

REPORT OF THE ADVISORY GROUP
OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
APPOINTED UNDER THE CIVIL JUSTICE REFORM ACT OF 1990

SUPPLEMENT

Appendix G. Customer Opinion Survey --
Attorney's Questionnaire

Appendix H. Customer Opinion Survey --
Litigant's Questionnaire

Appendix I. Statistical Results from the
Attorney's Questionnaire

Appendix J. Statistical Results from the
Litigant's Questionnaire

December 11, 1992

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I. BACKGROUND

- A. Years in Practice: 0-5 6-10 11-15 16-25 over 25
- B. With whom do you practice law?
 Law firm
size: 1-5 6-10 11-15 16-25 26-50 over 50
 Corporate legal department
size: 1-5 6-10 11-15 16-25 26-50 over 50
- C. What % of your practice is as:
 Defense
 Plaintiff
 Litigant
 Other
- D. What % of your practice is in Federal Court?
less than 25% 25% 50% 75% over 75%
- E. What % of your practice is in these courts?
 State Northern Dist. Other Dist.
- F. Describe your practice in Federal Court:
(e.g., personal injury, products liability, employment
discrimination, labor, securities, debtor/creditor, entitlements)
- G. What % of your cases since Jan 1, 1989, can be classified as:
 Contract Real Property
 Torts Asbestos
 Equal Rights Labor
 Property Rights Banks, Banking
 Securities Environmental
 Other
- H. How many complaints have you filed in Federal Court since January 1, 1989? _____
- I. How many cases have you tried in Federal Court as lead or participating counsel since January 1, 1989? _____
- J. How many days have you spent in DISCOVERY for this case? _____
- K. How many days have you spent in TRIAL for this case? _____
- L. How many days have you spent in SETTLEMENT NEGOTIATIONS for this case? _____

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M. What type was this case?

- | | |
|--|--|
| <input type="checkbox"/> Contract | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Torts | <input type="checkbox"/> Asbestos |
| <input type="checkbox"/> Equal Rights | <input type="checkbox"/> Labor |
| <input type="checkbox"/> Property Rights | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Banks, Banking | <input type="checkbox"/> Other |
| <input type="checkbox"/> Environmental | |

N. What % of your civil cases filed in Northern District Court since Jan 1, 1989 go to:

- Summary Judgement
 Full Trial to Decision
 Settlement Prior to Trial
 Settlement During Trial
 Appeal

O. The facilities of the Northern District Court compared to other U.S. District Courts are:

(0 = much worse, 5 = much better) 0 1 2 3 4 5

P. The time from Filing to Disposition in the Northern District Court compared to other U.S. District Courts is:

<----- longer -----> shorter ----->
 over 20% 10-20% 0-10% the same 0-10% 10-20% over 20%

Q. How is the clerk's office in the Northern District staffed?

(0 = poorly, 5 = well) 0 1 2 3 4 5

R. How is the clerk's office in the Northern District trained?

(0 = poorly, 5 = well) 0 1 2 3 4 5

S. How is the clerk's office in the Northern District equipped?

(0 = poorly, 5 = well) 0 1 2 3 4 5

II. GENERAL

A. The COST of litigation in the Northern District is:

(0 = too cheap, 5 = too costly) 0 1 2 3 4 5

B. The SPEED of litigation in the Northern District is:

(0 = too fast, 5 = too slow) 0 1 2 3 4 5

C. The RESULT of litigation in the Northern District is:

(0 = just, 5 = Unjust) 0 1 2 3 4 5

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- D. Should a lawyer be required to advise the client, before filing a lawsuit, of the potential risks and costs of litigation and potential alternatives?
(0 = never,5 = always) 0 1 2 3 4 5**
- E. Should the defense be required to advise the client, before filing a motion, of the potential risks and costs of litigation and potential alternatives?
(0 = never,5 = always) 0 1 2 3 4 5**
- F. Should the court appoint "independent" expert witnesses?
(0 = never,5 = always) 0 1 2 3 4 5**
- G. If both parties wish no action be taken in a case, the judge should hold the matter in abeyance for: _____ days.**
- H. Federal Courts should be allowed to alter the fee agreement between a lawyer and his client:
(0 = never,5 = always) 0 1 2 3 4 5**
- I. How many Magistrate Judges does the Northern District need?**
- J. The Northern District currently has 3 District Judges and 7 Law Clerks. How many Law Clerks does the Northern District need (per judge)?**
- K. In the Northern District, the counsel for the parties have adequate access to the judge who has the case.
(0 = never,5 = always) 0 1 2 3 4 5**
- L. In the Northern District, the judges are sufficiently informed about the individual cases assigned to them.
(0 = never,5 = always) 0 1 2 3 4 5**
- M. In the Northern District, a concern for "statistics" by the judges interferes with a just resolution of the cases.
(0 = never,5 = always) 0 1 2 3 4 5**
- N. In the Northern District, lawyers are to blame for excessive costs and/or delays in litigation.
(0 = never,5 = always) 0 1 2 3 4 5**
- O. Should the court establish guidelines for limits to the number and length of depositions?
(0 = never,5 = always) 0 1 2 3 4 5**
- P. Should the court establish limits for the number of witnesses at trial?
(0 = never,5 = always) 0 1 2 3 4 5**
- Q. Should the court establish time limits for testimony of witnesses at trial?
(0 = never,5 = always) 0 1 2 3 4 5**

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III. PRIVATE ALTERNATIVE METHODS OF DISPUTE RESOLUTION

A. Since January 1, 1989, how often have you used these PRIVATE alternative methods of dispute resolution?

- | | |
|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Mini-Trial |
| <input type="checkbox"/> Mediation | <input type="checkbox"/> Ombudsman |
| <input type="checkbox"/> Med/Arb | <input type="checkbox"/> Other |
| <input type="checkbox"/> Rent-a-Judge | |

B. If private alternative methods of dispute resolution were more readily available, you would use them:

(0 = never, 5 = always) 0 1 2 3 4 5

C. The Northern District Court should encourage disputants to consider private alternative methods of dispute resolution.

(0 = never, 5 = always) 0 1 2 3 4 5

IV. CASE FILINGS

A. In the Northern District, the number of cases filed are:

(0 = not enough, 5 = too many) 0 1 2 3 4 5

B. In the Northern District, cases are filed just to get a settlement:

(0 = never, 5 = often) 0 1 2 3 4 5

C. In the Northern District, cases are filed prematurely:

(0 = never, 5 = often) 0 1 2 3 4 5

D. In the Northern District, Rule 11 sanctions should be used:

(0 = much less, 5 = much more) 0 1 2 3 4 5

E. In the Northern District, Rule 68 offers should be used:

(0 = much less, 5 = more more) 0 1 2 3 4 5

V. COURT ORDERED SETTLEMENT CONFERENCES

A. In the Northern District, since Jan 1, 1989, in how many cases of these case types did you participate in a settlement conference?

- | | |
|--|---|
| <input type="checkbox"/> Contract | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Torts | <input type="checkbox"/> Asbestos |
| <input type="checkbox"/> Equal Rights | <input type="checkbox"/> Labor |
| <input type="checkbox"/> Property Rights | <input type="checkbox"/> Banks, Banking |
| <input type="checkbox"/> Securities | <input type="checkbox"/> Environmental |
| <input type="checkbox"/> Other | |

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- B. How many of the settlement conferences were conducted by:
___ Federal Dist. Court Judge
___ Federal Magistrate Judge
___ Adjunct Settlement Judge
- C. Were the settlement conferences productive? (0 = never, 5 = always)
With: Fed. Dist. Court Judge 0 1 2 3 4 5
With: Fed. Magistrate Judge 0 1 2 3 4 5
With: Adj. Settlement Judge 0 1 2 3 4 5
- D. Of those cases which settled after a settlement conference, did they settle as a result of that settlement conference?
(0 = never, 5 = always) 0 1 2 3 4 5
- E. The Adjunct Settlement Judge program in the Northern District should be:
(0 = eliminated, 5 = greatly expanded) 1 2 3 4 5
- F. In the Northern District, settlement conferences should be required by the judge:
(0 = never, 5 = always) 0 1 2 3 4 5
- G. The emphasis in the Northern District on required settlement discussions is:
(0 = too little, 5 = too much) 0 1 2 3 4 5
- H. Suggesting settlement discussions by a party is perceived by the other party as:
(0 = weakness, 5 = strength) 0 1 2 3 4 5
- I. Settlement conferences are being set:
(0 = too early, 5 = too late) 0 1 2 3 4 5
- J. Settlement conferences should be set:
___ before discovery
___ during discovery
___ after discovery

VI. COURT ORDERED ARBITRATION (Court Annexed Arbitration)

- A. In another District Court, since Jan 1, 1989, in how many cases did you participate in court ordered arbitration?
- B. Were the court ordered arbitrations productive?
(0 = never, 5 = always) 0 1 2 3 4 5
- C. Should the Northern District add Court Ordered Arbitration?

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VII. PRE-TRIAL CONFERENCE

A. Were the pre-trial conferences in which you were involved since Jan 1, 1989, effective?

(0 = never, 5 = always) 0 1 2 3 4 5

VIII. DISCOVERY

A. In the Northern District, the following case types are subject to excessive discovery. (0 = never, 5 = always)

- Contract 0 1 2 3 4 5**
- Real Property 0 1 2 3 4 5**
- Torts 0 1 2 3 4 5**
- Asbestos 0 1 2 3 4 5**
- Equal Rights 0 1 2 3 4 5**
- Labor 0 1 2 3 4 5**
- Property Rights 0 1 2 3 4 5**
- Banks, Banking 0 1 2 3 4 5**
- Securities 0 1 2 3 4 5**
- Environmental 0 1 2 3 4 5**
- Other 0 1 2 3 4 5**

B. In the Northern District, since Jan 1, 1989, what % of your cases been subject to excessive discovery? _____

C. In the Northern District, District Judges make timely rulings on pre-trial discovery:

(0 = never, 5 = always) 0 1 2 3 4 5

D. In the Northern District, Magistrate Judges make timely rulings on pre-trial discovery:

(0 = never, 5 = always) 0 1 2 3 4 5

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IX. MOTIONS

A. Motions are filed in the Northern District for the purpose of delaying proceedings in these case types: (0 = seldom, 5 = often)

Contract	0	1	2	3	4	5
Real Property	0	1	2	3	4	5
Torts	0	1	2	3	4	5
Asbestos	0	1	2	3	4	5
Equal Rights	0	1	2	3	4	5
Labor	0	1	2	3	4	5
Property Rights	0	1	2	3	4	5
Banks, Banking	0	1	2	3	4	5
Securities	0	1	2	3	4	5
Environmental	0	1	2	3	4	5
Other	0	1	2	3	4	5

B. In the Northern District, motions for summary judgement should be granted: (0 = less often, 5 = more often) 0 1 2 3 4 5

C. In the Northern District, judges make timely rulings on motions for summary judgment: (0 = never, 5 = always) 0 1 2 3 4 5

X. TRIAL

A. In the Northern District, the time between the filing of a complaint and trial is: (0 = too short, 5 = too long) 0 1 2 3 4 5

B. In the Northern District, the length of trial is: (0 = too short, 5 = too long) 0 1 2 3 4 5

XI. APPEALS

A. In the Northern District, issues should be decided on interlocutory appeal: (0 = less often, 5 = more often) 0 1 2 3 4 5

B. In the Northern District, does speeding up the litigation process lead to unfairness: (0 = less often, 5 = more often) 0 1 2 3 4 5

C. In the Northern District, does speeding up the litigation process lead to excessive expense: (0 = less often, 5 = more often) 0 1 2 3 4 5

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XII. RECOMMENDATIONS AND COMMENTS

1. List, in order of priority, improvements you believe would successfully reduce the cost of litigation.

2. List, in order of priority, improvements you believe would effectively shorten the duration of litigation from filing to resolution.

3. List, in order of priority, ways that the number of cases being filed can be reduced so that only "appropriate" and "timely" cases are filed in the Northern District.

4. List, in order of priority, ways to improve pre-trial DISCOVERY in the Northern District.

5. List ways to improve Status and Scheduling conferences.

6. List, in order of priority, ways to improve pre-trial CONFERENCES in the Northern District.

7. List, in order of priority, ways to improve SETTLEMENT CONFERENCES in the Northern District.

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-
- 8. List ways to improve the facilities of the U.S. Courthouse or courtrooms.**

 - 9. How would you allow the judge to adjust the fee agreement between lawyer and client in the Northern District?**

 - 10. List, in order, the types of civil litigation that are most prone to problems in the Northern District.**

 - 11. List changes to the rules to prevent lawyers from causing excessive costs and delays.**

 - 12. List, in order of priority, changes to improve motion practice in the Northern District.**

 - 13. List ways in which trials before a jury could be improved.**

 - 14. List ways in which trials before a judge could be improved.**

 - 15. List, in order of priority, changes which should be made in the clerk's office in the Northern District.**

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Questions for Litigants**

I. Were you the plaintiff or defendant in the case noted on the cover letter ? (circle one)

- A. plaintiff**
- B. defendant**

II. Please indicate the total costs you spent on this case for each of the categories listed below. If you are unable to categorize your costs, please indicate the TOTAL cost only.

- A. Attorney's Fees and Expenses** _____
- B. Experts** _____
- C. Other (please describe** _____
- D. Total Cost of Litigation** _____

III. Please estimate the amount of money which was at stake in this case.

IV. What type of fee arrangement did you have with your attorney? (circle one)

- A. hourly rate**
- B. set fee**
- C. contingency**
- D. Other - please describe:**

V. Did this arrangement in your opinion result in reasonable fees being paid to your attorney? (circle one)

- A. yes**
- B. no**
- C. do not know**

Comments:

VI. Were the costs incurred by you on this matter (circle one)

(0 = much too low, 5 = much too high) 0 1 2 3 4 5

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Questions for Litigants**

VII. If you believe the cost of litigation was too high, what actions should your attorney or the court have taken to reduce the cost of this matter?

VIII. Do you believe a delay or postponement should always be granted upon written request of all parties?

IX. Was the time that it took to resolve this matter (circle one)

(0 = much too short, 5 = much too long) 0 1 2 3 4 5

X. If you believe that it took too long to resolve your case, what actions should your attorney or the court have taken to resolve your case more quickly?

XI. Did you attend a settlement conference?

XII. Was your settlement conference conducted by:

District Judge
 Magistrate Judge
 Adjunct Settlement Judge

XIII. Did your case settle at the settlement conference?

XIV. If your case did not settle at the settlement conference, did it settle later?

XV. What is your opinion of the settlement conference?

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Questions for Litigants**

XVI. Was arbitration or mediation used in your case? (circle one)

- A. No**
- B. Yes**

XVII. Do you feel the suit, as originally filed, had a reasonable basis requiring a court trial? Please explain.

XVIII. Please add any comments or suggestions regarding the time and cost of litigation in the federal courts.

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Questions for Lawyers**

There were 100 responses included in the statistical analysis of the questions for lawyers. This level of response is quite good for this type of survey. Responses were grouped and analyzed in a variety of ways, but the only groupings that were found to be significant were by 1) type of practice (defense vs plaintiff) and 2) amount of federal court practice. The differences are highlighted with notes.

I. BACKGROUND

Questions A - N were designed to gauge the backgrounds of the respondents, and the answers shown for questions C, E and G-N are the averages of all of the responses. Questions O-S concern general conditions in the Northern District Court.

- A. Years in Practice: 0-5 6-10 11-15 16-25 over 25
 # responding 8 20 28 25 14
- B. With whom do you practice law?
 91 Law firm
 3 Corporate legal department
 5 Other (Government, pro se)
 size: 1-5 6-10 11-15 16-25 26-50 over 50
 # Resp. 32 16 11 21 10 5
- C. What % of your practice is as:
 50% Defense
 40% Plaintiff
 3% Litigant
 5% Other
- D. What % of your practice is in Federal Court?
 less than 25% 25% 50% 75% over 75%
 22 19 31 15 11
- E. What % of your practice is in these courts?
 48% State 39% Northern Dist. 11% Other Dist.
- F. Describe your practice in Federal Court:
 (e.g., personal injury, products liability, employment
 discrimination, labor, securities, debtor/creditor, entitlements)
Note: response varied by respondent.
- G. What % of your cases since Jan 1, 1989, can be classified as:
 22% Contract 3% Real Property
 38% Torts 0% Asbestos
 5% Equal Rights 2% Labor
 2% Property Rights 3% Banks, Banking
 6% Securities 4% Environmental
 7% Other
- H. How many complaints have you filed in Federal Court since January 1, 1989? 17
Note: This answer is skewed by the answer of a federal attorney. The more correct answer is that 58% of respondents claim two or less complaints in this time period.

- I. How many cases have you tried in Federal Court as lead or participating counsel since January 1, 1989? 2
Note: 41% of respondents answered 0 days.

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J. How many days have you spent in DISCOVERY for this case? 36
Note: 60% of respondents answered with 5 or less days.

K. How many days have you spent in TRIAL for this case? 6
Note: 88% of respondents answered 0 days.

L. How many days have you spent in SETTLEMENT NEGOTIATIONS for this case? 5
Note: 78% of respondents answered 2 or less days.

M. What type was this case?

34 Contract	6 Real Property
36 Torts	0 Asbestos
8 Equal Rights	4 Labor
7 Property Rights	6 Securities
1 Banks, Banking	17 Other
3 Environmental	

N. What % of your civil cases filed in Northern District Court since Jan 1, 1989 go to:

- 15% Summary Judgment (49% said 0)
- 13% Full Trial to Decision (53% said 0)
- 52% Settlement Prior to Trial
- 2% Settlement During Trial (91% said 0)
- 4% Appeal (79% said 0)

O. The facilities of the Northern District Court compared to other U.S. District Courts are:
(0 = much worse, 5 = much better)

0	1	2	3	4	5
# Resp.	1	29	32	34	

P. The time from Filing to Disposition in the Northern District Court compared to other U.S. District Courts is:

< ----- longer -----> shorter ----- >

over 20%	10-20%	0-10%	the same	0-10%	10-20%	over 20%
11	10	10	20	11	14	9

Comment:
OVER 20% LONGER IS NOT BAD. TOTAL TIME ALWAYS LESS THAN 1 YEAR.

Q. How is the clerk's office in the Northern District staffed?
(0 = poorly, 5 = well)

0	1	2	3	4	5
# Resp.	0	1	8	28	59

Comment:
EXTREMELY WELL STAFFED.

R. How is the clerk's office in the Northern District trained?
(0 = poorly, 5 = well)

0	1	2	3	4	5
# Resp.	0	1	12	26	56

S. How is the clerk's office in the Northern District equipped?
(0 = poorly, 5 = well)

0	1	2	3	4	5
# Resp.	0	4	13	32	43

Comment:
NEED COMPUTER INDEX FOR PUBLIC.

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II. GENERAL

A. The COST of litigation in the Northern District is:
(0 = too cheap, 5 = too costly)

	$\frac{0}{1}$	$\frac{1}{3}$	$\frac{2}{5}$	$\frac{3}{56}$	$\frac{4}{17}$	$\frac{5}{11}$
# Resp.						

Comments:
DISCOVERY CONDUCTED BY MAGISTRATES MAKES COSTS HIGHER.
INJURED P'S W/1 ATTY SWAMPED WITH EXPENSES BY LARGE FIRMS.

B. The SPEED of litigation in the Northern District is:
(0 = too fast, 5 = too slow)

	$\frac{0}{1}$	$\frac{1}{3}$	$\frac{2}{5}$	$\frac{3}{56}$	$\frac{4}{17}$	$\frac{5}{11}$
# Resp.						

Comment:
MORE MATTERS SHOULD BE HANDLED BY DISTRICT JUDGES.

C. The RESULT of litigation in the Northern District is:
(0 = just, 5 = Unjust)

	$\frac{0}{20}$	$\frac{1}{27}$	$\frac{2}{10}$	$\frac{3}{22}$	$\frac{4}{6}$	$\frac{5}{7}$
# Resp.						

Comments:
MAGISTRATES SHOULD BE MORE EXPERIENCED AS LAWYERS.
TITLE VII AND ERISA CASES NOT LARGE CLAIMS COMPARED TO LEGAL EFFORT.
0 WITH RESPECT TO DECISIONS, 5 W/RESPECT TO PREVAILING P'S ATTY FEE.

D. Should a lawyer be required to advise the client, before filing a lawsuit, of the potential risks and costs of litigation and potential alternatives?
(0 = never, 5 = always)

	$\frac{0}{1}$	$\frac{1}{0}$	$\frac{2}{1}$	$\frac{3}{2}$	$\frac{4}{8}$	$\frac{5}{84}$
# Resp.						

Comments:
IF BY LAW - NO. IF BY PROF. RESP - YES.
ATTYS WHO FAIL THIS ARE PUTTING THEIR INTERESTS AHEAD OF CLIENTS.

E. Should the defense be required to advise the client, before filing a motion, of the potential risks and costs of litigation and potential alternatives?
(0 = never, 5 = always)

	$\frac{0}{1}$	$\frac{1}{0}$	$\frac{2}{4}$	$\frac{3}{8}$	$\frac{4}{13}$	$\frac{5}{70}$
# Resp.						

Comments:
WHAT KIND OF MOTION?
MOST CLIENTS ARE SOPHISTICATED AS TO LITIGATION.

F. Should the court appoint "independent" expert witnesses?
(0 = never, 5 = always)

	$\frac{0}{16}$	$\frac{1}{22}$	$\frac{2}{19}$	$\frac{3}{25}$	$\frac{4}{9}$	$\frac{5}{3}$
# Resp.						

Comments:
INTERESTING IDEA, WOULD HAVE TO HAVE MORE INFO TO COMMENT.
IF YOU MEAN IN ADDITION TO THOSE PRESENTED BY THE PARTIES.
WHO PAYS FOR INDEPENDENT EXPERT?
DEPENDS ON WHO SELECT, WHO PAYS, ETC.

G. If both parties wish no action be taken in a case, the judge should hold the matter in abeyance for: 110 days.

Comments:
AS LONG AS BOTH PARTIES AGREE, NO TIME LIMIT.
AS LONG AS REQUESTED BY THE PARTIES.
AS LONG AS THE PARTIES WISH.
AS LONG AS NECESSARY, IF PRUDENT.

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H. Federal Courts should be allowed to alter the fee agreement between a lawyer and his client:
(0 = never, 5 = always)

<u># Resp.</u>	$\frac{0}{36}$	$\frac{1}{29}$	$\frac{2}{12}$	$\frac{3}{11}$	$\frac{4}{6}$	$\frac{5}{3}$
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I. How many Magistrate Judges does the Northern District need? 3

J. The Northern District currently has 3 District Judges and 7 Law Clerks. How many Law Clerks does the Northern District need (per judge)? 3

Comment:

2, PLUS ACCESS TO ONE OR MORE ROVING CLERKS, WITH ASSIGNED INTERNS.

K. In the Northern District, the counsel for the parties have adequate access to the judge who has the case.

<u>(0 = never, 5 = always)</u>	$\frac{0}{9}$	$\frac{1}{26}$	$\frac{2}{15}$	$\frac{3}{21}$	$\frac{4}{17}$	$\frac{5}{7}$
<u># Resp.</u>						

Note: Those with less federal practice and those with less defense practice were more likely to feel that the access to the judge was adequate.

L. In the Northern District, the judges are sufficiently informed about the individual cases assigned to them.

<u>(0 = never, 5 = always)</u>	$\frac{0}{1}$	$\frac{1}{2}$	$\frac{2}{14}$	$\frac{3}{16}$	$\frac{4}{48}$	$\frac{5}{14}$
<u># Resp.</u>						

Comment:

DEPENDS ON THE JUDGE.

M. In the Northern District, a concern for "statistics" by the judges interferes with a just resolution of the cases.

<u>(0 = never, 5 = always)</u>	$\frac{0}{19}$	$\frac{1}{31}$	$\frac{2}{14}$	$\frac{3}{10}$	$\frac{4}{14}$	$\frac{5}{1}$
<u># Resp.</u>						

Comment:

I CERTAINLY HOPE NOT.

N. In the Northern District, lawyers are to blame for excessive costs and/or delays in litigation.

<u>(0 = never, 5 = always)</u>	$\frac{0}{1}$	$\frac{1}{7}$	$\frac{2}{17}$	$\frac{3}{40}$	$\frac{4}{26}$	$\frac{5}{4}$
<u># Resp.</u>						

Comments:

LAWYERS, AND MAGISTRATES WHO ARE RELUCTANT TO IMPOSE SANCTIONS. DUE PROCESS AND FED RULES OF CIVIL PROC & EVIDENCE ADD MORE COST.

O. Should the court establish guidelines for limits to the number and length of depositions?

<u>(0 = never, 5 = always)</u>	$\frac{0}{18}$	$\frac{1}{29}$	$\frac{2}{13}$	$\frac{3}{21}$	$\frac{4}{7}$	$\frac{5}{7}$
<u># Resp.</u>						

Comments:

INTERESTING IDEA. HOW?
DEPOSITION COSTS ARE SINGLE GREATEST DETERRENT TO BEING HEARD.
THIS IS A VERY BAD IDEA THAT, UNFORTUNATLEY, "SOUNDS GOOD".
THE FEDERAL RULES PROVIDE FOR PROBLEMS.
ONLY IF ASKED VIA PROTECTIVE ORDER REQUEST.

P. Should the court establish limits for the number of witnesses at trial?

<u>(0 = never, 5 = always)</u>	$\frac{0}{20}$	$\frac{1}{25}$	$\frac{2}{13}$	$\frac{3}{31}$	$\frac{4}{5}$	$\frac{5}{2}$
<u># Resp.</u>						

Note: Lawyers for plaintiffs were more negative than defense lawyers.

Comments:

THERE ARE OFTEN SOUND REASONS FOR DOING SO.
USE DISCRETION.

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Q. Should the court establish time limits for testimony of witnesses at trial?
(0 = never, 5 = always)

	$\frac{0}{20}$	$\frac{1}{28}$	$\frac{2}{14}$	$\frac{3}{23}$	$\frac{4}{8}$	$\frac{5}{3}$
# Resp.						

Note: Lawyers for plaintiffs were more negative than defense lawyers.

Comments:

YES, BUT EXTREME CARE SHOULD BE TAKEN.
USE DISCRETION.

III. PRIVATE ALTERNATIVE METHODS OF DISPUTE RESOLUTION

A. Since January 1, 1989, how often have you used these PRIVATE alternative methods of dispute resolution?

1 Arbitration	0 Mini-Trial
2 Mediation	0 Ombudsman
1 Med/Arb	0 Other
0 Rent-a-Judge	

Note: Average number is shown. The majority of respondents had not used any private alternative methods.

Comment:

I AVOID FILING SUIT UNLESS NO OTHER ALTERNATIVE/STATUTE OF LIMIT.

B. If private alternative methods of dispute resolution were more readily available, you would use them:

	$\frac{0}{2}$	$\frac{1}{17}$	$\frac{2}{15}$	$\frac{3}{40}$	$\frac{4}{10}$	$\frac{5}{6}$
(0 = never, 5 = always) # Resp.						

Comments:

ONLY IF FEDERAL RULES OF EVIDENCE APPLIED.
SETTLEMENT CONF PROCEDURE IS EXTREMELY EFFECTIVE.
THESE METHODS ARE NOW SUFFICIENTLY AVAILABLE.
THERE USUALLY NO MIDDLE GROUND, COURT PROCESS IS NEEDED.
IF NOT COST PROHIBITIVE.
IF CLIENT AND OTHER SIDE WILLING.

C. The Northern District Court should encourage disputants to consider private alternative methods of dispute resolution.

	$\frac{0}{5}$	$\frac{1}{17}$	$\frac{2}{12}$	$\frac{3}{23}$	$\frac{4}{13}$	$\frac{5}{23}$
(0 = never, 5 = always) # Resp.						

Note: Lawyers for plaintiffs were somewhat more enthusiastic about these methods than were defense lawyers.

Comment:

LAWYERS SHOULD ADVISE CLIENTS, JUDGES SHOULD TRY LAWSUITS.

IV. CASE FILINGS

A. In the Northern District, the number of cases filed are:

	$\frac{0}{2}$	$\frac{1}{0}$	$\frac{2}{2}$	$\frac{3}{48}$	$\frac{4}{13}$	$\frac{5}{16}$
(0 = not enough, 5 = too many) # Resp.						

Comments:

A FAIR NUMBER OF FRIVOLOUS CASES ARE FILED.
ALL CASES WITH REAL CONTROVERSY THAT CAN'T SETTLE SHOULD BE FILED.
"TOO MANY" IN THAT THE COURTS SEEM BACKLOGGED.

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B. In the Northern District, cases are filed just to get a settlement:
(0 = never, 5 = often)

	0	1	2	3	4	5
# Resp.	2	12	14	31	17	10

Note: Lawyers with more federal practice reported less of this technique than lawyers with less federal practice.

Comments:

FILING FOR SETTLEMENT IS NOT NECESSARILY A BAD THING.

C. In the Northern District, cases are filed prematurely:
(0 = never, 5 = often)

	0	1	2	3	4	5
# Resp.	4	18	13	34	11	3

D. In the Northern District, Rule 11 sanctions should be used:
(0 = much less, 5 = much more)

	0	1	2	3	4	5
# Resp.	6	16	15	38	11	6

Comments:

THE JUDGES TALK THIS TO DEATH, THEN NO ACTION.
SHOULDN'T BE USED TO SCARE ATTYS FROM ZEALOUSLY REPRESENTING CLIENT.

E. In the Northern District, Rule 68 offers should be used:
(0 = much less, 5 = more more)

	0	1	2	3	4	5
# Resp.	1	7	6	41	27	8

Note: Lawyers for plaintiffs were somewhat more enthusiastic about increased use of Rule 68 than were lawyers for defendants.

Comments:

IF THE FEES PROVISIONS WOULD BE ENFORCED.
THIS CAN BE A VERY EFFECTIVE SETTLEMENT TOOL.

V. COURT ORDERED SETTLEMENT CONFERENCES

A. In the Northern District, since Jan 1, 1989, in how many cases of these case types did you participate in a settlement conference?

- | | |
|-------------------|------------------|
| 1 Contract | 0 Real Property |
| 3 Torts | 0 Asbestos |
| 0 Equal Rights | 0 Labor |
| 0 Property Rights | 0 Banks, Banking |
| 0 Securities | 0 Environmental |
| 0 Other | |

B. How many of the settlement conferences were conducted by:

- 0 Federal Dist. Court Judge
- 4 Federal Magistrate Judge
- 1 Adjunct Settlement Judge

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C. Were the settlement conferences productive? (0 = never, 5 = always)

<u>With: Fed. Dist. Court Judge</u>	$\frac{0}{2}$	$\frac{1}{1}$	$\frac{2}{2}$	$\frac{3}{2}$	$\frac{4}{7}$	$\frac{5}{5}$
<u># Resp.</u>						

Note: Lawyers with more federal practice were less enthusiastic about Fed. Dist. Court Judges conducting settlement conferences.

<u>With: Fed. Magistrate Judge</u>	$\frac{0}{4}$	$\frac{1}{2}$	$\frac{2}{4}$	$\frac{3}{16}$	$\frac{4}{34}$	$\frac{5}{19}$
<u># Resp.</u>						

<u>With: Adj. Settlement Judge</u>	$\frac{0}{5}$	$\frac{1}{4}$	$\frac{2}{7}$	$\frac{3}{4}$	$\frac{4}{19}$	$\frac{5}{14}$
<u># Resp.</u>						

Comment:

STRONGER SANCTIONS SHOULD EXIST IF ATTY NOT PREPARED.

D. Of those cases which settled after a settlement conference, did they settle as a result of that settlement conference?

<u>(0 = never, 5 = always)</u>	$\frac{0}{7}$	$\frac{1}{5}$	$\frac{2}{3}$	$\frac{3}{17}$	$\frac{4}{31}$	$\frac{5}{21}$
<u># Resp.</u>						

E. The Adjunct Settlement Judge program in the Northern District should be:

<u>(0 = eliminated, 5 = expanded)</u>	$\frac{0}{3}$	$\frac{1}{6}$	$\frac{2}{4}$	$\frac{3}{26}$	$\frac{4}{18}$	$\frac{5}{30}$
<u># Resp.</u>						

Note: Lawyers for plaintiffs were the most enthusiastic about expanding the program.

Comments:

YOU HAVE A VOLUNTEER.

DEPENDS ON WHO IS ADDED AS ADJUNCT.

F. In the Northern District, settlement conferences should be required by the judge:

<u>(0 = never, 5 = always)</u>	$\frac{0}{3}$	$\frac{1}{4}$	$\frac{2}{4}$	$\frac{3}{16}$	$\frac{4}{27}$	$\frac{5}{41}$
<u># Resp.</u>						

Note: Lawyers for plaintiffs were the most eager to require settlement conferences.

Comments:

SHOULD BE ENCOURAGED, NOT REQUIRED.

NOT EVERY CASE SHOULD SETTLE AND NONE BE TRIED.

G. The emphasis in the Northern District on required settlement discussions is:

<u>(0 = too little, 5 = too much)</u>	$\frac{0}{7}$	$\frac{1}{8}$	$\frac{2}{15}$	$\frac{3}{50}$	$\frac{4}{10}$	$\frac{5}{5}$
<u># Resp.</u>						

H. Suggesting settlement discussions by a party is perceived by the other party as:

<u>(0 = weakness, 5 = strength)</u>	$\frac{0}{13}$	$\frac{1}{18}$	$\frac{2}{18}$	$\frac{3}{40}$	$\frac{4}{2}$	$\frac{5}{2}$
<u># Resp.</u>						

Note: More defense lawyers and lawyers with more federal practice tended to see the offer as a sign of weakness.

Comment:

SOPHISTICATED PARTY SEES AS SIGN OF STRENGTH, RAMBOS SEE WEAKNESS.

I. Settlement conferences are being set:

<u>(0 = too early, 5 = too late)</u>	$\frac{0}{3}$	$\frac{1}{3}$	$\frac{2}{9}$	$\frac{3}{46}$	$\frac{4}{16}$	$\frac{5}{15}$
<u># Resp.</u>						

Comment:

TOO LATE AND TOO INFREQUENTLY.

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- J. Settlement conferences should be set:
 26 - before discovery
 49 - during discovery
 56 - after discovery

Comments:

AT INIT SCHEDULING CONFERENCE SHOULD EXPLORE EARLIER SETTLEMENT CONF.
 IT SHOULD BE ON-GOING.
 DURING DISCOVERY, UNLESS CRITICAL WITNESSES HAVE BEEN UNAVAILABLE NEEDS TO BE MORE INDIVIDUALIZED AS TO TIMING.
 BEFORE DISCOVERY, UNLESS PARTIES DESIGNATE OTHERWISE.
 DEPENDS ON THE CASE, USUALLY AFTER DISCOVERY.
 DEPENDS ON COMPLEXITY OF CASE.
 WAIT UNTIL AFTER DISCOVERY AND DISPOSITIVE MOTIONS RULED UPON.
 DEPENDS ON CASE--MAGISTRATE SHOULD MAKE DECISION EARLY.
 AS MANY TIMES AS PARTIES AGREE TO TRY.
 DEPENDS ON CASE AND WILLINGNESS OF PARTIES.

VI. COURT ORDERED ARBITRATION (Court Annexed Arbitration)

- A. In another District Court, since Jan 1, 1989, in how many cases did you participate in court ordered arbitration? 0
 Note: Only 10 persons reported having participated.

- B. Were the court ordered arbitrations productive?
 (0 = never, 5 = always)
 # Resp. $\frac{0}{1}$ $\frac{1}{1}$ $\frac{2}{1}$ $\frac{3}{1}$ $\frac{4}{1}$ $\frac{5}{4}$

Comment:

ALWAYS RESULTED IN A DECISION, 1 APPEALED TO SUPREME COURT.

- C. Should the Northern District add Court Ordered Arbitration?
 NO - 69%, YES - 31%

Comments:

GENERALLY NOT NEEDED WITH TULSA LAWYERS.
 YES, IN APPROPRIATE CASES.
 NO, UNLESS NON-BINDING.
 YES, NON-BINDING.
 YES, BUT NOT FOR CASES WITH EXTENSIVE FACTS AT ISSUE.
 ONLY UPON PARTIES CONSENT.

VII. PRE-TRIAL CONFERENCE

- A. Were the pre-trial conferences in which you were involved since Jan 1, 1989, effective?
 (0 = never, 5 = always)
 # Resp. $\frac{0}{2}$ $\frac{1}{6}$ $\frac{2}{14}$ $\frac{3}{26}$ $\frac{4}{27}$ $\frac{5}{14}$

Note: Defense lawyers and those with more federal practice were the most enthusiastic about the pre-trial conference.

Comments:

USUALLY HELD TOO EARLY & JUDGES NOT FAMILIAR WITH PARTIES POSITION.
 INEFFECTIVENESS TIED TO DISPOSITIVE MOTIONS AT ISSUE.
 SHOULD BE HELD CLOSER TO ACTUAL TRIAL.
 WHEN PARTIES AGREE ON PTO THEN PT CONF UNNECESSARY.
 BECOMING LESS EFFECTIVE AS ARE FARTHER REMOVED FROM TRIAL JUDGE.

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VIII. DISCOVERY

A. In the Northern District, the following case types are subject to excessive discovery.
(0 = never, 5 = always)

<u>Case type</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Contract	6	4	9	21	20	6

Note: Lawyers with less federal practice felt that contract cases were less subject to excessive discovery than lawyers with more federal practice.

Real Property	3	6	4	14	2	2
Torts	4	9	8	30	11	6
Asbestos	3	3	2	13	3	4
Equal Rights	6	4	4	16	4	3
Labor	5	3	5	12	2	3
Property Rights	4	4	4	11	0	2
Banks, Banking	3	4	4	9	8	2
Securities	3	3	3	10	9	9
Environmental	4	3	4	13	3	4
Other	3	3	2	17	1	1

Note: Defense lawyers and lawyers with more federal practice answered this question more often than other lawyers.

Comment:

FEW CASES HAVE EXCESSIVE DISCOVERY. COURTS SHOULDN'T OVERREACT.

B. In the Northern District, since Jan 1, 1989, what % of your cases been subject to excessive discovery? 18%

Note: 44% of the respondents answered 0%. Defense lawyers and lawyers with more federal practice reported higher percentages.

Comment:

ITS NOT SO MUCH THE NUMBER OF DEPOSITIONS, BUT THE LENGTH.

C. In the Northern District, District Judges make timely rulings on pre-trial discovery:
(0 = never, 5 = always)

<u># Resp.</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
	2	15	17	22	29	5

Note: Lawyers for plaintiffs and lawyers with less federal practice gave higher marks to District Judges than did defense lawyers and lawyers with more federal practice.

Comment:

MAGISTRATES DO A GOOD JOB BEING TIMELY, & THE JUDGES AS WELL.
DEPENDS ON THE JUDGE.

D. In the Northern District, Magistrate Judges make timely rulings on pre-trial discovery:
(0 = never, 5 = always)

<u># Resp.</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
	0	6	10	21	42	12

Comments:

DEPENDS ON THE JUDGE.

DEPENDS SIGNIFICANTLY ON WHICH MAGISTRATE HANDLES THE MATTER.

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IX. MOTIONS

A. Motions are filed in the Northern District for the purpose of delaying proceedings in these case types: (0 = seldom, 5 = often)

Case type	0	1	2	3	4	5
Contract	18	15	10	9	5	5
Real Property	13	7	3	7	1	1
Torts	21	20	8	12	6	4
Asbestos	10	3	1	5	2	3
Equal Rights	13	3	3	8	1	4
Labor	11	4	4	5	0	1
Property Rights	11	5	3	4	1	2
Banks, Banking	11	5	6	6	0	2
Securities	10	5	4	6	6	2
Environmental	10	6	4	6	0	2
Other	11	7	2	3	1	0

Comments:

RESPONSES TO MOTIONS FILED OFTEN FOR DELAY (OPENLY ADMITTED).
DEFENDENTS FILE MOTIONS NOT FOR DELAY, BUT TO HARRASS.

B. In the Northern District, motions for summary judgment should be granted:

(0 = less often, 5 = more often)	0	1	2	3	4	5
# Resp.	2	1	2	36	24	26

Note: Lawyers for plaintiffs are less enthusiastic about the need for more summary judgements than defense lawyers.

Comments:

PROBLEM IS TIMELY DISPOSITION, WHETHER GRANTED OR DENIED.

C. In the Northern District, judges make timely rulings on motions for summary judgment:

(0 = never, 5 = always)	0	1	2	3	4	5
# Resp.	3	26	19	25	16	3

Note: Defense lawyers and lawyers with more federal practice give lower marks to judges for making timely rulings.

Comments:

JUDGES RULING AT PT CONF, OR DAY OF TRIAL, ABUSE LITIGANTS.

X. TRIAL

A. In the Northern District, the time between the filing of a complaint and trial is:

(0 = too short, 5 = too long)	0	1	2	3	4	5
# Resp.	2	4	10	50	18	9

B. In the Northern District, the length of trial is:

(0 = too short, 5 = too long)	0	1	2	3	4	5
# Resp.	1	2	10	73	1	1

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XI. APPEALS

A. In the Northern District, issues should be decided on interlocutory appeal:
(0 = less often, 5 = more often) 0 1 2 3 4 5
Resp. 3 4 8 55 9 3

B. In the Northern District, does speeding up the litigation process lead to unfairness:
(0 = less often, 5 = more often) 0 1 2 3 4 5
Resp. 11 11 6 36 20 7

Comments:

THE PROCESS IS NOW ABOUT RIGHT.
 YES, WITH RESPECT TO DEFENDANTS.

C. In the Northern District, does speeding up the litigation process lead to excessive expense:
(0 = less often, 5 = more often) 0 1 2 3 4 5
Resp. 9 16 16 31 14 4

Comment:

IT CAN, BY FORCING IN TOO MANY ATTYS PER CASE.

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XII. RECOMMENDATIONS AND COMMENTS

1. List, in order of priority, improvements you believe would successfully reduce the cost of litigation.

RULE 11 SANCTIONS ON FRIVOLOUS MOTIONS, DISCOVERY ABUSE, ETC.
STRESS ADR.
RESTRICTIONS ON DISCOVERY.
TIMELY RULINGS ON DISCOVERY AND SUMMARY JUDGMENT MOTIONS.
ADHERENCE TO COURT IMPOSED SCHEDULING ORDERS.
ONE MAGISTRATE IS OVERLY EMOTIONAL, IRRATIONAL, AND EGOTISTICAL.
RULINGS ON MOTIONS FOR SUMMARY JUDGMENT PROMPT, BASED ON RECORD.
DISCRETIONARY SANCTION FOR SUPERFICIAL PLEADINGS/FAILURE TO SETTLE.
HAVE SEPARATE COURTS FOR CIVIL AND CRIMINAL CASES.
HAVE SEPARATE COURTS FOR TYPES OF CIVIL CASES.
SPEED UP PROCESS OF DISCOVERY, MOTIONS AND TRIAL.
REQUIRE MORE CASES TO BE TRIED.
REQUIRE LOSING PARTY TO PAY AT LEAST PART OF WINNER'S EXPENSES.
MANDATORY SETTLEMENT CONFERENCES.
EARLY MANDATORY SETTLEMENT CONFERENCES.
EARLY MANDATORY DISCOVERY CONFERENCES.
TIMELY DECISIONS BY COURT ON DISPOSITIVE MOTIONS.
DISTRICT JUDGES HOLD PRE-TRIAL CONFERENCES.
DISTRICT JUDGES HANDLE MOST OF THE MOTION DOCKET.
AWARD COSTS + ATTY FEES TO THE PREVAILING PARTY.
BETTER EVALUATION OF CLAIMS BEFORE SUIT IS FILED.
BETTER EVALUATION OF DEFENSES BEFORE DISCOVERY.
INCREASED RELIANCE ON ATTYS TO MANAGE TIME W/OVERSIGHT BY COURT.
REDUCE DISCOVERY.
REDUCE NUMBER OF DEADLINES.
REDUCES EXCESSIVE WORK DEMANDED OF ATTYS AND LITIGANTS.
MORE REASONABLE CLIENTS.
SET STRICT LIMITS ON THE SCOPE OF DOCUMENT PRODUCTION.
MORE FREQUENT USE OF RULE 11 AND RULE 37 SANCTIONS.
LIMIT USELESS DISCOVERY.
SANCTION CLIENTS AND COUNSEL FOR ABUSES WHICH INCREASE COSTS.
MORE TIMELY RULINGS ON PRELIMINARY AND DISPOSITIVE MOTIONS.
SWIFTER TRIALS.
EARLY DISCOVERY CONFERENCES WITH LIMITATIONS ON DISCOVERY.
SANCTIONS AGAINST PARTIES AND ATTORNEYS FOR BLOCKING DISCOVERY.
A PROPER RULING BY THE COURT WOULD EFFECT STATE CASES AND APPEALS.
ELIMINATE DIVERSITY JURISDICTION.
ELIMINATE DIVERSITY JURISDICTION.
MORE PROMPT RULINGS ON MOTIONS.
FASTER ACCESS TO SETTLEMENT CONFERENCES.
SETTLEMENT CONFERENCES WITH REQUIRED BRIEFS.
SETTLEMENT CONFERENCES WITH CONFIDENTIAL STATEMENTS OF WEAKNESSES.
ARBITRATION.
STREAMLINING DISCOVERY.
MORE INNOVATIVE SCHEDULING (2 PHASE DISCOVERY).
MORE EMPHASIS ON ALTERNATIVE DISPUTE RESOLUTION.
COURT ORDERED EXPERTS.
HAVE PARTIES SUBMIT DISCOVERY OUTLINE AT SCHEDULING CONFERENCE.
HAVE PARTIES SUBMIT PROPOSED ORDERS BEFORE CONFERENCES.
EMPHASIS ON SETTLEMENT.
PROMPT DISPOSITION OF DISPOSITIVE MOTIONS.
ENFORCEMENT OF DISCOVERY DEADLINES.

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APPOINT SPECIAL DISCOVERY MASTERS IN ALL LARGE CASES.
MORE TIMELY RULINGS ON SUBSTANTIVE DISPOSITIVE MOTIONS.
MAGISTRATE JUDGES WHOSE RULINGS CONSISTENT WITH DIST JUDGES RULING.
RULE EARLY ON MOTIONS FOR SUMMARY JUDGMENT.
EARLY SETTLEMENT CONFERENCE (MANDATORY).
ENTRY OF STIPULATED FACTS/ISSUES TO BE RESOLVED AT CONFERENCES.
REQUIRE ATTENDANCE OF PARTIES AT HEARINGS UNLESS NOT FEASIBLE.
LIMITS ON SCOPE OF DOCUMENT PRODUCTION.
IF DEPOSITION NOT USED AT TRIAL, SHOULD REIMBURSE RESPONDING PARTY.
PARTY CHOOSING FORUM SHOULD BRING DISCOVERY WITNESSES TO FORUM.
BRIEFS IN RESPONSE TO MOTIONS SHOULD BE CALLED FOR IF NECESSARY.
MANDATORY JURISDICTION OF MAGISTRATES IN LOW VALUE CASES.
IMPOSING COSTS ON LOSING PARTY.
LIMIT DEPOSITION NUMBERS AND LENGTH, EXCEPT FOR EXTREME HARDSHIP.
QUICK DETERMINATION ON MOTIONS FOR SUMMARY JUDGMENT.
GIVE TRIAL DATE THAT IS CERTAIN.
EARLY SETTLEMENT MEETINGS, REQUIRED BY THE COURT.
SANCTIONS FOR FRIVOLOUS CASES AND FRIVOLOUS PROCEDURAL MANUEVERS.
MORE EFFECTIVE USE OF ARBITRATION OR SETTLEMENT BY COUNSEL.
ENCOURAGE MORE STIPULATIONS, EXPECIALLY FOR EXPERT TESTIMONY.
IMPOSING COSTS ON LOSING PARTY.
SETTLEMENT CONFS AT THE OUTSET.
SETTLEMENT CONFS AFTER THE CASE IS AT ISSUE.
SETTLEMENT CONFS AFTER DISCOVERY.
JURY TRIAL WOULD REDUCE THE COST OF LITIGATION.
PROMPTLY DISPOSING OF MOTIONS FOR SUMMARY JUDGMENT.
ALLOW UNLIMITED NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSION.
PROMPT DISPOSITION OF MOTIONS FOR SUMMARY JUDGMENT.
EXPAND SUMMARY JUDGMENT TO ELIMINATE FRIVOLOUS CASES.
REQUIRE LOSING PARTY TO PAY ATTY FEES OF WINNING PARTY.
SETTLEMENT CONF, ARBITRATION OR MEDIATION.
MAGISTRATES AND SETTLEMENT JUDGES WHO HAVE TRIAL EXPERIENCE.
IMPROVE QUALITY OF 1 MAGISTRATE AND ADD ANOTHER MAGISTRATE.
GRANT DISPOSITIVE MOTIONS.
COURT SHOULD ENFORCE REQUIREMENT FOR FULL DISCLOSURE.
REQUIRE SPECIFICS, NOT GENERALIZATIONS, IN DISCOVERY RESPONSES.
DO NOT SET TRIAL SCHEDULE UNTIL AFTER DISPOSITIVE MOTIONS HEARD.
EARLY STATUS/SETTLEMENT CONF.
MANDATORY SETTLEMENT CONF AND/OR ARB/MED.
ENCOURAGE RULE 68 OFFERS AND PENALTY FO REJECTION.
ATTYS FEES TO PREVAILING PARTY IN ALL CASES.
SHORTEN DISCOVERY.
EARLIER TRIAL DATE.
COURT ORDERED SETTLEMENT CONFERENCE.
EARLIER TRIAL SETTINGS.
EARLIER SETTLEMENT CONFERENCES.
EARLIER RULINGS ON SUMMARY JUDGMENT MOTIONS.
LIMITATION ON FEES CHARGED BY EXPERT WITNESSES FOR DISCOVERY.
STATUS CONFERENCE AGREEING ON DEPOSITIONS LIMITS.
MORE DETAILED PRE TRIAL CONFERENCES.
EARLIER SETTLEMENT CONFERENCES.
EARLIER RULINGS ON SUMMARY JUDGMENT MOTIONS.
LIMITATION ON FEES CHARGED BY EXPERT WITNESSES.
LIMIT USE AND NUMBER OF "EXPERT" WITNESSES.
MAKE POST DISCOVERY CLOSING/POST-SUMMARY JUDGMENT CONF MANDATORY.
PROMPT RESOLUTION OF DISPOSITIVE PRE-TRIAL MOTIONS.
SCHEDULE HEARINGS ONLY WHEN COURT NEEDS MORE INFO TO RULE.

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NO SCHEDULING ORDERS BEYOND DATE FOR DISPOSITIVE MOTIONS/RESPONSES.
MORE TIMELY RULINGS ON MOTIONS OF ALL TYPES.
MORE ALTERNATIVE ADR METHODS.
EARLIER SETTLEMENT CONFERENCES.
EARLIER RULINGS ON SUMMARY JUDGMENT MOTIONS.
LIMITATION ON FEES CHARGED BY EXPERT WITNESSES FOR DISCOVERY.
PROMPT RULING ON MOTIONS TO DISMISS, SUMMARY JUDGMENT AND PARTIAL SJ.
LIMITING DOCUMENT REQUESTS.
REFINING THE ROLE OF EXPERTS.
EARLIER SETTLEMENT CONFERENCES.
MORE PROMPT RULING ON SUBSTANTIVE MOTIONS.
MORE PROMPT RULING ON DISCOVERY MOTIONS.
PROMPT CONSIDERATION OF MOTIONS.
JUDGE CONTROLS LITIGATION.
STRONGER SANCTIONS.
AGGRESSIVE USE OF CASE MANAGEMENT ORDERS.
EXPEDITE DISCOVERY.
SEPARATE ISSUES REQUIRING TRIAL FROM ISSUES WHERE NO CONTROVERSY.
ADOPT AS LOCAL RULES PROPOSED FED RULES ON DISCOVERY.
ADD CAREER LAW CLERKS.
MANDATORY MEDIATION/ARBITRATION.
GRANT SUMMARY JUDGMENTS MORE OFTEN, SERIOUSLY CONSIDER THEM.
PROBE THE BASIS OF THE CASES/DEFENSES.
CRACK DOWN HARD ON INCOMPLETE DISCOVERY/FAILURES TO RESPOND.
USE MOTION TO COMPEL WITH FEE ASSESSMENTS FOR PREVAILING PARTY.
JUDGE PARTICIPATE IN SCHEDULING ORDERS, PRE-TRIAL/SETTLEMENT CONF.
LIMITATIONS ON DISCOVERY.
EARLY SETTLEMENT CONFERENCES.
MORE PROFESSIONAL ATTITUDE ON PART OF COUNSEL WOULD HELP MOST.
TIMELY RULING ON MOTIONS BY DISTRICT JUDGES, NOT REFERRED TO MAG.
EARLY SETTLEMENT CONFERENCES AND MULTIPLE SETTLEMENT CONFERENCES.
DON'T REQUIRE BRIEF AS TO CERTAIN MATTERS.
TIMELY RULING BY COURT ON MOTIONS.
SETTLEMENT CONFERENCES HELD SOONER AFTER FILING.
MULTIPLE SETTLEMENT CONFERENCES IF PARTIES AGREE.
MORE CONTROL BY DIST JUDGE OR MAGISTRATE OVER DISCOVERY DEPOSITION
SELDOM HOLD SETTLEMENT CONFERENCE BEFORE JUDGE NOT ON CASE.
STATUTORY COOLING OFF PERIOD WHEN NO LITIGATION COULD BE FILED.
PARTIES SHOULD PROMOTE SETTLEMENT DISCUSSIONS.
STATUTORY SETTLEMENT CONFERENCES BEFORE, DURING AND AFTER DISCOVERY.
GRANTING OF SUMMARY JUDGMENTS ON LEGAL ISSUES.
DENIAL OF SUMMARY JUDGMENTS ON FACTUAL ISSUES.
MORE TIMELY RULING ON MOTIONS TO DISMISS.
MEDIATION AND SETTLEMENT CONFERENCES.
MORE AGGRESSIVE USE OF DISPOSITIVE MOTIONS.
MORE AGGRESSIVE MONITORING OF SUITS AT STATUS/SCHEDULE CONF.
RULING ON MOTIONS TO DISMISS MORE QUICKLY.
SUSTAIN MOTION TO DISMISS IF P DOESN'T ALLEGE FACTS IN SUPPORT.
REDUCE TECHNICAL REQUIREMENTS (FILING OF MOTIONS).

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2. List, in order of priority, improvements you believe would effectively shorten the duration of litigation from filing to resolution.

PROMPT RESOLUTION OF DISPOSITIVE MOTIONS.
LIMIT DISCOVERY, LENGTH OF DEPOSITIONS, AND DOCUMENT PRODUCTIONS.
MAKE PARTY MAKING A MOTION PAY ALL COSTS INCLUDING OTHER'S FEES.
REQUIRE TIMELY COMPLIANCE WITH REASONABLE DISCOVERY REQUESTS.
SEE ANSWER TO # 1.
DISTRICT JUDGES RULE ON DISCOVERY DISPUTES.
MORE RULINGS ON LEGAL ISSUES PRIOR TO DISCOVERY.
POSTPONE RULING ON SANCTION MOTIONS UNTIL AFTER TRIAL.
MORE REASONABLE CLIENTS.
NEEDS NO IMPROVEMENT.
QUICKEN DISPOSITION OF DISCOVERY DISPUTES.
BROAD LOCAL RULES FOR INITIAL DISCOVERY.
LIMIT RIGHT TO TRIAL BY JURY IN COMPLEX CIVIL CASES.
MORE TIMELY RULINGS ON PRELIMINARY AND DISPOSITIVE MOTIONS.
EARLY DISCOVERY CONFERENCES WITH LIMITATIONS ON DISCOVERY.
A JUST RULING.
ELIMINATE HALL, ESTILL.
GET JUDGES AWARE OF CASES MORE QUICKLY.
MORE PROMPT RULINGS ON MOTIONS.
FASTER ACCESS TO SETTLEMENT CONFERENCES.
EFFECTIVE AT THIS TIME IN MAJORITY OF CASES.
CONSIDER LIMITING EXCESSIVE NUMBER OF ATTORNEYS.
ARBITRATION.
STREAMLINING DISCOVERY.
MORE INNOVATIVE SCHEDULING.
LIMITATION ON NUMBER OF EXPERT WITNESSES.
COURT APPOINTMENT OF EXPERTS.
LIMIT LENGTH OF DEPOSITIONS.
LIMIT LENGTH OF TRIALS.
HAVE PARTIES SUBMIT DISCOVERY OUTLINE AT SCHEDULING CONFERENCE.
HAVE PARTIES SUBMIT PROPOSED ORDERS BEFORE CONFERENCES.
SHORTER DISCOVERY PERIOD (W/O LIMITING METHODS OF DISCOVERY).
ORDER MORE SETTLEMENT CONFERENCES.
RULE EARLY ON MOTIONS FOR SUMMARY JUDGMENT.
EARLY SETTLEMENT CONFERENCES (MANDATORY).
SPEED UP RESOLUTION OF MOTIONS.
MAGISTRATES TO BE ON TIME FOR SCHEDULED HEARINGS.
EARLIER SETTLEMENT CONFERENCES.
EXPANSION OF ADJUNCT SETTLEMENT JUDGE PROGRAM.
MANDATORY SETTLEMENT CONFERENCES.
MAGISTRATE JURISDICTION IN SOME CASES.
MORE JUDGES AND MAGISTRATES.
TOTAL TIME FROM FILING TO TRIAL IS O.K.
TIMELY RULINGS ON MOTIONS FOR SUMMARY JUDGMENT.
EARLIER SETTLEMENT CONFERENCES.
ADDITIONAL FEDERAL JUDGE AND MAGISTRATE.
SCHEDULING CONFERENCE SET ASAP.
MORE JUDGES AND MAGISTRATES.
SETTLEMENT CONFS AT THE OUTSET.
SETTLEMENT CONFS AFTER THE CASE IS AT ISSUE.
SETTLEMENT CONFS AFTER DISCOVERY.
JURY TRIAL WOULD SHORTEN DURATION OF LITIGATION.
SOME COMPLEX LITIGATION CAN'T BE SHORTENED WITHOUT INJUSTICE.
LAWYERS RESPONSIBLE TO THEIR CLIENTS, NOT TO THEMSELVES.
REQUIRE MORE PREPARATION OF LAWYERS.

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DON'T BELIEVE IT NEEDS TO BE SHORTENED.

SAME AS # 1.

MORE JUDGES AND MAGISTRATES.

STATUS CONFERENCE AGREEING ON DEPOSITIONS LIMITS.

SPEEDIER RESOLUTION OF DISPOSITIVE MOTIONS (MSJ MD).

SIMPLIFICATION OF ISSUES.

SIMPLIFICATION OF TESTIMONY.

LIMITATION OF CUMULATIVE TESTIMONY.

MORE JUDGES AND MAGISTRATES.

MORE JUDGES AND SPACE.

PROMPT RESOLUTION OF DISPOSITIVE AND DISCOVERY PRE-TRIAL MOTIONS.

INCREASED AVAILABILITY OF SETTLEMENT JUDGES.

MORE TIMELY RULINGS ON MOTIONS OF ALL TYPES.

MORE ALTERNATIVE ADR METHODS RELATIVELY EARLY IN LITIGATION.

EARLIER SETTLEMENT CONFERENCES.

MORE PROMPT RULINGS ON SUBSTANTIVE MOTIONS.

MORE PROMPT RULINGS ON DISCOVERY MOTIONS.

SEE # 1.

SAME AS 1.

AWARD FEES AND COSTS TO PREVAILING PARTY.

MORE ADJUNCT JUDGES

LIMITS ON DISCOVERY.

EARLY SETTLEMENT CONFERENCES.

MORE PROFESSIONAL ATTITUDE ON PART OF COUNSEL.

MORE EFFECTIVE USE OF SCHEDULING AND STATUS CONFERENCE.

MANDATORY ARBITRATION.

ADDITIONAL JUDGES AND MAGISTRATES.

MORE JUDGES.

TIMELY RULING BY COURT ON MOTIONS.

SETTLEMENT CONFERENCES HELD SOONER AFTER FILING.

MULTIPLE SETTLEMENT CONFERENCES IF PARTIES AGREE.

MORE CONTROL BY DIST JUDGE OR MAGISTRATE OVER DISCOVERY DEPOSITION

SELDOM HOLD SETTLEMENT CONFERENCE BEFORE JUDGE NOT ON CASE.

STATUTORY COOLIN OFF PERIOD WHEN NO LITIGATION COULD BE FILED.

PARTIES SHOULD PROMOTE SETTLEMENT DISCUSSIONS.

STATUTORY SETTLEMENT CONFERENCES BEFORE, DURING AND AFTER DISCOVERY.

GRANTING OF SUMMARY JUDGMENTS ON LEGAL ISSUES.

DENIAL OF SUMMARY JUDGEMENTS ON FACTUAL ISSUES.

MORE TIMELY RULING ON MOTIONS TO DISMISS.

DOES NOT NEED TO BE SHORTENED.

MORE AGGRESSIVE SUPERVISION OF DISCOVERY DISPUTES.

MORE AGGRESSIVE CONSIDERATION OF DISPOSITIVE MOTIONS.

HAVE RULE REGARDING COMPLETION OF DISCOVERY.

**United States District Court
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Questions for Lawyers**

3. List, in order of priority, ways that the number of cases being filed can be reduced so that only "appropriate" and "timely" cases are filed in the Northern District.

THERE IS NO EFFECTIVE WAY.
REQUIRE DATE ACTION ACCRUED TO BE PLACED ON DOCKET SHEET.
IMPOSITION OF RULE 11 SANCTIONS.
CASES FILED SHOULD HAVE REASONABLE CHANCE OF BEING TRIED.
SHORTENING THE TIME TO TRIAL.
EXPEDITIOUS RULINGS ON DISPOSITIVE RULINGS.
MORE EFFECTIVE USE OF RULE 11 FOR FRIVOLOUS PLEADINGS AND MOTIONS.
AWARD COSTS + ATTY FEES TO THE PREVAILING PARTY.
AWARD ATTORNEYS' FEES TO PREVAILING PARTY IN ALL CIVIL CASES.
GRANT DIVERSITY JURISDICTION ONLY WHEN LITIGANTS TRULY DIVERSE.
ELIMINATE PRIVATE CLAIM FOR RELIEF - COBRA STATUTE.
GRANTING MOTIONS TO DISMISS/MOTIONS FOR SUMMARY JUDGMENT.
ASSESSING SANCTIONS FOR IMPROPER FILINGS.
A JUST AND PROPER RULING.
IMPOSSIBLE.
WHAT THE HELL DOES THAT MEAN.
ELIMINATE DIVERSITY.
EXERCISE ABSTENTIA MORE OFTEN.
PUBLISH MORE CASES-ATTORNEYS CAN EVALUATE THE DISTRICTS CASE LAW.
STRICT REQUIREMENT OF ALTERNATIVE DISPUTE RES. PRIOR TO FILING.
DO NOT UNDERSTAND WHAT CASES ARE CONSIDERED INAPPROPRIATE/UNTIMELY.
NOT POSSIBLE.
IMPOSE SANCTIONS FOR FILING FRIVOLOUS LAWSUITS.
PROMPT RULINGS ON DISPOSITIVE MOTIONS.
PRE-FILING SETTLEMENT MEETINGS.
PRE-FILING SETTLEMENT CONFERENCES.
ASSESS COSTS OF DEFENSE IN CASES DEEMED SUBJECT TO DISMISSAL.
PROVIDE ATTY FEES TO PREVAILING PARTY.
UNANIMITY OF DECISIONS BY JUDGES.
MAKING COURT DECISIONS FROM PRIOR LITIGATION ACCESSIBLE.
CLOSE JUDICIAL SCRUTINY OF BASIS FOR FILINGS.
SANCTIONS WHERE APPROPRIATE.
THE COURT NOW TALKS A MUCH BETTER GAME THAN IT PLAYS.
WHAT DO "APPROPRIATE" AND "TIMELY" MEAN?
DON'T UNDERSTAND.
SET UP PANEL OF VOLUNTEERS TO SCREEN CASES BEFORE FILING.
WHATEVER COMES TO THE JUDGE'S ATTENTION FIRST.
TIMELY HEARING FOR MOTIONS FOR SUMMARY JUDGMENT OR DISMISSAL.
INCREASE FILING FEE.
EXPAND SUMMARY JUDGMENT.
INCREASED USE OF SUMMARY JUDGMENT.
NOTHING SHORT OF AMENDING STATUTORY BASES/STATUTE OF LIMITATIONS.
MORE USE OF RULE 11 SANCTIONS ON P'S IN PERSONAL INJURY SUITS.
DO NOT TOUCH CURRENT PRACTICE
NOT NEEDED.
SEE # 1.
WHAT DOES THIS MEAN?
IMPOSITION OF SANCTIONS UNDER RULE 11 AND 28 U.S.C. SEC 1927.
REQUIRE PRE-FILING NOTICE OF CLAIM BY PLAINTIFF TO DEFENDENTS.
SANCTION PARTY FOR CLAIM ALLEGED > \$50,000 IF RECOVERY < \$50,000.
ATTORNEY FEES MUST BE SUCH TO INCREASE NUMBER OF ATTORNEYS.
SCREEN COMPLAINTS.
THIS COULD BE A TOUCHY AREA.
TAX COSTS AND ATTY FEES ON NON-MERITORIOUS CLAIMS.
MANDATORY MEDIATION/ARBITRATION.

**United States District Court
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EXPEDITE RULINGS ON PRE-TRIAL MOTIONS.
LOSING PARTY TO PAY ATTORNEY FEES.
DO NOT SCREEN BY DOLLAR FIGURE INVOLVED, UNFAIR TO THE POOR.
EFFECTIVE DISCUSSIONS PRIOR TO FILING.
NONE-YOU RUN THE RISK OF VIOLATING CONSTITUTIONAL RIGHTS.
CONGRESS WILL HAVE TO REPEAL STATUTES.
GREATER WILLINGNESS TO USE RULE 11.
REVIEW COMPLAINTS PRIOR TO FILING, ESP PRO SE.

**United States District Court
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Civil Justice Reform Act
Questions for Lawyers**

4. List, in order of priority, ways to improve pre-trial DISCOVERY in the Northern District.
HAVE EACH PARTY FILE A DISCOVERY PROGRAM AT THE SCHEDULING CONF.
HAVE MAGISTRATE SUPERVISE THE PROGRESS.
TIMELY RULINGS ON DISCOVERY MOTIONS.
REQUIRE PLAINTIFF TO LIST EXPERT WITNESSES AT TIME OF FILING.
QUICK SCHEDULING CONFERENCE.
STRICTER APPLICATION OF F.R.CIV.P.-OBSTRUCTIVE DISCOVERY PRACTICE.
MANDATORY DISCOVERY CONFERENCES.
REDUCE ASSIGNMENTS TO MAGISTRATE JUDGES.
ONLY RARELY EXTEND DISCOVERY CUTOFF.
PROTECT AGAINST IRRELEVANT DISCOVERY.
ON BALANCE, I'M SATISFIED.
LIMIT NUMBER OF INTERROGATORIES TO 15, INCLUDING SUB-PARTS.
LIMIT LENGTH OF DEPOSITION TO 6 HOURS, ABSENT AGREEMENT OTHERWISE.
STRENGTHEN SANCTIONS UNDER RULE 11 AND RULE 37.
IMPOSE UPON PARTY SEEKING DOCUMENTS THE COST OF RESPONDING.
LOCAL RULE TO REQUIRE BROAD INITIAL DISCOVERY OF ALL PARTIES.
LIMIT DEPOSITIONS.
EARLY DISCOVERY CONFERENCE WITH LIMITS ON DISCOVERY.
SPEED UP RULINGS ON DISCOVERY MOTIONS.
SET TRIALS ON DOCKETS AND MAINTAIN THE SETTINGS.
APPOINTMENT OF COUNSEL.
TWO PHASE DISCOVERY (SUMMARY JUDGMENT PHASE AND CLEAN-UP PHASE).
GREATER USE OF SANCTIONS WHERE NON-COMPLIANCE EXISTS.
HAVE PARTIES SUBMIT DISCOVERY OUTLINE AT SCHEDULING CONFERENCE.
LIMITATION ON AMOUNT OF TIME AVAILABLE TO COMPLETE DISCOVERY.
APPOINT SPECIAL MASTERS.
DISCOVERY CONFERENCE WITH JUDGE, NOT MAGISTRATE.
REQUIRE PARTIES TO ENTER INTO A DISCOVERY SCHEDULE.
MAGISTRATES TO REVIEW FILE BEFORE HEARING ON DISCOVERY DISPUTE.
CUT RESPONSE TIMES FOR INTERROGATORIES AND REQUESTS.
ATTY FEES TO PREVAILING PARTY IN THE CASE.
NONE.
DEPOSITION LIMITS.
PERMIT MAGISTRATES TO RESOLVE DISPUTES BY TELEPHONE.
SPEEDY RESOLUTION OF DISCOVERY DISPUTES.
DO NOT PLACE LIMITS ON NUMBER OR LENGTH OF DEPOSITIONS.
COME DOWN ON THE S.O.B. LITIGATORS. WE ALL KNOW WHO THEY ARE.
WHATEVER COMES TO THE JUDGE'S ATTENTION FIRST.
ALLOW UNLIMITED INTERROGATORIES AND REQUESTS FOR ADMISSIONS.
ESTABLISH WAVE DISCOVERY W/DEADLINES EARLY ON.
MORE SEVERE SANCTIONS FOR CLEARLY IMPROPER BEHAVIOR.
INCREASE NUMBER OF INTERROGATORIES BUT REQUIRE PROPER AND SPECIFIC COURT ORDERED EXCHANGE OF INFORMATION AND DOCUMENTS.
DEFENDANTS OFTEN GET TOO MUCH TIME FOR DISCOVERY.
LET ADJUNCT JUDGES RESOLVE CONTESTED DISCOVERY MOTIONS.
CHARGE FOR THE COST OF EXTENSIVE DOCUMENT SEARCHES AND PRODUCTION.
GRANT BLANKET MEDICAL PRIV. WAIVER FOR INJURY SUIT.
PROMPT DISPOSITION OF DISPUTES.
SANCTION PARTY W/O "REASONABLE BASIS" NOT ENTERING INTO AGREEMENT.
PROMPT RULINGS ON DISCOVERY DISPUTES.
ACCESS TO MAG. JUDGES VIA PHONE CALL.
MORE PROMPT RULINGS ON DISCOVERY MOTIONS.
GREATER RESTRICTIONS ON SCOPE OF DISCOVERY.
COOPERATION OF COUNSEL.
RULE ON DISCOVERY MOTIONS AND LEGAL ISSUES PROMPTLY
ADOPT AS LOCAL RULES PROPOSED FED RULES ON DISCOVERY.

**United States District Court
for the Northern District of Oklahoma
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Questions for Lawyers**

AWARD FEES TO PREVAILING PARTY.
DON'T PUT SIMPLISTIC ARBITRARY LIMITS ON DISCOVERY.
LIMIT LENGTH OF DEPOSITIONS.
BETTER CONDUCT BY COUNSEL (REPETATIVE QUESTIONS/DISRUPTIVE OBJN).
AWARD FEES IN DISCOVERY DISPUTES MORE FREQUENTLY.
DON'T REQUIRE EXCHANGE OF EXHIBIT AND WITNESS LISTS BEFORE DISCOVERY.
MORE CONTROL BY DIST JUDGE OR MAGISTRATE OVER DISCOVERY DEPOSITION.
SELDOM HOLD SETTLEMENT CONF BEFORE JUDGE NOT ON CASE.
MORE LIBERAL ATTITUDE AMONG ATTYS REGARDING DISCOVERY.
LEAVE WELL ENOUGH ALONE.
MONITOR DISCOVERY REQUESTS/COMPLIANCE MORE CLOSELY (SHARE COSTS).
SERIOUSLY CONSIDER MOTIONS TO DISMISS/SUMMARY JUDGMENT.
PLAINTIFF BE REQUIRED TO HAVE FACTUAL ALLEGATIONS.

**United States District Court
for the Northern District of Oklahoma
Civil Justice Reform Act
Questions for Lawyers**

5. List ways to improve Status and Scheduling conferences.
HAVE ONE IN EACH CASE AND SET MEANINGFULL SCHEDULE.
HAVE STATUS REPORTS FILED EACH 30 DAYS.
REQUEST COUNSEL TO PREPARE PROPOSED SCHEDULE BEFORE CONFERENCE.
REQUIRE PREPARATION BY LAWYERS.
HAVE THEM HELD BY JUDGE.
DO NOT GRANT POSTPONEMENTS EXCEPT FOR INJURY, ILLNESS OR DEATH.
STATUS CONFERENCES NOT PARTICULARLY VALUABLE.
SCHEDULING CONFERENCE SHOULD REFLECT COMPLEXITY OF CASE.
SCHEDULE FROM SCHEDULING CONFERENCE SHOULD BE ADHERED TO.
ALLOW LITIGANTS MORE FREEDOM TO SCHEDULE DATES.
HAVE CONFERENCES CONDUCTED BY THE COURT THAT WILL TRY CASE.
REQUIRES NO IMPROVEMENT.
REQUIRE EARLY DEFINITION OF ISSUES.
REQUIRE MEANINGFUL OUTLINES OF PROPOSED DISCOVERY.
SET TIMES FOR RESOLVING DISPUTES ON DISCOVERY ISSUES.
REQUIRE ALL PRELIMINARY DISPUTES BE ADDRESSED AT THE CONFERENCE.
AT LEAST ONE MORE MAGISTRATE.
HAVE PARTIES SUBMIT PROPOSED ORDERS BEFORE CONFERENCES.
COMPEL ATTORNEYS TO OFFER REASONABLE DISCOVERY SCHEDULES.
HOLD ATTORNEYS TO THEIR DISCOVERY SCHEDULES.
TAKE INTO ACCOUNT THE SCHEDULES AND CONFLICTS OF ATTYS INVOLVED.
SEND OUT ORDERS, DO NOT REQUEST AND THEN WAIT.
SPEED UP SETTING BY 30 DAYS OR SO.
NO IMPROVEMENT NEEDED.
AS EFFICIENT AS THEY CAN BE.
NONE.
REQUEST ORAL STMT OF CASE FROM EACH SIDE TO ASSIST MAGISTRATE.
CONFERENCES SHOULD BE CONDUCTED BY TRIAL JUDGE, NOT MAGISTRATES.
BETTER PREPARED JUDGES WHO REQUIRE BETTER PREPARED COUNSEL.
GREATER FLEXIBILITY IN SETTING DATES.
DO NOT HAVE UNTIL PARTY MOVES TO HAVE CASE SET FOR TRIAL/PRE-TRIAL.
HAVE DISTRICT JUDGES CONDUCT CONFERENCES.
ABOLISH CONFERENCE AND HAVE COURT ISSUE SCHEDULING ORDER.
MAKE THEM RESPONSIVE TO THE NEEDS OF INDIVIDUAL CASES.
OMIT DISCUSSION OF MERITS UNLESS ESSENTIAL TO SCHEDULING.
PRE-CONF MEMO RE: FACTS AND ISSUES FROM PARTIES.
MANDATORY SETTLEMENT DISCUSSIONS BEFORE CONF. W/REPORT ON SAME.
HAVE THEM CONDUCTED BY THE JUDGE.
EXCELLENT AS IS.
REQUIRE A CHECK LIST COMPLETION BEFORE CONFERENCE.
NONE.
ASSURE ALL MOTIONS DISPOSED OF BY CT BEFORE CONF.
REQUIRE PARTIES TO PREPARE BEFORE CONFERENCE.
QUICKER RULINGS ON RULE 12 MOTIONS TO KNOW WHAT CLAIMS ARE.
REQUIRE DETAILED FACT AND LEGAL CONTENTIONS.
REQUIRE WRITTEN EXPERT OPINION REPORTS BY PLAINTIFF.
CONDUCTED IN CONFERENCE ROOM, NOT DICTATED IN OPEN COURT.
THE JUDGE SHIOULD CONDUCT THEM.
USE CONFERENCE FOR ARGUMENT ON PENDING MOTIONS.
REQUIRE COUNSEL TO BE FULLY PREPARED TO DISCUSS MERITS.
INTEREST OF JUDGE.
MORE EFFECTIVE USE OF SCHEDULING AND STATUS CONFERENCE.
MANDATORY ARBITRATION.
SEND COUNSEL SCHEDULING DATES ASSIGNED, CHANGE IF AGREED.
MORE FREQUENT STATUS CONFERENCES.
HAVE THEM HELD BY JUDGE.

**United States District Court
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Questions for Lawyers**

HAVE THEM HELD BY JUDGE.
SCHEDULE THEM 120 DAYS AFTER SUIT IS FILED.
LET ATTYS SUBMIT BY AGREEMENT. IF NOT POSSIBLE, THEN SCHEDULE CONF.
DON'T HAVE LAW CLERKS CONDUCT CONFERENCES.
DON'T ASSIGN DEADLINES FOR EVERY EVENT/TASK, ONLY ESSENTIAL ONES.
SHOULD START ON TIME.
JUDGES INVOLVED EARLIER IN PROCESS.

**United States District Court
for the Northern District of Oklahoma
Civil Justice Reform Act
Questions for Lawyers**

6. List, in order of priority, ways to improve pre-trial CONFERENCES in the Northern District.

RULE ON DISPOSITIVE MOTIONS PRIOR TO CONFERENCE.
REQUIRE PREPARATION BY LAWYERS.
HAVE THE TRIAL JUDGE CONDUCT THE CONFERENCE.
RESOLVE ALL DISPOSITIVE MOTIONS BEFORE PRE-TRIAL CONFERENCE.
ALL EVIDENTIARY MOTIONS SHOULD BE PRESENTED.
REQUIRE PARTIES TO PROVIDE ORDER OF WITNESSES.
DISTRICT JUDGES SHOULD CONDUCT THE PRE-TRIAL CONFERENCE.
ON BALANCE, I'M SATISFIED.
REQUIRES NO IMPROVEMENT.
REQUIRE LISTING OF LITIGATION ISSUES EARLY.
HAVE A PRE-TRIAL CONFERENCE WITHIN A WEEK OF THE TRIAL.
GIVE TIME BETWEEN DISCOVERY AND CONFERENCE TO HANDLE MOTIONS.
USE DOCKET CONTROL TO ALLOW FIRM DATES FOR TRIALS.
APPOINTMENT OF COUNSEL.
HAVE THEM IN ALL CASES.
ESTABLISH SOME TYPE OF CONSISTENCY FOR THE CONFERENCES.
HAVE THE DISTRICT JUDGE CONDUCT HIS OWN PRE-TRIAL CONFERENCE.
REQUIRE ATTENDANCE OF PARTIES AND POSSIBLY INSURANCE REPRESENTATIVE.
NEED NO IMPROVEMENT.
ACCEPT FAX SIGNATURES W/CHALLENGE PROCEDURE.
COURT BECOME FAMILIAR WITH THE ISSUES IN ADVANCE.
DISPENSE WITH DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE AT CONF.
BETTER PREPARED JUDGES WHO REQUIRE BETTER PREPARED COUNSEL.
THOROUGH PREPARATION BY ALL ATTYS.
DO NOT HOLD UNTIL 10 DAYS BEFORE TRIAL.
LET JUDGE HAVE TIME TO PREPARE AND RESOLVE ISSUES.
REQUIRE THE LAWYERS TO LAY OUT THE CASE WITH SPECIFICITY.
ADDRESS SUBSTANTIVE, EVIDENTIARY ISSUES, DISAGREEMENTS IN DETAIL.
MAKE LAWYERS BETTER PREPARED.
I DON'T HAVE ANY PROBLEM.
HAVE LAW CLERKS MEET W/ATTYS 2 WEEKS BEFORE JUDGE DOES.
NO DISPOSITIVE MOTIONS SHOULD BE PENDING AT PRE-TRIAL.
JUDGE ASSIGNED TO CASE SHOULD CONDUCT PRE-TRIAL.
MOTIONS IN LIMINE SHOULD BE RULED ON AT PRE-TRIAL.
RESOLVE PENDING MOTIONS BEFORE OR AT PRE-TRIAL CONFERENCE.
HAVE PARTIES SUBMIT SHORT STATEMENTS TO THE COURT (I.E. SETT CONF).
SHOULD BE IN CONFERENCE ROOM HELD BY JUDGE TRYING CASE.
JUDGE SHOULD RULE ON MOTIONS FIRST.
SANCTION DILATORY PARTIES.
EMPHASIZE RESOLUTION OF PENDING MOTIONS.
HOLD CLOSER TO TRIAL.
REQUIRE COUNSEL TO LAY OUT PROOF.
LIBERALIZE RULES ON ADMISSION OF REBUTTAL EVIDENCE.
MORE IN-DEPTH DISCUSSION WITH JUDGE.
INTEREST OF JUDGE.
MORE ACTIVE PARTICIPATION BY TRIAL JUDGE.
CONDUCT THEM BEFORE TRIAL JUDGE, NOT THE MAGISTRATE.
DON'T STAY PRE-TRIAL CONFERENCES, CONDUCT THEM.
HAVE JUDGES MEET THE DEADLINES, SAME AS ATTORNEYS.
VERY LITTLE ROOM FOR IMPROVEMENT.
BRIEFS SUBMITTED AND ALL ISSUES RULED ON BEFORE PRE-TRIAL.
SUGGESTED PRELIM JURY INSTRUCTIONS SUBMITTED AND READ BEFORE CONF.
DISPOSITIVE MOTIONS RULED ON BEFORE PT CONFERENCE.
HAVE FORM PRE-TRIAL ORDERS.
COURT RULE ON ITEMS AT CONFERENCE.

**United States District Court
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Civil Justice Reform Act
Questions for Lawyers**

7. List, in order of priority, ways to improve SETTLEMENT CONFERENCES in the Northern District.

VERY EFFECTIVE AS IS.
RULE ON DISPOSITIVE MOTIONS PRIOR TO CONFERENCE.
BETTER PREPARATION ON PART OF ALL PARTICIPANTS.
LESS ARGUMENT, MORE EVIDENCE.
SETTLEMENT JUDGE MUSTN'T CRITICISE PARTY IN FRONT OF OPPOSITION.
SETTLEMENT JUDGE MUST NOT ONLY APPEAR BUT BE NEUTRAL
COURT ORDERED CONF. IS A WASTE IF A PARTY HAS INTENT TO NOT SETTLE
PARTY SHOULD BE EXCUSED IF SHOWS IN WRITING REASONABLE CAUSE.
THREATS, INTIMIDATION AND ABUSE BY MAGISTRATE IS NOT PRODUCTIVE.
HAVE THE MAGISTRATE BE MORE INFORMED.
WETTLEMENT CONFERENCES GENERALLY WELL RUN.
HAVE THEM MORE READILY AVAILABLE ON REQUEST.
CREATE MORE FEDERAL DISTRICT JUDGES.
MORE FLEXIBLE SCHEDULING, INDIVIDUALIZE CASES.
MAYBE SETTLEMENT CONFERENCE PER ISSUE.
VERY GOOD ALREADY IN MY EXPERIENCE.
HOLD CONFERENCES SHORTLY AFTER FILING AND AFTER DISCOVERY.
SETTLEMENT CONFERENCES ARE VERY EFFECTIVE.
HAVE MANDATORY SETTLEMENT CONFERENCES EARLY.
NO IMPROVEMENT NEEDED.
CONFERENCES CONDUCTED BY ADJ. SETTLEMENT JUDGE MORE FORMAL.
PROVIDE ATTY FEES TO PREVAILING PARTY IN CASES GOING TO TRIAL.
DON'T LET WOLFE DO THEM.
DEMAND GREATER PREPARATION OF ATTORNEYS.
SANCTIONS IF ATTORNEY HAS NOT FAMILIARIZED HIMSELF W/CASE.
HOLD THEM EARLIER.
ENFORCE REQUIREMENT THAT PERSON WITH AUTHORITY TO SETTLE ATTEND.
EARLIER SETTINGS OF CONFERENCES IN CONTEXT OF THE CASE.
MAGISTRATES NEED SOME IN-DEPTH KNOWLEDGE OF CASE.
DON'T LET WOLFE DO THEM.
EARLY AND OFTEN.
JURY TRIAL. LET THE JURY DECIDE.
HAVE BEEN SATISFACTORY.
HAVE JUDGE HAVE TIME AND KNOWLEDGE TO RESOLVE ISSUES.
AVOID ARM TWISTING.
HAVE JUDGES FAMILIAR WITH FACTS AND BASE RECOMMENDATION ON MERIT.
ONE MAGISTRATE COULD BE MORE CONSISTENT AND MORE REALISTIC.
INITIATE THEM ONLY ON REQUEST OF ONE OR THE OTHER PARTY.
CUT DOWN ON INTRODUCTORY STATEMENTS.
MORE MAGISTRATES, FEWER ADJUNCT-YOU NEED THE POWER OF THE ROBE.
REQUIRE MORE PREP BY ATTYS-CONFER ON NEEDED ITEMS BEFORE CONF.
ASSURE ALL CASES HAVE ACCESS.
MAKE THEM VOLUNTARY.
SET CONFERENCES AFTER CLOSE OF DISCOVERY AND DISP. MOTIONS.
IMPROVE ACCESS TO SETTLEMENT JUDGES.
SETTLEMENT JUDGES SHOULD GIVE THEIR OPINIONS, IF REQUESTED.
REQUIRE PARTIES TO SPECIFY ISSUES OF FACT NOT CONTROVERTED.
REQUIRE PARTIES TO SPECIFY DEFENSE TO BE RELIED UPON.
EARLIER SETTLEMENT CONFERENCES.
EXPLORE MORE CREATIVE RESOLUTION METHODS (BINDING SUMMARY TRIAL).
HAVE EARLIER IN THE DAY.
DON'T COMPEL NON-PARTIES TO ATTEND.
GIVE HISTORY OF SIMILAR CASES AND RESULTS.
PERSON CONDUCTING CASE MUST BE BETTER INFORMED.
HAVE CONFERENCE AFTER DISCOVERY.

**United States District Court
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MEET MORE FREQUENTLY WITH CLIENTS WITHOUT COUNSEL TO PROBE BASIS.
MORE ENCOURAGEMENT TO USE PROCESS.
SETTLEMENT JUDGE MORE FAMILIAR W/CASE AND PREPARED TO DISCUSS.
ADDITIONAL MAGISTRATES.
EXPAND ADJUNCT PROGRAM.
PAY ADJUNCTS.
SETTLEMENT CONFERENCES BEFORE DISCOVERY.
RULE ON PENDING MOTIONS AT PRE-TRIAL CONFERENCE.
JUDGE SPEND TIME TO RESOLVE ALL MATTERS.
ASSIGN TO MAGISTRATE WAGNER OR HAVE OTHERS LEARN FROM HIM.
SELDOM HOLD SETTLEMENT CONF BEFORE JUDGE NOT ASSIGNED TO CASE.
REQUIRE THEM IN ALL CASES WITH ALL PARTIES PRESENT.
GREATER EFFORT TO INDICATE STRENGTHS/WEAKNESS OF EACH SIDE'S CASE.
REVEAL RESULTS OF DISCOVERY TO SETTLEMENT JUDGE TO INFORM HIM.

**United States District Court
for the Northern District of Oklahoma
Civil Justice Reform Act
Questions for Lawyers**

8. List ways to improve the facilities of the U.S. Courthouse or courtrooms.
BETTER ACCESS TO TELEPHONES.
MAKE DOCKETING INFO AVAILABLE BY COMPUTER.
WITH GREAT RELUCTANCE.
THAT COURT NOT HEAR CASES RULED ON BY RELATIVE IN STATE COURTS.
MOVE BANKRUPTCY TO COMPLETELY SEPERATE FACILITY.
MOVE CLERKS OFFICE OUTSIDE OF RESTRICTED AREA.
SOFTER PEWS IN THE AUDIENCE SEATS.
CONFERENCE ROOMS FOR COUNSEL TO MEET WITH PARTIES/WITNESSES.
BETTER DIRECTIONAL SIGNS.
POST DOCKETS.
FACILITIES ARE NOW EXCELLENT.
KEEP THE PUBLIC OUT AND LET THE WITNESSES IN.
ITS FINE.
GIVE ACCESS TO ATTYS W/O HASSLE OF SECURITY.
BUILT IN VIDEO EQUIPMENT IN CT ROOMS.
CHAIRS REPAIRED TO STOP "CREAKS".
LARGER COFFEE SHOP, INCLUDING LARGER LUNCH FACILITY.
MORE DIRECTION SIGNS.
ADD FACILITIES FOR PLACEMENT OF OVERCOATS, RAINCOATS, ETC.
NEED LOUNGE OR CONFERENCE ROOM FOR ATTYS.
NEED ACCESS TO LIBRARY FACILITIES.
FACILITIES ARE VERY GOOD.
ISSUE CARD OR BADGE TO ATTYS TO GET AROUND METAL DETECTORS.

**United States District Court
for the Northern District of Oklahoma
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Questions for Lawyers**

9. How would you allow the judge to adjust the fee agreement between lawyer and client in the Northern District?

NOT AT ALL.

I WOULDNT.

YES.

MODIFY ONLY IN EXTRAORDINARY CIRCUMSTANCES.

NOT AT ALL, EXCEPT IN SEPARATE SUIT BY CLIENT.

I WOULD NOT.

NO.

IN MOST CIRCUMSTANCES, I WOULD NOT.

I WOULD NOT ALLOW.

ON SOME CASES, A VALUE OF THE SERVICES MAY BE APPROPRIATE.

I WOULDNT, EXCEPT IN EXTREME CIRCUMSTANCES.

IT SHOULD NOT BE ALLOWED.

NEVER.

I DO NOT THINK IT SHOULD BE DONE.

CLASS ACTIONS

VERY INFREQUENTLY.

VARY RARELY.

REQUIRE REVIEW TO ASCERTAIN IF MEETS STANDARDS OF LEGAL COMMUNITY.

IF UNREASONABLE, THEN PURSUANT TO RAMOS, ETC.

NEVER. IT IS ETHICALLY AND MORALLY WRONG TO INTERFERE WITH CONTRACTS.

IF JUDGE DETERMINES FEE WAS UNCONSCIONABLE.

RARELY.

AFTER REVIEW BY IMPARTIAL PANEL W/RECOMMENDATION TO COURT.

I WOULDNT.

REVIEW TIME SPENT VS WINDFALL TO ATTY.

NOT A PROPER SUBJECT FOR THE COURT.

NEVER.

WOULD NOT.

MANY ATTYS ADJUST FEE EOWN TO MAKE SETTLEMENT EASIER.

NOT A GOOD IDEA.

WOULD NOT.

ONLY IN EGREGIOUS CASES (50% FEE IN CASE OF LIABILITY W/ASSETS).

AT THE END OF EACH CASE.

ONLY ON RARE OCCASIONS TO PREVENT AN ABUSE AGAINST A CLIENT.

YES.

CONTINGENT FEES SHOULD BE REVIEWED FOR PROPRIETY.

I WOULDNT.

OVER MY DEAD BODY.

JUDGE ONLY REFER CLAIMS TO ATTY PANEL FOR ARBITRATION.

I WOULD NOT, EXCEPT IN EXTREME CASE (PRO SE BEING OVERREACHED).

NO.

I WOULDNT.

ONLY ON UNSOLICITED COMPLAINT FROM CLIENT.

NOT AT ALL.

I WOULD NOT.

I WOULD NOT, EXCEPT CLASS OR DERIVATIVE ACTIONS.

I WOULDNT.

I WOULD NOT.

IN CONTINGENT CASES - REVIEW.

ONLY IF IT VIOLATES LAW OR PROF. RESP. CODE.

NEVER WOULD AGREE TO JUDGE INTERFERING IN CONTRACT.

ONLY IF REQUESTED BY ATTORNEY OR CLIENT.

I WOULD NOT LEAVE IT TO THE COURT, REFER TO GRIEVANCE COMMITTEE.

WOULD NOT.

I WOULD NOT ALLOW THE JUDGE TO INTERFERE.

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I DON'T BELIEVE THAT IS A ROLE FOR THE JUDGE.
JUDGE HASN'T ANY BUSINESS IN DOING IT.

**United States District Court
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Civil Justice Reform Act
Questions for Lawyers**

10. List, in order, the types of civil litigation that are most prone to problems in the Northern District.

ERISA CLAIMS, CLASS ACTIONS/PRODUCTS LIABILITY, INS. BAD FAITH.
COMPLEX LIT. WITH SIGNIFICANT MOTIONS AND HARDBALL DISCOVERY.
MEDICAL MALPRACTICE.
COMPLEX CONTRACTS.
COMPLEX CASES WITH MULTIPLE PARTIES, HIGHLY CONTESTED CASES.
SECTION 2254.
BUSINESS RELATED.
PRODUCT LIABILITY, TORTS
MULTIPARTY MULTICAUSE COMPLEX FEDERAL QUESTION LITIGATION.
MULTIPARTY STATE CLASS ACTION WHERE CASE ALSO IN STATE COURT.
PRODUCTS LIABILITY, PERSONAL INJURY.
TYPE OF CASE DOESN'T AFFECT CIVILITY/REASONABLENESS OF LAWYERS.
TORTS.
BUSINESS LITIGATION W/REAMS OF DOCUMENTS.
CASES WHERE ONLY EVIDENCE IS ORAL TESTIMONY.
CASES AGAINST COMPANY WHERE WITNESSES FEAR JOB LOSS IF TESTIFY.
CONTRACT DISPUTES BETWEEN LARGE COMPANIES.
THE MORE COMPLEX THE CASE, THE GREATER THE PROBLEMS.
SECURITIES, RICO
PRODUCT DISPUTES AND INNOVATIONS..
ASBESTOS, WRONGFUL DISCHARGE.
LAWYERS, NOT TYPES OF LITIGATION, MAKE PROBLEMS.
EEOC.
PERSONAL INJURY
ASBESTOS.
ASBESTOS CASES.
MULTIPLE PARTY, SECURITIES LITIGATION.
PRO SE MATTERS.
BANKRUPTCY, TORTS, CIVIL RIGHTS, BAD-FAITH INSURANCE CLAIMS.
COMPLEX CONTRACT CASES.
CASES IN WHICH INSURANCE DEFENSE IS PROVIDED.
CASES WHERE IMBALANCE IN ATTORNEY COMPETENCY.
EQUAL RIGHTS FOR POOR.
THE MORE EXTENSIVE THE DISCOVERY, THE MORE PRONE TO PROBLEMS.
ASBESTOS, CONTRACT, SECURITIES.
ANTI-TRUST, CIVIL RIGHTS, ANYTHING WITH OUT OF CONTROL ATTYS.
DEPENDS ON THE ATTYS.

**United States District Court
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11. List changes to the rules to prevent lawyers from causing excessive costs and delays.
ENFORCE THE RULES WE HAVE.
DO NOT ACCEPT FILINGS OUT OF TIME, EXCEPT WITH LEAVE OF COURT.
DO NOT ACCEPT FILINGS WHICH DO NOT CONFORM TO COURT RULES.
RULES ARE ADEQUATE, IF ENFORCED.
ENFORCEMENT OF RULE 11 SANCTIONS.
ATTORNEY NOT PAID FOR DISCOVERY IF NOT COMPLETED TIMELY.
RULES ARE ADEQUATE IF MORE STRINGENTLY AND UNIFORMLY ENFORCED.
EARLY AND MANDATORY DISCOVERY CONFERENCES.
REDUCE DISCOVERY.
MORE FREQUENT USE OF RULE 11 AND 37 SANCTIONS AND CONTEMPT POWERS.
ENFORCE RULE 11 SANCTIONS, PARTICULARLY AS TO COSTS AND FEES.
HAVE MORE DIRECTIONS GIVEN AT SCHEDULING CONFERENCE.
SANCTION LAWYERS FOR OBSTRUCTING DISCOVERY.
LIMIT DEPOSITIONS IN NUMBER AND LENGTH.
SET TRIAL DATES MONTHS IN ADVANCE/NOT SUBJECT TO CONTINUANCE.
ENFORCE RULE 11.
ENFORCE COST-SHIFTING.
GREATER USE OF SANCTIONS.
HAVE PARTIES SUBMIT DISCOVERY OUTLINE AT SCHEDULING CONFERENCE.
HAVE PARTIES SUBMIT PROPOSED ORDERS BEFORE CONFERENCES.
NOT POSSIBLE.
ALLOW SHORT REPLY BRIEFS.
DO NOT ALLOW BRIEFS ATTACHED TO APPLICATION TO FILE REPLY BRIEF.
DO NOT ALLOW BRIEFS ATTACHED TO APPLICATION TO EXCEED PAGE LIMIT.
SPEEDY RESOLUTION OF MOTIONS.
NO CHANGES NECESSARY.
PROVIDE FREE COPY OF DEPOSITIONS TO BE SHARED BY OPPOSING PARTIES.
DEPOSITIONS SHOULD BE TAKEN IN THE FORUM DISTRICT.
PROVIDE ATTY FEES TO PREVAILING PARTY.
TIME LIMITS ON DEPOSITIONS.
OF QUESTION LIMITS ON DEPOSITIONS.
ATTY TAKING DEPO RESPONSIBLE FOR FURNISHING COPY TO OTHER PARTY.
DON'T CHANGE THE RULES, ENFORCE THE RULES.
RULES ARE O.K., ENFORCEMENT IS THE KEY.
SET TIME LIMIT ON EACH CASE.
ALLOW USE OF MORE INTERROGATORIES.
STRICTER CONTROL OVER LAWYERS.
SANCTIONS.
SANCTION REPEATED FAILURE TO COMPLY WITH THE RULES.
EARLY/COMPLETE EXCHANGE OF DOCUMENTARY EVIDENCE.
LIMIT AND CONTROL DISCOVERY - COURT ORDERED EXCHANGE AT DISC. CONF.
CASES MOVING ALONG, EXCEPT FOR TOO LONG FOR DISCOVERY.
ITS NOT THE LAWYERS, ITS THE SYSTEM (EXCEPT FOR DEPOSITIONS).
CHARGE FOR EXCESSIVE DISCOVERY/EXTENSIVE DOCUMENT SEARCHES.
LIMIT CUMULATIVE TESTIMONY.
PROMPT DISPOSITION OF DISPOSITIVE MOTIONS.
PROMPT RULING ON MOTIONS.
LIMITING DOCUMENT REQUESTS.
REFINING THE ROLE OF EXPERTS.
ENFORCE RULE 11.
ALWAYS AWARD FEES AND COSTS TO PARTY RESPONSIBLE FOR EXCESS AND DELAY.
JUDGE PARTICIPATE IN SCHEDULING ORDERS, PRE-TRIAL/SETTLEMENT CONF.
LIMITS ON CONDUCT OF COUSEL IN TAKING DEPOSITIONS.
AWARDING FEES AND COSTS.
USE OF RULE 11.
DEFENSE COUNSEL FILES FRIVOLOUS MOTIONS, BUT DON'T LIMIT THEM.

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RULES NOT THE PROBLEM.
COURT DOES NOT NEED MORE RULES. -
STANDARD \$50 SANCTION FOR 1ST ABUSE OF SYSTEM.
AWARD ATTY FEES AGAINST P IF D WINS.

**United States District Court
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Questions for Lawyers**

12. List, in order of priority, changes to improve motion practice in the Northern District.

NOTIFY BOTH COUNSEL WHEN STRIKE MOTION HEARINGS.
SET MOTION HEARINGS IN A TIMELY MANNER.
RULE MORE WITHOUT HEARING OR ARGUMENT.
RULE ON MOTIONS PROMPTLY, EVEN W/O RESPONSE FROM OPPOSING ATTY.
RULES ARE ADEQUATE, IF ENFORCED.
REQUIRE THAT ANY MOTION AT ISSUE MUST BE RULED ON WITHIN 60 DAYS.
HEARINGS ON MOTIONS SHOULD BE MORE TIMELY.
DEFINITE TIMES FOR HEARINGS SHOULD BE SET AND ADHERED TO.
EXPEDITE THE RULINGS ON DISPOSITIVE MOTIONS.
DISCOURAGE MOTIONS TO RECONSIDER.
SANCTION FRIVOLOUS MOTIONS.
EARLY RULINGS BY COURT ON PENDING MOTIONS.
HAVE THE MAGISTRATES TREAT LAWYERS WITH RESPECT.
MORE RULINGS, FEWER THREATS.
HAVE REPLY BRIEFS/ORAL ARGUMENT BEFORE COURT WHERE CASE ASSIGNED.
THIS DISTRICT NEEDS FOUR MAGISTRATES, NOT TWO.
MORE CLERKS.
FEWER ORAL ARGUMENTS.
HAVE SPEEDIER RULINGS ON MOTIONS
ALLOW TIME AFTER DISCOVERY FOR MOTIONS FOR SUMMARY JUDGMENT.
SET ORAL ARGUMENTS AND FIVE RULINGS AT THE HEARING.
A JUST AND PROPER RULING.
FASTER RULINGS.
PERMIT REPLY BRIEFS IN S.J. CASES.
EASIER ACCESS TO JUDGES.
GREATER USE OF SANCTIONS.
DECISIONS MORE PROMPTLY.
REWARD BRIEF BRIEFS BY READING AND ANALYZING THE CASES CITED.
REQUIRE PRIOR EXCHANGE OF LEADING CASES BEFORE MOTION IS FILED.
RULE ON ALL MOTIONS WITHIN CERTAIN NUMBER OF DAYS (60 DAYS).
RULE SOONER ON DISPOSITIVE MOTIONS.
SPEED UP RULING ON MOTIONS.
MAGISTRATES TO REVIEW FILE/BE FAMILIAR WITH CASE BEFORE HEARING.
HAVE A MAGISTRATE ASSIGNED TO ALL MOTIONS.
SPEED OF DECISION.
TIMELY RULINGS ON MOTIONS FOR SUMMARY JUDGEMENT BY TRAIL JUDGE.
JUDGE SPEND TIME TO REVIEW AND UNDERSTAND CASE AND MOTION.
BETTER, MORE THOUGHTFUL, LEGALLY WELL-GROUNDED MAGISTRATE REVIEW.
ORAL ARGUMENT PLUS RULINGS FROM THE BENCH.
ALLOW NO MORE THAN THREE MOTIONS.
EACH MOTION NEEDS HEARING WITH FACE-TO-FACE BETWEEN ATTYS AND JUDGE.
ELIMINATE ORAL ARGUMENT.
HAVE DISTRICT JUDGES HEAR THE MOTION AND DECIDE WITHIN 10 DAYS.
RULINGS ON MOTIONS WITHIN 2 WEEKS OF FINAL BRIEF/OBJECTION.
MORE ORAL ARGUMENTS, LESS BRIEFS.
LIMIT MOTION BRIEFS TO FEWER PAGES.
ARGUMENT ALLOWED ONLY RARELY BEFORE MAGISTRATE.
REQUIRE APPENDIX OF ALL CASES CITED, IN FULL.
RULE ON MOTION FOR SUMMARY JUDGMENT MORE PROMPTLY.
PROMPT DISPOSITION
STRIKE RESPONSES TO MOTIONS FOR S.J. THAT DON'T COMPLY WITH RULES.
GIVE ONE FREE EXTENSION FOR RESPONSE TO FILED BRIEF OF 7 DAYS.
HEARING BEFORE MAG. JUDGE WITHIN 5 DAYS OF MOTION FILING.
MOTION DECIDED AT HEARING OR WITHIN 48 HOURS.
PROMPT HEARING AND FASTER RESOLUTION.
FASTER RULINGS ON MOTIONS.

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MORE DECISIVE RULINGS.
REINSTITUTE MOTION DOCKETS.
JUDGES SHOULD NOT REFER TO MAGISTRATES.
JUDGES SHOULD RULE PROMPTLY.
MORE LAW CLERKS.
MORE EXPERIENCED LAW CLERKS.
MOTIONS TO COMPEL DISCOVERY W/FEEES TO PREVAILING PARTY.
TIMELY RESPONSE BY COURT.
DISPOSITION OF ALL PENDING MOTIONS ON SPECIFIC TENETS.
EXPEDITE RULINGS.
DEFENSE COUNSEL FILES FRIVOLOUS MOTIONS, BUT DON'T LIMIT THEM.
LEAVE WELL ENOUGH ALONE.
JUDGES NEED TO RULE ON MOTIONS AS THEY COME IN.
MAKE JUDGES AND MAGISTRATES MORE ACCESSIBLE TO ATTYS.
GREATER USE OF ORAL ARGUMENT.
QUICKER RULINGS ONCE MOTION HAS BEEN FILED.
NOT SO MANY TECHNICAL REQUIREMENTS.
REQUIRE CITATION OF AUTHORITIES IN MOTION, INSTEAD OF BRIEFS.

**United States District Court
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Questions for Lawyers**

13. List ways in which trials before a jury could be improved.
ALLOW ATTYS TO PARTICIPATE IN VOIR DIRE.
GIVE ATTYS MORE LATITUDE IN THE COURTROOM.
TRIALS SHOULD BE REDUCE TO THEIR ESSENCE.
FIRM DATE FOR TRIAL.
JUDGE AND ATTORNEY VOIR DIRE.
ALLOW ATTYS TO VOIR DIRE.
INSTRUCT JURY BEFORE ARGUMENT.
ALLOW ATTYS MORE FREEDOM IN TRIAL.
PERMIT VOIR DIRE BY ATTORNEYS.
REQUIRE PARTIES TO LAY OUT CASES AT PRETRIAL CONF. AND STICK TO IT.
CHANGE DOCKETING PROCEDURES TO MAKE JURY TRIALS MORE AVAILABLE.
A JUST U.S. JUDGE.
ALLOW ATTORNEYS TO CONDUCT FOLLOW-UP VOIR DIRE WITH JURORS.
LIMITATION IN USE OF EXPERT WITNESSES.
LIMITATION ON LENGTH OF TRIAL.
PERMIT EACH SIDE 30 MINUTES TO VOIR DIRE JURY.
ALLOW VOIR DIRE.
LIMIT EXCUSES FROM JURY SERVICE.
PERMIT VOIR DIRE BY ATTYS FOR 20 MINUTES EACH.
JUDGES ARE DOING AN EXCELLENT JOB. DON'T TINKER WITH RULES.
LET ATTYS DO VOIR DIRE BUT LIMIT THE TIME.
BRING WITNESSES AND EVIDENCES TO COURT, RIGHT AWAY.
ELIMINATE TRAIING DOCKET
FINE AS IS.
10 MINUTES OF ATTY VOIR DIRE AFTER JUDGE.
MOVE LAWYERS ALONG.
PRE SUBMIT EXHIBITS.
MAKE WITNESS BE RESPONSIVE TO QUESTIONS.
HAVE LIST OF JURORS, W/ADDRESS AND OCCUPATIONS, IN ADVANCE.
JUDGES MUST COMPLY WITH LOCAL RULES (COOK ON OBJECTIONS).
COURTESY AND MORE ACCOMODATION OF SCHEDULES.
RE-ESTABLISH THE 12 PERSONS CIVIL JURIES.
DON'T SEARCH DEFENSE LAWYER IN FRONT OF JURY IF PROSECUTOR ISN'T.
DO AWAY WITH RIGIDITY IN COURTROOM (REQUIRING ATTYS TO STAND).
ALLOW ATTYS TO CONDUCT AN OPEN VOIR DIRE.
GREATER USE OF STIPULATIONS.

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Questions for Lawyers**

14. List ways in which trials before a judge could be improved.

FIRM DATE FOR COMMENCEMENT OF TRIAL.

A FAIR REPRESENTATION OF ALL OKLAHOMA'S PEOPLE.

LIMITATION IN USE OF EXPERT WITNESSES.

LIMITATION ON LENGTH OF TRIAL.

TESTIMONY OF WITNESSES NOT IN DISPUTE BY DEPOSITION OR VIDEO.

THE JUDGE SHOULDN'T HAVE TOO MANY CASES IN ONE COURT DAY.

BETTER LAWYER PREP.

SUBMIT TRIAL DEPOSITIONS PRIOR TO TRIAL SO JUDGE CAN PREPARE.

FINE AS IS.

SCHEDULE SUFFICIENT TIME, NOT TRUNCATED.

PROMPT FINDINGS/CONCLUSIONS.

PROMPT RULINGS AT CLOSE OF TRIAL.

NONE.

PATTERN OTHER DISTRICTS AFTER THE NORTHERN DIST OF OKLAHOMA.

NONE.

GREATER USE OF STIPULATIONS.

GIVE COUNSEL MORE ACCESS TO JUDGES.

**United States District Court
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Questions for Lawyers**

15. List, in order of priority, changes which should be made in the clerk's office in the Northern District.

BETTER FOLLOW-UP SYSTEM TO MAKE SURE RESP. ARE ACCOMPLISHED.
ALLOW OFFICIAL COMMUNICATION BY FAX, 24 HOURS/DAY.
NORTHERN DISTRICT CLERKS ARE MOST HELPFUL.
THIS FORM AND THE REQUEST TO ANSWER SO QUICKLY ARE TRULY OFFENSIVE.
KEEP THEM OPEN LONGER.
ACCEPTANCE OF PLEADINGS BY FAX.
COMPUTERIZE THE SYSTEM SO THAT ATTYS HAVE ACCESS.
STAY OPEN UNTIL 5:00 P.M.
ITS O.K. LIKE IT IS NOW.
LONGER HOURS.
ENSURE COPIES OF FILINGS SENT TIMELY TO ALL PARTIES.
WE HAVE A WONDERFUL CLERK'S OFFICE.
NO CHANGE.
COMPUTER ACCESS TO DOCKET.
COMPUTER ACCESS TO DOCKETS.
OPEN LATER IN AFTERNOON.
TOUCHTONE PHONE ON LAWYERS' TABLE - NOT DIAL.
COMPUTER MODEM ACCESS TO DOCKET SHEET INFORMATION.
ACCEPTANCE OF FAX TRANSMITTALS FOR FILING.
HAVE CONTACT PERSON TO INFORM COUNSEL OF DOCKET.
LEAVE WELL ENOUGH ALONE.
NONE, EXCEPT TO GIVE THEM COMPUTERS.
OFFICE IS VERY WELL RUN.
MORE HELP AT PEAK FILING TIMES.

**United States District Court
for the Northern District of Oklahoma
Civil Justice Reform Act
Questions for Litigants**

There were 37 responses from 300 questionnaires sent to litigants included in the statistical analysis. This level of response is low but not surprising. The level of response means that the results of the analysis are not statistically significant for the class "Litigants", but the results are of interest, none the less.

I. Were you the plaintiff or defendant in the case noted on the cover letter? (circle one)

- A. plaintiff - 22 (61.1%)
- B. defendant - 14 (38.9%)

II. Please indicate the total costs you spent on this case for each of the categories listed below. If you are unable to categorize your costs, please indicate the TOTAL cost only.

Total cost of litigation ranged from \$9.00 to \$2,250,000. The range for plaintiffs was \$9.00 to \$2,250,000, while the range for defendants was \$1123.48 to \$775,000. The average cost was \$172,018 overall, \$218,400 for plaintiffs and \$119,009 for defendants. Attorney fees were the major portion of the cost in all cases. Seven respondents did not give any estimate of costs.

	Average Response in Category
A. Attorney's Fees and Expenses	\$181,356.22
B. Experts	\$ 27,117.65
C. Other (please describe (DEPOSITIONS, EXHIBITS, TRAVEL, PHONE, COPYING, LIBRARY, PRINTING))	\$ 3,424.18
D. Total Cost of Litigation	\$172,018.08

III. Please estimate the amount of money which was at stake in this case.

The amount of money at stake ranged from \$9.00 to \$100,000,000 for plaintiffs and from \$15,000 to \$98,000,000 for defendants. The averages were \$11,857,241 overall, \$11,900,868 for plaintiffs and \$11,774,350 for defendants. Eleven respondents put the "at stake amount" at more than \$1,000,000, while the other eighteen put the amount at less than \$500,000.

IV. What type of fee arrangement did you have with your attorney? (circle one)

An hourly rate fee arrangement was most common with 22 responses (65%), but 100% (14) of the defendants had such an arrangement, while only 40% (8) of the plaintiffs did. The 8 reporting contingency arrangements and the 4 reporting "other" (pro se & court awarded fees) were all plaintiffs.

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Questions for Litigants**

- V. Did this arrangement in your opinion result in reasonable fees being paid to your attorney? (circle one)

Most respondents reported that the fees paid to their attorneys were reasonable: 65% of the plaintiffs and 71% of the defendants.

Comments:

TOO HIGH, DUE TO DEFENDANT'S DISCOVERY TACTICS.
PERSONAL ATTORNEY REASONABLE. DEFENDANT LEAD GROUP UNREASON-
ABLE.
REASONABLE COMPARED TO OTHER ATTORNEYS' FEES.
VERY REASONABLE RATE AND NO EXCESSIVE OR UN-NEEDED BILLING.
COURT AWARDED FEES NEED TO INCLUDE COMPENSATION FOR TIME AND
RISK.
IT DOESN'T SEEM REASONABLE TO PAY TO RECOVER SOMETHING OF YOURS.

- VI. Were the costs incurred by you on this matter (circle one)
(0 = much too low, 5 = much too high)

Overall, a majority (64.6%) felt that the costs were about right, while 22.6% felt the costs were too high and 12.9% felt the costs were low. Defendants were more apt to feel the costs were too high (30.8%) than plaintiffs (16.7%).

Group	0	1	2	3	4	5
-----	-	-	-	-	-	-
Overall	3	1	6	14	5	2
Defendants	1		1	7	3	1
Plaintiffs	2	1	5	7	2	1

Comment:

ANY COST WAS FAR TOO MUCH SINCE LAWSUIT WAS FRIVOLOUS.

- VII. If you believe the cost of litigation was too high, what actions should your attorney or the court have taken to reduce the cost of this matter?

IT WAS ACCEPTABLE.
COSTS HAVE BEEN IN YEARS, A TOTAL OF 8 1/2 YEARS.
COURT SHOULD SCRUTINIZE COSTS WITH INTERCESSION BETWEEN CLIENTS
SHOULD HAVE GONE STRAIGHT TO JURY TRIAL.
RESPONSIBILITY IS THE LAWYERS, NOT THE COURT.
SHORTER DISCOVERY DATES.
COSTS ARE RUN UP BY THE OPPOSING ATTORNEY.
PREVENT ABUSES OF DISCOVERY BY IMPOSING SANCTIONS.
COURT SHOULD IMPOSE SANCTIONS FOR FRIVOLOUS LAWSUITS.
MAKE BETTER AND QUICKER DECISIONS BY JUDGES.
MAKE DECISIONS THE FIRST TIME REQUESTED.
COSTS EXPENDED WERE NECESSARY BECAUSE NEEDED TO PREPARE FOR
TRIAL.
SIMPLIFY THE DISCOVERY AND SETTLEMENT PROCESS.
MOTION FOR SUMMARY JUDGMENT STILL PENDING.
HEARD THE MATTER AND GRANTED OUR MOTION.
ACT MORE PROMPTLY ON SUMMARY JUDGMENT MOTIONS.

**United States District Court
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Questions for Litigants**

VIII. Do you believe a delay or postponement should always be granted upon written request of all parties?

Overall, 58% said NO, while 53% of plaintiffs said NO and 64% of defendants said NO.

IX. Was the time that it took to resolve this matter (circle one)
(0 = much too short, 5 = much too long)

Overall, 41% of the respondents felt that the time to resolve the matter was too long.

Group	0	1	2	3	4	5
-----	-	-	-	-	-	-
Overall	1	2	4	12	8	5
Defendants	1	2		6	4	
Plaintiffs			4	6	4	5

X. If you believe that it took too long to resolve your case, what actions should your attorney or the court have taken to resolve your case more quickly?

THIS WAS NOT A CASE OF LIABILITY, AND THERE WAS NOTHING ELSE TO DO.
CASE STILL HAS NOT BEEN RESOLVED. CONVICTION SHOULD BE OVERTURNED.
THE SETTLEMENT CONFERENCE SHOULDN'T BE POSTPONED, EXCEPT BY THE COURT.
BANKRUPTCY WAS INVOLVED.
THE COURT SHOULD HAVE LET A JURY DECIDE.
NORTHERN DISTRICT IS BEST OF ALL FEDERAL DISTRICTS KNOWN TO US.
MAYBE NONE.
QUICKER DECISIONS BY JUDGES.
ATTORNEY SHOULD GET WORK FINISHED BEFORE THE 11TH HOUR.
MORE TIMELY DECISIONS REGARDING MOTION FOR SUMMARY JUDGEMENT.
COURT COULD HAVE MOVED CASE TO TRIAL MORE QUICKLY.
PROBLEM WITH COURT'S NEED TO RESOLVE CRIMINAL TRIALS FIRST.
HAVE SEPARATE COURTS FOR CRIMINAL AND CIVIL MATTERS.
GIVE AN EARLY COURT DATE.
MOVE THRU THE SYSTEM MORE QUICKLY.
ARRANGE/ESTABLISH A SETTLEMENT CONFERENCE.
QUICKER ACTION ON SUMMARY JUDGMENT MOTIONS.
PERMITTED DISCOVERY TOO EXPANSIVE.

XI. Did you attend a settlement conference?

Overall, 51% did not attend, while 57% of defendants did not attend and only 48% of plaintiffs did not attend.

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XII. Was your settlement conference conducted by:

	Overall -----	Defendant -----	Plaintiff -----
District Judge	0	0	0
Magistrate Judge	9	2	7
Adjunct Settlement Judge	8	5	3

XIII. Did your case settle at the settlement conference?

Overall, only 20% settled at the conference. The three cases that did settle at conference were reported by plaintiffs.

XIV. If your case did not settle at the settlement conference, did it settle later?

Overall, 62% (10 of 16) of the matters settled later.

XV. What is your opinion of the settlement conference?

GREAT. BOTH PARTIES GET AN UNBIASED OPINION OF THEIR CASE.
 SETTLEMENT CONFERENCES ARE BENEFICIAL IF DAMAGES ARE THE ISSUE.
 SETTLEMENT CONFERENCES ARE NOT USEFUL IF NEGLIGENCE IS ISSUE.
 VERY GOOD IDEA.
 VERY GOOD.
 FELT LIKE SETTLEMENT CONFERENCE PRESSURED TO SETTLE THE CASE.
 MAGISTRATE JUDGE SUGGESTED SETTLEMENT MUCH BELOW ASKING PRICE.
 PRODUCTIVE.
 DEPENDS ON THE JUDGE; WITH MOST, JUDGE IS GREATEST RESOLUTION FACTOR.
 NOT ENOUGH DISCUSSION BY THE LITIGANTS.
 MAGISTRATE DID NOT APPEAR IMPARTIAL.
 THEY WOULD BE GOOD IF THEY SAVE THE TAXPAYER MONEY.
 GOOD JOB.
 IN GENERAL THEY CAN BE VERY HELPFUL.
 A NECESSARY EVIL, UNPLEASANT, BUT STARTED THE COMMUNICATION.
 VERY HELPFUL.
 SETTLEMENT JUDGE WAS EXCELLENT.
 GOOD.
 GOOD IDEA, WE MADE PROGRESS.
 SETTLEMENT JUDGE HAD INSIGHT THAT PARTIES WERE STALEMATED.
 VERY GOOD EXPERIENCES WITH SETTLEMENT CONFERENCE PROGRAM.
 NO VALUE.

XVI. Was arbitration or mediation used in your case? (circle one)

Overall, 88.5% (31 of 35) said that neither arbitration nor mediation were used in their case.

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Questions for Litigants**

XVII. Do you feel the suit, as originally filed, had a reasonable basis requiring a court trial? Please explain.

Overall, 69% felt that there was a reasonable basis for the suit. Defendants, however, only 50% of defendants felt that way.

DISCRIMINATION CASE COULD NOT HAVE SETTLED WITHOUT COURT.
BREACH OF A COMPLEX CONTRACT.
YES, FOR THOSE WHO WERE PROVEN TO BE GUILTY.
THERE HAS BEEN A DELAY IN APPEAL PROCESS THAT HAS PREJUDICED ME.
DELAY IN APPEAL PROCESS HAS CAUSED LONG TIME IN CONFINEMENT.
YES, MEDICAL MALPRACTICE ACTION. DEFENDANT REFUSES RESPONSIBILITY.
NO, IT IS A SHAME THAT SOMEONE CAN SUE FOR NO GOOD REASON.
YES, THE DEFENDANTS DID NOT THINK THE CASE WAS IMPORTANT.
YES, SEXUAL HARASSMENT IS SERIOUS OFFENSE, TRIAL BRINGS NOTICE.
YES, PLAINTIFF INCURRED DAMAGES THAT DEFENDANTS DENIED.
YES, RULINGS IN DEFENDANTS FAVOR WERE UNJUST.
YES, BUT THERE WASN'T MUCH QUESTION OF NEGLIGENCE OR DAMAGES.
NO, SINCE SUIT WAS FOR PROPERTY DAMAGE, SHOULD HAVE BEEN SETTLED.
NO, WAS DECIDED ON MOTION FOR SUMMARY JUDGMENT.
NO, NO FACTUAL BASIS TO CLAIM PAY DISCRIMINATION.
YES, FELT WAS ENTITLED TO THE MONEY, BECAUSE OF INSURANCE ON HOUSE.
YES, THERE WERE AGREEMENTS AT ISSUE THAT WERE NOT CLEAR.
YES, BUT THE CASE BECAME TOO COMPLEX FOR MOST JURORS.
YES, THERE WAS A LEGITIMATE DISPUTE.
YES, GM REFUSED TO SETTLEMENT.
NO, ISSUE WAS OVER A QUESTIONABLE COPYRIGHT DESIGN.
NO, MOST OF THE LITIGATION WAS TRYING TO CREATE BAD FAITH ACTION.
YES, THIS WAS A LEGITIMATE DISPUTE.
YES, WE CORRECTLY BELIEVED THAT WE WERE OWED MONEY & COLLECTED.
YES, WAS A DISPUTE OVER VERY SIMPLE CONTRACTUAL OBLIGATIONS.
NO, SUIT HAD SEVERAL REASONABLE ISSUES FOR SUMMARY JUDGMENT.

XVIII. Please add any comments or suggestions regarding the time and cost of litigation in the federal courts.

WE HAVE THREE SUPERIOR JUDGES AND TWO SUPERIOR MAGISTRATES.
THE CLERKS OFFICE RUNS GREAT.
NEED RESTRICTIONS ON PLAINTIFF ATTORNEY FILING, NOT KNOWING MERIT.
ISSUE HAS NOT BEEN DECIDED ON ITS MERITS.
BETTER THAN EXPECTED.
REDUCE CONTINGENCY CONTRACTS BY JUDICIAL REVIEW.
ADR IN SOME FORM IS NEEDED.
FOR EXAMPLE ON HOW MEDIATION SHOULD BE, SEE JUDGE IRWIN IN OKC.
FORM A COMMITTEE OF ATTORNEYS TO FIND WAYS.
MAKE LOSING PARTY PAY ALL COSTS.
PROBABLY MORE CASES OUGHT TO BE TRIED.
LAWSUITS ARE FILED TO FORCE SETTLEMENTS THAT SHOULD NOT BE FILED.
FEDERAL COURTS ARE CONSISTENT IN DISMISSING WHEN APPROPRIATE.
CASE WAS VERY WELL HANDLED & PRODUCED FAIR/EXPEDITIOUS RESULT.
TOO MUCH EMPHASIS IS GIVEN TO DEFENDANTS RIGHTS.
COST WAS TOO HIGH FOR AMOUNT OF MONEY AT RISK.