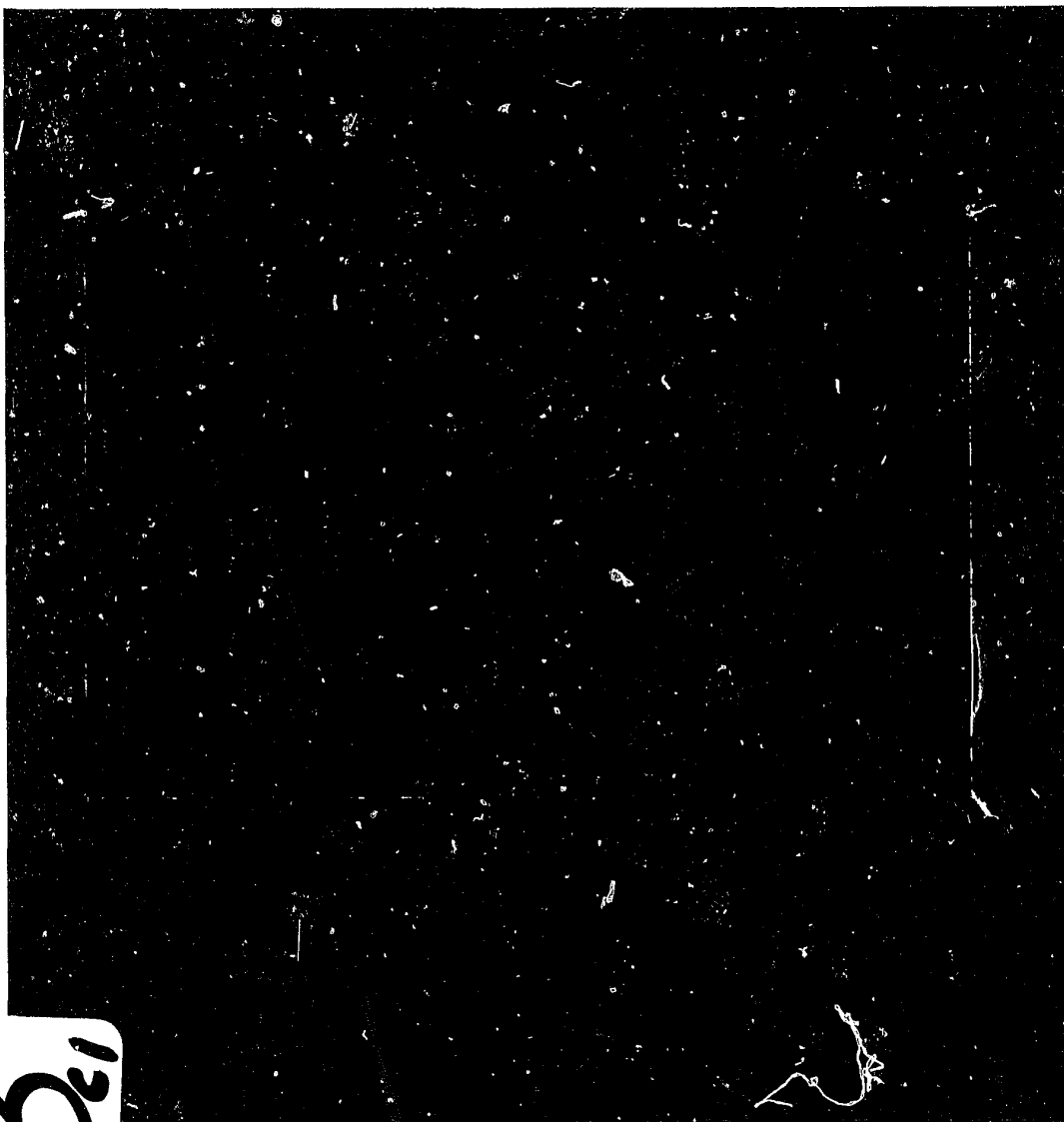


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National Center for State Courts

Public Support for Court Reforms  
and Disposition to Use the Court

By

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ADVISORY TASK FORCE

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## Introduction

In the past decade an extensive body of literature often critical of American court structure and operations, has emerged.<sup>1</sup> Although voluminous this literature has, for the most part, provided relatively little empirically-based research addressing the issues of how well the American public believes courts are operating and why people use courts or resort to other means for handling problems that may be amenable to judicial resolution.<sup>2</sup> In addition, while many of these commentaries have included suggestions of possible reform measures for court improvement, they have not explored empirically the critical question of what segments of the general population would support proposed reforms.

In this article we examine some of the questions surrounding the issues of who uses the courts and who supports court reform.<sup>3</sup>

The analysis begins with a discussion of the structure of a model designed to examine the correlates of two major sets of dependent variables: 1) public support for nine potential court reforms; and 2) respondents' expressed disposition to use the courts in four criminal and civil problem situations. Frequency distributions for the major variables included in the model are also presented in this first section of the analysis. After defining the variables

included in the model, the analysis continues with an examination of the bi-variate relationships between each demographic, attitudinal and behavioral variable, and the two dependent variable sets.

Data used in our analysis have been derived from a recently completed national interview survey of the general American population.<sup>4</sup> The survey, conducted by Yankelovich, Skelly & White, Inc., for the National Center for State Courts, was designed to collect information concerning public perceptions of, attitudes toward, and experience with courts of all types. The survey was administered by personal interviews to a random sample of 1,931 adult members of the general public during October, November, and December, 1977. Each of the 1,931 interviews lasted approximately an hour and one-half.

The total sample of 1,931 adults included a supplementary sample of 400 respondents from six specially selected states. Because of this and other sampling problems it was necessary for Yankelovich, Skelly & White, Inc. to employ statistical weighting to restore the general sample to "real world" proportions. The total weighted N of the sample population is 9,730. To ensure that the findings reported in this paper are a true reflection of the general American population, the weighted sample was used in this analysis. The tables in this paper do not report the weighted N's.

### Individuals in the Court

Previous studies of the patterns of litigation in state and federal courts have consistently identified three groups of court users—government agencies, commercial enterprises, and individuals acting in private capacities.<sup>5</sup> In this analysis we are concerned primarily with private individuals who use the court. Although individuals initiate lawsuits much less frequently than either government agencies or business organizations, courts are still significant as institutions through which private individuals may work out particular problems. Some individuals employ litigation fairly frequently, while others do so rarely or not at all.<sup>6</sup> In this paper we will try to explain differences in expressed litigiousness among potential individual consumers of judicial services and examine the extent to which expressed litigiousness varies by demographic variables, by differences in experiences with the courts, and by differences in attitudes towards the courts.

A second important aspect of this paper is our attempt to identify the sources of support for different proposed court reforms. Many recently proposed reform measures have been designed to increase the access of individuals to the courts by making courts less costly, more efficient, and in general more responsive to the needs of individuals. Ideally, these proposed reforms would be comprehensive enough to meet the needs of all segments of the population. In result, how-

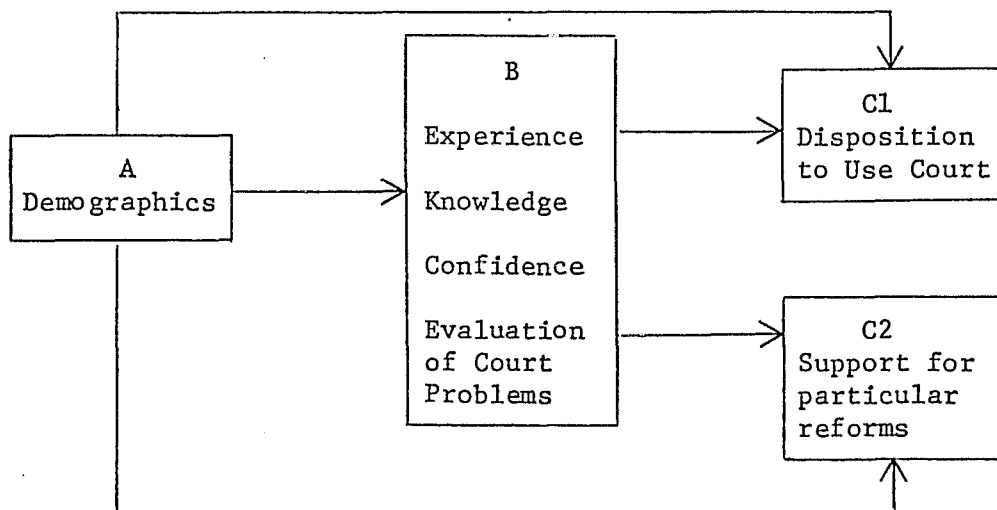
ever, proposed court reforms may serve the interests of only a small portion of the total population. One way to measure the extent to which proposed reforms can meet the needs of all segments of the population is to identify the extent to which different segments of the general population support different reforms.

### The Model for Analysis

An heuristic model for examining sources of support for court reform and for identifying the characteristics of individuals disposed to use the courts versus individuals not disposed to use the courts is presented in Figure 1. The structure of the model reflects the assumption that both an individual's disposition to use the court and orientation toward court reform may be dependent on a number of attitudinal, experiential, and demographic elements.

Figure One

A model for the analysis of individual disposition to use the courts and support for particular court reforms.



The model is composed of seven major variable sets: two dependent sets (disposition to use the courts, and support for particular reforms); four intervening variable sets (experience, knowledge, evaluation of court problems, and confidence in government); and one independent set, demographics. In this paper we will investigate all the bi-variate relationships between variable sets connected by arrows in the model. It should be noted that the arrows do not exhaust the possible causal relationships between the variables in the model.

#### Variables Included in the Analysis

The variable set entitled "Disposition to use the Courts" represents responses to four hypothetical situations:

- a. Your house has been broken into and your watch, worth \$50, has been taken. You find that your neighbor's 19-year-old son is at fault.
- b. Same situation as described in (a), but respondents were asked to assume that they believed the boy was responsible for a number of other burglaries in the neighborhood.
- c. While walking to work, you fall and break your leg on business property because a barricade was not placed around a hole in the sidewalk. You have had over \$500 in medical expenses which are not covered under your present insurance policy. The owner of the business property is clearly at fault, but he refused to talk to you about your damage.
- d. Same situation as described in (c), but medical ex-

penses were \$25,000.

For the two civil case hypotheticals, respondents were asked to choose between the following methods of resolving the dispute:

1. Formal trial in court.
2. Resolution in court by a lawyer arbitrator panel with right to appeal.
3. Resolution in a neighborhood justice center with a right to appeal.
4. Resolution without a trial by a three-lawyer arbitration panel with right to appeal.
5. None of the above.
6. Uncertain.

The choice of resolution by options 1 and 2 were scored as a choice for court resolution, options 3 and 4 were scored as choices for a non-court alternative, and options 5 and 6 were scored as a "no answer."

For the two criminal cases, respondents were asked to choose between the following methods of resolving the dispute:

1. Formal trial in court.
2. Resolution in a neighborhood justice center with right to appeal.
3. Resolution in a neighborhood justice center with no right to appeal.
4. None of the above.
5. Uncertain.



The choice of resolution by formal trial was scored as a choice for court resolution, options 2, 3 and 4 were scored as choices for a non-court resolution, and option 5 was scored as a "no answer."

The scoring of the "none of the above" option as a "no court" choice in the criminal cases and as a "no answer" in the civil cases was adopted because of differences in the set of alternatives offered. The options in the criminal case covered all the alternatives for resolving the dispute by a third party, so that a "none of the above" choice was a clear rejection of a court alternative. The options offered in the civil case, on the other hand, did not cover all the ways in which a court could be used to resolve the dispute (e.g., three lawyer in court arbitration), so that the "none of the above" alternative was deemed to be ambiguous.

As Table 1 reveals, there is considerable variation in individual disposition to use the courts between the four problem situations. Several aspects of the pattern of variation are worthy of comment. In both the criminal and civil problem situations we find a strong tendency for respondents to select the court alternative as the seriousness of the problem increases. Specifically, in the burglary situations the percentage of respondents selecting the court alternative more than doubles (from 18.8% to 51%) as the seriousness of the problem increases, while in the civil situations the percentage selecting the court alternative increases substantially from 53% to

almost 78%. The seriousness of, or stakes involved in, a personal problem thus appears to play a significant role in explaining individual disposition to use the court.

In addition to the dimension of seriousness, the problems presented in this survey varied in terms of the nature of the relationships involved. Since each of the problems had multiple facets, it is not possible to isolate any single dimension and systematically assess its significance. However, one might speculate that one of the reasons why the percentage of respondents favoring adjudication in the two burglary problems was considerably smaller than the percentage favoring adjudication in the negligence problems was that the criminal problems involved relations with a neighbor. By comparison, the negligence problems were attributable to the actions, or lack of action, of an unspecified owner of business property. How much influence the question of the nature of the relationship had on the willingness to use courts cannot be assessed. Further research, perhaps research employing a quasi-experimental design, is needed to do so.

What can be said with some assurance on the basis of the data is that the nature and seriousness of problems are, indeed, important in explaining the expressed disposition to use courts as problem-solving devices. As problems become more serious, the formality, impartiality, and procedural regularity of courts apparently appear more necessary to those surveyed. Yet those same attributes may "disqualify" courts,

at least for some respondents, from serving as appropriate mechanisms for dealing with problems involving others with whom continuing and ongoing relationships are involved.

TABLE 1

Percentage of Respondents Selecting Adjudication  
to Handle Problem Situations\*

Situation:

a. Minor Neighborhood Burglary	19%
b. Serious Neighborhood Burglary	51%
c. Minor Business Negligence	53%
d. Serious Business Negligence	78%

10% 20% 30% 40% 50% 60% 70% 80%

Percentage Selecting Adjudication

Support for particular reforms, the second dependent variable set, is made up of responses to a series of nine questions concerning items which have been frequently identified as possible reform priorities. Table 2, which presents the distribution of respondent responses for each reform (with reforms ordered from the item receiving the most overall favorable support), reveals that the level of respondents' support varied from reform to reform.

\*The figures reported in Table 1 indicate the percentage of weighted responses for the court alternative after an adjustment for missing data has been made.

The rank ordering of reform items by means reported in Table 2 was performed by the authors. Respondents were not asked to rank each item during the interviews, but rather asked to indicate the level of support (ranging on a scale of "1" for do not support at all, to "5," strong support) they offer for each separate reform item.

TABLE 2

## Distribution of Responses to Suggested Court Reforms

<u>Reform Type</u>	<u>Do Not Support At All</u>	<u>Little Support</u>	<u>Support Somewhat</u>	<u>Moderate Support</u>	<u>Strong Support</u>	<u>Mean</u>	<u>S.D.</u>
Establish a "Hotline" for helping citizens with legal problems.	2%	4%	12%	22%	60%	4.33	.98
Establish a committee to review judge performance.	3%	4%	14%	25%	54%	4.24	1.04
Establish a committee to screen potential judicial candidates.	5%	8%	23%	25%	38%	3.82	1.18
Establish alternatives for handling neighborhood disputes.	7%	10%	18%	28%	36%	3.76	1.24
Seek alternatives to handling divorce cases in court.	8%	11%	21%	26%	34%	3.66	1.27
Have courts in operation at night and on weekends.	15%	15%	19%	23%	29%	3.37	1.41
Legislatures should set exact sentences for particular crimes.	18%	17%	20%	18%	27%	3.19	1.45
Encourage police to issue citations for minor offenses (misdemeanors).	18%	17%	26%	21%	18%	3.04	1.34
Establish "Legal Insurance" to help pay court/legal expenses.	22%	20%	23%	18%	17%	2.86	1.38

The vast majority of respondents indicated either strong or moderate support for the two top ranked reforms, "establish a hot-line for helping citizens with legal problems," and "establish a committee to review judge performance." Between 60% and 64% of all respondents indicated moderate or strong support for the third, fourth, and fifth ranked items, "establishing a committee to screen potential judicial candidates," establishing alternatives for handling neighborhood disputes," and "seeking alternatives to handling divorce cases in court."

Respondents as a group displayed little consensus in their support for the sixth and seventh ranked items, "have courts in operation at night and on weekends," and "legislators should set exact sentences for particular crimes." For example, while 45% of the respondents indicated moderate or strong support for the seventh ranked item, "exact sentences," at the other extreme, 35% indicated little or no support for the same reform. The remaining 20% of the respondents selected a neutral position on the exact sentencing issue by indicating that they supported the reform somewhat.

Finally, there was relatively low overall respondent support for the eighth and ninth ranked reforms, "encourage police to issue citations for minor offenses," and "establish legal insurance to help pay court and legal expenses." In latter sections of this presentation, we will present a detailed picture of what subgroups of the respondent population do and do not support each of these reform items.

The evaluation of court problems variable set is composed of answers to seventeen questions concerning respondents' perceptions of the seriousness of court system problems in their particular state. For each stated problem, the respondents were asked to indicate how serious they perceived the problem to be, on a five point scale from "no problem at all in this state" to "a very serious problem in this state." The problem questions were factor analyzed in an effort to determine if groups of variables shared common statistical and analytical dimensions.<sup>7</sup> Table 3 presents a coefficient matrix derived from the factor analysis.<sup>8</sup> The grouping of items within the rotated factor matrix reveals four distinct statistical factors.

The first factor, which we have labeled "Institutional Structure," is composed of questions which deal primarily with the general structure of the courts. The second factor, "Court Performance," is composed of items which deal exclusively with day-to-day court performance. "Court Fairness," the third factor, while more complex than the other factors, is composed of elements which all measure aspects of receiving or not receiving "a fair deal" in court. Finally, the three elements included in factor four, the "Court Staffing" factor, are all centered around the problem of a potential lack of adequate staffing in state courts.

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# National Center for State Courts

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May 30, 1979

**NCJRS**

JUN 11 1979

Ms. Voncile Gowdy  
Program Monitor  
Courts Branch  
National Institute of Law Enforce-  
ment and Criminal Justice  
633 Indiana Avenue, N.W.  
Washington, D.C. 30531

**ACQUISITIONS**

Re: National Survey of Public Attitudes Towards  
Courts and Justice, Grant Nos. 77-NI-99-0068  
and 77-NI-99-0068 (S-1).

Dear Ms. Gowdy:

Enclosed are seven copies of the report on the analysis  
of the public opinion data performed by the staff of the  
National Center for State Courts as outlined in the letter  
of July 7, 1978 from Barry Mahoney to you. This completes  
the deliverables under the above grant.

If you have any further questions about the project,  
please do not hesitate to call.

Sincerely,



Steven Weller  
Project Director

SW:jw  
Enclosures



TABLE 3

## Evaluation of Court Problems Factors

<u>Seriousness of problems with:</u>	<u>FACTOR:</u>			
	<u>Institutional Structure</u>	<u>Court Per- formance</u>	<u>Court Fairness</u>	<u>Court Staffing</u>
Court not concerned with rehabilitation	.493	.372	.328	.134
Court not adequately funded	.527	.156	.316	.263
Court not conveniently located	.603	.064	.235	.239
Court does not encourage alternative solutions	.526	.248	.302	.221
Court difficult to use	.573	.254	.233	.170
Court grants bail to those previously convicted	.002	.543	.249	.151
Court delay to trial	.179	.642	.174	.202
Courts are expensive to use	.300	.509	.191	.156
Courts do not decrease the amount of crime	.315	.546	.192	.158
Courts disregard consti- tutional rights	.205	.172	.633	.121
Judges not a cross- representation of community	.268	.118	.590	.156
Judges are in general biased or unfair	.227	.309	.710	.206
Judges show little interest in court clients	.245	.350	.565	.365
Courts unequal in their treatment of rich and poor	.321	.342	.520	.078
Not enough judges	.150	.245	.343	.514
Not enough clerical staff	.227	.274	.207	.608
Clerical staff and others are not helpful	.401	.231	.199	.507

The factor analysis results were used to construct four ordinal problem seriousness scales. For each of the four scales, an average response score over all questions comprising the scale was computed for each individual.<sup>9</sup> Table 4 presents a percentage distribution of response scores for each of the four states.

TABLE 4

Respondent Perceptions of the Seriousness  
of Court Related Problems

<u>Problem Area:</u>	<u>Problem Seriousness</u>					<u>Total</u>
	<u>No Problem</u>	<u>A Small Problem</u>	<u>Moderate Problem</u>	<u>Serious</u>	<u>Very Serious</u>	
Institutional Structure	9%	26%	41%	20%	4%	100%
Court Performance	1%	6%	30%	40%	22%	99%
Court Fairness	6%	32%	37%	18%	6%	99%
Court Staffing	8%	22%	39%	22%	8%	99%
		<u>Mean</u>	<u>Median</u>	<u>S.D.</u>		
Institutional		2.86	2.88	.980		
Performance		3.75	3.80	.909		
Fairness		2.84	2.80	.985		
Staffing		3.00	3.00	1.04		

The figures indicate that problems concerning the day-to-day performance of courts were viewed by respondents as the most serious problems currently facing state court systems. More specifically, 62% of the general population submitted that problems of courts' performance were either serious or very serious. The distribution of responses for the remaining three scales revealed that problems with court structure, staffing, and fairness are viewed as moderate to minor by the majority of the general population.

Table 5 presents a summary of the correlations between respondent perceptions of the seriousness of court-related problems and demographic characteristics of the general population. The figures indicate that, in general, perceptions of problem seriousness do not vary between subsegments of the general population. There is, however, one major exception to this general picture. The findings reveal a moderate tendency for minority racial group respondents (Blacks, Hispanics, and other non-Caucasians) to perceive problems related to court fairness and staffing, as more serious than do Caucasians.

Two measures of experience with courts are included in our analysis. The first merely discriminates between respondents who have had any experience with local, state or federal courts (including traffic court), and those who have not had any such experience. The second indicator also divides respondents into two groups, those who have had other than traffic court experience and those who have had no court

experience at all or only traffic court experience. The figures presented in Table 6 reveal that while nearly 43% of the general population have had experience at some level of the court structure, including traffic court, the percentage drops to 30% when traffic courts are excluded.

TABLE 5

## Problem Serious by Demographics

<u>Demographics:</u>	Problem Area			
	<u>Institutional Structure</u>	<u>Court Performance</u>	<u>Court Fairness</u>	<u>Court Staffing</u>
Education	.099	.006	-.031	.019
Legal Education	-.087	-.017	-.018	-.074
Business Ownership	.083	.041	.123	.088
Tenure (home ownership)	.245	.092	.187	.238
Occupational Status	.023	.052	.039	.015
Income	-.024	-.067	-.134	-.089
Marital Status	-.065	.025	.029	-.039
Metro-Area Size	-.293	-.172	-.105	-.214
Urban Make-up	-.226	-.147	-.136	-.212
Race	.223	.183	.506	.438
Sex	-.143	-.075	-.077	-.106

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Statistics are gamma scores.<sup>10</sup>

TABLE 6

Percentage of Respondents Indicating  
they have had Court Experience

	<u>Experience</u>	<u>No Experience</u>
Court Experience (includes traffic court)	44%	56%
Court Experience (not in- cluding traffic court)	30%	70%

Prior contact with courts is potentially an important element in determining an individual's perceptions of the need for court reforms and an individual's disposition to use the courts. The impact of previous experience is considered in the bi-variate section of this presentation.

Included in the survey were a set of statements designed to measure actual knowledge of local, state, and federal courts. Respondents were asked to indicate whether each statement was accurate in what it said about the courts. A score of one was given for each correct response and a zero for each incorrect response.

An additive knowledge scale, using eleven items, was constructed and each respondent was assigned a scale score ranging from zero to eleven. Table 7 reveals that the bulk of respondents received scores just above the mid-point of the scale (six or seven correct responses), while few respondents received scores at the scale extreme (0-1, 10-11).

TABLE 7

## Distribution of Knowledge Scale Scores

Number of Correct Responses:		
0 - 1	0.1%	
2 - 3	2%	
4 - 5	18%	
6 - 7	47%	
8 - 9	30%	
10 - 11	3%	
		5% 10% 15% 20% 25% 30% 35% 40% 45%
		Percentage

Confidence, the final intervening variable set used in our analysis, is derived from responses to fifteen questions concerning the level of confidence respondents reported having in various American social and political institutions. For each institution, respondents were asked to indicate their level of confidence on a five-point scale ranging from "not at all confident" to "extremely confident." The fifteen confidence questions were factor analyzed, and three meaningful, distinct factors emerged from the analysis.<sup>11</sup>

Table 8, which presents the rotated factor matrix reveals that all seven of the items dealing with government, the executive, legislative and judicial branches at both the state and federal level, loaded as a single factor.

TABLE 8

## Confidence in American Institutions

Factors:

<u>Confidence in:</u>	<u>Government</u>	<u>Social</u>	<u>Private Sector</u>
Public Schools	.269	.518	.228
Organized Religion	.133	.593	.182
Local Police	.116	.688	.192
State Prisons	.250	.697	.103
Federal Executive Branch	.703	.176	.161
State/Local Executive	.682	.316	.132
Federal Congress	.792	.150	.249
State Legislature	.732	.233	.277
U.S. Supreme Court	.777	.083	.183
Federal Courts	.734	.239	.172
State & Local Courts	.550	.507	.081
Media	.279	.120	.599
Medical Profession	.152	.332	.653
Business	.095	.272	.707
Organized Labor	.240	.057	.702

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The remaining eight items included in the factor analysis divided evenly on two factors, which we have labeled "Confidence in Social Institutions" and "Confidence in Private Sector Institutions." Because the social and private sector factors are not concerned with courts or government and, hence, are not immediately relevant to the topic of this presentation, they were not used in our analysis.

It should be noted that the confidence in state and local

courts item also loaded on the social factor. It was considered part of the confidence in government factor because it loaded higher on the government factor than it did on the social factor and perhaps more importantly was more highly correlated with individual items included in the government factor than with items in the social factor.

These findings from the factor analysis have potentially important implications for individuals concerned with judicial administration and court reform. The findings point to a strong tendency for perceptions of courts to be correlated with perceptions of other aspects of government. The data at least tentatively suggests that the public image of courts may be strongly related to perceptions of government, and consequently there may be limits to how much courts can improve their image unless other sectors of government also improve.

At the same time, the public also perceives the court to be in part a social institution. Court reforms aimed at improving the relationships between the courts and the community may thus have a positive effect on the public's confidence in the courts.

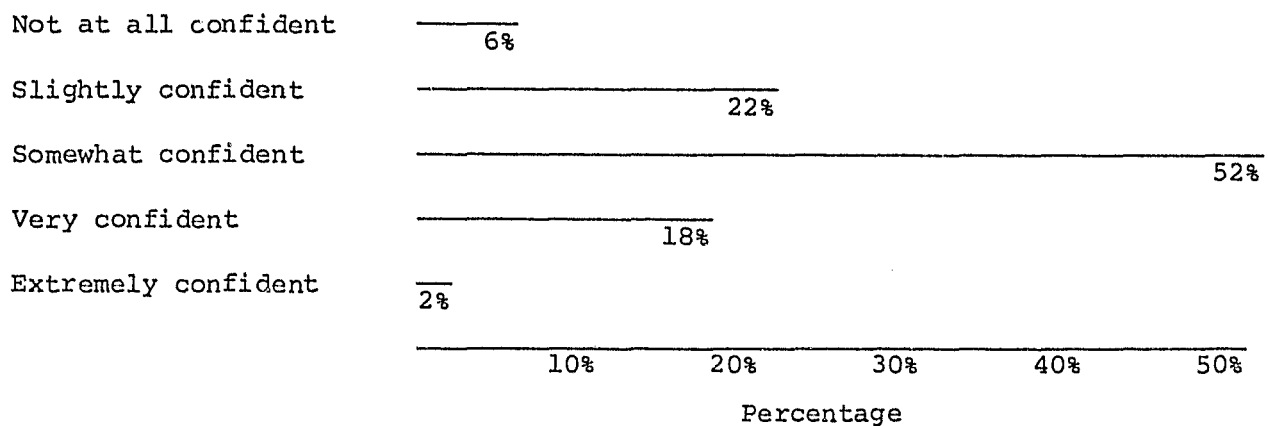
The seven items which emerged as the confidence in government factor were used to construct an ordinal five-value confidence scale. For each individual a single score was constructed by averaging the expressed level of confidence over the seven institutions comprising the factor. As indicated in Table 9 one-fifth of the respondents were extremely or very confident



in government. Fifty-two percent or the majority of respondents assumed a neutral "somewhat confident" stance, while the remaining 29% had "slight confidence" or "no confidence at all" in government.

TABLE 9

## Respondent Confidence in Government



Demographic variables used in our analysis included the size of the metropolitan area respondents live in, the respondents' level of education, whether or not they have had any legal education, or own or have owned property or a business, their occupational status, income, race, sex, and age. All of these demographic factors were used as independent variables in the bi-variate sections of our analysis.

### Bi-Variate Relationships Within the Model

The factors which contribute to an individual's disposition to use the court and support court reforms are undoubtedly numerous, related in a complex fashion, and in some instances unascertainable using a survey instrument. Some of these factors may be readily measurable, e.g. previous experience in courts, while others, such as an individual's psychological predisposition, may not be. All of the potentially important factors which contribute to an individual's perceptions of the need for court reform and disposition to use the court, are thus not included in our model. The omission of potentially important factors is a result of the limitations of the data (lack of indicators of prior attitudes towards courts, etc.) rather than a lack of consideration of the potential importance of these factors.

### Support for Court Reforms

Table 10 presents a summary of the relationship between demographic characteristics of the general population and support for court reforms. The statistic used in the table is gamma. For the most part the figures presented in Table 10 reveal little or no meaningful positive or negative association between demographics and the court reform items. The lack of positive or negative association indicates that generally no single segment of the population, as differentiated by demographic characteristics, is more in favor of any particular court reform than are any other segment.

TABLE 10

## Demographics vs. Court Reforms

<u>Demographic:</u>	<u>Type of Reform:</u>								
	<u>Night and Week- end Court</u>	<u>Establish Legal Insurance</u>	<u>Police Citations</u>	<u>Establish a Legal Hotline</u>	<u>Neighborhood Dispute Alternatives</u>	<u>Divorce Case Alternatives</u>	<u>Committee to Screen Poten- tial Judges</u>	<u>Committee to Review Judge Performance</u>	<u>Exact Sentences</u>
Education	.140	-.003	.020	.135	.134	.212	.083	.059	-.032
Legal Education	-.107	.013	.029	-.063	-.048	-.185	-.053	-.021	.099
Business Ownership	.003	.141	-.005	-.014	-.020	-.018	-.071	-.123	.060
Tenure (home ownership)	.137	.190	.111	.071	.079	.145	.011	.010	.020
Occupational Status	-.096	.038	.022	.031	.036	-.079	-.039	-.043	.002
Income	.105	-.060	-.027	.082	.050	.127	.057	.046	-.001
Marital Status	-.050	-.044	-.031	-.005	.045	.039	.156	.054	.048
Metro-Area Size	-.261	-.102	-.093	-.068	-.138	-.144	-.074	-.026	-.017
Urban Make-up	-.158	-.082	-.105	.036	-.089	-.025	-.019	.016	-.019
Race	-.026	.068	-.108	.003	.133	-.019	.068	.074	-.105
Sex	.091	-.028	-.041	-.133	-.125	-.071	-.059	.006	-.015

Figures are gamma.

As indicated in Tables 11 and 12, the intervening variables included in our analysis—court experience, knowledge of court structure and operations, confidence in government, and perceptions of problem seriousness—are not, for the most part, positively or negatively associated with the magnitude of respondents' support for particular judicial system reforms. It appears that the variations in level of support for particular reforms cannot be attributed to differences in respondent experience with courts, knowledge of court structures and operations, perceptions of problem seriousness, or general confidence in government.

TABLE 11

Experience, Knowledge, Confidence vs. Support for Court Reforms

<u>Intervening Variables:</u>	<u>Type of Reform:</u>								
	<u>Night &amp; Weekend Court</u>	<u>Establish Legal Insurance</u>	<u>Police Citations</u>	<u>Establish a Legal Hotline</u>	<u>Neighborhood Dispute Alternatives</u>	<u>Divorce Case Alternatives</u>	<u>Committee to Screen Potential Judges</u>	<u>Committee to Review Judge Performance</u>	<u>Exact Sentences</u>
Court Experience (includes traffic)	-.150	.010	-.027	-.178	-.124	-.184	-.120	-.209	-.056
Court Experience (non-traffic)	-.101	.065	-.001	-.155	-.170	-.201	-.182	-.267	-.033
Knowledge	-.019	.004	.051	.119	.043	.089	.070	.047	.015
Confidence in Government	-.102	.086	.037	-.101	-.039	-.033	-.089	-.126	-.041

Figures are gamma.

TABLE 12

Perceptions of Problem Seriousness vs. Support for Court Reform

<u>Seriousness Scales</u>	<u>Type of Reform:</u>								
	<u>Night &amp; Weekend Court</u>	<u>Establish Legal Insurance</u>	<u>Police Citations</u>	<u>Establish a Legal Hotline</u>	<u>Neighborhood Dispute Alternatives</u>	<u>Divorce Case Alternatives</u>	<u>Committee to Screen Potential Judges</u>	<u>Committee to Review Judge Performance</u>	<u>Exact Sentences</u>
Institutional Structure	.279	.206	.193	.113	.172	.168	.070	.039	.055
Court Performance	.179	.070	.083	.164	.106	.118	.104	.214	.113
Court Fairness	.174	.108	.120	.046	.081	.103	.146	.173	.060
Court Staffing	.285	.132	.144	.167	.140	.180	.138	.109	.058

Figures are gamma.

### Disposition to Use the Court

Shifting our attention to our second group of dependent variables, the choice of court alternatives in the four problem situations, Table 13 reveals that in general variations in an individual's disposition to use the court in all four situations are not attributable to differences in demographic attributes. In other words, the percentage of individuals choosing the court alternatives in each of the four situations is about equal for all groups regardless of income, education, occupational status, and other demographic factors.

One minor variation to the above general picture emerged. We found a slight tendency for males to select the court alternative in the minor burglary and minor civil situations more often than females.

We found a curvilinear relationship between the size of the metropolitan area in which respondents reside and the respondents' selection of the court alternative for resolving the minor burglary. Table 14 documents this tendency. Specifically, for individuals living in areas with populations ranging from 100,000 to 3 million, the percentage indicating that they would use the court to resolve the minor burglary was about the same (ranging only in a 3% point range of 14% to 17%); for individuals living in areas with populations of 50,000 to 99,999, the percentage of individuals selecting the court alternative drops to about 5.1%; finally, for individuals living in non-metropolitan areas the percentage rises dramatically

TABLE 14

Metro Size vs. Disposition to Use Court:  
Minor Burglary Situation

Disposition to Use Court:  
Minor Burglary

	3 Million +	1-3 Million	1/2-1 Million	250,000-499,000	1-250	50-99	Non-Metro
Not disposed to use Court	83.9% (1492)	85.9% (1763)	85.5% (990)	85.4% (744)	82.9% (684)	94.9% (116)	69.5% (1547)
Disposed to use Court	16.1% (286)	14.1% (290)	14.5% (168)	14.6% (127)	17.1% (141)	5.1% ( 6)	30.5% (678)



to 30.5%. The difference may be attributable to the possibility that individuals living in areas of between 50,000 and 99,999 are more likely to have contact with neighbors and hence are less likely to go to court to resolve what could be viewed as a neighborhood dispute, than are their counterparts in larger population centers or rural areas.

Table 15, which presents a statistical summary of the relationships between prior court experience, knowledge of court structures and operations, confidence in government, and disposition to use the court reveals no relationships. In addition, as indicated in Table 16, we found no relationships between how serious respondents perceived court related problems to be and disposition to use the court.

TABLE 15  
 Experience, Knowledge, and Confidence  
 vs.  
 Disposition to Use Court

<u>Intervening Variables:</u>	<u>Minor Burglary</u>	<u>Serious Burglary</u>	<u>Minor Civil</u>	<u>Major Civil</u>
Court Experience (includes traffic)	-.038	-.098	.050	.156
Court Experience (non-traffic)	-.016	.006	.068	.164
Knowledge	.015	.034	.028	-.022
Confidence in Government	.0006	.053	.105	.008

Figures are gamma.

TABLE 16  
 Problem Seriousness Scales  
 vs.  
 Disposition to Use Court

<u>Seriousness Scales:</u>	<u>Minor Burglary</u>	<u>Serious Burglary</u>	<u>Minor Civil</u>	<u>Major Civil</u>
Scale 1 Institutional Structure	-.092	-.080	-.077	-.152
Scale 2 Court Performance	.043	.045	.038	-.061
Scale 3 Court Fairness	-.061	-.022	.002	-.136
Scale 4 Court Staffing	-.008	.079	-.058	-.114

Figures are gamma.

## Conclusions

### Support for Court Reforms.

Our analysis indicates that the general public offers substantial support for a number of court related innovations and reforms. Furthermore we found that the levels of support for particular reforms were generally varied little by the respondents' race, income, sex, education, occupational and marital status, and the degree of urbanization of the communities where respondents live. Favorable supported reforms include:

- Establish a "hotline" for helping citizens with legal problems.
- Establish committees to review judge performance.
- Establish committees to screen potential judicial candidates.
- Establish alternatives for handling neighborhood disputes.
- Seek alternatives to handling divorce cases in court.
- Have courts in operation at nights and on week-ends in addition to regular court hours.

### Perceptions of the Seriousness of Court Related Problems.

The general public apparently views problems relating to the performance of courts as relatively the most serious. These problems include the more immediate issues of long delays to trial, and the expense involved with using the court, and the

more general problems of public protection, courts granting bail to individuals previously convicted of crimes, and courts failing to decrease the amount of crime. While problems concerning the status of the accused and increasing crime rates may be beyond the immediate control of the court system, they remain clearly areas of major public concern. The issues of court delay and unacceptable cost on the other hand are both areas where improvements can be initiated by court policy. The findings perhaps point to the desirability of court systems' continuing efforts to develop and implement mechanics (e.g., small claims courts; minor dispute resolution programs, pretrial conference programs, etc.) for reducing trial delays and the cost of litigation.

In addition, our study findings revealed a moderate tendency for racial minority respondents to perceive problems relating to the "fairness" of courts—biased, poorly trained, unconcerned, inflexible judges; courts' disregard of constitutional rights; courts unequal treatment of the rich and poor—as more serious than did non-minority racial group respondents. This very disturbing finding perhaps points to a need for courts to be more responsive to the problems and expectations of American racial minorities and, if nothing else, indicates a need for further detailed study of the possible sources of minority group dissatisfaction with the judicial system.

### Expressed Disposition to Use the Court

Because our analysis of why individuals elect to use or not use courts to resolve disputes was inconclusive, we are not in a position to draw any further conclusion or offer substantive recommendations. An understanding of the intricacies surrounding the question of why individuals elect to use courts requires substantial further study, including the development of measures or indicators which more accurately measure an individual's willingness to use the court. It appears that the hypothetical problem situations used in this study were too abstract, ambiguous, and imprecise.

### Further Research

The model and the analysis presented here is just a beginning at trying to understand the attitudes of the public towards the courts. The issues investigated in this paper are complex, and the relationships between variables in the model presented appear to be largely random or at least obscure.

One conclusion is clear. Much work needs to be done before we can be confident that we understand public attitudes toward the courts and before we can begin to develop court reform programs in response to those attitudes.

## FOOTNOTES

- <sup>1</sup>See notes in Austin Sarat, Barry Mahoney, Steven Weller and John A. Martin, "Patterns of Legalization: Civil Litigation: Civil Litigation and Individual Problem Solving," paper delivered at the 1978 Annual Meeting of the American Political Science Association, New York, New York, September, 1978.
- <sup>2</sup>The major exception is in the criminal law field. See Sarat et al, op cit.
- <sup>3</sup>For a preliminary analysis of the issues surrounding individual disposition to use the court, see Sarat et al, op cit.
- <sup>4</sup>The survey was undertaken as a project of the National Center for State Courts and was funded by the National Institute of Law Enforcement and Criminal Justice. See National Center for State Courts, State Courts: A Blueprint for the Future (National Center for State Courts: Williamsburg, Virginia, 1978), for a discussion of preliminary findings and the study methodology.
- <sup>5</sup>For further discussion, see Sarat et al, op cit.
- <sup>6</sup>See Sarat et al, op cit.
- <sup>7</sup>The factor matrix reported in Table 3 is the final result of a three-step factor analysis task. In the first step, all 32 problem questions asked during the interviews were included in the factorial design. This first factor revealed that 20 of the 32 items loaded on one of four factors at a coefficient level of or near .50 or above, while 12 items did not. In addition, the inter-item correlation matrix derived from the 32 items indicated that the eventually eliminated 12 items were not strongly correlated with items in the four principle factors. The second step of the analysis involved a factor solution which included only the 20 significant items derived in the first solution. In this second solution, we found that three of the 20 items did not load clearly on a single factor. These three items were eliminated from the third and final factor solution, the results of which are reported in Table 3.

The factoring method used in the analysis was principle factoring with iteration and varimax rotating, the most widely accepted orthogonal method. For a more detailed discussion of this factor analysis method see Norman Nie, et al, Statistical Package for the Social Science, 2nd edition (New York: McGraw-Hill, 1975), pp. 478-486.

- <sup>8</sup>For a discussion of the application of factor analysis for data of this type see Fred N. Kerlinger, Foundations of Behavioral Research, pp. 659-674 (New York: Holt, Rinehart and Winston, Inc., 1973).
- <sup>9</sup>The computation of scores on each of the four scales for each respondent involved a process whereby the original 1-5 values for each item included in a scale were added together and then divided by the total number of items included in the particular scale, and finally rounded. For example, the Institutional Structure problem scale is made up of the five related items derived from the factor analysis. Hypothetical Respondent A indicated that item one is a serious problem ("4"), item two a moderate problem ("3"), item three a moderate problem ("3"), item four a serious problem ("4"), and item five a moderate problem ("3"). Using the formula described above, Respondent A's item scores would be added together ( $4+3+3+4+3+3 = 17$ ) and next divided by the total number of items included in the scale ( $17 \div 5 = 3.4$ ) and then rounded to the nearest whole integer ( $3.4$  rounded = 3). Respondent A's problem scale score would thus be 3.
- <sup>10</sup>Gamma is the measure of relationship or association most commonly used for measuring relationships between ordinal level data (see Delbert C. Miller, Handbook of Research Design and Measurement, New York: David McKay Co., 1977, pp. 153-156, for the results of an interesting survey of the types of measures of association used in social science journals between 1971-1974). It varies between 1.0 and -1.0 with 1.0 indicating a strong positive relationship, 0 indicating no relationship, and -1.0 indicating a very strong negative relationship.

Although there are no set mathematical criteria for labeling the strengths of gammas, we followed the conventional standards used in social science literature. (See for example Robert V. Stover and Dennis R. Eckart, A Systematic Comparison of Public Defenders and Private Attorneys, 3 American Journal of Criminal Law 265, Winter, 1975). These standards are .0 to .18 positive or negative are non-significant relationships, .30 to .70 positive or negative denote moderate relationships, and .71 to 1.0 positive or negative denote strong relationships.

For a more thorough discussion of gamma, see Hubert M. Blalock, Jr., Social Statistics 298, 424-426, New York: McGraw-Hill Book Company, 1972) and William L. Hays, Statistics 655, 656 (New York: Holt, Rinehart and Winston, 1963).

- <sup>11</sup>All fifteen items were included in a single factor analysis, the results of which are reported in Table 8. The factoring method used was the orthogonal principle factoring, without interaction, but with a varimax rotation.



**END**