

CourTools



Trial Court Performance Measures

TM1

Access and Fairness

Copyright © 2022
National Center for State Courts

National Center for State Courts

courttools.org

Measure 1

Access and Fairness

Definition

Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

Purpose

Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive court experiences are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure has been revised to provide a tool for surveying court users about their court experiences in both in-person and remote proceedings. Comparison of results by court location and venue, type of customer, and type of case can inform and improve court management practices.

Method

People who access the court during a "typical" time frame are asked to fill out a brief online survey. Remote participants are reached via email or other electronic means. In-person participants are offered the opportunity to participate on a device as they leave the courthouse or are contacted later electronically. The survey is conducted on a periodic basis (e.g., annually). The people surveyed include litigants and their families and friends, victims and witnesses, and public observers. Because the survey is designed to assess the views of the court's customers, those who work in and for the courts (such as judges, staff, attorneys, social service providers, law enforcement) are not included.



Step 1: Prepare Survey



Step 2: Choose a “Typical” Time Frame



Step 3: Prepare to Administer the Survey



Step 4: Train Staff



Step 5: Administer Survey

Step 1: Prepare Survey

The survey items in this revised Measure 1 have been tested and evaluated for their brevity, clarity, and value in aiding court decision-making to improve fairness and access for litigants and members of the public. The demographic items in the survey have also been tested and narrowed down to the essential items that courts can use to take action.

Use this standardized set of questions to compare findings across courts or monitor changes and improvements over time. Choose an online survey platform, such as Qualtrics or SurveyMonkey, to create the survey or import the Qualtrics template from the [CourTools website](#). It is recommended that courts use the questions as worded in this survey, making the minor customizations listed below.

Recommended Survey Customizations

- **Look and feel:** add the court’s logo to the survey design.
- **Introductory text:** replace “your local court” with the name of the court. A drop-down selection for the counties in a jurisdiction can also be added.
- **Case type:** edit response options to reflect the types of cases heard in the court.
- **Representation status:** replace “Allied Legal Professional” with the relevant terminology for paraprofessionals in the jurisdiction, if any.
- **End of survey action:** redirect court users to the court’s website.

Step 2: Choose a “Typical” Time Frame

The questionnaire is given to people who use the court during a typical time frame. Depending on the volume of cases in a particular court and time of the year, the time needed to achieve a sufficient sample size may vary from one week to a few months. If the court repeats the survey process at regular intervals, such as annually, a comparable time frame should be used each time, such as the same month each year.

Step 3: Prepare to Administer the Survey

Effective strategies to administer the survey will vary from court to court and depend on the types of cases heard, the characteristics of the people involved in a case, and the venues for court proceedings. Consider ways to administer the survey to the public rather than those who work in and for the courts (e.g., attorneys).

Example Recruitment Methods:

In-Person Participants:

- Signs on the walls in public areas of the courthouse (e.g., lobbies, courtroom doors, entrance to the clerk’s office, elevators, stairwells) with a QR code that links to the online survey
- Cards or handouts with a QR code that links to the online survey
- Tables at courthouse exits staffed with survey team members and tablets

Remote Participants:

- Links to the survey in the remote hearing platform when court users exit

Any Court Participant:

- Links to the online survey in email notices or text messages to court users after event date
- Banner advertisements or pop-up windows on the court website

The survey should be administered to maximize participation of people who come to court during the survey period. Factors that may inhibit response rates include fears about anonymity and confidentiality, apathy, and skepticism that the court will follow through on improvements. Appropriate survey messaging and recruitment procedures help increase participation. The survey may also be set up to prevent multiple responses from the same person, such as by distributing the survey by email.

Step 4: Train Staff

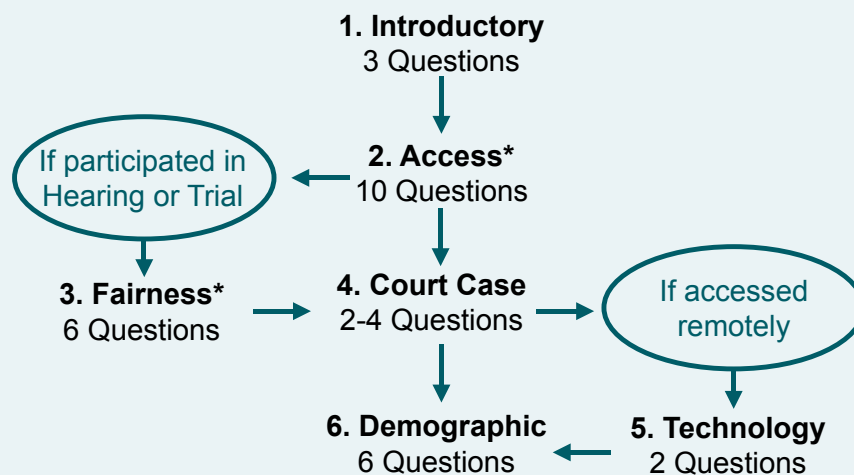
Survey participation is enhanced when judges and court staff personally encourage court users to participate. Judges, bailiffs, or clerks can encourage litigants in remote hearings to complete the survey as they exit remote hearing platforms. Staff members helping court users in help centers or stationed at courthouse exits can also encourage participation. Providing specific language about the purpose of the survey to all staff can help ensure that they communicate a uniform message about it to court users and reach the target audience (i.e., those who use the court but do not work there).

Step 5: Administer Survey

The survey is administered online to provide an equivalent survey experience for both in-person and remote court users. Online data collection also makes it easier to provide participants with multiple language options and eliminates the need for staff to spend time entering data. Survey platforms also allow for real-time survey monitoring and quick analysis. The online survey can be downloaded from the [CourTools website](#) and imported into the court's survey platform. All display logic, language translations, and instructions are embedded in these files.

An outline of the survey flow and number of questions in each section is presented below. All survey participants will receive the introductory questions, which will direct them to the in-person or remote participant version of the survey. Questions on access to the court, the court case, and demographic characteristics are presented to all participants. Questions related to fairness are only presented to those who participated in a hearing or trial. Technology questions are only presented to those who accessed the court remotely. The survey is between 21 and 31 questions long, depending on the participant's interaction with the court.

Survey Flow and Questions



**Some questions in these sections differ for in-person and remote survey versions*

Survey questions, or items, are designed to be comparable for both **in-person and remote participants**. The exact wording of each item differs only when necessary to reflect the differences between court venues; the survey items are illustrated below to show the differences in the items by court venue (in person or remote) in **bold blue font**:

Introductory Questions

1. Please select the category below that best describes you:

- Involved in a court case/legal matter as a party or criminal defendant
- Friend or family member of someone who's involved in a court case
- Victim or witness in a court case
- Member of the public, including court livestream viewer

2. How did you access court services on your most recent visit?

- Face-to-face at the courthouse
- Remotely (videoconference, phone, internet, or court kiosk)

3. What business did you need to get done on your most recent visit to the court?

- Participate in a hearing or trial
- Observe or view a hearing or trial
- Attend a probation visit or class
- Search court records
- File papers or forms
- Make a payment
- Get legal information
- Other

Access Questions

Rate on a scale from 1 (Strongly Disagree) to 5 (Strongly Agree)*

1. **Finding the courthouse / Joining the proceeding** was easy
2. **I easily found the courtroom or office I needed / I was able to focus on the proceeding without distraction**
3. The forms I needed were clear and easy to understand
4. I felt safe **in the courthouse / participating in the remote hearing or court activity**
5. I was able to get my court business done without **physical / technology**, communication, or language barriers
6. I was able to get my court business done in a reasonable amount of time
7. Court staff paid adequate attention to my needs
8. I was treated with respect
9. The court's website was useful
10. The court's hours of operation made it easy for me to do my business

Fairness Questions

[For those who selected “Participate in a hearing or trial”]

Rate on a scale from 1 (Strongly Disagree) to 5 (Strongly Agree)*

1. The way my case was handled was fair
2. I had a chance to tell my side of the story before my case was decided
3. I was treated the same as everyone else
4. I could follow what was happening in the proceeding
5. I was comfortable enough to say what I really thought about things
6. As I leave **the court / the remote hearing**, I know what to do next about my case

Case Questions

1. How could you have been better served on your most recent court visit?

2. What type of case were you meeting about on your most recent visit?

— [List of case types relevant to the specific court]

[For those who selected “Participate in a hearing or trial”]

3. Did you have a choice as to whether your hearing took place remotely or in person?

- Yes: it was my choice whether we had a remote hearing or an in-person hearing
- No: I did not have a choice

[For those who selected “Involved in a court case/legal matter as a party”]

4. Did you have a lawyer/attorney helping you with your court business? Please select the option that best describes your situation on this most recent visit:

- I have a lawyer/attorney representing me throughout my case
- I had a lawyer/attorney helping me on this visit, but they’re not representing me throughout the whole case
- I have another representative helping me with my case (for example, an Allied Legal Professional or guardian ad litem)
- I do not have a lawyer/attorney or any other representative

Technology Questions

1. What type of device did you use to access the hearing or trial?

- Desktop computer
- Laptop computer
- Tablet
- Smartphone
- Cell phone that isn't a smartphone
- Landline phone
- Other

2. Where did you participate in the remote hearing from?

- My home or home office
- A friend's or family member's home
- At work or during my break at work
- My attorney's/lawyer's office
- A court kiosk, self-help center, or other court facility
- Another public location (e.g., parking lot, library, public hotspot, coffee shop, park)
- Travelling (for example, an airplane, hotel room)
- Jail, prison, or detention facility
- Other

Demographic Questions

1. What is your age?

- 18-19 years
- 20-29 years
- 30-39 years
- 40-49 years
- 50-59 years
- 60-69 years
- 70-79 years
- 80+ years

2. How do you identify your race? (Check all that apply)

- American Indian or Alaska Native
- Asian or Asian American
- Black or African American
- Latino/Latina/Latinx/Latine or Hispanic
- Middle Eastern or North African
- Native Hawaiian or other Pacific Islander
- White
- I prefer to self-describe

Demographic Questions *(continued)*

3. How do you identify your gender?

- Man or Male
 - Woman or Female
 - Non-binary or Genderqueer
 - I prefer to self-describe
-

4. What is your highest level of education?

- Less than a high school diploma
 - High school diploma or GED
 - Some college, but no college degree
 - Associate's degree
 - Bachelor's degree
 - Graduate degree
-

5. Did you request any disability accommodations on this visit?

- Yes
 - No, but that would have helped me
 - No, I didn't need any accommodations
-

6. Did you request any language translation services on this visit?

- Yes
- No, but that would have helped me
- No, I didn't need any accommodations

Analysis and Interpretation

Courts can analyze their survey data directly in the survey platform or download their data for analysis in a separate software package. A benefit of using an online survey platform, in contrast with a paper-and-pencil survey, is that courts can quickly and easily analyze the data and produce tables and graphics.

Results can be examined for each item separately (see example below) and as overall measures of access and fairness. They can also be broken down by different groups (e.g., in-person and remote participants, demographic groups, court locations). Lastly, they can be compared over time to measure progress and areas for improvement.

Example of Item-Level Results

Percent of remote participants reporting they strongly agree/agree with the Access questions

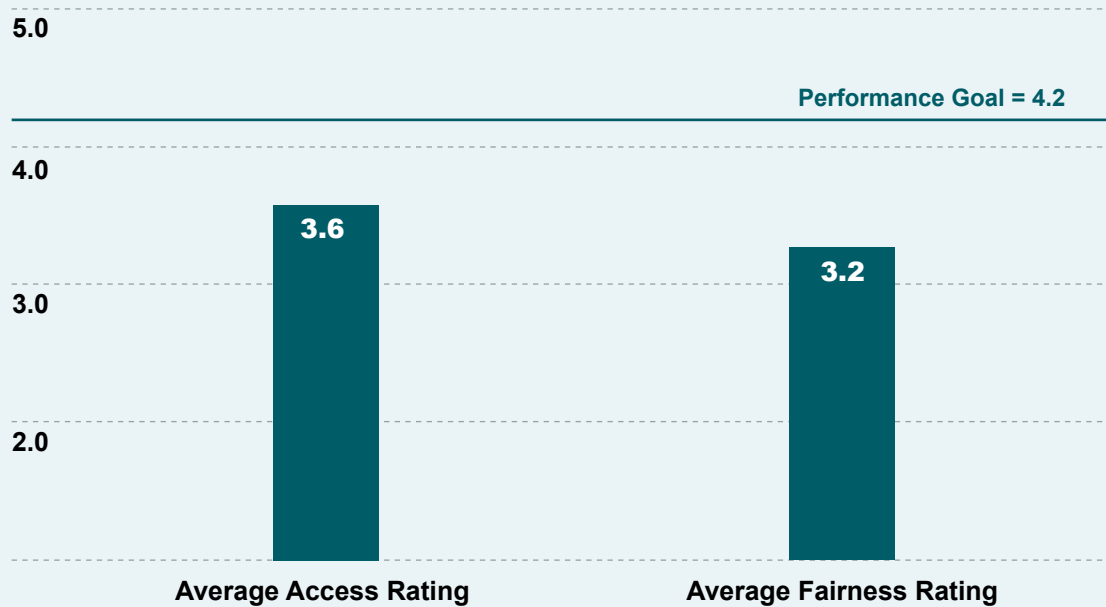


The following are some of the core questions and examples for courts to consider in their analysis:

How accessible and fair is the court perceived to be?

Calculate the average access score and the average fairness score for each participant. Calculate the average access and fairness scores for the sample. Compare the average scores to the court's performance goal.

Ratings Compared to Performance Goal



Have accessibility and fairness improved over time?

Compare the average access and fairness scores to those from previous surveys.

How do perceptions of access and fairness compare between in-person and remote proceedings?

Calculate the average access and fairness scores separately for the in-person sample and the remote sample. Compare the scores across these two sub-samples.

Access Ratings by Venue



Does the ability to choose between in-person and remote proceedings affect perceptions of accessibility and fairness?

Calculate the average access and fairness scores separately for those who chose their venue and those who did not. Compare the scores across these two sub-samples.

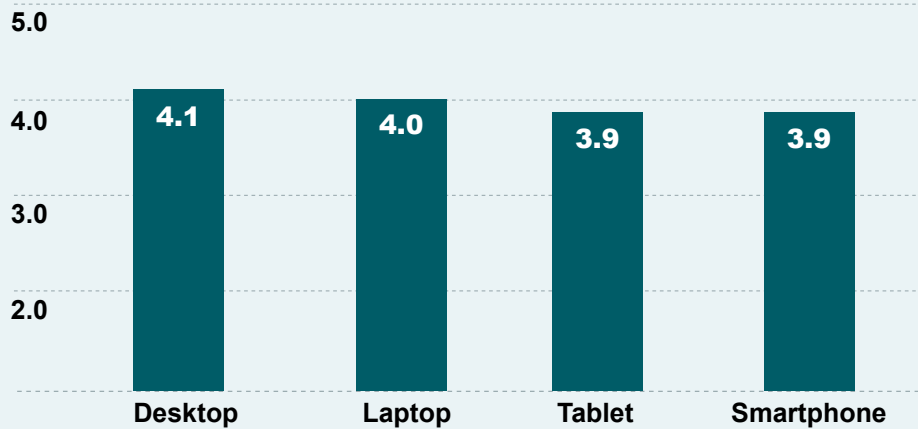
How do perceptions of access and fairness compare for litigants who are represented by attorneys and self-represented litigants?

Calculate the average access and fairness scores separately for each representation status type. Compare the scores across these sub-samples.

Is the courts' remote hearing platform more accessible on certain devices?

Calculate the average access score separately for each device type. Compare the scores across these sub-samples.

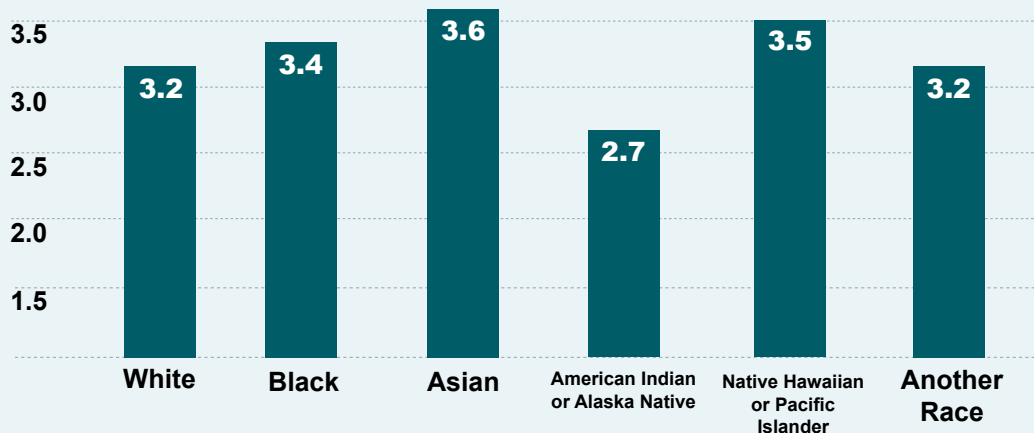
Access Ratings by Device (remote users)



Do perceptions of fairness vary by court users' demographics?

Calculate the average access and fairness scores separately for each demographic group. Compare the scores across sub-samples within each demographic category.

Fairness Ratings by Race





courtools.org