

SUMMARY REPORT

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Public Trust and Confidence in the Courts and the Legal Profession in Texas

Introduction

The judicial branch of government derives much of its power from public support and respect. During the last decade, there has been a perception that the country's support of and respect for the courts and the legal profession have weakened and, as a result, improving public trust and confidence has emerged as the major issue facing the judiciary and the bar. The Conference of Chief Justices, the American Judges Association, the Conference of State Court Administrators, and the National Association for Court Management have designated public trust and confidence in the courts as their top priority for the next three years. Moreover, the American Bar Association has not only declared its support for the courts' top priority, but has assigned public trust and confidence in the legal profession as a priority for the bar as well.

Although private sector entities have collected and analyzed information from their current and prospective customers for many years to develop better marketing strategies, create new products, and improve their public image, the public sector has only recently begun to consider these activities. In 1994, through a grant from the State Justice Institute, the Judicial Council of Virginia tested a variety of consumer research techniques (e.g., telephone surveys, mail surveys, exit interviews, focus groups) and pioneered the approach of integrating research findings into the state judiciary's strategic planning process.¹ This study on public trust and confidence in the courts and the legal profession in Texas, as well as similar studies being conducted around the nation, draws upon Virginia's findings to develop a research methodology that yields information to help judicial leaders and policymakers improve the operations and public perception of their state court systems.

In response to the growing national concern about public support and respect for courts and the legal profession, the Texas Office of Court Administration (OCA) and the State Bar of Texas (State Bar) have conducted comprehensive research on public trust and confidence. The information presented in this report, which was collected from the general public through an extensive telephone survey, is the first part of a multidimensional study that also includes mail surveys of lawyers, judges, and court personnel to gauge their respective perceptions of the justice system. A separate report on the findings from the mail surveys will be issued in early 1999. The findings contained in this report and the forthcoming report will provide a broad view of the judiciary and the legal profession from several different perspectives (i.e., the public, lawyers, judges, and court personnel).

According to the National Center for State Courts (NCSC), Texas is one of 17 states (Arizona, California,

¹See *The Public as Partners: Incorporating Consumer Research into Strategic Planning for the Courts*, Judicial Council of Virginia (March 1994); and *Court User Opinions: Incorporating Consumer Research into Strategic Planning*, Supreme Court of Wisconsin (July 1997).

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Florida, Idaho, Iowa, Massachusetts, Michigan, New Jersey, New Mexico,² North Carolina, Pennsylvania, Rhode Island, Utah, Virginia, Washington, and Wisconsin) that have conducted full studies on public trust and confidence in the courts. Five states (Alabama, Kentucky, Louisiana, Mississippi, and Oregon) have completed studies which dealt in part with public trust and confidence issues, and three more jurisdictions (District of Columbia, New Hampshire, and Puerto Rico) are in the planning stages of public trust and confidence studies.

In addition to the state-level research activity, the NCSC is scheduled to coordinate a national public trust and confidence research project. The project will be a follow-up to the NCSC's 1978 national study on the public image of the courts.³

Purpose

This study provides baseline information about how Texans view the courts and the legal profession in their state. This information can be used by judicial and bar leaders and policymakers to recommend systemic changes to improve the state's court system and public perception of the judicial system and the legal profession in Texas. The baseline data can also serve as a useful benchmark to which future research on the public's image of the courts and the legal profession can be compared. Further, the study provides information regarding the disparities that exist among different segments of the Texas population regarding how they perceive the courts and the legal profession in Texas.

Methodology

The findings presented in this report are based on a telephone survey administered to a stratified, random sample of 1,215 Texas adults. The survey instrument was designed by research staff at the State Bar and OCA, with substantial input from the State Bar's leadership, Texas Supreme Court justices, a group of Texas district court judges, and faculty at the University of Texas at Austin.

Under an interagency contract with OCA, the telephone survey was administered by the Survey Research Center at the University of North Texas (UNT), between July 17, 1998 and September 1, 1998. OCA and State Bar research staff worked closely with the survey team at UNT in the pre-testing of the survey instrument and the training of interviewers. The overall margin of error for the survey is +/- 2.8 percent, at the 95 percent confidence level. This indicates that, in 95 out of 100 cases, the results based on a sample size of 1,215 will differ by no more than 2.8 percent in either direction from the results that would

²The study conducted by New Mexico also examined public trust and confidence in the legal profession.

³See *The Public Image of the Courts: Highlights of a National Survey of the General Public, Judges, Lawyers and Community Leaders*, National Center for State Courts (March 1978).

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be obtained from interviewing the entire adult population of Texas.

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Overall Results

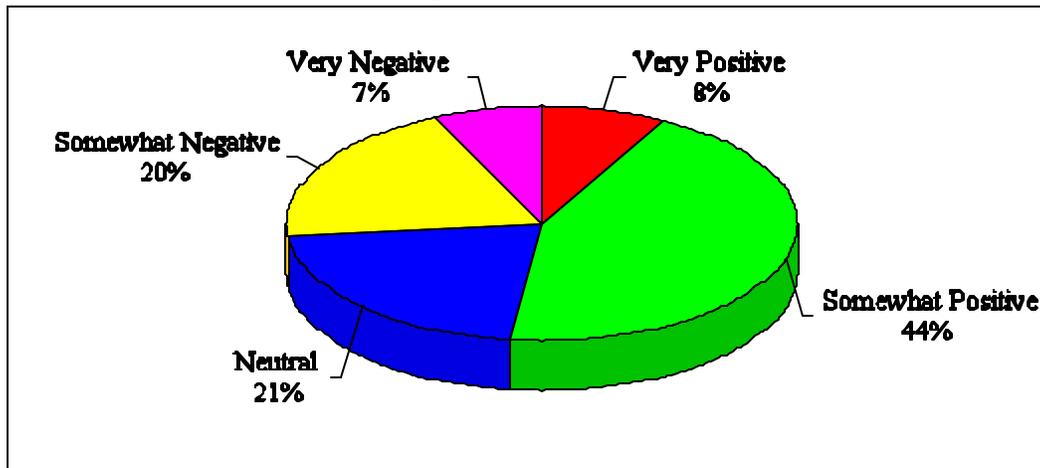
The survey results indicated that the public's view of the courts and the legal profession in Texas is generally positive, but that Texans believe that there are areas in the justice system that need improvement. Highlights from the survey are presented below.

Overall Opinion of the Texas Court System

The majority of Texans had a favorable overall impression of the state's court system and a positive opinion of both the legal process and the judges they observed. Survey respondents were satisfied with the services they received from Texas courts, and overwhelmingly believed that the state's courts are overworked.

- ! Over half of the survey respondents (52 percent) indicated a positive overall impression of the Texas court system, while only 27 percent had a negative impression. (See Figure 1).

Figure 1
Overall Impression of Texas Courts



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the Legal Profession in Texas, 1998.

- ! Almost three-quarters of Texans (73 percent) felt that judges and court personnel are courteous and respectful to the public.
- ! The vast majority of the survey respondents (78 percent) believed that Texas courts are overworked.
- ! Of those Texans with courtroom experience, the overwhelming majority (82 percent) were satisfied with the process and the judges they observed in Texas courts.

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- ! Most survey respondents (60 percent) rated the services they received from Texas courts as “very good” or “somewhat good.”

Honesty and Ethics

When asked to rate various professions in terms of honesty and ethics, Texans thought highly of judges, but were less inclined to believe that lawyers are honest and ethical. Texas courts were also more likely than other institutions or industries (e.g., the media, insurance companies, the public school system) to be viewed as honest and ethical.

- ! The majority of Texans rated teachers (85 percent), doctors (77 percent), and judges (71 percent) as “very” or “somewhat” honest and ethical. In contrast, significantly fewer Texans provided the same rating to lawyers (40 percent), auto mechanics (39 percent), and politicians (26 percent).
- ! The majority of survey respondents rated the Texas Supreme Court (77 percent), Texas courts in general (69 percent), and the Texas Court of Criminal Appeals (66 percent) as “very” or “somewhat” honest and ethical.

Quality Performance

Most Texans thought that judges are highly qualified; however, the majority disagreed that court cases are completed expediently.

- ! Approximately two-thirds of Texans (66 percent) felt that judges are highly qualified.
- ! The majority of Texans (54 percent) disagreed that court cases are concluded in a timely manner.

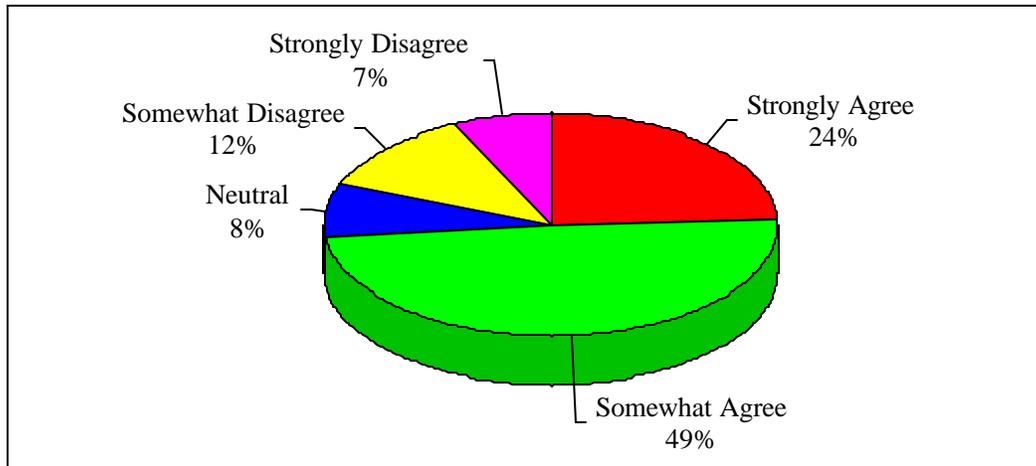
Equality and Fairness

Survey respondents provided conflicting answers to questions about equality and fairness in the Texas courts. While most Texans felt that the courts were the best place to settle disputes and believed that they would receive fair treatment from the Texas courts, they did not feel that the courts treat all people alike regardless of gender, race, or socio-economic status. Furthermore, Texans were inclined to believe that judicial campaign contributions have a significant influence on the decisions made in the courtroom.

- ! The vast majority (73 percent) of survey respondents felt that they would be treated fairly if they had a case pending in the Texas courts. (See Figure 2).

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Figure 2
If I Had A Case Pending in the Texas Courts,
I Believe I Would Be Treated Fairly



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the Legal Profession in Texas, 1998.

- ! Over two-thirds (70 percent) of Texans felt that people are more likely to receive justice in the courts than with any other method of settling disputes.
- ! As in other states (e.g., Arizona,⁴ Florida,⁵ New Mexico,⁶ and Virginia) that explored this issue, a large percentage of Texans did not feel that the courts treated people alike regardless of gender, race, or socio-economic status: 50 percent of Texans agreed that the courts treat men and women alike; 41 percent felt that the courts treat all people alike regardless of race; and only 22 percent believed that the courts treat poor and wealthy people alike. (See Figure 3).

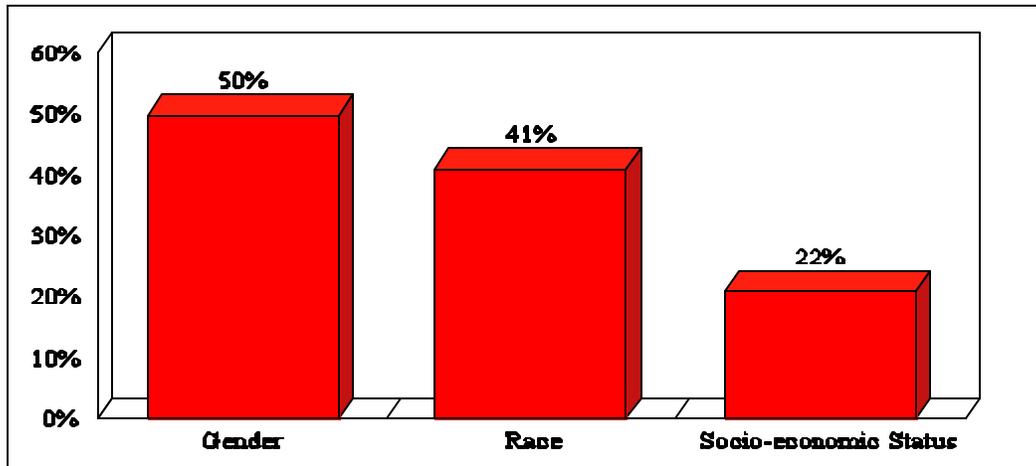
⁴See *Arizona State Court Citizen Survey: The Public Perspective*, Arizona Supreme Court and the Administrative Office of the Court (July 1997).

⁵See *Florida Statewide Public Opinion Survey: Staff Report*, Judicial Management Council, Committee on Communication and Public Information (July 1996).

⁶See *Community Survey of Lawyers and the Legal System*, State Bar of New Mexico and the Administrative Office of the Courts (June 1997).

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Figure 3
Texans Agreeing That Courts Treat All People Alike
Regardless of Gender, Race, or Socio-economic Status



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the Legal Profession in Texas, 1998.

- ! The overwhelming majority of Texans (83 percent) felt that campaign contributions made to judges have a “very significant” (43 percent) or “somewhat significant” (40 percent) influence on the decisions judges make in the courtroom.

Accessibility and Accountability

The public had mixed views on several issues related to court accessibility. While most Texans felt that the courts make adequate accommodations for people with disabilities and special language needs, they disagreed that court costs and filing fees are affordable and that court procedures can be understood by the average person. On a related issue, most people felt that the courts are accountable to the public for their actions.

- ! The majority of Texans felt that the courts adequately accommodate persons with disabilities (74 percent) and special language needs (70 percent).
- ! Respondents felt that court costs and filing fees are unaffordable to the average citizen. Roughly seven out of every ten Texans (69 percent) disagreed that these costs and fees are affordable.
- ! Fifty-one (51) percent of Texans believed that the average person does not understand court procedures, compared to 44 percent who believed that people do understand them.
- ! Approximately two-thirds (67 percent) of the survey respondents felt that the Texas courts are

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accountable to the public for their actions.

Protection of Society

Texans felt that protecting society from criminals is a critical role of the courts. Respondents agreed that the courts protect citizens' rights; however, they voiced concern that judges are too lenient with criminals and that crime victims should be given more opportunity to tell their side of the story in court.

- ! While the overwhelming majority of Texans agreed that an important role of the courts is to protect society from criminals (84 percent), almost two-thirds (64 percent) of those surveyed felt that judges are too lenient with criminals.
- ! Over half of Texans (57 percent) agreed that citizens' rights are well protected by the courts compared to 39 percent who did not feel that they are well protected.
- ! Nearly three out of every four Texans (73 percent) felt that the courts should give crime victims more opportunity to tell their side of the story.

Preferred Methods for Selecting Judges and Representation on the Bench

Although Texans thought that campaign contributions made to judges have an impact on courtroom decisions, the majority did not want to change the elective system for selecting judges. The majority of survey respondents also felt that there are too few women and minority judges in Texas.⁷

- ! Seventy (70) percent of Texans believed that judges should be elected by the people. The next most popular method for selecting judges (noted by 20 percent of the survey respondents) was to have judges appointed by the Governor and subject to retention elections.
- ! The majority of Texans felt that there are too few female judges (62 percent) and racial/ethnic minority judges (55 percent) on the bench in Texas.

General Knowledge of and Experience with the Texas Courts

While a significant number of Texans indicated that they have been in a Texas courtroom in recent years,

⁷As of February 1998, women represented 20 percent of the 396 district court judges, 28 percent of the 80 intermediate appellate court justices, 22 percent of the nine Court of Criminal Appeals judges, and 33 percent of the nine Supreme Court justices in Texas. Ten percent of the district court judges were Hispanic and 3 percent were African American. Similarly low percentages of Hispanics (9 percent) and African Americans (1 percent) were among the state's intermediate appellate court justices, Court of Criminal Appeals judges (Hispanic: 0 percent; African American: 11 percent), and Supreme Court justices (Hispanic: 11 percent; African American: 0 percent).

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the survey responses to questions about burden of proof and the appeals process showed that most Texans do not have a clear understanding of how the Texas judicial system works. Many Texans were likely to have recent court experience; however, the breadth of the experience was somewhat limited in terms of the number of appearances. Most Texans have not been in court more than three times in the past 10 years; these appearances were generally for jury duty.

- ! Although 55 percent of Texans felt that they are “very familiar” or “somewhat familiar” with the Texas court system, the majority was unable to correctly answer true or false questions related to basic judicial system concepts. While large percentages of Texans incorrectly answered questions about the burden of proof (50 percent) and the appeals process (65 to 80 percent), the vast majority of Texans (83 percent) did correctly answer that most judges in Texas are elected by the people.
- ! Of the three-quarters of Texans who indicated that they have been in a Texas courtroom at some point in their life, 23 percent said that they have been in court within the past six months, and 50 percent indicated that their most recent Texas court experience was within the past two years.
- ! In general, survey respondents tended not to have repeated exposure to Texas courts. Twenty-six percent said that they have been in a courtroom just once in the past 10 years and 41 percent reported that they have had two to three court appearances over the past 10 years.
- ! The most common reasons for an appearance in a Texas courtroom were for jury duty (49 percent), as a defendant in traffic court (17 percent), and to lend support to a friend or family member (16 percent).

Public Attitudes Toward Lawyers

Although lawyers received fairly low ratings when survey respondents were asked if they believe that lawyers are honest and ethical, some of the information collected in the survey contradicts this belief. A slight majority of Texans had a positive general opinion of lawyers compared to nearly one-third who expressed a negative general opinion. Although Texans expressed some specific reservations about lawyers (e.g., lawyers manipulate laws to get criminals released, lawyers are driven by money, services provided by lawyers are not affordable to the average person), most Texans felt that lawyers are competent in their profession and are necessary to protect the rights of the people.

- ! Approximately half of Texans (51 percent) had a positive general opinion of lawyers compared to a sizable minority (31 percent) who expressed a negative opinion. (See Figure 4).
- ! Forty (40) percent of survey respondents rated lawyers as “very” or “somewhat” honest and ethical, while significantly more Texans provided that rating to teachers (85 percent), doctors (77 percent), and judges (71 percent). However, when Texans were asked if most lawyers are honest and ethical, 61

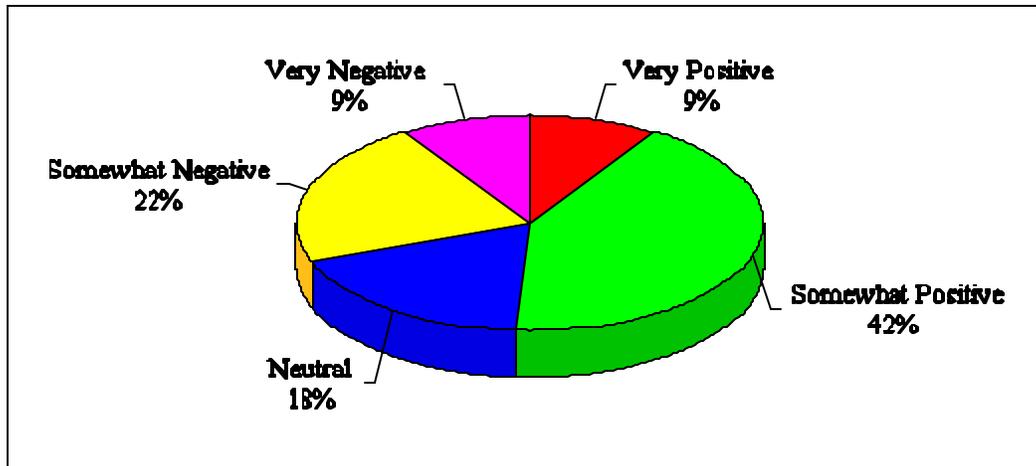
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percent agreed.

- ! The majority of Texans (77 percent) felt that lawyers are very competent in their profession and an even higher percentage (89 percent) agreed that lawyers are necessary to protect the rights of the people.

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Figure 4
General Opinion of Lawyers



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the Legal Profession in Texas, 1998.

- ! Over one-third (35 percent) of the survey respondents who had a negative opinion of lawyers indicated that their opinion was based on the feeling that “lawyers are driven by money.”
- ! Positive sentiment toward lawyers was stronger among those with firsthand experience with lawyers. When asked to rate their level of satisfaction with the assistance or representation they received from lawyers, over three times as many Texans were satisfied with the services (73 percent) than were dissatisfied (21 percent).
- ! While nearly three-quarters of Texans (74 percent) felt that the overall quality of legal services in Texas is good, most people (71 percent) disagreed that these services are affordable to the average person.
- ! Survey respondents were split over the issue of whether lawyers often offer free legal services to persons who cannot afford a lawyer. Almost half (48 percent) of Texans felt that lawyers frequently offer these free services, while 42 percent felt that they did not.
- ! The majority of Texans (78 percent) agreed that lawyers manipulate laws to get criminals released compared to just 17 percent who disagreed.
- ! Nearly two out of every three Texans (64 percent) indicated that there are too many lawyers in Texas. Only 25 percent of the survey respondents disagreed that there are too many lawyers in the state.

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Stratified Results

The overall survey findings show Texas courts and lawyers in a favorable light; however, there is disparity in some of the responses when they are stratified by race/ethnicity, urban/rural residency, gender, socio-economic status, education, or recent court experience. Some of the key findings from the stratified analysis are presented below.

Differences by Racial/Ethnic Background

- ! Similar to findings in California, Hispanics in Texas had the most positive view of the courts and African Americans had the most negative impression of them. Significant differences among the various racial/ethnic groups were found to exist in nearly every functional area (e.g., quality performance, accessibility, equality and fairness, etc.) covered by the survey. (See Table 1).

Table 1
Significant Differences by Racial/Ethnic Background

Survey Statement	Percentage of Texans Agreeing with the Statement		
	Caucasian / Anglo	Hispanic / Latino	African American / Black
Overall impression of the Texas court system is positive	48%	63%	53%
I feel that I would be treated fairly if I had a case pending in the Texas courts	74%	74%	61%
Satisfied with the process and judges observed in Texas courts	84%	83%	73%
The courts treat men and women alike	48%	61%	30%
The courts treat all people alike regardless of race	37%	54%	30%
The courts treat poor and wealthy people alike	17%	36%	17%
Judges are too lenient with criminals	65%	67%	50%

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There are too few female judges in Texas	57%	68%	72%
There are too few racial/ethnic minority judges in Texas	47%	58%	75%

- ! Minorities were more inclined to have a positive overall view of the legal profession than Caucasians. While 60 percent of African Americans and 59 percent of Hispanics had a positive opinion of lawyers in Texas, only 46 percent of Caucasians held lawyers in such high regard.

Differences by Urban/Rural Residency

- ! Although urban and rural residents of Texas agreed on most court-related issues, a few key differences were found. Persons living in rural areas were more likely to feel that courts treat people alike regardless of gender or race, and that judges are too lenient with criminals. Rural residents were also less inclined to believe that there are too few minority judges in Texas. (See Table 2).

Table 2
Significant Differences by Urban/Rural Residency

Survey Statement	Percent of Texans Agreeing with the Statement	
	Urban	Rural
The courts treat men and women alike	44%	54%
The courts treat all people alike regardless of race	39%	45%
Judges are too lenient on criminals	59%	73%
There are too few racial/ethnic minority judges in Texas	62%	51%

- ! Urban residents had a higher opinion of Texas lawyers than people living in rural jurisdictions. Fifty-five (55) percent of urban residents had a positive opinion of lawyers compared to 46 percent of rural residents.

Differences by Gender

Women had a more favorable impression of the Texas courts than men. They were more likely to feel that the courts treat all people alike regardless of gender, and they were slightly more inclined to believe that

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they would be treated fairly by the courts if they had a case pending. A larger proportion of male survey respondents felt that there are too few female judges on the bench. (See Table 3).

Table 3
Significant Differences by Gender

Survey Statement	Percent of Texans Agreeing with the Statement	
	Male	Female
Overall impression of the Texas court system is positive	51%	58%
I feel that I would be treated fairly if I had a case pending in the Texas courts	68%	74%
There are too few female judges in Texas	68%	58%

! Men were slightly more inclined than women to have a higher opinion of lawyers. Fifty-four (54) percent of male survey respondents said that they had a positive general opinion of lawyers compared to 51 percent of female respondents.

Differences by Income Level

! Income level had an inverse relationship to how Texans felt about the state's court system. As household income level increased, persons had a less favorable opinion of the courts and were less likely to feel that the courts treat all people alike regardless of gender, race, or socio-economic status. Persons with an annual household income of \$75,000 or more were also less inclined to feel that judges are too lenient with criminals, and more likely to believe that there are too few racial/ethnic minorities on the bench in Texas. (See Table 4).

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Table 4
Significant Differences by Income Level

Survey Statement	Percent of Texans Agreeing with the Statement		
	Less than \$25,000	\$25,000 to \$74,999	\$75,000 or More
Overall impression of the Texas court system is positive	56%	54%	45%
The courts treat men and women alike	54%	44%	34%
The courts treat all people alike regardless of race	47%	37%	33%
The courts treat poor and wealthy people alike	27%	18%	19%
Judges are too lenient with criminals	60%	62%	54%
There are too few racial/ethnic minority judges in Texas	57%	60%	66%

! Income was also inversely related to how people felt about lawyers in Texas. A significantly lower proportion of high income persons⁸ (44 percent) had a positive opinion of lawyers than persons in the middle income (52 percent) or low income groups (58 percent).

Differences by Education Level

! While respondents' level of education had very little effect on their overall impression of the Texas court system, their level of satisfaction with the process or judges, or the feeling they would be treated fairly by the courts, those with less formal education were more likely to feel that all people are treated alike regardless of gender, race or socio-economic status, and more likely to agree that judges are too lenient with criminals. In addition, those with less formal education were less inclined to feel that there are too few racial/ethnic minority judges in Texas. (See Table 5).

⁸"High income" is defined as having an annual household income of \$75,000 or more, "middle income" is defined as having an annual household income between \$25,000 and \$74,999, and "low income" is defined as having an annual household income of under \$25,000.

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Table 5
Significant Differences by Education

Survey Statement	Percent of Texans Agreeing with the Statement		
	No High School Diploma	High School Diploma or Some College	College Degree
The courts treat men and women alike	69%	45%	41%
The courts treat all people alike regardless of race	59%	40%	35%
The courts treat poor and wealthy people alike	41%	22%	18%
Judges are too lenient with criminals	70%	65%	54%
There are too few racial/ethnic minority judges in Texas	43%	59%	66%

! Texans who did not graduate from high school were most likely to have a positive opinion of lawyers. Sixty-three (63) percent of those without high school diplomas or GED certificates had a positive overall opinion of attorneys compared to 55 percent of those with a high school diploma or some college and 49 percent of college graduates.

Differences by Recent Court Experience

! Though having a recent experience (within the last two years) with the Texas courts did not have a significant impact on how the public viewed many aspects of the judiciary, those with a recent courtroom encounter were less likely to feel that they would be treated fairly by the courts, more likely to “strongly disagree” that judges are too lenient with criminals,⁹ and more inclined to believe that there are too few racial/ethnic minority judges in Texas. (See Table 6).

⁹Almost twice as many Texans (15 percent) with recent courtroom experience “strongly disagreed” that judges are too lenient with criminals than those without such experience (8 percent).

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Table 6
Significant Differences by Recent Courtroom Experience

Survey Statement	Percent of Texans Agreeing with the Statement	
	Have Been in a Texas Courtroom in the Past Two Years	Have <u>Not</u> Been in a Texas Courtroom in the Past Two Years
I feel that I would be treated fairly if I had a case pending in the Texas courts	65%	72%
There are too few racial/ethnic minority judges in Texas	65%	55%

! Recent court experience did not appear to have an impact on how Texans felt about lawyers. Fifty-one (51) percent of persons who have been in a Texas courtroom in the past two years said that they had a positive general opinion of lawyers compared to 52 percent of those without such experience.

Other Key Factors Related to Public Perception of the Courts and the Legal Profession

In addition to the significant differences reported for race/ethnicity, residency, gender, income level, education level, and recent courtroom experience, the following factors were found to be associated with variation in the public’s perception of the courts and the legal profession in Texas:

! Persons with a positive general opinion of Texas lawyers were more likely to have a positive overall impression of the Texas court system, and more likely to feel they would be treated fairly if they had a case pending in the Texas courts. They were also more likely to rate the services received from Texas courts as “very good” or “somewhat good”;

! Younger Texans (18 to 34 years old) were more likely to feel that they would be treated fairly if they had a case pending in the Texas courts, and older Texans (55 years or older) were more likely to have a generally positive opinion of lawyers;¹⁰

¹⁰Responses from “Younger (18 to 34)” and “Older (Over 55 years old)” survey respondents were compared to responses from “Middle-Aged (36 to 55 years old)” respondents which served as the reference category for the age

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variables included in the statistical models.

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- ! Persons who said that they were familiar with the Texas courts were more likely to have a positive overall impression of the state's court system. Those familiar with the courts were also less likely to feel that judges are too lenient with criminals;
- ! Persons who reported that they frequently obtain information about Texas courts through personal experience were less likely to believe that they would be treated fairly if they had a case pending in the Texas courts; and
- ! Persons who indicated that they were in court as a defendant in a civil trial were less likely to rate the services received from Texas courts as "very good" or "somewhat good."

Conclusion

These findings on public trust and confidence in the courts and the legal profession in Texas are consistent with similar research conducted in other states. The overall opinions regarding the Texas court system are positive; however, the survey responses highlight specific areas that Texans believe need improvement. For example, there was concern about fairness and equality in the courts, excessive court costs and filing fees, clarity of court procedures, protection of society from criminals, and victims' rights.

In addition, survey responses were not uniform among all segments of the Texas population. For example, African Americans, Hispanics, and Caucasians viewed the courts differently. Hispanics had the highest degree of confidence in the courts and African Americans had the lowest. Differences were also observed when the data was stratified by gender, urban/rural residency, socio-economic status, education, court experience, and knowledge of the judicial system.

Finally, Texans had a generally positive view of the legal profession. Lawyers were perceived to be competent, generally respectful to their clients, and necessary to protect the rights of the people. Texans did, however, voice some concern about the cost of legal services, lawyers' excessive interest in money, and the lack of free legal services for those who cannot afford lawyers.