

Perceptions, People, Policy and Practice

Judicial District Executive Seminar

September, 2007

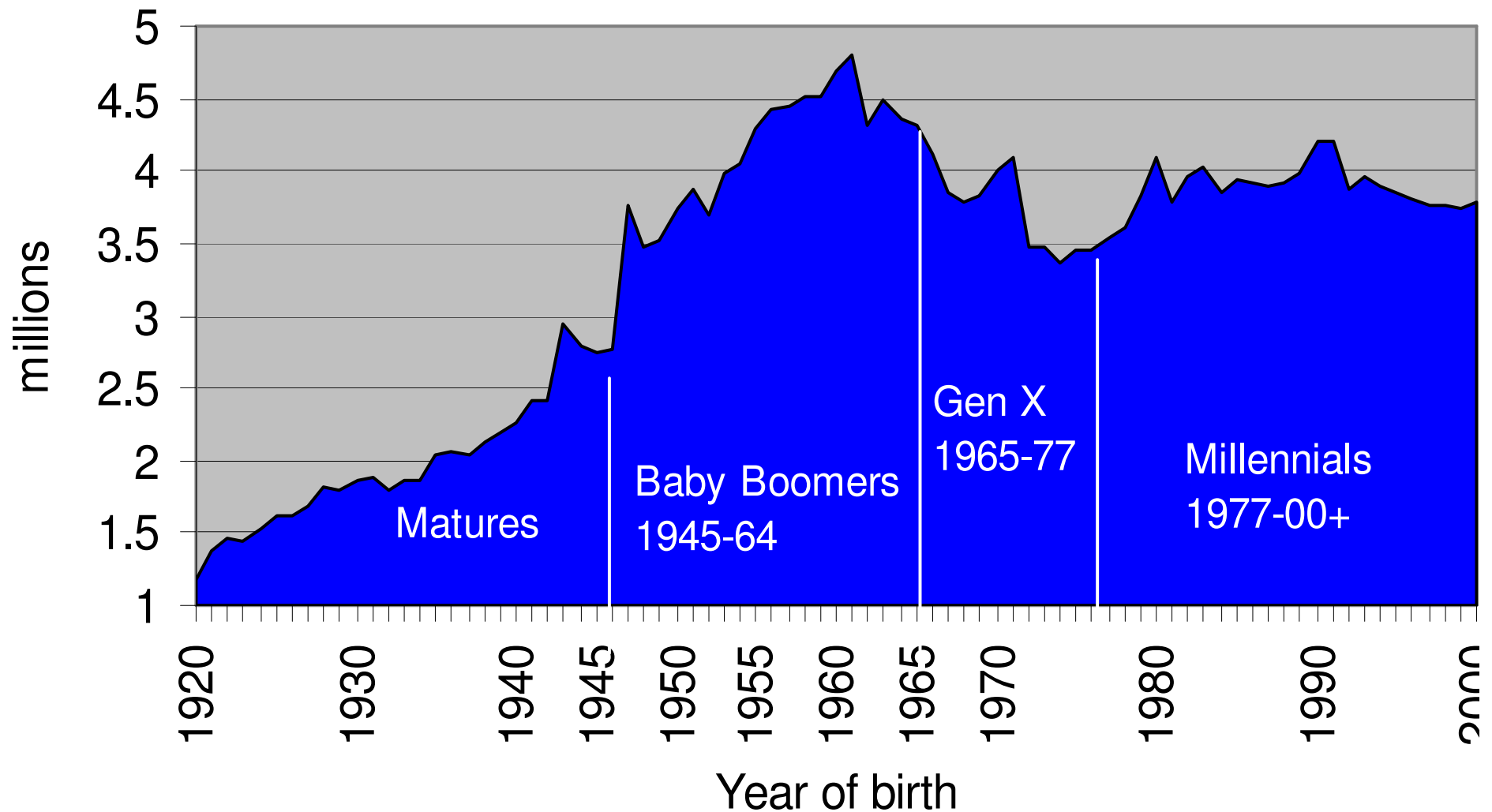
James Drennan

From A Retiring Court Official

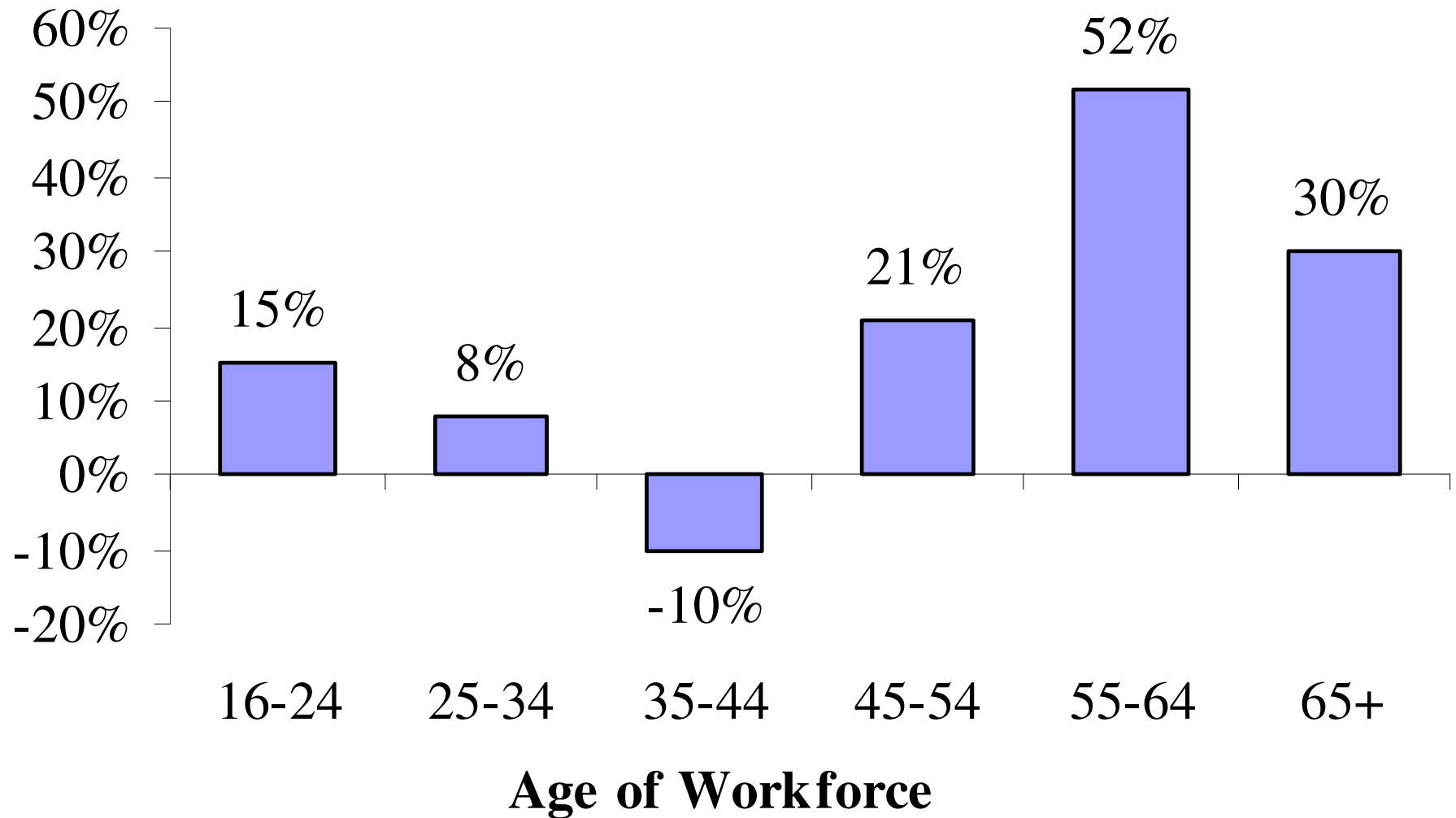
This is a tough job. It never stops at the office door.

Everywhere I go, the job follows. I realize that I have spoiled people by bending the rules to help them. I am a Judge on the front lines. This county is small and trying to keep my job by being reelected has always had to be in the back of my mind.

The US Population Today



Growth Rate in U.S. Workforce by Age 2000-2010



Absolute and Relative Change in the Gender/Age Composition of the North Carolina Population, 1990-2000

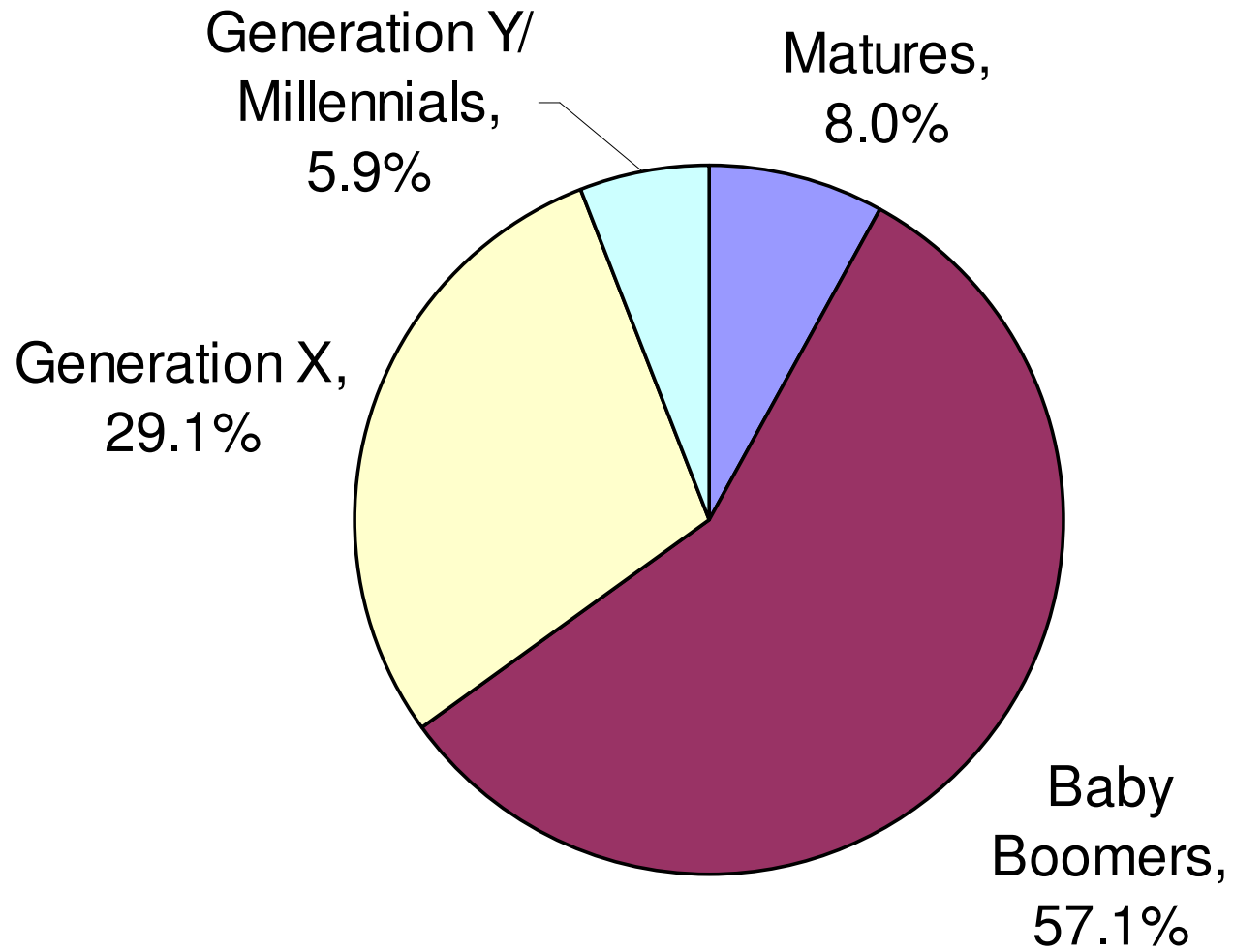
Gender/Age	2000 Population	Net Change 1990-2000	Percent Change 1990-2000
Total	8,049,313	1,420,676	21.4%
Male	3,942,695	728,405	22.6%
Female	4,106,618	692,271	20.3%
Age 18-34	2,020,236	95,308	4.9%
Age 35-54	2,372,270	665,954	39.0%
Age 55-64	723,712	136,809	23.3%
Age 65+	969,048	164,707	20.5%

Source: U.S. Bureau of Census (2000)

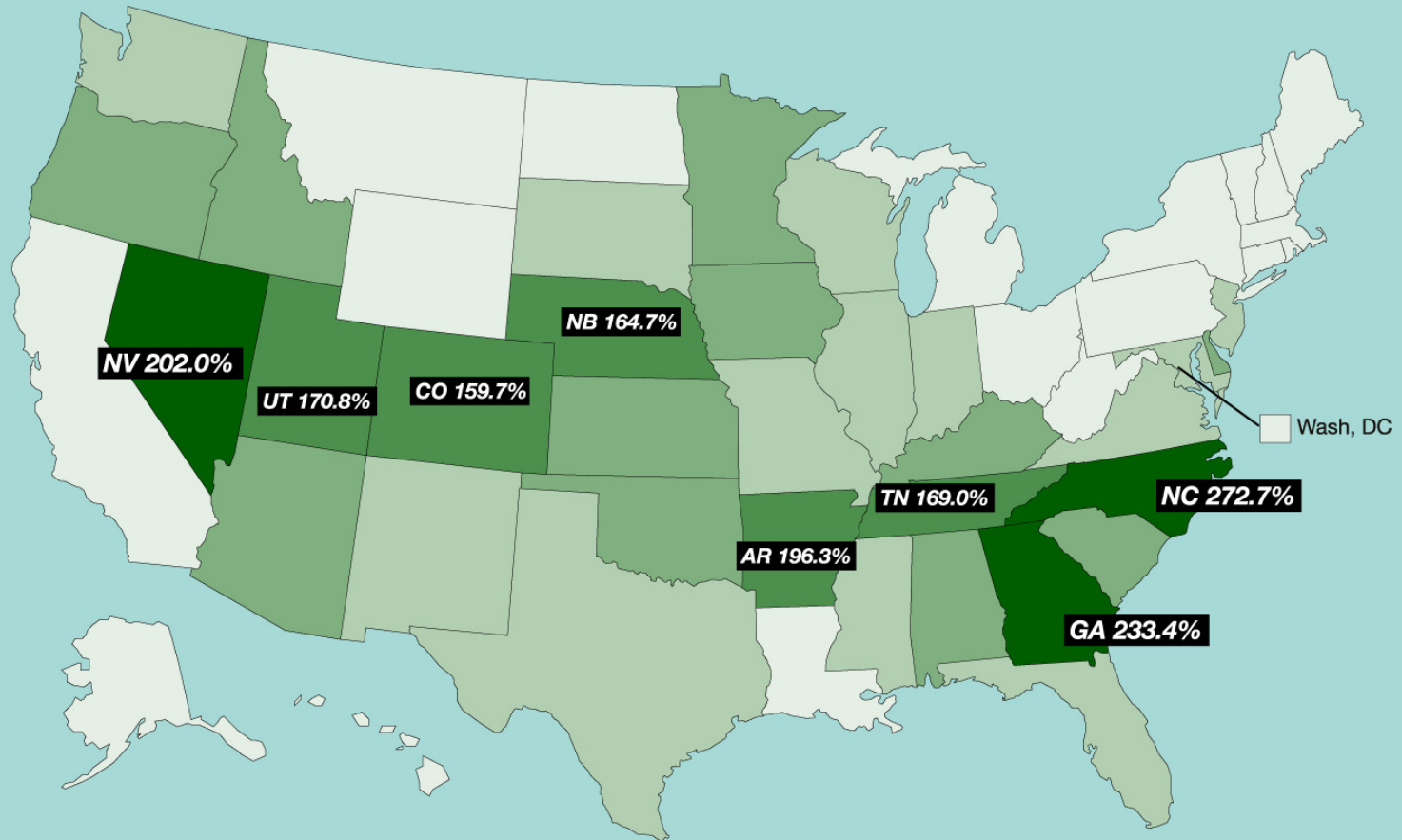
Absolute and Relative Change in the Gender/Age Composition of the North Carolina Population, 2000-2005

Gender/Age	2005 Population	Net Change 2000-2005	% Change 2000-2005
Total	8,411,041	361,728	5%
Male	4,112,482	169,787	4%
Female	4,298,559	191,941	5%
Age 18-34	1,888,012	-132,224	-7%
Age 35-54	2,496,261	123,991	5%
Age 55-64	890,668	166,956	23%
Age 65+	988,887	19,839	2%

Judicial Branch



Percent Change in Foreign Born Population by State, 1990-2000



Source: U.S. Census, 2000

James H. Johnson, Jr., 2004

Population Projections By Race/Ethnicity, 1988-2050

Group	Percent Change
All Races	50%
Whites	29%
Blacks	94%
Native Americans	109%
Hispanics	238%
Asians/Pacific Islanders	412%

Source: U.S. Census Bureau (1988)

America's Color Adjustment

Race/ Ethnicity	1995	2050
White	73.6	52.8
Blacks	12.0	13.5
Hispanics	10.2	24.5
Asian	3.3	8.2
American Indian	0.7	0.9

Source: McCloud (1996)

Population by Race and Hispanic Origin for North Carolina, 2000

RACE & HISPANIC OR LATINO	NUMBER	% OF TOTAL
Total Population	8,049,313	100.0%
One Race	7,946,053	98.7%
White	5,804,656	72.1%
Black or African American	1,737,545	21.6%
American Indian & Alaskan Native	99,551	1.2%
Asian	113,689	1.7%
Hawaiian or Pacific Islander	3,983	-
Some other Race	186,629	2.3%
Two or More Races	103,260	1.3%
<i>Hispanic or Latino (of any race)</i>	378,963	4.7%

Source: U.S. Census Bureau of the Census, Census 2000.

North Carolina Births by Race/Ethnicity, 1990 and 2003

	1990	2003	% Change
All Races	104,560	118,308	13.2
White	69,512	70,458	1.4
Black	30,726	27,170	-11.6
American Indian	1,516	1,637	8.0
Asian/Pacific Islander	1,052	3,106	195.2
<i>Hispanic</i>	<i>1,754</i>	<i>16,084</i>	<i>817.0</i>

Source: Centers for Disease Control, National Vital Statistics Reports, 1990 and 2003

Net Population Change in North Carolina by Race and Hispanic or Latino Origin, 1990-2000

Race and Hispanic or Latino	2000 Population	Net Gain 1990-2000	Percent Change
Total	8,049,313	1,420,676	21.4%
White	5,804,656	796,237	15.9%
Black or African American	1,737,545	281,222	19.3%
American Indian or Alaska Native	99,551	19,396	24.2%
Asian	113,689	63,719	127.5%
Hawaiian or Pacific Islander	3,983	1,787	81.4%
Some other race	186,629	155,127	492.4%
<i>Hispanic or Latino (of any race)</i>	<i>378,963</i>	<i>302,237</i>	<i>393.9%</i>

Source: U.S. Bureau of the Census, American Fact Finder.

Net Population Change in North Carolina Race and Hispanic or Latino Origin, 2000-2005

Race and Hispanic or Latino	Net Gain		
	2005 Population	2000- 2005	% Change
Total	8,411,041	361,728	5%
White	6,005,471	200,815	3%
Black or African American	1,765,698	28,153	1%
American Indian or Alaska Native	106,931	7,380	7%
Asian	146,795	33,106	29%
Native Hawaiian and other Pacific Islander	3,344	-639	-16%
Some Other Race	257,169	70,540	38%
<i>Hispanic or Latino (of any race)</i>	<i>533,087</i>	<i>154,124</i>	<i>41%</i>

Source: US Census Bureau, 2004 American Community Survey; 2000 US Census

Who said it?

- Today it is not big business that we have to fear. It is big government.
- Government is not the solution to the problem—it *is* the problem.
- There is not a program for every problem. . . . America needs a smaller, less bureaucratic government. . . . One that lives within its means.
- *Does this affect the courts? Does it affect you?*

Public Trust

They're ignorant but not
stupid

To know us is to love us

Public Opinion--NCSC 1999

- Handling of cases
 - Only 10% overall said it was excellent
 - More said it was poor than excellent
- Types of cases
 - Family 43% Excellent/Good, 57% Fair/Poor
 - Criminal 50/50
 - Small Claims 52% E/G, 48% F/P
 - Civil 53% E/G, 47% F/P
 - Juvenile 35% E/G, 65% F/P

Public Opinion--NCSC 1999

- Pace of litigation too slow
 - 80% strongly agree or somewhat agree
- Fairness of judges
 - 80% strongly agree or somewhat agree
- Attention to individual cases not adequate
 - 61% strongly agree or somewhat agree
- Wealthy get better treatment
 - 80% strongly agree or somewhat agree
- Minorities get worse treatment

Public Opinion--NCSC 1999

- Average level of confidence--75% have some or great deal
 - Ahead of media and legislature (barely) and below schools, local police and US Supreme Court
- African-Americans had substantially lower levels of confidence than population as a whole
- Hispanics had higher levels of confidence
- Higher incomes had higher levels of confidence

Public Opinion ABA--1999

- 80% agree that American justice is the best in the world
- 78% say jury is fairest way to determine guilt or innocence
- 69% say that jury is the most important part of the justice system
- Overall confidence in justice system up from 1978 poll
 - Component parts of system don't generate nearly as much confidence
 - Lowest three are media, lawyers and Congress

Public Opinion ABA--1999

- 99% know defendant has right to a lawyer
- 66% know that defendant has a presumption of innocence
- 25% could not identify even one of the three branches of government
- 17% could name chief justice, 17% named the wrong person and rest said they didn't know

Public Opinion ABA--1999

- 1978 poll suggested that contact with courts was associated with those expressing the greatest dissatisfaction with the courts
- 1999 poll did not find that, but intensity of the feeling matters: “those with positive experiences are probably not going to improve their perceptions but those with negative experiences have a good chance of becoming more negative”

Public Opinion NCSC--2003

- Opinion about courts tend to reflect a lack of passion, as compared to other institutions—may be a lack of attentiveness
- Across ethnic lines, all groups with court experience in past year believe that courts treat some groups unequally from others
- People who are dissatisfied with courts tend to support non traditional processes such as drug courts; African Americans expressed the strongest support

Public Opinion NCSC-2003

- 2/3's of African Americans think court procedures are seldom or never fair
- Those with recent court experience viewed courts as less fair than those without such experience, but the effect of that is greater among whites and Latinos than African Americans
 - But most think *they* would be treated fairly in the future
- All racial groups think person with low income is treated less fairly

Public Opinion NCSC-2003

- Procedural justice components
 - Respect—weakest agreement among African Americans, greatest among whites
 - Neutrality—weakest agreement from African Americans, stronger from Latinos and whites
 - Participation—Latinos and whites strongly believe judges allow meaningful participation
 - Trustworthiness—courts scored lowest on this among all ethnic groups

Public Opinion 2003 (Justice at Stake National Survey)

- 76% of voters and 26% of state judges believe campaign contributions have an impact on decisions
- 67% of voters believe that donors get special treatment
- 62% of voters (almost 90% of African Americans, and about 80% of judges) think there are two systems of justice, based on wealth

Public Opinion--NC 1995

- Lack of confidence
 - 38% favorable for state courts, 50% for local
 - Less than news media (61%) and legislature (51%)
- Lack of knowledge
 - 30% didn't have enough knowledge to express an opinion
 - Of voters, 60% didn't remember voting for judges

– Without Favor, Denial or Delay,
– Commission on the Future of Justice and the Courts, 1995

Public Opinion--NC 1995

- Dissatisfaction with court results
 - 70% believe courts too lenient with criminals
 - 40% think there is serious problem with bias of judges
- Dissatisfaction with pace of court proceedings
 - Over 50% of public and of court officials think it takes too long to dispose of cases
 - Without Favor, Denial or Delay,
 - Commission on the Future of Justice and the Courts, 1995

Public Opinion—NC 1995

- Court system treats rich people better than poor people—75% agree
- Courts treat everyone equally, rich and poor alike—19%
- Courts treat whites better than blacks or Native Americans—39%
- Courts treat everyone equally, blacks, Native Americans or whites—47%

Doble, 1995

Public Opinion, NC--1995

- 36% of whites think whites treated better
- 53% of blacks think whites treated better
- 48% of Native Americans and Hispanics think whites treated better

Doble

Public Opinion, NC--2002

- How much trust and confidence in NC court system?
 - 24%- a great deal
 - 55%- some
 - 13%- a little
 - 5% - none at all

Public Opinion, NC--2002

- What is most important responsibility of courts?
 - 23% - equal justice for rich and poor
 - 19% - ensuring fairness under the law
 - 19% - upholding law, even if unpopular
 - 9% - protecting individual's rights
 - 7% - dispensing punishment for crimes
 - 4% - protecting civil rights
 - 2% - being an independent check on other branches of government
 - 2% - advancing social and economic justice

Public Opinion, NC--2002

- There are two systems of justice in NC-
one for rich and one for poor

42% - strongly agree

16% - agree

12% - disagree

25% - strongly disagree

Court User's Opinion-NC 2003

- 55%--court personnel are respectful, polite and courteous
- 49% felt were treated fairly
- 60% felt were not treated differently because of race, age, or gender
- 39% felt matters handled in timely fashion

AOC, October 2003

Court User's Opinion-NC 2003

- When purpose of court was to go to magistrate, more felt they were not treated fairly or courteously, but their business was handled in a more timely manner
- Visitors felt less safe in magistrate's office
- But small claims had higher positive ratings than any other courts

AOC, October 2003

Court User's Opinion-NC 2003

- Native Americans, and to lesser extent, African Americans, had poorer image of courts than Caucasians
- People who use courts on regular basis (insiders) had significantly lower negative impressions of courts

AOC, October 2003

Minnesota -- 2000

- 60% disagree that court system is easy to use
- 81% disagree that most people can afford to bring a case to court
- 62% believe judges decisions are affected by political parties in power
- 80% believe that legal technicalities allow guilty people to go free
- 72% believe cases are not resolved in a timely manner

Minnesota -- 2000

- Impact of contact with system
 - Those with jury service are more likely to agree that courts try to ensure that people have access to an attorney or that people who work with the courts are courteous
 - Those with court experience also more likely to disagree that judges treat people with respect, that system is easy to use and that system handles cases efficiently

Public Opinion, Washington State 1990's

- Courts are intimidating and confusing
 - Public 73% agree
 - 89% of court officials think public agrees
- Courts are safe places
 - Public 63% agree, courts 18%
- Courts function is to solve social problems
 - Public 43% agree
 - 92% of court officials think public thinks they should solve social problems

California, 2005

- 67% have positive attitude about courts, up from high 40's in 1992
- Greatest impact on attitude comes from
 - Being treated with respect
 - Being listened to
 - Having case receive individual attention

Utah, 2006

- 80% have confidence in state courts
- Nearly half get their information from
 - CSI
 - Law and Order
 - Judge Judy

Zogby Poll-2006

- More Americans can name the three stooges than the three branches of government
- 87% know the name of one of seven dwarfs; 39% can name one supreme court justice