



*Fourth Judicial District of the State of Minnesota
Fourth Judicial District Research Division*

Housing Court Fairness Study

Prepared by:

*Gina Kubits
Research Analyst*

*Keri Zehm
Research Analyst*

*Deborah A. Eckberg, Ph.D.
Project Director and Principal Research Associate*

*Marcy R. Podkopacz, Ph.D.
Research Director*

October 2004

Housing Court Fairness Study

Acknowledgements

This study would not have been accomplished without the help of a number of people. First and foremost, we would like to thank the housing court judges and referees for cooperating with the survey process so that we could provide them with feedback to further improve the already high level of customer service they provide.

Second, we would like to thank Referee Donna Fredkove, Judicial Clerk Meaghan Crimmins; Administrative Supervisor Lynn Fuchs; Court Operations Supervisor Mary Zilka; and Administration Manager Laurie Kusek for assisting us in the planning of the survey. We are very grateful to them for making us feel welcome in their court. The information and support we received greatly facilitated the data collection process.

Third, at the time of our study we were very fortunate to have a Chief Judge who not only supported the research we did, but actively pursued a research agenda. In this case, it was Judge Kevin Burke's idea to begin to study fairness in our courts, and he moved the study forward whenever he had the opportunity. Luckily, his successor is equally passionate about being accountable to our court users. We would like to thank Chief Judge Lucy Wieland for her support on these series of studies.

Fourth, we would like to acknowledge the help of Professor Larry Heuer (Barnard College, Columbia University), who helped design the surveys, and consulted with us through the entire process.

***Hennepin County District Court
Fourth Judicial District Court of Minnesota***

Housing Court Fairness Report: Executive Summary

Background

- Prior research tells us that satisfaction with the court process has more to do with fair treatment than with favorable case outcomes. In addition, prior research tells us that litigant satisfaction leads to viewing court authority as legitimate, which in turn leads to increased compliance with court orders.

Research Design

- Visitors to the Housing Court were interviewed just after their case was called before a judicial officer.
- Four hundred twenty-seven people involved in Housing Court cases agreed to be interviewed. These people included defendants, plaintiffs, agents and attorneys.
- There were approximately 38 attorneys appearing on behalf of plaintiffs and 20 for defendants; there were 204 agents appearing for plaintiffs and 8 for defendants.
- One researcher would remain in the courtroom during proceedings and gather information on each case such as gender of the plaintiff and defendant, number of interruptions and reprimands as well as the outcome of the case.

Results of Quantitative Analysis

- Overall, respondents were satisfied with how they were treated by the judicial officers.
- Defendants were more likely to feel their case was completed in a timely manner compared to plaintiffs.
- Those in the lower income brackets perceived the court to be higher in efficiency.
- White litigants felt they were listened to more and a higher percent intended to comply with the judge's orders.
- Litigants who reported feeling listened to the most were agents, followed by tenants and then landlords.
- Litigants who felt they had to wait too long rated the court lower on efficiency, fairness and overall satisfaction.
- Housing Court defendants who reported higher levels of procedural justice (being treated fairly, being listened to and who understood what was expected of them) also reported higher satisfaction.
- Satisfaction was more related to procedural justice than case outcome.

- Litigants were more likely to report that they intended to comply with the court orders if they also reported higher scores on the procedural justice indicators and if they reported satisfaction with the court.

Results of Qualitative Analysis

- Most responses to the open-ended questions were positive and many respondents indicated a high level of satisfaction with the judicial officers.
- Negative comments focused in large part on the wait time as well as some procedural questions. A typical procedural question was how would a party find out who was opposing their case or more specific questions on how to prepare their case when continued for trial.

Table of Contents

Acknowledgements	2
Executive Summary	3
Introduction to the Study of Fairness	6
Prior Research	6
The Fourth Judicial District of Minnesota: Different Fairness Studies	6
Background of Housing Courts Fairness Study	7
The Housing Court Process	7
The Survey Process	7
Results of Quantitative Data Analysis	8
Demographics	8
Court Related Data	13
Conciliation Court	20
Courtroom Behavior	21
Assessments of Fairness and Customer Satisfaction	21
Univariate Analysis	22
Bivariate Analysis	22
Multivariate Analysis	26
Additional Analyses	27
Summary of Quantitative Analysis	28
Results of Qualitative Analysis	28
Summary of Qualitative Analysis	29
Overall Conclusions and Report Summary	29
Appendix A: Housing Court Survey	30
Appendix B: The Averages of Visitors' Responses to Survey Items	31

Appendix C: Frequencies of the Open-Ended Responses	32
References	36

Introduction to the Study of Fairness

In March 2003, the Fourth Judicial District embarked upon a study of fairness in the courts. The study was largely based on nationally recognized research by three social psychologists – Larry Heuer (Barnard College, Columbia University), Tom Tyler (New York University), and Steven Penrod (John Jay College of Criminal Justice) – who have spent many years studying the relationship between individuals’ perceptions of fairness and satisfaction, as well as subsequent compliance with the orders of those in authority.

Prior Research

The results of prior studies have shown that while the actual outcome of a case can explain 30-40% of the variance in litigants’ level of satisfaction with the court, perceptions of whether or not litigants feel they have been treated fairly by the court (specifically the judicial officer) can explain 60-70% of the variance. (Tyler, 1984; 1989). In other words, perceptions of fairness are approximately twice as important as case dispositions when it comes to measuring litigant satisfaction with the court. This finding has been labeled “one of the most robust findings in the justice literature” (Brockner et al., 2000). Furthermore, increased justice (procedural fairness) has been shown to be related to increased compliance with court orders, ultimately reducing the rate of “repeat business” for the court and its justice partners (Tyler, 1990).

A number of more recent studies have corroborated the findings of Tyler and his colleagues. Many have found that individuals are satisfied with authority figures if they feel the procedures followed by the authorities have been fair, even if the outcome adversely affects the individual (see Tyler and Smith, 1998, for a review). Another way of saying this is that people are prone to say that even unfavorable outcomes are fair if they have been treated with respect (Skitka and Crosby, 2003). More recent studies, however, are exploring whether procedural justice matters more in some situations than in others (Skitka and Crosby, 2003). It may in fact be, for example, that for certain types of courtroom experiences the procedural fairness piece is less relevant because contact with the judge is minimal. Procedural fairness may also matter more to some types of individuals than others, depending on what groups the individuals identify themselves with (Tyler and Blader, 2003). Regardless, issues of procedural justice and fairness are dynamic, and should be studied with methods that allow for analysis beyond simple correlations.

The Fourth Judicial District of Minnesota: Different Fairness Studies

To measure fairness in the courts, the Research Division of the Fourth Judicial District developed litigant surveys, in conjunction with Heuer, Tyler, and Penrod, to be used in several different areas of the court: Drug Court, the Traffic and Violations Bureau Hearing Office (both in our downtown location and three suburban locations), the Domestic Abuse calendar in Family Court, Delinquency calendars in Juvenile Court, and on non-felony calendars in our three suburban locations. This particular report documents the results of the Housing Court Study.

Background of Housing Courts Fairness Study

The decision to study the Housing Court calendar came out of a request from the Civil Division. This study took the form of a “customer satisfaction” survey, as well as an assessment of fairness related to the Housing Court process.

The Housing Court Process

Customers visiting the Housing Court may come for a variety of case types. The most basic way to classify them is by labeling them tenant or landlord initiated cases. Most cases are landlord initiated actions which are brought forth due to a lack of payment, (i.e. for rent, damage deposit, security deposit), or a violation of some part of the tenants’ lease (such as pet clause violation or having drugs on the premises). Tenant initiated cases are more often the result of needing repairs in the rental property inhabited by the tenant. Tenants may also demand a portion of their rent returned if some essential service (i.e. heat, water) has been cut off or if the sanitary conditions are not up to code.

The plaintiff (or the person who initiated the case) is responsible for ensuring proper service (notice of hearing) is made to the defendant. Service may be completed by way of mailing to and posting at the last known address, if the defendant(s) cannot be found and if personal or substitute service has been attempted at least twice on different days with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m. However, this must occur no less than seven days before the scheduled hearing, if it is not, the case is not heard until proper service has been established.

Housing Court only decides on the property issues. If either side would like to pursue a case to obtain money from the other party, they must file a new claim in Conciliation Court (or Small Claims Court).

The Survey Process

Research staff members conducted surveys over a ten week period. The focus was solely on those coming to court for a first appearance on their current case. Those involved in more complicated motions and trials and had appeared once already for their case, were not approached. The purpose of approaching those on their first appearance was to target the largest percentage of people on the Housing Court Calendar and to only interview people once. Those who are agents or property managers may have visited Housing Court for multiple cases were approached since their opinions were valuable as well.

Researchers waited in the Housing Court lobby area for respondents to leave the courtroom after they had finished their case(s). The respondents were then approached and asked if they would like to complete a brief interview about their experience and provide feedback for the courts. The interview took about five minutes.

The survey began with some basic demographic information about the respondent. This section also included questions about transience to get a sense of how many respondents move from place to place over a short period of time. There were questions asking for the number of

residences that person has recently lived in, as well as how long they have lived at their current residence.

The remainder of the survey consisted of questions regarding varying services respondents used. To obtain this information all respondents were asked if they received any advice before their court appearance as well as from whom they received it (e.g., friend or family member, Self Help Center). Additionally, they were asked whether they used the court's mediation services, and if so, what their level of satisfaction was with these services. The next section consisted of questions regarding fairness, which asked survey respondents to rate their level of agreement with each statement based on a 9 point scale, where a rating of 1 indicated strong disagreement with the statement, a rating of 9 indicated strong agreement with the statement, and a rating of 5 indicated a neutral feeling about the statement. These questions addressed how respondents felt they were treated by the judicial officer, if they would follow the orders given by the court, and if they felt their current case would negatively impact their ability to rent or own in the future (or their tenants' ability to rent if we were interviewing the landlord). The last two questions were "open-ended" and respondents were asked to provide their opinions of the court process, and suggestions for improvement. (See Appendix A for a complete copy of the survey).

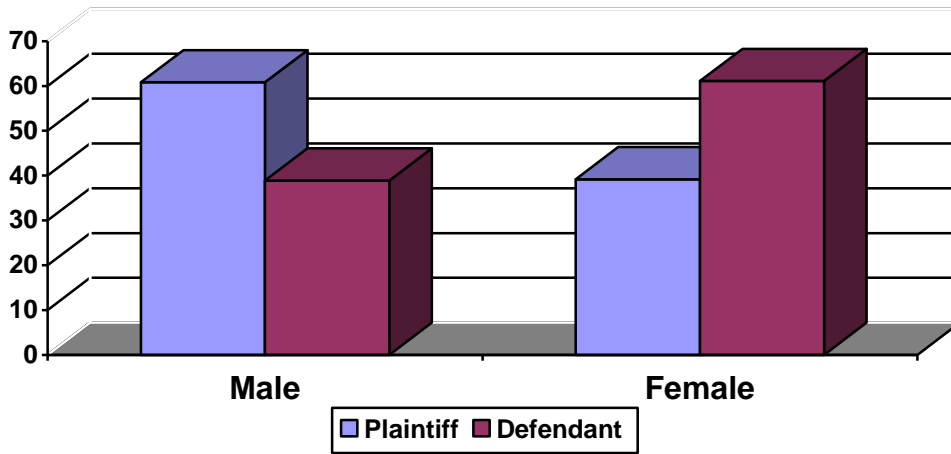
We interviewed 209 plaintiffs and 218 defendants, totaling 427 individuals who agreed to speak with us regarding their experience with housing court.

Results of Quantitative Data Analysis

Demographics

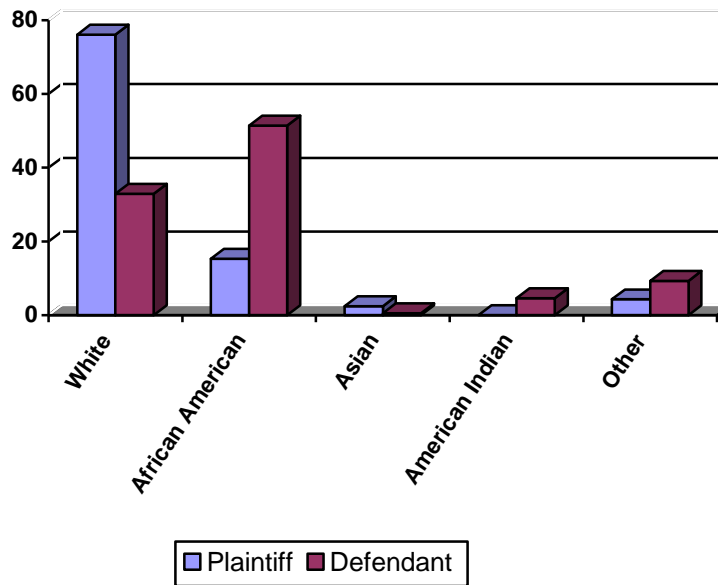
As noted above, we surveyed a total of 427 individuals. Generally people told us if they had already taken the survey and we made every effort not to survey people more than once. The sample was evenly distributed between males and females, with the numbers being 50% (212) and 50% (214) respectively. There is a more noticeable difference in the number of males and females when broken down into plaintiffs (Males 61%, Females, 39%) and defendants (Males 39%, Females 61%) categories, as shown in the graph below.

Gender of Survey Respondents (Percentages)



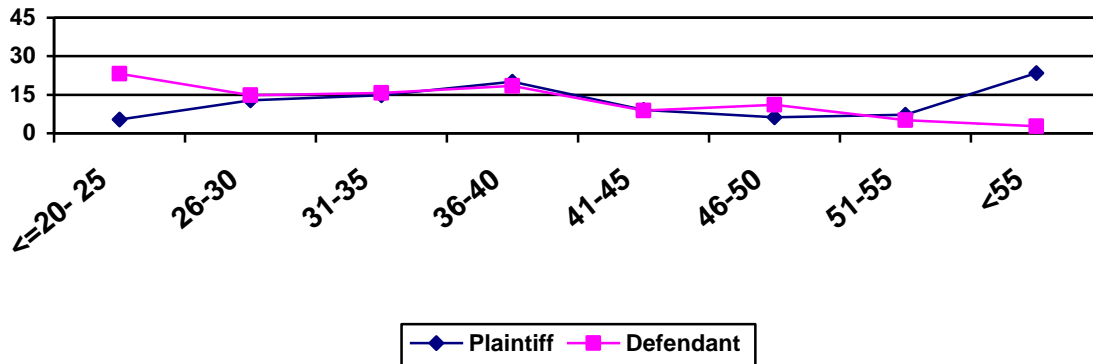
Over half (54%) of those we interviewed were white, one-third (34%) were African American and the remaining 12% identified themselves as some other racial category. Plaintiffs and defendants were disproportionately dispersed among African Americans and whites. Plaintiffs were more likely to be white (76%) and defendants were more likely to be African American (51%). Regardless of race, 7% (14) of the individuals we talked to told us they were of Hispanic descent.

Race of Survey Respondents (Percentages)



About half (48%) of those interviewed in Housing Court were between 26 and 40 years old. The most common age group for defendants was 25 years and younger (23%), the plaintiffs' most common age group was over 55 (23%). This percentage of litigants is older, on average, than any other we have surveyed thus far.

Age Distribution of Survey Respondents (Percentages)



More than 41% of respondents have completed their college degree while another 25% had either completed some college or were in the process of finishing their degree. Plaintiffs were more likely to have completed college (61%) compared to defendants (23%).

Education Level of Survey Respondents (Percentages)

	Plaintiff	Defendant
<i>Less than high school</i>	2 1.0%	4 1.9%
<i>Some high school</i>	1 0.5%	21 9.7%
<i>Earned diploma or GED</i>	32 15.3%	70 32.4%
<i>Some Trade school</i>	0 0.0%	1 0.5%
<i>Finished Trade school</i>	5 2.4%	6 2.8%
<i>Some college</i>	41 19.6%	65 30.1%
<i>Finished college degree</i>	127 60.8%	49 22.7%

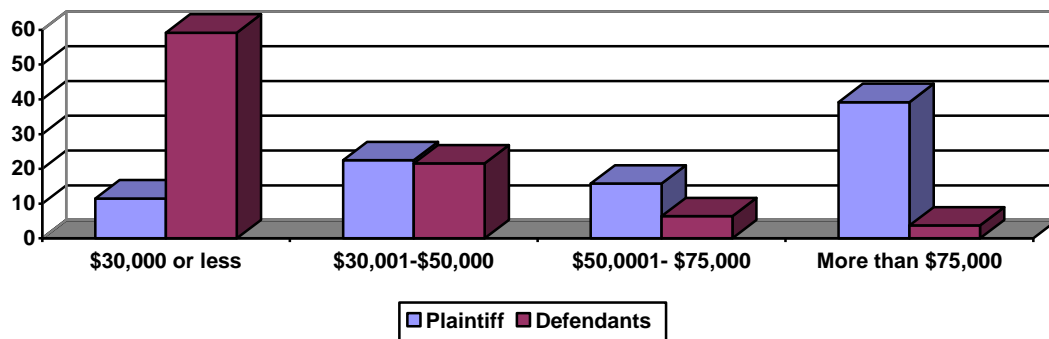
There is a clear difference in current employment between Plaintiffs and Defendants. Plaintiffs were more likely to be employed, (90% of all plaintiffs have current employment),

while 59% of defendants are employed. When compared with Hennepin County as a whole, those who visited the Housing Court were less educated and less likely to have a job. About 82% of the Hennepin County adult residents were employed in the 2000 Census and 54% had some college but had not received a degree.

	Currently Employed	Not Currently Employed	No Answer
Plaintiff	188 90.0%	18 8.6%	3 1.4%
Defendant	129 59.2%	89 40.8%	0 0.0%

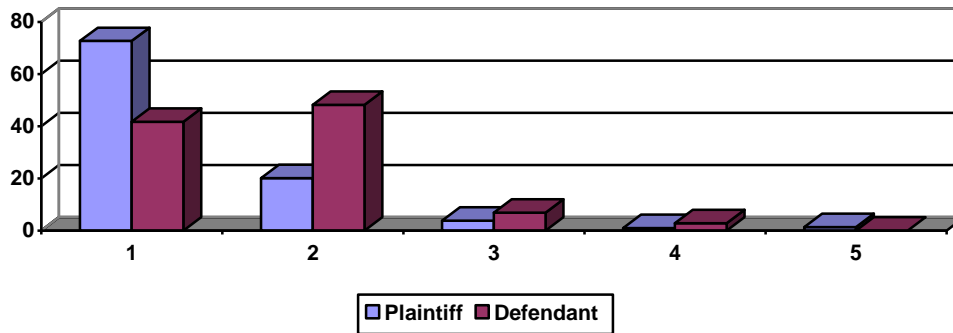
Overall, 36% of respondents said they had an annual household income less than \$30,000 and 21% earned \$75,000 or more. There is an obvious difference reported by the household incomes between plaintiffs and defendants in Housing Court. Of the 209 plaintiffs we interviewed, 39% claimed to earn over \$75,000 and 12% earned \$30,000 or less. Conversely, of the 218 defendants we interviewed, only 4% claimed to earn over \$75,000 while 59% earned \$30,000 or less. This is expected as defendants of Housing Court cases are often having financial difficulties that do not allow them to make their monthly rent payments.

Current Annual Household Income for Survey Respondents



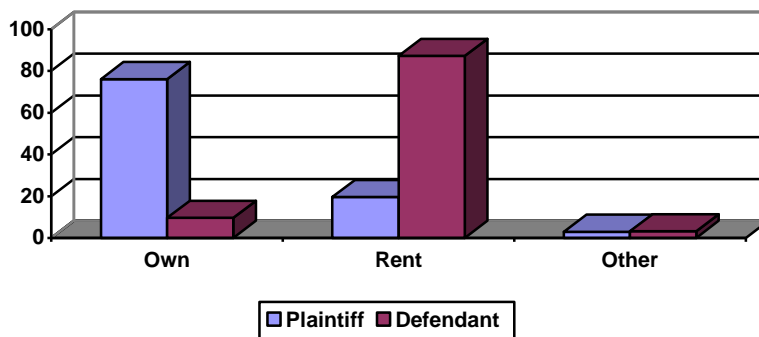
Most of the respondents we spoke with were likely to have lived in one (57%) or two (35%) residences in the last two years. The following graph shows that for the last two years defendants were slightly more likely to have lived in multiple residences. However, it is most common for those we spoke with to have lived in just one or two residences. The majority of plaintiffs (73%) only lived in one residence compared to 42% of defendants.

How Many Residences Respondents Lived in the Last Two Years



We were curious to see what percentage of litigants own or rent homes, as well as the rate of transience in defendants. As a whole, 54% of respondents reported being renters while an additional 42% were home owners. As expected, defendants were more likely to rent (87%) than were plaintiffs, who typically were home owners (76%). This is expected when there is a group of people such as the defendants in Housing Court who are usually in court specifically regarding their housing situation and are at times forced to vacate their residence. Responses by those who reported “Other” included situations such as living in co-operative housing or being the guest of someone else without having some form of rental payment in place.

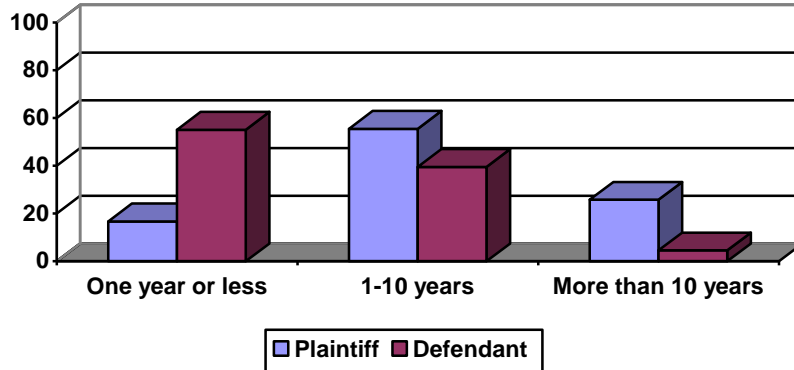
Do Respondents Own or Rent their Current Residence



Another way to analyze the transience of people visiting Housing Court was to find out how long they have lived at their current residence. Most respondents, (24%), told us they lived in their current residence for one to two years. The next highest response was for the “more than 10 years” category with a total of 15% of respondents. As expected, defendants were more likely to have lived at their current residence for a shorter period of time than plaintiffs. Most

defendants (55%) have lived in their current residence for one year or less, while most plaintiffs (56%) have lived in theirs for one to ten years.

How Long Respondents Lived at Their Property

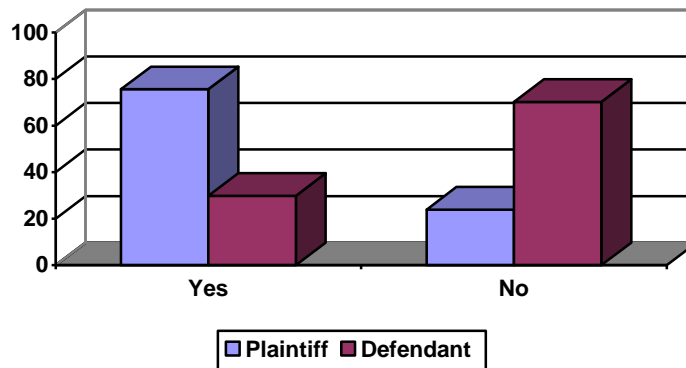


Court Related Data

Returning Customers

Over one half of the people in Housing Court had appeared before, (52%), while 48% reporting this was their first visit to Housing Court. More plaintiffs (76%) reported having being a repeat visitor while 70% of defendants were first-time visitors. But 24% of the defendants had been brought to Housing Court on at least one previous occasion.

Have They Ever Appeared in Housing Court Before?



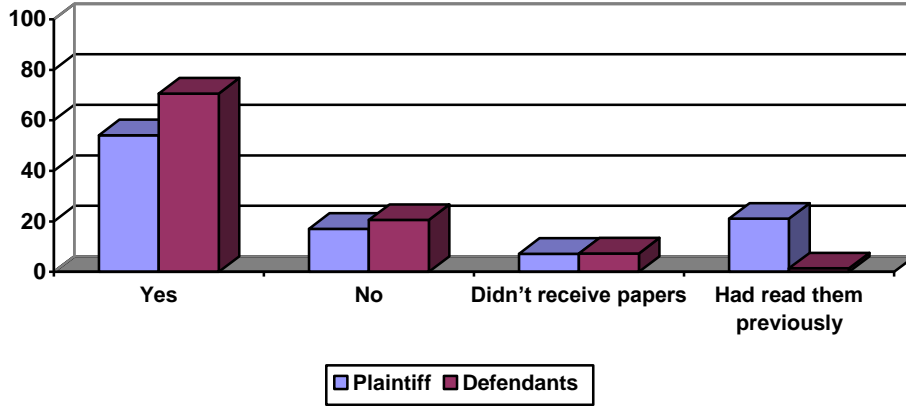
For those litigants who had appeared before, the three most reported reasons that they gave were:

“Unlawful Detainers” 16.2%, “Evictions” 16.2%, “Non-payment of rent” 15.2%

The Housing Court staff requested a question about whether the litigants read the brochures the courts provide them. These brochures are meant to prepare litigants before court and contain information on the court experience. Most people (63%) did claim to have read the brochures before coming to court for their current case. More defendants (71%) reported having

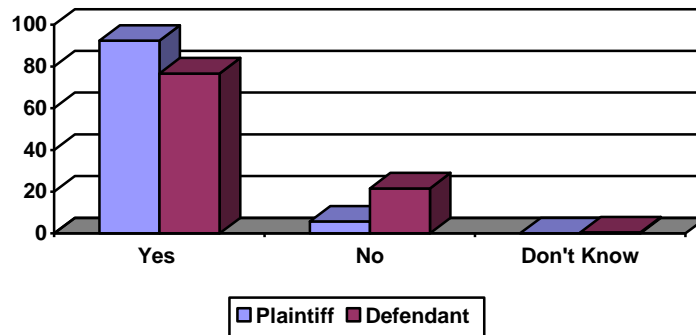
read the brochures than did plaintiffs (54%). However, another 21% of plaintiffs indicated they had read them on prior visits.

Did They Read the Brochures Attached to Their Court Summons?



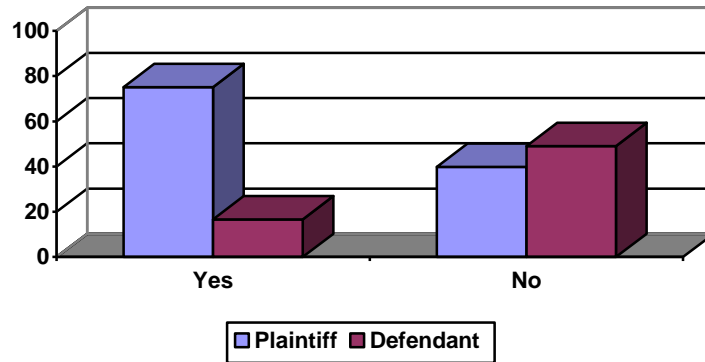
Most people (84%) reported having heard the Court Clerk’s morning statement in which people are told the court rules and procedures; this is also when roll call is given to determine which parties are present. A hearing may be stricken during roll call when a settlement has been reached and the hearing is no longer necessary.

Did you Hear the Court Clerk Give an Opening Statement?



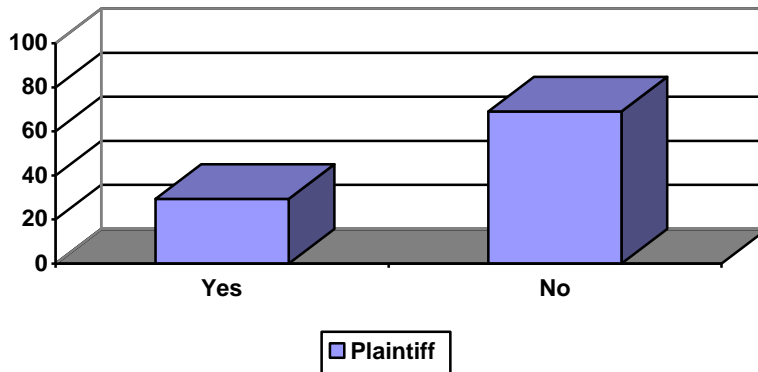
Housing Court also offers a Pre-Filing Mediation option for litigants to make an attempt to settle their case before a court date has been set. This service can only be requested by the party filing the complaint, so it is fitting that many more plaintiffs than defendants are more familiar with this program. Plaintiffs are more likely to be aware of these services (75%) compared to defendants (17%).

Were You Aware That Pre-Filing Mediation Services Were Available?



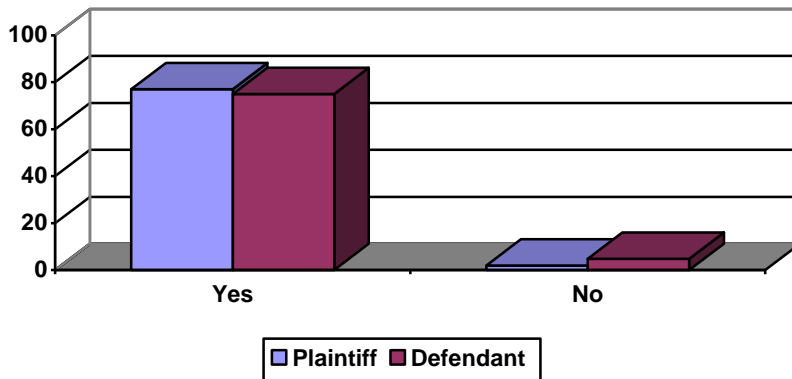
The Housing Court also has its own mediation service in which a neutral third party will sit down with both sides of a case and assist them in settling the matter at no cost to them. The table below shows that 29% of people utilized this program when a representative from both the plaintiff and defendants side were present for their case.

Did Respondents Meet with a Court Appointed Mediator?



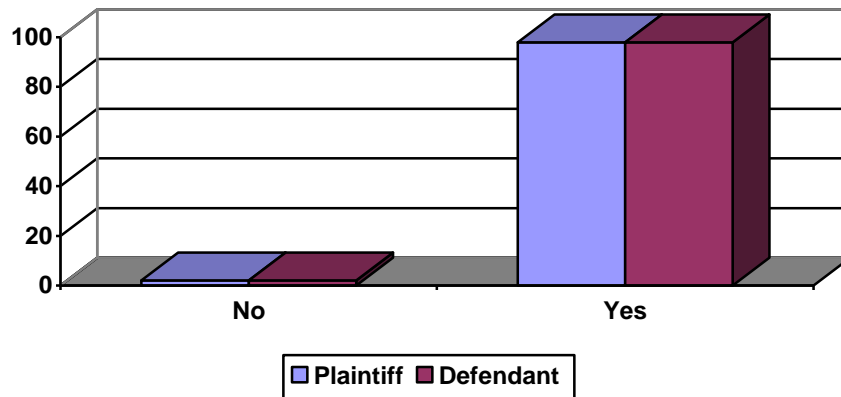
For those who did take advantage of the mediation program, 75% of the defendants and 77% of the plaintiffs reported satisfaction with the outcome of the mediation. This is likely due to the mediator's ability to calmly settle cases and allow both sides to walk away with a sense they contributed to their own outcome.

Were Respondents Satisfied with the Outcome of Mediation?



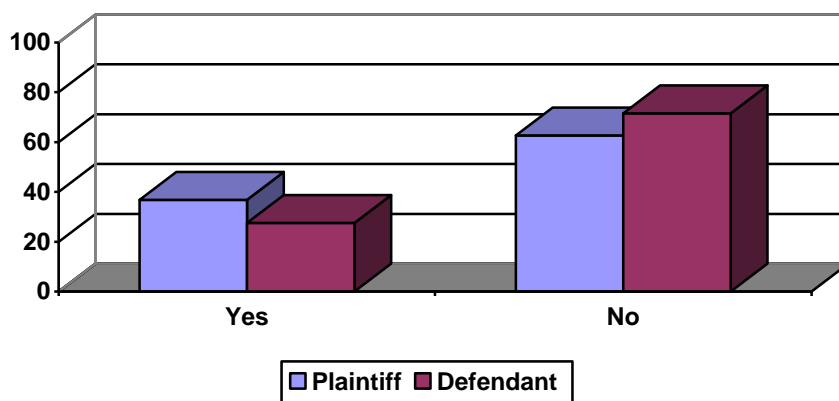
Most of the people who did meet with a mediator before their case felt they were treated fairly by the mediator. Ninety-eight percent of all litigants who met with the mediator felt they were treated fairly.

Did Respondents Feel the Mediator Treated them Fairly?



While wait time is a common complaint of visitors to most courts, in Housing Court a majority of respondents felt the wait time before seeing the judge was not too long. This was true of both plaintiffs, (63%), and defendants, (72%).

Do you Feel the Time to Wait Before Seeing the Judge was Too Long?



By placing a researcher in court during each case we were able to keep track of the length of time each hearing took. While most cases (87%) were completed within ten minutes, the range of hearing length was one to eighty-five minutes.¹

Number of Minutes for Each Case²

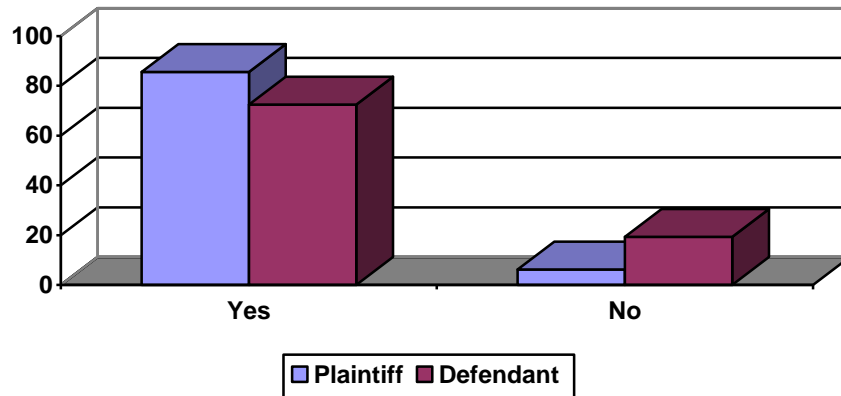
0- 10 Minutes	11- 20 minutes	21- 30 minutes	31- 40 Minutes
87.3%	6.5%	1.9%	1.0%

The following graph shows respondents' satisfaction with their case outcomes. Most people (79%) felt that their outcomes were favorable to them. Plaintiffs (86%) were more likely to be satisfied with the outcomes than defendants (73%); however, the percentage of overall satisfaction indicates that both sides felt their outcome was favorable. This could be due to the Housing Court emphasizing the importance of settling matters without trial. As a result, most people will talk out their dispute on their first visit and reach a compromise.

¹ Only one case required eighty-five minutes making it an exception. When this case is removed the range becomes one to thirty-six minutes.

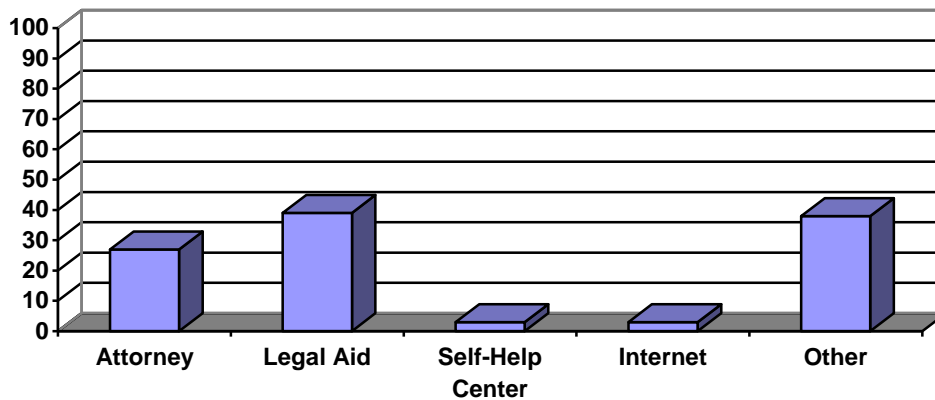
² The case taking eighty-five minutes is not included in this chart.

Was the Outcome of Your Case Favorable to You?



We wanted to get a sense of where or from whom customers were receiving advice, if any, for their cases. Most respondents (74%) indicated that they did not receive advice for their cases. Plaintiffs were less likely to seek advice (65%) compared to defendants (83%). For those who did receive advice, the most common sources of advice were Legal Aid (9%) followed by an attorney (6%). The “Other” category had the second highest percentage (9%) as it included a variety of sources to which customers are going for assistance. A chart of respondents’ answers for the “Other” category are also listed below:

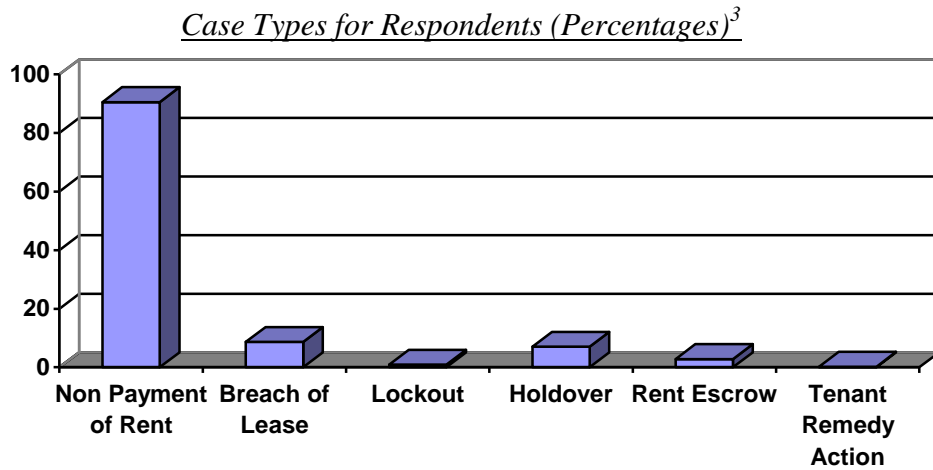
From Where Did Respondents Receive Advice Regarding Their Case?
(Of those who received advice)



Most people who reported receiving advice from someone reported sources that we did not include in our survey:

Source	Frequency
Mediator/ Judge	13
Organizations	9
Family, Friends or Co Worker	8
Multiple Sources	1

The most common reason people came to housing court was for Non-Payment of Rent (NPR) (85%) other case types included Breach of Lease (8%), Holdover (both Mortgage and Vacate) (3%), Rent Escrow (3%), and Lockout (1%). Most of the people who came to the Housing Court only had one case type (92%), seven percent had two case types (mostly Non-Payment of Rent and Breach of Lease), and only three people (1%) had three case types.

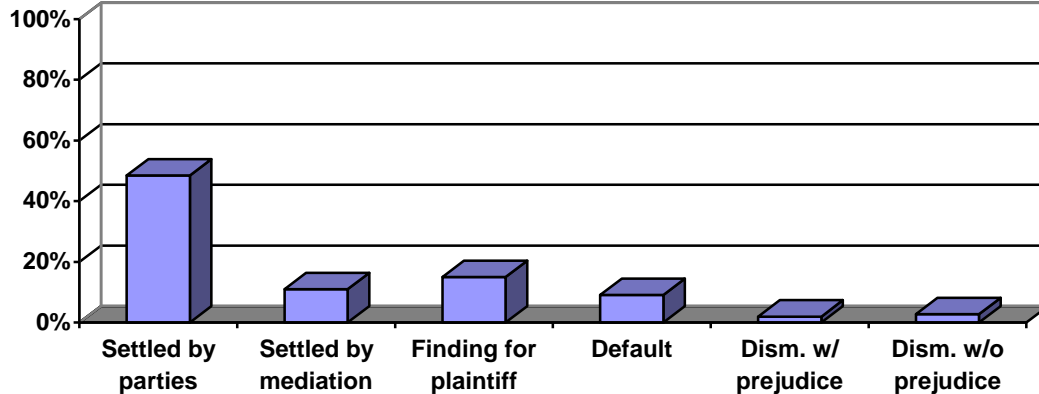


Nearly half of the litigants who came to Housing Court were able to settle their cases without a court hearing (49%). When cases were presented to the judicial officer the finding was most likely to be in favor of the plaintiff (15%) often as a default because the defendant did not appear, (9%). A smaller number of cases were settled with the help of a mediator (11%). The remainder of the cases were continued (10%), dismissed with prejudice (2%), or dismissed without prejudice (3%).

Dismissed with prejudice is a type of outcome that means a plaintiff may not file a new complaint with the same defendant for the same issue. Landlord must have a new breach to file again. For example, if a case is filed for October rent, the landlord may not re-file an action that includes October rent. If November rent is then not paid, the landlord may file for that new breach of lease. Dismissed without prejudice entitles the plaintiff to immediately file a new action for the exact same reason(s) or breach(es).

³ A holdover is a case where the tenant has not vacated after it has been decided for them to do so. A breach of lease simply means there was a violation of some kind on the tenant's lease. This could include having a pet, an after-hour noise violation, or drug possession on the premises.

Types of Reported Outcomes for Respondents (Percentages)



Everyone who is scheduled to appear in Housing Court is asked to be in court by 9 a.m. for the morning calendar or 2:00 p.m. for the afternoon session. Most respondents (83%) reported that they were in court by the scheduled time; however, defendants were more likely to report they arrived to court late (22%) compared to plaintiffs (11%). The Housing Court staff expressed interest in learning what prevents litigants from getting to court on time. Therefore, we asked litigants to answer in their own words: “*what prevented you from being in court at 9 a.m.?*”

The three most common response categories to this question were:

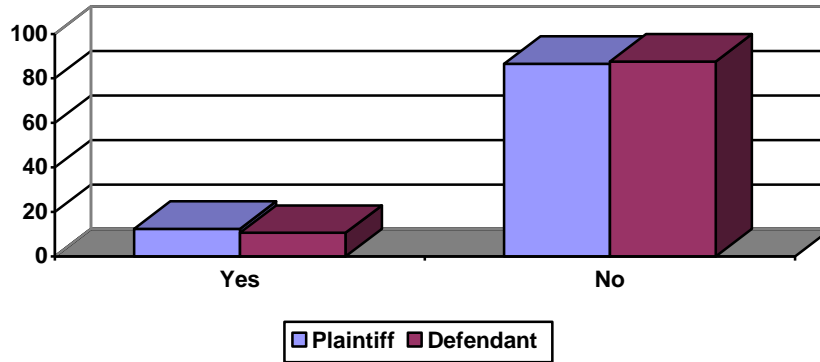
Traffic 18%, ***Parking*** 18%, ***Waiting for the bus*** 13%

Other comments included that it was after 9 a.m. when the courtroom doors opened, some indicated they did not have transportation to court, went to the wrong building, or overslept. This survey was completed prior to weapons screening at the Hennepin County Government Center, so that was not listed as a reason for delay in getting to court.

Conciliation Court

If a landlord wants to collect payment from the tenant who has been withholding money, they would need to take their case to Conciliation Court since Housing Court only decides on the entitlement to property. There were not many cases that were being handled simultaneously in Conciliation Court. Most cases are settled and a payment plan is made, making the step to Conciliation Court unnecessary. Only 12% of plaintiffs and 11% of defendants reported taking their case to Conciliation Court.” At the time of filing an Eviction Action a landlord could choose to file a Combination Case; an Eviction Action in Housing Court, and a Conciliation Court case. The cases are combined for hearing purposes only, and are scheduled in front of the Housing Court Referee. All other functions of both cases are handled in their respective courts. For example, the filing fees are due in both courts, and service requirements need to be met for both courts.

Was this Matter Connected to a Case in Conciliation Court? (Percentages)



Courtroom Behavior

During each case a researcher was located in the court room to observe all court proceedings. In addition to keeping track of the final outcomes of each case, the observer was also responsible for tracking behavioral (i.e. waving hands) and verbal interruptions of the judicial officer by all litigants. The majority of people did not make interruptions during their cases and respected proper courtroom decorum. The table below shows the percent of people who refrained from making interruptions while the judicial officer was on the bench.

Litigants Refraining from Making Interruptions

	Male Plaintiffs	Female Plaintiffs	Male Defendants	Female Defendants
No verbal interruptions	95.3%	96.3%	98.1%	98.6%
No behavioral interruptions	99.5%	99.5%	96.2%	97.2%

We also analyzed the data for any interactions between the gender of the litigant and the gender of the judge to assess whether male or female judges were interrupted differently by litigants. There were no significant differences in interruptions of our male or female judicial staff.

Assessments of Fairness and Customer Satisfaction

The survey included seven separate indicators of fairness. (See Appendix A for a copy of the survey.) Many of these questions are the same fairness questions that we have asked in other courts (e.g., Family Court, Juvenile Court, and the Suburban Courts); however, one question was added to assess the visitors' perception of whether the outcome of their case would have a negative effect on their ability to rent or own in the future. When surveying the landlords we asked their opinion on their tenant's ability to rent or own in the future. Survey respondents were asked to rate their level of agreement with each of the seven statements on a nine point scale, where a 1 indicated strong disagreement, a 9 indicated strong agreement, and a rating of 5 indicated a neutral/no opinion rating. Visitors were encouraged to choose any number on the scale from 1 to 9 (i.e., not simply 1 or 9). If litigants responded to the statements with a comment such as "yes" or "I agree," research staff reminded them that they needed to choose a number between 1 and 9.⁴

Univariate Analysis

Before conducting bivariate analysis (i.e., did individuals of one group give higher or lower fairness ratings than individuals of another group?), we ran simple univariate analysis to get a sense of how the judicial officers were rated by people who met with them during this time frame.

Perhaps the most undisputable outcome of the entire study is that individuals gave mostly positive ratings to the behavior of the judicial officers. On the 1 to 9 scales described above, where 9 would be a perfect score (meaning every respondent "strongly agreed" to any given question), most average scores were above eight for both plaintiffs and defendants.

Some examples are provided below:

<i>Survey Statement</i>	<i>Plaintiff</i>	<i>Defendant</i>
<i>The judicial officer treated me fairly.</i>	8.25	8.35
<i>The judicial officer listened carefully to what I (or my lawyer) had to say in this case.</i>	8.19	8.06
<i>I am satisfied with the judicial officer's decision.</i>	8.16	8.09

Bivariate Analysis

We analyzed the differences between groups for all of the six statements. The graphs indicate the means for each group we are comparing and the following statements were given the following labels:

Satisfaction: I am satisfied with the judicial officer's decision.

Procedural Justice

Fairness: The judicial officer treated me fairly.

⁴ Averages (i.e., means) and standard deviations for each individual indicator are presented in Appendix B.

Understanding: I understand what is required of me in order to comply with the judicial officer's decision.

Listening: The judicial officer listened carefully to what I (or my lawyer) had to say in this case.

Efficiency: My case was completed in a timely fashion.

Compliance: I will try to follow the judicial officer's order in this case.

Average Fairness Ratings between White and Non-White Defendants

White litigants were more likely than non-whites to indicate they felt the judicial officers listened to them and were more likely to indicate they would comply with the judicial officer's decision compared to non-whites. The remaining differences were not significantly different between white and non-white litigants.

Average scores for each scale (on a scale of 1-9):

	Whites	Non-whites	Statistical significance
Satisfaction	8.29	7.89	ns
Fairness	8.42	8.15	ns
Understanding	8.63	8.48	ns
Listening	8.33	7.87	*
Efficiency	7.46	7.60	ns
Compliance	8.92	8.61	**

Significance levels: ns=not significant * $p < .05$ ** $p < .01$ *** $p < .001$

Average Fairness Ratings between Plaintiffs and Defendants

Surprisingly, there were few differences between plaintiffs and defendants on their ratings of fairness. The only significant difference was for the statement pertaining to their case being completed in a timely fashion. Defendants were more likely to feel their case was handled efficiently compared to plaintiffs.

Average scores for each scale (on a scale of 1-9):

	Plaintiffs	Defendants	Statistical significance
Satisfaction	8.16	8.09	ns
Fairness	8.25	8.35	ns
Understanding	8.57	8.52	ns
Listening	8.19	8.06	ns
Efficiency	7.27	7.78	*
Compliance	8.86	8.71	ns

Significance levels: ns=not significant * $p < .05$ ** $p < .01$ *** $p < .001$

Average Fairness Ratings based on Whether Visitors Felt Wait Was Too Long

Recall that the vast majority of both plaintiffs (63%) and defendants (72%) felt they did not have to wait too long to see the Housing Court judge. However, litigants who felt they had to wait too long were less likely to feel the judicial officer treated them fairly, were less satisfied with the judicial officer’s decision, and were less likely to feel their case was completed in a timely fashion compared to those who felt their wait was not too long. This finding is similar to findings in the other courts for which we have conducted fairness surveys.

	Wait too Long	Wait not Too Long	Statistical significance
Satisfaction	7.77	8.29	*
Fairness	7.94	8.47	**
Understanding	8.45	8.61	ns
Listening	7.92	8.23	ns
Efficiency	5.69	8.41	***
Compliance	8.81	8.77	ns

Significance levels: ns=not significant * $p < .05$ ** $p < .01$ *** $p < .001$

Average Fairness Ratings based on Length of time Waited before Seeing the Judicial Officer

Besides asking litigants their impression of the wait time, we also asked how long they actually waited for their hearing. The average wait time was about 51 minutes. Corresponding to the previous findings, litigants who had to wait (more than the average) for their case to start were less likely to feel their case was completed in a timely fashion. Many people shared in the open ended portion of the survey that they found it unfair for the court to require a start time they cannot guarantee. However, even those in the group who waited longer than the average were able to see both the court’s final ruling and the overall treatment from the judicial officer as fair.

Average Fairness Ratings based on Whether or Not Visitors Felt Their Outcome Was Favorable

Those who felt their outcome was favorable were more likely to feel the judicial officer treated them fairly, were more satisfied with the judicial officer’s decision, felt their cases were completed in a timely fashion, and felt the judicial officer listened to them compared to those who did not feel their outcome was favorable. Only a small number of respondents in our sample indicated their outcome was not favorable (13%); however, defendants (10%) were more likely to report this, compared to plaintiffs (3%).

	Outcome Favorable	Outcome not Favorable	Statistical significance
Satisfaction	8.55	5.65	***
Fairness	8.59	6.74	***
Understanding	8.64	8.06	ns
Listening	8.51	5.98	***
Efficiency	7.73	6.65	*

Compliance	8.83	8.50	ns
-------------------	------	------	----

*Significance levels: ns=not significant *p<.05 **p<.01 ***p<.001*

Average Fairness Ratings based on Reported Household Income

The only difference among those with different levels of household incomes pertained to the efficiency statement. Those who reported their annual income to be \$30,000 or less were more likely to feel their case was completed in a timely fashion compared to those who earn \$75,000 or more. Additionally, those who earned \$30,001 to \$50,000 were more likely to feel their case was completed in a timely fashion compared to those who earn \$75,000 or more. This is expected as we reported earlier that it is the tenants that tend to earn less and are more often the defendants. The plaintiffs (who tend to be agents and landlords), felt they had a longer wait which is most likely due to with their repeat visits and enduring the wait time with each appointment.

	\$30,000 or Less	\$30,001 to \$50,000	\$50,001 to \$75,000	\$75,001 or More	Statistical significance
Satisfaction	8.17	8.17	8.28	7.92	ns
Fairness	8.29	8.37	8.36	8.18	ns
Understanding	8.49	8.67	8.45	8.73	ns
Listening	8.03	8.24	8.20	8.19	ns
Efficiency	7.95	7.76	7.40	6.84	**
Compliance	8.72	8.85	8.71	8.86	ns

*Significance levels: ns=not significant *p<.05 **p<.01 ***p<.001*

Average Fairness Ratings based on Respondent being Tenant, Landlord or Agent

When looking at the type of litigant being interviewed, significant differences were found in the Listening and Outcome statements. Agents were more likely than both landlords and tenants to feel that the judicial officer listened carefully to what they had to say in their case. The average rating for the Listening statement was higher for agents than it was for both landlords and tenants. Agents were also more likely to feel that the outcome of the current case would negatively impact the tenants' future rental or ownership ability than were landlords or tenants. The average ratings for each statement are listed below by tenant, landlord and agent.

	Tenant	Landlord	Agent	Statistical significance
Satisfaction	7.97	7.93	8.49	ns
Fairness	8.31	8.10	8.42	ns
Understanding	8.51	8.40	8.73	ns
Listening	7.97	7.90	8.53	*
Efficiency	7.66	7.39	7.43	ns

Compliance	8.74	8.93	8.76	ns
-------------------	------	------	------	----

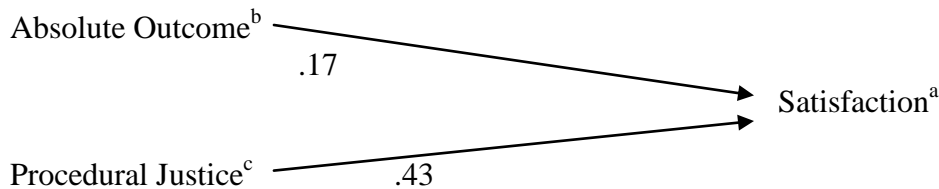
Significance levels: ns=not significant * $p < .05$ ** $p < .01$ *** $p < .001$
 The differences in the outcome and listening statement were significant at least at the .05 level.

Multivariate Analysis

Factors leading to Customer Satisfaction in Housing Court

To test the procedural fairness premise (how people are treated is a stronger predictor of satisfaction with the court process than their case outcome) additional analyses were conducted. Using multiple regression analysis we tested this premise by entering the outcome indicator first (the outcome was favorable), and then looking at the improvement in explanatory power to a litigants satisfaction when we added the questions related to procedural fairness (treated fairly, listened to and understood the order). This type of analysis allows us to break apart the contributions to a variable and identify what percent of the whole is related to one independent indicator versus another independent indicator.

For Housing Court, we are trying to explain satisfaction with the court’s decision by looking at whether a favorable outcome was more or less important than procedural justice. The table below shows that having a favorable outcome is related to higher satisfaction and accounts for approximately 17% of the explanatory power. When we add the three questions that are related to procedural justice: fairness, understanding and being listened to; we see that the explanatory power has increased significantly to 60%. This means that 43% of the satisfaction litigants feel about the court’s decision in Housing court can be explained by knowing how people perceive they were treated with regard to fairness, being listened to and understanding the court orders. This model is highly significant and does a good job of explaining satisfaction with Housing Court.

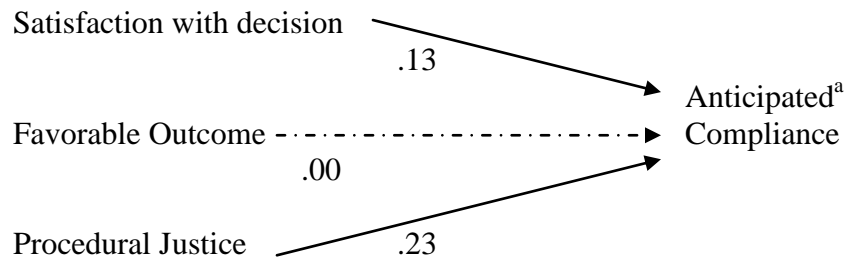


- ^a Scale of 1-9 where the higher the number the more agreement with to the following statement:
I am satisfied with the judicial officer’s decision
- ^b Was the outcome of your case favorable to you? 1=yes, 0=no
- ^c All three indicators on a 1-9 scale where the higher the number the more agreement to the following statements:
The judicial officer treated me fairly.
I understand what is required of me in order to comply with the judicial officer’s decision.
The judicial officer listened carefully to what I (or my lawyer) had to say in this case.

Factor leading to Anticipated Compliance with Court Orders

Housing Court litigants were asked how likely it is that they will follow the court orders. The procedural justice theses state that the more satisfied a litigant and the more fair they feel they were treated the more likely they are to follow the orders of the court. Another regression analysis was conducted to test this premise. In this analysis, anticipated compliance is the dependant variable and satisfaction, favorable outcome, and the three procedural justice questions were included as independent variables.

Satisfaction with the overall decision accounted for about 13% of the variance in perceived compliance and the three procedural justice questions added another 23%. Having a favorable outcome did not make any difference in whether or not litigants were willing to follow the court’s orders. Therefore, the indicators that make the account for the highest amount of influence in whether Housing Court litigants intend on complying with the court’s orders are satisfaction with the court process and whether or not the litigant felt that they were treated fairly, felt listened to and understood what they need to do.



- ^a Scale of 1-9 where the higher the number the more agreement with the following statement:
I will try to follow the judicial officer’s order in this case.
- ^b Scale of 1-9 where the higher the number the more agreement with the following statement:
I am satisfied with the judicial officer’s decision.
- ^c Was the outcome of your case favorable to you? 1=yes, 0=no
- ^d All three indicators on a 1-9 scale where the higher the number the more agreement to the following statements:
The judicial officer treated me fairly.
I understand what is required of me in order to comply with the judicial officer’s decision.
The judicial officer listened carefully to what I (or my lawyer) had to say in this case.

After one year, only 27% of the settled cases ended up with a judgment against them for non-compliance, this means that 73% fully complied with what they were court ordered the day of their interview.

Additional Analyses

In the previous section, we have only reported on the independent variables that have a statistical relationship with the fairness constructs. We ran additional analyses which did not produce statistically significant results. For example, many demographic variables such as age, educational background, gender, and employment status were not related to perceptions of fairness. Variables related to their Housing Court experience such as whether or not they had been to Housing Court before or whether or not they had met with a mediator were not influential to their perceptions of fairness.

Summary of Quantitative Analysis

Litigants in Housing Court reported very high levels of satisfaction, fairness and judicial officers listening to them. Differences between litigants were not found by gender, age, educational background, employment status but white litigants did report higher agreement with being listened to and compliance. In addition, those people visiting Housing Court with a higher household income reported finding the Court less efficient. Litigants who waited longer were less satisfied with their court experience and rated the court lower on fairness and efficiency. Not surprisingly, those people with a favorable case outcome reported being treated more fairly, being more satisfied, feeling more listened to, and felt the court was more efficient. However, when we ran a multivariate analysis that controls for multiple indicators all at the same time, we found that although the case outcome was important to litigants in Housing Court, those that reported higher levels of procedural justice felt more satisfied with the court process. Also, Housing Court customers were more likely to say that they would comply with the court orders if they were satisfied with the decision, if they felt they were treated fairly, were listened to and understood what they needed to do to follow the court orders.

Results of Qualitative Analysis

At the end of the survey, we included two questions which allowed litigants to tell us, in their own words, about their experience at the Housing Court. This section of the report summarizes those results. Appendix C includes all open-ended responses.

The first open-ended question read as follows:

Say you had a friend who was coming to court before this judicial officer. What would you tell your friend?

The top three responses to this question were:

Judicial Officer—positive comments,(24%) (Such as “good judge” and “Seemed knowledgeable”),
“Be prepared” (18%)
“Judicial Officer was fair” (17%)

Other comments included advice such as cooperating with the court, talking with a mediator, and talking with the other party in an attempt to settle the case.

The second and final question read as follows:

Is there anything else you think we can do to improve hearings in Housing Court?

The top three responses to this question were:

“No” (50%)

Confusion about Procedural Issues (15%) (Such as “They said you had option to mediate, I didn’t know exactly who the other party was... if there could be some way to I.D. them.” and “Unsure if I have to show landlord photos before court or show him during trial.”)

Overall positive comments (14%) (Such as “They’re doing a good job.” and “I manage multiple properties in 4 different counties and I’d say Hennepin County is the best one.”)

Litigants also mentioned procedural improvements such as handling default cases first, less people on the calendar, and starting on time. Comments irrelevant to the court process included the need for courtroom area improvements, such as lowering the temperature and using an air freshener.

Summary of Qualitative Analysis

Survey respondents provided much positive feedback about their experience in the Housing Court. When asked what the courts could do to improve the Housing Court many respondents reported that no improvements were needed and many had positive things to say about their experience. There was confusion about how to proceed in Housing Court (e.g., when to bring evidence, how to find out where/who the other party is in court). Additionally, litigants mentioned speeding up the process or having less people per calendar to reduce crowding in the courtroom. Frustration with the waiting time is a common criticism that we have seen in the studies we have completed in other areas of the court.

Overall Conclusions and Report Summary

Overall, both landlords and tenants were satisfied with their experience at the Housing Court and the treatment they received from the judicial officer. This was demonstrated by the high agreement on all of the statements pertaining to being treated fairly by the court. Satisfaction with Housing Court was mainly determined by being treated fairly, being listened to and understanding what was expected from the court. Additionally, those Housing Court customers who felt more satisfied, were treated fairly, listened to and understood what was expected of them reported a higher likelihood of complying with the court orders.

The majority of open-ended responses were overwhelmingly positive. Many visitors to the Housing Court reported they felt the judicial officer was fair, nice, and did a good job. When asked what the courts could do to improve the Housing Court many respondents reported that no

improvements were needed and many had positive things to say about their experience. Negative comments pertained mostly to clarifying the procedures in Housing Court and issues associated with the wait time (starting on time, less people on the calendar, more courtrooms, and more staff).

Appendix A: Housing Court Survey (on the following pages)

Appendix B: The Averages of Visitors' Responses to the Survey Items

Visitors were read the following statements and indicated their agreement or disagreement with each statement by providing the interviewer with a number ranging from 1 (strongly disagree) to 9 (strongly agree), with the mid-point being 5 (neutral). Below are the statements, followed by the means, and standard deviations based on whether they were the plaintiff or the defendant.

The judicial officer treated me fairly.

Plaintiff	Defendant	All responses
8.25 (1.69)	8.35 (1.59)	8.30 (1.64)

I am satisfied with the judicial officer's decision.

Plaintiff	Defendant	All responses
8.16 (1.93)	8.09 (2.03)	8.12 (1.98)

My case was completed in a timely fashion.

Plaintiff	Defendant	All responses
7.27 (2.47)	7.78 (2.16)	7.52 (2.33)

I understand what is required of me in order to comply with the judicial officer's decision.

Plaintiff	Defendant	All responses
8.57 (1.27)	8.52 (1.37)	8.55 (1.32)

The judicial officer listened carefully to what I or my lawyer had to say in this case.

Plaintiff	Defendant	All responses
8.19 (1.87)	8.06 (2.04)	8.12 (1.95)

I will try to follow the judicial officer's order in this case.

Plaintiff	Defendant	All responses
8.86 (0.70)	8.71 (1.16)	8.78 (0.97)

I believe that the outcome of this case will negatively impact (my/the tenant's) ability to rent or own in the future.

Plaintiff	Defendant	All responses
5.77 (3.28)	5.10 (3.58)	5.42 (3.45)

How willing would you be to watch a video on how to be successful in Housing Court?

Plaintiff	Defendant	All responses
5.85 (3.37)	5.70 (3.20)	5.77 (3.28)

Appendix C: Frequencies of the Open-Ended Responses

Say you had a friend who was going to have a hearing before this judicial officer. What would you tell your friend?

Average Agreement: .88

Percentage of perfect agreements: 79%

Top Three Comments:

Judge Positive (99) “He’s a good judge.” “Makes extra effort to solve litigants’ cases.”

Be prepared (76) “Be prepared.” “Just know what your case is about.”

Judge fair (71) “I’ve always found her to be very impartial.” “It’s a fair trial.”

No/Nothing (23) “Not much.” “Nothing.”

Don’t know (29) “Don’t know.” “I don’t know.”

Settle/ Talk with Landlord before (35) “Make a settlement agreement with landlord before you go to court.” “I advise people to settle.”

Listen to judge/Cooperate with court (37) “Just follow the rules.” “Do what you’re supposed to do.”

Tell your side (12) “Just being clear.” “State your case.”

Be calm/Relax (10) “Relax.” “It’ll be fine.”

Long wait (21) “Be prepared to wait.” “Take the whole day off.”

Be Respectful/Polite (14) “Give respect.” “Don’t have attitude.”

Judge unfair (4) “That it was not fair at all today.” “Judgment was not fair.”

Judge Neutral (18) “No problems with this judge.” “She’s all right.”

Judge Negative (24) “He’s long-winded.” “I think she could have paid more attention to me, didn’t work out for me.”

Get/Talk to attorney (13) “You need legal advice.” “Get an attorney.”

Talk to Legal Aid (5) “Make sure to check with legal aid to get info they may not know about.” “Talk to low income legal services available.”

Bring evidence/paperwork (30) “Bring all her proof, for everything.” “Have paper documentation.”

Be honest (15) “Tell the truth.” “To be honest.”

Talk to mediator (29) “Talk to a mediator beforehand.” “Try to meet with the mediator first.”

Just do it/Come to court (19) “Just show up.” “Don’t take this matter into your own hands, go to the court.”

Stay out of trouble (15) “Pay your rent on time.” “Pay your rent before coming here.”

Be on time (11) “Be prompt.” “Arrive on time.”

Positive Experience (19) “Good service.” “Process is simple.”

Neutral Experience (11) “It’s fine.” “It was okay.”

Negative Experience (19) “I didn’t get chance to speak.” “It’s very unfair in this state, especially when it comes to blacks.”

It was efficient (6) “She was efficient.” “Speedy.”

Don’t interrupt (9) “No speaking out of turn.” “Don’t talk unless talked to.”

Other (41) “Only morning appt’s, there are no afternoon or evening options.” “Continue it.”

Random Comments (33) “Some of the landlords let people go 3-5 months, mine didn’t let me go 3 days.” “It has a lot less to do with judicial officer.”

Uncodeable (5) “To smile.” “Don’t smoke marijuana before coming to court.”

What prevented you from being in the courtroom at 9am/2pm?

Top Three Comments:

Traffic (10) “Traffic.” “Accident on 94.”

Parking (10) “Finding parking spot.” “Parking.”

Waited for bus (7) “The bus.” “Bus took forever.”

Average Agreement: .97

Percentage of perfect agreements: 95%

It’s when they opened the doors (5) “Didn’t open doors until 9:10.” “Wasn’t open yet.”

Got lost (3) “Got lost.” “Finding the directions.”

Went to wrong building (2) “I was at the wrong building.” “I was at the courthouse.”

Overslept (2) “Overslept.”

No ride (5) “Ride didn’t show.” “My ride was late.”

Other (20) “Drop off someone at hospital.” “We had engagement at same time.”

Is there anything else you think we can do to improve the hearings in Housing Court?

Average Agreement: .89

Percentage of perfect agreements: 80%

Top Three Comments:

No/Nothing (198) “Nothing”

Confused about procedural issues (61) “I didn’t know exactly who the other party was... if there could be some way to I.D. them.” “Unsure if I have to show landlord photos before court or show him during trial.”

Positive comments (57) “They’re doing a good job.” “Everything went smoothly for me”

Don’t know (15) “I don’t know.”

Mediation questions (15) “They said you had option to mediate, I didn’t know exactly who the other party was.”

Defaults first (24) “I’ve been here for 2 ½ hours for defaults. They should separate them and deal with them quickly.”

Speed it up (25) “I think they need to be more timely.” “If case is settled when people come there should be ‘speedy service’ with someone you can bring it to and just be done.”

More judges (2) “More judges would make things faster.” “

Neutral comments (45) “Just fine.” “Seems to be reasonable.”

Negative comments (11) “Most incompetent case management I’ve seen.” “Fees are way too high.”

Listen to both sides (5) “I think the judge should listen to both sides.” “They should listen to owner, listen to both sides.”

It’s improved (5) “It’s a lot quicker than before.” “Much improved since I was last here.”

Positive comments about judicial officer (7) “Haven’t found a judge that wasn’t fair.” “I thought judge was very courteous.”

Neutral comments about judicial officer (2) “Not condescending.”

Negative comments about judicial officer (10) “Get different referee.” “Sometimes the referee isn’t in place, can be frustrating.”

Positive comments about the staff (9) “This clerk is excellent and moves things along.” “We walked in and mediator introduced himself.” “I thought it was very respectful.”

Negative comments about the staff (2) “People on the phone weren’t sure of the information.” “When we called each time we got different information.”

Start on time (24) “If court papers say it starts at 9am, it should start at 9am.” “Start court more on time.”

Help or listen to tenant more (19) “So both people come out on top and not just landlord all the time.”

Help or listen to landlord more (13) “Tenant’s get the best of it.” “Shift of blame is on landlord when tenants are to blame.”

Lower the filing costs (14) “Drop the fee.” “Fees are way too high.”

More chairs (3) “More chairs in the courtroom.” “More seats.”

Less cases (10) “Too many cases.” “Shorten the calendar.”

Not here that often/never been here before (9) “Not here that often so I don’t have much to say.” “It’s my first time here.”

Less Crowded (8) “Make the courtroom bigger or more seating.” “There’s so many people jammed in the courtroom, what can you do.”

Parking issues (6) “I have no money for parking.” “Parking should be free.”

More calendar times (22) “Quicker court dates.” “They should have more than one calendar running.”

It was fast (8) “They’re fast.”

Other improvements (20) “Febreeze!” “Should be able to file over internet.”

Other (63) “I don’t owe as much as these other people.” “Redesign it.”

Random Comments (50) “If I can get here a ½ hour early, everyone can.” “Improve politeness of people in court.”

Uncodeable (7) “Serve cocktails!” “Have some food here early in the morning.”

Have you ever appeared in Housing Court before? If yes, what for?

Top Three Comments:

Unlawful Detainers (69) “U.D.s” “Unlawful Detainers”

Evictions (69) “Evictions”

Non-payment of Rent (65) “NPR” “Non-payment of rent”

Average Agreement: .94

Percentage of perfect agreements: 88%

Same thing (52) “Same thing.”

Representing this landlord (3) “Representing landlord/plaintiff.” “Represented landlord.”

Attorney (3) “Represented numerous plaintiffs and defendants.” “On behalf of client.”

I’m the property manager (3) “Property manager.” “Manage property.”

Agent for property (7) “Agent for plaintiffs.” “Other evictions on behalf of landlords.”

Conciliation (4) “Conciliation”

Landlord issues (13) “Holding rent for damages” “lead issues and abatement owner repairs.”

Other (32) “Probation” “It’s personal”

Random comments (8) “Not in Hennepin County” “I file them all the time”

Uncodeable (2) “Not in Hennepin, but Anoka for UD’s”

References

- Brockner, Joel, Y. Chen, E. Mannix, K. Leung, and D. Skarlicki. "Culture and Procedural Fairness: When the Effects of What You Do Depend Upon How You Do It." *Administrative Science Quarterly* Volume 45, 1: 138–159.
- District Court Research 2002. "Results of Survey of Domestic Violence Court Defendants: Understanding of Court Ordered Conditions." Fourth Judicial District of the State of Minnesota, Minneapolis.
- Skitka, Linda J. and Faye J. Crosby. 2003. "Trends in the Social Psychological Study of Justice." *Personality and Social Psychology Review*, volume 7, 4: 282-285.
- Tyler, Tom R. 1984. "The Role of Perceived Injustice in Defendant's Evaluations of their Courtroom Experience." *Law and Society Review* 18: 51-74.
- Tyler, Tom R. 1989. "The Quality of Dispute Resolution Processes and Outcomes: Measurement Problems and Possibilities." *Denver University Law Review* 66: 419-436.
- Tyler, Tom R. 1990. *Why People Obey the Law*. New Haven: Yale University Press.
- Tyler, Tom R. and Steven L. Blader. 2003. "The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior." *Personality and Social Psychology Review*, volume 7, 4: 349-361.
- Tyler, Tom and H.J. Smith. 1998. "Social Justice and Social Movements." In D.T. Gilbert and S.T. Riske (eds.), *The Handbook of Social Psychology, Volume 2* (4th edition, pp. 595-629). New York: McGraw-Hill.