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# Citizens' Commission

## To Improve Michigan Courts

Final Report and Recommendations  
To Improve the Efficiency  
and Responsiveness  
of Michigan Courts

Michigan Supreme Court

104852

# Citizens' Commission to Improve Michigan Courts



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Supervising Justice



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# Citizens' Commission to Improve Michigan Courts

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Marvin Tableman

October 2, 1986

Justices of the Michigan Supreme Court  
Law Building  
Lansing, Michigan

NCJRS

MAR 10 1987

Dear Chief Justice Williams and Fellow Justices **ACQUISITIONS**

On behalf of all the members of this Commission, we have the honor today of delivering the final report of the Citizens' Commission to Improve Michigan Courts.

The existence of this Commission signifies the commitment of the Michigan Supreme Court to a sound, responsive court system in this state. The eagerness of Chief Justice Williams to entrust this important task to a commission of citizens speaks volumes of his trust in the people of Michigan. Each of you is likewise to be commended for risking a report from persons unconnected to the legal system and free to draw their own agenda of concerns.

Some of our 50 recommendations may imply criticism of present aspects of the court system, but please understand that these recommendations grow from our deep respect for the Michigan courts, and our desire that they be excellent in every way.

All of the Commission members are indebted to the many citizens from all over the state who appeared at public hearings, made presentations to our Committees, and wrote to us. Their assistance was invaluable. We learned from each of these people, and thank them all. We are likewise indebted to court personnel around the state who provided needed information and helped make our public hearings possible.

A remarkable contribution was made by Justice Patricia Boyle, our Supervising Justice. She was present at virtually every Commission function and expended countless hours assisting us. The support provided by other Supreme Court employees was excellent as well.

Each of us thanks you for the opportunity to serve as Commission members, as we eagerly await your review and implementation of our recommendations.

Yours truly,

Wen Chao Chen

Wen-Chao Chen, Chair

James Vollman

James Vollman, Vice Chair

U.S. Department of Justice  
National Institute of Justice

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# Michigan Supreme Court

Lansing, Michigan 48909

G. Mennen Williams  
Chief Justice  
Charles L. Levin  
James H. Brickley  
Michael F. Cavanagh  
Patricia J. Boyle  
Dorothy Comstock Riley  
Dennis W. Archer  
Associate Justices

## Foreword

This report is a great demonstration of the leadership of Justice Patricia Boyle and the cooperation of the Citizens' Commission to Improve the Michigan Courts. Together they have made an outstanding contribution to good government and justice in Michigan.

In particular, as a long-time believer in the importance of involving citizens from all walks of life in the governing of their institutions, I am delighted with the fresh life given to my belief by the work of the Citizens' Commission to Improve the Michigan Courts. Their report serves as a tribute to all the members of the Commission and the many other members of the public who have come forward—at public hearings, in the courthouses throughout Michigan, and by their letters and phone calls—with the courage to tell the Judiciary both what is right and wrong with our courts and, of equal importance, with the conviction to work together with us to improve the judicial system.

A handwritten signature in dark ink, appearing to read "G. Mennen Williams", with a long horizontal flourish extending to the right.

G. Mennen Williams  
Chief Justice

# Michigan Supreme Court

Lansing, Michigan 48909



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Associate Justices

## Preface

On behalf of my colleagues of the judiciary of the State of Michigan, I express appreciation and gratitude to the Chief Justice whose leadership inspired the formation of this Commission, to the Governor and the Legislature, whose support made it possible, to Chair Wen-Chao Chen and Vice Chair James Vollman, and to the members of the Commission whose remarkable contributions of time and thoughtful consideration have produced this historic report. We appreciate your recognition of the commitment of the judges of this state, not only to cope with our sometimes staggering daily responsibilities, but also to improve our system by responding to constructive criticism.

The Citizens' Commission to Improve Michigan Courts is a novel undertaking, the first such group in the 150 year history of the Michigan Court system. Its philosophical foundation is, however, as traditional as the admonition of the Declaration of Independence; that all government derives its just powers from "the consent of the governed."

"Consent of the governed" is the assertion of an ethical value, the value which inspired the formation of the Citizens' Commission; a belief that justice is not the exclusive province of lawyers, judges, philosophers, or administrators; but is rather a living process, informed by the spirit and vitality of the people, tested by actual experience, and measured by the nature of the institution and those it serves.

The 26 members of the Citizens' Commission are people who are, in the main, outside of the legal system. They are people of widely diverse interests and background from all areas of our state. As a group of citizens charged with the responsibility to advise the Court on improvements in the legal system, the Commission members successfully shouldered an enormous task of self education, public interaction, prioritization of needs, and formulation of recommendations.

The Commission's activities were advanced throughout by the ongoing direction of dedicated Committee Chairs Elizabeth Clark, Earl Holton, and Paul Hubbard and by superb staff support. The extraordinary efforts of the Commission reinforce the article of faith which was its inspiration. The Commission members brought to their deliberations the voice and experience of other citizens, their own vitality and commitment and a fresh look at the legal system. Throughout the process each member was guided by a desire to enhance respect for the law; through the process each member has helped to assure that respect by affirming that the law remains a living process.

I am grateful and proud to have been associated as Supervising Justice with the fine men and women of the Citizens' Commission to Improve Michigan Courts.

A handwritten signature in cursive script, reading "Patricia J. Boyle".

Patricia J. Boyle  
Associate Justice  
Supervising Justice

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# Summary of Findings and Recommendations

The Citizens' Commission to Improve Michigan Courts was formed January 23, 1986 by the Michigan Supreme Court. The Commission was directed "to recommend to the Court ways in which the court system may be made more readily accessible and more responsive to the needs of the citizens of this State."

The Commission gathered information in a variety of ways. The Commission divided itself into three committees, one focusing on civil and family matters, one focusing on criminal and delinquency matters, and one examining generally the relationship of the courts and the community. Approximately 50 experts from a wide variety of fields were then invited to share with the committees their information and opinions. The Commission conducted five public hearings at sites in the Upper and Lower Peninsulas. In addition, the Commission surveyed public opinion in a number of ways. The Institute for Social Research at the University of Michigan was retained to conduct a scientific survey of the opinions of Michigan citizens. Informal surveys were also conducted at the public hearings, at various courthouses around the state, and through the organizations to which Commission members belong. Finally, the Commission received a great number of letters from persons all over the state.

Many areas were of interest and concern to Commission members, but time and resources prevented full consideration of all. The Commission's efforts were

accordingly focused on about 15 topics. The product of the Commission's study is a set of 50 recommendations for improving the court system. In accordance with its original purpose, 45 of the Commission's 50 recommendations are directed to the Michigan Supreme Court. The remainder are framed for the Legislature.

In the area of courteous treatment of litigants, witnesses, jurors, and other "consumers" of the court system, the Commission emphasized the need for punctuality and careful scheduling. The Commission called for judges to take personal responsibility to assure a welcoming attitude on the part of court personnel. The Michigan Supreme Court, The State Court Administrative Office, and the Michigan Judicial Institute were all asked to take steps to better prepare court personnel, including judges, for the important task of meeting and caring for the needs of the public. The Michigan Supreme Court was also urged to take action to reduce delays.

In the strongest terms, the Commission emphasized to the Supreme Court the need to assure that all persons are treated fairly, without regard to race, gender, age, economic class, religion or physical condition. The Commission asked the Supreme Court to address the public perception of disparate treatment by firmly reminding all court personnel of the need to treat all fairly. The Commission also sought from the Court a commitment to research the extent and nature of disparate treatment in this state. Finally, the Commission called upon the



Michigan Supreme Court to assure that court personnel and court appointments be selected on a basis that will reflect the racial/ethnic composition of the community.

The Commission has addressed the special circumstances of the handicapped and other persons with special needs. The Commission sought trial court guidelines for assisting these citizens, funding to provide adequate physical facilities, helpful educational materials, and equal employment opportunity for the handicapped.

Responding to testimony at the public hearings and information obtained from other sources, the Commission has proposed a number of specific measures to minimize the trauma suffered by children, particularly victims of sexual assault, when they come in contact with the court system. To the extent possible, delays must be eliminated. Evidentiary rules may also need modification, in order to provide a fair trial that does not inflict additional injury upon the child. The needs of abused and neglected children must be met swiftly and with genuine caring. Troubled children need early intervention and a coordinated effort among helping agencies.

Much has been done to improve the manner in which the court system treats victims, witnesses and jurors, but much remains to do. The Commission emphasized courtesy to all who come to court,

and urged consideration, by the courts and the Legislature, of measures to implement and expand the recently enacted statutory safeguards for victim-witnesses. Jurors should be polled from time to time, and every effort should be made to reduce the number of unneeded jurors who are summoned to the courthouse.

The Commission recognized the need for greater sensitivity to family matters, as well as to the special circumstances of cases involving adult guardianships. Certain domestic relations matters should be more easily processed, with or without an attorney, and domestic relations matters should be decided without undue delay. Family law should be on the bar examination. A pilot program should be begun to test in Michigan the concept of a family court. Guardianships involving the elderly and others should always be conducted in a manner that recognizes the dignity of the individual.

To increase the accountability of Michigan judges, the Commission called for opening courtrooms to audio recording and to cameras. Court-watcher groups should be encouraged, and local courts should be required to file an annual report of such matters as case dispositions, and each judge's sick and vacation time.

To fund legal services for indigents, the Commission called for the Michigan Supreme Court to adopt a program called IOLTA,

which stands for Interest on Lawyers' Trust Accounts. This mechanism would permit pooled interest to be channeled to provide much needed legal services in civil cases.

Alternatives to litigation were seen as essential by the Commission, which called for several actions, each designed to encourage the development and use of such alternatives.

The Commission recognized the obvious need to assure that sentencing in criminal cases is fair to society, the offender, and the victim. Society needs to be protected, the offender needs an opportunity to reform his or her life, and the victim deserves a measure of restitution. A sound correctional system costs money, but there is a great societal cost to not providing such a system.

The Commission's final recommendation to the Michigan Supreme Court was that the Court act to assure continuing input from citizens as it formulates plans and policy for the courts of this state.

The Commission's several recommendations to the Legislature included adequate and equitable funding for the courts and the correctional system, raising from 19 to 21 the age to which the Probate Court can continue jurisdiction over a delinquent juvenile, extension of the prosecutors' right to appeal, and additional reforms of sentencing and victim-protection laws.

# Introduction

## Goal

On January 23, 1986, the Michigan Supreme Court formed this Commission "to recommend to the Court ways in which the court system may be made more readily accessible and more responsive to the needs of the citizens of this State." We are today honored to submit our report.

Michigan's 1963 constitution provides that there is One Court of Justice, divided into a Supreme Court, a Court of Appeals, and various trial courts. We have learned that the people of this state rely on these courts, and look to them for justice. Our public opinion survey, about which we will say more later, found that Michigan citizens respect the Michigan Supreme Court somewhat less than the United State Supreme Court, but significantly more than such honored institutions as the news media, the public schools, the Congress and the Legislature.

In the time that this Commission has been in existence, we have seen a tremendous outpouring of public interest. People have attended public hearings on short notice and have, in response to general solicitations, written more than 250 letters offering ideas and experiences for us to consider. The citizens of this State have demonstrated this confidence and interest in many other ways. Nearly 2.6 million new cases were filed in Michigan's 240 trial courts during 1985. That is a 4% increase over the previous year, and clear evidence that the courts remain an important and respected vehicle for justice in our society.

Because the court system means so much to the people of this

State, it is essential that court services be delivered to all of the citizens of this State with courtesy and with a respect for the dignity of each citizen. Our goal has therefore been to identify concrete steps that the Michigan Supreme Court can take to help it and the other courts of this State offer a courteous and dignified reception to all the citizens. Our recommendations are addressed to the Michigan Supreme Court, which supervises the One Court of Justice. We leave to the Michigan Supreme Court the task of determining whether our recommendations are best implemented by court rule, by administrative order, or by other means.

Finally, we caution that the topics we treat in these pages are only a few of the many subjects in which Commission members have expressed interest. Time and resources do not permit the Commission to explore the full range of suggested areas of inquiry. With reluctance, we have set aside such important subjects as the apparent crisis in liability insurance, the role of alcohol and substance abuse in crime and in familial problems, and selection of judges. Later in this report we propose that the Michigan Supreme Court continue in some fashion the work of this Commission. We assure prospective members of any future body that there is much to do.

## Method

It is no accident that so few of us are lawyers or persons with significant experience in court. The Michigan Supreme Court intentionally put together a

Commission that could take a fresh look at the court system. Aware of these responsibilities, we set about, in every way that we could arrange, to obtain the views of Michigan's citizens.

We first divided ourselves into three committees in order to focus on particular aspects of the court system. One committee focused on civil and family matters; a second focused on criminal and delinquency matters; a third focused on the interaction between the courts and the community at large. The committees began by asking each committee member to state his or her principal concerns. Priorities were then identified. The committees next invited approximately 50 persons to share their views in informal committee settings. These persons were experts in the areas of concern to the Commission. Much of the information that forms the basis of the Commission's work was so presented to the committees, and subsequently transmitted to the whole Commission. The small size of the committees, and the informal nature of committee proceedings, permitted frank and spirited discussions at these meetings. Without exception, presenters found that they were not limited to giving prepared remarks. Instead, presenters consistently found themselves engaged in a real give-and-take with interested committee members. The Commission is very grateful to all those who took the time to come and educate us on the important issues.

We conducted five public hearings at well-spaced sites around the

state of Michigan (St. Joseph, Gaylord, Grand Rapids, Marquette and Detroit). Each hearing was well attended, both by Commission members and by members of the public. At every stop, the Commission heard a wide variety of concerns. We heard from representatives of organized interest groups, and from individual citizens offering personal experiences and opinions. We know the limits to which conclusions can be drawn from public hearing testimony, but the opportunity to converse with citizens about their own experiences was invaluable.

A public opinion survey was conducted for the Commission by Michael W. Traugott, PHD., of the Institute for Social Research (ISR) at the University of Michigan. This was a telephone poll of a scientifically selected sample of Michigan citizens. Throughout this report we will refer to the results of the survey. Dr. Traugott's full report is found in Appendix D to this report. The Governor's office and the Legislature provided financial support for the survey, and we are most grateful for that help.

In an informal survey that took place in over 50 volunteer courts, we surveyed users of the court system. With only minor exceptions, this survey produced results that were similar to the findings of the ISR public opinion survey conducted by the University of Michigan. A full report on the user survey is found in Appendix E to this report.

We prepared a short survey form for people who came to the public hearing, and a number of us

employed that same short survey form with our own professional groups. Returns from this instrument are described in Appendix F to this report.

To obtain the views of the citizens, we wrote to a great number of organizations and agencies of state government, and had arranged newspaper and radio announcements of the Commission's formation. Hundreds of letters were received in response to these efforts. It is, of course, not possible to discuss in this report the many excellent ideas that citizens provided in their letters. The Commission deeply appreciates the effort made by these citizens and organizations, and the receipt of these letters has served as a constant reminder of the trust placed in us by the Michigan Supreme Court and by our fellow citizens.

Many Commission members took substantial amounts of their own time to sit down with judges, attorneys, court personnel and court users, and asked these people about their experiences. Commission members also visited court facilities. These efforts proved very helpful, and these members were generous in sharing what they had learned with other members of the Commission.

These many sources of information have all played an important role in our deliberations, and are all reflected in the report we submit today. We have learned much, and we are grateful to those who have shared their time and talents with us.

# Recommendations to the Michigan Supreme Court

## Courtesy and Efficiency

Nothing is more basic than courtesy. The court system exists to serve those who come to it voluntarily, as well as those who are involuntarily summoned. There must be a welcoming attitude on the part of all court personnel, including judges. The chief judge and the other judges of each court must take personal responsibility for setting a tone and attitude of courtesy and helpfulness toward all who come to the court.

The Michigan Judicial Institute, the educational arm of the Michigan Supreme Court, should offer periodic training sessions to assist court personnel in maintaining the proper court atmosphere. Attendance by court personnel should be required. Every booklet and cassette produced for use of the public should include a statement that each citizen is entitled to dignified treatment. The booklets and cassettes should further state that complaints may be directed to the Michigan Supreme Court's administrative agency, the State Court Administrative Office, at an address or phone number to be provided in the booklet or cassette.

Two recurrent themes at the public hearings were the need for punctuality and the need for careful scheduling. These matters were also frequently mentioned by persons who wrote to the Commission. In the normal course of business and personal affairs, punctuality is expected. Similarly, no one would invite a guest to a home or business, let

the guest sit around for half a day and then send the guest home without explanation. The personal and business affairs of the citizens of this State are no less important than those of court personnel, and no one, whether a litigant, a witness, or a juror, should ever be asked to come to court unless the court fully expects to utilize the person's talents, knowledge, or services at the scheduled time and place.

Delays and postponements were frequently mentioned by persons who appeared at the public hearings. Those concerns were also reflected in the ISR public opinion survey, which revealed that four of every five Michigan citizens believe that it takes too long to process a case through the court system. Nearly as many believe that the legal system has become too expensive. We know that the Michigan Supreme Court has appointed a Caseflow Management Committee to find ways to reduce delays, and we offer our full encouragement to that important effort.

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WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:

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1  
Direct that all Michigan judges, and particularly the chief judge of a court, undertake personal responsibility for setting a tone and attitude of courtesy and helpfulness toward all who come to the court. Each judge should begin with an inventory of procedures at his or her court to determine whether "consumer"

interests can better be met through greater punctuality, staggered scheduling of hearings, and fewer postponements. Likewise the judges should consider such basic needs as courthouse parking and the signs that direct a visitor to the proper area within the courthouse. Court personnel should be reminded of the need to treat with courtesy persons who choose to represent themselves.

2

Direct the Michigan Judicial Institute to conduct periodic training sessions that are mandatory for all court personnel including judges, covering such topics as interpersonal skills, courtesy to the public, and efficient scheduling. The Michigan Judicial Institute also needs to assist court personnel to gain greater empathy with the special needs of particular groups of court users, whose circumstances may not be within the experience of the judge or other court personnel.

3

Direct the State Court Administrative Office to establish uniform standards for the qualifications and training for each type of referee position.

4

Direct the courts of this state, as well as the State Court Administrative Office and Michigan Judicial Institute, to include in every booklet or cassette produced for use by the public a statement that each citizen is entitled to dignified treatment and that complaints may be directed to the State Court Administrative Office, at an address or phone number to be provided in the booklet or cassette. Every user of the court should be given the opportunity, via a short postcard form, to comment on the service received.

5

Direct the courts of this state to use an advocate or ombudsman to assist individuals in negotiating the system and, where necessary, to "walk through" the process

with a person. Such advocates, whether volunteers or court employees, should receive uniform training from the Michigan Judicial Institute.

6

Take action to reduce delays. The Michigan Supreme Court should adopt time standards for the resolution of cases, direct that postponements take place only where necessary, and direct the use of efficient modern means of electronically recording and transcribing court proceedings. The Michigan Supreme Court should also direct that, where a postponement is necessary, a statement of the reasons for the postponement be sent to all the parties, not just to the lawyers.

### **Equal Treatment for All**

A fundamental principle of our constitutional government is that discriminatory treatment on the basis of race, gender, economic class, religion, or physical condition cannot and will not be tolerated. Bias damages a court in its fundamental role as dispenser of justice. The appearance of bias likewise damages a court in its important role as a symbol of justice. The courts must be fair and must appear to be fair.

The ISR public opinion survey reveals disturbing data. Fully one-third of the citizens of the state of Michigan believe that blacks and women are not treated as well by the court system as are whites and men. Further, an overwhelming majority of the public believes that the courts do not treat the poor as well as they treat the wealthy. An even greater percentage are of the view that court decisions are influenced by political considerations. A review of the demographic data found in the ISR public opinion survey reveals that some of these affected groups believe to an even greater degree that such disparities of treatment do exist.

We have also heard at public hearings from persons who have

provided moving accounts of their own unsatisfactory experiences with the courts. We appreciate that people who testify at public hearings may only be providing one side of the story.

Nevertheless, these people have provided useful testimony that confirms, in our view, that disparities in treatment do exist.

Is there a common perception that the courts do not treat minorities and women as well as they treat whites and men? Yes. Is there in fact a disparity between the way these groups are treated? We believe so. We have not undertaken the complex task of determining the precise extent and nature of such disparities, but we are also certain that there are liberties taken with some citizens, such as the familiar experience of female witnesses who report being addressed in more familiar terms than male witnesses.

We were pleased to learn that the Michigan Supreme Court's sentencing guidelines project has, in recent years, reduced the disparity between sentences given to blacks and sentences given to whites, between the sentences of men and women, between the sentences of those who plead guilty and those who go to trial, and between the sentences of those who are represented by an appointed attorney and those who can afford to hire a lawyer of their own choosing. This is only a start, though, and the Michigan Supreme Court must work to eliminate remaining disparities in the treatment of minorities, of women, and of the poor.

The Michigan Supreme Court must not tolerate disparity of treatment. This message needs to be impressed, through regular reminders from the Michigan Supreme Court and through continuing education by the Michigan Judicial Institute, on every employee of the Michigan court system. The Michigan Supreme Court also needs to

undertake intensive research on the impact of the courts on particular groups within society. This research might take the form of the New York Task Force on Women in the Courts, or it might proceed on another basis. The public perception of bias cannot be ignored.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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7  
Miss no opportunity to convey in the strongest terms that Michigan's One Court of Justice is committed to equal treatment for men and women of every race, religion, and economic class and that any evidence of such discriminatory treatment in the courts is intolerable.

8  
Set about without delay to determine the extent and nature of disparate treatment accorded citizens because of race, religion, gender, age, economic class or other impermissible criterion. Such research could be a task force study (similar in form to the New York Task Force on Women in the Courts). The research could either be a comprehensive study of impact on racial minorities and women or could be several concurrent studies more narrowly focused.

9  
Direct that court employment and court-assigned duties (such as serving as appointed counsel or guardian) be available to all and that the racial/ethnic composition of courts' staffs reflect as soon as possible the composition of the community. The Michigan Supreme Court should also require that the courts of this state file with the State Court Administrative Office an annual report of compliance with this directive.

**Persons with Special Needs**

Every effort must be made to

accommodate those citizens whose special needs might otherwise deny them access to the courthouse and to legal processes. Of course, every courtroom in this state must be made accessible to persons with mobility handicaps. (The ISR public opinion survey show that almost ninety percent of Michigan citizens favor expending public funds for this purpose.) The visually impaired and those with auditory impairments must receive the assistance of courteous and competent interpretive personnel.

The courts likewise serve persons who lack a complete ability to communicate in standard English, written and spoken. Such deficits have many causes, but none should serve to deprive these citizens of the full opportunity to participate in court proceedings. Easy-to-read court forms and plain-English jury instructions are but two examples of ways in which the court system can accommodate the needs of everyone (and strengthen itself in the process, as more persons are able to participate).

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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10  
Direct the State Court Administrative Office to develop guidelines for dealing with persons with special needs:

- a. Issuance of pretrial orders, after input from the parties and counsel, concerning any differences in usual procedure.
- b. An "early warning" system to flag court files involving an individual (including a witness) with a language, physical or other condition necessitating special court assistance.
- c. Maintenance of lists of

qualified language interpreters and legal interpreters.

- d. Identification of ethnic groups in the community and development of a program for providing specific court information to those groups.

11  
Seek funding from the Legislature and local funding units to allow handicapped access to all court facilities within five years. Likewise the Court should require trial courts to incorporate present court-design standards in all new, remodeled, or renovated court facilities.

12  
Direct the State Court Administrative Office to prepare and distribute printed information about the courts in languages other than English where appropriate, and in braille or on tape cassette where possible.

13  
Direct that court employment and court-assigned duties (such as serving as appointed counsel or guardian) be available to all, and that qualified and qualifiable handicapped individuals find employment opportunities in the court system.

**Children**

Again and again at the public hearings, we heard of the court system's failure to treat children—particularly victims of sexual assault—with sensitivity. Children are not adults. When an adult hurts a child, it compounds the damage to treat the child as though he or she were an adult. Children who have been the victims of adult misconduct have bruises, not callouses.

A postponement can be extremely taxing for a young child who has prepared his or her testimony and summoned the courage to testify, only to be told the testimony isn't needed that day. Each rescheduling of the child's testimony means that the child must relive the episode in his or her memory.

The child must also prepare again to confront the accused, who may be a family member whom the child both loves and hates at once.

To help a child who has been the victim of a sexual assault begin to heal, the child should be given an opportunity to give his or her testimony at the earliest possible time. Postponements must be kept to an absolute minimum, and the Michigan Supreme Court should fully explore the issue of videotaped testimony. The Michigan Supreme Court should act to assure that, where young children must testify, a parent or other supportive adult remains present in the courtroom. The use of anatomically correct dolls should be clearly approved, and the Michigan Supreme Court should also look again at the so-called tender-years exception, without which the use of a child's hearsay testimony is quite limited.

Neglect and abuse proceedings often take a remarkable length of time to come to completion. Children need stability, and it often does little good to terminate parental rights and arrange adoption if the child has spent several years being shunted in and out of the parents' home and a series of foster homes. A number of studies have been conducted in this area and the Michigan Supreme Court's Task Force on the Role of the Probate Court in the Delivery of Services to Children and Family, supervised by Justice Dorothy Comstock Riley, is presently working in this area. We defer to the Task Force's expertise in this area, but we urge it and the Michigan Supreme Court to develop time lines for the prompt permanent placement of abuse and neglect victims.

The Task Force is also examining the matter of interagency cooperation in the task of rehabilitating juvenile offenders. We again defer to the Task Force, but we wish to state the crucial importance of early and coordinated assistance for troubled youths. The inter-

vention must be early, because experience has shown that efforts to reform wayward juveniles have a much better chance of success if undertaken when the child is young. The intervention must be coordinated, because few troubled juveniles are without problems in other parts of their lives—most would benefit greatly from a coordinated effort among the family, school, church, court, police, and professionals from social work and other helping fields.

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#### WE THEREFORE RECOMMEND THAT THE MICHIGAN SUPREME COURT:

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##### 14

Direct that cases involving children as victims of abuse, neglect, sexual assault, or other serious harm be given priority in scheduling and that postponements be denied unless strictly necessary.

##### 15

Direct (a) that a supportive adult may be present in the courtroom during a child's testimony, (b) that anatomically correct dolls may be used to help children explain assaults against them. It is essential that the Michigan Supreme Court also explore other means of reducing the trauma that a child suffers when he or she must testify, such as (c) the use of videotaped testimony, (d) the use of closed-circuit testimony, and (e) identification by videotape or through one-way glass. The Michigan Supreme Court should also consider (f) whether the "tender-years exception" should again be used to permit somewhat greater use of children's hearsay testimony.

##### 16

Adopt time lines for the prompt permanent placement of abuse and neglect victims. The Michigan Supreme Court should adopt the recommendations concerning the courts found in the Coleman

Commission Report on Permanency Planning.

##### 17

Direct that the probate courts take a leadership role in coordinating, for troubled youths, assistance that is provided as early as possible and that is a joint effort among the persons and agencies necessary to reach all the difficulties that a troubled youth is facing.

#### Victims and Witnesses

Special attention needs to be paid to the victims of crime and to persons who are called as witnesses in all cases, civil and criminal. We have already discussed the basic need for courtesy, including punctuality by court personnel and careful scheduling. More is needed, though, particularly in criminal cases. The Legislature has passed the Crime Victim's Rights Act (CVRA) to assist the victims of crime, but many other witnesses also need the protections of that law.

At the public hearings, a number of speakers explained in moving terms the fact that, traditionally, a crime victim is just another witness at a criminal trial. Worse, if the victim of a crime is someone other than the person assaulted (as when one's spouse is murdered), that victim is just another spectator at the trial. This is unacceptable. The criminal justice system must acknowledge that the victim of a crime has a special interest in the case. Where courtesies can be extended to the victim without prejudicing the factfinder against the defendant, such courtesies should be offered.

The Michigan Supreme Court needs to do whatever it can to assure continuing and adequate funding for the CVRA. Facilities that separate victims and witnesses from defendants and defense witnesses are essential—a fact acknowledged by two-thirds of the persons contacted during the ISR public opinion survey.



Where such separate facilities are impossible to provide, escorts and support personnel should be available to shelter the victim from conduct and remarks by the defendant and the defendant's friends and family.

By custom and as a result of the CVRA, much of the burden of providing support to witnesses has been left to the prosecutors. Several counties have excellent programs, emphasizing public information and personal support services. Successful programs seem to share a characteristically heavy reliance on the efforts of volunteers. However, these programs have too often been beyond the means of large urban counties and small rural counties. Funding is also a significant issue in the provision of separate facilities for victims and witnesses.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**18**

Urge the Legislature to assure continuing and adequate funding for the CVRA, including its mandate that facilities exist to separate victims and witnesses from defendants and defense witnesses. Where such separate facilities simply cannot be provided, escorts and support personnel should be available to shelter the victim from intrusive conduct and remarks by persons allied with the defense.

**19**

Direct the courts of this state to take an active role in implementing the protections of the CVRA, perhaps by persuading civic organizations to pay for educational materials.

**Juries**

Juries are essential to our system of justice. Jurors provide valuable time and energy, and they should receive adequate information,

hospitable facilities, and courteous treatment. There have been significant reforms in recent years: Jury service has been shortened in most places and telephone call-in arrangements have saved many useless trips to the courthouse.

There is much that can yet be done. In certain cases, it would be appropriate to limit the total number of peremptory challenges available to multiple defendants, in order that great numbers of unnecessary jurors not be called to the courthouse. Any new or renovated court facilities should contain secure and comfortable facilities for jurors. The Michigan Supreme Court should establish a system for regularly surveying jurors. Judges should take personal responsibility for insuring courteous and dignified treatment of jurors. An orientation film of professional quality, explaining clearly the nature and responsibility of jury duty, should be prepared and distributed to all trial courts.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**20**

Direct that all Michigan judges, and particularly the chief judge of a court, undertake personal responsibility for setting a tone and attitude of courtesy and helpfulness toward all persons called for jury duty. Every effort should be made to limit jury service to the shortest possible time (to minimize inconvenience and assure that all citizens can serve). Parking and other conveniences must be carefully considered. Orientation materials should be clear and of professional quality.

**21**

Direct that trial courts give priority to secure and comfortable jury facilities whenever court facilities are being built, remodeled, or renovated.

**22**

Direct the State Court Administrative Office to establish a program to sample the views of jurors at regular intervals, and report those results to the Michigan Supreme Court and the appropriate trial courts.

**23**

Direct the Michigan Judicial Institute to prepare, for statewide use, an orientation film of professional quality, explaining clearly the nature and responsibility of jury duty.

**24**

Direct that, where more than two criminal defendants are on trial for offenses with a maximum penalty of life in prison, the total number of peremptory challenges to be shared by all the defendants does not exceed the number of peremptory challenges that would be available were only two such defendants on trial. The procedure under which the defendants would allocate and share these challenges should be the system employed in the federal courts.

**Family Matters**

Family matters can be difficult to resolve, involve a heavy emotional content, and frequently lack a clear division between a "good guy" and a "bad guy." Despite the great number, and clear importance, of these cases, the court system does not often handle these matters as sensitively and expeditiously as it should. The Michigan Supreme Court can take a number of steps to assist in resolving this situation. Family law can be introduced as a portion of the Michigan Bar Examination. This should have the effect of causing a greater emphasis on family law at state law schools, and should also enhance the standing of family law in the legal profession.

Domestic violence is a chronic problem. Adequate criminal laws exist to punish a spouse or household member who is



assaultive. The whole legal system needs to be better sensitized, though, to the fact that domestic violence is a crime. Judges have the power to issue court orders prohibiting further abuse, but some judges need to be more sensitive to the need to issue such orders.

Many of the persons who wrote to the Commission expressed concern about divorce cases. Opinion was divided, though, as to which parties were more in need of extra protections. We know that divorce is terribly painful, and that all court personnel should do whatever they can to minimize the hurt. Simple steps can include welcoming those who proceed without a lawyer, and providing full advice concerning a divorced parent's right to assistance from the Friend of the Court when he or she seeks a modification of child support.

As the law requires, custody disputes must be resolved in accordance with the best interest of the child. Where problems with custody, visitation, or child support arise, they must be resolved without delay. All court personnel must maintain and display a genuine sensitivity to the needs of families. For instance, economic status must not play too great a role in determining custody, particularly where the relative economic standing of the divorcing parties is the result of decisions made mutually during the marriage.

Family matters are now presented in several different courts, and a judge may see only a portion of a family's problems. A number of experts in this area advocate the establishment of a family court. Many arguments have been presented for and against such a court. We understand the arguments of those who believe that a separate family court will only "ghetto-ize" family matters into a separate court that is given low priority in funding and status.

Our belief is that the question can best be resolved through a comprehensive pilot study, establishing a family court in three or four counties of Michigan, including a large metropolitan area, an out-state metropolitan area, and a rural area. This study should last at least three years and should be "case-controlled," comparing each area with a family court to a similar area without such a court.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**25**

Direct the courts of this state to resolve disputes concerning custody, visitation, and child support without delay.

**26**

Direct the Michigan Judicial Institute to conduct periodic training sessions that are mandatory for all court personnel including judges, on family matters such as alcoholism and domestic violence, and on the available and appropriate legal remedies. The Michigan Judicial Institute should also work to assure a full understanding of family dynamics, both during a marriage and after a divorce, in order that custody, visitation and child support matters be resolved fairly and quickly.

**27**

Direct that the State Court Administrative Office develop for statewide use a standard form for requesting an injunction against spouse abuse. This would permit persons, whether or not represented by counsel, to file such requests with the court and successfully submit to the Law Enforcement Information Network (LEIN) a standard form of injunction prohibiting further spousal abuse of them.

**28**

Direct that persons be advised, at

the time a final divorce judgment enters, that the Friend of the Court must assist persons, whether or not represented by counsel, who seek a modification in the amount of child support. Further, the Michigan Supreme Court should take a leadership role in assuring that Friends of the Court fulfill their statutory duty to provide such advice.

**29**

Direct that the Board of Law Examiners include family law matters on the Michigan bar exam.

**30**

Establish a three-year pilot study of an experimental family court in metropolitan, urban and rural jurisdictions of Michigan, comparing court performance in similar regions with and without a family court.

**Guardianships and Probate  
Matters**

Persons who are the subject of guardianship petitions have a special set of problems. The location of competency hearings, the quality and availability of representation, and judicial sensitivity to guardianship situations are all important matters that directly affect the outcome of these critically important proceedings. Adult guardianship is a remedy of last resort and, where necessary, such proceedings should be conducted in a manner that emphasizes the dignity of the individual.

For instance, guardianship proceedings should generally take place at the courthouse, not at the place of treatment. Courts should demand that guardianship petitions contain specific allegations. Partial guardianships should be considered, and the goal of rehabilitation should be impressed upon those who serve as guardians.

Many of the persons who are involved in guardianship proceedings are elderly, and would often profit from clearly

and uniformly written explanations of the legal system, presented in both regular and enlarged type. Court personnel must be sensitized to the special needs of the elderly and of others who may come to the court. The virtues of patience and kindness should always be displayed by court personnel.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**31**  
Direct that all Michigan judges, and particularly the chief judge of a court, undertake personal responsibility for setting a tone and attitude of courtesy and helpfulness toward the elderly and toward other persons who may be the subject of guardianship proceedings. This effort should include consideration of the physical location of proceedings and the availability and quality of representation. Judges should follow the standards developed by the State Court Administrative Office and Department of Social Services Task Force.

**32**  
Direct the Michigan Judicial Institute to conduct periodic training sessions that are mandatory for all court personnel including judges, on the particular needs of the elderly and others who may be the subject of guardianship proceedings.

**Education**

Throughout this report, we've indicated areas in which the Michigan Supreme Court, through the Michigan Judicial Institute, should require continuing education of court personnel. Of equal importance is the courts' role in helping to educate the public. The ISR public opinion survey tells us that more than four out of every five Michigan citizens believe that the

average person does not understand the court system.

Many judges have taken leadership roles in educating elementary and secondary pupils on the role and structure of the court system. All Michigan judges should be encouraged to work to increase the public's understanding of the court system.

Clearly written explanatory brochures should be readily available to the public. Separate brochures could be prepared for different areas of law and procedure. This would be excellent public relations and would serve a valuable educational purpose. Even persons represented by counsel would profit from a concise explanation of court proceedings in a form that could be kept for later reference. Likewise, standard videotaped educational materials could be prepared for use with jurors and witnesses, as well as for showing to civic and educational groups.

There are other ways that the Michigan Supreme Court can act to increase public understanding. For instance, the Michigan Supreme Court could cut through much of the misunderstanding and resentment concerning sentencing and release practices if the Court would require each judge, at the time of sentencing, to inform the defendant of the earliest possible release date, as well as the official minimum and maximum sentence. This would provide the defendant, the victim, and the community with a better understanding of the actual impact of the sentence.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**33**  
Direct that all Michigan judges, and particularly the chief judge of

a court, undertake personal responsibility for assuring that the court take an active role in educating the public, including school children, about the legal system.

**34**  
Direct the preparation for statewide distribution of a series of informative pamphlets and videotaped materials, outlining common court proceedings. These materials should be of professional quality, should be made available at every court in the state, and should be printed in braille and foreign languages. The Court could draw upon its own resources, as well as those of the State Bar of Michigan, the State Court Administrative Office, and the Michigan Judicial Institute for the preparation of these materials.

**Accountability**

The courts' obligation to keep the public apprised of what they are doing is essential. The ISR public opinion survey reveals that approximately three-quarters of Michigan's citizens support the present practice of electing judges. At the same time, more than four-fifths of Michigan residents favor the establishment of a committee to review the performance of judges in order to recommend their retention or removal. Taken together, these two findings are striking. Michigan citizens want to continue electing their judges, but they want more and better information to help them make these important decisions.

The Chief Justice of the Michigan Supreme Court delivers an annual State of the Judiciary address to the Legislature, and the State Court Administrative Office publishes a wealth of statistics in its annual report. The electorate needs additional information, though. Reports should be published annually, and be readily available to the public, concerning each judge's performance, including (a) case dispositions, (b) sick and vacation

time, and (c) appointments of receivers, guardians, and counsel for indigent criminal, juvenile and incapacitated individuals.

For greater accountability, tape-recording should be permitted in courtrooms, and further study should be given to the question of cameras in the courtroom. Independent court watcher groups should be encouraged, and the State Court Administrative Office should act as a clearinghouse for information on forming and operating such groups.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**35**

Direct that audio recording of court proceedings be permitted except in cases in which it is necessary to conduct confidential proceedings.

**36**

Direct the State Bar of Michigan to develop with the media a joint proposal for a pilot program to permit cameras in the courtroom, and to consider the educational benefits and appropriate ethical standards for such a program.

**37**

Consider how best to add enforcement authority to the present external review process of judges' performance by the Supreme Court and the State Court Administrative Office.

**38**

Direct the State Court Administrative Office to supervise the publication, for public availability, of an annual report from each court on each judge's performance, including (a) case dispositions, (b) sick and vacation time, and (c) appointments of receivers, guardians, and counsel for indigent criminal, juvenile and incapacitated individuals. Each court's annual report should also include (d) a report of the extent to

which it has fulfilled the directive that the racial/ethnic composition of the court's staff reflect as soon as possible the composition of the community.

**39**

Direct that independent court watcher groups be encouraged and that the State Court Administrative Office act as a clearinghouse for information on forming and operating such groups.

**Funding Legal Services for  
Indigents**

Meaningful access to the courts is often dependent on access to legal counsel. Indigent criminal defendants have a constitutional right to a lawyer at public expense, but no such right assures that indigent civil litigants are represented by an attorney. Legal aid societies and similar agencies provide this needed service, but funding has grown even more scarce in recent years. We have learned of a program that we believe will do much to assist indigents to obtain counsel, by providing significant funds for legal aid.

The Michigan Supreme Court should adopt the Interest on Lawyers' Trust Accounts (IOLTA) program. This has been a successful program in many other jurisdictions (it has been approved in 41 states and the District of Columbia). Large revenues are drawn by pooling interest on very small trust accounts. (If a client's trust account is large enough to generate a significant amount of interest, the client keeps the interest, and does not contribute it to the general fund.) Since the program can be accomplished without an undue burden on attorneys, and is accomplished with the cooperation of local financial institutions, we approve and recommend the concept of IOLTA.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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**40**

Adopt on a mandatory basis the Interest on Lawyers' Trust Accounts (IOLTA) program, allocating at least 80% of the generated funds to legal services for the poor. An independent body should be appointed to administer the funds.

**Alternative Dispute Resolution**

We have seen that an overwhelming majority of Michigan citizens agree that litigation is expensive and time-consuming. They are right. Litigation should be the forum of last resort. Quicker and less costly means should be readily available for the resolution of disputes which can be handled without recourse to litigation. The Michigan Supreme Court should play a leadership role in the efficient delivery of justice, and should therefore maintain a continuing research effort into alternative means of dispute resolution.

Trial courts have experimented with methods of expediting litigation, but attention must also be given to programs that take disputes out of the courts and toward a negotiated agreement. The ISR public opinion survey demonstrates that most Michigan citizens are favorably inclined toward such informal alternatives. Typically, these programs bring the parties together with a neutral third person who has been trained in problem-solving and dispute resolution. This is neither arbitration nor litigation, and agreements are voluntary. Such procedures can reduce caseloads and perform a community service by encouraging conciliation rather than confrontation.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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41

Direct the courts of this state to establish contact and cooperate with local organizations that provide alternative means of dispute resolution. Printed materials about such organizations should be readily available from court personnel. The Michigan Supreme Court should also encourage the development and use of alternatives to the traditional court procedures now in effect.

**Sentencing**

Ask any person about his or her views of the court system, and the subject of sentencing will quickly arise. A great percentage of the letters that were written to the Commission likewise concerned sentencing and related matters. The United States Department of Justice has estimated that the whole criminal justice system costs the State of Michigan approximately \$1.5 billion per year, of which a substantial percentage is spent on corrections and other expenses related to post-sentencing supervision of convicted persons. There is thus no question of the vital importance of sentencing issues.

The Legislature sets the minimum and maximum penalty for each criminal offense. An overwhelming majority of the people of this State believe, though, that sentencing judges should retain the discretion to set a sentence that takes into account the circumstances of the offense and the prior record of the offender. To assure wise and fair use of this sentencing discretion, the Michigan Supreme Court should continue its sentencing guidelines program, which has demonstrably reduced sentencing disparity.

Too often, the judge or the victim is surprised to learn that the defendant has been released before completing the official minimum sentence. As we indicated earlier, the Michigan Supreme Court could do much to enhance public confidence in the integrity of the sentencing process if the Court would require each sentencing judge to inform the defendant of the earliest possible release date, as well as the official minimum and maximum sentence. The defendant, the victim, and the community would better understand the actual impact of the sentence, and the mystery surrounding early releases would be reduced.

We need to do a better job of helping all persons straighten out their lives after a crime has been committed. We have discussed the greatest compassion that needs to be shown to crime victims. It is very much in society's interest to help the offender rehabilitate himself or herself as well. Judges' sentencing discretion should be exercised so that, to the extent permitted by concerns for public safety, every effort is made to tailor a sentence that will assist with the rehabilitation of the defendant. The alternatives of unstructured leniency (early release) and unstructured harshness (warehousing) are both to be avoided. A correctional program should treat the offender as a responsible human being who owes a debt to the victim and to society. The offender should be given the opportunity to repay that debt through an organized program of work and self-improvement. Trial judges should order restitution wherever appropriate, and restitution should be included in probation and parole orders.

Community work programs can provide properly supervised inmates and probationers with an opportunity to contribute to society and their own development. In-house arrest programs, employed with caution

and only in proper circumstances, can permit a semblance of normality in the life of a convicted person. Restitution helps both victims and offenders. Sentences that permit or encourage the continuation of a family relationship benefit not only the offender, but often benefit other members of the offender's family.

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:**

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42

Direct that the courts of this state continue to use the sentencing guidelines and that the Sentencing Guidelines Advisory Committee continue its work of refining the guidelines to assure fair sentencing for all.

43

Direct each judge, at the time of sentencing, to inform the defendant in open court of the earliest possible release date, as well as the official minimum and maximum sentence. The Court should also direct the State Court Administrative Office to provide sentencing judges with current and accurate information regarding the Department of Corrections' release and assignment practices, in order that the sentence can be tailored to the needs of society and the offender.

44

Direct the courts of this state to bear in mind the importance of the goal of rehabilitation in setting a sentence. Where public safety can be preserved, substantial efforts should be made to explore, and use if appropriate, alternatives to incarceration.

**Future Citizen Involvement**

This has been an extremely worthwhile experience for all of us, and we modestly suggest that the Michigan Supreme Court has profited from our brief presence. We very much believe that the

Michigan Supreme Court, and trial courts as well, should continue to utilize citizens' views in the formation of plans and policy. The Michigan Supreme Court should explore whether (a) to continue this Commission in its present form, (b) to form a judicial council (a mixed group of lawyers, judges, and citizens) as is found in other states, or (c) to make a commitment to include lay persons on specialized committees in the future.

There is also a need to continue citizen involvement at the local

level and in specialized areas. Court watchers, citizen advisory councils, foster care review boards, and court-appointed special advocates can all play an important role in fostering an accessible and responsive court system.

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WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
SUPREME COURT:

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45  
Appoint a successor to this

Commission, or in some other formal fashion direct that the views of citizens be regularly obtained and used by the Michigan Supreme Court in its supervision of the One Court of Justice. The Michigan Supreme Court should likewise direct that the courts of this state regularly solicit and consider the views of citizens in the formation of plans and policy. Finally, the Michigan Supreme Court should conduct a periodic review of the implementation of this Commission's recommendations.

# Recommendations to the Legislature

The Michigan Supreme Court directed us "to recommend to the Michigan Supreme Court ways in which the court system may be made more readily accessible and more responsive to the needs of the citizens of this State". As we have indicated in earlier pages, we have viewed this as a request by the Michigan Supreme Court for assistance in its own supervision of Michigan courts. Inevitably, though, we have observed that there are ways in which the Legislative and Executive branch can assist the proper functioning of the courts. We understand that the Michigan Supreme Court prefers not to take a position on substantive proposals for legislative reform, so we offer a reminder that these are our recommendations, not the Court's.

The first and most obvious is the legislative obligation to provide adequate and equitable funding for courts throughout the state of Michigan. Facilities must be accessible to all citizens, facilities must be secure and comfortable for victims, witnesses, and jurors, and facilities must convey the dignity of court proceedings. Salaries must be adequate and staff support must be sufficient. Adequate and equitable funding is an important need, even without the modest fiscal implications of our few recommendations.

Moreover, funding decisions must take into account the relative needs of the whole justice system. For instance, it may be far more efficient to spend a sum of money on the juvenile justice system, and on services for abused and

neglected children, than to spend a like amount on the adult correctional system. It is always cheaper to prevent crime than to deal with its consequences.

Our original plan had been to include, as a significant subject for research and analysis, the juvenile justice system. After our Commission was formed, the Michigan Supreme Court gave additional recognition to the importance of this subject by appointing the Task Force on the Role of the Probate Court in the Delivery of Services to Children and Family, supervised by Justice Dorothy Comstock Riley. Accordingly we withdrew, for the most part, from the area of juvenile justice. We offer two observations, though. First, our careful review of the narrow subject of waiver of probate court jurisdiction over juveniles accused of serious felony offenses has persuaded us that at least one reform is necessary in this area. The probate court should be able to retain jurisdiction to the age of 21, rather than the present limit of 19. New programs and facilities would be needed for these adults, and they must be separated from younger offenders. Such a reform would require legislation. Secondly, we emphasize the importance of early intervention with truants and other young persons who are just beginning to encounter difficulty. Careful tracking of troubled youngsters, and a strong spirit of inter-agency cooperation, will be important elements of any comprehensive effort to achieve greater success in the rehabilitation of juvenile offenders.

More needs to be done in the area of corrections. Prisoners are too often released early, and those who remain in prison spend too much time doing nothing productive for themselves or society. Restitution should be an important principle throughout the adult and juvenile justice systems. Efforts should be made to assist prisoners in maintaining contact with their families.

The Legislature also needs to cure some aspects of law that diminish public respect for the integrity of sentencing. The Department of Corrections and the Parole Board presently treat some persons sentenced to life in prison as eligible for parole before some persons sentenced to long terms of years. This has caused a small number of judges to begin sentencing persons to hundreds of years in prison. A similarly curious twist in present law is that a person sentenced to a county jail is likely to spend more time actually incarcerated than is a person sentenced to a slightly longer period of time in prison.

We are also concerned about the limitations presently placed upon the prosecuting attorneys' right to appeal. The prosecutor is the attorney who represents "the People," and the prosecutor's duty is to seek justice, not merely convictions. Where the prosecutor believes that a trial court has committed an error of law, an appeal should be available. Of course, no prosecutor could ever be permitted to appeal an acquittal, but the People's attorney should have access to the appellate courts on approximately the same terms as a defense attorney.

Finally, we believe, as we

mentioned in the discussion of victims and witnesses, that the Legislature should do more to protect victims and witnesses. Funding is needed for separate facilities to shield victims from the defendant and defense witnesses. Many of the protections now afforded victims should be extended to all witnesses. Any necessary witness for a criminal trial should be free from employer retaliation. Further, the Legislature should extend the Crime Victims Compensation Act to permit a victim to be reimbursed for the out-of-pocket expense of helping the prosecutor prepare the case for trial.

Most of all, we believe that the three branches of government must recognize the importance of the courts to all the citizens of Michigan. Cooperation among the three branches and a continued commitment to excellence can certainly make the Michigan court system "more accessible and more responsive to the needs of the citizens of this State."

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**WE THEREFORE RECOMMEND  
THAT THE MICHIGAN  
LEGISLATURE:**

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**46**

Provide adequate and equitable funding so that all Michigan courts can fairly and courteously deliver justice to the citizens of this state. The Legislature must also provide the Department of Corrections with adequate funding, to assure that release and assignment decisions are based upon considerations of public safety and rehabilitation, rather than available space.

**47**

Extend from 19 to 21 the age to which the Probate Court can retain continuing jurisdiction over a juvenile offender.

**48**

Eliminate the odd aspects of sentencing law that reduce public confidence, and provide adequate and equitable funding for programs that permit offenders to contribute to society and to their own self-improvement. Restitution should be an important principle throughout the adult and juvenile justice systems. To assist rehabilitation, the Legislature should also assure that prison facilities are available, and assignment decisions are made, so as to permit family members to visit those who are incarcerated.

**49**

Extend the prosecuting attorney's right to appeal decisions other than acquittals.

**50**

Consider additional legislative reform. Study should be given the question of extending to all witnesses the protections of the Crime Victims Rights Act. Just as the CVRA provides that the victim is notified when a defendant is released by the Department of Corrections, so should a sentencing judge be notified when an incarcerated defendant is released before he or she has served the minimum sentence. Finally, the Legislature should consider amending the Crime Victim's Compensation Act, and adding appropriate funding, to provide reimbursement for a victim's out-of-pocket expenses assisting the prosecutor's preparation for trial.

# Commission's Calendar

January 27, 1986	Commission meeting in Lansing
February 11, 1986	courts/community meeting in Detroit
February 12, 1986	criminal/delinquency meeting in Detroit
February 19, 1986	civil/family meeting in Lansing
March 4, 1986	courts/community meeting in Lansing
March 10, 1986	civil/family meeting in Lansing
March 12, 1986	criminal/delinquency meeting in Detroit
March 24, 1986	civil/family meeting in Lansing
March 25, 1986	courts/community meeting in Detroit
April 2, 1986	criminal/delinquency meeting in Detroit
April 8, 1986	courts/community meeting in Lansing
April 9, 1986	criminal/delinquency meeting in Detroit
April 14, 1986	civil/family meeting in Lansing
April 23, 1986	Commission meeting in Detroit
May 20, 1986	criminal/delinquency meeting in Detroit
May 28, 1986	civil/family meeting in Lansing
May 29, 1986	courts/community meeting in Detroit
May 29, 1986	public hearing in St. Joseph
June 3, 1986	public hearing in Gaylord
June 5, 1986	public hearing in Grand Rapids
June 9, 1986	public hearing in Marquette
June 10, 1986	criminal/delinquency meeting in Detroit
June 25, 1986	civil/family meeting in Detroit
June 25, 1986	public hearing in Detroit
July 1, 1986	courts/community meeting in Detroit
July 16, 1986	Commission meeting in Kalamazoo
August 6, 1986	Commission meeting in Detroit
August 7, 1986	Commission meeting in Detroit
October 2, 1986	Commission meeting in Lansing



# Committee Assignments

## **Committee to Improve the Efficiency and Responsiveness of the Courts in Civil and Family Matters**

Elizabeth L. Clark, Chair  
Dr. Allene Doctoroff  
Charles R. Donnelly  
Louis Hollow  
Olivia P. Maynard  
Aphrodite Roumell  
Richard Stout

## **Committee to Improve the Efficiency and Responsiveness of the Courts in Criminal and Delinquency Matters**

Paul Hubbard, Chair  
Dr. James Appleberry  
Linda L. Bruin  
Rev. Anthony Campbell  
Rev. William Cunningham  
Joel Ferguson  
Mitchell I. Kafarski  
Richard Kughn

John Ashby, alternate  
Kenneth Kudek, alternate

## **Committee on the Role and the Responsibility of the Courts to the Community at Large**

Earl Holton, Chair  
Robert D. Mahoney, Vice-Chair  
Owen Bieber  
Rt. Rev. Joseph M. Breitenbeck  
Kathryn A. Bryant  
Julia Darlow  
Jeanne Findlater  
Beth Konrad  
Ralph Jones, alternate

# Persons Who Addressed the Committees

## Committee to Improve the Efficiency and Responsiveness of the Courts in Civil and Family Matters

Scott Bassett	University of Michigan
Mary Lou Blanchard	Department of Social Services
Maxine Boord-Virtue	Attorney
Hon. James S. Casey	Kalamazoo Probate Court
Linda Coleman-Shirkey	Michigan Department of Social Services
Hon. June Galvin	Family Court, Toledo, Ohio
Myrtle Gregg-LaFay	Michigan Commission of Handicapper Concerns
Gerald Hicks	Michigan Federation of Family & Child Placement
Penny Hummel	Center for Social Gerontology
Christopher Hunter	Michigan Department of Labor
Lisa M. Kaichen	Children's Charter
Hon. Wallace Kent	Tuscola Probate Court
Dorean Koenig	Thomas M. Cooley Law School
Deborah Mattison	Michigan Protection and Advocacy Service
Hedy Nuriel	Michigan Coalition Against Domestic Abuse
Tom Trainer	Senior Citizen Legal Aid Project
Hollis Turnham	Office of Aging
Paula M. Zimmer	Legal Aid of Central Michigan, Inc. Concerns

## Committee to Improve the Efficiency and Responsiveness of the Courts in Criminal and Delinquency Matters

Hon. Y. Gladys Barsamian	Wayne Probate Court
Hon. James S. Casey	Kalamazoo Probate Court
Bridget Clingman, OP	Chaplain, Wayne County Youth Home
Sydney Duncan	Homes for Black Children
Richard R. Duranczyk	Michigan Council on Crime & Delinquency
Mark Gleason	Kent County Prosecutor's Office
Perry Johnson	Michigan Department of Corrections
Robert Little	Michigan State University
Marvin C. May	Parole Board
Norman Nigro	Attorney
Garrett Peaslee	Sentencing Guidelines Advisory Committee
Robert J. Pickell	Genessee County Prosecutor's Office
Ronald Schebil	Washtenaw County Sheriff
Ronald R. Schigur	Wayne County Prosecutor's Office
James L. Shonkwiler	Prosecuting Attorneys Coordinating Council
Hon. Michael J. Talbot	Recorder's Court

Hon. James S. Thorburn  
Glen Toy

Oakland Circuit Court  
16th District Court

**Committee on the Role and the Responsibility of the Courts to the Community at Large**

James Adkins  
Linda Atkinson  
Donna Beaudet  
Charleen Berels  
Linda L. Bruin  
Dennis Catlin  
Carole Chiamp  
Stephen Conley  
Agnes Foret  
Marilyn Hall  
Kenneth Jacobs  
Barbara Johnson

Attorney  
Attorney  
46th District Court  
Washtenaw County Consumer Services  
State Bar Committee on Youth Education  
Michigan Judicial Institute  
Attorney  
State Court Administrative Office  
Certified interpreter  
Michigan Supreme Court  
Attorney and minister  
Michigan Hospital Association  
Service Corporation

Sharon McPhail  
Hon. Joseph Pernick  
Robert Rieske  
Cassie St. Clair

Wolverine Bar Association  
Wayne Probate Court  
Calvin College  
Washtenaw County Citizen  
Dispute Resolution Center

Linda Start  
Hon. Michael J. Talbot  
Tom Watkins

Michigan Law-Related Education Project  
Recorder's Court  
Michigan Department of Mental Health

**The full Commission has also received presentations from:**

Randall C. Berg, Jr.  
V. Robert Payant

National IOLTA Clearinghouse  
State Court Administrator

# How Michigan Citizens View the Courts and the Legal System: A Survey of Knowledge and Attitudes

## Introduction and Summary

This report contains a detailed analysis of the results of a survey of Michigan citizens' attitudes toward the legal system, the administration of justice, and proposals for reform of the legal and judicial systems. It was conducted for the Citizens' Commission to Improve Michigan's Courts by the Institute for Social Research at The University of Michigan.

The questionnaire was based in part upon content drawn from national surveys of public attitudes toward the legal system. This approach permitted a comparison of the Michigan results with recent national data, and the analysis shows the findings are quite comparable.

The main findings from the Michigan survey are as follows:

### *Contacts with the Legal System*

A majority of Michigan residents (69 percent) reported they know a lawyer they could call if they needed one.

One-quarter (24 percent) reported they have been involved in a court case themselves.

One-sixth (18 percent) reported they have served as a juror, and an equal proportion (17 percent) reported they have appeared in court as a victim or a witness or have been involved in a divorce (18 percent).

## *Knowledge of the Legal System*

Michigan residents were more informed about some of the basic tenets of our legal system than others, reflecting equivalent levels of knowledge found in recent national surveys. Those with some experience with the court system and with higher levels of education and media exposure were more knowledgeable.

Almost all respondents (97 percent) knew of a person's right to be represented in court by a lawyer.

Most (82 percent) knew that a person convicted of a crime can appeal the case.

A majority (57 percent) understood that defendants in criminal trials are innocent until proven guilty.

Half (50 percent) knew that calls for jury duty are based upon voter registration lists.

Forty percent knew that the state cannot appeal an innocent verdict.

One-sixth (16 percent) were aware that every decision made by a state court cannot be reviewed and reversed by the U.S. Supreme Court.

### *Confidence in Public Institutions*

Reflecting similar findings from national surveys, Michigan residents have greater confidence in the judicial branch of government than the legislative

one, and for each they have greater confidence in the federal institution than the state institution.

Forty-four percent had high levels of confidence in the U.S. Supreme Court.

Thirty-six percent had high levels of confidence in the Michigan Supreme Court.

Twenty-two percent had high levels of confidence in the U.S. Congress.

Twenty percent had high levels of confidence in the Michigan Legislature.

Respondents who reported they have been involved in a court case had somewhat lower levels of confidence in the courts than those who had no such experience.

#### *Attitudes toward the Administration of Justice*

##### *Perceptions of Case Processing*

There were high levels of public concern about the processing of court cases, at least in terms of the respondents' perceptions of the operation of the judicial system:

Eight in ten respondents believed that court proceedings are hard to follow (84 percent), that they take too long (81 percent), and that going to court is expensive (76 percent).

##### *Perceptions of Disparate Treatment*

Michigan citizens expressed concern about perceived disparities in the court system's treatment of different demographic and economic groups. In general, they were more concerned about political influences and economic differences than about racial and gender differences. While there were generally insignificant differences in the survey between the attitudes of Detroit residents compared to those who live elsewhere in the state, there were significant regional differences in perceptions of disparate

treatment according to socioeconomic status.

Almost nine in ten respondents (86 percent) agreed with the statement that court decisions are sometimes influenced by political considerations.

Seven in ten (71 percent) agreed that courts do not treat poor people the same as they do wealthy people. Seventy-seven percent of Detroit respondents felt this way while 68 percent of outstate residents held this view.

About one-third (37 percent) agreed that blacks are not treated as well as whites and that women are not treated as well as men (34 percent). Residents of the city of Detroit were more likely to agree strongly with this proposition than those from the suburbs of Wayne, Oakland, and Macomb counties or those who live outstate.

##### *Attitudes toward Proposals for Changing the Administration of the Judicial System*

Respondents in the Michigan survey were presented with a number of alternative proposals for changing the administration of the judicial system. These proposals fall into three broad categories: those related to the operation of the courts, those related to the selection and evaluation of judges, and proposals for legal insurance and fixed sentencing.

A majority of Michigan residents (62 percent) favored having courts in operation at night and on weekends in addition to their regular hours.

A similar majority (62 percent) favored the use of informal procedures and panels of local citizens as an alternative for resolving disputes between neighbors, in petty larceny cases, and the like.

Two-thirds of the respondents (66 percent) favored developing procedures for criminal trials so that defendants are physically

separated from victims and witnesses.

A substantial majority of the respondents (89 percent) favored establishing and funding a program to make court facilities more accessible to handicapped persons.

A majority of those surveyed (73 percent) opposed a shift from the election of judges to an appointment system, and 58 percent were strongly opposed. But three-quarters (76 percent) would favor the establishment of a judicial performance review committee in order to recommend their retention or removal.

A majority of Michigan residents (54 percent) opposed a proposal to establish legal insurance similar to automobile or health insurance.

Eight in ten respondents (84 percent) believe that judges should take the circumstances of a crime into account in determining sentences rather than giving the same sentence to all persons convicted of the same crime.

#### *Contacts with the Legal System*

Most citizens have only occasional contact with the legal system and its principal professional participants. For many, it is limited to knowing a lawyer who has helped in personal matters or who could be contacted if necessary; and in these cases, it is more likely to involve civil than criminal action. For other citizens, it might have been an experience sitting on a jury. Nevertheless, these experiences and interactions can form the basis for knowledge about and evaluations of the legal system, as well as attitudes toward changing it.

In this section, the level of these experiences are reviewed by important demographic characteristics of the sample of Michigan residents, and in subsequent sections their relationship to knowledge and opinions about the court system

are assessed. These basic survey data on contacts are presented in Table 1.

A substantial majority of Michigan residents (69 percent) reported they know a lawyer they could call for assistance if they needed it. In general those with higher levels of socioeconomic status, including income and education, and those who are older were more likely to report knowing a lawyer.

One-quarter of Michigan residents (24 percent) reported that they have been a plaintiff or defendant in a court case. Men were more likely to report having been a party to a court case than women, as were respondents with higher levels of education. Older respondents were less likely to report that they were.

About one-sixth of the respondents reported that they have been in a courtroom as a juror (18 percent), or as a victim of a crime or to testify as a witness (17 percent), or that they had been party in their own divorce proceeding (18 percent). Self-reported jurors were more likely to have higher levels of education and to be older, while self-reported victims or witnesses are more likely to be younger, nonwhite, and men. Those who have participated in a divorce proceeding were also much more likely to be nonwhite, middle aged, and have lower incomes.

### **Knowledge of the Court System**

The legal system in the United States is complex, and it involves issues of constitutional as well as statutory law. When questioned about a variety of legal issues, Michigan residents were more informed about some of the basic tenets of our legal system than others, reflecting equivalent levels of knowledge which were found in recent national surveys.

Almost all of the respondents (97 percent) knew that everyone accused of a serious crime has the right to be represented in court by

a lawyer, and a large majority (82 percent) knew that a person convicted of a crime can always appeal the case. As the data presented in Table 2 show for two recent national surveys, equivalent proportions nationwide (97 and 93 percent) were aware of an accused person's right to counsel, and in one of the national surveys 81 percent were aware of a convicted person's right to appeal.

The Michigan legislature recently passed a bill to shift the basis for selecting potential jurors from voter registration to drivers' license lists, although this change has not yet taken effect yet. Half of the respondents in the Michigan survey volunteered the response that voter registration lists are used to choose people for jury duty. Another one-quarter (24 percent) volunteered some other selection system as the basis for selection, and one-quarter (25 percent) did not know how people are chosen for jury duty.

At the same time, a majority (57 percent) of the Michigan respondents understood the principle that defendants in criminal trials are innocent until proven guilty, compared to 46 and 56 percent in two recent national studies.

Forty percent of those surveyed were aware that the state cannot appeal the case if someone is found innocent of a crime. In one of the recent national surveys, 32 percent were aware that the state cannot appeal an innocent verdict.

Finally, only one-sixth of the respondents in the Michigan survey (16 percent) were aware that not every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court. In the two national surveys, the comparable data were 11 and 12 percent.

Most respondents were aware of the right to have a lawyer and the right to appeal, and few

respondents were aware that not every state court decision is subject to review by the U.S. Supreme Court. As with the other knowledge items, appropriately knowledgeable answers were more likely to come from respondents with higher levels of education and amounts of media exposure.<sup>1</sup> Data presented in Table 3 show that respondents who were low media viewers, or more likely to depend on television for their news about state and local politics, were generally less likely to be knowledgeable, while those who were heavily dependent upon reading were more likely to be knowledgeable. This relationship between education and knowledge or information can be observed in other domains because people with higher levels of education generally tend to rely more upon newspapers for information about politics and current affairs while those with lower levels of education tend to rely more upon television.

Previous exposure to the court system was related to knowledge about the legal system in the United States. An appearance in court under some circumstances was the best predictor of knowledge, stronger than simply knowing a lawyer.

For the individual knowledge items about which smaller proportions of the Michigan sample were knowledgeable, other interesting differences appeared. Whites were more likely than nonwhites (58 to 46 percent) to understand that defendants in criminal trials are innocent until proven guilty, and men were more aware of this than women (61 to 53 percent). Having been in court as a plaintiff or defendant (65 to 54 percent) or as a victim or witness (68 to 54 percent) was related to knowledge about this item.

Those who had served on a jury were much more knowledgeable about selection procedures than

**Table 1. Michigan Citizens' Experiences with the Legal System<sup>1</sup>**

	Know Lawyer?		Involved in Court Case?		Party to Divorce?			Served on a Jury?		Victim/Witness?		N
	Yes	No	Yes	No	Own	Else	None	Yes	No	Yes	No	
All Michigan Residents	69%	30	24%	76	18%	3	79	18%	82	17%	83	(789)
Men	71%	28	30%	70	16%	3	81	16%	81	24%	76	(350)
Women	68%	32	19%	81	19%	3	78	19%	81	12%	88	(439)
Whites	69%	30	24%	76	16%	3	80	18%	82	17%	83	(643)
Nonwhites	68%	32	28%	71	27%	2	71	19%	81	22%	78	(142)
Less than \$15,000	62%	36	23%	77	21%	2	78	18%	82	17%	83	(163)
\$15,000-\$34,999	68%	32	25%	75	21%	4	75	16%	84	15%	85	(305)
\$35,000 or more	74%	32	24%	76	12%	3	84	22%	78	20%	80	(304)
High school or less	64%	36	21%	79	18%	2	80	17%	83	16%	84	(404)
College or more	76%	24	28%	72	16%	4	79	20%	80	20%	80	(382)
Republicans	72%	28	21%	79	14%	4	82	20%	80	18%	82	(324)
Independents	70%	30	36%	64	16%	2	82	11%	89	19%	81	(81)
Democrats	65%	34	22%	78	22%	2	76	21%	80	16%	84	(328)
Age:												
18-29	56%	44	24%	76	9%	3	88	6%	94	20%	80	(186)
30-54	71%	28	29%	71	22%	3	75	21%	79	18%	82	(379)
54 and over	78%	21	16%	84	17%	4	80	26%	74	14%	86	(224)
Union members	66%	34	27%	73	23%	1	76	19%	81	17%	83	(153)
Nonmembers	70%	30	24%	72	16%	4	80	18%	82	18%	82	(634)
Detroit	70%	30	24%	75	23%	5	72	23%	77	22%	78	(242)
Suburbs	71%	28	28%	72	18%	3	79	16%	84	18%	82	(259)
Outstate	68%	31	23%	77	16%	3	81	18%	82	16%	84	(288)

<sup>1</sup>The actual question wording was:

- If you had a legal problem, are you acquainted with a lawyer you could call for assistance?
- Have you ever been a plaintiff or defendant in a court case?
- Have you yourself ever been a party to a legal proceeding related to a divorce? (If yes) Did it involve your own marriage or someone else's?
- Have you served on a jury?
- Have you ever been to court as a victim of a crime or to testify as a witness to a crime?

Percentages do not add to 100 because "Don't Know" responses are excluded.

**Table 2. A Comparison of Knowledge about the Legal System in Surveys of the Nation and of Michigan Residents**

	National Samples		Michigan Sample
	1977	1983	1986
Everyone accused of a serious crime has the right to be represented in court by a lawyer.			
Correct	97%	93%	97%
Incorrect	3	2	2
N	(1931)	(983)	(789)
Every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court.			
Correct	11%	12%	16%
Incorrect	77	72	81
N	(1931)	(983)	(789)
In a criminal trial, it is up to the person who is accused of the crime to prove his innocence.			
Correct	46%	56%	57%
Incorrect	50	37	42
N	(1931)	(983)	(789)
A person convicted of a crime can always appeal the case. <sup>1</sup>			
Correct	81%	NA	82%
Incorrect	14	NA	16
N	(1931)	NA	(789)
If someone is found innocent of a crime, the state can appeal the case.			
Correct	32%	NA	40%
Incorrect	55	NA	51
N	(1931)	NA	(789)

<sup>1</sup>In the national survey, the question was worded as follows: If someone is convicted of a crime, he can always appeal the case.

NA: not asked that year

Percentages do not add to 100 because "Don't Know" responses are excluded.



Table 3. Michigan Citizens' Knowledge about the Legal System in the United States<sup>1</sup>

	Right to Lawyer		Appeal Conviction		Prove Innocence		How to Get on Jury Duty			State Appeal		Supreme Ct. Review		N
	Correct	Incorr.	Correct	Incorr.	Correct	Incorr.	Registr.	Other	Don't Know	Correct	Incorr.	Correct	Incorr.	
All Michigan Residents	97%	2	82%	16	57%	42	50%	24	25	40%	51	16%	81	(789)
Men	96%	3	81%	17	61%	37	50%	27	24	46%	48	15%	81	(350)
Women	98%	2	82%	16	53%	46	51%	22	27	34%	54	16%	80	(439)
Whites	98%	2	82%	16	58%	41	51%	24	25	40%	50	16%	80	(643)
Nonwhites	97%	3	83%	16	46%	53	41%	33	26	31%	61	8%	89	(142)
Less than \$15,000	94%	4	79%	18	32%	62	37%	28	35	33%	52	18%	76	(163)
\$15,000-\$34,999	99%	1	83%	15	58%	42	54%	21	25	40%	52	10%	85	(305)
\$35,000 or more	98%	2	81%	18	65%	34	52%	27	21	42%	51	19%	79	(304)
High school or less	96%	3	82%	15	46%	53	44%	25	30	34%	54	14%	82	(404)
College or more	99%	1	81%	18	70%	29	57%	24	19	46%	47	18%	79	(382)
High media exposure	98%	1	84%	15	57%	41	59%	22	20	43%	48	17%	80	(354)
Medium media exposure	96%	3	81%	17	54%	44	45%	29	26	35%	54	16%	80	(314)
Low media exposure	97%	2	77%	20	64%	35	40%	20	39	43%	51	11%	85	(119)
Know a lawyer	97%	2	81%	17	57%	42	52%	26	22	39%	49	18%	78	(553)
Don't know a lawyer	98%	1	83%	15	57%	41	46%	22	32	40%	51	10%	86	(233)
Served on a jury	100%	0	87%	10	57%	43	63%	26	11	43%	49	21%	76	(154)
Have not served	97%	2	81%	18	57%	41	47%	24	28	39%	52	14%	82	(635)
Involved in court case	99%	1	80%	17	65%	35	52%	28	20	43%	49	16%	81	(208)
Never involved	97%	2	82%	16	54%	44	50%	24	27	39%	52	15%	81	(577)
Been a victim/witness	100%	0	78%	21	68%	32	44%	32	25	43%	48	12%	83	(151)
Never been victim/witness	97%	2	82%	14	54%	44	52%	23	25	39%	52	16%	80	(637)
Involved in own divorce action	99%	1	85%	14	64%	34	57%	19	24	47%	44	14%	84	(170)
Republicans	98%	1	82%	16	60%	40	49%	27	24	41%	50	20%	79	(324)
Independents	100%	0	77%	20	56%	43	54%	19	27	50%	40	18%	81	(81)
Democrats	95%	4	81%	16	52%	45	50%	24	26	36%	57	12%	82	(328)
Age:														
18-29	98%	2	82%	17	57%	43	41%	27	32	37%	60	13%	86	(186)
30-54	98%	2	84%	14	65%	33	60%	18	22	44%	48	17%	79	(379)
54 and over	96%	2	77%	20	41%	56	42%	34	24	35%	48	16%	78	(224)
Union members	98%	1	83%	14	61%	37	63%	17	20	34%	60	16%	82	(153)
Nonmembers	98%	2	81%	17	56%	43	48%	26	26	49%	41	16%	80	(634)
Detroit	98%	1	88%	11	51%	48	50%	31	19	50%	40	15%	81	(242)
Suburbs	97%	3	79%	19	34%	62	49%	26	25	51%	38	18%	78	(259)
Outstate	97%	2	82%	16	43%	56	51%	22	27	51%	40	14%	82	(288)

those who had not served, by a 63 to 47 percent margin. But one-third of those who had served could not describe the basis on which they were called to jury duty. Those who had been involved in a divorce were more knowledgeable about jury selection than those who had not been, but there was no difference between those who had been victims or witnesses and those who had not, nor between those who had been involved in a court case and those who had not. In many of these encounters with the legal system, particularly divorce cases, a jury may not have been present. Whites were more knowledgeable than nonwhites about selection procedures for jury duty by a 51 to 41 percent margin, and union members were more knowledgeable than nonmembers, by a 63% to 48 percent margin.

On the matter of the state's right to appeal an innocent conviction, men were more likely than women to indicate that this was not possible, by a 46 to 34 percent margin. And nonmembers were better informed than union members by a 49 to 34 percent margin. Whites were more knowledgeable than nonwhites (40 to 31 percent); however the only significant differences by personal experiences with the court system is that those who had been involved in a divorce were more knowledgeable than those who had not.

### **Confidence in Public Institutions**

Citizens' confidence in political and governmental institutions is an important indicator of their trust in government and their willingness to support the legitimacy of its actions. Several national survey organizations have taken repeated measures of citizens' confidence in public institutions and the people who serve in them. These survey results suggest broad public support for most institutions, and these findings are reflected in the

data from the recent Michigan survey, allowing for slight differences in the question wordings and response categories, as well as the dates at which the survey data were collected.

In general, survey respondents have greater levels of confidence in the judicial branch of government than in the legislative. And they tend to have higher levels of confidence in the federal institutions associated with each branch than state institutions.

Data are presented in Table 4 for levels of public confidence in five public institutions as measured in two national surveys (a 1977 Yankelovich survey and a 1985 Gallup Poll, the latest for which results are available) and the 1986 Michigan survey. The findings are consistent in that they show the same relative ranking of the five institutions in the national and state surveys: the U.S. Supreme Court evoking the greatest confidence, followed by the public schools, the U.S. Congress, and the news media, and state legislatures.

One-third of those interviewed in the Yankelovich survey (35 percent) and a majority of those interviewed in the Gallup survey (56 percent) had high levels of confidence in the U. S. Supreme Court, while 44 percent felt that way in the Michigan sample. Almost half of the Gallup sample (48 percent) and one-third of the Yankelovich sample (34 percent) had high levels of confidence in the public schools, while the equivalent proportion in the Michigan sample was 25 percent. Confidence in the U.S. Congress was lower than for the U.S. Supreme Court (39 percent in the Gallup survey and 22 percent in the Yankelovich survey) compared to 22 percent in the Michigan sample. And 20 percent in both the Yankelovich sample and the Michigan sample expressed high

levels of confidence in their state legislatures.

An equally important question is the levels of confidence which Michigan residents have in their state governmental institutions compared to equivalent national ones. The Michigan sample of respondents was asked about their confidence in six public institutions which included the four indicated above as well as the Michigan Supreme Court and the Michigan legislature.

A comparison of the percentage of the respondents who had high levels of confidence in each of these institutions (who were "extremely confident" or "very confident") is presented in Figure 1. Mirroring the national data, they show greater public confidence in the judiciary than in the legislative branches of government; and, for each, confidence was greater in the federal branch than in the state branch. Confidence in the public schools and the media was significantly lower than in the judiciary and somewhat higher than in the legislature.

There was a high level of confidence in the U.S. Supreme Court among 44 percent of the Michigan sample, and an equivalent level of confidence in the Michigan Supreme Court expressed by 36 percent of the sample. About one-fifth of the sample (22 percent) expressed high levels of confidence in the U.S. Congress and the Michigan Legislature (20 percent). The corresponding levels of confidence in the news media and the public schools were 26 and 25 percent respectively.

Data are presented in Table 5 which indicate that high levels of confidence in the Michigan Supreme Court were present in most demographic groups in the population. However, those who have been involved in a court case themselves were less likely to have high levels of confidence, by a 27 to 40 percent margin. This

**Table 4. Comparison of Confidence in Public Institutions in Surveys of the Nation and Michigan Residents<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
<b>Public Schools</b>						
National-1985	15%	33	32	16	1	(1528)
National-1977	7%	27	36	16	12	(1931)
Michigan	3%	22	43	21	8	(789)
<b>U.S. Supreme Court</b>						
National-1985	18%	38	30	9	1	(1528)
National-1977	9%	27	35	17	10	(1931)
Michigan	6%	38	33	13	6	(789)
<b>U.S. Congress</b>						
National-1985	9%	30	42	15	1	(1528)
National-1977	4%	18	44	24	10	(1931)
Michigan	3%	19	47	20	8	(789)
<b>News Media<sup>2</sup></b>						
National-1985	9%	23	41	24	2	(1528)
National-1977	6%	22	38	21	12	(1931)
Michigan	5%	21	38	22	14	(789)
<b>State Legislature</b>						
National-1977	3%	17	45	25	9	(1931)
Michigan	2%	18	47	20	7	(789)

<sup>1</sup>The 1985 national study was conducted by the Gallup Organization in May of that year, and it involved a sample of 1528 adults. The question wording for the Gallup study was: I am going to read you a list of institutions in American society. Would you tell me how much confidence you, yourself, have in each one—a great deal, quite a lot, some, or very little?

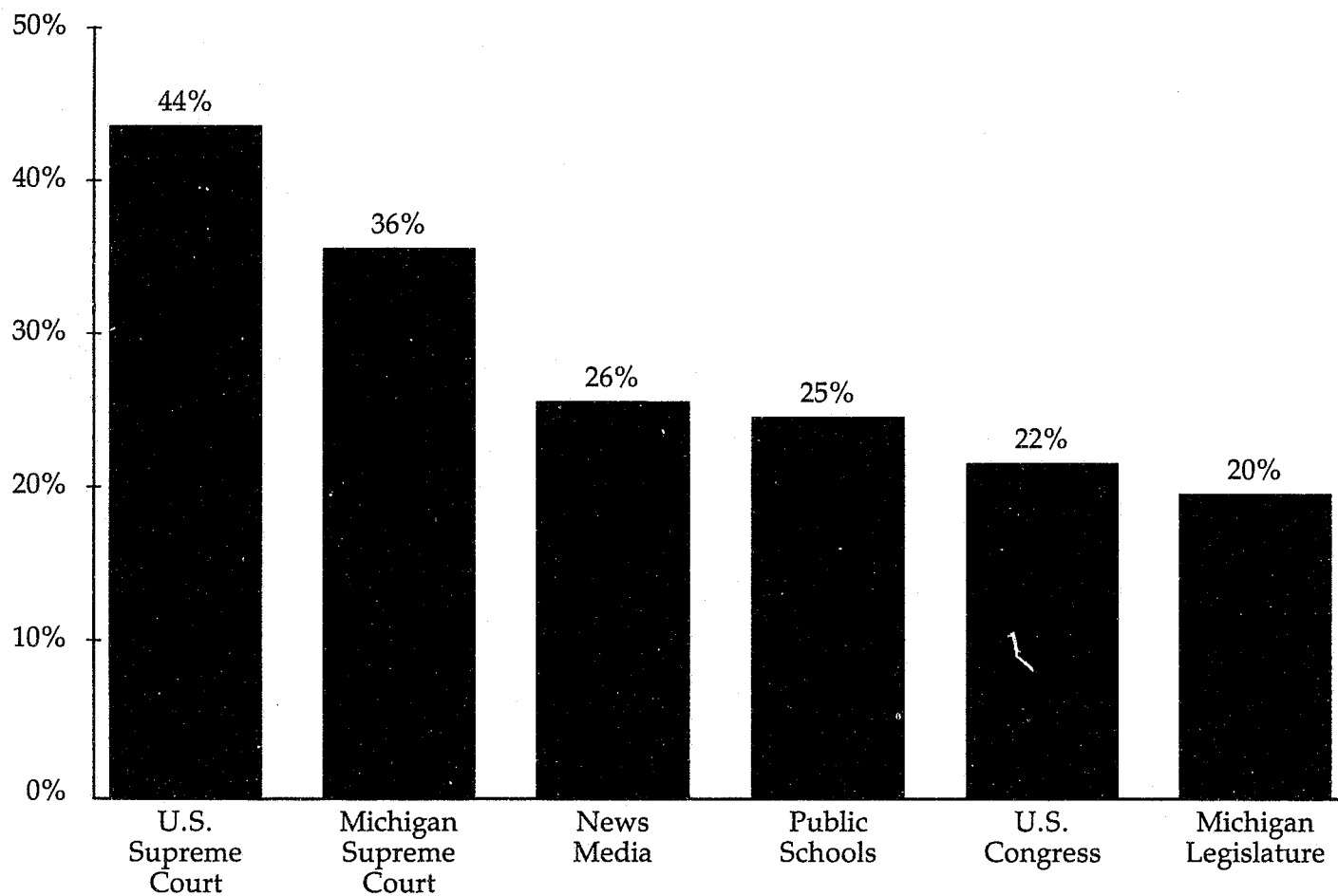
The 1977 national study was conducted by Yankelovich, Skelly and White, Inc. in late 1977, and it involved a sample of 1931 adults. The question wording for the Yankelovich study was: Now I'd like to talk to you about your confidence in different institutions in American society. Do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident?

The question wording of the Michigan study was: I would like to begin by talking to you about your confidence in different institutions in American society . . . Do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident?

<sup>2</sup>The 1985 national survey asked respondents to indicate their confidence in television and their confidence in newspapers. The numbers here are the average for newspaper and television confidence; this procedure was reasonable because the percentages were very similar for newspapers and television.

The percentages do not add to 100 because the "Don't Know" responses are excluded.

**Figure 1. Proportions of Michigan Residents Expressing High Levels of Confidence in Public Institutions<sup>1</sup>**



<sup>1</sup>The exact question wordings were: I would like to begin by talking to you about your confidence in different institutions in American society . . . Do you feel extremely confident, very confident, somewhat confident, or not all all confident? (Respondents saying they feel extremely confident or very confident are considered to express high levels of confidence.)

**Table 5. Michigan Residents' Confidence in the Michigan Supreme Court<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	5%	31	38	12	5	(789)
Men	6%	32	34	12	7	(350)
Women	5%	31	42	12	4	(439)
Whites	5%	31	39	11	8	(643)
Nonwhites	7%	34	31	19	4	(142)
Less than \$15,000	11%	28	32	13	5	(163)
\$15,000-\$34,999	5%	31	42	9	5	(305)
\$35,000 or more	3%	34	36	14	6	(304)
High School or less	7%	29	38	13	5	(404)
College or more	3%	34	38	11	5	(382)
High media exposure	7%	34	37	12	5	(354)
Medium media exposure	5%	28	41	13	6	(314)
Low media exposure	1%	34	35	8	3	(119)
Know a lawyer	5%	32	37	12	6	(553)
Don't know a lawyer	6%	30	41	13	4	(233)
Served on a jury	5%	28	48	6	7	(154)
Have not served	5%	32	36	13	5	(635)
Involved in court case	3%	24	41	14	8	(208)
Never involved	6%	34	37	11	4	(577)
Been victim/witness	6%	34	32	14	10	(151)
Never been victim/witness	5%	31	40	12	4	(637)
Involved in own divorce action	3%	31	40	12	10	(170)
Republicans	5%	32	41	11	5	(324)
Independents	6%	25	40	20	4	(81)
Democrats	6%	34	34	11	6	(328)
Age:						
18-29	6%	34	39	10	3	(186)
30-54	3%	33	38	12	6	(379)
54 and over	8%	27	36	13	5	(224)
Union Members	1%	32	39	12	7	(153)
Nonmembers	6%	32	38	12	5	(634)
Detroit	5%	32	36	14	9	(242)
Suburbs	6%	27	39	14	6	(259)
Outstate	5%	33	38	11	4	(288)

<sup>1</sup>The actual question wording was: How confident do you feel in the Michigan Supreme Court? (Do you feel extremely confident, somewhat confident, or not at all confident?)

Percentages do not add to 100 because "Don't Know" responses are excluded.

relationship extends to those with high levels of confidence in the U.S. Supreme Court as well. Detailed breakdowns from the survey for Michigan residents' confidence in the other public institutions are presented in Appendix A.

## **Attitudes toward the Administration of Justice**

### ***Perceptions of Case Processing***

The respondents in the Michigan survey were asked about three factors related to the administration of justice, in terms of the processing of court cases—the length of court proceedings, their cost, and the difficulty of understanding what takes place in court.

Summary data presented in Figure 2 show that there were high levels of public concern on all three counts. About eight in ten respondents in each case agreed that court proceedings are hard to follow (84 percent), court proceedings take too long (81 percent), and going to court is expensive (76 percent). In the Yankelovich survey, in which a different question wording and method of administering the question were used, 54 percent of a national sample indicated that delays in setting trials are a "serious" or "very serious" problem, and 52 percent indicated that expensive courts are a "serious" or "very serious" problem.<sup>2</sup>

Detailed data are presented in Table 6 which show the pervasiveness of perceptions that court proceedings are hard to follow. In all demographic groups, including education, this was felt to be the case, and there were no significant differences by experiences with the legal system.

Detailed data from the Michigan survey are presented in Table 7 on perceptions that court proceedings take too long. Those respondents with higher levels of income and who had been

involved in their own court case as a plaintiff or defendant were more likely to feel this way.

Detailed data on perceptions about the expense of going to court are presented in Table 8. This perception was generally pervasive among the survey respondents, with no significant differences among major demographic groups.

### ***Perceptions of Disparate Treatment***

On another dimension, Michigan citizens expressed concern about perceived disparities in the treatment of different demographic and economic groups by the court system. Summary data are presented in Figure 3 which show that they were more concerned about political influences and economic differences than they were about racial and gender differences in treatment. Almost nine in ten (86 percent) of the Michigan sample agreed with the statement that court decisions are sometimes influenced by political considerations, while seven in ten (71 percent) agreed that courts do not treat poor people the same as they do wealthy people. About one-third of the respondents (37 percent) agreed that blacks are not treated as well as whites and that women are not treated as well as men (34 percent).

The Michigan findings are similar to those from the Yankelovich survey, again allowing for differences in question wording and administration. In the national sample, 44 percent of the respondents felt political considerations were a "serious" or "very serious" problem, 39 percent felt that differential treatment of poor and wealthy people was an equivalent problem, and 31 percent were concerned about differential treatment of blacks and other minorities relative to whites.<sup>3</sup>

Because of the generally high level of concern that political

considerations sometimes influence court cases, the data presented in Table 9 do not contain any significant differences in this perception among various demographic groups in the sample.

Data are presented in Table 10 on Michigan citizens' attitudes about the relative treatment of poor people and wealthy people in the court system. Nonwhites were more likely to have this concern than white respondents, as were young respondents (less than 29 years of age) and Democrats relative to Republicans.

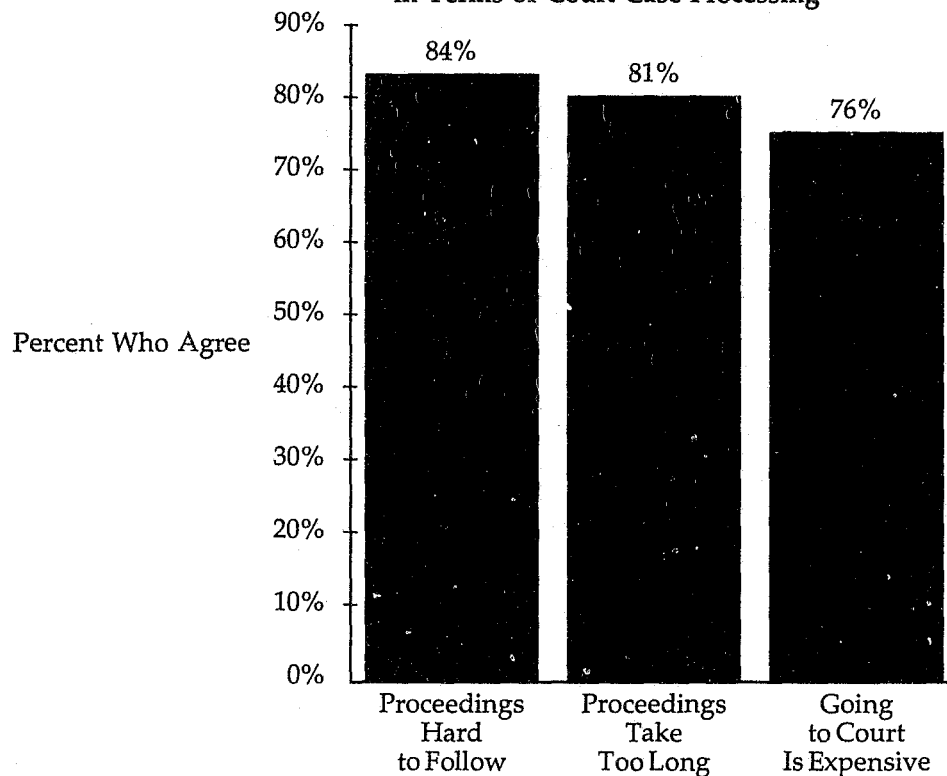
The data in Table 11 show that nonwhite respondents were much more likely than white respondents to agree (by a 57 to 36 percent margin) that courts do not treat blacks as well as whites. And college-educated respondents were more likely to feel this way than those with less education, by a 46 to 30 percent margin. And those who indicated that they had served on a jury were more likely to express this view (47 percent) than those who had not (36 percent), as were union members relative to nonmembers by the same margin.

On the question of equal treatment of men and women by the court system, women were more likely to express concern than men by a 43 to 33 percent margin. But the differences in opinion just as large between union members and nonmembers (by a 45 to 30 percent margin), between those with college education compared to those with less education (by a 40 to 29 percent margin), and between Democrats and Republicans (by a 40 to 27 percent margin).

## **Attitudes toward Proposals for Changing the Administration of the Judicial System**

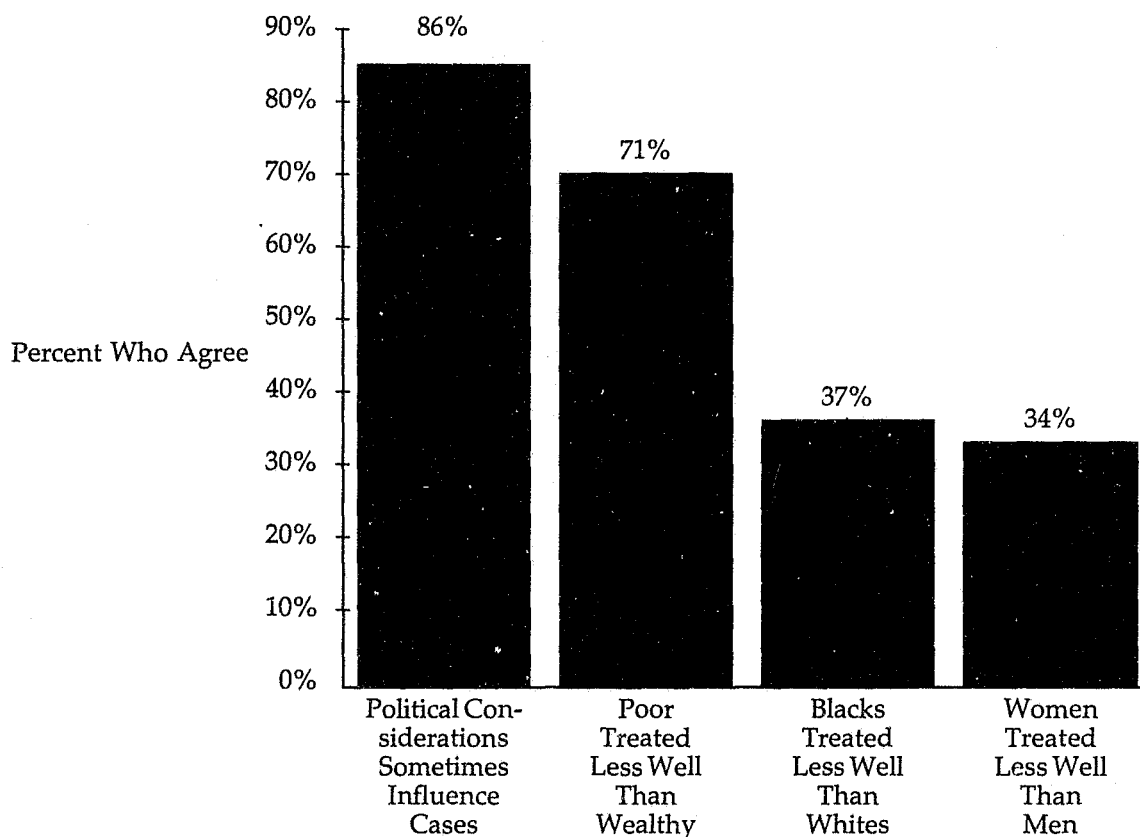
Respondents in the Michigan survey were presented with a number of alternative proposals for change in the administration of

**Figure 2. Michigan Citizens' Perceptions About The Administration of Justice in Terms of Court Case Processing<sup>1</sup>**



<sup>1</sup>The exact question wordings were: The next statements are about the legal system. For each statement please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly. a. The average person does not understand what is going on in court. b. Court proceedings take too long. c. It is too expensive to go to court.

**Figure 3. Michigan Citizens' Perceptions of Equity of Treatment in Court<sup>1</sup>**



<sup>1</sup>The exact question wordings were: The next statements are about the legal system. For each statement please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly. a. Court decisions are sometimes influenced by political considerations. b. Courts do not treat poor people as well as they treat wealthy people. c. Courts do not treat blacks as well as whites. d. Courts treat women as well as they treat men.

**Table 6. Michigan Residents' Perceptions That Court Proceedings Are Hard to Follow<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	55%	29	9	7	(789)
Men	58%	29	8	5	(350)
Women	52%	28	10	9	(439)
Whites	54%	30	9	7	(643)
Nonwhites	66%	21	8	6	(142)
Less than \$15,000	55%	22	9	14	(163)
\$15,000-\$34,999	53%	30	8	8	(305)
\$35,000 or more	59%	29	9	3	(304)
High School or less	57%	26	8	9	(404)
College or more	55%	32	9	4	(382)
High media exposure	56%	29	7	8	(354)
Medium media exposure	55%	28	9	7	(314)
Low media exposure	55%	29	12	5	(119)
Know a lawyer	54%	31	8	6	(553)
Don't know a lawyer	58%	22	11	8	(233)
Served on a jury	55%	28	9	8	(154)
Have not served	56%	29	8	7	(635)
Involved in court case	56%	27	11	6	(208)
Never involved	55%	29	8	7	(577)
Been a victim/witness	62%	19	15	4	(151)
Never been victim/witness	54%	31	7	8	(637)
Involved in own divorce action	39%	21	13	7	(170)
Republicans	51%	30	11	8	(324)
Independents	59%	24	7	10	(81)
Democrats	61%	27	6	5	(328)
Age:					
18-29	50%	30	13	7	(186)
30-54	60%	25	7	8	(379)
54 and over	51%	33	8	6	(224)
Union Members	58%	30	6	5	(153)
Nonmembers	55%	28	9	7	(634)
Detroit	62%	23	10	6	(242)
Suburbs	60%	29	8	2	(259)
Outstate	52%	30	9	9	(288)

<sup>1</sup>The actual question wording was: The next statements are about the legal system. For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

c. The average person does not understand what is going on in court.

Percentages do not add to 100 because the "Don't Know" responses are excluded.



**Table 7. Michigan Residents' Perceptions That Court Proceedings Take Too Long<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	57%	24	10	7	(789)
Men	59%	22	9	9	(350)
Women	56%	25	11	6	(439)
Whites	58%	24	10	7	(643)
Nonwhites	54%	22	13	10	(142)
Less than \$15,000	50%	23	7	16	(163)
\$15,000-\$34,999	55%	26	11	7	(305)
\$35,000 or more	64%	23	9	4	(304)
High School or less	55%	22	9	11	(404)
College or more	60%	26	11	3	(382)
High media exposure	62%	20	11	5	(354)
Medium media exposure	52%	27	11	9	(314)
Low media exposure	56%	30	6	7	(119)
Know a lawyer	58%	24	10	7	(553)
Don't know a lawyer	55%	25	10	7	(233)
Served on a jury	58%	20	13	9	(154)
Have not served	57%	25	10	7	(635)
Involved in court case	64%	20	8	7	(208)
Never involved	56%	25	11	7	(577)
Been a victim/witness	68%	14	7	10	(151)
Never been victim/witness	55%	26	11	7	(637)
Involved in own divorce action	63%	19	10	8	(170)
Republicans	56%	26	11	6	(324)
Independents	70%	20	4	5	(81)
Democrats	56%	23	10	9	(328)
Age:					
18-29	51%	30	13	4	(186)
30-54	61%	24	8	6	(379)
54 and over	58%	18	10	11	(224)
Union Members	61%	26	7	6	(153)
Nonmembers	57%	24	11	8	(634)
Detroit	52%	25	13	8	(242)
Suburbs	59%	23	9	7	(259)
Outstate	58%	24	10	7	(288)

<sup>1</sup>The actual question wording was: The next statements are about the legal system. For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

a. Court proceedings take too long.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 8. Michigan Residents' Perceptions That Going to Court is Expensive<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	49%	27	16	7	(789)
Men	52%	26	12	9	(350)
Women	46%	29	19	6	(439)
Whites	48%	28	16	7	(643)
Nonwhites	57%	17	13	11	(142)
Less than \$15,000	52%	20	16	11	(163)
\$15,000-\$34,999	50%	26	16	6	(305)
\$35,000 or more	48%	30	14	7	(304)
High School or less	49%	27	14	9	(404)
College or more	49%	28	17	6	(382)
High media exposure	50%	26	15	8	(354)
Medium media exposure	47%	29	14	8	(314)
Low media exposure	52%	25	19	4	(119)
Know a lawyer	48%	29	15	8	(553)
Don't know a lawyer	51%	24	17	7	(233)
Served on a jury	45%	26	20	10	(154)
Have not served	50%	28	15	7	(635)
Involved in court case	57%	22	14	7	(208)
Never involved	47%	29	16	7	(577)
Been a victim/witness	52%	27	12	8	(151)
Never been victim/witness	48%	28	16	7	(637)
Involved in own divorce action	58%	20	14	7	(170)
Republicans	45%	32	15	8	(324)
Independents	51%	31	10	7	(81)
Democrats	57%	22	13	7	(328)
Age:					
18-29	48%	31	16	6	(186)
30-54	50%	25	16	8	(379)
54 and over	47%	29	14	8	(224)
Union Members	50%	22	16	10	(153)
Nonmembers	49%	28	15	7	(634)
Detroit	47%	27	14	10	(242)
Suburbs	50%	30	13	5	(259)
Outstate	49%	26	17	8	(288)

<sup>1</sup>The actual question wording was: The next statements are about the legal system. For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

b. It is too expensive to go to court.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 9. Michigan Residents' Perceptions That Court Decisions Are Sometimes Influenced by Political Considerations<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	51%	35	8	4	(789)
Men	49%	34	10	6	(350)
Women	53%	35	7	3	(439)
Whites	51%	35	8	4	(643)
Nonwhites	49%	34	12	4	(142)
Less than \$15,000	49%	30	12	6	(163)
\$15,000-\$34,999	49%	38	7	4	(305)
\$35,000 or more	55%	32	8	4	(304)
High School or less	49%	35	9	5	(404)
College or more	54%	34	8	3	(382)
High media exposure	55%	31	9	4	(354)
Medium media exposure	49%	37	9	4	(314)
Low media exposure	45%	40	7	6	(119)
Know a lawyer	53%	33	11	3	(553)
Don't know a lawyer	48%	40	4	8	(233)
Served on a jury	55%	32	6	6	(154)
Have not served	50%	36	9	4	(635)
Involved in court case	56%	34	8	2	(208)
Never involved	50%	35	9	5	(577)
Been a victim/witness	62%	24	7	6	(151)
Never been victim/witness	49%	37	9	4	(637)
Involved in own divorce action	59%	30	6	3	(170)
Republicans	48%	36	9	5	(324)
Independents	51%	35	9	5	(81)
Democrats	53%	33	9	3	(328)
Age:					
18-29	36%	47	10	7	(186)
30-54	61%	29	7	2	(379)
54 and over	48%	34	10	5	(224)
Union Members	52%	30	11	4	(153)
Nonmembers	51%	36	8	4	(634)
Detroit	58%	26	11	5	(242)
Suburbs	58%	33	5	3	(259)
Outstate	47%	38	9	5	(288)

<sup>1</sup>The actual question wording was: For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

d. Court decisions are sometimes influenced by political considerations.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 10. Michigan Residents' Perceptions That Courts Do Not Treat Poor People As Well As Wealthy People<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	40%	31	16	13	(789)
Men	38%	32	13	15	(350)
Women	41%	29	18	11	(439)
Whites	38%	32	16	13	(643)
Nonwhites	60%	20	6	12	(142)
Less than \$15,000	42%	21	20	14	(163)
\$15,000-\$34,999	41%	30	17	12	(305)
\$35,000 or more	38%	34	13	14	(304)
High School or less	39%	29	15	16	(404)
College or more	40%	33	17	9	(382)
High media exposure	38%	31	16	14	(354)
Medium media exposure	39%	32	15	13	(314)
Low media exposure	49%	26	15	8	(119)
Know a lawyer	38%	34	14	12	(553)
Don't know a lawyer	43%	24	18	15	(233)
Served on a jury	41%	32	16	10	(154)
Have not served	40%	30	16	14	(635)
Involved in court case	46%	29	16	9	(208)
Never involved	38%	32	16	14	(577)
Been a victim/witness	46%	28	12	12	(151)
Never been victim/witness	39%	31	16	13	(637)
Involved in own divorce action	54%	24	10	10	(170)
Republicans	33%	32	18	16	(324)
Independents	37%	42	10	9	(81)
Democrats	50%	26	13	9	(328)
Age:					
18-29	33%	29	21	17	(186)
30-54	45%	31	13	10	(379)
54 and over	36%	32	15	14	(224)
Union Members	44%	32	15	9	(153)
Nonmembers	39%	30	16	14	(634)
Detroit	52%	25	14	9	(242)
Suburbs	44%	29	15	12	(259)
Outstate	35%	33	16	14	(288)

<sup>1</sup>The actual question wording was: For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

g. Courts do not treat poor people as well as they treat wealthy people.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 11. Michigan Residents' Perceptions That Courts Do Not Treat Blacks As Well As Whites<sup>1</sup>**

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	N
All Michigan Residents	12%	25	27	32	(789)
Men	12%	25	27	35	(350)
Women	13%	26	28	30	(439)
Whites	11%	25	28	34	(643)
Nonwhites	29%	28	20	19	(142)
Less than \$15,000	14%	24	30	25	(163)
\$15,000-\$34,999	11%	27	25	36	(305)
\$35,000 or more	14%	25	28	31	(304)
High School or less	10%	20	28	39	(404)
College or more	15%	31	27	24	(382)
High media exposure	15%	26	24	32	(354)
Medium media exposure	9%	26	31	32	(314)
Low media exposure	13%	22	30	34	(119)
Know a lawyer	13%	26	27	32	(553)
Don't know a lawyer	13%	24	28	33	(233)
Served on a jury	21%	26	22	28	(154)
Have not served	11%	25	29	33	(635)
Involved in court case	15%	28	24	32	(208)
Never involved	12%	24	29	32	(577)
Been a victim/witness	15%	25	25	33	(151)
Never been victim/witness	12%	25	28	32	(637)
Involved in own divorce action	13%	27	21	34	(170)
Republicans	10%	22	27	39	(324)
Independents	9%	27	26	34	(81)
Democrats	18%	28	28	23	(328)
Age:					
18-29	8%	23	34	33	(186)
30-54	16%	27	24	30	(379)
54 and over	9%	24	28	35	(224)
Union Members	19%	32	19	27	(153)
Nonmembers	11%	24	29	34	(634)
Detroit	22%	19	25	32	(242)
Suburbs	11%	24	29	34	(259)
Outstate	11%	27	28	32	(288)

<sup>1</sup>The actual question wording was: For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

e. Courts do not treat blacks as well as whites.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 12. Michigan Residents' Perceptions That Courts Treat Women the Same as Men<sup>1</sup>**

	Disagree Strongly	Disagree Somewhat	Agree Somewhat	Agree Strongly	N
All Michigan Residents	14%	20	30	34	(789)
Men	12%	18	26	42	(350)
Women	16%	22	33	27	(439)
Whites	13%	20	30	35	(643)
Nonwhites	20%	23	29	24	(142)
Less than \$15,000	18%	14	26	36	(163)
\$15,000-\$34,999	17%	20	25	38	(305)
\$35,000 or more	10%	22	35	31	(304)
High School or less	12%	17	30	39	(404)
College or more	17%	23	29	28	(382)
High media exposure	16%	22	24	37	(354)
Medium media exposure	12%	20	34	32	(314)
Low media exposure	13%	13	36	34	(119)
Know a lawyer	14%	19	31	35	(553)
Don't know a lawyer	15%	22	28	34	(233)
Served on a jury	20%	17	33	28	(154)
Have not served	12%	20	29	36	(635)
Involved in court case	14%	19	28	38	(208)
Never involved	14%	20	31	34	(577)
Been a victim/witness	15%	19	26	38	(151)
Never been victim/witness	14%	20	31	34	(637)
Involved in own divorce action	14%	12	33	38	(170)
Republicans	10%	17	31	41	(324)
Independents	16%	25	24	31	(81)
Democrats	20%	20	30	26	(328)
Age:					
18-29	10%	18	35	38	(186)
30-54	15%	23	30	30	(379)
54 and over	16%	17	26	38	(224)
Union Members	23%	25	24	28	(153)
Nonmembers	12%	19	31	36	(634)
Detroit	19%	21	26	33	(242)
Suburbs	9%	24	33	32	(259)
Outstate	15%	18	29	36	(288)

<sup>1</sup>The actual question wording was: For each statement, please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

f. Courts treat women as well as they treat men.

Percentages do not add to 100 because the "Don't Know" responses are excluded.

the judicial system. These proposals fall into three broad categories, and the survey results presented below are organized by them: proposals relating to the operation of the courts, proposals related to the selection and evaluation of judges and sentencing, and a proposal for legal insurance.

Many of these proposals would require legislative action, while others would involve only administrative changes in the court system. The respondents were offered alternatives from which to choose without being given any information about the procedures for or probabilities of implementing any of these proposals. Some national surveys have elicited popular reactions to these same proposals, and relevant data are cited where they are available.

#### *Proposals for Changing the Operation of the Court System*

A majority of Michigan residents (62 percent) would favor having courts in operation at night and on weekends in addition to their regular hours. This is a proposal which is often made to facilitate public access to the court system, particularly for people who might have difficulty getting away from work and/or who are less well off financially. In the Yankelovich survey 71 percent of a national sample expressed support for such a proposal.<sup>4</sup>

The Michigan survey data presented in Table 13 suggest that respondents with higher levels of income were more likely to favor this proposal than those with low levels of income (by a 65 to 50 percent margin), and whites were more likely to favor such a proposal than nonwhites (by a 64 to 49 percent margin). Those who have been involved in a court case themselves were also somewhat more likely to favor this proposal than those who had not, by a 69 to 61 percent margin.

A second proposal in this area is the use of informal procedures and panels of local citizens as an alternative for resolving disputes between neighbors, in petty larceny cases, and the like. The impetus behind this proposal is a reduction in case processing time as well as expense. A majority of Michigan residents (62 percent) favored such a proposal. In the Yankelovich survey 82 percent of a national sample expressed support for this proposal.<sup>5</sup>

The tabulations presented in Table 14 for the Michigan sample indicate that those who have been involved in a court case were more likely to support this proposal than those who have not, by a 71 to 60 percent margin. Three-quarters (74 percent) of those involved in divorce case also supported this proposal. The proposal was also more likely to be supported by respondents with higher levels of income, higher levels of education, and whites.

Those who agreed with the proposition that court proceedings take too long were most likely to favor the use of such informal procedures, by a 66 to 38 percent margin relative to those who disagreed strongly that proceedings take too long. And those who agreed that it is too expensive to go to court were more likely to favor the use of informal procedures than those who disagreed, by a 65 to 43 percent margin.

A third proposal for changing the operation of the court system involved developing procedures for criminal trials so that defendants are physically separated from victims and witnesses. This was supported by two-thirds of the Michigan sample (66 percent). Women were more likely to favor this proposal than men, by a 72 to 59 percent margin; and younger respondents who were less than thirty years of age were more likely to favor this proposal (76 percent) than those

54 or older (54 percent). However, there were no differences between those who had been involved in a court case themselves or who had served on a jury. Respondents who reported they had been a victim or witness in a court case were **not** more likely to favor this proposal than those who had not appeared in court under these circumstances.

There was very broad support for establishing and funding a program to make court facilities more accessible to handicapped persons. Nine out of ten respondents (89 percent) favored this proposal, and three-quarters (76 percent) favored it strongly.

#### *Proposals for Selecting and Evaluating Judges*

There has been extensive discussion and debate among public administration specialists, legal scholars, and politicians, among others, about alternative methods for selecting, evaluating, and retaining state and local court judges. Briefly stated, one side urges that judges be appointed rather than elected to remove overt or covert partisan influences in selection. Panels or committees composed at least partially of lawyers could evaluate candidates or applicants for judicial positions and nominate the best qualified ones. There is a variety of proposals for constructing the lists of potential judges and the means by which a choice could be made from them. And there is a variety of proposals for periodically evaluating judges and communicating the results of these evaluation to citizens, who might vote on their retention.

On the other hand, some argue that accountability to the electorate through the ballot box is the best way to insure a skilled and competent judiciary. The candidates do not have to run on a partisan ballot, and those who win would serve fixed terms and face reelection periodically, campaigning within their district as necessary.

**Table 13. Michigan Citizens' Support for Having Courts in Operation at Night and on Weekends<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	47%	15	15	21	(789)
Men	52%	14	12	19	(350)
Women	42%	16	17	23	(439)
Whites	48%	16	14	20	(643)
Nonwhites	39%	10	19	31	(142)
Less than \$15,000	35%	15	20	26	(163)
\$15,000-\$34,999	49%	16	12	20	(305)
\$35,000 or more	52%	13	15	20	(304)
High School or less	46%	14	15	22	(404)
College or more	49%	16	15	19	(382)
High media exposure	46%	12	16	23	(354)
Medium media exposure	51%	18	13	17	(314)
Low media exposure	41%	17	16	25	(119)
Know a lawyer	47%	16	14	22	(553)
Don't know a lawyer	48%	14	17	19	(233)
Served on a jury	47%	11	16	25	(154)
Have not served	47%	16	14	20	(635)
Involved in court case	53%	16	12	18	(208)
Never involved	46%	15	15	22	(577)
Been a victim/witness	54%	16	12	18	(151)
Never been victim/witness	46%	15	15	22	(637)
Involved in own divorce action	51%	14	11	24	(169)
Republicans	48%	13	15	23	(324)
Independents	42%	26	17	16	(81)
Democrats	49%	16	13	21	(328)
Age:					
18-29	49%	18	16	17	(186)
30-54	53%	15	16	16	(379)
54 and over	36%	14	12	34	(224)
Union Members	60%	11	14	14	(153)
Nonmembers	45%	16	15	23	(634)
Detroit	46%	10	18	24	(242)
Suburbs	49%	12	17	21	(259)
Outstate	47%	18	13	21	(288)

<sup>1</sup>The actual question wording was: In recent years, several suggestions have been made to change the court system. I am going to read a list of proposed changes, and for each one please tell me whether you favor or oppose it.

Here's the first suggestion: In addition to their normal hours, have courts in operation at night and on weekends. (Would you favor or oppose having courts in operation at night and on the weekends?)

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.



**Table 14. Michigan Citizens' Support for Alternative Dispute Resolution Procedures<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	47%	15	13	20	(789)
Men	50%	16	11	18	(350)
Women	44%	15	14	22	(439)
Whites	48%	16	12	19	(643)
Nonwhites	36%	10	17	33	(142)
Less than \$15,000	39%	12	15	24	(163)
\$15,000-\$34,999	43%	18	13	22	(305)
\$35,000 or more	54%	15	12	17	(304)
High School or less	44%	14	16	19	(404)
College or more	50%	17	9	21	(382)
High media exposure	50%	13	10	22	(354)
Medium media exposure	42%	18	14	22	(314)
Low media exposure	51%	16	20	10	(119)
Know a lawyer	49%	13	14	20	(553)
Don't know a lawyer	41%	22	10	22	(233)
Served on a jury	40%	17	12	26	(154)
Have not served	49%	15	13	19	(635)
Involved in court case	58%	13	10	17	(208)
Never involved	44%	16	14	21	(577)
Been a victim/witness	51%	9	12	22	(151)
Never been victim/witness	46%	17	13	20	(637)
Involved in own divorce action	56%	18	8	16	(170)
Republicans	49%	15	14	19	(324)
Independents	35%	23	24	19	(81)
Democrats	50%	13	9	21	(328)
Age:					
18-29	42%	18	22	17	(186)
30-54	55%	16	10	18	(379)
54 and over	38%	12	10	28	(224)
Union Members	45%	16	8	25	(153)
Nonmembers	47%	15	14	19	(634)
Detroit	48%	12	12	24	(242)
Suburbs	51%	12	11	20	(259)
Outstate	45%	18	14	20	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Using informal procedures and panels of local citizens as an alternative for resolving disputes between neighbors, in petty larceny cases, and the like?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 15. Michigan Citizens' Support for Keeping Defendants Physically Separated from Victims and Witnesses<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	50%	16	12	17	(789)
Men	46%	13	14	22	(350)
Women	54%	18	10	12	(439)
Whites	49%	17	13	16	(643)
Nonwhites	64%	7	5	20	(142)
Less than \$15,000	55%	6	9	21	(161)
\$15,000-\$34,999	47%	19	15	13	(301)
\$35,000 or more	52%	16	10	19	(301)
High School or less	53%	16	12	15	(398)
College or more	46%	16	13	18	(378)
High media exposure	49%	17	10	19	(354)
Medium media exposure	51%	15	14	16	(314)
Low media exposure	49%	16	16	10	(119)
Know a lawyer	49%	14	15	16	(553)
Don't know a lawyer	52%	19	7	18	(233)
Served on a jury	45%	20	11	17	(154)
Have not served	51%	15	12	16	(635)
Involved in court case	49%	16	16	18	(208)
Never involved	50%	16	11	16	(577)
Been a victim/witness	47%	12	20	17	(151)
Never been victim/witness	51%	17	11	16	(637)
Involved in own divorce action	48%	16	18	13	(170)
Republicans	49%	16	13	17	(324)
Independents	48%	20	6	18	(81)
Democrats	55%	13	11	17	(325)
Age:					
18-29	56%	20	9	12	(186)
30-54	51%	16	14	14	(379)
54 and over	43%	11	12	24	(224)
Union Members	59%	14	10	15	(153)
Nonmembers	48%	16	13	17	(634)
Detroit	59%	11	4	22	(242)
Suburbs	52%	12	11	18	(259)
Outstate	47%	18	14	15	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Developing procedures for criminal trials so that defendants are physically separated from victims and witnesses?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 16. Michigan Citizens' Support for Making Court Facilities More Accessible<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	76%	13	4	5	(789)
Men	71%	15	5	7	(350)
Women	81%	10	3	4	(439)
Whites	75%	13	4	5	(643)
Nonwhites	82%	6	4	6	(143)
Less than \$15,000	80%	10	2	5	(163)
\$15,000-\$34,999	82%	8	6	3	(305)
\$35,000 or more	68%	18	3	8	(304)
High School or less	79%	8	4	7	(404)
College or more	72%	18	4	4	(382)
High media exposure	76%	12	5	6	(354)
Medium media exposure	78%	11	3	6	(314)
Low media exposure	70%	19	6	4	(119)
Know a lawyer	75%	13	4	6	(553)
Don't know a lawyer	78%	12	5	3	(233)
Served on a jury	76%	13	4	6	(154)
Have not served	76%	12	4	5	(635)
Involved in court case	75%	13	6	7	(208)
Never involved	76%	13	4	5	(577)
Been a victim/witness	74%	13	8	5	(151)
Never been victim/witness	76%	12	3	6	(637)
Involved in own divorce action	78%	12	5	4	(170)
Republicans	72%	14	5	6	(324)
Independents	59%	31	6	3	(81)
Democrats	86%	5	2	5	(328)
Age:					
18-29	82%	10	6	2	(186)
30-54	76%	15	4	4	(379)
54 and over	71%	10	4	10	(224)
Union Members	81%	9	2	6	(153)
Nonmembers	75%	13	5	5	(634)
Detroit	84%	8	1	7	(242)
Suburbs	76%	15	4	3	(259)
Outstate	74%	13	5	6	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Establishing and funding a program to make court facilities more accessible to handicapped persons?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

In Michigan, most state and local judges are elected. There are state commissions which can evaluate complaints about their professional conduct, but there is no regular and periodic review of their performance by an independent body. Without any prompting or explanation of the underlying issues, the respondents in the Michigan survey were asked whether they would favor or oppose a system of appointing judges rather than electing them and about their support for establishing a performance review committee.

Data are presented in Table 17 which show that Michigan citizens are opposed to the appointment of judges in lieu of the present system of electing them. More than half (58 percent) were strongly opposed. These data suggest that any proposed reform of the method of judicial selection in Michigan would have to retain some element of popular participation in the process.

Data are presented in Table 18 on Michigan citizens' attitudes toward establishment of a judicial performance review committee. Three-fourths of those surveyed (76 percent) strongly favor establishing a committee to review the performance of all judges in order to recommend their retention or removal, and another 9 percent favor it less strongly. There were no major differences among demographic groups in their support for this issue, but

respondents who strongly agreed that court decisions are sometimes influenced by politics were the most likely to strongly favor a committee for judicial performance review (82 percent). In the Yankelovich survey, 90 percent of the national sample supported this proposal and 53 percent supported it strongly.

### *Other Reform Proposals*

Michigan citizens were also asked about two other reform proposals—establishing legal insurance and fixed sentencing. A majority of those surveyed (54 percent) opposed establishing legal insurance, similar to automobile or health insurance, to help pay court and legal expenses. But eight in ten (84 percent) of those surveyed felt that judges' sentences should take into account previous criminal records and the circumstances of the crime rather than being fixed.

The data presented in Table 19 show that respondents with lower levels of income were more likely to favor the establishment of legal insurance than those who are better off. While there was no difference in basic support for the proposal between whites and nonwhites, minority respondents were more likely to favor the proposal strongly. This was also true for those who had been personally involved in a court case as opposed to those who had not. Respondents who agreed that it is too expensive to go to court were

more likely to favor legal insurance than those who felt otherwise, by a 44 to 37 percent margin.

National data collected in the Yankelovich survey demonstrated mixed popular support for fixed sentencing depending upon how the question was posed to the respondents. On the one hand, six in ten (63 percent) expressed support for the suggestion that legislatures should set exact sentences for particular crimes. At the same time, 54 percent responded that judges should have limited power to make sentences "tougher" or "lighter" depending on the circumstances of the case, and another 28 percent said they should have a great deal of power. When asked in this form, only 11 percent of the respondents agreed that judges should be required to give the same sentence for a particular crime, regardless of the circumstances of the case.<sup>6</sup>

Data are presented in Table 20 on Michigan residents' attitudes toward fixed sentencing. Wealthier respondents, those with higher levels of education, Republicans, and those who had been involved in a court case were more likely to believe that sentences should be flexible; minority respondents, those with lower incomes, and older respondents were more likely to feel that all persons convicted of the same crime should receive the same sentence.

**Table 17. Michigan Residents' Support for Appointing Judges Rather Than Electing Them<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	14%	9	15	58	(789)
Men	14%	10	12	60	(350)
Women	15%	8	17	57	(439)
Whites	13%	9	15	59	(643)
Nonwhites	24%	10	10	53	(142)
Less than \$15,000	14%	9	14	57	(163)
\$15,000-\$34,999	14%	8	15	60	(305)
\$35,000 or more	14%	10	15	58	(643)
High School or less	18%	8	15	55	(404)
College or more	10%	11	14	62	(382)
High media exposure	13%	9	10	64	(119)
Medium media exposure	15%	10	18	55	(314)
Low media exposure	17%	6	23	51	(354)
Know a lawyer	12%	10	13	60	(553)
Don't know a lawyer	18%	6	18	54	(233)
Served on a jury	8%	10	9	72	(154)
Have not served	16%	9	16	55	(635)
Involved in court case	18%	9	17	51	(208)
Never involved	13%	9	14	61	(577)
Been a victim/witness	17%	10	16	53	(151)
Never been victim/witness	14%	9	14	59	(637)
Involved in own divorce action	16%	10	10	60	(170)
Republicans	14%	10	14	58	(324)
Independents	17%	2	20	57	(81)
Democrats	15%	9	14	60	(328)
Age:					
18-29	15%	14	23	47	(186)
30-54	15%	8	13	60	(379)
54 and over	12%	6	10	65	(224)
Union Members	15%	6	11	64	(153)
Nonmembers	14%	10	16	56	(634)
Detroit	16%	12	10	58	(242)
Suburbs	16%	9	16	56	(259)
Outstate	13%	8	15	60	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Appointing judges rather than our present system of electing them?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 18. Michigan Citizens' Support for Establishing a Committee to Review Judicial Performance<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	76%	9	3	9	(789)
Men	75%	8	2	11	(350)
Women	77%	9	4	6	(439)
Whites	77%	9	3	8	(643)
Nonwhites	70%	12	3	12	(142)
Less than \$15,000	65%	10	5	10	(163)
\$15,000-\$34,999	77%	10	3	8	(305)
\$35,000 or more	80%	7	2	9	(304)
High School or less	75%	8	4	8	(404)
College or more	77%	9	2	9	(382)
High media exposure	80%	5	3	8	(354)
Medium media exposure	71%	12	3	10	(314)
Low media exposure	75%	13	1	8	(119)
Know a lawyer	74%	10	4	10	(553)
Don't know a lawyer	80%	7	2	6	(233)
Served on a jury	81%	8	3	5	(154)
Have not served	75%	9	3	10	(635)
Involved in court case	80%	7	3	8	(208)
Never involved	75%	9	3	9	(577)
Been a victim/witness	81%	6	2	9	(151)
Never been victim/witness	75%	9	3	9	(637)
Involved in own divorce action	77%	9	2	8	(170)
Republicans	76%	10	4	8	(324)
Independents	80%	10	2	6	(81)
Democrats	73%	8	2	12	(328)
Age:					
18-29	76%	11	4	8	(186)
30-54	79%	10	1	7	(379)
54 and over	70%	6	5	12	(224)
Union Members	77%	5	1	14	(153)
Nonmembers	76%	9	4	8	(634)
Detroit	75%	7	3	12	(242)
Suburbs	78%	5	4	9	(259)
Outstate	75%	11	3	8	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Establishing a committee to review the performance of all judges in order to recommend their retention or removal?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 19. Michigan Citizens' Support for Legal Insurance<sup>1</sup>**

	Favor Strongly	Favor Not Strongly	Oppose Not Strongly	Oppose Strongly	N
All Michigan Residents	26%	16	16	38	(789)
Men	31%	14	15	36	(350)
Women	22%	18	16	40	(439)
Whites	25%	17	15	40	(643)
Nonwhites	42%	5	22	25	(142)
Less than \$15,000	37%	16	13	29	(163)
\$15,000-\$34,999	22%	17	18	38	(305)
\$35,000 or more	26%	15	14	42	(304)
High School or less	28%	14	16	38	(404)
College or more	25%	18	15	39	(382)
High media exposure	26%	16	13	41	(354)
Medium media exposure	26%	17	18	36	(314)
Low media exposure	29%	12	17	37	(119)
Know a lawyer	26%	16	15	39	(553)
Don't know a lawyer	27%	16	16	38	(233)
Served on a jury	23%	15	15	45	(154)
Have not served	27%	16	16	37	(635)
Involved in court case	35%	13	13	35	(208)
Never involved	24%	17	16	39	(577)
Been a victim/witness	29%	16	14	38	(151)
Never been victim/witness	26%	16	16	38	(637)
Involved in own divorce action	32%	10	15	39	(170)
Republicans	22%	19	15	41	(324)
Independents	20%	15	25	37	(81)
Democrats	31%	13	15	37	(328)
Age:					
18-29	30%	16	23	30	(186)
30-54	26%	17	12	41	(379)
54 and over	23%	14	14	42	(224)
Union Members	32%	18	11	32	(153)
Nonmembers	25%	15	16	40	(634)
Detroit	34%	7	20	33	(242)
Suburbs	27%	15	11	43	(259)
Outstate	24%	18	17	38	(288)

<sup>1</sup>The actual question wording was: (Would you favor or oppose) Establishing legal insurance similar to automobile or health insurance, to help pay court and legal expenses?

Would you [favor/oppose] such a proposal strongly or not strongly?

Percentages do not add to 100 because the "Don't Know" responses are excluded.

**Table 20. Michigan Citizens' Attitudes Toward Fixed Sentencing<sup>1</sup>**

	Sentences Should Be Always the Same	Depend on Circumstance	N
All Michigan Residents	15%	84	(789)
Men	14%	85	(350)
Women	16%	82	(439)
Whites	14%	84	(643)
Nonwhites	25%	75	(142)
Less than \$15,000	28%	69	(163)
\$15,000-\$34,999	17%	82	(305)
\$35,000 or more	9%	90	(304)
High School or less	19%	79	(404)
College or more	11%	89	(382)
High media exposure	14%	85	(354)
Medium media exposure	18%	81	(314)
Low media exposure	14%	86	(119)
Know a lawyer	16%	83	(553)
Don't know a lawyer	14%	84	(233)
Served on a jury	15%	84	(154)
Have not served	16%	83	(635)
Involved in court case	8%	91	(208)
Never involved	18%	81	(577)
Been a victim/witness	12%	87	(151)
Never been victim/witness	16%	83	(637)
Involved in own divorce action	18%	82	(170)
Republicans	10%	90	(324)
Independents	22%	78	(81)
Democrats	20%	78	(328)
Age:			
18-29	10%	89	(186)
30-54	16%	84	(379)
54 and over	20%	78	(224)
Union Members	22%	75	(153)
Nonmembers	14%	86	(634)
Detroit	23%	77	(242)
Suburbs	16%	84	(259)
Outstate	14%	85	(288)

<sup>1</sup>The actual question wording was: a. Do you think that all persons convicted of the same crime should receive the same sentence, or should their sentences take into account their previous criminal record, if any, and the circumstances of the crime?

Percentages do not add to 100 because the "Don't Know" responses are excluded.



## Footnotes

<sup>1</sup>The measure of media exposure was composed of two responses to two survey questions which measured the frequency with which the respondents' read newspaper stories about state and local politics and government and watched local evening news broadcasts on television. High exposure was the equivalent of paying a good deal of attention to both media in these terms, medium exposure was the equivalent of paying attention to only one of the media, and low exposure was the equivalent of paying little attention to either.

<sup>2</sup>The question wording in the 1977 Yankelovich survey, which involved personal interviews, was:

Here is a deck of cards. Each card lists a problem that may or may not exist in this state. Please go through this deck and tell me how serious a problem each item is. Just read me the number of the card and your rating.

24. A court system in which more than six months pass from the time a person is arrested to the time he/she comes to trial.

25. Courts that are expensive for those who must use them.

<sup>3</sup>The question wording in the 1977 Yankelovich survey, which involved personal interviews, was:

Here is a deck of cards. Each card lists a problem that may or may not exist in this state. Please go through this deck and tell me how serious a problem each item is. Just read me the number of the card and your rating.

22. Courts that do not treat poor people as well as well-to-do people.

23. Courts that do not treat blacks and other minorities the same as whites.

28. Court decisions that are influenced by political considerations.

<sup>4</sup>The question wording used in the Yankelovich survey was:

In recent years several suggestions have been advanced for changing the court system. I would like you to read through this list and indicate the degree to which you support each suggestion. Just read me the letter of the statement and your rating.

Have courts in operation at night and on weekends in addition to their normal weekday hours.

<sup>5</sup>The question wording used in the Yankelovich survey was:

In recent years several suggestions have been advanced for changing the court system. I would like you to read through this list and indicate the degree to which you support each

suggestion. Just read me the letter of the statement and your rating.

e. Establish alternatives to resolving neighborhood disputes, petty larceny, etc., using informal procedures and panels of local citizens.

<sup>6</sup>The exact question wordings were as follows:

Please indicate the degree to which you support the following suggestion:

Legislatures should set exact sentences for particular crimes.

Support strongly

Support moderately

Support somewhat

Support slightly

No support

In general, do you feel that judges should:

Be required to give the same sentence for a particular crime, regardless of the circumstances of the case.

Have limited power to make sentences "tougher" or "lighter" depending on the circumstances of the case.

Have a great deal of power to make sentences "tougher" or "lighter" depending on the circumstances of the case.

# Additional Tabulations Relating to Confidence in Public Institutions

**Table A-1. Michigan Residents' Confidence in the Public Schools<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	3%	22	43	21	8	(789)
Men	4%	22	43	19	10	(350)
Women	2%	21	43	23	7	(439)
Whites	3%	22	43	20	8	(643)
Nonwhites	6%	16	42	25	7	(142)
Less than \$15,000	6%	16	27	29	14	(163)
\$15,000-\$34,999	2%	26	48	16	6	(305)
\$35,000 or more	3%	19	45	22	8	(304)
High School or less	3%	23	38	23	8	(404)
College or more	4%	20	50	18	8	(382)
High media exposure	4%	28	38	18	9	(354)
Medium media exposure	2%	15	49	23	7	(314)
Low media exposure	3%	20	44	23	8	(119)
Know a lawyer	3%	20	45	19	10	(553)
Don't know a lawyer	3%	25	39	25	5	(233)
Served on a jury	4%	25	41	21	6	(154)
Have not served	3%	21	44	21	9	(635)
Involved in court case	4%	20	49	18	8	(208)
Never involved	3%	22	42	22	8	(577)
Been victim/witness	3%	16	46	21	15	(151)
Never been victim/witness	3%	23	43	21	7	(637)
Involved in own divorce action	3%	22	47	14	13	(170)
Republicans	4%	22	43	22	7	(324)
Independents	1%	18	48	23	10	(81)
Democrats	2%	22	43	19	8	(328)
Age:						
18-29	1%	20	50	24	4	(186)
30-54	4%	20	45	18	10	(379)
54 and over	4%	24	35	22	8	(224)
Union Members	3%	18	48	17	12	(153)
Nonmembers	3%	22	42	22	8	(634)
Detroit	4%	9	34	33	18	(242)
Suburbs	2%	19	40	27	8	(259)
Outstate	4%	25	47	16	6	(288)

<sup>1</sup>The actual question wording was: As far as the people running the public schools are concerned, do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident in the people running the public schools?

Percentages do not add to 100 because "Don't Know" responses are excluded.

**Table A-2. Michigan Residents' Confidence in the News Media<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	5%	21	38	22	14	(789)
Men	6%	18	36	21	17	(350)
Women	4%	23	39	22	11	(439)
Whites	4%	21	37	22	14	(643)
Nonwhites	11%	20	43	16	9	(142)
Less than \$15,000	8%	29	38	13	10	(163)
\$15,000-\$34,999	6%	20	36	23	14	(305)
\$35,000 or more	3%	17	40	25	15	(304)
High School or less	6%	24	34	19	15	(404)
College or more	3%	17	41	25	13	(382)
High media exposure	5%	20	39	23	13	(354)
Medium media exposure	5%	23	36	20	16	(314)
Low media exposure	5%	18	38	25	13	(119)
Know a lawyer	5%	18	38	22	17	(553)
Don't know a lawyer	6%	28	36	22	8	(233)
Served on a jury	2%	15	43	22	17	(154)
Have not served	6%	22	36	22	13	(635)
Involved in court case	7%	24	30	22	17	(208)
Never involved	4%	20	40	22	13	(577)
Been victim/witness	5%	21	37	21	15	(151)
Never been victim/witness	5%	21	38	22	14	(637)
Involved in own divorce action	6%	16	42	19	15	(170)
Republicans	5%	18	36	26	16	(324)
Independents	4%	21	34	24	15	(81)
Democrats	5%	24	43	17	10	(328)
Age:						
18-29	8%	24	35	24	9	(186)
30-54	4%	20	37	22	17	(379)
54 and over	4%	20	41	20	14	(224)
Union Members	3%	17	47	21	13	(153)
Nonmembers	6%	21	36	22	14	(634)
Detroit	9%	24	34	16	15	(242)
Suburbs	5%	18	39	23	14	(259)
Outstate	4%	21	38	23	14	(288)

<sup>1</sup>The actual question wording was: How confident do you feel about the news media? (Do you feel extremely confident, somewhat confident, slightly confident, or not at all confident?)

Percentages do not add to 100 because "Don't Know" responses are excluded.

**Table A-3. Michigan Residents' Confidence in the U.S. Congress<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	3%	19	47	20	8	(789)
Men	5%	20	45	20	10	(350)
Women	2%	19	49	21	7	(439)
Whites	3%	20	48	20	8	(643)
Nonwhites	4%	15	42	28	8	(142)
Less than \$15,000	3%	16	39	25	13	(163)
\$15,000-\$34,999	5%	20	46	20	8	(305)
\$35,000 or more	1%	21	51	19	7	(304)
High School or less	4%	20	44	20	9	(404)
College or more	2%	18	51	20	7	(382)
High media exposure	4%	19	49	19	7	(354)
Medium media exposure	2%	21	41	24	11	(314)
Low media exposure	4%	17	58	14	6	(119)
Know a lawyer	3%	18	50	21	8	(553)
Don't know a lawyer	3%	22	43	20	9	(233)
Served on a jury	1%	16	52	18	10	(154)
Have not served	4%	20	46	21	8	(635)
Involved in court case	4%	16	49	19	10	(208)
Never involved	3%	20	47	21	8	(577)
Been victim/witness	2%	22	41	19	13	(151)
Never been victim/witness	3%	19	49	20	7	(637)
Involved in own divorce action	2%	18	49	18	12	(170)
Republicans	4%	25	46	18	5	(324)
Independents	*	7	48	34	9	(81)
Democrats	3%	18	49	19	11	(328)
Age:						
18-29	2%	23	50	20	3	(186)
30-54	4%	18	50	19	10	(379)
54 and over	9%	18	44	22	10	(224)
Union Members	4%	18	45	23	9	(153)
Nonmembers	3%	20	48	20	8	(634)
Detroit	2%	22	40	25	9	(242)
Suburbs	1%	20	49	21	8	(259)
Outstate	4%	19	48	19	8	(288)

<sup>1</sup>The actual question wording was: How confident do you feel about the U.S. Congress? (Do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident?)

Percentages do not add to 100 because "Don't Know" responses are excluded.

**Table A-4. Michigan Residents' Confidence in the Michigan Legislature<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	2%	18	47	20	7	(789)
Men	2%	20	42	23	9	(350)
Women	2%	17	52	18	5	(439)
Whites	1%	18	46	21	7	(643)
Nonwhites	6%	21	52	13	4	(142)
Less than \$15,000	4%	20	41	18	11	(163)
\$15,000-\$34,999	2%	20	46	17	7	(305)
\$35,000 or more	1%	16	52	25	6	(304)
High School or less	2%	21	46	19	7	(404)
College or more	2%	15	49	23	6	(382)
High media exposure	2%	18	46	23	8	(354)
Medium media exposure	2%	20	46	20	6	(314)
Low media exposure	1%	14	52	15	7	(119)
Know a lawyer	2%	18	49	21	7	(553)
Don't know a lawyer	2%	19	45	20	6	(233)
Served on a jury	3%	16	47	25	5	(154)
Have not served	1%	19	47	20	7	(635)
Involved in court case	*	18	50	23	6	(208)
Never involved	2%	19	46	20	7	(577)
Been victim/witness	3%	17	45	23	12	(151)
Never been victim/witness	2%	19	48	20	6	(637)
Involved in own divorce action	1%	18	46	26	7	(170)
Republicans	1%	18	48	22	7	(324)
Independents	*	8	50	33	3	(81)
Democrats	3%	24	44	16	7	(328)
Age:						
18-29	*	23	48	17	3	(186)
30-54	2%	15	52	20	6	(379)
54 and over	2%	20	37	24	11	(224)
Union Members	2%	14	52	18	9	(153)
Nonmembers	2%	19	46	21	6	(634)
Detroit	2%	21	43	21	10	(242)
Suburbs	2%	15	49	22	7	(259)
Outstate	2%	19	47	20	6	(288)

<sup>1</sup>The actual question wording was: How confident do you feel about the Michigan Legislature? (Do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident?)

Percentages do not add to 100 because "Don't Know" responses are excluded.

**Table A-5. Michigan Residents' Confidence in the U.S. Supreme Court<sup>1</sup>**

	Extremely Confident	Very Confident	Somewhat Confident	Slightly Confident	Not at all Confident	N
All Michigan Residents	6%	38	33	13	6	(789)
Men	6%	41	28	12	9	(350)
Women	6%	35	37	14	3	(439)
Whites	6%	39	32	13	6	(643)
Nonwhites	10%	27	36	17	7	(142)
Less than \$15,000	12%	26	35	13	5	(163)
\$15,000-\$34,999	7%	33	37	14	4	(305)
\$35,000 or more	4%	48	28	13	7	(304)
High School or less	7%	33	34	14	6	(404)
College or more	5%	44	31	12	6	(382)
High media exposure	6%	42	33	13	4	(354)
Medium media exposure	6%	34	34	15	7	(314)
Low media exposure	8%	40	31	10	5	(119)
Know a lawyer	6%	38	33	14	6	(553)
Don't know a lawyer	7%	38	33	12	5	(233)
Served on a jury	6%	35	43	8	5	(154)
Have not served	6%	39	31	15	6	(635)
Involved in court case	5%	33	37	16	7	(208)
Never involved	7%	40	32	13	5	(577)
Been victim/witness	5%	42	29	14	6	(151)
Never been victim/witness	6%	38	34	13	6	(637)
Involved in own divorce action	8%	37	36	12	5	(170)
Republicans	6%	43	32	12	6	(324)
Independents	4%	31	33	22	4	(81)
Democrats	7%	37	33	12	6	(328)
Age:						
18-29	5%	46	29	15	4	(186)
30-54	6%	38	33	13	7	(379)
54 and over	8%	33	36	12	5	(224)
Union Members	4%	36	36	13	8	(153)
Nonmembers	7%	39	32	13	5	(634)
Detroit	6%	33	35	15	9	(242)
Suburbs	5%	42	34	11	5	(259)
Outstate	7%	38	32	14	5	(288)

<sup>1</sup>The actual question wording was: How confident do you feel in the U.S. Supreme Court? (Do you feel extremely confident, somewhat confident, slightly confident, or not at all confident?)

Percentages do not add to 100 because "Don't Know" responses are excluded.

## The Methodology of the Survey

The survey results described above were compiled from a data collection and analysis project conducted for the Citizens' Commission to Improve Michigan's Courts by the Institute for Social Research at the University of Michigan. The interviews averaged approximately fifteen minutes in length, and they were conducted on the telephone by the professional interviewing staff of the Survey Research Center.

The data collection effort was based upon a stratified random sample of all Michigan households with telephones and utilized a dual frame design based upon a purchased list of numbers and another list generated by random digit dialing techniques. The three strata in each frame were composed of central office exchanges from the city of Detroit; the other places in Wayne, Oakland, and Macomb counties; and the rest of the state.

Upon contacting a household, all adults age 18 and over were listed as potential respondents, and a random selection was made from that listing. Unlimited callbacks were made during the field period

from May 24 to June 15 in order to obtain an interview with the designated respondent. Using these procedures, a total of 789 interviews were obtained, resulting in a response rate for the survey of 62 percent. Each respondent was assigned a weight based upon the number of residential phone lines in their home and their family size, reflecting their probability of selection. The data were also weighted to reflect each of the equal-sized stratum's appropriate contribution to the state's adult population in order to generate the statewide estimates.

For the entire sample, this design might produce errors in proportions of plus or minus 4 percentage points by chance alone in 19 out of 20 surveys, conducted in the same fashion. For subsamples of size 350, the error margin would be approximately 5 percentage points, and for subsamples of 150 it would be approximately 8 percentage points.

The survey instrument was developed in conjunction with the staff of the Citizens' Commission, and it is based in part upon past studies of public attitudes toward

the legal system. This was done in order to facilitate making comparisons between the data collected from Michigan residents and the national population. The principal national research project which was reviewed was a survey conducted by the firm of Yankelovich, Skelley, and White, Inc., in 1977 for the National Center for State Courts. Entitled "The Public Image of the Courts," its major findings are published in Section 1 of the volume entitled *State Courts: A Blueprint for the Future*, National Center for State Courts Publication No. R0038 (August, 1978).

The survey instrument was designed for a Computer Aided Telephone Interviewing (CATI) system developed at the Survey Research Center at the Institute for Social Research. The use of the CATI system resulted in a complete dataset being available in computer-readable form as soon as the last interview was completed. A listing of the questionnaire follows.

The data analysis was conducted on the University of Michigan computing system using the software package known as OSIRIS.

**A1a.**

I would like to begin by talking to you about your confidence in different institutions in American society. As far as the people running the public schools are concerned, do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident in the people running the public schools?

1. EXTREMELY CONFIDENT
2. VERY CONFIDENT
3. SOMEWHAT CONFIDENT
4. SLIGHTLY CONFIDENT
5. NOT AT ALL CONFIDENT
8. DON'T KNOW

**A1b-e.**

How confident do you feel about the U.S. Congress? (Do you feel extremely confident, very confident, somewhat confident, slightly confident, or not at all confident?)

- b. The Michigan Legislature?
- c. The U.S. Supreme Court?
- d. The Michigan Supreme Court?
- e. The news media?

1. EXTREMELY CONFIDENT
2. VERY CONFIDENT
3. SOMEWHAT CONFIDENT
4. SLIGHTLY CONFIDENT
5. NOT AT ALL CONFIDENT
8. DON'T KNOW

**A2a-f.**

Now I would like to read you a series of statements about the legal system in the United States. For each one I would like you to tell me whether you think the statement is true or false.

- a. Everyone accused of a serious crime has the right to be represented in court by a lawyer.
- b. Every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court.
- c. In a criminal trial, it is up to the person who is accused of the crime to prove his or her innocence.
- d. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.
- e. A person convicted of a crime

can always appeal the case.

f. If someone is found innocent of a crime, the state can appeal the case.

1. TRUE
2. FALSE
3. NOT SURE (VOLUNTEERED)

**A3.**

Can you tell me how a person is chosen for jury duty?  
(IF YES: HOW DOES A PERSON GET TO BE A JUROR?)

1. SELECTED FROM ALL ADULT CITIZENS
2. SELECTED FROM REGISTERED VOTERS
3. VOLUNTEERS
4. HOLDERS OF DRIVERS' LICENSES
5. NO
7. OTHER
8. DON'T KNOW

**A4a-g.**

The next statements are about the legal system. For each statement please tell me whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly.

- a. proceedings take too long.
- b. It is too expensive to go to court.
- c. The average person does not understand what is going on in court.
- d. Court decisions are sometimes influenced by political considerations.
- e. Courts do not treat blacks as well as whites.
- f. Courts treat women as well as they treat men.
- g. Courts do not treat poor people as well as they treat wealthy people

1. AGREE STRONGLY
2. AGREE SOMEWHAT
3. DISAGREE SOMEWHAT
4. DISAGREE STRONGLY

**A4h.**

Do you think that all persons convicted of the same crime should receive the same sentence, or should their sentences take into account their previous criminal

record, if any, and the circumstances of the crime?

1. SENTENCES SHOULD BE THE SAME
2. SENTENCES SHOULD TAKE CIRCUMSTANCES INTO ACCOUNT
8. DON'T KNOW

**A5a.**

In recent years, several suggestions have been made to change the court system. I am going to read a list of proposed changes, and for each one please tell me whether you favor or oppose it. Here's the first suggestion: In addition to their normal hours, have courts in operation at night and on weekends. (Would you favor or oppose having courts in operation at nights and on the weekends?)

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5aa.**

(HAVING COURTS IN OPERATION AT NIGHT AND ON THE WEEKENDS)

Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A5b.**

(Would you favor or oppose) Establishing legal insurance similar to automobile or health insurance, to help pay court and legal expenses?

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5bb.**

(ESTABLISHING LEGAL INSURANCE TO HELP PAY COURT AND LEGAL EXPENSES) Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY



**A5c.**

(Would you favor or oppose)  
Using informal procedures and panels of local citizens as an alternative for resolving disputes between neighbors, in petty larceny cases, and the like?

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5cc.**

(USING INFORMAL PROCEDURES AND PANELS OF LOCAL CITIZENS TO RESOLVE DISPUTES, IN PETTY LARCENY CASES, AND THE LIKE)

Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A5d.**

(Would you favor or oppose)  
Establishing a committee to review the performance of all judges in order to recommend their retention or removal?

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5dd.**

(ESTABLISHING A COMMITTEE TO REVIEW ALL JUDGES)  
Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A5e.**

(Would you favor or oppose)  
Establishing and funding a program to make court facilities more accessible to handicapped persons?

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5ee.**

(ESTABLISHING AND FUNDING PROGRAM TO MAKE COURT FACILITIES MORE ACCESSIBLE)

Would you [favor/oppose] such a

proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A5f.**

(Would you favor or oppose)  
Developing procedures for criminal trials so that defendants are physically separated from victims and witnesses?

1. FAVOR
2. OPPOSE
3. DON'T KNOW

**A5ff.**

(DEVELOPING PROCEDURES TO PHYSICALLY SEPARATE DEFENDANTS FROM VICTIMS AND WITNESSES)

Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A5g.**

(Would you favor or oppose)  
Appointing judges rather than our present system of electing them?

1. FAVOR
5. OPPOSE
8. DON'T KNOW

**A5gg.**

(APPOINTING JUDGES RATHER THAN OUR PRESENT SYSTEM OF ELECTING THEM)

Would you [favor/oppose] such a proposal strongly or not strongly?

1. FAVOR STRONGLY
2. FAVOR NOT STRONGLY
4. OPPOSE NOT STRONGLY
5. OPPOSE STRONGLY

**A6.**

If you had a legal problem, are you acquainted with a lawyer you could call for assistance?

1. YES
5. NO

**A7.**

Have you ever served on a jury?

1. YES
5. NO

**A8.**

Have you ever been a plaintiff or defendant in a court case?

1. YES
5. NO

**A9.**

Have you ever been to court as a victim of a crime or to testify as a witness to a crime?

1. YES, HAVE BEEN IN COURT UNDER THESE CIRCUMSTANCES
5. NO

**A10.**

Have you, yourself, ever been a party to a legal proceeding related to a divorce?

1. YES
5. NO

**A10a.**

Did it involve your marriage or someone else's?

1. YOUR DIVORCE
2. SOMEONE ELSE'S DIVORCE

**A10b.**

Were you represented in court by a lawyer in that matter?

1. YES
5. NO OR NEVER WENT TO COURT

**E1.**

Next we have some questions about you. Do you read a daily newspaper?

1. YES
5. NO

**E1b.**

[IF YES] How often do you read newspaper stories about state and local politics and government—almost every day, a few times a week, a few times a month, or less than that?

1. ALMOST EVERY DAY
2. A FEW TIMES A WEEK
3. A FEW TIMES A MONTH
4. LESS FREQUENTLY
8. DON'T KNOW

**E2.**

How often do you watch local TV news broadcasts in the evening? Do you do this every evening during the week, three or four

times a week, once or twice a week, or less often than that?

1. EVERY EVENING
2. THREE OR FOUR TIMES A WEEK
3. ONCE OR TWICE A WEEK
4. LESS OFTEN
8. DON'T KNOW

**E3.**

Generally speaking, do you usually think of yourself as a Republican, a Democrat, an Independent, or what?

1. REPUBLICAN
2. DEMOCRAT
3. INDEPENDENT
5. NO PREFERENCE
7. OTHER PARTY

**E3a.**

[FOR REPUBLICANS AND DEMOCRATS] Would you call yourself a strong [REPUBLICAN/DEMOCRAT] or a not very strong [REPUBLICAN/DEMOCRAT]?

1. STRONG
2. NOT VERY STRONG

**E3b.**

[FOR INDEPENDENTS] Do you think of yourself as closer to the Republican Party or to the Democratic Party?

1. CLOSER TO REPUBLICAN
3. NEITHER
5. CLOSER TO DEMOCRATIC

**E4.**

We are interested in your present job status. Are you working now, temporarily laid off, unemployed, retired, a student, (homemaker), or what?

1. WORKING NOW; ON STRIKE; SICK LEAVE
2. TEMPORARILY LAID OFF
3. UNEMPLOYED; LOOKING FOR WORK
4. RETIRED; DISABLED
5. STUDENT
6. HOMEMAKER
7. OTHER
0. NO FURTHER MENTION

**E7.**

Are you (or anyone in your family living there) a union member? [IF YES] who would that be?

1. YES, RESPONDENT ONLY
2. YES, RESPONDENT AND SOMEONE ELSE
3. YES, OTHER MEMBER(S), NOT INCLUDING R
5. NO, NO ONE IS A MEMBER
8. DON'T KNOW

**E8.**

What is the highest grade of school or year of college you completed?

- 00-12. ENTER YEARS OF SCHOOL
- 13-16. ENTER YEARS OF COLLEGE
17. GRADUATE WORK

**98. DON'T KNOW**

**99. REFUSED**

**E8a.**

Did you get a high school diploma or pass a high school equivalency test?

1. YES
5. NO

**E8b.**

Do you have a college degree?

1. YES
5. NO

**E10.**

To get a picture of people's financial situation, we need to know the general range of incomes of all the people we interview. Now thinking about (your/your family's) total income from all sources, (including your job), did (you/your family) receive \$25,000 or more in 1985? [AND OTHER COMBINATIONS WHICH FOLLOWED]

1. YES
5. NO
8. DON'T KNOW

**E11.**

Would you mind telling me your race or ethnic origin? Are you white, black, Hispanic, or some other ethnic origin?

1. WHITE, EXCEPT HISPANIC
2. BLACK, EXCEPT HISPANIC
3. HISPANIC
4. OTHER

## Survey of Court Users

Through the State Court Administrative Office, the Commission asked the trial courts of this state to conduct an informal survey of court users.

Questionnaires were distributed in 43 volunteer courts (10 circuit, 28 district and 5 probate courts) and were completed by 1007 persons. The survey was a modified (for self-administration) version of the telephone survey instrument used by the University of Michigan for the ISR public opinion survey.

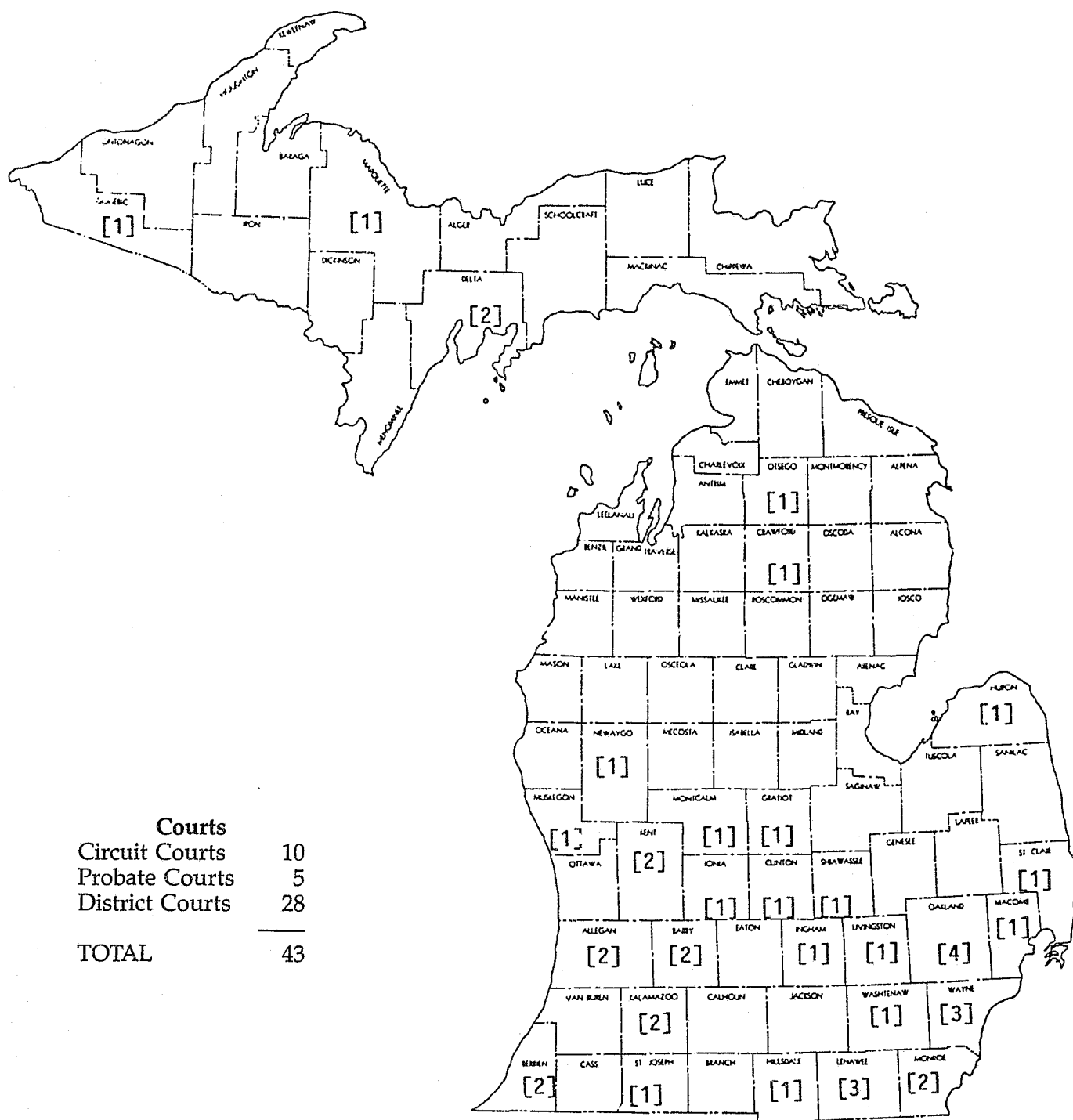
An analysis of the results shows that the 1007 participants in the legal system had about the same views and knowledge of the legal system as did the persons who responded to the ISR public opinion survey. There were only three areas in which there was a significance between the results of the two surveys. By a margin of 72% to 57%, the surveyed

participants in the court system did better than the ISR respondents in knowing that a defendant in a criminal trial need not prove his or her own innocence. Unlike the ISR respondents, the surveyed participants did not favor night operation of the courts (36% of the latter group favored night operation, whereas 62% of the ISR respondents did). Finally, only 23% of the surveyed participants favored establishing a system of legal insurance, compared to 42% of the ISR respondents, who favored such a proposal.

The following map and table indicate the location of the volunteer courts, as well as the summarized results of the survey.

The full report of the results of this informal survey of participants is reproduced on the remaining pages of this appendix.

July 1986



**Table 1**  
**Trial Court Participant Survey: July 1986**

<b>I. High Levels of Confidence in Public Institutions</b>	
Michigan Supreme Court	38%
U.S. Supreme Court	35%
Public Schools	26%
U.S. Congress	23%
Michigan Legislature	22%
News Media	14%
<b>II. Knowledge of the Legal System</b>	
	<b>Correct Answer</b>
Right of accused in a serious crime to be represented by a lawyer	97%
Every state court decision can be reviewed and reversed by the U.S. Supreme Court	16%
In a criminal trial, the accused person must prove innocence	72%
Prosecuting Attorney's job is to defend an accused person who cannot afford a lawyer	82%
A trial judge can overrule the jury if the judge disagrees with the jury's verdict	54%
If someone is found innocent of a crime, the state can appeal the case	48%
<b>III. Attitudes toward the Administration of Justice</b>	
Court proceedings take too long	73%
Too expensive to go to court	72%
Average person does not understand court procedure	74%
Court decisions are sometimes influenced by political considerations	67%
Courts do not treat Blacks as well as Whites	24%
Courts do not treat women as well as they treat men	20%
Courts do not treat poor people as well as they treat wealthy people	54%
<b>IV. Attitudes Toward Proposals for Changing the Administration of the Judicial System</b>	
Operate courts at night and weekends in addition to normal hours	37%
Establish legal insurance similar to auto or health insurance	23%
Use of informal procedures for resolving disputes (between neighbors, petty larceny, etc.)	51%
Review of judicial performance by a committee as part of retention or election process	73%
Establishing and funding program to make court facilities more accessible to handicapped persons	66%
Physically separating defendants from victims and witnesses	47%
<b>V. Information About Respondents</b>	
If you had a legal problem, are you acquainted with a lawyer you could call for assistance	64%
Been a plaintiff or defendant in a court case	27%
Victim or witness in a criminal case	16%
<b>VI. Survey completed</b>	
After being called for jury duty but not serving	53%
After serving as a juror	27%
Other	10%
<b>VII. Marital Status</b>	
Single	16%
Married	69%
Widowed	2%
Divorced/Separated	10%

**VIII. Sex**

Male	46.1%	Female	50.3%
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**IX. Education**

High School or Equivalency Test	87%
College Degree	30%

**X. Race/Ethnic Origin**

White	84%
Black	6%
Hispanic	1%
American Indian	1%
Other	2%

**XI. General Range of Income: 1985**

Personal		Family	
\$5,000 or more	14.3%	\$5,000 or more	4.1%
\$15,000 or more	13.1%	\$15,000 or more	9.6%
\$25,000 or more	14.2%	\$25,000 or more	12.9%
\$35,000 or more	10.9%	\$35,000 or more	17.2%
\$50,000 or more	4.4%	\$50,000 or more	17.8%

Source: Questionnaires from 43 trial courts: 5 Probate Courts, 10 Circuit Courts, 28 District Courts; 1,007 Participants

# Citizens' Commission to Improve Michigan Courts

## Court Participant Survey

TOTAL NUMBER OF PARTICIPANTS = 1007

Date: 08/19/86

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
42	218	439	157	96	37
4.2%	21.6%	43.6%	15.6%	9.5%	3.7%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
36	195	469	192	68	30
3.6%	19.4%	46.6%	19.1%	6.8%	3.0%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
27	194	455	202	68	35
2.7%	19.3%	45.2%	20.1%	6.8%	3.5%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
107	346	301	107	80	47
10.6%	34.4%	29.9%	10.6%	7.9%	4.7%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
85	300	347	111	55	78
8.4%	29.8%	34.5%	11.0%	5.5%	7.7%

### 6. Confidence in the News Media

1	2	3	4	5	6
24	117	279	301	231	38
2.4%	11.6%	27.7%	29.9%	22.9%	3.8%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

**TRUE**  
974  
96.7%

**FALSE**  
9  
0.9%

**NOT SURE**  
14  
1.4%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

**TRUE**  
607  
60.3%

**FALSE**  
164  
16.3%

**NOT SURE**  
218  
21.6%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

**TRUE**  
203  
20.2%

**FALSE**  
729  
72.4%

**NOT SURE**  
62  
6.2%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

**TRUE**  
85  
8.4%

**FALSE**  
823  
81.7%

**NOT SURE**  
83  
8.2%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

**TRUE**  
181  
18.0%

**FALSE**  
544  
54.0%

**NOT SURE**  
262  
26.0%

6. If someone is found innocent of a crime, the state can appeal the case.

**TRUE**  
268  
26.6%

**FALSE**  
487  
48.4%

**NOT SURE**  
233  
23.1%



### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
274	458	187	58
27.2%	45.5%	18.6%	5.8%

#### 2. It is too expensive to go to court.

1	2	3	4
303	424	166	75
30.1%	42.1%	16.5%	7.5%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
348	397	192	45
34.6%	39.4%	19.1%	4.5%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
244	427	204	87
24.2%	42.4%	20.3%	8.6%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
73	171	303	405
7.2%	17.0%	30.1%	40.2%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
50	151	306	444
5.0%	15.0%	30.4%	44.1%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
242	301	192	231
24.0%	29.9%	19.1%	22.9%

**Section IV.—Proposed changes to the court system.**

**1. In addition to normal hours, operate courts at night and on weekends.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	223	22.1%	331	32.9%	16	1.6%
Not Strongly	154	15.3%	138	13.7%	57	5.7%
No strength of opinion indicated	5	0.5%	21	2.1%	43	4.3%

**2. Establishing legal insurance similar to auto or health insurance.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	141	14.0%	352	35.0%	38	3.8%
Not Strongly	87	8.6%	101	10.0%	118	11.7%
No strength of opinion indicated	9	0.9%	11	1.1%	121	12.0%

**3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	330	32.8%	206	20.5%	18	1.8%
Not Strongly	183	18.2%	67	6.7%	68	6.8%
No strength of opinion indicated	116	1.6%	12	1.2%	78	7.7%

**4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	604	60.0%	58	5.8%	14	1.4%
Not Strongly	129	12.8%	34	3.4%	48	4.8%
No strength of opinion indicated	19	1.9%	5	0.5%	67	6.7%

**5. Establishing and funding a program to make court facilities more accessible to handicapped persons.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	549	54.5%	52	5.2%	13	1.3%
Not Strongly	114	11.3%	47	4.7%	70	7.0%
No strength of opinion indicated	28	2.8%	5	0.5%	93	9.2%

**6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.**

	<b>Favor</b>		<b>Oppose</b>		<b>Don't know</b>	
Strongly	376	37.3%	164	16.3%	14	1.4%
Not strongly	98	9.7%	78	7.7%	74	7.3%
No strength of opinion indicated	42	1.9%	14	1.4%	128	12.7%

Section V.—Demographic information about participants.

1. Are you completing this survey—

536	53.2%	After being called for jury duty but not serving.
275	27.3%	After being selected, sworn and serving as a juror.
102	10.1%	Other.

2. If you have a legal problem, are you acquainted with a lawyer you could call for assistance?

<b>YES</b>	<b>NO</b>
645 64.1%	328 32.6%

3. Have you ever been a plaintiff or defendant in a court case?

<b>YES</b>	<b>NO</b>
276 27.4%	694 68.9%

4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?

<b>YES</b>	<b>NO</b>
157 15.6%	808 80.2%

5. Marital status?

160 15.9%	Single (never married)
693 68.8%	Married
24 2.4%	Widowed
95 9.4%	Divorced, Separated

6. Sex?

464 46.1%	Male
507 50.3%	Female

7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*

8. Did you get a high school diploma or pass a high school equivalency test?

<b>YES</b>	<b>NO</b>
870 86.4%	97 9.6%

9. Do you have a college degree?

<b>YES</b>	<b>NO</b>
301 29.9%	665 66.0%

10. General range of income for 1985.

Personal			Family		
144	14.3%	\$5,000 or more	41	4.1%	\$5,000 or more
132	13.1%	\$15,000 or more	97	9.6%	\$15,000 or more
143	14.2%	\$25,000 or more	130	12.9%	\$25,000 or more
110	10.9%	\$35,000 or more	173	17.2%	\$35,000 or more
44	4.4%	\$50,000 or more	179	17.8%	\$50,000 or more

11. Race or Ethnic origin?

845 83.9%	White, except Hispanic
61 6.1%	Black, except Hispanic
10 1.0%	Hispanic
6 0.6%	American Indian
0 0.0%	Alaskan Native
4 0.0%	Asian or Pacific Islander
11 1.1%	Other

# Citizens' Commission to Improve Michigan Courts

## Court Participant Survey

TOTAL NUMBER OF PARTICIPANTS = 1007

Date: 08/19/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 536 52.23% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
23	115	235	82	54	18
4.3%	21.5%	43.8%	15.3%	10.1%	3.4%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
20	97	257	104	36	15
3.7%	18.1%	47.9%	19.4%	6.7%	2.8%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
15	105	236	118	34	19
2.8%	19.6%	44.0%	22.0%	6.3%	3.5%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
44	194	162	53	45	31
8.2%	36.2%	30.2%	9.9%	8.4%	5.8%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
40	155	188	64	33	42
7.5%	28.9%	35.1%	11.9%	6.2%	7.8%

### 6. Confidence in the News Media

1	2	3	4	5	6
13	63	146	161	123	23
2.4%	11.8%	27.2%	30.0%	22.9%	4.3%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

**TRUE**  
524  
97.8%

**FALSE**  
5  
0.9%

**NOT SURE**  
4  
0.7%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

**TRUE**  
322  
60.1%

**FALSE**  
90  
16.8%

**NOT SURE**  
119  
22.2%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

**TRUE**  
113  
21.1%

**FALSE**  
389  
72.6%

**NOT SURE**  
31  
5.8%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

**TRUE**  
50  
9.3%

**FALSE**  
437  
81.5%

**NOT SURE**  
44  
8.2%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

**TRUE**  
104  
19.4%

**FALSE**  
289  
53.9%

**NOT SURE**  
139  
25.9%

6. If someone is found innocent of a crime, the state can appeal the case.

**TRUE**  
143  
26.7%

**FALSE**  
253  
47.2%

**NOT SURE**  
135  
25.2%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
152	238	102	32
28.4%	44.4%	19.0%	6.0%

#### 2. It is too expensive to go to court.

1	2	3	4
165	218	94	45
30.8%	40.7%	17.5%	8.4%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
175	229	100	21
32.6%	42.7%	18.7%	3.9%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
139	230	109	37
25.9%	42.9%	20.3%	6.9%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
35	99	172	207
6.5%	18.5%	32.1%	38.6%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
31	82	167	230
5.8%	15.3%	31.2%	42.9%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
140	155	107	117
26.1%	28.9%	20.0%	21.8%

#### Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	129	24.1%	170	31.7%	10	1.9%
Not Strongly	78	14.6%	81	15.1%	28	5.2%
No strength of opinion indicated	4	0.7%	10	1.9%	19	3.5%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	61	11.4%	205	38.2%	16	3.0%
Not Strongly	41	7.6%	56	10.4%	71	13.2%
No strength of opinion indicated	6	1.1%	6	1.1%	61	11.4%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	171	31.9%	107	20.0%	9	1.7%
Not Strongly	110	20.5%	30	5.6%	36	6.7%
No strength of opinion indicated	11	2.1%	7	1.3%	45	8.4%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	344	64.2%	26	4.9%	6	1.1%
Not Strongly	65	12.1%	18	3.4%	21	3.9%
No strength of opinion indicated	14	2.6%	1	0.2%	34	6.3%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	299	55.8%	30	5.6%	6	1.1%
Not Strongly	65	12.1%	24	4.5%	38	7.1%
No strength of opinion indicated	14	2.6%	1	0.2%	48	9.0%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	214	39.9%	90	16.8%	7	1.3%
Not strongly	51	9.5%	34	6.3%	44	8.2%
No strength of opinion indicated	23	2.2%	4	0.7%	68	12.7%

Section V.—Demographic information about participants.

1. Are you completing this survey—

536	****%	After being called for jury duty but not serving.
0	0.0%	After being selected, sworn and serving as a juror.
0	0.0%	Other.

2. If you have a legal problem, are you acquainted with a lawyer you could call for assistance?

YES	NO
341 63.6%	192 35.8%

3. Have you ever been a plaintiff or defendant in a court case?

YES	NO
143 26.7%	387 72.2%

4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?

YES	NO
84 15.7%	443 82.6%

5. Marital status?

80 14.9%	Single (never married)
393 73.3%	Married
10 1.9%	Widowed
45 8.4%	Divorced, Separated

6. Sex?

257 47.9%	Male
271 50.6%	Female

7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*

8. Did you get a high school diploma or pass a high school equivalency test?

YES	NO
471 87.9%	52 9.7%

9. Do you have a college degree?

YES	NO
157 29.3%	366 68.3%

10. General range of income for 1985.

Personal			Family		
74 13.8%	\$5,000 or more	25 4.7%	\$5,000 or more		
69 12.9%	\$15,000 or more	49 9.1%	\$15,000 or more		
83 15.5%	\$25,000 or more	74 13.8%	\$25,000 or more		
63 11.8%	\$35,000 or more	105 19.6%	\$35,000 or more		
20 3.7%	\$50,000 or more	93 17.4%	\$50,000 or more		

11. Race or Ethnic origin?

460 85.8%	White, except Hispanic
30 5.6%	Black, except Hispanic
5 0.9%	Hispanic
3 0.6%	American Indian
0 0.0%	Alaskan Native
1 0.2%	Asian or Pacific Islander
9 1.7%	Other



# Citizens' Commission to Improve Michigan Courts

## Court Participant Survey

TOTAL NUMBER OF PARTICIPANTS = 1007      Date: 08/19/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 275    27.31% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
10	65	125	42	20	11
3.6%	23.6%	45.5%	15.3%	7.3%	4.0%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
6	61	139	48	12	6
2.2%	22.2%	50.5%	17.5%	4.4%	2.2%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
9	64	135	44	16	4
3.3%	23.3%	49.1%	16.0%	5.8%	1.5%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
39	94	88	33	15	3
14.2%	34.2%	32.0%	12.0%	5.5%	1.1%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
26	95	97	25	9	18
9.5%	34.5%	35.3%	9.1%	3.3%	6.5%

### 6. Confidence in the News Media

1	2	3	4	5	6
4	31	84	86	60	9
1.5%	11.3%	30.5%	31.3%	21.8%	3.3%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

**TRUE**  
270  
98.2%

**FALSE**  
3  
1.1%

**NOT SURE**  
2  
0.7%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

**TRUE**  
179  
65.1%

**FALSE**  
32  
11.6%

**NOT SURE**  
60  
21.8%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

**TRUE**  
46  
16.7%

**FALSE**  
217  
78.9%

**NOT SURE**  
11  
4.0%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

**TRUE**  
22  
8.0%

**FALSE**  
232  
84.4%

**NOT SURE**  
19  
6.9%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

**TRUE**  
36  
13.1%

**FALSE**  
166  
60.4%

**NOT SURE**  
68  
24.7%

6. If someone is found innocent of a crime, the state can appeal the case.

**TRUE**  
70  
25.5%

**FALSE**  
148  
53.8%

**NOT SURE**  
53  
19.3%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
65	138	50	18
23.6%	50.2%	18.2%	6.5%

#### 2. It is too expensive to go to court.

1	2	3	4
71	126	48	20
25.8%	45.8%	17.5%	7.3%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
82	111	63	18
29.8%	40.4%	22.9%	6.5%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
51	121	62	33
18.5%	44.0%	22.5%	12.0%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
22	44	72	124
8.0%	16.0%	26.2%	45.1%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
10	40	84	129
3.6%	14.5%	30.5%	46.9%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
63	70	58	74
22.9%	25.5%	21.1%	26.9%

Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	59	21.5%	104	37.8%	4	1.5%
Not Strongly	48	17.5%	30	10.9%	16	5.8%
No strength of opinion indicated	0	0.0%	2	0.7%	11	4.0%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	46	16.7%	100	36.4%	13	4.7%
Not Strongly	27	9.8%	26	9.5%	28	10.2%
No strength of opinion indicated	2	0.7%	0	0.0%	31	11.3%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	103	37.5%	55	20.0%	6	2.2%
Not Strongly	45	16.4%	23	8.4%	21	7.6%
No strength of opinion indicated	1	0.4%	2	0.7%	16	5.8%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	164	59.6%	15	5.5%	6	2.2%
Not Strongly	35	12.7%	11	4.0%	16	5.8%
No strength of opinion indicated	3	1.1%	2	0.7%	18	6.5%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	166	60.4%	13	4.7%	2	0.7%
Not Strongly	31	11.3%	16	5.8%	19	6.9%
No strength of opinion indicated	3	1.1%	2	0.7%	19	6.9%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	95	34.5%	50	18.2%	4	1.5%
Not strongly	24	8.7%	30	10.9%	19	6.9%
No strength of opinion indicated	10	1.5%	4	1.5%	37	13.5%

Section V.—Demographic information about participants.

1. Are you completing this survey—
 

0	0.0%	After being called for jury duty but not serving.
275	****%	After being selected, sworn and serving as a juror.
0	0.0%	Other.
  
2. If you have a legal problem, are you acquainted with a lawyer you could call for assistance?
 

<b>YES</b>	<b>NO</b>
187 68.0%	86 31.3%
  
3. Have you ever been a plaintiff or defendant in a court case?
 

<b>YES</b>	<b>NO</b>
68 24.7%	205 74.5%
  
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

<b>YES</b>	<b>NO</b>
37 13.5%	235 85.5%
  
5. Marital status?
 

45 16.4%	Single (never married)
191 69.5%	Married
8 2.9%	Widowed
27 9.8%	Divorced, Separated
  
6. Sex?
 

123 44.7%	Male
147 53.5%	Female
  
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
  
8. Did you get a high school diploma or pass a high school equivalency test?
 

<b>YES</b>	<b>NO</b>
253 92.0%	19 6.9%
  
9. Do you have a college degree?
 

<b>YES</b>	<b>NO</b>
86 31.3%	187 68.0%
  
10. General range of income for 1985.
 

Personal		Family	
41 14.9%	\$5,000 or more	9 3 3%	\$5,000 or more
38 13.8%	\$15,000 or more	24 8.7%	\$15,000 or more
41 14.9%	\$25,000 or more	33 12.0%	\$25,000 or more
31 11.3%	\$35,000 or more	44 16.0%	\$35,000 or more
12 4.4%	\$50,000 or more	57 20.7%	\$50,000 or more
  
11. Race or Ethnic origin?
 

237 86.2%	White, except Hispanic
23 8.4%	Black, except Hispanic
4 1.5%	Hispanic
3 1.1%	American Indian
0 0.0%	Alaskan Native
0 0.0%	Asian or Pacific Islander
1 0.4%	Other

# Citizens' Commission to Improve Michigan Courts

## Court Participant SURVEY

This report includes ONLY those who answered OTHER in Section V. question 1

TOTAL NUMBER OF PARTICIPANTS = 1007 Date: 08/19/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 102 10.13% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
3	22	43	19	11	4
2.9%	21.6%	42.2%	18.6%	10.8%	3.9%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
0	20	41	27	9	5
0.0%	19.6%	40.2%	26.5%	8.8%	4.9%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
1	12	43	25	11	8
1.0%	11.8%	42.2%	24.5%	10.8%	7.8%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
8	32	31	10	12	9
7.8%	31.4%	30.4%	9.8%	11.8%	8.8%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
4	27	38	12	8	11
3.9%	26.5%	37.3%	11.8%	7.8%	10.8%

### 6. Confidence in the News Media

1	2	3	4	5	6
2	15	22	30	28	5
2.0%	14.7%	21.6%	29.4%	27.5%	4.9%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

TRUE	FALSE	NOT SURE
97	1	4
95.1%	1.0%	3.9%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

TRUE	FALSE	NOT SURE
54	32	16
52.9%	31.4%	15.7%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

TRUE	FALSE	NOT SURE
22	73	7
21.6%	71.6%	6.9%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

TRUE	FALSE	NOT SURE
6	88	8
5.9%	86.3%	7.8%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

TRUE	FALSE	NOT SURE
27	51	23
26.5%	50.0%	22.5%

6. If someone is found innocent of a crime, the state can appeal the case.

TRUE	FALSE	NOT SURE
28	53	21
27.5%	52.0%	20.6%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
37	43	16	5
36.3%	42.2%	15.7%	4.9%

#### 2. It is too expensive to go to court.

1	2	3	4
46	37	11	5
45.1%	36.3%	10.8%	4.9%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
54	29	15	3
52.9%	28.4%	14.7%	2.9%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
30	41	19	10
29.4%	40.2%	18.6%	9.8%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
8	17	34	38
7.8%	16.7%	33.3%	37.3%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
3	17	30	48
2.9%	16.7%	29.4%	47.1%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
18	41	18	24
17.6%	40.2%	17.6%	23.5%



Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	24	23.5%	33	32.4%	0	0.0%
Not Strongly	13	12.7%	17	16.7%	7	6.9%
No strength of opinion indicated	0	0.0%	3	2.9%	3	2.9%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	22	21.6%	28	27.5%	6	5.9%
Not Strongly	9	8.8%	9	8.8%	9	8.8%
No strength of opinion indicated	0	0.0%	2	2.0%	12	11.8%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	32	31.4%	27	26.5%	1	1.0%
Not Strongly	17	16.7%	9	8.8%	6	5.9%
No strength of opinion indicated	2	2.0%	0	0.0%	5	4.9%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	57	55.9%	13	12.7%	0	0.0%
Not Strongly	17	16.7%	4	3.9%	5	4.9%
No strength of opinion indicated	0	0.0%	0	0.0%	4	3.9%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	42	41.2%	7	6.9%	2	2.0%
Not Strongly	13	12.7%	6	5.9%	11	10.8%
No strength of opinion indicated	7	6.9%	0	0.0%	10	9.8%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	43	42.2%	19	18.6%	0	0.0%
Not strongly	11	10.8%	9	8.8%	4	3.9%
No strength of opinion indicated	3	2.0%	2	2.0%	7	6.9%

Section V.—Demographic information about participants.

1. Are you completing this survey—
 

0	0.0%	After being called for jury duty but not serving.
0	0.0%	After being selected, sworn and serving as a juror.
102	***%	Other.
2. If you have a legal problem, are you acquainted with a lawyer you could call for assistance?
 

<b>YES</b>	<b>NO</b>
72 70.6%	27 26.5%
3. Have you ever been a plaintiff or defendant in a court case?
 

<b>YES</b>	<b>NO</b>
41 40.2%	58 56.9%
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

<b>YES</b>	<b>NO</b>
20 19.6%	79 77.5%
5. Marital status?
 

25 24.5%	Single (never married)
58 56.9%	Married
0 0.0%	Widowed
17 16.7%	Divorced, Separated
6. Sex?
 

58 56.9%	Male
42 41.2%	Female
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
8. Did you get a high school diploma or pass a high school equivalency test?
 

<b>YES</b>	<b>NO</b>
90 88.2%	9 8.8%
9. Do you have a college degree?
 

<b>YES</b>	<b>NO</b>
39 38.2%	59 57.8%
10. General range of income for 1985.
 

	Personal		Family
15 14.7%	\$5,000 or more	1 1.0%	\$5,000 or more
16 15.7%	\$15,000 or more	13 12.7%	\$15,000 or more
16 15.7%	\$25,000 or more	14 13.7%	\$25,000 or more
11 10.8%	\$35,000 or more	12 11.8%	\$35,000 or more
9 8.8%	\$50,000 or more	22 21.6%	\$50,000 or more
11. Race or Ethnic origin?
 

90 88.2%	White, except Hispanic
3 2.9%	Black, except Hispanic
0 0.0%	Hispanic
0 0.0%	American Indian
0 0.0%	Alaskan Native
1 1.0%	Asian or Pacific Islander
1 1.0%	Other

# Citizens' Commission to Improve Michigan Courts

## Court Participant Survey

This report includes ONLY the MALE respondents

TOTAL NUMBER OF PARTICIPANTS = 1007 Date: 08/19/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 464 46.08% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
18	104	188	78	52	22
3.9%	22.4%	40.5%	16.8%	11.2%	4.7%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
12	97	210	99	33	11
2.6%	20.9%	45.3%	21.3%	7.1%	2.4%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
11	99	186	110	40	15
2.4%	21.3%	40.1%	23.7%	8.6%	3.2%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
53	176	124	53	39	17
11.4%	37.9%	26.7%	11.4%	8.4%	3.7%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
43	152	141	58	30	34
9.3%	32.8%	30.4%	12.5%	6.5%	7.3%

### 6. Confidence in the News Media

1	2	3	4	5	6
13	54	118	140	118	19
2.8%	11.6%	25.4%	30.2%	25.4%	4.1%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

**TRUE**  
452  
97.4%

**FALSE**  
2  
0.4%

**NOT SURE**  
8  
1.7%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

**TRUE**  
287  
61.9%

**FALSE**  
97  
20.9%

**NOT SURE**  
75  
16.2%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

**TRUE**  
67  
14.4%

**FALSE**  
374  
80.6%

**NOT SURE**  
21  
4.5%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

**TRUE**  
24  
5.2%

**FALSE**  
419  
90.3%

**NOT SURE**  
19  
4.1%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

**TRUE**  
73  
15.7%

**FALSE**  
277  
59.7%

**NOT SURE**  
107  
23.1%

6. If someone is found innocent of a crime, the state can appeal the case.

**TRUE**  
124  
26.7%

**FALSE**  
250  
53.9%

**NOT SURE**  
85  
18.3%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
125	221	82	30
26.9%	47.6%	17.7%	6.5%

#### 2. It is too expensive to go to court.

1	2	3	4
152	185	84	33
32.8%	39.9%	18.1%	7.1%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
156	186	95	22
33.6%	40.1%	20.5%	4.7%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
121	183	107	43
26.1%	39.4%	23.1%	9.3%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
37	79	138	192
8.0%	17.0%	29.7%	41.4%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
24	56	130	241
5.2%	12.1%	28.0%	51.9%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
121	139	77	118
26.1%	30.0%	16.6%	25.4%

Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	113	24.4%	140	30.2%	7	1.5%
Not Strongly	77	16.6%	72	15.5%	24	5.2%
No strength of opinion indicated	3	0.6%	9	1.9%	15	3.2%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	61	13.1%	179	38.6%	20	4.3%
Not Strongly	42	9.1%	52	11.2%	54	11.6%
No strength of opinion indicated	2	0.4%	5	1.1%	42	9.1%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	162	34.9%	100	21.6%	9	1.9%
Not Strongly	89	19.2%	28	6.0%	28	6.0%
No strength of opinion indicated	8	1.7%	4	0.9%	28	6.0%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	286	61.6%	36	7.8%	8	1.7%
Not Strongly	63	13.6%	22	4.7%	16	3.4%
No strength of opinion indicated	7	1.5%	1	0.2%	19	4.1%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	220	47.4%	36	7.8%	5	1.1%
Not Strongly	57	12.3%	31	6.7%	42	9.1%
No strength of opinion indicated	12	2.6%	3	0.6%	49	10.6%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	162	34.9%	98	21.1%	6	1.3%
Not strongly	56	12.1%	37	8.0%	30	6.5%
No strength of opinion indicated	18	1.3%	6	1.3%	50	10.8%

Section V.—Demographic information about participants.

1. Are you completing this survey—
 

257	55.4%	After being called for jury duty but not serving.
123	26.5%	After being selected, sworn and serving as a juror.
58	12.5%	Other.
2. If you have a legal problem, are you acquainted with a lawyer you could call for assistance?
 

	YES	NO
315	67.9%	140 30.2%
3. Have you ever been a plaintiff or defendant in a court case?
 

	YES	NO
151	32.5%	304 65.5%
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

	YES	NO
87	18.8%	361 77.8%
5. Marital status?
 

93	20.0%	Single (never married)
332	71.6%	Married
3	0.6%	Widowed
36	7.8%	Divorced, Separated
6. Sex?
 

464	***%	Male
0	0.0%	Female
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
8. Did you get a high school diploma or pass a high school equivalency test?
 

	YES	NO
410	88.4%	51 11.0%
9. Do you have a college degree?
 

	YES	NO
156	33.6%	305 65.7%
10. General range of income for 1985.
 

	Personal	Family
47 10.1%	\$5,000 or more	15 3.2% \$5,000 or more
53 11.4%	\$15,000 or more	39 8.4% \$15,000 or more
79 17.0%	\$25,000 or more	63 13.6% \$25,000 or more
85 18.3%	\$35,000 or more	77 16.6% \$35,000 or more
36 7.8%	\$50,000 or more	92 19.8% \$50,000 or more
11. Race or Ethnic origin?
 

	405 87.3%	White, except Hispanic
	26 5.6%	Black, except Hispanic
	5 1.1%	Hispanic
	2 0.4%	American Indian
	0 0.0%	Alaskan Native
	1 0.2%	Asian or Pacific Islander
	7 1.5%	Other

# Citizens' Commission to Improve Michigan Courts

## Court Participant Survey

This report includes ONLY the FEMALE respondents

TOTAL NUMBER OF PARTICIPANTS = 1007 Date: 08/20/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 507 50.35% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

### 1. Confidence in Public Schools

1	2	3	4	5	6
23	105	241	76	38	15
4.5%	20.7%	47.5%	15.0%	7.5%	3.0%

### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
20	94	248	88	30	19
3.9%	18.5%	48.9%	17.4%	5.9%	3.7%

### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
15	90	258	88	25	19
3.0%	17.8%	50.9%	17.4%	4.9%	3.7%

### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
51	163	167	50	38	29
10.1%	32.1%	32.9%	9.9%	7.5%	5.7%

### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
39	140	197	50	22	42
7.7%	27.6%	38.9%	9.9%	4.3%	8.3%

### 6. Confidence in the News Media

1	2	3	4	5	6
10	60	151	153	107	19
2.0%	11.8%	29.8%	30.2%	21.1%	3.7%



Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

TRUE	FALSE	NOT SURE
495	7	4
97.6%	1.4%	0.8%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

TRUE	FALSE	NOT SURE
303	62	137
59.8%	12.2%	27.0%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

TRUE	FALSE	NOT SURE
130	337	37
25.6%	66.5%	7.3%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

TRUE	FALSE	NOT SURE
57	383	61
11.2%	75.5%	12.0%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

TRUE	FALSE	NOT SURE
103	255	144
20.3%	50.3%	28.4%

6. If someone is found innocent of a crime, the state can appeal the case.

TRUE	FALSE	NOT SURE
136	224	141
26.8%	44.2%	27.8%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

1. Court proceedings take too long.

1	2	3	4
140	227	102	26
27.6%	44.8%	20.1%	5.1%

2. It is too expensive to go to court.

1	2	3	4
139	231	79	40
27.4%	45.6%	15.6%	7.9%

3. The average person does not understand what is going on in court.

1	2	3	4
184	200	93	22
36.3%	39.4%	18.3%	4.3%

4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
114	236	93	41
22.5%	46.5%	18.3%	8.1%

5. Courts do not treat blacks as well as whites.

1	2	3	4
34	90	155	204
6.7%	17.8%	30.6%	40.2%

6. Courts do not treat women as well as they treat men.

1	2	3	4
25	91	166	195
4.9%	17.9%	32.7%	38.5%

7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
115	152	111	109
22.7%	30.0%	21.9%	21.5%

Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	105	20.7%	182	35.9%	9	1.8%
Not Strongly	74	14.6%	64	12.6%	32	6.3%
No strength of opinion indicated	2	0.4%	11	2.2%	21	4.1%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	75	14.8%	167	32.9%	16	3.2%
Not Strongly	42	8.3%	48	9.5%	61	12.0%
No strength of opinion indicated	7	1.4%	5	1.0%	72	14.2%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	159	31.4%	99	19.5%	9	1.8%
Not Strongly	92	18.1%	38	7.5%	40	7.9%
No strength of opinion indicated	7	1.4%	8	1.6%	43	8.5%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	301	59.4%	22	4.3%	5	1.0%
Not Strongly	66	13.0%	11	2.2%	32	6.3%
No strength of opinion indicated	11	2.2%	3	0.6%	43	8.5%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	319	62.9%	14	2.8%	8	1.6%
Not Strongly	54	10.7%	15	3.0%	28	5.5%
No strength of opinion indicated	15	3.0%	2	0.4%	36	7.1%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	208	41.0%	63	12.4%	6	1.2%
Not strongly	42	8.3%	40	7.9%	42	8.3%
No strength of opinion indicated	23	2.4%	7	1.4%	69	13.6%

Section V.—Demographic information about participants.

1. Are you completing this survey—
 

271	53.5%	After being called for jury duty but not serving.
147	29.0%	After being selected, sworn and serving as a juror.
42	8.3%	Other.
2. If you had a legal problem, are you acquainted with a lawyer you could call for assistance?
 

YES	NO
319 62.9%	183 36.1%
3. Have you ever been a plaintiff or defendant in a court case?
 

YES	NO
119 23.5%	379 74.8%
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

YES	NO
66 13.0%	435 85.8%
5. Marital status?
 

67 13.2%	Single (never married)
357 70.4%	Married
21 4.1%	Widowed
58 11.4%	Divorced, Separated
6. Sex?
 

0 0.0%	Male
507 ***%	Female
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
8. Did you get a high school diploma or pass a high school equivalency test?
 

YES	NO
454 89.5%	44 8.7%
9. Do you have a college degree?
 

YES	NO
141 27.8%	356 70.2%
10. General range of income for 1985.
 

	Personal		Family
96 18.9%	\$5,000 or more	26 5.1%	\$5,000 or more
78 15.4%	\$15,000 or more	57 11.2%	\$15,000 or more
64 12.6%	\$25,000 or more	67 13.2%	\$25,000 or more
24 4.7%	\$35,000 or more	93 18.3%	\$35,000 or more
8 1.6%	\$50,000 or more	86 17.0%	\$50,000 or more
11. Race or Ethnic origin?
 

436 86.0%	White, except Hispanic
35 6.9%	Black, except Hispanic
5 1.0%	Hispanic
4 0.8%	American Indian
0 0.0%	Alaskan Native
1 0.2%	Asian or Pacific Islander
3 0.6%	Other

## Citizens' Commission to Improve Michigan Courts

### Court Participant Survey

This report includes ONLY the WHITE respondents

TOTAL NUMBER OF PARTICIPANTS = 1007      Date: 08/20/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 845    83.91% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

#### 1. Confidence in Public Schools

1	2	3	4	5	6
34	192	374	131	77	27
4.0%	22.7%	44.3%	15.5%	9.1%	3.2%

#### 2. Confidence in the U. S. Congress

1	2	3	4	5	6
23	168	409	159	54	24
2.7%	19.9%	48.4%	18.8%	6.4%	2.8%

#### 3. Confidence in the Michigan Legislature

1	2	3	4	5	6
20	166	394	172	56	24
2.4%	19.6%	46.6%	20.4%	6.6%	2.8%

#### 4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
89	300	261	85	66	36
10.5%	35.5%	30.9%	10.1%	7.8%	4.3%

#### 5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
65	259	300	92	46	63
7.7%	30.7%	35.5%	10.9%	5.4%	7.5%

#### 6. Confidence in the News Media

1	2	3	4	5	6
20	95	239	255	198	31
2.4%	11.2%	28.3%	30.2%	23.4%	3.7%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

**TRUE**  
827  
97.9%

**FALSE**  
8  
0.9%

**NOT SURE**  
7  
0.8%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

**TRUE**  
516  
61.1%

**FALSE**  
139  
16.4%

**NOT SURE**  
183  
21.7%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

**TRUE**  
164  
19.4%

**FALSE**  
631  
74.7%

**NOT SURE**  
45  
5.3%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

**TRUE**  
68  
8.0%

**FALSE**  
712  
84.3%

**NOT SURE**  
58  
6.9%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

**TRUE**  
143  
16.9%

**FALSE**  
477  
56.4%

**NOT SURE**  
218  
25.8%

6. If someone is found innocent of a crime, the state can appeal the case.

**TRUE**  
213  
25.2%

**FALSE**  
425  
50.3%

**NOT SURE**  
199  
23.6%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

#### 1. Court proceedings take too long.

1	2	3	4
238	396	152	43
28.2%	46.9%	18.0%	5.1%

#### 2. It is too expensive to go to court.

1	2	3	4
256	370	136	59
30.3%	43.8%	16.1%	7.0%

#### 3. The average person does not understand what is going on in court.

1	2	3	4
296	344	162	31
35.0%	40.7%	19.2%	3.7%

#### 4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
203	364	181	72
24.0%	43.1%	21.4%	8.5%

#### 5. Courts do not treat blacks as well as whites.

1	2	3	4
44	139	265	363
5.2%	16.4%	31.4%	43.0%

#### 6. Courts do not treat women as well as they treat men.

1	2	3	4
36	123	258	390
4.3%	14.6%	30.5%	46.2%

#### 7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
183	255	174	206
21.7%	30.2%	20.6%	24.4%

Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	187	22.1%	285	33.7%	9	1.1%
Not Strongly	135	16.0%	126	14.9%	46	5.4%
No strength of opinion indicated	5	0.6%	14	1.7%	27	3.2%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	110	13.0%	314	37.2%	27	3.2%
Not Strongly	77	9.1%	91	10.8%	101	12.0%
No strength of opinion indicated	6	0.7%	7	0.8%	95	11.2%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	289	34.2%	173	20.5%	15	1.8%
Not Strongly	161	19.1%	55	6.5%	56	6.6%
No strength of opinion indicated	13	1.5%	11	1.3%	55	6.5%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	514	60.8%	50	5.9%	9	1.1%
Not Strongly	118	14.0%	27	3.2%	38	4.5%
No strength of opinion indicated	17	2.0%	4	0.5%	54	6.4%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	459	54.3%	45	5.3%	7	0.8%
Not Strongly	101	12.0%	45	5.3%	65	7.7%
No strength of opinion indicated	23	2.7%	4	0.5%	75	8.9%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	315	37.3%	142	16.8%	9	1.1%
Not strongly	90	10.7%	71	8.4%	64	7.6%
No strength of opinion indicated	34	1.9%	8	0.9%	104	12.3%



Section V.—Demographic information about participants.

1. Are you completing this survey—
 

460	54.4%	After being called for jury duty but not serving.
237	28.0%	After being selected, sworn and serving as a juror.
90	10.7%	Other.
2. If you had a legal problem, are you acquainted with a lawyer you could call for assistance?
 

<b>YES</b>	<b>NO</b>
560 66.3%	275 32.5%
3. Have you ever been a plaintiff or defendant in a court case?
 

<b>YES</b>	<b>NO</b>
234 27.7%	599 70.9%
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

<b>YES</b>	<b>NO</b>
124 14.7%	703 83.2%
5. Marital status?
 

125	14.8%	Single (never married)
630	74.6%	Married
15	1.8%	Widowed
70	8.3%	Divorced, Separated
6. Sex?
 

405	47.9%	Male
436	51.6%	Female
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
8. Did you get a high school diploma or pass a high school equivalency test?
 

<b>YES</b>	<b>NO</b>
764 90.4%	71 8.4%
9. Do you have a college degree?
 

<b>YES</b>	<b>NO</b>
266 31.5%	572 67.7%
10. General range of income for 1985.
 

	Personal			Family	
121	14.3%	\$5,000 or more	35	4.1%	\$5,000 or more
112	13.3%	\$15,000 or more	87	10.3%	\$15,000 or more
129	15.3%	\$25,000 or more	117	13.8%	\$25,000 or more
102	12.1%	\$35,000 or more	160	18.9%	\$35,000 or more
40	4.7%	\$50,000 or more	167	19.8%	\$50,000 or more
11. Race or Ethnic origin?
 

845	***%	White, except Hispanic
0	0.0%	Black, except Hispanic
0	0.0%	Hispanic
0	0.0%	American Indian
0	0.0%	Alaskan Native
0	0.0%	Asian or Pacific Islander
0	0.0%	Other

Citizens' Commission to Improve Michigan Courts  
Court Participant Survey

This report includes ONLY the NON-WHITE respondents

TOTAL NUMBER OF PARTICIPANTS = 1007      Date: 08/20/86

TOTAL NUMBER OF PARTICIPANTS FITTING THE ABOVE DESCRIPTION = 162 16.09% OF THE SURVEY

Section I.—The questions asked measured the confidence in different institutions in American society

The ratings are:

EXTREMELY CONFIDENT	1
VERY CONFIDENT	2
SOMEWHAT CONFIDENT	3
SLIGHTLY CONFIDENT	4
NOT AT ALL CONFIDENT	5
DON'T KNOW	6

1. Confidence in Public Schools

1	2	3	4	5	6
8	26	65	26	19	10
4.9%	16.0%	40.1%	16.0%	11.7%	6.2%

2. Confidence in the U. S. Congress

1	2	3	4	5	6
13	27	60	33	14	6
8.0%	16.7%	37.0%	20.4%	8.6%	3.7%

3. Confidence in the Michigan Legislature

1	2	3	4	5	6
7	28	61	30	12	11
4.3%	17.3%	37.7%	18.5%	7.4%	6.8%

4. Confidence in the U.S. Supreme Court

1	2	3	4	5	6
18	46	40	22	14	11
11.1%	28.4%	24.7%	13.6%	8.6%	6.8%

5. Confidence in the Michigan Supreme Court

1	2	3	4	5	6
20	41	47	19	9	15
12.3%	25.3%	29.0%	11.7%	5.6%	9.3%

6. Confidence in the News Media

1	2	3	4	5	6
4	22	40	46	33	7
2.5%	13.6%	24.7%	28.4%	20.4%	4.3%

Section II.—Statements about the legal system in the United States

1. Everyone accused of a crime has the right to be represented in court by a lawyer.

TRUE  
147  
90.7%

FALSE  
1  
0.6%

NOT SURE  
7  
4.3%

2. Every decision made by a state court can be reviewed and revised by the U.S. Supreme Court.

TRUE  
91  
56.2%

FALSE  
25  
15.4%

NOT SURE  
35  
21.6%

3. In a criminal trial, it is up to the person who is accused to prove his or her innocence.

TRUE  
39  
24.1%

FALSE  
98  
60.5%

NOT SURE  
17  
10.5%

4. A prosecuting attorney's job is to defend an accused person who cannot afford a lawyer.

TRUE  
17  
10.5%

FALSE  
111  
68.5%

NOT SURE  
25  
15.4%

5. The trial judge can overrule the jury if the judge disagrees with the jury's verdict.

TRUE  
38  
23.5%

FALSE  
67  
41.4%

NOT SURE  
44  
27.2%

6. If someone is found innocent of a crime, the state can appeal the case.

TRUE  
55  
34.0%

FALSE  
62  
38.3%

NOT SURE  
34  
21.0%

### Section III.—Statements regarding the legal system

The ratings are:

AGREE STRONGLY	1
AGREE SOMEWHAT	2
DISAGREE SOMEWHAT	3
DISAGREE STRONGLY	4

1. Court proceedings take too long.

1	2	3	4
36	62	35	15
22.2%	38.3%	21.6%	9.3%

2. It is too expensive to go to court.

1	2	3	4
47	54	30	16
29.0%	33.3%	18.5%	9.9%

3. The average person does not understand what is going on in court.

1	2	3	4
52	53	30	14
32.1%	32.7%	18.5%	8.6%

4. Court decisions are sometimes influenced by political considerations.

1	2	3	4
41	63	23	15
25.3%	38.9%	14.2%	9.3%

5. Courts do not treat blacks as well as whites.

1	2	3	4
29	32	38	42
17.9%	19.8%	23.5%	25.9%

6. Courts do not treat women as well as they treat men.

1	2	3	4
14	28	48	54
8.6%	17.3%	29.6%	33.3%

7. Courts do not treat poor people as well as they treat wealthy people.

1	2	3	4
59	46	18	25
36.4%	28.4%	11.1%	15.4%

Section IV.—Proposed changes to the court system.

1. In addition to normal hours, operate courts at night and on weekends.

	Favor		Oppose		Don't know	
Strongly	36	22.2%	46	28.4%	7	4.3%
Not Strongly	19	11.7%	12	7.4%	11	6.8%
No strength of opinion indicated	0	0.0%	7	4.3%	16	9.9%

2. Establishing legal insurance similar to auto or health insurance.

	Favor		Oppose		Don't know	
Strongly	31	19.1%	38	23.5%	11	6.8%
Not Strongly	10	6.2%	10	6.2%	17	10.5%
No strength of opinion indicated	3	1.9%	4	2.5%	26	16.0%

3. Using informal procedures and panels of local citizens as an alternative to resolving disputes between neighbors, in petty larceny, and the like.

	Favor		Oppose		Don't know	
Strongly	41	25.3%	33	20.4%	3	1.9%
Not Strongly	22	13.6%	12	7.4%	12	7.4%
No strength of opinion indicated	3	1.9%	1	0.6%	23	14.2%

4. Establishing a committee to review the performance of all judges in order to recommend retention or election of judges.

	Favor		Oppose		Don't know	
Strongly	90	55.6%	8	4.9%	5	3.1%
Not Strongly	11	6.8%	7	4.3%	10	6.2%
No strength of opinion indicated	2	1.2%	1	0.6%	13	8.0%

5. Establishing and funding a program to make court facilities more accessible to handicapped persons.

	Favor		Oppose		Don't know	
Strongly	90	55.6%	7	4.3%	6	3.7%
Not Strongly	13	8.0%	2	1.2%	5	3.1%
No strength of opinion indicated	5	3.1%	1	0.6%	18	11.1%

6. Developing procedures for criminal trials, so that defendants are physically separated from victims and witnesses.

	Favor		Oppose		Don't know	
Strongly	61	37.7%	22	13.6%	5	3.1%
Not strongly	8	4.9%	7	4.3%	10	6.2%
No strength of opinion indicated	8	1.9%	6	3.7%	24	14.8%

Section V.—Demographic information about participants.

1. Are you completing this survey—
 

76	46.9%	After being called for jury duty but not serving.
38	23.5%	After being selected, sworn and serving as a juror.
12	7.4%	Other.
2. If you had a legal problem, are you acquainted with a lawyer you could call for assistance?
 

	YES	NO
85	52.5%	53 32.7%
3. Have you ever been a plaintiff or defendant in a court case?
 

	YES	NO
42	25.9%	95 58.6%
4. Have you ever been to court as a victim of a crime or to testify as a witness to a crime?
 

	YES	NO
33	20.4%	105 64.8%
5. Marital status?
 

35	21.6%	Single (never married)
63	38.9%	Married
9	5.6%	Widowed
25	15.4%	Divorced, Separated
6. Sex?
 

59	36.4%	Male
71	43.8%	Female
7. \*\*\*\*\* NUMBER OF YEARS IN SCHOOL NOT VALID IN THIS REPORT \*\*\*\*\*
8. Did you get a high school diploma or pass a high school equivalency test?
 

	YES	NO
106	65.4%	26 16.0%
9. Do you have a college degree?
 

	YES	NO
35	21.6%	93 57.4%
10. General range of income for 1985.
 

	Personal	Family
23	14.2%    \$5,000 or more	6 3.7%    \$5,000 or more
20	12.3%    \$15,000 or more	10 6.2%    \$15,000 or more
14	8.6%    \$25,000 or more	13 8.0%    \$25,000 or more
8	4.9%    \$35,000 or more	13 8.0%    \$35,000 or more
4	2.5%    \$50,000 or more	12 7.4%    \$50,000 or more
11. Race or Ethnic origin?
 

0	0.0%	White, except Hispanic
61	37.7%	Black, except Hispanic
10	6.2%	Hispanic
6	3.7%	American Indian
0	0.0%	Alaskan Native
4	2.5%	Asian or Pacific Islander
11	6.8%	Other

# Informal Surveys

Informal survey methods were used at several other points in the Commission's work.

## Contents of the principal informal survey form

For use at the public hearings, and for distribution by Commission members to persons with whom they have professional contact, the Commission prepared the following one-page survey.

1. Have you ever been involved with the court system? If so, were you a juror, a witness, a victim of a crime, a party to a lawsuit or some other sort of participant?
2. Did you receive an adequate explanation of what you were to do and why?
3. Were court personnel, including the judge, courteous to you?
4. On the whole, did you find your experience with the court system satisfactory or unsatisfactory?
5. Did your experience with the courts cause you to have greater respect for the court system, less respect, or about the same?
6. Do you have any other suggestions that would improve the Michigan court system, or do you have any further comments that you would like to share with the Michigan Supreme Court?

## Response at public hearings

The informal survey instrument was available at the public hearings. Eighty-seven persons responded that they had had prior involvement with the court system. These persons supplied the following responses.

## Nature of prior involvement

juror	19%
plaintiff/defendant	38%
witness	24%
victim	3%
juvenile	1%
attorney	6%
other	9%

## Whether person's role was properly explained

Yes	52%
No	48%

## Were court personnel courteous?

Yes	52%
No	48%

## Overall summary of contact with court system

Satisfactory	47%
Unsatisfactory	53%

## Whether contact with court system increased respect for it

More respect	13%
Less respect	56%
About the same	31%

## Response from school board members

A questionnaire soliciting input about the courts from school board members was printed by Linda L. Bruin in the June 24, 1986 issue of *Headlines*, a bi-weekly newsletter of the Michigan Association of School Boards. A small number of responses were received, and the comments were generally similar to testimony received at the Commission's public hearings.

## Response from selected members of the aging community

Questionnaires were sent to staff and activists in the aging community by Olivia P. Maynard, Director of the Michigan Office on Aging. A small number of responses were received. Most respondents had had contact with the court system through jury service, and most had had a positive reaction to their experience.

## Response from selected Upper Peninsula residents

James Appleberry, Ph.D., President of Northern Michigan University, arranged for the informal survey to be sent to approximately 120 individuals in the Upper Peninsula. These individuals were selected from three lists: (1) U.P. Members of the Commission on the Future of NMU; (2) U.P. Board Members of the NMU Development Fund; and (3) U.P. Board Members of the NMU Alumni Association. The respondents' comments were sorted into areas of common concern, and extensive quotations from the respondents were circulated to all Commission members.

Many of the respondents wrote of the need to reduce delays and expedite proceedings.

"Promote increased use of: Arbitration; pre-trial recommendations of settlement from lawyers' panels; an alternative form of punishment for persons not likely to be dangerous to society."

"Last minute changes (out-of-court settlements, postponements, etc.) were maddening. For my month of jury duty, my job was in turmoil due to my not knowing when—or if—I'd be gone . . . My general impression as a citizen is that the cost of 'justice' is beyond the reach of ordinary individuals."

" . . . Cause judges to function on time and cause their employees to understand the human element involved by the participants. Going to court is an emotional situation for most participants."

"The court has its own time schedule which seems to disregard anyone else . . . Respect for the law or the judges does not require a procedure which makes one feel he is being judged by the Almighty."

There was also a recurring concern for improving the criminal justice system, as it affects those who are drawn to court, and as it affects society.

"I'd like to see a system whereby the guilty compensate their victims. On a small scale, if someone rips up your property, he or she should *work* to replace it. Sitting in jail, or even on probation, doesn't make them realize the care and work that went into something another values. In more serious cases, *work* and *money* for the benefit of the victim would go a long way in making a guilty person responsible. *Responsibility* for our actions is the key word."

"I have a strong feeling that the court system in no way has enough concern for the victim of a crime, to a point where the victim feels at times that they have done something wrong—very frustrating."

"I fail to see why in the event of a judgment in favor of the victim, court costs should be paid the county first . . . before the victim receives restitution."

Comments were also received on a wide variety of other subjects. Here are two.

"A separate family court should be developed to handle domestic relation matters. Additional judges should be provided or all judges should have legal interns available to

them from the state law schools."

"One major thing sticks out in my mind and one that I have made repeated efforts about . . .

The whole voting system and the non-knowledge of most voters . . . Voting citizens don't seem to take much interest simply because they don't ever think they are going before a judge."

## Response from selected employees of the Department of Social Services

Patricia Thomas, the Director of the Department of Social Services' Office of Field Services Administration, and Diane Emling, the Director of DSS's Office of Children and Youth Services, encouraged protective services workers to participate in the work of Commission. Thirty-five of these DSS employees returned copies of the informal survey.

## Whether person's role was properly explained

Yes	60%
No	40%

## Overall summary of contact with court system

Satisfactory	54%
Unsatisfactory	46%

## Were court personnel courteous?

Yes	83%
No	17%

## Whether contact with court system increased respect for it

More respect	9%
Less respect	34%
About the same	49%

## Response from jury practice survey

The Committee on the Role and the Responsibility of the Courts to the Community at Large sent a



questionnaire to 765 circuit courts and 144 district courts, inquiring about the information given to jurors and about the procedures employed after jurors have completed their term of service. Responses were received from 53 circuit and 101 district courts. The results may be summarized as follows.

**How does the court teach prospective jurors about jury duty?**

They receive printed information about jury duty	68 courts
They view film, video or slides about jury duty	21 courts
They are given a personal orientation	107 courts
Other	9 courts
None of the above	29 courts

**What happens when jurors complete their term of service?**

They are asked to complete a questionnaire	12 courts
A judge discusses the experience with them	54 courts
Other (e.g., thank-you letter or certificate)	17 courts
None of the above	74 courts

## Letters to the Commission

From all over the state of Michigan, nearly 300 individuals have written letters to the Citizens' Commission commenting upon every aspect of the justice system.

Inquiries, criticisms, compliments, recommendations for change and personal anecdotes—they have come from persons such as judges, lawyers, county commissioners and organization spokespersons whose professional lives are intimately connected to the courts. But most of all they have come from the "citizens" themselves. Some of these citizens shared with the Commission their personal experiences as litigants, crime victims or jurors. Others did not identify a particular experience, but shared their comments on some aspect of the courts or on the system in general.

They wrote sometimes to the Commission Chair Dr. Chen or to another Commissioner, often to supervising Justice Patricia J. Boyle. They were prompted to write when they heard about the Commission on television or radio, from friends, or from the Supreme Court. Primarily, they read about the Commission in the newspapers, either from the many articles that were written, or from the letters to the editors which Justice Boyle wrote inviting public response, or most recently from publicity in the Meijer, Inc. shoppers' newspaper insert.

The tone of the letters, for the most part, is an unhappy one. Not unexpectedly, the disaffected have proved the quickest to respond to the invitation to unload their feelings. And, as one

writer pointed out, "For every one letter you receive sharing with you a horrible court experience, there are many, many more . . . who will not be writing." And that, of course, is even more emphatically true of those who have had good experiences.

Nevertheless, if there is one single theme other than dissatisfaction which threads the letters, it is gratitude to the Commission and to Justice Boyle for listening. "I commend you," wrote one gentleman, "for having the courage to ask the public for their opinion. To my knowledge this has never been done before." A woman from western Michigan said, "After seeing the article in *The Detroit News* . . . I decided that perhaps, for once, I could speak my piece to someone who would actually pay attention." And one man from southeastern Michigan, who wrote several letters to the Commission, even asked, "Aren't you sorry you wrote that letter to the *Free Press* now?" The answer, of course, is "No"; the Commission has been as grateful to receive the letters as the writers have been to reach a listening ear.

Both in tone and in content, the letters strongly resemble what was heard by the Commission at the public hearings. This type of data-gathering is not an attempt to scientifically measure "public opinion" but an open invitation to express one's feelings. Not all such expressions lend themselves to neat categorization. Further, many writers touched on a number of topics and the topics themselves overlap. Therefore, any numbers used in this chapter

should not be read as precise quantifications but only as a relative index of the frequency with which a particular subject was identified in the letters.

## WHO WROTE?

Table 1

Citizens (*)	248
Others (**)	41
Total	289

\*See Table 2

\*\*See Table 3

Table 2

"Citizens" includes those (or family or friends) identified as:

Litigants (civil case)	108
Litigants (criminal case)	39
Jurors	19
Crime victims	10

Table 3

"Others" includes:

Attorneys  
Court Watchers  
County Commissioners  
Social Workers  
Judges  
Insurance industry  
Professional groups

## ... TO WHOM?

Table 4

"Courts" (*)	186
Justice Patricia Boyle	43
Citizens' Commission	33
Dr. Chen/Other	
Commissioners	16
Chief Justice/Supreme Court	11
Total	289

\*Designation given in newspaper publicity

## ... FROM WHERE?

The 289 citizen letters came from every part of the state, from the

state prisons, and even from out of state.

## ... ABOUT WHAT?

### 1. Litigation Generally

Table 5

Most Frequently Expressed Concerns	
Delay	37
Unequal power of parties	23
Assistance for litigants representing themselves	14

". . . [W]hat is needed is a system that will give a citizen his or her day in court and at the same time just extend every day common courtesies of respect for them as individuals, including a respect for the value of their time."

With respect to **delay** there are two major areas of concern. One is docket delay—the length of time it takes from filing a case to final decision. The other is daily delay caused by court not starting on time, interruptions in proceedings, etc. Writers did not always distinguish between the two, but it is obvious that both are sources of concern.

In addition, a number of persons mentioned the **scheduling** practices of courts which cause a number of cases to be noticed for the same time with no practical possibility of handling that number.

". . . [W]hen defaults were finally taken, 50-75 people had to stand in line to process paperwork after already waiting 2 hours for cases to be called."

**Postponements**, whether initiated by the attorneys or by the court itself, contribute to delay and are a source of criticism.

**Recommendations:** Escalate fees for each successive motion for adjournment; have **parties**,

not just attorneys, sign all requests for adjournments; limit discovery; limit peremptory challenges; hear all motions on Saturday.

\*\*\*\*\*

"There is no justice today except for the rich or influential."

**Inequality of power** in litigation, even for those represented by counsel, is a concern, particularly for those whose opponents are corporations, insurance companies, banks, or the state government. Individuals express fear of a system and a language which they don't understand, especially when confronting those they feel are better able to "manipulate" the system.

**Litigants representing themselves** face additional frustrations. They believe that the most inexperienced attorney in court receives more assistance and respect than any *pro se* litigant.

**Recommendations:** Law libraries accessible to all; assistance with filling out forms; computerized statute research; simplified language.

\*\*\*\*\*

Other areas of criticism/concern include:

**Expense.** This was not so much singled out in the letters as it was either implicit or combined with another complaint such as court scheduling or power inequities. One individual, in a case against the state of Michigan, pointed out that the state's staff attorneys can continue to appeal cases while the individual's financial resources are quickly exhausted defending those appeals.

"Who can afford a lawyer to spend two to three hours [waiting] on a one-minute hearing?"

**Recommendations:** Permit recovery of actual attorney fees;

provide more legal assistance to those who need it.

**Enforcement of sanctions**, whether it be a judgment or imposition of costs.

Writers were divided on the question of **judge/jury**. Some believed the judges were taking too many cases away from the jury, forcing settlements and coercing litigants through use of mediation. Others believed the judges exercised too little authority in deciding matters (that, for example, judges should decide fault in tort cases) and relied too little on mediation.

**Evidentiary rules**, it is felt, obscure the truth. (7)\*

\*Numbers in parentheses in this section indicate the number of correspondents who singled out a particular issue.

"... [T]he truth of what actually happened in a case is not material. What is material is a chopped up version of the actual events that the attorneys and court system will allow you to present to a jury.

"Perhaps the oath . . . should indicate that the 'whole truth' will most likely not have a chance of being told."

**Frivolous lawsuits**, including appeals, ought to be rejected, and/or costs imposed or bond posted by plaintiff. (9)

**Open legal proceedings** by requiring proceedings to take place in the courtroom rather than chambers with the judge explaining his/her decision on the record and allowing tape recordings and/or cameras in the courtroom. (7)

#### **Recommendation:**

Development of alternative dispute resolution systems.

### **2. Specific Civil Actions**

As well as discussing litigation generally, writers often referred to specific types of civil cases. The

most frequently mentioned was **Divorce**.

**Table 6**

#### **Divorce Proceedings Should Provide More Protection:**

For women	19
For children	14
For men	8
For grandparents	3

Writers who protested that divorce/custody proceedings are unfair to **women** focused on child support guidelines and on many women's lack of familiarity with the legal system before becoming involved in a divorce action.

Similarly, the system is felt to be unfair to **men** because child support amounts are too high and because men are not fairly considered as custodial parents.

Several letters alluded to **grandparents'** desires to protect their relationships with their grandchildren post-divorce of the parents.

Concern for **children**, apart from adequacy of child support, focused on children believed to be in abusive visitation situations. Custodial parents contend that neither the Friend of the Court nor the judge will respond and that they have nowhere else to turn. (A similar letter was received from a foster parent who feared for the children visiting their natural mother but who was unable to satisfactorily bring the matter before the court.) One letter, however, argued the father had been falsely accused and was unable to fight back.

Other concerns mentioned: Difficulties of dealing with **Friend of the Court**; coerced property settlements; poor enforcement of orders and judgments; lack of privacy in divorce cases.

**Recommendation:** Creation of family court; more/better use of mediation.

**Mental health** procedures of various kinds drew comments: psychological evaluations in divorce cases are misused; appointment of a guardian ad litem for the wife in a divorce case is improper; community mental health programs (entered in connection with a divorce case) were abusive; involuntary commitment at Northville (proceeding undertaken after writer traumatized by failure of medical and legal malpractice cases) abusive.

Other types of cases specified:

**Probate**—neglect, guardianship, wills and trusts

**Tort** (personal injury)

**Small Claims**—defendant should not be able to unilaterally move to higher court

**Workers Compensation**—better explanation should be given to claimants

**Paternity**—unfair to men

### **3. Criminal Justice System**

No one topic gathered so many comments over such a wide spectrum of opinion as did the criminal justice system. Witness the contrary views expressed below:

"Criminals are served while victims not only have no protection, but also shoulder the increased costs involved in setting criminals free."

"They [criminals] have rights, too. Victims of crime ask for it."

**Table 7**

#### **Areas of Most Concern**

Fairness	33
Sentencing	47
Plea Bargaining	13
Victim/Witness Assistance	26
Prosecutor's Function	10
Police Function	5
Corrections Dept. (parole, release)	10

In terms of "fairness" of the system, as the opening comments suggest, there are divergent points of view. Most correspondents were in agreement with the first-quoted writer: "criminal defendants have all the rights"; "technicalities prevail over justice"; and the system is just too "lenient."

"Is it any wonder that people feel that they have to take the law into their own hands when they see that the court system is unwilling or unable to deal effectively with criminals?"

But another side suggests that vindictive persons can cause criminal actions to be brought against individuals, and several writers said that once the criminal process begins:

"There's no such thing as being innocent until proven guilty, you are guilty until you prove you're innocent."

The concept of fairness underlies much of the comment about **sentencing**, as well. The objections noted to sentencing have a dual focus: (1) that the same crime will be punished differently depending on which court/judge does the sentencing; and (2) that sentences sometimes seem to have little relationship to the seriousness of the crime.

Besides more consistent sentences, writers called for tougher sentences for: drunk driving, juvenile offenders, kiddie porn, drugs, repeat offenders, probation violations, and verbal threats. Several supported the death penalty.

**Recommendation:** Drivers' licenses are too easily restored. Courts ought to have a "public transportation analyst" to verify claims of need on the basis of no alternate transportation.

There are effective punishments other than incarceration, it was pointed out, including: Restitution to victims; work; education; community service.

Related to some degree to sentencing is **plea bargaining** which was roundly assailed by correspondents

**Recommendation:** Instead of plea bargaining in the courts, let the legislature set a "time allowance" for guilty pleas.

Objections to plea bargaining came from persons who believe the defendant is unduly benefited thereby:

"We have seen self-admitted guilty pleas to first degree reduced to fourth degree [criminal sexual conduct] with a slap on the hand."

They come also from persons who believe the plea is coercive to defendants who are not guilty or who have been overcharged by the prosecutor:

"There is something wrong with a legal system where a person can go to court, spend \$500 to \$800 in legal fees, to be found not guilty—or plead guilty and pay \$30.00 to \$90.00 in fines."

Writers were divided on the issue of what to do with **juvenile offenders**. Some believed the courts should be "tougher" and should not expunge records later. Others said the courts are already dealing more harshly with juveniles than with adults and that treatment programs and separate facilities for status offenders need to be provided.

With the exception of the one individual quoted at the beginning of this section, every writer who touched on the subject of **victims/witnesses** expressed only sympathy for victims and support for the victim/witness assistance programs which are beginning to make their presence felt in Michigan.

One gentleman, recounting his family's experience in court as theft victims, expressed his outrage:

". . . [W]e were not called upon to testify, we were not briefed, consoled, nothing, nothing, nothing . . . we were there sitting like a bunch of Nobody Dummies."

Another writer said simply,

"You'll just have to take my word that the judicial system does not work for victims. At least not very well for this one."

**Recommendations:** Provide an advocate to work within the system for victims; enforcement of Victims' Rights Bill; restitution to victims; support for victim groups; more and better information about the system to victims, more input into the system from victims; facilities which provide for separation of victims/witnesses from defendants.

A particular class of victim/witnesses received considerable mention in the letters: **Children**. Primarily, these are child victims of sexual abuse, although the trauma of testifying would certainly apply to child victims/witnesses in other situations as well. Every aspect of the system which troubles adult victim/witnesses is even harder on children. Delays and postponements, it was pointed out, work particular hardships on youngsters. It is often agonizing for them to testify in court. And evidentiary rules are often impossible for them to grasp.

**Recommendations:** Allow children to testify on tape; provide more protection/sensitivity for children; allow children to use anatomically correct dolls in testifying; allow use of one-way mirrors or tape for identification purposes.

According to a number of writers, **prosecutors** overcharge defendants, have too much power with the judge, and sometimes too much power with the victim where the prosecutor asks the

victim's cooperation in a lesser charge.

One writer, however, suggested that more incentives might be needed for prosecutors and that prosecutors' offices might be funded on the basis of performance (convictions vs. losses).

Similarly, it was felt, **police** wield too much authority in the judicial system. Others complained of: probation officers, Department of Social Service workers; and one writer suggested that the probation officer and substance abuse counselor should not be the same person.

A number of comments dealt not actually with the courts but rather with matters under the jurisdiction of the **Corrections Department**. Parole and early release of prisoners were the subject of critical comments, and several said, "Prison is too easy," although one writer asked for better treatment programs in prisons. Others recommended community-based treatment.

Other subjects touched on by correspondents: Appeal (there should be only one appeal per defendant; every convicted person ought to have a special speedy review; no right of appeal from a guilty plea); intoxication should not be a defense to any crime; prisoners ought to be required to reimburse the state for cost of incarceration; defendant's record should be available to jury; there ought to be assistance/information available to families of defendants; defendants should not be allowed to participate with their lawyers in jury selection; procedure ought to be streamlined so as not to require so many appearances in different courts (District and Circuit).

#### 4. Judges

Several Michigan judges received compliments and high marks from letter writers both for their demeanor on the bench and for

their hard work. Nevertheless, and not unexpectedly since the writers were for the most part focusing on areas in need of improvement, most comments were negative.

Table 8

#### Principal Complaints

Performance	24
Attitude	44
Accountability	8

The single most mentioned fault writers found in the area of **performance** was hours worked.

"You are ordered to be [in court] . . . at 8:30 and check in . . . I have sat in the hallway until as late as 9:15 and watched the judge come strolling in, and not appear in his courtroom until 9:45. This is for a court that is supposed to begin at 8:30 a.m. Do you people have any idea how much work time is lost in waiting?"

Other judicial shortcomings, noted by the writers: not prepared; unwilling to make decisions; wrong on the law; take too much away from the jury.

More than performance on the bench, writers voiced objections to judges' **attitudes**. A few believed judges and lawyers to be corrupt; others said judges need more "common sense"; some believed the judges to be biased and unfair; others objected to the judge's demeanor on the bench.

"In the court room . . . it was like a factory line. The Judge rarely looked at the accused, he had a monotone voice. He basically had memorized the speech he gave . . . He would gaze around the court room and never miss a beat."

Particularly noted by several correspondents were judges' attitudes toward litigants representing themselves.

" . . . pro per litigants are treated like non-entities . . . "

Judges have enormous power, a number of writers noted, over those who appear before them. And yet, they said, there is little real **accountability**.

"The main problem is that there is too much power and authority and precious little accountability for their **behavior**."

Seven writers called for judges to be appointed. One of those indicated that only judges with trial experience should be appointed to the appellate bench, and another indicated that the judges should not be appointed to a specific circuit, but move among counties.

Since judges are elected, writers called for more information to be given to voters, and for increased competition for judgeships.

**Recommendations:** Limit number of terms a judge can serve; stricter policing of judges; election of such positions as Judicial Tenure Commission and court administrators; abolition of the position of chief judge.

#### 5. Attorneys

As was the case with judges, a few writers complimented their attorneys; but many more criticized counsel.

Both appointed and retained attorneys were accused of incompetence, shoddy behavior, and lack of concern for their clients' welfare.

"This . . . legal company is upset with me because I didn't take the mediation because they would have gotten their money right away. They really didn't care if I was taken care of or not."

Several writers suggested abolishing contingency fee arrangements, and several suggested stricter disciplining of the legal profession.

**Recommendations:** Scrutinize appointed attorney fees more closely; restructure legal education.

## 6. Juries

Of all topics, only in **juries** were a significant percentage of the letters more positive than negative in tone. Writers generally approved the shorter jury terms being used in many jurisdictions, and there was one compliment on the increased jury fees. Most correspondents who had been called were willing jurors, although more than one agreed with the woman who said:

"I have been a juror three times. I didn't mind doing it, but that is enough."

Despite the generally positive tone, there were some isolated criticisms of the system: objection to the Personal History Questionnaire; too little advance notice; inadequate instructions; jurors not treated very well.

Most of the critical comments were leveled at the jurors themselves. For example:

"At any given time as many as two to four members of the jury were sleeping."

". . . [There are] aggressive people who berate you because you are keeping them from leaving the jury room . . . . Could there be an overseer inside. . . [?]."

". . . [They] give million dollar settlements to anyone with a sob story."

**Recommendations:** Limit peremptory challenges; return to 12 jurors; lengthen jury terms but increase exemptions; use only retirees as jurors; use law students as jurors; allow disabled persons to be jurors; allow jurors to read the testimony for themselves; once trial starts, don't allow the parties to settle—this is a waste of the jurors' time; jurors, especially for cases such as

product liability, should have to pass a qualifications test; jurors should be allowed to take notes and ask questions of witnesses.

## 7. Other

Comments and recommendations came to the Commission on a variety of topics not covered in the previous six sections.

**Funding.** Several writers suggested the desirability of state funding of courts. One indicated that, although funding should be through the state, control should remain at the local level. Others commented on the present discrepancies between funds available for larger urban-area courts and the far less amount available to the more rural courts. Where there are disputes between courts and funding units, one writer suggested mandatory mediation coupled with voluntary binding arbitration.

**Fines.** It was pointed out that the libraries of the state secure funding from fines collected in the courts. Protection was urged for this source of monies, and a reasonable, consistent schedule of fines was recommended.

**Facilities.** Physical facilities need attention. They are often not accessible to the handicapped. Moreover, some of them are cramped, uncomfortable and unsuitable as halls of justice. In some cases the acoustics are poor and an amplification system lacking (or unused). Even adequate signage is sometimes not in place.

**Special assistance.** Certain individuals, notably the non-English speaking, hearing impaired and others with special needs, ought to have special assistance given them by the courts.

**Court staff persons.** Discourteous, poorly trained, and/or unqualified persons are sometimes found staffing the courts. Persons using the courts, particularly pro per litigants, do

not receive the respect and assistance they expect.

**Open hearings.** All hearings, including Judicial Tenure Commission matters, should be open to the public.

**Separation of powers.** Sometimes it seems separation of the powers of judiciary, legislature, and executive branches is not being maintained. The courts should be sensitive to this.

**Cooperation.** The courts ought to be cooperating more closely with other agencies to assist persons in need of help.

**Community information.** Liaison between the courts and the community needs to be improved. Suggestion: Booklets—both about the courts in general and to assist persons with court filings; public forums; continuance of the Citizens' Commission; law-related education in the schools; court watcher groups.

**A unified trial court system** rather than the system of Circuit-District-Probate courts.

**Other interests.** Judges should be aware of particular interests/values of individuals such as Jehovah's Witnesses and anti-abortion persons.

## IN CONCLUSION . . .

The Citizens' Commission to Improve the Michigan Courts thanks every individual who took the time to write. To the extent possible within the time permitted, Commissioners have tried to examine issues from many different perspectives. A number of the concerns and recommendations expressed in the mail to the Commission were echoed in public hearings and discussed at committee meetings. Without the invaluable input from the citizens of Michigan, the Commission's work would have been impossible of accomplishment.