

To: National Center for State Courts

From: GBA Strategies

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## Analysis of National Survey of Registered Voters

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Our most recent national survey on behalf of the National Center for State Courts provides critical insights into public perceptions of the court system. By and large, the news is very good for state courts, as public perceptions of the courts have risen across the board since our last survey in April 2012. While Americans still harbor deep mistrust of government and express broad pessimism about the country's direction and the economy, these feelings are not as intense as they were two and half years ago. Instead, we see a less volatile political environment in which views of government have stabilized and voters are more receptive to efforts to rebuild trust with critical civic institutions.

It is within this environment that we see improved marks for the state court system on a range of measures focused on the integrity of the justice system, customer service, and stewardship of taxpayer dollars. However, significant doubts remain, particularly around the influence of partisanship and political deal-making within the justice system, as well as waste and inefficiency, and courts must remain vigilant in fighting not just the existence, but also the perception, of these problems, as they can severely undermine public confidence. State courts are on firmer ground today with the public they serve, and this survey highlights further steps that can be taken to reinforce the faith and trust voters put in them.

The following are key findings and recommendations based on a survey of 1,000 registered voters conducted November 12-16, 2014. The survey is subject to a margin of error of +/- 3.1 percentage points at the 95 percent confidence level.

- **Courts remain most trusted branch of government, and public confidence in the courts has grown.** In an environment still marked by deep cynicism and distrust, at both the federal and state levels, voters continue to express more confidence in the judicial branch than the executive and legislative branches. On a range of 'attribute' measures, state courts performed better in this survey than in our first poll in 2012, including *fair and impartial* (63 percent describes well, net gain of +8 points), *provide equal justice for all* (62 percent, +15 points), *provide good customer service to people dealing with the courts* (55 percent, +15 points), and *a good investment of taxpayer dollars* (54 percent, +7 points). Similarly, voters are less likely to describe the courts in their state as *inefficient* (46 percent, +8 points) or *intimidating* (38 percent, +2 points).

We also asked voters whether they agreed or disagreed with a series of statements about how well the courts in their state fulfill roles that previous public opinion research has identified as central to public perceptions of the role of the judiciary. Again, we see strong marks overall and gains on each measure that was also asked in 2012.

<b>Fundamental Duties of State Courts</b>		
<i>% Agree with each statement</i>		
	<b>Nov. 2014</b>	<b>April 2012</b>
Courts in (STATE) treat people with dignity and respect.	71	65
Courts in (STATE) are committed to protecting individual and civil rights.	67	n/a
Courts in (STATE) listen carefully to what people appearing before them have to say.	66	60
Courts in (STATE) serve as an appropriate check on other branches of government.	63	n/a
Courts in (STATE) take the needs of people into account.	63	56
Courts in (STATE) are unbiased in their case decisions.	57	55

- Public opinions of the courts are soft and can shift quickly based on external factors or high profile media stories.** While we have seen consistent improvement on perceptions of the courts, it is important to note that the movement we have seen is found in what we call the ‘soft’ measures – somewhat agree, etc. – with no significant increases in intense feelings on either side. Our earlier research for the National Center for State Courts, which included focus groups with voters in multiple states, made it clear that most voters do not think about the courts regularly and do not hold firm opinions of the courts one way or the other. What we see in our current survey is that voters are increasingly inclined to give the courts the benefit of the doubt, and that is an important development in a still difficult political environment.

While the gains in this survey are encouraging, we must underscore that they do not have deep roots. High profile events such as the grand jury decisions in Ferguson, MO and Staten Island (which took place after this survey was conducted) will undoubtedly have an effect on many voters’ attitudes toward the courts, but it is impossible at this time to gauge what that effect will be, or how long-lasting.

- Doubts about partisanship, political bias represent greatest threat to public confidence.** The one negative attribute that garnered majority agreement in our survey was *political*, with 53 percent saying it describes the courts in their state and 56 percent saying the same about judges in their state. Concerns about political bias in the selection of judges, as well as the decisions they make on the bench, are evident in two statement pairs we tested in this survey:

<b>Political Bias and the Judiciary</b>	
	<b>% Agree</b>
In general, those chosen to serve as judges in (STATE) courts are selected based on their qualifications and experience.	43
Too many judges in (STATE) courts are there because of personal connections or political influence rather than their qualifications for the job.	51
Judges in (STATE) courts make decisions based on an objective review of facts and the law.	48
Judges in (STATE) courts make decisions based more on their own beliefs and political pressure.	46

The data in this survey – including a significant difference in this second statement pair between states that elect judges through partisan elections (where a majority says judges’ decisions are based more on their own beliefs and political pressure) and all other states (where majorities say the opposite) – is buttressed by a larger body of research in the public sphere on concerns about the influence of special interest money in judicial elections. Taken together, this evidence underscores our belief that, at this time, public doubts about political influence and bias represent the greatest threat to public confidence in the courts.

- **Integration of new technologies represents tremendous opportunity for courts.** There is a growing demand for greater use of technology and online services, particularly among younger citizens, and a clear willingness to use online resources to interact with the courts. Broad majorities express a preference for online options to *access court records* (77 percent); *pay a fine, court fees, or other financial transaction* (76 percent); or *submit questions about court procedures and process that would be answered by court staff* (75 percent). Among voters under 40, these attitudes are almost universal.

Technological advances in these areas have clear potential to alleviate demands on court employees and resources over time, as well as address customer concerns expressed in this survey about costs and the hassle of interacting with the courts.

- **Broad confidence in fairness of court decisions, but lower among those with direct experience in the court system.** While many Americans express some concerns about the fairness of the court system, those who have recently been through the court system express confidence in the fairness of those proceeding by almost 3-to-1, as 72 percent day they were satisfied with the fairness of the process, compared to 26 percent who were not. But those who have dealt directly with the courts also give them lower marks across the board on job performance and attributes. On the fundamental duties of the courts outlined on the previous page, those with direct experience in the court system rated the courts in their state 8-13 points lower on every one of these measures. This data underscores the continuing customer service challenges the courts face.