CIVIL JUSTICE REFORM ACT ADVISORY COMMITTEE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

The Consumer Subcommittee has drafted and, through the University of Utah Survey Research Center, begun the administration of a survey of attorneys and clients involved in recent federal district court litigation in the District of Utah. The survey seeks to identify reasons for choosing to litigate in the federal court (where choice exists), certain characteristics of that litigation (including fee and cost arrangements and use of discovery), and some aspects of satisfaction with federal court litigation. Lawyer and client respondents are chosen primarily from the pool of personal injury and contract cases because those cases constitute the greatest proportions of federal civil litigation in this district. Removal cases were a special area of interest and emphasis because they involve choices about proceeding in federal or state court.

The Survey Research Center has completed its survey of attorneys representing plaintiffs and defendants. 123 plaintiff's attorneys and 115 defense attorneys had completed the survey as of several days ago. There is no duplication of attorneys; accordingly, we have data from 238 different lawyers. Another 33 lawyers have been contacted since that time, making a total of 271 attorney respondents. At present, no analysis has been attempted; the Survey Research Center has provided raw distributions for some (but not all) of the questions.

Those incomplete data do not reveal any surprises, to this point. The most complete information we have concerns fee arrangements. As expected, defense attorneys and most plaintiff's attorneys use an hourly rate; for the latter group, a contingent fee of some kind is the most common alternative. "Value added" billing appears to be rare, as is adjustment of the fee arrangement initially employed. The data on discovery seem to indicate that only about one-half of the cases involved the use of depositions (the responses from lawyers on both sides was almost identical), and that about two-thirds of all cases involved no more than one deposition. More detailed information will be available after further data analysis.

The Research Center is currently seeking to interview the clients whom these lawyers represented. For obvious reasons, this is the more difficult aspect of the survey, and we expect that another week or two will be required before data collection is complete. We do not expect more than 100 client respondents.

Once the data are compiled, analysis will be required, and the Subcommittee will work closely with the Survey Research Center in determining which analyses will be done and in interpreting the data from those analyses.

Lee E. Teitelbaum
Chair, Consumer Subcommittee

Survey Research Center

THE UNIVERSITY OF UTAH

MEMORANDUM OF AGREEMENT

University of Utah Survey Research Center
Federal District Court Survey
August 8, 1991

Memorandum of Agreement between the UNIVERSITY OF UTAH SURVEY RESEARCH CENTER (hereafter the SRC), 2120 Annex Building, University of Utah, Salt Lake City, Utah 84112, and U.S. FEDERAL DISTRICT COURT, UTAH DISTRICT, 350 South Main Street, Salt Lake City, Utah 84101 (hereafter the CLIENT).

Statement of the Situation

Recent legislation in congress (the Biden Bill) had led to the need for information on delays in the Federal District Court system. A committee has been established to oversee the gathering of such information, and Utah has been selected as a study area for the project. The committee is comprised of three subcommittees: One subcommittee will deal with the question of efficiency and the causes of court delays, a second subcommittee will tackle the issue of alternative dispute resolution (ADR) and out-of-court mediation, while a third subcommittee has been charged with the task of examining the effects of court delays on clients, and the potential effects of proposed changes to the system on the clients of the system. This project has been commissioned by the latter subcommittee.

The Need for Information

The nature of the Biden Bill suggests certain implicit assumptions: First, that clients in the court system will be saved money by reducing court delays, and second, that a reduction in court delays would be accompanied by an increase in client satisfaction. The current survey has been proposed as a method for gathering information that would test these assumptions, as well as examine the effects of delays and proposed methods of reducing delays on clients in Federal District Court in Utah. The subcommittee on client impacts has outlined three areas of specific inquiry:

> **Client choice/control in selection of federal court.** Who chooses federal court and why? Are clients required to take a case to federal court because of the circumstances of the case? Or do clients choose to take a case to federal court because of some perceived incentive. What barriers currently exist to those who desire to take a case to federal court?

> **Court costs.** Examine the client costs involved in state versus federal litigation. Examine the effect of court delays on client costs. Examine the impact of the particular fee arrangement (e.g., contingency fees) on client costs, court delays, and the propensity to litigate a case in federal court.

> **Client satisfaction.** What outcomes are clients looking for in state versus federal court? Does delay have an effect on client satisfaction with that outcome?

Survey Methodology

The sample of individuals to be interviewed will be identified from the population of civil cases filed in U.S. Federal District Court, Utah District, that terminated after July 1, 1989. It is estimated that there will be approximately 1200 to 1500 cases in this population. The population will include four types of cases: "Removal" cases (cases in which a plaintiff brings a case to state court, and the defendant removes the case to federal court), contracts cases, personal injury, and personal property cases.

The individuals surveyed will consist of both attorneys and clients in a subsample of civil cases described above. Many attorneys will have litigated multiple civil cases in federal court since July 1, 1989. Because concerns surrounding respondent burden preclude interviewing a given attorney regarding multiple cases, each attorney will only be asked about one case. The following respondent selection protocol is proposed:

1- Court records will provide a complete list of cases terminated since July 1, 1989.

2- Unrepresented clients will be called and administered the client form of the survey interview.

3- Lead attorneys identified in step 2 (council of record, lead, notice) will be called and screened for direct, primary involvement in the case. If the attorney identified as attorney of notice in the court record was not the primary litigating attorney, a referral will be requested, and the referral attorney called, and so forth, until the lead attorney has been identified.

4- Primary litigating attorneys will be administered the attorney form of the survey with respect to the case that was used to identify them.

5- Following the interview, attorneys 4 will be asked for the name and phone number of the primary client involved in the target case.

6- Clients named in step 5 will be called and administered the client form of the survey interview. In the event that the client was a corporation, the litigating attorney will be asked to provide the name of a contact person. For cases in which an individual is not named, or the named individual is not available, a protocol will be used to contact the most knowledgeable individual within that corporation.

Services Provided

The UNIVERSITY OF UTAH SURVEY RESEARCH CENTER (hereafter the SRC) will conduct a telephone survey of 400 selected attorneys and clients in civil cases heard in federal court. For the sum of $9129 the SRC agrees to administer the inquiries attached to this memorandum. The CLIENT

agrees to provide payment in full for each administration within 45 days of the delivery of written report of the findings.

Both the CLIENT and the SRC are governmental entities under the Governmental Immunity Act and public entities under the Indemnification of Public Officers and Employees Act, and consistent with the terms of those acts the CLIENT and the SRC holds the other harmless for the wrongful of negligent acts of the other or those of its employees, officers, agents, or subcontractors.

In addition to conducting the telephone survey, the SRC will:

1.   Advise and assist in defining research objectives and information needs.

2.   Assist on wording, formatting, and sequencing the questions for the interview.

3.   Provide a report containing a description of the survey process, which documents the technical aspects of the survey, including a copy of the questionnaire, basic tabulation of results, and maximum range of expected error for the survey.

Other information from the survey and additional analyses and consulting will be billed separately.

In reporting research results derived from data provided by the SRC, the CLIENT shall disclose the following minimum information:

1.   The roles of The University of Utah in conducting the research.

2.   A definition of the population actually sampled, including pertinent subsamples.

3.   An identification of what allowance should be made for sampling error based on the pertinent sample or subsample.

4.   That all interviewing was done by telephone.

5.   The dates on which the interviews were conducted.

6.   When feasible, the exact wording of each question asked should be included in the report. When this is not possible, it should state in the report that this information is available upon request.

The insure that the CLIENT has met its responsibility to accurately report the results of the research, the CLIENT agrees to provide the SRC with a copy of any report prepared in part or in whole by the CLIENT using data collected by the SRC.

The CLIENT shall have exclusive use of all information purchased for a period of six months, beginning from the date the information is reported to the CLIENT. This right of exclusive use by the CLIENT may be waived. After that six-month period has elapsed, the data will be deposited in the University of Utah, Survey Research Center archive and will be made available to the general public.

This Memorandum of Agreement is effective as of July 1, 1991, and will continue in force until such time as either party gives the other a written notice of termination 90 days in advance. The SRC will notify the CLIENT of any change in the price of interviewing 90 days in advance.

_____   8/8/91
Lois M. Haggard, Ph.D.   Date
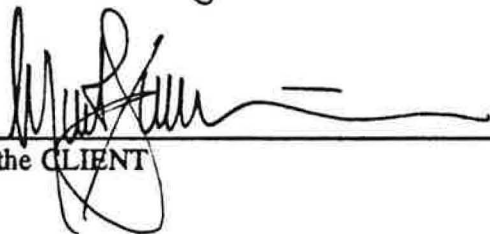Director, University of Utah Survey Research Center

_____   AUG 08 1991
For the University of Utah   Date

RONALD J. PUGMIRE
Acting Vice President For Research

_____   8/13/91
For the CLIENT   Date

ATTORNEY SURVEY

(WE'LL NEED AN INTRO IN THE EVENT THAT THE "ATTY'S NAME" IS THE NAME OF A LAW FIRM.)

[# TO SELECTED ATTORNEY]

>A01<   Hello, this is [fill int] from the University of Utah Survey Research Center. We have been commissioned by the federal system to speak with attorneys who have represented clients in Federal District Court in Utah to address aspects of the civil court process. Are you familiar with aspects of [fill CASE],
such as choice of forum and fee arrangements?

    <1>   YES [goto A02]
    <3>   NO

    <8>   DK
    <9>   REF [goto PER]
    ====> [goto sry2]

>A02<   Do you have time to answer a few questions for me now?

>PER<   The federal courts have been mandated by law to collect information about the civil court process from participants in recent civil court cases. The information is not legally sensitive. Your name will not be associated with the data in any way, and all your responses will be kept confidential.

>A03<   Thank you. I want to assure you that this survey is both voluntary and confidential. If there is any question you do not wish to answer, just let me know and we will move on to the next one. Also, my supervisor may listen to all or part of the interview to evaluate my performance if that is all right with you.

    <1>   PROCEED
    <5>   PROBLEM, SUPERVISOR NOTIFIED FIRST.
    ====>

>A04<   According to our records, you represented a client in:
[fill CASE]
in Federal District Court in Utah.

Is this information correct?

    <1>   YES [goto A10]
    <3>   NO [goto A05]

    <8>   DK [goto A05]
    <9>   REF [goto sry2]
    ====>

>A05<   Do you know who the lead attorney on that case was?

    <1>   YES
    <3>   YES, BUT WON'T GIVE IT OUT [goto 105a]
    <5>   NO [goto 105a]

    <8>   DK [goto THNX]
    <9>   REF [goto THNX]
    ====> [goto A06]

> A05a <   Is there anyone else you know of I could speak with about this case?

                 < 1 >   YES [goto A06]
                 < 5 >   NO [goto THNX]

                 < 8 >   DK [goto THNX]
                 < 9 >   REF [goto THNX]
                 = = = = >

> A06 <   ENTER THE **FIRST** NAME HERE:

                 = = = = >[loc 0:?] [allow 12]

> A07 <   ENTER THE **LAST** NAME HERE:

                 = = = = >[loc 0:?] [allow 15]

> A08 <   Do you have a phone number for [fill A06] [fill A07]?

                 [fill ar2] [fill prf2]-[fill sfx2:0]

                 < 1 > SAME AS ABOVE [goto A09]
                 < 3 > DIFFERENT THAN ABOVE
                 = = = = >

> ar2 <   WHAT IS THE NEW AREA CODE?

                 [fill ar2]

                 THE CURRENT AREA CODE IS SHOWN ABOVE.
                 ENTER f IF IT IS THE SAME.
                 USE ca TO CHANGE THE AREA CODE.

                 = = = = > [allow 3]

> prf2 <   WHAT IS THE NEW NUMBER'S PREFIX?

                 [fill prf2]

                 THE CURRENT PREFIX IS SHOWN ABOVE.
                 ENTER f IF IT IS THE SAME.
                  USE ca TO CHANGE THE PREFIX.

                 = = = = >[allow 3] [no erase]

> sfx2 <   WHAT IS THE NEW NUMBER'S SUFFIX?

                 [fill sfx2:0]

                  THE CURRENT SUFFIX IS SHOWN ABOVE.
                  ENTER f IF IT IS THE SAME.
                  USE ca TO CHANGE THE SUFFIX.

                 = = = = >[allow 4] [no erase]

> A09 <   Thank you for your assistance, we will call him/her right now.

                 < 1 > REDIAL [goto DIAL]
                 < 3 > ABLE TO TRANSFER [goto A01]
                 = = = = >

>A10< In order for the survey to reflect a random cross-section of cases, I am asking the following questions with respect to the circumstances of
[fill CASE] only.

Was your client the plaintiff or the defendant in this case?

    <1>   PLAINTIFF
    <2>   DEFENDANT

    <8>   DK [goto sry2]
    <9>   REF [goto sry2]
    ====> [goto A11]

>A11< Was this case originally filed in State or Federal Court?

    <1>   STATE COURT
    <3>   FEDERAL COURT

    <8>   DK
    <9>   REF
    ====>

>sk1< [# IF CASE ORIG. FILED IN FED COURT]
[# DEFENDANT'S ATTY WILL SKIP CHOICE QUESTIONS, A112-A116]
[if A10 eq <2>][if A11 eq <3>][goto A17][endif][endif]

>A12< The first few questions ask about the decision to litigate the case in federal as opposed to state court.

Did you have a choice whether to have this case heard in federal or state court?

    <1>   YES [goto A14]
    <5>   NO

    <8>   DK
    <9>   REF
    ====> [goto A13]

>A13< Did actions of the opposing party cause this case to go to federal court?

    <1>   YES
    <5>   NO

    <8>   DK
    <9>   REF
    ====> [goto if1]

>A14< Did you make the choice, or did your client?

    <1>   RESPONDENT MADE CHOICE
    <5>   RESPONDENT'S CLIENT MADE THE CHOICE

    <8>   DK
    <9>   REF
    ====>

>if1< [allow 18]
[if A14 eq <1>][store <you> in if1][endif]
[if A14 eq <5>][store <your client> in if1][endif]

```
>ifx<    [#IF PLAINTIFF'S ATTY AND REMOVAL CASE, STORE "STATE"]
         [#IF PLAINTIFF'S ATTY AND OTHER CASE, STORE "FEDERAL"]
         [#IF DEFENDANT'S ATTY AND REMOVAL CASE, STORE "FEDERAL"]
         [if A10 eq <1>]
                  [if A11 eq <1>][store <STATE> in ifx]
                  [if A11 eq <3>][store <FEDERAL> in ifx][endif][endif]
         [if A10 eq <2>]
                  [if A11 eq <1>][store <FEDERAL> in ifx][endif][endif]

>if2<    [if A10 eq <1> goto A15]
         [if A10 eq <2> goto A16]
```

[#PLAINTIFF QUESTION:]

>A15<   What was the reason [fill if1] decided to try the case in [fill ifx] court? READ RESPONSES....

<1>   We had a better chance of winning
<3>   We were likely to get a higher award
<5>   Proceedings take less time
<7>   Judges are better
<9>   Juries are better
<11> Litigation is less expensive
<13> Litigation is more expensive, or,
<15> I'm more comfortable litigating in federal court?

<6>   OTHER (SPECIFY)
<98> DK
<99> REF
====>

[#DEFENDANT QUESTION:]

>A16<   What was the reason [fill if1] decided to remove the case to federal rather than state court? READ RESPONSES....

<1>   We had a better chance of winning
<3>   The plaintiff was likely to get a lower award
<5>   Proceedings take more time
<7>   Judges are better
<9>   Juries are better
<11> Litigation is less expensive
<13> Litigation is more expensive, or,
<15> I'm more comfortable litigating in federal court?

<6>   OTHER (SPECIFY)
<98> DK
<99> REF
====>

4

>A17< A court delay may or may not result in a higher cost to the client. The next few questions ask about costs and fee arrangements you had with your client in
[fill CASE].

Which of the following best describes the fee arrangement you had?

<1>   an hourly rate, [goto A18]
<3>   flat rate,
<5>   contingent fee, [goto A19]
<7>   a contingent fee that varies according to the stage of the case, [goto 119a]
<9>   hourly rate plus contingent in case of good result, [goto A18]
<11> or some other combination of fee arrangements? [goto A18]

<6>   OTHER (SPECIFY) [specify]
<98> DK
<99> REF
====> [goto A20]

>A18< What was the hourly rate?

<50-500>   ENTER NUMBER

<n>   NOT APPLICABLE
<d>   DK
<r>   REF
====>

>A18a< Was there a maximum total amount?

<1>   YES [goto 118b]
<3>   NO

<8>   DK
<9>   REF
====>[goto if3]

>A18b< What was the maximum total amount?

<1-9999999> ENTER AMOUNT

<d>   DK
<r>   REF
====>

>if3<   [if A17 eq <1> goto A20]

>A19< What percentage of the award were you to receive as a contingent fee?

<1-95>   ENTER NUMBER
<97> DEPENDED ON STAGE OF THE PROCEEDINGS [goto 119a]

<d>   DK
<r>   REF
====> [goto A20]

5

>A19a< What percentage of the award were you to receive as a contingent fee if the case DID NOT go to trial?

    <1-96> ENTER NUMBER
    <97>   DEPENDED ON OTHER FACTORS

    <98> DK
    <99> REF
    ====>

>A20< Did you have an agreement with the client in
[fill CASE]
that a very successful result in the case would be reflected in your bill, in addition to an hourly or other rate?

    <1> YES
    <3> NO

    <8> DK
    <9> REF
    ====>

>A20a< Did you reduce the fee because of an unsuccessful result?

    <1> YES
    <3> NO

    <8> DK
    <9> REF
    ====>

>A21< Which of the following best describes the degree of choice your client had over the fee arrangement? (READ CHOICES)...

    <1> Attorney decided the fee arrangement
    <3> Client had a choice among limited options
    <5> Client decided the fee arrangement

    <8> DK
    <9> REF
    ====>

>A21a< Generally speaking, if a client had limited ability to pay, would you most likely.... (READ RESPONSES)

    <1> restrict the size of the fee,
    <3> restrict the extent of your representational activities,
    <5> do both of these, or
    <7> do neither of these?

    <8> DK
    <9> REF
    ====>

>A21b< Again, generally speaking, if a client had <u>considerable</u> ability to pay, would you most likely.... (READ
RESPONSES)

    <1>   increase the size of the fee,
    <3>   increase the extent of your representational activities, [goto 121c]
    <5>   do both of these, or [goto 121c]
    <7>   do neither of these?

    <8>   DK
    <9>   REF
    ====> [goto A22]

>A21c< In what ways would you increase the extent of your representational activities?

    <1>   SPECIFY [specify]

    <8>   DK
    <9>   REF
    ====>

>A22< During the course of litigation, costs other than lawyers fees arise, such as depositions, witness fees,
and so forth. What was the approximate total of these nonattorney fees in [fill CASE]?

PROBE DON'T KNOWS ONCE: "WHAT WOULD YOUR BEST GUESS ON THAT BE?"

    <0-999999> ENTER NUMBER

    <d>   DK
    <r>   REF
    ====>

>A23< Did you pass these costs on to your client directly, or are these costs built into your regular fee
structure as overhead?

    <1>   PASSED COSTS ON TO CLIENT DIRECTLY
    <3>   COSTS BUILT IN AS OVERHEAD
    <5>   SOME COMBINATION OF THE ABOVE

    <6>   SOME OTHER ARRANGEMENT
    <8>   DK
    <9>   REF
    ====>

>A24< Did allocation of these costs to the client depend on the outcome of the case?

    <1>   YES
    <3>   NO

    <8>   DK
    <9>   REF
    ====>

>A25< The next few questions ask about the number of parties and nonparties deposed. First, how many
parties were deposed?

    <0-20> ENTER NUMBER

    <98> DK
    <99> REF
    ====>

>A26<   And how many nonparties were deposed?

<0-96>   ENTER NUMBER
<97>   NINETY-SEVEN OR MORE

<98> DK
<99> REF
====>

>A27<   How much time was spent gathering these depositions?

INTS: ENTER NUMBER HERE, IN HOURS OR DAYS

<0-999> ENTER NUMBER

<d> DK
<r> REF
====>

>A28<   INT: THE NUMBER YOU JUST ENTERED: [fill A27]

INDICATES THE NUMBER OF HOURS, OR THE NUMBER OF DAYS?

<1> HOURS
<3> DAYS

<8> DK
<9> REF
====>

>A29<   Did this case go to trial?

<1> YES [goto A30]
<3> NO

<8> DK
<9> REF
====> [goto A31]

>A30<   Was it a jury or a bench trial?

<1> JURY
<3> BENCH

<8> DK
<9> REF
====>

>A31<   Have you been involved in other civil cases in federal court since July, 1989?

<1> YES [goto A32]
<3> NO

<8> DK [goto A33]
<9> REF [goto A33]
====>

>st2<   [store <1> in A32]_
         [goto A33]

>A32< Including [fill CASE],
       how many civil cases in federal court have you been involved in since July, 1989?

       <1-999> ENTER NUMBER

       <d> DK
       <r> REF
       ====>

>A33< If you were the chief judge of the federal court in Utah, what changes would you make in the way civil
       cases are handled in the federal court system?

       <1> SPECIFY [specify]

       <8> DK
       <9> REF
       ====>

>A34< In order to ascertain the effects of court transit time on clients, it is necessary that we call your client
       in [fill CASE].

       Was your primary client in this case an individual, or an organization?

       <1> INDIVIDUAL [goto A38]
       <3> ORGANIZATION (INSTITUTION, CORPORATION, MUNICIPALITY, ETC.)[goto A35]
       <5> BOTH [goto 134a]

       <8> DK [goto 134a]
       <9> REF [goto THNX]
       ====>

>A34a< Who paid your fee, the individual or the organization?

       <1> INDIVIDUAL [goto A38]
       <3> ORGANIZATION (INSTITUTION, CORP., MUNICIPALITY, ETC.)

       <8> DK
       <9> REF
       ====>

>A35< What is the name of the organization?

       <1> GO TO NEXT SCREEN AND ENTER NAME

       <8> DK [goto A37]
       <9> REF [goto A37]
       ====>

>A36< ENTER THE NAME OF THE ORGANIZATION HERE:

       ====> [allow 25][loc 0:?]

>A37< Who in this organization would be the most knowledgeable about the case?

       <1> ENTER THE PERSON'S NAME [goto A39]

       <8> DK
       <9> REF
       ====> [goto A41]

9

>A38<   What is this individual's name?

ENTER A <g> TO CONTINUE====>

>A39<   ENTER THE <u>FIRST</u> NAME HERE:

====>[loc 0:?] [allow 12]

>A40<   ENTER THE <u>LAST</u> NAME HERE:

====>[loc 0:?] [allow 15]

>A41<   Do you have a phone number for [fill A39] [fill A40]?

ORGANIZATION = [fill A36]

<1>   YES [goto A42]
<5>   NO [goto A45]

<8>   DK [goto A45]
<9>   REF [goto A45]
====>

>A42<   WHAT IS THE AREA CODE?

====>[allow 3]

>A43<   WHAT IS THE NUMBER'S PREFIX?

====>[allow 3] [no erase]

>A44<   WHAT IS THE NUMBER'S SUFFIX?

====>[allow 4] [no erase]

>A45<   Do you know what city that number is in?

<1>   SPECIFY [specify]

<8>   DK
<9>   REF
====>

>THNX<   Those are all the questions I have. Thank you very much for your time.

ENTER A <g> TO CONTINUE====>

>sory<   I am sorry you've decided not to participate. Thank you for your time.

ENTER A <g> TO CONTINUE====>

>sry2<   I'm sorry, but for this survey, we are only talking with people who are familiar with [fill CASE].

Thank you very much for your time.

ENTER A <g> TO CONTINUE====>

CLIENT SURVEY:

>C70<   [allow 17]
   [if PTYP eq <1>][store <you> in C70][endif]
   [if PTYP eq <3>][store <your organization> in C70][endif]

   [if DTYP eq <1>][store <you> in C70][endif]
   [if DTYP eq <3>][store <your organization> in C70][endif]

>C71<   IF WE HAVE AN INDIVIDUAL'S NAME, GO TO >LEAD<, IF WE JUST HAVE THE NAME
   OF AN ORGANIZATION, GO TO >C80<.

>LEAD< May I please speak to
   [reverse][fill FNAM] [fill LNAM][normal]?

   <1>   YES [goto C01]
   <2>   SPEAKING [goto C90]
   <4>   IMMEDIATE HANG UP WITHOUT COMMENT [goto hgup]
   <8>   OTHER, SPECIFY [specify]
   <9>   QUICK BAIL OUT, SPECIFY [specify]
   <10>   NOT AVAILABLE NOW [goto cbck]
   <15>   TIME PROBLEM [goto C72]
   <16>   WRONG NUMBER [goto mis]
   <18>   LANGUAGE [goto out]
   <19>   INFIRM [goto out]
   <30>   CHANGE PHONE NUMBER [goto ar2]
   <40>   CHANGE RESPONDENT'S NAME [goto NAME]
   <41>   RESPONDENT NO LONGER WORKS HERE [goto C72]
   <88>   BUSINESS REFUSAL [goto hhr]
   ====>[goto last]

>C72<   [#IF NAMED R IS NOT AVAILABLE]

   This is [fill int] from the University of Utah Survey Research Center. We have been commissioned
   by the Federal District Court in Utah to speak with participants in civil cases about court delays.

   Can you please give me the name of another person who would be familiar with the court case:
   [fill CASE]?

   <1>   GIVES DEPARTMENT NAME [goto C84]
   <3>   GIVES NAME OF A PERSON [goto C82]
   <7>   SPEAKING [goto C90]

   <8>   DK [goto C81]
   <9>   REF [goto PER]
   ====>

>C80< [#IF WE DO NOT HAVE A NAME]

Hello, this is [fill int] from the University of Utah Survey Research Center. We have been
commissioned by the Federal District Court in Utah to speak with participants in civil cases about court
delays.

Can you please give me the name of a person who would be familiar with the court case:
[fill CASE]?

<1> GIVES DEPARTMENT NAME [goto C84]
<3> GIVES NAME OF A PERSON [goto C82]
<7> SPEAKING [goto C90]

<8> DK
<9> REF [goto PER]
====>

>C81< Can you give me the name of someone who may know?

THE CASE WAS [fill CASE]

<1> GIVES DEPARTMENT NAME [goto C84]
<3> GIVES NAME OF A PERSON

<8> DK [goto THNX]
<9> REF [goto PER]
====>

>C82< INTERVIEWER: ENTER **FIRST** NAME
YOU ARE ALLOWED 12 SPACES, PROBE FOR A UNIQUE NAME.

_____

====>[allow 12][equiv FNAM][noerase]

>C83< INTERVIEWER: ENTER **LAST** NAME
YOU ARE ALLOWED 15 SPACES, PROBE FOR A UNIQUE NAME.

_____

====>[allow 15][equiv LNAM]

>C84< What is his/her (that) phone number?

[reverse][fill ar2] [fill prf2]-[fill sfx2:0][normal]

<1> SAME AS ABOVE [goto C86]
<3> DIFFERENT THAN ABOVE
====>

>ar2< WHAT IS THE NEW AREA CODE?

THE CURRENT AREA CODE IS SHOWN ABOVE.
ENTER f IF IT IS THE SAME.
USE ca TO CHANGE THE AREA CODE.

====> [allow 3]

2

>prf2<   WHAT IS THE NEW NUMBER'S PREFIX?

THE CURRENT PREFIX IS SHOWN ABOVE.
ENTER f IF IT IS THE SAME.
USE ca TO CHANGE THE PREFIX.

====>[allow 3] [no erase]

>sfx2<   WHAT IS THE NEW NUMBER'S SUFFIX?

THE CURRENT SUFFIX IS SHOWN ABOVE.
ENTER f IF IT IS THE SAME.
USE ca TO CHANGE THE SUFFIX.

====>[allow 4] [no erase]

>C85<   Thank you for your assistance, we will call him/her right now.

<1> REDIAL [goto DIAL]
<3> ABLE TO TRANSFER [goto C01]
====>

>C86<   Is this person (someone in this department) available now?

NAME: [reverse][fill FNAM] [fill LNAM][normal]

INTERVIEWER: IF NECESSARY ASK TO BE TRANSFERRED

<1> YES [goto C01]
<2> SPEAKING [goto C90]
<8> OTHER, SPECIFY [specify] [goto last]
<10> NOT AVAILABLE NOW [goto cbck]
<15> TIME PROBLEM [goto NAM2]????
<18> LANGUAGE [goto out]
<19> INFIRM [goto out]
<99> REFUSAL [goto PER]
====>

>C90<   We have been commissioned by the Federal District Court in Utah to speak with individuals who have recently had a case in that court to address court delays, and other aspects of the court process. Do you have time to answer a few questions for me now?

<1> YES [goto C02]
<5> NO, NOT A GOOD TIME [goto cbck]
<9> REFUSED [goto PER]
====>

>C01<   [#TO NAMED INDIVIDUAL]

Hello, this is [fill int] from the University of Utah Survey Research Center. We have been commissioned by the Federal District Court in Utah to speak with individuals who have recently had a case in that court to address court delays, and other aspects of the court process.

Do you have time to answer a few questions for me?

<1> YES [goto C02]
<5> NO, NOT A GOOD TIME [goto cbck]
<9> REFUSED [goto PER]
====>

3

>PER<   The federal courts have been mandated by law to collect information about the court process from participants in recent court cases. The information asked for in the survey is not legally sensitive, and your name will not be released or associated with the data in any way.

Do you have time to answer a few questions right now?

TO VERIFY THIS SURVEY:
Call 581-6491 during business hours and ask for Dr. Lois Haggard.
If you live outside Salt Lake County, call 1-800-444-8638 EXT 1-6491.

<1> AGREES TO COOPERATE
<5> NOT A GOOD TIME, CALL BACK [goto cbck]

<7> WON'T COOPERATE [goto sory]
====>

>C02<   Thank you. I want to assure you that this survey is both voluntary and confidential. If there is any question you do not wish to answer, just let me know and we will move on to the next one. Also, my supervisor may listen to all or part of the interview to evaluate my performance if that is all right with you.

<1> PROCEED
<5> PROBLEM, SUPERVISOR NOTIFIED FIRST.
====>

>C03<   According to our records, [fill C71] were(was) a participant in [fill CASE]
in Federal District Court in Utah.

Is this information correct?

<1> YES [goto C04]
<3> NO [goto sry2]

<8> DK [goto sry2]
<9> REF [goto sry2]
====>

>C04<   In order for the survey to reflect a random cross-section of cases, I am asking the following questions with respect to the circumstances of
[fill CASE] only.

Were(was) [fill C71] the plaintiff or the defendant
in this case?

<3> PLAINTIFF
<4> DEFENDANT

<8> DK [goto sry2]
<9> REF [goto sry2]
====> [goto C05]

>C05<   Were you represented by a lawyer in this case?

<1> YES
<3> NO

<8> DK
<9> REF
====>

>C06<   Was this case originally filed in State or Federal Court?

        <1>   STATE COURT
        <3>   FEDERAL COURT

        <8>   DK
        <9>   REF
        ====>

>if5<   [#IF CASE ORIG. FILED IN FED CT, DFNDNTS SKIP CHOICE Q'S]
        [if C04 eq <4>][if C06 eq <3>][goto if10][endif][endif]

>C07<   Did you have a choice whether to have this case tried in federal or state court?

        <1> YES [goto C08]
        <5> NO

        <8>   DK
        <9>   REF
        ====> [goto if10]

>if6<   [#IF NOT REP. BY LAWYER, GOTO C18]
        [if C05 ge <3> goto C18]

>C08<   Did you make the choice, or did your attorney?

        <1> RESPONDENT MADE CHOICE
        <5> RESPONDENT'S ATTORNEY MADE THE CHOICE

        <8>   DK
        <9>   REF
        ====>

>if7<   [allow 18]
        [if C08 eq <1>][store <you> in if7][endif]
        [if C08 eq <5>][store <your attorney> in if7][endif]

>if8<   [#IF PLAINTIFF IN REMOVAL CASE, STORE "STATE"]
        [#IF PLAINTIFF IN OTHER CASE, STORE "FEDERAL"]
        [#IF DEFENDANT IN REMOVAL CASE, STORE "FEDERAL"]
        [if C04 eq <3>]
            [if C06 eq <1>][store <STATE> in if8]
            [if C06 eq <3>][store <FEDERAL> in if8][endif][endif]
        [if C04 eq <4>]
            [if C06 eq <1>][store <FEDERAL> in if8][endif][endif]

>if9<   [#IF PLAINTIFF GOTO C09,]
        [#IF DEFENDANT IN REMOVAL CASE GOTO C10,]
        [if C04 eq <3> goto C09]
        [if C04 eq <4> goto C10]

5

[#PLAINTIFF QUESTION:]

>C09<   What was the reason [fill if7] decided to try the case in [fill if8] court? READ RESPONSES....

       <1>   We had a better chance of winning
       <3>   We were likely to get a higher award
       <5>   Proceedings take less time
       <7>   Judges are better
       <9>   Juries are better
       <11> Litigation is less expensive, or,
       <13> Litigation is more expensive?

       <6>   OTHER (SPECIFY)
       <98> DK
       <99> REF
       ====>

[#DEFENDANT QUESTION:]

>C10<   What was the reason [fill if7] decided to remove the case to federal rather than state court? READ RESPONSES....

       <1>   We had a better chance of winning
       <3>   The plaintiff was likely to get a lower award
       <5>   Proceedings take more time
       <7>   Judges are better
       <9>   Juries are better
       <11> Litigation is less expensive, or,
       <13> Litigation is more expensive?

       <6>   OTHER (SPECIFY) [specify]
       <98> DK
       <99> REF
       ====>

[#IF NOT REPRESENTED BY ATTY, SKIP ATTY FEE QUESTIONS]
>if10<   [if C05 ge <3> goto C19]

>C11<   A court delay may or may not result in a higher cost to the client. The next few questions ask about costs and fee arrangements you had with your attorney in
        [fill CASE].

        Which of the following best describes the fee arrangement you had?

        READ RESPONSES....

        <1>   an hourly rate, [goto C12]
        <3>   flat rate,
        <5>   contingent fee, [goto C13]
        <7>   a contingent fee that varies according to the stage of the case, [goto 113a]
        <9>   hourly rate plus contingent in case of good result, [goto C12]
        <11> or some other combination of fee arrangements? [goto C12]

        <6>   OTHER (SPECIFY) [specify]
        <98> DK
        <99> REF
        ====> [goto C14]

6

>C12<   What was the hourly rate?

           <50-500>   ENTER NUMBER

           <n>   NOT APPLICABLE
           <d>   DK
           <r>   REF
           ====>

>C12a<   Was there a maximum total amount?

           <1>   YES [goto 112b]
           <3>   NO

           <8>   DK
           <9>   REF
           ====>[goto if11]

>C12b<   What was the maximum total amount?

           <1-9999999> ENTER AMOUNT

           <d>   DK
           <r>   REF
           ====>

>if11<   [if C11 eq <1> goto C14]

>C13<   What percentage of the award was your attorney to receive as a contingent fee?

           <1-95>   ENTER NUMBER
           <97> DEPENDED ON STAGE OF THE PROCEEDINGS[goto C13a]

           <n>   NOT APPLICABLE
           <d>   DK
           <r>   REF
           ====> [goto C14]

>C13a<   What percentage of the award was your attorney to receive as a contingent fee if the case DID NOT
          go to trial?

           <1-96>   ENTER NUMBER
           <97>   DEPENDED ON OTHER FACTORS

           <98>   DK
           <99>   REF
           ====>

>C14<   Did you have an agreement with your attorney in that a very successful result in the case would be
          reflected in his or her bill, in addition to an hourly or other rate?

           <1>   YES
           <3>   NO

           <8>   DK
           <9>   REF
           ====>

>C15<   Which of the following best describes the degree of choice you had over the fee arrangement? (READ CHOICES)...

<1>   Attorney decided the fee arrangement,
<3>   I (client) had a choice among limited options,
<5>   I (client) decided the fee arrangement.

<8>   DK
<9>   REF
====>

>C16<   During the course of litigation, costs other than lawyers fees arise, such as depositions, witness fees, and so forth. Did your attorney pass these costs on to you directly, or did he or she pay them?

<1>   RESPONDENT PAID COSTS
<3>   ATTORNEY PAID COSTS
<5>   SOME COMBINATION

<8>   DK
<9>   REF
====>

>if12<   [if C05 ge <3> goto C18]

[#ASK IF REPRESENTED BY ATTORNEY]
>C17<   How many hours would you say you personally devoted to this case after contact with the lawyer?

<0-9999>   ENTER NUMBER OF HOURS

<d>   DK
<r>   REF
====> [goto C19]

[#ASK IF NOT REPRESENTED BY ATTORNEY]
>C18<   How many hours would you say you personally devoted to this case?

<0-9999>   ENTER NUMBER OF HOURS

<d>   DK
<r>   REF
====>

>C19<   The next few questions ask about how satisfied you were with various aspects of the court process surrounding
[fill CASE].

About the progress of your case in federal court, how satisfied were you with the amount of time your case took to be resolved,
(READ RESPONSES)...

<1>   totally DISsatisfied,
<3>   somewhat DISsatisfied,
<5>   neutral,
<7>   somewhat satisfied, or
<9>   totally satisfied?

<98>   DK
<99>   REF
====>

>C20<   How satisfied were you with lawyers fees?

(READ RESPONSES AS NECESSARY)

<1>   TOTALLY DISSATISFIED,
<3>   SOMEWHAT DISSATISFIED,
<5>   NEUTRAL,
<7>   SOMEWHAT SATISFIED, OR
<9>   TOTALLY SATISFIED?

<98> DK
<99> REF
====>

>C21<   How satisfied were you with costs other than lawyers fees?

(READ RESPONSES AS NECESSARY)

<1>   TOTALLY DISSATISFIED,
<3>   SOMEWHAT DISSATISFIED,
<5>   NEUTRAL,
<7>   SOMEWHAT SATISFIED, OR
<9>   TOTALLY SATISFIED?

<98> DK
<99> REF
====>

>C22<   Other than relations with your lawyer, what aspects of this litigation have been most satisfying?

<1>   SPECIFY [specify]

<8>   DK
<9>   REF
====>

>C23<   Other than relations with your lawyer, what aspects of this litigation have been least satisfying?

<1>   SPECIFY [specify]

<8>   DK
<9>   REF
====>

>C24<   Did you win the case?

<1>   YES
<3>   NO

<8>   DK
<9>   REF
====>

>C25< All things considered, how important was a favorable verdict, or winning your case, to your overall satisfaction with the case? Was it... (READ RESPONSES)

    <1> critically important
    <3> very important
    <5> important
    <7> only somewhat important, or
    <9> not important at all?

    <98> DK
    <99> REF
    ====>

>C26< How about the size of the award, was that...
(READ RESPONSES)

    <1> critically important
    <3> very important
    <5> important
    <7> only somewhat important, or
    <9> not important at all?

    <98> DK
    <99> REF
    ====>

>C27< How about the opportunity to present your side of the story?

(READ RESPONSES AS NECESSARY, ... WAS THAT...)

    <1> CRITICALLY IMPORTANT
    <3> VERY IMPORTANT
    <5> IMPORTANT
    <7> ONLY SOMEWHAT IMPORTANT
    <9> NOT IMPORTANT AT ALL

    <98> DK
    <99> REF
    ====>

>C28< How about the opportunity to force the other side to go to court?

(READ RESPONSES AS NECESSARY, ... WAS THAT...)

    <1> CRITICALLY IMPORTANT
    <3> VERY IMPORTANT
    <5> IMPORTANT
    <7> ONLY SOMEWHAT IMPORTANT
    <9> NOT IMPORTANT AT ALL

    <98> DK
    <99> REF
    ====>

>C29<   Did this go to trial?

        <1>   YES [goto C30]
        <3>   NO

        <8>   DK
        <9>   REF
        ====> [goto C31]

>C30<   Was it a jury or a bench trial?

        <1>   JURY
        <3>   BENCH

        <8>   DK
        <9>   REF
        ====>

>C31<   Have you been involved in other <u>civil</u> cases in <u>federal court</u> since <u>July, 1989</u>?

        <1>   YES [goto C32]
        <3>   NO

        <8>   DK
        <9>   REF
        ====> [goto C33]

>C32<   Including [fill CASE],
        how many <u>civil</u> cases in <u>federal</u> court have you been involved in since <u>July, 1989</u>?

        <1-999>   ENTER NUMBER

        <d>   DK
        <r>   REF
        ====>

>C33<   Do you have anything else you'd like to add about your experience in federal court?

        <1>   SPECIFY [specify]

        <8>   DK
        <9>   REF
        ====>

>THNX<   Those are all the questions I have. Thank you very much for your time.

        ENTER A <g> TO CONTINUE====>[goto...]

>sory<   I am sorry you've decided not to participate. Thank you for your time.

        ENTER A <g> TO CONTINUE====>

>sry2<   I'm sorry, but for this survey, we are only talking with people who are familiar with [fill CASE].
        Thank you very much for your time.

        ENTER A <g> TO CONTINUE====>