



PUBLIC TRUST AND CONFIDENCE COMMITTEE

Update to Full Commission

June 10, 2016

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ABOUT THE PUBLIC TRUST AND CONFIDENCE COMMITTEE

- Chair – J. Bradley Wilson

- President and CEO, Blue Cross and Blue Shield of North Carolina

- Membership

- Academics, business leaders, elected officials, journalists and attorneys

Dean Martin H. Brinkley
Judge Wanda G. Bryant
Sheriff Earl R. Butler
Douglas Clark
Frank E. Emory Jr.
Juan A. Flores Jr.
Frank B. Holding Jr.

John Hood
A. Dale Jenkins
Senator Floyd B. McKissick Jr.
Dean Suzanne Reynolds
Dean Michael R. Smith*
Robert C. Stephens
Sarah Stevens*

* Ex officio

SHAPING THE COMMITTEE'S WORK

■ Presentation Topics

- Judicial Selection and Retention
- Campaign Finance
- Implicit Bias
- Performance Metrics
- Measuring Public Trust in the Courts

■ Statewide Public Surveys (October / November 2015)

- Collaboration with Elon University and High Point University
- Survey pool = adults in North Carolina
- Questions related to public trust, fairness and access in NC state courts

ROLE OF PUBLIC TRUST AND CONFIDENCE COMMITTEE

The role of the Public Trust and Confidence Committee is to identify and evaluate factors that influence public trust and confidence in the judicial system and to recommend actions to enhance this trust and confidence and further the following goals, among others:

- Promoting fair and equal access to the courts
- Eliminating actual and perceived bias in the courts
- Providing for the just, timely and economical scheduling and disposition of cases
- Enhancing access to information and court records
- Recommending a selection process that ensures well-qualified and independent judges
- Strengthening civics education
- Conducting a recurring public opinion survey

PROMOTING FAIR AND EQUAL ACCESS TO THE COURTS

■ Survey shows:

- Majority of survey respondents (73 %) do not believe that most people can afford to bring a case to court. *2015 High Point University Poll*
- Survey respondents (76 %) believe that people who have no lawyer representing them receive somewhat worse or far worse treatment in the courts. *2015 Elon University Poll*

■ Committee Focus – Identify and remove barriers that impede fair and equal access to the courts

- Physical impediments
- Costs (court costs, attorney's fees, etc.)
- Language / cultural barriers
- Complexity of the judicial process
- Inconvenience (business hours, geography, etc.)

ELIMINATING ACTUAL AND PERCEIVED BIAS IN THE COURTS

■ Survey shows that respondents believe:

- Wealthy people receive far better treatment or somewhat better treatment in the courts (80 %).*
- White people generally are treated better by the courts (48 %).*
- People without legal representation are treated worse by the courts (76 %).*
- Low-income people are treated worse by the courts (64 %).*
- Non-English speaking individuals are treated worse by courts (53 %).*
- African Americans are treated worse by the courts (46 %).*
- Hispanics are treated worse by the courts (46 %).*

**2015 Elon University Poll.*

■ Committee Focus – Create a bias-free environment in state courts

- Enhanced training and education to combat the potential for bias based on demographic factors
 - ◆ Race, gender, religion, economic status, primary language or other factors
- Increased cultural awareness and understanding
- Implementation of uniform policies and procedures, with consistent decision-making processes
- Commitment to diversity in the Judicial Branch workforce

PROVIDING FOR THE JUST, TIMELY AND ECONOMICAL SCHEDULING AND DISPOSITION OF CASES

- Survey shows:
 - Forty-four percent of respondents agree that courts efficiently handle cases from filing the case, to disposition or trial, while 46 percent disagree. 2015 High Point University Poll
 - Twenty-five percent of respondents agree that cases are resolved in a timely manner, while 63 percent disagree. 2015 High Point University Poll

- Committee Focus – Improve efficiencies, increase convenience and shorten time to disposition
 - Enhanced technology options
 - ◆ e-Filing, online compliance disposition, electronic payments, video appearances, etc.
 - Effective case management strategies
 - Increased use of performance metrics, including expected time-to-disposition goals for various case types
 - Recognition and implementation of best practices

ENHANCING ACCESS TO INFORMATION AND COURT RECORDS

- Survey shows:
 - N/A

- Committee Focus – Enhance access to court records, information and available resources
 - Easy-to-understand legal forms and instructions
 - Online access to general information about court processes, procedures, and operations
 - Convenient electronic access to public records
 - Increased availability of legal assistance for low and moderate-income individuals
 - Staffed self-help centers to provide assistance for self-represented litigants

RECOMMENDING A SELECTION PROCESS THAT ENSURES WELL-QUALIFIED AND INDEPENDENT JUDGES

- Survey shows that a majority of survey respondents:
 - Do not believe that courts are free from political influence (76 %)*
 - Believe that judges' decisions are influenced by political parties (76 %)*
 - Believe that judges' decisions are influenced by the fact they must run for election (75 %)*

**2015 Elon University Poll*

- Committee Focus – Ensure a well-qualified and independent judiciary
 - Evaluation of alternative methods for judicial selection and retention
 - Commitment to separation of powers
 - ◆ Adequate funding for the Judicial Branch
 - ◆ Recognition as independent and equal branch of government
 - Consideration of minimum qualifications for judicial service
 - Support for competitive salary and compensation for judges

STRENGTHENING CIVICS EDUCATION

■ Survey shows:

- A majority of respondents (58 %) claimed to know a lot or some about the courts, while 41 percent know a little or nothing at all.*
- Only 30 percent had served on a jury, 28 percent had been a plaintiff or defendant in a court case, and only 24 percent had testified as a witness.*

**2015 Elon University Poll*

■ Committee Focus – Strengthen civics education in North Carolina among school-aged children and adults

- Enhanced public school curricula and programmatic materials
- Increased engagement in civics education and public service efforts by judicial officials, court staff, and judicial stakeholders
- More robust information about the courts to jurors, witnesses, litigants and others interacting with the court system
- Increased use of social media to educate the public

CONDUCTING A RECURRING PUBLIC OPINION SURVEY

- Survey shows:
 - A majority of survey respondents (66 %) indicated that they were very confident or somewhat confident in North Carolina state courts. *2015 Elon University Poll*
 - HPU Poll respondents expressed opinions of state courts that were excellent (2 %), very good (11 %), good (32 %), fair (25 %) and poor (16 %). *2015 High Point University Poll*

- Committee Focus –Understand how people perceive North Carolina courts and facilitate improvements
 - Regular surveys to gauge public perception
 - Use of survey results to make system improvements
 - ◆ Facilitate needed changes based on respondent feedback
 - ◆ Identify areas in which public perception ≠ reality; provide appropriate education

RECAP: ROLE OF PUBLIC TRUST AND CONFIDENCE COMMITTEE

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