MINNESOTA JUDICIAL BRANCH

FOURTH JUDICIAL DISTRICT

Serious Traffic Court Fairness Study

Prepared by:

The Fourth Judicial District Research Division

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Serious Traffic 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 judges in Serious Traffic Court 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, when we began examining fairness in the courts, 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. 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 this series of studies.

Finally, we are enormously grateful to Professor Ron Anderson, of the Department of Sociology at the University of Minnesota, for offering his students the opportunity to work with us and gain research experience in an applied setting during their research methods course. Students Nellie Nuhring, Candice Berg, Joelle Kwiatkowski, and Ka Vang were a tremendous help to us.

Hennepin County District Court
Fourth Judicial District Court of Minnesota

Serious Traffic 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.

➢ The Serious Traffic Calendar began in August, 2004 and handles non-payable traffic offenses (e.g., Driving While Intoxicated, Driving After Cancellation) that occurred in the city of Minneapolis.

Research Design

➢ Visitors to Serious Traffic Court were interviewed just after their hearings were complete.

➢ Court researchers conducted 84 surveys of Serious Traffic Court defendants.

Results of Quantitative Analysis

➢ Overall, respondents were satisfied with how they were treated during their appearances in court.

➢ Women were more likely than men to indicate that they would comply with the judge's decision.

Results of Qualitative Analysis

➢ Nearly all (94%) of the defendants reported that they felt what was required of them was appropriate for their cases. Defendants had positive comments about the outcome and felt that they were treated fairly.

➢ When asked to describe their experience in court, the most frequent responses were positive comments about the judge. Defendants reported the judges were fair, friendly, and nice.

➢ When defendants were asked to tell us how we could improve the Serious Traffic Court and the way traffic offenses are handled in Hennepin County, most of them told us that no improvements were needed and had pleasant things to say about their experiences. Those who did have suggestions indicated that they would have liked more information about the process and for more public defenders to be available for these cases.

Table of Contents

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 with which groups the individuals identify themselves (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 in three suburban locations), the Domestic Abuse calendar in Family Court, Delinquency calendars in Juvenile Court, non-felony calendars in our three suburban locations, the Payable Traffic Calendar, Housing Court, Conciliation Court, and Probate/Mental Health Court. This particular report documents the results of the Serious Traffic Court Study.

Background of Serious Traffic Court Fairness Study

The decision to study Serious Traffic Court came out of a request from the Criminal Division. The study provided the Criminal Division with a "customer satisfaction" survey, as well as an assessment of fairness related to the Serious Traffic Court process.

The Serious Traffic Court Calendar

The Serious Traffic Calendar began in August, 2004 and handles non-payable traffic offenses (e.g., Driving While Intoxicated, Driving After Cancellation) that occurred in the city of Minneapolis. Traffic offenses can either be payable (e.g., speeding, not stopping at a stop sign) or non-payable. Cases that are non-payable offenses require court appearances to resolve these cases. Payable offenses may also be heard on the Serious Traffic Calendar if the person is in custody, if the person has a non-payable offense and the payable offense is handled at the same time, or if the person has multiple prior offenses and the city attorney requires the person to appear in court for the current offense. In 2004, a majority of the cases on this calendar were driver's license cases (45%), DWI cases (31%), and moving violations (14%). There were 10 judges who heard cases in Serious Traffic Court during our study. Judges are assigned to the Serious Traffic Calendar on a rotating basis and spend one to two weeks in this court.

The Survey Process

In March and April 2005, the Research Division conducted surveys with defendants who appeared on the Serious Traffic Calendar. Researchers waited in the courtroom until the hearings were completed and then followed the respondents out of the courtroom. The defendants were approached and asked if they would like to complete a brief interview about their experiences in Serious Traffic Court and provide feedback for the courts. The interview took about three minutes.

The first section of the survey featured basic demographic and case information about the respondents. The second section of the survey consisted of questions regarding fairness. These questions addressed how respondents felt the judge treated court visitors, whether they felt the judge had listened to them, and whether they were satisfied with the judge's decision. There were also "open-ended" questions where respondents were asked to tell us why they felt what was required of them was or was not appropriate for their cases. At the end of the survey, respondents were asked to provide us with their opinions of the court process and suggestions for improving the Serious Traffic Court as well as suggestions for improving the way traffic offenses are handled in Hennepin County in general. (See Appendix A for a complete copy of the survey.)

We conducted 84 surveys of defendants in Serious Traffic Court.

Results of Quantitative Analysis

Demographics

As noted above, we surveyed a total of 84 individuals. There were more men in this study (76.2%) than women (23.8%).

Gender of Defendants (Percentages)
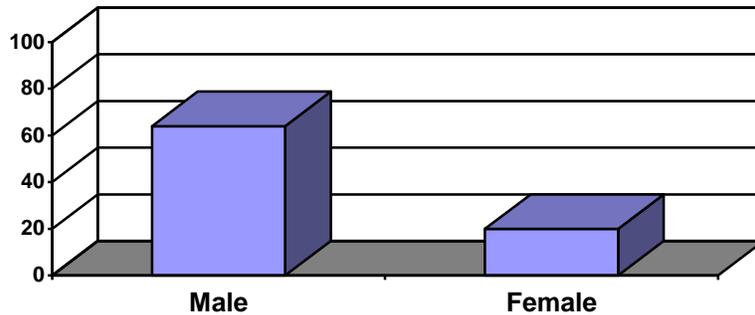
Of the 84 respondents, 41.7% indicated that they were Black/African American, 38.1% indicated that they were White, 2.4% indicated they were Asian, 1.2% indicated that s/he was Native American, and 1.2% indicated that s/he was East African, and 15.5% indicated that they belonged to some other racial category (e.g., Hispanic, bi-racial). Regardless of race, 11.9% indicated that they were of Hispanic descent.

Race of Defendants (Percentages)
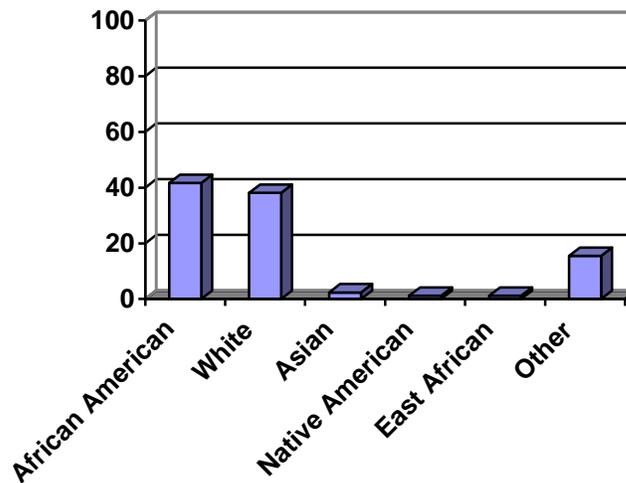
The age of defendants ranged from 18 to 61 years with an average of 30 years. The majority of serious traffic respondents were young, with nearly half (47%) of respondents under 26 years of age.

Age of Defendants (Percentages)
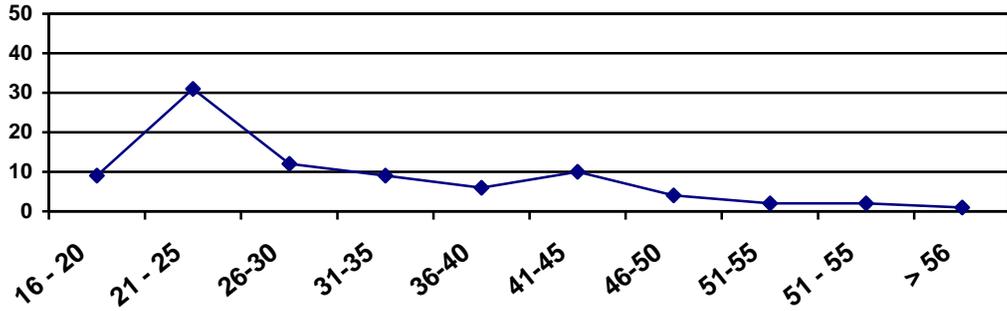
Age Range	16 - 20	21 - 25	26 - 30	31 - 35	36 - 40	41 - 45	46 - 50	51 - 55	56 – 60	>60
Number of respondents	9	31	12	9	6	10	4	2	0	1
%	10.7%	36.9%	14.3%	10.7%	7.1%	11.9%	4.8%	2.4%	0.0%	1.2 %

Respondents had diverse educational backgrounds. Less than 5% reported less than a high school education, 14.3% had some high school-level schooling, 26.2% had finished high school, 1.2% had some trade schooling, 2.4% had finished trade school, 27.4% had some college-level schooling, and 23.8% had received a college degree.

| *Education Level*	
Less than high school	4 4.8%
Some high school	12 14.3%
Earned diploma or GED	22 26.2%
Some trade school	1 1.2%
Finished Trade School	2 2.4%
Some college	23 27.4%
Finished college degree	20 23.8%
No answer	0 0%

Of the respondents, 63.1% had a job, 32.1% did not have a job, 1.2% had retired, and 3.6% were on disability.

| Employment	
Currently employed	53 63.1%
Not currently employed	31 36.9%

Court Related Data

Out of 84 total respondents, 46.4% had charges of driving while intoxicated (DWI); this is higher than the percentage of cases for the entire year of 2004 which was only 31%. A large percentage of defendants (28.6%) were in court for driver's license charges or insurance (11.9%). This is a lower percentage compared to the number of license charges for the entire year of 2004 (45%). Four respondents were charged with drugs or alcohol violations (4.8%), and the remaining defendants were charged with moving violations (6%). Two defendants were charged for case types that were grouped into the "other" category (e.g., using a false name and date of birth) 2.4%.

Case Types (Percentages)
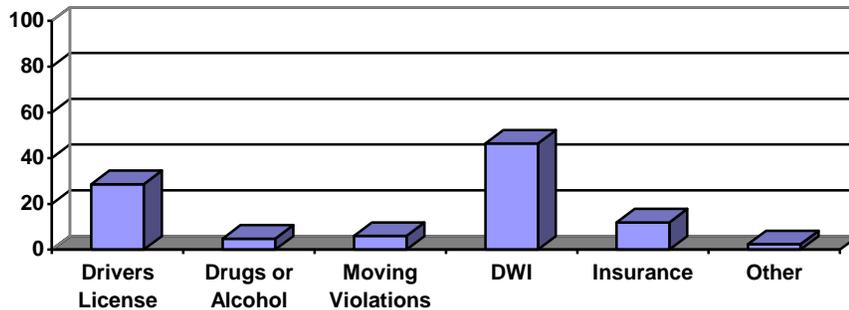
Of the 84 respondents, 81% were charged with misdemeanors. A smaller percentage of respondents were charged with gross misdemeanors (16.7%) and only 2% of the defendants were charged with petty misdemeanors.

Degree of Cases (Percentages)
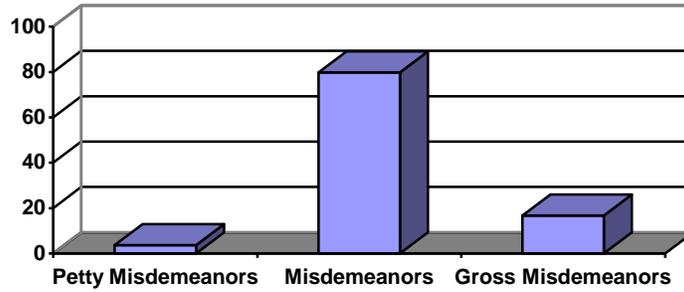
We asked respondents to tell us about the outcome of their cases. Twenty-six percent of the defendants reported that they were required to make payments. A smaller percentage of defendants reported that they received probation (7.1%) and 6% of defendants reported that they were required to complete a chemical health assessment, and even fewer defendants were required to attend a Victim Impact Panel 2.4%. Very few defendants (2.4%) reported that their case was dismissed.

Case Outcomes (Percentages)
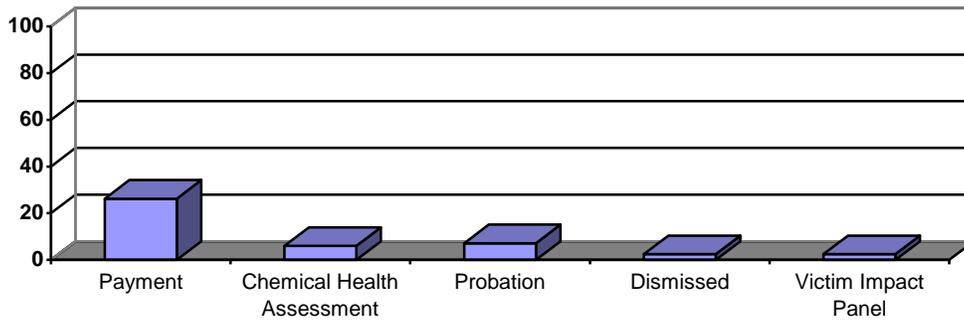
Most of the defendants represented themselves in court (46.4%) or received a public defender (42.9%). Only eight of the defendants hired a private attorney (9.5%).

Type of Representation (Percentages)
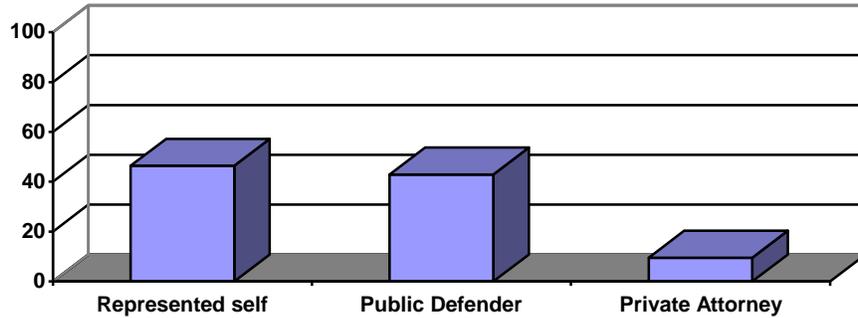
Most of the defendants (84.5%) indicated that their case was completed that day and 15.5% indicated that they had to come back to resolve their cases. For those whose cases were resolved that day, nearly all of them (97%) were convicted.

Was Your Case Resolved Today? (Percentages)
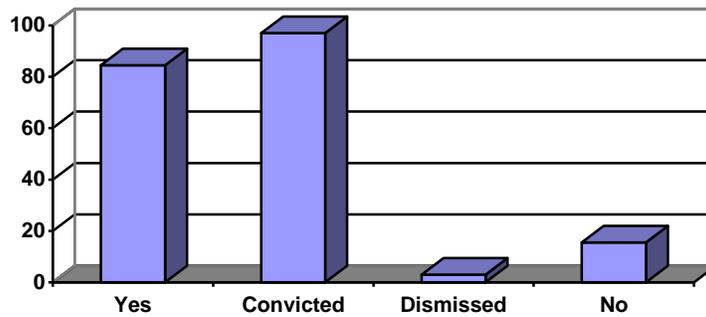
Nearly all of the defendants (93.8%) felt that what was required of them was appropriate for their cases and only 6.2% felt the requirements were not appropriate.

Did You Feel What Was Required of You Was Appropriate for Your Case? (Percentages)
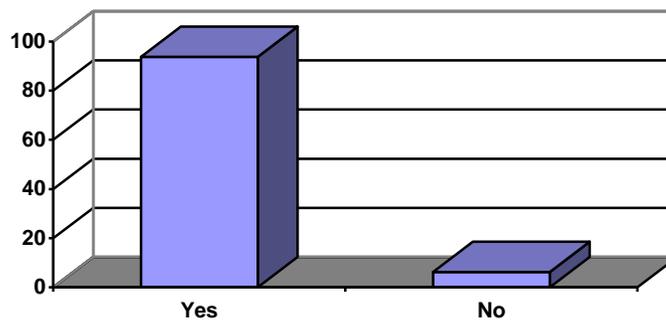
After we asked defendants to tell us whether they felt the requirements were appropriate (yes or no) we gave them the opportunity to tell us in their own words any comments they had about the requirements.

This open-ended question read as follows:

Do you feel what was required of you is appropriate for your case?(Yes or No) Do you have any comments about this?

The three most common response categories to this question were:

Positive comments *(e.g., "They were generous") 26%*
"It was fair" *(e.g., "Judge was very fair.") 21%*
Negative comments *(e.g., "They didn't tell me what would happen.") 16%*

Assessments of Fairness and Customer Satisfaction

The survey included 12 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 Criminal Courts). Survey respondents were asked to rate their levels of agreement with each of the 12 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. Respondents were encouraged to choose any number on the scale from 1 to 9 (i.e., not simply 1 or 9). If court visitors 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.

Univariate Analysis

Before conducting bivariate analyses (i.e., did individuals of one group give higher or lower fairness ratings than individuals of another group?), we ran simple univariate analyses to get a sense of how the judges 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 judges. 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 8 for these defendants[1].

Some examples are provided below:

Survey Statement	Respondent
The judge treated me fairly	8.68
The judge treated me with respect.	8.60
I am satisfied with judge's decision.	8.11

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[1] A listing of all items' mean responses and standard deviations are included in Appendix B.

Bivariate Analysis

The 12 fairness statements were combined into the following four categories. (See Appendix C for a complete list of all the indicators that formed each category.) We analyzed the differences between groups for all four categories. The graphs indicate the means for each group we are comparing and the four categories were given the following labels:

1. ***Procedural Justice*** or the extent to which the survey respondents felt that the judge treated them fairly during their hearings.

2. ***Outcome*** or the extent to which the survey respondents felt that the outcome of their cases were fair and deserved.

3. ***Compliance*** or the extent to which the survey respondents indicated that they understood the judge's orders and intended to follow the orders.

4. ***Satisfaction*** or the extent to which respondents were satisfied with the judge's decisions.

Women were more likely than men to indicate that they would comply with the judge's decision. There were no significant differences for the other fairness factors based on gender.

Fairness Scales based on Gender

	Men	Women	significance
Procedural Justice	8.36	8.22	ns
Outcome	7.73	7.39	ns
Compliance	8.85	8.97	*
Satisfaction	8.21	7.79	ns

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

Additional Analyses

In the previous section, we only reported on the independent variables that have a significant 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, employment status, type of attorney, and race were not related to perceptions of fairness. Due to the small sample size, analyses of other variables (e.g., case level and type, whether the case was being resolved that day, and the appropriateness of sentence requirements) were not conducted[2].

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[2] Not only was the sample size too small, but the frequencies in each group were not evenly distributed. For example, 71 people indicated that their cases were completed that day and only 13 reported that they had to come back to resolve their cases.

Multivariate Analysis

Factors leading to Customer Satisfaction in Serious Traffic Court

To test the procedural fairness premise (how people are treated is a stronger predictor of satisfaction with the court process than their case outcomes), we conducted additional analyses. 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 of litigant's 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 Serious Traffic Court, we are trying to explain satisfaction with the judicial officer'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 18% of the explanatory power. When we add together the six questions that are related to procedural justice, we see that the explanatory power has increased to 38%. This means that 20% of the satisfaction defendants feel about the court's decision in Serious Traffic 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 Serious Traffic Court.

Absolute Outcome[b] .18 → Satisfaction[a]

Procedural Justice[c] .20 →
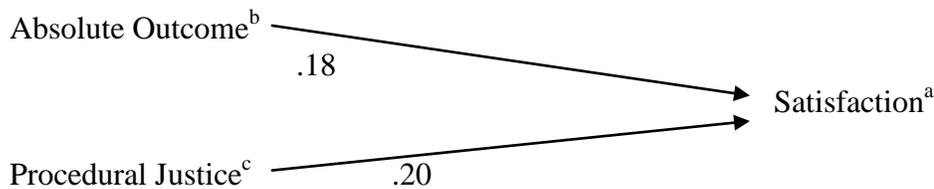
Scale of 1-9 where the higher the number, the more agreement with the following statement:
I am satisfied with the judicial officer's decision

[b] Scale of 1-9 scale where the higher the number the more agreement to the following statements:
The outcome I received was worse than I deserved (reverse coded).

[c] All seven indicators on a 1-9 scale where the higher the number the more agreement to the following statements:
The judicial officer gave reasons for his or her decision.
The judicial officer made sure I understood the decision.
The judicial officer seemed to be a caring person.
The judicial officer treated me with respect.
The judicial officer listened carefully to what I (or my lawyer) had to say in this case.
The judicial officer treated me fairly.

Summary of Quantitative Analysis

Defendants from the Serious Traffic Calendar reported very high levels of satisfaction, fairness, and felt that they were listened to when they were in court. There were no differences

between defendants according to age, type of representation, employment status, or race. There were small gender differences, with women reporting greater indications of complying with the judge's decisions compared to men. Finally, the idea that perceptions of fairness explained court satisfaction above and beyond the outcome of the case was corroborated.

Results of Qualitative Analysis

At the end of the survey, we included open-ended questions which allowed respondents, in their own words, to tell us about their experiences in Serious Traffic Court and their suggestions for improvements. This section of the report summarizes those results. Appendix E 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 about this judge?

The three most common response categories to this question were:

"Judge was fair"44%
Positive comments about the judge (e.g., "He was friendly.") 27%
"Judge was nice" 17%

The second open-ended question read as follows:

Is there anything you think we can do to improve this court?

The four most common response categories to this question were:

"Nothing"57%
"Process takes too long"11%
"I don't know" 7%
"It went well" 7%

The third and final open-ended question read as follows:

Is there anything you think we can do to improve the way traffic offenses are handled through Hennepin County courts?

The three most common response categories to this question were:

"Nothing"64%
Positive Comments (e.g., "They're doing well") 8%
"I don't know" 6%

Summary of Qualitative Analysis

With regard to describing their court experiences, many defendants had nice things to say about the judge. Defendants described the judges as fair, understanding, caring, and friendly. Many defendants reported that no improvements were needed for either the court or for the way traffic offenses are handled in Hennepin County. Those who did offer suggestions indicated that speeding up the process, adding public defenders, and providing defendants with more information about the process would be helpful.

Overall Conclusions and Report Summary

Overall, defendants were satisfied with their experiences in Serious Traffic Court and the treatment they received from the judge. This was demonstrated by the high agreement on all of the statements pertaining to fairness, satisfaction with the outcomes, and willingness to comply with the judge's decision. Defendants in Serious Traffic Court reported very high levels of satisfaction and fairness, and felt that they were listened to when they were in court. There were no differences between defendants according to age, employment status, or race. There were only minor differences on indications of complying between men and women.

The majority of open-ended responses were positive, especially comments pertaining to the judges. Few respondents felt that any improvements were needed in Serious Traffic Court. Speeding up the process and providing more public defenders were the most frequent ideas for improvements for those who did provide us with suggestions.

Appendix A: Serious Traffic Court Survey (on the following pages)

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

Visitors were read the following statements and asked to indicate their agreement or disagreement with each statement by providing the interviewer with a number ranging from 1 (strongly disagree), 5 (neutral), to 9 (strongly agree). Below are the statements, followed by the means and standard deviations.

1. The judicial officer gave reasons for his or her decision. (M = 7.76, SD = 1.83)
2. The judicial officer made sure I understood the decision. (M = 8.48, SD = 1.06)
3. The judicial officer seemed to be a caring person. (M = 7.98, SD = 1.63)
4. The judicial officer treated me with respect. (M = 8.60, SD = 0.93)
5. The judicial officer listened carefully to what I (or my lawyer) had to say. (M = 8.55, SD = 0.99)
6. The judicial officer treated me fairly. (M = 8.68, SD = 0.84)
7. The outcome I received was worse than I deserved. (M = 2.67, SD = 2.63)
8. My case was completed in a timely fashion. (M = 7.21, SD = 2.60)
9. I am satisfied with the judicial officer's decision. (M = 8.11, SD = 1.94)
10. The outcome of my case was fair. (M = 7.96, SD = 2.05)
11. I will try to follow the judicial officer's order in this case. (M = 8.94, SD = 0.30)
12. I understand what is required of me in order to comply with the judicial officer's decision. (M = 8.82, SD = 0.55)

Procedural justice
Mean: 8.33 (SD=0.90)
- The judicial officer gave reasons for his or her decision.
- The judge made sure everyone understood the decision.
- The judicial officer seemed to be a caring person.
- The judicial officer treated me with respect.
- The judicial officer listened carefully to what I (or my lawyer) had to say.
- The judicial officer treated me fairly.

Satisfaction
Mean: 8.11 (SD=1.94)
- I am satisfied with the judicial officer's decision.

Outcome
Mean: 7.54 (SD=1.83)
- The outcome I received was worse than I deserved (reverse coded).
- My case was completed in a timely fashion.
- The outcome of my case was fair.

Compliance
Mean: 8.88 (SD=0.34)
- I will try to follow judicial officer's order in this case.
- I understand what is required of me in order to comply with the judicial officer's decision.

Do you feel what is required of you is appropriate for your case?

Top three comments:
Positive comments (5)
"Thrilled with outcome." "They were generous."
It was fair (4)
"Judge was very fair." "I feel the process is fair."
Negative comments (3)
"It took too long for the judge." "Wasn't what I was told would happen."

It was appropriate (2)
"I felt I was treated fairly."
Other (5)
"Chemical dependency evaluation should be mandatory." "Willing to do it."

Say you had a friend who was coming to court before this judicial officer, what would you tell your friend about this judge?

Top three comments:
Judge was fair (37)
"He was very fair." "Fair."
Positive comments about the judge (23)
"He was friendly." "He's a model of how a judge should be."
Judge was nice (14)
"Nice." "She seems nice."

Nothing/No comment (10)
"Nothing."
Judge is understanding (8)
"He's understanding."
Be honest (5)
"Just tell the truth."
I don't know (4)
"I don't know."
Judge is caring (3)
"Caring."
Listen (3)
"Listen to what he has to say."
Don't worry (2)
"Nothing to worry about."
Be respectful (2)
"Don't speak out of turn."
Negative comments about the judge (2)
"Frightening (kind of)."

Other (8)
"Get a job." "She doesn't give community service."

Is there anything you think we can do to improve this court?

Top four comments:
No, nothing, or not applicable (48)
"No."
Takes too long (9)
"Things could always go faster." "Too time consuming"
Don't know (6)
"Don't know."
Went well (6)
"Handled pretty well." "Seemed to work out." "It was perfect." "It was fine."

Lack of experience with Serious Traffic Court (5)
"First time I've been here." "1st experience." "First time here."
The public defender should be quicker (4)
"Public defender—move it faster." "More public defenders, less wait." "Get more people so public defender goes faster."
The court should provide more information about cases and the court process (4)
"I'd like info while I was waiting about what was going to be asked of me. Outline of events or something." "Additional information about a case."
Change Public Defender process (4)
"Have people apply for public defender beforehand so public defender is ready." "Get better public defenders." "Maybe apply for public defender one day and come back next day ready with public defender."
Negative comments (4)
"Explain things in English terms, not legal terms." "People with work and school are inconvenienced." "Be a little more understanding."
Court should be punctual (3)
"If you're going to have me come to court at 8:30, at least be there by 9:00." "Start at 8:30"
"Have to be here at 8:30, and nothing happens until 10:00."
Court was disorganized (3)
"Call people in order—I was here at 8:30." "Lack of organization." "Streamline the process."
Parking complaints (2)
"Validate parking." "If you're going to have me come to court at 8:30, at least be there at 9:00. Help me pay these meters otherwise there should be free parking."
Positive comments (2)
"Way better than Government Center." "Use this courtroom as a model for other judges and attorneys. All workers are level-headed—good atmosphere."

Other responses (4)
"Must be the weather." "Made me go to some class (Victim Impact Panel)." "Padded bench seats."

Is there anything you think we can do to improve the way traffic offenses are handled through Hennepin County courts?

Top Three Comments:
No, nothing, not applicable (54)
"No." "Nothing"
Positive Comments (7)
"Timely fashion." "They're doing well."
Don't know (5)
"I don't know." "No idea."

Issues with the police (4)
"Don't target certain areas." "Racial profilers getting out of hand."
Investigate the case better (4)
"Cases should be investigated thoroughly" **"**They could look at them more seriously."
Give people more chances/be more lenient (3)
"Be more lenient."
Public Defender issues (3)
"More public defenders."
Neutral Comments (3)
"Done okay."
Negative Comments (2)
"Had to take whole day off just to come to court here—a waste."
Financial problems (2)
"I can't afford to take those tickets and pay for them."
Provide other payment options (2)
"Can you pay online or over the phone?"
Speed up the process (2)
Other comments (2)
"Legal limit is too low."

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