

ACCESS TO JUSTICE COMMISSION

COURT USER SURVEY: ACCESS AND FAIRNESS IN NEBRASKA COURTS



APRIL 2022





Access to Justice Commission

Court User Survey: Access and Fairness in Nebraska Courts

Executive Summary

In 2020 and 2021, Nebraska's Access to Justice Commission conducted a statewide survey of court users to measure attitudes and perceptions about the accessibility and fairness of Nebraska's trial courts. Participants were asked to rate the ease of finding the courthouse and courtroom they needed, the efficiency of court services, the usefulness of court resources, and the fairness of judges and court staff. The overarching goal of the survey was to provide baseline information on access and fairness, to guide the Access to Justice Commission as it assesses and prioritizes needs, measures outcomes, and offers data-informed recommendations to ensure equal access to swift, fair justice for all court users. Additionally, because the survey tool allows comparison of results by demographic characteristics including race/ethnicity, gender, type of court user and type of court case, the survey results will inform the Racial Equity Initiative being conducted by the Access to Justice Commission. The Commission anticipates repeating the court user survey periodically, so trends can be tracked over time and progress can be reported.

Overview of Survey Results

Findings related to Access:

- Overall, court users rated the access of Nebraska trial courts at 79 out of 100.
- 83.3% of court users who completed the survey agreed or strongly agreed that they were treated with courtesy and respect.
- 84.1% of court users agreed or strongly agreed that they felt safe in the courthouse.
- The usefulness of the court's website received the lowest rating of all court services, and the survey also shows a need to improve the understandability of court forms. Very few court users reported difficulty finding either the courthouse or the courtroom they needed.
- There were not significant differences in how court users rated access in the courts based on race and ethnicity.¹

¹ Due to the limited number of racially Diverse participants, it is difficult to make accurate comparisons across specific racial and ethnic groups. But statistical comparisons can be made between participants who identify as

- There is a significant difference in how women rate access to the courts compared to men. Men rate access to the courts significantly higher than women.
- There is a significant difference between how attorneys rate access to the courts compared to members of the public. Attorneys rate access to the courts significantly higher than members of the public.
- There is a significant difference in how court users from rural areas rate access to the courts compared to court users from urban areas. Members of the public from rural areas rate access to the courts significantly higher than members of the public from urban areas.

Findings related to Fairness

- Overall, court users rated the fairness of Nebraska trial courts at 76 out of 100.
- 71.3% of court users who completed the survey agreed or strongly agreed that they were treated the same as everyone else.
- 72.4% of court users agreed or strongly agreed that the judge listened to their side of the story before making a decision.
- Most court users felt that the judge had the information necessary to make good decisions and also felt that as they left the court, they knew what to do next about their case.
- There were not significant differences in how court users rated the fairness of the courts based on race and ethnicity.
- There is a significant difference in how women rate fairness of the courts compared to men. Men rate fairness of the courts significantly higher than women.
- There is a significant difference between how attorneys rate fairness of the courts compared to members of the public. Attorneys rate fairness of the courts significantly higher than members of the public.
- There were not significant differences in how court users rated fairness of the courts based on whether the member of the public was from a rural or urban area.

White and those who collectively identify as racially/ethnically Diverse. Future data collection efforts should focus on increasing response rates from non-White court users.

Methods

Survey

The survey instrument was adapted from the National Center for State Courts' (NCSC) CourTools, Measure 1: *Access and Fairness*. This tool was designed to measure court users' experiences in three areas. The first section was completed by all participants and asked ten questions bearing on "Access to the Court." The second section was completed only by participants who were parties in a lawsuit and appeared before a judge and asked five questions bearing on "Fairness" in judicial proceedings. Response options for both of these sections were provided on a Likert scale of 1 (strongly disagree) to 5 (strongly agree). The third section asked participants to provide background information on their reason for visiting the courthouse, and to self-identify demographic information on race, ethnicity and gender. To facilitate participation of Spanish speakers with limited English proficiency, a Spanish version of the survey was also made available.

Two data collection initiatives were completed. The first was conducted during the month of November 2020; the second was conducted between March 26th and April 16th, 2021. The method of data collection was the same each time: the survey was made available online via Survey Monkey on the Nebraska Judicial Branch website, the Nebraska State Bar Association website, court kiosks and by paper in all Nebraska courthouses. The online survey was promoted on social media, through posters distributed to all 93 courthouses, and by members of the Access to Justice Commission.

Participants

The first dataset included 725 responses with two removed from the analysis for having no response, 4 surveys were completed in Spanish. The second dataset included 100 participants with one survey completed in Spanish. Only 549 survey participants (or 66%) chose to answer the question regarding racial/ethnic identity. Of those who responded, 87% self-identified as White (N= 480) and 13% self-identified as either American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or Mixed Race (N = 69; see Figure 1 and Table 1).

Figure 1.

Racial and Ethnic Identity
N = 549

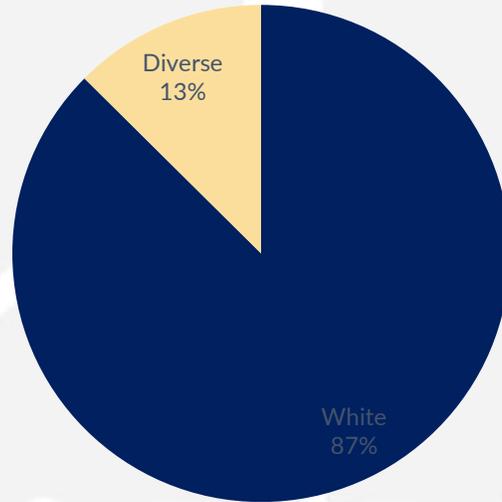


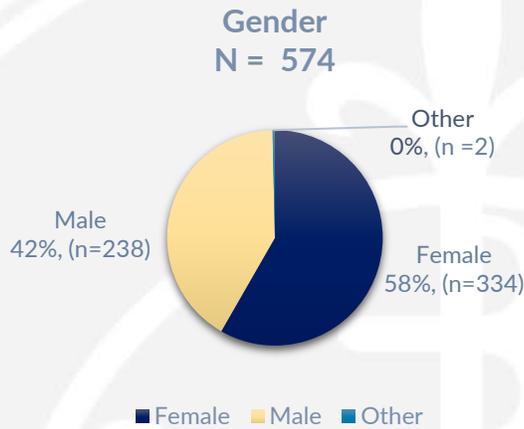
Table 1.

Identity	N	Percent
American Indian or Alaska Native	6	1
Asian	6	1
Black or African American	12	1
Hispanic or Latino	28	3
Native Hawaiian or Other Pacific Islander	1	0
White	480	87
Mixed Race	16	2
Prefer not to answer	68	8
Did not Respond	206	25

Due to the limited number of racially Diverse participants, it is difficult to make accurate comparisons across specific racial and ethnic groups. But statistical comparisons can be made between participants who identify as White and those who collectively identify as racially/ethnically Diverse. Future data collection efforts should focus on increasing response rates from non-White court users.

Only 575 participants (or 64%) chose to identify their gender, of those who did, 58% were female and 42% were male (see Figure 2). Various reasons for going to the courthouse were provided (see Table 2 and Table 3).

Figure 2.



Note: 250 participants preferred not to respond

Table 2.

Courthouse reason	N
Search court records/obtain documents	74
File papers	132
Make a payment	29
Get information	82
Appear as a witness	60
Attorney representing a client	262
Jury duty	14
Attend a hearing or trial	297
Law enforcement/probation/social services staff	134

Table 3.

Case Type	N
Traffic	34
Criminal	157
Civil matter	179
Divorce, child custody or support	99
Juvenile matter	221
Probate	81
Small Claims	12
Other	61

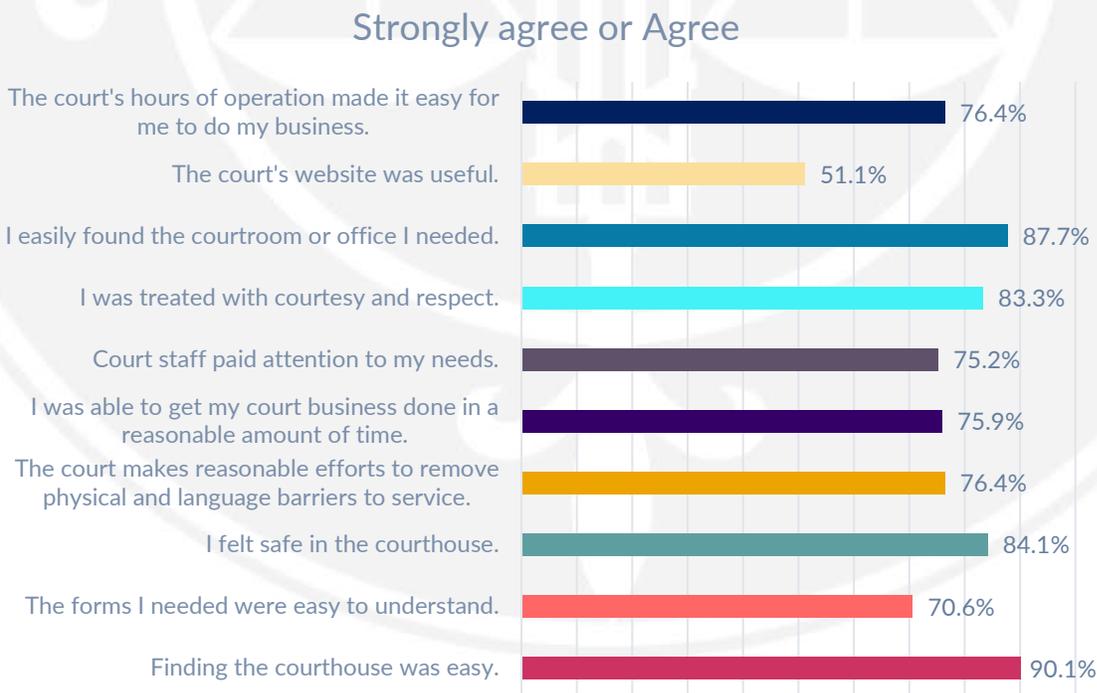
Results

Data were analyzed using IBM SPSS statistics Version 27. Using the suggested methodology by the National Center for State Courts (NCSC), an overall index score was calculated out of a 100-point scale by summing the average of all questions per index and dividing by the maximum scores then multiplying by 100 (i.e. Access Index = $((\text{Sum}_{\text{Mean}1-10}/50) \times 100)$, Fairness Index = $((\text{Sum}_{\text{Mean}1-5}/25 \times 100)$). A second index score was created using typical Likert scale methodology for both Access and Fairness. First, the internal reliability of the 10-item Access scale was investigated using Cronbach's alpha, results indicated the alpha for the total score was good ($\alpha = .881$). A total score was calculated for each participant, Access scores ranged from 1 to 50. The second internal reliability of the 5-item Fairness scale was also investigated using Cronbach's alpha; results indicated the alpha for the total score was also good ($\alpha = .999$). A Fairness score was then calculated for each participant, scores ranged from 1 to 25.

Access

Using the NCSC Indices, overall scores were assessed. The overall NCSC "Access" score was a 79 out of 100. Most court users agreed or strongly agreed with statements reflecting quality Access to the courts (see Figure 3).

Figure 3.



The highest average Likert score was 4.34, finding the courthouse was easy. The lowest average score being a 3.43 for the usefulness of the court’s website (see Figure 4 and Table 4).

Figure 4.

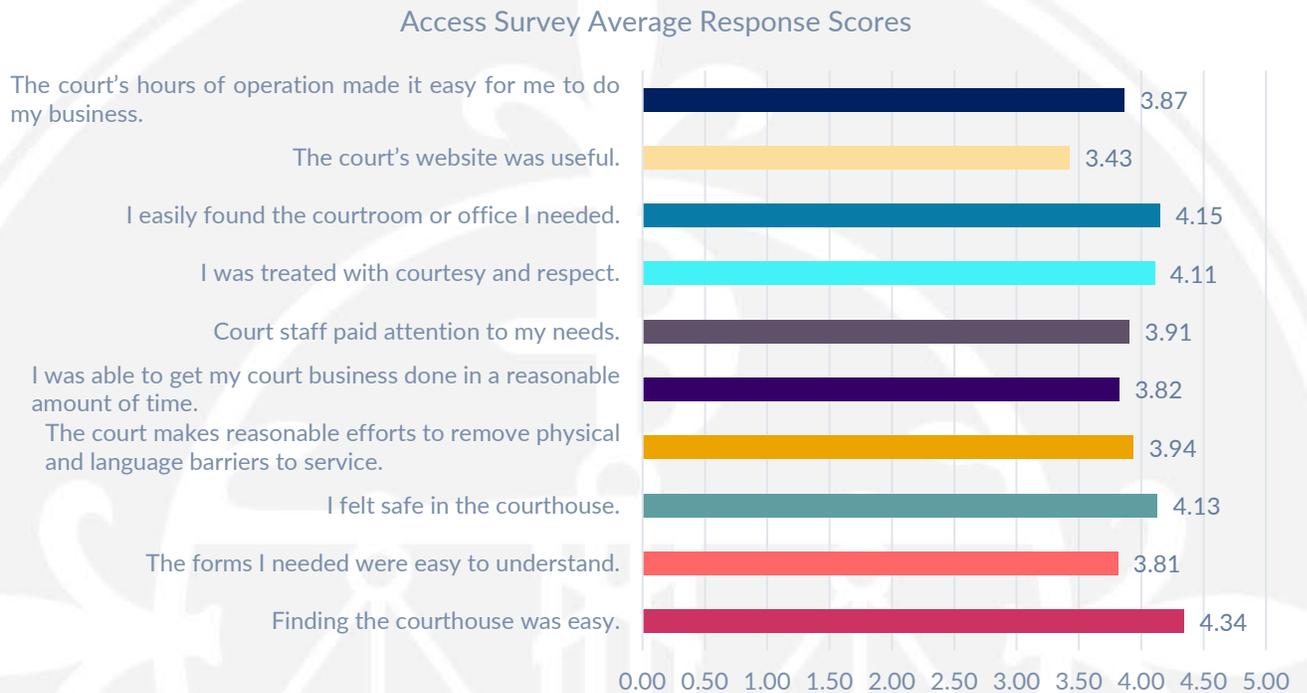


Table 4.

Access Questions	N	No Response	Mean
Finding the courthouse was easy.	788	35	4.34
The forms I needed were easy to understand.	658	165	3.82
I felt safe in the courthouse.	789	34	4.13
The court makes reasonable efforts to remove physical and language barriers to service.	745	78	3.94
I was able to get my court business done in a reasonable amount of time.	767	56	3.82
Court staff paid attention to my needs.	769	54	3.91
I was treated with courtesy and respect.	795	28	4.11
I easily found the courtroom or office I needed.	774	49	4.15
The court's website was useful.	630	193	3.42
The court's hours of operation made it easy for me to do my business.	765	58	3.87

Note: Overall Access Score = 79

When examining the NCSC Access score for racially Diverse participants (Score = 80.3) compared to White participants (Score = 80.1), scores were almost identical. However, the difference in sample size is an issue to consider when generalizing scores (see Figure 5).

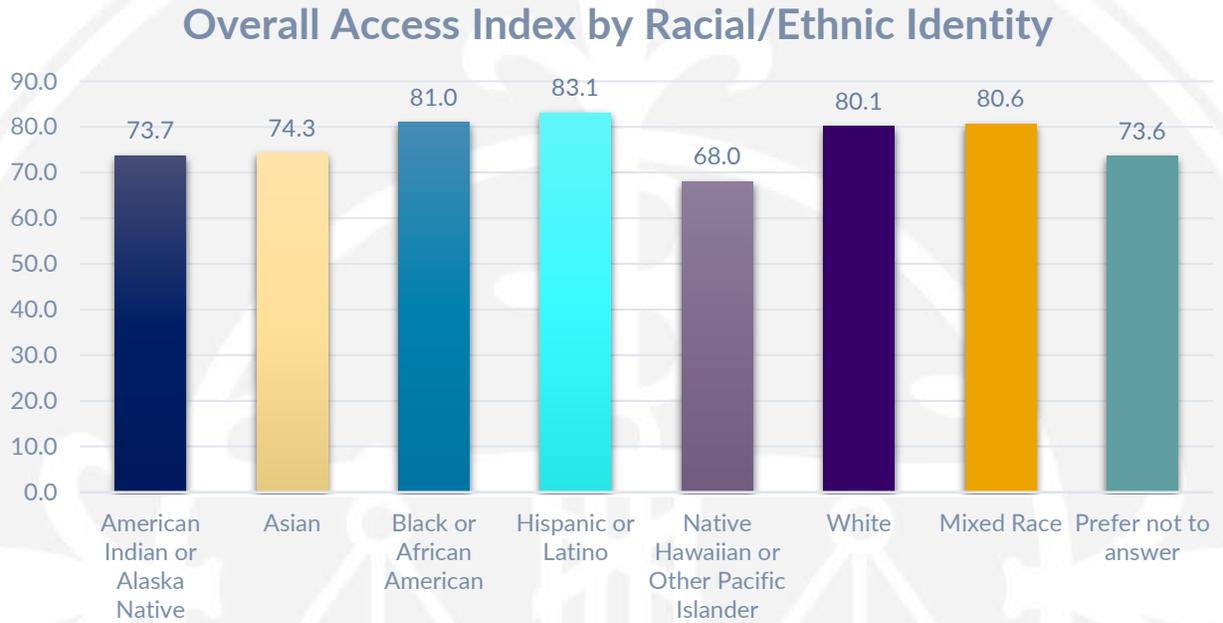
Figure 5.

Access Survey Average Response Scores by Racial/Ethnic Identity



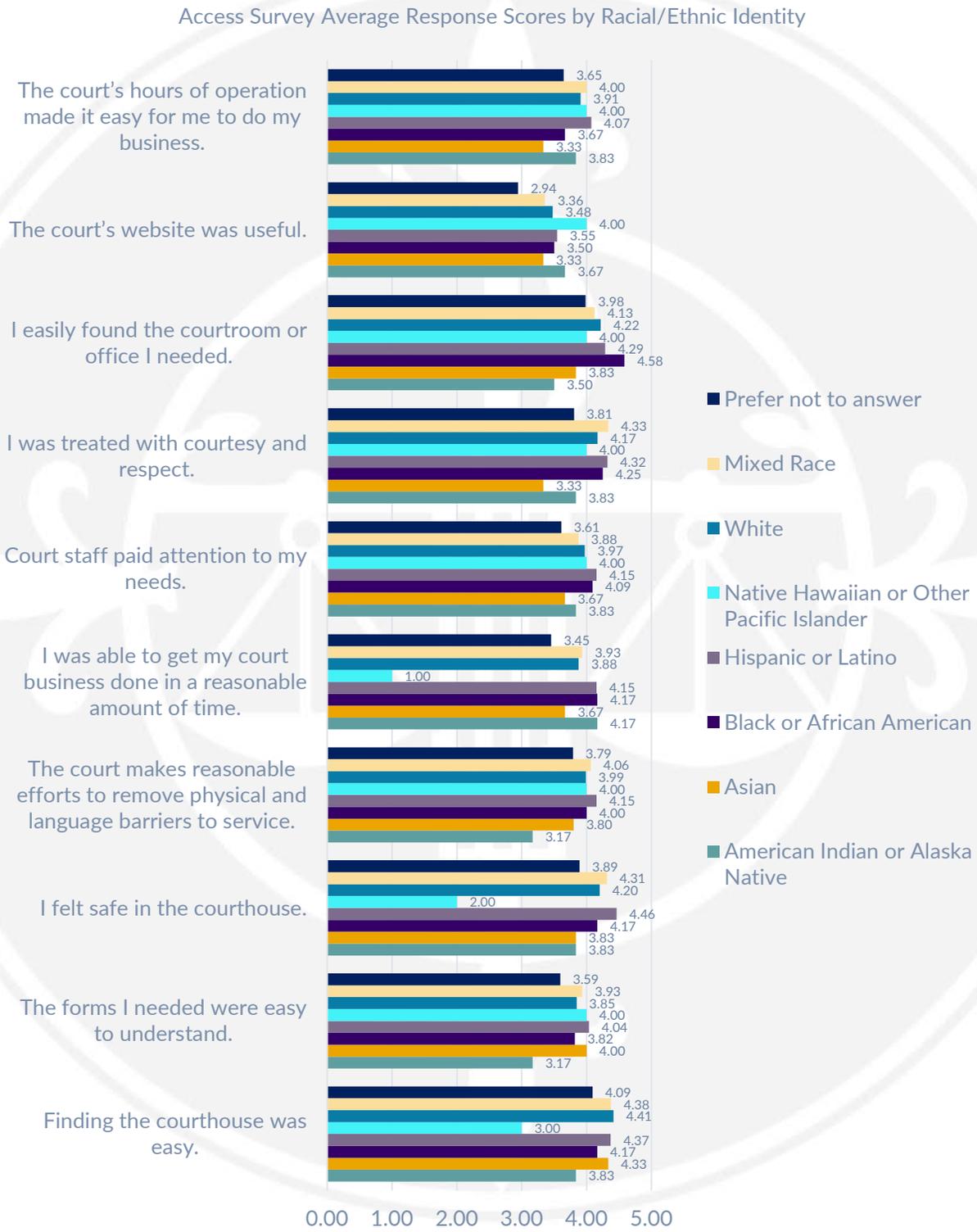
A further examination of overall Access scores by racial/ethnic identity was completed (see Figure 6); results suggest that Native Hawaiian or Pacific Islander perceived the lowest Access to the courts (Score = 68) this was followed by Native American (Score = 73.7) with Hispanic or Latino being the highest (Score = 83.1).

Figure 6.



For itemized scores for all racial/ethnic groups see Figure 7.

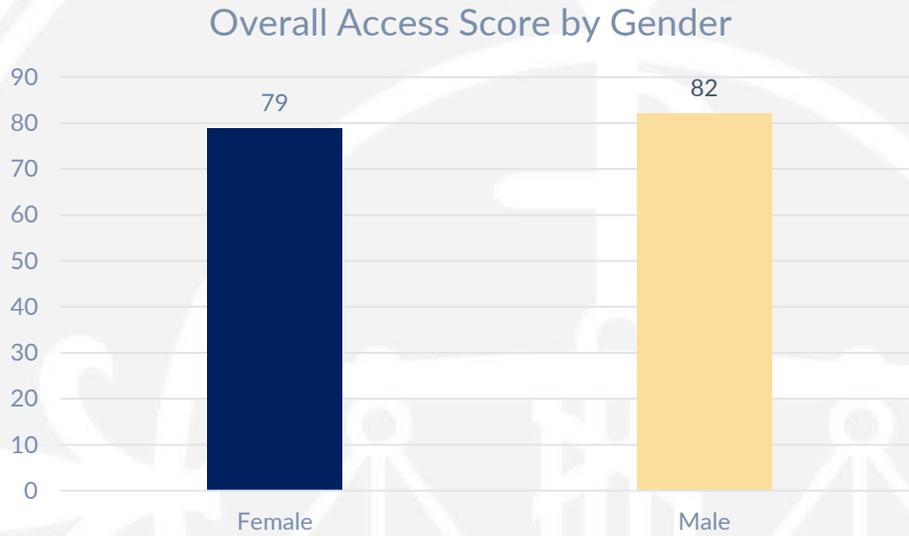
Figure 7.



Further, a one-way analysis of variance (ANOVA) was conducted on participants' ratings of Access. Results indicate that there is not a statistically significant difference in Access ratings between racially Diverse and White participants ($F(1,546) = 2.52, p = .112 (r = .005)$).

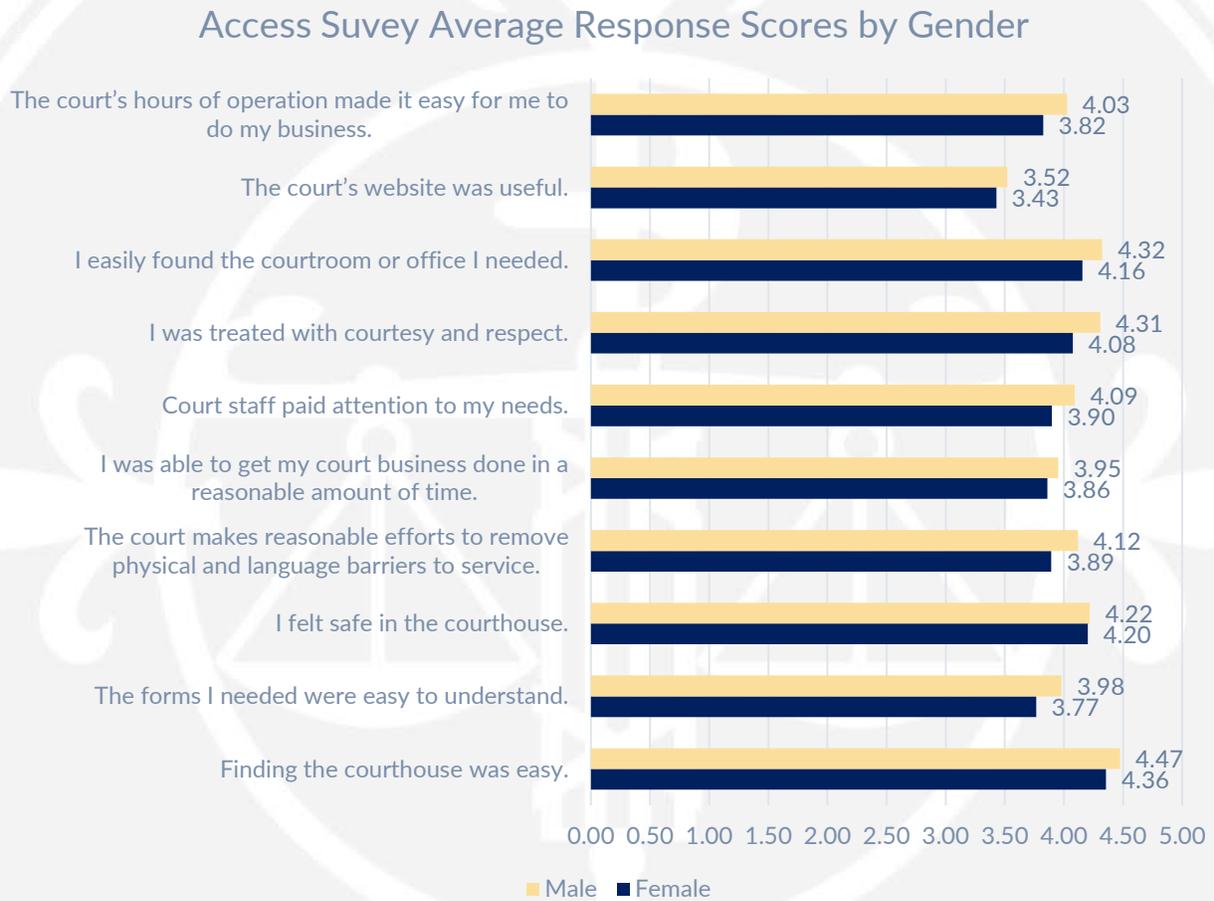
Access was also explored by gender. Overall, men rated their Access higher than did women (Figure 8).

Figure 8.



Additionally, results of a one-way ANOVA indicate that this is a statistically significant difference in Access ratings based on gender ($F(1,568) = 11.37, p = .001 (r = .020)$). Access ratings for women ($N = 334, M = 36.54, SD = 7.58$) are lower than for men ($N = 236, M = 38.71, SD = 7.58$). When examining gender differences with the Access Score, male participants rated access higher than female participants but both rated usefulness of the court website as the lowest (see Figure 9).

Figure 9.



Access was further examined by the type of court user. Court users were categorized into three types:(1) members of the public (which includes anyone who went to the court to search court records/obtain documents, file papers, make a payment, get information, appear as a witness, appear for jury duty, or attend a hearing or trial), (2) attorneys, and (3) justice system employees (which includes law enforcement, probation staff and social services staff). Since this item was one that allowed participants to select all that apply, the decision-making logic was such that if a participant indicated they were an attorney, that answer was given priority in categorizing the participant. Similarly, if a participant indicated they were law enforcement, probation, or social services staff they were categorized as justice system employees. Given that attorneys made up the largest population of respondents (42%, N = 257) and likely have more knowledge of the court process than system employees (22%, N = 134) or members of the public (36%, N = 216), it was important to examine Access differences based on type of court user (see Figure 10 and 11).

Figure 10.

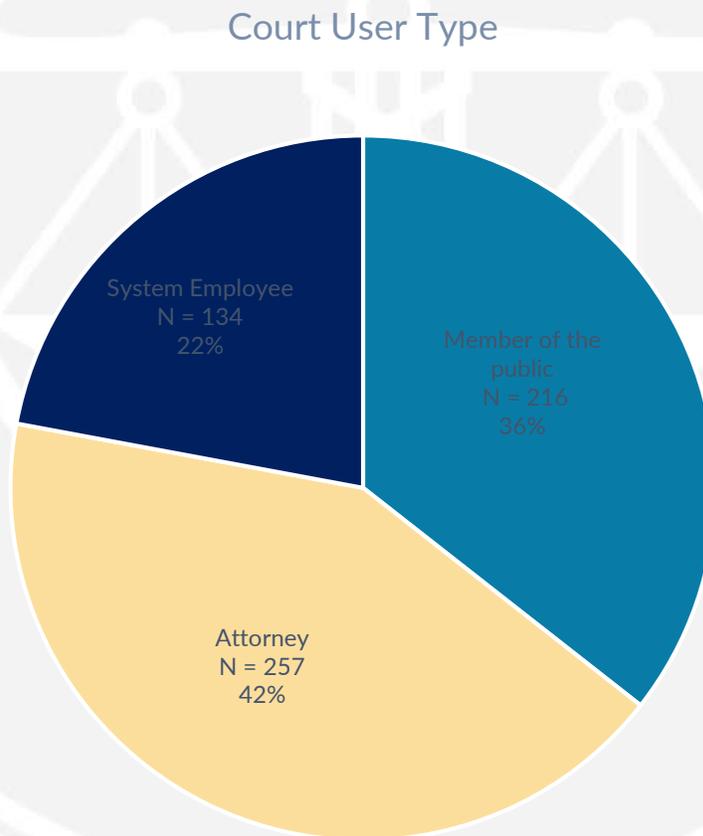
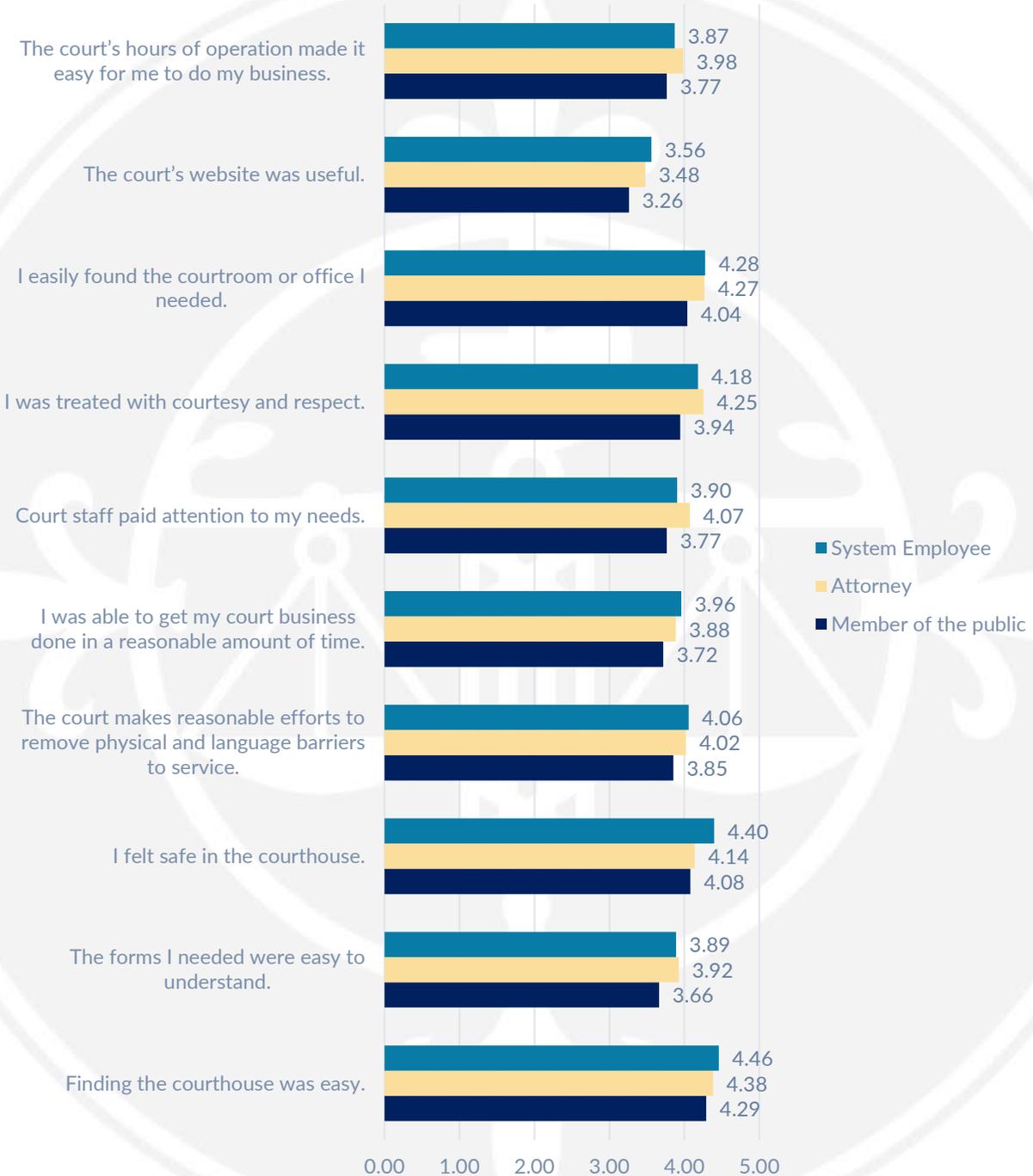
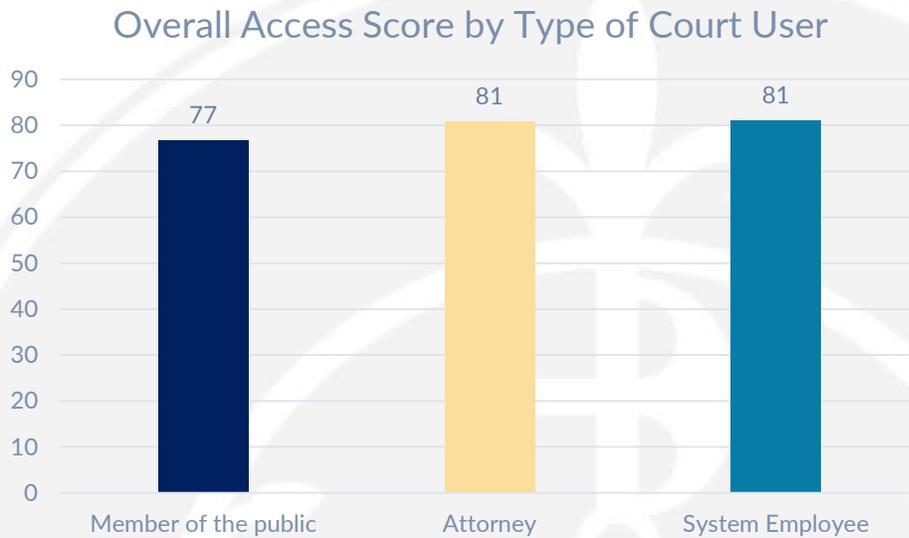


Figure 11.

Access Score Averages by Court User Type

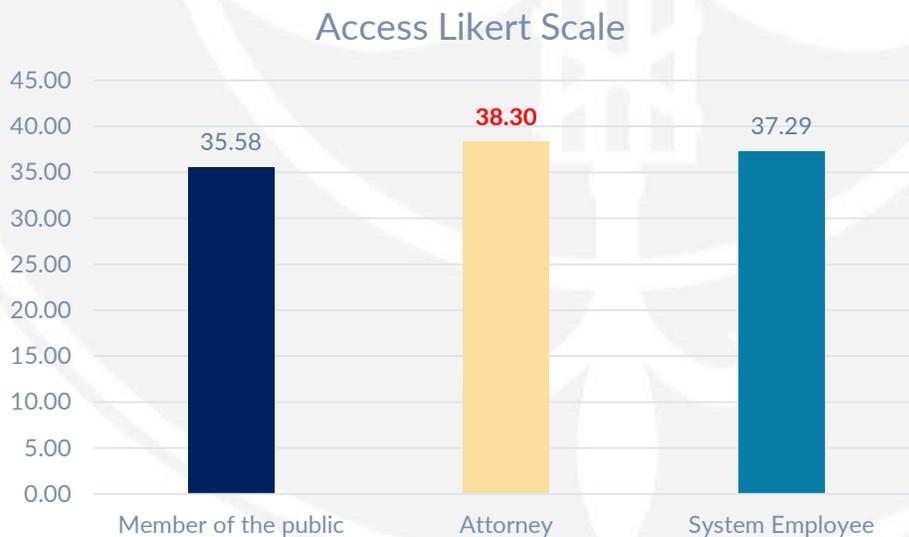


Members of the public had the lowest overall Access scores (Score = 77) followed by attorneys (Score = 80.8) and justice system employees (Score = 81.1; see Figure 12). **Figure 12.**



Further, a one-way ANOVA was conducted on court user type Likert ratings of Access. Results indicate that there is a statistically significant difference in Access ratings for type of court user ($F(1,603) = 7.55, p < .001 (r = .024)$) between members of the public ($N = 215, M = 35.58$) and attorneys ($N = 257, M = 38.30$) but not justice system employees (see Figure 13).

Figure 13.

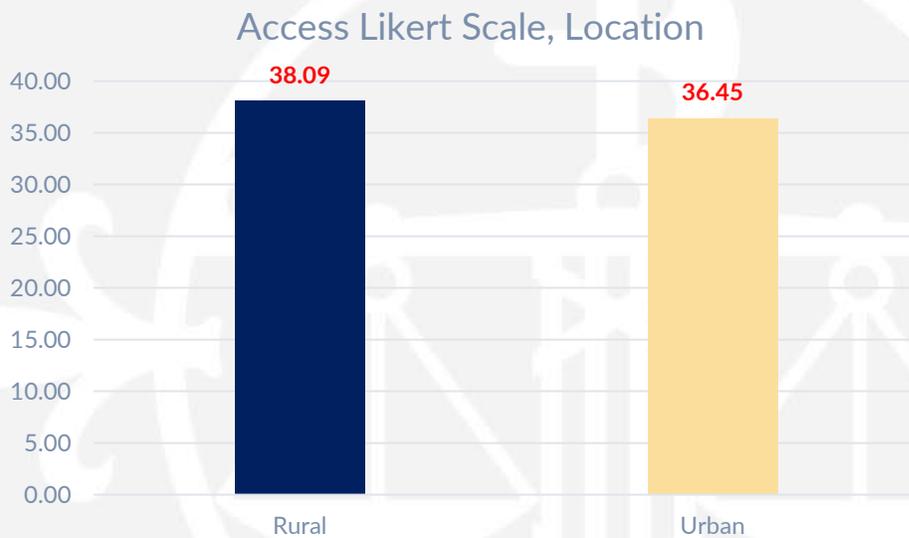


Note: red items are statistically significant. ($F(1,603) = 7.55, p < .001 (r = .024)$) between member of the public ($N = 215, M = 35.58$) and attorney ($N = 257, M = 38.30$)

Attorney and justice system employee differences were not statistically significant. When looking at Access based on types of court user, no significant differences were found across race or gender.

Finally, Access was explored across geographic location. Sarpy, Lancaster, and Douglas counties were classified as “urban” counties, and all remaining counties were collectively classified as “rural” counties. A one-way ANOVA was conducted on court users’ Likert ratings of Access by location. Results indicate that there is a statistically significant difference in Access ratings by location ($F(1,565) = 6.52, p < .05$). Specifically, the Likert ratings of Access for rural court users ($N = 257, M = 38.09$) are higher, on average, than urban court users ($N = 310, M = 36.45$) (see Figure 14).

Figure 14.



Note: red items are statistically significant ($F(1,565) = 6.52, p < .05$) between Rural ($N = 257, M = 38.09$) and Urban ($N = 310, M = 36.45$)

Fairness

The overall NCSC “Fairness” score was a 76.38 with the lowest average score being 3.77 (see Figure 15 and Table 5).

Figure 15.

Fairness Survey Average Response Scores

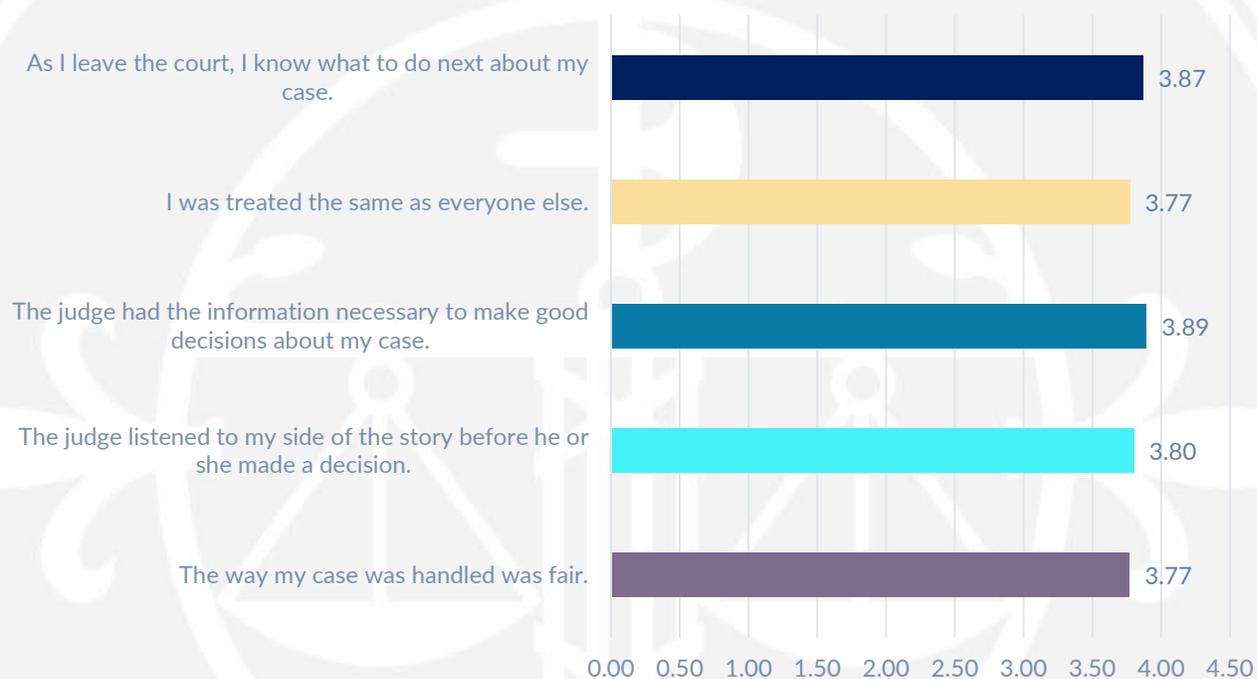


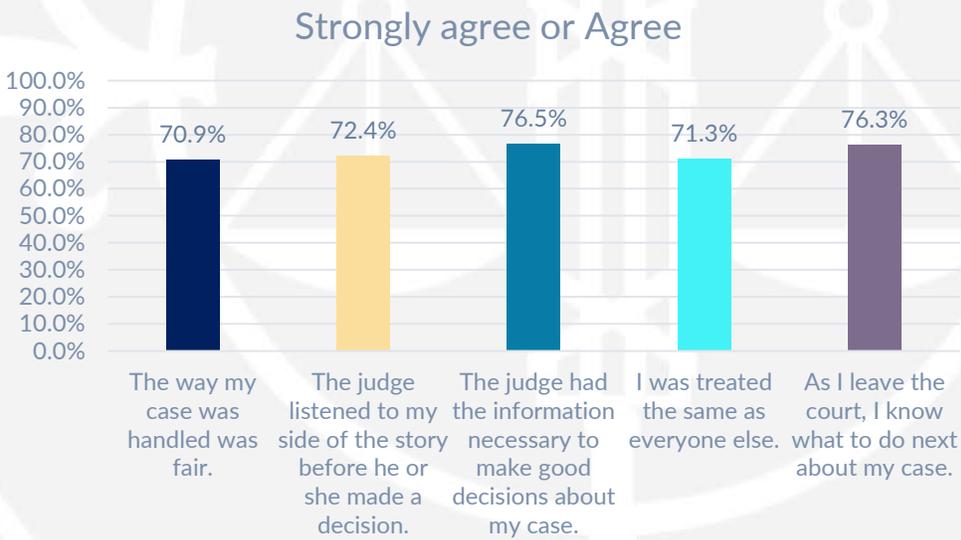
Table 5.

Fairness Questions	N	No Response	Mean
The way my case was handled was fair.	465	358	3.77
The judge listened to my side of the story before he or she made a decision.	463	360	3.80
The judge had the information necessary to make good decisions about my case.	473	350	3.89
I was treated the same as everyone else.	487	336	3.77
As I leave the court, I know what to do next about my case.	459	364	3.86

Note: Overall Fairness Score = 76.38

Additionally, a majority of court users agreed or strongly agreed with statements indicative of Fairness in the court (see Figure 16). For example, 72.4% agreed or strongly agreed that the judge listened to their side of the story.

Figure 16.



NCSC Fairness Scores were similar for racially Diverse and White participants, but racially Diverse participants (Score = 78.25) scored slightly higher than White participants (Score = 77.36) with little difference in scores across the five questions. A breakdown of the Fairness scores by racial/ethnic identity can be found on Figures 17 and 18.

Figure 17.

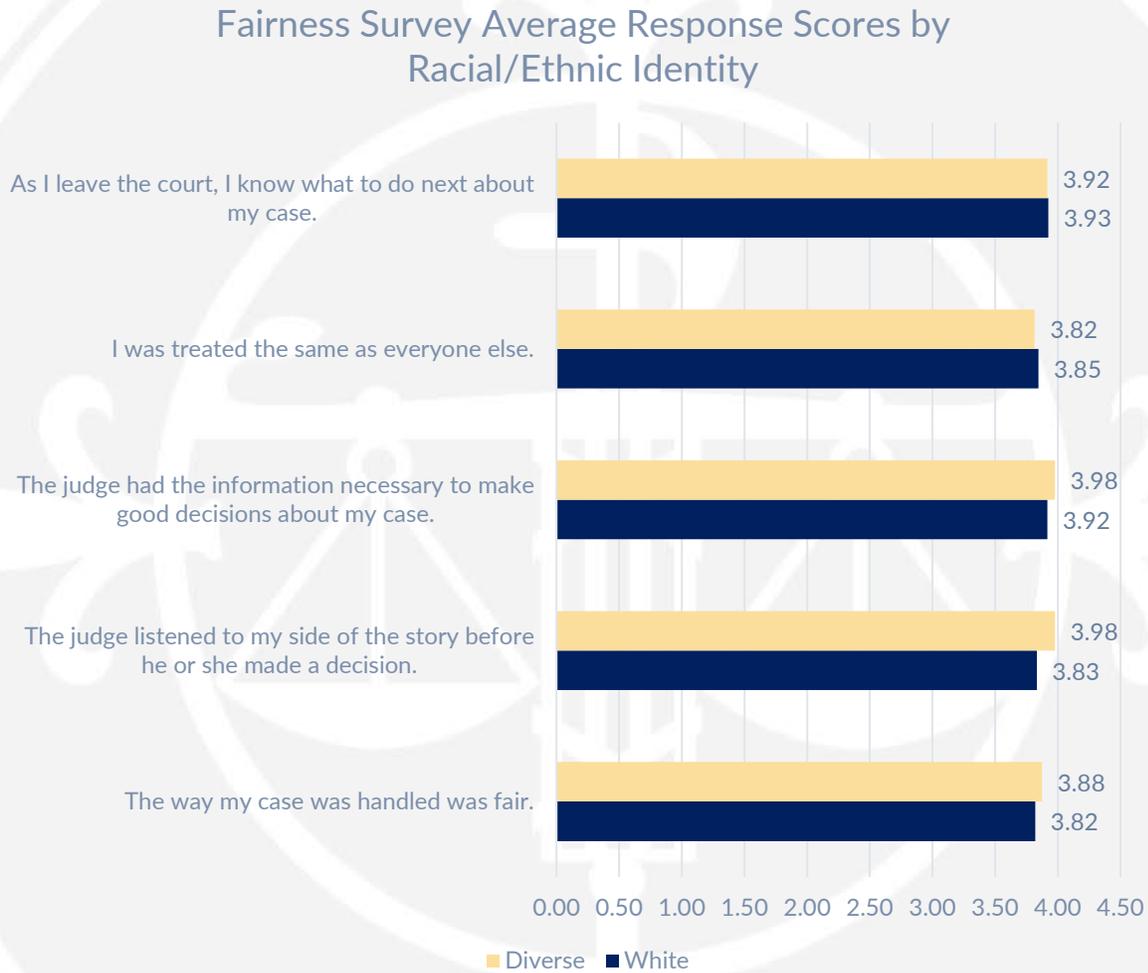
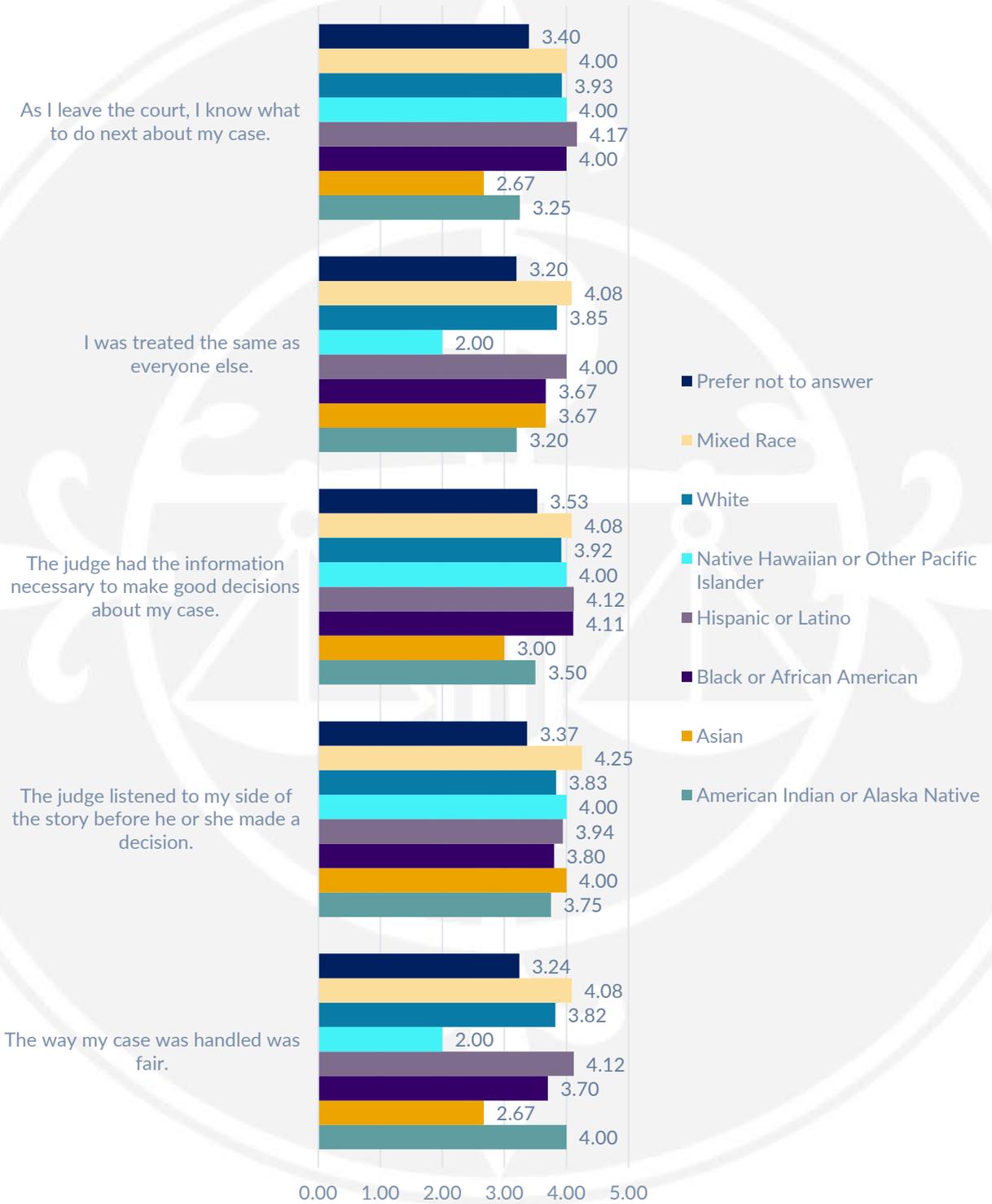


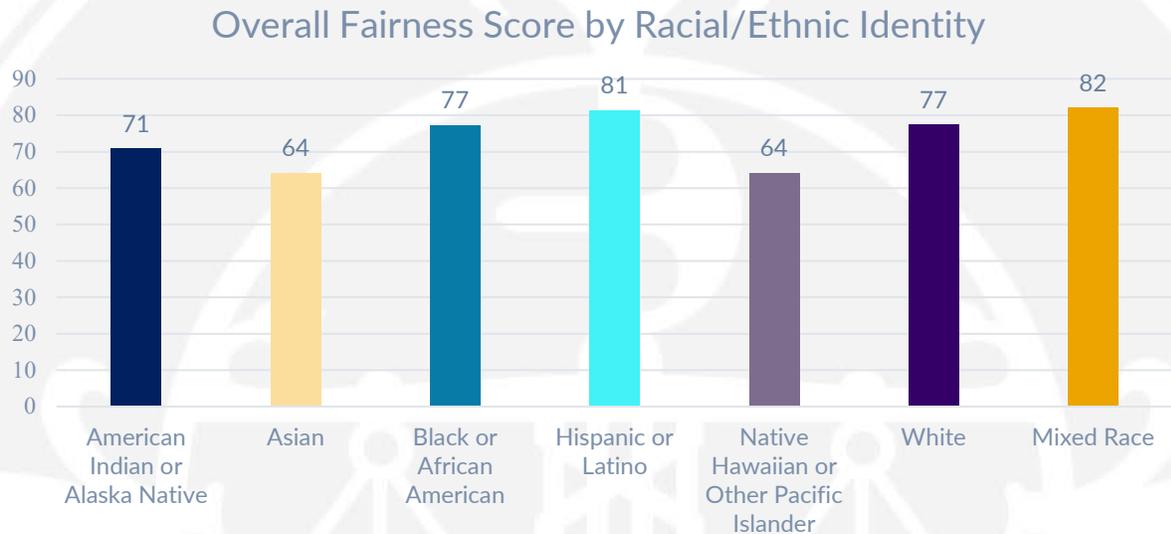
Figure 18.

Fairness Average Response Scores by Racial/Ethnic Identity



Overall, when Fairness scores are computed for each group, the lowest scores are among participants who identify as Asian and Native Hawaiian or Other Pacific Islander (Fairness Score = 64) followed by American Indian or Alaskan Native participants (Fairness Score = 71; see Figure 19).

Figure 19.



A one-way ANOVA was calculated on participants' ratings of Fairness. Results indicate that there is not a statistically significant difference in Fairness ratings for racially Diverse ($N = 50$, $M = 18.62$, $SD = 5.07$) and White ($N = 352$, $M = 18.25$, $SD = 5.28$) participants ($F(1,400) = .213$, $p = .645$). However, there was a statistical difference in Fairness scores for gender, with men scoring higher ($N = 193$, $M = 19.20$, $SD = 5.05$) than women ($N = 228$, $M = 17.50$, $SD = 5.31$; $F(1,419) = 11.28$, $p < .001$). The overall Fairness score for female participants (Score = 75) was lower than the male participants (Score = 80) with female participants consistently reporting lower perceptions of fairness than men across all five questions (see Figures 20 and Figure 21).

Figure 20.

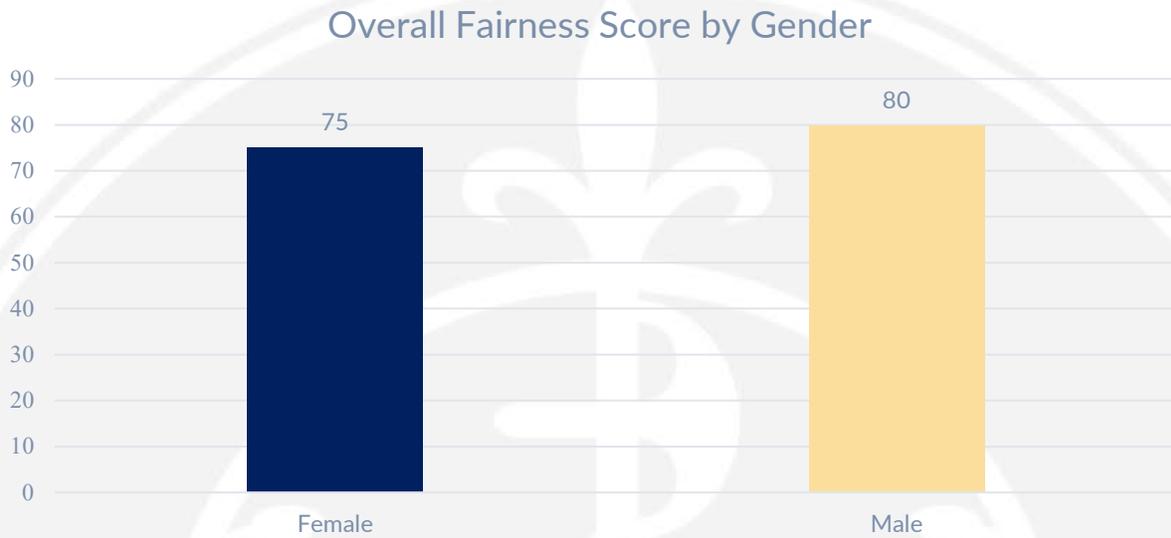
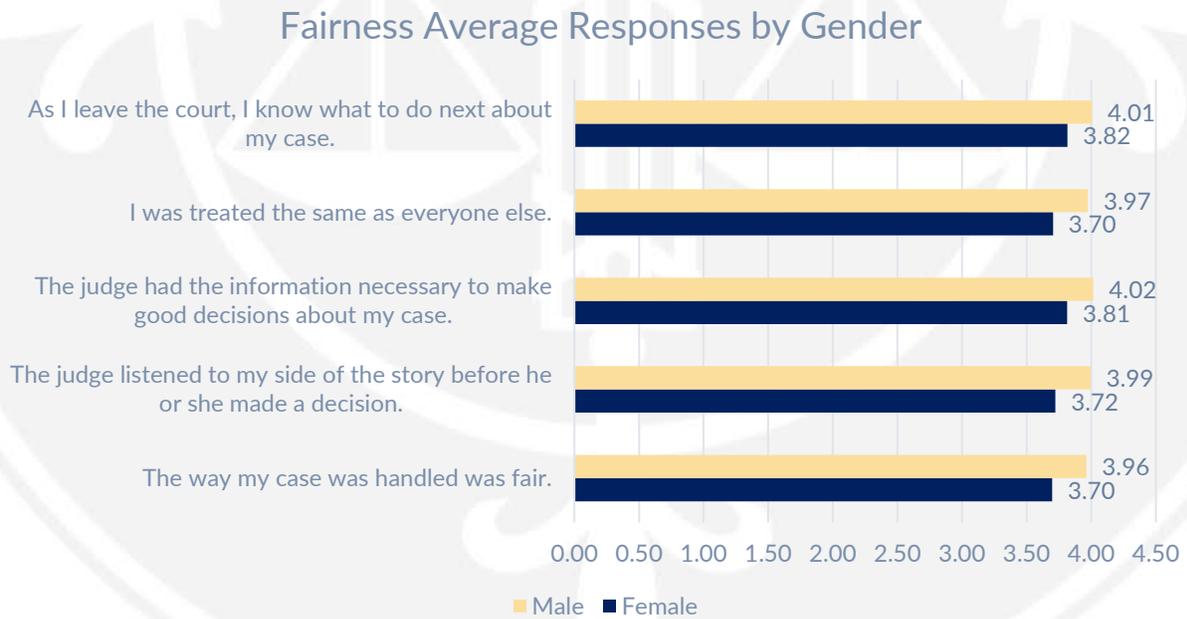
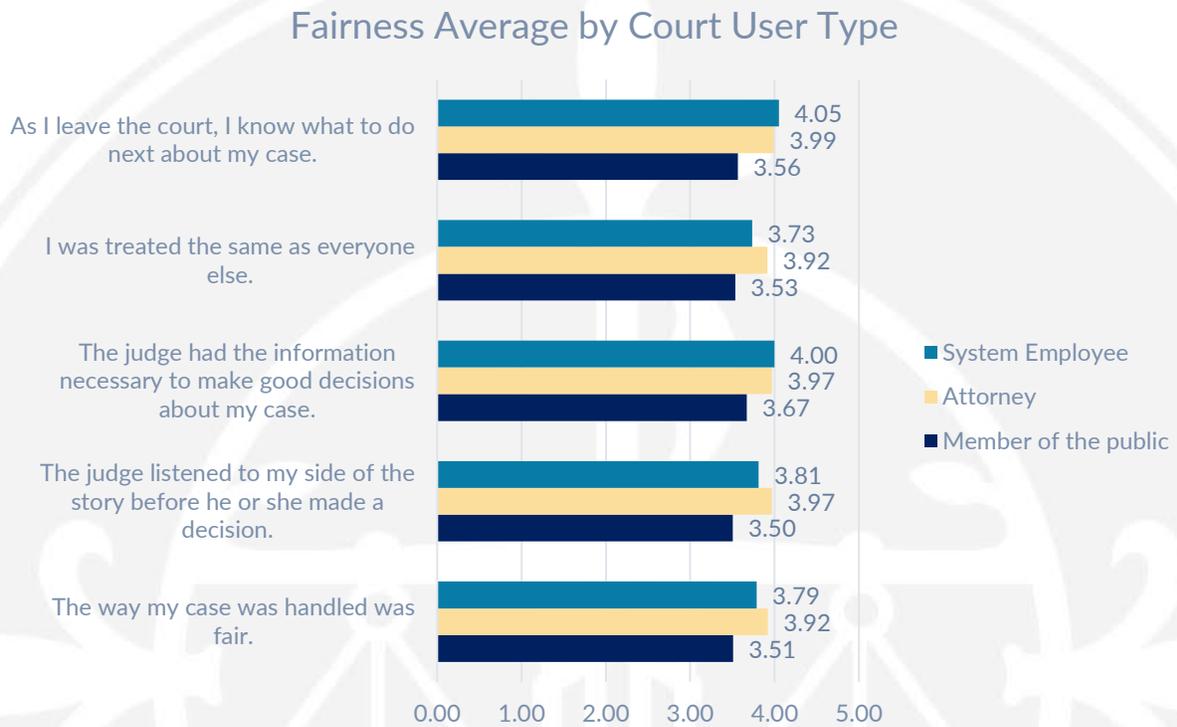


Figure 21.



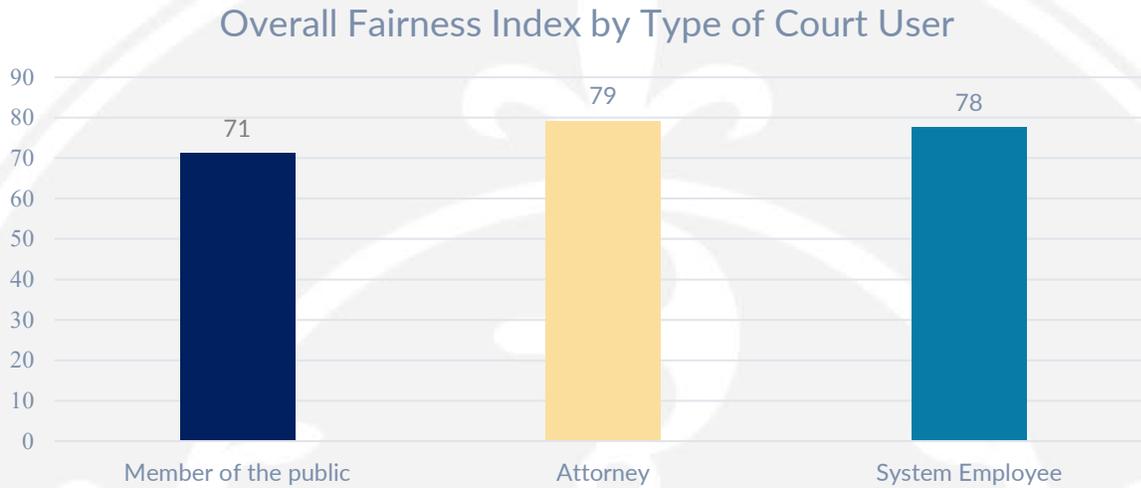
Similar to the Access data, Fairness was also examined by type of court user (see Figure 22).

Figure 22.



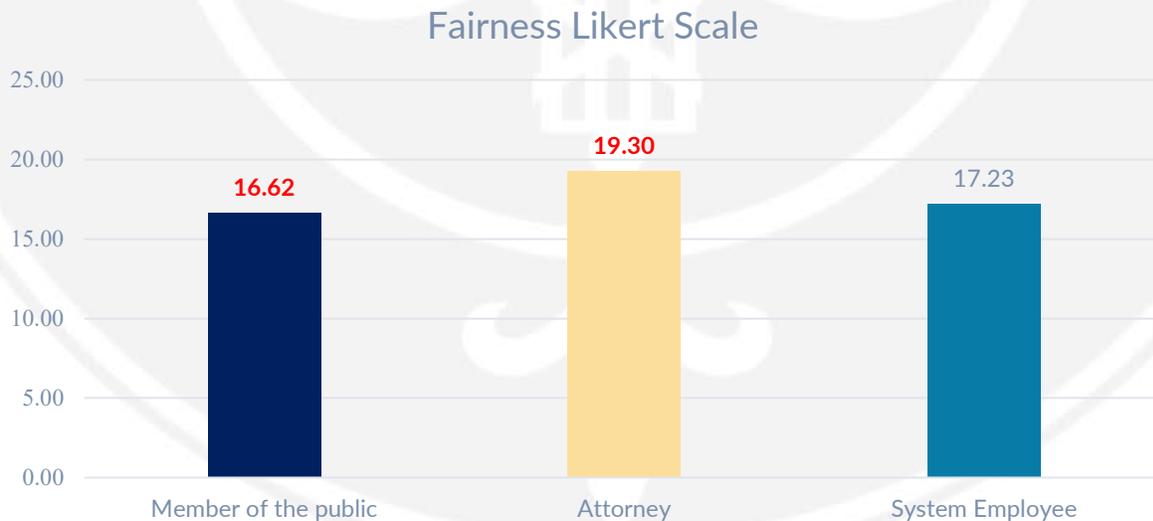
Again, the results indicated that members of the public had the lowest Fairness scores (Score = 71) followed by justice system employees (Score = 78) and attorneys (Score = 79; see Figure 23).

Figure 23.



A one-way ANOVA was conducted on type of court users' Likert ratings of Fairness. Results indicate that there is a statistically significant difference in Fairness ratings for type of court user ($F(1,451) = 12.94, p < .001 (r = .054)$) between member of the public ($N = 154, M = 16.62$) and attorneys ($N = 204, M = 19.29$) but not justice system employees ($N = 96, M = 17.22$; see Figure 24).

Figure 24.

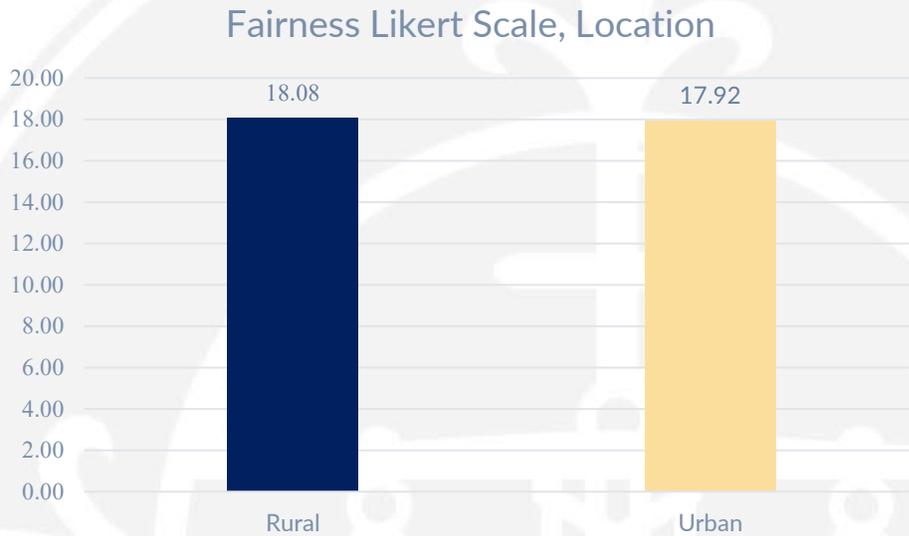


Note: red items are statistically significant between member of the public ($N = 154, M = 16.62$) and attorneys ($N = 204, M = 19.29$).

Differences between attorneys and justice system employees were not statistically significant. When looking at Fairness based on type of court user, no differences were found across race or gender.

Finally, Fairness was examined by geographic location (see Figure 25).

Figure 25.



While rural court users reported slightly higher Fairness Likert scores than urban court users, these results were not statistically significant.



Research and Data

Operations Division

Administrative Office of the Courts and Probation

Nebraska State Capitol Building, Room 1209

Lincoln, NE 68510