

PUBLIC TRUST & CONFIDENCE COMMITTEE UPDATE

January 29, 2016

Andrew Atkins, Committee Reporter

OVERVIEW

- Mission
- Presentations to Date
- February Committee Meeting
- Topics for Future Meetings

COMMITTEE MISSION

- Mission:

- Think big
- Think practically
- Make realistic proposals

- Early meetings:

- Topics for consideration
- Statewide polling

NATIONAL PERSPECTIVES: PUBLIC TRUST AND CONFIDENCE IN THE STATE COURTS

Presenter: Dr. David Rottman
National Center for State Courts

- Public trust in national government declining
- Public trust in state government, including courts, remains high
 - Lesser degree of trust indicated by African American respondents
- Procedural fairness is key
- Strengths:
 - Judges are qualified
 - Courts are concerned with people's rights
 - Courts treat people with respect
- Weaknesses:
 - Slow
 - Difficult to access
 - Bias – Minorities, low-income, and non-English speakers
 - Political Influence

HIGH PERFORMANCE COURT FRAMEWORK AND COURTOOLS

Presenter: Laura Klaversma
National Center for State Courts

- Nationally accepted performance measures
 - Linked to key principles
 - Measurable
 - Sustainability
- Internal focus
 - Efficiency and Productivity
- External Focus
 - Effectiveness and Procedural Satisfaction

- 10 Performance Measures
 - Access and fairness
 - Clearance Rate
 - Time to Disposition
 - Age of Pending Case
 - Trial Date Certainty
 - Reliability & Integrity of Case Files
 - Collection of Monetary Penalties
 - Jury Yield/Utilization
 - Employee Satisfaction
 - Cost per Case

IMPLICIT BIAS: PART I

Presenter: Judge Louis Trosch, District Court Judge for the 26th Judicial District of North Carolina

- Implicit bias vs. Explicit Bias
- Brain Function
 - Brain quickly process mass amounts of information using associations and categories
- Influences
 - Available information
 - Representativeness
 - Anchoring
 - Categorization and Generalization
- Problem: Individuals in the judicial system may inadvertently treat people differently because of preconceived notions

IMPLICIT BIAS: PART II

Presenter: Professor Jim Drennan
UNC School of Government

Risk Factors

- Fast decision making
- Ambiguity and unknown information
- Distracted for pressured decision-making
- Lack of feedback
- Low effort cognitive processing
- Social categories

Solutions

- Awareness/Education
- Identify and acknowledge actual differences
- Check thought processes
- Remove and reduce stress and distractions in decision-making process
- Identify ambiguities
- Feedback mechanisms
- Increased exposure to “others”
- Role Reversal

COURTOOLS: MEASURING PERFORMANCE IN NORTH CAROLINA STATE COURTS

Presenter: Brad Fowler, North Carolina
Administrative Office of the Courts

- North Carolina Focus
- Measures:
 - Clearance Rates
 - Time to Disposition
 - Age of Case
 - Collection of Monetary Penalties
 - Cost per Case
- What matters vs. what is measurable
 - Not a direct overlap
- What can be measured that is not?
- We measure efficiency
 - Efficiency vs. Effectiveness
- Public availability and public messaging

NORTH CAROLINA SURVEY RESULTS

Presenter: Emily Portner, NCCALJ

- Polling by High Point and Elon Universities
- Survey methodology and survey questions.
 - Almost 2,000 participants
 - Landline and cellular phones
- Key Results:
 - Little direct participation
 - Approximately 40% characterize knowledge as little or none
 - 1/3 consider NC Courts to be “poor” or “fair”; 45% “good” or better when considering overall confidence
 - Declining confidence as income levels decline
- Key Results continued:
 - Minor decline in confidence by black respondents; more significant by those other than white or black respondents
 - ◆ Similar results when measuring fairness, but more pronounced negative responses by “Black” and “Other” respondents
 - Perception of bias and political influence
 - Perceptions Courts are cost prohibitive

FEBRUARY PRESENTATIONS

- Methods of Judicial Selection
 - North Carolina Overview
 - Other Methods of Judicial Selection
- Attorney Perspectives
 - Judicial Selection
 - Voter Education
 - Campaign Finance
- Recent Legislative Efforts

FUTURE TOPICS AND PRESENTATIONS

- Access to Information
- Equal Access to the Courts
- Open meetings for discussion, addressing topics not yet identified, and addressing topics already addressed by other committees.
 - Efficient Case Scheduling
 - Performance metrics

CONSIDERING HOW NORTH CAROLINA COURTS
CAN BEST MEET INSTITUTIONAL NEEDS
AND 21ST CENTURY PUBLIC EXPECTATIONS