



# The OJD Access and Fairness Court User Survey Pilot Project

September 21, 2018

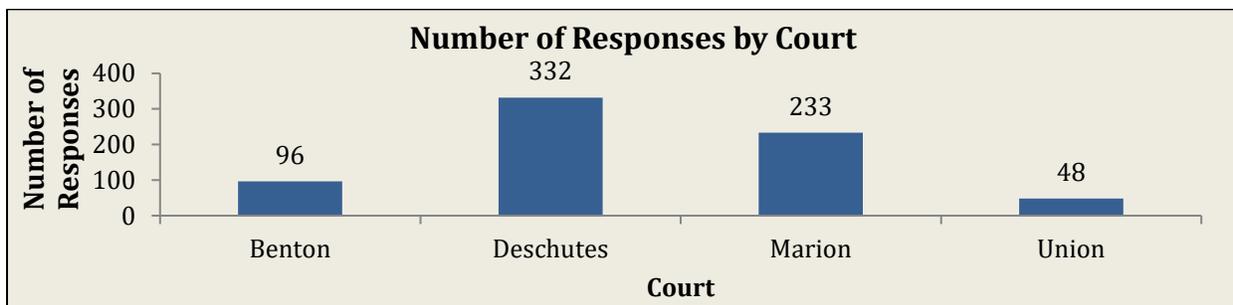
## OJD Access and Fairness Survey – 2018 Results

In July 2018, the Oregon Judicial Department (OJD) piloted an Access and Fairness Survey in the Benton, Deschutes, Marion, and Union County Circuit Courts. OJD staff and volunteers spent a total of five days collecting data – one day in Benton County, one in Marion, one in Union, and two in Deschutes – in a total of seven court buildings.

Participation in the survey was voluntary, and the staff and volunteers asked all people who left the court (aside from court staff and judges) to take the survey. A total of 709 people completed the survey, for a response rate of 34 percent.

Each court also had at least one day where it put surveys and collection boxes by the courthouse exit for court users to fill out on their own. This method, however, resulted in very few responses (19 total for the four courts), and, except where otherwise noted, those responses are not included in this analysis.

The chart below shows the number of in-person responses from each court. Eighty percent of the responses came from either Deschutes County (47%) or Marion County (33%).



In interpreting the results of this survey, it is important to emphasize that the four courts represent only 15% of Oregon’s population, and their results are not necessarily representative of the entire state. The results are also based on just one or two days of data collection in each jurisdiction, and therefore are also not necessarily representative of the overall experience of the public in the pilot courts throughout the year.

### Survey Design

OJD Access and Fairness Survey based its survey on the Access and Fairness Survey in the National Center for State Courts (NCSC) *CourTools: Access and Fairness* guide. The OJD survey contained three sections:

**Section 1: Access** contained a series of statements concerning access to the courts, and asked participants to respond to each statement on a scale from 1 (Strongly Disagree) to 5 (Strongly Agree).

**Section 2: Fairness** pertained to participants who appeared before a judicial officer about their case. It included six statements – five regarding the fairness of the proceeding and one regarding the favorability of the result of the hearing – and solicited responses on the 5-point

scale used in Section 1. An additional question asked whether the participant was represented by an attorney at the hearing.

**Section 3: Background** asked for background information about the participant, including racial/ethnic identity, gender, reason for coming to court, type of case, and role at the courthouse.

The OJD survey differed somewhat from the NCSC survey, as OJD made minor changes to some of the background questions (*e.g.*, adding a ‘Non-Binary/Other’ option to the gender category) and added other questions to capture information such as whether the participant was represented by an attorney and whether the result of the hearing was favorable to the participant.

The ten access statements and five fairness statements on the NCSC survey, however, exactly matched their counterparts on the OJD survey, which means that the overall survey results in Oregon can be compared with the results of other states that have implemented the NCSC Access and Fairness Survey.

The final OJD survey is on the final page of this document for reference.

### **Index Scores**

OJD followed the NCSC’s recommendations in its *CourTools* guide to use an Access Index Score to summarize responses to the ten access statements into a single access measure and a Fairness Index Score to summarize responses to the first five fairness statements<sup>1</sup> into a single fairness measure.

Creating the index scores involves summing the mean score on the five-point scale (where 1 = Strongly Disagree and 5 = Strongly Agree) for each access item and for each fairness item and then using a multiplier to put each sum on a scale where 20 is the lowest possible score and 100 is the highest possible score.

For example, if the ten access statements each have a mean score of 4.5, the sum of the mean scores is 45 out of a possible 50. Multiplying the sum by two produces an Access Index Score of 90 on a scale of 20 to 100. If the first five fairness statements have a mean score of 4, the sum of the mean scores is 20, and multiplying that sum by four produces a Fairness Index Score of 80 on a scale from 20 to 100.

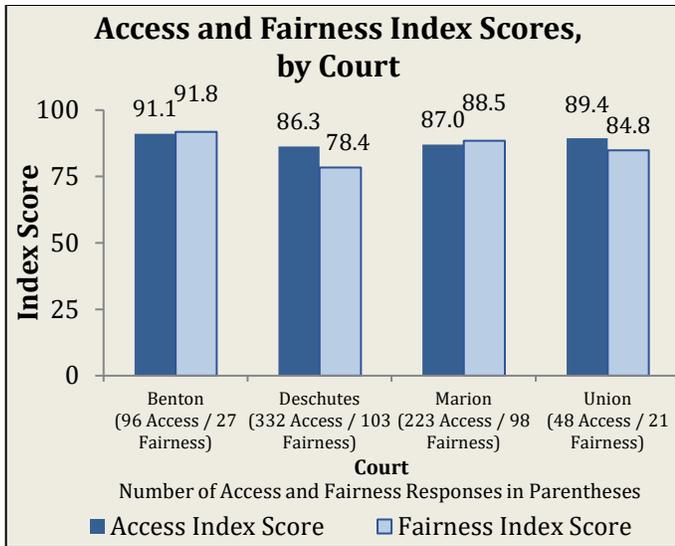
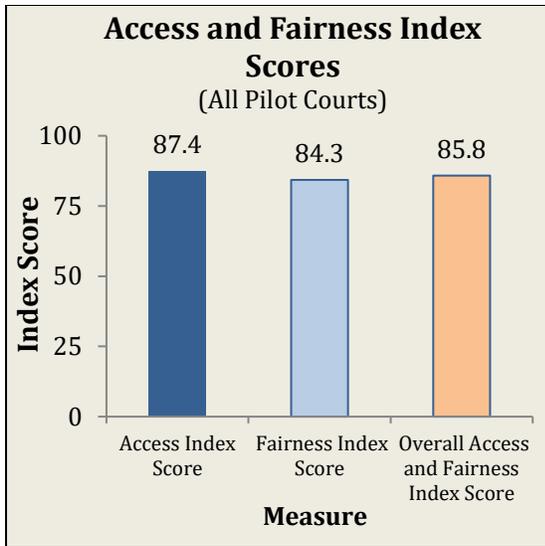
### **Statewide Index Scores and Pilot County Comparison**

The charts on the next page show the statewide index scores (left chart) and a comparison of the index scores in each of the four pilot counties (right chart).

The overall Access Index Score for the four pilot courts was 87.4, and the overall Fairness Index Score was 84.3. Taking the mean of the two scores produces an Overall Access and Fairness Index Score of 85.8 on a scale from 20 to 100.

---

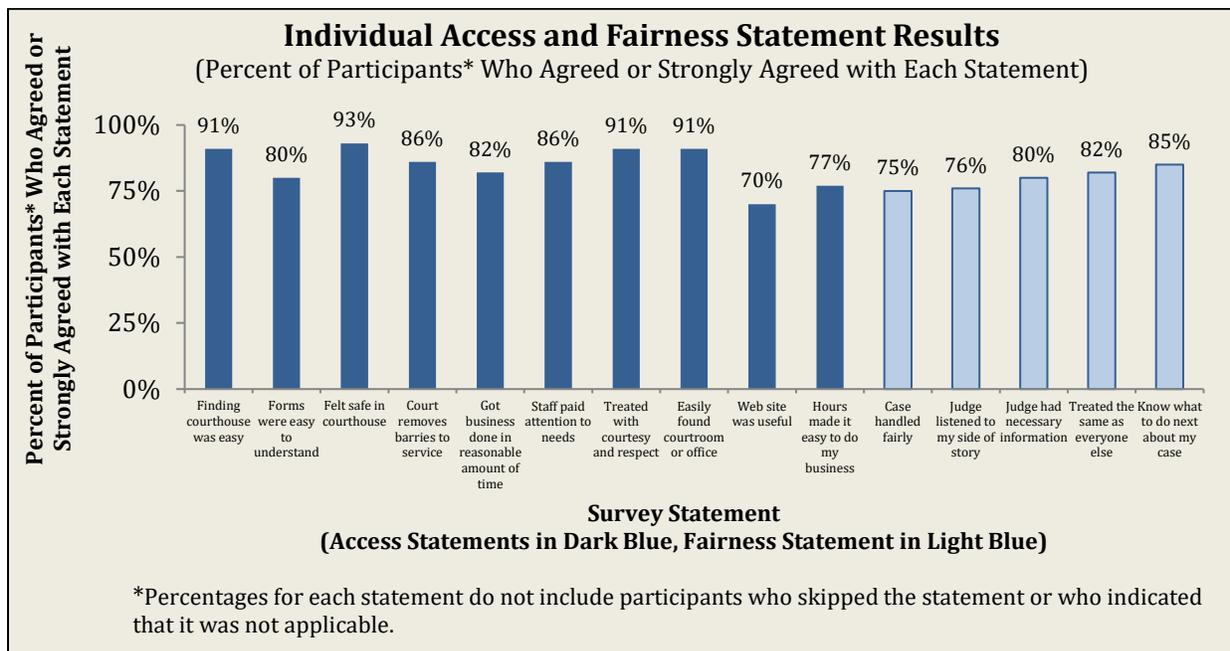
<sup>1</sup> There is a total of six statements and one question in the fairness section of the OJD Access and Fairness Survey. Only the first five statements, however, are used in the Fairness Index Score because the final statement (concerning the favorability of the result of the hearing) and the question (concerning representation by counsel) are intended to evaluate differences in perceptions of fairness between different types of participants.



The Access Index Scores for individual courts ranged from 86.3 to 91.1 and the Fairness Index Scores ranged from 78.4 to 91.8. The small sample sizes, however, make it difficult to draw conclusions about differences between the courts, particularly for the Fairness Index Score, which was drawn only from participants who appeared before a judge the day of the survey, and therefore was based on fewer responses than the Access Index Score.

### Responses by Individual Question

The following chart shows the percentage of participants who indicated that they Agreed or Strongly Agreed with each Access and Fairness statement. The percentages for each statement do not include responses where the participant either indicated that the statement was not applicable or skipped the statement.

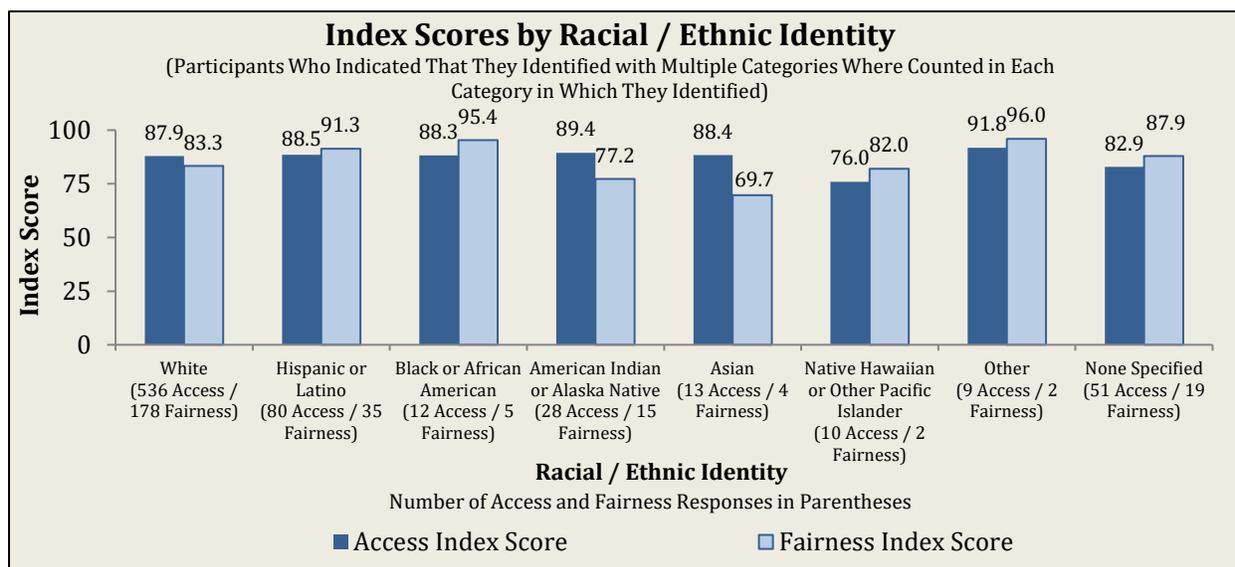


Regarding access, participants largely indicated that they felt safe in the courthouse (93%), were treated with courtesy and respect (91%), easily found the courtroom or office they needed (91%), and found the courthouse easily (91%). Participants were least likely to agree or strongly agree that the website was useful (70%), that the court’s hours of operation made it easy to do their business (77%), or that the court’s forms were easy to understand (80%).

Agreement with the statements in the fairness section was generally lower than with the statements in the access section. Participants were most likely to agree that they knew what to do next about their case (85%) and were treated the same as everyone else (82%), and least likely to agree that their case was handled fairly (75%) and that the judge listened to their side of the story (76%).

### Index Scores by Racial / Ethnic and Gender Identity

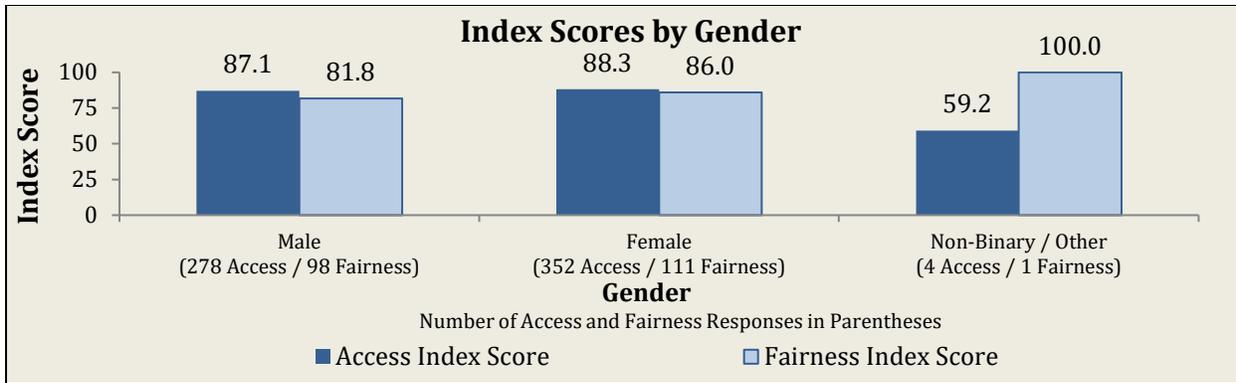
The next several charts show Access and Fairness Index Scores by various participant characteristics. The first shows Access and Fairness Index Scores by the participants’ racial or ethnic identity. The survey invited participants to check all the racial/ethnic groups that applied, and participants who selected more than one race or ethnicity are counted in each group that they selected.



Access scores by racial/ethnic identity ranged from 76.0 among participants selecting Native Hawaiian or Other Pacific Islander to 91.8 among participants identifying as Other. Fairness scores ranged from 69.7 for participants who identified as Asian to 96.0 among participants identifying as Other.

It is important, however, to emphasize that the sample sizes for the racial/ethnic categories other than ‘White’ are very small, particularly for fairness. For example, the 69.6 Fairness Index Score for participants identifying as Asian was based on just four responses to the fairness section.

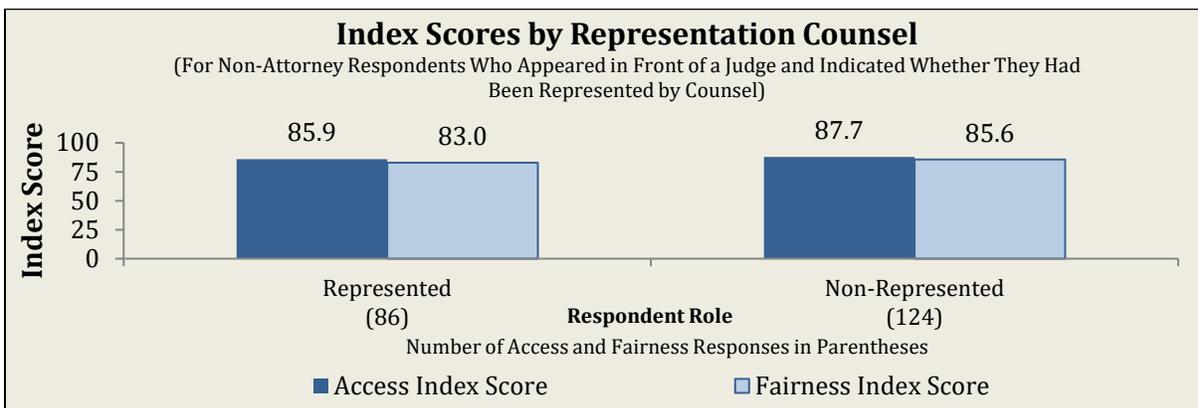
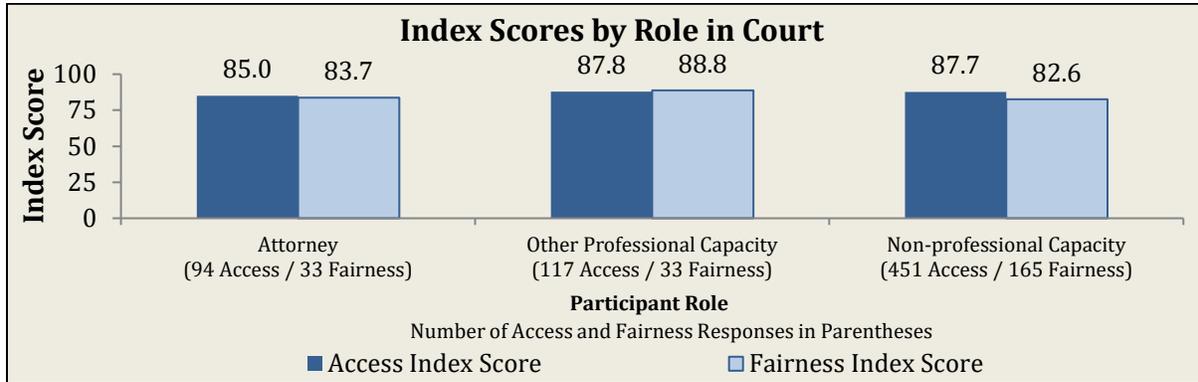
The chart on the following page shows Access and Fairness Index Scores by gender. The Access Index Scores for females (88.3) and males (87.1) were similar, but Fairness Index Scores for females were somewhat higher (86.0) than for males (81.8).



The four participants who selected Non-Binary/Other as their gender had a much lower Access Index Score than males or females. A much larger sample of individuals with a gender identity of non-binary/other would be needed to determine whether this is the product of a small sample size or indicative of issues with access for individuals with a non-binary gender identity.

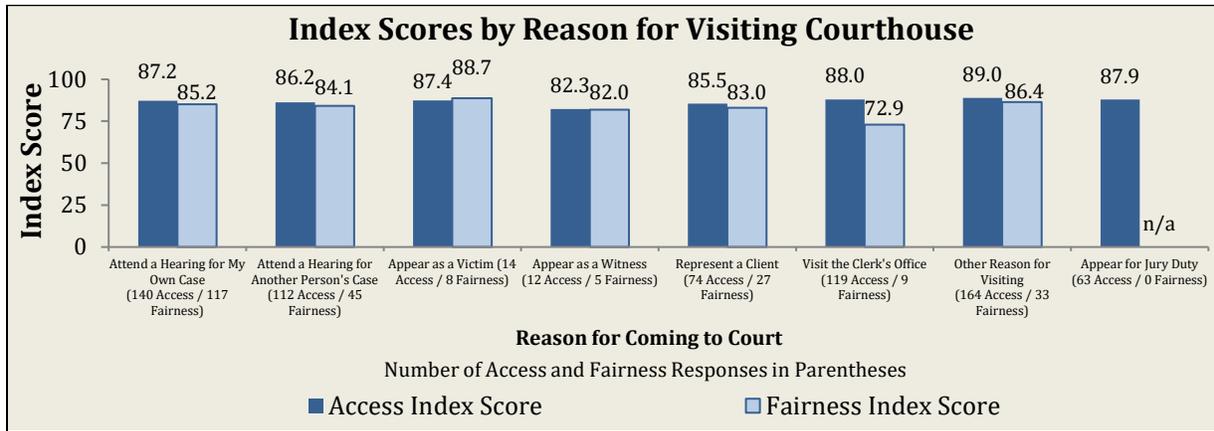
### Index Scores by Role, Reason for Coming to Court, and Representation

The survey asked participants whether they were in court in a professional capacity, and, if they were, whether they were an attorney. The chart below shows Access and Fairness Index Scores for each group. There was little difference between attorneys, other professionals, and non-professionals in terms of Access Index Scores, but Fairness Index Scores for non-professionals and attorneys were somewhat lower than for other professionals.



Survey participants who filled out the Fairness section of the survey were also asked to identify whether they were represented by an attorney that day. Somewhat surprisingly, participants who were not represented by counsel had slightly higher Access and Fairness Index Scores than participants who were represented (see chart on prior page).

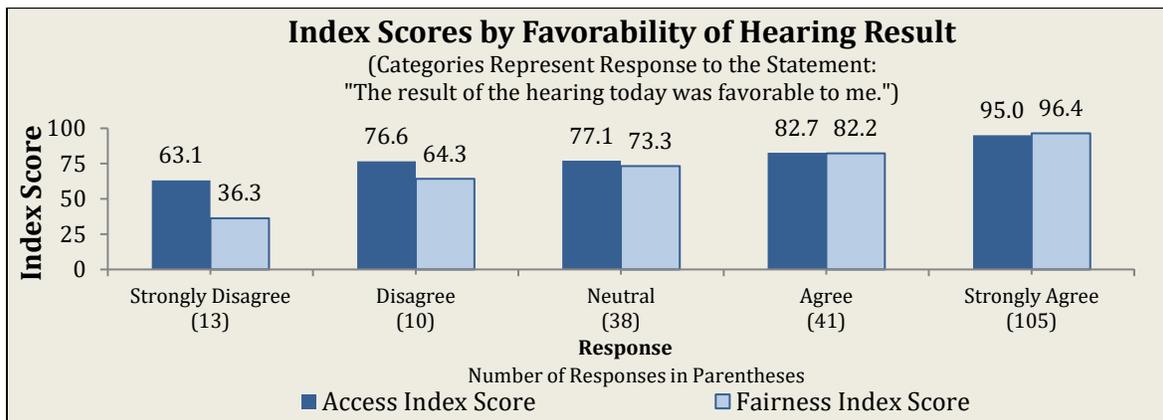
The Access and Fairness survey also asked participants to state the reason they visited the courthouse. The chart on the following page shows Access and Fairness Index Scores for each reason for visiting the courthouse, with participants who had multiple reasons for visiting included in the group for each of the reasons that brought them to court.



The sample sizes for most of the reasons for coming to court are quite small, and the only group with a score that differs notably from the overall average is the Fairness Score of 72.9 from participants who visited the clerk's office. That score, however, is based only nine participants, and those individuals would have both visited the clerk's office **and** appeared in court about their case.

### Index Scores by Favorability of Hearing Result

The Fairness section of the survey asked participants to rate on a 1-5 scale their level of agreement that the result of their hearing was favorable to them. The number of participants who disagreed and strongly disagreed that the result of the hearing was favorable to them was quite low, but the chart below shows that Access and Fairness Index Scores correspond closely with how favorable survey participants felt that the result of their hearing was.



## Reliability of Results

The results above are based on the opinions of the 34% court users exiting the four pilot courts who chose to take the Access and Fairness Survey.

Researchers routinely use samples of a population to draw conclusions about the population as whole, but one difficulty with survey research is that the people who choose to participate in a survey may not be representative of the entire population.

One concern in administering the survey was that it appeared that people who were unhappy with their experience in court were more likely than other court users to refuse to participate. Several people, for example, who appeared to have had a negative experience stated that they were too angry or upset to take a survey.

The data regarding responses by favorability of hearing support this concern, as participants who appeared in front of a judge were much more likely to agree or strongly agree (59%) that the result of their hearing was favorable to them, than to disagree or strongly disagree (9%).

It is unknown, however, whether this disparity in favorability is the result of the non-adversarial nature of many court appearances (for example, in drug court or other specialty court settings it may be that all or most individuals in front of the judge feel positively about the result of their appearance) or an indication that individuals with negative in-court experiences are under-represented in the sample.

## Collection Method and Effect on Results

A secondary purpose of the pilot data collection was to test viability of two methods of data collection: in-person and self-administered.

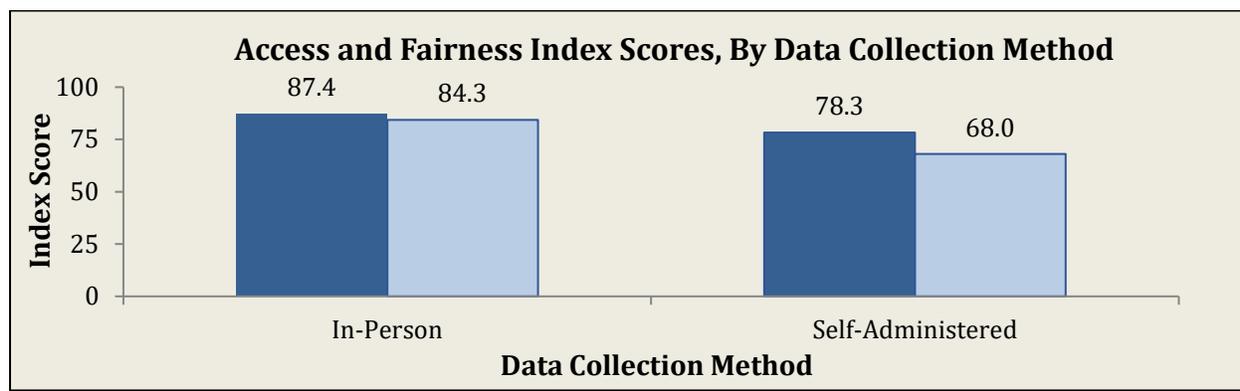
The in-person data collection involved OJD staff and volunteers encouraging court users to take the survey in order to have as high a response rate and as representative a sample as possible.

This use of staff and volunteers was time-intensive. A full-time OJD analyst and a temporary summer researcher spent a total of 153 hours on the data collection, including travel, planning, and data entry. Other OJD staff contributed an additional 22 hours in Marion County, where only one volunteer was able to assist with data collection and additional staff were needed to adequately cover the three sites. Total staff time spent on data collection was 175 hours, or 4.4 weeks of full-time work.

<b>Staff Time Spent on Data Collection</b>	
<b>Task</b>	<b>Total Staff Hours</b>
Data Collection and Travel (OJD Analyst and Researcher)	124
Data Collection and Travel (Additional OJD Staff)	22
Materials and Logistics	12
Contacting and Coordinating Volunteers	11
Data Entry	6
<b>Data Collection Total</b>	<b>175</b>

This investment of time, however, appears to have been necessary to ensure a reasonably high response rate, as the self-administered data collection, in which court staff left out surveys and collection boxes at the courthouses, led to only 19 responses in eight days of data collection. If the attendance in court on the days of self-administered data collection was similar to that on the days of in-person data collection, this would equate to a response rate of 0.5%.

The very small sample of self-administered data, did, however, yield considerably different results (see chart below). The Access Index Score (78.3) for self-administered respondents was nine points below that for in-person respondents, and the Fairness Index Score (68.0) sixteen points lower. Self-administered respondents were also more likely to have appeared in court that day (74%) than in-person respondents (35%). They were also more likely than in-person participants to disagree or strongly disagree (21% compared with 9%) and less likely agree or strongly agree (21% compared with 59%) that the result of their hearing was favorable to them.



### Conclusions and Future Data Collection

The results in this document are based on 709 survey participants from in-person data collection in four pilot courts. These participants represent just over one-third of people exiting each court on the days that the survey was administered, but a small fraction of the people exiting the pilot courts each year.

The 709 survey responses paint a positive overall picture of user experiences in Oregon’s courts. Over 90% of participants, for example, indicated that they felt safe in the courthouse, were treated with courtesy and respect, and easily found the courtroom or office they needed. Even lower-rated access items – such as the usefulness of the website, hours of operation, and ease of understanding the forms – were rated positively by over two-thirds of participants. The Access Index Score, which summarizes responses to the ten access statements into a single measure, was 87.4 on a scale of 20 to 100.

The narrower section (35%) of participants who appeared before a judge also had generally positive responses regarding the fairness of the proceeding, though they were less positive than the overall responses regarding access. Agreement percentages for the five fairness statements were between 75% and 85%, and the Fairness Index Score was 84.3 on a scale of 20 to 100.

The responses also showed surprisingly little disparity between racial/ethnic groups; professional and non-professional parties; and represented and self-represented participants. The disparities that did appear (*e.g.*, much lower fairness scores from Native American and Asian participants than

for other groups; lower access scores for individuals with a gender identity of Non-Binary / Other as compared with males or females) involved groups with very small sample sizes.

While the results of the pilot surveys are generally encouraging for the pilot courts, there is room for improvement, and OJD will likely want to consider establishing targets for its performance on the survey measures. OJD should also keep in mind that there is some evidence that the responses may under-represent individuals who had negative experiences in court, and that there is need for considerably more data collection to draw any conclusions about racial/ethnic disparities and to determine whether the results from the pilot courts are representative of the entire state.

A secondary purpose of the pilot data collection was to determine how to collect data more widely. The pilot showed that staff involvement is essential for successful data collection, as collecting data without staff and volunteers to prompt users to take the survey resulted in only 19 responses in 8 days of data collection, for a response rate of less than 1%.

In-person data collection, however, required considerable staff time – 175 hours, or the equivalent of 4.4 weeks for a single full-time employee. In considering how to follow up on the results of this pilot, OJD will need to consider what staff resources are available to support data collection, and whether its goal is to assemble a representative statewide sample, to collect data to assist individual courts in measuring their own improvement over time, or both.

If the primary goal is to provide individual courts with data to make improvements over time, OJD might consider more intensive data collection in the four pilot courts next year to provide a comparison with the results from this pilot. If the intent is to obtain a statewide sample, and resources are not available to survey all courts in one year, one possibility would be doing one day of data collection in a different set of courts each year, with the intent of surveying every court in the state over the course of a three- or four-year cycle.

### Acknowledgments

The Access and Fairness data collection would not have been possible without the assistance of community members who volunteered their time to ask court users to take the Access and Fairness Survey as they left the court on the data collection dates.

OJD would specifically like to thank the Deschutes County League of Women Voters for their assistance with the data collection in Deschutes County on July 30 and July 31, and particularly Geri Hauser for her assistance in recruiting and scheduling the following League members to participate:

Mimi Alkire  
Corol Ann Cary  
Geri Hauser  
Becky Powell

OJD would also like to thank the following volunteers from other organizations for their assistance with the data collection:

Nancy Gromen (Eastern Oregon Mediation Center)  
Judy Harris (Court-Appointed Special Advocate)  
Suzie Heringer (Citizen Review Board Volunteer)  
Evelyn Jordan (Court-Appointed Special Advocate)  
Connie Voelz (Citizen Review Board Volunteer)

Finally, OJD would like to thank Matt Plotnick for his work on the project. Matt worked as a summer research assistant for OJD in July and August 2018, and this report would not have been possible without his work collecting and analyzing the data and assisting in preparing the final report.

# Oregon Judicial Department Access and Fairness Survey

\_\_\_\_\_ County Circuit Court

Your opinion counts! The Oregon Judicial Department wants to hear from you about your experience in court today so that we can make improvements.

<b>Section 1: Access</b> (Please circle the number that reflects your level of agreement with the statement.)		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	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. (If you did not need any forms, please mark N/A.)	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. (If you did not visit the court's website, please mark N/A.)	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 about your case today, please complete Section 2. Otherwise, skip to Section 3.**

<b>Section 2: Fairness</b> (Please circle the number that reflects your level of agreement with the statement.)		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	N/A
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 result of the hearing today was favorable to me.	1	2	3	4	5	n/a
17.	Were you represented by an attorney today? <input type="checkbox"/> Yes <input type="checkbox"/> No						

## Section 3: Background Information (Please check the box or boxes that best answer each question.)

### 18. What did you do at court today? (Check all that apply)

- Attend a hearing for my own case
- Attend a hearing for another person's case
- Appear as a victim
- Appear as a witness
- Appear for Jury Duty
- Represent a client
- Visit the clerk's office (e.g., get information, file papers, make a payment)
- Other \_\_\_\_\_

### 19. How do you identify yourself? (Check all that apply)

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White
- Other \_\_\_\_\_

### 20. Did you come to court today in a professional capacity (as part of your job)?

- Yes (Proceed to Question 21)
- No (Skip to Question 22)

### 21. Please check the box that best describes your role at the court today:

- Attorney
- Other professional capacity

### 22. 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

### 23. What is your gender?

- Male
- Female
- Non-Binary / Other

### 24. What type of case(s) brought you to the courthouse today? (Check all that apply)

- Violation (Traffic/parking ticket, other violation)
- Felony/Misdemeanor
- Family (Child support/custody, divorce, will, small estate, conservatorship, etc.)
- Civil (contract dispute, negligence, etc.)
- Small Claims
- Landlord – Tenant / Eviction
- Juvenile
- Other: \_\_\_\_\_

Thank you for taking the time to complete this survey. Please use the other side of the page to share any additional comments you have about your experience today.