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Problem-Solving and the American Bench

A National Survey of Trial Court Judges

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This report is the product of a unique collaboration between the Center for Court Innovation and the California Administrative Office of the Courts (AOC). In 2003 and again in 2005, the Center for Court Innovation and the AOC conducted focus group research to explore the nature and feasibility of expanding the practice of problem-solving in conventional court settings. The survey findings presented in this report represent the next stage of this research partnership.

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EXECUTIVE SUMMARY

Problem-Solving and the American Bench: A National Survey of Trial Court Judges is the product of a collaboration between the Center for Court Innovation and the California Administrative Office of the Courts (AOC).

The survey, conducted April-September 2007 among a nationwide random sample of trial court judges, was intended to investigate judges' practices and perceptions related to "problem-solving in the courts." The specific objectives of the survey were:

- To investigate judges' current attitudes and practices with respect to problem-solving methods;
- To assess judges' willingness to make greater use of problem-solving practices in non-problem-solving court assignments and to identify conventional court settings that might be seen as especially amenable to problem-solving practices; and
- To identify potential obstacles to the more widespread adoption of problem-solving methods in conventional court settings.

The survey was designed by the Center for Court Innovation and the AOC and conducted by the Center for Survey Research and Analysis at the University of Connecticut. This research was supported under an award from the Bureau of Justice Assistance, U.S. Department of Justice.

Key Findings

The survey findings indicate broad support for problem-solving methods among trial court judges throughout the country and offer encouraging news for those interested in integrating problem-solving court principles in conventional court settings.

1. Most trial court judges hold attitudes consistent with key principles of problem-solving justice and many currently engage in practices commonly employed in specialized problem-solving courts.

- **Judges are generally supportive of problem-solving approaches.**
 - Seven in ten (70%) believe the "individual needs or underlying problems of the litigant" are either a "very important" (17%) or "somewhat important" (53%) decision-making factor in a case.
 - Six in ten (58%) believe that the "more important" goal of the criminal justice system is "to treat and rehabilitate offenders" (58%) rather than "to punish offenders" (33% cited this as more important).

- **Many judges report that they currently engage, on a regular basis, in practices common in most problem-solving court models.**
 - Four in ten (42%) say they “often” (40% or more of the cases on their calendar) “follow the recommendations of a treatment agency staff member.”
 - One in three (33%) often base decisions on “information about the individual needs or problems of a litigant” and offer “verbal praise to a litigant for complying with a court mandate.”
 - However, use of problem-solving practices is limited: of eight practices asked about, judges, on average, report “often” engaging in only about two (mean=2.4) of them.

- 2. **The vast majority of judges express support for problem-solving methods and a willingness to apply them in various calendar assignments.**

- **Judges support problem-solving methods for the cases they currently hear and are willing to consider applying them in other calendar assignments.**
 - Three in four (75%) either “strongly approve” (39%) or “somewhat approve” (36%) of using problem-solving methods in their current assignment, with judges in civil assignments (69%) slightly less likely than those in juvenile and family (78%) and adult criminal (73%) assignments to indicate support.
 - Nearly nine in ten (86%) are either “very willing” (38%) or “somewhat willing” (48%) to consider using such methods on a different assignment.

- **More senior judges are no less supportive of problem-solving methods than judges newer to the bench.**
 - 75% of judges on the bench for 20 or more years either “strongly approve” or “somewhat approve” of using problem-solving methods in their current assignment.
 - 75% of those on the bench 6-19 years, and 79% of those on the bench 5 or fewer years report the same.

- **Family and juvenile court settings appear to offer particular promise for applying problem-solving methods.**
 - When asked which types of cases would be appropriate for problem-solving methods, family cases were most commonly cited (by 50% of judges).
 - Judges hearing juvenile and family cases are more especially likely to believe problem-solving describes their judging practice “very well” or “somewhat well” (75%, compared to 65% for those in adult criminal and 64% in other civil assignments).

3. Limited resources, the need for education and training, and concern about maintaining neutrality are perceived as obstacles to the broader use of problem-solving methods. Philosophical opposition to problem-solving methods, however, is not perceived as an obstacle.

- When asked to identify obstacles to the broader use of problem-solving methods in their current assignment, half (51%) agreed that “lack of support staff or services” is a barrier. “Heavy caseloads” (29%) was also often cited as an obstacle.
- One in four cited the possibility that “problem-solving compromises the neutrality of the court” (25%) and the “need [for] additional knowledge or skills” (24%) as barriers.
- Only 4% say that not supporting problem-solving methods is a reason they have not used these methods more often.

Conclusions

- **Trial court judges nationwide support problem-solving methods of judging.** The survey findings challenge the notion that most judges are unsupportive of problem-solving approaches and suggest that many would be receptive to integrating problem-solving court principles in traditional court settings. Importantly, more senior judges are no less supportive of problem-solving than are judges newer to the bench. While support is somewhat greater among those in juvenile and family court assignments, large majorities of judges in all court settings express support for problem-solving methods of judging.
- **Problem-solving practices are currently employed in conventional court settings, but to a limited degree.** Since many judges engage in some of the practices common in problem-solving courts (e.g., following the recommendations of treatment agency staff members, basing decisions on the individual needs of litigants), training and education efforts might be aimed at introducing judges to other practices and approaches that they may not be aware of or currently implement. Training and education might also teach judges about how problem-solving practices might be most effectively employed and in which case settings.
- **Efforts to integrate problem-solving methods in conventional calendar assignments will need to address judges’ concerns about the lack of support staff and heavy caseloads.** Limited resources are clearly viewed as an obstacle to the more widespread use of problem-solving methods. In addition to exploring opportunities to obtain additional resources, next steps might include efforts to teach judges and other court staff to make most effective use of existing resources and to target cases most in need of or most likely to benefit from a problem-solving approach.

I. Introduction

Problem-Solving and the American Bench: A National Survey of Trial Court Judges is the product of a collaboration between the Center for Court Innovation and the California Administrative Office of the Courts (AOC).

The survey, conducted April-September 2007 among a nationwide random sample of trial court judges, was intended to investigate judges' practices and perceptions related to "problem-solving in the courts." The specific objectives of the survey were:

- To investigate judges' current attitudes and practices with respect to problem-solving methods;
- To assess judges' willingness to make greater use of problem-solving practices in non-problem solving court assignments and to identify conventional court settings that might be seen as especially amenable to problem-solving practices; and
- To identify potential obstacles to the more widespread adoption of problem-solving methods in conventional court settings.

The survey was designed by the Center for Court Innovation and the AOC and conducted by the Center for Survey Research and Analysis at the University of Connecticut. This research was supported under an award from the Bureau of Justice Assistance, U.S. Department of Justice.

Project Background

In recent years an array of specialized courts have emerged throughout the country in an effort to address the underlying problems of defendants, victims, and communities. Since 1989, when the nation's first drug court opened in Miami, Florida, a number of different models have arisen: adult, juvenile and family drug courts, domestic violence courts, mental health courts, community courts, homeless courts, and others. Generally known as "problem-solving courts," these innovations are distinguished by a number of common elements: enhanced information (staff training on complex issues like domestic violence and drug addiction combined with better information about litigants, victims and the community context of crime); community engagement; a collaborative approach to decision-making; individualized justice (using valid evidence-based risk and needs assessment instruments to link offenders to community-based services, where appropriate); accountability (compliance monitoring, often through ongoing judicial supervision); and a focus on outcomes through the active and ongoing collection and analysis of data. There are currently more than 1,767 drug courts, 350 domestic violence courts, 90 mental health courts, and a few hundred other problem-solving courts operational nationwide.¹

¹ Bureau of Justice Assistance (BJA) Drug Court Clearinghouse. *Drug Court Activity Update*, April 12, 2007, Washington, D.C.: American University; National GAINS Center for People with Co-Occurring Disorders in the Justice System. 2004. *Survey of Mental Health Courts*. Delmar, NY, estimate of the number of mental health courts as of July 2004; Labriola, M. Forthcoming. *A National Portrait of Domestic Violence Courts*. New York: Center for Court Innovation.

As these specialized courts have proliferated, policy-makers in some states have also begun to focus on the prospect of *applying the problem-solving approach outside specialized court settings*. Are the practices and principles of problem-solving courts viable only in stand-alone courts focused on discrete problems (e.g., substance abuse, domestic violence, mental illness); or can problem-solving methods be effectively applied throughout state court systems, provoking more sweeping changes in the administration of justice? This question has become more important as evidence mounts regarding the effectiveness of some problem-solving court models—in particular, the effectiveness of drug courts in reducing offender recidivism.² And interest in this question has been enhanced by resolutions of the Conference of Chief Justices and Conference of State Court Administrators in 2000 and 2004, which advocated the broader integration of problem-solving principles and methods.³

Motivated in part by the resolution, the California Administrative Office of the Courts and Center for Court Innovation initiated a research partnership to address the nature and feasibility of expanding the practice of problem-solving in conventional court settings. The first phase of research, conducted in 2003, consisted of focus groups and interviews with current and former problem-solving court judges in California and New York State; the second phase, conducted in 2005, consisted of focus groups and interviews with justice system stakeholders (primarily prosecutors, defense attorneys, probation officers, and treatment providers) in California.⁴ The studies addressed which problem-solving principles and practices are more easily transferable to conventional courts; what barriers might impede wider application of those principles and practices; and how problem solving might be disseminated throughout the court system. Responses were consistent, particularly among judges, and indicated considerable support for the prospect of wider application of problem-solving justice.

One theme that emerged in these studies was that a critical barrier to wider adoption of problem solving may be the judicial philosophies of general bench judges. The challenge, focus group participants said, is that many of their colleagues are unreceptive to problem solving, and even those who are receptive are often uninformed. The purpose of this survey, then, is to test the accuracy of this appraisal by assessing the knowledge and attitudes of all bench judges, the vast majority of whom have never served in a problem-solving court.

² See, e.g., Government Accountability Office. 2005. *Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes*. United States Government Accountability Office Report to Congressional Committees; Huddleston, C. W., Freeman-Wilson, K., Marlowe, D. B., and Roussell, A. 2005. *Painting the Current Picture: A National Report Card on Drug Courts and Other Problem Solving Court Programs in the United States*. National Drug Court Institute: Alexandria, VA.; Gottfredson, D., Najaka, S.S., Kearley, B. 2003. "Effectiveness of Drug Treatment Courts: Evidence from a Randomized Trial" *Criminology and Public Policy* 2(2): 171-196; Rempel, M., Fox-Kralstein, D., Cissner, A., Cohen, R., Labriola, M., Farole, D., Bader, A., and Magnani, M. 2003. *The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts*. Report submitted to the New York State Unified Court System and the Bureau of Justice Assistance, Center for Court Innovation.

³ See Becker, D.J. and Corrigan, M.D. 2002. "Moving Problem-Solving Courts into the Mainstream: A Report Card from the CCJ-COSCA Problem-Solving Courts Committee." *Court Review*, Spring 2002, p.4.

⁴ Farole, D.J., Puffett, N.K., and Rempel, M. 2005. *Collaborative Justice in Conventional Courts: Stakeholder Perspectives in California*. Report submitted to the Center for Court Innovation and California Administrative Office of the Courts; Farole, D.J., Puffett, N., Rempel, M., and Byrne, F. 2004. *Opportunities and Barriers to the Practice of Collaborative Justice in Conventional Courts*. Report submitted to the Center for Court Innovation and California Administrative Office of the Courts.

Methodology

To determine judges' attitudes and practices regarding problem-solving justice, a nationwide survey was conducted among a representative sample of 1,019 trial court judges, drawn from the 2007 edition of *The American Bench*, the most comprehensive nationwide listing of judges.⁵ The sample included judges sitting on the bench of a state trial court of general or of limited or special jurisdiction. The survey was conducted between April and September 2007 and achieved an overall response rate of 50%.⁶ The questionnaire, which includes the complete survey results, may be found in Appendix B.⁷

The results of the entire survey are statistically significant with a margin of error of $\pm 3\%$. For example, if 50% of survey respondents provide a particular answer to a question, we have 95% confidence that the actual population percentage falls between 47% and 53%. Note that the margin of error increases when looking at differences in responses to the same question across subgroups. The margin of error can also vary across specific questions. Throughout this report, differences in findings (e.g., across questions or across subgroups) are discussed only if they are statistically significant.

A key analysis of interest is to examine survey responses based on the type of cases judges most commonly hear (our proxy measure of calendar assignment), since focus group participants emphasized that problem-solving practices may be more appropriate in certain cases and court settings. Judges were presented with a list of ten case types and asked which they most commonly hear in their current assignment. For purposes of analysis, the ten types were placed into one of three broad categories based on distinctions that emerged from the focus groups:

1. *Adult criminal*: felony criminal or misdemeanor criminal;
2. *Juvenile and Family law*: juvenile (delinquency, status offense), child welfare (protective, custody), family cases (divorce, paternity), and domestic violence protection orders;
3. *Other civil*: Housing, probate matters, traffic violations, and other civil matters.

A substantial minority of judges, when answering the relevant survey question, did not identify the most common case type on their docket but merely checked all of the case types that they handle. Therefore, all analyses in the report based on calendar assignment rely solely on the surveys for which we have a measure of most common case type heard (n=751).

Note on Reading Tables

Percentages may not always add up to 100% because of rounding, the acceptance of multiple answers from respondents, or the exclusion of “unsure” and “refuse to answer” responses from the tables.

⁵ The survey also included an oversample of 370 judges and subordinate judicial officers in California. Results from these interviews are presented in a separate report.

⁶ A detailed methodology may be found in Appendix A.

⁷ The survey asked four questions about specialized problem-solving courts—level of knowledge of these courts, experience serving on them, and other matters. Although the questions appeared unambiguous and no concerns were raised during pre-test of the survey instrument, it is clear from the responses that many judges misinterpreted the questions' intent (for example, 41% report having presided in a specialized problem-solving court). Consequently, we make no attempt to interpret or draw substantive conclusions from this section of the survey.

II. Description of the Survey Sample

Characteristics of survey respondents are described in Exhibit 1. Available data demonstrates that respondents are representative of the entire trial court judge population with respect to geographic location (U.S. Census Region) and gender.⁸ While data is not available to determine how representative the respondent sample is with respect to other characteristics, there is no reason to believe they are in any way unrepresentative.

Exhibit 1: Characteristics of Survey Respondents

| | |
|--------------------------------------|----------|
| <u>Gender</u> | |
| Male | 77% |
| <u>Age (Mean)</u> | |
| | 57 years |
| <u>Years as Judge</u> | |
| Less than 5 | 22% |
| 6-10 | 23% |
| 11-19 | 37% |
| 20 or more | 19% |
| <u>Most Common Case Type*</u> | |
| Adult criminal | 58% |
| Juvenile and family | 21% |
| Other civil | 21% |
| <u>Race/Ethnicity</u> | |
| White | 88% |
| African-American | 5% |
| Hispanic | 2% |
| Other | 5% |
| <u>Location (U.S. Census Region)</u> | |
| Northeast | 16% |
| South | 37% |
| Midwest | 26% |
| West | 21% |
| <u>Population of Jurisdiction</u> | |
| Less than 50,000 | 19% |
| 50,000-249,999 | 35% |
| 250,000-499,999 | 14% |
| 500,000 or more | 31% |

* Among those with a valid case type measure (n=751).

⁸ *Geographic location*: 16% of respondents are from the Northeast, which comprised 19% of the overall sample; 37% from the South (35% of sample); 26% from the Midwest (25% of sample); and 21% from the West (21% of sample). *Gender*: 77% of survey respondents are male, which is statistically equivalent to the overall trial court judge population (76% male). (Source: Gender Summary Ratio in *The American Bench*).

III. Trial Court Judges' Attitudes and Practices

Problem-solving entails both a general approach toward judging as well as the application of specific judicial practices. Accordingly, judges were asked a series of questions regarding both their attitudes and practices in order to assess the extent to which they currently embrace a problem-solving orientation.

Attitudes Toward Judging

Judges were asked to rate the importance of several aspects of trial court judging. Not surprisingly, virtually all believe it “very important” to “ensure legal due process” (98%) and “maintain judicial independence” (94%). Of note is emphasis placed on maintaining independence—later findings will show that, for many judges, concern about maintaining the neutrality of the court is viewed as a potential obstacle to more widespread use of problem-solving methods. Most also believe it very important to “render decisions that protect public safety” (63%) [Exhibit 2].

Other principles, including those directly relevant to problem-solving methods, are less likely to be rated “very important.” Four in ten (37%) think it very important to “render decisions that assist litigants.” Just 17% believe it very important to “adopt a proactive role in case resolutions” and 13% to “obtain community input about the court system” (however, majorities believe each at least “somewhat important.”)

Exhibit 2: Importance of Various Aspects of Judging

| | Very Important | Somewhat Important | Very/Somewhat Important |
|---|----------------|--------------------|-------------------------|
| Ensure legal due process | 98% | 1% | 99% |
| Maintain judicial independence | 94% | 5% | 99% |
| Render decisions that protect public safety | 63% | 28% | 91% |
| Render decisions that assist litigants | 37% | 43% | 80% |
| Move cases rapidly to resolution | 33% | 62% | 95% |
| Follow case processing timelines | 27% | 57% | 84% |
| Adopt a proactive role in crafting case resolutions | 17% | 54% | 71% |
| Obtain community input about the court system | 13% | 54% | 67% |

* Arranged in order based on percent “very important.” Other choices given were “not too important” and “not at all important.”

Judges were also asked to rate the importance of various factors when deciding cases. “Precedent, when clear and directly relevant” (91% rated it “very important”) topped the list, with “common sense” (65%) and “public safety” (50%) also likely to be cited as very important. Other factors were seen as somewhat less important. Nevertheless, 70% of judges believe the individual needs of a litigant are either a “very important” (17%) or “somewhat important” (53%) decision-making factor. Half (53%) also believe the community consequences of a decision are important (although only 7% believe it “very important.”) Not surprisingly, most judges do not believe public expectations to be important—only 1% felt it a “very important” decision-making factor and 21% “somewhat important” [Exhibit 3].

Exhibit 3: Importance of Decision Making Factors

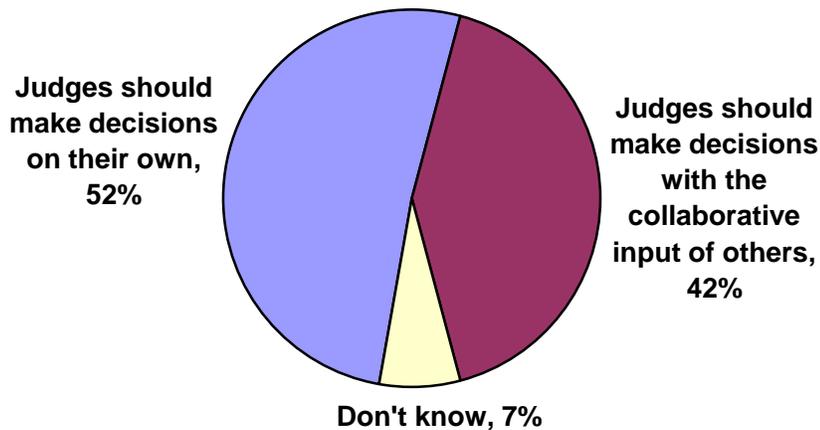
| | Very Important | Somewhat Important | Very/Somewhat Important |
|---|-----------------------|---------------------------|--------------------------------|
| Precedent, when clear and directly relevant | 91% | 7% | 98% |
| Common sense | 65% | 32% | 97% |
| Public safety | 50% | 41% | 91% |
| The judge’s view of justice in the case | 28% | 48% | 76% |
| The individual needs or underlying problems of the litigant | 17% | 53% | 70% |
| Expert opinion | 7% | 71% | 78% |
| The community consequences of a decision | 7% | 46% | 53% |
| What the public expects | 1% | 21% | 22% |

* Arranged in order based on percent “very important.” Other choices given were “not too important” and “not at all important.”

In problem-solving courts, judges are the final authority on case disposition, but they must also make decisions in collaboration with attorneys, case managers, and others. When asked about the nature of decision-making, a substantial minority (42%) believe that “judges should make decisions with the collaborative input of others,” although most (52%) thought that judges “should make decisions on their own” [Exhibit 4].

The findings indicate a lack of consensus among trial court judges as to the appropriateness of collaborative decision-making. This is consistent with themes that emerged in our focus group research, where several participants noted that even some judges who embrace the problem-solving concept may have difficulty accepting changed decision-making roles. Indeed, others have noted that the traditional concept of the judicial role is perceived as a central barrier to the spread of the idea of a more collaborative approach to justice.

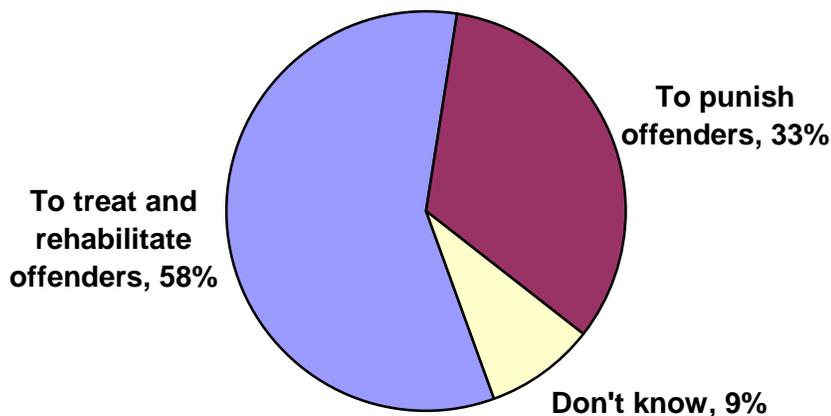
Exhibit 4: Judicial Decision Making



In the focus groups, many judges argued that a preference for punishment over rehabilitation is generally inconsistent or incompatible with a problem-solving approach. (It is worth noting that unlike most problem-solving court models, many domestic violence courts do not view defendant rehabilitation as a central goal of the problem-solving process, concentrating more on the promotion of victim safety and offender accountability.) When asked about the goal of the criminal justice system, judges were far more likely to believe that the “more important” goal is “to treat and rehabilitate offenders” (58%) rather than “to punish offenders” (33% cited this as more important) [Exhibit 5]. Note that, although punishment and rehabilitation are not necessarily incompatible goals, judges were posed with a “forced choice” question—they were asked to choose one response to indicate which is more important. The findings should not be interpreted to mean that respondents choosing rehabilitation as more important place no value on punishment, or vice-versa. The results do, however, demonstrate a general preference for rehabilitation- over punishment-based approaches in criminal cases.

Judges in juvenile and family assignments (69%) are more likely than those in adult criminal (57%) and other civil (50%) to choose treatment and rehabilitation as more important.

Exhibit 5: More Important Goal of Criminal Justice System



To summarize, the survey findings challenge the notion, expressed by focus group participants, that there is widespread philosophical opposition to problem-solving approaches to judging. The majority believe it at least somewhat important to consider the individual needs of litigants when making decisions. Most also generally favor a rehabilitation- rather than punishment-based orientation for the criminal justice system, and many (although not most) indicate a preference for collaborative decision-making. The general orientation of many judges is consistent with, or at least not in opposition to, key principles of problem-solving justice. Later findings will lend further support to this conclusion.

Problem-Solving Practices

In addition to assessing judges' attitudes, the survey also asked judges how often they currently engage in a variety of specific practices common in most problem-solving court models.

Four in ten (42%) report that, during the past year, they "often" (defined in the survey as in 40% or more cases) "followed the recommendation of a treatment agency staff member when making a decision in a case." One in three say they "based a decision on information about the individual needs or problems of a litigant" (33%), "offered verbal praise to a litigant for complying with a court mandate" (33%), "ordered a litigant to drug or mental health treatment when not required to by statute" (32%), "posed questions directly to litigants in court" (32%), and "set regular in-court review dates to monitor a litigant's compliance with a court mandate" (31%) [Exhibit 6]. Fewer report often having "sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate" (20%) or "proposed a case disposition or sentence not offered by the attorneys of record" (11%) [Exhibit 6].

Exhibit 6: Current Judging Practices

| Practice | Percent “Often” [*] |
|--|------------------------------|
| Followed the recommendation of a treatment agency staff member in making a decision in a case | 42% |
| Based a decision on information about the individual needs or problems of a litigant | 33% |
| Offered verbal praise to a litigant for complying with a court mandate | 33% |
| Ordered a litigant to drug or mental health treatment when not required to by statute | 32% |
| Posed questions directly to a litigant in court | 32% |
| Set regular in-court review dates to monitor a litigant’s compliance with a court mandate | 31% |
| Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate | 20% |
| Proposed a case disposition or sentence not offered by the attorneys of record | 11% |

^{*}“Often” was defined in the survey as 40% or more of cases. Other response options included “sometimes (10-39%),” “rarely (1-9%),” and “never (0%).”

In general, judges in juvenile and family and adult criminal assignments are far more likely than those in civil assignments to employ most of the practices “often” [Exhibit 7, note that it includes only those practices in which there are significant differences across assignments]. Not surprisingly, judges hearing adult criminal cases are more likely than others to often order drug or mental health treatment and to sanction litigants—practices most suitable in a criminal court context. Judges in juvenile and family assignments are especially likely to report having posed questions directly to litigants and having offered verbal praise.

It may appear that the percentages of judges indicating that they “often” engage in various problem-solving practices are high. This may be due, in part, to survey respondents’ inclination to provide socially-desirable responses. However, the findings are also consistent with themes that emerged in the focus groups. Participants in several focus groups commented that many problem-solving practices are already applied on general court calendars, albeit informally and unsystematically:

Exhibit 7: Current Judging Practices, by Calendar Assignment (Percent “Often”)

| | Adult Criminal | Juvenile/Family | Other Civil |
|---|-----------------------|------------------------|--------------------|
| Ordered treatment | 39% | 33% | 14% |
| Sanctioned litigant | 21% | 14% | 14% |
| Based decisions on individual needs of litigant | 40% | 44% | 18% |
| Followed treatment recommendation | 46% | 50% | 29% |
| Posed questions directly to litigant | 30% | 41% | 32% |
| Offered verbal praise | 30% | 40% | 21% |

*Exhibit includes only those practices on which there are statistically significant differences across type of case most often heard. The item wording in this exhibit is abbreviated—the exact wording can be found in Exhibit 6.

The judges are already doing this [problem-solving], but they don't have uniformity, they don't have resource organization ... so the courts are doing this in a patchwork way.

Some courts simply make ... treatment plans[s] informally, make treatment plans a part of the conditions of probation, and schedule regular court reviews so that they're overseeing it ... The treatment process is very informal ... It's just the judges' way of doing business ... I think that in mainstream courts informally much of this is going on.⁹

Indeed, use of practices common in problem-solving court models does appear limited. Judges, on average, report “often” engaging in just more than two (mean=2.4) of the eight practices about which they were asked. Just one in four (27%) often engage in four or more of the practices, and one in five (20%) do not often engage in any. In other words, consistent with themes that emerged in our focus groups, many judges currently use problem-solving practices, but in a limited and piecemeal fashion. Nevertheless, at least to some extent, most judges currently engage in practices commonly employed in problem-solving court models.

⁹ Farole et al. 2005, p.11.

IV. Problem-Solving Methods of Judging

After being asked about attitudes and specific practices they engage in on the bench, judges were then asked a series of general questions about problem-solving methods of judging. To ensure a common understanding, the following definition of “problem-solving” was provided in the survey:

Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.

The findings indicate strong support for problem-solving, as defined above, among trial court judges. Three in four (75%) either “strongly approve” (39%) or “somewhat approve” (36%) of using problem-solving methods in their current assignment. By contrast, only 10% expressed disapproval of using these methods (6% “somewhat disapprove” and 4% “strongly disapprove”) [Exhibit 8]. Judges in civil assignments (69%) are slightly less likely than those in juvenile and family (78%) and adult criminal (73%) assignments to “strongly approve” or “somewhat approve” such methods in their current assignment [Exhibit 9]. Nevertheless, large majorities in all calendar assignments indicate support for problem-solving approaches.

In the focus groups, several participants suggested that judges newer to the bench would be more receptive to problem-solving methods. However, the survey findings reveal that tenure on the bench is not significantly correlated with approval of problem-solving methods [Exhibit 10]. Judges newer to the bench approve problem-solving methods at slightly higher levels, but overall, support for the principles of problem-solving is widespread among all judges, both more and less senior.

Exhibit 8: Approval of Applying Problem-Solving Methods in Current Assignment

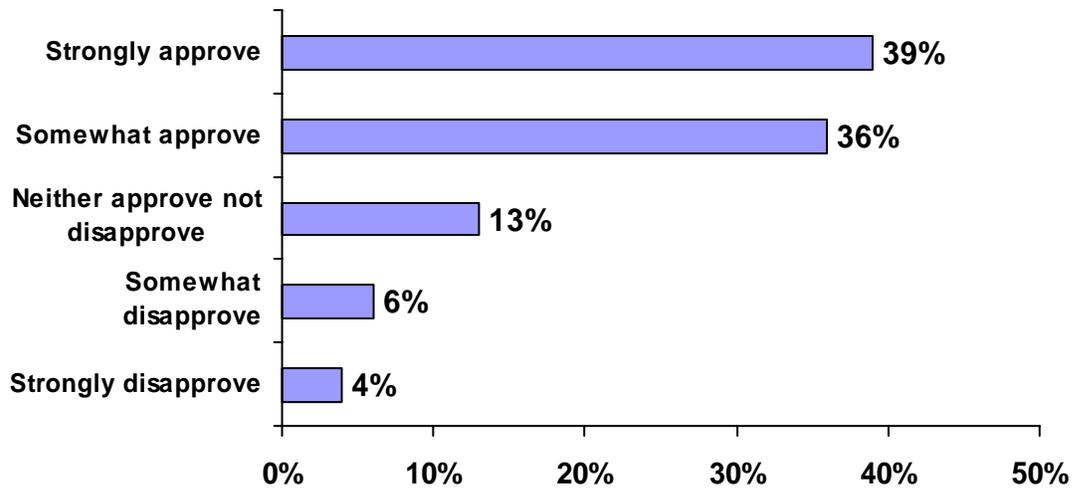


Exhibit 9: Approval of Problem-Solving Methods, by Calendar Assignment

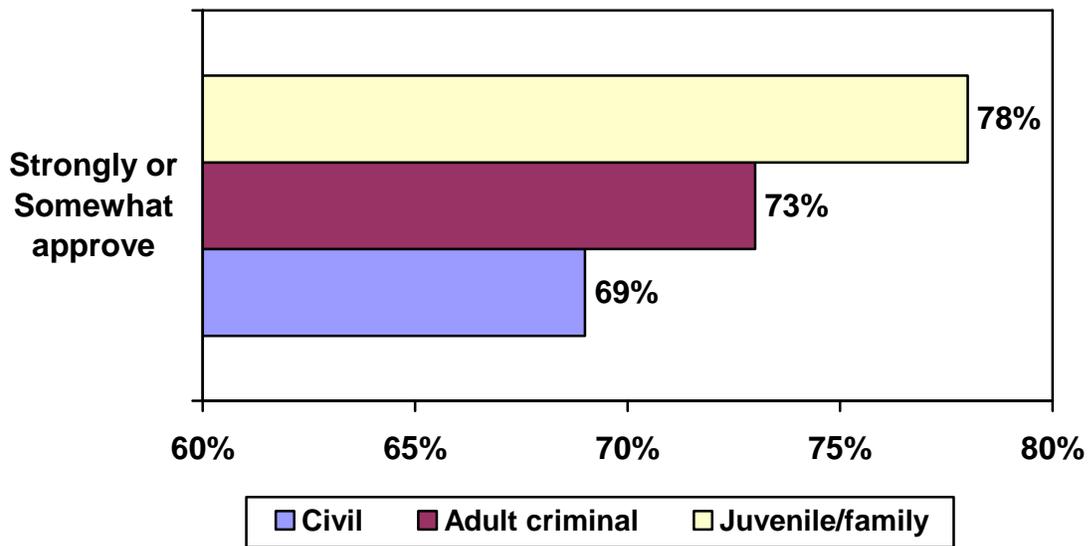
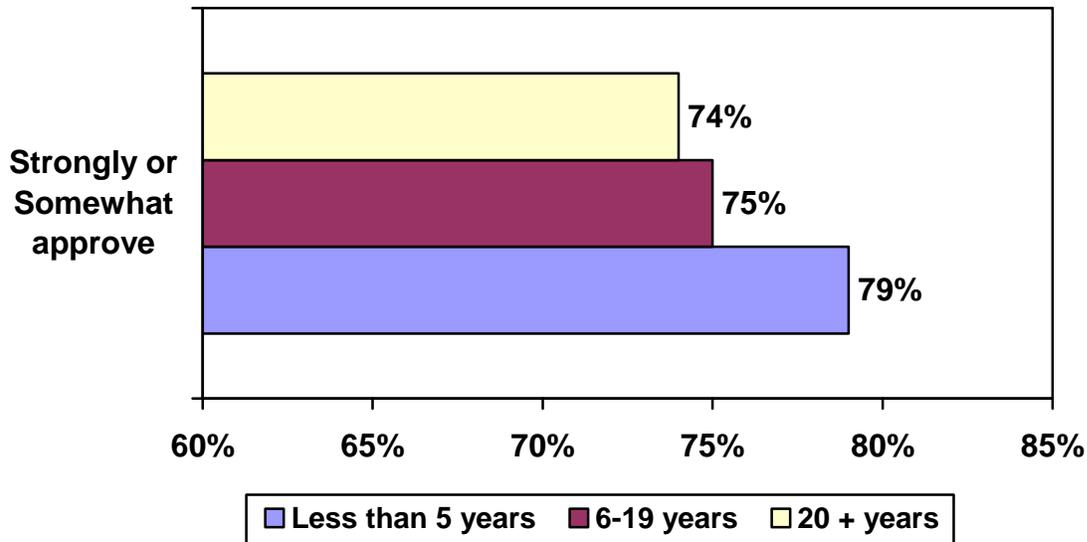


Exhibit 10: Approval of Problem-Solving Methods, by Years on Bench



There appears to be not only a high level of support for problem-solving methods, in principle, but also a belief among many bench judges that they currently employ such methods. Nearly seven in ten (69%) say that “problem-solving,” as defined in the survey, describes their current judging practice either “very well” (22%) or “somewhat well” (47%) [Exhibit 11]. This should be understood in light of findings, presented earlier, that a large percentage of trial court judges report engaging in at least some of the specific practices common in problem-solving court models. Note that judges who believe problem-solving describes their current practice either “very well” or “somewhat well” report, on average, “often” engaging in about three (mean=2.7) of the eight practices; those who believe it describes their practice “not too well” or “not at all well” report often engaging in less than two (mean=1.5) of the specific practices.

Judges hearing juvenile and family cases are more likely than others to believe problem-solving describes their judging practice “very well” or “somewhat well” (75%, compared to 65% for adult criminal and 64% for civil) [Exhibit 12]. This finding is understandable since, as focus group participants recognized, the rules in these court settings already encourage problem-solving court practices (the “best interests of the child”) and provide the enhanced flexibility needed to adopt individualized decision-making approaches:

The rules [in juvenile court] are already kind of written to incorporate a lot of [problem-solving court practices]. There is already a rule that says it shall be non-adversarial to the maximum extent possible ... [and] that says the well-being of the child, the minor, treatment needs and all of those take precedence over any issue.

The family court judge traditionally has enormous amounts of discretion, particularly when it comes to custody issues of children.¹⁰

¹⁰ Farole et al. 2004, p. 32.

Exhibit 11: How Well Problem-Solving Describes Current Judging Practice

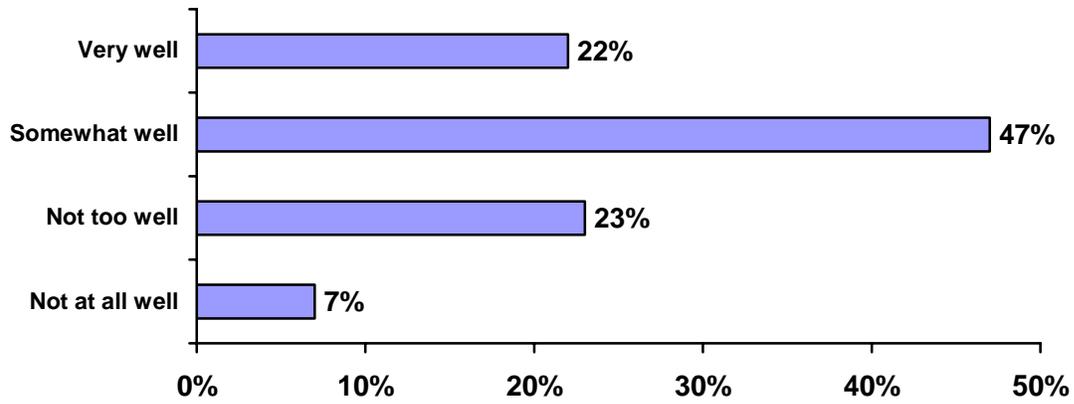
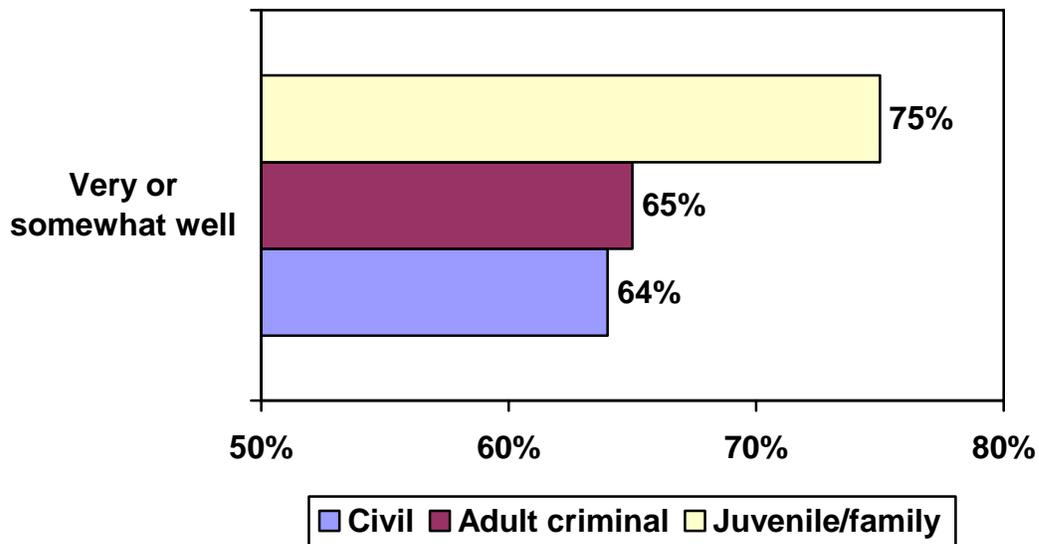


Exhibit 12: Problem-Solving Describes Current Approach, by Calendar Assignment



When asked which types of cases would be appropriate for problem-solving methods, judges tended to cite broad categories.¹¹ Most commonly cited were family cases (50%). Criminal (41%) and civil (23%) were also among the most often mentioned. Note that 15% indicated that either most or all types of cases were appropriate for problem-solving approaches. By contrast, less than 1% said no type is appropriate.

Judges were also asked which case types are inappropriate for problem-solving approaches. Similar broad categories were mentioned. Civil cases (20%) were the most commonly cited category. One in ten (11%) mentioned criminal cases (broadly) as inappropriate and another 9% specified that only serious and/or violent criminal cases were not suitable for problem-solving approaches. One in five judges (20%) felt there is no category of cases unsuitable to these methods.

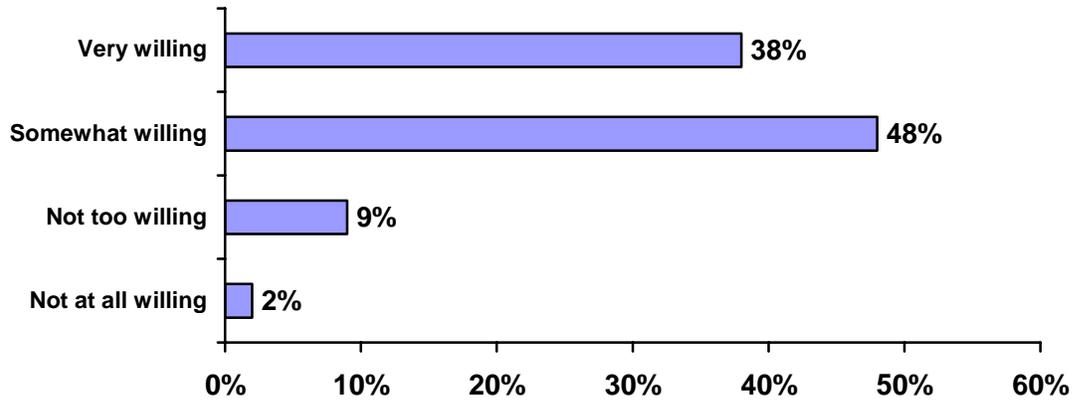
The fact that similar categories were cited as both appropriate and inappropriate for problem-solving approaches suggests that many judges distinguish among cases within these broad categories. For example, focus group participants noted that many judges would support problem-solving methods in less serious criminal cases but believe them inappropriate when faced with serious or violent felonies. Other participants distinguished plea bargains (in criminal cases) or settlement negotiations (in civil cases) from cases at the trial stage—problem-solving approaches are suitable for the former but not the latter. While the survey findings are not conclusive in this regard—many respondents did not answer the open-ended questions with a sufficient level of specificity—they are consistent with the explanations that emerged in our focus groups.

Since some calendar assignments were viewed as more amenable than others to problem-solving, judges were also asked how willing they would be to consider using problem-solving methods on an assignment other than their current assignment. Here, too, the findings indicate considerable receptivity to problem-solving methods: 86% are either “very willing” (38%) or “somewhat willing” (48%) to consider using such methods on a different assignment. Only one in ten (11%) indicated an unwillingness to do so (9% “not too willing” and 2% “not at all willing”) [Exhibit 13].

Large majorities of judges in adult criminal, juvenile and family and other civil assignments say they would consider using these methods. The fact that judges on all calendar assignments are willing to consider problem-solving methods in other assignments suggests that, for some, it may be their current caseload, rather than a broad philosophical opposition to problem-solving, that tempers support for problem-solving in their *current* assignment. This is particularly the case for judges in civil assignments. They are somewhat less likely than other judges to approve of using problem-solving methods in their current assignment (see Exhibit 9) yet are no less likely to consider such approaches in other assignments. Recall that civil cases were often cited as inappropriate for problem-solving approaches. In other words, there appears to be little opposition to problem-solving methods per se among judges in civil assignments, but some concern about how appropriate it is to use them in cases they currently hear. Later findings will lend further support to this conclusion.

¹¹ The questions about case types were open-ended—respondents were allowed to answer in their own words rather than choosing from preset categories.

**Exhibit 13: Willingness to Consider Problem-Solving Methods
in Different Assignment**



V. Potential Obstacles to the Use of Problem-Solving Methods

In the focus group research, judges and other stakeholders identified a number of obstacles to the more widespread use of problem-solving methods in conventional court settings. Many of these potential obstacles were presented in the survey, and judges were asked to identify which apply to them in their current assignment. The most commonly cited barrier, by far, is a “lack of support staff or services”—half (51%) agreed that this is a barrier to the more widespread use of problem-solving methods. Other often-cited barriers included “heavy caseloads” (29%), the possibility that “problem-solving compromises the neutrality of the court” (25%) (recall that earlier findings show judges place a great deal of emphasis on maintaining neutrality), “need [for] additional knowledge or skills” (24%), and the fact that “cases on my calendar are not appropriate for problem-solving” (19%). One in five (18%) judges felt that none of the obstacles apply [Exhibit 14].

The findings provide important insights as to what are, and are not, perceived as significant obstacles to the more widespread use of problem-solving methods, as well as in which court settings those methods might be most appropriate.

Exhibit 14: Obstacles to More Widespread Use of Problem-Solving Methods

| Obstacle | Percent Citing as Obstacle |
|--|----------------------------|
| Lack of support staff or services | 51% |
| Heavy caseloads | 29% |
| Problem-solving compromises the neutrality of the court | 25% |
| Need additional knowledge or skills | 24% |
| Cases on my calendar are not appropriate for problem-solving | 19% |
| Problem-solving methods are soft on crime | 7% |
| Attorneys would oppose it | 6% |
| Problem-solving methods are not effective | 6% |
| I do not agree with problem-solving methods | 4% |
| My colleagues on the bench would oppose it | 4% |
| <i>None of these</i> | <i>18%</i> |

Limited Resources

The emphasis placed on lack of support staff and heavy caseloads in conventional courts echo a prominent theme from the focus group research, as exemplified by one participant's comment:

When you leave treatment court ... you don't have time for the individualized attention to each defendant, you don't have access to the wide array of services, [and] you are under a great deal of pressure to move cases. ... In some places ... the concern is not what are you doing for the defendant, but what are you doing about reducing your caseload, and you don't have the same kind of pressure in drug courts or [other] problem-solving courts ... [in conventional courts] you don't have all the resources and all the benefits that the problem-solving courts have.¹²

In our focus groups, participants offered various suggestions about how judges might overcome, or at least deal with, problems raised by limited resources and caseload pressures. One possibility is to obtain additional resources; perhaps by borrowing resources from existing specialized courts or creating central structures within each court building that would provide resources for all defendants. Others suggested a "triage" approach that selects only those cases most in need of or most likely to benefit from a problem-solving approach:

If you try and apply [problem-solving approaches] to all the cases in a particular category, you will run out of time ... So you have to be able to decide what sort of cases you are going to concentrate on and be able to take that smaller number and give it the increased attention that is there.¹³

(In)appropriate Cases

The findings suggest juvenile and family assignments hold particular promise for the more widespread adoption of problem-solving practices. Judges in juvenile and family assignments—who are more likely to approve of problem-solving methods for the cases they hear and also are more likely to say problem-solving describes their current judging practice—are less likely to cite the inappropriateness of using problem-solving methods as an obstacle than those in adult criminal and civil assignments (11% for juvenile and family court judges compared to 22% for both judges in adult criminal and civil assignments).

Opposition to Problem-Solving Methods

Only 4% say that not supporting problem-solving methods is a reason they have not used them more often, lending further support to the conclusion that most judges do not have a broad philosophical opposition to problem-solving approaches.

Punishment-Based Approaches in Criminal Cases

Earlier findings showed that a substantial minority of judges (33%) identified punishing offenders as a "more important" goal of the criminal justice system than treating and rehabilitating offenders. However, the vast majority of judges believe that a preference for punishment-based approaches in criminal cases is not an obstacle to more widespread use of problem-solving practices. Only 7% cited the belief that problem-solving methods are "soft on crime" as an obstacle. Even among those judges who identified punishment as a more important

¹² Farole et al. 2004, p. 37.

¹³ Farole et al. 2004, p. 48.

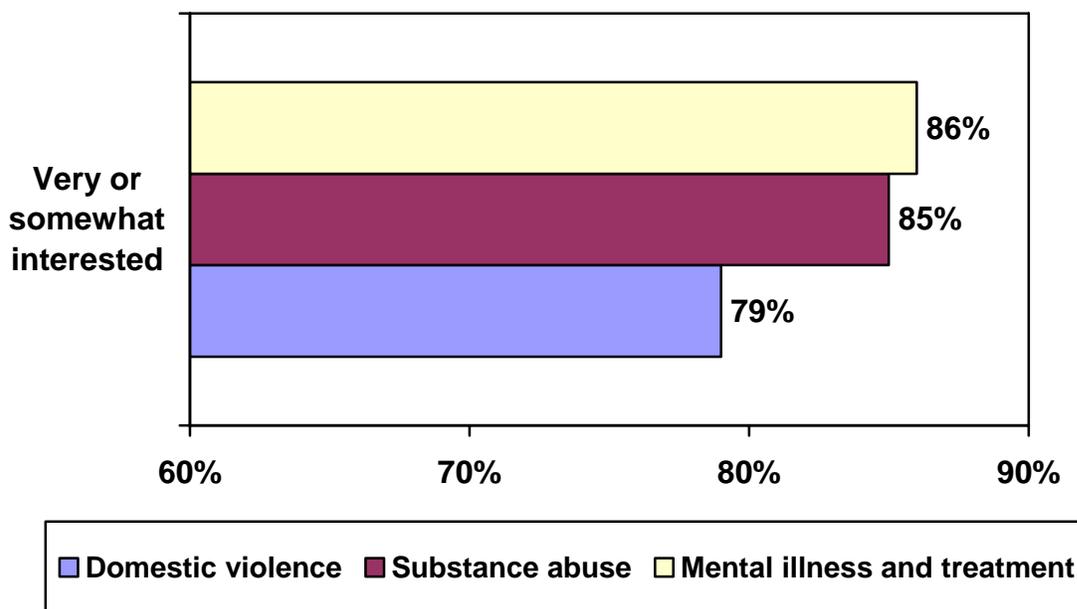
goal than treatment and rehabilitation, just 12% cited the belief as an obstacle. Judges do not appear to believe problem-solving justice is incompatible with the need to punish criminal offenders.

Training and Education

One of the most commonly cited obstacles to the greater use of problem-solving methods is the need for additional knowledge and skills. Judges were asked about their willingness to learn more about various topic areas relevant to problem-solving practice in many contexts. Substantial majorities express interest in learning more about these topics. Fully 86% are “very interested” or “somewhat interested” in learning more about mental illness and treatment, 85% about substance abuse and addiction, and 79% about domestic violence [Exhibit 15].

Judges were also asked how often they attended training or education seminars on these issues. Large majorities report, within the past three years, having attended a seminar or judicial education program on substance abuse and addiction (72%), domestic violence (69%), and mental health (55%). Certainly, these self-reported percentages appear high. We suspect that some judges who responded in the affirmative attended relatively short sessions as part of continuing judicial education or similar programs, rather than more intensive programs or seminars devoted solely to the topics.

Exhibit 15: Interest in Learning More about Topics



VI. Conclusions

The survey offers encouraging news for those interested in integrating problem-solving methods in more traditional court settings in an effort to improve the quality of justice. The picture that emerges is one of broad support for problem-solving methods by trial court judges throughout the country. Large majorities express support for problem-solving approaches and a willingness to consider applying them in various calendar assignments. Indeed, there is even a belief among many judges that they currently employ such an approach; the vast majority report that in at least some of their current cases, they engage in activities common in problem-solving courts, such as following the recommendations of a treatment agency and basing decisions on the individual needs of litigants. In our focus groups, participants suggested a lack of support for the concept of problem-solving among trial court judges. The survey results suggest that the focus group participants underestimated the level of support for problem-solving justice among those sitting in conventional court assignments.

Understandably, most judges are more supportive of problem-solving methods in some cases and court contexts than in others. In the focus groups, judges identified family and juvenile court settings as among the most appropriate for practicing problem-solving justice. Judges nationwide share this view, particularly with regard to family court, which was the most commonly cited setting as appropriate for use of problem-solving methods. By contrast, many judges felt these methods inappropriate in serious and violent criminal cases as well as in various civil settings.

The survey respondents also identified a number of obstacles to the more widespread adoption of problem-solving methods. Limited resources—lack of support staff and services and heavy caseloads—were most often cited; the need for additional training as well as concerns about jeopardizing the neutrality of the court also were often mentioned. Other matters, including philosophical opposition to problem-solving methods and a preference for punishment over rehabilitation in criminal cases, were viewed by very few as obstacles.

Implications for Judicial Training and Education

The findings are encouraging but, of course, translating support for a general approach to judging into changed and effective practice remains a challenge. As participants in our focus groups recognized, training and education (e.g., developing courses on problem-solving and using them at judicial training and new judge orientations) are key to changing practice. Our survey findings have implications for how training, education and other outreach efforts might proceed.

First, and perhaps most important, training and education might best be focused on the “nuts and bolts” of problem-solving methods and practices—teaching new practices, enhancing skills—more so than on promoting a general approach to judging which most judges already appear to embrace. Efforts might include introducing judges to specific practices and approaches that they may not be aware of or currently implement, and educating them about how these practices might be most effectively employed and in which case settings. This can help overcome commonly-cited obstacles, particularly the need to obtain additional knowledge and skills. Training and education might also address when problem-solving methods may be more or less appropriate and how they may be employed in such a way that does not compromise the

neutrality of the court—thus addressing yet another obstacle that judges identified as potentially inhibiting broader use of problem-solving practices.

Second, the survey results suggest particular opportunities to apply problem-solving approaches in family and juvenile court settings. Family and juvenile court judges are somewhat more supportive of problem-solving approaches and practices than are judges in other assignments—likely due in part to self-selection into these assignments. Survey respondents also often cited family, and to a lesser extent juvenile, cases as appropriate venues for problem-solving approaches. Efforts specially focused on these court settings may be among the more effective methods of enhancing problem-solving practice.

Finally, the survey provides no support for the idea—broadly discussed in the focus groups—that younger judges are more likely to embrace the problem-solving concept than are those who have been on the bench a longer time. There is widespread support, at least in principle, regardless of tenure. Certainly, new judge orientations may provide an excellent venue for training and education—but this ought not to be the only venue, as more senior judges also support problem-solving methods. (This does not necessarily mean, however, that younger judges ought not to be a primary focus of training and outreach efforts. As focus group participants suggested, judges newer to the bench are likely less set in their ways, so developing and refining practices earlier in their career may be easier than changing the behavior of more senior judges.)

Next Steps for Research

Judges' strong support for integrating problem-solving methods in conventional court settings points to the need to continue research in this area. A logical next step would be to conduct more in-depth focus groups and interviews among conventional calendar judges to uncover details about how, specifically, problem-solving practices might best be integrated into conventional court settings. Further research could be conducted in various regions of the country and various sized jurisdictions. While the survey results do not indicate stark differences in attitudes and practices across region or jurisdiction size, it is certainly possible that this survey (as is the case with most surveys) was unable to uncover relevant details and nuance that may inform training, education and other outreach efforts. Further research should also be conducted among judges in a variety of calendar assignments, as the survey findings clearly indicate a belief that problem-solving methods are more appropriate and can be more readily integrated in some cases and court settings than others.

While similar issues were addressed in the focus group research that inspired this survey, this research was conducted among only specialized problem-solving court judges and only in New York and California, two states with a large number of problem-solving courts. Judges without problem-solving court experience and from a variety of local court cultures can lend important insights into how problem-solving methods might most effectively be integrated into a range of conventional court settings in an effort to improve the quality of justice nationwide.

Appendix A: Detailed Methodology

A nationwide survey was conducted among 1,019 trial court judges. The sample of judges was drawn from the 2007 edition of *The American Bench*, the most comprehensive nationwide listing of judges. The sampling frame consisted of 3,000 state trial court judges from all fifty states and the District of Columbia. The sample included judges sitting on the bench of a state trial court of general or of limited or special jurisdiction. In some instances, judges were listed in *The American Bench* multiple times because they were on the bench in more than one district or jurisdiction. Duplicates were eliminated by taking the first occurrence of the judge's name and deleting all subsequent appearances.

To ensure regional representation, judges in the sampling frame were stratified by U.S. Census Region. We then used a proportionate stratified random sampling to obtain a sample representative of the geographic jurisdiction of judges meeting our admission criteria. Surveys were sent by mail to the selected judges. In order to maximize response rate, judges were given several options to complete the survey: they could return the survey by mail, complete an online questionnaire, or arrange a telephone interview (no judges chose the latter option).

Note that the survey sample was divided into two "replicates" of equal size. All judges in first sample replicate were contacted first. Those in the second replicate were held in reserve to be surveyed only if the goal of 1,000 completed surveys was not met. In total, 2,236 of the 3,000 sampling units were used in the survey. The survey achieved an overall response rate of 50%, using the American Association of Public Opinion Research's standard response rate definition.

The survey questionnaire may be found in Appendix B. The survey was designed by staff at the Center for Court Innovation and California AOC, with input from the Center for Survey Research and Analysis at the University of Connecticut. The survey instrument was pretested in a focus group among trial court judges in San Francisco in November 2006.

The results of the entire survey are statistically significant at $\pm 3\%$. For example, if 50% of survey respondents provide a particular answer to a question, we have 95% confidence that the actual population percentage falls between 47% and 53%. Note that the margin of error increases when looking at differences in responses to the same question across subgroups. The margin of error can also vary across specific questions.

Appendix B: Survey Questionnaire

PART I: JUDICIAL ROLE ATTITUDES

The first set of questions is about your views of trial court judging.

1. In general, how important is it for trial court judges to do each of the following?

(Please mark one circle next to each phrase)

| | Not at all Important ▼ | Not too Important ▼ | Somewhat Important ▼ | Very Important ▼ |
|--|------------------------------|---------------------------|----------------------------|------------------------|
| a. Ensure legal due process | 0% | 0% | 1% | 98% |
| b. Maintain judicial independence | 0 | 0 | 5 | 94 |
| c. Move cases rapidly to resolution | 0 | 4 | 62 | 33 |
| d. Adopt a proactive role in crafting case resolutions | 3 | 24 | 54 | 17 |
| e. Render decisions that assist litigants | 4 | 13 | 43 | 37 |
| f. Render decisions that protect public safety | 2 | 5 | 28 | 63 |
| g. Obtain community input about the court system | 5 | 27 | 54 | 13 |
| h. Follow case processing timelines | 2 | 13 | 57 | 27 |

2. How important should the following factors be to a judge in deciding a case?

(Please mark one circle next to each phrase)

| | Not at all Important ▼ | Not too Important ▼ | Somewhat Important ▼ | Very Important ▼ |
|--|------------------------------|---------------------------|----------------------------|------------------------|
| a. Precedent, when clear and directly relevant | 0% | 0% | 7% | 91% |
| b. What the public expects | 29 | 48 | 21 | 1 |
| c. The community consequences of a decision | 12 | 33 | 46 | 7 |
| d. The individual needs or underlying problems of the litigant | 7 | 22 | 53 | 17 |
| e. Expert opinion | 2 | 19 | 71 | 7 |
| f. The judge's view of justice in the case | 5 | 17 | 48 | 28 |
| g. Public safety | 1 | 6 | 41 | 50 |
| h. Common sense | 0 | 2 | 32 | 65 |

| | |
|--|---|
| <p>3. Which of the following is a <u>more important</u> goal of the criminal justice system? (Please mark <u>one</u> circle)</p> <p>58% To treat and rehabilitate offenders 33% To punish offenders</p> | <p>4. Which of the following statements <u>most closely</u> represents your view? (Please mark <u>one</u> circle)</p> <p>52% Judges should make decisions on their own 42% Judges should make decisions with the collaborative input of attorneys and other partners</p> |
|--|---|

5. Please indicate the extent to which you agree or disagree with each of the following statements. (Please mark one circle next to each statement)

| | Strongly Disagree ▼ | Somewhat Disagree ▼ | Somewhat Agree ▼ | Strongly Agree ▼ |
|--|------------------------|------------------------|---------------------|---------------------|
| a. Judges should handle cases with an eye toward reducing recidivism or future filings. | 1% | 6% | 47% | 44% |
| b. Judicial decisions should help to promote public confidence in the courts. | 0 | 3 | 31 | 64 |
| c. At the end of a case, it is important that litigants believe they were treated fairly by the court. | 0 | 1 | 16 | 82 |
| d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement. | 5 | 12 | 48 | 34 |
| e. Judges should not speak directly to litigants when their attorney is present. | 14 | 32 | 34 | 19 |
| f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants. | 11 | 18 | 48 | 21 |
| g. It is important for judges to learn about drug addiction, mental illness, and domestic violence. | 0 | 1 | 24 | 74 |

PART II: JUDICIAL PRACTICES

The next questions are about practices that judges may or may not use in handling cases.

6. During the past year, in approximately what percentage of all cases you heard, did you do each of the following? (Please mark one circle next to each statement)

| | Never (0%) | Rarely (1-9%) | Sometimes (10-39%) | Often (40% or more) |
|--|---------------|------------------|-----------------------|---------------------------|
| | ▼ | ▼ | ▼ | ▼ |
| a. Proposed a case disposition or sentence not offered by the attorneys of record. | 6% | 27% | 53% | 11% |
| b. Ordered a litigant to drug or mental health treatment when not required to by statute. | 9 | 14 | 41 | 32 |
| c. Based a decision on information about the individual needs or problems of a litigant. | 3 | 13 | 48 | 33 |
| d. Followed the recommendation of a treatment agency staff member in making a decision in a case. | 4 | 7 | 43 | 42 |
| e. Posed questions directly to a litigant in court. | 2 | 21 | 42 | 32 |
| f. Set regular in-court review dates to monitor a litigant's compliance with a court mandate. | 7 | 24 | 35 | 31 |
| g. Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate. | 8 | 27 | 42 | 20 |
| h. Offered verbal praise to a litigant for complying with a court mandate. | 4 | 16 | 45 | 33 |

PART III: PROBLEM-SOLVING METHODS OF JUDGING

This section contains general questions about “problem-solving” methods of judging.

For this survey, “**problem-solving**” is defined as:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”

7. **In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear?**

- 40% Strongly disapprove
- 36 Somewhat disapprove
- 13 Neither approve nor disapprove
- 6 Somewhat approve
- 4 Strongly approve

8. **How willing would you be to consider applying problem-solving methods on a different calendar assignment?**

- 2% Not at all willing
- 9 Not too willing
- 48 Somewhat willing
- 38 Very willing

9. **In your opinion, how well does problem-solving, as defined above, describe your current judging practice?**

- 7% Not at all well
- 23 Not too well
- 47 Somewhat well
- 22 Very well

10. **In what types of cases (e.g., criminal, family, civil etc.) do you consider it appropriate to apply one or more problem-solving methods?**

11. **In what types of cases (e.g., criminal, family, civil etc.) do you consider it inappropriate to apply one or more problem-solving methods?**

12. The following are reasons trial court judges may give for not applying problem-solving methods more frequently. Which of these reasons apply to you in your current assignment?
(Please mark all that apply)

- 4% I do not agree with problem-solving methods
- 6 Problem-solving methods are not effective
- 7 Problem-solving methods are “soft” on crime
- 25 Problem-solving compromises the neutrality of the court
- 24 I need to acquire additional knowledge or skills about how to use these methods
- 29 Heavy caseloads pressure me to push cases along
- 51 Lack of necessary support staff or services
- 19 The cases on my calendar are inappropriate for problem-solving methods
- 6 Attorneys would oppose it
- 4 My colleagues on the bench do not support problem-solving methods
- 18 None of the above
- Other (Please specify): _____

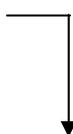
PART IV: SPECIALIZED PROBLEM-SOLVING COURTS

Next are a few questions about specialized problem-solving courts such as a drug, mental health, or domestic violence court.

13. How familiar are you with “specialized problem-solving courts”?

- ① Not at all familiar
- ② Not too familiar
- ③ Somewhat familiar
- ④ Very familiar

14. Have you ever presided in a “specialized problem-solving court”?

- ① Yes
 - ② No
- 

14a. If ‘YES’, do you currently preside in a specialized problem-solving court?

- ① Yes
- ② No

15. Does your jurisdiction contain a “specialized problem-solving” court?

- ① Yes
- ② No
- ③ Not sure

16. In the future, if you were offered an opportunity to preside in a specialized problem-solving court, how likely would you be to accept it?

- ① Not at all likely
- ② Not too likely
- ③ Somewhat likely
- ④ Very likely

17. In the past three years, did you attend a seminar or judicial education program in any of the following areas?

| | Yes | No |
|----------------------------------|-----|-----|
| | ▼ | ▼ |
| a. Substance abuse and addiction | 72% | 22% |
| b. Mental illness and treatment | 55 | 35 |
| c. Domestic violence | 70 | 24 |
| d. Other (Please specify): _____ | 20 | 5 |

18. How interested would you be in learning more about each of the following?

| | Not at all Interested | Not too Interested | Somewhat Interested | Very Interested |
|----------------------------------|-----------------------|--------------------|---------------------|-----------------|
| | ▼ | ▼ | ▼ | ▼ |
| a. Substance abuse and addiction | 3% | 8% | 38% | 47% |
| b. Mental illness and treatment | 3 | 7 | 38 | 48 |
| c. Domestic violence | 3 | 14 | 39 | 39 |
| d. Other (Please specify): _____ | 1 | 1 | 2 | 5 |

PART V: BENCH AND PERSONAL EXPERIENCE

The final questions are about your bench experiences and background. These questions will be used for classification purposes only. *Your responses will be kept strictly confidential and reported in the aggregate only.*

19. Which of the following types of cases do you handle in your current assignment?

(Please select the one most common case type and other types of cases you handle as well.)

| | Most Common Cases Handled (Mark <u>one</u> only) | Other Cases Handled (Mark <u>all</u> that apply) |
|-------------------------|---|---|
| | ▼ | ▼ |
| a. Misdemeanor criminal | 22% | 62% |
| b. Felony criminal | 32 | 62 |

| | | |
|---|----|----|
| c. Traffic violations | 5 | 44 |
| d. Juvenile (i.e., delinquency, status offense) | 4 | 39 |
| e. Child welfare (i.e., protective custody) | 3 | 36 |
| f. Child custody (i.e., family law related) | 3 | 44 |
| g. Family cases (e.g., divorce, paternity) | 9 | 45 |
| h. Domestic violence protection orders | 0 | 57 |
| i. Housing | 0 | 22 |
| j. Probate matters | 2 | 30 |
| k. Other civil matters (Please specify): _____ | 11 | 56 |
| l. Other cases (Please specify): _____ | 1 | 10 |

20. In general, how satisfied are you with your job as a judge?

- 0% Not at all satisfied
- 1 Not too satisfied
- 22 Somewhat satisfied
- 77 Very satisfied

21. In total, how many years have you served as a judge?

- 5% Less than 2 years
- 17 2 to 5 years
- 23 6 to 10 years
- 37 11 to 19 years
- 19 20 years or more

22. Are you elected?

- 79% Yes
- 20 No

22a. If 'YES,' how long is your term?

- 0% Less than 2 years
- 31 2 to 5 years
- 64 6 to 10 years
- 4 11 years or more

23. What is the population of the jurisdiction served by your court?

- 19% Less than 50,000
- 35 50,000-249,999
- 14 250,000-499,999
- 31 500,000 or more

24. What is your race or ethnicity?

- 88% White/Caucasian
- 2 Hispanic/Latino
- 5 African American/Black
- 1 Asian/Pacific Islander
- 1 Native American/Alaskan Native
- 1 Other (Please specify): _____

25. What is your gender?

- 77% Male
- 23 Female

26. In what year were you born? _____

27. If you have any comments or suggestions about this survey, please include them in the space below.
