

Beyond Civics Education

A Health and Wellness Guide for getting our
public trust and confidence back in shape

*Report and recommendations from the
CCJ/COSCA Public Engagement, Trust, and Confidence Committee*

August 2024



About this report

CONFERENCE OF CHIEF JUSTICES

The Conference of Chief Justices (CCJ), established in 1949, is a forum for the highest judicial officers of the states to meet and discuss the operation of state courts and judicial systems and make recommendations for improvements. Membership in CCJ consists of the highest judicial officer of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands.

CONFERENCE OF STATE COURT ADMINISTRATORS

The Conference of State Court Administrators (COSCA) was established in 1955 and consists of the state court administrator (or equivalent official) in each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Mariana Islands, and the Virgin Islands. COSCA works to develop a more just, effective, and efficient system of justice by providing a network for the exchange of information and methods to improve the operations of state courts.

NATIONAL CENTER FOR STATE COURTS

The National Center for State Courts (NCSC), headquartered in Williamsburg, Va., is a nonprofit court organization dedicated to improving the administration of justice by providing leadership and service to the state courts. Founded in 1971 by the Conference of Chief Justices and Chief Justice of the United States Warren E. Burger, NCSC provides education, training, technology, management, and research services to the nation's state courts and courts around the world.

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Introduction

Public trust and confidence in the courts is a constant theme in our national conversations. And rightly so—public trust is integral to the courts’ core responsibility of resolving disputes. As often noted, the court process must not only be just, it must also have the appearance of being just.

Trust and confidence in the courts is further enhanced through the transparent and consistent application of court procedures, timely resolution of court cases, and access to information regarding court processes and services. Given that public perceptions of our court systems are often formed by the experiences of court users who expect prompt and fair resolution of their cases, we as court leaders strive to promote and maintain public trust and confidence by creating organizational cultures that reflect integrity, transparency and accountability.

For nearly 10 years, the National Center for State Courts (NCSC) has contracted with GBAO Strategies to conduct a national comprehensive public opinion survey of 1,000 registered voters titled the State of the State Courts Survey. The surveys have been conducted each fall since 2014. Survey findings are considered accurate within +/-3.1 percentage points.

The State of the State Courts Survey is a unique and trusted data resource to measure public confidence in the state court system. For the past several years, the Survey has tracked declining public confidence in the courts, part of a larger declining confidence in a wide range of American institutions generally. Given this trend of public attitude toward the courts, the Committee on Public Engagement, Trust and Confidence decided to take a deeper dive and ask everyday individuals for their opinions about the courts.

In 2023, the National Center for State Courts commissioned a series of focus groups targeting audiences that have demonstrated relatively lower levels of confidence in state courts. Our consultant, GBAO, conducted two focus groups in Chicago, Illinois on August 23, 2023, among older college-educated white residents and younger white non-college women. GBAO then conducted two groups in Arlington, Virginia on August 31, 2023, among younger college-educated residents (mixed gender and race/ethnicity) and non-college-educated Black residents. GBAO also conducted two groups in Phoenix, Arizona on September 11, 2023, among younger white non-college-educated men and non-college-educated Hispanic or Latino residents of both genders. Finally, GBAO conducted online groups on October 30, 2023, among older rural and small-town residents and younger exurban residents drawn from across the country.

The findings, as you will see below, are constructive and will greatly inform our efforts to achieve a more transparent and responsive court system.



Chief Judge Anna Blackburne-Rigsby
District of Columbia Court of Appeals



Marcia M. Meis
Director, Administrative Office of the Illinois Courts

Co-Chairs, CCJ/COSCA Committee on Public Engagement, Trust, and Confidence

**There is a massive gap between
how courts see the services they deliver —
and how large segments of the public
experience those services.**



Why civics education isn't enough

Our 2023 focus groups revealed many difficult truths, including this one: focusing on civics education as the only solution to the public trust crisis is not a sustainable strategy. And if it *is* our only strategy, we should not count on seeing improvements in public trust.

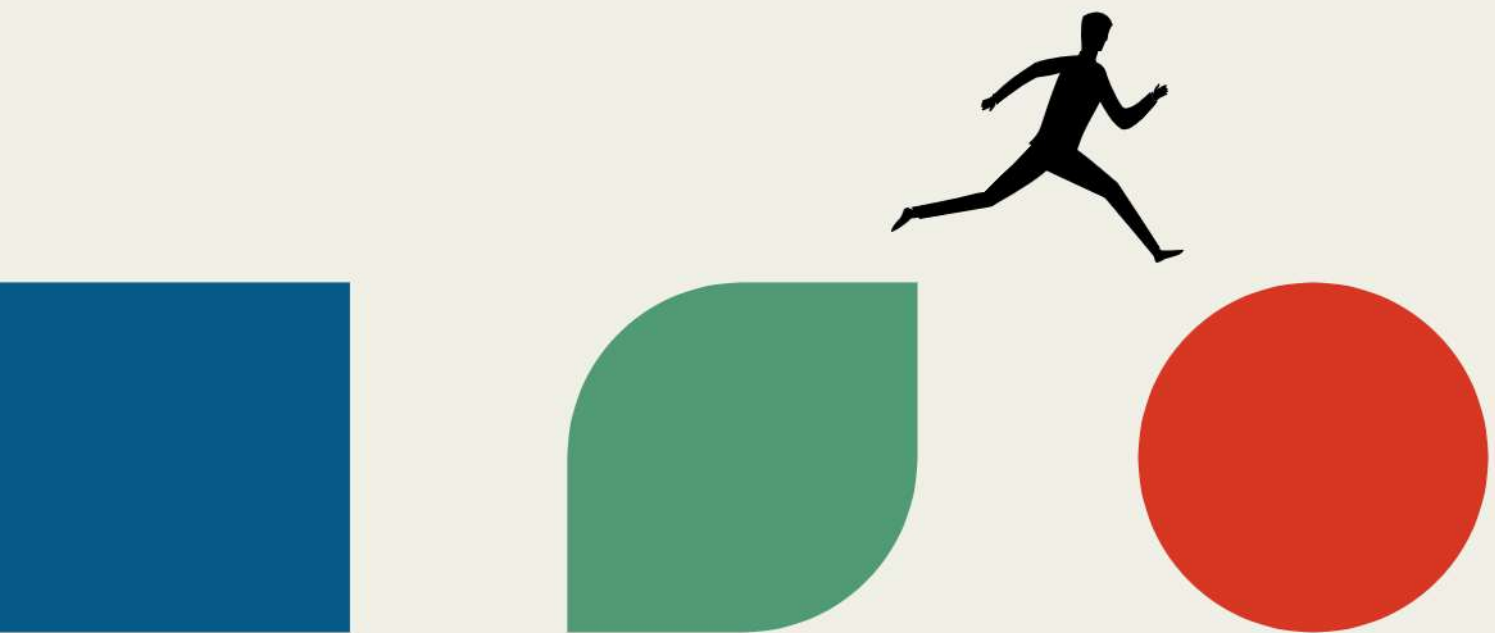
Here's why.

There is a massive gap between how courts see the services they deliver—and how large segments of the public experience those services. There is also a disconnect between focusing on “education” about how a system is *supposed* to work when it flies in the face of the lived experiences of so many.

Instead of relying solely on educating people about the court system, we must go beyond civics education—we must engage with communities to highlight the central role of state courts in providing justice; explain how courts and judges are ethical, accountable and transparent; demonstrate how courts are helping solve problems in local communities; and tell our stories in ways that connect with a new generation.

Civics education remains an important component of the overall strategy to build long-term support. There is substantial evidence suggesting that those with a higher level of knowledge about how the government operates are more likely to support the courts. But to truly “move the needle” on public trust and confidence, we must go beyond civics education.

This guide outlines a strategy that can get our public trust and confidence back in shape.



“ I am favorable toward the Supreme Court, but I do see that in the past ten years, you are starting to find that to be nominated to go on to the Supreme Court has become sort of political. So you don’t necessarily know that you are getting the law read the way it actually is. It’s being interpreted politically.”

— White woman
virtual focus group

The hyper-politicized state of public discourse

Here is a painful truth: nearly everything in our current civic environment is being politicized. It's hard to name a current affairs issue that doesn't make people run immediately to their respective partisan corners. Minds are closing, and the political middle is vanishing.

Blame what, or whom, you will. Surely cable news, social media, misinformation and disinformation, and hyper-partisan political battles in Washington, DC (and in state capitals) can all shoulder a share of the blame.

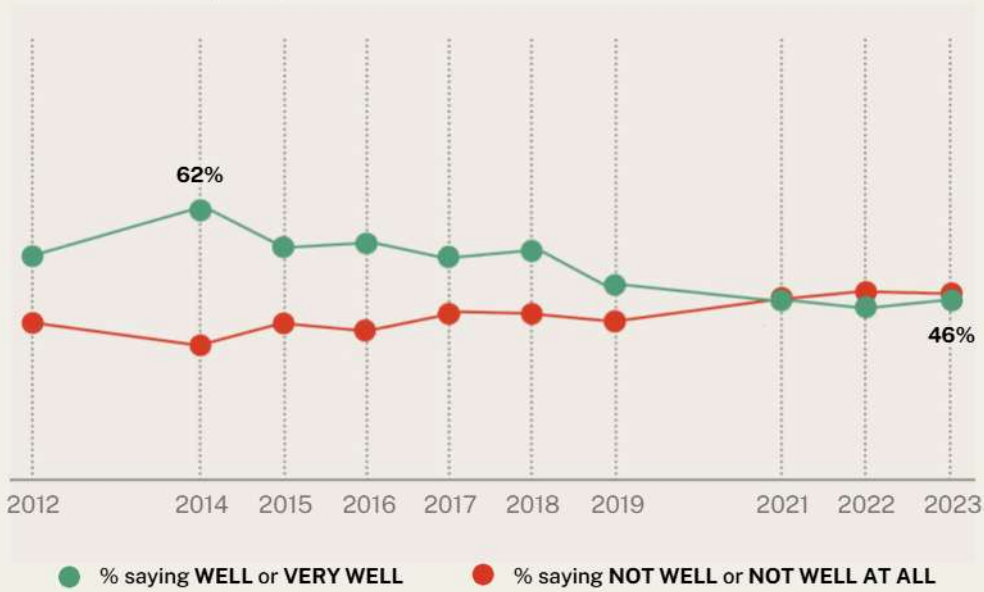
Regardless of whom you blame, state courts are starting to become a noticeable casualty. In our polling and focus groups, the dividing line between the political branches of government and the courts is starting to fall. Combined with the headlines attached to recent U.S. Supreme Court decisions, citizens are increasingly seeing courts as political—and in some cases, outright partisan—actors who are pursuing an agenda rather than following the law.

Our collective challenge is to remind people of how courts are different — of how they are protectors of rights, guardians of the rule of law, and providers of justice for all.

QUESTION:

“Does the following word or phrase describe [state] courts very well, well, not well, or not well at all?”

Provide equal justice to all?



Source: NCSC State of the State Courts 2023 annual survey of public opinion (ncsc.org/survey)



Public trust is falling

By most measures, public trust in the courts has been on a steady decline in recent years. Of course, the courts aren't the only institution suffering such a fate. National and international headwinds are blowing against many long-standing institutions both in the United States, and abroad. This includes greater skepticism about the trustworthiness of media, academia, religious institutions, and corporations. Trust in government is nearing record lows.

According to the 2024 Edelman Trust Barometer—an aggregator of survey data across dozens of countries—more people believe that the government is a source of false or misleading information than those who believe that it is a reliable source of trustworthy information.

NCSC's own State of the State Courts survey work, which has polled registered voters for a decade, is a great place to examine those trends as they relate to state courts. The percentage of respondents saying they have some or a great deal of trust in the state courts has declined by 10 percentage points since 2020.

Potentially more troubling: the survey's downward trend lines representing public sentiment about some of the courts' core attributes.

While many have historically harbored skepticism about whether judges can ever truly be free of politics, recent research shows more respondents are now saying the word "political" accurately describes the courts.

More damaging, still: consider that most have lost faith in the courts' ability to deliver on a core promise of equal justice for all. In 2014, 62% believed courts were upholding that promise; by 2023, that number had fallen to 46%.



“ It didn’t seem like a very streamlined process...I was actually happy I didn’t have to be on jury duty for that. It took up a big part of my morning. I just wasn’t impressed with the whole process.”

— White woman
virtual focus group

“ It’s just an underlying fact that if you have money, have connections, [then you have] the ability to fight a case and win it. That’s pretty much the gist of it.”

— White woman
Phoenix, Arizona focus group

“ When you have a certain amount of fame and fortune...things can go differently for you.”

— White man
Arlington, Virginia focus group

“ They don’t make it easy, because they don’t want you to figure it out.”

— Black woman
Arlington, Virginia focus group

Asking “why?” helps us understand the underlying concerns

NCSC’s 2023 focus groups explored public opinion in new and untapped ways. Sitting down with people and engaging in open conversations allowed us to not only ask about their concerns—but also ask why they feel the way they do.

Many of our focus group participants brought their own lived experiences to the table. Whether the experience was their own or one recounted by a friend or family member, many of the stories shared were not from watching too much CSI or Judge Judy.

They were authentic, personal stories that reflect a system that many now see as stacked against them.

Many believe two systems of justice exist. There is one system for those with influence, connections, and power, and another one for everyone else. We heard this repeatedly, expressed in strong and unequivocal terms. Money and politics were the determining factor for most. For virtually all of those from minority communities, race was also seen as a contributing factor.

Negative experiences with courts also reflected customer service challenges. There were complaints about the courts seeming too bureaucratic and difficult to navigate. Many participants referenced experiences in traffic court or with jury duty as examples of overly complex processes that wasted their time. They also mentioned websites that were not user friendly, and demands that prioritized the convenience of those inside the “system” over their needs.

Above all, there is a sense that courts are disconnected and out of touch with the people and local communities they serve. Rather than providers of justice for all, courts are seen as gatekeepers of a power imbalance between the haves and have-nots.

These harsh realities—grounded in real words from real people—lay the groundwork for the strategic messaging recommendations featured in this guide.

The Health and Wellness Guide

Four essential steps to increase public trust and confidence

4

SUPPLEMENT
Your Media Coverage

1

EXERCISE:
The Heavy Lift



Fad diets and crash exercise plans seldom produce the desired, long-term results. If we are going to turn around public trust and confidence in America's courts, we need a sustainable plan that can be maintained over years—not days or weeks. Because as a personal trainer will tell you, good habits breed good results.

And as with all health and wellness efforts, wholesale changes may be required to produce dramatic results.

At the heart of our plan is a focus on restoring trust in state and local courts in their role to maintain fair, just, and “healthy” communities. Following this four-step plan can put you back on track to better public trust and confidence.

This plan focuses on four key elements your doctor might prescribe.



3

Don't **SLEEP** on the Courts' Work
as a Community Problem-Solver



2

EAT Right:
Ethics, Accountability,
Transparency



STATEMENT:

“More than 95% of all cases in the United States are filed in state courts. The U.S. Supreme Court gets most of the headlines, but they only hear a handful of cases each year, while states courts hear over 100 million cases every year. The overwhelming majority of Americans seeking justice will find it through a state court.”

76%

rated this statement
VERY or SOMEWHAT
CONVINCING

*Responses from the 2023 State of
the State Courts opinion survey*



1 EXERCISE:

The Heavy Lift

The media noise around high-profile decisions coming out of Washington, D.C. misleads most people into thinking that all the courts' work happens there. It doesn't.

We know that, but we need to help others understand that. Public opinion research consistently finds that Americans trust state government more than federal government, and local government more than state government. The closer government is to the people it serves, the more people trust it—not only because they believe it is more likely to reflect the values of the people it serves but also because it is viewed as more accountable and adaptable to new circumstances.

Reminding people that courts are local institutions that do the heavy lifting is the first step.

KEY FACTS TO REINFORCE:

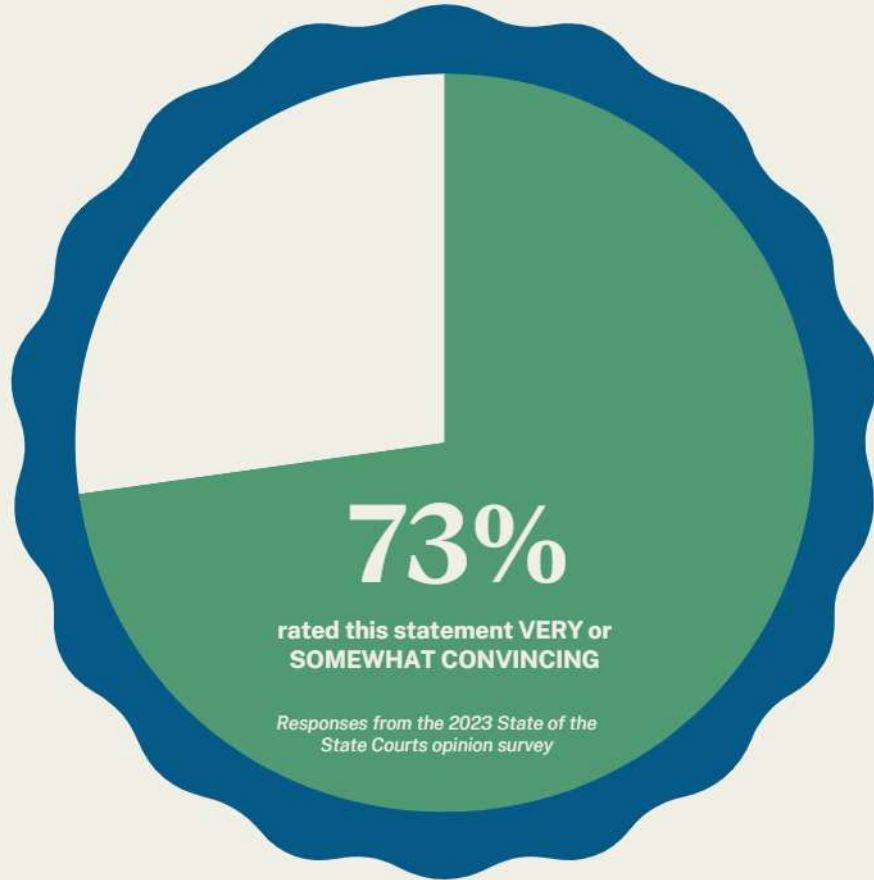
- ▶ More than 95% of all cases get filed in state courts
- ▶ In some years, state courts hear close to 100 million cases
- ▶ Most people seeking justice will find it in a state or local court
- ▶ Jury trials help ensure that court decisions reflect the values of local communities

Don't confuse this with educating people about theory or process. As discussed above, that's not going to move the needle.

Instead, this is about emphasizing who does the heavy lifting to deliver justice in America. It happens in local communities, every day. Be sure to reinforce this concept whenever talking about where work happens, and who does that work.

STATEMENT:

“State court judges must publish a legal explanation of the reasoning behind the decisions they make, and their decisions can be appealed to a higher court for review.”



“The judiciary runs on the trust and confidence of our citizens. It is incumbent on judicial leaders to employ best practices to enhance judicial ethics enforcement, training, and education. This helps to create trust.”

— David J. Sachar, *Director*, Center for Judicial Ethics at NCSC

2 **EAT Right:** Ethics, Accountability, Transparency

It's often said that judicial independence and judicial accountability are two sides of the same coin. You can't have one without the other. You also can't talk about one, and not the other. Focusing only on judicial independence is the equivalent of supersizing your order of french fries. In the moment it may feel right, but you will pay for it later. This time: get that side of broccoli. This may feel uncomfortable—diet revisions often do, at first—but it will put you on a path to better health.

KEY FACTS TO REINFORCE:

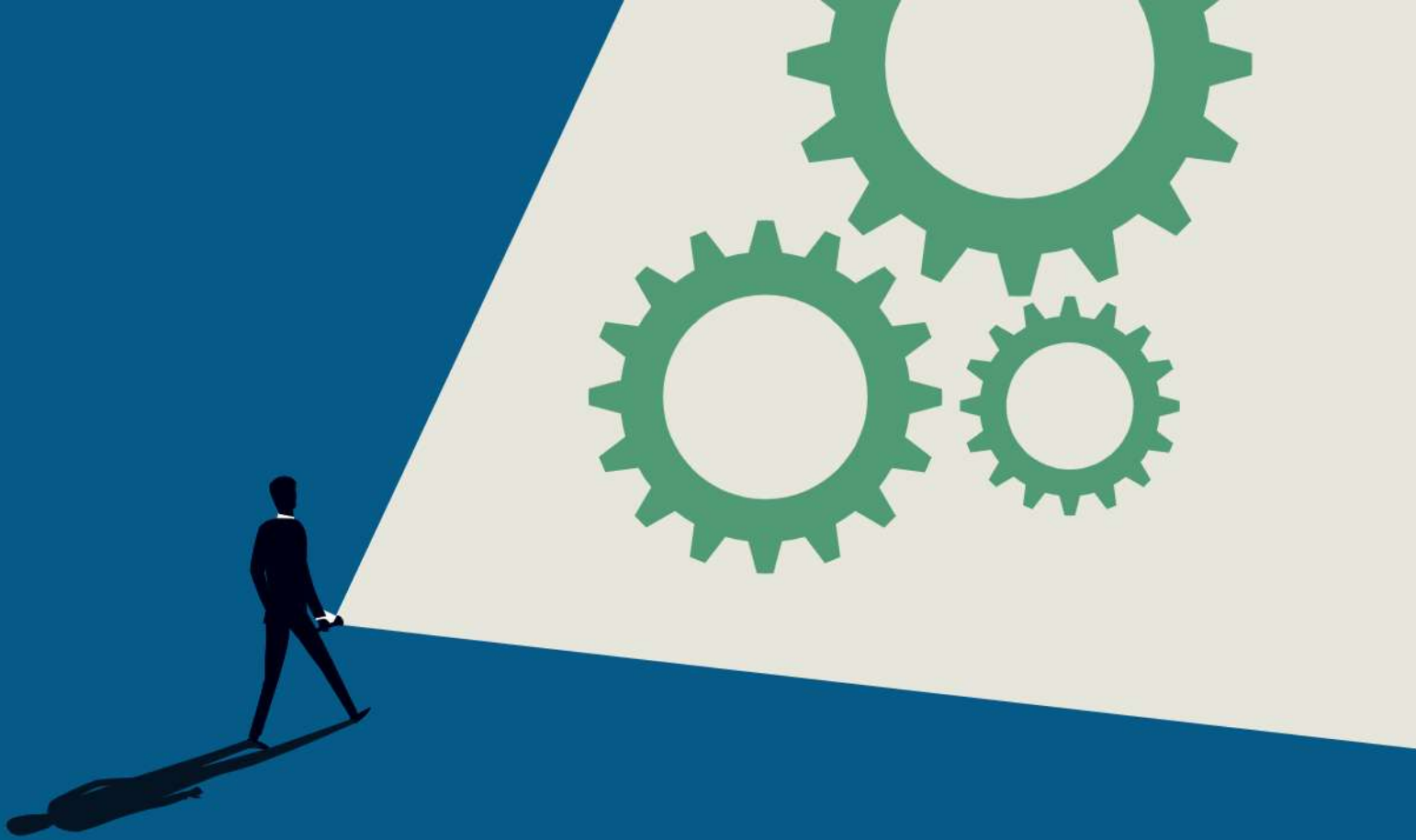
► **Courts are accountable to the law and the Constitution.**

Accordingly, be sure to emphasize the many layers of accountability that exist. Depending on your jurisdiction, you could highlight some of these points:

- Court proceedings are open to the public
- Courts live stream their hearings for even easier access
- Decisions are based on the facts and the law
- Decisions can be appealed to a higher court for review
- Decisions are often delivered in a written form where a judge outlines the law being applied to the case
- Proceedings are captured in an official record, and those records are publicly accessible, either at the courthouse or online

► **Judges are subject to rigorous codes of ethical conduct and can be removed from the bench or disbarred if they violate those codes.**

NCSC's focus groups revealed that almost nobody knows that codes of judicial conduct exist; and when they learned that they did, their confidence in the system increased.



“ What’s needed in New York City is going to be very different from what’s needed in rural Utah. I think the fact that state courts and local courts can create programs that are what’s needed in those communities gives me a lot of hope.”

**— White woman
virtual focus group**

“ I like the separate dockets...it was more descriptive...I really liked everything. It ticked all the boxes that I believe in.”

**— Black woman
Arlington, Virginia
focus group**

“ I think it shows that the court does more...for the community that could have a very positive impact, and help protect people who need that protection, and might not have another place to get that.”

**— White man
Arlington, Virginia
focus group**

3 Don't **SLEEP** on the Courts' Work as a Community Problem-Solver

Fatigue can get the best of us. That's why doctors recommend getting a good night's rest to relax and rejuvenate. To stick with our metaphor, getting enough sleep is vital. But you shouldn't snooze when it comes to waking the public up to an often-overlooked characteristic of local and state courts: problem solving.

Many are frustrated with government. They see a myriad of societal challenges, and politicians who are bickering, but they don't see the big problems being solved. Of course, courts solve problems—that's what they do. They resolve disputes. They protect liberty.

But beyond the basic core function of dispute resolution, state courts are also solving problems in new and innovative ways. We need to tell those stories.

Think of issues your community is experiencing and what role the court has in addressing these problems. Here are just a few examples that might apply:

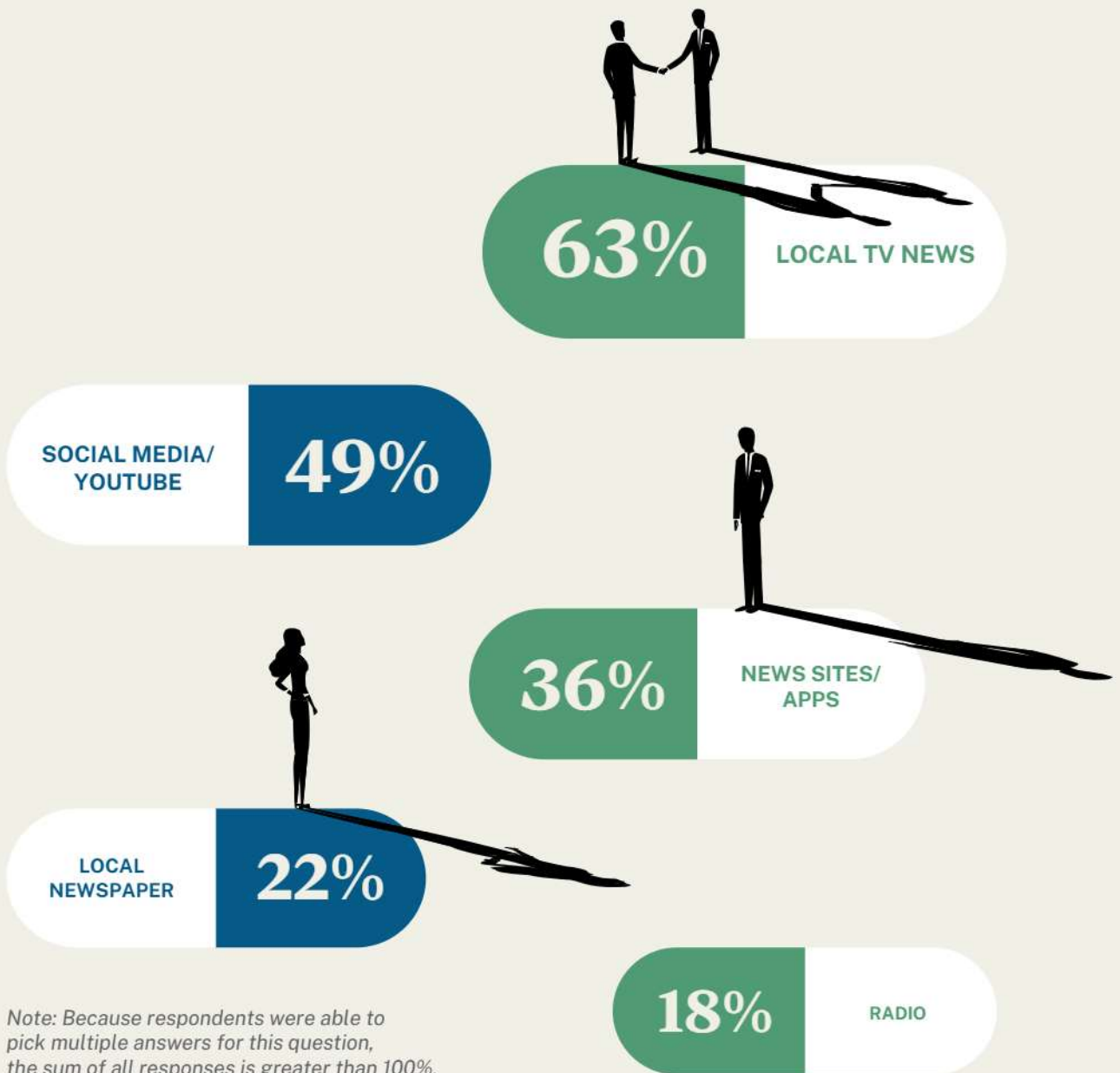
CONSIDER THESE KEY AREAS:

- ▶ **Eviction diversion programs** help people stay in their homes and help landlords fulfill their financial obligations—alleviating burdens on social service agencies, financial institutions, and beyond.
- ▶ **Guardianship programs** protect the elderly and most vulnerable from abuse.
- ▶ **Specialized dockets for veterans** understand the needs of those who have served our country in the military and resolve legal issues with their unique challenges in mind.
- ▶ **Mental health initiatives** effectively respond to the needs of court-involved individuals through judicial intervention, counseling and other activities.

Courts have a front row seat for the many challenges facing our local communities, and work every day to help address these issues with innovative solutions. Tell these stories.

QUESTION:

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



4 SUPPLEMENT Your Media Coverage

Communicating about the work of the state courts is a great way to build resilience for the institution. But we can't rely (entirely) on yesterday's storytelling tools.

Opinions don't speak for themselves, and press releases are seldom going to rise to the top in a busy, noisy, and competitive media environment.

Your court needs to have a public relations strategy built for today, and for tomorrow. As the graphic on the facing page reveals, we are living in an age where TV news and social media are equally important—each for different portions of an audience that is stratified by generation.

► **Your strategy should focus on ways to humanize your court's successes.**

Work with judges and program staff to find compelling human-interest stories that the public (and your neighbor) can relate to. Share data on how pretrial release and diversion programs can keep non-violent offenders out of local detention facilities and save taxpayer dollars. Talk to court users about how self-service kiosks and online portals make paying fines more convenient and improve compliance. Spend a day with a drug court participant as they work a full-time job, report to their court officer for a weekly check-in, attend a Narcotics Anonymous meeting and then go home to help their children with homework.

And while many courts have been leery about embracing social media, it's time to get past that hurdle, because a growing segment of the public are ONLY getting their information there. Promote human interest stories on social media. Share the positive work of the court through speakers' bureaus and participation in community events. Invite the public to the court for open houses, citizens' academies, adoption day ceremonies, and more.

You may even be able to locate some local "influencers" who are willing to use their social media channels to spread the word about your court's good work.

Conclusion

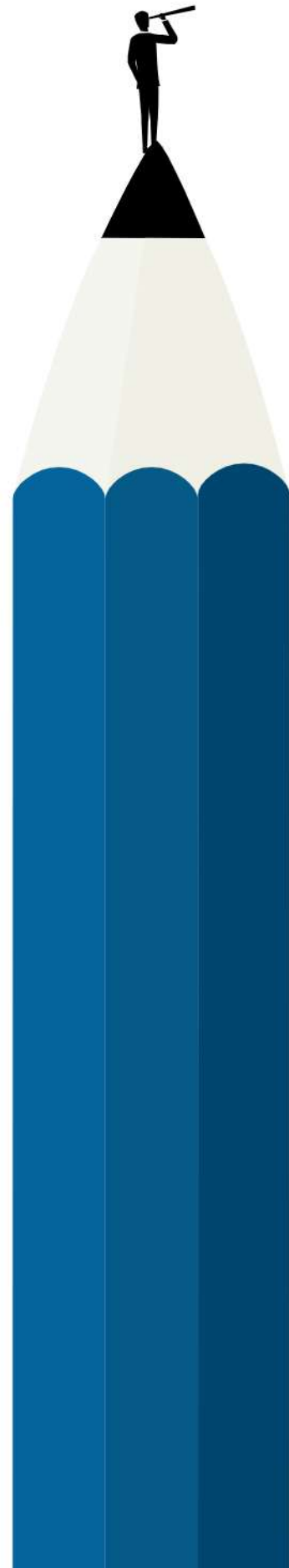
We have some hard work in front of us to close the gap between our own perspectives and those of the public. This guide provides a roadmap to begin that work and restore public trust and confidence in our courts.

Now is not the time to give up on improving civics education, but it's also not the time to assume that civics education alone will restore public trust. A 2024 report from the Annenberg Public Policy Center notes, given the variety of forces driving trust in courts lower, "civics education alone may not be enough." Indeed, we must go *Beyond Civics Education*.

There is no silver bullet solution to restoring public trust overnight.

This guide documents the qualitative and quantitative data that demonstrates we must engage with communities to highlight the central role of state courts in providing justice; explain how courts and judges are ethical, accountable and transparent; demonstrate how courts are helping solve problems in local communities; and tell our stories in ways that connect with a new generation.

Let's put in the work and get back in shape.



Acknowledgments

Numerous individuals contributed to this project, most notably our research partner, GBAO Strategies, a public opinion research firm based in Washington, DC. We greatly appreciate the deft professionalism and experience of Karl Agne and his amazing team at GBAO.

We thank all members of the CCJ-COSCA Committee on Public Engagement, Trust and Confidence for contributing valuable opinions and perspectives to the focus group findings, and we thank you in advance for your able assistance with next steps.

Finally, we thank our visionary NCSC liaison and quarterback for this effort, Jesse Rutledge, Vice President of Public Affairs for NCSC. Jesse conceived and facilitated the project work, managed many personalities at each of the focus group sites, and analyzed the importance and relevance of the results to the Committee's work.

— *Chief Judge Anna Blackburne-Rigsby & Marcia M. Meis*

CONFERENCE of
CHIEF JUSTICES 75
YEARS

 **COSCA**
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