

## Access and Fairness

### Measure

**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 perceptions of court experience 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 provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location, division, type of customer, and across courts can inform and improve court management practices.

**Method:** Everyone in the court on a "typical" day is asked to fill out a brief self-administered survey as he or she exits the courthouse. People are asked to rate their level of agreement with each item, using a 1-5 scale. The survey should be conducted on a periodic basis, for example, annually. The individuals surveyed would include litigants and their families and friends, victims and witnesses, attorneys, law enforcement officers, representatives of social service agencies, and individuals doing record searches or having other business at the clerk's office, among others. Because the survey is designed to assess the views of the court's customers, judges and court staff are excluded.

### Step 1: Prepare Survey

The survey asks questions on access and fairness, along with background information about the respondent. The survey questions are concise and clear statements that get right to the point, producing *actionable* data. They require only seconds to understand and rate, so the survey may be completed in 5 minutes or less. The goal is to provide the court with the information needed to make informed decisions, and do so in the shortest amount of time possible.

An open-ended question or two may prove beneficial for some courts, to give customers the opportunity to address their own particular concerns. The data can be used to verify findings and improve future surveys.

### Recommendations

- Use the questions as worded in this survey.
- Adopt a standard survey to make reliable comparisons across locations, divisions, and courts.
- Limit demographic questions to those that will actually be of use.
- Keep the survey short and focused.

### Step 2: Choose a "Typical" Day

The questionnaire is given to *all* the individuals who use the court (i.e., are physically in the courthouse) on a typical day. If the day is typical of most days at the courthouse then it can be assumed that responses will be received from a broad cross-section of those using the court. Common survey problems related to adequacy of response rate and representativeness of the sample are avoided with this method.



### Step 3: Gather Needed Materials

The size of the team to hand out surveys and facilitate completion and return will vary according to the maximum number of individuals exiting the courthouse during any hour of the day. Tables and chairs should be placed around the exits of the courthouse to accommodate the maximum number of survey respondents filling out questionnaires at the peak of courthouse use. Signs posted conspicuously around the entrances to the facility announcing the survey (e.g., “Your Opinion Counts: Tell Us How We Are Doing”) and similar preparations do much to increase survey participation.

When there are multiple court sites for a jurisdiction, a court may wish to include each site in the survey. The sites need not all be surveyed on the same day, as long as the days chosen are typical for each site.

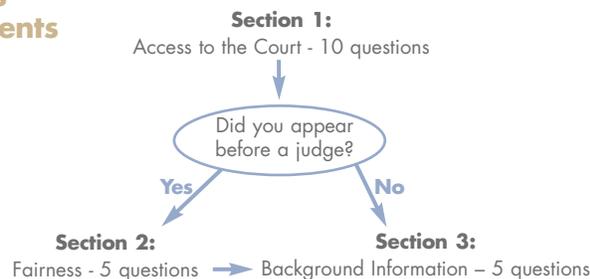
### Step 4: Assemble and Train Survey Team

Survey success depends to a large degree on the skills and demeanor of the staff members assembled to administer the survey and on the care taken with preparations. Criteria for staff selection might include friendliness, bilingual skills, and poise. An orientation session and walk-through of arrangements should precede the data collection. Arrangements should be made to rotate staff through the assignment in staggered intervals to avoid fatigue while maintaining continuity.

### Step 5: Administer Survey

The survey should be administered to enhance participation by the greatest number of potential respondents. Factors that may inhibit response rates include fears about anonymity and confidentiality, apathy, and skepticism that the court will follow through on improvements. A well-trained survey team and appropriate survey procedures (e.g., to ensure anonymity, respondents place completed questionnaires in a sealed drop box) help increase participation. Remember, given the focus on court customers, no surveys should be given to court employees or judges.

#### Which Questions Should Respondents Answer?



*No information is requested that allows the court to identify the respondent (e.g., name, case number, etc.); thus, responses cannot influence the outcome of a respondent's legal matter and confidentiality is preserved.*



## Access and Fairness Survey

### Section I: Access to the Court

Circle the Number.

	Strongly Disagree	Disagree	Neither Agree nor Disagree	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 and 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 court's Web site 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 judicial officer today, complete questions 11-15:

### Section II: Fairness

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

### 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

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 Islander
- White
- Mixed Race
- Other: \_\_\_\_\_

How often are you typically 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



## Access and Fairness

Measure

### Analysis and Interpretation

Compile the survey data to summarize:

- 10 items that capture respondents' opinions about access to court services
- 5 questions related to procedural fairness, completed by parties to a legal proceeding
- 5 items that capture background information about the respondent

Overall attitudes about access and fairness are the first level of analysis. Court managers may decide that a rating of at least 4 or better means that the court is meeting its performance goal. In this case, responses would be grouped together for those who “Strongly Agree” and those who “Agree” into an “Agree” grouping. The total number of these responses can be converted into a percentage of all valid responses. The results for all questions can be shown in a single graph. As the graph below shows, court users were especially positive about safety and hours of operation; conversely, they were least satisfied with finding courtrooms and forms.

#### Percent reporting they strongly agree/agree with each Access question:



Enter the responses from each respondent into a spreadsheet or database to record and summarize the results. The figure shows a sample summary spreadsheet for the five fairness questions. Note that the court surveyed 100 respondents, but that the number of valid responses for each question is not necessarily 100. If people did not answer the question, or answered “Not Applicable” on a question, their answers are not counted for that question.

### Computing the Average Fairness Scores

Respondent Number	Q11 Case handled fairly	Q12 Judge listened	Q13 Judge had information	Q14 I was treated the same	Q15 I know what to do next
10001	3	5	-	3	2
10002	-	2	2	2	1
10003	-	4	3	1	1
10004	1	0	5	3	-
10005	2	4	2	3	1
⋮	⋮	⋮	⋮	⋮	⋮
⋮	⋮	⋮	⋮	⋮	⋮
⋮	⋮	⋮	⋮	⋮	⋮
10100	3	4	3	3	2
<b>Total Score</b>	363	337	307	240	168
<b>Total Respondents</b>	100	100	100	100	100
<b>Total Valid Responses</b>	98	99	99	100	99
<b>Average</b>	3.7	3.4	3.1	2.4	1.7

$363 \div 98 = 3.7$

### Creating an Index Score

A court may also wish to construct an overall rating of access and an overall rating of fairness. By summing the average scores for each question, an index is created. However, the index scores for each section are easier to interpret and compare when placed on a 100-point scale. Because the number of questions between the access and fairness sections varies, this step involves a different multiplier for each section. There are 5 questions in the fairness section, with a maximum score of 5 points each, for a total maximum score of 25. Multiplying the summed averages by 4 gives a score on a 100-point scale. For the 10 access questions, the total maximum score is 50, so the multiplier is 2.

### Constructing the Overall Fairness Index Score

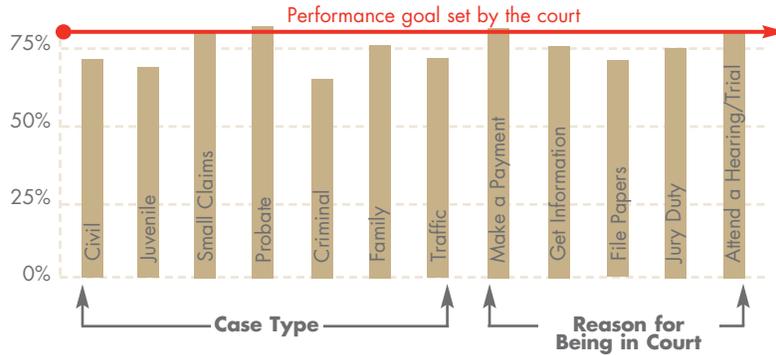
11. The way my case was handled was fair.	Average score 3.7
12. The judge listened to my side of the story before he or she made a decision.	3.4
13. The judge had the information necessary to make good decisions about my case.	3.1
14. I was treated the same as everyone else.	2.4
15. As I leave the court, I know what to do next about my case.	+ 1.7
	14.3
	x 4

Overall Fairness Index Score = 57.2



Assessments of access and fairness may vary by case type, reasons for being in the courthouse, frequency of courthouse use, and demographic characteristics that might be associated with differential treatment or ability to access court services. The graphs below indicate that court users' perceptions of staff vary by the type of case that brought them to the court and by reasons for being in the courthouse. Staff and management can seek the reasons behind these numbers as they strive to meet the goals they have set for themselves.

Percentage of those who agree they were treated with courtesy and respect by staff varies by...



The court should establish a baseline, set its own performance goals for access and fairness, and seek to improve over time. Comparisons of survey results over time and across the court can be a useful basis for identifying trends or successful improvement strategies.

Different locations or divisions might be compared, for example, on the percent of users who felt that they were treated with courtesy and respect. Follow-up queries can then be made that probe the comparisons. Why do one or more locations/divisions seem to be more successful than others? What are they doing that the other locations/divisions are not? Why are some locations/divisions more successful at communicating what litigants need to do next? Posing these simple questions to staff in both the most successful and least successful locations can help to identify effective customer service and communications practices.

## Terms You Need to Know

**Index:** A single number used to summarize a set of data, providing an overview.

**Judicial Officer:** A judge, commissioner, referee, magistrate, or hearing officer.

**Mean:** The average value of a set of numbers, equal to the sum of all values divided by the number of values.

**Party:** A person making or responding to a claim in a court proceeding, e.g., plaintiff, defendant, petitioner, respondent, cross-complainant, but not a witness, juror, or attorney.

**Valid Responses:** Responses that should be counted for purposes of analysis. For example, missing, "not applicable," or nonsensical responses are not included.



CourTools

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