

The Role of Justice in Building Sustainable Community Relations

Perceptions of Justice



Presented by - Deryl G. Hunt, J.D. and Kevin R. Jones, J.D.

Conflict In the Justice System? Where?



- The Justice system is an organized effort by society to keep the peace.
- The purpose of the justice system is to provide means for conflict resolution.
- The way in which the justice system attempts to resolve conflict inevitably leads to more conflict – More on this later.
- Socio-economic disparity factors into how individuals view the justice system.
- Select racial groups have indicated a great degree of skepticism regarding the fairness of the justice system.
- For a more thorough exploration of problems plaguing the justice system see the soon to be released publication . . .

The Administration and Practice of Justice



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Statement of the Problem



To what extent does permissiveness in interpreting the law influence perceptions as to the quality of justice administered by officials?

Or, stated differently,

How does a judicial official's preference in interpreting law (liberal, conservative, or somewhere in between) affect the public's perception that a fair result is being reached?

Why Focus on Perception of Justice?



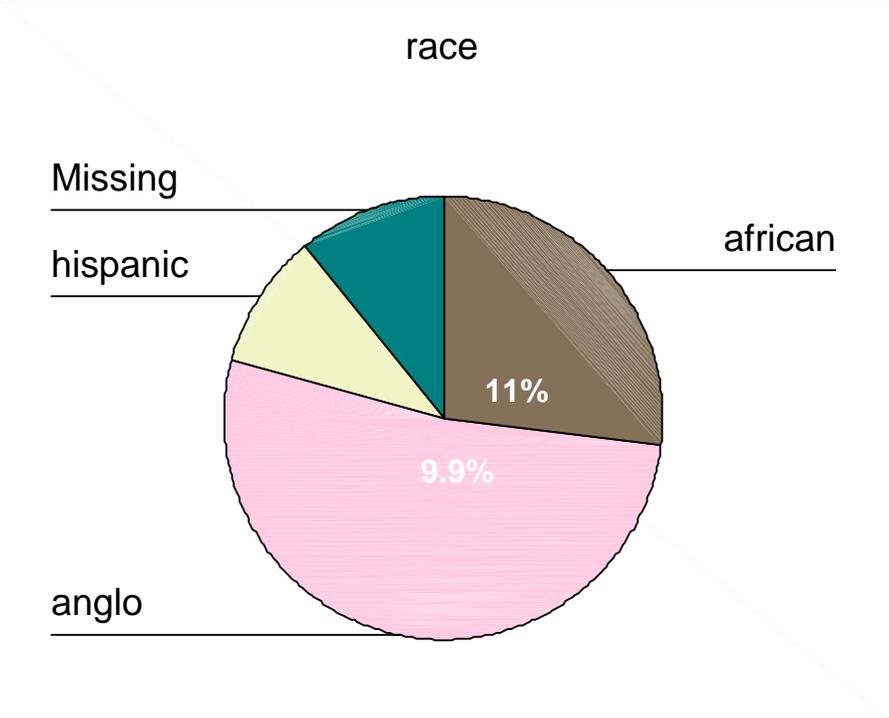
- Facts objectively tell “what is”.
- Perception tells how the individual subjectively views the facts.
- Perceptions arise from a combination of objective facts, environmental influences, and the individual’s core beliefs.
- This study is interested in the root cause of inequality of justice.
- This root cause can best be realized by learning what participants in the court process believe to be true.

The Survey

- 465 questionnaires were distributed to various judges, lawyers, and law students around the country.
- The subjects were chosen randomly by the researchers making contact with various law schools, law offices, and courts.
- The subjects were asked to voluntarily fill out a written survey developed by the researchers.
- The majority of the respondents:
 - were under 35 years of age -- 71.1%,
 - were law school students -- 61.3%,
 - were males -- 56.3%
 - earned less than \$25,000 per year - 56.5%



Demographic: Race



race		Frequency	Percent
Valid	african	125	26.9
	anglo	243	52.3
	hispanic	46	9.9
	Total	414	89.0
Missing	System	51	11.0
Total		465	100.0

Sub-Hypotheses Anglo Compared with Empirical Results

	Fair	Somewhat Fair	Unfair
Liberal			●
Centrist		●	
Conservative	●		

	Fair	Somewhat Fair	Unfair
Liberal	26.3%	44.2% ●	29.5%
Centrist	43.5% ●	30.6%	25.9%
Conservative	43.1% ●	37.3%	19.6%

The foregoing tables show that that the hypothesized relationship underestimates the Anglo respondent's perception of fairness. It is apparent that Anglos as a whole indicated a strong perception of fairness in the Unites States' Justice System.

Sub-Hypotheses Hispanic Compared with Empirical Results

	Fair	Somewhat Fair	Unfair
Liberal		●	
Centrist		●	
Conservative	●		

	Fair	Somewhat Fair	Unfair
Liberal	23.5%	52.9% ●	23.5%
Centrist	42.1% ●	31.6%	26.3%
Conservative	66.7% ●	22.2%	11.1%

The foregoing tables show that the hypothesized relationship underestimates the Hispanic-American respondent's perception of fairness.

Sub-Hypotheses African-American Compared with Empirical Results

	Fair	Somewhat Fair	Unfair
Liberal			●
Centrist		●	
Conservative		●	

	Fair	Somewhat Fair	Unfair
Liberal	24.2%	27.3%	48.5% ●
Centrist	15.4%	20.5%	64.1% ●
Conservative	23.1%	23.1%	53.8% ●

Upon viewing the foregoing two tables it is clear that African-Americans, regardless of whether indicating a Liberal, Centrist, or Conservative preference, feel overwhelmingly that the justice system is unfair. A full 53.8% of African-Americans who indicated a preference for conservative interpretation of law stated that an opinion that the justice system is unfair.

Administration of Justice Highlights

- ✓ The study does not purport to analyze the degree of injustice in the United States. The focus is rather on perception. The study underscores the difference between the theory of justice for all and the results perceived by those involved in the system. This divide between the theory and the subject's perception in practice is of great concern.
- ✓ Perception of justice varies amongst the groups that are the subject of this study with race in particular standing out as the one variable in which greatly divergent differences of opinion are evident.
- ✓ It is clear that the promise of justice-for-all is not being realized as perceived by African-Americans.
- ✓ The study calls for a more thorough examination to assess why a divide exists between the theory of equal justice and justice in practice.

Adversarial Nature of the Justice/Legal System

The Theory – Two opposing sides fighting to reach a goal that is most beneficial for their respective clients.



- Assuming both sides are evenly matched, the outcome should lie somewhere in the middle – The desired result: **Justice**
- Criminal Law
 - Prosecutor
 - Defense Attorney/Public Defender
- Civil Law
 - Two opposing lawyers with competing interests

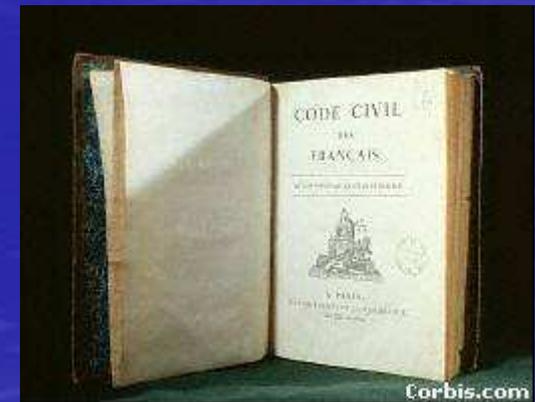
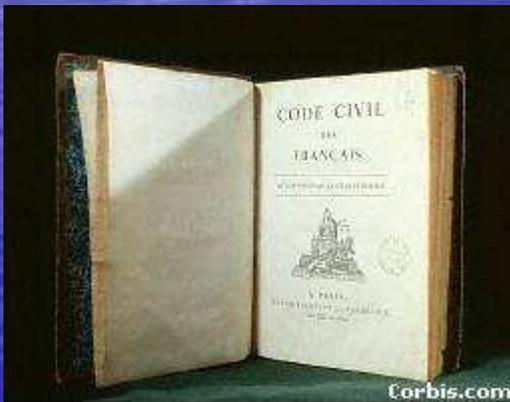
Dealing with Conflict



- What is the real conflict?
- Who has the conflict?
- Only by first resolving conflict from within can one begin to address conflict from without
- The Ellison Model as an alternative method to conflict resolution

Effective Conflict Resolution using the Ellison Model Concept – Information, Knowledge, and Wisdom

- Information – the recitation of raw facts/data
- Knowledge – the accumulation and processing of raw fact/data into manageable form/frame of reference
- Wisdom – a prudent application of knowledge revealing the true intent of the writer/lawgiver



Justice/Legal System Training – Looking for Akili

- In this series of exercises, the participant is to find Akili. Akili is not a person but, rather, a way of thinking.
- In the African language, Swahili, Akili means clever, intellect, and wisdom.
- The following exercise celebrates knowledge in the field of justice.



Definition of Justice

- The *New World Dictionary* defines Justice as follows:
 - 1.) being righteous
 - 2.) fairness
 - 3.) rightfulness
 - 4.) reward or penalty as deserved
 - 5.) the use of authority to uphold what is just and
 - 6.) the administration of law
- Fair or right is not universally agreed upon
- Normative definition of justice



Case Study 1

Asthma does not Rise to the Level of a Disability



Consider whether Akilian Justice has been rendered

Asthma does not Rise to the Level of Disability

- At one point, children with disabilities were segregated from the general school population, but today, Congress has declared that including the student in the general curriculum if possible enhances a student's education.
- In Pass County, Florida, Little Miss was suspended from school for 2 days for carrying an asthma inhaler in her purse at school. The school's policy only permitted medicines to be kept in the school clinic. The parents of Little Miss protested the suspension, arguing that their daughter had been discriminated against because of her disability in violation of Section 504 and Title II of the Americans with Disabilities Act (ADA).
- There was a hearing on this matter and the hearing officer declared that the child's condition did not rise to the level of disability. As such, the child was subjected to the same school policy as students without asthma. In your opinion, was justice served?

Case Study 2

Black v. Pass County Board Of Education: When Desegregation leads to Resegregation



Consider whether Akilian Justice has been rendered

Black v. Pass County Board Of Education:

When Desegregation leads to Resegregation.

- School desegregation is a Fourteenth Amendment right under the Constitution. The Constitution states “no state shall deny to any person within its jurisdiction the equal protection of the laws”. The Supreme Court ruled in 1955 in Brown v. Board of Education of Topeka that separate was not equal. The Court ruled that separate educational facilities for different races are inherently unequal and that federal courts were empowered to eliminate all vestiges of state-imposed segregation.
- Pass County, Florida falls under the federal desegregation decree of the Supreme Court. Like many school districts, it established a magnet program to attract white students to its inner city school. The board of education established no geographical attendance base for its magnet program. It did, however, cap the enrollment at 50% for any particular race. The enrollment for black students reached the 50% max in 1995, two years after its inception. Each year since 1995, the magnet program has been under capacity by an average of 300 students.
- During the 1999-2000 school year concerned parents and students protested Pass County’s admission policies on the basis that the policies discriminate against black students, and therefore was unconstitutional. Failing to resolve the dispute led to a court action requesting that the decree be dissolved. The Pass County School Board fought to keep the decree alive. Did the school board do the right thing?

Question and Answer Session



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