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Management
Analysis
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■ **Office of Administrative Hearings**

**Judicial Development
Program
Office-wide Summary**

February 2011

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Contents

Executive Summary 1

Introduction 3

Office-wide Results 5

Summary of Responses to Statements 5

Results by Respondent Type 7

Comparison of Current and Previous Survey Results 7

Summary of Written Comments 12

Support Staff and Web Site Results 25

Use of Technology 29

Appendices 31

Executive Summary

This report summarizes results for the Minnesota Office of Administrative Hearings' Judicial Development Program. The program's purpose is to identify what the judges do well and how to improve their performance using feedback from parties who have appeared before the judges.

Through written, anonymous questionnaires, respondents rated a judge's performance in areas concerning judicial conduct, management of proceedings, and legal knowledge and abilities. Open-ended questions asked respondents about the judge's strengths and areas for improvement, and if there were any incidents during the proceedings that demonstrated the judge's fairness or bias. In total, 2,371 questionnaires were sent out and 941 completed, for a 40 percent response rate.¹ Attorneys completed 84 percent of the returned questionnaires.

As in previous years, respondents rated judges very positively. Half or more respondents rated judges as excellent on all but one statement. The five statements with the highest percentage of "excellent" responses were:

- Showing respect to you;
- Paying attention during the proceedings;
- Starting the hearing/conference when the parties are ready to proceed;
- Giving you or your attorney opportunities to speak; and
- Remaining even-tempered throughout the proceedings.

Respondents complimented judges for their attentive listening and asking questions during hearings, being familiar with the case, making participants feel at ease, and allowing everyone sufficient time to speak. Judges effectively managed proceedings by making prompt decisions and controlling parties without being impatient. Respondents appreciated clearly written decisions that showed the judge's thinking and application of law and case evidence. Many respondents described specific judges as one of the best. Sixty percent of respondents were very satisfied overall with the hearing process.

Attorneys were generally more likely to choose the excellent and good ratings than the non-attorneys. Attorneys were slightly more likely to rate the judge better on "Being familiar with the issues of the case" and "Issuing written findings, conclusions, and/or orders in a timely manner."

While some respondents said a judge rarely shows a bias, a number described judges who favor either employees or employers. A minority of respondents described a judge's demeanor as impatient, curt or unfriendly. Other areas for improvement include reading the case file beforehand, more actively participating in settlement conferences, and better explaining a decision's basis in facts and law.

¹ A survey generally should achieve a 60 to 70 percent response rate for results to be considered representative of the target population.

Seven unrelated questions asked respondents about the office's support staff, website and interest in e-mail notifications and video teleconferencing communications. Just over half of the respondents rated OAH staff's service as "excellent" and more than one-third chose "good." These percentages were consistent among docket staff, receptionist, legal secretary and staff attorney. Many respondents were consistently treated well and complimented specific staff. However, a few respondents complained of unhelpful staff. Scheduling problems and inability to speak to individuals promptly were the two most common complaints.

The OAH website received the lowest positive ratings. One-fifth of respondents rated the website's helpfulness as "excellent," and almost half chose "good." Thirty percent of respondents chose "fair," "poor," or "very poor." Respondents requested more online information (current schedules, decisions, process changes) and forms, or suggested changes to the site's appearance and functionality. A few respondents suggested e-mailing notices, announcements and other information.

Most attorneys are willing to receive OAH communications by e-mail. In contrast, under half of non-attorneys are. Many attorneys and non-attorneys are unlikely to use video teleconferencing for hearings or are uncertain.

Introduction

The Minnesota Office of Administrative Hearings (OAH) mediates, arbitrates, and conducts contested case and rule-making hearings under the Administrative Procedures Act. In addition, under the Workers' Compensation Act, OAH conducts settlements, mediations and contested case hearings, and issues awards on stipulation. In September 1998, the chief administrative law judge established the Judicial Development Program. The program's purpose is to identify for the judges, the things they are doing well and identify aspects of their performance that could be improved. In 1999, 2002, 2006, and again in 2010, OAH contracted with Management Analysis & Development to administer and analyze the evaluative questionnaire.

The program consists of using a written questionnaire to solicit feedback from parties ("non-attorney")² and attorneys who have appeared before the judges, and having each judge review his or her questionnaire results with a mentor, usually another OAH judge. The questionnaires asked respondents to rate a judge's performance in areas concerning judicial conduct, management of proceedings, and legal knowledge and abilities (attorney questionnaire only). The statements' five rating choices ranged from "excellent" to "very poor," with a sixth choice of "does not apply." The questionnaires also had open-ended questions asking respondents about the judge's strengths and areas of improvement, and if there were any incidents during the proceedings that showed the judge's fairness or bias.

Method

OAH administrative (non-judicial) staff selected approximately 25 non-attorney and 75 attorney names for each judge (some judges who do not preside over many cases had fewer recipients and some judges had more). Management Analysis & Development mailed a cover letter, paper survey and return envelope to participants. Each survey had a unique code, which was never associated with or recorded by the recipient's name. The recipient could complete the paper copy or access an online survey with the unique code.

Two questionnaires were used.³ The non-attorney questionnaire contained 17-scaled statements and five open-ended questions concerning the judge's performance and one satisfaction question about the overall hearing process. The attorney questionnaire had 16 of the same questions⁴ as the non-attorney questionnaire, plus five additional scaled questions about the judge's legal knowledge and abilities. The OAH's support staff and website questions are not part of an individual judge's evaluation.

² Non-attorneys included unrepresented and represented people. While the 1999 and 2002 surveys were also sent to others who were involved in a case, such as witnesses and rule hearing participants, interpreters, and others, the 2006 and 2010 questionnaires were sent only to the actual parties in each case.

³ The questionnaires have remained predominately the same since the 1999 survey, except for the addition of the OAH support staff and website questions.

⁴ The non-attorney questionnaire's 17th question was "How clear and concise the written decision was."

Management Analysis received and tabulated all paper and web-based completed questionnaires, created each judge's individual report, and wrote this office-wide summary.

Response Rate

In total, 2,371 questionnaires were distributed and 941 completed, for a 40 percent response rate. This response rate is slightly lower than 2002's 42 percent response rate.⁵ The actual number of unique individuals who completed a questionnaire is smaller than the total requests because most attorneys were asked to evaluate more than one judge.

Table 1 shows that the response rate for attorneys was almost double than the non-attorneys' response rate: 45 percent to 25 percent. Attorneys completed 84 percent of the returned questionnaires. Table 2 shows the overall response rate for the two OAH divisions: Administrative Procedures and Workers' Compensation.

Table 1: Questionnaire response rate by respondent type

Respondent type	Questionnaires distributed	Questionnaires returned	Response rate
Attorneys	1,762	789	45%
Non-attorneys	609	152	25%
Total	2,371	941	40%

Table 2: Questionnaire response rate by OAH division

Judge division	Questionnaires distributed	Questionnaires returned	Response rate
Administrative Procedures Act	336	124	37%
Workers' Compensation	2,035	817	40%
Total	2,371	941	40%

Scope

This report focuses on the judicial development program results as they pertain to the OAH judges as a group. Management Analysis & Development did not examine any individual judge's results. This report does not discuss any particular judge's strengths and areas of improvement nor the results of the judges' meetings with their mentors.

The surveys were mailed in six groups from May 1, 2010 through December 7, 2010. The first group received a reminder postcard, but this practice was discontinued because few responded as a result.

⁵ A survey generally should achieve a 60 to 70 percent response rate for results to be considered representative of the target population. This survey's results should only be interpreted as what these particular respondents said and do not represent all attorneys and parties who appeared before OAH judges.

Office-Wide Results

This section summarizes the tabulated questionnaire results for the OAH judges as a group and responses to the open-ended questions. Workers' compensation attorneys completed most questionnaires.

Summary of Responses to Statements

The questionnaires asked respondents to rate a judge's performance in areas concerning judicial conduct, management of proceedings, and legal knowledge and abilities (attorney questionnaire only). The statements' five rating choices ranged from "excellent" to "very poor," with a sixth choice of "does not apply." A statement's percentages are the number of respondents who chose one of the five rating choices and exclude respondents who did not answer or chose "does not apply."⁶

Half or more respondents rated the judges as "excellent" on all but one statement (Table 3). Forty-nine percent said the judges' preventing participants from making lengthy, repetitive statements was "excellent." Typically, one-third to a quarter rated the judges "good." The five statements with the highest percentage of "excellent" responses, ranging from 70 to 66 percent, were:

- Showing respect to you;
- Paying attention during the proceedings;
- Starting the hearing/conference when the parties are ready to proceed;
- Giving you or your attorney opportunities to speak; and
- Remaining even-tempered throughout the proceedings.

The five statements with the highest combined percentages of "fair," "poor," and "very poor" responses, ranging from 20 to 15 percent, were:

- How clear and concise the written decision was;
- Being open-minded throughout the proceedings;
- Skillfully handling settlement conferences and mediations;
- Basing decisions on evidence, testimony, and law; and
- Promoting a sense of fairness.

Sixty percent of respondents were "very satisfied" overall with the hearing process and one-quarter were "satisfied." Just eight percent were dissatisfied or very dissatisfied. Some people were satisfied with the judge but not the hearing process and others were satisfied with the process but not the judge.

⁶ Most respondents answered each statement. The two exceptions were: "acting appropriately to resolve problems during the proceedings" (26 percent chose "does not apply") and "skillfully handling settlement conferences and mediations" (36 percent).

Table 3: Respondents' ratings, sorted by highest percentage of "excellent" responses

Statement	Excel- lent	Good	Fair	Poor	Very Poor
Showing respect to you	70%	23%	5%	1%	1%
Paying attention during the proceedings	69%	24%	5%	2%	1%
Starting the hearing/conference when the parties are ready to proceed	67%	26%	4%	1%	1%
Giving you or your attorney opportunities to speak	67%	26%	5%	1%	1%
Remaining even-tempered throughout the proceedings	66%	26%	6%	1%	1%
Showing patience with you	64%	25%	8%	2%	1%
Being familiar with the issues of the case	62%	27%	8%	2%	1%
Knowing rules of procedure	62%	30%	6%	2%	1%
Promoting a sense of fairness	61%	24%	9%	3%	3%
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings	61%	31%	7%	1%	1%
Issuing written findings, conclusions, and/or orders in a timely manner	61%	30%	7%	2%	1%
Knowing rules of evidence	61%	29%	7%	2%	1%
Writing understandable decisions	61%	28%	7%	2%	1%
Being decisive throughout the proceedings, such as when objections are raised	60%	31%	7%	1%	1%
Knowing relevant substantive law	60%	30%	6%	3%	1%
Maintaining appropriate control over who speaks and when	58%	34%	7%	1%	0%
Being open-minded throughout the proceedings	57%	26%	10%	5%	3%
Basing decisions on evidence, testimony, and law	57%	25%	9%	5%	3%
How clear and concise the written decision was	57%	22%	11%	5%	4%
Skillfully handling settlement conferences and mediations	56%	26%	12%	4%	2%
Assisting people in narrowing the issues	54%	32%	10%	3%	1%
Preventing participants from making lengthy, repetitive statements (rambling)	49%	38%	10%	2%	1%

Percentages may not total 100 percent due to rounding. "Does not apply" and no answer responses are excluded.

Results by Respondent Type

Most attorneys and non-attorneys rated the judges positively, though attorneys were generally more likely to choose the excellent and good ratings than the non-attorneys. Attorneys were slightly more likely to rate the judge better on “Being familiar with the issues of the case” (19 percentage points higher) and “Issuing written findings, conclusions, and/or orders in a timely manner” (16 percentage points higher). The attorney and non-attorney rating were very similar for “Remaining even-tempered throughout the proceedings,” “Maintaining appropriate control over who speaks and when,” and “Skillfully handling settlement conferences and mediations.”

Comparison of Current and Previous Years’ Survey Results

The 2010 results were generally more positive compared to the 2006, 2002 and 1999 results (Table 4). The 2010 results’ excellent percentages were often nine to 11 points higher than the 2006 results. Many of the same judges were rated in all four years. “Skillfully handling settlement conferences and mediations” and “Acting appropriately to resolve problems” had the largest percentage point increases over 2006 results (14 and 12 percentage point increases in “excellent” responses, respectively).

Table 4: Comparison of 2010, 2006, 2002 and 1999 Overall Results⁷

Rating	2010	2006	2002	1999
Showing respect to you				
Excellent	70%	63%	64%	62%
Good	23%	28%	25%	28%
Fair	5%	6%	7%	7%
Poor	1%	2%	2%	1%
Very poor	1%	1%	2%	1%
Totals	100%	100%	100%	100%
Showing patience with you				
Excellent	64%	54%	57%	54%
Good	25%	33%	28%	32%
Fair	8%	8%	11%	11%
Poor	2%	3%	3%	3%
Very poor	1%	2%	2%	2%
Totals	100%	100%	100%	100%

⁷ Table 4 excludes “does not apply” and no-answer responses.

Rating	2010	2006	2002	1999
Promoting a sense of fairness				
Excellent	61%	54%	55%	51%
Good	24%	31%	27%	32%
Fair	9%	8%	10%	10%
Poor	3%	5%	5%	5%
Very poor	3%	3%	3%	3%
Totals	100%	100%	100%	100%
Being open-minded throughout the proceedings				
Excellent	57%	51%	52%	49%
Good	26%	31%	27%	32%
Fair	10%	10%	12%	11%
Poor	5%	4%	6%	5%
Very poor	3%	3%	3%	3%
Totals	100%	100%	100%	100%
Remaining even-tempered throughout the proceedings				
Excellent	66%	60%	59%	60%
Good	26%	30%	28%	29%
Fair	6%	6%	9%	8%
Poor	1%	2%	3%	2%
Very poor	1%	1%	1%	1%
Totals	100%	100%	100%	100%
Starting the proceedings on time				
Excellent	67%	60%	59%	56%
Good	26%	33%	33%	35%
Fair	4%	5%	6%	7%
Poor	1%	1%	1%	2%
Very poor	1%	1%	1%	1%
Totals	100%	100%	100%	100%
Being familiar with the issues of the case				
Excellent	62%	54%	53%	50%
Good	27%	33%	32%	35%
Fair	8%	8%	11%	9%
Poor	2%	3%	3%	4%
Very poor	1%	2%	2%	2%
Totals	100%	100%	100%	100%

Rating	2010	2006	2002	1999
Paying attention during the proceedings				
Excellent	69%	63%	62%	59%
Good	24%	28%	27%	30%
Fair	5%	5%	7%	7%
Poor	2%	2%	2%	2%
Very poor	1%	2%	1%	1%
Totals	100%	100%	100%	100%
Giving you or your attorney opportunities to speak				
Excellent	67%	61%	59%	57%
Good	26%	31%	32%	33%
Fair	5%	5%	6%	8%
Poor	1%	2%	2%	2%
Very poor	1%	1%	1%	1%
Totals	100%	100%	100%	100%
Preventing participants from making lengthy, repetitive statements (“rambling”)				
Excellent	49%	41%	41%	34%
Good	38%	44%	40%	47%
Fair	10%	11%	15%	15%
Poor	2%	3%	3%	4%
Very poor	1%	2%	1%	2%
Totals	100%	100%	100%	100%
Maintaining appropriate control over who speaks and when				
Excellent	58%	50%	51%	45%
Good	34%	40%	37%	42%
Fair	7%	7%	9%	10%
Poor	1%	2%	2%	2%
Very poor	0%	1%	1%	1%
Totals	100%	100%	100%	100%
Being decisive throughout the proceedings, such as when objections are raised				
Excellent	60%	50%	50%	45%
Good	31%	37%	35%	39%
Fair	7%	9%	10%	12%
Poor	1%	2%	4%	3%
Very poor	1%	2%	1%	1%
Totals	100%	100%	100%	100%

Rating	2010	2006	2002	1999
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings				
Excellent	61%	49%	50%	45%
Good	31%	39%	35%	40%
Fair	7%	7%	12%	12%
Poor	1%	3%	3%	2%
Very poor	1%	2%	1%	1%
Totals	100%	100%	100%	100%
Assisting people in narrowing the issues				
Excellent	54%	44%	42%	40%
Good	32%	39%	38%	39%
Fair	10%	12%	14%	15%
Poor	3%	3%	4%	4%
Very poor	1%	2%	2%	2%
Totals	100%	100%	100%	100%
Skillfully handling settlement conferences and mediations				
Excellent	56%	42%	46%	42%
Good	26%	35%	32%	35%
Fair	12%	15%	14%	15%
Poor	4%	4%	6%	5%
Very poor	2%	4%	3%	3%
Totals	100%	100%	100%	100%
Knowing relevant substantive law (attorneys only)				
Excellent	60%	51%	49%	46%
Good	30%	35%	36%	38%
Fair	6%	10%	10%	11%
Poor	3%	3%	5%	3%
Very poor	1%	1%	1%	2%
Totals	100%	100%	100%	100%
Knowing rules of procedure (attorneys only)				
Excellent	62%	52%	53%	49%
Good	30%	37%	34%	38%
Fair	6%	7%	9%	10%
Poor	2%	2%	3%	2%
Very poor	1%	1%	1%	1%
Totals	100%	100%	100%	100%

Rating	2010	2006	2002	1999
Knowing rules of evidence (attorneys only)				
Excellent	61%	50%	51%	44%
Good	29%	36%	33%	40%
Fair	7%	10%	11%	13%
Poor	2%	3%	3%	2%
Very poor	1%	1%	1%	2%
Totals	100%	100%	100%	100%
Basing decisions on evidence, testimony, and law (attorneys only)				
Excellent	57%	48%	49%	44%
Good	25%	30%	30%	34%
Fair	9%	13%	11%	13%
Poor	5%	5%	6%	6%
Very poor	3%	3%	4%	3%
Totals	100%	100%	100%	100%
Writing understandable decisions (attorneys only)				
Excellent	61%	52%	49%	45%
Good	28%	33%	33%	35%
Fair	7%	10%	11%	14%
Poor	2%	3%	5%	4%
Very poor	1%	1%	3%	3%
Totals	100%	100%	100%	100%
Issuing findings, conclusions, and/or orders in a timely manner				
Excellent	61%	52%	54%	49%
Good	30%	34%	31%	35%
Fair	7%	9%	11%	10%
Poor	2%	2%	3%	3%
Very poor	1%	3%	2%	3%
Totals	100%	100%	100%	100%

Totals may not equal 100 percent due to rounding. The table excludes two new 2010 questions: "How clear and concise the written decision was" and "Overall, how satisfied were you with the hearing process?"

Summary of Written Comments

As in previous years, respondents were asked open-ended questions to gather more detailed and explanatory feedback about the judges' strengths and areas for improvement. Two-thirds of the 941 completed surveys had at least one comment. This section summarizes those written responses by question. The example comments were selected to illustrate respondents' perspectives on common themes.

"What are this judge's strengths?"

Many respondents wrote that the judges are fair, attentive, patient, knowledgeable and well prepared. Comments described how judges' personal qualities contributed to well-managed proceedings and fairness.

Attentiveness:

- "Listens carefully and carefully reviews all evidence."
- "Appeared to listen and maintained a focused hearing."
- "Great listener and fair."
- "He obviously listens to testimony and reads the evidence."
- "Judge [name] is good at listening to the parties and understanding the positions of the parties."
- "Listening to all sides of issue; clarifying information to be clear."
- "Listens to both sides, open to understand, shows interest in obviously tedious material (at times)."

Demeanor:

- "A warm personality that encourages professional discussions of a case at settlement conference."
- "Makes you feel comfortable in an uncomfortable situation."
- "Courtesy and respect for all participants. Good courtroom management."
- "Good at helping parties and witnesses understand the process and relieve some of their anxiety."
- "Explaining how we would proceed, concerned for me and my comfort. Treated attorneys well."
- "Appropriately personal to assist in making participants at ease."
- "She is very civil and patient, yet decisive."

Fairness:

- "Ability to listen to all parties in controversial situations and maintain an atmosphere of fairness."

- “Give the parties the sense that trial will be fair.”
- “Good ability to accommodate pro se litigate while maintaining the legal process.”
- “Judge [name] came across as very neutral, and refused to show a preference for either side’s case.”
- “One has no idea whatsoever which way she is leaning in any decision pending before her.”
- “Most of my hearings with her involve pro-se parties, and she does an excellent job of explaining the process to them and letting them have their day in court.”
- “Very fair-minded and open to the arguments of both sides.”

Prepared:

- “Always familiar with the case at start of settlement conference or other proceeding.”
- “Being prepared, knowing issues, narrowing issues.”
- “Knowledge of the facts [and] party positions prior to settlement conference.”
- “Enters the courtroom having reviewed file and is aware of the issues.”
- “Obviously prepared for proceeding and had good working knowledge of subject matter.”
- “It was apparent to me that Judge [name] had an understanding of the issue and law before our hearing.”
- “Reviews the entire record well.”

Management of proceedings:

- “Able to make difficult decisions.”
- “Efforts to clarify arguments and defenses so that all parties understand.”
- “Calm, respectful and knowledgeable. Let’s the parties present their case without interjection.”
- “Congenial, in control.”
- “Efficient; started on time and got to the point; had control of courtroom.”
- “Firm control of proceedings but still allows counsel to put in their case.”
- “Handles cases efficiently. Can handle more than one conference at a time.”
- “He is kind hearted person who facilitates the hearing process in a manner that is comfortable to all persons.”
- “He is patient, but in charge. He is decisive, but fair. In settlement conferences, he pushes, but does not bully.”

- “Controls the proceedings but is never heavy-handed.”
- “Taking settlement conferences seriously and proactively trying to settle cases - letting each side know the weaknesses in their case or position.”

Knowledge and experience:

- “Clearly very knowledgeable about the law.”
- “Broad knowledge of workman’s compensation law.”
- “Understands not only statute but applicable case law.”
- “Excellent grasp of law and procedures.”
- “Very capable handling complex issues.”
- “He knows Minnesota workers’ compensation law very well.”
- “Really bright. Knows the law well.”

Quality of decisions:

- “Clear and understandable findings of fact and theme of law.”
- “His decisions are timely made and easy to understand.”
- “Clear writer’s style, accurate legal analysis!”
- “Thoughtful, well-researched decisions.”
- “I have always found his decisions to be appropriate and well-reasoned, even as I have not always won in front of him.”
- “Her ability to address the issues by a reasonable weight of the facts and law is commendable.”
- “Even though I don’t always prevail in front of her, I cannot truly argue against the logic and reasoning of her decisions.”
- “Very thoughtful and well-reasoned opinion. Very timely opinion.”

Respondents often used superlative terms:

- “I have not won many cases in front of her but I think she is one of the best judges at OAH.”
- “He is probably one of the best judges at OAH hearing workers’ compensation matters.”
- “Has an excellent judicial temperament and is a highly skilled jurist.”
- “Judge [name] is of the most competent and fair-minded judges at OAH.”
- “Her legal knowledge and ability are unchallengeable.”
- “He’s the best judge for this court.”
- “The best judge for mediations. Would be a successful trainer for other judges.”

“What can this judge do to improve his or her performance?”

Respondents discussed perceived bias, unpreparedness, and unfriendly demeanor. They described judges who do not explain their decisions well, have predetermined the case, or did not consider all the information. A few respondents noted late starts and untimely decisions.

Perceived bias:

- “Decisions are trending in direction of pro-employee bias.”
- “Be less biased in favor of the employee.”
- “Maybe overcompensates a little for background. Tries to seem employee-friendly to make up for it.”
- “Judge [name] has a slight bias toward insurers.”
- “At times she appears to show bias against attorneys.”
- “Not be so attentive to [attorney general] arguments.”
- “Not letting influence by any insurance company.”
- “She favors one party in every proceeding I have seen.”

Unfriendly demeanor:

- “Be more personable and approachable.”
- “Great judge in many ways but she needs to lighten up a bit and get a sense of humor.”
- “Judge [name] could be nicer to all parties.”
- “Judge [name] can be very terse with people and is not friendly.”
- “I did not know his specific rules for pre-marking exhibits, and I felt put down for this.”
- “Perhaps a bit more friendlier to employees/witnesses.”
- “Stop sniping at the parties for no apparent reason.”
- “Sometimes he’s a bit curt. He should loosen up a bit in terms of his attitude towards things.”
- “Smile once in awhile.”
- “Sometimes more patience needed!”

Unprepared:

- “Accept and read employees statement of the case and other written materials at conferences.”
- “Bring the file and actually read it before coming to the hearing.”

- “He didn’t seem at all familiar with the information from my orthopedic physician.”
- “It would be nice if he would have known more about the issues and law governing the case.”
- “He is not always familiar with the facts and should prepare better for the conferences.”
- “Study the cases before court, so it’s familiar to her.”

Management of proceedings:

- “At times dictates to the attorneys how the case will be tried.”
- “Ask questions (as necessary) regarding the parties’ legal arguments as well as the facts.”
- “Be ‘tougher’ on both sides at settlement conferences.”
- “Be a little more to the point in presiding.”
- “Decisiveness. More control of parties.”
- “Get more involved in the settlement - needs to be an active participant - speak up more regarding strengths and weaknesses in the case.”
- “The questions should be from counsel and the judge should not be doing the questioning and essentially performing the jobs of counsel.”
- “Needs to be more efficient and run a quicker proceeding.”

Decisions:

- “Articulate reasoning for substantive decisions a little more in ALJ report.”
- “Be more even-handed in assessment, consider the burden of proof.”
- “Does not take notes during conferences. Is clear in most cases that he has pre-determined fate of case before hearing arguments.”
- “If a decision is based upon the creativity of one of the witnesses, so state in the findings and order.”
- “Including a few more case citations (when appropriate) in the memorandum to the findings and order.”
- “Pre-judges the case and on multiple occasions goes outside the record basing decisions on information not presented or argued at trial.”
- “Failed to use testimony of other witnesses in hearing decision.”
- “Listen to arguments and review documents before making a decision.”
- “Perhaps a little more depth to the memorandum of her findings and order.”
- “Where appropriate, in memorandum explain reason for rejecting defense/argument.”

Many respondents offered no suggestions for improvement, wrote “none” or “nothing,” or encouraged the judge to “keep up the good work.” Some specific compliments were:

- “He seemed great to me - didn’t see any downfalls.”
- “This is one of the great judges in the OAH - WC Division.”
- “He has issued decisions that at times are favorable for my clients and other times not favorable, but the basis is always well-reasoned.”
- “I have not won many cases in front of her but I think she is one of the best judges at OAH.”
- “Judge [name] would be rated in my top three judges.”
- “He’s doing it the way it should be done!”
- “Already one of my favorite judges to try a case or mediate a settlement.”
- “I cannot think of any instance in which his performance required improvement.”

“Were there any incidents during the proceedings that showed the judge’s fairness?”

Judges showed fairness by allowing all parties to speak or submit new evidence, in their treatment of people, in managing the proceedings, and understanding the case. About 10 percent of respondents wrote “not applicable,” “no” or “nothing comes to mind.”

Equal treatment:

- “Allowed all parties to state and restate their case.”
- “Allowed foster parents and foster child equal time to present their issues.”
- “Made sure everyone was able to participate and convey information on an ‘equal’ basis.”
- “He allowed both parties ample time to explain their positions.”
- “He listens to everyone equally.”
- “Judge [name] makes sure that all the parties have an opportunity to state their respective positions on an issue and during trial.”
- “Judge [name] gives everyone the chance to articulate their views and when he asks questions, he gives both sides a chance to respond.”
- “She was very accommodating and responsive to both attorneys in considering statements, arguments and motions.”

Treatment of people and attentiveness:

- “Although my hearing wasn’t a very important one, he treated it as though it was.”
- “Giving me an opportunity to hear my arguments.”
- “He helped me understand some questions.”

- “I had a difficult client who rambled a great deal. Judge calmly told her to answer only the question asked.”
- “My client in one case thought that he would be given a ‘fair shake’ because of Judge [name’s] listening to his testimony in an interested and thoughtful manner.”
- “Listened to both sides and witnesses.”
- “Listens intently.”
- “She has a knack that makes all parties feel that they are being heard.”
- “She listened and asked appropriate questions.”

Neutral demeanor:

- “He just had a general openness to both sides of the case that was apparent throughout the proceedings.”
- “He had good eye contact and rarely did I note any gestures or body language that might suggest he had an opinion on a specific matter, testimony, or issue.”
- “He is not biased and nothing reveals him to be unfairly leaning in either direction.”
- “Always collegial toward both petitioner and employer/insurer, without favoring one over the other.”
- “Treating counsel equally and justly and not indicating mid-hearing which way he might rule.”
- “Judge showed willingness to listen to both sides without showing bias.”

Management of proceedings:

- “The judge left the record open after the hearing in order to allow one of the parties to present additional evidence.”
- “Clearly outlined procedures for all parties.”
- “Discusses weaknesses and strength of case at settlement conferences in a fair and knowledgeable manner.”
- “During a motion hearing he made a decisive decision, but then explained it in a way that both sides felt they were getting something out of the decision.”
- “Fair ruling on evidence.”
- “He was careful to narrow issues to ascertain the facts and separate the advocacy.”
- “Helping explain testimony by clarifying statements or asking questions to clarify.”
- “Judge [name] very skillfully diffused the situation without raising his voice or hurting anyone’s feelings.”

- “He asked the others to focus on the facts and law - not opinion.”
- “Despite missteps by counsel, Judge [name] went out of her way to make sure the necessary information was provided and that the employee received her day in court and a fair hearing.”

Prompt actions or decisions:

- “Prompt ruling on objections during the hearing.”
- “Judge allowed argument from both attorneys and ruled decisively.”
- “Rules on objections and precedent issues in a very timely manner.”

Understanding the case:

- “Asks questions to dig deeper and get better perspective on case.”
- “Careful evaluation of all views.”
- “Judge [name] listens carefully to the parties and asks questions. She makes sure she hears and understands both sides.”
- “Strong effort to clarify arguments in pre-trial and evidence during trial.”
- “The judge was thorough with the exhibits - reviewed the exhibits, asking the sides to provide any information that would clarify the amounts for her rulings in the event she ruled in their favor.”

A number of respondents wrote that the judge is consistently or always fair and some attorneys said so even when they do not prevail:

- “Judge has ruled for me and against me dozens of times. I have never appealed any of his adverse decisions. I think that says it all.”
- “I have always found Judge [name] to be fair, even in cases that I have lost.”
- “I have received adverse decisions from him but felt I was given the opportunity to be heard, and he thoughtfully weighed the evidence. It’s all we can ask.”
- “Even though Judge [name] has ruled against my client on a number of occasions, I always felt he carefully considered the evidence and gave me a fair hearing.”
- “On all cases I have tried, he has weighed the evidence and decided in a fair manner.”

“Were there any incidents during the proceedings that showed the judge’s bias or unfairness?”

A few said the judge disregarded evidence, did not allow testimony or follow rules, or made unreasonable decisions. One quarter of respondents wrote “no” or “none,” with a few saying “never” or “No!”

Unequal treatment:

- “A general refusal to side with one party on a very consistent basis. No real basis in law, facts, or evidence.”
- “Acceptance [of] all exhibits from my employer’s lawyer. Refused mine, refused to listen and testify all my witnesses.”
- “The judge seemed to put more attention on employee’s attorney with respect to follow-up calls.”
- “At settlement conferences, judge only urges one side to negotiate.”
- “She let the witnesses be excused and let them be deposed at a later date because of weather, when we had come from the same area and made it no problem.”
- “She paid more attention to the insurance lawyer.”
- “The judge often asks petitioners and their attorneys for evidence they did not supply themselves in support of their claims but he never does that for the defense.”
- “Rarely let my attorney speak or state a case. The other attorney kept objecting and she sided with him.”

Perceived bias or predetermined decision:

- “He has a well-known liberal bias reflected in his decisions and sometimes will not read the employer/insurers/ME report. He will ask what it says.”
- “Judge explained how he was going to decide a conference before allowing important rebuttal argument.”
- “Judge is pro employer and insurer.”
- “Judge’s decisions give perception that there is a bias towards awarding employee claims.”
- “I felt the judge agreed with the workers’ compensation lawyer, did not ask the injured person everything leading to injury and after events.”
- “Dislikes female attorneys and it often shows in her demeanor toward them.”

Management of proceedings:

- “Deemed to push hard to limit time even though time was available.”
- “He appeared to be willing to accept the rules without challenging the agency’s position.”

- “Moving the case too quickly, etc.”
- “Allow employee’s attorney to raise new issues and discuss matters not relevant to the issue before the judge.”
- “Permitting the employee to ramble, expand about injury and information, not relevant to issue.”
- “This judge continues too many hearings and takes too long to get the hearing started.”

Not listening or inattentive:

- “When person tried or his other lawyer spoke, he turned to other people there without hearing whole case.”
- “He seemed uninterested when we were up to answer questions.”
- “Comes across as not willing to listen to arguments.”
- “Didn’t take many notes of many things so gave impression decision had been made.”
- “He appeared very disinterested.”

“Do you have additional comments?”

Many respondents simply wrote “excellent judge” or “very good.” Others described the judge’s fairness, knowledge and professionalism. Sample comments include:

- “An excellent judge. Always prepared.”
- “Asset to the state and its citizens.”
- “Excellent judge even though he is left of center.”
- “Judge [name] is one of the best. Smart, fair, efficient.”
- “Good, honest judge.”
- “He exemplifies what all judges should be doing.”
- “Keep up the good work. You are very good!!!”
- “My clients feel they are given a fair hearing.”
- “One of the two - three best judges at OAH.”
- “She is an exceptional judge.”
- “VERY SMART and knows case law.”
- “Very fair and competent judge.”

Some respondents described positive experiences and impressions:

- “A pleasure to appear in front of.”
- “Always happy when she is assigned to a case I am working on.”

- “I generally can’t quarrel with the conclusions or how she conducts the hearing.”
- “It is always a positive experience when dealing with Judge [name].”
- “It is a pleasure to try a case in front of Judge [name].”
- “This was my first OAH case - a very good experience.”
- “I always enjoy appearing before this judge. I know the case will be well handled. We will start on time, end on time and I will have adequate opportunity to present my case and evidence.”
- “This was my first time at an administrative hearing, and I represented myself. He explained the routine and procedures that happen, and he gave me the time I needed to explain my side.”

A few complimented the judge’s decisions:

- “Judge [name] writes decisions that are very detailed. He reviews the evidence and bases decisions on the facts.”
- “Judge [name] listens carefully to the evidence and the argument and makes her decision based upon the facts.”
- “[Name] is good in the courtroom and writes excellent opinions, well-grounded on law. Even when I disagree with her, it’s hard to challenge her legal analysis.”

A number of respondents criticized a judge’s performance or bias:

- “As a state judge, he should be for the people, not just attorneys.”
- “Blinders. Not open-minded and law poorly applied.”
- “Case should be decided on basis of facts presented. Facts should be substantive. Immaterial evidence should not be considered.”
- “He should consider and depend more [on] backgrounds (social and political) which can affect his decision about workers’ compensation.”
- “She subjects female claimants to a more rigorous standard of credibility than she does male claimants.”
- “I believe she heard what she wanted to hear and didn’t look at the facts. She totally blew over the fact that my injury was different [from] where the doctor ... had said it was. It was my pain, not his.”
- “I feel that no matter the case, I cannot win in front of this judge.”
- “He ignored significant evidence including an admission of lack of job search.”
- “I would say he is one of the most uninterested and uninvolved judges I have seen.”
- “It is unfortunate to have rules rubber-stamped rather than reviewed through this process.”
- “More attention and listen to everyone’s side, not rushing through case.”

- “Needs cultural sensitivity training; learn to be fair.”
- “One witness complained about her attitude towards him.”
- “Perhaps too programmed to accept new or novel arguments.”
- “Seems to have only a superficial understanding of the law or an incomplete understanding of the issues.”
- “Sympathy for the respondent triggered a memorandum that invited a decision contrary to her own recommendations.”
- “This judge is defense-oriented and too often not fair to the [injured worker].”
- “Judge [name] is in the lower third of judges in terms of thinking and writing.”

Support Staff and Website Results

The 2010 questionnaire had three new multiple-choice statements and three open-ended questions that asked respondents about OAH's support staff and website. The multiple-choice statements percentages are the number of respondents who chose one of the five rating choices and exclude respondents who did not answer or who chose "does not apply."

Just over half of the respondents rated staff's service as "excellent" and more than one-third chose "good." These percentages were consistent among docket staff, receptionist, legal secretary and staff attorney, though the number of respondents rating the legal secretary and staff attorney were half the number who rated docket staff and the receptionist. Attorney and non-attorney responses were very similar.

One-fifth of respondents rated the website's helpfulness as "excellent," and almost half chose "good." Thirty percent of respondents chose "fair," "poor," or "very poor." This statement received the lowest ratings of any of the questionnaire's statements and its 2010 results are lower than its 2006 results.

Only 21 non-attorneys rated the pro se video. "Excellent" was the most common rating (43 percent), followed by "good" (29 percent).

Summary of Written Responses

The questionnaire had three open-ended questions about the OAH's support staff and website.

"What reasons did you have to contact the above staff, and how did they treat you?"

The most common contact reasons were scheduling, rescheduling or cancelling a hearing or settlement conference. Respondents also contact staff to request case information or status, ask a process question, or to contact a judge. Many respondents were treated consistently well and complimented specific staff. Sample comments are:

- "Always respectful and helpful."
- "The person who schedules these hearings was quite helpful."
- "Call all the time, everything is excellent."
- "[Two named staff] are great to deal with."
- "Very helpful and pleasant."
- "They have been very nice to work with."
- "Treated promptly, courteously."
- "She was wonderful to deal with and always very helpful."
- "Docket Staff is fabulous to work with - accommodates all parties schedules requests without complaint. All staff have treated us well."

- “Staff is always the best - they are integral to your office’s success.”
- “[Name] is competent, nice, helpful, knowledgeable.”
- “I am always treated well by the OAH staff. The staff is courteous and answers my questions or refers me on to folks who can respond to my inquiry.”
- “The Duluth office is the main office I use and they are all wonderful and you have confidence that the task or issue will be handled.”
- “[Two named staff] in particular are fantastic. They can always either answer my questions or find the answer. Calls are returned promptly. They are always pleasant.”
- “I have never had a problem with staff.”
- “[Three named staff]: all very knowledgeable and helpful.”
- “Your staff is courteous, responsive, and professional.”
- “I have always found staff to be very helpful and pleasant to deal with.”

Some respondents complained of unhelpful staff or difficulty reaching someone in person, or noted that some staff are easy to work with and other are not:

- “Routinely reach voice mail vs. someone you can speak with.”
- “Calendar issues - only able to leave messages.”
- “The calendar line is hard to get through to, although they are always helpful when available.”
- “[Position] is OK, but not overwhelmingly service oriented.”
- “Depends on who you talk to. Some are more helpful than others.”
- “[Name] not helpful - not even responsive, takes personal calls while you are waiting to ask question. Not at all customer friendly.”
- “I call the staff regularly to get new dates or report settlements. They treated me fine but it depended on who answered the phone.”
- “If you contact about notes they send out, they tend to not be very informed.”
- “No one wants to make a decision. Difficult to get answers.”
- “[Name] is the only staff member that is helpful and pleasant. The remaining people that take phone calls are rude and unhelpful, even when they are told that a problem needs to be resolved.”
- “The [position] is not at all helpful, never returns phone calls, and is condescending.”

“Is there anything that the OAH support staff could have done to serve you better?”

Many respondents did not answer this question, and about one hundred wrote “no” or “nothing.” Other respondents want to speak to staff or a judge in person, more responsive staff, better accommodated schedules, or more helpful information. Examples are:

- “An e-mail confirming receipt of call to calendar line.”
- “Better availability after 4 p.m. on workdays.”
- “It’s hit and miss. Good and bad. I think they need better training to answer questions.”
- “Make sure to always give message to judge ASAP.”
- “Not keep referring within system. Get an answer from a person, instead of leaving a voicemail message that will not be returned.”
- “Personally answer the phone.”
- “Return some calls/confirm cancellations.”
- “Be consistent on procedures on handling calls.”
- “Sometimes I feel as if staff is reluctant to ‘help’ outside certain parameters - job areas.”

Scheduling:

- “Better attention to conflicts.”
- “I am routinely double-booked for proceedings despite submitting my calendar regularly.”
- “I submit calendars on a regular basis, but am regularly double booked for appearances, requiring requests for re-settings.”
- “Not ‘double book’ attorneys with hearings on same half days.”
- “St. Paul and Duluth need to figure out who does what - sometimes planning/scheduling problems.”

Several respondents want a paper trial-schedule posted:

- “Have a paper schedule in the lobby for room assignments. The video monitor is extremely slow.”
- “Instead of the monitor in the OAH lobby, bring back, or at least add, a paper copy of the hearing settlement locations. The monitor is very slow.”
- “Please post the paper hearings/conferences calendar on an easel in the reception area as the screen is not helpful.”
- “Trash the plasma screen (infuriatingly slow - always a half-dozen screens from the needed one) and post the paper calendar.”

A few respondents discussed non-support staff issues, such as untimely decisions, requesting an appeal fee waiver, and sanctioning attorneys who file late actions.

“Do you have any suggestions about how OAH could improve its website?”

Many respondents did not answer this question, and about one hundred wrote “no” or “nothing.” A few have never used the site nor knew OAH had one. Respondents requested more online information (current schedules, decisions, process changes) and forms, or suggested changes to the site’s appearance and functionality. A few respondents suggested e-mailing notices, announcements and other information.

More information and forms:

- “Allow for electronic filing of pleadings.”
- “Create a database of all workers’ compensation administrative decisions.”
- “Add more - forms, contract info, tips, etc.”
- “Calendar on website - check if conference is stricken or not; or continued.”
- “Have the calendar for the coming month for each judge on the website.”
- “I hear rumors of changes as of [September 2010] - less than two months from now. Information outlining changes should be on the website.”
- “It would be helpful if OAH chooses to make radical procedural changes if information about those changes such as what they are, were clearly and timely made available on the website.”
- “I’d love to be able to file things electronically and download DOLI forms for use later.”
- “More regular updates advising as to developments at OAH, send out email advising as to updates.”
- “Provide the daily calendar so judge and room assignments are known ahead of time.”

Appearance and functionality:

- “The search engine is not as user friendly as I would like. But at least provides access.”
- “Make the location of resources for unrepresented parties more apparent from the home page.”
- “Make attorney scheduling easier to fill out (e.g. check boxes on a calendar).”
- “Modernize layout; better access to links.”
- “More cohesiveness. One page with all the forms.”
- “Quite brochure-like, no too interactive. Could be more modern.”
- “Too bland and official looking. Need to add color. Should be inviting.”

Use of Technology

Two new questions asked respondents how likely they were to receive OAH communications via e-mail rather than U.S. Mail and participate in hearings via video conferencing, if these services were available. Almost 70 percent of respondents would very likely or likely use e-mail for communications, though non-attorneys were not as likely as attorneys (48 percent versus 73 percent). Almost 40 percent of respondents said the same for video conferencing, with no different between attorney and non-attorney responses.

Figure 1. Likelihood of using e-mail for OAH communications

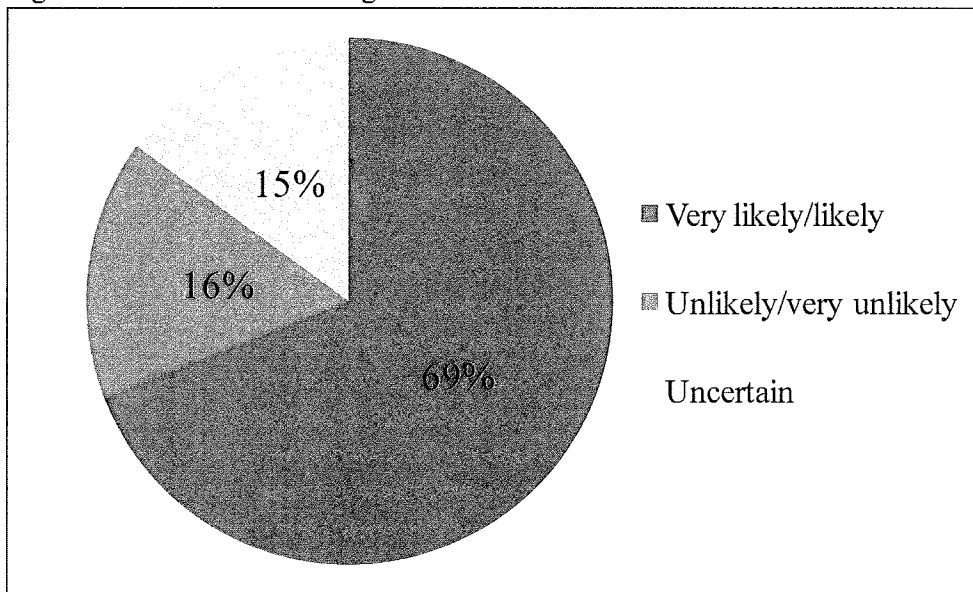
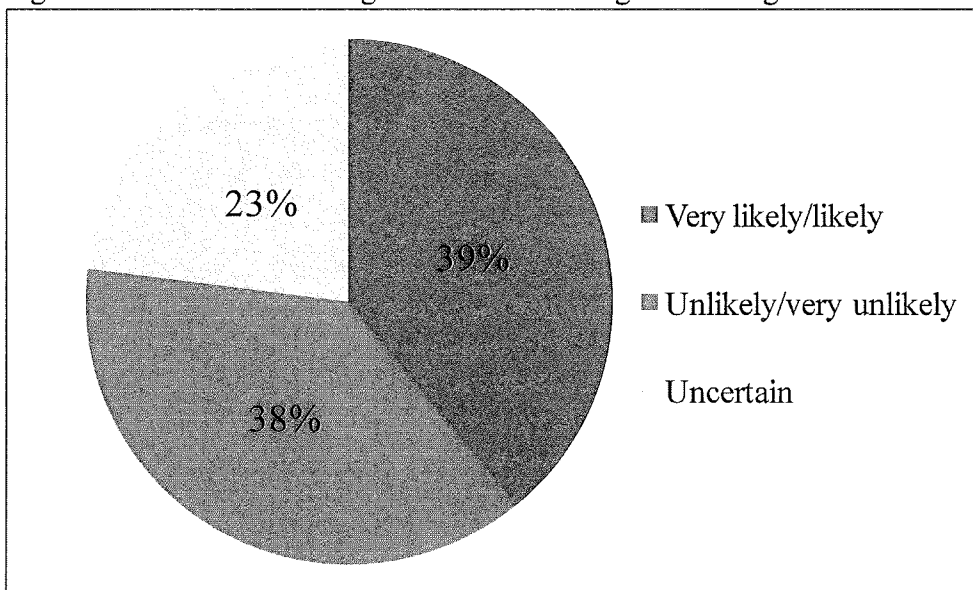


Figure 2. Likelihood of using video conferencing for hearings



Appendices

Appendix A: Tabulated Responses to Statements 33
(excluding “Does not apply” and no-answer responses)

Appendix B: Tabulated Responses to Statements 45
(with “Does not apply” and no-answer responses)

Appendix C: Questionnaires 57
(originally printed on legal-sized paper
but re-sized to letter for this report)

**Appendix A: Tabulated Responses to Statements
(excluding “Does not apply” and no-answer responses)**

	Attorneys	Non-Attorneys	Overall
Showing respect to you			
Excellent	71% 557	66% 100	70% 657
Good	23% 179	21% 32	23% 211
Fair	5% 36	9% 14	5% 50
Poor	1% 8	3% 5	1% 13
Very Poor	1% 6	0% 0	1% 6
Totals	100% 786	100% 151	100% 937

	Attorneys	Non-Attorneys	Overall
Showing patience with you			
Excellent	63% 496	66% 98	64% 594
Good	27% 212	16% 24	25% 236
Fair	8% 61	11% 17	8% 78
Poor	1% 10	6% 9	2% 19
Very Poor	1% 7	1% 1	1% 8
Totals	100% 786	100% 149	100% 935

	Attorneys	Non-Attorneys	Overall
Promoting a sense of fairness			
Excellent	61% 480	59% 89	61% 569
Good	26% 202	16% 24	24% 226
Fair	9% 67	10% 15	9% 82
Poor	2% 18	9% 14	3% 32
Very Poor	2% 16	5% 8	3% 24
Totals	100% 783	100% 150	100% 933

	Attorneys	Non-Attorneys	Overall
Being open-minded throughout the proceedings			
Excellent	56% 439	59% 88	57% 527
Good	27% 212	17% 26	26% 238
Fair	11% 86	7% 10	10% 96
Poor	4% 28	11% 17	5% 45
Very Poor	2% 16	6% 9	3% 25
Totals	100% 781	100% 150	100% 931

	Attorneys	Non-Attorneys	Overall
Remaining even-tempered throughout the proceedings			
Excellent	67% 521	61% 92	66% 613
Good	26% 203	26% 39	26% 242
Fair	5% 43	7% 10	6% 53
Poor	1% 6	4% 6	1% 12
Very Poor	1% 9	2% 3	1% 12
Totals	100% 782	100% 150	100% 932

	Attorneys	Non-Attorneys	Overall
Starting the hearing/conference when the parties are ready to proceed			
Excellent	69% 541	57% 86	67% 627
Good	26% 200	30% 45	26% 245
Fair	3% 27	9% 14	4% 41
Poor	1% 9	2% 3	1% 12
Very Poor	0% 3	1% 2	1% 5
Totals	100% 780	100% 150	100% 930

	Attorneys	Non-Attorneys	Overall
Being familiar with the issues of the case			
Excellent	64% 504	49% 73	62% 577
Good	27% 213	23% 34	27% 247
Fair	7% 51	16% 24	8% 75
Poor	1% 11	7% 10	2% 21
Very Poor	0% 3	5% 8	1% 11
Totals	100% 782	100% 149	100% 931

	Attorneys	Non-Attorneys	Overall
Paying attention during the proceedings			
Excellent	70% 549	61% 91	69% 640
Good	24% 188	21% 32	24% 220
Fair	4% 34	9% 14	5% 48
Poor	1% 7	5% 8	2% 15
Very Poor	0% 3	3% 4	1% 7
Totals	100% 781	100% 149	100% 930

	Attorneys	Non-Attorneys	Overall
Giving you or your attorney opportunities to speak			
Excellent	68% 533	60% 90	67% 623
Good	27% 211	23% 34	26% 245
Fair	4% 30	12% 18	5% 48
Poor	1% 9	1% 2	1% 11
Very Poor	0% 0	4% 6	1% 6
Totals	100% 783	100% 150	100% 933

	Attorneys	Non-Attorneys	Overall
Preventing participants from making lengthy, repetitive statements (“rambling”)			
Excellent	49% 357	50% 72	49% 429
Good	39% 290	31% 44	38% 334
Fair	11% 78	9% 13	10% 91
Poor	1% 10	6% 9	2% 19
Very Poor	0% 1	3% 5	1% 6
Totals	100% 736	100% 143	100% 879

	Attorneys	Non-Attorneys	Overall
Maintaining appropriate control over who speaks and when			
Excellent	57% 439	61% 91	58% 530
Good	35% 271	26% 39	34% 310
Fair	6% 48	10% 15	7% 63
Poor	1% 7	1% 2	1% 9
Very Poor	0% 1	1% 2	0% 3
Totals	100% 766	100% 149	100% 915

	Attorneys	Non-Attorneys	Overall
Being decisive throughout the proceedings, such as when objections are raised			
Excellent	60% 447	60% 81	60% 528
Good	33% 242	21% 29	31% 271
Fair	6% 45	13% 18	7% 63
Poor	1% 6	3% 4	1% 10
Very Poor	1% 4	2% 3	1% 7
Totals	100% 744	100% 135	100% 879

	Attorneys	Non-Attorneys	Overall
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings			
Excellent	61% 356	58% 64	61% 420
Good	33% 190	25% 27	31% 217
Fair	5% 32	13% 14	7% 46
Poor	1% 3	2% 2	1% 5
Very Poor	0% 2	3% 3	1% 5
Totals	100% 583	100% 110	100% 693

	Attorneys	Non-Attorneys	Overall
Assisting people in narrowing the issues			
Excellent	53% 390	57% 78	54% 468
Good	34% 251	20% 28	32% 279
Fair	9% 66	13% 18	10% 84
Poor	3% 19	6% 8	3% 27
Very Poor	1% 5	4% 5	1% 10
Totals	100% 731	100% 137	100% 868

	Attorneys	Non-Attorneys	Overall
Skillfully handling settlement conferences and mediations			
Excellent	56% 273	55% 63	56% 336
Good	27% 131	24% 27	26% 158
Fair	13% 61	9% 10	12% 71
Poor	3% 13	9% 10	4% 23
Very Poor	2% 9	4% 4	2% 13
Totals	100% 487	100% 114	100% 601

	Attorneys	Non-Attorneys	Overall
Knowing relevant substantive law			
Excellent	60% 466	0	60% 466
Good	30% 236	0	30% 236
Fair	6% 46	0	6% 46
Poor	3% 22	0	3% 22
Very Poor	1% 8	0	1% 8
Totals	100% 778	% 0	100% 778

	Attorneys	Non-Attorneys	Overall
Knowing rules of procedure			
Excellent	62% 480	0	62% 480
Good	30% 231	0	30% 231
Fair	6% 43	0	6% 43
Poor	2% 12	0	2% 12
Very Poor	1% 5	0	1% 5
Totals	100% 771	% 0	100% 771

	Attorneys	Non-Attorneys	Overall
Knowing rules of evidence			
Excellent	61% 455	0	61% 455
Good	29% 220	0	29% 220
Fair	7% 49	0	7% 49
Poor	2% 17	0	2% 17
Very Poor	1% 6	0	1% 6
Totals	100% 747	% 0	100% 747

	Attorneys	Non-Attorneys	Overall
Basing decisions on evidence, testimony, and law			
Excellent	57% 440	0	57% 440
Good	25% 196	0	25% 196
Fair	9% 73	0	9% 73
Poor	5% 39	0	5% 39
Very Poor	3% 21	0	3% 21
Totals	100% 769	% 0	100% 769

	Attorneys	Non-Attorneys	Overall
Writing understandable decisions			
Excellent	61% 473	0	61% 473
Good	28% 219	0	28% 219
Fair	7% 55	0	7% 55
Poor	2% 18	0	2% 18
Very Poor	1% 8	0	1% 8
Totals	100% 773	% 0	100% 773

	Attorneys	Non-Attorneys	Overall
Issuing written findings, conclusions, and/or orders in a timely manner			
Excellent	62% 477	55% 81	61% 558
Good	31% 241	22% 32	30% 273
Fair	5% 41	16% 23	7% 64
Poor	1% 9	3% 5	2% 14
Very Poor	0% 1	5% 7	1% 8
Totals	100% 769	100% 148	100% 917

	Attorneys		Non-Attorneys		Overall	
How clear and concise the written decision was						
Excellent	0		57%	84	57%	84
Good	0		22%	33	22%	33
Fair	0		11%	17	11%	17
Poor	0		5%	8	5%	8
Very Poor	0		4%	6	4%	6
Totals	%	0	100%	148	100%	148

	Attorneys		Non-Attorneys		Overall	
Overall, how satisfied were you with the hearing process?						
Very satisfied	61%	429	57%	84	60%	513
Satisfied	27%	191	19%	28	26%	219
Neither satisfied nor dissatisfied	6%	40	5%	8	6%	48
Dissatisfied	4%	31	10%	14	5%	45
Very dissatisfied	2%	15	9%	13	3%	28
Totals	100%	706	100%	147	100%	853

Ratings of OAH support staff and Web site

	Attorneys	Non-Attorneys	Overall
Docket staff			
Excellent	55% 369	53% 40	55% 409
Good	38% 254	41% 31	38% 285
Fair	6% 42	5% 4	6% 46
Poor	1% 8	0% 0	1% 8
Very Poor	0% 0	1% 1	0% 1
Totals	100% 673	100% 76	100% 749

	Attorneys	Non-Attorneys	Overall
Receptionist (on phone or in person)			
Excellent	53% 350	52% 46	53% 396
Good	37% 240	37% 33	37% 273
Fair	8% 53	9% 8	8% 61
Poor	1% 8	1% 1	1% 9
Very Poor	1% 4	1% 1	1% 5
Totals	100% 655	100% 89	100% 744

	Attorneys	Non-Attorneys	Overall
Legal secretary			
Excellent	55% 187	55% 28	55% 215
Good	36% 121	33% 17	35% 138
Fair	4% 15	10% 5	5% 20
Poor	1% 2	0% 0	1% 2
Very Poor	4% 14	2% 1	4% 15
Totals	100% 339	100% 51	100% 390

	Attorneys	Non-Attorneys	Overall
Staff attorney			
Excellent	52% 182	55% 27	52% 209
Good	35% 123	31% 15	34% 138
Fair	8% 28	10% 5	8% 33
Poor	1% 4	2% 1	1% 5
Very Poor	5% 16	2% 1	4% 17
Totals	100% 353	100% 49	100% 402

	Attorneys	Non-Attorneys	Overall
The usefulness of the agency's website to you			
Excellent	20% 112	36% 16	21% 128
Good	49% 273	40% 18	48% 291
Fair	28% 158	20% 9	28% 167
Poor	1% 7	0% 0	1% 7
Very Poor	1% 8	4% 2	2% 10
Totals	100% 558	100% 45	100% 603

	Attorneys	Non-Attorneys	Overall
The helpfulness of the pro se video			
Excellent	0	43% 9	43% 9
Good	0	29% 6	29% 6
Fair	0	14% 3	14% 3
Poor	0	5% 1	5% 1
Very Poor	0	10% 2	10% 2
Totals	% 0	100% 21	100% 21

Likelihood of using the following:

	Attorneys	Non-Attorneys	Overall
Receive OAH communications via e-mail rather than U.S. Mail			
Very likely	48% 340	24% 30	44% 370
Likely	25% 181	24% 30	25% 211
Uncertain	15% 106	14% 17	15% 123
Unlikely	6% 45	10% 13	7% 58
Very unlikely	6% 42	28% 35	9% 77
Totals	100% 714	100% 125	100% 839

	Attorneys	Non-Attorneys	Overall
Participate in hearings via video conferencing (interactive TV)			
Very likely	18% 126	17% 21	18% 147
Likely	22% 155	20% 25	22% 180
Uncertain	23% 165	23% 28	23% 193
Unlikely	16% 114	13% 16	16% 130
Very unlikely	21% 151	27% 33	22% 184
Totals	100% 711	100% 123	100% 834

**Appendix B: Tabulated Responses to Statements
(including “Does not apply” and no-answer responses)**

	Attorneys	Non-Attorneys	Overall
Showing respect to you			
Excellent	71% 557	66% 100	70% 657
Good	23% 179	21% 32	22% 211
Fair	5% 36	9% 14	5% 50
Poor	1% 8	3% 5	1% 13
Very Poor	1% 6	0% 0	1% 6
Does Not Apply	0% 2	0% 0	0% 2
No Answer	0% 1	1% 1	0% 2
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Showing patience with you			
Excellent	63% 496	64% 98	63% 594
Good	27% 212	16% 24	25% 236
Fair	8% 61	11% 17	8% 78
Poor	1% 10	6% 9	2% 19
Very Poor	1% 7	1% 1	1% 8
Does Not Apply	0% 2	1% 1	0% 3
No Answer	0% 1	1% 2	0% 3
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Promoting a sense of fairness			
Excellent	61% 480	59% 89	60% 569
Good	26% 202	16% 24	24% 226
Fair	8% 67	10% 15	9% 82
Poor	2% 18	9% 14	3% 32
Very Poor	2% 16	5% 8	3% 24
Does Not Apply	0% 2	0% 0	0% 2
No Answer	1% 4	1% 2	1% 6
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Being open-minded throughout the proceedings			
Excellent	56% 439	58% 88	56% 527
Good	27% 212	17% 26	25% 238
Fair	11% 86	7% 10	10% 96
Poor	4% 28	11% 17	5% 45
Very Poor	2% 16	6% 9	3% 25
Does Not Apply	1% 5	1% 1	1% 6
No Answer	0% 3	1% 1	0% 4
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Remaining even-tempered throughout the proceedings			
Excellent	66% 521	61% 92	65% 613
Good	26% 203	26% 39	26% 242
Fair	5% 43	7% 10	6% 53
Poor	1% 6	4% 6	1% 12
Very Poor	1% 9	2% 3	1% 12
Does Not Apply	1% 4	0% 0	0% 4
No Answer	0% 3	1% 2	1% 5
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Starting the hearing/conference when the parties are ready to proceed			
Excellent	69% 541	57% 86	67% 627
Good	25% 200	30% 45	26% 245
Fair	3% 27	9% 14	4% 41
Poor	1% 9	2% 3	1% 12
Very Poor	0% 3	1% 2	1% 5
Does Not Apply	1% 4	1% 1	1% 5
No Answer	1% 5	1% 1	1% 6
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Being familiar with the issues of the case			
Excellent	64% 504	48% 73	61% 577
Good	27% 213	22% 34	26% 247
Fair	6% 51	16% 24	8% 75
Poor	1% 11	7% 10	2% 21
Very Poor	0% 3	5% 8	1% 11
Does Not Apply	1% 4	1% 2	1% 6
No Answer	0% 3	1% 1	0% 4
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Paying attention during the proceedings			
Excellent	70% 549	60% 91	68% 640
Good	24% 188	21% 32	23% 220
Fair	4% 34	9% 14	5% 48
Poor	1% 7	5% 8	2% 15
Very Poor	0% 3	3% 4	1% 7
Does Not Apply	1% 5	0% 0	1% 5
No Answer	0% 3	2% 3	1% 6
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Giving you or your attorney opportunities to speak			
Excellent	68% 533	59% 90	66% 623
Good	27% 211	22% 34	26% 245
Fair	4% 30	12% 18	5% 48
Poor	1% 9	1% 2	1% 11
Very Poor	0% 0	4% 6	1% 6
Does Not Apply	0% 3	1% 1	0% 4
No Answer	0% 3	1% 1	0% 4
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Preventing participants from making lengthy, repetitive statements (“rambling”)			
Excellent	45% 357	47% 72	46% 429
Good	37% 290	29% 44	35% 334
Fair	10% 78	9% 13	10% 91
Poor	1% 10	6% 9	2% 19
Very Poor	0% 1	3% 5	1% 6
Does Not Apply	6% 48	5% 8	6% 56
No Answer	1% 5	1% 1	1% 6
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Maintaining appropriate control over who speaks and when			
Excellent	56% 439	60% 91	56% 530
Good	34% 271	26% 39	33% 310
Fair	6% 48	10% 15	7% 63
Poor	1% 7	1% 2	1% 9
Very Poor	0% 1	1% 2	0% 3
Does Not Apply	2% 15	1% 2	2% 17
No Answer	1% 8	1% 1	1% 9
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Being decisive throughout the proceedings, such as when objections are raised			
Excellent	57% 447	53% 81	56% 528
Good	31% 242	19% 29	29% 271
Fair	6% 45	12% 18	7% 63
Poor	1% 6	3% 4	1% 10
Very Poor	1% 4	2% 3	1% 7
Does Not Apply	5% 41	11% 16	6% 57
No Answer	1% 4	1% 1	1% 5
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings			
Excellent	45% 356	42% 64	45% 420
Good	24% 190	18% 27	23% 217
Fair	4% 32	9% 14	5% 46
Poor	0% 3	1% 2	1% 5
Very Poor	0% 2	2% 3	1% 5
Does Not Apply	25% 199	26% 40	25% 239
No Answer	1% 7	1% 2	1% 9
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Assisting people in narrowing the issues			
Excellent	49% 390	51% 78	50% 468
Good	32% 251	18% 28	30% 279
Fair	8% 66	12% 18	9% 84
Poor	2% 19	5% 8	3% 27
Very Poor	1% 5	3% 5	1% 10
Does Not Apply	7% 52	8% 12	7% 64
No Answer	1% 6	2% 3	1% 9
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Skillfully handling settlement conferences and mediations			
Excellent	35% 273	41% 63	36% 336
Good	17% 131	18% 27	17% 158
Fair	8% 61	7% 10	8% 71
Poor	2% 13	7% 10	2% 23
Very Poor	1% 9	3% 4	1% 13
Does Not Apply	37% 293	24% 36	35% 329
No Answer	1% 9	1% 2	1% 11
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Knowing relevant substantive law			
Excellent	59% 466	0% 0	50% 466
Good	30% 236	0% 0	25% 236
Fair	6% 46	0% 0	5% 46
Poor	3% 22	0% 0	2% 22
Very Poor	1% 8	0% 0	1% 8
Does Not Apply	1% 9	0% 0	1% 9
No Answer	0% 2	100% 152	16% 154
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Knowing rules of procedure			
Excellent	61% 480	0% 0	51% 480
Good	29% 231	0% 0	25% 231
Fair	5% 43	0% 0	5% 43
Poor	2% 12	0% 0	1% 12
Very Poor	1% 5	0% 0	1% 5
Does Not Apply	2% 14	0% 0	1% 14
No Answer	1% 4	100% 152	17% 156
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Knowing rules of evidence			
Excellent	58% 455	0% 0	48% 455
Good	28% 220	0% 0	23% 220
Fair	6% 49	0% 0	5% 49
Poor	2% 17	0% 0	2% 17
Very Poor	1% 6	0% 0	1% 6
Does Not Apply	5% 37	0% 0	4% 37
No Answer	1% 5	100% 152	17% 157
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Basing decisions on evidence, testimony, and law			
Excellent	56% 440	0% 0	47% 440
Good	25% 196	0% 0	21% 196
Fair	9% 73	0% 0	8% 73
Poor	5% 39	0% 0	4% 39
Very Poor	3% 21	0% 0	2% 21
Does Not Apply	2% 14	0% 0	1% 14
No Answer	1% 6	100% 152	17% 158
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Writing understandable decisions			
Excellent	60% 473	0% 0	50% 473
Good	28% 219	0% 0	23% 219
Fair	7% 55	0% 0	6% 55
Poor	2% 18	0% 0	2% 18
Very Poor	1% 8	0% 0	1% 8
Does Not Apply	2% 12	0% 0	1% 12
No Answer	1% 4	100% 152	17% 156
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Issuing written findings, conclusions, and/or orders in a timely manner			
Excellent	60% 477	53% 81	59% 558
Good	31% 241	21% 32	29% 273
Fair	5% 41	15% 23	7% 64
Poor	1% 9	3% 5	1% 14
Very Poor	0% 1	5% 7	1% 8
Does Not Apply	2% 16	1% 1	2% 17
No Answer	1% 4	2% 3	1% 7
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
How clear and concise the written decision was			
Excellent	0% 0	55% 84	9% 84
Good	0% 0	22% 33	4% 33
Fair	0% 0	11% 17	2% 17
Poor	0% 0	5% 8	1% 8
Very Poor	0% 0	4% 6	1% 6
Does Not Apply	0% 0	1% 2	0% 2
No Answer	100% 789	1% 2	84% 791
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Overall, how satisfied were you with the hearing process?			
Very satisfied	54% 429	55% 84	55% 513
Satisfied	24% 191	18% 28	23% 219
Neither satisfied nor dissatisfied	5% 40	5% 8	5% 48
Dissatisfied	4% 31	9% 14	5% 45
Very dissatisfied	2% 15	9% 13	3% 28
No Answer	11% 83	3% 5	9% 88
Totals	100% 789	100% 152	100% 941

Ratings of OAH support staff and Web site

	Attorneys	Non-Attorneys	Overall
Docket staff			
Excellent	47% 369	26% 40	43% 409
Good	32% 254	20% 31	30% 285
Fair	5% 42	3% 4	5% 46
Poor	1% 8	0% 0	1% 8
Very Poor	0% 0	1% 1	0% 1
No Answer	15% 116	50% 76	20% 192
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Receptionist (on phone or in person)			
Excellent	44% 350	30% 46	42% 396
Good	30% 240	22% 33	29% 273
Fair	7% 53	5% 8	6% 61
Poor	1% 8	1% 1	1% 9
Very Poor	1% 4	1% 1	1% 5
No Answer	17% 134	41% 63	21% 197
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Legal secretary			
Excellent	24% 187	18% 28	23% 215
Good	15% 121	11% 17	15% 138
Fair	2% 15	3% 5	2% 20
Poor	0% 2	0% 0	0% 2
Very Poor	2% 14	1% 1	2% 15
No Answer	57% 450	66% 101	59% 551
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Staff attorney			
Excellent	23% 182	18% 27	22% 209
Good	16% 123	10% 15	15% 138
Fair	4% 28	3% 5	4% 33
Poor	1% 4	1% 1	1% 5
Very Poor	2% 16	1% 1	2% 17
No Answer	55% 436	68% 103	57% 539
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
The usefulness of the agency's website to you			
Excellent	14% 112	11% 16	14% 128
Good	35% 273	12% 18	31% 291
Fair	20% 158	6% 9	18% 167
Poor	1% 7	0% 0	1% 7
Very Poor	1% 8	1% 2	1% 10
No Answer	29% 231	70% 107	36% 338
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
The helpfulness of the pro se video			
Excellent	0% 0	6% 9	1% 9
Good	0% 0	4% 6	1% 6
Fair	0% 0	2% 3	0% 3
Poor	0% 0	1% 1	0% 1
Very Poor	0% 0	1% 2	0% 2
No Answer	100% 789	86% 131	98% 920
Totals	100% 789	100% 152	100% 941

Likelihood of using the following:

	Attorneys	Non-Attorneys	Overall
Receive OAH communications via e-mail rather than U.S. Mail			
Very likely	43% 340	20% 30	39% 370
Likely	23% 181	20% 30	22% 211
Uncertain	13% 106	11% 17	13% 123
Unlikely	6% 45	9% 13	6% 58
Very unlikely	5% 42	23% 35	8% 77
No Answer	10% 75	18% 27	11% 102
Totals	100% 789	100% 152	100% 941

	Attorneys	Non-Attorneys	Overall
Participate in hearings via video conferencing (interactive TV)			
Very likely	16% 126	14% 21	16% 147
Likely	20% 155	16% 25	19% 180
Uncertain	21% 165	18% 28	21% 193
Unlikely	14% 114	11% 16	14% 130
Very unlikely	19% 151	22% 33	20% 184
No Answer	10% 78	19% 29	11% 107
Totals	100% 789	100% 152	100% 941

Appendix C: Attorney Questionnaire

OFFICE OF ADMINISTRATIVE HEARINGS JUDICIAL DEVELOPMENT PROGRAM 2010

This survey is also online. Go to www.tinyurl.com/oah123 and enter this code:

Please evaluate Judge

Please rate this judge's performance in the following areas. The term "proceedings" includes hearings, motions, pre-trials, administrative and settlement conferences, mediations, and rule hearings.

	Excellent	Good	Fair	Poor	Very Poor	Does Not Apply
Showing respect to you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Showing patience with you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promoting a sense of fairness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being open-minded throughout the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remaining even-tempered throughout the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Starting the hearing/conference when the parties are ready to proceed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being familiar with the issues of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paying attention during the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Giving you or your attorney opportunities to speak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preventing participants from making lengthy, repetitive statements ("rambling")	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintaining appropriate control over who speaks and when	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being decisive throughout the proceedings, such as when objections are raised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assisting people in narrowing the issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Skillfully handling settlement conferences and mediations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowing relevant substantive law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowing rules of procedure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowing rules of evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Basing decisions on evidence, testimony, and law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Writing understandable decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Issuing written findings, conclusions, and/or orders in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Written Comments

Your comments will be to given to the judge as you have written them. Profanities or personal attacks will be removed. Please avoid mentioning any case specifics that might identify you. Your responses to this questionnaire will not be a considered formal complaint.

When answering these questions, consider this judge's attitude and behavior toward all people in the courtroom, managing and handling of the proceedings, and legal knowledge and ability.

What are this judge's strengths?

What can this judge do to improve his or her performance?

Were there any incidents during the proceedings that showed the judge's fairness? If yes, please explain without mentioning any case specifics.

Were there any incidents during the proceedings that showed the judge's bias or unfairness? If yes, please explain without mentioning any case specifics.

Do you have any additional comments about this judge's performance?

Overall, how satisfied were you with the hearing process?

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

OAH staff and technology

Please rate the service of the following OAH staff:

	Excellent	Good	Fair	Poor	Very Poor	Does Not Apply
Docket staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Receptionist (on phone or in person) ...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please rate the following:

The usefulness of the agency's website to you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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What reasons did you have to contact the above staff, and how did they treat you?

Is there anything that the OAH staff could have done to serve you better?

Do you have any suggestions about how OAH could improve its website?

How likely would you be to use the following, if available?

	Very likely	Likely	Uncertain	Unlikely	Very unlikely
Receive OAH communications via e-mail rather than U.S. Mail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participate in hearings via video conferencing (interactive TV)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for completing this questionnaire.

Please return your questionnaire in the accompanying postage-paid envelope, or mail it to:

Management Analysis & Development (MAD)
Minnesota Management and Budget
50 Sherburne Ave. #203
St. Paul, MN 55155

Appendix C: Non-Attorney Questionnaire

OFFICE OF ADMINISTRATIVE HEARINGS JUDICIAL DEVELOPMENT PROGRAM 2010

This survey is also online. Go to www.tinyurl.com/oah123 and enter this code:

Please evaluate Judge

Please rate this judge's performance in the following areas. The term "proceedings" includes hearings, motions, pre-trials, administrative and settlement conferences, mediations, and rule hearings.

	Excellent	Good	Fair	Poor	Very Poor	Does Not Apply
Showing respect to you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Showing patience with you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promoting a sense of fairness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being open-minded throughout the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remaining even-tempered throughout the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Starting the hearing/conference when the parties are ready to proceed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being familiar with the issues of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paying attention during the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Giving you or your attorney opportunities to speak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preventing participants from making lengthy, repetitive statements ("rambling")	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintaining appropriate control over who speaks and when	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being decisive throughout the proceedings, such as when objections are raised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assisting people in narrowing the issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Skillfully handling settlement conferences and mediations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Issuing written findings, conclusions, and/or orders in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How clear and concise the written decision was	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Written Comments

Your comments will be given to the judge as you have written them. Profanities or personal attacks will be removed. Please avoid mentioning any case specifics that might identify you. Your responses to this questionnaire will not be considered formal complaint.

When answering these questions, consider this judge's attitude and behavior toward all people in the courtroom, managing and handling of the proceedings, and legal knowledge and ability.

What are this judge's strengths?

What can this judge do to improve his or her performance?

Were there any incidents during the proceedings that showed the judge's fairness? If yes, please explain without mentioning any case specifics.

Were there any incidents during the proceedings that showed the judge's bias or unfairness? If yes, please explain without mentioning any case specifics.

Do you have any additional comments about this judge's performance?

Overall, how satisfied were you with the hearing process?

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

OAH staff and technology

Please rate the service of the following OAH staff:

	Excellent	Good	Fair	Poor	Very Poor	Does Not Apply
Docket staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Receptionist (on phone or in person)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please rate the following:

The usefulness of the agency's website to you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The helpfulness of the pro se video	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What reasons did you have to contact the above staff, and how did they treat you?

Is there anything that the OAH staff could have done to serve you better?

Do you have suggestions about how OAH could improve its website or other video topics?

How likely would you have been to use the following, had they been available for your case?

	Very likely	Likely	Uncertain	Unlikely	Very unlikely
Receive OAH communications via e-mail rather than U.S. Mail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participate in hearings via video conferencing (interactive TV)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for completing this questionnaire.

Please return your questionnaire in the accompanying postage-paid envelope, or mail it to:

Management Analysis & Development (MAD)
Minnesota Management and Budget
50 Sherburne Ave. #203
St. Paul, MN 55155