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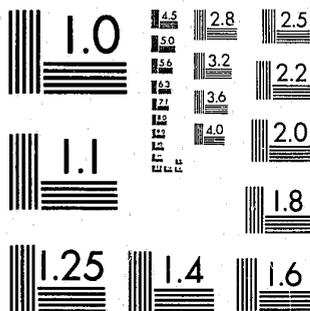
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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
**United States Department of Justice**
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MAY 12, 1980

THE PUBLIC IMAGE OF COURTS

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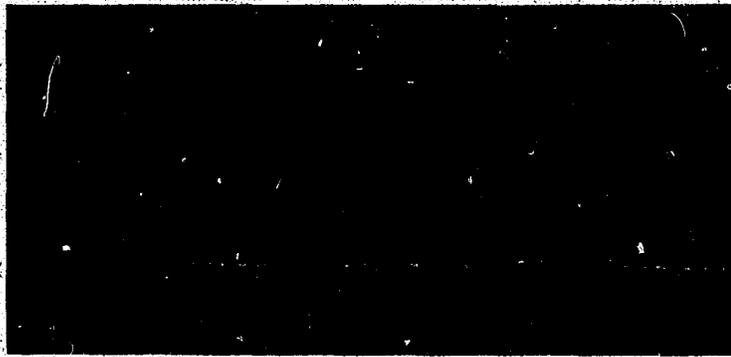
VOLUME II

THE PUBLIC IMAGE OF COURTS

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

VOLUME II

Prepared for

National Center for State Courts

United States Justice Department

President's Reorganization Project

National Institute of Law Enforcement
and Criminal Justice

May, 1978

TABLE OF CONTENTS

SPECIAL 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.

DETAILED FINDINGS

Section V

Awareness of Courts

Finding #45:   Familiarity With State/Local and Federal Courts:

(Tables 45.1-3) In general, special publics at the state/local level are more familiar with state/local courts than federal courts. The converse is true for federal/national special publics--they are more familiar with federal courts.

There is only one departure from this generalization: lawyers practicing in federal courts claim to be more familiar with state/local courts than federal courts. This is due to the infrequency with which many of them practice in federal courts.

TABLE 45.1

PERCEIVED FAMILIARITY WITH COURTS

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100*	100*	100*
Perceived To Be Intimately/Broadly Familiar With:				
Local courts		94	89	66
State courts		87	85	59
Federal courts		34	35	41

* Multiple responses.

TABLE 45.2

PERCEIVED FAMILIARITY WITH COURTS

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100*	100*	100*
Perceived To Be Intimately/Broadly Familiar With:				
Local courts		68	81	43
State courts		83	93	46
Federal courts		98	78	69

* Multiple responses.

TABLE 45.3

PERCEIVED FAMILIARITY WITH COURTS

(Federal/national publics)

		Lawyers Who Practice in Federal Courts	
	Total	Practice Infrequently	Practice Frequently
	%	%	%
Total	100*	100	100
Perceived To Be Intimately/Broadly Familiar With:			
Local courts	81	83	75
State courts	93	93	91
Federal courts	78	68	97

* Multiple responses.

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Finding #46:   Familiarity With Specific Types of State/Local and Federal Courts: (Tables 46.1-2)   Self-described familiarity with particular courts corroborates the tendency described in Finding #45.   However, additional patterns surface:[1]

...Lawyers (both those practicing in state/local and federal courts) have approximately the same pattern of relative familiarity with state/local courts: they are most familiar with civil courts and the highest appeals court; less familiar with criminal courts and traffic courts; least familiar with juvenile courts.

Shifting attention to federal courts, lawyers are most familiar with U.S. District Court.

...Community leaders, on the other hand, are generally less familiar with state/local courts.   Interestingly, they claim to be nearly as familiar, or more familiar, with federal courts than do lawyers.   This suggests that the two publics have different criteria for assessing their level of familiarity.

---

[1]   Note that judges were not asked these familiarity items.

TABLE 46.1

PERCEIVED FAMILIARITY WITH SPECIFIC COURTS

(State/local publics)

	State/ Local Judges[1]	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100*	100*

Perceived To Be Intimately/
Broadly Familiar With:

State/Local

Criminal

Major criminal		61	53
Minor criminal		63	50
Juvenile		48	38

Civil

Major civil		81	44
Minor civil		78	44

Traffic		58	51
Highest Appeals		57	42

Federal

U.S. District		43	41
U.S. Appeals		20	27
U.S. Supreme		23	36

* Multiple responses.

1/ Question not asked of state/local judges.

TABLE 46.2

PERCEIVED FAMILIARITY WITH SPECIFIC COURTS

(Federal/national publics)

	Federal Judges[1/]	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100*	100*

Perceived To Be Intimately/
Broadly Familiar With:

State/Local

Criminal

Major criminal		57	39
Minor criminal		53	29
Juvenile		37	19

Civil

Major civil		90	33
Minor civil		65	21

Traffic		50	21

Highest Appeals		74	38

Federal

U.S. District		85	66
U.S. Appeals		58	58
U.S. Supreme		37	74

* Multiple responses.

1/ Question not asked of federal judges.

Finding #47:   Responsibility to Educate the Public About

Courts: (Tables 47.1-2)   Judges, lawyers and community leaders

concur that responsibility to educate the public about courts

and the legal system rests primarily with local bar associa-

tions, the American Bar Association, public media and the

courts themselves.   However, all groups attribute somewhat

lesser responsibility to the courts than these other institu-

tions.

Finally, community leaders, more than other publics, believe

that legal aid societies and organizations should participate

in public education.

TABLE 47.1

OPINIONS ON RESPONSIBILITY TO EDUCATE PUBLIC ABOUT COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*
Have Great/Moderate Responsibility to Educate Public About Courts and Legal System			
Local bar association	91	92	93
American Bar Association	89	85	92
Public media	89	84	88
Courts themselves	84	76	83
Legal aid societies/organizations	68	68	82
Civic organizations	55	54	63
Police and law enforcement agencies	52	52	63

* Multiple responses.

TABLE 47.2

OPINIONS ON RESPONSIBILITY TO EDUCATE PUBLIC ABOUT COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Have Great/Moderate Responsibility to Educate Public About Courts and Legal System			
Local bar association	94	95	88
Public media	93	80	84
American Bar Association	91	85	82
Courts themselves	76	74	74
Legal aid societies/organizations	73	65	80
Civic organizations	59	47	67
Police and law enforcement agencies	51	49	61

* Multiple responses.

Finding #48:   Perceived Adequacy of Current Media Coverage and Preferred Changes in Coverage: (Tables 48.1-4)   While the special publics believe that media should play a leading role in public education, they do not believe that media are currently meeting this responsibility.

This should not be construed to mean that there is an indiscriminate desire for increased media coverage of courts.   Quite the contrary.   Judges and lawyers (and, to lesser extent, community leaders) favor some restrictions:

...Only about 1 in 3 endorse radio/TV coverage of court
    proceedings;

...Still fewer feel that journalists have the right to
    publish confessions prior to trial, or that photog-
    raphers should be permitted to take photographs at
    court trials.

Finally, sizable majorities of all special publics believe that judges have the right to restrict lawyers from discussing cases with reporters.

TABLE 48.1

PERCEIVED ADEQUACY OF MEDIA COVERAGE

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100	100	100

Media Coverage Adequate to:

Show How Court System
Really Works

		State/ Local Judges	Lawyers	Community
Yes		25	17	15
No		69	78	78
Uncertain		6	5	7

Show If Court System
Is Effective

Yes		24	17	15
No		69	74	77
Uncertain		7	9	8

TABLE 48.2

PERCEIVED ADEQUACY OF MEDIA COVERAGE

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100	100	100

Media Coverage Adequate to:

Show How Court System Really Works

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
Yes	19	12	8
No	72	84	88
Uncertain	9	4	4

Show If Court System Is Effective

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
Yes	16	14	7
No	70	80	84
Uncertain	14	6	9

TABLE 48.3

RELATIONSHIP BETWEEN MEDIA AND THE COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*

Strongly Agree/Somewhat Agree

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Media should play important role in showing <u>how</u> court system really works	93	86	92
Media should play important role in showing <u>if</u> court system is effective	91	80	92
Judges have the right to restrict lawyers from discussing case with reporters	83	83	73
Prior to trial, law officers should not be permitted to tell media suspect has confessed	78	76	61
Reporters should be prohibited from publishing/ broadcasting information which might affect fair trial	78	75	60
Should be radio/TV broadcasting of court proceedings of interest to general public	31	29	51
Journalists should be permitted to report confessions made to law officer prior to trial	28	22	33
Photographers should be permitted to take still pictures at court trials	28	21	35

* Multiple responses.

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TABLE 48.4

RELATIONSHIP BETWEEN MEDIA AND THE COURTS

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100*	100*	100*

Strongly Agree/Somewhat Agree

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
Media should play important role in showing how court system really works	89	89	93
Media should play important role in showing if court system is effective	86	85	86
Judges have the right to restrict lawyers from discussing case with reporters	83	80	76
Prior to trial, law officers should not be permitted to tell media suspect has confessed	71	82	69
Reporters should be prohibited from publishing/ broadcasting information which might affect fair trial	52	72	58
Journalists should be permitted to report confessions made to law officer prior to trial	24	28	34
Should be radio/TV broadcasting of court proceedings of interest to general public	15	37	46
Photographers should be permitted to take still pictures at court trials	10	26	23

* Multiple responses.

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Section VI

Evaluations of Courts

A. General Evaluations of Courts

Finding #49:   Court Efficiency as a Serious Problem: (Tables 49.1-2)   The special publics generally share the general public's intense concern about street crime and other social problems.   However, there is not consensus on the seriousness of the problem of court efficiency.   Community leaders echo public sentiment in regarding it as quite serious; judges and lawyers share this concern less frequently.

TABLE 49.1

PERCEIVED SERIOUSNESS OF SOCIAL PROBLEMS

(State/local publics)

	State/ Local Judges %	Lawyers Practicing in State/ Local Courts %	State/ Local Community Leaders %
Total	100*	100*	100*

Very Serious/Serious Problem

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Street crimes	89	89	90
Inflation	75	74	78
Energy crisis	70	80	79
Drugs	69	65	67
Unemployment	52	56	69
Ability of schools to provide good education	51	55	68
Pollution	35	42	52
EFFICIENCY IN THE COURTS	26	29	59
White collar crimes	24	22	30
Racial problems	22	37	45
Corruption among government officials	16	25	21
Threat of war	15	11	16

* Multiple responses.

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TABLE 49.2

PERCEIVED SERIOUSNESS OF SOCIAL PROBLEMS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Very Serious/Serious Problem			
Street crimes	95	86	87
Inflation	90	72	69
Drugs	86	51	59
Energy crisis	82	76	77
Ability of schools to provide good education	74	64	77
Unemployment	59	48	66
Racial problems	51	36	42
Pollution	38	43	43
White collar crimes	34	22	36
EFFICIENCY IN THE COURTS	30	45	55
Corruption among government officials	17	23	14
Threat of war	14	13	15

*   Multiple responses.

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<u>Finding #50</u>:   <u>Confidence in Courts</u>:   (Tables 50.1-2)   All spe-
cial publics have relatively great confidence in federal courts.
State/local judges also hold state/local courts in high esteem.
However, state/local courts enjoy far less confidence than
federal courts among the remaining special publics.

Additionally, the following patterns deserve discussion:

...Excepting attitudes toward federal courts, federal/

national publics express relatively lower confidence

in the institutions tested than their peers at the

state/local level.

...Community leaders display levels of confidence which

are generally similar to those of lawyers, with one

conspicuous exception: only 22 per cent (of both

state/local and federal/national leaders) indicate

strong confidence in state/local courts--compared to

45 per cent of lawyers practicing in those courts and

35 per cent of those practicing in federal courts.

...Federal judges and lawyers practicing in federal

courts do <u>not</u> share the high confidence in state/local

courts expressed by their counterparts at the state

level. National community leaders mirror the attitudes of state/local leaders, in that 22 per cent indicate strong confidence in state/local courts.

Indeed, the federal publics generally exhibit less confidence in the institutions tested than the state/local publics.

Finally, it is possible to develop an approximate ranking of confidence in institutions which is more or less uniform across all special publics, provided state/local courts are not included in the ranking. (Their ratings are too variable to be reliably included.):

High

Federal courts

Medical profession, local police, American business

Organized religion, public schools

Federal executive branch

Congress, state/local government (executive and legislative)

Media, organized labor

State prison systems

Low
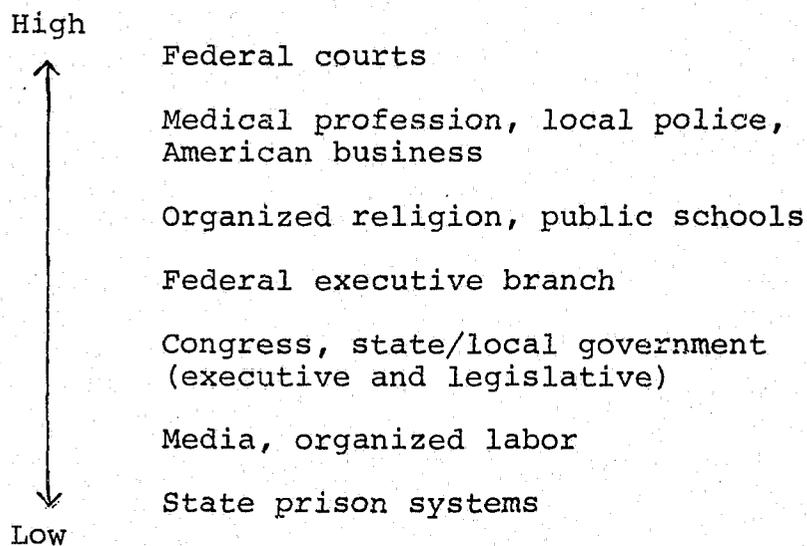
TABLE 50.1

CONFIDENCE IN MAJOR AMERICAN INSTITUTIONS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*

Extremely/Very Confident

U.S. SUPREME COURT	67	61	52
STATE/LOCAL COURTS	63	49	22
FEDERAL COURTS	60	63	48
Police (local)	52	30	41
Medical profession	50	45	44
American business	47	36	40
Organized religion	39	34	27
Public schools	33	22	23
State executive branch	31	20	23
Federal executive branch	28	19	19
Congress	24	14	15
State legislature	20	12	15
Media	17	15	23
Organized labor	15	3	21
State prison system	11	10	15

*   Multiple responses.

TABLE 50.2

CONFIDENCE IN MAJOR AMERICAN INSTITUTIONS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*

Extremely/Very Confident

FEDERAL COURTS	88	66	53
U.S. SUPREME COURT	87	62	59
STATE/LOCAL COURTS	47	35	22
Medical profession	46	45	34
American business	36	31	29
Federal executive branch	35	14	23
Organized religion	32	22	19
Police (local)	26	25	34
Congress	23	11	20
Media	21	17	26
Public schools	19	18	7
State executive branch	16	13	8
Organized labor	12	10	14
State legislature	10	7	10
State prison system	8	7	-

* Multiple responses.

Finding #51:   Perceived Court Effectiveness: (Tables 51.1-2)

The reasons given, on an unaided basis, for effective court performance are usually nonspecific.

However, perceived reasons for court ineffectiveness tend to be specific and include: overcrowding and overuse, delay, inadequate number of judges and other court personnel, poor and inefficient administration.

Judges most often attribute overload and delay to the proliferation of laws and the accompanying expansion of court functions--unmatched by additional legislative appropriations. However, internal administrative inefficiency is not regarded as the cause of the problem.

Several verbatim remarks best capture the judicial mood:

> "Number of statutes and laws are inundating us--greatly difficult to do quality work with them."

> "New laws have piled on more work every year."

> "Increased burdens on courts from increased legislation."

> "Many issues handled in the courts don't belong there. Legislatures create new causes of action without a method of handling them. Whole concept of class action has been overdone."

> "Such a proliferation of the laws have glutted the courts."

> "We have loaded our courts with social problems."

"The volume of laws, rules and regulations grows and grows."

"The complexity of new legislation is a major problem."

"Courts are deterred by tendency to legislate too much."

"Courts are overly involved in frivolous civil liberty cases."

"There is an increasing tendency to dump many of our social problems, such as busing and class action suits, on the courts."

"Public feels every problem must be resolved by courts and courts are not equipped to handle this volume."

"Single problem of the court system: Congress and state legislatures unwilling to staff courts to handle litigation--particularly the general consumer bills they have to pass."

"Bogged down with legal complications--so many laws, cumbersome today. Justice gets lost in legal technicalities."

"Legal system taking on too many of the issues which it shouldn't handle, i.e., explanation of litigation of social, political, and economical considerations."

"Congress passed 39 bills and no judges for the new work involved."

"Problems arise from increased use of courts and proliferation of laws and regulations. Judges are required to do more things than they are able to do well."

TABLE 51.1

PRINCIPAL OPINIONS ABOUT EFFECTIVENESS OF THE COURTS AND

LEGAL SYSTEM IN AMERICA TODAY (UNAIDED)

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*
Courts Are Effective			
Courts do a good job, satisfied	42	35	18
Well-run system, efficient	8	5	1
Unbiased system, equal justice for all	6	8	4
Quality of federal courts good	3	5	8
Courts Are Not Effective			
Courts are overcrowded, overburdened, and overused	19	25	25
Too slow, too much delay	12	22	26
Understaffed, not enough judges or other personnel	11	9	4
Inefficient, poorly administered	8	14	11
Not effective, suffering from lack of money	7	4	2
System ineffective, needs overhaul (NFS) 1/	6	5	9

* Multiple responses.

1/ Not further specified.

TABLE 51.2

<u>PRINCIPAL OPINIONS ABOUT EFFECTIVENESS OF THE COURTS AND</u>

<u>LEGAL SYSTEM IN AMERICA TODAY (UNAIDED)</u>

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	<u>100*</u>	<u>100*</u>	<u>100*</u>
Courts Are Effective			
Courts do a good job, satisfied	49	27	16
Quality of federal courts good	8	11	11
Unbiased system, equal justice for all	6	4	6
Well-run system, efficient	1	7	3
Courts Are Not Effective			
Courts are overcrowded, overburdened, and overused	33	21	29
Understaffed, not enough judges or other personnel	19	11	10
Too slow, too much delay	13	24	28
Inefficient, poorly administered	7	11	24
Not effective, suffering from lack of money	4	6	5
System ineffective, needs overhaul (NFS)1/	2	4	11

* Multiple responses.

1/ Not further specified.

Finding #52:   Perceived Need for State/Local Court Reform:

(Tables 52.1-4)   Large segments of all the special publics call

for state/local court reform.   However, the desire for reform

is most pronounced, by a considerable margin, among community

leaders.   Lawyers more often desire reform than judges.

Among those who perceive a need for reform, there is mostly

consensus, but also some disagreement, about the most urgent

areas for improvement:

...The desire for greater efficiency (expressed in sev-

eral different ways) is the most consensual reform

item.

...However, beyond this point, priorities vary somewhat:

JUDGES	LAWYERS	COMMUNITY LEADERS
1. Need better judges	1. Need better judges	1. Increase productivity, make faster decisions
2. More streamlined system	2. Increase productivity, make faster decisions	2. More streamlined system
3. Need more judges	3. More streamlined system	3. Better method of selecting judges
4. Consolidate courts	4. Better method of selecting judges	4. Need better judges
5. More support, paralegals	5. Judges should be appointed	5. More uniformity in sentencing

TABLE 52.1

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100	100

Feel State/Local Courts To Be:

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
In great need of reform	11 ⎤ 40%	17 ⎤ 47%	36 ⎤ 71%
In moderate need of reform	29 ⎦	30 ⎦	35 ⎦
In some need of reform	27	29	20
In slight need of reform	24	17	5
In no need of reform	8	7	3
Uncertain	1	-	1

TABLE 52.2

PERCEIVED NEED FOR STATE/LOCAL COURT REFORM

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100	100
Feel State/Local Courts To Be:			
In great need of reform	10 ⎫ 47%	25 ⎫ 59%	33 ⎫ 66%
In moderate need of reform	37 ⎭	34 ⎭	33 ⎭
In some need of reform	29	22	15
In slight need of reform	12	16	11
In no need of reform	9	3	2
Uncertain	3	–	6

TABLE 52.3

MOST APPROPRIATE REFORMS OR CHANGES IN STATE/LOCAL COURTS

BY THOSE WHO PERCEIVE GREAT NEED FOR REFORM

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Among those who feel "great need for reform," principal reforms/changes suggested	11 (100%)*	17 (100%)*	36 (100%)*
Better judges needed	31	28	13
Efficient, streamlined system needed	31	24	22
More judges needed	19	15	7
Consolidate courts, "one-tier" trial court needed	19	15	4
More support/paralegals	19	2	8
More funds available	15	4	6
Better merit selection of judges	12	17	14
Remove courts from political influence	12	4	9
Improve appellate procedures	12	4	4
Need more supervision from Supreme Court	12	–	3
Increase productivity, faster decisions	8	30	26
Court costs too high	8	15	3
Need computer assignment of cases (case load too heavy)	8	7	14
More courtroom facilities	8	4	4
Courts are handling things that should be handled elsewhere (rehabilitation, legislation)	8	–	3

* Multiple responses.

Continued...

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TABLE 52.3
(Continued)

MOST APPROPRIATE REFORMS OR CHANGES IN STATE/LOCAL COURTS

BY THOSE WHO PERCEIVE GREAT NEED FOR REFORM

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Among those who feel "great need for reform," principal reforms/changes suggested (continued)	11 (100%)*	17 (100%)	36 (100%)*
Judges should be appointed, not elected	4	17	2
Judicial review board needed (remove imcompetent judges)	4	9	5
Alternative means needed (preliminary hearings/ traffic referees/compulsory arbitration)	4	9	5
More qualified lawyers needed (too many lawyers encourage delay)	4	7	6
Judges should work harder/longer	4	7	2
Wider discretionary powers	4	7	2
Frivolous lawsuits should be penalized	4	4	1
Change Grand Jury system (now slanted toward prosecution)	4	2	1
Use judges more efficiently	4	–	3
Make courts more understandable to public	–	20	6
More uniformity in sentencing	–	4	13
Reorganize jury system	–	9	4
Create court administrator/coordinator	–	4	4
Laws should be simplified (penal code amended)	–	2	4
Courts are too easy/lenient	–	–	9

* Multiple responses.

TABLE 52.4

MOST APPROPRIATE REFORMS OR CHANGES IN STATE/LOCAL COURTS

BY THOSE WHO PERCEIVE GREAT NEED FOR REFORM

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Among those who feel "great need for reform," principal reforms/changes suggested	10 (100%)*	25 (100%)*	33 (100%)*
Need computer assignment of cases (case load too heavy)	40	10	15
Increase productivity, faster decisions	30	15	44
Better judges needed	20	46	26
Better merit selection of judges	20	25	9
Courts are handling things that should be handled elsewhere (rehabilitation, legislation)	20	2	6
Judges should be appointed, not elected	20	10	3
Alternative means needed (preliminary hearings/traffic referees/ compulsory arbitration)	20	8	12
More qualified lawyers needed (too many lawyers encourage delay)	20	6	6
Efficient, streamlined system needed	10	27	26
More judges needed	10	15	12
Consolidate courts, "one-tier" trial court needed	10	17	-
More support/paralegals	10	8	6
More funds available	10	8	3
Remove courts from political influence	10	15	15
Court costs too high	10	4	12

* Multiple responses.

TABLE 52.4
(Continued)

MOST APPROPRIATE REFORMS OR CHANGES IN STATE/LOCAL COURTS

BY THOSE WHO PERCEIVE GREAT NEED FOR REFORM

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Among those who feel "great need for reform," principal reforms/changes suggested (continued)	10 (100%)*	25 (100%)*	33 (100%)*
Judicial review board needed (remove incompetent judges)	10	13	3
Reorganize jury system	10	6	3
Improve appellate procedures	–	2	–
Need more supervision from Supreme Court	–	4	–
More courtroom facilities	–	2	6
Judges should work harder/longer	–	10	–
Wider discretionary powers	–	–	6
Frivolous lawsuits should be penalized	–	2	3
Change Grand Jury system (now slanted toward prosecution)	–	–	–
Use judges more efficiently	–	4	–
Make courts more understandable to public	–	–	12
More uniformity in sentencing	–	4	18
Create court administrator/coordinator	–	2	6
Laws should be simplified (penal code amended)	–	6	–
Courts are too easy/lenient	–	15	–

* Multiple responses.

Finding #53:   Perceived Need for Federal Court Reform: (Tables 53.1-2)   The special publics are somewhat less concerned about federal court reform than state court reform.

Again, community leaders are most desirous of reform.

TABLE 53.1

PERCEIVED NEED FOR FEDERAL COURT REFORM

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100	100
Feel Federal Courts To Be:			
In great need of reform	10 ⎤ 26%	4 ⎤ 21%	13 ⎤ 41%
In moderate need of reform	16 ⎦	17 ⎦	28 ⎦
In some need of reform	27	27	32
In slight need of reform	23	30	18
In no need of reform	7	11	5
Uncertain	17	11	4

TABLE 53.2

PERCEIVED NEED FOR FEDERAL COURT REFORM

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100	100
Feel Federal Courts To Be:			
In great need of reform	2	8	15
In moderate need of reform	23	19	33
	(25%)	(27%)	(48%)
In some need of reform	29	34	31
In slight need of reform	21	28	15
In no need of reform	18	8	4
Uncertain	7	3	2

Finding #54:   Evaluations of Particular Courts: (Tables 54.1-2) By and large, the higher a court, the higher is its evaluation.   Consequently, federal courts, the highest state appeals court and major civil and criminal courts generally earn the most favorable ratings; minor criminal courts, juvenile and traffic courts are usually least favorably evaluated.

However, state/local judges depart from this general pattern: they have higher regard for most state/local courts than for federal courts.

Finally, there is a wide spread between the average rating given these courts by judges (both state/local and federal) and community leaders, whose assessments are typically less favorable.   Lawyers occupy a middle position between these two groups.

TABLE 54.1

EVALUATIONS OF PARTICULAR COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*

**Court Rated Excellent/
Very Good**

State/Local

Criminal

Major criminal	62	44	23
Minor criminal	51	34	17
Juvenile	39	30	17

Civil

Major civil	65	52	40
Minor civil	54	37	21
Traffic	42	28	29
Highest Appeals	66	59	23

Federal

U.S. District	51	51	42
U.S. Appeals	47	44	40
U.S. Supreme	52	48	48

* Multiple responses.

TABLE 54.2

EVALUATIONS OF PARTICULAR COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*

Court Rated Excellent/ Very Good

State/Local

Criminal

Major criminal	42	37	25
Minor criminal	18	20	9
Juvenile	20	20	9

Civil

Major civil	49	46	18
Minor civil	17	26	8
Traffic	14	23	9
Highest Appeals	68	60	38

Federal

U.S. District	91	77	52
U.S. Appeals	85	63	67
U.S. Supreme	82	53	64

* Multiple responses.

Finding #55:   Perceptions of Improvement/Deterioration in Particular Courts: (Tables 55.1-6)   Most believe that particular courts have either remained the same or improved over the last decade.   However, this perception is somewhat less pronounced among community leaders.   Then, too:

...Among state/local publics, there is a tendency to perceive relatively greater decline in criminal and juvenile courts.

...This is less often the case for federal/national publics, who tend to see a relatively greater deterioration in federal courts, particularly the U.S. Court of Appeals and the Supreme Court.

TABLE 55.1

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(State/local publics)

	State/Local Judges			
	Those Familiar With Each Type of Court			
				Do Not Know
	Compared to 10 Years Ago:			Enough to
	Improved	Deterio- rated	No Change	Comment
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	49	10	37	4
Minor criminal	59	10	27	4
Juvenile	39	26	25	10
Civil				
Major civil	55	8	32	5
Minor civil	58	7	29	6
Traffic	47	6	37	10
Highest Appeals	34	9	44	13
Federal				
U.S. District	22	7	44	27
U.S. Appeals	15	5	45	35
U.S. Supreme	27	12	41	20

Note: This table is percentaged horizontally.

TABLE 55.2

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(State/local publics)

	Lawyers Practicing in State/Local Courts			
	Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio-rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	36	11	27	26
Minor criminal	36	11	27	26
Juvenile	37	12	24	27
Civil				
Major civil	43	6	26	25
Minor civil	46	7	26	21
Traffic	31	6	37	26
Highest Appeals	27	5	39	29
Federal				
U.S. District	18	5	39	38
U.S. Appeals	12	2	36	50
U.S. Supreme	22	15	28	35

Note: This table is percentaged horizontally.

TABLE 55.3

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(State/local publics)

	State/Local Community Leaders Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio- rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	30	25	30	15
Minor criminal	30	22	31	17
Juvenile	32	24	23	21
Civil				
Major civil	33	17	31	19
Minor civil	40	14	28	18
Traffic	36	11	33	20
Highest Appeals	27	10	39	24
Federal				
U.S. District	20	11	44	25
U.S. Appeals	18	10	44	28
U.S. Supreme	27	26	34	13

Note: This table is percentaged horizontally.

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TABLE 55.4

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(Federal/national publics)

	Federal Judges Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio- rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	46	7	36	11
Minor criminal	37	4	35	24
Juvenile	27	11	33	29
Civil				
Major civil	46	9	35	10
Minor civil	49	4	29	18
Traffic	25	4	42	29
Highest Appeals	33	18	40	9
Federal				
U.S. District	56	7	32	5
U.S. Appeals	35	22	41	2
U.S. Supreme	35	20	42	3

Note: This table is percentaged horizontally.

TABLE 55.5

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(Federal/national publics)

	Laywers Practicing in Federal Courts Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to
	Improved	Deterio-rated	No Change	Comment
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	39	8	28	25
Minor criminal	32	12	29	27
Juvenile	38	14	16	32
Civil				
Major civil	43	10	31	16
Minor civil	37	3	33	27
Traffic	34	8	34	24
Highest Appeals	38	10	36	16
Federal				
U.S. District	41	10	35	14
U.S. Appeals	20	9	44	27
U.S. Supreme	17	23	36	24

Note: This table is percentaged horizontally.

TABLE 55.6

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(Federal/national publics)

	National Community Leaders Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio- rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	32	17	21	30
Minor criminal	29	10	22	39
Juvenile	32	13	18	37
Civil				
Major civil	30	11	28	31
Minor civil	39	5	18	38
Traffic	27	4	28	41
Highest Appeals	37	5	33	25
Federal				
U.S. District	33	9	40	18
U.S. Appeals	25	5	51	19
U.S. Supreme	17	27	41	15

Note: This table is percentaged horizontally.

Finding #56:   Perceptions of Improvement/Deterioration in Particular Courts in Reform and Nonreform States: (Tables 56.1-2) Efforts in states which have been instituting major structual changes in their court systems have resulted in substantially upgrading community leaders' appraisals of courts in those states. This is true for all particular courts, but especially for civil courts.

This shift in community leaders' attitudes contrasts sharply with the lack of attitude change by the general public in the states instituting major changes.

TABLE 56.1

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(State/local publics)

	State/Local Community Leaders in States Instituting Change			
	Those Familiar With Each Type of Court			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio-rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	46	24	22	8
Minor criminal	40	22	25	13
Juvenile	42	30	19	9
Civil				
Major civil	49	24	15	12
Minor civil	51	15	19	15
Traffic	44	14	25	17
Highest Appeals	42	12	23	23
Federal				
U.S. District	24	10	41	25
U.S. Appeals	17	12	37	34
U.S. Supreme	33	22	28	17

Note: This table is percentaged horizontally.

TABLE 56.2

PERCEPTIONS OF RECENT IMPROVEMENT/DETERIORATION/

NO CHANGE IN PARTICULAR COURTS

(State/local publics)

	State/Local Community Leaders in States Not Instituting Change			
	Compared to 10 Years Ago:			Do Not Know Enough to Comment
	Improved	Deterio-rated	No Change	
	%	%	%	%
100%→				
State/Local				
Criminal				
Major criminal	23	19	35	23
Minor criminal	22	12	43	23
Juvenile	36	8	27	29
Civil				
Major civil	22	10	45	23
Minor civil	34	8	37	21
Traffic	34	7	39	20
Highest Appeals	22	4	55	19
Federal				
U.S. District	20	11	50	19
U.S. Appeals	21	4	49	26
U.S. Supreme	28	24	35	13

Note: This table is percentaged horizontally.

B.   Perceptions of Public Attitudes

Finding #57:   Perceptions of Public Evaluations: (Tables

57.1-2)   Over 90 per cent of all special publics believe that

the general public perceives problems with state/local courts.

They believe that public concern focuses on:

..."Unnecessary" delay.

...Overprotection of criminals and leniency in sentencing.

...Corruption/discrimination.

...High cost.

...Courts are confusing to use; in some cases, are feared.

By and large, these attributions are accurate; Findings #36 to

#38 indicate that these are among the problems which most irri-

tate the public.   However, the special publics underestimate

the degree of public concern about courts' perceived failure to

protect society.

TABLE 57.1

WHAT DOES PUBLIC SEE AS PRINCIPAL PROBLEMS IN STATE/LOCAL COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*
Delay			
Too much delay	39	32	32
Difficulty getting access to courts, overcrowded, backlog	11	12	14
Too much red tape	5	5	3
Insufficient number of courts/judges	3	2	2
System is inefficient/unorganized	2	1	3
Leniency			
Leniency, judges too lenient	21	13	22
Courts overprotect criminals	10	6	15
Sentences too lax	8	13	8
Repeat offenders not deferred; "revolving door"	2	6	8
Crime rate is up	2	3	5

* Multiple responses.

TABLE 57.1
(Continued)

WHAT DOES PUBLIC SEE AS PRINCIPAL PROBLEMS IN STATE/LOCAL COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Corruption/Discrimination			
Courts not trustworthy, too political, corrupt, discriminatory	14	18	20
Unevenly applied justice, system is not working right	6	10	10
Corrupt judges	6	10	12
Corrupt lawyers, abuse system for personal gain	5	12	7
Judges overpaid for amount of work done	4	4	4
High cost of courts/attorneys	11	26	14
Courts Are Confusing to Use			
Courts confusing, hard to understand	10	15	10
Afraid of court system, something to avoid	4	6	7
Public sees no problems with courts	8	3	1

TABLE 57.2

WHAT DOES PUBLIC SEE AS PRINCIPAL PROBLEMS IN STATE/LOCAL COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Delay			
Too much delay	43	40	39
Difficulty getting access to courts, overcrowded, backlog	12	15	21
Too much red tape	6	4	8
System is inefficient/unorganized	3	4	5
Insufficient number of courts/judges	1	3	3
Leniency			
Leniency, judges too lenient	10	13	12
Courts overprotect criminals	10	14	12
Sentences too lax	6	2	5
Repeat offenders not deferred; "revolving door"	3	5	13
Crime rate is up	2	4	2

*   Multiple responses.

TABLE 57.2
(Continued)

WHAT DOES PUBLIC SEE AS PRINCIPAL PROBLEMS IN STATE/LOCAL COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Corruption/Discrimination			
Courts not trustworthy, too political, corrupt, discriminatory	14	20	17
Corrupt judges	8	11	10
Corrupt lawyers, abuse system for personal gain	7	16	5
Judges overpaid for amount of work done	5	1	3
Unevenly applied justice, system is not working right	3	13	12
High cost of courts/attorneys	43	32	27
Courts Are Confusing to Use			
Courts confusing, hard to understand	4	11	13
Afraid of court system, something to avoid	3	6	6
Public sees no problems with courts	6	3	1

Finding #58:   Perceptions of Underusers of Courts: (Tables
58.1-6) Substantial majorities of lawyers and community lead-
ers, and about half of the judges, believe that there are peo-
ple who could benefit from the use of courts but are reluctant
to use them:

...The principal perceived <u>causes</u> of this reluctance are

   high cost, ignorance, expected delay and general fear

   of the system.

...The <u>groups</u> which are perceived as most likely to be

   reluctant are the poor and the poorly educated. Com-

   munity leaders are somewhat more likely than other

   special publics to regard minorities as reluctant; law-

   yers and national community leaders include the middle

   class among the reluctant.

...The <u>cases</u> which people are most reluctant to bring to

   court are perceived to be civil cases, minor neighbor-

   hood disputes, consumer problems, small property mat-

   ters. Community leaders are slightly more inclined

   than others to feel that people are reluctant to bring

   criminal cases to court.

TABLE 58.1

PERCEPTIONS OF PUBLIC'S RELUCTANCE TO

TAKE ADVANTAGE OF COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100	100
Believe Some People Who Could Take Advantage of Courts Are Reluctant To Do So			
Yes	50	72	66
No	44	27	27
Uncertain	6	1	7

TABLE 58.2

PERCEPTIONS OF PUBLIC'S RELUCTANCE TO

TAKE ADVANTAGE OF COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100	100
Believe Some People Who Could Take Advantage of Courts Are Reluctant To Do So			
Yes	54	74	82
No	38	24	11
Uncertain	8	2	7

TABLE 58.3

PRINCIPAL REASONS WHY PEOPLE WHO COULD TAKE ADVANTAGE

OF COURTS ARE RELUCTANT TO DO SO

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Agree some people are reluctant to use courts	50	72	66
	(100%)*	(100%)*	(100%)*
Reasons			
Too expensive	52	66	52
Ignorance of the system	32	30	32
Takes too much time	31	31	27
Fear of the system	23	17	19
Lack of confidence in system	13	8	9
Fear of humiliation, embarassment	9	2	8
Fear of retribution	8	4	6
Distrust, courts are biased	7	9	9
Inconvenient, too much trouble, hassle	7	5	8

* Multiple responses.

TABLE 58.4

PRINCIPAL REASONS WHY PEOPLE WHO COULD TAKE ADVANTAGE

OF COURTS ARE RELUCTANT TO DO SO

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Agree some people are reluctant to use courts	54	74	82
	(100%)*	(100%)*	(100%)*
Reasons			
Too expensive	71	75	69
Takes too much time	37	34	33
Ignorance of the system	29	22	24
Fear of the system	21	11	23
Distrust, courts are biased	13	13	14
Lack of confidence in system	8	8	11
Fear of lawyers	6	11	4
Fear of humiliation, embarrassment	6	10	6
Inconvenient, too much trouble, hassle	4	3	13

* Multiple responses.

TABLE 58.5

PRINCIPAL TYPES OF PEOPLE/TYPES OF CASES IN WHICH PEOPLE ARE

MOST RELUCTANT TO TAKE ADVANTAGE OF COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Agree some people are reluctant to use courts	50	72	66
	(100%)*	(100%)*	(100%)*
Types of People			
Poor	53	48	54
Uneducated, low intelligence	27	29	25
Minority members	12	16	28
Middle class	10	25	16
Working people, can't afford time	8	9	11
Those with no previous experience	8	9	3
Foreigners, language barriers	7	5	4
Mild, timid people	6	11	6
All types/no particular type	10	8	9
Types of Cases			
Civil cases	28	22	21
Minor, neighborhood disputes	15	11	9
Family disputes	14	15	12
Consumer problems	13	14	20
Small claims, debts	12	16	14
Criminal cases	11	9	17
Landlord-tenant matters	10	11	10
Rape	10	5	9
Misdemeanors, traffic/disorderly conduct	8	7	12
Personal injury	8	7	10

* Multiple responses.

TABLE 58.6

PRINCIPAL TYPES OF PEOPLE/TYPES OF CASES IN WHICH PEOPLE ARE

MOST RELUCTANT TO TAKE ADVANTAGE OF COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Agree some people are reluctant to use courts	54	74	82
	(100%) *	(100%) *	(100%) *
Types of People			
Poor	62	52	74
Minority members	21	14	20
Uneducated, low intelligence	19	18	24
Middle class	15	32	30
Working people, can't afford time	6	15	7
Those with no previous experience	4	7	5
Mild, timid people	4	5	-
Foreigners, language barriers	2	1	1
All types/no particular type	17	8	6
Types of Cases			
Civil cases	19	16	32
Consumer problems	19	21	26
Landlord-tenant matters	19	16	26
Family disputes	13	15	14
Minor, neighborhood disputes	12	4	8
Small claims, debts	10	15	5
Contract claims	10	11	2
Personal injury	8	7	5
Criminal cases	6	7	15
Misdemeanors, traffic/disorderly conduct	6	7	4
Rape	4	3	15

* Multiple responses.

Finding #59:   Perceived Remedy for Underuse of Courts: Tables 59.1-2)   Among the special publics, public education is the most often cited remedy to the problem of underuse of courts.

TABLE 59.1

PRINCIPAL SOLUTIONS TO THE PROBLEM OF PEOPLE'S RELUCTANCE

TO TAKE ADVANTAGE OF COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Agree some people are reluctant to use courts	50 (100%)*	72 (100%)*	66 (100%)*
Solutions			
Public education	33	29	27
Expand legal aid	14	17	22
Education in schools	9	7	5
Reduce cost	8	11	8
Create better image	8	3	2
Use media to teach	7	8	4
Increase scope of small claims court	5	7	9
Nothing/little can be done	10	6	7

* Multiple responses.

TABLE 59.2

PRINCIPAL SOLUTIONS TO THE PROBLEM OF PEOPLE'S RELUCTANCE

TO TAKE ADVANTAGE OF COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Agree some people are reluctant to use courts	54 (100%)*	74 (100%)*	82 (100%)*
Solutions			
Public education	27	22	29
Expand legal aid	15	11	30
Reduce cost	15	7	14
Create better image	8	3	7
Education in schools	4	3	6
Use media to teach	2	5	4
Increase scope of small claims court	2	7	2
Nothing/little can be done	4	11	5

* Multiple responses.

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Finding #60:   Perceptions of Overusers of Courts: (Tables
60.1-6)   Conversely, there is a widespread feeling that there
are also indiscriminate overusers of courts.

...Unlike characterizations of underusers, which focused

on social group membership, overusers are described

primarily in terms of personality traits: litigious

people who enjoy "suing"; vindictive people who wish

"to get even"; greedy people who wish to make money.

...Cases in which courts are seen to be overused include

minor neighborhood disputes, family disputes, personal

injury/assault cases, and debt collection/credit cases.

It is interesting that many of these cases are men-

tioned as ones which result in underuse of courts, in-

dicating a difference of opinion about desired court

role.

TABLE 60.1

PERCEPTIONS OF PEOPLE'S OVERUSE OF COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100	100
Believe Some People Indiscriminately Use or Overuse the Courts			
Yes	56	60	56
No	38	36	32
Uncertain	6	4	12

TABLE 60.2

PERCEPTIONS OF PEOPLE'S OVERUSE OF COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100	100
Believe Some People Indiscriminately Use or Overuse the Courts			
Yes	72	62	63
No	23	35	25
Uncertain	5	3	12

TABLE 60.3

PRINCIPAL REASONS WHY PEOPLE OVERUSE THE COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Agree some people overuse the courts	56 (100%)*	60 (100%)*	56 (100%)*
Reasons			
People are too litigious, enjoy suing	27	28	18
People are vindictive, sue to get even	14	14	11
Too easy to sue	7	7	8
People look to courts for solutions to all problems	7	10	7
People don't know how to use alternatives	7	5	3
Bring suits out of greed, make money	6	19	12
Too many minor claims	6	1	1
Frustration, other ways didn't work	5	2	3

* Multiple responses.

TABLE 60.4

PRINCIPAL REASONS WHY PEOPLE OVERUSE THE COURTS

(Federal/national courts)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Agree some people overuse the courts	72	62	63
	(100%)*	(100%)*	(100%)*
Reasons			
People are too litigious, enjoy suing	43	20	23
People are vindictive, sue to get even	16	13	8
People look to courts for solutions to all problems	9	6	13
Bring suits out of greed, to make money	6	12	8
Too easy to sue	4	6	6
Frustration, other ways didn't work	4	5	3
Too many minor claims	1	-	3
People don't know how to use alternatives	-	7	2

* Multiple responses.

TABLE 60.5

PRINCIPAL TYPES OF PEOPLE/TYPES OF CASES IN WHICH

PEOPLE OVERUSE THE COURTS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Agree some people overuse the courts	56 (100%)*	60 (100%)*	56 (100%)*
Types of People			
Vindictive, troublemakers	16	14	9
Poor people, take advantage of free legal service	13	9	10
Litigious people	12	8	6
Affluent people	10	6	15
Corporations, big business	10	9	12
Greedy people, motivated by personal gain	8	15	8
Lawyers	6	15	10
Activists	5	6	9
Types of Cases			
Minor, neighborhood disputes	23	9	8
Family disputes	20	13	9
Personal injury, assaults	15	23	15
Debt collection, credit cases	13	12	8
Automobile accidents, liability	7	8	6
Commercial, business matters	7	7	7
Civil cases	7	7	12
Negligence, liability	7	6	6
Landlord-tenant matters	5	9	5

* Multiple responses.

TABLE 60.6

PRINCIPAL TYPES OF PEOPLE/TYPES OF CASES IN WHICH

PEOPLE OVERUSE THE COURTS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Agree some people overuse the courts	72	62	63
	(100%)*	(100%)*	(100%)*
Types of People			
Mentally unbalanced, eccentrics	19	9	5
Greedy people, motivated by personal gain	16	6	6
Minorities	13	9	9
Activists	9	6	8
Poor people, take advantage of free legal service	6	18	11
Vindictive, troublemakers	6	9	6
Corporations, big business	4	10	20
Lawyers	4	3	14
Litigious people	3	9	3
Affluent people	1	6	16
Types of Cases			
Discrimination, civil rights	33	10	6
Personal injury, assaults	19	25	13
Civil cases	13	5	11
Family disputes	7	25	8
Commercial, business matters	6	11	13
Negligence, liability	6	7	2
Automobile accidents, liability	6	4	6
Minor, neighborhood disputes	4	4	5
Landlord-tenant matters	3	7	16
Debt collection, credit cases	-	13	13

* Multiple responses.

C. Perceptions of Specific Problems

Finding #61: Perceived Problems: (Tables 61.1-6) There is a continuum of concern about particular court problems which is anchored, at extreme ends, by judges (least concerned) and community leaders (most concerned). Lawyers display a middling level of concern. While there are just a few small departures from this generalization, one is substantial and deserves mention.

Judges are especially inclined to feel that inadequate government funding is a serious problem.

The attitudes of judges and lawyers contrast with those of the general public (Findings #36 to #38) even more sharply than with community leaders. These contrasts are persistent, regardless of the issue.

TABLE 61.1

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO PROTECTION OF SOCIETY

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100*	100*	100*
Serious Problem/Occurs Often				
Courts that do not help decrease the amount of crime		13	27	40
Courts that grant bail to those previously convicted of a serious crime		9	8	23
Courts that are not concerned about rehabilitation		1	17	15

* Multiple responses.

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TABLE 61.2

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO EQUALITY/FAIRNESS

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100*	100*	100*

Serious Problem/Occurs Often

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Courts that do not treat the poor as well as they treat the affluent	3	10	18
Courts that do not treat blacks as well as they treat whites	3	8	15
Court decisions that are influenced by political considerations	2	3	6
Courts that disregard defendant's rights	–	2	2

*   *   *   *   *

Judges who are biased and unfair	–	1	5

*   *   *   *   *

Lawyers who do not treat their poor clients as well as their affluent clients	7	8	18

*   *   *   *   *

* Multiple responses.

TABLE 61.2
(Continued)

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO EQUALITY/FAIRNESS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Serious Problem/Occurs Often (continued)			
Law enforcement officials who do not treat the poor as well as they treat the affluent	8	18	25
Law enforcement officials who do not represent a cross section of the community	6	12	22

<div align="center">*   *   *   *   *</div>

Many citizens avoid serving on jury duty	6	10	11
Juries which don't represent a cross section of the community	3	12	13
Juries which are biased and unfair	1	4	5

TABLE 61.3

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO QUALITY PERFORMANCE

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100*	100*	100*
Serious Problem/Occurs Often				
Courts that are not adequately funded by government		31	23	28
Courts too expensive for the people who must use them		15	23	33
Courts in which more than six months pass from arrest to trial		10	11	30
Courts that are difficult to use		4	12	21
Courts that do not encourage alternative solutions		3	5	12
Courts that are not conveniently located		1	2	7

*   *   *   *   *

Not enough judges to handle the work		28	35	44
Judges who do not put in a full day's work		5	9	13
Judges who have inadequate training/education		3	5	9
Judges who show little interest in people's problems		1	4	7
Judges who insist on following the letter of the law		1	2	3

*   *   *   *   *

* Multiple responses.

TABLE 61.3
(Continued)

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO QUALITY PERFORMANCE

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Serious Problem/Occurs Often (continued)			
Lawyers who do not inform their clients of the progress of their cases	12	9	14
Lawyers who are too expensive	7	6	24
Lawyers who are more interested in themselves than in their clients	5	6	12

* * * * *

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Law enforcement officials who do not have a college degree	8	12	10

* * * * *

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Not enough clerical personnel to handle the work	20	10	23
Clerical personnel who do not know their jobs	1	4	2
Clerical personnel who are not courteous or helpful	–	5	8

TABLE 61.4

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO PROTECTION OF SOCIETY

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Serious Problem/Occurs Often			
Courts that do not help decrease the amount of crime	10	25	26
Courts that are not concerned about rehabilitation	7	16	15
Courts that grant bail to those previously convicted of a serious crime	4	11	34

* Multiple responses.

TABLE 61.5

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO EQUALITY/FAIRNESS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Serious Problem/Occurs Often			
Courts that do not treat the poor as well as they treat the affluent	2	10	22
Courts that do not treat blacks as well as they treat whites	2	7	18
Courts that disregard defendant's rights	1	1	1
Court decisions that are influenced by political considerations	–	4	4

        *   *   *   *   *

| Judges who are biased and unfair | – | 4 | 1 |

        *   *   *   *   *

| Lawyers who do not treat their poor clients as well as their affluent clients | 3 | 10 | 22 |

        *   *   *   *   *

* Multiple responses.

TABLE 61.5
(Continued)

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO EQUALITY/FAIRNESS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Serious Problem/Occurs Often (continued)			
Law enforcement officials who do not treat the poor as well as they treat the affluent	7	18	15
Law enforcement officials who do not represent a cross section of the community.	6	10	9
* * * * *			
Many citizens avoid serving on jury duty	2	12	8
Juries which don't represent a cross section of the community	-	13	6
Juries which are biased and unfair	-	2	-

TABLE 61.6

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO QUALITY PERFORMANCE

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100*	100*	100*
Serious Problem/Occurs Often			
Courts too expensive for the people who must use them	28	30	43
Courts that are not adequately funded by government	26	25	28
Courts in which more than six months pass from arrest to trial	8	14	25
Courts that do not encourage alternative solutions	7	8	13
Courts that are difficult to use	3	10	29
Courts that are not conveniently located	1	2	7

*   *   *   *   *

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
Not enough judges to handle the work	23	38	32
Judges who do not put in a full day's work	3	12	16
Judges who have inadequate training/ education	1	10	8
Judges who show little interest in people's problems	–	7	7
Judges who insist on following the letter of the law	–	2	1

*   *   *   *   *

* Multiple responses.

TABLE 61.6

(Continued)

PERCEIVED SERIOUSNESS AND FREQUENCY OF PROBLEMS

RELATED TO QUALITY PERFORMANCE

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Serious Problem/Occurs Often (continued)			
Lawyers who are too expensive	8	3	25
Lawyers who do not inform their clients of the progress of their cases	7	7	11
Lawyers who are more interested in themselves than in their clients	3	7	11
* * * * *			
Law enforcement officials who do not have a college degree	10	9	3
* * * * *			
Not enough clerical personnel to handle the work	16	13	24
Clerical personnel who are not courteous or helpful	2	7	13
Clerical personnel who do not know their jobs	1	3	7

D. Attitudes Toward Sentencing

CONTINUED

1 OF 3

Finding #62:   General Attitudes Toward Discretionary Power:
(Tables 62.1-6)   There is virtual unanimity that judges should
be allowed discretion in sentencing.   However, there is dis-
agreement about the desired extent of discretion.   Judges are
virtually split down the middle about whether they should enjoy
limited or wide discretion.   Lawyers and community leaders are
more inclined to advocate limited discretion.

Reasons advanced for taking these positions are quite similar
across the special publics.   They rest primarily on the follow-
ing tenets:

Great Deal of Discretionary Power

Proponents say that each case is unique; thus each

case must be judged on its own merits by the judge

who knows the most about the case.

Limited Discretionary Power

Proponents agree that cases are not alike and that

judges know the case best.   They nonetheless believe

that guidelines should be established as protection

against biased/incompetent judges or the infringement

of life and liberty.

TABLE 62.1

ATTITUDES TOWARD SENTENCING POWER OF JUDGES

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100	100	100
Judges Should:				
Have limited power depending on circumstances of case		50	54	62
Have a great deal of power depending on circumstances of case		48	45	32
Be required to give the same sentence regardless of the circumstances of case		2	1	5
Uncertain/no answer		--	--	1

TABLE 62.2

ATTITUDES TOWARD SENTENCING POWER OF JUDGES

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100	100	100
Judges Should:				
Have limited power depending on circumstances of case		27	51	79
Have a great deal of power depending on circumstances of case		72	48	18
Be required to give the same sentence regardless of the circumstances of case		-	1	1
Uncertain/no answer		1	-	2

TABLE 62.3

PRINCIPAL REASONS JUDGES SHOULD HAVE LIMITED POWER

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Judges should have limited power	50 (100%)*	54 (100%)*	62 (100%)*
Each case should be judged on own merits; cases are not alike	53	48	46
Judge knows most about case; should have discretion	35	45	31
Guidelines should be established; certain mandatory sentences	29	25	23
Unlimited power should not be given	12	9	13
Previous record of defendant should be considered	9	11	9
Must guard against biased/incompetent judges	8	11	15
Life/liberty at stake; judge's latitude should be restricted	8	9	4
Legislature should set bracket of sentences	8	8	1

* Multiple responses.

TABLE 62.4

PRINCIPAL REASONS JUDGES SHOULD HAVE A GREAT DEAL OF POWER

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Judges should have a great deal of power	48 (100%)*	45 (100%)*	32 (100%)*
Each case should be judged on own merits; cases are not alike	72	72	66
Judge knows most about case; should have discretion	48	45	43
Previous record of defendant should be considered	19	24	6
Life/liberty at stake; judge's latitude should be restricted	5	13	4
Guidelines should be established; certain mandatory sentences	3	2	1

* Multiple responses.

TABLE 62.5

PRINCIPAL REASONS JUDGES SHOULD HAVE LIMITED POWER

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Judges should have limited power	27	51	79
	(100%)*	(100%)*	(100%)*
Judge knows most about case; should have discretion	50	31	40
Each case should be judged on own merits; cases are not alike	42	33	42
Previous record of defendant should be considered	27	13	5
Guidelines should be established; certain mandatory sentences	23	36	46
Legislature should set bracket of sentences	23	2	4
Unlimited power should not be given	8	17	7
Life/liberty at stake; judge's latitude should be restricted	4	4	1
Must guard against biased/incompetent judges	-	15	11

* Multiple responses.

TABLE 62.6

PRINCIPAL REASONS JUDGES SHOULD HAVE A GREAT DEAL OF POWER

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Judges should have a great deal of power	72 (100%)*	48 (100%)*	18 (100%)*
Each case should be judged on own merits; cases are not alike	69	77	56
Judge knows most about case; should have discretion	41	45	56
Previous record of defendant should be considered	34	14	22
Guidelines should be established; certain mandatory sentences	7	5	11
Life/liberty at stake; judge's latitude should be restricted	7	10	22

* Multiple responses.

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Finding #63:   Attitudes Toward Sentencing in Particular Cir-
cumstances: (Tables 63.1-12) By and large, the special pub-
lics have similar desires for the influence of particular cir-
cumstances on sentencing:

...Virtually all concur that the sentence should toughen

   if the crime was violent, the offender has been pre-

   viously convicted of the same crime, or the offender

   has a previous record. These circumstances are prob-

   ably seen as cues for either potential recidivism or

   the motives of the offender.

...Virtually all agree that wealth and race should not

   influence a sentence.

...All groups are divided about whether being a minor

   should either prompt lighter sentences or have no bear-

   ing on the sentence.

The manner in which current sentencing practices are perceived
to meet these expectations is also quite similar for the three
groups. However, there are some differences in degree.

...Generally, there is little slippage from expectations

   to perceived performance when the crime was violent,

the offender has been previously convicted of the same crime, or the offender has a previous record.

...Expectations of equal treatment for rich, poor and minorities are frequently unfulfilled. Disappointed expectations about equality are most pronounced among community leaders and lawyers; they are less pronounced, though still substantial among judges.

It will be recalled that this pattern is replicated among the general public--that is, the expection of equality in sentencing is more frequently unsatisfied than the expectation of toughness when the offender is seen to jeopardize society's safety.

TABLE 63.1

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

	State/Local Judges			
	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	98	1	–	1
Crime was extremely violent	97	1	–	2
Convicted has previous record	86	4	2	8
Crime was not "planned"	10	17	70	3
Convicted is well-to-do	5	91	1	3
Crime is victimless	3	38	57	2
Convicted is a minor	2	34	59	5
Convicted is a member of a minority group	1	95	3	1
Convicted is poor	–	89	8	3

Note: This table is percentaged horizontally.

TABLE 63.2

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

	Lawyers Practicing in State/Local Courts			
	Should Make Sentence Tougher	Should Have No Effect on Sentence	Should Make Sentence Lighter	Un-certain
100%→	%	%	%	%
Crime was extremely violent	97	2	-	1
Convicted has been previously convicted of same crime	96	1	2	1
Convicted has previous record	95	3	-	2
Crime was not "planned"	10	19	67	4
Convicted is well-to-do	8	88	2	2
Crime is victimless	4	32	63	1
Convicted is a member of a minority group	3	92	4	1
Convicted is a minor	3	27	67	3
Convicted is poor	-	90	9	1

Note: This table is percentaged horizontally.

TABLE 63.3

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

| | State/Local Community Leaders | | | |
	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	93	2	–	5
Crime was extremely violent	92	3	–	5
Convicted has previous record	85	6	–	9
Crime was not "planned"	8	31	56	5
Convicted is well-to-do	6	88	2	4
Convicted is a minor	3	40	50	7
Crime is victimless	3	36	54	7
Convicted is a member of a minority group	2	93	–	5
Convicted is poor	–	91	4	5

Note: This table is percentaged horizontally.

TABLE 63.4

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

| | State/Local Judges | | | |
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
	%	%	%	%
100%→				
Crime was extremely violent	95	1	1	3
Convicted has been previously convicted of same crime	94	3	1	2
Convicted has previous record	89	4	2	5
Convicted is a member of a minority group	16	63	20	1
Convicted is poor	9	66	23	2
Crime was not "planned"	8	10	77	5
Convicted is well-to-do	4	49	44	3
Convicted is a minor	3	10	82	5
Crime is victimless	2	24	71	3

Note: This table is percentaged horizontally.

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TABLE 63.5

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

	Lawyers Practicing in State/Local Courts			
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
	%	%	%	%
100%→				
Crime was extremely violent	97	1	–	2
Convicted has been previously convicted of same crime	96	1	1	2
Convicted has previous record	94	3	1	2
Convicted is a member of a minority group	34	45	19	2
Convicted is poor	27	51	19	3
Convicted is well-to-do	8	24	65	3
Crime was not "planned"	5	18	74	3
Crime is victimless	3	24	69	4
Convicted is a minor	3	5	88	4

Note: This table is percentaged horizontally.

TABLE 63.6

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(State/local publics)

	State/Local Community Leaders			
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
100% →	%	%	%	%
Crime was extremely violent	85	6	1	8
Convicted has been previously convicted of same crime	83	10	1	6
Convicted has previous record	80	10	1	9
Convicted is a member of a minority group	37	40	16	7
Convicted is poor	30	48	15	7
Convicted is well-to-do	8	22	61	9
Crime was not "planned"	6	17	70	7
Convicted is a minor	4	9	79	8
Crime is victimless	1	22	68	9

Note: This table is percentaged horizontally.

TABLE 63.7

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

	Federal Judges			
	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	99	–	–	1
Crime was extremely violent	99	–	–	1
Convicted has previous record	91	1	–	8
Convicted is well-to-do	13	83	1	3
Crime was not "planned"	6	5	81	8
Crime is victimless	1	21	73	5
Convicted is a member of a minority group	–	96	2	2
Convicted is poor	–	82	14	4
Convicted is a minor	–	8	86	6

Note: This table is percentaged horizontally.

TABLE 63.8

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

	Lawyers Practicing in Federal Courts			
	Should Make Sentence Tougher	Should Have No Effect on Sentence	Should Make Sentence Lighter	Un-certain
	%	%	%	%
100%→				
Crime was extremely violent	97	1	–	2
Convicted has been previously convicted of same crime	97	1	–	2
Convicted has previous record	92	7	–	1
Convicted is well-to-do	4	89	5	2
Crime is victimless	3	25	69	3
Crime was not "planned"	3	18	76	3
Convicted is a minor	2	24	70	4
Convicted is a member of a minority group	1	95	3	1
Convicted is poor	–	90	8	2

Note: This table is percentaged horizontally.

TABLE 63.9

DESIRED EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

| | National Community Leaders | | | |
	Should Make Sentence Tougher	Should Have No Effect on Sentence	Should Make Sentence Lighter	Un-certain
	%	%	%	%
100%→				
Crime was extremely violent	95	1	–	4
Convicted has been previously convicted of same crime	94	2	1	3
Convicted has previous record	92	2	–	6
Convicted is well-to-do	9	88	–	3
Crime is victimless	2	27	62	9
Convicted is a member of a minority group	1	95	1	3
Convicted is a minor	1	28	63	8
Crime was not "planned"	1	17	78	4
Convicted is poor	–	90	7	3

Note: This table is percentaged horizontally.

TABLE 63.10

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

| | Federal Judges | | | |
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
	%	%	%	%
100%→				
Crime was extremely violent	95	–	–	5
Convicted has been previously convicted of same crime	95	–	–	5
Convicted has previous record	89	1	–	10
Convicted is a member of a minority group	19	63	10	8
Convicted is poor	14	62	15	9
Convicted is well-to-do	9	44	38	9
Crime was not "planned"	5	7	76	12
Convicted is a minor	1	3	87	9
Crime was victimless	1	11	78	10

Note: This table is percentaged horizontally.

TABLE 63.11

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

	Lawyers Practicing in Federal Courts			
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
100%→	%	%	%	%
Crime was extremely violent	98	1	–	1
Convicted has been previously convicted of same crime	96	1	1	2
Convicted has previous record	96	1	–	3
Convicted is a member of a minority group	43	44	10	3
Convicted is poor	35	47	15	3
Convicted is well-to-do	8	18	72	2
Convicted is a minor	4	5	89	2
Crime was not "planned"	3	16	77	4
Crime is victimless	2	24	72	2

Note: This table is percentaged horizontally.

TABLE 63.12

PERCEIVED ACTUAL EFFECT OF CIRCUMSTANCES UPON JUDGES' SENTENCING

(Federal/national publics)

	National Community Leaders			
	Makes Sentence Tougher	Has No Effect on Sentence	Makes Sentence Lighter	Un-certain
100% →	%	%	%	%
Convicted has been previously convicted of same crime	93	3	–	4
Crime was extremely violent	93	2	–	5
Convicted has previous record	90	4	–	6
Convicted is a member of a minority group	42	31	21	6
Convicted is poor	37	33	24	6
Crime was not "planned"	6	7	83	4
Convicted is well-to-do	4	13	78	5
Crime is victimless	1	9	83	7
Convicted is a minor	–	6	87	7

Note: This table is percentaged horizontally.

E.   Attitudes Toward Judges

Finding #64:   Preferred Mechanism for Becoming a Judge: Appointment versus Election: (Tables 64.1-6) All groups tend to favor appointment of judges over election--federal/national publics particularly so. Interestingly, this is one of the few issues on which judges' views resemble community leaders' more than lawyers'.[1]

Support for appointment or election hinges on two principal criteria:

> Role of political influence;
>
> Perceived need for better qualified judges.

More specifically:

Appointment		Election
		It's the democratic way (more often community leaders say so); appointments too "political"--behind the scenes.
Eliminates pressure of political influence (judges more often say so)	←→	
Election goes to the best campaigner, not the best qualified (more often lawyers say so)	←→	Judges will be more responsive to people; requires periodic accountability

[1] These resemblances hold up only within state/local publics and federal/national publics. That is, federal judges have views similar to national community leaders and state/local judges echo state/local community leaders. But state/local judges are not similar to national community leaders and state/local community leaders are unlike federal judges in their views.

TABLE 64.1

PREFERRED METHOD OF JUDGE SELECTION

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100	100	100
In This State, Judges Should Be:			
Appointed	43	50	46
Elected	33	27	33
Both	15	12	11
Other	4	6	5
Uncertain, no preference	5	5	5

TABLE 64.2

PREFERRED METHOD OF JUDGE SELECTION

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Total	100	100	100
In This State, Judges Should Be:			
Appointed	73	59	79
Elected	10	21	9
Both	9	11	2
Other	5	4	3
Uncertain, no preference	3	5	7

TABLE 64.3

PRINCIPAL REASONS JUDGES SHOULD BE APPOINTED

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Believe judges should be appointed	43 (100%)*	50 (100%)*	46 (100%)*
Eliminates pressure of political influence	48	39	33
Public can't evaluate candidates; election goes to best campaigner, not most qualified	21	39	31
Can be screened by qualified persons	18	22	16
Likely to get more able people/distasteful to some to run for election	15	11	16
Appointments should be based on candidates qualifications	10	9	16
Judges shouldn't spend time and money on elections	5	4	5
Merit system is fairest/should be uniform evaluation process	5	4	3

* Multiple responses.

TABLE 64.4

PRINCIPAL REASONS JUDGES SHOULD BE ELECTED

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Believe judges should be elected	33 (100%)*	27 (100%)*	33 (100%)*
It's the democratic way	41	32	47
Judges more responsive to people if elected	31	23	15
Appointments are too political	20	27	29
Allows for periodic accountability checks	20	11	11

* Multiple responses.

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TABLE 64.5

PRINCIPAL REASONS JUDGES SHOULD BE APPOINTED

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Believe judges should be appointed	73 (100%)*	59 (100%)*	79 (100%)*
Eliminates pressure of political influence	34	28	42
Likely to get more able people/distasteful to some to run for election	23	10	14
Public can't evaluate candidates; election goes to best campaigner, not most qualified	19	43	36
Can be screened by qualified persons	13	23	10
Appointments should be based on candidates qualifications	9	14	15
Judges shouldn't spend time and money on elections	7	6	10
Merit system is fairest/should be uniform evaluation process	4	8	5

* Multiple responses.

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TABLE 64.6

PRINCIPAL REASONS JUDGES SHOULD BE ELECTED

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Believe judges should be elected	10 (100%)*	21 (100%)*	9 (100%)*
Appointments are too political	40	34	44
It's the democratic way	20	36	–
Allows for periodic accountability checks	10	14	22
Judges more responsive to people if elected	10	7	11

* Multiple responses.

Finding #65:   Perceptions of How a Person Becomes a Judge:

(Tables 65.1-2)   When asked to volunteer ideas on how a person

becomes a judge, a mix of formal qualifications and "extra-

professional" attributes are mentioned:

...Judges are apt to focus on affiliation with a polit-

   ical party and a law degree requirement, followed by

   the "technics" of appointment/elections and experience.

...Lawyers, in contrast, give heavier weight to political

   factors (not only party affiliation, but also intan-

   gibles like a "good reputation," etc.) and less weight

   to qualifications.

...Community leaders take a middle ground between judges'

   and lawyers' points of view, though national community

   leaders come slightly closer to the lawyers' perspec-

   tive.

TABLE 65.1

METHOD BY WHICH A PERSON COULD BECOME A JUDGE

(State/local publics)

	State/ Local Judges %	Lawyers Practicing in State/ Local Courts %	State/ Local Community Leaders %
Total	100*	100*	100*
In This State, to Become a Judge:			
Political influence necessary; affiliation with political party	52	73	64
Law degree necessary	50	38	42
Must be elected by people	44	32	32
Must be appointed by committee, governor	35	34	34
Must have court/trial experience	19	18	17
Must have been a lawyer for prescribed number of years	17	16	19
Must be well-known, good reputation	15	19	13
Must seek appointment and file for it	14	8	7
Must have endorsement of local bar	13	15	12
Must be screened/approved by executive council	13	9	7
Must have proven ability, merit	12	9	9
Must be active in civic affairs	7	4	3
Must have good education, come from influential schools	3	6	6

* Multiple responses.

TABLE 65.2

METHOD BY WHICH A PERSON COULD BECOME A JUDGE

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100*	100*	100*
In This State, to Become a Judge:				
Political influence necessary; affiliation with political party		59	73	75
Law degree necessary		34	33	30
Must be appointed by committee, governor		33	28	31
Must be elected by people		21	25	9
Must be well-known, good reputation		21	18	12
Must have court/trial experience		20	13	16
Must be screened/approved by executive council		16	7	8
Must have endorsement of local bar		15	16	19
Must seek appointment and file for it		13	7	5
Must have proven ability, merit		11	6	13
Must have been a lawyer for prescribed number of years		6	17	3
Must have good education, come from influential schools		5	2	10

* Multiple responses.

Finding #66:   Perceptions of State/Local Judges' Qualifica-
tions: (Tables 66.1-6) While most believe that judges today
have adequate qualifications, sizable minorities (and a major-
ity of lawyers practicing in federal courts) believe that
judges should have additional qualifications. Judges sitting
in criminal courts are most often cited as requiring additional
qualifications.

Additional qualifications which are most often called for in-
clude: substantial courtroom/trial experience; being a prac-
ticing attorney for a number of years; requiring a law degree;
special training in the area which the judge will handle.

TABLE 66.1

ADEQUACY OF JUDGES' QUALIFICATIONS

(State/local publics)

		State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
		%	%	%
	Total	100	100	100
In This State, Judges:				
Have adequate qualifications		69	62	50
Should have additional qualifications		27	35	42
Uncertain		4	3	8

TABLE 66.2

PRINCIPAL TYPES OF JUDGES NEEDING ADDITIONAL QUALIFICATIONS BY THOSE

WHO BELIEVE JUDGES SHOULD HAVE ADDITIONAL QUALIFICATIONS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Judges should have additional qualifications	27	35	42
	(100%)*	(100%)*	(100%)*
Types of Judges			
All/most judges	38	35	30
City/municipal court judges	14	5	6
Justices of the peace	8	1	2
Criminal court judges	6	15	16
District court judges	6	6	3
County court judges	6	5	4
Appellate judges	6	4	4
Magistrates/judges in local courts	6	3	8
Lower court judges	6	3	4
Probate court judges	5	2	1

* Multiple responses.

TABLE 66.3

PRINCIPAL ADDITIONAL QUALIFICATIONS NEEDED BY JUDGES BY THOSE WHO

BELIEVE JUDGES SHOULD HAVE ADDITIONAL QUALIFICATIONS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Judges should have additional qualifications	27	35	42
	(100%)*	(100%)*	(100%)*
Additional Qualifications			
Substantial courtroom/trial experience	31	43	15
Being a practicing attorney for a number of years	20	19	11
Law degree, pass bar exam	17	11	17
Formal education specifically for judges	17	10	9
Special training in area judge will handle, in-service training	15	15	21
Working knowledge of practical aspects of the law	12	11	14
Refresher courses in law	9	14	9
Sensitivity to needs of litigants/ people	5	7	9

* Multiple responses.

TABLE 66.4

ADEQUACY OF JUDGES' QUALIFICATIONS

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100	100	100
In This State, Judges:				
Have adequate qualifications		75	44	42
Should have additional qualifications		23	53	37
Uncertain		2	3	21

TABLE 66.5

PRINCIPAL TYPES OF JUDGES NEEDING ADDITIONAL QUALIFICATIONS BY THOSE

WHO BELIEVE JUDGES SHOULD HAVE ADDITIONAL QUALIFICATIONS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Judges should have additional qualifications	23	53	37
	(100%)*	(100%)*	(100%)*
Types of Judges			
All/most judges	32	36	37
Criminal court judges	9	12	29
Magistrates/judges in local courts	5	6	3
Appellate judges	5	6	–
Probate court judges	5	2	–
Lower court judges	5	1	8
District court judges	–	9	3
County court judges	–	5	–
City/municipal court judges	–	4	–
Justices of the peace	–	3	–

* Multiple responses.

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TABLE 66.6

PRINCIPAL ADDITIONAL QUALIFICATIONS NEEDED BY JUDGES BY THOSE WHO

BELIEVE JUDGES SHOULD HAVE ADDITIONAL QUALIFICATIONS

(Federal/national publics)

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
	%	%	%
Judges should have additional qualifications	23 (100%)*	53 (100%)*	37 (100%)*
Additional Qualifications			
Substantial courtroom/trial experience	41	28	18
Working knowledge of practical aspects of the law	23	8	18
Judicial temperment/fairness	23	17	21
Being a practicing attorney for a number of years	14	16	5
Special training in area judge will handle, in-service training	14	17	18
Intelligence/common sense	14	9	8
Formal education specifically for judges	9	10	8

* Multiple responses.

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Section VII

Looking Toward the Future: Attitudes Toward Court Reform

Finding #67:   Support for Expending Tax Dollars: (Tables
67.1-2)   There is wide-scale support for expending tax dollars
on proposed improvements in the justice system.   The special
publics all agree that the most desirable way to spend tax dol-
lars is on guaranteeing that the best possible people become
judges.   Other improvements which win widespread support are:
improving police training programs; making certain that courts
have adequate facilities; learning to prevent criminals from
committing crime in the future; developing ways to settle minor
disputes without formal court proceedings; and learning more
about the causes and prevention of crime.

Among the least favored ways to spend money are: increasing
the number of police and building more prison facilities.

Finally, federal/national publics are substantially more sup-
portive of increasing the number of judges sitting on federal
courts than are state/local publics.

TABLE 67.1

SUPPORT FOR EXPENDING TAX DOLLARS

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*

Extremely/Very Helpful to:

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
Attempt to get best possible people to serve as judges	83	80	81
Improve police training programs	77	71	76
Make certain that courts have adequate facilities for those who must use them	75	60	68
Learn more about how to prevent convicted criminals from committing crimes in the future	67	71	69
Develop ways to settle minor disputes without going through formal court proceedings	66	68	76
Learn more about the causes/prevention of serious crime	65	53	59
Build better prison facilities	57	44	45
Try to make courts handle their cases faster	56	51	75
Increase the number of programs to rehabilitate convicted offenders	54	52	51
Make good lawyers available to anyone who needs them	48	50	60
Increase the number of police	43	32	35
Build more prison facilities	41	37	30
Increase number of judges who sit on federal courts	36	33	40

* Multiple responses.

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TABLE 67.2

SUPPORT FOR EXPENDING TAX DOLLARS

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
Total		100*	100*	100*
Extremely/Very Helpful to:				
Attempt to get best possible people to serve as judges		82	85	80
Develop ways to settle minor disputes without going through formal court proceedings		77	67	76
Improve police training programs		71	66	55
Learn more about how to prevent convicted criminals from committing crimes in the future		70	70	65
Learn more about the causes/prevention of serious crime		66	54	56
Build better prison facilities		66	46	47
Make certain that courts have adequate facilities for those who must use them		64	66	63
Increase number of judges who sit on federal courts		56	54	56
Increase the number of police		53	32	26
Make good lawyers available to anyone who needs them		51	53	53
Increase the number of programs to rehabilitate convicted offenders		51	53	37
Build more prison facilities		48	36	27
Try to make courts handle their cases faster		46	47	64

* Multiple responses.

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Finding #68:   Support for Suggestions to Change Court System:

(Tables 68.1-2) Support for suggested changes also indicates
the high premium placed on the quality of judges. Large major-
ities endorse the establishment of committees to review judges'
performance and to screen potential candidates for judgeships.
(The only exception is federal judges, only 49% of whom support
the establishment of review committees.) In addition, the spe-
cial publics support changes which would result in lightening
the case load of courts, namely alternative means of dispute
resolution and allowing police to issue citations for misde-
meanors.

Finally, community leaders are more apt to support: developing
alternative means of dispute resolution, night and weekend
court operations, a hot line for making legal advice available
to the public, and fixed sentencing for particular crimes.

TABLE 68.1

SUPPORT FOR SUGGESTIONS TO CHANGE COURT SYSTEM

(State/local publics)

	State/ Local Judges	Lawyers Practicing in State/ Local Courts	State/ Local Community Leaders
	%	%	%
Total	100*	100*	100*
Would Strongly/Moderately Support			
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	73	83	81
Establish a committee to screen potential judicial candidates and provide nominations for judges	70	82	77
Seek alternatives to handling divorce cases in court--e.g., "no-fault" divorce, etc.	57	58	78
Encourage police to issue citations--like traffic tickets where you pay a fine--for minor offenses (misdemeanors)	55	58	57
Establish alternatives to resolving neighborhood disputes, petty larceny, etc., using informal procedures and panels of local citizens	47	48	54
Have courts in operation at night and on weekends in addition to their normal weekday hours	46	38	70
Establish "legal insurance," similar to automobile or health insurance, to help pay court/legal expenses	41	54	46
Establish a "hot line" for helping citizens with legal questions	37	42	69
Legislatures should set exact sentences for particular crimes	21	26	35

* Multiple responses.

TABLE 68.2

SUPPORT FOR SUGGESTIONS TO CHANGE COURT SYSTEM

(Federal/national publics)

		Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
		%	%	%
	Total	100*	100*	100*

Would Strongly/Moderately Support

	Federal Judges	Lawyers Practicing in Federal Courts	National Community Leaders
Establish a committee to screen potential judicial candidates and provide nominations for judges	77	85	89
Seek alternatives to handling divorce cases in court--e.g., "no-fault" divorce, etc.	74	73	80
Encourage police to issue citations--like traffic tickets where you pay a find--for minor offenses (misdemeanors)	61	51	60
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	49	75	77
Establish "legal insurance," similar to automobile or health insurance, to help pay court/legal expenses	48	49	46
Establish alternatives to resolving neighborhood disputes, petty larceny, etc., using informal procedures and panels of local citizens	48	42	66
Establish a "hot line" for helping citizens with legal questions	35	36	60
Have courts in operation at night and on weekends in addition to their normal weekday hours	31	34	64
Legislatures should set exact sentences for particular crimes	10	20	36

*   Multiple responses.

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APPENDICES

APPENDIX A

SAMPLING THE GENERAL PUBLIC

APPENDIX A

SAMPLING THE GENERAL PUBLIC

The sample of the general public is comprised of 1,931 individuals representing the literate noninstitutional universe of Americans 18 years of age and older.

The sample was drawn in a series of steps, reflected in the organization of this appendix:

> Sampling Method
>
> Choosing Cluster Points
>
> Selection of Starting Points
>
> Respondent Selection.

Additionally, the appendix discusses a supplemental sample employed in the study; describes weighting procedures and discusses some implications of the sample design and weighting for data analysis.

The appendix concludes with three exhibits:

> Exhibit A-1: Sample and Census Distributions
>
> Exhibit A-2: Interview Sites
>
> Exhibit A-3: Glossary.

Sampling Method

The sample used is a single stage stratified replicated random sample following the procedures outlined by Deming.[1] The basic data used in implementing the sample were population statistics for states and Standard Metropolitan Statistical Areas[2] as compiled in the 1970 Census and updated by Yankelovich, Skelly and White, Inc., in 1975.[3]

These data reported on the population of:

1. Each of the states and the District of Columbia.

2. The counties within the states (and county subdivisions in New England).

3. All incorporated places with 1,000 or more population.

4. The Standard Metropolitan Statistical Areas (SMSA).

1/ W. Edwards Deming, On Simplification of Sampling Design Through Replication With Equal Probabilities and Without Stages. Journal of the American Statistical Association, March, 1956.

2/ Characteristics of the Population, U.S. Department of Commerce, Social and Economic Statistics Administration, Bureau of the Census, May, 1972. Current Population Reports, Estimates of the Population of Metropolitan Areas, 1972, U.S. Department of Commerce, September, 1973.

3/ 1975 Population Estimate from Sales Management Survey of Buying Power, as of December 31, 1974.

5. The central city and noncentral city population distribution within each SMSA.

6. The counties (or portions of counties in New England) falling within each SMSA.

Choosing Cluster Points

The total population of the United States was stratified by the nine Standard Census Divisions:

1. New England

2. Middle Atlantic

3. East North Central

4. West North Central

5. South Atlantic

6. East South Central

7. West South Central

8. Mountain

9. West

and within the nine divisions by Metropolitan (SMSA) and non-Metropolitan Area.

The nine Metropolitan Area strata were then:

1. Ordered by size of population;

2. Specific SMSA's were ordered by size of population within each divisional stratum; and

3. Counties (or county subdivisions) were ordered by size of population within each SMSA.

The nine non-Metropolitan strata were:

1. Ordered geographically using a serpentine pattern;

2. The states were ordered geographically within each divisional stratum; and

3. Counties (or county subdivisions) were ordered geographically within each state.

This variable ordering scheme insured that representation would come from small places as well as large and took account of the primary importance of population size in characterizing Metropolitan Areas and of geographic location in characterizing non-Metropolitan Areas. This type of ordering scheme was used in the sample design of a study of the National Institute of Health for a report to the President in 1965,[1] as well as for the Yankelovich Monitor.[2]

Having ordered the population in this manner, 189 primary sampling units--representing four replicates--were obtained. Selection

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[1] *Biomedical Science and Its Administration*, a study of the National Institute of Health, Report to the President, the White House, February, 1965.

[2] Yankelovich, Skelly and White, Inc., *Monitor I Through VIII*, 1970 to 1978.

from the arrays was on the basis of fixed intervals with random starting points. The interval used for the selection of non-Metropolitan clusters reflected the fact that these clusters would be represented at one-half their normal weight, a standard sampling technique. A weighting procedure was utilized to bring these clusters back to their true representation.

Since the four replicates were selected on a systematic basis so as to form geographically related sets of sampling units within each replicate sample, it is possible to calculate an empirical variance estimate that more accurately reflects the variability of the survey results than does the direct application of binomial theory.[1/]

For those counties selected according to the above procedures, precise location of the cluster was obtained by arraying all population units within the county and selecting the specific unit for sampling based on a computation of the depth within the county of the interval number. Starting points within the specific clusters were obtained through a computation of the depth of the interval number within the selected population unit (city, suburb, etc.). Thus, the single "pick" served the purpose of selecting the county in which interviewing would take place, the specific location within that county, and the specific starting point within that location.

1/ For a discussion of the binomial theorem, see William G. Cochran, Sampling Techniques, 3rd edition. New York: John Wiley & Sons, 1977.

Selection of Starting Points

To select starting points, a procedure was utilized that would be sensitive to shifts in population through the use of frequently updated data. This procedure made use of annual local telephone directories. The actual starting point was selected by converting the depth of the basic selection interval into a specific location within the appropriate current telephone directory. The starting point for that sampling unit became the first occupied household beyond that specific address. This methodology helps to eliminate the bias of using only listed telephone households as starting points.

Respondent Selection

Having been assigned a specific starting point, interviewers followed a set of detailed and specific standard instructions for proceeding through the assigned cluster from that starting point.

These route-selection procedures were described in great detail in the sampling instructions. Respondent selection in households along the route followed a number of specific procedures designed to minimize the effect of sex-skewed sample execution and to use call-back and random-nights-at-home procedures to their best advantage. Specifically, two call-back opportunities were provided on different days, within a controlled maximum number of households canvassed each night within each cluster. In order to

achieve equivalent numbers of male and female interviews, a pre-determined random respondent selection device was utilized. The effect of the equalization of male/female interviews was accounted for by a weighting procedure.

The call-back technique was a variation of the procedure discussed by Kish[1] and Cochran[2] and successfully applied by the Center for Political Studies of the University of North Carolina under Ford Foundation sponsorship.[3]

Once the contact with a household had been achieved, the names of all individuals 18 years of age and older living in that household were recorded systematically according to the alphabetical order of first names and one of these persons was selected for inter-viewing--according to a predetermined random selection procedure. No substitutions were permitted.

"Not-at-homeness" was accounted for by a combination of the call-backs and an improved "nights-at-home" weighting procedure which was a modification[4] of the plan outlined by Simmons.[5] The

[1] Leslie Kish, Survey Sampling. New York: John Wiley & Sons, 1967.

[2] George W. Cochran, Sampling Techniques, 3rd edition. New York: John Wiley & Sons, 1977.

[3] Center for Political Studies, University of North Carolina, A Study of the Presidential Elections From a Local Point of View, 1968.

[4] Yankelovich, Skelly and White, Inc., 1962.

[5] Williard R. Simmons, "A Plan to Account for 'Not-At-Homes' by Combining Weighting and Call-Backs," Journal of Marketing, July, 1954.

efficiency of the "nights-at-home" weighting procedure was improved by the use of randomly selected time patterns--covering seven possible interviewing periods--in obtaining at-home behavior information. The total hours for interviewing were listed day by day in equal cells of time--one for each weekday evening and two for Saturday--and a single random time for each cell was then selected to be asked about. This had the advantage of avoiding the respondent reporting a set at-homeness pattern--by not asking only about "this" time of each day--as well as also avoiding the clustering around specific times that generally occurs when the survey instrument is a lengthy one (the at-home data usually being asked at the end of the interview).

Supplemental Sample

As indicated earlier, the National Center for State Courts designated three states as having recently introduced significant constitutional change in court structure and three states which have not introduced any changes of comparable significance. As such, each set of three states represented "most dissimilar cases" in the area of court reform.

In order to insure sufficient numbers for separate analysis in both sets of states, a supplemental sample was drawn from these states. The populations for each set of three states were accumulated and then selection of cluster points and respondents was

done in the same manner described for the basic survey. It should be noted that non-Metropolitan Areas were <u>not</u> undersampled in these state supplements.

The non-Metropolitan Areas in these six states were in fact sampled at their full weight due to the smaller sample size of the total supplement.

This yielded the following numbers of respondents in the six "special" states:

State	Total Respondents	Drawn From National Sample Picks	Drawn From Supplemental Sample Picks
	No.	No.	No.
Colorado	110	22	88
Maryland	174	40	134
North Dakota	32	8	24
Total	316	70	246
Texas	190	95	95
South Carolina	40	16	24
Indiana	80	24	56
Total	310	135	175

A statistical weight was employed to incorporate these state supplements within the total national survey in their proper proportions, thus enabling more detailed analysis of these special segments of the population while insuring a total representative national sample.

Weighting Procedures

As already indicated, a number of weighting procedures were applied to raw sample data. The details of their derivation and application are described below. The first four of these (a through d) are design weights, i.e., were applied in order to adjust for efficiencies built into the sample design.

a. "Nights-At-Home" Weighting

The problem of accounting for not-at-home respondents was dealt with through the following weightings, which are the reciprocals of nights home per week.

At Home:	Weight
1 night	7.0
2 nights	3.5
3 nights	2.3
4 nights	1.8
5 nights	1.4
6 nights	1.2
7 nights	1.0

The mean weight of 1.4 was applied to those respondents (77) who did not answer the at-homeness question.

b. Non-Metropolitan Area Weighting

The purposeful undersampling in the national survey of non-Metropolitan Areas by 50 per cent was adjusted for by applying an average weight of 2.0 to all interviews conducted in non-Metropolitan Areas prior to the tabulation of the data. This weighting factor reflected

the fact that non-Metropolitan interviews represented one-half their normal weight in the sampling design.

It should be noted that this weight of 2.0 was applied to the non-Metropolitan interviews drawn for the national sample and not to the supplemental non-Metropolitan interviews.

c. Geography Fold

To bring the six states which were oversampled into line with the total United States population, the following weights were applied:

States	Weight
General public in Metropolitan Areas, excluding six states instituting/not instituting changes	5.2
General public in non-Metropolitan Areas, excluding six states instituting/not instituting changes	6.5
Total states instituting changes (Colorado, Maryland, North Dakota)	1.0

States not instituting change:

Texas	2.7
South Carolina	2.4
Indiana	2.1

These weights take into account the populations of these six states relative to all other states.

d. Sex Assignment Weighting

An attempt was made in administering the sample to compensate for the overrepresentation of female interviews which usually results from survey field procedures. This attempt to equalize the male/female ratio of interviews conducted resulted in a systematic oversampling of the male population. Adjustments through weighting procedures were therefore undertaken, with the average weight applied to female interviews being 1.1 and, for male interviews, 0.9.

e. Sample Balancing

Having applied all design weights, a sample balancing weighting methodology was used to insure that the survey data would be comparable to the universe.

Unlike design weights, sample balancing weights do not correspond to preplanned sampling procedures. Rather, they adjust sample discrepancies which are artifacts of field execution.

Comparing the design-weighted distribution of the survey at this stage to known demographic distributions from secondary sources, certain segments of the population were weighted to better approximate these known distributions.

Every attempt was made to minimize the weight factors in order to maximize the efficiency of the sample.

For this survey the following is a list of weight factors applied.

	Weight
Age	
65 years and over	1.3
Under 65 years	1.0
Education	
Grade school or less	1.3
Some high school	1.0
Graduated high school	1.1
Some college	0.8
Graduated college	1.0
Some postgraduate college	1.0
Female Employment Status	
Employed	1.1
Not employed	0.9
Total Household Income	
Under $7,500	1.5
$7,500 or more	1.0
Type of Place	
Metropolitan	
Central city	1.0
Other urban areas	1.1
Rural	1.0
Non-Metropolitan	
Urban	1.1
Rural	1.0

Other segments of the population were not adjusted and
received a weight of 1.0. All respondents who did not
answer for a particular demographic characteristic
were assigned a weight of 1.0 for that characteristic.
(See Exhibit A-1 for the list of demographic segments
and their census estimates.)

Each weight factor is effectively applied sequen-
tially[1] and the distribution checked prior to the
next factor being applied, therefore, incorporating
the interaction of demographic characteristics.

As there are 132 print positions on our printer, in
order to maintain a 20 cell banner for both analytic
design and cost efficiencies a constant factor of 0.5
was applied to every respondent, thus allowing a
maximum four-digit numeric base with exactly the same
per cent distribution throughout all tables.

A single weight was created for each respondent by multiplying
all the above weights. This weight is found in Columns 75-79 of
Card 1. Column 79 is a decimal.

---

[1] Computation of weight 1.1 times 1.1 is entered as whole
numbers and the result is divided back by 10 at each
level (e.g., 11 x 11 = 121 ÷ 10 = 12.1).

After all weights have been computed the final number is
divided by 10 in the print stage (e.g., 0.50 rounds to
1.0; 0.49 rounds to 0.0).

Implications for Data Analysis

Both the sample design and the weighting procedures have implications for data analysis.

...Sample Design   Standard procedures for statistical inference are based on the assumption of simple random sampling. However, the complex design of this sample departs from that assumption. For discussions of the implications of this departure for analysis, the user is referred to Deming; Cochran; Hansen, Hurwitz and Madow.[1]

...Weighting   The application of weights has implications for data analysis with statistical packages in wide currency today (e.g., SPSS), the most important of which relates to significance tests. Weighting inflates the sample size, thus also increasing degrees of freedom. Therefore, tests of significance may suggest the rejection of the null hypothesis, when, in fact, rejection is not appropriate.[2] The user who runs these data using weights should probably seek expert device.

---

[1]   W. Edwards Deming, Some Theory of Sampling. New York: John Wiley & Sons, 1950; W. G. Cochran, Sampling Techniques; M. H. Hansen, W. N. Hurwitz, W. G. Madow, Sample Methods and Theories. Two Vols., New York, John Wiley & Sons, 1953.

[2]   For the most common type of analysis, cross-tabs, the correct procedure for testing significance is to use unweighted n's and the percentages which result when weights are applied.

...<u>Analytic Cell Size</u>   While opinions vary, as a basic
rule of thumb, an analytic cell consisting of a minimum
of 100 cases from a representative random sample will
yield reliable data.

Sample and Census Distributions

This exhibit provides comparisons of general public sample and census distributions on key demographic variables.

		Sample Distribution [1]	Census Distribution [2]
		%	%
	Total	100	100
Age			
18 - 24 years		16	19
25 - 34 years		26	22
35 - 44 years		17	16
45 - 54 years		15	15
55 - 64 years		12	13
65 years and over		14	15
Education			
Grade school or less		14	17
Some high school		17	16
Graduated high school		34	38
Some college		19	16
Graduated college		10	8
Some postgraduate college		6	5
Race [3]			
White		84	88
Black		11	10
Hispanic		4	-
Other		1	2

[1] Proportion of total literate population 18 years of age and older represented by each group in the final weighted general public sample.

[2] Based on latest available Census data.

[3] The U.S. Census does not provide incidence figures of Hispanics.

Continued...

		Sample Distribution[1]	Census Distribution[2]
		%	%
	Total	100	100

Sex

	Sample	Census
Female	52	52
Male	48	48

Total Household Income

	Sample	Census
Under $7,500	27	28
$7,500 - 14,999	27	30
$15,000 - 24,999	26	27
$25,000 and over	12	15
Refused	8	–

Marital Status

	Sample	Census
Single (never married)	15	19
Married	66	66
Widowed	9	8
Divorced/separated	9	7
Refused	1	–

Tenure

	Sample	Census
Own home/apartment	65	65
Rent home/apartment	34	35
Refused	1	–

Occupation Among Those Working Full/Part Time

	Sample	Census
Professional	16	15
Managerial	14	10
Clerical	14	18
Operatives/semiskilled	14	15
Service workers	13	14
Craftsmen/foremen/skilled	11	13
Sales	8	7
Laborers	8	8
Refused	2	–

1/ Proportion of total literate population 18 years of age and older represented by each group in the final weighted general public sample.

2/ Based on latest available Census data.

	Sample Distribution[1]	Census Distribution[2]
	%	%
Total	100	100
Female Employment Status		
Employed	22	22
Not employed	30	30
Regional Distribution		
New England	5	6
Middle Atlantic	18	18
East North Central	18	19
West North Central	9	8
South Atlantic	17	16
East South Central	7	6
West South Central	9	10
Mountain	4	4
Pacific	13	13
Type of Place		
Metropolitan		
Central city	33	33
Other urban areas	30	31
Rural	11	11
Non-Metropolitan		
Urban	9	9
Rural	17	16

1/ Proportion of total literate population 18 years of age and older represented by each group in the final weighted general public sample.

2/ Based on latest available Census data.

General Public Interview Sites

As a result of the initial random sample pull, interviewing was conducted in the following locations:

New England

Enfield-town, CT
Bridgeport-city, CT
Guilford Center, CT
Sharon-town part, MA
Boston-city, MA
Arlington-town, MA
Weston-town balance, MA
Leominster-city, MA
West Springfield-town, MA
Manchester-city, NH
Hampstead-town, NH

Middle Atlantic

Livingston-township, NJ
Orange-city, NJ
Edison-township, NJ
Bridgewater-township, NJ
Wayne-township, NJ
Burlington-township, part, NJ
Trenton-city, NJ
Manhattan-borough, NY
Bronx-borough, NY
Queens-borough, NY
Staten Island, NY
Brooklyn-borough, NY
Ithaca-city, NY
East Meadow, NY
Jericho, NY
Fultonville-village, NY
Collins-town balance, NY
Fairmont, NY
Scotchtown, NY
Nesconset, NY
Somers-town part, NY
Jackson-township, PA
Dickson-city, PA
Solebury-township, PA

Middle Atlantic (continued)

Philadelphia-city, PA
Towamensing-township
  balance, PA
North Anville-township, PA
Alleghany-township balance, PA
Ridley-township, PA
Hempfield-township part, PA
Pittsburgh-city, PA
Palmyra-borough, PA

East North Central

Danville-township balance, IL
Oak Lawn-village, IL
Geneva-city, IL
Brookfield-village, IL
Wheaton-city, IL
Chicago-city, IL
Rockford-city, IL
Decatur-city, IL
Brighton-village, IL
Centerville-town, IN
Anderson-city, IN
Indianapolis-city, IN
Monroe-township balance, IN
Richfield-township, MI
Ypsilanti-city, MI
Grand Rapids-city, MI
South Gate-city, MI
Westland-city, MI
Detroit-city, MI
Troy-city, MI
Jackson-township balance, OH
Springfield-city, OH
Springfield-township part, OH
Pickaway-township, OH
Columbus-city, OH
Akron-city, OH

East North Central
(continued)

Doylestown-village, OH
Canton-city, OH
Cleveland-city, OH
Solon-city, OH
Menesha-city, WI
Milwaukee-city, WI
Whitefish Bay-village, WI
Roberts-village, WI

West North Central

Denver-town, IA
Topeka-township part, KS
Wolverton-village, MN
Lake Park-village, MN
Golden Valley-village, MN
Minneapolis, MN
Gilbert-city, MN
Prairie-village, MO
Basehor-city, MO
St. Louis-city, MO
Florissant-city, MO
Omaha-city, NB
Fargo-city, NB

South Atlantic

Brandywine-division part, DE
Hialeah-city, FL
North West Dade-division
   part, FL
Pompano Beach-division
   part, FL
Daytona Beach-city, FL
Crestview, FL
Pensacola-city, FL
Tampa-city, FL
Atlanta-city, GA
Good Hope-town, GA
Macon-city, GA
Experiment, GA
District 9, Gaithersburg
   part, MD
Hillcrest Heights, MD
Baltimore-city, MD
Elicott-city, MD
District 4-balance, MD
South Point-township
   balance, NC
Raleigh-city, NC

South Atlantic (continued)

Stanleyville, NC
Scuppernong-township, NC
Harnett-township part, NC
St. Andrews, SC
Olanta-division balance, SC
Norfolk-city, VA
Lynchburg-city, VA
Tuckahoe-district part, VA
Robertson-district, VA
Weirton-city, WV

East South Central

Elba-city, AL
Pascaquola-city, AL
Birmingham-city, AL
Robertsdale-town, AL
Louisville-city, KY
Morganfield, KY
Ridgely-town, MS
District 7-balance, MS
Memphis-city, TN
Smyrna-town, TN

West South Central

Hill-township part, AR
Charleston-township, AR
New Orleans, LA
Ward 2-balance, LA
Ward 3-balance, LA
Norman-city, OK
Newkirk-city, OK
Houston-city, TX
Lake Jackson, TX
Garland-city, TX
Dallas-city, TX
Frisco-division balance, TX
Amarillo-city, TX
Texarkana-division balance, TX
George Town-city, TX
Belton-city, TX
Laredo-city, TX
San Antonio-city, TX
Pleasanton-city, TX

Mountain

Phoenix, AZ
San Manuel-division
  balance, AZ
Pueblo, CO
North Glenn-city, CO
Lakewood-city, CO
St. Maries-city, ID
Billings-city, MT
Albuquerque-city, NM
East Millcreek, UT

West

Los Angeles-city, CA
Claremont-city, CA
Pasadena-city, CA
Redondo Beach-city, CA
Baldwin Park-city, CA
Fullerton-city, CA

West (continued)

Fresno-division part, CA
Stockton-city, CA
Dixon-city, CA
Richmond-city, CA
San Francisco-city, CA
Menlo Park-city, CA
Oakland-city, CA
San Jose-city, CA
San Jose-division balance, CA
Thousand Oaks-division
  part, CA
San Diego-city, CA
Banning-city, CA
Golden Beach-city, OR
Division 4-balance, WA
South Broadway, WA
Linwood-city, WA
North Highline-division, WA

As a result of supplemental sampling, interviews were conducted

in the following locations:

Colorado

El Paso-city
Pueblo-city
Ft. Collins South
  division
Frisco-town
Rocky Ford-city
Boulder-city
Littleton Southeast
Welby
Wheat Ridge-city
Denver-city

Indiana

Indianapolis-city
Chandler-town
Yorktown-town
Gary-city
Union-township
  balance
Ft. Wayne-city
New Albany-city

Maryland

Camp Springs
District Heights-
  town
District 6-part
Bethesda
Chevy Chase
Waldorf
Baltimore-city
Dundalk
Essex
Middle River
District 2-balance
Mayo
Williamsport-town
Aberdeen-town

North Dakota

Larimore-city
Northwest Burleigh
  division balance
Grafton-city

South Carolina

Columbia-city
Slater-Marietta
Saluda-town

Texas

Mont Belvieu-
  division
Houston-city
Dallas-city
Waco-city
Arlington-city
Lubbock-city
Fabers
Oden-city
San Angelo-city
San Antonio-city
Lytle Town

EXHIBIT A-3

Glossary

This section explains some of the technical terms which are used in the description of sample methodology.

Replicated sample   The total sample is a composite of two or more subsamples, with each subsample "mirroring" the others on the elements of the sample design.

Serpentine pattern   This is a procedure for ordering geographically contiguous areas. The order is established by a serpentine line traced continuously through the areas.

Single-stage sampling   The sample is drawn from the entire population. By contrast, two-stage sampling first draws a sample of units, then selects subunits within each unit.

Stratified random sample   Stratified sampling divides the total population into subpopulations (called strata), based on some feature or dimension of the universe, such that subpopulations sum to the whole. Random sampling is then done within each stratum.

Depth of interval   The interval is the population span between any two sampling units. The depth of the interval is a relative measure of how far the interval is in the population of a given geographic area.

APPENDIX B

SAMPLING THE SPECIAL PUBLICS

APPENDIX B

SAMPLING THE SPECIAL PUBLICS

Each of the independent samples is described below. This appendix concludes with a listing of all the interview sites for the special publics (Exhibit B-1).

Lawyers [1]

The overall structure of the sample of lawyers was geographic distribution. The sample was drawn in three phases: first, a random sample was selected from the Martindale-Hubbell Law Directory. [2] Second, a supplemental sample of public sector attorneys was pulled. Finally, a supplemental sample of lawyers practicing in federal courts was developed.

a. Random Sample From Martindale-Hubbell Directory

This phase of sample execution had three stages: selection of cluster points; selection of respondents; sample balancing.

...Selection of Cluster Points   A total of 100 cluster points were selected by arraying states

---

[1] The following were excluded from the sample: lawyers working for a corporation/company primarily in a non-legal capacity; retired lawyers; lawyers sitting on the bench as judges; lawyers not presently practicing (but not retired).

[2] Six volumes, 109th Annual Edition, 1977. Published by Martindale-Hubbell, Inc., Summit, New Jersey.

and the District of Columbia in a serpentine
pattern and arranging communities within
states in alphabetical order.

Cluster point selection took account of the
irregular population sizes of these communities
in the following manner.

Within each community, the names of all practic-
ing lawyers were arrayed in alphabetical order
and 100 individual lawyers were then selected
on an every n^{th} basis. The zip code in which
these selected individuals worked became the
cluster point. (For sparsely populated areas,
it was necessary to create agglomerated clus-
ter points of contiguous zip codes.)

...Respondent Selection   Within each cluster
point, three or four respondents were randomly
selected, with the requirement that only one
be selected from a given law office. (System-
atic rotation determined whether three or four
respondents were selected in each cluster.)

...Balancing the Sample   As names were selected
from Martindale-Hubbell, key attributes

provided by the Directory for these individuals
were recorded: public versus private practice;
if private practice, solo office or partner-
ship; sex; age; American Bar Association mem-
bership versus nonmembership; metropolitan
versus non-metropolitan location. These vari-
ables became the bases for balancing the sample,
a procedure similar to weighting, though done
prior to field executions, through which the
sample is brought into "real world" proportions.[1]
This balancing process included the purposeful
undersampling of non-metropolitan clusters by
one-half, which was later dealt with through
weighting.[2]

b. <u>Supplemental Sample of Public Sector Lawyers</u>

Representatives of the National Center for State Courts
hypothesized that the Martindale-Hubbell listings un-
derrepresented public sector attorneys. Thus, a sample
drawn exclusively from Martindale-Hubbell, it was main-
tained, would be biased toward private sector lawyers.
This hypothesis was tested and verified in the follow-
ing manner.

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[1] The distributions on these variables are given in the
<u>Statistical Abstract of the United States</u>, 1976.

[2] Non-metropolitan areas were assigned a weight of 2.0;
metropolitan areas were held constant at 1.0.

Four categories of public sector attorneys were
created--legal aides, public defenders, attorneys
general and staff, district attorneys and staff. We
then acquired lists of lawyers employed in randomly
selected offices for each of those categories and
compared these listings with Martindale-Hubbell list-
ings. These comparisons demonstrated substantial
underrepresentation in Martindale-Hubbell of public
sector attorneys--that is, several individuals on the
lists supplied by offices did not appear in Martindale-
Hubbell. Similar comparisons were made between pri-
vate sector attorneys listed in randomly selected
telephone directories with Martindale-Hubbell. This
comparison indicated that this group was well repre-
sented in Martindale-Hubbell--in excess of 90 per cent
were listed in both sources.

Approximations of the degree of underrepresentation in
Martindale-Hubbell furnished the supplemental sampling
rates for each public sector segment:[1]/

...About one-quarter of legal aides were listed

    in Martindale-Hubbell;

...About one-third of public defenders were

    listed;

---

[1]/   The supplemental sampling rate for each group is the
reciprocal of the underrepresentation rate.

...About one-half of district attorneys and staff;

...About 3 in 5 of attorneys general and staff.

The procedure used for selecting respondents in the supplemental sample paralleled the one used for the original random sample: cluster points (defined by office) were randomly selected; within the clusters, respondents were randomly selected, with no two respondents in the same office (cluster point).

c. Supplemental Sample of Lawyers Practicing in Federal Courts

While the sampling procedures described above yielded lawyers practicing in federal courts, it was necessary to supplement this group.

As a first step, incidence of these lawyers was established by monitoring the returns of the initial lawyer interviews. Incidence figures determined that the supplemental sample should reflect the geographic distribution of the original sample.

Lawyers were then selected, on a random basis from telephone directories and screened to determine whether they practiced in federal courts.[1] Where possible,

---

[1] Lawyers whose federal court experience was limited to bankruptcy cases, or who spent less than 5% of their litigation time in federal court (by self-report) were not included in the supplement.

referrals from lawyers in the original sample were also included in the supplemental sample.

State/Local Judges[1]

Unlike other special public samples, the sample design of state/local judges included a stratification into three categories: judges sitting on the highest state appeals courts; judges sitting on courts of general jurisdiction; judges sitting on courts of limited/special jurisdiction.

The array of cluster points and sampling rates varied across these strata to guarantee that the sample contained adequate and proportionate representation from each stratum.[2]

Among judges sitting on the highest appeals court, only one judge was selected per cluster, the selection proceeding on an every n^{th} basis. For courts of general jurisdiction, clusters were also selected on an every n^{th} basis, and two or three judges (alternated systematically) were randomly pulled per cluster.

---

[1] The following were excluded from the sample: former/retired judges; justices of the peace; police judges; emergency judges; substitute judges; court commissioners.

[2] All respondents were selected from current lists furnished by each of the states. When lists were unavailable, the listings provided in The Directory of State and Local Judges (published by the National College of the State Judiciary; Reno, Nevada) were used.

For courts of limited/special jurisdiction, clusters were selected on an every n^{th} basis and three to four judges (alternated systematically) were randomly pulled from each cluster.

Cluster points were selected in the same way as was done for lawyers. That is, cluster points were created by the selection of individuals; the geographic region in which the individual's courthouse was located became the cluster point. Within each cluster point, only one judge was sampled per courthouse, whenever possible.

Again, non-metropolitan areas were purposefully undersampled by one-half and then weighted back into the total.

Federal Judges[1]

As there are relatively few federal district court and court of appeals judges, the sample design for this group was straightforward: they were selected on an every n^{th} basis.

State/Local and Federal/National Community Leaders

Community leaders at the state/local and federal/national levels were drawn in purposive fashion. Purposive sampling "involves the use of personal judgment of the investigator in selecting 'representative' elements." As a consequence, "rigorous inferences

---

[1] The following were excluded from the sample: bankruptcy judges; magistrates; designated judges; visiting judges; senior judges; former/retired judges.

cannot be made to the population from which the sample is selected

but only to some hypothetical population of which the sample may

be representative."[1]/

This is not to say, however, that the sample is drawn in an unsys-

tematic fashion. Quite the contrary: judgments about the nature

and dimensions of the hypothetical population establish the logic

of the sample pull. These "logics" varied from state/local to

federal/national community leaders.

a. State/Local Community Leaders

Two dimensions characterized the state/local community

leader sample: geography and leadership category.

...Geography   Three sets of states were created:

states instituting significant court changes

(Colorado, Maryland, North Dakota); states not

instituting significant court changes (Indiana,

South Carolina, Texas); and other states, se-

lected to provide geographic distribution

and/or to represent large segments of the pop-

ulation (Connecticut, New York, Pennsylvania,

Mississippi, Missouri, California). The third

category was created to serve as a control

group in data analysis.

1/   C. A. O'Muircheartaigh, "Statistical Analysis in the
      Context of Survey Research," in C. A. O'Muircheartaigh
      and C. Payne, eds., The Analysis of Survey Data: Vol.
      I: Exploring Data Structures. New York: John Wiley
      & Sons, 1977.

Within each state, three cluster points were selected: the state capital and the state's two largest cities/communities (other than the state capital).

...Leadership Category Ten leadership categories were created: mayors (or chief municipal officer) and staff; governors and staff; members of state legislatures who chair/cochair judiciary committees;[1] law enforcement officials (chiefs of police, sheriffs, etc.); representatives of electronic news media who cover court and crime-related matters;[2] representatives of print media who cover court and crime-related matters;[2] leaders of local organizations;[3] local business leaders;[4] local (municipal) legislators;[5] leaders of local labor union chapters.

---

[1] Rotated systematically between Republicans and Democrats.

[2] In some small communities, it was not possible to interview someone with such a circumscribed role. In these cases, the news anchorperson or chief copy editor was interviewed.

[3] Organizations included these categories: lobbyists, political and consumer activist groups, civil rights groups.

[4] Chief executive officer of smaller businesses (not Fortune 1000) or vice president for larger businesses (Fortune 1000 excluding Top 200).

[5] Where possible, those serving on judiciary committees were interviewed.

Interviews were then assigned so that a mini-
mum of four were done in each state capital (gov-
ernor and governor's staff and state legislature
interviews) and all others were evenly divided
between the two other cluster points (i.e.,
cities/communities) in each state.

Additionally, educators were sampled according
to university affiliation rather than geo-
graphic distribution. Universities with lead-
ing law schools were used as cluster points;
respondents were either law faculty or appro-
priate social science faculty.[1]

In view of their large populations, oversam-
pling was done in New York, California and
Texas by assigning interviews in the state
capitals in all leadership categories (except
university educator), not only in governor (or
staff) and state legislator categories.

---

[1] Peter M. Blau and Rebecca Margulies, Study of Leading
Professional Schools, reported in Change, November,
1973 and Winter, 1974-75.

b. Federal/National Community Leaders

Geography was not a consideration for this sample, as
it was appropriate to conduct most of these interviews
in Washington, D. C.

The one departure from this rule was national business
leaders. These were sampled from New York, Chicago,
and Los Angeles. The number of business leaders drawn
from each of these cities was in proportion to the
number of Fortune Top 200 companies headquartered
there.

Excepting this departure, leadership category was the
criterion for pulling the national/federal community
leader sample. Interviews were about evenly distrib-
uted across the following groups: members of the U.S.
House of Representatives (or staff) chairing/serving
on judiciary and related committees;[1] members of the
U.S. Senate (or staff) chairing/serving on judiciary
and related committees;[1] federal law enforcement
officials working in the Justice Department; represen-
tatives of the major networks who cover court and
crime-related matters; representatives of magazines

[1] Rotated systematically between Republicans and Democrats.

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and newspapers with a national perspective who cover
court and crime-related matters; leaders of national
organizations (national counterparts of the state/
local organizations whose leaders were sampled); rep-
resentatives of national labor leaders.

EXHIBIT B-1

Special Publics Interview Sites

The states and cities/towns where interviews were conducted are indicated below.

Alabama	Colorado	Georgia	Kansas (continued)
Birmingham	Boulder	Atlanta	Wathena
Mobile	Westminster	Baxley	Atchison
Montgomery	Cheyenne	Hazelhurst	Ottawa
Tuskegee	Colorado Springs	Agusta	Oshwatomi
Clanton	Pueblo	Canton	
	Littleton	Decatur	Kentucky
Arizona	Springfield		Louisville
Phoenix	La Junta	Illinois	Florence
	Denver		Lexington
Arkansas		Chicago Heights	
	Connecticut	Chicago	Louisiana
W. Memphis		Edwardsville	
Siloam Springs	Hartford	Peoria	Shreveport
Springdale	E. Hartford	Mt. Vernon	New Orleans
Huntsville	Bristol	Waukeegan	
	W. Hartford	Watseka	Maryland
California	Bridgeport	Kankakee	
	Stamford		Annapolis
Santa Ana	New Haven	Indiana	Montgomery/Prince
Los Angeles			George-Counties
Santa Barbara	Delaware	Gary	Baltimore
Visalia		Hammon	Upper Marlboro
Fresno	Wilmington	Whiting	Silver Spring
Beverly Hills		Crown Point	Cockeysville
San Rafael	District of Columbia	South Bend	
Palo Alto		Indianapolis	Massachusetts
San Francisco	Washington	Anderson	
Los Altos		Evansville	Boston
San Jose	Florida		Cambridge
San Diego		Iowa	West Borough
Woodland	Taveres		Brockton
Sacramento	Dunedin	Des Moines	Worcester
Fairfield	Bushnell		Springfield
Long Beach	Eustis	Kansas	
	Tallahassee		Michigan
	Jacksonville	Alma	
	W. Palm Beach	Troy	Southfield
	Miami	Blue Rapids	Detroit
	Pensacola	Valley Falls	Howell

Michigan
(continued)

Benton Harbor
Ann Arbor
Flint
Saginaw
Pontiac
Clawson

Minnesota

Northfield
Stillwater

Mississippi

Jackson
Buloxi
Ackerman

Missouri

Kansas City
Liberty
St. Joseph
Weston
Jefferson City
Fisk
Ellsinore
Poplar Bluff
St. Louis
Clayton

Nebraska

Omaha

Nevada

Las Vegas

New Jersey

Newark
Jersey City
W. Long Branch
Denville
Woodcliff Lake
Paterson
Hackensack

New Jersey
(continued)

Dumont
Palisades
Englewood
Monmouth Jct.
Perth Amboy
Somerset

New Mexico

Las Cruces

New York

Syracuse
Batavia
New York City
Brooklyn
Albany
Schenectady
Ballston Spa
Rochester
Nassau/Suffolk/
  Long Island
Mineola
Huntington
Staten Island
Jamaica
Buffalo

North Carolina

Greensboro
Trenton
Winston-Salem

North Dakota

Grand Forks
Fargo
Bismark

Ohio

Toledo
Cleveland
Akron
Mt. Vernon
Cincinnati

Oklahoma

Henrietta
Muskogee

Oregon

Hillsboro
Salem

Pennsylvania

Harrisburg
Williamsport
Philadelphia
Scranton
Wilkes-Barre
Pittsburg
Allenton
Media
Chester

Rhode Island

Providence

South Carolina

Greenville
Spartanburg
Columbia
Charleston

Tennessee

Kingsport
Nashville

Texas

Bedford
Ft. Worth
Dallas
Austin
Corpus Christi
Odessa
San Antonio
Bellaire
Alvin
Liberty

Texas
(continued)

Galveston
Houston
Pasadena
S. Houston

Virginia

Baileys Crossroads
Manassas
Petersburg
Hopewell
Chesterfield
Ashland
Richmond

Washington

Portangeles
Everett
Seattle
Olympia
Pomeroy
Connell
Richland
Dayton

West Virginia

Elkins
Parsons

Wisconsin

Riverfalls
Prescott
North Hudson
Somerset
Saukville
Waukesha

APPENDIX C

INDEX OF ACTUAL KNOWLEDGE

APPENDIX C

INDEX OF ACTUAL KNOWLEDGE

The test of actual knowledge was constructed by following a three-stage indexing process outlined by Nunnally.[1] The first stage employed rational/logical procedures; the second was empirical; the third was mechanical/computational and simply implemented the results of the first two stages.

Establishing a Test Plan

To insure the content validity of the test, an explicit plan was developed through mutual discussions between the National Center for State Courts and Yankelovich, Skelly and White, Inc. This entailed outlining three content areas: jurisdictional boundaries between courts, the rights of the accused, the relationship of the judiciary to other branches of government, and general court operation. Items were then written to measure knowledge of these content areas and scrutinized by appropriate representatives of the National Center for State Courts to guarantee that they were unambiguous measurements of the content areas. This resulted in a set of fifteen questions.

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[1] Jum C. Nunnally, _Psychometric Theory._ New York: McGraw-Hill, 1967, Pages 239-249.

Item Analysis

The items were then put to empirical scrutiny by correlating each item with total test score for each individual in the sample. This was done by first dummy coding response to each item as either correct (coded 1) or incorrect (coded 0). Items correlating near zero with total test score are either excessively easy or difficult and would be candidates for elimination from the index. However, all items correlated strongly (.40 or better) and were significant at or beyond .001 level. Therefore all fifteen questions were included in the test.

Implementation

The final step was to group respondents by their level of actual knowledge. The sample was trichotomized into those with extensive knowledge (11 or more correct responses), average knowledge (6 to 10 correct responses) and limited knowledge (fewer than 6 correct responses).

APPENDIX D

DEMOGRAPHIC PROFILES

DEMOGRAPHIC PROFILES

DEMOGRAPHIC PROFILE OF THE GENERAL PUBLIC

	Total	Total %
		100
Age		
18 - 24 years		16
25 - 34 years		26
35 - 44 years		17
45 - 54 years		15
55 - 64 years		12
65 years and over		14
Education		
Grade school or less		14
Some high school		17
Graduated high school		34
Some college		19
Graduated college		10
Some postgraduate college		6
Had legal education/course in law		12
		(100%)
Graduated law school		3
Attended law school		2
Paralegal studies		21
Other		62
Uncertain		12
Race		
White		84
Black		11
Hispanic		4
Other		1

DEMOGRAPHIC PROFILE OF THE GENERAL PUBLIC
(Continued)

	Total	Total % 100
Sex		
Female		52
Male		48
Total Household Income		
Under $7,500		27
$7,500 - 14,999		27
$15,000 - 24,999		26
$25,000 and over		12
Refused		8
Political Philosophy		
Moderate		47
Conservative		31
Liberal		18
Uncertain		4
Political Attitude		
An interested citizen		56
Nonpolitical		40
An activist		3
Uncertain		1

	Total	Total %
Total		100

Marital Status

Single (never married)	15
Married	66
Widowed	9
Divorced/separated	9
Refused	1

Tenure

Own home	64
Own apartment	1
Rent home	15
Rent apartment	19
Refused	1

**Principal Businesses Currently
or Formerly Owned**

Retail store	16
Services: landscaping, janitorial	12
Retail automotive	9
Contractors/construction	9
Eating/drinking establishment	8
Business services	7

Occupational Status of Respondent

Work full time	43
Work part time	11
Retired	12
Unemployed	6
Student	3
Housewife	20
Refused	5

	Total	Total %
		100

Occupation Among Those Working Full/Part Time

	Total %
Professional	16
Managerial	14
Clerical	14
Operatives/semiskilled	14
Service workers (except domestics)	12
Craftsmen/foremen/skilled	11
Sales	8
Laborers	8
Domestic service workers	1
Refused	2

Regional Distribution

	Total %
New England	5
Middle Atlantic	18
East North Central	18
West North Central	9
South Atlantic	17
East South Central	7
West South Central	9
Mountain	4
Pacific	13

Number of Years Lived in State

	Total %
1 - 19 years	26
20 - 29 years	24
30 - 49 years	26
50 years or more	20
Refused	4

CONTINUED

2 OF 3

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS

(State and local)

		Judges	Lawyers	Community Leaders
		%	%	%
	Total	100	100	100
Race				
White		95	97	90
Black		5	3	8
Other		–	–	2
Sex				
Male		94	95	88
Female		6	5	12
Age				
Under 30 years		3	13	6
30 - 39 years		11	37	30
40 - 49 years		23	19	26
50 - 59 years		36	17	27
60 years and over		26	13	8
Refused		1	1	3
Political Philosophy				
Moderate		61	46	56
Conservative		31	33	20
Liberal		8	19	22
Uncertain		–	1	2
Political Attitude				
Interested citizen		60	65	46
Basically nonpolitical		23	17	9
Activist		16	18	45
Uncertain		1	–	–

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)

(State and local)

	Judges	Lawyers	Community Leaders
	%	%	%
Total	100	100	100
Hold law degree	82	*	*
Possession of (additional) law degree	14 (100%)	16 (100%)	*
Doctor of Jurisprudence (JD)	39	47	
Master of Laws (LLM)	15	20	
Bachelor of Laws (LLB)	12	9	
Bachelor of Science (BS)	6	7	
Bachelor of Arts (BA)	9	2	
Ever practice law	*	*	26 (100%)
Years Practicing/Practiced Law			
Less than 5 years	21	19	15
5 - 9 years	13	24	25
10 - 19 years	33	23	42
20 - 29 years	17	19	11
30 or more years	10	14	6
Uncertain	7	–	1
Engaged in litigation	79	88	90

* Was not asked of this group.

		Judges %	Lawyers %	Community Leaders %
Total		100	100	100
Type of Organization Currently/ Most Recently Worked for				*
Group/joint/partnership/private		28	46	
Solo/individual/private		43	39	
Executive or legislative agency		14	14 (100%)	
Legal aid		*	28	
District attorney or member of staff		*	28	
Public defender		*	15	
Attorney General or member of staff		*	14	
Other		*	15	
Most Frequently Involved in				*
Civil cases		63	85	
Criminal cases		18	11	
Uncertain		19	4	
Presently Involved in/Sit on				*
Major civil court		41	83	
Minor civil court		50	77	
Major criminal court		35	46	
Minor criminal court		58	53	
Juvenile court		28	47	
Traffic court		45	50	
Highest state appeals court		3	48	
U.S. District Court		-	50	
U.S. Court of Appeals		-	15	
U.S. Supreme Court		-	5	

* Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)

(State and local)

		Judges	Lawyers	Community Leaders
		%	%	%
Total		100	100	100
Process by Which Became Judge			*	*
Appointed		41		
Elected		37		
Direct Contact With the Courts				
Observer		75	85	88
Witness		55	53	55
Defendant		22	30	32
Plaintiff		19	32	27
Victim		10	13	21
Juror		9	5	18
Indirect Contact With the Courts				
Know a lawyer personally		*	*	88
Know friend/relative involved in court case		85	83	88
Know friend/relative who was a juror		86	85	86
Know a friend/relative whose employment is court related		*	*	84
Know a judge personally		*	*	82
Know a friend/relative who was a witness		84	80	80

* Was not asked of this group.

	Judges	Lawyers	Community Leaders
	%	%	%
Total	100	100	100
Ever worked for courts	*	*	18
			(100%)
Practicing attorney			24
Law clerk			22
Law enforcement officer			16
Court clerk			10
Leader of local/state organization			18
Representative of local news media			11
Member of state legislature or judicial committee			10
Member of municipal/local legislature or judicial committee			10
Local/state law enforcement official			10
Representative of local electronic news media			10
Member of mayor's staff			9
Local/state labor leader			9
Member of governor's staff			7
Refused			6
Occupation of "media" community leaders	*	*	21
			(100%)
Broadcast editor/producer/ news director			28
Broadcast reporter/newswriter			26
Print editor			26
Print reporter			7
Other			4
Refused			9

* Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)

(State and local)

		Judges	Lawyers	Community Leaders
		%	%	%
	Total	100	100	100
Among "media" community leaders, frequency of court contact		*	*	21
				(100%)
Very frequently				37
Somewhat frequently				33
Not at all frequently				19
Uncertain				11
Among "Media" Community Leaders, Principal Types of Contact With Courts		*	*	
As an editor				28
As a reporter				25
Talk to attorneys, defendants, etc.				11
As an observer				4
Only cover important cases				4
Read appellate opinions/court procedures				4

*   Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS

(Federal)

		Judges	Lawyers	Community Leaders
		%	%	%
	Total	100	100	100
Race				
White		97	98	95
Black		3	1	4
Other		-	1	1
Sex				
Male		99	99	89
Female		1	1	11
Age				
Under 30 years		-	11	14
30 - 39 years		-	41	34
40 - 49 years		10	18	21
50 - 59 years		43	24	24
60 years and over		47	5	7
Refused		-	1	-
Political Philosophy				
Moderate		59	44	44
Conservative		21	25	16
Liberal		19	28	38
Uncertain		1	3	2
Political Attitude				
Interested citizen		49	62	38
Basically nonpolitical		31	12	8
Activist		18	24	52
Uncertain		2	2	2

		Judges	Lawyers	Community Leaders
		%	%	%
	Total	100	100	100
Hold law degree		96	*	*
Possession of (additional) law degree		16 (100%)	12 (100%)	*
Doctor of Jurisprudence (JD)		27	20	
Master of Laws (LLM)		20	28	
Bachelor of Laws (LLB)		13	4	
Bachelor of Science (BS)		–	–	
Bachelor of Arts (BA)		–	–	
Ever practice law		*	*	62 (100%)
Years Practicing/Practiced Law				
Less than 5 years		3	20	17
5 - 9 years		10	21	29
10 - 19 years		36	28	19
20 - 29 years		39	23	29
30 or more years		9	8	6
Uncertain		2	–	–
Engaged in litigation		98	94	90

* Was not asked of this group.

Continued...

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		Judges	Lawyers	Community Leaders
		%	%	%
Total		100	100	100
Type of Organization Currently/ Most Recently Worked for				*
Group/joint/partnership/private		53	67	
Solo/individual/private		25	29	
Executive or legislative agency		19	3	
Legal aid		*	33	
District attorney or member of staff		*	-	
Public defender		*	-	
Attorney General or member of staff		4	17	
Other		*	50	
Most Frequently Involved in				*
Civil cases		86	85	
Criminal cases		12	11	
Uncertain		2	4	
Presently Involved in/Sit on				*
Major civil court		6	94	
Minor civil court		3	66	
Major criminal court		6	46	
Minor criminal court		4	47	
Juvenile court		1	36	
Traffic court		1	43	
Highest state appeals court		2	75	
U.S. District Court		75	99	
U.S. Court of Appeals		26	62	
U.S. Supreme Court		-	22	

*   Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)
(Federal)

		Judges	Lawyers	Community Leaders
		%	%	%
	Total	100	100	100
Process by Which Became Judge			*	*
Appointed		73		
Elected		7		
Direct Contact With the Courts				
Observer		73	86	91
Witness		55	58	45
Defendant		18	31	31
Plaintiff		14	34	27
Victim		4	15	11
Juror		5	5	8
Indirect Contact With the Courts				
Know a lawyer personally		*	*	91
Know friend/relative involved in court case		78	88	91
Know friend/relative who was a juror		80	90	89
Know a friend/relative whose employment is court-related		*	*	82
Know a judge personally		*	*	76
Know a friend/relative who was a witness		76	87	86

* Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)

(Federal)

	Judges	Lawyers	Community Leaders
	%	%	%
Total	100	100	100
Ever Worked for Courts	*	*	
Practicing attorney			41
Law clerk			28
Law enforcement officer ———			3
Court clerk			3
Leader of national organization			22
Federal law enforcement official			18
U.S. House of Representatives or staff member			14
U.S. Senate or staff member			12
National labor leader			12
National business leader			11
Representative of print news media with national perspective			8
Representative of electronic news media with national perspective			5
Occupation of "media" community leaders	*	*	13
Broadcast editor/producer/ news director			8
Broadcast reporter/newswriter			23
Print editor			61
Print reporter			8
Other			–
Refused			–

* Was not asked of this group.

DEMOGRAPHIC PROFILE OF THE SPECIAL PUBLICS
(Continued)
(Federal)

	Total	Judges %	Lawyers %	Community Leaders %
	Total	100	100	100
Among "Media" Community Leaders, Frequency of Court Contact		*	*	
Very frequently				8
Somewhat frequently				69
Not at all frequently				23
Uncertain				–
Among "Media" Community Leaders, Principal Types of Contact With Courts		*	*	
As an editor				23
As a reporter				46
Talk to attorneys, defendants, etc.				8
As an observer				–
Only cover important cases				–
Read appellate opinions/court procedures				–

* Was not asked of this group.

COURTS/JUSTICE STUDY

1-
2-

Lawyers, Judges and Community Leaders

3-
4-

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: _____

SUGGESTED INTRODUCTION

We are conducting a national study among American influentials concerning their atti-
tudes and opinions about a number of important issues -- education, crime, the court
system, etc. You may want to know what the specific focus of this study is. It will
become evident as the interview proceeds. The federal government, through a number
of special agencies, is sponsoring this study. At the end of this 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 will be kept strictly confidential, as
will the responses of some 1100-1200 other influentials who will be interviewed
nationwide. No information 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.

CLASSIFICATION DATA (FILL IN AT END OF INTERVIEW)

18-45 = 8

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

A conservative............... 46-1
A liberal..................... -2
A moderate.................... -3

b. (IF CONSERVATIVE OR LIBERAL IN a) Do you consider yourself very (conserva-
tive) (liberal) or somewhat (conserva-tive) (liberal)?

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

c. (SHOW CARD V) 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-_____

d. **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 non-
political.................. -3

e. BY OBSERVATION: Race:

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

f. BY OBSERVATION: Sex:

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

g. Age: (INTERVIEWER'S ESTIMATE)

Under 30...... 57-1
30-39......... -2
40-49......... -3
50-59......... -4
60 and over... -5

BE SURE TO RECORD RESPONDENT
CATEGORY ON NEXT PAGE.

Classification Data (continued)

RESPONDENT CATEGORY

LAWYERS

From Lists

    Lawyers with state/local experience.................................58-1
    Lawyers with Federal experience...................................... -2

Not From Lists

    Lawyers with Federal experience -- referrals......................... -3
    Lawyers with Federal experience -- from court contact................ -4

ASK ALL LAWYERS: REFERRALS

a. Do you know anyone -- a friend, acquaintance or colleague -- who has
    practiced law in a Federal court?

                    (ASK Q.b) Yes......................59-1
                 (TERMINATE) No....................... -2

b. Could you please tell me his/her name(s) and where I might reach
    him/her? (RECORD UP TO FOUR NAMES)

Name_____   Name_____

Address_____   Address_____

_____   _____

Telephone # (IF AVAILABLE)_____   Telephone # (IF AVAILABLE)_____

  *   *   *   *   *   *   *   *

Name_____   Name_____

Address_____   Address_____

_____   _____

Telephone # (IF AVAILABLE)_____   Telephone # (IF AVAILABLE)_____

JUDGES

                            State/local judges...................... 60-1
                            Federal judges......................... -2

COMMUNITY LEADERS

Local And State

        Member of mayor's staff... 61-1
        Member of governor's staff... -2
        Member of state legislature or Judicial Committee (or equivalent).... -3
        Member of municipal/local legislature or Judicial Committee (or
          eqivalent)... -4
        Local/state law enforcement official............................... -5
        Representative of local electronic news media...................... -6
        Representative of local print news media........................... -7
        Leader of local/state organization................................. -8
        Local/state labor leader... -9
        Educator... -0

COMMUNITY LEADERS

Federal/National

        U.S. House of Representatives (or staff member)..................... 62-1
        U.S. Senate (or staff member)...................................... -2
        Federal law enforcement official................................... -3
        Representative of electronic news media with National perspective.... -4
        Representative of print news media with National perspective......... -5
        Leader of national organization.................................... -6
        National business leader... -7
        National labor leader.. -8

SECTION I - PERSPECTIVE ON COURT SYSTEM

1a. (HAND CARD A) Here is a list of social problems that people are talking about today. Using the scale on this card, please tell me how serious you think each of these problems is to American society today. Just read me the letter of the statement and your rating.

ENTER SCALE
RATING

a. Street crime (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

b. (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 this 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-_____

2. Now I would like to focus on the court system. How do you feel about the effectiveness of the courts and legal system in America today? I'd like some of your general comments and initial reactions before we get more specific.

20-

21-

22-

SECTION II - EVALUATION OF COURTS

CARD 3

5-51 = B

3a. (HAND CARD C) Before we get into details, I'd like to get an overall idea of
     your attitudes toward court reform. 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-_____

b. Why do you say that? What specific reforms or changes would be most appropriate
    at this point in time? We'd like your thinking on this whole issue of court
    reform or change.

                                                              53-

                                                              54-

                                                              55-

                                                              56-

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

                                                    ENTER SCALE RATING 57-_____

d. (HAND CARD D) 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.................58-_____
                        b. Local courts.................59-_____
                        c. Federal courts...............60-_____

4. (HAND CARDS E AND F - ROTATE ORDER IN WHICH PRESENT CARDS) Here are two cards which describe different types of courts. Card E describes the types of cases handled by state and local courts. Card F lists Federal courts. We realize that some of the distinctions on Card E may be artificial in this state -- that one, two or more of these types of cases may actually be handled by one court in this state. Please understand that in order for us to analyze the results of a survey that spans several states, such as this survey, we must devise "common denominators" in some instances. For this reason, we have categorized state and local courts by the types of cases they handle.

> INTERVIEWER: IF RESPONDENT WISHES TO CLARIFY THE ORGANIZATION
> OF COURTS IN HIS STATE, PLEASE RECORD IN BOX ON TOP OF PAGE 6

a. (ASK Q.4a OF LAWYERS AND COMMUNITY LEADERS ONLY) (HAND CARD D AGAIN) 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 Q.4a -- "FAMILIAR" COLUMN BELOW)

FOR JUDGES: ASK ALL JUDGES Q.4b-d
FOR LAWYERS: AND COMMUNITY LEADERS: ASK Q.'s 4b-d FOR EACH COURT RATED 2,3,4, OR 5 IN Q.4a.

> ASK Q.'s 4b-d FOR EACH COURT (THAT APPLIES) BEFORE GOING ON
> TO THE NEXT COURT

b. (HAND CARD G) In general, how would you rate (TYPE OF COURT)? (ENTER RATING IN Q.4b -- "RATING" COLUMN BELOW).

c. (HAND CARD H) Overall, would you say (TYPE OF COURT) are better, worse or about the same as they were ten years ago? (CIRCLE ANSWER IN Q.4c "CHANGES" COLUMN BELOW).

d. (IF BETTER OR WORSE IN Q.4c) What makes you say that? (RECORD IN Q.4d "REASONS" COLUMN BELOW).

CARD 4

TYPE OF COURT	Q.4a FAMILIAR	Q.4b RATING	Q.4c - CHANGES BETTER	WORSE	SAME	DK	Q.4d REASONS
1. State or local courts that handle civil cases involving large amounts of money	61-	5-	15-1	-2	-3	-4	25- 26- 27-
2. State or local courts that handle "minor" civil disputes	62-	6-	16-1	-2	-3	-4	28- 29- 30-
3. State or local courts that are responsible for holding trials in major criminal cases	63-	7-	17-1	-2	-3	-4	31- 32- 33-
4. State or local courts that handle "minor" criminal cases	64-	8-	18-1	-2	-3	-4	34- 35- 36-
5. State or local courts that handle juvenile delinquency	65-	9-	19-1	-2	-3	-4	37- 38- 39-
6. Local courts that handle traffic violations	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 Appeal	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-

RECORD RESPONDENT COMMENTS RE: COURT ORGANIZATION IN HIS STATE IF HE WISHES TO
CLARIFY THE SITUATION.

55-

56-

57-

IF APPLICABLE IN THIS STATE:

Courts that handle similiar cases: (WRITE IN #'s OF SIMILIAR COURTS FROM CARD E)

58- __ __ __ __ __ __ __ are handled in same court in this state

59- __ __ __ __ __ __ __ are handled in same court in this state

60- __ __ __ __ __ __ __ are handled in same court in this state

5a. Thinking of the 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.5b)   Yes.............. 61-1
(SKIP TO Q.6) <   No.............. -2
                       Uncertain....... -3

b. What specific changes are you aware of?

62-

63-

64-

65-

66 = 8

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

67-

68-

69-

70-

SECTION III - EVALUATION OF JUDGES

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

6. If a person wanted to become a judge in this state, how would he/she go about it? (PROBE EACH OF THESE AREAS IF RESPONDENT DOES NOT COMMENT ON THEM SPONTANEOUSLY: QUALIFICATIONS: EDUCATION, EXPERIENCE; ELECTION/APPOINTMENT; SPECIFIC PROCEDURES; POLITICAL INFLUENCE; ETC.)

71-

72-

73-

74-

7a. We recognize that all judges in this state do not have the same qualifications -- either formal education, previous legal experience, teaching, or internship backgrounds, etc. But on the whole, do you feel judges in this state: (READ STATEMENTS)

(SKIP TO Q.8a)———— Now have adequate qualifications, or.... 75-1
                   Should have additional qualifications...   -2
(DO NOT READ)———— Uncertain...............................   -3

b. Which judges -- that is, responsible for what types of cases -- do you think should be required to have additional qualifications?

76-

77-

78-

80-4

CARD 5

c. What additional qualifications?

5-

6-

7-

8a. Do you feel it would be best if the judges in state and local courts in (NAME OF STATE WHERE INTERVIEW IS TAKING PLACE) were appointed or elected? (DO NOT READ ANSWERS: CIRCLE SPONTANEOUS RESPONSE)

Appointed................................ 8-1
Elected..................................   -2
Both - would like some elected, some
 appointed...............................   -3
Other (SPECIFY): _____   -4
_____   -5
Have no preference.......................   -6

b. Why do you say that?

9-

10-

11-

SECTION IV - PRIORITIES AND EVALUATIONS

9a. (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 I) 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 J) 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.9a PROBLEM	Q.9b 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 9 (continued)

	ENTER SCALE RATING	
	Q.9a PROBLEM	Q.9b 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 consi-derations.. 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

10. (HAND CARD K) In recent years, several suggestions have been advanced for changing the court system. Some of these changes may already have been introduced in your state or jurisdiction. 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 neigh-borhood 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-___

11a. Do you feel that judges in general, should (READ OFF): (CIRCLE ONLY ONE ANSWER)

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

b. Why do you say that?

15-

16-

17-

12a. (HAND CARD L) 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 <u>should</u> influence a judges' decision.
Just read me the letter of the statement and your rating from the bottom of the
card. (RECORD BELOW IN Q.12a-"SHOULD INFLUENCE" COLUMN)

b. (HAND CARD M) Now go through this list again and tell me how much you think each
circumstance <u>actually</u> influences judges' decisions -- in real life. Just
read me the letter of the statement and your rating from the bottom of the
card. (RECORD BELOW IN Q.12b-"ACTUALLY INFLUENCES" COLUMN)

		Q.12a SHOULD INFLUENCE	Q.12b 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 not "planned"...................................	26-	35-

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

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 - USAGE OF THE COURTS

14a. It has been said that some people who could take advantage of the courts and legal system are reluctant to do so for one reason or another. Do you think this is true of the people in this state to any extent?

<div align="right">

(ASK Q.14b) Yes.............49-1

(SKIP TO Q.15) No............... -2

             Uncertain....... -3

</div>

b. Why do you feel this is true?

<div align="right">

50-

51-

52-

</div>

c. Please describe the types of <u>people</u>, if there are any types, you think would be most likely to do this?

<div align="right">

53-

54-

55-

</div>

d. Please describe the types of <u>cases</u>, if there are any types, in which you think this is most likely to occur?

<div align="right">

56-

57-

58-

</div>

e. What do you think could be done to address this issue?

<div align="right">

59-

60-

61-

</div>

15a. It has also been said that some people indiscriminately use -- or overuse -- the courts and legal system to settle their disputes. Do you think this is true of the people in this state to any extent?

(ASK Q.15b) Yes..............62-1
(SKIP TO Q.16) < No.............. -2
                 Uncertain....... -3

b. Why do you feel this is true?

63-

64-

65-

c. Please describe the types of <u>people</u>, if there are any types, you think would be most likely to do this?

66-

67-

68-

d. Please describe the types of <u>cases</u>, if there are any types, in which you think this is most likely to occur?

69-

70-

71-

SECTION VI - PERCEPTIONS OF PUBLIC ATTITUDES AND KNOWLEDGE

We have been discussing what you feel and think about the courts and the legal system.
Now I would like you to turn to your perceptions of how the general public views the
courts and the legal system in this state.

16a.   What do you think the citizens of this state see as the principal problem(s), if any,
        facing state and local courts?

75-

76-

77-

80-6

CARD 7

b.   (HAND CARD O) Here is a list of some public and private organizations in this state.
      Using the scale at the bottom of this card, how much responsibility, if any, do you
      feel each of these organizations has to educate the public about the courts and the
      legal system in this state? Just read me the letter of the item and your rating.

	ENTER SCALE RATING
a. The public media -- newspapers, TV, etc....	5-
b. The courts themselves......................	6-
c. Civic organizations........................	7-
d. American Bar Association...................	8-
e. Local bar association......................	9-
f. Legal aid societies or organizations.......	10-
g. Police and law enforcement agencies........	11-
Others (SPECIFY): _____	12-
_____	13-

SECTION VII - MEDIA AND COURTS

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

17a. (HAND CARD P) How strongly do you agree or disagree with each of the statements on this card? Just read me the letter of the statement and your rating.

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)

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

80-7

CARD 8

5-79 = 8

80-8

Lawyers:	Ask blue section VIII, page 15.
Judges:	Ask pink section IX, page 17.
Community Leaders:	Ask yellow section X, page 20.

Blue

SECTION VIII - PREVIOUS EXPERIENCE -- LAWYERS (ASK OF LAWYERS ONLY)

CARD 9
5-19 = B

Finally, I'd like to ask you some questions about your career as a lawyer.

18a. Obviously, you hold a law degree -- a degree you received from completing three years (or the equivalent) of law school. Do you have any law degrees beyond this one?

(ASK Q.18b)   Yes.........20-1
(SKIP TO Q.19a) No.......... -2

b.   What degree(s)?

_____ 21-

_____ 22-
23-26 = B

19a. For how many years have you been practicing law?

27-
28-_____ Years

b.   Are you engaged in litigation at all?

Yes..........29-1
No.......... -2
30-39 = B

c.   For what type of organization do you currently work? (DO NOT READ LIST)

(SKIP TO Q.20a) Solo/individual private practice........40-1
Group/joint/partnership private
practice................................ -2
(ASK Q.19d) Executive or legislative branch
agency................................. -3
Other (SPECIFY): _____
_____ -4

d.   Are you currently a: (READ OFF)

Legal aide......................41-1
Public defender................. -2
District attorney or member of
a district attorney's staff..... -3
Attorney general or member of
an attorney general's staff..... -4
Other (SPECIFY): _____
_____ -5

20a. Are you most frequently involved in civil or criminal cases?

Civil........42-1
Criminal..... -2

b.   More specifically, what types of cases occupy most of your time?

43-

44-

45-55 = B

21a. (HAND CARD Q) In which of these courts do you <u>presently</u> practice in a legal   Blue
capacity? Just read me the number of the type of courts. (RECORD IN Q.21a --
"PRESENTLY PRACTICE" COLUMN BELOW)

   b. (STILL USING CARD Q) In which other courts have you <u>ever</u> practiced in a legal
capacity? (RECORD IN Q.21b -- "EVER PRACTICED" COLUMN BELOW)

		Q.21a PRESENTLY PRACTICE	Q.21b EVER PRACTICED
1.	Civil cases involving large amounts of money........	56-1	66-1
2.	"Minor" civil cases.................................	57-1	67-1
3.	Major criminal cases................................	58-1	68-1
4.	"Minor" criminal cases.............................	59-1	69-1
5.	Courts handling juvenile delinquency................	60-1	70-1
6.	Courts handling traffic violations.................	61-1	71-1
7.	Highest state appeals court........................	62-1	72-1
8.	U. S. District Court...............................	63-1	73-1
9.	U. S. Court of Appeals.............................	64-1	74-1
10.	U. S. Supreme Court................................	65-1	75-1

80-9

22a. (HAND CARD R) What other types of experiences or contacts, if any, have you had
with the court system? Just read me the letters from this card. (RECORD IN Q.22a --
"OTHER EXPERIENCES" COLUMN BELOW)

CARD 10

   b. (IF MENTIONED a,b,c,d,e, OR f FROM CARD, ASK Q's.22b AND c FOR EACH ASK Q's 22b-c
OF EACH EXPERIENCE BEFORE GOING ON TO THE NEXT EXPERIENCE) (HAND CARD S) Overall,
what was your reaction to <u>(TYPE OF EXPERIENCE)</u>? Just read me the number of the
rating from this card. (RECORD IN Q.22b -- "REACTION" COLUMN BELOW)

   c. Why do you feel that way? (RECORD IN Q.22c -- "WHY?" COLUMN BELOW)

TYPE OF EXPERIENCE	Q.22a OTHER EXPERIENCES	Q.22b REACTION	Q.22c WHY?
a. Defendant in a court case	5-1	18-	24- 25- 26-
b. Juror	6-1	19-	27- 28- 29-
c. Observer of a court proceeding	7-1	20-	30- 31- 32-
d. Plaintiff	8-1	21-	33- 34- 35-
e. Victim/complaintant	9-1	22-	36- 37- 38-
f. Witness in a court case	10-1	23-	39- 40- 41-
g. Know a friend/relative who was involved in a court case	11-13 = 8 14-1		
h. Know a friend/relative who was a juror	15-1		
i. Know a friend/relative who was a witness	16-1		
Other (SPECIFY):_____ _____ _____	17-1		

22d. To sum up, what else would you care to add to your comments about the court system
in this state? In particular, what would you consider of highest priority for
improvement in the court system in this state?

42-

43-

44-

NOW GO TO CLASSIFICATION DATA

80-0

SECTION IX - PREVIOUS EXPERIENCE -- JUDGES (ASK OF JUDGES ONLY)

CARD 9

5-15 = B

Finally, I'd like to ask you some questions about your career as a judge.

23. How did you become a judge? Briefly, what were the circumstances that led to your judicial appointment or election?

16-

17-

18-

24a. Do you presently hold a law degree -- that is, a degree you received from completing three years (or the equivalent) of law school?

(ASK Q.24b)   Yes..........19-1
(SKIP TO Q.25)   No........... -2

b. Do you hold any law degrees beyond this one?

(ASK Q.24c)   Yes..........20-1
(SKIP TO Q.25)   No........... -2

c. What degree(s)?

_____ 21-

_____ 22-

25. For how many years have you been a judge?   23-24 = B

25-
ENTER NUMBER OF YEARS: _____26-
27-29 = B

26. What type of law practice did you have immediately before becoming a judge?
     (RECORD ONE ANSWER IN Q.26a -- "MOST RECENT PRACTICE" COLUMN BELOW)

b. What other types of law practives have you ever had?   (RECORD AS MANY AS APPLY
    IN Q.26b -- "OTHER TYPES" COLUMN BELOW)

	Q.26a MOST RECENT PRACTICE	Q.26b OTHER TYPES
Solo/joint private practice................	30-1	35-1
Group/joint/partnership private practice...............................	31-1	36-1
Executive or legislative branch agency...................................	32-1	37-1
Other (SPECIFY):_____	33-1	38-1
_____		
None......................................	34-1	39-1

40-44 = B

c. For how many years did you practice law before becoming a judge?

45-
ENTER NUMBER OF YEARS: 46-___

47-50 = B

27a. Were you engaged in litigation at all before becoming a judge?

                                                    Yes........................51-1
                                                    No......................... -2

 b. Were you most frequently involved in civil or criminal cases?

                                                    Civil..................52-1
                                                    Criminal.............. -2

 c. More specifically, what types of cases occupied most of your time?

                                                                              53-

                                                                              54-

                                                                              55-

28a. (HAND CARD Q) On which of these courts do you presently sit? Just read me the
     number of the type of court (RECORD IN Q.28a -- "PRESENTLY SIT" COLUMN BELOW)

 b. (STILL USING CARD Q) On which other courts have you ever sat? (RECORD IN
     Q.28b -- "EVER SAT" COLUMN BELOW)

	Q.28a PRESENTLY SIT	Q.28b EVER SAT
1. Civil cases involving large amounts of money.................	56-1	66-1
2. "Minor" civil cases..............	57-1	67-1
3. Major criminal cases.............	58-1	68-1
4. "Minor" criminal cases...........	59-1	69-1
5. Courts handling juvenile delinquency......................	60-1	70-1
6. Courts handling traffic violations.......................	61-1	71-1
7. Highest state appeals court......	62-1	72-1
8. U. S. District Court.............	63-1	73-1
9. U. S. Court of Appeals...........	64-1	74-1
10. U. S. Supreme Court.............	65-1	75-1

                                                                              80-9

29a. (HAND CARD R) What other types of experiences or contacts, if any, have you had
      with the court system? Just read me the letters from this card. (RECORD IN
      Q.29a -- "OTHER EXPERIENCES" COLUMN BELOW)

b. (IF MENTIONED a,b,c,d,e, OR f FROM CARD, ASK Q's, 29b AND c FOR EACH. ASK Q's 29b-c
    OF EACH EXPERIENCE BEFORE GOING ON TO THE NEXT EXPERIENCE) (HAND CARD S) Overall,
    what was your reaction to (TYPE OF EXPERIENCE)? Just read me the number of the
    rating from this card. (RECORD IN Q.29b -- "REACTION" COLUMN BELOW)

c. Why do you feel that way? (RECORD IN Q.29c -- "WHY?" COLUMN BELOW)

	Q.29a	Q.29b	Q.29c
TYPE OF EXPERIENCE	OTHER EXPERIENCES	REACTION	WHY?
a. Defendant in a court case	5-1	18-	24- 25- 26-
b. Juror	6-1	19-	27- 28- 29-
c. Observer of a court proceeding	7-1	20-	30- 31- 32-
d. Plaintiff	8-1	21-	33- 34- 35-
e. Victim/complaintant	9-1	22-	36- 37- 38-
f. Witness in a court case	10-1	23-	39- 40- 41-
g. Know a friend/relative who was involved in a court case	11-13 = 8 14-1		
h. Know a friend/relative who was a juror	15-1		
i. Know a friend/relative who was a witness	16-1		
Other (SPECIFY):_____	17-1		

d. To sum up, what else would you care to add to your comments about the court system
    in this state? In particular, what would you consider of highest priority for
    improvement in the court system in this state?

42-

43-

44-

80-0

NOW GO TO CLASSIFICATION DATA

SECTION X - PREVIOUS EXPERIENCE -- COMMUNITY LEADERS (ASK OF COMMUNITY LEADERS ONLY)

5-22 = B.

Finally, I'd like to ask you some questions about your past experience.

30. What is the highest level of education you have completed?

a. High school or less..................23-1
b. Some college........................ -2
c. Graduated college................... -3
d. Some postgraduate work............. -4
e. Advanced degree(s) (SPECIFY):_____ -5
_____ -6
_____ -7

31a. Have you ever practiced law?

Yes..........24-1
(SKIP TO Q.31d) No........... -2

25-26 = B

b. For how many years?

27-
ENTER NUMBER OF YEARS 28-_____

c. Have you ever been engaged in litigation?

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

30-46 = C

d. Have you ever worked in any legal capacity for the courts in this or any other state?

Yes..........47-1
(SKIP TO Q.32) No........... -2

e. In what capacity?

48-

49-

50-

80-9

32a. (HAND CARD T) Have you had any other type of contact with the court system? Just read me the letter or letters from this card that apply. (RECORD IN Q.32a - "CONTACT" COLUMN BELOW)

(IF MENTIONED a, b, c, d, e, OR f FROM CARD, ASK Q's. 32b AND c FOR EACH. ASK Q.'s
b. 32b-c OF EACH EXPERIENCE BEFORE GOING ON TO THE NEXT EXPERIENCE) (HAND CARD U) Overall, what was your reaction to (TYPE OF CONTACT)? Just read me the rating from this card. (RECORD IN Q.32b -- "REACTION" COLUMN BELOW)

c. Why do you feel that way? (RECORD IN Q.32c -- "WHY?" COLUMN BELOW)

	Q. 32a.	Q. 32b	Q. 32c
TYPE OF CONTACT	CONTACT	REACTION	WHY?
a. Defendant in a court case	5-1	18-	24- 25- 26-
b. Juror	6-1	19-	27- 28- 29-
c. Observer of a court proceeding	7-1	20-	30- 31- 32-
d. Plaintiff	8-1	21-	33- 34- 35-
e. Victim/complainant	9-1	22-	36- 37- 38-
f. Witness in a court case	10-1	23-	39- 40- 41-
g. Know a friend/relative (other than lawyer/judge) who works for a lawyer's office/legal aid organization/court house/police station	11-1		
h. Know a lawyer personally (not through business)	12-1		
i. Know a judge personally (not through business)	13-1		
j. Know a friend/relative who was involved in a court case	14-1		
k. Know a friend/relative who was a juror	15-1		
l. Know a friend/relative who was a witness	16-1		
Other (SPECIFY): _____ _____	17-1		

33. To sum up, what else would you like to add to your comments about the court system in this state? In particular, what would you consider of highest priority for improvement in the court system in this state?

42-

43-

44-

ASK Q's. 34a,b AND c OF RESPONDENTS FROM MEDIA LIST.
ALL OTHERS SKIP TO CLASSIFICATION DATA ON PAGE 1

34a. What is your present occupation?

1. Broadcast editor, producer
   or news director...............45-1
2. Broadcast reporter or
   newswriter..................... -2
3. Print editor................... -3
4. Print reporter................. -4
5. Other (SPECIFY):_____
   _____ -5

b. In your professional capacity, what type of contact do you have with the courts? (RECORD VERBATIM)

46-

47-

48-

c. How frequently do you come in _direct_ contact with the courts?

Very frequently................49-1
Somewhat frequently............ -2
Not at all..................... -3

80-0

NOW GO TO CLASSIFICATION DATA

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

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

Study #3789

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

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 D

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 E

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 F

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 G

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 H

1. Better

2. Worse

3. The same

4. I don't feel that I am familiar enough with the court to say

CARD I

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

CARD J

5. All of the time

4. Most of the time

3. Some of the time

2. Every once in a while

1. Never

a. Have courts in operation at night and on
    weekends in addition to their normal week-
    day hours.

b. Establish "legal insurance", similar to auto-
    mobile 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 neigh-
    borhood 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 perfor-
    mance of judges in order to recommend dis-
    cipline 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
```

Study #3789

CARD L

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 sentece a little "lighter"

1. Actually makes the sentence much "lighter"

Study #3789

CARD M

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

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 O

a. The public media - newspapers, TV, etc.

b. The courts themselves

c. Civic organizations

d. American Bar Association

e. Local bar association

f. Legal aid societies or organizations

g. Police and law enforcement agencies

Any others?

5.	A great responsibility
4.	A moderate responsibility
3.	Some responsibility
2.	Minor responsibility
1.	No responsibility at all

CARD P

a. There should be radio and/or television broad-
   casting 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.

5.	Strongly Agree
4.	Somewhat Agree
3.	Neither Agree Nor Disagree
2.	Somewhat Disagree
1.	Strongly Disagree

CARD Q

1. State and local courts that handle <u>civil (non-criminal) cases that involve large amounts of money</u> (e.g. serious auto accidents, malpractice).

2. State and local courts that handle so-called <u>"minor" civil disputes</u> involving small amounts of money (e.g. landlord-tenant disputes, consumer problems).

3. State and local courts that are responsible for holding trials in <u>major criminal cases</u> (e.g. crimes of violence, fraud).

4. State and local courts that handle <u>minor criminal cases</u> (e.g. shoplifting, disorderly conduct).

5. State and local courts that handle cases involving youths accused of <u>juvenile delinquency</u>.

6. Local courts that handle <u>traffic violations</u>.

7. <u>Highest appeals court</u> in the state.

8. United States District Court.

9. United States Court of Appeals.

10. United States Supreme Court.

CARD R

a. Defendant in a court case

b. Juror

c. Observer of a court proceeding

d. Plaintiff

e. Victim/complaintant

f. Witness in a court case

g. Know a friend/relative who was in-
    volved in a court case

h. Know a friend/relative who was a
    juror

i. Know a friend/relative who was a
    witness

Any others?

CARD S

5. Very positive

4. Somewhat positive

3. Neither positive nor negative

2. Somewhat negative

1. Very negative

CARD T

a. Defendant in a court case

b. Juror

c. Observer of a court proceeding

d. Plaintiff

e. Victim/complaintant

f. Witness in a court case

g. Know a friend/relative (other than lawyer/
    judge) who works for a lawyer's office, legal
    aid organization, court house, police station

h. Know a lawyer personally (not through business)

i. Know a judge personally (not through business)

j. Know a friend/relative who was involved in a
    court case

k. Know a friend/relative who was a juror

l. Know a friend/relative who was a witness

Any others?

CARD U

5. Very positive

4. Somewhat positive

3. Neither positive nor negative

2. Somewhat negative

1. Very negative

CARD V

```
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 govern-
     ment

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 organi-
     zations (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 con-
cerned 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 unrea-
sonably 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 in-
terest 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 minor-
ities 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 con-
veniently located.

#3789

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

#3789

32. Courts that are difficult
for people to use.

#3789

END