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# Survey of Attorneys

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**O**n September 13, 2000, we mailed the following questionnaire to 851 attorneys, including all 87 county attorneys, 200 randomly selected city attorneys, 200 randomly selected public defenders, and 364 randomly selected private attorneys. The questionnaire addressed a broad range of issues, including attorney opinions regarding the prevalence and causes of delay in case processing and practices that might help reduce caseload burdens. We mailed a follow-up questionnaire to all nonrespondents on October 6, 2000. We subsequently discovered that 46 names were improperly identified and removed them, reducing the sample to 805 attorneys. We received timely responses from 77 county attorneys (89 percent), 138 city attorneys (73 percent), 133 public defenders (71 percent), and 229 private attorneys (67 percent), for a total of 577 responses (72 percent). Fourteen additional attorney responses arrived too late to be included in the analysis. Additional information on our survey methodology is in Appendix A of the report. On the pages that follow, we report aggregate responses separately for city attorneys (Part A), county attorneys (Part B), public defenders (Part C), and private attorneys (Part D), and then present the combined responses from all attorneys (Part E).

***Part A:***

***Responses for 138 City Attorneys***

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Office of the Legislative Auditor  
**SURVEY OF ATTORNEYS**

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Thank you for answering this survey of Minnesota attorneys. The questionnaire is part of a study on the state's district courts and is intended to assess attorneys' perspectives on how courts manage their caseloads. *Minn. Stat. (1999 Supplement) §3.978, sub. 2* gives our office authority to collect this information from public officials and requires them to respond. Results from the survey will be reported only in the aggregate; we will treat your individual responses as "private data," as defined by *Minn. Stat. (1999) §13.02, sub. 12*.

Please respond to the following questions based on your court experiences during the past year, unless otherwise specified. If you are familiar with some but not all courts within a judicial district, base your comments on the courts within the county(ies) where you have had the most experience. If you work in more than one judicial district, please respond for the district in which you work most often.

Direct questions about the survey to Jody Hauer at 651/296-8501 or [jody.hauer@state.mn.us](mailto:jody.hauer@state.mn.us).

Please return the completed survey in the enclosed postage-paid envelope by  
**October 18, 2000.**

\_\_\_\_\_  
Please print your name (if different from label)

\_\_\_\_\_  
Telephone including area code

\_\_\_\_\_  
Date

**Judicial district in which you work most often** (*Enter number*): \_\_\_\_\_

**1. Please indicate which of the following describes your primary employment.** (*Mark one.*)

County attorney	City prosecutor	City attorney handling civil cases	Private attorney	Public defender	Other ( <i>Specify.</i> ) _____
①	②	③	④	⑤	⑥

**1.(a). If you marked public defender, about what percentage of your professional time over the past year has been for public defender work?** (*For instance, mark 50% if you worked half-time as a public defender or 100% if you were full-time.*)

\_\_\_\_\_ % as a public defender

2. In your opinion, do the courts consider attorney input when developing new programs or revising policies? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
6	36	54	31	7

3. To what extent do you feel that the courts in your judicial district efficiently manage their caseloads? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
23	70	34	5	2

4. To what extent do you feel that the courts in your judicial district balance the need for efficiently managing caseloads with preserving justice and equity? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
35	68	21	10	–

5. About how often do you believe that judges need more time per case if people are to feel that their concerns are fully heard? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
6	31	49	42	6

6. Certain practices may reduce caseload burdens. Please indicate the use of the following practices in this judicial district and rate their effectiveness in lessening caseload burdens in the district. (For each row, mark one response for use and one response for effectiveness.)

	Use				Effectiveness in Lessening Caseloads			
	Used Often	Used Sometimes	Used Rarely or Not at All	Don't Know	Somewhat Effective	Somewhat Ineffective	Don't Know	
a. Referees, hearing officers, judicial officers, or child support magistrates	11	39	55	29	29	35	7	52
b. Pretrial diversion by the prosecutor before the case is filed	10	30	52	41	39	22	12	48
c. Diversion after the case is filed	10	45	32	45	38	31	8	45

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
d. Continuances without prosecution or continuances for dismissal	20	58	20	34	50	30	12	31
e. "Hip-pocket filing," i.e., civil case proceeds without filing in court	30	45	21	39	32	36	14	46
f. Ordinance violations resolved administratively by city	10	34	60	28	35	25	16	49
g. Arbitration	14	56	38	25	29	50	11	35
h. Neutral third party evaluation	4	33	59	38	16	37	17	54
i. Mediation	42	60	17	17	42	60	7	23
j. Other ADR processes, such as mini-trials	3	20	61	50	5	29	16	74

7. **To what extent is delay in processing cases a problem in your judicial district?** *(Mark one response for each case type.)*

	<u>Serious Problem</u>	<u>Moderate Problem</u>	<u>Minor Problem</u>	<u>Not A Problem At All</u>	<u>Don't Know</u>
a. Criminal	4	21	32	34	41
b. Juvenile	3	10	22	22	75
c. Family	12	27	24	22	48
d. Civil	10	32	50	33	11
e. Probate	2	7	22	67	36

8. Please indicate how much the following factors contribute to delay in the district. (Mark one response per factor for each case type.)

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>a. Too few court reporters</b>					
1. Criminal	1	4	3	83	42
2. Juvenile	1	4	1	71	56
3. Family	2	3	2	80	46
4. Civil	–	3	4	104	23
5. Probate	–	2	2	90	39
<b>b. Too few court clerks and support staff</b>					
1. Criminal	5	5	19	65	38
2. Juvenile	2	4	17	57	52
3. Family	2	8	17	63	43
4. Civil	3	6	20	82	23
5. Probate	5	5	14	72	38
<b>c. Too few judges</b>					
1. Criminal	24	27	18	32	31
2. Juvenile	19	20	17	27	50
3. Family	23	25	16	29	40
4. Civil	26	35	20	41	14
5. Probate	14	20	17	51	32
<b>d. Too few bailiffs</b>					
1. Criminal	2	2	4	84	40
2. Juvenile	–	1	3	76	53
3. Family	–	2	2	84	46
4. Civil	–	1	2	103	28
5. Probate	–	1	2	92	39
<b>e. Too few interpreters</b>					
1. Criminal	10	12	26	36	48
2. Juvenile	5	3	16	39	70
3. Family	–	3	11	53	66
4. Civil	1	3	10	68	52
5. Probate	1	1	8	64	60
<b>f. Problems scheduling interpreters</b>					
1. Criminal	7	10	17	37	60
2. Juvenile	3	6	10	37	76
3. Family	–	3	8	44	77
4. Civil	1	4	7	58	63
5. Probate	1	2	6	54	70

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)</b>					
1. Criminal	5	14	38	23	52
2. Juvenile	1	10	33	20	69
3. Family	2	13	30	25	63
4. Civil	3	13	40	35	44
5. Probate	2	10	27	40	55
<b>h. Too many notices to remove judge</b>					
1. Criminal	–	9	19	60	44
2. Juvenile	–	3	13	54	63
3. Family	1	6	15	59	52
4. Civil	–	2	24	74	34
5. Probate	–	1	10	72	50
<b>i. Too few judicial officers or referees</b>					
1. Criminal	6	12	16	37	59
2. Juvenile	4	11	9	34	73
3. Family	5	13	16	34	63
4. Civil	6	16	12	49	48
5. Probate	3	10	11	46	61
<b>j. Attorneys have too little time to prepare cases</b>					
1. Criminal	9	17	22	45	38
2. Juvenile	8	11	14	39	60
3. Family	6	13	22	46	46
4. Civil	5	17	26	69	17
5. Probate	4	6	17	72	33
<b>k. Attorneys seek continuances to “shop” for judges</b>					
1. Criminal	4	6	24	58	40
2. Juvenile	2	3	13	53	62
3. Family	4	4	18	61	47
4. Civil	3	3	26	79	24
5. Probate	1	1	10	85	36
<b>l. Poor coordination between attorneys and court calendars</b>					
1. Criminal	10	20	40	23	38
2. Juvenile	7	12	31	19	63
3. Family	6	17	41	23	46
4. Civil	6	19	46	45	17
5. Probate	2	11	27	54	38

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>m. Too many continuances granted</b>					
1. Criminal	6	14	33	42	37
2. Juvenile	1	4	27	38	63
3. Family	2	7	29	47	49
4. Civil	1	11	39	66	18
5. Probate	–	2	22	71	38
<b>n. Inadequate availability of technology, such as interactive video conferencing</b>					
1. Criminal	4	7	15	61	45
2. Juvenile	2	8	13	47	63
3. Family	1	8	14	54	57
4. Civil	3	8	18	72	34
5. Probate	2	7	9	68	47
<b>o. Court reluctance to use available technology</b>					
1. Criminal	3	7	12	65	45
2. Juvenile	2	6	10	54	61
3. Family	2	7	8	60	57
4. Civil	2	8	11	76	38
5. Probate	2	5	7	70	49
<b>p. Backlog of cases</b>					
1. Criminal	16	25	29	22	40
2. Juvenile	9	13	22	22	67
3. Family	12	20	27	23	52
4. Civil	13	28	25	42	27
5. Probate	4	7	15	58	49
<b>q. Inadequately prepared private attorneys</b>					
1. Criminal	2	12	36	36	46
2. Juvenile	2	9	21	29	72
3. Family	3	20	25	33	52
4. Civil	1	13	50	51	20
5. Probate	1	5	14	66	47
<b>r. Too few prosecutors</b>					
1. Criminal	5	8	22	57	40
2. Juvenile	4	5	15	45	63
<b>s. Inadequately prepared prosecutors</b>					
1. Criminal	4	8	26	52	42
2. Juvenile	4	7	15	42	64



	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>t. Too few public defenders</b>					
1. Criminal	13	13	28	34	44
2. Juvenile	10	9	22	26	65
<b>u. Inadequately prepared public defenders</b>					
1. Criminal	8	14	28	35	47
2. Juvenile	5	10	19	31	67
<b>v. Waiting for in-custody defendants to be transported</b>					
1. Criminal	9	9	26	33	55
2. Juvenile	5	8	21	26	72
<b>w. Waiting for pre-sentence investigation reports</b>					
1. Criminal	2	16	29	34	50
2. Juvenile	1	9	25	27	69
<b>x. Too little use of pretrial diversion</b>					
1. Criminal	10	17	15	32	58
2. Juvenile	9	14	10	23	76
<b>y. Enhancement of misdemeanor offenses to gross misdemeanor</b>					
1. Criminal	13	18	19	37	45
2. Juvenile	6	11	14	29	72
<b>z. Waiting for chemical dependency or mental health assessments</b>					
1. Criminal	3	20	35	24	50
2. Juvenile	-	15	25	17	74
<b>aa. Too many minor offenses brought to court</b>					
1. Criminal	24	12	23	31	42
2. Juvenile	19	11	12	23	67
<b>bb. Complex civil cases are not identified and separated</b>					
	4	22	24	36	47
<b>cc. High cost of alternative dispute resolution (ADR)</b>					
	16	24	29	35	28
<b>dd. Too little use of ADR</b>					
	6	26	35	33	31
<b>ee. There are too many _____ cases.</b> <i>(Specify case types.)</i>					
<b>ff. Other (Specify.) _____</b> _____					

9. Of the factors in Question 8 that contribute to delay, indicate the letters of the two factors that you consider the most serious: (a) \_\_\_\_\_ (b) \_\_\_\_\_

10. To what extent are the following factors negatively affecting the courts' ability to process cases today more so than five or more years ago? (Mark one response per item.)

	Substantial Effect	Moderate Effect	Slight Effect	No Effect	Don't Know
a. Cultural and language differences presented by immigrants unfamiliar with the courts	10	30	32	32	27
b. Legislation or rule changes leading to new procedural or hearing requirements	13	37	44	16	20
c. Increased need for mental health assessments	2	15	41	20	52
d. Changes in enforcement and prosecution of juvenile status offenses	13	21	20	12	64
e. Changes in enforcement and prosecution of DWI laws	24	37	20	13	36
f. Changes in enforcement and prosecution of controlled substance offenses	11	25	29	11	54
g. New types of cases, such as harassment	43	32	27	8	22
h. Changing expectations of the court as a "provider of services" as well as a "trier of fact"	18	43	28	13	27
i. Insufficient courthouse security	–	6	26	73	24
j. Changing expectations for judges' community involvement	1	11	25	56	36
k. Other (Specify.) _____ _____					
l. Other (Specify.) _____ _____					



***Part B:***

***Responses for 77 County Attorneys***

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Office of the Legislative Auditor  
**SURVEY OF ATTORNEYS**

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Thank you for answering this survey of Minnesota attorneys. The questionnaire is part of a study on the state's district courts and is intended to assess attorneys' perspectives on how courts manage their caseloads. *Minn. Stat.* (1999 Supplement) §3.978, sub. 2 gives our office authority to collect this information from public officials and requires them to respond. Results from the survey will be reported only in the aggregate; we will treat your individual responses as "private data," as defined by *Minn. Stat.* (1999) §13.02, sub. 12.

Please respond to the following questions based on your court experiences during the past year, unless otherwise specified. If you are familiar with some but not all courts within a judicial district, base your comments on the courts within the county(ies) where you have had the most experience. If you work in more than one judicial district, please respond for the district in which you work most often.

Direct questions about the survey to Jody Hauer at 651/296-8501 or [jody.hauer@state.mn.us](mailto:jody.hauer@state.mn.us).

Please return the completed survey in the enclosed postage-paid envelope by  
**October 18, 2000.**

\_\_\_\_\_  
Please print your name (if different from label)

\_\_\_\_\_  
Telephone including area code

\_\_\_\_\_  
Date

**Judicial district in which you work most often** (*Enter number*): \_\_\_\_\_

**1. Please indicate which of the following describes your primary employment.** (*Mark one.*)

County attorney	City prosecutor	City attorney handling civil cases	Private attorney	Public defender	Other ( <i>Specify.</i> ) _____
①	②	③	④	⑤	⑥

**1.(a). If you marked public defender, about what percentage of your professional time over the past year has been for public defender work?** (*For instance, mark 50% if you worked half-time as a public defender or 100% if you were full-time.*)

\_\_\_\_\_ % as a public defender

2. In your opinion, do the courts consider attorney input when developing new programs or revising policies? (Mark one response.)

<u>Always or Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never or Almost Never</u>
4	27	35	9	2

3. To what extent do you feel that the courts in your judicial district efficiently manage their caseloads? (Mark one response.)

<u>Always or Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never or Almost Never</u>
18	37	17	4	–

4. To what extent do you feel that the courts in your judicial district balance the need for efficiently managing caseloads with preserving justice and equity? (Mark one response.)

<u>Always or Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never or Almost Never</u>
20	35	19	3	–

5. About how often do you believe that judges need more time per case if people are to feel that their concerns are fully heard? (Mark one response.)

<u>Always or Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never or Almost Never</u>
1	14	44	15	3

6. Certain practices may reduce caseload burdens. Please indicate the use of the following practices in this judicial district and rate their effectiveness in lessening caseload burdens in the district. (For each row, mark one response for use and one response for effectiveness.)

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
a. Referees, hearing officers, judicial officers, or child support magistrates	18	41	15	2	28	29	2	14
b. Pretrial diversion by the prosecutor before the case is filed	12	44	21	–	25	37	8	4
c. Diversion after the case is filed	7	28	42	–	13	34	15	12

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
d. Continuances without prosecution or continuances for dismissal	3	40	34	–	11	34	22	8
e. "Hip-pocket filing," i.e., civil case proceeds without filing in court	4	14	10	48	7	8	7	50
f. Ordinance violations resolved administratively by city	–	11	28	38	6	10	8	48
g. Arbitration	2	15	17	41	6	17	5	41
h. Neutral third party evaluation	1	11	21	42	3	10	7	49
i. Mediation	5	19	15	37	6	20	7	38
j. Other ADR processes, such as mini-trials	–	10	23	43	4	10	7	49

7. **To what extent is delay in processing cases a problem in your judicial district?** (Mark one response for each case type.)

	<u>Serious Problem</u>	<u>Moderate Problem</u>	<u>Minor Problem</u>	<u>Not A Problem At All</u>	<u>Don't Know</u>
a. Criminal	7	28	27	15	–
b. Juvenile	11	23	23	18	1
c. Family	4	18	11	15	26
d. Civil	4	8	11	16	36
e. Probate	2	2	9	23	39

8. Please indicate how much the following factors contribute to delay in the district. (Mark one response per factor for each case type.)

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>a. Too few court reporters</b>					
1. Criminal	1	–	3	69	4
2. Juvenile	1	–	2	69	5
3. Family	1	–	2	56	15
4. Civil	1	–	2	48	23
5. Probate	–	–	–	52	22
<b>b. Too few court clerks and support staff</b>					
1. Criminal	1	7	13	51	5
2. Juvenile	1	8	14	47	6
3. Family	–	3	7	44	20
4. Civil	–	1	6	39	28
5. Probate	–	2	4	41	27
<b>c. Too few judges</b>					
1. Criminal	18	24	18	14	3
2. Juvenile	17	24	18	14	4
3. Family	9	21	11	11	21
4. Civil	9	15	12	9	29
5. Probate	6	11	13	13	30
<b>d. Too few bailiffs</b>					
1. Criminal	1	5	8	60	3
2. Juvenile	1	5	7	60	4
3. Family	2	2	4	52	15
4. Civil	1	1	3	50	21
5. Probate	–	–	3	52	20
<b>e. Too few interpreters</b>					
1. Criminal	3	18	29	26	1
2. Juvenile	3	15	26	30	3
3. Family	2	5	13	30	24
4. Civil	–	2	5	33	34
5. Probate	–	2	4	34	34
<b>f. Problems scheduling interpreters</b>					
1. Criminal	3	20	28	21	5
2. Juvenile	3	18	26	23	5
3. Family	2	4	13	27	26
4. Civil	–	1	8	28	35
5. Probate	–	2	6	30	34



	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)</b>					
1. Criminal	2	13	25	23	12
2. Juvenile	2	14	26	21	13
3. Family	3	8	17	18	27
4. Civil	3	7	10	15	38
5. Probate	2	8	11	15	37
<b>h. Too many notices to remove judge</b>					
1. Criminal	–	10	28	38	1
2. Juvenile	–	11	23	40	2
3. Family	1	2	14	30	27
4. Civil	–	1	12	29	32
5. Probate	–	2	10	31	31
<b>i. Too few judicial officers or referees</b>					
1. Criminal	4	5	14	33	21
2. Juvenile	5	6	13	32	21
3. Family	3	5	7	23	36
4. Civil	–	2	7	20	45
5. Probate	1	1	7	22	42
<b>j. Attorneys have too little time to prepare cases</b>					
1. Criminal	9	27	22	16	3
2. Juvenile	7	25	26	15	4
3. Family	6	13	16	17	22
4. Civil	–	6	14	18	36
5. Probate	–	8	11	20	35
<b>k. Attorneys seek continuances to “shop” for judges</b>					
1. Criminal	2	18	15	40	2
2. Juvenile	1	15	16	42	3
3. Family	–	5	12	32	25
4. Civil	–	1	7	28	38
5. Probate	–	1	6	32	35
<b>l. Poor coordination between attorneys and court calendars</b>					
1. Criminal	10	23	24	18	2
2. Juvenile	10	19	25	20	3
3. Family	3	17	11	18	25
4. Civil	–	9	13	17	36
5. Probate	–	6	10	24	34

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>m. Too many continuances granted</b>					
1. Criminal	9	14	33	20	1
2. Juvenile	8	14	30	23	2
3. Family	4	9	14	21	26
4. Civil	2	4	15	16	38
5. Probate	1	3	13	22	35
<b>n. Inadequate availability of technology, such as interactive video conferencing</b>					
1. Criminal	4	11	18	41	3
2. Juvenile	4	10	16	42	5
3. Family	3	7	12	27	25
4. Civil	1	5	9	25	35
5. Probate	–	4	10	26	34
<b>o. Court reluctance to use available technology</b>					
1. Criminal	4	6	12	44	11
2. Juvenile	4	7	12	43	11
3. Family	3	5	6	33	27
4. Civil	–	4	7	30	34
5. Probate	–	4	6	29	35
<b>p. Backlog of cases</b>					
1. Criminal	14	28	18	16	1
2. Juvenile	11	28	21	15	2
3. Family	6	15	10	16	27
4. Civil	2	9	8	14	42
5. Probate	–	3	6	23	42
<b>q. Inadequately prepared private attorneys</b>					
1. Criminal	1	19	43	10	4
2. Juvenile	1	16	43	12	5
3. Family	1	7	23	13	30
4. Civil	–	5	15	12	43
5. Probate	–	1	13	19	41
<b>r. Too few prosecutors</b>					
1. Criminal	11	15	30	19	2
2. Juvenile	9	18	29	18	2
<b>s. Inadequately prepared prosecutors</b>					
1. Criminal	–	6	26	43	2
2. Juvenile	–	6	24	42	3

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>t. Too few public defenders</b>					
1. Criminal	9	20	17	30	1
2. Juvenile	8	22	17	28	1
<b>u. Inadequately prepared public defenders</b>					
1. Criminal	6	20	22	27	2
2. Juvenile	4	20	22	26	3
<b>v. Waiting for in-custody defendants to be transported</b>					
1. Criminal	6	12	33	24	2
2. Juvenile	5	11	33	24	3
<b>w. Waiting for pre-sentence investigation reports</b>					
1. Criminal	5	14	32	25	1
2. Juvenile	5	13	28	27	3
<b>x. Too little use of pretrial diversion</b>					
1. Criminal	–	4	29	37	7
2. Juvenile	–	2	26	40	8
<b>y. Enhancement of misdemeanor offenses to gross misdemeanor</b>					
1. Criminal	8	11	20	35	3
2. Juvenile	6	8	19	41	3
<b>z. Waiting for chemical dependency or mental health assessments</b>					
1. Criminal	3	13	37	23	1
2. Juvenile	4	17	30	24	2
<b>aa. Too many minor offenses brought to court</b>					
1. Criminal	4	12	23	33	5
2. Juvenile	4	11	21	35	6
<b>bb. Complex civil cases are not identified and separated</b>					
	2	3	8	9	55
<b>cc. High cost of alternative dispute resolution (ADR)</b>					
	2	3	12	8	51
<b>dd. Too little use of ADR</b>					
	1	4	7	11	53
<b>ee. There are too many _____ cases.</b> <i>(Specify case types.)</i>					
<b>ff. Other (Specify.) _____</b> _____					

9. Of the factors in Question 8 that contribute to delay, indicate the letters of the two factors that you consider the most serious: (a) \_\_\_\_\_ (b) \_\_\_\_\_

10. To what extent are the following factors negatively affecting the courts' ability to process cases today more so than five or more years ago? (Mark one response per item.)

	Substantial Effect	Moderate Effect	Slight Effect	No Effect	Don't Know
a. Cultural and language differences presented by immigrants unfamiliar with the courts	7	22	29	18	1
b. Legislation or rule changes leading to new procedural or hearing requirements	17	26	27	6	1
c. Increased need for mental health assessments	2	21	36	15	2
d. Changes in enforcement and prosecution of juvenile status offenses	6	23	35	13	–
e. Changes in enforcement and prosecution of DWI laws	11	32	23	9	2
f. Changes in enforcement and prosecution of controlled substance offenses	13	22	30	12	–
g. New types of cases, such as harassment	18	29	22	8	–
h. Changing expectations of the court as a “provider of services” as well as a “trier of fact”	16	24	20	5	10
i. Insufficient courthouse security	4	11	15	45	1
j. Changing expectations for judges' community involvement	2	8	15	32	16
k. Other (Specify.) _____ _____					
l. Other (Specify.) _____ _____					



*Part C:*

*Responses for 133 Public Defenders*

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Office of the Legislative Auditor  
**SURVEY OF ATTORNEYS**

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Thank you for answering this survey of Minnesota attorneys. The questionnaire is part of a study on the state's district courts and is intended to assess attorneys' perspectives on how courts manage their caseloads. *Minn. Stat.* (1999 Supplement) §3.978, sub. 2 gives our office authority to collect this information from public officials and requires them to respond. Results from the survey will be reported only in the aggregate; we will treat your individual responses as "private data," as defined by *Minn. Stat.* (1999) §13.02, sub. 12.

Please respond to the following questions based on your court experiences during the past year, unless otherwise specified. If you are familiar with some but not all courts within a judicial district, base your comments on the courts within the county(ies) where you have had the most experience. If you work in more than one judicial district, please respond for the district in which you work most often.

Direct questions about the survey to Jody Hauer at 651/296-8501 or jody.hauer@state.mn.us.

Please return the completed survey in the enclosed postage-paid envelope by  
**October 18, 2000.**

\_\_\_\_\_  
Please print your name (if different from label)

\_\_\_\_\_  
Telephone including area code

\_\_\_\_\_  
Date

**Judicial district in which you work most often** (*Enter number*): \_\_\_\_\_

**1. Please indicate which of the following describes your primary employment.** (*Mark one.*)

County attorney	City prosecutor	City attorney handling civil cases	Private attorney	Public defender	Other ( <i>Specify.</i> ) _____
①	②	③	④	⑤	⑥

**1.(a). If you marked public defender, about what percentage of your professional time over the past year has been for public defender work?** (*For instance, mark 50% if you worked half-time as a public defender or 100% if you were full-time.*)

\_\_\_\_\_ % as a public defender

2. In your opinion, do the courts consider attorney input when developing new programs or revising policies? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
7	37	55	23	10

3. To what extent do you feel that the courts in your judicial district efficiently manage their caseloads? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
15	62	48	7	1

4. To what extent do you feel that the courts in your judicial district balance the need for efficiently managing caseloads with preserving justice and equity? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
13	58	43	16	3

5. About how often do you believe that judges need more time per case if people are to feel that their concerns are fully heard? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
13	41	62	11	5

6. Certain practices may reduce caseload burdens. Please indicate the use of the following practices in this judicial district and rate their effectiveness in lessening caseload burdens in the district. *(For each row, mark one response for use and one response for effectiveness.)*

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Somewhat Ineffective</u>	<u>Don't Know</u>	
a. Referees, hearing officers, judicial officers, or child support magistrates	28	35	33	33	33	27	8	56
b. Pretrial diversion by the prosecutor before the case is filed	5	50	60	16	65	24	12	25
c. Diversion after the case is filed	6	73	49	4	74	29	20	7



	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
d. Continuances without prosecution or continuances for dismissal	7	82	43	–	83	29	13	5
e. "Hip-pocket filing," i.e., civil case proceeds without filing in court	9	10	5	102	6	9	3	99
f. Ordinance violations resolved administratively by city	2	9	30	87	17	9	5	87
g. Arbitration	2	18	27	79	9	19	7	82
h. Neutral third party evaluation	3	9	29	86	8	8	12	90
i. Mediation	12	22	23	70	14	25	9	70
j. Other ADR processes, such as mini-trials	1	2	38	86	4	5	10	96

7. **To what extent is delay in processing cases a problem in your judicial district?** (*Mark one response for each case type.*)

	<u>Serious Problem</u>	<u>Moderate Problem</u>	<u>Minor Problem</u>	<u>Not A Problem At All</u>	<u>Don't Know</u>
a. Criminal	7	40	42	34	8
b. Juvenile	16	30	32	21	29
c. Family	11	12	13	5	85
d. Civil	6	8	11	10	91
e. Probate	2	–	7	21	96

8. Please indicate how much the following factors contribute to delay in the district. (Mark one response per factor for each case type.)

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>a. Too few court reporters</b>					
1. Criminal	1	2	9	107	11
2. Juvenile	2	1	6	87	32
3. Family	1	–	3	47	76
4. Civil	1	–	2	45	79
5. Probate	–	–	3	42	82
<b>b. Too few court clerks and support staff</b>					
1. Criminal	10	15	25	75	6
2. Juvenile	6	13	24	59	26
3. Family	4	4	13	29	75
4. Civil	3	2	11	27	82
5. Probate	3	–	6	30	86
<b>c. Too few judges</b>					
1. Criminal	31	33	26	35	6
2. Juvenile	32	20	17	31	28
3. Family	17	11	5	10	82
4. Civil	11	7	6	13	88
5. Probate	7	1	3	22	92
<b>d. Too few bailiffs</b>					
1. Criminal	5	11	22	83	11
2. Juvenile	1	8	20	69	29
3. Family	–	2	6	38	79
4. Civil	–	1	3	36	85
5. Probate	–	1	3	36	85
<b>e. Too few interpreters</b>					
1. Criminal	19	51	30	23	9
2. Juvenile	12	30	29	24	33
3. Family	1	5	4	21	95
4. Civil	–	2	2	23	99
5. Probate	–	1	2	28	95
<b>f. Problems scheduling interpreters</b>					
1. Criminal	17	40	41	21	13
2. Juvenile	8	24	37	23	36
3. Family	1	3	6	19	96
4. Civil	–	2	3	20	100
5. Probate	–	1	3	24	97

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)</b>					
1. Criminal	8	27	43	30	24
2. Juvenile	6	22	32	28	40
3. Family	–	11	13	15	87
4. Civil	–	10	9	17	90
5. Probate	–	4	6	22	94
<b>h. Too many notices to remove judge</b>					
1. Criminal	3	5	15	93	16
2. Juvenile	1	3	11	80	32
3. Family	–	1	7	38	78
4. Civil	–	1	5	36	82
5. Probate	–	1	4	36	83
<b>i. Too few judicial officers or referees</b>					
1. Criminal	12	12	11	50	44
2. Juvenile	12	9	7	42	56
3. Family	6	4	3	17	94
4. Civil	2	4	2	18	97
5. Probate	2	3	1	20	97
<b>j. Attorneys have too little time to prepare cases</b>					
1. Criminal	41	37	34	16	4
2. Juvenile	28	28	28	18	25
3. Family	3	6	14	19	83
4. Civil	3	2	11	22	87
5. Probate	2	1	4	28	90
<b>k. Attorneys seek continuances to “shop” for judges</b>					
1. Criminal	–	3	34	83	12
2. Juvenile	–	2	16	80	31
3. Family	–	1	11	27	88
4. Civil	–	1	6	31	89
5. Probate	–	–	4	29	94
<b>l. Poor coordination between attorneys and court calendars</b>					
1. Criminal	17	26	46	31	11
2. Juvenile	13	19	39	26	31
3. Family	8	3	18	12	85
4. Civil	3	5	16	14	88
5. Probate	2	1	11	19	93

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>m. Too many continuances granted</b>					
1. Criminal	1	11	50	63	7
2. Juvenile	–	8	36	55	29
3. Family	2	3	16	19	85
4. Civil	2	4	10	20	89
5. Probate	1	1	6	24	93
<b>n. Inadequate availability of technology, such as interactive video conferencing</b>					
1. Criminal	1	5	19	66	41
2. Juvenile	1	4	13	57	53
3. Family	–	–	7	25	94
4. Civil	1	–	6	23	96
5. Probate	–	–	6	25	95
<b>o. Court reluctance to use available technology</b>					
1. Criminal	4	6	18	59	44
2. Juvenile	3	6	14	47	57
3. Family	–	1	7	23	94
4. Civil	1	1	8	20	95
5. Probate	–	2	6	22	95
<b>p. Backlog of cases</b>					
1. Criminal	29	31	39	21	12
2. Juvenile	29	20	25	21	32
3. Family	12	10	8	7	88
4. Civil	7	9	4	12	93
5. Probate	4	3	2	17	99
<b>q. Inadequately prepared private attorneys</b>					
1. Criminal	1	12	28	39	51
2. Juvenile	1	8	22	36	61
3. Family	1	11	16	9	90
4. Civil	–	9	10	11	97
5. Probate	–	4	7	15	101
<b>r. Too few prosecutors</b>					
1. Criminal	4	20	23	79	7
2. Juvenile	5	10	16	69	28
<b>s. Inadequately prepared prosecutors</b>					
1. Criminal	13	27	41	45	5
2. Juvenile	8	19	35	36	27

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>t. Too few public defenders</b>					
1. Criminal	52	41	21	14	4
2. Juvenile	43	29	21	11	22
<b>u. Inadequately prepared public defenders</b>					
1. Criminal	8	16	50	49	9
2. Juvenile	6	11	40	42	27
<b>v. Waiting for in-custody defendants to be transported</b>					
1. Criminal	22	44	48	12	7
2. Juvenile	17	30	39	12	29
<b>w. Waiting for pre-sentence investigation reports</b>					
1. Criminal	25	33	41	26	8
2. Juvenile	9	28	30	27	33
<b>x. Too little use of pretrial diversion</b>					
1. Criminal	66	34	18	5	10
2. Juvenile	48	23	19	6	30
<b>y. Enhancement of misdemeanor offenses to gross misdemeanor</b>					
1. Criminal	40	38	29	13	12
2. Juvenile	24	22	19	23	38
<b>z. Waiting for chemical dependency or mental health assessments</b>					
1. Criminal	29	38	43	15	8
2. Juvenile	21	29	29	14	34
<b>aa. Too many minor offenses brought to court</b>					
1. Criminal	81	19	26	2	5
2. Juvenile	68	15	17	1	26
<b>bb. Complex civil cases are not identified and separated</b>					
	1	3	8	8	110
<b>cc. High cost of alternative dispute resolution (ADR)</b>					
	3	8	9	3	106
<b>dd. Too little use of ADR</b>					
	2	7	10	4	105
<b>ee. There are too many _____ cases.</b>					
<i>(Specify case types.)</i>					
<b>ff. Other (Specify.) _____</b>					
_____					

9. Of the factors in Question 8 that contribute to delay, indicate the letters of the two factors that you consider the most serious: (a) \_\_\_\_\_ (b) \_\_\_\_\_

10. To what extent are the following factors negatively affecting the courts' ability to process cases today more so than five or more years ago? (Mark one response per item.)

	Substantial Effect	Moderate Effect	Slight Effect	No Effect	Don't Know
a. Cultural and language differences presented by immigrants unfamiliar with the courts	27	39	44	11	11
b. Legislation or rule changes leading to new procedural or hearing requirements	43	44	31	6	8
c. Increased need for mental health assessments	11	35	53	18	15
d. Changes in enforcement and prosecution of juvenile status offenses	38	41	20	6	25
e. Changes in enforcement and prosecution of DWI laws	56	39	19	2	16
f. Changes in enforcement and prosecution of controlled substance offenses	60	44	9	5	13
g. New types of cases, such as harassment	50	42	25	2	13
h. Changing expectations of the court as a "provider of services" as well as a "trier of fact"	28	40	27	13	21
i. Insufficient courthouse security	3	8	32	73	15
j. Changing expectations for judges' community involvement	9	6	26	43	45
k. Other (Specify.) _____ _____					
l. Other (Specify.) _____ _____					



***Part D:***

***Responses for 229 Private Attorneys***



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Office of the Legislative Auditor  
**SURVEY OF ATTORNEYS**

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Thank you for answering this survey of Minnesota attorneys. The questionnaire is part of a study on the state's district courts and is intended to assess attorneys' perspectives on how courts manage their caseloads. *Minn. Stat.* (1999 Supplement) §3.978, sub. 2 gives our office authority to collect this information from public officials and requires them to respond. Results from the survey will be reported only in the aggregate; we will treat your individual responses as "private data," as defined by *Minn. Stat.* (1999) §13.02, sub. 12.

Please respond to the following questions based on your court experiences during the past year, unless otherwise specified. If you are familiar with some but not all courts within a judicial district, base your comments on the courts within the county(ies) where you have had the most experience. If you work in more than one judicial district, please respond for the district in which you work most often.

Direct questions about the survey to Jody Hauer at 651/296-8501 or [jody.hauer@state.mn.us](mailto:jody.hauer@state.mn.us).

Please return the completed survey in the enclosed postage-paid envelope by  
**October 18, 2000.**

\_\_\_\_\_  
Please print your name (if different from label)

\_\_\_\_\_  
Telephone including area code

\_\_\_\_\_  
Date

**Judicial district in which you work most often** (*Enter number*): \_\_\_\_\_

**1. Please indicate which of the following describes your primary employment.** (*Mark one.*)

County attorney	City prosecutor	City attorney handling civil cases	Private attorney	Public defender	Other ( <i>Specify.</i> ) _____
①	②	③	④	⑤	⑥

**1.(a). If you marked public defender, about what percentage of your professional time over the past year has been for public defender work?** (*For instance, mark 50% if you worked half-time as a public defender or 100% if you were full-time.*)

\_\_\_\_\_ % as a public defender

2. In your opinion, do the courts consider attorney input when developing new programs or revising policies? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
8	49	85	62	20

3. To what extent do you feel that the courts in your judicial district efficiently manage their caseloads? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
29	117	60	19	2

4. To what extent do you feel that the courts in your judicial district balance the need for efficiently managing caseloads with preserving justice and equity? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
24	112	65	20	4

5. About how often do you believe that judges need more time per case if people are to feel that their concerns are fully heard? (Mark one response.)

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
10	65	96	47	9

6. Certain practices may reduce caseload burdens. Please indicate the use of the following practices in this judicial district and rate their effectiveness in lessening caseload burdens in the district. (For each row, mark one response for use and one response for effectiveness.)

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Somewhat Ineffective</u>	<u>Don't Know</u>	
a. Referees, hearing officers, judicial officers, or child support magistrates	79	78	42	24	76	77	18	42
b. Pretrial diversion by the prosecutor before the case is filed	10	42	75	83	67	23	20	86
c. Diversion after the case is filed	21	71	43	76	82	29	13	73

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
d. Continuances without prosecution or continuances for dismissal	29	78	33	71	98	28	7	68
e. "Hip-pocket filing," i.e., civil case proceeds without filing in court	62	59	32	66	63	53	18	77
f. Ordinance violations resolved administratively by city	6	32	50	121	36	19	16	119
g. Arbitration	48	84	49	38	50	85	23	53
h. Neutral third party evaluation	16	63	76	60	31	63	30	82
i. Mediation	85	92	16	30	73	93	17	33
j. Other ADR processes, such as mini-trials	8	50	84	78	19	58	24	106

7. **To what extent is delay in processing cases a problem in your judicial district?** (Mark one response for each case type.)

	<u>Serious Problem</u>	<u>Moderate Problem</u>	<u>Minor Problem</u>	<u>Not A Problem At All</u>	<u>Don't Know</u>
a. Criminal	5	35	43	45	84
b. Juvenile	13	23	34	28	109
c. Family	28	50	33	15	86
d. Civil	16	63	59	32	48
e. Probate	3	10	18	64	114

8. Please indicate how much the following factors contribute to delay in the district. (Mark one response per factor for each case type.)

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>a. Too few court reporters</b>					
1. Criminal	2	2	5	111	94
2. Juvenile	–	3	5	101	103
3. Family	1	1	7	102	106
4. Civil	1	4	8	131	74
5. Probate	–	–	2	102	109
<b>b. Too few court clerks and support staff</b>					
1. Criminal	5	12	29	80	85
2. Juvenile	2	13	22	75	97
3. Family	5	19	27	73	91
4. Civil	5	21	36	94	61
5. Probate	6	5	16	80	105
<b>c. Too few judges</b>					
1. Criminal	32	30	35	39	78
2. Juvenile	29	25	32	32	94
3. Family	46	34	22	34	83
4. Civil	37	48	42	43	50
5. Probate	13	12	29	53	106
<b>d. Too few bailiffs</b>					
1. Criminal	–	7	7	108	91
2. Juvenile	–	4	8	98	101
3. Family	1	3	7	107	100
4. Civil	1	2	7	136	72
5. Probate	–	–	3	101	108
<b>e. Too few interpreters</b>					
1. Criminal	5	25	29	49	106
2. Juvenile	4	16	24	48	119
3. Family	3	6	23	63	121
4. Civil	1	5	13	90	107
5. Probate	–	3	6	69	134
<b>f. Problems scheduling interpreters</b>					
1. Criminal	3	22	26	42	120
2. Juvenile	3	17	14	44	133
3. Family	3	5	17	58	133
4. Civil	1	4	13	78	120
5. Probate	–	3	7	60	142

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)</b>					
1. Criminal	8	22	44	37	105
2. Juvenile	6	23	38	31	116
3. Family	7	22	42	35	114
4. Civil	8	27	48	53	84
5. Probate	4	13	29	45	125
<b>h. Too many notices to remove judge</b>					
1. Criminal	1	2	21	96	94
2. Juvenile	1	2	17	88	105
3. Family	1	5	22	87	104
4. Civil	–	5	24	113	76
5. Probate	–	1	9	83	121
<b>i. Too few judicial officers or referees</b>					
1. Criminal	11	19	15	56	111
2. Juvenile	16	13	15	48	119
3. Family	27	30	18	39	105
4. Civil	15	26	26	70	82
5. Probate	6	10	14	57	124
<b>j. Attorneys have too little time to prepare cases</b>					
1. Criminal	11	29	35	58	81
2. Juvenile	7	26	30	56	93
3. Family	10	21	35	70	82
4. Civil	11	26	44	93	45
5. Probate	4	8	22	77	101
<b>k. Attorneys seek continuances to “shop” for judges</b>					
1. Criminal	3	7	26	91	86
2. Juvenile	1	4	16	93	98
3. Family	1	6	25	95	92
4. Civil	1	6	23	119	69
5. Probate	–	1	6	96	109
<b>l. Poor coordination between attorneys and court calendars</b>					
1. Criminal	15	29	41	45	83
2. Juvenile	14	23	36	41	98
3. Family	15	30	39	42	92
4. Civil	14	39	46	63	55
5. Probate	8	12	24	63	103

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>m. Too many continuances granted</b>					
1. Criminal	3	15	37	77	81
2. Juvenile	2	13	31	66	98
3. Family	4	13	44	68	88
4. Civil	2	16	48	96	56
5. Probate	–	3	20	83	104
<b>n. Inadequate availability of technology, such as interactive video conferencing</b>					
1. Criminal	8	8	21	76	102
2. Juvenile	7	6	21	71	108
3. Family	12	8	18	80	101
4. Civil	15	12	27	94	72
5. Probate	7	5	12	76	113
<b>o. Court reluctance to use available technology</b>					
1. Criminal	7	9	17	71	111
2. Juvenile	5	8	20	66	114
3. Family	6	11	18	76	108
4. Civil	7	12	28	90	82
5. Probate	5	7	11	73	119
<b>p. Backlog of cases</b>					
1. Criminal	26	34	42	29	83
2. Juvenile	20	29	35	27	102
3. Family	37	46	25	25	86
4. Civil	32	48	49	38	52
5. Probate	7	13	22	59	112
<b>q. Inadequately prepared private attorneys</b>					
1. Criminal	2	16	45	56	96
2. Juvenile	5	13	43	43	109
3. Family	9	27	52	38	94
4. Civil	5	26	69	59	60
5. Probate	3	7	28	61	114
<b>r. Too few prosecutors</b>					
1. Criminal	7	10	28	78	94
2. Juvenile	5	12	22	66	109
<b>s. Inadequately prepared prosecutors</b>					
1. Criminal	10	19	38	55	96
2. Juvenile	9	16	30	50	110

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>t. Too few public defenders</b>					
1. Criminal	16	24	28	41	108
2. Juvenile	17	21	21	38	116
<b>u. Inadequately prepared public defenders</b>					
1. Criminal	10	14	39	41	113
2. Juvenile	11	14	30	34	124
<b>v. Waiting for in-custody defendants to be transported</b>					
1. Criminal	13	26	47	32	98
2. Juvenile	13	21	25	33	122
<b>w. Waiting for pre-sentence investigation reports</b>					
1. Criminal	13	24	47	42	90
2. Juvenile	10	17	36	34	116
<b>x. Too little use of pretrial diversion</b>					
1. Criminal	48	37	21	18	93
2. Juvenile	40	30	13	17	114
<b>y. Enhancement of misdemeanor offenses to gross misdemeanor</b>					
1. Criminal	41	41	21	23	91
2. Juvenile	24	26	19	24	120
<b>z. Waiting for chemical dependency or mental health assessments</b>					
1. Criminal	17	29	49	32	89
2. Juvenile	16	21	38	31	107
<b>aa. Too many minor offenses brought to court</b>					
1. Criminal	62	28	27	18	82
2. Juvenile	53	20	17	17	106
<b>bb. Complex civil cases are not identified and separated</b>					
	14	37	47	36	88
<b>cc. High cost of alternative dispute resolution (ADR)</b>					
	27	49	48	44	58
<b>dd. Too little use of ADR</b>					
	20	33	55	62	53
<b>ee. There are too many _____ cases.</b> <i>(Specify case types.)</i>					
<b>ff. Other (Specify.) _____</b> _____					

9. Of the factors in Question 8 that contribute to delay, indicate the letters of the two factors that you consider the most serious: (a) \_\_\_\_\_ (b) \_\_\_\_\_

10. To what extent are the following factors negatively affecting the courts' ability to process cases today more so than five or more years ago? (Mark one response per item.)

	Substantial Effect	Moderate Effect	Slight Effect	No Effect	Don't Know
a. Cultural and language differences presented by immigrants unfamiliar with the courts	21	52	53	33	64
b. Legislation or rule changes leading to new procedural or hearing requirements	39	64	61	27	32
c. Increased need for mental health assessments	8	27	61	35	91
d. Changes in enforcement and prosecution of juvenile status offenses	16	40	30	17	116
e. Changes in enforcement and prosecution of DWI laws	64	42	18	12	85
f. Changes in enforcement and prosecution of controlled substance offenses	43	44	25	12	97
g. New types of cases, such as harassment	59	71	35	11	47
h. Changing expectations of the court as a "provider of services" as well as a "trier of fact"	32	71	43	25	51
i. Insufficient courthouse security	2	7	32	119	61
j. Changing expectations for judges' community involvement	5	17	40	77	80
k. Other (Specify.) _____ _____					
l. Other (Specify.) _____ _____					



11. Based on your experiences, what could courts in your judicial district do to improve case processing?

12. What could the Legislature do to help courts improve case processing?

13. Please include any additional comments or concerns. (*Attach additional sheets if necessary.*)

**Thank you for completing this questionnaire!**

Please send the completed form in the postage-paid envelope by *October 18, 2000*.

**Office of the Legislative Auditor**

Room 140, Centennial Building, 658 Cedar Street, St. Paul, MN 55155

651/296-4708

***Part E:***

***Responses for All 577 Attorneys Surveyed***

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## Office of the Legislative Auditor

# SURVEY OF ATTORNEYS

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Thank you for answering this survey of Minnesota attorneys. The questionnaire is part of a study on the state's district courts and is intended to assess attorneys' perspectives on how courts manage their caseloads. *Minn. Stat.* (1999 Supplement) §3.978, sub. 2 gives our office authority to collect this information from public officials and requires them to respond. Results from the survey will be reported only in the aggregate; we will treat your individual responses as "private data," as defined by *Minn. Stat.* (1999) §13.02, sub. 12.

Please respond to the following questions based on your court experiences during the past year, unless otherwise specified. If you are familiar with some but not all courts within a judicial district, base your comments on the courts within the county(ies) where you have had the most experience. If you work in more than one judicial district, please respond for the district in which you work most often.

Direct questions about the survey to Jody Hauer at 651/296-8501 or [jody.hauer@state.mn.us](mailto:jody.hauer@state.mn.us).

Please return the completed survey in the enclosed postage-paid envelope by  
**October 18, 2000.**



\_\_\_\_\_  
Please print your name (if different from label)

\_\_\_\_\_  
Telephone including area code

\_\_\_\_\_  
Date

**Judicial district in which you work most often** (*Enter number*): \_\_\_\_\_

**1. Please indicate which of the following describes your primary employment.** (*Mark one.*)

County attorney	City prosecutor	City attorney handling civil cases	Private attorney	Public defender	Other ( <i>Specify.</i> ) _____ _____
①	②	③	④	⑤	⑥

**1.(a). If you marked public defender, about what percentage of your professional time over the past year has been for public defender work?** (*For instance, mark 50% if you worked half-time as a public defender or 100% if you were full-time.*)

\_\_\_\_\_ % as a public defender

2. In your opinion, do the courts consider attorney input when developing new programs or revising policies? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
25	149	229	125	39

3. To what extent do you feel that the courts in your judicial district efficiently manage their caseloads? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
85	286	159	35	5

4. To what extent do you feel that the courts in your judicial district balance the need for efficiently managing caseloads with preserving justice and equity? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
92	273	148	49	7

5. About how often do you believe that judges need more time per case if people are to feel that their concerns are fully heard? *(Mark one response.)*

Always or <u>Almost Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	Never or <u>Almost Never</u>
30	151	251	115	23

6. Certain practices may reduce caseload burdens. Please indicate the use of the following practices in this judicial district and rate their effectiveness in lessening caseload burdens in the district. *(For each row, mark one response for use and one response for effectiveness.)*

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Somewhat Ineffective</u>	<u>Ineffective</u>	<u>Don't Know</u>
a. Referees, hearing officers, judicial officers, or child support magistrates	136	193	145	88	166	168	35	164
b. Pretrial diversion by the prosecutor before the case is filed	37	166	208	140	196	106	52	163
c. Diversion after the case is filed	44	217	166	125	207	123	56	137

	Use				Effectiveness in Lessening Caseloads			
	<u>Used Often</u>	<u>Used Sometimes</u>	<u>Used Rarely or Not at All</u>	<u>Don't Know</u>	<u>Somewhat Effective</u>	<u>Effective</u>	<u>Ineffective</u>	<u>Don't Know</u>
d. Continuances without prosecution or continuances for dismissal	59	258	130	105	242	121	54	112
e. "Hip-pocket filing," i.e., civil case proceeds without filing in court	105	128	68	255	108	106	42	272
f. Ordinance violations resolved administratively by city	18	86	168	274	94	63	45	303
g. Arbitration	66	173	131	183	94	171	46	211
h. Neutral third party evaluation	24	116	185	226	58	118	66	275
i. Mediation	144	193	71	154	135	198	40	164
j. Other ADR processes, such as mini-trials	12	82	206	257	32	102	57	325

7. **To what extent is delay in processing cases a problem in your judicial district?** *(Mark one response for each case type.)*

	<u>Serious Problem</u>	<u>Moderate Problem</u>	<u>Minor Problem</u>	<u>Not A Problem At All</u>	<u>Don't Know</u>
a. Criminal	23	124	144	128	133
b. Juvenile	43	86	111	89	214
c. Family	55	107	81	57	245
d. Civil	36	111	131	91	186
e. Probate	9	19	56	175	285

8. Please indicate how much the following factors contribute to delay in the district. (Mark one response per factor for each case type.)

<b>Factors That May Contribute to Delay</b>	<b>Greatly Contributes</b>	<b>Moderately Contributes</b>	<b>Slightly Contributes</b>	<b>Does Not Contribute</b>	<b>Don't Know</b>
<b>a. Too few court reporters</b>					
1. Criminal	5	8	20	370	151
2. Juvenile	4	8	14	328	196
3. Family	5	4	14	285	243
4. Civil	3	7	16	328	199
5. Probate	–	2	7	286	252
<b>b. Too few court clerks and support staff</b>					
1. Criminal	21	39	86	271	134
2. Juvenile	11	38	77	238	181
3. Family	11	34	64	209	229
4. Civil	11	30	73	242	194
5. Probate	14	12	40	223	256
<b>c. Too few judges</b>					
1. Criminal	105	114	97	120	118
2. Juvenile	97	89	84	104	176
3. Family	95	91	54	84	226
4. Civil	83	105	80	106	181
5. Probate	40	44	62	139	260
<b>d. Too few bailiffs</b>					
1. Criminal	8	25	41	335	145
2. Juvenile	2	18	38	303	187
3. Family	3	9	19	281	240
4. Civil	2	5	15	325	206
5. Probate	–	2	11	281	252
<b>e. Too few interpreters</b>					
1. Criminal	37	106	114	134	164
2. Juvenile	24	64	95	141	225
3. Family	6	19	51	167	306
4. Civil	2	12	30	214	292
5. Probate	1	7	20	195	323
<b>f. Problems scheduling interpreters</b>					
1. Criminal	30	92	112	121	198
2. Juvenile	17	65	87	127	250
3. Family	6	15	44	148	332
4. Civil	2	11	31	184	318
5. Probate	1	8	22	168	343

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)</b>					
1. Criminal	23	76	150	113	193
2. Juvenile	15	69	129	100	238
3. Family	12	54	102	93	291
4. Civil	14	57	107	120	256
5. Probate	8	35	73	122	311
<b>h. Too many notices to remove judge</b>					
1. Criminal	4	26	83	287	155
2. Juvenile	2	19	64	262	202
3. Family	3	14	58	214	261
4. Civil	–	9	65	252	224
5. Probate	–	5	33	222	285
<b>i. Too few judicial officers or referees</b>					
1. Criminal	33	48	56	176	235
2. Juvenile	37	39	44	156	269
3. Family	41	52	44	113	298
4. Civil	23	48	47	157	272
5. Probate	12	24	33	145	324
<b>j. Attorneys have too little time to prepare cases</b>					
1. Criminal	70	110	113	135	126
2. Juvenile	50	90	98	128	182
3. Family	25	53	87	152	233
4. Civil	19	51	95	202	185
5. Probate	10	23	54	197	259
<b>k. Attorneys seek continuances to “shop” for judges</b>					
1. Criminal	9	34	99	272	140
2. Juvenile	4	24	61	268	194
3. Family	5	16	66	215	252
4. Civil	4	11	62	257	220
5. Probate	1	3	26	242	274
<b>l. Poor coordination between attorneys and court calendars</b>					
1. Criminal	52	98	151	117	134
2. Juvenile	44	73	131	106	195
3. Family	32	67	109	95	248
4. Civil	23	72	121	139	196
5. Probate	12	30	72	160	268

	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>m. Too many continuances granted</b>					
1. Criminal	19	54	153	202	126
2. Juvenile	11	39	124	182	192
3. Family	12	32	103	155	248
4. Civil	7	35	112	198	201
5. Probate	2	9	61	200	270
<b>n. Inadequate availability of technology, such as interactive video conferencing</b>					
1. Criminal	17	31	73	244	191
2. Juvenile	14	28	63	217	229
3. Family	16	23	51	186	277
4. Civil	20	25	60	214	237
5. Probate	9	16	37	195	289
<b>o. Court reluctance to use available technology</b>					
1. Criminal	18	28	59	239	211
2. Juvenile	14	27	56	210	243
3. Family	11	24	39	192	286
4. Civil	10	25	54	216	249
5. Probate	7	18	30	194	298
<b>p. Backlog of cases</b>					
1. Criminal	85	118	128	88	136
2. Juvenile	69	90	103	85	203
3. Family	67	91	70	71	253
4. Civil	54	94	86	106	214
5. Probate	15	26	45	157	302
<b>q. Inadequately prepared private attorneys</b>					
1. Criminal	6	59	152	141	197
2. Juvenile	9	46	129	120	247
3. Family	14	65	116	93	266
4. Civil	6	53	144	133	220
5. Probate	4	17	62	161	303
<b>r. Too few prosecutors</b>					
1. Criminal	27	53	103	233	143
2. Juvenile	23	45	82	198	202
<b>s. Inadequately prepared prosecutors</b>					
1. Criminal	27	60	131	195	145
2. Juvenile	21	48	104	170	204



	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
<b>t. Too few public defenders</b>					
1. Criminal	90	98	94	119	157
2. Juvenile	78	81	81	103	204
<b>u. Inadequately prepared public defenders</b>					
1. Criminal	32	64	139	152	171
2. Juvenile	26	55	111	133	221
<b>v. Waiting for in-custody defendants to be transported</b>					
1. Criminal	50	91	154	101	162
2. Juvenile	40	70	118	95	226
<b>w. Waiting for pre-sentence investigation reports</b>					
1. Criminal	45	87	149	127	149
2. Juvenile	25	67	119	115	221
<b>x. Too little use of pretrial diversion</b>					
1. Criminal	124	92	83	92	168
2. Juvenile	97	69	68	86	228
<b>y. Enhancement of misdemeanor offenses to gross misdemeanor</b>					
1. Criminal	102	108	89	108	151
2. Juvenile	60	67	71	117	233
<b>z. Waiting for chemical dependency or mental health assessments</b>					
1. Criminal	52	100	164	94	148
2. Juvenile	41	82	122	86	217
<b>aa. Too many minor offenses brought to court</b>					
1. Criminal	171	71	99	84	134
2. Juvenile	144	57	67	76	205
<b>bb. Complex civil cases are not identified and separated</b>					
	21	65	87	89	300
<b>cc. High cost of alternative dispute resolution (ADR)</b>					
	48	84	98	90	243
<b>dd. Too little use of ADR</b>					
	29	70	107	110	242
<b>ee. There are too many _____ cases.</b>					
<i>(Specify case types.)</i>					
<b>ff. Other (Specify.) _____</b>					
_____					

9. Of the factors in Question 8 that contribute to delay, indicate the letters of the two factors that you consider the most serious: (a) \_\_\_\_\_ (b) \_\_\_\_\_

10. To what extent are the following factors negatively affecting the courts' ability to process cases today more so than five or more years ago? (Mark one response per item.)

	Substantial Effect	Moderate Effect	Slight Effect	No Effect	Don't Know
a. Cultural and language differences presented by immigrants unfamiliar with the courts	65	143	158	94	103
b. Legislation or rule changes leading to new procedural or hearing requirements	112	171	163	55	61
c. Increased need for mental health assessments	23	98	191	88	160
d. Changes in enforcement and prosecution of juvenile status offenses	73	125	105	48	205
e. Changes in enforcement and prosecution of DWI laws	155	150	80	36	139
f. Changes in enforcement and prosecution of controlled substance offenses	127	135	93	40	164
g. New types of cases, such as harassment	170	174	109	29	82
h. Changing expectations of the court as a "provider of services" as well as a "trier of fact"	94	178	118	56	109
i. Insufficient courthouse security	9	32	105	310	101
j. Changing expectations for judges' community involvement	17	42	106	208	177
k. Other (Specify.) _____ _____					
l. Other (Specify.) _____ _____					

11. Based on your experiences, what could courts in your judicial district do to improve case processing?

12. What could the Legislature do to help courts improve case processing?

13. Please include any additional comments or concerns. (*Attach additional sheets if necessary.*)

**Thank you for completing this questionnaire!**

Please send the completed form in the postage-paid envelope by *October 18, 2000*.

**Office of the Legislative Auditor**  
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651/296-4708