

November 5, 2001-January 2, 2002

2428 Respondents, 1943 Weighted

188 Supreme Court

527 Appellate Court

1713 Lower Courts

**JUSTICE AT STAKE – STATE JUDGES
FREQUENCY QUESTIONNAIRE**

Q.1 How would you rate the job being done by courts and judges in your state?

	Supreme Appeals	Lower	Total
Excellent.....	39	35	35
Good.....	57	58	60
Just fair.....	4	7	4
Poor.....	-	0	0
Don't know.....	-	0	1
(Blank).....	1	0	0
Excellent/good.....	96	93	94
Fair/poor.....	4	7	5
Exc/Good - Fair/poor.....	92	86	90
(ref:SATISFAC)			

Q.2 How do you think appellate judges should be selected in your state?

	Supreme Appeals	Lower	Total
Merit selection followed by retention election.....	51	49	52
Non-partisan popular election.....	19	19	19
Appointment by the governor with legislative confirmation.....	16	9	10
Appointment by the governor without legislative confirmation.....	4	8	8
Partisan popular election.....	3	11	7
Legislative appointment or election.....	5	2	2
Don't know.....	1	2	1
(Blank).....	2	1	1
(ref:SELEC)			

Q.3 How do you think trial judges should be selected in your state?

	Supreme	Appeals	Lower	Total
Merit selection followed by retention election.....	43	42	42	40
Non-partisan popular election	28	27	29	30
Partisan popular election	5	14	12	13
Appointment by the governor without legislative confirmation.....	3	7	8	7
Appointment by the governor with legislative confirmation	14	6	5	5
Legislative appointment or election	5	2	2	2
Don't know	1	1	1	1
(Blank).....	2	2	1	1

(ref:TRIAL)

Q.4 How satisfied are you with the judicial appointment process -- for vacancies and full terms -- at the state level?

	Supreme	Appeals	Lower	Total
Very satisfied	48	30	27	27
Somewhat satisfied.....	39	45	46	46
Somewhat dissatisfied.....	6	14	17	17
Very dissatisfied.....	6	9	8	9
(Don't know / Refused)	1	2	2	2
(Blank).....	-	1	0	0
Total Satisfied	87	75	73	72
Total Dissatisfied	13	23	25	26
Satisfied-Dissatisfied	74	53	47	46

(ref:SATAPPT)

Q.5 How much information would you say is made available to judicial candidates about election laws and rules of conduct for judicial elections?

	Supreme	Appeals	Lower	Total
Great deal	46	50	50	50
Some.....	28	32	33	33
Just a little	3	6	6	6
Not at all.....	6	5	5	5
(Don't know/refused).....	14	5	5	5
(Blank).....	3	2	1	1
Great deal/Some	74	82	83	83
Just a little/Not at all.....	10	11	11	11
Great/some - Little/not.....	64	71	71	72

(ref:ELECLAWS)

Q.6 How satisfied are you with the conduct and tone of judicial campaigns?

	Supreme	Appeals	Lower	Total
Very satisfied	13	12	12	12
Somewhat satisfied.....	30	34	36	36
Somewhat dissatisfied.....	16	28	29	29
Very dissatisfied.....	23	15	14	15
(Don't know / Refused)	11	6	7	6
(Blank).....	6	5	2	3
Total Satisfied	43	46	48	48
Total Dissatisfied	40	43	43	44
Satisfied-Dissatisfied	3	2	5	4
(ref:CONDUCT)				

Q.7 Do you think the conduct and tone of judicial campaigns has gotten better or worse over the past 5 years?

	Supreme	Appeals	Lower	Total
Much better	2	2	2	2
Somewhat better.....	6	7	6	6
Stayed the same.....	20	26	27	26
Somewhat worse	27	35	34	35
Much worse.....	27	20	20	21
Don't know	13	6	8	7
(Blank).....	6	4	3	3
Total Better	7	9	8	8
Total Worse.....	54	56	54	55
Better - Worse.....	-46	-47	-46	-47
(ref:WORSE)				

Q.8 Are you under any pressure to raise money for your campaign during election years?

	Supreme	Appeals	Lower	Total
Yes	36	43	45	46
No.....	23	29	34	33
Not applicable	37	24	19	19
(Blank).....	5	4	2	2
Yes - No	13	14	12	13
(ref:YNFUND)				

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Q.9 (IF YES IN YNFUND) How much pressure are you under to raise money for your campaign during election years?

	Supreme	Appeals	Lower	Total
Great deal	63	58	46	48
Some.....	34	36	45	44
Just a little	1	5	7	7
Not at all.....	1	1	1	1
(Don't know/refused).....	-	-	-	-
(Blank).....	-	-	1	0
Great deal/Some	97	93	92	92
Just a little/Not at all.....	3	7	8	8
(ref:FUNDRSE)				

Q.10 Please mark whether you agree or disagree with the following statement:

"Television ads are the best way for a judicial candidate to make their qualifications known to the public."

	Supreme	Appeals	Lower	Total
Strongly agree	18	12	12	12
Somewhat agree	22	32	30	31
Somewhat disagree.....	16	18	20	20
Strongly disagree.....	27	28	27	26
(Don't know/refused).....	17	11	11	11
(Blank).....	3	4	2	2
Total agree	40	44	42	43
Total disagree	43	45	47	46
Agree-disagree	-3	-1	-4	-3
(ref:TVADS)				

Q.11 Please mark whether you agree or disagree with the following statement:

"Judicial candidates should participate in publicly sponsored debates."

	Supreme	Appeals	Lower	Total
Strongly agree	20	25	23	24
Somewhat agree	25	28	29	29
Somewhat disagree.....	13	14	13	13
Strongly disagree.....	32	29	30	29
(Don't know/refused).....	10	5	5	5
(Blank).....	2	4	2	2
Total agree	45	52	52	53
Total disagree	45	43	43	43
Agree-disagree	1	10	9	10
(ref:DEBATES)				

Q.12 How much influence do you think campaign contributions made to judges have on their decisions?

	Supreme	Appeals	Lower	Total
A great deal of influence	9	6	4	4
Some influence.....	26	26	21	22
Just a little influence.....	10	17	20	20
No influence at all	28	32	36	36
Don't know	24	16	17	16
(Blank).....	4	4	2	2
Total Great/some	35	31	26	26
Total Little/no	38	49	55	56
Great/some - Little/no	-3	-18	-30	-30
(ref:INFLUENC)				

Q.13 Have you ever been publicly criticized in your role as judge by any of the following individuals or groups:

	Supreme	Appeals	Lower	Total
Have not been publicly criticized.....	24	46	44	44
The media.....	56	34	38	38
Special interest group in state.....	46	24	21	22
Other public official	38	18	20	20
Other judicial candidate	23	9	11	11
Political party	19	6	3	4
National special interest group.....	18	5	3	4
(Blank).....	1	4	2	2
(ref:PUBCRIT)				

Q.14 Since you became a judge, have you ever been publicly criticized for any of the following?

	Supreme	Appeals	Lower	Total
Decision in criminal case	47	36	41	40
Decision in civil case	53	30	26	27
Personal life/characteristics	7	5	6	6
Ideology.....	24	8	5	6
Political affiliation.....	9	6	3	3
Connections to special interest groups	14	4	1	2
Have not been publicly criticized.....	23	41	41	41
(Blank).....	2	3	2	2

(ref:PUBCRIT2)

Q.15 If you have been publicly criticized, have you ever held back or felt restrained in responding to criticism?

	Supreme	Appeals	Lower	Total
Yes	70	49	54	53
No.....	9	9	6	6
Have not been publicly criticized.....	18	33	34	33
(Blank).....	3	9	7	7
Yes - No	61	40	47	47

(ref:RESPNSE)

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Q.16 If yes, what are the two most important reasons that you held back or felt restrained in responding to criticism?

	Supreme	Appeals	Lower	Total
State Code of Judicial Conduct	62	69	74	73
Personal belief that judges should not respond	49	48	42	43
Criticism wasn't worthy of a response.....	36	34	34	34
Concern about media coverage	11	9	13	12
Lack of effective response.....	9	7	6	6
Reluctance to take on special interest group or other public official	8	6	6	6
Supporters responded on my behalf	10	5	5	6
Lack of money.....	1	2	0	0
Other.....	2	3	3	3
(Blank).....	-	-	0	0

(ref:RESPOND)

Q.17 Do you feel that your state's Code of Judicial Conduct prevents judges from adequately responding to unfair or misleading criticism of decisions?

	Supreme	Appeals	Lower	Total
Yes	47	53	66	64
No	45	35	26	27
Don't know	5	9	8	8
(Blank).....	3	2	1	1
Yes - No	3	18	40	37
(ref:ETHICS2)				

Q.18 Do you feel that your state's Code of Judicial Conduct contains too many restrictions on judicial campaign speech; too few restrictions on judicial campaign speech; or the right amount and type of restrictions on judicial campaign speech?

	Supreme	Appeals	Lower	Total
The right amount and type	56	55	52	52
Too many restrictions.....	14	23	26	26
Not applicable	17	9	8	8
Don't know	4	5	7	7
Too few restrictions.....	4	6	5	6
(Blank).....	5	3	1	2
(ref:ETHICS)				

Q.19 Here is a list of phrases which some people say are the responsibilities of courts and judges. Please read the entire list and rank what you think are the three most important responsibilities of courts and judges.

First Choice

	Supreme	Appeals	Lower	Total
Making impartial decisions	56	60	53	54
Ensuring fairness under law	21	19	27	26
Defending constitutional rights and freedoms.....	11	8	8	8
Providing equal justice for rich and poor	3	4	5	5
Being an independent check on other branches of government	4	3	1	1
Protecting individual rights	2	1	1	1
Protecting civil rights	-	0	0	0
Dispensing punishment for crimes	-	0	0	0
Resisting political pressure.....	-	0	0	0
Advancing social and economic justice	-	1	0	0
(Blank).....	3	3	2	2

First or Second Choice

	Supreme	Appeals	Lower	Total
Making impartial decisions	76	78	76	77
Ensuring fairness under law	55	54	65	64
Defending constitutional rights and freedoms.....	25	24	19	20
Providing equal justice for rich and poor	13	17	18	18
Protecting individual rights	9	5	7	7
Being an independent check on other branches of government	13	12	5	6
Dispensing punishment for crimes	1	1	2	2
Protecting civil rights	1	1	1	1
Resisting political pressure.....	1	1	1	1
Advancing social and economic justice	1	1	1	1
(Blank).....	3	3	2	2

Any Choice

	Supreme	Appeals	Lower	Total
Making impartial decisions	85	87	87	87
Ensuring fairness under law	72	72	80	79
Providing equal justice for rich and poor	29	37	45	43
Defending constitutional rights and freedoms.....	45	39	32	33
Being an independent check on other branches of government	33	30	19	21
Protecting individual rights	18	13	15	15
Dispensing punishment for crimes	1	3	6	6
Resisting political pressure.....	5	6	3	3
Protecting civil rights	2	2	2	2
Advancing social and economic justice	2	2	2	2
(Blank).....	3	3	2	2

(ref:CRTRESP)

Q.20 Please read the following series of concerns that some people have about courts and judges. For each one, please mark whether it concerns you a lot, concerns you a little, doesn't concern you too much, or doesn't concern you at all.

	Conc a Lot	Conc a Little	Not Conc Much	Not Conc at all	DK	Blnk	Total Conc	Total Not Conc
20 In some states, nearly half of all Supreme Court cases involve someone who has given money to one or more of the judges hearing the case								
Supreme	56	17	12	7	4	4	73	19
Appeals	53	25	11	7	2	2	78	18
Lower	50	24	14	8	3	1	74	22
Total	49	25	14	8	3	1	74	22
21 There are few restrictions on special interest groups who buy advertising to influence the outcomes of judicial elections and decisions								
Supreme	66	12	7	6	5	3	79	13
Appeals	64	18	7	6	2	2	83	13
Lower	62	22	7	5	3	1	84	12
Total	62	21	7	5	3	1	84	12
22 Special interest groups are trying to use the courts to shape public policy to their own ends								
Supreme	68	13	12	3	1	3	81	15
Appeals	62	20	11	4	1	2	82	15
Lower	60	25	9	4	2	1	85	13
Total	60	24	9	4	2	1	84	13
23 In some states, as few as 13 percent of people vote in judicial elections								
Supreme	59	19	6	7	5	4	78	13
Appeals	57	22	11	4	3	2	79	15
Lower	59	23	10	4	3	1	82	14
Total	60	22	10	4	3	1	82	14
24 Because voters have little information about judicial candidates, judges are often selected for reasons other than their qualifications								
Supreme	64	22	4	3	5	3	86	6
Appeals	61	23	6	3	4	2	84	9
Lower	61	26	6	3	3	1	87	9
Total	61	26	6	3	3	1	87	9

	Conc a Lot	Conc a Little	Not Conc Much	Not Conc at all	DK	Blk	Total Conc	Total Not Conc
25 Some people say that there are 2 systems of justice in the U.S. - one for the rich and powerful and one for everyone else.								
Supreme	57	24	9	5	2	3	81	14
Appeals	53	26	11	6	1	3	79	17
Lower	54	27	11	5	2	1	81	16
Total	54	27	11	5	2	1	81	16

(ref:CONCERNS)

Q.26 In this section is a series of proposals that have been made to help improve the way we elect judges. For each one, please mark whether you strongly support, somewhat support, somewhat oppose, or strongly oppose the proposal.

	Strng Supp	Smwt Supp	Smwt Opp	Strng Opp	DK	Blk	Total Supp	Total Opp	Supp - Opp
26 States should provide voter guides prior to judicial elections to help inform voters about the candidates in each race									
Supreme	48	32	3	5	9	2	81	8	73
Appeals	51	28	8	8	4	2	79	15	64
Lower	46	31	7	9	6	1	77	16	62
Total	47	31	7	9	6	2	78	15	62

27 States should require that all judicial candidates disclose the individuals, parties, or organizations who donate money to their campaigns

Supreme	85	6	1	1	5	2	91	2	90
Appeals	81	13	2	0	2	2	94	2	92
Lower	75	17	3	2	2	1	92	4	88
Total	76	17	3	2	2	1	92	4	88

28 States should require that all political advertisements in judicial elections clearly state who is paying for the ad

Supreme	86	7	1	1	4	2	93	1	92
Appeals	85	9	1	1	2	2	94	2	92
Lower	84	11	1	1	2	1	95	2	93
Total	84	11	1	1	2	1	95	2	94

	Strng Supp	Smwt Supp	Smwt Opp	Strng Opp	DK	Blk	Total Supp	Total Opp	Supp -
29 Independent citizen boards should be established to inform the public about misleading or inaccurate advertising in judicial campaigns									
Supreme	41	30	6	5	14	2	72	12	60
Appeals	41	29	10	10	9	2	70	19	51
Lower	39	31	10	8	10	1	70	18	52
Total	39	31	10	8	10	1	70	19	51
30 States should limit campaign contributions to judicial candidates									
Supreme	51	16	10	9	12	2	68	19	49
Appeals	44	27	7	12	7	2	71	20	52
Lower	45	27	10	10	7	1	71	21	51
Total	44	27	10	11	6	1	71	21	50
31 Judges should be prohibited from presiding over and ruling in cases when one of the sides has given money to their campaign									
Supreme	35	20	20	15	7	3	55	35	20
Appeals	29	24	20	20	4	2	53	40	13
Lower	34	24	20	16	5	1	58	36	22
Total	32	24	21	17	5	2	56	37	19
32 Judicial candidates should condemn negative or misleading advertising done on their behalf									
Supreme	74	16	3	-	4	2	90	3	87
Appeals	79	14	1	1	3	2	93	2	91
Lower	79	13	2	1	4	1	92	3	90
Total	79	13	2	1	3	1	93	3	90
33 Judicial candidates should commit to not making misleading or unfair accusations about opponents during elections									
Supreme	88	6	1	1	3	2	94	1	93
Appeals	90	6	0	0	2	2	96	1	95
Lower	91	5	1	0	1	1	96	1	95
Total	91	5	1	0	1	1	96	1	95

	Strng Supp	Smwt Supp	Smwt Opp	Strng Opp	DK	Blk	Total Supp	Total Opp	Supp - Opp
34 Judicial candidates should never make promises during elections about how they will rule in cases that may come before them									
Supreme	95	1	-	-	3	2	95	-	95
Appeals	96	1	1	-	1	2	97	1	96
Lower	94	3	1	0	1	1	97	1	96
Total	95	2	1	0	1	1	97	1	96

(ref:PROPOSLS)

Q.35 Here is a summary of a proposal that would change the way state elections for judges are financed.

Under this proposal, judicial candidates would no longer raise money from private sources. Instead, each candidate would receive a set amount of money from a publicly financed election fund. Spending by candidates would be limited to the amount they receive from the fund.

Based on this statement, would you strongly support, somewhat support, somewhat oppose, or strongly oppose such a proposal?

	Supreme	Appeals	Lower	Total
Strongly support	34	27	30	30
Somewhat support.....	30	31	31	31
Somewhat oppose.....	11	10	11	11
Strongly oppose.....	13	22	18	18
(Neither)	4	2	3	3
(Don't know/refused).....	7	7	6	6
(Blank).....	2	2	1	1
Total support	64	58	61	61
Total oppose	23	32	29	29
Support - Oppose	40	26	32	31

(ref:PUBFINAC)

Q.36 Here is a summary of a proposal that deals with the way judges are selected.

Under this proposal, a non-partisan panel of citizens, legal professionals, and civic leaders evaluates and recommends potential judges to the governor. The governor then chooses a nominee from the list who must then be confirmed by the state legislature. After each term, the public then votes on whether a judge should keep the seat or be removed from office. If a judge is rejected, the selection process starts again.

Based on this statement, would you strongly support, somewhat support, somewhat oppose, or strongly oppose such a proposal?

	Supreme	Appeals	Lower	Total
Strongly support	32	20	19	19
Somewhat support	27	24	27	27
Somewhat oppose.....	8	16	14	14
Strongly oppose.....	31	35	34	35
(Neither)	1	2	2	2
(Don't know/refused).....	1	2	2	2
(Blank).....	1	1	1	1
Total support	59	44	46	45
Total oppose.....	39	51	48	50
Support - Oppose.....	20	-6	-2	-4

(ref:MERIT)

Q.37 In what year were you born?

	Supreme	Appeals	Lower	Total
18 - 24	-	-	-	-
25 - 29	-	-	-	-
30 - 34	-	-	0	0
35 - 39	-	0	1	1
40 - 44	2	2	6	6
45 - 49	6	9	16	15
50 - 54	23	25	28	27
55 - 59	26	21	23	22
60 - 64	17	18	15	15
Over 64.....	21	20	8	10
No answer.....	5	4	3	3

(ref:AGE)

Q.39 What is your race?

	Supreme	Appeals	Lower	Total
White	89	89	87	87
Black	5	4	5	5
Hispanic/Latino	3	2	3	3
Other.....	1	2	2	2
(Blank).....	3	3	3	3

(ref:RACE)

Q.40 How would you classify the judiciary in your state?

	Supreme Appeals	Lower	Total
Very liberal.....	1	1	1
Somewhat liberal.....	7	8	8
Moderate	51	46	46
Somewhat conservative.....	32	35	35
Very conservative.....	4	6	5
Don't know	1	2	3
(Blank).....	4	2	2

(ref:JUDCLASS)

Q.42 In your current position, were you initially appointed to fill a vacancy or were you elected?

	Supreme Appeals	Lower	Total
Appointed to fill vacancy	64	57	54
Elected.....	26	35	40
Not applicable	8	6	4
(Blank).....	2	2	2

(ref:CURRENT)

Q.44 Do you consider your court's jurisdiction to be mainly urban, suburban, small town, mixed, or rural?

	Supreme Appeals	Lower	Total
Urban.....	7	20	33
Suburban	1	3	11
Small town	2	1	11
Mixed	68	66	32
Rural.....	2	2	11
Other.....	18	6	0
(Blank).....	3	2	1

(ref:CRTTYPE)

Q.45 Generally speaking, which of the following best describes yourself?

	Supreme Appeals	Lower	Total
Strong Democrat	14	18	17
Weak Democrat.....	9	11	11
Independent-lean Democrat	16	16	16
Independent.....	25	13	16
Independent-lean Republican.....	7	9	10
Weak Republican	10	13	13
Strong Republican.....	9	15	11
(Blank).....	11	7	6

(ref:PTYID7)

Q.38 What is your gender?

	Supreme Appeals	Lower	Total
Male	72	80	79
Female.....	26	19	19
(Blank).....	2	2	2

(ref:GENDER)