
Survey of Judges

On September 7, 2000, we mailed the following questionnaire to 255 judges from a list provided by the State Court Administrator's Office. The questionnaire addressed a broad range of topics, including judge opinions regarding the prevalence and causes of delay in case processing and their assessment of fees and fines. We mailed a follow-up questionnaire to all nonrespondents on October 2, 2000. We subsequently discovered that three judges were improperly identified and removed their names, reducing the sample to 252 judges. We received timely responses from 215 judges (85 percent). Response rates ranged from 93 percent in the Fifth Judicial District to 78 percent in the Tenth Judicial District. Three additional judge responses arrived too late to be included in the analysis. Additional information on our survey methodology is in Appendix A of the report.

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Responses for 215 District Judges

Office of the Legislative Auditor SURVEY OF DISTRICT JUDGES

Thank you for answering this survey of Minnesota's district court judges. Your responses will help us understand judges' perspectives on caseload management. *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 in a district with multiple counties, base your responses on the courts within county(ies) where you have had the most experience. 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 postage-paid envelope by **September 27, 2000**.

1. Please indicate whether you agree or disagree with the following statements about the processing of cases in your district. (*Mark one response per statement for each case type.*)

	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Don't Know
a. The district has clear goals about how long it should take to dispose of cases.						
1. Criminal	115	81	12	3	1	–
2. Juvenile	105	67	18	7	1	16
3. Family	81	79	30	10	1	13
4. Civil	107	72	26	5	2	2
5. Probate	69	57	35	9	1	42
b. Most cases are processed in a timely manner.						
1. Criminal	89	111	6	7	1	–
2. Juvenile	67	92	17	15	1	21
3. Family	52	97	26	17	3	19
4. Civil	88	91	18	10	2	5
5. Probate	52	94	14	4	1	46
c. Judges generally do not have enough time to spend on cases.						
1. Criminal	73	83	23	26	9	–
2. Juvenile	94	55	25	14	5	18
3. Family	77	71	25	16	8	15
4. Civil	49	69	40	37	11	7
5. Probate	17	36	47	48	12	49

	<u>Strongly</u> <u>Agree</u>	<u>Agree</u>	<u>Neither</u> <u>Agree Nor</u> <u>Disagree</u>	<u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>	<u>Don't</u> <u>Know</u>
d. The quality of judicial decisions suffers because there are too many cases per judge.						
1. Criminal	56	80	36	36	5	–
2. Juvenile	62	71	31	25	3	18
3. Family	57	79	30	25	6	13
4. Civil	31	57	56	50	12	6
5. Probate	15	28	61	48	12	45
e. Judges and attorneys communicate well on practices affecting case flow.						
1. Criminal	15	105	42	43	5	3
2. Juvenile	12	83	48	35	4	29
3. Family	10	67	58	45	6	26
4. Civil	19	93	50	35	5	10
5. Probate	10	60	67	17	2	54
f. Judges and law enforcement communicate well on practices affecting case flow.						
1. Criminal	9	60	68	49	12	12
2. Juvenile	7	52	64	46	10	30
g. Judges and probation services staff communicate well on practices affecting case flow.						
1. Criminal	32	129	24	23	–	3
2. Juvenile	29	107	25	21	–	25
h. Cases are scheduled to maximize court efficiency.						
1. Criminal	52	96	25	31	6	2
2. Juvenile	33	83	28	29	6	31
3. Family	34	75	41	31	4	27
4. Civil	47	99	39	14	4	8
5. Probate	28	76	36	9	1	60
i. Most trials are heard when originally scheduled (if not settled first).						
1. Criminal	22	114	17	43	9	6
2. Juvenile	30	93	23	22	5	36
3. Family	21	77	36	35	10	31
4. Civil	38	83	33	34	10	11
5. Probate	28	77	34	6	2	58
j. Judges have to spend too much time waiting rather than hearing cases.						
1. Criminal	23	60	43	67	19	1
2. Juvenile	21	47	36	55	18	33
3. Family	9	38	50	58	27	29
4. Civil	4	19	46	90	46	7
5. Probate	2	6	43	72	26	61

	<u>Strongly</u> <u>Agree</u>	<u>Agree</u>	<u>Neither</u> <u>Agree Nor</u> <u>Disagree</u>	<u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>	<u>Don't</u> <u>Know</u>
k. Too many unnecessary continuances occur, often causing delay.						
1. Criminal	15	70	36	77	14	1
2. Juvenile	7	34	40	78	17	34
3. Family	8	46	49	68	13	27
4. Civil	7	35	41	94	23	11
5. Probate	1	9	39	77	22	62
l. Courts generally manage caseloads efficiently while preserving justice and equity.						
1. Criminal	28	136	25	16	1	5
2. Juvenile	24	107	29	14	2	33
3. Family	22	105	36	17	4	25
4. Civil	42	123	24	10	1	10
5. Probate	31	91	24	5	2	56
m. Judges need more time per case if people are to feel their concerns are fully heard.						
1. Criminal	71	94	24	18	3	2
2. Juvenile	78	75	17	13	–	26
3. Family	79	75	18	17	2	19
4. Civil	46	75	41	35	7	6
5. Probate	23	43	47	34	9	53
n. When requested, interpreter services are promptly provided.						
1. Criminal	37	123	12	30	10	1
2. Juvenile	32	94	13	23	4	43
3. Family	27	71	34	18	6	53
4. Civil	21	81	45	15	4	43
5. Probate	16	64	39	8	1	81
o. Language and cultural barriers in the district have hindered efficient case processing.						
1. Criminal	22	78	22	64	23	3
2. Juvenile	16	56	21	59	20	37
3. Family	11	20	51	68	22	38
4. Civil	8	17	54	81	31	20
5. Probate	5	10	43	59	21	70
p. When requested, mental health and chemical dependency assessments are promptly provided.						
1. Criminal	25	110	25	44	7	3
2. Juvenile	18	81	27	40	8	37
3. Family	11	74	42	35	11	38
4. Civil	9	55	66	13	4	52
5. Probate	14	53	49	12	1	77

- 2. 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</u>	<u>Don't Know</u>
a. Criminal	19	83	55	47	6
b. Juvenile	21	62	46	38	41
c. Family	19	60	59	36	35
d. Civil	10	33	53	95	19
e. Probate	–	10	31	87	79

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

Factors That May Contribute to Delay	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
a. Too few court reporters					
1. Criminal	4	13	23	165	5
2. Juvenile	–	7	14	150	37
3. Family	1	7	11	155	35
4. Civil	2	5	8	178	17
5. Probate	–	1	3	147	58
b. Too few court clerks and support staff					
1. Criminal	23	45	51	85	5
2. Juvenile	22	29	43	71	42
3. Family	23	23	41	83	38
4. Civil	15	33	34	107	20
5. Probate	9	14	27	88	66
c. Too few judges					
1. Criminal	73	62	40	30	4
2. Juvenile	65	53	34	28	27
3. Family	65	51	36	28	28
4. Civil	50	46	38	58	17
5. Probate	29	22	28	67	59
d. Too few bailiffs					
1. Criminal	28	31	34	108	8
2. Juvenile	15	24	25	103	40
3. Family	10	21	22	115	40
4. Civil	6	13	22	144	24
5. Probate	4	9	17	112	65

Factors That May Contribute to Delay	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
e. Too few interpreters					
1. Criminal	31	68	62	44	6
2. Juvenile	14	46	46	51	51
3. Family	10	19	44	78	57
4. Civil	4	15	35	117	38
5. Probate	1	7	23	91	86
f. Problems scheduling interpreters					
1. Criminal	33	51	68	43	16
2. Juvenile	16	36	53	48	56
3. Family	9	26	39	74	61
4. Civil	3	18	31	111	47
5. Probate	–	11	24	87	87
g. Judge availability is limited due to noncase-related work (committee meetings, training, etc.)					
1. Criminal	6	54	69	69	12
2. Juvenile	7	44	64	57	36
3. Family	4	46	64	59	36
4. Civil	6	37	57	87	23
5. Probate	5	26	43	75	59
h. Too many notices to remove judge					
1. Criminal	25	31	60	82	13
2. Juvenile	13	27	35	87	47
3. Family	7	26	41	96	40
4. Civil	6	19	40	117	29
5. Probate	2	11	14	115	67
i. Too few judicial officers, referees, hearing officers, or child support magistrates					
1. Criminal	31	38	26	81	29
2. Juvenile	31	31	20	67	55
3. Family	28	33	29	57	60
4. Civil	14	27	18	102	44
5. Probate	7	19	11	81	86

Factors That May Contribute to Delay	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
j. Attorneys have too little time to prepare cases					
1. Criminal	61	68	31	23	28
2. Juvenile	44	58	20	24	63
3. Family	10	40	45	54	61
4. Civil	3	25	28	108	46
5. Probate	4	7	16	84	97
k. Attorneys seek continuances to “shop” for judges					
1. Criminal	30	48	62	61	11
2. Juvenile	14	22	42	78	52
3. Family	8	30	41	89	41
4. Civil	5	18	32	125	30
5. Probate	1	4	14	108	81
l. Poor coordination between attorneys and court calendars					
1. Criminal	20	58	67	50	13
2. Juvenile	12	45	49	57	43
3. Family	8	31	62	64	42
4. Civil	7	22	56	96	27
5. Probate	2	8	29	92	74
m. Too many continuances granted					
1. Criminal	22	53	78	49	10
2. Juvenile	11	23	55	72	49
3. Family	11	26	55	72	45
4. Civil	12	23	51	96	28
5. Probate	3	6	14	98	87
n. Inadequate availability of technology, such as interactive video teleconferencing					
1. Criminal	10	26	35	114	27
2. Juvenile	9	15	31	104	50
3. Family	7	8	29	114	51
4. Civil	7	9	28	129	37
5. Probate	3	5	16	110	73

Factors That May Contribute to Delay	<u>Greatly Contributes</u>	<u>Moderately Contributes</u>	<u>Slightly Contributes</u>	<u>Does Not Contribute</u>	<u>Don't Know</u>
o. Court reluctance to use available technology					
1. Criminal	2	10	25	151	25
2. Juvenile	1	7	16	136	50
3. Family	1	6	23	133	48
4. Civil	4	5	20	148	35
5. Probate	1	3	9	127	70
p. Backlog of cases					
1. Criminal	34	59	56	57	7
2. Juvenile	30	36	48	54	41
3. Family	29	40	44	59	38
4. Civil	17	33	42	94	26
5. Probate	4	7	20	101	77
q. Inadequately prepared private attorneys					
1. Criminal	15	40	75	74	9
2. Juvenile	5	26	62	69	48
3. Family	16	58	58	42	36
4. Civil	5	34	70	80	23
5. Probate	3	9	21	97	79
r. Too few prosecutors					
1. Criminal	40	50	56	58	9
2. Juvenile	30	39	34	62	44
s. Inadequately prepared prosecutors					
1. Criminal	17	48	70	72	5
2. Juvenile	10	31	52	73	41
t. Too few public defenders					
1. Criminal	93	53	29	34	3
2. Juvenile	70	47	20	30	40
u. Inadequately prepared public defenders					
1. Criminal	32	61	54	60	6
2. Juvenile	22	48	42	55	42

v. Waiting for in-custody defendants to be transported					
1. Criminal	28	69	79	34	2
2. Juvenile	16	49	65	36	42
w. Waiting for pre-sentence investigation reports					
1. Criminal	17	55	74	64	2
2. Juvenile	10	42	54	58	45
x. Too little use of pretrial diversion					
1. Criminal	22	34	48	83	25
2. Juvenile	14	32	40	62	61
y. Enhancement of misdemeanor offenses to gross misdemeanors					
1. Criminal	33	62	49	57	11
2. Juvenile	13	40	37	65	52
z. Waiting for chemical dependency or mental health assessments					
1. Criminal	19	59	87	44	2
2. Juvenile	15	51	66	32	42
aa. Too many minor offenses brought to court					
1. Criminal	40	54	60	47	11
2. Juvenile	38	43	39	40	48
bb. Complex civil cases are not identified and separated					
	7	25	29	115	34
cc. High cost of alternative dispute resolution (ADR)					
	3	17	58	82	50
dd. Too little use of ADR					
	10	26	41	88	44
ee. There are too many _____ cases. <i>(Specify case types.)</i>					
ff. Other (Specify.) _____ _____					

4. Of the factors in Question 3 that contribute to delay, indicate the letters of the two factors that you consider the most serious:

a. _____

b. _____

5. 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.)

	<u>Substantial Effect</u>	<u>Moderate Effect</u>	<u>Slight Effect</u>	<u>No Effect</u>	<u>Don't Know</u>
a. Cultural and language differences presented by immigrants unfamiliar with the courts	49	69	63	28	4
b. Legislation or rule changes leading to new procedural or hearing requirements	96	81	27	5	3
c. Increased need for mental health assessments	15	55	86	42	14
d. Changes in enforcement and prosecution of juvenile status offenses	27	62	56	23	42
e. Changes in enforcement and prosecution of DWI laws	64	90	38	14	7
f. Changes in enforcement and prosecution of controlled substance offenses	39	86	44	33	11
g. New types of cases, such as harassment	128	53	20	4	5
h. Changing expectations of the court as a "provider of services" as well as a "trier of facts"	88	80	26	7	8
i. Insufficient courthouse security	18	42	65	75	12
j. Changing expectations for judges' community involvement	18	46	71	64	10
k. Other (Specify): _____ _____					
l. Other (Specify): _____ _____					

6. Have you or your district taken any steps in the past five years to reduce the number of continuances for any particular case types?

127 Yes 74 No (If no, go to question 8.)

7. If yes, please describe the steps and the case types to which they apply.

- 8. 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, mark one response for use and one for effectiveness.)

	Use				Effectiveness in Lessening Caseloads			
	Used Often	Used Sometimes	Used Rarely or Not At All	Don't Know	Effective	Somewhat Effective	Ineffective	Don't Know
a. Referees, hearing officers, judicial officers, or child support magistrates	105	79	19	9	119	58	7	22
b. Pretrial diversion by the prosecutor before the case is filed	28	104	48	29	78	67	12	42
c. Diversion after the case is filed	35	106	62	8	78	74	19	32
d. Continuances without prosecution or continuances for dismissal	40	125	41	5	80	88	16	22
e. "Hip-pocket" filing, i.e., civil case proceeds without filing in court	41	28	29	107	22	23	22	123
f. Ordinance violations resolved administratively by city	5	34	90	82	25	25	32	113
g. Arbitration	51	88	35	34	73	71	9	50
h. Neutral third party evaluation	14	92	49	53	44	66	15	76
i. Mediation	101	82	7	19	108	68	4	25
j. Other ADR processes, such as mini-trials	12	62	89	43	39	62	18	78

- 9. Are there additional steps the district has taken or could take to encourage more use of alternatives to traditional case processing such as those referred to in Question 8?**

60 Yes

91 No (If no, go to question 11.)

- 10. If yes, what are they?**

11. Now we would like to ask a question about imposing fines. Specifically, how important are the following factors for determining the amount of fine imposed at sentencing?

(Mark one response per factor.)

	<u>Important</u>	<u>Somewhat Important</u>	<u>Unimportant</u>	<u>Don't Know</u>
a. Offender's ability to pay	149	55	8	–
b. Whether the offender is to be incarcerated	99	96	17	–
c. Whether community service is a viable alternative	98	90	20	–
d. Whether the defendant is a first-time offender	81	91	39	–
e. Seriousness of the offense	146	50	14	1
f. The maximum fine allowed by law	30	41	83	1
g. Whether restitution is imposed	100	99	11	–
h. The cumulative amount of mandatory fees in addition to any fine	117	74	14	2
i. Other (<i>Specify.</i>)				

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

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

14. 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 *September 27, 2000.*

Office of the Legislative Auditor
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