

Public Trust and Confidence in the State Courts: Levels, Causes, and Responses

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Law and Justice's Public Trust and Confidence Committee**

OUTLINE OF PRESENTATION

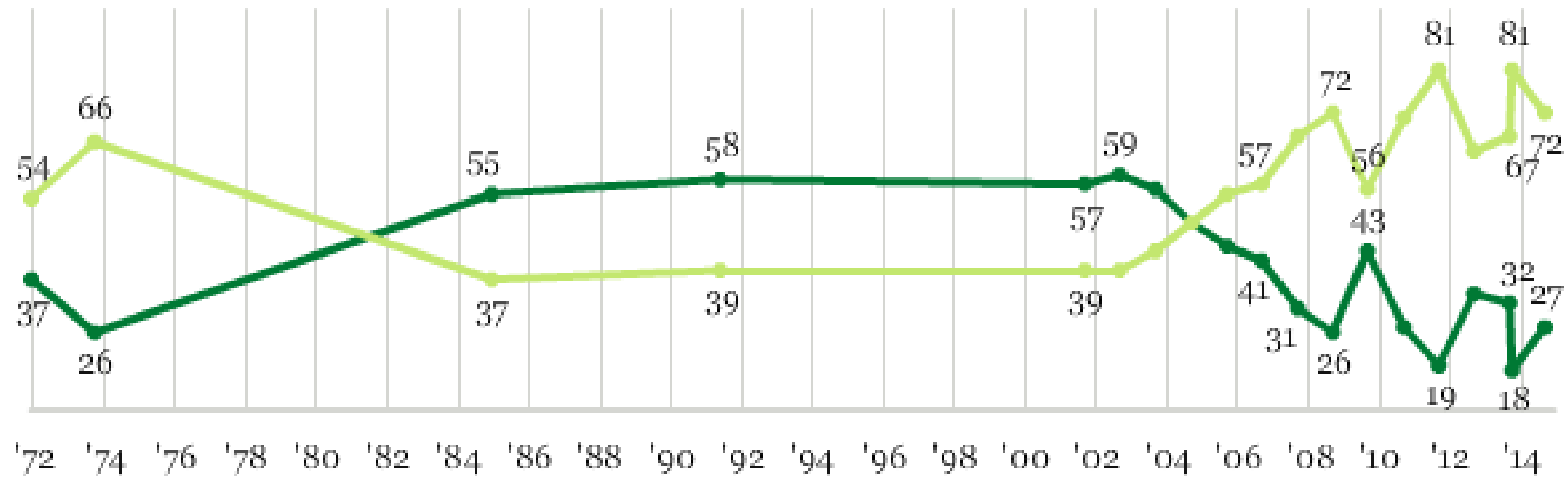
- How American's view their State Courts
- What promotes trust in the State Courts
- Lessons learned on building trust
- Strategies for measuring public trust

Americans' Satisfaction With the Way the Nation Is Being Governed

On the whole, would you say you are satisfied or dissatisfied with the way the nation is being governed?

■ % Satisfied

■ % Dissatisfied



GALLUP

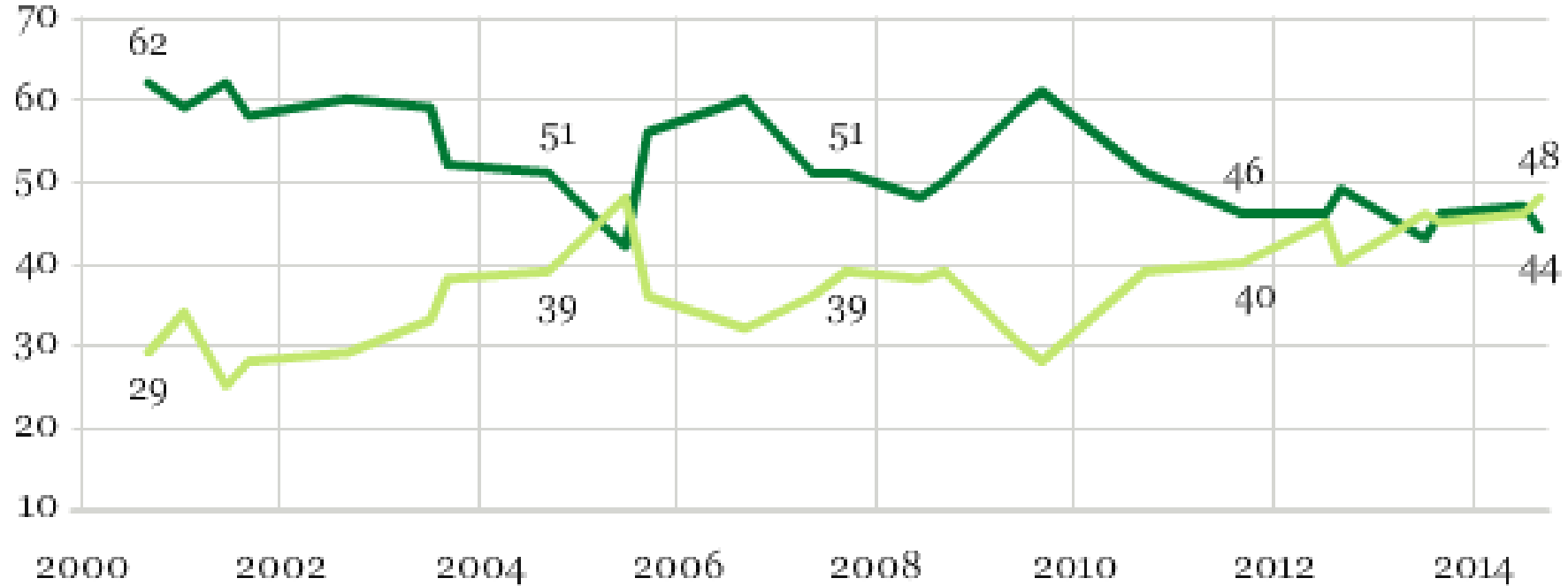
The Trust Deficit

Oct. 2013 no. was lowest approval ever on this question (since 1971).

Supreme Court Job Approval

■ % Approve

■ % Disapprove



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U.S. Supreme Court Approval

How Americans View their State Courts

Trust in Government Institutions

OVERALL CONFIDENCE IN AMERICAN INSTITUTIONS

Please tell me how much confidence you, yourself, have in each of the following institutions in American Society?

	<u>Great</u>	<u>Some</u>	<u>Not Very Much</u>	<u>None at all</u>	<u>Total</u>
US Supreme Court	17	48	21	12	100%
State Legislature	9	52	21	15	100%
State Court System	16	55	19	9	100%
Local Police Department	45	41	9	5	100%

Source: National Center for State Court Survey, October 26-29, 2015

PERCEPTIONS OF THE STATE COURTS: A FOCUS ON AFRICAN AMERICANS

OVERALL CONFIDENCE IN AMERICAN INSTITUTIONS

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	12	56	18	22	
State Legislature	9	52	21	15	100%
	6	50	23	17	
State Court System	16	55	19	9	100%
	10	46	25	18	
Local Police Department	45	41	9	5	100%
	20	50	17	12	

Source: National Center for State Court Survey, October 26-29, 2015

■ African-American respondents

“The Court’s authority—possessed of neither the sword nor the purse—primarily rests on sustained public confidence in its moral sanction.”

Justice Felix Frankfurter in
Baker v Carr

What Americans Like about their Courts

- Judges are well qualified
- Judges are honest
- Courts defend people's rights
- Courts treat people with dignity and respect

What Americans Dislike about their Courts

- Courts are:
 - Slow
 - Difficult to Access
 - Prevent meaningful participation by litigants
 - Biased against minorities, people on low income, and non-English speakers
- Judges are influenced by political considerations

What Promotes Trust in State Courts

The Elements of Procedural Fairness

“The procedural justice argument is that, on the general level, the key concerns that people have about the police and the courts center around whether these authorities treat people fairly, recognize citizen rights, treat people with dignity, and care about people’s concerns.”

-T. R. Tyler

“Trust and Democratic Governance.”

Elements of Procedural Fairness

- **Respect:** Being treated with dignity and having one's rights respected
- **Neutrality:** Believing decision makers are honest and impartial, and that their decisions are based on facts
- **Participation:** Having an opportunity to express one's viewpoint to the decision maker
- **Trustworthiness:** Perceiving decision makers as benevolent, caring, motivated to treat individuals fairly, and sincerely concerned about the individual (Tyler 2004).

PERCEPTIONS OF PROCEDURAL FAIRNESS IN THE STATE COURTS

Please tell me whether you agree or disagree with the following statements about the courts in your state:

	<u>Strongly</u> <u>Agree</u>	<u>Somewhat</u> <u>Agree</u>	<u>Somewhat</u> <u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>
Treat people with dignity & respect	27	39	17	13
Are unbiased in case decisions	17	37	23	19
Listen carefully to what people appearing before them have to say	19	43	19	15
Take the needs of people into account	19	40	22	15

Source: National Center for State Court Survey, October 26-29, 2015

PERCEPTIONS OF PROCEDURAL FAIRNESS IN THE STATE COURTS

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	<u>Strongly</u> <u>Agree</u>	<u>Somewhat</u> <u>Agree</u>	<u>Somewhat</u> <u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>	
Treat people with dignity & respect	27 17	39 33	17 19	13 28	
Are unbiased in case decisions	17 12	37 23	23 27	19 33	
Listen carefully to what people appearing have to say	19 13	43 32	19 27	15 24	■ African-American respondents
Take the needs of people into account	19 11	40 33	22 27	15 27	

What Predicts Trust in the Courts?

Table 2. What procedural factors matter to members of the public?

	Trust					
	All Respondents		No Personal Experience		Personal Experience	
Quality of decision making	0.11***	---	0.08	---	0.14***	---
Judges follow rules	---	0.16***		0.09		0.18***
Judges are honest	---	0.09***		0.09*		0.10**
Juries are representative	---	0.01		0.05		0.04
Are unbiased	---	0.01		0.05		0.00
Quality of treatment	0.42***	---	0.41***	---	0.41***	---
Listen carefully	---	0.09***		0.04		0.14***
Treat with respect	---	0.18***		0.17***		0.17***
Take needs into account	---	0.05		0.17***		0.00
Protect rights	---	0.06		0.04		0.05
Courts in touch with communities	---	0.09***		0.06		0.11***
Distributive justice	0.21***	0.21***	0.22***	0.21***	0.22***	0.21***
Performance	0.09***	0.08***	0.07	0.08	0.08**	0.07
Adj. R-sq.	47%	49%	37%	50%	50%	54%
N	2414		804		1050	

Lawyers vs. the Public: Predictors of Confidence

Relative importance of significant factors on overall court approval

Attorneys

Fair procedures



Fair outcomes



Public

Fair procedures

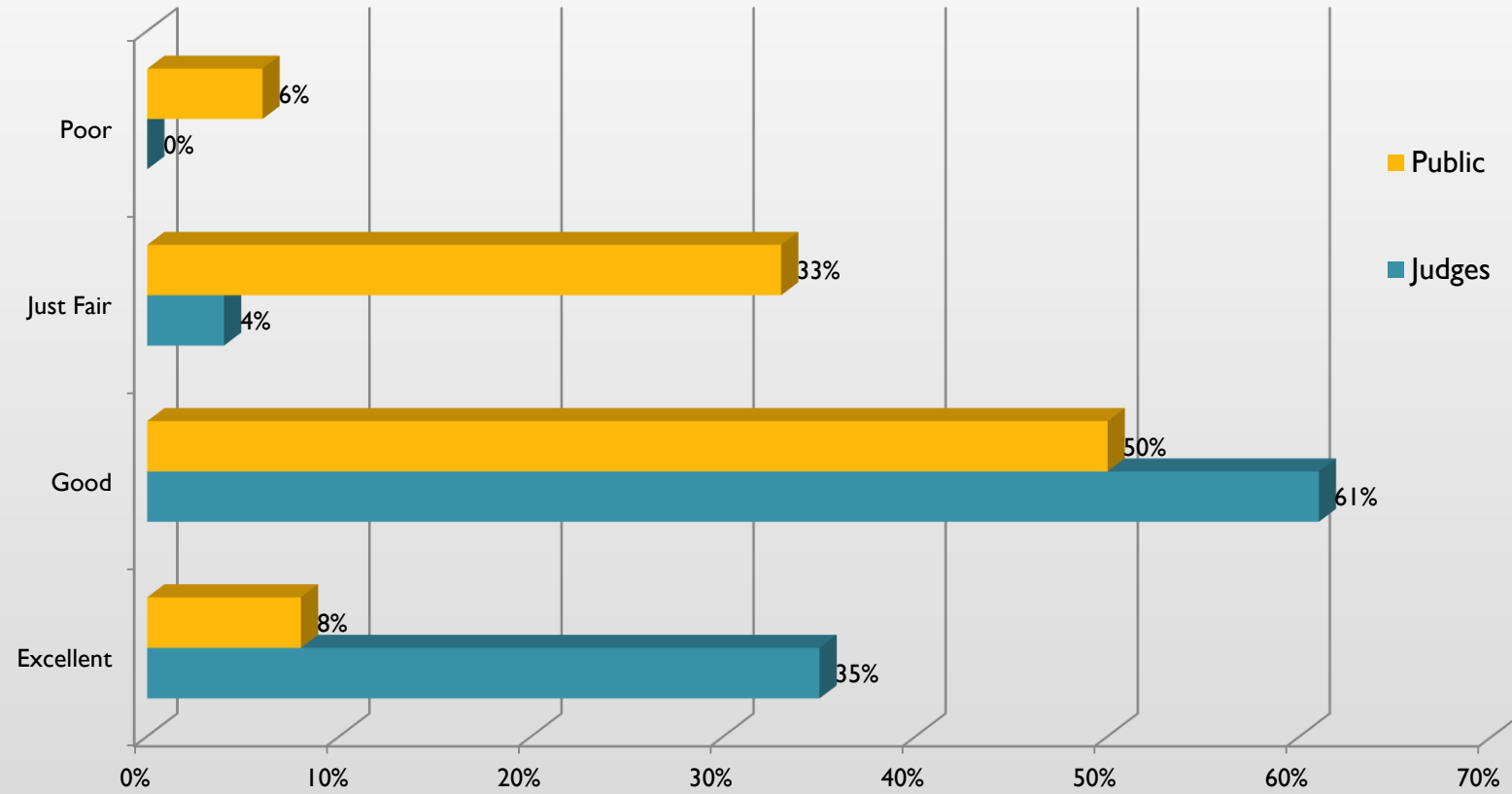


Fair outcomes



Source: 2005 California survey.

Rating the Courts in Your State



Source: 2001 National Survey for Justice at Stake.

Judges vs. the Public: Rating the State Courts

Lessons Learned about Building Trust

KEY LESSONS

- Judges and lawyers evaluate the courts using different criteria than does the public
- Improving efficiency is not necessarily rewarded with an increase in trust
- Judges can use procedural fairness practices to increase compliance, cooperation, and trust
- Courts can use procedural fairness principles to better represent themselves to the public
- Fictional and TV “Reality” depictions of judges influence public perceptions

Strategies for Measuring Public Trust

Research Methods: Pros and Cons

- **Public Opinion Telephone Surveys**
- **Public Opinion On-Line Surveys**
 - **Focus Groups**
 - **Exit Surveys**