



The State Bar Court of California

April 27, 2023

EXECUTIVE SUMMARY: Survey of Court Users 2021

Quarters 1-4



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Executive Summary: Survey of Court Users – 2021

(Of cases closed during 2021)

April 27, 2023

Section 1: Background

In 2004, the State Bar Court of California (SBC) adopted 9 core, court performance measures, consistent with practices nationally to help improve court performance. Measure 1 is a survey of court users; it measures users' experiences with the SBC. The survey includes questions on five court performance dimensions. A sixth court performance dimension was added in 2020. The dimensions are:

1. Access to Justice.
2. Equality, Fairness, and Integrity.
3. Timeliness.
4. Independence/Accountability.
5. Quality/Effectiveness.
6. Virtual Proceedings.

The State Bar Court of California assesses the experiences of court users periodically through court user surveys. Surveys have been conducted in 2004, 2008, 2020, and 2021.

“Court users” of the SBC are the focus of the Measure 1 survey. Court users include: (1) Respondents, Petitioners, and Applicants; (2) Counsel for Respondents, Petitioners, Applicants; and (3) Office of Chief Trial Counsel (OCTC) Attorneys.

The surveys were conducted initially in 2004, and again in 2008 and 2020, and most recently in 2022 (for cases closed in 2021). The SBC implemented numerous improvements in response to the feedback and survey results over the years. In late 2020, the Court embarked on a pilot project aimed at refreshing the survey process and survey questions. The survey was administered to a pilot group of court users whose cases were closed in the 3rd and 4th quarters of 2020 (3/4Qs 2020). Surveys of court users whose cases were closed during 2021 were conducted in late 2022.

Section 2: Overview of 2021 Court User Survey

Court users whose cases were closed in 2021 (quarters 1-4) were surveyed in late 2022. The results of these surveys are presented in this Executive Summary.

Dr. Brenda Wagenknecht-Ivey, CEO of PRAXIS Consulting, Inc. (Denver, CO) administered the surveys in November / December 2022. Dr. Wagenknecht-Ivey also conducted the surveys in 2004, 2008, and 2020.

The 2021 survey was sent to 533 people (N=533). In 2004, 2008, and 2020, it was sent to 726, 998, and 245 court users respectively. One hundred and fifty-nine people (n=159) completed the 2021 survey. The overall response rate was 30%. Comparisons by year are presented in the table.

Survey Participants	2004	2008	3/4Q 2020	2021
Survey Sent to: Total numbers (N=)	N=726	N=998	N=245	N=533
# of Total Survey Participants (n=)	n=143	n=224	n=94	n=159
Overall Response Rate (in percentages)	23%	23%	38%	30%
OCTC Attorneys: Number that Completed Survey (+ Response Rate)	n=26	n=20	n=47 (81%)	n=48 (60%)
SBC Respondents/Applicants/Petitioners: Number that Completed Survey (+ Response Rate)	n=77	n=151	n=25 (17%)	n=71 (21%)
Counsel for SBC Respondents et.al.: Number that Completed Survey (+ Response Rate)	n=29	n=38	n=19 (48%)	n=32 (29%)

The 2021 surveys included 36 questions, the same questions used in the 2020 pilot surveys. Most of the questions in 2020 and 2021 were the same or similar to past surveys. In 2020, when refining the questions for the pilot surveys, a few questions were added, a few old questions eliminated, and a court performance category was added, namely “Virtual Proceedings.” This new category measures court users’ experiences with virtual proceedings, which were implemented during the COVID-19 pandemic. A summary of the questions is provided in the chart below.

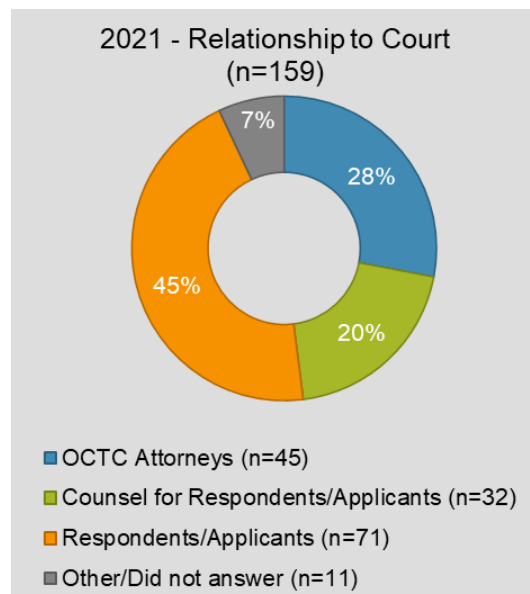


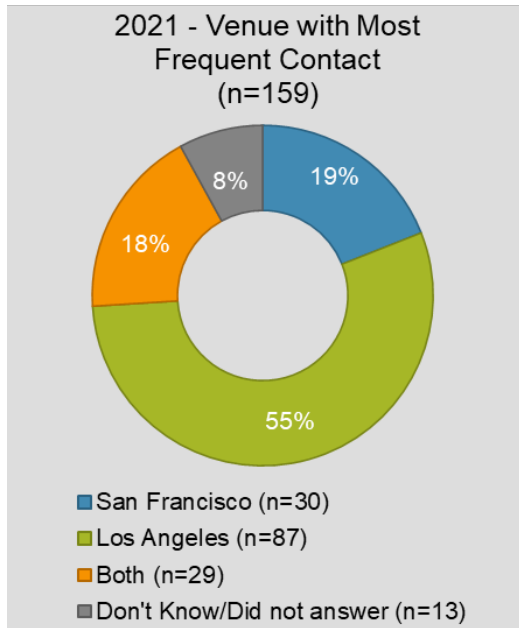
Section 3: Characteristics of Survey Respondents

Relationship of Survey Respondents to the SBC

Twenty-eight percent (28%) of the respondents to the 2021 survey were OCTC attorneys (compared to 50% in the 2020 pilot); 20% were Counsel for Respondents/Applicants (same as in the 2020 pilot); and 45% were Respondents (compared to 27% in the 2020 pilot).

Thus, it is important to note that SBC Respondents make up a greater proportion of all survey respondents in 2021 than in 2020, and OCTC attorneys are a smaller proportion of all survey respondents in 2021 than in 2020.





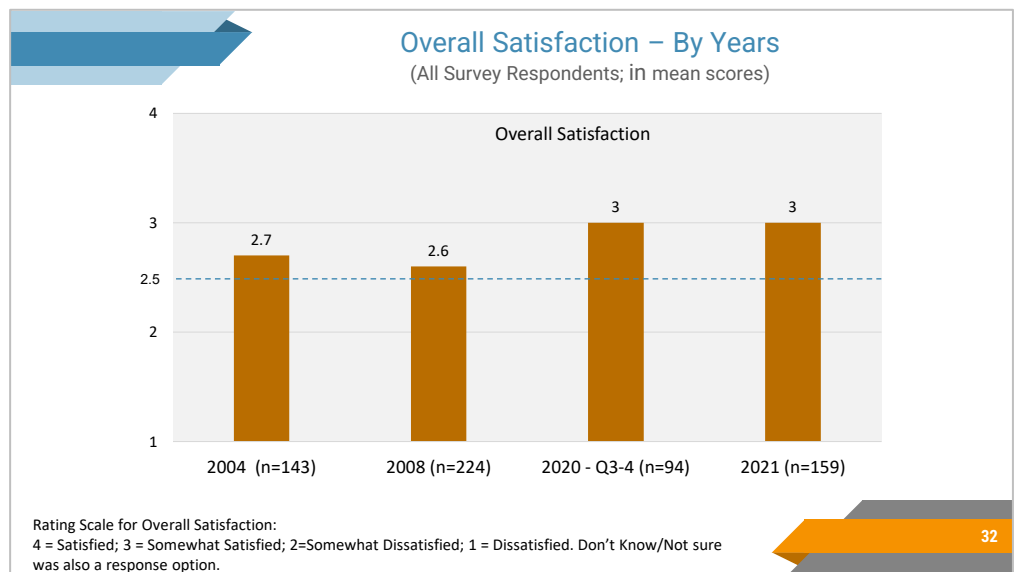
Additionally, 55% of survey respondents had the most contact with the Los Angeles Office (compared to 62% in the 2020 pilot), 19% had the most contact with the San Francisco Office (compared to 23% in the 2020 pilot); and 18% had the most contact with both venues (compared to 14% in the 2020 pilot).

SBC Respondents/Applicants make up nearly half of all 2021 survey respondents (45%) and a majority of survey respondents had the most contact with the Los Angeles Office (55%).

Section 4: Summary of Findings

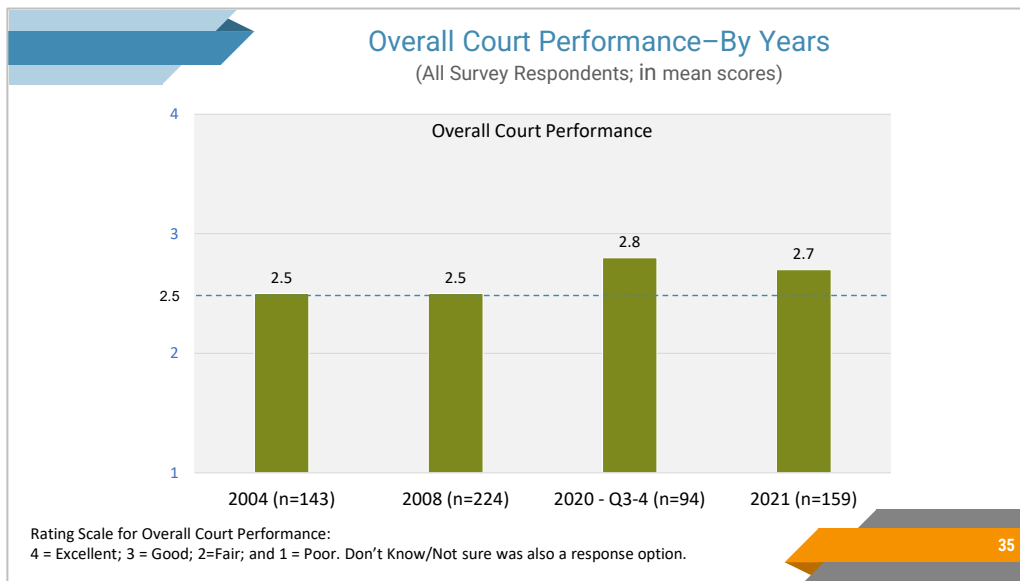
Overall Satisfaction and Performance

Survey respondents gave an *overall satisfaction* rating of “*somewhat satisfied*.” The average rating was 3.0 (out of 4). The average rating is favorable; it is above 2.5, which is the mid-point of the 4-point rating scale. See the chart for comparisons by year.



Additional Findings:

- OCTC Attorneys and Counsel for Respondents rated the Court significantly higher on overall satisfaction than SBC Respondents.
- Survey participants who had the most contact with “both locations” rated the Court significantly higher on overall satisfaction than those who had the most contact with the San Francisco Office.



The Court’s *overall performance* rating is “good.” The average rating was 2.7 (out of 4). The average rating is favorable; it is above 2.5, which is the mid-point of the 4-point rating scale. The chart provides comparisons to the previous years.

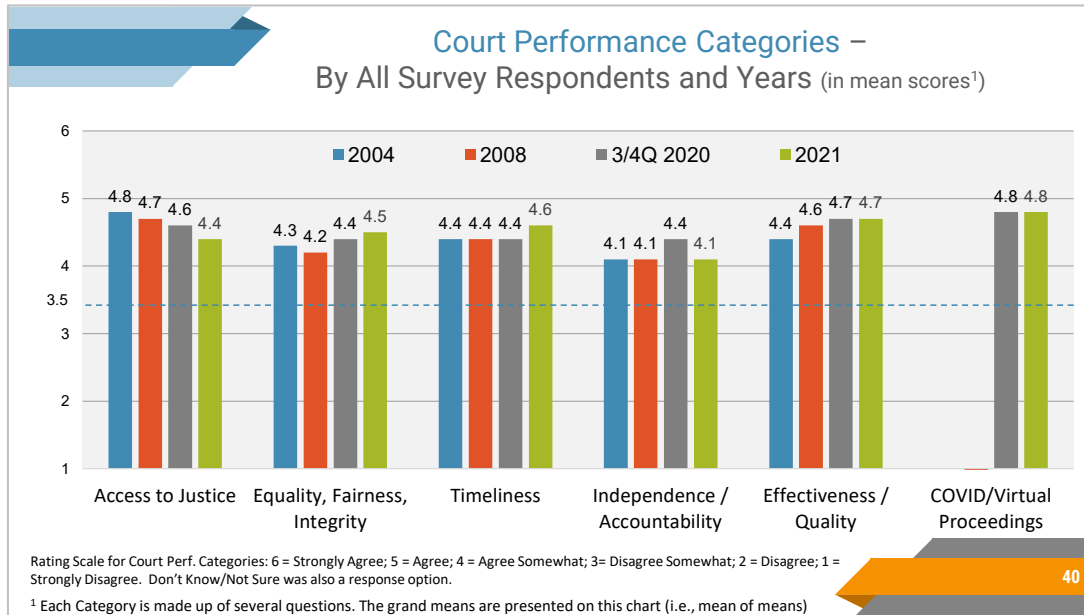
Additional Findings:

- OCTC Attorneys and Counsel for Respondents/Applicants rated the Court significantly higher than SBC Respondents on overall performance.

Overall satisfaction and court performance ratings in 2021 are favorable. OCTC attorneys and Attorneys for Respondents/Applicants rated the SBC highest on satisfaction and performance.

Highest and Lowest Rated Court Performance Categories

The chart shows overall average ratings on each court performance category (e.g., Access, Fairness, Timeliness, etc.) by year. It also shows the trends over the years for each court performance category (e.g., ratings on Access in 2004, 2008, 2020, and 2021).



Summary:

- *Virtual Proceedings* (which includes questions about notices/orders posted on the website, effectiveness of virtual appearances, moving cases toward resolution during the pandemic) and *Effectiveness/Quality* (which includes questions about judges' knowledge of the law/procedures, understandability of judicial orders, and helpfulness of staff) were the highest rated court performance areas in 2021 (average ratings of 4.8 and 4.7 respectively). These areas also were rated the highest in 2020.
- The lowest rated category in 2021 was *Independence/Accountability* (which includes questions about understanding the SBC is separate from the prosecutor and other parts of the State Bar and the Court's accountability for the use of public resources) (average of 4.1).
- Overall, the 2021 ratings on the six court performance categories are favorable. All averages are above the midpoint of the rating scale (3.5), but below the targeted, or desired average rating, of 5.0.

Additional Findings:

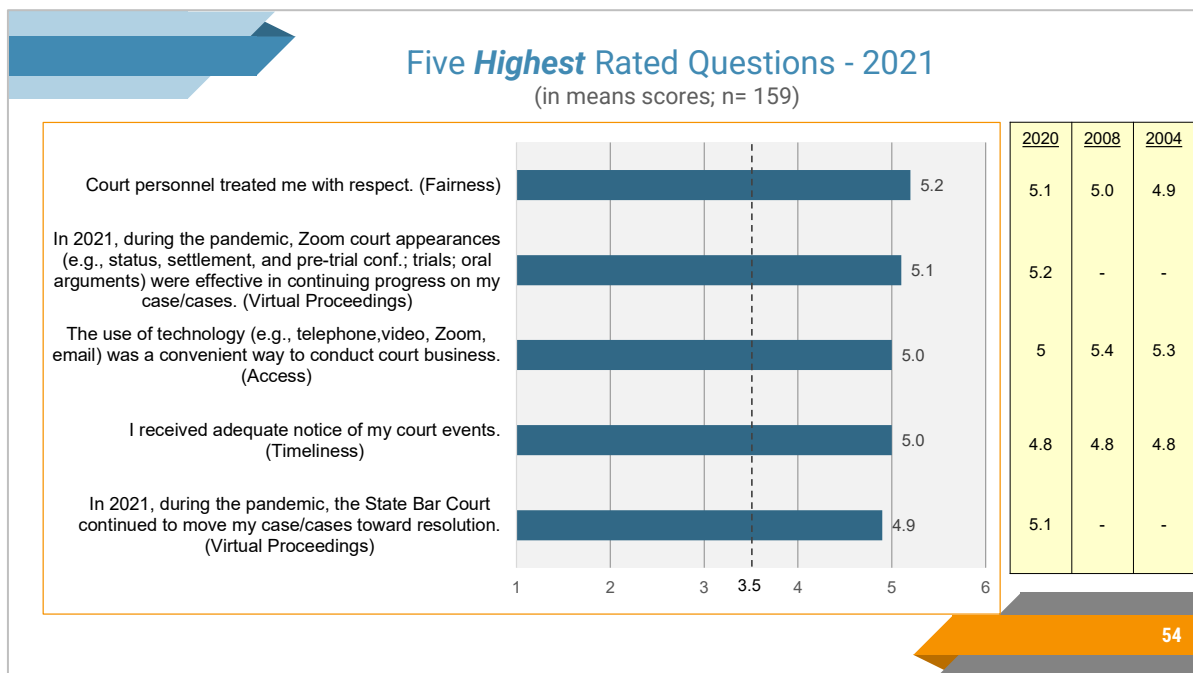
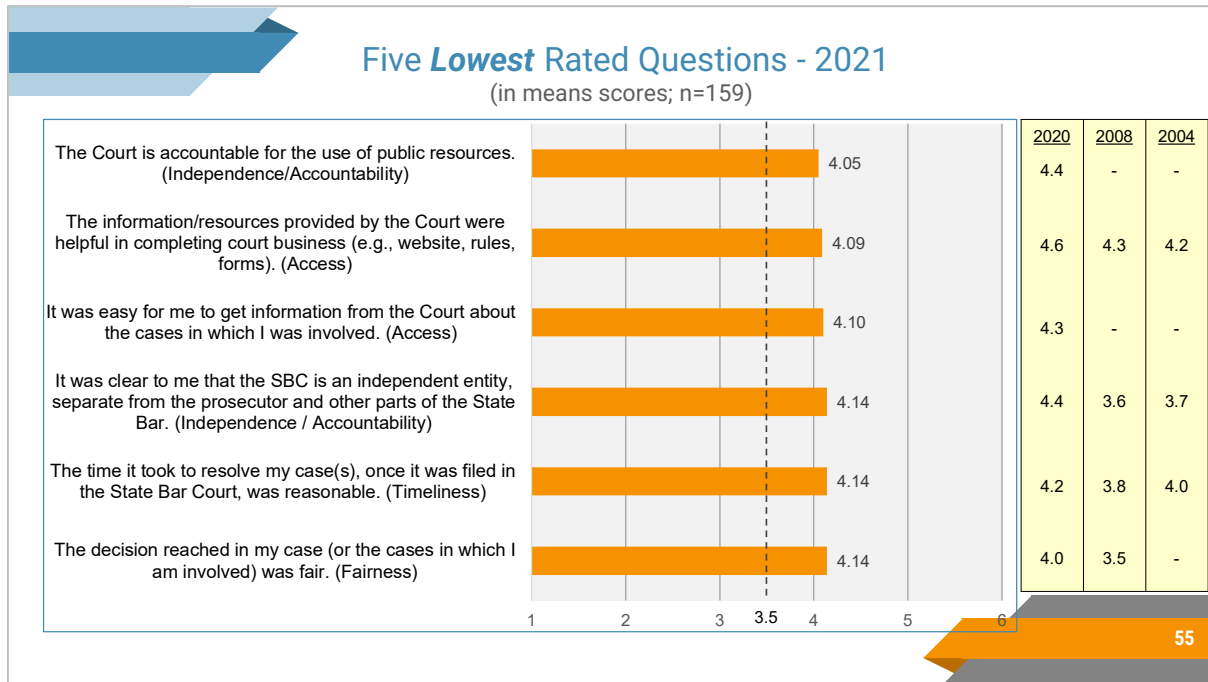
- In 2021, OCTC attorneys rated *Access*, *Independence*, and *Virtual Proceedings* significantly higher than both Counsel for Respondents and SBC Respondents. On *Fairness and Quality/Effectiveness*, OCTC Attorneys gave significantly higher ratings than SBC Respondents. The differences in mean scores on *Timeliness* were not statistically significant.

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- Survey Participants in 2021 with contact with both venues rated *Access, Effectiveness/Quality, and Virtual Proceedings* significantly higher than the San Francisco office. For *Independence*, survey participants with contact with both venues rated the areas significantly higher than both the San Francisco and Los Angeles Offices. The differences in mean scores on *Fairness and Timeliness* were not statistically significant.
 - The trends across survey years show:
 - a. Average ratings on the *Access to Justice* category (which includes questions about the helpfulness of information/resources provided by the SBC, ease of accessing information about cases, the convenience of using technology to conduct court business), are trending downward.
 - b. The average ratings on *Equality, Fairness, and Integrity* (which includes questions about respectful treatment, opportunity to present one’s case, fair application of procedures, impartiality of judicial rulings/orders, fairness of decisions) are trending upward.
 - c. The *Timeliness* court performance category (which includes questions about receipt of timely notice, court events starting on time, reasonableness of the time to resolve cases and provide notice of outcome) also ticked upward in 2021.

Virtual Proceedings and Effectiveness/Quality were the two court performance categories rated the highest, and Independence/Accountability was rated the lowest, in 2021.

Five Highest and Five Lowest Rated Individual Survey Questions.

The five highest and five lowest rated individual survey questions are presented in the charts below. Comparisons to the previous years also are provided where available.



Suggestions for Improving Services, Performance, and Communication.

Suggestions provided by survey respondents for improving services, performance, and/or communication are summarized in the tables below. Table 1 includes comments from Respondents and Counsel for Respondents. Table 2 summarizes comments provided by OCTC Attorneys.

Table 1: Respondents and Counsel for Respondents – Summary of Comments (Not in priority order)	
1. Fairness/ Independence	Comments included: the court should be truly independent – there is too much deference to OCTC; judges need to be impartial; judges should recuse themselves when they have a conflict; judges should not presume attorneys did something wrong – it should be a fair process; there should be building separation from the court and prosecutors; judges need to push back on prosecutorial overreach; hearing judges need to be impartial and ensure due process; the system is inherently unfair to respondents; rewrite SBC rules of procedure to include due process protections; judges should listen to all sides.
2. Timeliness / Scheduling	Comments included: some judges are late starting proceedings; cattle call status conferences waste people’s time – improve scheduling; take less time to rule on motions (e.g., no more than 2-3 weeks); pre-trial conferences should be more meaningful with a fully engaged judge; more time is needed for settlement conferences.
3. Access	Comments included: the docket search feature needs to be improved; create a searchable database of cases; need a better explanation of rules and resources for litigants; update the court dispositions page regularly; improve the website search functionality; require e-filing; publish all decisions on the website; add information about process on the website.
4. Virtual Proceedings	Comments included: make virtual trials the default; allow character witnesses to appear via Zoom/virtually.
5. Judicial Authority, Knowledge	Comments included: judges need more authority to dismiss / resolve matters; judges need to be more knowledgeable about the law.
6. OCTC Improvements / Suggestions	Comments included: the prosecutors treat the disciplinary process like a criminal court – they heavily influence the hearing judges; prosecutors need to be less racist and demeaning; OCTC has an unfair preparation advantage; OCTC attorneys should be held accountable for bad faith actions; OCTC should be held accountable for over-charging and an unwillingness to make reasonable settlements.
7. Miscellaneous	Comments included: disband the court and use panels or an administrative process instead; streamline the process for petitioners who voluntarily resigned without disciplinary issues; my case was very old – very unfair – review old cases more carefully; provide respondents the opportunity to challenge discipline costs (or waive in some circumstances).

Table 2: OCTC Attorneys – Summary of Comments (Not in priority order)	
1. Timeliness & Scheduling	Comments included: start hearings/proceedings/appearances on time; provide notice on Zoom, if delayed – stop wasting people’s time; rule on motions and filings quicker (e.g., dispositive motions, pre-trial motions, continuance requests, etc.); judges need to be on time/some judges are habitually late for hearings/proceedings – require judges to appear on time for all appearances; encourage judges to file decisions sooner; provide reasonable extensions of time to file briefs on review and to file briefs exceeding page limits (on some cases); need a better calendaring system; speed up scheduling of ENECs; need more flexible time limits in setting trial dates.
2. Access	Comments included: improve forms (e.g., stipulations); improve website dockets – easier review and document access; improve website searches; simplify public calendar searches; improve interface with fillable forms; update online court calendar sooner/earlier.
3. Judicial Demeanor, Professionalism, Knowledge	Comments included: judges should treat all parties with respect and should act professionally (e.g., they should not be rude such as rolling eyes); judges should not make snide, sarcastic, or inappropriate comments; judges should behave in a courteous and professional manner even when they disagree with parties’ positions; judges need to be knowledgeable of case law and rules of procedure (e.g., new judges need more training); judges need to be neutral (e.g., set aside their past defense biases).
4. Fair Treatment	Comments included: apply rules/procedures evenly/equally to all parties; evaluate cases fairly in settlement conferences; OCTC is not an arm of the court.
5. Virtual Proceedings	Comments included: continue to use Zoom for appearances; orders for trials being converted to virtual proceedings need to be issued sooner – time is needed to make arrangements for witnesses and attorneys; virtual proceedings should be the default method.
6. Miscellaneous	Comments included: none – the Court performs very well; e-filing should be available for all documents; need more frequent/robust Bench/Bar meetings; more judges need to be from the prosecution side – almost all have a defense background; need more diversity on the bench.

Section 5: Conclusion and Next Steps

The 2021 survey findings are positive overall. The findings also point to areas for further inquiry, evaluation, and improvement. Going forward, the researcher recommends that judicial and administrative leaders further analyze the results and make improvements in selected areas such as improving access, timeliness, and judicial training, to name a few. Additionally, the researcher recommends SBC leadership share the survey findings internally with all staff and externally with stakeholders, court users, and other interested parties.

Finally, the 2021 results were presented to the SBC judges and administrative leader by the researcher in March 2023. The judges and administrative leaders welcomed the survey results and were receptive to areas for improvement. There was a continued commitment to use the survey results to further improve court users’ experience with the SBC and improve court performance.