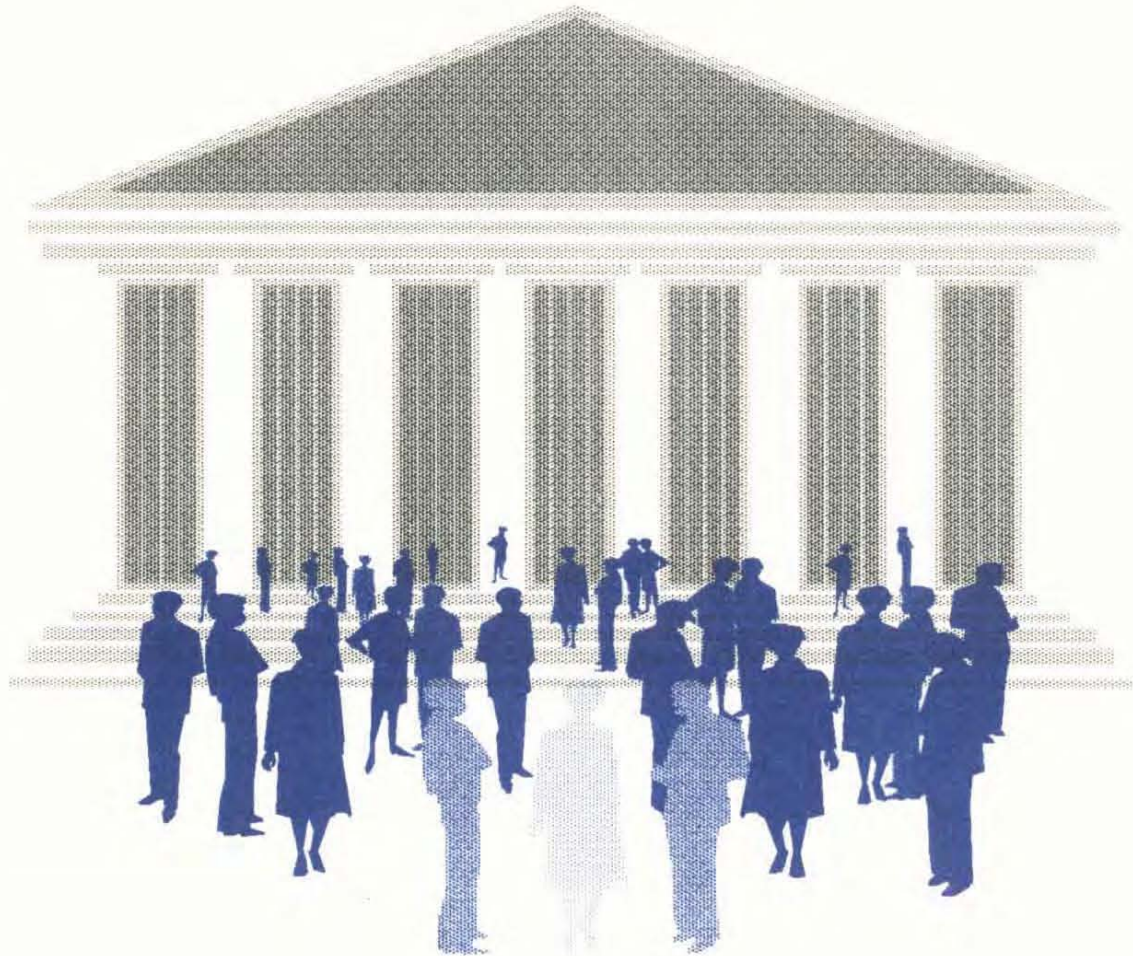


The Public as Partners: **Incorporating Consumer Research into** **Strategic Planning for Courts**

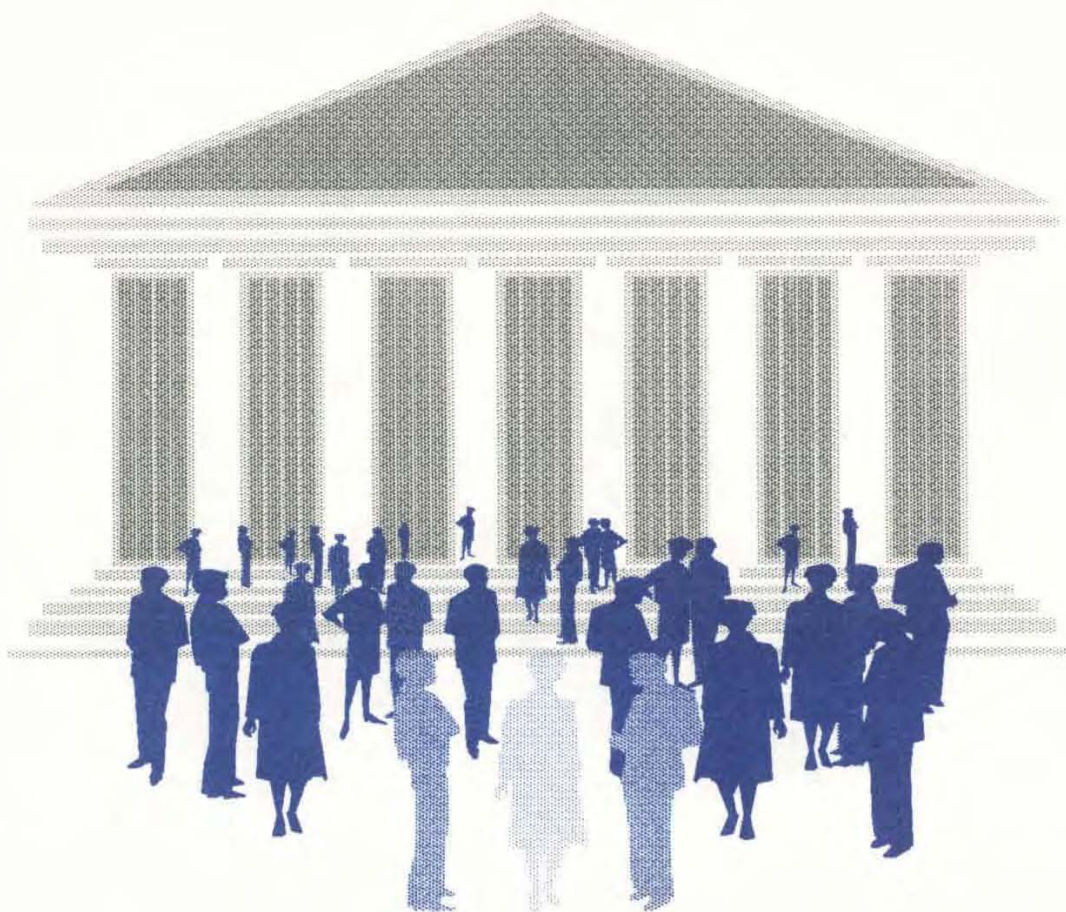


Judicial Council of Virginia
March 1994



The Public as Partners:

Incorporating Consumer Research into Strategic Planning for Courts



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The points of view expressed are those of the authors and do not necessarily represent the
official position or policies of the State Justice Institute.*



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Dr. Thomas A. Myers, a public administration professor at Virginia Commonwealth University, who specializes in the application of marketing principles to the public sector, served as the project consultant and directed the research efforts for much of the project. He also prepared the literature review that is included in *Appendix I* of this report and served on the Advisory Panel. His advice and generous assistance to the state court administrator's office and project staff contributed significantly to the successful undertaking of this effort. In addition, Mr. David Sheatsley served as the initial project director for this program and was instrumental in getting the research underway and preparing preliminary analyses of the results.

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Section I

Executive Summary



Executive Summary

Introduction

In 1994, the use of public opinion research to obtain feedback on the effectiveness and responsiveness of the courts remains virtually an untapped resource within judicial systems. This fact seems remarkable, if not startling, as judiciaries throughout the nation seek to address the pattern of reported erosion in public confidence in and understanding of the courts.

Private enterprise has been collecting and analyzing information on the needs and expectations of consumers for years. The feedback received is translated into corporate strategy for improving existing services, introducing new products, and effecting organizational change. Only recently have officials in the public sector moved to incorporate a "consumer focus" into the management and mindset of their organizations. This shift in focus emphasizes the need to bring the interests of the consumers of government services into the planning and evaluation processes of the organization.

Fueled by the "total quality management" and "service excellence" movements in the private sector and the more recent calls for "re-inventing" government, political and public policy leaders at the local, state and federal levels increasingly have begun to urge executive branch agencies to measure constituent satisfaction and reorganize government around the service needs of their customers. Most notable among these initiatives was the 1993

National Performance Review chaired by Vice-President Al Gore. As a result, President Clinton has followed the lead of a number of governors, legislators, and mayors by issuing a policy directing agencies to include customer satisfaction feedback as a measure of their effectiveness in carrying out their organization's mission.

The responsibility of those who lead and manage the courts to acquire such information from the court system's numerous constituencies seems equally clear. As members of the Commission on the Future of Virginia's Judicial System stated in *Courts in Transition*, their 1989 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 operations of courts. 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 judicial system. The results of such research would focus citizen opinions directly into the judiciary's planning process and thus help shape policy for the courts."

Analyses of citizens' attitudes about the

courts could prove invaluable to judicial leaders responsible for making decisions about desired reforms and improved services. Increasing the involvement of citizens and other "stakeholders" in determining target areas for improvement also could lead to more responsive change and enhanced public perception of and support for the court system. Supplied with reliable citizen input, the judiciary should be better able to advocate before legislative bodies for the funding required to implement these changes.

The use of credible, but currently unavailable, user perspective data also could offer direct feedback to judges, clerks of court, and chief magistrates in localities interested in obtaining citizens' evaluations of their courts. These judges and court officials then would be better positioned to improve their court procedures, services, and methods of operation.

But can it be done? Can public opinion research techniques used in private enterprise be utilized successfully within the courts? If so, what special considerations should be given to the use of these techniques in the judicial system? Can objective opinions be acquired in the highly charged arena of resolving disputes? Can such a mechanism produce innovative ideas for a court or court system's strategic plans for the future? And perhaps most importantly, can consumer research linked to strategic planning result in demonstrable improvements in the quality of justice and services delivered to the public?

In 1991, a project was initiated within Virginia's judicial system to seek answers to these questions. The idea for the project surfaced through the work of the Futures Commission. As a part of its work, the Commission articulated its vision that, in the future, the

public's perception of Virginia's judicial system will be one of confidence in and respect for the courts and for legal authority. Numerous recommendations were made in order to make that vision a reality in the Commonwealth.

Among the most innovative of these was a proposal to create a "consumer research and service development" capability for the court system. With the approval of the Judicial Council of Virginia, a grant was obtained from the State Justice Institute (SJI) to fund the initial phase of establishing this process within the judiciary. The objectives for the first phase of the project were to:

- 1) assess the use of private enterprise research techniques in gathering from consumers their opinions and perspectives on needed court system improvements;
- 2) develop ideas for:
 - a) substantive changes in the law in order to improve the quality of justice, and
 - b) consumer-oriented products and services to make the court system more "user-friendly" and accessible to citizens; and to
- 3) funnel these ideas into development of the judiciary's strategic plans.

As a component of the judiciary's overall strategic planning process, the consumer research and service development function is designed to be on-going and iterative. Thus, it differs markedly from most public input sur-

veys previously undertaken on the courts which simply provided "snapshots", assessing the condition of a court or judicial system at a given time.

Further, incorporating consumer research as a part of the planning process means that the feedback received can be synthesized with information about collateral issues, developments and innovations that are emerging in society. Furthermore, the consumer feedback received will be evaluated along with current legislative initiatives and mandates as well as budget priorities in establishing the judiciary's comprehensive plans.

Getting Started

This project presented a unique opportunity for the court system to venture into an arena requiring a different type of expertise. Thus, SJI funding allowed the state court administrator's office to secure the services of project staff with experience in marketing research. A full-time project administrator served during the first year and thereafter the project was conducted with part-time staff and a consultant.

Providing policy guidance to the effort was an advisory panel comprised of citizens, judges, clerks of court, a chief magistrate, attorneys, and customer relations specialists. Their role overall was to work with project staff in developing a viable consumer research and service development process within the judiciary. During the course of the project, members added their perspectives and opinions on the consumer issues and needs of citizens as they maneuver their way through the legal system and the courts. They also reviewed the results of data collected as part of the project and

provided their interpretation of the information. Using this data, the panel then engaged in several exercises to generate dozens of ideas for proposed changes and new services.

As a first step in establishing the project, staff conducted a review of pertinent literature to help guide the research process. Dozens of works including journal articles, books and study reports were reviewed. A bibliography was produced as a result and is included in *Appendix 1*. It is divided into three major sections, each of which represents a distinct area of research: (1) studies of public opinion research within the judiciary; (2) studies on service and service quality in the private sector; and (3) studies on opinion research and service quality in the public sector.

The literature review was very instructive in the conduct of the study. First, it documented that there is a relatively small body of public opinion research that has been undertaken in the courts. Most of this research has focused on how little the citizenry knows or understands about the nation's judicial system. Interestingly, these studies primarily have been directed towards what the courts could do to improve their image and educate the public, rather than on the fundamental *internal* changes the courts and legal system could make to improve services for consumers which, in turn, could enhance public trust and confidence in the courts.

Secondly, the review of studies from the private sector supports the notion that service quality, as perceived by consumers, stems from a comparison of their expectations of the service they will receive with their perceptions of the actual performance of the organization providing the service. Thus, the service provider

needs to understand the key quality dimensions along which consumers' attitudes are based in order to measure the degree to which the organization meets or fails to meet taxpayers' expectations along these lines. In this regard, the consumer research and service development project was aided significantly by the existence of the five performance areas outlined in the *Trial Court Performance Standards with Commentary* developed by the Commission on Trial Court Performance Standards.

Thirdly, the literature survey provides significant evidence of a paradigm shift within the last decade in private enterprise and, to a surprising extent, within the public sector. The shift has been towards development of a "customer-driven" service philosophy. This philosophy encourages a comprehensive review and analysis of the services provided by an organization both through the eyes of the "external" consumers of those services, and its "internal" customers--the officials and employees of the organization.

The theory is that the information provided can assist the organization in improving services around the needs of consumers and that such change benefits both consumers and the operation of the agency itself. This is believed to result in improved efficiencies and morale as well as time and cost savings for the organization. So pervasive are the calls for incorporating this philosophy that it has been called the "organizing force" for public sector management in the 1990's.

Importantly, the materials included in the bibliography also provide an understanding of why this shift is resisted, particularly in the public sector. Some government officials and executives see no place for public opinion or

marketing research techniques within their organizations. Receiving this type of feedback and engaging in introspection is, at times, especially difficult for many judges and lawyers because it is unfamiliar and because it associates the profession too closely to the work of a "tradesman".

Fourth, the literature documents that citizens view their experiences with courts in strikingly different ways than do those who work within the system. Judges, court officials, and lawyers tend to place emphasis on evaluating courts on the bases of compliance with the statutes, adherence to procedure, precision of language, and the quality of the decisions rendered by courts. While case *outcome* is of prime importance to citizens, they also evaluate courts on the degree of difficulty they encounter in the *process* of doing business with the courts. As is suggested in the Trial Court Performance Standards, they also evaluate courts on "service quality" as reflected in their ability to gain access to the courts, to be treated courteously and fairly, and to have their cases handled in an expeditious and timely manner.

Finally, and importantly, the articles in the bibliography present a body of evidence that suggests that, given the public's frustration with bureaucracy, neither public officials nor public institutions can afford to be complacent or to take for granted the acceptance by consumers of the *status quo* in the provision of government services. Reviewing these trends and developments in society, in particular, was helpful in understanding the forces and the larger environment in which the courts will operate in the 1990's.

Consumer Research Techniques Tested

Fundamental to improving service is obtaining information about consumers' perceptions of the judicial system. During the initial phase of the project, four techniques used routinely by the private sector to obtain consumer feedback and shape product and service development decisions were fully tested in the court environment. As is further described in the body of this report, each technique reaches consumers in a different way and yields different kinds of data.

- * *Focus groups* are a form of qualitative research. A small group of individuals is brought together to discuss their opinions and feelings on one or more topics. Although a moderator guides the discussion by posing specific questions to the group (e.g., how would you evaluate your experience with the court system?), the strength of the focus groups rests in the information and ideas generated from the interaction within the group. Focus groups are useful in defining research problems and clarifying questions to be used in research. However, the feedback received cannot be considered as representative of the public at-large.
 - * *Suggestion boxes* provide an immediate opportunity for individuals to make suggestions or comments to the individual or entity seeking the input. The topics on which suggestions are sought can be structured on a form provided with the box. The technique also lends itself to using a blank card for individuals who want to register suggestions, complaints or to sound-off. The forms also allow for anonymity or they can capture names and addresses in order to provide replies. Suggestion boxes can use useful especially for obtaining feedback on individual courts. However, similar to focus groups, this technique has the limitation of being a non-representative sample.
 - * *Telephone surveys* are a widely accepted means for gathering opinions from different sized populations. If the sample is sufficiently large and randomly selected, the opinions registered in the survey then can be inferred to be representative of the entire population from which the sample was drawn. They are especially useful in helping courts construct demographic profiles of court consumers and in developing baseline comparisons that can be used to contrast feedback gleaned through other techniques or to compare consumer opinions over periods of time.
 - * *Exit surveys* also can provide an immediate opportunity to reach a population while the experience with an organization or product is fresh in the consumer's mind. They can be conducted in person by trained staff or by distributing written surveys to participants through a variety of means. These surveys constitute a "convenience" sample and, again, have the limitation of being non-representative samples.
- These techniques were fully tested during the project. In addition, the use of "venture teams", which bring together persons representing different aspects of the organization to

react to and expand upon the information gathered, was initiated. The private sector also uses venture teams to select from among those ideas mentioned, the ones for which team members would most be willing to commit corporate funds for further product development.

The use of venture teaming was initiated using members of the advisory panel and staff within the state court administrator's office. This step marked the beginning of the project's transition to its second phase, that of translating the feedback and recommendations received into specific ideas for substantive change, service improvements, or entirely new "products" or innovations for meeting citizens' needs. The second phase of the project was not funded in the original SJI grant request. However, this report details the strategy being used to carry forth the service development phase and incorporate it into the judicial system's planning process.

Organization of the Report

This report presents the results of the initial phase of the project. In Section II, *Conducting Consumer Research in the Courts*, each public opinion research technique tested is assessed for its advantages and disadvantages in a state court environment. It is hoped that this section of the report will be of particular value to judges and court officials elsewhere who may be interested in establishing similar programs. To that end, each of the interview and survey instruments used is provided in *Appendix 2*.

The establishment of the consumer research and service development component provided a major enhancement to the judiciary's strategic planning and service forecasting capabilities. Section III, *Integrating Consumer Research and Strategic Planning in the Courts* describes

the manner in which this component will be incorporated into the planning process.

There are three other "products" that have been derived from the project to date. The first is a summary of the results, that is, the feedback received from the Virginia judiciary's "consumers" concerning the operation of the court system and needed reform. This summary, "As Virginians View the Justice System: Research Highlights" is found in *Appendix 3*. Second, is the initial set of results from the "venture teaming exercises" in which substantive change and service improvements ideas were refined. As mentioned above, the further evaluation, development, and final selection of these ideas will be carried forward through the judiciary's strategic planning process, as is reviewed in Section III. The venture teaming product is included in *Appendix 4*.

The third product from the project is the updated strategic plan itself. At the publication time for this report, development of the 1996-98 Plan was being initiated. This plan will follow the fully revised and updated planning process to its conclusion. A number of the ideas generated through the initial phase of this project will be incorporated immediately into the FY 1994-96 iteration of the Plan, to be published in early summer 1994. As an example, the FY 1992-94 Plan is included in *Appendix 5*.

Findings and Conclusions

Findings and conclusions from the initial phase of the project are as follows:

1. Consumer research can be used effectively in the judicial system.
2. It must be conducted comprehensively; use of a combination of research techniques is

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Findings and Conclusions

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1. Consumer research can be used effectively in the judicial system.
 2. It must be conducted comprehensively; use of a combination of research techniques is
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necessary to achieve an accurate and balanced representation of citizens' opinions of the courts.

3. Each opinion research technique has strengths and weaknesses, reaches different populations and serves different purposes.

4. The development of a consumer research and service development component within the judiciary requires the advice and assistance of marketing research professionals who can advise court officials and staff in properly establishing the mechanisms for conducting and evaluating the research and for estimating the costs involved in undertaking public opinion research.

5. Court automated information systems should be designed or redesigned to facilitate on-going consumer research within individual courts or court systems.

6. Citizens evaluate their experiences with courts both on their levels of satisfaction with the *outcome* of the case and on the degree of difficulty they encountered with the *process* of doing business with the courts. Thus, the courts must be concerned with both if they want to serve the public well.

7. Conducting consumer research serves as an effective means for improving the public perception and image of the courts. It signals the judiciary's interest and commitment in consulting regularly with citizens and addressing the problems identified in the court system's operation. Thus, the judiciary should continue to measure consumer satisfaction with the courts and make the results widely visible to citizens, legislators, and all who serve within the court system.

8. Consumer research must be linked directly to a court or court system's strategic planning process, so that the feedback and ideas

received can be adequately represented and utilized in decision-making and priority-setting within the judicial system.

9. The results of the research on consumer perceptions of the courts should be used to develop a clear and mobilizing vision for service excellence in the courts.

10. Regularly scheduled educational programs within the judiciary should be used to inform judges and court personnel about consumer research programs and their results in an effort to build support for the permanent incorporation of a "consumer focus" in the management of the courts.

The inclusion of the consumer research and service development component within the judiciary's strategic planning process provides an effective means to involve the public as partners with the judiciary in creating an agenda for change in the courts. Moreover, through this effort, those who serve in Virginia's courts are seeking to ensure that not only is justice done but that it is perceived as being done by the citizens served. Utilizing this on-going and enhanced process, the judiciary will continue to use strategic planning as a means to think through and devise the best possible justice system for Virginians and thus, the best possible future for the courts.



Section II

Conducting Consumer Research in the Courts



Conducting Consumer Research in the Courts

Introduction

This project presented a unique opportunity to experiment with the use of private sector public opinion research techniques in the court environment. Four techniques were employed: focus groups, suggestion boxes, a statewide telephone survey, and an exit survey. Each was undertaken to assess its *feasibility* as a means for gathering data, including its logistical and mechanical requirements, and to determine its *suitability* for application in the court system's environment. In addition, the use of venture teaming, a technique used to generate and refine ideas obtained from the opinion surveys, was initiated.

TESTING THE TECHNIQUES

Focus Groups

Private Sector Use of Focus Groups

Focus groups are a form of round-table discussions. The groups are led by a moderator who is trained in the mechanics of conducting focus groups, including facilitating discussion and the art of probing responses given by the participants.

This method of obtaining qualitative (non-numerical) input from individuals is an offshoot of the in-depth, one-on-one interviews which were widely used in the 1950s and 60s. Focus groups are built on the theory that comments

and suggestions made by one participant will tend to trigger comments and suggestions from others in the group. As a result, the researcher is able to obtain ideas and opinions from 10-12 people in the same amount of time it would have taken to interview only one person. And, in most instances, the responses from focus group participants are of higher quality and greater in number than those generated by one-on-one interviews.

Focus groups typically are used as a preliminary step in conducting consumer research. Accordingly, focus groups may help to clarify salient issues and language of the consumers, thereby enhancing development of questionnaires for further research.

Often focus groups are used to assist in interpretation of research findings from consumer surveys. In addition, they may be helpful for generating new product and service ideas for solving those consumer problems detected through prior research.

Role of Focus Groups in the Project

Focus groups were held at two different stages during the project and had two different purposes. The initial groups obtained insights from the groups to assist project staff in developing the telephone and other survey instruments by determining if the wording, content,

and construction to be used in the surveys were understandable to the public. In addition, they were also designed to begin collecting ideas from participants on how Virginia's court system could be improved. The last set of focus groups, held a year after the initial set, provided an opportunity to gather reactions to and validation of the major themes emerging from the project's earlier research.

Who Was Involved?

In addition to project staff, the project relied heavily on outside contractors to arrange and conduct the focus groups, and on the public to participate in them.

- * Based on a process of competitive negotiation, a private firm which specializes in qualitative research was secured to handle all the logistical arrangements for the focus groups, and the actual recruitment process for all non-court participants.
- * A professor of public sector marketing from a local university acted as the moderator for all focus groups, each of which lasted between 1 1/2 - 2 hours.
- * Sixty-eight people participated in the focus groups. They included 12 general district court litigants, 8 circuit court litigants, 12 jurors, 7 judges, 5 clerks of court and 24 attorneys.

The 68 focus group participants represented three basic constituent groups of the courts: citizens, attorneys, and court staff. Citizen participants, those who served as jurors (12) or appeared as litigants (20), accounted for nearly half of all focus group participants. Just over a third were attorneys (24) and the rest, less than

20%, were judges (7) and clerks of court (5). While both males and females were included in the groups, males accounted for just over 70% of all participants.

Of the 32 citizens who attended the focus groups, most (75%) had been in the circuit court. Given the fact that jurors could only have had experience in the circuit court, this higher circuit court representation was not unexpected. Sixty percent of the litigants had been involved in civil cases. The remainder had traffic cases.

Most attorneys who participated practiced in both circuit and general district courts (75%). The remaining 25% practiced only in the circuit court. Half handled both civil and traffic matters, while slightly less than a third dealt only with civil cases. One-fifth described their practices as including civil, traffic and criminal matters.

Judge and clerk participants were split not quite equally between circuit (60%) and general district (40%) courts.

What Was Done?

Initially, consideration was given to conducting focus groups with a variety of constituent and consumer groups in every area of the state. Ideally, multiple focus groups would have been sponsored in order to segment each constituent group. In this way, the opinions of civil case plaintiffs and defendants in general district court could have been differentiated from those in circuit courts, as an example. Carried to this extent, dozens of focus groups could have been sponsored. However, the realities of the time and expense involved in conducting focus groups required rethinking the scope of this undertaking.

Ultimately, a total of eight focus groups were conducted. The first three focus groups were held in January, 1992 in the City of Martinsville and involved jurors, attorneys, and general district and circuit court clerks. The Martinsville area was selected on the basis of three criteria -- it is a rural area, the caseload was of sufficient size to guarantee a sufficient "pool" of people from which to recruit participants, and courts in the area are on the automated system maintained by the state court administrator's office. This facilitated recruitment of participants.

The second set of focus groups was conducted in March, 1992 in Richmond, a major metropolitan area in Virginia. Participant included litigants and judges from the circuit and general district courts in the Richmond metropolitan area.

The last two focus groups were held in the northern part of the state in the spring of 1993. One focus group consisted of litigants from the district and circuit courts in that part of the state, while the other was made up of attorneys who practice in those courts.

The question of whether or not to include criminal defendants or convicted offenders was a sensitive one. In the initial set of focus groups, none were invited to participate. One focus group participant specifically asked if criminal defendants were to be among those participating in her group and expressed discomfort at the prospect of attending such a meeting. Although criminal defendants from the general district courts were included on the list of individuals invited to participate in the final set of focus groups, none attended.

Pre-test. Prior to conducting the first focus

groups, project staff pre-tested the focus group process with recently appointed general district court clerks. Ten clerks attending a training session volunteered to participate. Based on this pre-test, the discussion guide for subsequent focus groups was finalized and a format established.

Recruitment. Staff provided the research firm with lists of possible participants, including names, addresses, and telephone numbers. In the case of attorneys, listings from the yellow pages served as the sampling frame. For jurors, project staff obtained prior payment records, indicating citizens who had recently served, or had been asked to serve, on juries in courts located in the area where the focus group was being held. Lists of litigants with cases in general district or circuit court were extracted from the automated court systems for the local jurisdictions. In one location, where not all local courts were on the automated system, the automated list of litigants was supplemented by lists provided by the local circuit and district courts.

The research firm recruited by telephone. However, in order to improve the rate of cooperation and to avoid lengthy explanations over the telephone regarding the reason for the focus groups, pre-recruitment letters were mailed to attorneys and litigants for the first two sets of focus groups.

With the exception of clerks and judges, all participants were screened by recruiters in order to obtain a group which included minorities and a mix by residence, type of case, and gender. Judges and clerks were asked to participate via a letter from the State Court Administrator. Citizen participants were paid a nominal fee to cover out-of-pocket expenses

for parking, child care, and other incidentals. For the first two sets of focus groups the fee was \$25. For the final two groups, the fee was \$35, still below the recommended rate for Northern Virginia.

Facilities. Two sets of focus groups were held in marketing research firm offices. The focus groups were conducted in one room, while project staff and a video camera watched the process through a two-way mirror. The focus groups were recorded on both video and audio tapes. Having these records permits staff to review the tapes and enhance their notes as they evaluate the comments made during the focus group. The third set of focus groups was held in a hotel. Again the participants were in one room and staff in another. Although not linked by a two-way mirror, the room staff occupied provided observation opportunities through a video display monitor. The video camera that recorded the process was in the room with the participants.

Conducting the focus groups. In the first six focus groups, the moderator asked participants first to respond to the following question:

“How can the court system be improved, from the time someone first gets involved with the system to its conclusion?”

After nearly an hour of discussion, he handed the participants a list of five “elements” which could be used to evaluate the courts: Access to Justice, Courtesy and Responsiveness, Timeliness, Fairness, and Clarity. (See chart on following page.) This list, based on the Trial Court Performance Standards and its measurement system, also cited numerous examples of what might be indicative of good

performance with respect to each element. For example, the element of Fairness might assess whether litigants receive individual attention, whether impartiality is shown, and whether persons similarly situated receive similar treatment. Members of the groups were asked to consider each element and to add their perspective on whether, based on their experiences, the courts had met the criteria.

The last two focus groups began with an explanation of the consumer research and service development project, why it is being undertaken, and what research had been done to date. Next, participants were presented with several of the major problem areas within the court system as identified in earlier focus groups and the telephone survey. These included the need for: (1) providing more helpful and relevant information about court and legal procedures to citizens, (2) reducing the cost of legal services, and (3) addressing concerns about differential treatment by the courts based on an individual’s race, gender, national origin and income. Finally, they were asked what suggestions they would offer to improve these areas.

What Was Learned?

Public interest in participating in focus groups was high. In the private sector, it is standard procedure to over-recruit in order to ensure a group of at least seven participants. Yet all jurors and all but three attorneys recruited for the groups attended. Many participants expressed surprise and appreciation for being asked to provide their opinions on the court system’s operation.

The importance of having at least seven participants was evident in the productivity of the different groups. Participants in the two

ELEMENTS USED TO EVALUATE THE COURTS

ACCESS TO JUSTICE:

The ability of all citizens to make use of court services.

- Proceedings are open to the public
- Procedures and forms facilitate not deter use of the courts
- Fees and costs for court services are minimized
- Opportunity to use courts without undue hardship or inconvenience
- Public records readily available
- Location of courts is convenient
- Absence of physical barriers
- Assistance to people with language barriers or disabilities
- Proceedings can be heard by all
- Safe facilities
- Availability of effective remedies or services

COURTESY AND RESPONSIVENESS:

Judges and court personnel are courteous and responsive to public and accord respect to all.

- Personnel available to meet public's needs
- Assistance to those unfamiliar with the courts
- No bias or prejudice demonstrated
- Respect, courtesy and dignity shown by judges and court personnel
- Understanding and patience shown
- Ability of court personnel to perform services dependably and accurately

TIMELINESS:

All court actions are taken in a timely manner.

- Prompt service provided by clerks' office
- Prompt decisions made by judges
- Minimal appearances of witnesses and litigants required
- Cases concluded in a reasonable time
- Timely disbursement of funds controlled by the courts

FAIRNESS:

Actions are just, equitable and consistent.

- Litigants receive individual attention
- Persons similarly situated receive similar treatment
- Courts adhere to the law
- Courts' actions are in proper proportion to nature of the case
- Outcome not dependent on which judge presides
- Impartiality shown

CLARITY:

Court actions are understandable.

- Ways to comply with court order are clear
 - Decisions are understandable
 - Explanations of policies and procedures are in language user can understand
 - Court records are clear and accurate
-

focus groups conducted with less than seven members tended to direct their comments towards the moderator and thus were not highly interactive. In groups with seven or more participants, the interaction was high and the group dynamics worked so that numerous comments and recommendations for improvements were generated.

Obtaining litigant information to recruit individuals for the focus groups proved to be one of the most difficult tasks in this project. Although the statewide Court Automated Information System (CAIS) maintains the names of litigants, addresses are not recorded. Litigant telephone numbers are not part of the case record. Even when case files were pulled, the information needed was not always available. Matching names and addresses with the telephone numbers in a directory was not always successful. And, even when a telephone number was available, if it happened to be a home number, evening calls often were required to reach individuals who work during the day.

An alternative approach might have been to go to the attorneys of record and seek assistance from them in securing telephone numbers. This approach also presented problems and was not utilized. In the future, the problem could be reduced by asking interested courts to plan for conducting consumer research by keeping litigant information in a retrievable format at least for a specified time, and use this as the source for selecting participants.

The process of setting up a focus group can be time consuming. Even though a commercial firm contacted prospective participants, secured their participation, and handled the logistics for the groups, project staff spent substantial time compiling contact lists for the commercial firms, as noted above. After the focus

groups, reviewing the videotapes to document the themes, thoughts and suggestions and compile them into useful reference documents was time intensive but well worthwhile.

Moderating a focus group takes skills different from conducting a meeting or facilitating a small group discussion. Keeping the discussion moving and focused while encouraging participation by all participants requires an experienced moderator. In addition, appropriate handling of obstreperous participants or those who would dominate the meeting also requires skill. Securing the services of a trained focus group facilitator or investing in the training for staff is highly recommended to make the focus groups more productive. Having the sessions recorded allows the moderator to focus attention on the process without simultaneously having to record the proceedings.

Part of the power of focus groups lies not only in what is said, but how it is said. Much of this can be lost in converting the experience of the focus groups to a written report of the discussion and what was learned in the focus group. It was clear, for the most part, that participants felt very strongly about how they were treated during their court experience, at times regardless of the outcome of their particular case. Care must be taken to translate a sense of the feelings litigants have in recounting their experiences with courts.

*Summary of
Most and Least Useful Applications of Focus Groups*

MOST USEFUL

- * in-depth probing, discussions and analysis of attitudes, motivations, feelings and behaviors of court constituents with respect to existing court services
- * getting ideas and suggestions for court service development and improvement
- * identifying priority issues and questions to be addressed in consumer research surveys
- * providing insight and interpretation to results of prior research studies
- * targeting specific issues or individual courts

LEAST USEFUL

- * discussion of highly sensitive topics where respondents may wish to remain anonymous
- * descriptive studies designed to profile constituent demographic and usage characteristics
- * collecting information from random samples whereby the results may be inferred to represent the public at-large
- * collecting information from large samples

Conclusions

Focus groups were found to be an effective way of obtaining valuable insights from and about court consumers and court "insiders." They provided an unprecedented opportunity to hear points of view and perspectives about possible improvements and changes to the court system not typically voiced to judges and court officials. They also were useful in determining how the quantitative surveys (telephone and exit surveys) should be worded and designed. In addition, the focus groups turned out to be an excellent public relations tool for the court system. Individuals who participated in the

groups expressed amazement and appreciation that the courts were interested in their experiences and opinions.

The information ultimately gathered in the focus groups is qualitative in nature, that is it taps the feelings, ideas and suggestions of participants. The data that emerges from the discussions in focus groups is not available through quantitative research measures. Participants of the focus groups were selected in a random manner based on specific characteristics to ensure that a number of different groups were represented. Though the numbers of persons involved were too small to permit the

results to be projected beyond the groups, the data gathered through focus groups is important. Focus groups are, therefore, valuable as a means of gaining insight into the attitudinal and emotional responses of the participants.

Suggestion Boxes

Private Sector Use of Suggestion Boxes

For the customer of a business, the suggestion box is a highly visible reminder that the business cares enough about customers to actually seek their advice. While the on-site locations of such boxes are quite useful for getting suggestions, customers similarly use the suggestion box as a device for expressing complaints. Such feedback, whether negative or positive, is usually an immediate response to a "service encounter" which the customer has just had with the business.

Because suggestion boxes stand alone, there is typically no control over how many or what types of constituents are represented in the survey responses. Thus, while suggestion boxes provide some insight and ideas, the results are not generalizable to the population at-large. However, the ease of administration and "no-cost" nature of this method makes it very attractive.

Role of Suggestion Boxes in the Project

Because suggestion boxes provide an easy, low cost method for gathering public opinion, they were well suited for wide application across the state. The opportunity to test the suggestion box as a feedback mechanism was offered to all trial courts in the state. Although placed in local courts, the suggestion form sought information about and opinions on the

entire court system.

As designed, this test of suggestion boxes produced results on two levels. First, a wide range of court users provided their views on and suggestions for the courts. Secondly, many of the clerks provided information on how the suggestion boxes worked in their courts and how they planned to make use of the information gathered from them.

Who Was Involved?

A wide variety of court consumers used the suggestion boxes in the fifty-three courts that volunteered to test their use. The courts represented all three types of trial courts from virtually every area of the state.

- * Twenty circuit courts
- * Sixteen general district courts
- * Nine juvenile and domestic relations district courts
- * Eight combined courts (where one clerk's office serves both the general and juvenile and domestic relations district courts)
- * 362 individuals completed suggestion forms

The 362 respondents were not evenly split among the courts. General District Court respondents comprised just under half of all respondents (traffic 27%, civil 11%, criminal 10%), while Circuit Court respondents accounted for approximately a quarter of the returns (criminal 13%, civil 11%). Juvenile and Domestic Relations District Court participants submitted 15 percent of the suggestion. Another ten percent came from individuals who had been in more than one court. Three percent of the responses came from people who had not been in any court.

According to the returned surveys, defendants accounted for slightly over one-fourth (28 percent) of those who completed the response forms. Interestingly, the category of court regulars, which includes employees of the court, law enforcement officers, and attorneys, comprised over a fifth (22 percent) of all respondents. At 16 percent, witnesses were the third most responsive group, followed by plaintiffs (14 percent) and jurors (8 percent). The category of "other" accounted for 12 percent of all responses. Included in this category are relatives of litigants, court observers, visitors, and bondsmen.

What Was Done?

All circuit and district court clerks in the state received a memorandum describing the planned suggestion box test. Each court was offered the opportunity to participate. In response to the memorandum, 53 courts elected to participate.

Each of these courts received a plain cardboard suggestion box and a wall sign saying WE WANT YOUR SUGGESTIONS!!! to place in a prominent and accessible area. They also received a supply of 100 response forms. (See *Appendix 2*). The forms asked for suggestions on the improvement of court services, additional services or information which would be helpful, and recommended changes in the process of having a case heard in court.

The boxes were used for one month. At the end of the month, the courts mailed all completed responses to the project administrator for analysis and evaluation. In addition, the clerks were asked to provide their own comments or suggestions on the suggestion box program. Once the analysis and evaluation of the suggestion

box results were completed, copies of the Suggestion Box Survey Report were mailed to all courts in the state.

What Was Learned?

Given the opportunity to comment, members of the public responded. Not only did the suggestions address the need for improvements in the courts, they also indicated that a number of citizens were satisfied with their treatment by and experience with the courts.

For the most part, users of the suggestion boxes responded to the issues noted on the suggestion forms. Although the expectation had been that the suggestion boxes might draw negative and non-responsive submissions, less than ten percent of the responses received fell into this category. In addition, less than ten percent of all responses were considered to be non-responsive.

Because of the availability and anonymity of suggestion box feedback, use of suggestion boxes can be abused. As with all self-reported survey information, the validity of the information gathered is less than through more controlled forms of opinion gathering. For example, there is no way to verify if the "witness" or "plaintiff" completing the form, actually was a witness or plaintiff.

The use of suggestion boxes is not always what might be expected. For example, while the boxes were intended as a means of court users' input, in some instances court employees made use of the boxes. In other courts, expectations of substantial user input came up against the reality of "under-utilization." Furthermore, some litigants seemed to be taken by surprise when asked to comment on the courts.

*Summary of
Most and Least Useful Applications of Suggestion Boxes*

MOST USEFUL

- * providing a convenient and anonymous way for constituents to complain, praise, and/or offer ideas for service improvement
- * providing the court with immediate reactions to encounters with the court system
- * providing a permanent, symbolic reminder that courts appreciate and are willing to consider the comments of their constituents
- * obtaining opinions on "service quality" or "convenience" issues faced by users of local courts

LEAST USEFUL

- * in-depth investigations of constituent feelings, motivations and behaviors
- * investigations of complex issues requiring detailed consumer responses
- * survey results which will be projectable as opinions of the public at-large
- * gathering large amounts of data very quickly
- * gathering input for systematic changes

The use of suggestions boxes was heralded by a number of courts participating in the test. Some clerks decided to continue to use them after the conclusion of the test period, and made suggestions for making the boxes more accessible to the public by changing the boxes locations, having more than one box in large courts, and making the boxes more substantial. Others reported taking steps to address issues raised on the suggestion forms submitted in their courts. And one clerk reported that the results helped to document the long-standing need for improved courthouse facilities.

Conclusion

Overall, the suggestion boxes and response forms were found to be a useful tool for

soliciting immediate responses from consumers and employees of the court and to serve a positive public relations function. Among other things, judges and court officials could detect problem areas based on the number of repeated comments on certain aspects of the court's operation. Further, even when the quantity of the responses was not high, the presence of the suggestion box and response forms permitted the public and others to vent their frustrations.

Because it is impossible to control or predict the level of suggestion box use by court users or employees, suggestion boxes should be used in conjunction with other means of public opinion gathering. Although intended as a means for gathering feedback on the court system, the input gained from suggestion boxes may be

more useful as a tool for the receiving court. To be effective, use of suggestion boxes must include regular analysis of the suggestions submitted. This will provide a means of identifying new areas for improvements and confirm the success of improvements made.

If suggestions boxes were to be used permanently, a more substantial, dignified, locked box should be constructed. Placement of a permanent box should be carefully considered so that it is prominent and easily accessible to citizens. Depending on the configuration of the court, it may be advantageous to have suggestion boxes in more than one location in the courthouse. In the future, when courts employ automated means for public information and access, such as kiosks, the opportunity to incorporate a suggestion box function into these "information booths" should be considered.

Telephone Survey

Private Sector Use of Telephone Surveys

Telephone surveys are used as an alternative or supplement to personal interviews and exit surveys, when businesses need to gather quantitative data. The telephone alternative is especially attractive when responses from large samples are needed quickly.

Given the communication constraints of asking questions by telephone, the questions asked are usually very brief, highly structured and close-ended. Although this usually results in less detailed information than might be collected from mail or personal interview methods, the high response rate from telephone surveys make this a relatively cost-effective method. Therefore, telephone surveys are often used for developing profiles of customer demographic

characteristics, usage patterns, opinions and intentions.

Role of Telephone Survey in Project

Both the suggestion boxes and exit surveys used during the course of the project were both designed to collect information and data directly from **users** of the court system, including both consumers and employees. As a means of obtaining similar information on court users and citizens in general, project staff contracted with a marketing research firm to conduct a telephone survey of 1,600 adult Virginians. Because the sample size was large, the results can be generalized to be representative of all Virginia residents.

Conducting the survey provided a wealth of data generated by the 43-question survey, reflecting both the perceptions and experiences of those who were interviewed. Because the survey included individuals who had been in the courts as well as those who had not, it was possible to make some comparisons about the impact the experience of going to court had on the opinions of those surveyed.

Who Was Involved?

- * A private sector marketing research firm conducted the telephone survey.
- * Project staff developed the survey instrument based on earlier research and analyzed the data collected in the survey.
- * 1,600 Virginians who were 18 years of age or older completed interviews for the survey.

Of the 1,600 participants, 60% were women,

this qualifier, rather than simply interviewing the person who happened to answer the phone, the ultimate sample was representative of all segments of adults over 18 years of age regardless of gender and/or household role.

The survey instrument. The questionnaire used by the interviewers was designed by project staff following a review of the input and information received via the focus groups. It then was reviewed by a marketing consultant and the survey contractor. A copy of the final questionnaire is included in *Appendix 2*.

Two drafts of the survey instrument were pre-tested by the contractor to determine the average length of the interview process (in minutes), to ascertain if respondents were able to understand the wording used in the survey instrument, to determine if the response categories were appropriate, and to ensure that the mechanics of the questionnaire (skipping questions on the basis of earlier responses) worked properly. The pre-tests also acted as vehicles for training the interviewers, who were full-time, professional interviewers employed by the contractor. The pre-testing was monitored by the project administrator who was also present to provide immediate response to questions which arose during the pre-tests.

On the basis of these pre-tests, modifications were made to the survey instrument with respect to both wording and length.

Conducting the survey. The interviewing took place during the month of May, 1992 from the contractor's 43 station central telephone bank. Interviewers were directly supervised on all calls made. This allowed the supervisors to be the single source for answers to questions respondents brought up during the course of the

interview that were not anticipated during the pre-test. In addition, a portion of the interviews conducted were monitored for quality control. Project staff also toured the facility during interviewing and listened in on some of the conversations as they occurred.

Calls were initiated between the hours of 5:00 p.m. and 9:00 p.m. Monday through Friday and between 10:00 a.m. and 4:00 p.m. on Saturdays. Follow-up or "callback" interviewing was conducted between 10:00 a.m. and 4:00 p.m. on Monday through Friday. On average, the surveys took approximately 12 minutes to complete.

Data analysis. At the conclusion of the interviews, the contractor edited the questionnaires prior to coding. Data were key-punched, key-verified, and processed on the contractors' tabulation equipment. In addition to frequency tables, data were provided to project staff on diskette. Further in-house analysis of the data was conducted using Statistical Package for the Social Sciences (SPSS) software.

What Was Learned?

About using a market research firm. Practically speaking, a survey of this nature requires the use of a professional survey organization. The interviewing process is time consuming and requires adherence to a strict interviewing protocol to assure consistent information across the survey population. Few courts or administrative offices are likely to have the combination of staff time and expertise to conduct the interviews for a survey of this magnitude.

Such an undertaking can be costly. Proposals

submitted for this survey ranged from just under \$17,000 to nearly \$40,000, with the average falling at approximately \$27,000. Price is typically a factor of the number of items on the survey and the number of surveys plus long distance charges. Given the variation in pricing in response to the same RFP, it is important that the team evaluating the proposals review proposals for comparability, to determine where the costs items vary significantly, and to evaluate the importance of specific service delivery options to the survey. If at all possible, low price should be avoided as the deciding factor, as price may well be indicative of the capabilities of the firm submitting the proposal. Additional fees for developing/designing the survey instrument, and for complete analysis of the data should be expected.

About pre-testing the instrument. The value of pretesting the instrument was shown in one relatively significant change that was made to the order of the questionnaire. The pre-tested survey form included an introduction which mentioned that the purpose of the survey was to obtain information on the court system in Virginia. This information was provided prior to asking if the person who answered the telephone met the selection criteria. It appeared during the pre-test that the people who answered the telephone had a tendency not to turn the phone over to the person who had the most recent birthday, but rather decided to respond to the survey themselves. As a means of better ensuring that a truly random sample was selected, the questionnaire was modified so that the topic of the survey was not mentioned until the right person was on the telephone.

About limitations to telephone surveys. As with all survey techniques, there are certain limitations associated with interviews conducted

by telephone. They are noted here, not to place into question the results of the survey, but rather to demonstrate the need to fully understand the limitations of survey research.

First, although random-digit dialing was used to ensure that all households with at least one telephone had a chance at being selected, there is no way to contact people in the approximately nine percent of Virginia households in which no telephone exists. Second, by nature, telephone surveys tend to be skewed towards females and white households. Research has shown that women tend to answer the telephone more quickly and more often than males and the incidence of telephone ownership is higher among white households than black households. With respect to age of respondents, telephone surveys generally under-represent young adults because they often play secondary roles in the household and because they tend to be away from home more often than their parents or older family members. To the extent possible, the use of the birthday qualifier reduces these biases. However, the use of such qualifiers does not eliminate all biases associated with telephone surveys.

About public interest in the project. According to records maintained by the research firm which conducted the telephone survey, the response rate for the telephone survey was just over 64 percent, relatively high for a survey of this nature. This means that a total of 3,410 potential respondents were contacted. From this group, 1,600 interviews were completed, 1,099 people refused to participate without benefit of knowing the purpose of the survey, 117 people refused to participate after having been screened and qualified to participate, and another 594 people were contacted but dropped from the survey since their participation would

*Summary of
Most and Least Useful Applications of Telephone Surveys*

MOST USEFUL

- * collecting data quickly from large, representative sample, thus allowing for timely results generalizable to the public at-large
- * collecting descriptive information about constituent demographic characteristics, usage problems, opinions and intentions
- * analyzing significant differences in the characteristics, behaviors and opinions of various court constituents
- * providing a "base line" public-at-large evaluation of selected aspects of court system performance, to serve as a basis for comparison in future years
- * targeting particular groups, issues or courts for research

LEAST USEFUL

- * detailed questionnaires regarding complex constituent issues
- * in-depth discussions of constituent feelings, motivation, and behavior
- * getting answers to "sensitive" questions in which respondents may wish to remain anonymous
- * gathering specific, detailed suggestions for and reactions to new court products and services
- * reaching that segment of court constituents who do not have telephones

have exceeded the geographic quotas imposed on the survey. Interestingly, no respondent terminated the interview after it began. The relatively high response rate and the absence of mid-interview terminations, particularly in light of the length of the survey, indicated a substantial level of interest in topics concerning the courts.

Conclusions

Telephone surveys provide a proven means for gathering a substantial amount of information from a wide cross-section of the state's population. Because the results of a survey employing a scientifically drawn random sample

are considered representative of the entire population, a telephone survey of this nature can provide valuable baseline data for on-going consumer research. The results also provide an opportunity to review opinions held by various segments of the population based on the demographic information collected in the survey. To do so, however, it is important that the demographic section of the questionnaire be designed to elicit information that will allow subgroup analysis.

At the same time, it must be recognized that while the information gained is broadly representative, it does have its limitations. That is, it tells you the responses given, but not the

reasons behind the answers. The telephone survey is not designed to probe and seek explanations of the answers given.

A properly administered telephone survey will almost always require hiring a professional market research firm. Due to the expense involved, telephone surveys are best suited for baseline information and periodic status checks after major changes have been introduced into the courts and time has been provided for their impact to be felt.

The public is willing to participate in telephone surveys about the courts, even when the survey is long.

Exit Survey

Private Sector Use of Exit Surveys

Exit surveys are used when a business wants to capture immediate responses from customers who have just completed a "service encounter" with that business. Thus, consumer perceptions of the business's services delivery are "fresh in mind." This constitutes a clear advantage over most of the other surveying methods, which usually require consumers to describe their perceptions based on long-term memory of prior encounters.

Exit surveys often are used to collect large numbers of responses at relatively low cost to the organization. However, the difficulty of using random sampling methods for exit surveys usually results in responses that are not generalizable to the public at-large. Nevertheless, the larger the number of responses, the more insight the exit surveys provide.

Businesses often use exit surveys to solicit feedback about and suggestions for improving customer service and satisfaction. Timely responses to "pilot" programs and policies may be determined as well.

Role of the Exit Survey in the Project

The exit survey was designed to solicit opinions from a wide range of individuals who had just participated in a courtroom proceeding in circuit and general district courts around the state. Unlike the other techniques used, it was intended to capture impressions and opinions immediately after the experiences asked about in the survey. Although similar in form to the telephone survey, the exit survey was not intended to be a scientific random sample of those leaving the courtroom. Accordingly, while the exit survey results could be used to support or contrast trends noted in the telephone survey or other research results, they could not be construed to be representative of the entire population of court users in the state.

Who Was Involved?

- * Twelve circuit courts (general jurisdiction trial courts).
- * Twelve general district courts (limited jurisdiction trial courts).
- * 682 individuals who had just been involved in a court proceeding, including defendants, plaintiffs, witnesses, jurors, attorneys, law enforcement personnel, media representatives, court observers, teachers on field trips with students, and others.

Among the 682 responses to the exit survey,

53% were male and 47% were female. Eighteen percent were non-white. In addition to the matter that took them to court the day of the exit survey, just over 60% indicated they had had other dealings with the Virginia courts in the past five years, while 35% said they had not. Of those with prior experience, 44% had been in court 5 or more times.

Sixty percent of the responses came from the circuit courts and 40% from the district courts. Criminal cases had caused 38% of the respondents to be in court. Slightly fewer (32%) were in civil cases. Only half as many (16%) reported being involved in traffic cases. Domestic relations and other proceedings accounted for the rest.

Jurors accounted for slightly more than one-quarter of the responses received. Plaintiffs, defendants and witnesses were represented almost equally with 16%, 14% and 14% respectively. Attorneys submitted 12% of the responses and visitors 11%.

What Was Done?

Selecting the courts. Judges and clerks in a cross-section of urban and rural circuit and general district courts around the state were asked to have their courts participate in the survey. Twelve circuit and twelve general district courts agreed to do so.

The survey instrument. The survey instrument was basically the same as the one used for the telephone survey. A few modifications in the wording of some questions were made to comport with the fact that all individuals had been in court just prior to receiving the survey. Also, as a result of suggestions by judges and clerks who reviewed

the instrument, some of the wording was made less formal. The substance of the questions remained the same, however, to allow comparison of results between the exit and telephone surveys. A copy of the exit survey is included in *Appendix 2*.

Selecting the sample. The sampling process for this survey differed from that used in the previously conducted the telephone survey. The telephone survey was conducted on a random sample of adult Virginians. The exit survey was a convenience sample. As such, it focused on those who had been in court. Efforts were made to reach individuals involved in different ways (plaintiffs, defendants, witnesses, visitors, attorneys, etc.), but there was no formal control of the actual distribution. Accordingly, the results of the exit survey cannot be projected as indicative of the opinions of all users of the courts in the way the results of the random telephone survey can be projected as being indicative of the opinions of all adult Virginians. The exit survey results, however, can be compared with the telephone survey results to see where they support or contrast with the findings from that survey.

Conducting the survey. Each court was asked to distribute between 25 and 200 surveys, based on their caseloads. The surveys were to be distributed to individuals as they were leaving the courtroom so that they would reach various types of individuals in civil and criminal proceedings (witnesses, litigants, jurors, attorneys, and spectators). In courts with more than one courtroom, distribution was to include more than one courtroom. After discussion with project staff, the courts distributed the questionnaires in a manner they felt would work best in their courts.

Postage paid, addressed envelopes were provided with the surveys, and a return address also was included on the survey in case the envelope became separated from the survey. All surveys were stamped with consecutive numbers prior to being distributed to the courts and a record was kept of the survey numbers sent to each court. Further identification was made by sending the surveys on different color paper to the district and circuit courts. This allowed staff to consider whether the results of the survey varied between the circuit and district courts, and if so, in what areas. It also facilitated responding to requests from several courts that they be able to receive customized reports of the results from their courts.

A total of 2,641 surveys were distributed to the courts. At the end of the survey collection period, each participating court was asked to return any surveys that had not yet been distributed. In response to this request 80 surveys were returned, indicating that they distributed the remaining 2,561. Of these, 59% were distributed in the circuit courts, and 41% in the district courts. A total of 682 completed questionnaires were received and coded for analysis. Response patterns were similar to the distribution pattern, with 60% coming from circuit courts and 40% from district courts. For each level of court the rate of response was similar: 28% percent of the surveys sent to circuit courts were returned and as were 25% of those sent to district courts.

The results of the exit survey were included in a report of the Judicial Council, along with the results of the telephone survey. A copy of this report was distributed to each court. In addition, each court that had requested a customized response on the results from that court, received its own report as well.

What Was Learned?

About the language level in the survey. When the questionnaire was sent to the courts being asked to participate in the exit survey for review, some concern was expressed regarding the wording of some questions. Some individuals argued for using less formal language and less legal phraseology. It was their perception that the typical person appearing in their courts would have difficulty understanding some questions. In response to these concerns, some modification of wording was made. Although more extensive changes could have been made, they were not for two reasons. First, limiting these changes kept the wording consistent between the two surveys and thus enhanced the reliability of any observations that might be made about similarities or differences in the results.

The second reason for not making more extensive changes had to do with the process used in developing the original questions. Prior to administering the telephone survey, the instrument was pretested by the marketing research firm conducting the survey. Problems with question comprehension were identified and corrected at that time. As a result, few difficulties were reported with understanding questions in the telephone survey.

Upon completion of the exit survey, however, additional feedback from those who distributed some of the questionnaires indicated that the reaction of some individuals was a glazing of eyes after the first page, resulting in a number of incomplete surveys being left in the courtroom. This reaction may support those who had counseled for simplifying the language, based on the perception that many of the people who come before the district court do not have

telephones, and therefore would not have been included the telephone survey or its pre-test.

About administering the survey. The logistics of an exit survey conducted in a sampling of courts throughout the state presents some problems. Foremost among them is the ability to control the distribution pattern of the surveys. Despite clearly stated desires to have the surveys distributed widely among all types of courtroom participants, convenience resulted in some courts apparently distributing more surveys to one group, such as jurors. In some courts as many as half the responses came from jurors, and a few courts had significant concentrations of lawyers among the respondents, although overall attorneys represented only 12% of respondents.

As with any distributed survey, there is no way to control the response rates. The high return rate by attorneys and jurors may simply reflect that these groups were more inclined to respond. In any event, the response rate for the exit survey statewide was 26% (28% among circuit courts, 25% among district courts) - respectable for this type of survey, but lower than expected. Several techniques could be employed to encourage a higher response rate. For example, having the judge announce to those present in the court that the survey is being conducted and encouraging people to participate. This would make people aware of the survey, and possibly make them more receptive when the questionnaire is distributed outside the courtroom. Alternatively, depending on the size and activity level of the court, the judge might have the survey distributed in the courtroom, and suggest that it be completed before leaving.

Another issue surfaced when discussing the

results of the survey with the Advisory Panel. Little or no effort had been made to distribute questionnaires to individuals who were in custody at the conclusion of their court appearances. If subsequent surveys are conducted, provisions need to be made for distribution to this population.

About countering stereotypes. Some courts declined participation in the survey. Lack of time or lack of resources to hand out the surveys were the primary reasons given. Two other reasons reflected preconceived notions of the outcome of the surveys. One was that "if they win they like us, if they lose they do not." Another was that the average person coming into the court would not be capable of answering some of the questions on the survey, such as whether the courts follow the law, or whether the best lawyers are elected by the legislature to be judges. These preconceived notions were not borne out by the responses. Respondents consistently answered all questions, and when they felt it appropriate made use of the "Don't Know" response option.

About public interest in the project. As with the other survey methods used, an opportunity was provided for individuals to suggest improvements in the courts. This space was put to use on the majority of the surveys returned. And, although suggested improvements were requested, a number of individuals took the opportunity to indicate they thought improvements were not needed.

*Summary of
Most and Least Useful Applications of Exit Surveys*

MOST USEFUL

- * getting immediate reactions from constituents who have just had an "encounter" with the court system
- * getting answers to sensitive questions in which the respondents want to remain anonymous
- * collecting large amounts of data very quickly
- * soliciting suggestions for and reactions to new services, pilot programs and policy changes

LEAST USEFUL

- * in-depth investigation of constituent feelings, motivations and behaviors
- * investigations of complex issues requiring detailed consumer responses
- * survey results which will be generalizable to the public at-large

Conclusions

Exit surveys provide a satisfactory way to solicit impressions about the court from those who have just had an experience in the courts. The logistics for reaching this group are somewhat complicated if a cross-section of types of involvement in the process is sought. This might be less of a problem if exit surveys were conducted on periodic basis rather than as a one-time activity. In either case, distribution plans should include some distribution to those in custody at the end of the proceeding.

Design of the survey form should involve individuals working in the types of courts where the survey will be used. It may be that different forms should be used in different levels of courts.

The public is willing to participate in such surveys, and given the opportunity, most will offer suggestions rather than just vent frustrations. It also provides an opportunity for citizens to compliment courts on various aspects of its operation.

INITIATING SERVICE DEVELOPMENT

The data gathering process described to this point was designed to inform the court system of needed improvements as a preliminary step towards developing services and products to address those needs. Service development constitutes the second phase of the consumer research and service development process. Although both phases of the project were proposed to the State Justice Institute at the

outset of the project, only the initial consumer research phase was funded. However, because the development of the products and services is essential to the success of the process, work has continued into this phase.

As originally proposed, models of private and public sector product development were to be studied to identify those aspects which may be applicable to the court system. Drawing on these examples, an implementation plan for developing and marketing new products and services in the courts was to be developed. This would include further in-depth interviews or focus groups to refine the service and product ideas.

Due to the lack of funding, this phase of the project has not been fully undertaken, although work definitely has begun. The discussion of venture teaming which follows reports on the work in this area to date. To some extent, the second round of focus groups described earlier also provided an opportunity to tentatively explore the potential of that technique beyond the initial inquiry and questionnaire development.

Venture Teaming

Private Sector Use of Venture Teaming

Venture teaming is a process used by businesses to gather individuals with diverse points of view for a brainstorming session to look for new product ideas or solutions to perceived problems. Having a multi-disciplinary group provides a broad perspective from which to work on idea generation. The initial goal of these sessions is to produce as many ideas as possible in the area under consideration. No evaluation of the ideas generated is undertaken,

or allowed at this stage. This process leads to the generation of scores of ideas. Although this may seem excessive, private sector research has found that it may take as many as 160 ideas/solutions to get ONE successful product.

Subsequent venture teaming exercises serve to sift through and evaluate ideas as the group moves toward product development. In this way, venture teaming is used by businesses to nurture ideas into reality, often with members of the venture team shepherding ideas through the development process. Venture teaming can also provide a means for instilling commitment to an idea for product development by requiring participants to commit funding to development of the idea selected.

Role of Venture Teaming in the Project to Date

As consumer research efforts in the judiciary move beyond their initial research phase, the venture teaming process is providing a means to involve court personnel and administrators in the process of developing responses to the needs and problems identified in the initial research. They are the ones in a position to see how the system might respond and the potential impacts on both the consumer and the courts in doing so. Venture teaming efforts to date have involved both idea generation and the initial steps towards product/service development.

Finding the right combinations of people and techniques for successful venture teaming in the judiciary is part of the on-going consumer research efforts. As with all new constructs introduced into a precedent-based system, the process moves slowly at first as people assimilate the concept and become comfortable with the process.

Who Has Been Involved Thus Far?

- * Members of the Advisory Panel
- * A team of staff members of the administrative office of the courts, one appellate judge, one information technology planner from the executive branch

A total of 20 individuals participated. The ten advisory panel participants included two citizen members, one representative of a service-oriented public agency, four attorneys, one court clerk, and two judges. Two had experience in customer relations or marketing. The in-house venture teaming activity also involved ten individuals. Six departments within the state court administrator's office that have close working relationships with the courts were represented: Personnel, Management Information Systems, Dispute Resolution Services, Technical Assistance, Legal Research and Planning. In addition, an appellate court judge and an information technology planner from the executive branch joined the group.

The total group of venture teaming participants included 11 men and nine women. One black participated. The judges and clerk, as well as the Technical Assistance staff members, represented both the circuit and district courts.

What Has Been Done?

Advisory Panel Session I. After most of the research results were in, the venture teaming process began with a session for the advisory panel. The first session was held in April, 1993. The basic working materials of the first session were charts which combined the themes and

specific suggestion for solutions to problems identified from the research to date. Where identified, the population sub-groups that mentioned the problem most frequently, e.g. minorities, were cited. Members of the advisory panel were asked to add detail to or suggest additional solutions for problems on the list.

In-house group. The results of this first venture teaming session, together with additional information gathered from the exit surveys, were incorporated into a revised set of the venture teaming charts for a September, 1994 meeting of administrative office staff representing different functional areas, and appellate court judge, and a technology planner from the executive branch. Venture teaming constituted the final activity of full day meeting for the in-house group. Having been briefed on the work of the project to date, the results of the research, and the role of this effort in the overall planning process for the judiciary, the group launched into a hybrid focus group/venture teaming exercise.

Advisory Panel Session II. At its final meeting in October 1993, the advisory panel engaged in another venture teaming session. This time the working materials incorporated both its earlier work product and that of the in-house group.

What Are We Learning?

The process of venture teaming is different from activities usually undertaken in the court environment. It provides an opportunity for those involved to think about problems and potential solutions for the courts in a way that is rarely possible for them to do. For some individuals, venture teaming is very stimulating and exciting from the outset. Recognizing this

and the creative nature of the process, it is important that participants be carefully selected. Ideally, participants (either individually or as a group) should be open to change, knowledgeable about the functioning of the courts, willing to be challenged, thoughtful and articulate.

The venture teaming process builds as participants become involved and invested in it. This fact should be taken into account when scheduling sessions, both from the perspective of allowing adequate time for individual session (several hours) and for keeping the momentum going by scheduling follow-up sessions.

The venture teaming process is just getting started as a part of the judiciary's planning process. Although efforts to date differ from the venture teaming engaged in by the private sector for marketing research, the potential the process offers the judiciary is recognized. Further refinements to the process for use by the



Section III

Incorporating Consumer Research into Strategic Planning for Courts



Incorporating Consumer Research into Strategic Planning for Courts

Strategic Planning as the Core Strategy for Effecting Court Reform

Determining ways to integrate the consumer research and service development process into the strategic planning system used by the judiciary was a key objective of the project. Without this link, there would be no systematic means of funneling the information received into development of the court system's plans. In Virginia, strategic planning serves as the core strategy used by judicial policy bodies to identify and address critical issues facing the courts on a continual basis.

A planning process has been in place in the court system for almost twenty years. It serves to provide policy-makers with the means and information necessary for making sound decisions about needed improvements within courts and the legal system. A brief review of the evolution of this process is included to explain how it functions and how the consumer research and service development process will be incorporated into the planning cycle.

Evolution of the Strategic Planning Process

During the late 1970's, the Judicial Council of Virginia initiated a planning process to obtain the opinions of judges, clerks of court, chief magistrates, and others on substantive and administrative problems facing courts. Based upon this research, the Council produced a series of

two-year plans articulating the judiciary's priorities for policy and legislative changes as well as for funding requests. With the assistance of the General Assembly and the collective efforts of judges and court personnel, almost 90% of the tasks outlined in these plans were completed.

As the judiciary's planning processes evolved, it became increasingly evident that a longer range approach was needed in order to better anticipate changing demands for service. In response to these needs, the Judicial Council, as part of its 1986-88 Comprehensive Plan, adopted a proposal to establish a Commission on the Future of Virginia's Judicial System. The Commission, composed of distinguished members of the judiciary, legislature, court personnel, bar, media and private citizens was charged with defining the demands likely to face the Virginia judicial system in the next twenty years and recommending a course of action to address these requirements.

The 34-member Commission was appointed by Chief Justice Harry Carrico in mid-1987. Inherent in the Commission's creation was the judiciary's recognition that the planning process could be greatly enhanced by the addition of "futures research" techniques used by some businesses and state governments. These tech-

niques enabled the Commission to move beyond traditional issues and timeframes to assess internal changes the courts may face as a result of societal changes. Developing information on emerging trends provided the opportunity to develop longer-term goals, strategies and plans for improving the courts' ability to meet expected demands.

After eighteen months of study, the Commission issued its final report on May 1, 1989. The report cited numerous projected trends for 21st Century Virginia and analyzed the potential implications of demographic, economic, technological, environmental and other changes on the operation of the state courts. The report noted that while courts and all institutions must be able to respond creatively and effectively to change, charting a precise course in advance is not possible. Instead, the Commission developed an underlying philosophy to guide the future direction of the courts and enable the judiciary to respond to the changing forces and attitudes of society with a coherent sense of purpose and mission.

The report offered ten *visions* to serve as a foundation for the courts of the next century and to paint a picture of the preferred future for these courts. Likewise, 131 specific recommendations were developed to provide a sense of direction for the future in moving towards realization of these visions.

Following an extensive review of the Commission's work, the Judicial Council adopted 118 or 90% of the proposed recommendations. These recommendations formed the basis of *Foresight 2000: The Judiciary's Strategic Plan for FY 1990-92*.

By January, 1993, approximately 70% of

the tasks included in the FY 1990-92 Plan had been undertaken or completed. The Council then reviewed the list of remaining tasks and incorporated another set of approved recommendations from the original list of Commission proposals. In addition, new requirements from the General Assembly were consolidated in order to update the judiciary's strategic plan for FY 1992-1994. (A copy of this Plan appears in *Appendix 5*.) Later this year, the FY 1994-96 Plan will be published.

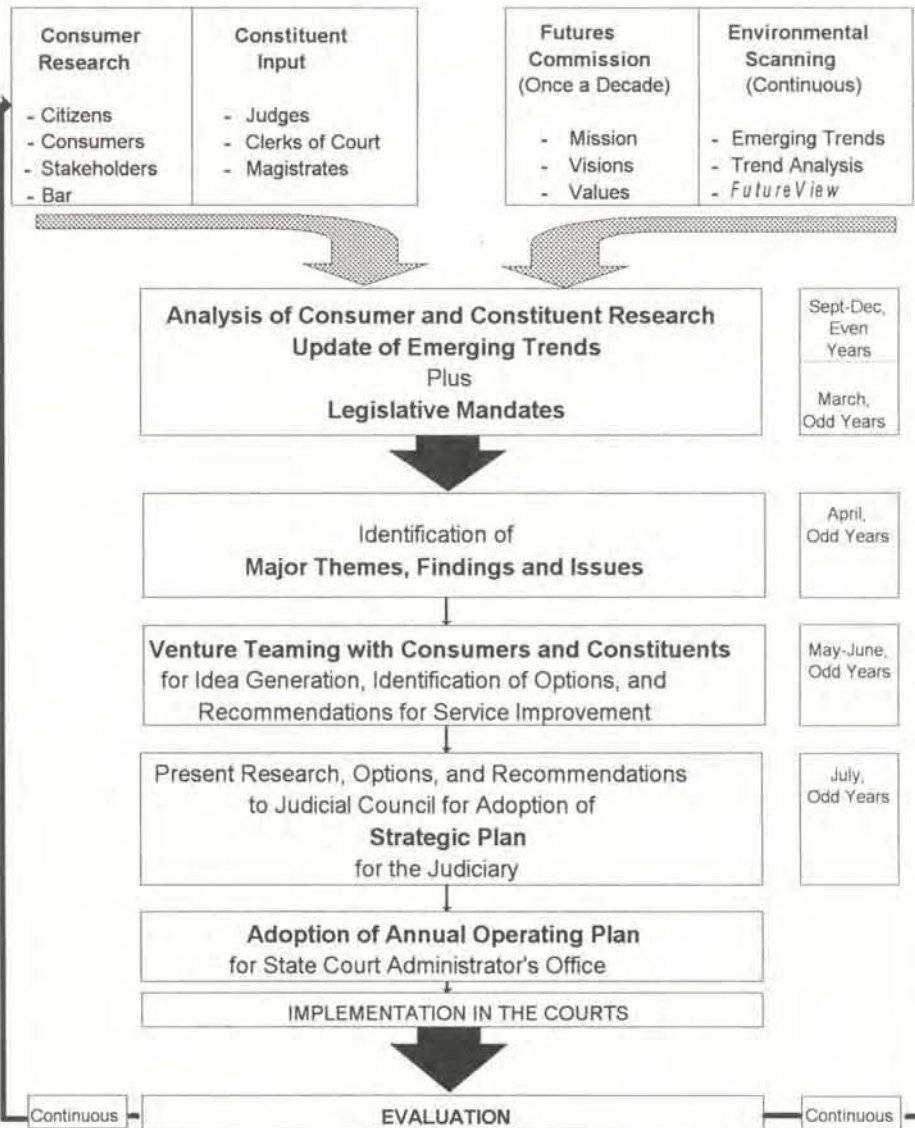
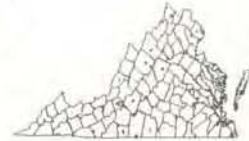
Once the FY 1994-96 Plan is successfully implemented, most of the specific tasks contained in the 1989 Futures' Commission document will have been undertaken or completed. Recognizing that this eventually would occur, the Commission recommended, and the Council endorsed, steps to further enhance the credibility and usefulness of the strategic planning process. One of these is the consumer research and service development project.

Incorporating the Consumer Research and Service Development Component

The diagram on the following page illustrates the revised strategic planning process. Dates on the right side indicate when individual steps must be completed in order to be synchronized with the deadlines for the state's biennial budget submission process.

The top of the diagram is divided into four blocks. The two on the left, consumer and constituent research, provide information about the current condition of the system, its strengths and weaknesses, as gauged by citizens, consumers of court services, and those who work within the system. The two blocks on the right represent the judiciary's continuing effort to look ahead at emerging trends and develop-

THE JUDICIARY'S STRATEGIC PLANNING AND MANAGEMENT SYSTEM



ments that will impact upon the court system's operation both today and in the future.

In the future, iterative rounds of the consumer and constituent research will be conducted in the spring of even-numbered years in order to update and gain new insights into the court's operation. Further, it is hoped that more customized research can be conducted to obtain more specific feedback from selected segments of the population and from different circuits and districts. For the present, the research results compiled during the initial phase of the project will be utilized to augment the objectives to be contained in the FY 1994-96 plan, currently being developed, and then to carry the full process forward in establishing the 1996-98 Plan.

Emphasis will continue to be placed on obtaining the views of "consumers" of court services, that is, persons who have directly participated in a court proceeding. These include litigants, witnesses, jurors, plaintiffs, defendants, and victims of crime. In addition, the opinions of those who have close and continuing roles to play in the justice system, including Bar members, and state and local court-related agency officials and their personnel, also will be sought.

The input of judges, clerks of court, magistrates, and in particular, those who serve citizens directly at the counters of clerks' and magistrates' offices, also will be obtained. Opportunities to hold focus groups at educational conferences and other training events regularly will be explored.

The two remaining components, shown on the right-hand side, indicate how the court system will incorporate futures research and

"environmental scanning" on a permanent basis. At present, the mission, guiding values, and visions for the future of the courts, as articulated by the Commission, continue to provide an essential framework for revising the judiciary's short range (biennial) plans. Given our initial experience with a Futures Commission and the need to update longer range plans for the courts, it is anticipated that an effort similar to the Commission will be required once a decade. Thus, a proposal to create a second Futures Commission may be prepared during the FY 1996-98 biennium.

The "environmental scanning" component is on-going. Its purpose is to alert judges and court personnel about new trends, developments and changes in the law, technology, society, economics, politics, and other areas that may impact upon the court system's operation. The state court administrator's office currently carries out this responsibility by reviewing dozens of leading publications and summarizing information about relevant articles and books in a quarterly publication called *Future View*.

These four types of information will be compiled, in the fall of even-numbered years, into a primary "sourcebook" which analyzes the results of the consumer and constituent research and updates emerging trends. Then, following the adjournment of the General Assembly in the spring, legislative mandates will be added to the list of required actions.

From this work, cross-cutting themes, findings and issues will be identified. This information then will be presented to venture teams of consumers and constituents. Their reactions and ideas, as well as suggestions for substantive change, service improvements, and entirely

new innovations will be solicited in the spring of odd-numbered years.

The completed research and lists of options and recommendations will be submitted to the Judicial Council for adoption and inclusion into the biennial strategic plan for the judiciary. Copies of this plan then will be distributed widely within and outside the judicial system.

The timing of the adoption of the plan is set to coincide with the development of the annual operating plan within the state court administrator's office. This annual plan guides the yearly activities of the office in support of the judicial system as a whole. It includes a task break-out of every function carried out by the office. Both essential services, such as personnel and payroll functions, and the objectives from the strategic plan selected for implementation in each year of the biennium are assigned to individual departments or teams for completion. Without this means of accountability and follow-up, there would be no way to translate the full strategic plan into annually obtainable objectives. The absence of such a link invites "pie in the sky" planning as opposed to pragmatic agenda-setting for the courts.

The inclusion of the consumer research and service development component provides a long-awaited means for citizens' voices to be added to those of judges, court officials, and the Bar in determining the need for change in the court system. Through this updated and on-going process, the Virginia judiciary will continue to use strategic planning as a means to think through and create an excellent justice system for Virginians.



Appendix 1

Consumer Research and Service Development Project Bibliography

Consumer Research and Service
Development Project

Bibliography

Prepared by the Office of the
Executive Secretary
Supreme Court of Virginia

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1994

INTRODUCTION

As part of its 1989 report, the Commission on the Future of Virginia's Judicial Court System recommended the creation of a consumer research and service development process within the court system. The ultimate goal of this innovative process is to increase the level of confidence and respect citizens have for the courts by initiating a process whereby the courts have a formal and ongoing mechanism for obtaining citizens perspectives and input on ways to improve the court system. Toward this end, the Supreme Court of Virginia obtained funding from the State Justice Institute to begin development of this process.

Since the beginning, the project's staff has been conducting and compiling a review of pertinent literature to help guide the research process. Accordingly, what follows here is a selected bibliography of reference sources which the project staff found to be most useful. It is the result of reviewing hundreds of works including journal articles, books and commission reports over the last few years.

The bibliography is divided into three major sections, each of which represents a significant and distinct area of research: (1) judicial studies; (2) service and service quality studies and (3) Public Administration studies. An overview of each section will be provided, followed by a listing and description of the selected bibliographical sources.

(1) Judicial Studies

To date, most of what has been written here has focused on how little the citizenry knows or understands about the nation's judicial system and what the courts can do to improve how they are perceived. For the most part, the studies have been directed toward what the courts would do to improve their image and educate the public, rather than what fundamental changes could be made to improve service to court consumers. Among the results of these studies are the following:

There are startling flaws in the public's knowledge of fundamental legal principles.

The public relies heavily on the media for legal information.

Relatively few citizens have had firsthand experience with the judicial system.

The more people know about courts, the less confidence they have in them.

Lay conception of court processes are at considerable variance with the realities of the American court system.

Willingness to resolve matters through the courts may be related to demographic characteristics of the citizen.

Members of racial and ethnic minority groups tend to view equality in the administration of justice as a much more serious problem than do members of the white majority in the population.

Some 75% of the American public say they know very little or nothing at all about state and local courts.

Direct contact by court users - litigants, witnesses and jurors alike - produces a poorer attitude toward courts than is held by the general public (which already is not high).

Citizen judgments of outcome-fairness in courts are related to their judgments of procedural fairness.

Court process is evaluated unfavorably due mainly to confusion over procedures.

Procedural justice is a key element in explaining support for legal authorities.

The general public and community leaders are dissatisfied with the performance of courts and rank courts lower than many other major American institutions.

The public's concern about courts stems from the feeling that three basic expectations have not been fulfilled. These are: protection of society, equality/fairness and quality performance by court personnel.

Judges and lawyers often disagree with the public over these issues. The public more often perceives a need for reform.

There is widespread public support for expanding tax dollars on various court improvements.

There is widespread public support for the development of alternative mechanisms for dispute resolution.

Courts are important sources of information about themselves. What happens at the local courthouse - how the courts treat people who come into contact with them, whether they come voluntarily or involuntarily - is likely to be influential in shaping public attitudes toward the judicial system.

A variety of methods have been used to evaluate various components of the court system. The sources used here reveal that:

A number of states involved the public in judicial evaluation surveys which entail feedback on various aspects of court operations. Questionnaires represent the data collection method typically used. These are generally distributed by mail, although some jurisdictions have considered the use of exit questionnaires at the end of court proceedings. Telephone surveys and personal interviews have also been used.

Such studies tend to rely disproportionately on attorneys as their primary source of information. More information is needed from other key user groups, court personnel, and the public at-large.

There is tremendous diversity in the number and type of criteria used by groups around the country in evaluating elements of the court system.

(2) Service and Service Quality Studies

To the extent that the court system is primarily a service organization which provides judicial services to the public, the study of services and service quality methods and issues is especially pertinent.

Sources included in this section of the bibliography have largely come from research with private sector service organizations and the customers they serve. These studies tend to examine service quality from the viewpoint of the customer. In addition, there have been several attempts to develop scales and related measurement methods for assessing customer perceptions of service.

In general, the findings from the service quality literature support the notion that service quality, as perceived by consumers, stems from comparison of their expectations of the service they will receive with the perceptions of the actual performance of organization providing the service. In this regard, the service provider needs to understand the key quality dimensions along which consumers' attitudes are structured and to measure the importance of the attitudes.

Throughout the literature in this section will be commentaries on the importance of a customer driven service philosophy. To this end, citizen consumer perceptions of government services constitute a significant but often overlooked source of information about how government functions. Such feedback is important in view of nationwide surveys indicating citizen perceptions of service quality problems throughout our court system.

(3) Public Administration Studies

The literature in this section focuses on the development and implementation of marketing strategies in public service organizations. Many government executives see marketing as only a matter of selling and advertising. They fail to understand and implement other significant aspects of marketing including customer research, target marketing, strategies planning, service development, distribution and pricing.

In sum, many government executives see no place for marketing techniques in their agency operations. Although many public schools, hospitals, human services organizations and others are increasingly adopting a marketing orientation, others, including the courts, have not. What is needed is increased education through seminars, conventions, and other information sharing formats to facilitate a generic understanding of marketing's public sector potential. The bibliographical sources included in this section are a step in that direction.

JUDICIAL STUDIES

Barber, S.R., "Televised Trials -Weighing Advantages Against Disadvantages," *Justice System Journal*, Volume 10, Number 3, Winter 1985.

Although no empirical research has been conducted to test either hypothesis, anecdotal evidence -- concerned with news viewing motivation and attention, news recall and retention, and television's function in shaping public perceptions and public opinion -- can be used to weigh the arguments. This information suggests that the reasons why audiences fail to learn from television news viewing may be the very same reasons why its potential to harm defendants is less severe than has been predicted. Information about cases and defendants who are televised may be forgotten quickly. However, recall of information may be improved by watching gavel-to-gavel televised trials, and studies suggest that such coverage may reinforce negative public attitudes toward criminal, and encourage retributive attitudes toward criminals, and encourage retributive attitudes concerning punishment. A risk then, is that just as greater detail may enhance the educational value of televising trials, it may also increase potential harm to defendants. Future research, applying the legal 'qualitative difference' test should compare the impact of newspaper and televised trial coverage, and attention should also be paid to the influence of gavel-to-gavel versus excerpted trial coverage.

Bennack, Frank A. "The Public, The Media and the Judicial System: A National Survey on Citizen's Awareness," *State Court Journal*, Fall, 1983.

Speech given by Frank a. Bennack, Jr., president of the Hearst Corporation, describing a national survey on citizens' awareness of the courts. The survey had four objectives: 1) To measure the public's knowledge of important legal concepts; 2) to determine where Americans get their information; 3) to assess their personal experience with the judicial system; 4) to document public opinion about certain contemporary issues.

Cheever, Joan M. and Joanne Naiman. "The View from the Jury Box," *The National Law Journal*, February 22, 1993.

Describes results of a National Law Journal/Lexis poll. Survey of nearly 800 people who served on civil and criminal juries nationwide in 1992. Respondents were asked more than 100 questions on their thoughts regarding the jury system and lawyers.

Church, Thomas. "The Mansion vs. the Gatehouse: Viewing the Courts from a Consumer's Perspective," *Judicature*, Volume 75, Number 5, February - March 1992.

The author argues that the courts' neglect of a citizen service oriented perspective is a leading cause of the decline of public confidence in American legal institutions. Commentary is offered regarding the negative public opinion of American courts and offers a variety of recommendations for making the courts more "user friendly".

Commission on Justice in the Twenty-First Century. *Doing Utah Justice*, 1991.

As part of the methodology, to achieve its goal of analyzing information and determining the justice system's needs to be met in the coming decade, the Commission combined quantitative opinion surveys with a series of town meetings. The surveys conducted involved (1) the general public, (2) 100 "key leaders", (3) litigation attorneys and (4) state judges of courts of record. The objective of the first two surveys was to determine how much ordinary citizens and "opinion molders" knew about state courts, and how well they thought the courts were performing their mission. Particular emphasis was placed on finding out what public needs were not being adequately met by the system. The attorney and judges surveys were designed to gauge the justice system's central actors' attitudes about the system's adequacy in meeting current and emerging needs.

The survey's findings confirmed that of other surveys citing the public's lack of knowledge of basic legal concepts. Furthermore, the findings of declining confidence in the courts pointed out a continuing gap between what the court system is doing, and what the public perceives it is doing.

Dolch, Norman A. and Norman W. Provizer. "Acting Responsibly: Judicial Performance Surveys," *Judicature*, June/July 1987.

Although bar associations are usually the ones to conduct judicial evaluation surveys, there is no reason the media, in an effort to inform and educate the public, cannot do so just as well. The Shreveport Journal's surveys are a case in point.

Driskill, Jeffrey. "Citizen Evaluation of Judicial Performance: The Colorado Experience," *Judicature*, December-January 1989.

Colorado citizens, through the initiative of the Colorado Judicial Institute, essentially took judicial evaluation into their own hands in 1984 and 1986 pilot projects. Their success led to 1988 Colorado law establishing citizen dominated judicial evaluation commissions. The Colorado experience provides discussion on the need for citizens evaluation and some of the issues that such efforts raise.

Fagan, R.W. "Knowledge and Support for the Criminal Justice System," *Criminal Justice Review*, Volume 12, Number 2, 1987.

A questionnaire was given to samples of the public (N=1149) and of professionals within the criminal justice system (N=292) in the State of Washington. Contrary to expectation, the data indicated that the public had the most knowledge about the correctional system followed by the courts and police. The same was true for the sample of criminal justice professionals. The public was significantly less knowledgeable than the professionals concerning the courts and corrections, but not on items concerning the police. With few exceptions, the data displayed little association between socio-demographic and experience variables and knowledge about the criminal justice system. In terms of support, the public rated the police much higher than either the courts or corrections. Finally, a relatively weak relationship existed between knowledge and support, with increased knowledge generally reducing support.

Flanagan, T.J., E.F. McGarrell and E.G. Brown. "Public Perceptions of the Criminal Courts - The Role of Demographic and Related Attitudinal Variables," *Journal of Research in Crime and Delinquency*, Volume 22, Number 1, February 1985.

Despite their importance, few attempts have been made to examine these perceptions. This article reviews the previous work on public perceptions and support for criminal courts, and further examines this issue with nationwide survey data. Unlike previous studies, their findings indicate that demographic characteristics of respondents are significant correlates of public perceptions of courts. However, the influence of these demographic characteristics is outweighed by the effect of related social attitudes. Implications for the further study of perceptions of the courts, as well as for judicial policymakers are discussed.

Gordon, F.X. "Judicial Image - Is a Facelift Necessary?" *Justice System Journal*, Volume 10, Number 3, Winter 1985.

The purpose of this article is to increase the reader's awareness of the importance of such projects; highlight some specific states' efforts; encourage initiation of similar projects in states where none or relatively few exist; and suggest a plan of actions for more efficient programs in the future. The image of the judiciary held by the average American does not differentiate between state and federal courts, or between trial or appellate levels. Thus, while this article is based on information obtained from state appellate courts, it is really about all American courts.

Greacen, J. "What Standards Should We Use to Judge Our Courts?" *Judicature*, Volume 72, Number 1, June/July 1988.

Although the general public tends to view the courts as too lenient with criminals and an obstruction to effective police work, data indicate otherwise. The public must be educated about the court's mission and the principles upon which it is based, so public perceptions of court performance may be grounded in accurate data and constitutional principles. Litigants tend to measure court and judicial performance by the fairness of the process more than the case outcome. Attorneys measure judicial performance by such criteria as judicial demeanor, management skills, and legal ability. Lawyers generally give judges high marks. Objective criteria for measuring court performance typically relate to the speed with which cases are processed. The National Center for State Courts is embarking on a major, multiyear Large Court Capacity project to develop detailed performance standards for large general jurisdiction trial courts. These standards will encompass measures of justice as well as efficiency.

Heinz, A.M. "Procedure Versus Consequences - Experimental Evidence of Preferences for Procedural and Distributive Justice" in *Courts and Criminal Justice*, Suzette M. Talario, ed. Newbury Park, California: Sage Publications, Inc., 1985.

Of the subjects who were available by telephone or in a correctional facility, 54 percent of the defendants, 78 percent of the victims, and 63 percent of the police completed interviews. Some of the victims and defendants had been part of an experiment in which

they could be present at plea negotiations, which took place with the judge present. The study aimed to determine whether the fairness of the proceedings or the fairness of the outcome was more strongly reflected in the subjects' perceptions. The influence of the stakes, in terms of costs and benefits of potential outcomes, was also considered. Data were analyzed using multiple regression equations. The structure of the perceptions about court experience differed among the three groups. Outcome and procedural measures formed a single factor for the defendants and separate dimensions for victims and police. Inconsistent evidence was found regarding the preference for trials over plea negotiations. For all groups, perceptions that the procedures had been fair and that their views had been heard were related to satisfaction dropped as the size of the stakes declined. The effects of the stakes were more important for the defendants and victims than they were for the police. Defendants were more satisfied with the outcome when the stakes were lowest, whereas victims and police were more satisfied when the stakes were higher.

Hengstler, Gary A. "Vox Populi" *ABA Journal*, September, 1993.

Describes the results of a comprehensive survey of public attitudes toward the standing of lawyers, the American legal system and the American Bar Association to establish a benchmark of Americans' opinions on legal professionals and institutions. Commissioned by the ABA, the telephone survey included a representative sample of 1,202 adults. Two follow-up focus groups, one composed of people who had retained a lawyer within the last two years, the other of individuals who had not used a lawyer in the last five years, are also discussed. The survey suggests that the more a person knows about the legal profession and the more he or she is in direct personal contact with lawyers, the lower an individual's opinion of them. Complaints about lawyers include perceptions that lawyers lack caring and compassion; have poor ethical standards and enforcement; are greedy; and that lawyer advertising is distasteful to the public. Suggestions from the public for changes included improving ethics, integrity and accountability of lawyers; toughening the criminal system, sentencing and punishment; reducing legal fees; and reducing the number of frivolous lawsuits.

Hentel, Nat H. "For Whom the Polls Toll," *Judges Journal*, Winter 1982.

Discusses a judge's personal experience in polling public attitudes and suggests methods of surveying the public without extensive costs.

Macauley, Stewart. "Images of Law in Everyday Life: The Lessons of School, Entertainment and Spectator Sports" *Law and Society Review*, Fall 1987.

The author provides an overview of previous studies concerning public attitudes about the court system. Insight is offered regarding the role of media on public attitudes and compliance with laws.

McConnell, Edward B. "What Does the Future Hold for Judges?" *Judges Journal*, Summer 1991.

Commentary on expert opinion regarding court related trends affecting the judiciary over the next thirty years. Findings and recommendations from a variety of surveys and national conferences are summarized.

Michigan Supreme Court. *Citizens' Commission to Improve Michigan Courts Final Report and Recommendations to Improve the Efficiency and Responsiveness of Michigan Courts*. Lansing, Michigan, 1986.

To determine how the courts could be more accessible and responsive to the state's citizens, data were drawn from public hearings, experts in the field, and formal and informal attitudinal surveys. The commission presented 45 recommendations for the state supreme court and 5 recommendations for the legislature. Recommendations call for the courteous treatment of all court system users, improved scheduling, and fair treatment of all persons without regard to race, gender, age, economic class, religion, or physical condition. The commission also recommends training staff to meet public needs, conducting research on the extent and nature of discrimination in the courts, and giving equal employment opportunity to all court personnel. Other reforms include the institution of measures to reduce the trauma suffered by victims, particularly child sexual abuse victims, and greater sensitivity to family matters such as guardianship. Legislative recommendations focus on increased funding, sentencing and victim protection reform, and raising from 19 to 21 the age of jurisdiction over a delinquent juvenile. Appendixes detail the data-gathering activities of the commission in extensive graphs, tables, and statistics.

O'Barr, William M. and John M. Conley. "Lay Expectations of the Civil Justice System," *Law and Society Review*, Volume 22, Number 1, 1988.

This article presents results from a study of small claims litigants' expectations about the civil justice system. Interviews with plaintiffs at the time they file their cases reveal that many people come to court with profound misunderstandings about the authority of civil courts, as well as the procedural and evidentiary burdens that the civil justice system imposes. These findings, based on the empirical investigations of litigants' beliefs about and understanding of civil justice, complement experimental studies of procedural justice conducted over the past two decades. Litigants were found to be at least as concerned with issues of process as they are with substantive questions that make up their cases. Yet litigant's preconceptions of procedure are frequently at variance with what the law requires and what will happen in the legal process. Such differences suggest that litigants' expectations and understandings deserve attention in the study of their attitudes toward the legal process.

Reich, J.N., W.H. Sobel, D.H. Mahan, and E.L. Deam. "Involving the Public and Serving the Public - Keys to a Successful Courthouse," *Justice System Journal*, Volume 10, Number 3, Winter 1985.

A recently built courthouse was described by the local press as 'a study in thoughtlessness, inside and out.' Although many people may have thought about the building, the thinking of those who use it most, paid for its construction and continue to pay for its upkeep -- the local community -- seems not to have been taken into account. This article discusses the need for public involvement in all stages of courthouse planning and presents creative ways of filling that need. The discussion is based on a sample of twenty out of eighty-three trial-level courts in which the authors have worked.

Richardson, David N. "Involving the Public Through Surveys," *Court Management Journal Manual*, 1982.

The author notes that the lack of public involvement in court policy making is based on the presumption that the public is uninformed. The lack of a regular mechanism for the public to make its views known has, historically, caused misunderstandings and negative views about the role of the courts. Those who are in daily contact with the court may believe that they know what is needed to improve service to the public. However, their views are often quite divergent from the views of the general public about the same issues.

Roehl, J.A. "Measuring Perceptions of Procedural Justice," Ann Arbor: University Microfilms, (Dissertation).

The scales rested on the concept of procedural justice explained by Thibaut and Walker. Development of the scale began with a pool of items designed to represent 13 domains of procedural justice as identified in the literature. The item pool was pilot tested and reviewed by procedural justice experts, who rated the items in regard to their clarity, their perceived relationship to procedural justice, and their membership in different domains. A 75-item preliminary procedural justice scale was administered to 219 subjects drawn from psychology classes at the George Washington University. The subjects watched videotapes or read descriptions or read descriptions of hearings determined to be fair or unfair. They then completed the preliminary procedural justice scale and a brief questionnaire covering their perceptions of overall fairness of the process and outcome. Item analysis, reliability testing, model building, and model testing by means of confirmatory factor analysis were used to develop a final procedural justice scale composed of 30 items and 7 subscales. The subscales were the parties' opportunity to present evidence, coercion, fairness of the third party, time and cost of the procedure, clarity of the rules, overall fairness, and respect for the parties. The scale distinguished between fair and unfair hearings, but methodological problems prevented examining differences between court and mediation hearings.

Rubin, F.R. "Citizen Participation in the State Courts," *Justice System Journal*, Volume 10, Number 3, Winter 1985.

Interest in increasing public involvement in the courts stems from a continuing concern about the poor public image of the courts and the belief that the third branch of government will benefit by becoming more responsive to public preferences. In July 1984, the National Center for State Courts conducted a national survey to determine the nature and extent of citizen participation in state court systems. Survey responses indicated a relatively low level of citizen participation across the country, but innovative programs do exist in certain states. This article presents the results of the survey and provides supplemental information based on previous literature in some of the major citizen participation areas. It discusses the implications for both the courts and the public, identifies effective models of public involvement, and recommends specific steps that the state courts can take to build a more accountable justice system.

Scott, Ian. "The Public and the Courts," in *Proceedings of the First National Symposium on Court Management*, Geoff Gallas and Amy Rausch, eds., National Center for State Courts, 1982

Consideration is given to the extent of citizen involvement in the administration of courts. Discussion of historical developments contributing to pressure for greater lay involvement. Analysis of democratic theory and its relationship to court administration in also given.

Sheldon, Charles. "Public Attitudes Toward Courts: How Knowledge Affects Them," *Judiciary*, Fall 1986.

Describes a survey of 1,200 registered voters regarding the level and quality of service provided by area courts and other local government services. The survey found that as a person's knowledge of courts increases, so does his level of satisfaction with court services. The study concludes that the building of a positive regard for courts is likely to result from a serious effort to better inform the public of the operation of its courts.

Sherwood, David R. and Mark A. Clark. "Toward an Understanding of 'Local Legal Culture'," *Justice System Journal*, Summer 1981.

This article reports the results of an Institute for Court Management symposium, held with personnel in the 3rd Judicial Circuit (Wayne County, Michigan). The symposium use a questionnaire to identify the participant's perceptions - and their views of other's perception - on a range of subjects, including items related to civil case delay. The results suggested a high degree of agreement on many items, thus supporting the notion of a "local legal culture". It also found, however, that on some criminal matters, participants in the caseflow process may seriously misjudge the perception of other participants, thus frustrating the court's ability to exert leadership in caseflow management.

Tyler, Tom R. "The Role of Perceived Injustice in Defendant's Evaluations of Their Courtroom Experience," *Law and Society Review*, Volume 18, Winter 1984.

The purpose of this study is to explore the role of perceived injustice in generating dissatisfaction with legal authorities. Using data collected in interviews with a sample of defendants in traffic and misdemeanor court, a comparison was made between the influence of case outcomes upon attitudes toward judges and courts and that of distributive and procedural justice. The results suggest that among the defendants studied, the major determinant of satisfaction with legal authorities is perceived fairness. Once the influence of perceived fairness is considered, case outcome explain no additional variation in attitudes toward courts and judges.

Tyler, Tom R. "What is Procedural Justice?: Criteria Used by Citizens to Assess the Fairness of Legal Procedures," *Law and Society Review*, Volume 22, February 1988.

Attention was focused on the effects of procedural justice on citizen satisfaction with outcomes, evaluations of legal authorities, and the meanings attributed to fair process. Results replicate the findings of past research showing that procedural justice has a major impact on both satisfaction and evaluations. They also suggest that procedural justice judgements are complex and multifaceted. Seven issues were found to make independent contributions to citizen judgements about whether legal authorities acted justly: perceptions of the degree to which authorities were motivated to be fair and how they conducted themselves ethically, perceived honesty of authorities, the extent of opportunities for representation, the quality of decision made, opportunities for error correction, and whether authorities behaved in a biased fashion. The meaning of procedural justice varied depending on the nature of the situation, but not depending on the characteristics of the involved individuals. Results suggest that the meaning of procedural justice is situational in nature. Consequently, it is likely that there are no universally fair procedures for allocation and dispute resolution: different procedures are appropriate to different circumstances.

Swim, J. and E. Borgida. "Public Opinion on the Psychological and Legal Aspects of Televising Rape Trials," *Journal of Applied Social Psychology*, Volume 17, Number 5, May 1987.

Public beliefs about legal and constitutional issues, psychological effects of the media on trial participants, and extended effects of media coverage on the public were examined. Descriptive results indicated that the public generally disapproved of such coverage of courtroom trials. More important, women reported that they would be less likely to report a rape knowing the other rape trials had been televised. Two multiple regression analyses showed that when beliefs were related to approval of such trials, disapproval was related to respondents' views of the symbolic constitutional issues, and that a belief that 'televising rape trials would increase a rape victim's trauma' was most related to women's behavioral intention to report a rape.

Terry, W.C. and R. Surett. "Media Technology and the Courts - the Case of the Closed-Circuit Video Arraignments in Miami, Florida," *Criminal Justice Review*, Volume 11, Number 2, Fall 1986.

While both judges and prosecuting attorneys viewed the use of closed circuit television during misdemeanor arraignment favorably, public defenders felt that it disrupted the demeanor of the court, hindered the judge's ability to control the courtroom, depersonalized the proceedings, and intimidated the defendants. Contrary to this assessment, defendants were largely supportive of video arraignments. Defendants' dissatisfaction with video arraignment appeared to be related to the outcomes of their cases. However, observations in the courtroom and the attitudes of public defenders suggest that video may have unintended negative consequences that affect court personnel, defendants, onlookers, and the atmosphere of the court.

Wasmann, E., N.P. Lovrich and C.H. Sheldon. "Perception of State and Local Courts - A Comparison Across Selection Systems," *Justice System Journal*, Volume 11, Number 2, Fall 1986.

Attitudes were compared in the areas of court efficiency, fairness, responsiveness and competence. These comparisons revealed very little difference between states having different formal judicial selection systems. Greater differences were apparent between the general and attentive publics on the one hand, and judges and lawyers on the other, irrespective of the formal selection system in the respondents' states. It is concluded that if the method of judicial selection is important, informal aspects of the judicial selection process are likely to be more relevant than formal selection schemes for determining the level of public and legal-professional satisfaction with the courts.

Yankelovich, Skelly and White, Inc. "Highlights of a National Survey of the General Public, Judges, Lawyers and Community Leaders," in *State Courts: A Blueprint for the Future*, National Center for State Courts, 1978.

Using in-person interviews, 1,931 people were surveyed from the general public. In addition, three samples of "influentials" were drawn, including 317 attorneys, 194 state and local judges, and 278 community leaders. The results included: (1) Profound differences in view between the general public and judges/lawyers regarding the appropriate role of courts in society; (2) the general public: dissatisfied, ignorance and lack of experience with courts; (3) widespread public support for court reform and improvement.

Zemans, Frances Kahn. "In the Eye of the Beholder: The Relationship Between the Public and the Courts," *Justice System Journal*, Volume 15, Number 2, 1991.

Discusses the conceptual framework of the public-court relationship, in which both courts and the public see each other differently and lack understanding of one another. Considers the state of public knowledge of the courts and suggests methods of improving court service.

SERVICE AND SERVICE QUALITY STUDIES

Becker, Wendy and Richard S. Wellins. "Customer-Service Perceptions and Reality," *Training & Development Journal*, March 1990.

A survey of 1,300 customers located in various countries, including the U.S., U.K., and Canada, and a survey of 900 customer service workers in nine businesses reveals information about the importance of customer service. The research project was conducted to determine the job behaviors required for successful customer service from the customer and service-worker viewpoints, to assess how well the necessary job behaviors are performed according to customers and service workers, and to analyze the impact of customer service on behavior. Research results indicate that customers and service workers have different views on necessary job behaviors and how well those behaviors are performed. Results also indicate that customer service is vital to business success and that it is important for firms to monitor how well their service workers perform.

Bitner, Mary Jo. "Evaluating Service Encounters: The Effects of Physical Surroundings and Employee Responses," *Journal of Marketing*, April 1990.

A model for comprehending service encounter evaluations is presented which brings together service marketing, consumer satisfaction, and attribution theories. The information garnered from the model may be important for service marketers because an awareness of the elements that affect customer evaluations in service encounters may help to enhance service offered. To test the applicability of the model, 145 subjects were surveyed to determine their reaction to a story about a service encounter and to measure the effects of employee responses and physical surroundings on satisfaction and attributions. Research results demonstrate that physical surroundings and employee responses have an important impact on consumer responses.

Bitner, Mary Jo, Bernard H. Bousm and Mary Stanfield Tetreault. "The Service Encounter: Diagnosing Favorable and Unfavorable Incidents," *Journal of Marketing*, January 1990.

Seven hundred important service encounters from customers of restaurants, hotels, and airlines were collected and analyzed using the critical incident methodology to determine the crucial events and connected behaviors of service industry employees which make customers differentiate very positive service encounters from very negative service encounters. Implications for future research are also described.

Cespedes, Frank V. "Once More: How Do You Improve Customer Service?," *Business Horizons*, March-April 1992.

Businesses can improve customer service by focusing on the product-related and non-product-related factors that customers value. Good service depends on management responsibility, formal plan, evaluations and accountability.

Cronin, J. Joseph, Jr. and Steven A. Taylor. "Measuring Service Quality: A Reexamination and Extension," *Journal of Marketing*, July 1992.

A study investigated the conceptualization and measurement of service quality and the relationship between service quality, consumer satisfaction, and purchase intentions. Previous research suggested that the current operationalization of service quality confounds satisfaction and attitude. An alternative method of operationalizing perceived service quality was tested. The results suggested that a performance-based measure of service quality may be an improved means of measuring the service quality construct.

Graulich, David. "How are you doing? Ask your clients," *Business Horizons*, September-October 1991.

Professional service companies can evaluate the quality of their service by asking for feedback from clients. Companies that make a commitment to quality can gain a competitive advantage.

Klaus, Peter G. "Quality Epiphenomenon: The Conceptual Understanding of Quality in Face to Face Service Encounters," in *The Service Encounter: Managing Employee/ Customer Interaction in Service Business*, ed: John A. Czepiel, Michael R. Solomon and Carol F. Surprenant. Lexington: Lexington Books, 1985.

The author conceptualizes the Product Model of Service and the Process Model of Service. The Product model views a service as just another product. Criticisms included the inconsistent variables involved in services which are constants in most tangible products.

Process model looks at the service product as an interaction between the service organization and the client. Criticisms included: human behavior often does not follow rules of economic rationality; neglects the impact of variables external to management control; subjective perspectives of clients are difficult to grasp because they depend upon the consumer's personality and particular situation.

Naumann, Earl and Patrick Shannon. "What is Customer-Driven Marketing?," *Business Horizons*, November-December 1992.

Companies must make a commitment to having a customer orientation. The steps in becoming customer-driven include involving all levels of the firm, training the work force and being flexible.

Parasuraman, A., Valarie A. Zeithaml and Leonard L. Berry. "A Conceptual Model of Service Quality and Its Implications for Future Research," *Journal of Marketing*, Fall 1985.

Research was conducted to investigate service quality. Information was obtained from a set of focus group interviews of consumers and in-depth interviews with executives in the retail banking, credit card, securities brokerage, and product repair and maintenance service industries. Research determined 10 dimensions that determine service quality.

Parasuraman, A., Valarie A. Zeithaml and Leonard L. Berry. "SERVQUAL: A Multi-Item Scale for Measuring Consumer Perception of Service Quality," *Journal of Retailing*, Spring 1988.

This article describes the process of developing a measurement scale which can be implemented by service marketers interested in gathering consumer perceptions of their service quality. Methodological considerations and suggestions for implementing SERVQUAL are provided.

Showalter, Michael J. and Judith A. Molholland. "Continuous Improvement Strategies for Service Organizations," *Business Horizons*, July-August 1992.

Service organizations can improve both productivity and quality by using continuous improvement systems. The elements of continuous improvement systems include a customer orientation, employee involvement and the commitment of top management.

Watson, Charles, E. "The Meaning of Service in Business," *Business Horizons*, January-February 1992.

Business people can increase their chances of success by concentrating less on the vestments of success and focusing more on having a worthwhile cause. Serving others benefits both the individual and society.

Whittle, Susan and Morris Foster, II. "Customer Profiting: Getting Into Your Customer's Shoes," *Management Decision*, November 1989.

The growing importance of service quality is encouraging many firms to discover a way to analyze and solve quality problems. However, much of the quality research has been conducted using models developed for manufactured products instead of the management of services. A new customer profiling model is suggested which analyzes customer contact for services in six steps: search, arrival, pre-contact, contact, withdrawal, and follow-up. To apply this model, organizations should work to map out and carefully manage each step in the model.

Zeithaml, Valarie A., Leonard L. Berry and A. Parasuraman. "The Nature and Determinants of Customer Expectations of Service," *Journal of the Academy of Marketing Science*, Winter 1993.

To develop an understanding of different types of customer expectations and their sources, 16 focus group interviews with customers of various service industries were held. Common themes from these interviews led to the development of a conceptual model of customer service expectations.

PUBLIC ADMINISTRATION STUDIES

Bruce, Willa, James Walton Blackburn and Melissa Spelsberg. "Bureaucratic Responsiveness: An Empirical Study," *Public Personnel Management*, Spring 1985.

A pilot study was undertaken to deal with discretionary responsiveness - the degree of organizational responsiveness to citizens' desires, information requests, and perceived needs. A field stimulation methodology was used to study 45 private and public-sector organizations in 5 eastern cities. Private/competitive organizations show a slightly higher responsiveness, while highly urban, large organizations and small, rural ones rated lowest in amount of detail given in response to queries. Results indicated that neither highly structured nor small-scale organizations are most responsive. Intermediate-sized organizations are thus most likely to be responsive since they have achieved the equilibrium necessary to maintain balance between themselves and their environment. The implication for public administrators who design and manage service-delivery systems is that increases in budget and numbers may be as detrimental as decreases.

Burns, Tim. "Researching Customer Service in the Public Sector," *Journal of the Market Research Society*, January 1992.

There has been an increasing interest in the U.K. in public service in the public sector, highlighted by the launch of the Citizens' Charter. The Citizens' Charter states that people affected by services should be consulted and that their views should be sought regularly and systematically so as to inform decisions about what services should be provided. The starting point has to be an understanding of what the customer wants. The charter suggests consultation as one means of doing this. A second means of understanding the public's view is feedback from staff. However, staff feedback cannot be relied upon entirely, for there are many circumstances where staff and customer interests differ significantly. So something beyond consultation and staff feedback is needed, namely, survey research. The role of research in examining customer service is to: 1. discover what the customer wants, 2. help set performance indicators, 3. monitor performance in relation to those indicators, and 4. provide information that will help implement change.

Crompton, John L. and Charles W. Lamb, Jr. *Marketing Government and Social Services*. New York: John Wiley and Sons, 1986.

Discusses application of marketing to government agencies. Particular emphasis is given to strategies for target marketing, service development, distribution pricing and communication technologies. An overview of research technologies for analyzing citizen consumer behavior is also included.

Danet, Brenda. "Law, Bureaucracy, and Language," *Society*, May-June 1983.

Discusses the "Plain English" movement in relation to legal and bureaucratic documents and, especially, courtroom proceedings. Points out ways that language can be manipulated to enhance the powerlessness of participants in court litigation.

Goodsell, Charles T. *The Case for Bureaucracy: A Public Administration Polemic*, Second Edition. Chatham: Chatham House, 1985.

The author argues that the quality of public services is actually better than critics would have the public believe. Numerous studies are cited to demonstrate citizen satisfaction with a wide variety of public services. Methodological problems which may contribute to negative evaluations are also discussed.

Hoaglin, David C., Richard J. Light, Buckham McPeck, Frederick Mosteller and Michael Stote. *Data for Decisions: Information Strategies for Policymakers*. Lanham, Maryland: University Press of America, 1982.

This book is a concise primer on data collection methods and applications. Numerous examples of research studies conducted by government agencies are included. In a non-technical, but policy-oriented way, this book summarizes the strengths and weaknesses of various research techniques along with guidelines for the use of each.

Houston, Franklin S. and Richard E. Homans. "Public Agency Marketing: Pitfalls and Problems," *MSV Business Topics*, 1977.

The authors discuss ways in which public agency marketing differs from business marketing. An analysis of inherent problems in the operating environment of government agencies which inhibit the successful implementation of marketing strategies.

Kotler, Phillip and Sidney Levy. "Broadening the Concept of Marketing," *Journal of Marketing*, January 1969.

This was probably the first article on the importance of applying marketing principles and processes to public service organizations. The authors present the customer-oriented philosophy of marketing and discuss nine concepts which are crucial to guiding the marketing effort in public organizations.

Kotler, Philip and Alan Andersen. *Strategic Marketing for Non-Profit Organizations*, 4th Edition. Englewood Cliffs, N.J.: Prentice Hall, 1991.

Provides overview of marketing management analysis and control techniques pertinent to public service organizations. Of particular relevance is their "marketing audit" for use in strategic planning.

Lovelock, Christopher H. and Charles Weinberg. *Marketing for Public and Nonprofit Managers*, New York: John Wiley and Sons, 1984.

In addition to their comprehensive overview of marketing principles for public service organizations, the authors provide an analysis of distinctions between marketing in private and public sector organizations. Includes guidelines for marketing social behaviors.

Lovelock, Christopher H. *Services Marketing*, 2nd Edition. Englewood Cliffs, New Jersey: Prentice Hall, 1991.

This consists of text material , case studies and supplementary readings by leading scholars and executives in the services marketing field. Although most of the book focuses on the "business" marketer of services, many of the concepts, issues and principles presented have applicability to government services.

Mokwa, Michael R. and Steven E. Permut, eds. *Government Marketing: Theory and Practice*. New York: Praeger Publishers, 1981.

Presents a variety of readings pertaining to the problems of implementing marketing processes in government agencies. Includes readings on research techniques, marketing processes and case examples of strategies to improve citizen satisfaction with government services.

Myers, Thomas A. "Marketing Public Services," in *Public Sector Management*, Marcia Lyn Whicker and Todd W. Areson, eds.. New York: Praeger, 1990.

This examines how both the philosophy and practice of marketing might be better conceptualized and implemented by government agencies. Additional emphasis is placed on methods of prioritization and alternative delivery of services.

Wagenheim, George, D. and John H. Reurink. "Customer Service in Public Administration," *Public Administration Review*, Volume 51, Number 3, May/June, 1991.

Focuses on the important of a customer service perspective in government organizations. Describes customer service as a positively reinforcing cycle resulting in more satisfied citizens and a more efficient, effective organization. Their concept of customer service entails (1) information and communication, (2) responsiveness, (3) problem resolution, (4) on-time reliable, consistent service delivery, (5) competence of personnel, (6) accuracy, and (7) courteous and friendly service.



Appendix 2

Survey Instruments:

Suggestion Box Form

Telephone Survey

Exit Survey

WE WANT YOUR SUGGESTIONS!

We would like to know what suggestions you have for improving services of the court. Please take a few minutes to fill out this card and place it in the suggestion box. Thank you for your comments!

In which court were you involved? (Circle one category)

- 1 General district court - Traffic
- 2 General district court - Criminal
- 3 General district court - Civil
- 4 Juvenile & domestic relations court
- 5 Circuit court - Civil
- 6 Circuit court - Criminal
- 7 None

In what way were you involved? (Circle one category)

- 1 Defendant
- 2 Plaintiff
- 3 Witness
- 4 Juror
- 5 Court employee/law enforcement/attorney
- 6 Other _____

PLEASE PRINT

What suggestions do you have for improvement in court services?

Are there any additional services or information which you would find helpful?

What suggestions do you have for changes in the process of having your case heard in court?

WE WANT YOUR SUGGESTIONS!

We would like to know what suggestions you have for improving services of the court. Please take a few minutes to fill out this card and place it in the suggestion box. Thank you for your comments!

In which court were you involved? (Circle one category)

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In what way were you involved? (Circle one category)

- 1 Defendant
- 2 Plaintiff
- 3 Witness
- 4 Juror
- 5 Court employee/law enforcement/attorney
- 6 Other _____

PLEASE PRINT

What suggestions do you have for improvement in court services?

Are there any additional services or information which you would find helpful?

What suggestions do you have for changes in the process of having your case heard in court?



Questionnaire

(1 - 4)

Telephone No.: _____

Time Start: _____ County: _____

Hello, this is _____ from the Southeastern Institute of Research in Richmond, Virginia, a national public opinion polling firm. We're conducting a public opinion survey on matters of public interest.

For the poll results to be valid, we need to speak to a person in your household who is at least 18 years of age or older and who most recently celebrated a birthday. (NOTE: NOT NECESSARILY THE YOUNGEST PERSON IN THE HOUSEHOLD, BUT THE ONE WHOSE BIRTHDAY CAME MOST RECENTLY DURING THE PAST YEAR.) Is that you or someone else?

(CONTINUE) Yes, I'm the one

NO - SOMEONE ELSE) May I speak with the person who is over 18 years with the most recent birthday?

(GO TO Q. 1) Yes

Name: _____

Date: _____

Time: _____

No - Call Back

(TERMINATE) No - you may not

- My questions are about the Virginia Courts system. You may base your answers on any experience you have had with the courts or anything you have seen or heard about them. If you feel that you do not have enough information to give an opinion to a particular question, please feel free to simply tell me you do not know.

How would you rate your overall impression of Virginia's court system? Would you say you are very positive, generally positive, generally negative, or very negative?

- | | | |
|--------------------|---|-----|
| Very positive | 1 | (5) |
| Generally positive | 2 | |
| Generally negative | 3 | |
| Very negative | 4 | |
| Don't know | 5 | |

For the following statements, please tell me if you strongly agree, generally agree, generally disagree, or strongly disagree.

(ROTATE LIST BY STARTING AT RED "X")


	<u>Strongly Agree</u>	<u>Gen- rally Agree</u>	<u>(DK)</u>	<u>Gen- rally Dis- agree</u>	<u>Strongly Disagree</u>	
2. The courts effectively serve people who have physical handicaps.	5	4	3	2	1	___ (6)
3. Procedures used for selecting jurors are applied impartially.	5	4	3	2	1	___ (7)
4. Courts are effective in informing the public about court procedures and services.	5	4	3	2	1	___ (8)
5. Court personnel show courtesy and respect to the public.	5	4	3	2	1	___ (9)
6. Judges show courtesy and respect to the public.	5	4	3	2	1	___ (10)
7. The courts give citizens their "day in court" by effectively listening to their side of the story.	5	4	3	2	1	___ (11)
8. Court personnel are dependable and accurate in providing service to the public.	5	4	3	2	1	___ (12)
9. Court cases are concluded in a timely manner.	5	4	3	2	1	___ (13)
10. The length of time a person has to wait in the courtroom before their case is heard is reasonable.	5	4	3	2	1	___ (14)



(LIST CONTINUES ON NEXT PAGE)

(ROTATE LIST BY STARTING AT RED "X")

	<u>Strongly Agree</u>	<u>Gen- rally Agree</u>	<u>(DK)</u>	<u>Gen- rally Dis- agree</u>	<u>Strongly Disagree</u>	
11. Courts adhere to the law in performing their duties.	5	4	3	2	1	___ (15)
12. The costs for lawyers' services are reasonable.	5	4	3	2	1	___ (16)
13. The average person can understand court procedures.	5	4	3	2	1	___ (17)
14. Courts treat whites and minorities alike.	5	4	3	2	1	___ (18)
15. Courts treat poor people and wealthy people alike.	5	4	3	2	1	___ (19)
16. Courts treat males and females alike.	5	4	3	2	1	___ (20)
17. Courts treat all people alike regardless of their age.	5	4	3	2	1	___ (21)
18. If an individual is awarded a sum of money in a lawsuit, the courts see that the decision is carried out and that the individual receives the money.	5	4	3	2	1	___ (22)
19. The best qualified lawyers are selected by the legislature to serve as judges.	5	4	3	2	1	___ (23)

I am now going to ask you four questions about your responses. As before, please tell me if you strongly agree, generally agree, generally disagree or strongly disagree.

20. My responses are based on my actual experiences with the courts.
- | | | |
|--------------------|---|------|
| Strongly agree | 5 | (24) |
| Generally agree | 4 | |
| (DK) | 3 | |
| Generally disagree | 2 | |
| Strongly disagree | 1 | |
21. My responses are based on what I have heard from other people.
- | | | |
|--------------------|---|------|
| Strongly agree | 5 | (25) |
| Generally agree | 4 | |
| (DK) | 3 | |
| Generally disagree | 2 | |
| Strongly disagree | 1 | |
22. My responses are based on what I have seen or heard on radio, TV, in the newspaper or other media.
- | | | |
|--------------------|---|------|
| Strongly agree | 5 | (26) |
| Generally agree | 4 | |
| (DK) | 3 | |
| Generally disagree | 2 | |
| Strongly disagree | 1 | |
23. My responses are based on what I learned in school.
- | | | |
|--------------------|---|------|
| Strongly agree | 5 | (27) |
| Generally agree | 4 | |
| (DK) | 3 | |
| Generally disagree | 2 | |
| Strongly disagree | 1 | |
24. Have you ever had the opportunity to go to court at your own choosing (for example, as a plaintiff or to contest a traffic ticket) but then decided not to take your case to court?
- | | | |
|--|---|------|
| Yes | 1 | (28) |
| (GO TO Q. 26)  No | 2 | |
25. If yes, why did you decide not to go to court? (DO NOT READ UNLESS PROMPTING IS NEEDED)
- | | | |
|--|---|------|
| Don't understand court procedures | 1 | (29) |
| Costs too much | 2 | |
| Takes too long to get a decision from the courts | 3 | |
| Unsure if I would get much out of the courts | 4 | |
| Takes too much time away from work | 5 | |
| Didn't know an attorney or how to find one | 6 | |
| Other | 7 | |

26. The use of *adversarial* court proceedings is a satisfactory way to resolve disputes.
- | | | |
|--------------------|---|------|
| Strongly agree | 5 | (30) |
| Generally agree | 4 | |
| (DK) | 3 | |
| Generally disagree | 2 | |
| Strongly disagree | 1 | |
27. Would you strongly favor, generally favor, generally oppose or strongly oppose the courts developing some other method as an alternative to going to trial for resolving conflicts between neighbors, petty larceny cases, and other minor disputes?
- | | | |
|------------------|---|------|
| Strongly favor | 5 | (31) |
| Generally favor | 4 | |
| (DK) | 3 | |
| Generally oppose | 2 | |
| Strongly oppose | 1 | |
28. Have you had any experience with the court system in Virginia -- that is in person, through a lawyer or through some other means -- during the past five years?
- | | | |
|---|---|------|
| Yes | 1 | (32) |
| (GO TO Q. 37)  No | 2 | |
| (GO TO Q. 37)  Don't know | 3 | |
29. If yes, approximately how many times have you had an experience with Virginia's court system over the past five years?
(ONE RESPONSE ONLY)
- | | | |
|--------------------|---|------|
| One time | 1 | (33) |
| Two times | 2 | |
| Three times | 3 | |
| Four times | 4 | |
| Five or more times | 5 | |
| Don't know | 6 | |
- Thinking about the last time you were in a courtroom:
30. In what way were you involved in court? Were you a:
(READ LIST)
- | | | |
|--|---|------|
| A Defendant (Person against who complaint or charge was brought) | 1 | (34) |
| A Plaintiff (the person filing a charge or complaint) | 2 | |
| A Witness | 3 | |
| A Victim | 4 | |
| A Juror | 5 | |
| A Visitor | 6 | |
| A Court employee/judge/police officer | 7 | |
| _____ or something else | 8 | |


31. What kind of case was it? Was it: (READ LIST)

- Traffic 1 (35)
- Criminal 2
- Civil 3
- Juvenile 4
- Divorce or domestic relations 5
- _____ or something else 6
- Don't know 7

32. I was satisfied with the outcome of the most recent case in which I was involved.

- Strongly agree 5 (36)
- Generally agree 4
- (DK) 3
- Generally disagree 2
- Strongly disagree 1



33. As a result of your court experience, did your attitude about the courts change positively, negatively, or remain the same?

- Positively 1 (37)
- Negative 2
- (GO TO Q. 35)  Remained the same 3
- Don't know 4

34. If your attitude has changed, could you explain why? (P & C)

- _____ (38-39)
- _____ (40-41)
- _____ (42-43)
- _____ (44-45)

35. At any point during your experience with the court, did you receive information about the court process in the form of a pamphlet, video, written instructions, or verbal instructions?

- Yes 1 (46)
- (GO TO Q. 37)  No 2
- (GO TO Q. 37)  Don't know 3

36. If yes, how helpful was the information to you? Would you say:

- Very helpful 1 (47)
- Somewhat helpful 2
- Not very helpful 3
- Of no use at all 4
- No response 5

37. Thinking about either your personal experience with the courts or what you have heard from other sources, in what ways do you think the court system could be improved? (P & C)

_____	(48-49)
_____	(50-51)
_____	(52-53)
_____	(54-55)

To conclude this survey, I would like to ask you a few questions about your background. These questions will be used to compare your responses to those of other participants in the survey. As with the other information provided, your identity will be kept strictly confidential.

38. In what age category do you fall (READ LIST)

18 - 24	1	(56)
25 - 34	2	
35 - 44	3	
45 - 54	4	
55 - 64	5	
65 or Older	6	
No response	7	

39. What is the highest grade of school you have completed? (READ LIST)

Some high school	1	(57)
High school degree or GED	2	
Some college or training school	3	
Finished 2-year college degree	4	
Finished 4-year college degree	5	
Some graduate school	6	
Graduate degree	7	
No response	8	

40. Are you white, black, Hispanic, Asian or of some other race or ethnic origin?

White, except Hispanic	1	(58)
Black	2	
Hispanic	3	
Asian	4	
Other _____	5	
No response	6	

41. In which of the following income ranges does your total household income fall before taxes? (READ LIST)

- Under \$10,000 1 (59)
- \$10,000 - \$24,999 2
- \$25,000 - \$49,999 3
- \$50,000 - \$74,999 4
- \$75,000 or more 5
- No response 6

42. What is the name of the city or county in which you live?

(60-62)

43. Record sex of respondent:

- Male 1 (63)
- Female 2

Those are all the questions I have. Thank you very much for your time. The information you have provided will be very helpful.

SUPREME COURT OF VIRGINIA

ADMINISTRATIVE OFFICE

THIRD FLOOR

100 NORTH NINTH STREET

RICHMOND, VIRGINIA 23219

(804) 786-6455

Greetings:

The Virginia judiciary is interested in your opinions about the court system and how the operation of the courts can be improved. This survey, which will only take a few minutes to complete, is designed to find out who uses the courts and why, how those individuals feel about court operations, and to provide them with an opportunity to suggest ideas for possible improvements. In answering the following questions, you may base your answers on experience you may have had with the courts today and/or at other times or through information you have obtained from other people or the media. If you feel that you do not have enough information to give an opinion on a particular question, please feel free to simply circle "don't know" as your response. All answers are confidential and you cannot be identified in any way. Please use the postage paid envelope to return your completed form within seven days. Thank you for your efforts to help us improve Virginia's judicial system.

Sincerely,



Harry L. Carrico
Chief Justice

COURT USER OPINION SURVEY

1. What is your overall opinion of Virginia's court system? *Circle one response only.*

- | | | | |
|---|-------------------------------|---|--------------------|
| 1 | Very positive | 4 | Generally negative |
| 2 | Positive | 5 | Very negative |
| 3 | Neither positive nor negative | 0 | Don't know |

For the following statements, please circle the appropriate number to indicate if you strongly agree, generally agree, neither agree nor disagree, generally disagree, or strongly disagree. *Circle only one response.*

	Strongly Agree	Generally Agree	Neither Agree Nor Disagree	Generally Disagree	Strongly Disagree	Don't Know
2. People with physical handicaps are able to use the courts effectively.	5	4	3	2	1	0
3. Procedures used for selecting jurors are applied impartially.	5	4	3	2	1	0
4. Courts do a good job in explaining court procedures and services to the public.	5	4	3	2	1	0
5. Court personnel show courtesy and respect to the public.	5	4	3	2	1	0
6. Judges show courtesy and respect to the public.	5	4	3	2	1	0
7. The courts give citizens their "day in court" by listening to their side of the story.	5	4	3	2	1	0
8. Court personnel are dependable and accurate in providing service to the public.	5	4	3	2	1	0

	Strongly Agree	Generally Agree	Neither Agree Nor Disagree	Generally Disagree	Strongly Disagree	Don't Know
9. Court cases are completed in a reasonable time.	5	4	3	2	1	0
10. People do not have to wait too long in the courtroom before their case is heard.	5	4	3	2	1	0
11. Courts follow the law in performing their duties.	5	4	3	2	1	0
12. The cost of lawyers' services are reasonable.	5	4	3	2	1	0
13. Most people can understand court procedures.	5	4	3	2	1	0
14. Courts treat all people alike regardless of their race.	5	4	3	2	1	0
15. Courts treat poor people and wealthy people alike.	5	4	3	2	1	0
16. Courts treat men and women alike.	5	4	3	2	1	0
17. Courts treat all people alike regardless of their age.	5	4	3	2	1	0
18. If an individual is awarded a sum of money in a lawsuit, the courts should see that the decision is carried out and the individual receives the money.	5	4	3	2	1	0
19. The best qualified lawyers are selected by the legislature to be judges.	5	4	3	2	1	0

The next four questions refer to how you answered questions 2-19.

20a. My answers are based on being in court today.	5	4	3	2	1	0
20b. My answers are based on being in court at other times.	5	4	3	2	1	0
21. My answers are based on what I have heard from other people.	5	4	3	2	1	0
22. My answers are based on what I have seen or heard on radio, TV, newspapers, or other media.	5	4	3	2	1	0
23. My answers are based on what I learned in school.	5	4	3	2	1	0
24. Have you ever had the chance to go to court at your own choosing—for example, as a plaintiff or to contest a traffic ticket—but then decided not to take your case to court?						

1 Yes

2 No [SKIP to Question 26]

25. If yes, why did you decide not to go to court?

26. The use of adversarial court proceedings is a satisfactory way to resolve disputes.

5 Strongly agree

4 Generally agree

3 Neither agree nor disagree

2 Generally disagree

1 Strongly disagree

0 Don't know

27. How would you feel about the courts developing ways other than going to trial for settling disputes between neighbors or for other minor disputes?

- | | |
|----------------------------|--------------------|
| 5 Strongly favor | 2 Generally oppose |
| 4 Generally favor | 1 Strongly oppose |
| 3 Neither favor nor oppose | 0 Don't know |

28. Have you had other dealings with the courts in Virginia—that is in person, through a lawyer or through some other means—during the past five years?

- 1 Yes
- 2 No [SKIP to Question 30]
- 3 Don't know [SKIP to Question 30]

29. If yes, about how many times in the past five years? *Circle one response only.*

- 1 2 3 4 5 or more 6 Don't know

Thinking about being in court today:

30. How were you involved? *Circle one response only.*

- | | |
|---|---------------|
| 1 Defendant (the person against whom a complaint or charge was brought) | 4 Victim |
| 2 Plaintiff (the person filing the charge or complaint) | 5 Juror |
| 3 Witness | 6 Visitor |
| | 7 Other _____ |

31. What kind of case was it? *Circle one response only.*

- | | |
|------------|---------------------------------|
| 1 Traffic | 4 Juvenile |
| 2 Criminal | 5 Divorce or domestic relations |
| 3 Civil | 6 Other _____ |
| | 7 Don't know |

32. I was satisfied with the result of the case in which I was involved today.

- | | |
|------------------------------|----------------------|
| 5 Strongly agree | 2 Generally disagree |
| 4 Generally agree | 1 Strongly disagree |
| 3 Neither agree nor disagree | 0 Don't know |

33. As a result of being in court today, did your feelings about the courts change positively, negatively, or remain about the same?

- | | |
|--------------|---|
| 1 Positively | 3 Remained the same (SKIP to Question 35) |
| 2 Negatively | 4 Don't know (SKIP to Question 35) |

34. If your feelings have changed, please tell why?

35. At any time during your dealings with the court, were you ever given information about the court procedures in the form of a pamphlet, video, written instructions, or spoken instructions?

- 1 Yes
- 2 No (SKIP to Question 37)
- 3 Don't know (SKIP to Question 37)

36. If yes, how helpful was the information to you?

- | | | | |
|---|------------------|---|------------------|
| 1 | Very helpful | 3 | Not very helpful |
| 2 | Somewhat helpful | 4 | Of no use at all |

Thinking about either about being in court today or at other times, or what you have heard from others:

37. How do you think the court system could be improved?

To end this survey, we would like to know a little about you. These questions will be used to compare your answers to those of others who answered this the survey. As with the other information provided, your answers will be kept strictly confidential.

38. How old are you?

- | | | | |
|---|-------|---|-------------|
| 1 | 18-24 | 4 | 45-54 |
| 2 | 25-34 | 5 | 55-64 |
| 3 | 35-44 | 6 | 65 and over |

39. What is the last grade of school you completed?

- | | | | |
|---|---------------------------------|---|--------------------------------|
| 1 | Some high school | 5 | Finished 4-year college degree |
| 2 | High school diploma or G.E.D. | 6 | Some graduate school |
| 3 | Some college or training school | 7 | Graduate degree |
| 4 | Finished 2-year college degree | | |

40. What is your race or ethnic heritage?

- | | |
|---|------------------------|
| 1 | White, except Hispanic |
| 2 | Black |
| 3 | Hispanic |
| 4 | Asian |
| 5 | Other _____ |

41. What is the income of your total household before taxes?

- | | |
|----|------------------|
| 1 | Under \$10,000 |
| 2 | \$10,000-15,000 |
| 2a | \$15,001-24,999 |
| 3 | \$25,000-49,999 |
| 4 | \$50,000-74,999 |
| 5 | \$75,000 or more |

42. What is the name of the city or county where you live? _____ City _____ County

43. What is your sex?

- | | | | |
|---|------|---|--------|
| 1 | Male | 2 | Female |
|---|------|---|--------|

Please return this completed form within seven days using the self-addressed, postage-paid envelope.

Court User Opinion Survey
Supreme Court of Virginia
100 North Ninth Street, Third Floor
Richmond, Virginia 23219-2308



Appendix 3

As Virginians's View the Justice System: Research Highlights

(Product 1)

AS VIRGINIANS VIEW THE JUSTICE SYSTEM: RESEARCH HIGHLIGHTS

How do Virginians view the prospect of going to court? How do those directly affected by the courts evaluate the system's operation? If citizens were given the opportunity to "reinvent" the courts, what would the judicial system look like? What courtesies, substantive reforms, and service improvements would be recommended to resolve disputes more effectively and renew public confidence in the courts?

The consumer research and service development project allowed the judiciary to amass its first set of empirical data to begin answering those questions. In the process of testing the public opinion research techniques discussed Section 2, vast quantities of information about what the public thinks of Virginia's courts was compiled as an important product of this project. While state-specific information clearly is of most interest to those within Virginia's judicial system, a sense of the types of information derived from each of the techniques tested may be of use to others contemplating consumer research endeavors in their courts. To that end, the material in this section summarizes the data gathered in the process of testing the public opinion research techniques in the court environment.

While reviewing this summary, please note that each technique yields different perspectives. The focus groups and suggestion box tests specifically sought opinions and suggestions for needed improvements within courts. This tends to focus the responses towards problem areas. On the other hand, the telephone and exit surveys provide opportunities for respondents to rate various aspects of court operations either positively or negatively. So structured, these techniques will yield information on where courts are performing well, as well as where improvements may be needed.

As mentioned in the body of the report, the Trial Court Performance Standards offered an effective construct for summarizing the critical elements used both by consumers and court "insiders" for evaluating the courts. Thus, this report uses many of the performance criteria developed through that project to categorize responses received.

Also, in reviewing the section, it is important to recall that citizens and consumers tend to perceive and report their opinions on service quality issues more often than recommendations for substantive legal charges. This is shown dramatically in the summaries of input received through the focus groups and suggestion boxes. Further, it is clear that many of the recommendations for change focus on basic and long-standing issues within the judicial system, such as the need for adequate court facilities. Rather than dismissing such common deficiencies as "that's the way it's always been", this information should provide a "wake up" call for judicial leaders, legislators and others that the quality of justice in the eyes of consumers often is judged by how well courts attend to basic needs and common courtesies in carrying out their overall mission.

FOCUS GROUPS

What Did Focus Group Participants Say About the Courts?

Focus group participants spoke from personal experience with the courts. They were gratified to have the opportunity to express their concerns and impressions about the courts. Many spoke with emotion about the procedures or interactions that went well for them in the courthouse and the experiences and treatment that had been frustrating or demeaning. Any listing or recitation of what was said in a focus group will at best convey only a sense of what went on. The full impact of statements made by individuals who were speaking from experience, either good or bad, does not translate fully to the written word. Yet, for the sake of sharing the range of ideas and topics addressed in focus group discussions, it is necessary to transcribe and analyze what was said.

Because the basic question presented to focus group participants was "How can the court system be improved from the time someone first gets involved with the system to its conclusion?", the comments reflect what needs to be changed rather than what is working well. Both citizens and those within the system recognized and commented on similar issues.

Access to Justice - Participant comments emphasized that the condition of many court facilities is less than optimal. They noted that this affects the ability of the handicapped to access the courts, impacts upon the courts' ability to schedule matters, and ignores the physical comfort of users of the courts. Problems relating to lack of seating and adequate space to separate witnesses or to provide for some degree of privacy for attorney/client consultations were cited. Other comments indicated that parking, or the lack thereof, hinders access. Providing more localized and relevant information and guidance to individuals coming through the courts was suggested along with the need to recognize that many people using the courts cannot read. Sentiment was voiced also for developing less formal means, such as mediation or small claims court, for resolving some disputes. This would also lessen the cost of using the courts, which was of enormous concern to participants.

Courtesy and Responsiveness - These were two of the areas on which participants commented frequently. Consumers reported examples of what they felt was "officiousness" on the part of bailiffs, personnel in the clerks' offices and judges. These included "dismissive" attitudes in answering questions asked by citizens, and lengthy waiting periods of time prior to their court hearings. On the other hand, participants also mentioned instances in which court personnel had rendered service "above and beyond the call of duty". The way in which people are treated clearly can overshadow the outcome of the entire contact with the courts.

Fairness - Participants seemed to feel that fairness was affected by who you are, what your financial or social status is, whether you have an attorney, and judges' temperaments as exhibited from the bench. Some participants felt that the court system does not reflect

the racial makeup of the communities they serve. Fairness, in the eyes of participants, also is evidenced by the amount of time litigants, witnesses, victims, and defendants are allowed to testify. Having the opportunity to tell their side of the case provides a sense of fairness whether the case is decided for or against the individual. Another aspect of fairness relates to the "symbols" used in and around the courthouses, such as the presence of Confederate flags, even when used in historical displays.

Timeliness - Participants suggested that the time people have to wait in the courtroom could be reduced by various means such as staggered dockets, requiring that motions be made before the day of trial, and scheduling short cases before longer ones. Others were concerned with delays caused by overworked judges and suggested, among other things, that minor traffic cases should be handled administratively, that domestic matters utilize alternative dispute resolution mechanisms and that judges be provided with law clerks. Limiting continuances and setting deadlines for plea bargains prior to trial dates were also suggested. The process for paying jurors and witnesses should be expedited.

Clarity - Strong sentiment that forms should be in plain English was expressed by some participants. It was also felt that courts should explain terms of judgment, payment schedules and consequences for non-compliance with court orders.

SUGGESTIONS BOXES

What Did Suggestion Box Respondents Say About the Courts?

The three questions on the "We want your suggestions!" form were:

- (1) What suggestions do you have for improvement in court services?
- (2) Are there any additional services or information which you would find helpful? and
- (3) What suggestions do you have for changes in the process of having your case heard?

In response, consumers commented on how the courts could be improved and provided possible solutions. It should be noted that a number of respondents expressed satisfaction with the courts, court personnel, and judges rather than suggesting improvements.

The suggestions received have been grouped below under the five elements used for evaluating courts that were provided to the focus group participants. In addition, the category of "personnel issues" has been added.

Access to Justice - A number of responses were received concerning the quality or appropriateness of facilities. Respondents, including consumers, attorneys and court personnel, reported lack of space, both within the courthouse and in parking facilities at

the courthouse, as a key issue needing improvement. Just over a fourth (26 percent) of the comments placed in the suggestion boxes were related to issues of comfort, including adequate, comfortable seating, proper ventilation and room temperature, and access to food and beverages for those required to be in the courthouse for extended periods. Others suggested that having work space would lessen the frustration of waiting.

Courtesy and Responsiveness - Responses falling within this area accounted for 15 percent of all of the comments. Most focused on the facts that litigants and witnesses are expected to wait lengthy periods of time without knowing when their cases might be heard and that they generally lack an understanding of how the dockets are organized. Several participants suggested that letting people know why court has been delayed and explaining what to expect as dockets are called would help to alleviate the problem. Jurors asked that better systems be put in place to let them know when they had to be in court so they could arrange job coverage and family obligations.

Timeliness - Individuals placed more than 130 comments regarding issues of timeliness in the suggestion boxes. The comments ranged from general statements about the need for better case scheduling to specific scheduling suggestions. They included scheduling cases in intervals rather than having everyone appear at the same time, opening courts earlier, keeping courts open later as a "night court," and starting court on time. Many comments were directed towards the prioritization of cases on the docket.

Fairness - Fairness issues ranged from comments about who should serve on jury duty to the misuse of plea bargaining and other criticisms of the courts' sentencing of criminal offenders. Perceived bias based on race and appearance concerned respondents, as did judicial temperament. Some respondents indicated concern that attorneys and police seem to receive preferential treatment by judges.

Clarity - Relatively few comments fell within this category. Most of them reflected a need for providing more information to jurors with respect to sentencing, and for informing individuals about court operations, court procedures, and courtroom decorum.

Personnel Issues - Comments in this category included the need for more judges and for better pay for court staff, as well as addressing leave policies and other benefits. Two comments acknowledged the stress on court clerks and suggested rotation as a means of addressing burnout.

Issues mentioned by various groups of court users tend to be directed towards the nature of their involvement, but generally were similar across all groups. The importance of these issues to the public cannot be understated. The following table demonstrates the differences and similarities among the various user groups.

Key Evaluation Factors by Type of Involvement

Involvement	#1 Factors	#2 Factors	#3 Factors
All Respondents	Timeliness	Courtesy	Amenities
Defendants	Timeliness	Fairness	Courtesy
Plaintiffs	Timeliness	Fairness	Courtesy
Witnesses	Timeliness	Amenities	Courtesy
Jurors	Amenities	Courtesy	Timeliness
Court Regulars*	Timeliness	Fairness	Space

*Includes court employees, law enforcement officers, and attorneys.

Although perceptions of service quality for consumers are more likely to be focused on issues of courtesy than on substantive legal reform, this group did offer some legal reform suggestions. These included diverting more cases from formal processing into some other forms of dispute resolution, making criminal sentencing more consistent, making greater use of mandatory sentencing, allowing people with large traffic fines to pay them off by working at designated shelters, or at some other socially beneficial tasks. In addition, some respondents supported the need for more judges, while others questioned whether or not the most qualified attorneys were selected for the bench.

TELEPHONE SURVEY

What Was Said About the Courts in the Telephone Survey?

Generally, the findings from the telephone survey were positive. In addition to an overall positive (60%) impression of the court system among all respondents, approximately 66 percent of those who had been to court expressed satisfaction with the outcome of their court cases. Nearly 75 percent of all respondents expressed confidence that courts follow the law in performing their duties. Further, when asked whether they agreed or disagreed with the statement "Judges show courtesy and respect to the public", 72 percent of telephone respondents who had been to court reported that they had received courteous and respectful treatment from judges.

Because citizens' impressions of the court system also can be determined by the manner in which they are treated by court officials other than judges, the survey asked whether "Court personnel show courtesy and respect to the public". The levels of agreement ranged from 58 percent of "non-users" of courts (citizens whose opinions were sought in the telephone survey but who had not had direct involvements with courts) to 75 percent of "court -users," those who

had been in court within the last five years. Similar levels of agreement also were reported when participants were asked about the accuracy and dependability of the services provided by court personnel.

In general those with recent court experience had more positive perceptions of the court system and the performance of those in the system than did respondents without court experience. This difference ranged from five percent to 17 percent on various questions.

While overall responses in these areas were gratifying, the findings also point to several areas of concern as they pertain to 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 court 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 do whites (63 percent).

The survey asked participants for their opinions on a series of statements relating to perceived equality in the courts' treatment of citizens. Less than 50 percent of telephone survey respondents agreed that courts treat people alike regardless of race (41 percent) or age (41 percent). Only 24 percent agreed that courts treat poor people and wealthy people alike.

All of these ratings dropped when viewed from the perspective of the minority respondents. Only 21 percent of minority telephone survey respondents agreed that people are treated the same regardless of race, while 27 percent agreed on treatment by age. In response to the question of courts treating poor people and wealthy people alike, a mere 18 percent agreed.

The results of the telephone survey also document less positive public opinions regarding timeliness in the handling of litigation brought to state courts. 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 "Court cases are completed in a reasonable time" was only slightly better at 41 percent.

Concerns were raised regarding the responses to questions on the courts' performance in providing information on court procedures and services to the public. Asked whether "Most people can understand court procedures", less than half of telephone survey participants agreed. In 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 of respondents agreed.

Citizens' opinions also were sought on the adversarial system. Overall, 67 percent of participants agreed that the use of adversarial court proceedings provides a satisfactory way to resolve disputes. Significantly, participants overwhelmingly said they would support the establishment of dispute resolution forums other than the adversarial process. Seventy-eight

percent if all respondents and 86 percent of those with recent court experience favored court system development of means other than trials for settling disputes between neighbors and other minor disputes.

Comments from respondents to the open-ended questions reinforced the desire for the expanded use of alternative dispute resolution (ADR) techniques. Litigants and others perceived that the use of alternatives would help resolve the dispute in a more timely manner, reduce the costs of having a dispute resolved by the courts, and reduce the number of cases heard by courts.

EXIT SURVEY

What Was Said About the Courts in the Exit Survey?

Nearly 70 percent of exit survey participants, who rendered their opinions immediately after being in court, reported having a favorable opinion of Virginia's court system. When asked about treatment by individuals encountered in the courthouse, the response was quite positive. Overall, 84 percent of the participants agreed or strongly agreed with the statements "Judges show courtesy and respect to the public" and "Court personnel show courtesy and respect to the public". Among circuit court respondents the agreement level was higher, around 90 percent. Among district court respondents, around 76% agreed. When participants were asked about the accuracy and dependability of the services provided by court personnel, 78% responded favorably, with the circuit court receiving somewhat higher approval ratings than the district courts.

Yet, when asked about the equality of the courts' treatment of specific groups, the ratings were somewhat less favorable. When asked if courts treat people alike regardless of race or age, 68 percent and 65 percent agreed, respectively. On the issue of treating poor and wealthy citizens alike, only 53 percent agreed. Responses from minority respondents were substantially lower even though they registered a 62 percent positive opinion of the court system. Minority exit survey participants' agreement levels for equal treatment of specific groups were 46 percent on treatment by race, 53 percent on treatment by age, and 39 percent on treatment of poor and wealthy individuals.

Jurors comprised a significant portion of the exit survey respondents (131 out of 682) and attorneys accounted for about ten percent of exit survey respondents. To some extent the interaction of jurors and attorneys with court personnel and procedures differs from that of the general public. When response figures from these groups are compared with responses of other participants, the data frequently show that jurors and attorneys have similar favorable perceptions of the courts and that in some categories, jurors rate court services more positively.

Less than half of exit survey respondents agreed with the statement "The length of time you have to wait in the courtroom before your case is heard is reasonable". However, 60 percent of all respondents agreed with the statement "Court cases are completed in a reasonable time".

Citizens who appeared in district courts were more likely to agree on case completion time than those involved in cases before the circuit courts (64 percent agreement in district courts versus 56 percent among circuit court respondents).

When asked whether "Most people can understand court procedures", no more than half of all exit survey respondents answered affirmatively, although circuit court responses reached 55 percent. Only 42 percent of general district court participants agreed. In a related question, more than 70 percent of the respondents felt that courts do a good job in explaining court procedures and services, although district courts were scored more critically than circuit courts (65 percent in district court versus the 78 percent of circuit court).

While citizens were critical in their opinions of the cost of legal services, attorneys opinions were in sharp contrast. When asked whether lawyers' fees are reasonable, just over 20 of all exit survey respondents agreed. Interestingly, district court respondents had a slightly higher agreement level (27%) than did circuit court respondents (19%). However, 77 percent of attorneys felt that the cost of their services were reasonable.

Citizens' opinions also were sought on the adversarial system. Overall, 65 percent of the respondents agreed that the use of adversarial court proceedings provides a satisfactory way to resolve disputes. A similar number of respondents indicated they were satisfied with the results of the case in which they were involved. Yet, participants indicated support for the establishment of dispute resolution forums other than the adversarial process, with 81 percent favoring the court system developing means other than trials for settling disputes between neighbors and other minor disputes. This support came from both circuit and district court respondents, although higher agreement levels were reported in the circuit court (85 percent) than in the district court (73%).

Interestingly, attorney responses differed from overall responses. Seventy-one percent of circuit court attorneys and 97 percent of district court attorneys favored the adversarial system. However, 82 percent of circuit court attorneys but only 69 percent of district court attorneys favored development of alternative dispute resolution (ADR) for some cases.

VENTURE TEAMING

What Ideas Were Generated or Refined with Venture Teaming?

Advisory Panel Session I. This first effort into venture teaming primarily added new solution suggestions to the first major compilation of suggested solutions from the project's earlier research. Participants began with a list that grouped the suggestions into ten major theme/improvement areas. During the venture teaming some level of refinement was added to fifteen suggestions in six different improvement areas. In addition, more than twenty new ideas were added in seven areas. The progression of the process can be observed in the differences between the Venture Teaming I and Venture Teaming II Results in *Appendix 4*.

The area of timeliness accounted for much of that activity, with refinements added to docketing, continuances and motions concerns. Ideas included ways to move blocks of cases out of the courts, to expand use of magistrates, and to establish firm trial dates, among others. The need for effective information was a second major area of discussion. Different media for presenting the information, such as videos or plain English forms, and supplemental means of delivery of the information, such as distributing information pamphlets with warrants were suggested. The special needs of the disabled community were also added to the list. A number of suggestions for solutions to the problem of perceived inequalities in treatment of minorities, of the poor, of persons of different nationalities, as well as those based on gender were added to the list. Among suggested solutions added to the list for concerns about the costs of legal services, were videotaping or using video links for expert witness' testimony, and holding attorneys more accountable for moving cases along.

In - house group. During an energetic and enthusiastic session, participants worked to refine issues from the prior venture teaming lists. One result of this process was to identify overarching concerns among related issues on the list. For example, based on the suggestions on the issue of timeliness in the courts, the group recast the issue as 1) how to decrease the number of individuals who need to be in the court, and then 2) what is the best way to deal with those people before the court. In response to the first issue, a list of possible solutions was generated, ranging from using mail-in adjudications to pre-filing direct expert testimony for expert witnesses to increased use of alternative dispute resolution. Various approaches to segmented dockets were mentioned for the second issue.

Within the area of fairness, the group concluded that the overarching concern appeared to be how the courts relate to minorities and how the courts are perceived by minorities. This tied together concerns such as minority representation among judges and employees, the need for training to recognize subtle forms of discrimination, and further investigation of the causes of dissatisfaction expressed by minorities in the public opinion research.

Among the solutions suggested were a research project into the causes of dissatisfaction to be directed by a minority. Minorities coming into the courthouse who do not see minorities in the offices and in the courtrooms are likely to question how fairly the institution will treat them. To address this problem revisions should be made to the selection criteria for judges, to acknowledge the need to have a bench that reflects the population it serves. Several means for addressing fairness with respect to different nationalities also were suggested in the context of availability of interpreters, multilingual forms for the public, and cultural sensitivity training for court staff. The potential benefits of providing "mentors" to litigants and the institutional considerations in doing so were considered.

Advisory Panel II. This short session sought to prioritize among the updated issues/solutions lists. Although a full review of the list was not accomplished, several specific ideas for further development were decided upon.

The panel first recommended that the current venture teaming lists be reviewed and

revised. As they currently stand, they include a mix of ideas of varying complexity and degrees of specificity - a function of how the lists developed in the course of the project. They then concluded that the cost of legal services was the area that the courts had the least control over, so it was designated to be of low priority for further development.

The major theme/improvement area of most immediate significance was courtesy. This is an area the courts are able to control and one that makes an immediate impact on the public. The mentor suggestion was examined and determined to relate to two concepts: one as a "people greeter" which could be easily introduced, and one as an ombudsman/facilitator which would be more controversial and require more highly trained individuals. Another aspect of courtesy emerged from the entry for sensitivity training for judges. The concept was broadened to address interpersonal relations training for court personnel. The basic issue here was the need to focus on individuals' reactions to dealings with those who are different from them because of appearance, lifestyle or socioeconomic status. Problems develop when the courts expect these individuals to react at the court's level, rather than trying to understand where they are. A final aspect of courtesy had to do with empowerment of employees as a means of speeding up operations and building in accountability.



Appendix 4

Venture Teaming Materials

Venture Teaming I

Venture Teaming II

Venture Teaming Worksheet

(Product 2)

Venture Teaming I

The following pages represent a synthesis of suggestions collected from focus groups, the telephone survey and the suggestion boxes. Each page contains three columns. The first identifies one of six major theme/improvement area identified in the data collection process. The second column identifies the particular group or category of participant that tended to raise the issue, or that would be directly impacted by the suggestions made. Finally, the third column lists, in no specific order, possible solutions to problems within that theme/improvement area. Solutions that apply to more than one theme, are listed under all applicable themes.

The task for the Venture Teaming I participants was to review the lists, and to expand upon or refine the solutions they found to be most necessary or most promising.

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
1. Timeliness		<ul style="list-style-type: none"> * Expanding court hours for greater convenience * Establish night an weekend courts * Reduce number of continuances * Start courts on time * Publicize information on alternatives to going to court * Around the clock service for payment of fines and costs * Use segmented dockets and determine more sophisticated ways of arranging dockets to avoid waits * Get minor cases out of courts (e.g., traffic infractions) * Allow first-time traffic offenders option of pre-paying fines and going to driving school without having to appear in court * Prohibit attorneys from making last minute motions before trial begins * Prohibit attorneys from making motions at the beginning of court each day, which makes jurors, witnesses wait * Limit discovery * Eliminate the unfairness of allowing attorneys to go first on docket * Allow attorneys to go first * Reduce the amount of time between arrest and trial

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>2. The Need for Effective Information</p>	<p>Non-Whites</p> <p>Those with higher incomes</p> <p>Those with higher educational levels</p>	<ul style="list-style-type: none"> * Provide simple, straight forward, user friendly pamphlets about courts and court procedures * Have information about courts available in languages other than English * Improve clerks to respond competently to citizens' questions about their cases without it being the unauthorized practice of law * Provide meaningful information to users in court pamphlets * Provide videotapes on all legal procedures/court procedures * Provide an "800" number with information on legal and court procedures * Use para-legals or assistants that can answer citizens questions without practicing law * Develop user friendly forms * Provide basic instruction for pro se litigants * Written information for court users of every type regarding court procedures and responsibility of individuals * Better information on summons for witnesses

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>3. Fairness</p> <p>A. Perceived inequalities in treatment of minorities</p>	<p>Non-whites</p> <p>Females</p> <p>Respondents who had cases in juvenile courts</p> <p>Frequent court users</p> <p>Those who said opinion of courts changed negatively after experience</p>	<ul style="list-style-type: none"> * Training for judges and court personnel to help them recognize subtle forms of discrimination * More minorities on bench and higher visibility of minority employees in courts * More research into causes of dissatisfaction for minorities * Information on laws, court procedures written in elementary terms, more visual presentation * Surveys to evaluate treatment by court personnel * More training for judges and court personnel on cultural differences, learning and behavioral styles of minorities * Ensure adequacy of representation of poor people * Develop additional statistics to determine basis for/provide insight into the perception of race bias * Remove "symbols" that may represent inequality, such as confederate flags

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
B. Perceived inequalities in treatment of persons of different nationalities	Non-Whites	<ul style="list-style-type: none"> * Hire court interpreters * Establish standards for court interpreters * Provide multi-lingual court forms * Train judges and court personnel * Use technology solutions as aids to decreasing barriers to effective participation due to language differences * Increase number of judges, court personnel who are of Hispanic or Asian descent
C. Perceived inequality in treatment of poor	<p>Non-Whites</p> <p>Visitors</p> <p>Those not satisfied with outcome</p> <p>More frequent court users</p> <p>Those who said opinion of courts changed negatively after experience</p>	<ul style="list-style-type: none"> * Development of a "service culture" within the judiciary * Written information for court users of every type regarding court procedures and responsibility of individuals * Assure equality of treatment (perception/reality) * Develop additional statistics to determine basis for/provide insight into perception of wealth/poor issues. * Basic training, video tapes, pamphlets for "pro se" litigants * Provide mentors or aids to help litigants through court process

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
D. Perceived inequality due to gender	Women Non-Whites Those dissatisfied with outcome Those involved in juvenile cases Those involved in domestic relations cases Those who said opinion of courts changed negatively after experience	<ul style="list-style-type: none"> * Training for judges, court personnel and magistrates in gender bias * Bench should be more representative of population, including women * Use paralegal or assistant like Maricopa County domestic relations assistant
E. Perceived inequalities due to age	Non-Whites Those dissatisfied with outcome Those who decided not to take a case to court	<ul style="list-style-type: none"> * Make all court facilities accessible to handicapped * Provide "sensitivity" training to judges and court personnel * Mechanism for advance notice of special needs (wheelchair, hearing aids) of jurors

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>4. Costs for legal services</p>	<p>Court users</p> <p>Those who decided not to take a case to court</p> <p>Those who were dissatisfied with outcome</p> <p>More frequent court users</p> <p>Those who said opinion of courts changed negatively after court experience</p>	<ul style="list-style-type: none"> * Improve docketing to reduce waiting time for lawyers in court, including motions days * Pursue development of ADR * Greater use of technology for case scheduling between lawyers * Use telephone conference calls to set cases for trial, hear motions to reduce costs to litigants * Establish night courts to reduce waiting time, congestion during day * Offer pre-paid legal services packages * Compel attorneys to offer information about their fees to improve competitiveness

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
5. Courtesy	Non-Whites	<ul style="list-style-type: none"> * Development of a "service culture" within the judiciary * Provide mentors or aids to help litigants through the court process (could be volunteers) * Sensitivity training for judges and court personnel provided at every annual conference * Hire sufficient court personnel to allow for good service to public * Empower court personnel to respond competently to questions, requests for assistance from public by changing procedures and allowing greater range of response to questions asked/clarify boundaries of acceptable risk-taking * More flexible hours for court operation (nights, weekend courts) * Conduct consumer satisfaction surveys * Courthouse information desks * Provide training for judges and supervisors of court personnel to teach them to respect those in clerks office; if staff feel appreciated, they will treat public more courteously * Train others who deal with the public (including bailiffs, law enforcement, magistrates) in effective public relations * Make customer satisfaction a priority for judiciary * Televise court proceedings for greater scrutiny of judges * Change method of selecting judges

VENTURE TEAMING I

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>Courtesy (continued)</p> <p>Method of Selecting Judges</p>	<p>Those with higher income levels</p> <p>Those with higher educational levels</p>	<ul style="list-style-type: none"> * Have judicial performance evaluations * Use cameras in the courts for greater scrutiny of demeanor of judges on bench
<p>6. Expanded use of alternative dispute resolution methods</p>	<p>Those with higher income levels</p> <p>Those with higher educational levels</p> <p>Court users</p> <p>Witnesses</p> <p>Those who said they avoided taking a case to court</p>	<ul style="list-style-type: none"> * Get minor traffic infractions out of court * Provide alternative dispute resolution programs * Provide informational pamphlets on use of alternative process and procedures * Allow magistrates with law degrees to hear Class 3 & 4 Misdemeanors * Expand duties of all magistrates to resolve certain disputes * Study reasons why high percentage of people favor ADR over adversarial system * Develop neighborhood dispute resolution centers * Provide access to diversionary programs without requiring court appearance, e.g., drivers school

Venture Teaming II

The following pages update the information provided on the preceding Venture Teaming I exercise sheets. The original entries from those sheets appear in regular type.

In the course of the Venture Teaming I activity, approximately a dozen solutions were discussed or singled out as priority items. These are indicated in **bold** type. In most cases the discussion provided additional suggestions for refining particular solutions, and these suggestions have been added below the original entry in *italics*.

Discussion that day also generated some new ideas. These have been added in *italics* at the end of the Possible Solutions column for each category.

If a new target group was identified, it has been added to the Target Group column in *italics*.

Several overarching concerns emerged from the discussion as well. Because they are not "solutions" but "considerations", they are listed below for future reference.

- Solutions to problems may vary depending on target group, so further consideration should be given to separating solutions by target group.
- Must address the public good/private good issue when determining how to use judicial resources.
- Include minorities and consumers with disabilities in groups working towards solutions/product development.
- Court community itself is debating "who is the customer - is it the public?" The answer will shape whether you organize for insider efficiency or for the public.
- The court system has no competition. Therefore we need to build an internal mechanism to check how we are doing.

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
1. Timeliness		<ul style="list-style-type: none"> * Expanding court hours for greater convenience * Establish night and weekend courts * Reduce number of continuances <ul style="list-style-type: none"> * <i>Strict Requirements for continuances</i> * Start courts on time * Publicize information on alternatives to going to court * Around the clock service for payment of fines and costs * Use segmented dockets and determine more sophisticated ways of arranging dockets to avoid waits <ul style="list-style-type: none"> * <i>Set docket at 30 minute intervals</i> * <i>Segregate Attorney and Non-Attorney cases, by courtroom if possible. If not, if a person is represented by an attorney, set the case at 1P.M.</i> * <i>For contested attorney cases, have attorney file notices and be given a time certain for trial, so don't have to wait all day</i> * <i>Need to consider/involve police dockets</i> * Get minor cases out of courts (e.g., traffic infractions) * Allow first-time traffic offenders option of pre-paying fines and going to driving school without having to appear in court * Prohibit attorneys from making last minute motions before trial begins <ul style="list-style-type: none"> * <i>Written motions on some matters</i> * Prohibit attorneys from making last minute motions at the beginning of court each day, which makes jurors, witnesses wait * Limit discovery * Eliminate the unfairness of allowing attorneys to go first on docket

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
Timeliness (Continued)		<ul style="list-style-type: none"> * Allow attorneys to go first * Reduce the amount of time between arrest and trial * <i>Strict requirements to set trial dates</i> * <i>Set fines and have penalties for tardiness - for lawyers, for litigants</i> * <i>Find ways to get rid of blocks of cases, e.g., small claims courts; "forces ADR;" eliminate grand jury, preliminary hearings', some traffic</i> <ul style="list-style-type: none"> * <i>Do it yourself center with "Consumer Clerk," paraprofessional</i> * <i>Arlington Parking Adjudication Office</i> * <i>Magistrates - specialized areas</i> * <i>Credit card payments mandatory</i>

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>3. Fairness</p> <p>A. Perceived inequalities in treatment of minorities</p>	<p>Non-Whites</p> <p>Females</p> <p>Respondents who had cases in juvenile courts</p> <p>Frequent court users</p> <p>Those who said opinion of courts changed negatively after experience</p>	<ul style="list-style-type: none"> * Training for judges and court personnel to help them recognize subtle forms of discrimination <ul style="list-style-type: none"> * <i>Role playing exercises for judges/clerks</i> * <i>Put in unfamiliar context and put through drill</i> * More minorities on bench and higher visibility of minority employees in courts <ul style="list-style-type: none"> * <i>Selection process</i> * More research into cause of dissatisfaction for minorities * Information on laws, court procedures written in elementary terms, more visual presentation * Surveys to evaluate treatment by court personnel * More training for judges and court personnel on cultural differences, learning and behavioral styles of minorities * Ensure adequacy of representation of poor people * Develop additional statistics to determine basis for/provide insight into the perception of race bias * Remove "symbols" that may represent inequality, such as confederate flags * <i>Make it easier for clerks and deputies to attend</i> * <i>Customer Relations workshops (e.g., hold more frequently so clerk could send one at time if necessary)</i> * Training similar to customer relations for judges to focus attention on questions of fairness * <i>Court appointed attorneys give their clients full information on dispositions, fines and costs, etc.</i> * <i>Bag Latin</i> * <i>Make proceedings more audible to those in courtroom</i> * <i>Force judges to explain decisions</i>

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
B. Perceived inequalities in treatment of persons of different nationalities	Non-Whites	<ul style="list-style-type: none"> * Hire court interpreters * Establish standards for court interpreters * Provide multi-lingual court forms * Train judges and court personnel <ul style="list-style-type: none"> * <i>Have judges be familiar with other languages so that certain phrases can be communicated</i> * Use technology solutions as aids to decreasing barriers to effective participation due to language differences * Increase number of judges, court personnel who are of Hispanic or Asian descent * <i>Judges set the tone for attitudes of others in court</i>
C. Perceived inequality in treatment of poor	<p>Non-Whites</p> <p>Visitors</p> <p>Those not satisfied with outcome</p> <p>More frequent court users</p> <p>Those who said opinion of courts changed negatively after experience</p>	<ul style="list-style-type: none"> * Development of a "service culture" within the judiciary * Written information for court users of every type regarding court procedures and responsibility of individuals * Assure equality of treatment (perception/reality) * Develop additional statistics to determine basis for/provide insight into perception of wealth/poor issues * Basic training, video tapes, pamphlets for "pro se" litigants * Provide mentors or aids to help litigants through court process * <i>Lay advocacy (CASA)</i> * <i>Increase legal aid funding</i>

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
C. Perceived inequality in treatment of poor (Continued)		<p>* <i>In fashioning a remedy/punishment/penalty do not place a penalty upon a person which that person is probably unable to meet (e.g., fining an indigent) and will result in more court involvement, paperwork, time, etc.</i></p> <p>- <i>Be more creative in penalty/punishment or, if necessary, enact laws which give court more authority to be creative</i></p>
D. Perceived inequality due to gender	<p>Women</p> <p>Non-Whites</p> <p>Those dissatisfied with outcome</p> <p>Those involved in juvenile cases</p> <p>Those involved in domestic relations cases</p> <p>Those who said opinion of courts changed negatively after experience</p>	<p>* Training for judges, court personnel and magistrates in gender bias</p> <p>* Bench should be more representative of population, including women</p> <p>* Use paralegal or assistant like Maricopa County domestic relations assistant</p> <p>* <i>Have court pamphlet and video tapes for people to use</i></p> <p>* <i>Establish gender bias task force</i></p>

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
E. Perceived inequalities due to age	Non-Whites Those dissatisfied with outcome Those who decided not to take a case to court	* Make all court facilities accessible to handicapped * Provide "sensitivity" training to judges and court personnel * Mechanism for advance notice of special needs (wheelchair, hearing aids) of jurors

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>4. Costs for legal services</p>	<p>Court users</p> <p>Those who decided not to take a case to court</p> <p>Those who were dissatisfied with outcome</p> <p>More frequent court users</p> <p>Those who said opinion of courts changed negatively after court experience</p>	<ul style="list-style-type: none"> * Improve docketing to reduce waiting time for lawyers in court, including motions days * Pursue development of ADR * Greater use of technology for case scheduling between lawyers * Use telephone conference calls to set cases for trial, hear motions to reduce costs to litigants * Establish night courts to reduce waiting time, congestion during day * Offer pre-paid legal services packages * Compel attorneys to offer information about their fees to improve competitiveness * <i>Videotape testimony or use video link for testimony of expert witnesses - reduce witness costs to litigants</i> * <i>Court hold attorneys more accountable for moving a case along</i> * <i>Greater penalties on lawyers for wasteful motions</i> * <i>Eliminate "old boy" tendency of lawyers/judges to protect each other</i> * <i>All other timesaving suggestions</i> * <i>Reevaluate criminal code with view to making more minor offenses punishable by fines and costs with ability to pre-pay</i>

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
5. Courtesy	Non-White	<ul style="list-style-type: none"> * Development of a "service culture" within the judiciary * Provide mentors or aids to help litigants through the court process (could be volunteers) * Sensitivity training for judges and court personnel provided at every annual conference * Hire sufficient court personnel to allow for good service to public * Empower court personnel to respond competently to questions, requests for assistance from public by changing procedures and allowing greater range of response to questions asked/clarify boundaries of acceptable risk-taking * More flexible hours for court operation (nights, weekend courts) * Conduct consumer satisfaction surveys * Courthouse information desks * Provide training for judges and supervisors of court personnel to teach them to respect those in clerks office; if staff feel appreciated, they will treat public more courteously * Train others who deal with the public (including bailiffs, law enforcement, magistrates) in effective public relations * Make customer satisfaction a priority for judiciary <ul style="list-style-type: none"> * <i>Include courtesy as a criteria for judicial/clerical evaluations</i> * Televising court proceedings for greater scrutiny of judges

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
Courtesy: Method of Selecting Judges	Those with higher income levels Those with higher educational levels	* Change method of selecting judges * Have judicial performance evaluations * Use cameras in the courts for greater scrutiny of demeanor of judges on bench

VENTURE TEAMING II

(October, 1993)

Major Theme/ Improvement Area	Target Group	Possible Solutions
<p>6. Expanded use of alternative dispute resolution methods</p>	<p>Those with higher income levels</p> <p>Those with higher educational levels</p> <p>Court Users</p> <p>Witnesses</p> <p>Those who said they avoided taking a case to court</p>	<ul style="list-style-type: none"> * Get minor traffic infractions out of court * Provide alternative dispute resolution programs <ul style="list-style-type: none"> * <i>"Force" use</i> * Provide informational pamphlets on use of alternative process and procedures * Allow magistrates with law degrees to hear Class 3 & 4 Misdemeanors * Expand duties of all magistrates to resolve certain disputes * Study reasons why high percentage of people favor ADR over adversarial system * Develop neighborhood dispute resolution centers * Provide access to diversionary programs without requiring court appearance, e.g., drivers school

Venture Teaming Worksheet

The following pages provide an example of a worksheet used during the "in-house" venture teaming group. Each participant was given a worksheet for each of the major theme divisions on the Venture Teaming I sheets. Each worksheet included four basic questions to prioritize among the suggestions within a theme, to enhance the suggestion, to identify obstacles to implementation of the solution and to suggest incentives to overcome the obstacles.

In the following example, the four questions appear in regular type. The responses to these questions that emerged during team discussion of one of the solutions selected by team members appear in *italics*.

VENTURING TEAMING

Example from In-House Focus Group

1. In your opinion, which of the solutions listed in the category of **Fairness** is most worth advancing for further development and consideration?

In Section C. "Perceived inequality in treatment of the poor" - Provide mentors or aids to help litigants through court process.

2. In what ways should this solution be further developed to enhance its chances of being successfully implemented within the judicial system?

Look to models for mentor system that already exist, such as program in Phoenix. In reality, many people rely on some form of "mentor" now, but mostly they are not trained (e.g., friends who have been to court, etc.). Also, there are victim/witness programs.

Consider how much clerk's office staff might be able to do. Currently they help new lawyers learn their way through the process, but cannot offer same assistance to non-attorneys.

Alternatives to consider: 1) a volunteer program, offering assistance in other than legal matters, that would not be expensive to administer, 2) consider using retired judges or lawyers as mentors, 3) be sure to include minority mentors.

To enhance the mentors services, train mentors to use expert systems within the courthouse to handle routine matters, but with built in warnings when legal advice is need, so mentor could advise individual to get legal advice. (A similar system exists in California in the welfare system.)

Use kiosk in courthouse for assistance with selected issues.

Change some simple procedures, such as name changes or a simple will, to a less legal process with which mentors could assist.

3. What obstacles would stand in the way of this solution being successfully implemented?

Concerns about the unauthorized practice of law - from clerks office staff, from attorneys.

Attorney objections to taking services out of their practice.

Need for statutory changes if procedures made a less legal process.

Time and cost of developing expert systems, kiosk service.

4. What incentives could be used to overcome those obstacles?

Statutory changes to clarify certain practices do not constitute unauthorized practice of law.

Use of mentors would help reduce work demands (questions, improper paperwork, etc.) on clerks.

Attorneys no longer have to deal with low dollar services (simple will, name change)



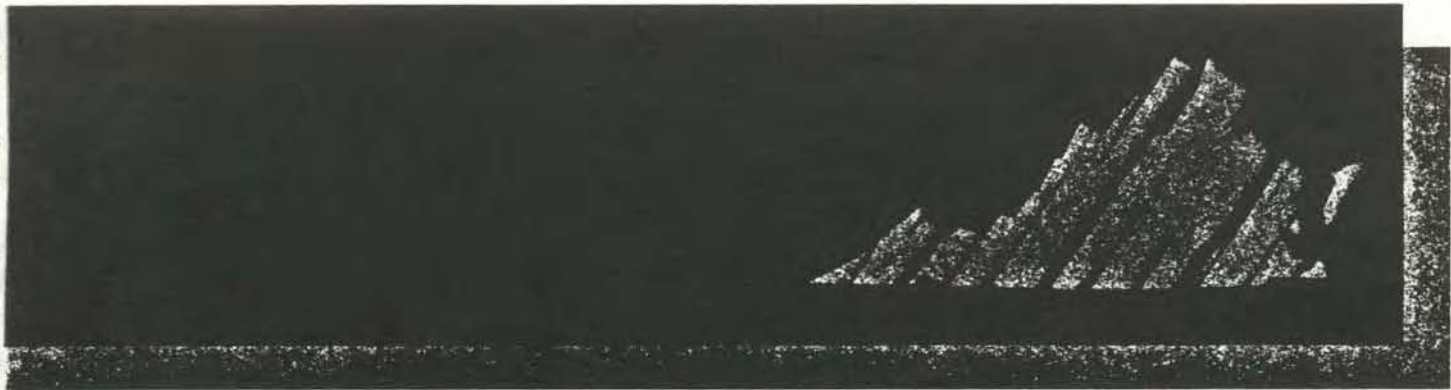
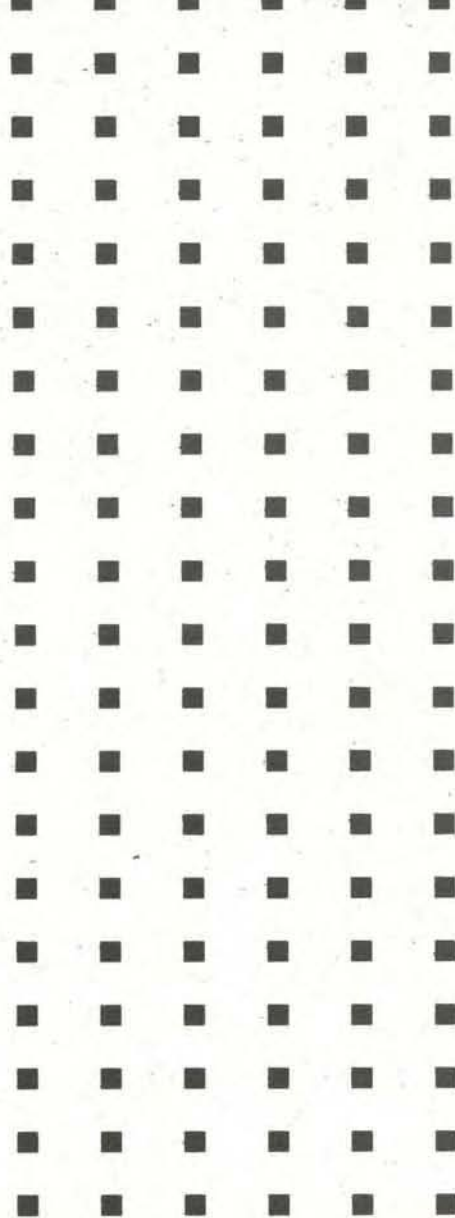
Appendix 5

Foresight 2000: A Strategic Plan

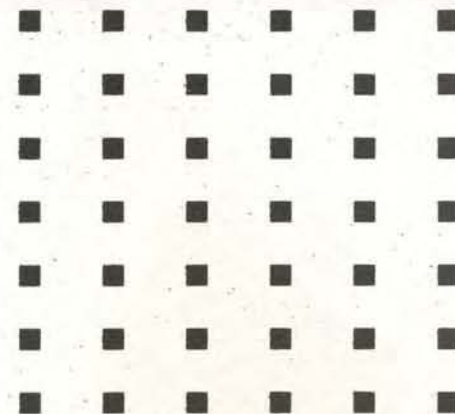
Judicial System of Virginia Executive Summary, 1992-1994

(Product 3)

FORESIGHT 2000: A Strategic Plan

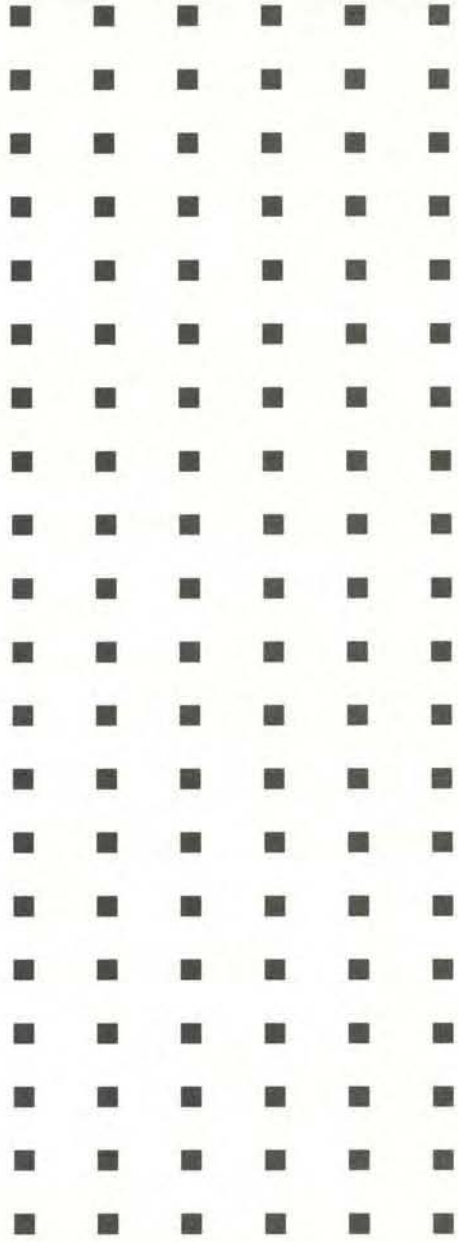


*Judicial System of Virginia
Executive Summary
1992-1994*



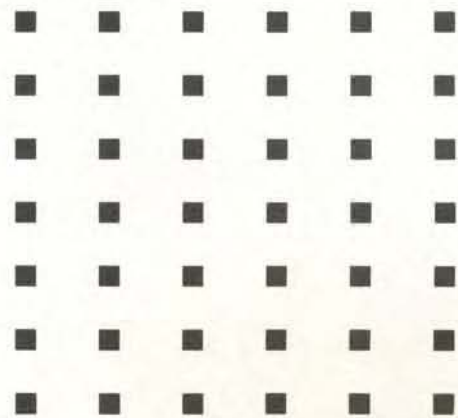
MISSION:

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.



*"... neither man nor nation
can prosper unless, in
dealing with the present,
thought is steadily taken
for the future."*

Theodore Roosevelt



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March 29, 1993

MEMORANDUM

TO: Justices of the Supreme Court
Judges of the Court of Appeals
Circuit Court Judges
District Court Judges
Circuit Court Clerks
District Court Clerks
Chief Magistrates

FROM: Harry L. Carrico, Chief Justice 

In late 1990, I had the pleasure of forwarding to you a copy of the judiciary's strategic plan for the 1990-92 biennium. Entitled *Foresight 2000*, this plan was a direct outgrowth of the futures research completed in 1989 by the Commission on the Future of Virginia's Judicial System. Following a year's review of the Commission's work, ninety percent of the group's proposals were adopted by the Judicial Council. Thus, we began this decade equipped with a sound and well-articulated vision for the future of the courts as well as a working agenda for needed change.

Recognizing that not all plans can be implemented at once, the Council regularly designates a set of system-wide priorities to be undertaken during each biennium. During the past two years, approximately 70 percent of the tasks selected for the 1990-92 biennium were initiated or completed. A description of our collective accomplishments in this regard is contained within this report. This document also reflects the action recently taken by Council to update the judiciary's priorities for the current biennium. Thus, I commend it and request that each of you study this plan and respond accordingly.

Like our society, the state of the judiciary is changing. Working cooperatively, we are meeting today's challenges. This plan evidences our continuing commitment and well as our concrete preparations to meet the challenges ahead in providing an excellent justice system for the citizens of Virginia.

Development of Foresight 2000

"Planning for the future of the courts is one of our responsibilities. All of us involved in the legal system and the courts must act purposely in helping to shape the future of Virginia's justice system. As society changes, the courts must be responsive and adapt to new circumstances. Given our positions of leadership, it is our duty to guide needed alterations to the system so that change and continuity can go hand in hand."

Chief Justice Carrico

Virginia's judicial system is unique in many ways: in its history, in the professionalism of its judges and court personnel, and in the way it continually seeks to improve the quality of services provided to citizens.

For years, the judiciary has utilized a "strategic planning process" to identify critical issues facing the courts and, by

consensus of its policy bodies, to prescribe a plan of action to address those issues. While strategic planning is a common management practice within the private sector, it is only in recent years that its use has become widespread among state judiciaries. In a sense, strategic planning is to the management of the courts what legal research is to judging. It has provided judges and court officials with the means and information necessary for making sound decisions about needed improvements within courts and the legal system.

During the 1980's, the Judicial Council of Virginia utilized the planning process to obtain the opinions of judges, clerks of court, chief magistrates, bar representatives, legislators, and citizen on substantive and administrative problems facing courts. Based upon this research, the Council produced a

series of two-year plans articulating the judiciary's priorities for policy and legislative changes as well as for funding requests. With the assistance of the General Assembly and the collective efforts of judges and court personnel, almost 90 % of the tasks outlined in these plans were completed.

As the judiciary's planning processes evolved, it became increasingly evident that a longer range approach was needed in order to better anticipate changing demands for service. In addition, more direct input from citizens was desired. In response to these needs, the Judicial Council, as part of its 1986-88 Comprehensive Plan, adopted a proposal to establish a Commission on the Future of Virginia's Judicial System. The Commission, composed of distinguished members of the judiciary, legislature, court personnel, bar, media and private citizens was charged with defining

the demands likely to face the Virginia judicial system in the next twenty years and recommending a course of action to address these requirements.

The 34-member Commission was appointed by Chief Justice Carrico in mid-1987. Inherent in the creation of the Commission was the judiciary's recognition that the planning process could be greatly enhanced by the addition of "futures research" techniques used within some businesses and state governments. These techniques enabled the Commission to move beyond traditional issues and time frames to assess internal changes the courts may face as a result of societal changes. Developing information on emerging trends provided the opportunity to develop longer-term goals, strategies and plans for improving the courts' ability to meet expected demands.

After eighteen months of study, the Commission issued its final report on May 1, 1989. The report cited numerous projected trends for 21st Century Virginia and analyzed the potential implications of demographic, economic, technological, environmental and other

changes on the operation of the state courts. The report noted that while courts and all institutions must be able to respond creatively and effectively to change, charting a precise course in advance is not possible. Instead, the Commission developed an underlying philosophy to guide the future direction of the courts and enable the judiciary to respond to the changing forces and attitudes of society with a coherent sense of purpose and mission.

The Commission concluded that Virginians will need and expect the courts to resolve disputes justly, administer themselves effectively and preserve the public trust. The report offered ten *visions* to serve as a foundation for the courts of the next century and to paint a picture of the preferred future for these courts. Likewise, 131 specific recommendations were developed to provide a sense of direction for the future.

After receiving the Commission's report in June 1989, the Judicial Council of Virginia referred the report to its Judicial Administration Committee for review. The Committee, again in conjunction with the

Judicial Administration Committees of the Judicial Conferences, carefully examined each of the 131 recommendations and made its report to the Council in December 1989. The Council then adopted 118 or 90% of the Commission's recommendations.

These recommendations formed the basis of *Foresight 2000: The Judiciary's Strategic Plan for FY 1990-92*. A summary of the results of that plan's implementation is contained within this document.

In January, 1993, the Council reviewed the list of tasks remaining to be accomplished from the 1990-92 Plan and incorporated other recommendations it had approved from the original list of Commission proposals. In addition, new requirements from the General Assembly were consolidated in order to update the judiciary's strategic plan for 1992-1994. This Executive Summary cites the actions Council believes can be initiated within this biennium.

To help ensure that the plan actually is implemented, the Office of the Executive Secretary, in the spring of each year,

divides the tasks for which it is responsible among its various departments. Without this means for accountability and follow-up, there would be no way to translate the full strategic plan into annually obtainable objectives. The absence of such a link invites "pie in the sky planning" as opposed to pragmatic agenda setting by the courts.

Once the 1992-94 Plan is successfully implemented, most of the specific tasks contained in the 1989 Futures' Commission document will have been undertaken or completed.

Recognizing that this eventually would occur, the Commission recommended, and the Council endorsed, steps to further enhance the credibility and usefulness of the strategic planning

process. As a result, a consumer research and service development project has been established as well as an "environmental scanning" newsletter. The consumer research project will allow the judiciary the means to continually assess the effectiveness of the court system's operations through the eyes of the public as well as those working within the judicial system. The purpose of the newsletter is to advise the judiciary and others of emerging trends and developments within our society that may directly impact the courts. Using the information gathered through these means, the Council will be able to refresh and update its long range plans long after the Commission's original action items have been achieved.

Importantly, the mission of the courts and the ten vision statements articulated by the Commission will endure. Equipped with this set of values and the updated information provided through the on-going planning process, the judiciary will continue to use strategic planning as a means to think through and create the best possible justice system for Virginians and thus, the best possible future for the courts.

Planning for Change A Record of Results 1990-1992

Successful organizations have a unity of purpose, a clear sense of direction, a map for where the organization is heading and a plan for how to get there.

For almost twenty years, the judiciary's planning process has served as the chief means for introducing needed improvements within the judicial system. However, its success continues to depend upon the collective ability of those within the system to translate the plan's proposals into meaningful change. That is, its effectiveness depends upon the degree to which implementation of the plan results in the improved performance of the court system.

The process does not end with the Judicial Council's adoption of the plan. It continues until all the objectives contained in the plan are accomplished. During the past two years, 70% of the tasks contained in the FY 90-92 plan were undertaken and/or completed. Funding constraints or a lack of legislative action caused some tasks not to be completed. Notable among the achievements in implementing the 1990-92 Plan were the following:

- securing passage of legislation creating a family court system as of January, 1995;
- creating a statewide Office of Alternative Dispute Resolution Services within the judicial branch to expand the means through which legal disputes may be resolved;
- securing passage of legislation clarifying the authority of judges to refer cases to dispute resolution evaluation sessions;
- establishing two pilot programs to serve as models for dispute resolution programs throughout the state;
- promulgating training guidelines for certification of court-referred mediators;
- adopting standards of ethics and professional responsibility for certified mediators;
- continuing to amend current statutes in order to abolish jury exemptions;
- expanding the Courts Automated Information System (CAIS) by 46 courts to include a total of 255 courts;
- developing and installing an automated records indexing system in 22 courts;
- developing and implementing an automated interface between the State Police and the courts for faster and more efficient recording of CCRE information;
- creating the Law Office Public Access System (LOPAS) to provide case information and opinions from Virginia's appellate courts electronically to lawyers and the public;
- developing uniform forms both in manual and automated formats for use throughout the state;
- supporting expansion of the public defender system in localities where offices would be cost justified;

- implementing voluntary sentencing guidelines on a statewide basis;
- establishing voluntary case processing time guidelines for the Supreme Court, Court of Appeals, and circuit courts, and for criminal cases in the district courts;
- implementing calendar management and delay reduction programs in almost half of the judicial circuits throughout the state and in numerous district courts;
- enhancing the case management sub-system of the CAIS to provide notice generation and management reports that assist judges and clerks in undertaking calendar management programs;
- establishing a pilot project to test the recently developed trial court performance standards as a means of self-assessment within courts;
- completing a study to determine ways to improve the processing of uncontested traffic violations;
- securing passage of legislation 1) to allow circuit judges to serve on the Court of Appeals as workloads demand and 2) to expand the ability of general district court judges to sit in juvenile courts and vice-versa;
- developing and providing training programs for clerks and magistrates on enhancing "customer service" in the courts;
- providing training programs for special justices in the handling of involuntary civil commitment matters;
- supporting the increase of required continuing legal education hours for practicing attorneys;
- developing and adopting a long range technology plan to enable courts to keep pace with technological advances available in law offices and businesses;
- establishing the consumer research and service development project in order to collect input from citizens and others on needed improvements in the courts and then develop the required services;
- creating a quarterly "environmental scanning" newsletter to alert judges and court officials on emerging trends that could impact the legal system and courts; and
- developing and implementing an awards program to recognize outstanding performance by court personnel.

Looking Forward: 1992-1994 Strategic Plan

The 1992-94 strategic plan continues the judiciary's implementation of proposals first offered by the Commission on the Future of Virginia's Judicial System. The Plan is constructed around the ten "visions" which the Commission designed to form the philosophical framework for Virginia's judicial system as it approaches the 21st Century. The objectives and tasks which are contained in the 1992-1994 plan include those selected by

the Council for implementation during this biennium. In addition, they include action items necessitated by the passage of major legislative initiatives which must be implemented during this biennium.

Some of the actions required by this Plan will be the responsibility of the Judicial Council or the Office of the Executive Secretary while others will directly involve local courts. As in the past, periodic

status reports on the implementation of this Plan will be made available to judges and court system personnel, the Bar, the media and the public.

The Council solicits suggestions at any time regarding this Plan or items to consider for future planning efforts within the judiciary. Please address comments to:

Office of the Executive
Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, Virginia 23219

Visions for The Strategic Plan for Virginia's Judicial System

Mission

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.

Vision One

In the future, all persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Vision Two

In the future, the court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Vision Three

In the future, the judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision Four

In the future, Virginia's judicial system will be

structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision Five

In the future, the courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Vision Six

In the future, the court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality pre-professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Vision Seven

In the future, technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice, by increasing the courts' ability to determine facts and reach a fair decision.

Vision Eight

In the future, the public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

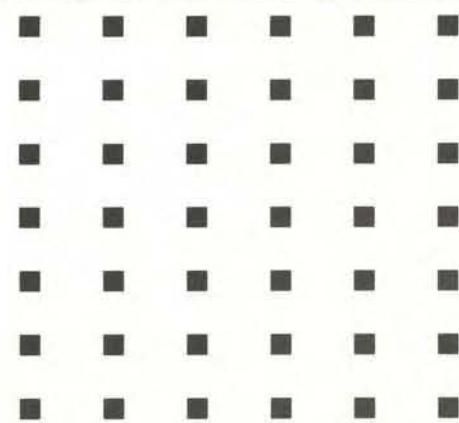
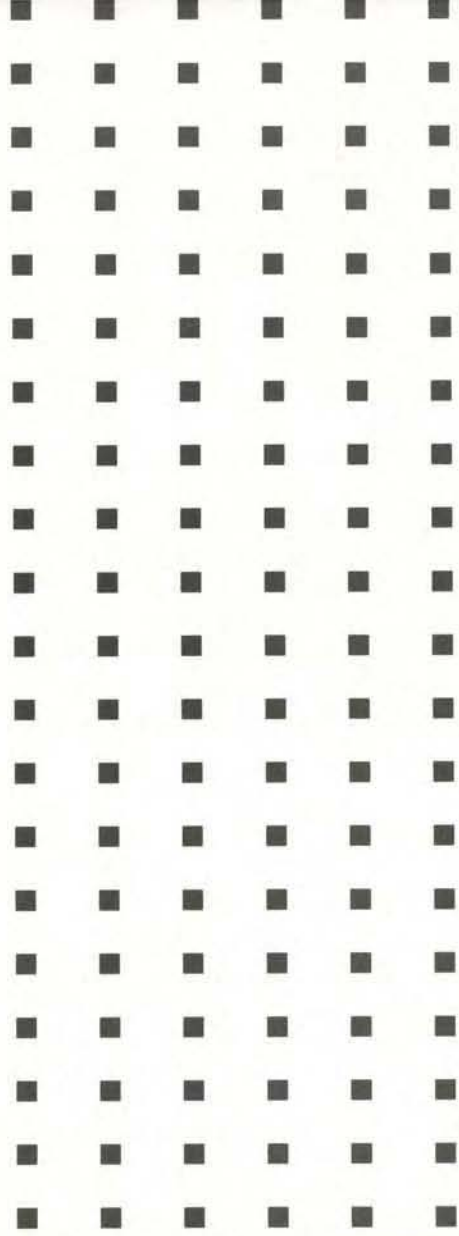
Vision Nine

In the future, the impact of changing socio-economic and legal forces will be systematically monitored and the law of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision Ten

In the future, the judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

TO RESOLVE JUSTLY





Vision 1

In the future, all persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Objective 1.1

To provide electronic access to court records for the public.

Task 1.1.1

Develop and implement an electronic filing program which leads the filer (citizen) through a series of questions generating a standard form of filing.

Task 1.1.2

Provide funding for the installation of computer terminals in appropriate remote locations which will allow the public access to court records.

Objective 1.2

To provide for improved accessibility to all court facilities and programs.

Task 1.2.1

Conduct an evaluation of all state courts for the purpose of determining compliance with the requirements of the Americans with Disabilities Act.

Task 1.2.2

Develop an action plan for eliminating any barriers to effective access as identified through the evaluation.

Objective 1.3

To eliminate economic barriers to legal representation.

Task 1.3.1

Request that the Virginia State Bar, in conjunction with private industry, develop a plan to provide prepaid legal services.

Task 1.3.2

Explore means of limiting the cost of litigation, including eliminating unnecessary pre-trial discovery, awarding attorneys' fees and costs to the prevailing party and appropriate use of sanctions for frivolous pleading.

Task 1.3.3

Encourage the Public Defender Commission to establish statewide standards for all public defenders and court-appointed counsel.

Task 1.3.4

Support increased compensation from the General Assembly for court-appointed counsel.

Objective 1.4

To facilitate the courts' resolution of disputes in a timely and efficient manner.

Task 1.4.1

Adopt and implement voluntary case processing time guidelines for juvenile, domestic relations, and small claims cases filed in the trial courts.

Task 1.4.2

Continue to assist the trial and appellate courts in developing specific plans for meeting the voluntary case processing time guidelines.

Task 1.4.3

Work with state and local bar groups to expand the number of calendar management pilot programs that serve to expedite litigation and reduce waiting time and inconvenience for the public.

Task 1.4.4

Continue development of useful management information reports for both the trial and appellate courts so that the nature and extent of delay may be better identified and addressed. Modify the caseload information systems of each court type to collect the necessary data.

Task 1.4.5

Complete the pilot testing of the trial court performance standards in the Fairfax Circuit Court.

Task 1.4.6

Develop and present to the Judicial Council a report on the trial court performance standards pilot project and determine whether such standards should be recommended for implementation statewide, as a means of self-evaluation and assessment for each court.

2

Vision 2

In the future, the court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Objective 2.1

To ensure that courts continue to merit the respect of society in the handling of criminal cases.

Task 2.1.1

Encourage the Executive Branch to develop ways to inform the public and offenders about the methods used to determine release dates from incarceration.

Task 2.1.2

Encourage judges to explain at the time of sentencing the reasons for the sentence imposed.

Task 2.1.3

Seek support for additional dispositional alternatives for criminal defendants by participating in the legislative studies on funding for general district court services, the evaluation of "boot camps" and the assessment of "abuse and lose" programs, pursuant to the goals of deterrence, elimination of recidivism, and protection for the public.

Task 2.1.4

Seek legislation to abolish jury sentencing.

Objective 2.2

To strengthen the jury system by improving the selection process and the jury's method of operation.

Task 2.2.1

Facilitate the continued implementation of the Judicial Council's Standards Relating to Jury Use and Management by pilot testing automated jury management systems in five circuits.

Task 2.2.2

Prepare for the Judicial Council a report on methods utilized in other states for compensating jurors and reducing inconvenience associated with jury service.

Task 2.2.3

Adopt a rule of court to allow juror notetaking.

Task 2.2.4

Adopt a rule of court that allows instruction of the jury at different points during the course of a trial.

Task 2.2.5

Seek legislation to reduce and make uniform the length of jury service in order to lessen the burden upon citizens.

3

Vision 3

In the future, the judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Objective 3.1

To establish a comprehensive range of dispute resolution services in each judicial circuit and district.

Task 3.1.1

Expand the activities of the statewide Office of Alternative Dispute Resolution Services within the judicial branch for the purposes of:

- 1) identifying dispute resolution resources throughout the state and serving as a source for referrals to competent providers;
- 2) encouraging and promoting the use of alternative dispute resolution in all judicial circuits and districts with information, support, training and education as needed;
- 3) serving as a clearinghouse through which localities can share information to improve their respective programs;
- 4) providing materials and assisting in improving public understanding about alternative dispute resolution;
- 5) implementing the training and certification guidelines for court-referred mediation as promulgated by the Judicial Council of Virginia;

6) encouraging the creation of dispute resolution programs by community providers; and

7) compiling information about the effectiveness of dispute resolution programs in other states and nationally to ensure that Virginia's programs benefit from evaluation research conducted elsewhere.

Task 3.1.2

Expand the implementation of pilot programs in courts across the state through the use of research developed in existing pilot programs and increase the range of dispute resolution options available through these programs to include more than mediation.

Task 3.1.3

Continue to encourage the development of community dispute resolution centers through coordination and information sharing between the courts and existing community programs, and supporting funding requests for such programs.

Task 3.1.4

Secure the adoption of legislation making explicit the judges' discretion to refer cases to mediation or other dispute resolution mechanisms while ensuring that all litigants retain their rights to trial.

Task 3.1.5

Explore the potential for using mediation in minor criminal cases.

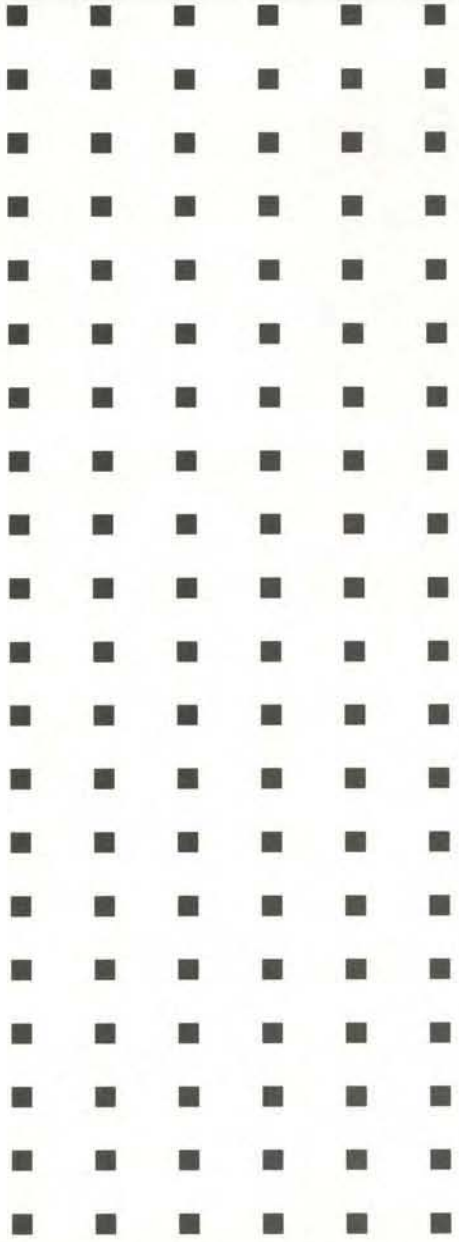
Task 3.1.6

Assist the executive branch agencies in fostering the use of mediation and facilitation skills to resolve disputes that occur within or between governmental agencies and for those that arise between citizens and governmental agencies.

Task 3.1.7

Train judges, lawyers, magistrates, clerks of court, and others in dispute resolution options; encourage the teaching of dispute resolution alternatives and skills in law schools.

TO ADMINISTER EFFECTIVELY



4

Vision 4

In the future, Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Objective 4.1

To structure the judicial system in a manner that best enables the prompt, fair and cost-effective resolution of disputes.

Task 4.1.1

Propose legislation to expand the jurisdiction of the Court of Appeals to include all civil appeals with a commensurate number of judges and staff to handle the increased workload.

Task 4.1.2

Adopt a rule of court to authorize the appellate courts to summarily reverse cases which present clear error.

Task 4.1.3

Seek statutory changes to allow the appellate courts to dismiss frivolous appeals summarily without oral argument.

Task 4.1.4

Propose legislation to authorize the Chief Justice to designate and temporarily assign any judge, with his or her consent, to sit at any trial court level.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 4.2.1

Continue to seek adoption of legislation to provide that, when a preliminary hearing is held, establishment of probable cause at that hearing will be sufficient to initiate a trial in the circuit court without indictment by the grand jury.

Objective 4.3

To create a single trial court with comprehensive jurisdiction for the handling of legal issues relating to children and families.

Task 4.3.1

Secure the adoption of legislation to establish family court in Virginia.

Task 4.3.2

Create an implementation plan for the legislation that includes a comprehensive fiscal impact analysis of the funding needed to establish a family court in each jurisdiction; report the findings of such analyses to the General Assembly.

Objective 4.4

To facilitate the efficient disposition of traffic matters and expedite the enforcement of traffic safety laws.

Task 4.4.1

Conduct a thorough examination and cost benefit analysis of the advisability of transferring to the Department of Motor Vehicles the responsibility for administrative processing of uncontested traffic infractions.

Task 4.4.2

Encourage local courts to establish "segmented" docketing procedures in order to reduce the time litigants, witnesses, law enforcement, lawyers, and others must wait in court to dispose of traffic cases.

5

Vision 5

In the future, the courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Objective 5.1

To enhance the administration of the courts by clarifying and reinforcing lines of authority and responsibility.

Task 5.1.1

Provide educational opportunities for chief judges to increase proficiency in personnel, case and financial management of the courts.

Task 5.1.2

Develop guidelines in each circuit to 1) regulate the appointment and supervision of quasi-judicial officials, 2) provide specific policies on orders of reference, 3) outline fee schedules; and 4) impose control over the costs involved.

Objective 5.2

To obtain full state funding of the court system.

Task 5.2.1

Secure state funding to provide law clerks and secretaries for circuit court judges.

Task 5.2.2

Seek legislative changes and obtain state appropriations for the reimbursement of court-appointed counsel who provide legal services to defendants charged with the violation of local ordinances.

Task 5.2.3

Seek legislative changes and state funding for the costs involved in providing juries in civil cases and in misdemeanor cases in which a local ordinance has been violated.

6

Vision 6

In the future, the court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality pre-professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Objective 6.1

To ensure that the judicial system attracts and retains the most qualified persons for service on the bench.

Task 6.1.1

Introduce legislation to establish a judicial nominations process for selecting judges.

Task 6.1.2

Develop and implement a comprehensive judicial evaluation program within the court system for the purpose of improving judicial performance.

Task 6.1.3

Establish a mandatory continuing education program for all judges.

Task 6.1.4

Review and revise the Canons of Judicial Conduct to assure that requirements contained therein continue to serve the purposes for which they were designed.

Task 6.1.5

Secure increases in salaries for judges and justices in order to maintain compensation levels which are attractive enough to encourage qualified individuals to choose a judicial career.

Objective 6.2

To expand and improve magistrate services throughout the Commonwealth.

Task 6.2.1

Develop a plan for providing magistrate services on a twenty-four hour a day basis throughout the state with employees who are full-time and hold college degrees. As an additional means for increasing access to magistrate services, implement interactive, two-way telecommunications systems on an as-needed basis.

Objective 6.3

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment which will attract and retain highly qualified career personnel for service in the courts.

Task 6.3.1

Monitor the array of benefits offered to employees and make necessary modifications to meet the changing need of the work force.

Task 6.3.2

Explore the possibilities for enhancing the professional excellence of court system personnel through the introduction of total quality management programs.

Objective 6.4

To encourage the legal profession to maintain its strength through constant review and monitoring of legal education curricula, continuing education programs and the changing role of lawyers.

Task 6.4.1

Support training programs for lawyers both before and following admission to the Bar in the legal, practical, and technological skills that will prepare them to serve in a diversity of roles in resolving disputes.

Task 6.4.2

Promote the establishment of an ongoing program of assessment for law school programs to ensure that the programs continue to provide the most relevant training for aspiring professionals.

Task 6.4.3

Investigate the possibility of establishing a voluntary program of lawyer specialization and certification through the Virginia State Bar.

7

Vision 7

In the future, technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Objective 7.1

To implement the long-range information technology plan for the judiciary.

Task 7.1.1

Implement the court operations sub-system of the plan by 1) expanding the number of courts on the financial management system of CAIS; 2) providing office automation support through the use of personal computers and local area networks; and 3) adding 16 circuit courts on the records indexing system; and 4) developing enhancements to this system to provide imaging capabilities.

Task 7.1.2

Increase the openness and convenience of the courts to the public through continued development, pilot testing, and evaluation of the Law Office and Public Access System.

Task 7.1.3.

Conduct an evaluation of the most appropriate means for minimizing the amount of and length of storage time required for public records maintained by courts.

Task 7.1.4.

Support legislation to specify ways to authenticate electronic copies as true copies of an original.

Task 7.1.5

Enhance decision-making by the judiciary and reduce data entry requirements on the courts, magistrates offices, law enforcement and others by establishing effective local interfaces for uniform data collection and transmission through automated systems.

Task 7.1.6.

Provide cost-effective electronic information exchange among courts and other justice agencies by expanding interfaces with the Departments of Motor Vehicles, Corrections, and State Police, and the Bureau of Support Enforcement so that abstracts of court dispositions may be transmitted accurately and efficiently.

Task 7.1.7.

Develop ways in which all courts, trial and appellate, can be linked for the electronic exchange and viewing of needed information.

Task 7.1.8

Expand the use of video recording as a means of court reporting to additional pilot courts and providing a evaluation of such systems to the Judicial Council.

Task 7.1.9

Expand automated office automation and legal research capabilities for judges and their staffs through the use of personal computers and local area networks.

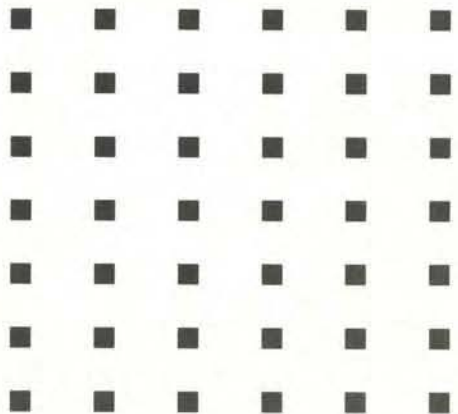
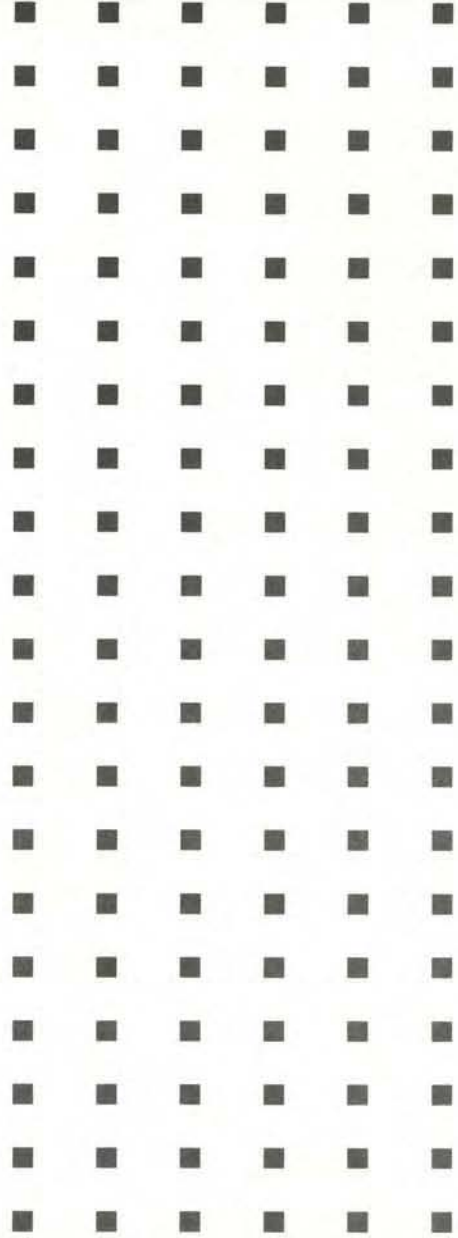
Task 7.1.10

Ensure that adequate disaster recovery capabilities are available for all automated systems.

Task 7.1.11

Expand the automated system to permit: 1) the initiation of cases by electronic filing from remote locations; 2) electronic collection of filing fees; and 3) generation of notices, summons, and other documents automatically based upon information provided at initial case filing.

TO PRESERVE THE PUBLIC TRUST



8

Vision 8

In the future, the public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Objective 8.1

To improve service quality by increasing the courts' awareness of and responsiveness to the needs of the citizens they serve.

Task 8.1.1

Establish the consumer research and service development project as a permanent capability within the judicial system for the purposes of:

- (1) acquiring citizen feedback and translating such information into improved services offered by courts;
- (2) seeking input both on a statewide basis and individual circuit and districts, as requested, to identify any obstacles perceived by citizens to utilizing the courts and legal system;
- (3) utilizing the information gathered through this project to create specialized training for judges and court system personnel to increase their sensitivity to the needs of the public; and
- (4) serving as a clearinghouse through which courts could be advised of innovative approaches being used in other court systems, governmental agencies, and the private sector.

Task 8.1.2

Support the creation of public information officer positions in high volume courts.

Task 8.1.3

Develop and provide to all courts easy-to-complete forms which will allow the public to file formal, written comments on court services and procedures.

Objective 8.2

To ensure that participants in the judicial process are not discriminated against because of race, gender, age, handicap or socio-economic status.

Task 8.2.1

Develop educational programs to inform the public about procedures for filing complaints alleging misconduct by attorneys, judges, and other court personnel.

Task 8.2.2

Develop a mechanism for receiving and addressing the allegations of discrimination by court personnel other than judges.

Task 8.2.3

Offer training sessions to judges and court personnel to assist them in recognizing and eliminating both overt and subtle forms of discrimination.

Task 8.2.4

Develop and present to the Judicial Council a compendium of the recommendations adopted in other state judiciaries to address the problems of racial and gender bias in the courts and legal systems.

Objective 8.3

To increase the public's knowledge and awareness of the judiciary by strengthening the judicial system's capability for providing a comprehensive program of public information.

Task 8.3.1

Assist state and local bar groups in expanding the number of court docent programs throughout the state.

Task 8.3.2

Explore with bar groups the development of computer-assisted instructional programs for use in educating the public about the court system.

Task 8.3.3

Seek funding for the establishment of a public information office within the State Court Administrator's office.

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Vision 9

In the future, the impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Objective 9.1

To establish an ongoing mechanism to monitor societal changes and their relationship to the laws which govern the Commonwealth and her citizens.

Task 9.1.1

Support legislation to create a public corporation known as the Virginia Law Institute, governed by a Board composed of representatives from all three branches of government.

Task 9.1.2

Provide for the issuance of periodic reports by the Institute on the known and potential impacts of the emerging issues affecting the law and the lives of Virginians.

Objective 9.2

To expand the strategic planning capabilities of the judicial system.

Task 9.2.1

Continue to incorporate environmental scanning and long term futures planning techniques into the strategic planning process in order to inform those within the judicial branch of changing trends and needs for court and legal services.

Task 9.2.2

Provide regular assessments of new technologies and their applicability in the court environment to the Judicial Council and those within the court system.

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Vision 10

In the future, the judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

Objective 10.1

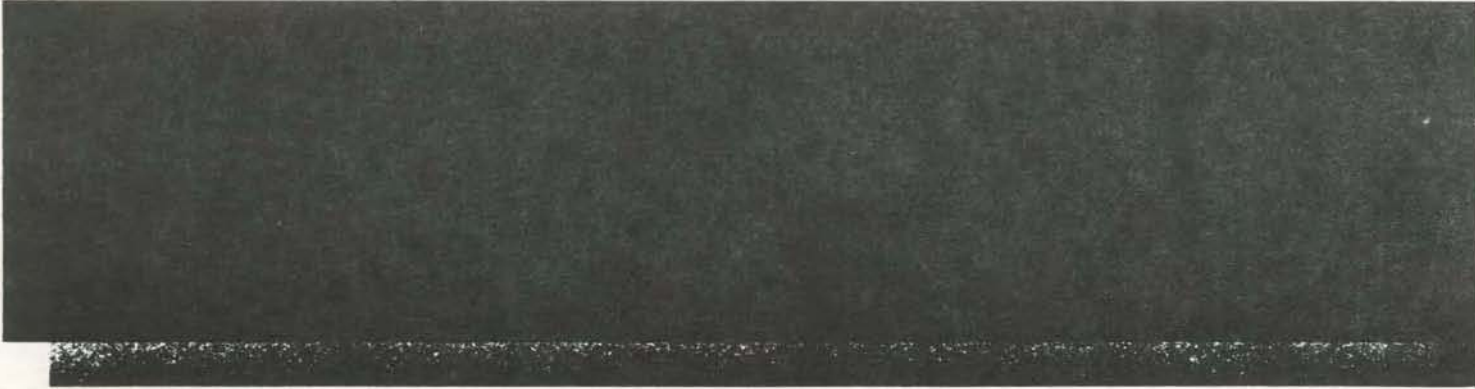
To effectuate better understanding and communications among the three branches of state government.

Task 10.1.1

Encourage the establishment of a joint committee composed of all three branches of government to serve as a forum for inter-branch discussions.

Task 10.1.2

Establish an orientation program about the judicial branch for all incoming legislators and members of new administrations.



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