

**PUBLIC PERCEPTION OF ACCESS AND FAIRNESS
OF THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY**

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*The advancement and diffusion of knowledge
is the only guardian of true liberty -- James Madison*

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ABSTRACT

The Superior Court of Arizona in Maricopa County is the fifth largest trial court in the United States. Over the past ten years the Court has experienced a rapidly expanding felony level caseload. In addition, the County has one of the most rapidly growing Hispanic/Latino populations in the country, currently at a third of the county population. The Hispanic/Latino population in Maricopa County alleges unfair and discriminatory treatment by a law enforcement agent of the County. As a result, the County has been in national headline news and more often than not, protesters are vigilant in downtown Phoenix. Given this unique exposure to a select ethnicity in the community, one would expect their view of the justice system to be less than favorable. Therefore, it is becoming ever more important to ascertain the perceptions of this ethnic group in order to determine what is important to this growing demographic so that the Court may provide better access to justice and improve perceptions of fairness.

This study utilizes data from a court-user exit survey to investigate the perception of access and fairness in the judicial system by a sample of court-users, as well as the relationship between race/ethnicity and the perception of access and fairness. Specifically, perceptions of access and fairness are explored between Hispanics/Latinos and Caucasians who have utilized the Superior Court of Arizona in Maricopa County. Cultural differences exist among many ethnicities. Therefore it is important for the Court to understand these differences in perceptions and adjust Court policy as appropriate.

Beyond the perceptions of court-users generally, a primary question this research explored is: Do Hispanics/Latinos have a negative perception of access to the Court and fairness of justice when compared to Caucasians? This question is explored using analysis of means and linear regression. This study examined multiple variables derived from the exit survey to better

determine which factors were more likely to influence perceptions of access and fairness in the judicial system. The data was interpreted with results identifying which independent variable (Primary variable is Race/Ethnicity and controlling for age, gender, income, and education) had the greatest influence on the dependent variables (Access to Justice Index or Fairness to Justice Index).

The data suggest that race/ethnicity is a significant variable to explain the perception respondents hold regarding access to justice. Gender also impacted court-user perceptions, but to a lesser degree. Surprisingly, the findings of the means analysis indicate that Hispanics/Latinos have a slightly more positive perception of access to the Court, compared to non-Hispanics -- the mean difference is 2.1%. Again, the surprising finding, given the negative treatment of Hispanics/Latinos in the community, is that they generally have the same perceptions that Caucasians do when one would expect Hispanics/Latinos to hold more negative perceptions of justice (Access to Justice score 74.3% for Caucasians and 76.4% for Hispanics/Latinos). Even though Hispanics/Latinos perceive the Court to be more accessible than Caucasians, this is only a means test. The bottom line is that approximately one-quarter (25%) of the respondents, both Caucasians and Hispanics/Latinos, perceive the Court to be less accessible than they would expect.

However, when we turn to the regression analysis the data indicates that the variable of ethnicity is significant and inversely related to the Access to Justice variable. That is, when controlling for other variables (age, gender, income, and education), the respondents that self-identified as Hispanic/Latino are less positive about their access to the Court than Caucasians. To reiterate, although the means analysis found that Hispanics/Latinos were slightly more positive regarding access to the Court, when the research controlled for other variables in the regression

analysis, the relationship flipped. The regression unstandardized coefficient is negative, therefore indicating that as you move from Caucasian to Hispanic/Latino you have lower perceptions of access to justice. Gender is also significant, but positively related to the Access to Justice variable. In other words, female respondents perceive that they have more access to the Court as compared to males.

Additionally, the data suggest that race/ethnicity also explains the perception of fairness of justice, as does the gender of the respondents. The variable of gender is significant and positively related to the fairness of justice variable. In other words, female respondents perceive that they are treated more fairly by the Court as compared to males. More surprising than the access to justice finding, the variable of race/ethnicity is significant and positively related to the fairness of justice variable. In other words, Hispanic/Latino respondents perceive that they are treated more fairly by the Court as compared to Caucasians and being Hispanic/Latino is a significant predictor to satisfaction with the Court.

Given the average rating the Court received on the Access to Court from both Caucasians and Hispanics/Latinos, and the disparity of perception identified by the regression analysis, the Court should explore data for 2008 and once 2009 becomes available utilize that to test the current findings. Once again, the bottom line is that the Court received an average grade from both Caucasians and Hispanics/Latinos; therefore the Court should improve its accessibility to the overall public. In order to do this the Court needs to evaluate how information is disseminated to the public and in what forms, so as to make all forms clear and more understandable. Additionally, the Court should give employees a better understanding of their role in the judicial process. All employees need to treat everyone with respect and dignity regardless of who they are or what they have allegedly done. Concerning our face-to-face

contact, Court staff should be trained to treat a court-user no different than they would treat a judge in our Court. In addition, and not of any less importance, Court staff should be trained to treat all paperwork in a consistently unbiased manner.

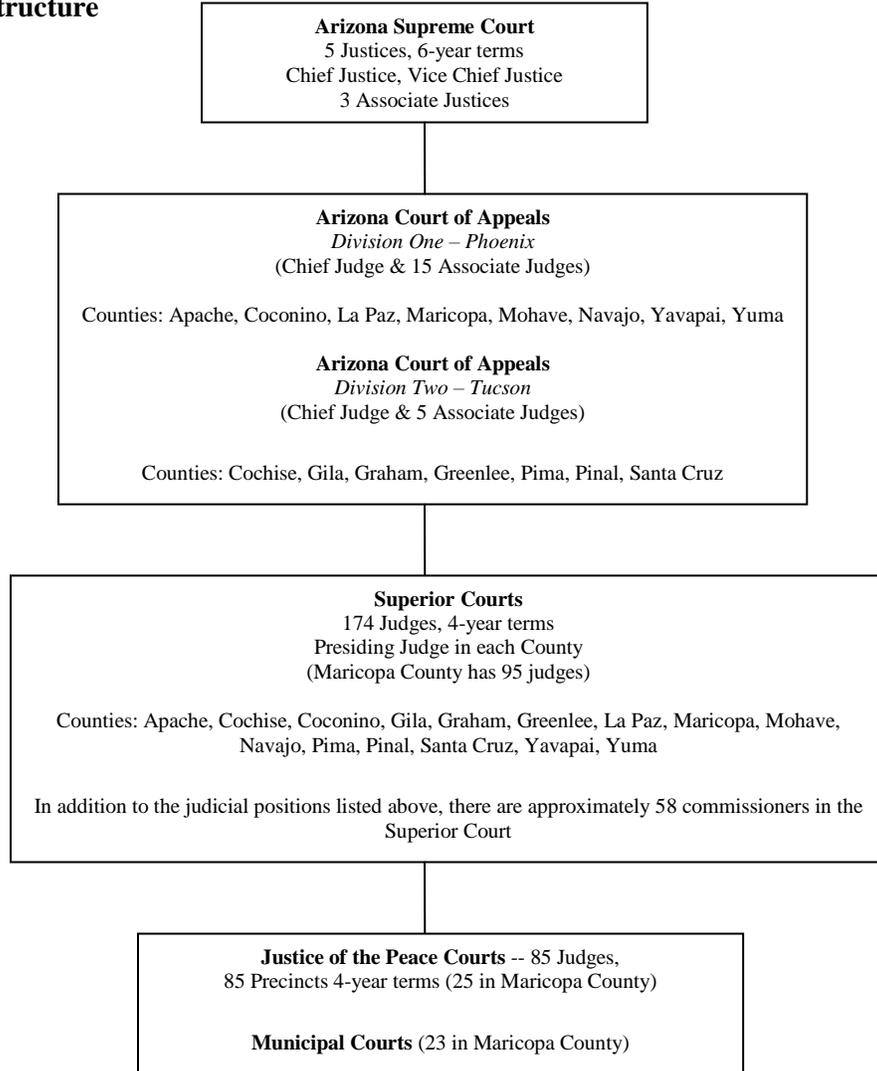
In the Court's drive for excellence it has established a percentage of 80 or higher as the benchmark, since a rating of 80+ would range from good to excellent. However, in a further iteration of the study, multiple variables were utilized as control variables and some interesting findings emerged. It was found that Hispanics/Latinos perceived the Court to be less accessible than Caucasians; but unexpectedly Hispanics/Latinos perceived they are treated more fairly than that of Caucasians. This finding is unexpected given the alleged treatment and subsequent media coverage of Hispanic/Latinos by other justice partners in Maricopa County. However, this research seems to indicate that Hispanics/Latinos can differentiate their perception based upon their contextual experience.

From the conclusions on fairness of justice it is recommended that the Maricopa County Superior Court Committee on Judicial Education utilize this information for planning educational opportunities for judicial officers and court staff. Additionally, it is recommended that consistency become more a part of all that we do inside and outside the courtroom. Humans make judgments based on experience and observation, it is important for the Court, both judicial officers and Court staff, to handle all matters in a consistent fashion.

INTRODUCTION

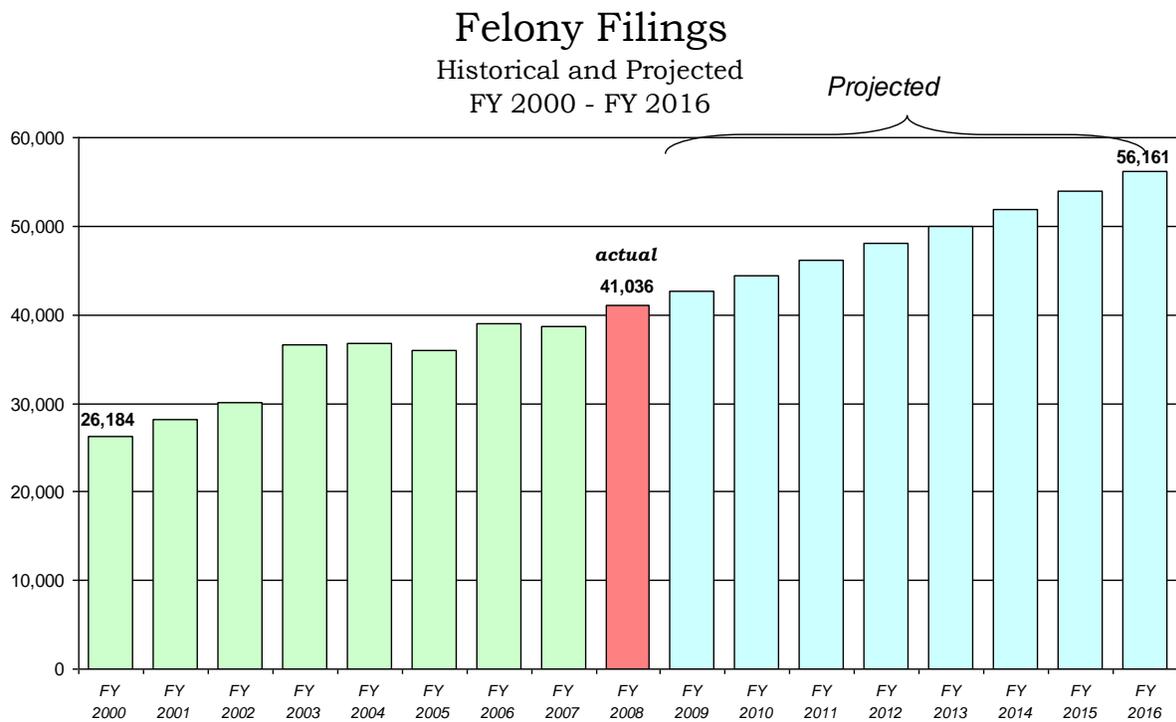
The structure of the Arizona Judicial Branch is similar to that of many other states, see chart 1 below. The Arizona Supreme Court is the highest Court in the State, with an intermediate appellate level consisting of two divisions. There is one Superior Court in the State, which sits in each of the 15 counties. The Superior Court of Arizona in Maricopa County is the largest in the State with 95 judges and 58 commissioners. The lowest level of courts in Arizona is the Justice of the Peace and Municipal Courts, which preside over limited jurisdiction issues.

Chart 1: Judicial Structure



The Superior Court of Arizona in Maricopa County is also the fifth largest trial court in the United States. The Superior Court of Arizona in Maricopa County is a state trial Court of general jurisdiction and handles all felony level criminal matters (www.supreme.state.az.us). Each year, the Initial Appearance division of the Superior Court of Arizona in Maricopa County processes 75,000 felony arrests. During the past eight years, there has been a 66% increase in felony level cases filed in the Superior Court of Arizona in Maricopa County (Superior Court of Arizona in Maricopa County Website, 2009).

Chart 2: Felony Filings



In addition to the rapid increase in felony cases, during this same time period Maricopa County has experienced a rapid growth in the Hispanic/Latino population. Maricopa County has a population of approximately four million people. Arizona's change in the Hispanic/Latino

population is 43.2% from July 2000 to July 2006 (American Community Survey, U.S. Census). The national average for the overall Hispanic/Latino population is 14.8%, compared to the percentage of Hispanics/Latinos in Maricopa County at 30.1%, which is more than double the national average (U.S. Census, 2005). Additionally, Maricopa County during the past several years has been in the national headline news for the alleged mistreatment and discriminatory practices of the Maricopa County Sheriff's Office. Given this unique exposure to a select ethnicity in the community, one would expect their view of the justice system to be less than favorable. Therefore, it is important to ascertain the perceptions of this ethnic group in order to determine what is important to this growing demographic for the Court to provide better access to justice and improve perceptions of fairness.

Chief Justice Ruth McGregor of the Arizona Supreme Court has designated issues of access and fairness as her number one priority in her "Strategic Agenda 2005 – 2010" named "Good to Great." The agenda delineates five strategic goals:

- Access and Fairness to Justice.
- Protecting children, families, and communities.
- Holding the Courts accountable.
- Improving the communication and cooperation with the community
- Improving the legal profession.

As part of the Chief Justice's strategic mission for the Supreme Court, the Administrative Office of the Courts has adopted the National Center for State Courts' performance measures for Arizona courts to track effectiveness and improve their performance. These measurements are called "CourTools". They measure ten performance areas, allowing courts to set benchmarks, measure performance, and plan improvements. This study utilized Courtool 1: Access and

Fairness to Justice. For the past several years, the Superior Court of Arizona in Maricopa County has administered Courtool 1: Access and Fairness by surveying court-users exiting courthouses on a given day.

Court-user exit survey data allow researchers to investigate the relationship between race/ethnicity and the perception of access and fairness in the judicial system. Specifically, perceptions of access and fairness between Hispanics/Latinos and Caucasians who utilize the Superior Court of Arizona in Maricopa County are explored. The survey data was collected at three different Superior Court locations in Maricopa County in 2007. The percentage of Hispanic/Latino respondents in the survey data being analyzed in this study is 27%, thereby representative of the general population (30.1%) of Maricopa County.

It is becoming increasingly important for the Superior Court of Arizona in Maricopa County to better identify the needs of this large and growing community. Cultural differences exist among many ethnicities; therefore it is important for the Court to understand these differences in perceptions and adjust Court policy as appropriate. Due to a gap in existing literature regarding the perceptions of Hispanics/Latinos of the Court system, this study is being conducted to increase our knowledge about this group. The Superior Court of Arizona in Maricopa County is at the forefront of this issue. The Court implemented a Spanish DUI Court in 2007 to address accessibility issues. It conducted cultural consideration training with judicial officers in the fall of 2005 and the Court is leading the way on immigration issues in the justice system in general. The Court believes as a constitutional right, the interest in the fairness of the judicial system is paramount in guaranteeing that everyone is afforded access and fairness of justice. This study will next review the literature of procedural justice and explore the question

of how it is effective. The research methods of the study will be presented followed by the findings of the study. Lastly, conclusions and recommendations will be offered.

LITERATURE REVIEW

The modern day independent judiciary has matured during the centuries since the establishment of the U.S. Constitution. This maturation occurred through people and the progression of time to more completely define the intent of our founding fathers. The notion implicit in the journey of maturity is that all things have a beginning point. The collective beginning of this country and the judiciary is in the groundbreaking work of our founding fathers, through and by their experience, in which they express the will of the people in the resulting Declaration of Independence. Consequently that expression of “will” or if you will “satisfaction”, has a long history in our country.

The first justice of the U.S. Supreme Court, John Jay, is credited with saying: “Next to doing right, the great object in the administration of justice should be to give public satisfaction” (Court Review, 1999, p. 9). Public satisfaction and public opinion weigh heavily upon our institutions of government because the bedrock of our government is a government established for and by the people.

Roscoe Pound in 1906 publicly described and analyzed the causes of public dissatisfaction with the American administration of justice. It is well known that this dissatisfaction with the administration of justice continues to this day. There have been limited attempts to gauge the public’s dissatisfaction with the courts over the past several decades. This begs the question: Is there an objective measure to gauge public satisfaction with the administration of justice? There is an objective measure and it is similar to exit polling surveys with which many of us are familiar. Therefore a court user can be surveyed as they exit the Courthouse (Sarat, 1977). The survey instrument can collect valid and reliable data that can be analyzed and generalized to the court-user population given a large enough sample size.

This type of survey was first administered in 1977 by the National Center for State Courts. It was a national survey (Yankelovich & Caucasian, 1978) to gauge the public's trust and confidence in state Courts, the study came to six general conclusions:

- 1) There was a profound difference in the view of the courts between the public and community leaders, and those of judges and lawyers.
- 2) The public and community leaders were dissatisfied with the performance of the courts.
- 3) The public's knowledge and direct experience with the courts was limited.
- 4) Those with knowledge and experience with the courts had the greatest dissatisfaction with the Courts.
- 5) Despite limited knowledge and its dissatisfaction with the courts, the interest of the public was high and there was support for reform.
- 6) The attitudes of the public on crime and punishment were more complex than previous studies had indicated.

A decade later, the National Center for State Courts in 1987 developed a standard called "Public Trust and Confidence." The standard identified three components: 1) accessibility to justice, 2) expeditious, fair and reliable courts, and 3) judicial independence and accountability. The first and second component has been widely researched under the umbrella of procedural justice.

In their classic book on procedural justice John Thibaut and Laurens Walker (1975) prefaced their research by predicting that over time there will be a steady increase in the potential

for interpersonal conflict. The rising expectations of a continuously more numerous population in competition for control over rapidly diminishing resources creates the conditions for an increasingly dangerous existence. It seems clear that the quality of future human life is likely to be importantly determined by the effectiveness with which disputes can be managed, moderated, or resolved.

This comment is as relevant today as it was when it was made in 1975. The many interpersonal and inter-group conflicts that have long occurred within societies and organizations continue. Now, as in the past, courts need to seek ways to resolve conflicts and promote harmonious interpersonal and inter-group relationships (Byrne, 2001). Courts need to be able to effectively resolve disputes, in the sense that they make decisions that the parties accept, and they need to do so in ways that both lessen long-term animosity among the parties and minimize any feelings of hostility toward courts. An ideally resolved conflict is one in which the parties involved accept the decisions made, continue their relationship with each other; and feel good about the authorities with whom they dealt, as well as Courts more generally. Courts are challenged in each of these areas. This literature review delineates how and why procedural justice can come closer to achieving a system where the parties accept the decision that was made, that they come away from the process satisfied, and also come away from the process with the perception that the process was fair.

One clear possible avenue for the peaceful resolution to conflicts is through an understanding of the psychology of fairness. People's views about what is just or fair is a social facilitator through which the interaction among people and groups is enabled (Cohen, 2001). Fortunately, the perceptions that people hold can be surveyed to enlighten us with regard to the source of customer dissatisfaction (Rottman & Tomkins, 1999). The value of justice lies in

allowing people and groups to interact without conflict and societal breakdown and to come away from a process with satisfaction. Social interactions can break down amid conflict and hostility, and when such breakdowns threaten, people turn to authorities for help. Procedural justice both minimizes such breakdowns and contributes to the continuation of productive long-term interactions among people – in the manner hoped for by Thibaut and Walker. As a consequence, it is an important topic of concern for courts with the responsibility to contain, or end conflicts in an accessible and fair manner.

Fairness is a human concept of right and wrong based on ethics, rationality, and equity. A conception of fairness is one of the key features of society. The especially striking thing about fairness is that it is a social concept that exists only in the minds of the members of an ongoing interaction, group, organization, or society. Hence, fairness is a socially created concept that exists and is useful to the degree that it is shared among a group of people.

For procedural justice to be effective, it is important that people's behavior actually be shaped by their judgments about what is right or wrong, ethical or unethical, just or unjust, separately from judgments about what is personally beneficial. Courts must be able to gain acceptance of rules and decisions that depart from individual or group self-interest by acting fairly. If people are only motivated by issues of personal gain or loss, as is often suggested by rational models of the human actor, then procedural justice will be of little value because it will not be an effective motivator of human behavior (Colquitt, 2001).

It is important that people share a set of principles for defining what is fair. If one person regards mediation as the fair way to resolve a conflict, while another person thinks that combat is the fair way to resolve the same dispute, both parties may be interested in having a fair procedure, but they will not be able to agree about what such a fair procedure would look like.

Hence, even if people are motivated by the desire to be ethical -- fairness is only socially useful if people agree about what constitutes fairness (Colquitt, 2001).

In the case of procedural justice, there is also widespread agreement about what constitutes a fair procedure for making allocations and resolving disputes. For example, Tyler (1988) found that judgments about the meaning of fair procedures to be used by authorities were constant across age, gender, income, and ethnicity. Procedural justice is concerned with the fairness and most importantly the transparency of the process in which decisions are made; this is contrasted by current court procedures where the chief concern is control through punishment. Allowing the parties in a situation to be heard before a decision is made is an important aspect of procedural justice. Given the right to be heard allows people to voice “their side of the story”. Often time’s people just want to be heard, giving a “voice” in the process allows people to believe the process is neutral. Under procedural justice, giving a voice to all parties is procedurally fair.

Procedural Justice: How is it Effective?

Thibaut and Walker's (1975) early work on procedural justice develops from a core issue – the ability of legal authorities to be authoritative in resolving disputes and enforcing rules. Being authoritative involves the ability to issue directives to the parties involved. Unless people are willing to accept the decisions by authorities, courts cannot effectively engage in their regulatory role (Tyler, 2000).

During the period in which Thibaut and Walker (1975) conducted their studies there was a feeling within the legal system that better mechanisms needed to be found to gain acceptance among the parties to disputes. The desire to heighten the acceptance of the decisions of

authorities led to the general movement toward the use of mediation and other alternative dispute resolution procedures, procedures that were found to lead to greater satisfaction and higher levels of compliance to decisions.

Thibaut and Walker's research was based upon the hope that people would be willing to accept outcomes because those outcomes were fairly decided upon – that is, due to the fairness of the decision-making procedures (procedural justice). Their work developed as a second wave of justice research, following the era of equity research. It focused on the manner in which authorities exercised their power – on the fairness of processes rather than the fairness of outcomes (Folger, 2001).

More recent research on procedural justice suggests a much more optimistic conclusion about the utility of procedural justice as a mechanism for resolving conflicts (Tyler, 2001). The results of procedural justice research are optimistic about the ability of courts to bridge differences in interests and values and create agreements that the parties to a dispute will accept.

The National Center for State Courts (funded by the Hearst Corporation) conducted nation-wide surveys to gauge public opinion concerning state courts (Leben, 1999). The public opinion survey conducted by the National Center for State Courts produced five overarching factors of importance (National Center for State Courts, 1999):

- 1) Court Access
- 2) Timeliness of courts
- 3) Equality and Fairness of courts
- 4) Perceptions of Equal Treatment
- 5) Court Independence and Responsiveness

The identification of these five important factors led to the formation of the National Conference on Public Trust and Confidence in May of 1999. The conference was attended by state court representatives from all 50 states and most of the state's chief justices (Leben, 1999). The participants of the conference evaluated the five factors identified by the National Center for State Courts and developed a framework of three issues that would make up their National Action Plan (National Conference on Public Trust and Confidence, 1999). The three issues are:

- 1) Unequal Treatment in the Justice System
- 2) High Cost of Access to the Justice System
- 3) Lack of Public Understanding

In addition to identifying the top three issues for the National Action Plan, the conference attendees also developed six strategies for state courts to implement to foster public trust and confidence in the courts. The six strategies are:

- 1) Education and Training
- 2) Inclusive and Outreaching courts
- 3) Improve External Communication
- 4) Timeliness of Justice
- 5) Share Programs and Ideas for Improvement
- 6) Implement Task Forces on gender, race and ethnicity

All of this work added to the Trial Court Performance Standards (TCPS) published in 1989 by the National Center for State Courts (Casey, 1998). The National Center for State Courts was awarded funds in 1987 to develop a set of performance standards to be utilized by state courts. Three years later the first version of the Trial Court Performance Standards (TCPS)

debuted. Over the course of several years the National Center for State Courts conducted field testing to refine the performance measures for reliability and validity. Of the ten standards in Trial Court Performance (CourTools), the Public Trust and Confidence standard is relevant to the research project at hand. Within the Public Trust and Confidence standard there are three sub-categories:

- 1) Accessibility of State Courts
- 2) Expeditious, Fair, and Reliable Court Functions
- 3) Judicial Independence and Accountability

These three sub-categories measure whether a court's performance actually produces public trust and confidence in the courts. This research project is concerned with the first and second sub-categories – Accessibility of State Courts and Expeditious, Fair, and Reliable Court Functions. The National Center for State Courts through the “CourTools” measures has identified five benefits (National Center for State Courts, 2006) to ascertaining a court's performance:

- 1) Provide court leaders a bench mark
- 2) Identify issues of most importance
- 3) Stimulate creativity
- 4) Justify budget requests
- 5) Provide accountability to the public

It can prove difficult to ascertain a court performance beyond reactions to particular decisions. It is important for a court to know its performance to better serve the public and foster cooperative actions that help society. One way that groups can gain desired cooperative

behaviors is through shaping the costs and benefits associated with cooperation. People can be made to accept decisions by threats of punishment or incentives for cooperation. However, society benefits when people within voluntarily engage in actions that help create identification, commitment, and loyalty to the court (Donovan, Drasgowt & Munson, 1998). Research suggests that people voluntarily cooperate when they judge that group decisions are being made fairly (Shaw, 2003). Hence, the use of fair decision-making procedures (reliable Court functions) has the general effect of encouraging people to voluntarily cooperate.

Courts can gain compliance with rules in a variety of ways. As mentioned previously, one is through the use of rewards or threats of punishment (distributive justice). However, such strategies are costly and unwieldy. As a consequence, authority structures based upon compliance are inefficient and ineffective. The efficiency and effectiveness of rules and authorities are enhanced when society is willing to voluntarily support the empowerment of authorities and to willingly defer to the decisions of courts. The willingness to defer to rules flows from judgments that courts are legitimate and ought to be obeyed. Studies of the legitimacy of authority suggest that people decide how legitimate authorities are, and how much to defer to those authorities and to their decisions, primarily by assessing the fairness of their decision-making procedures. Hence, using fair decision-making procedures is the key to developing, maintaining, and enhancing the legitimacy of rules and authorities and gaining voluntary deference to social rules (Colquitt, 2004).

The research outlined above has primarily been conducted within the context of institutions that are ongoing and have existing structures. These authorities are typically widely viewed as legitimate and hence entitled to be obeyed. However, when people regard authorities as less legitimate, they are less willing to defer to their decisions. Instead, they focus upon the

favorability of the decisions made. It is more difficult for courts lacking legitimacy to bridge issues and problems and gain deference to their rulings (Schaubroeck, 1994).

If people view or personally experience that courts are making decisions fairly, they increasingly view them as legitimate and accountable. Fair decision-making procedures encourage voluntary cooperation with groups because they lead to identification with institutions that lead to loyalty and commitment to the institution. Similarly, procedural justice promotes deference to rules because it promotes the belief that authorities are legitimate. This is important because when people feel that authorities ought to be obeyed, they take the obligation to do so on themselves, and voluntarily defer to authorities and rules.

Therefore it is important to ascertain if and at which level the public perceives the court treating people fairly. We can ascertain this by utilizing CourTool Measure 1 to measure court-user perceptions of access and fairness of the court. The survey consists of 15 questions. Ten of the questions survey issues related to access to justice and five questions survey issues related to the fairness of justice.

Summary

There are important reasons for optimism concerning the utilization of procedural justice in the courts. In particular, approaches based upon an understanding of people's views about fair decision-making procedures have been very successful in gaining deference to decisions and to rules, authorities, and institutions more generally. This does not mean, of course, that people do not care about outcomes. On the contrary, their feelings and behaviors have an important ethical and moral component. This ethical/moral aspect to people's reactions to others in social settings provides an approach to the constructive resolution of conflicts.

In order to measure the two components of the public trust and confidence standard, the National Center for State Courts' – *CourTool 1* (Access and Fairness) was administered in 2007 to court-users of the Superior Court of Arizona in Maricopa County. The results are analyzed in this report to determine what the public's perception of the Court is, and if that perception varies depending on the court-user's gender, age, education, income, or race/ethnicity.

METHODS

This study expanded on previous research regarding access to justice and perception of fairness conducted by state and local courts across the country and the National Center for State Courts. This research analyzes the perceptions of access and fairness in the Superior Court of Arizona in Maricopa County between two groups of the public who interacted with the Court. The two groups of court-users are: those who have self-selected their race/ethnicity to be Caucasian and those who have self-selected their race/ethnicity to be Hispanic/Latino. The high level of Hispanics and Latinos in the general population of Maricopa County provides a unique opportunity to examine the determinants of access and fairness among this racial/ethnic group. The survey was administered to court-users in Maricopa County, Arizona on three different days in 2007 at three courthouse locations throughout the county. On June 6, 2007, the survey was administered at the downtown Phoenix court complex. This complex is where the vast majority of felony criminal cases are heard in Maricopa County. On July 10, 2007, the survey was administered at the Southeast Court Complex located in Mesa and on August 8, 2007, the survey was administered at the Durango Juvenile Court facility in the southwest portion of Phoenix. Court staff administered the survey by directly asking court-users exiting the courthouses to complete the survey.

Court-users are in a unique position because they have had direct contact with the Court. From that experience, they are best able to share the perception formed from that contact when issues of access and fairness are in question. Therefore, the perceptions of their experiences are more salient to the questions of access and fairness than those of a member of the public with no recent court contact. The definition of the term “court-user” can prove difficult. Does it mean that the respondent actually appeared in court before a judicial officer? Would the experience of

friends and/or family members suffice? In order to maximize the response of the public, this research included those appearing in court with or without a lawyer, those respondents that appeared in court with a friend or family member, those respondents that came to court with a friend or family member, those respondents that came to court for jury service, those respondents that came to court as a witness in a court case, those respondents who were lawyers, and any other respondent except for judicial officers and court staff.

The population examined in this study is “court-users”, as defined above, of the Superior Court of Arizona in Maricopa County. The sample population consists of 769 respondents. The sample population was collected in 2007 during the month of July and August at the Superior Court Complex in downtown Phoenix, the Southeast Court Complex in Mesa, and the Juvenile Courthouse in the southwest area of Phoenix using an exit survey collection tool developed by the National Center for State Courts (CourTool I: Access and Fairness, 2009). To ensure that Hispanics/Latinos would be adequately sampled, the exit survey was made available in both English and Spanish (Appendix 1). The percentage of actual Hispanic/Latino respondents is a close representation to the actual population (27% versus 30% respectively). The information sign for the public was also displayed in both English and Spanish (Appendix 2).

For the purpose of this study, the premise is that race/ethnicity -- specifically Hispanics/Latinos -- will have a different perception of access to the court than Caucasians and perceive that they are treated differently than that of Caucasians. The 15 questions from the 2007 exit survey were utilized to explore and gauge the perception of access and fairness in the Court. The following (Table 1) is the list of the 15 questions from the exit survey divided between access and fairness. Access and fairness will be utilized as dependent variables in the analysis.

Table 1: Survey Questions	
<i>Questions related to <u>Access</u> to the Justice</i>	
1.	Finding the Courthouse was easy.
2.	The forms I needed were clear and easy to understand.
3.	I felt safe in the Courthouse.
4.	The Court makes reasonable efforts to remove physical and language barriers to service.
5.	I was able to get my court business done in a reasonable amount of time.
6.	Court staff paid attention to my needs.
7.	I was treated with courtesy and respect.
8.	I easily found the courtroom or office I needed.
9.	The Court's web-site was useful.
10.	The Court's hours of operation made it easy for me to do my business.
<i>Questions related to <u>Perception of Fairness</u> of the Justice</i>	
11.	The way my case was handled was fair.
12.	The judge listened to my side of the story before he or she made a decision.
13.	The judge had the information necessary to make good decisions about my case.
14.	I was treated the same as everyone else.
15.	As I leave the Court, I know what to do next about my case.

Each of the 15 questions on the survey instrument (Appendix 2) allowed the respondent to self-select from five categories: Strongly Disagree, Disagree, No Opinion/Not Applicable, Agree, and Strongly Agree. For the purposes of data analysis, each category was coded as follows: Strongly Disagree = 1; Disagree = 2; No Opinion/NA = 3; Agree = 4; Strongly Agree = 5

The first ten questions are intended to measure the respondent's perception of accessibility to the Court, hereafter labeled "Access to Justice Index." The index was derived by adding the codes for each of the 769 respondent across all ten questions and then dividing the sum by ten. Below in Table 2 is an example of the computation method for the Access to Justice Index.

Table 2: Computation of Access to Justice Index												
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Sum	Access Index
R1	4	2	4	4	3	2	3	4	3	3	32	3.2
R2	1	1	1	1	1	1	1	1	1	1	10	1
R3	2	3	5	5	5	4	4	2	3	3	36	3.6
R4	4	4	4	4	3	2	4	4	1	4	34	3.4
R5	5	5	5	5	5	5	5	5	5	5	50	5
R6	4	4	4	4	4	4	4	4	4	4	40	4
~	~	~	~	~	~	~	~	~	~	~	~	~
R769	5	3	4	5	4	5	4	4	3	5	42	4.2

Q = Question; R = Respondent; Access Index Score range from 1 to 5.

Questions 11 through 15 are intended to measure the respondent’s perception of fairness of the Court, hereafter labeled “Fairness of Justice Index.” The index was derived by adding the codes for each of the 769 respondents across all five questions and then dividing the sum by five. Below in Table 3 is an example of the computation method for the Fairness of Justice index.

	Q11	Q12	Q13	Q14	Q15	Sum	Access Index
R1	2	1	1	1	2	7	1
R2	4	5	4	4	4	21	4
R3	3	3	3	3	3	15	3
R4	4	5	4	5	5	23	5
R5	4	4	4	3	4	19	4
R6	1	1	1	1	1	5	1
~	~	~	~	~	~	~	~
R769	3	3	3	3	3	15	3

Q = Question; R = Respondent; Fairness Index Score range from 1 to 5.

Although the Access and Fairness index data is ordinal (Ordinal data is ordered but the distance between levels is not known) this study is treating the Access and Fairness data as interval data (Interval data is ordered data where the distances between values are known and consistent) in order to analyze the relationship between variables using linear regression.

Dependent Variables	Access to Justice Index (combination of questions 1-10 for each respondent)
	Fairness of Justice Index (combination of questions 11-15 for each respondent)
Independent Variables	Primary -- Race/Ethnicity
	Control -- age, gender, income, and education (primary language was not used due to the paucity of responses)

Beyond the perceptions of court-users generally the research questions related to the variables are:

- a) Does the age of the Hispanic/Latino respondent change his/her perception of access and fairness in the Superior Court of Arizona in Maricopa County?
- b) Does the gender of the Hispanic/Latino respondent change his/her perception of access and fairness in the Superior Court of Arizona in Maricopa County?
- c) Does the income level of the Hispanic/Latino respondent change his/her perception of access and fairness in the Superior Court of Arizona in Maricopa County?
- d) Does the level of education of the Hispanic/Latino respondent change their perception of access and fairness in the Superior Court of Arizona in Maricopa County?

The primary independent variable in the analysis is race/ethnicity. Since the research is interested in the difference between Caucasians and Hispanics/Latinos, the data was organized by making Caucasians equal to “0” and Hispanics/Latinos equal to “1”. All other races/ethnicities are excluded from the analysis (Appendix 6: Race/Ethnicity of Respondents). In concert with previous studies and related areas of public opinion, this research included additional demographic variables. First, age is self-reported in a five-category variable. The categories are: (a) 20 years or less; (b) 21 to 35 years old; (c) 36 to 50 years old; (d) 51 to 65 years old; and (e) more than 65 years old. Higher age scores reflect higher age (Appendix 5: Age by Race). Second, this study included a gender variable, coded as males equal “0” and females equal “1” (Appendix 4: Gender by Race). Third, income is used and collapsed into a five category variable based on increments of \$10,000 and ranging from less than \$10,000 to more than \$50,001. Higher incomes scores reflect higher incomes (Appendix 7: Income by Race). Fourth, education is based on years of formal education measured by a three category

variable. The categories are: (a) High school graduate or some high school; (b) College or trade school graduate or attended some college or trade school; and (c) Post graduate degree or some post graduate work. Of these three categories higher scores indicate more formal education (Appendix 8: Education by Race).

In order to determine which factors are more likely to influence perceptions of access and fairness in the Superior Court of Arizona in Maricopa County, the variables derived from the public exit survey were analyzed by the use of descriptive analysis techniques involving means and then further analyzed through linear regression. The relationship between the variables will be interpreted with results identifying which independent variable most influenced the dependent variables of access and fairness. The practical application for the Superior Court of Arizona in Maricopa County will be a profile of which variables are shown to be statistically significant with an alpha level of at least .05. Statistical significance at .01 or .001 will also be determined and discussed. Since the dependent variables are categorical, the study estimates the multivariate models using linear regression.

FINDINGS

This study utilized two methodologies to explore the data from the 2007 court-users exit survey in Maricopa County, Arizona. The first methodology presented below is a descriptive analysis. Later the other methodology that is used is linear regression.

Descriptive Analysis: All respondents

The mean for each question across all respondents is presented below in an attempt to show how the Court is perceived overall. The first ten questions ascertain the perception of the public regarding accessibility to the Court. Utilizing an 80% satisfaction rate (combination of strongly agree and agree categories) to gauge the perception of all respondents, it is apparent that overall the respondents have a good perception of their accessibility to the Court.

Table 5: All Respondents (n=769) <i>* difference between race is 10+%</i>		<i>Strongly Agree</i>	<i>Agree</i>	<i>NA</i>	<i>Disagree</i>	<i>Strongly Disagree</i>
<i>Accessibility to Justice</i>						
1.	Finding the Courthouse was easy.	54%	35%	1%	5%	6%
Satisfaction Rate:		89%				
2.	The forms I needed were clear and easy to understand.	39%	50%	22%	6%	5%
Satisfaction Rate:		89%				
3.	I felt safe in the Courthouse.	60%	34%	1%	2%	4%
Satisfaction Rate:		94%				
4.	The Court makes reasonable efforts to remove physical and language barriers to service.	49%	45%	19%	3%	3%
Satisfaction Rate:		94%				
5.	I was able to get my Court business done in a reasonable amount of time.	46%	36%	4%	9%	9%
Satisfaction Rate:		82%				

6.	Court staff paid attention to my needs.	50%	39%	6%	5%	6%
Satisfaction Rate:		89%				
7.	I was treated with Courtesy and respect.	57%	35%	1%	2%	6%
Satisfaction Rate:		92%				
8.	I easily found the Courtroom or office I needed.	53%	40%	5%	3%	4%
Satisfaction Rate:		93%				
9.	The Court's Web site was useful.	47%	40%	45%	6%	7%
Satisfaction Rate:		87%				
10.	The Court's hours of operation made it easy for me to do my business.	46%	44%	9%	5%	5%
Satisfaction Rate:		90%				
<i>Fairness of Justice</i>						
11.	The way my case was handled was fair.	40%	42%	34%	8%	10%
Satisfaction Rate:		82%				
12.	The judge listened to my side of the story before he or she made a decision.	45%	37%	42%	7%	11%
Satisfaction Rate:		82%				
13.	The judge had the information necessary to make good decisions about my case.	41%	43%	40%	7%	9%
Satisfaction Rate:		84%				
14.	I was treated the same as everyone else.	46%	44%	34%	5%	5%
Satisfaction Rate:		90%				
15.	As I leave the Court, I know what to do next about my case.	46%	45%	37%	5%	4%
Satisfaction Rate:		91%				

The last five questions (questions 11 to 15) ascertain the perception of the public regarding fairness of the Court. Utilizing an 80% satisfaction rate (combination of strongly agree and agree categories) to gauge the perception of all respondents it is apparent that overall the respondents have a good perception of how fairly they are treated by the Court.

Descriptive Analysis: Caucasian and Hispanic/Latino Respondents

The preliminary analysis of each question in the exit survey is explored by reducing the responses to only the Caucasian and Hispanic/Latino respondents. Then the responses for the categories of “Strongly Agree” and “Agree” were combined into one score called “Agreement” and the categories of “Disagree” and “Strongly Disagree” was combined into one score referred to as “Disagreement” (Table 6). The “NA” category was not altered.

Table 6: Racial Comparison		<i>Race</i>	<i>Agreement</i>	<i>NA</i>	<i>Disagreement</i>
<i>Access to Justice</i> n = Caucasian (393), Hispanic (187)					
1.	Finding the Courthouse was easy.	<i>Caucasian</i>	87%	4.5%	8.5%
		<i>Hispanic</i>	84%	6%	10%
2.	The forms I needed were clear and easy to understand.	<i>Caucasian</i>	58%*	34.5%	7.5%
		<i>Hispanic</i>	73%*	20%	7%
3.	I felt safe in the Courthouse.	<i>Caucasian</i>	91.5%	3.5%	5%
		<i>Hispanic</i>	87%	6%	7%
4.	The Court makes reasonable efforts to remove physical and language barriers to service.	<i>Caucasian</i>	65%	32%	3%
		<i>Hispanic</i>	73%	17%	10%
5.	I was able to get my Court business done in a reasonable amount of time.	<i>Caucasian</i>	73.5%	10%	16.5%
		<i>Hispanic</i>	77%	10%	13%

6.	Court staff paid attention to my needs.	<i>Caucasian</i>	81%	11.5%	7.5%
		<i>Hispanic</i>	76%	12%	12%
7.	I was treated with Courtesy and respect.	<i>Caucasian</i>	89%	5%	6%
		<i>Hispanic</i>	86%	6%	8%
8.	I easily found the Courtroom or office I needed.	<i>Caucasian</i>	87%	8%	5%
		<i>Hispanic</i>	88%	8%	4%
9.	The Court's Web site was useful.	<i>Caucasian</i>	36%	60%	4%
		<i>Hispanic</i>	43%	52%	5%
10.	The Court's hours of operation made it easy for me to do my business.	<i>Caucasian</i>	75%	17%	8%
		<i>Hispanic</i>	77%	16%	7%
<i>Fairness of Justice</i> n = Caucasian (282), Hispanic (152)					
11.	The way my case was handled was fair.	<i>Caucasian</i>	43%*	48%	9%
		<i>Hispanic</i>	54%*	36%	10%
12.	The judge listened to my side of the story before he or she made a decision.	<i>Caucasian</i>	40%	53%	7%
		<i>Hispanic</i>	46%	43%	11%
13.	The judge had the information necessary to make good decisions about my case.	<i>Caucasian</i>	40%*	52%	8%
		<i>Hispanic</i>	51%*	42%	7%
14.	I was treated the same as everyone else.	<i>Caucasian</i>	49%*	46%	5%
		<i>Hispanic</i>	59%*	34%	7%
15.	As I leave the Court, I know what to do next about my case.	<i>Caucasian</i>	47%*	48%	5%
		<i>Hispanic</i>	62%*	33%	5%

When the perceptions of Caucasians and Hispanic/Latinos are compared for each question of the survey (Table 6) there is little discernable difference, with the exception of five of the 15 questions. These exceptions are identified because the difference between the race/ethnicity of Caucasian and Hispanic was equal to or greater than 10% and a 10% or greater difference has been set as the benchmark for significance in this study.

Of the questions dealing with accessibility to the Court, Hispanics rated one of the ten questions more than the 10% threshold. The question was, “The forms I needed were clear and easy to understand”. In that question the “Agreement” rate was 58% for Caucasians and 73% for Hispanic/Latinos. This would seem to indicate that Hispanics/Latinos perceive they have more access to the Court when compared to Caucasians. Regarding the questions related to fairness of the Court (questions 11 through 15 on the survey), Hispanics/Latinos rated four of the five questions more than the 10% threshold (*), and it should be noted in question number 12, Hispanics/Latinos still rated satisfaction higher than Caucasian by 6%.

Table 7: Questions on Fairness of the Court n = Caucasian (282), Hispanic (152)			
11.	The way my case was handled was fair.	<i>Caucasian</i>	43%*
		<i>Hispanic</i>	54%*
12.	The judge listened to my side of the story before he or she made a decision.	<i>Caucasian</i>	40%
		<i>Hispanic</i>	46%
13.	The judge had the information necessary to make good decisions about my case.	<i>Caucasian</i>	40%*
		<i>Hispanic</i>	51%*
14.	I was treated the same as everyone else.	<i>Caucasian</i>	49%*
		<i>Hispanic</i>	59%*
15.	As I leave the Court, I know what to do next about my case.	<i>Caucasian</i>	47%*
		<i>Hispanic</i>	62%*

This would seem to indicate that Hispanics/Latinos perceive they are treated more fairly by the Court when compared to Caucasians.

The second iteration of analysis (Table 8) combines questions one through ten to form a score that is referred to as “Access to Justice Index” and combines questions 11 through 15 to form a score that is referred to as “Fairness of Justice Index.”

Table 8: Race/Access & Fairness		<i>Agreement</i>	<i>NA</i>	<i>Disagreement</i>
Access to Justice Index	<i>Caucasian</i>	74.3%	18.6%	7.1%
	<i>Hispanic</i>	76.4%	5.3%	8.3%
Fairness of Justice Index	<i>Caucasian</i>	43.5%	49.4%	6.8%
	<i>Hispanic</i>	54.4%	37.6%	8%

The aggregated questions are presented in Table 8. Furthermore, both indices for access and fairness were examined by race/ethnicity. The mean results by race/ethnicity uncover little discernable difference in the perception of either race/ethnicity (Caucasian or Hispanic) regarding the access to justice index but Hispanics/Latinos are slightly more positive, which is an unexpected result. Moreover and also unexpected, on the index of fairness of justice there is a 10+% spread on the perception of fairness. That is, 54.4% of Hispanics/Latinos agree (43.5% of Caucasians agree) to the fairness index. This is quite surprising given the perceived and reported treatment of Hispanics/Latinos by the Maricopa County Sheriff’s Office (www.nytimes.com/2009/02/06/opinion/06fri2.html).

In order to better determine which factors are more likely to influence access and fairness in the Superior Court of Arizona in Maricopa County, the relationship between the variables will be interpreted with results identifying which independent variable had the greatest influence on the dependent variables of access and fairness.

Table 9 below suggests that the data fits the Access to Justice Index. The data suggest that race/ethnicity is a powerful explanation for perception to access to justice, as is gender of the

respondent. The variable of race/ethnicity is significant and inversely related to the access to justice variable. In other words, as you move from Caucasian to Hispanic/Latino you have lower perceptions of Access to Justice. Gender is also significant, but positively related to the access to justice variable. In other words, female respondents perceive that they have more access to the court as compared to males. However, this study found that Hispanics/Latinos perceive that they have less access to the court as compared to Caucasians.

Table 9: Access to Justice Index			
<i>Independent Variables</i>	<i>Unstandardized Coefficients</i>	<i>Standard Error</i>	<i>Statistical Significance</i>
<i>Race/Ethnicity</i>	-.199	.075	.008*
<i>Gender</i>	.165	.066	.013*
<i>Age</i>	.059	.039	.125
<i>Education</i>	.049	.053	.359
<i>Income</i>	-.021	.029	.481

Statistically significant for 0.10 (*) and two for 0.05 (**).

Table 10 suggests that the data fits the Fairness of Justice index. The data suggest that race/ethnicity explains the perceptions of fairness of justice, as does the gender of the respondent. The variable of gender is significant and positively related to the fairness of justice variable, in other words female respondents perceive that they are treated more fairly by the court as compared to males. The variable of race/ethnicity is significant and positively related to the fairness of justice variable, in other words Hispanic/Latino respondents perceive that they are treated more fairly by the court as compared to Caucasians.

Table 10: Fairness of Justice Index			
<i>Independent Variables</i>	<i>Unstandardized Coefficients</i>	<i>Standard Error</i>	<i>Statistical Significance</i>
<i>Race/Ethnicity</i>	.479	.176	.007*
<i>Gender</i>	.290	.157	.065*
<i>Age</i>	.054	.091	.553
<i>Education</i>	.064	.125	.610
<i>Income</i>	.020	.069	.772

Statistically significant for 0.10 (*) and two for 0.05 (**).

This study added to the existing literature by investigating procedural justice and the perception of access and fairness in the Superior Court of Arizona in Maricopa County. By utilizing mean techniques and linear regression as the methodology this research determined that there is little discernable difference in the perception of access between Caucasians and Hispanics/Latinos, but did determine a difference in the perception of fairness between Caucasians and Hispanic/Latino court-users that participated in the exit survey.

CONCLUSIONS AND RECOMMENDATIONS

This study examined multiple variables derived from the Superior Court of Arizona in Maricopa County exit survey conducted in 2007 to better determine the overall satisfaction of court-users as well as which factors were more likely to influence access and fairness in the judicial system. The analysis not only examined the survey results by comparison of the means, but went beyond most court analyses by exploring the relationship between the variables utilizing linear regression. The data was interpreted with results identifying which independent variable (Primary is Race/Ethnicity and controlling for age, gender, income, and education) had the greatest influence on the dependent variables (Access to Justice Index or Fairness of Justice Index).

CONCLUSION 1: DESPITE BEING COLLECTED ON THREE SEPARATE DAYS THE SURVEY FINDINGS ACCURATELY REFLECT THE OPINIONS OF THE ENTIRE COMMUNITY

The data was collected in a manner that provides a high level of confidence that the responses are generalizable to the overall community. The percentage of respondents from the various racial/ethnic demographics in the County are comparable to the overall population of Maricopa County. Therefore, since the data collected is reflective of the racial/ethnic demographic in the County, there is a high level of confidence that the perception of the Hispanic/Latino community was captured by the survey. Although there is confidence in the overall reliability of the responses, there is slight hesitation in concluding that the findings reflect the opinions of the entire community until further research can replicate the findings.

RECOMMENDATION 1: THE STUDY SHOULD BE REPEATED EACH YEAR AND THE RESULTS CLOSELY EXAMINED AND ACTED UPON

The recommendation is that the court-user exit survey continues to be implemented each year. It is further recommended that the 2007 data and results be analyzed against 2008 and 2009 data. Since the 2008 data already exists, the Court in a short period of time could determine if the same results can be replicated using the 2008 data. Nonetheless, more data should be collected on an annual basis and compared to past data in an attempt to identify a pattern. This trend analysis would allow the Court to identify changes in social patterns and thereby enable the Court to utilize the findings to improve access and fairness to justice.

CONCLUSION 2: HISPANIC/LATINO RESPONDENTS PERCEIVE THE COURT TO BE LESS ACCESSIBLE WHEN COMPARED TO CAUCASIANS

This conclusion is a bit confusing because two tests were conducted on the data. First, the data was examined by mean analysis and secondly the data was explored utilizing regression analysis. The mean analysis on the index of Access to Justice found that Hispanics/Latinos agreed at higher rates than Caucasians (76.4% vs. 74.3% respectively) that the Court was accessible. However, the regression analysis utilized other demographic variables (age, gender, income, and education) as controls in order to isolate the effect from race/ethnicity in the examination of the Access to Justice Index. The data suggest that race/ethnicity may explain the perception respondents hold regarding access to justice, as does the gender of the respondent. The analysis indicates, when controlling for other variables, that Hispanics/Latinos perceive that they have less access to the Court as compared to Caucasians. Additionally, female respondents perceive that they have more access to the Court as compared to males.

The mean analysis allows us to draw the conclusion that regardless of the difference in perception between the two groups being explored in this research, both groups rate the Court somewhat lower than expected on accessibility. On the index of Access to Justice 76.4% of the Hispanic/Latino respondents have a favorable perception of access and Caucasians respondents have a 74.3% favorable perception of access. In other words, both groups have approximately 25% of the respondent perceiving the Court to be less accessible than they expect. The responses from both groups are practically equal, which is quite surprising that Hispanics/Latinos didn't have a more unfavorable perception of access to justice.

RECOMMENDATION 2: THE COURT SHOULD WORK ON IMPROVING OVERALL ACCESSIBILITY TO ALL COURT-USERS

Although the Court is at the forefront of improving accessibility, the Court could implement other measures to improve its accessibility to all court-users. The Court could evaluate how information is disseminated to the public and what methods are utilized in order to make all materials clear and more understandable. Additionally, the Court should provide employees a better understanding of their role in the judicial process. This researcher believes that many court employees do not understand their role in providing access and fairness to all of the public. It is vitally important that all employees treat *everyone* [emphasis added] with respect and dignity regardless of who they are or what they have allegedly done. Typically court employees deal with two types of communication, direct and indirect. For those court employees that are conducting direct communication, such as face-to-face contact or a telephone conversation, court staff should be trained to treat the court-user no different than they would treat a judge in our Court. In addition, and not of any less importance, when court staff are

conducting indirect communication, such as the processing of paperwork, court staff should be trained to treat all paperwork in a consistently unbiased manner.

CONCLUSION 3: HISPANIC/LATINO RESPONDENTS PERCEIVE THE COURT TO BE MORE FAIR WHEN COMPARED TO CAUCASIANS

The Fairness of Justice index was examined utilizing two statistical tests. First, the data was examined by means analysis and secondly the data was explored utilizing regression analysis. Unexpectedly and surprising, the means analysis on the index of Fairness of Justice found that Hispanics/Latinos agreed at higher rates than Caucasians (54.4% vs. 43.5% respectively) that the Court was fair in its treatment of the public. The regression analysis utilized other demographic variables (age, gender, income, and education) as controls in order to isolate the effect from race/ethnicity in the examination of the Fairness of Justice index. The data suggest that race/ethnicity may explain the perception respondents hold regarding fairness of justice, as does the gender of the respondent. Again, it is very surprising given the unique treatment of Hispanics/Latinos in Maricopa County that Hispanics/Latinos perceive that they are treated more fairly by the Court as compared to Caucasians. Additionally, female respondents perceive that they are treated more fairly by the Court as compared to males. On the index of Fairness of Justice 54.4% of the Hispanic/Latino respondents have a favorable perception of fairness and Caucasians respondents have a 43.5% favorable perception of fairness. This may be the first study to have revealed that Hispanics/Latinos perceive they are being treated more fairly than that of Caucasians.

RECOMMENDATION 3: THE COURT SHOULD WORK ON IMPROVING PROCEDURES THAT FORM THE PUBLICS PERCEPTION OF FAIRNESS

The Maricopa County Superior Court Committee on Judicial Education could utilize this information in planning educational opportunities for judicial officers. The Fairness Index was an aggregate of the following five questions on the exit survey:

- The way my case was handled was fair.
- The judge listened to my side of the story before he or she made a decision.
- The judge had the information necessary to make good decisions about my case.
- I was treated the same as everyone else.
- As I leave the Court, I know what to do next about my case.

It is recommended, to address the question -- “The way my case was handled was fair” -- that consistency become more a part of all that we do inside and outside the courtroom. Humans make judgments based on experience and observation, it is important for the Court, both judicial officers and court staff, to handle all matters in a consistent fashion. To address the other four questions on the fairness of justice index the Committee on Judicial Education should educate judicial officers regarding their conduct on the bench. Education should emphasize consistency in case management and trial management practices. Transparency of the process is important and all communication and explanations to defendants, both verbally and written, should reassure that each and every defendant is treated in a procedural fair manner.

FINAL CONCLUSION

The findings derived from the 2007 court-user exit survey should be treated and taken as preliminary. Surveys provide researchers with a “snap-shot” in time and in order to substantiate the finding more research will need to be conducted. It should also be pointed out on the Fairness of Justice index, that even though the respondents rate the Court a certain way the percentage of respondents that entered a “Not applicable” or “No Opinion” response might be skewing the data. Again further research will need to be conducted.

Given the caveats of the research, the data indicates that Hispanics/Latinos perceive the Court to be less accessible than Caucasians and also unexpectedly and quite surprising Hispanics/Latinos perceive they are treated more fairly than that of Caucasians. This finding is unexpected given the alleged mistreatment by the Maricopa County Sheriff’s Office and the subsequent media coverage in both local and national headline news. The silver lining, if you will, given the negativity related to the Hispanic/Latino community is that this research seems to indicate that Hispanics/Latinos can differentiate their perception based upon their immediate/contextual experience.

APPENDICES

Appendix 1: Exit Survey in Spanish

EL PODER JUDICIAL DE ARIZONA EN EL CONDADO DE MARICOPA
Encuesta de Acceso e Igualdad

Sección I: Acceso al Tribunal

		Muy de acuerdo	De acuerdo	En desacuerdo	En total desacuerdo	No aplica o no tengo opinión
1.	Fue fácil encontrar el tribunal.	4	3	2	1	0
2.	Los formularios estaban claros y fáciles de entender.	4	3	2	1	0
3.	Me sentí seguro en el tribunal.	4	3	2	1	0
4.	El tribunal hace esfuerzos razonables para eliminar las barreras de idioma y físicas.	4	3	2	1	0
5.	Pude resolver mis asuntos en el tribunal en un tiempo razonable.	4	3	2	1	0
6.	El personal del tribunal me atendió debidamente.	4	3	2	1	0
7.	Recibí un trato cortés y respetuoso.	4	3	2	1	0
8.	Encontré fácilmente la sala u oficina correcta.	4	3	2	1	0
9.	Fue útil el sitio Web del tribunal.	4	3	2	1	0
10.	El horario del tribunal facilitó el cumplimiento de mis asuntos.	4	3	2	1	0

Si usted es parte de un asunto legal y compareció ante un juez el día de hoy, le pedimos que conteste las preguntas del 11-15:

Sección II: Justicia

		Muy de acuerdo	De acuerdo	En desacuerdo	En total desacuerdo	No aplica o no tengo opinión
11.	Mi caso fue tramitado de forma justa.	4	3	2	1	0
12.	El Juez escuchó mi versión de los hechos antes de tomar una decisión.	4	3	2	1	0
13.	El juez tenía toda la información necesaria para tomar decisiones acertadas con respecto a mi caso.	4	3	2	1	0
14.	Se me trató igual que a los demás.	4	3	2	1	0
15.	Al abandonar el tribunal, sé cuáles son los pasos a seguir en mi caso.	4	3	2	1	0

Siga a la inversa de este hoja.

Sección III: Datos Generales

<p>A. USTED ES DEL SEXO</p> <input type="checkbox"/> Femenino <input type="checkbox"/> Masculino	<p>I. TIPO DE CASO O ASUNTO QUE TRATO HOY EN EL TRIBUNAL</p>
<p>B. SU IDIOMA PRINCIPAL</p> <input type="checkbox"/> Inglés <input type="checkbox"/> Español <input type="checkbox"/> Otro _____	<p>General</p> <input type="checkbox"/> Orden de protección o auto de prohibición de acoso <input type="checkbox"/> Pedir documentos o información, o presentar documentos
<p>C. SU EDAD</p> <input type="checkbox"/> 20 años o menos <input type="checkbox"/> De 21 a 35 años <input type="checkbox"/> De 36 a 50 años <input type="checkbox"/> De 51 a 65 años <input type="checkbox"/> Mayor de 65 años	<p>Tribunal Superior</p> <input type="checkbox"/> De lo familiar: Divorcio, pensión alimenticia, custodia de menores, paternidad, conciliación, otro <input type="checkbox"/> Caso penal o cita con el agente de probatoria <input type="checkbox"/> Caso civil: Asunto general, comercial o empresarial <input type="checkbox"/> De menores: infractores o potestad <input type="checkbox"/> Testamentario: Testamento, herencia, tutela
<p>D. ¿COMO SE DESCRIBE A SI MISMO(A)?</p> <input type="checkbox"/> Indio de los Estados Unidos u oriundo de Alaska <input type="checkbox"/> Oriental <input type="checkbox"/> Negro <input type="checkbox"/> Hispano, Latino o Español <input type="checkbox"/> Oriundo de Hawai u otras islas del Pacífico <input type="checkbox"/> Blanco <input type="checkbox"/> Otra _____	<p>Juzgado de Paz</p> <input type="checkbox"/> Infracción de tránsito <input type="checkbox"/> Arrendador/Arrendatario penal
<p>E. ESCOLARIDAD</p> <input type="checkbox"/> Egresado de la preparatoria o algunos años de preparatoria <input type="checkbox"/> Egresado de la universidad o vocacional o algo de estudios superiores o vocacionales <input type="checkbox"/> Título de posgrado o estudios de posgrado	<p><input type="checkbox"/> Casos de menor cuantía, asunto general civil, comercial o empresarial</p> <p>¿A cuál juzgado o juez de paz acudió usted el día de hoy?</p> <p>(Nombre) _____</p>
<p>F. ESTIMADO ANUAL DE SU INGRESO TOTAL</p> <input type="checkbox"/> Menos de \$10,000 <input type="checkbox"/> \$10,001 a \$20,000 <input type="checkbox"/> \$20,001 a \$30,000 <input type="checkbox"/> \$30,001 a \$50,000 <input type="checkbox"/> \$50,001 o más	<p>J. SU PARTICIPACION EN EL TRIBUNAL HOY</p> <input type="checkbox"/> Parte en un litigio (De ser así, ¿lo representa un abogado?) <input type="checkbox"/> Sí <input type="checkbox"/> No <input type="checkbox"/> Acompañó a una amistad o familiar <input type="checkbox"/> Miembro de un jurado <input type="checkbox"/> Testigo en un juicio oral <input type="checkbox"/> Es abogado <input type="checkbox"/> Es policía <input type="checkbox"/> Otro _____
<p>G. SI USTED TIENE ALGUNA DISCAPACIDAD, MARQUE TODAS LAS QUE APLIQUEN A USTED</p> <input type="checkbox"/> Impedimento físico o discapacidad <input type="checkbox"/> Problema o impedimento auditivo <input type="checkbox"/> Otro _____	<p>K. ¿CON QUE FRECUENCIA ACUDE AL TRIBUNAL?</p> <input type="checkbox"/> Una vez a la semana o más <input type="checkbox"/> Una vez al mes o más <input type="checkbox"/> Varias veces al año <input type="checkbox"/> Una vez al año o menos
<p>H. ¿SABE USAR LA COMPUTADORA?</p> <input type="checkbox"/> Sí <input type="checkbox"/> No	<p>L. SU CODIGO POSTAL</p> <p>_____</p> <p>Si usted desea llenar este cuestionario en casa, devuélvalo por correo en el plazo de 72 horas al:</p> <p>Court Survey Attn.: 4th Floor OCH 125 West Washington Phoenix, Arizona 85003</p>

Appendix 2: Exit Survey in English

**JUDICIAL BRANCH OF MARICOPA COUNTY
PUBLIC SURVEY FORM**

Section 1: Access to Justice

		Strongly Agree	Agree	No Opinion Not Applicable	Disagree	Strongly Disagree
1	Finding the Courthouse was easy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	The forms I needed were clear and easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	I felt safe in the Courthouse.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	The Court makes reasonable efforts to remove physical and language barriers to service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	I was able to get my Court business done in a reasonable amount of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Court staff paid attention to my needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	I was treated with Courtesy and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	I easily found the Courtroom or office I needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	The Court's Web site was useful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	The Court's hours of operation made it easy for me to do my business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2: Fairness of Justice

11	The way my case was handled was fair.	<input type="checkbox"/>				
12	The judge listened to my side of the story before he or she made a decision.	<input type="checkbox"/>				
13	The judge had the information necessary to make good decisions about my case.	<input type="checkbox"/>				
14	I was treated the same as everyone else.	<input type="checkbox"/>				
15	As I leave the Court, I know what to do next about my case.	<input type="checkbox"/>				

PLEASE TURN DOCUMENT OVER

PLEASE TELL US A LITTLE ABOUT YOURSELF SO WE CAN SERVE YOU BETTER!

<p>A. Your GENDER</p> <p><input type="checkbox"/> Female <input type="checkbox"/> Male</p>	<p>H. TYPE OF COURT CASE OR COURT BUSINESS THAT BROUGHT YOU TO COURT TODAY</p> <p><input type="checkbox"/> Wanted Court documents, information, or to file Court papers</p> <p><input type="checkbox"/> Order of Protection or Injunction Against Harassment</p> <p><input type="checkbox"/> FAMILY: Divorce, child support, child custody, paternity, conciliation, other</p> <p><input type="checkbox"/> CRIMINAL: Court hearing, trial, or meeting with Probation Officer</p> <p><input type="checkbox"/> JUVENILE: Delinquency or dependency</p> <p><input type="checkbox"/> PROBATE: Will, inheritance, guardianship</p> <p><input type="checkbox"/> CIVIL: General, commercial or business matter</p>
<p>B. YOUR PRIMARY LANGUAGE</p> <p><input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other</p>	<p>I. YOUR ROLE IN COURT TODAY</p>
<p>C. YOUR AGE</p> <p><input type="checkbox"/> 25 years or less <input type="checkbox"/> 26 – 60 years old <input type="checkbox"/> 61 – or more</p>	<p><input type="checkbox"/> A party to a Court case (If so, is a lawyer representing you in Court?) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Came with my friend or family member</p> <p><input type="checkbox"/> Witness in a Court case</p> <p><input type="checkbox"/> Lawyer</p> <p><input type="checkbox"/> Law Enforcement Officer</p> <p><input type="checkbox"/> Other _____</p>
<p>D. WHICH OF THE FOLLOWING BEST DESCRIBES YOU?</p> <p><input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic, Latino or Spanish <input type="checkbox"/> Caucasian <input type="checkbox"/> Other _____</p>	<p>J. YOUR ZIP CODE</p>
<p>E. YOUR EDUCATION</p> <p><input type="checkbox"/> High school graduate or some high school <input type="checkbox"/> College or trade school graduate or attended some college or trade school <input type="checkbox"/> Post graduate degree or some post graduate work</p>	<p>_____</p> <p>_____</p>
<p>F. YOUR APPROXIMATE ANNUAL INCOME</p> <p><input type="checkbox"/> Less than \$20,000 <input type="checkbox"/> \$20,001 to \$50,000 <input type="checkbox"/> \$50,001 or more</p>	<p>ADDITIONAL COMMENTS:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>G. IF YOU HAVE A DISABILITY, PLEASE CHECK ALL THAT APPLY</p> <p><input type="checkbox"/> Physical Handicap or Disability <input type="checkbox"/> Hard of Hearing or hearing impairment <input type="checkbox"/> Other _____</p>	



**You
be the judge!**
¡Sea usted el juez!

Please take a minute
to tell us what you think.
*Permítase un momento para
decirnos sus pensamientos.*

Thank you for
participating!
¡Gracias por su participación!

**You
be the judge!**
¡Sea usted el juez!

Help us serve you better.
¡Ayúdenos a servirle mejor!

**Please take a minute
to tell us what you think.**
*Permítase un momento para decirnos sus
pensamientos.*

**All answers will remain
anonymous.**
Todas las respuestas permanecerán anónimas.

**Thank you for
participating!**
¡Gracias por su participación!

Appendix 4: Gender by Race			
<i>Caucasian (code =0)</i>		<i>Hispanic/Latino (code = 1)</i>	
<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
54%	46%	40%	60%

Appendix 5: Age by Race				
<i>Caucasian</i>				
<i>20 or less</i>	<i>21 to 35</i>	<i>36 to 50</i>	<i>51 to 65</i>	<i>> 65</i>
<i>Code = 1</i>	<i>Code= 2</i>	<i>Code= 3</i>	<i>Code = 4</i>	<i>Code =5</i>
4%	35%	38%	19%	4%
<i>Hispanic/Latino</i>				
<i>20 or less</i>	<i>21 to 35</i>	<i>36 to 50</i>	<i>51 to 65</i>	<i>> 65</i>
11%	43%	40%	5%	1%

Appendix 6: Race/Ethnicity of Respondents						
<i>American Indian/Alaska Native</i>	<i>Asian</i>	<i>Black or African American</i>	<i>Hispanic, Latino, or Spanish</i>	<i>Native Hawaii or Pacific</i>	<i>Caucasian</i>	<i>Other</i>
3%	1%	8%	27%	1%	57%	3%

Appendix 7: Income by Race				
<i>Caucasian</i>				
< \$10,000 Code = 1	\$10,001 to \$20,000 Code = 2	\$20,001 to \$30,000 Code = 3	\$30,001 to \$50,000 Code = 4	> \$50,001 Code = 5
9%	9%	17%	26%	39%
<i>Hispanic/Latino</i>				
< \$10,000	\$10,001 to \$20,000	\$20,001 to \$30,000	\$30,001 to \$50,000	> \$50,001
24%	22%	19%	19%	16%

Appendix 8: Education by Race		
<i>Caucasian</i>		
High School or Some High School Code = 1	College or Trade School Graduate or Attended some College or Trade School Code = 2	Post Graduate Degree or Some Post Graduate Work Code = 3
21%	49%	30%
<i>Hispanic/Latino</i>		
High School or Some High School	College or Trade School Graduate or Attended some College or Trade School	Post Graduate Degree or Some Post Graduate Work
55%	36%	9%

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