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Introduction to Public Trust and Confidence in the Courts

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Introduction to this issue: Public Trust and Confidence in the Courts

David B. Rottman, Ph.D., and Alan J. Tomkins,
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This special issue is fortunate in its timing. The topic of public perceptions of the courts is having a rare moment in the limelight thanks to the drama of Florida's ballots and what can count as a vote (or what opportunities there are for recounting ballots) in the U.S. Presidential election. The outcome of the political election seemed to rest on successive decisions by the judicial system: in particular, Florida's trial and appellate courts, the federal court of appeals, and ultimately the U.S. Supreme Court. Each of these courts addressed the propriety of electoral ballot counts for Presidential candidates in various Florida counties. The apparent political nature of the legal decisions in virtually each case fueled concern about the solidity of public support for the judiciary. In particular, claims were made that the results were partisan and would cause an abrupt decline in public support for the courts and in the value given to the judiciary's independence of other branches of government.

Our initial call for papers for this special issue preceded the Florida events by more than a year. Nonetheless, the resulting issue is very relevant to the questions raised in news reports and debated in list-serves of social scientists and legal professionals interested in the law and legal institutions.

What do the articles have in common? All seven articles are empirical. Six of the seven rely on data from surveys conducted in the United States and analyze opinion on "state and local courts" or "courts in your community" or "the courts of State X". The U.S. Supreme Court, the staple of political science and sociological examination of American courts, is rarely mentioned. This may, in part, reflect the availability of new data. Fifteen states have commissioned opinion surveys since 1995. In addition, in recent years three national surveys focused on state, but not federal, courts.

There are other similarities among the articles. All seven studies refer to racial and ethnic differences in opinions about the courts and legal institutions, and four of the seven explicitly seek to explain those differences, including the sole non-U.S. study, a consideration of ethnic differences in Israel.

The special issue opens with a critique of the applicability to state and local courts of explanations for confidence in the U.S. Supreme Court and a to state and local courts. Sarah C. Benesh, Ph.D., and Susan E. Howell, Ph.D. ("Confidence in the Courts: A Comparison of Users and Non-Users") put forward and test an alternative perspective rooted in the public's direct experience of state and local courts.

The next four articles, in varying ways, tackle racial and ethnic differences in perceptions of the courts. Tom R. Tyler, Ph.D. (“Public Trust and Confidence in Legal Authorities: What Do Majority and Minority Group Members Want From the Law and Legal Institutions?”) draws on data from four opinion surveys to test the proposition that the willingness of minority groups and the majority to support legal institutions depends on a perception that people are treated fairly. Rodolfo O. de la Garza, Ph.D., and Louis DeSipio, Ph.D. (“A Satisfied Clientele Seeking More Diverse Services: Latinos and the Courts”) use a recent national survey to take a pioneering look at how Latinos view the courts, placing the observed patterns and relationships in the broader context of the Latino experience in the United States. Richard R. W. Brooks, J.D., Ph.D., and Haekyung Jeon-Slaughter, Ph.D. (“Race, Income and Perceptions of the U.S. Court System”) question the monolithic nature of African Americans’ opinion on the courts and legal institutions generally. Drawing on studies of local police and local courts, they consider the effect of income within race, finding that middle class African Americans are the least well disposed toward the courts in their communities. The next article offers the international dimension to an otherwise all-American issue. Arye Rattner, Ph.D., Dana Yagil, Ph.D., and Ami Pedahzur, Ph.D. (“Not Bound by the Law: Legal Disobedience in Israeli Society”) compare the self-reported willingness to obey the law by the general Jewish population, Yeshiva (Jewish seminary) students, and the general Arab population.

Two articles on juries round out the special issue. Robert G. Boatright, Ph.D. (“Generational and Age-Based Differences in Attitudes Towards Jury Service”) offers the first of two studies of jury-related behavior and opinions. His distinctive focus is on differences across generation. He tests three alternative models for linking opinions and response to jury summons to age. Finally, in a study of jurors in North Carolina, Brian L. Cutler, Ph.D., and Donna M. Hughes, Ph.D. (“Judging Jury Service: Results of the North Carolina Administrative Office of the Courts Juror Survey”) consider the satisfaction with the courts of persons who have direct experience of the courts through jury service.

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Special Issue Editors