

**CIVIL JUSTICE REFORM ACT
QUESTIONNAIRE TO PRACTICING ATTORNEYS
OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**



**TO PRESERVE ANONYMITY,
PLEASE DO NOT PUT YOUR NAME
ON ANY SECTION OF THIS SURVEY**

THANK YOU FOR YOUR COOPERATION

- Q1 Have you participated in any civil cases in the U.S. District Court for the Southern District of Illinois within the last eighteen months? (Circle one number to indicate your answer)
- 1 NO If NO, please do not complete this survey. Return the survey in the envelope provided.
- 2 YES If YES, in how many cases did you participate:
- _____ BENTON
- _____ EAST ST. LOUIS
- Q2 Case management is one way that has been proposed to reduce costs and delays in the court.
- What level of case management by the court do you believe to be the most efficient to reduce delays and costs while maintaining justice.
(Circle one number to indicate your answer)
- 0 NONE
- 1 LOW
- 2 MODERATE
- 3 HIGH
- Q3 How important is oral argument to the outcome of civil motions?
- 0 NOT AT ALL IMPORTANT
- 1 SOMEWHAT IMPORTANT
- 2 VERY IMPORTANT
- 3 EXTREMELY IMPORTANT
- Q4 How often should a motion docket for oral argument be scheduled?
- 1 ONLY WHEN NECESSARY
- 2 ONCE PER MONTH
- 3 MORE THAN ONCE PER MONTH
- Q5 How often should the Court be available for informal matters (i.e., routine Extensions of Time, Motions to Quash Discovery, Continuances or other brief matters)?
- 1 ONCE A MONTH
- 2 ONCE EVERY TWO WEEKS
- 3 ONCE A WEEK
- 4 ONCE A DAY
- Q6 To what number (if any) should written interrogatories be limited?
- 0 SHOULD NOT BE LIMITED
- 1 LIMITED TO 20
- 2 LIMITED TO 35
- 3 LIMITED TO _____ (insert number)
- Q7 How (if at all) should the number of experts in a case be limited?
- 0 SHOULD NOT BE LIMITED
- 1 LIMITED BY THE COURT THROUGH LOCAL RULE
- 2 LIMITED BY THE COURT AFTER PRE-TRIAL CONFERENCE ON A CASE-BY-CASE BASIS

Listed below are several case management actions that can be taken by the court in litigation.
 Indicate whether you believe the action would be appropriate for simple, standard and/or complex cases.

		Appropriate for: (Circle all that apply)		
Q8	Hold mandatory Case Management Conferences shortly after an answer or other responsive pleading to be filed.	SIMPLE	STANDARD	COMPLEX
Q9	Set and enforce time limits on allowable discovery.	SIMPLE	STANDARD	COMPLEX
Q10	Narrow issues through conferences or other methods.	SIMPLE	STANDARD	COMPLEX
Q11	Refer the case to alternative dispute resolution, such as mediation or arbitration.	SIMPLE	STANDARD	COMPLEX
Q12	Set an early and firm trial date.	SIMPLE	STANDARD	COMPLEX
Q13	Conduct or facilitate settlement discussions.	SIMPLE	STANDARD	COMPLEX
Q14	Exercise firm judicial control over trial proceedings.	SIMPLE	STANDARD	COMPLEX
Q15	Expand cover sheet used by the Clerk to facilitate assignment of cases based upon complexity of case.	SIMPLE	STANDARD	COMPLEX
Q16	Implement a staged discovery process.	SIMPLE	STANDARD	COMPLEX
Q17	Implement a staged disposition of issues process.	SIMPLE	STANDARD	COMPLEX
Q18	Implement a stringent "good cause" justification for delaying trials and discovery deadlines.	SIMPLE	STANDARD	COMPLEX
Q19	Develop standard period for the disposition of motions by judges.	SIMPLE	STANDARD	COMPLEX

For each of the case management actions listed below, rate their effectiveness in reducing (I) delays, and (II) costs. Refer to the following scale in making your response:

- 1 NOT AT ALL EFFECTIVE
- 2 SOMEWHAT EFFECTIVE
- 3 MODERATELY EFFECTIVE
- 4 VERY EFFECTIVE
- 5 EXTREMELY EFFECTIVE

		I Reducing Delays					II Reducing Costs				
Q20	Hold mandatory Case Management Conferences shortly after an answer or other responsive pleading has been filed.	1	2	3	4	5	1	2	3	4	5
Q21	Set and enforce time limits on allowable discovery.	1	2	3	4	5	1	2	3	4	5
Q22	Narrow issues through conferences or other methods.	1	2	3	4	5	1	2	3	4	5
Q23	Refer the case to alternative dispute resolution, such as mediation or arbitration.	1	2	3	4	5	1	2	3	4	5
Q24	Set an early and firm trial date.	1	2	3	4	5	1	2	3	4	5
Q25	Conduct or facilitate settlement discussions.	1	2	3	4	5	1	2	3	4	5
Q26	Exercise firm judicial control over trial proceedings.	1	2	3	4	5	1	2	3	4	5
Q27	Expand cover sheet used by the Clerk to facilitate assignment of cases based upon complexity of case.	1	2	3	4	5	1	2	3	4	5
Q28	Implement a staged discovery process.	1	2	3	4	5	1	2	3	4	5
Q29	Implement a staged disposition-of-issues process.	1	2	3	4	5	1	2	3	4	5
Q30	Implement a stringent "good cause" justification for delaying trials and discovery deadlines.	1	2	3	4	5	1	2	3	4	5
Q31	Develop standard period for the disposition of motions by judges.	1	2	3	4	5	1	2	3	4	5

The following statements refer to suggestions for procedures regarding witness discovery, pre-trial conferences, trials, diversity removal jurisdiction and alternative dispute resolution.

Indicate your level of agreement with each suggestion by circling the number on the corresponding scale:

- 1 STRONGLY DISAGREE
- 2 DISAGREE
- 3 NEITHER AGREE NOR DISAGREE
- 4 AGREE
- 5 STRONGLY AGREE

- Q32 Uniformity of court procedures among all the Southern District of Illinois judicial officers would improve the litigation process. 1 2 3 4 5
- Q33 The sequencing of expert disclosure and depositions should be done by the court after a pre-trial conference. 1 2 3 4 5
- Q34 The court should adopt a local rule (similar to Illinois Supreme Court Rule 220) requiring disclosure of all experts' opinions within 60 days prior to the initial trial setting. 1 2 3 4 5
- Q35 After an answer or other responsive pleading has been filed, a pre-trial conference should be held to schedule discovery including expert disclosure. 1 2 3 4 5
- Q36 At some time prior to the trial setting, the court should hold mandatory settlement conferences with compulsory attendance of the parties or representatives with decision making authority on behalf of the parties. 1 2 3 4 5
- Q37 Pre-trial conferences, other than final pre-trial conferences the week before trial, are not necessary. 1 2 3 4 5
- Q38 The court should require the parties to meet and confer seven (7) days prior to the initial trial setting to review exhibits and come to an agreement (or disagreement) concerning the admissibility of each exhibit the parties intend to introduce at trial. 1 2 3 4 5
- Q39 The Clerk's Office should make available to the trial attorneys the biographical information on summoned jurors on the Friday before trial. 1 2 3 4 5
- Q40 If I could have the court involved in one aspect of litigation prior to trial, it would be: _____
-

- | | |
|---|----------------------------|
| 1 | STRONGLY DISAGREE |
| 2 | DISAGREE |
| 3 | NEITHER AGREE NOR DISAGREE |
| 4 | AGREE |
| 5 | STRONGLY AGREE |

- Q41 The court should increase the use of Alternative Dispute Resolution programs. 1 2 3 4 5
- Q42 Diversity removal jurisdiction should be continued. 1 2 3 4 5
- Q43 At what dollar limit do you believe diversity removal jurisdiction should begin? \$ _____

A range of Alternate Dispute Resolution (ADR) programs have been proposed as a way of reducing costs and delays. The value and appropriateness of these programs may vary with the complexity of the case. This section seeks your views about these programs.

For each program, indicate in what proportion of cases it should be used for [I] simple, [II] standard, [III] complex cases (Circle one number for each case type). Refer to the following scale in making your response:

- 0 NOT AT ALL
 1 IN SOME CASES
 2 IN ABOUT HALF THE CASES
 3 IN MOST CASES
 4 IN ALL CASES

	I Simple					II Standard					III Complex					
Q44	Mediation settlement conferences	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Q45	Non-binding summary jury trial	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Q46	Non-binding summary bench trial	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Q47	Mini-trial	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Q48	Compulsory, non-binding arbitration	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Q49	ADR programs generally	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4

For each ADR program, indicate whether you believe its use should be voluntary (decided by the parties) or mandatory (decided by the court).

Use the following scale and circle one number for each type of case.

- 1 VOLUNTARY
- 2 MANDATORY

		I Simple		II Standard		III Complex	
Q50	Mediation settlement conferences	1	2	1	2	1	2
Q51	Non-binding summary jury trial	1	2	1	2	1	2
Q52	Non-binding summary bench trial	1	2	1	2	1	2
Q53	Mini-trial	1	2	1	2	1	2
Q54	Compulsory, non-binding arbitration	1	2	1	2	1	2
Q55	ADR programs generally	1	2	1	2	1	2

For each ADR program listed below, indicate how effective you believe its use would be in [I] reducing delays, and [II] reducing costs for standard cases.

Refer to the following scale to make your response. Remember to circle one number under each column.

- 1 NOT AT ALL IMPORTANT
- 2 SOMEWHAT IMPORTANT
- 3 MODERATELY IMPORTANT
- 4 VERY IMPORTANT
- 5 EXTREMELY IMPORTANT

		I Reducing Delays					II Reducing Costs				
Q56	Mediation settlement conferences	1	2	3	4	5	1	2	3	4	5
Q57	Non-binding summary jury trial	1	2	3	4	5	1	2	3	4	5
Q58	Non-binding summary bench trial	1	2	3	4	5	1	2	3	4	5
Q59	Mini-trial	1	2	3	4	5	1	2	3	4	5
Q60	Compulsory, non-binding arbitration	1	2	3	4	5	1	2	3	4	5
Q61	ADR programs generally	1	2	3	4	5	1	2	3	4	5

Please provide your written responses to the following questions.

Q62 Considering the existing court procedures of Chief Judge James L. Foreman, Judge William L. Beatty, Judge William D. Stiehl, Magistrate Judge Gerald B. Cohn, Magistrate Judge Philip M. Frazier and Magistrate Judge John M. Ferguson, what changes could be made in their court procedures that would improve the litigation process in the United States District Court for the Southern District of Illinois? Please do not be judge specific in your answers.

Q63 What other suggestions or comments do you have for relieving the delays and costs of processing civil cases in this District? In your response, please consider all portions of the judicial process including the Court, the Clerk of the Court's offices, and the practicing attorneys. Finally, what areas are well handled by the judicial officers and should be left alone or modified only slightly?

WE THANK YOU FOR YOUR CAREFUL RESPONSES TO THE QUESTIONS ON THIS SURVEY. REMEMBER, PLEASE DO NOT PUT YOUR NAME ON THE SURVEY, AND RETURN THE SURVEY IN THE ENVELOPE PROVIDED.

Survey design by Applied Research Consultants
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