

To: National Center for State Courts

From: GBAO

Date: December 18, 2023

2023 State of the State Courts – National Survey Analysis

This year's State of the State Courts survey provides some cautious optimism regarding public confidence in the state court system. For the past several years, we have tracked declining public confidence in the courts, spurred by declining confidence in a wide range of American institutions generally and the U.S. Supreme Court in particular. This year, we see a plateau or even a very small reversal of this trend on most of our key metrics. Only time will tell if 2023 represents a brief respite or a true turning point in public attitudes toward the courts.

While this year's data shows that the situation is not worsening, state courts are still in a relatively weak position when it comes to public assessments of their performance on a range of measures. State courts still receive net negative ratings on key attributes such as innovation, customer service, and providing equal justice to all. However, their greatest deficit is on displaying political bias, as Americans see their state courts as political by a margin of nearly 2-to-1; this is the only attribute that continued a steady decline in this survey, underscoring the importance of addressing a concern that clearly rests at the very center of public doubts about the courts.

Another measure we have been tracking for several years now is public comfort with remote appearances. Public support for these new technologies during the pandemic was extremely high, but dropped as Americans once again grew more comfortable with going out in public, with older Americans in particular reticent to embrace these changes. However, over the last couple years, we have seen slow and steady growth in overall support for a range of remote proceedings, with support levels now at or above pandemic levels and a clear expectation that it will continue to grow.

In an effort to assist state court leaders in their efforts to communicate a more effective message that can help restore confidence, we used this year's survey to explore where Americans get their information about what is happening in their states and local communities. Our results show that local TV news and news websites remain the most common information sources, but these topline results obscure a dramatic age divide. More than 3-in-4 seniors age 65+ rely on local news, but that number drops to less than 1-in-3 among those under age 30. Instead, these younger Americans rely primarily on social media and online sources.

The State of the State Courts is an annual national survey conducted since 2014 on behalf of the National Center for State Courts. The following are key findings and recommendations based on our online survey of 1,000 registered voters conducted November 16-19, 2022. The poll is subject to a margin of error of +/- 3.1 percentage points at the 95 percent confidence level.



Public Confidence

- Public trust in institutions has stabilized after years of falling.** Over the last few years, we have seen confidence erode year over year across all of the institutions we track, falling to their lowest levels last year in our decade of tracking. This year, we see confidence across institutions is unchanged, with only state legislatures receiving a bump outside the margin of error.

Confidence in Government Institutions	2023	2022	Change
	Conf	Conf	Conf
Local Police Department	76%	75%	+1
State Court System*	61%	60%	+1
State Legislature*	59%	55%	+4
U.S. Federal Court System	57%	57%	0
Governor*	55%	54%	+1
U.S. Supreme Court	54%	53%	+1

*Question customized by state for each respondent

The U.S. Supreme Court, which suffered a 10-point drop in from 2021 to 2022, has also stabilized, but wide ideological differences remain. Three-quarters (75%) of conservatives and a majority (54%) of moderates have confidence in the Supreme Court, but only a quarter (27%) of liberals say the same. However, the same divides don't transfer to the federal court system at large and state courts – majorities across ideology say they are confident in both systems.

Confidence in Government Institutions	% Total Confidence		
	Lib	Mod	Cons
State Court System*	56%	65%	61%
U.S. Federal Court System	54%	62%	55%
U.S. Supreme Court	27%	54%	75%

*Question customized by state for each respondent

Even though confidence in state courts remains steady, other indicators point to state courts being on the rebound.

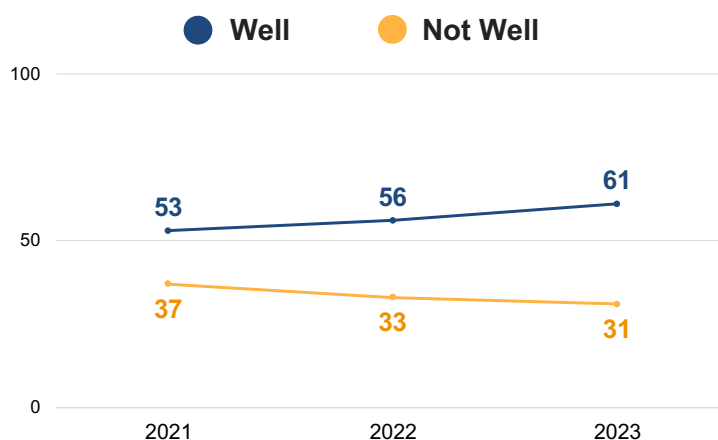
- Public approval of state courts' job performance improves.** Evaluations of state courts' job performance has entered net positive territory. A majority (51%) of voters rate the courts' job as *excellent* or *good*, while just under half (49%) rate it as *just fair* or *poor*, compared to 49% rating it as *excellent* or *good* and 51% rating the courts' job as *fair* or *poor* in 2022. Demographically, race, class and generational divisions persist in ratings of the state courts' job performance with white audiences (+10 excellent/good-fair/poor), college graduates (+11), and older voters (+8) rating state courts significantly higher than with voters of color (-15), non-college voters (-4) and younger voters (-4).

- State courts rebound on positive attributes.** Every year, we ask how well a series of positive and negative descriptors apply to the court system in each state. We saw improvement across most of the positive attributes rebounding to 2021 levels, driven largely by women. Three attributes continue to remain net negative: *innovative*, *a good investment of taxpayer dollars*, and *provide equal justice for all*. Black voters are much less likely than White or Hispanic voters to believe the courts are *fair and impartial*, *providing equal justice to all*, or *a good investment of taxpayer dollars*.

State Courts – Positive Attributes	2023		2022		2021	
	Well	Not Well	Well	Not Well	Well	Not Well
Hard working	53%	39%	52%	40%	55%	36%
Fair and impartial	51%	42%	47%	47%	50%	42%
Provide equal justice to all	46%	48%	43%	49%	46%	47%
Provide good customer service to people in the court system	42%	42%	41%	44%	41%	45%
A good investment of taxpayer dollars	42%	48%	40%	51%	43%	48%
Innovative	32%	52%	33%	53%	33%	53%

Looking at the negative attributes we tested, there were also small shifts in voters finding *inefficient* and *intimidating* less descriptive of state courts with more now saying the phrases describe courts not well than well.

- However, an increasing number see the courts as political.** Voters by a margin of nearly 2-to-1 describe their state court system as *political* (61% describes well, 31% describes not well), with the shift spanning party and ideology but driven primarily by younger voters and women across political affiliation.



- Voter attitudes on whether state courts are fulfilling their mission recover, but there is still work to do on bias and equal justice.** Across a series of statements measuring how well their state courts are doing at their fundamental mission, more voters say they are fulfilling them than last year. Majorities agree with measures tested by double digit margins with the exception of state courts being *unbiased in their case decisions*, which is now back to positive territory (+6 net agree) after falling to -3 net agree last year. Bias is still a major concern with Black voters – 50% disagree that state courts are *unbiased in their case decisions*, while only 39% agree. And Black voters are also considerably less likely to say the courts are protecting rights and treating people with dignity and respect than White or Hispanic voters.

Courts in (STATE)...	2023	2022	Change
	Agree	Agree	Agree
Are committed to protecting individual and civil rights	60%	58%	+2
Treat people with dignity and respect	59%	55%	+4
Serve as an appropriate check on other branches of government	55%	51%	+4
Listen carefully to what people appearing before them have to say	54%	50%	+4
Take the needs of people into account	53%	50%	+3
Are unbiased in their case decisions	48%	43%	+5

Asked how voters are doing on providing equal justice regardless of gender, age, race, or wealth, voters are divided between state courts delivering on their promise to enforce the rule of law equally and not doing enough to deliver equal justice for all (40% delivering on their promise vs. 41% not doing enough). Voters of color, liberals, and younger voters are more likely to feel state courts are not doing enough to deliver equal justice.

- Despite concerns about bias or politicization of the court, most with experiences with the court find the process fair.** Three-quarters (74%) of voters who have had direct experience with the courts, whether it be through jury duty or a case, say they were satisfied with the fairness of the process in their dealings with the court system. Voters of color are slightly more likely to express dissatisfaction, but large majorities across demographic lines are satisfied with the process (68% Black voters, 74% Hispanic voters, 77% White voters).
- Voters divided on judges fulfilling judicial ideals.** By a margin of just 2 points, voters say judges in their state courts make decisions based on an objective review of facts and the law (44%) rather than based on their own beliefs and political pressure (42%). On the other hand, just 40% believe judges in their state courts *reflect the values of our communities and understand the challenges facing the people who appear in their courtrooms* while 44% say *too many judges don't understand the challenges facing people who appear in their courtrooms and need to do a better job of getting out into the community and listening to the people*. On both measures, doubts are greatest among younger voters and communities of color.

Navigating the Court

- Broadly, voters find the courts accessible.** A slim majority (51%) agree that their state courts *make it easy to access public documents and records*, compared to 29% who disagree, although a sizable number (20%) are unsure. Of those with direct experience with the courts, three quarters (74%) say it was easy to locate the people, places, or services they were looking for, while a quarter (26%) say it was difficult. Perhaps contrary to expectations, those under 30 had the most difficulty (60% easy, 40% difficult) while seniors found it easiest (80% easy, 40% difficult) to locate the people, places, or services they were looking for.
- Still, courts can do a better job utilizing technology and helping people without attorneys.** When it comes to internal operations and customer service, a plurality (43%) believe courts are falling behind and should adopt new technologies, while a third (23%) wants courts to stay the course, and nearly a quarter (23%) are unsure about court operations. Voters of color and voters under age 30 are more likely to want the state courts to adapt.

Additionally, nearly half (47%) say courts are not doing enough to empower regular people to navigate the court system without an attorney, compared to 31% who say courts are effectively providing information and assistance so that individuals can navigate the court system without hiring an attorney, with another 21% unsure. Voters across racial and ideological lines believe courts are a hurdle to navigate without an attorney.

Which of the following statements comes closest to your own view, even if neither is exactly right?	Total	White	Black	Hisp	<30	30-49	50+
When it comes to internal operations and customer service, (STATE) courts are doing a good job and should continue to operate as they do now	34%	36%	29%	28%	29%	37%	33%
When it comes to internal operations and customer service, (STATE) courts are falling behind and need to do a better job of adopting new technologies to break down barriers between the public and the courts	43%	40%	52%	48%	54%	44%	40%

Which of the following statements comes closest to your own view, even if neither is exactly right?	Total	White	Black	Hisp	Lib	Mod	Cons
(STATE) courts are effectively providing information and assistance so that individuals can navigate the court system without hiring an attorney	31%	31%	29%	36%	30%	32%	33%
(STATE) courts are not doing enough to empower regular people to navigate the court system without an attorney	47%	45%	56%	46%	57%	44%	37%

Remote Access

- More continue to be open to interacting with the court remotely, including seniors.** Willingness to use videoconferencing tools to interact with courts as part of a jury or case has essentially returned to or surpassed levels seen during the pandemic in 2020, as voters continue to move past Zoom fatigue that was seen in 2021. This year, we find openness to remote participation in court activities has returned to 2020 levels. Three-quarters (74%) would participate in remote jury screening, and this spans all age groups. Apprehension to participate remotely during a trial or in pre-trial activities has declined, with majorities across age groups now saying they would do so.

Remote Access (arrows indicate year over year change)				
% would use via video conferencing if available	2023	2022	2021	2020
Report for jury duty and undergo screening for jury selection	74% ▲	71% ▲	60% ▼	72%
Participate remotely in an arbitration, mediation, or other procedure where a neutral third party helps opposing sides reach an agreement and avoid a trial	65% ▲	62% ▲	55%	--
Appear remotely for a case you had before the court	63% ▲	59% ▲	52% ▼	64%
Serve as a member of a jury in a trial conducted remotely	62% ▲	61% ▲	49% ▼	64%

Remote Access among Seniors (65+)			
% would use via video conferencing if available	2023	2022	2021
Report for jury duty and undergo screening for jury selection	76% ▲	69% ▲	43%
Participate remotely in an arbitration, mediation, or other procedure where a neutral third party helps opposing sides reach an agreement and avoid a trial	60% ▲	54% ▲	38%
Appear remotely for a case you had before the court	51% ▲	44% ▲	31%
Serve as a member of a jury in a trial conducted remotely	55% ▲	48% ▲	30%

News Consumption

- Communicating through new media is needed to reach younger audiences.** We asked voters where they get their daily news and current events about their state or local community, with each respondent selecting up to three sources. Nearly two-thirds (63%) say they get information about their state and community through local television, but that number diminishes among younger audiences. Just under a third (31%) get their information from social media, but for younger audiences it is their number one news source. News websites and apps are also used by 36% of voters, and similarly used across ages. Lower tier news sources are local newspapers (22%), radio (18%), news aggregators like Google news (18%), YouTube (13%), and national newspapers (12%). But much like social media, YouTube is much more used for information among voters under 30.

Thinking about daily news and current events in your state or your local community, from where do you get most of your news about what is happening?

Showing top tier new sources	Total	18-29	30-39	40-49	50-64	65+
Local television news	63%	32%	47%	67%	73%	77%
News websites and apps	36%	32%	39%	32%	38%	37%
Social media	31%	70%	55%	34%	17%	8%