

**OFFICE
of ADMINISTRATIVE
HEARINGS**

**Judicial Development
Program
Office-wide summary**

November 2002



Admin
MINNESOTA

Department of Administration

MANAGEMENT ANALYSIS DIVISION

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MANAGEMENT ANALYSIS DIVISION

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Management Analysis Division

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We provide quality management consultation services to local, regional, state, and federal government agencies, and public institutions.

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EXECUTIVE SUMMARY

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, contested case hearings, and issues awards on stipulation. In 1998, the chief administrative law judge established a judicial development program. The program's purpose was to identify for the judges the things they are doing well and identify aspects of their performance that could be improved. OAH repeated this process in 2001-2002.

OAH contracted with the Management Analysis Division for assistance to re-administer the written questionnaire that OAH and Management Analysis developed in 1998. The questionnaire solicited feedback from parties ("non-attorneys") and legal counsel ("attorneys") who have appeared before the judges. Management Analysis received and tabulated completed questionnaires, created individual reports for each judge, and reviewed data for all judges as a group, as summarized in this report.

The questionnaires asked respondents to rate a judge's performance in areas concerning judicial conduct, management of proceedings, and legal knowledge and abilities (attorneys only). 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.

OAH mailed a total of 3,869 questionnaires to attorneys and non-attorneys. A total of 1,641 were returned, for a response rate of 42 percent, down slightly from the 1999's 46 percent.¹ Similar to the 1999 process, attorneys completed approximately three-quarters of the returned questionnaires.

Attorneys and non-attorneys provided positive ratings of judges' performance overall. For most of the questionnaire's 21 statements, "excellent" and "good" ratings were provided by 80 to 90 percent of combined respondents ("attorneys" and "non-attorneys"). On average, approximately 10 percent of respondents chose "fair" for a statement; 3 percent chose "poor;" and 2 percent chose "very poor."

The four statements with the highest combined percentages of "excellent" and "good" responses, ranging from 89 to 92 percent, were:

- "Starting the proceedings on time" (59 percent "excellent," 33 percent "good")
- "Giving you or your attorney opportunities to speak" (59 percent "excellent," 32 percent "good")

¹ A survey generally should achieve a 60 to 70 percent response rate for results to be considered representative of the target population. Therefore, this survey's results should only be interpreted as what these particular respondents said. The results are not representative of all attorneys and other parties who appeared before OAH judges during 2001-02.

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- “Paying attention during the proceedings” (62 percent “excellent,” 27 percent “good”)
 - “Showing respect to you” (64 percent “excellent,” 25 percent “good”)

The four statements with the lowest combined percentages of “excellent” and “good” responses, ranging from 78 to 80 percent, were:

- “Skillfully handling settlement conferences and mediations” (46 percent “excellent,” 32 percent “good”)
- “Basing decisions on evidence, testimony, and law” (49 percent “excellent,” 30 percent “good”)
- “Being open-minded throughout the proceedings” (52 percent “excellent,” 27 percent “good”)
- “Assisting people in narrowing the issues” (42 percent “excellent,” 38 percent “good”)

Based on a sample of written comments, responses to open-ended questions were favorable overall. A high percentage of respondents wrote one or more positive comments about a judge. Many respondents made statements about the judge’s ability to be fair, objective and having the ability to see both sides as his or her greatest strength. When asked how judges could improve their performance, most gave no response, stated they had no suggestions, or said the judge’s performance was fine. Specific suggestions for improvement included: treating people with more respect, increasing patience and compassion, being aware of personal bias, not taking sides, and being a neutral fact finder. The majority of sampled respondents stated they felt the judge was always fair. Respondents commonly said that the judge gave each side an equal opportunity to present their case and equally controlled rambling or irrelevant testimony.

A comparison of the 1999 and 2002 results showed no significant differences. See Table 3 for a side-by-side comparison of the “overall” ratings.

Regarding the combined attorney and non-attorney overall results, slightly higher percentages of 2002 respondents rated judges’ performance as “excellent,” for all but one statement, compared to the 1999 respondents. Higher percentages of 1999 respondents provided “good” ratings than did 2002 respondents. This appears to be a small but consistent shift from “good” to “excellent” in the overall evaluation of judges. However, the percentage change is within a margin of error; and, as stated earlier, the response rates for the surveys were not high enough to ensure accurate representation of the population.

With several exceptions, the “fair” percentages were within a percentage point or two of each other between the two surveys.

The combined “poor” and “very poor” ratings are similar for most statements across surveys. For some statements, more 2002 respondents chose these ratings than 1999; for other statements, the opposite is true. For all of the attorneys-only statements, the combined “poor”/“very poor” percentages were slightly higher in 2002.

The tabulated questionnaire results indicate that attorney and non-attorney respondents believe that OAH judges, as a group, perform their jobs well. At least 80 percent of respondents who answered a statement chose “excellent” or “good” for most of the 21 statements. Most responses to the questionnaires’ open-ended questions were positive, as well.

The 1999 report suggested that the results could serve as a benchmark against which to compare results of future questionnaires. Keeping in mind the data’s limitations due to the response rate, the 2002 results compare favorably to the original survey, with judicial performance rated just as good or better for most statements.

In terms of using the results to foster improvement, individual judges and OAH as a whole could work to achieve higher percentages of “good” and “excellent” responses. For example, the judicial development program encourages judges to work with their mentors to improve their performance, using their individual tabulated results and specific feedback and suggestions from open-ended questionnaire responses. In addition, following the 1999 questionnaire, OAH provided office-wide training for judges on rules of evidence as well as writing. (There was a slight increase in the percentage of attorneys who responded “excellent” to the statements concerning these two areas between the 1999 and 2002 surveys.) Similar work could continue, using the 2002 results to help identify priorities for training and improvement.

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, contested case hearings, and issues awards on stipulation. In September 1998, the chief administrative law judge established a 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 2001, OAH contracted with Management Analysis Division to administer and analyze the evaluative questionnaire again.

The program consists of using a written questionnaire to solicit feedback from parties ("non-attorneys")² and legal counsel ("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

Management Analysis received and tabulated completed questionnaires, created an individual report for each judge, and wrote this office-wide summary of results. OAH administrative (non-judicial) staff selected non-attorneys and attorneys' names and mailed the questionnaires, cover letters, and reminder letters. Both the cover letter and questionnaire stated that responses would remain anonymous and that the questionnaire contained no code to identify the respondent.

OAH typically sent questionnaires to 75 to 100 individuals who had recently appeared before a judge. Some judges hear several hundred cases each year; so their questionnaire recipients were randomly selected. For those judges who don't carry a full case load, all people appearing before them were sent a questionnaire. Additionally, individuals who had multiple cases before a particular judge were sent only one questionnaire for that judge.

² Non-attorneys included: (1) unrepresented people; (2) represented people; (3) witnesses and rule hearing participants; (4) interpreters; (5) security staff; (6) court reporters; (7) employers; (8) insurance representatives; (9) Qualified Rehabilitation Consultants; (10) county representatives; and (11) state agency representatives.

Two questionnaires were used: one for non-attorneys and one for attorneys.³ The non-attorney questionnaire contained 16 scaled statements and five open-ended questions. The attorney questionnaire had the same questions as the non-attorney one, plus five additional scaled questions which concerned the judge's legal knowledge and abilities. Appendix C contains the two questionnaires.

RESPONSE RATE

OAH mailed a total of 3,869 questionnaires to attorneys and non-attorneys. A total of 1,641 were returned, for a response rate of 42 percent, down slightly from the 1999's 46 percent.⁴ Table 1 shows the overall response rate for each judges' group.

Table 1: Questionnaire response rate by judge division

Judge division	Questionnaires mailed	Questionnaires returned	Response rate
Administrative Procedures Act	544	228	41.9%
Worker's Compensation	3,325	1,413	42.5%
Total	3,869	1,641	42.4%

SCOPE

This report focuses on the judicial development program results as they pertain to the OAH judges as a group. Management Analysis Division 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.

OAH staff mailed the first questionnaires in November 2001 and the last ones in September 2002.

³ In 1998, OAH staff developed the questionnaires by reviewing other court systems' judicial development programs and working with an OAH judges advisory group. Management Analysis reviewed the questionnaires and suggested changes in wording, question order, and content. The questionnaires were pre-tested and revised accordingly.

⁴ A survey generally should achieve a 60 to 70 percent response rate for results to be considered representative of the target population. Therefore, this survey's results should only be interpreted as what these particular respondents said. The results are not representative of all attorneys and other parties who appeared before OAH judges during this 2001-02 survey.

Further data limitations include the variation in how respondents interpreted the statements and the possibility that those who completed a questionnaire are more or less dissatisfied than non-respondents or that their mood at the time of completing the questionnaire might affect their responses.

OFFICE-WIDE RESULTS

This section summarizes the tabulated questionnaire results for the Administrative Procedures Act and Worker’s Compensation judges as a group and 552 randomly-selected questionnaires’ responses to the open-ended questions.

Table 2 shows the distribution of the 1,641 returned questionnaires. Attorneys completed almost three-quarters of the returned questionnaires. Questionnaires for Worker’s Compensation judges equaled approximately 86 percent of the total number of returned questionnaires.

Table 2: Questionnaire count by judge division

Judge division	Total questionnaires		Attorney questionnaires		Non-attorney questionnaires	
Administrative Procedures Act	228	14%	157	13%	71	17%
Worker’s Compensation	1,413	86%	1,060	87%	353	83%
Total	1,641	100%	1,217	100%	424	100%

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 discussed here are based on the number of respondents who chose one of the five rating choices. The percentages do not include respondents who did not answer or who chose “does not apply.” Less than 1 percent of respondents chose “does not apply” for eight of the 21 statements, and 1 to 8 percent chose this answer for several other questions. For two statements, over 20 percent of respondents chose “does not apply:” “acting appropriately to resolve problems during the proceedings” (353 of 1,641 respondents, or 22 percent) and “skillfully handling settlement conferences and mediations” (415 of 1,641 respondents, or 25 percent).

This report’s appendices contain the tabulated questionnaire results. Appendix A has the results that exclude “does not apply” and no answer responses, and Appendix B has the results that include them. The percentages discussed here are taken from Appendix A.

OVERALL

Attorneys and non-attorneys provided positive ratings of judges’ performance overall. For most of the 21 statements, “excellent” and “good” ratings were provided by 80 to 90 percent of combined respondents (“attorneys” and “non-attorneys”).

On average, approximately 10 percent of respondents chose “fair” for a statement; 3 percent chose “poor;” and 2 percent chose “very poor.” The percentages of respondents choosing “excellent” ranged from 41 percent to 64 percent. “Good” was chosen by 25 percent to 40 percent of respondents. For all statements, more respondents chose “excellent” than “good.”

The four statements with the highest combined percentages of “excellent” and “good” responses, ranging from 89 to 92 percent, were:

- “Starting the proceedings on time” (59 percent “excellent,” 33 percent “good”)
- “Giving you or your attorney opportunities to speak” (59 percent “excellent,” 32 percent “good”)
- “Paying attention during the proceedings” (62 percent “excellent,” 27 percent “good”)
- “Showing respect to you” (64 percent “excellent,” 25 percent “good”)

The four statements with the lowest combined percentages of “excellent” and “good” responses, ranging from 78 to 80 percent, were:

- “Skillfully handling settlement conferences and mediations” (46 percent “excellent,” 32 percent “good”)
- “Basing decisions on evidence, testimony, and law” (49 percent “excellent,” 30 percent “good”)
- “Being open-minded throughout the proceedings” (52 percent “excellent,” 27 percent “good”)
- “Assisting people in narrowing the issues” (42 percent “excellent,” 38 percent “good”)

The statements with the lowest percentages of “excellent” responses were: “preventing participants from making lengthy, repetitive statements (‘rambling’)” (41 percent); “assisting people in narrowing the issues” (42 percent); and “skillfully handling settlement conferences and mediations” (46 percent).

On average, approximately 10 percent of respondents chose “fair” for a statement; 3 percent chose “poor;” and 2 percent chose “very poor.” Three statements had approximately 14 percent of respondents choosing “fair:” “preventing participants from making lengthy, repetitive statements (‘rambling’),” “assisting people in narrowing the issues,” and “skillfully handling settlement conferences and mediations.” The statements with the highest combined percentages of “poor” and “very poor” respondents concerned “basing decisions on evidence, testimony, and law” (attorneys-only, 10 percent); “being open-minded throughout the proceedings” (9 percent); and “promoting a sense of fairness” (8 percent).

COMPARISON of 2002 and 1999 SURVEY RESULTS

There are not significant differences between the 2002 and 1999 results. See Table 3 for a side-by-side comparison of the “overall” ratings.

Regarding the combined attorney and non-attorney overall results, slightly higher percentages of 2002 respondents rated judges’ performance as “excellent,” for all but one statement, compared to the 1999 respondents. Higher percentages of 1999 respondents provided “good” ratings than did 2002 respondents. While this could indicate a small shift in the overall evaluation of judges from “good” to “excellent,” the percentage change is within a margin of error; and, as stated earlier, the response rates for the surveys were not high enough to ensure accurate representation of the population.

With several exceptions, the “fair” percentages were within a percentage point or two of each other for both surveys.

The combined “poor” and “very poor” ratings are similar for most statements across the two surveys. For some statements, more 2002 respondents chose these ratings than 1999; for other statements, the opposite is true. For all of the attorneys-only statements, the combined “poor / very poor” percentages were slightly higher in 2002.

Table 3: Comparison of 2002 and 1999 Overall Results⁵

	2002		1999	
Showing respect to you				
Excellent	1046	64.2%	987	61.7%
Good	405	24.8%	450	28.1%
Fair	119	7.3%	117	7.3%
Poor	28	1.7%	23	1.4%
Very poor	32	2.0%	22	1.4%
Totals	1630	100.0%	1599	100.0%*
Showing patience with you				
Excellent	925	57.0%	849	53.7%
Good	447	27.6%	498	31.5%
Fair	175	10.8%	167	10.6%
Poor	45	2.8%	41	2.6%
Very poor	30	1.8%	25	1.6%
Totals	1622	100.0%	1580	100.0%
Promoting a sense of fairness				
Excellent	901	55.3%	811	50.8%
Good	432	26.5%	505	31.7%
Fair	169	10.4%	162	10.2%
Poor	73	4.5%	74	4.6%
Very poor	53	3.3%	43	2.7%
Totals	1628	100.0%	1595	100.0%

⁵ These figures do not include “not applicable” and no responses.

	2002		1999	
Being open-minded throughout the proceedings				
Excellent	840	51.9%	779	48.9%
Good	444	27.4%	504	31.7%
Fair	190	11.7%	180	11.3%
Poor	92	5.7%	85	5.3%
Very poor	54	3.3%	44	2.8%
Totals	1620	100.0%	1592	100.0%
Remaining even-tempered throughout the proceeding				
Excellent	950	58.6%	955	60.0%
Good	459	28.3%	455	28.6%
Fair	145	9.0%	130	8.2%
Poor	46	2.8%	30	1.9%
Very poor	20	1.2%	21	1.3%
Totals	1620	100.0%	1591	100.0%
Starting the proceedings on time				
Excellent	946	58.5%	879	55.8%
Good	537	33.2%	551	35.0%
Fair	101	6.2%	102	6.5%
Poor	22	1.4%	27	1.7%
Very poor	12	0.7%	16	1.0%
Totals	1618	100.0%	1575	100.0%
Being familiar with the issues of the case				
Excellent	851	52.5%	792	49.8%
Good	510	31.5%	551	34.7%
Fair	173	10.7%	150	9.4%
Poor	48	3.0%	66	4.2%
Very poor	39	2.4%	31	1.9%
Totals	1618	100.0%	1590	100.0%
Paying attention during the proceedings				
Excellent	1003	62.0%	940	59.2%
Good	439	27.1%	482	30.4%
Fair	117	7.2%	109	6.9%
Poor	37	2.3%	37	2.3%
Very poor	22	1.4%	20	1.3%
Totals	1618	100.0%	1588	100.0%
Giving you or your attorney opportunities to speak				
Excellent	937	58.5%	896	57.0%
Good	518	32.3%	519	33.0%
Fair	103	6.4%	119	7.6%
Poor	29	1.8%	26	1.7%
Very poor	16	1.0%	12	0.8%
Totals	1603	100.0%	1572	100.05%

	2002		1999	
Preventing participants from making lengthy, repetitive statements				
Excellent	621	41.2%	497	33.6%
Good	607	40.3%	690	46.6%
Fair	220	14.6%	214	14.5%
Poor	40	2.7%	56	3.8%
Very poor	19	1.3%	23	1.6%
Totals	1507	100.0%	1480	100.0%
Maintaining appropriate control over who speaks and when				
Excellent	809	51.0%	711	45.3%
Good	592	37.4%	661	42.2%
Fair	138	8.7%	150	9.6%
Poor	33	2.1%	35	2.2%
Very poor	13	0.8%	11	0.7%
Totals	1585	100.0%	1568	100.0%
Being decisive throughout the proceedings, such as when objections are raised				
Excellent	766	50.0%	663	44.9%
Good	538	35.1%	578	39.1%
Fair	150	9.8%	176	11.9%
Poor	60	3.9%	44	3.0%
Very poor	18	1.2%	17	1.2%
Totals	1532	100.0%	1478	100.0%
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings				
Excellent	631	50.3%	551	45.4%
Good	435	34.7%	483	39.8%
Fair	144	11.5%	139	11.5%
Poor	31	2.5%	25	2.1%
Very poor	14	1.1%	15	1.2%
Totals	1255	100.0%	1213	100.0%
Assisting people in narrowing the issues				
Excellent	630	42.1%	589	39.9%
Good	572	38.2%	578	39.1%
Fair	203	13.6%	217	14.7%
Poor	58	3.9%	60	4.1%
Very Poor	33	2.2%	34	2.3%
Totals	1496	100.0%	1478	100.0%
Skillfully handling settlement conferences and mediations				
Excellent	544	46.0%	446	41.8%
Good	374	31.6%	374	35.1%
Fair	161	13.6%	159	14.9%
Poor	71	6.0%	57	5.3%
Very poor	32	2.7%	31	2.9%
Totals	1182	100.0%	1067	100.0%

	2002		1999	
Knowing relevant substantive law (attorneys only)				
Excellent	592	49.3%	538	46.1%
Good	427	35.6%	441	37.8%
Fair	114	9.5%	131	11.2%
Poor	55	4.6%	36	3.1%
Very poor	12	1.0%	20	1.7%
Totals	1200	100.0%	1166	100.0%
Knowing rules of procedure (attorneys only)				
Excellent	631	53.2%	559	49.0%
Good	397	33.5%	431	37.8%
Fair	111	9.4%	111	9.7%
Poor	34	2.9%	24	2.1%
Very poor	12	1.0%	15	1.3%
Totals	1185	100.0%	1140	100.0%
Knowing rules of evidence (attorneys only)				
Excellent	584	51.0%	476	43.9%
Good	383	33.4%	428	39.5%
Fair	125	10.9%	138	12.7%
Poor	38	3.3%	26	2.4%
Very poor	16	1.4%	16	1.5%
Totals	1146	100.0%	1084	100.0%
Basing decisions on evidence, testimony, and law (attorneys only)				
Excellent	574	48.8%	505	44.2%
Good	355	30.2%	384	33.6%
Fair	128	10.9%	152	13.3%
Poor	72	6.1%	65	5.7%
Very poor	47	4.0%	37	3.2%
Totals	1176	100.0%	1143	100.0%
Writing understandable and thorough decisions (attorneys only)				
Excellent	574	48.9%	511	44.9%
Good	388	33.0%	397	34.9%
Fair	130	11.1%	160	14.0%
Poor	53	4.5%	41	3.6%
Very poor	29	2.5%	30	2.6%
Totals	1174	100.0%	1139	100.0%
Issuing findings, conclusions, and/or orders in a timely manner				
Excellent	851	53.9%	757	48.9%
Good	483	30.6%	548	35.4%
Fair	168	10.6%	154	9.9%
Poor	54	3.4%	48	3.1%
Very poor	24	1.5%	42	2.7%
Totals	1580	100.0%	1549	100.0%

*Totals may not equal 100 percent due to rounding error.

From the preceding section, the four statements that received the highest percentages of “good” and “excellent” responses were the same as in 1999. Three of the four statements

with the lowest percentages of “excellent” and “good” were the same for both years. The same held true when highest and lowest were broken out by the “attorney” and “non-attorney” groups for the two years.

RESULTS by RESPONDENT TYPE

Given the high proportion of respondents who chose “excellent” or “good,” few areas appear to exist for significant improvement in the judges’ collective performance. However, the percentage of attorney and non-attorney respondents who chose “excellent” for each statement does vary.

There were not significant differences between attorney and non-attorney responses to the scaled statements, although attorneys’ combined “excellent”/“good” percentages were a few points higher than non-attorneys’ for almost all of the statements. This could illustrate differences of opinion or perception between respondents groups, or it could be a statistically random difference. Statements that had more than a five percent difference between the two respondent groups are detailed in Table 4.

Table 4: Combined “Excellent”/“Good” responses that differed between attorneys and non-attorneys

	Non-attorneys	Attorneys
Showing respect to you	85%	91%
Starting the proceedings on time	50%	61%
Being familiar with the issues of the case	42%	56%
Issuing written findings, conclusions, and/or orders in a timely manner	78%	87%

Each respondent group’s results are presented by the statements with the lowest and highest percentages choosing “excellent.”

ATTORNEY RESULTS

The four statements with the highest percentage of attorney respondents choosing “excellent” were:

- “Showing respect to you” (67 percent)
- “Paying attention during the proceedings” (64 percent)
- “Starting the proceedings on time” (61 percent)
- “Remaining even-tempered throughout the proceedings” (59 percent)

The five statements with the lowest percentage of attorney respondents choosing “excellent” were:

“Basing decisions on evidence, testimony, and law” and “Writing understandable decisions” (both 49 percent)

“Skillfully handling settlement conferences and mediations” (45 percent)

“Assisting people in narrowing the issues” (43 percent)

“Preventing participants from making lengthy, repetitive statements (‘rambling’)” (41 percent)

The statements that received the highest percentage of “fair” responses from attorneys were: “skillfully handling settlement conferences and mediations” (16 percent), “preventing participants from making lengthy, repetitive statements (‘rambling’)” (15 percent), and “assisting people in narrowing the issues” (14 percent). The statements with the highest combined percentages of respondents choosing “poor” or “very poor” were: “basing decisions on evidence, testimony, and law” (10 percent) and “being open-minded throughout the proceedings” (8 percent).

Generally, 49 to 53 percent of respondents chose “excellent” and 30 to 36 percent chose “good” for the five attorney-only statements, which concerned the judges’ knowledge of the rules of procedure, evidence, and substantive law; basing decisions on evidence, testimony and the law; and writing understandable and thorough decisions. Similar to the 1999 evaluation, the statement, “basing decisions on evidence, testimony, and the law,” showed the highest percentage of respondents choosing “poor” (6 percent) and “very poor” (4 percent).

NON-ATTORNEY RESULTS

The four statements with the highest percentage of non-attorney respondents choosing “excellent” were:

- “Remaining even-tempered throughout the proceedings” (58 percent)
- “Showing respect to you” (57 percent)
- “Paying attention during the proceedings” (57 percent)
- “Giving you or your attorney opportunities to speak” (57 percent)

The four statements with the lowest percentage of non-attorney respondents choosing “excellent” were:

- “Skillfully handling settlement conferences and mediations” (49 percent)

-
- “Preventing participants from making lengthy, repetitive statements (‘rambling’)” (43 percent)
 - “Being familiar with the issues of the case” (42 percent)
 - “Assisting people in narrowing the issues” (41 percent)

The statements that received the highest percentage of “fair” responses from non-attorneys were: “being familiar with the issues of the case” (16 percent) and “assisting people in narrowing the issues” (13 percent). Approximately 10 percent of non-attorney respondents chose “fair” for several other statements. Statements with the highest percentages of combined “poor” or “very poor” responses were: “skillfully handling settlement conferences and mediations” (13 percent), “promoting a sense of fairness” (12 percent), and “being familiar with the issues of the case” (12 percent).

For most statements, attorneys and non-attorneys responses were fairly similar; however, attorneys rated judges’ performances slightly higher for almost all statements. Higher percentages of non-attorneys rated judges’ performance as “poor” or “very poor”(combined) for all statements against which non-attorneys evaluated judges. The most significant differences between attorneys’ and non-attorneys’ ratings regarded those statements that garnered the highest percentages of “poor” or “very poor” ratings from non-attorneys.

SUMMARY of WRITTEN COMMENTS

Similar to the 1999 questionnaires, respondents were asked a series of open-ended questions to gather more detailed and explanatory feedback than scaled questions can provide. These questions concerned judges' strength and areas for improvement. From the 1,641 completed surveys, a sample of 552 surveys with at least one comment were randomly drawn from the pool of open-ended responses, keeping the proportion of attorney surveys (408) to non-attorneys' (144) consistent with the overall respondent group. This section summarizes those written responses by question.

“What are this judge’s strengths?”

Approximately 90 percent of the sample’s respondents wrote one or more positive comments about a judge.

Almost 30 percent of the sample’s respondents made statements about the judge’s ability to be fair and objective, and to see both sides of an issue as his or her greatest strength.

Other comments made about the judge’s strengths include:

- Substantive knowledge of the law
- Diplomatic, polite and respectful treatment toward all
- The judge was timely, efficient, and punctual
- Conducted themselves with a professional demeanor
- Were even-tempered and patient with everyone
- Their knowledge and ability to understand the issues
- Firm control of the courtroom and proceedings
- Friendly, cordial, and courteous behavior
- That they were well prepared and organized
- Were good listeners and attentive to the testimony given
- Intelligent
- Well-reasoned decisions and reports

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

Over 75 percent of the sample gave no response, stated they had no suggestions, or said the judge’s performance was fine.

Suggestions to improve his or her performance include:

- Treat people with more respect, increase patience and compassion
- Be aware of personal bias, don’t take sides, be a neutral fact-finder
- Write better, more to-the-point decisions, and cite evidence to support decisions
- Have quicker turnaround on decisions

-
- Be better prepared and start on time
 - Be more assertive, decisive and control lawyers better
 - Improve knowledge of trial procedures and existing case law

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

The majority of sampled respondents stated they felt the judge was always fair. When an example was given, the most common response was that the judge gave each side an equal opportunity to present their case and equally controlled rambling or irrelevant testimony.

Individual comments regarding particular incidents are listed below. These are listed in the respondents’ own words, except for corrections in grammar and clarity, or to conceal the identity of the judge.

- Clearly and tactfully explained why a position was untenable
- Made eye contact with speakers
- Asked both sides to consider the others’ arguments and strengths
- Reminded lawyers that their advocacy is appreciated but their civility is demanded
- Interpreted the proceedings and the unclear questions to non-attorneys
- Offered the choice of a continuance or a separate proceeding when “new” issues were raised
- Asked pointed questions on both sides
- Stopped one attorney from badgering the witness
- The judge apologized when he made a mistake
- Judge required testimony of the claims adjuster

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

The majority of respondents (95 percent) from the sample stated that there were no incidents that showed the judge’s bias or unfairness.

Less than 5 percent made comments to the contrary; the following is a representation of their individual statements. These comments are listed in the respondents’ own words, except for corrections in grammar and clarity, or to conceal the identity of the judge.

- The judge was very friendly with the defense attorney and ignored the petitioner
- All the decisions seem to favor the petitioner
- Judge belittled the evidence and the position argued
- Tends to be biased toward employer cases
- Attitude, demeanor, and rulings demonstrate a hostility to employee and employee’s attorney
- Blew up at employee’s attorney for no reason and was rude to employee
- Judge presents arguments on behalf of employees to defense counsel

-
- Claimed not to like the decisions made by DOLI judges
 - During the hearing the judge said a family member suffered from the alleged problem being discussed
 - Refused to allow evidence introduced by employee
 - Judge snaps at people and appears as a scolding, snarling parent and is shamefully disrespectful.
 - Judge appeared to disengage from the proceedings and started working on the computer, ignoring the testimony of the witness
 - Seems biased against women, shakes his finger, yells and glares at the female attorneys
 - A legislative and/or judicial remedy is needed about the often absurd and untruthful IMEs of the insurers; they put improper pressure on worker's comp judges
 - Obvious bias toward workers compensation attorneys
 - Employer was allowed to keep interrupting employee
 - Judge has an obvious government bias
 - Judge's bias was concealed until written decision was issued
 - Asked witness if the medical records could have been written by someone other than the author on the record.

“Do you have additional comments?”

Over 90 percent of the sampled respondents stated they believe their judge was excellent, fair, and respectful.

Individual **positive** comments listed in the respondents' own words, except for corrections in grammar and clarity, or to conceal the identity of the judge, include:

- Appreciate the judge's control in the courtroom
- Appreciate the judge's willingness to suggest alternatives during the settlement conference
- I've worked in administrative proceedings in other states, and your program is the best administered and structured approach. It provides excellent services at a reasonable cost and is very service oriented.
- Appreciate the judge's preparation and objective views
- Excellent ruler of the courtroom yet maintains a great sense of humor.

Individual **negative** comments listed in the respondents' own words, except for corrections in grammar and clarity, or to conceal the identity of the judge, include:

- Judge makes inappropriate personal comments about and to counsel
- Fails to apply the facts to the case
- Findings don't seem to be based on evidence
- Is too critical of injured workers and their attorneys
- Seems troubled about doing the job and dealing with people.

CONCLUSIONS

The tabulated questionnaire results indicate that attorney and non-attorney respondents believe that OAH judges, as a group, perform their jobs well. At least 80 percent of respondents who answered a statement chose “excellent” or “good” for most of the 21 statements. Most responses to the questionnaires’ open-ended questions were positive, as well.

The 1999 report suggested that the results could serve as a benchmark against which to compare results of future questionnaires. Keeping in mind the data’s limitations due to the response rate, the 2002 results compare favorably to the original survey, with judicial performance rated just as good or better for most statements.

In terms of using the results to foster improvement, individual judges and OAH as a whole could work to achieve higher percentages of “good” and “excellent” responses. For example, the judicial development program encourages judges to work with their mentors to improve their performance, using their individual tabulated results and specific feedback and suggestions from open-ended questionnaire responses.

In addition, following the 1999 questionnaire, OAH provided office-wide training for judges on rules of evidence as well as writing. (There was a slight increase in the percentage of attorneys who responded “excellent” to the statements concerning these two areas between the 1999 and 2002 surveys.) Similar work could continue, using the 2002 results to help identify priorities for training and improvement.

APPENDICES

Tabulated Responses to Statements 21
(excluding “Does not apply” and no-answer responses)

Tabulated responses to Statements 25
(with “Does not apply” and no-answer responses)

Questionnaires 31

SURVEY RESULTS**Office-wide****Total questionnaires = (1217 attorney and 424 non-attorney)****Please rate the judge's performance in the following areas:**

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Showing respect to you						
Excellent	1046	64.2%	809	66.6%	237	57.1%
Good	405	24.8%	291	24.0%	114	27.5%
Fair	119	7.3%	81	6.7%	38	9.2%
Poor	28	1.7%	16	1.3%	12	2.9%
Very poor	32	2.0%	18	1.5%	14	3.4%
Totals	1630	100.0%	1215	100.0%	415	100.0%
Showing patience with you						
Excellent	925	57.0%	703	58.1%	222	53.8%
Good	447	27.6%	327	27.0%	120	29.1%
Fair	175	10.8%	131	10.8%	44	10.7%
Poor	45	2.8%	26	2.2%	19	4.6%
Very poor	30	1.8%	22	1.8%	8	1.9%
Totals	1622	100.0%	1209	100.0%	413	100.0%
Promoting a sense of fairness						
Excellent	901	55.3%	681	56.2%	220	52.8%
Good	432	26.5%	328	27.1%	104	24.9%
Fair	169	10.4%	126	10.4%	43	10.3%
Poor	73	4.5%	47	3.9%	26	6.2%
Very poor	53	3.3%	29	2.4%	24	5.8%
Totals	1628	100.0%	1211	100.0%	417	100.0%
Being open-minded throughout the proceedings						
Excellent	840	51.9%	619	51.2%	221	53.6%
Good	444	27.4%	341	28.2%	103	25.0%
Fair	190	11.7%	151	12.5%	39	9.5%
Poor	92	5.7%	71	5.8%	22	5.3%
Very poor	54	3.3%	27	2.2%	27	6.6%
Totals	1620	100.0%	1208	100.0%	412	100.0%
Remaining even-tempered throughout the proceeding						
Excellent	950	58.6%	708	58.8%	242	58.2%
Good	459	28.3%	338	28.1%	121	29.1%
Fair	145	9.0%	112	9.3%	33	7.9%
Poor	46	2.8%	32	2.7%	14	3.4%
Very poor	20	1.2%	14	1.2%	6	1.4%
Totals	1620	100.0%	1204	100.0%	416	100.0%

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Starting the proceedings on time						
Excellent	946	58.5%	738	61.2%	208	50.4%
Good	537	33.2%	391	32.4%	146	35.4%
Fair	101	6.2%	60	5.0%	41	9.9%
Poor	22	1.4%	12	1.0%	10	2.4%
Very poor	12	0.7%	4	0.3%	8	1.9%
Totals	1618	100.0%	1205	100.0%	413	100.0%
Being familiar with the issues of the case						
Excellent	851	52.5%	679	56.3%	172	41.5%
Good	510	31.5%	381	31.6%	129	31.2%
Fair	173	10.7%	109	9.0%	64	15.5%
Poor	48	3.0%	29	2.4%	19	4.6%
Very poor	39	2.4%	9	0.7%	30	7.2%
Totals	1618	100.0%	1207	100.0%	414	100.0%
Paying attention during the proceedings						
Excellent	1003	62.0%	767	63.7%	236	57.1%
Good	439	27.1%	321	26.6%	118	28.6%
Fair	117	7.2%	84	7.0%	33	8.0%
Poor	37	2.3%	23	1.9%	14	3.4%
Very poor	22	1.4%	10	0.8%	12	2.9%
Totals	1618	100.0%	1205	100.0%	413	100.0%
Giving you or your attorney opportunities to speak						
Excellent	937	58.5%	708	59.0%	229	57.0%
Good	518	32.3%	399	33.2%	119	29.6%
Fair	103	6.4%	72	6.0%	31	7.7%
Poor	29	1.8%	17	1.4%	12	3.0%
Very poor	16	1.0%	5	0.4%	11	2.7%
Totals	1603	100.0%	1201	100.0%	402	100.0%
Preventing participants from making lengthy, repetitive statements						
Excellent	621	41.2%	453	40.6%	168	43.1%
Good	607	40.3%	460	41.2%	147	37.7%
Fair	220	14.6%	172	15.4%	48	12.3%
Poor	40	2.7%	26	2.3%	14	3.6%
Very poor	19	1.3%	6	0.5%	13	3.3%
Totals	1507	100.0%	1117	100.0%	390	100.0%
Maintaining appropriate control over who speaks and when						
Excellent	809	51.0%	596	50.6%	213	52.3%
Good	592	37.4%	446	37.9%	146	35.9%
Fair	138	8.7%	107	9.1%	31	7.6%
Poor	33	2.1%	24	2.0%	9	2.2%
Very poor	13	0.8%	5	0.4%	8	2.0%
Totals	1585	100.0%	1178	100.0%	407	100.0%

		Overall		Attorneys		Non-attorneys	
		Number	Percent	Number	Percent	Number	Percent
Being decisive throughout the proceedings, such as when objections are raised							
Excellent		766	50.0%	577	50.2%	189	49.3%
Good		538	35.1%	408	35.5%	130	33.9%
Fair		150	9.8%	116	10.1%	34	8.9%
Poor		60	3.9%	37	3.2%	23	6.0%
Very poor		18	1.2%	11	1.0%	7	1.8%
Totals		1532	100.0%	1149	100.0%	383	100.0%
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings							
Excellent		631	50.3%	470	50.3%	161	50.3%
Good		435	34.7%	331	35.4%	104	32.5%
Fair		144	11.5%	105	11.2%	39	12.2%
Poor		31	2.5%	22	2.4%	9	2.8%
Very poor		14	1.1%	7	0.7%	7	2.2%
Totals		1255	100.0%	935	100.0%	320	100.0%
Assisting people in narrowing the issues							
Excellent		630	42.1%	481	42.5%	149	40.9%
Good		572	38.2%	441	39.0%	131	36.0%
Fair		203	13.6%	157	13.9%	46	12.6%
Poor		58	3.9%	38	3.4%	20	5.5%
Very Poor		33	2.2%	15	1.3%	18	4.9%
Totals		1496	100.0%	1132	100.0%	364	100.0%
Skillfully handling settlement conferences and mediations							
Excellent		544	46.0%	390	44.9%	154	49.0%
Good		374	31.6%	279	32.1%	95	30.3%
Fair		161	13.6%	138	15.9%	23	7.3%
Poor		71	6.0%	49	5.6%	22	7.0%
Very poor		32	2.7%	12	1.4%	20	6.4%
Totals		1182	100.0%	868	100.0%	314	100.0%
Knowing relevant substantive law (attorneys only)							
Excellent				592	49.3%		
Good				427	35.6%		
Fair				114	9.5%		
Poor				55	4.6%		
Very poor				12	1.0%		
Totals				1200	100.0%		
Knowing rules of procedure (attorneys only)							
Excellent				631	53.2%		
Good				397	33.5%		
Fair				111	9.4%		
Poor				34	2.9%		
Very poor				12	1.0%		
Totals				1185	100.0%		

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Knowing rules of evidence (attorneys only)						
Excellent			584	51.0%		
Good			383	33.4%		
Fair			125	10.9%		
Poor			38	3.3%		
Very poor			16	1.4%		
Totals			1146	100.0%		
Basing decisions on evidence, testimony, and law (attorneys only)						
Excellent			574	48.8%		
Good			355	30.2%		
Fair			128	10.9%		
Poor			72	6.1%		
Very poor			47	4.0%		
Totals			1176	100.0%		
Writing understandable and thorough decisions (attorneys only)						
Excellent			574	48.9%		
Good			388	33.0%		
Fair			130	11.1%		
Poor			53	4.5%		
Very poor			29	2.5%		
Totals			1174	100.0%		
Issuing written findings, conclusions, and/or orders in a timely manner						
Excellent	851	53.9%	638	54.2%	213	52.9%
Good	483	30.6%	382	32.5%	101	25.1%
Fair	168	10.6%	125	10.6%	43	10.7%
Poor	54	3.4%	25	2.1%	29	7.2%
Very poor	24	1.5%	7	0.6%	17	4.2%
Totals	1580	100.0%	1177	100.0%	403	100.0%

SURVEY RESULTSNovember 2001 -
September 2002**Office-wide****Total questionnaires = (1217 attorney and 424 non-attorney)****Please rate the judge's performance in the following areas:**

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Showing respect to you						
Excellent	1046	63.7%	809	66.5%	237	55.9%
Good	405	24.7%	291	23.9%	114	26.9%
Fair	119	7.3%	81	6.7%	38	9.0%
Poor	28	1.7%	16	1.3%	12	2.8%
Very poor	32	2.0%	18	1.5%	14	3.3%
Does Not Apply	3	0.2%	0	0.0%	3	0.7%
No Answer	8	0.5%	2	0.2%	6	1.4%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Showing patience with you						
Excellent	925	56.4%	703	57.8%	222	52.4%
Good	447	27.2%	327	26.9%	120	28.3%
Fair	175	10.7%	131	10.8%	44	10.4%
Poor	45	2.7%	26	2.1%	19	4.5%
Very poor	30	1.8%	22	1.8%	8	1.9%
Does Not Apply	9	0.5%	5	0.4%	4	0.9%
No Answer	10	0.6%	3	0.2%	7	1.7%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Promoting a sense of fairness						
Excellent	901	54.9%	681	56.0%	220	51.9%
Good	432	26.3%	328	27.0%	104	24.5%
Fair	169	10.3%	126	10.4%	43	10.1%
Poor	73	4.4%	47	3.9%	26	6.1%
Very poor	53	3.2%	29	2.4%	24	5.7%
Does Not Apply	1	0.1%	1	0.1%	0	0.0%
No Answer	12	0.7%	5	0.4%	7	1.7%
Totals	1641	100.0%	1217	100.0%	424	100.0%

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Being open-minded throughout the proceedings						
Excellent	840	51.2%	619	50.9%	221	52.1%
Good	444	27.1%	341	28.0%	103	24.3%
Fair	190	11.6%	151	12.4%	39	9.2%
Poor	92	5.6%	70	5.8%	22	5.2%
Very poor	54	3.3%	27	2.2%	27	6.4%
Does Not Apply	6	0.4%	3	0.2%	3	0.7%
No Answer	15	0.9%	6	0.5%	9	2.1%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Remaining even-tempered throughout the proceeding						
Excellent	950	57.9%	708	58.2%	242	57.1%
Good	459	28.0%	338	27.8%	121	28.5%
Fair	145	8.8%	112	9.2%	33	7.8%
Poor	46	2.8%	32	2.6%	14	3.3%
Very poor	20	1.2%	14	1.2%	6	1.4%
Does Not Apply	7	0.4%	5	0.4%	2	0.5%
No Answer	14	0.9%	8	0.7%	6	1.4%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Starting the proceedings on time						
Excellent	946	57.6%	738	60.6%	208	49.1%
Good	537	32.7%	391	32.1%	146	34.4%
Fair	101	6.2%	60	4.9%	41	9.7%
Poor	22	1.3%	12	1.0%	10	2.4%
Very poor	12	0.7%	4	0.3%	8	1.9%
Does Not Apply	10	0.6%	7	0.6%	3	0.7%
No Answer	13	0.8%	5	0.4%	8	1.9%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Being familiar with the issues of the case						
Excellent	851	51.9%	679	55.8%	172	40.6%
Good	510	31.1%	381	31.3%	129	30.4%
Fair	173	10.5%	109	9.0%	64	15.1%
Poor	48	2.9%	29	2.4%	19	4.5%
Very poor	39	2.4%	9	0.7%	30	7.1%
Does Not Apply	6	0.4%	4	0.3%	2	0.5%
No Answer	14	0.9%	6	0.5%	8	1.9%
Totals	1641	100.0%	1217	100.0%	424	100.0%

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Paying attention during the proceedings						
Excellent	1003	61.1%	767	63.0%	236	55.7%
Good	439	26.8%	321	26.4%	118	27.8%
Fair	117	7.1%	84	6.9%	33	7.8%
Poor	37	2.3%	23	1.9%	14	3.3%
Very poor	22	1.3%	10	0.8%	12	2.8%
Does Not Apply	9	0.5%	6	0.5%	3	0.7%
No Answer	14	0.9%	6	0.5%	8	1.9%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Giving you or your attorney opportunities to speak						
Excellent	937	57.1%	708	58.2%	229	54.0%
Good	518	31.6%	399	32.8%	119	28.1%
Fair	103	6.3%	72	5.9%	31	7.3%
Poor	29	1.8%	17	1.4%	12	2.8%
Very poor	16	1.0%	5	0.4%	11	2.6%
Does Not Apply	25	1.5%	8	0.7%	17	4.0%
No Answer	13	0.8%	8	0.7%	5	1.2%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Preventing participants from making lengthy, repetitive statements						
Excellent	621	37.8%	453	37.2%	168	39.6%
Good	607	37.0%	460	37.8%	147	34.7%
Fair	220	13.4%	172	14.1%	48	11.3%
Poor	40	2.4%	26	2.1%	14	3.3%
Very poor	19	1.2%	6	0.5%	13	3.1%
Does Not Apply	121	7.4%	94	7.7%	27	6.4%
No Answer	13	0.8%	6	0.5%	7	1.7%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Maintaining appropriate control over who speaks and when						
Excellent	809	49.3%	596	49.0%	213	50.2%
Good	592	36.1%	446	36.6%	146	34.4%
Fair	138	8.4%	107	8.8%	31	7.3%
Poor	33	2.0%	24	2.0%	9	2.1%
Very poor	13	0.8%	5	0.4%	8	1.9%
Does Not Apply	38	2.3%	29	2.4%	9	2.1%
No Answer	18	1.1%	10	0.8%	8	1.9%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Being decisive throughout the proceedings, such as when objections are raised						
Excellent	766	46.7%	577	47.4%	189	44.6%
Good	538	32.8%	408	33.5%	130	30.7%
Fair	150	9.1%	116	9.5%	34	8.0%
Poor	60	3.7%	37	3.0%	23	5.4%
Very poor	18	1.1%	11	0.9%	7	1.7%
Does Not Apply	86	5.2%	55	4.5%	31	7.3%
No Answer	23	1.4%	13	1.1%	10	2.4%
Totals	1641	100.0%	1217	100.0%	424	100.0%

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Acting appropriately to resolve problems (such as outbursts, inappropriate behavior, lateness) arising during the proceedings						
Excellent	631	38.5%	470	38.6%	161	38.0%
Good	435	26.5%	331	27.2%	104	24.5%
Fair	144	8.8%	105	8.6%	39	9.2%
Poor	31	1.9%	22	1.8%	9	2.1%
Very poor	14	0.9%	7	0.6%	7	1.7%
Does Not Apply	353	21.5%	261	21.4%	92	21.7%
No Answer	33	2.0%	21	1.7%	12	2.8%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Assisting people in narrowing the issues						
Excellent	630	38.4%	481	39.5%	149	35.1%
Good	572	34.9%	441	36.2%	131	30.9%
Fair	203	12.4%	157	12.9%	46	10.8%
Poor	58	3.5%	38	3.1%	20	4.7%
Very Poor	33	2.0%	15	1.2%	18	4.2%
Does Not Apply	119	7.3%	71	5.8%	48	11.3%
No Answer	26	1.6%	14	1.2%	12	2.8%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Skillfully handling settlement conferences and mediations						
Excellent	544	33.2%	390	32.0%	154	36.3%
Good	374	22.8%	279	22.9%	95	22.4%
Fair	161	9.8%	138	11.3%	23	5.4%
Poor	71	4.3%	49	4.0%	22	5.2%
Very poor	32	2.0%	12	1.0%	20	4.7%
Does Not Apply	415	25.3%	318	26.1%	97	22.9%
No Answer	44	2.7%	31	2.5%	13	3.1%
Totals	1641	100.0%	1217	100.0%	424	100.0%
Knowing relevant substantive law (attorneys only)						
Excellent			592	48.6%		
Good			427	35.1%		
Fair			114	9.4%		
Poor			55	4.5%		
Very poor			12	1.0%		
Does Not Apply			12	1.0%		
No Answer			5	0.4%		
Totals			1217	100.0%		
Knowing rules of procedure (attorneys only)						
Excellent			631	51.8%		
Good			397	32.6%		
Fair			111	9.1%		
Poor			34	2.8%		
Very poor			12	1.0%		
Does Not Apply			23	1.9%		
No Answer			9	0.7%		
Totals			1217	100.0%		

	Overall		Attorneys		Non-attorneys	
	Number	Percent	Number	Percent	Number	Percent
Knowing rules of evidence (attorneys only)						
Excellent			584	48.0%		
Good			383	31.5%		
Fair			125	10.3%		
Poor			38	3.1%		
Very poor			16	1.3%		
Does Not Apply			57	4.7%		
No Answer			14	1.2%		
Totals			1217	100.0%		
Basing decisions on evidence, testimony, and law (attorneys only)						
Excellent			574	47.2%		
Good			355	29.2%		
Fair			128	10.5%		
Poor			72	5.9%		
Very poor			47	3.9%		
Does Not Apply			30	2.5%		
No Answer			11	0.9%		
Totals			1217	100.0%		
Writing understandable and thorough decisions (attorneys only)						
Excellent			574	47.2%		
Good			388	31.9%		
Fair			130	10.7%		
Poor			53	4.4%		
Very poor			29	2.4%		
Does Not Apply			30	2.5%		
No Answer			13	1.1%		
Totals			1217	100.0%		
Issuing written findings, conclusions, and/or orders in a timely manner						
Excellent	805	49.1%	638	52.4%	213	50.2%
Good	528	32.2%	382	31.4%	101	23.8%
Fair	157	9.6%	125	10.3%	43	10.1%
Poor	84	5.1%	25	2.1%	29	6.8%
Very poor	29	1.8%	7	0.6%	17	4.0%
Does Not Apply	23	1.4%	25	2.1%	11	2.6%
No Answer	15	0.9%	15	1.2%	10	2.4%
Totals	1641	100.0%	1217	100.0%	424	100.0%

QUESTIONNAIRES

The attorney questionnaire was printed on both sides of 8 ½" x 14" paper. The size was changed here to fit the rest of the report.

Attorney

Non-attorney

Written Comments

Your comments will be typed up as you have written them before they are given to the judge. 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 complaints.

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

(22) What are this judge's strengths?

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

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

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

(26) Do you have any additional comments?

Thank you for completing this survey. Please return it to the Management Analysis Division, State of Minnesota, 395 John Ireland Blvd.; St. Paul, MN 55155-9799.

Written Comments

Your comments will be typed up as you have written them before they are given to the judge. 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 complaints.

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

(17) What are this judge's strengths?

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

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

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

(21) Do you have any additional comments?
