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THE PUBLIC IMAGE OF COURTS

A National Survey of the General
Public, Judges, Lawyers and
Community Leaders

VOLUME I



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Public, Judges, Lawyers and
Community Leaders

VOLUME I

Prepared for

National Center for State Courts
United States Justice Department
President's Reorganization Project
National Institute of Law Enforcement
and Criminal Justice

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GENERAL PUBLIC QUESTIONNAIRE MATERIALS

PREFACE

PREFACE

The Organization of This Report

This report is divided into two volumes. Volume I contains Background and Study Purpose, Methodology, the Overview, Detailed Findings for the General Public and General Public questionnaire materials. Volume II contains Detailed Findings for the Special Publics, Appendices and Special Public questionnaire materials.

BACKGROUND AND STUDY PURPOSE

BACKGROUND AND STUDY PURPOSE

The National Center for State Courts desired baseline information about perceptions and experience with state/local courts. This information would provide guidance for future court improvements. As such, the study represents the first comprehensive national survey of attitudes toward courts and justice. The study was funded by the National Institute of Law Enforcement and Criminal Justice.

While study planning was underway, the goals of the research were expanded to include perceptions/experience with federal courts. This expansion resulted from the added sponsorship of the United States Justice Department and the President's Reorganization Project.

The starting point of the study was a "consumer perspective"--a recognition that those charged with court reform should consult the principal consumers of the system. In keeping with this orientation, samples of multiple "consumer publics" were designed (described in the following section) and the following substantive objectives were established:

...Determine levels of public knowledge of courts.

...Determine incidence, nature and evaluation of experience with courts.

METHODOLOGY

METHODOLOGY

Principal elements of the study method are: the samples, the questionnaires, the fieldwork and the analysis.

The Samples

One of the unique features of the study is that not one, but six samples were drawn. These included a sample of the general public (1,931 respondents) and five independent samples of special publics: state/local judges (194 respondents), federal judges (97 respondents), lawyers (440 respondents), community leaders with state/local orientation (278 respondents), and community leaders with national orientation (102 respondents).

Each sample is discussed below:

...The general public A representative sample of United States households was drawn to yield a random sample of 1,931 adults, 18 years of age and older. One of the special features of the sample is that approximately 400 respondents constituted a supplemental sample of six specially selected states--three of them with a recent history of constitutional reorganizations, three with a recent history of no major structural changes.^{1/}

^{1/} Statistical weighting was employed to restore the supplemental sample to its "real world" proportions.

The following types of judges were excluded from the sample through in-field screening: justices of the peace, police judges, active-retired judges, emergency judges, court commissioners.

...Federal judges A representative sample of active federal judges (excluding Justices on the U.S. Supreme Court) was randomly drawn from The United States Lawyers Reference Directory.^{1/}

...Community leaders with state/local orientation A purposive sample of community leaders was designed so that its members had some type of "insider" perspective on the courts. These respondents were distributed across the following leadership categories:

- Mayors' staffs (or the staff members of other chief administrative officers of municipalities).
- Governors' staffs.
- State legislators serving on Judiciary Committees (or equivalent).

^{1/} Los Angeles: Legal Directories Publishing Co., Inc., 1976.

- Members of the United States Senate (or staff) with Judiciary-related committee assignments.
- Representatives of electronic news media with national orientation.
- Representatives of print news media with national orientation.
- Leaders of nationally-based organizations.
- Business leaders (from Fortune Top 200).
- Labor leaders of large unions.

The Questionnaires

Two questionnaires were used, one for the general public, the other for special publics. While there is considerable overlap between the two instruments, there are also some differences due to varying perspectives of these two sets of respondents.

The Fieldwork

Interviews were conducted in person during October-December, 1977. Interviewing of the general public was done by the Yankelovich, Skelly and White, Inc., National Consumer Field Staff. The special publics were interviewed by the Yankelovich, Skelly and White, Inc., Senior Council--a unique group comprised principally of

OVERVIEW

OVERVIEW

This overview has two principal sections: a summary of key findings and a discussion of study implications.

A. Summary of Key Findings

Six major conclusions about state/local and federal courts emerge from the study.

Among the General Public

1. Knowledge of and experience with the courts is low.
2. There is dissatisfaction with the court performance.
3. Dissatisfaction stems from the disappointment of three core expectations: protection of society, equality/fairness and quality performance. The interplay of these expectations yields relatively complex attitudes toward crime and punishment.
4. Knowledge of and experience with state/local courts heightens criticism of them. However, this relationship does not hold for federal courts.

Concerning perceived familiarity, about 3 out of 4 claim to know little or nothing about state/local courts or federal courts. Actual knowledge is also quite low. The area of most widespread misinformation relates to the jurisdiction and powers of state/local and federal courts. Examples of other conspicuous gaps in public knowledge are:

- ...Thirty-seven per cent believe that it is the responsibility of a person accused of a crime to prove innocence.^{1/}
- ...Thirty per cent believe that a district attorney's job is to defend an accused who cannot afford a lawyer.

Similarly, experience with courts is relatively infrequent and casual:

- ...Forty-three per cent report having had some state/local court experience, but this experience is often brief and casual, with traffic problems constituting the principal reason for direct court contact.

^{1/} It is possible that some respondents interpreted this item as an attitudinal question. In this case, the item is a measure of cynicism rather than ignorance.

5. Despite the dissatisfaction with courts, there is a willingness to invest tax money and effort in their improvement. Moreover, there is a willingness to accept alternatives to courts as means of dispute resolution.

Among Special Publics

6. There is also a desire for improvement. However, there is lack of consensus about (a) the extent of reform; and (b) the reasons reform is necessary.

On both of these counts--desired extent and nature of improvement--community leaders' views resemble the general publics'. Judges usually differ markedly from these groups. Lawyers occupy a middle ground between the public/community leaders and judges.

Each point is discussed in greater detail below.

1. Court Knowledge/Experience

The study sought two measures of public knowledge of courts: (a) perceived, or self-described, familiarity; and (b) actual knowledge of court operation. On both counts, the public appears to be largely uninformed.

...About 4 per cent report experience in the federal courts.

2. Evaluations of Court Performance

The public is somewhat dissatisfied with court performance, more so with state/local courts than federal courts.

There are four general indications of this dissatisfaction:

...Forty-eight per cent of those who feel familiar enough to comment believe that there is either great or moderate need for state court reform. Forty-four per cent feel this way about federal courts.

...Twenty-three per cent are either extremely or very confident about state/local courts. Thirty-six per cent feel extremely/very confident about the Supreme Court. Twenty-nine per cent are extremely/very confident in other federal courts.

...More than half (57%) regard court inefficiency as a serious problem.

...The public gives middling ratings to particular state/local and federal courts.

3. Three Core Expectations

This dissatisfaction stems from courts' perceived failure to meet three core expectations: protection of society, equality/fairness and quality performance (responsiveness, accessibility, competence).

Importantly, these expectations are often held simultaneously by people. This leads to an important study finding--namely, that a strong desire for protection of society does not eclipse a desire for fairness.

For example, people are often disappointed both because they believe sentences are not tough enough and not fair/equitable enough. Thus, the interplay among these expectations nets out to complex attitudes toward crime and punishment.

Additionally, it is important to note that the high expectations for courts are held by many who have scanty knowledge of them. This discrepancy suggests the underlying symbolic significance of courts. That is, the public willingly judges courts in the absence of facts about them; more importantly, they judge them with no real need for information.

The symbolic importance of courts is both reflected and reinforced by the three core expectations. The ideals of the protection of society, equality and fairness, and quality performance are projections--special applications--of central values of American society.

4. Knowledge, Experience and Evaluation

For state/local courts, knowledge (both perceived and actual) have a negative effect on evaluation:

...The more knowledgeable a person, the more likely that he/she will have a negative assessment.

...Those with experience tend to have more negative evaluations than those who have never been in court. Indeed, those with state/local experience also have a more negative attitude towards federal courts.

For federal courts, these tendencies do not hold:

...Knowledge alternately boosts and undercuts evaluations.

...Experience generates uncertainty about the quality of both federal and state/local courts.

In our judgment, experience and knowledge need not have this impact on evaluations. Indeed, in most studies of institutions conducted by Yankelovich, Skelly and White, Inc., experience and knowledge yield more favorable evaluations.

5. Support for Improvements

Up to this point, public concern about courts has focused on ways in which courts have fallen short of expectations. There is also an encouraging side to the story, in that large segments of the public endorse proposed remedies. These endorsements have three principal expressions:

- ...Widespread advocacy for expending tax dollars on various court improvements. The desired improvements focus on the quality of judges. Indeed, court-related changes generally summon broader support than police or prison-related changes.
- ...Support for particular reforms, the keynote being responsiveness/efficiency and quality judges.
- ...Support for developing alternative means of dispute resolution.

6. Incongruence of Opinions: Special Publics and the General Public

The challenge of court reform is confounded by divergences of opinion between the general public and three leadership groups: judges, lawyers and community leaders.

The gaps between the public and leadership groups are often wide. However, differences between judges and the public are the most pronounced, while community leaders' views approximate those of the public. Lawyers occupy a "middle ground," though their views usually come close to judges'.^{1/}

These gaps are persistent, regardless of the issue. Even on the matter of the sufficiency of the number of judges, the public perceives a more acute problem than do judges.

This incongruence of opinions is open to varying interpretations. The best way to grasp the possible interpretations is to imagine a scale, anchored at either end by opposing, extreme points of view:

...At one end of the scale would be the view that these differences indicate mistaken perceptions

^{1/} It should be noted that state/local subpublics have attitudes basically similar to counterpart federal/national subpublics: that is, state/local judges resemble federal judges, and so forth.

by either judges/lawyers, or the public/community leaders. The gap between the groups, on this reading, is a consequence of the different experiences of the groups and insights into court performance provided by those experiences.

...At the other end would be an interpretation that the differences indicate a fundamental divergence in the values of the groups. That is, the public/community leaders have expectations of the courts which are not shared by those who superintend courts. These differences in values, or normative expectations, net out to a disagreement over the role courts ought to play in society.

In the former case, differences between the groups constitute a significant, but manageable, problem for court reform. An educational program--of judges/lawyers, the public/community leaders, or both--could collapse the differences. In the latter case, however, the reform challenge is significantly compounded. Value conflicts are not readily resolved; indeed, many value allegiances are nonnegotiable.

There is no compelling reason to adhere to either extreme interpretation. It seems probable that these discrepancies are alternately differences in perception and value, with most somewhere in between.

However, there is one area in which these differences more likely reflect a clash of basic values--namely, protection of society. Many lawyers and judges do not regard this as an appropriate court function--as a criterion against which court performance should be evaluated. They emphasize that they are not policemen. The general public and community leaders would dissent from this view.

In any event, a key item for a reform agenda is confrontation of this question: What elements of public expectation is court leadership prepared to meet? What expectations do they deem inappropriate?

B. Implications for Court Reform

1. Locus of Reform

Reform is more urgently needed at the state/local level than the federal level, since experience with state/local courts is far more widespread and results in more negative evaluations of both state/local and federal courts.

2. Role Clarification

The study revealed a wide gap between judges/lawyers and the public/community leaders which may reflect a fundamental difference in values--a disagreement about the role courts ought to play in society. As courts rely on and serve the public/community leaders, it is imperative to determine the ways in which these gaps currently and potentially impair court operation and the manner in which they might be closed.

This issue should be given highest priority, for its resolution (or, more realistically, is partial resolution) will, to a large degree, shape other reform efforts.

3. Judicial-Legislative Relations

The previously discussed gap between judges and community leaders is a broad manifestation of several

specific problems. One of the most important of these is the quality of judicial-legislative relations.

Consideration should be given, then, to developing formal and informal communications networks between the judiciary and legislatures. These networks can take several forms, but it seems that a key communications theme should be the ways in which the behaviors of legislatures and courts affect each other. For example, the judiciary could develop "judicial impact statements," analogous to "environmental impact statements," which informed legislatures of the specific ways in which new legislation taxes court resources.

4. Judicial-Media Relations

Another leadership group of crucial importance is the media. Consideration should be given to opening further the lines of communication between courts and the media. Some promising steps are being taken in this direction through seminars. And the importance of these steps is magnified, in view of the need for a communications/education program (implication #6).

5. Internal Reforms

High priority should also be given to instituting the internal reforms which would upgrade the quality of experience in state/local court.

The study suggests that the most urgent areas for reform include delay, cost, the quality and number of judges. Then, too, measures which help satisfy the dual desire for protection and equality could be expected to enhance public appraisals of courts. In this regard, reform of sentencing practices seems appropriate. As to judges, there is considerable support for establishing panels to review candidates for judgeships and to review the performance of judges.

The development and refinement of alternative means of dispute resolution provides an indirect way to improve court performance by lightening the case load with which they must deal.

Finally, some educational programs might be developed for individuals who use courts. These programs should be tailored for different types of court roles. Most notably, jurors are less knowledgeable of court operation than those who have been to court in other capacities. Yet they seem ideal candidates for an educational program since (a) their schedules are at least partially controlled by the court and (b) such a program could assist them to discharge their duties as jurors.

As a general note, it is incumbent upon the reformers to make changes that are concrete and visible to the

public that uses the courts. In other words, the attributes of a particular reform must be "translated" for the public into concrete resulting benefits. The importance of this point cannot be overstated. Low levels of understanding of courts make it quite unlikely that all but a few will make the translation on their own initiative. This frustrating problem is lent urgency and additional credibility by the fact that citizens living in states which have recently introduced constitutional restructuring of courts are unaware of those changes. Also many of the judges interviewed stressed their belief that they have made substantial reforms, yet it is clear that these reforms are often not widely known or understood.

The study does not reveal all the elements of court experience which promote heightened criticism. However, it seems probable that some sources of dissatisfaction may be ineradicable features of dispute resolution.

In particular, it is unlikely that disappointment over losing a case can be placated by court reforms. Then, too, there may be psychological discomforts associated with courts and dispute resolution which can be addressed, but would call on courts to assume a "therapeutic" function which significantly alters its

traditional role. For example, it is possible that those with court experience are more critical due to the stresses attached to that experience. The unpleasant situation which makes recourse to courts necessary; the fact that a problem is being resolved in a strange environment under circumstances which, in large measure, are beyond the control of the court participant may all contribute to negative evaluations.

6. Public Communications/Education

It would appear that courts should develop a more visible public posture through communications/education of the vast majority who shall either have no court experience or whose experience will be brief and casual. The low levels of public knowledge invite a communications/education program, as does the fact that courts themselves currently have virtually no influence over the nature/extent of information circulated about them.

Four considerations should, in our judgment, influence the design of this program:

...It should be undertaken after role clarification and internal reform (described above) have been initiated. Otherwise, the program could

boomerang: the current tendency for knowledge to breed discontent would endure and worsen and the public image of courts would probably deteriorate.

...Court leadership should play an active role in the program; they should not defer to media or the schools.

...The program should be positioned as an educational venture, not a public relations effort. Image building must begin by disseminating basic knowledge and understanding of courts.

...Both electronic and print media ought to be employed. Television can play a particularly valuable role, provided it does not limit coverage to spectacular trials, but rather to a "representative sample" of court cases.

7. Lawyers

Court leadership should acknowledge that criticism of courts is often accompanied by criticism of lawyers, particularly lawyers' fees. Moreover, dissatisfaction with one's lawyer contributes to a more negative appraisal of courts.

Therefore, consideration should be given to developing appropriate mechanisms for addressing this public concern without infringing on lawyers' prerogatives. This effort might begin with seminars between lawyers and court leadership.

* * * * *

Finally, it is important to emphasize that all of these reform efforts cannot be implemented simultaneously. Role clarification and internal reforms should be given first priority and be initiated before public communications/education begins. However, it would be mechanical and unrealistic to maintain that role clarification and internal reform be completed before other reforms are undertaken. Rather, what is needed is constant interplay among the elements of the reform agenda.

DETAILED FINDINGS

Section I

Awareness of Courts

A. Familiarity With Courts

Finding #1: Familiarity With State, Local and Federal Courts:

(Tables 1.1-5) The study sought two measures of public awareness of the courts: (1) self-described familiarity; and (2) actual knowledge of the workings of courts. This finding deals with self-described familiarity.

Familiarity with local, state and federal courts is moderate to low. Familiarity with these three types of courts follows a continuum which parallels their proximity to day-to-day life. Local courts--the most proximate--enjoy the highest level of familiarity, while state and federal courts--more removed from everyday life--enjoy lesser familiarity.

It is worth pointing out that there is a skewed distribution of familiarity along socioeconomic and racial lines. Those most familiar are well-educated and affluent. Those least familiar are poor/middle income and have less education. Then too, blacks are less familiar than whites, but this is largely a consequence of income and education differences between the races.

TABLE 1.1

PERCEIVED FAMILIARITY WITH STATE/LOCAL/FEDERAL COURTS

	<u>State Courts</u>	<u>Local Courts</u>	<u>Federal Courts</u>
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity With Courts</u>			
Intimately familiar: know many details about the courts' operation and organization	1	4	2
Broadly familiar: know some details about the courts' operation and organization	6 26%	8 37%	5 23%
Familiar: know about the courts' operation and organization in general terms	19	25	16
Somewhat familiar: know very little about the courts' operation and organization beyond location, names, etc.	44 74%	40 63%	43 77%
No familiarity at all	30	23	34
Uncertain/no response	-	-	-

TABLE 1.2

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS BY EDUCATION

	Education				
	<u>Total</u>	<u>Less</u>	<u>High</u>	<u>Some</u>	<u>College</u>
		<u>Than</u>	<u>School</u>	<u>College</u>	<u>or More</u>
	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With State/Local Courts</u>					
Intimately familiar	1	1	1	2	3
Broadly familiar	6	4	4	11	9
Familiar	19	10	18	25	30
Somewhat familiar	44	37	45	49	44
No familiarity at all	30	48	31	13	14
Uncertain/no response	-	-	1	-	-

TABLE 1.3

PERCEIVED FAMILIARITY WITH STATE/LOCAL

COURTS BY RACE/ETHNICITY

	<u>Total</u>	<u>Race/Ethnicity</u>		
		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With State/Local Courts</u>				
Intimately familiar	1	1	4	1
Broadly familiar	6	7	2	4
Familiar	19	20	13	11
Somewhat familiar	44	45	38	42
No familiarity at all	30	27	43	42
Uncertain/no response	-	-	-	-

TABLE 1.4

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS BY INCOME

	<u>Total</u>	<u>Income</u>				
		<u>Under</u> <u>\$7,500</u>	<u>\$7,500-</u> <u>9,999</u>	<u>\$10,000-</u> <u>14,999</u>	<u>\$15,000-</u> <u>24,999</u>	<u>\$25,000</u> <u>and</u> <u>Over</u>
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With State/Local Courts</u>						
Intimately familiar	1	-	1	2	2	3
Broadly familiar	6	5	5	6	6	13
Familiar	19	11	18	15	26	27
Somewhat familiar	44	39	41	48	46	39
No familiarity at all	30	45	35	28	20	17
Uncertain/no response	-	-	-	1	-	1

TABLE 1.5

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS BY RACE/ETHNICITY AND INCOME

	White				Black/Other			
	Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000 and Over	Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000 and Over
	%	%	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With State/Local Courts</u>								
Intimately familiar	- 6%	1 6%	- 7%	2 10%	- 1%	- 2%	11 11%	5 13%
Broadly familiar	6	5	7	8	1	2	-	8
Familiar	13	20	14	26	3	9	16	28
Somewhat familiar	41	38	49	45	33	59	49	39
No familiarity at all	40	36	29	19	63	30	24	19
Uncertain/no response	-	-	1	-	-	-	-	1

Finding #2: Familiarity With Specific Types of State, Local and Federal Courts: (Tables 2.1-2) Familiarity with particular state, local and federal courts is also moderate to low and again follows a continuum parallel to their proximity to everyday life. Thus, people are most familiar with traffic court and least familiar with the U.S. Court of Appeals.

However, the U.S. Supreme Court enjoys slightly greater familiarity than other federal courts and the highest state appeals court.

TABLE 2.1

PERCEIVED FAMILIARITY WITH SPECIFIC STATE/LOCAL COURTS

	State/Local Court Types						
	Criminal			Civil		Traffic	Highest Appeals
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil		
	%	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity With State/Local Courts</u>							
Intimately familiar	3	3	3	2	3	7	1
Broadly familiar	7	7	6	5	7	12	3
Familiar	19	21	18	15	20	26	10
Somewhat familiar	39	39	42	43	40	32	38
No familiarity at all	28	26	27	31	26	19	43
Uncertain/no response	4	4	4	4	4	4	5

TABLE 2.2

PERCEIVED FAMILIARITY WITH SPECIFIC FEDERAL COURTS

	<u>Federal Court Types</u>		
	<u>U.S.</u>	<u>U.S.</u>	<u>U.S.</u>
	<u>District</u>	<u>Appeals</u>	<u>Supreme</u>
	<u>%</u>	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With Federal Courts</u>			
Intimately familiar	2	1	2
Broadly familiar	3	2	6
Familiar	11	8	16
Somewhat familiar	40	40	37
No familiarity at all	40	44	34
Uncertain/no response	4	5	5

Finding #3: Perceived Differences Between State and Federal

Courts: (Table 3.1) The modest level of public familiarity with courts is also reflected in an often blurred perception of the differences between state and federal courts.

Slightly more than half (53%) claim to be unaware of any differences between state and federal courts. However, the extent of public imperception of differences is even greater than this figure might suggest:

...Those who did believe there are differences (47%) were asked, in open-ended fashion, to describe them. Only about half gave accurate replies. The remainder offered evaluative comments (e.g., stricter/more lenient, more/less formal), suggesting unawareness of the legal boundaries between courts.

It is worth noting that these evaluative comments are almost always framed in terms of federal courts, thus implying that people believe them to have a superordinate role.

TABLE 3.1

PERCEIVED DIFFERENCES BETWEEN STATE/LOCAL AND FEDERAL COURTS

	Net Familiar With State/ Local and/or Federal Courts = 62% of Total
	%
There <u>are</u> differences between state/local and federal courts	<u>47</u>
<u>Perceived Differences (Unaided)</u>	(100%) *
<u>State Court Responses</u>	
Handle state law violations/offenses	23
Handle criminal cases, murders, etc.	1
<u>Federal Court Responses</u>	
Handle federal law violations/offenses	<u>21</u>
Handle more crucial, serious cases	15
More powerful, higher authority	12
Handle appeals from state courts	11
More strict, stiffer punishments	7
Handle interstate offenses	6
More formal, efficient, professional	4
More qualified judges, lawyers	4
Handle crimes against the public, class actions	4
Decisions are final, no appeals	3
Cases take longer to settle	2
More objective, less biased	2
Judges are appointed (state judges elected)	2
Handle constitutional cases	1
<u>Nonspecific Responses</u>	
Handle different kinds of cases (NFS) <u>1/</u>	12
Two different sets of laws to enforce (NFS)	3
Organizational differences (NFS)	1
Cost of presenting cases differs (NFS)	1
Other	8
Uncertain	2

* Multiple responses.

1/ Not further specified.

B. Actual Knowledge of Courts

Finding #4: Actual Knowledge of the Courts: (Tables 4.1-2)

Familiarity with courts represents a self-evaluation of knowledge of the courts. To supplement this self-perception, the study also measured actual knowledge of court operation, jurisdiction and procedure. This was done through administration of two brief "tests"--a test of jurisdictional boundaries (and overlap) between state and federal courts and a general test of accuracy/inaccuracy of statements about courts.

Responses to these questions indicate that actual knowledge of courts is also quite low. Perhaps the most conspicuous gap in the public's knowledge is that more than one-third (37%) believe it is the responsibility of a person accused of a crime to prove his/her innocence.^{1/}

More specifically:

...Areas in which public misunderstanding is extremely widespread are:

- Belief that every state court decision can be reviewed and reversed by the U.S. Supreme Court.

^{1/} It is possible that some respondents interpreted this item as an attitudinal question. In that case, the item is a measure of cynicism rather than ignorance.

Continued...

- Belief that the governor of a state must approve decisions of the highest appeals court before they become law.

It is noteworthy that both of these issues relate to the "fit" between state/local courts and other parts of government.

...Areas in which public misinformation is less widespread but still substantial (i.e., between one-third and one-half are misinformed) include:

- Belief that all judges are appointed for life.
- Belief that a District Attorney's job is to defend an accused person who cannot afford a lawyer.
- The aforementioned belief that it is up to the accused to prove innocence.

...Finally, there are a few issues of which the public generally has a grasp (70% to 90% correct). For example:

- Everyone accused of a serious crime has a right to representation in court by a lawyer.

Continued...

- The highest court in the state has power to overrule decisions made in lower state courts.
- There are trial courts in every state in this country.

TABLE 4.1

PUBLIC PERCEPTIONS OF TYPES OF CASES HANDLED BY STATE/LOCAL/FEDERAL COURTS

Those Familiar With State/Local and/or
Federal Courts = 62% of Total

	Describes:				
	State/ Local Courts Only	Federal Courts Only	Both State/ Local and Federal Courts	Neither State/ Local nor Federal Courts	Un- certain
	% ^{a/}	%	%	%	%
<u>Courts That:</u>					
Handle divorce cases	64	2	9	22	3
Handle cases involving strikes of municipal employees	34	10	41	10	5
Handle cases involving school desegregation/busing	11	29	55	2	3
Handle serious criminal cases	10	15	71	2	2
Handle cases involving federal income tax evasion	2	80	14	2	2
Have judges appointed by the President	1	78	10	8	3

^{a/} Per cents of factually correct responses are boxed.

Note: This table is percentaged horizontally.

TABLE 4.2

PUBLIC PERCEPTIONS OF THE ACCURACY OF STATEMENTS ABOUT COURTS

	Believe Statement To Be:		
	<u>Accurate</u>	<u>Inaccurate</u>	<u>Un- certain</u>
	% ^{a/}	%	%
	100%→		
<u>Factually Correct Statements</u>			
Everyone accused of a serious crime has the right to be represented in court by a lawyer	93	2	5
The highest court in this state has the power to overrule decisions made in lower state courts	83	5	12
There are trial courts in every state in this country	74	6	20
<u>Factually Incorrect Statements</u>			
Every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court	72	12	16
The governor of this state must review and approve the decisions of its highest appeals court before it becomes law	37	33	30
In a criminal trial, it is up to the person who is accused of the crime to prove his innocence	37	56	7
A district attorney's job is to defend an accused criminal who cannot afford a lawyer	30	61	9
All courts in this state have juries	27	61	12
All judges in this state are appointed for life	16	63	21

^{a/} Per cents of factually correct responses are boxed.

Note: This table is percentaged horizontally.

Finding #5: Awareness of Rights and Demographic Attributes:

(Tables 5.1-3) There are differences in actual knowledge of courts along socioeconomic and racial lines that are even more dramatic than those which exist for self-perceived familiarity.

Perhaps the most compelling specific gap in knowledge relates to rights. Blacks, Hispanics and the poor are more often unaware that a person is innocent until proven guilty.

Poor blacks are least aware of this basic concept of American law.^{1/}

^{1/} Readers are reminded of Note 1, Finding #4: This item may measure cynicism rather than ignorance.

TABLE 5.1

AWARENESS OF RIGHTS BY INCOME

		Income				
		Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
		%	%	%	%	%
<u>Believe That:</u>	<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
In a criminal trial, it is up to the accused to prove his innocence		50	51	33	29	22

TABLE 5.2

AWARENESS OF RIGHTS BY RACE/ETHNICITY

		<u>Race/Ethnicity</u>		
		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
		%	%	%
<u>Believe That:</u>	<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
In a criminal trial, it is up to the accused to prove his innocence		35	48	48

TABLE 5.3

AWARENESS OF RIGHTS BY RACE/ETHNICITY AND INCOME

	White				Black/Other			
	Under	\$7,500-	\$10,000-	\$15,000	Under	\$7,500-	\$10,000-	\$15,000
	\$7,500	9,999	14,999	and Over	\$7,500	9,999	14,999	and Over
	%	%	%	%	%	%	%	%
<u>Believe That:</u>								
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
In a criminal trial, it is up to the accused to prove his innocence	<u>47</u>	<u>50</u>	33	26	<u>61</u>	<u>57</u>	31	32

Finding #6: Index of Actual Knowledge: (Tables 6.1-3) In order to gain a more global perspective on actual knowledge of courts, an index was created by "scoring" each respondent on the tests administered in the questionnaire. Respondents who gave more than ten correct answers were categorized as having "extensive" knowledge; those with six to ten correct responses were classified as people with "average" knowledge; all others were designated as having "limited" knowledge.^{1/}

As was the case for perceived familiarity, high actual knowledge is skewed towards affluent, well-educated whites.

Findings #5 and #6 raise an important question about equality of court access. To the degree that knowledge of the courts is a prerequisite to their effective voluntary use, the current maldistribution of knowledge is an impediment to equal access. The study does not confirm that inequality of knowledge results in inequality of access; it merely raises the issue. Further investigation is necessary to determine if, how and under what circumstances lack of knowledge impedes use of the courts.

^{1/} A more complete description of the scaling procedure appears in Appendix C.

TABLE 6.1

ACTUAL KNOWLEDGE OF COURTS BY EDUCATION

		Education			
		Less Than High School	High School	Some College	College or More
		<u>Total</u>			
		%	%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Actual Knowledge</u>					
Extensive	28	10	25	41	50
Average	46	43	51	48	42
Limited	26	47	24	11	8

TABLE 6.2

ACTUAL KNOWLEDGE OF COURTS BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>			
	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Actual Knowledge</u>				
Extensive	28	30	19	17
Average	46	48	38	40
Limited	26	22	43	43

TABLE 6.3

ACTUAL KNOWLEDGE OF COURTS BY INCOME

	<u>Total</u>	<u>Income</u>				
		<u>Under</u> <u>\$7,500</u>	<u>\$7,500-</u> <u>9,999</u>	<u>\$10,000-</u> <u>14,999</u>	<u>\$15,000-</u> <u>24,999</u>	<u>\$25,000</u> <u>and</u> <u>Over</u>
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Actual</u> <u>Knowledge</u>						
Extensive	28	14	18	26	38	47
Average	46	42	41	55	50	43
Limited	26	44	41	19	12	10

C. Sources of Information About Courts

Finding #7: Sources of Information About Courts: (Tables 7.1-2) Formal education and media are the public's principal sources of information about courts. Courts themselves play a relatively insubstantial role. The weight of media and education are reflected in the fact that even those who have had a courtroom experience no more often cite courts themselves as their principal source of information than they cite either education or media. (This also poses questions about the quality of court experience, an issue discussed in the following section of findings.)

TABLE 7.1

SOURCES OF KNOWLEDGE ABOUT STATE/LOCAL COURTS

	<u>Total</u>	All Sources of Knowledge Mentioned (Summary "Learned Most" Plus Other Sources)	Sources From Which Learned Most (One Mention Only)	Other Sources Mentioned
		%	%	%
<u>Sources Mentioned</u>	<u>100*</u>	<u>100</u>	<u>100*</u>	
Newspapers, magazines, books	61	17	44	
TV news programs	60	14	46	
School, formal education	44	24	20	
TV entertainment programs	34	6	28	
Legal assistance contact with lawyer	16	2	14	
Friend/relative works for a court	14	2	12	
Court spectator, tour of court	13	3	10	
In court as juror	12	8	4	
Friend/relative (involved in civil case)	11	2	9	
In court as party in civil case	9	4	5	
In court as witness	7	2	5	
Through own employment (legal, court, etc.)	7	4	3	
Friend/relative (involved in criminal case)	7	1	6	
Participation in related organizations	5	1	4	
In court as party in criminal case	4	1	3	
Other mentions	7	3	4	
Uncertain	-	6	8	

* Multiple responses.

Finding #7: Sources of Information About Courts: (Tables 7.1-2) Formal education and media are the public's principal sources of information about courts. Courts themselves play a relatively insubstantial role. The weight of media and education are reflected in the fact that even those who have had a courtroom experience no more often cite courts themselves as their principal source of information than they cite either education or media. (This also poses questions about the quality of court experience, an issue discussed in the following section of findings.)

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		%	%	%
		<u>100*</u>	<u>100</u>	<u>100*</u>
Newspapers, magazines, books		61	17	44
TV news programs		60	14	46
School, formal education		44	24	20
TV entertainment programs		34	6	28
Legal assistance contact with lawyer		16	2	14
Friend/relative works for a court		14	2	12
Court spectator, tour of court		13	3	10
In court as juror		12	8	4
Friend/relative (involved in civil case)		11	2	9
In court as party in civil case		9	4	5
In court as witness		7	2	5
Through own employment (legal, court, etc.)		7	4	3
Friend/relative (involved in criminal case)		7	1	6
Participation in related organizations		5	1	4
In court as party in criminal case		4	1	3
Other mentions		7	3	4
Uncertain		-	6	8

* Multiple responses.

TABLE 7.2

PRINCIPAL SOURCES OF INFORMATION ABOUT STATE/LOCAL
COURTS BY THOSE WITH COURT EXPERIENCE

	<u>Any State/ Local Court Experience</u>
	<u>%</u>
<u>Sources From Which Learned Most:</u>	<u>Total</u> <u>100</u>
<u>School/Media</u>	
School, formal education	25
Newspapers, magazines, books	14
TV news programs	9
TV entertainment programs	4
	27%
<u>Court</u>	
In court as juror	11
In court as party in civil case	8
Court spectator, tour of court	3
In court as witness	3
In court as party in criminal case	2
	27%

Finding #8: Perceived Adequacy of Current Media Coverage and Preferred Changes in Coverage: (Tables 8.1-2) In view of the considerable weight of media, it is important to note that the public generally feels that media coverage today is not adequate to show how the court system works nor how effective it is. Accordingly, there is widespread opinion that media should play an expanded role in showing how the courts work and how effectively they operate--provided the traditional conditions believed necessary for a fair trial are maintained. For example:

...Seventy-one per cent believe that media should play an important role in showing if the court system is effective; but

...Seventy-two per cent believe that judges should have the right to restrict lawyers from discussing cases with reporters.

TABLE 7.2

PRINCIPAL SOURCES OF INFORMATION ABOUT STATE/LOCAL
COURTS BY THOSE WITH COURT EXPERIENCE

	<u>Any State/ Local Court Experience</u>
	%
<u>Sources From Which Learned Most:</u>	
	<u>Total</u> <u>100</u>
<u>School/Media</u>	
School, formal education	25
Newspapers, magazines, books	14
TV news programs	9
TV entertainment programs	4
	27%
<u>Court</u>	
In court as juror	11
In court as party in civil case	8
Court spectator, tour of court	3
In court as witness	3
In court as party in criminal case	2
	27%

Finding #8: Perceived Adequacy of Current Media Coverage and Preferred Changes in Coverage: (Tables 8.1-2) In view of the considerable weight of media, it is important to note that the public generally feels that media coverage today is not adequate to show how the court system works nor how effective it is. Accordingly, there is widespread opinion that media should play an expanded role in showing how the courts work and how effectively they operate--provided the traditional conditions believed necessary for a fair trial are maintained. For example:

...Seventy-one per cent believe that media should play an important role in showing if the court system is effective; but

...Seventy-two per cent believe that judges should have the right to restrict lawyers from discussing cases with reporters.

TABLE 8.1

PERCEIVED ADEQUACY OF

MEDIA COVERAGE

		Media Coverage Adequate to:	
		Show How Court System Really Works	Show If Court System Is Effective
		%	%
	<u>Total</u>	<u>100</u>	<u>100</u>
Yes		28	31
No		54	49
Uncertain		18	20

TABLE 8.2

RELATIONSHIP BETWEEN MEDIA AND THE COURTS

	<u>Total</u>	<u>%</u>
<u>Strongly Agree/Somewhat Agree</u>	<u>Total</u>	<u>100*</u>
Judges have the right to restrict lawyers from discussing case with reporters		72
Media should play important role in showing <u>if</u> court system is effective		71
Media should play important role in showing <u>how</u> court system really works		70
Reporters should be prohibited from publishing/broadcasting information which might affect fair trial		69
Prior to trial, law officers should not be permitted to tell media suspect has confessed		56
Should be radio/TV broadcasting of court proceedings of interest to general public		56
Photographers should be permitted to take still pictures at court trials		34
Journalists should be permitted to report confessions made to law officer prior to trial		25

* Multiple responses.

Finding #9: Consequences of the Current Importance of Media:

(Tables 9.1-3) Of the two leading sources of information--formal education and media--education is far more effective and accurate. Those who have learned about courts primarily through formal education both feel more familiar and are more knowledgeable. Moreover, there is little difference between the effectiveness of television news, on the one hand, and television entertainment programs, on the other. Those who rely on either source are equivalently low in perceived and actual knowledge.

This finding assumes additional significance once the demographic antecedents of reliance on either education or media are uncovered. Blacks and the poor more often depend on media for information about courts.

That is:

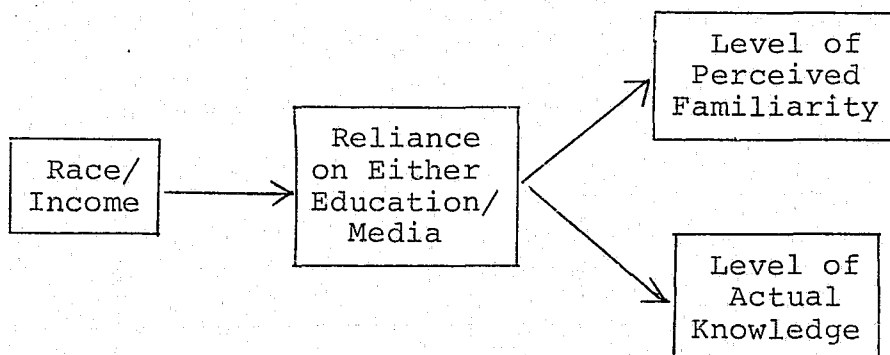


TABLE 9.1

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS BY PRINCIPAL
SOURCE OF INFORMATION ABOUT THE COURTS

<u>Principal Source of Information</u>				
	<u>Formal</u> <u>Education</u>	<u>Print</u> <u>Media</u>	<u>Media</u>	
			<u>Electronic</u> <u>Media:</u> <u>News</u>	<u>Electronic</u> <u>Media:</u> <u>Entertain-</u> <u>ment</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity</u> <u>With State/Local Courts</u>				
High/moderate	35	15	15	13
Low	48	55	40	41
None	17	30	45	46

TABLE 9.2

ACTUAL KNOWLEDGE OF COURTS BY PRINCIPAL SOURCE OF
INFORMATION ABOUT THE COURTS

	<u>Principal Source of Information</u>			
	<u>Formal Education</u>	<u>Print Media</u>	<u>Media</u>	
			<u>Electronic Media: News</u>	<u>Electronic Media: Entertain- ment</u>
	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Actual Knowledge</u>				
Extensive	44	25	14	18
Average	42	50	44	38
Limited	14	25	42	44

TABLE 9.3

PRINCIPAL SOURCE OF INFORMATION ABOUT THE
COURTS BY RACE/ETHNICITY AND INCOME

	<u>Race</u>		
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%
Learned most from formal education	25	15	26

	<u>Income</u>				
	<u>Under \$7,500</u>	<u>\$7,500- 9,999</u>	<u>\$10,000- 14,999</u>	<u>\$15,000- 24,999</u>	<u>\$25,000 and Over</u>
	%	%	%	%	%
Learned most from formal education	12	17	30	30	36

D. Awareness and General Evaluations of Courts

Finding #10: Familiarity With State/Local Courts and General
Evaluation: (Tables 10.1-2) Those who feel most familiar with
state/local courts are most critical of them. They less often
voice confidence in courts; and more often perceive a need for
court reform.

TABLE 10.1

CONFIDENCE IN STATE/LOCAL COURTS

BY PERCEIVED FAMILIARITY

		Perceived Familiarity With State/Local Courts			
		<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>None</u>
		%	%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Confidence Level in State/Local Courts</u>					
Extremely confident		<div>3</div>	<div>7</div>	<div>2</div>	<div>6</div>
		18%	24%	20%	27%
Very confident		<div>15</div>	<div>17</div>	<div>18</div>	<div>21</div>
Somewhat confident		37	36	42	35
Slightly confident		24	25	25	21
Not at all confident		21	15	12	14
Uncertain		-	-	1	3

TABLE 10.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM

BY PERCEIVED FAMILIARITY

		Perceived Familiarity With State/Local Courts		
		<u>High</u>	<u>Moderate</u>	<u>Low</u>
		%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>State/Local Courts To Be:</u>				
In great need of reform		36	23	20
		58%	49%	45%
In moderate need of reform		22	26	25
In some need of reform		30	37	34
In slight need of reform		5	7	9
In no need of reform		3	3	2
Uncertain		4	4	10

Finding #11: Actual Knowledge of Courts and General Evaluations: (Tables 11.1-2) Those who command greatest actual knowledge of courts are most critical of them. Indeed, actual knowledge heightens criticism more than perceived familiarity does.

TABLE 11.1

CONFIDENCE IN STATE/LOCAL COURTS

BY KNOWLEDGE OF COURTS

	<u>Actual Knowledge of Courts</u>		
	<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Confidence Level in State/Local Courts</u>			
Extremely confident	<div>2</div> 17%	<div>4</div> 23%	<div>7</div> 29%
Very confident	<div>15</div>	<div>19</div>	<div>22</div>
Somewhat confident	43	37	36
Slightly confident	27	23	20
Not at all confident	13	16	11
Uncertain	-	1	4

TABLE 11.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM
BY KNOWLEDGE OF COURTS

		<u>Actual Knowledge of Courts</u>		
		<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
		%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u>				
<u>State/Local Courts To Be:</u>				
In great need of reform		<div>28</div>		<div>19</div>
	55%			
In moderate need of reform		<div>27</div>		<div>26</div>
				<div>15</div>
				34%
In some need of reform		32	36	29
In slight need of reform		6	8	13
In no need of reform		2	3	3
Uncertain		5	8	21

Finding #12: Familiarity With Federal Courts and General
Evaluations: (Tables 12.1-2) The relationship between famil-
iarity with federal courts and evaluation is quite different
from the counterpart relationship between state/local court
familiarity and evaluation.

...Those most familiar have the highest opinion of them.

...However, below the highest level of familiarity, the
pattern changes somewhat, with familiarity alternately
yielding more and less favorable evaluations.

TABLE 12.1

CONFIDENCE IN FEDERAL COURTS

BY PERCEIVED FAMILIARITY

	Perceived Familiarity With Federal Courts			
	High	Moderate	Low	None
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Confidence Level in Federal Courts</u>				
Extremely confident	6	6	4	8
Very confident	38	26	19	24
Somewhat confident	34	40	45	37
Slightly confident	8	20	22	18
Not at all confident	14	8	8	9
Uncertain	-	-	2	4

TABLE 12.2

PERCEIVED NEED FOR FEDERAL COURT REFORM

BY PERCEIVED FAMILIARITY

		Perceived Familiarity With Federal Courts		
		<u>High</u>	<u>Moderate</u>	<u>Low</u>
		%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>Federal Courts To Be:</u>				
In great need of reform	<div>26 28</div>	54%	<div>13 27</div>	<div>17 26</div> 43%
In moderate need of reform	22	41	31	
In some need of reform	16	9	10	
In slight need of reform	3	4	5	
In no need of reform	5	6	11	
Uncertain				

Finding #13: Actual Knowledge of Courts and General Evaluations: (Tables 13.1-2) Again, actual knowledge influences evaluations of federal courts in a manner different from its influence on state/local court evaluations:

...The greater the knowledge, the greater the perceived need for reform. However,

...There is only a modest relationship between knowledge and confidence in federal courts, with the most knowledgeable being the least confident.

These differences suggest that perceived need for reform and confidence represent two different dimensions of evaluation, at least for federal courts. Those who have basic confidence in federal courts may nonetheless feel they need reform.

TABLE 13.1

CONFIDENCE IN FEDERAL COURTS

BY KNOWLEDGE OF COURTS

	<u>Actual Knowledge of Courts</u>		
	<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
Confidence Level in Federal Courts			
Extremely confident	<div>4</div> 27%	<div>4</div> 28%	<div>9</div> 30%
Very confident	<div>23</div>	<div>24</div>	<div>21</div>
Somewhat confident	47	40	35
Slightly confident	18	20	20
Not at all confident	8	10	9
Uncertain	-	2	6

TABLE 13.2

PERCEIVED NEED FOR FEDERAL COURT REFORM

BY KNOWLEDGE OF COURTS

		<u>Actual Knowledge of Courts</u>		
		<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
		%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>Federal Courts To Be:</u>				
In great need of reform		18	16	21
	50%		41%	33%
In moderate need of reform		32	25	12
In some need of reform		32	34	28
In slight need of reform		10	9	12
In no need of reform		3	5	5
Uncertain		5	11	22

Section II

Experience With Courts

A. Incidence

Finding #14: Incidence of Direct Experience With State/Local Courts: (Tables 14.1-3) While state court experience is not uncommon (43% report having state/local court experience), it is often brief and casual, with traffic problems constituting the principal reason for direct court contact.

Incidence of court experience is as follows: 1/

- 26 per cent traffic court
- 14 per cent minor civil court
- 9 per cent minor criminal court
- 9 per cent major civil court
- 7 per cent juvenile court
- 6 per cent major criminal court
- 1 per cent highest appeals court.

Among those who have had experience (43%), the distribution of court roles is:

- 40 per cent were defendants
- 24 per cent were plaintiffs/victims
- 13 per cent were jurors
- 13 per cent were observers
- 10 per cent were witnesses.

1/ Adds to more than 43% due to multiple court experiences.

Continued...

When these figures are projected out to all Americans--both those with and those without experience:

Approximately 17 per cent have been defendants^{1/}

Approximately 10 per cent have been plaintiffs/victims

Approximately 2 per cent have been jurors

Approximately 6 per cent have been observers

Approximately 4 per cent have been witnesses.

^{1/} The vast majority of these are as defendants in traffic cases.

TABLE 14.1

EXPERIENCE WITH SPECIFIC STATE/

LOCAL COURTS^{1/}

	<u>Total</u>
	%
	<u>100*</u>
<u>Had Any Experience With:</u>	
Local traffic violations	26
Minor civil disputes	14
Minor criminal cases	9
Major civil cases	9
Juvenile cases	7
Major criminal cases	6
Highest state appeals court	1

* Multiple responses.

1/ Throughout this report, the general designation "experience with state/local courts" refers to experience with any state/local court in any role.

TABLE 14.2

TYPE OF CONTACT WITH STATE/LOCAL COURTS BY TYPE OF COURT

	Those With Experience in a Particular Court						
	Criminal			Civil		Traffic	Highest Appeals
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil		
	%	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Court Role</u>							
Defendant (one who is being charged)	6	26	17	16	14	57	10
Victim	3	2	9	8	2	11	-
Observer (of a court proceeding)	21	19	27	12	10	8	22
Witness	11	7	15	8	7	7	1
Plaintiff (one bringing the charges)	7	12	8	20	37	4	-
Juror	24	17	2	24	16	2	-
None of the above, uncertain	28	17	22	12	14	11	67

CONTINUED

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TABLE 14.3

TYPE OF CONTACT WITH STATE/LOCAL COURTS BY TOTAL POPULATION

	Total Population						
	Criminal			Civil		Traffic	Highest Appeals
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil		
	%	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Court Role</u>							
Defendant (one who is being charged)	**	2	1	2	2	15	**
Victim	**	**	1	1	**	3	-
Observer (of a court proceeding)	1	2	2	1	1	2	**
Witness	1	1	1	1	1	2	**
Plaintiff (one bringing the charges)	**	1	1	2	5	1	-
Juror	2	2	**	2	2	**	-
None of the above, uncertain	2	2	2	1	2	3	1

** Less than 1% mention.

Finding #15: Experience With State/Local Courts and Demo-
graphic Attributes: (Tables 15.1-3) Experience with state
courts is most common among:

Those with middle/upper income

Whites

Those who have attended, but not completed college.

Despite these demographic differences, it is perhaps more im-
portant to realize that court experience exists in virtually
every socioeconomic and racial segment of society.

TABLE 15.1

EXPERIENCE WITH SPECIFIC STATE/LOCAL COURTS BY EDUCATION

	Education			
	Less Than High School	High School	Some College	College or More
	%	%	%	%
<u>Had Any Experience With:</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
Local traffic violations	19	27	34	28
Minor civil disputes	10	16	20	10
Minor criminal cases	8	7	16	8
Major civil cases	5	9	13	12
Juvenile cases	7	6	7	11
Major criminal cases	4	7	9	5
Highest state appeals court	2	1	1	1

* Multiple responses.

TABLE 15.2

EXPERIENCE WITH SPECIFIC STATE/LOCAL COURTS

BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>		
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Had Any Experience With:</u>			
Local traffic violations	27	18	26
Minor civil disputes	15	14	4
Minor criminal cases	10	8	4
Major civil cases	10	7	8
Juvenile cases	7	5	9
Major criminal cases	7	6	5
Highest state appeals court	1	3	1

* Multiple responses.

TABLE 15.3

EXPERIENCE WITH SPECIFIC STATE/LOCAL COURTS BY INCOME

	Income				
	Under	\$7,500-	\$10,000-	\$15,000-	\$25,000
	\$7,500	9,999	14,999	24,999	and Over
	%	%	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Had Any Experience With:</u>					
Local traffic violations	20	21	26	33	31
Minor civil disputes	10	16	15	18	11
Minor criminal cases	8	7	11	12	5
Major civil cases	6	9	9	12	10
Juvenile cases	5	8	8	8	9
Major criminal cases	5	4	7	9	4
Highest state appeals court	1	3	1	1	1

* Multiple responses.

Finding #16: Incidence of Indirect Experience With State/

Local Courts: (Table 16.1) In addition to direct court experience, most people report at least indirect contact with the courts. The principal ones include:

Friend or relative who was a juror

Friend or relative who was involved in a court case

Knowing a lawyer personally.

TABLE 16.1

SOURCE OF INDIRECT EXPERIENCE WITH COURTS

	<u>Total</u>
	%
<u>Indirect Experience</u>	<u>100*</u>
<u>From Knowing:</u>	
Friend or relative who was a juror	34
Friend or relative who was involved in a court case	33
Lawyer personally	33
Friend or relative who works in law-related field	21
Friend or relative who was a witness	21
Judge personally	14
Own employment	6
Other	5
Uncertain	28

* Multiple responses.

Finding #17: Incidence of Direct Experience With Federal

Courts: (Tables 17.1-3) Experience with federal courts is far less frequent than experience with state/local courts. Under 5 per cent report having been to federal court. More specifically:

...Three per cent have had U.S. District Court experience.

...One per cent have had U.S. Court of Appeals experience.

...One per cent have had U.S. Supreme Court experience.

The most common federal court role is that of juror. However, it is especially noteworthy that a majority of those with federal court experience are unsure of the role they played in federal court.

TABLE 17.1

EXPERIENCE WITH SPECIFIC

FEDERAL COURTS^{1/}

	<u>Total</u>	<u>%</u>
	<u>Total</u>	<u>100*</u>
U.S. District Court		3
U.S. Court of Appeals		1
U.S. Supreme Court		1

* Multiple responses.

^{1/} Throughout this report, the general designation "experience with federal courts" refers to experience with any federal court in any role.

TABLE 17.2

TYPE OF CONTACT WITH
FEDERAL COURTS

	<u>Total</u>	<u>%</u>
<u>Type of Court Role Among Those With Experience in Any Federal Court</u>	<u>Total</u>	<u>100</u>
Juror		18
Defendant		10
Observer		8
Plaintiff		7
Victim		1
Witness		5
Uncertain		51

TABLE 17.3

TYPE OF CONTACT WITH FEDERAL COURTS

BY TYPE OF COURT

	Those With Experience in a Particular Court		
	U.S. District	U.S. Appeals	U.S. Supreme
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Court Role</u>			
Juror	29	-	-
Defendant	11	5	14
Observer	11	1	5
Plaintiff	11	-	-
Witness	8	-	-
Victim	1	-	-
None of the above, uncertain	29	94	81

Finding #18: Recency of State/Local Court Experience: (Table

18.1) About half of those with state/local court experience have had that experience within the last five years. While this temporal distribution is fairly uniform across all types of courts, there are some differences worth mentioning:

	Among Those With State/ Local Court Experience, Per Cent Whose Experience Is Within Past Five Years
<u>Type of Court</u>	%
Minor criminal	53
Traffic	53
Major criminal	51
Minor civil	49
Juvenile	43
Major civil	42

A large number are uncertain about when they were last in court. This may be due to the remoteness of the event (and the resulting lapsed memories) or to the low salience of the experience itself.

TABLE 18.1

TIME OF LAST STATE/LOCAL COURT EXPERIENCE BY TYPE OF COURT

Those With Experience in a Particular Court						
	Criminal			Civil		Traffic
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Last Experience Was:</u>						
Within past year	16 35	25 28	19 24	16 26	14 35	22 31
Past 2 - 5 years	51%	53%	43%	42%	49%	53%
More than 5 years	25	35	38	47	34	40
Uncertain	24	12	19	11	17	7

Finding #19: Recency of Federal Court Experience: (Table
19.1) Those with federal court experience are frequently un-
certain about when they were in federal court.

TABLE 19.1

TIME OF LAST FEDERAL COURT EXPERIENCE

BY TYPE OF COURT

		Those With Experience in a Particular Court		
		<u>U.S. District</u>	<u>U.S. Appeals</u>	<u>U.S. Supreme</u>
		%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>
<u>Last Experience Was:</u>				
Within past year		16	6	-
Past 2 - 5 years		23	4	3
More than 5 years		34	2	15
Uncertain		27	88	82

Finding #20: Contact With Lawyers: (Tables 20.1-5) One out of every two people (54%) reports having at some time sought legal advice or the services of a lawyer. These persons are most likely to be white, well-educated and have high incomes.

Property-related matters (real estate transactions, wills, probate/estate) and divorce/separation are the principal reasons people seek lawyers' services.

It is noteworthy that only about 1 in every 5 contacts with lawyers leads to court experience.

TABLE 20.1

LEGAL ADVICE/SERVICE SOUGHT FROM LAWYER/LEGAL AID SOCIETY BY EDUCATION

		Education			
		Less Than High School	High School	Some College	College or More
		%	%	%	%
	<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Yes, have sought advice/service from lawyer/legal aid society	54	44	52	64	64
No, never sought advice/service from lawyer/legal aid society	45	54	47	34	35
Uncertain	1	2	1	2	1

TABLE 20.2

LEGAL ADVICE/SERVICE SOUGHT FROM LAWYER/LEGAL AID SOCIETY

BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>			
	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Yes, have sought advice/service from lawyer/legal aid society	54	56	40	36
No, never sought advice/service from lawyer/legal aid society	45	42	57	61
Uncertain	1	2	3	3

TABLE 20.3

LEGAL ADVICE/SERVICE SOUGHT FROM LAWYER/LEGAL AID SOCIETYBY INCOME

		Income				
		Under	\$7,500-	\$10,000-	\$15,000-	\$25,000
		\$7,500	9,999	14,999	24,999	and
						Over
		%	%	%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Yes, have sought advice/ service from lawyer/ legal aid society	54	47	46	54	58	62
No, never sought advice/ service from lawyer/ legal aid society	45	51	50	45	42	37
Uncertain	1	2	4	1	-	1

TABLE 20.4

REASONS LEGAL ADVICE WAS SOUGHT

	<u>Ever Sought Advice</u>	<u>Last Time Sought Advice</u>
	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>
Real estate transactions	40	16
Draw up a will	31	14
Draw up agreement/contract	25	5
Divorce/separation	22	12
Auto accident	21	8
Probate/estate matters	19	9
Insurance claims	15	4
Party to a civil suit	14	6
Landlord/tenant matters	11	4
Party in criminal proceeding	9	5
Child support/custody matter	9	5
Debt collection	7	1
Tax matters	7	2
Property disputes	5	2
Consumer problems, defective merchandise, etc.	5	2
Burglarized	2	1
Other	7	7
Uncertain	2	2

* Multiple responses.

TABLE 20.5

OUTCOME LAST TIME CONTACTED LAWYER/LEGAL AID

	<u>Total</u>	Those Ever Sought Advice
		%
<u>Lawyer/Legal Aid:</u>		<u>100*</u>
Attended to the matter (did not require going to court)		50
Just talked to me, gave me advice		27
Attended to the matter (which meant representing me in court)		18
All other and uncertain		8

* Multiple responses.

Finding #21: Satisfaction With Lawyers: (Tables 21.1-5)

More than half (59%) of those who have ever sought lawyers' services/advice report that they were either extremely/very satisfied with their last experience.

It is worth noting that dissatisfaction with one's lawyer results in more negative attitudes toward courts; however, various levels of satisfaction with lawyers has no appreciable influence on court evaluation.

TABLE 21.1

LEVEL OF SATISFACTION WITH
LAST EXPERIENCE WITH
LAWYER/LEGAL AID

	<u>Those Ever Sought Advice</u>
	%
<u>Total</u>	<u>100</u>
Extremely satisfied	27
Very satisfied	32
Somewhat satisfied	17
Slightly satisfied	6
Not at all satisfied	12
Uncertain	6

59%

TABLE 21.2

LEVEL OF SATISFACTION WITH LAST EXPERIENCE WITH LAWYER/

LEGAL AID BY EDUCATION

Those Ever Sought Advice					
	<u>Total</u>	Education			
		<u>Less Than High School</u>	<u>High School</u>	<u>Some College</u>	<u>College or More</u>
	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Extremely satisfied	27	22	28	25	31
Very satisfied	32	32	33	31	37
Somewhat satisfied	17	19	14	18	15
Slightly satisfied	6	6	6	9	4
Not at all satisfied	12	15	13	11	6
Uncertain	6	6	6	6	7

TABLE 21.3

LEVEL OF SATISFACTION WITH LAST EXPERIENCE WITH LAWYER/

LEGAL AID BY RACE/ETHNICITY

<u>Those Ever Sought Advice</u>				
	<u>Race/Ethnicity</u>			
	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Extremely satisfied	27	28	24	21
Very satisfied	32	33	27	26
Somewhat satisfied	17	15	26	28
Slightly satisfied	6	6	8	6
Not at all satisfied	12	11	12	17
Uncertain	6	7	3	2

TABLE 21.4

LEVEL OF SATISFACTION WITH LAST EXPERIENCE WITH LAWYER/LEGAL AID BY INCOME

Those Ever Sought Advice						
	<u>Total</u>	Income				
		<u>Under \$7,500</u>	<u>\$7,500-9,999</u>	<u>\$10,000-14,999</u>	<u>\$15,000-24,999</u>	<u>\$25,000 and Over</u>
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Extremely satisfied	27	25	22	21	28	35
Very satisfied	32	29	43	35	30	33
Somewhat satisfied	17	18	14	23	17	10
Slightly satisfied	6	5	8	5	8	4
Not at all satisfied	12	16	11	12	11	8
Uncertain	6	7	2	4	6	10

TABLE 21.5

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM

BY SATISFACTION WITH LAWYER/LEGAL AID

	Satisfaction With Lawyer/ Legal Aid		
	Extremely/ Very <u>Satisfied</u>	Somewhat <u>Satisfied</u>	Slightly/ Not At All <u>Satisfied</u>
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>State/Local Courts To Be:</u>			
In great need of reform	27	27	41
In moderate need of reform	27	24	27
In some need of reform	33	35	15
In slight need of reform	5	4	3
In no need of reform	3	2	2
Uncertain	5	8	12

Finding #22: Court Considered--Alternative Chosen: (Tables 22.1-2) Seventeen per cent report that they have considered taking a case to court, but decided not to do so. These were mainly matters related to an automobile accident and/or consumerism issues.

Reasons most often cited for this decision are circumstances of the case (e.g., could be resolved through third party, felt that case not strong enough, etc.) and perceived court expense and inefficiency. On the positive side, lack of confidence in the fairness of courts and perceived lack of legal competence ("wasn't sure how to take case to court") infrequently deflect people from taking a case to court.

TABLE 22.1

EVER CONSIDERED TAKING CASE TO COURT

BUT DECIDED NOT TO

	<u>Total</u>	<u>Total</u>	<u>%</u>
			100
No		83	
<u>Yes</u>		17	
		(100%)*	
<u>If "Yes," Types of Cases</u>			
Auto accident		24	
Consumer problems, defective merchandise, etc.		10	
Personal injury		8	
Party in criminal proceeding		7	
Medical malpractice		6	
Accident (not auto)		6	
Party to a civil suit		6	
Landlord/tenant matters		5	
Real estate transactions		4	
Burglary victim		4	
Debt collection		3	
Employer/employee disputes		3	
Property disputes		3	
Agreement, contract		2	
Discrimination		2	
Probate/estate matters		1	
Insurance claims		1	
Divorce/separation		1	
Other		11	

* Multiple responses.

TABLE 22.2

WHY DECISIONS WERE MADE NOT TO

TAKE A CASE TO COURT

	Among Those Decided Not to Take Case to Court
	%
<u>Total</u>	<u>17</u> (100%) *
Issue resolved without going to court and without using impartial third party	26
Afraid it would be too expensive	20
Issue resolved out of court using an impartial third party	14
Felt not strong enough case/evidence	13
Lawyer/legal aid advised against going to court	11
Afraid it would take too much time	9
Issue turned out not to be as serious as originally thought	8
Probably wouldn't have won the case	6
Wasn't sure would get fair trial/ hearing	6
Wasn't sure how to take case to court	5
Useless, other party too poor, unable to pay	2
Workmen's compensation better than a long legal battle	1

* Multiple responses.

B. Reactions to Court Experience

Finding #23: General Reactions to State/Local Court Experience: (Tables 23.1-2) Reactions to state/local court experience are about equally distributed across positive, neutral/uncertain and negative categories.

Two tendencies seem particularly noteworthy:

...A sizable number of people simply refrain from offering either positive or negative evaluations. This suggests either confusion about the criteria for evaluating court experience or low salience of that experience.

...Three key elements account for favorable/unfavorable reactions:

- Type of case Those involved in civil cases have somewhat more favorable reactions than those who have had experience with criminal cases. Juvenile cases stir the highest level of dissatisfaction.

Reasons given for positive or negative reactions to juvenile cases are interesting because they suggest a division of opinion

Continued...

about how these cases might best be handled: the most frequently cited specific cause of an unfavorable reaction is leniency; the most frequent source of satisfaction is display of personal interest and compassion.

- Court role Observers of court proceedings generally have more positive evaluations than those more deeply involved in the case. By contrast, witnesses are least favorably disposed.
- Court process and outcome Evaluations of court experience do not rest exclusively on satisfaction with the outcome of the case--who won or lost. There is ample indication that assessments also rest on the processes which led to those outcomes.

The influence of court process/outcome on reaction to court experience is explored further in the following finding.

TABLE 23.1

REACTIONS TO EXPERIENCE IN STATE/LOCAL COURT BY TYPE OF COURT

<u>Those With Experience in a Particular Court</u>						
	<u>Criminal</u>			<u>Civil</u>		<u>Traffic</u>
	<u>Major</u>	<u>Minor</u>	<u>Juvenile</u>	<u>Major</u>	<u>Minor</u>	
	<u>Criminal</u>	<u>Criminal</u>		<u>Civil</u>	<u>Civil</u>	
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Reaction to Most Recent Experience in Court</u>						
Favorable	34	34	27	38	40	35
Neutral	19	18	16	22	16	21
Unfavorable	25	35	41	30	32	38
Uncertain	22	13	16	10	12	6

TABLE 23.2

REACTIONS TO EXPERIENCE IN STATE/LOCAL COURT BY COURT ROLE

<u>Those With Experience in a Particular Court Role</u>						
	<u>Defendant</u>		<u>Plaintiff/</u>			
	<u>Traffic</u>	<u>Other</u>	<u>Victim</u>	<u>Juror</u>	<u>Witness</u>	<u>Observer</u>
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Reaction to Most Recent Experience in Court</u>						
Favorable	34	36	40	42	30	49
Neutral	24	18	22	20	22	19
Unfavorable	41	40	37	20	47	29
Uncertain	1	6	1	18	1	3

Finding #24: Court Process/Outcome as an Element of Evaluation: (Tables 24.1-14) As indicated earlier (Finding #23), reactions to court experience rest on perceptions of both processes and outcomes. This suggests a four-cell typology which can structure the following discussion:

	Process	Outcome
Favorable Reaction	Cell 1	Cell 2
Unfavorable Reaction	Cell 3	Cell 4

In general, favorable reactions rest about equally on process (Cell 1) and outcome (Cell 2) evaluations. On the other hand, unfavorable reactions are more often a consequence of concerns about process (Cell 3) than outcome (Cell 4).

Cell 1: Favorable Reaction/Focus on Process^{1/}

...In general, many people are nonspecific and mention general competence. However, specific items most often cited are:

- Court showed personal interest.
- Judges were competent and conscientious.

^{1/} The balance of the discussion in this finding is based on a relatively small number of respondents. Therefore, many of the conclusions lack statistical dependability.

Continued...

- Court action was speedy.

...These general patterns also characterize reactions to particular types of cases. However:

- Eighteen per cent of those with favorable reactions to juvenile cases identify the concern shown by the court as a reason for favorable reaction, exceeding the mention of this factor for any other type of case.
- Good lawyers are cited relatively more often by those who were involved in major civil cases.

Cell 2: Favorable Reaction/Focus on Outcome

...In general, fairness/justice is the paramount criterion.

...For criminal cases, this criterion often translates into punitiveness.

...For civil cases, the focus is on satisfaction with settlement. Mention of winning or losing is infrequent, however; reactions are framed in noncontentious terms.

Continued...

Cell 3: Unfavorable Reaction/Focus on Process

...In general, there is again, a tendency to be nonspecific. However, nonspecificity is not as common as it is for favorable reactions. Particular sources of dissatisfaction include:

- Delay.
- Lawyers were unsatisfactory.
- Prejudice/discrimination.
- Poor judges.
- Impersonal nature of the experience.
- Cost.

...Moreover, these dissatisfactions are not uniformly distributed across all types of cases.

- Prejudice/discrimination and poor judges are more often seen as a problem in minor cases--both criminal and civil--than in either major criminal or major civil cases.
- Conversely, delay is more often seen to be a problem for major criminal and civil cases

Continued...

than it is for minor cases, either criminal or civil.

- Lack of personal involvement is most likely to be mentioned for minor civil cases, juvenile cases and traffic cases.

Cell 4: Unfavorable Reaction/Focus on Outcome

...For both criminal and civil cases, outcome-related reasons for dissatisfaction are mirror opposites of outcome-related sources of satisfaction:

- For criminal cases, they relate to punishment.
- For civil cases, they focus on the perceived correctness of the settlement.

TABLE 24.1

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY TYPE OF COURT

		<u>Those With Experience in a Particular Court</u>					
		<u>Criminal</u>			<u>Civil</u>		<u>Traffic</u>
		<u>Major Criminal</u>	<u>Minor Criminal</u>	<u>Juvenile</u>	<u>Major Civil</u>	<u>Minor Civil</u>	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		22	15	24	25	21	25
Court showed concern, interest		10	3	18	-	4	2
Good, conscientious judge		5	10	12	11	10	6
Courts are doing a good job		3	9	5	2	4	1
Good lawyers		3	-	-	10	-	-
Quick, prompt action		-	-	2	1	9	8
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		17	6	9	5	3	12
Court made a good decision		9	13	-	9	13	7
Fair, justice was upheld		9	18	13	17	11	21
Fair sentence/punishment		6	6	7	1	2	12
Good settlement		2	5	5	12	14	5

* Multiple responses.

TABLE 24.2

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY TYPE OF COURT

		<u>Those With Experience in a Particular Court</u>					
		<u>Criminal</u>			<u>Civil</u>		<u>Traffic</u>
		<u>Major Criminal</u>	<u>Minor Criminal</u>	<u>Juvenile</u>	<u>Major Civil</u>	<u>Minor Civil</u>	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Court handled case poorly		18	6	21	21	12	17
Court took too long, too slow		14	5	3	11	6	5
Poor lawyers		10	6	-	12	8	2
Prejudiced/discrimination		8	17	12	5	7	10
Poor judges		3	17	14	3	6	9
Impersonal/no personal involvement		3	4	9	-	13	8
Too expensive		-	-	-	6	4	5
<u>Outcome Related</u>							
Punishment didn't fit the crime		46	7	7	6	-	8
Too lenient, too permissive		18	16	16	-	1	2
Bad decision, disagree with court		14	3	7	14	5	4
Too strict, too harsh a decision		6	1	1	6	-	4
Poor settlement		1	-	1	3	13	7

* Multiple responses.

TABLE 24.3

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE

		Those With Particular Type of Contact					
		Plaintiff/ Defendant		Victim	Juror	Witness	Observer
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
	<u>Total</u>						
		100*	100*	100*	100*	100*	100*
	Case competently handled	21	17	25	26	37	
	Court showed concern, interest	5	1	6	6	5	
	Good, conscientious judge	10	5	8	9	6	
	Courts are doing a good job	2	2	11	4	2	
	Good lawyers	-	2	3	-	1	
	Quick, prompt action	5	8	1	-	10	
<u>Outcome Related</u>							
	Offender got what he deserved/was convicted	4	14	13	14	2	
	Court made a good decision	7	8	9	2	11	
	Fair, justice was upheld	22	16	13	22	11	
	Fair sentence/punishment	11	2	3	5	6	
	Good settlement	4	10	3	12	4	

* Multiple responses.

TABLE 24.4

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE

		Those With Particular Type of Contact				
		Defendant	Plaintiff/ Victim	Juror	Witness	Observer
		%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>	<u>Total</u>					
Court handled case poorly		15	13	27	19	9
Court took too long, too slow		4	6	6	5	8
Poor lawyers		2	7	19	3	8
Prejudiced/discrimination		13	11	18	14	6
Poor judges		9	14	-	14	5
Impersonal/no personal involvement		12	8	2	11	4
Too expensive		5	4	3	-	2
<u>Outcome Related</u>						
Punishment didn't fit the crime		5	9	-	8	25
Too lenient, too permissive		9	3	4	7	12
Bad decision, disagree with court		5	5	3	9	10
Too strict, too harsh a decision		3	3	-	3	1
Poor settlement		7	6	7	1	-

* Multiple responses.

TABLE 24.5

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCE

BY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Defendant and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		11	9	25	37	18	25
Court showed concern, interest		7	3	31	-	4	3
Good, conscientious judge		-	17	-	13	19	8
Courts are doing a good job		5	2	8	-	3	1
Good lawyers		-	-	-	3	-	-
Quick, prompt action		-	-	-	2	14	6
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		25	-	5	-	-	5
Court made a good decision		9	11	-	5	14	7
Fair, justice was upheld		9	25	10	21	16	30
Fair sentence/punishment		18	10	7	-	3	17
Good settlement		-	3	5	5	15	2

* Multiple responses.

TABLE 24.6

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Plaintiff/ Victim and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		27	2	10	28	14	15
Court showed concern, interest		-	2	12	-	2	-
Good, conscientious judge		-	2	12	9	5	3
Courts are doing a good job		-	3	8	-	2	2
Good lawyers		-	-	-	12	-	-
Quick, prompt action		-	-	-	-	11	11
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		33	16	27	4	3	19
Court made a good decision		-	19	-	7	8	8
Fair, justice was upheld		-	8	10	17	12	19
Fair sentence/punishment		-	9	4	-	-	3
Good settlement		-	17	10	6	18	4

* Multiple responses.

TABLE 24.7

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Juror and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		23	8	50	28	21	35
Court showed concern, interest		16	-	-	-	5	12
Good, conscientious judge		7	5	-	14	8	4
Courts are doing a good job		3	26	40	2	12	9
Good lawyers		7	-	-	8	-	-
Quick, prompt action		-	-	-	-	-	6
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		13	12	-	9	10	20
Court made a good decision		9	9	-	8	14	-
Fair, justice was upheld		12	24	10	16	4	12
Fair sentence/punishment		8	-	-	-	-	12
Good settlement		-	-	-	13	-	1

* Multiple responses.

TABLE 24.8

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Witness and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		26	-	30	41	14	24
Court showed concern, interest		7	3	22	-	8	-
Good, conscientious judge		-	24	-	11	2	11
Courts are doing a good job		-	21	-	2	1	2
Good lawyers		-	-	-	-	-	-
Quick, prompt action		-	-	-	-	-	-
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		26	-	-	24	12	8
Court made a good decision		-	-	-	-	7	-
Fair, justice was upheld		2	34	4	26	16	26
Fair sentence/punishment		-	-	26	-	-	11
Good settlement		12	13	-	9	13	8

* Multiple responses.

TABLE 24.9

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as an Observer and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Case competently handled		2	32	41	42	36	55
Court showed concern, interest		24	3	5	-	7	2
Good, conscientious judge		5	4	11	8	9	3
Courts are doing a good job		7	3	3	3	1	2
Good lawyers		-	-	-	9	-	1
Quick, prompt action		-	-	4	3	28	16
<u>Outcome Related</u>							
Offender got what he deserved/was convicted		7	3	-	-	1	3
Court made a good decision		20	13	-	18	23	3
Fair, justice was upheld		11	1	7	16	13	17
Fair sentence/punishment		9	10	5	5	3	6
Good settlement		-	-	1	9	8	5

* Multiple responses.

TABLE 24.10

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Defendant and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Total							
Court handled case poorly		15	5	26	-	2	18
Court took too long, too slow		5	3	-	21	4	2
Poor lawyers		5	1	-	3	9	1
Prejudiced/discrimination		17	11	26	8	9	11
Poor judges		1	21	-	-	7	8
Impersonal/no personal involvement		1	5	7	-	34	10
Too expensive		-	-	1	7	8	5
<u>Outcome Related</u>							
Punishment didn't fit the crime		51	-	4	-	-	3
Too lenient, too permissive		36	20	15	-	1	1
Bad decision, disagree with court		11	4	5	15	-	3
Too strict, too harsh a decision		-	1	-	7	1	3
Poor settlement		-	-	1	-	17	9

* Multiple responses.

TABLE 24.11

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Plaintiff/ Victim and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Court handled case poorly		-	-	10	42	9	10
Court took too long, too slow		10	-	-	11	7	9
Poor lawyers		28	-	-	18	8	2
Prejudiced/discrimination		10	29	19	8	6	7
Poor judges		8	47	35	2	9	7
Impersonal/no personal involvement		-	-	-	-	19	13
Too expensive		-	-	-	6	5	7
<u>Outcome Related</u>							
Punishment didn't fit the crime		43	14	7	13	-	11
Too lenient, too permissive		-	9	9	1	1	-
Bad decision, disagree with court		13	-	5	3	5	7
Too strict, too harsh a decision		25	-	-	6	-	6
Poor settlement		3	1	1	6	13	5

* Multiple responses.

TABLE 24.12

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCE

BY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Juror and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	Total	100*	100*	100*	100*	100*	100*
<u>Process Related</u>							
Court handled case poorly	48	-	-	-	-	34	-
Court took too long, too slow	-	9	-	-	15	2	-
Poor lawyers	17	15	-	-	10	6	37
Prejudiced/discrimination	17	18	100	-	10	13	-
Poor judges	-	-	-	-	-	-	-
Impersonal/no personal involvement	17	-	-	-	-	-	-
Too expensive	-	-	-	-	10	-	3
<u>Outcome Related</u>							
Punishment didn't fit the crime	-	-	-	-	-	-	-
Too lenient, too permissive	-	18	33	-	-	-	-
Bad decision, disagree with court	-	-	-	-	12	-	-
Too strict, too harsh a decision	-	-	-	-	-	-	-
Poor settlement	-	-	-	-	-	12	-

* Multiple responses.

TABLE 24.13

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as a Witness and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Court handled case poorly		18	19	13	52	-	21
Court took too long, too slow		21	7	6	-	8	1
Poor lawyers		-	-	-	-	31	2
Prejudiced/discrimination		-	44	23	-	-	14
Poor judges		-	7	31	6	-	18
Impersonal/no personal involvement		3	12	10	-	6	25
Too expensive		-	-	-	-	-	-
<u>Outcome Related</u>							
Punishment didn't fit the crime		44	12	6	-	-	8
Too lenient, too permissive		-	3	18	-	4	6
Bad decision, disagree with court		18	7	1	22	27	3
Too strict, too harsh a decision		23	-	-	-	-	5
Poor settlement		3	2	1	3	-	1

* Multiple responses.

TABLE 24.14

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO STATE/LOCAL COURT EXPERIENCEBY COURT ROLE AND TYPE OF COURT

		Those With Experience as an Observer and in a Particular Court					
		Criminal			Civil		Traffic
		Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil	
		%	%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>							
Court handled case poorly		9	-	27	-	-	14
Court took too long, too slow		18	12	-	-	-	12
Poor lawyers		-	25	-	14	10	8
Prejudiced/discrimination		-	25	16	-	-	1
Poor judges		-	6	-	-	17	7
Impersonal/no personal involvement		-	10	5	-	6	4
Too expensive		-	-	-	14	-	4
<u>Outcome Related</u>							
Punishment didn't fit the crime		66	15	13	22	-	30
Too lenient, too permissive		40	13	13	-	-	2
Bad decision, disagree with court		10	-	14	54	21	-
Too strict, too harsh a decision		-	-	-	-	-	4
Poor settlement		-	-	2	14	44	4

* Multiple responses.

Finding #25: General Reactions to Federal Court Experience:

(Tables 25.1-3) There is a marked tendency for those with federal court experience to express uncertainty about the quality of their experience. While this tendency is also present among those who have been in state/local courts, it is far more pronounced for federal courts.

TABLE 25.1

REACTIONS TO EXPERIENCE IN FEDERAL COURT

BY TYPE OF COURT

	Those With Experience in a Particular Court		
	U.S. District	U.S. Appeals	U.S. Supreme
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Reaction to Most Recent Experience in Court</u>			
Favorable	28	7	8
Neutral	32	6	10
Unfavorable	13	-	-
Uncertain	27	87	82

TABLE 25.2

PRINCIPAL REASONS FOR FAVORABLE REACTIONS TO FEDERAL COURT

EXPERIENCE BY TYPE OF COURT

		Those With Experience in a Particular Court ^{1/}		
		<u>U.S. District</u>	<u>U.S. Appeals</u>	<u>U.S. Supreme</u>
		%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>				
	<u>Total</u>			
	Good, conscientious judge	19	-	43
	Case competently handled	19	-	14
	Courts are doing a good job	6	17	-
	Court showed concern, interest	6	-	-
	Good lawyers	-	-	-
	Quick, prompt action	-	-	-
<u>Outcome Related</u>				
	Court made a good decision	16	-	-
	Offender got what he deserved/ was convicted	11	-	-
	Fair, justice was upheld	1	17	-
	Fair sentence/punishment	-	-	-
	Good settlement	-	-	-

* Multiple responses.

^{1/} Caution: Bases too small for statistical dependability.

TABLE 25.3

PRINCIPAL REASONS FOR UNFAVORABLE REACTIONS TO
FEDERAL COURT EXPERIENCE BY TYPE OF COURT

		Those With Experience in a Particular Court ^{1/}		
		<u>U.S. District</u>	<u>U.S. Appeals</u>	<u>U.S. Supreme</u>
		%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Process Related</u>				
Poor lawyers		22	-	-
Poor judges		8	-	-
<u>Outcome Related</u>				
Punishment didn't fit the crime		22	-	-
Poor settlement		16	-	-
Bad decision, disagree with court		8	-	-

* Multiple responses.

1/ Caution: Bases too small for
statistical dependability.

C. Experience as a "Teacher"

Finding #26: Experience as a "Teacher": (Tables 26.1-4) In general, court experience heightens both perceived familiarity and actual knowledge.

However, there are noteworthy differences in the degree of increased familiarity and actual knowledge, depending on court role.

There is a continuum, anchored at opposite ends by witnesses and observers (most familiar/knowledgeable) and jurors (least familiar/knowledgeable).

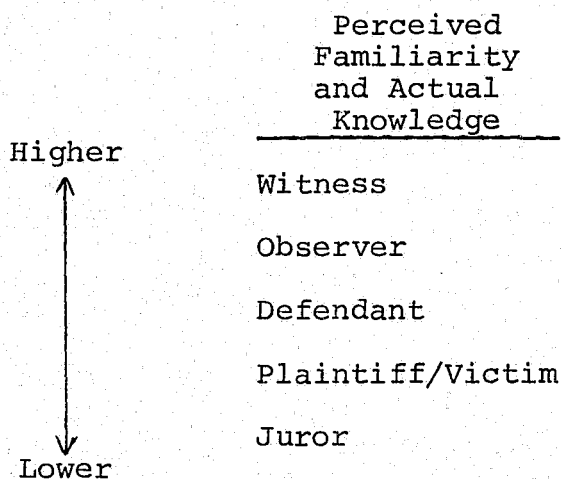


TABLE 26.1

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS

BY STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court <u>Experience</u>		No State/ Local Court <u>Experience</u>	
	%		%	
<u>Total</u>	<u>100</u>		<u>100</u>	
<u>Perceived Familiarity With State/Local Courts</u>				
Intimately familiar	2		1	
Broadly familiar	9	33%	4	21%
Familiar	22		16	
Somewhat familiar	46		43	
No familiarity	21		36	

TABLE 26.2

ACTUAL KNOWLEDGE OF COURTS BY STATE/

LOCAL COURT EXPERIENCE

	Any State/ Local Court <u>Experience</u>	No State/ Local Court <u>Experience</u>
	%	%
<u>Total</u>	<u>100</u>	<u>100</u>
Actual <u>Knowledge</u>		
Extensive	<u>35</u>	22
Average	<u>51</u>	43
Limited	14	<u>35</u>

TABLE 26.3

PERCEIVED FAMILIARITY WITH STATE/LOCAL COURTS BY COURT ROLE

	Those With Experience in a Particular Court Role					
	<u>Total</u>	<u>Plaintiff/</u>		<u>Juror</u>	<u>Witness</u>	<u>Observer</u>
		<u>Defendant</u>	<u>Victim</u>			
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Perceived Familiarity With State/Local Courts</u>						
Intimately familiar	1	1	1	4	4	1
Broadly familiar	6 26%	10 37%	10 36%	5 27%	12 50%	18 40%
Familiar	19	26	25	18	34	21
Somewhat familiar	44	46	39	49	38	40
No familiarity	30	17	25	24	12	20

TABLE 26.4

ACTUAL KNOWLEDGE OF COURTS BY COURT ROLE

	Those With Experience in a Particular Court Role					
	<u>Total</u>	<u>Plaintiff/</u>		<u>Juror</u>	<u>Witness</u>	<u>Observer</u>
		<u>Defendant</u>	<u>Victim</u>			
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Actual Knowledge</u>						
Extensive	28	37	35	31	41	41
Average	46	55	50	48	54	47
Limited	26	8	15	21	5	12

D. Experience and Evaluation of Courts

Finding #27: Experience With State/Local Courts and General Evaluation: (Tables 27.1-4) Those who have had state/local court experience are more critical of these courts than those who have not: the experienced are less confident in state/local courts and more often feel a need for their reform.

State/local court experience also has a partial influence on federal court evaluations:

...Those with experience are more likely to feel that federal courts need to be reformed; but

...Experience with state/local courts does not undermine basic confidence in federal courts.

TABLE 27.1

CONFIDENCE IN STATE/LOCAL COURTS BY

STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court Experience	No State/ Local Court Experience
	%	%
<u>Total</u>	<u>100</u>	<u>100</u>
<u>Confidence Level in State/Local Courts</u>		
Extremely confident	2	6
	19%	26%
Very confident	17	20
Somewhat confident	35	40
Slightly confident	25	22
Not at all confident	20	10
Uncertain	1	2

TABLE 27.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM

BY STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court <u>Experience</u>	No State/ Local Court <u>Experience</u>
	%	%
<u>Total</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>State/Local Courts To Be:</u>		
In great need of reform	<div>31</div>	<div>16</div>
	56%	41%
In moderate need of reform	<div>25</div>	<div>25</div>
In some need of reform	27	40
In slight need of reform	7	8
In no need of reform	2	3
Uncertain	8	8

TABLE 27.3

CONFIDENCE IN FEDERAL COURTS BY
STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court <u>Experience</u>	No State/ Local Court <u>Experience</u>
	%	%
<u>Total</u>	<u>100</u>	<u>100</u>
<u>Confidence Level in Federal Courts</u>		
Extremely confident	4	7
Very confident	25	22
Somewhat confident	37	42
Slightly confident	20	19
Not at all confident	12	7
Uncertain	2	3

TABLE 27.4

PERCEIVED NEED FOR FEDERAL COURT REFORM

BY STATE/LOCAL COURT EXPERIENCE

	<u>Any State/ Local Court Experience</u>	<u>No State/ Local Court Experience</u>
	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel Federal Courts To Be:</u>		
In great need of reform	23	12
In moderate need of reform	26	26
In some need of reform	26	38
In slight need of reform	11	10
In no need of reform	4	5
Uncertain	10	9

Finding #28: Experience With Federal Courts and General Evaluation: (Tables 28.1-2) Those with federal court experience are confused about the quality of both federal and state/local courts:

...More than 1 in 3 (39%) are uncertain about the need for federal court reform; moreover,

...A similarly high number (43%) of those with federal court experience are also uncertain about the need for state/local court reform.

These tendencies are corroborated by a previous finding--namely, those with federal court experience are uncertain about the quality of the experience itself.

TABLE 28.1

PERCEIVED NEED FOR FEDERAL COURT REFORM
BY FEDERAL COURT EXPERIENCE

	<u>Total</u>	Any Federal Court <u>Experience</u>	No Federal Court <u>Experience</u>
		%	%
Among Those Familiar, Feel Federal Courts To Be:		<u>100</u>	<u>100</u>
In great need of reform		8	18
In moderate need of reform		31	26
In some need of reform		15	34
In slight/no need of reform		7	15
Uncertain		39	7

TABLE 28.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM
BY FEDERAL COURT EXPERIENCE

		Any Federal Court <u>Experience</u>	No Federal Court <u>Experience</u>
	<u>Total</u>	%	%
Among Those Familiar, Feel <u>State/Local Courts To Be:</u>		<u>100</u>	<u>100</u>
In great need of reform		9	24
In moderate need of reform		31	25
In some need of reform		13	35
In slight/no need of reform		4	11
Uncertain		43	5

Section III

Evaluations of Courts

A. General Evaluations

Finding #29: Confidence in Courts: (Table 29.1) The public expresses moderate to low confidence in state/local courts. The relative standing of state/local courts in this confidence hierarchy is open to varying interpretations depending on which institutions are regarded as "peers" of courts:

...If the comparative frame of reference is all institutions studied, then state/local courts command a middling level of confidence.

...On the other hand, among all branches of state government, state/local courts exhibit relatively strong confidence levels.

...Finally, compared to other courts studied, they receive the lowest rating.

TABLE 29.1

CONFIDENCE IN MAJOR AMERICAN INSTITUTIONS

<u>Institutions</u>	<u>Total</u>	Extremely/ Very Confident	Somewhat Confident	Slightly/ Not At All Confident
		%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>
Medical profession		50	29	21
Organized religion		41	29	27
Police (local)		40	31	28
American business		39	37	22
Public schools		37	35	27
U.S. SUPREME COURT		36	34	28
FEDERAL COURTS		29	41	28
Media		29	37	33
Federal executive branch		27	41	31
Congress		23	44	33
STATE/LOCAL COURTS		23	38	37
Organized labor		23	33	41
State executive branch		21	45	33
State legislature		21	43	33
State prison system		17	30	49

* Multiple responses.

Finding #30: Perceived Need for State/Local Court Reform:

(Tables 30.1-4) Call for court reform is widespread. Of those who feel familiar enough with courts to comment (about two-thirds of those interviewed), close to half (48%) believe there is either great or moderate need for reform. Another third (33%) claim there is at least some need.

The desire for reform is not uniform across all segments of society. It is more pronounced among those with middle income, blacks, and the college educated.^{1/} However, these are largely differences of degree, for all groups voice a clear desire for at least some reform.

The demographic factors related to court criticism should not distract attention from the two previously discussed factors which heighten court criticism, namely experience with courts and knowledge of them.

These factors are more important than demographic differences as they have important programmatic implications for court reform.

^{1/} Hispanics less often indicate a desire for court reform than whites or blacks. However, this is due to the 26% of Hispanics who are uncertain about the need for reform. If these are "partialled out," Hispanics occupy a middle position between whites and blacks.

TABLE 30.1

PERCEIVED NEED FOR STATE/

LOCAL COURT REFORM

	<u>Total</u>	<u>%</u>
<u>Among Those Familiar, Feel</u>		
<u>State/Local Courts To Be:</u>		
In great need of reform	23	48%
In moderate need of reform	25	
In some need of reform	33	
In slight need of reform	8	11%
In no need of reform	3	
Uncertain	8	

TABLE 30.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM BY EDUCATION

		Education			
		Less Than High School	High School	Some College	College or More
		%	%	%	%
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u> <u>State/Local Courts To Be:</u>					
In great need of reform		22	24	28	16
	42%			53%	53%
In moderate need of reform		20	21	25	37
In some need of reform		34	34	35	33
In slight need of reform		13	10	4	3
In no need of reform		2	2	2	4
Uncertain		9	9	6	7

TABLE 30.3

PERCEIVED NEED FOR STATE/LOCAL COURT

REFORM BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>		
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel State/Local Courts To Be:</u>			
In great need of reform	22	31	19
In moderate need of reform	26	21	20
In some need of reform	35	29	13
In slight need of reform	8	1	20
In no need of reform	2	7	2
Uncertain	7	11	26

TABLE 30.4

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM BY INCOME

		Income				
		Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
		%	%	%	%	%
	<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Among Those Familiar, Feel State/Local Courts To Be:						
In great need of reform		<div>23</div>	<div>22</div>	<div>24</div>	<div>21</div>	<div>22</div>
		45%	40%	57%	46%	45%
In moderate need of reform		<div>22</div>	<div>18</div>	<div>33</div>	<div>25</div>	<div>23</div>
In some need of reform		26	38	27	37	42
In slight need of reform		9	11	11	6	8
In no need of reform		4	-	1	4	1
Uncertain		16	11	4	7	4

Finding #31: Perceived Need for Federal Court Reform: (Tables 31.1-4) Perceived need for federal court reform is slightly lower than perceived need for state/local court reform.

The desire for federal court reform is more pronounced among the college educated and those earning less than \$7,500 a year.

TABLE 31.1

PERCEIVED NEED FOR FEDERAL
COURT REFORM

	<u>Total</u>	<u>%</u>
	<u>Total</u>	<u>100</u>
Among Those Familiar, Feel Federal Courts To Be:		
In great need of reform	17	44%
In moderate need of reform	27	
In some need of reform	32	
In slight need of reform	10	
In no need of reform	4	
Uncertain	10	

TABLE 31.2

PERCEIVED NEED FOR FEDERAL COURT REFORM BY EDUCATION

		Education						
		Less Than High School	High School	Some College	College or More			
		%	%	%	%			
<u>Total</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>			
<u>Among Those Familiar, Feel Federal Courts To Be:</u>								
In great need of reform	<div>16 19</div>	35%	<div>22 23</div>	45%	<div>18 29</div>	47%	<div>11 35</div>	46%
In moderate need of reform	33		30		35		32	
In some need of reform	12		11		9		9	
In slight need of reform	6		4		2		5	
In no need of reform								
Uncertain	14		10		7		8	

TABLE 31.3

PERCEIVED NEED FOR FEDERAL COURT REFORM BY RACE/ETHNICITY

		<u>Race/Ethnicity</u>		
		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
		%	%	%
	<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Among Those Familiar, Feel</u>				
<u>Federal Courts To Be:</u>				
In great need of reform		17	15	22
		44%	36%	42%
In moderate need of reform		27	21	20
In some need of reform		35	26	11
In slight need of reform		9	14	19
In no need of reform		4	8	5
Uncertain		8	16	23

TABLE 31.4

PERCEIVED NEED FOR FEDERAL COURT REFORM BY INCOME

	Income				
	Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Among Those Familiar, Feel Federal Courts To Be:					
In great need of reform	<div>22 27</div> 49%	<div>17 21</div> 38%	<div>22 21</div> 43%	<div>13 31</div> 44%	<div>13 29</div> 42%
In moderate need of reform	21	39	34	34	39
In some need of reform	10	9	13	7	11
In slight need of reform	4	2	4	6	3
In no need of reform					
Uncertain	16	12	6	9	5

Finding #32: Court Efficiency as a Serious Problem: (Table 32.1) When arrayed among many of the problems of the day, court efficiency emerges as a problem of intermediate seriousness.

Problems seen as more serious are: street crime, drugs, inflation, unemployment, the energy crisis, government corruption.

Less serious perceived problems are: ability of schools to provide good education, racial problems, white-collar crime, threat of war.

TABLE 32.1

PERCEIVED SERIOUSNESS OF SOCIAL PROBLEMS

<u>Problem</u>	Very Serious/ Serious Problem	Moderate Problem	Small/ No Problem	Un- certain
	%	%	%	%
	100%→			
Street crimes	88	8	3	1
Drugs	83	11	6	-
Inflation	79	16	4	1
Unemployment	67	25	7	1
Energy crisis	65	21	11	3
Corruption among government officials	61	26	12	1
<u>EFFICIENCY IN THE COURTS</u>	<u>57</u>	<u>29</u>	<u>11</u>	<u>3</u>
Pollution	57	28	14	1
Ability of schools to provide good education	55	29	16	-
Racial problems	46	33	20	1
White collar crimes	45	35	18	2
Threat of war	30	28	42	-

Note: This table is percentaged horizontally.

Finding #33: Evaluations of Particular State/Local Courts:

(Table 33.1) The general desire for reform is reflected in appraisals of particular state/local courts. The public tends to evaluate court performance as fair to good; relatively few accord them either the best or the worst ratings. However, some additional tendencies in these appraisals require comment:

...There is substantial uncertainty about the quality of state/local courts, indicating their low public visibility. At the extreme, 45 per cent do not feel familiar enough with the highest court in their state to comment on its performance.

Indeed, the levels of uncertainty are even higher than they first appear to be. The only people asked to rate each court were those who claimed at least modest familiarity with it. For example, about half (51%) indicated that they had some familiarity with the highest court in their state. Only these people were asked to evaluate it. Of these, another 45 per cent said they were unable to do so due to lack of familiarity. This nets out to only 28 per cent of the

Continued...

American people who feel informed enough to evaluate the highest court in their state.^{1/}

...By and large, individuals have similar evaluations of these courts.^{2/}

...This basic similarity of evaluations has two exceptions: there is a modest tendency to distinguish civil from criminal courts, with civil courts receiving more favorable evaluations. Also, contrast between traffic courts and juvenile courts is especially sharp: about half (49%) believe that traffic courts are excellent, very good or good; while only about one-quarter (28%) are similarly disposed to juvenile courts.

^{1/} The formula for computing those informed enough to evaluate is:

$$\begin{array}{l} \text{(\% of those asked the} \\ \text{evaluation question)} \end{array} \times \begin{array}{l} \text{(\% of those who} \\ \text{evaluated court)} \end{array} = \begin{array}{l} \text{(\% informed} \\ \text{enough to} \\ \text{evaluate)} \end{array}$$

For highest appeals court: $(.51) \times (.55) = (.28) = 28\%$.

^{2/} This conclusion is only suggested by Table 33.1. Its proof, however, is the correlations among different court ratings, which average approximately 0.7. Correlations range from -1.0 to +1.0. A correlation of 0.7 is quite strong.

TABLE 33.1

EVALUATIONS OF PARTICULAR STATE/LOCAL COURTS

	Criminal			Civil		Traffic	Highest Appeals
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil		
	%	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Among Those Familiar With Particular Court, Rate Court: <u>1/</u>							
Excellent	1	1	1	1	1	4	1
Very good	10	8	6	10	10	11	9
Good	28	29	21	31	31	34	27
Fair	23	26	26	21	25	20	14
Poor	12	13	20	6	7	11	4
Uncertain/not familiar enough	26	23	26	31	26	20	45

1/ Note qualified base of those at least slightly familiar with each court:

Major Civil	65%	Juvenile	69%
Minor Civil	70%	Traffic	77%
Major Criminal	68%	Highest Appeals	51%
Minor Criminal	70%		

B. Perceptions of Recent Changes

Finding #34: Awareness of Recent Changes in State/Local

Courts: (Tables 34.1-4) There is minimal awareness of recent changes in state/local courts.

Seventeen per cent of the public is aware of recent changes in state/local courts. Half of these feel that these changes have been beneficial; one-quarter feel they have hurt courts.

To understand the impact that actual court reform history has had on public attitudes, the study subsampled citizens from two sets of states with quite dissimilar reform histories. One set had extensive court reform, including the adoption of new constitutional reorganizations of court structure. The other set had no recent history of major structural or constitutional changes.^{1/}

Comparison of these two sets of states indicates that these reform efforts are largely invisible from public view:

...Citizens of reform states are no more aware of changes than those who live in states which have not introduced significant change.

^{1/} The particular states were designated by the National Center for State Courts.

Continued...

Moreover, among those who claim awareness of changes, there is a stronger tendency to regard them as beneficial in the non-reform states than in those with reform histories.

Finally, the specific changes of which people are aware reinforce the claim that court reform has been largely invisible. Virtually no one cites the constitutional reforms which have actually occurred. Instead, they most often mention leniency, the construction of new courts, or the abolition of capital punishment.

CONTINUED

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TABLE 34.1

AWARENESS OF CHANGES IN STATE/LOCAL COURTS OVER
LAST TEN YEARS BY STATE REFORM HISTORY

	<u>Total</u>	<u>State Reform History</u>		
		<u>States Not</u>	<u>States</u>	<u>All</u>
		<u>Instituting</u>	<u>Instituting</u>	<u>Other</u>
	<u>%</u>	<u>Changes</u>	<u>Changes</u>	<u>States</u>
		<u>%</u>	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Aware of Recent</u>				
<u>Changes in State/</u>				
<u>Local Courts</u>				
Yes	17	15	14	17
No	67	73	74	67
Uncertain	16	12	12	16

TABLE 34.2

EFFECT OF RECENT CHANGES IN
STATE/LOCAL COURTS

	<u>Total</u>	
	%	
Aware of recent changes in <u>state/local courts</u>	<u>17</u>	
	(100%)	
<u>Overall Effect of Recent Changes:</u>		
Helped courts very much	17	50%
Helped courts somewhat	33	
Neither helped nor hurt	13	
Hurt courts somewhat	13	26%
Hurt courts very much	13	
Uncertain	11	

TABLE 34.3

PERCEIVED EFFECT OF SPECIFIC CHANGES IN STATE/LOCAL
COURT SYSTEM BY STATE REFORM HISTORY

	State Reform History		
	States Not	States	All
	Instituting	Instituting	Other
	Changes	Changes	States
	%	%	%
<u>Aware of recent changes in</u> <u>state/local courts</u>	<u>15</u> (100%)	<u>14</u> (100%)	<u>17</u> (100%)
<u>Effect of Changes</u> <u>in State/Local</u> <u>Court System:</u>			
Helped courts very much	22 64%	14 52%	16 48%
Helped courts somewhat	42	38	32
Neither helped nor hurt	10	16	13
Hurt courts somewhat	10	18	13
Hurt courts very much	13	8	14
Uncertain	3	6	12

TABLE 34.4

SPECIFIC CHANGES PERCEIVED IN STATE/LOCAL COURTS BY STATE REFORM HISTORY

	<u>Total</u>	<u>State Reform History</u>		
		<u>States Not</u>	<u>States</u>	<u>All</u>
		<u>Instituting</u>	<u>Instituting</u>	<u>Other</u>
	<u>%</u>	<u>Changes</u>	<u>Changes</u>	<u>States</u>
<u>Total</u>	<u>100*</u>	<u>100</u>	<u>100</u>	<u>100</u>
Principal Specific Changes Perceived				
More lenient	11	7	16	12
More protective of criminal rights	8	3	2	9
New sentencing procedures	7	1	-	8
Added new/more courts	6	10	8	6
Capital punishment abolished	5	2	4	6
Improved/better (NFS) ^{1/}	5	2	-	6
More/new judges	5	-	2	6
Quicker/faster	3	9	-	3
Changed justice of the peace system	3	6	4	3
Changing with the times/more up to date	3	6	-	2

* Multiple responses.

^{1/} Not further specified.

Finding #35: Perceptions of Improvement/Deterioration in Particular State/Local Courts: (Tables 35.1-6) Among those commanding at least modest perceived familiarity with each court in question, there is a pronounced tendency either (a) to perceive no recent change in courts; or (b) to feel they do not know enough to comment on recent court changes.

Those who do have perceptions of recent changes display the following patterns:

...Major and minor criminal courts and juvenile courts are more often said to have deteriorated over the last ten years. People feel that criminal courts have become too lenient and permissive, fail to get enough convictions, and let criminals "get off." This theme of court failure to protect society reverberates throughout the study.

...Civil courts are more often said to have improved over the last ten years. People are rarely specific, however, about the sources of this perception of improvement.

...There is an interesting polarity in attitudes toward juvenile courts: leniency is most often cited as the reason for deterioration; social consciousness and understanding is most frequently mentioned as the reason they have improved.

TABLE 35.1

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/NO CHANGE IN STATE/LOCAL COURTS

	Those Familiar With Each Type of Court			Do Not Know Enough to Comment
	<u>Compared to 10 Years Ago:</u>			
	<u>Improved</u>	<u>Deterio- rated</u>	<u>No Change</u>	
	%	%	%	
	100%→			
<u>Civil Courts</u>				
Major	16	13	33	38
Minor	16	10	37	37
Traffic Courts	15	11	42	32
Juvenile Courts	14	24	28	34
<u>Criminal Courts</u>				
Minor	12	16	38	34
Major	10	21	33	36
Highest State Appeals Court	7	6	33	54

Note: This table is percentaged horizontally.

TABLE 35.2

PERCEIVED DETERIORATION IN CRIMINAL AND JUVENILE

COURTS BY EDUCATION

		Education			
		Less Than High School	High School	Some College	College or More
		%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Feel juvenile courts have deteriorated	24	18	26	23	28
Feel major criminal courts have deteriorated	21	17	23	24	18
Feel minor criminal courts have deteriorated	16	16	16	17	16

TABLE 35.3

PERCEIVED DETERIORATION IN CRIMINAL AND JUVENILE

COURTS BY RACE/ETHNICITY

	<u>Total</u>	<u>Race/Ethnicity</u>		
		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Feel juvenile courts have deteriorated	24	25	18	18
Feel major criminal courts have deteriorated	21	22	16	15
Feel minor criminal courts have deteriorated	16	17	12	11

TABLE 35.4

PERCEIVED DETERIORATION IN CRIMINAL AND JUVENILE COURTS BY INCOME

	<u>Total</u>	<u>Income</u>				
		<u>Under</u> <u>\$7,500</u>	<u>\$7,500-</u> <u>9,999</u>	<u>\$10,000-</u> <u>14,999</u>	<u>\$15,000-</u> <u>24,999</u>	<u>\$25,000</u> <u>and</u> <u>Over</u>
	%	%	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
Feel juvenile courts have deteriorated	24	16	22	20	29	25
Feel major criminal courts have deteriorated	21	13	15	21	27	20
Feel minor criminal courts have deteriorated	16	12	14	12	19	18

TABLE 35.5

TEN PRINCIPAL REASONS FOR BELIEVING PARTICULAR COURTS HAVE IMPROVED

	Those Perceiving Particular Court to Have Improved Over Past Ten Years				
	Criminal			Civil	
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil
	%	%	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
Better staff, personnel	6	4	6	12	11
Handles cases better now	5	13	10	12	8
More social consciousness, understanding	7	9	20	7	8
More exposure, public better educated now	11	2	2	7	6
Better, more enforceable laws now	1	4	1	5	9
More progressive, changes with times	5	4	5	5	3
Better lawyers, legal advice	2	3	-	4	2
Stricter, stiffer penalties	4	9	5	4	2
Faster, more efficient	9	8	2	4	9
Better upholds justice in decision making	5	3	2	4	3

* Multiple responses.

TABLE 35.6

TEN PRINCIPAL REASONS FOR BELIEVING PARTICULAR COURTS HAVE DETERIORATED

Those Perceiving Particular Court to Have Deteriorated Over Past Ten Years					
	Criminal			Civil	
	Major Criminal	Minor Criminal	Juvenile	Major Civil	Minor Civil
	%	%	%	%	%
Total	100*	100*	100*	100*	100*
Too crowded, too many cases to handle	9	16	10	17	28
Too slow, inefficient, takes too long	10	6	3	15	13
Too lenient, too permissive	37	37	31	14	12
Poor decisions, emotional not rational	3	3	2	12	12
Too expensive, costs too much	3	3	-	9	3
Bribery, payoffs, graft	3	2	2	8	6
Too much police power	-	-	-	6	7
Not enough convictions, criminals "get off"	19	19	21	6	5
Unfair, too many legal loopholes	4	1	7	5	5
Poor judges, need new/more judges	1	1	3	4	1

* Multiple responses.

C. Perceptions of Specific Court Problems

Finding #36: Perceived Problems Re Protection of Society:

(Tables 36.1-4) While the public by no means expects courts alone to solve the crime problem, it does clearly expect them to play a key role in the reduction of crime. Courts are currently not fulfilling this expectation for a large segment of the American public. The perceived inability of courts to reduce the crime rate is the most serious of all court problems studied.

This high level of distress is shared by rich and poor, minorities and whites, alike. While there is a tendency for concern about crime reduction to be more pronounced among those with middle income, it is more important to recognize its pervasiveness across society.

So pervasive is this attitude that there is basic consensus on it across liberal, moderate and conservative political orientations. (Liberal, moderate and conservative classifications are based on self-descriptions.)

TABLE 36.1

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS
RELATED TO PROTECTION OF SOCIETY

	<u>Total</u>
	%
<u>Serious Problem/Occurs Often</u> ^{1/}	<u>100</u>
Courts that do not help decrease the amount of crime	<u>43</u>
Courts that grant bail to those previously convicted of a serious crime	37

^{1/} The figures take on added significance when it is recognized that percentages reported above represent only the topmost point of a 9-point scale:

- 9 Serious problem that occurs often
- 8 Serious problem that occurs sometimes
- 7 Serious problem that rarely/never occurs
- 6 Moderate problem that occurs often
- 5 Moderate problem that occurs sometimes
- 4 Moderate problem that rarely/never occurs
- 3 Small or no problem that occurs often
- 2 Small or no problem that occurs sometimes
- 1 Small or no problem that rarely/never occurs

This 9-point scale was created by merging two 5-point scales. For each problem, respondents were asked to rate its seriousness (on a 5-point scale) and the frequency with which they believed it occurred (on a 5-point scale).

TABLE 36.2

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO PROTECTION OF SOCIETY BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>		
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>			
Courts that do not help decrease the amount of crime	44	39	50
Courts that grant bail to those previously convicted of a serious crime	36	42	42
Courts that are not concerned about rehabilitation	28	32	34

* Multiple responses.

TABLE 36.3

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO PROTECTION OF SOCIETY BY INCOME.

	Income				
	Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
	%	%	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>					
Courts that do not help decrease the amount of crime	34	46	43	51	40
Courts that grant bail to those previously convicted of a serious crime	33	34	39	38	33
Courts that are not concerned about rehabilitation	26	26	27	32	26

* Multiple responses.

TABLE 36.4

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO PROTECTION OF SOCIETY BY POLITICAL ORIENTATION

		Political Orientation (Self-Described)		
		<u>Liberal</u>	<u>Moderate</u>	<u>Conservative</u>
		%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>				
Courts that do not help decrease the amount of crime		48	41	44
Courts that grant bail to those previously convicted of a serious crime		37	33	41
Courts that are not concerned about rehabilitation		40	27	22

* Multiple responses.

Finding #37: Perceived Problems Re Equality/Fairness:

(Tables 37.1-3) People often feel that certain factors which should have no bearing on court processes nonetheless do have an influence. The most serious of these are:

...Court decisions that are influenced by political considerations.

...Courts that discriminate against the poor.

...Courts that discriminate against blacks.

On the positive side, relatively few believe that:

...Courts disregard defendants' rights.

...Judges are biased and unfair.

Courts are currently satisfying the public desire for equality/fairness better than the desire for protection. However, among blacks and the poor, concern about equality/fairness approximates their level of concern about protection.

TABLE 37.1

PERCEIVED SERIOUSNESS AND FREQUENCY
OF PROBLEMS RELATED TO
EQUALITY/FAIRNESS

	<u>Total</u>	<u>Total</u>
	%	
<u>Serious Problem/Occurs Often</u>		<u>100*</u>
Court decisions that are influenced by political considerations	[26]	
Courts that do not treat the poor as well as they treat the affluent	[25]	
Courts that do not treat blacks as well as they treat whites	[19]	
Courts that disregard defendant's rights	9	
* * * * *		
Judges who are biased and unfair	12	
* * * * *		
Lawyers who do not treat their poor clients as well as their affluent clients	[28]	

* Multiple responses.

TABLE 37.2

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO EQUALITY/FAIRNESS BY RACE/ETHNICITY

	<u>Race/Ethnicity</u>		
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>			
Court decisions that are influenced by political considerations	24	38	28
Courts that do not treat the poor as well as they treat the affluent	22	47	41
Courts that do not treat blacks as well as they treat whites	15	49	34
Courts that disregard defendant's rights	7	22	16
* * * * *			
Judges who are biased and unfair	10	23	24
* * * * *			
Lawyers who do not treat their poor clients as well as their affluent clients	25	45	47

* Multiple responses.

TABLE 37.3

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO EQUALITY/FAIRNESS BY INCOME

		Income				
		Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
		%	%	%	%	%
	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>						
Court decisions that are influenced by political considerations		30	29	26	18	21
Courts that do not treat the poor as well as they treat the affluent		31	28	24	17	24
Courts that do not treat blacks as well as they treat whites		25	25	17	14	16
Courts that disregard defendant's rights		13	9	7	8	4
* * * * *						
Judges who are biased and unfair		14	14	11	8	11
* * * * *						
Lawyers who do not treat their poor clients as well as their affluent clients		31	34	28	23	25

* Multiple responses.

Finding #38: Perceived Problems Re Quality Performance:

(Tables 38.1-3) There are four indications of public concern about the quality of court performance: perceived delay in court proceedings, the high costs incurred by taking a case to court, and criticisms of lawyers and judges.

...Delay About one-third (36%) of the American public believes excessive time elapses from the time a person is arrested to the date of trial.

...Costs Then, too, 39 per cent believe that court expense represents a major, recurring problem.

...Lawyers The paramount criticism of lawyers is their cost. Forty-four per cent believe they are too expensive. Secondary criticisms focus on the quality of their relationship with clients. Twenty-three per cent feel that lawyers are more interested in themselves than their clients; 17 per cent believe that lawyers often fail to keep their clients informed about the progress of their cases.

...Judges The principal source of public concern about judges is that there simply are not enough of them. Thirty-nine per cent see this as a major problem. Of

Continued...

secondary (and much lower) concern to the public is the conduct and demeanor of judges--their diligence, sensitivity to the problems of those whose cases they deliberate, fairness, objectivity, and literal interpretation of law. A minor problem in the public's estimation is qualifications of judges.

Indeed, judges generally command basic respect and confidence, though this esteem is somewhat guarded.

TABLE 38.1

PERCEIVED SERIOUSNESS AND FREQUENCY
OF PROBLEMS RELATED TO
QUALITY PERFORMANCE

	<u>Total</u>	<u>%</u>
<u>Serious Problem/Occurs Often</u>	<u>Total</u>	<u>100*</u>
Courts too expensive for the people who must use them		39
Courts in which more than six months pass from arrest to trial		36
* * * * *		
Not enough judges to handle the work		32
Judges who do not put in a full day's work		19
Judges who show little interest in people's problems		15
Judges who insist on following the letter of the law		11
Judges who have inadequate training/ education		7
* * * * *		
Lawyers who are too expensive		44
Lawyers who are more interested in themselves than in their clients		23
Lawyers who do not inform their clients of the progress of their cases		17

* Multiple responses.

TABLE 38.2

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO QUALITY PERFORMANCE BY RACE/ETHNICITY

	<u>Total</u>	<u>Race/Ethnicity</u>		
		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
		%	%	%
<u>Serious Problem/Occurs Often</u>		<u>100*</u>	<u>100*</u>	<u>100*</u>
Courts in which more than six months pass from arrest to trial		36	39	40
Courts too expensive for the people who must use them		37	51	44
* * * * *				
Not enough judges to handle the work		32	35	38
Judges who do not put in a full day's work		18	21	24
Judges who show little interest in people's problems		14	23	18
Judges who insist on following the letter of the law		11	16	7
Judges who have inadequate training/ education		7	9	13
* * * * *				
Lawyers who are too expensive		42	53	57
Lawyers who are more interested in themselves than in their clients		20	41	40
Lawyers who do not inform their clients of the progress of their cases		15	31	34

* Multiple responses.

TABLE 38.3

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO QUALITY PERFORMANCE BY INCOME

		Income				
		Under \$7,500	\$7,500- 9,999	\$10,000- 14,999	\$15,000- 24,999	\$25,000 and Over
		%	%	%	%	%
		<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>	<u>Total</u>					
Courts in which more than six months pass from arrest to trial		30	39	33	39	39
Courts too expensive for the people who must use them		41	36	36	38	38
* * * * *						
Not enough judges to handle the work		24	28	28	39	40
Judges who do not put in a full day's work		16	22	21	19	17
Judges who show little interest in people's problems		17	18	14	13	10
Judges who insist on following the letter of the law		12	14	10	10	9
Judges who have inadequate training/ education		6	8	7	7	9
* * * * *						
Lawyers who are too expensive		44	49	48	42	39
Lawyers who are more interested in themselves than in their clients		28	21	23	19	18
Lawyers who do not inform their clients of the progress of their cases		18	19	16	18	19

* Multiple responses.

Finding #39: The Three Core Expectations (Protection, Equality, Performance) and Knowledge/Experience With Courts: (Tables 39.1-6) The tendency for the knowledgeable public to hold less favorable general evaluations of courts also translates into greater disappointment of the three core expectations. However, there are some departures from this generalization. Among the most knowledgeable:

...Concern about protection is generally higher.

...Concern about equality/fairness is sometimes higher, sometimes lower, than it is for those less knowledgeable. There is more concern among the knowledgeable about discrimination based on wealth. However, they also express less concern about protection of rights and the fairness of judges.

...Concern about performance is also alternately higher and lower than it is for the less knowledgeable. The two most vexing performance problems are delay and inadequate number of judges. Importantly, their evaluations of judges' attributes are fairly in line with those who have less knowledge.

Similar patterns appear when those with experience are compared with those with no court experience.

TABLE 39.1

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO PROTECTION OF SOCIETY BY KNOWLEDGE OF COURTS

		<u>Actual Knowledge of Courts</u>		
		<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
		%	%	%
<u>Serious Problem/Occurs Often</u>	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
Courts that do not help to decrease the amount of crime		51	45	32
Courts that grant bail to those previously convicted of a serious crime		37	38	33
Courts that are not concerned about rehabilitation		32	28	26

* Multiple responses.

TABLE 39.2

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO EQUALITY/FAIRNESS BY KNOWLEDGE OF COURTS

		<u>Actual Knowledge of Courts</u>		
		<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
		%	%	%
<u>Serious Problem/Occurs Often</u>	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
Court decisions that are influenced by political considerations		26	24	27
Courts that do not treat the poor as well as they treat the affluent		29	24	24
Courts that do not treat blacks as well as they treat whites		21	16	23
Courts that disregard defendant's rights		4	9	13
* * * * *				
Judges who are biased and unfair		10	11	14
* * * * *				
Lawyers who do not treat their poor clients as well as their affluent clients		29	28	26

* Multiple responses.

TABLE 39.3

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED
TO QUALITY PERFORMANCE BY KNOWLEDGE OF COURTS

		<u>Actual Knowledge of Courts</u>		
		<u>Extensive</u>	<u>Average</u>	<u>Limited</u>
		%	%	%
<u>Serious Problem/Occurs Often</u>	<u>Total</u>	<u>100*</u>	<u>100*</u>	<u>100*</u>
Courts in which more than six months pass from arrest to trial		43	38	26
Courts too expensive for the people who must use them		42	39	35
* * * * *				
Not enough judges to handle the work		42	32	23
Judges who do not put in a full day's work		19	21	15
Judges who show little interest in people's problems		14	15	15
Judges who insist on following the letter of the law		10	11	12
Judges who have inadequate training/ education		7	8	7
* * * * *				
Lawyers who are too expensive		45	47	39
Lawyers who are more interested in themselves than in their clients		23	23	23
Lawyers who do not inform their clients of the progress of their cases		18	17	17

* Multiple responses.

TABLE 39.4

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED TO
PROTECTION OF SOCIETY BY STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court <u>Experience</u>	No State/ Local Court <u>Experience</u>
	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>		
Courts that do not help to decrease the amount of crime	50	38
Courts that grant bail to those previously convicted of a serious crime	44	31
Courts that are not concerned about rehabilitation	33	25

* Multiple responses.

TABLE 39.5

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED TO
EQUALITY/FAIRNESS BY STATE/LOCAL COURT EXPERIENCE

	<u>Any State/ Local Court Experience</u>	<u>No State/ Local Court Experience</u>
	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>		
Court decisions that are influenced by political considerations	28	24
Courts that do not treat the poor as well as they treat the affluent	28	23
Courts that do not treat blacks as well as they treat whites	18	19
Courts that disregard defendant's rights	9	9
* * * * *		
Judges who are biased and unfair	12	11
* * * * *		
Lawyers who do not treat their poor clients as well as their affluent clients	31	25

* Multiple responses.

TABLE 39.6

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS RELATED TO
QUALITY PERFORMANCE BY STATE/LOCAL COURT EXPERIENCE

	Any State/ Local Court Experience	No State/ Local Court Experience
	%	%
<u>Total</u>	<u>100*</u>	<u>100*</u>
<u>Serious Problem/Occurs Often</u>		
Courts in which more than six months pass from arrest to trial	43	31
Courts too expensive for the people who must use them	43	36
* * * * *		
Not enough judges to handle the work	38	28
Judges who do not put in a full day's work	22	17
Judges who show little interest in people's problems	19	11
Judges who insist on following the letter of the law	13	10
Judges who have inadequate training/ education	7	7
* * * * *		
Lawyers who are too expensive	49	40
Lawyers who are more interested in themselves than in their clients	28	20
Lawyers who do not inform their clients of the progress of their cases	21	14

* Multiple responses.

D. Attitudes Toward Sentencing

Finding #40: General Attitudes Toward Discretionary Power:

(Tables 40.1-3) Despite a strong and pervasive desire for courts to protect society, the public does not generally believe this goal is served by requiring judges to give the same sentence for the same crime, without regard to the circumstances of the case:

...Only 11 per cent support strict determinate sentences;
54 per cent favor limited judicial discretion and another 28 per cent endorse very broad discretion.

However, there is also some confusion about sentencing. When the same issue is touched on in a different way--in terms of desire to legislate fixed sentences for certain crimes--responses distribute differently. Forty-four per cent favor such a measure, while 34 per cent either oppose it or support it only slightly. Moreover, large numbers of people hold apparently contradictory attitudes, with 38 per cent of those who wish judges to exercise broad discretion also supporting fixed sentences.

These apparent anomalies suggest that public attitudes toward sentencing are quite complex; that they stand at the intersection of several values and perceptions, not simply a desire to protect society.

TABLE 40.1

ATTITUDES TOWARD SENTENCING POWER OF JUDGES

		<u>Total</u>
		%
<u>Judges Should:</u>	<u>Total</u>	<u>100</u>
Have limited power depending on circumstances of case		54
Have a great deal of power depending on circumstances of case		28
Be required to give the same sentence regardless of the circumstances of case		11
Uncertain/no answer		7

TABLE 40.2

SUPPORT FOR LEGISLATORS

SETTING EXACT SENTENCES

FOR PARTICULAR CRIMES

	<u>Total</u>	
	%	
	<u>Total</u>	<u>100</u>
Support strongly	27	44%
Support moderately	17	
Support somewhat	19	
Slight support	17	34%
No support	17	
Uncertain/no answer	3	

TABLE 40.3

SUPPORT FOR LEGISLATORS SETTING EXACT SENTENCES FOR
PARTICULAR CRIMES BY ATTITUDES TOWARD
SENTENCING POWER OF JUDGES

	<u>Judges Should Have:</u>		
	<u>A Great</u> <u>Deal of</u> <u>Power</u>	<u>Limited</u> <u>Power</u>	<u>No</u> <u>Power</u>
	<u>%</u>	<u>%</u>	<u>%</u>
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Support for Legislators</u> <u>Setting Exact Sentences</u>			
Strong/moderate	38	42	66
Some	21	20	13
Slight/none	40	36	15
Uncertain	1	2	6

Finding #41: Attitudes Toward Sentencing in Particular

Circumstances: (Tables 41.1-2) The expectations of protection of society and equality/fairness are manifested in public prescriptions of what should influence a sentence:

...Circumstances which suggest that the offender poses a threat to society's safety prompt a desire for tougher sentences.

...Ascriptive traits of the offender (e.g., race and income) should, the public insists, have no bearing on a sentence.

Consistent with these tendencies, the public expresses equivocal norms when the circumstances of a case are not clearly related to either protection or equality. For example:

...In juvenile cases, 50 per cent believe the age of the offender should not influence a sentence, while 40 per cent believe it should result in a lighter sentence.

...Forty-seven per cent believe that an unplanned crime should be treated no differently than others, but 33 per cent think it should result in a lighter sentence.

Continued...

...Similarly, 56 per cent believe that offenders in victimless crimes should not be sentenced differently than others, but 33 per cent believe that sentences for these offenders should be lighter.

Comparison of what the public expects with what they believe actually occurs, indicates that expectations about equality/fairness more often go unfulfilled than expectations about protection.

A subtlety exists in these comparisons: public concern about sentencing does not stem from a feeling that judges are lenient when the convicted offender represents a threat to society. Quite the contrary. There is a widespread perception that sentences are indeed harsher if the offender has been previously convicted of the same crime, or has a previous record, or if the crime was violent. However, despite the high level of perceived toughness, sentences are viewed as not quite tough enough.

Section IV

Looking Toward the Future: Public
Attitudes Toward Court Reform

TABLE 41.1

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

	Should Make Sentence Tougher	Should Have No Effect on Sentence	Should Make Sentence Lighter	Un- certain
	%	%	%	%
100%→				
Convicted has been previously convicted of same crime	88	9	2	1
Crime was extremely violent	87	11	1	1
Convicted has previous record	81	17	1	1
Crime was not "planned"	18	47	33	2
Convicted is well-to-do	11	83	5	1
Convicted is a member of a minority group	8	87	5	1
Convicted is a minor	8	50	40	2
Crime is victimless	7	56	33	4
Convicted is poor	5	86	8	1

Note: This table is percentaged horizontally.

TABLE 41.2

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un- certain
	%	%	%	%
100%→				
Crime was extremely violent	78	14	3	5
Convicted has been previously convicted of same crime	74	19	2	5
Convicted has previous record	72	21	2	5
Convicted is a member of a minority group	32	46	17	5
Convicted is poor	30	50	14	6
Crime was not "planned"	17	34	42	7
Convicted is well-to-do	12	30	53	5
Convicted is a minor	8	28	59	5
Crime is victimless	7	44	41	8

Note: This table is percentaged horizontally.

Finding #42: Support for Spending Tax Dollars: (Table 42.1)

There is widespread advocacy for various improvements and changes in the administration of justice:

...The most important feature of the finding is that it indicates levels of support for spending tax dollars--not abstract commitment to changes.

...Court-related changes generally summon broader support than police or prison-related changes.

...Finally, there is noteworthy contrast between the pervasive desire to spend money on quality judges and the feeling that most judges are already well qualified. This anomaly suggests the high level of public expectations for judges--the perception that the quality of courts hinges, in large measure, on the quality of judges.

TABLE 42.1

SUPPORT FOR EXPENDING TAX DOLLARS

	<u>Total</u>
	%
<u>Extremely/Very Helpful to:</u>	<u>Total</u> <u>100*</u>
Attempt to get best possible people to serve as judges	74
Make good lawyers available to anyone who needs them	71
Learn more about how to prevent convicted criminals from committing crimes in the future	68
Develop ways to settle minor disputes without going through formal court proceedings	66
Make certain that courts have adequate facilities for those who must use them	64
Try to make courts handle their cases faster	62
Improve police training programs	60
Increase the number of programs to rehabilitate convicted offenders	55
Learn more about the causes/prevention of serious crime	54
Increase the number of police	50
Build better prison facilities	50
Increase number of judges who sit on federal courts	35
Build more prison facilities	32

* Multiple responses.

Finding #43: Support for Suggestions to Change Court System:

(Table 43.1) Public commitment to court improvement is again voiced by the support given to particular proposed changes. Responsiveness and quality judges emerge as keynotes, reflected in the four changes which win widest support:

...Establish a "hot line" for helping citizens with legal questions.

...Establish a committee to review the performance of judges.

...Establish alternatives for resolving disputes using informal panels of local citizens.

...Seek alternatives to handling divorce cases in court--e.g., "no-fault" divorce.

TABLE 43.1

SUPPORT FOR SUGGESTIONS TO CHANGE COURT SYSTEM

	<u>Total</u>
	%
<u>Would Strongly/Moderately Support</u>	<u>Total</u> <u>100*</u>
Establish a "hot line" for helping citizens with legal questions	80
Establish a committee to review the performance of judges in order to recommend discipline or removal of judges who do not do their jobs well	76
Establish alternatives for resolving neighborhood disputes, petty larceny, etc., using informal procedures and panels of local citizens	63
Establish a committee to screen potential judicial candidates and provide nominations for judges	61
Seek alternatives to handling divorce cases in court--e.g., "no-fault" divorce, etc.	58
Have courts in operation at night and on weekends in addition to their normal weekday hours	51
Legislatures should set exact sentences for particular crimes	44
Encourage police to issue citations--like traffic tickets where you pay a fine--for minor offenses (misdemeanors)	38
Establish "legal insurance," similar to automobile or health insurance, to help pay court/legal expenses	33

* Multiple responses.

Finding #44: Support for Developing Alternative Means of Dispute Resolution: (Tables 44.1-2) There are several points, previously reported, at which the public conveys strong interest in alternative means of dispute resolution. For example:

...Sixty-six per cent believe it would be very helpful/helpful to spend tax dollars to develop ways to settle minor disputes without going through formal court proceedings.

...Sixty-three per cent of the public favor establishment of neighborhood justice centers using informal procedures and panels of local citizens.

...Fifty-eight per cent favor an extracourt mechanism for handling divorce cases.

In addition, there is substantial support for particular alternatives as ways of dealing with particular cases. One of these cases tested was civil, involving personal injury in a fall; the other criminal, involving a boy and a stolen watch. Respondents were given five possible ways to settle the matter, including formal court proceedings. The alternatives to court were:

...Neighborhood justice center with appeal to courts if necessary.

Continued...

...Neighborhood justice center with no appeal.

...Three-person lawyer panel with appeal if necessary.

...Single lawyer arbitration with appeal if necessary.

There is wide-scale interest in using these alternatives--particularly if appeal is available. To test the viability of these alternatives still further, circumstances of each case were altered to make the case more serious. For the civil case, medical expenses were increased from \$500 to \$25,000. For the criminal case, respondents were told that the boy who stole the watch is probably a repeat offender.

The figures indicate that:

...As the seriousness of a case increases, people are less likely to prefer an alternative to court.

...For those who still prefer alternative means of resolving the dispute, availability of appeal becomes more important as the case becomes more serious.

TABLE 44.1

PREFERENCE FOR COURT AND ALTERNATIVE MEANS OF
RESOLUTION FOR CIVIL AND CRIMINAL CASES

		Civil Case ^{1/}	Criminal Case ^{2/}
		%	%
	<u>Total</u>	<u>100</u>	<u>100</u>
<u>Choice of Suggested Alternatives</u>			
Formal trial in court		<u>31</u>	17
Neighborhood Justice Center (appeal)		23	<u>49</u>
Neighborhood Justice Center (<u>no</u> appeal)		-	22
Three-person lawyer panel (appeal)		18	-
Single lawyer arbitration (appeal)		16	-
None and uncertain		12	12

1/ Civil Case: 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 refuses to talk to you about your damages.

2/ Criminal Case: Your house has been broken into and your watch, worth \$50, has been taken. You find out that your neighbor's 19 year old son is at fault.

TABLE 44.2

PREFERENCE FOR COURT AND ALTERNATIVE MEANS OF RESOLUTIONWHEN CIRCUMSTANCES OF CASE ALTERED

	<u>Civil Case</u>		<u>Criminal Case</u>	
	<u>Cost</u>		<u>First</u>	<u>Repeat</u>
	<u>Is</u>	<u>Cost Is</u>	<u>Offense</u>	<u>Offense</u>
	<u>\$500</u>	<u>\$25,000</u>		
	%	%	%	%
<u>Total</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Choice of Suggested Alternatives</u>				
Formal trial in court	31	60	17	48
Neighborhood Justice Center (appeal)	23	12	49	30
Neighborhood Justice Center (<u>no</u> appeal)	-	-	22	10
Three-person lawyer panel (appeal)	18	9	-	-
Single lawyer arbitration (appeal)	16	10	-	-
None and uncertain	12	9	12	12

DESCRIPTIONS OF ALTERNATIVES

- Civil Case -

Formal Court Procedures

...The problem is handled in a court:

- Using trial by a judge.
- And (sometimes) a jury.
- Following formal court procedures.

...You may hire a lawyer to represent you but you must pay for him/her yourself.

...This process generally takes longer than other processes.

Neighborhood Justice Center (Appeal)

...The problem is handled without a trial:

- In an office located in your neighborhood.
- Staffed by people who live in your neighborhood who:
 - . May or may not be lawyers
 - . Are not judges
 - . Are specially trained to help solve legal problems.

...The goal is to try to work out an agreement acceptable to both parties.

...The Center can order offenders to pay for what they took and/or to perform community service tasks, but cannot send anyone to jail.

...Either party may take the matter to court if he/she does not agree with the decision made.

Three-Person Lawyer Panel (Appeal)

...The problem is handled without a trial:

- By a panel of three people--not a jury.
- Who are lawyers--not judges.
- Who hear the facts from all sides.
- And follows informal court procedures--not formal ones.

...Lawyers are not permitted to represent either party.

...Either party may take the matter to court if he/she does not agree with the decision made.

Single Lawyer Arbitration (Appeal)

...The problem is handled in a court:

- By a single person.
- Who is a lawyer--not necessarily a judge.
- Who hears the facts from all sides.
- And follows informal court procedures--not formal ones.

...Lawyers are not permitted to represent either party.

...Either party may appeal the decision if he/she does not agree with it.

DESCRIPTION OF ALTERNATIVES

- Criminal Case -

Formal Court Procedures

...The problem is handled in a court:

- Using trial by a judge.
- And (sometimes) a jury.
- Following formal court procedures.

...The defendant may appeal to a higher court if he/she is convicted.

Neighborhood Justice Center (Appeal)

...The problem is handled without a trial:

- In an office located in your neighborhood.
- Staffed by people who live in your neighborhood who:
 - . May or may not be lawyers
 - . Are not judges
 - . Are specially trained to help solve legal problems.

...The goal is to try to work out an agreement acceptable to both parties.

...The Center can order offenders to pay for what they took and/or to perform community service tasks, but cannot send anyone to jail.

...Either party may take the matter to court if he/she does not agree with the decision made.

Neighborhood Justice Center (No Appeal)

...The problem is handled without a trial:

- In an office located in your neighborhood.
- Staffed by people who live in your neighborhood who:
 - . May or may not be lawyers
 - . Are not judges
 - . Are specially trained to help solve legal problems.

...The goal is to try to work out an agreement acceptable to both parties.

...The Center can order offenders to pay for what they took and/or perform community service tasks, but cannot send anyone to jail.

...The decision is final (may not be appealed to a court).

Yankelovich, Skelly and White, Inc.
575 Madison Avenue
New York, New York 10022

Study #3789
October, 1977
OMB # 43-S-77-009
Expires 3/31/78

COURTS/JUSTICE STUDY
(General Public)

1-
2-
3-
4-

CLASSIFICATION DATA (fill in both this page and next page at end of interview)

Name: _____ CF#

5-	6-	7-	8-	9-	10-	11-	12-	13-	14-	15-	16-	17-
----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----

Address: _____ Telephone #: _____
City: _____ State: _____ Zip Code: _____
Interviewer's Name: _____ Date: _____
Interview Started: _____ Interview Completed: _____

INTRODUCTION:

We are conducting a national study about the public's opinion of such things as education, crime, the court system, etc. The federal government, through a number of special agencies, is sponsoring this study. At the end of the interview, we will be happy to tell you which specific agencies are sponsoring this study, if you wish to know. Your responses to these questions are very important to us, as will be the responses of some 2,000 other people who will be interviewed in the next couple of weeks. All your comments will be kept in strictest confidence -- nothing you say will be given to the federal government which could be personally identified with you in any way. Also, your interview will be destroyed after your comments are transferred to computer cards.

a. Age:

18-20 years.....18-1
21-24 years.....-2
25-29 years.....-3
30-34 years.....-4
35-39 years.....-5
40-44 years.....-6
45-49 years.....-7
50-54 years.....-8
55-59 years.....-9
60-64 years.....-0
65 years and over.....-x

b. Education:

Grade school or less.....19-1
Some high school.....-2
Graduated high school.....-3
Some college.....-4
Graduated college.....-5
Some postgraduate college....-6

c. Have you had any legal education or course in law?

(ASK Q.d) Yes.....20-1
(SKIP TO Q.e) No.....-2

d. Legal Education/Law Courses:

Graduated law school.....21-1
Attended law school.....-2
Paralegal studies.....-3
Other (SPECIFY): _____-4

e. Marital Status:

Single (never married).....22-1
Married.....-2
Widowed.....-3
Divorced, separated.....-4

f. Size of Household:

ENTER #

Children under 11.....23-
Children 11-17.....24-
Adults 18-64.....25-
Adults 65 or over.....26-
Total Number in Household.27-

g. Tenure:

(SKIP TO Q.i) Own home.....28-1
Own apartment.....-2
(ASK Q.h) Rent home.....-3
Rent apartment...-4

h. Do you own any type of land or dwelling?

Yes.....29-1
No.....-2

i. Do you now or have you ever owned a business?

(ASK Q.j) Now own.....30-1
Ever owned (now don't own).....-2
(SKIP TO Q.k) Never owned.....-3

j. What kind of business?

31-
32-

k. For how many years have you lived in this state?

33-
ENTER # OF YEARS: 34-
Less than one year....-x

Classification Data (Continued)

1. Occupational Status: (IF RESPONDENT IS NOT HOUSEHOLD HEAD, THEN ALSO OBTAIN OCCUPATIONAL STATUS OF HOUSEHOLD HEAD)

	Respon- dent	Head of House- hold
Work full time.....	35-1	36-1
Work part time.....	-2	-2
Retired.....	-3	-3
Unemployed.....	-4	-4
Student.....	-5	-5
Housewife.....	-6	-6

m. Occupation of Respondent:

37-

n. IF NOT HEAD OF HOUSEHOLD: Occupation of Head of Household:

38-

o. Total Family Income: (CARD NN)

A. Under \$5,000.....	39-1
B. \$5,000-\$7,499.....	-2
C. \$7,500-\$9,999.....	-3
D. \$10,000-\$14,999.....	-4
E. \$15,000-\$19,999.....	-5
F. \$20,000-\$24,999.....	-6
G. \$25,000-\$34,999.....	-7
H. \$35,000 and over.....	-8

p. From what country or part of the world did your ancestors come?

40-
41-
42-

(IF MORE THAN ONE COUNTRY MENTIONED IN p.)
Which of these countries do you feel closest to?

43-
44-
45-

q. Generally speaking, do you consider yourself: (READ LIST)

(ASK Q.r) A conservative.....46-1
A liberal..... -2
(SKIP TO Q.s)-A moderate..... -3

r. (IF CONSERVATIVE OR LIBERAL IN q) Do you consider yourself very (conservative) (liberal) or somewhat (conservative) (liberal)?

Very conservative.....	47-1
Somewhat conservative.....	-2
Very liberal.....	-3
Somewhat liberal.....	-4

s. (SHOW CARD OO) Please pick one answer from the box that describes how true each statement on the card is for you.

ENTER
RATING

Statement A.....	48-
Statement B.....	49-
Statement C.....	50-
Statement D.....	51-
Statement E.....	52-
Statement F.....	53-

t. How would you describe your general political attitude -- would you say you are: (READ LIST)

An activist.....	54-1
An interested citizen.	-2
Or are you basically nonpolitical.....	-3

u. BY OBSERVATION: Race:

White.....	55-1
Black.....	-2
Other.....	-3

v. BY OBSERVATION: Sex:

Female.....	56-1
Male.....	-2

57-62 = 8

SECTION I - PERSPECTIVE ON COURT SYSTEM

1. (HAND CARD A) Here is a list of social problems that people are talking about today. Using the scale at the bottom of this card, please tell me how serious you think each of these problems is to American society today.

ENTER
SCALE
RATING

- a. Street crimes (e.g., burglary, violent crimes)...63-_____
- b. Ability of our schools to provide a good education for everyone.....64-_____
- c. Efficiency in the courts.....65-_____
- d. Drugs.....66-_____
- e. Racial problems.....67-_____
- f. Corruption among government officials.....68-_____
- g. Energy crisis.....69-_____
- h. Pollution.....70-_____
- i. Inflation.....71-_____
- j. Unemployment.....72-_____
- k. White collar crime (e.g., fraud, embezzlement)...73-_____
- l. Threat of war.....74-_____

80-1

2. (HAND CARD B) Now I'd like to talk to you about your confidence in different institutions in American society. Here is a list of American institutions. As far as the people running these institutions are concerned, how confident do you feel about each institution? Just read me the letter of the institution and your rating from the scale.

CARD 2

ENTER
SCALE
RATING

- a. The public schools..... 5-_____
- b. Organized religion..... 6-_____
- c. Executive branch of Federal government -- Office of the President; Departments of Commerce, Defense, etc..... 7-_____
- d. Executive branches of state/local government -- Offices of governors, mayors, etc..... 8-_____
- e. Congress (Federal)..... 9-_____
- f. State legislatures.....10-_____
- g. U.S. Supreme Court.....11-_____
- h. Federal courts (other than U.S. Supreme Court)...12-_____
- i. State and local courts.....13-_____
- j. This state's prison system.....14-_____
- k. The local police.....15-_____
- l. The media.....16-_____
- m. Medical profession.....17-_____
- n. American business.....18-_____
- o. Organized labor.....19-_____

20-22 = B

SECTION II - REACTIONS TO SPECIFIC SITUATIONS

I'd like to get more specific and ask you about how you would react to particular situations that might arise.

INTERVIEWER: ROTATE ORDER
IN WHICH Q.'s 3 AND 4 ARE ASKED
IF ASK Q.4 FIRST, BE SURE TO GO
BACK AND ASK Q.3

3. I'd like you to imagine that this situation has actually happened to you. (HAND CARD C AND READ SITUATION ALOUD WHILE RESPONDENT READS IT TO HIMSELF/HERSELF)

Your house has been broken into and your watch, worth \$50.00, has been taken. You find out that your neighbor's 19 year old son is at fault.

- a. What, if anything, would you do if this happened to you?

23-

24-

25-

26-

- b. Why do you think you would do that?

27-

28-

29-

30-

IF WOULD "TAKE PROBLEM TO COURT" IN Q.3a SKIP TO Q.4

IF WOULD DO NOTHING, IN Q.3a SKIP
TO Q.3e

ANY OTHER RESPONSE, IN Q.3a
ASK Q.3c

- c. After doing this, suppose this problem was still not settled to your satisfaction. What else, if anything, would you do?

31-

32-

33-

34-

3d. (IF "TAKE PROBLEM TO COURT" MENTIONED IN Q.3c) Why do you think you would do that?

35-

36-

37-

38-

e. (IF "TAKE PROBLEM TO COURT" NOT MENTIONED IN Q.3c) Do you think that this type of problem is the kind that might best be handled (READ OFF):

(ASK Q.3f) In a court, or.....39-1
(SKIP TO Q.3g) $\left\{ \begin{array}{l} \text{Outside the courts..... -2} \\ \text{Uncertain (DO NOT READ)..... -3} \end{array} \right.$

f. Why do you think that this situation can best be handled in court?

40-

41-

42-

43-

NOW SKIP TO Q.4

g. Why wouldn't you want to take this problem to court?

44-

45-

46-

47-

4. I'd like you to imagine that this situation actually happened to you. (HAND CARD D AND READ SITUATION ALOUD WHILE RESPONDENT READS IT TO HIMSELF/HERSELF)

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 refuses to talk to you about your damages.

4a. What, if anything, would you do if this happened to you?

48-
49-
50-
51-

b. Why do you think you would do that?

52-
53-
54-
55-

IF WOULD "TAKE PROBLEM TO COURT" IN Q.4a SKIP TO Q.5 -
IF Q.3 WAS ASKED FIRST

IF WOULD DO NOTHING IN Q.4a, SKIP
TO Q.4e

ANY OTHER RESPONSE IN Q.4a,
ASK Q.4c

c. After doing this, suppose you still get no satisfactory response from the owner of the business property. What, if anything, would you do?

56-
57-
58-
59-

d. (IF "TAKE PROBELM TO COURT" MENTIONED IN Q.4c) Why do you think you would do that?

60-
61-
62-
63-

- 4e. (IF "TAKE PROBLEM TO COURT" NOT MENTIONED IN Q.4a OR 4c) Do you think that this type of problem is the kind that might best be handled (READ OFF):

(ASK Q.4f) In a court, or.....64-1
(SKIP TO Q.4g) Outside the courts..... -2
Uncertain (DO NOT READ) -3

- f. Why do you think that this situation can best be handled in court?

65-
66-
67-
68-

NOW SKIP TO Q.5 IF Q.3 WAS ASKED FIRST

- g. Why wouldn't you want to take this problem to court?

69-
70-
71-
72-

INTERVIEWER: IF YOU ASKED Q.4 BEFORE
Q.3, BE SURE TO GO BACK TO Q.3 AT THIS
POINT IN THE INTERVIEW

5. (HAND CARD C AGAIN) Let's talk about this situation again for a few minutes. Here are three different ways you could handle this problem. (HAND CARDS E, F, AND G TO RESPONDENT, ONE AT A TIME. ALLOW AMPLE TIME FOR RESPONDENT TO READ EACH CARD. ROTATE ORDER OF PRESENTING CARDS)

- a. If you had to make a choice, which one way, if any, do you think you would select to handle this particular problem? Just read me the letter of the card.

Card E.....73-1
Card F..... -2
Card G..... -3
None of these..... -4
Uncertain..... -5

- b. Why do you say that? (PROBE IF SELECTED CARD E, F, OR G: what particular things do you like about this choice?)

74-
75-
76-
77-

80-2

LEAVE CARDS C, E, F AND G IN FRONT OF RESPONDENT

6. Now let's suppose that everything about this situation remains the same but you believe that the 19 year old child is responsible for a number of other burglaries in your neighborhood.

a. If you had to make a choice from the three possibilities described on cards E, F, and G, which one way, if any, do you think you would select to handle this particular problem? Just read me the letter of the card.

Card E..... 5-1
Card F..... -2
Card G..... -3
None of these..... -4
Uncertain..... -5

b. Why do you say that? (PROBE IF SELECTED CARD E, F, OR G: what particular things do you like about this choice?)

6-
7-
8-
9-

TAKE BACK ALL CARDS

7. (HAND CARD D AGAIN) Let's talk about this situation again for a few minutes.

a. (HAND CARDS H, I, J AND K) If you had to make a choice from the four possibilities described on these cards, which one way, if any, do you think you would select to handle this particular problem? Just read me the letter of the card.

Card H.....10-1
Card I..... -2
Card J..... -3
Card K..... -4
None of these..... -5
Uncertain..... -6

b. Why do you say that? (PROBE IF SELECTED CARD H, I, J OR K: what particular things do you like about this choice?)

11-
12-
13-
14-

LEAVE CARDS D, H, I, J AND K IN FRONT OF RESPONDENT

8. Now let's suppose that all details in this situation remained exactly the same except that your medical expenses are now over \$25,000.

a. If you had to make a choice from the four possibilities described on these cards, which one way, if any, do you think you would select to handle this particular problem? Just read me the letter of the card.

Card H.....15-1
Card I..... -2
Card J..... -3
Card K..... -4
None of these..... -5
Uncertain..... -6

b. Why do you say that? (PROBE IF SELECTED CARD H, I, J OR K: what particular things do you like about this choice?)

16-
17-
18-
19-

9a. Has there ever been an instance when you considered taking a case to court, but then decided not to?

(ASK Q.9b) Yes.....20-1
(SKIP TO Q.10) No..... -2

b. What type of case(s)? Describe the circumstances. (RECORD IN "TYPE OF CASE" COLUMN BELOW)

c. (FOR EACH CASE) (HAND CARD L) Why did you decide not to take this case to court? (RECORD #'s OF APPROPRIATE ANSWERS OR WRITE IN OTHERS IN "REASONS" COLUMN BELOW)

Q.9b TYPE OF CASE (RECORD VERBATIM)	Q.9c REASONS (ENTER #'s FROM CARD OR WRITE IN OTHERS)
21- 22- 23-	30- 31-
24- 25- 26-	32- 33-
27- 28- 29-	34- 35-

SECTION III - EVALUATION OF COURTS

Let's continue talking about courts for a while.

10. (HAND CARD M) Using the scale and definitions that appear on this card, please tell me how familiar you are with: (READ OFF)

ENTER
RATING

- a. State courts.....36-
b. Local courts.....37-
c. Federal courts.....38-

IF RATED ALL 3 COURTS "1 -- NO FAMILIARITY AT ALL", SKIP TO Q.13

- 11a. Do you see any differences -- of any kind -- between state courts and Federal courts?

Yes.....39-1
No..... -2
Uncertain..... -3
(SKIP TO Q.11c)

- b. What differences? Please be as specific as you can.

40-
41-
42-
43-

- c. (HAND CARD N) Here is a list of characteristics which describe courts. For each characteristic, please tell me if you think they accurately describe 1) state courts only 2) Federal courts only, 3) both state and Federal courts, or 4) neither state nor Federal courts.

ENTER
NUMBER

- a. Courts that have judges who are appointed by the President..44-
b. Courts that handle divorce cases.....45-
c. Courts that handle cases involving strikes of municipal employees.....46-
d. Courts that handle cases involving kidnapping across state lines.....47-
e. Courts that handle traffic cases.....48-
f. Courts that handle cases involving school desegregation and busing.....49-
g. Courts that handle serious criminal cases.....50-
h. Courts that handle cases involving Federal income tax evasion.....51-

- 12a. (HAND CARD O) Using the scale on this card, please tell me how much you think the state and local court system in (NAME OF STATE WHERE INTERVIEW IS TAKING PLACE) needs to be reformed, if at all?

ENTER SCALE RATING 52-

Have "no familiarity at all" with state/local courts.... -x

53-56 = 8

- b. (STILL USING CARD O) Now please tell me how much you think the Federal court system needs to be reformed, if at all?

ENTER SCALE RATING 57-

Have "no familiarity at all" with federal courts..... -x

58-60 = 8

13. (HAND CARDS P AND Q) (ROTATE ORDER IN WHICH PRESENT CARDS) Here are two cards which describe different types of courts. One card describes the types of cases handled by state and local courts. The other card lists Federal courts. Please take your time and read through each of these types of courts.

- a. (HAND CARD R) Using the scale and definitions that appear on this card, please tell me how familiar you are with each of these types of courts. (ENTER RATING IN "FAMILIAR" COLUMN BELOW)

FOR EACH TYPE OF COURT RATED 2, 3, 4 OR 5 IN Q.13a, ASK Q's. 13b-d.

- b. (HAND CARD S) In general, how would you rate (TYPE OF COURT)? (ENTER RATING IN "RATING" COLUMN BELOW)
- c. (HAND CARD T) Overall, would you say (TYPE OF COURT) are better, worse or about the same as they were ten years ago? (CIRCLE ANSWER IN "CHANGES" COLUMN BELOW)
- d. (IF BETTER OR WORSE IN Q.13c) What makes you say that? (RECORD IN "REASONS" COLUMN BELOW)

CARD 4

TYPE OF COURT	Q.13a	Q.13b	Q.13c - CHANGES				Q.13d
	FAMILIAR	RATING	BETTER	WORSE	SAME	DK	REASONS
1. State or local courts that handle <u>civil cases involving large amounts of money</u>	61-	5-	15-1	-2	-3	-4	25- 26- 27-
2. State or local courts that handle <u>"minor" civil disputes</u>	62-	6-	16-1	-2	-3	-4	28- 29- 30-
3. State or local courts that are responsible for holding <u>trials in major criminal cases</u>	63-	7-	17-1	-2	-3	-4	31- 32- 33-
4. State or local courts that handle <u>"minor" criminal cases</u>	64-	8-	18-1	-2	-3	-4	34- 35- 36-
5. State or local courts that handle <u>juvenile delinquency</u>	65-	9-	19-1	-2	-3	-4	37- 38- 39-
6. Local courts that handle <u>traffic violations</u>	66-	10-	20-1	-2	-3	-4	40- 41- 42-
7. Highest appeals court in the state	67-	11-	21-1	-2	-3	-4	43- 44- 45-
8. U.S. District Court	68-	12-	22-1	-2	-3	-4	46- 47- 48-
9. U.S. Court of Appeals	69-	13-	23-1	-2	-3	-4	49- 50- 51-
10. U.S. Supreme Court	70-	14-	24-1	-2	-3	-4	52- 53- 54-

14a. Thinking of state and local courts in (STATE WHERE INTERVIEW IS TAKING PLACE) as a whole -- not Federal courts at this point -- are you aware of any changes in the court system in this state during the past ten years?

(ASK Q.14b) Yes.....61-1
No..... -2
(SKIP TO Q.15) ← Uncertain..... -3

b. What specific changes are you aware of?

62-

63-

64-

65-

c. (HAND CARD U) What do you think is the overall effect of these changes on the state and local courts in (STATE WHERE INTERVIEW IS TAKING PLACE)?

ENTER SCALE RATING 66-_____

67-70 = 2

Let's focus now on the judges that sit on the state and local courts in (NAME OF STATE WHERE INTERVIEW IS TAKING PLACE).

15. If a person wanted to become a judge in this state, how would he/she go about it? (PROBES: QUALIFICATIONS; EDUCATION, EXPERIENCE; ELECTION/APPOINTMENT; SPECIFIC PROCEDURES; POLITICAL INFLUENCE; ETC.)

71-

72-

73-

74-

80-4

CARD 5

5-11 = 2

SECTION IV - PRIORITIES AND EVALUATIONS

- 16a. (HAND SHUFFLED DECK OF SMALL CARDS) Here is a deck of cards. Each card lists a problem that may or may not exist in this state. (HAND CARD V) 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.
- b. (RESHUFFLE DECK OF SMALL CARDS) (HAND CARD W) Now go through this deck of cards one more time and tell me how frequently you believe each of these problems actually occurs in this state. Just read me the number of the card and your rating.

		ENTER SCALE RATING	
		Q.16a	Q.16b
		PROBLEM	FREQUENCY
1.	Law enforcement officials/police who do not treat poor suspects the same as well-to-do suspects.....	12-	37-
2.	Law enforcement officials/police who do not have a college degree.....	13-	38-
3.	Law enforcement officials/police who do not represent a cross-section of the community in which they work.....	14-	39-
4.	Courts that disregard a defendant's constitutional rights..	15-	40-
5.	Courts that grant bail to people who were previously convicted of a serious crime.....	16-	41-
6.	Juries that do not represent a cross-section of the people in the community.....	17-	42-
7.	Juries that are biased and unfair when it comes to deciding cases.....	18-	43-
8.	A court system that allows many citizens to avoid serving on jury duty.....	19-	44-
9.	Lawyers who are more concerned with their own interests than their clients' interests.....	20-	45-
10.	Lawyers who do not treat their poor clients the same as their well-to-do clients.....	21-	46-
11.	Lawyers who do not keep their clients informed of the progress of the case.....	22-	47-
12.	Lawyers who charge unreasonably high fees for their services.....	23-	48-
13.	Judges who do not put in a full day's work.....	24-	49-
14.	Judges who are biased and unfair.....	25-	50-
15.	Judges who have inadequate education/training.....	26-	51-
16.	A court system that does not have enough judges to handle the work they must do.....	27-	52-
17.	Judges who show little interest in the problems of the people who come before them.....	28-	53-
18.	Judges who insist upon following the letter of the law even if it means justice will not be served.....	29-	54-
19.	Courts that do not have enough clerical and other court personnel to handle the work they must do.....	30-	55-
20.	Clerical and other court personnel who are not helpful nor courteous to the people who visit the courts.....	31-	56-
21.	Clerical and other court personnel who do not know their jobs.....	32-	57-
22.	Courts that do not treat poor people the same as well-to-do people.....	33-	58-
23.	Courts that do not treat blacks and other minorities the same as whites.....	34-	59-
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	35-	60-
25.	Courts that are expensive for those who must use them.....	36-	61-

Question 16 (continued)

ENTER SCALE RATING	
Q.16a	Q.16b
PROBLEM	FREQUENCY

- | | | |
|---|-----|-----|
| 26. A court system that does not help to decrease the amount of crime..... | 62- | 69- |
| 27. A court system that is not concerned about rehabilitating criminals..... | 63- | 70- |
| 28. Court decisions that are influenced by political considerations..... | 64- | 71- |
| 29. A court system that is not adequately funded by the government..... | 65- | 72- |
| 30. Courts that are not conveniently located..... | 66- | 73- |
| | | |
| 31. A court system which does not encourage alternative solutions to settling disputes before the case goes to trial..... | 67- | 74- |
| 32. Courts that are difficult for people to use..... | 68- | 75- |

80-5

17. (HAND CARD X) 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.

CARD 6

ENTER
RATING

- | | |
|---|-----|
| a. Have courts in operation at night and on weekends in addition to their normal weekday hours..... | 5- |
| b. Establish "legal insurance", similar to automobile or health insurance, to help pay court/legal expenses..... | 6- |
| c. Encourage police to issue citations -- like traffic tickets where you pay a fine -- for minor offenses (misdemeanors)..... | 7- |
| d. Establish a "hot line" for helping citizens with legal questions..... | 8- |
| e. Establish alternatives to resolving neighborhood disputes, petty larceny, etc., using informal procedures and panels of local citizens..... | 9- |
| f. Seek alternatives to handling divorce cases in court -- e.g., "no fault" divorce, etc..... | 10- |
| g. Establish a committee to screen potential judicial candidates and provide nominations for judges..... | 11- |
| h. Establish a committee to review the performance of judges in order to recommend discipline or removal of judges who do not do their jobs well..... | 12- |
| i. Legislatures should set exact sentences for particular crimes..... | 13- |

18a. In general, do you feel that judges should (READ OFF):

Be required to give the same sentence for a particular crime, regardless of the circumstances of the case.....14-1
 Have limited power to make sentences "tougher" or "lighter" depending on the circumstances of the case..... -2
 Have a great deal of power to make sentences "tougher" or "lighter" depending on the circumstances of the case..... -3

15-17 = 4

b. (HAND CARD Y) Here is a list of circumstances that may or may not influence judges' decisions to make sentences either tough or lenient. Please tell me for each circumstance how much you think it should influence a judges' decision. Just read me your rating from the bottom of the card. (RECORD BELOW IN "SHOULD INFLUENCE" COLUMN)

c. (HAND CARD Z) Now go through this list again and tell me how much you think each circumstance actually influences judges' decisions -- in real life. Use the scale at the bottom of the card. (RECORD BELOW IN "ACTUALLY INFLUENCES" COLUMN)

	Q-18b SHOULD INFLUENCE	Q-18c ACTUALLY INFLUENCES
a. The person convicted of the crime has a prior criminal record.....	18-_____	27-_____
b. The person convicted of the crime is well-to-do.....	19-_____	28-_____
c. The crime for which the person has been convicted did not have a victim.....	20-_____	29-_____
d. The person convicted of the crime is under the age of 18..	21-_____	30-_____
e. The person convicted of the crime is poor.....	22-_____	31-_____
f. The person convicted of the crime is a member of a minority group.....	23-_____	32-_____
g. The crime was extremely violent.....	24-_____	33-_____
h. The person convicted of the crime has been convicted for the same crime before.....	25-_____	34-_____
i. The person convicted of the crime committed it during an emotional outburst -- that is, the crime was i t "planned".....	26-_____	35-_____

19. (HAND CARD AA) Using the scale on this card, please tell me how useful you feel it would be to have your tax dollars spent on each item listed. Just read me the letter of the item and your rating.

	ENTER RATING
a. Learning more about the causes and prevention of serious crimes.....	36-_____
b. Attempting to get the best possible people to serve as judges.....	37-_____
c. Developing ways to settle minor disputes without going through formal court proceedings.....	38-_____
d. Building more prison facilities.....	39-_____
e. Increasing the number of programs to rehabilitate convicted offenders..	40-_____
f. Improving police training programs.....	41-_____
g. Increasing the number of judges who sit on Federal courts.....	42-_____
h. Increasing the number of police.....	43-_____
i. Trying to make the courts handle their cases faster.....	44-_____
j. Building better prison facilities.....	45-_____
k. Making good lawyers available to anyone who needs them.....	46-_____
l. Making certain that courts have adequate facilities for those who must use them.....	47-_____
m. Learning more about how to prevent convicted criminals from committing crimes in the future.....	48-_____

SECTION V - MEDIA AND COURTS

CARD 7

5-13 = 8

Now, let's talk briefly about the relationship between the media -- television, newspapers, radio, news magazines, etc. -- and the court system in this state.

20a. (HAND CARD BB) How strongly do you agree or disagree with each of the statements on this card?

ENTER SCALE
RATING

- a. There should be radio and/or television broadcasting of court proceedings that are of interest to the general public.....14-_____
- b. Photographers should be permitted to take still photographs at court trials.....15-_____
- c. Prior to the trial, law enforcement officials should not be permitted to tell the media that a suspect has confessed to a crime.....16-_____
- d. Journalists should be permitted to report confessions made to a law enforcement official prior to a trial.....17-_____
- e. Reporters should be prohibited from publishing or broadcasting information which might affect a fair trial.....18-_____
- f. Judges should have the right to restrict lawyers from discussing a case with reporters.....19-_____
- g. The media should play an important role in showing how the court system really works.....20-_____
- h. The media should play an important role in showing if the court system is effective.....21-_____

b. Besides sensational trials, do you feel media coverage is adequate to: (READ OFF)

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>
a. Show how the court system really works?.....	22-1	-2	-3
b. Show if the court system is effective?.....	23-1	-2	-3

SECTION VI - KNOWLEDGE OF THE COURT SYSTEM

21a. (HAND CARD CC) Here is a list of statements about the courts. Please tell me whether you think each statement is correct or incorrect.

	<u>CORRECT</u>	<u>INCORRECT</u>	<u>DK</u>
a. A district attorney's job is to defend an accused criminal who cannot afford a lawyer.....	24-1	-2	-3
b. In a criminal trial, it is up to the person who is accused of the crime to prove his innocence.....	25-1	-2	-3
c. The highest court in this state has the power to overrule decisions made in lower state courts.....	26-1	-2	-3
d. The governor of this state must review and approve the decisions of its highest appeals court before it becomes law.....	27-1	-2	-3
e. All judges in this state are appointed for life.....	28-1	-2	-3
f. There are trial courts in every state in this country...	29-1	-2	-3
g. Everyone accused of a serious crime has the right to be represented in court by a lawyer.....	30-1	-2	-3
h. All courts in this state have juries.....	31-1	-2	-3
i. Every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court.....	32-1	-2	-3

b. (HAND CARD DD) Where did you learn the most about the state and local courts in (NAME OF STATE WHERE INTERVIEW IS TAKING PLACE). Just read me the letter from this card. (CIRCLE ONLY ONE ANSWER IN "LEARN MOST" COLUMN BELOW)

c. (STILL USING CARD DD) Where else did you learn about the state and local courts in this state? (CIRCLE AS MANY AS APPLY IN "ALSO LEARN" COLUMN BELOW)

	<u>Q.21b</u> <u>LEARN</u> <u>MOST</u>	<u>Q.21c</u> <u>ALSO</u> <u>LEARN</u>
a. In court as witness.....	33-1	35-1
b. In court as juror.....	-2	-2
c. In court as party to a civil case -- defendant or plaintiff.....	-3	-3
d. In court as party to a criminal case -- defendant or plaintiff.....	-4	-4
e. In court as spectator/tour of court.....	-5	-5
f. Through employment: work in lawyer's office/employed by legal aid/work in court house/work in police department, etc...	-6	-6
g. School/formal education.....	-7	-7
h. Television entertainment programs.....	-8	-8
i. Television news programs.....	-9	-9
j. Newspapers/magazines/books.....	-0	-0
k. From friend or relative who worked for a court/legal system.....	34-1	36-1
l. From friend or relative who was a defendant/ plaintiff in a civil case.....	-2	-2
m. From friend or relative who was a defendant/ plaintiff in a criminal case.....	-3	-3
n. From contact with lawyer for legal assistance.....	-4	-4
o. Through participation in organizations: League of Women Voters, political party, etc.....	-5	-5
Other (SPECIFY): _____	-6	-6

SECTION VII - EXPERIENCE WITH COURT SYSTEM

Finally, I would like to get a better idea about the kinds of experiences you've had with the courts and the legal system.

- 22a. Have you, yourself, ever sought legal advice or service of a lawyer or legal aid society or organization for any reason.

(ASK Q.22b) Yes.....37-1
(SKIP TO Q.24a) No..... -2
Uncertain..... -3

- b. When did you last contact a lawyer or legal aide for legal advice or service?
Was it (READ LIST):

Within the past year..38-1
Within past 2-5
years..... -2
More than 5 years
ago..... -3
(DO NOT READ) Uncertain..... -4

- c. (IF "YES" IN Q.22a) (HAND CARD EE) Thinking about your last experience with a lawyer or legal aide, how satisfied were you overall? Just read the number from the scale on the card.

ENTER SCALE RATING 39-

- 23a. (IF EVER CONTACTED LAWYER OR LEGAL AIDE, ASK Q's.23a, b AND c) (HAND CARD FF) Think now about all the times you ever have had reason to contact a lawyer or legal aide for advice. For which of the reasons on this card have you ever sought the advice of a lawyer or legal aide? (RECORD IN "EVER SOUGHT ADVICE" COLUMN BELOW)

- b. (STILL USING CARD FF) For which of the reasons on this card -- or any others -- did you last seek the advice of a lawyer or legal aide? (RECORD IN "LAST TIME SOUGHT ADVICE" COLUMN BELOW)

	Q.23a EVER SOUGHT ADVICE	Q.23b LAST TIME SOUGHT ADVICE
a. Draw up an agreement/contract.....	40-1	57-1
b. Draw up a will.....	41-1	58-1
c. Probate/estate matters.....	42-1	59-1
d. Real estate transactions.....	43-1	60-1
e. Landlord/tenant matters.....	44-1	61-1
f. Insurance claims.....	45-1	62-1
g. Debt collections.....	46-1	63-1
h. Tax matters.....	47-1	64-1
i. Property disputes.....	48-1	65-1
j. Automobile accident.....	49-1	66-1
k. Burglarized.....	50-1	67-1
l. Divorce/separation.....	51-1	68-1
m. Consumer problems -- defective merchandise, etc.....	52-1	69-1
n. Child support/custody matter.....	53-1	70-1
o. As party to a lawsuit (either being sued or bringing suit).....	54-1	71-1
p. As party (complaint or defendant) in criminal proceeding.....	55-1	72-1
Other (SPECIFY):	56-1	73-1
		80-7

23c. (HAND CARD GG) Still thinking of the last time you contacted a lawyer or legal aide, what did he/she actually do for you? Just read me the letter from this card.

- a. Just talked to me/gave me advice concerning the matter..... 5-1
- b. Referred me to another lawyer/legal aide..... 6-1
- c. Attended to the matter -- which did not require going to court..... 7-1
- d. Attended to the matter -- which meant representing me in court..... 8-1
- Other (SPECIFY): _____ 9-1

24a. (HAND CARDS HH AND II -- ROTATE ORDER OF PRESENTING CARDS) Have you ever had any direct experience with any of these types of courts. (RECORD IN "EXPERIENCE" COLUMN BELOW)

(FOR EACH TYPE OF COURT MENTIONED IN Q.24a)

- b. (HAND CARD JJ) Which of these experiences have you ever had with (TYPE OF COURT)? Just read the numbers from this card. (RECORD IN "TYPE" COLUMN BELOW)
- c. (HAND CARD KK) When was the last time you had direct experience with (TYPE OF COURT)? Just read the number from this card. (RECORD IN "LAST TIME" COLUMN BELOW)
- d. (HAND CARD LL) Overall, what was your reaction to the experience you had with (TYPE OF COURT)? Just read me your rating from this card. (IF HAD MORE THAN ONE EXPERIENCE WITH A TYPE OF COURT, GET RATING FOR MOST RECENT EXPERIENCE ONLY) (RECORD IN "REACTION" COLUMN BELOW)
- e. Why do you feel that way? (RECORD IN "WHY" COLUMN BELOW)

TYPE OF COURT	EXPERIENCE	TYPE	LAST TIME	REACTION	WHY?
1. State or local courts that handle <u>civil cases involving large amounts of money</u>	10-1	20-	30-	40-	50- 51- 52-
2. State or local courts that handle <u>"minor" civil disputes</u>	11-1	21-	31-	41-	53- 54- 55-
3. State or local courts that handle <u>major criminal cases</u>	12-1	22-	32-	42-	56- 57- 58-
4. State or local courts that handle <u>"minor" criminal cases</u>	13-1	23-	33-	43-	59- 60- 61-
5. State or local courts that handle <u>juvenile delinquency</u>	14-1	24-	34-	44-	62- 63- 64-
6. Local courts that handle <u>traffic violations</u>	15-1	25-	35-	45-	65- 66- 67-
7. Highest appeals court in the state	16-1	26-	36-	46-	68- 69- 70-
8. U.S. District Court	17-1	27-	37-	47-	71- 72- 73-
9. U.S. Court of Appeals	18-1	28-	38-	48-	74- 75- 76-
10. U.S. Supreme Court	19-1	29-	39-	49-	77- 78- 79- 80-8

25. (HAND CARD MM) Have you had any other type of contact with the court system? Just read me the letter or letters of the items from this card.

- a. My employment: work in lawyer's office/legal aid organization/court house/police station..... 5-1
- b. Know a friend/relative (other than lawyer/judge) who works for a lawyer's office/legal aid organization/court house/police station..... 6-1
- c. Know a lawyer personally (not through business)..... 7-1
- d. Know a judge personally (not through business)..... 8-1
- e. Know a friend/relative who was involved in a court case..... 9-1
- f. Know a friend/relative who was a juror.....10-1
- g. Know a friend/relative who was a witness.....11-1
- h. Other (SPECIFY).....12-1

26. **ASK EVERYONE:** Now, we are interested in knowing the best time of day to conduct interviews. Can you tell me whether you were at home last (day) at (hour)?

INTERVIEWER: ASK FOR THE TIMES AND DAYS LISTED UNDER THE ONE COLUMN REPRESENTING THE DAY OF THE WEEK ON WHICH YOU ARE CONDUCTING THIS INTERVIEW. CIRCLE THE CODE NUMBER NEXT TO THIS COLUMN AND RECORD YOUR ANSWERS FOR EACH OF THE LISTED SIX DAYS IN THE BOX PROVIDED FOR THAT PURPOSE.

Interview Made Monday 13-1	Interview Made Tuesday -2	Interview Made Wednesday -3	Interview Made Thursday -4
4:30 p.m. on Sat.	7:30 p.m. on Mon.	5:00 p.m. on Tues.	6:00 p.m. on Wed.
10:00 a.m. on Sat.	4:30 p.m. on Sat.	7:30 p.m. on Mon.	5:00 p.m. on Tues.
7:00 p.m. on Fri.	10:00 a.m. on Sat.	4:30 p.m. on Sat.	7:30 p.m. on Mon.
9:00 p.m. on Thurs.	7:00 p.m. on Fri.	10:00 a.m. on Sat.	4:30 p.m. on Sat.
6:00 p.m. on Wed.	9:00 p.m. on Thurs.	7:00 p.m. on Fri.	10:00 a.m. on Sat.
5:00 p.m. on Tues.	6:00 p.m. on Wed.	9:00 p.m. on Thurs.	7:00 p.m. on Fri.

Interview Made Friday -5	Interview Made Saturday/Sunday Before 2:00P.M. -6	Interview Made Saturday/Sunday 2:00 P.M. or Later -7	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 2px;">CIRCLE YES OR NO FOR EACH DAY</th> </tr> <tr><td>1st Day</td><td>Yes</td><td>No</td></tr> <tr><td>2nd Day</td><td>Yes</td><td>No</td></tr> <tr><td>3rd Day</td><td>Yes</td><td>No</td></tr> <tr><td>4th Day</td><td>Yes</td><td>No</td></tr> <tr><td>5th Day</td><td>Yes</td><td>No</td></tr> <tr><td>6th Day</td><td>Yes</td><td>No</td></tr> </table>	CIRCLE YES OR NO FOR EACH DAY			1st Day	Yes	No	2nd Day	Yes	No	3rd Day	Yes	No	4th Day	Yes	No	5th Day	Yes	No	6th Day	Yes	No
CIRCLE YES OR NO FOR EACH DAY																								
1st Day	Yes	No																						
2nd Day	Yes	No																						
3rd Day	Yes	No																						
4th Day	Yes	No																						
5th Day	Yes	No																						
6th Day	Yes	No																						
9:00 p.m. on Thurs.	7:00 p.m. on Fri.	10:00 a.m. today																						
6:00 p.m. on Wed.	9:00 p.m. on Thurs.	7:00 p.m. on Fri.																						
5:00 p.m. on Tues.	6:00 p.m. on Wed.	9:00 p.m. on Thurs.																						
7:30 p.m. on Mon.	5:00 p.m. on Tues.	6:00 p.m. on Wed.																						
4:30 p.m. on Sat.	7:30 p.m. on Mon.	5:00 p.m. on Tues.																						
10:00 a.m. on Sat.	4:30 p.m. last Sat.	7:30 p.m. on Mon.																						

TOTAL "YES": 14-

TOTAL "NO": 15-

80-9

GO TO CLASSIFICATION DATA--PAGES 1 AND 2

CARD A

- a. Street crime (e.g. burglary, violent crimes)
- b. Ability of our schools to provide a good education for everyone
- c. Efficiency in the courts
- d. Drugs
- e. Racial problems
- f. Corruption among government officials
- g. Energy crisis
- h. Pollution
- i. Inflation
- j. Unemployment
- k. White collar crime (e.g. fraud, embezzlement)
- l. Threat of war

- | |
|--|
| <ul style="list-style-type: none">5. A very serious problem4. A serious problem3. A moderate problem2. A small problem1. No problem at all |
|--|

CARD B

- a. The public schools
- b. Organized religion
- c. Executive branch of Federal government -- office of the President; Departments of Commerce, Defense, etc.
- d. Executive branches of state/local government -- offices of governors, mayors, etc.
- e. Congress (Federal)
- f. State legislatures
- g. U.S. Supreme Court
- h. Federal courts (other than U.S. Supreme Court)
- i. State and local courts
- j. This state's prison system
- k. The local police
- l. The media
- m. Medical profession
- n. American business
- o. Organized labor

- 5. Extremely confident
- 4. Very confident
- 3. Somewhat confident
- 2. Slightly confident
- 1. Not at all confident

CARD C

Your house has been broken into and your watch, worth \$50.00, has been taken. You find out that your neighbor's 19 year old son is at fault.

Study #3789

CARD D

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 refuses to talk to you about your damages.

Study #3789

CARD E

... The problem is handled without a trial:

-- In an office located in your neighborhood

-- Staffed by people who live in your neighborhood who:

- May or may not be lawyers

- Are not judges

- Are specially trained to help solve legal problems

... The goal is to try to work out an agreement acceptable to both parties.

... The office can order offenders to pay for what they took and/or to perform community service tasks, but cannot send anyone to jail.

... Either party may take the matter to court if he/she does not agree with the decision made.

Study #3789

CARD F

... The problem is handled without a trial:

- In an office located in your neighborhood
- Staffed by people who live in your neighborhood who:
 - May or may not be lawyers
 - Are not judges
 - Are specially trained to help solve legal problems

... The goal is to try to work out an agreement acceptable to both parties.

... The office can order offenders to pay for what they took and/or to perform community service tasks, but cannot send anyone to jail.

... The decision is final (may not be appealed to a court).

CARD G

... The problem is handled in a court:

-- Using trial by a judge

-- And (sometimes) a jury

-- Following formal court procedures

... The defendant may appeal to a higher court if he/
she is convicted.

Study #3789

CARD H

... The problem is handled in a court:

-- By a single person

-- Who is a lawyer -- not necessarily a judge

-- Who hears the facts from all sides

-- And follows informal court procedures -- not formal ones

... Lawyers are not permitted to represent either party.

... Either party may appeal the decision if he/she does not agree with it.

Study #3789

CARD I

... The problem is handled in a court:

-- Using trial by a judge

-- And (sometimes) a jury

-- Following formal court procedures

... You may hire a lawyer to represent you but must pay
for him/her yourself.

... This process generally takes longer than the processes
described on Cards H, J or K.

Study #3789

CARD J

... The problem is handled without a trial:

-- In an office located in your neighborhood

-- Staffed by people who live in your neighborhood who:

- May or may not be lawyers

- Are not judges

- Are specially trained to help solve legal problems

... The goal is to try to work out an agreement acceptable to both parties

... The office can order offenders to pay for what they took and/or to perform community service tasks, but cannot send anyone to jail.

... Either party may take the matter to court if he/she does not agree with the decision made.

CARD K

... The problem is handled without a trial:

-- By a panel of three people -- not a jury

-- Who are lawyers -- not judges

-- Who hear the facts from all sides

-- And follows informal court procedures -- not formal ones

... Lawyers are not permitted to represent either party.

... Either party may take the matter to court if he/she does not agree with the decision made.

Study #3789

CARD E

1. The issue wasn't really as serious as I had originally thought.
2. The issue was resolved outside of court through an impartial third party.
3. The issue was resolved without going to court or using an impartial third party.
4. I was afraid it would be too expensive if I took the case to court.
5. I was afraid it would take too much time if I took the case to court.
6. I wasn't sure if I'd get a fair trial/hearing if I took the case to court.
7. I felt I didn't have a strong enough case (or lacked proper/enough evidence) to bring the case to court.
8. I probably wouldn't have won the case in court.
9. My lawyer/legal aide advised against taking the case to court.
10. I wasn't sure how to bring the case to court.

Any Others?

Study #3789

CARD M

- | | |
|---------------------------|--|
| 5. INTIMATELY FAMILIAR: | Know <u>many details</u> about the court's operation and organization |
| 4. BROADLY FAMILIAR: | Know <u>some details</u> about the court's operation and organization |
| 3. FAMILIAR: | Know about the court's operation and organization in <u>general terms</u> |
| 2. SOMEWHAT FAMILIAR: | Know <u>very little</u> about the court's operation and organization beyond location, name, etc. |
| 1. NO FAMILIARITY AT ALL: | Never heard of this court |

CARD .N

- a. Courts that have judges who are appointed by the President
- b. Courts that handle divorce cases
- c. Courts that handle cases involving strikes of municipal employees
- d. Courts that handle cases involving kidnapping across state lines
- e. Courts that handle traffic cases
- f. Courts that handle cases involving school desegregation and busing
- g. Courts that handle serious criminal cases
- h. Courts that handle cases involving Federal income tax evasion

- 1. Describes state courts only
 - 2. Describes Federal courts only
 - 3. Describes both state and Federal courts
 - 4. Describes neither state nor Federal courts

CARD O

5. In great need of reform
4. In moderate need of reform
3. In some need of reform
2. In slight need of reform
1. In no need of reform

CARD P

State or Local Courts

1. State or local courts that handle civil (non-criminal) cases that involve large amounts of money (e.g., serious auto accidents, malpractice).
2. State or local courts that handle so-called "minor" civil disputes involving small amounts of money (e.g., landlord-tenant disputes, consumer problems).
3. State or local courts that are responsible for holding trials in major criminal cases (e.g., crimes of violence, fraud).
4. State or local courts that handle "minor" criminal cases (e.g., shoplifting, disorderly conduct).
5. State or local courts that handle cases involving youths accused of juvenile delinquency.
6. Local courts that handle traffic violations.
7. Highest appeals court in the state.

CONTINUED

3 OF 4

CARD Q

Federal Courts

8. United States District Court (trial court for Federal cases).
9. United States Court of Appeals for this area.
10. United States Supreme Court.

CARD R

5. INTIMATELY FAMILIAR:	Know <u>many details</u> about the court's operation and organization
4. BROADLY FAMILIAR:	Know <u>some details</u> about the court's operation and organization
3. FAMILIAR:	Know about the court's operation and organization in <u>general terms</u>
2. SOMEWHAT FAMILIAR:	Know <u>very little</u> about the court's operation and organization beyond location, name, etc.
1. NO FAMILIARITY AT ALL:	Never heard of this court

CARD S

- 5. Excellent
- 4. Very good
- 3. Good
- 2. Fair
- 1. Poor
- 0. I don't feel that I
am familiar enough
with the court to
say.

CARD T

1. Better
2. Worse
3. The same
4. I don't feel that I am familiar
enough with the court to say

CARD U

5. Helped courts very much
4. Helped courts somewhat
3. Neither helped nor hurt courts
2. Hurt courts somewhat
1. Hurt courts very much

CARD V

5. A very serious problem in this state
4. A serious problem in this state
3. A moderate problem in this state
2. A small problem in this state
1. No problem at all in this state

Study #3789

CARD W

5. All of the time
4. Most of the time
3. Some of the time
2. Every once in a while
1. Never

Study #3789

CARD X

- a. Have courts in operation at night and on weekends in addition to their normal weekday hours.
- b. Establish "legal insurance", similar to automobile or health insurance, to help pay court/legal expenses.
- c. Encourage police to issue citations -- like traffic tickets where you pay a fine -- for minor offenses (misdemeanors).
- d. Establish a "hot line" for helping citizens with legal questions.
- e. Establish alternatives to resolving neighborhood disputes, petty larceny, etc. using informal procedures and panels of local citizens.
- f. Seek alternatives to handling divorce cases in court -- e.g. "no fault" divorce, etc.
- g. Establish a committee to screen potential judicial candidates and provide nominations for judges.
- h. Establish a committee to review the performance of judges in order to recommend discipline or removal of judges who do not do their jobs well.
- i. Legislatures should set exact sentences for particular crimes.

- 5. I support this strongly
 - 4. I support this moderately
 - 3. I support this somewhat
 - 2. I don't support this too much
 - 1. I don't support this at all

CARD Y

- a. The person convicted of the crime has a prior criminal record.
- b. The person convicted of the crime is well-to-do.
- c. The crime for which the person has been convicted did not have a victim.
- d. The person convicted of the crime is under the age of 18.
- e. The person convicted of the crime is poor.
- f. The person convicted of the crime is a member of a minority group.
- g. The crime was extremely violent.
- h. The person convicted of the crime has been convicted for the same crime before.
- i. The person convicted of the crime committed it during an emotional outburst - that is, the crime was not "planned".

- 5. Should make the sentence much "tougher"
 - 4. Should make the sentence a little "tougher"
 - 3. Should not have any influence on the sentence
 - 2. Should make the sentence a little "lighter"
 - 1. Should make the sentence much "lighter"

Study #3789

CARD Z

- a. The person convicted of the crime has a prior criminal record.
- b. The person convicted of the crime is well-to-do.
- c. The crime for which the person has been convicted did not have a victim.
- d. The person convicted of the crime is under the age of 18.
- e. The person convicted of the crime is poor.
- f. The person convicted of the crime is a member of a minority group.
- g. The crime was extremely violent.
- h. The person convicted of the crime has been convicted for the same crime before.
- i. The person convicted of the crime committed it during an emotional outburst - that is, the crime was not "planned."

- 5. Actually makes the sentence much "tougher"
- 4. Actually makes the sentence a little "tougher"
- 3. Does not influence the sentence at all
- 2. Actually makes the sentence a little "lighter"
- 1. Actually makes the sentence much "lighter"

CARD AA

- a. Learning more about the causes and prevention of serious crimes.
- b. Attempting to get the best possible people to serve as judges.
- c. Developing ways to settle minor disputes without going through formal court proceedings.
- d. Building more prison facilities.
- e. Increasing the number of programs to rehabilitate convicted offenders.
- f. Improving police training programs.
- g. Increasing the number of judges who sit on Federal courts.
- h. Increasing the number of police.
- i. Trying to make the courts handle their cases faster.
- j. Building better prison facilities.
- k. Making good lawyers available to anyone who needs them.
- l. Making certain that courts have adequate facilities for those who must use them.
- m. Learning more about how to prevent convicted criminals from committing crimes in the future.

- | |
|-----------------------|
| 5. Extremely helpful |
| 4. Very helpful |
| 3. Somewhat helpful |
| 2. Slightly helpful |
| 1. Not at all helpful |

CARD BB

- a. There should be radio and/or television broadcasting of court proceedings that are of interest to the general public.
- b. Photographers should be permitted to take still photographs at court trials.
- c. Prior to the trial, law enforcement officials should not be permitted to tell the media that a suspect has confessed to a crime.
- d. Journalists should be permitted to report confessions made to a law enforcement official prior to a trial.
- e. Reporters should be prohibited from publishing or broadcasting information which might affect a fair trial.
- f. Judges should have the right to restrict lawyers from discussing a case with reporters.
- g. The media should play an important role in showing how the court system really works.
- h. The media should play an important role in showing if the court system is effective.

- | |
|---|
| <ul style="list-style-type: none">5. Strongly agree4. Somewhat agree3. Neither agree nor disagree2. Somewhat disagree1. Strongly disagree |
|---|

CARD CC

- a. A district attorney's job is to defend an accused criminal who cannot afford a lawyer.
- b. In a criminal trial, it is up to the person who is accused of the crime to prove his innocence.
- c. The highest court in this state has the power to overrule decisions made in lower state courts.
- d. The governor of this state must review and approve the decisions of its highest appeals court before it becomes law.
- e. All judges in this state are appointed for life.
- f. There are trial courts in every state in this country.
- g. Everyone accused of a serious crime has the right to be represented in court by a lawyer.
- h. All courts in this state have juries.
- i. Every decision made by a state court can be reviewed and reversed by the U.S. Supreme Court.

CARD DD

- a. In court as witness
- b. In court as juror
- c. In court as a party to a civil case -- defendant or plaintiff
- d. In court as party to a criminal case -- defendant or plaintiff
- e. In court as spectator/tour of court
- f. Through employment: work in lawyer's office/employed by legal aid/work in court house/work in police department, etc.
- g. School/formal education
- h. Television entertainment programs
- i. Television news programs
- j. Newspapers/magazines/books
- k. From friend or relative who worked for a court/legal system
- l. From friend or relative who was a defendant/plaintiff in a civil case
- m. From friend or relative who was a defendant/plaintiff in a criminal case
- n. From contact with lawyer for legal assistance
- o. Through participation in organizations: League of Women Voters, political party, etc.

Any others?

CARD EE

5. Extremely satisfied
4. Very satisfied
3. Somewhat satisfied
2. Slightly satisfied
1. Not at all satisfied

CARD FF

- a. Draw up an agreement/contract
- b. Draw up a will
- c. Probate/estate matters
- d. Real estate transactions
- e. Landlord/tenant matters
- f. Insurance claims
- g. Debt collections
- h. Tax matters
- i. Property disputes
- j. Automobile accident
- k. Burglarized
- l. Divorce/separation
- m. Consumer problems -- defective merchandise, etc.
- n. Child support/custody matter
- o. As party to a lawsuit (either being sued or bringing suit)
- p. As party (complaintant or defendant) in criminal proceeding

Any others?

CARD GG

- a. Just talked to me/gave me advice concerning the matter
- b. Referred me to another lawyer/legal aide
- c. Attended to the matter -- which did not require going to court
- d. Attended to the matter -- which meant representing me in court

Any others?

CARD HH

State or Local Courts

1. State or local courts that handle civil (non-criminal) cases that involve large amounts of money (e.g. serious auto accidents, malpractice).
2. State or local courts that handle so-called "minor civil disputes involving small amounts of money (e.g. landlord-tenant disputes, consumer problems).
3. State or local courts that are responsible for holding trials in major criminal cases (e.g. crimes of violence, fraud).
4. State or local courts that handle minor criminal cases (e.g. shoplifting, disorderly conduct).
5. State or local courts that handle cases involving youths accused of juvenile delinquency.
6. Local courts that handle traffic violations.
7. Highest appeals court in the state.

CARD II

Federal Courts

8. United States District Court (trial court for Federal cases).
9. United States Court of Appeals for this area.
10. United States Supreme Court.

Study #3789

CARD JJ

1. Defendant -- the one who is being charged
2. Juror
3. Observer of a court proceeding
4. Plaintiff -- the one bringing the charges
5. Victim
6. Witness

CARD KK

1. Within past year
2. Within past two to five
years
3. More than five years ago

Study #3789

CARD LL

5. Very positive
4. Somewhat positive
3. Neither positive nor negative
2. Somewhat negative
1. Very negative

CARD MM

- a. My employment: work in a lawyer's office/
legal aid organization/court house/police
station
- b. Know a friend/relative (other than lawyer/
judge) who works for a lawyer's office/legal
aid organization/court house/police station
- c. Know a lawyer personally (not through business)
- d. Know a judge personally (not through business)
- e. Know a friend/relative who was involved in a
court case
- f. Know a friend/relative who was a juror
- g. Know a friend/relative who was a witness

Any others?

CARD NN

- A. Under \$5,000
- B. \$5,000 - \$7,499
- C. \$7,500 - \$9,999
- D. \$10,000 - \$14,999
- E. \$15,000 - \$19,999
- F. \$20,000 - \$24,999
- G. \$25,000 - \$34,999
- H. \$35,000 and over

CARD 00

1. Very true of me
2. Somewhat true of me
3. Usually not true of me

- a. I watch the national news on TV every night
- b. I follow the news about politics and government
- c. I often talk about politics with people
- d. I try to influence my Congressman and other public officials by writing letters or talking to them
- e. I am active in political groups or organizations (such as Common Cause, League of Women Voters, etc.)
- f. My occupation involves me in some governmental or political issues

1. Law enforcement officials/
police who do not treat
poor suspects the same as
well-to-do suspects.

#3789

2. Law enforcement officials/
police who do not have a
college degree.

#3789

3. Law enforcement officials/
police who do not represent
a cross-section of the com-
munity in which they work.

#3789

4. Courts that disregard a
defendant's constitutional
rights.

#3789

5. Courts that grant bail to
people who were previously
convicted of a serious
crime.

#3789

6. Juries that do not repre-
sent a cross-section of the
people in the community.

#3789

7. Juries that are biased and
unfair when it comes to
deciding cases.

#3789

8. A court system that allows
many citizens to avoid
serving on jury duty.

#3789

9. Lawyers who are more concerned with their own interests than their clients' interests.

#3789

10. Lawyers who do not treat their poor clients the same as their well-to-do clients.

#3789

11. Lawyers who do not keep their clients informed of the progress of the case.

#3789

12. Lawyers who charge unreasonably high fees for their services.

#3789

13. Judges who do not put in a full day's work.

#3789

14. Judges who are biased and unfair.

#3789

15. Judges who have inadequate education/training.

#3789

16. A court system that does not have enough judges to handle the work they must do.

#3789

17. Judges who show little interest in the problems of the people who come before them.

#3789

18. Judges who insist upon following the letter of the law even if it means justice will not be served.

#3789

19. Courts that do not have enough clerical and other court personnel to handle the work they must do.

#3789

20. Clerical and other court personnel who are not helpful nor courteous to the people who visit the courts.

#3789

21. Clerical and other court personnel who do not know their jobs.

#3789

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

#3789

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

#3789

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.

#3789

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

#3789

26. A court system that does not help to decrease the amount of crime.

#3789

27. A court system that is not concerned about rehabilitating criminals.

#3789

28. Court decisions that are influenced by political considerations.

#3789

29. A court system that is not adequately funded by the government.

#3789

30. Courts that are not conveniently located.

#3789

31. A court system which does not encourage alternative solutions to settling disputes before the case goes to trial.

#3789

32. Courts that are difficult for people to use.

#3789

END