

MULTNOMAH COUNTY CIRCUIT COURT

**REPORT ON SURVEY
ON PROCEDURAL FAIRNESS**



**May 2016
Portland, Oregon**

**A Court-wide Initiative of the
Family Court Enhancement Project**

A survey assessing public perceptions of procedural fairness at the Multnomah County Circuit Court in Portland, Oregon, was conducted in September 2015. The survey is an initiative of the Family Court Enhancement Project (FCEP), a federally funded grant program seeking to improve the Family Court's response to child custody and parenting time cases involving domestic violence. A priority focus of the FCEP in Multnomah County is assessing and responding to litigant, attorney, and public perception of procedural fairness in court-related interactions and judicial decision-making.

With the support of Multnomah County Trial Court Administration and Presiding Judge Nan G. Waller, the FCEP Management Team undertook a survey of the entire court rather than limiting the scope to the Family Law Department.

Development of this survey was funded by FCEP grant #2014-FJ-AX-K0002 awarded by the Office on Violence against Women of the U.S. Department of Justice. Any opinions, findings, conclusions, and recommendations expressed do not necessarily represent the views of the Department of Justice, Office on Violence Against Women.

Please direct any questions to:

- *Jenny Woodson, Multnomah County Circuit Court FCEP Coordinator, at Jennifer.L.Woodson@ojd.state.or.us,*
 - *Anna Rockhill, Senior Research Associate, Regional Research Institute, Portland State University, at rockhill@pdx.edu, or*
 - *The Honorable Maureen McKnight, Chief Family Court Judge, Multnomah County Circuit Court, at Maureen.McKnight@ojd.state.or.us*
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SURVEY BACKGROUND

Background of Grant:

The Multnomah County Family Court in Portland, Oregon, received a two-year federal grant in 2014 to improve the response of the family court to custody cases involving families facing domestic violence. The grant was one of four demonstration projects funded for this purpose by the federal Office on Violence Against Women at the U.S. Department of Justice. The priority focuses for the Multnomah County Family Court under this grant have been:

- Improving information available to families interacting with the Family Court
- Providing tools and training to advocates and other professionals affiliated with the court process and
- Increasing opportunities for litigants and others interacting with the court to provide feedback about their experience in the court process.

The purpose of the focus on feedback has been to improve awareness of (1) beliefs and biases affecting decision-making and (2) the difficulties litigants face in protecting their physical and emotional safety, and that of their children, in family court litigation and its related processes.

During the operation of the Family Court Enhancement Project (FCEP) grant, the Multnomah County Circuit Court also received a grant from the Center on Court Innovation to assess and improve procedural fairness in our criminal courts. In anticipation of implementing this second initiative, the survey planned for Family Court was expanded to include the entire court. We wanted to establish a baseline of community perception about how litigants are experiencing the court, from walking into any court building, to any court office, or to any courtroom. This baseline is the means we are using to identify problem issues and is the standard against which we will measure the effect of our concentrated focus on procedural fairness principles.

Procedural Fairness Principles

Procedural Fairness (also known as Procedural Justice) is the evidence-based concept that the *process* by which institutional representatives wield authority can improve trust in the institution and therefore public compliance with its directives. Researchers who have studied the linkage between authority and compliance have found that the context of the *experience*, rather than the outcome, is the key to developing long-standing compliance with the law. In other words, individuals who perceive interactions as fair, regardless of the outcome, are more likely to comply with decisions and to obey the law in the future. These conclusions have been affirmed in studies across disciplines that include law enforcement, corrections, and the courts.¹ Tom Tyler of Yale University is an early and leading proponent² of these principles. He outlines the public's expectations about procedural fairness as four-fold:

- Voice -- People have the opportunity to participate by telling their side of the story

¹ See, generally, Tom Tyler, "Procedural Justice and the Courts," *Court Review, Journal of the American Judges Association*, Vol 44, Issue, 1 (2007-2008).

² Judges Kevin Burke and Steve Leben, of the Hennepin County (Minnesota) District Court and the Kansas Court of Appeals, respectively, are leading judicial educators on this topic and addressed Oregon judges statewide in 2013.

- Neutrality -- The decision-maker uses consistent principles, in an unbiased way, and decides in an open and transparent manner
- Respect -- People are treated with courtesy and dignity, with their rights acknowledged and respected
- Trust -- Authorities demonstrate sincere caring and help by listening to litigants and explaining both what the decisions are and the basis for the decisions

Survey Process and Instrument

A subcommittee of the Family Court Enhancement Project developed the survey instrument with the assistance of Anna Rockhill of Portland State University’s Regional Research Center, our FCEP Research partner. Members of the subcommittee and their affiliations are listed in the Appendices. This team examined satisfaction surveys and other comment methodologies from several other courts and devised questions based on the four tenets set out above. Court staff distributed the survey for one week late September 2015 to anyone coming to the courthouse other than court employees. The respondents were litigants, defendants, witnesses, victims, attorneys, support people, jurors, and others at five court locations:

- the Multnomah County courthouse in downtown Portland
- the Juvenile Justice Center
- the East County Courthouse in Gresham
- the Justice Center (arraignment and other short criminal matters) and
- the Gateway Center for Domestic Violence Services (only litigants participating in video-conferenced restraining order hearings).

Printed surveys were available on blue paper in a number of locations in each building and a few survey assistants were available in the hallways for questions. Blue “drop boxes” were prominently situated on each floor and near building entrances and exits. Family Court Judges and court staff, given the survey's genesis, also encouraged participation, a circumstance that likely explains the high return rate in that area compared to others. The survey was available in both English and Spanish.

The instrument (included in the Appendices) began with a brief introduction and instructions that respondents should not include their name on the form. The first two questions collected background information about respondents with “fill-in-the-box” options for answers:

- Why are you at the courthouse today?

<input type="checkbox"/> Child custody or parenting time	<input type="checkbox"/> Criminal case	<input type="checkbox"/> Landlord-Tenant Case
<input type="checkbox"/> Restraining/Protective Order	<input type="checkbox"/> Probation Violation or	<input type="checkbox"/> Small Claims Court
<input type="checkbox"/> Family Law case (not listed above)	Probation Issue	<input type="checkbox"/> Other Civil Matter
<input type="checkbox"/> Juvenile case	<input type="checkbox"/> Traffic or <input type="checkbox"/> Parking	<input type="checkbox"/> Other _____

- Who are you?

<input type="checkbox"/> party in a case	<input type="checkbox"/> victim in a criminal case	<input type="checkbox"/> observer
<input type="checkbox"/> attorney	<input type="checkbox"/> support person	<input type="checkbox"/> needed court documents
<input type="checkbox"/> witness in a case	<input type="checkbox"/> juror/jury duty	<input type="checkbox"/> Other _____

The rest of the survey consisted of a list of statements and Likert scales consisting of Strongly Agree, Agree, Strongly Disagree, Disagree, and No Opinion options. All participants were asked to respond to the following four statements:

The people who work in the courthouse were respectful to me.
Court staff explained things to me in ways I could understand.
When I left, I understood what the next steps in my case were.
I felt safe while in the courthouse.

Individuals who attended a court hearing were asked to respond to an additional set of statements:

At the start of the hearing, the Judge explained how the hearing would proceed.
The Judge listened to me when I was speaking.
I was able to share with the Judge the information I felt was important. (Or the Judge told me why he or she could not consider information I wanted the Judge to know about).
The Judge conducted the hearing in a neutral manner.
I understood what the Judge's decision was.
The Judge explained the reasons for his or her decision.
The Judge and staff in the courtroom were respectful to me.

An internet address for a Survey Monkey response was also provided but published only on the paper survey to concentrate distribution only to those visiting the courthouse.

We received 392 survey responses.

SURVEY RESULTS

This abstract presents only key findings, not all data. Some data sets were very small and response rates among respondent categories varied in part due to inconsistent distribution. Therefore the replies do not support statistically significant conclusions but instead patterns or themes. A careful review of these results is nevertheless instructive for comparisons across the court and to identify potential training opportunities, as well as a baseline for future surveys.

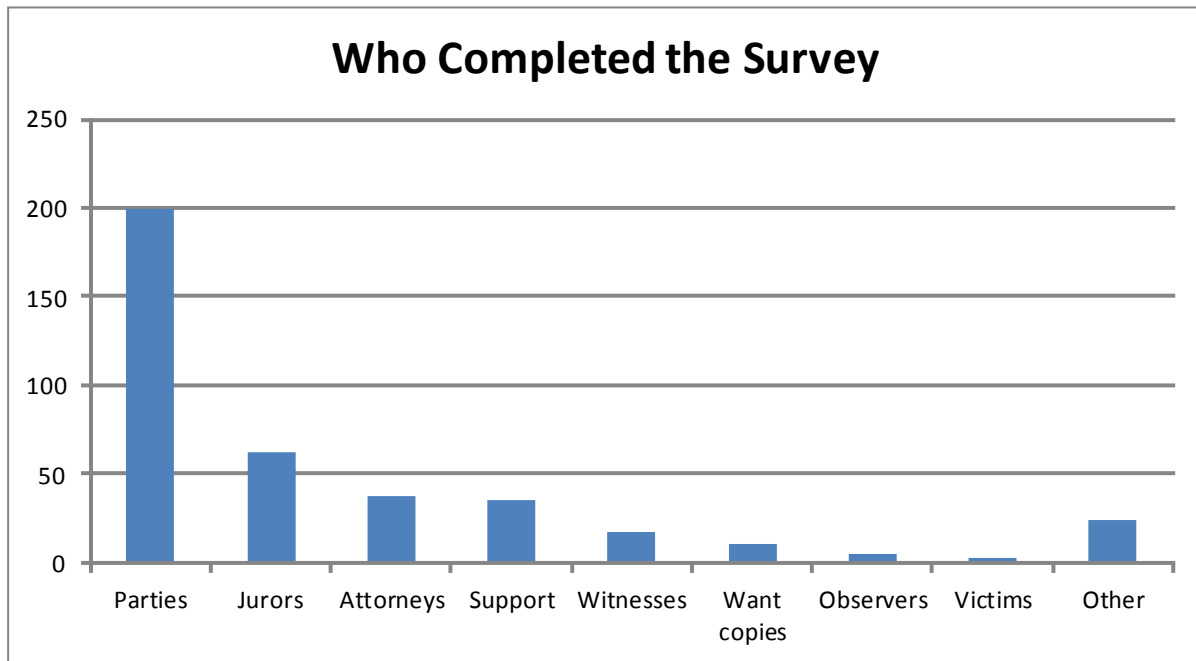
It is important to note that "No Opinion" responses were interpreted as "not applicable" rather than as "neutral" and are therefore not included in the calculations.

Who Completed the Survey

Three hundred and ninety-two (392) people completed the survey. For context, approximately 2500 individuals, other than employees, enter just the downtown courthouse each day, the most heavily visited site and the location of the most responses. The respondents consisted of:

- 199 parties (67 in Family Law cases; 32 in Criminal cases, 31 in Traffic, 18 in Parking, 14 in Landlord-Tenant, 9 on Probation matters, 8 in Juvenile, 5 in "other-civil," & 4 in Small Claims,
- 62 jurors

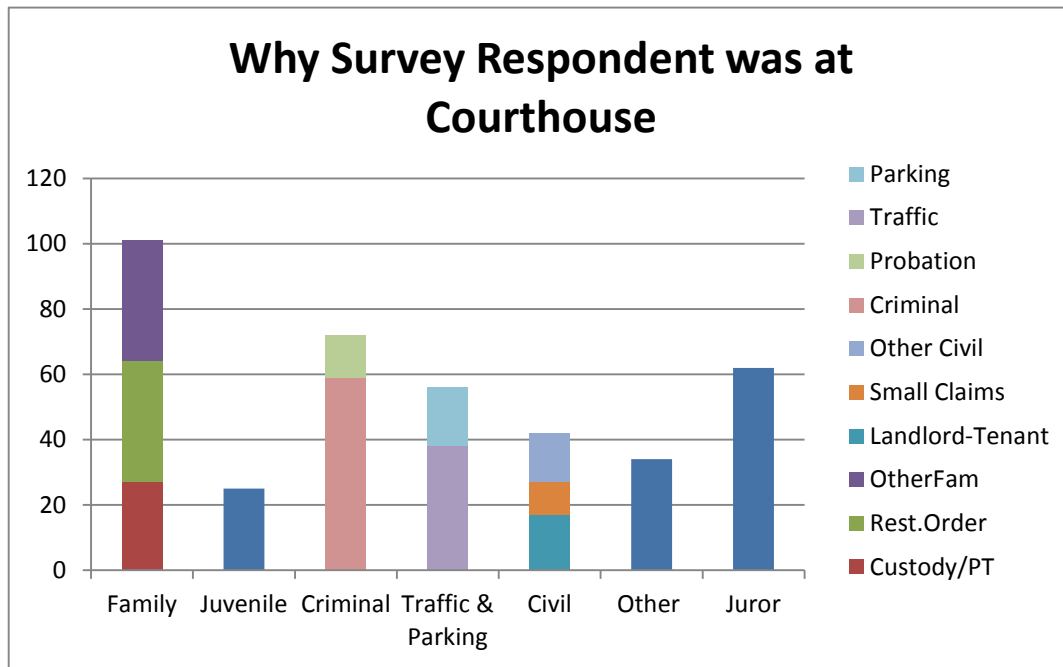
- 37 attorneys (11 in juvenile cases, 10 in family law, 8 in Criminal, Parking, Traffic, or Probation, and the other 8 spread out among case types)
- 35 support people (split fairly evenly between Family and Criminal cases)
- 17 witnesses
- 10 individuals who wanted copies of documents
- 5 observers
- 3 victims
- 24 who chose the category “other,” a group that included police officers, DHS child welfare caseworkers, legal assistants, and foster parents.



Why Respondents Were at a Courthouse

The largest category of respondents (32%) visited the courthouses for an appearance, task, or appointment related to a Family Law or Juvenile case (126).

- Criminal matters brought 59 persons; an additional 11 were there for probation matters
- Traffic matters had 37 respondents
- Parking was identified by 20 respondents
- Landlord-Tenant had 17
- Small Claims had 11
- Other civil matters had 15 respondents
- “Other – generally” had 34 respondents
- Sixty two (62) jurors completed the survey



Overall Conclusions:

Emphasizing again that some data sets were quite small:

- Overall, the responses were very positive. Eighty-five percent (85%) of the respondents strongly agree or agree with all of the statements.
- Differences were evident when results are examined by case type, by respondent type, and by location at which the survey was completed. For example:
 - Attorneys in Family Law matters⁴ strongly/agree only 50% of the time with the statement *“At the start of the hearing, the Judge explained how the hearing would proceed.”* This was the lowest percentage of any respondent-group and case type. Juvenile attorneys gave a similarly low ranking of 57% strong/agreement with that statement.
 - All respondents in Civil⁵ cases strongly/agree with the following two statements: *“At the start of the hearing, the Judge explained how the hearing would proceed”* and *“I understood what the Judge’s decision was.”*
 - The Justice Center had lowest average rankings of any location.
- In general, parties in Family Law cases gave more negative responses than did parties in Criminal⁶, Probation, Parking, and Traffic cases.
- Nevertheless, parties with the highest rated experiences were parties in Family Law restraining order cases.

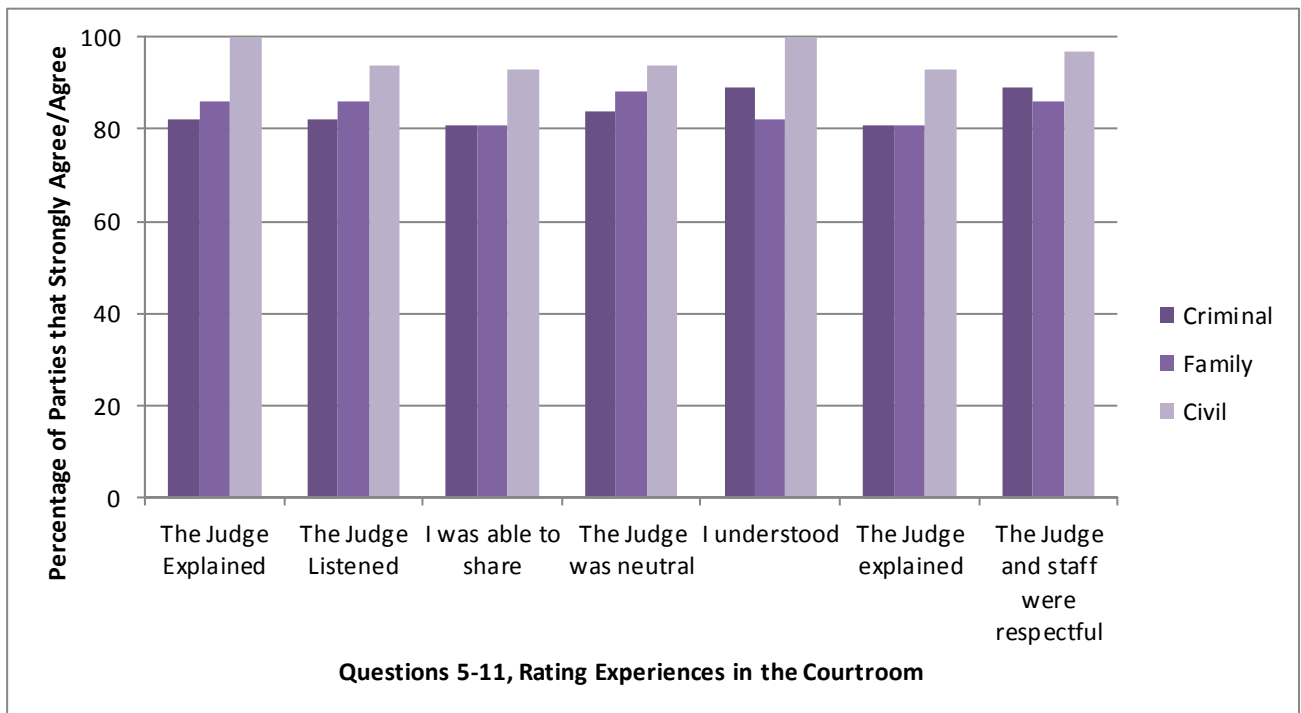
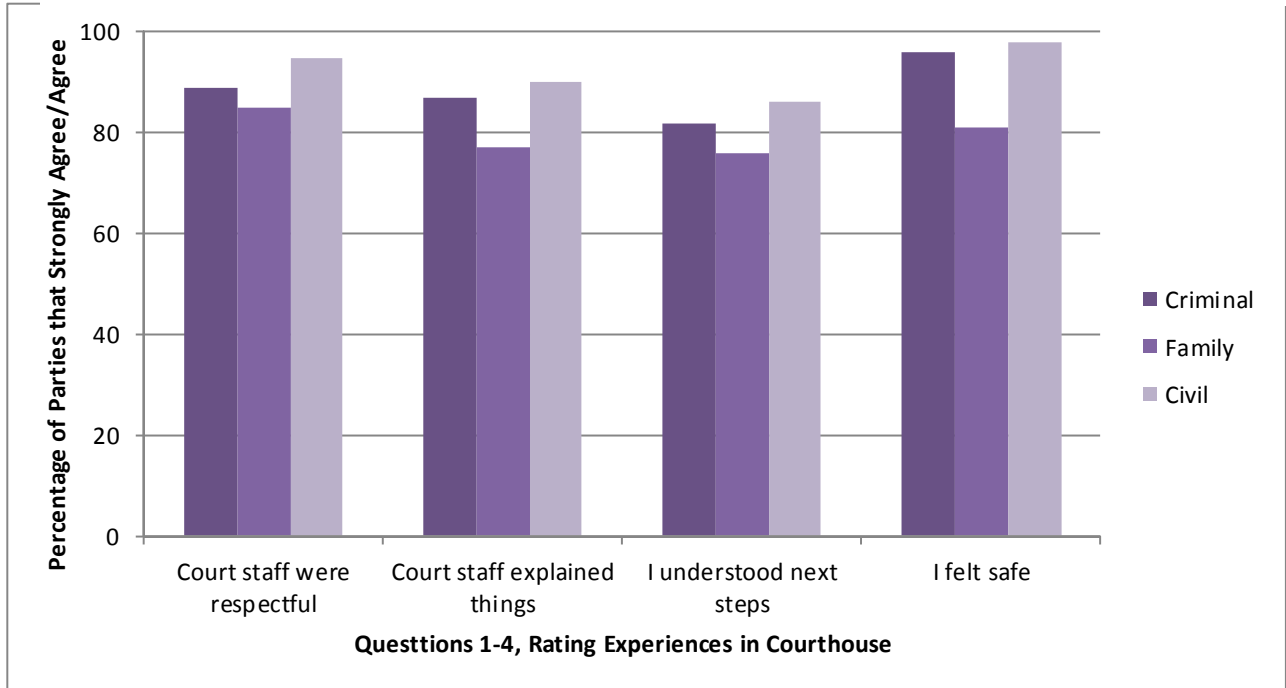
⁴ “Family Law” matters or cases in this report refer to the combination of Restraining Order cases, Custody and Parenting Time matters, and other various family law cases. The terms do not include Juvenile proceedings.

⁵ “Civil cases” in this report refers to the combination of Small Claims cases, Landlord-Tenant matters, and the various other civil proceedings.

⁶ “Criminal cases” in this report does not include the 11 probation matters respondents identified as their reason for being at the courthouse.

The following graphs compare the percentages of strongly agree/agree responses given by *parties* in Family, Criminal, and Civil Cases.

Responses to Questions by Parties in Criminal, Family, and Civil Cases



Of the responses from *attorneys*, the following were noteworthy:

- The lowest ratings from attorney respondents were from Family Law and Juvenile attorneys on the statement *“The Judge explained how the hearing would proceed.”* As stated earlier, only 50% of Family Law attorneys and 57% of Juvenile attorneys strongly/agreed with that statement.
- The highest ratings from attorney respondents affirmed the perception that *people who work in the courthouse were respectful to me*. Ninety-four percent (94%) of Family Law attorneys, 100% of Juvenile attorneys, and 88% of Criminal/Probation/Parking, and Traffic attorneys strongly/agreed with that statement.

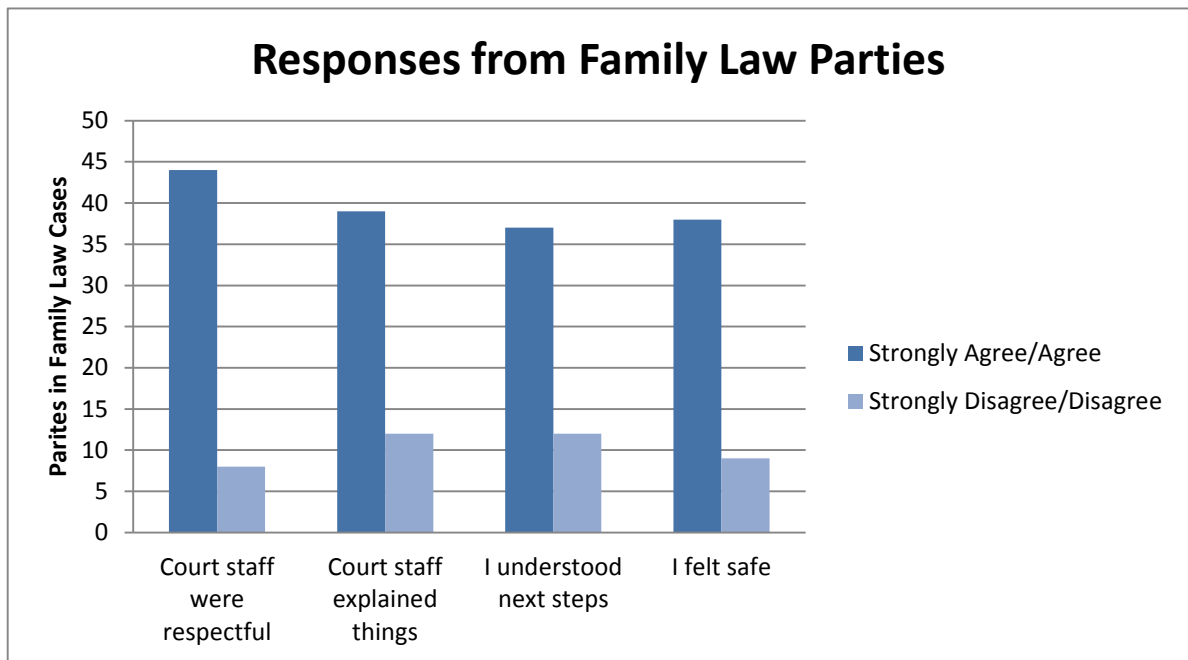
Rankings related to Location of Courthouse

- Visitors to the Justice Center had lowest rankings of respondents in any location.
- Parties in Family Law cases felt significantly less safe in the main courthouse than did parties in Criminal, Probation, Parking, and Traffic cases.

Rankings related to Family Law Cases

- Parties in restraining order cases, as compared to other parties, were the most likely to feel they were treated respectfully.
 - One hundred percent (100%) of the parties in restraining order cases responded positively to the item *“The people in the courthouse were respectful to me.”*
 - Ninety-four percent (94%) of restraining order parties who had a courtroom experience marked a strongly/agreed response to this statement.
- Parties in Family Law cases were the least likely of all types of parties to report that they understood what the next steps in their case were.
- Compared to parties in Criminal and Civil cases, parties in Family Law matters:
 - Reported less positive experiences at the courthouse overall
 - Felt less safe in the downtown courthouse
 - Were less likely to strongly/agree that court staff had explained things in an understandable manner
 - Were less likely to strongly/agree that on leaving they understood the next steps
 - Were slightly less likely to strongly/agree that they understood the judge’s decision
 - Were more likely to report having an opportunity to speak and perceiving the Judge as conducting the hearing in a neutral manner
- Parties in all three types of cases ranked judges similarly in regard to the Judge listening to the party and explaining the ruling and reason therefor.
- Compared to attorneys in Criminal cases, attorneys in Family Law matters ranked their experiences with court staff and judges more positively.

- Compared to all respondents in Criminal cases, respondents on Family Law matters reported slightly more positive experiences in the courtroom.



Rankings related to Juvenile Matters

- Parties in Juvenile matters were more likely than other parties to report being treated respectfully
 - Similar to parties in restraining order cases, 100% of Juvenile case parties who had a courtroom experience responded strongly/agree to this item
 - Eighty-eight percent (88%) of Juvenile case parties, combining those with courtroom experiences and those without, strongly/agreed they were treated respectfully
- Parties in Juvenile cases reported more positive experiences in the courtroom than did parties in Family Law cases
- Compared to parties in Criminal cases, parties in Juvenile cases:
 - Were slightly less likely to strongly/agree that they understood the judge’s decision
 - Were less likely to strongly/agree that on leaving they understood the next steps
 - Were less likely to agree/strongly agree that court staff had explained things in an understandable manner
- Compared to attorneys in Criminal cases, attorneys in Juvenile Law matters ranked their experiences with court staff and judges significantly more positively

Rankings related to Criminal Cases

- Parties in Criminal cases ranked Judges lower than did other parties in regard to having an opportunity to speak and perceiving the Judge as conducting the hearing in a neutral manner
- Parties in Criminal, Probation, Parking, and Traffic cases had more positive experiences at the courthouse than did parties Family and Juvenile law cases
- Compared to parties in Family Law cases, parties in Criminal matters:
 - Reported more positive experiences at the courthouse overall
 - Felt significantly more safe in the downtown courthouse
 - Were more likely to agree/strongly agree that court staff had explained things in an understandable manner
 - Were more likely to strongly/agree that on leaving they understood the next steps
 - Were slightly more likely to strongly/agree that they understood the judge's decision
 - Ranked Judges significantly lower in regard to having an opportunity to speak and perceiving the Judge as conducting the hearing in a neutral manner
 - Ranked judges similarly in regard to the Judge listening to the party and explaining the ruling and reason therefor
- Attorneys in Criminal cases ranked their experiences with court staff and judges significantly less positively than did attorneys in Family & Juvenile cases
- Respondents on Criminal, Probation, Parking, and Traffic cases reported slightly less positive experiences in the courtroom than did respondents on Family Law matters

Rankings related to Civil Cases

- Parties in Landlord-Tenant, Civil, and Small Claims cases reported significantly more positive experiences in the courthouse and the courtroom than did the parties in Family Law, Criminal, Probation, Parking, and Traffic cases, with the exception of parties in restraining order cases

Miscellaneous Rankings

- Five (5) litigants completed the Spanish version of the survey. All 5 ranked their experience with staff poorly. They did not feel respected or heard, and did not understand the next steps in the case.
 - One commented: "I'm a victim of domestic violence and have twice tried to get a restraining order, but have been unsuccessful. I had trouble finding people who can explain court process to me."

Comments:

- 59 Respondents included written comments on the survey about their experiences
- About one third of the comments described exceptional service by staff and appreciation for the work staff, court, security, social services, probation employees⁷, and Judges are doing for the community
 - Respondents were grateful and at times surprised at the kindness and high level of customer service they received
- Another third of the comments described negative encounters with staff, security, and Judges.
 - Many of these described the people in the courthouse as “rude,” unprofessional, or just unhelpful.
- Many comments noted the lack of resources in the courthouse.
 - Respondents expressed frustration with phone hold times, wait times in line, and court staff or Judges not understanding how to use equipment or equipment not working. Multiple respondents were disappointed that Judges arrived at the bench late, delaying the start of their case. Some comments expressed appreciation for staff working around resource issues and being kind and as helpful as possible with time and space limitations.

⁷ Each of the court buildings house staff other than Oregon Judicial Department employees. The District Attorney’s office, the County Department of Family Court Services, the County Department of Community Justice (probation), and the County Sheriff’s office have staff who work regularly in one or all of the 4 main court buildings. This survey did not attempt to identify the employing agency of any person working at the courthouse.

APPENDICES


Survey Instrument


Court Survey


The Multnomah County Circuit Court cares about its service to the public.


Please let us know how you feel about your time at the courthouse today. Drop your completed survey in any blue box marked "Courthouse Survey." The boxes are on each floor by the stairs and in the 1st floor lobby.

You do not need to identify yourself or anyone else by name on this survey. If you have any questions about this survey, please contact Jenny Woodson at 503-988-3918 or Jennifer.J.woodson@oid.state.or.us

	Why are you at the courthouse today?		
<input type="checkbox"/> Child custody or parenting time	<input type="checkbox"/> Criminal case	<input type="checkbox"/> Landlord-Tenant Case	
<input type="checkbox"/> Restraining/Protective Order	<input type="checkbox"/> Probation Violation or Probation Issue	<input type="checkbox"/> Small Claims Court	
<input type="checkbox"/> Family Law case (not listed above)	<input type="checkbox"/> Traffic or <input type="checkbox"/> Parking	<input type="checkbox"/> Other Civil Matter	
<input type="checkbox"/> Juvenile case		<input type="checkbox"/> Other _____	

	Who are you?		
<input type="checkbox"/> party in a case	<input type="checkbox"/> victim in a criminal case	<input type="checkbox"/> observer	
<input type="checkbox"/> attorney	<input type="checkbox"/> support person	<input type="checkbox"/> needed court documents	
<input type="checkbox"/> witness in a case	<input type="checkbox"/> juror/jury duty	<input type="checkbox"/> Other _____	

	Do you agree or disagree with the following statements?	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
	The people who work in the courthouse were respectful to me.					
	Court staff explained things to me in ways I could understand.					
	When I left, I understood what the next steps in my case were.					
	I felt safe while in the courthouse.					

	If you appeared in a court hearing today, please respond to these additional statements:	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
	At the start of the hearing, the Judge explained how the hearing would proceed.					
	The Judge listened to me when I was speaking.					
	I was able to share with the Judge the information I felt was important. (Or the Judge told me why he or she could not consider information I wanted the Judge to know about).					
	The Judge conducted the hearing in a neutral manner.					
	I understood what the Judge's decision was.					
	The Judge explained the reasons for his or her decision.					
	The Judge and staff in the courtroom were respectful to me.					

Thank you! Please use the space on the back of this page for any other comments you have.
You can complete the survey as many times as you visit the courthouse.

You can also fill out this survey on-line at <https://www.surveymonkey.com/r/NWTJ5S3>

FCEP Management Team

- **Hon. Maureen McKnight** – Multnomah County Circuit Court, Chief Family Law Judge, Project lead for the Family Court Enhancement Project
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- **Rhonda Case**, Community Member
- **Mary Geelan**, Juvenile Court Improvement Project Coordinator
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- **Kendall Spencer**, Legal Advocacy Coordinator, Volunteers of America Home Free
- **Jenny Woodson**, Family Court Enhancement Project Coordinator

FCEP Procedural Fairness Subcommittee

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- **Anna Rockhill** – Sr. Research Associate, Regional Research Institute, Portland State University
- **Lee Ann Donaldson-Moore** – Judicial Clerk to Hon. Nan Waller, Multnomah County Circuit Court Presiding Judge
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- **Mary Geelan**, Juvenile Court Improvement Project Coordinator
- **Pam Haan**, Attorney, Legal Aid Services of Oregon
- **Melanie Kebler**, Senior Staff Attorney, Oregon Crime Victims Law Center
- **Shelly Matthys**, Executive Director, St. Andrew Legal Clinic
- **Rachel McCarthy**, Multnomah County Circuit Court, Public Information Officer
- **Martha Strawn Morris**, Director of Gateway Center for Domestic Violence Services
- **Annie Neal**, (former) Director, Multnomah County Domestic Violence Coordination Office
- **Billy Prince**, Attorney at Law, Goldberg Jones
- **John Richmond**, Program Manager, DHS Child Welfare