

State of the Judiciary
Chief Justice Harry L. Carrico, Virginia Supreme Court of Appeals
Message to the Judicial Conference of Virginia
May 6, 1994

It has been the custom over the years for the chief justice to use this occasion to comment on the state of the judiciary. Traditionally, the comments have consisted in large part of a review covering the progress made by the judicial system since the previous judicial conference.

However, the typical state of the judiciary address presented the situation from the perspective of court functionaries, not court users. Perhaps it would be helpful to use this occasion to turn the situation around and inquire how those who use the judicial system view the prospect of going to court, how those directly affected evaluate the system, and what the system would look like if the public were given the opportunity to reinvent the courts.

As some of you may recall, the Commission on the Future of Virginia's Judicial System stated in its report:

As a service-oriented sector, the judiciary must seek to understand through research the impact of societal changes on the courts, and gather participant views on ways to improve the operation of [the judicial system]. Such knowledge would shape the judiciary's strategic plans as well as development of specific consumer-oriented approaches to help citizens make better use of the . . . system.

The Commission's report, coupled with movements in the private sector toward "total quality management" and the more recent calls for "reinventing" government, fueled a sense of need to analyze the public's attitude toward the courts. Through the use of private enterprise research techniques, the Office of the Executive Secretary has spent the last year collecting information on how Virginians view their court system. I would like to share with you some of the views that were expressed.

The most gratifying thing about this research is that it demonstrates that users of Virginia's judicial system view the courts in a positive way. The attitudes expressed about our courts were, in general, far more favorable than those expressed in similar research nationally. Findings from telephone surveys indicate an overall 60 percent positive impression of the court system among all respondents. This rating jumped to nearly 70 percent among exit survey participants, who rendered their opinions immediately after attending court. Notably, throughout the research, those people who responded to exit surveys following a specific court experience evaluated the courts more favorably than those answering a telephone survey. This finding is contrary to the findings of most national research, where the degree of satisfaction decreased as exposure to the court system increased.

Although I recognize the risk of overwhelming you with statistics, I do want to share with you a few more figures that demonstrate the public's view of the courts. Contrary to some beliefs, approximately 66 percent of those surveyed who had been to court expressed satisfaction with

the outcome of their cases. Nearly 75 percent of all respondents expressed confidence that courts follow the law in performing their duties. Further, 72 percent of telephone respondents who had been to court reported that they had received courteous and respectful treatment from judges and court personnel. That figure rose to 84 percent for the respondents to exit surveys. In addition, when participants were asked about the accuracy of information and the dependability of services provided by court personnel, 78 percent in the exit survey answered favorably.

I think it is an interesting phenomenon that those with recent court experience had more positive impressions of the court system and the performance of those working in it than respondents without court experience. This seems to suggest that our actual performance may be better than the perception held by non-court users and that many people gain a negative perception through the media or other sources.

While overall responses were gratifying, the findings also point to several areas of concern about the relationship between the courts and certain segments of the population. These perceptions were similar whether the respondents had court experience or not. The data show that impressions of Virginia's courts vary by education, income, and race. For example, as income and educational attainment increase, so does the percentage of people who view the courts in a positive manner. On the other hand, a lower percentage of non-whites, 47 percent, report positive impressions of the courts than whites at 63 percent.

The results of the telephone survey also document a less positive public opinion regarding timeliness in the handling of litigation. Only 36 percent of the respondents agreed with the statement, "the length of time you have to wait in the courtroom before your case is heard is reasonable." Agreement with the statement, "[c]ourt cases are completed in a reasonable time," was only slightly better at 41 percent.

Concerns were raised regarding the judicial system's performance in providing information on court procedures and services to the public. Asked whether "[m]ost people can understand court procedures," less than half responded affirmatively. In response to a related question, a slightly smaller percentage felt that courts do a good job in explaining court procedures and services.

Citizens were most critical in their opinions of the cost of legal services. When asked whether lawyers' fees are reasonable, a mere 17 percent gave affirmative responses.

Comments from respondents to open-ended questions reinforced the need for expanded use of alternative dispute resolution techniques. Seventy-eight percent of all respondents and 86 percent of those with recent court experience favored development by the courts of means other than trials for settling minor disputes such as controversies between neighbors.

Even though I have only scratched the surface of the information that has been collected, I believe that the state of the judiciary as seen through the eyes of the public is clear. The judicial system is fundamentally sound and is supported by the bulk of the citizenry. Judges and court personnel are respected and seen as doing well at their jobs. Yet, as with all institutions, we have weaknesses that require attention. Those areas needing improvement include the perceived inequality in the courts' treatment of minorities; the public's disdain for delay in disposing of

litigation; the limited access to justice resulting from lack of knowledge about court procedures; and the sparsity of alternative dispute resolution methods.

If this is how the public views the court system, what will be our response? Should we not re-evaluate what we do and adopt a more public-service oriented focus in all relationships between the courts and the public? Mustn't we recognize that, as practitioners, we are preoccupied with the law, the existing procedures, and the workload and, as a result, lose sight of our purpose — to serve the public?

Thinking about the courts from the users' viewpoint may be something new to many, if not all, of us. Yet I think each one of us should reevaluate how we do business, what our attitudes are toward litigants, and whether our courts are user-friendly. One commentator summarized the value of such an approach when he said, "Adoption of ... a consumer- oriented perspective will not only serve the interest of the public that uses the legal system, but may also provide courts a means to combat the benign - and not so benign - neglect of politicians in the lean years ahead."

The inclusion in the planning process of the views gained from users of the judicial system will provide an effective means to involve the public and the judiciary as partners in creating an agenda for improvement. By developing this partnership, the public and the judiciary can devise the best possible system of justice for Virginia and, in turn, provide the best possible future for the courts. As a result, the judiciary not only will have performed its function of serving justice but also will have generated the public perception that it is serving justice well.