

# An Interview with Phil Anderson and Marilyn Goldman

In February, the American Bar Association released the results of a nationwide opinion survey taken by phone of 1,000 respondents in August 1998. The survey showed that eighty percent of Americans believed that “in spite of its problems, the American justice system [was] the best in the world.” Despite some trouble spots, confidence in the courts was higher than in a similar national survey taken twenty years ago, while confidence in most other major institutions fell or stayed the same.

We talked about the survey results with Phil Anderson, the ABA’s president, and with Marilyn Goldman of M/A/R/C Research, who was the lead researcher for the survey.

Anderson is a Little Rock, Arkansas, lawyer who chaired the ABA’s Coalition for Justice, charged with the responsibility of strengthening public confidence in the justice system, from 1994 to 1997. His service to the legal community began shortly after his graduation from the University of Arkansas law school in 1959, where he was editor-in-chief of the Arkansas Law Review. He has been a member of the ABA House of Delegates since 1979.

Goldman is vice president and Chicago regional manager for M/A/R/C Research, where she does marketing research. She has a Master of Arts degree from Michigan State University and has twenty-five years of marketing and advertising research experience, primarily for Fortune 500 companies.

**COURT REVIEW:** *Let me start with this: What was the genesis of the ABA doing a public opinion survey at this time?*

**ANDERSON:** Well, we’re going to have a national conference in May on public trust and confidence in our system of justice. That will be in cooperation with the Conference of Chief

Justices, the Conference of State Court Administrators, and the League of Women Voters.

In preparation for that joint conference, the American Bar Association has had two symposia. The first was on judicial independence and judicial accountability. The second one was on public perceptions of the justice system. And in preparation for the second symposium, we commissioned a national poll.

**CR:** *Before we get into all the details of the results, what was the most surprising thing to you from this survey?*

**ANDERSON:** The most surprising thing to me was the high level of trust and confidence in our system of justice, despite problems [with it]. That was the single most surprising thing. And akin to that is the recognition of problems with regard to racial bias in the justice system.

But even with relatively high marks [overall], forty-seven percent of the people surveyed believe that the people are treated differently because of race. Still, [even] with that problem, there is the eighty percent confidence level in the system as a whole.

**GOLDMAN:** I would agree with that, and I’d also add that the lack of knowledge of some very, very basic, simplistic concepts of our justice system was surprising to me as well.

**ANDERSON:** Let me say that that didn’t surprise me. I expected the survey to show that. And I think that it underscores the necessity of greater training in civics in the primary and secondary school systems in the United States.

**CR:** *Let me get back to that — the possible solutions for some of the problems that were identified in the survey — and move for a moment to what the survey said about overall trust and confidence in the judicial system, as compared to other*

*American institutions. Ms. Goldman, if I understand correctly, you designed this survey to track with some prior surveys?*

**GOLDMAN:** Yes, [primarily with] the 1978 Yankelovich research.

**CR:** *How did the results this year compare to ones 20 years ago?*

**GOLDMAN:** For the most part, there were some things that stayed the same, some things that showed significant increases, and some things that showed some deep declines from 20 years ago. [One that improved quite a bit was] the U.S. Supreme Court, that was significant.

**CR:** *Well, in the results overall, for example, the U.S. Supreme Court rose from 36 percent to 50 percent in terms of people having high or extremely high confidence in it.*

**GOLDMAN:** Correct.

**ANDERSON:** The levels of confidence of all kinds of courts increased.

**GOLDMAN:** That’s correct.

**ANDERSON:** And confidence in the local police also increased significantly.

**CR:** *Do you have any theory as to why that occurred, or is there anything in the data that would indicate that?*

**GOLDMAN:** Well, from everything that I can glean from this research, I think a lot of it has to do with people having put the courts on a very high pedestal and believe that they’re doing their job. We know that they believe judges are very qualified for their jobs, and I think these measures become summations of that.

**CR:** *Yet measures of some other entities fell quite a bit. The media fell from twenty-nine percent to eight percent.*

**GOLDMAN:** Correct.

**ANDERSON:** By the way, this was conducted in the second week of August 1998, and it was before the impeachment proceedings, so if we took a survey again today, there would be probably dif-

ferent findings with regard to the press. Wouldn't you think so, Marilyn?

**GOLDMAN:** Well, it might. I mean, some of this might be the carry-over from [the] O. J. Simpson [case]. We've certainly seen that from the study. We also saw a decline in confidence in the U.S. Congress, and I would certainly think that that may be different today, as a result of the impeachment hearings, if we were to conduct the research again.

**ANDERSON:** But there was also a decline in confidence in doctors, organized religion, public schools.

**GOLDMAN:** Right.

**CR:** *In terms of trust and confidence overall, there was quite a bit in your survey attempting to determine the relationship between confidence and trust in the court system and the detail of knowledge or participation in the system. What were your main findings there?*

**GOLDMAN:** The major finding was that the more knowledge a person had, the more confidence they tended to have in the system overall, as well as in the ... components. That's probably the major implication out of that.

**CR:** *The survey indicated that those who were found to be the most knowledgeable were more likely to be white than non-white, men as opposed to women, higher educated as opposed to less educated, higher income, and middle-aged respondents.*

**GOLDMAN:** Exactly.

**CR:** *The survey also showed that almost all groups had significant experience with the system. What would lead these groups to be, ultimately, more knowledgeable about it [than the others]?*

**GOLDMAN:** One of the things we also found out is that if you had a positive court experience, you were more likely to have confidence in the system than if you had a negative court experience. And one of the things that did come out is that business people and people who are wealthier also have more confidence. So the demographics seem to coincide with some of the attitudinal, experiential situations that we find in this research. I think that they are related.

**CR:** *Could you explain for a minute how you went about determining whether people were knowledgeable about the courts?*

**GOLDMAN:** We had a series of



about seventeen questions. They covered things like asking people what the three branches of government were, to name them, to identify them on an unaided basis; then [they were told] the three branches of government and [we] asked them what their functions were. We asked them to identify on an unaided basis who the Chief Justice of the United States Supreme Court was, and then we had a series of ten true and false statements, and we asked them to indicate whether or not they were true or false.

And based on their responses to the seventeen different questions or different possible answers that they could give us, we classified them based on knowledge levels. If they were able to correctly

name anywhere from thirteen to seventeen of the questions, we considered them to be high in their knowledge base, and anything six or lower were low, the rest being middle levels of knowledge. So they were based on some pretty factual pieces of information.

**CR:** *And did the person's self-reported level of knowledge about the system correlate with their ability to answer specific questions?*

**GOLDMAN:** Yes, it did. We got a significant correlation between the two at a point three three (.33) level, which was significant, at the ninety-five percent [confidence] level. So pretty much what that says is that if you believed yourself to be fairly knowledgeable about the system, [there's a] pretty good chance that you were.

**CR:** *Given that the people with more knowledge about the system had a higher, more positive opinion of it, is the message to the courts the simple one that we need to get more information out to let people know what we're doing?*

**ANDERSON:** That's absolutely true. And this survey also showed that sixty-one percent of the people surveyed wanted to know more about our system of justice, and, of that number, the overwhelming majority, seventy-five percent, wanted to learn that from judges.

I believe that it says to judges, we have to let people know more about our justice system, and I think that it says to our public schools, you have to start teaching civics earlier. I know you're going to get back to that, but that is what that message is.

**CR:** *Well, on that subject, the survey indicated that twenty-five percent of the respondents could not even name one branch of the government, and less than forty percent could name all three without help.*

**GOLDMAN:** That's right.

**CR:** *Does that indicate a serious problem with our educational system?*

**ANDERSON:** It indicates a very serious problem with what children are being taught and what they retain.

**CR:** *It may be what they retain. I gave my in-home quiz last evening to a seventh grader, and he was able to immediately name all three branches of the government.*

**GOLDMAN:** Good for him, [but] that's where I was surprised.

**ANDERSON:** We've had a genera-

**CONFIDENCE IN PROFESSIONS  
AND PUBLIC INSTITUTIONS  
1978 and 1998**

	<b>1978 Survey</b>	<b>1998 Survey</b>		
	Extremely or Very Confident	Extremely or Very Confident	Somewhat Confident	Slightly or Not at All Confident
U.S. Supreme Court	<b>36%</b>	<b>50%</b>	35%	15%
The Local Police	<b>40%</b>	<b>47%</b>	33%	20%
Medical Profession/Doctors	<b>50%</b>	<b>46%</b>	39%	15%
Accounting Profession/ Accountants	NA	39%	44%	15%
Organized Religion	<b>41%</b>	<b>37%</b>	30%	31%
Federal Courts other than U.S. Supreme Court	<b>29%</b>	<b>34%</b>	45%	21%
Judiciary/Judges	NA	32%	46%	22%
<b>U.S. Justice System in General</b>	NA	30%	43%	27%
State and Local Courts	<b>23%</b>	<b>28%</b>	47%	25%
The Public Schools	<b>37%</b>	<b>27%</b>	38%	35%
The Executive Branch of the Federal Government - Office of the President, Cabinet Depts.	27%	26%	36%	37%
The Executive Branches of State/Local Government - Office of Governors, Mayors, etc.	21%	24%	50%	26%
The State Legislatures	21%	19%	41%	39%
Your State's Prison System	17%	19%	41%	39%
U.S. Congress	<b>23%</b>	<b>18%</b>	47%	35%
The Legal Profession/ Lawyers	NA	14%	44%	42%
The Media	<b>29%</b>	<b>8%</b>	32%	60%

Source: American Bar Association survey of 1,000 respondents taken by telephone August 6-31, 1998; Yankelovich survey of 1,931 respondents taken in 1978. ABA survey results released February 24, 1999. Note: The figures shown in **bold numbers** indicate a difference between the 1978 and 1998 results that was statistically significant at the ninety-five percent confidence level.

tion in which civics has not been consistently taught in the United States as it was before the 1960s. There have been some good changes in the past few years in some states requiring by legislation that civics be taught in the primary grades. But for most of the past generation, civics has been relegated to a senior high school course called American Government as a required course. Of course, civics has been an elective course in many high schools. But there are other things that are receiving emphasis, math and science particularly. And civics has not had the time devoted to it that our society demands, because we must have an educated society in order to support the type of government that we have in the United States.

**CR:** *Beyond public education, what indications does the survey give about actions that courts and judges could best take to improve public trust and confidence?*

**ANDERSON:** I believe that if the courts would permit the televising of trials gavel to gavel — not snippets, but gavel to gavel — it would be a great, continuing civics lesson for the people of the United States. I also believe that the survey indicates that judges are going to have to take a more active part in their communities. There are some courts that have an outreach program, but it's a two-way street. The public can learn from judges, but judges can also learn a lot from the public, particularly the members of the public who are involved in the justice system in some way, either as jurors, witnesses, or parties, or just people who come to the courthouse to pay their taxes.

**CR:** *Ms. Goldman, you did some fairly rigorous analysis in your report trying to determine which specific factors led to trust and confidence, which ones were already in pretty good shape and the courts needed to try to maintain, and also ones in which some effort would be expected to result in an increase in public trust and confidence.*

**GOLDMAN:** Right.

**CR:** *Could you explain what factors you think the state and local courts in particular, and state and local judges, would best focus on to try either to maintain — or to enhance — public trust and confidence?*

**GOLDMAN:** Well, looking at what

seem to be the biggest drivers of confidence, there are two areas to look at. [First are] those areas that you want to maintain, which are clearly about how the courts provide information and how they treat people while they're in court, which is very positive right now and something that we need to maintain. We want to deal with access to the courts, people being able to get a lawyer when they need one, get to court when they need [to] – [that] certainly is another area that's important in driving confidence, but seems to be in pretty good shape.

The areas where we really need to deal with improvement are in the treatment of minority groups and different subgroups within the community, which we've already talked a little bit about – [also,] how people are sentenced, in terms of [sentences] being too lenient, and getting off on technicalities [are] areas where we need improvement. Court costs and how long it takes to get through the court system is another area where we need to generate some improvement and [that] will also drive people's confidence [up], as well as the more altruistic issue of judges and lawyers contributing and being part of the community, [which] is also an area that we could focus on for improvement.

**CR:** *With respect to each of the areas you just listed, I take it that your analysis showed those were important factors in public confidence in the court.*

**GOLDMAN:** Yes.

**CR:** *And in each of those cases, they were low enough that there is substantial room to improve those scores?*

**GOLDMAN:** On certainly, at least four of those areas, that's exactly true.

**CR:** *Which would be the areas that would, if worked on, be most likely to result in improvement in trust and confidence?*

**GOLDMAN:** Two major areas. One would be the treatment of minority groups, and the other has to do with sentencing, and people not being able to get off on technicalities and appeals. Those will influence people's confidence the most.

**ANDERSON:** The technicalities issue is obviously one where public education is needed.

**GOLDMAN:** Right.

OPINIONS OF JUDGES			
PEOPLE BELIEVE THAT JUDGES ARE WELL QUALIFIED,			
	Strongly Agree/ Agree	Neither Agree Nor Disagree	Strongly Disagree/ Disagree
Most judges are extremely well qualified for their jobs	54%	20%	25%
ARE NOT OVERPAID,			
	Strongly Agree/ Agree	Neither Agree Nor Disagree	Strongly Disagree/ Disagree
Judges are not paid enough given how much work they do	14%	31%	51%
AND, SAY ONE THIRD, COULD DO MORE FOR THE COMMUNITY.			
	Strongly Agree/ Agree	Neither Agree Nor Disagree	Strongly Disagree/ Disagree
Most judges do not contribute enough to their community through donations of time, legal services or money	33%	38%	26%
Source: American Bar Association survey of 1,000 respondents taken by telephone August 6-31, 1998.			

**ANDERSON:** And I think that if people become more familiar with how trials are conducted, that they would be more forgiving when they realize that what they call technicalities are constitutional protections that protect them just as much as they protect the accused.

**CR:** *Mr. Anderson, let me turn for a moment to the perception of the public of lawyers. The survey had some fairly troubling results seemingly for lawyers. A majority said we would be better off with fewer lawyers, and only fourteen percent overall were extremely or very confident in the legal profession. Further, the lowest levels of confidence in the legal profession were among those who had the greatest knowledge of the court system. Did these results trouble you as president of the American Bar Association?*

**ANDERSON:** Of course, those numbers are disturbing, and I think that lawyers are simply going to have to continue their contributions to the public through representation of the poor on a pro bono basis and in participating in their communities as many, many

lawyers have done since the founding of the Republic. The one problem is that people don't know what lawyers do, and they don't know the role of lawyers in our system of justice. Civics education, in addition to teaching students what judges do — that is, judges protect our freedom and enforce our rights — would also teach students what lawyers do. But the ABA will continue its work on a broad variety of pro bono programs for immigrants, for the poor, for children, and other aspects of American life, and if lawyers continue to recognize their public responsibility as a professional responsibility, that image eventually will change.

**CR:** *You had two days of seminar and discussion groups in Washington after release of the survey data. Were there any important points out of that discussion that you might be able to share with us?*

**ANDERSON:** Oh, it was a very productive two days that we spent, and I think that the judicial outreach aspect of the symposium was important, and a part of the program that we had on edu-

**PUBLIC KNOWLEDGE OF THE COURTS  
SOURCES OF INFORMATION**

**As Self-Reported, the Public's Most Important Sources of Information about the Justice System Are:**

Personal experience	63%
School or college courses	59%
Books/library	58%
Jury duty	57%
Lawyers/attorneys	43%
Materials available from the court	43%
Television news	41%
Family member	40%
Television news shows like 20/20, 60 Minutes, Dateline	37%
Local daily newspaper	36%
National newspapers	35%
Radio news	31%
High profile cases	28%
Internet	23%
Word of mouth	22%
Television trials like Court TV	20%
Magazines	16%
Radio/TV talk shows	15%
Court programs like People's Court/Judge Judy	11%
Television dramas	9%
Movies/videos	7%

Question: "For each source [I read to you], please tell me how important each source is to you in getting news or information on the justice system. When answering, please use the following scale: extremely important, very important, somewhat important, slightly important, or not at all important." Percentages reported are those who rated the source as extremely important or very important. (N = 1000.)

**Most want to know more,**

Yes, want to know more	61%
No, don't want to learn more	39%

Question: "Would you care to learn more about the justice system?" Yes/no answers. (N = 1000.)

**and would like to hear from judges.**

Desired Sources of Information:

Judges	75%
Retired judges	73%
College/law professors	70%
Teachers	70%
State/local bar assoc.	69%
American Bar Assoc.	68%
Lawyers	58%
Civic groups	56%
Any type of media	51%
Other	6%
None of the above	2%

Question: "From which of the following sources would you be interested in receiving or learning more about the justice system? [list read to respondents]" (N = 610.)

Source: American Bar Association survey of 1,000 respondents taken by telephone August 6-31, 1998.

cational opportunities was also exciting and gave us things to talk about. It is also somewhat frightening. The state of public education in the United States right now is something that we all need to be aware of, and, working with educators, I think that we can reintroduce civics as an important component of the curriculum in the United States. And over time, and by time I mean at least a generation, we will see positive results.

**CR:** *One of the areas that Ms. Goldman mentioned — and the survey results showed needed improvement — was the way in which ethnic and racial groups are treated, or at least the perception of the way they are treated. The American Bar Association has done some surveys recently of lawyers in that area as well. What's the picture that emerges to you, Mr. Anderson, of the status of treatment of ethnic and racial minorities in our courts from these surveys?*

**ANDERSON:** The surveys clearly show that there is a perception of racial bias in the justice system by the minorities. The perception is not limited to any particular region in the United States. It's coast to coast. It's throughout the justice system, and I think that we have to accept that the reality is that there is racial bias in the justice system, and we must do something about it. The American Bar Association has several programs in place now in an effort to eliminate racial and gender bias in the justice system, and this means that we have to intensify our efforts.

**CR:** *You also mentioned that this survey was leading up to a conference in May. What do you hope to accomplish when that conference is completed?*

**ANDERSON:** We have high hopes for the conference in May. We have asked every chief justice in the United States to assemble a team of lawyers and nonlawyers, members of the community to travel to Washington in May for a conference on public trust and confidence in our justice system, with the goal of charting national strategy to be pursued over years in every state in an effort to strengthen trust and confidence in the justice system. And I believe that we will come out of that conference with a national strategy, and that we will have a program that will continue for several years focused and directed on the specific goal of strengthening public confi-

**PUBLIC KNOWLEDGE OF THE COURTS  
WHICH GROUPS ARE THE MOST KNOWLEDGEABLE?**

Actual Level of Knowledge	Race		Age			Sex	
	White N=828	Non-White N=172	18-34 N=263	35-54 N=503	55-older N=233	Men N=460	Women N=540
High	28%	18%	21%	29%	24%	34%	19%
Medium	52%	42%	51%	52%	47%	47%	53%
Low	20%	40%	28%	19%	30%	19%	26%

Actual Level of Knowledge	Income			Education		
	Under \$35K N=348	\$35K-\$75K N=425	\$75K-Over N=160	High School or Less N=307	Some College - College Grad. N=499	Post-Grad. N=191
High	14%	28%	41%	5%	23%	67%
Medium	49%	56%	48%	49%	60%	30%
Low	36%	17%	11%	47%	17%	3%

Note: Actual knowledge was determined by the number of correct answers to seventeen factual questions about the courts. Respondents were asked to identify the three branches of the government, who the Chief Justice was, and to indicate whether certain statements were true or false. Example statements: "If you go to court, you are required to have a lawyer," and, "Everyone accused of a crime has the right to be represented in court by a lawyer." Those with 13-17 right answers were scored as having high knowledge (26% of respondents); those with 8-12 right answers were scored as having medium knowledge (50% of respondents); and those with 0-7 right answers were scored as having low knowledge (24% of respondents).

Source: American Bar Association survey of 1,000 respondents taken by telephone August 6-31, 1998.

dence. This is an ambitious project, but I believe that it is one that has tremendous potential.

**CR:** Let me ask a final question to each of you. The readers of this interview are judges throughout the country. Is there some additional piece of information that we haven't covered that you think the average judge reading through [this] information about your survey would be particularly interested in knowing?

**ANDERSON:** I think that the lesson is that every member of the judicial community, the judges, the clerks, the bailiffs, all of them must be sensitive to the people who come to the courthouse, and treat them courteously and with understanding and compassion. That one lesson, I believe, is one that should be taken to heart throughout the United States.

**CR:** Ms. Goldman?

**GOLDMAN:** My feeling is that people have a tremendous amount of faith and trust in the U.S. justice system, and that it is up to each and every individual involved in the execution of that system to really put forth to make that reality as close to [the] people's ideals as they possibly can. There are a lot of executional problems, but people still firmly believe it is the best in the world. And I think that's really important.

**CR:** Thank you both very much.

**SUGGESTIONS TO IMPROVE THE COURTS**

**To improve the justice system, tax dollars should be used for:**

Requiring schools to teach about the judicial branch and how it relates to the other branches of government	93%
Providing education and information to help people understand the justice system	86%
Encouraging judges and lawyers to seek the ideas of average people when planning court improvements	77%
Hiring top quality translators whenever needed	77%
Providing opportunities for people to volunteer their time to help the courts	76%
Having staffed information desks in every courthouse	71%
Establishing citizen advisory committees for the courts	59%
Providing extra resources to let courts be open weekends and evenings	57%

Question: "I'm going to read a list of suggestions that have been made to improve the justice system. For each one, please tell me if you believe tax dollars should or should not be used to make these changes. [List read]" (N = 1000.)

Source: American Bar Association survey of 1,000 respondents taken by telephone August 6-31, 1998.