



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

Family Court Fairness Study

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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, litigant satisfaction leads to viewing court authority as legitimate, which in turn leads to increased compliance with court orders.

Research Design

- District Court Research randomly assigned which Domestic Abuse cases got a full explanation from the judicial officer (including a question and answer period) and which got no explanation of why the judicial officer ruled the way s/he did.
- Following the explanation (or lack thereof) litigants returned to the Monitored Waiting Rooms where they were interviewed by research staff.

Results of Quantitative Analysis

- Overall, family court litigants feel they are being treated fairly by judicial officers.
- Petitioners felt they were treated more fairly than did respondents, but were not any more likely than respondents to say they would comply with court orders.
- Our data replicated prior research in that perceptions of fair treatment explained more of the variation in litigant satisfaction than did the actual outcome of the case.
- Litigants who gave high fairness ratings were also more likely to say they would comply with the court orders; this is particularly true for those litigants with an unfavorable outcome.
- Receiving an explanation from the bench made the biggest difference in terms of satisfaction for litigants who had a full trial and this effect was even stronger for those who did not get what they asked for from the court.
- Litigants who did not receive a favorable outcome from a trial were more likely to say they would comply with court orders when they reported both fair treatment and having received a full explanation of the decision by the judicial officer in their case.
- Although we had a short amount of time to assess compliance with court orders, we found rates at about 93% across the various methods of self reported and official records.

Results of Qualitative Analysis

- Most responses to the open-ended questions were positive.
- Without specific prompting, litigants volunteered that the judicial officer was “fair.”
- Negative comments mostly had to do with waiting time.

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 Family Court Fairness Study	7
Order for Protection Hearings	7
Three Choices	7
What if Someone Doesn't Appear for a Hearing?	8
Diagram of OFP process	9
Family Court Fairness Study: Research Design	10
What is an Experimental Design?	10
How was an Experimental Design Applied to Domestic Abuse Hearings?	10
The Survey Process	11
Implementation of the Experimental Design	12
Results of Quantitative Data Analysis	14
Demographics	14
Hearing Related Data	17
Assessments of Fairness	18
Univariate Analysis	19
Factor Analysis	20
Bivariate Analysis	21
Correlation Analysis	25
Linear Regression Analysis: What Predicts High Fairness Ratings?	26

Did Our Study Replicate the Results of Prior Research?	27
A Closer Look at the Effect of Explanations	31
Analysis of Compliance Data	34
Results of Qualitative Analysis	36
Overall Conclusions and Report Summary	38
Appendix A: Script for Beginning of OFP Hearings	39
Appendix B: Examples of Green Sheets	40
Appendix C: Diagram of Monitored Waiting Rooms	41
Appendix D: Court Sheet	42
Appendix E: Survey	43
Appendix F: List of Indicators for Each Construct	44
Appendix G: Correlation Matrices	46
Appendix H: Compliance Data Collection Details	48
Appendix I: Procedure for Coding Open Ended Responses	50
Appendix J: Open Ended Responses	51
References	54

Introduction to the Study of Fairness

In March 2003, the Fourth Judicial District embarked upon a study of court fairness. 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, and subsequent compliance with the orders of those in authority. They have studied these concepts in other court settings, but never as a justice *experiment* in a trial court.

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 them have been fair, even if the outcome adversely affects the individual (see Tyler and Smith, 1998, for a review). Stated differently, people are prone to say that 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 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 group identification (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, the Domestic Abuse calendar in Family Court, and Delinquency calendars in Juvenile Court. In addition, we studied the three suburban courts and have begun a study of the Housing Court (unlawful detainers). This particular report documents the results of the Family Court study.

Background of Family Court Fairness Study

We chose to study Family Court as one of our key Fairness Study areas, because family and children's issues were a strategic initiative of the Minnesota state court system in 2003. In order to choose the specific research question to be answered, we went to the Family Court bench. We asked the Family Court judges what, if anything, in their current daily business they would like to know more about. In other words, we asked them, "Is there anything you do, in the course of handling your caseload that you believe you do differently than your colleagues? Would you like to know if your way or their way works better?" One judge offered that on Domestic Abuse (i.e., Order for Protection¹) cases, he tends to give lengthy explanations of why he is or is not granting the Order for Protection, so that no one leaves the courtroom confused about what occurred. Others, however, do not give such an explanation. Those that do not give the explanation told us that they do not like to rule from the bench because they want time to deliberate and ensure that litigants know that decisions are not arbitrary. In addition, those that do not rule from the bench were concerned that explaining their decisions might incite anger in some litigants or require them to tell litigants in front of family and friends that their testimony was not believable. The judges we met with were curious as to whether or not a full explanation increases respondents' level of satisfaction with the court and also increases compliance with the order and ultimately ensures petitioner safety.

Order for Protection Hearings

An Order for Protection (OFP) hearing is held when someone (i.e., the "petitioner") petitions the court for an OFP because a family member, household member, or someone with whom they have been involved in a romantic or sexual relationship (i.e., the "respondent") has either physically hurt them or has threatened to do so. A proposed temporary (ex parte) Order for Protection is typically written by an advocacy organization or the court's Domestic Abuse Service Center. After a judge signs the temporary order, the matter can be scheduled for a court hearing within a week to make the order "permanent", in most cases, to last for one year. The respondent must be served with the temporary order, typically by the sheriff's department or local police, and told when to appear at court.

Three Choices

At the court hearing, the respondent is usually given three choices.² The first choice is typically referred to as a "deny/agree." A respondent who chooses the deny/agree option denies that s/he has committed any domestic abuse, but agrees to the issuance of an Order for Protection which prohibits contact between the respondent and petitioner. In this case, the order would include no findings of domestic abuse, but the respondent would agree to stay away from the petitioner for one year. The second choice required the respondent to admit domestic abuse against the petitioner and agree to the Order for Protection ("agree/agree"). If the second option is chosen, the judicial officer includes findings of domestic abuse in his/her written order. Finally, the third

¹ An Order for Protection (OFP) is a document which, in its simplest form, prevents contact between two parties. The process by which an OFP is granted is a civil court matter, but violation of the OFP becomes a criminal offense.

² We have seen as few as two options and as many as four options given, although most judicial officers give three.

choice allows the respondent to contest the Order for Protection and request a full evidentiary hearing.

If the respondent chooses an evidentiary hearing, the hearing may either occur immediately, be continued for later in the day or, occasionally, be continued for another day. At the evidentiary hearing, each party testifies regarding the events in question and cross-examines the other party. The parties are also entitled to call witnesses to support their testimony, and cross-examine each others' witnesses. Most parties come to court unrepresented by counsel, but if a lawyer is present they will conduct the questioning. At the end of the evidentiary hearing, the judicial officer must decide whether or not domestic abuse has occurred and an OFP should be drafted. If the judicial officer finds in favor of the petitioner, the OFP includes findings of domestic abuse.

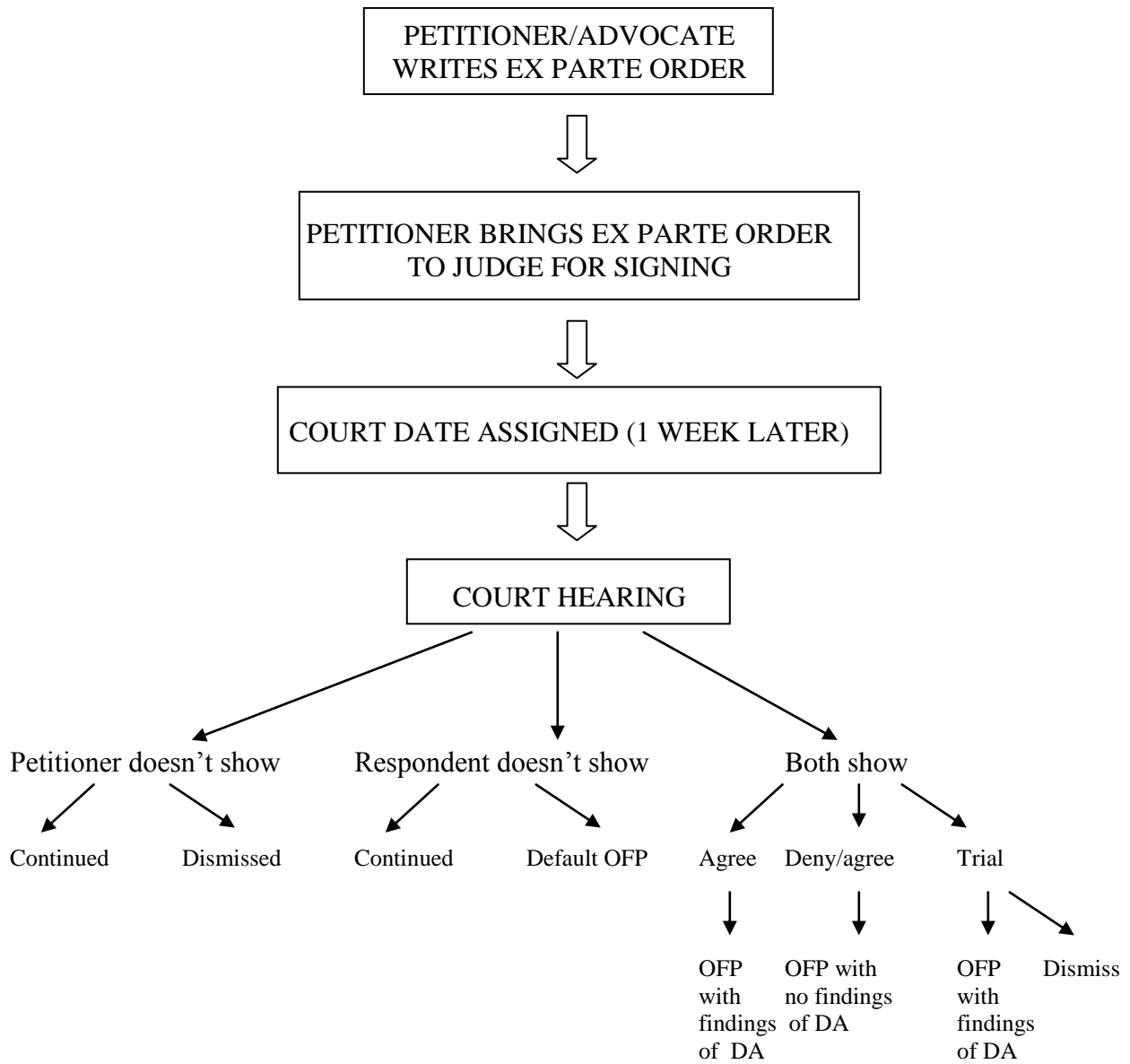
If the respondent agrees to the OFP or the judicial officer finds in favor of the petitioner and the OFP is granted, the respondent is ordered not to engage in specific behaviors during the following year. (See Appendix A for a statement of what it means to have an OFP, authored by one of the Family Court judges). For example, the respondent may have been ordered not to contact the petitioner or, in the case of a petition written on behalf of minor children, his/her children. The respondent may not carry a firearm while the order is effective, and the OFP may affect his/her immigration status. Violation of the OFP is a criminal offense for which the respondent can be incarcerated if s/he is convicted of the violation.

What if someone doesn't appear?

If the respondent fails to appear for the hearing, one of several things can occur. The judicial officer might find that the ex parte order was not properly served, in which case s/he will continue the matter for a minimum of two weeks to allow for proper service. Due process requires that the respondent be given adequate notice to appear for his/her court date. If it is clear that the respondent has been served and given adequate notice of his/her court date and still fails to appear, the hearing is typically referred to as a "default," which means that the OFP is automatically granted if warranted. There are some instances when the judicial officer does not find enough evidence to grant an OFP, even if the hearing is a default.

If the petitioner fails to appear for the hearing, the matter is generally dismissed. Someone, either the petitioner or his/her attorney, needs to be physically present to petition the court. A petitioner who does not appear but still wants the OFP must obtain a new ex parte order and start the process over again. If neither party shows up, the matter is typically stricken. Petitioners who still want the OFP must begin the process over again and a new court date must be set.

The following diagram shows the process of OFP hearings:



Family Court Fairness Study: Research Design

The Family Court Fairness study was designed to replicate the previous research conducted by Tyler, Heuer, and Penrod and attempt a new dimension. Our hypothesis was that explanations given by judicial officers at the conclusion of Order for Protection hearings may lead both respondents and petitioners to feel more satisfied with the court process, and ultimately, to be more likely to comply with the court orders. The best way to test such a hypothesis is with an experimental design.

What is an Experimental Design?

In an experimental design researchers randomly assign who does or does not receive a certain “treatment”. All other characteristics of the two groups are randomly distributed and consequently do not differentially interfere with the effects of treatment. It is easiest to understand the nature of an experimental design through an example from the medical world. Imagine a doctor who has been asked to administer a new experimental drug that could potentially cure cancer. If the doctor gives the drug to all his cancer patients, and sees positive results in some, there could be two explanations: (1) the drug works, or (2) the people showing the most positive results had the best prognosis anyway and thus had a better chance to recover even without the drug. With two possible explanations, there would be no way to definitively prove that it was the drug that made the difference in the treatment of cancer.

On the other hand, if the doctor randomly assigns the treatment, any differences among the patients’ original prognoses would be neutralized. Random assignment ensures that there is an even distribution of differences among both the “treatment” and “control” groups. In this case, any observed differences between the two groups can, in fact, be attributed to the drug treatment if it is the only thing that systematically “varies” between the two groups.

How was an experimental design applied to Domestic Abuse hearings?

In our case, the “treatment” became the explanation given by judicial officers at the conclusion of the Order for Protection hearings. We developed a specific process to randomize³ who did or did not get an explanation. On a daily basis, Family Court Administration faxed the Research Division the following day’s calendars for Domestic Abuse hearings. Researchers then flipped a coin to assign a designation of either “explanation” or “no explanation” to each case. We created two piles of “green sheets” which, when opened, told the judicial officer whether to explain his/her decision or not. (See Appendix B for examples of both types of green sheets). We folded and stapled each green sheet closed, and on the outside wrote the case number, the hearing date, and petitioner and respondent names for each case, according to whether the parties were to get an explanation or not (based on the results of our coin flipping). The stacks of “explanation” and “no explanation” green sheets were merged and re-stacked in the order that the cases appeared

³ Randomization assumes that at the end of any given study with random assignment, the number of cases in the treatment and control group will be nearly equivalent. This was the case for the family court fairness study. We concluded with a total of 420 surveys, exactly 210 of which (50%) were from “no explanation” cases, and exactly 210 of which (50%) were from “explanation” cases. Some surveys needed to be removed because research protocol was broken. After those cases were removed, the percentages changed slightly (51% explanation, 49% no explanation).

on the calendar, and delivered to the courtrooms where Domestic Abuse hearings were held each day (one to two courtrooms per day).

Judicial officers were asked not to vary their normal procedures until they knew whether or not they were going to grant the Order for Protection. At that point they were instructed to open the green sheet before announcing the decision. If the green sheet told them to “State Your Decision and Give No Further Explanation,” they were asked to simply say whether or not the OFP would be granted, and then instruct parties to return to their separate monitored waiting rooms to await the written order.

If the green sheet told the judicial officer to “State Your Decision and Provide a Full Explanation,” they were asked to say whether or not the OFP would be granted, explain what led them to this decision, and ask each of the parties separately if they had any questions.⁴ After all questions were answered, parties were then instructed to return to their separate monitored waiting rooms to await the written order. (See Appendix C for a diagram of the monitored waiting room area.) Research staff members were present in the courtroom during every hearing in order to monitor whether or not the judicial officer provided an explanation to litigants. In addition, they collected data about the court hearing which we eventually merged with the survey data. (See Appendix D for a copy of the courtroom data collection sheet.)

The Survey Process

Research staff members were stationed in both the petitioner and respondent monitored waiting rooms. When petitioners and respondents returned to the rooms directly following their court hearings, our staff surveyors approached and asked them to complete our survey while they awaited the written orders. Because it took about 15-20 minutes for the orders to be faxed down to the monitored waiting room clerk, and because both petitioners and respondents were required to wait and sign for the orders (whether the orders were OFPs or dismissals), petitioners and respondents were generally willing to complete the survey while they waited.

The survey was administered out loud by the research staff person, who was seated at a table either next to or across from the petitioner or respondent. The person being surveyed was usually able to read the questions as they were being read to him/her. A small percentage (2%) of litigants answered our survey with the help of a court appointed interpreter. The surveys took approximately ten minutes to administer.

The survey began with some basic demographic information about the petitioner or respondent, and then went asked what had just happened in the OFP hearing. Most of the remaining survey asked questions regarding fairness. Petitioners and respondents were asked to rate their level of agreement with each statement based on a 9 point scale. A rating of 1 indicated strong disagreement with the statement, a rating of 9 indicated strong agreement with the statement, and

⁴ Even in cases where the reason behind the decision seemed obvious, judicial officers were asked to state the reason out loud. For example, the explanation for a default case might go something like this: “Because you have asked the court for an Order for Protection, Mr. Jones has not appeared in court today, and you merit relief, I am issuing the Order for Protection by default. Do you have any questions I can answer at this time?” This made it clear to litigants that ultimately the decision of whether or not the OFP would be granted rested with the court, which enabled us to ask them about their perceptions of court process fairness.

a rating of 5 indicated a neutral feeling about the statement. The last several questions were “open-ended,” and asked for petitioners and respondents to provide opinions of the court process in their own words. We also asked for contact phone numbers so that we could conduct follow-up interviews in a few months. (See Appendix E for a complete copy of the survey).

Implementation of the Experimental Design

Experimental designs are unusual in a court setting. Some judicial officers feel that providing a “treatment” to some litigants and not providing it to others compromises justice. Others feel that paying attention to research protocol would interfere with efficient case handling. However, this particular study was specifically designed to intrude as little as possible on the judicial process, and the judicial officers were thus willing and able to implement the design.

Still, experimental designs are rarely implemented without some mistakes. Ten percent of the completed surveys (42 surveys) had to be removed from the data analysis file because of broken research protocol, meaning that either an explanation was given when the green sheet instructed the judicial officer not to, or no explanation was given when the green sheet instructed the judicial officer to provide a full explanation. Research protocol may have been broken for a variety of reasons. In some cases, judicial officers felt that an explanation would make a volatile situation between the two parties even more volatile, thus putting the petitioner in danger. The opposite was also true; judicial officers sometimes felt that without an explanation, certain litigants would leave extremely angry and violence could escalate. If the judicial officer determined that safety concerns prevented him/her from following the experimental design, s/he typically chose to break from protocol. To help alleviate the potential for violence, and thus this potential for breaking the research protocol, District Court Administration arranged for a sheriff’s deputy to be added to each Domestic Abuse courtroom during the course of the study.

Sometimes the judicial officer did not feel s/he could make a decision on the bench, and needed some time to deliberate in his/her chambers. We had asked judicial officers, in those cases, to call the parties back into the courtroom to announce their decision once it was made, but this was not always feasible.

Some cases that came in as Domestic Abuse cases were converted to Harassment cases by the judicial officer.⁵ We chose not to interview litigants from Harassment cases, but there were times we did not know that the case had changed and we interviewed the litigants anyway.

In some instances the judicial officers did not follow the research protocol because they misread the green sheet or misunderstood what it meant to give or not give a full explanation. In every case, research staff present in the courtroom had to make a judgment call whether or not the protocol was followed based on what they heard the judicial officer say to the litigants, and record their assessment on a data collection sheet. After court, the Project Director and the

⁵ There are several key differences between Domestic Abuse and Harassment cases in Minnesota. In Harassment cases, the petitioner and litigant do not need to live together or have an intimate relationship. Furthermore, in order for a petitioner to obtain a Harassment (i.e., restraining) order, there does not need to be actual physical harm or the threat of immediate physical harm, but merely the fear of future harm from the respondent or interference with the petitioner.

research staff person who was in the courtroom reviewed what occurred, and the Project Director made the final decision as to whether or not the case should be characterized as a “broken protocol” case.

Finally, there were some mistakes on the part of the research staff. From time to time research staff interviewed someone who returned to the monitored waiting room after their court hearing, even though the case had been continued for a later date and there was no outcome of the case yet. In a few continued cases, research staff accidentally prepared a new green sheet (with a different experimental condition than the original), and it was unclear which green sheet was used by the judicial officer on the bench. All of the “broken protocol” or problem cases were removed from the data for the purposes of analysis.

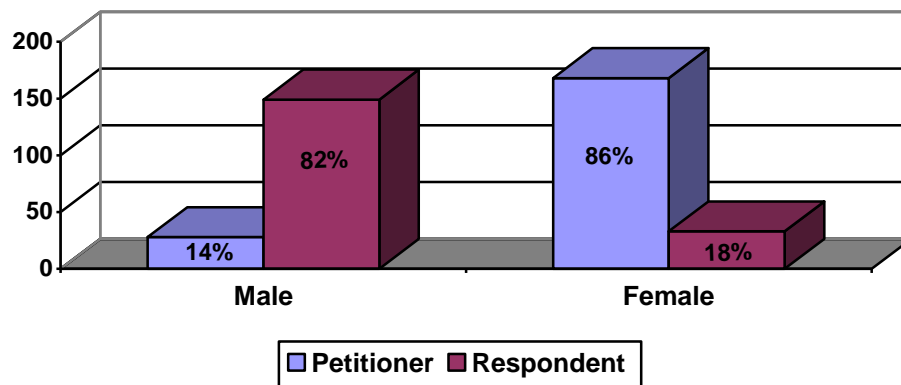
The remainder of this report consists of two major sections. First, we present the results of quantitative data analysis, including descriptive analysis of the demographic composition of the litigant population and statistical analysis of survey questions, analysis of compliance data. Second, we present our qualitative analysis, in the form of answers to open-ended questions.

Results of Quantitative Data Analysis⁶

Demographics

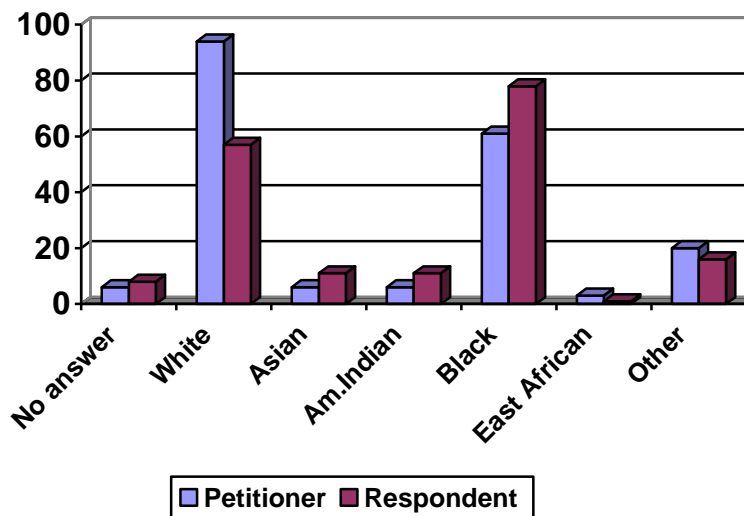
We surveyed a total of 378 litigants, 196 (52%) of which were petitioners, and 182 (48%) of which were respondents. These 378 litigants represented a total of 307 separate domestic abuse cases. As expected, there more female petitioners (168) and male respondents (149). The gender breakdown is depicted in the following graph:

Gender of Petitioners and Respondents



There was a higher percentage of white petitioners (48%), and a higher percentage of African-American respondents (43%). The following graph and table depicts the racial distribution:

Racial Breakdown of Petitioners and Respondents



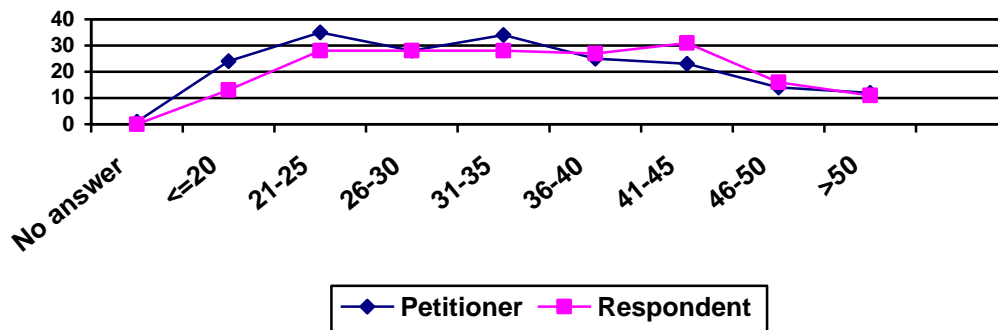
⁶ All quantitative data analysis is based on surveys that did not have any problems with the research protocol (see page 7, Implementation of the Experimental Design).

	<i>No answer</i>	<i>White</i>	<i>Asian</i>	<i>American Indian</i>	<i>Black/African-American</i>	<i>East African</i>	<i>Other</i>	<i>Total</i>
Petitioner	6 3.1%	94 48.0%	6 3.1%	6 3.1%	61 31.1%	3 1.5%	20 10.2%	196 100.0%
Respondent	8 4.4%	57 31.3%	11 6.0%	11 6.0%	78 42.9%	1 .5%	16 8.8%	182 100.0%

An equivalent percentage (approximately 9%) of petitioners and respondents indicated that they were of Hispanic background, regardless of their race.

The age distributions of petitioners and respondents were very similar, as depicted below:

Age Distribution of Petitioners and Respondents



In the social sciences, socioeconomic status is generally interpreted as a three-pronged construct which includes education, income, and occupation. Although we did not collect information on specific occupations, we did ask survey respondents to provide employment status, as well as education and income data. 69.4% of petitioners and 60.4% of respondents had a job at the time we interviewed them, and of those who had a job, most (69.1% petitioners, 73.6% respondents) were employed full-time and permanently. Just fewer than 20% of petitioners and 18% of respondents had less than a high school education. Approximately 23% of petitioners and 17% of respondents had a college degree. Most of the individuals we spoke with reported an annual income of less than \$30,000 (51.5% of petitioners and 42.3% of respondents).

As a comparison to Hennepin County as a whole, the Family Court respondents were more educated, lived on less income and fewer were employed. About 82% of the Hennepin County adult residents were employed in the 2000 Census (compared to 69% of the petitioners and 60% of the respondents), 34% of the population lived on \$50,000 or less (compared to 63% of the respondents and 74% of the petitioners) and 54% had some college but had not received a degree or less (compared to 77% of the petitioners and 85% of the respondents).

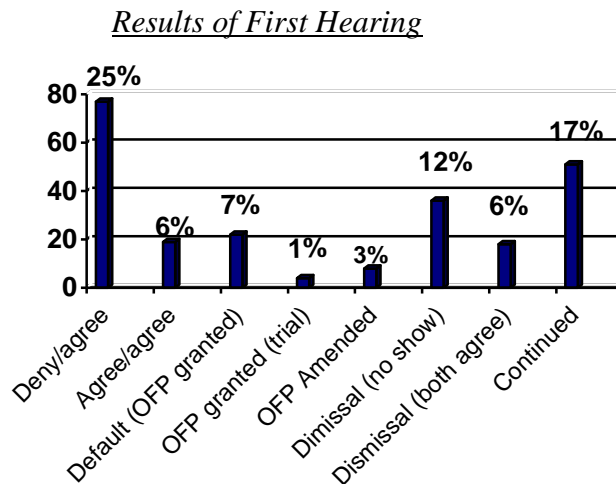
Socioeconomic Status of Petitioners and Respondents

SES Measures	Petitioners (N=196)	Respondents (N=182)
Education		
<i>Less than high school</i>	8 4.1%	6 3.6%
<i>Some high school</i>	31 15.8%	26 14.3%
<i>Earned diploma or GED</i>	58 29.6%	49 26.9%
<i>Trade school</i>	7 3.6%	12 6.6%
<i>Some college</i>	47 24.0%	56 30.8%
<i>Finished college degree</i>	45 23.0%	30 16.5%
<i>No answer</i>	0 0%	3 1.6%
Employment		
<i>Currently employed</i>	136 69.4%	110 60.4%
<i>Not currently employed</i>	55 28.1%	63 34.6%
<i>Don't know/no answer</i>	5 2.5%	9 4.9%
Annual Household Income		
<i>\$30,000 or less</i>	101 51.5%	77 42.3%
<i>\$30,0001 - \$50,000</i>	44 22.4%	38 20.9%
<i>\$50,001 - \$75,000</i>	17 8.7%	17 9.3%
<i>More than \$75,000</i>	5 2.6%	10 5.5%
<i>No answer</i>	29 14.8%	40 22.0%

Hearing Related Data

We asked petitioners and respondents to tell us what happened in the hearing they just finished, and compared their responses with the actual hearing outcomes as recorded on the Civil Automated Tracking System (CATS), the Hennepin County computer database in which family court data is recorded.⁷ For the most part, both petitioners and respondents seemed to leave the courtroom with a clear understanding of what happened. When asked, 88% of petitioners and 82% of respondents reported understanding the decision of the judicial officer. Less than 3% of both petitioners and respondents misunderstood the decision (i.e., thought an OFP had been granted when it had been dismissed, or vice versa).

We kept track of what actually occurred in court each time there was a hearing, as well as the final outcomes for each case. At the first hearing, over 25% of cases (77 cases) resulted in a deny/agree outcome, where the respondent agrees to the order but does not admit committing domestic abuse, and no findings of domestic abuse are included in the OFP. While infrequent, 19 respondents (nearly 6%) actually agreed/agreed at the first hearing, meaning that they not only agreed to the order, but also admitted committing domestic abuse against the petitioner. In such cases, the OFP includes findings of domestic abuse, which can affect future civil and criminal court cases. In 12% of the first hearings (36 cases), the petitioner failed to appear and the case was dismissed, and in 7% of the first hearings (22 cases), the respondent did not appear and the OFP was granted by default. Continuances at the first hearing are fairly common (17%, 51 cases),⁸ but this figure includes cases that were continued for an evidentiary hearing, which often happened later the same day. The chart below depicts what occurred at the first hearing:⁹



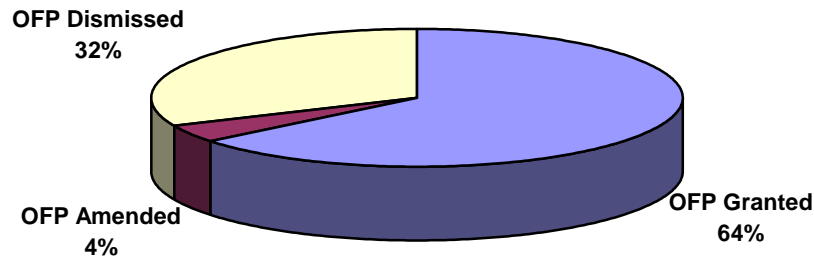
⁷ This is different from the statewide Order for Protection database, which we did not yet have access to at the time of this writing.

⁸ Cases are usually continued for either improper service of the respondent or because a trial is going to be held.

⁹ This data is based on cases where we were actually witnessed the result of the hearing. We did not have data on the outcome of the first hearing in about 23% of the cases, although we have final outcome data for all of these cases. About a third of those cases ended up in trial, and most of those trials (68%) ended up with the OFP being granted.

The actual final outcomes of each case are displayed in the following pie chart:¹⁰

Final Results of Request for Order for Protection



We also asked petitioners and respondents if they understood what it meant to have an OFP issued. There was a statistically significant difference between petitioners and respondents in response to this question.¹¹

	<i>Do you understand what it means to have an OFP?</i>		
	<i>Yes*</i>	<i>No</i>	<i>No answer</i>
Petitioner	190 96.9%	2 1.0%	4 2.0%
Respondent	159 87.4%	16 8.8%	7 3.8%

**Difference between petitioner and respondent understanding=9.5% which is statistically significant at the 5% margin (p<.05), meaning that there is a less than 5% probability that the observed results occurred by chance.*

Assessments of Fairness

As we stated previously in this report, one of the primary purposes of this study was to learn whether an extra explanation and communication from the bench helped litigants in domestic abuse hearings feel they had been treated fairly, but there is another more basic purpose to this study as well. We were interested in learning whether litigants leave the courtroom feeling they were treated fairly, regardless of any manipulated experimental conditions.

The survey included 47 separate indicators of fairness. (See Appendix E for a copy of the survey.) Petitioners and respondents were asked to rate their level of agreement with each of 47 statements according to a nine point scale, where a rating of 1 indicated strong disagreement, a rating of 9 indicated strong agreement, and a rating of 5 indicated a neutral/no opinion rating. Litigants were encouraged to choose any number on the scale from 1 to 9 (i.e., not simply 1 or

¹⁰ This chart counts each case once, rather than each petitioner or respondent. However, we analyzed the case outcomes based on gender and race of petitioners and respondents, and found no statistically significant differences.

¹¹ The research staff originally designed the study to include the explanation of what an OFP entails, but the bench felt strongly that this needed to be explained to all litigants in order for them to fully understand the decision. This obviously was true since even when it was included in the presentation to all litigants, there was still some misunderstanding about the meaning.

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.

Some of the indicators were worded positively (e.g., “I agree with the judicial officer’s decision”) where others were worded negatively (e.g., “I think the judicial officer’s decision was incorrect”). For analytical purposes, the responses to the negatively worded statements were recoded to make them positive. In other words, the higher the score on any statement, the more positive the litigant felt about the court experience. Stated differently, the closer the averages for each individual indicator get to 9, the more fair litigants perceive the court.

Univariate Analysis

Before grouping the fairness indicators into logical theoretical constructs so that we could conduct bivariate analysis (i.e., did litigants of one group give higher or lower fairness ratings than litigants of another group?), we ran simple univariate analysis to get a sense of how litigants rated the judicial officers on fairness.

Perhaps the most undisputable outcome of the entire study turned out to be that family court litigants generally feel they are being treated fairly by judicial officers. On the 1 to 9 scales described above, where 9 would be a perfect score (meaning every litigant “strongly agreed” to any given question), most average scores were between 7 and 8. Some examples are provided below:

<i>Fairness Statement</i>	<i>Number of Responses</i>	<i>Average Score</i>	<i>Standard Deviation</i> ¹²
<i>The judicial officer treated me fairly.</i>	374	7.84	2.31
<i>The judicial officer respected my rights.</i>	375	8.11	2.09
<i>The judicial officer treated me respectfully.</i>	374	8.36	2.83
<i>The outcome of my case was fair.</i>	372	7.44	2.76
<i>This judicial officer and his/her court dealt with my case promptly.</i>	375	7.36	2.71
<i>The judicial officer listened carefully to what I (or my lawyer) had to say in this case.</i>	371	7.20	2.77
<i>I am satisfied with the judicial officer’s decision.</i>	378	7.58	2.74

The fairness indicators that did not produce high scores were those that dealt with whether or not a litigant felt the outcome favored him/her (as compared with the other party). This makes intuitive sense, since on any given case there is a “winner” and a “loser”, and so we would

¹² Standard deviation is a statistical measure that shows how spread out individual scores are from the average. The lower the standard deviation, the more individual scores are clustered around the average. The higher the standard deviation, the more skew in the data and the less meaningful the average. The standard deviations reported in this table are relatively low.

expect to see the average at about the midpoint of the scale. In fact, the scores were slightly higher than the midpoint (5) on these questions:¹³

<i>Fairness Statement</i>	<i>Number of Responses</i>	<i>Average Score</i>	<i>Standard Deviation</i>
<i>The outcome of this case was more beneficial for me than the other party.</i>	369	5.61	3.29
<i>The judicial officer's decision in this case favored me more than the other party.</i>	371	5.00	3.37

In short, the first fairness finding is that family court domestic abuse litigants are, on average, highly satisfied with the way they are treated in the courtroom. Regardless of what any additional analyses tell us in terms of differences between groups or the results of manipulation of the experimental condition, this is extremely important and useful information for the Fourth Judicial District as a whole, and the family court bench and administration in particular.

Factor Analysis

Analysts typically try to find ways to reduce their data when there are many independent indicators. Data reduction makes the data more useful by consolidating a large number of separate statements into a few theoretical constructs. To do this, we ran a statistical procedure known as factor analysis, which shows how the indicators “cluster” with other indicators. The results of the factor analysis, plus some basic logic about the meaning of the 47 fairness statements, were combined to consolidate the 47 statements into six different theoretical constructs for the purposes of analysis. (See Appendix F for a complete list of all the indicators that formed each theoretical construct.) The 47 fairness indicators consolidated into scales which represented the following six concepts:

1. ***Distributive fairness*** or the extent to which the litigant felt the outcome of the case was fair. This is also known as outcome fairness.
2. ***Procedural fairness*** or the extent to which the litigant felt s/he was treated fairly
3. ***Relative outcome*** or the extent to which the outcome of the case benefited the litigant more than the other party
4. ***Opportunity to voice views*** or the extent to which the litigant felt his/her opinions were listened to in court
5. ***Legitimacy of authority*** or the extent to which the litigant felt s/he should obey the orders of the judicial officer
6. ***Satisfaction with the Courts*** or the extent to which the litigant has faith in the judicial system as a whole

The remainder of our statistical analyses employed these six constructs as representations of fairness. We also added a single indicator of satisfaction, measured by the rating (on a scale of

¹³ Because the case outcomes favored the petitioner more than half the time (see Hearing Related data, above), and because a few more petitioners than respondents took our survey, the fact that the averages are higher rather than lower than the midpoint makes sense.

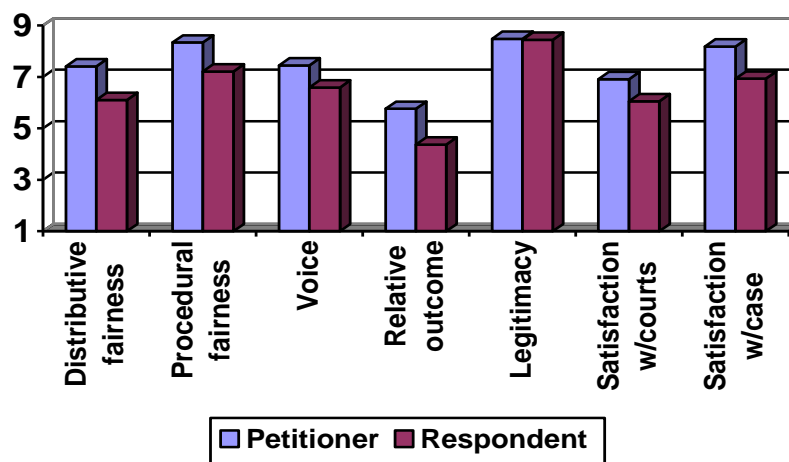
1-9) for the statement: “I am satisfied with the judicial officer’s decision.” We refer to this indicator as satisfaction with case outcome.

Bivariate Analysis

Average Differences in Fairness Ratings between Petitioners and Respondents

We found a significant difference in perceptions of fairness between petitioners and respondents, regardless of the experimental condition. Below we present the average scores for each of the six theoretical constructs listed above, by whether the litigant was a petitioner or respondent.

Fairness Ratings for Petitioners and Respondents



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

	<i>Distributive fairness</i>	<i>Procedural Fairness</i>	<i>Voice</i>	<i>Relative Outcome</i>	<i>Legitimacy</i>	<i>Satisfaction with Courts</i>	<i>Satisfaction with case outcome</i>
Petitioner	7.41	8.34	7.45	5.76	8.48	6.91	8.18
Respondent	6.10	7.21	6.59	4.37	8.44	6.05	6.93
Statistical Significance	***	***	***	***	ns	***	***

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

With the exception of the legitimacy scale, all differences between petitioner and respondent averages are statistically significant at the p<.001 margin. This means that there is less than one-tenth of a percent probability that the observed differences occurred by chance. The difference between petitioners and respondents on the legitimacy scale was not statistically significant.

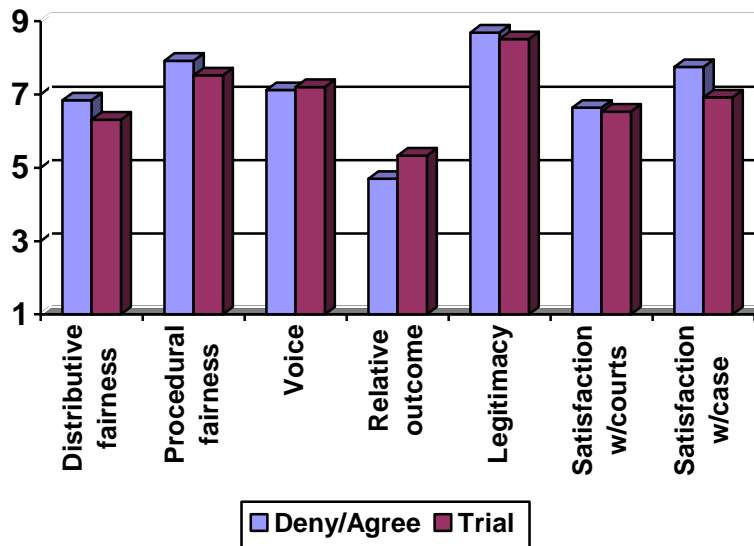
We then analyzed average differences between petitioner and respondent, controlling for the outcome of the case. When the outcome of the case was a dismissal, respondents had significantly higher scores on the distributive fairness, relative outcome, and legitimacy scales, as well as on the individual indicator of satisfaction with the case outcome. As would be expected, exactly the opposite was true (petitioners had significantly higher scores on all scales except legitimacy) when the case outcome was that the OFP was granted. When the OFP was

amended, the petitioner’s average assessments of whether the outcome was fair and favorable were significantly greater than respondents’ assessments for the distributive fairness and relative outcome scales.

Differences in Fairness Ratings between Deny/Agree and Trial Cases

Originally we debated whether or not we should only survey individuals whose cases went through a full evidentiary hearing (i.e., trial), with the argument being that perceptions of fairness would be more appropriate if the judicial officer were the only decision maker in the courtroom. While the judicial officer ultimately has final authority in “Deny/Agree” cases, the primary “decision maker” is the respondent who agrees to the order, and thus perceptions of fairness about the judicial officer or the court in general may, it could be argued, be less relevant. For this reason, we analyzed the differences in fairness ratings based on those two case types: whether the respondent “denied/agreed” or whether the case went to trial. We found a significant difference in the average fairness ratings on the distributive fairness scale, as well as on the individual indicator of satisfaction with the case outcome. In both cases, those who had a “deny/agree” outcome reported higher perceptions of judicial fairness and satisfaction than those who experienced a trial.

Fairness Ratings for Litigants in Deny/Agree v. Trial



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

	<i>Distributive fairness</i>	<i>Procedural Fairness</i>	<i>Voice</i>	<i>Relative Outcome</i>	<i>Legitimacy</i>	<i>Satisfaction with Courts</i>	<i>Satisfaction with Case Outcome</i>
Deny/Agree	6.84	7.92	7.12	4.70	8.69	6.64	7.75
Trial	6.31	7.52	7.20	5.33	8.51	6.53	6.92
Statistical significance	*	ns	ns	ns	ns	ns	*

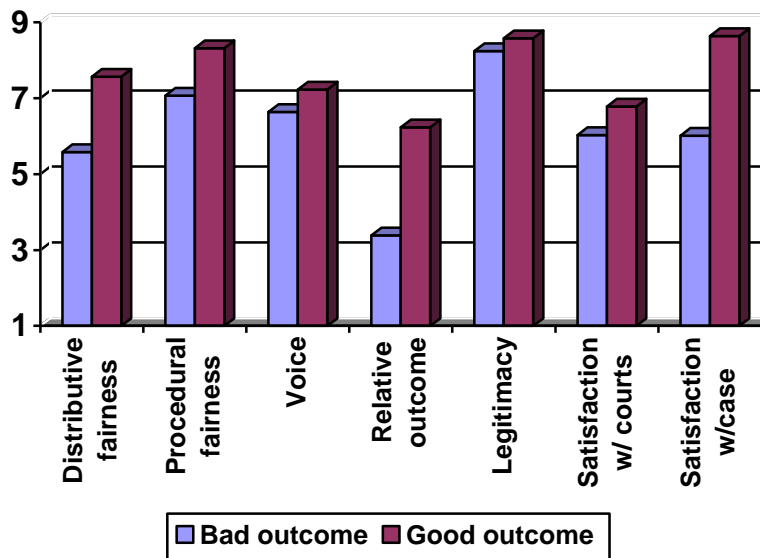
Significance levels: ns=not significant *p<.05 **p<.01 ***p<.001

The differences on the distributive fairness scale and satisfaction with case outcome were statistically significant.

Differences in Fairness Ratings based on Absolute Case Outcome

To explore this further, we created a “dummy” variable (coded 0 or 1) that represented the absolute actual outcome (rather than perceived outcome) for each case. A good outcome (score of 1) on this variable meant either that the litigant was a petitioner and the OFP was granted or the litigant was a respondent and the OFP was dismissed. We then analyzed the average differences on the fairness scales, controlling for whether or not the individual surveyed had a good outcome. We found statistically significant differences between those who had a good outcome and those who did not, with the fairness and satisfaction ratings being much higher for those with a good outcome, which makes intuitive sense. As we have mentioned (see page 1), the procedural justice literature suggests that perceptions of fairness matter more to litigants than absolute case outcome. Our data shows, however, that the two concepts are closely related, in that absolute outcome significantly affects perceptions of fairness and satisfaction.

Fairness Ratings for Litigants Based on Absolute Outcome



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

	<i>Distributive fairness</i>	<i>Procedural Fairness</i>	<i>Voice</i>	<i>Relative Outcome</i>	<i>Legitimacy</i>	<i>Satisfaction with Courts</i>	<i>Satisfaction with Case Outcome</i>
Bad outcome	5.58	7.07	6.64	3.39	8.24	6.03	6.01
Good outcome	7.57	8.32	7.23	6.23	8.58	6.78	8.64
Statistical significance	***	***	*	***	*	**	***

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

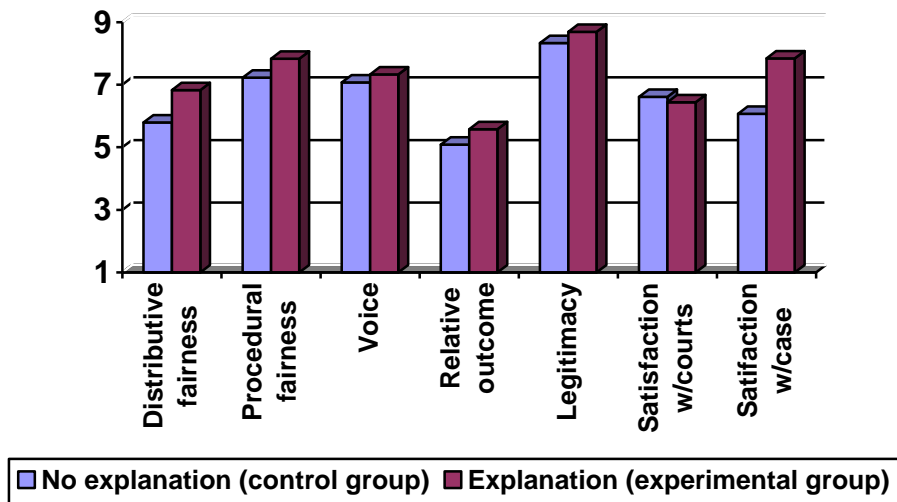
The differences on all scales were statistically significant.

Differences in Fairness Ratings between Experimental and Control Groups

While there are many interesting statistical relationships between the fairness variables, the primary research question we set out to answer was whether or not having an extra period of explanation from the judicial officer at the end of a hearing would make a difference in terms of litigants’ perceptions of fairness (later referred to as “experimental effect”). As noted in the previous section, we suspected early on that an explanation would make more of a difference for litigants in situations where the case outcome rested solely in the hands of the judicial officer. We surmised that litigants who experienced a trial would be more susceptible to an experimental effect, since the explanation would not simply be a restatement of what the petitioner and respondent had agreed to (as in deny/agree cases), nor would the explanation be a statement of the obvious as in default cases, such as “Since Mr. Jones is not here, I am granting the OFP by default.”

In fact, the data suggest that our suspicions were correct. There were no experimental effects for the sample as a whole, but for those litigants who went through a trial, the ones who received an explanation reported significantly higher scores on the distributive fairness scale, as well as on the indicator of satisfaction with the case outcome, as depicted in the charts below.

Fairness Ratings for Litigants Based on Experimental Design



Average scores for each scale (on a scale of 1-9), for only those who had a trial (n=89 litigants):

	<i>Distributive fairness</i>	<i>Procedural Fairness</i>	<i>Voice</i>	<i>Relative Outcome</i>	<i>Legitimacy</i>	<i>Satisfaction with Courts</i>	<i>Satisfaction with Case Outcome</i>
No explanation (control group)	5.79	7.23	7.07	5.09	8.33	6.61	6.07
Explanation (experimental group)	6.83	7.83	7.33	5.58	8.69	6.44	7.84
Statistical significance	*	ns	ns	ns	ns	ns	**

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

The differences on the distributive fairness scale and satisfaction with case outcome were statistically significant.

We had expected to see differences in many of the scales based on the experimental condition, and were somewhat surprised at the limited results of this bivariate analysis. However, when we conducted more sophisticated analyses (see Linear Regression Analysis, page 21) we found the experimental condition to have more wide-reaching effects. This is because simple bivariate analysis as depicted in the above charts does not allow us to control other intervening variables which could suppress the statistical power of the experimental variable.

*Correlation Analysis of Fairness Scales, Experimental Design, and Absolute Outcomes*¹⁴

Correlations measure whether or not a statistical relationship exists between two variables. Before analyzing any measures of causality (i.e., whether a score on one variable predicts a score on another variable), it is usually best to see if a relationship exists at all. Correlations are measured on a scale of -1 to +1; the closer a correlation gets to either -1 or +1, the stronger the relationship. The sign (- or +) tells in what direction the relationship exists. In other words, one would expect a correlation between education and income to be positively correlated, because it makes intuitive sense that the higher someone's education level, the higher their income level. On the other hand, we would expect a relationship between number of minor children and disposable household income to be negatively correlated, because we would expect larger families to have less disposable income than families with less or no children. Variables necessarily have a perfect correlation with themselves at 1.0.

We expected many of the fairness scales to be positively and significantly related to each other, but we were less sure of the relationships that would exist between the fairness variables and the experimental effect and actual outcome variables.¹⁵ We found the experimental variable had a positive correlation with the distributive fairness scale and the satisfaction with case outcome indicator, but only for litigants who went to trial. The absolute outcome variable, on the other hand, had a positive and reasonably strong correlation with all of the measures of fairness and satisfaction for both the full sample as well as for only the litigants who had a trial. For example, the correlation between absolute outcome and distributive fairness for those who had a trial was .79 (significant at 0.1% margin), which is very high. These correlation results suggest that the outcome of a case does play a big part in litigants' perceptions of fairness and level of satisfaction with the court process.

We created a variable to represent the interaction of the experimental variable and the absolute outcome variable, to measure whether the combined effects of the experiment and the objective case outcome would be more related to the fairness scales than either of its components on their own. The experimental effect variable and the absolute outcome variable are both coded as "dummy" variables, where explanation=1 and no explanation=0, good outcome=1, bad outcome=0. Thus, the interaction variable is also a 0, 1 dummy variable, as each value is a

¹⁴ See Appendix G for complete correlation matrices, both for the full sample, and for those who had a trial.

¹⁵ As explained previously, a good outcome (score of 1) on this variable meant either that the litigant was a petitioner and the OFP was granted or the litigant was a respondent and the OFP was dismissed. A bad outcome was the exact opposite outcome (OFP dismissed for petitioners, OFP granted for respondents) and was coded a 0.

product of the two other variables (0x0, 0x1, 1x0, or 1x1). While this interaction variable was positively correlated with some of the fairness scales and with the individual indicator of satisfaction, these relationships were weaker than the relationship between absolute outcome alone and fairness.

The strongest of the relationships between the fairness scales themselves was seen between distributive fairness and procedural fairness (.79, significant at 0.1% margin). However, statistically significant and positive correlations existed between nearly all of the fairness scales. This supports the notion that the fairness scales are, for the most part, separate but interrelated theoretical constructs which all fit under the fairness umbrella.

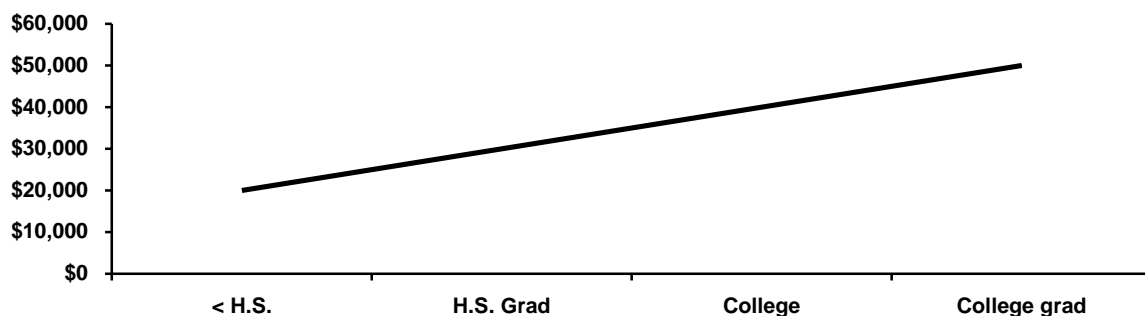
Finally, we analyzed correlations between whether the person being surveyed was a petitioner or respondent and all the other variables, finding it to be significantly related to the absolute outcome variable, and all the fairness scales except legitimacy. Because we coded petitioners as 0's and respondents as 1's, these correlations are in the negative direction, indicating that petitioners had more positive perceptions of fairness than respondents.

Linear Regression Analysis: What Predicts High Fairness Ratings?

Once we know which variables are related to each other, we can start to look at direct and indirect effects of independent variables (i.e., “predictors”) on dependent variables (i.e., “outcomes”). A direct effect is simply a statistically significant relationship that follows a linear mathematical path from the predictor to the outcome, also known as simple regression. The formula for simple regression is:

$$X \rightarrow Y$$

So, for example, if we were to run a regression analysis on education and average gross annual income, we would expect it to look something like this:



This chart is a very simple representation of the concept that income usually increases as a linear function of highest level of school completed. The line actually represents a series of plotted data points. Also, this linear relationship is in the positive direction (as the predictor variable – education – increases, so does the outcome variable – income). As stated above in the section on correlations, it is also possible to have negative linear relationships, meaning that as the predictor

variable increases, the outcome variable *decreases*. A value called the regression coefficient shows us both the strength (depending on how large or small the coefficient is) and direction (positive or negative) of the linear relationship.

Indirect effects mean that the effect of an independent variable on a dependent variable may be “mediated” by another predictor variable that intervenes in the relationship. So, instead of the original mathematical formula, $X \rightarrow Y$, we instead have:

$$X \rightarrow Z \rightarrow Y$$

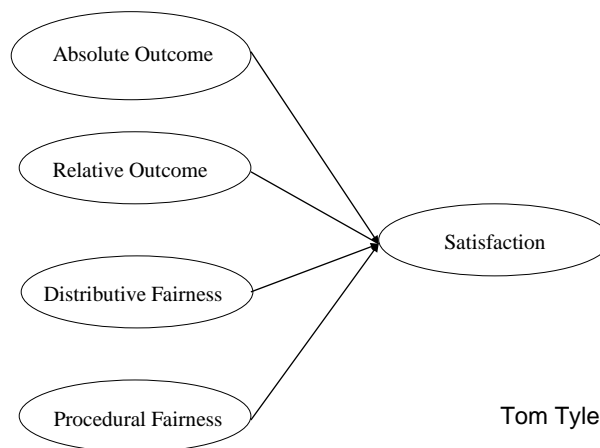
In the above formula, Z is the intervening or mediating variable.

For example, one could argue that the relationship between education and income is mediated by occupation, since someone with a college degree who becomes a corporate executive will likely earn more per year than someone with a college degree who becomes a schoolteacher. In this case, occupation *mediates* the relationship between education and income.

Did Our Study Replicate the Results of Prior Procedural Justice Research?

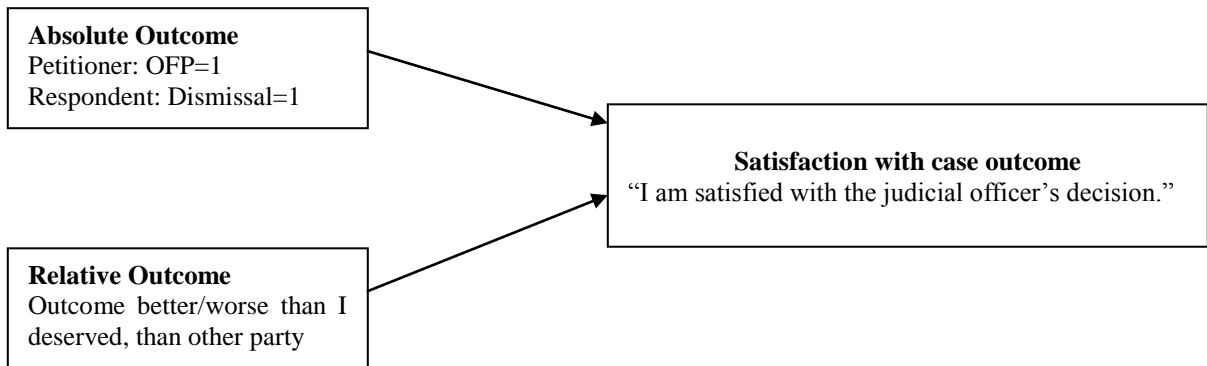
Before doing any more sophisticated analysis of the predictive effects of the experimental design, we stepped back to see whether we could replicate what Heuer, Tyler, and Penrod have done in the past with other populations (see Prior Research, page 6). Tyler’s model (below) is based on his analysis of misdemeanants in Chicago (Tyler 1984, 1989). This is a visual representation of the explanatory effects of absolute outcome, relative outcome, distributive fairness and procedural fairness on litigant satisfaction:

Determinants of Satisfaction

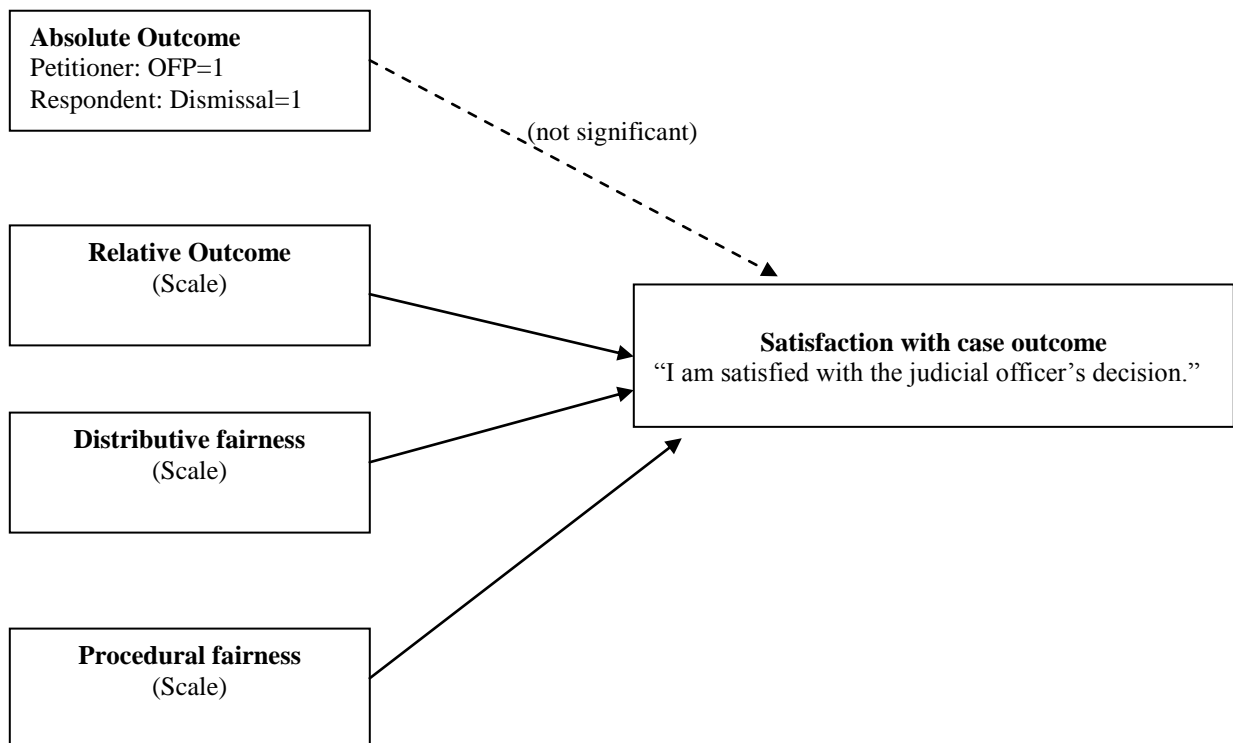


Tom Tyler, 1984, 1989

In this model, Tyler shows that absolute outcome, relative outcome, distributive fairness (outcome fairness), and procedural fairness all contribute to litigant’s satisfaction with their own case outcome as well as their perceptions of the judicial system in general. The paths he shows represent statistically significant relationships. In our data, we found absolute outcome to significantly predict satisfaction with case outcome in models where it was the only predictor as well as in models where absolute outcome and relative outcome were both entered as predictors.



However, once we added in distributive fairness and procedural fairness variables, the relationship between absolute outcome and satisfaction became statistically insignificant. This indicates that distributive fairness and procedural fairness mediate the relationship between absolute outcome and satisfaction. Put another way, the reason that people who have a good outcome are more likely to be satisfied can be attributed to whether or not they think the outcome was fair and whether or not they think they were treated fairly. This is completely in sync with Tyler’s prior research.

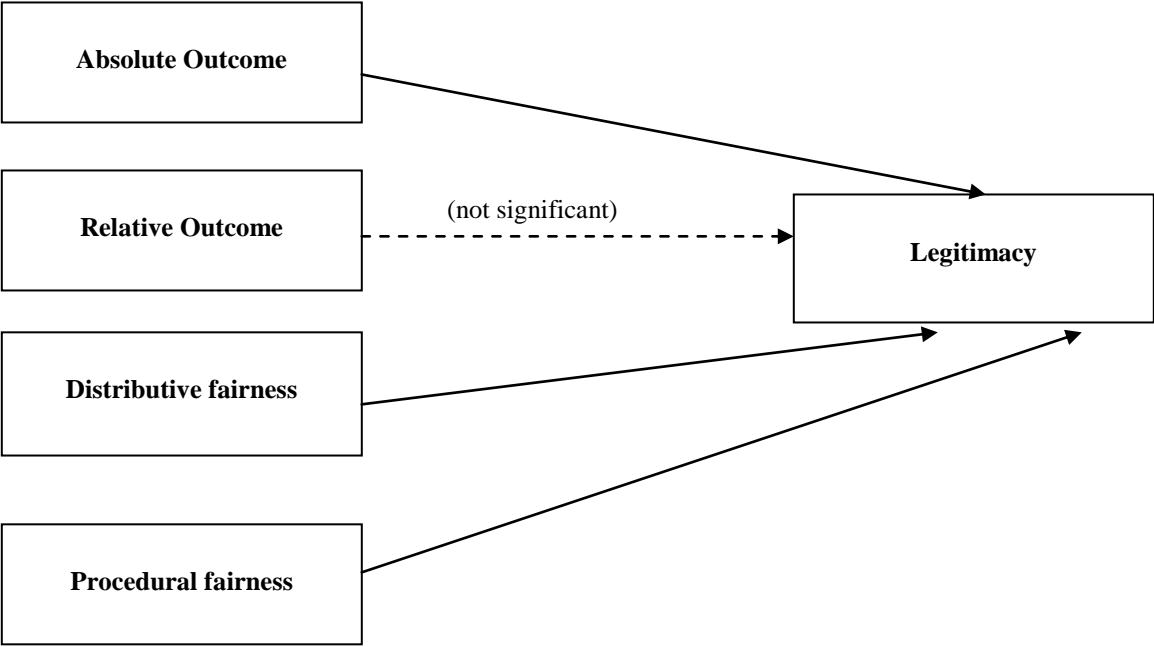


One other important measure to note is the R^2 value, which measures the “fit” of the model or, in other words, how much of the variance in the dependent variable can be explained by the predictor variables. In the model which just includes absolute outcome, 19% of the variance in satisfaction is explained. When relative outcome is added in, 31% of the variance is explained. When distributive and procedural fairness are added, 73% of the variance is explained. Again, this corroborates prior research which states that perceptions of fairness account for approximately twice the variance in litigants’ satisfaction when compared with absolute and relative case outcome.

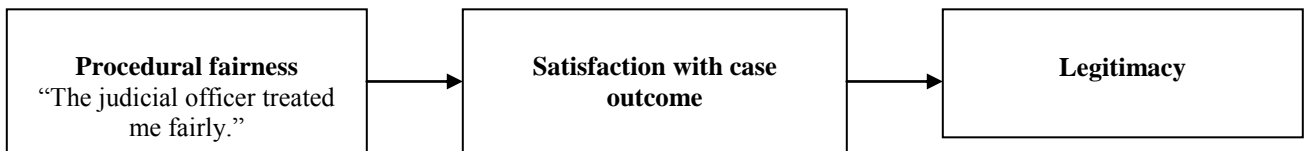
We then added the legitimacy scale as an outcome, to test the theory that perceptions of fairness lead to satisfaction which in turn lead people to see the court as legitimate. We found absolute outcome predicted legitimacy, meaning that those who received a good outcome were more likely to comply with judicial orders. This relationship was mediated, however, by distributive fairness. This indicates that the reason people who have a good outcome say they will comply with court orders has more to do with whether or not they believe the case outcome was fair than with the outcome itself.

Relative outcome did not predict legitimacy. Distributive fairness significantly predicted legitimacy but was mediated by procedural fairness, meaning that the relationship between thinking an outcome is fair and being willing to comply with court orders can be explained by litigants feeling that they were treated fairly in the courtroom. Overall, however, the models that employed legitimacy as an outcome did not “fit” very well, which we know from the low R -square values (maximum of 11%, as compared with 73% in the above models). This tells us that our data do not do as well in explaining the predictors of legitimacy.¹⁶

¹⁶We surmised that the reason we had trouble developing good models to predict legitimacy had to do with the lack of distribution on these questions. The average for this scale was very high (8.46 out of a maximum of 9), meaning that most people “strongly agreed” that they would comply with the judicial orders. When there is so little variance in a dependent variable it is nearly impossible to model the predictors. One explanation is that the respondents felt compelled to say they would comply with the court orders (they were in a court setting, waiting for their written orders from the judge on their case, and people affiliated with the court were asking them whether they intended to comply with the orders).



Prior studies suggest that it is litigants’ satisfaction with the court process that explains the relationship between case outcome and legitimacy, as well as the relationship between perceptions of fairness and legitimacy. To test this part of the theory, we added the satisfaction variable (formerly our dependent variable) to the model as a potential mediator between the outcome and fairness variables and the legitimacy dependent variable. We found satisfaction with the case outcome to mediate the relationship between procedural fairness and legitimacy, but only when we used an individual indicator of procedural fairness (a statement which read “The judicial officer treated me fairly.”) The mediation effect did not occur when we used the procedural fairness scale. This finding suggests, however, that litigants who feel they are treated fairly and say they will comply with court orders do so because the fair treatment they received in the courtroom leaves them with a feeling of satisfaction.



The models changed slightly when we used “Satisfaction with Courts” rather than “Satisfaction with Case Outcome” as the dependent variable. Distributive fairness mediated the relationship between absolute outcome and satisfaction with courts, as well as the relationship between relative outcome and satisfaction with courts. Procedural fairness mediated the relationship between distributive fairness and satisfaction with courts. The maximum amount of variance explained with these models was 28%, after all the predictors had been entered. This indicates that in our data, feelings about outcome or fairness with regard to a particular case can only explain about one-fourth of the fluctuations in people’s opinions about the judicial system as a whole.

None of the models for the group as a whole changed when we added the experimental variable, but we did witness some significant effects when we limited our analysis to only those litigants who had a contested hearing (see below). The following section explores in more detail the predictive effects of explanation on the satisfaction of those litigants who went to trial.

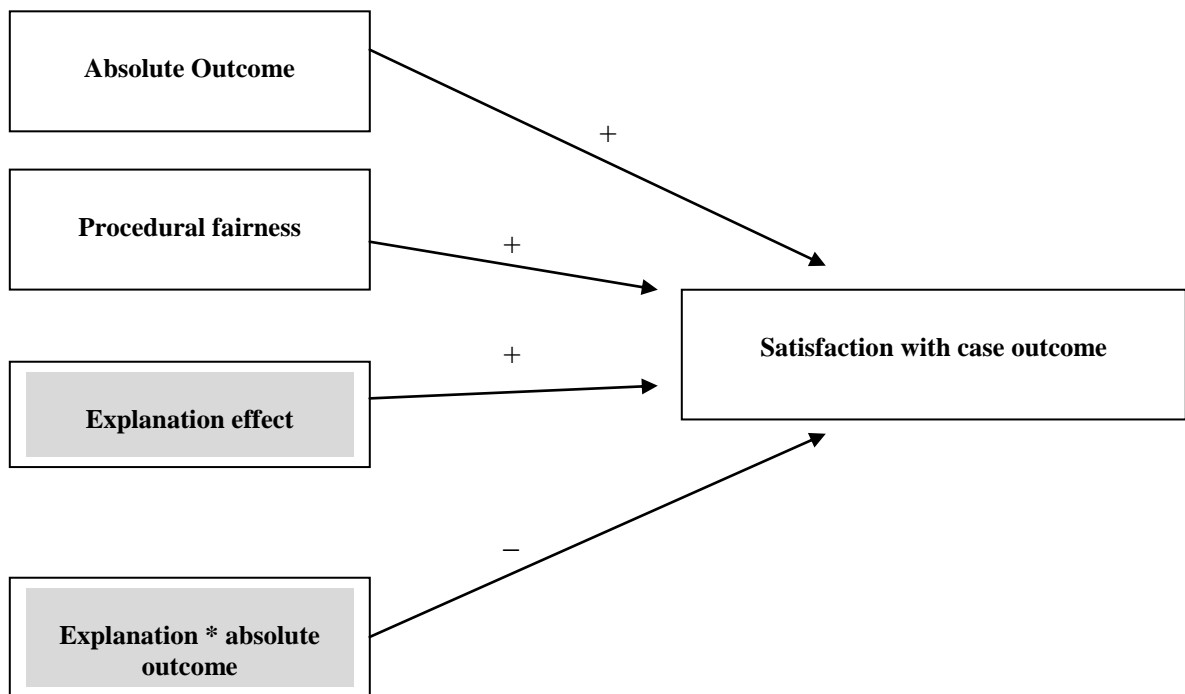
A Closer Look at the Effect of Explanations

After replicating the findings of prior procedural justice research, we expanded our analysis to take a closer look at what effects, if any, resulted from the experimental manipulation – i.e., whether or not litigants received an explanation from the judicial officer at the conclusion of their hearings. We know from the above analysis that having an explanation does not predict satisfaction when the population in question is all domestic abuse litigants. We have also learned, through the bivariate analysis that we find statistically significant relationships between having an explanation and perceptions of fairness when we limit our sample to those litigants who had a contested hearing. For these reasons, we focused our analysis of the predictive power of explanations on litigants who had a dispute over the issuance of an OFP and thus entered into a contested hearing.

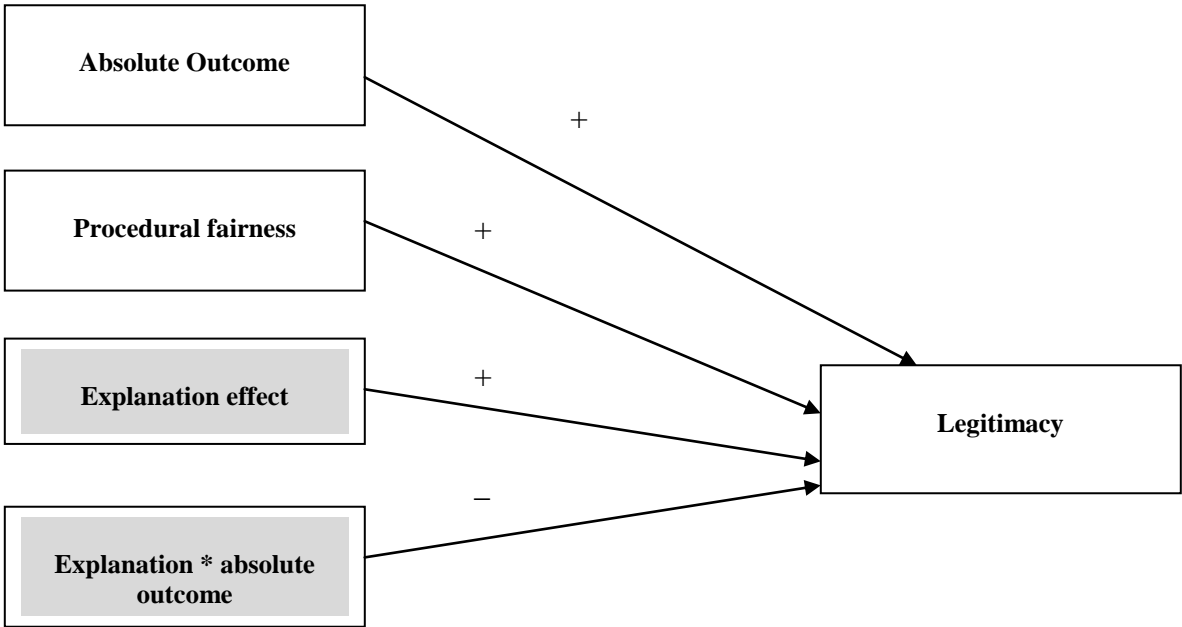
The earlier models that did not include explanation showed us that procedural fairness does significantly predict both satisfaction and legitimacy, and Tyler’s research suggests that procedural fairness is the key to litigant satisfaction. Accordingly, we set up our models to test for experimental effects by including absolute outcome and procedural fairness, but removing relative outcome and distributive fairness. We then added the explanation variable, as well as the variable that represents the interaction of explanation and absolute outcome. (see page 20). For these models, we limited the sample to those litigants who had a contested hearing (n=89).

We found that having an explanation significantly predicts satisfaction, as does the interaction of explanation with absolute outcome, above and beyond the effects of absolute outcome and procedural fairness alone. The R² value for the model increases from 58% -- when absolute outcome and procedural fairness are in the model -- to 64% when the explanation and interaction variable are entered, telling us that by adding these variables, we increase our understanding of what predicts litigant satisfaction.

Perhaps the most interesting finding from this model is that the coefficient for the interaction variable is negative. After some subsequent bivariate analysis, we discovered that the explanation makes the biggest difference for those who did not get what they asked for from the court. *In short, someone with a “bad” outcome is significantly more likely to feel satisfied with the court’s decision if the court provides an explanation.*



As in prior models, we tested whether or not explanation predicted legitimacy, and if so, whether litigant satisfaction mediated the relationship between explanation and legitimacy. We know from prior models that procedural fairness predicts legitimacy, so it was entered into the model with absolute outcome, explanation, and the interaction variable. The findings indicate that these latter three variables mediated the relationship between procedural fairness and legitimacy. The interaction effect remained negative, meaning that those who had a “bad” outcome and got an explanation from the bench were more likely to say that they would comply with judicial orders.



Analysis of Compliance Data

There are multiple methods of assessing compliance with court orders. With civil domestic abuse cases such as these, the Order for Protection is written only for the petitioner (and at times the petitioner's minor children) and the judicial officer is ordering the respondent to abide by this order. Therefore, the narrowest view of actual compliance would be to determine whether the respondent had contact with the petitioner(s). We attempted to assess this view of compliance in two ways, 1) we conducted phone interviews 6 months after the OFP hearing with the litigants and asked them if the court order had been violated, and 2) we reviewed the county's criminal database for violations of protection orders or new domestic related criminal offenses.

Self Report Compliance Rate

Of the 378 people who were originally interviewed after court, 310 were willing to give us their telephone numbers for a phone survey. Of these 310, we were able to reach 95 (58% were petitioners and 42% were respondents) accounting for a 31% response rate. Each phone number was attempted 4 times.

Of the 95 people we reached, there were 32 people who volunteered over the phone that they had had contact with the other party since the OFP hearing. Of those, only 18 were individuals who had the OFP granted, meaning the 14 remaining people were not in violation of the law. Of these 18, 11 were petitioners who had asked for the OFP and only 7 were respondents for whom the order was given, accounting for a compliance rate of 93%. If compliance is measured by only those respondents who had an OFP issued, then the compliance rate would be 70% (7 respondents contacted the petitioner of the 23 who were ordered not to by the court according to those we were able to contact through the phone interviews).

Of these 7 respondents, 3 had an official record within Hennepin County's criminal database. These charges included 2 people who had a violation of a protection order and one with a violation of a no contact order. There were no criminal domestic assault charges. Although the numbers are small, this indicates that the petitioners only alerted authorities to violations less than 1/2 of the time.

Official Record Compliance Rate

Another view of this measure of compliance is to begin with those respondents who were ordered to have no contact with the petitioner and review the official court records. Of the 378 people in the sample, 111 were respondents ordered to stay away from the petitioner. Of these people, 8 had a record of a new domestic related offense making the compliance rate using official records the same as the self reported compliance rate, 93%. The experimental design did not appear to affect compliance since 4 of the 8 people with a criminal offense in the following six months had received no explanation and 4 had received a full explanation.

Therefore the compliance rate for respondents who have been ordered by Family Court to stay away from a particular petitioner is about 93% whether we look at official records or self-reported compliance.

A Broader View of Compliance

There is an argument for a much broader view of compliance – one that reviews all people in the study and one that not only checks for new criminal offenses but also for new orders for protection in the civil records. From a court-wide view it is not only important to know that people comply with the orders toward the original victim but it is also important that they don't transfer their behavior to a new victim. Additionally, a person could be a petitioner/victim in one setting and a respondent/defendant in another. With this goal in mind we reviewed all 378 people in both the civil databases (to determine whether a new Order for Protection was created/ordered) and the criminal database for new domestic-related offenses. These charges could include gross misdemeanor assault on a family member, misdemeanor domestic assault (also known as fifth degree assault), violation of a protection order, violation of a no contact order, terroristic threats, harassment/stalking, or interference with emergency 911 calls.

In our study, out of the 378 surveyed individuals, only 17 had a criminal domestic assault charge that occurred by December of 2003. This calculates to a compliance rate of 96%. In addition, only three people had a new order for protection filed for a new victim (99% compliance rate). If official records account for less than half of the actual compliance as demonstrated in the phone interviews, then the broad view compliance rate could be adjusted with the same percentage – $17 \times .57 = 27/378 = .07 - 1 = .93$ or a 93% compliance rate.

Because the compliance data was so minimal and the time frame was within the first six months after the hearing occurred, it was difficult to derive statistically significant relationships between fairness and actual compliance. However, we did find high levels of compliance across the various methods we analyzed. In addition we found weak but statistically significant relationships between individual indicators of outcome fairness and procedural fairness with actual compliance, as well as between legitimacy and actual compliance. All three correlations were significant at the 10% margin, and were in the negative direction, meaning that those who felt they were treated less fairly, were less satisfied with the court process, and were less likely to view the court as legitimate were more likely to have new criminal cases.

Results of Qualitative Analysis

At the end of the survey, we included two questions which allowed litigants to tell us, in their own words, how they felt about the process of being involved in a Family Court hearing. This section of the report summarizes those results.¹⁷

The first open-ended question read as follows:

If you had a friend who was going to have an Order for Protection hearing before this judicial officer, what would you tell your friend?

With this question, we hoped to get at the heart of how each litigant felt they were treated by the judicial officer they had just seen, without pre-set response choices. In total, 403 (out of 420) people who took our survey provided an answer to this question.¹⁸

The three most common response categories (out of 403 possible) were:

Judicial officer was fair (64/403=16%)
Be honest/tell the truth (62/403=15%)
Positive comments about the judicial officer (59/403=15%)

Other common responses had to do with the judicial officer's willingness to listen (25) and their ability to do a good job (12). There were some negative comments about the judicial officer as well, such as that s/he "didn't listen" or that they would tell their friend to "ask for a different judge" However, there were only 15 (4%) total negative responses about the judicial officer to this question.

There were many positive responses to this question that dealt more with the whole experience of being there, rather than the judicial officer per se. Many said their experience was "successful" or "good" (30); others were more neutral, saying their experience was "fine" or "all right" (9). A few (7) had negative things to say about the experience.

The second open-ended question read as follows:

Is there anything else you think we can do to improve Domestic Abuse Hearings in Family Court?

In this case, 355 survey respondents answered the question.¹⁹ The top three responses to this question were:

¹⁷Appendix I explains the procedure of coding the open-ended questions in detail, and a complete description of the responses to these questions can be found in Appendix J.

¹⁸This total includes some cases that were excluded from quantitative analysis because of broken protocol.

¹⁹The low number of responses is likely because some of the interviewers did not write anything in the space if the litigants' response to the question was "No" or "Nothing."

“No” or “nothing” (103/355=29%)
Start on time/speed it up/less waiting (70/355=20%)
Let the other person speak/should hear everyone out (38/355=11%)

There was a broad range of responses to this question, from comments about police, to requests for snacks and a television in the waiting room, to concerns about courtroom security, to a call for more sensitivity to multicultural issues among Family Court personnel. Perhaps the most humorous comment was a suggestion that Family Court hearings should be held at the strip club that is located across the street from the Family Justice Center. However, it seems clear that the number one complaint about Family Court is the time people have to wait to have their hearings.²⁰

²⁰We analyzed the quantitative data on the average length of time people waited for their first hearing. The average difference between the time the hearing was set for and the actual time the hearing began was 48 minutes, with the minimum being 0 (indicating the hearing started right on time) and the maximum being 199 minutes, or over 3 hours.

Overall Conclusions and Report Summary

This study supported findings of prior research which address the predictors of perceptions of fairness among litigants, and the potential implications of those perceptions. We employed an experimental design whereby some litigants received extra explanation and attention from the judicial officer and some did not, and we expected that those who received the extra attention would be more satisfied with the court process.

Overall, litigants in Family Court domestic abuse hearings felt that they had been treated fairly by judicial officers. Perceptions of fairness and satisfaction with case outcomes do, in some part, appear to be related to whether litigants were petitioners or respondents, how the case was resolved (deny/agree or trial), the actual outcome of the case, and whether or not litigants received an explanation from the judicial officer and had the opportunity to ask questions at the end of the hearing.

Our data did replicate prior research on the relationships between absolute outcome, relative outcome, and distributive and procedural fairness on litigant satisfaction, as well as the relationship between these predictors and legitimacy.

Having an explanation makes a difference in litigant satisfaction, but only for those who had a dispute that had to be resolved by the court by way of a trial. This impact was strongest for those trial litigants who did not prevail in their case.

In the six month period after we surveyed family court litigants, very few compliance violations were gathered from telephone interviews and objective data. However, high scores on individual indicators of procedural fairness and satisfaction, as well as high scores on the legitimacy scale are significantly and negatively related to the existence of a new criminal case.

The open-ended survey questions produced positive responses about litigants' experiences in family court. Litigants volunteered that they found judicial officers to be fair, and suggested that future litigants would benefit from being honest in their court hearings. Negative comments centered on waiting times.

Appendix A: Script for Beginning of Order for Protection Hearings

To the Petitioner: I understand that you are requesting an Order for Protection against (RESPONDENT).

To the Respondent: I see that you have received the Petition that (PETITIONER) filled out so you know what (PETITIONER) says happened.

To both: If I grant this Order for Protection, it means that for one year (RESPONDENT) may not call, visit, write to, or contact (PETITIONER) in any way whatsoever. If (RESPONDENT) does make contact with (PETITIONER), it is a violation of the law for which (RESPONDENT) can be arrested and charged with a criminal offense.

In addition, the issuance of an Order for Protection means that (RESPONDENT) may not carry a firearm and it may impact your immigration status. Orders for Protection usually last for one year.

To the Respondent: There are three ways we can handle this.

CHOICE #1: We can have a hearing. I will listen to (PETITIONER's) testimony about what happened and consider any other evidence from the Petitioner. I will then listen to your testimony and consider any other evidence you may wish to present. I will then decide whether domestic abuse occurred. If I decide that domestic abuse occurred, I will issue a written order stating that you abused (PETITIONER) and ordering that you stay away from (PETITIONER).

CHOICE #2: If you deny that domestic abuse occurred, but are willing to stay away from (PETITIONER), no hearing is necessary. You can simply agree to the entry of an Order for Protection requiring that you stay away from (PETITIONER) and no finding of domestic abuse will be made.

CHOICE #3: If you agree with the allegation that domestic abuse occurred and agree to stay away from (PETITIONER), no hearing is necessary. I will issue the Order for Protection requiring that you stay away from (PETITIONER) and I will also make the finding that domestic abuse did in fact occur.

Do you have any questions about the three choices?
What would you like to do?

Appendix B: Examples of “Green Sheets”

PLEASE STATE YOUR DECISION
(WHETHER OR NOT YOU ARE GRANTING AN OFP)

AND ALSO PROVIDE A FULL EXPLANATION
of what you have decided and why.

After explanation of your decision, please take a minute to answer any questions the parties may have regarding the outcome of the hearing.

After brief q&a period, please send petitioner and respondent to Monitored Waiting Rooms.

You may send them one at a time if you wish.

PLEASE STATE YOUR DECISION ONLY
(WHETHER OR NOT YOU ARE GRANTING AN OFP)

Please send petitioner and respondent to Monitored Waiting Rooms.

You may send them one at a time if you wish.

Appendix C: Diagram of Monitored Waiting Rooms

Appendix D: Court Sheet

Date _____ Name of District Court Staff _____

Judicial Officer _____ Case Number _____

Petitioner's Name/ O.B.O. _____/_____
Date of Birth (mm/dd/yyyy) _____ /Date of birth _____

Petitioner in Court Y N
Advocate for Petitioner Yes No Attorney for Petitioner Yes No
(circle only if P is in court) (circle regardless of whether P is in court)

Respondent's Name _____

Date of Birth (mm/dd/yyyy) _____

Respondent in Court Y N
Advocate for Respondent Yes No Attorney for Respondent Yes No
(circle only if R is in court) (circle regardless of whether R is in court)

Relationship:

Married Divorced Living Together Dating Roommates Neighbor
 Family Member _____ (specify) Other _____ (specify) Unknown

Set Time: _____ **Start Time:** _____ **End Time:** _____
(If trial is later on the same day) **Start Time:** _____ **End Time:** _____

Initial Result:

Continued Reason Continued _____ New date/time _____/_____

Deny/Agree Agree/Agree Dismissal—agree or Petitioner request Dismissal – both no shows

Default—respondent did not appear (OFF granted) Dismissal—Petitioner did not appear

Amended OFF/made amendments Amended OFF/did not make amendments

Trial Finding:

Trial finding for Petitioner Trial finding for Respondent
If set for a different day; Date _____ Set Time: _____ Start time: _____ End time _____

Calendar says to provide an explanation Y N

Judge provided explanation Y N

Green sheet says to provide an explanation Y N [Confirm after court]

Were these issues addressed in the hearing? Only circle if case WAS NOT continued

Custody Y N **Visitation** Y N **Support** Y N

Mutual Y N **Handled together** Y N **Guardian Ad Litem for children** Y N

Notes:

Entered into Database: ____ **Initials** ____ **Date** ____

Appendix E: Survey (on following pages)

Appendix F: List of Indicators for Each Construct

Distributive fairness (scale=of_new): 10 indicators

Mean=7.51, S.D.=2.07

- Fair1: I agree with the judicial officer's decision.
- Fair5p: The outcome I received was not worse than I deserved.
- Fair8p: I think the judicial officer's decision was not incorrect.
- Fair26p: The judicial officer's decision is not going to be costly to me in time and/or money.
- Fair30: The outcome of my case was fair.
- Fair32p: I am not confused by the judicial officer's decision.
- Fair33p: The judicial officer's decision was not an inappropriate application of the law.
- Fair36p: The judicial officer's decision was not unfair.
- Fair38p: The judicial officer's decision is not going to impose hardships on me.
- Fair40: The judicial officer had my best interests in mind.

Procedural Justice (scale=pf_new): 10 indicators

Mean=7.82, S.D.=1.71

- Fair6: The judicial officer treated me fairly.
- Fair7: The judicial officer was neutral toward all parties in this case.
- Fair9: The judicial officer respected my rights.
- Fair10: The judicial officer cared about my welfare.
- Fair11p: The judicial officer was not biased against me.
- Fair15: The judicial officer treated me respectfully.
- Fair18: The judicial officer behaved very fairly toward me in this case.
- Fair21p: The judicial officer did care about me.
- Fair29p: The judicial officer was not impolite toward me.
- Fair31p: The judicial officer was not dishonest.

Opportunity to Voice Views (scale=voic_new): 3 indicators

Mean=7.04, S.D.=2.13

- Fair2p: The judicial officer explained his/her decision to me.
- Fair 17: The judicial officer provided me or my lawyer ample opportunity to explain my views.
- Fair34: The judicial officer listened carefully to what I (or my lawyer) had to say in this case.

Relative outcome (scale=ofav_new): 2 indicators

Mean=5.12, S.D.=2.95

- Fair 22: The outcome of this case was more beneficial for me than the other party.
- Fair35: The judicial officer's decision in this case favored me more than the other party.

Legitimacy of Authority (scale=legitnew): 3 indicators

Mean=8.46, S.D.=1.20

Fair24: I understand what is required of me in order to comply with the judicial officer's decision.

Fair37: I will try to follow the judicial officer's order in this case.

Fair39: I think I should obey the judicial officer's order in this case.

Satisfaction with the Courts (scale=sat_new): 6 indicators

Mean=6.51, sd=2.27

Fair41: The courts in this state do a good job of protecting citizens' rights.

Fair42: I am confident in the courts in this state.

Fair44p: Judicial officers in the courts in this state are not dishonest.

Fair45: The courts in this state guarantee everyone a fair trial.

Fair46: The courts in this state are doing a good job.

Fair47: Decisions made by the courts in this state are typically fair.

Not used in any scale (did not load with any individual factors):

Fair3: Decisions like the one issued by the judicial officer in this case are good for the residents of this county.

Fair4: This judicial officer and his court dealt with my case promptly.

Fair13p: Disobeying the law in this case would not be justified.

Fair14: My case was completed in a timely fashion.

Fair16: The judicial officer treated me better than the average person based upon one or more of my personal characteristics (such as my age, ethnicity, sex or income).

Fair19: The outcome I received was better than I deserved.

Fair20: I think a typical member of the community where I live would be satisfied with the judicial officer's decision.

Fair23p: The judicial officer did not employ unfair procedures in my case.

Fair25p: It would not be easy to disobey the judicial officers' order in this case and maintain my self-respect.

Fair27p: My experience with the court in this case was not a financial burden.

Fair28: Decisions like the one issued by the judicial officer in this case protect the interests of the people who live in this community.

Fair43p: Overall I do not think the judicial officers in this state are treating people unfairly.

Appendix G: Correlation Matrices

Correlations for Full Sample

In the table below, only statistically significant correlations (at the 10% margin or better) are reproduced. Shaded areas represent relationships already represented in the matrix.

	Experiment	Absolute Outcome	Exp* Absolute Outcome	Distributive Fairness	Procedural Fairness	Relative outcome	Voice	Legitimacy	Satisfaction with courts	Satisfaction with case outcome	Petitioner or Respondent
Experiment	1.0	ns	.667***	ns	ns	ns	ns	ns	ns	ns	ns
Absolute outcome		1.0	.551***	.517***	.356***	.469***	.133*	.136*	.161**	.473***	-.381***
Exp*absolute outcome			1.0	.226***	.189**	.248**	.106*	ns	ns	.206***	-.193***
Distributive fairness				1.0	.786***	.518***	.488***	.236***	.453***	.836***	-.350**
Procedural fairness					1.0	.390***	.570***	.281***	.501***	.720***	-.331***
Relative outcome						1.0	.237***	ns	.146**	.496***	-.235***
Voice							1.0	.243***	.345***	.402***	-.203**
Legitimacy								1.0	.190***	.196***	ns
Satisfaction with courts									1.0	.409***	-.190***
Satisfaction with case outcome										1.0	-.228***
Petitioner or respondent											1.0

*Significance levels: ns=not significant +p<.10 *p<.05 **p<.01 ***p<.001*

Correlations for Litigants who had a Trial

In the table below, only statistically significant correlations (at the 10% margin or better) are reproduced. Shaded areas represent relationships already represented in the matrix.

	Experiment	Absolute Outcome	Exp* Absolute Outcome	Distributive Fairness	Procedural Fairness	Relative outcome	Voice	Legit	Satisfaction with courts	Satisfaction with case outcome	Petitioner or Respondent
Experiment	1.0	.191 ⁺	.738 ^{***}	.228 [*]	ns	ns	ns	ns	ns	.279 ^{**}	ns
Absolute outcome		1.0	.541 ^{***}	.785 ^{***}	.647 ^{***}	.733 ^{***}	.321 ^{**}	.248 [*]	.408 ^{***}	.714 ^{***}	-.241 [*]
Exp*absolute outcome			1.0	.412 ^{***}	.286 ^{**}	.308 ^{**}	ns	ns	ns	.377 ^{***}	ns
Distributive fairness				1.0	.827 ^{***}	.725 ^{***}	.515 ^{***}	.314 ^{**}	.544 ^{***}	.864 ^{***}	-.281 ^{**}
Procedural fairness					1.0	.565 ^{***}	.613 ^{***}	.193 ⁺	.541 ^{***}	.696 ^{***}	-.436 ^{***}
Relative outcome						1.0	.285 ^{**}	ns	.296 ^{**}	.731 ^{***}	-.190 ⁺
Voice							1.0	ns	.413 ^{***}	.436 ^{***}	-.283 ^{**}
Legitimacy								1.0	.208 ⁺	.280 [*]	ns
Satisfaction with courts									1.0	.381 ^{***}	ns
Satisfaction with case outcome										1.0	ns
Petitioner or respondent											1.0

Significance levels: ns=not significant +p<.10 *p<.05 **p<.01 ***p<.001

Appendix H: Compliance Data Collection Details

- ❖ Out of 310 people who provided us with phone numbers, we were able to interview 95 people (31% response rate):
 - Petitioners: 55 interviews
 - Respondents: 40 interviews

- ❖ When each individual answered the phone, they heard the following greeting:
“This is ____ from Hennepin County’s District Court, we did a survey with you last spring at the Family Court in regards to an Order for Protection hearing and you had indicated we could do some follow-up questions, which is why I am calling you this afternoon/evening, do you have a few moments?”

- ❖ Only two people refused to be interviewed. One person reported a recent death in the family and the other person indicated they did not want to do the survey.

- ❖ The same research assistant conducted all 95 of the interviews.

- ❖ Each individual was contacted at least four times. Interview attempts were made during the daytime hours and evening hours from 11 am to 9 pm.

Procedures for collecting compliance and prior domestic assaults data:

For each person who completed a survey, we conducted a search in SIP (Hennepin County’s criminal database Subject in Process) to determine whether these individuals had a prior history of domestic assaults and if they had been charged with a domestic assault crime after their OFP hearing in Family Court.

- If participants had a prior history of domestic assaults, we indicated this in the database with a “yes” or “no.”
- If participants had been charged with a domestic abuse crime after the OFP hearing, we documented their SIP ID number, the date of the offense, and the SIP case number.

Date of birth and middle names were used to determine a “match” between the names of people we interviewed and the names we found in SIP.

A separate list was created to document people where there were the same name was listed multiple times in SIP (i.e., “Jane Smith”) and we could not determine who the “true” person was. There were only 14 people who had multiple name listings in SIP.

We also documented individuals where the date of birth and middle names did not match but this discrepancy looked like a typographical error (i.e., 12/2/71 vs. 12/12/71). All nine of these individuals were included in our compliance database.

Each person who had any history in SIP (domestic or not) are in a binder and have subject ID numbers so we can match this information to the original Family Court DA file number if needed.

The following offenses that were considered “domestic assaults” include:

- Violation of an Order for Protection
- Violation of a No Contact Order
- Harassment/Stalking
- Interference with a 911 call
- Assault 5th degree (domestic)
- Terroristic threats
- Disorderly conduct (only if the original charge was 5th degree assault domestic)

If it was not clear if the charge was a domestic, the criminal statute was looked up in the criminal statute book to verify its domestic assault status.

Data were also collected through the Civil Court system to determine whether the people we interviewed have returned to Family Court since the OFP hearing. For each participant, we printed out their history in the Civil Court during the year 2003 and these histories are with the criminal database histories and also have ID numbers.

Appendix I: Procedure for Coding Open-Ended Responses

A research staff member typed all of the answers on both questions into a data file, and two coders were assigned to each question, so that we could obtain measures of inter-rater reliability. Interrater reliability was calculated to ensure that decisions about how to categorize answers were agreed upon by at least two separate people. Researchers reviewed all of the comments for the two open-ended questions of the survey and grouped the answers into categories. After these categories were created, two researchers independently marked the frequency that each person's statement represented the categories. In order to determine how well these two researchers agreed on which categories to put these statements into, an average was computed. This average was based on the total number of entries they agreed upon, divided by the number of entries made. For example, if both coders had one entry for "judge was nice" and two for "judge was fair" they agreed on six codes and there were a total of six codes, $6/6 = 1$. However, if one researcher noted one entry for "judge was nice" and one entry for "judge positive" and the other researcher noted one entry for "judge was nice" and one entry for "judge was fair" they agreed on two entries; since there were four entries in total, the average was $2/4 = .50$. Finally, all of these individual agreements were averaged to get a final "agreement" number $(1 + .50/2) = .75$. In the case of the first question, the reliability score between the two coders was .8145, indicating approximately 81% agreement overall. For this question, the coders were in perfect agreement on 69% of the questions. For the second question, the alpha score was .9060 (approximately 90% agreement overall) and the coders were in perfect agreement on 84% of the questions.

Appendix J: Open Ended Responses

If you had a friend who was going to have an Order for Protection hearing before this judicial officer, what would you tell your friend?

403 cases (number of people who actually said something)

Coders: Gina and Keri

Agreement: .8145

Number of perfect agreements: 280/403 = 69%

Top Three Comments:

Judge was fair (64)
Be honest/tell the truth (62)
Positive comments about the judge (59)

Judge was:

- **Fair** “She was very fair” (64)
- **Positive** “unbiased” “honest” “showed concern” (59)
- **Listens** “willing to listen and let you speak your mind” (25)
- **Doing a good job** “They did a good job” (12)
- **Nice** “Judge was really nice” (9)
- **Understanding** “Understanding” (7)
- **Cared about the children** “... for the children” (4)
- **Helpful** “They were helpful” (4)
- **Unfair** “It was unfair” (2)
- **Cares** “Really cares about people’s welfare” (2)
- **Polite** “She was polite” (2)
- **Neutral** “She’s alright” “He was okay” (2)
- **Explains** “They explain the law” (1)

Total Positive Comments for the judge -- 193

- **Negative** “She didn’t listen” “ask for a different judge” “cared more about getting his belongings than my safety” (15)

Experience:

- **Positive** “My experience was successful” “It was good” (30)
- **Neutral** “It was fine” “It was alright” (9)
- **Negative** “It sucked” “Court is intimidating” (7)
- **Don’t worry/don’t be afraid/relax** “Don’t be nervous” “Not to be scared” (29)
- **Go down there/ go for it/Gotta do it** “Go through with it” (26)
- **It was fast** “Work quickly for your benefit” “Didn’t have to wait too long” (20)
- **They will believe the woman/It’s a woman’s world** “You can’t win in a women’s state” “Police go by women’s word” (19)
- **It took a long time** “too time consuming” “The process takes a lot of time” (14)
- **Didn’t get a chance to speak** “I wasn’t able to say anything” (13)
- **I felt comfortable/at ease** “I felt really at ease” (8)

- **Don't bother/Don't waste your time** "It is a waste of time" (8)
- **Other party didn't show** "Other party didn't show" (6)
- **It was worth it** "It was worth it" (4)
- **Wasn't as bad as I thought it would be** "Not as bad as it seems" (2)
- **It was confusing** "It didn't make any sense" "Questions were unclear" (2)

What to do when you go to Family Court:

- **Be honest/tell the truth** "Just tell the truth" "Make sure you are honest" (62)
- **Be prepared/ knowledgeable/informed** "Know what you want" "Write down things you want to ask or bring up" "Know your options" (51)
- **Explain yourself** "Give every detail" "explain things" (36)
- **Get a lawyer** "a lawyer would be useful" (25)
- **Bring evidence/document things** "lay all the evidence out" "Bring evidence" (21)
- **Bring witnesses** "Make sure to bring plenty of witnesses" (10)
- **Be respectful** "Treat them with respect" (9)
- **Be on time** "Be on time" (5)
- **Be patient** "Be patient" (5)
- **Ask questions** "Ask questions if you don't understand" (4)

Miscellaneous Comments:

- **Other** "It sucks being in this situation" "Depends on the circumstances" "It will work out" "Hard thing to do" "Do what they think you should do" (138)
- **Uncodeable** "Expect the worst if he is a he, the best if a she" "Spanish judge and petitioner were Spanish" (21)
- **Advocates** "There are advocates there to help you" "It's nice to have an advocate" "Bring an advocate" (13)
- **Nothing/No** (11)
- **I don't know/ I am not sure** (8)
- **Leave the other person alone** "Stay away from whoever the order is for" (4)
- **Go to counseling/work it out** "work out a deal between yourselves if you can" (2)

Is there anything else you think we can do to improve Domestic Abuse Hearings in Family Court?

355 cases (number of people who actually said something)

Coders: Jessica and Keri

Agreement: .9060

Number of perfect agreements: 297/355 = 84%

Top Three Comments:

"No" or "nothing"	(103)
Start on time, Speed it up, less waiting	(70)
Let the other person speak/ should hear everyone out	(38)

Judge:

- **Positive** “Judge make good decision”(6)
- **Negative** “Judge never gave opportunity for Q and A” (1)

Experience:

- Positive “It was very good” (13)
- Neutral “It’s O.K.” (6)

Advocates:

- **Positive** “Good advocates” “They help you understand better” (2)
- **Start on time, Speed it up, less waiting** “Speed up the process” “Speed things up a bit” (70)
- **Let the other person speak/ should hear everyone out** “hear everyone out” “Give petitioners another chance to state her case” (38)
- **Check the evidence better/Screen cases better** “More review needed before taking cases to court to determine if cases are valid “(30)
- **Stop favoring women** “Because she was female she favored him more than me” “Quit assuming that being a male is a crime” (28)
- **Have someone explain the procedure to you/answer their questions** “Someone to answer questions” (16)
- **Waiting area improvements** “Cake and candy and coffee in waiting room” “Put a TV in the waiting room” (13)
- **More options for settling these issues** “Have mediators to deal with relational issues rather than going straight to court” “anger management classes” (11)
- **Have advocates for men** “Have an advocate for me” “have men’s advocates”(10)
- **More distance or barriers between the two parties in the courtroom or hallway** “Have a barrier between P and R in the court because R can look at P and intimidate P” “Respondent should be in handcuffs/separated “(10)
- **Be more fair** “Make it fair” “Have fair protection for both parties- not only the women” (7)
- **More punishment/more stricter** “Make punishment more severe” “Could be stricter on the abuser” (6)
- **Have correct information** “Have a precise address- went to the government center first” “Put the correct time on paperwork. Her paper said 8:45, calendar said 9:15” (5)
- **Other party lies** “Don’t let respondent talk- everything coming out of their mouth is garbage” “Don’t assume petitioner is always telling the truth” (4)
- **Improve police** “Cops make it difficult” “Make police more understanding in domestic abuse situations” (4)
- **Better security** “Security was a little weak” “Respondent not watched very carefully” (3)

Miscellaneous Comments:

- **“No” or “nothing”** (103)
- **Other** “Better than Georgia” “Take multicultural classes to better diverse people” “Take cases with only one party right away” (138)
- **Uncodeable** “Have it across the street at Sheiks” “Continuance should lead to another hearing- woman may not make it” “The courts that women can be just” (15)
- **I don’t know** (11)

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