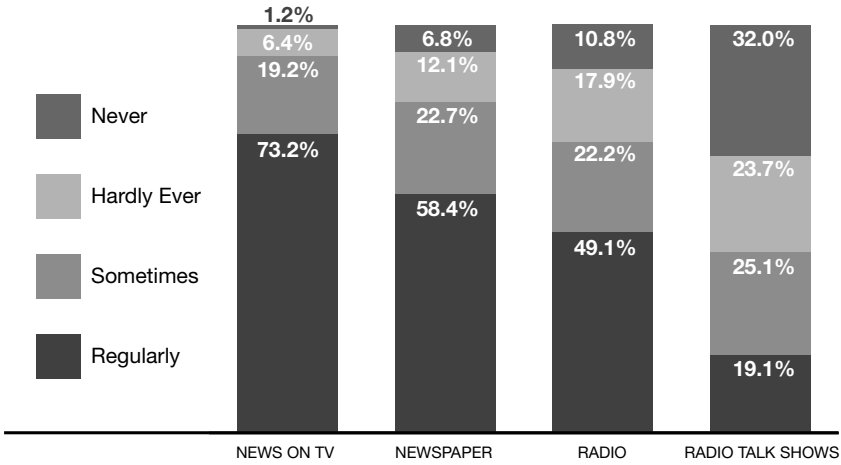
— Respondent, 1999 National Survey

Prior involvement with the courts was related to estimates of knowledge of the courts. In other words, respondents who had been witnesses, observers or civil defendants were more likely to say they knew “Some” or “A Lot” about the courts than those who had not. Respondents with less than a high school education were less likely to say they knew “Some” or “A Lot” about the courts than respondents with graduate or professional training.

Sources of Information Regarding News and the Courts

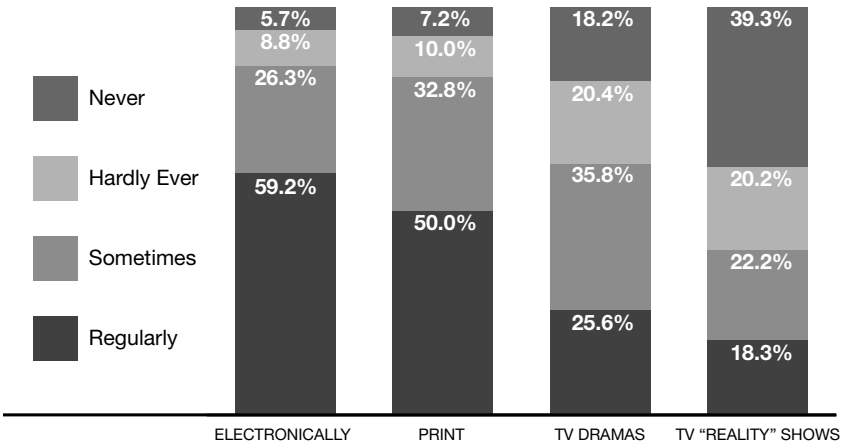
Technological advances have increased the number of sources people rely on for news and entertainment, and the number of sources of information about courts. For example, the Internet has provided an “online” electronic source of information (35% of respondents report using a computer to go online sometimes or regularly, while 65% did so hardly ever or never).

Figure 6: How often do you rely on these sources for “news”?



This section examines what sources respondents relied on to obtain information about courts. Results reflect the influence of the burgeoning number of court-related shows that are “reality-based” (e.g., *Judge Judy* and *People’s Court*) and their impact on perceptions about courts as compared to “news” programs.

Figure 7: Where do you most frequently get information about the courts?



- Overall, more than of 92% of respondents indicated they watch news on television “Sometimes” or “Regularly.”
- More than one-half of respondents indicated reliance on electronic and print sources for information about courts.
- African-Americans and Hispanics were significantly more likely to rely on “reality-based” productions such as *Judge Judy* for information about the courts.

After television, newspapers were the second most common source of news. While radio news programs were often cited as a regular source of news, reliance upon radio talk shows was far less common. Respondents indicated heavier reliance on electronic “news” sources over electronic “entertainment” such as TV dramas and “reality-based” shows as sources for information about the courts. One-quarter of the public reports that they receive information from TV dramas and comedies with a legal theme regularly and another 36% say that they sometimes do. This is a modest increase from the significance of TV dramas found in the 1983 survey by The Hearst Corporation.

Where do you most frequently get information about courts?

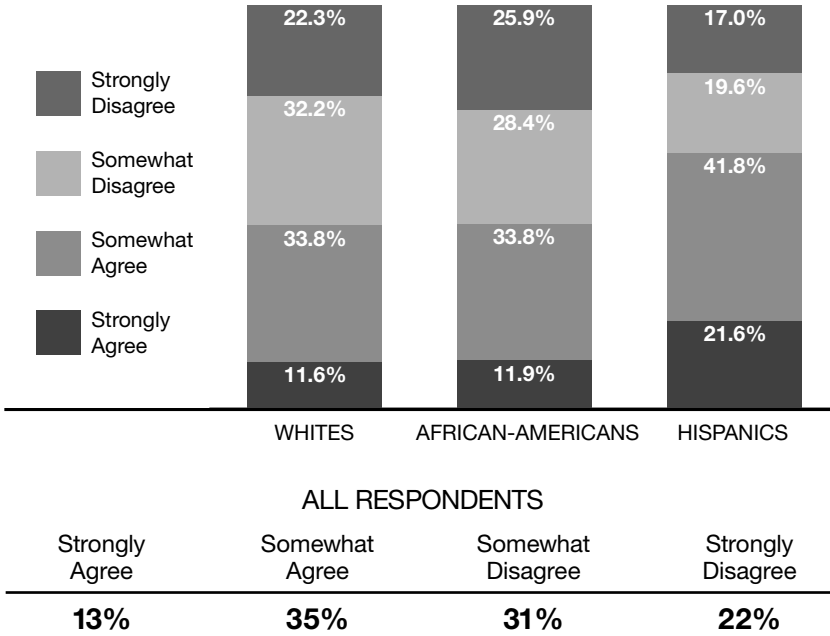
TELEVISION DRAMA	
Frequently	19%
Sometimes	32%
Rarely/Never	49%

Source: 1983 Hearst Survey

Media Portrayal of Courts

- Overall, respondents do not believe the media’s portrayal of the courts is accurate.

Figure 8: “The media’s portrayal of courts is mostly accurate.”



As compared to Whites/Non-Hispanics, Hispanics were more likely to agree with the statement “The media’s portrayal of the courts is mostly accurate.” Likewise, respondents with a high school education or less were more likely to agree with the statement “The media’s portrayal of the courts is mostly accurate.”

COURT PERFORMANCE: THE PUBLIC’S EVALUATION

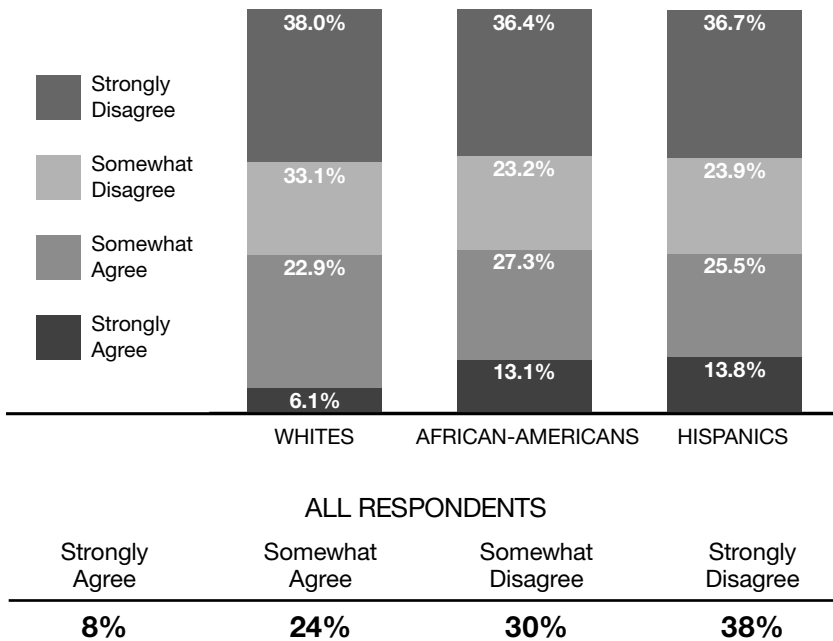
Respondents were asked to indicate the extent to which they agreed with a series of 16 statements relevant to court performance in the broad areas of access, timeliness, equality and fairness, and independence and responsiveness.

- Overall, the public gives an average rating to the performance of the courts in their community.
- Hispanic respondents expressed the greatest satisfaction with the performance of the courts. Whites reported assessments that were somewhat lower than those given by Hispanics. The opinions of African-Americans were consistently the most negative about the courts. A similar profile of satisfaction levels was found in a 1992 California survey that employed a sampling strategy for Hispanic respondents that is like the one used in the current survey.

Court Access

To assess their perceptions of court accessibility, respondents were asked to indicate the extent of their agreement—from “Strongly Agree,” “Somewhat Agree,” to “Somewhat Disagree” or “Strongly Disagree”—with five statements addressing affordability, adequacy of attorney representation possibility of self-representation, and the helpfulness of court personnel. Figures 9–13 display responses by race and ethnicity. Respondents were also asked to indicate what factors contribute to the cost of going to court.

Figure 9: “It is affordable to bring a case to court.”

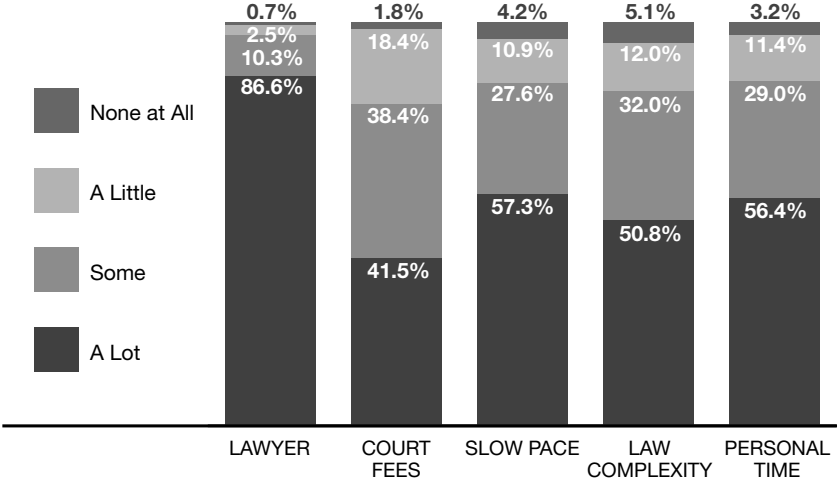


- Only one-third of respondents thought, “It is affordable to bring a case to court.”

As compared to Whites/Non-Hispanics, African-Americans were more likely to have agreed with the statement “It is affordable to bring a case to court.”

- Overall, 87% of respondents indicated that having a lawyer contributed “A Lot” to the cost of going to court. (See Figure 10) Likewise, about 40–55% said court fees, the slow pace of justice, the complexity of the law and the expenditure of personal time (e.g., missing work, etc.) contributed “A Lot” to the cost of going to court.

Figure 10: What contributes to the cost of going to court?

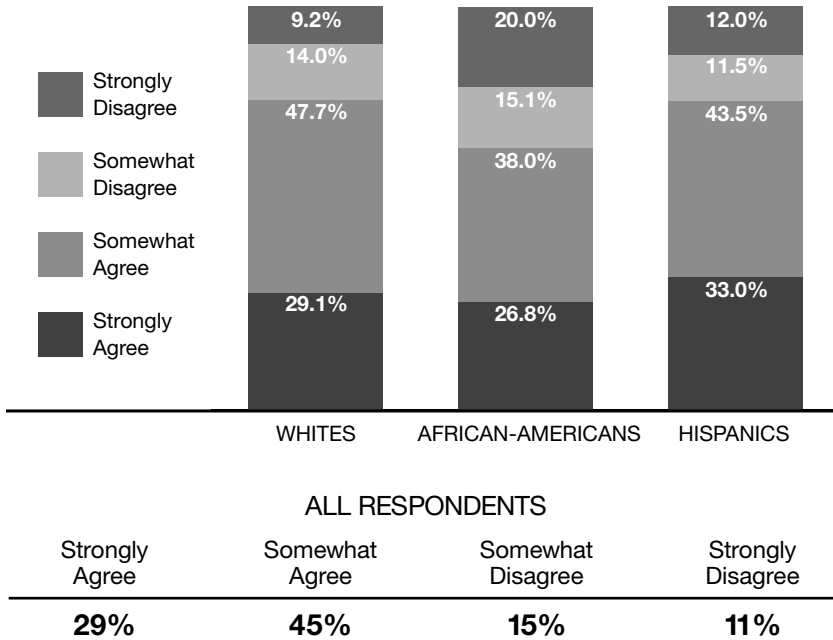


“I think when the court appoints you a lawyer, they are connected with the court, and I think based on your income you should have some arrangement to pay your own lawyer.”

— Respondent, 1999 National Survey

- Most respondents (75%) agreed that courts made reasonable efforts to ensure adequate legal representation.

Figure 11: “Courts make reasonable efforts to ensure that individuals have adequate attorney representation.”



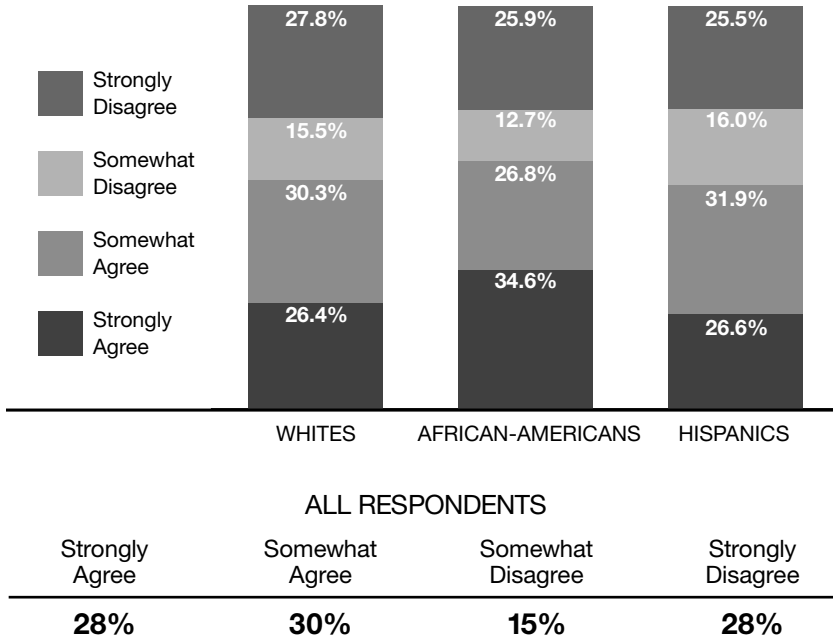
“I don’t think that they represent the average citizen fairly. My opinion, I feel like if you have enough money to retain an attorney, you have a great advantage. I generally don’t think that it is a fair system.”
 — Respondent, 1999 National Survey

- As compared to Whites/Non-Hispanics, African-American respondents were less likely to agree with the statement “Courts make reasonable efforts to ensure that individuals have adequate attorney representation.”

Respondents who watch television dramas are somewhat less likely, and respondents who watch “reality-based” programs are more likely to believe “Courts make reasonable efforts to ensure that individuals have adequate attorney representation.”

- The majority of Americans (six out of ten) believe that it would be possible to represent themselves in court if they wanted to.

Figure 12: “It would be possible for me to represent myself in court if I wanted to.”

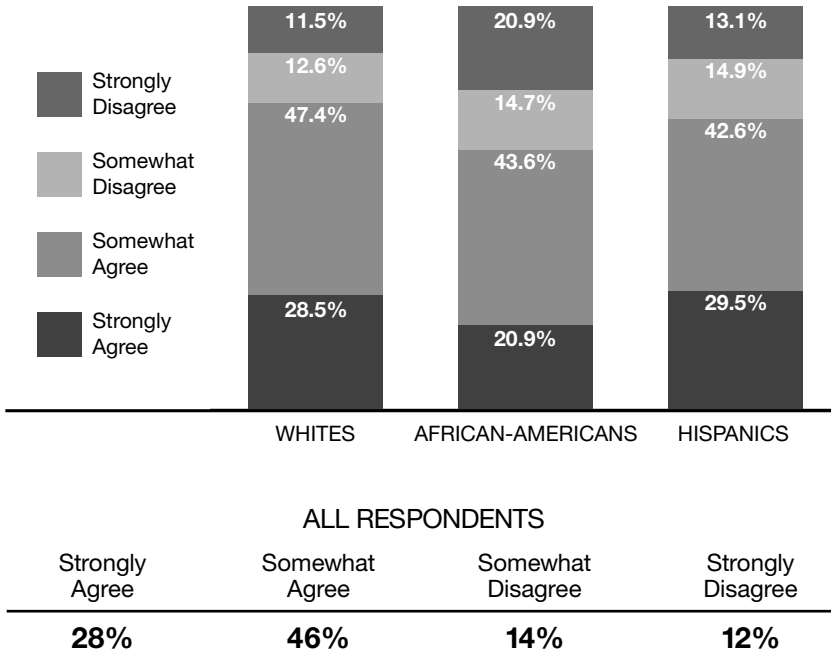


That expectation may in time pose a significant challenge for the courts, particularly if it extends into kinds of cases beyond the traditional areas such as small claims where pro se litigants are prevalent. There were no significant differences between racial and ethnic groups on agreement with the statement “It would be possible for me to represent myself in court if I wanted to.” Viewers of “reality-based” television are somewhat less likely to agree with that statement.

“ I feel that the amount of money you have is proportional to how well you will be defended.”
 — Respondent, 1999 National Survey

- Most respondents (74%) agreed that court personnel were helpful and courteous.

Figure 13: “Court personnel are helpful and courteous.”

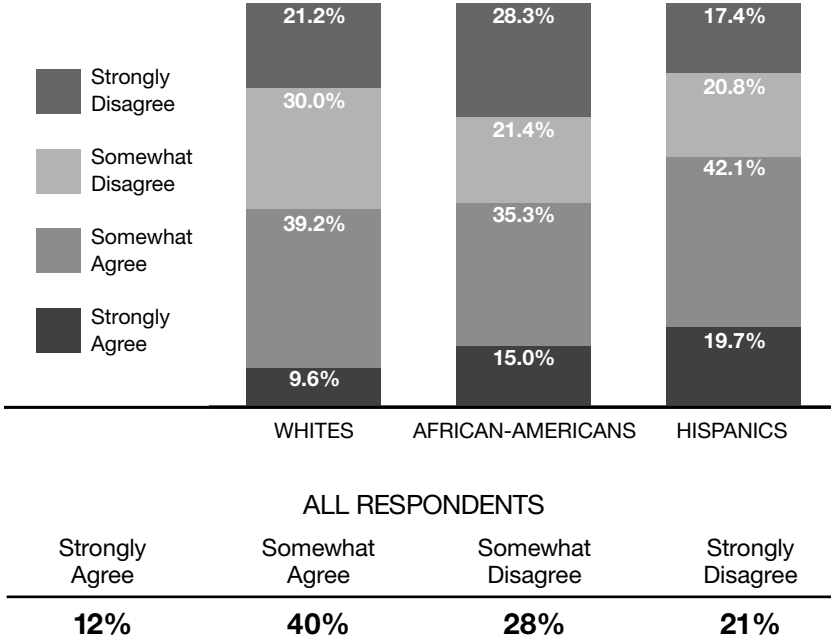


As compared to Whites/Non-Hispanics, African-Americans were significantly less likely to agree with the statement “Court personnel are helpful and courteous.”

Timeliness of Courts

Assessments of court timeliness were based on questions about (a) the courts’ monitoring of court proceedings and (b) the timeliness of court proceedings. Figures 14 and 15 display responses by race.

Figure 14: “Courts adequately monitor the progress of cases.”

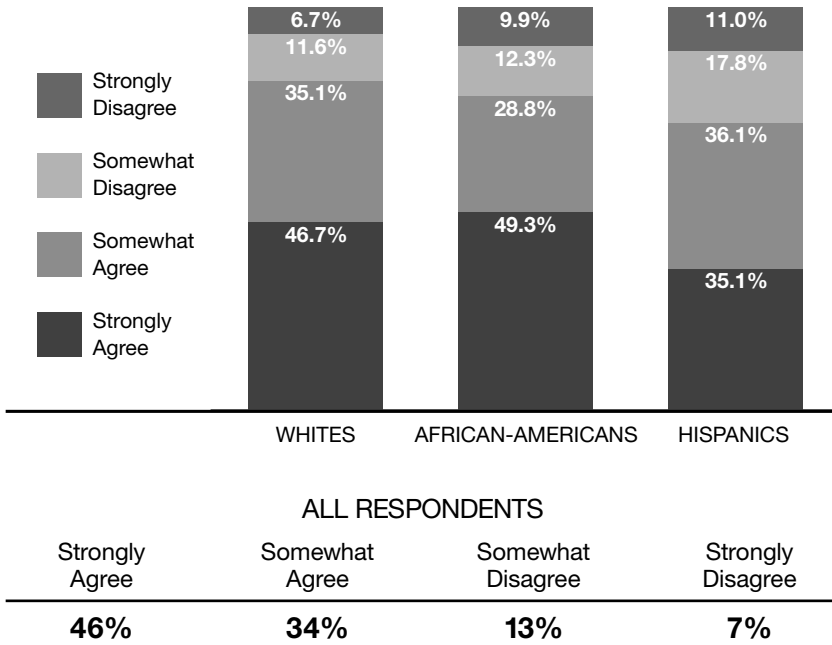


- About one-half of all respondents agreed with the statement “Courts adequately monitor the progress of cases.”

Respondents with incomes of less than \$10,000 and those with income between \$10,000 and \$20,000 were more likely to agree with the statement “Courts adequately monitor the progress of cases.”

- Respondents believed cases were not being resolved in a timely manner.

Figure 15: “Cases are not resolved in a timely manner.”

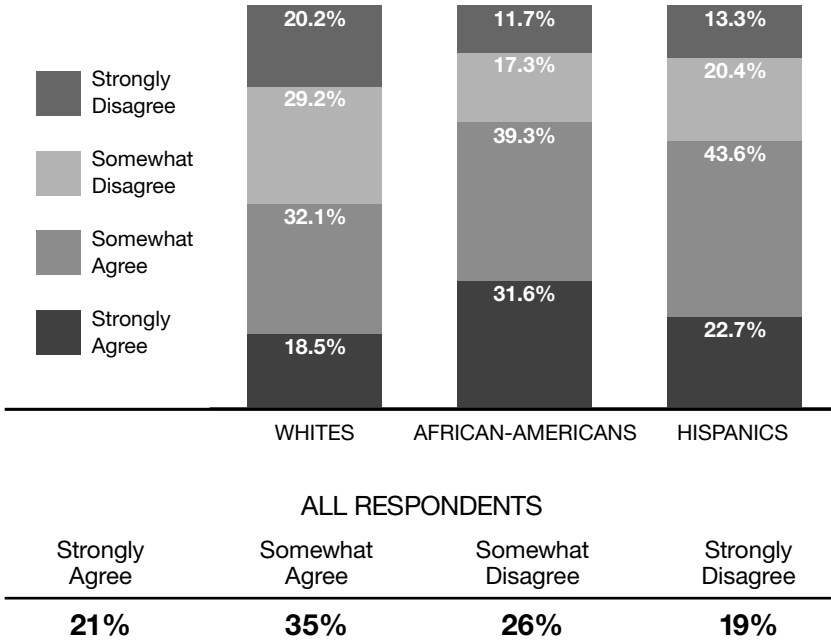


As compared to Whites/Non-Hispanics, Hispanics were more likely to disagree that cases are not resolved in a timely manner. However, although Hispanics were the most pleased with court timeliness, they felt court cases took too long.

Equality and Fairness of Courts

Perceptions of equality and fairness of the courts were assessed with seven items addressing the representativeness of juries, the honesty of judges, the attention paid to individual cases, the extent to which courts protect defendants’ constitutional rights, whether rulings are understood, whether court orders are enforced and court favoritism toward corporations. Figures 16–23 display responses by race.

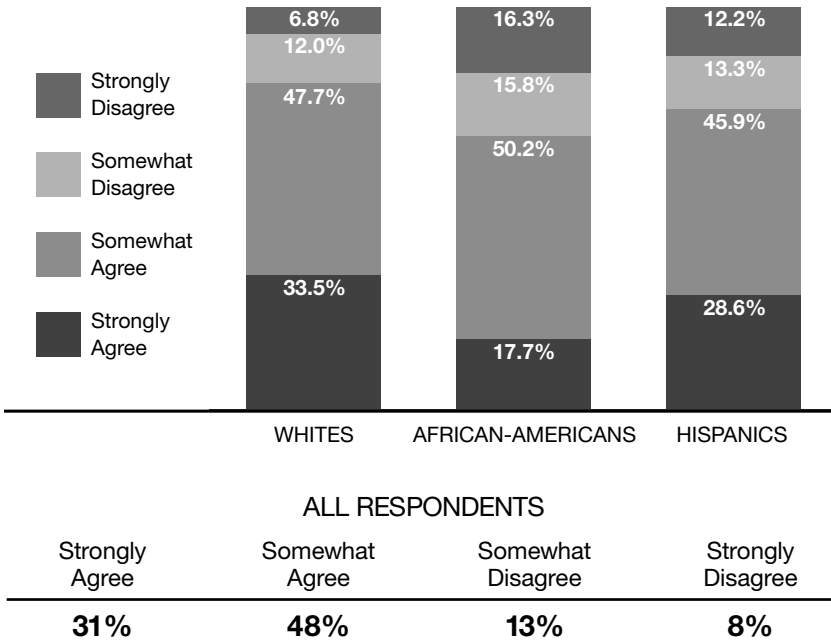
Figure 16: “Most juries are not representative of the community.”



Although Whites/Non-Hispanics were almost evenly divided, a majority of African-Americans and Hispanics agreed with the statement “Most juries are not representative of the community.”

- Eighty percent of respondents agreed that “Judges are generally honest and fair in deciding cases.”

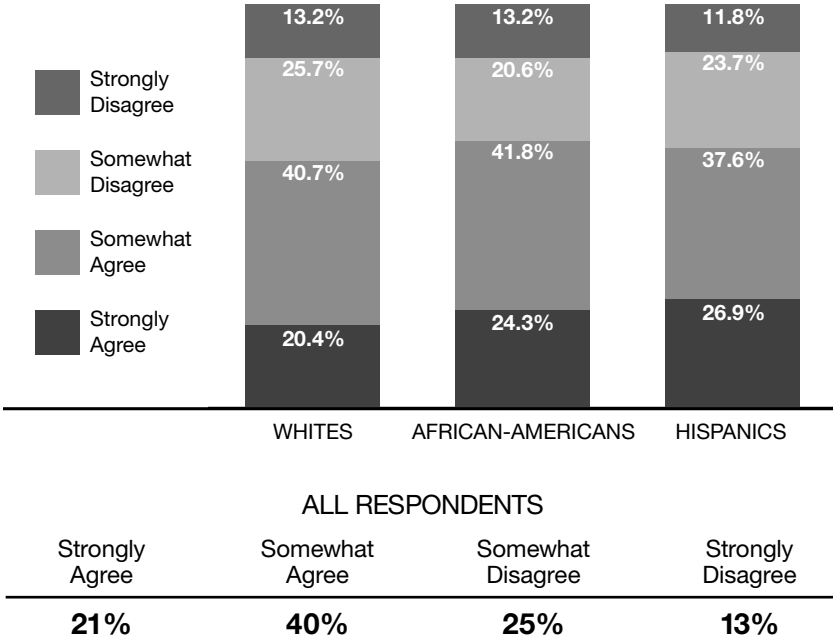
Figure 17: “Judges are generally honest and fair in deciding cases.”



As compared to Whites/Non-Hispanics, both African-Americans and Hispanics were significantly less likely to agree with that statement.

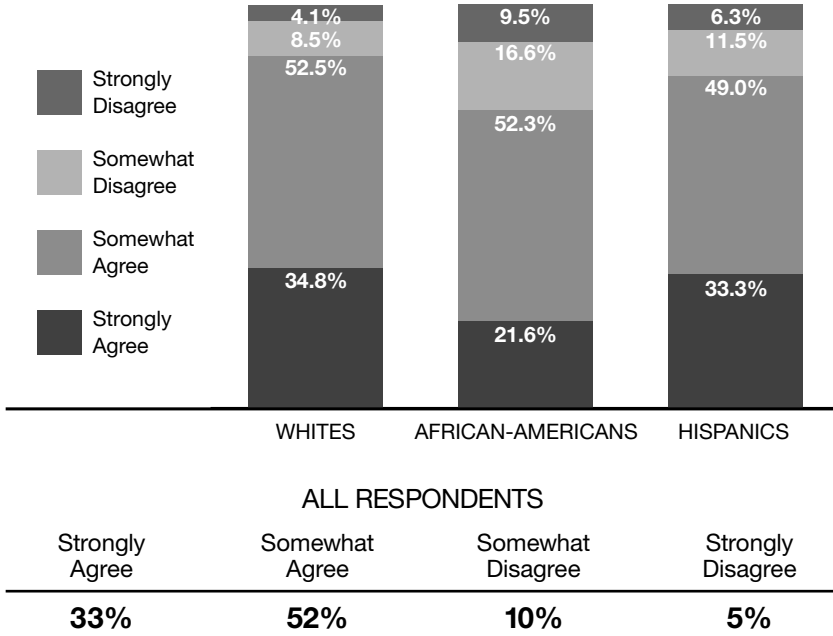
There was fairly strong agreement across groups with the statement “Judges do not give adequate attention and time to each individual case.”

Figure 18: “Judges do not give adequate attention and time to each individual case.”



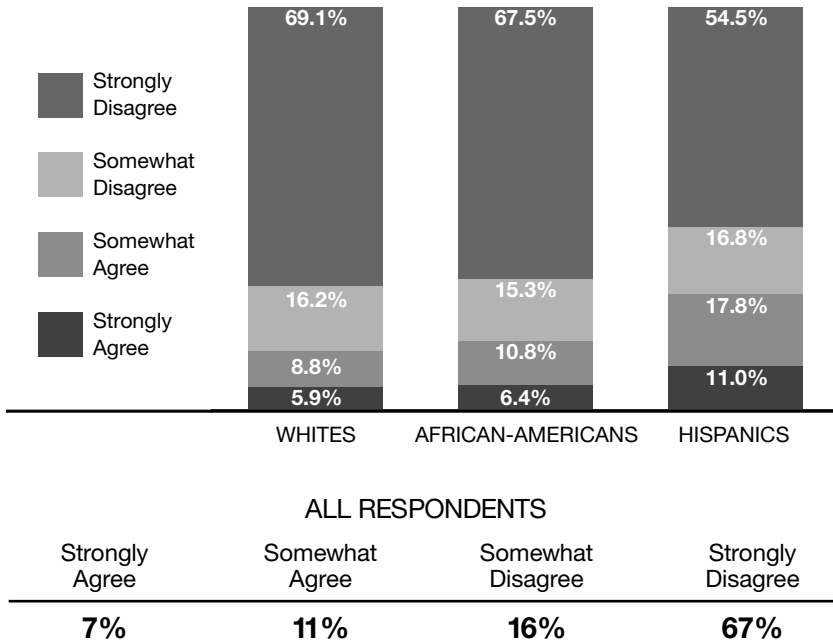
- Eighty-five percent of all respondents agreed that “Courts protect defendants’ constitutional rights,” but the rate of agreement is lower among African-Americans and Hispanics.

Figure 19: “Courts protect defendants’ constitutional rights.”



- Respondents strongly disagreed with the statement “I would prefer that a judge ignore the law to ensure that a defendant is convicted,” with 67% disagreeing strongly.

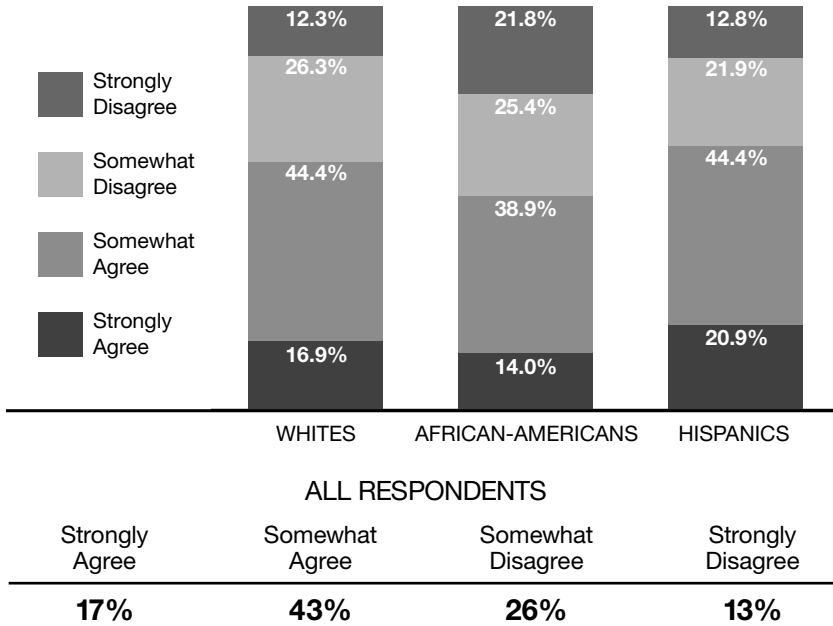
Figure 20: “I would prefer that a judge ignore the law to ensure that a defendant is convicted.”



As compared to Whites/Non-Hispanics, Hispanics are more likely to strongly agree that it is preferable to ignore the law to ensure a conviction.

- A clear majority of respondents in all racial and ethnic groups agreed with the statement “Court rulings are understood by the people involved in the cases.”

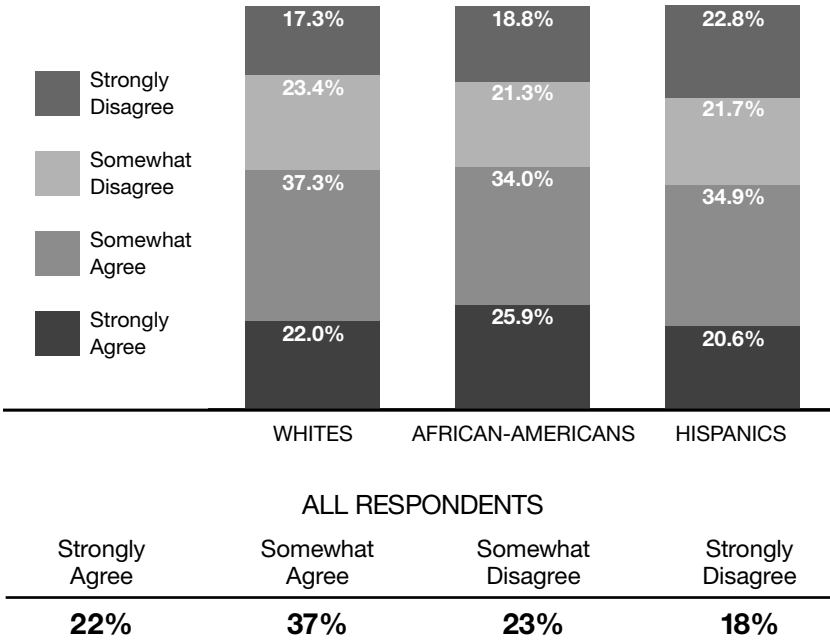
Figure 21: “Court rulings are understood by the people involved in the cases.”



However, as compared to Whites/Non-Hispanics, African-Americans were less likely to agree.

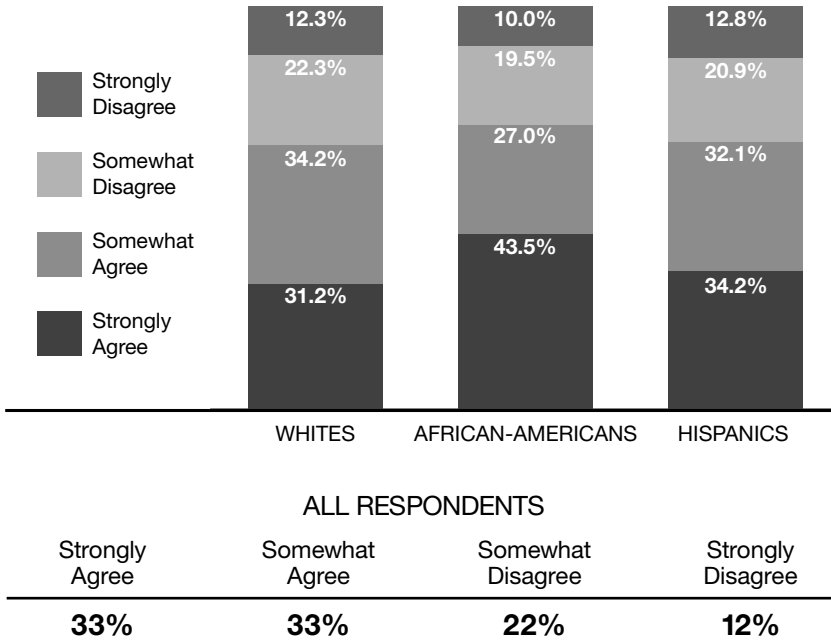
- A clear majority of the respondents expressed agreement with the statement “Courts do not make sure their orders are enforced.”

Figure 22: “Courts do not make sure their orders are enforced.”



- Two-thirds of the public agreed that “When a person sues a corporation, the courts generally favor the corporation over the person.”

Figure 23: “When a person sues a corporation, the courts generally favor the corporation over the person.”



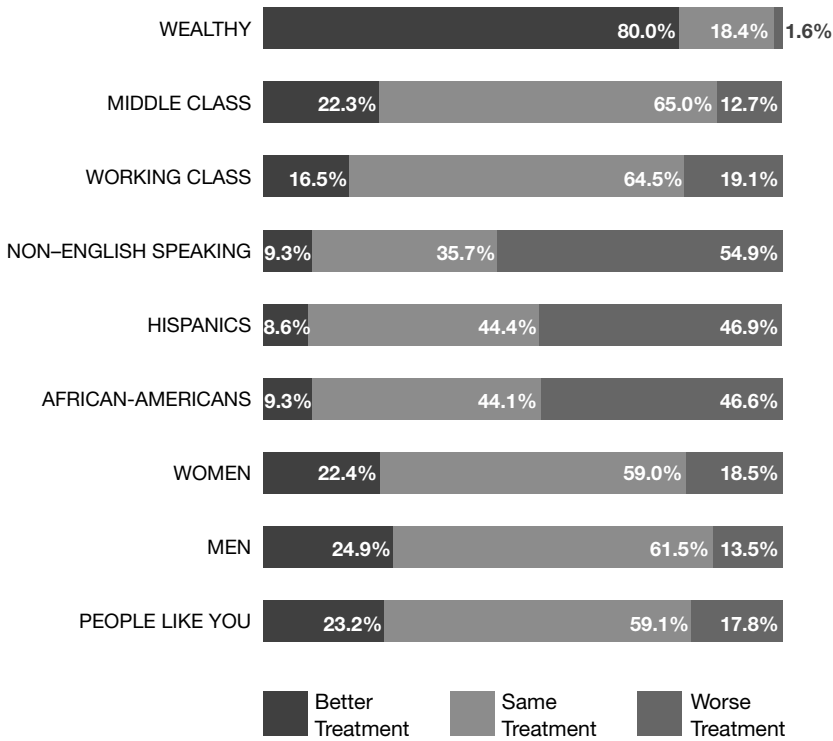
Respondents with income less than \$10,000 had the strongest agreement with the statement “When a person sues a corporation, the courts generally favor the corporation over the person.”

Perceptions of Equal Treatment

The responses to the questions just considered address some, but not all, of the dimensions of fairness and equality. Specifically, we have not as yet considered the extent to which people believe that all groups in American society are being treated equally by the courts.

- Overall, respondents felt some groups received preferential treatment from the courts.

Figure 24: What kind of treatment do various groups receive from the courts?



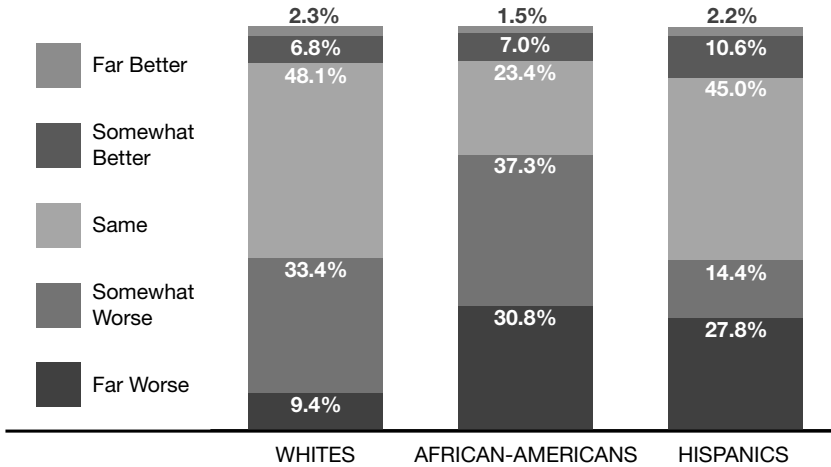
Respondents for the most part thought that people like themselves were treated better (23%) or the same (59%) as other people. A large proportion of respondents, across all groups, indicated that “wealthy” people get “Somewhat Better” or “Far Better” treatment from the courts. Less than 2% felt that the wealthy got “Somewhat Worse” or “Far Worse” treatment from the courts. As compared to Whites/Non-Hispanics, African-Americans were significantly more likely to say wealthy people got “Far Better” treatment from the courts. Nearly one-half of all respondents believed that African-Americans and Hispanics were treated worse than other groups. One-fourth of the sample felt that men got “Somewhat Better” or “Far Better” treatment from the courts. Almost 55% of the sample felt that “non-English speaking” people got “Somewhat Worse” or “Far Worse” treatment from the courts.

“I don’t believe they’re treating the minority population fairly in all cases. The place where I live has a relatively small and new minority population and the court is having a problem adjusting to that and I don’t believe those people are being treated fairly.”

— Respondent, 1999 National Survey

■ Most Americans feel that “people like them” are treated either better or the same as others. However, this perception is not shared by African-Americans. Two-thirds of African-Americans feel that “people like them” are treated somewhat or far worse than other people. Almost 70% of African-American respondents said that African-Americans, as a group, receive “Somewhat Worse” or “Far Worse” treatment from the courts; a substantial number (over 40%) of Whites/Non-Hispanics and Hispanic respondents agreed.

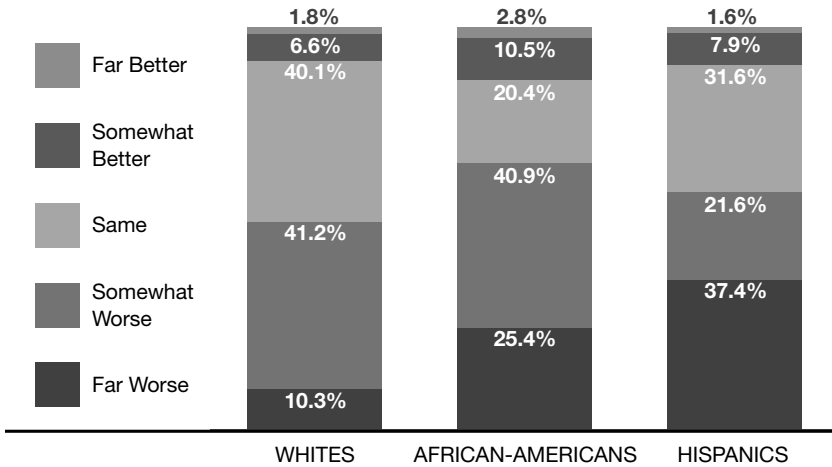
Figure 25: What kind of treatment do African-Americans receive from the courts?



Approximately 33% of Hispanic respondents said Hispanics, as a group, got “Somewhat Worse” or “Far Worse” treatment from the courts. A greater number of Whites/Non-Hispanics (47%) and African-Americans (60%) felt Hispanics, as a group, received “Somewhat Worse” or “Far Worse” treatment from the courts.

A majority of Americans believe that non-English speaking people receive “Somewhat Worse” or “Far Worse” treatment from the courts. However, a greater number of Hispanics (59%) and African-American respondents (66%) held that belief.

Figure 26: What kind of treatment do non-English speaking people receive from the courts?

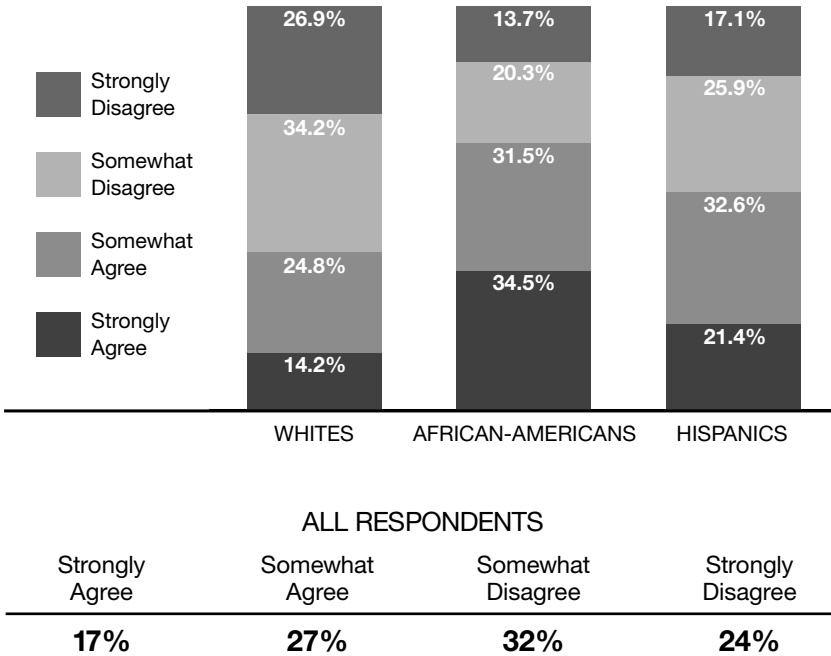


Court Independence and Responsiveness

Court independence and responsiveness were assessed with three items addressing the extent to which courts are “out-of-touch” with community affairs, judges’ decisions are influenced by political considerations and judges’ decisions are influenced by the necessity of raising campaign funds. Figures 27–29 display these results by race.

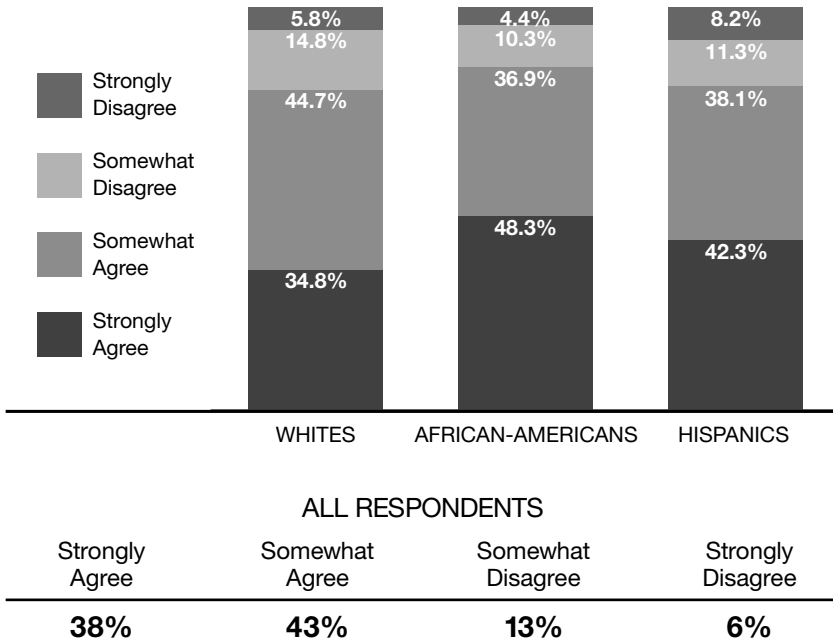
- Fewer than half of the respondents agreed that the courts are “out-of-touch.”

Figure 27: “Courts are ‘out-of-touch’ with what’s going on in their communities.”



As compared to Whites/Non-Hispanics, African-Americans and Hispanics were more likely to believe courts are out-of-touch. Viewers of “reality-based” television are less likely to believe “Courts are ‘out-of-touch’ with what’s going on in their communities.”

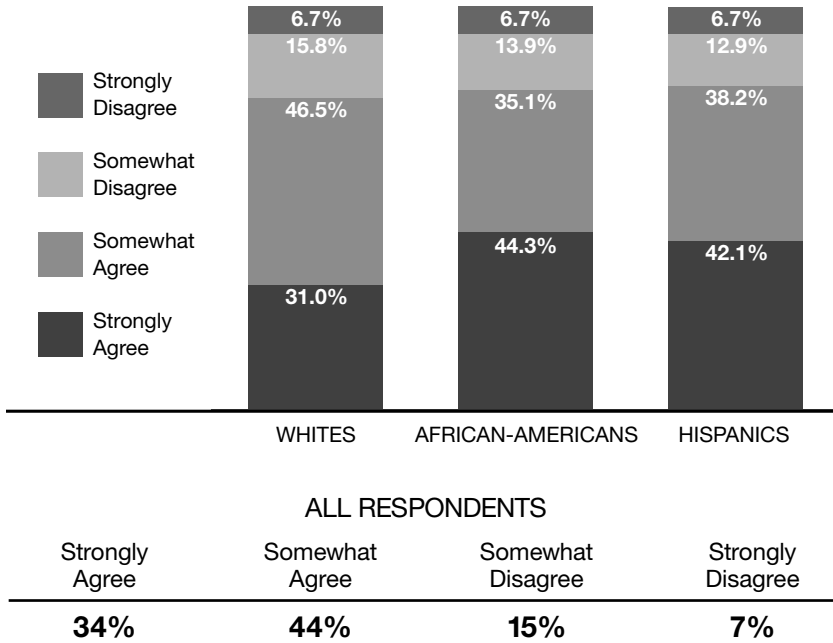
Figure 28: “Judges’ decisions are influenced by political considerations.”



- The vast majority of respondents (81%) agree that politics influences court decisions. This pattern is found across racial and ethnic groups.

As compared to Whites/Non-Hispanics, African-American respondents were more likely to agree with the statement “Judges’ decisions are influenced by political considerations.” Viewers of “reality-based” television are less likely to believe that judges’ decisions are influenced by politics.

Figure 29: “Elected judges are influenced by having to raise campaign funds.”



- Slightly over 75% of the respondents agreed that having to raise campaign funds influences elected judges. As compared to Whites/Non-Hispanics, other racial and ethnic groups were more likely to agree with the statement “Elected judges are influenced by having to raise campaign funds.”

CONCLUSION

Americans hold views about the courts in their communities that are in some respects reassuring and in other respects very troubling, and in still other respects contradictory. Overall, the courts received an average rating from the American public. The core of the courts' positive image is the perception that courts meet their constitutional obligations to protect the rights of defendants, ensure that litigants have adequate legal representation, and that judges are honest and fair in their case decisions. The American public, as represented by the respondents to this survey, also approved of the courtesy and respect with which court staff treat those with business before the courts.

The negative image of the courts covers issues about access to the courts, the treatment courts give to members of minority groups, and the independence and responsiveness of the judicial branch of government. In terms of access, courts were viewed as too costly and too slow. In terms of fair treatment, juries were regarded as not representative of communities and courts as not giving equal attention to all cases and not ensuring that their orders are enforced. Survey respondents also believed that members of minority groups were treated worse than Whites/Non-Hispanics. African-Americans were clearly estranged from the courts. In terms of independence and responsiveness, judges were perceived as negatively influenced by political considerations and by campaign fund-raising. These views held by respondents in states that appoint judges or use merit selection did not differ greatly from those of respondents in states where judges are selected through partisan elections.

This package of perceptions, like public opinion generally, is contradictory in places. The public viewed judges as honest and fair in their case decisions, but at the same time believed judicial decisions were influenced by political considerations and that elected judges were influenced by the need to raise campaign funds. Indeed, in a recent Texas survey, the respondents both roundly criticized campaign fund-raising by judges and overwhelmingly chose election as their preferred method of judicial selection. There are also some intriguing findings that may be straws in the wind. The majority of the public indicated that they believed that it would be possible to represent themselves in court if they wanted to. The implications of that belief, however, await studies of the kinds of cases in which people believe they could represent themselves.

Finally, interviews for this survey were conducted between January 13 and February 15, 1999, as the drama of impeachment entered its final act. It is therefore possible that the timing of the survey may have cast a shadow over the public's view of the courts, including the courts in their communities. However, the findings of this survey are generally in line with a host of other recent state surveys and a national survey. The details may have been affected, but not the fundamental message.

