

ACCESSIBLE AND FAIR?
AN ASSESSMENT OF THE RAMSEY COUNTY COURT SYSTEM

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Abstract

The purpose of this project is to assess the general perception of fairness and accessibility of the court system (including district court, juvenile court and clerk of court) in Ramsey County, North Dakota. The National Center for State Courts (NCSC) has developed a set of trial court performance measures that includes a survey tool specifically designed to assess access and fairness (National Center for State Courts, 2006, p.20). A slightly modified version of the NCSC survey tool serves as the basis of this project.

The working definition of the terms “access” and “fairness” are provided by the Trial Court Performance Standards. “Access to Justice” includes location, physical structure, procedures and the responsiveness of personnel. The standard indicates that trial courts should eliminate barriers to services (National Center for State Courts, 1990). The fairness standard indicates courts are to provide due process and equal protection of the law to ALL who have business before them as guaranteed by the Federal and State constitutions (National Center for State Courts, 1990).

A total of 243 surveys were completed and used in the analysis for this project. The survey results consisted of 154 (63%) respondents identified as White, 57 (23%) respondents identified as American Indian/Alaska Native, 11 (5%) respondents identified as either Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, Mixed Race or Other and 21 (9%) respondents chose not to identify with any of the options.

Specifically, the survey asked how respondents identified themselves by: purpose of being at the court, their case type, their gender, their age, whether respondents were represented by an attorney, which facility they conducted business in, and how often they conducted business with the court.

The overall mean access and fairness survey scores rated in the “good” category. The access section received an 86% mean agreement rating. The fairness section received an 89% mean agreement rating. Based upon other studies/projects, ratings above 80% are considered “good”. Ratings between 70% and 80% are considered “ok”. Ratings less than 70% “need improvement”.

When the survey results were analyzed in more detail, noticeable differences were apparent across the various survey segments. The differences were most pronounced in the following segments: those identified as American Indian/Alaska Natives, those who chose not to identify themselves, those conducting business in the court for the first time, those respondents under the age of 18, those represented by an attorney, and the facility in which the respondents appeared.

A unique aspect of this project is the demographic composition of those who typically interface with the Ramsey County Court System. While North Dakota has a minority population of only 10% (U.S. Census Bureau, 2010), 23% of the survey respondents for this project identified themselves as “American Indian/Alaska Native”, which supports the conclusion that the Ramsey County Court System has a significant number of American Indians/Alaska Natives interacting with it, in one capacity or another. The percentage of minority groups other than American Indian/Alaska Native interacting with the Ramsey County Court System, as noted in the survey results, is very low.

While “American Indian/Alaska Native” is the largest minority group in North Dakota, they represent only 5.4% of state’s population (U.S. Census Bureau, 2010). American Indian/Alaska Native population is concentrated in the four Native American Indian reservations

located in the state. One of these reservations, Spirit Lake Tribe Indian Reservation, is located adjacent to the southern jurisdiction of the Ramsey County Court System.

Overall, the Ramsey County Court System can be categorically described as doing a “good” job based on the responses to this survey. There are, however, areas that appear to need improvement.

Several inferences can be drawn when reviewing the survey results, including: Court users sometimes can not easily locate the venue in which they are to appear for court, forms and other correspondence may be confusing to some, users are concerned with safety, the court could be more proactive in eliminating language and physical barriers, American Indians/Alaska Natives and others who did not identify themselves perceive courts less favorably than those in other segments, the ND Supreme Court website is not meeting the needs of users or court users who are unfamiliar with the website and, those conducting business with the court for the first time rate the courts lower than those conducting business in the court more frequently.

The court system should continue to strive to build a positive perception with those who have contact with the courts. This report recommends the court:

- Review written communication used by the court system (including items used by justice partners) and work with necessary personnel to make the written communication more user friendly.
- Evaluate methods to improve the perception of court users, especially for American Indians/Alaska Natives, court users under 18 and those conducting business in the court for the first time.
- Identify language and physical barriers to service and use a focus group to eliminate as many barriers as possible.
- Continue to explore safety measures that would be effective and efficient to implement.
- Explore alternative options to accommodate court users conducting court business outside of regular business hours.

- Educate those unfamiliar with the court system so they know what to expect regarding how the court functions.
- Perform follow up surveys with court users (via in-person self administered surveys or via mail following hearings) to obtain feedback that could be used to improve the “overall court system experience”.

Accomplishment of these initiatives should further enhance public trust and confidence in the Ramsey County Court.

Introduction

The Declaration of Independence of the United States of America states that “All Men Are Created Equal”. However, both national and state survey results consistently reflect the perception that the courts consistently treat certain groups of people differently.

Further, survey results indicate that public perception of the treatment of minorities within the court system is considerably different than that of non-minorities. According to one report, minorities are not only treated differently, but are treated “worse” than non-minorities (National Center for State Courts, 1999, p. 37). The idea that there may be even a perception of unequal treatment within the court system is problematic, considering the concepts of fairness and equality are at the very foundation of the judiciary.

Building and promoting a positive perception of the court system is imperative. In support of this point David B. Rottman and Alan J. Tomkins state, “A court that does not have the trust or confidence of the public cannot expect to function for long as an effective resolver of disputes, a respected issuer of punishments, or a valued deliberative body.” (Rottman and Tomkins, 1999, p. 24)

The North Dakota court system places strong emphasis on fairness, equality and access. According to the mission statement of the State of North Dakota Court System, its goal is, “To provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law.” (North Dakota Court System, 2010, p. 2)

Purpose of Project

The purpose of this project is to assess the general perception of fairness and accessibility of the court system (including district court, juvenile court, clerk of court) in Ramsey County, North Dakota.

A unique aspect of this project is the demographic composition of those who typically interface with Ramsey County Court System. While North Dakota has a minority population of only 10% (U.S. Census Bureau, 2010), 23% of the survey respondents for this project identified themselves as “American Indian/Alaska Native”, which supports the conclusion that the Ramsey County Court System has a significant number of American Indians/Alaska Natives interacting with it, in one capacity or another. The percentage of minority groups other than American Indians/Alaska Natives interacting with the Ramsey County Court System, as noted in the survey results, is very low.

While American Indians/Alaska Natives are the largest minority in North Dakota, they represent only 5.4% of state’s population (U.S. Census Bureau, 2010). American Indian/Alaska Native population is concentrated in the four American Indian reservations located in the state. One of these reservations, Spirit Lake Tribe Indian Reservation, is located adjacent to the southern jurisdiction of the Ramsey County Court System.

North Dakota Court System

The State of North Dakota Court System is a fully unified system consisting of three levels (Supreme Court, District Courts and Municipal Courts: See Appendix A). The North Dakota Supreme Court is the highest court. The Supreme Court is comprised of one Chief Justice and four justices, each of whom serve 10 year terms (North Dakota Court System, 2010, p. 6).

The District Courts are state trial courts of general jurisdiction. The seven judicial districts have 44 judges, each of whom serve six year terms. The District Courts also serve as Juvenile Courts in the state with original jurisdiction over any minor who is said to be unruly,

delinquent or deprived (North Dakota Court System, 2010, p. 6). All 53 counties in North Dakota have district court services.

Administratively, the State of North Dakota has four administrative units made up of the seven judicial districts. Three of the four administrative units have two judicial districts and one has one judicial district (See Appendix B).

The Chief Justice has administrative authority over all District Courts. All are funded by the State of North Dakota (North Dakota Court System, 2010, p. 10). The total district court case filings for the State of North Dakota in 2010 was 164,542 (North Dakota Court System, 2010, p. 12).

Municipal Courts have jurisdiction over all violations of municipal ordinances. There are 73 municipal courts in the state where the judges each serve four year terms (North Dakota Court System, 2010, p. 6).

Ramsey County

Ramsey County is one of North Dakota's 53 counties, and is located in the northeast quadrant of the State. Ramsey County population is 11,451, and encompasses 1,214 square miles. The county seat is located in Devils Lake (population of 7,141) (North Dakota State Data Center, 2010).

Bordering southern Ramsey County is the Spirit Lake Tribe Indian Reservation (population of 4,238) (North Dakota State Data Center, 2010). The Spirit Lake Tribe Indian Reservation covers approximately 405 square miles and lies primarily in Benson County (Spirit Lake Tribe, 2010).

The Ramsey County Courthouse, built in 1959, houses two District Court Judge Chambers, two courtrooms, Clerk of Court office, Court Administration office and Juvenile

Court office. The Lake Region Law Enforcement Center is located approximately one mile from the courthouse and has a courtroom where initial appearances and bond hearings are held each Monday morning.

Literature Review

Noted American jurist, Roscoe Pound, in his 1906 address to the American Bar Association stated, “Dissatisfaction with the administration of justice is as old as law” (Pound, 1906, p.1). Since the mid 1970’s, the concepts of public trust and confidence have been increasingly researched and improved upon to ensure the basic rights provided to us by the Founding Fathers in 1776.

Today data collection instruments and methods assist in determining dissatisfactions with the courts (Warren, 2000, p.12) so strategies can be developed to improve court processes. The use of these tools along with improvement strategies help build public trust and confidence in the judiciary.

National Efforts

Over the years, national surveys have been completed to obtain baseline and follow up information of how people perceive the courts. In 1978, the first national survey of public attitudes toward courts and justice was performed by Yankelovich, Skelly and White, Inc. (Yankelovich, Skelly and White, 1978, p. i).

The Yankelovich firm conducted personal interviews with 1,931 people, including general public, lawyers, judges and community leaders (Mahoney, Sarat, & Weller, 1978, p. 5). The Yankelovich survey results indicated public dissatisfaction with court performance (Yankelovich, et al., 1978, p. 21).

The report noted the public has three core expectations of courts which had not been met. The core expectations were as follows: 1) protection of society, 2) equality/fairness and 3) quality performance including responsiveness, accessibility and competence (Yankelovich, 1978, p. ii).

Yankelovich's ground breaking survey indentified the following issues:

- 1) The more knowledge and experience one has or has had with the court system, the more likely that he/she will have an unfavorable attitude towards the courts (Yankelovich, et al., 1978, p. 15). The results also indicated that the general public had little knowledge and experience with the courts (Yankelovich, et al., 1978, p. ii).
- 2) There was a large difference in view between the general public/community leaders and the judges/lawyers (Yankelovich, et al., 1978, p. ii).
- 3) Twenty five percent of those surveyed believe that courts do not treat the poor as well as they treat the affluent, and 19% believe that courts do not treat blacks as well as they treat whites (Yankelovich, et al., 1978, p. iii). This belief follows through the case disposition process, as 33% of those surveyed believe that a person in a minority group or of low income status is more likely to receive a tougher sentence (Yankelovich, et al., 1978, p.28).

Barry Mahoney, Austin Sarat & Steven Weller, of the National Center for State Courts, reviewed the 1978 national survey result data and provided their assessment of it. This group agreed with some findings of the Yankelovich, et al. report and provided additional interpretations for other portions.

One of their observations was that more research is needed to determine what types of experience relate to the levels of respect for the court system (Mahoney, et al., 1978, p. 3). The authors indicate courts are important sources of information about themselves.

A factor which is likely to influence the attitude about the court system of those who have contact with it is the treatment they receive during the process (Mahoney, et al., 1978, p. 3). Although Mahoney, Sarat & Weller have different interpretations of some of the data, they

believe the results of the first national survey can provide a baseline to assess the impact upon public opinion of court improvement (Mahoney, et al., 1978, p. 5).

In August 1998 another national survey entitled “Perceptions of the U.S. Justice System” was commissioned by the American Bar Association and was conducted by interviewing 1,000 random Americans by telephone (American Bar Association, 1999, p. 6). Rottman and Tomkins indicated more continuity rather than change with the 1998 survey results compared to previous surveys (Rottman and Tomkins, 1999, p. 25).

Survey results from 1978 indicated, “Those having knowledge and experience with the court voiced the greatest dissatisfaction and criticism.” (American Bar Association, 1999, p. 7) In contrast, the 1998 survey results indicated that the satisfaction of court system users increased as knowledge of, and experience with the court system increased (American Bar Association, 1999, p. 7).

In 1999, yet another national survey was performed, this one by the National Center for State Courts and Hearst Corporation. The methodology used for this survey included interviewing telephonically 1,200 random adults and an additional 300 African American and 300 Hispanics to ensure that the sampling represented those minority groups (National Center for State Courts, 1999, p. 11).

The 1999 survey results indicate that at least half of the respondents believe minorities are treated worse than other groups and that a large number of respondents believe that the wealthy are treated better (National Center for State Courts, 1999, p. 37). According to the results of this survey the courts received an average public rating (National Center for State Courts, 1999, p. 43).

Two significant negative findings were noted in the 1999 survey. The first negative finding was that those African Americans who were surveyed perceived themselves as being treated “somewhat worse” or “far worse” than other groups (white, non-Hispanics or Hispanics) (Rottman & Tomkins, 1999 p. 26).

The second negative finding was that more respondents thought courts handled cases poorly rather than in an excellent manner across different case types (Rottman & Tomkins, 1999 p. 28). Considering the results, the data from the 1999 survey should serve as notice for further research and implementation of court improvement strategies to change perceptions of the public (Rottman & Tomkins, 1999 p. 29).

According to Roger Warren, “...the fairness of the court processes, not the fairness of court outcomes or decisions, that are most important.” (Warren, 2000, p. 13) He uses two examples: the first example being a litigant who wins a legal case who states – a) that it cost too much, b) he wasn’t allowed to speak, and c) he didn’t understand what the judge was talking about and d) he was treated like dirt. This is in contrast to the second example, where the litigant lost his court case, however indicated that he had his day in court and he was treated fairly (Warren, 2000, p. 13).

Webster’s dictionary defines ‘fairness’ as, “free from favor toward either or any side, an elimination of personal feelings, interests or prejudices so as to achieve a proper balance of conflicting needs, rights or demands” (Websters New Collegiate Dictionary, 1977). Fairness to litigants and the public consists of four principal elements: voice, neutrality, respect, and trustworthiness (Tyler, 2007, p. 30).

- 1) Voice: This refers to the degree in which the litigants are allowed to participate or “be heard” and are actually heard during the process (Warren, 2000, p.14).

- 2) Neutrality: This consists of the main concepts that judges are neutral and make decisions based upon rules and not personal opinions, judges apply legal rules consistently across people and over cases (Tyler, 2007, p. 30).
- 3) Respect: This consists of people being treated with courtesy and respect in the manner in which proceedings are conducted (Warren, 2000, p. 14).
- 4) Trustworthiness: This is based on the perception of the hearing officers motive, character and whether the hearing officer truly cares and is sincere about the litigant (Tyler, 2007, p. 30).

In 2009, a national survey of 1,200 U. S. adults was conducted via landline and cellular phones to focus on understanding America's perception of the three branches of government and particularly the judicial branch (National Center for State Courts, 2009, p. 2). Major findings of this national survey included:

- The public has more confidence in the courts (74%) (National Center for State Courts, 2009, p. 4) than the other two branches.
- The more informed/knowledgeable the public was about state government, the more positively they viewed the courts (National Center for State Courts, 2009, p. 2).
- The survey results continued to show that the level of contact or court experience one has with the system has minimal influence on the public perception (National Center for State Courts, 2009, p. 37).

National survey results appear to be yielding generally consistent results regarding the perceptions of those who interact with the court. In 1999, David Rottman and Alan Tomkins noted in their paper, *Public Trust and Confidence in the Courts: What Public Opinion Surveys*

Mean To Judges, made the following observation regarding the perception of the courts at that time :

Over twenty years of surveys, the same negative and positive images of the judiciary recurred with varying degrees of forcefulness across all of the national and state surveys, including perceived inaccessibility, unfairness in the treatment of racial and ethnic minorities, leniency toward criminals, lack of concern about problems of ordinary people, and that courts are biased in favor of the wealthy and corporations.

There were perceptions that judges were honest and fair in case decisions and well trained, that the jury system works and that judges and court personnel treat members of the public with courtesy and respect (Rottman and Tomkins, 1999, p. 25).

In the thirteen years since Rottman and Tomkin's observations, there have been no published national survey results that substantially contradict their observations noted in 1999. As such it is possible to infer that the perceptions of court system users, from a national cross section, have become ingrained over time. If this conclusion is true, the practical implication is that those working to change those aspects of the court system that are viewed as negative may be in for a big challenge.

State Efforts

Since the first national survey was completed in 1978, numerous local and state surveys have been conducted to determine if national survey results correlate to specific state and local jurisdictions. Court user satisfaction surveys were conducted in 21 states from 1984 to 1998 (Rottman, 1998, p. 18).

Individual state survey results consistently indicate negative user perceptions for matters such as: access, time required to reach decisions, cost, and lack of concern regarding crime control. The results also show the public is poorly informed about the role of courts and procedures and the perception of racial bias varies among the states (Rottman, 1998, p. 17).

State surveys also indicate the type of court that a person has experience with has a stronger bearing of how people view the courts, versus the respective level of court experience (Rottman, 1998, p. 19). Rottman states that findings related to the level of court experience in the 1978 survey were not repeated in state surveys during the 1980's (Rottman, 1998, p. 20). State surveys consistently indicate that the kinds of experience and the types of court people are in contact with influence people's image of the courts (Rottman, 1998, p. 20).

State surveys echo some of the same issues as the National surveys including accessibility, uninformed public, and the perception of racial bias at varying levels. Overall, considering the similarity of some issues between national and state surveys over the years, it appears there is still work to be done to improve how the courts conduct business (as it relates to access and fairness to all who conduct business with the courts). Overall results from court user perception surveys conducted at various state levels appear to correlate, for the most part, with those results of court user perception surveys conducted on a national level (Rottman & Tomkins, 1999, p. 25).

Court Improvement Efforts

In 1999, a National Conference was held to discuss current public perception issues and ways to improve those perceptions pursuant to results from the National Center for State Courts 1999 National Survey. One of the most concerning and important issues addressed was the perception that minorities are not treated fairly (Leben, 1999, p. 4).

Conference participants identified 15 issues relating to public trust and confidence. The top four consisting of unequal treatment, high cost of access, lack of public understanding and unfair and inconsistent judicial process (National Center for State Courts, 2000, p. 14).

Conference participants also developed a list of 16 strategies to improve public trust and confidence with the top two relating to the concern of unequal treatment in the justice system. Top improvement strategies included: “improving education and training, making courts more inclusive and outreaching, improving external communication, providing swift, fair justice, resolving cases with reasonable promptness and cost, implementing recommendations previously made by various gender, race and ethnic bias task forces” and sharing information across the states (National Center for State Courts, 2000, p. 19).

As a result of the conference, a National Action Plan was developed to assist courts in improvement strategies to address public trust and confidence issues. The National Action Plan identified issues, provided plans and implementation guidelines (National Center for State Court, 2000, p. 3).

Concurrently with their series of surveys and national conferences, the National Center for State Courts developed the Trial Court Performance Standards (National Center for State Courts, 2006, p. 20) to assist courts in focusing on performance, self assessment and improvement. These were based on outcomes and results achieved by courts rather than court structure and machinery.

The Commission on Trial Court Performance Standards convened in 1987. A set of Trial Court Performance Standards was eventually published in 1990 as a result of that work. As described then, the Trial Court Performance Standards consisted of five main Performance Areas and 22 Standards. These were assessed using some 68 measures.

The five main Performance Areas identified by the Commission on Trial Court Performance Standards (National Center for State Courts, 2005) are as follows:

- 1) Access to Justice – The five standards and 21 performance measures in this area pertain to accessibility in regard to location, physical structure, procedures and personnel responsiveness.
- 2) Expedition and Timeliness – The three standards and 10 performance measures in this area pertain to courts meeting its responsibilities to all involved in a timely and expeditious manner.
- 3) Equality, Fairness and Integrity – The six standards and 23 measures in this area pertain to courts providing due process and equal protection of the law to all before them as guaranteed by the Constitutions.
- 4) Independence and Accountability – The five standards and 11 performance measures in this area pertain to courts establishing their legal and organizational boundaries, monitoring and controlling their operations, and accounting publicly for their performance.
- 5) Public Trust and Confidence – This area relates to the trust and confidence the public has in the court system and directly relates to the perception in the above four performance areas. Often, the view is influenced by experiences with the court system. There are three additional performance measures in this area.

While comprehensive in scope, this system was very difficult to implement.

Administration and analysis of all 68 measures required resources that were beyond all but the largest trial courts.

Therefore, in 2005 the National Center for State Court developed CourTools (National Center for State Courts, 2006, p.20). CourTools is a set of 10 measures developed by integrating the Trial Court Performance Standards with concepts from other public and private performance

measurement systems (Hewitt, Ostrom and Schauffler, 2006, p. 95). The CourTools provide courts with mechanisms to assess performance that:

- Reflect the fundamental mission and vision of the courts
- Focus on outcomes
- Are feasible, practical and few in numbers (Hewitt, et al., 2006, p. 95)

The 10 CourTools Measures are:

Measure 1: Access and Fairness	Measure 6: Reliability and Integrity of Case Files
Measure 2: Clearance Rates	Measure 7: Collection of Monetary Penalties
Measure 3: Time to Disposition	Measure 8: Effective Use of Jurors
Measure 4: Age of Active Pending Caseload	Measure 9: Court Employee Satisfaction
Measure 5: Trial Date Certainty	Measure 10: Cost per Case

North Dakota Efforts

In November 1998, the North Dakota Committee on Public Trust and Confidence was established. In October 1999, a statewide survey was conducted by the University of North Dakota's Bureau of Governmental Affairs. Pursuant to the survey results, the Committee rated 10 topics of importance with Public Access to the Courts rated the number one area of importance (North Dakota Committee on Public Trust and Confidence in the Courts, 1999, p. 3).

The 1999 North Dakota survey results showed barriers such as fear of the system and process, complexity of procedures and language, difficulties by pro se litigants, non-English speaking and those from other cultures (North Dakota Committee on Public Trust and Confidence in the Courts, 1999, p. 4). Access to litigation, cost of litigation, courthouse hours, facility access and reliance on automated telephone systems were also noted barriers for the public (North Dakota Committee on Public Trust and Confidence in the Courts, 1999, p. 5). The

Committee provided several strategies throughout the report to address various concerns (North Dakota Committee on Public Trust and Confidence in the Courts, 1999).

North Dakota results were consistent with national survey results as to how respondents perceived particular groups as being treated by the courts. According to the Committee's report:

A disconcerting number indicated African-Americans, Hispanics, Native Americans, and non-English speaking people are treated somewhat worse or far worse than others. Particularly noteworthy is that nearly one-third of survey respondents consider Native Americans as being treated in this manner by the courts (North Dakota Committee on Public Trust and Confidence in the Courts, 1999, p. 5).

This result is especially concerning considering North Dakota's Native American Population and the disproportionate number of Native Americans in the state's penitentiary and jails (North Dakota Committee on Public Trust and Confidence in the Courts, 1999, p. 12).

In 2007, Sally Holewa, North Dakota State Court Administrator completed her Court Executive Development Program project on Access, Fairness and Trust in the North Dakota Court System. The methodology used for this project included a one day survey with a proportional sample of the number of people appearing at court on that date throughout the State of North Dakota.

Overall, the survey results from 2006 showed improvements in most areas to the 1999 North Dakota survey, however, areas of concern still exist and improvements still need to be made in areas such as representative juries, being in touch with the communities and affordable access (Holewa, 2007, p. 49). The 2006 survey results were reported by the four administrative units in North Dakota (Holewa, 2007, Appendix C).

The access and fairness section of the survey was based on a four point scale ranging from 1 (Strongly Agree) to 4 (Strongly Disagree) (Holewa, 2007, p. 29, 42). The overall score of the four units for Access to Justice was 3.72/4.0 and the overall score for Fairness was 3.39/4.0.

In 2009, the North Dakota Commission to Study Racial and Ethnic Bias in the Courts was formed to study the court system regarding the needs of minority populations (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 1). Since then the Commission has been studying areas of Access to Courts, Criminal Justice, Civil Justice, Court Personnel, Legal Profession, and Public Perception of the Court.

Regarding courts, the Commission will focus on differences between minority and majority system participation and on the ability of people to participate and understand court proceedings based upon race or ethnicity (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 11). The Commission's final report is expected to be completed in 2012.

The Commission's data collection methods have included gathering general population data, collecting public experiences and distributing surveys. The Commission has utilized public meetings and designed and implemented surveys to identify potential jury bias and to study minority perceptions of the courts (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 7). Additional tasks of the Commission include:

- Distributing additional surveys to assess general perceptions of bias in the courts to members of the ND Bar, court employees and court users.
- Assisting with development of strategies and instruments to gather county-level data at various stages during the judicial process.
- Studying additional issues that have been addressed in national surveys including racial disparity within the courts and initial arrests and disparate sentences by race for same crimes.

Preliminary data and testimonials thus far indicate there are differences in arrest patterns (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 18). Public comments have

also indicated that “Native Americans constitute a disproportionately large number of those incarcerated and that court decisions to incarcerate are more likely when the defendant is a minority” (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 19).

The limited, non-scientific results of the Commission’s survey follow the trend of past survey results. Perceptions of a predominantly minority survey group, indicate that members of a minority group are treated worse or far worse than non-minorities and wealthy people are treated better (Commission to Study Racial and Ethnic Bias in the Courts, 2010, p. 33).

This assessment of the Ramsey County Court System primarily focuses on and assesses the perception of access to and fairness of the Ramsey County court system by different groups of people. The reason for choosing this scope for the project is due in part to the 2009 establishment of the North Dakota Commission to Study Racial and Ethnic Bias in the Courts. This area is of interest, in part, due to Ramsey County’s proximity to the Spirit Lake Tribe Indian Reservation.

Methods

The National Center for State Courts (NCSC) has developed a set of trial court performance measures that includes a survey tool specifically designed to assess access and fairness (National Center for State Courts, 2006, p.20). The NCSC Access and Fairness survey was developed by knowledgeable and experienced professionals in the research field and has been tested and utilized throughout many projects. A slightly modified version of the NCSC survey tool serves as the basis of this project.

Judicial Approval and Survey Instrument

A meeting was held in August 2011 between the two chambered judges in Ramsey County and the Assistant Trial Court Administrator regarding the survey instrument and the survey process. The review consisted primarily of the NCSC CourTools Measure #1 Access and Fairness Survey and the proposed survey and data collection process.

This survey makes 10 statements relating to Access to the Court, five statements relating to Fairness and five categories relating to background information. This tool uses a five-point Likert scale to rate each area.

Each respondent rates 15 statements on a scale from one to five with one being strongly disagree to five being strongly agree. In addition, respondents are also given the option of Non Applicable (NA).

After reviewing the NCSC Access and Fairness survey, the decision was made to use this survey, implementing some minor modifications to better reflect the Ramsey County nomenclature. Slightly modifying the survey allowed for a better overall picture considering various hearing types held in different locations with various hearing officers (judge, judicial referee or juvenile court officer) for the different cases types (See Appendices C and D).

With the modifications, the survey for this project included three sections: Section One relating to Access to the Court, Section Two relating to Fairness and Understanding and Section Three relating to Background Information. Sections One and Two consisted of sixteen statements regarding access and fairness, and Section Three consisted of seven background information areas. In addition to the modifications, the surveys were color coded according to the location or judicial officer who was being surveyed.

Survey Team and Data Collection

The Clerk of Court and staff, Juvenile Court Supervisor and the Judicial Referee were also consulted regarding the surveys and distribution method. The data collection process flowed as follows: clerk staff distributed surveys to those conducting business in the Clerk of Court office and the juvenile court staff distributed surveys to those meeting with the Juvenile Court Officer for informal hearings.

Surveys were distributed to those participating in, or attending hearings during specified judge's Master Calendar days. Surveys were distributed following the hearings to all persons attending each respective hearing.

The judges felt it was important to distribute the surveys during each judge's master calendar times. Therefore, it was decided the survey would run for four weeks (two weeks of master calendar time for each judge to capture a variety of hearing types) and one day. The additional day was to obtain data relating to child support hearings heard by a judicial referee. Surveys were distributed in the Clerk of Court office and Juvenile Court Office for the entire four week and one day period (See Appendix E).

At the conclusion of a hearing or at the beginning of an initial appearance day, the judge/referee announced that a survey on Access and Fairness in the Courts was being

conducted. The judges encouraged all attendees to participate in the survey. As the surveys were distributed, attendees were asked if they were willing to complete the survey. Attendees were then provided with a paper survey (attached to a clipboard) and a pen that was tethered to each clip board.

Survey participants were instructed to place completed surveys in collection boxes that were located at the back of the courtroom and in the Clerk of Court's office. The collection boxes were labeled: "Please place completed surveys here. Thank you for taking the time to complete the Access and Fairness Survey."

A basket was also located near the collection box with signage "Please place empty clipboards here. Thank you." A candy dish with individually wrapped candy was placed on top of the collection boxes as a token of appreciation for completing the survey.

Data Compilation

A total of 243 surveys were completed. The results of each were entered into an online data collection tool by Confirmit. The National Center for State Courts subscribes to Confirmit for these services which allow staff to log into their website and design surveys or data collection tools. The primary use is to create online surveys for customers. However, in this project, this specific online survey was designed as a data collection tool that allowed the paper survey responses to be entered online with the data being stored into a database.

NCSC staff or the creator of the survey has the ability to download the data into several different formats for analysis. For this project, the data was downloaded from the data collection tool by NCSC staff into an Excel spreadsheet.

Findings

As noted above, a total of 243 surveys were completed and used in the analysis.

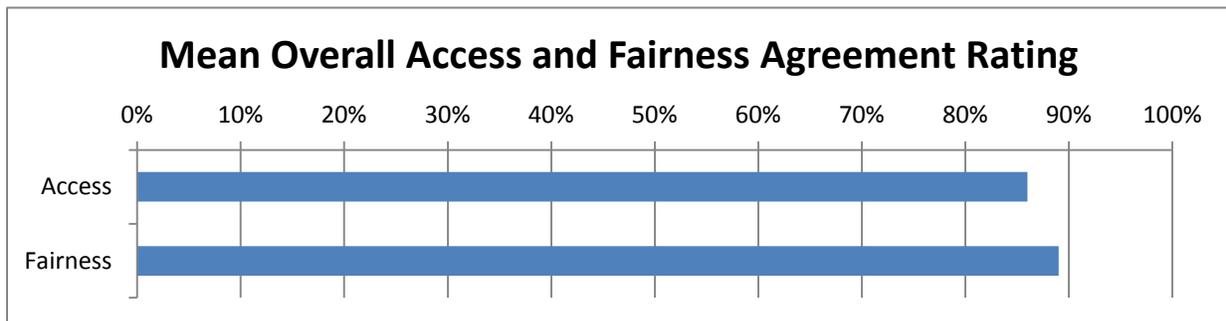
Responses to the surveys were grouped into three categories from the six previously mentioned possible responses. The three categories include “Disagree” (Strongly Disagree and Disagree combined), “Agree” (Agree and Strongly Agree combined) and “Neutral”. If a respondent chose “non applicable” or did not respond to a particular statement or portion of the survey, that response was not included in the final results and analysis unless indicated otherwise.

A particular benchmark was not set for this project. However, based upon other studies/projects reviewed, ratings above 80% tend to be considered “good”, ratings between 70% and 80% are considered “ok”, and ratings less than 70% “need improvement”.

Overall Survey Results

The overall mean agreement scores for both the access and the fairness statements in Ramsey County are considered “Good”. The survey respondents returned an 86% agreement mean rating for the 10 Access to the Court statements. The survey respondents returned an 89% mean agreement rating for the six Fairness/Understanding statements (See Figure 1 below).

Figure 1:

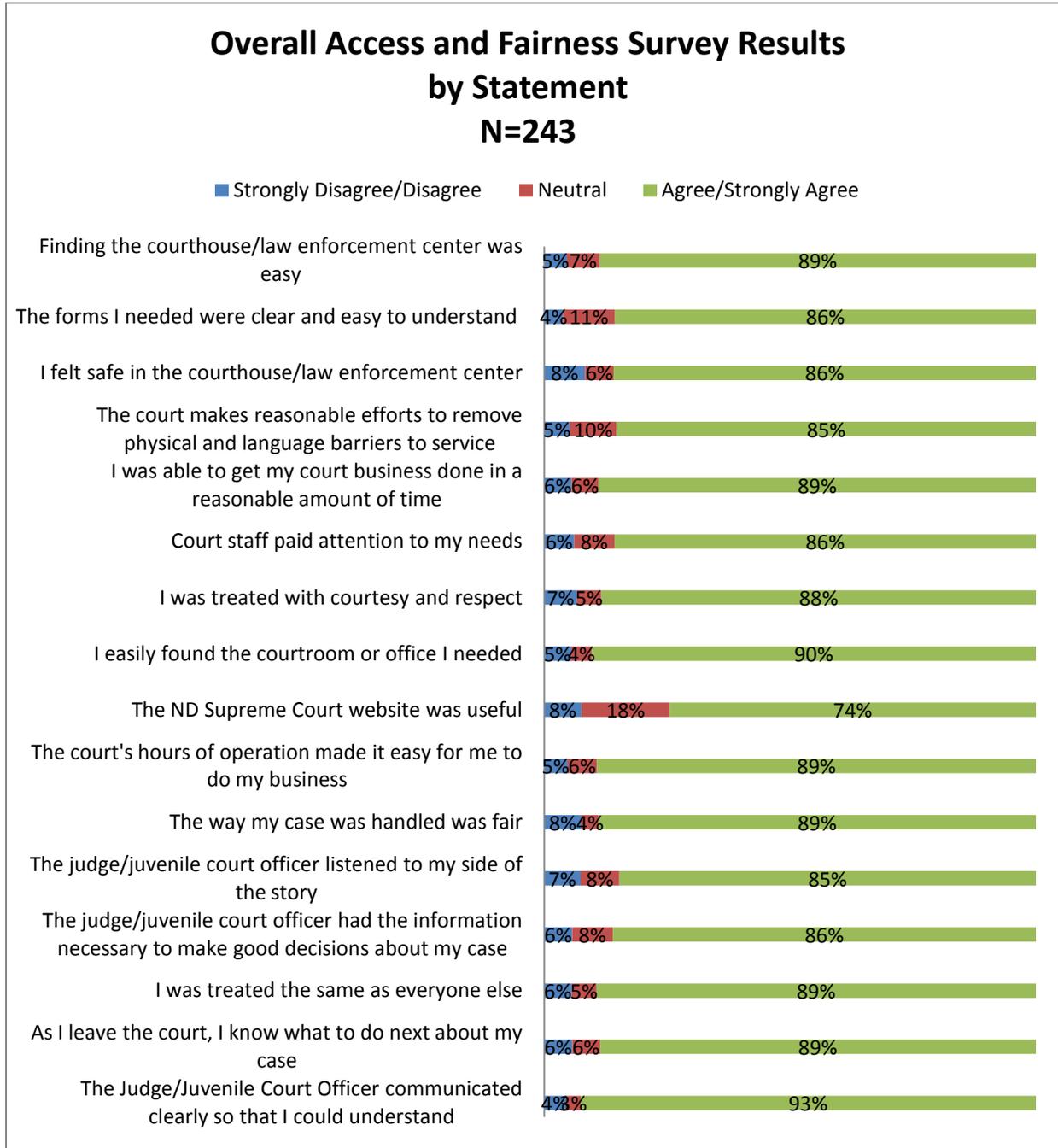


Each area surveyed in Ramsey County resulted in a score at or above an 85% agree (strongly agree/agree) rating, with the exception of one area. “The ND Supreme Court Website

was useful” resulted in a 74% agreement rating and an 18% neutral rating (See Figure 2).

Overall, the user perception is that the Ramsey County court is both accessible and fair.

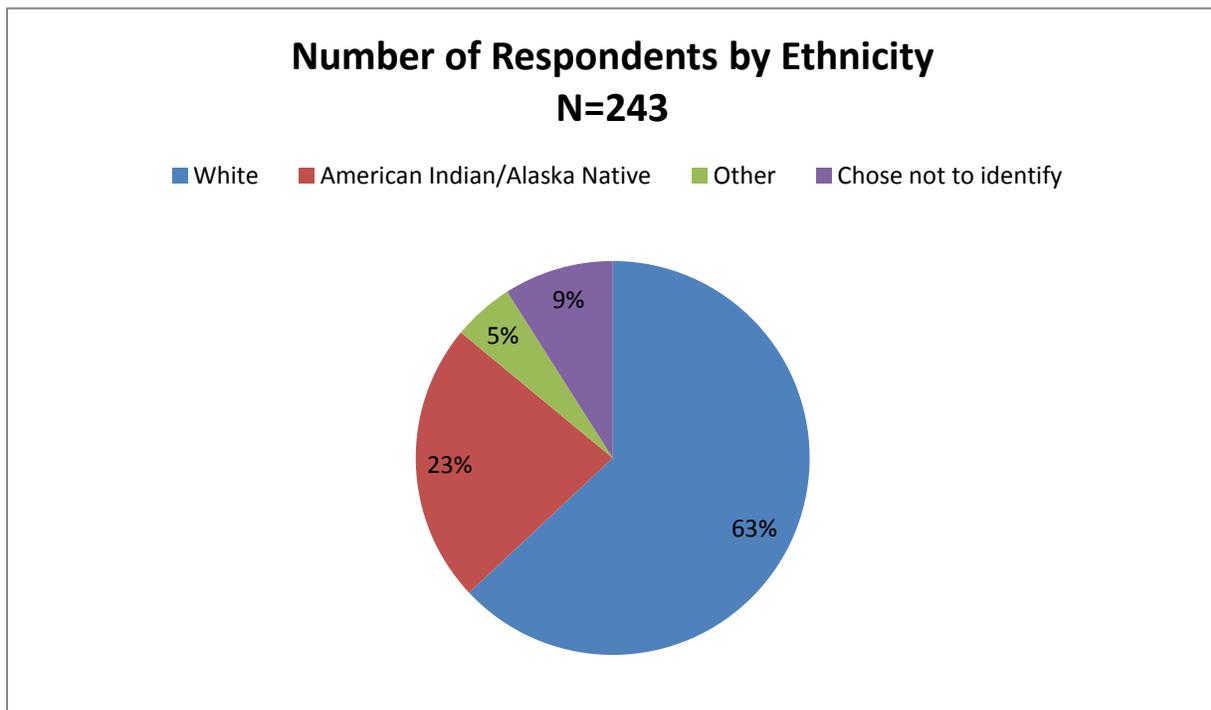
Figure 2:



Results by Survey Respondent Ethnicity

The survey results consisted of 154 (63%) respondents identified as White, 57 (23%) respondents identified as American Indian/Alaska Native, 11 (5%) respondents identified as either Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, Mixed Race or Other and 21 (9%) respondents chose not to identify with any of the options. The following graph shows the response by “How do you identify yourself?” (See Figure 3 below).

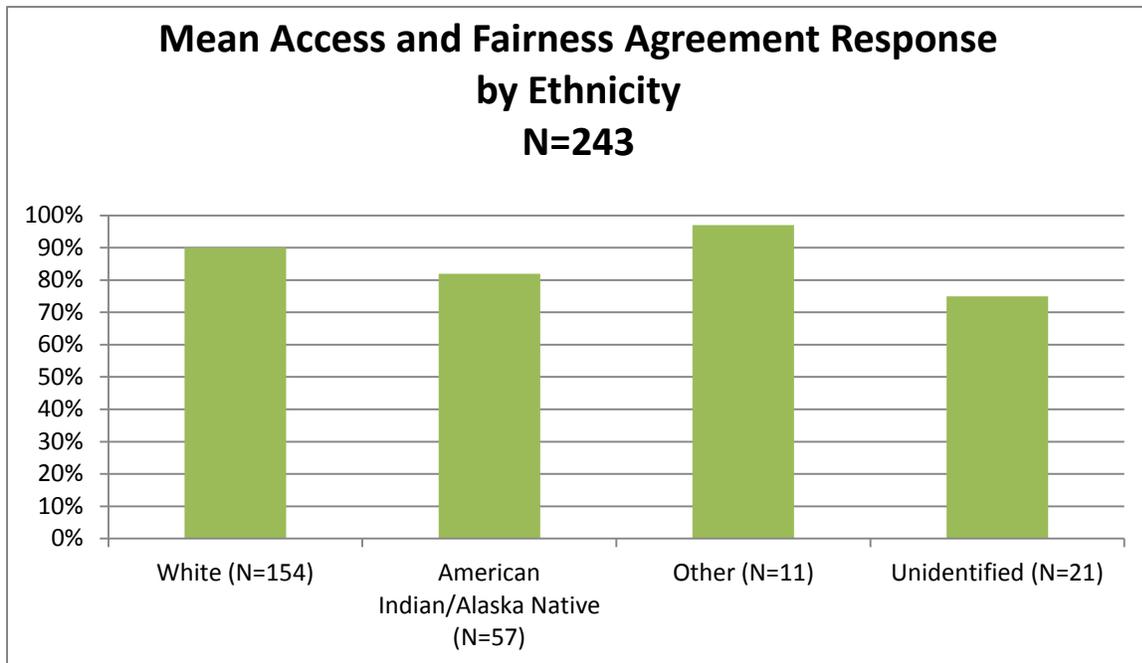
Figure 3:



The mean overall access and fairness scores varied between the identified groups. Respondents identified as White returned a 90% mean agreement rating for access and fairness. Respondents identified as American Indian/Alaska Native returned an 82% mean agreement rating for access and fairness.

Respondents choosing one of the other remaining options as an identifier returned a 97% mean agreement rating for access and fairness. Those who chose not to identify themselves with any of the available options returned a 75% agreement rating for access and fairness (See Figure 4 below).

Figure 4:



One hundred fifty four survey respondents identified themselves as White. The results of the survey of those who identified themselves in this group show 15 of 16 survey areas relating to access and fairness rating at or above 88%. The statement “The ND Supreme Court website was useful” rated 76% Agree and 17% Neutral (See Appendices F and G).

Fifty seven surveys were completed by those who identified themselves as American Indian/Alaska Native. The results of the survey of those who identified themselves in this group show 11 of 16 survey areas rated above the 80% standard.

The four areas rating at or below the 80% standard were primarily in the Access category and one area rated 80% in the Fairness category. Some 78% of the surveyed American

Indian/Alaska Native population agreed with the statement “The forms I needed were clear and easy to understand”, while 20% remained neutral in this area.

Seventy nine percent of this group showed agreement with the statement “The court makes reasonable efforts to remove physical and language barriers to service”, whereas 19% remained neutral. Seventy nine percent agreed that “Court staff paid attention to my needs”.

The fourth area that ranked below 80% is “The ND Supreme Court website was useful”. That scored 76%. The final area ranking at 80% was “I was treated the same as everyone else”. Fourteen percent disagreed with this statement and 6% remained neutral (See Appendices F and G).

Eleven survey respondents identified themselves as one of the other groups including Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, Mixed Race or Other. The results for this group show all survey areas rated at or above 89% (See Appendices F and G).

Twenty one survey respondents did not identify themselves with any of the options. Interestingly, the results of the survey for those who did not identify with a specific group ranked significantly lower in several areas. This group’s “neutral” response consistently ranked higher than the other identified populations. After further review of the data, it appears the ratings were reduced primarily by five of the 21 respondents (See Appendices F and G).

The data indicates differences in the responses between these racial/ethnic groups. Three of the four identified groups mean scores ranked within the “Good” category and one group’s mean score ranked in the “ok” category.

Although a majority of the American Indian/Alaska Native population responses were above the 80% agreement rating, this group consistently rated the courts lower in all access and fairness statements compared to the White population (See Appendices F and G).

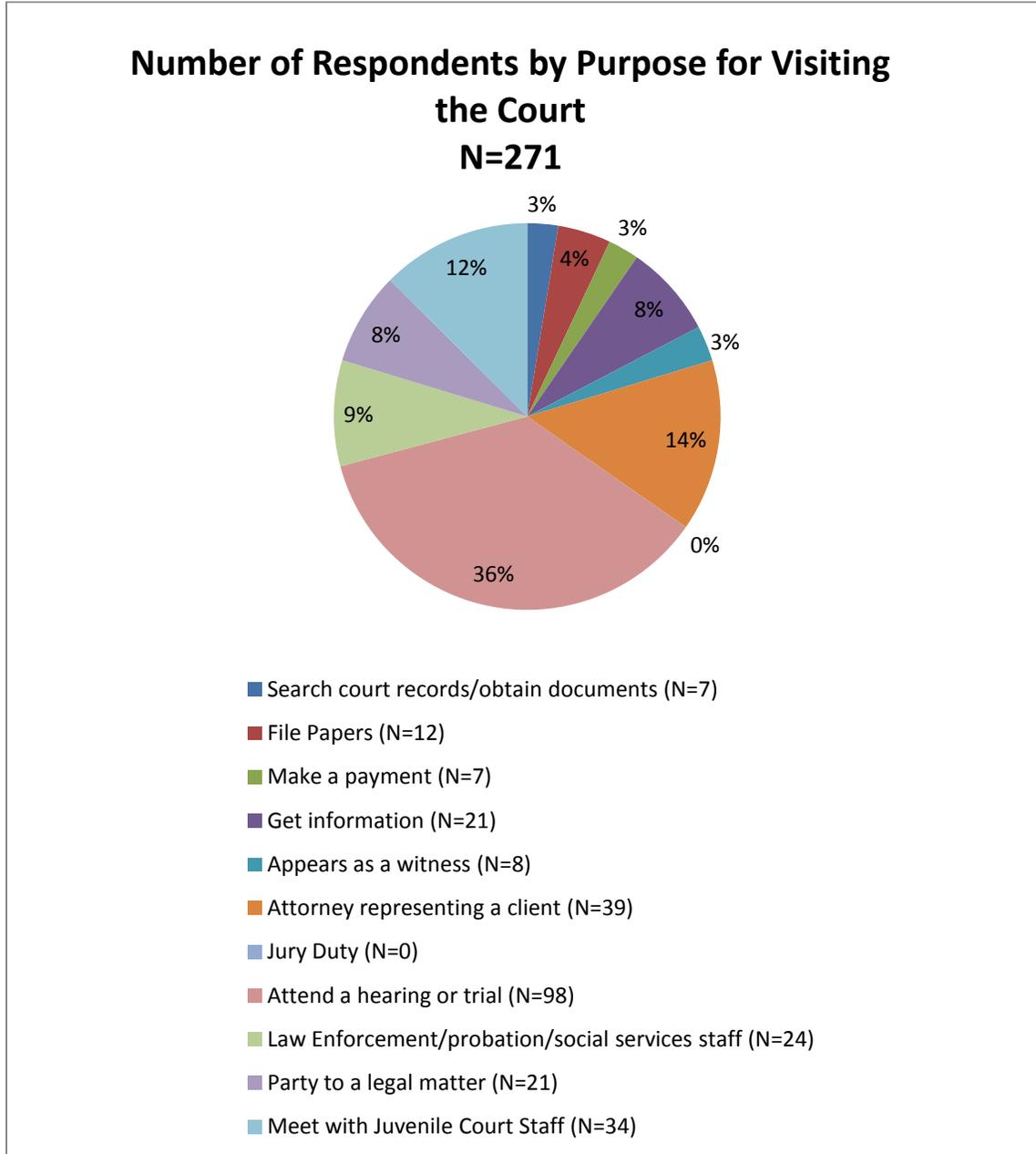
In contrast to the American Indian/Alaska Native responses, the few responses received from the “other” identifiers consistently show a higher score than that of the White population with the exception of two statements: “Hours of operation made it easy to do my business” and “I was treated the same as everyone else” which rated 89% and 90% respectively (See Appendices F and G).

Results by Purpose for Visiting the Court

The number of responses for the purpose for visiting the court (N=271) exceeds the total number of surveys (N=243) because respondents were allowed to choose multiple reasons as to why they were at the court. Survey respondents indicated they came to the court for the following reasons: seven respondents came to court to search court records or obtain documents, twelve respondents came to file papers, seven respondents made a payment, twenty one respondents came to the court to get information, eight respondents appeared as a witness, and thirty nine respondents were attorneys representing a client.

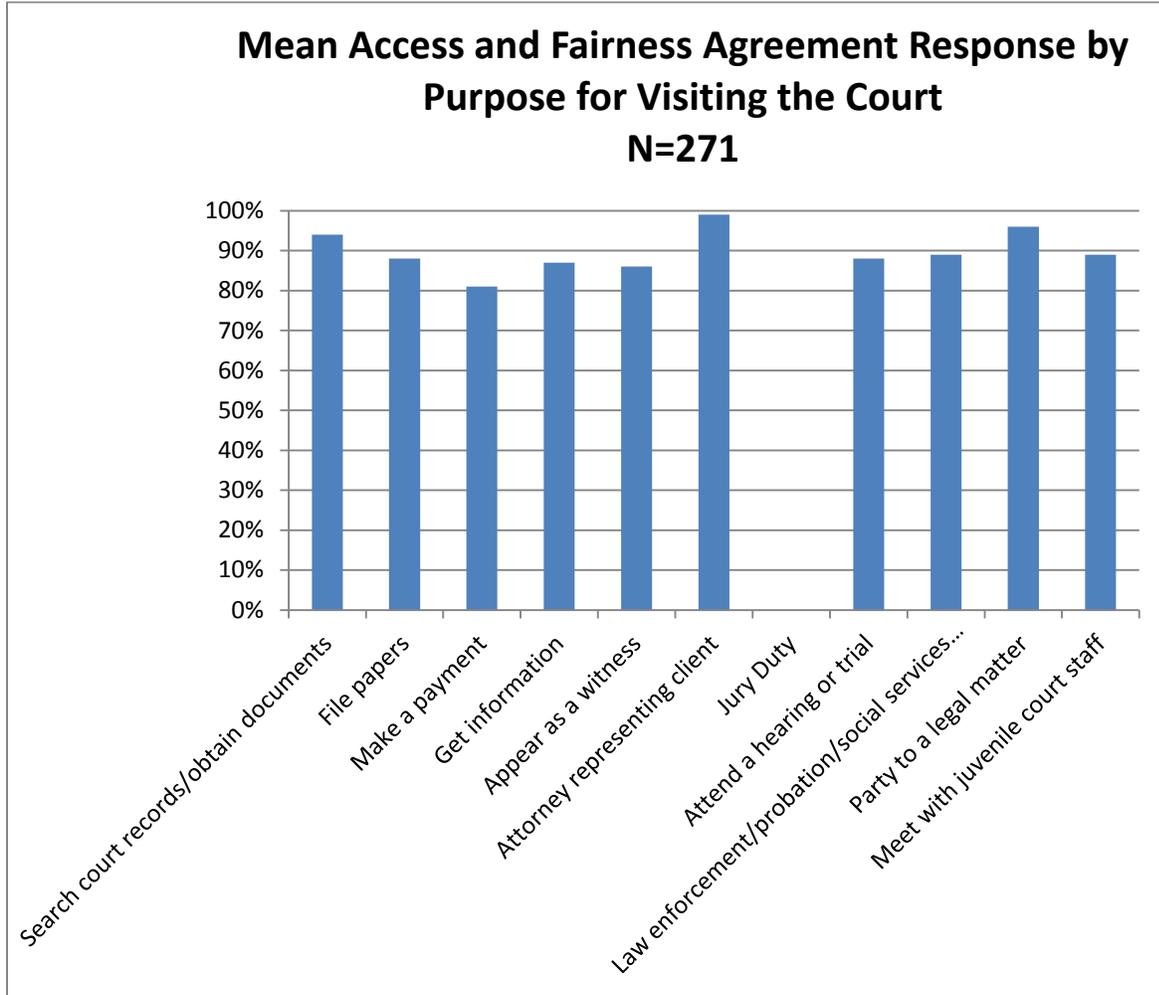
There were no jury trials during the survey period, therefore no jurors responded. Ninety eight respondents attended a hearing or trial. Twenty four respondents were law enforcement, probation or social services staff. Twenty one respondents indicated they were party to a legal matter. Thirty four respondents indicated they were at the court to meet with juvenile court staff (See Figure 5).

Figure 5:



The combined access and fairness agreement mean rated above 80% across all reasons why respondents came to court. The lowest mean agreement rating was 81% by those who came to make a payment. The highest were attorneys representing a client with a mean agreement rating of 99% (See Figure 6).

Figure 6:



Seven respondents indicated they were at the court to search court records or obtain documents. Nine of the 10 Access survey areas received above an 80% agreement rating from those who were searching court records or obtaining documents. Sixty seven percent agreed the court’s hours of operation made it easy to conduct their business while 33% disagreed (See Appendices H, I and J).

Twelve respondents indicated they filed papers at the court. Among them, all but one survey area received an 82% or higher agreement rating. Seventy eight percent agree “The ND

Supreme Court website was useful”, 11% stated they were neutral and 11% disagree (See Appendices H, I and J).

Seven respondents indicated they came to the court to make a payment. Nine of the 10 Access survey areas received an agreement rating above 80%. Fifty seven percent agree “The court’s hours of operation made it easy for me to do my business” and 29% were neutral. Eighty percent felt the website was helpful.

Twenty one respondents indicated they were at the court to get information. Thirteen of the 16 survey areas received an agreement rating above 80%. Seventy six percent of those who came to the court to obtain information felt safe, 24% were neutral. Sixty nine percent found the ND Supreme Court website to be useful whereas 31% were neutral. Seventy six percent agreed the judge/juvenile court officer listened to their side of the story, while 18% remained neutral and 6% disagreed (See Appendices H, I and J).

Eight respondents appeared as a witness. Five of 10 access survey areas received scores above the 80% agreement rating. Seventy five percent of witnesses agree finding the courthouse/law enforcement center is easy, they were able to get their court business done in a reasonable amount of time and the court’s hours made it easy for them to do business whereas 13% were neutral and 13% disagreed in these three areas. Seventy five percent indicated they easily found the courtroom or office needed whereas 25% disagreed. Fifty percent found the ND Supreme Court website useful, 33% were neutral and 17% disagreed (See Appendices H, I and J).

Thirty nine survey respondents were attorneys representing a client. All survey areas received a rating above 90% agreement.

Ninety eight respondents came to court to attend a hearing or trial. All survey areas received an 84% agreement rating except one. Seventy eight percent of those attending a hearing or trial indicated the ND Supreme court website was useful, 17% indicated neutral and six percent disagreed (See Appendices H, I and J).

Twenty four survey respondents identified themselves as being at court as Law Enforcement, Probation or Social Services personnel. Twelve of the 16 survey areas received an above 80% agree rating. The remaining four were at or below an 80% agreement rate. Seventy nine percent felt safe in the courthouse/law enforcement center and 21% disagreed. Seventy six percent indicated court staff paid attention to my needs, 19% indicated neutral and five percent disagreed. Sixty nine percent agreed the ND Supreme Court Website was useful where as 31% were neutral. Seventy eight percent agree they know what to do next about their case, six percent remained neutral and 17% disagreed (See Appendices H, I and J).

Twenty one respondents indicated they were party to a legal matter. All survey areas received an agreement rating at or above 89% except one. Seventy eight percent indicated “The ND Supreme Court website was useful” and 22% disagreed (See Appendices H, I and J).

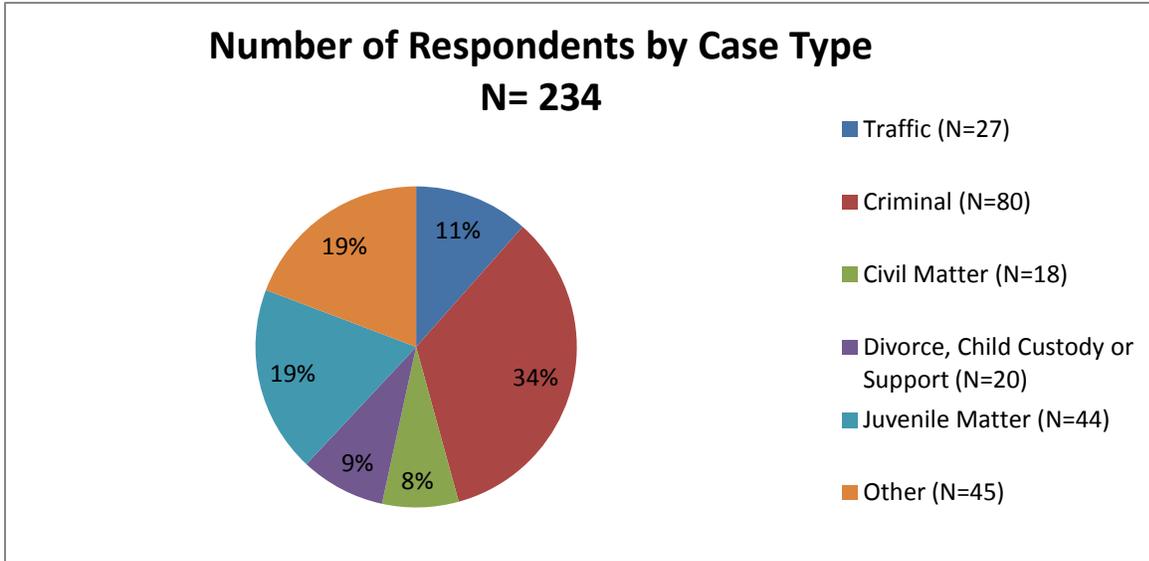
Thirty four respondents indicated they were at court to meet with juvenile court staff. All survey areas received an agreement rating above 80% except for one. Seventy six percent agreed the ND Supreme Court website was useful while 12% remained neutral and 12% disagreed (See Appendices H, I and J).

Results by Case Type

Twenty seven respondents indicated they came to court for a traffic case. Eighty respondents indicated they came to court for a criminal case. Eighteen respondents were at the court for a civil matter. Twenty respondents were at the court for a divorce, child custody or

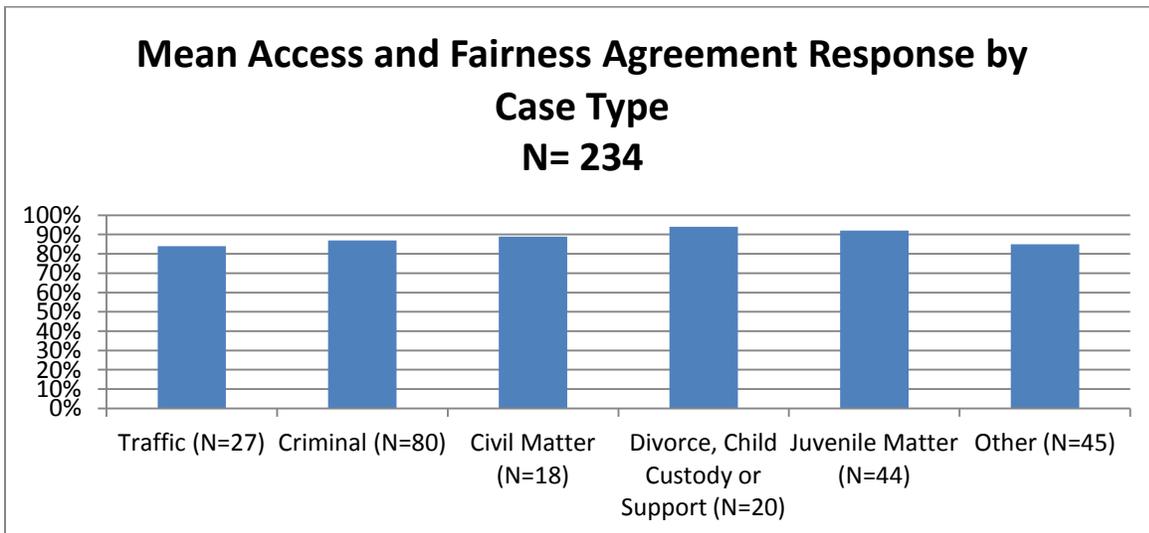
support matter. Forty four respondents came to court for a juvenile matter. Forty five respondents accessed the court for other reasons. The “other” category consists of small claims, probate, drug court and other miscellaneous hearing types noted by respondent or “other” without type indicated (See Figure 7).

Figure 7:



The mean access and fairness agreement ratings are all above the 80% “good” mark and are all within ten percentage points of each other (See Figure 8).

Figure 8:



Twenty seven survey respondents indicated they were at the court for a traffic case. Thirteen of the 16 survey areas received an above 80% agreement rating from this group. Eighty percent agreed the forms were clear and easy to understand. Seventy four percent agreed the court makes reasonable efforts to remove physical or language barriers to service and 19% remained neutral. Sixty eight percent agreed the ND Supreme Court website was useful and 32% reported being neutral (See Appendices K, L and M).

Eighty respondents indicated they were at the court for a criminal matter. All survey areas received at or above an 83% agreement rate for those at the court for a criminal matter (See Appendices K, L and M).

Eighteen respondents indicated they were at the court for civil matters. All survey areas except for two received an 83% or above agreement rating. Seventy five percent agreed the ND Supreme Court website was useful, 17% were neutral and 8% disagreed. Seventy nine percent agreed “The judge/juvenile court officer listened to my side of the story”, seven percent were neutral and 14% disagreed (See Appendices K, L and M).

Twenty survey respondents indicated they were at the court for divorce, child custody or support matters. All survey areas received an 83% or higher agreement rating, with 12 of the 16 survey areas rating at or above 90% (See Appendices K, L and M).

Forty four survey respondents indicated they were at the court for a juvenile matter. All survey areas received an 85% or above agreement rating except for “The ND Supreme Court website was useful” in which 77% agreed, 14% were neutral and nine percent disagreed (See Appendices K, L and M).

Forty five survey respondents indicated they were at the court for “other” matters. Some respondents listed the case types, others did not identify the reason for being at the court. Due to

the low number of the same case types, these “Other” case types were combined and analyzed together. The surveys grouped together included: one each of assault, drug paraphernalia, eviction, guardianship, informal hearing, judgment, and unpaid fine and; two each of name change, NSF, guest, drug court and the remaining with no type indicated. Two respondents indicated they were at the court for Small Claims and Probate. These two cases were also included in the “Other” category.

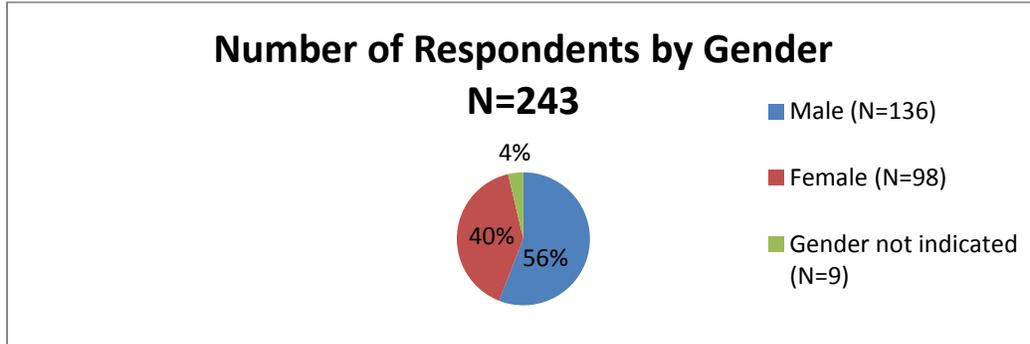
Twelve of the 16 survey areas received an above 80% agreement rating from those respondents at the court for “other” matters. Seventy nine percent of respondents agree and 15% are neutral to “The forms I needed were clear and easy to understand”. Seventy nine percent of the respondents felt safe in the courthouse, whereas 15% disagreed (See Appendices K, L and M).

Eighty one percent of respondents indicated the court makes reasonable efforts to remove physical and language barriers to service, whereas 12% disagreed. Eighty percent of this group felt court staff paid attention to their needs and 12% disagreed. Fifty six percent agreed the ND Supreme Court website was useful, while 32% indicated they were neutral and 12% disagreed the website was useful (See Appendices K, L and M).

Results by Gender

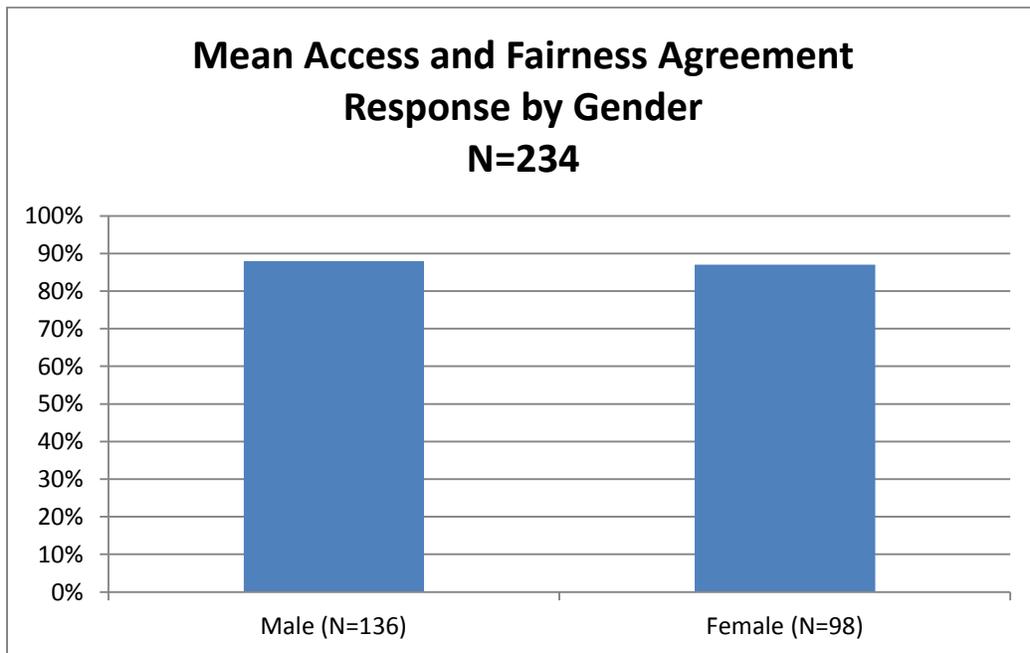
Of the 243 survey respondents, 98 identified themselves as females and 136 as males. Nine respondents chose not to indicate a gender (See Figure 9).

Figure 9:



The overall access and fairness agreement response rate was 88% for males and 87% for females. The difference between the mean access and fairness response rate between these two groups was one percentage point (See Figure 10).

Figure 10:



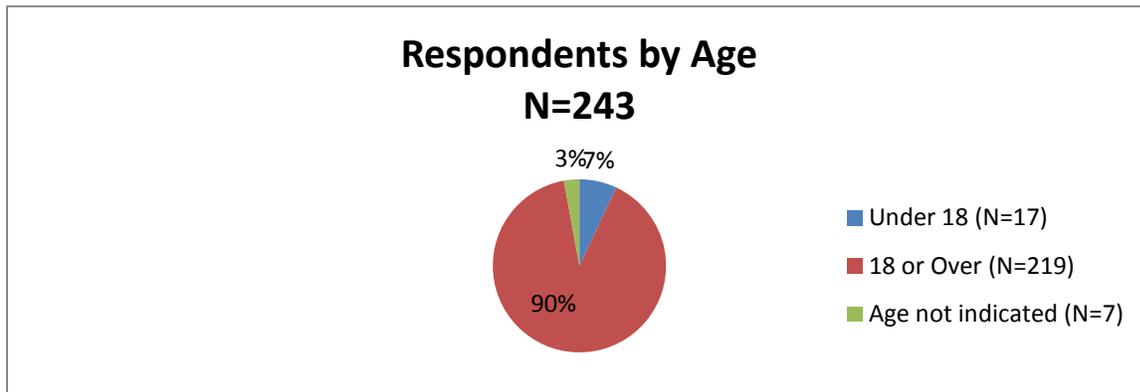
All responses by both males and females rated above 80% except for the statement “The ND Supreme Court website was useful”. This statement resulted in 76% males agreeing and 16% being neutral. Seventy two percent of the females agreed the website was useful and 23% remained neutral.

All responses between the two genders were within five percentage points of each other with the exception of “The way my case was handled was fair”. Ninety two percent of the males felt their case was handled fair versus 86% of the females (See Appendices N and O).

Results by Age

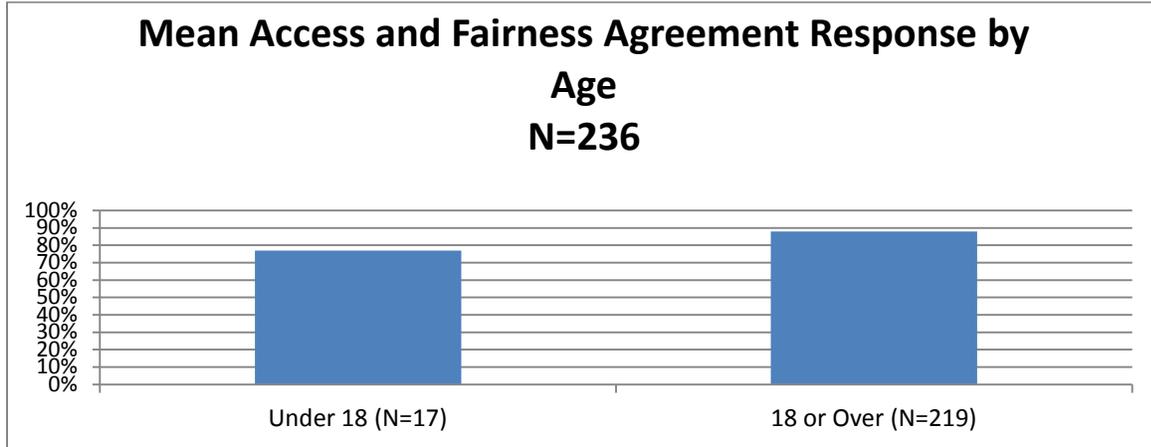
Seventeen respondents identified themselves as Under 18, whereas 219 respondents identified themselves as 18 or Over. Seven chose not to identify themselves in an age category (See Figure 11).

Figure 11:



The difference of the mean access and fairness agreement rating between the Under 18 and 18 or Over age group is 11%. The Under 18 age group gave the courts a 77% agreement rating, versus the 18 or Over age group which gave the courts an 88% overall access and fairness agreement rating (See Figure 12).

Figure 12:



Respondents under the age of 18 rated the courts lower in several areas when compared to those respondents 18 and over. The 17 respondents who identified themselves as Under 18, rated the courts much lower in all but two areas of the survey, and several of the survey areas received ratings at or below 80%. The under 18 age group, rated the courts higher overall in the fairness category than in the access category. However, they rated below the 18 or Over age category in four of the six fairness areas (See Appendices P and Q).

Seventy six percent of Under 18 respondents felt safe in the courthouse/law enforcement center compared to 86 percent of those 18 or over. Fifty nine percent felt the court makes reasonable efforts to remove barriers compared to 88% of the 18 or over age group. Seventy five percent of the Under 18 respondents felt that court business was done in a reasonable amount of time compared to 91% of the 18 or over age group (See Appendices P and Q).

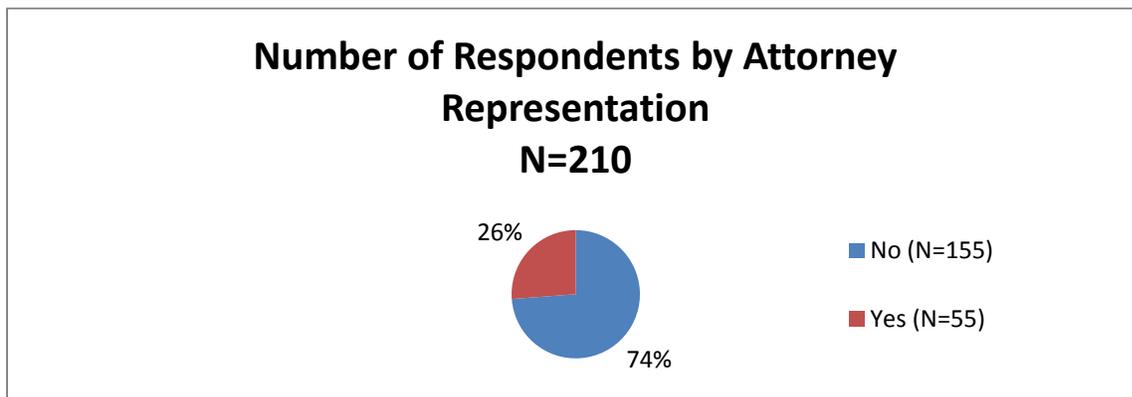
Eighty two percent of the Under 18 age group easily found the courtroom or office they needed compared to 91% of those in the 18 or over age group. Sixty seven percent of the Under 18 group agreed the ND Supreme Court website was useful, 11% were neutral and 22% disagreed. This finding compares to 75% of the 18 or over age group agreeing, 19% remaining neutral and 6% disagreeing (See Appendices P and Q).

Seventy nine percent of the Under 18 age group agreed, “The judge/juvenile court officer had information necessary to make good decisions about my case”, and, “I was treated the same as everyone else”. This compares to 86% and 90% respectively of those in the 18 and over age group (See Appendices P and Q).

Results by Attorney Representation

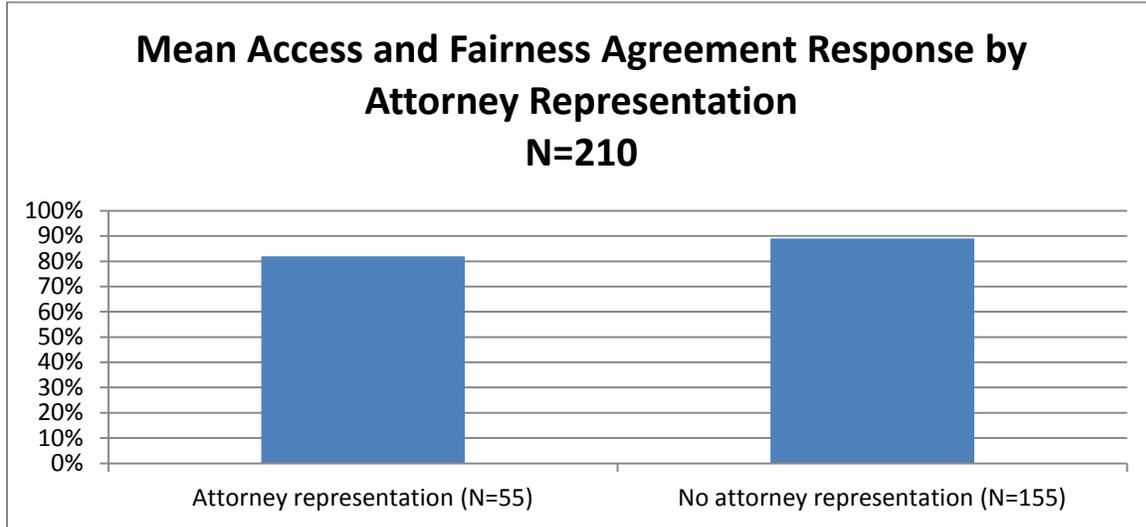
Fifty five of the survey respondents indicated they were represented by an attorney and 155 survey respondents indicated they were not represented by an attorney (See Figure 13).

Figure 13:



There is a 7% difference in the overall mean access and fairness score between those represented by an attorney versus those not represented by an attorney. An average of 89% of those not represented by an attorney agreed the court is accessible and fair compared to 82% of those represented by an attorney (See Figure 14).

Figure 14:



Those court users represented by an attorney rated the courts the same or lower than those court users without an attorney in most of the survey areas. The first area with noticeable difference was “The forms I needed were clear and easy to understand”. Court users with no attorney indicated a 93% agreement rate whereas 72% of those represented by an attorney agree and 24% are neutral to the statement “The forms are clear and easy to understand” (See Appendices R and S).

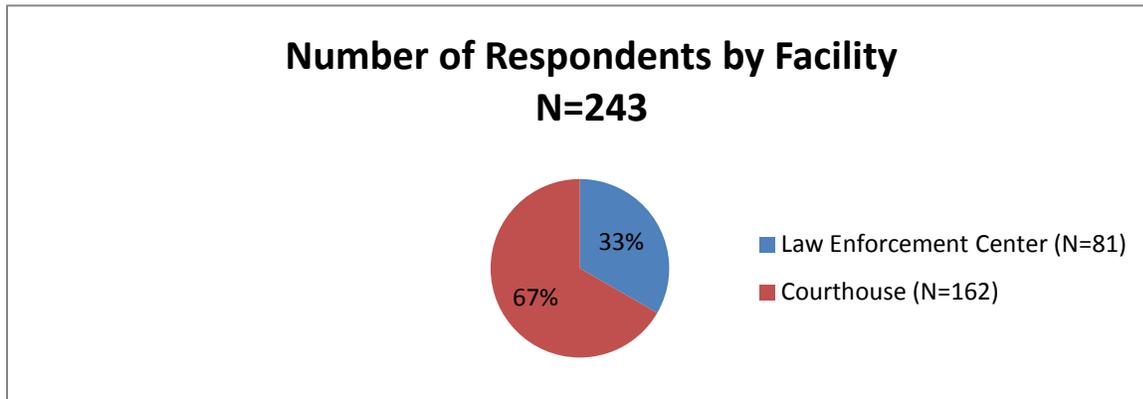
Seventy four percent of those with an attorney agreed the court makes reasonable efforts to remove barriers whereas 92% of those without an attorney agreed barriers are removed. Seventy eight percent of those represented by an attorney agreed the court staff paid attention to their needs whereas 90% of those without an attorney agreed (See Appendices R and S).

Seventy seven percent of those not represented by an attorney agreed “The ND Supreme Court Website is useful” and 64% of those represented by an attorney agree. This survey area also received the highest neutral response than any of the other areas (See Appendices R and S).

Results By Facility

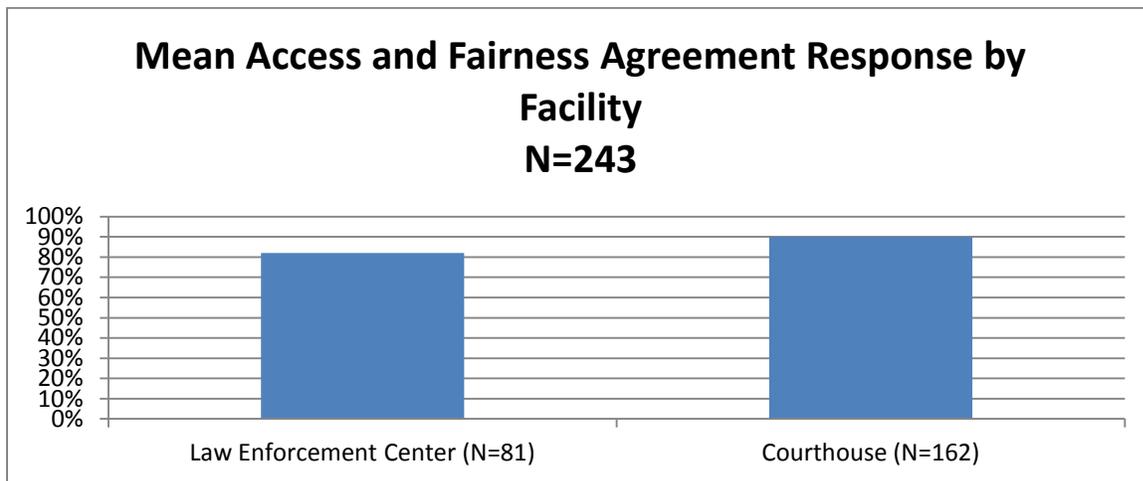
Eighty one respondents interacted with the court at the Law Enforcement Center. One hundred sixty two respondents interacted with the court at the courthouse (See Figure 15).

Figure 15:



The respondents returned an 82% mean agreement rating for access and fairness at the law enforcement center and a 90% mean agreement rating for access and fairness at the courthouse (See Figure 16).

Figure 16:



During the survey period, hearings were held in two different facilities: the Ramsey County Courthouse and the Lake Region Law Enforcement Center (LEC) located approximately

one mile from the courthouse. There are noticeable differences in the responses between the two locations (See Appendices T and U).

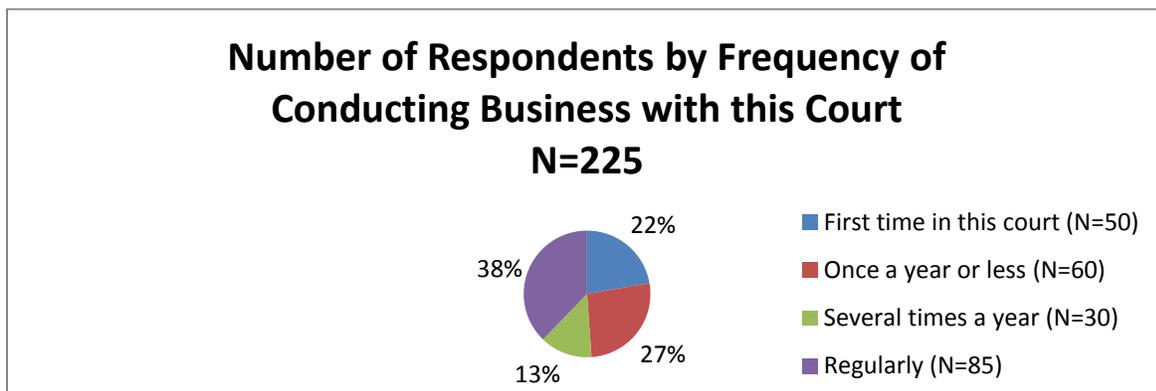
The responses from the LEC ranked lower in all categories as compared to the responses at the courthouse. Seventy eight percent of the 81 respondents attending hearings at the LEC indicated “Finding the Law Enforcement Center was easy”, whereas, 94% of the 162 respondents attending hearings at the courthouse indicated “Finding the Courthouse was easy” (See Appendices T and U).

Fewer respondents felt safe at the LEC (80%) than at the Courthouse (88%). Seventy seven percent of those appearing at the LEC feel the court removes language and physical barriers in comparison to 90% of those surveyed at the courthouse. There is a larger percentage of difference in the Access section versus the Fairness section when comparing the two locations (See Appendices T and U).

Results by Frequency of Conducting Business with this Court

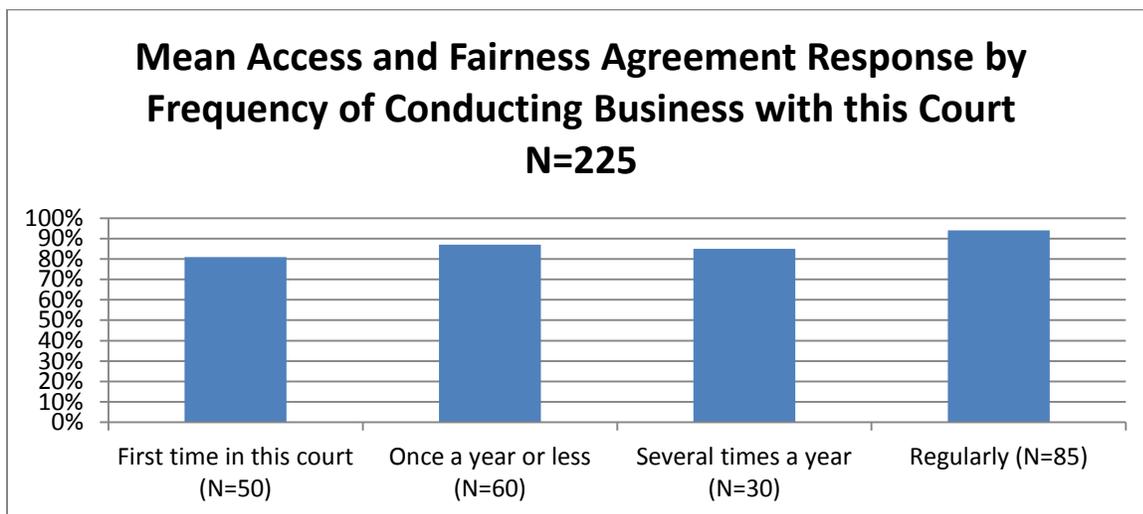
Fifty respondents were conducting business in this court for the first time. Sixty respondents indicated conducting business in this court once a year or less. Thirty respondents indicated they conduct business several times a year in this court. Eighty five respondents indicated they conduct business in this court on a regular basis (See Figure 17).

Figure 17:



The mean access and fairness rating varies by 13 percentage points from those conducting business in this court for the first time versus those conducting business on a regular basis. The mean access and fairness score for respondents indicating they were conducting business for the first time in this court was 81%. Respondents conducting business in this court once a year or less returned a mean 87% agreement rating. Respondents conducting business in this court several times a year returned a mean 85% agreement rating. The mean access and fairness score by those respondents conducting business in this court on a regular basis was 94% (See Figure 18).

Figure 18:



Fifty survey respondents identified themselves as conducting business in this court for the first time. This group ranked the courts consistently lower in several areas versus those users who identified themselves as being in the court once a year or less, several times per year or regularly. Four of the 16 areas received ratings below the 80% agree mark (See Appendices V and W).

Seventy eight percent of this group indicated finding the courthouse was easy with 12% indicating neutral and 10% disagreeing. Seventy eight percent indicated the forms they needed

were clear and easy to understand with 16% remaining neutral and 7 % disagreeing (See Appendices V and W).

Seventy one percent agreed the court makes reasonable efforts to remove physical and language barriers to service. Sixty four percent agreed the ND Supreme Court website was useful, 24% remained neutral and 12% disagreed (See Appendices V and W).

Sixty survey respondents identified themselves as conducting business in this court once a year or less. With this group, there is consistently an agreement rate of over 80% with all access and fairness statements except for the area “The ND Supreme Court website was useful” in which 76% agree, 22% are neutral and 3% disagree (See Appendices V and W).

Thirty respondents identified themselves as conducting business in this court several times per year. With this group, there is an over 80% agreement rating in all but four areas. Seventy nine percent agree “I was able to get my court business done in a reasonable amount of time”, 15% were neutral and 6% disagree (See Appendices V and W).

Seventy nine percent reported easily finding the courtroom or office they needed and 18% remained neutral. Sixty three percent agree the ND Supreme Court website was useful while 25% reported neutral and 13% disagree. Seventy three percent of this group felt the judge/juvenile court officer listened to their side of the story, 15% were neutral and 12% disagreed (See Appendices V and W).

Eighty five survey respondents identified themselves as conducting business in this court on a regular basis. With this group, there is an 87% or greater agreement rating in all surveyed areas. The lowest score was the area “I felt safe in the courthouse” in which 87% agreed with this statement. Within this group, 31 respondents identified themselves as an attorney

representing a client and 19 identified themselves as law enforcement/probation or social services staff (See Appendices V and W).

Conclusions and Recommendations

Overall, the survey data indicates that the court in Ramsey County is generally perceived as being both accessible and fair. Although the majority of responses were positive, there are some survey areas that need improvement. An overall combined access and fairness result of 87.5% is commendable. According to the survey responses of court users, the court is doing almost everything right. Obviously, efforts must be made to see to it that these behaviors are maintained.

In doing so, the court should also focus on those results indicating there are court users who perceive the courts to be not fully accessible and believe they have not been treated fairly and/or equitably. The survey results should serve as a report card to all court personnel as to how others perceive the Ramsey County Court System. While they are overwhelmingly positive, continuous improvement requires that the court focus on these areas needing improvement.

Conclusion 1: Some court users have indicated difficulty finding the location of where to appear for court (Ramsey County Courthouse or Lake Region Law Enforcement Center). Court users also occasionally have difficulty locating the court/office in which they are to appear. This is especially noticeable when reviewing the survey results by identifier, by facility and by how often respondents are conducting business in the court.

Recommendation 1-1: Improve written communication about court locations. Existing written communication should be reviewed to ensure the proper location, physical address of the location, appropriate courtroom/room, etc. is provided to those who are to appear before the court. The review of existing written communication should also include items used by justice

partners such as citations and bond envelopes. The telephone number to the Clerk of Court office should also be included on applicable written communication.

Recommendation 1-2: Add court address to the telephone book. The physical address of the Ramsey County Courthouse is currently not printed in the phonebook. The idea of adding the physical address of the courthouse to the phone book should be explored.

Recommendation 1-3: Improve courthouse signage. The court should look into improving signage on third floor and working with law enforcement center personnel to evaluate signage needs at that location.

Recommendation 1-4: Provide maps. A detailed map could be included with all correspondence.

Conclusion 2: The forms are not always clear and easy to understand for court users. The survey area regarding forms needed were clear and easy to understand ranked below 80% with American Indians/Alaska Natives, court users in the court for the first time, those under the age of 18 and those with an attorney.

Recommendation 2: The court should periodically review court user forms for clarity. The review should include a variety of people including lay persons unfamiliar with the court system to help ensure clarity.

Conclusion 3: Not all court users feel safe in the courthouse or law enforcement center.

With this project, the actual reasons why people do not feel safe were not captured. Some possibilities could include some courthouses have security into the building with a security guard

whereas Ramsey County does not or the idea of people sitting next to or being in the same room/facility of someone charged with a more serious crime than he/she has been charged.

Recommendation 3-1: New Security Measures. The implementation of security measures should continue to be explored at both locations. Judges and correctional facility staff should meet to identify improved security measures for the Law Enforcement Center when multiple inmates are brought into court.

Recommendation 3-2: Inquire of Security Committee Status. Follow up on status of Security Committee established for Ramsey County several years ago and continue to explore security measures that could be implemented at the courthouse.

Conclusion 4: When reviewing the data, it is apparent the respondents believe we could do more to remove physical and language barriers. At this time it is believed, the language barriers pertain primarily to the English language.

Recommendation 4: Determine language needs. To improve in this area, the court should determine specific current physical and language barriers that exist and research what other courts have done to eliminate specific barriers.

Conclusion 5: Treatment of court users needs attention. In both access and fairness areas, the results indicate there are some respondents who believe the courts could do a better job of paying attention to their needs, treating them with courtesy and respect, treating them as others are treated, listening to them and indicating what they need to do next about their case.

Recommendation 5-1: Provide training. To further improve these areas, various training on access and fairness and working with people could be encouraged and provided to judges and court personnel.

Recommendation 5-2: Inquire about specific improvement areas from various court users.

The group should consist of a variety of people conducting business with the court including, law enforcement, probation, social services, etc.

Conclusion 6: The court needs to evaluate how to make the courts more accessible for the group identified as Under 18 who rated the courts low in this area.

Recommendation 6: Determine needs of the Under 18 court users. To improve in the access areas for those Under 18, the court should follow up with court users under the age of 18 to obtain input on ideas for improvements that could be made.

Conclusion 7: The court needs to evaluate how to make the courts more accessible to American Indians/Alaska Native court users.

Recommendation 7-1: Assess the needs of American Indian/Alaska Native court users. To improve in this area a group should be developed, including American Indians/Alaska Natives who have previously been involved with the courts and American Indians/Alaska Natives who have not been involved with the courts, to evaluate the access and fairness areas of the survey to gain input about how to improve in the various areas.

Recommendation 7-2: Review and implementation of recommendations expected from the Race and Ethnic Bias Commission.

Conclusion 8: The ND Supreme Court website is either not meeting the needs of the court users, they are unfamiliar with it, they don't have the ability to access it, or they choose not to use it. It is difficult to know the reason why this survey area is consistently lower across all types of court users with numerous ratings below 70%. This area also received the largest "neutral" rating than any other survey area.

Recommendations 8-1: Add website address to notices. In order to address this issue the court should provide the website address on notices and correspondence to court users. The court should also work with justice partners on the addition of the website to the notices/correspondence they utilize.

Recommendation 8-2: Add website to public information. Pamphlets, handouts and/or posters informing the public about the court system and process should include the website address.

Recommendation 8-3: Provide court users with information about public access to the internet. Provide schedule for the local library hours and location where people can access the internet at no cost.

Recommendation 8-4: Request that justice system partners advertise the Supreme Court Website. Encourage adding the website address to all written communication including items used by justice partners.

Recommendation 8-5: Inform/Educate the public of the ability to send comments to the Webmaster of the Supreme Court website to provide specific needs.

Conclusion 9: Overall the survey results indicate a high perception of fairness in the courts especially by those who conduct business in this court on a regular basis. The results of this

survey conflict with the 1978 survey results where Yankelovich indicates the more knowledge and experience one has or has had with the court system, the more likely he/she will have an unfavorable attitude towards the courts. The survey results from this project more closely reflect the findings of the 1998 survey by the American Bar Association which indicated that the satisfaction of court system users increased as knowledge of, and experience with the court system increased.

Recommendation 9: Build on current court user perceptions. Continue to encourage participation by those involved of Administrative Rule 48 – The North Dakota Judicial Improvement Program for Judicial Officers.

Conclusion 10: Some respondents felt the court’s hours of operation were not ideal.

Recommendation 10: Consider new hours of operation or alternative methods for conducting court business. Explore alternative options to accommodate court users conducting court business outside of regular 8-5 business hours.

Conclusion 11: First time court users are not as satisfied as others. Those conducting business with the court for the first time did not have as favorable impression of the court as those conducting business more often.

Recommendation 11: Improve public information available to first time users.

Improvements should be made for those unfamiliar with the court system. Any current educational tools/information regarding the courts such as pamphlets, handouts, and/or posters informing the public about the court system should be reviewed. This information could also contain the website address along with what the website can do for the public.

Conclusion 12: Court performance should periodically be analyzed by court users.

Recommendation 12: Follow-up surveys. Follow up surveys (via in-person self administered surveys or via mail following hearings) should periodically be conducted to assess the accessibility and the fairness of the courts. The survey period should be conducted for a period of time to include all case types and jury trials.

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Appendices

Appendix A: North Dakota Court Structure

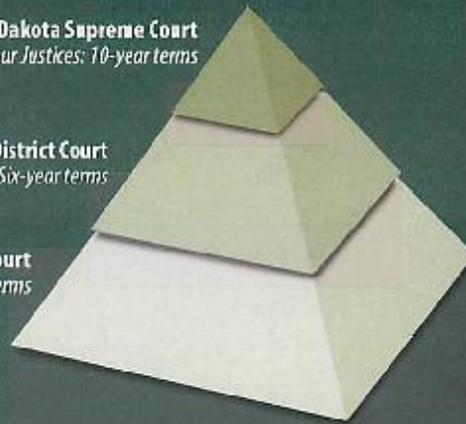
North Dakota Courts



North Dakota Supreme Court
One Chief Justice & Four Justices: 10-year terms

District Court
Seven Judicial Districts/44 Judges: Six-year terms

Municipal Court
73 Judges: Four-year terms

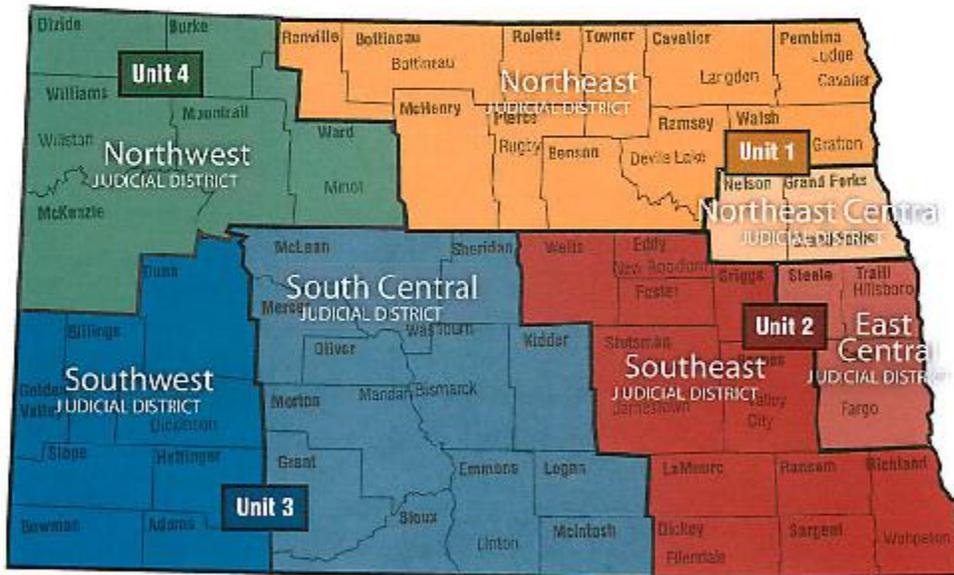
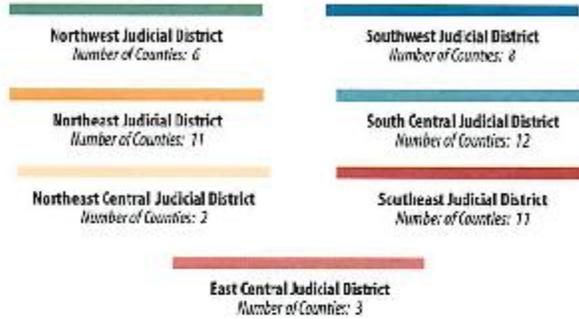


The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: 1) a judicial one and 2) administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

District Court is the state trial court of general jurisdiction. Among the types of cases it hears are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney. In all municipal courts are before the judge without a jury. State law permits an individual to serve more than one city as a municipal judge.

Appendix B: State of North Dakota: Administrative Units and Judicial Districts



Appendix C: Survey Modifications

- Modifying Question #1 to read “Finding the “courthouse” or “Law Enforcement Center” was easy.” depending upon the location where the survey was taking place. The judges felt it was important to include the Law Enforcement Center to obtain survey information for those who appear for initial appearances and bond hearings. These hearing types are held Monday mornings at the Law Enforcement Center.
- Adding to Question #9 “ND Supreme Court” to identify the website.
- Modifying Question #12 to read “The “Judge” or “Juvenile Court Officer” listened to my side of the story” depending upon who the person was evaluating.
- Modifying Question #13 to read “The “Judge” or “Juvenile Court Officer” had the information necessary to make good decisions about my case.” depending upon who the person was evaluating.
- Adding Question #16 to read “The “Judge” or “Juvenile Court Officer” communicated clearly so that I could understand.” depending upon who the person was evaluating.
- Adding “Understanding” to Section II heading.
- Added “Meet with Juvenile Court Staff” as an option to: What did you do at the court/clerk’s office today?
- Adding “What is your age” with two options of Under 18 or 18 or over to identify if the person was a juvenile or adult.
- Adding “I have an attorney representing me” with two options of Yes or No
- Adding and highlighting the following text to the very bottom of the surveys: “Thank you for taking the time to complete this survey. Your assistance and feedback is greatly appreciated.”

Appendix D: Final Survey

Access and Fairness Survey

Section I: Access to the Court

Circle the Number:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable
	1	2	3	4	5	n/a
1. Finding the courthouse was easy.	1	2	3	4	5	n/a
2. The forms I needed were clear and easy to understand.	1	2	3	4	5	n/a
3. I felt safe in the courthouse.	1	2	3	4	5	n/a
4. The court makes reasonable efforts to remove physical & language barriers to service.	1	2	3	4	5	n/a
5. I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	n/a
6. Court staff paid attention to my needs.	1	2	3	4	5	n/a
7. I was treated with courtesy and respect.	1	2	3	4	5	n/a
8. I easily found the courtroom or office I needed.	1	2	3	4	5	n/a
9. The ND Supreme Court website was useful.	1	2	3	4	5	n/a
10. The court's hours of operation made it easy for me to do my business.	1	2	3	4	5	n/a

If you are a party to a legal matter and appeared before a Judge today, please complete questions 11-16:

Section II: Fairness/Understanding

11. The way my case was handled was fair.	1	2	3	4	5	n/a
12. The judge listened to my side of the story before he or she made a decision.	1	2	3	4	5	n/a
13. The judge had the information necessary to make good decisions about my case.	1	2	3	4	5	n/a
14. I was treated the same as everyone else.	1	2	3	4	5	n/a
15. As I leave the court, I know what to do next about my case.	1	2	3	4	5	n/a
16. The judge communicated clearly so that I could understand.	1	2	3	4	5	n/a

Section III: Background Information

What did you do at the court/clerk's office today ?

(Check all that apply)

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter
- Meet with Juvenile Court Staff

What type of case brought you to the courthouse today?

- Traffic
- Criminal
- Civil Matter
- Divorce, child custody or support
- Juvenile Matter
- Probate
- Small Claims
- Other: _____

How do you identify yourself?

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or other Pacific
- White
- Mixed Race
- Other: _____

How often are you typically conducting court business in this courthouse?

(Choose the closest estimate)

- First time in this courthouse
- Once a year or less
- Several times a year
- Regularly

What is your gender?

- Male
- Female

What is your age?

- Under 18
- 18 or over

I have an attorney representing me.

- Yes
- No

Thank you for taking the time to complete this survey. Your assistance and feedback is greatly appreciated.

Access and Fairness Survey

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable
1	2	3	4	5	n/a

Section I: Access to the Court

Circle the Number:

1. Finding the Law Enforcement Center was easy.	1	2	3	4	5	n/a
2. The forms I needed were clear and easy to understand.	1	2	3	4	5	n/a
3. I felt safe in the Law Enforcement Center.	1	2	3	4	5	n/a
4. The court makes reasonable efforts to remove physical & language barriers to service.	1	2	3	4	5	n/a
5. I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	n/a
6. Court staff paid attention to my needs.	1	2	3	4	5	n/a
7. I was treated with courtesy and respect.	1	2	3	4	5	n/a
8. I easily found the courtroom or office I needed.	1	2	3	4	5	n/a
9. The ND Supreme Court website was useful.	1	2	3	4	5	n/a
10. The court's hours of operation made it easy for me to do my business.	1	2	3	4	5	n/a

If you are a party to a legal matter and appeared before a Judge today, please complete questions 11-16:

Section II: Fairness/Understanding

11. The way my case was handled was fair.	1	2	3	4	5	n/a
12. The judge listened to my side of the story before he or she made a decision.	1	2	3	4	5	n/a
13. The judge had the information necessary to make good decisions about my case.	1	2	3	4	5	n/a
14. I was treated the same as everyone else.	1	2	3	4	5	n/a
15. As I leave the court, I know what to do next about my case.	1	2	3	4	5	n/a
16. The judge communicated clearly so that I could understand.	1	2	3	4	5	n/a

Section III: Background Information

What did you do at the court today?

(Check all that apply)

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter
- Meet with Juvenile Court Staff

What type of case brought you to the court today?

- Traffic
- Criminal
- Civil Matter
- Divorce, child custody or support
- Juvenile Matter
- Probate
- Small Claims
- Other: _____

How do you identify yourself?

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or other Pacific
- White
- Mixed Race
- Other: _____

How often are you typically conducting court business in this court?

(Choose the closest estimate)

- First time in this court
- Once a year or less
- Several times a year
- Regularly

What is your gender?

- Male
- Female

What is your age?

- Under 18
- 18 or over

I have an attorney representing me.

- Yes
- No

Thank you for taking the time to complete this survey. Your assistance and feedback is greatly appreciated.

Access and Fairness Survey

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable
1	2	3	4	5	n/a

Section I: Access to the Court

Circle the Number:

1. Finding the courthouse was easy.	1	2	3	4	5	n/a
2. The forms I needed were clear and easy to understand.	1	2	3	4	5	n/a
3. I felt safe in the courthouse.	1	2	3	4	5	n/a
4. The court makes reasonable efforts to remove physical & language barriers to service.	1	2	3	4	5	n/a
5. I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	n/a
6. Court staff paid attention to my needs.	1	2	3	4	5	n/a
7. I was treated with courtesy and respect.	1	2	3	4	5	n/a
8. I easily found the courtroom or office I needed.	1	2	3	4	5	n/a
9. The ND Supreme Court website was useful.	1	2	3	4	5	n/a
10. The court's hours of operation made it easy for me to do my business.	1	2	3	4	5	n/a

If you are a party to a legal matter and appeared before a Juvenile Court Officer today, please complete questions 11-16:

Section II: Fairness/Understanding

11. The way my case was handled was fair.	1	2	3	4	5	n/a
12. The Juvenile Court Officer listened to my side of the story.	1	2	3	4	5	n/a
13. The Juvenile Court Officer had the information necessary to make good decisions about my case.	1	2	3	4	5	n/a
14. I was treated the same as everyone else.	1	2	3	4	5	n/a
15. As I leave the court, I know what to do next about my case.	1	2	3	4	5	n/a
16. The Juvenile Court Officer communicated clearly so that I could understand.	1	2	3	4	5	n/a

Section III: Background Information

What did you do at the court/clerk's office today ?

(Check all that apply)

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter
- Meet with Juvenile Court Staff

What type of case brought you to the courthouse today?

- Traffic
- Criminal
- Civil Matter
- Divorce, child custody or support
- Juvenile Matter
- Probate
- Small Claims
- Other: _____

How do you identify yourself?

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or other Pacific
- White
- Mixed Race
- Other: _____

How often are you typically conducting court business in this courthouse?

(Choose the closest estimate)

- First time in this courthouse
- Once a year or less
- Several times a year
- Regularly

What is your gender?

- Male
- Female

What is your age?

- Under 18
- 18 or over

I have an attorney representing me.

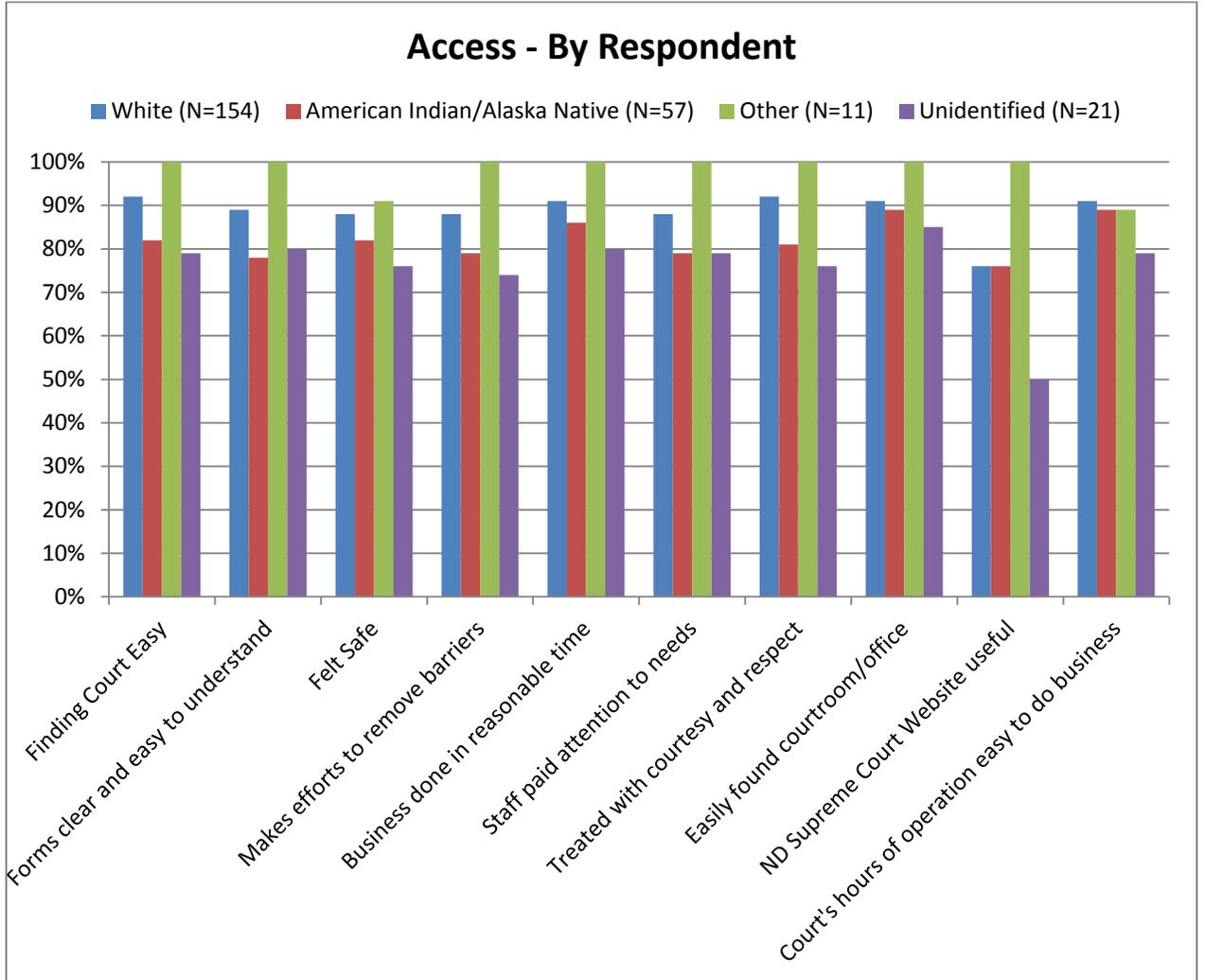
- Yes
- No

Thank you for taking the time to complete this survey. Your assistance and feedback is greatly appreciated.

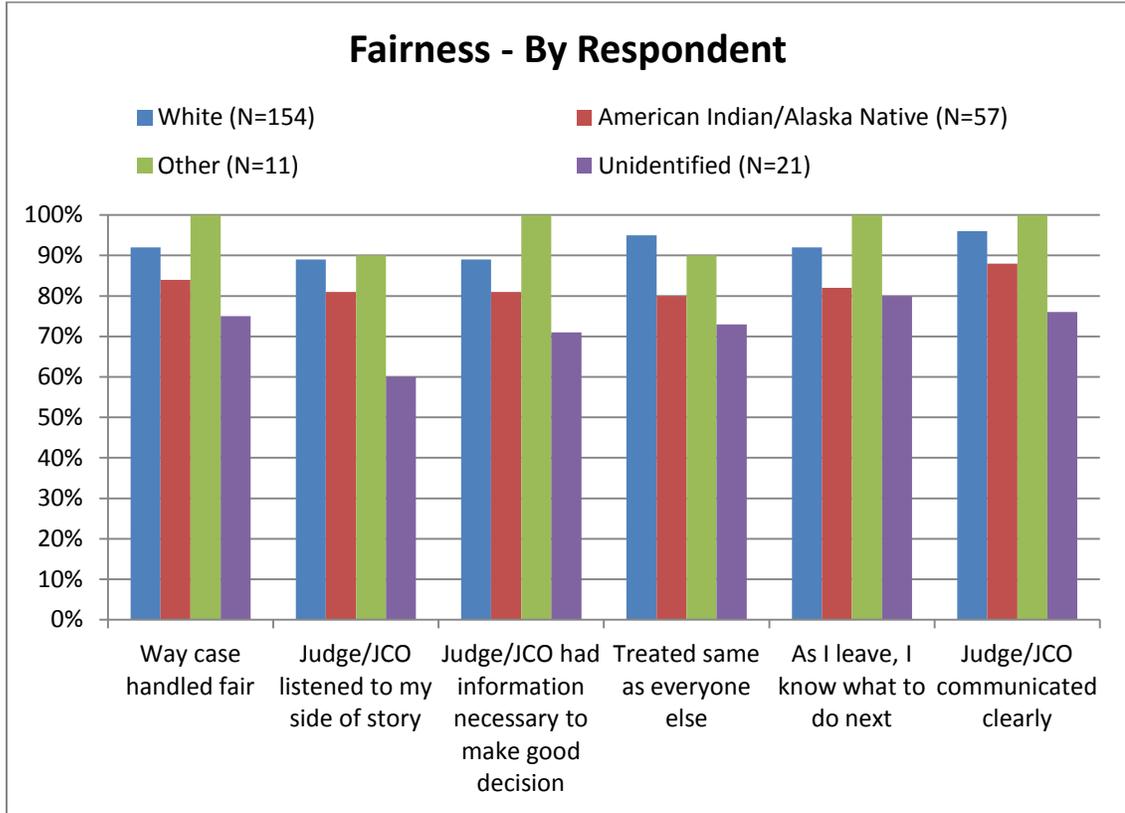
Appendix E: Survey Timeline

- Tuesday, September 27 - Friday, September 30 (Judge A - Master Calendar Judge)
- Monday, October 3 – Friday, October 7 (Judge B - Master Calendar Judge)
- Monday, October 10 – Friday, October 14 (Judge B - Master Calendar Judge)
- Monday, October 17 (Referee – Child Support hearings)
- Tuesday, November 1 – Friday, November 4 (Judge A - Master Calendar Judge)
- Monday, November 7 (Judge A - Master Calendar Judge)
- Monday, November 14 (Judge A - Master Calendar Judge)

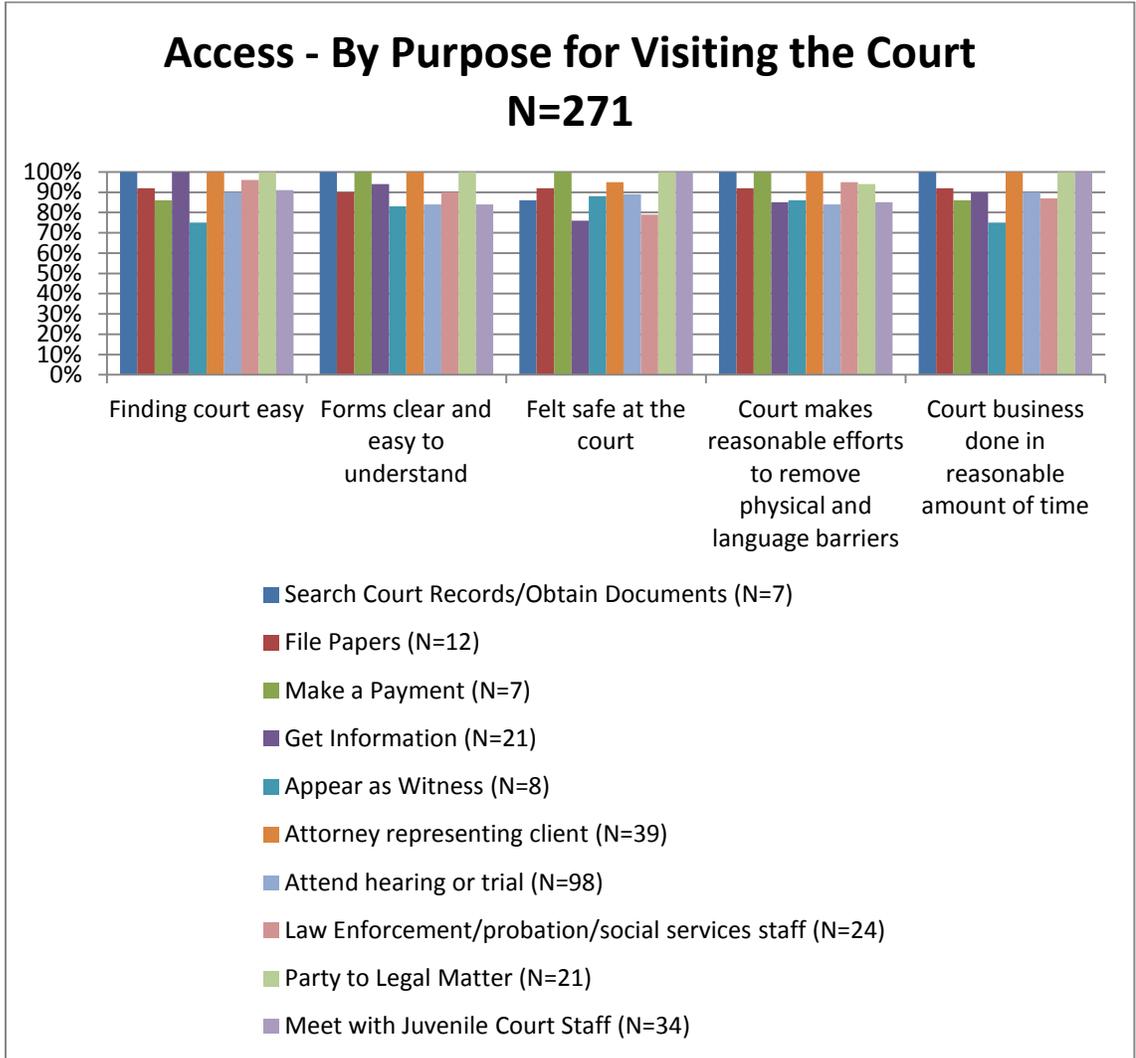
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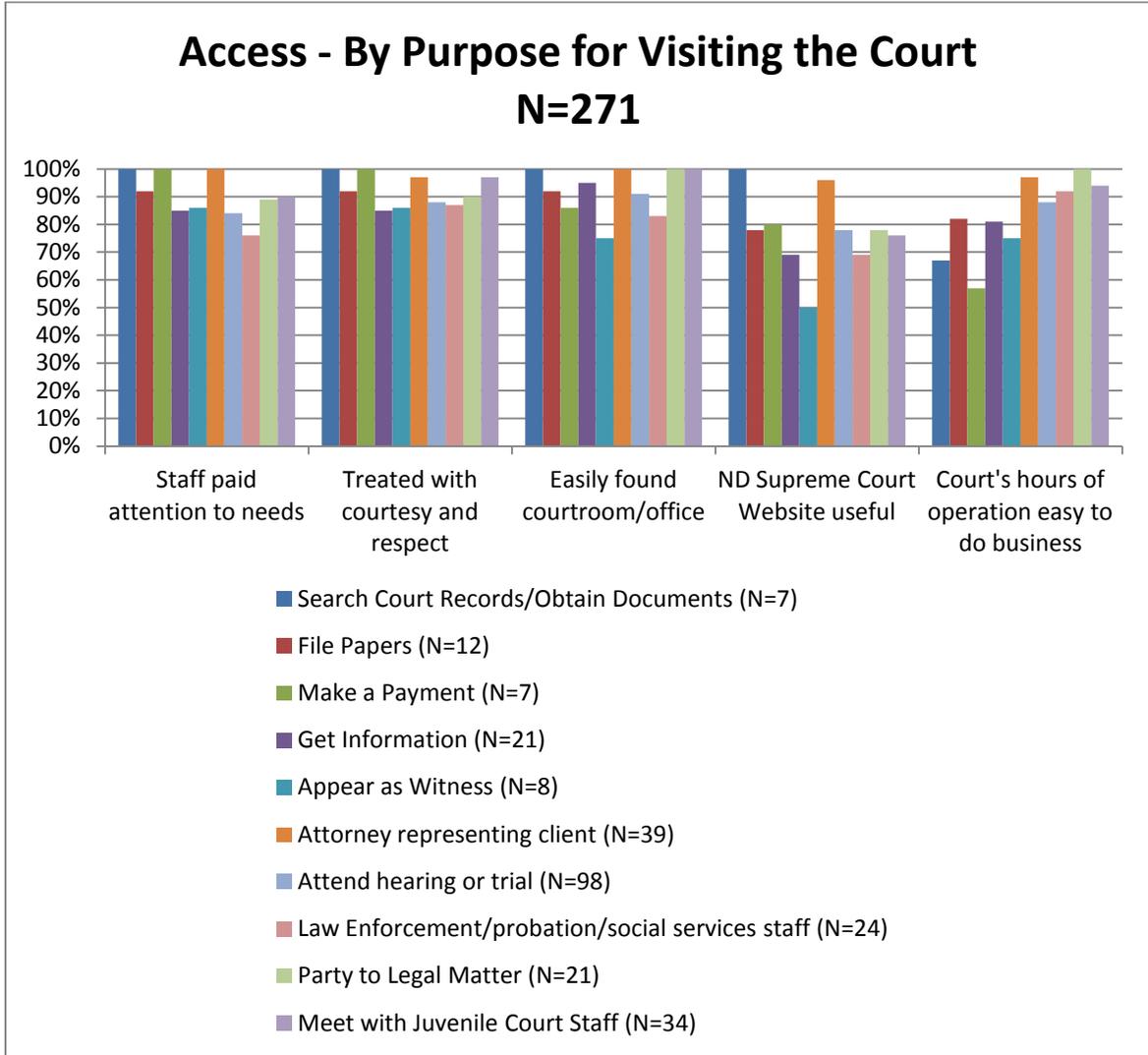
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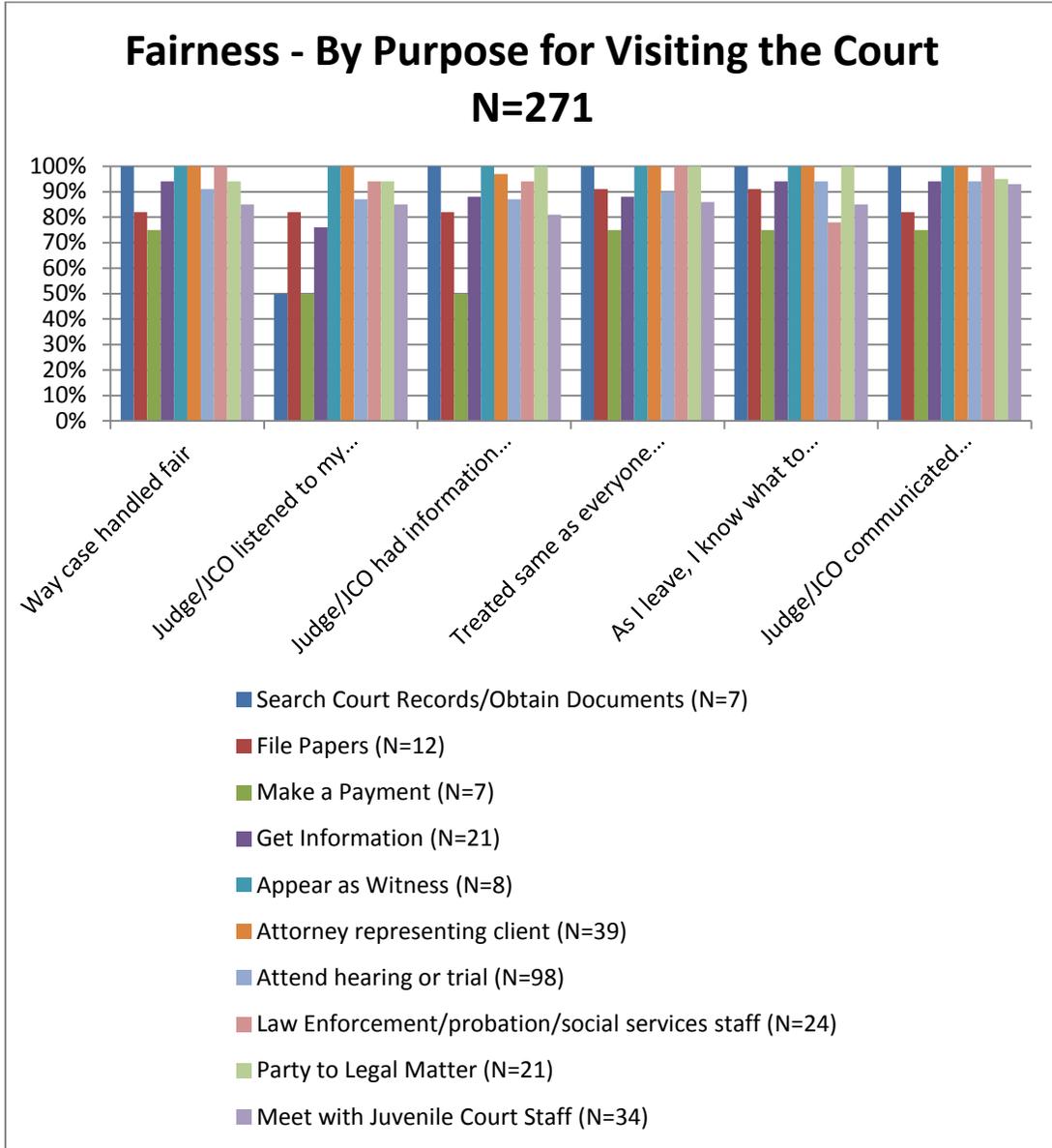
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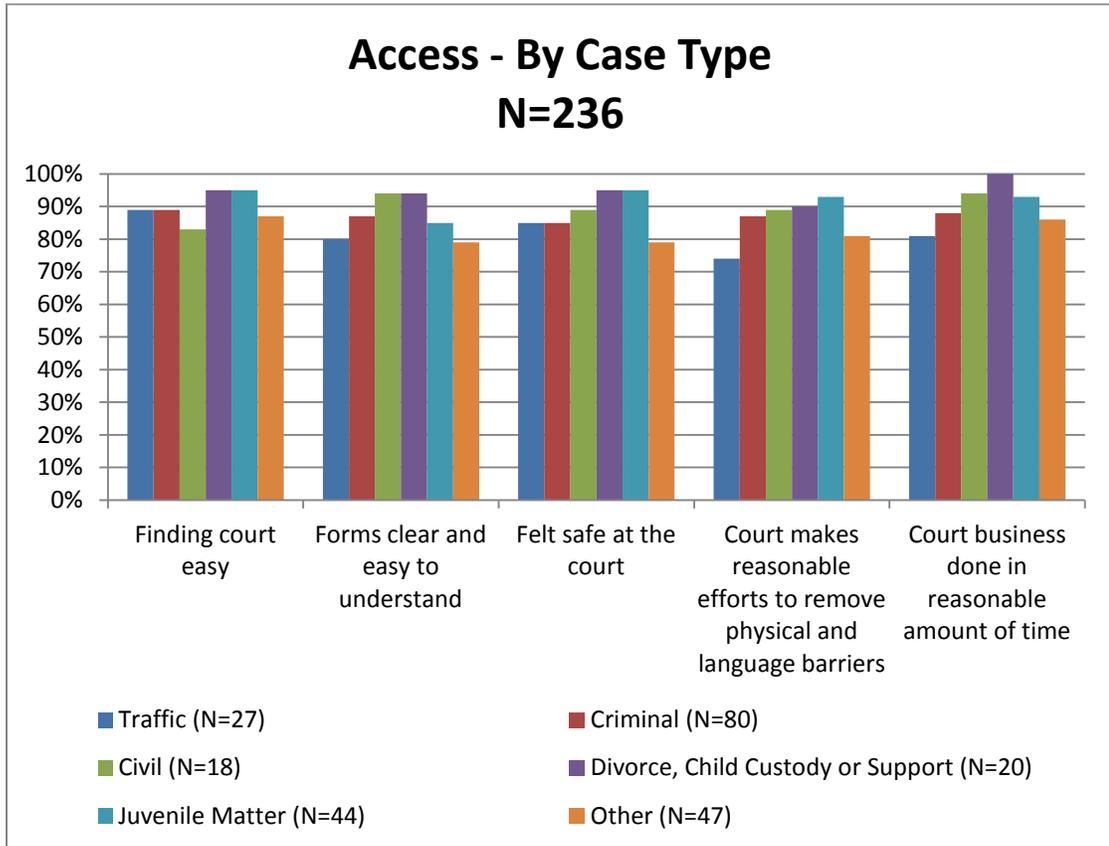
Appendix I



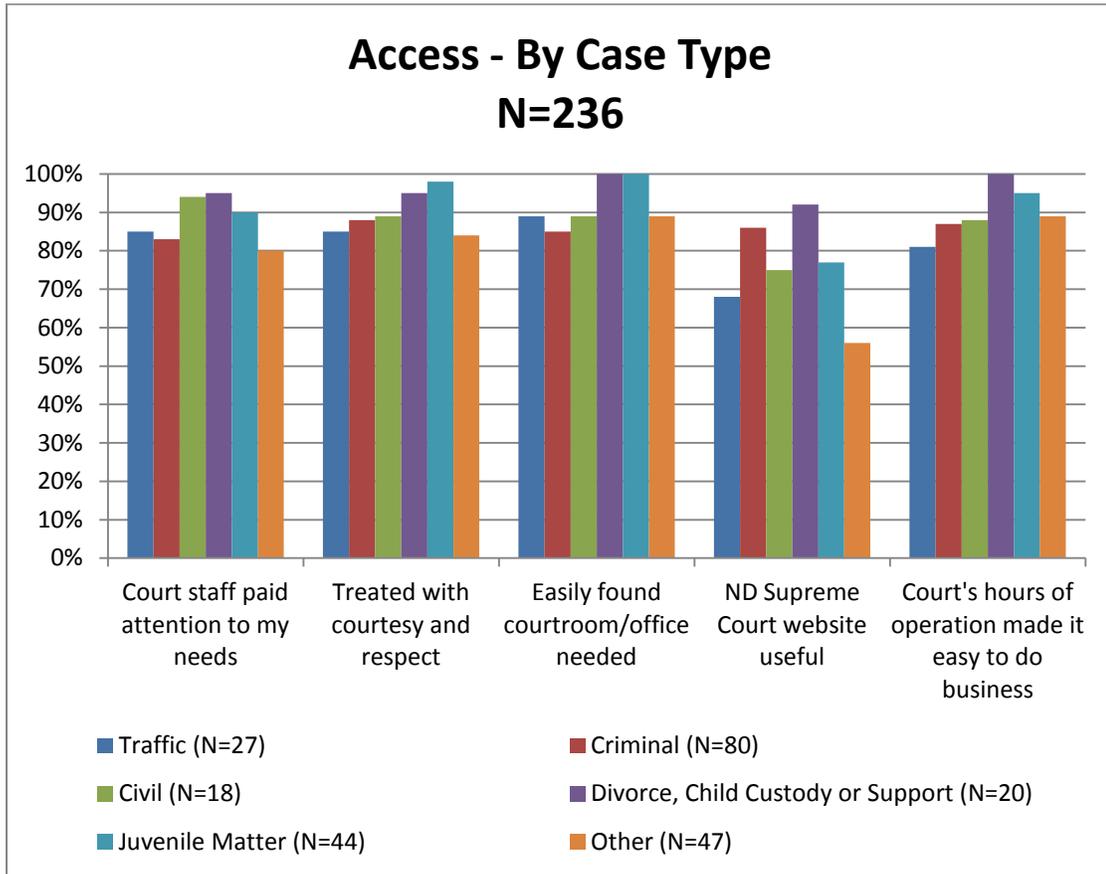
Appendix J



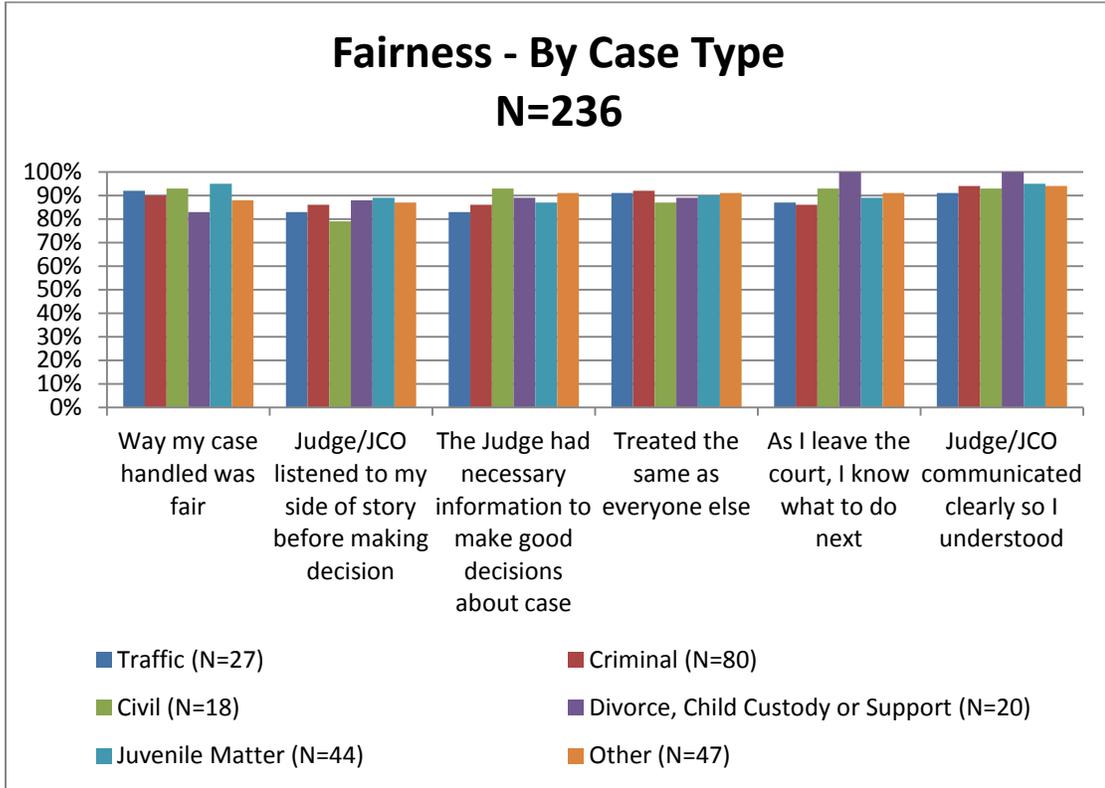
Appendix K



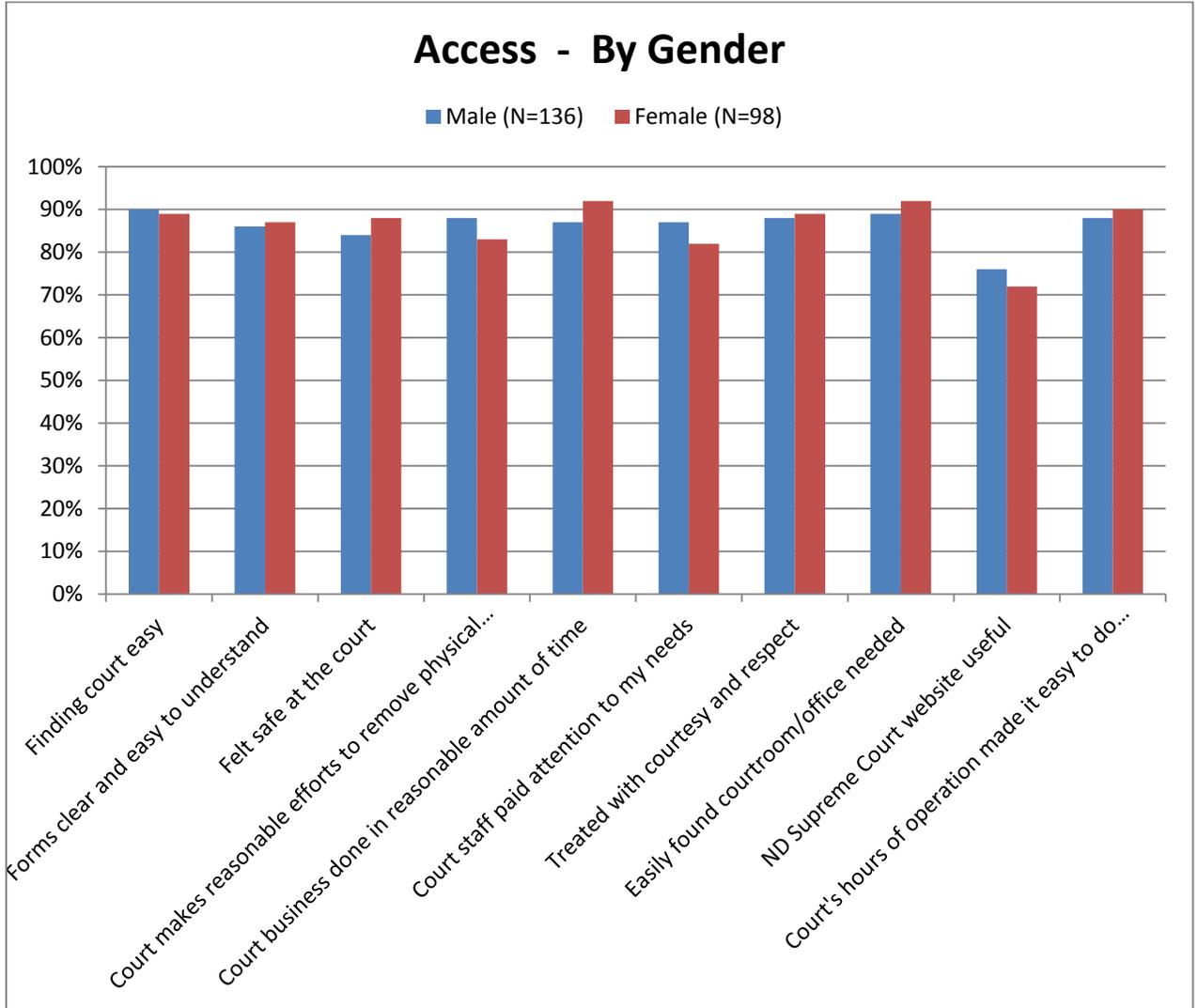
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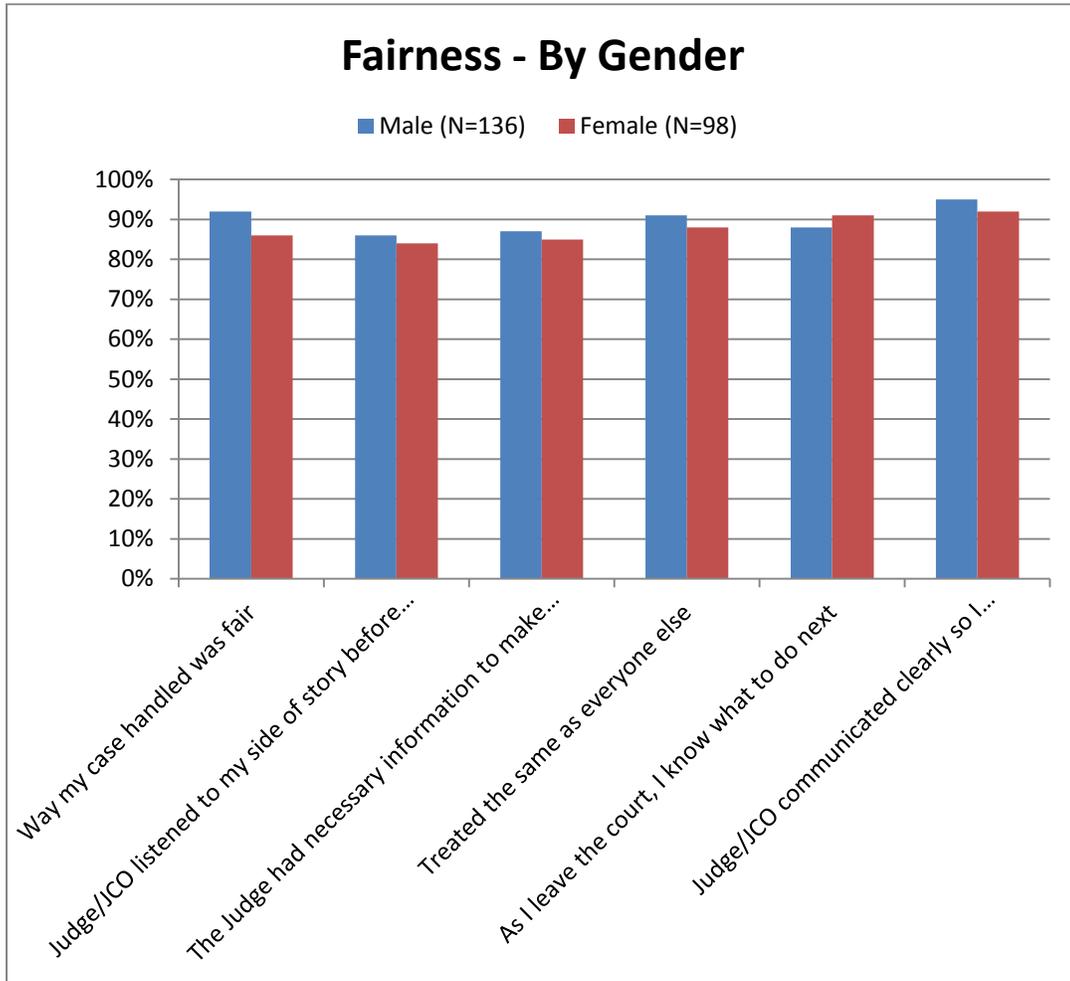
Appendix M



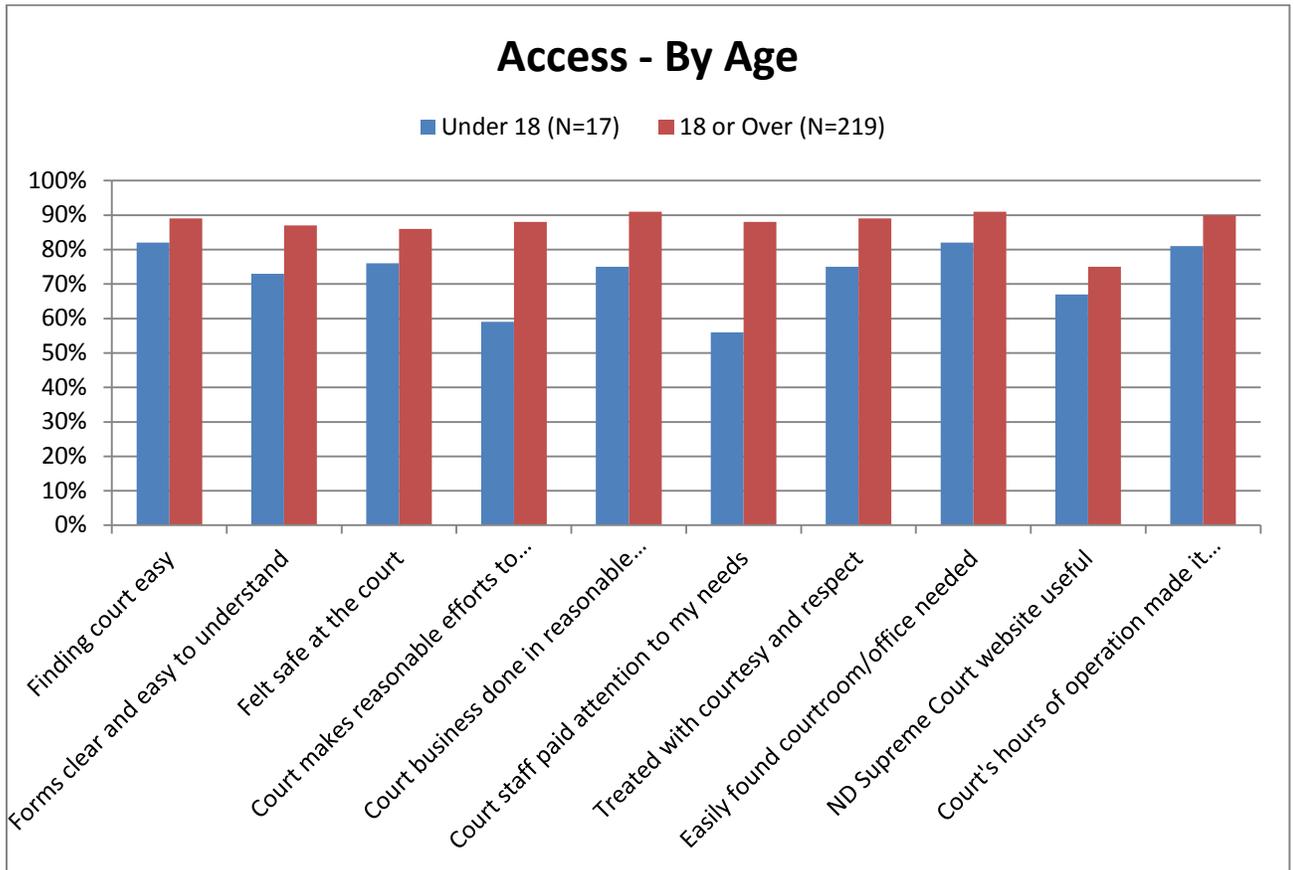
Appendix N



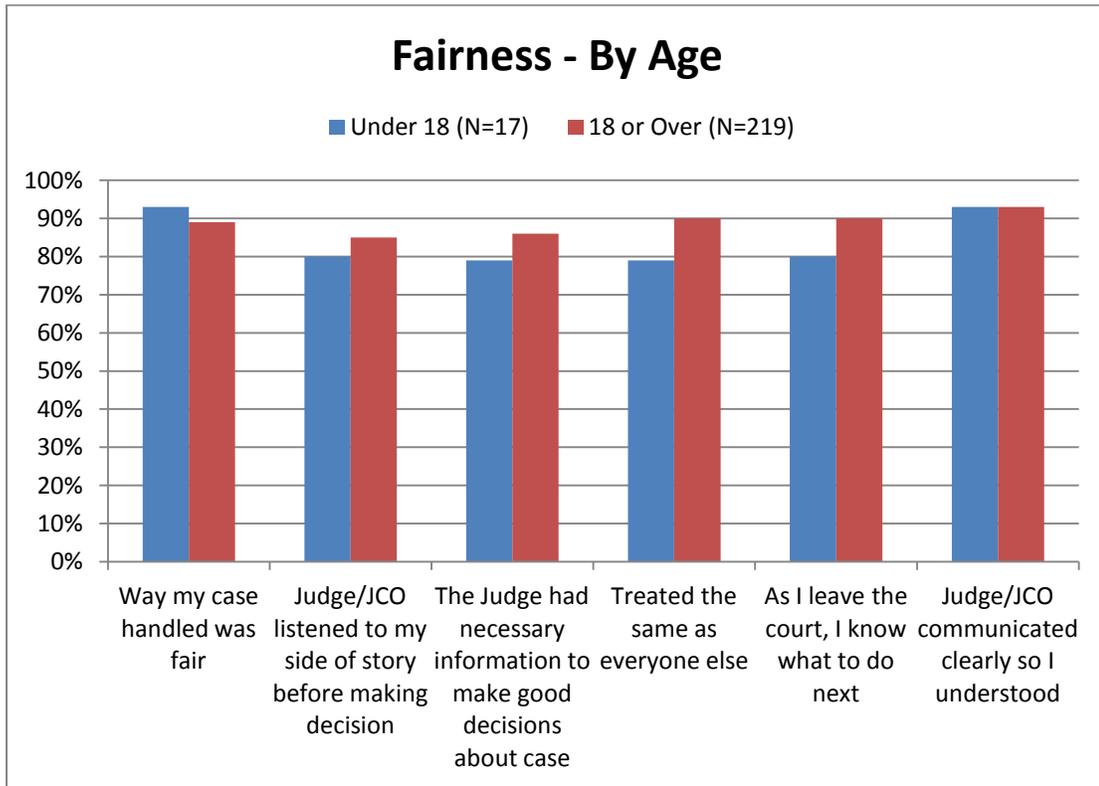
Appendix O



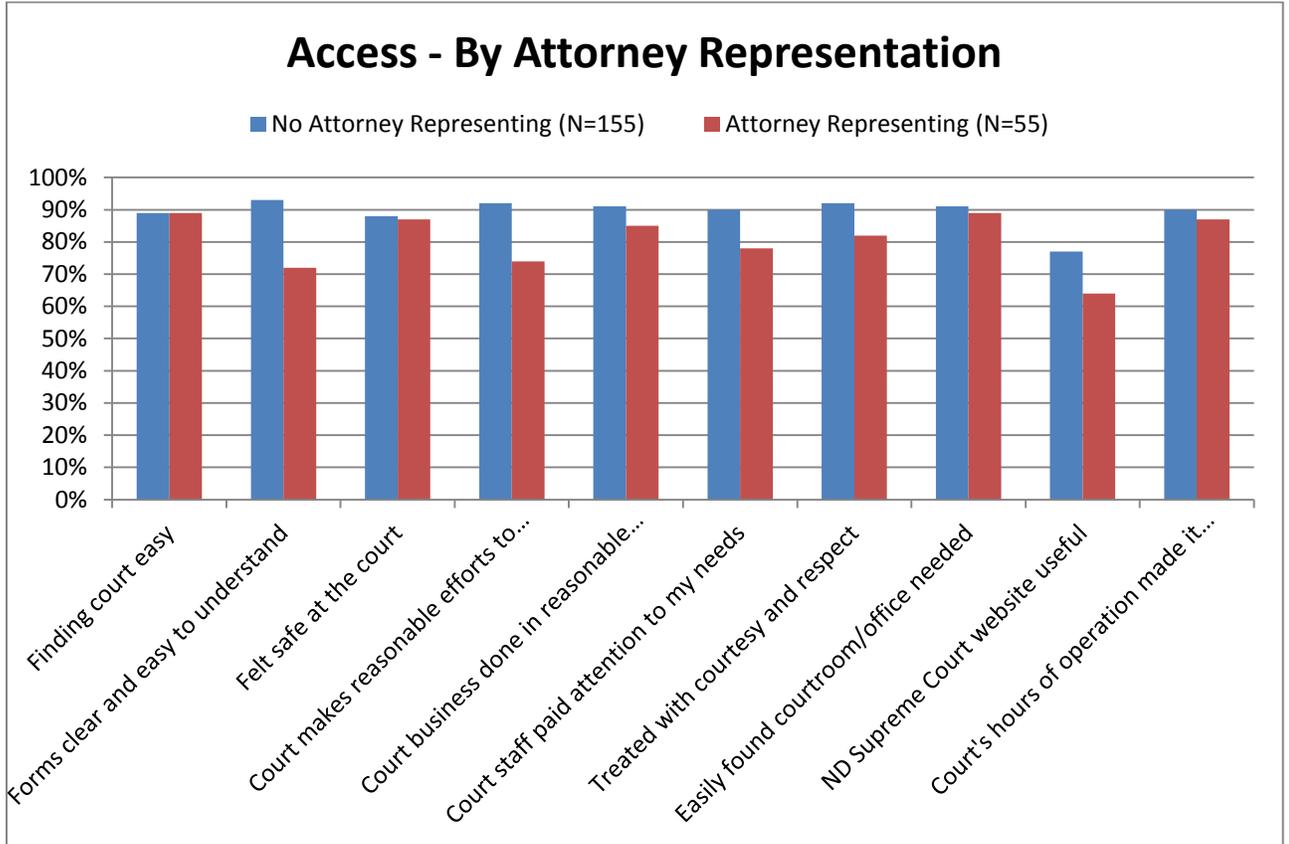
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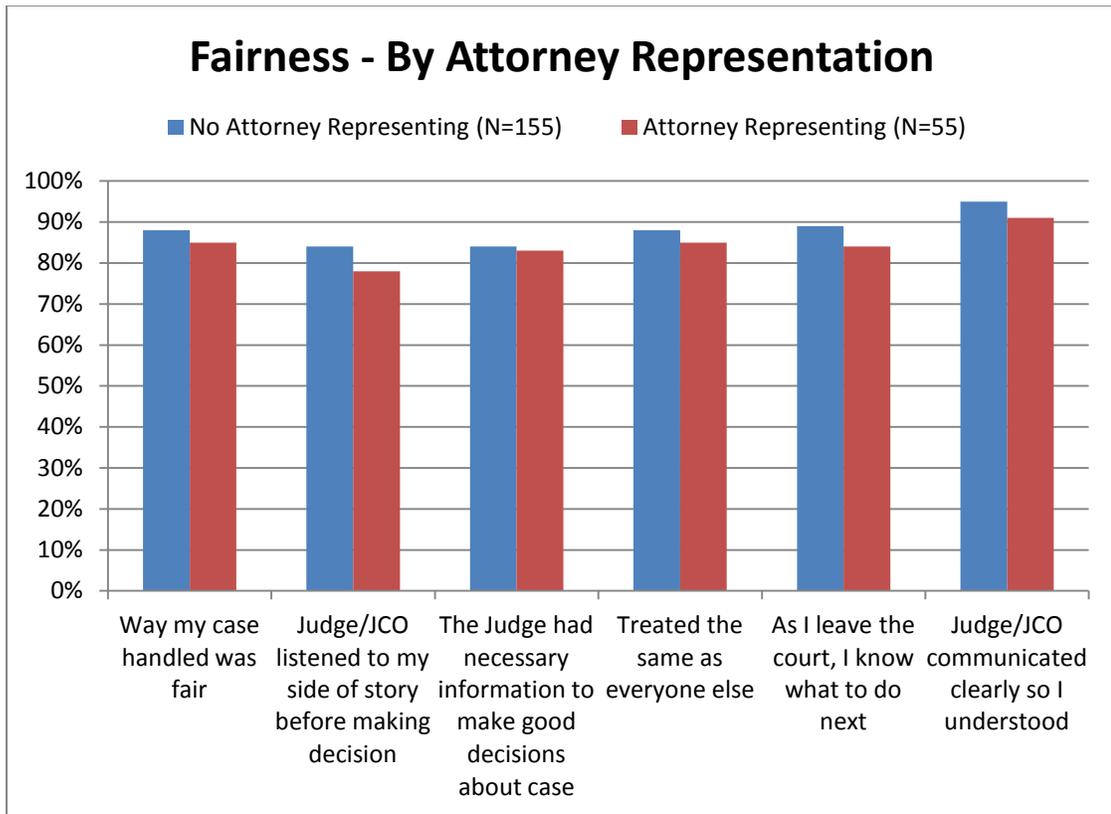
Appendix Q



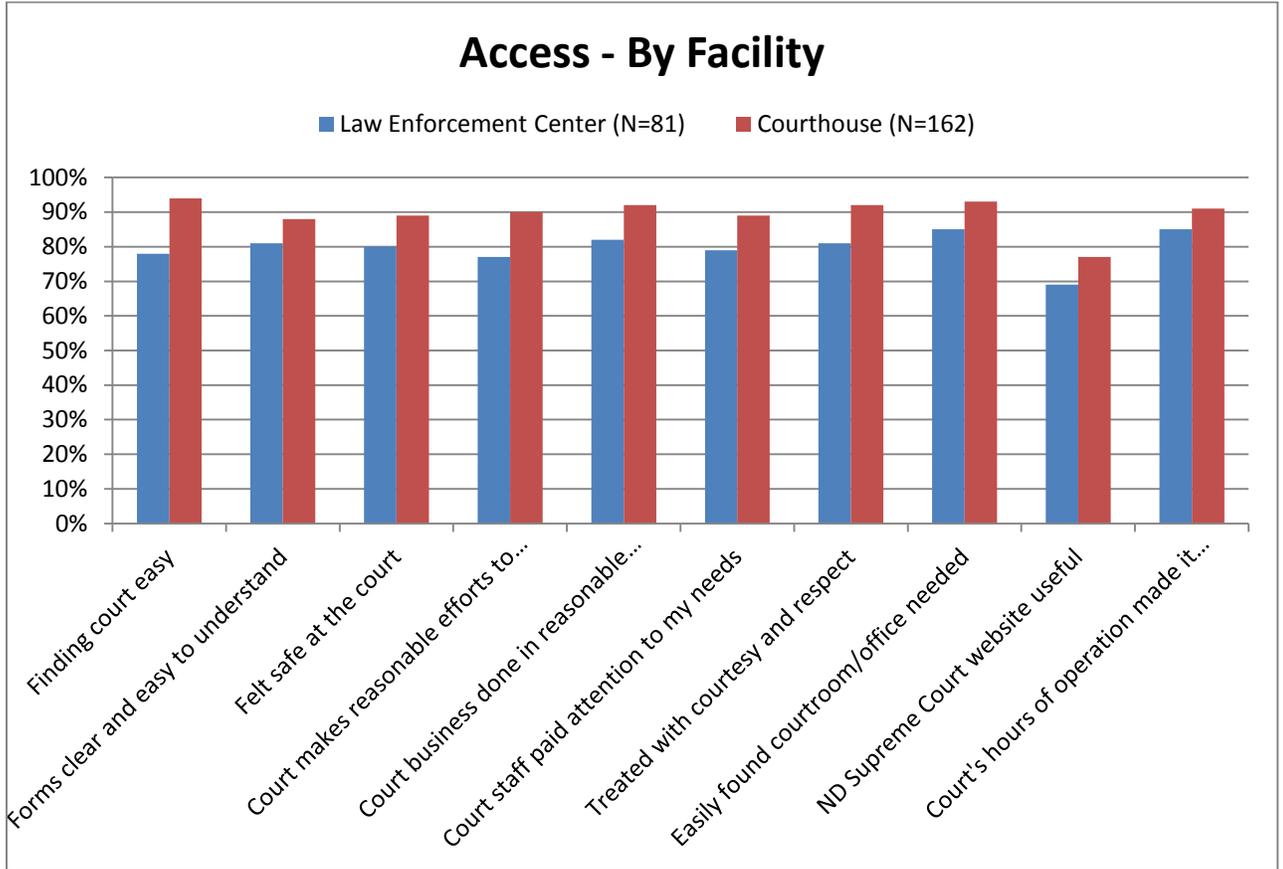
Appendix R



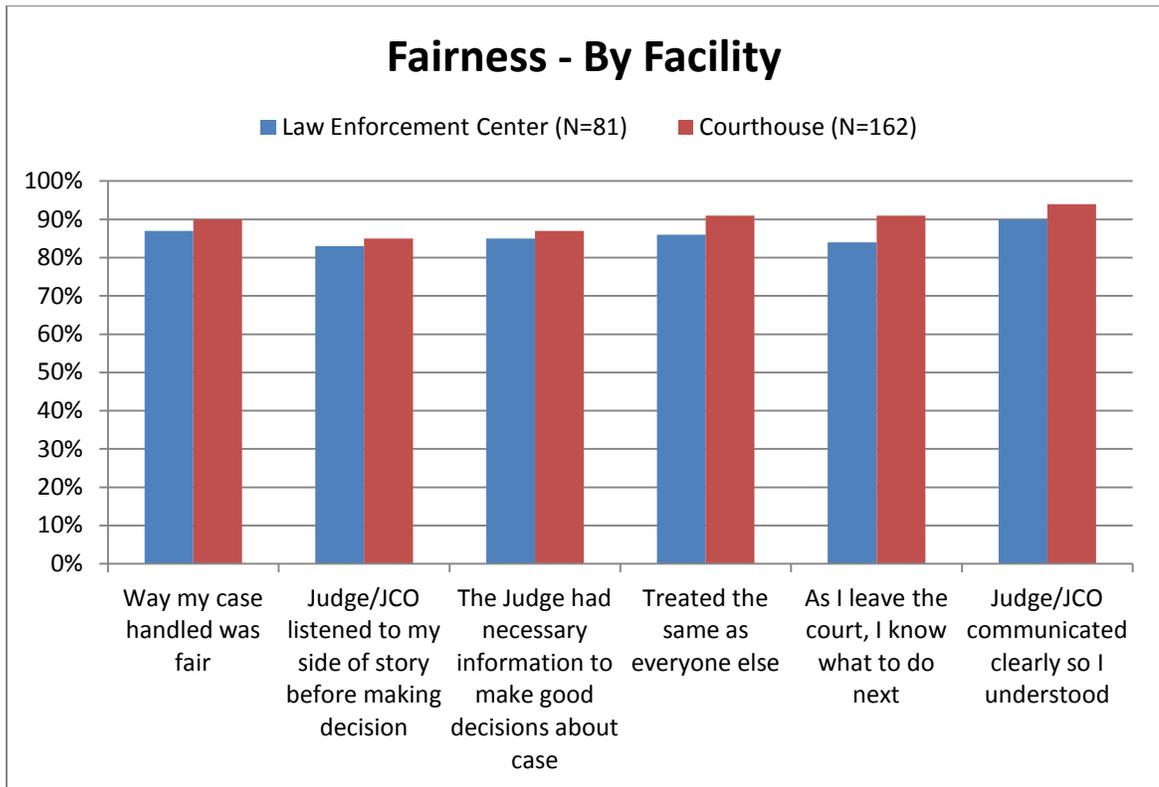
Appendix S



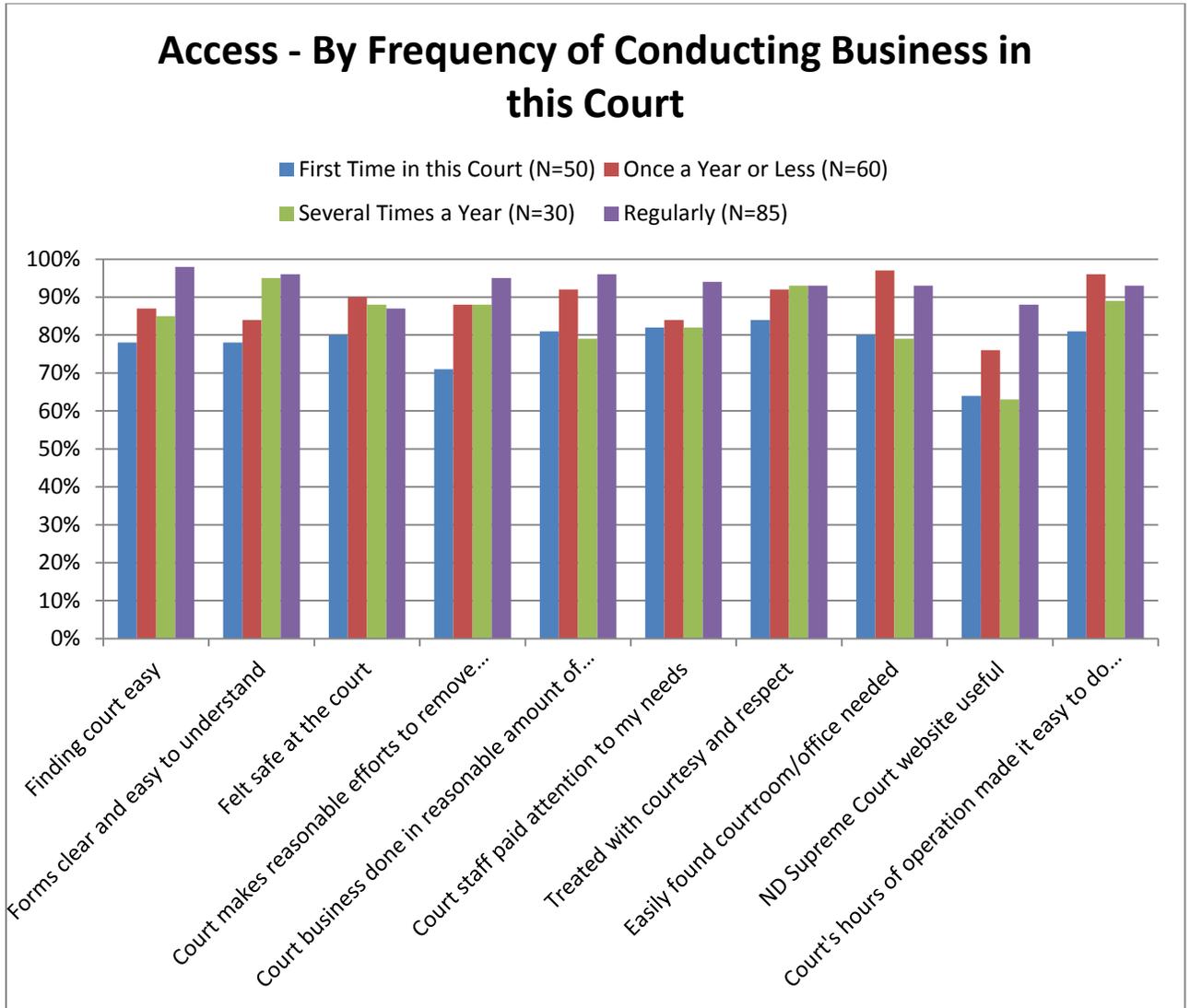
Appendix T



Appendix U



Appendix V



Appendix W

