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SURVEY OF JUDGES ON  
THE ROLE OF COURTS IN  
AMERICAN SOCIETY, 1979

(ICPSR 7824)

CLASS IV

PRINCIPLE  
INVESTIGATORS

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and White, Inc.

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Yankelovich, Skelly, and White, Inc.;

SURVEY OF JUDGES ON THE ROLE OF COURTS IN AMERICAN SOCIETY, 1979.  
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The U.S. Department of Justice Office for Improvements in the Administration of Justice authorized this survey of judges on the role of courts in American society. The role of courts, rather than encompassing issues of policy-making, is more narrowly focused on issues of caseload management.

Federal and state judges in five districts (Milwaukee/Eastern Wisconsin, South Carolina, Philadelphia/Eastern Pennsylvania, Albuquerque/New Mexico, and Los Angeles/Central California) were questioned about the amount of time they spent on routine judicial activities, the time spent on certain types of cases, their techniques for reducing or more expeditiously handling heavy caseloads, and their suggestions for extra-judicial dispute settlement processes that could serve as alternatives to courts.

Variables include judges' legal education and experience, types of cases heard in the previous year, percent of time spent on particular types of cases, characteristics of cases requiring excessive time, and techniques for caseload management.

The collection contains approximately 250 variables for each of the 104 respondents and has a logical record length of 720. Class IV

U.S. Department of Justice  
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#### I. INTRODUCTION

One of the central questions asked about the judicial system in this country concerns types of issues which are brought to the courts for resolution. This question has taken on greater meaning in recent years with the dramatic increase in the number of civil cases being heard by courts at all levels of the judicial system. Jurists who previously spent most of their time hearing criminal cases now devote upward of two-thirds of their time to civil cases.

The growing reliance on the courts for resolution of civil disputes has led to a concern that courts are hearing cases that do not require judicial intervention to resolve. Alternative dispute resolution methods may provide a more efficient and equally fair way to handle such issues. Another matter of concern is the increasing complexity of many issues now being brought to the courts for resolution. With complex matters, the concern is that judges are not sufficiently trained to consider much of the technical subject matter involved. It may be necessary to provide them with assistance in the form of specialized staff or training to cope with the intricacies of certain types of cases.

This survey was conducted in order to obtain from judges, in a relatively structured manner, their views about the specific

types of cases which they currently hear, problems associated with these cases, matters which might be handled differently than they are now. Judges were also asked to describe methods they currently use to expedite cases they now hear.

Data items presented in the tables in this report are occasionally highlighted. A circle  around a number indicates a particularly low or negative response; a square  around a number indicates a particularly high, positive or interesting response.

## II. SAMPLE DESCRIPTION

Both federal and state judges sitting in five districts around the country were selected for interviewing. Federal judges chosen actively serve on United States district courts. All state judges interviewed preside over state courts of general jurisdiction. The districts in which interviewing was conducted were chosen because they constitute the sample frame for a larger study of the costs of civil litigation. While these five districts cannot represent the full range of courts throughout the country, they do provide a sample which is representative in terms of region, size, and degree of urbanization.

A total of 104 trial court judges were interviewed: 29 federal judges and 75 state judges (see Table A). This represents about 75% of the federal judges in these districts and 30% of the state judges. In the two recently unified state jurisdictions--South Carolina and Wisconsin--emphasis was placed on interviewing judges who had previously been state circuit judges. Otherwise, state judges were selected randomly, taking into account their distribution throughout the jurisdictions. All federal judges who were available were interviewed.

This survey of judges can only provide generally representative data on attitudes about courts, especially when subgroups (e.g., federal judges only) are considered separately. Because of the limitations of the sample districts, it also might overlook issues which are significant in other parts of the country or overemphasize others which are unique to these districts. However, it does provide considerable insight to the key problems judges perceive with the current case mix being presented to them today. It should be read with this in mind.

11

TABLE A

SAMPLE OF JUDGES

	<u>State Judges</u>		<u>Active Federal Judges</u>	
	<u>Total in District</u>	<u>Total Interviewed</u>	<u>Total In District</u>	<u>Total Interviewed</u>
	No.	No.	No.	No.
<u>District</u>	<u>265</u>	<u>75</u>	<u>41</u>	<u>29</u>
Milwaukee/Eastern Wisconsin	32	19	3	1
South Carolina	25	14	5	3
Philadelphia/Eastern Pennsylvania	92	20	16	12
Albuquerque/New Mexico	14	6	2	2
Los Angeles/Central California	102	16	15	11

### III. OVERVIEW

The increasing number and variety of cases now being heard creates a heavy judicial caseload. Both federal and state judges hear a wide variety of cases. A significant amount of time is spent by most judges on matters which either do not require an individualized deliberation or are not framed as adversarial cases.

In order to cope with a large caseload of disparate elements, most judges depend upon a variety of case management techniques to expedite the discovery process and encourage out of court settlements. Despite the use of such techniques, about half of the judges interviewed feel that some cases take excessive time.

Beyond efforts to manage current caseloads more effectively, most judges believe that alternatives to the courts might be beneficially utilized in some areas. Alternatives are favored sometimes because judges feel that many matters are expendable and can be easily handled by other court personnel and sometimes because nonjudicial remedies are felt to be more appropriate. About half of the judges interviewed would limit access to the courts in favor of an alternative for certain kinds of cases.

Although this study focuses on the role of courts rather narrowly defined in terms of caseload management issues, broader aspects of the role of courts were touched upon. In this regard, most judges expressed a strong belief that the traditional role of courts must be maintained in proportion to the role of the executive and legislative branches. The legislation, implementation, and enforcement of public policy must be accomplished in other branches--not left to the courts.

Entire Code Book  
IS S.P.

1041 (1)

Final Codes

Role of Courts

NOV 10 1980

Q C demo Other Judgeships TA 107/2  
col 108 1st mention, col 109 2nd mention, col 110 3rd  
mention, col 111 4th mention

- col 108/109/110/111
- 1 Municipal Court
- 2 Superior Court
- 3 Commissioner of Court
- 4 Country Court
- 5 Juvenile Court
- 6 Criminal Court
- 7 Civil Court
- 8 State Judge
- 9
- 0 Other (list)
- X
- Y DK/NA (col 108 only)

cols 112 - 115 Not Used

1041 (2)

Q 1b Distinctive Qualities/Characteristics of Area  
No codes - list verbatim by respondent #

Q 2a Law School

- col 135 1st mention, col 136 2nd mention, col 137 3rd mention
- col 135/136/137
- 1 Marquette
- 2 University of South Carolina
- 3 Duke
- 4 USC.
- 5 Harvard
- 6 Yale
- 7 Temple
- 8 Loyola
- 9 Southwestern
- 0 Other (list)
- X University of Pennsylvania
- Y University of Wisconsin

DK/NA = Z

Q 2c Other Fields Earned Degree IN  
TA 138/1

- cols 139 - 148 precoded
- col 149
- 1 Political Science

Note: If political science written "other" and  
coded 148/1 edit out col 148 and code in col 149

Q2e Ways In Which Useful/Not Useful

col 153 1<sup>st</sup> mention, col 156 2<sup>nd</sup> mention, col 159  
3<sup>rd</sup> mention, col 162 4<sup>th</sup> mention

col 153/156/159/162

- 1 Gained broader outlook and general knowledge  
useful in problem solving
- 2 Gained specialized training for solving certain  
types of cases
- 3 Gained special skills in management and  
administration
- 4
- 5
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- Y DK/NA (col 153 only)

cols 154-155, 157-158, 160-161, 163-164  
NOT USED

Q3b Special Training/Continuing Education

col 166 1<sup>st</sup> mention, 169 2<sup>nd</sup> mention, 172 3<sup>rd</sup> mention,  
175 4<sup>th</sup> mention

col 166/169/172/175

- 1 Federal Judicial Center
- 2 National Judges College
- 3 Practicing Law Institute (PLI)
- 4 American Law Institute (ALI-ABA)
- 5
- 6
- 7
- 8
- 9
- 0 Other
- X
- Y DK/NA (col 166 only)

cols 167-168, 170-171, 173-174, 176-177  
NOT USED

K041 (5)

Q3d Reasons Training Has/Hasn't Been Useful

Col. 205 1<sup>st</sup> mention, Col: 208 2<sup>nd</sup> mention,  
Col. 211 3<sup>rd</sup> mention, Col. 214 4<sup>th</sup> mention

cols 205/208/211/214

- 1 Helps with Case management
- 2 " " Administration / administrative aspects
- 3 " " procedures / techniques
- 4 " " Rules of evidence
- 5 " " Sentencing
- 6 " " Overall efficiency / every aspect
- 7 Exposure to problems / knowledge of new developments / avoid isolation / become aware of what is happening in other states
- 8 Assists in uniform application of the law / uniformity
- 9
- 0 Other (list)
- X
- Y DK / NA (Col 205 only)

cols 206-207, 209-210, 212-213, 215-216  
NOT USED

K041 (6)

Q4b Legal Matters - Other

cols 218-224 precoded  
col 225

-1 Real Estate

col 226

-1 Probate / Wills / Estate work

Note: If real estate written in and coded 224/1 edit out and code 225/1; if probate / wills / estate work written in and coded 224/1 edit out and code 226/1. If more than one "other" written in code when possible and leave 224/1 for remaining "other". List all "others"

Q5a Type of Case - Other TA 230/1

cols 231-247 precoded

col 248

-1 Security cases / violations

note: If security cases / violations written in as "other" and coded 247/1 edit out and code 248/1

Q5d Amount of Time - Other TA 230/1

cols 251-267 precoded

col 268 S.P. TA 248/1

1-7

Note: When security case / violations coded 248/1 answers written in col 267 must be moved down to col 268



Q6c Types of Matters Time Spent On - TA 317/1  
No Codes - List Verbatim by respondent #

Q7c Non-Adversarial Matters Time Spent On  
TA 346/1  
No codes - List Verbatim by respondent #

Q8b Types of Cases That Take Excessive Time  
State Judges - TA 105/2 + 361/1

Cols 362 - 363 1<sup>st</sup> mention, 365 - 366 2<sup>nd</sup> mention,  
368 - 369 3<sup>rd</sup> mention, 371 - 372 4<sup>th</sup> mention

Col 362/365/368/371

- 1 Uncontested divorces
- 2 Contested divorces
- 3 Probate / estates
- 4 Landlord / tenant
- 5 Commercial (contracts, corporations)
- 6 Real property
- 7 Torts - auto accidents
- 8 Torts - nonauto accidents
- 9 Reviewing administrative agency action
- 0 Civil rights (excluding prisoner petitions)
- X Prisoner petitions
- Y Antitrust

Q8b State Judges (cont)

Cols 363/366/369/372

- 1 Tax
- 2 Trademark/copyright
- 3 Criminal (misdemeanors, felonies)
- 4 Unusually complex cases
- 5 Cases involving unusually simple or minor issues / small claims
- 6 Product liability cases
- 7 Medical malpractice cases
- 8 Labor law cases
- 9
- 0 Other (list)
- X
- Y DK/NA (col 363 only)

Federal Judges - TA 105/1 + 361/1

Cols 362 - 363 1<sup>st</sup> mention, cols 365 - 366 2<sup>nd</sup> mention,  
cols 368 - 369 3<sup>rd</sup> mention, cols 371 - 372 4<sup>th</sup> mention

cols 362/365/368/371

- 1 Patent cases
- 2 Commercial (contracts, corporations)
- 3 Real property
- 4 Torts - auto accidents
- 5 Torts - nonauto accidents
- 6 Reviewing administrative agency action
- 7 Civil rights (excluding prisoner petitions)
- 8 Prisoner petitions
- 9 Antitrust
- 0 Tax
- X Trade mark/copyright
- 4 Criminal (misdemeanors, felonies)

Q 8b Federal Judges (cont.)

Cols 363/366/369/372

- 1 Unusually complex cases
- 2 Cases involving unusually simple or minor issues / small claims
- 3 Product liability cases
- 4 Medical malpractice cases
- 5 Labor law cases
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 4 DR/NA (col 363 only)

Cols 364/367/370/373 NOT USED

Q 8c Reasons Cases Take Excessive Time

col 405 <sup>1st</sup> mention, col 408 <sup>2nd</sup> mention, col 411 <sup>3rd</sup> mention, col 414 <sup>4th</sup> mention  
col 405/408/411/414

- 1 Smallness of claim / lack of seriousness of charge
- 2 Frivolousness of issue or claim
- 3 Routine nature of claim
- 4 Intransigence / bitterness of parties
- 5
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 4 DR/NA (col 405 only)

cols 406-407, 409-410, 412-413, 415-416 NOT USED

Q 8e Parts of Docket Which Suffer TA 417/1  
NO codes - Verbatims - list by respondent #

Q 10c Categories Which Cause Problems

- 460-467 TA 447/2, 468-475 TA 448/2, 505-512 TA 449/2, 513-520 TA 450/2, 521-528 TA 451/2, 529-536 TA 452/2, 537-544 TA 453/2, 545-552 TA 454/2, 553-560 TA 455/2, 561-568 TA 456/2, 569-576 TA 457/2, 605-612 TA 458/2, 613-620 TA 459/2
- col 460-461, 468-469, 505-506, 513-514, 521-522, 529-530, 537-538, 545-546, 553-554, 561-562, 569-570, 605-606, 613-614 1st mention, 462-463, 470-471, 507-508, 515-516, 523-524, 531-532, 539-540, 547-548, 555-556, 563-564, 571-572, 607-608, 615-616 2nd mention, 464-465, 472-473, 509-510, 517-518, 525-526, 533-534, 541-542, 549-550, 557-558, 565-566, 573-574, 609-610, 617-618 3rd mention, 466-467, 474-475, 511-512, 519-520, 527-528, 535-536, 543-544, 551-552, 559-560, 567-568, 575-576, 611-612, 619-620 4th mention

1st Column State Judges - TA 105/2

- 1 Uncontested divorces
- 2 Contested divorces
- 3 Probates / estates
- 4 Landlord / tenant
- 5 Commercial (contracts, corporations)
- 6 Real property
- 7 Torts - auto accidents
- 8 Torts - non auto accidents
- 9 Reviewing administrative agency action
- 0 Civil rights (excluding prisoner petitions)
- X Prisoner petitions
- 4 Antitrust

Q 10c State Judges (cont)2nd column

- 1 Tax
- 2 Trademark/copyright
- 3 Criminal (misdemeanors, felonies)
- 4 Cases involving unusually simple or minor issues
- 5 Unusually complex cases
- 6 Product liability cases
- 7 Medical malpractice cases
- 8 Labor law cases
- 9
- 0 Other (list)
- X
- 4 DK/NA

Federal Judges TA 105/111st column

- 1 Patent cases
- 2 Commercial (contracts, corporations)
- 3 Real property
- 4 Torts - auto accidents
- 5 Torts - nonauto accidents
- 6 Reviewing administrative agency action
- 7 Civil rights (excluding prisoner petitions)
- 8 Prisoner petitions
- 9 Antitrust
- 0 Tax
- X Trademark/copyright
- 4 Criminal (misdemeanors, felonies)

Q 10c Federal Judges (cont)2nd column

- 1 Cases involving unusually simple or minor issues
- 2 Unusually complex cases
- 3 Product liability cases
- 4 Medical malpractice cases
- 5 Labor law cases
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 4 DK/NA

Q11c / "Other" Q11a Other Techniques For  
Expediting Cases TA 621

Note: Answers to this question must be coded in the order mentioned in Q11a on following page; i.e. 1st mention in Other Q11a must be coded as 1st mention in 11c. If more than two answers in 11c order of 3rd + 4th mention doesn't matter since only two others can be accepted for 11a but they must be coded.  
Col 622 1st mention, 625 2nd mention, 628 3rd mention, 631 4th mention

See following page for codes

Q11c/11a (cont)  
Col 622/625/628/631

- 1 I hold a preliminary pre-trial conference shortly after the case is filed to discuss the scope and extensiveness of discovery as well as other pre-trial activities.
- 2 A magistrate or another court official acting under my supervision holds a preliminary pre-trial conference shortly after the case is filed to discuss the scope and extensiveness of discovery as well as other pre-trial activities.
- 3 I establish time schedules to regulate and expedite the discovery process.
- 4 Magistrates or other court officials acting under my supervision establish time schedules to regulate and expedite the discovery process.
- 5 Without waiting for party-initiated requests, I place limits on the scope, duration, and extensiveness of discovery.
- 6 I hold regularly scheduled hearings or conferences to follow the progress of the case toward trial and to monitor discovery activities.
- 7 Magistrates or other court officials acting under my supervision hold regularly scheduled hearings or conferences to follow the progress of the case toward trial and monitor discovery activities.
- 8 Formal pretrial or settlement conference as case approaches date of trial
- 9 Informal contacts with counsel
- 0 Other (list)
- X Organize office routine to facilitate progress of cases toward trial or settlement
- Y DK/NA (col 622 only)

Col/s 623-624, 626-627, 629-630, 632-633 Not Used

Q 11e Categories Techniques Applied To

Cols 652-659 TA 643/2; 660-667 TA 644/2; 668-675 TA 645/2, 705-712 TA 646/2; 713-720 TA 647/2; 721-728 TA 648/2; 729-736 TA 649/2; 737-744 TA 650/2; 745-752 TA 651/2  
Cols 652-653, 660-661, 668-669, 705-706, 713-714, 721-722, 729-730, 737-738, 745-746 1st mention; 654-655, 662-666, 670-671, 707-708, 715-716, 723-724, 731-732, 739-740, 747-748 2nd mention; 656-657, 664-665, 672-673, 709-710, 717-718, 725-726, 733-734, 741-742, 749-750 3rd mention; 658-659, 666-667, 674-675, 711-712, 719-720, 727-728, 735-736, 743-744, 751-752 4th mention

State Judges - TA 105/2

1st Column

- 1 Uncontested divorces
- 2 Contested divorces
- 3 Probate/estates
- 4 Landlord/tenant
- 5 Commercial (contracts, corporations)
- 6 Real property
- 7 Torts--auto accidents
- 8 Torts--nonauto accidents
- 9 Reviewing administrative agency action
- 0 Civil Rights (excluding prisoner petitions)
- X Prisoner petitions
- Y Antitrust

Q 11e State Judges (cont)

2nd Column

- 1 Tax
- 2 Trademark/copyright
- 3 Criminal (misdemeanors, felonies)
- 4 Cases involving unusually simple or minor issues
- 5 Unusually complex cases
- 6 Product liability cases
- 7 Medical malpractice cases
- 8 Labor law cases
- 9
- 0 Other (list)
- X
- Y DK/NA

Federal Judges TA 105/1

1st Column

- 1 Patent cases
- 2 Commercial (contracts, corporations)
- 3 Real property
- 4 Torts - auto accidents
- 5 Torts - nonauto accidents
- 6 Reviewing administrative agency action
- 7 Civil rights (excluding prisoner petitions)
- 8 Prisoner petitions
- 9 Antitrust
- 0 Tax
- X Trademark/copyright
- Y Criminal (misdemeanors, felonies)

11e. Federal Judges (cont.)  
2nd column

- 1 Cases involving unusually simple or minor issues
- 2 Unusually complex cases
- 3 Product liability cases
- 4 Medical malpractice cases
- 5 Labor law cases
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- Y DK/NA

Q12b Categories Access To Courts Should Be  
Made Easier TA 753/1

Col 754 1st mention, 757 2nd mention, 760 3rd mention,  
763 4th mention

Col 754/757/760/763

- 1 Small claims
- 2 Debts/poor people
- 3 Divorce/custody
- 4 Consumer litigation
- 5 Civil rights
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- Y DK/NA (col 754 only)

Cols 755-756, 758-759, 761-762, 764-765 Not Used

Q 13b Categories Access To Courts Should Be Made  
More Difficult TA 766/1

cols 767-768 1<sup>st</sup> mention; 770-771 2<sup>nd</sup> mention;  
 773-774 3<sup>rd</sup> mention; 776-777 4<sup>th</sup> mention

State Judges - TA 105/2

col 767/770/773/776

- 1 Uncontested divorces
- 2 Contested divorces
- 3 Probate/estates
- 4 Landlord/tenant
- 5 Commercial (contracts, corporations)
- 6 Real property
- 7 Torts--auto accidents
- 8 Torts--nonauto accidents
- 9 Reviewing administrative agency action
- 0 Civil Rights (excluding prisoner petitions)
- X Prisoner petitions
- y Antitrust

Q 13b State Judges (cont)

col 768/771/774/777

- 1 Tax
- 2 Trademark/copyright
- 3 Criminal (misdemeanors, felonies)
- 4 Cases involving unusually simple or minor issues
- 5 Unusually complex cases
- 6 Product liability cases
- 7 Medical malpractice cases
- 8 Labor law cases
- 9 Diversity jurisdiction cases
- 0 Other (list)
- X Jury trials
- y DK/NA (col 768 only)

Federal Judges TA 105/1

col 767/770/773/776

- 1 Patent cases
- 2 Commercial (contracts, corporations)
- 3 Real property
- 4 Torts - auto accidents
- 5 Torts - nonauto accidents
- 6 Reviewing administrative agency action
- 7 Civil rights (excluding prisoner petitions)
- 8 Prisoner petitions
- 9 Antitrust
- 0 Tax
- X Trademark/copyright
- y Criminal (misdemeanors, felonies)

1.13b Federal Judges (cont.)

Col 768/771/774/777

- 1 Cases involving unusually simple or minor issues
- 2 Unusually complex cases
- 3 Product liability cases
- 4 Medical malpractice cases
- 5 Labor law cases
- 6 Diversity jurisdiction cases
- 7 Jury trials
- 8
- 9
- 0 Other (list)

X  
4 DK/NA (col 768 only)

Cols 769/772/775/778 NOT USED

2.14b Alternative - "Other"

Col 806-812/1 precoded

col 813

- 1 Initial hearing by administrative agency with option of review

col 814

- 1 Enlarge magistrates jurisdiction

Note: edit out "Other" in 812 if possible to code in 813/814

Q 14C Types of Cases TA 805/1

Cols 816-817 1st mention; 819-820 2nd mention; 822-823 3rd mention; 825-826 4th mention

Col 816/819/822/825

State Judges - TA 105/2

- 1 Uncontested divorces
- 2 Contested divorces
- 3 Probate/estates
- 4 Landlord/tenant
- 5 Commercial (contracts, corporations)
- 6 Real property
- 7 Torts--auto accidents
- 8 Torts--nonauto accidents
- 9 Reviewing administrative agency action
- 0 Civil Rights (excluding prisoner petitions)
- X Prisoner petitions
- 4 Antitrust



Q 14c State Judges (cont.)

col 817/820/823/826

- 1 Tax
- 2 Trademark/copyright
- 3 Criminal (misdemeanors, felonies)
- 4 Cases involving unusually simple or minor issues
- 5 Unusually complex cases
- 6 Product liability cases
- 7 Medical malpractice cases
- 8 Labor law cases
- 9
- 0 Other (list)
- X
- 4 DK/NA

Federal Judges TA105/1

col 816/819/822/825

- 1 Patent cases
- 2 Commercial (contracts, corporations)
- 3 Real property
- 4 Torts - auto accidents
- 5 Torts - nonauto accidents
- 6 Reviewing administrative agency action
- 7 Civil rights (excluding prisoner petitions)
- 8 Prisoner petitions
- 9 Antitrust
- 0 Tax
- X Trademark/copyright
- 4 Criminal (misdemeanors, felonies)

Q 14c Federal Judges (cont.)

col 817/820/823/826

- 1 Cases involving unusually simple or minor issues
- 2 Unusually complex cases
- 3 Product liability cases
- 4 Medical malpractice cases
- 5 Labor law cases
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 4 DK/NA (col 817 only)

cols 818/821/824/827 Not Used

Q 14d Reasons For Feelings About Alternatives TA 805/  
Col 828 1<sup>st</sup> mention; 831 2<sup>nd</sup> mention; 834 3<sup>rd</sup> mention;  
837 4<sup>th</sup> mention

Col 828/831/834/837

- 1 Dispute requires specialized knowledge that the court (judge, jury, magistrates) doesn't have
- 2 Matter or issue is not sufficiently contested to be heard (too routine)
- 3 Judicial/adversarial process is too slow or costly
- 4 Non-judicial remedies are better suited to this kind of issue
- 5 The matter or issue is expendable and should be diverted from courts in order that other matters receive greater priority/dispute can be handled by court personell other than the judge
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 9 DK/NA (Col 828 only)

Cols 829-830, 832-833, 835-836, 838-839  
NOT USED

Q 14d Reasons For Feelings About Alternatives  
Col 841 1<sup>st</sup> mention; 844 2<sup>nd</sup> mention; 847 3<sup>rd</sup> mention;  
850 4<sup>th</sup> mention

Col 841/844/847/850

- 1 Dispute requires specialized knowledge that the court (judge, jury, magistrates) doesn't have
- 2 Matter or issue is not sufficiently contested to be heard (too routine)
- 3 Judicial/adversarial process is too slow or costly
- 4 Non-judicial remedies are better suited to this kind of issue
- 5 The matter or issue is expendable and should be diverted from courts in order that other matters receive greater priority/dispute can be handled by court personell other than the judge
- 6 Alternatives require much time and expense
- 7 Alternatives maybe perceived as "2<sup>nd</sup> rate" justice
- 8 Alternatives may not provide the same high quality of justice as the courts
- 9 Courts should only be the final arbiter/try other methods besides courts first
- 0 Other (list)
- X
- 9 DK/NA (Col 841 only)

Cols 842-843, 845-846, 848-849, 851-852  
NOT USED

Q 14d Reasons For Feelings About Alternatives TA 805/  
Col 828 1<sup>st</sup> mention; 831 2<sup>nd</sup> mention; 834 3<sup>rd</sup> mention;  
837 4<sup>th</sup> mention

Col 828/831/834/837

- 1 Dispute requires specialized knowledge that the court (judge, jury, magistrates) doesn't have
- 2 Matter or issue is not sufficiently contested to be heard (too routine)
- 3 Judicial/adversarial process is too slow or costly
- 4 Non-judicial remedies are better suited to this kind of issue
- 5 The matter or issue is expendable and should be diverted from courts in order that other matters receive greater priority/dispute can be handled by court personell other than the judge
- 6
- 7
- 8
- 9
- 0 Other (list)
- X
- 9 DK/NA (Col 828 only)

Cols 829-830, 832-833, 835-836, 838-839  
NOT USED

Q 14f Reasons For Feelings About Alternatives  
Col 841 1<sup>st</sup> mention; 844 2<sup>nd</sup> mention; 847 3<sup>rd</sup> mention;  
850 4<sup>th</sup> mention

Col 841/844/847/850

- 1 Dispute requires specialized knowledge that the court (judge, jury, magistrates) doesn't have
- 2 Matter or issue is not sufficiently contested to be heard (too routine)
- 3 Judicial/adversarial process is too slow or costly
- 4 Non-judicial remedies are better suited to this kind of issue
- 5 The matter or issue is expendable and should be diverted from courts in order that other matters receive greater priority/dispute can be handled by court personell other than the judge
- 6 Alternatives require much time and expense
- 7 Alternatives may be perceived as "2<sup>nd</sup> rate" justice
- 8 Alternatives may not provide the same high quality of justice as the courts
- 9 Courts should only be the final arbiter/try other methods besides courts first
- 0 Other (list)
- X
- 9 DK/NA (Col 841 only)

Cols 842-843, 845-846, 848-849, 851-852  
NOT USED

17041 (27)

Q17 Role of Judiciary

No codes - Verbatim by respondent #

Yankelovich, Skelly and White, Inc.

1824

Study #K041  
August 1979

ROLE OF COURTS STUDY

Federal/State Judges

1-  
2-  
3-  
4-

Name: \_\_\_\_\_ Name of Court: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Interviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Time Started: \_\_\_\_\_ Time Completed: \_\_\_\_\_ CF#: \_\_\_\_\_

(FILL IN FROM LIST:)  Federal Judge  State Judge

5-1

-2

SUGGESTED INTRODUCTION

As you've been told, I represent Yankelovich, Skelly and White, Inc., a national marketing and social research company. We are conducting a study among judges in several areas across the country. The purpose of the study is to obtain judges' views on court performance and priorities for allocation of court resources. Your responses to these questions will be kept strictly confidential, as will the responses of the 100 other judges across the country who will also be interviewed.

CLASSIFICATION DATA (Fill in at end of interview)

a. How many years have you served as a judge in this court? (CIRCLE BELOW)

Less than 1 year.....6-1 18  
1 - 3 years..... -2 18  
4 - 9 years..... -3 46  
10 - 15 years..... -4 25  
More than 15 years..... -5 15

b. Is your current position the only judgeship you have had?

(SKIP TO Q.e) - Yes.....7-1  
(ASK Q.c) - No..... -2

c. What was/were your other judgeship(s)?

e. Race: (BY OBSERVATION)

White.....17-1 46  
Black..... -2 8  
Other..... -3

f. Sex: (BY OBSERVATION)

Female.....18-1 1  
Male..... -2 04

g. Age: (INTERVIEWER: ESTIMATE)

Under 35 years.....18-1 10  
35 - 39 years..... -2 95  
40 - 49 years..... -3 14  
50 - 59 years..... -4 48  
60 years or over..... -5 29

h. (IF STATE JUDGE)

Elected.....20-1  
Appointed..... -2

d. What is the total number of years you have served as a judge in any court? (CIRCLE BELOW)

Less than 3 years.....16-1  
3 - 5 years..... -2  
6 - 10 years..... -3  
11 - 15 years..... -4  
More than 15 years..... -5

SECTION I - BACKGROUND: THE REGION/AREA

1a. Does the region in which your court sits have any relative unique features that might render your civil caseload significantly different from that of your counterparts serving other areas of similar population density, per capita income, etc.?

(ASK Q.1b) - Yes.....21-1  
(SKIP TO Q.2a) - No..... -2

b. Why do you say that? What are the distinctive qualities and characteristics of this area of the country?

- 22-
- 23-
- 24-
- 25-
- 26-
- 27-
- 28-
- 29-
- 30-
- 31-
- 32-
- 33-

SECTION II - PERSONAL HISTORY/TRAINING

I would like to ask you a few questions about your educational background. First, what law school did you attend?

- None.....34-1
- 35-
- 36-
- 37-

Enter Name: \_\_\_\_\_

b. Did you ever earn a degree in any other field(s) following your graduation from college?

(ASK Q.2c) - Yes.....38-1  
(SKIP TO Q.3a) - No..... -2

c. What field(s) was it? (DO NOT READ LIST; CIRCLE RESPONSE)

- Chemistry.....39-1
- Criminology.....40-1
- Economics.....41-1
- Engineering.....42-1
- Medicine.....43-1
- Physics.....44-1
- Psychology.....45-1
- Statistics.....46-1
- Other psychical sciences.....47-1
- Other: other.....48-1  
(SPECIFY)
- 49-
- 50-
- 51-

Do you feel that this degree(s) has been useful to the work you do as a judge?

Yes.....52-1  
No..... -2

e. Why do you feel that way? (PROBE: IF "YES" WHAT ASPECTS OF YOUR WORK HAS IT HELPED YOU WITH? IF "NO" WHAT WOULD HAVE BEEN MORE BENEFICIAL?)

- 53- 59-
- 54- 60-
- 55- 61-
- 56- 62-
- 57- 63-
- 58- 64-

Have you had any special training or continuing education courses (e.g., judicial seminars) since becoming a judge?

(ASK Q.3b) - Yes.....65-1  
(SKIP TO Q.4a) - No..... -2

b. Briefly describe:

- 66- 72-
- 67- 73-
- 68- 74-
- 69- 75-
- 70- 76-
- 71- 77-

c. Do you feel that this training has been useful to the work you do as a judge?

Yes.....78-1  
No..... -2

3d. Why do you feel that way? Please explain. (PROBE: IF "YES" WHAT ASPECTS OF YOUR WORK HAS IT HELPED YOU WITH? IF "NO" WHAT WOULD HAVE BEEN MORE BENEFICIAL?)

CARD 2

- 5- 11-
- 6- 12-
- 7- 13-
- 8- 14-
- 9- 15-
- 10- 16-

4a. Now, let's move on to your legal career. First, how many years did you practice law before coming a judge? (ENTER RESPONSE IN APPROPRIATE CATEGORY BELOW)

bc

- (SKIP TO Q.5a) - None.....17-1 0
- Less than 10 years..... -2 1 1/2
- 10 to 14 years..... -3 2
- 15 to 20 years..... -4 2 1/2
- More than 20 years..... -5 4 0

b. (HAND CARD A) Why type of law/legal matters were you principally involved with during this time span?

- 42 Criminal prosecution.....18-1
- 68 Criminal defense.....19-1
- 84 Civil litigation.....20-1
- 62 Corporate-commercial law.....21-1
- 73 Family law.....22-1
- 72 Personal injury.....23-1
- Other: \_\_\_\_\_ 24-1
- (SPECIFY)
- 25-
- 26-
- 27-

*Come up with  
scale*

c. What proportion of your law practice during these years did you spend in trial work, as opposed to office practice?

- 28- \_\_\_\_\_
- 29- \_\_\_\_\_ Trial Work

SECTION III - COURT BUSINESS/PERFORMANCE

I would like to ask you some questions now about the types of cases you hear. In answering these questions, please think only in terms of your individual caseload, not that of your court as a whole.

INTERVIEWER INSTRUCTIONS: FOR THIS QUESTION--Q.5--USE EITHER CARD B OR CARD C. IF THE JUDGE IS A STATE JUDGE, USE CARD B; IF THE JUDGE IS A FEDERAL JUDGE, USE CARD C.

5a. (HAND CARD B/C) First, would you please tell me which of these types of cases you heard during the past year? Just read me the letter(s) that apply. (RECORD ON GRID BELOW UNDER Q.5a)

b. (RESPONDENT KEEPS CARD) Are there any other types of cases not included on this list on which you spent a significant amount of time during the past year?

(ASK Q.5c) - Yes.....30-1  
(SKIP TO Q.5d) - No..... -2

c. What are they? (RECORD BELOW IN "OTHER")

INTERVIEWER INSTRUCTION FOR Q.5d: ASK FOR EACH TYPE OF CASE JUDGE SAYS HE HAS HEARD IN PAST YEAR--THIS INCLUDES JUDGE'S ANSWERS IN Q.5a AND Q.5c (IF APPLICABLE).

d. (STILL USING CARD B/C) Using the scale at the bottom of this card, please tell me approximately how much of the time you spent hearing cases during the past year was devoted to each of these types. Just read me the letter of the type of case and the number of your rating.

Type of Case	Q.5a Heard in Past Year	Q.5d						
		Amount of Time						
A. Uncontested divorces.....	31-1	51-1	-2	-3	-4	-5	-6	-7
B. Contested divorces.....	32-1	52-1	-2	-3	-4	-5	-6	-7
C. Probate/estates.....	33-1	53-1	-2	-3	-4	-5	-6	-7
D. Landlord/tenant.....	34-1	54-1	-2	-3	-4	-5	-6	-7
E. Patent.....	35-1	55-1	-2	-3	-4	-5	-6	-7
F. Commercial (contracts, corporations).....	36-1	56-1	-2	-3	-4	-5	-6	-7
G. Real property.....	37-1	57-1	-2	-3	-4	-5	-6	-7
H. Torts - auto accidents.....	38-1	58-1	-2	-3	-4	-5	-6	-7
I. Torts - nonauto accidents.....	39-1	59-1	-2	-3	-4	-5	-6	-7
J. Reviewing administrative agency action.....	40-1	60-1	-2	-3	-4	-5	-6	-7
K. Civil Rights (excluding prisoner petitions).....	41-1	61-1	-2	-3	-4	-5	-6	-7
L. Prisoner petitions.....	42-1	62-1	-2	-3	-4	-5	-6	-7
M. Antitrust.....	43-1	63-1	-2	-3	-4	-5	-6	-7
N. Tax.....	44-1	64-1	-2	-3	-4	-5	-6	-7
O. Trademark/copyright.....	45-1	65-1	-2	-3	-4	-5	-6	-7
P. Criminal (misdemeanors, felonies).....	46-1	66-1	-2	-3	-4	-5	-6	-7
Other: _____	47-1	67-1	-2	-3	-4	-5	-6	-7
_____	48-1	68-1	-2	-3	-4	-5	-6	-7
_____	49-1	69-1	-2	-3	-4	-5	-6	-7
_____	50-	70-						

INTERVIEWER INSTRUCTION: FOR Q.6a,b,c AND d -- USE EITHER CARD D OR CARD E: IF THE JUDGE IS A STATE JUDGE, USE CARD D; IF THE JUDGE IS A FEDERAL JUDGE, USE CARD E.

6a. Many judges handle matters which are structured as cases involving plaintiffs and defendants but which can be dealt with summarily. (HAND CARD D/E) Here is a list of matters which judges handle that often do not require individualized assessment and deliberation. Which of these types of matters did you handle during the past year? Just read me the letter of the phrase(s) that applies. (RECORD UNDER APPROPRIATE COLUMN)

State Judges	Federal Judges
A..... 5-1	A.....12-1
B..... 6-1	B.....13-1
C..... 7-1	C.....14-1
D..... 8-1	D.....15-1
E..... 9-1	None.....16-1
F.....10-1	
None....11-1	

b. Are there any matters of this type not included on this list on which you spent a significant amount of time during the past year?

(ASK Q.6c) - Yes.....17-1  
(SKIP TO Q.6d) - No..... -2

c. What are they? (Please list them)

18-	24-
19-	25-
20-	26-
21-	27-
22-	28-
23-	29-

INTERVIEWER: ASK Q.6d ONLY IF JUDGE HANDLES SOME TYPES OF CASES SPECIFIED IN Q.6a OR Q.6c ABOVE. IF JUDGE HANDLES NO SUCH CASES, SKIP TO Q.7a.

d. Approximately what percentage of your working hours would you say were spent on all such matters combined? (RECORD AS A PERCENT)

30-  
31-

INTERVIEWER INSTRUCTION: FOR Q.7a,b,c AND d -- USE EITHER CARD F OR CARD G: IF THE JUDGE IS A STATE JUDGE, USE CARD F; IF THE JUDGE IS A FEDERAL JUDGE, USE CARD G.

7a. Many judges also handle nonadversarial matters. By that I mean matters which are not framed as cases involving plaintiffs and defendants, but nonetheless require the participation of a judge. (HAND CARD F/G) Here is a list of some matters in this category. Which of these types of matters did you handle during the past year? Just read me the letter of the phrase(s) that applies. (RECORD UNDER APPROPRIATE COLUMN)

State Judges	Federal Judges
A.....32-1	A.....41-1
B.....33-1	B.....42-1
C.....34-1	C.....43-1
D.....35-1	D.....44-1
E.....36-1	None.....45-1
F.....37-1	
G.....38-1	
H.....39-1	
None....40-1	

7b. Are there any other types of nonadversarial matters not included on this list on which you spent a significant amount of time during the past year?

(ASK Q.7c) - Yes.....46-1  
(SKIP TO Q.7d) - No..... -2

c. What are they? (Please list them)

47-	53-
48-	54-
49-	55-
50-	56-
51-	57-
52-	58-

INTERVIEWER: ASK Q.7d ONLY IF JUDGE HANDLES SOME TYPES OF CASES SPECIFIED IN Q.7a OR Q.7c ABOVE. IF JUDGE HANDLES NO SUCH CASES, SKIP TO Q.8a.

d. Approximately what percentage of your working hours would you say were spent on such matters?

59-  
60-

8a. Thinking about all the categories of cases that you personally hear, are there any that you feel take up an excessive amount of the court's time and attention, given the low importance of the issues involved?

(ASK Q.8b) - Yes.....61-1  
(SKIP TO Q.9) - No..... -2

b. What types of cases? (RECORD BELOW UNDER "TYPES")

c. Why do you feel those types of cases take up an excessive amount of time? (RECORD BELOW UNDER "WHY")

Q.8b Types	Q.8c Why?
62-	68-
63-	69-
64-	70-
65-	71-
66-	72-
67-	73-
	80-3

CARD 4

5-	11-
6-	12-
7-	13-
8-	14-
9-	15-
10-	16-

d. Are any other portions of your docket suffering as a result of your having to spend an excessive amount of time on these matters?

(ASK Q.8e) - Yes.....17-1  
(SKIP TO Q.9) - No..... -2

e. What specific parts of your docket are you referring to?

18-	24-
19-	25-
20-	26-
21-	27-
22-	28-
23-	29-

Let's compare other (FEDERAL/STATE--VARY DEPENDING ON WHETHER JUDGE IS FEDERAL OR STATE) courts with your court. By "your court," I mean the body of judges and court personnel serving (READ DISTRICT NAME IN WHICH JUDGE SERVES--SEE INSTRUCTION SHEET--FOR EXAMPLE, "THE SECOND DISTRICT OF NEW MEXICO") and not simply you and your personal staff.

9a. How familiar are you with court procedures and conditions in any other (FEDERAL/STATE--VARY ACCORDING TO JUDGE) courts besides your own? Would you say you are very familiar, moderately familiar, slightly familiar or not familiar at all?

- Very familiar.....30-1
- Moderately familiar.... -2
- Slightly familiar..... -3
- Not at all familiar.... -4

b. (HAND CARD H) I'm going to read you several statements relating to civil cases. Would you please tell me how applicable these statements are to your court in comparison to others with which you are familiar? Just read me the number on the scale that applies. (READ EACH STATEMENT--CIRCLE RESPONSE BELOW)

	Much Less True		Equally Applicable		Much More True
1. Many civil cases are subject to unnecessary delay attributable inadequate court resources.....31-1	-2		-3		-4 -5
2. Many civil cases are subject to unnecessary delay attributable to tactical maneuvers by litigants.....32-1	-2		-3		-4 -5
3. The relationship between plaintiffs' and defendants' attorneys is marked by contentiousness and unwillingness to compromise or cooperate.....33-1	-2		-3		-4 -5

10a. Let's focus on some criticisms voiced about courts generally. (HAND CARD I) Please read each statement and, using the scale that appears on the card, tell me how accurately the statement describes your court and the cases it handles. Just read me the letter of the statement and the number on the scale that applies. (RECORD ON GRID BELOW UNDER Q.10a)

INTERVIEWER INSTRUCTION: ASK Q.10b FOR ALL STATEMENTS TO WHICH RESPONDENT ANSWERED 2, 3, 4 OR 5 IN Q.10a. IF NONE, SKIP TO Q.11.

b. (RESPONDENT KEEPS CARD I) Thinking about problem (READ STATEMENT LETTER), does this problem apply across the board -- that is, in all types of cases, or only to certain categories of cases? (RECORD ON GRID BELOW UNDER Q.10b -- IF RESPONDENT ANSWERS "ACROSS THE BOARD", ENTER "1"; IF HE/SHE ANSWERS "CERTAIN CATEGORIES", ENTER "2".)

c. (ASK ONLY IF RESPONDENT ANSWERS "CERTAIN CATEGORIES" IN Q.10b) To what specific categories of cases does problem (READ STATEMENT LETTER) apply? (FILL IN CATEGORY ON GRID BELOW UNDER Q.10c)

PROBLEM	Q.10a	Q.10b	Q.10c	
	ACCURACY	APPLICATION	CATEGORIES	
A.	34- 1 2 3 4 5	Across the board 47-1 Certain categories -2	60-	64-
			61-	65-
B.	35- 1 2 3 4 5	Across the board 48-1 Certain categories -2	62-	66-
			63-	67-
C.	36- 1 2 3 4 5	Across the board 49-1 Certain categories -2	68-	72-
			69-	73-
D.	37- 1 2 3 4 5	Across the board 50-1 Certain categories -2	70-	74-
			71-	75-
E.	38- 1 2 3 4 5	Across the board 51-1 Certain categories -2	76-	80-4
			77-	CARD 5
F.	39- 1 2 3 4 5	Across the board 52-1 Certain categories -2	78-	82-
			79-	83-
G.	40- 1 2 3 4 5	Across the board 53-1 Certain categories -2	84-	88-
			85-	89-
H.	41- 1 2 3 4 5	Across the board 54-1 Certain categories -2	86-	90-
			87-	91-
I.	42- 1 2 3 4 5	Across the board 55-1 Certain categories -2	88-	92-
			89-	93-
J.	43- 1 2 3 4 5	Across the board 56-1 Certain categories -2	94-	98-
			95-	99-
K.	44- 1 2 3 4 5	Across the board 57-1 Certain categories -2	96-	100-
			97-	101-
L.	45- 1 2 3 4 5	Across the board 58-1 Certain categories -2	98-	102-
			99-	103-
M.	46- 1 2 3 4 5	Across the board 59-1 Certain categories -2	104-	108-
			105-	109-



11a. I'd like to turn now to some proposed strategies for expediting court processing of civil cases. (HAND CARD J) Please read each statement and tell me, using the scale on the card, how often you personally use the techniques described. Just read me the letter of the statement and the number on the scale that applies. (RECORD ON GRID BELOW UNDER Q.11a)

b. Are there any other techniques which you use for expediting processing of cases?

(ASK Q.11c) - Yes.....21-1  
(SKIP TO Q.11d) - No..... -2

c. What are they? (RECORD HERE AND UNDER "OTHER" IN STRATEGY COLUMN OF GRID BELOW)

- 22- 28-
- 23- 29-
- 24- 30-
- 25- 31-
- 26- 32-
- 27- 33-

INTERVIEWER INSTRUCTION: ASK FOR ALL STATEMENTS TO WHICH RESPONDENT ANSWERED 2, 3, 4 OR 5 IN Q.11a AND IF APPLICABLE, FOR ANSWER(S) GIVEN IN Q.11c.

d. (RESPONDENT KEEPS CARD J) Thinking about strategy (READ EACH STRATEGY LETTER USED) do you use these techniques across the board--that is, in all types of cases, or only in particular categories of cases? (RECORD ON GRID BELOW UNDER Q.11d--IF RESPONDENT ANSWERS "ACROSS THE BOARD," ENTER "1"; IF HE/SHE ANSWERS "CERTAIN CATEGORIES," ENTER "2")

e. ASK ONLY IF RESPONDENT ANSWERS "CERTAIN CATEGORIES" IN Q.11d: In what specific categories of cases do you use technique (READ STRATEGY LETTER)? (FILL IN CATEGORY ON GRID BELOW UNDER Q.11e)

STRATEGY	Q.11a	Q.11d	Q.11e	
	FREQUENCY	APPLICATION	CATEGORIES	
A.	34- 1 2 3 4 5	Across the board 43-1 Certain categories -2	52- 53- 54- 55-	56- 57- 58- 59-
B.	35- 1 2 3 4 5	Across the board 44-1 Certain categories -2	60- 61- 62- 63-	64- 65- 66- 67-
C.	36- 1 2 3 4 5	Across the board 45-1 Certain categories -2	68- 69- 70- 71-	72- 73- 74- 75- 80-6
D.	37- 1 2 3 4 5	Across the board 46-1 Certain categories -2	CARD 7	
			5- 6- 7- 8-	9- 10- 11- 12-
E.	38- 1 2 3 4 5	Across the board 47-1 Certain categories -2	13- 14- 15- 16-	17- 18- 19- 20-
F.	39- 1 2 3 4 5	Across the board 48-1 Certain categories -2	21- 22- 23- 24-	25- 26- 27- 28-
G.	40- 1 2 3 4 5	Across the board 49-1 Certain categories -2	29- 30- 31- 32-	33- 34- 35- 36-
Other (Specify)	41- 1 2 3 4 5	Across the board 50-1 Certain categories -2	37- 38- 39- 40-	41- 42- 43- 44-
Other (Specify)	42- 1 2 3 4 5	Across the board 51-1 Certain categories -2	45- 46- 47- 48-	49- 50- 51- 52-

Let's move now to the possibility of changes in the mix of cases that come to court:

12a. Do you feel that access to the courts should be made easier for any category of disputes in particular?

(ASK Q.12b) - Yes.....53-1  
(SKIP TO Q.13a) - No..... -2

b. Which categories?

54- 60-  
55- 61-  
56- 62-  
57- 63-  
58- 64-  
59- 65-

13a. Do you feel that access to the courts should be made more difficult for any category of disputes in particular?

(ASK Q.13b) - Yes.....66-1  
(SKIP TO Q.14a) - No..... -2

b. Which categories?

67- 73-  
68- 74-  
69- 75-  
70- 76-  
71- 77-  
72- 78- 80-7

14a. Let's discuss alternatives to the court system for resolving disputes. Do you think that any types of cases now before courts could be better handled by alternative methods or institutions?

CARD 8

(ASK Q.14b) - Yes..... 5-1  
(SKIP TO Q.15) - No..... -2

b. What kinds of alternatives do you have in mind? (READ LIST. CIRCLE BELOW)

- Settlement out of court..... 6-1
- Arbitration..... 7-1
- Specialized tribunals/agencies (e.g., Workman's Compensation Board)..... 8-1
- Use of quasi-judicial officers (e.g., masters, auditors)..... 9-1
- Small claims, informal courts.....10-1
- Mediation/conciliation.....11-1
- Other (SPECIFY) : \_\_\_\_\_ 12-1
- \_\_\_\_\_ 13-
- \_\_\_\_\_ 14-
- \_\_\_\_\_ 15-

c. What types of cases?

16- 22-  
17- 23-  
18- 24-  
19- 25-  
20- 26-  
21- 27-

d. Why do you feel that way? (PROBE: IN WHAT SITUATIONS/DISPUTES IS THE ADVERSARIAL MODE OF DECISION-MAKING INAPPROPRIATE?)

28- 34-  
29- 35-  
30- 36-  
31- 37-  
32- 38-  
33- 39-

14e. (HAND CARD K) Which one of the statements on this card best describes the extent you think that court alternatives should be utilized in this/these type(s) of case(s)?

- Alternatives should be used for all such cases.....40-5
- Alternatives should be used for most such cases..... -4
- Alternatives should be used for many of these types of cases..... -3
- Alternatives should be used when the circumstances warrant, but not extensively..... -2
- Alternatives should be available as an option, but used only sparingly..... -1

f. Why do you feel that way?

41- 47-  
42- 48-  
43- 49-  
44- 50-  
45- 51-  
46- 52-

15a. One of the most frequently mentioned alternatives to trial in civil cases is the out of court settlement. (HAND CARD L) This card lists a number of techniques or practices which might be used to encourage the parties to reach a settlement. Thinking about jury trials only, would you please look at each of the items on this card and, using the scale at the bottom of the card, tell me how frequently you personally use each technique. Just read me the letter of the item and your scale rating. (RECORD RESPONSES ON GRID 15a BELOW)

b. Now, I would like you to go through the items on Card L again and tell me how frequently you use any of these techniques in non-jury or bench trials slated to be heard by you. (RECORD ON GRID BELOW UNDER Q.15b)

c. Are there any other techniques that you find useful to bring about settlements?

(ASK Q.15d) - Yes.....53-1  
(SKIP TO Q.15f) - No..... -2

d. What are they? (RECORD UNDER SETTLEMENT DEVICES COLUMN ON GRID BELOW)

e. (FOR EACH TECHNIQUE MENTIONED IN Q.15d ABOVE) How frequently is (TECHNIQUE) used in jury trials? (RECORD ON GRID BELOW UNDER 15a) In non-jury bench trials? (RECORD ON GRID BELOW UNDER Q.15b)

Settlement Devices

Enter Scale Rating

	Q.15a Jury					Q.15b Bench				
	Never	Always	Never	Always	Never	Always				
a. Set firm trial date	54-1	-2	-3	-4	-5	67-1	-2	-3	-4	-5
b. Assess costs	55-1	-2	-3	-4	-5	68-1	-2	-3	-4	-5
c. Refuse postponements	56-1	-2	-3	-4	-5	69-1	-2	-3	-4	-5
d. Indicate willingness	57-1	-2	-3	-4	-5	70-1	-2	-3	-4	-5
e. Initiate settlement talk	58-1	-2	-3	-4	-5	71-1	-2	-3	-4	-5
f. Discuss other cases	59-1	-2	-3	-4	-5	72-1	-2	-3	-4	-5
g. Use insurance calculus	60-1	-2	-3	-4	-5	73-1	-2	-3	-4	-5
h. Suggest settlement terms	61-1	-2	-3	-4	-5	74-1	-2	-3	-4	-5
i. Have parties present	62-1	-2	-3	-4	-5	75-1	-2	-3	-4	-5
j. Meet with sides separately	63-1	-2	-3	-4	-5	76-1	-2	-3	-4	-5
k. Other (FROM Q.15d) _____	64-1	-2	-3	-4	-5	77-1	-2	-3	-4	-5
_____	65-1	-2	-3	-4	-5	78-1	-2	-3	-4	-5
_____	66-1					79-1				

16a. (RESPONDENT KEEPS CARD L) Are any of the techniques listed on this card used for bringing about settlements in your cases by someone else acting on your behalf or under your direction; for example, by another judge, a magistrate, a master, an auditor, or some other court official?

(ASK Q.16b) - Yes.....5-1  
(SKIP TO Q.17) - No..... -2

b. (RESPONDENT KEEPS CARD L) Would you please go through these items again and, using the scale at the bottom of the card, tell me how frequently someone else uses each technique on your behalf? (RECORD BELOW UNDER Q.16b)

c. (FOR EACH TECHNIQUE WITH A RESPONSE OF 2, 3, 4, or 5) Who usually does that for you? (DO NOT READ. RECORD BELOW UNDER Q.16c.)

Settlement Devices	Q.16b Others Use					Q.16c Who
	Never				Always	
a. Set a firm trial date	6-1	-2	-3	-4	-5	Other judge...13-1 Magistrate...14-1 Master.....15-1 Auditor.....16-1 Other.....17-1
b. Assess costs	7-1	-2	-3	-4	-5	Other judge...18-1 Magistrate...19-1 Master.....20-1 Auditor.....21-1 Other.....22-1
c. Refuse postponement	8-1	-2	-3	-4	-5	Other judge...23-1 Magistrate...24-1 Master.....25-1 Auditor.....26-1 Other.....27-1
d. Indicate willingness	9-1	-2	-3	-4	-5	Other judge...28-1 Magistrate...29-1 Master.....30-1 Auditor.....31-1 Other.....32-1
e. Initiate settlement talk	10-1	-2	-3	-4	-5	Other judge...33-1 Magistrate...34-1 Master.....35-1 Auditor.....36-1 Other.....37-1
f. Discuss other cases	11-1	-2	-3	-4	-5	Other judge...38-1 Magistrate...39-1 Master.....40-1 Auditor.....41-1 Other.....42-1
g. Use insurance calculus	12-1	-2	-3	-4	-5	Other judge...43-1 Magistrate...44-1 Master.....45-1 Auditor.....46-1 Other.....47-1

CONTINUED...

Question 16 (Continued)

Settlement Devices	Q.16b Others Use					Q.16c Who
	Never				Always	
h. Suggest settlement terms	48-1	-2	-3	-4	-5	Other judge...51-1 Magistrate...52-1 Master.....53-1 Auditor.....54-1 Other.....55-1
i. Have parties present	49-1	-2	-3	-4	-5	Other judge...56-1 Magistrate...57-1 Master.....58-1 Auditor.....59-1 Other.....60-1
j. Meet with sides separately	50-1	-2	-3	-4	-5	Other judge...61-1 Magistrate...62-1 Master.....63-1 Auditor.....64-1 Other.....65-1

17. Finally, over and above anything else we've discussed, what role in society do you foresee the judiciary playing in the coming years?

66- 72-  
67- 73-  
68- 74-  
69- 75-  
70- 76-  
71- 77-  
80-9

**END**