

**Planning for the Future:
Results of a 1992 Federal Judicial Center
Survey of United States Judges**

**Federal Judicial Center
1994**

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This Federal Judicial Center publication was undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development for the improvement of judicial administration. The views expressed are those of the authors and not necessarily those of the Federal Judicial Center.

INTRODUCTION

In October 1992, the Federal Judicial Center surveyed nearly all federal judges on a wide range of issues of concern to the federal courts. The survey was conducted for two main purposes: to inform the deliberations of the Judicial Conference Committee on Long Range Planning and to inform the Center's congressionally mandated study of structural alternatives for the federal courts of appeals. Although the purposes were distinct, the areas of interest overlapped, resulting in a hybrid survey instrument that addressed many issues at differing levels of detail. Some topics—particularly those in sections 5, 7, 8, 10, and 11—were included at the request of the Long Range Planning Committee or were designed to address issues on the committee's agenda. Wendy Pachter and Gordon Bermant of the Center's Planning & Technology Division had primary responsibility for these portions of the sur-

vey. Items focusing on problems related to the courts of appeals and possible structural and nonstructural solutions to those problems were developed by Judith McKenna and Donna Stienstra of the Center's Research Division, who had primary responsibility for sections 1, 2, 3, 4, 6, and 9. Notwithstanding this general allocation of responsibility, much of the survey was developed jointly by the project staff.¹

A survey was mailed to anyone who was, as of October 1992, an active or senior circuit or district judge, a judge on the Court of Federal Claims or the Court of International Trade, a bankruptcy judge, or a full-time or part-time magistrate judge. In all, 1,826 surveys were mailed; 1,489 completed surveys were returned by the cutoff date of January 15, 1993, for an overall response rate of 81.5%. Response rates for the individual groups follow.

Judge category	Total surveys mailed	Completed surveys ²	Response rate (percentage)
Active circuit	160	129	80.6
Senior circuit	75	59	78.7
Active district	550	457	83.1
Senior district	244	182	74.6
Court of International Trade	11	9	81.8
Bankruptcy	291	257	88.3
Full-time magistrate	349	307	88.0
Part-time magistrate	128	76	59.4
Court of Federal Claims	18	13	72.2
Total	1,826	1,489	81.5

The tables that follow present the survey responses, which are grouped as follows:

- Part 1: active and senior circuit judges;
- Part 2: active and senior district judges;
- Part 3: judges on the Court of Federal Claims and the Court of International Trade;
- Part 4: bankruptcy judges; and
- Part 5: full-time and part-time magistrate judges.

The response categories used in the tables are the same as those used on the survey instrument for Categories 1 through 6. Instructions on the survey asked respondents to "Check one response for each item, circling any 'no

opinion' response that is based only on inexperience." In the tables, Category 7 reflects those circled responses. Thus, the total "no opinion" response for any item can be obtained by adding the percentages in Categories 6 and 7. Category 8 gives the percentage of unclear or illegible responses to each item, and Category 9 gives the percentage of returned surveys that did not contain a response to the item.

The project staff thanks all of the responding judges—a much-surveyed group—for the time and thought they devoted to this long survey. The results have been of great value in the Center's research and planning work in support of the federal judiciary, and we hope that they will be equally valuable to individual courts and scholars interested in matters of concern to the federal

courts. The survey responses on which these tables are based are available in machine-readable form to interested individuals or organizations. In keeping with the Center's assurances to the judges surveyed, data supplied will not allow identification of individual respondents. Requests should be directed to Charles Sutelan of the Center's Research Division, who will provide information about available formats and production and mailing costs.

This publication should be cited as Federal Judicial Center, *Planning for the Future: Results of a 1992 Federal Judicial Center Survey of United States Judges* (1994).

1. Substantial assistance on this project was rendered by Yvette Jeter, Barry Kreiswirth, Pat Lombard, Melissa Pecherski, Charles Sutelan, and Carol Witcher of the Research Division, and by Matthew Gottheiner of the Planning & Technology Division.

2. Excluded from this column are twelve responses obtained from recipients who did not complete the survey because they had retired or were unable to respond for health reasons. This group included one senior circuit judge, three active district judges, five senior district judges, and three part-time magistrate judges.

PART 1. CIRCUIT JUDGES

NATURE AND SEVERITY OF PROBLEMS IN THE FEDERAL COURTS

Most questions in this survey ask for your opinion on policies or proposals affecting the federal judicial system. First, however, we ask you to consider the nature and magnitude of the problems, if any, in the current system. Many of these issues will be addressed more fully in later sections of the questionnaire.

Please indicate the extent to which you believe each of the following is a problem by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.01 Volume of civil cases	7.0 8.5 7.4	12.4 5.1 10.1	31.0 30.5 30.9	34.1 32.2 33.5	11.6 16.9 13.3	0.0 1.7 0.5	1.6 0.0 1.1	0.0 0.0 0.0	2.3 5.1 3.2
1.02 Volume of criminal cases	0.8 6.8 2.7	4.7 1.7 3.7	13.2 13.6 13.3	36.4 39.0 37.2	38.0 30.5 35.6	2.3 3.4 2.7	2.3 0.0 1.6	0.0 0.0 0.0	2.3 5.1 3.2
1.03 Impact of criminal docket on civil docket of district courts	0.0 1.7 0.5	0.8 0.0 0.5	11.6 11.9 11.7	34.1 27.1 31.9	33.3 37.3 34.6	7.0 8.5 7.4	10.1 8.5 9.6	0.0 0.0 0.0	3.1 5.1 3.7
1.04 Impact of prisoner litigation on district courts	0.0 1.7 0.5	7.8 10.2 8.5	25.6 13.6 21.8	29.5 23.7 27.7	10.9 10.2 10.6	8.5 16.9 11.2	14.0 10.2 12.8	0.0 5.1 1.6	3.9 8.5 5.3
1.05 Impact of prisoner litigation on appellate courts	6.2 15.3 9.0	14.0 10.2 12.8	25.6 33.9 28.2	31.0 25.4 29.3	13.2 1.7 9.6	3.9 3.4 3.7	2.3 1.7 2.1	0.8 0.0 0.5	3.1 8.5 4.8
1.06 Scope of civil jurisdiction	18.6 16.9 18.1	17.1 11.9 15.4	31.0 25.4 29.3	20.9 20.3 20.7	4.7 13.6 7.4	0.8 5.1 2.1	3.1 0.0 2.1	0.8 1.7 1.1	3.1 5.1 3.7
1.07 Scope of criminal jurisdiction	7.8 16.9 10.6	9.3 8.5 9.0	30.2 22.0 27.7	31.0 22.0 28.2	11.6 16.9 13.3	2.3 3.4 2.7	4.7 1.7 3.7	0.0 1.7 0.5	3.1 6.8 4.3
1.08 Increasingly complex caseload	13.2 11.9 12.8	22.5 15.3 20.2	31.8 32.2 31.9	24.0 25.4 24.5	5.4 6.8 5.9	0.0 3.4 1.1	0.8 0.0 0.5	0.0 0.0 0.0	2.3 5.1 3.2
1.09 Insufficient resources for the federal courts	10.1 6.8 9.0	15.5 27.1 19.1	34.1 28.8 32.4	22.5 16.9 20.7	13.2 10.2 12.2	0.8 3.4 1.6	1.6 0.0 1.1	0.0 0.0 0.0	2.3 6.8 3.7
1.10 Delay in filling judicial vacancies	3.1 8.5 4.8	10.9 6.8 9.6	25.6 16.9 22.9	33.3 35.6 34.0	24.0 25.4 24.5	0.0 0.0 0.0	0.8 0.0 0.5	0.0 0.0 0.0	2.3 6.8 3.7

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.11 Inadequate incentives for senior judges to continue their service	38.8 42.4 39.9	23.3 22.0 22.9	14.0 18.6 15.4	7.8 5.1 6.9	2.3 3.4 2.7	5.4 1.7 4.3	5.4 0.0 3.7	0.8 1.7 1.1	2.3 5.1 3.2
1.12 Insufficient time for judicial case preparation	7.0 10.2 8.0	16.3 16.9 16.5	34.1 40.7 36.2	28.7 22.0 26.6	10.9 1.7 8.0	0.0 3.4 1.1	0.0 0.0 0.0	0.8 0.0 0.5	2.3 5.1 3.2
1.13 Impact of workload on collegiality	15.5 20.3 17.0	21.7 18.6 20.7	37.2 35.6 36.7	14.0 13.6 13.8	8.5 3.4 6.9	0.0 1.7 0.5	0.8 0.0 0.5	0.0 1.7 0.5	2.3 5.1 3.2
1.14 Delegation of judge work to non-judge personnel	17.8 18.6 18.1	21.7 23.7 22.3	27.1 18.6 24.5	17.8 18.6 18.1	10.9 6.8 9.6	0.0 8.5 2.7	1.6 0.0 1.1	0.0 0.0 0.0	3.1 5.1 3.7
1.15 Loss of public faith in the federal courts	23.3 27.1 24.5	30.2 23.7 28.2	20.2 27.1 22.3	10.9 1.7 8.0	5.4 8.5 6.4	5.4 6.8 5.9	1.6 0.0 1.1	0.0 0.0 0.0	3.1 5.1 3.7
1.16 Bias against non-resident litigants in state courts	29.5 40.7 33.0	31.0 20.3 27.7	14.7 16.9 15.4	3.9 5.1 4.3	0.8 0.0 0.5	8.5 8.5 8.5	9.3 3.4 7.4	0.0 0.0 0.0	2.3 5.1 3.2
1.17 Difficulty of discerning national law due to ambiguous legislation	7.8 6.8 7.4	20.2 27.1 22.3	33.3 28.8 31.9	29.5 22.0 27.1	4.7 3.4 4.3	1.6 3.4 2.1	0.0 1.7 0.5	0.8 0.0 0.5	2.3 6.8 3.7
1.18 Difficulty of discerning national law due to inconsistencies between or among circuits	17.8 15.3 17.0	45.7 33.9 42.0	27.1 35.6 29.8	3.9 6.8 4.8	0.0 0.0 0.0	1.6 0.0 1.1	0.8 0.0 0.5	0.8 0.0 0.5	2.3 8.5 4.3
1.19 Difficulty of discerning circuit law due to lack of clear precedent	31.8 22.0 28.7	45.7 55.9 48.9	15.5 15.3 15.4	3.1 1.7 2.7	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	1.6 0.0 1.1	2.3 5.1 3.2
1.20 Difficulty of maintaining consistent national law	13.2 11.9 12.8	38.0 39.0 38.3	30.2 25.4 28.7	11.6 10.2 11.2	0.8 3.4 1.6	0.8 5.1 2.1	0.0 0.0 0.0	0.0 0.0 0.0	5.4 5.1 5.3
1.21 Difficulty of maintaining consistent circuit law	33.3 23.7 30.3	41.9 44.1 42.6	14.0 20.3 16.0	8.5 5.1 7.4	0.0 1.7 0.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	2.3 5.1 3.2

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

STRUCTURE AND RELATIONSHIPS OF THE FEDERAL COURTS

Some commentators have suggested that problems of the federal courts could be remedied by changing the current circuit structure and relationships among the components of the system. The proposals listed here would affect many different features of the federal court system, including distribution of the federal caseload, collegiality among both trial and appellate judges, and the consistency of national and circuit law.

Weighing your perceptions of the sources of stress in the system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following approaches to the structure of the federal courts. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.01 Create a single district court in each state.	9.3 <i>1.7</i> 6.9	3.9 <i>5.1</i> 4.3	16.3 <i>16.9</i> 16.5	24.0 <i>23.7</i> 23.9	23.3 <i>40.7</i> 28.7	16.3 <i>5.1</i> 12.8	4.7 <i>3.4</i> 4.3	0.8 <i>0.0</i> 0.5	1.6 <i>3.4</i> 2.1
2.02 Create a single national trial court with trial judges assigned to locations according to changing volumes of caseload.	2.3 <i>1.7</i> 2.1	0.0 <i>3.4</i> 1.1	5.4 <i>3.4</i> 4.8	16.3 <i>13.6</i> 15.4	67.4 <i>69.5</i> 68.1	5.4 <i>5.1</i> 5.3	1.6 <i>0.0</i> 1.1	0.0 <i>0.0</i> 0.0	1.6 <i>3.4</i> 2.1
2.03 Create a national unified bench, with each judge performing both trial and appellate duties as assigned.	1.6 <i>1.7</i> 1.6	5.4 <i>0.0</i> 3.7	7.0 <i>1.7</i> 5.3	9.3 <i>13.6</i> 10.6	73.6 <i>78.0</i> 75.0	1.6 <i>1.7</i> 1.6	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	1.6 <i>3.4</i> 2.1
2.04 Divide circuits that currently have more than 15 active appellate judges.	15.5 <i>20.3</i> 17.0	30.2 <i>22.0</i> 27.7	17.8 <i>23.7</i> 19.7	14.7 <i>6.8</i> 12.2	15.5 <i>16.9</i> 16.0	2.3 <i>1.7</i> 2.1	1.6 <i>1.7</i> 1.6	0.0 <i>1.7</i> 0.5	2.3 <i>5.1</i> 3.2
2.05 Dissolve the current circuits and create a limited number of large circuits.	4.7 <i>5.1</i> 4.8	5.4 <i>3.4</i> 4.8	10.1 <i>3.4</i> 8.0	11.6 <i>18.6</i> 13.8	65.1 <i>59.3</i> 63.3	0.8 <i>3.4</i> 1.6	0.0 <i>0.0</i> 0.0	0.8 <i>0.0</i> 0.5	1.6 <i>6.8</i> 3.2
2.06 Periodically re-draw circuits to maintain appellate courts of 9–15 judges each.	12.4 <i>8.5</i> 11.2	22.5 <i>25.4</i> 23.4	21.7 <i>8.5</i> 17.6	10.1 <i>16.9</i> 12.2	28.7 <i>32.2</i> 29.8	2.3 <i>1.7</i> 2.1	0.0 <i>1.7</i> 0.5	0.8 <i>0.0</i> 0.5	1.6 <i>5.1</i> 2.7
2.07 Consolidate all circuits into a single, centrally-organized appellate court, with judges assigned to divisions as caseload requires.	0.8 <i>1.7</i> 1.1	3.1 <i>5.1</i> 3.7	7.0 <i>10.2</i> 8.0	10.9 <i>8.5</i> 10.1	76.0 <i>69.5</i> 73.9	0.8 <i>1.7</i> 1.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	1.6 <i>3.4</i> 2.1
2.08 Form a district court "appellate division" for error correction, with discretionary review by the court of appeals.	7.0 <i>3.4</i> 5.9	11.6 <i>3.4</i> 9.0	10.1 <i>15.3</i> 11.7	19.4 <i>20.3</i> 19.7	45.7 <i>47.5</i> 46.3	3.9 <i>5.1</i> 4.3	0.8 <i>1.7</i> 1.1	0.0 <i>0.0</i> 0.0	1.6 <i>3.4</i> 2.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.09 Add a new tier between the current district and current appellate courts to decide appeals as of right, with discretionary review by the court of appeals.	6.2 5.1 5.9	6.2 8.5 6.9	11.6 6.8 10.1	16.3 22.0 18.1	57.4 49.2 54.8	0.8 3.4 1.6	0.0 1.7 0.5	0.0 0.0 0.0	1.6 3.4 2.1
2.10 Add a new tier between the current courts of appeals and the U.S. Supreme Court.	3.9 5.1 4.3	3.9 16.9 8.0	10.1 3.4 8.0	11.6 15.3 12.8	67.4 52.5 62.8	0.8 3.4 1.6	0.0 0.0 0.0	0.0 0.0 0.0	2.3 3.4 2.7
2.11 Increase use of limited en bancs in circuits with more than 15 active judges.	10.9 16.9 12.8	20.2 33.9 24.5	16.3 10.2 14.4	19.4 13.6 17.6	12.4 10.2 11.7	11.6 10.2 11.2	7.8 1.7 5.9	0.0 0.0 0.0	1.6 3.4 2.1
2.12 Use en banc review to avert inter-circuit conflict as well as to maintain consistency of decisions within the circuit.	24.8 27.1 25.5	31.8 30.5 31.4	20.2 13.6 18.1	10.1 13.6 11.2	7.8 8.5 8.0	3.1 1.7 2.7	0.8 1.7 1.1	0.0 0.0 0.0	1.6 3.4 2.1
2.13 Create a new court to resolve inter-circuit conflicts, using judges appointed to serve on that court exclusively.	2.3 3.4 2.7	10.9 22.0 14.4	12.4 13.6 12.8	22.5 22.0 22.3	49.6 33.9 44.7	0.8 0.0 0.5	0.0 1.7 0.5	0.0 0.0 0.0	1.6 3.4 2.1
2.14 Create an "inter-circuit tribunal" or "inter-circuit panel" to resolve inter-circuit conflicts, using a rotating panel of appellate judges.	4.7 8.5 5.9	22.5 25.4 23.4	15.5 8.5 13.3	17.8 25.4 20.2	36.4 23.7 32.4	1.6 1.7 1.6	0.0 1.7 0.5	0.0 0.0 0.0	1.6 5.1 2.7
2.15 Allow Supreme Court to refer inter-circuit conflicts to randomly selected appellate courts not involved in the conflict.	1.6 5.1 2.7	25.6 18.6 23.4	11.6 20.3 14.4	20.2 20.3 20.2	38.0 30.5 35.6	1.6 0.0 1.1	0.0 1.7 0.5	0.0 0.0 0.0	1.6 3.4 2.1

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

JURISDICTION, SIZE, AND RESOURCES OF THE FEDERAL COURTS

Some commentators question whether continued expansion of the jurisdiction and size of the federal courts is wise. Others value relatively open access to federal court over the perceived benefits of a small judiciary. In this section we focus on proposals for altering the jurisdiction, size, and resources of the federal courts.

Again, weighing your perceptions of the sources of stress in the court system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following policy choices. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Jurisdiction, Venue, and Forum Choice

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.01 Eliminate diversity jurisdiction.	31.0	17.8	12.4	17.1	20.9	0.8	0.0	0.0	0.0
	45.8	15.3	8.5	11.9	16.9	0.0	0.0	0.0	1.7
	35.6	17.0	11.2	15.4	19.7	0.5	0.0	0.0	0.5
3.02 Raise the amount in controversy requirement for diversity cases.	45.7	24.0	11.6	13.2	3.1	0.8	0.0	0.0	1.6
	39.0	23.7	8.5	18.6	6.8	1.7	0.0	0.0	1.7
	43.6	23.9	10.6	14.9	4.3	1.1	0.0	0.0	1.6
3.03 Bar in-state plaintiffs from invoking diversity jurisdiction.	46.5	23.3	7.8	14.7	2.3	3.1	0.8	0.0	1.6
	52.5	20.3	6.8	5.1	8.5	3.4	0.0	1.7	1.7
	48.4	22.3	7.4	11.7	4.3	3.2	0.5	0.5	1.6
3.04 Require in-depth study of judicial impact before expanding federal jurisdiction.	77.5	9.3	7.8	3.1	0.8	0.8	0.0	0.0	0.8
	59.3	22.0	6.8	1.7	3.4	3.4	0.0	0.0	3.4
	71.8	13.3	7.4	2.7	1.6	1.6	0.0	0.0	1.6
3.05 Define federal criminal jurisdiction more narrowly to reduce prosecution of "ordinary" street crime in federal courts.	76.7	13.2	3.9	1.6	0.0	2.3	1.6	0.0	0.8
	54.2	28.8	3.4	6.8	3.4	1.7	0.0	0.0	1.7
	69.7	18.1	3.7	3.2	1.1	2.1	1.1	0.0	1.1
3.06 Harmonize state and federal evidence rules to avoid prosecutorial forum shopping.	34.9	21.7	19.4	7.8	5.4	7.0	3.1	0.0	0.8
	35.6	20.3	10.2	6.8	6.8	15.3	3.4	0.0	1.7
	35.1	21.3	16.5	7.4	5.9	9.6	3.2	0.0	1.1
3.07 Harmonize state and federal sentencing policies to avoid prosecutorial forum shopping.	34.9	19.4	18.6	8.5	9.3	6.2	1.6	0.0	1.6
	32.2	11.9	15.3	8.5	15.3	11.9	1.7	0.0	3.4
	34.0	17.0	17.6	8.5	11.2	8.0	1.6	0.0	2.1
3.08 Give federal courts discretionary jurisdiction in civil cases that may not warrant a federal forum.	21.7	20.2	14.7	16.3	19.4	7.0	0.0	0.0	0.8
	11.9	15.3	18.6	20.3	28.8	3.4	0.0	0.0	1.7
	18.6	18.6	16.0	17.6	22.3	5.9	0.0	0.0	1.1

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.09 Give state courts exclusive jurisdiction over claims "in the nature of" state claims (e.g., Jones Act, FELA).	27.1 22.0 25.5	24.0 22.0 23.4	24.0 27.1 25.0	13.2 6.8 11.2	7.8 11.9 9.0	1.6 6.8 3.2	1.6 0.0 1.1	0.0 1.7 0.5	0.8 1.7 1.1
3.10 Encourage all states to allow certification of state law questions from federal courts to the highest state court.	64.3 61.0 63.3	24.8 25.4 25.0	4.7 6.8 5.3	3.9 3.4 3.7	1.6 1.7 1.6	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.8 1.7 1.1
3.11 Move bankruptcy estate administration into the judicial branch.	5.4 8.5 6.4	10.9 6.8 9.6	14.7 22.0 17.0	12.4 18.6 14.4	18.6 16.9 18.1	24.0 13.6 20.7	11.6 11.9 11.7	0.0 0.0 0.0	2.3 1.7 2.1
3.12 Create a separate administrative court for uncontested bankruptcy matters.	9.3 11.9 10.1	27.1 22.0 25.5	14.0 11.9 13.3	8.5 8.5 8.5	5.4 10.2 6.9	21.7 18.6 20.7	12.4 15.3 13.3	0.0 0.0 0.0	1.6 1.7 1.6
3.13 Use bankruptcy appellate panels in all circuits.	14.7 11.9 13.8	17.8 20.3 18.6	12.4 13.6 12.8	14.7 13.6 14.4	25.6 25.4 25.5	8.5 10.2 9.0	5.4 3.4 4.8	0.0 0.0 0.0	0.8 1.7 1.1
3.14 Create an Article I court for appeals of administrative rulings on disability claims.	37.2 27.1 34.0	27.1 30.5 28.2	6.2 11.9 8.0	11.6 10.2 11.2	14.0 8.5 12.2	2.3 8.5 4.3	0.8 1.7 1.1	0.0 0.0 0.0	0.8 1.7 1.1
3.15 Require exhaustion of state institutional remedies for prisoner cases.	65.9 55.9 62.8	17.8 13.6 16.5	6.2 8.5 6.9	1.6 3.4 2.1	4.7 11.9 6.9	1.6 1.7 1.6	0.8 1.7 1.1	0.8 1.7 1.1	0.8 1.7 1.1
3.16 Create an Article I court for prisoner cases.	18.6 5.1 14.4	12.4 13.6 12.8	20.9 16.9 19.7	17.8 15.3 17.0	24.0 35.6 27.7	3.1 6.8 4.3	1.6 1.7 1.6	0.0 0.0 0.0	1.6 5.1 2.7
3.17 Establish a minimum amount in controversy requirement for small monetary claims against the federal government (e.g., Federal Tort Claims Act).	31.0 22.0 28.2	25.6 39.0 29.8	10.1 8.5 9.6	16.3 5.1 12.8	8.5 10.2 9.0	5.4 10.2 6.9	2.3 1.7 2.1	0.0 1.7 0.5	0.8 1.7 1.1
3.18 Eliminate civil appeals as of right and give the courts of appeals discretion in their civil docket.	20.9 11.9 18.1	14.7 25.4 18.1	14.7 18.6 16.0	14.7 8.5 12.8	33.3 30.5 32.4	0.8 1.7 1.1	0.0 0.0 0.0	0.0 0.0 0.0	0.8 3.4 1.6
3.19 Relax the requirements for taking an interlocutory appeal.	3.9 3.4 3.7	4.7 15.3 8.0	7.8 13.6 9.6	30.2 27.1 29.3	51.9 39.0 47.9	0.8 0.0 0.5	0.0 0.0 0.0	0.0 0.0 0.0	0.8 1.7 1.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.20 Restrict filing of civil tax litigation to an Article I trial division of the U.S. Tax Court.	12.4 <i>11.9</i> 12.2	20.2 <i>25.4</i> 21.8	16.3 <i>5.1</i> 12.8	25.6 <i>15.3</i> 22.3	15.5 <i>25.4</i> 18.6	7.0 <i>11.9</i> 8.5	2.3 <i>1.7</i> 2.1	0.0 <i>1.7</i> 0.5	0.8 <i>1.7</i> 1.1
3.21 Create an Article III division of the U.S. Tax Court with exclusive jurisdiction over civil tax appeals.	7.0 <i>13.6</i> 9.0	17.8 <i>18.6</i> 18.1	10.9 <i>3.4</i> 8.5	21.7 <i>20.3</i> 21.3	31.8 <i>32.2</i> 31.9	8.5 <i>6.8</i> 8.0	0.8 <i>3.4</i> 1.6	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6
3.22 Create more appellate courts similar to Court of Appeals for the Federal Circuit (jurisdiction narrower than current regional courts but broader than single subject matter court).	4.7 <i>5.1</i> 4.8	12.4 <i>8.5</i> 11.2	17.1 <i>22.0</i> 18.6	21.7 <i>18.6</i> 20.7	39.5 <i>32.2</i> 37.2	3.9 <i>6.8</i> 4.8	0.0 <i>1.7</i> 0.5	0.0 <i>0.0</i> 0.0	0.8 <i>5.1</i> 2.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

Size and Resources

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.01 Increase the number of law clerks for appellate judges to four.	25.6 3.4 18.6	20.2 15.3 18.6	12.4 18.6 14.4	21.7 27.1 23.4	19.4 32.2 23.4	0.0 1.7 0.5	0.0 0.0 0.0	0.0 0.0 0.0	0.8 1.7 1.1
4.02 Increase the number of law clerks for district judges to three.	20.2 6.8 16.0	24.8 18.6 22.9	11.6 16.9 13.3	12.4 18.6 14.4	13.2 18.6 14.9	8.5 10.2 9.0	8.5 6.8 8.0	0.0 1.7 0.5	0.8 1.7 1.1
4.03 Increase the number of law clerks available to magistrate judges.	14.0 5.1 11.2	22.5 27.1 23.9	11.6 13.6 12.2	13.2 11.9 12.8	13.2 18.6 14.9	13.2 10.2 12.2	11.6 11.9 11.7	0.0 0.0 0.0	0.8 1.7 1.1
4.04 Increase the number of law clerks available to bankruptcy judges.	14.0 6.8 11.7	24.8 25.4 25.0	12.4 15.3 13.3	13.2 10.2 12.2	7.8 15.3 10.1	13.2 11.9 12.8	14.0 13.6 13.8	0.0 0.0 0.0	0.8 1.7 1.1
4.05 Add more appellate staff attorneys.	17.8 5.1 13.8	20.9 22.0 21.3	20.9 18.6 20.2	18.6 23.7 20.2	17.8 15.3 17.0	1.6 8.5 3.7	0.8 3.4 1.6	0.8 1.7 1.1	0.8 1.7 1.1
4.06 Add more district court pro se law clerks.	16.3 6.8 13.3	26.4 25.4 26.1	11.6 18.6 13.8	9.3 8.5 9.0	9.3 10.2 9.6	14.0 10.2 12.8	12.4 16.9 13.8	0.0 1.7 0.5	0.8 1.7 1.1
4.07 Add more appellate judges.	10.9 15.3 12.2	14.0 18.6 15.4	20.2 22.0 20.7	17.1 23.7 19.1	34.9 16.9 29.3	0.8 0.0 0.5	1.6 1.7 1.6	0.0 0.0 0.0	0.8 1.7 1.1
4.08 Add more district judges.	8.5 13.6 10.1	20.9 27.1 22.9	21.7 23.7 22.3	18.6 15.3 17.6	20.9 10.2 17.6	3.9 3.4 3.7	4.7 5.1 4.8	0.0 0.0 0.0	0.8 1.7 1.1
4.09 Add more bankruptcy judges.	7.8 13.6 9.6	24.0 20.3 22.9	18.6 22.0 19.7	17.8 16.9 17.6	14.0 5.1 11.2	10.1 6.8 9.0	7.0 11.9 8.5	0.0 0.0 0.0	0.8 3.4 1.6
4.10 Add more magistrate judges to the district courts.	7.0 10.2 8.0	23.3 33.9 26.6	17.8 13.6 16.5	19.4 13.6 17.6	14.7 5.1 11.7	10.1 8.5 9.6	7.0 11.9 8.5	0.0 0.0 0.0	0.8 3.4 1.6
4.11 Expand the role of magistrate judges in felony matters.	9.3 11.9 10.1	24.8 13.6 21.3	17.1 16.9 17.0	17.1 16.9 17.0	17.8 18.6 18.1	9.3 10.2 9.6	3.9 10.2 5.9	0.0 0.0 0.0	0.8 1.7 1.1

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.12 Expand the role of magistrate judges in <i>non-felony</i> criminal matters.	20.9	39.5	11.6	7.0	9.3	7.0	3.9	0.0	0.8
	15.3	47.5	6.8	8.5	3.4	8.5	8.5	0.0	1.7
	19.1	42.0	10.1	7.4	7.4	7.4	5.3	0.0	1.1
4.13 Expand the role of magistrate judges in <i>civil</i> matters.	17.8	36.4	14.7	13.2	9.3	3.9	3.9	0.0	0.8
	16.9	37.3	11.9	11.9	5.1	6.8	8.5	0.0	1.7
	17.6	36.7	13.8	12.8	8.0	4.8	5.3	0.0	1.1
4.14 Create the new position of appellate magistrate judge.	9.3	7.0	5.4	15.5	50.4	7.0	3.9	0.0	1.6
	8.5	6.8	3.4	13.6	47.5	8.5	10.2	0.0	1.7
	9.0	6.9	4.8	14.9	49.5	7.4	5.9	0.0	1.6
4.15 Cap the number of Article III <i>appellate</i> judges.	20.2	13.2	17.8	17.8	25.6	3.9	0.8	0.0	0.8
	6.8	11.9	10.2	13.6	49.2	6.8	0.0	0.0	1.7
	16.0	12.8	15.4	16.5	33.0	4.8	0.5	0.0	1.1
4.16 Cap the number of Article III <i>district</i> judges.	14.7	13.2	17.8	19.4	29.5	3.1	1.6	0.0	0.8
	5.1	10.2	6.8	15.3	54.2	6.8	0.0	0.0	1.7
	11.7	12.2	14.4	18.1	37.2	4.3	1.1	0.0	1.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

ADMINISTRATION AND GOVERNANCE

In this section we ask for your views on ways in which certain administrative and governance functions might be changed. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
5.01 Permit trial judges to move across district and circuit lines to hold court more easily than they can now.	27.9	34.1	8.5	15.5	2.3	7.0	3.9	0.0	0.8
	30.5	27.1	15.3	8.5	6.8	5.1	5.1	0.0	1.7
	28.7	31.9	10.6	13.3	3.7	6.4	4.3	0.0	1.1
5.02 Strengthen and encourage the judicial law clerk position as a career position.	13.2	15.5	32.6	18.6	16.3	3.1	0.0	0.0	0.8
	18.6	11.9	20.3	22.0	20.3	5.1	0.0	0.0	1.7
	14.9	14.4	28.7	19.7	17.6	3.7	0.0	0.0	1.1
5.03 Eliminate appellate court administrative supervision of district courts.	4.7	7.8	8.5	29.5	34.9	9.3	2.3	0.0	3.1
	8.5	10.2	15.3	18.6	35.6	5.1	3.4	0.0	3.4
	5.9	8.5	10.6	26.1	35.1	8.0	2.7	0.0	3.2
5.04 Select chief judges for their administrative ability rather than by seniority.	15.5	16.3	20.2	17.1	27.1	3.1	0.0	0.0	0.8
	10.2	16.9	20.3	16.9	30.5	1.7	1.7	0.0	1.7
	13.8	16.5	20.2	17.0	28.2	2.7	0.5	0.0	1.1
5.05 Strengthen the position of clerk of court and give clerks more administrative responsibilities.	14.7	31.8	18.6	15.5	9.3	7.0	2.3	0.0	0.8
	20.3	22.0	18.6	11.9	18.6	3.4	3.4	0.0	1.7
	16.5	28.7	18.6	14.4	12.2	5.9	2.7	0.0	1.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

DISCOVERY

The judiciary may wish to address discovery in its long range planning. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
6.01 Increase sanctions for bad-faith discovery responses (e.g., illegitimate privilege claims, evidence destruction).	28.7 32.2 29.8	31.8 49.2 37.2	17.1 6.8 13.8	11.6 6.8 10.1	4.7 1.7 3.7	3.1 1.7 2.7	1.6 1.7 1.6	0.0 0.0 0.0	1.6 0.0 1.1
6.02 Leave discovery rules unchanged (i.e., those in place before the pending revision of Fed. R. Civ. P. 26).	0.0 5.1 1.6	13.2 27.1 17.6	28.7 18.6 25.5	29.5 16.9 25.5	13.2 11.9 12.8	8.5 13.6 10.1	5.4 6.8 5.9	0.0 0.0 0.0	1.6 0.0 1.1
6.03 Increase use of phased or "wave" discovery in multiple-issue cases.	7.8 3.4 6.4	32.6 33.9 33.0	16.3 16.9 16.5	3.1 1.7 2.7	1.6 1.7 1.6	20.2 22.0 20.7	16.3 18.6 17.0	0.8 0.0 0.5	1.6 1.7 1.6
6.04 Require parties to disclose before formal discovery any material, non-privileged information that is <i>favorable</i> to their claims or defenses.	21.7 22.0 21.8	39.5 40.7 39.9	18.6 6.8 14.9	5.4 1.7 4.3	0.8 10.2 3.7	6.2 11.9 8.0	6.2 5.1 5.9	0.0 0.0 0.0	1.6 1.7 1.6
6.05 Require parties to disclose before formal discovery any material, non-privileged information that is <i>unfavorable</i> to their claims or defenses.	18.6 16.9 18.1	31.0 30.5 30.9	20.2 13.6 18.1	11.6 8.5 10.6	4.7 13.6 7.4	7.0 10.2 8.0	5.4 5.1 5.3	0.0 0.0 0.0	1.6 1.7 1.6
6.06 Increase use of document depositories in mass litigation (e.g., asbestos; multi-plaintiff securities actions).	21.7 16.9 20.2	35.7 35.6 35.6	10.1 6.8 9.0	3.1 3.4 3.2	0.8 1.7 1.1	14.7 15.3 14.9	12.4 18.6 14.4	0.0 0.0 0.0	1.6 1.7 1.6
6.07 Amend criminal discovery rules to require automatic, early, and full disclosure by prosecutors.	26.4 27.1 26.6	28.7 23.7 27.1	17.8 22.0 19.1	11.6 6.8 10.1	3.9 8.5 5.3	6.2 5.1 5.9	3.9 3.4 3.7	0.0 0.0 0.0	1.6 3.4 2.1
6.08 Eliminate local variation in discovery rules.	31.0 33.9 31.9	32.6 28.8 31.4	10.1 10.2 10.1	14.7 5.1 11.7	0.8 1.7 1.1	4.7 10.2 6.4	4.7 6.8 5.3	0.0 0.0 0.0	1.6 3.4 2.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

THE JURY

Like discovery, the jury has been the subject of much debate and many reform proposals. Please indicate the extent to which you support or oppose the following policy directions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
CIVIL JURY	14.7	6.2	13.2	29.5	23.3	7.8	3.9	0.0	1.6
7.01 Return to the 12-person jury.	8.5 12.8	13.6 8.5	6.8 11.2	25.4 28.2	35.6 27.1	3.4 6.4	6.8 4.8	0.0 0.0	0.0 1.1
7.02 Permit attorneys to address voir dire questions to prospective jurors directly.	7.8 15.3 10.1	21.7 15.3 19.7	10.1 5.1 8.5	17.8 23.7 19.7	30.2 35.6 31.9	5.4 1.7 4.3	4.7 3.4 4.3	0.0 0.0 0.0	2.3 0.0 1.6
7.03 Eliminate peremptory challenges.	3.1 3.4 3.2	12.4 6.8 10.6	5.4 5.1 5.3	20.9 13.6 18.6	49.6 66.1 54.8	4.7 1.7 3.7	2.3 3.4 2.7	0.0 0.0 0.0	1.6 0.0 1.1
7.04 Use expert jury panels in certain types of cases.	7.8 8.5 8.0	24.8 33.9 27.7	18.6 11.9 16.5	16.3 10.2 14.4	23.3 25.4 23.9	5.4 5.1 5.3	2.3 3.4 2.7	0.0 0.0 0.0	1.6 1.7 1.6
7.05 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	25.6 30.5 27.1	41.9 44.1 42.6	17.1 13.6 16.0	5.4 3.4 4.8	1.6 5.1 2.7	4.7 0.0 3.2	2.3 3.4 2.7	0.0 0.0 0.0	1.6 0.0 1.1
7.06 Use more aids to jury comprehension and decision-making (e.g., juror notebooks, written or taped instructions).	34.9 27.1 32.4	41.9 45.8 43.1	9.3 6.8 8.5	1.6 5.1 2.7	0.8 6.8 2.7	6.2 1.7 4.8	3.9 5.1 4.3	0.0 1.7 0.5	1.6 0.0 1.1
7.07 Eliminate the civil jury.	3.9 6.8 4.8	4.7 5.1 4.8	11.6 3.4 9.0	9.3 10.2 9.6	64.3 71.2 66.5	2.3 0.0 1.6	2.3 1.7 2.1	0.0 0.0 0.0	1.6 1.7 1.6
CRIMINAL JURY	10.1	22.5	7.0	14.0	34.1	6.2	3.9	0.8	1.6
7.08 Permit attorneys to address voir dire questions to prospective jurors directly.	15.3 11.7	20.3 21.8	1.7 5.3	13.6 13.8	42.4 36.7	1.7 4.8	5.1 4.3	0.0 0.5	0.0 1.1
7.09 Eliminate peremptory challenges.	4.7 1.7 3.7	9.3 3.4 7.4	3.1 6.8 4.3	17.1 11.9 15.4	57.4 71.2 61.7	3.9 1.7 3.2	3.1 3.4 3.2	0.0 0.0 0.0	1.6 0.0 1.1
7.10 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	23.3 28.8 25.0	34.9 42.4 37.2	17.8 6.8 14.4	7.0 1.7 5.3	6.2 13.6 8.5	4.7 3.4 4.3	3.9 3.4 3.7	0.8 0.0 0.5	1.6 0.0 1.1

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

CRIMINAL SANCTIONS

Questions about criminal justice appear throughout this questionnaire. This section addresses the imposition of criminal sanctions. The first part seeks your views on sentencing, while the second part addresses imposition of criminal sanctions more generally.

Mandatory minimum sentences and guideline sentencing have dramatically changed the role of federal judges in sanctioning criminal behavior. In addition, there is a current trend in criminal justice toward development of intermediate sanctions. These include all punishments lying between imprison-

ment and "straight" probation. Specific examples include fines, community service orders, home detention, intermittent imprisonment, split sentences, and intensive supervision, buttressed where appropriate by electronic and other monitoring techniques.

The following questions seek your opinion about possible responses to the current sentencing system. Please indicate the degree to which you support or oppose the following policy choices by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.01 Retain the current system of mandatory sentencing guidelines.	13.2	10.9	12.4	14.7	44.2	0.8	0.8	0.0	3.1
	<i>6.8</i>	<i>18.6</i>	<i>10.2</i>	<i>13.6</i>	<i>44.1</i>	<i>3.4</i>	<i>3.4</i>	<i>0.0</i>	<i>0.0</i>
	11.2	13.3	11.7	14.4	44.1	1.6	1.6	0.0	2.1
8.02 Change current sentencing rules to increase the discretion of the judge.	51.2	21.7	10.1	5.4	7.8	0.8	0.8	0.0	2.3
	<i>44.1</i>	<i>27.1</i>	<i>8.5</i>	<i>6.8</i>	<i>8.5</i>	<i>1.7</i>	<i>3.4</i>	<i>0.0</i>	<i>0.0</i>
	48.9	23.4	9.6	5.9	8.0	1.1	1.6	0.0	1.6
8.03 Retain sentencing guidelines but make them advisory only.	14.0	29.5	16.3	11.6	24.8	0.8	0.8	0.0	2.3
	<i>25.4</i>	<i>28.8</i>	<i>11.9</i>	<i>6.8</i>	<i>18.6</i>	<i>1.7</i>	<i>5.1</i>	<i>0.0</i>	<i>1.7</i>
	17.6	29.3	14.9	10.1	22.9	1.1	2.1	0.0	2.1
8.04 Refrain from enacting more legislation mandating minimum sentences.	62.0	15.5	7.8	3.9	3.9	2.3	1.6	0.8	2.3
	<i>64.4</i>	<i>11.9</i>	<i>10.2</i>	<i>3.4</i>	<i>1.7</i>	<i>3.4</i>	<i>5.1</i>	<i>0.0</i>	<i>0.0</i>
	62.8	14.4	8.5	3.7	3.2	2.7	2.7	0.5	1.6
8.05 Repeal most or all mandatory minimum sentences.	54.3	11.6	10.9	7.8	9.3	3.1	0.8	0.0	2.3
	<i>45.8</i>	<i>15.3</i>	<i>11.9</i>	<i>13.6</i>	<i>8.5</i>	<i>1.7</i>	<i>3.4</i>	<i>0.0</i>	<i>0.0</i>
	51.6	12.8	11.2	9.6	9.0	2.7	1.6	0.0	1.6
8.06 Eliminate the sentencing guidelines.	26.4	13.2	19.4	16.3	19.4	2.3	0.8	0.0	2.3
	<i>27.1</i>	<i>11.9</i>	<i>25.4</i>	<i>10.2</i>	<i>16.9</i>	<i>1.7</i>	<i>5.1</i>	<i>0.0</i>	<i>1.7</i>
	26.6	12.8	21.3	14.4	18.6	2.1	2.1	0.0	2.1

Active Circuit Judges (N = 129)

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The following questions seek your opinions about criminal sanctions more generally. For the purposes of these questions, please assume there are no mandatory minima or sentencing guidelines, and a system based upon your

choices could be implemented. Please indicate the degree to which you agree or disagree with each of the following assertions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.07 Federal judges would be appropriate decision makers about the nature and severity of sanctions to be imposed in criminal cases.	34.1 37.3 35.1	30.2 33.9 31.4	13.2 10.2 12.2	8.5 8.5 8.5	7.8 5.1 6.9	2.3 1.7 2.1	1.6 3.4 2.1	0.0 0.0 0.0	2.3 0.0 1.6
8.08 Congress would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	18.6 5.1 14.4	23.3 25.4 23.9	14.0 8.5 12.2	13.2 16.9 14.4	23.3 37.3 27.7	3.9 1.7 3.2	1.6 3.4 2.1	0.0 0.0 0.0	2.3 1.7 2.1
8.09 The Executive Branch would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	1.6 0.0 1.1	8.5 5.1 7.4	3.9 5.1 4.3	20.9 16.9 19.7	58.1 67.8 61.2	3.1 1.7 2.7	1.6 3.4 2.1	0.0 0.0 0.0	2.3 0.0 1.6
8.10 An independent commission would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	2.3 1.7 2.1	17.8 15.3 17.0	10.9 15.3 12.2	27.9 16.9 24.5	33.3 44.1 36.7	3.9 1.7 3.2	1.6 5.1 2.7	0.0 0.0 0.0	2.3 0.0 1.6
8.11 Intermediate sanctions should be used by judges because these punishments are, in some cases, more effective than incarceration or "straight" probation.	24.8 23.7 24.5	38.8 40.7 39.4	13.2 15.3 13.8	2.3 5.1 3.2	3.9 1.7 3.2	12.4 5.1 10.1	2.3 8.5 4.3	0.0 0.0 0.0	2.3 0.0 1.6
8.12 Intermediate sanctions should be used by judges only if incarceration or "straight" probation are unavailable due to a shortage of resources.	1.6 0.0 1.1	4.7 11.9 6.9	14.0 13.6 13.8	37.2 30.5 35.1	24.8 22.0 23.9	13.2 11.9 12.8	2.3 8.5 4.3	0.0 0.0 0.0	2.3 1.7 2.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

DECIDING APPEALS IN THE CURRENT SYSTEM

The courts of appeals have used various procedures to handle the growth of their caseloads. Some commentators believe the appellate courts have reached the limit of their ability to streamline procedures without unacceptably compromising their essential functions. Others believe there is still room for suc-

cessful innovation without damaging the quality of justice. Please indicate the extent to which you agree with the following assessments of the appellate condition by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.01 The courts of appeals could effectively handle their caseloads without structural change by adopting additional procedural innovations.	18.6 <i>18.6</i> 18.6	27.1 <i>40.7</i> 31.4	10.1 <i>6.8</i> 9.0	27.1 <i>20.3</i> 25.0	12.4 <i>10.2</i> 11.7	0.8 <i>1.7</i> 1.1	2.3 <i>0.0</i> 1.6	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6
9.02 The courts of appeals have streamlined their procedures as much as they can without unacceptably compromising their essential functions.	17.8 <i>16.9</i> 17.6	35.7 <i>30.5</i> 34.0	5.4 <i>13.6</i> 8.0	27.1 <i>27.1</i> 27.1	10.9 <i>8.5</i> 10.1	0.0 <i>1.7</i> 0.5	1.6 <i>0.0</i> 1.1	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6
9.03 Measures adopted by the appellate courts to cope with growing caseloads have unacceptably diminished the quality of appellate justice.	5.4 <i>1.7</i> 4.3	18.6 <i>8.5</i> 15.4	7.8 <i>27.1</i> 13.8	26.4 <i>22.0</i> 25.0	38.8 <i>35.6</i> 37.8	0.8 <i>3.4</i> 1.6	0.8 <i>0.0</i> 0.5	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6

Please consider the appellate procedure options listed below and indicate the extent to which you support or oppose each one by checking one response for

each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.04 Increase use of appellate level ADR and conferencing programs such as CAMP.	29.5 <i>20.3</i> 26.6	31.8 <i>37.3</i> 33.5	12.4 <i>10.2</i> 11.7	7.0 <i>1.7</i> 5.3	8.5 <i>3.4</i> 6.9	5.4 <i>10.2</i> 6.9	2.3 <i>11.9</i> 5.3	0.0 <i>0.0</i> 0.0	3.1 <i>5.1</i> 3.7
9.05 Allow oral argument in every non-frivolous case in which any counsel requests it.	17.1 <i>6.8</i> 13.8	14.7 <i>13.6</i> 14.4	7.8 <i>3.4</i> 6.4	15.5 <i>25.4</i> 18.6	43.4 <i>47.5</i> 44.7	0.0 <i>1.7</i> 0.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6
9.06 Hear oral argument in fewer cases.	17.8 <i>18.6</i> 18.1	19.4 <i>25.4</i> 21.3	22.5 <i>6.8</i> 17.6	27.1 <i>25.4</i> 26.6	11.6 <i>18.6</i> 13.8	0.0 <i>3.4</i> 1.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6
9.07 Decide more cases only on oral argument, without briefs.	5.4 <i>6.8</i> 5.9	7.8 <i>3.4</i> 6.4	7.0 <i>11.9</i> 8.5	20.9 <i>20.3</i> 20.7	55.0 <i>52.5</i> 54.3	1.6 <i>1.7</i> 1.6	0.8 <i>1.7</i> 1.1	0.0 <i>0.0</i> 0.0	1.6 <i>1.7</i> 1.6

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.08 Establish specialized subject matter panels to decide some kinds of appeals.	1.6 3.4 2.1	10.1 10.2 10.1	10.9 11.9 11.2	19.4 27.1 21.8	55.0 44.1 51.6	0.8 1.7 1.1	0.0 0.0 0.0	0.0 0.0 0.0	2.3 1.7 2.1
9.09 Use videotaped record of district court proceedings rather than written record.	0.8 0.0 0.5	8.5 10.2 9.0	18.6 22.0 19.7	19.4 28.8 22.3	48.8 28.8 42.6	0.8 1.7 1.1	0.8 5.1 2.1	0.8 0.0 0.5	1.6 3.4 2.1
9.10 Use rulings from the bench more frequently to permit shorter written decisions.	25.6 18.6 23.4	37.2 28.8 34.6	10.9 10.2 10.6	17.8 18.6 18.1	4.7 16.9 8.5	0.8 1.7 1.1	0.8 1.7 1.1	0.0 1.7 0.5	2.3 1.7 2.1
9.11 Issue more written decisions without a statement of reasons (e.g., "affirmed for the reasons stated by the district court").	31.0 33.9 31.9	31.0 35.6 32.4	10.9 1.7 8.0	10.9 15.3 12.2	11.6 6.8 10.1	1.6 1.7 1.6	0.0 0.0 0.0	0.0 1.7 0.5	3.1 3.4 3.2
9.12 Publish fewer decisions.	40.3 37.3 39.4	29.5 42.4 33.5	14.7 1.7 10.6	8.5 8.5 8.5	5.4 3.4 4.8	0.0 3.4 1.1	0.0 0.0 0.0	0.0 0.0 0.0	1.6 3.4 2.1
9.13 Resist any procedural innovation that increases the likelihood that an appeal will be decided by fewer than three judges.	44.2 54.2 47.3	31.8 25.4 29.8	7.8 6.8 7.4	10.1 1.7 7.4	2.3 6.8 3.7	0.8 1.7 1.1	0.0 0.0 0.0	0.8 0.0 0.5	2.3 3.4 2.7
9.14 Use staff attorneys to monitor circuit decisions to help judges avert inconsistent decisions within their circuits.	31.8 32.2 31.9	36.4 39.0 37.2	14.7 6.8 12.2	7.0 8.5 7.4	6.2 11.9 8.0	1.6 0.0 1.1	0.8 0.0 0.5	0.0 0.0 0.0	1.6 1.7 1.6
9.15 Expand the role of staff attorneys in preparing cases for decisions on the merits.	8.5 8.5 8.5	24.0 27.1 25.0	28.7 10.2 22.9	20.2 27.1 22.3	16.3 20.3 17.6	0.8 0.0 0.5	0.0 3.4 1.1	0.0 0.0 0.0	1.6 3.4 2.1
9.16 More readily sanction frivolous appeals.	29.5 28.8 29.3	38.8 33.9 37.2	12.4 11.9 12.2	13.2 10.2 12.2	4.7 11.9 6.9	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	1.6 3.4 2.1

Active Circuit Judges (N = 129)
Senior Circuit Judges (N = 59)
All Circuit Judges (N = 188)

AVAILABILITY AND COMPENSATION OF COUNSEL

The availability and compensation of competent counsel affect access to, and fairness of, federal civil and criminal justice. For purposes of this section, assume no changes in the availability or affordability of legal services other than

those described in each policy proposal. Please indicate the extent to which you would support or oppose each proposal below by checking one response for each. Circle any "no opinion" response that is based only on inexperience.

Counsel in Civil Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.01 Require judges to impose attorneys' fees on non-prevailing parties in diversity cases.	16.3 8.5 13.8	24.0 15.3 21.3	12.4 13.6 12.8	19.4 23.7 20.7	21.7 27.1 23.4	3.9 6.8 4.8	1.6 0.0 1.1	0.0 0.0 0.0	0.8 5.1 2.1
10.02 Require judges to impose attorneys' fees on non-prevailing parties in all civil cases other than civil rights cases.	14.0 10.2 12.8	25.6 15.3 22.3	8.5 11.9 9.6	24.0 18.6 22.3	23.3 33.9 26.6	3.1 5.1 3.7	0.0 0.0 0.0	0.8 0.0 0.5	0.8 5.1 2.1
10.03 Allow judges to impose attorneys' fees on non-prevailing parties only where the claim or defense is found to be non-meritorious.	17.1 11.9 15.4	43.4 39.0 42.0	13.2 11.9 12.8	11.6 16.9 13.3	9.3 13.6 10.6	3.1 1.7 2.7	0.0 0.0 0.0	0.0 0.0 0.0	2.3 5.1 3.2
10.04 Limit contingent fees by capping the allowable percentage (e.g., 33-45% of net recovery).	30.2 28.8 29.8	34.9 37.3 35.6	12.4 6.8 10.6	7.0 6.8 6.9	8.5 11.9 9.6	4.7 3.4 4.3	0.8 0.0 0.5	0.0 0.0 0.0	1.6 5.1 2.7
10.05 Increase efforts to provide competent counsel to civil litigants who cannot afford it.	25.6 32.2 27.7	24.8 32.2 27.1	17.8 13.6 16.5	14.7 8.5 12.8	10.9 1.7 8.0	3.9 5.1 4.3	0.0 1.7 0.5	0.0 0.0 0.0	2.3 5.1 3.2

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

Counsel in Criminal Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.06 Require funds for constitutionally mandated appointed counsel to be budgeted separately from the judiciary's budget.	46.5 39.0 44.1	20.9 20.3 20.7	7.8 8.5 8.0	5.4 3.4 4.8	4.7 3.4 4.3	9.3 13.6 10.6	3.9 6.8 4.8	0.0 0.0 0.0	1.6 5.1 2.7
10.07 Increase the amount of money available for providing counsel to indigent defendants.	30.2 33.9 31.4	31.8 20.3 28.2	20.2 16.9 19.1	4.7 10.2 6.4	3.9 3.4 3.7	4.7 6.8 5.3	3.1 3.4 3.2	0.0 0.0 0.0	1.6 5.1 2.7
10.08 Fund continuing education programs designed to improve the quality of advocacy of appointed counsel.	34.9 28.8 33.0	29.5 28.8 29.3	12.4 11.9 12.2	7.8 6.8 7.4	7.8 6.8 7.4	4.7 8.5 5.9	0.8 3.4 1.6	0.0 0.0 0.0	2.3 5.1 3.2
10.09 Increase funds to educate appointed counsel on practice under the sentencing guidelines.	28.7 25.4 27.7	29.5 23.7 27.7	15.5 20.3 17.0	10.9 8.5 10.1	7.8 6.8 7.4	5.4 5.1 5.3	0.8 5.1 2.1	0.0 0.0 0.0	1.6 5.1 2.7
10.10 Increase compensation of appointed counsel to achieve parity with government counsel.	24.0 16.9 21.8	24.0 20.3 22.9	20.2 15.3 18.6	14.0 20.3 16.0	11.6 11.9 11.7	3.9 5.1 4.3	0.8 5.1 2.1	0.0 0.0 0.0	1.6 5.1 2.7
10.11 Revamp the current system for providing assistance of counsel to indigent defendants.	17.1 16.9 17.0	24.0 22.0 23.4	24.8 20.3 23.4	12.4 10.2 11.7	3.1 5.1 3.7	11.6 11.9 11.7	4.7 8.5 5.9	0.0 0.0 0.0	2.3 5.1 3.2

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

METHODS OF CIVIL DISPUTE RESOLUTION

The following questions seek your opinion about appropriate roles of federal courts in traditional and alternative means of dispute resolution in civil cases. Several items refer to ADR, by which we mean the range of procedures that may be used to resolve civil disputes other than traditional litigation. Please in-

dicating the extent to which you agree or disagree with the statements below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
11.01 The role of the federal courts in civil cases should be to resolve disputes through traditional litigation only.	12.4 <i>16.9</i> 13.8	14.0 <i>6.8</i> 11.7	11.6 <i>10.2</i> 11.2	32.6 <i>32.2</i> 32.4	26.4 <i>30.5</i> 27.7	2.3 <i>0.0</i> 1.6	0.0 <i>1.7</i> 0.5	0.0 <i>0.0</i> 0.0	0.8 <i>1.7</i> 1.1
11.02 The role of federal courts in civil cases should be to assist parties in resolving their dispute through whatever procedure is best suited to the cases.	41.1 <i>40.7</i> 41.0	35.7 <i>28.8</i> 33.5	8.5 <i>10.2</i> 9.0	7.8 <i>3.4</i> 6.4	3.1 <i>8.5</i> 4.8	2.3 <i>3.4</i> 2.7	0.8 <i>1.7</i> 1.1	0.0 <i>1.7</i> 0.5	0.8 <i>1.7</i> 1.1
11.03 ADR procedures should be used by federal courts in civil cases because in some cases they produce fairer outcomes than traditional litigation.	24.0 <i>16.9</i> 21.8	28.7 <i>35.6</i> 30.9	20.9 <i>15.3</i> 19.1	14.0 <i>6.8</i> 11.7	7.0 <i>10.2</i> 8.0	2.3 <i>3.4</i> 2.7	1.6 <i>8.5</i> 3.7	0.0 <i>1.7</i> 0.5	1.6 <i>1.7</i> 1.6
11.04 ADR should be used by federal courts only to prevent lengthy delays in terminating cases.	1.6 <i>3.4</i> 2.1	11.6 <i>6.8</i> 10.1	12.4 <i>13.6</i> 12.8	43.4 <i>35.6</i> 41.0	24.0 <i>27.1</i> 25.0	4.7 <i>5.1</i> 4.8	0.8 <i>5.1</i> 2.1	0.0 <i>1.7</i> 0.5	1.6 <i>1.7</i> 1.6
11.05 ADR should never be used within the federal courts.	2.3 <i>8.5</i> 4.3	2.3 <i>0.0</i> 1.6	7.0 <i>8.5</i> 7.4	16.3 <i>16.9</i> 16.5	65.9 <i>57.6</i> 63.3	3.1 <i>1.7</i> 2.7	0.8 <i>5.1</i> 2.1	0.0 <i>0.0</i> 0.0	2.3 <i>1.7</i> 2.1
11.06 There is a general need for ADR in my court due to the nature of the disputes filed.	10.9 <i>5.1</i> 9.0	31.0 <i>27.1</i> 29.8	5.4 <i>15.3</i> 8.5	18.6 <i>10.2</i> 16.0	11.6 <i>15.3</i> 12.8	13.2 <i>13.6</i> 13.3	7.8 <i>10.2</i> 8.5	0.0 <i>1.7</i> 0.5	1.6 <i>1.7</i> 1.6
11.07 There is a general need for ADR in my court due to the volume of cases.	16.3 <i>6.8</i> 13.3	34.1 <i>27.1</i> 31.9	4.7 <i>15.3</i> 8.0	13.2 <i>13.6</i> 13.3	10.9 <i>15.3</i> 12.2	10.9 <i>11.9</i> 11.2	8.5 <i>6.8</i> 8.0	0.0 <i>1.7</i> 0.5	1.6 <i>1.7</i> 1.6

Active Circuit Judges (N = 129)

Senior Circuit Judges (N = 59)

All Circuit Judges (N = 188)

PART 2. DISTRICT JUDGES

NATURE AND SEVERITY OF PROBLEMS IN THE FEDERAL COURTS

Most questions in this survey ask for your opinion on policies or proposals affecting the federal judicial system. First, however, we ask you to consider the nature and magnitude of the problems, if any, in the current system. Many of these issues will be addressed more fully in later sections of the questionnaire.

Please indicate the extent to which you believe each of the following is a problem by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.01 Volume of civil cases	16.0	17.3	33.7	23.4	8.5	0.0	0.4	0.0	0.7
	24.2	13.2	33.0	20.9	7.1	0.0	0.0	0.0	1.6
	18.3	16.1	33.5	22.7	8.1	0.0	0.3	0.0	0.9
1.02 Volume of criminal cases	7.4	10.1	23.4	31.9	26.5	0.0	0.2	0.0	0.4
	14.8	8.2	19.2	31.9	22.0	1.1	0.0	1.1	1.6
	9.5	9.5	22.2	31.9	25.2	0.3	0.2	0.3	0.8
1.03 Impact of criminal docket on civil docket of district courts	4.2	9.4	22.1	30.9	31.5	0.2	0.4	0.2	1.1
	11.0	11.0	24.2	24.7	24.7	0.5	0.0	1.1	2.7
	6.1	9.9	22.7	29.1	29.6	0.3	0.3	0.5	1.6
1.04 Impact of prisoner litigation on district courts	3.7	16.2	32.4	30.2	14.7	1.1	0.2	0.4	1.1
	6.6	19.2	31.9	26.9	10.4	2.7	0.0	0.0	2.2
	4.5	17.1	32.2	29.3	13.5	1.6	0.2	0.3	1.4
1.05 Impact of prisoner litigation on appellate courts	1.8	4.4	6.3	10.1	4.4	46.4	19.0	0.7	7.0
	3.3	6.0	13.2	11.5	4.9	36.8	13.2	0.0	11.0
	2.2	4.9	8.3	10.5	4.5	43.7	17.4	0.5	8.1
1.06 Scope of civil jurisdiction	25.2	18.2	30.6	17.1	6.1	0.7	0.4	0.2	1.5
	30.2	17.6	28.6	15.4	4.4	0.5	0.0	0.0	3.3
	26.6	18.0	30.0	16.6	5.6	0.6	0.3	0.2	2.0
1.07 Scope of criminal jurisdiction	19.7	17.3	23.4	22.3	15.1	0.9	0.2	0.0	1.1
	26.9	14.8	24.7	18.7	8.8	2.7	0.0	0.0	3.3
	21.8	16.6	23.8	21.3	13.3	1.4	0.2	0.0	1.7
1.08 Increasingly complex caseload	13.6	20.6	33.0	24.7	6.8	0.2	0.4	0.2	0.4
	19.8	14.3	36.8	15.9	9.3	1.6	0.5	0.0	1.6
	15.3	18.8	34.1	22.2	7.5	0.6	0.5	0.2	0.8
1.09 Insufficient resources for the federal courts	12.5	20.8	27.1	20.1	17.5	0.4	0.2	0.4	0.9
	22.5	20.3	23.1	17.6	8.2	3.3	1.1	0.0	3.8
	15.3	20.7	26.0	19.4	14.9	1.3	0.5	0.3	1.7
1.10 Delay in filling judicial vacancies	3.5	11.6	16.8	32.6	33.3	0.9	0.9	0.0	0.4
	4.9	11.0	17.0	35.2	29.1	1.6	0.0	0.0	1.1
	3.9	11.4	16.9	33.3	32.1	1.1	0.6	0.0	0.6

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.11 Inadequate incentives for senior judges to continue their service	36.8 52.2 41.2	17.3 21.4 18.5	11.6 10.4 11.3	9.2 8.2 8.9	4.8 3.3 4.4	13.3 1.6 10.0	6.1 1.1 4.7	0.2 0.0 0.2	0.7 1.6 0.9
1.12 Insufficient time for judicial case preparation	12.5 29.1 17.2	26.0 26.9 26.3	31.3 26.4 29.9	21.7 13.2 19.2	7.0 2.2 5.6	0.7 1.1 0.8	0.2 0.0 0.2	0.0 0.0 0.0	0.7 1.1 0.8
1.13 Impact of workload on collegiality	29.1 41.2 32.6	21.9 21.4 21.8	24.7 22.0 23.9	17.7 8.2 15.0	3.5 2.7 3.3	1.1 2.7 1.6	1.1 0.0 0.8	0.2 1.1 0.5	0.7 0.5 0.6
1.14 Delegation of judge work to non-judge personnel	35.9 40.7 37.2	23.6 23.1 23.5	19.9 15.9 18.8	10.5 8.2 9.9	2.6 2.2 2.5	4.8 6.0 5.2	1.1 0.0 0.8	0.0 0.5 0.2	1.5 3.3 2.0
1.15 Loss of public faith in the federal courts	33.9 33.0 33.6	26.0 20.9 24.6	22.1 22.5 22.2	6.8 12.1 8.3	3.7 4.4 3.9	5.7 4.4 5.3	1.1 1.6 1.3	0.2 0.0 0.2	0.4 1.1 0.6
1.16 Bias against non-resident litigants in state courts	50.8 48.4 50.1	22.8 20.9 22.2	12.7 11.5 12.4	3.5 3.3 3.4	1.5 1.6 1.6	5.3 9.3 6.4	3.1 3.8 3.3	0.0 0.0 0.0	0.4 1.1 0.6
1.17 Difficulty of discerning national law due to ambiguous legislation	8.8 9.3 8.9	33.0 29.7 32.1	32.4 33.5 32.7	13.3 14.8 13.8	4.8 4.9 4.9	4.8 2.7 4.2	1.5 0.5 1.3	0.2 0.0 0.2	1.1 4.4 2.0
1.18 Difficulty of discerning national law due to inconsistencies between or among circuits	12.7 11.0 12.2	40.5 33.0 38.3	32.6 41.8 35.2	8.1 8.2 8.1	1.1 1.1 1.1	2.8 2.7 2.8	0.9 0.0 0.6	0.0 0.0 0.0	1.3 2.2 1.6
1.19 Difficulty of discerning circuit law due to lack of clear precedent	21.7 18.7 20.8	46.2 43.4 45.4	21.2 28.6 23.3	5.7 5.5 5.6	1.8 1.1 1.6	2.4 1.6 2.2	0.4 0.0 0.3	0.0 0.0 0.0	0.7 1.1 0.8
1.20 Difficulty of maintaining consistent national law	11.6 12.6 11.9	38.7 30.8 36.5	26.9 34.1 29.0	11.8 10.4 11.4	2.0 2.2 2.0	6.3 6.6 6.4	1.3 1.1 1.3	0.0 0.0 0.0	1.3 2.2 1.6
1.21 Difficulty of maintaining consistent circuit law	22.8 23.1 22.8	39.2 36.8 38.5	19.5 27.5 21.8	7.0 4.9 6.4	3.1 1.6 2.7	5.7 3.8 5.2	1.5 0.5 1.3	0.0 0.0 0.0	1.3 1.6 1.4

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

STRUCTURE AND RELATIONSHIPS OF THE FEDERAL COURTS

Some commentators have suggested that problems of the federal courts could be remedied by changing the current circuit structure and relationships among the components of the system. The proposals listed here would affect many different features of the federal court system, including distribution of the federal caseload, collegiality among both trial and appellate judges, and the consistency of national and circuit law.

Weighing your perceptions of the sources of stress in the system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following approaches to the structure of the federal courts. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.01 Create a single district court in each state.	5.3 7.7 5.9	7.7 5.5 7.0	13.6 11.5 13.0	13.1 18.1 14.6	45.7 43.4 45.1	10.9 7.7 10.0	2.6 2.7 2.7	0.2 0.5 0.3	0.9 2.7 1.4
2.02 Create a single national trial court with trial judges assigned to locations according to changing volumes of caseload.	1.3 1.1 1.3	6.8 1.1 5.2	6.8 9.3 7.5	9.6 8.8 9.4	73.3 71.4 72.8	1.3 3.8 2.0	0.4 2.2 0.9	0.0 0.0 0.0	0.4 2.2 0.9
2.03 Create a national unified bench, with each judge performing both trial and appellate duties as assigned.	4.4 2.2 3.8	8.8 6.0 8.0	12.7 12.6 12.7	12.9 13.7 13.1	56.9 57.1 57.0	2.8 4.9 3.4	0.9 1.1 0.9	0.0 0.0 0.0	0.7 2.2 1.1
2.04 Divide circuits that currently have more than 15 active appellate judges.	13.6 16.5 14.4	22.1 25.3 23.0	18.8 13.7 17.4	11.8 13.7 12.4	12.7 13.2 12.8	14.2 13.2 13.9	6.1 2.7 5.2	0.2 0.0 0.2	0.4 1.6 0.8
2.05 Dissolve the current circuits and create a limited number of large circuits.	2.8 3.3 3.0	6.1 4.9 5.8	8.1 10.4 8.8	21.7 19.2 21.0	45.1 47.3 45.7	11.2 11.0 11.1	4.4 2.2 3.8	0.0 0.0 0.0	0.7 1.6 0.9
2.06 Periodically re-draw circuits to maintain appellate courts of 9–15 judges each.	10.7 8.8 10.2	19.7 18.7 19.4	16.6 17.0 16.7	17.1 17.0 17.1	19.7 23.6 20.8	11.8 9.3 11.1	3.9 3.3 3.8	0.0 0.5 0.2	0.4 1.6 0.8
2.07 Consolidate all circuits into a single, centrally-organized appellate court, with judges assigned to divisions as caseload requires.	2.0 1.6 1.9	5.9 3.3 5.2	6.1 9.3 7.0	15.8 14.8 15.5	57.5 58.2 57.7	9.0 9.3 9.1	3.1 1.6 2.7	0.2 0.0 0.2	0.4 1.6 0.8
2.08 Form a district court "appellate division" for error correction, with discretionary review by the court of appeals.	1.8 0.0 1.3	7.9 8.8 8.1	12.5 14.8 13.1	17.7 14.3 16.7	48.6 50.0 49.0	7.2 9.3 7.8	3.7 1.1 3.0	0.0 0.0 0.0	0.7 1.6 0.9

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.09 Add a new tier between the current district and current appellate courts to decide appeals as of right, with discretionary review by the court of appeals.	1.3 <i>1.1</i> 1.3	5.9 <i>3.8</i> 5.3	8.5 <i>7.1</i> 8.1	19.9 <i>13.7</i> 18.2	56.5 <i>67.6</i> 59.6	5.5 <i>4.4</i> 5.2	1.8 <i>1.1</i> 1.6	0.0 <i>0.0</i> 0.0	0.7 <i>1.1</i> 0.8
2.10 Add a new tier between the current courts of appeals and the U.S. Supreme Court.	3.9 <i>5.5</i> 4.4	11.4 <i>11.0</i> 11.3	13.8 <i>13.2</i> 13.6	17.9 <i>14.3</i> 16.9	45.3 <i>49.5</i> 46.5	5.7 <i>4.9</i> 5.5	1.5 <i>0.0</i> 1.1	0.0 <i>0.5</i> 0.2	0.4 <i>1.1</i> 0.6
2.11 Increase use of limited en bancs in circuits with more than 15 active judges.	7.7 <i>10.4</i> 8.5	25.6 <i>26.9</i> 26.0	14.4 <i>16.5</i> 15.0	8.1 <i>9.9</i> 8.6	5.9 <i>7.1</i> 6.3	27.4 <i>21.4</i> 25.7	10.3 <i>7.1</i> 9.4	0.0 <i>0.0</i> 0.0	0.7 <i>0.5</i> 0.6
2.12 Use en banc review to avert inter-circuit conflict as well as to maintain consistency of decisions within the circuit.	19.0 <i>18.1</i> 18.8	38.7 <i>38.5</i> 38.7	11.2 <i>12.1</i> 11.4	4.6 <i>4.9</i> 4.7	3.9 <i>3.8</i> 3.9	16.2 <i>14.8</i> 15.8	5.0 <i>6.0</i> 5.3	0.0 <i>0.0</i> 0.0	1.3 <i>1.6</i> 1.4
2.13 Create a new court to resolve inter-circuit conflicts, using judges appointed to serve on that court exclusively.	5.0 <i>9.3</i> 6.3	20.6 <i>16.5</i> 19.4	19.7 <i>15.4</i> 18.5	15.1 <i>18.1</i> 16.0	28.2 <i>29.1</i> 28.5	9.0 <i>8.2</i> 8.8	2.0 <i>2.2</i> 2.0	0.0 <i>0.5</i> 0.2	0.4 <i>0.5</i> 0.5
2.14 Create an "inter-circuit tribunal" or "inter-circuit panel" to resolve inter-circuit conflicts, using a rotating panel of appellate judges.	6.8 <i>8.2</i> 7.2	25.2 <i>23.1</i> 24.6	19.7 <i>14.8</i> 18.3	13.1 <i>18.1</i> 14.6	21.9 <i>22.5</i> 22.1	10.1 <i>9.9</i> 10.0	2.4 <i>2.2</i> 2.3	0.0 <i>0.0</i> 0.0	0.9 <i>1.1</i> 0.9
2.15 Allow Supreme Court to refer inter-circuit conflicts to randomly selected appellate courts not involved in the conflict.	4.4 <i>4.4</i> 4.4	21.7 <i>23.6</i> 22.2	17.3 <i>15.4</i> 16.7	18.6 <i>15.9</i> 17.8	27.6 <i>26.4</i> 27.2	7.9 <i>11.0</i> 8.8	2.2 <i>2.2</i> 2.2	0.0 <i>0.0</i> 0.0	0.4 <i>1.1</i> 0.6

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

JURISDICTION, SIZE, AND RESOURCES OF THE FEDERAL COURTS

Some commentators question whether continued expansion of the jurisdiction and size of the federal courts is wise. Others value relatively open access to federal court over the perceived benefits of a small judiciary. In this section we focus on proposals for altering the jurisdiction, size, and resources of the federal courts.

Again, weighing your perceptions of the sources of stress in the court system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following policy choices. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Jurisdiction, Venue, and Forum Choice

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.01 Eliminate diversity jurisdiction.	23.4 <i>32.4</i> 26.0	13.3 <i>15.9</i> 14.1	14.2 <i>11.5</i> 13.5	13.3 <i>13.7</i> 13.5	33.7 <i>24.2</i> 31.0	1.1 <i>1.1</i> 1.1	0.2 <i>0.0</i> 0.2	0.2 <i>0.5</i> 0.3	0.4 <i>0.5</i> 0.5
3.02 Raise the amount in controversy requirement for diversity cases.	40.3 <i>31.3</i> 37.7	26.7 <i>27.5</i> 26.9	10.3 <i>8.8</i> 9.9	12.7 <i>20.3</i> 14.9	7.4 <i>9.3</i> 8.0	1.3 <i>1.6</i> 1.4	0.7 <i>0.5</i> 0.6	0.0 <i>0.0</i> 0.0	0.7 <i>0.5</i> 0.6
3.03 Bar in-state plaintiffs from invoking diversity jurisdiction.	39.6 <i>45.6</i> 41.3	20.6 <i>17.6</i> 19.7	10.7 <i>5.5</i> 9.2	12.9 <i>13.2</i> 13.0	12.7 <i>14.3</i> 13.1	2.2 <i>2.7</i> 2.3	0.4 <i>0.5</i> 0.5	0.0 <i>0.0</i> 0.0	0.9 <i>0.5</i> 0.8
3.04 Require in-depth study of judicial impact before expanding federal jurisdiction.	77.9 <i>68.7</i> 75.3	14.2 <i>20.3</i> 16.0	2.6 <i>4.4</i> 3.1	1.3 <i>2.2</i> 1.6	1.1 <i>0.5</i> 0.9	1.5 <i>2.7</i> 1.9	0.4 <i>0.0</i> 0.3	0.0 <i>0.5</i> 0.2	0.9 <i>0.5</i> 0.8
3.05 Define federal criminal jurisdiction more narrowly to reduce prosecution of "ordinary" street crime in federal courts.	77.7 <i>68.7</i> 75.1	13.6 <i>21.4</i> 15.8	3.9 <i>2.2</i> 3.4	1.5 <i>2.7</i> 1.9	2.2 <i>2.2</i> 2.2	0.7 <i>2.2</i> 1.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.4 <i>0.5</i> 0.5
3.06 Harmonize state and federal evidence rules to avoid prosecutorial forum shopping.	36.8 <i>44.5</i> 39.0	23.9 <i>29.1</i> 25.4	12.9 <i>11.0</i> 12.4	7.7 <i>4.4</i> 6.7	7.9 <i>4.4</i> 6.9	8.8 <i>5.5</i> 7.8	1.3 <i>0.5</i> 1.1	0.0 <i>0.0</i> 0.0	0.9 <i>0.5</i> 0.8
3.07 Harmonize state and federal sentencing policies to avoid prosecutorial forum shopping.	42.0 <i>36.3</i> 40.4	21.7 <i>25.3</i> 22.7	12.9 <i>14.8</i> 13.5	7.0 <i>5.5</i> 6.6	8.8 <i>11.0</i> 9.4	5.7 <i>4.9</i> 5.5	1.1 <i>0.5</i> 0.9	0.0 <i>1.1</i> 0.3	0.9 <i>0.5</i> 0.8
3.08 Give federal courts discretionary jurisdiction in civil cases that may not warrant a federal forum.	29.1 <i>20.3</i> 26.6	21.4 <i>21.4</i> 21.4	14.4 <i>13.2</i> 14.1	9.6 <i>15.4</i> 11.3	20.6 <i>22.0</i> 21.0	3.3 <i>4.9</i> 3.8	0.7 <i>1.1</i> 0.8	0.2 <i>0.5</i> 0.3	0.7 <i>1.1</i> 0.8

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.09 Give state courts exclusive jurisdiction over claims "in the nature of" state claims (e.g., Jones Act, FELA).	29.1	27.6	15.5	12.0	11.2	3.1	0.9	0.0	0.7
	25.8	23.6	15.9	16.5	11.5	4.4	1.1	0.0	1.1
	28.2	26.4	15.6	13.3	11.3	3.4	0.9	0.0	0.8
3.10 Encourage all states to allow certification of state law questions from federal courts to the highest state court.	62.8	24.5	4.2	2.2	1.3	3.7	0.9	0.0	0.4
	64.3	23.6	6.6	2.2	1.1	0.5	0.5	0.5	0.5
	63.2	24.3	4.9	2.2	1.3	2.8	0.8	0.2	0.5
3.11 Move bankruptcy estate administration into the judicial branch.	8.5	10.5	14.4	10.3	21.4	23.2	10.7	0.2	0.7
	11.5	13.2	16.5	17.0	24.7	10.4	4.9	0.0	1.6
	9.4	11.3	15.0	12.2	22.4	19.6	9.1	0.2	0.9
3.12 Create a separate administrative court for uncontested bankruptcy matters.	16.6	25.8	7.4	6.6	9.6	23.6	9.6	0.0	0.7
	15.9	25.8	11.0	8.8	11.5	19.2	7.7	0.0	0.0
	16.4	25.8	8.5	7.2	10.2	22.4	9.1	0.0	0.5
3.13 Use bankruptcy appellate panels in all circuits.	24.1	26.9	9.8	9.6	12.0	12.5	4.4	0.2	0.4
	20.9	27.5	9.9	7.1	14.8	14.3	3.3	0.0	2.2
	23.2	27.1	9.9	8.9	12.8	13.0	4.1	0.2	0.9
3.14 Create an Article I court for appeals of administrative rulings on disability claims.	37.0	31.9	8.5	5.7	8.1	6.3	1.8	0.0	0.7
	27.5	30.8	8.8	5.5	13.7	10.4	2.2	0.0	1.1
	34.3	31.6	8.6	5.6	9.7	7.5	1.9	0.0	0.8
3.15 Require exhaustion of state institutional remedies for prisoner cases.	75.7	14.9	3.9	2.2	1.3	0.9	0.2	0.2	0.7
	70.9	19.2	4.4	0.5	1.6	0.5	0.0	1.6	1.1
	74.3	16.1	4.1	1.7	1.4	0.8	0.2	0.6	0.8
3.16 Create an Article I court for prisoner cases.	31.1	21.2	13.6	11.2	19.5	1.8	0.7	0.0	1.1
	22.0	17.6	13.7	13.2	28.0	3.3	0.5	0.0	1.6
	28.5	20.2	13.6	11.7	21.9	2.2	0.6	0.0	1.3
3.17 Establish a minimum amount in controversy requirement for small monetary claims against the federal government (e.g., Federal Tort Claims Act).	35.7	28.7	12.0	8.8	8.8	4.6	1.1	0.0	0.4
	28.6	33.5	10.4	8.2	12.1	3.8	0.5	0.5	2.2
	33.6	30.0	11.6	8.6	9.7	4.4	0.9	0.2	0.9
3.18 Eliminate civil appeals as of right and give the courts of appeals discretion in their civil docket.	17.5	21.7	16.4	12.0	24.9	5.3	1.5	0.2	0.4
	15.9	24.7	9.3	13.2	25.3	7.1	3.3	0.0	1.1
	17.1	22.5	14.4	12.4	25.0	5.8	2.0	0.2	0.6
3.19 Relax the requirements for taking an interlocutory appeal.	4.4	9.6	10.9	24.5	46.6	3.1	0.2	0.0	0.7
	8.8	19.2	9.9	20.3	36.3	3.3	1.1	0.0	1.1
	5.6	12.4	10.6	23.3	43.7	3.1	0.5	0.0	0.8

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.20 Restrict filing of civil tax litigation to an Article I trial division of the U.S. Tax Court.	24.3 25.3 24.6	26.9 21.4 25.4	12.7 11.0 12.2	9.6 15.9 11.4	10.7 13.2 11.4	12.0 12.1 12.1	3.3 0.5 2.5	0.0 0.5 0.2	0.4 0.0 0.3
3.21 Create an Article III division of the U.S. Tax Court with exclusive jurisdiction over civil tax appeals.	16.6 11.5 15.2	16.8 14.3 16.1	12.9 9.9 12.1	12.0 17.0 13.5	19.7 29.1 22.4	15.1 17.0 15.6	6.3 1.1 4.9	0.0 0.0 0.0	0.4 0.0 0.3
3.22 Create more appellate courts similar to Court of Appeals for the Federal Circuit (jurisdiction narrower than current regional courts but broader than single subject matter court).	7.4 3.3 6.3	12.3 10.4 11.7	16.4 13.7 15.6	19.5 18.7 19.2	26.3 33.5 28.3	13.3 18.1 14.7	4.2 2.2 3.6	0.0 0.0 0.0	0.7 0.0 0.5

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

Size and Resources

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.01 Increase the number of law clerks for appellate judges to four.	11.8 4.4 9.7	8.5 8.2 8.5	8.5 6.6 8.0	11.8 20.3 14.2	15.3 23.1 17.5	31.7 28.6 30.8	11.6 7.1 10.3	0.0 0.0 0.0	0.7 1.6 0.9
4.02 Increase the number of law clerks for district judges to three.	43.1 20.3 36.6	22.1 16.5 20.5	9.2 10.4 9.5	14.9 26.9 18.3	9.2 21.4 12.7	0.7 2.7 1.3	0.0 0.5 0.2	0.0 0.0 0.0	0.9 1.1 0.9
4.03 Increase the number of law clerks available to magistrate judges.	27.1 16.5 24.1	23.9 21.4 23.2	12.9 12.6 12.8	15.8 20.9 17.2	10.3 20.3 13.1	7.0 5.5 6.6	2.6 1.1 2.2	0.0 0.0 0.0	0.4 1.6 0.8
4.04 Increase the number of law clerks available to bankruptcy judges.	19.0 11.0 16.7	26.3 22.5 25.2	10.1 10.4 10.2	9.4 15.4 11.1	10.3 19.2 12.8	17.7 16.5 17.4	6.8 3.8 5.9	0.0 0.0 0.0	0.4 1.1 0.6
4.05 Add more appellate staff attorneys.	6.6 1.6 5.2	10.3 8.8 9.9	7.4 7.7 7.5	10.5 15.9 12.1	14.9 24.2 17.5	35.9 28.6 33.8	13.8 11.5 13.1	0.0 0.0 0.0	0.7 1.6 0.9
4.06 Add more district court pro se law clerks.	34.1 22.5 30.8	35.4 27.5 33.2	9.8 8.8 9.5	7.9 15.4 10.0	6.3 12.6 8.1	4.8 9.3 6.1	1.1 1.6 1.3	0.0 0.0 0.0	0.4 2.2 0.9
4.07 Add more appellate judges.	8.1 4.9 7.2	16.4 15.4 16.1	16.4 15.4 16.1	15.1 18.1 16.0	20.8 25.3 22.1	18.2 14.8 17.2	4.2 4.9 4.4	0.0 0.0 0.0	0.9 1.1 0.9
4.08 Add more district judges.	19.3 13.2 17.5	18.6 19.2 18.8	19.3 19.2 19.2	17.9 18.7 18.2	18.4 20.9 19.1	5.0 7.1 5.6	0.4 0.0 0.3	0.0 0.5 0.2	1.1 1.1 1.1
4.09 Add more bankruptcy judges.	15.1 9.9 13.6	20.8 24.2 21.8	16.0 13.2 15.2	11.8 11.5 11.7	13.3 19.2 15.0	17.7 15.9 17.2	4.8 3.8 4.5	0.0 0.0 0.0	0.4 2.2 0.9
4.10 Add more magistrate judges to the district courts.	27.4 15.9 24.1	28.9 29.1 29.0	15.1 13.7 14.7	12.0 15.4 13.0	10.3 17.6 12.4	5.3 5.5 5.3	0.0 0.5 0.2	0.0 0.0 0.0	1.1 2.2 1.4
4.11 Expand the role of magistrate judges in felony matters.	28.0 13.7 23.9	24.1 30.8 26.0	11.6 9.3 11.0	15.5 13.7 15.0	19.5 26.9 21.6	0.4 3.8 1.4	0.2 0.0 0.2	0.0 0.5 0.2	0.7 1.1 0.8

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.12 Expand the role of magistrate judges in <i>non-felony</i> criminal matters.	43.5 30.2 39.7	34.8 39.0 36.0	5.3 4.9 5.2	5.9 5.5 5.8	8.3 14.3 10.0	0.7 3.8 1.6	0.7 0.5 0.6	0.0 0.0 0.0	0.9 1.6 1.1
4.13 Expand the role of magistrate judges in <i>civil</i> matters.	36.3 23.6 32.7	32.2 37.9 33.8	11.4 8.8 10.6	7.7 8.2 7.8	11.2 16.5 12.7	0.2 3.3 1.1	0.2 0.0 0.2	0.0 0.5 0.2	0.9 1.1 0.9
4.14 Create the new position of appellate magistrate judge.	3.1 2.7 3.0	2.0 1.6 1.9	9.0 6.0 8.1	11.4 16.5 12.8	51.9 51.1 51.6	17.5 15.4 16.9	4.6 4.9 4.7	0.0 0.0 0.0	0.7 1.6 0.9
4.15 Cap the number of Article III <i>appellate</i> judges.	13.6 8.8 12.2	10.1 12.1 10.6	13.6 14.8 13.9	12.5 14.8 13.1	31.7 28.0 30.7	14.7 17.0 15.3	3.3 2.7 3.1	0.0 0.0 0.0	0.7 1.6 0.9
4.16 Cap the number of Article III <i>district</i> judges.	14.4 9.3 13.0	11.6 11.5 11.6	13.1 14.3 13.5	13.6 15.9 14.2	36.5 36.8 36.6	8.3 9.9 8.8	1.5 1.1 1.4	0.0 0.0 0.0	0.9 1.1 0.9

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

ADMINISTRATION AND GOVERNANCE

In this section we ask for your views on ways in which certain administrative and governance functions might be changed. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
5.01 Permit trial judges to move across district and circuit lines to hold court more easily than they can now.	40.3 25.3 36.0	34.6 42.9 36.9	8.3 13.7 9.9	4.6 7.1 5.3	4.6 3.8 4.4	4.8 4.9 4.9	2.0 1.1 1.7	0.0 0.0 0.0	0.9 1.1 0.9
5.02 Strengthen and encourage the judicial law clerk position as a career position.	26.3 24.7 25.8	22.8 28.0 24.3	23.4 15.4 21.1	12.7 14.8 13.3	12.7 13.2 12.8	1.3 2.2 1.6	0.4 1.1 0.6	0.0 0.0 0.0	0.4 0.5 0.5
5.03 Eliminate appellate court administrative supervision of district courts.	38.5 40.7 39.1	22.3 16.5 20.7	14.7 10.4 13.5	9.6 18.1 12.1	3.9 6.0 4.5	7.0 3.8 6.1	2.8 1.6 2.5	0.0 0.0 0.0	1.1 2.7 1.6
5.04 Select chief judges for their administrative ability rather than by seniority.	27.4 27.5 27.4	19.0 13.7 17.5	18.6 18.1 18.5	11.6 14.8 12.5	19.3 22.0 20.0	2.4 2.7 2.5	1.1 0.5 0.9	0.0 0.0 0.0	0.7 0.5 0.6
5.05 Strengthen the position of clerk of court and give clerks more administrative responsibilities.	20.4 20.9 20.5	27.4 35.7 29.7	19.0 17.0 18.5	12.7 10.4 12.1	13.8 11.0 13.0	4.4 3.8 4.2	2.0 0.0 1.4	0.0 0.0 0.0	0.4 1.1 0.6

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

DISCOVERY

The judiciary may wish to address discovery in its long range planning. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
6.01 Increase sanctions for bad-faith discovery responses (e.g., illegitimate privilege claims, evidence destruction).	29.1 <i>44.5</i> 33.5	30.6 <i>31.9</i> 31.0	19.0 <i>6.6</i> 15.5	13.3 <i>9.3</i> 12.2	4.8 <i>4.4</i> 4.7	1.8 <i>1.1</i> 1.6	0.7 <i>0.0</i> 0.5	0.0 <i>0.0</i> 0.0	0.7 <i>2.2</i> 1.1
6.02 Leave discovery rules unchanged (i.e., those in place before the pending revision of Fed. R. Civ. P. 26).	13.6 <i>12.6</i> 13.3	22.5 <i>26.4</i> 23.6	19.9 <i>19.8</i> 19.9	23.2 <i>16.5</i> 21.3	13.3 <i>14.3</i> 13.6	4.8 <i>4.9</i> 4.9	1.3 <i>1.6</i> 1.4	0.0 <i>0.0</i> 0.0	1.3 <i>3.8</i> 2.0
6.03 Increase use of phased or "wave" discovery in multiple-issue cases.	14.7 <i>12.1</i> 13.9	41.4 <i>40.7</i> 41.2	20.8 <i>14.3</i> 18.9	4.4 <i>8.2</i> 5.5	2.8 <i>2.7</i> 2.8	9.8 <i>12.1</i> 10.5	4.8 <i>6.6</i> 5.3	0.0 <i>0.0</i> 0.0	1.3 <i>3.3</i> 1.9
6.04 Require parties to disclose before formal discovery any material, non-privileged information that is <i>favorable</i> to their claims or defenses.	38.1 <i>31.3</i> 36.2	35.7 <i>42.3</i> 37.6	12.0 <i>8.8</i> 11.1	7.4 <i>8.8</i> 7.8	3.3 <i>3.8</i> 3.4	1.8 <i>1.6</i> 1.7	0.7 <i>0.0</i> 0.5	0.2 <i>0.5</i> 0.3	0.9 <i>2.7</i> 1.4
6.05 Require parties to disclose before formal discovery any material, non-privileged information that is <i>unfavorable</i> to their claims or defenses.	28.2 <i>28.6</i> 28.3	30.6 <i>29.1</i> 30.2	18.8 <i>14.8</i> 17.7	12.0 <i>15.4</i> 13.0	7.2 <i>6.6</i> 7.0	1.5 <i>3.3</i> 2.0	0.7 <i>0.0</i> 0.5	0.2 <i>0.0</i> 0.2	0.7 <i>2.2</i> 1.1
6.06 Increase use of document depositories in mass litigation (e.g., asbestos; multi-plaintiff securities actions).	38.5 <i>39.0</i> 38.7	38.7 <i>40.1</i> 39.1	5.0 <i>6.6</i> 5.5	0.4 <i>0.5</i> 0.5	0.7 <i>0.0</i> 0.5	9.4 <i>6.6</i> 8.6	6.6 <i>3.8</i> 5.8	0.0 <i>0.5</i> 0.2	0.7 <i>2.7</i> 1.3
6.07 Amend criminal discovery rules to require automatic, early, and full disclosure by prosecutors.	44.6 <i>40.7</i> 43.5	27.8 <i>29.7</i> 28.3	12.5 <i>8.8</i> 11.4	7.2 <i>9.3</i> 7.8	5.9 <i>4.9</i> 5.6	0.9 <i>3.8</i> 1.7	0.4 <i>0.5</i> 0.5	0.0 <i>0.0</i> 0.0	0.7 <i>2.2</i> 1.1
6.08 Eliminate local variation in discovery rules.	25.2 <i>40.1</i> 29.4	24.7 <i>25.8</i> 25.0	14.4 <i>7.7</i> 12.5	14.7 <i>9.3</i> 13.1	15.3 <i>11.5</i> 14.2	3.5 <i>2.2</i> 3.1	1.3 <i>0.5</i> 1.1	0.2 <i>0.5</i> 0.3	0.7 <i>2.2</i> 1.1

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

THE JURY

Like discovery, the jury has been the subject of much debate and many reform proposals. Please indicate the extent to which you support or oppose the following policy directions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
CIVIL JURY	6.3	7.0	6.3	20.6	58.4	0.9	0.0	0.0	0.4
7.01 Return to the 12-person jury.	7.7 6.7	3.8 6.1	2.7 5.3	17.6 19.7	66.5 60.7	0.5 0.8	0.0 0.0	0.0 0.0	1.1 0.6
7.02 Permit attorneys to address voir dire questions to prospective jurors directly.	10.7 9.9 10.5	14.2 15.4 14.6	9.4 3.8 7.8	12.0 12.1 12.1	52.1 56.6 53.4	0.0 0.5 0.2	0.2 0.0 0.2	0.2 0.0 0.2	1.1 1.6 1.3
7.03 Eliminate peremptory challenges.	9.4 9.3 9.4	9.8 9.3 9.7	7.7 10.4 8.5	15.1 7.7 13.0	57.1 59.9 57.9	0.2 1.1 0.5	0.0 0.0 0.0	0.0 0.0 0.0	0.7 2.2 1.1
7.04 Use expert jury panels in certain types of cases.	11.8 12.1 11.9	24.7 18.1 22.8	17.9 15.4 17.2	12.9 14.3 13.3	28.4 29.7 28.8	1.8 3.8 2.3	1.8 2.2 1.9	0.0 0.0 0.0	0.7 4.4 1.7
7.05 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	24.9 33.0 27.2	42.7 36.3 40.8	16.4 17.0 16.6	7.4 6.6 7.2	6.3 3.3 5.5	1.3 1.6 1.4	0.4 0.0 0.3	0.0 0.0 0.0	0.4 2.2 0.9
7.06 Use more aids to jury comprehension and decision-making (e.g., juror notebooks, written or taped instructions).	42.9 37.4 41.3	35.2 30.8 34.0	10.1 13.2 11.0	6.3 4.9 5.9	3.7 10.4 5.6	1.1 1.1 1.1	0.0 0.0 0.0	0.2 0.0 0.2	0.4 2.2 0.9
7.07 Eliminate the civil jury.	2.6 5.5 3.4	4.8 4.4 4.7	5.5 6.0 5.6	4.8 9.3 6.1	81.2 71.4 78.4	0.4 0.5 0.5	0.0 0.0 0.0	0.0 0.5 0.2	0.7 2.2 1.1
CRIMINAL JURY	9.8	15.8	8.1	12.5	52.7	0.0	0.2	0.2	0.7
7.08 Permit attorneys to address voir dire questions to prospective jurors directly.	9.9 9.9	13.2 15.0	5.5 7.4	8.2 11.3	57.7 54.1	1.1 0.3	0.5 0.3	0.0 0.2	3.8 1.6
7.09 Eliminate peremptory challenges.	7.9 8.8 8.1	8.1 5.5 7.4	7.7 7.1 7.5	10.5 5.5 9.1	64.8 67.0 65.4	0.2 2.2 0.8	0.2 0.5 0.3	0.0 0.0 0.0	0.7 3.3 1.4
7.10 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	19.7 24.7 21.1	35.7 35.2 35.5	16.4 15.4 16.1	9.8 6.6 8.9	14.0 11.0 13.1	2.4 2.7 2.5	1.1 0.5 0.9	0.0 0.5 0.2	0.9 3.3 1.6

Active District Judges (N = 457)
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CRIMINAL SANCTIONS

Questions about criminal justice appear throughout this questionnaire. This section addresses the imposition of criminal sanctions. The first part seeks your views on sentencing, while the second part addresses imposition of criminal sanctions more generally.

Mandatory minimum sentences and guideline sentencing have dramatically changed the role of federal judges in sanctioning criminal behavior. In addition, there is a current trend in criminal justice toward development of intermediate sanctions. These include all punishments lying between imprison-

ment and "straight" probation. Specific examples include fines, community service orders, home detention, intermittent imprisonment, split sentences, and intensive supervision, buttressed where appropriate by electronic and other monitoring techniques.

The following questions seek your opinion about possible responses to the current sentencing system. Please indicate the degree to which you support or oppose the following policy choices by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.01 Retain the current system of mandatory sentencing guidelines.	6.8 3.3 5.8	10.9 7.1 9.9	12.3 4.9 10.2	9.2 12.1 10.0	59.3 67.0 61.5	0.0 1.6 0.5	0.2 1.1 0.5	0.0 0.0 0.0	1.3 2.7 1.7
8.02 Change current sentencing rules to increase the discretion of the judge.	69.8 76.9 71.8	15.8 11.5 14.6	6.6 1.6 5.2	3.9 3.3 3.8	1.8 0.5 1.4	0.4 1.1 0.6	0.2 1.1 0.5	0.0 0.0 0.0	1.5 3.8 2.2
8.03 Retain sentencing guidelines but make them advisory only.	31.1 29.1 30.5	27.1 25.8 26.8	14.2 15.4 14.6	10.9 6.6 9.7	14.2 14.8 14.4	0.7 2.2 1.1	0.4 1.1 0.6	0.0 0.5 0.2	1.3 4.4 2.2
8.04 Refrain from enacting more legislation mandating minimum sentences.	80.7 74.7 79.0	7.7 11.0 8.6	4.8 1.6 3.9	3.1 2.7 3.0	2.0 2.7 2.2	0.4 1.6 0.8	0.2 1.6 0.6	0.0 0.0 0.0	1.1 3.8 1.9
8.05 Repeal most or all mandatory minimum sentences.	69.4 62.1 67.3	10.7 15.4 12.1	8.8 8.2 8.6	5.5 4.9 5.3	3.9 3.8 3.9	0.2 1.1 0.5	0.2 1.6 0.6	0.0 0.0 0.0	1.3 2.7 1.7
8.06 Eliminate the sentencing guidelines.	38.3 46.7 40.7	10.3 10.4 10.3	18.2 17.0 17.8	16.0 7.7 13.6	16.0 12.1 14.9	0.0 1.1 0.3	0.2 1.1 0.5	0.0 0.5 0.2	1.1 3.3 1.7

Active District Judges (N = 457)

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All District Judges (N = 639)

The following questions seek your opinions about criminal sanctions more generally. For the purposes of these questions, please assume there are no mandatory minima or sentencing guidelines, and a system based upon your

choices could be implemented. Please indicate the degree to which you agree or disagree with each of the following assertions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.07 Federal judges would be appropriate decision makers about the nature and severity of sanctions to be imposed in criminal cases.	56.7 59.9 57.6	26.5 22.0 25.2	7.7 3.8 6.6	4.8 3.8 4.5	2.6 3.3 2.8	0.7 1.6 0.9	0.2 0.5 0.3	0.0 0.5 0.2	0.9 4.4 1.9
8.08 Congress would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	11.8 7.1 10.5	19.5 13.7 17.8	14.4 8.2 12.7	16.0 16.5 16.1	35.4 47.3 38.8	1.1 1.6 1.3	0.4 0.5 0.5	0.2 0.5 0.3	1.1 4.4 2.0
8.09 The Executive Branch would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	1.8 0.0 1.3	3.5 0.5 2.7	5.7 3.3 5.0	14.9 11.0 13.8	71.8 79.7 74.0	0.9 1.6 1.1	0.4 0.5 0.5	0.2 0.5 0.3	0.9 2.7 1.4
8.10 An independent commission would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	3.1 2.7 3.0	14.0 8.2 12.4	11.6 8.8 10.8	15.5 11.0 14.2	52.3 62.6 55.2	1.3 1.6 1.4	1.1 0.5 0.9	0.2 0.5 0.3	0.9 3.8 1.7
8.11 Intermediate sanctions should be used by judges because these punishments are, in some cases, more effective than incarceration or "straight" probation.	33.0 31.9 32.7	37.2 33.0 36.0	13.1 18.7 14.7	5.3 2.7 4.5	4.2 2.7 3.8	3.9 5.5 4.4	2.0 1.6 1.9	0.0 0.5 0.2	1.3 3.3 1.9
8.12 Intermediate sanctions should be used by judges only if incarceration or "straight" probation are unavailable due to a shortage of resources.	2.0 7.1 3.4	11.4 12.6 11.7	15.3 18.7 16.3	23.6 18.7 22.2	36.5 26.4 33.6	6.6 9.3 7.4	2.6 1.6 2.3	0.0 0.5 0.2	2.0 4.9 2.8

Active District Judges (N = 457)
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DECIDING APPEALS IN THE CURRENT SYSTEM

The courts of appeals have used various procedures to handle the growth of their caseloads. Some commentators believe the appellate courts have reached the limit of their ability to streamline procedures without unacceptably compromising their essential functions. Others believe there is still room for suc-

cessful innovation without damaging the quality of justice. Please indicate the extent to which you agree with the following assessments of the appellate condition by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.01 The courts of appeals could effectively handle their caseloads without structural change by adopting additional procedural innovations.	12.5 <i>13.2</i> 12.7	19.5 <i>24.7</i> 21.0	5.5 <i>6.6</i> 5.8	7.9 <i>4.9</i> 7.0	2.6 <i>3.8</i> 3.0	27.8 <i>26.4</i> 27.4	21.0 <i>14.8</i> 19.2	0.0 <i>0.0</i> 0.0	3.3 <i>5.5</i> 3.9
9.02 The courts of appeals have streamlined their procedures as much as they can without unacceptably compromising their essential functions.	3.7 <i>6.6</i> 4.5	15.1 <i>13.2</i> 14.6	5.3 <i>8.2</i> 6.1	13.3 <i>17.0</i> 14.4	8.1 <i>10.4</i> 8.8	29.5 <i>25.8</i> 28.5	21.7 <i>13.7</i> 19.4	0.0 <i>0.0</i> 0.0	3.3 <i>4.9</i> 3.8
9.03 Measures adopted by the appellate courts to cope with growing caseloads have unacceptably diminished the quality of appellate justice.	2.8 <i>3.3</i> 3.0	11.4 <i>11.5</i> 11.4	6.8 <i>8.8</i> 7.4	19.5 <i>22.5</i> 20.3	17.7 <i>20.3</i> 18.5	22.3 <i>18.7</i> 21.3	16.2 <i>9.9</i> 14.4	0.0 <i>0.0</i> 0.0	3.3 <i>4.9</i> 3.8

Please consider the appellate procedure options listed below and indicate the extent to which you support or oppose each one by checking one response for

each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.04 Increase use of appellate level ADR and conferencing programs such as CAMP.	14.2 <i>12.1</i> 13.6	24.7 <i>20.9</i> 23.6	8.8 <i>7.7</i> 8.5	5.9 <i>4.4</i> 5.5	5.9 <i>5.5</i> 5.8	20.4 <i>23.1</i> 21.1	16.6 <i>18.1</i> 17.1	0.0 <i>0.0</i> 0.0	3.5 <i>8.2</i> 4.9
9.05 Allow oral argument in every non-frivolous case in which any counsel requests it.	6.3 <i>8.8</i> 7.0	11.4 <i>11.5</i> 11.4	6.3 <i>5.5</i> 6.1	18.2 <i>17.0</i> 17.8	35.9 <i>35.7</i> 35.8	10.9 <i>10.4</i> 10.8	7.7 <i>6.0</i> 7.2	0.0 <i>0.0</i> 0.0	3.3 <i>4.9</i> 3.8
9.06 Hear oral argument in fewer cases.	14.7 <i>15.4</i> 14.9	29.1 <i>30.8</i> 29.6	10.9 <i>9.3</i> 10.5	14.4 <i>13.7</i> 14.2	6.6 <i>7.1</i> 6.7	13.1 <i>12.1</i> 12.8	7.9 <i>6.0</i> 7.4	0.0 <i>0.0</i> 0.0	3.3 <i>5.5</i> 3.9
9.07 Decide more cases only on oral argument, without briefs.	2.6 <i>4.9</i> 3.3	10.9 <i>11.5</i> 11.1	8.1 <i>10.4</i> 8.8	16.0 <i>15.9</i> 16.0	35.9 <i>33.0</i> 35.1	13.1 <i>14.3</i> 13.5	10.3 <i>5.5</i> 8.9	0.0 <i>0.0</i> 0.0	3.1 <i>4.4</i> 3.4

Active District Judges (N = 457)

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Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.08 Establish specialized subject matter panels to decide some kinds of appeals.	7.2 3.8 6.3	24.1 22.5 23.6	9.0 11.0 9.5	18.2 16.5 17.7	23.2 25.8 23.9	10.7 10.4 10.6	4.6 4.4 4.5	0.0 0.5 0.2	3.1 4.9 3.6
9.09 Use videotaped record of district court proceedings rather than written record.	4.4 4.4 4.4	11.4 18.1 13.3	16.8 19.8 17.7	16.6 16.5 16.6	30.6 24.2 28.8	10.9 6.6 9.7	6.1 5.5 5.9	0.0 0.5 0.2	3.1 4.4 3.4
9.10 Use rulings from the bench more frequently to permit shorter written decisions.	28.9 29.7 29.1	34.6 39.0 35.8	9.6 9.3 9.5	6.6 4.4 5.9	2.4 3.3 2.7	10.1 5.5 8.8	4.4 2.2 3.8	0.0 0.0 0.0	3.5 6.6 4.4
9.11 Issue more written decisions without a statement of reasons (e.g., "affirmed for the reasons stated by the district court").	37.4 34.1 36.5	38.1 40.1 38.7	6.1 3.3 5.3	3.3 5.5 3.9	2.4 4.4 3.0	6.8 4.9 6.3	2.6 2.7 2.7	0.0 0.5 0.2	3.3 4.4 3.6
9.12 Publish fewer decisions.	33.5 25.3 31.1	31.3 44.0 34.9	9.0 7.7 8.6	8.5 5.5 7.7	3.1 4.4 3.4	8.8 6.6 8.1	2.8 1.6 2.5	0.0 0.0 0.0	3.1 4.9 3.6
9.13 Resist any procedural innovation that increases the likelihood that an appeal will be decided by fewer than three judges.	44.4 50.5 46.2	25.8 26.4 26.0	5.9 6.0 5.9	5.0 4.9 5.0	2.0 2.2 2.0	9.2 4.4 7.8	4.6 1.6 3.8	0.0 0.0 0.0	3.1 3.8 3.3
9.14 Use staff attorneys to monitor circuit decisions to help judges avert inconsistent decisions within their circuits.	33.5 30.8 32.7	30.4 38.5 32.7	6.3 4.4 5.8	2.2 4.4 2.8	3.5 2.7 3.3	14.4 12.1 13.8	6.3 3.3 5.5	0.0 0.0 0.0	3.3 3.8 3.4
9.15 Expand the role of staff attorneys in preparing cases for decisions on the merits.	10.5 5.5 9.1	16.8 19.8 17.7	12.3 12.6 12.4	11.8 14.8 12.7	10.1 13.7 11.1	21.9 21.4 21.8	13.3 7.7 11.7	0.0 0.0 0.0	3.3 4.4 3.6
9.16 More readily sanction frivolous appeals.	38.9 38.5 38.8	29.8 34.6 31.1	8.3 4.9 7.4	4.4 4.9 4.5	1.1 3.8 1.9	9.8 7.7 9.2	4.4 2.2 3.8	0.0 0.0 0.0	3.3 3.3 3.3

Active District Judges (N = 457)
Senior District Judges (N = 182)
All District Judges (N = 639)

AVAILABILITY AND COMPENSATION OF COUNSEL

The availability and compensation of competent counsel affect access to, and fairness of, federal civil and criminal justice. For purposes of this section, assume no changes in the availability or affordability of legal services other than

those described in each policy proposal. Please indicate the extent to which you would support or oppose each proposal below by checking one response for each. Circle any "no opinion" response that is based only on inexperience.

Counsel in Civil Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.01 Require judges to impose attorneys' fees on non-prevailing parties in diversity cases.	11.8 5.5 10.0	21.4 18.7 20.7	19.0 23.1 20.2	15.5 13.7 15.0	31.1 36.8 32.7	0.0 0.5 0.2	0.0 0.0 0.0	0.0 0.0 0.0	1.1 1.6 1.3
10.02 Require judges to impose attorneys' fees on non-prevailing parties in all civil cases other than civil rights cases.	9.8 4.4 8.3	19.5 14.8 18.2	20.1 22.0 20.7	16.2 14.8 15.8	32.2 40.1 34.4	0.4 1.1 0.6	0.0 0.0 0.0	0.2 0.0 0.2	1.5 2.7 1.9
10.03 Allow judges to impose attorneys' fees on non-prevailing parties only where the claim or defense is found to be non-meritorious.	23.4 32.4 26.0	44.2 41.2 43.3	11.2 6.6 9.9	9.0 8.8 8.9	10.3 7.1 9.4	0.9 1.1 0.9	0.0 0.0 0.0	0.0 0.0 0.0	1.1 2.7 1.6
10.04 Limit contingent fees by capping the allowable percentage (e.g., 33-45% of net recovery).	39.2 46.7 41.3	28.0 33.5 29.6	13.1 4.4 10.6	7.7 6.6 7.4	10.1 5.5 8.8	0.7 1.1 0.8	0.2 0.5 0.3	0.0 0.0 0.0	1.1 1.6 1.3
10.05 Increase efforts to provide competent counsel to civil litigants who cannot afford it.	32.2 34.1 32.7	29.8 30.2 29.9	17.5 19.8 18.2	8.3 6.6 7.8	9.8 5.5 8.6	0.4 1.6 0.8	0.0 0.0 0.0	0.0 0.0 0.0	2.0 2.2 2.0

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

Counsel in Criminal Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.06 Require funds for constitutionally mandated appointed counsel to be budgeted separately from the judiciary's budget.	53.2 47.3 51.5	19.3 23.1 20.3	7.2 8.2 7.5	2.6 3.8 3.0	6.1 1.6 4.9	8.1 9.3 8.5	2.0 3.3 2.3	0.0 0.0 0.0	1.5 3.3 2.0
10.07 Increase the amount of money available for providing counsel to indigent defendants.	48.8 32.4 44.1	25.4 29.1 26.4	11.4 14.8 12.4	4.2 7.7 5.2	5.3 5.5 5.3	3.9 4.9 4.2	0.0 2.2 0.6	0.0 0.0 0.0	1.1 3.3 1.7
10.08 Fund continuing education programs designed to improve the quality of advocacy of appointed counsel.	47.3 31.9 42.9	31.9 36.8 33.3	8.3 9.3 8.6	3.3 8.2 4.7	6.6 5.5 6.3	1.3 4.4 2.2	0.0 0.5 0.2	0.0 0.0 0.0	1.3 3.3 1.9
10.09 Increase funds to educate appointed counsel on practice under the sentencing guidelines.	44.0 24.2 38.3	31.1 30.2 30.8	8.8 13.2 10.0	4.8 11.0 6.6	8.1 11.0 8.9	1.5 5.5 2.7	0.2 0.5 0.3	0.0 0.5 0.2	1.5 3.8 2.2
10.10 Increase compensation of appointed counsel to achieve parity with government counsel.	33.0 18.7 29.0	28.2 25.3 27.4	12.3 19.2 14.2	12.7 17.6 14.1	9.4 13.2 10.5	3.1 2.2 2.8	0.2 0.5 0.3	0.0 0.0 0.0	1.1 3.3 1.7
10.11 Revamp the current system for providing assistance of counsel to indigent defendants.	21.7 16.5 20.2	19.5 19.2 19.4	22.3 24.2 22.8	16.2 15.9 16.1	8.5 7.7 8.3	7.9 9.9 8.5	2.6 2.7 2.7	0.0 0.0 0.0	1.3 3.8 2.0

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

METHODS OF CIVIL DISPUTE RESOLUTION

The following questions seek your opinion about appropriate roles of federal courts in traditional and alternative means of dispute resolution in civil cases. Several items refer to ADR, by which we mean the range of procedures that may be used to resolve civil disputes other than traditional litigation. Please in-

dicating the extent to which you agree or disagree with the statements below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
11.01 The role of the federal courts in civil cases should be to resolve disputes through traditional litigation only.	8.1	14.0	8.8	28.0	39.4	0.0	0.0	0.2	1.5
	8.2	14.8	9.9	22.5	40.7	0.0	1.1	0.0	2.7
	8.1	14.2	9.1	26.4	39.7	0.0	0.3	0.2	1.9
11.02 The role of federal courts in civil cases should be to assist parties in resolving their dispute through whatever procedure is best suited to the cases.	54.5	31.5	6.6	4.4	2.2	0.0	0.0	0.2	0.7
	56.0	30.8	2.2	4.4	2.7	0.5	1.1	0.0	2.2
	54.9	31.3	5.3	4.4	2.3	0.2	0.3	0.2	1.1
11.03 ADR procedures should be used by federal courts in civil cases because in some cases they produce fairer outcomes than traditional litigation.	25.4	32.8	16.4	9.8	11.6	1.8	0.9	0.0	1.3
	21.4	30.8	17.6	7.1	8.8	7.1	4.4	0.0	2.7
	24.3	32.2	16.7	9.1	10.8	3.3	1.9	0.0	1.7
11.04 ADR should be used by federal courts only to prevent lengthy delays in terminating cases.	3.5	12.9	10.9	34.4	33.5	1.8	0.4	0.2	2.4
	1.1	13.7	11.0	29.7	32.4	4.9	3.3	0.0	3.8
	2.8	13.1	11.0	33.0	33.2	2.7	1.3	0.2	2.8
11.05 ADR should never be used within the federal courts.	3.5	1.3	4.2	16.4	72.2	0.7	0.2	0.2	1.3
	1.1	2.2	6.0	15.4	63.2	3.8	3.3	0.5	4.4
	2.8	1.6	4.7	16.1	69.6	1.6	1.1	0.3	2.2
11.06 There is a general need for ADR in my court due to the nature of the disputes filed.	26.7	33.5	10.1	14.4	12.3	1.8	0.0	0.0	1.3
	18.7	25.8	14.3	13.2	15.4	3.8	3.8	0.0	4.9
	24.4	31.3	11.3	14.1	13.1	2.3	1.1	0.0	2.3
11.07 There is a general need for ADR in my court due to the volume of cases.	28.9	29.5	7.4	16.4	14.4	1.5	0.2	0.2	1.3
	16.5	29.7	9.3	16.5	15.4	3.8	3.8	0.0	4.9
	25.4	29.6	8.0	16.4	14.7	2.2	1.3	0.2	2.3

Active District Judges (N = 457)

Senior District Judges (N = 182)

All District Judges (N = 639)

**PART 3. COURT OF FEDERAL CLAIMS JUDGES AND
COURT OF INTERNATIONAL TRADE JUDGES**

NATURE AND SEVERITY OF PROBLEMS IN THE FEDERAL COURTS

Most questions in this survey ask for your opinion on policies or proposals affecting the federal judicial system. First, however, we ask you to consider the nature and magnitude of the problems, if any, in the current system. Many of these issues will be addressed more fully in later sections of the questionnaire.

Please indicate the extent to which you believe each of the following is a problem by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.01 Volume of civil cases	7.7 44.4 22.7	15.4 0.0 9.1	46.2 0.0 27.3	23.1 33.3 27.3	7.7 0.0 4.5	0.0 22.2 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.02 Volume of criminal cases	0.0 22.2 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 33.3 13.6	30.8 22.2 27.3	46.2 22.2 36.4	23.1 0.0 13.6	0.0 0.0 0.0	0.0 0.0 0.0
1.03 Impact of criminal docket on civil docket of district courts	0.0 11.1 4.5	0.0 0.0 0.0	7.7 11.1 9.1	0.0 33.3 13.6	30.8 11.1 22.7	30.8 33.3 31.8	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
1.04 Impact of prisoner litigation on district courts	0.0 11.1 4.5	0.0 0.0 0.0	0.0 22.2 9.1	23.1 11.1 18.2	0.0 11.1 4.5	38.5 44.4 40.9	38.5 0.0 22.7	0.0 0.0 0.0	0.0 0.0 0.0
1.05 Impact of prisoner litigation on appellate courts	0.0 11.1 4.5	0.0 0.0 0.0	7.7 22.2 13.6	15.4 11.1 13.6	0.0 11.1 4.5	38.5 33.3 36.4	30.8 11.1 22.7	0.0 0.0 0.0	7.7 0.0 4.5
1.06 Scope of civil jurisdiction	23.1 22.2 22.7	15.4 0.0 9.1	38.5 11.1 27.3	15.4 22.2 18.2	0.0 11.1 4.5	0.0 22.2 9.1	7.7 0.0 4.5	0.0 0.0 0.0	0.0 11.1 4.5
1.07 Scope of criminal jurisdiction	0.0 22.2 9.1	7.7 0.0 4.5	7.7 11.1 9.1	7.7 22.2 13.6	0.0 22.2 9.1	46.2 22.2 36.4	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
1.08 Increasingly complex caseload	0.0 22.2 9.1	7.7 11.1 9.1	53.8 11.1 36.4	30.8 22.2 27.3	7.7 11.1 9.1	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 11.1 4.5
1.09 Insufficient resources for the federal courts	0.0 22.2 9.1	23.1 22.2 22.7	23.1 11.1 18.2	30.8 33.3 31.8	23.1 11.1 18.2	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.10 Delay in filling judicial vacancies	15.4 11.1 13.6	15.4 11.1 13.6	30.8 0.0 18.2	15.4 44.4 27.3	7.7 33.3 18.2	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)

Court of International Trade Judges (N = 9)

Both Groups of Judges (N = 22)

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.11 Inadequate incentives for senior judges to continue their service	38.5 33.3 36.4	23.1 11.1 18.2	0.0 22.2 9.1	15.4 0.0 9.1	0.0 22.2 9.1	15.4 11.1 13.6	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
1.12 Insufficient time for judicial case preparation	7.7 11.1 9.1	15.4 33.3 22.7	38.5 22.2 31.8	30.8 0.0 18.2	7.7 11.1 9.1	0.0 22.2 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.13 Impact of workload on collegiality	7.7 33.3 18.2	30.8 11.1 22.7	38.5 11.1 27.3	7.7 22.2 13.6	7.7 0.0 4.5	0.0 22.2 9.1	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
1.14 Delegation of judge work to non-judge personnel	46.2 55.6 50.0	30.8 22.2 27.3	7.7 11.1 9.1	0.0 0.0 0.0	0.0 0.0 0.0	7.7 11.1 9.1	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
1.15 Loss of public faith in the federal courts	30.8 11.1 22.7	23.1 22.2 22.7	23.1 33.3 27.3	7.7 33.3 18.2	7.7 0.0 4.5	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.16 Bias against non-resident litigants in state courts	7.7 22.2 13.6	0.0 0.0 0.0	7.7 33.3 18.2	0.0 0.0 0.0	0.0 0.0 0.0	46.2 44.4 45.5	38.5 0.0 22.7	0.0 0.0 0.0	0.0 0.0 0.0
1.17 Difficulty of discerning national law due to ambiguous legislation	7.7 11.1 9.1	30.8 44.4 36.4	30.8 11.1 22.7	23.1 33.3 27.3	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.18 Difficulty of discerning national law due to inconsistencies between or among circuits	7.7 11.1 9.1	38.5 44.4 40.9	23.1 22.2 22.7	7.7 0.0 4.5	0.0 11.1 4.5	15.4 11.1 13.6	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
1.19 Difficulty of discerning circuit law due to lack of clear precedent	7.7 11.1 9.1	38.5 33.3 36.4	30.8 44.4 36.4	23.1 0.0 13.6	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.20 Difficulty of maintaining consistent national law	0.0 0.0 0.0	61.5 33.3 50.0	15.4 55.6 31.8	15.4 0.0 9.1	0.0 11.1 4.5	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
1.21 Difficulty of maintaining consistent circuit law	15.4 22.2 18.2	15.4 22.2 18.2	30.8 44.4 36.4	23.1 0.0 13.6	0.0 11.1 4.5	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

STRUCTURE AND RELATIONSHIPS OF THE FEDERAL COURTS

Some commentators have suggested that problems of the federal courts could be remedied by changing the current circuit structure and relationships among the components of the system. The proposals listed here would affect many different features of the federal court system, including distribution of the federal caseload, collegiality among both trial and appellate judges, and the consistency of national and circuit law.

Weighing your perceptions of the sources of stress in the system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following approaches to the structure of the federal courts. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.01 Create a single district court in each state.	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	23.1 <i>0.0</i> 13.6	7.7 <i>22.2</i> 13.6	30.8 <i>44.4</i> 36.4	15.4 <i>22.2</i> 18.2	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.02 Create a single national trial court with trial judges assigned to locations according to changing volumes of caseload.	7.7 <i>0.0</i> 4.5	7.7 <i>0.0</i> 4.5	38.5 <i>11.1</i> 27.3	7.7 <i>33.3</i> 18.2	30.8 <i>44.4</i> 36.4	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.03 Create a national unified bench, with each judge performing both trial and appellate duties as assigned.	0.0 <i>11.1</i> 4.5	38.5 <i>0.0</i> 22.7	15.4 <i>11.1</i> 13.6	7.7 <i>22.2</i> 13.6	30.8 <i>44.4</i> 36.4	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0
2.04 Divide circuits that currently have more than 15 active appellate judges.	30.8 <i>0.0</i> 18.2	15.4 <i>22.2</i> 18.2	0.0 <i>0.0</i> 0.0	7.7 <i>33.3</i> 18.2	7.7 <i>22.2</i> 13.6	30.8 <i>22.2</i> 27.3	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.05 Dissolve the current circuits and create a limited number of large circuits.	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	23.1 <i>0.0</i> 13.6	15.4 <i>22.2</i> 18.2	38.5 <i>55.6</i> 45.5	15.4 <i>11.1</i> 13.6	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.06 Periodically re-draw circuits to maintain appellate courts of 9–15 judges each.	15.4 <i>0.0</i> 9.1	15.4 <i>44.4</i> 27.3	15.4 <i>11.1</i> 13.6	7.7 <i>0.0</i> 4.5	7.7 <i>11.1</i> 9.1	30.8 <i>22.2</i> 27.3	7.7 <i>0.0</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0
2.07 Consolidate all circuits into a single, centrally-organized appellate court, with judges assigned to divisions as caseload requires.	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	23.1 <i>11.1</i> 18.2	7.7 <i>33.3</i> 18.2	46.2 <i>55.6</i> 50.0	15.4 <i>0.0</i> 9.1	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.08 Form a district court "appellate division" for error correction, with discretionary review by the court of appeals.	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	23.1 <i>0.0</i> 13.6	23.1 <i>33.3</i> 27.3	53.8 <i>44.4</i> 50.0	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.09 Add a new tier between the current district and current appellate courts to decide appeals as of right, with discretionary review by the court of appeals.	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	15.4 <i>0.0</i> 9.1	30.8 <i>33.3</i> 31.8	46.2 <i>66.7</i> 54.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.10 Add a new tier between the current courts of appeals and the U.S. Supreme Court.	0.0 <i>0.0</i> 0.0	7.7 <i>11.1</i> 9.1	38.5 <i>0.0</i> 22.7	23.1 <i>11.1</i> 18.2	30.8 <i>77.8</i> 50.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.11 Increase use of limited en bancs in circuits with more than 15 active judges.	30.8 <i>0.0</i> 18.2	30.8 <i>11.1</i> 22.7	0.0 <i>33.3</i> 13.6	15.4 <i>33.3</i> 22.7	0.0 <i>11.1</i> 4.5	15.4 <i>11.1</i> 13.6	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.12 Use en banc review to avert inter-circuit conflict as well as to maintain consistency of decisions within the circuit.	30.8 <i>11.1</i> 22.7	61.5 <i>44.4</i> 54.5	0.0 <i>22.2</i> 9.1	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.13 Create a new court to resolve inter-circuit conflicts, using judges appointed to serve on that court exclusively.	7.7 <i>0.0</i> 4.5	15.4 <i>0.0</i> 9.1	23.1 <i>11.1</i> 18.2	23.1 <i>66.7</i> 40.9	23.1 <i>22.2</i> 22.7	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5
2.14 Create an "inter-circuit tribunal" or "inter-circuit panel" to resolve inter-circuit conflicts, using a rotating panel of appellate judges.	0.0 <i>0.0</i> 0.0	15.4 <i>22.2</i> 18.2	30.8 <i>11.1</i> 22.7	30.8 <i>55.6</i> 40.9	23.1 <i>11.1</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
2.15 Allow Supreme Court to refer inter-circuit conflicts to randomly selected appellate courts not involved in the conflict.	0.0 <i>0.0</i> 0.0	30.8 <i>22.2</i> 27.3	23.1 <i>22.2</i> 22.7	15.4 <i>22.2</i> 18.2	30.8 <i>33.3</i> 31.8	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

JURISDICTION, SIZE, AND RESOURCES OF THE FEDERAL COURTS

Some commentators question whether continued expansion of the jurisdiction and size of the federal courts is wise. Others value relatively open access to federal court over the perceived benefits of a small judiciary. In this section we focus on proposals for altering the jurisdiction, size, and resources of the federal courts.

Again, weighing your perceptions of the sources of stress in the court system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following policy choices. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Jurisdiction, Venue, and Forum Choice

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.01 Eliminate diversity jurisdiction.	23.1 <i>0.0</i> 13.6	38.5 <i>11.1</i> 27.3	30.8 <i>22.2</i> 27.3	7.7 <i>55.6</i> 27.3	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.02 Raise the amount in controversy requirement for diversity cases.	38.5 <i>33.3</i> 36.4	46.2 <i>33.3</i> 40.9	7.7 <i>0.0</i> 4.5	0.0 <i>33.3</i> 13.6	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.03 Bar in-state plaintiffs from invoking diversity jurisdiction.	30.8 <i>11.1</i> 22.7	38.5 <i>22.2</i> 31.8	15.4 <i>11.1</i> 13.6	7.7 <i>33.3</i> 18.2	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
3.04 Require in-depth study of judicial impact before expanding federal jurisdiction.	53.8 <i>44.4</i> 50.0	23.1 <i>22.2</i> 22.7	7.7 <i>0.0</i> 4.5	15.4 <i>11.1</i> 13.6	0.0 <i>0.0</i> 0.0	0.0 <i>22.2</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.05 Define federal criminal jurisdiction more narrowly to reduce prosecution of "ordinary" street crime in federal courts.	46.2 <i>66.7</i> 54.5	30.8 <i>22.2</i> 27.3	15.4 <i>0.0</i> 9.1	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.06 Harmonize state and federal evidence rules to avoid prosecutorial forum shopping.	46.2 <i>77.8</i> 59.1	38.5 <i>22.2</i> 31.8	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.07 Harmonize state and federal sentencing policies to avoid prosecutorial forum shopping.	30.8 <i>55.6</i> 40.9	38.5 <i>33.3</i> 36.4	23.1 <i>11.1</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.08 Give federal courts discretionary jurisdiction in civil cases that may not warrant a federal forum.	0.0 <i>11.1</i> 4.5	30.8 <i>44.4</i> 36.4	23.1 <i>11.1</i> 18.2	7.7 <i>22.2</i> 13.6	30.8 <i>11.1</i> 22.7	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.09 Give state courts exclusive jurisdiction over claims "in the nature of" state claims (e.g., Jones Act, FELA).	23.1 <i>11.1</i> 18.2	23.1 <i>22.2</i> 22.7	15.4 <i>0.0</i> 9.1	38.5 <i>44.4</i> 40.9	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.10 Encourage all states to allow certification of state law questions from federal courts to the highest state court.	38.5 <i>44.4</i> 40.9	38.5 <i>33.3</i> 36.4	7.7 <i>22.2</i> 13.6	0.0 <i>0.0</i> 0.0	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.11 Move bankruptcy estate administration into the judicial branch.	23.1 <i>33.3</i> 27.3	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>22.2</i> 9.1	30.8 <i>0.0</i> 18.2	30.8 <i>22.2</i> 27.3	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.12 Create a separate administrative court for uncontested bankruptcy matters.	15.4 <i>11.1</i> 13.6	7.7 <i>44.4</i> 22.7	15.4 <i>0.0</i> 9.1	7.7 <i>22.2</i> 13.6	15.4 <i>0.0</i> 9.1	30.8 <i>22.2</i> 27.3	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.13 Use bankruptcy appellate panels in all circuits.	23.1 <i>11.1</i> 18.2	15.4 <i>33.3</i> 22.7	15.4 <i>11.1</i> 13.6	7.7 <i>11.1</i> 9.1	7.7 <i>0.0</i> 4.5	23.1 <i>22.2</i> 22.7	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
3.14 Create an Article I court for appeals of administrative rulings on disability claims.	23.1 <i>11.1</i> 18.2	23.1 <i>55.6</i> 36.4	7.7 <i>0.0</i> 4.5	15.4 <i>22.2</i> 18.2	15.4 <i>11.1</i> 13.6	7.7 <i>0.0</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.15 Require exhaustion of state institutional remedies for prisoner cases.	46.2 <i>33.3</i> 40.9	15.4 <i>33.3</i> 22.7	0.0 <i>11.1</i> 4.5	7.7 <i>11.1</i> 9.1	0.0 <i>11.1</i> 4.5	23.1 <i>0.0</i> 13.6	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.16 Create an Article I court for prisoner cases.	7.7 <i>22.2</i> 13.6	23.1 <i>0.0</i> 13.6	0.0 <i>22.2</i> 9.1	23.1 <i>22.2</i> 22.7	23.1 <i>22.2</i> 22.7	7.7 <i>0.0</i> 4.5	15.4 <i>11.1</i> 13.6	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.17 Establish a minimum amount in controversy requirement for small monetary claims against the federal government (e.g., Federal Tort Claims Act).	30.8 <i>22.2</i> 27.3	0.0 <i>33.3</i> 13.6	15.4 <i>22.2</i> 18.2	30.8 <i>22.2</i> 27.3	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.18 Eliminate civil appeals as of right and give the courts of appeals discretion in their civil docket.	15.4 <i>0.0</i> 9.1	30.8 <i>44.4</i> 36.4	0.0 <i>0.0</i> 0.0	23.1 <i>22.2</i> 22.7	23.1 <i>22.2</i> 22.7	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.19 Relax the requirements for taking an interlocutory appeal.	7.7 <i>0.0</i> 4.5	15.4 <i>33.3</i> 22.7	15.4 <i>0.0</i> 9.1	38.5 <i>33.3</i> 36.4	23.1 <i>22.2</i> 22.7	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.20 Restrict filing of civil tax litigation to an Article I trial division of the U.S. Tax Court.	0.0 <i>0.0</i> 0.0	0.0 <i>22.2</i> 9.1	0.0 <i>0.0</i> 0.0	23.1 <i>22.2</i> 22.7	76.9 <i>33.3</i> 59.1	0.0 <i>11.1</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.21 Create an Article III division of the U.S. Tax Court with exclusive jurisdiction over civil tax appeals.	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	7.7 <i>0.0</i> 4.5	23.1 <i>44.4</i> 31.8	61.5 <i>44.4</i> 54.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
3.22 Create more appellate courts similar to Court of Appeals for the Federal Circuit (jurisdiction narrower than current regional courts but broader than single subject matter court).	7.7 <i>11.1</i> 9.1	23.1 <i>22.2</i> 22.7	38.5 <i>0.0</i> 22.7	0.0 <i>22.2</i> 9.1	30.8 <i>44.4</i> 36.4	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

Size and Resources

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.01 Increase the number of law clerks for appellate judges to four.	7.7 22.2 13.6	7.7 0.0 4.5	15.4 11.1 13.6	15.4 44.4 27.3	15.4 11.1 13.6	23.1 11.1 18.2	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.02 Increase the number of law clerks for district judges to three.	7.7 22.2 13.6	46.2 0.0 27.3	23.1 22.2 22.7	0.0 44.4 18.2	15.4 11.1 13.6	0.0 0.0 0.0	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
4.03 Increase the number of law clerks available to magistrate judges.	15.4 11.1 13.6	46.2 11.1 31.8	7.7 11.1 9.1	0.0 33.3 13.6	15.4 11.1 13.6	7.7 22.2 13.6	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
4.04 Increase the number of law clerks available to bankruptcy judges.	30.8 11.1 22.7	38.5 11.1 27.3	7.7 11.1 9.1	0.0 33.3 13.6	15.4 11.1 13.6	7.7 22.2 13.6	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
4.05 Add more appellate staff attorneys.	15.4 11.1 13.6	0.0 22.2 9.1	38.5 11.1 27.3	15.4 22.2 18.2	23.1 11.1 18.2	7.7 22.2 13.6	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
4.06 Add more district court pro se law clerks.	0.0 11.1 4.5	30.8 11.1 22.7	7.7 11.1 9.1	15.4 44.4 27.3	7.7 0.0 4.5	15.4 22.2 18.2	23.1 0.0 13.6	0.0 0.0 0.0	0.0 0.0 0.0
4.07 Add more appellate judges.	15.4 0.0 9.1	15.4 33.3 22.7	30.8 11.1 22.7	7.7 22.2 13.6	7.7 22.2 13.6	7.7 11.1 9.1	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.08 Add more district judges.	15.4 22.2 18.2	30.8 33.3 31.8	30.8 0.0 18.2	0.0 11.1 4.5	7.7 11.1 9.1	7.7 11.1 9.1	7.7 0.0 4.5	0.0 0.0 0.0	0.0 11.1 4.5
4.09 Add more bankruptcy judges.	15.4 11.1 13.6	30.8 33.3 31.8	23.1 11.1 18.2	0.0 22.2 9.1	7.7 0.0 4.5	15.4 11.1 13.6	7.7 11.1 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.10 Add more magistrate judges to the district courts.	23.1 11.1 18.2	15.4 33.3 22.7	23.1 11.1 18.2	7.7 22.2 13.6	7.7 0.0 4.5	15.4 11.1 13.6	7.7 11.1 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.11 Expand the role of magistrate judges in felony matters.	23.1 11.1 18.2	7.7 22.2 13.6	0.0 22.2 9.1	0.0 22.2 9.1	23.1 11.1 18.2	30.8 11.1 22.7	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.12 Expand the role of magistrate judges in <i>non-felony</i> criminal matters.	38.5 22.2 31.8	0.0 22.2 9.1	0.0 22.2 9.1	15.4 22.2 18.2	7.7 0.0 4.5	23.1 11.1 18.2	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.13 Expand the role of magistrate judges in <i>civil</i> matters.	30.8 11.1 22.7	15.4 44.4 27.3	0.0 11.1 4.5	0.0 22.2 9.1	23.1 0.0 13.6	15.4 11.1 13.6	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.14 Create the new position of appellate magistrate judge.	0.0 0.0 0.0	0.0 0.0 0.0	0.0 11.1 4.5	30.8 11.1 22.7	38.5 55.6 45.5	15.4 22.2 18.2	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
4.15 Cap the number of Article III <i>appellate</i> judges.	23.1 0.0 13.6	0.0 11.1 4.5	7.7 11.1 9.1	23.1 22.2 22.7	23.1 33.3 27.3	7.7 22.2 13.6	7.7 0.0 4.5	7.7 0.0 4.5	0.0 0.0 0.0
4.16 Cap the number of Article III <i>district</i> judges.	15.4 0.0 9.1	0.0 11.1 4.5	23.1 11.1 18.2	23.1 22.2 22.7	23.1 33.3 27.3	7.7 22.2 13.6	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

ADMINISTRATION AND GOVERNANCE

In this section we ask for your views on ways in which certain administrative and governance functions might be changed. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
5.01 Permit trial judges to move across district and circuit lines to hold court more easily than they can now.	38.5 22.2 31.8	23.1 55.6 36.4	15.4 0.0 9.1	0.0 11.1 4.5	7.7 0.0 4.5	0.0 0.0 0.0	15.4 11.1 13.6	0.0 0.0 0.0	0.0 0.0 0.0
5.02 Strengthen and encourage the judicial law clerk position as a career position.	23.1 33.3 27.3	38.5 11.1 27.3	15.4 11.1 13.6	7.7 11.1 9.1	15.4 33.3 22.7	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
5.03 Eliminate appellate court administrative supervision of district courts.	53.8 11.1 36.4	23.1 22.2 22.7	15.4 0.0 9.1	0.0 22.2 9.1	0.0 22.2 9.1	7.7 22.2 13.6	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
5.04 Select chief judges for their administrative ability rather than by seniority.	30.8 22.2 27.3	7.7 11.1 9.1	46.2 11.1 31.8	7.7 33.3 18.2	7.7 11.1 9.1	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
5.05 Strengthen the position of clerk of court and give clerks more administrative responsibilities.	23.1 22.2 22.7	53.8 44.4 50.0	15.4 11.1 13.6	0.0 11.1 4.5	7.7 0.0 4.5	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

DISCOVERY

The judiciary may wish to address discovery in its long range planning. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
6.01 Increase sanctions for bad-faith discovery responses (e.g., illegitimate privilege claims, evidence destruction).	61.5 <i>11.1</i> 40.9	38.5 <i>55.6</i> 45.5	0.0 <i>0.0</i> 0.0	0.0 <i>22.2</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.02 Leave discovery rules unchanged (i.e., those in place before the pending revision of Fed. R. Civ. P. 26).	7.7 <i>11.1</i> 9.1	15.4 <i>22.2</i> 18.2	23.1 <i>33.3</i> 27.3	30.8 <i>22.2</i> 27.3	23.1 <i>0.0</i> 13.6	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.03 Increase use of phased or "wave" discovery in multiple-issue cases.	23.1 <i>11.1</i> 18.2	23.1 <i>55.6</i> 36.4	38.5 <i>0.0</i> 22.7	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>22.2</i> 9.1	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.04 Require parties to disclose before formal discovery any material, non-privileged information that is <i>favorable</i> to their claims or defenses.	61.5 <i>0.0</i> 36.4	38.5 <i>33.3</i> 36.4	0.0 <i>22.2</i> 9.1	0.0 <i>11.1</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
6.05 Require parties to disclose before formal discovery any material, non-privileged information that is <i>unfavorable</i> to their claims or defenses.	46.2 <i>11.1</i> 31.8	30.8 <i>33.3</i> 31.8	7.7 <i>22.2</i> 13.6	0.0 <i>11.1</i> 4.5	15.4 <i>11.1</i> 13.6	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.06 Increase use of document depositories in mass litigation (e.g., asbestos; multi-plaintiff securities actions).	46.2 <i>22.2</i> 36.4	23.1 <i>44.4</i> 31.8	23.1 <i>11.1</i> 18.2	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.07 Amend criminal discovery rules to require automatic, early, and full disclosure by prosecutors.	38.5 <i>44.4</i> 40.9	30.8 <i>33.3</i> 31.8	7.7 <i>11.1</i> 9.1	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	15.4 <i>11.1</i> 13.6	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
6.08 Eliminate local variation in discovery rules.	38.5 <i>33.3</i> 36.4	30.8 <i>44.4</i> 36.4	23.1 <i>0.0</i> 13.6	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

THE JURY

Like discovery, the jury has been the subject of much debate and many reform proposals. Please indicate the extent to which you support or oppose the following policy directions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
CIVIL JURY	15.4	7.7	7.7	7.7	7.7	30.8	23.1	0.0	0.0
7.01 Return to the 12-person jury.	0.0 9.1	11.1 9.1	11.1 9.1	33.3 18.2	44.4 22.7	0.0 18.2	0.0 13.6	0.0 0.0	0.0 0.0
7.02 Permit attorneys to address voir dire questions to prospective jurors directly.	15.4 11.1 13.6	23.1 11.1 18.2	0.0 0.0 0.0	0.0 33.3 13.6	7.7 44.4 22.7	23.1 0.0 13.6	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
7.03 Eliminate peremptory challenges.	7.7 11.1 9.1	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0	38.5 88.9 59.1	23.1 0.0 13.6	23.1 0.0 13.6	0.0 0.0 0.0	0.0 0.0 0.0
7.04 Use expert jury panels in certain types of cases.	15.4 22.2 18.2	23.1 11.1 18.2	7.7 33.3 18.2	7.7 11.1 9.1	15.4 22.2 18.2	15.4 0.0 9.1	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
7.05 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	38.5 22.2 31.8	38.5 55.6 45.5	7.7 0.0 4.5	0.0 11.1 4.5	0.0 11.1 4.5	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
7.06 Use more aids to jury comprehension and decision-making (e.g., juror notebooks, written or taped instructions).	38.5 22.2 31.8	15.4 55.6 31.8	7.7 11.1 9.1	0.0 0.0 0.0	0.0 11.1 4.5	23.1 0.0 13.6	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
7.07 Eliminate the civil jury.	15.4 11.1 13.6	23.1 11.1 18.2	15.4 11.1 13.6	0.0 11.1 4.5	30.8 55.6 40.9	7.7 0.0 4.5	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0
CRIMINAL JURY	15.4	15.4	0.0	0.0	15.4	30.8	23.1	0.0	0.0
7.08 Permit attorneys to address voir dire questions to prospective jurors directly.	22.2 18.2	0.0 9.1	0.0 0.0	22.2 9.1	55.6 31.8	0.0 18.2	0.0 13.6	0.0 0.0	0.0 0.0
7.09 Eliminate peremptory challenges.	0.0 11.1 4.5	7.7 11.1 9.1	0.0 0.0 0.0	0.0 0.0 0.0	46.2 77.8 59.1	30.8 0.0 18.2	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0
7.10 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	30.8 22.2 27.3	15.4 22.2 18.2	15.4 0.0 9.1	0.0 33.3 13.6	0.0 22.2 9.1	30.8 0.0 18.2	7.7 0.0 4.5	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

CRIMINAL SANCTIONS

Questions about criminal justice appear throughout this questionnaire. This section addresses the imposition of criminal sanctions. The first part seeks your views on sentencing, while the second part addresses imposition of criminal sanctions more generally.

Mandatory minimum sentences and guideline sentencing have dramatically changed the role of federal judges in sanctioning criminal behavior. In addition, there is a current trend in criminal justice toward development of intermediate sanctions. These include all punishments lying between imprison-

ment and "straight" probation. Specific examples include fines, community service orders, home detention, intermittent imprisonment, split sentences, and intensive supervision, buttressed where appropriate by electronic and other monitoring techniques.

The following questions seek your opinion about possible responses to the current sentencing system. Please indicate the degree to which you support or oppose the following policy choices by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.01 Retain the current system of mandatory sentencing guidelines.	7.7 0.0 4.5	7.7 0.0 4.5	0.0 11.1 4.5	15.4 11.1 13.6	15.4 77.8 40.9	23.1 0.0 13.6	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
8.02 Change current sentencing rules to increase the discretion of the judge.	23.1 100.0 54.5	23.1 0.0 13.6	0.0 0.0 0.0	0.0 0.0 0.0	7.7 0.0 4.5	15.4 0.0 9.1	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
8.03 Retain sentencing guidelines but make them advisory only.	7.7 55.6 27.3	30.8 33.3 31.8	7.7 11.1 9.1	0.0 0.0 0.0	7.7 0.0 4.5	15.4 0.0 9.1	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
8.04 Refrain from enacting more legislation mandating minimum sentences.	23.1 77.8 45.5	23.1 0.0 13.6	0.0 0.0 0.0	7.7 0.0 4.5	7.7 22.2 13.6	15.4 0.0 9.1	23.1 0.0 13.6	0.0 0.0 0.0	0.0 0.0 0.0
8.05 Repeal most or all mandatory minimum sentences.	15.4 55.6 31.8	7.7 0.0 4.5	0.0 22.2 9.1	23.1 0.0 13.6	7.7 22.2 13.6	15.4 0.0 9.1	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0
8.06 Eliminate the sentencing guidelines.	15.4 66.7 36.4	0.0 11.1 4.5	15.4 22.2 18.2	7.7 0.0 4.5	15.4 0.0 9.1	15.4 0.0 9.1	30.8 0.0 18.2	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

The following questions seek your opinions about criminal sanctions more generally. For the purposes of these questions, please assume there are no mandatory minima or sentencing guidelines, and a system based upon your

choices could be implemented. Please indicate the degree to which you agree or disagree with each of the following assertions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.07 Federal judges would be appropriate decision makers about the nature and severity of sanctions to be imposed in criminal cases.	30.8 <i>66.7</i> 45.5	23.1 <i>33.3</i> 27.3	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	15.4 <i>0.0</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
8.08 Congress would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	15.4 <i>0.0</i> 9.1	15.4 <i>22.2</i> 18.2	7.7 <i>11.1</i> 9.1	15.4 <i>11.1</i> 13.6	15.4 <i>55.6</i> 31.8	15.4 <i>0.0</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
8.09 The Executive Branch would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	15.4 <i>0.0</i> 9.1	53.8 <i>88.9</i> 68.2	15.4 <i>0.0</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
8.10 An independent commission would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	0.0 <i>0.0</i> 0.0	7.7 <i>22.2</i> 13.6	7.7 <i>0.0</i> 4.5	15.4 <i>0.0</i> 9.1	38.5 <i>77.8</i> 54.5	15.4 <i>0.0</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
8.11 Intermediate sanctions should be used by judges because these punishments are, in some cases, more effective than incarceration or "straight" probation.	0.0 <i>33.3</i> 13.6	38.5 <i>33.3</i> 36.4	7.7 <i>22.2</i> 13.6	0.0 <i>0.0</i> 0.0	7.7 <i>11.1</i> 9.1	15.4 <i>0.0</i> 9.1	30.8 <i>0.0</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0
8.12 Intermediate sanctions should be used by judges only if incarceration or "straight" probation are unavailable due to a shortage of resources.	7.7 <i>0.0</i> 4.5	7.7 <i>11.1</i> 9.1	15.4 <i>22.2</i> 18.2	15.4 <i>11.1</i> 13.6	7.7 <i>55.6</i> 27.3	15.4 <i>0.0</i> 9.1	30.8 <i>0.0</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

DECIDING APPEALS IN THE CURRENT SYSTEM

The courts of appeals have used various procedures to handle the growth of their caseloads. Some commentators believe the appellate courts have reached the limit of their ability to streamline procedures without unacceptably compromising their essential functions. Others believe there is still room for suc-

cessful innovation without damaging the quality of justice. Please indicate the extent to which you agree with the following assessments of the appellate condition by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.01 The courts of appeals could effectively handle their caseloads without structural change by adopting additional procedural innovations.	15.4 22.2 18.2	38.5 <i>11.1</i> 27.3	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	15.4 <i>33.3</i> 22.7	23.1 <i>11.1</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.02 The courts of appeals have streamlined their procedures as much as they can without unacceptably compromising their essential functions.	0.0 <i>11.1</i> 4.5	7.7 <i>11.1</i> 9.1	15.4 <i>11.1</i> 13.6	30.8 <i>11.1</i> 22.7	15.4 <i>11.1</i> 13.6	15.4 <i>33.3</i> 22.7	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.03 Measures adopted by the appellate courts to cope with growing caseloads have unacceptably diminished the quality of appellate justice.	0.0 <i>11.1</i> 4.5	30.8 <i>0.0</i> 18.2	23.1 <i>22.2</i> 22.7	23.1 <i>22.2</i> 22.7	0.0 <i>0.0</i> 0.0	7.7 <i>33.3</i> 18.2	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5

Please consider the appellate procedure options listed below and indicate the extent to which you support or oppose each one by checking one response for

each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.04 Increase use of appellate level ADR and conferencing programs such as CAMP.	23.1 <i>11.1</i> 18.2	30.8 <i>0.0</i> 18.2	0.0 <i>11.1</i> 4.5	15.4 <i>0.0</i> 9.1	7.7 <i>0.0</i> 4.5	0.0 <i>55.6</i> 22.7	23.1 <i>11.1</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.05 Allow oral argument in every non-frivolous case in which any counsel requests it.	15.4 <i>0.0</i> 9.1	7.7 <i>22.2</i> 13.6	7.7 <i>0.0</i> 4.5	38.5 <i>22.2</i> 31.8	15.4 <i>22.2</i> 18.2	0.0 <i>22.2</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.06 Hear oral argument in fewer cases.	7.7 <i>22.2</i> 13.6	46.2 <i>22.2</i> 36.4	7.7 <i>0.0</i> 4.5	7.7 <i>33.3</i> 18.2	15.4 <i>0.0</i> 9.1	0.0 <i>11.1</i> 4.5	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.07 Decide more cases only on oral argument, without briefs.	7.7 <i>11.1</i> 9.1	15.4 <i>22.2</i> 18.2	23.1 <i>0.0</i> 13.6	23.1 <i>33.3</i> 27.3	15.4 <i>11.1</i> 13.6	0.0 <i>11.1</i> 4.5	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.08 Establish specialized subject matter panels to decide some kinds of appeals.	0.0 <i>11.1</i> 4.5	15.4 <i>33.3</i> 22.7	38.5 <i>22.2</i> 31.8	15.4 <i>0.0</i> 9.1	15.4 <i>22.2</i> 18.2	0.0 <i>0.0</i> 0.0	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.09 Use videotaped record of district court proceedings rather than written record.	0.0 <i>0.0</i> 0.0	15.4 <i>11.1</i> 13.6	38.5 <i>55.6</i> 45.5	7.7 <i>11.1</i> 9.1	15.4 <i>11.1</i> 13.6	0.0 <i>0.0</i> 0.0	23.1 <i>0.0</i> 13.6	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.10 Use rulings from the bench more frequently to permit shorter written decisions.	30.8 <i>11.1</i> 22.7	38.5 <i>55.6</i> 45.5	15.4 <i>0.0</i> 9.1	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.11 Issue more written decisions without a statement of reasons (e.g., "affirmed for the reasons stated by the district court").	46.2 <i>22.2</i> 36.4	15.4 <i>22.2</i> 18.2	15.4 <i>11.1</i> 13.6	15.4 <i>22.2</i> 18.2	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.12 Publish fewer decisions.	15.4 <i>11.1</i> 13.6	38.5 <i>0.0</i> 22.7	7.7 <i>33.3</i> 18.2	7.7 <i>22.2</i> 13.6	15.4 <i>0.0</i> 9.1	0.0 <i>22.2</i> 9.1	15.4 <i>0.0</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.13 Resist any procedural innovation that increases the likelihood that an appeal will be decided by fewer than three judges.	38.5 <i>33.3</i> 36.4	30.8 <i>22.2</i> 27.3	7.7 <i>0.0</i> 4.5	7.7 <i>22.2</i> 13.6	0.0 <i>0.0</i> 0.0	7.7 <i>11.1</i> 9.1	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.14 Use staff attorneys to monitor circuit decisions to help judges avert inconsistent decisions within their circuits.	38.5 <i>11.1</i> 27.3	46.2 <i>44.4</i> 45.5	0.0 <i>0.0</i> 0.0	7.7 <i>22.2</i> 13.6	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.15 Expand the role of staff attorneys in preparing cases for decisions on the merits.	7.7 <i>11.1</i> 9.1	38.5 <i>33.3</i> 36.4	23.1 <i>0.0</i> 13.6	15.4 <i>33.3</i> 22.7	7.7 <i>0.0</i> 4.5	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
9.16 More readily sanction frivolous appeals.	46.2 <i>33.3</i> 40.9	30.8 <i>0.0</i> 18.2	15.4 <i>22.2</i> 18.2	0.0 <i>11.1</i> 4.5	0.0 <i>11.1</i> 4.5	0.0 <i>11.1</i> 4.5	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5

Court of Federal Claims Judges (N = 13)
Court of International Trade Judges (N = 9)
Both Groups of Judges (N = 22)

AVAILABILITY AND COMPENSATION OF COUNSEL

The availability and compensation of competent counsel affect access to, and fairness of, federal civil and criminal justice. For purposes of this section, assume no changes in the availability or affordability of legal services other than

those described in each policy proposal. Please indicate the extent to which you would support or oppose each proposal below by checking one response for each. Circle any "no opinion" response that is based only on inexperience.

Counsel in Civil Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.01 Require judges to impose attorneys' fees on non-prevailing parties in diversity cases.	7.7 <i>0.0</i> 4.5	15.4 <i>22.2</i> 18.2	23.1 <i>22.2</i> 22.7	15.4 <i>0.0</i> 9.1	30.8 <i>33.3</i> 31.8	7.7 <i>11.1</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
10.02 Require judges to impose attorneys' fees on non-prevailing parties in all civil cases other than civil rights cases.	7.7 <i>0.0</i> 4.5	15.4 <i>11.1</i> 13.6	30.8 <i>11.1</i> 22.7	15.4 <i>0.0</i> 9.1	30.8 <i>55.6</i> 40.9	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
10.03 Allow judges to impose attorneys' fees on non-prevailing parties only where the claim or defense is found to be non-meritorious.	23.1 <i>22.2</i> 22.7	53.8 <i>11.1</i> 36.4	7.7 <i>11.1</i> 9.1	7.7 <i>0.0</i> 4.5	7.7 <i>22.2</i> 13.6	0.0 <i>22.2</i> 9.1	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
10.04 Limit contingent fees by capping the allowable percentage (e.g., 33-45% of net recovery).	46.2 <i>55.6</i> 50.0	23.1 <i>11.1</i> 18.2	7.7 <i>0.0</i> 4.5	15.4 <i>22.2</i> 18.2	7.7 <i>0.0</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5
10.05 Increase efforts to provide competent counsel to civil litigants who cannot afford it.	23.1 <i>33.3</i> 27.3	23.1 <i>33.3</i> 27.3	30.8 <i>11.1</i> 22.7	7.7 <i>0.0</i> 4.5	15.4 <i>0.0</i> 9.1	0.0 <i>11.1</i> 4.5	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	0.0 <i>11.1</i> 4.5

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

Counsel in Criminal Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.06 Require funds for constitutionally mandated appointed counsel to be budgeted separately from the judiciary's budget.	23.1 33.3 27.3	46.2 44.4 45.5	7.7 0.0 4.5	7.7 0.0 4.5	7.7 11.1 9.1	0.0 0.0 0.0	7.7 0.0 4.5	0.0 0.0 0.0	0.0 11.1 4.5
10.07 Increase the amount of money available for providing counsel to indigent defendants.	0.0 33.3 13.6	46.2 44.4 45.5	30.8 11.1 22.7	7.7 0.0 4.5	7.7 0.0 4.5	0.0 0.0 0.0	7.7 0.0 4.5	0.0 0.0 0.0	0.0 11.1 4.5
10.08 Fund continuing education programs designed to improve the quality of advocacy of appointed counsel.	15.4 44.4 27.3	23.1 44.4 31.8	30.8 0.0 18.2	15.4 0.0 9.1	15.4 0.0 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	0.0 11.1 4.5
10.09 Increase funds to educate appointed counsel on practice under the sentencing guidelines.	7.7 22.2 13.6	23.1 33.3 27.3	23.1 0.0 13.6	23.1 22.2 22.7	15.4 0.0 9.1	0.0 11.1 4.5	7.7 0.0 4.5	0.0 0.0 0.0	0.0 11.1 4.5
10.10 Increase compensation of appointed counsel to achieve parity with government counsel.	7.7 22.2 13.6	46.2 22.2 36.4	15.4 22.2 18.2	15.4 11.1 13.6	15.4 0.0 9.1	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 11.1 4.5
10.11 Revamp the current system for providing assistance of counsel to indigent defendants.	23.1 11.1 18.2	7.7 33.3 18.2	30.8 11.1 22.7	0.0 0.0 0.0	0.0 0.0 0.0	23.1 11.1 18.2	15.4 22.2 18.2	0.0 0.0 0.0	0.0 11.1 4.5

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

METHODS OF CIVIL DISPUTE RESOLUTION

The following questions seek your opinion about appropriate roles of federal courts in traditional and alternative means of dispute resolution in civil cases. Several items refer to ADR, by which we mean the range of procedures that may be used to resolve civil disputes other than traditional litigation. Please in-

dicating the extent to which you agree or disagree with the statements below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
11.01 The role of the federal courts in civil cases should be to resolve disputes through traditional litigation only.	7.7 22.2 13.6	15.4 0.0 9.1	7.7 11.1 9.1	38.5 22.2 31.8	30.8 33.3 31.8	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
11.02 The role of federal courts in civil cases should be to assist parties in resolving their dispute through whatever procedure is best suited to the cases.	46.2 55.6 50.0	30.8 33.3 31.8	15.4 0.0 9.1	0.0 0.0 0.0	7.7 0.0 4.5	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
11.03 ADR procedures should be used by federal courts in civil cases because in some cases they produce fairer outcomes than traditional litigation.	15.4 22.2 18.2	30.8 22.2 27.3	30.8 11.1 22.7	7.7 0.0 4.5	15.4 11.1 13.6	0.0 22.2 9.1	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0
11.04 ADR should be used by federal courts only to prevent lengthy delays in terminating cases.	0.0 0.0 0.0	0.0 11.1 4.5	0.0 22.2 9.1	53.8 11.1 36.4	46.2 33.3 40.9	0.0 22.2 9.1	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
11.05 ADR should never be used within the federal courts.	0.0 0.0 0.0	0.0 0.0 0.0	7.7 22.2 13.6	23.1 22.2 22.7	69.2 44.4 59.1	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0
11.06 There is a general need for ADR in my court due to the nature of the disputes filed.	38.5 11.1 27.3	46.2 0.0 27.3	7.7 11.1 9.1	0.0 0.0 0.0	7.7 55.6 27.3	0.0 11.1 4.5	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0
11.07 There is a general need for ADR in my court due to the volume of cases.	30.8 11.1 22.7	30.8 0.0 18.2	0.0 0.0 0.0	23.1 0.0 13.6	15.4 77.8 40.9	0.0 11.1 4.5	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0

Court of Federal Claims Judges (N = 13)
 Court of International Trade Judges (N = 9)
 Both Groups of Judges (N = 22)

PART 4. BANKRUPTCY JUDGES

NATURE AND SEVERITY OF PROBLEMS IN THE FEDERAL COURTS

Most questions in this survey ask for your opinion on policies or proposals affecting the federal judicial system. First, however, we ask you to consider the nature and magnitude of the problems, if any, in the current system. Many of these issues will be addressed more fully in later sections of the questionnaire.

Please indicate the extent to which you believe each of the following is a problem by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.01 Volume of civil cases	8.2	7.8	23.3	36.6	12.8	4.3	5.1	0.0	1.9
1.02 Volume of criminal cases	4.3	0.0	5.1	19.5	20.6	24.1	21.0	0.0	5.4
1.03 Impact of criminal docket on civil docket of district courts	2.3	0.4	3.5	21.8	19.8	23.0	23.7	0.4	5.1
1.04 Impact of prisoner litigation on district courts	2.3	1.9	7.0	17.5	6.2	31.5	28.4	0.0	5.1
1.05 Impact of prisoner litigation on appellate courts	2.7	1.9	7.0	12.8	6.2	33.1	30.0	1.2	5.1
1.06 Scope of civil jurisdiction	17.9	12.1	27.6	17.9	5.1	9.3	6.2	0.0	3.9
1.07 Scope of criminal jurisdiction	5.8	3.9	8.9	16.0	7.4	27.6	23.7	0.0	6.6
1.08 Increasingly complex caseload	8.2	11.3	31.9	29.6	8.9	4.7	1.9	0.0	3.5
1.09 Insufficient resources for the federal courts	5.1	12.5	21.4	28.4	27.2	0.4	1.9	0.0	3.1
1.10 Delay in filling judicial vacancies	2.7	3.5	22.6	31.5	26.8	7.4	2.3	0.4	2.7

Bankruptcy Judges (N = 257)

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.11 Inadequate incentives for senior judges to continue their service	10.5	15.6	16.3	19.1	9.3	15.2	11.7	0.0	2.3
1.12 Insufficient time for judicial case preparation	7.4	12.8	36.6	26.8	12.1	1.2	0.8	0.0	2.3
1.13 Impact of workload on collegiality	17.5	24.1	29.6	16.0	5.4	3.9	1.2	0.0	2.3
1.14 Delegation of judge work to non-judge personnel	28.4	19.8	26.8	8.6	2.3	7.0	3.1	0.0	3.9
1.15 Loss of public faith in the federal courts	17.5	23.3	30.7	15.6	3.5	5.1	1.6	0.0	2.7
1.16 Bias against non-resident litigants in state courts	27.6	20.2	13.2	2.7	0.4	15.6	16.7	0.0	3.5
1.17 Difficulty of discerning national law due to ambiguous legislation	7.8	27.2	34.6	17.1	2.7	4.3	3.1	0.0	3.1
1.18 Difficulty of discerning national law due to inconsistencies between or among circuits	4.3	28.8	40.9	17.1	1.9	2.3	1.2	0.0	3.5
1.19 Difficulty of discerning circuit law due to lack of clear precedent	14.8	37.7	32.7	7.0	1.9	2.3	0.4	0.0	3.1
1.20 Difficulty of maintaining consistent national law	7.4	31.1	37.0	13.2	3.9	2.7	1.2	0.0	3.5
1.21 Difficulty of maintaining consistent circuit law	19.5	35.4	26.8	9.3	1.6	3.1	1.2	0.0	3.1

Bankruptcy Judges (N = 257)

STRUCTURE AND RELATIONSHIPS OF THE FEDERAL COURTS

Some commentators have suggested that problems of the federal courts could be remedied by changing the current circuit structure and relationships among the components of the system. The proposals listed here would affect many different features of the federal court system, including distribution of the federal caseload, collegiality among both trial and appellate judges, and the consistency of national and circuit law.

Weighing your perceptions of the sources of stress in the system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following approaches to the structure of the federal courts. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.01 Create a single district court in each state.	6.6	7.4	15.2	17.5	32.7	13.2	4.7	0.0	2.7
2.02 Create a single national trial court with trial judges assigned to locations according to changing volumes of caseload.	3.5	8.6	14.0	13.2	48.6	7.4	2.7	0.0	1.9
2.03 Create a national unified bench, with each judge performing both trial and appellate duties as assigned.	5.1	9.7	19.1	19.8	33.1	7.8	3.1	0.0	2.3
2.04 Divide circuits that currently have more than 15 active appellate judges.	11.3	19.8	15.6	10.9	17.1	16.7	5.4	0.0	3.1
2.05 Dissolve the current circuits and create a limited number of large circuits.	3.5	10.1	12.1	19.5	36.6	12.5	3.1	0.0	2.7
2.06 Periodically re-draw circuits to maintain appellate courts of 9-15 judges each.	7.0	16.7	12.1	16.0	27.6	15.2	2.7	0.0	2.7
2.07 Consolidate all circuits into a single, centrally-organized appellate court, with judges assigned to divisions as caseload requires.	2.7	12.8	10.9	20.2	40.1	7.8	3.1	0.0	2.3
2.08 Form a district court "appellate division" for error correction, with discretionary review by the court of appeals.	3.1	17.1	14.4	16.0	25.7	16.3	3.9	0.4	3.1

Bankruptcy Judges (N = 257)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.09 Add a new tier between the current district and current appellate courts to decide appeals as of right, with discretionary review by the court of appeals.	2.7	11.3	13.6	18.7	41.2	7.8	2.3	0.0	2.3
2.10 Add a new tier between the current courts of appeals and the U.S. Supreme Court.	3.1	14.8	10.9	18.7	41.6	7.0	1.6	0.0	2.3
2.11 Increase use of limited en bancs in circuits with more than 15 active judges.	7.4	31.5	16.0	6.2	2.7	22.6	10.5	0.0	3.1
2.12 Use en banc review to avert inter-circuit conflict as well as to maintain consistency of decisions within the circuit.	16.7	45.9	7.4	5.1	2.3	13.2	5.8	0.0	3.5
2.13 Create a new court to resolve inter-circuit conflicts, using judges appointed to serve on that court exclusively.	8.2	20.6	16.7	19.1	22.6	7.4	2.7	0.0	2.7
2.14 Create an "inter-circuit tribunal" or "inter-circuit panel" to resolve inter-circuit conflicts, using a rotating panel of appellate judges.	8.6	23.7	16.7	17.5	19.1	8.9	2.7	0.0	2.7
2.15 Allow Supreme Court to refer inter-circuit conflicts to randomly selected appellate courts not involved in the conflict.	4.7	23.7	13.2	19.5	27.2	6.2	2.7	0.0	2.7

Bankruptcy Judges (N = 257)

JURISDICTION, SIZE, AND RESOURCES OF THE FEDERAL COURTS

Some commentators question whether continued expansion of the jurisdiction and size of the federal courts is wise. Others value relatively open access to federal court over the perceived benefits of a small judiciary. In this section we focus on proposals for altering the jurisdiction, size, and resources of the federal courts.

Again, weighing your perceptions of the sources of stress in the court system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following policy choices. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Jurisdiction, Venue, and Forum Choice

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.01 Eliminate diversity jurisdiction.	10.9	18.3	15.2	18.3	19.5	8.6	7.4	0.0	1.9
3.02 Raise the amount in controversy requirement for diversity cases.	23.0	32.7	12.5	7.4	4.7	10.9	7.0	0.0	1.9
3.03 Bar in-state plaintiffs from invoking diversity jurisdiction.	21.0	20.2	15.6	14.0	6.6	11.3	7.4	0.0	3.9
3.04 Require in-depth study of judicial impact before expanding federal jurisdiction.	57.6	22.2	5.1	3.1	0.8	7.0	2.7	0.0	1.6
3.05 Define federal criminal jurisdiction more narrowly to reduce prosecution of "ordinary" street crime in federal courts.	51.8	15.2	3.1	1.6	0.8	13.2	11.3	0.0	3.1
3.06 Harmonize state and federal evidence rules to avoid prosecutorial forum shopping.	41.2	19.1	10.9	3.9	1.9	11.3	9.3	0.0	2.3
3.07 Harmonize state and federal sentencing policies to avoid prosecutorial forum shopping.	31.5	19.5	8.9	4.3	3.1	15.2	15.6	0.0	1.9
3.08 Give federal courts discretionary jurisdiction in civil cases that may not warrant a federal forum.	21.8	26.8	14.0	10.9	10.9	9.3	3.9	0.0	2.3

Bankruptcy Judges (N = 257)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.09 Give state courts exclusive jurisdiction over claims "in the nature of" state claims (e.g., Jones Act, FELA).	14.8	21.8	18.7	11.3	8.9	13.2	8.6	0.0	2.7
3.10 Encourage all states to allow certification of state law questions from federal courts to the highest state court.	46.3	29.6	8.2	1.9	1.9	6.2	3.5	0.0	2.3
3.11 Move bankruptcy estate administration into the judicial branch.	40.5	8.6	9.7	8.2	29.6	0.4	0.0	0.0	3.1
3.12 Create a separate administrative court for uncontested bankruptcy matters.	5.8	5.1	10.9	11.7	65.0	0.8	0.0	0.0	0.8
3.13 Use bankruptcy appellate panels in all circuits.	55.3	16.3	10.1	5.1	12.5	0.4	0.0	0.0	0.4
3.14 Create an Article I court for appeals of administrative rulings on disability claims.	8.9	21.4	7.4	3.9	7.4	24.9	23.0	0.0	3.1
3.15 Require exhaustion of state institutional remedies for prisoner cases.	30.0	17.1	2.7	1.9	1.2	22.2	21.8	0.0	3.1
3.16 Create an Article I court for prisoner cases.	7.8	14.8	9.3	7.8	13.2	20.2	23.0	0.0	3.9
3.17 Establish a minimum amount in controversy requirement for small monetary claims against the federal government (e.g., Federal Tort Claims Act).	14.4	23.7	12.8	7.8	7.0	18.3	12.1	0.0	3.9
3.18 Eliminate civil appeals as of right and give the courts of appeals discretion in their civil docket.	9.7	16.7	10.9	16.7	31.1	7.0	5.1	0.0	2.7
3.19 Relax the requirements for taking an interlocutory appeal.	5.1	16.0	16.0	25.7	23.7	7.8	2.7	0.4	2.7

Bankruptcy Judges (N = 257)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.20 Restrict filing of civil tax litigation to an Article I trial division of the U.S. Tax Court.	8.6	18.3	7.0	13.2	13.6	19.5	16.3	0.0	3.5
3.21 Create an Article III division of the U.S. Tax Court with exclusive jurisdiction over civil tax appeals.	9.7	19.1	10.9	7.4	9.3	23.0	17.1	0.0	3.5
3.22 Create more appellate courts similar to Court of Appeals for the Federal Circuit (jurisdiction narrower than current regional courts but broader than single subject matter court).	3.1	18.3	23.0	11.3	10.1	19.1	11.7	0.0	3.5

Bankruptcy Judges (N = 257)

Size and Resources

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.01 Increase the number of law clerks for appellate judges to four.	14.4	12.1	5.8	9.3	10.5	24.1	21.0	0.4	2.3
4.02 Increase the number of law clerks for district judges to three.	16.0	18.7	5.4	11.3	10.1	20.2	15.6	0.0	2.7
4.03 Increase the number of law clerks available to magistrate judges.	25.7	19.5	4.7	6.6	4.7	19.5	16.7	0.0	2.7
4.04 Increase the number of law clerks available to bankruptcy judges.	65.8	18.3	5.4	6.6	2.3	0.8	0.0	0.0	0.8
4.05 Add more appellate staff attorneys.	9.3	16.3	6.2	6.2	7.0	26.8	24.5	0.0	3.5
4.06 Add more district court pro se law clerks.	12.1	17.9	7.4	3.9	4.3	27.6	23.3	0.0	3.5
4.07 Add more appellate judges.	19.8	27.2	10.5	11.7	5.1	14.4	8.2	0.0	3.1
4.08 Add more district judges.	24.1	26.5	8.9	12.1	3.9	14.8	6.6	0.0	3.1
4.09 Add more bankruptcy judges.	47.1	27.6	9.7	7.0	3.9	3.5	0.4	0.0	0.8
4.10 Add more magistrate judges to the district courts.	25.7	21.0	7.8	9.7	4.7	17.1	10.5	0.0	3.5
4.11 Expand the role of magistrate judges in <i>felony</i> matters.	24.5	21.0	3.9	3.9	3.5	22.6	17.9	0.0	2.7

Bankruptcy Judges (N = 257)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.12 Expand the role of magistrate judges in <i>non-felony</i> criminal matters.	28.8	23.3	2.3	2.7	2.3	21.0	16.7	0.0	2.7
4.13 Expand the role of magistrate judges in <i>civil</i> matters.	32.7	21.8	3.9	3.1	3.5	19.5	13.2	0.0	2.3
4.14 Create the new position of appellate magistrate judge.	3.5	7.4	8.6	13.6	20.2	28.8	15.2	0.0	2.7
4.15 Cap the number of Article III <i>appellate</i> judges.	1.9	3.1	7.8	16.3	42.4	17.5	7.8	0.0	3.1
4.16 Cap the number of Article III <i>district</i> judges.	2.3	2.3	6.6	17.1	44.7	16.3	7.8	0.0	2.7

Bankruptcy Judges (N = 257)

ADMINISTRATION AND GOVERNANCE

In this section we ask for your views on ways in which certain administrative and governance functions might be changed. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
5.01 Permit trial judges to move across district and circuit lines to hold court more easily than they can now.	49.0	33.9	4.7	3.9	0.4	4.3	2.3	0.0	1.6
5.02 Strengthen and encourage the judicial law clerk position as a career position.	42.8	28.4	15.6	6.2	4.7	0.8	0.0	0.4	1.2
5.03 Eliminate appellate court administrative supervision of district courts.	11.7	15.6	18.7	13.6	12.1	14.4	10.5	0.0	3.5
5.04 Select chief judges for their administrative ability rather than by seniority.	41.6	23.3	14.0	9.7	3.5	4.7	1.9	0.0	1.2
5.05 Strengthen the position of clerk of court and give clerks more administrative responsibilities.	29.6	29.6	22.2	8.6	4.7	3.1	1.2	0.0	1.2

Bankruptcy Judges (N = 257)

DISCOVERY

The judiciary may wish to address discovery in its long range planning. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
6.01 Increase sanctions for bad-faith discovery responses (e.g., illegitimate privilege claims, evidence destruction).	42.0	29.6	10.9	10.1	3.1	2.3	0.8	0.4	0.8
6.02 Leave discovery rules unchanged (i.e., those in place before the pending revision of Fed. R. Civ. P. 26).	6.2	21.4	29.6	20.2	11.3	7.4	1.2	0.0	2.7
6.03 Increase use of phased or "wave" discovery in multiple-issue cases.	9.7	35.0	14.0	1.9	0.8	21.0	13.2	0.0	4.3
6.04 Require parties to disclose before formal discovery any material, non-privileged information that is <i>favorable</i> to their claims or defenses.	29.6	38.5	14.0	6.6	4.3	5.4	0.4	0.0	1.2
6.05 Require parties to disclose before formal discovery any material, non-privileged information that is <i>unfavorable</i> to their claims or defenses.	23.0	33.1	20.2	10.1	6.6	5.1	0.4	0.0	1.6
6.06 Increase use of document depositories in mass litigation (e.g., asbestos; multi-plaintiff securities actions).	28.4	30.0	2.3	0.0	0.0	19.8	16.7	0.0	2.7
6.07 Amend criminal discovery rules to require automatic, early, and full disclosure by prosecutors.	21.8	21.0	3.9	1.2	1.2	23.7	24.1	0.0	3.1
6.08 Eliminate local variation in discovery rules.	31.5	29.2	9.7	10.1	7.8	6.6	3.5	0.0	1.6

Bankruptcy Judges (N = 257)

THE JURY

Like discovery, the jury has been the subject of much debate and many reform proposals. Please indicate the extent to which you support or oppose the following policy directions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
CIVIL JURY									
7.01 Return to the 12-person jury.	5.4	5.4	5.8	24.1	24.9	17.9	12.8	0.4	3.1
7.02 Permit attorneys to address voir dire questions to prospective jurors directly.	10.5	20.6	14.4	17.1	10.9	14.4	9.3	0.0	2.7
7.03 Eliminate peremptory challenges.	2.7	2.7	7.4	23.7	39.3	11.7	9.7	0.0	2.7
7.04 Use expert jury panels in certain types of cases.	15.2	26.1	11.3	6.6	13.2	13.2	11.7	0.0	2.7
7.05 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	25.7	40.5	6.2	3.9	1.6	11.3	7.8	0.0	3.1
7.06 Use more aids to jury comprehension and decision-making (e.g., juror notebooks, written or taped instructions).	30.4	37.7	5.8	1.6	1.2	12.1	8.6	0.0	2.7
7.07 Eliminate the civil jury.	9.3	6.6	7.0	10.1	48.2	8.9	7.0	0.0	2.7
CRIMINAL JURY									
7.08 Permit attorneys to address voir dire questions to prospective jurors directly.	10.9	16.7	6.2	11.7	8.9	18.7	23.7	0.0	3.1
7.09 Eliminate peremptory challenges.	2.3	2.3	3.9	14.8	34.6	16.7	22.2	0.0	3.1
7.10 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	19.1	25.7	7.4	2.3	2.3	17.9	22.2	0.0	3.1

Bankruptcy Judges (N = 257)

CRIMINAL SANCTIONS

Questions about criminal justice appear throughout this questionnaire. This section addresses the imposition of criminal sanctions. The first part seeks your views on sentencing, while the second part addresses imposition of criminal sanctions more generally.

Mandatory minimum sentences and guideline sentencing have dramatically changed the role of federal judges in sanctioning criminal behavior. In addition, there is a current trend in criminal justice toward development of intermediate sanctions. These include all punishments lying between imprison-

ment and "straight" probation. Specific examples include fines, community service orders, home detention, intermittent imprisonment, split sentences, and intensive supervision, buttressed where appropriate by electronic and other monitoring techniques.

The following questions seek your opinion about possible responses to the current sentencing system. Please indicate the degree to which you support or oppose the following policy choices by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.01 Retain the current system of mandatory sentencing guidelines.	2.7	5.1	2.7	10.5	26.1	23.0	26.1	0.0	3.9
8.02 Change current sentencing rules to increase the discretion of the judge.	28.4	16.0	2.3	2.3	2.3	19.5	25.3	0.0	3.9
8.03 Retain sentencing guidelines but make them advisory only.	10.5	19.8	8.2	6.2	3.9	21.8	25.3	0.0	4.3
8.04 Refrain from enacting more legislation mandating minimum sentences.	25.7	11.3	7.0	3.9	2.3	21.8	24.1	0.0	3.9
8.05 Repeal most or all mandatory minimum sentences.	21.8	7.0	8.9	7.4	5.1	21.4	24.5	0.0	3.9
8.06 Eliminate the sentencing guidelines.	15.6	8.9	9.3	8.2	7.8	21.4	24.9	0.0	3.9

Bankruptcy Judges (N = 257)

The following questions seek your opinions about criminal sanctions more generally. For the purposes of these questions, please assume there are no mandatory minima or sentencing guidelines, and a system based upon your

choices could be implemented. Please indicate the degree to which you agree or disagree with each of the following assertions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.07 Federal judges would be appropriate decision makers about the nature and severity of sanctions to be imposed in criminal cases.	24.1	26.8	6.2	2.7	0.8	17.5	17.9	0.0	3.9
8.08 Congress would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	4.3	12.8	9.3	15.2	19.5	17.5	17.5	0.0	3.9
8.09 The Executive Branch would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	0.0	1.9	5.4	16.3	38.5	16.3	17.5	0.0	3.9
8.10 An independent commission would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	2.3	9.7	11.7	14.0	23.7	16.7	17.9	0.0	3.9
8.11 Intermediate sanctions should be used by judges because these punishments are, in some cases, more effective than incarceration or "straight" probation.	13.2	24.9	8.2	1.2	1.2	24.5	23.0	0.0	3.9
8.12 Intermediate sanctions should be used by judges only if incarceration or "straight" probation are unavailable due to a shortage of resources.	1.6	3.1	9.3	17.5	13.6	26.8	24.1	0.0	3.9

Bankruptcy Judges (N = 257)

DECIDING APPEALS IN THE CURRENT SYSTEM

The courts of appeals have used various procedures to handle the growth of their caseloads. Some commentators believe the appellate courts have reached the limit of their ability to streamline procedures without unacceptably compromising their essential functions. Others believe there is still room for suc-

cessful innovation without damaging the quality of justice. Please indicate the extent to which you agree with the following assessments of the appellate condition by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.01 The courts of appeals could effectively handle their caseloads without structural change by adopting additional procedural innovations.	8.6	17.5	9.3	12.5	4.3	18.3	26.8	0.0	2.7
9.02 The courts of appeals have streamlined their procedures as much as they can without unacceptably compromising their essential functions.	5.8	18.3	7.8	15.6	3.1	19.8	26.8	0.0	2.7
9.03 Measures adopted by the appellate courts to cope with growing caseloads have unacceptably diminished the quality of appellate justice.	1.9	7.0	6.2	24.9	17.1	16.3	23.0	0.0	3.5

Please consider the appellate procedure options listed below and indicate the extent to which you support or oppose each one by checking one response for

each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.04 Increase use of appellate level ADR and conferencing programs such as CAMP.	14.0	21.4	6.6	3.1	2.7	19.8	29.2	0.0	3.1
9.05 Allow oral argument in every non-frivolous case in which any counsel requests it.	3.5	10.5	12.8	25.3	22.6	9.3	13.2	0.0	2.7
9.06 Hear oral argument in fewer cases.	9.3	28.0	15.2	13.2	4.3	12.1	15.6	0.0	2.3
9.07 Decide more cases only on oral argument, without briefs.	4.3	9.7	11.7	16.7	29.6	10.5	14.8	0.0	2.7

Bankruptcy Judges (N = 257)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.08 Establish specialized subject matter panels to decide some kinds of appeals.	21.8	37.0	12.1	9.7	6.2	4.7	6.2	0.0	2.3
9.09 Use videotaped record of district court proceedings rather than written record.	7.0	19.5	24.1	14.0	11.7	9.7	11.7	0.0	2.3
9.10 Use rulings from the bench more frequently to permit shorter written decisions.	34.6	36.6	8.2	3.5	1.2	5.1	8.2	0.0	2.7
9.11 Issue more written decisions without a statement of reasons (e.g., "affirmed for the reasons stated by the district court").	27.6	38.5	5.8	7.0	3.9	6.6	8.6	0.0	1.9
9.12 Publish fewer decisions.	23.3	32.3	14.4	10.9	4.7	5.4	6.6	0.0	2.3
9.13 Resist any procedural innovation that increases the likelihood that an appeal will be decided by fewer than three judges.	28.8	30.0	12.5	7.8	1.6	9.3	7.0	0.0	3.1
9.14 Use staff attorneys to monitor circuit decisions to help judges avert inconsistent decisions within their circuits.	38.1	38.5	2.3	2.3	1.6	6.6	8.9	0.0	1.6
9.15 Expand the role of staff attorneys in preparing cases for decisions on the merits.	16.3	22.2	12.5	5.8	4.7	13.6	21.8	0.0	3.1
9.16 More readily sanction frivolous appeals.	31.9	31.9	11.7	6.2	1.6	5.4	8.6	0.0	2.7

Bankruptcy Judges (N = 257)

AVAILABILITY AND COMPENSATION OF COUNSEL

The availability and compensation of competent counsel affect access to, and fairness of, federal civil and criminal justice. For purposes of this section, assume no changes in the availability or affordability of legal services other than

those described in each policy proposal. Please indicate the extent to which you would support or oppose each proposal below by checking one response for each. Circle any "no opinion" response that is based only on inexperience.

Counsel in Civil Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.01 Require judges to impose attorneys' fees on non-prevailing parties in diversity cases.	6.2	17.1	17.5	17.9	23.3	8.6	7.4	0.0	1.9
10.02 Require judges to impose attorneys' fees on non-prevailing parties in all civil cases other than civil rights cases.	6.2	16.3	20.6	19.5	26.5	5.1	4.3	0.0	1.6
10.03 Allow judges to impose attorneys' fees on non-prevailing parties only where the claim or defense is found to be non-meritorious.	19.8	43.2	15.6	9.7	3.9	2.7	2.3	0.0	2.7
10.04 Limit contingent fees by capping the allowable percentage (e.g., 33-45% of net recovery).	26.5	34.2	13.6	7.4	9.3	4.3	3.1	0.0	1.6
10.05 Increase efforts to provide competent counsel to civil litigants who cannot afford it.	32.3	32.7	15.2	6.6	6.6	2.7	2.3	0.0	1.6

Bankruptcy Judges (N = 257)

Counsel in Criminal Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.06 Require funds for constitutionally mandated appointed counsel to be budgeted separately from the judiciary's budget.	41.2	25.3	1.9	1.6	0.8	11.7	15.2	0.0	2.3
10.07 Increase the amount of money available for providing counsel to indigent defendants.	30.4	25.7	9.7	4.3	3.1	8.9	15.6	0.0	2.3
10.08 Fund continuing education programs designed to improve the quality of advocacy of appointed counsel.	33.5	32.7	7.4	5.4	2.7	6.2	10.1	0.0	1.9
10.09 Increase funds to educate appointed counsel on practice under the sentencing guidelines.	20.2	25.3	8.6	6.6	3.1	12.5	20.6	0.0	3.1
10.10 Increase compensation of appointed counsel to achieve parity with government counsel.	23.7	29.6	10.5	5.8	4.3	9.3	14.0	0.0	2.7
10.11 Revamp the current system for providing assistance of counsel to indigent defendants.	15.6	17.9	10.9	5.1	1.2	19.5	27.6	0.0	2.3

Bankruptcy Judges (N = 257)

METHODS OF CIVIL DISPUTE RESOLUTION

The following questions seek your opinion about appropriate roles of federal courts in traditional and alternative means of dispute resolution in civil cases. Several items refer to ADR, by which we mean the range of procedures that may be used to resolve civil disputes other than traditional litigation. Please in-

dicating the extent to which you agree or disagree with the statements below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
11.01 The role of the federal courts in civil cases should be to resolve disputes through traditional litigation only.	4.3	12.5	12.1	31.9	37.4	0.4	0.0	0.0	1.6
11.02 The role of federal courts in civil cases should be to assist parties in resolving their dispute through whatever procedure is best suited to the cases.	52.1	35.4	5.8	3.1	2.3	0.0	0.0	0.0	1.2
11.03 ADR procedures should be used by federal courts in civil cases because in some cases they produce fairer outcomes than traditional litigation.	23.0	32.3	19.1	10.5	5.4	3.9	3.5	0.0	2.3
11.04 ADR should be used by federal courts only to prevent lengthy delays in terminating cases.	0.8	14.0	10.9	37.7	28.0	2.7	3.5	0.0	2.3
11.05 ADR should never be used within the federal courts.	2.7	1.9	4.3	14.0	70.4	1.6	3.5	0.0	1.6
11.06 There is a general need for ADR in my court due to the nature of the disputes filed.	19.8	28.4	10.5	19.1	13.6	2.7	4.3	0.0	1.6
11.07 There is a general need for ADR in my court due to the volume of cases.	21.0	28.0	9.3	16.3	16.3	3.1	3.9	0.0	1.9

Bankruptcy Judges (N = 257)

PART 5. MAGISTRATE JUDGES

NATURE AND SEVERITY OF PROBLEMS IN THE FEDERAL COURTS

Most questions in this survey ask for your opinion on policies or proposals affecting the federal judicial system. First, however, we ask you to consider the nature and magnitude of the problems, if any, in the current system. Many of these issues will be addressed more fully in later sections of the questionnaire.

Please indicate the extent to which you believe each of the following is a problem by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.01 Volume of civil cases	10.4	13.4	39.7	27.7	6.8	0.0	1.0	0.3	0.7
	<i>11.8</i>	<i>9.2</i>	<i>25.0</i>	<i>11.8</i>	<i>1.3</i>	<i>18.4</i>	<i>19.7</i>	<i>0.0</i>	<i>2.6</i>
	10.7	12.5	36.8	24.5	5.7	3.7	4.7	0.3	1.0
1.02 Volume of criminal cases	8.8	8.5	23.5	38.4	17.9	0.0	2.0	0.3	0.7
	<i>22.4</i>	<i>5.3</i>	<i>18.4</i>	<i>25.0</i>	<i>13.2</i>	<i>6.6</i>	<i>6.6</i>	<i>0.0</i>	<i>2.6</i>
	11.5	7.8	22.5	35.8	17.0	1.3	2.9	0.3	1.0
1.03 Impact of criminal docket on civil docket of district courts	4.6	6.8	18.9	39.7	26.1	0.7	2.3	0.3	0.7
	<i>9.2</i>	<i>3.9</i>	<i>10.5</i>	<i>26.3</i>	<i>10.5</i>	<i>17.1</i>	<i>17.1</i>	<i>1.3</i>	<i>3.9</i>
	5.5	6.3	17.2	37.1	23.0	3.9	5.2	0.5	1.3
1.04 Impact of prisoner litigation on district courts	3.9	10.7	28.7	33.2	19.9	1.6	1.3	0.0	0.7
	<i>7.9</i>	<i>6.6</i>	<i>19.7</i>	<i>21.1</i>	<i>7.9</i>	<i>19.7</i>	<i>14.5</i>	<i>0.0</i>	<i>2.6</i>
	4.7	9.9	26.9	30.8	17.5	5.2	3.9	0.0	1.0
1.05 Impact of prisoner litigation on appellate courts	1.0	4.2	8.8	9.4	5.9	36.8	29.3	0.7	3.9
	<i>5.3</i>	<i>1.3</i>	<i>10.5</i>	<i>2.6</i>	<i>1.3</i>	<i>43.4</i>	<i>32.9</i>	<i>0.0</i>	<i>2.6</i>
	1.8	3.7	9.1	8.1	5.0	38.1	30.0	0.5	3.7
1.06 Scope of civil jurisdiction	29.3	26.1	27.7	13.0	0.3	1.3	1.6	0.0	0.7
	<i>23.7</i>	<i>14.5</i>	<i>18.4</i>	<i>1.3</i>	<i>1.3</i>	<i>23.7</i>	<i>13.2</i>	<i>0.0</i>	<i>3.9</i>
	28.2	23.8	25.8	10.7	0.5	5.7	3.9	0.0	1.3
1.07 Scope of criminal jurisdiction	19.9	22.8	27.0	19.2	4.9	2.0	2.6	0.0	1.6
	<i>36.8</i>	<i>13.2</i>	<i>19.7</i>	<i>10.5</i>	<i>0.0</i>	<i>11.8</i>	<i>3.9</i>	<i>0.0</i>	<i>3.9</i>
	23.2	20.9	25.6	17.5	3.9	3.9	2.9	0.0	2.1
1.08 Increasingly complex caseload	11.4	20.5	38.8	19.2	3.9	2.3	2.9	0.0	1.0
	<i>15.8</i>	<i>14.5</i>	<i>28.9</i>	<i>13.2</i>	<i>3.9</i>	<i>7.9</i>	<i>11.8</i>	<i>1.3</i>	<i>2.6</i>
	12.3	19.3	36.8	18.0	3.9	3.4	4.7	0.3	1.3
1.09 Insufficient resources for the federal courts	8.8	17.6	31.6	22.5	15.0	2.0	1.3	0.0	1.3
	<i>7.9</i>	<i>13.2</i>	<i>19.7</i>	<i>26.3</i>	<i>10.5</i>	<i>10.5</i>	<i>9.2</i>	<i>0.0</i>	<i>2.6</i>
	8.6	16.7	29.2	23.2	14.1	3.7	2.9	0.0	1.6
1.10 Delay in filling judicial vacancies	4.2	7.5	18.6	35.2	26.7	4.6	2.6	0.0	0.7
	<i>3.9</i>	<i>3.9</i>	<i>18.4</i>	<i>30.3</i>	<i>14.5</i>	<i>14.5</i>	<i>11.8</i>	<i>0.0</i>	<i>2.6</i>
	4.2	6.8	18.5	34.2	24.3	6.5	4.4	0.0	1.0

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
1.11 Inadequate incentives for senior judges to continue their service	23.5 7.9 20.4	14.0 9.2 13.1	9.1 9.2 9.1	7.2 1.3 6.0	1.0 2.6 1.3	26.1 35.5 27.9	17.9 31.6 20.6	0.0 0.0 0.0	1.3 2.6 1.6
1.12 Insufficient time for judicial case preparation	11.4 13.2 11.7	23.8 26.3 24.3	37.5 21.1 34.2	17.9 6.6 15.7	5.2 3.9 5.0	2.3 13.2 4.4	1.0 13.2 3.4	0.0 0.0 0.0	1.0 2.6 1.3
1.13 Impact of workload on collegiality	22.1 23.7 22.5	27.0 17.1 25.1	21.5 15.8 20.4	16.0 5.3 13.8	3.6 1.3 3.1	5.9 19.7 8.6	2.9 14.5 5.2	0.0 0.0 0.0	1.0 2.6 1.3
1.14 Delegation of judge work to non-judge personnel	40.7 27.6 38.1	29.0 13.2 25.8	14.7 9.2 13.6	2.9 5.3 3.4	0.3 1.3 0.5	8.5 23.7 11.5	2.9 17.1 5.7	0.0 0.0 0.0	1.0 2.6 1.3
1.15 Loss of public faith in the federal courts	28.7 25.0 27.9	30.0 22.4 28.5	25.1 25.0 25.1	6.2 10.5 7.0	2.6 2.6 2.6	4.2 5.3 4.4	2.3 6.6 3.1	0.0 0.0 0.0	1.0 2.6 1.3
1.16 Bias against non-resident litigants in state courts	38.4 32.9 37.3	27.0 26.3 26.9	10.7 9.2 10.4	4.6 2.6 4.2	0.3 1.3 0.5	12.4 17.1 13.3	5.9 6.6 6.0	0.0 1.3 0.3	0.7 2.6 1.0
1.17 Difficulty of discerning national law due to ambiguous legislation	14.0 9.2 13.1	34.2 21.1 31.6	29.3 26.3 28.7	9.1 3.9 8.1	2.3 1.3 2.1	7.2 21.1 9.9	2.6 14.5 5.0	0.0 0.0 0.0	1.3 2.6 1.6
1.18 Difficulty of discerning national law due to inconsistencies between or among circuits	12.4 6.6 11.2	43.0 34.2 41.3	31.6 26.3 30.5	6.5 7.9 6.8	0.3 1.3 0.5	3.9 9.2 5.0	1.3 11.8 3.4	0.0 0.0 0.0	1.0 2.6 1.3
1.19 Difficulty of discerning circuit law due to lack of clear precedent	21.5 18.4 20.9	49.8 38.2 47.5	18.6 18.4 18.5	5.5 2.6 5.0	0.3 0.0 0.3	2.3 9.2 3.7	1.0 10.5 2.9	0.0 0.0 0.0	1.0 2.6 1.3
1.20 Difficulty of maintaining consistent national law	11.1 5.3 9.9	38.4 31.6 37.1	30.9 27.6 30.3	10.1 6.6 9.4	0.3 1.3 0.5	6.2 14.5 7.8	1.6 10.5 3.4	0.0 0.0 0.0	1.3 2.6 1.6
1.21 Difficulty of maintaining consistent circuit law	20.8 18.4 20.4	47.9 34.2 45.2	18.6 13.2 17.5	3.6 5.3 3.9	1.0 0.0 0.8	5.2 15.8 7.3	2.0 10.5 3.7	0.3 0.0 0.3	0.7 2.6 1.0

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

STRUCTURE AND RELATIONSHIPS OF THE FEDERAL COURTS

Some commentators have suggested that problems of the federal courts could be remedied by changing the current circuit structure and relationships among the components of the system. The proposals listed here would affect many different features of the federal court system, including distribution of the federal caseload, collegiality among both trial and appellate judges, and the consistency of national and circuit law.

Weighing your perceptions of the sources of stress in the system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following approaches to the structure of the federal courts. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.01 Create a single district court in each state.	4.6 5.3 4.7	4.9 9.2 5.7	10.1 15.8 11.2	18.9 21.1 19.3	47.6 31.6 44.4	8.8 7.9 8.6	4.2 9.2 5.2	0.0 0.0 0.0	1.0 0.0 0.8
2.02 Create a single national trial court with trial judges assigned to locations according to changing volumes of caseload.	1.3 2.6 1.6	5.2 6.6 5.5	10.1 9.2 9.9	10.7 13.2 11.2	66.8 52.6 64.0	2.6 7.9 3.7	2.6 7.9 3.7	0.0 0.0 0.0	0.7 0.0 0.5
2.03 Create a national unified bench, with each judge performing both trial and appellate duties as assigned.	2.3 1.3 2.1	5.5 0.0 4.4	12.1 10.5 11.7	17.3 22.4 18.3	55.7 51.3 54.8	4.2 9.2 5.2	2.3 5.3 2.9	0.0 0.0 0.0	0.7 0.0 0.5
2.04 Divide circuits that currently have more than 15 active appellate judges.	7.8 6.6 7.6	23.1 21.1 22.7	16.0 18.4 16.4	14.7 21.1 15.9	12.7 6.6 11.5	16.3 17.1 16.4	8.8 9.2 8.9	0.0 0.0 0.0	0.7 0.0 0.5
2.05 Dissolve the current circuits and create a limited number of large circuits.	1.3 2.6 1.6	7.2 2.6 6.3	10.4 14.5 11.2	20.5 27.6 21.9	45.9 34.2 43.6	9.8 10.5 9.9	4.2 7.9 5.0	0.0 0.0 0.0	0.7 0.0 0.5
2.06 Periodically re-draw circuits to maintain appellate courts of 9-15 judges each.	4.6 6.6 5.0	18.6 27.6 20.4	16.0 17.1 16.2	15.6 14.5 15.4	25.4 13.2 23.0	13.7 11.8 13.3	5.5 9.2 6.3	0.0 0.0 0.0	0.7 0.0 0.5
2.07 Consolidate all circuits into a single, centrally-organized appellate court, with judges assigned to divisions as caseload requires.	1.3 5.3 2.1	6.5 11.8 7.6	9.8 11.8 10.2	16.9 19.7 17.5	52.4 35.5 49.1	7.8 7.9 7.8	3.6 7.9 4.4	0.0 0.0 0.0	1.6 0.0 1.3
2.08 Form a district court "appellate division" for error correction, with discretionary review by the court of appeals.	2.3 3.9 2.6	8.8 22.4 11.5	17.9 11.8 16.7	20.8 26.3 21.9	38.8 15.8 34.2	8.1 9.2 8.4	2.6 10.5 4.2	0.0 0.0 0.0	0.7 0.0 0.5

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
2.09 Add a new tier between the current district and current appellate courts to decide appeals as of right, with discretionary review by the court of appeals.	1.6 3.9 2.1	7.2 17.1 9.1	13.4 13.2 13.3	17.9 22.4 18.8	48.9 27.6 44.6	7.8 5.3 7.3	2.6 10.5 4.2	0.0 0.0 0.0	0.7 0.0 0.5
2.10 Add a new tier between the current courts of appeals and the U.S. Supreme Court.	2.9 0.0 2.3	7.2 10.5 7.8	18.6 9.2 16.7	13.4 30.3 16.7	48.5 35.5 46.0	6.8 5.3 6.5	1.6 9.2 3.1	0.3 0.0 0.3	0.7 0.0 0.5
2.11 Increase use of limited en bancs in circuits with more than 15 active judges.	5.2 2.6 4.7	27.0 27.6 27.2	16.3 17.1 16.4	6.5 6.6 6.5	2.6 0.0 2.1	25.4 30.3 26.4	16.0 15.8 15.9	0.0 0.0 0.0	1.0 0.0 0.8
2.12 Use en banc review to avert inter-circuit conflict as well as to maintain consistency of decisions within the circuit.	18.6 9.2 16.7	39.7 36.8 39.2	11.1 17.1 12.3	3.3 6.6 3.9	1.6 0.0 1.3	15.3 17.1 15.7	9.8 13.2 10.4	0.0 0.0 0.0	0.7 0.0 0.5
2.13 Create a new court to resolve inter-circuit conflicts, using judges appointed to serve on that court exclusively.	4.9 3.9 4.7	17.9 18.4 18.0	20.2 17.1 19.6	14.7 26.3 17.0	27.7 13.2 24.8	9.8 10.5 9.9	3.9 10.5 5.2	0.0 0.0 0.0	1.0 0.0 0.8
2.14 Create an "inter-circuit tribunal" or "inter-circuit panel" to resolve inter-circuit conflicts, using a rotating panel of appellate judges.	3.9 1.3 3.4	20.5 15.8 19.6	21.8 26.3 22.7	15.6 18.4 16.2	22.5 11.8 20.4	10.4 15.8 11.5	4.2 10.5 5.5	0.0 0.0 0.0	1.0 0.0 0.8
2.15 Allow Supreme Court to refer inter-circuit conflicts to randomly selected appellate courts not involved in the conflict.	3.6 6.6 4.2	16.3 18.4 16.7	18.2 19.7 18.5	15.6 10.5 14.6	31.9 17.1 29.0	10.1 15.8 11.2	3.6 11.8 5.2	0.0 0.0 0.0	0.7 0.0 0.5

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

JURISDICTION, SIZE, AND RESOURCES OF THE FEDERAL COURTS

Some commentators question whether continued expansion of the jurisdiction and size of the federal courts is wise. Others value relatively open access to federal court over the perceived benefits of a small judiciary. In this section we focus on proposals for altering the jurisdiction, size, and resources of the federal courts.

Again, weighing your perceptions of the sources of stress in the court system, if any, and your views on the different values and goals of the federal courts, please indicate the degree to which you support or oppose each of the following policy choices. Check one response for each item, circling any "no opinion" response that is based only on inexperience.

Jurisdiction, Venue, and Forum Choice

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.01 Eliminate diversity jurisdiction.	15.6 7.9 14.1	17.6 14.5 17.0	17.6 15.8 17.2	16.9 10.5 15.7	31.6 32.9 31.9	0.0 11.8 2.3	0.3 6.6 1.6	0.0 0.0 0.0	0.3 0.0 0.3
3.02 Raise the amount in controversy requirement for diversity cases.	24.4 18.4 23.2	29.0 22.4 27.7	11.7 11.8 11.7	20.5 17.1 19.8	12.4 13.2 12.5	1.3 9.2 2.9	0.3 7.9 1.8	0.0 0.0 0.0	0.3 0.0 0.3
3.03 Bar in-state plaintiffs from invoking diversity jurisdiction.	21.2 15.8 20.1	21.5 11.8 19.6	16.6 9.2 15.1	18.9 23.7 19.8	17.3 17.1 17.2	2.9 11.8 4.7	0.3 9.2 2.1	0.0 0.0 0.0	1.3 1.3 1.3
3.04 Require in-depth study of judicial impact before expanding federal jurisdiction.	64.2 31.6 57.7	25.1 35.5 27.2	3.6 7.9 4.4	2.9 6.6 3.7	2.0 3.9 2.3	0.3 6.6 1.6	0.7 6.6 1.8	0.0 0.0 0.0	1.3 1.3 1.3
3.05 Define federal criminal jurisdiction more narrowly to reduce prosecution of "ordinary" street crime in federal courts.	54.4 28.9 49.3	22.5 32.9 24.5	11.4 15.8 12.3	6.8 3.9 6.3	4.2 7.9 5.0	0.0 6.6 1.3	0.3 3.9 1.0	0.0 0.0 0.0	0.3 0.0 0.3
3.06 Harmonize state and federal evidence rules to avoid prosecutorial forum shopping.	29.6 34.2 30.5	26.7 38.2 29.0	19.9 13.2 18.5	9.8 0.0 7.8	6.8 2.6 6.0	3.9 7.9 4.7	2.6 3.9 2.9	0.0 0.0 0.0	0.7 0.0 0.5
3.07 Harmonize state and federal sentencing policies to avoid prosecutorial forum shopping.	30.9 27.6 30.3	28.3 34.2 29.5	17.9 15.8 17.5	8.1 3.9 7.3	10.7 7.9 10.2	2.0 2.6 2.1	1.3 6.6 2.3	0.0 1.3 0.3	0.7 0.0 0.5
3.08 Give federal courts discretionary jurisdiction in civil cases that may not warrant a federal forum.	15.3 6.6 13.6	22.5 23.7 22.7	21.2 11.8 19.3	16.6 17.1 16.7	20.8 27.6 22.2	2.0 3.9 2.3	1.0 6.6 2.1	0.0 0.0 0.0	0.7 2.6 1.0

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.09 Give state courts exclusive jurisdiction over claims "in the nature of" state claims (e.g., Jones Act, FELA).	14.3 <i>13.2</i> 14.1	23.8 <i>25.0</i> 24.0	20.5 <i>25.0</i> 21.4	23.8 <i>13.2</i> 21.7	13.0 <i>5.3</i> 11.5	2.6 <i>9.2</i> 3.9	1.6 <i>7.9</i> 2.9	0.0 <i>0.0</i> 0.0	0.3 <i>1.3</i> 0.5
3.10 Encourage all states to allow certification of state law questions from federal courts to the highest state court.	51.1 <i>34.2</i> 47.8	30.6 <i>32.9</i> 31.1	5.9 <i>11.8</i> 7.0	2.9 <i>5.3</i> 3.4	2.3 <i>2.6</i> 2.3	4.9 <i>6.6</i> 5.2	1.6 <i>6.6</i> 2.6	0.0 <i>0.0</i> 0.0	0.7 <i>0.0</i> 0.5
3.11 Move bankruptcy estate administration into the judicial branch.	5.2 <i>5.3</i> 5.2	6.8 <i>14.5</i> 8.4	9.8 <i>11.8</i> 10.2	5.9 <i>13.2</i> 7.3	10.1 <i>15.8</i> 11.2	32.2 <i>21.1</i> 30.0	29.0 <i>18.4</i> 26.9	0.0 <i>0.0</i> 0.0	1.0 <i>0.0</i> 0.8
3.12 Create a separate administrative court for uncontested bankruptcy matters.	8.1 <i>15.8</i> 9.7	14.0 <i>28.9</i> 17.0	4.9 <i>11.8</i> 6.3	6.8 <i>7.9</i> 7.0	6.5 <i>7.9</i> 6.8	30.9 <i>13.2</i> 27.4	28.0 <i>14.5</i> 25.3	0.0 <i>0.0</i> 0.0	0.7 <i>0.0</i> 0.5
3.13 Use bankruptcy appellate panels in all circuits.	13.4 <i>11.8</i> 13.1	17.3 <i>30.3</i> 19.8	6.2 <i>9.2</i> 6.8	2.3 <i>7.9</i> 3.4	2.9 <i>6.6</i> 3.7	32.6 <i>21.1</i> 30.3	24.8 <i>13.2</i> 22.5	0.0 <i>0.0</i> 0.0	0.7 <i>0.0</i> 0.5
3.14 Create an Article I court for appeals of administrative rulings on disability claims.	31.3 <i>7.9</i> 26.6	29.6 <i>26.3</i> 29.0	7.5 <i>15.8</i> 9.1	7.8 <i>14.5</i> 9.1	12.1 <i>3.9</i> 10.4	6.5 <i>17.1</i> 8.6	4.2 <i>13.2</i> 6.0	0.0 <i>0.0</i> 0.0	1.0 <i>1.3</i> 1.0
3.15 Require exhaustion of state institutional remedies for prisoner cases.	65.1 <i>48.7</i> 61.9	22.1 <i>35.5</i> 24.8	3.9 <i>2.6</i> 3.7	2.3 <i>0.0</i> 1.8	3.3 <i>1.3</i> 2.9	0.7 <i>5.3</i> 1.6	1.3 <i>5.3</i> 2.1	0.3 <i>1.3</i> 0.5	1.0 <i>0.0</i> 0.8
3.16 Create an Article I court for prisoner cases.	23.5 <i>11.8</i> 21.1	16.9 <i>18.4</i> 17.2	16.6 <i>14.5</i> 16.2	13.0 <i>21.1</i> 14.6	26.4 <i>13.2</i> 23.8	1.6 <i>7.9</i> 2.9	1.0 <i>9.2</i> 2.6	0.0 <i>0.0</i> 0.0	1.0 <i>3.9</i> 1.6
3.17 Establish a minimum amount in controversy requirement for small monetary claims against the federal government (e.g., Federal Tort Claims Act).	22.5 <i>11.8</i> 20.4	28.3 <i>31.6</i> 29.0	14.3 <i>15.8</i> 14.6	14.3 <i>13.2</i> 14.1	15.0 <i>14.5</i> 14.9	2.9 <i>5.3</i> 3.4	2.0 <i>6.6</i> 2.9	0.0 <i>0.0</i> 0.0	0.7 <i>1.3</i> 0.8
3.18 Eliminate civil appeals as of right and give the courts of appeals discretion in their civil docket.	11.7 <i>6.6</i> 10.7	19.2 <i>17.1</i> 18.8	16.0 <i>15.8</i> 15.9	16.0 <i>17.1</i> 16.2	28.7 <i>28.9</i> 28.7	3.6 <i>7.9</i> 4.4	4.6 <i>5.3</i> 4.7	0.0 <i>0.0</i> 0.0	0.3 <i>1.3</i> 0.5
3.19 Relax the requirements for taking an interlocutory appeal.	2.0 <i>3.9</i> 2.3	9.8 <i>23.7</i> 12.5	14.3 <i>22.4</i> 15.9	28.7 <i>21.1</i> 27.2	36.8 <i>13.2</i> 32.1	5.2 <i>6.6</i> 5.5	2.6 <i>7.9</i> 3.7	0.0 <i>0.0</i> 0.0	0.7 <i>1.3</i> 0.8

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
3.20 Restrict filing of civil tax litigation to an Article I trial division of the U.S. Tax Court.	15.0 2.6 12.5	22.5 23.7 22.7	10.1 10.5 10.2	8.5 7.9 8.4	8.8 13.2 9.7	19.9 19.7 19.8	15.0 21.1 16.2	0.0 0.0 0.0	0.3 1.3 0.5
3.21 Create an Article III division of the U.S. Tax Court with exclusive jurisdiction over civil tax appeals.	10.4 3.9 9.1	18.9 15.8 18.3	11.1 13.2 11.5	7.2 11.8 8.1	7.8 10.5 8.4	26.4 21.1 25.3	17.3 22.4 18.3	0.0 0.0 0.0	1.0 1.3 1.0
3.22 Create more appellate courts similar to Court of Appeals for the Federal Circuit (jurisdiction narrower than current regional courts but broader than single subject matter court).	4.6 2.6 4.2	15.3 13.2 14.9	17.9 21.1 18.5	13.4 11.8 13.1	14.7 11.8 14.1	23.1 21.1 22.7	9.8 17.1 11.2	0.0 0.0 0.0	1.3 1.3 1.3

Full-time Magistrate Judges (N = 307)
Part-time Magistrate Judges (N = 76)
All Magistrate Judges (N = 383)

Size and Resources

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.01 Increase the number of law clerks for appellate judges to four.	16.3 3.9 13.8	13.0 18.4 14.1	7.5 6.6 7.3	11.7 15.8 12.5	6.8 11.8 7.8	25.4 21.1 24.5	18.6 19.7 18.8	0.0 0.0 0.0	0.7 2.6 1.0
4.02 Increase the number of law clerks for district judges to three.	34.5 10.5 29.8	24.4 30.3 25.6	7.5 7.9 7.6	11.4 13.2 11.7	5.2 7.9 5.7	11.1 15.8 12.0	5.2 11.8 6.5	0.0 0.0 0.0	0.7 2.6 1.0
4.03 Increase the number of law clerks available to magistrate judges.	66.4 28.9 59.0	20.8 26.3 21.9	3.9 10.5 5.2	4.6 7.9 5.2	2.6 9.2 3.9	0.3 6.6 1.6	0.7 7.9 2.1	0.0 0.0 0.0	0.7 2.6 1.0
4.04 Increase the number of law clerks available to bankruptcy judges.	37.1 13.2 32.4	14.7 27.6 17.2	3.9 7.9 4.7	3.3 10.5 4.7	2.0 7.9 3.1	23.5 17.1 22.2	15.0 13.2 14.6	0.0 0.0 0.0	0.7 2.6 1.0
4.05 Add more appellate staff attorneys.	9.4 1.3 7.8	14.7 14.5 14.6	5.5 18.4 8.1	6.8 9.2 7.3	8.1 6.6 7.8	31.6 23.7 30.0	22.8 22.4 22.7	0.0 0.0 0.0	1.0 3.9 1.6
4.06 Add more district court pro se law clerks.	45.9 9.2 38.6	33.2 31.6 32.9	4.6 11.8 6.0	3.3 7.9 4.2	2.9 7.9 3.9	5.5 13.2 7.0	3.6 15.8 6.0	0.0 0.0 0.0	1.0 2.6 1.3
4.07 Add more appellate judges.	21.5 9.2 19.1	21.2 25.0 21.9	14.7 11.8 14.1	10.7 15.8 11.7	4.6 6.6 5.0	16.9 15.8 16.7	8.8 13.2 9.7	0.0 0.0 0.0	1.6 2.6 1.8
4.08 Add more district judges.	36.2 25.0 33.9	24.1 30.3 25.3	14.7 7.9 13.3	9.4 14.5 10.4	5.5 2.6 5.0	6.5 6.6 6.5	1.6 10.5 3.4	0.3 0.0 0.3	1.6 2.6 1.8
4.09 Add more bankruptcy judges.	29.3 10.5 25.6	21.2 21.1 21.1	8.5 13.2 9.4	5.5 14.5 7.3	2.3 3.9 2.6	20.2 17.1 19.6	12.1 14.5 12.5	0.0 0.0 0.0	1.0 5.3 1.8
4.10 Add more magistrate judges to the district courts.	42.0 32.9 40.2	29.0 36.8 30.5	14.7 7.9 13.3	3.9 2.6 3.7	3.3 2.6 3.1	4.9 5.3 5.0	1.0 7.9 2.3	0.0 0.0 0.0	1.3 3.9 1.8
4.11 Expand the role of magistrate judges in felony matters.	55.7 47.4 54.0	19.5 28.9 21.4	10.7 9.2 10.4	7.2 2.6 6.3	5.5 3.9 5.2	0.0 1.3 0.3	0.3 3.9 1.0	0.0 0.0 0.0	1.0 2.6 1.3

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
4.12 Expand the role of magistrate judges in <i>non-felony</i> criminal matters.	71.0 <i>51.3</i> 67.1	16.9 <i>36.8</i> 20.9	3.9 <i>1.3</i> 3.4	2.9 <i>1.3</i> 2.6	2.0 <i>1.3</i> 1.8	1.6 <i>1.3</i> 1.6	0.3 <i>3.9</i> 1.0	0.0 <i>0.0</i> 0.0	1.3 <i>2.6</i> 1.6
4.13 Expand the role of magistrate judges in <i>civil</i> matters.	76.5 <i>52.6</i> 71.8	16.9 <i>25.0</i> 18.5	3.6 <i>7.9</i> 4.4	1.3 <i>0.0</i> 1.0	0.3 <i>1.3</i> 0.5	0.0 <i>5.3</i> 1.0	0.3 <i>5.3</i> 1.3	0.0 <i>0.0</i> 0.0	1.0 <i>2.6</i> 1.3
4.14 Create the new position of appellate magistrate judge.	14.3 <i>13.2</i> 14.1	6.2 <i>7.9</i> 6.5	13.4 <i>15.8</i> 13.8	14.3 <i>22.4</i> 15.9	30.3 <i>15.8</i> 27.4	15.6 <i>13.2</i> 15.1	4.2 <i>9.2</i> 5.2	0.0 <i>0.0</i> 0.0	1.6 <i>2.6</i> 1.8
4.15 Cap the number of Article III <i>appellate</i> judges.	3.3 <i>1.3</i> 2.9	4.9 <i>2.6</i> 4.4	8.5 <i>11.8</i> 9.1	14.7 <i>19.7</i> 15.7	44.6 <i>27.6</i> 41.3	17.3 <i>19.7</i> 17.8	5.9 <i>13.2</i> 7.3	0.0 <i>0.0</i> 0.0	1.0 <i>3.9</i> 1.6
4.16 Cap the number of Article III <i>district</i> judges.	2.6 <i>1.3</i> 2.3	5.2 <i>2.6</i> 4.7	7.5 <i>7.9</i> 7.6	13.7 <i>23.7</i> 15.7	53.4 <i>32.9</i> 49.3	14.0 <i>17.1</i> 14.6	2.9 <i>10.5</i> 4.4	0.0 <i>0.0</i> 0.0	0.7 <i>3.9</i> 1.3

Full-time Magistrate Judges (N = 307)
Part-time Magistrate Judges (N = 76)
All Magistrate Judges (N = 383)

ADMINISTRATION AND GOVERNANCE

In this section we ask for your views on ways in which certain administrative and governance functions might be changed. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
5.01 Permit trial judges to move across district and circuit lines to hold court more easily than they can now.	32.2 <i>36.8</i> 33.2	33.9 <i>26.3</i> 32.4	9.8 <i>9.2</i> 9.7	5.5 <i>1.3</i> 4.7	2.3 <i>1.3</i> 2.1	10.7 <i>14.5</i> 11.5	4.6 <i>10.5</i> 5.7	0.0 <i>0.0</i> 0.0	1.0 <i>0.0</i> 0.8
5.02 Strengthen and encourage the judicial law clerk position as a career position.	35.5 <i>14.5</i> 31.3	27.4 <i>26.3</i> 27.2	17.9 <i>19.7</i> 18.3	7.8 <i>13.2</i> 8.9	7.5 <i>10.5</i> 8.1	2.3 <i>9.2</i> 3.7	0.7 <i>5.3</i> 1.6	0.0 <i>0.0</i> 0.0	1.0 <i>1.3</i> 1.0
5.03 Eliminate appellate court administrative supervision of district courts.	19.5 <i>7.9</i> 17.2	22.8 <i>21.1</i> 22.5	16.0 <i>17.1</i> 16.2	13.4 <i>13.2</i> 13.3	7.2 <i>2.6</i> 6.3	14.7 <i>21.1</i> 15.9	5.5 <i>15.8</i> 7.6	0.0 <i>0.0</i> 0.0	1.0 <i>1.3</i> 1.0
5.04 Select chief judges for their administrative ability rather than by seniority.	26.1 <i>18.4</i> 24.5	21.5 <i>27.6</i> 22.7	21.2 <i>13.2</i> 19.6	7.5 <i>13.2</i> 8.6	9.8 <i>3.9</i> 8.6	10.1 <i>15.8</i> 11.2	2.6 <i>6.6</i> 3.4	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3
5.05 Strengthen the position of clerk of court and give clerks more administrative responsibilities.	21.2 <i>15.8</i> 20.1	28.0 <i>28.9</i> 28.2	16.6 <i>18.4</i> 17.0	14.3 <i>14.5</i> 14.4	7.8 <i>2.6</i> 6.8	8.1 <i>10.5</i> 8.6	2.6 <i>7.9</i> 3.7	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

DISCOVERY

The judiciary may wish to address discovery in its long range planning. Please indicate the extent to which you support or oppose the policy directions below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
6.01 Increase sanctions for bad-faith discovery responses (e.g., illegitimate privilege claims, evidence destruction).	29.6 <i>30.3</i> 29.8	31.9 <i>25.0</i> 30.5	16.0 <i>15.8</i> 15.9	14.3 <i>9.2</i> 13.3	5.2 <i>9.2</i> 6.0	1.3 <i>2.6</i> 1.6	1.3 <i>6.6</i> 2.3	0.0 <i>0.0</i> 0.0	0.3 <i>1.3</i> 0.5
6.02 Leave discovery rules unchanged (i.e., those in place before the pending revision of Fed. R. Civ. P. 26).	9.1 <i>6.6</i> 8.6	19.5 <i>26.3</i> 20.9	22.5 <i>25.0</i> 23.0	23.5 <i>11.8</i> 21.1	17.6 <i>10.5</i> 16.2	5.2 <i>9.2</i> 6.0	1.6 <i>9.2</i> 3.1	0.0 <i>0.0</i> 0.0	1.0 <i>1.3</i> 1.0
6.03 Increase use of phased or "wave" discovery in multiple-issue cases.	18.9 <i>11.8</i> 17.5	43.0 <i>30.3</i> 40.5	15.0 <i>19.7</i> 15.9	6.2 <i>2.6</i> 5.5	1.3 <i>0.0</i> 1.0	9.8 <i>19.7</i> 11.7	5.5 <i>15.8</i> 7.6	0.0 <i>0.0</i> 0.0	0.3 <i>0.0</i> 0.3
6.04 Require parties to disclose before formal discovery any material, non-privileged information that is <i>favorable</i> to their claims or defenses.	43.0 <i>19.7</i> 38.4	35.2 <i>44.7</i> 37.1	13.4 <i>9.2</i> 12.5	3.6 <i>5.3</i> 3.9	2.3 <i>7.9</i> 3.4	1.3 <i>5.3</i> 2.1	1.0 <i>7.9</i> 2.3	0.0 <i>0.0</i> 0.0	0.3 <i>0.0</i> 0.3
6.05 Require parties to disclose before formal discovery any material, non-privileged information that is <i>unfavorable</i> to their claims or defenses.	29.6 <i>13.2</i> 26.4	31.9 <i>38.2</i> 33.2	21.5 <i>7.9</i> 18.8	8.1 <i>9.2</i> 8.4	6.2 <i>15.8</i> 8.1	1.3 <i>7.9</i> 2.6	1.0 <i>7.9</i> 2.3	0.0 <i>0.0</i> 0.0	0.3 <i>0.0</i> 0.3
6.06 Increase use of document depositories in mass litigation (e.g., asbestos; multi-plaintiff securities actions).	37.5 <i>25.0</i> 35.0	35.2 <i>27.6</i> 33.7	5.9 <i>6.6</i> 6.0	0.0 <i>0.0</i> 0.0	0.0 <i>0.0</i> 0.0	11.7 <i>21.1</i> 13.6	9.4 <i>17.1</i> 11.0	0.0 <i>0.0</i> 0.0	0.3 <i>2.6</i> 0.8
6.07 Amend criminal discovery rules to require automatic, early, and full disclosure by prosecutors.	49.5 <i>53.9</i> 50.4	29.3 <i>27.6</i> 29.0	8.5 <i>3.9</i> 7.6	4.9 <i>3.9</i> 4.7	4.6 <i>1.3</i> 3.9	2.0 <i>1.3</i> 1.8	0.7 <i>7.9</i> 2.1	0.0 <i>0.0</i> 0.0	0.7 <i>0.0</i> 0.5
6.08 Eliminate local variation in discovery rules.	27.0 <i>46.1</i> 30.8	29.6 <i>23.7</i> 28.5	17.3 <i>6.6</i> 15.1	11.7 <i>10.5</i> 11.5	10.1 <i>0.0</i> 8.1	2.6 <i>6.6</i> 3.4	1.0 <i>6.6</i> 2.1	0.0 <i>0.0</i> 0.0	0.7 <i>0.0</i> 0.5

Full-time Magistrate Judges (N = 307)
Part-time Magistrate Judges (N = 76)
All Magistrate Judges (N = 383)

THE JURY

Like discovery, the jury has been the subject of much debate and many reform proposals. Please indicate the extent to which you support or oppose the following policy directions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
CIVIL JURY	2.9	5.2	9.4	24.4	55.0	2.0	0.3	0.0	0.7
7.01 Return to the 12-person jury.	15.8 5.5	6.6 5.5	17.1 11.0	31.6 25.8	15.8 47.3	7.9 3.1	3.9 1.0	0.0 0.0	1.3 0.8
7.02 Permit attorneys to address voir dire questions to prospective jurors directly.	18.2 18.4 18.3	23.1 26.3 23.8	16.3 18.4 16.7	15.6 11.8 14.9	25.1 13.2 22.7	0.3 6.6 1.6	0.3 3.9 1.0	0.0 0.0 0.0	1.0 1.3 1.0
7.03 Eliminate peremptory challenges.	6.2 1.3 5.2	4.2 1.3 3.7	8.8 7.9 8.6	20.5 19.7 20.4	58.3 61.8 59.0	1.0 5.3 1.8	0.3 2.6 0.8	0.0 0.0 0.0	0.7 0.0 0.5
7.04 Use expert jury panels in certain types of cases.	8.8 7.9 8.6	27.0 23.7 26.4	21.2 22.4 21.4	14.0 9.2 13.1	21.2 23.7 21.7	3.9 7.9 4.7	3.3 5.3 3.7	0.0 0.0 0.0	0.7 0.0 0.5
7.05 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	20.5 14.5 19.3	47.9 43.4 47.0	14.0 13.2 13.8	6.8 7.9 7.0	3.9 9.2 5.0	2.9 6.6 3.7	3.6 5.3 3.9	0.0 0.0 0.0	0.3 0.0 0.3
7.06 Use more aids to jury comprehension and decision-making (e.g., juror notebooks, written or taped instructions).	32.2 21.1 30.0	45.0 44.7 44.9	12.7 11.8 12.5	4.9 6.6 5.2	2.0 2.6 2.1	2.0 7.9 3.1	0.7 3.9 1.3	0.3 0.0 0.3	0.3 1.3 0.5
7.07 Eliminate the civil jury.	1.6 1.3 1.6	1.6 1.3 1.6	3.3 5.3 3.7	8.5 11.8 9.1	83.7 72.4 81.5	0.3 5.3 1.3	0.3 2.6 0.8	0.0 0.0 0.0	0.7 0.0 0.5
CRIMINAL JURY	18.9	24.8	12.7	16.0	24.8	1.3	0.7	0.0	1.0
7.08 Permit attorneys to address voir dire questions to prospective jurors directly.	19.7 19.1	21.1 24.0	21.1 14.4	13.2 15.4	13.2 22.5	6.6 2.3	3.9 1.3	0.0 0.0	1.3 1.0
7.09 Eliminate peremptory challenges.	6.5 3.9 6.0	2.9 2.6 2.9	8.5 2.6 7.3	14.0 19.7 15.1	67.1 61.8 66.1	0.3 5.3 1.3	0.3 2.6 0.8	0.0 0.0 0.0	0.3 1.3 0.5
7.10 Use court-appointed experts more frequently in cases involving difficult scientific or technical evidence.	16.3 14.5 15.9	40.4 36.8 39.7	14.7 17.1 15.1	10.4 5.3 9.4	11.1 13.2 11.5	4.2 9.2 5.2	2.3 3.9 2.6	0.0 0.0 0.0	0.7 0.0 0.5

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

CRIMINAL SANCTIONS

Questions about criminal justice appear throughout this questionnaire. This section addresses the imposition of criminal sanctions. The first part seeks your views on sentencing, while the second part addresses imposition of criminal sanctions more generally.

Mandatory minimum sentences and guideline sentencing have dramatically changed the role of federal judges in sanctioning criminal behavior. In addition, there is a current trend in criminal justice toward development of intermediate sanctions. These include all punishments lying between imprison-

ment and "straight" probation. Specific examples include fines, community service orders, home detention, intermittent imprisonment, split sentences, and intensive supervision, buttressed where appropriate by electronic and other monitoring techniques.

The following questions seek your opinion about possible responses to the current sentencing system. Please indicate the degree to which you support or oppose the following policy choices by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.01 Retain the current system of mandatory sentencing guidelines.	4.9	8.5	12.1	16.0	53.7	1.3	1.6	0.0	2.0
	5.3	14.5	15.8	13.2	44.7	1.3	3.9	1.3	0.0
	5.0	9.7	12.8	15.4	52.0	1.3	2.1	0.3	1.6
8.02 Change current sentencing rules to increase the discretion of the judge.	59.3	24.8	3.3	4.9	3.9	1.3	1.0	0.0	1.6
	57.9	27.6	2.6	2.6	2.6	0.0	5.3	1.3	0.0
	59.0	25.3	3.1	4.4	3.7	1.0	1.8	0.3	1.3
8.03 Retain sentencing guidelines but make them advisory only.	23.8	37.1	11.1	12.4	11.1	2.0	1.0	0.0	1.6
	17.1	39.5	13.2	13.2	9.2	1.3	5.3	1.3	0.0
	22.5	37.6	11.5	12.5	10.7	1.8	1.8	0.3	1.3
8.04 Refrain from enacting more legislation mandating minimum sentences.	55.4	17.3	12.4	5.9	3.9	2.3	1.3	0.0	1.6
	47.4	30.3	7.9	2.6	3.9	2.6	3.9	1.3	0.0
	53.8	19.8	11.5	5.2	3.9	2.3	1.8	0.3	1.3
8.05 Repeal most or all mandatory minimum sentences.	41.0	20.8	15.3	8.5	9.8	1.6	1.3	0.0	1.6
	36.8	22.4	14.5	15.8	2.6	1.3	5.3	1.3	0.0
	40.2	21.1	15.1	9.9	8.4	1.6	2.1	0.3	1.3
8.06 Eliminate the sentencing guidelines.	36.2	15.3	20.2	10.4	13.4	1.3	1.3	0.0	2.0
	28.9	11.8	23.7	19.7	9.2	1.3	5.3	0.0	0.0
	34.7	14.6	20.9	12.3	12.5	1.3	2.1	0.0	1.6

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

The following questions seek your opinions about criminal sanctions more generally. For the purposes of these questions, please assume there are no mandatory minima or sentencing guidelines, and a system based upon your

choices could be implemented. Please indicate the degree to which you agree or disagree with each of the following assertions by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
8.07 Federal judges would be appropriate decision makers about the nature and severity of sanctions to be imposed in criminal cases.	47.2 43.4 46.5	33.2 44.7 35.5	9.8 7.9 9.4	4.9 0.0 3.9	2.3 0.0 1.8	0.3 1.3 0.5	0.7 0.0 0.5	0.0 0.0 0.0	1.6 2.6 1.8
8.08 Congress would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	11.7 1.3 9.7	22.1 7.9 19.3	14.3 22.4 15.9	20.8 18.4 20.4	28.7 47.4 32.4	0.3 1.3 0.5	0.3 0.0 0.3	0.0 0.0 0.0	1.6 1.3 1.6
8.09 The Executive Branch would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	1.3 1.3 1.3	4.6 1.3 3.9	7.2 9.2 7.6	19.9 25.0 20.9	64.8 61.8 64.2	0.0 0.0 0.0	0.7 0.0 0.5	0.0 0.0 0.0	1.6 1.3 1.6
8.10 An independent commission would be an appropriate locus of decision making about the nature and severity of sanctions to be imposed in criminal cases.	2.3 3.9 2.6	15.0 10.5 14.1	15.6 18.4 16.2	23.1 28.9 24.3	41.4 32.9 39.7	0.3 2.6 0.8	0.7 1.3 0.8	0.0 0.0 0.0	1.6 1.3 1.6
8.11 Intermediate sanctions should be used by judges because these punishments are, in some cases, more effective than incarceration or "straight" probation.	22.1 21.1 21.9	38.1 48.7 40.2	16.6 19.7 17.2	3.9 0.0 3.1	2.3 0.0 1.8	8.8 6.6 8.4	5.5 2.6 5.0	0.7 0.0 0.5	2.0 1.3 1.8
8.12 Intermediate sanctions should be used by judges only if incarceration or "straight" probation are unavailable due to a shortage of resources.	1.6 1.3 1.6	11.1 15.8 12.0	14.7 27.6 17.2	25.4 22.4 24.8	28.7 18.4 26.6	10.4 9.2 10.2	5.9 3.9 5.5	0.3 0.0 0.3	2.0 1.3 1.8

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

DECIDING APPEALS IN THE CURRENT SYSTEM

The courts of appeals have used various procedures to handle the growth of their caseloads. Some commentators believe the appellate courts have reached the limit of their ability to streamline procedures without unacceptably compromising their essential functions. Others believe there is still room for suc-

cessful innovation without damaging the quality of justice. Please indicate the extent to which you agree with the following assessments of the appellate condition by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.01 The courts of appeals could effectively handle their caseloads without structural change by adopting additional procedural innovations.	5.5 <i>1.3</i> 4.7	16.0 <i>14.5</i> 15.7	4.9 <i>7.9</i> 5.5	10.1 <i>3.9</i> 8.9	1.3 <i>3.9</i> 1.8	31.3 <i>25.0</i> 30.0	29.6 <i>42.1</i> 32.1	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3
9.02 The courts of appeals have streamlined their procedures as much as they can without unacceptably compromising their essential functions.	2.9 <i>1.3</i> 2.6	16.3 <i>10.5</i> 15.1	3.6 <i>9.2</i> 4.7	10.4 <i>5.3</i> 9.4	3.6 <i>2.6</i> 3.4	32.2 <i>26.3</i> 31.1	29.6 <i>43.4</i> 32.4	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3
9.03 Measures adopted by the appellate courts to cope with growing caseloads have unacceptably diminished the quality of appellate justice.	1.3 <i>0.0</i> 1.0	4.9 <i>7.9</i> 5.5	7.2 <i>6.6</i> 7.0	19.5 <i>10.5</i> 17.8	15.3 <i>9.2</i> 14.1	26.1 <i>23.7</i> 25.6	24.4 <i>40.8</i> 27.7	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3

Please consider the appellate procedure options listed below and indicate the extent to which you support or oppose each one by checking one response for

each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.04 Increase use of appellate level ADR and conferencing programs such as CAMP.	14.7 <i>3.9</i> 12.5	21.2 <i>18.4</i> 20.6	7.5 <i>5.3</i> 7.0	4.9 <i>3.9</i> 4.7	4.2 <i>1.3</i> 3.7	21.2 <i>30.3</i> 23.0	24.8 <i>35.5</i> 26.9	0.0 <i>0.0</i> 0.0	1.6 <i>1.3</i> 1.6
9.05 Allow oral argument in every non-frivolous case in which any counsel requests it.	4.2 <i>7.9</i> 5.0	11.4 <i>25.0</i> 14.1	6.5 <i>6.6</i> 6.5	22.5 <i>18.4</i> 21.7	29.3 <i>11.8</i> 25.8	12.1 <i>10.5</i> 11.7	12.7 <i>18.4</i> 13.8	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3
9.06 Hear oral argument in fewer cases.	12.1 <i>6.6</i> 11.0	25.1 <i>25.0</i> 25.1	14.7 <i>21.1</i> 15.9	11.4 <i>13.2</i> 11.7	4.6 <i>3.9</i> 4.4	15.6 <i>10.5</i> 14.6	15.3 <i>18.4</i> 15.9	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3
9.07 Decide more cases only on oral argument, without briefs.	2.3 <i>1.3</i> 2.1	9.4 <i>10.5</i> 9.7	10.1 <i>10.5</i> 10.2	20.8 <i>21.1</i> 20.9	29.0 <i>30.3</i> 29.2	12.7 <i>9.2</i> 12.0	14.3 <i>15.8</i> 14.6	0.0 <i>0.0</i> 0.0	1.3 <i>1.3</i> 1.3

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
9.08 Establish specialized subject matter panels to decide some kinds of appeals.	9.1 6.6 8.6	31.6 35.5 32.4	13.0 11.8 12.8	11.7 15.8 12.5	10.4 1.3 8.6	12.1 13.2 12.3	10.7 14.5 11.5	0.0 0.0 0.0	1.3 1.3 1.3
9.09 Use videotaped record of district court proceedings rather than written record.	4.9 5.3 5.0	18.9 22.4 19.6	18.2 23.7 19.3	18.2 15.8 17.8	17.3 11.8 16.2	11.4 6.6 10.4	9.4 13.2 10.2	0.3 0.0 0.3	1.3 1.3 1.3
9.10 Use rulings from the bench more frequently to permit shorter written decisions.	16.9 5.3 14.6	37.8 40.8 38.4	12.7 17.1 13.6	9.8 13.2 10.4	1.3 1.3 1.3	9.4 7.9 9.1	10.1 11.8 10.4	0.0 0.0 0.0	2.0 2.6 2.1
9.11 Issue more written decisions without a statement of reasons (e.g., "affirmed for the reasons stated by the district court").	20.8 9.2 18.5	42.7 31.6 40.5	11.4 17.1 12.5	6.8 13.2 8.1	3.3 6.6 3.9	6.8 7.9 7.0	6.5 11.8 7.6	0.0 0.0 0.0	1.6 2.6 1.8
9.12 Publish fewer decisions.	20.8 9.2 18.5	27.0 28.9 27.4	13.4 26.3 15.9	15.0 14.5 14.9	6.5 2.6 5.7	10.1 6.6 9.4	5.5 10.5 6.5	0.0 0.0 0.0	1.6 1.3 1.6
9.13 Resist any procedural innovation that increases the likelihood that an appeal will be decided by fewer than three judges.	29.3 23.7 28.2	27.0 28.9 27.4	10.1 14.5 11.0	6.2 10.5 7.0	2.9 1.3 2.6	12.4 9.2 11.7	10.1 10.5 10.2	0.0 0.0 0.0	2.0 1.3 1.8
9.14 Use staff attorneys to monitor circuit decisions to help judges avert inconsistent decisions within their circuits.	33.9 23.7 31.9	38.8 40.8 39.2	2.0 3.9 2.3	2.3 7.9 3.4	1.3 1.3 1.3	10.4 10.5 10.4	10.1 10.5 10.2	0.0 0.0 0.0	1.3 1.3 1.3
9.15 Expand the role of staff attorneys in preparing cases for decisions on the merits.	12.1 9.2 11.5	19.9 27.6 21.4	11.7 14.5 12.3	6.8 9.2 7.3	7.5 3.9 6.8	17.9 11.8 16.7	22.5 22.4 22.5	0.0 0.0 0.0	1.6 1.3 1.6
9.16 More readily sanction frivolous appeals.	30.6 18.4 28.2	34.2 40.8 35.5	11.4 10.5 11.2	5.2 6.6 5.5	2.0 6.6 2.9	8.5 5.3 7.8	6.8 10.5 7.6	0.0 0.0 0.0	1.3 1.3 1.3

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

AVAILABILITY AND COMPENSATION OF COUNSEL

The availability and compensation of competent counsel affect access to, and fairness of, federal civil and criminal justice. For purposes of this section, assume no changes in the availability or affordability of legal services other than those described in each policy proposal. Please indicate the extent to which you would support or oppose each proposal below by checking one response for each. Circle any "no opinion" response that is based only on inexperience.

Counsel in Civil Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.01 Require judges to impose attorneys' fees on non-prevailing parties in diversity cases.	8.1 9.2 8.4	16.6 23.7 18.0	23.8 15.8 22.2	16.9 19.7 17.5	33.2 22.4 31.1	0.3 2.6 0.8	0.7 5.3 1.6	0.0 0.0 0.0	0.3 1.3 0.5
10.02 Require judges to impose attorneys' fees on non-prevailing parties in all civil cases other than civil rights cases.	7.5 7.9 7.6	16.0 25.0 17.8	23.8 14.5 21.9	18.2 17.1 18.0	33.6 26.3 32.1	0.3 2.6 0.8	0.3 5.3 1.3	0.0 0.0 0.0	0.3 1.3 0.5
10.03 Allow judges to impose attorneys' fees on non-prevailing parties only where the claim or defense is found to be non-meritorious.	19.2 23.7 20.1	42.0 35.5 40.7	16.9 14.5 16.4	9.4 11.8 9.9	9.8 5.3 8.9	1.0 1.3 1.0	0.7 6.6 1.8	0.0 0.0 0.0	1.0 1.3 1.0
10.04 Limit contingent fees by capping the allowable percentage (e.g., 33-45% of net recovery).	28.7 25.0 27.9	30.0 22.4 28.5	15.3 11.8 14.6	12.1 11.8 12.0	10.4 21.1 12.5	1.6 1.3 1.6	1.3 5.3 2.1	0.0 0.0 0.0	0.7 1.3 0.8
10.05 Increase efforts to provide competent counsel to civil litigants who cannot afford it.	37.8 19.7 34.2	31.3 30.3 31.1	13.4 17.1 14.1	11.1 17.1 12.3	5.2 5.3 5.2	0.3 2.6 0.8	0.7 5.3 1.6	0.0 0.0 0.0	0.3 2.6 0.8

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

Counsel in Criminal Cases

Survey Item	1 Strongly support	2 Moderately support	3 Have mixed feelings	4 Moderately oppose	5 Strongly oppose	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
10.06 Require funds for constitutionally mandated appointed counsel to be budgeted separately from the judiciary's budget.	54.7 32.9 50.4	19.5 26.3 20.9	6.2 7.9 6.5	2.9 6.6 3.7	3.3 2.6 3.1	7.2 13.2 8.4	5.5 7.9 6.0	0.0 0.0 0.0	0.7 2.6 1.0
10.07 Increase the amount of money available for providing counsel to indigent defendants.	53.1 36.8 49.9	30.0 36.8 31.3	6.2 13.2 7.6	3.9 3.9 3.9	1.0 1.3 1.0	3.3 2.6 3.1	2.0 2.6 2.1	0.0 0.0 0.0	0.7 2.6 1.0
10.08 Fund continuing education programs designed to improve the quality of advocacy of appointed counsel.	51.8 36.8 48.8	31.9 31.6 31.9	7.5 10.5 8.1	3.6 10.5 5.0	2.0 2.6 2.1	1.3 3.9 1.8	1.3 1.3 1.3	0.0 0.0 0.0	0.7 2.6 1.0
10.09 Increase funds to educate appointed counsel on practice under the sentencing guidelines.	45.0 27.6 41.5	34.2 34.2 34.2	10.4 17.1 11.7	4.2 9.2 5.2	2.3 3.9 2.6	1.6 3.9 2.1	1.6 1.3 1.6	0.0 0.0 0.0	0.7 2.6 1.0
10.10 Increase compensation of appointed counsel to achieve parity with government counsel.	32.2 28.9 31.6	35.5 35.5 35.5	15.3 15.8 15.4	9.8 9.2 9.7	2.9 2.6 2.9	2.9 3.9 3.1	0.7 1.3 0.8	0.0 0.0 0.0	0.7 2.6 1.0
10.11 Revamp the current system for providing assistance of counsel to indigent defendants.	19.5 13.2 18.3	24.1 31.6 25.6	23.8 21.1 23.2	13.7 19.7 14.9	7.8 2.6 6.8	6.8 2.6 6.0	3.3 6.6 3.9	0.0 0.0 0.0	1.0 2.6 1.3

Full-time Magistrate Judges (N = 307)

Part-time Magistrate Judges (N = 76)

All Magistrate Judges (N = 383)

METHODS OF CIVIL DISPUTE RESOLUTION

The following questions seek your opinion about appropriate roles of federal courts in traditional and alternative means of dispute resolution in civil cases. Several items refer to ADR, by which we mean the range of procedures that may be used to resolve civil disputes other than traditional litigation. Please in-

dicating the extent to which you agree or disagree with the statements below by checking one response for each item. Circle any "no opinion" response that is based only on inexperience.

Survey Item	1 Strongly agree	2 Moderately agree	3 Have mixed feelings	4 Moderately disagree	5 Strongly disagree	6 No opinion	"7" No opinion/ inexperience	"8" Unclear/ illegible	"9" No answer
11.01 The role of the federal courts in civil cases should be to resolve disputes through traditional litigation only.	4.9 2.6 4.4	8.5 15.8 9.9	10.4 13.2 11.0	32.6 36.8 33.4	42.7 23.7 38.9	0.0 2.6 0.5	0.0 3.9 0.8	0.0 0.0 0.0	1.0 1.3 1.0
11.02 The role of federal courts in civil cases should be to assist parties in resolving their dispute through whatever procedure is best suited to the cases.	53.4 42.1 51.2	32.9 38.2 33.9	5.9 6.6 6.0	3.3 2.6 3.1	2.9 1.3 2.6	0.7 5.3 1.6	0.0 3.9 0.8	0.0 0.0 0.0	1.0 0.0 0.8
11.03 ADR procedures should be used by federal courts in civil cases because in some cases they produce fairer outcomes than traditional litigation.	31.3 17.1 28.5	32.2 30.3 31.9	16.6 18.4 17.0	9.8 9.2 9.7	5.5 2.6 5.0	2.6 10.5 4.2	1.6 10.5 3.4	0.0 0.0 0.0	0.3 1.3 0.5
11.04 ADR should be used by federal courts only to prevent lengthy delays in terminating cases.	1.6 2.6 1.8	7.5 13.2 8.6	11.1 14.5 11.7	38.1 28.9 36.3	38.1 21.1 34.7	1.3 9.2 2.9	1.3 10.5 3.1	0.0 0.0 0.0	1.0 0.0 0.8
11.05 ADR should never be used within the federal courts.	2.9 1.3 2.6	1.6 0.0 1.3	4.9 6.6 5.2	12.4 15.8 13.1	75.2 57.9 71.8	1.6 9.2 3.1	1.0 9.2 2.6	0.0 0.0 0.0	0.3 0.0 0.3
11.06 There is a general need for ADR in my court due to the nature of the disputes filed.	24.8 13.2 22.5	37.1 13.2 32.4	7.5 9.2 7.8	9.1 5.3 8.4	13.4 9.2 12.5	2.9 27.6 7.8	4.2 21.1 7.6	0.0 0.0 0.0	1.0 1.3 1.0
11.07 There is a general need for ADR in my court due to the volume of cases.	26.1 11.8 23.2	36.5 17.1 32.6	5.5 6.6 5.7	15.3 3.9 13.1	10.4 13.2 11.0	2.9 28.9 8.1	2.9 17.1 5.7	0.0 0.0 0.0	0.3 1.3 0.5

Full-time Magistrate Judges (N = 307)
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THE FEDERAL JUDICIAL CENTER

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ABOUT THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, education, and planning agency of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620–629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and six judges elected by the Judicial Conference.

The Court Education Division develops and administers education and training programs and services for nonjudicial court personnel, such as those in clerks' offices and probation and pretrial services offices, and management training programs for court teams of judges and managers.

The Judicial Education Division develops and administers education programs and services for judges, career court attorneys, and federal defender office personnel. These include orientation seminars and special continuing education workshops.

The Planning & Technology Division supports the Center's education and research activities by developing, maintaining, and testing technology for information processing, education, and communications. The division also supports long-range planning activity in the Judicial Conference and the

courts with research, including analysis of emerging technologies, and other services as requested.

The Publications & Media Division develops and produces educational audio and video programs and edits and coordinates the production of all Center publications, including research reports and studies, educational and training publications, reference manuals, and periodicals. The Center's Information Services Office, which maintains a specialized collection of materials on judicial administration, is located within this division.

The Research Division undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, often at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal system.

The Center's Federal Judicial History Office develops programs relating to the history of the judicial branch and assists courts with their own judicial history programs.

The Interjudicial Affairs Office serves as clearinghouse for the Center's work with state–federal judicial councils and coordinates programs for foreign judiciaries, including the Foreign Judicial Fellows Program.

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