OVERVIEW OF FINDINGS

The Good

FINDING 1
Courts Are the Most Trusted of the Three Branches of Government

FINDING 2
Courts Critical Role: Guardians of Individual Rights

FINDING 3
Courts Key Attribute: Hard-Working

FINDING 4
Procedural Fairness is a Hallmark of the Court System
**FINDING #1**

Courts are the Most Trusted of the Three Branches of Government

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*Percent saying they have “some” or a “great deal” of confidence in each institution.*

<table>
<thead>
<tr>
<th></th>
<th>Governor</th>
<th>Legislature</th>
<th>Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>60%</td>
<td>65%</td>
<td>76%</td>
</tr>
<tr>
<td>2017</td>
<td>61%</td>
<td>57%</td>
<td>71%</td>
</tr>
<tr>
<td>2016</td>
<td>58%</td>
<td>65%</td>
<td>74%</td>
</tr>
<tr>
<td>2015</td>
<td>57%</td>
<td>61%</td>
<td>71%</td>
</tr>
<tr>
<td>2014</td>
<td>59%</td>
<td>63%</td>
<td>68%</td>
</tr>
</tbody>
</table>

**1999 (Hearst)**

<table>
<thead>
<tr>
<th></th>
<th>Governor</th>
<th>Legislature</th>
<th>Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>66%</td>
<td>77%</td>
<td>76%</td>
<td>75%</td>
</tr>
</tbody>
</table>

**1977 (Yankelovich)**

<table>
<thead>
<tr>
<th></th>
<th>Governor</th>
<th>Legislature</th>
<th>Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>66%</td>
<td>64%</td>
<td>61%</td>
<td></td>
</tr>
</tbody>
</table>

---

*2014-2018: 5-Year Retrospective*
FINDING #2

Courts Critical Role: Guardians of Individual Rights

Percent saying they “strongly” or “somewhat” agree that state courts are committed to protecting individual rights.

- 2018: 70%
- 2017: 68%
- 2016: 71%
- 2015: 69%
- 2015: 67%

Percent saying they “strongly” or “somewhat” agree that the courts protect defendants’ constitutional rights.

- 1999 (Hearst): 85%

2014-2018: 5-Year Retrospective
FINDING #3

Courts Key Attribute: Hard-Working

68% in 2018 survey

Conservatives and Hispanics are most likely to say that courts are hard-working
FINDING #4

Procedural Fairness is a Hallmark of the Court System

Percent saying YES to the statement:

“Regardless of the outcome, were you satisfied with the fairness of the process in your dealings with the court system?”

2014: 70%
2015: 72%
2016: 70%
2017: 78%
2018: 72%

2014-2018: 5-Year Retrospective
OVERVIEW OF FINDINGS

The Challenges

Access

- Expensive & Complicated (FINDING 5)
- Not Customer-Service Oriented (FINDING 6)
- Technology Lagging (FINDING 7)

Fairness

- Judges Seen as Political (FINDING 8)
- Two Systems of Justice (FINDING 9)
- Concern About Racial Bias Abounds (FINDING 10)
“Respondents consistently expressed a belief that the entire legal system is designed to benefit itself, rather than the people it serves...”

– 2015 focus group report to NCSC and the ABA
FINDING #5

Courts are Seen as Slow, Expensive, and Complicated

Percent of respondents who said they would be able to represent themselves in court:

1999

Hearst

58%

2018

36%

2014-2018: 5-Year Retrospective
FINDING #5

Courts are Seen as Slow, Expensive, and Complicated

Percent saying they “somewhat” or “strongly” agree that state courts are not doing enough to empower regular people to navigate the court system without an attorney.

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>59%</td>
</tr>
<tr>
<td>2015</td>
<td>62%</td>
</tr>
<tr>
<td>2017</td>
<td>63%</td>
</tr>
<tr>
<td>2018</td>
<td>60%</td>
</tr>
</tbody>
</table>

2014-2018: 5-Year Retrospective
FINDING #6

Not Customer-Service Oriented

Percentage of those who say “provide good customer service” describes the courts well or very well.

Those without direct contact with the courts give higher ratings than those who have had direct experience with the courts.

2014-2018: 5-Year Retrospective
FINDING #7

Lagging in Technology and Innovation

62% say that “efficiency in the courts” is a serious or very serious problem.

– 1977 Yankelovich

<table>
<thead>
<tr>
<th>Efficiency In The Courts Is A:</th>
<th>Any State Court Experience</th>
<th>No State Court Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very serious problem</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>Serious problem</td>
<td>27</td>
<td>28</td>
</tr>
<tr>
<td>Moderately serious problem</td>
<td>26</td>
<td>31</td>
</tr>
<tr>
<td>Small problem</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>No problem at all</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Uncertain</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

*Question:* Here is a list of social problems that people are talking about today. Using the scale at the bottom of this card, please tell me how serious you think each of these problems is to American society today.
FINDING #7

Lagging in Technology and Innovation

<table>
<thead>
<tr>
<th>Efficiency In The Courts Is A:</th>
<th>Any State Court Experience</th>
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<td>4</td>
</tr>
</tbody>
</table>

*Question:* Here is a list of social problems that people are talking about today. Using the scale at the bottom of this card, please tell me how serious *you* think each of these problems is to American society today.
FINDING #7

Lagging in Technology and Innovation

2016 Q: “Which statement comes closer to your own view?”

Statement 1
“Just like any business, (STATE) courts must change with the times to meet the needs of their customers and to keep up with new innovations.”

Statement 2
“(STATE) courts are not a bank or a department store—the court system is the ultimate protector of our constitutional rights and shouldn’t significantly change the way it does business.”

Don’t Know

52% Change
43% Don’t Change
9% Don’t Know
### 2014 Q: “If you had business with the courts and this service was available online, how likely would you be to use it?”

Percent saying they would definitely or probably use the service if available online.

<table>
<thead>
<tr>
<th>Service</th>
<th>OVER 65</th>
<th>OVERALL</th>
<th>UNDER 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access court records</td>
<td>55%</td>
<td>77%</td>
<td>86%</td>
</tr>
<tr>
<td>Pay a fine or fee</td>
<td>55%</td>
<td>76%</td>
<td>86%</td>
</tr>
<tr>
<td>Submit questions on procedure to court staff</td>
<td>54%</td>
<td>75%</td>
<td>83%</td>
</tr>
</tbody>
</table>
FINDING #7
Lagging in Technology and Innovation

“It seems to be by design that they have no design.”
— 2015 NCSC/ABA focus group participant, referring to court websites
When presented with a list of potential concerns about the courts, this statement was picked as a top concern:

“Court decisions are influenced by political considerations.”

– 1977 Yankelovich
## Finding #8

Judges Seen as Political

### Table IV.8

**Perceived Seriousness and Frequency of Problems Related to Equality/Fairness**

<table>
<thead>
<tr>
<th>Serious Problem/Occurs Often</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court decisions that are influenced by political considerations</td>
<td>26</td>
</tr>
<tr>
<td>Courts that do not treat the poor as well as they treat the affluent</td>
<td>25</td>
</tr>
<tr>
<td>Courts that do not treat blacks as well as they treat whites</td>
<td>19</td>
</tr>
<tr>
<td>Courts that disregard defendant's rights</td>
<td>9</td>
</tr>
<tr>
<td>Judges who are biased and unfair</td>
<td>12</td>
</tr>
<tr>
<td>Lawyers who do not treat their poor clients as well as their affluent clients</td>
<td>28</td>
</tr>
</tbody>
</table>

*Question:* See Table IV.2.
FINDING #8

Judges Seen as Political

81% agree with the statement “judges decisions are influenced by political considerations.”

– 1999 Hearst

As compared to Whites/Non-Hispanics, African-Americans and Hispanics were more likely to believe courts are out-of-touch. Viewers of “reality-based” television are less likely to believe “Courts are ‘out-of-touch’ with what’s going on in their communities.”

Figure 28: “Judges’ decisions are influenced by political considerations.”

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITES</td>
<td>AFRICAN-AMERICANS</td>
<td>HISPANICS</td>
<td></td>
</tr>
<tr>
<td>8.6%</td>
<td>14.9%</td>
<td>44.7%</td>
<td>32.9%</td>
</tr>
<tr>
<td>8.4%</td>
<td>14.0%</td>
<td>43.5%</td>
<td>34.1%</td>
</tr>
<tr>
<td>8.2%</td>
<td>14.2%</td>
<td>42.3%</td>
<td>35.3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALL RESPONDENTS</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>38%</td>
<td>43%</td>
<td>13%</td>
<td>6%</td>
<td></td>
</tr>
</tbody>
</table>

*The vast majority of respondents (81%) agree that politics influences court decisions. This pattern is found across racial and ethnic groups.
As compared to Whites/Non-Hispanics, African-Americans and Hispanics were more likely to believe courts are out-of-touch. Viewers of “reality-based” television are less likely to believe “Courts are ‘out-of-touch’ with what’s going on in their communities.”

Figure 28: “ Judges’ decisions are influenced by political considerations.”

- The vast majority of respondents (81%) agree that politics influences court decisions. This pattern is found across racial and ethnic groups.

2014-2018: 5-Year Retrospective
FINDING #8

Judges Seen as Political

2017 Q: “Which statement comes closer to your own view: Judges in (STATE) courts are selected based on their qualifications and experience OR Many judges are there because of personal connections or political influences rather than qualifications.”

<table>
<thead>
<tr>
<th>Qualifications/Experience</th>
<th>Connections/Political Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td>43%</td>
<td>53%</td>
</tr>
</tbody>
</table>

2017 Q: “Which statement comes closer to your own view: Judges in (STATE) courts make decisions based on an objective review of the facts and the law OR Judges in (STATE) courts make decisions based more on their own beliefs and political pressure.”

<table>
<thead>
<tr>
<th>Facts &amp; the Law</th>
<th>Beliefs/Political Pressure</th>
</tr>
</thead>
<tbody>
<tr>
<td>50%</td>
<td>47%</td>
</tr>
</tbody>
</table>

THE STATE OF STATE COURTS

2014-2018: 5-Year Retrospective
FINDING #9

Two Systems of Justice

2015 Q: “Tell me whether you believe that group is treated the same as other groups by the (court/justice) system, or whether you believe they are treated differently than others by the (court/justice) system.”

Who is Treated Better?

- The wealthy: 68%
- Large corporations: 69%

Who is Treated Worse?

- African Americans: 49%
- Divorced Fathers: 45%
- The Poor: 59%

Overall Respondents
FINDING #9
Two Systems of Justice

2018 Q: “Which of the following statements comes to closer to your view?”

Statement 1
“The current system of cash bail is a good way to keep our communities safe from criminals and ensure defendants appear for their court dates.”

Statement 2
“The current system of cash bail produces a two-tier justice system, with wealthy defendants able to walk free while low-income defendants are jailed.”

Don’t Know

7% 43% 50%
Concern About Racial Bias Abounds

Race impacts perceptions of fairness...

**2015 Q:** “Do you agree or disagree with the following statements about state courts?”*

- **Treat people with dignity and respect:** 66% overall, 50% African Americans
- **Take the needs of people into account:** 59% overall, 43% African Americans
- **Are unbiased in their case decisions:** 54% overall, 35% African Americans
- **Committed to protecting individual and civil rights:** 69% overall, 54% African Americans
- **Listen carefully to those appearing before them:** 62% overall, 45% African Americans
- **Serve as an appropriate check on other branches of government:** 60% overall, 43% African Americans

...and less than a third of African Americans believe court provide equal justice.

**2015 Q:** “How well does each of the following describe state courts?”**

- **Fair and impartial:** 60% overall, 42% African Americans
- **Provide equal justice to all:** 57% overall, 32% African Americans

*Percent saying agree or strongly agree.  
**Percent saying well or very well.
Finding #10

Concern About Racial Bias Abounds

Equal justice to all?

All Respondents 57%

African-Americans 32%

2014-2018: 5-Year Retrospective
Finding #10

Concern About Racial Bias Abounds

Unbiased in their case decisions?

- All Respondents: 54%
- African-Americans: 35%

2014-2018: 5-Year Retrospective