

Confidence in the Courts: a Comparison of Users and Non-users

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Much work has been done on the correlates of confidence in the United States Supreme Court. However, very little research has been undertaken to discern the correlates of confidence in state and local courts. Using survey data from Louisiana, we examine confidence in state and local courts. We focus on the role of experience, arguing that the opportunity for wide participation in these courts makes the confidence calculation different from that of a remote institution like the US Supreme Court. We find that, indeed, experience matters and further, that type of experience matters. Those with more stake in the outcome of the court case and less control over it (e.g., defendants) are least confident in state and local courts, while those with little stake and substantial control (e.g., jurors) are most confident in them. Procedural justice concerns also loom large in the confidence calculation for these lower courts. Timeliness, courtesy, and equal treatment all affect public confidence. Copyright © 2001 John Wiley & Sons, Ltd.

It has become somewhat of a trend over the past ten years for states to commission public opinion surveys about their court systems. A recent article listed 17 states that have commissioned such surveys (Kritzer & Voelker, 1998). This trend follows from the correct assumption that courts, as the third branch of our democratic government, should exist, at least partially, to serve the public interest.

In contrast to the high levels of support enjoyed by the US Supreme Court, recently estimated at 77% (Bennack, 1999),¹ the aforementioned studies indicate that confidence in state and local courts is usually lower, depending upon the state, and is definitely more variable. Kritzer's 1998 review of the state studies

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¹Combining responses "great deal" and "some" to the question "How much trust do you have in the US Supreme Court?". An older study yielded about 72% of respondents with some level of confidence (NCSC, 1978).

estimated the range of confidence or approval as being from 72% (Ohio) to 13% (Florida).² The primary reason to expect differences between support for the US Supreme Court and support for local and state courts is the aura of authority associated with the Supreme Court in combination with its remoteness from most citizens' lives. The Supreme Court's decisions are more likely to involve abstract issues, or specific interpretations of constitutional law. These decisions go largely unnoticed by the general public, and indeed may not have any immediate impact detectable by the public.³ Furthermore, much research has documented the low level of information about the US Supreme Court (Baum, 1992; Epstein, Segal, Spaeth, & Walker, 1996; Franklin & Kosaki, 1995; Glick, 1993; Segal & Spaeth, 1993). This low level of knowledge, coupled with the mystique that accompanies the usual lack of visible political conflicts and agendas (Hibbing & Theiss-Morse, 1995), contributes to a high level of support for the Supreme Court.

In contrast, state and local courts affect citizens' lives every day, and those citizens affected, at times, are quite aware that a court was responsible for the action. It is the state and local courts with which citizens have contact, if they have contact with a court at all, and despite political scientists' interest in questions of national scope, the average citizen is more interested in questions of crime reduction, child support, sentencing policies, awards in civil courts, and a myriad of other matters settled in state and local courts. The variety of matters adjudicated in these courts, coupled with the concrete wins and losses incurred, naturally leads to lower levels of support.⁴

All political institutions need some level of support among the people (Baum, 1992; Caldeira, 1991; Carp & Stidham, 1991, 1993; Marshall, 1989). However, confidence in state courts, or lack of it, may have more concrete consequences than confidence in the Supreme Court. For example, people may be less willing to participate in the system as a juror, or less likely to bring conflicts into the system for resolution (Roberts & Stalans, 1997). In the absence of confidence, they may be less compliant with decisions such as those involving civil suits and domestic disputes. At the extreme level, a lack of confidence in "normal" channels may lead to attempts at individualized justice in the form of political connections, bribery, taking the law into one's own hands, and other means

²This range of approval or confidence is based on a wide variety of question wordings and response alternatives. In some cases, a simple approve/disapprove or positive/negative scheme was used. In others, the amount of confidence was measured. Still others used an excellent to poor categorization scheme. The range reported above is based on the assessment was Kritzer and Voelker (1998) of what categories comprised the positive end of these scales.

³While the Supreme Court has occasionally played a highly visible and political role in cases like *Brown v. Board of Education* (347 U.S. 483 (1954)), *Roe v. Wade* (410 U.S. 113 (1973)) and, most recently, *Bush v. Gore* (121 S.Ct. 525 (2000)), these cases are notable as exceptions and span over 40 years.

⁴It should be noted that, in this study, the phrase "state and local courts" refers to all non-federal courts. The original purpose of the data collection utilized here, sponsored by the Louisiana Supreme Court, was to assess citizens' evaluations of state and local courts in Louisiana. The local courts are part of the statewide system being evaluated, so no distinction was made between a state appellate court and a local trial court, for example, in the survey instrument. Respondents were asked about their experience with "the court system in Louisiana." A small number of respondents described a federal case rather than a state case (describing their case being in the federal court building or naming the federal prosecutor as their opposition) so those interviews were terminated.

to circumvent the system. This is obviously a much greater risk to the system than having less than perfect confidence in the US Supreme Court, although certainly some noncompliance with the US Supreme Court's decisions has been notable (e.g., desegregation).

In addition, in the lower courts, public opinion may actually affect decision making. Forty-eight percent of state judges are initially elected by the public; 52% are appointed (ABA, 1998). In both situations these judges have been found to feel some accountability to the public and might, therefore, let their decisions be influenced by public opinion in order to gain subsequent reelection or reappointment by a duly elected official (Brace, Hall, & Langer, 1996; Hall, 1987, 1992). Surely federal judges, especially Article III judges appointed for life, are not so concerned about their constituencies (see, e.g., Segal & Spaeth, 1993).

This research proposes and tests a model of confidence in Louisiana state courts among two groups of citizens: those who have had a recent experience with that level of court and those who have not had a recent experience. The unusually high level of personal experience with state courts—the 1999 national survey reports that 52.5% had some personal involvement in their lives—provides a unique opportunity to examine the determinants of confidence among those who have actually had contact and to compare those results to a model of confidence among those without such experience to really gauge experience's effect (Bennack, 1999). Most other institutions of government do not have the volume of public contact that characterizes state and local courts. Court "users" are in the unique position of observing firsthand the workings of the system and from that experience make judgments as to their legitimacy and fairness. Surely such direct experience with this particular set of institutions will affect confidence in them. Because citizens are more likely to have had contact with the state court system than most other agencies of government, the effects of their experiences on confidence in that system are worthy of our consideration and must be included in any general model of institutional confidence.

Of course, conceptualizing the term "court user" can be problematic. Does it mean that the person had to actually appear in court in person, or would use of a lawyer suffice? Would the experiences of family and friends be relevant? How long does the experience affect a person's attitudes? Obviously, traumatic court trials may never be forgotten, but a traffic court appearance can be forgotten in a month. In order to maximize the probability of remembering the experience, we stipulated that the respondent had to be personally involved, even if through a lawyer, and that the experience had to have occurred within the last five years. We did not want to include experiences filtered through the perceptions of family, friends, or the media. Most important, even though the five-year time period is somewhat arbitrary, we wanted "court users" to be able to recall details about their experience. Memory of even a traumatic experience will be faulty over time. Non-users, then, are defined as anyone without a court experience in the last five years. Admittedly, this will include people who follow court reality shows closely and those who have family members involved in court cases, but for purposes of defining direct experience, we deem this classification to be reasonable.

INFLUENCES ON CONFIDENCE IN THE LOWER COURTS AMONG NON-USERS

There are a number of variables that we hypothesize affect evaluations of the state courts among those who have not been to court recently. Given media coverage of the criminal justice system, citizens are able to use bits and pieces of information in combination with conversations with friends and co-workers to form opinions. Citizens do not feel constrained by lack of experience or information from offering an opinion (see, e.g., Sniderman, 1993; Zaller, 1992).

Perceptions of Equality

First, perceptions of equal treatment by the courts will affect overall confidence. This perception is essentially an assessment of whether the court system exacerbates or ameliorates the existing inequities in our society. Do citizens think whites and blacks receive the same treatment in state and local courts? Wealthy and poor? Men and women? It is probably not realistic to expect many people have such an idealized image of the local courts that they believe in completely equal treatment, but the extent to which they believe it is violated should affect their confidence in the system. After all, it is the courts that are reputedly charged with protecting minorities and with being a haven for the downtrodden. This expectation of the courts and the extent to which they are thought to meet it should influence confidence.

Court Responsibility for Crime

Second, the level of responsibility that citizens attribute to the courts for the crime problem is hypothesized to affect their confidence (see, e.g., Doble, 1987; Roberts & Stalans, 1997). Much of the negative publicity about local courts involves light or suspended sentencing, bail policies, and the liberal use of parole. Often publicity is triggered by someone with a lengthy previous record committing another serious crime, leaving the public to wonder why this person was on the street and not in prison. Thus, citizens who hold the courts partly responsible for the crime problem are expected to have less confidence in them, even though the crime problem is only one issue with which courts deal.

Timeliness of Courts

Third, the public often perceives that the wheels of justice move too slowly, leaving them unprotected. According to the most recent national survey, 80% of respondents either strongly agreed or somewhat agreed with the statement "Cases are not resolved in a timely manner" (Bennack, 1999). Some citizens also believe that the slowness of justice allows criminals to go unpunished too long, and that the volume of paperwork associated with that process allows some defendants to "fall through

the cracks.” Indeed, many who have considered going to court decide not to because of the slow pace of justice. In fact “Too much hassle/time” was the most common reason for not pursuing a potential lawsuit given by respondents in the Louisiana study (Howell, 1998). Thus, perceptions about the timeliness of court procedures are expected to influence confidence in the courts.

Courteous Treatment

A fourth variable that may influence confidence in the courts among those without recent experience is whether they deem government workers in general to be friendly or courteous. Virtually all citizens have had experience with postal workers and motor vehicle departments among other governmental agencies, and some of these experiences have been with rude or unpleasant government employees. Furthermore, some hold a stereotype of government workers as people who enjoy saying “no” and erecting roadblocks to service. Even without direct experience with the courts, some citizens may generalize from their experiences with other agencies of government, or they may apply negative stereotypes of government workers to employees of the court system, when asked to rate courtesy among court personnel. For non-users then, this variable is really an expectation of the amount of courtesy and friendly treatment they would expect to receive were they to go to court.

Both timeliness and courtesy considerations, as well as the perception of equal treatment, stem from the idea that procedures matter. That is, not only do those bringing their cases want to win, but they also want the procedures to be just. Much research on the idea of procedural justice confirms this notion (Craig, 1993; Hibbing & Theiss-Morse, 1995; Tyler, 1990; Tyler *et al.*, 1985). This leads us to believe that procedural considerations will loom large in the determination of confidence in state and local courts as well as that in other institutions and may be, as some of the above cited authors contend, even more important than outputs of institutions.

Demographics

The model of confidence for those who have not been to court recently also contains controls for age, education, income, gender, and race. These variables are not expected to have direct effects on confidence since their effects are expected to be mediated by the attitudinal variables. They are included to control for other, unmeasured attitudinal variables represented by these demographic characteristics.

INFLUENCES ON CONFIDENCE IN THE COURTS AMONG USERS OF THE COURTS

Evidence is inconclusive as to the role of experience on confidence in state and local courts. The original 1978 study by Yankelovich, Skelly and White commissioned by the National Center for State Courts concluded that people who had been to court

had less confidence in the state and local courts than those without experience (NCSC, 1978). This finding was disputed by Kritzer and Voelker (1998), who reanalyzed the published tables and found no statistical evidence to support the conclusion. A general population survey in Virginia found that those with recent court experience had more positive perceptions of the court system than respondents without court experience. In contrast, a general population survey in Wisconsin (Kritzer & Voelker, 1998) found no significant differences between court users and non-users. It is our contention, using evidence from a general population survey in Louisiana (Howell, 1998), that court users are both more positive *and* more negative about the courts; i.e., their opinions are more polarized.

The Role of Experience

We contend that the mixed findings cited above are a result of the conceptualization of “experience.” People go to court for a variety of reasons, some voluntary and some not. They serve as jurors,⁵ civil litigants, parties to domestic disputes, traffic violators, witnesses, visitors accompanying a friend or relative, or defendants. Combining all of these disparate roles into one group will certainly muddle the impact of experience. Surely some experiences are more positive (being a juror) and some more negative (being a criminal defendant). Type of experience, then, should matter.

We conceptualize experience along a continuum, where at one end one finds participants who have very little stake in the case at hand, but have much control over the disposition of the case. At the other end, we find people with a very large personal stake in the case, but with little control over the outcome. We argue that the amount of stake and the level of control matter *in combination*. The role of stake should be obvious, since it represents a clear material and personal outcome—how much do I have to win or lose? The role of control, however, is more subtle. Psychologists have long recognized that an individual’s self-esteem is tied to their perceived or real control over their environment (Bandura, 1977; Lewinsohn, Hoberman, Teri, & Hautzinger, 1985; Seligman, 1975). Lack of control has been linked to physical illness (Taylor, Kemeny, & Reed, 2000) and to depression (Nolen-Hoeksema, Grayson, & Larson, 1999; Rosenfield, 1989). Therefore, we would expect those with little control to be less comfortable with their experience and hence less satisfied with it and, by extension, with the court system in general. Thus, the combination of low control with a high personal stake in the outcome should be associated with greater anxiety, and consequently a less positive court evaluation.

Those with little stake and high control would include jurors,⁶ and court employees and attorneys, the decision makers and direct members of the system, who have little at stake in any individual case. At the other end of the continuum are

⁵In order to be categorized as a juror, the respondent had to have reported for jury duty, gone through processing, and been on call for a certain period of time. He or she did not actually have to serve on a jury.

⁶It is true that jurors may feel quite out of control with the process as they are told when to appear and what to do. However, our control measures taps control over the outcome. The jury has complete control over that, especially when it is mandatory that it reach a unanimous verdict. Hence, jurors have more control than do defendants in our operationalization of the measure.

those with a very high personal stake in the outcome, but little control over it. Here we find the criminal defendants, civil litigants, victims, and parties to domestic disputes. We expect that these participants' view of the courts as fair, dependable, or legitimate will suffer from their participation in the process. A middle category consists of witnesses, traffic court participants, and visitors, all of whom have either less stake than one group, or more control than the other group. Combining all of the court participants into one category of "those with experience," as other studies have done, masks these important differences that are theoretically meaningful.⁷

The Outcome Effect

Of course, we must also control for what we deem the "outcome effect" sure to exist among users. Even noting that process considerations matter and that people value procedural justice highly (e.g., Tyler, 1990), people are still self-interested in general; therefore, the outcome of their case, for example, whether they win or lose, probably also affects their subsequent evaluation of the lower courts. We posit, then, that those with positive outcomes will have more confidence in the courts than those who suffer negative outcomes. The role of the judicial system is to settle disputes after all, so it is natural for the outcome of one's dispute, whether with another citizen or with the state, to influence one's evaluation of the court system.

In sum, our model of confidence in the courts for those who have not had recent court experience includes perceptions of equal treatment, timeliness, court responsibility for crime, courtesy of court employees, and five demographic control variables. The model of confidence in the courts among those with recent experience includes all of these explanatory variables plus the two variables specific to experienced respondents: the measure combining stake and control over outcome, and the user's satisfaction with his or her own case resolution.

The Data: A State-wide Survey

The data are from the "Citizen Evaluation of the Louisiana Courts" survey conducted by the University of New Orleans Survey Research Center in 1998. A random sample of Louisiana households was selected using random digit dialing procedures. This initial sample yielded 1208 respondents, 43% (515) of whom reported having had some experience with the Louisiana court system in the last five years. A second survey was conducted in which interviewers used a similar random sample but screened potential respondents for those who had recently used the court system, using the same question from the general sample, "Have you had any experience with the court system in Louisiana—that is, in person, through a lawyer, or through some other means—during the past five years?" An additional 792 users

⁷Indeed, frequencies on the dependent variable support our categorization. To wit, of those with low stake and high control, we find that 64% of jurors and 72% of court employees/lawyers approve of Louisiana's courts. Those in the high stake/low control category are far less approving: 41% of defendants approve of the courts; 42% of civil litigants approve; 36% of victims approve; and 54% of domestic claimants approve.

of the courts were interviewed in this second round, bringing the total number of users to 1307. Forty-eight of these respondents either refused to describe their experience or merely went to the courthouse to obtain some sort of certificate. These respondents are excluded from the analysis. Several other respondents refused to answer the question used for the dependent variable regarding confidence in state and local courts or other of the demographic questions. They were excluded as well. The final models tested in this research utilize 563 non-users and 1159 users.⁸

Since there is a national survey of opinion toward state and local courts (see Bennack, 1999), why are we not using those data? The problem is with its measure of “experience with the courts.” All court experiences over the lifetime of the respondent were counted in the national survey, even if that experience was 20 or more years ago, and a person could respond as having more than one type of experience (and many did). There is virtually no way, then, to isolate the effects of different types of court experience since it is not altogether clear which court experience(s) a respondent is drawing upon to make their evaluation (see, e.g., Benesh, 1999). While one may plausibly argue that knowing all of the experiences a person had over the years is a better way to determine the additive influence of those experiences, we argue that we obtain a much clearer picture of the impact of particular types of experience by asking only about a respondent’s most recent experience. It may be the case anyway that the most recent experience colors perceptions more than a past full of experiences—a sort of recency bias (see, e.g., Schuman & Presser, 1996). Therefore, while we cannot address questions here about the influence of several different experiences over a lifetime, we can speak of the unique influence of specific types of experience closest to a respondent’s recall. This, we think, is the benefit of focusing on a single, recent experience. Of course, the disadvantage of a one-state study is its unknown generalizability.⁹

In addition to this increased ability to discern the influence of type of experience, this survey is also beneficial as it offers great diversity in types of court user included. Table 1 presents the distribution of types of court users in the sample we analyze (i.e., cases remaining after the aforementioned users are excluded). As seen there, service on a jury was by far the most frequent type of experience, but a majority of respondents had some other type of experience. Again, we assume that certain types of experience will influence evaluation of the courts positively, while certain others will influence it negatively.¹⁰

⁸Those excluded do not seem to vary systematically from those included as to court approval (excepting those who refused to answer that question, of course), proportion having a court experience, satisfaction with experience (if they had one), or any of the demographic variables. Therefore, we deem their exclusion to be nonproblematic.

⁹The reader may be additionally concerned since the Louisiana court system is different from the other 49 states. However it seems that differences between the Louisiana court system and those of other states have been exaggerated. On the one hand, Louisiana does retain vestiges of the European Napoleonic tradition. However, the organizational structure of Louisiana’s courts is similar to many other states. Indeed, Louisiana is one of the states in which judges are elected. We have no reason to believe that its reliance on civil code, therefore, should affect our findings as to citizen confidence.

¹⁰The reader may wonder why we do not test type of experience directly. We do not because our theory posits that type of experience matters not directly, but rather indirectly through stake in outcome and control over outcome. Therefore, the direct effects of type of experience are irrelevant.

Table 1. Users of the Louisiana courts

Type of experience	Percentage of users	Number of respondents
Jurors	28.0	325
Divorce	12.6	146
Traffic court	12.2	141
Visitor	11.0	128
Civil plaintiff	8.5	99
Witness	8.5	99
Criminal defendant	6.0	70
Civil defendant	5.2	60
Victim	2.7	31
Court employee	2.8	33
Lawyer	2.3	27
Total users	100.0	1159

Operationalization of Variables

As stated above, we test for the influence of several variables on both sets of respondents; that is, there are several influences we think are important to both users and non-users in their evaluation of the courts. These include confidence, equal treatment, timeliness, courtesy, responsibility for crime, and the various demographic controls. In this section we detail the measurement of those variables as well as the operationalization of the two variables specific to user confidence: stake/control and satisfaction with outcome.

The dependent variable, confidence in the state and local courts, is measured by answers to the question, "Generally speaking, do you approve or disapprove of the job the Louisiana courts are doing? Is that strongly or not very strongly?" This is a four-category dependent variable with satisfaction increasing numerically.

Equal treatment by the courts is measured by a factor scale of the following related questions: "Courts treat whites and minorities alike;" "Courts treat poor people and wealthy people alike;" and "Courts treat males and females alike." All of the questions comprising this scale have four categories. We recoded the missing values to an additional, neutral category, assuming that those who had no opinion neither agreed nor disagreed with the given statement. The confirmatory principal components analysis retained one factor with an eigenvalue of 2, explaining 66.68% of the variance in responses to those three questions for users and one factor with an eigenvalue of 1.926, explaining 64.21% of the variance for non-users.

Perceived responsibility that the courts have for crime is also measured as a factor scale from a principal components analysis. That scale is comprised of the following items: "Courts bear some responsibility for the crime problem;" "Courts grant bail too often;" and "Courts are too soft on people who commit crimes." Again, these are four-category ordinal variables with an additional, neutral category added for those expressing no opinion. The confirmatory principal components factor analysis yields a single factor with an eigenvalue of 1.647 explaining 54.91% of the variance in responses for the users, and an eigenvalue of 1.558 explaining 51.94% of the variance in responses for the non-users.

The courtesy level of the courts is measured by another factor scale which combines several indicators of courtesy measured in four-category ordinal variables. The questions comprising this scale are as follows: "The courts do a good job in explaining court procedures and services to the public;" "Judges show courtesy and respect to people using the Louisiana court system;" "Court personnel show courtesy and respect to people using the court system;" and "Clerical and other court personnel are helpful and courteous." This set of components yields an eigenvalue of 2.108, explaining 52.71% of the variance among the measures for the users, and an eigenvalue of 2.203, accounting for 55.08% of the variance in responses from the non-users.

The timeliness measure is a scale composed of the following related questions: "Too much time passes from arrest to trial;" "Court cases are completed in a reasonable time;" and "The waiting time in the courtroom is reasonable."¹¹ These produce, again, a single factor. For users, the eigenvalue is 1.403 and that single component accounts for 46.75% of the variance in responses. For non-users, the eigenvalue is 1.453 and this single factor accounts for 48.42% of the variance among the indicators. The factor scores, in all of the multiple-indicator measures cited above, constitute the actual variables.

Finally, age is coded categorically from 1 to 6 with one being the youngest respondents and 6 being the oldest; education is coded categorically from 1 being the least educated to 7 being the most; income is coded categorically from 1 indicating the least wealth to 9 indicating the most wealth; gender is coded 1 for female, 0 for male; and race is coded 1 for black and 0 for non-black.¹²

Variables hypothesized to additionally effect confidence in the courts by its users include stake in outcome and satisfaction with case resolution. The stake/control continuum is coded 1 for low stake, high control (jurors, court employees, and attorneys); 2 for medium stake, medium control (witnesses, traffic court users, and visitors); and 3 for high stake, low control (criminal and civil defendants, plaintiffs, victims, and divorce litigants). Type of participation is measured by the following question, "In what way were you involved in court?" asked of those indicating experience with the court in the last five years. If a respondent was involved in more than one way, the most recent experience was coded.

Satisfaction with outcome was obtained via the question, "Were you satisfied or dissatisfied with the outcome of the most recent case in which you were involved?" asked only of those having experience. Responses were coded 0 for dissatisfied, 1 for no opinion, and 2 for satisfied.

Results and Discussion

As the discussion above indicates, we advance several hypotheses. They are as follows:

¹¹These are coded such that the higher numbered responses indicate greater dissatisfaction with timeliness. Hence, we expect this variable to be negatively related to confidence.

¹²Blacks are the only minority in Louisiana that yields substantial numbers in a sample survey. According to the 1 July 1999 Census Bureau figures, Hispanics constitute only 2.7% of the population and other minorities even less than that. In Louisiana, racial differences manifest themselves clearly as black versus white.

H₁. Court users, because of their experience, will be both more confident and less confident in the Louisiana courts than those that have not used the courts. That is, experience will be a polarizing factor in court evaluation.

H₂. Users themselves will differ significantly depending upon the level of stake in the outcome and control over the outcome they had in their most recent experience. That is, those that have more stake and less control (defendants, plaintiffs, victims, and parties to domestic disputes) will have less confidence in the courts than those with a low stake in the case and a high level of control over its outcome (jurors, court employees, and attorneys).

H₃. Users who are satisfied with their outcome will be more approving of the courts than those not satisfied with the way their case turned out.

H₄. Confidence levels of both users and non-users will be affected by perceptions of equal treatment by the courts and by the level of responsibility they deem the court to have for crime; two correlates of court support generally found in the literature.

H₅. The confidence level of users will be additionally influenced by the way they were treated in court; that is, those users who perceive the courts to be "courteous" will more highly approve of the courts, as will those that deem cases to be completed in a timely manner. Non-users may be similarly influenced via stereotypes of government workers and information received on the timeliness of court proceedings.

H₆. Finally, demographic variables (age, education, income, gender, and race) will not affect perceptions of the Louisiana court system for either users or non-users.

In order to test the first hypothesis, we can take a simple descriptive look at the relationship between recent experience with the courts and confidence in the courts. As seen in Table 2, there does indeed seem to be a *polarizing effect* of experience. Users are significantly more likely to strongly disagree that courts are doing a good job than are non-users, but it is also the case that users are significantly more likely to strongly agree with that same statement. Thus, it is not as simple as experienced versus inexperienced. This polarization suggests that some types of experience serve to promote confidence in the courts while others serve to depress such confidence. It may also explain the differential results of earlier research. The mix of types of experience in one's sample will affect the relationship between experience and confidence. Hence, it makes sense to probe more deeply into the aspects of that experience that influence confidence in the courts.

Table 3 presents the results of two regressions which examine these relationship more systematically: one including those who have had no experience with the Louisiana courts in the last five years, and one including those with experience with

Table 2. Confidence in Louisiana courts

Confidence	Users	Non-users	Sig. level*
No confidence (strongly disapprove)	16.9%	10.6%	.001
Little confidence (somewhat disapprove)	23.2	30.9	.001
Some confidence (somewhat approve)	51.8	53.8	Not significant
Much confidence (strongly approve)	8.1	4.8	.01

*Using a standard difference of proportions test for two samples, we test whether the difference between users and non-users is statistically significant. This column provides the level at which the difference is significant.

Table 3. Multivariate analyses of confidence in Louisiana's courts

Variable	Users		Non-users	
	Std coeff.	Sig. level	Std coeff.	Sig. level
Timeliness	.098	.001	.175	.000
Equal treatment	.034	.260	.102	.017
Courtesy	.285	.000	.192	.000
Responsibility for crime	-.110	.000	-.099	.019
Gender	.003	.900	.009	.818
Income	.042	.124	-.048	.229
Race	-.004	.874	.001	.983
Education	.003	.915	.026	.515
Age	-.091	.001	-.037	.367
Stake in outcome	-.058	.041	n/a	n/a
Satisfaction with outcome	.126	.000	n/a	n/a
	<i>N</i> = 1158		<i>N</i> = 563	
Model fit	<i>F</i> = 26.109	.000	<i>F</i> = 10.913	.000
	Adj. <i>R</i> ² = .193	SEE = .78	Adj. <i>R</i> ² = .137	SEE = .69

those courts during the last five years. Immediately evident is the importance of type of experience and satisfaction with that experience to the confidence levels of users. Indeed, even after controlling for those variables that affect non-users' confidence (perceptions of equal treatment, timeliness, courtesy, and responsibility for crime) and certain demographic variables, we find that both "stake and control" and "satisfaction with outcome" matter, thereby affirming hypotheses 2 and 3. As one's stake in outcome rises from low to high, confidence is expected to decrease by 0.174, all else being equal. While it is not the strongest variable in the model, the significance of the stake and control variable, even while controlling for satisfaction with outcome, suggests that type of experience, when considering confidence in lower courts, must be taken into account.

Other correlates of confidence in Louisiana courts among its users include perceived timeliness and courtesy (hypothesis 5 confirmed), responsibility for crime (hypothesis 4 partially confirmed), and age (hypothesis 6 partially disconfirmed). We discuss each in turn.

Courtesy is the strongest variable for users, suggesting that how one is treated is possibly more important either than the outcome of the case or evaluations of the various functions of the courts. This supports arguments by Tyler and others that process considerations are more influential than outcomes in determining citizen evaluations of institutions (Tyler, 1990). If people feel they are being treated with respect, they are more likely to come away from their experience with a positive evaluation. While this question does not ask users specifically whether they were treated well, it is reasonable to assume that answers to these questions are colored by the direct experience of respondents. With that assumption, we find that their perception of their treatment matters quite substantially. Interestingly, non-users also place a premium on courteous behavior. While courteous treatment may seem to be a minor issue to political scientists or public law scholars, it may indeed be an issue of great importance to people going to court. Going to court is an intimidating experience for the average citizen, and a little courtesy and friendliness goes a long

way to ease anxiety. It may seem unreasonable to have less confidence in the courts just because you were treated rudely by an employee. However, people do indeed react to these personal touches. In short, procedural justice matters. Given the large substantive impact of this variable for both users and non-users, it seems that the lower courts would do well to simply be friendly, at least in this southern state.

Timeliness also matters, as we would expect, since one of the major criticisms of courts in general, and lower courts in particular, is the slow pace of justice. Here we see that, for each unit increase in the timeliness scale (which is composed of a factor scale ranging from -1.28 to $+3.17$), confidence is boosted by almost 0.1. Timeliness matters to non-users as well, with the direct effect a little larger there. Hypothesis 5 is fully confirmed.

Courts do in fact suffer from public perceptions of their role in the crime problem. Among both users and non-users deeming the courts somehow responsible for crime adversely affects confidence in them. The effect is statistically significant in both groups.

Finally, we find that equal treatment does not matter to users, but does matter to non-users. This is quite interesting. This scale, as you recall, is measured by three items assessing equal treatment for minorities, women, and the poor. It appears to be the case that only non-users consider this criterion when judging courts. Perhaps this is because they, lacking direct experience, rely on what they have heard about courts and about cases reported on the news (perhaps) to discern how equally participants in the courts seem to be treated. But why is equal treatment not significant for users? We suspect that users are consulting their recent experiences to determine their confidence in the courts and their cases may not have tapped gender, race, or wealth inequalities. Thus, their perceptions of equality do not influence their confidence in the courts. They also have a referent: their particular case. Therefore, their confidence is at least partially driven by that outcome even with the influence of procedure. Perhaps for them, equality of treatment becomes irrelevant. Hypothesis 4 therefore, is only partially confirmed.

An influence not expected is that of age. Indeed, the older the court user, the lower the level of confidence in courts. While this was not anticipated, one explanation might be that users who are older have had more interactions with the Louisiana courts. If that is the case, we have some evidence that the number of experiences one has may have some cumulative negative effect on confidence. Another explanation may be that a court experience is simply more traumatic for an older person, thus producing a negative reaction. Either way, while not expected, age of respondent does decrease confidence in these lower courts.

Both models are adequate as they are both significant as a whole. The adjusted R^2 for users is 0.193 and for non-users 0.137, not unreasonable for survey data. A little troubling, though, are the standard errors of the estimate in both cases. For users, if we were to use this model to predict confidence in courts, we would come within 0.78 points of being correct. This means, then, that on average, we might expect to predict almost one category (on our four-category dependent variable) from the true category. Of course, if that is between strongly agree and somewhat agree, it is not all that troubling. However, our model would probably also have difficulty predicting between somewhat agree and somewhat disagree, which is a little more problematic. This is understandable though, as that difference is probably also difficult for respondents. In any event, it is a problem to be considered.

Conclusions

Overall, we think that this analysis highlights the fact that, when considering experience alone, earlier studies are missing some interesting information. Users of courts not only differ from non-users in their levels of confidence and the correlates of that confidence, but different types of users differ from other types of users as well. Our stake and control concept seems to be confirmed: those with less stake in the decision and more control over the outcome are more confident in Louisiana courts than are those with high stake in the decision and low control over the outcome. It seems to be the case, then, that not only how one is treated in court and what the outcome of one's individual case might be, but also feelings of helplessness coupled with substantial personal stake in a given decision, serves to explain people's negative reaction to lower courts. Accordingly, lower courts are different. These are the courts with which people actually have experience. Of course, then, both the experience and the type of experience will impact people's evaluation of the courts. As we turn to studying lower levels of courts as well as the courts of other nations, we need to be exceedingly cognizant of differences in context. In this case, we find that a different context—e.g., a context in which people actually participate in the institution under study—influences correlates of support. Indeed, courtesy—a procedural consideration—is a large influence on confidence in these courts. We certainly would not expect such an influence on the correlates of confidence in the US Supreme Court, although other manifestations of procedural justice no doubt come to bear on confidence in that institution as well. But here we are not talking about an institution like the Supreme Court which people may have only read about (if even that). We are talking about courts that impact everyday life and everyday life is indeed impacted by things like being treated well by the people with whom one interacts. Everyday procedural considerations like courteous treatment and timeliness, become important. The much more “common” context these lower courts exist within makes the determination of the sources of support a different animal altogether.

There is also a dearth of research on confidence in local government more generally.¹³ The determinants of confidence in local government may well be different from the determinants of confidence in national institutions, just as we see here the difference between state and national courts. Support for the latter is more diffuse and based on an “image” of the institution, whereas support for city and county governments is more likely to be based on experiences and evaluations of the delivery of services. This is the point at which government touches people's lives in terms of crime control, driver licensing, street maintenance, parks and recreation, and trash removal. Obviously, the sheer number of local governments presents a tremendous obstacle to quantitative analysis, but a more systematic look at confidence in these institutions is warranted. It may indeed be the case that confidence in these institutions matters far more to our polity than confidence in

¹³The one national study of confidence in local government that we are aware of was limited to cities with black mayors and examined the impact of race on the level of trust in city government (Bobo & Gilliam, 1990). Additionally, a couple of one-city studies have been conducted (Howell & Fagan, 1988; Howell & Marshall, 1998). Finally, Sharp (1984) speculates about the effects of demand making on confidence, but offers no quantitative evidence to that effect. This seems to be the extent of this literature in political science.

the national institutions. We need, then, to understand the correlates of that confidence.

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