

**THE CENTER FOR COURT INNOVATION AND THE
NATIONAL JUDICIAL COLLEGE
Improving Courtroom Communication**

**Unpublished Instrument
Procedural Justice Survey
(Focusing on Courtroom Communication)**

Defendant Survey

Pre-Survey 2012

ELIGIBILITY SCREENING:

Are you 18 years or older?

Did you appear before one of the following judges today?

Judge A Judge B Judge C Judge D Judge E Judge F

If you saw Judge F: Do you have an open deferred prosecution case? If your case is closed, do you have any incomplete mandates, such as paying court costs?

If you saw another eligible judge: Did you receive a sentence today that included at least one of the following? {Court costs, fine, restitution, probation, community service, OR other short-term mandate (Note to interviewer: defendants with time-served only are ineligible; defendants with court costs only are eligible)}

Are you interested in participating? If you are interested, we can go to a private room where I can describe the study further and there is no chance our conversation will be overheard.

THE FOLLOWING QUESTIONS CONCERN YOUR EXPECTATIONS. Thinking back to the beginning of your current court case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1. You expected the judge to treat you fairly.	<input type="radio"/>				
2. You expected your attorney to treat you respectfully.	<input type="radio"/>				
3. You expected your attorney to take the time to discuss the case with you.	<input type="radio"/>				
4. You expected you would receive a fair outcome of your case.	<input type="radio"/>				
5. You expected the prosecutor to be respectful.	<input type="radio"/>				
6. You expected the court staff to be respectful.	<input type="radio"/>				
7. You expected to understand the court process.	<input type="radio"/>				

8. Approximately how many times have you been to the Milwaukee County Courthouse for your current case? _____

Considering all the times you've been to this courthouse for your current case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
9. It is easy to find your way around the courthouse.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10. When unsure of where to go, signs around the courthouse clearly identify the locations of courtrooms.	<input type="radio"/>				

11. I have been lost in the courthouse at least once?

- No
- Yes

12. Do you know the location of at least one information kiosk in the courthouse?

- No
- Yes

13. Have you ever used an information kiosk? [If no, go to Q15]

- No
- Yes

14. If yes, how easy was it to use the kiosk?
- Easy
 - Neither
 - Difficult

THINKING BACK TO YOUR VERY FIRST COURT APPEARANCE ON YOUR CURRENT CASE:

15. Did the first judge you saw treat you with respect?
- No
 - Yes
16. Did the first judge you saw clearly explain what was going on in the court?
- No
 - Yes
17. Did the first judge you saw answer any questions you had?
- No
 - Yes
 - N/A
18. Were you at all intimidated by that first judge, causing you not to ask questions you had?
- No
 - Yes

THE FOLLOWING QUESTIONS ASK ABOUT YOUR EXPERIENCE TODAY.

19. Approximately how many minutes did it take to get through the security today? _____
20. Approximately how many minutes did it take to get from security to the courtroom? _____
21. Approximately how long did you wait in the courtroom before your case was called? _____
22. When did your lawyer speak with you about what might happen during your court appearance today? (Please mark all that apply)
- Before today
 - Today, prior to the court appearance
 - Today, during the court appearance
 - None of the above, I did not speak to my lawyer about what might happen today
23. What is the name of the judge you saw today? _____
- Don't Know
24. While waiting in the courtroom, did the judge provide an estimate of about how long you would wait until your case was called?
- No
 - Yes

25. Did the judge explain why some cases are called before others?

- No
- Yes

26. Did the judge apologize for any delay before your case could be called or express appreciation for your patience?

- No
- Yes

27. Did you find waiting in the courtroom to be?

- Very unpleasant
- Unpleasant
- Neither pleasant nor unpleasant
- Pleasant
- Very pleasant

THE FOLLOWING QUESTIONS ASK ABOUT YOUR EXPERIENCE TODAY DURING YOUR COURT APPEARANCE.

28. Approximately how many minutes was your court appearance today from the time your case was called to the time when the judge indicated that the appearance was over? _____

CONSIDERING TODAY'S COURT APPEARANCE: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
29. The judge was polite to you.	<input type="radio"/>				
30. The judge showed concern for your rights.	<input type="radio"/>				
31. The judge gave you or your lawyer a chance to tell your side of the story.	<input type="radio"/>				
32. The judge made eye contact.	<input type="radio"/>				
33. The judge treated you with respect.	<input type="radio"/>				
34. The judge tried to understand your particular needs for services or any other needs you had.	<input type="radio"/>				

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
35. The judge explained what was going on in language you could understand.	<input type="radio"/>				
36. The judge seemed very interested in helping you.	<input type="radio"/>				
37. The judge's decision was clear to you.	<input type="radio"/>				
38. The judge clearly explained what will happen if you violate the court's orders.	<input type="radio"/>				
39. At times, the judge used words you didn't understand.	<input type="radio"/>				
40. The judge showed bias in favor of the prosecutor.	<input type="radio"/>				
41. The judge's instructions were confusing.	<input type="radio"/>				
42. The judge cared most about getting your case over with quickly.	<input type="radio"/>				
43. The judge treated you worse than others because of your race, sex, age, or some other reason.	<input type="radio"/>				
44. The judge's decisions didn't consider what you or your lawyer said.	<input type="radio"/>				

45. How often did the judge use legal terminology you did not understand?

- Very often
- Somewhat often
- Not too often
- Not at all

46. Overall, did the judge take the time to clearly explain any legal terminology that was used during your court appearance?

- No
- Yes

47. Did the judge get any of the facts wrong in your case? [If no, skip to Q49]

- No
- Yes

48. If yes, were you or your lawyer able to correct them?

- No
- Yes

49. Was there anything you wanted to say to the judge that you weren't able to?

- No
- Yes

50. Overall, how fairly were you treated by the judge?

- Very fair
- Somewhat fair
- Somewhat unfair
- Very unfair

51. Overall, how fairly did the judge make his or her decisions?

- Very fair
- Somewhat fair
- Somewhat unfair
- Very unfair

52. How important was it to you how well you were treated by the judge?

- Very important
- Somewhat important
- Not too important
- Not important at all

Considering your experience today, including your own court appearance today and any other appearances you observed while waiting in the courtroom, please rate from "1" to "5" how often the judge demonstrated each of the following characteristics.

	Not at all 1	2	3	4	Always 5
53. Respectful	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
54. Fair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
55. Consistent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
56. Caring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
57. Intimidating	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
58. Knowledgeable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
59. Confusing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

CONSIDERING YOUR OVERALL EXPERIENCE TODAY: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
60. Your case today was handled fairly by the court.	<input type="radio"/>				
61. You feel that you were treated with respect in the court.	<input type="radio"/>				
62. You felt you had the opportunity to express your views in the court.	<input type="radio"/>				
63. You understood what was going on in the court.	<input type="radio"/>				
64. People in the court spoke up on your behalf.	<input type="radio"/>				
65. You understood your rights during the processing of your case.	<input type="radio"/>				
66. You felt fully informed.	<input type="radio"/>				
67. You felt too intimidated or scared to say what you really felt in the court.	<input type="radio"/>				
68. You felt pushed around by people with more power than you.	<input type="radio"/>				

THE FOLLOWING QUESTIONS ASK ABOUT THE OUTCOME OF YOUR CASE AND WHAT, IF ANYTHING, THE COURT ORDERED YOU TO DO.

69. Did you plead guilty in your current case? [Includes DPA cases] (If no, go to Q71)

- No
- Yes

70. How willing were you to accept the plea bargain?

- Very willing
- Somewhat willing
- Not very willing
- Not willing at all

71. Did the judge impose a sentence on your current case?

- No
- Yes

72. Please briefly describe your sentence or anything else the court ordered you to do ***(IF DEFERRED PROSECUTION CASE ADD: PLEASE INDICATE WHAT YOU HAVE BEEN ORDERED TO DO EVEN IF THE ORDER WAS IMPOSED ON AN EARLIER COURT DATE OR BY A DIFFERENT JUDGE.)***

73. Did the judge explain what you had to do slowly and clearly?

- No
- Yes

74. Did the judge ask you to repeat what you had to do in your own words just to make sure you understood it all?

- No
- Yes

75. Did the judge seem concerned about making sure you understood your sentence or whatever else the court was ordering you to do?

- No
- Yes

76. Did the judge today tell you what you need to do in order to comply with your sentence?

- No
- Yes

77. Overall, how do you rate the fairness of the sentence or order you received?

- Very fair
- Somewhat fair
- Somewhat unfair
- Very unfair

78. Compared to other people who pled guilty to the same offense, would you say your outcome was:

- Better than others
- Same as others
- Worse than others

79. Is there anything about your responsibilities that is unclear to you at this time?

THE FOLLOWING SECTION ASKS YOU ABOUT THE DECISIONS MADE IN YOUR CURRENT CASE.

80. How likely do you think it is that you will follow the sentence requirements or the deferred prosecution agreement in the future?

- Very likely
- Somewhat likely
- Not very likely
- Not likely at all

81. In the future how willing would you be to have this judge make decisions about a case you were involved in?

- Very willing
- Somewhat willing
- Not very willing
- Not willing at all

82. How much did you think about complaining about the judge?

- A great deal
- Some
- A little
- Not much at all

83. Have you had thoughts about trying to get the decision reversed?

- No
- Yes

84. How much effort will you make at avoiding the situation or behavior that has resulted in your current court case?

- A great deal
- Some
- A little
- Not much at all

THE FOLLOWING SECTION ASKS ABOUT EXPERIENCES WITH YOUR ATTORNEY AND OTHER COURT STAFF.

Throughout your current court case: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
85. Your attorney treated you with respect.	<input type="radio"/>				
86. Your attorney listened to you.	<input type="radio"/>				
87. When speaking with you, your attorney used words you understood.	<input type="radio"/>				

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
88. Your attorney took the time to explain the judge's decisions to you.	<input type="radio"/>				
89. Your attorney fought hard for you.	<input type="radio"/>				
90. Your attorney seemed very interested in helping you.	<input type="radio"/>				

91. **Throughout your current case**, how fairly did the following court staff treat you?

	Very fair	Somewhat Fair	Somewhat Unfair	Very unfair
a. The Prosecutor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Your Attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Security Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Sheriff's Deputy's (Bailiffs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Other Court Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Arraignment Judge/Court Commissioner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

THE FOLLOWING QUESTIONS CONCERN YOUR GENERAL VIEWS OF THE COURT SYSTEM.

Considering the following statements: Do you strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following statements?

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
92. The court system is fair	<input type="radio"/>				
93. All laws are good laws.	<input type="radio"/>				
94. Laws are intended to protect people.	<input type="radio"/>				
95. On the whole, Milwaukee judges are fair.	<input type="radio"/>				
96. Laws only protect rich people.	<input type="radio"/>				
97. Laws only protect white people.	<input type="radio"/>				
98. The court system is racist.	<input type="radio"/>				

NOW I WOULD LIKE TO ASK YOU SOME DEMOGRAPHIC QUESTIONS.

99. Are you:

- Male
- Female
- Transgender

100. How would you describe your racial/ethnic background?

- Black/African American
- Hispanic/Latino
- White
- Asian
- Other, specify: _____

101. What is your annual household income?

- Less than \$10,000
- \$10,001 to \$25,000
- \$26,000 to \$50,000
- More than \$50,000

102. Are you currently employed part-time or full-time?

- Not currently employed
- Part-time
- Full-time [35+ hours per week]

103. Have you obtained a high school diploma or GED?

- No
- Yes

104. Have you ever held a position as a police officer or a member of the court staff?

- No
- Yes

105. Have you ever been arrested before, excluding this current case? Please note that we are only asking this question for statistical purposes and do not intend to identify your answer to anyone.

- No
- Yes

106. Have you ever been convicted of a crime before, excluding this current case?

- No
- Yes

107. Do you have any final thoughts you would like to share about the fairness of the court process you've experienced on your current case?

For research purposes would you provide us with your first and last name, date of birth, and docket number (if you know it)? We ask only to help us locate your case information in Wisconsin's publicly available database. All identifying information will be kept strictly confidential and all physical documents like this survey will be destroyed three years after project completion.

First Name: _____

Last Name: _____

Participant Birth Date: ____/____/____

Docket Number: _____

If sentenced to probation, have you already met with the probation intake staff today?

- No
- Yes
- N/A

Thank you for completing the interview!!!

The interviewer should complete this page immediately after concluding the interview.

Today's Date: ___/___/___

Name of Interviewer: _____

Recruitment Took Place:

- Outside courtroom
- Outside probation office
- Other: _____

How cooperative was the respondent?

- Very cooperative
- Fairly cooperative
- Not very cooperative

How interested was the respondent in the interview?

- Very interested
- Fairly interested
- Not very interested

How accurate do you think the information given to you was?

- Very accurate
- Fairly accurate
- Not very accurate

How good was the respondent's English?

- Very good
- Fairly good
- Not very good

Additional comments:
