

A SURVEY OF MEMBERS OF MAJOR NATIONAL COURT ORGANIZATIONS

Conducted by the National Center for State Courts in October 2010¹

SUMMARY OF FINDINGS

Overview

In preparation for the 4th National Symposium on Court Management, an on-line survey was sent to 1,766 members of 11 national organizations whose mission centers on the state courts.² The results of the survey can be interpreted as referring to the opinions of individuals whose membership in one (or more) of the selected organizations testifies to their commitment to the well-being and growth of the state courts—the type of people who, if time and money were irrelevant, might be part of this Symposium. This report summarizes what was learned. [Click here for the full results.](#)³

Questions

The survey is designed to address topics to be considered at the Symposium (the survey instrument is appended to this document.) Most questions are answered through seven point response scales. Here is an example:

Consider the courts in your state. On a scale of 1 to 7, how would you rate your confidence in the courts of your state? The lower the number, the less confidence you have in the courts of your state; the higher the number, the more confidence you have in the courts of your state.

	1	2	3	4	5	6	7	Don't Know
Your confidence in the courts of your state.	<input type="radio"/>							

Such a way of scoring opinions offers a more sensitive measure of disagreement/agreement than a set of fixed choices such as “strongly disagree” or “agree”. Also, some statements embedded in

the questions are phrased in the negative. Mixing positively and negatively worded questions helps overcome response bias in which some people tend to respond using either the low or high parts of a scale; it also encourages close attention to question wording. In this report, a high value always has positive imputations.

The survey requests background information about the respondents. This report looks at differences in opinions based on longevity of service in the state courts and by whether the responses are from judges or from state or local court administrator (roughly one-third of respondents are judges).

The survey was distributed in mid-October. Ten days later, 375, or 21 percent, of the surveys were completed and returned. A higher response rate would, of course, be desirable but the survey responses provide unparalleled insight into the thinking of people who work in and with the state courts.⁴

Key Findings

A. How Should the State Courts be Governed?

Three sets of questions seek opinions on how decision-making should be structured in a state court system (See Section A of the survey instrument). The first two sets of questions are based on the principles for court governance put forward by Christine Durham and Dan Becker. The first set of questions one asks if each principle “should be embraced,” while the second set asks if the principle “is already present.” The ten principles are on the first page of the survey.

Here are some of the findings:

- There is broad agreement that states should embrace all of the principles. On average, respondents give the principles a combined average score of 6.2 (out of a possible 7.0).

- There is far less agreement that the principles have been realized in the state courts. On average, respondents rate the actuality of the principles at 4.2.
- Respondents rate as most desirable principles on a commitment to transparency and accountability (6.5), positive inter-branch relations (6.4), and clearly established intra branch relations (6.4). The principle rated as the least desired is for a system that speaks with a single voice (5.3).
- The principles regarded as most currently manifested are a well-defined governance structure, a commitment to transparency, and a focus by court leaders on the policy level (all with averages of 4.6, still only modestly above the mid-point of the scale).
- The lowest score in terms of being present is for the principle of authority to allocate resources (3.6).
- The largest gaps between the desirable and the present are for the principles of authority to allocate resources, meaningful input from all court levels, leadership based on competency, and open communications.

Another set of governance questions seeks opinions on whether eight specific court functions are best performed at the local or state level (response choices are “completely locally,” “primarily locally,” “equally local and state,” “primarily” or “completely” at state level).

- A few functions are seen as best performed equally at the local and state levels: public information (54%), research (45%), and major policy decisions (44%).
- Other functions are seen as best carried out locally, including judicial assignments (65%), selection of presiding judges (52%) and human resources (51%).
- The only function unambiguously seen as the purview of the state level is legislative liaison (56%).
- Budget preparation is viewed by most either as a local or shared function.

B. *What Trends are Influencing the State Courts?*

Symposium speaker John Martin, the first Symposium presenter on Thursday, provided a list of eight possible trends “shaping the demands placed on the state courts.” The survey asks

respondents to rate the trends based on their importance using a scale from one to seven, with seven being most important.

- Most trends are seen, on average, as somewhat important, with averages ranging from a low of 4.5 (“polarization of people by class, race, ethnicity and lifestyle”) to a high of 6.0 (“an increasing reliance on networking technology”).
- The second most important trend is “increasing reliance on therapeutic approaches to court and justice services, such as use of drug and other specialty courts” (5.7).

C. How are the Courts Performing?

Four sets of questions refer to aspects of court performance.

First, a single question using the one to seven format directly asks how much confidence respondents have in the courts of their state.

- The average confidence rating is 5.5.
- Judges on average are somewhat more confident than administrators in their state’s courts.

Second, questions refer specifically to judges: how well they do their job, treat people with respect, treat people the same, are honest and fair in deciding cases, and give adequate attention to each case.

- The highest ratings are for “judges are generally honest and fair in deciding cases,” “judges in my state do their job well” and “most judges treat people with dignity and respect” (6.0 and 5.8, and 5.7 respectively, on average).
- Judges rate their performance somewhat higher than do administrators in terms of “most judges treat some people better than others” and “judges give adequate time and attention to each individual case.”

Third, questions are included based on the field of procedural fairness, a perspective from social psychology (now being adopted in some courts and court programs) that looks at how people define a fair decision-making process. The likelihood of compliance with court orders is higher when decisions are seen to be made in a manner consistent with principles of procedural fairness.

- Respondents, on average, rate the procedural fairness in their state’s courts at between 5.1 and 5.7 (out of a possible seven). The average score is lowest for “taking people’s needs into account” and highest for “treating people with dignity and respect.”
- Judges tend to rate levels of procedural fairness more highly than administrators, especially in terms of courts being “sensitive to the concerns of ordinary people.”

Fourth, a set of four questions asks respondents about how well courts are doing their jobs in matters such as protecting defendant’s constitutional rights and ensuring that orders are enforced. Similar questions have been asked in various national and state public opinion surveys on opinions about the courts.

- Courts rate positively in terms of “protecting defendant’s constitutional rights” (6.0 out of a possible seven) and “juries are representative of the community” (5.4)
- The lowest rating is for “courts make sure their orders are enforced” (4.5) and “courts are in touch with what’s going on in their communities” (5.0).
- Court administrators are more likely than judges to believe the courts are out of touch with what is going on in their community and are somewhat less likely than judges to believe the courts are sensitive to the concerns of ordinary people.
- Judges and staff who joined the state courts since 2000 are more likely than their long-tem colleagues to believe courts do not pay enough attention and time to each individual case.

Finally, a final set of 11 questions asks respondents to voice their opinion on a variety of issues now being discussed in the state court community. Topics range from the use of technology to the need for reform in a state court system. Responses are shown as averages of a seven point scale, seven indicating full agreement.

Optimism: Respondents are mildly confident (4.7) that the state courts “will be able to overcome the economic challenges before them,” “technology will make it possible for courts to do more with fewer staff,” (5.0) and that “court administration is becoming more effective” (4.9). By a larger margin, on average, respondents feel “this is a time to make major changes in how

courts do business” (5.4) and disagree with the statement “there is no need to change how my state’s courts are organized” (average agreement, 3.2).

State of the Court System: Respondents agree most strongly that the “jury will remain an essential part of America’s courts” (6.2 on average) but were uncertain “courts can use Twitter, Facebook and other new media to communicate with the public” (3.7), with judges being more skeptical than administrators. There is mild agreement “that trial court presiding judges have sufficient authority” (4.9 on average).

Negative developments: There is some agreement that “courts are being dragged into politics” (5.6).

Conclusion

A more comprehensive report based on the Symposium survey will be made available December 1, 2010 on the NCSC website. The full report will include comparisons between judges and non-judges, respondents from centralized and non-centralized court structures, and veteran vs. long-term members of the state court community. In the meantime, the purpose of the present report is to provide some shared food for thought to those participating in the Symposium.

¹ This summary was prepared by David Rottman of the NCSC Research Division.

² The organizations include: American Judges Association, Conference of Chief Justices, Conference of State Court Administrators, Conference of Court Public Information Officers, Conference of State Court Administrators, Council of Chief Judges of State Courts of Appeal, National Association of Women Judges, National Association for Court Management, National Consortium on Race and Ethnic Fairness in the Courts, National Association of Appellate Court Clerks, and National Conference of Probate Judges.

³ The full web address is <http://reportal.us.confirmit.com/reportal/Wysiwyg/ViewMode.aspx?ReportId=06b71c83-6f1a-42ad-8ccc-d8a32a4350dd&sid=134A032A498C572D6BEC96137E2AAB76>.

⁴ Another way of looking at the survey’s response rate is in terms of the ratio between the number of surveys submitted and the number of potential respondents. If a group wished to predict the outcome of next week’s elections, they might hire a pollster to interview 1,000 or so adults selected at random from lists of phone numbers. Their responses would then be taken as representing the views of 200 million adults, or, more precisely, of adults who will vote, a minority subpopulation of the total that cannot be known in advance. In this survey, the 375 respondents represent the views of about 5,800 organizations members, once duplicate mailing addresses eliminated.

SYMPOSIUM SURVEY

A Message from Mary McQueen, President, National Center for State Courts

I very much hope you are willing to participate in an important survey about issues that concern the state courts now and in the future. Every 10 years, the National Center for State Courts takes stock of the progress court management has made in the preceding decade and anticipated developments in the new decade. To inform that process, the National Center has prepared a short survey—it should take about 15 minutes to complete—that asks court professionals like you to evaluate where we have been and where we are going. Toward that end, we request your participation in a scientific survey designed to solicit the opinions of a randomly selected group of court professionals. For the survey to accurately represent the views of people like you, we will need a very high degree of participation in the survey. Therefore, your personal participation is very important to the success of the survey. The survey can be taken on-line. Your answers will be kept confidential. Please begin the survey by clicking on the '>>>' button below. A bar on the screen will tell you how far you have progressed in answering the survey questions. A report summarizing the responses you and other court professionals give to the survey questions will be posted on the NCSC website on December 1, 2010 (<http://www.ncsc.org>). Thank you for your participation.

Section A: How Should Courts Be Governed?

This section requests your reaction to a set of possible principles for governing the courts in your state. Using a scale of 1 to 7, how would you rate the degree to which each principle should be embraced by your state's courts? The lower the number, the less you believe the principle should be embraced; the higher the number, the more you believe the principle should be embraced by the courts in your state, as shown here:

	Should definitely not be embraced			1 2 3 4 5 6 7				Should definitely be embraced				
	1	2	3	4	5	6	7				Don't Know	
A well defined governance structure for policy formation and administration for the entire court system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Meaningful input from all court levels in the decision-making process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
The system speaks with a single voice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Leadership selected based on competency, not seniority or rotation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
A commitment to transparency and accountability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Authority to allocate resources and spend appropriated funding independent of the legislative and executive branches.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
A focus by court leaders on the policy level.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Open communication on decisions and how they are reached.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Positive institutional relationships that foster trust with other branches of state government.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>
Clearly established relationships among presiding judges, court administrators, boards of judges, and court committees.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>

In this section we ask you about the same principles of court governance as the previous section, but this time we would like you to rate the extent to which each principle is already present in the courts of your state. The lower the number, the less you believe the principle is already present; the higher the number, the more you believe the principle is already present in the courts in your state.

	1	2	3	4	5	6	7	Don't Know
A well defined governance structure for policy formation and administration for the entire court system.	<input type="radio"/>							
Meaningful input from all court levels in the decision-making process.	<input type="radio"/>							
The system speaks with a single voice.	<input type="radio"/>							
Leadership selected based on competency, not seniority or rotation.	<input type="radio"/>							
A commitment to transparency and accountability.	<input type="radio"/>							
Authority to allocate resources and spend appropriated funding independent of the legislative and executive branches.	<input type="radio"/>							
A focus by court leaders on the policy level.	<input type="radio"/>							
Open communication on decisions and how they are reached.	<input type="radio"/>							
Positive institutional relationships that foster trust with other branches of state government.	<input type="radio"/>							
Clearly established relationships among presiding judges, court administrators, boards of judges, and court committees.	<input type="radio"/>							

The following section refers to basic functions involved in managing a court. There are different opinions on the degree to which certain court functions are best performed at the local level by each trial court or at the state level by a centralized court administration. Please indicate your opinion about how each function listed below would be most effectively delivered. Is this function best performed completely locally, primarily locally, equally at the local and state level, primarily at the state level, or completely at the state level?

	Completely Locally	Primarily Locally	Equally Local and State	Primarily at State Level	Completely at State Level	Don't Know
Judicial assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Budget preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Human resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legislative liaison	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Selection of trial court presiding judges (sometimes called chief or administrative judges)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Major policy decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section B: Future Trends

In this section we request your opinions about the trends influencing state court services. How important are the following trends in shaping the demands placed on the state courts? Please use a scale of 1 to 7 to indicate each trend's importance. The lower the number, the less important it is; the higher the number, the more important it is.

	1	2	3	4	5	6	7	Don't Know
Increasing demand for culturally appropriate court services.	<input type="radio"/>							
Diverse expectations for the court's role in society.	<input type="radio"/>							
Changes in family composition to include more non-traditional families.	<input type="radio"/>							
	1	2	3	4	5	6	7	Don't Know
Polarization of people by class, race, ethnicity, and lifestyle preferences.	<input type="radio"/>							
Increasingly sophisticated manipulation of public opinion about the courts using the mass media.	<input type="radio"/>							
Growing shortage of career court administrators and staff.	<input type="radio"/>							
Increasing reliance on therapeutic approaches to court and justice service provision, such as use of drug and other specialty courts.	<input type="radio"/>							
Increasing reliance on networking technology to provide court services.	<input type="radio"/>							

What other trends are likely to be important in shaping demands on the state courts and court capacity to provide services over the next ten years? Please list as many as you think appropriate within a 200 word maximum.

Section C: Court Performance

Consider the courts in your state. On a scale of 1 to 7, how would you rate your confidence in the courts of your state? The lower the number, the less confidence you have in the courts of your state; the higher the number, the more confidence you have in the courts of your state.

	1	2	3	4	5	6	7	Don't Know
Your confidence in the courts of your state.	<input type="radio"/>							

Please indicate whether you agree or disagree with the following statements in terms of how well they describe the judges in your state. Again using a scale of 1 to 7, do you disagree or agree with the following statements as describing the courts in your state. The lower the number, the less you agree with a statement; the higher the number, the more you agree with a statement.

	1	2	3	4	5	6	7	Don't Know
Most judges in my state do their job well.	<input type="radio"/>							
Most judges in my state treat people with respect.	<input type="radio"/>							
Most judges in my state do not treat some people better than others.	<input type="radio"/>							

Judges are generally honest and fair in deciding cases.

Judges give adequate attention and time to each individual case.

The following statements describe the treatment received by people who use the courts in your state. Please indicate the extent to which the following statements accurately describe the treatment people receive in the courts of your state, using a scale of 1 to 7. The lower the number, the less you agree with a statement; the higher the number, the more you agree with a statement. Do you disagree or agree that the courts in your state:

	1	2	3	4	5	6	7	Don't Know
Treat people with dignity and respect.	<input type="radio"/>							
Are unbiased in their case decisions.	<input type="radio"/>							
Listen carefully to what people have to say.	<input type="radio"/>							
Are sensitive to the concerns of ordinary people.	<input type="radio"/>							
Take peoples' needs into account.	<input type="radio"/>							

These statements also refer to the courts in your state. Please indicate the extent to which the following statements accurately describe the courts of your state, using a scale of 1 to 7. The lower the number, the less you agree with a statement; the higher the number, the more you agree with a statement.

	1	2	3	4	5	6	7	Don't Know
Courts protect defendants' constitutional rights.	<input type="radio"/>							
Most juries are representative of the community.	<input type="radio"/>							
Courts are not out of touch with what's going on in their communities.	<input type="radio"/>							
Courts make sure their orders are enforced.	<input type="radio"/>							

We would appreciate your opinion on a variety of issues now being discussed in the state courts. Again using a 7 point scale, please indicate the degree to which you agree with each of the following statements. The lower the number, the less you agree with the statement; the higher the number, the more you agree with it.

	1	2	3	4	5	6	7	Don't Know
The state courts will be able to overcome the economic challenges now before them.	<input type="radio"/>							
Technology will make it possible for courts to do more with fewer staff members.	<input type="radio"/>							
Court administration is becoming more effective.	<input type="radio"/>							
This is a time for trial courts to make major changes in how they do business.	<input type="radio"/>							
There is no need to change how my state's courts are organized.	<input type="radio"/>							
Trial court presiding judges (or chief judges) have sufficient authority.	<input type="radio"/>							

- Policy-making decisions for the state court system should be made by a council or other representative body consisting of judges and administrators from all levels of court.
- Courts can use Twitter, Facebook, and other new media to communicate with the public.
- The trial jury will remain an essential part of America's courts.
- Courts are being dragged in to politics.
- Courts should do all they can to accommodate the needs of self-represented litigants.

Section D: Professional Experience

In this last section we ask you some questions about your professional experience..Please indicate the court-related organizations to which you belong (please check all that apply).

- American Judges Association
- Conference of Chief Justices
- Conference of Court Public Information Officers
- Conference of State Court Administrators
- Council of Chief Judges of State Courts of Appeal
- National Association for Court Management
- National Association of Women Judges
- National Consortium on Race and Ethic Fairness in the Courts
- National Conference of Appellate Court Clerks
- National Conference of Metropolitan Courts
- National Conference of Probate Judges
- None of the above

I started my career in the state courts in:

My current professional position is as a:

- State appellate judge
- State trial judge
- State court administrative office staff
- Trial court administrator or staff
- Staff of a non-profit or professional organization associated with the courts
- Other_____

How many judges serve on your court?

- Number of judges_____
- Not Applicable

In what year were you born?

In what state do you live?

Do you have a law degree?

- Yes
- No

What is the population of the county you live in?

- Less than 50,000
 - 50,000 to 200,000
 - 200,000 to 500,000
 - Greater than 500,000
 - Don't Know
-