

PUBLIC PERCEPTIONS OF THE STATE COURTS: A PRIMER*

David B. Rottman
National Center for State Courts

Overview

This ‘primer’ summarizes and puts in context what survey research has to say concerning public opinion about courts, especially local trial courts. The emphasis is on topics relevant to the needs of court managers as consumers of public opinion surveys, while also looking ahead to “Symposium 2000: Meeting the Justice Needs of a Multi-Cultural Society.”

The basic message from the public is clear. National and state surveys over the past 23 years paint a detailed and consistent portrait of what the public likes and dislikes about the state courts. Perceptions that courts are too costly, too slow, unfair in the treatment of racial and ethnic minorities, out of touch with the public, and negatively influenced by political considerations are widely held. Overall, more Americans believe that the courts handle cases in a poor manner than believe courts handle cases in an excellent manner.

The positive image of the court centers on perceptions that courts meet constitutional obligations to protect rights, ensure that litigants have adequate legal representation, and that judges are honest and fair in individual case decisions, and well trained. In addition, the American public believes that judges and court staff treat people who have business before the courts with respect and dignity. Overall, it is reasonable to describe the American public as approving of and trusting the state courts “somewhat”.

Having a clear checklist of the public’s likes and dislikes is of limited practical use to court managers for a number of reasons. First, there is no evidence that residents of states that have accomplished significant reforms are more confident in their courts than are citizens in states without a demonstrable reform record. Second, many of the public’s gripes about courts are manifestations of societal problems, such as discrimination against minority groups. Third, action to enhance public confidence needs to be grounded in an understanding of how people synthesize their experiences and various sources of information about courts into opinions. An important part of that understanding is identifying the criteria people use when judging the trustworthiness and performance of courts.

Such an understanding exists. The social psychological field of procedural justice offers a sophisticated understanding of who is likely to have a high and who a low level

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of trust in the courts (and other institutions). What matters to people is neutrality, absence of bias, honesty, evidence of efforts to be fair, politeness, and respect for the rights of individuals. Another important matter is that people have the opportunity to participate in the process should they so choose. The perspective of procedural justice informs the presentation and interpretation of the opinion survey findings offered below. One message from the study of procedural justice is that those running an institution are often mistaken about what the public expects from that institution.

Courts and Public: The Story So Far

Trust in public and private institutions has been declining since the mid-1960s in the United States. A similar decline in public trust occurred in most industrial democracies. Few institutions are immune; only the scientific community retains the public’s full confidence. Among government entities, the public’s trust is lowest at the federal level, somewhat higher at the state level, and highest at the local level (see Chart 2).ⁱ

Chart 1
PERCENTAGE OF THE PUBLIC EXPRESSING CONFIDENCE IN:

	<u>1965</u>	<u>1995</u>
UNIVERSITIES	61	30
BIG COMPANIES	53	21
MEDICINE	73	29
JOURNALISM	29	14

Chart 2
DO YOU TRUST THE GOVERNMENT TO DO THE RIGHT THING MOST OF THE TIME?

PERCENTAGE ANSWERING ‘YES’:

	<u>1997</u>
FEDERAL	22
STATE	32
LOCAL	38

An increasingly skeptical and less trusting public is one source of strain in the relationship between the courts and the public.ⁱⁱ The United States Supreme Court is a partial exception to downward spiral in trust that is most pronounced at the federal level. Public confidence and trust in the U.S. Supreme Court has been high and stable in comparison to the national executive and legislative branches; it has been seemingly impervious to the periodic controversies that have surrounded the Court and some of its decisions.

The relevance of the Supreme Court’s “halo” to the state courts depends upon the reasons for the Court’s advantage. One school of thought emphasizes the Court’s unique national institutional role as guarantor of freedom. At any given time, dissatisfaction with the Court by a proportion of the population is high and linked to specific court opinions. However, the negative effect is short-lived because the Court is perceived as a protector of fundamental democratic values and a champion of justice. There is a predisposition to support the Supreme Court that might stem from how children initially learn about the political system.ⁱⁱⁱ

Another school of thought notes how well the seemingly quiet, deliberate manner in which the Supreme Court operates fits with how Americans expect public bodies to act when making decisions. The public values decorum, fairness, and finality in decision-making—which helps to explain the public’s disdain for the U.S. Congress.^{iv} Trial courts resemble more the rough and tumble with which public bodies reach decisions, rather than the luxury of remoteness and mystery of Supreme Court decision-making.

The overwhelming majority of sophisticated social science thinking and analysis on what explains varying levels of trust in and approval of the courts is based on studies of the U.S. Supreme Court. People perceive the courts in complex ways based on the nature of their expectations, previous court experience, general political orientations, and race, ethnicity, social class, and gender.^v However, there is a growing body of data by which to characterize what the public thinks about the state courts. Sophisticated analysis of that data suggests that the American public does evaluate local trial courts using the same fundamental criteria used to evaluate the U.S. Supreme Court, and, indeed, the legislative and executive branches of government.^{vi}

The Body of Evidence

Court managers can draw upon 23 years of public opinion surveys concerning the state courts. In 1977, the National Center for State Courts commissioned the first national study of the public’s trust and confidence in the states’ courts.^{vii} In that survey, “The Public Image of the Courts,” some 1,900 American adults expressed their opinion about the state courts, including the perceived need and prospect for court reform. Many of the same survey questions were asked of 300 judges. The public survey revealed that people were poorly informed about the legal system, had a middling degree of confidence in the courts, displayed a general if not wholehearted respect for judges,^{viii} and were eager for court reform but not necessarily willing to pay for it or aware that it had taken place. The judges surveyed, however, tended to be satisfied with the status quo.

Since the 1977 national survey, 27 state-level surveys (in 22 states) have been commissioned to provide a general source of information for the state court and bar leadership, or to inform the work of commissions investigating bias or anticipating the future of the judicial branch (see Chart 3). The pace of such state survey work has picked up in recent years; 15 of the 27 state surveys were conducted during the last five years.^{ix}

In August 1998 another comprehensive national survey added to the growing mass of information on how the public perceives the state courts. “Perceptions of the U.S. Justice System,”^x commissioned by the American Bar Association, relied on telephone interviews of 1,000 American adults selected at random. The respondents were asked for their opinions about “the justice system” – lawyers, judges, law enforcement and the courts. Some of the findings from the ABA survey appeared to be optimistic relative to most of the previous surveys. Public confidence in the courts relative to other major institutions seemed higher, and experience with courts appeared to promote higher,

Chart 3
NATIONAL AND STATE RANDOM POLLS OF PUBLIC OPINION ON THE COURTS

Year	State or National	Sample Size	Survey Type	Pollster Type	Name of National Survey
1977	National*	1931	In Person	Commercial	“Public Image of the Courts”
1978	Utah	600	Telephone	Commercial	
1983	National	1004	Telephone	Commercial	“The American Public, The Media and the Judicial System: A Hearst Report”
1984	New Jersey	800	Telephone	University	
1986	Michigan	789	Telephone	University	
1988	Washington	800	Telephone	Commercial	
1989	Alabama	422	Questionnaire	University	
1989	Rhode Island	404	Telephone	Commercial	
1990	Utah	600	Telephone	Commercial	
1991	Massachusetts	400	Telephone	Commercial	
1991	Utah	600	Telephone	Commercial	
1992	California*	1488	Telephone	Commercial	
1992	New Jersey	800	Telephone	University	
1992	Virginia	1600	Telephone	Commercial	
1995	Iowa	803	Telephone	University	
1995	Mississippi	670	Telephone	University	
1995	North Carolina	800	Telephone	Commercial	
1995	Wisconsin	522	Telephone	University	
1996	National	1085	Telephone	University	“National Opinion Survey on Crime and Justice”
1996	Florida	1042	Telephone	Commercial	
1997	Arizona	511	Telephone	Commercial	
1997	New Mexico	403	Telephone	Commercial	
1998	National	1000	Telephone	Commercial	“Perceptions of the US Justice System”
1998	Connecticut	1200	Telephone	University	
1998	Kansas	1226	Telephone	University	
1998	Louisiana*	1200	Telephone	University	
1998	Maryland	600	Telephone	Commercial	
1998	Texas*	1215	Telephone	University	
1999	National*	1200	Telephone	University	“How the Public Views the State Courts, A National Survey Funded by The Hearst Corporation”
1999	New Mexico		Telephone	Commercial	
1999	Washington	1825	Telephone	Commercial	
2000	National*	1574	Telephone	University	“Public Opinion on the Courts: A National Portrait and Interpretation” (The findings will be made public at Symposium 2000.)

* The random sample was supplemented through oversampling of members of minority groups, opinion leaders, judges, lawyers, persons with recent court experience, or residents in states with and without particular court reforms.

rather than lower levels of confidence. For the most part, though, more continuity than positive change was evident in the 1998 survey.

The same negative and positive images of the courts recur with varying degrees of forcefulness across national and state surveys.^{xi} The negative image centers on perceived inaccessibility, unfairness in the treatment of racial and ethnic minorities, leniency toward criminals, and a lack of concern about the problems of ordinary people. There was concern that the courts are biased in favor of the wealthy and corporations. Indeed, the perception of economic-based unfairness in civil cases seemed to rival the perception of judicial leniency in criminal cases as a source of public dissatisfaction. There is also strong evidence of public concern that political considerations, and especially campaign fundraising, exerted an undue influence on the judiciary.

The surveys also reveal positive images of the courts. Judges are honest and fair in case decisions, well trained, and protect the constitutional rights of individuals. Additionally, judges and court personnel treat members of the public with respect, and the jury system works. Former litigants for the most part report that their cases were handled in a fair manner.

Although opinion surveys between 1977 and 1998 reveal the contours of a relatively stable and consistent public image of courts, it remains a broad-brush portrait. In particular, we lack a body of data that can measure the extent to which the image of the courts is the same when viewed from the perspective of different social groups. That gap in what we know about public opinion and the courts was partly filled by another national survey conducted in early 1999. The new survey provides a basis for addressing some of those concerns.

Courts and Public in 2000 and Beyond

The *How the Public Views the State Courts: Findings from a 1999 National Survey* interviewed 1,826 Americans by telephone between January 13 and February 15, 1999. In addition to the 1,226 randomly sampled Americans, there was an oversample of 300 African-Americans and 300 Hispanic Americans. Thus, the total sample of 1,826 provides the usual representation of Whites/Non-Hispanics; in addition, however, it adequately represents the perspectives of African-Americans and Hispanic Americans.^{xii}

What Explains Levels of Trust in the Courts?

We know that including litigants' trust and support of the courts is highest when they perceive that their case was decided in a fair and efficient manner. This finding applies even if the case decision went against them. This assertion, supported by a large and varied body of research evidence—including a special analysis of the *1999 National Survey* data—strongly suggests that public trust and confidence is driven mainly by perceptions of *how* courts reach decisions.^{xiii} Satisfaction with the outcomes of those decisions is also important, of course. But the key to understanding what people think of

the courts is their assessment of the equity and the efficiency of the procedures that courts use to make decisions.^{xiv}

Procedural equity is associated with attributes such as neutrality, honesty, evidence of efforts to be fair, politeness, and respect for the rights of individuals. It also, however, relates to the nature of the ordinary citizen’s involvement in the process, that people have ‘the opportunity to be involved in the process should they so choose’.

Procedural efficiency is associated with the expedition and directness with which decisions are made. Efficiency is present when the process is forthright, easily understood, involves the fewest steps and participants necessary to make the decision, and where decision-makers hone in on the relevant evidence.

How people rate the procedural equity and efficiency of the courts is the best predictor of their trust in and support of the courts. Expectations of procedural fairness also appear to underlie, at least in part, the views members of minority groups hold about the courts. African-American and Hispanic survey respondents tend to rate courts significantly lower than White respondents on the various aspects of procedural fairness, including the perceived trustworthiness of authorities, the neutrality of decision-makers, and the treatment of individuals with respect and dignity (see, for example, Figures 1 and 2). These attributes of procedures are important to all Americans, but are particularly important for African-American and Latinos. Concern with cost and delay does not appear to influence the rating people have of court performance or their degree of support for the courts.

Figure 1: "Judges' decisions are influenced by political considerations."

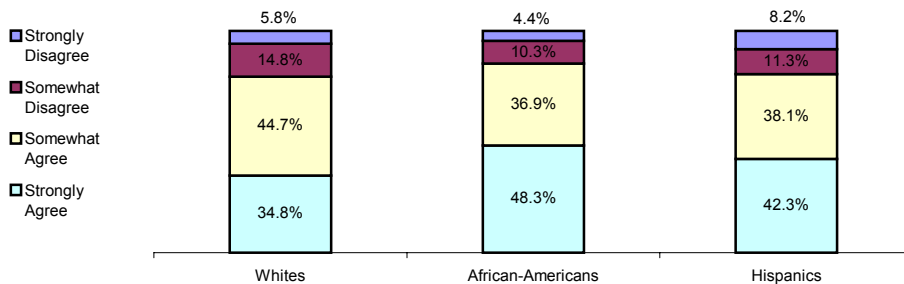
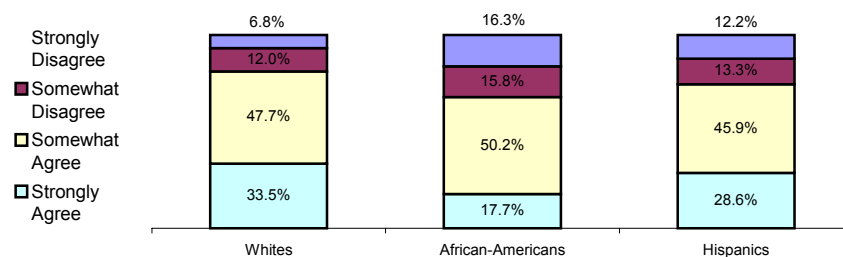


Figure 2: "Judges are generally honest and fair in deciding cases."



Experience and Opinion

Startling findings from public opinion surveys sometimes change how people think so substantially that they become a part of conventional wisdom about a topic. A case in point is the belief that experience with a court reduces rather than enhances a person's confidence in the courts. The main piece of evidence underlying that belief comes from the report on the 1977 *The Public Image of the Courts*, survey, which concluded that "those having knowledge and experience with the courts voiced the greatest dissatisfaction and criticism."^{xv}

Statewide surveys conducted over the last fifteen years offer a mixed picture. Some surveys and questions on some topics suggest that those with court experience had more favorable views of the courts; in other surveys and on other topics, there was no clear difference associated with experience with the court system, or the relationship was negative.

The recent ABA-sponsored public opinion survey reverses the most publicized finding from the 1977 survey. Specifically, in 1998 the more knowledge of the courts and more court experience people had, the more confident they were in the courts. Confidence in state and local courts was significantly higher among respondents reporting that their most recent court experience was positive (32 percent were extremely or very confident in the courts) than for those reporting a negative experience (14 percent).^{xvi}

This is no strong evidence of a direct link between experiences in court and people's opinions about the courts. Most survey respondents (82 percent) claimed that their most recent court experience did not change their opinions about the courts. The report on the survey concluded that "those with positive experiences are probably not going to improve their perceptions but those with negative experiences have a good chance of becoming even more negative."^{xvii} Such a claim seems unjustified given the available evidence. A more heartening conclusion from the survey is that between 1977 and 1998 public confidence in the courts actually rose. This applied to state and local courts and to federal courts but to few other national or local institutions.^{xviii} The *1999 National Survey* did not replicate the optimistic conclusion.

Here, we need a strong perspective on how opinions are formed to make sense of our findings. Consider this finding from the 1998 ABA survey. People with positive experience in a court had more trust in the courts. That seems encouraging. But having had a positive court experience was also associated with having a significantly higher level of trust in accountants, the public schools, and the media.^{xix} It is unlikely that a pleasing day in court can give a rosy hue to the world at large.

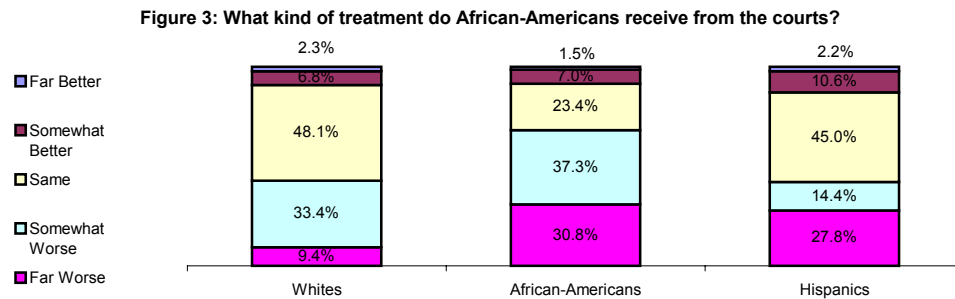
There is insufficient evidence to assert a general effect of court experience on opinions, positive or negative. The question of court experience's impact needs to be reformulated to ask what kinds of participation in the courts (e.g., juror, civil defendant, etc.) in what kinds of cases tends to frame people's perceptions of their experience.

There is evidence, for example, that former defendants in civil cases are the most likely to hold negative opinions about the courts, other things being equal. Still, experience as a civil defendant or other forms of involvement with the courts explains very little of the differences among people in their support for the courts. The most powerful explanatory factors relate to the extent people believe that the courts use fair procedures.

Racial and Ethnic Perspectives

Minority group opinions about the courts are far from monolithic. Overall, Hispanic respondents to the 1999 National Survey expressed the greatest satisfaction with court performance. Whites reported assessments that were somewhat lower than those given by Hispanics. The opinions of African-Americans were consistently the most negative about the courts. A similar profile of satisfaction levels was found in a 1992 California survey that used a sampling strategy for minority group respondents this is like the one used in the 1999 national survey.

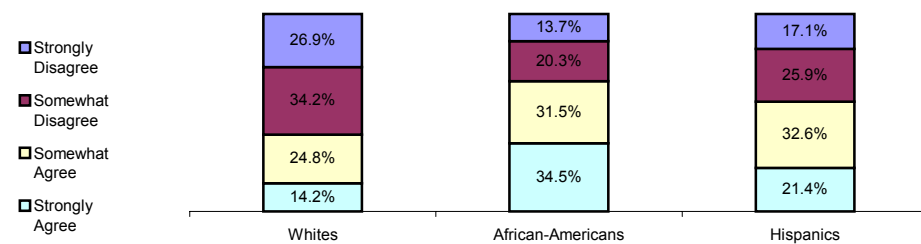
As a general matter, African-Americans express lower level of confidence in the courts in their community. It is understandable why. African-Americans perceive themselves as treated worse by the judicial system than White/Non-Hispanics or Hispanics. Almost 70% of African American respondents think that African-Americans, as a group, get “Somewhat Worse” or “Far Worse” treatment from the courts than the other two groups, and approximately 40 percent of respondents from other groups agree.



Responses to questions about specific aspects of court performance also point to pattern of African-American disenchantment with the courts. Nearly 21% of African-Americans strongly disagree that “Court personnel are helpful and courteous,” but only 13% of Hispanics and 12% of White/Non-Hispanics strongly disagree. Over 30% of African-Americans strongly agree that “Most juries are not representative of the community,” whereas only around 20% of Hispanics and White/Non-Hispanics believe that. Upwards of 20% of African-Americans strongly disagree with the statement “Courts make reasonable efforts to ensure that individuals have adequate attorney representation,” but only around 10% of Hispanics and White/Non-Hispanics disagree.

More specifically, one-third of African-American respondents feel “Courts are ‘out-of-touch’ with what’s going on in their communities” compared to 21% of Hispanics and less than 15% of White/Non-Hispanics or Other Americans. Fewer African-Americans (18%) strongly agree that “Judges are generally honest and fair in deciding cases” than Hispanics (29%) or White/Non-Hispanics (34%). More African-Americans and Other Americans (approximately 50%) strongly believe “Judges’ decisions are influenced by political considerations” in contrast to Hispanics (42%) or White/Non-Hispanics (35%). Finally, African-Americans feel “wealthy people” receive “better treatment” from the courts, and they feel this more emphatically than Whites or Hispanics.

Figure 4: "Courts are 'out-of-touch' with what's going on in their communities."



Approximately 33% of Hispanic respondents said Hispanics, as a group, got "Somewhat Worse" or "Far Worse" treatment from the courts. A greater number of Whites/Non-Hispanics (47%) and African-Americans (60%) felt Hispanics, as a group, received "Somewhat Worse" or "Far Worse" treatment from the courts.

A majority of Americans believe that non-English speaking people receive "Somewhat Worse" or "Far Worse" treatment from the courts. However, a greater number of Hispanics (59%) and African-American respondents (66%) held that belief.

Finally, concerns with fairness are the most important determinants of trust in and approval of the courts for all groups. The strength of that relationship, however, is strongest for minority group members. No other aspect of court performance has a clear association with the evaluations minority group members make of the courts.

The Impact of Television Judges

When asked how frequently they get information about the courts from TV Judge programs, 18 percent of respondents to the 1999 National Survey said “regularly” and 22 percent said “sometimes”. African-Americans and Hispanics were significantly more likely than Whites to rely on “TV judges” for information about the courts. (Figure 5 indicates the relative importance of various information sources to all respondents.)

It is unclear, however, whether exposure to a TV judge's courtroom is a significant negative influence on viewer's overall opinion about the courts. Indeed, there are hints that such programs have a positive influence on their regular viewers opinions of the courts. It is interesting but difficult to explain why regular viewers of "television judges" were somewhat less likely than were other respondents to believe that they could represent themselves in court, that judge's decisions are influenced by politics, or that courts are out of touch with their communities.^{xx} There is no evidence linking regular exposure to TV judges with a systematically negative view of the real courts.

The Prospects for Court Reform On- Line

It is unclear whether the likely effect of information technology will be to reduce or increase access to the courts for the general public. Most people today lack or do not take advantage of information technology. The *1999 National Survey* asked respondents how often they use a computer to go on-line. The most common answer was "never", offered by 53 percent of survey respondents. Less than one person in five used computers "regularly" (16 percent went on-line "sometimes" and 13 percent "hardly ever"). That raises the question of whether law firms and corporations are the only substantial beneficiaries of innovations such as electronic case filings.

It is unclear that the net effect of information technology would be to diminish or increase actual and perceived unfairness in how groups are treated by the courts. In the *1999 National Survey* the proportion of White/Non-Hispanics who regularly use the Internet is nearly twice as great as that for Hispanics (18 percent versus 11 percent). Increased reliance on information technology to access the courts and pursue litigation may reinforce rather than diminish the divide between the courts and minority groups and between the well off and the poor.

Courts in a Consumer Society: Changing Public Expectations

The public evaluates the courts, in part, using the same expectations that they have of other public and private institutions in terms of convenience and ease of access. It is uncertain whether traditional court processes will make it possible for the judiciary to keep pace with changing public expectations. The public today is better educated and more self-confident in dealing directly with large institutions.

The *1999 National Survey* suggests that many people combine frustration with the inaccessibility of legal representation with confidence that they can go it alone. Nearly six out of ten respondents agree with the statement that "It would be possible for me to present myself in court if I wanted to."^{xxi} The statement to which people agreed was free-floating, not being associated with a particular kind of case. We therefore do not know for certain if confidence in one's ability to represent oneself is in areas traditionally free of pro-se litigants or remains limited to the traditional arenas in which pro se litigants have appeared.

Disenchantment with lawyers and a growing sense that one can or should be able to appear in court without an attorney poses challenges for the courts. It is unclear if improving support for "do it yourself" litigants will suffice to meet the public's expectations for what are largely procedural justice concerns. It may be that the specialized language and complexity of existing procedures are an insurmountable bar to prudent self-representation.

Limits to Opinion Surveys

Survey findings never speak for themselves. Consumers of survey findings need to be alert to limits on what an opinion can be expected to say. Some of those limits relate to what any public opinion survey can offer:

- The logic of inferring opinions and experiences from survey respondents to the general public requires random selection of the survey respondents.
- For the most part, public opinion surveys capture people's perceptions, what might be considered an emotional rather than a reasoned response.
- Responses to survey questions are influenced by the way the questions are worded and the order in which questions are presented.
- Opinion surveys under represent members of minority groups. Some specific groups such as rural Latinos are virtually excluded from telephone surveys.
- Latinos and African-Americans share some perceptions of public institutions, but differ on as many other perceptions. A meaningful understanding of minority perception requires a large enough number of minority survey respondents to look separately at Latino and African-American patterns and to look at diversity within each group.
- In reporting survey findings there is a tendency to confuse correlation, an association between two questions, with causation. The strongest

correlate of a person's trust in the courts is that person's trust in the police. This is an intriguing, but not very meaningful relationship.

- That a relationship between two variables is statistically significant (unlikely to be due to chance) does not make it inherently noteworthy. The strength of the relationship determines if it is of practical significance.
- A meaningful study of causes and effects need to be based on a model of interrelationships like that available from ideas on procedural justice. A model tells us which factors are relevant and how they interrelate.
- Reports of survey findings should indicate the proportion of respondents who answered 'don't know' and the proportion that refused to give an answer to a question. 'Don't know' responses and refusals are relevant to understanding public opinion about the courts. Generally, questions about judges and courts attract more 'don't know' responses than do questions about other occupations and institutions.

Court managers also need to be alert to the limits to what opinion surveys can tell us when poor use is made of the survey data:

- National and state opinions surveys about courts have provided far more raw information than adequately digested interpretation. With additional (beyond a recitation of percentages) and more sophisticated data analysis, state surveys could tell us far more about the content, structure, sources, and implications of public opinion about the state courts.^{xxii}
- People assess the courts on the basis of underlying orientations (e.g., 'what makes a procedure fair') that cannot be measured by individual survey question. These underlying orientations, measured through sets of related questions, frame how people perceive the state courts. Again, it is not appropriate to focus on the responses to specific survey questions.
- Public expectations and evaluations on aspects of court performance differ depending on the type of court or, indeed, the type of court case. Perceptions about the courts have disparate sources, of which direct contact with the courts is not necessarily the most important.
- Focus group research suggests that the public lacks a clear concept of what constitutes "the court." In one study, "most individuals indicated the court is 'the system' or 'the procedure,' or that the court begins with

law enforcement and continues all the way through the Dept. of Corrections.^{xxiii}

- Some public criticism expressed in surveys reflects poor performance by the courts in a particular state or locality and calls for remedial action. Other criticisms reflect perceptions shaped by sensational cases and misunderstandings of the judicial branch's role that must primarily be addressed through public education and judicial outreach.

A Concluding Note

On balance, court managers should read public opinion survey results with optimism tempered by realism. The public is aware that the courts alone can neither be blamed for nor expected to solve fundamental problems such as unfairness in the society and the justice system. A recent analysis of opinion on the courts concluded, "local courts need not be passive with respect to the support they receive from the public. While certainly some of the influences on support are beyond their control, others are not—especially people's perceptions of the fairness they experience in court."^{xxiv} In this respect courts can build on the positive core of the courts' public image. The proportion of the population that courts can reach directly has grown significantly over recent decades. Four-times as many adults reported having served on a jury in 1999 than did in 1977. There is a ready and large audience for courts to address directly within the courthouse.

Finally, public opinion surveys about courts do not yield a simple, easy to grasp message. This is not, or at least not entirely, the fault of the pollster or commentator. People approach the law, and hence the courts, from several directions simultaneously. It has been suggested that people have three basic orientations towards the law. One orientation stresses the law as majestic, unchangeable, standing above our everyday lives. A second orientation is the law as an instrument we use or a game we play, and thus to be evaluated in terms of how well it helps us achieve our objectives. Yet a third orientation to law is a sense of powerlessness before the law, of its unfairness to us in our individual situations, justifying resistance in small ways on our part.^{xxv} Contradictory on paper, these orientations blend together in people's minds into a complex set of expectations of, and opinions about, the courts.

ⁱ WHY PEOPLE DON'T TRUST GOVERNMENT (J. Nye, P. Zelikow, and D. King, eds.).

ⁱⁱ Most survey and scholarly work on the courts in this country is fixated on the U.S. Supreme Court. Consequently, it is more difficult to track on a national level changing levels of trust in state appellate and trial courts.

ⁱⁱⁱ J. Mondak and S. Smithey, *The dynamics of public support for the Supreme Court*, 59 No. 4 THE JOURNAL OF POLITICS (1997).

^{iv} J. R. HIBBING AND E. THEISS-MORSE, CONGRESS AS PUBLIC ENEMY: PUBLIC ATTITUDES TOWARD AMERICAN POLITICAL INSTITUTIONS (1995).

^v However, data from at least one state survey (Utah, 1991) has been used to offer an explanation of public attitudes toward local courts. See Susan M. Olson and David A. Huth, *Explaining Public Attitudes Toward Local Courts*, 20 JUSTICE SYSTEM JOURNAL 41 (1998).

^{vi} "When citizens are reacting to laws passed by Congress, the primary reason they obey those laws is that they think that Congress is concerned about them, and trying to do what is right for all citizens. Citizens are also affected by judgments that Congress is neutral, and treats all citizens equally." Tom R. Tyler, *Procedural fairness and compliance with the law*, 133 SWISS JOURNAL OF ECONOMICS AND STATISTICS 219, 229 (1997).

^{vii} Yankelovich et al., *Highlights of a National Survey of the General Public, Judges, and Community Leaders*, in NATIONAL CENTER FOR STATE COURTS, STATE COURTS: A BLUEPRINT FOR THE FUTURE 21 (1978).

^{viii} "The principal source of public concern about judges is that there simply are not enough of them. Thirty-nine percent see this as a major problem. Of secondary (and much lower) concern to the public is the conduct and demeanor of judges—their diligence, sensitivity to the problems of those whose cases they deliberate, fairness, objectivity, and literal interpretation of the law. A minor problem in the public's estimation is the qualifications of judges . . . Judges generally seem to command basic respect and confidence, though this esteem is equivocal and somewhat guarded." COURTS BLUEPRINTS 33.

^{ix} Two national surveys that The Hearst Corporation, THE AMERICAN PUBLIC, THE MEDIA AND THE JUDICIAL SYSTEM: A NATIONAL SURVEY OF PUBLIC AWARENESS AND PERSON EXPERIENCE, (1983) and the 1996 "National Opinion Survey on Crime and Justice", the findings of which can be found in AMERICANS VIEW CRIME AND JUSTICE (Timothy Flanagan and Dennis Longmire eds., 1996).

^x AMERICAN BAR ASSOCIATION, PERCEPTIONS ON THE U.S. JUSTICE SYSTEM (1999).

^{xi} For a recent summary of the positive and negative images of courts, see David B. Rottman, *On Public Trust and Confidence: Does Experience with the Courts Promote or Diminish It?* 35 No.4 COURT REVIEW, 14 (1999).

^{xii} Because of the oversampling procedure, statistical analyses conducted weighted all groups "according to population statistics for African-Americans (12.1%), Hispanics (13.4%), and Whites/Non-Hispanics (72.1%) to ensure that each group was represented in the same proportion as in American society." *Id.* at 11. The margin of error for findings is +/-2.3%. *Id.*

^{xiii} TOM R. TYLER, WHY PEOPLE OBEY THE LAW (1990).

^{xiv} This argument is largely based on JOHN R. HIBBING AND ELIZABETH THEISS-MORSE, CONGRESS AS PUBLIC ENEMY: PUBLIC ATTITUDES TOWARD AMERICAN POLITICAL INSTITUTIONS (1995). See *Id.* at 13-17.

^{xv} Yankelovich et al., *Highlights of a National Survey of the General Public, Judges, and Community Leaders* in STATE COURTS: A BLUEPRINT FOR THE FUTURE (T. Fetter ed., 1978). These conclusions continue to be regarded as authoritative. See, e.g., Julian V. Roberts and Loretta J. Stalans, *Crime, Criminal Justice, and Public Opinion* in THE HANDBOOK OF CRIME AND PUNISHMENT 46 (Michael Tonry, ed., 1998).

^{xvi} See American Bar Association, *supra* at ix at 54.

^{xvii} *Id.* at 8.

^{xviii} *Id.* at 56.

^{xix} ABA *Id.* at 56.

^{xx} *Id.* at 25.

^{xxi} *Id.*

^{xxii} The reports describing the recent (1998) state surveys in Louisiana and Texas do employ multivariate statistical techniques that can simultaneously evaluate the relative importance of various factors that may underlie people's opinion (e.g., prior court experience, race, age, etc.).

^{xxiii} Allen Brown, *Public Opinion Research* 3 FULL COURT PRESS: THE OFFICIAL NEWSLETTER OF THE STATE COURT SYSTEM OF FLORIDA, 6 (1996).

^{xxiv} See Susan M. Olson and David A. Huth, *supra* note v at 57.

^{xxv} PATRICIA EWICK AND SUSAN S. SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE*. 47-49 (1998).