

How Previous Court Experience Influences Evaluations of the Kansas State Court System

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How do previous court experiences shape citizen evaluations of the court system? Since the unveiling of *The Public Image of Courts* in 1977, the prevailing wisdom has been that a citizen's previous experience with the court system tends to have a negative influence on his or her confidence toward state and local courts.¹ However, in recent years this wisdom has come into question. For example, Kritzer and Voelker found that citizens who had recent contact with the courts in Wisconsin had more positive evaluations of the court system.² In re-examining the findings from the landmark study in 1977, David Rottman has noted that the original conclusion that differences in citizen confidence levels varied by their previous experiences had been exaggerated. While those with previous experiences with state and local courts were slightly more likely to be less confident in state courts, he has argued that the results lack statistical significance. Moreover, in a review of state level public opinion surveys conducted over the past fifteen years, Rottman concluded that there was "no confidence gap between those with and without court experiences."³

The findings from recent national surveys also cast doubt on the original conclusion. In February 1998 the American Bar Association sponsored a national survey of 1,000 respondents. The report, *Perceptions of the U.S. Justice System*, found that a respondent's positive or negative evaluation of his or her experience with the court system affected confidence in state and local courts. While 28% of all respondents indicated that they were extremely or very confident about state and local courts, when broken down by the respondents' evaluation of their experiences, about 32% of those who had had recent positive experiences were extremely or very confident in state courts, compared to only 14% for those who had had negative

experiences.⁴ These findings suggest that, in comparison to positive experiences, negative ones tend to weigh more heavily on public evaluations of the court system. Taken as a whole, these previous studies leave a confusing trail of positive and negative findings and weak relationships.

Public Perception of Kansas Courts

A 1998 opinion survey in Kansas provides another set of data from which we can analyze the relationship between previous court experiences and public opinions of one state's court system. The analysis that follows is based on a survey of 1,226 adults living in Kansas; the survey results for the full sample have a margin of error of +/- 3%.⁵ This study focused exclusively on Kansas, thus limiting our ability to make broader generalizations to other states or the nation. Nonetheless, given the conflicting findings from previous national studies and studies of other states, studying public opinion about a single state's court system provides additional insights to guide policy and research in this area.

While the survey did not ask a question dealing directly with the "confidence" that respondents had in the state and local court system, it did ask respondents whether they agreed or disagreed with the following statements about the Kansas court system:

- People with less money are treated the same as those with more money.
- Kansas courts address the concerns of victims of crimes.
- Kansas juries reach fair verdicts.
- Kansas judges are fair.

Based on the earlier research on this topic, there are a number of ways that previous experiences with the court system could influence these evaluations of the Kansas court system.

1. Yankelovich, et al., *Highlights of a National Survey of the General Public, Judges, and Community Leaders*, in NATIONAL CENTER FOR STATE COURTS, *STATE COURTS: A BLUEPRINT FOR THE FUTURE* 21 (1978).
2. M. Kritzer & J. Voelker, *Familiarity Breeds Respect: How Wisconsin Citizens View Their Courts*, 82 *JUDICATURE* 59, 64 (1998).
3. David Rottman, *On Public Trust and Confidence: Does Experience with the Courts Promote or Diminish It?*, *COURT REVIEW*, Winter 1998, at 14, 20.
4. AMERICAN BAR ASSOCIATION, *PERCEPTIONS OF THE U.S. JUSTICE SYSTEM* 55, 56 (1999). At least as initially reported, a similar study conducted by National Center for State Courts and sponsored by the

Hearst Corporation does not specifically address the relationship between experiences with the courts and public opinion. See F. BENNACK, JR., *HOW THE PUBLIC VIEWS THE STATE COURTS: A 1999 NATIONAL STUDY* (1999).

5. The findings from this survey of Kansas citizens are based on a random digit telephone sample of 1,226 respondents in Kansas that was conducted February 23 to March 20, 1998. The sample is weighted by place of residence in order to adequately represent the population characteristics of Kansas. See JOSEPH A. AISTRUP, *KANSAS CITIZENS JUSTICE INITIATIVE PUBLIC OPINION SURVEY* 5 (1998). The survey, commissioned by the Kansas Justice Commission, was conducted by the Center for Survey Research of the Docking Institute of Public Affairs.

First, previous research suggests that experience with some aspect of the court system may have some influence on respondents' opinions.⁶ These studies tend to distinguish among those who have had no experience, those who have served on juries, and those who have had direct experience through being an active participant (witness, traffic court, civil suit, criminal case). Second, findings from some state surveys show that public evaluations may be influenced by the type of experience with the court system. For example, in Louisiana, those who had been in traffic court, witnesses, or jurors tended to have the higher evaluations of the court system than those who were litigants or victims.⁷ Third, evaluations may be a function of whether the respondent evaluated his or her experience with the court system as positive or negative. These studies have shown that those with positive experiences with the court system will evaluate it more positively.⁸

Table 1 shows the relationship between respondent evaluations of the Kansas court system and general experiences with the court system.

Level of Experience	Poor Treated Same as Rich	Victim Concerns Are Addressed	Jury Verdicts Are Fair	Judges Are Fair
No prior experience with court system	64% N=463	32% N=430	15% N=422	14% N=415
Served on a jury within past five years	64% N=82	36% N=77	8% N=84	15% N=79
Ever had any court experience other than service on jury	74% N=561	46% N=520	21% N=496	30% N=513
All Respondents	69% N=1106	39% N=1027	17% N=1002	22% N=1007

The table shows some support for the idea that Kansans who have had some experiences with the court system tend to be more negative in some of their opinions. For example, 74% of those with prior court experience disagreed that those with less money are treated the same as those with more money, compared to 64% of those who had served on juries or had no experience. About 30% of those with experience with the court system disagreed with the statement that judges are fair, compared to 15% of those who had been jurors or had no experience. These findings for Kansas tend to support the basic findings resulting from *The Public Image of Courts* survey in 1977.

6. See Yankelovich, et al., *supra* note 1.

7. S. HOWELL, CITIZEN EVALUATION OF THE LOUISIANA COURTS: A REPORT

Table 2 continues this analysis by examining the relationship between evaluations of the Kansas court system and type of court experience.

Type of Experience	Poor Treated Same as Rich	Victim Concerns Are Addressed	Jury Verdicts Are Fair	Judges Are Fair
No prior experience with court system	64% N=466	33% N=434	15% N=423	14% N=417
Served on a jury within past five years	64% N=82	36% N=77	8% N=84	15% N=79
Ever been a party in a small claims matter	73% N=35	38% N=31	13% N=28	31% N=30
Ever been a party in a civil case	73% N=121	38% N=112	13% N=106	31% N=110
Ever been a party in a traffic case	72% N=234	46% N=218	21% N=199	31% N=206
Ever been a witness or a litigant in any type of case	73% N=177	44% N=165	21% N=167	25% N=172
All Respondents	69% N=1116	40% N=1036	18% N=1006	23% N=1014

Compared to those with no experience and those who had served on juries, respondents who had been involved in the court system as a participant tended to be more negative, *i.e.*, more likely to disagree with each of these positive statements about the courts. Significantly, compared to all other types of experiences, those who had been involved with civil litigation tended to be the most likely to disagree with each of the statements. This should not be surprising, given that civil litigants tend to be involved in divorces, other domestic disputes, contract disputes, property claims, and the like — all of which represent cases that tend to be highly personal in nature and ones in which winning the case may be as important to the litigant as recovery of any monetary damages. Of course, criminal defendants may also perceive their situations as highly personal. However, few of the Kansas respondents had been criminal defendants and, thus, our data are limited.

The findings shown in both tables 1 and 2 do not control for the respondent's evaluation of the outcome of his or her own court experience. Given that court proceedings are adversar-

TO THE LOUISIANA SUPREME COURT (1998).

8. See AMERICAN BAR ASSOCIATION, *supra* note 4.

ial, it may be that those who judge the outcome of their experience in a negative way tend evaluate the courts in a more negative fashion when compared to those who experienced positive outcomes. For those respondents whose experiences with the court system were less than five years ago, the survey asked questions relating to their level of satisfaction with the outcome. Table 3 compares the evaluations of those who had bad or unsatisfactory experiences with those who had experiences more than five years ago, those who had good or satisfactory experiences as an active participant, those who had good experiences as a juror, and those who have had no experiences with the court system.

**Table 3:
DISAGREEMENT WITH VARIOUS STATEMENTS
BY SATISFACTION WITH COURT OUTCOME**

Type of Experience	Poor Treated Same as Rich	Victim Concerns Are Addressed	Jury Verdicts Are Fair	Judges Are Fair
Unsatisfactory experience within five years	70% N=124	45% N=114	24% N=98	37% N=110
Any court experience more than five years ago	74% N=330	48% N=307	21% N=303	28% N=301
Satisfactory experience within five years (not including service on jury)	77% N=118	42% N=108	16% N=101	29% N=111
Satisfactory experience serving as a juror within five years	64% N=78	33% N=73	8% N=81	12% N=75
No prior experience with court system	64% N=466	33% N=434	15% N=423	14% N=417
All Respondents	69% N=1116	40% N=1036	18% N=1006	23% N=1014

Table 3 shows that those who had experiences more than five years ago were more likely to disagree on two of the four items (poor treated same as rich and victim concerns addressed) than even those respondents who had bad experiences within the past five years. Surprisingly, 77% of those who had good experiences within the past five years disagreed with the statement that those with less money are treated the same as those with more money. Only 70% of those who had bad experiences disagreed with this statement. Those who had a good jury experience have evaluations that were similar to those with no experiences with the court system. Finally, those who had been active participants and had had good court system experiences had levels of disagreement that were similar to those respondents with bad experiences.

Conclusion

These data from the Kansas study suggest that a satisfactory outcome does not substantially improve the likelihood that a respondent will have a more positive evaluation of the Kansas court system. Thus, our conclusions could be interpreted as adding to the trail of mixed findings. Anytime a researcher obtains different findings with survey questions that do not replicate the wording of the previous studies, it is possible that the disparity in findings is a function of the different question wording. It is our opinion that this is not the case here. While asking questions about whether judges and juries are “fair” is different than asking about respondents’ “confidence” in the court system, at least in theory, fairness and levels of confidence would seem to be tapping the same types of attitudes.

Another possibility is that even though these bivariate relationships are statistically significant, multivariate statistical techniques could uncover interesting and significant results that render these bivariate relationships spurious. We did do some exploratory multivariate analyses that go beyond the scope of this article. We found that the relationships noted above remained significant. Taken together, we do not feel that methodological considerations explain the differences in findings. However, there is another possible explanation.

The differences in findings between states like Kansas and Wisconsin suggest that distinct states, with their individual court institutions and culture, may engender contrasting public evaluations of the court system based on experiences. If this is the case, this picture may not be so much confused as complex. Further comparative state court systems research is needed to explore the relationship between institutional arrangements and public evaluations based on court experiences. This research can then be used to determine which institutional arrangements do the most to enhance the public’s perceptions.



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