

**Public Trust and Confidence Research at the National Center for State Courts:
A Review and Future Directions**

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OVERVIEW

Public trust and confidence (PTC) in the state courts is a major focal point of research and practice at the National Center for State Courts (NCSC). As this knowledge base develops, it is important to take stock of what has been done and to identify key areas for future work. This report—prepared as part of the State Courts and Society Traineeship in the School of Criminal Justice at Michigan State University—provides an overview of the NCSC’s PTC efforts with the goal of cataloguing and integrating their chief findings. We conclude by highlighting persisting questions that we hope will be useful in setting the NCSC’s future PTC agenda.

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EXECUTIVE SUMMARY

This report provides a summary of an external review of the National Center for State Courts' (NCSC) public trust and confidence (PTC) efforts and was prepared as part of the State Courts and Society Traineeship in the School of Criminal Justice at Michigan State University.

Survey Efforts

One of the major emphasis areas of the NCSC PTC agenda to date has been a series of surveys which include national and statewide surveys, surveys of court-users, and the annual State of the State Courts survey. Collectively, these surveys have sought to understand levels and dynamics of PTC by asking respondents to provide their thoughts about issues that the literature suggests to be important. These surveys therefore address issues like procedural fairness, access to justice, satisfaction, and so on. Consistent results across these efforts suggest:

1. The judiciary is the most trusted branch in government, and this extends to state courts.
2. Judges and court staff are generally believed to be respectful and courteous.
3. Courts are generally perceived to be inefficient and cost too much.
4. Treatment by the courts is believed to be worse for individuals of lower socio-economic status and demographic minorities.
5. Judge-made decisions are perceived to be politically motivated.
6. The courts fail to meet expectations of online access and simplicity.

Public Engagement Efforts

A second major emphasis area in the NCSC PTC agenda centers on efforts to improve relationships with the courts by engaging the public directly¹. Our review of the Center's agenda suggests that these efforts can be categorized into two groups which differ as a function of the strategies that are employed: public input programs (PIPs) and collaborative improvement programs (CIPs).

Public Input Programs

PIPs operate under the assumption that establishing better communication between constituents and court organizations will strengthen PTC. Two examples of such initiatives are The Franklin County Futures Lab and The New Hampshire Citizens Commission. These community outreach efforts sought to obtain public input which was then communicated via report to their respective Supreme Courts. These reports were then used to inform court-led improvement efforts. These programs are often able to produce concrete evidence of their effectiveness in eliciting perspectives but less is known about their general and long-term effects on PTC specifically.

Collaborative Improvement Programs

CIPs seek to use public engagement to create a collaborative context for court improvement. These programs are distinct from PIPs because they are designed to go beyond serving as an input mechanism and actually integrate non-court personnel into the improvement process. Some of

¹ David B. Rottman, Hillery Efke, & Pamela Casey, *Guide to Court and Community Collaboration*, National Center for State Courts (1998).

these programs have been evaluated in terms of cost-effectiveness or reductions in recidivism² but less work has sought to empirically evaluate the impact on PTC itself.

Future Directions

Our review of the NCSC's PTC agenda highlights the following opportunities for future work.

1. Given that experience with the courts provides critical information for PTC³, it may be important to evaluate how the role that individuals play regarding how the courts affects the PTC. Is PTC best advanced by the same or different things for witnesses, defendants, the wider public, and so on?
2. Given the focus on public engagement as an important avenue for increasing PTC, do engagement efforts have effects that go beyond the specific individuals involved and do those effects differ as a function of whether the effort is a PIP or a CIP?
3. Given the consistency in requests for online opportunities to conduct business with the courts, (how) do user experiences change as court services transition from the courthouse to online and does meeting this public expectation impact PTC?

² Cynthia G. Lee et al., *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center Final Report*, National Center for State Courts (2013).

³ TOM R. TYLER & YUEN HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS (2002); David B. Rottman, *Who Trusts the Trial Courts, to What Extent, and Why?* Nebraska Symposium on Motivation 117-144 (2015).

SURVEY EFFORTS

The NCSC has fielded a number of surveys to gauge public sentiment of state and local courts. Across these efforts, the results suggest that

- The judiciary is the most trusted of the branches of government.
- Judges and court staff are generally respectful and courteous.
- The courts are generally perceived to be inefficient.
- The courts are believed to demonstrate political, racial, and socioeconomic biases.
- The courts are not believed to be innovative and do not meet public expectations of ease of use.

Surveys

The Public Image of Courts, 1978⁴

This survey collected responses from a nationally representative sample of 1,931 members of the general public as well as 317 lawyers, 194 state and local judges, and 278 community leaders. Results from this survey suggest:

- The views of the public and community members differ significantly from judges and lawyers.
- The public is more critical of court performance.
- Members of the public lack knowledge of and experience with the courts.
- Those with experience expressed harsher criticism of the courts.
- There is broad interest in the courts and in the possibility of judicial reform.
- Public responses regarding how best to address concerns vary.

Nearly 40% of the public respondents reported low confidence in the courts, a much higher percentage than for judges (5%) or lawyers (17%). Seventy-one percent of community leaders, 51% of lawyers, 48% of the public, and 40% of judges recognized either a moderate or a great need for court reform. Nearly 75% of the public reported little to no knowledge of the courts. A greater percentage of those who reported higher levels of knowledge of the courts endorsed a need for reform (55%) than those with average (45%) or limited (34%) courts knowledge. Similarly, those with court experience (56%) reported a greater need for reform than those without (41%). Public respondents indicated more willingness to spend tax dollars to get “the best possible people to serve as judges” (74%) and “to make good lawyers available to anyone who needs them” (71%) than for other reforms like “increase the number of police” (50%), or “build more prison facilities” (32%).

⁴ Yankelovich, Skelly and White, Inc., *The Public Image of Courts: Highlights of a National Survey of the General Public, Judges, Lawyers, and Community Leaders*, presented at *State Courts: A Blueprint for the Future* (1978)

How the Public Views State Courts, 1999⁵

This survey from 1999 was funded by the Hearst Foundation and sponsored by the NCSC. The sample ($n = 1,826$) included an oversample of African Americans and Latinos to ensure representation. Results suggest:

- African Americans had the lowest court approval ratings.
- Respondents believed that access to the courts was too expensive.
- A majority of respondents relied on online sources to obtain information about the courts.

Approximately 70% of African American respondents reported that courts treat some groups worse than others. A majority of all respondents (68%) felt that accessing the courts was too expensive. Over half (59%) of respondents reported relying on online sources to obtain information about the courts.

How Recent Court Users View the State Courts, 2000⁶

This survey was funded by the National Institute of Justice in conjunction with the NCSC. It included a sample of 1,600 adults, 600 of whom had direct experience with the courts. The survey also included an oversample of 300 African Americans and 250 Latinos. The purpose of this survey was to evaluate differences in opinions between those who had direct experience with the courts and those who did not. Results suggest:

- White respondents had the highest perceptions of fairness, followed by Latinos, and African Americans had the lowest.
- Litigants perceived the courts to be less fair than jurors and witnesses.
- Court users expressed general reluctance to return to court.

Nearly half (49%) of White respondents felt that the courts are usually or always fair. Responses were more negative among African Americans (15%) and Latinos (40%). Across all three racial groups, litigants reported lower perceptions of outcome fairness than jurors and witnesses.

Trust and Confidence in the California Courts, 2005⁷

This survey was sponsored by the California Supreme Court and the NCSC. The survey sampled 2,400 Californian adults and 500 practicing California attorneys. Results suggest:

- Greater levels of public trust than in a similar survey conducted in 1992⁸.
- Procedural fairness was a strong predictor of court approval.
- Important differences were observed in perceptions of fairness by type of court experience and immigrant status.

The survey highlighted key differences among perceptions of fairness. Experience as a juror increased approval, while most other forms of court experience decreased approval. Those who

⁵ David B. Rottman, *How the Public Views the State Courts: A 1999 National Survey*, National Center for State Courts (1999).

⁶ David B. Rottman & Randall M. Hansen, *How Recent Court Users View the State Courts: Perceptions of Whites, African-Americans, and Latinos*, National Center for State Courts (2000).

⁷ David B. Rottman, John Rogers & Diane Godard *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys*, Administrative Office of the Courts (2005).

⁸ Commission on the Future of California Courts, *Justice in the Balance 2020* (1993), available at <https://www.courts.ca.gov/documents/2020.pdf>

had cases in traffic court, family court, or juvenile court had lower perceptions of procedural fairness. The results also suggest that 31% of those served by the courts were foreign-born and these immigrants held significantly more positive perceptions of the courts.

National Center for State Courts Survey, 2009⁹

In 2009, the National Center for State Courts collected survey data from 1,200 adults to understand public expectations for solving justice issues. Results suggest:

- The public believes that separation of powers is important.
- Branches of government should collaborate more effectively to solve social problems.
- The courts are the most trusted branch of government.
- There was strong opposition to reductions in judicial budgets.

About 74% of respondents give the state courts a positive confidence rating compared to 65% for the state governor and 66% for the state legislature. Respondents felt that all three branches share similar levels of responsibility in addressing prison overcrowding and caring for neglected and abused children, but the judiciary was expected to have a greater role in caring for those children (67%) than dealing with prison overcrowding (59%). Regarding judicial budgets, the public was particularly concerned about cutting funding for jury trials (66%) and failing to fill empty judicial seats (53%).

State of the State Courts Surveys

The State of the State Courts (SoSC) Survey has been fielded each year from 2014 to 2019. The surveys share similar sampling procedures: Each survey, except 2015, collected data from a nation-wide sample of 1,000 US residents randomly selected from voter registries.

State of the State Courts, 2014¹⁰

The 2014 SoSC survey focused on PTC specifically and provided baseline responses that are generally consistent with the PTC findings of the subsequent SoSC surveys. Results suggest:

- The courts are the most trusted branch of government.
- External events and high-profile cases can affect the public's confidence in the courts.
- The courts should consider new technologies to improve efficiency.
- Respondents with direct court experience had lower perceptions of fairness.

Most participants agreed that the state courts treat people with dignity and respect (71%), up from a survey conducted by the same group in 2012 (65%). Approximately 77% of respondents preferred online access to court records. Additionally, 76% prefer to be able to pay fines, fees, and make other transactions through the internet. Seventy-five percent of respondents reported wanting to be able to submit questions about court processes online. Across various measures of state court performance, those with direct court experience rated the courts between 8% and 13% lower than those without court experience.

⁹ Princeton Survey Research Associates Intl., *Separate Branches, Shared Responsibilities: A National Survey of Public Expectations on Solving Justice Issues*, National Center for State Courts (2009).

¹⁰ Gerstein, Bocian, & Agne Strategies, *The State of State Courts: A 2014 NCSC Public Opinion Survey*, National Center for State Courts (2015).

State of the State Courts, 2015¹¹

In 2015, the SoSC survey focused on racial differences among survey responses. To this end, the survey oversampled African American respondents. Results suggest:

- African Americans were more distrustful than those from other racial categories.
- Court processes treat the economically disadvantaged unfairly.
- Respondents reported increased confidence in alternative dispute resolution and endorsed desires for innovation.

Among respondents with direct court experience, 52% of African Americans reported feeling satisfied with how they were treated by the courts (70% of the complete sample reported feeling satisfied). Most respondents (62%) reported that poor and African American individuals are treated worse by the courts. Conversely, approximately 70% of respondents felt that the wealthy and large corporations are treated better by the courts. Responses also suggest that the public desired opportunities for alternative dispute resolution options.

State of the State Courts, 2016¹²

In 2016, the SoSC survey focused on fines, fees, judicial diversity, and technological innovation. Results suggest:

- Respondents strongly oppose “debtors’ prison” policies.
- The public feels that judicial diversity affects fairness in court.
- The courts are not keeping up in terms of technological innovation.

The survey responses indicate strong opposition to imprisoning someone who cannot afford court fines and fees (70%). A smaller percentage of White respondents (51%) believed judicial diversity to be an important issue than for African American respondents (76%). Only 14% of White respondents felt that this was a “major problem,” as compared to 51% of African Americans. This survey also pointed to a high demand for technological innovation. A majority of respondents felt (54%) that the courts were not keeping up with the rest of the world in terms of technological innovation.

State of the State Courts, 2017¹³

In 2017, the SoSC survey focused on access to justice in rural and less-populated areas. Results suggest:

- Respondents are concerned about the availability of justice services in rural communities.

Nearly 75% of respondents felt that delivery of justice in rural communities is a problem. The survey presented respondents with four possible solutions to the problem: keep the current system, build and staff more courthouses in the affected areas, allow residents the choice to travel to the nearest judge or wait for a traveling judge, or allow residents to access court services online or through videoconferencing technologies. Few saw maintaining the current system or

¹¹ Gerstein, Bocian, & Agne Strategies, *The State of State Courts: A 2015 NCSC Public Opinion Survey*, National Center for State Courts (2016).

¹² Gerstein, Bocian, & Agne Strategies, *The State of State Courts: A 2016 NCSC Public Opinion Survey*, National Center for State Courts (2017).

¹³ Gerstein, Bocian, & Agne Strategies, *The State of State Courts: A 2017 NCSC Public Opinion Survey*, National Center for State Courts (2018).

building more courthouses as an effective solution (13% and 13% respectively). The remaining 70% of respondents were split evenly between the latter two of the recommended solutions.

State of the State Courts, 2018¹⁴

In 2018, the SoSC survey focused on cash bail reform, self-represented litigants, and alternatives to appearing in court. Results suggest:

- Respondents were open to cash bail reform.
- Respondents did not feel adequately prepared for self-representation.
- Respondents were open to alternatives to appearing in court in some cases, including online dispute resolution.

When asked whether respondents supported cash bail without the presentation of an alternative system, 59% agreed. However, when an alternative was presented, like a risk assessment bail system, 73% supported the new proposal and this support was similar across political affiliations and racial statuses. Regarding self-representation, most respondents (61%) reported that they would not feel prepared to represent themselves in court, but responses indicated some interest in alternatives to traditional attorney representation in certain circumstances. For example, 51% of respondents without court experience reported that they would feel comfortable self-representing if they had access to licensed professionals to help prepare legal documentation. Regarding alternatives for appearing in court, online dispute resolution (ODR) was most popular with 58% of non-court users and 66% of court-users showing support. Respondents were most supportive of using ODR programs for traffic violations (67%), consumer debt (51%), and small claims (46%). Very few supported ODR programs for family matters (19% for divorces and 6% for child custody cases). Respondents who were younger (74%), had a college degree (74%), and reported higher levels of income (74%) were slightly more supportive of ODR than those that were older (59%), did not have a college degree (61%), and reported lower levels of income (56%).

State of the State Courts, 2019¹⁵

In 2019, in addition to the typical measures, the SoSC survey focused on court communications, the opioid crisis, and the spread of online disinformation. For the first time, the survey was administered online instead of through telephone interviews. Results suggest:

- Perceptions of the courts are still mostly positive, and the courts remain the most trusted branch of government.
- Many perceive the courts to be too political, intimidating, not innovative, and inefficient.
- Those with direct court experience reported high satisfaction and ease in finding needed direction.
- Respondents reported reliance on official court websites, traditional media, and personal relationships for court information.

Fifty-five percent of respondents felt that the courts are hardworking. Another 54% reported that the courts were fair and impartial. Nearly half of the respondents agreed that the courts provided equal justice (49%), provided good customer service (46%), and were a worthwhile tax

¹⁴ Gerstein, Bocian, & Agne Strategies, *The State of State Courts: A 2018 NCSC Public Opinion Survey*, National Center for State Courts (2019).

¹⁵ GBAO Strategies, *State of the State Courts, 2019*, National Center for State Courts (2020).

investment (46%). Conversely, 55% of respondents saw the courts as too political, 48% felt that the courts lack innovation, 44% reported feeling that the courts are intimidating, and 42% felt that the courts are inefficient. Of those that had court experience, 64% were satisfied with their experience and 60% felt that they were able to find necessary guidance and instruction for court processes easily. For finding information on the courts, survey respondents identified official court websites as the most reliable, followed by traditional media sources, and finally personal relationships.

PUBLIC ENGAGEMENT EFFORTS

State courts have long made efforts to engage the communities they serve. In our review of the NCSC's PTC efforts, we identified two principal types of engagement strategies which we refer to as public input programs (PIPs) and collaborative improvement programs (CIPs). PIPs aim to engage and listen to the community to gain insight that can be used by the courts to improve themselves. CIPs, however, seek to collaboratively engage communities and integrate them into decision-making and the process of court-improvement itself. Importantly, the distinction between PIPs and CIPs may be somewhat blurred by the fact that some PIPs develop into CIPs, but there are fundamental differences in these approaches, especially regarding their potential probability of impacting PTC.

Public Input Programs

*Franklin County Futures Lab*¹⁶

The Franklin County (MA) Futures Lab began as a 38-member task force organized by a local judge and attorney. The task force included various community stakeholders and engaged local communities through town hall meetings and a one-day conference. The purpose of these engagements was to provide a forum for members of the public to voice concerns and recommend solutions to improve court processes in Franklin County. Although the program encountered participation challenges, it culminated with a comprehensive report to the Supreme Court recommending several court improvement projects. Among those recommendations was the creation of a judicial council designed to continue the initial work of the lab. They also recommended that the courts create a community outreach board.

*New Hampshire Citizens' Commission*¹⁷

The New Hampshire Citizens' Commission operated similarly to the Franklin County Futures Lab. In New Hampshire, 103 members of the community were asked to observe judicial practices and make improvement recommendations. The commission was completely independent of the judiciary and began with a local public survey based on past NCSC surveys. The commission was split into research groups, each tasked with looking at a different area of court improvement. A comprehensive report of the findings was presented to the Supreme Court which recommended 30 changes to current practices¹⁸.

Public Engagement Pilot Project Initiative (PEPPI)

The NCSC, in conjunction with the University of Nebraska Public Policy Center, is currently in the process of evaluating a series of public engagement projects designed by various courts throughout the United States. The programs were designed to solicit input in responding to a specific problem identified by the courts. Currently in progress, PEPPI aims to increase understanding regarding public engagement and its impact on PTC, and to develop a toolkit to guide courts in future engagement efforts.

¹⁶ Franklin County Futures Lab Project, *Reinventing Justice: A Project Planner*, The State Justice Institute (1997).

¹⁷ David B. Rottman et al., *supra* n. 1.

¹⁸ Laura Kiernan, *Risky Business: New Hampshire's Experience Inviting Citizens to Examine the State Courts*, 1 J. Ct. Innovation 33 (2008).

Collaborative Improvement Programs

Hudson County Juvenile Conference Committees¹⁹

The Hudson County (NJ) Juvenile Conference Committees, established in 1952, are sentencing programs based on principles of restorative justice. Thus, instead of processing a juvenile offender through traditional juvenile court, offenders are deferred to a small group of elected community members and stakeholders. The group typically consists of the juvenile, family members, and interested community members. This small group interacts with the juvenile and determines a community-focused sanction for the delinquent behavior. This recommended sanction is then presented to a judge for approval.

Oakland County Youth Assistance Program²⁰

The Oakland County (MI) Youth Assistance Program, established in 1953, is also primarily operated by court staff and community volunteers. Youth participating in the program are encouraged to participate in service opportunities designed to engage them with their local communities and discourage them from future delinquent behavior. Evaluations of the program are optimistic regarding its general effectiveness. Participants who drop out of the program are more likely to be formally adjudicated, while 92% of participants involved in the program did not return for adjudication in a three-year period.

Detroit Handgun Intervention Program²¹

The Detroit (MI) Handgun Intervention Program (HIP) was collaboratively developed by a judge and local volunteers to educate participants on the dangers of firearms. The 4-hour program includes presentation of statistics, images of gunshot victims, and discussions regarding safe firearm practices. The seminar is open to anyone, but also operates as a diversion program for adults and juveniles with firearms-related charges.

Midtown Community Court²²

The Midtown (NY) Community Court was implemented in 1993 to test a model for community courts where the court processes lower-level cases for the community in which it is located. This is done to increase community awareness and participation in the court's processes. Subsequent evaluations suggest that the court is highly effective in speedier processing, leveraging community-centered sanctions, and reducing community disorder²³.

Red Hook Community Court²⁴

The Red Hook (NY) Community Court operates on the same principles of the Midtown Community Court, focusing on coordination, restitution, help, accountability, and prevention. The justice center has grown into a multijurisdictional program and has demonstrated high levels of effectiveness and efficiency. Some key findings from the evaluation were that offenders processed through Red Hook were more likely to be sanctioned to community-oriented punishments, recidivism was reduced, and crime in the community decreased. These outcomes

¹⁹ David B. Rottman et al., *supra* n. 1.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ MICHELE SVIRIDOFF ET AL., DISPENSING JUSTICE LOCALLY: THE IMPACTS, COSTS AND BENEFITS OF THE MIDTOWN COMMUNITY COURT (2005).

²⁴ Cynthia G. Lee et al., *supra* n. 2.

potentially occur due to increases in perceived legitimacy resulting from the community nature of the court.

FUTURE DIRECTIONS

The NCSC's PTC efforts have done much to advance scholarly and practical understandings of the relationship between the state courts and their communities. Nonetheless, there is work yet to be done. Our review of these efforts suggests three persisting questions for future work.

Is PTC best advanced by the same or different things for witnesses, defendants, the wider public, and so on? Some of the surveys reviewed above suggest that the types of interactions individuals have with the courts may result in different perceptions of fairness and trust. One such finding suggests that individuals who have had contact with the courts report lower levels of PTC than those without court experience²⁵. Other surveys suggest that levels of PTC may vary as a function of the kind of contact. For example, the NCSC survey from 2000 found that litigants reported the lowest scores among those who had contact with the court²⁶. These differences in levels of PTC are important in themselves but they may be suggestive of different processes for building positive public perceptions. Thus, although significant research suggests that process fairness is a critical component of building trust in legal authorities²⁷, it is yet to be determined whether and how fairness in the courtroom may impact the trust of individuals who have only vicarious contact with the courts through their friends, family, or the media. Additionally, individuals who do enter the courtroom may have different interests such that litigants might be expected to prioritize process over outcome and victims may prioritize outcome over process, especially in more serious cases. Some work suggests that stake and control may be important for understanding these differences such that individuals report more negative perceptions when they have more at stake and less control over outcomes²⁸ but more work is needed to fully understand these dynamics.

Do engagement efforts have effects that go beyond the specific individuals involved, and do those effects differ as a function of whether the effort is a PIP or a CIP? One of the primary purposes of court engagement programs is to increase PTC and although some evaluations of these programs have provided encouraging evidence²⁹, there is more to learn. The public engagement toolkit from the PEPPI aims to be an important source of information regarding the design and impacts of various engagement efforts, but few other engagement evaluations have been designed to determine whether their impacts extend beyond the individuals who are involved in the engagement itself and how long those effects persist. Another area that is ripe for future work is an evaluation of the specific characteristics of these engagements that change their impact on PTC. Engagements vary on a wide variety of factors, but application of the PIP/CIP distinction presented here suggests one dimension that may be important. Both approaches stem from an assumption that connecting more meaningfully with communities will improve PTC. PIPs limit that connection to input while CIPs seek to share decision-making. It may be that this relatively greater integration increases trust, but it may also be that it actually worsens perceptions as work in the political arena suggests that most Americans don't want to be involved in governance³⁰. Similarly, the surveys reviewed here indicate that experience with the

²⁵ David B. Rottman et al., *supra* n. 1.

²⁶ David B. Rottman & Randall M. Hansen, *supra* n. 6.

²⁷ Tom R. Tyler, *Psychological Perspectives on Legitimacy and Legitimation*, 57 *Annu. Rev. Psychol.* 375 (2006).

²⁸ Sara C. Benesh & Susan E. Howell, *Confidence in the Courts: A Comparison of Users and Non-users*, 19 *Behav. Sci. & L.* 199 (2001).

²⁹ Cynthia G. Lee et al., *supra* n. 2; SVIRIDOFF ET AL., *supra* n. 22.

³⁰ JOHN R. HIBBING & ELIZABETH THEISS-MORSE, *STEALTH DEMOCRACY* (2002).

courts generally has a negative impact on PTC. Future work seeking to test these potential differences, and especially their mechanisms, is needed. Of particular note here are tools developed by the NCSC—such as the access and fairness survey metrics available at CourTools.org—that should be useful when evaluating engagements.

How do user experiences change as court services transition from the courthouse to online and does meeting this public expectation result in increases in PTC? One of the most consistent conclusions from the surveys reviewed here is a public desire for courts to be innovative and increase online access to services. In particular, the 2018 SoSC survey identified a growing interest in online dispute resolution as a possible alternative to traditional court processes for certain types of disputes. Recognizing this growing sentiment, some courts have developed and implemented court-sponsored online dispute resolution programs. Utah and Michigan are among the increasing number of states seeking to demonstrate the effectiveness of these ODR programs by evaluating how well these programs function and how users respond to them. It is important, however, to also consider how ODR programs might affect PTC, both for individuals who use the services and for individuals who are simply aware of them. Others have made explicit calls for the courts to make radical shifts in an attempt to adopt new innovative dispute resolution technologies³¹. A recent study looking at the availability of alternative dispute resolution, found that the mere knowledge of the availability of the program increased PTC for the respondents³². Although this study did not consider online programs, it implies that simply making these programs available improves public perceptions by addressing a salient expectation of a robust online presence.

³¹ Executive Vice President of the National Center for State Courts Michael L. Buenger, Speech at the ABA Dispute Resolution Section Spring Meeting (Apr. 10, 2019), *available at* <https://www.ncsc.org/~media/Files/PDF/Newsroom/ABA-Dispute-Resolution-Buenger.ashx>.

³² Donna Shestowsky, *When Ignorance is Not Bliss: An Empirical Study of Litigant's Awareness of Court-Sponsored Alternative Dispute Resolution Programs*, 22 Harv. Negot. L. Rev. 189 (2016).