

# Meskwaki Tribal Court Court Report

2023 Surveys



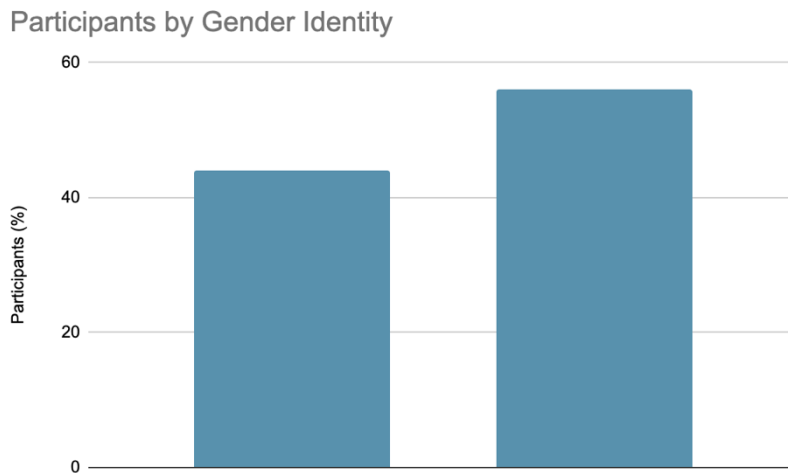
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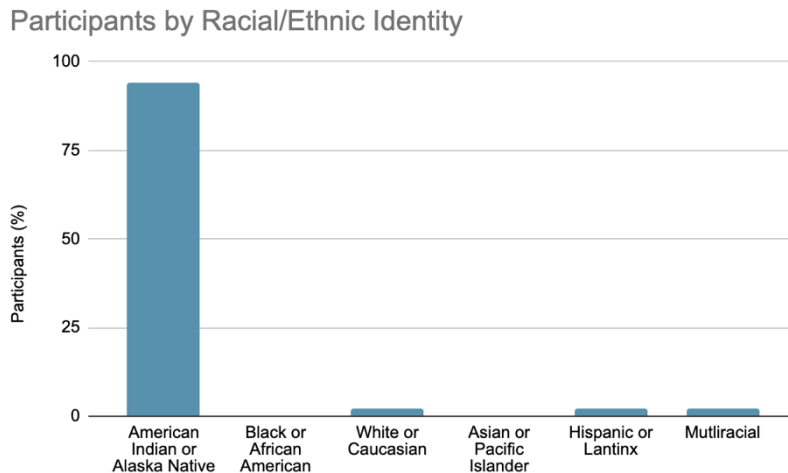
## I. Introduction and Survey Demographics<sup>1</sup>

In June and August of 2023, our research team conducted roughly 25 hours of court observations in Meskwaki Tribal Court. We also administered 12 litigant surveys and 56 community member surveys. In what follows, we overview our preliminary survey findings. Here, we provide a demographic overview of survey participants. 57% of participants identified as male, and 43% identified as female. Meskwaki participants overwhelmingly self-identified as Native American (91%).

**Figure 1.** Participants by Gender



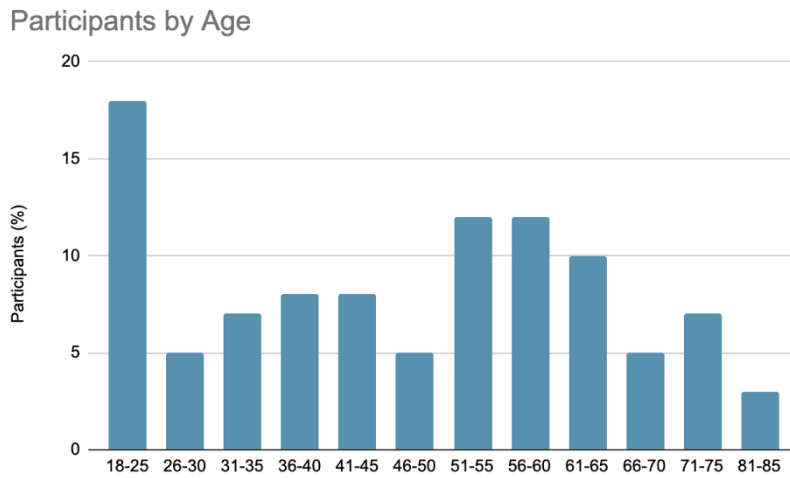
**Figure 2.** Participants by Race/Ethnicity



<sup>1</sup> Throughout this report, some figures contain percentages and others contain real numbers. Those containing percentages represent data combining the litigant surveys and the community surveys, while those with real numbers are limited to litigant surveys.

Our survey captured responses from a wide age-range at Meskwaki Tribal Court, though this is likely a result of combining the litigant surveys with the community surveys. Participants who had a court case tended to be in younger age groups.

**Figure 3.** Participants by Age Group

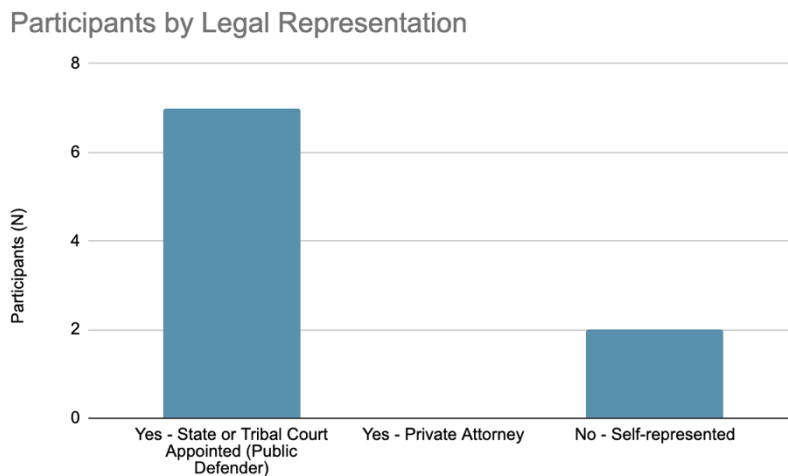


## II. Legal Representation, Resources, and Health Impacts

At the start of each survey, we asked participants about their legal representation, whether and how they prepared for their hearing, and the impact of the case on their health and well-being.

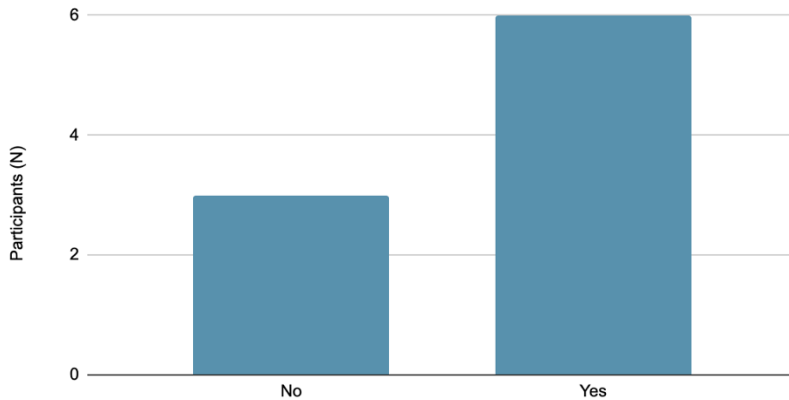
At Meskwaki Tribal Court, the majority of participants (71%) reported that they did not use any online self-help resources or reach out to someone for assistance to prepare for their hearing. This is comparable to participating rural courts, where most participants either did not or could not successfully locate assistance to prepare for their hearing.

**Figure 4.** Survey Question: *Did a lawyer represent you?*



**Figure 5.** Survey Question: *To prepare for your hearing, did you use any online resources or reach out to anyone for help?*

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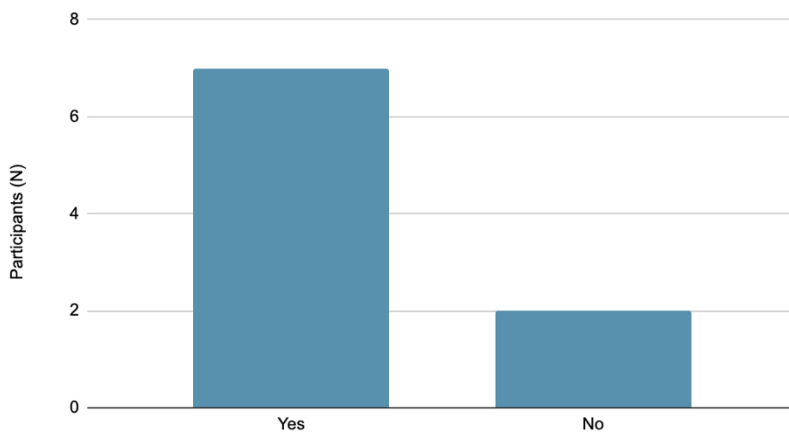


Among Meskwaki participants who used established resources or community supports to prepare for their hearing, half mentioned reaching out to their Public Defender or attorney (50%), and others visited a law library (17%) or sought advice from online legal advice websites (17%).

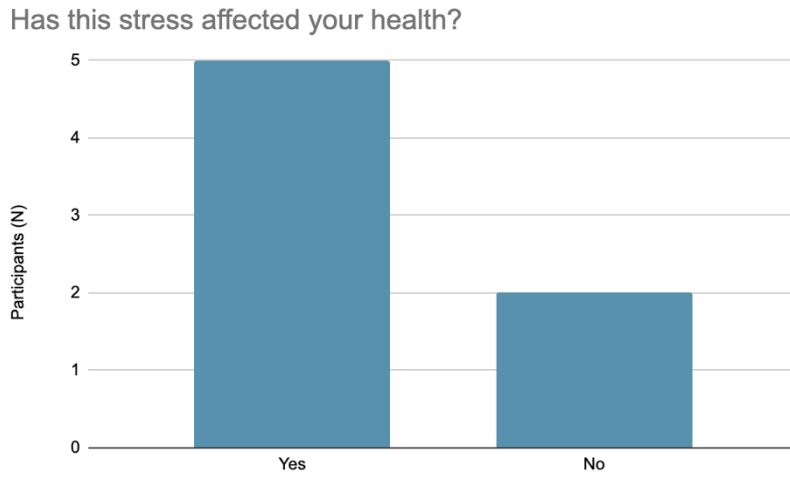
Participants across all courts reported that their legal case caused them stress. Among Meskwaki participants, 86% said their legal case had caused them stress, 83% said that this stress had a negative impact on their health over time, and 72% said that the stress has affected other areas of their life (i.e. disinterest in regular activities, loss of time for work, etc.).

**Figure 6.** Survey Question: *Has your legal case caused you stress?*

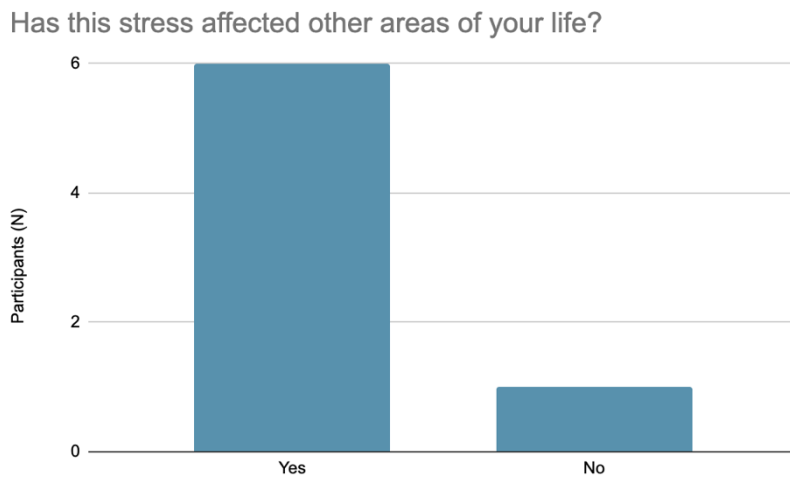
Has your legal case caused you stress?



**Figure 7.** Survey Question: *Has this stress affected your health?*



**Figure 8.** Survey Question: *Has this stress affected other areas of your life?*



**Follow-up Question:** *In what ways has this stress affected other areas of your life?*

*"A depressed feeling, wanting to sleep more."*

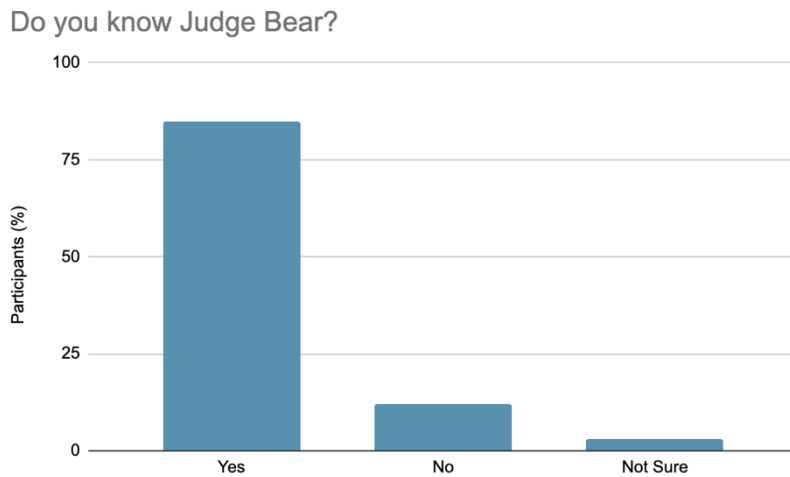
*"Losing sleep."*

### III. Court Experience and Place-Based Questions

Survey participants were asked several questions related to their experience in court, their perception of the Judge, and their feelings about or familiarity with the geographic area.

Most survey participants said they knew Judge Bear (85%). This is comparable to participant responses in other participating tribal courts. Nearly all Meskwaki participants reported positive perceptions of both the judge, the court, and their experience in court.

**Figure 9.** Survey Question: *Do you know Judge Bear?*

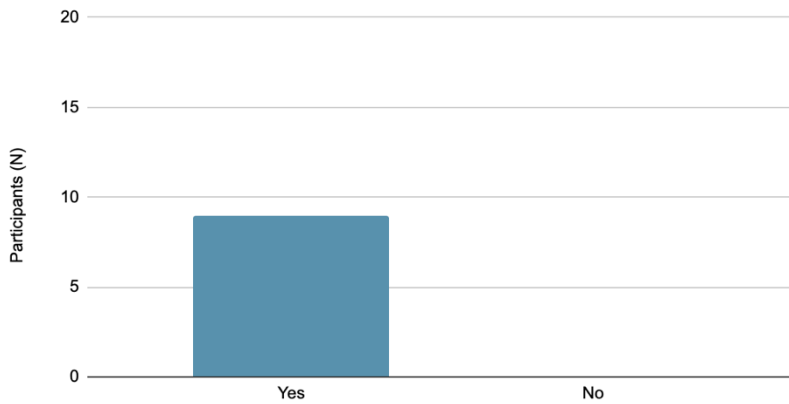


As shown below, Meskwaki participants felt they had an opportunity to make their case and most said they felt Judge Bear paid attention to what they had to say, the judge was fair, and they were satisfied with the judge's decision.

**Figure 10.** Survey Question: *Do you feel like you [or your lawyer] had the opportunity to make your case today?*

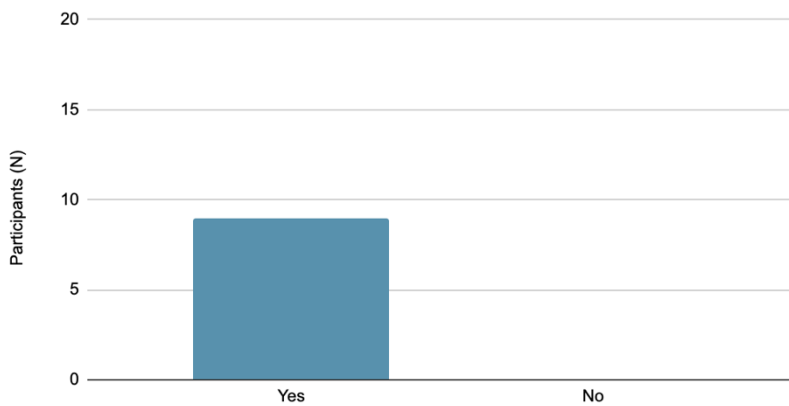


Do you feel like you or your lawyer had the opportunity to make your case today?



**Figure 11.** Survey Question: *Do you feel like the judge was paying attention to what you had to say?*

Do you feel like the judge was paying attention to what you had to say?



**Follow-up Question: *How do you know?***

*"I didn't meet with the judge today, but she's always really nice. I like that she makes sure I understand what's going on. I like that."*

*"Looks at me directly."*

*"How she responded to me."*

*“She answered my questions and made eye-contact. No reason to believe she was not listening.”*

*“She responded; she always communicates really good.”*

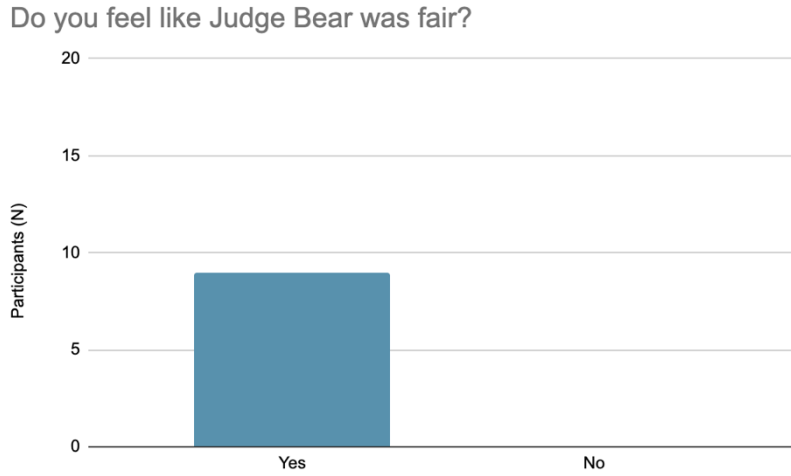
*“She’s a community member, you just know each other.”*

*“Eye contact.”*

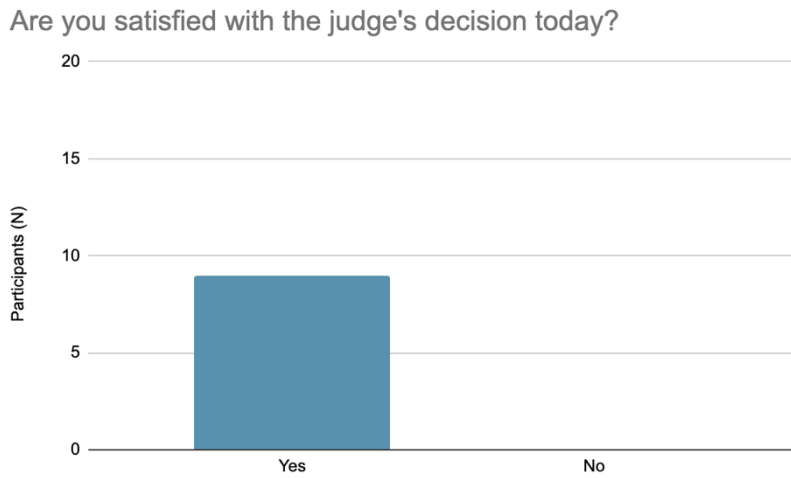
*“Her questions, ‘Do you understand what I just said?’ And if I don’t, she’ll say, ‘What part of what I said don’t you understand?’ And sometimes it’s just one word, and she’ll say, ‘Well, that means...’ and then she will break it down. And then if I still don’t understand, she’ll put it another way. I think for Meskwaki, we need ESL. There are words that we just don’t understand. [We don’t realize we’re speaking Meskwaki to each other.]”*

*“Way she talks, eye contact.”*

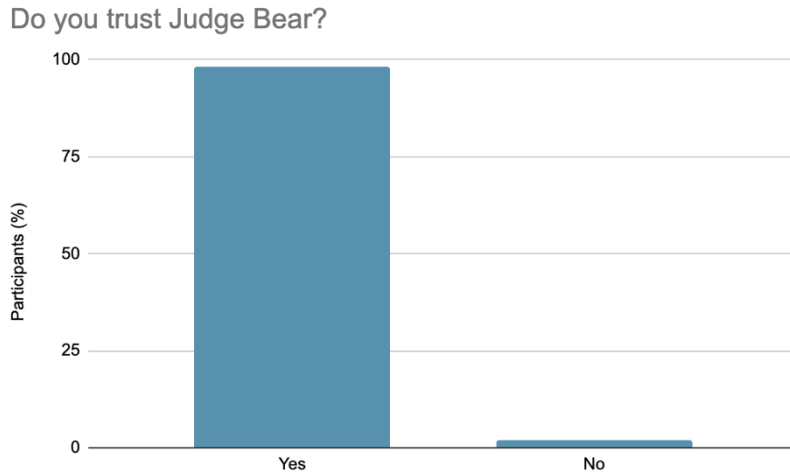
**Figure 12.** Survey Question: *Do you feel like Judge Bear was fair?*



**Figure 13.** Survey Question: *Are you satisfied with her decision today?*



**Figure 14.** Survey Question: *Do you trust Judge Bear?*

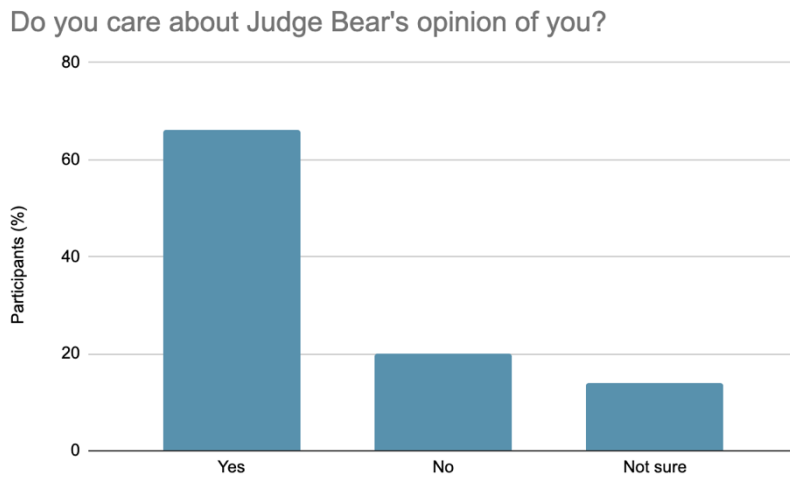


**Participant Comments:**

*“Yes, I believe she takes her work very seriously and she is professional. She carries herself professionally and also as a respectable and important member of the community at all times.”*

*“I trust her with my children, I trust her with my mom. She’s given my mom guardianship, and she asked, ‘Are you okay with this?’ and I said, ‘Of course, I know I’m not living well.’”*

**Figure 15.** Survey Question: *Do you care about Judge Bear’s opinion of you?*



**Participant Comments:**

*"In the back of my mind, I care about what everyone thinks of me."*

*"Yes, I feel ashamed when I have to come to court for something. But they always look out for me, they have the best interests for me in their heart."*

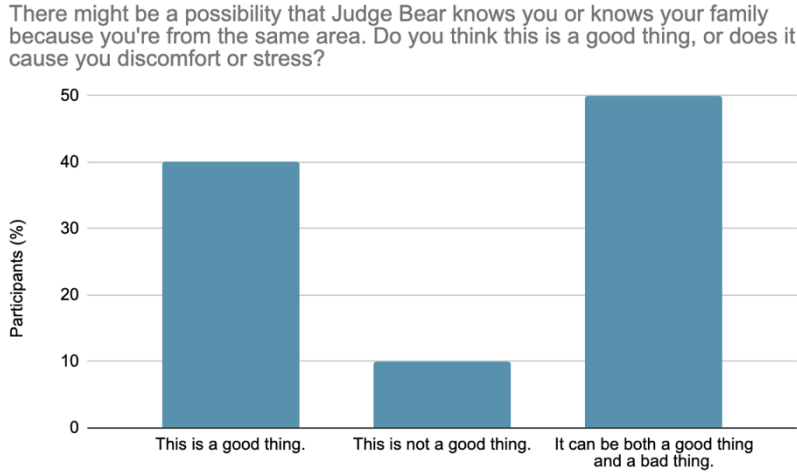
*"She is very fair."*

*"I'd like to say no, but yeah."*

*"She is professional, and she takes care to weigh evidence. I feel reassured that she conducts duties professional and has a lot of skill in applying justice to the community."*

*"I don't know her personally, but I do care in court."*

**Figure 18.** Survey Question: *There might be a possibility that Judge Bear knows you or knows your family because you're from the same area. Do you think this is a good thing, or does it cause you discomfort or stress?*



**i. Meskwaki Participant Comments: This is a good thing.**

*“As long as they can maintain professionalism and the litigant understand the judge has two different roles (judge and community member). Sometimes you have to give family the book. You got to be fair, not cut corners.”*

*“If she does her job.”*

*“I would trust her to be a good judge. Trust her instincts regardless of win or lose.”*

*“That way, they’re familiar with them and it reduces any kind of stigma or fear—to see a judge as just normal people.”*

*“I don’t think there is anything wrong with it, she seems to be fair. And most of the time, if you’re in court, you did something [laughs].”*

*“She will know about where we came from, and she would then know us personally.”*

*“it’s easy to speak my mind when it’s someone I know.”*

*“Sometimes I don’t know if I should call her Judge Bear. Mom said we should address by first name when in the community.”*

**ii. Meskwaki Participant Comments: This is not a good thing.**

*“It could cause stress because there could be issues with family in the past, and the judge might try to get ‘em for that.”*

**iii. Meskwaki Participant Comments: It can be both.**

*“It is definitely both. As a Native American woman, I will always feel better working with Native American women whether it is in business, health, justice, any professional consultations. I feel*

*more understood as a human being than I do when with a non-Native and sometimes when with males. But I trust Judge Bear's ability to be fair on each side."*

*"Depends on the case. But Jessica, she's not one to deal with the family and stuff. She has someone else do it, which is good."*

*"She is aware of where her conflicts are."*

*"No feeling either way."*

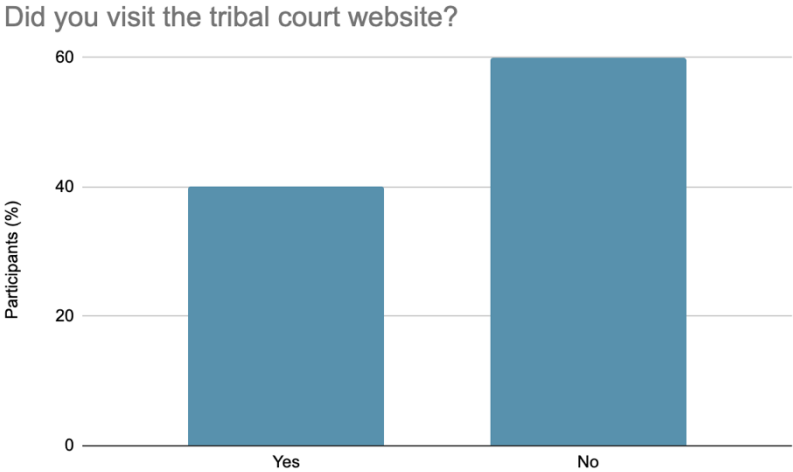
*"It would be frowned on if people knew, but she put it out there that we are related."*

*"Depends on the case."*

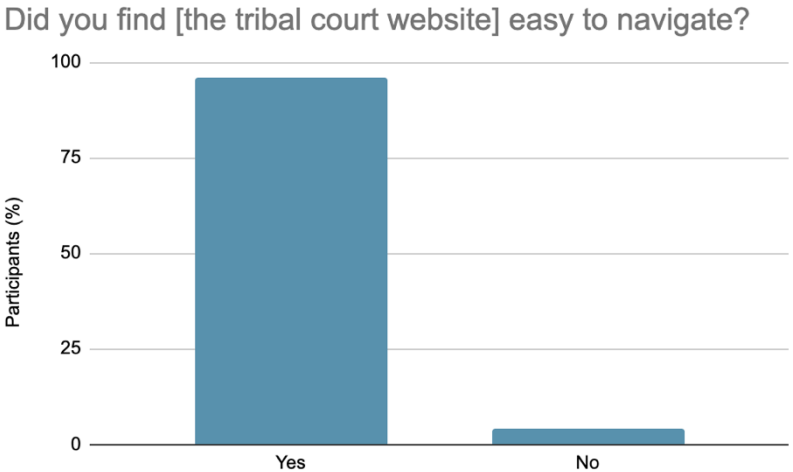
*"It's part of being in a small community."*

*"Sometimes a conflict of interest. Sometimes in the court system, in jail, or in cops—I've gotten pulled over, and they're like. 'T, I wish this wasn't you. I would I could look away, but I have to do my job.' And, I get it."*

**Figure 19a.** Survey Question: *Did you visit the tribal court website?*

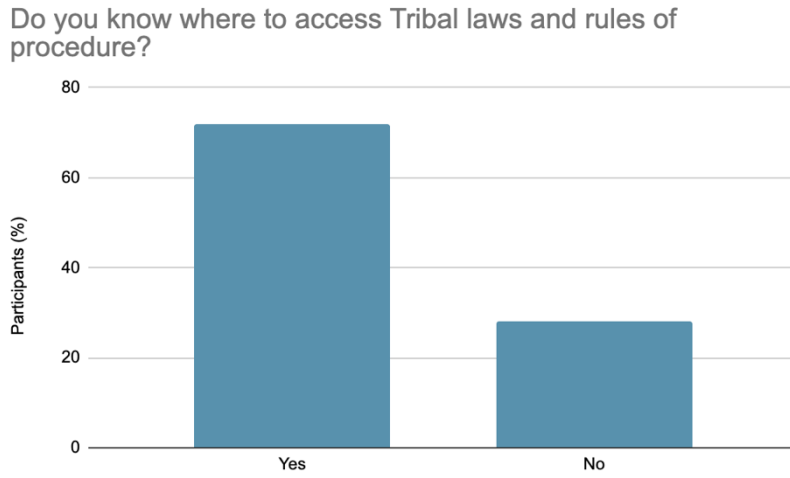


**Figure 19b.** Survey Question: *Did you find [the tribal court website] easy to navigate?*

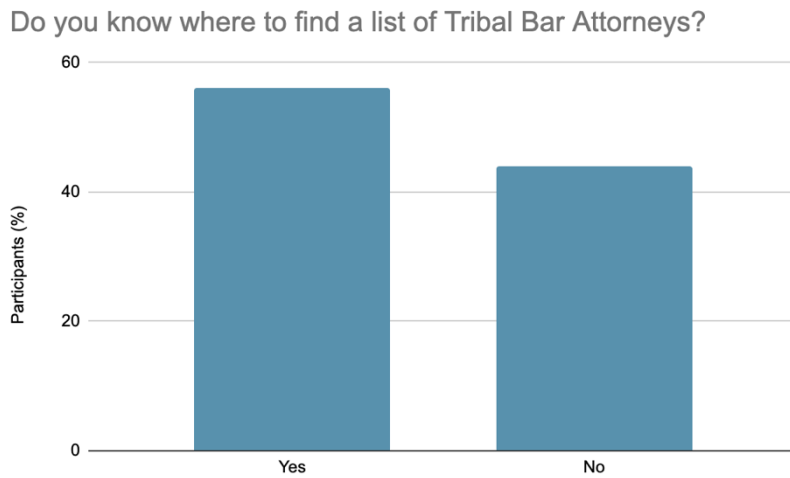




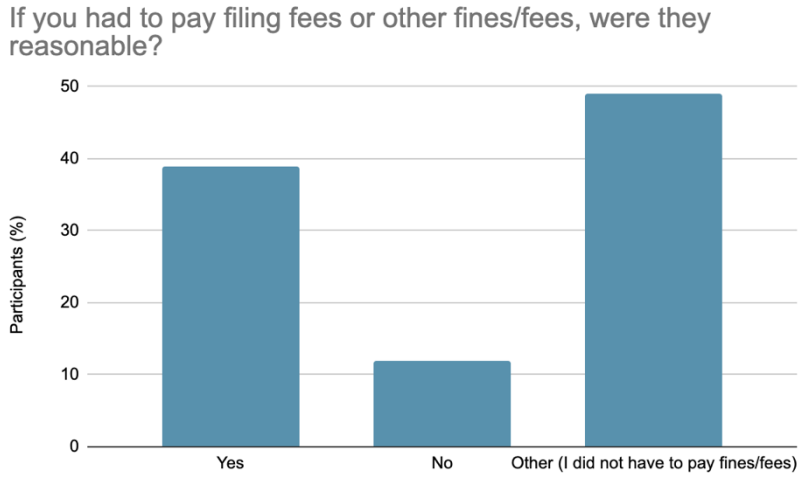
**Figure 19c.** Survey Question: *Do you know where to access Tribal laws and rules of procedure?*



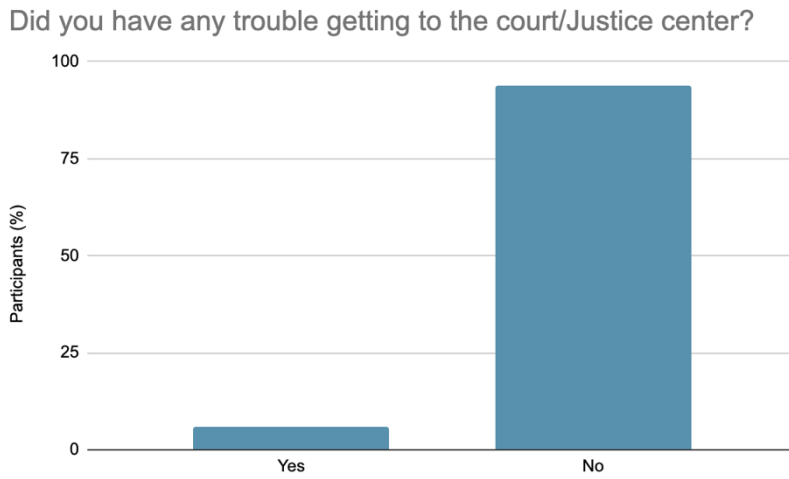
**Figure 19d.** Survey Question: *Do you know where to find a list of Tribal Bar Attorneys?*



**Figure 19e.** Survey Question: *If you had to pay filing fees or other fines/fees, were they reasonable?*

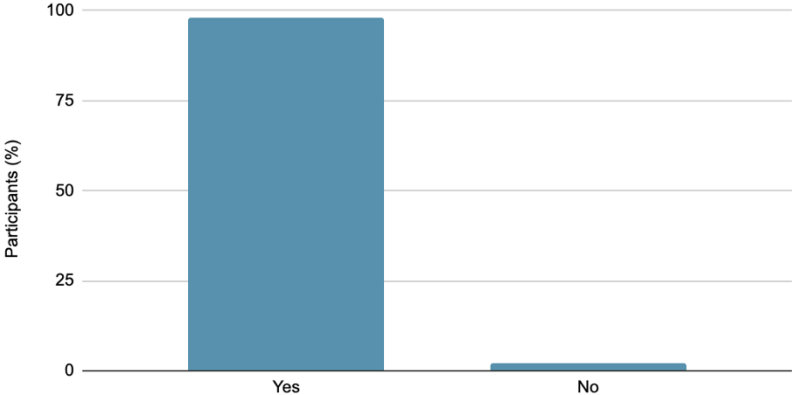


**Figure 19f.** Survey Question: *Did you have any trouble getting to the court/Justice center?*



**Figure 19g.** Survey Question: *When you arrived at Meskwaki Tribal Court, did you feel welcome?*

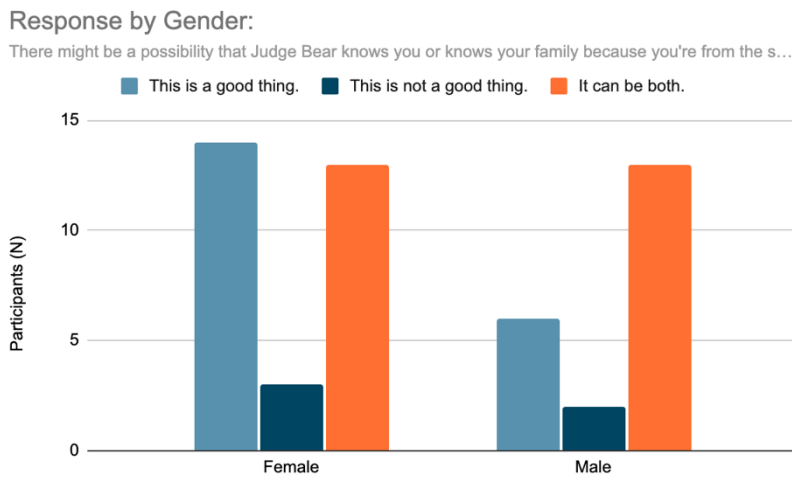
When you arrived at Meskwaki Tribal Court, did you feel welcome?



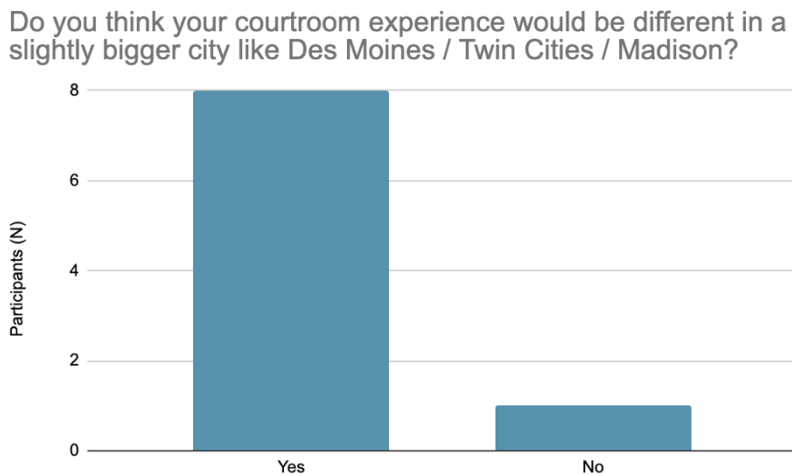
## IV. Identity and Litigant-Judge Concordance

In the figures below, we include breakdowns of the comparative data we've collected so far from Meskwaki Tribal Court. We analyze these data via litigant demographics (and we explore the extent to which litigants value "concordance," or a shared gender, racial, or place identity, with the judge.

**Figure 20.** Response by Gender: *There might be a possibility that Judge Bear knows you or knows your family because you're from the same area. Do you think this is a good thing, or does it cause you discomfort or stress?*



**Figure 21.** Survey Question: *Do you think your courtroom experience would be different in a slightly bigger city like Des Moines / Twin Cities / Madison?*



**Follow-up Question: *Why do you think your courtroom experience would/would not be different in a slightly bigger city like Duluth or Eau Claire?***

*"Fine would've been higher."*

*"I would have been very stressed out. I don't like cities."*

*"They don't have time to deal with the people they have."*

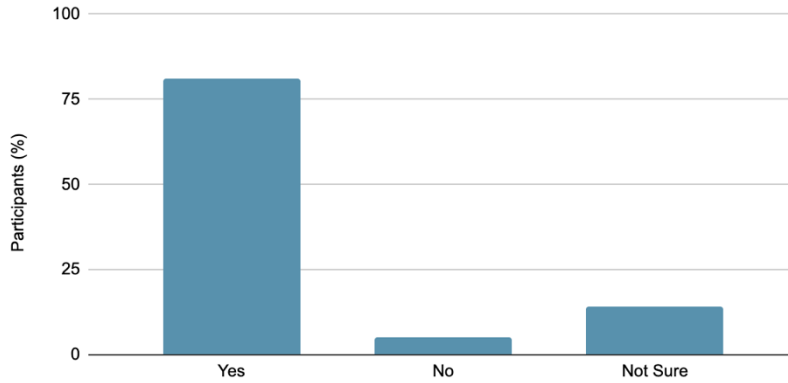
*"Racism. It's not hard to miss, it's right there."*

*"I think it would've been harsher because the amount of people they see committing these crimes, they'd think, 'Oh, you're just another one of them.' And considering [my charges], those shouldn't be taken lightly, because some of the criminals who commit those, they need...a close watch on them."*

*"Yeah, probably be through in jail. Racism. 'She's Indian, just put her in jail!'"*

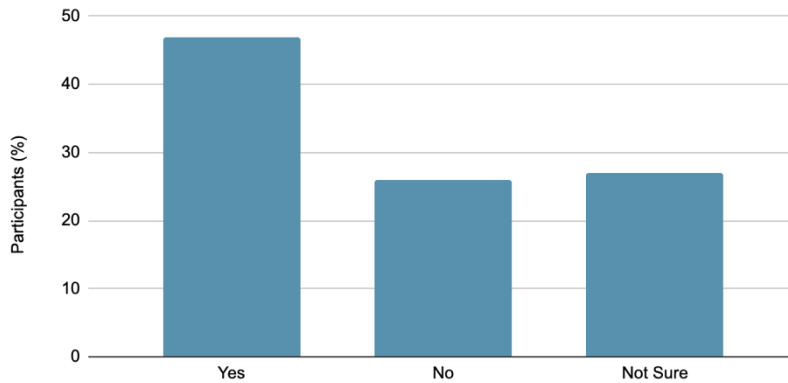
**Figure 22.** Survey Question: *If the judge and the person before them are from the same place, do you think the judge is better able to understand where the person is coming from? [i.e., the person's experience?]*

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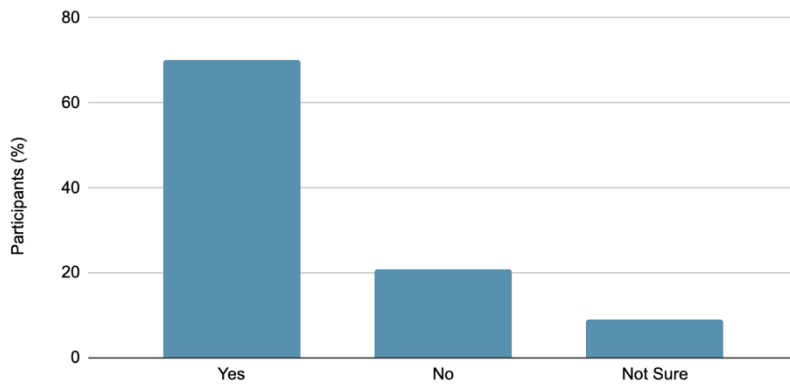
**Figure 23.** Survey Question: *If the judge and the person before them are the same gender, do you think the judge is better able to understand where the person is coming from? [i.e., the person's experience?]*

If the judge and the person before them are the same gender, do you think the judge is better able to understand where the person is coming from? [i.e., the person's experience?]



**Figure 24.** Survey Question: *If the judge and the person before them have the same racial or ethnic background, do you think the judge is better able to understand where the person is coming from? [i.e., the person's experience?]*

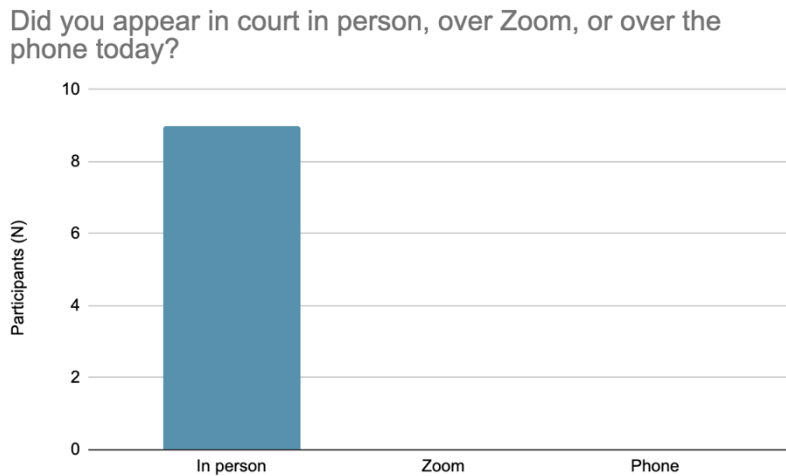
If the judge and the person before them have the same racial or ethnic background, do you think the judge is better able to understand where the person is coming from? [i.e., the person's experience?]



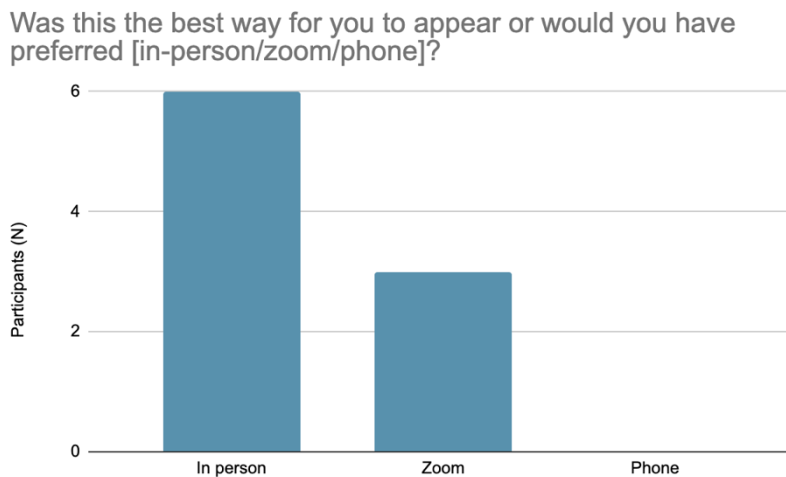
## V. Appearance Type and Preference

Given the ongoing COVID-19 pandemic, survey participants appeared in court through different means (in person, over Zoom, or over the phone). We asked participants how they appeared for their hearing, and whether this was the best way for them to appear, or if they would have preferred a different type of appearance.

**Figure 25.** Survey Question: *Did you appear in court in person, over Zoom, or over the phone today?*



**Figure 26.** Survey Question: *Was this the best way for you to appear or would you have preferred [in-person/zoom/phone]?*



### Participant Comments:

*“Having both as an option is nice.”*

*“I have a hard time hearing people on the phone and you can’t see their faces or reactions, and everything counts on that.”*



*"You can read a lot off a person's body language and sincerity (the defendant's)."*

*"Feels more authentic."*

*"Convenience [of Zoom]."*

*"Would've preferred Zoom."*

*"If I HAD a laptop, I'd prefer [Zoom]. Less rushing around."*