

PROBLEM SOLVING COURTS:
Attitudes and Beliefs in Ohio

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ABSTRACT

Located in Cuyahoga County, Ohio, the Cleveland Municipal Court is a court of record, established in 1911, having limited jurisdiction pursuant to Ohio Revised Code §1901. The Court's jurisdictional limits are the City of Cleveland and Village of Bratenahl, which consists of a total population of approximately 445,000. One of the largest and busiest municipal courts in Ohio, the general division of the Court processed 202,936 cases in 2007.

This project was not completed in response to a problem or issue that the Court was experiencing. Rather, being that the Cleveland Municipal Court conducts problem solving dockets and other programs for offenders, it was of interest to survey trial court judges in the State of Ohio to ascertain their attitudes and beliefs with regard to problem solving courts and methods. In addition, it was determined that it would be particularly beneficial to also survey city and county prosecutors, and county public defenders to learn the bar's attitudes and perceptions and how they compared to judges and each other.

Problem solving justice has roots in the improvements and advancements of policing. Traditional methods used by law enforcement to combat individual offenses were replaced with strategies which included identifying the fundamental reasons for crime, identifying patterns of crime and collaborating with the community to foster partnerships.

These new ideas challenged both forward thinking courts and those involved in the criminal process to focus on the underlying issues associated with a defendant's behavior, in addition to community involvement and data analysis. In the 1980s and early 1990s, problem solving courts began to materialize.

Initially, these courts were dedicated to issues such as community conflicts, drug offenses, mentally disabled offenders, re-entry services and domestic violence. Today there are 2,500 problem solving courts nation wide, which have expanded to include homeless courts, dui/dwi/sobriety courts, unified family courts, youth courts, and adult, juvenile and family drug courts. Although they manage different caseloads, they share the common fundamentals of accountability, collaboration, collection of data, community involvement, individualized justice and enhanced information. Problem solving courts combine resources, monitor, and educate to drill down to the causes for a defendant's behavior, offering them the opportunity to take responsibility for their actions through a customized treatment plan and a less formal process.

However, before problem solving courts can be implemented successfully, methods and principles must be accepted. In February 2008, the Center for Court Innovation, in collaboration with the California Administrative Office of the Courts, conducted national research of trial court judges to measure judicial attitudes toward problem solving courts. The survey developed was instrumental in acquiring specific opinions about important factors as they relate to judging, the role of the judiciary, role of the criminal justice system, problem solving methods and beliefs, and personal experiences and satisfaction.

The survey tool developed by the Center for Court Innovation (CCI) provided a base on which to build during this project. With some modifications to the CCI survey form, participants in this study were asked 27 questions organized in five areas: Judicial Role Attitudes; Judicial Practices; Problem Solving Methods of Judging; Specialized Problem Solving Courts; and, Bench and Personal Experience.

The original goal was to survey all Ohio trial court judges throughout Ohio, in addition to local prosecutors and public defenders. Focus was later narrowed to six groups; municipal/county judges outside Cuyahoga County, municipal judges within Cuyahoga County, judges from the Cuyahoga County Court of Common Pleas/General Jurisdiction, City of Cleveland prosecutors, Cuyahoga County prosecutors, and Cuyahoga County public defenders.

Color coded survey packets were distributed to 430 respondents who were given seven to ten days to respond. Results were both surprising and understandable. First, with regard to questions concerning trial court judging, it was interesting that all surveyed groups agreed to the importance to ensure legal due process, maintain judicial independence, move cases rapidly, adopt a proactive role in crafting case resolutions, render decisions that assist litigants, render decisions that protect public safety, and follow case processing timelines.

In addition, with regard to important factors that should be considered by a judge when deciding a case, all groups were in agreement with their highest ranking being either very important or somewhat important for four out of eight factors; precedent, individual needs or underlying problems of a litigant, expert opinion, and common sense.

Secondly, however, prosecutors differed from other participants in their belief that punishing offenders is a more important goal of the criminal justice system than treatment and rehabilitation. This may be due to their responses of not being very familiar with specialized problem solving courts and their goals. Education about or experience in a problem solving court assignment may aid in lowering the percentage of prosecutors that believe punishing is more important than treatment and rehabilitation.

Thirdly, with regard to problem solving methods, almost all judges surveyed reported that they are practicing problem solving methods somewhat well and very well. Interestingly, judges that ranked themselves high for the application of problem solving methods, ranked themselves low as to their familiarity with problem solving courts. Additional research is needed to establish how judges learned about problem solving methods, what circumstances triggered their use and why.

Given the growing popularity of problem solving courts and in order to compare beliefs and attitudes comprehensively, a broader study in Ohio is recommended. The results could help improve the understanding of problem solving courts and where more information, training and education may be necessary.

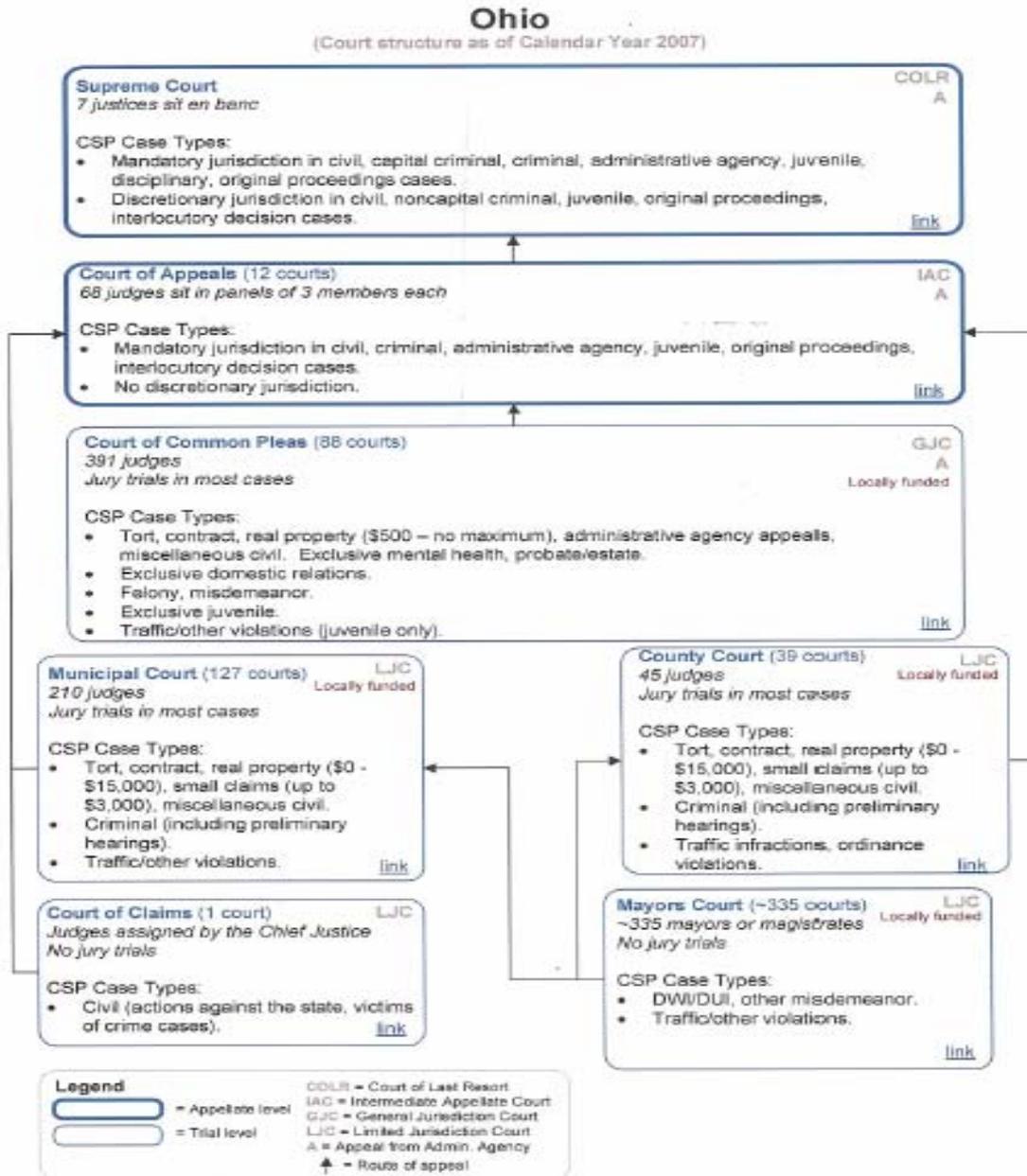
However, with regard to methodologies and specific approaches, lines were drawn between judges and public defenders versus prosecutors. Differences may be due to the willingness of a judge to use alternative measures to reduce crime and recidivism. Public defenders, while charged with providing a chief defense, are also seeking innovative methods that allow an individual to work through barriers that will aid them in creating successful opportunities for their future. Prosecutors did not seem to be of this mindset, and are more apt to believe that the traditional way of judging and sentencing should be in existence.

Finally, the results of this project identified areas that participants may wish to become more familiar, such as the need for problem solving courts, the use of problem solving methods, the importance of treatment and rehabilitation, and available resources. Methods and principals must be understood and accepted before problem solving courts can be successful.

INTRODUCTION

Located in Cuyahoga County, Ohio, the Cleveland Municipal Court is a court of record, established in 1911, having limited jurisdiction pursuant to Ohio Revised Code §1901, existing within the following:

Chart 1: Ohio Court Structure ¹



¹ http://ncsconline.org/D_Research/Ct_Struct/state_inc.asp?STATE=OH

The Court's jurisdictional limits are the City of Cleveland and Village of Bratenahl, which consists of a total population of approximately 445,000.² One of the largest and busiest municipal courts in Ohio, the general division of the Court processed 202,936 cases in 2007.

Criminally, the Cleveland Municipal Court may adjudicate misdemeanor violations of both the Ohio Revised Code and the City of Cleveland Ordinances. The Court also conducts preliminary hearings and sets bonds in felony cases that occur within its jurisdiction.

Civily, the Small Claims division can determine actions where the prayer amount does not exceed \$3,000.00. In addition, the General Division can adjudicate civil cases where the amount in dispute does not exceed \$15,000.00 Civil cases include but are not limited to contracts, personal injury, collections, recovery of property, transferred judgments and injunctions.

Currently there are 13 judgeships within the Court, including 12 in the General Division and one in the Housing Division. Terms are six years in length and vacancies, due to retirements, won elections, etc., are appointed by the Governor of Ohio for the remainder of the unexpired term.

The judges of Cleveland Municipal Court are assigned to standing committees that report out at a judges meeting held on a monthly basis. Committees include the following:

- **Criminal/Probation.** This committee is responsible for the evaluation and examination of the effectiveness and efficiency of policies and initiatives that influence the Court's criminal functions.

² <http://quickfacts.census.gov/qfd/states/39/3916000.html>

- **Financial Overview.** The Financial Overview Committee is responsible for review of the Court's fiscal policies and procedures.
- **Governance.** This committee has oversight responsibility for all computerization and logistical operations as well as interagency relations.
- **Personnel.** The Personnel Committee is responsible for review of the Court's personnel policies, programs and benefits available to the employees including hiring, promotions, leaves, discipline, and separation.
- **Public Outreach.** Responsible for the creation and implementation of initiatives to educate the public about the Court and its functions. This committee is also charged with designing internal programs to increase morale and communication.
- **Rules.** The Rules Committee is responsible for review and amending of the Local Rules of Practices and Procedures adopted by the Court and all matters that are referred for consideration.

In addition to the above standing committees various sub or ad hoc committees may be created to focus on a particular issue, event or project.

Judges meetings also include the Administrative Judge Report, and may also be a forum for police and/or city/agency officials to brief the bench or discuss various programs, initiatives or community issues.

With regard to this project, it is important to understand the role that Cleveland Municipal Court has taken to address systemic issues within its jurisdiction. Cleveland Municipal Court is a leader with regard to the implementation of problem solving courts/program development; embracing innovative programming and sentencing techniques. Problem solving dockets and programs for defendants include Get On Track,

Weed and Seed, Selective Intervention Program, Dedicated Domestic Violence Docket, Drug Court, Mentally Disordered Offenders Program, Traffic Intervention Program, and Truancy Enforcement.

Get On Track

The Cleveland Municipal Court, in conjunction with Cuyahoga Community College, Employment Connection, Cleveland Municipal School District Adult Education and Ameri-I-Can, collaborated in the development and implementation of *Get On Track*, a program designed to facilitate eligible young men and women in becoming responsible adults and law-abiding, contributing members to society. The purpose of the program is to help young adults realize that education, employment, character development, a positive attitude and possessing a valid license for drivers are keys to a more successful and productive lifestyle.

Get On Track targets those charged with traffic or misdemeanor offenses. Participants must commit to the program for up to 18 months and to date has graduated 30 people with approximately 40 people entering the program each month. Because of the strong interest, the Court has assigned two probation officers to work exclusively with *Get on Track* participants.

Weed and Seed

The Cleveland Municipal Court participates in the Weed and Seed Program, now in its fifth year of operation. The program targets an area to “weed” out criminals and “seed” the area with services and programs that would benefit the community through partnerships with the Cleveland Police Department and area agency service providers.

This year the focus is on substance abuse and future issues will include solicitation and prostitution.

Selective Intervention Program (SIP)

The Selective Intervention Program, which started in 1984, is a diversionary program for criminal defendants with no prior criminal record or pending criminal cases. The program involves participants who have not been found guilty and cannot have entered a plea to the pending charges. SIP is an opportunity to have their case dismissed by the Court to avoid a conviction, provided the offender is eligible to participate in the program, complies with the conditions of the program and pays the SIP participation fee.

Dedicated Domestic Violence Docket (DDVD)

The Cleveland Municipal Court is the recipient of a \$205,000.00 grant from the Community Corrections Act, with the objective of diverting offenders charged with domestic violence related offenses to a court implemented program - Domestic Intervention, Education and Training (DIET). Offenders must attend one, two hour DIET session per week for 16 weeks. Each session, which averages 15 participants, is being led by two qualified staff facilitators who stress one of the eight topics: non-violent behavior, non-threatening behavior, respect, support and trust, accountability and honesty, sexual respect, partnership and negotiation, and fairness.

The DIET program also serves the Cuyahoga County Court of Common Pleas and 12 municipal courts throughout Cuyahoga County.

Drug Court

Celebrating its 10th anniversary in 2008 and tremendous successes, the Greater Cleveland Drug Court is the largest problem solving court of the Cleveland Municipal Court.

Through the program, eligible Drug Court defendants can be linked with substance abuse and/or mental health treatment services, as necessary. Treatment services include substance abuse assessment, pretreatment groups, primary outpatient treatment, residential treatment, and aftercare. Mental health services are available for offenders who are dually diagnosed with substance abuse and mental health issues through state funding and the Cuyahoga County Mental Health Board. The program also provides mandatory drug testing and apprehends defendants who fail to appear for court or scheduled treatment services. Over 700 people have successfully completed the Greater Cleveland Drug Court Program, with average treatment typically costing \$3,000.00 per defendant.

Mentally Disordered Offenders Program (MDO)

The MDO program operates to provide intensive supervision to mentally disordered offenders. The Court has recognized the need for specialized services and supervision for mentally ill offenders to obtain the services necessary for these individuals to function as healthy, law-abiding citizens and to reduce the likelihood that they will return as repeat offenders.

The judges of the Cleveland Municipal Court identify probationers with possible mental illness and an assessment of the probationer is made by the Court's Probation Department Psychiatric Unit to determine eligibility for the MDO program. Offenders

may then be linked to a variety of programs and agencies offering a full range of services, including forensic psychiatry, intensive outpatient substance abuse treatment for dually diagnosed offenders, as well as partial hospitalization services.

The MDO program continues to grow at a rapid pace as the number of individuals coming into the criminal justice system with mental health issues increases.

Traffic Intervention Program (TIP)

Currently 25% of traffic cases before the Court involve driving without a valid license or driving with a license under suspension. The Cleveland Municipal Court TIP program is designed to identify and assist traffic offenders with driver's license problems who pose a risk to the public. The goal is to increase the number of licensed, insured drivers on the road. The TIP program assists defendants in obtaining information through direct links to the Ohio Bureau of Motor Vehicles (BMV). Information can include driver's license status, history, and reinstatement fees/requirements. This eliminates unnecessary continuances of defendants' cases and saves the defendant the time waiting in line at the local BMV office.

Truancy Enforcement

In an effort to keep children focused on their education, the Court began a relationship with the Cleveland Municipal School District in their effort to crackdown on truancy, which resulted in several hundred citations. The Court consolidates the cases and dismisses many of them after the parent attends a mandated responsibility and accountability workshop.

The Center for Court Innovation (CCI) had developed and implemented a national survey, publishing results in February 2008, measuring trial court judges judicial role

attitudes; judicial practices; problem solving methods of judging; specialized problem solving courts; and bench and personal experience. It was determined that this survey would be a beneficial tool to use throughout Ohio. This project was not completed in response to a problem or issue that the Cleveland Municipal Court was experiencing. Rather, with all of the innovative programs that the Cleveland Municipal Court provides, it was of interest to survey trial court judges in the State of Ohio to ascertain their attitudes and beliefs with regard to CCI survey topics. In addition, it was determined that it would be particularly beneficial to also survey city and county prosecutors, and county public defenders to also reveal the bar's viewpoint with regard to the above mentioned areas.

Surveys were subsequently sent to all municipal/county court judges throughout Ohio; general jurisdiction trial court judges in Cuyahoga County; both City of Cleveland and Cuyahoga County prosecutors; and Cuyahoga County public defenders.

Following the below literature review, methods of data collection, findings, and conclusions and recommendations that flow from the research are presented.

LITERATURE REVIEW

Speaking at Fordham University Law School in 1998, Judith S. Kaye, Chief Judge of the State of New York stated:

“I suppose this shouldn't be too surprising: my work uniform hasn't changed for centuries, and I do my job in a building smack out of ancient Athens. You don't need a degree in semiotics to conclude that ours is a profession that values formal stability and continuity.”³

The creation of judicial powers within Article III of the United States Constitution empowered the judiciary to act as *the* prominent and distinctive forum for the resolution

³ Judith S. Kaye, <http://spa.american.edu/justice/documents/613.pdf>, at page 2.

of all disputes. Throughout history, decisions were, and oftentimes continue to be today, rendered based upon the application of available precedent, with an eye toward resolving the issue at hand only. With regard to criminal cases, making the effort to solve any underlying issues that a defendant may have was not a perceived outcome of case processing; that was the responsibility of the executive and legislative branches, for the defendant would have an opportunity for rehabilitation while incarcerated. While criminal justice system partners have differing and even conflicting roles, they all share the same responsibility for the entire system; arresting, processing and adjudicating.⁴

For centuries, this was the approach to justice. However by the mid-1980s this was not enough, and present was an opportunity for growth with regard to the functions of the judiciary. In an effort to work toward the goals of reducing recidivism, crime prevention and building public trust and confidence in the criminal justice system, new innovated techniques were introduced to address crime⁵. In Philadelphia, 1982, the Protection from Abuse Court was formed, allowing for one judge to hear all cases involving civil protection orders.⁶ Subsequently, the first domestic violence courts were created in 1984 and 1987, and the first drug court in 1989.⁷ These forward thinking courts enabled the criminal justice system to focus on the underlying issues associated with a defendant's behavior in addition to community involvement and data analysis.⁸ Problem solving courts were born.

⁴Robert V. Wolf, **Principals of Problem-Solving Courts**, Center for Court Innovation, 2007, page 1.

⁵ **Loc. Cit.**

⁶ Patricia A. Garcia and Robin Ebert, **Problem Solving Courts**, ABA and the Coalition for Justice, 2003, page 9.

⁷ **Loc. Cit.**

⁸ See Note 3, *supra*, page 1.

Problem solving justice has roots in the improvements and advancements of policing.⁹ Traditional methods used by law enforcement to combat individual offenses were replaced with approaches that were more global in nature. These new strategies included identifying the fundamental reasons for crime, identifying patterns of crime and collaborating with the community to foster partnerships.¹⁰

As problem solving courts began to materialize in the 1990s, these new ideas influenced their development.¹¹ Specialized courts were subsequently created for addressing social problems. Initially, courts were dedicated to issues such as community conflicts, drug offenses, mentally disabled offenders, re-entry services and domestic violence.¹²

1. Community Courts

Community courts originated in 1993, with the creation of the Midtown Community Court in New York City.¹³ These courts materialized out of necessity due to: 1) the consolidation and centralization of trial courts, 2) courts' responses to reoccurring misdemeanor offenses not being successful, and 3) community policing seeming to make evident the importance of problem solving methods of resolution.¹⁴ Subsequently, these courts were designed to target a particular area, with the primary objectives including rebuilding communities, creating opportunities for collaboration between the community and the court, providing

⁹ **Loc. Cit.**

¹⁰ **Loc. Cit.**

¹¹ **Loc. Cit.**

¹² **Loc. Cit.**

¹³ See Note 5, *supra*, page 18.

¹⁴ Pamela M. Casey and David B. Rottman, **Problem-Solving Courts: Models and Trends**, NCSC, 2003, page 2.

defendants with coping strategies for managing risky situations, and providing accurate information to the court.¹⁵

In a community court environment, individuals are commonly sentenced to perform community work service to help rebuild the community which was harmed, as well as engaging them in medical/mental health testing, counseling, education and other services as determined.¹⁶ These types of sentences require an individual to take responsibility for their actions, while aiding in the restoration of the community and affording an individual an opportunity for therapeutic treatment.

2. Drug Courts

Due to the national “War on Drugs” campaign that began in the mid-1980s, drug offenses had increased dramatically.¹⁷ Courts had attempted, most unsuccessfully, to manage this increase through a swifter processing of cases. However, processing a case more quickly may have aided in its adjudication, but did nothing to address any addiction issues and behaviors confronting an offender. It was necessary to create a specialized forum which offered a treatment alternative to incarceration, and, in 1989, Dade County, Florida, was the first to implement a drug court.¹⁸

In less than 20 years, the number of drug courts in the United States has increased to over 2,100 with nearly 300 more in various stages of development.¹⁹

These courts have taken up the charge of addressing addiction and reducing

¹⁵See Note 5, *supra*, page 18.

¹⁶**Loc. Cit.**

¹⁷See Note 13, *supra*, page 6.

¹⁸See Note 5, *supra*, page 9.

¹⁹<http://www.whitehousedrugpolicy.gov/enforce/drugcourt.html>, 2008

recidivism through a collaborative approach to therapeutic treatment offered as an alternative to imprisonment. Courts partner with professionals from the fields of criminal justice, social services, and medicine to create teams that support both the judge and the defendant. It is the judge who monitors the individual's treatment, while using either positive reinforcement or sanctions to further a participant towards attaining goals.²⁰

3. Mental Health Courts

The Mental Health Court established in Broward County, Florida, in 1997, is considered to be the first of its type.²¹ Primarily, these courts use the drug court collaborative treatment model, as mentioned above, offering therapeutic options to incarceration. In addition to the preservation of public safety, goals of these courts can include the reduction of the following:

- inappropriate means of incarceration for mentally disabled defendants;
- repeat offenses;
- psychiatric hospital admissions; and
- issues faced by correction agencies when housing mentally disabled inmates.²²

4. Re-entry Courts (Parole)

Through re-entry courts, individuals are afforded the opportunity of obtaining comprehensive services that aid in promoting their successful reintegration into society. These courts monitor the participation of an individual

²⁰ See Note 13 *supra*, page 6.

²¹ *Ibid.*, page 8

²² *Loc.Cit.*

to verify that conditions of their parole are being met. Services offered include education, employment training, housing, and counseling.²³

5. Domestic Violence

For decades, domestic violence was considered a private matter involving only the family. It was not an issue that affected the public and did not require the involvement of the criminal justice system. However, the number of victims caused the criminal justice system to sit up and take notice of the issue, for one in every four women will experience domestic violence in her lifetime.²⁴

Collaboration is of the utmost importance when implementing a domestic violence court. And although other problem solving courts and various service providers work in partnership to focus on the rehabilitation of the defendant, domestic violence courts focus on the victim and their safety. The Center for Court Innovation identified four key principles that will aid in the success of a domestic violence court. These include:

- ***Victim Services.***

Goals are to provide the victim with an advocate, up to date communication, prompt case processing and a safe environment in the courthouse.

- ***Judicial Monitoring.***

Dedication of staff, resources and a permanent judge. Continuous supervision of the offender and, if required, creation of a separate compliance docket.

²³ See Note 5, *supra*, page 24.

²⁴Patricia Tjaden and Nancy Thoennes, **Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey**, National Institute of Justice and the Centers of Disease Control and Prevention, 2000, page 9.

- ***Accountability.***

Holding batterers programs accountable, while building collaborative relationships with various service providers and using technology to improve access to information.

- ***Coordinated Community Response.***

Providing education and training for personnel and collaborative partners. Meeting regularly with service and criminal justice professionals to foster favorable working relationships.²⁵

Formalized acceptance of problem solving courts came in 2000 when the Conference of Chief Judges and the Conference of State Court Administrators passed a joint resolution supporting the concept of problem solving courts and the practices and methods of therapeutic jurisprudence utilized by such.²⁶ Techniques outlined in the resolution included the

“integration of treatment services with judicial case processing, ongoing judicial intervention, close monitoring of and immediate response to behavior, multidisciplinary involvement and collaboration with community based and government organizations.”²⁷

The resolution further went on to recognize that the strategies used in problem solving courts have “demonstrated great success in addressing certain complex social problems, such as recidivism, that are not effectively addressed by the traditional legal process” and “the application of these principles advance the trust and confidence of the

²⁵ Robin Mazur and Liberty Aldrich, **What Makes a Domestic Violence Court Work? Lessons from New York**, Center for Court Innovation, published in *The Judges' Journal*, Volume 42, No. 2, Spring 2003, pages 7-9.

²⁶ David B. Wexler, **Therapeutic Jurisprudence: It's Not Just For Problem-Solving Courts and Calendars Anymore**, *Future Trend in State Courts*, NCSC, 2004, page 87.

²⁷ Conference of Chief Justices and Conference of State Court Administrators, **In Support of Problem-Solving Court Principals and Methods**, Resolution 22, 3 August 2000. (<http://cosca.ncsc.dni.us/WhitePapers/Resolution-Natl%20Agenda-Final-Aug-04.pdf>)

public.”²⁸ It seemed as though problem solving courts had accomplished the goals for which they were created.

Problem solving courts are committed to the belief that defendants should not be treated as a case number, but rather as an individual.²⁹ Therefore, in order to preside over specialized dockets, judges are usually more knowledgeable in these specific areas; attending various educational seminars/workshops, and/or doing research on their own. These measures are integral to success and allow for a better understanding of the individuals in court, their behaviors, and the root causes of the issues.

In 2005, the National Judicial Institute published a resource for judges outlining the therapeutic techniques used in problem solving courts. This resource compared traditional methods with those used by problem solving courts:

²⁸ **Loc.Cit.**

²⁹ See Note 3 *supra*, page 7.

Chart 2: Comparing Traditional and Therapeutic Court Procedures³⁰

TRADITIONAL PROCESS	PROBLEM SOLVING PROCESS
Dispute Resolution	Dispute Avoidance
Legal Outcome	Therapeutic Outcome
Adversarial Process	Collaborative Process
Claim/Case Orientated	People Orientated
Rights Based	Interest/Need Based
Emphasis on Adjudication	Emphasis on Post-Adjudication and Alternative Dispute Resolution
Interpretation and Application of Law	Interpretation and Application of Social Science
Judge as Arbiter	Judge as Coach
Backward Looking	Forward Looking
Precedent Based	Planning Based
Few Participants and Stakeholders	Wide Range of Participants and Stakeholders
Individualistic	Interdependent
Legalistic	Common Sense Approach
Formal	Informal
Efficient	Effective
Success Measured by Compliance	Success Measured by Remediation of Underlying Problem

In addition, techniques were identified that could be used by judges to “encourage offenders to confront and solve their problems, to comply with rehabilitative programs, and to develop law-abiding coping skills.”³¹ These include:

1. Enhancing one’s personal skills.

Communication that is direct, such as active listening, empathy, clarity, encouragement, praise and respect, is a basis for problem solving justice as well as a method of instilling positive behaviors and modifications. Defendants

³⁰ Susan Goldberg, **Judging for the 21st Century: A Problem Solving Approach**, National Justice Institute, 2005, page 5.

³¹ **Ibid.**, page 8.

develop a greater sense of self worth and dignity, which aids in the healing process.

2. Crafting behavioral contracts and relapse prevention plans with offenders.

A strategy to aid in compliance is the adaptation of behavior contract principals which allow for formal, signed agreements that require an individual to take responsibility for their actions in addition to summarizing individual goals, rewards and sanctions. In addition to the above, to increase the possibility of a positive, therapeutic outcome, behavioral contracts must involve the input of the defendant; identify high-risk behaviors/situations, involve family and the community, and require the defendant to return to court for supervision purposes.

3. Developing a non-adversarial, team approach.

This allows for a coordinated, strategic approach to aid in the treatment of individuals. Teams can consist of representatives from the public defender's office, prosecutor's office, police, probation, social service and medical professionals. This allows for each participant of the group to contribute to the therapeutic treatment goals of an individual, bringing their knowledge and expertise. Defendants are able to experience a support-like type of environment, exhibiting praise and encouragement, and in the reverse, disapproval and sanctions.

4. Sentencing therapeutically.

In order to weigh the possibility of treatment options, judges must be afforded information about a defendant, such as their criminal record, employment history, education level, family situation, and medical/mental health

issues. Accurate and up to date information are key in determining a proper sentence. If suitable, measures of sentencing that allow for the therapeutic treatment of an individual's underlying issues foster personal growth and responsibility, in addition to positive behavior modifications. Success will lead to an increased measure of self-worth and self-esteem, thereby permitting an individual to attain sought out personal goals that enhance their lives.³²

Today there are more than 2,500 problem solving courts nation wide.³³ In addition to those mentioned previously, problem solving courts have expanded to include homeless courts, dui/dwi/sobriety courts, unified family courts, youth courts, and adult, juvenile and family drug courts. Although they manage different caseloads, they share the common fundamentals of accountability, collaboration, collection of data, community involvement, individualized justice and enhanced information.³⁴ Problem solving courts are able to combine resources, monitor, and educate to drill down to the underlying and present causes for a defendant's behavior by offering the opportunity for one to take responsibility for their actions through a customized treatment form of sentencing. In addition, they offer a less formal process, and are more people oriented and need based.

However, before problem solving courts can be implemented successfully, judges must accept their methods and principles. In February 2008, the Center for Court Innovation, in collaboration with the California Administrative Office of the Courts, conducted national research of trial court judges to measure judicial attitudes toward

³² **Ibid.**, pages 9-32.

³³ See Note 3, **supra**, page 1.

³⁴ Donald J. Farole, Jr., and Michael Rempel, **Problem-Solving and the American Bench, A National Survey of Trial Court Judges**, Center for Court Innovation, 2008, page 1.

problem solving courts. This project consisted of trial court judges either participating in focus groups or completing a survey as to their beliefs in the following five areas:

- Judicial Roles and Attitudes
- Judicial Practices
- Problem-Solving Methods of Judging
- Specialized Problem Solving Courts
- Bench and Personal Experience³⁵

The survey developed was instrumental in acquiring specific opinions about important factors as they relate to judging, the role of the judiciary, role of the criminal justice system, problem solving methods and beliefs, and personal experiences and satisfaction.

So overall, what did the judges think about problem solving strategies? Survey and focus group responses seemed to vary with regard to attitudes, practices and methods of judging.

Surveyed judges indicated a support of problem solving methods and believed that such are currently being practiced in traditional settings.³⁶ Those surveyed also indicated that tenure on the bench is not a factor that relates to the application of these methods.³⁷

Participants in the focus groups believed that an opposition to problem solving methods was in existence³⁸ and that less tenured judges are more agreeable to their use.³⁹

³⁵ **Ibid.**, pages 23-30.

³⁶ **Ibid.**, page v.

³⁷ **Ibid.**, page 11.

³⁸ **Ibid.**, page 8.

³⁹ **Ibid.**, page 11.

However, both groups were in agreement in that a lack of support staff and the need for additional knowledge and skills were barriers to problem solving methods.⁴⁰ Problem solving courts allow for more time, focus and individualized attention to defendants and their treatment; while traditional trial court judges may be under more pressure to move cases quickly to reduce their caseload.

The survey used by the Center for Court Innovation is one that can also be used to examine judges' attitudes and beliefs about problem solving courts within a particular jurisdiction. In addition, parts of the survey tool allow for the gathering of opinions of public defenders and prosecutors as well. This survey will be administered to a random sample of judges within the state of Ohio. In addition, since a number of problem solving courts are presently operational within jurisdictions in Cuyahoga County, county public defenders and City of Cleveland and Cuyahoga County prosecutors will be surveyed as well. Once the results are examined, court administrators, judges and attorneys will be able to assess the accuracy of their perceptions about problem solving courts and their methods, as well as the existence of any opportunities for improvement and growth.

METHODS

Determination of Participants

Being that the Cleveland Municipal Court conducts problem solving dockets and other programs for offenders, the attitudes and beliefs of judges from both the city and throughout Ohio are explored. In addition, it was decided that trial court judges would be surveyed using the tool developed by the Center for Court Innovation, implemented nationwide with results published most recently in February 2008.

⁴⁰ **Ibid.**, pages 17 and 19.

In Ohio, 714 trial court judges comprise the following courts: (see *Chart 1: Ohio Court Structure, page 9*)

- ***Municipal/County Courts.***

Locally funded courts of limited jurisdiction. Cases adjudicated include tort, contract, real property, small claims, civil, misdemeanor criminal, felony arraignments and traffic.

- ***Court of Common Pleas.***

Locally funded courts of general jurisdiction. Case types include felony/misdemeanor criminal, civil, real property, tort, contract, probate, juvenile, domestic relations. These courts also act as appellate courts with respect to appeals from administrative agencies.

- ***Court of Appeals.***

State funded courts that act as the intermediate appellate courts with mandatory jurisdiction in all cases heard at the municipal, county and common pleas levels.

Within the jurisdiction of the City of Cleveland and Cuyahoga County, prosecutors and public defenders offices consist of the following:

- ***City of Cleveland Prosecutors.***

Mandated by the City of Cleveland Charter, 21 prosecutors are on staff adjudicating misdemeanors in Cleveland Municipal Court.

- ***Office of the Prosecuting Attorney, Cuyahoga County.***

Approximately 200 attorneys are on staff of the County Prosecutor's Office and are assigned the units of Adult Crime (Grand Jury, Major Crimes,

Community Based Prosecution, Major Drug Offenders, Economic Crime, Appeals, Cold Case Squad), Juvenile Justice, Civil, Child Support Enforcement, Children and Family Services, and Real Estate Tax Foreclosure.

- ***Office of the Public Defender, Cuyahoga County.***

Seventy-five (75) attorneys comprise the staff in this office. They are also assigned specific caseloads including misdemeanors, felonies, appeals and juvenile.

In as much as the goal of this project was to survey all trial court judges throughout Ohio, in addition to local prosecutors and public defenders, the distribution and computation of results from those many participants would be an enormous undertaking. Therefore, it was decided that participants would be selected based upon their likelihood of having experience with problem solving courts, methods and/or programming. It was decided that six groups would be surveyed; municipal/county judges outside Cuyahoga County, municipal judges within Cuyahoga County, judges from Cuyahoga County Court of Common Pleas/General Jurisdiction, City of Cleveland prosecutors, Cuyahoga County prosecutors, and Cuyahoga County public defenders.

First, since municipal and county courts throughout Ohio adjudicate the same types of cases, have higher case volumes, and would most often have an opportunity to participate in a problem solving court or program, those trial court judges would be surveyed.

Second, in order to determine attitudes and beliefs of the local bench, general jurisdiction trial court judges from Cuyahoga County Court of Common Pleas would also be surveyed. It was decided that general jurisdiction judges would only be surveyed due

to the belief that those were judges who have some knowledge of problem solving methods at a county level and, possibly, would be best suited for implementing those techniques.

Third, it was of interest to measure results of the prosecutors against the beliefs of the local benches; therefore city and county prosecutors would be surveyed. It was determined that all city prosecutors would be asked to participate since they are all assigned to cases that are heard in the Cleveland Municipal Court. With regard to the county prosecutors, not all units (as listed earlier) would be included in the project. Surveys would be distributed to prosecutors in the units of community based prosecution, major crimes, major drug, economic crimes, civil and grand jury. These units seemed to match cases that would be heard by the general jurisdiction judges of the county.

Finally, public defenders would be included in the project. As with county prosecutors, not all public defenders would be asked to participate; those included would be attorneys assigned to misdemeanors, felonies and appeals.

Determining Contact Information

The Supreme Court of Ohio was contacted for names and addresses for trial court judges in Ohio. They supplied an Access database of such. This database was used to extract the names and address of municipal and county judges throughout Ohio as well as Cuyahoga County Common Pleas Court/general jurisdiction judges.

Personal contact was made with the City of Cleveland Prosecutor, Cuyahoga County Prosecutor and the Cuyahoga County Public Defender to request staff participation; all graciously agreed.

Survey Modification

As stated earlier, it was determined that since a tool had already been created and successfully implemented, the survey developed by the Center for Court Innovation would be used. However, since survey questions were specifically worded for judges, some questions needed to be altered so that they were able to be answered by both prosecutors and public defenders as well. Questions on the judges' survey were modified for the survey distributed to prosecutors and public defenders. (See *Appendix F*, page 82) Subsequently, two surveys were created and used; one sent to members of the judiciary which mirrored the survey developed by the Center for Court Innovation, and another sent to members of the bar which contained the revised questions. (See *Appendices G and H*, pages 85 and 93)

Pre-testing

Pre-testing occurred over the course of one week. Ten employees of Cleveland Municipal Court participated in the pre-testing; five completed the judge survey and five completed the prosecutor/public defender survey. Participants were asked to pay particular attention to the following and include them on the comments portion of the survey:

1. How long did it take you to complete the survey?
2. Were there any questions that were not clear?
3. Were there any questions that you believe need to be re-written? If so, please offer suggestions.
4. Were there any areas that you believe are important and were not addressed within the questions? If so, please offer suggestions.

5. Any other important information/suggestions that you would like to include.

Comments regarding the survey included highlighting or bolding certain words within questions so that they would stand out. No other comments were made.

Survey Distribution

A total of 430 survey packets were distributed. Packets included a cover letter introducing the project, one survey, and one self-addressed envelope. It was determined that since this project included the collection of data from six groups, surveys would be color coded to allow for accuracy and data analysis:

- 1. White –Municipal/County Judges outside of Cuyahoga County***

Within the State of Ohio, at the time of this project, there were 257 sitting municipal and county judges of which 227 were outside of Cuyahoga County. All 227 judges were sent surveys via US mail.

- 2. Light Blue –Municipal Judges within Cuyahoga County***

Surveys were sent to 30 Cuyahoga County Municipal Court judges, which included 13 from Cleveland Municipal Court. Packets for judges from Cleveland Municipal Court were delivered to their in-house mail boxes, and the remaining 17 were sent US mail.

- 3. Blue –Cuyahoga Court of Common Pleas/General Division Judges***

Thirty-three (33) survey packets were delivered to the Common Pleas Court Administrative Offices for distribution to internal mail boxes.

4. *Grey - City of Cleveland and Cuyahoga County Prosecutors*

As mandated by the City of Cleveland Charter, 21 prosecutors are on staff. However, at the time of distribution of surveys, there was one staff vacancy; therefore 20 city prosecutors were asked to participate. To allow for separate collection from county prosecutors, packets were delivered to the City of Cleveland Prosecutor's Office to be distributed and collected by a contact in that office.

In addition, 65 county prosecutors were provided surveys from the units of community based prosecution, major crimes, major drug, economic crimes, civil and grand jury. To also allow for separate collection, survey distribution and collection were also coordinated with one staff member in that office.

5. *Buff – Cuyahoga County Public Defenders*

Fifty-five (55) surveys were sent to county public defenders representing the units of misdemeanors, felonies and appeals.

Survey Results

Participants were given approximately seven to ten days to respond. Survey participation rates were as follows:

Municipal/County Judges outside of Cuyahoga County: 41.4%

Municipal Judges within Cuyahoga County: 43.3%

Cuyahoga Court of Common Pleas/General Division Judges: 36.3%

City of Cleveland Prosecutors: 65%

Cuyahoga County Prosecutors: 64.6%

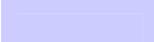
Cuyahoga County Public Defenders: 60%

Overall participation was 48.1%. Follow up calls were made to the city prosecutor, county prosecutor and county public defender which allowed for the higher participation rate. However, individual judges were not called due to the anonymous nature of the survey and not being able to determine who responded and who did not.

A chart like document was created to record survey results by group. Responses were recorded and subsequently results were converted into percentages and put into bar chart graphs. Blank responses, multiple responses (responses given where only one answer was required), or “n/a”, were disqualified and therefore not used to calculate results of an individual question.

FINDINGS

Below is a legend for the bar chart portion of the findings along with the meanings of each abbreviation used within the charts.

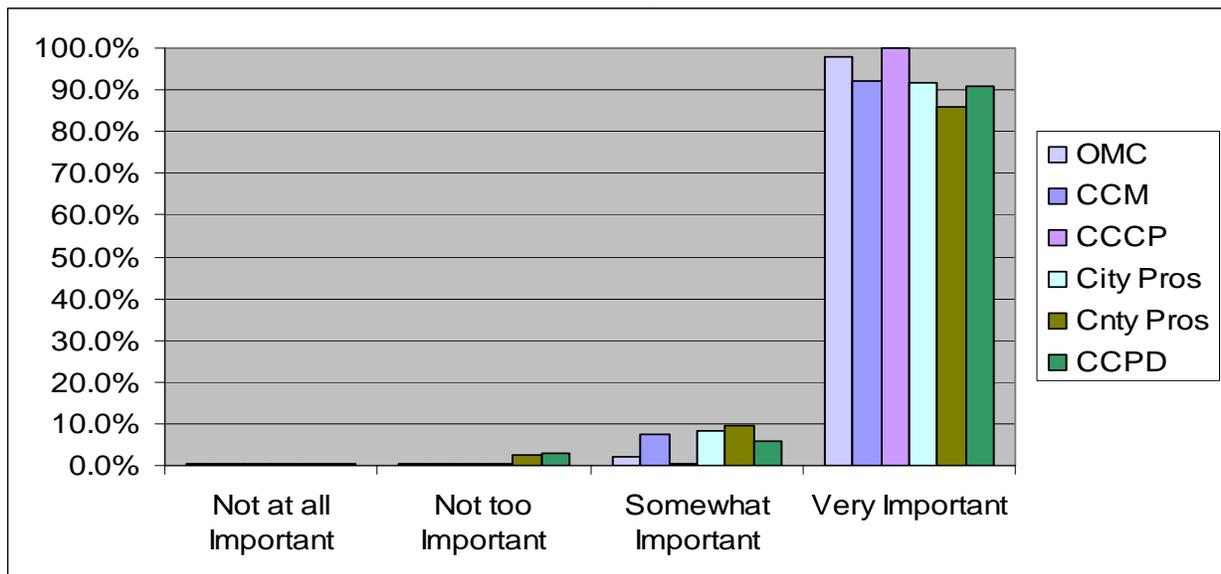
-  **OMC** (Ohio Municipal/County Court Judges outside Cuyahoga County)
-  **CCM** (Cuyahoga County Municipal Court Judges)
-  **CCCP** (Cuyahoga County Common Pleas Court/General Division Judges)
-  **City Pros** (City of Cleveland Prosecutors)
-  **Cnty Pros** (Cuyahoga County Prosecutors)
-  **CCPD** (Cuyahoga County Public Defenders)

Findings will be displayed in bar chart format comparing responses per question, per group. Reported percentages only include actual responses to questions. As stated earlier, blank responses, multiple responses (responses given where only one answer was required), or “n/a”, were disqualified and therefore not used to calculate results.

Questions 1 through 5 represent results from *Part I: Judicial Role Attitudes*; question 6, *Part II: Judicial Practices*; questions 7 through 12, *Part III: Problem Solving Methods of Judging*; questions 13 through 18, *Part IV: Specialized Problem-Solving Courts*; and questions 19 through 27, *Part V: Experiences and Demographics*.

1. In general, how important is it for trial court judges to do each of the following?

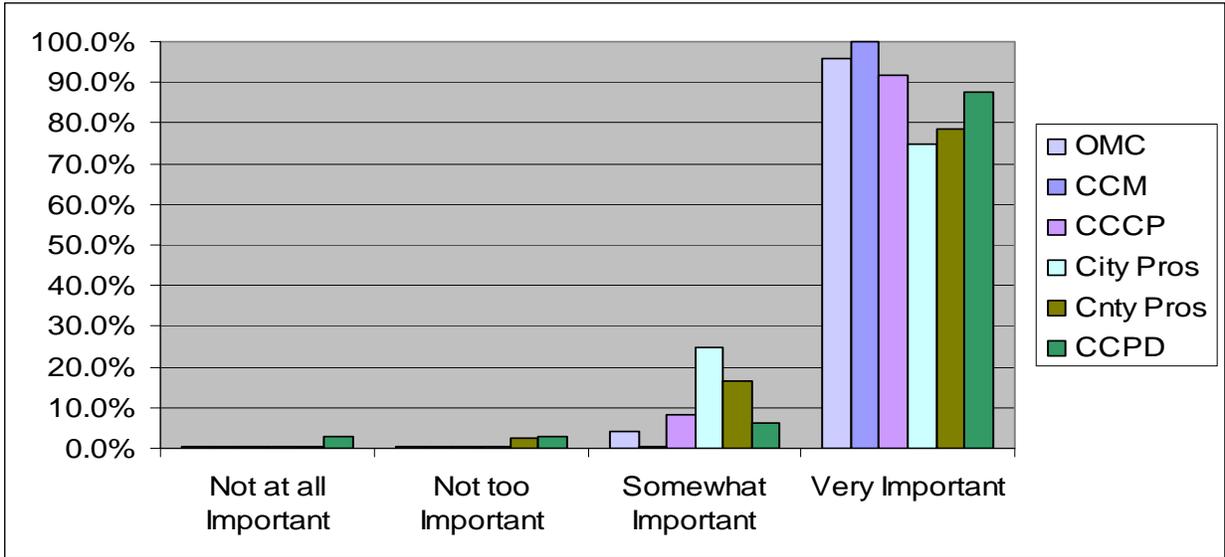
Table 1a. Ensure Legal Due Process



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Not too Important	0.0%	0.0%	0.0%	0.0%	2.3%	3.0%
Somewhat Important	2.1%	7.6%	0.0%	8.3%	9.5%	6.0%
Very Important	97.8%	92.3%	100.0%	91.6%	85.7%	90.9%

With no less than 85% agreement, all six groups surveyed overwhelmingly believe that ensuring legal due process was a very important function of a trial court judge.

Table 1b. Maintain Judicial Independence



All surveyed groups also believe in the importance of maintaining judicial independence.

Very important responses ranged from 75-100% of participants.

Table 1c. Move Cases Rapidly

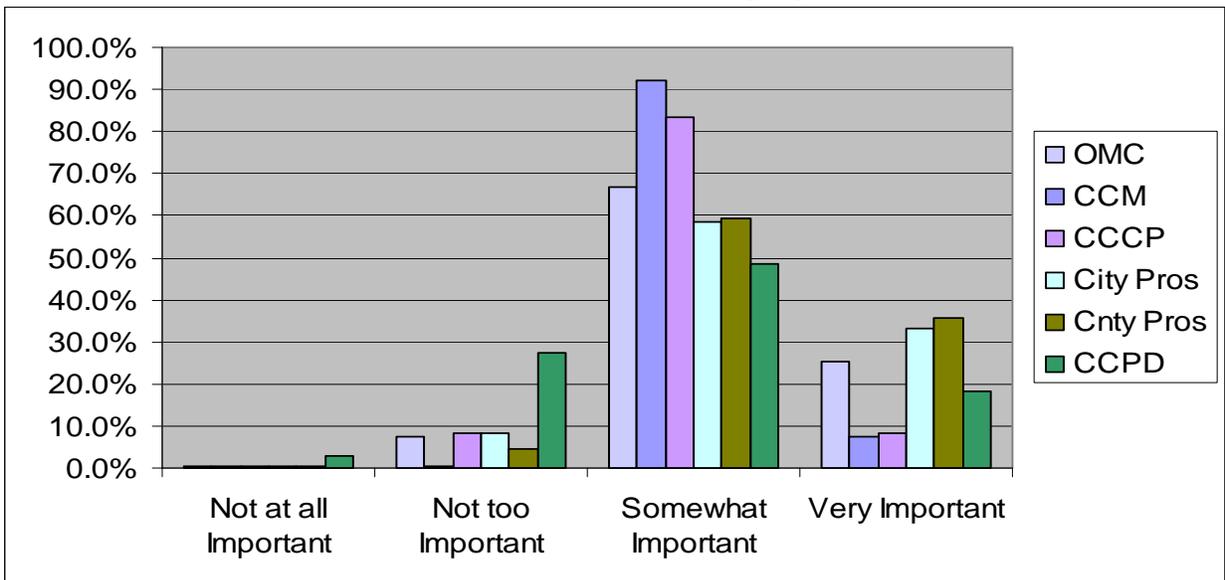
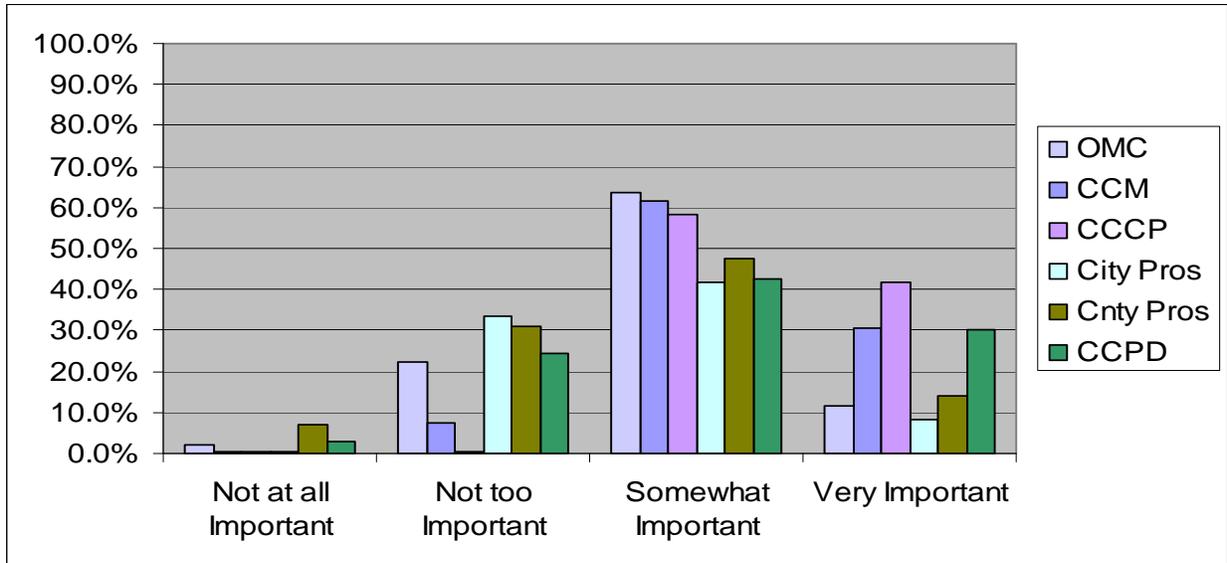


Table 1c., previous, shows that all surveyed groups believe that moving cases rapidly is somewhat to very important. However, 30% of public defenders believe that this is not at all important or too important; a percentage that is over three to six times greater than the five other groups.

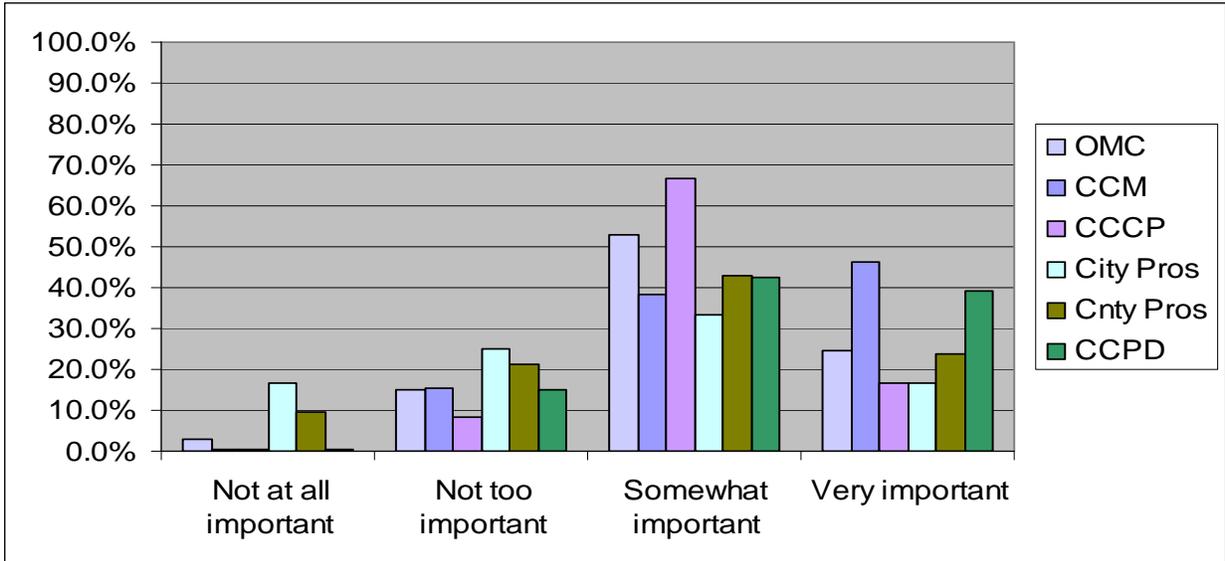
Table 1d. Adopt a Proactive Role in Crafting Case Resolutions



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	2.1%	0.0%	0.0%	0.0%	7.1%	3.0%
Not too Important	22.3%	7.6%	0.0%	33.3%	30.9%	24.2%
Somewhat Important	63.8%	61.5%	58.3%	41.6%	47.6%	42.4%
Very Important	11.7%	30.7%	41.6%	8.3%	14.2%	30.3%

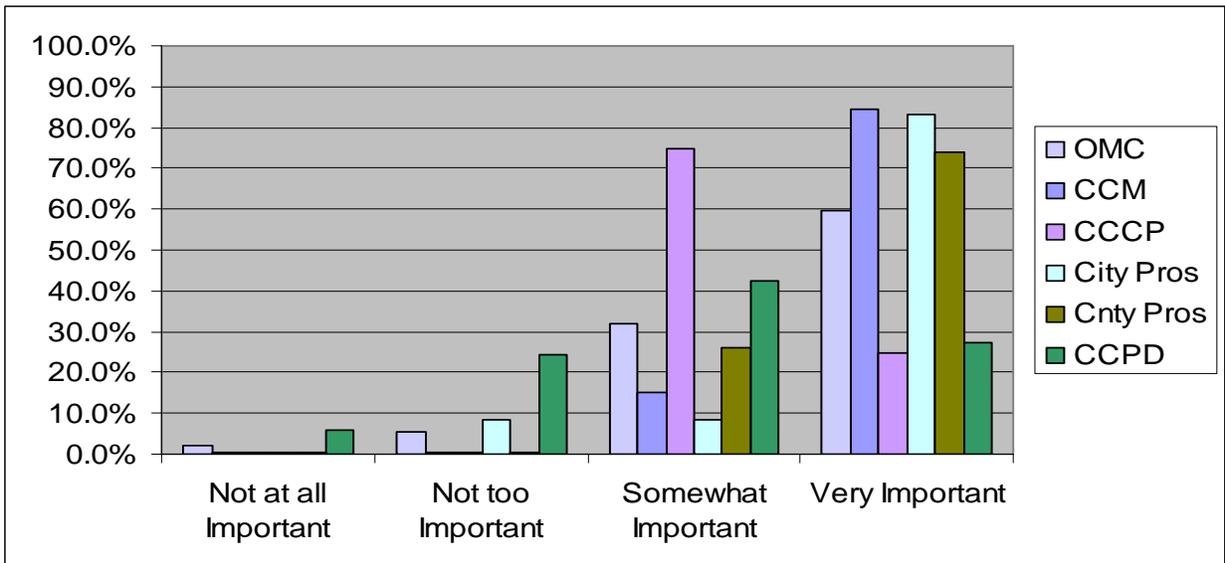
All groups surveyed believe that adopting a proactive role in crafting case resolutions is somewhat and very important. However, with regard to prosecutors and public defenders, prosecutors agreed more that this is not too important, 31% and 33%, compared to public defenders, 24%. Conversely, 30% of public defenders believe this is very important, compared to 8% and 14% of prosecutors.

Table 1e. Render Decisions that Assist Litigants



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	3.1%	0.0%	0.0%	16.6%	9.5%	0.0%
Not too Important	14.8%	15.3%	8.3%	25.0%	21.4%	15.1%
Somewhat Important	53.1%	38.4%	66.6%	33.3%	42.8%	42.4%
Very Important	24.4%	46.1%	16.6%	16.6%	23.8%	39.3%

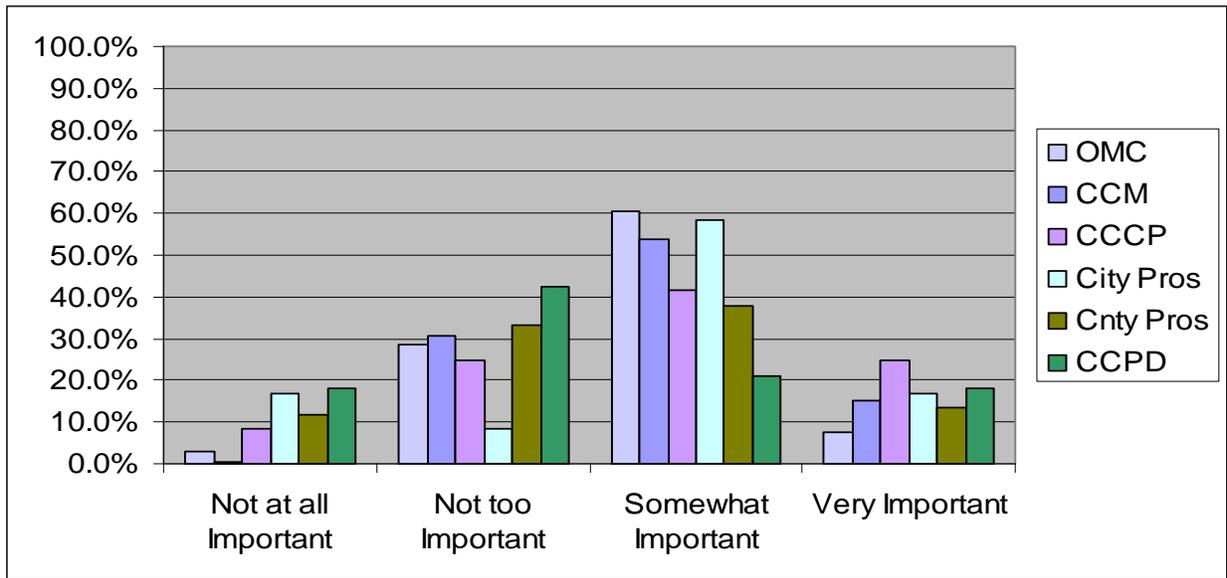
Table 1f. Render Decisions that Protect Public Safety



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	2.1%	0.0%	0.0%	0.0%	0.0%	6.0%
Not too Important	5.3%	0.0%	0.0%	8.3%	0.0%	24.2%
Somewhat Important	31.9%	15.3%	75.0%	8.3%	26.1%	42.4%
Very Important	59.5%	84.6%	25.0%	83.3%	73.8%	27.2%

Thirty percent (30%) of Cuyahoga County public defenders do not believe it is important to render decisions that protect public safety; 22% greater than the next highest group.

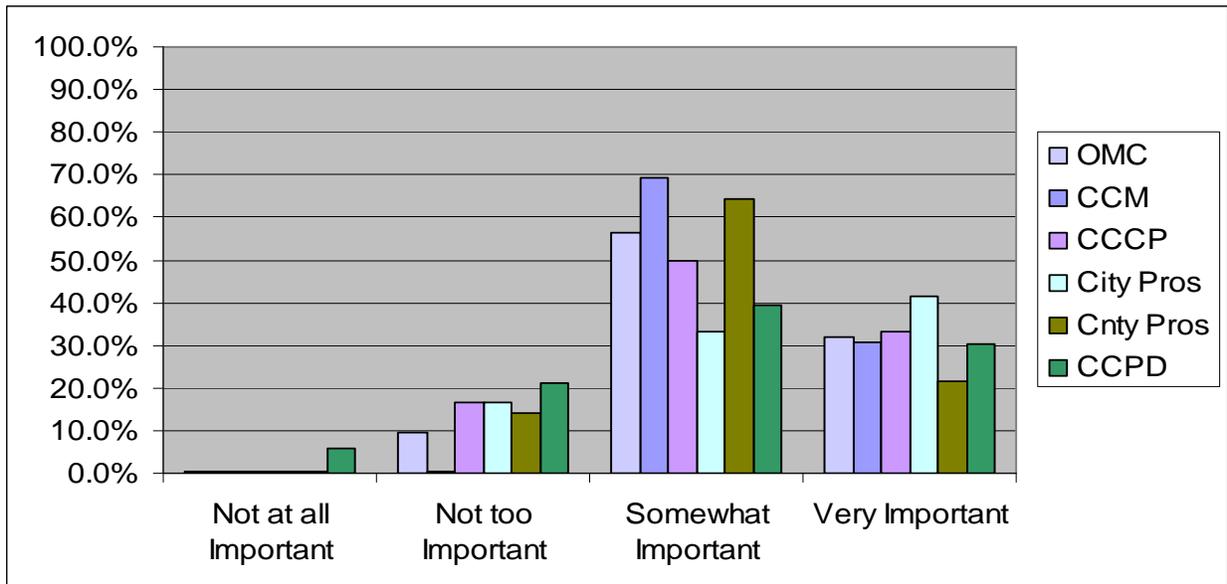
Table 1g. Obtain Community Input about the Court System



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	3.1%	0.0%	8.3%	16.6%	11.9%	18.1%
Not too Important	28.7%	30.7%	25.0%	8.3%	33.3%	42.4%
Somewhat Important	60.6%	53.8%	41.6%	58.3%	38.0%	21.2%
Very Important	7.4%	15.3%	25.0%	16.6%	13.6%	18.1%

Public defenders overwhelmingly believe that obtaining community input about the court system is not important, 61%. Conversely, all other five groups believe that such is important, 52% to 75%.

Table 1h. Follow Case Processing Timelines

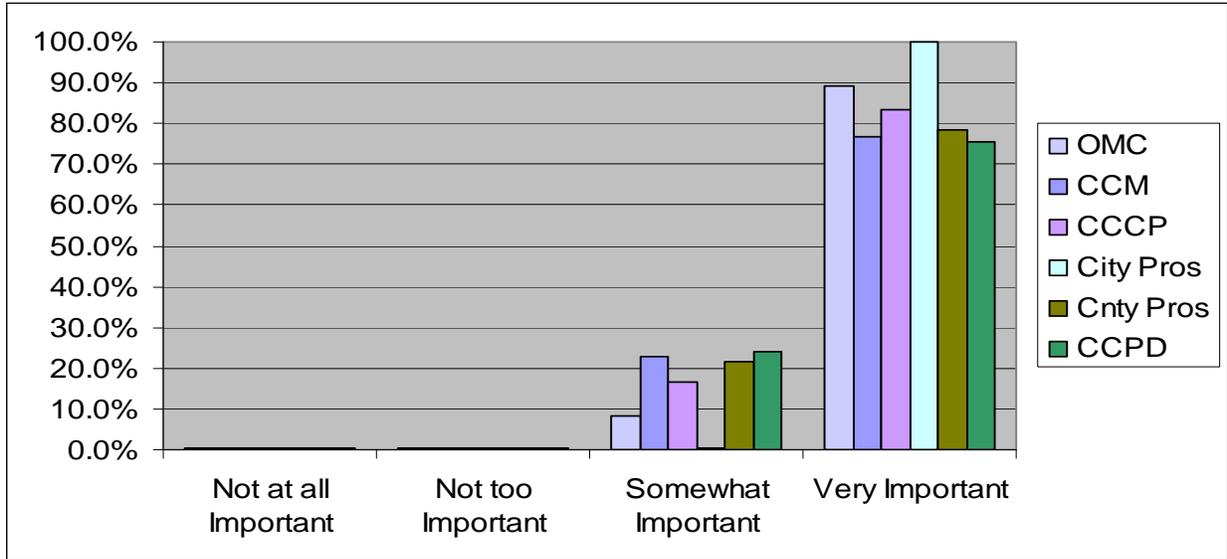


	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	0.0%	0.0%	0.0%	0.0%	0.0%	6.0%
Not too Important	9.5%	0.0%	16.6%	16.6%	14.2%	21.2%
Somewhat Important	56.3%	69.2%	50.0%	33.3%	64.2%	39.3%
Very Important	31.9%	30.7%	33.3%	41.6%	21.4%	30.3%

The Cuyahoga County public defenders were the only group that believed following case processing timelines, previous, were not at all important, 6%. However, when added to their response of not too important, 27% of public defenders do not find such to be of importance.

2. How important should the following factors be to a judge deciding a case?

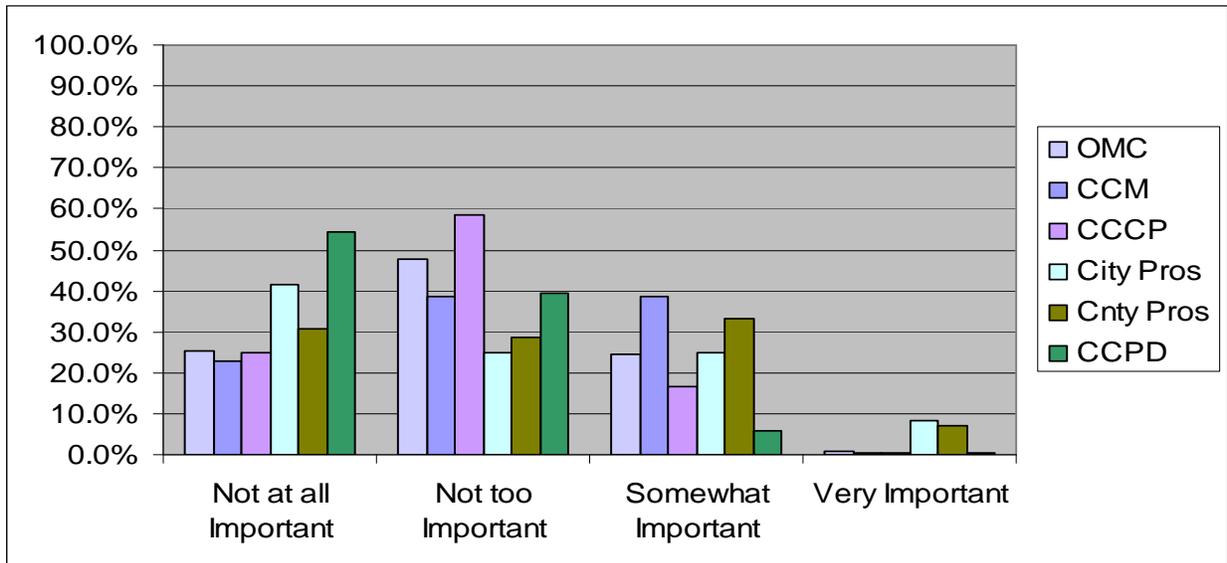
Table 2a. Precedent, When Clear and Directly Relevant



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Not too Important	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Somewhat Important	8.5%	23.0%	16.6%	0.0%	21.4%	24.2%
Very Important	89.3%	76.9%	83.3%	100.0%	78.5%	75.7%

All groups believe the precedent should be a very important factor to a judge when deciding a case, 76 – 100%. No survey groups responded not at all important or not too important.

Table 2b. What the Public Expects



Public defenders were the group with the highest response rate of not at all important, 55%. However, prosecutors, both city and county, had the highest response rate of the very important category, 8% and 7% respectively.

Table 2c. The Community Consequences of a Decision

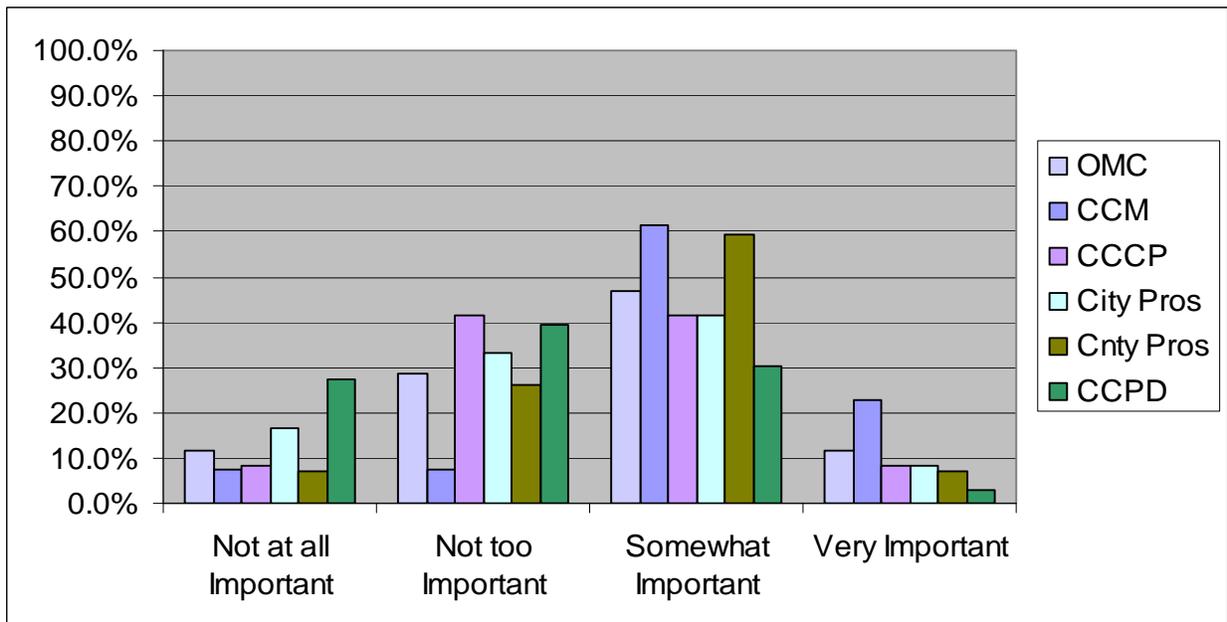
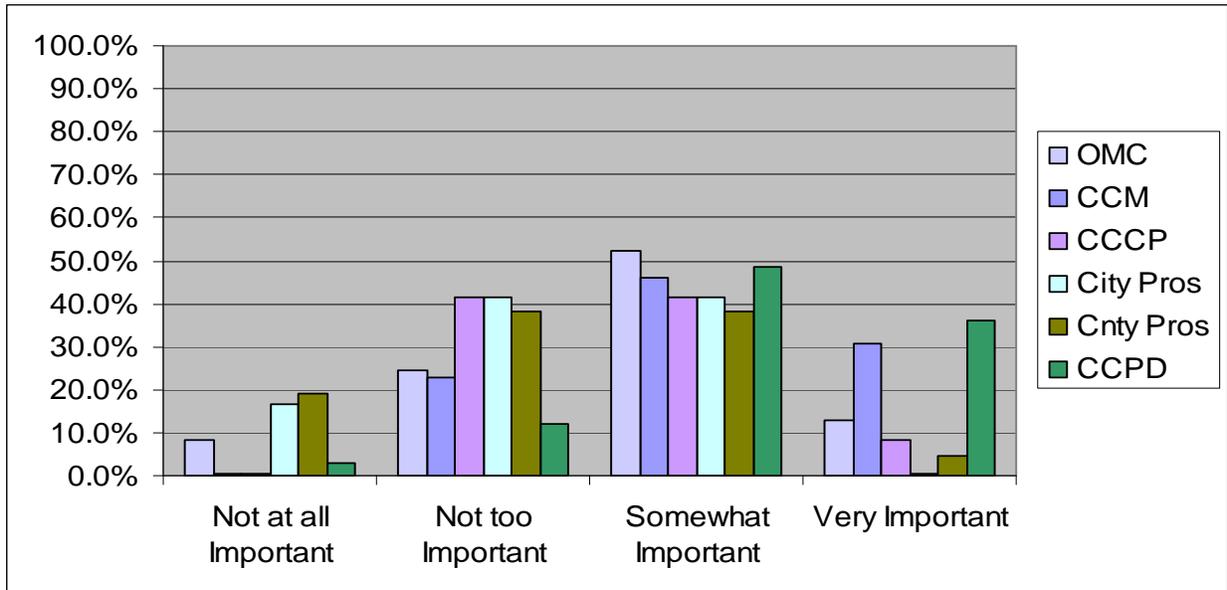


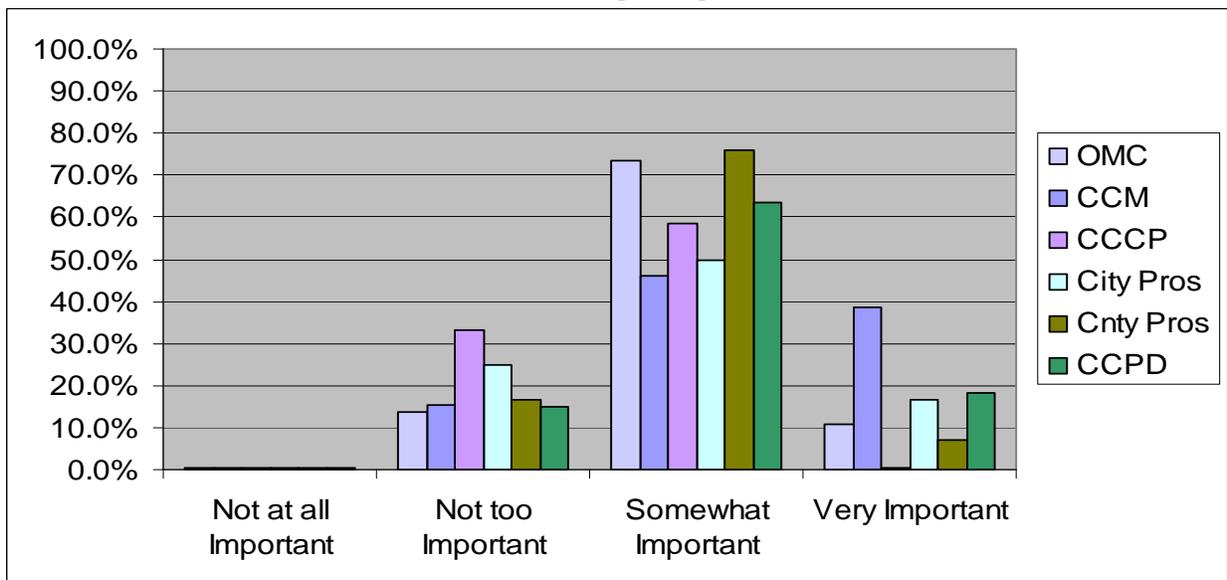
Table 2d. The Individual Needs or Underlying Problems of a Litigant



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	8.5%	0.0%	0.0%	16.6%	19.0%	3.0%
Not too Important	24.4%	23.0%	41.6%	41.6%	38.0%	12.1%
Somewhat Important	52.1%	46.1%	41.6%	41.6%	38.0%	48.4%
Very Important	12.7%	30.7%	8.3%	0.0%	4.7%	36.3%

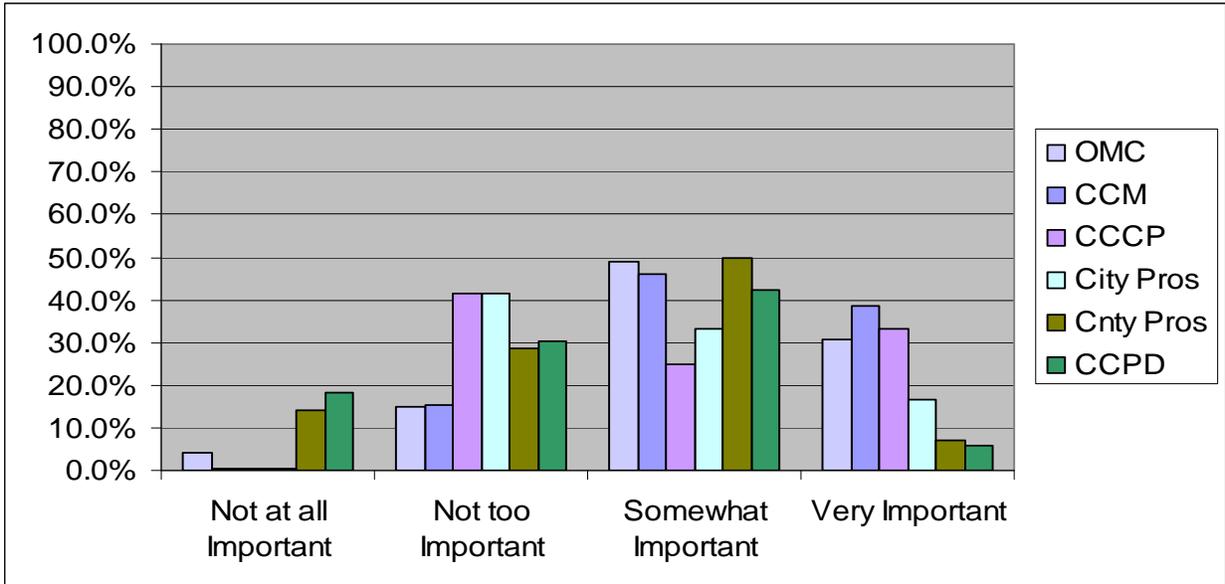
City and county prosecutors find it not to be important to take into account the individual needs or underlying problems of a litigant, 58% and 57% respectively, while county public defenders believe in the importance of such, 85%.

Table 2e. Expert Opinion



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Not too Important	13.8%	15.3%	33.3%	25.0%	16.6%	15.1%
Somewhat Important	73.4%	46.1%	58.3%	50.0%	76.0%	63.6%
Very Important	10.6%	38.4%	0.0%	16.6%	7.1%	18.1%

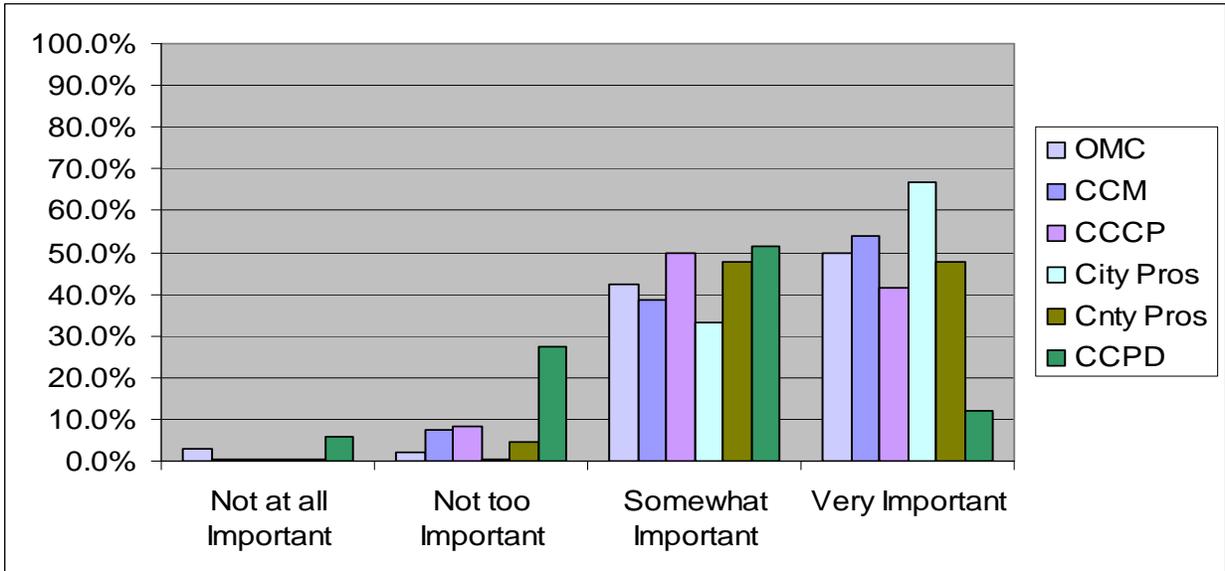
Table 2f. The Judge's View of Justice in a Case



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	4.2%	0.0%	0.0%	0.0%	14.0%	18.1%
Not too Important	14.8%	15.3%	41.6%	41.6%	28.5%	30.3%
Somewhat Important	48.9%	46.1%	25.0%	33.3%	50.0%	42.4%
Very Important	30.8%	38.4%	33.3%	16.6%	7.1%	6.0%

County prosecutors and public defenders responded higher than other groups in the category of not at all important, 14% and 18%. However, all judges responded higher in the very important category than the three remaining survey groups: 31%, 38% and 33%.

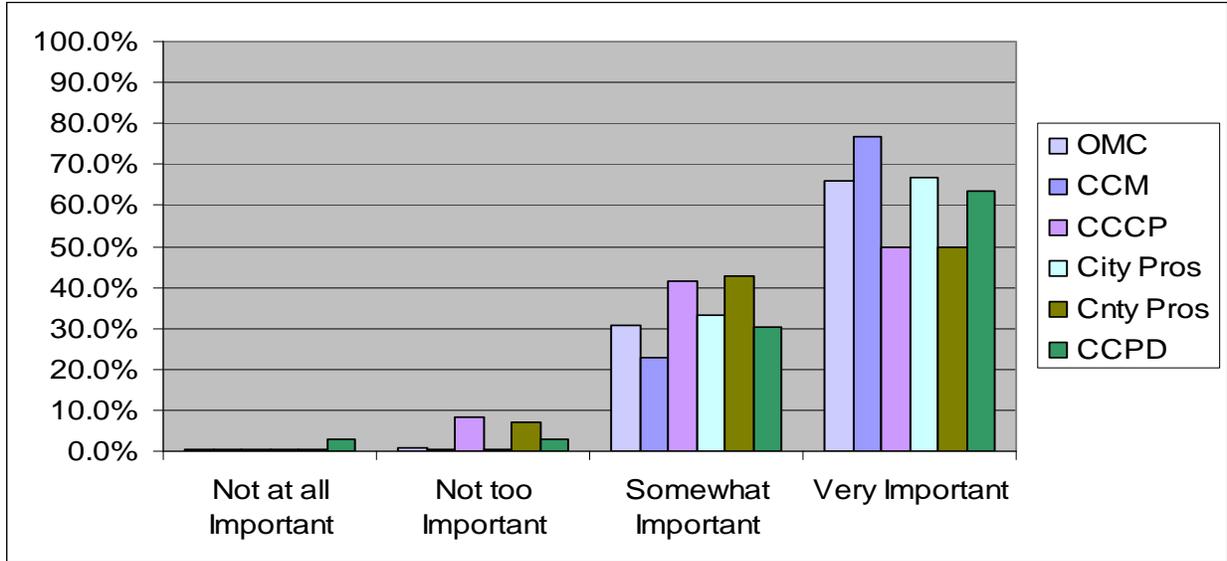
Table 2g. Public Safety



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	3.1%	0.0%	0.0%	0.0%	0.0%	6.0%
Not too Important	2.1%	7.6%	8.3%	0.0%	4.7%	27.2%
Somewhat Important	42.5%	38.4%	50.0%	33.3%	47.6%	51.5%
Very Important	50.0%	53.8%	41.6%	66.6%	47.6%	12.1%

Although all groups believe that public safety is important in judicial decisions making, public defenders believed more than all other groups that this was either not at all important or not too important, 33%. The five other surveyed groups overwhelmingly believe that public safety is very important, 42% to 67%, while only 12% of public defenders agree with such.

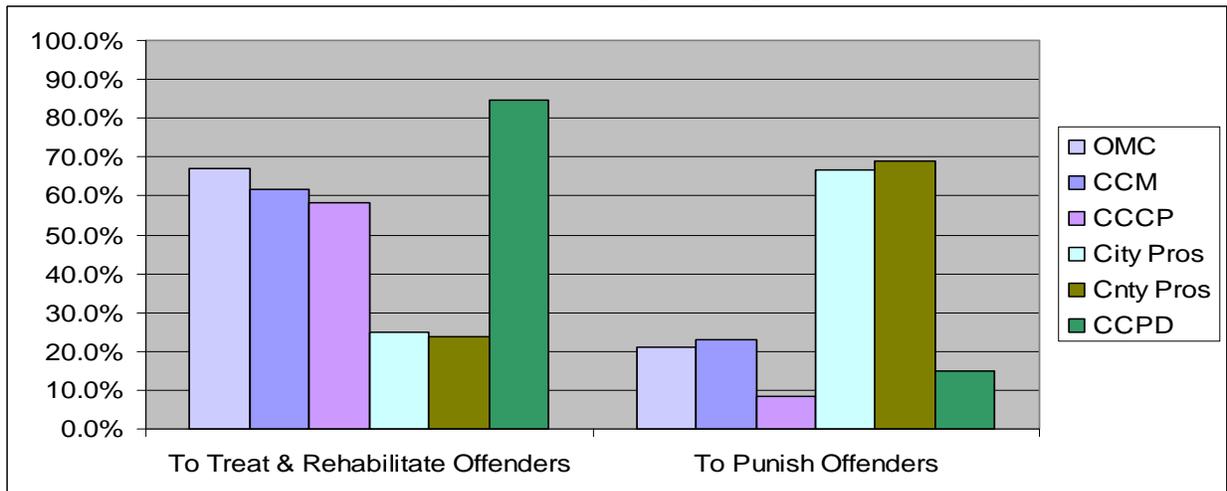
Table 2h. Common Sense



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Important	0.0%	0.0%	0.0%	0.0%	0.0%	3.0%
Not too Important	1.0%	0.0%	8.3%	0.0%	7.1%	3.0%
Somewhat Important	30.8%	23.0%	41.6%	33.3%	42.8%	30.3%
Very Important	65.9%	76.9%	50.0%	66.6%	50.0%	63.6%

All surveyed groups believed that the application of common sense in judicial decisions was somewhat to very important. Results ranged from 92 – 100%.

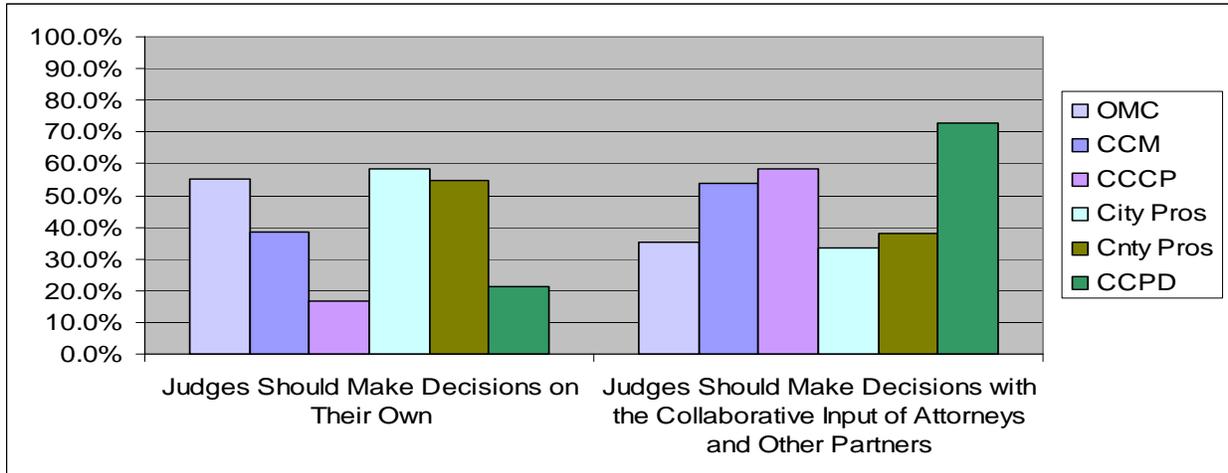
Table 3. Which of the following is a more important goal of the criminal justice system?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
To Treat & Rehabilitate Offenders	67.0%	61.5%	58.3%	25.0%	23.8%	84.8%
To Punish Offenders	21.2%	23.0%	8.3%	66.6%	69.0%	15.1%

With the exception of the prosecution, all groups agreed that treatment and rehabilitation is a more important goal than punishment; responses ranging from 57 to 85%. Conversely, prosecutors, 67-69%, believe that punishment is more important.

Table 4. Which of the following statements most clearly represents your view?

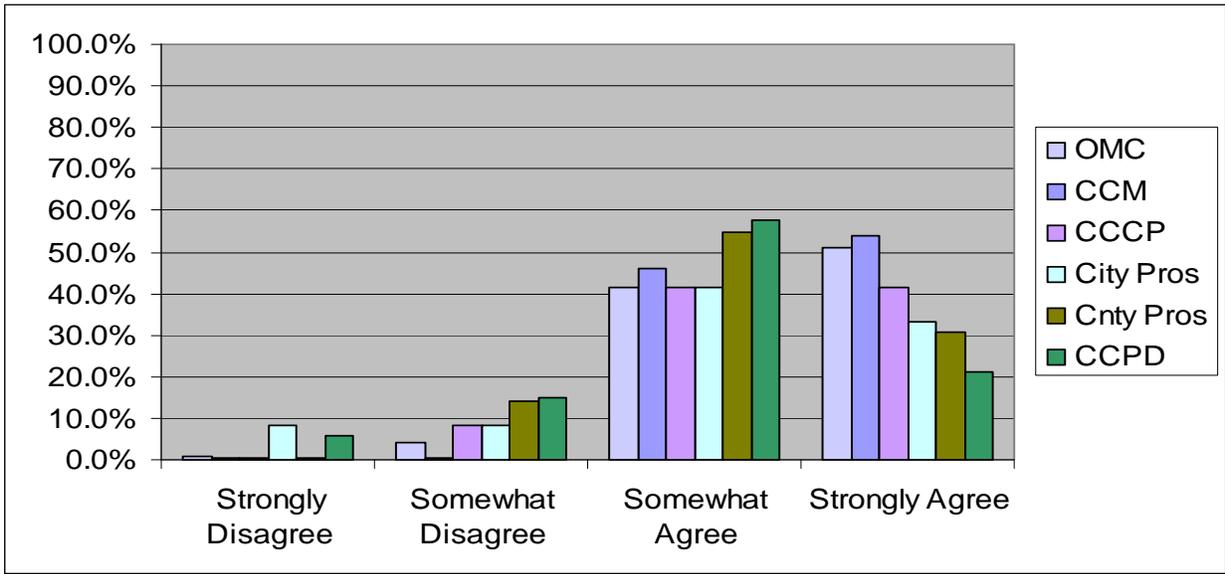


	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Judges Should Make Decisions on Their Own	55.3%	38.4%	16.6%	58.3%	54.7%	21.2%
Judges Should Make Decisions with the Collaborative Input of Attorneys and Other Partners	35.1%	53.8%	58.3%	33.3%	38.0%	72.7%

In sync with the results in Table 3, Table 4 illustrates that public defenders, who believe that treatment is a more important goal, believe that judicial decisions should be made collaboratively, 73%; while prosecutors, who agreed that punishment is more important, believe that judges should make decisions on their own, 55-58%.

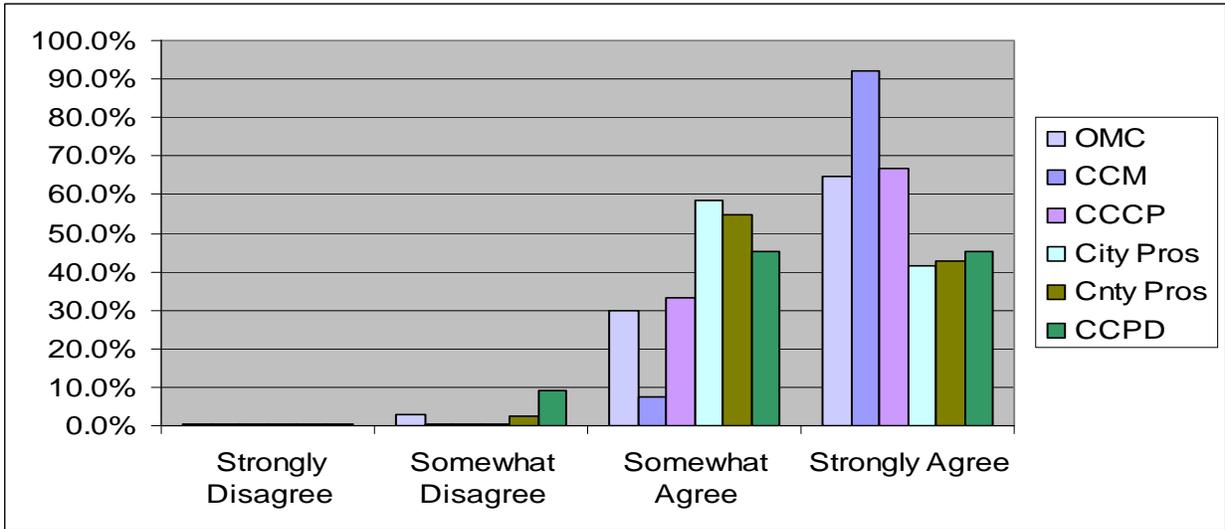
5. Please indicate the extent to which you agree or disagree with each of the following statements:

Table 5a. Judges should handle cases with an eye towards reducing recidivism or future filings.



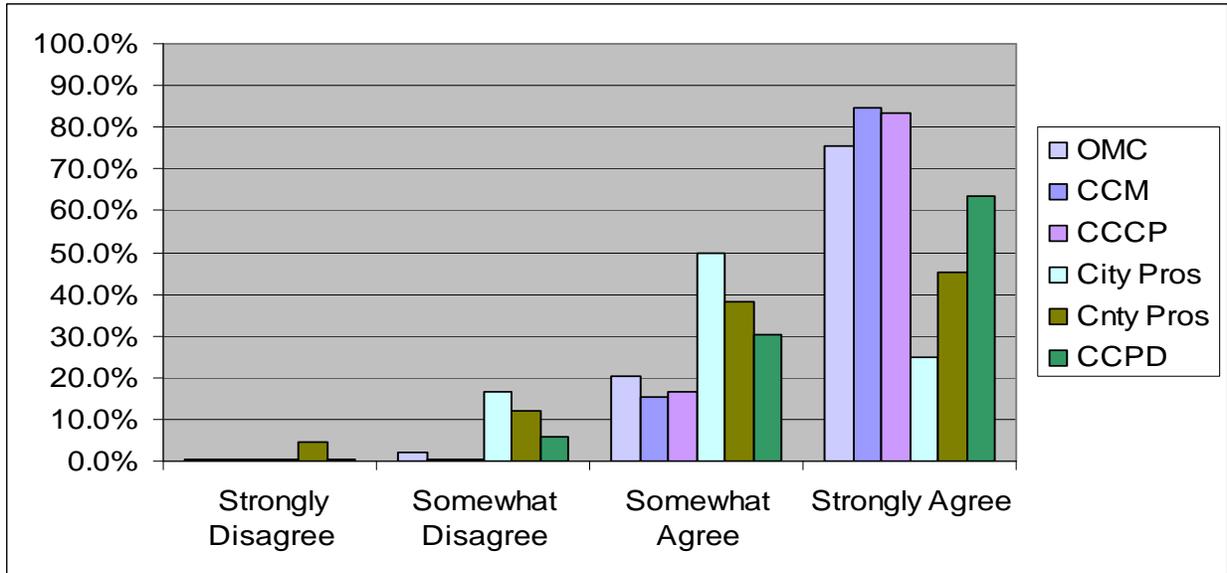
	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	1.0%	0.0%	0.0%	8.3%	0.0%	6.0%
Somewhat Disagree	4.2%	0.0%	8.3%	8.3%	14.2%	15.1%
Somewhat Agree	41.4%	46.1%	41.6%	41.6%	54.7%	57.5%
Strongly Agree	51.0%	53.8%	41.6%	33.3%	30.9%	21.2%

Table 5b. Judicial decisions should help to promote confidence in the courts.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Somewhat Disagree	3.1%	0.0%	0.0%	0.0%	2.3%	9.0%
Somewhat Agree	29.7%	7.6%	33.3%	58.3%	54.7%	45.4%
Strongly Agree	64.8%	92.3%	66.6%	41.6%	42.8%	45.4%

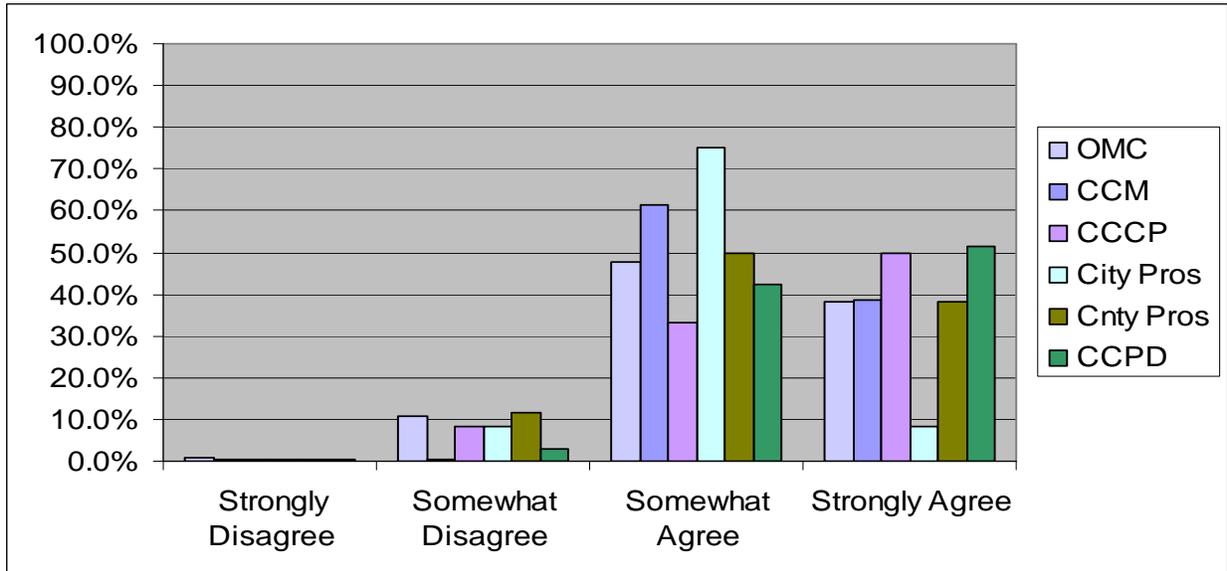
Table 5c. At the end of a case, it is important that litigants believe they were treated fairly by the courts.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	0.0%	0.0%	0.0%	0.0%	4.7%	0.0%
Somewhat Disagree	2.1%	0.0%	0.0%	16.6%	11.9%	6.0%
Somewhat Agree	20.2%	15.3%	16.6%	50.0%	38.0%	30.3%
Strongly Agree	75.5%	84.6%	83.3%	25.0%	45.2%	63.6%

Judges overwhelmingly strongly agree that one’s belief that they were treated fairly by the courts is important; while the bar’s viewpoint is not at strong.

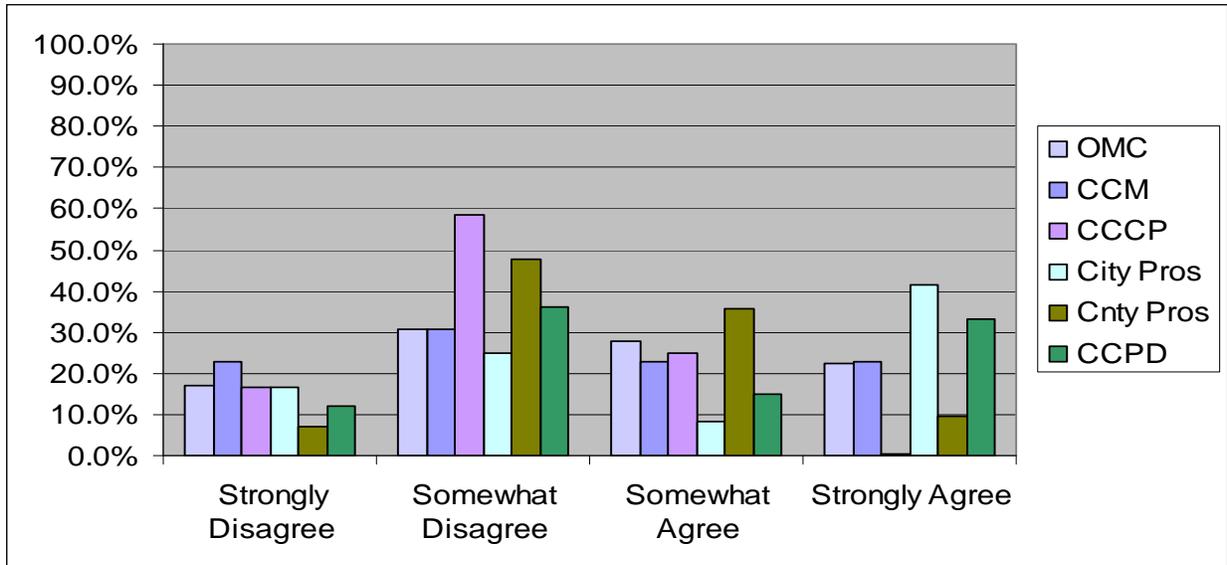
Table 5d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Somewhat Disagree	10.6%	0.0%	8.3%	8.3%	11.5%	3.0%
Somewhat Agree	47.8%	61.5%	33.3%	75.0%	50.0%	42.4%
Strongly Agree	38.3%	38.4%	50.0%	8.3%	38.0%	51.5%

In Table 5d, Cuyahoga County Common Pleas judges and public defenders both strongly agreed, 50% and 52%. Those two survey groups ranked highest in that category.

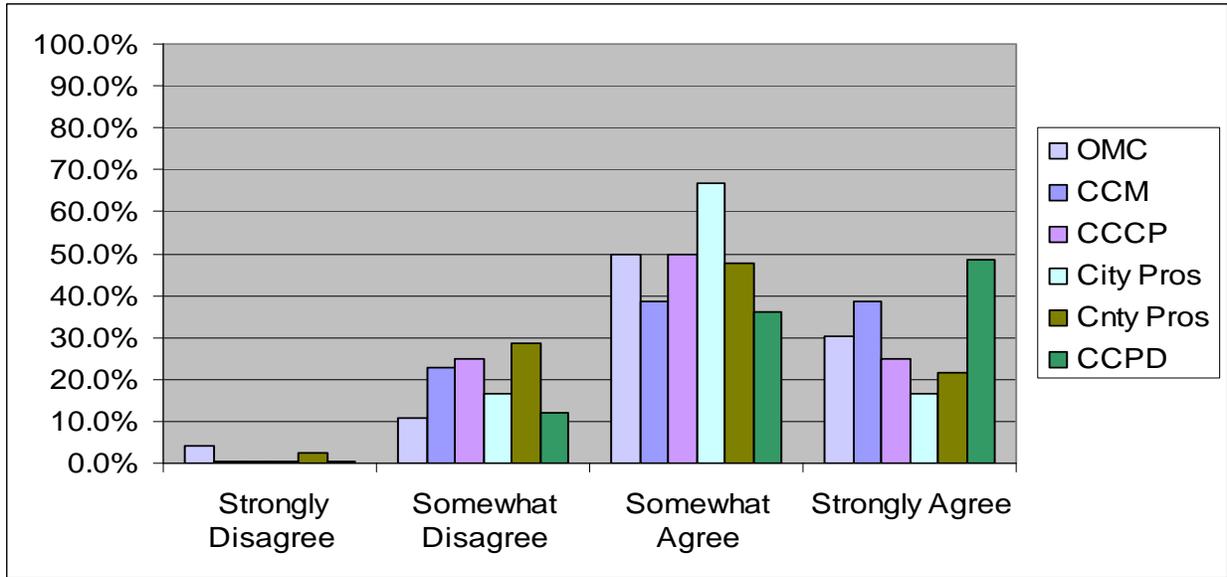
Table 5e. Judges should not speak directly to litigants when their attorney is present.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	17.0%	23.0%	16.6%	16.6%	7.1%	12.1%
Somewhat Disagree	30.8%	30.7%	58.3%	25.0%	47.6%	36.3%
Somewhat Agree	27.6%	23.0%	25.0%	8.3%	35.7%	15.1%
Strongly Agree	22.3%	23.0%	0.0%	41.6%	9.5%	33.3%

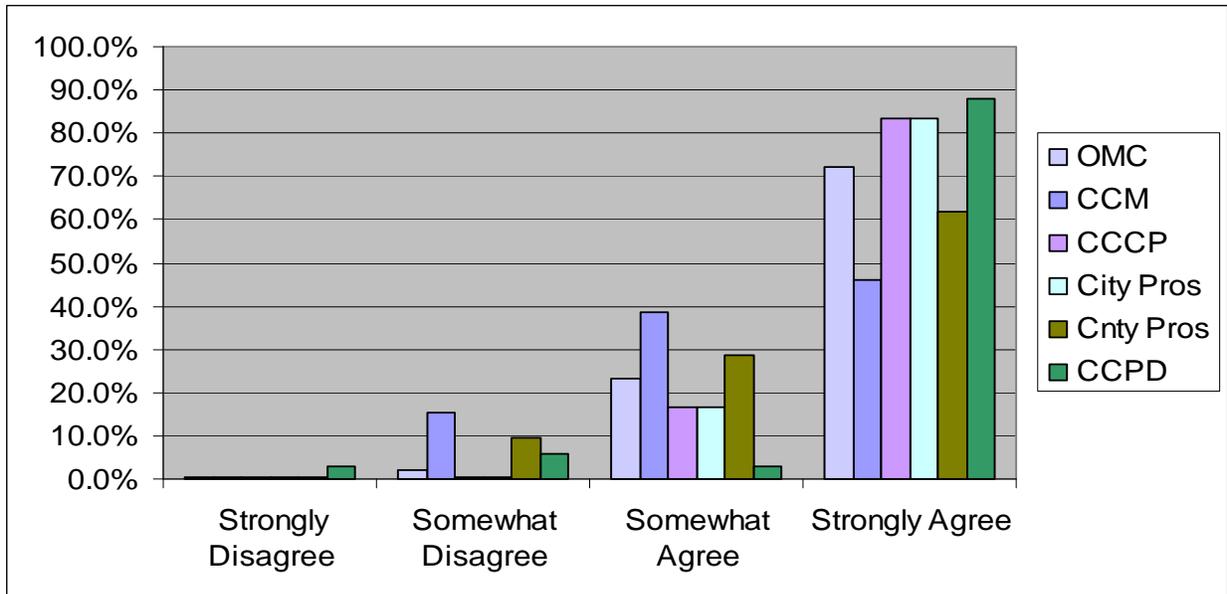
Results varied; however, the greatest response for five out of the six surveyed groups was “somewhat disagree”, 31 to 58%. City prosecutors were the only group with their highest ranking in the category of strongly agree, 42%.

Table 5f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	4.2%	0.0%	0.0%	0.0%	2.3%	0.0%
Somewhat Disagree	10.6%	23.0%	25.0%	16.6%	28.5%	12.1%
Somewhat Agree	50.0%	38.4%	50.0%	66.6%	47.6%	36.3%
Strongly Agree	30.1%	38.4%	25.0%	16.6%	21.4%	48.4%

Table 5g. It is important for judges to learn about drug addition, mental illness and domestic violence.

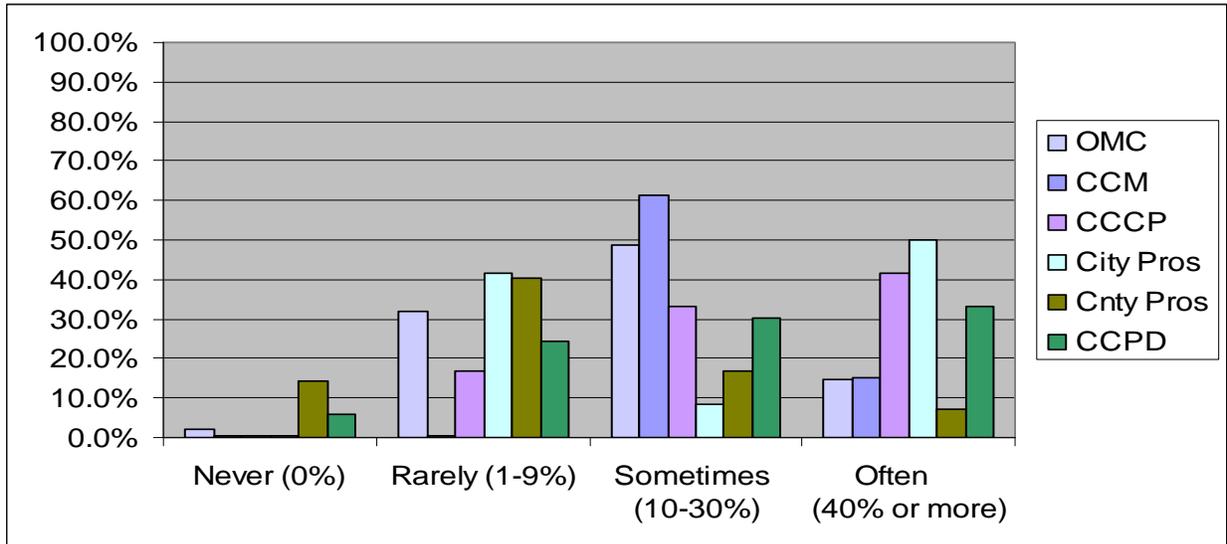


	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disagree	0.0%	0.0%	0.0%	0.0%	0.0%	3.0%
Somewhat Disagree	2.1%	15.3%	0.0%	0.0%	9.5%	6.0%
Somewhat Agree	23.4%	38.4%	16.6%	16.6%	28.5%	3.0%
Strongly Agree	72.3%	46.1%	83.3%	83.3%	61.9%	87.8%

With regard to the previous chart, the highest response from all six surveyed groups is strongly agree, results ranging from 46 to 88%; with the highest from public defenders. This supports the public defenders overall belief in problem solving courts and methods.

6. During the past year, in approximately what percentage of all cases you hear/were involved, did you do each of the following/did each of the following occur?

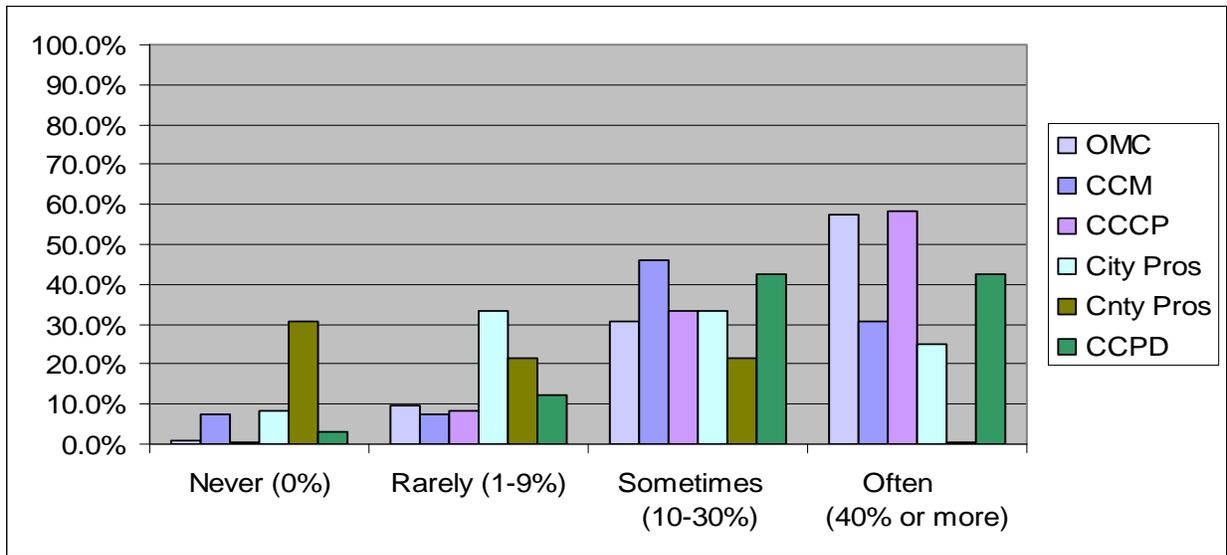
Table 6a. Proposed a case disposition or sentence not offered by the attorneys of record.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	2.1%	0.0%	0.0%	0.0%	14.2%	6.0%
Rarely (1-9%)	31.9%	0.0%	16.6%	41.6%	40.4%	24.2%
Sometimes (10-30%)	48.9%	61.5%	33.3%	8.3%	16.6%	30.3%
Often (40% or more)	14.8%	15.3%	41.6%	50.0%	7.1%	33.3%

All groups representing judges in Cuyahoga County believe that they either sometimes or often propose a case disposition or sentence not offered by the attorneys of record, 75% and 77%. However, the viewpoint of the bar in that same jurisdiction is that 24% to 63% experience such.

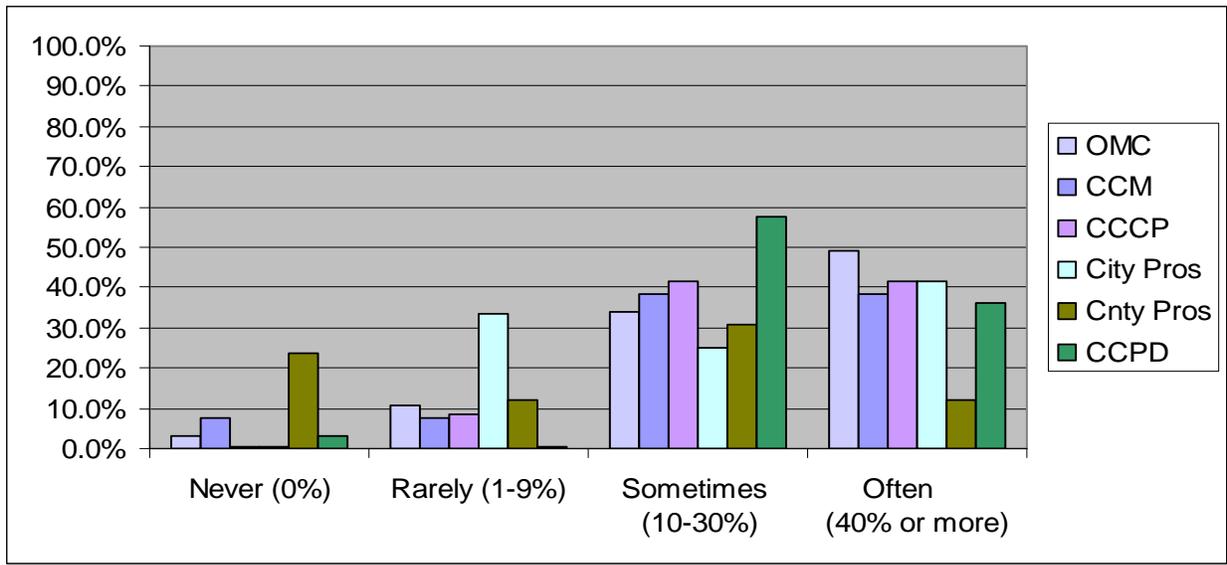
Table 6b. Ordered a litigant to drug or mental health treatment when not required to by statute.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	1.0%	7.6%	0.0%	8.3%	30.9%	3.0%
Rarely (1-9%)	9.5%	7.6%	8.3%	33.3%	21.4%	12.1%
Sometimes (10-30%)	30.8%	46.1%	33.3%	33.3%	21.4%	42.4%
Often (40% or more)	57.4%	30.7%	58.3%	33.3%	0.0%	42.4%

Judges response from the Cuyahoga Court of Common Pleas is that they often order a litigant to drug or mental health treatment when not required by statute, 58% and never, 0%. However, the responses of the Cuyahoga County prosecutors were directly opposite; 31% believe that they have never experienced a judge ordering a litigant to drug or mental health treatment when not required by statute and 0% has experienced such often.

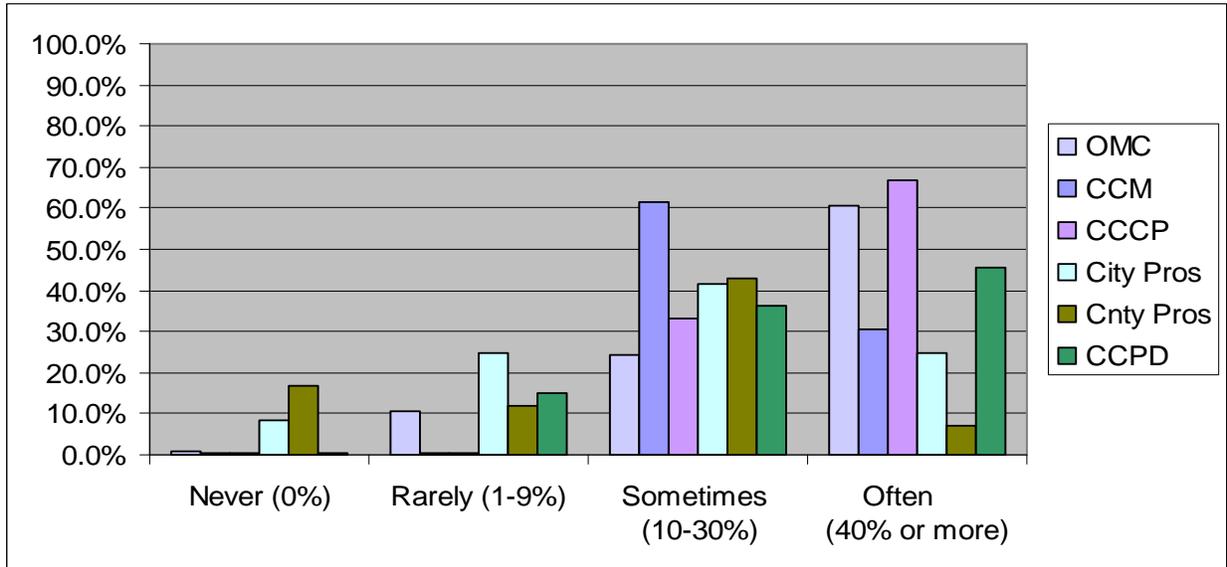
Table 6c. Based a decision on information about the individual needs or problems of a litigant.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	3.1%	7.6%	0.0%	0.0%	23.8%	3.0%
Rarely (1-9%)	10.6%	7.6%	8.3%	33.3%	11.9%	0.0%
Sometimes (10-30%)	34.0%	38.4%	41.6%	25.0%	30.9%	57.5%
Often (40% or more)	48.9%	38.4%	41.6%	41.6%	11.9%	36.3%

City and county prosecutors, by 33% and 35%, believe that they never or rarely experience a judge basing a decision on information about the individual need or problems of the litigant. Conversely, all other groups agree that such happens sometimes or often, responding 77% to 94%.

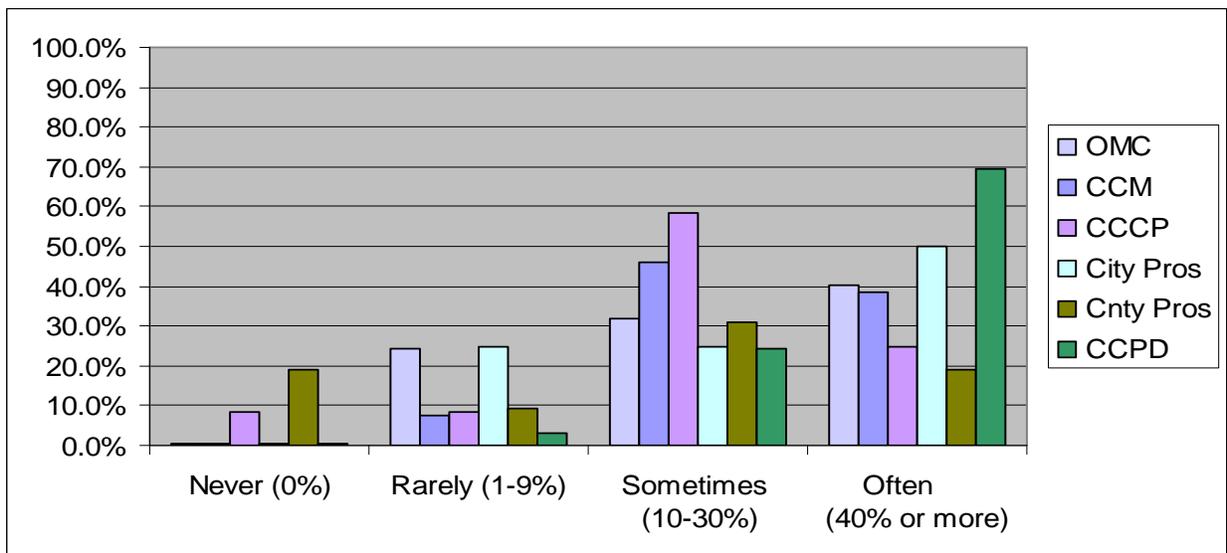
Table 6d. Followed the recommendation of a treatment agency staff member in making a decision in a case.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	1.0%	0.0%	0.0%	8.3%	16.6%	0.0%
Rarely (1-9%)	10.6%	0.0%	0.0%	25.0%	11.9%	15.1%
Sometimes (10-30%)	24.4%	61.5%	33.3%	41.6%	42.8%	36.3%
Often (40% or more)	60.6%	30.7%	66.6%	25.0%	7.1%	45.4%

Both city and county prosecutors have a higher response rate to the categories never and rarely, 33% and 29%, respectively. This is 18% and 13% higher than the responses by the other four groups.

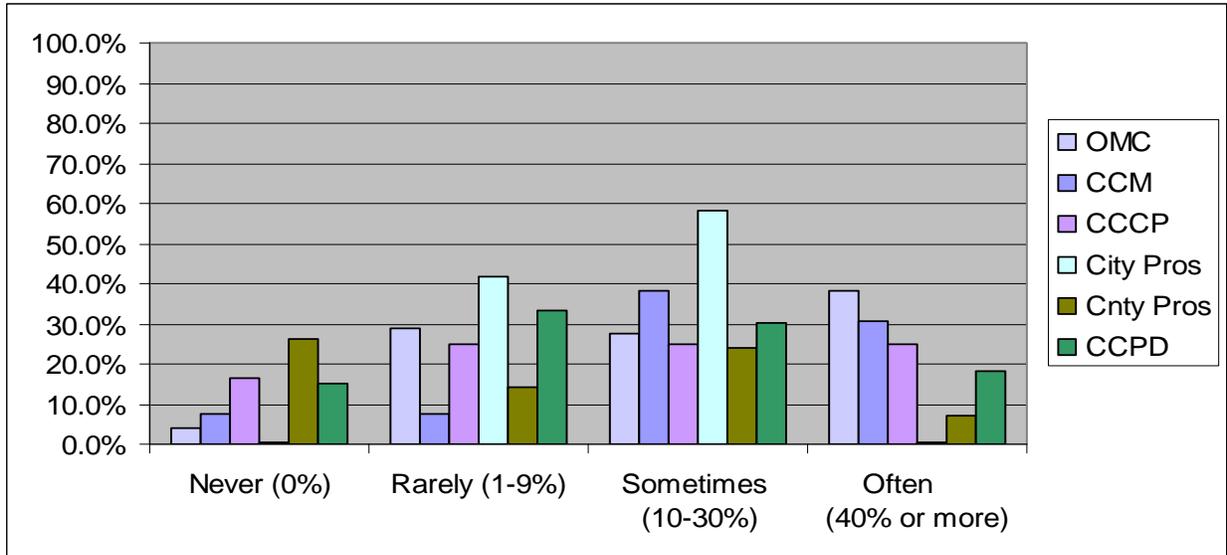
Table 6e. Posed questions directly to a litigant in court.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	0.0%	0.0%	8.3%	0.0%	19.0%	0.0%
Rarely (1-9%)	24.4%	7.6%	8.3%	25.0%	9.5%	3.0%
Sometimes (10-30%)	31.9%	46.1%	58.3%	25.0%	30.9%	24.2%
Often (40% or more)	40.4%	38.4%	25.0%	50.0%	19.0%	69.6%

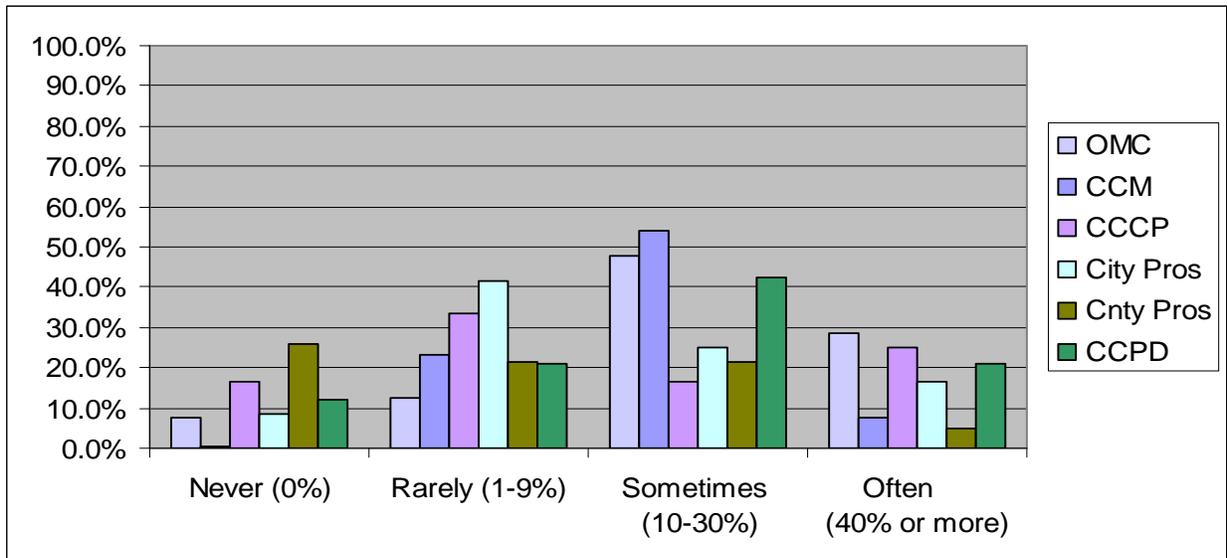
With regard to Table 6e, judges of the Cuyahoga County Court of Common Pleas and prosecutors from Cuyahoga County were the only two groups who had responses in the category of never, 8% and 19%.

Table 6f. Set regular in-court review dates to monitor a litigant's compliance with a court mandate.



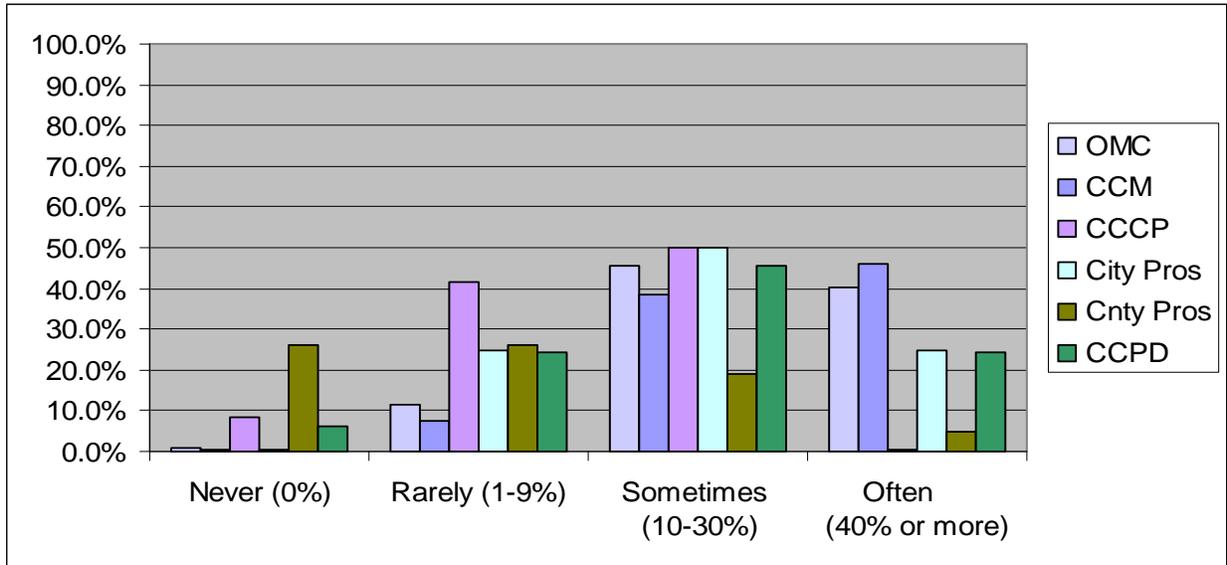
	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	4.2%	7.6%	16.6%	0.0%	26.1%	15.1%
Rarely (1-9%)	28.7%	7.6%	25.0%	41.6%	14.2%	33.3%
Sometimes (10-30%)	27.6%	38.4%	25.0%	58.3%	23.8%	30.3%
Often (40% or more)	38.3%	30.7%	25.0%	0.0%	7.1%	18.1%

Table 6g. Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate.



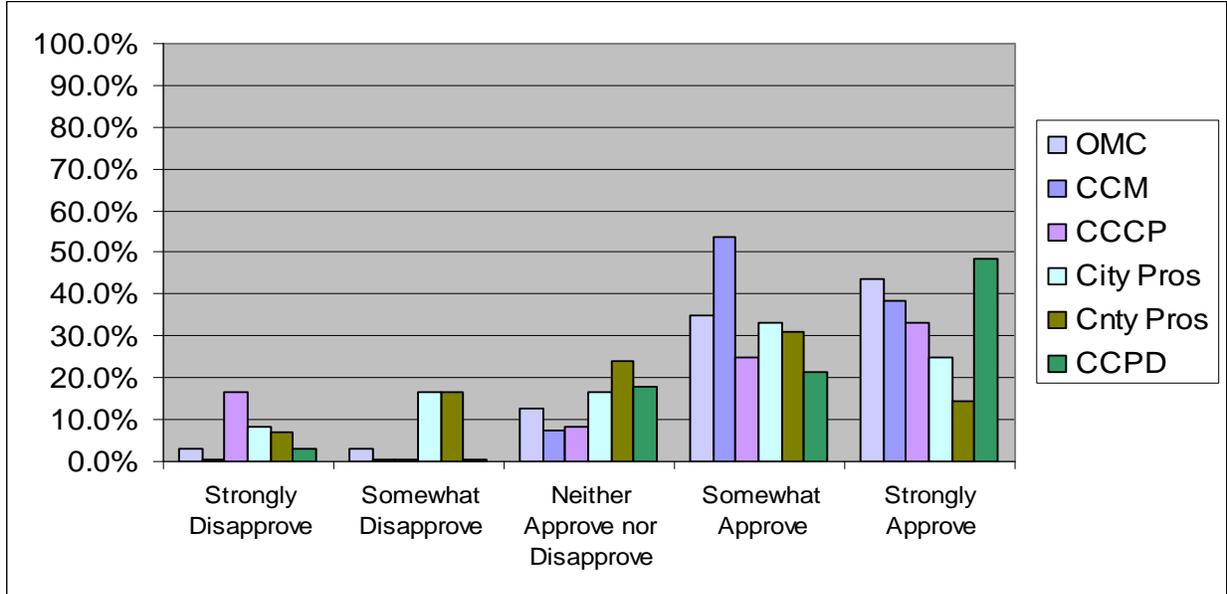
	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	7.4%	0.0%	16.6%	8.3%	26.1%	12.1%
Rarely (1-9%)	12.7%	23.0%	33.3%	41.6%	21.4%	21.2%
Sometimes (10-30%)	47.8%	53.8%	16.6%	25.0%	21.4%	42.4%
Often (40% or more)	28.7%	7.6%	25.0%	16.6%	4.7%	21.2%

Table 6h. Offered verbal praise to a litigant for complying with a court mandate.



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Never (0%)	1.0%	0.0%	8.3%	0.0%	26.1%	6.0%
Rarely (1-9%)	11.7%	7.6%	41.6%	25.0%	26.1%	24.2%
Sometimes (10-30%)	45.7%	38.4%	50.0%	50.0%	19.0%	45.4%
Often (40% or more)	40.4%	46.1%	0.0%	25.0%	4.7%	24.2%

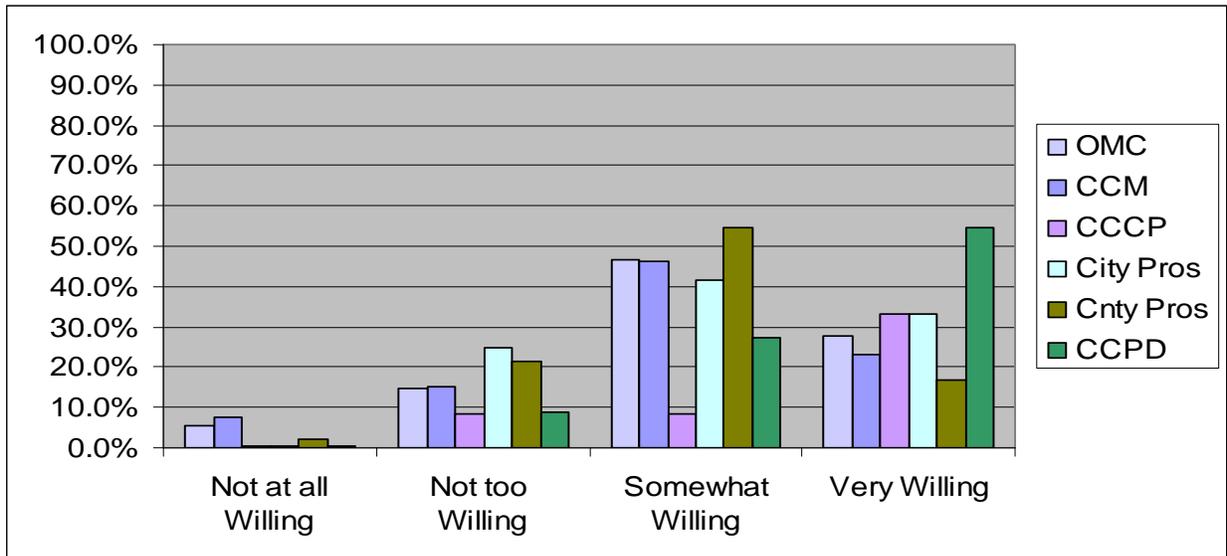
Table 7. In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear/are currently involved?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Strongly Disapprove	3.1%	0.0%	16.6%	8.3%	7.1%	3.0%
Somewhat Disapprove	3.1%	0.0%	0.0%	16.6%	16.6%	0.0%
Neither Approve nor Disapprove	12.7%	7.6%	8.3%	16.6%	23.8%	18.1%
Somewhat Approve	35.1%	53.8%	25.0%	33.3%	30.9%	21.2%
Strongly Approve	43.6%	38.4%	33.3%	25.0%	14.2%	48.4%

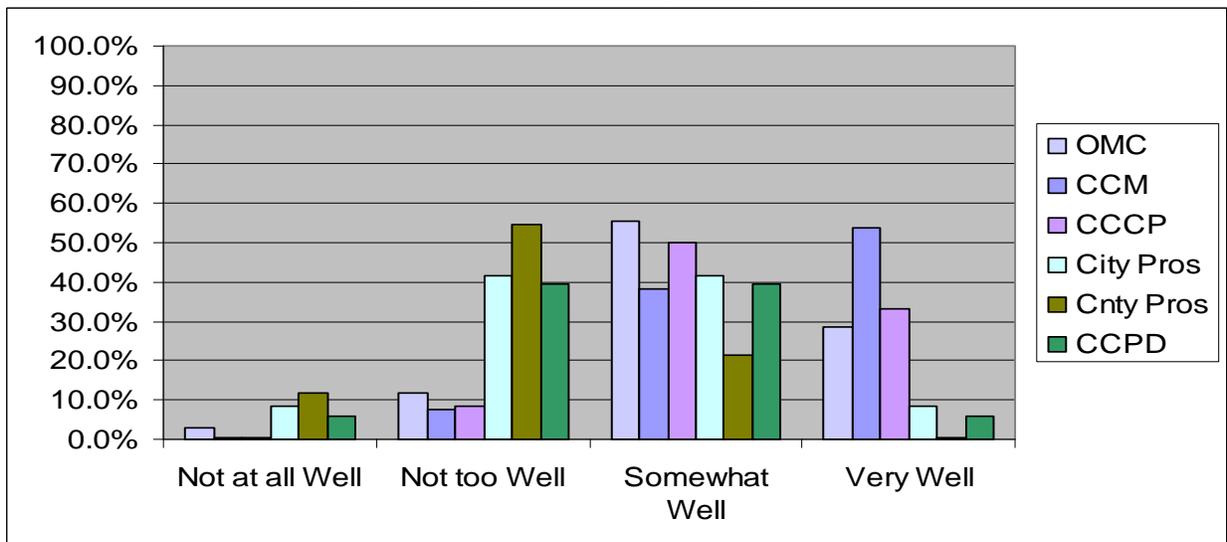
With regard to Table 7, city and county prosecutors have a higher disapproval, 25% and 24%, than the other four groups when asked about the application of problem solving methods in the types of cases they are currently involved.

Table 8. How willing would you be to consider applying problem-solving methods on a different calendar assignment?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Willing	5.3%	7.6%	0.0%	0.0%	2.3%	0.0%
Not too Willing	14.8%	15.3%	8.3%	25.0%	21.4%	9.0%
Somewhat Willing	46.8%	46.1%	8.3%	41.6%	54.7%	27.2%
Very Willing	27.6%	23.0%	33.3%	33.3%	16.6%	54.5%

Table 9. In your opinion, how well does problem-solving describe your current judging practice/practices that you experience?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Well	3.1%	0.0%	0.0%	8.3%	11.9%	6.0%
Not too Well	11.7%	7.6%	8.3%	41.6%	54.7%	39.3%
Somewhat Well	55.3%	38.4%	50.0%	41.6%	21.4%	39.3%
Very Well	28.7%	53.8%	33.3%	8.3%	0.0%	6.0%

Table 9 reflects that judges surveyed ranked high their belief that they are practicing problem solving methods somewhat well and very well, 83 – 92%; however the bar’s viewpoint is the contrary, with their rankings of not at all well and not too well being 50 – 77%.

10. In what types of cases do you consider it appropriate to apply one or more problem solving method?

Write-in responses included all, none, criminal, family, traffic, civil, non-violent criminal, domestic violence, drug, alcohol, assault, criminal damage, endangering children, mental health criminal, juvenile, theft, probate, adult guardianships, prostitution, foreclosure, misdemeanors, underage drinking, housing and environmental.

These responses were not tabulated into percentages because answers were 1) not consistently given by participants, and 2) the same as the question below.

11. In what types of cases do you consider it inappropriate to apply one or more problem solving methods?

Write-in responses included all, none, violent criminal, traffic, criminal, civil, serious felonies, dui felonies, sex offenses with minors. Repeat criminal offenses, rape, homicide, estate, robbery, kidnapping, burglary, divorce, vandalism, family, and domestic violence.

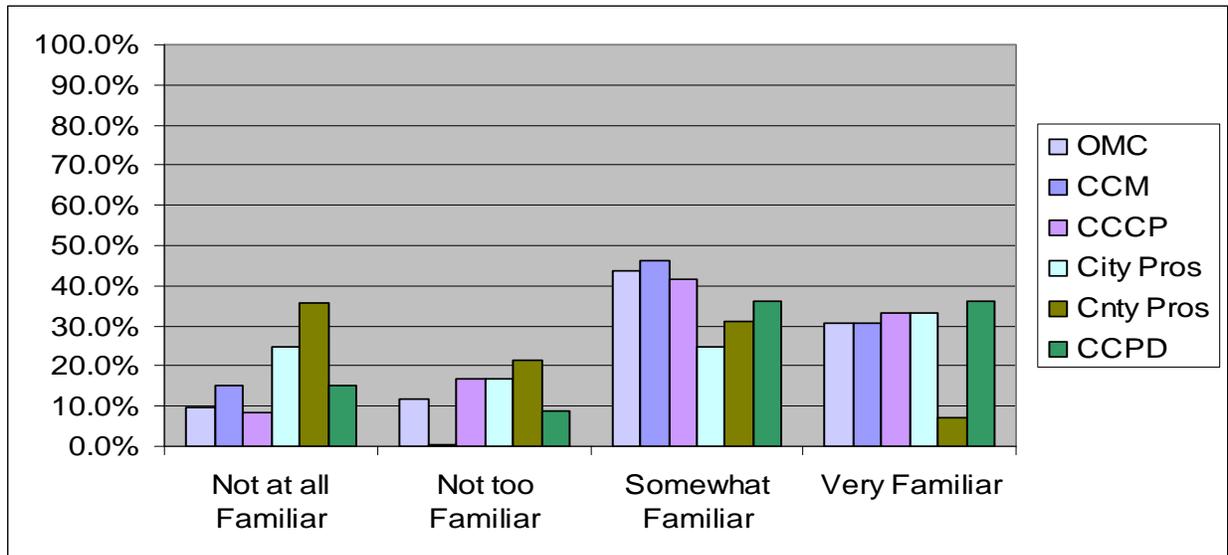
These responses were not tabulated into percentages because answers were 1) not consistently given by participants, and 2) the same as the question above.

Table 12. The following are reasons that trial court judges may give/may be given for not applying problem-solving methods more frequently. Which of these apply to your current assignment/with which do you agree?

	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
I do not agree with problem methods	2.1%			8.3%	7.1%	3.0%
Problem solving methods are not effective				16.6%	16.6%	12.1%
Problem solving methods are "soft" on crime	2.1%	7.6%		33.3%	35.7%	9.0%
Problem solving compromises the neutrality of the court	13.8%		8.3%	33.3%	9.5%	18.1%
I need to acquire additional knowledge or skills about how to use these methods	20.2%	23.0%	33.3%	16.6%	26.1%	27.2%
Heavy caseloads require me to push cases along	34.0%	15.3%	25.0%	50.0%	42.8%	18.1%
Lack of necessary support staff or services	45.7%	46.1%	16.6%	41.6%	35.7%	39.3%
The cases on my calendar are inappropriate for problem solving methods	8.5%	7.6%	8.3%	50.0%	59.5%	33.3%
Attorneys would oppose it					7.1%	15.1%
My colleagues on the bench do not support problem solving methods	2.1%			8.3%	11.9%	36.3%
None of the above	25.5%	7.6%	16.6%	16.6%	7.1%	15.1%

Judges believe that the main reasons for not applying problem solving methods are: 1) lack of necessary support or services; 2) the need to acquire additional knowledge or skills about how to use problem solving methods; and 3) heavy caseloads require pushing cases along. The bar believes that problem solving methods are not being used because: 1) cases are inappropriate for problem solving methods; 2) caseloads are being pushed along because they are too heavy; and 3) lack of necessary support staff or services.

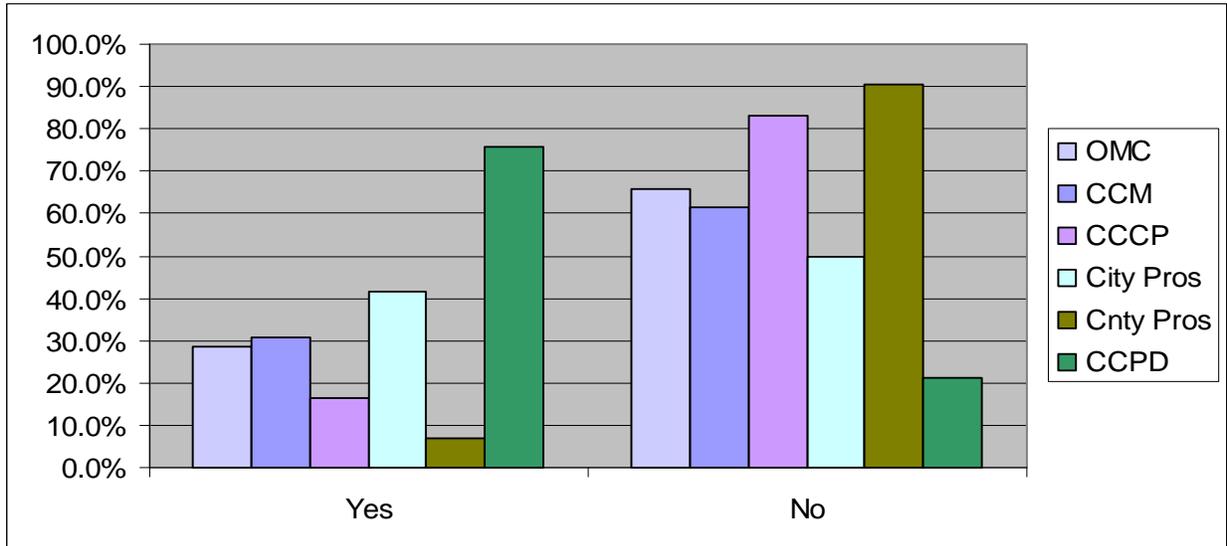
Table 13. How familiar are you with “specialized problem-solving courts”?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Familiar	9.5%	15.3%	8.3%	25.0%	35.7%	15.1%
Not too Familiar	11.7%	0.0%	16.6%	16.6%	21.4%	9.0%
Somewhat Familiar	43.6%	46.1%	41.6%	25.0%	30.9%	36.3%
Very Familiar	30.8%	30.7%	33.3%	33.3%	7.1%	36.3%

Judges that ranked themselves high for the application of problem solving methods, (see Table 9, page 57), ranked themselves lower as to their familiarity with problem solving courts 74 – 77%. Only 7% of county prosecutors claimed to be very familiar with problem solving courts, 23% lower than the next highest group.

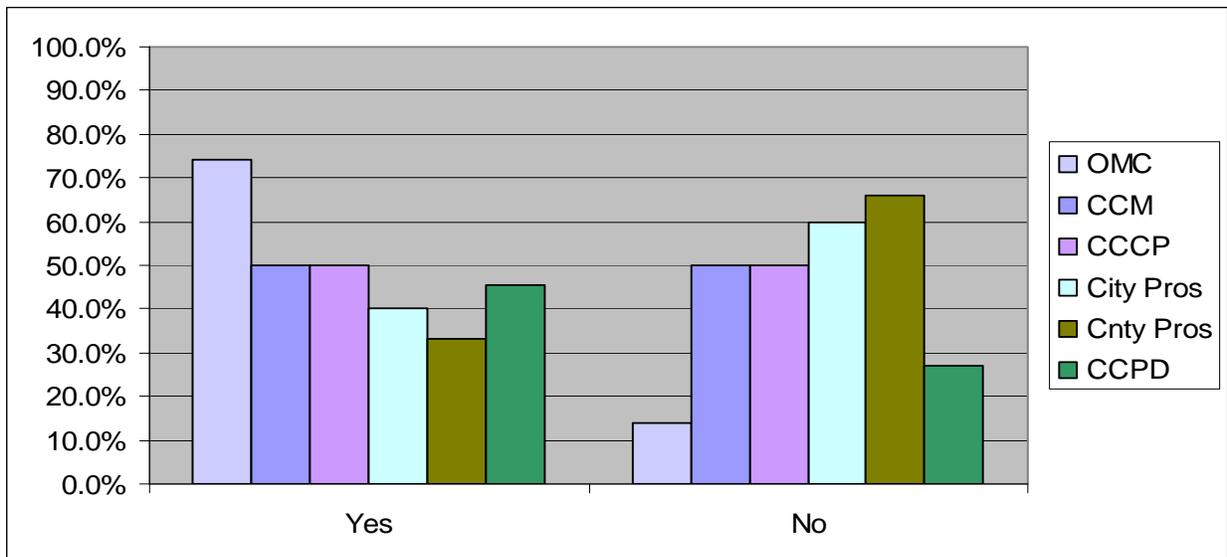
Table 14. Have you ever presided in/been assigned to/litigated in a “specialized problem-solving court”?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Yes	28.7%	30.7%	16.6%	41.6%	7.1%	75.7%
No	65.9%	61.5%	83.3%	50.0%	90.4%	21.2%

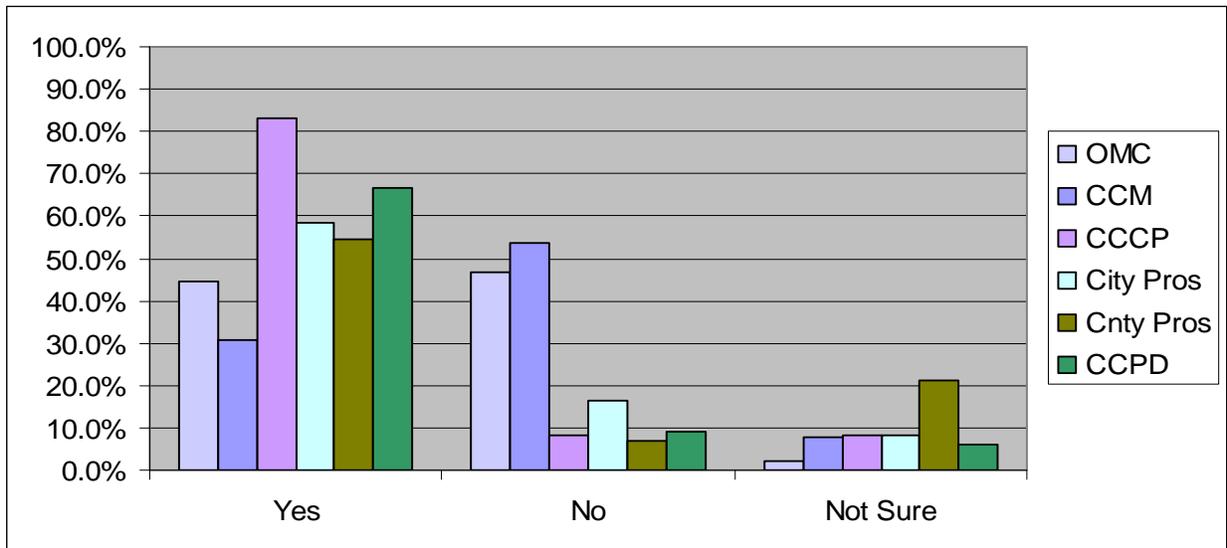
In agreement with the results presented in Table 13, judges that ranked themselves high for the application of problem solving methods, (see Table 9, page 57), ranked themselves lower as to whether they have presided in a problem solving court. In addition, the same percentage of county prosecutors that ranked themselves not very familiar with problem solving courts in Table 13, is the exact same as those who have not been assigned to a problem solving court, 7%.

Table 14a. If yes, do you currently preside in/assigned to/litigate in a specialized problem-solving court?



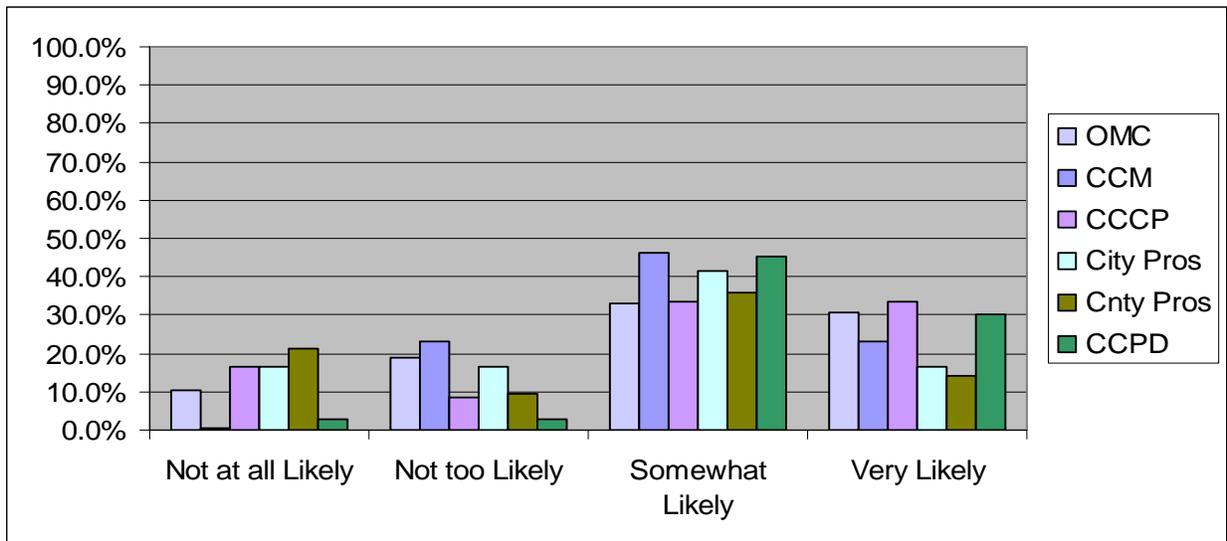
	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Yes	74.0%	50.0%	50.0%	40.0%	33.0%	45.4%
No	14.0%	50.0%	50.0%	60.0%	66.0%	27.2%

Table 15. Does your jurisdiction contain a specialized problem-solving court?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Yes	44.6%	30.7%	83.3%	58.3%	54.7%	66.6%
No	26.8%	53.8%	8.3%	16.6%	7.1%	69.6%
Not Sure	2.1%	7.6%	8.3%	8.3%	21.4%	6.0%

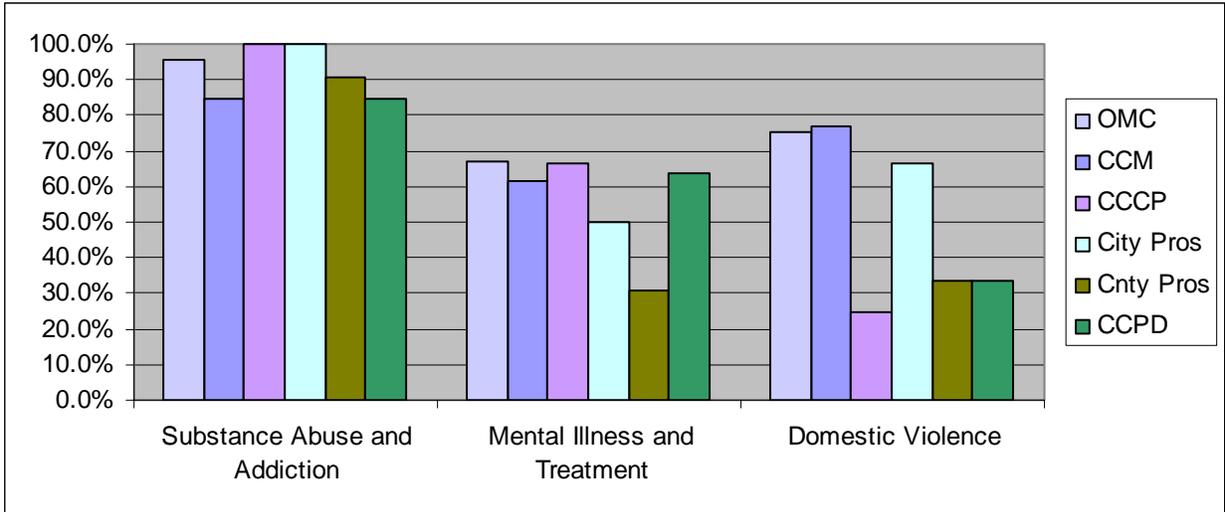
Table 16. In the future, if you were offered an opportunity to preside in/for assignment/litigation in a specialized problem solving court, how likely would you be to accept it?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Likely	10.6%	0.0%	16.6%	16.6%	21.4%	3.0%
Not too Likely	19.1%	23.0%	8.3%	16.6%	9.5%	3.0%
Somewhat Likely	32.9%	46.1%	33.3%	41.6%	35.7%	45.4%
Very Likely	30.8%	23.0%	33.3%	16.6%	14.2%	30.3%

At least 50% of all groups surveyed responded that they would be somewhat likely and very likely to accept an opportunity presiding or litigating in a problem solving court.

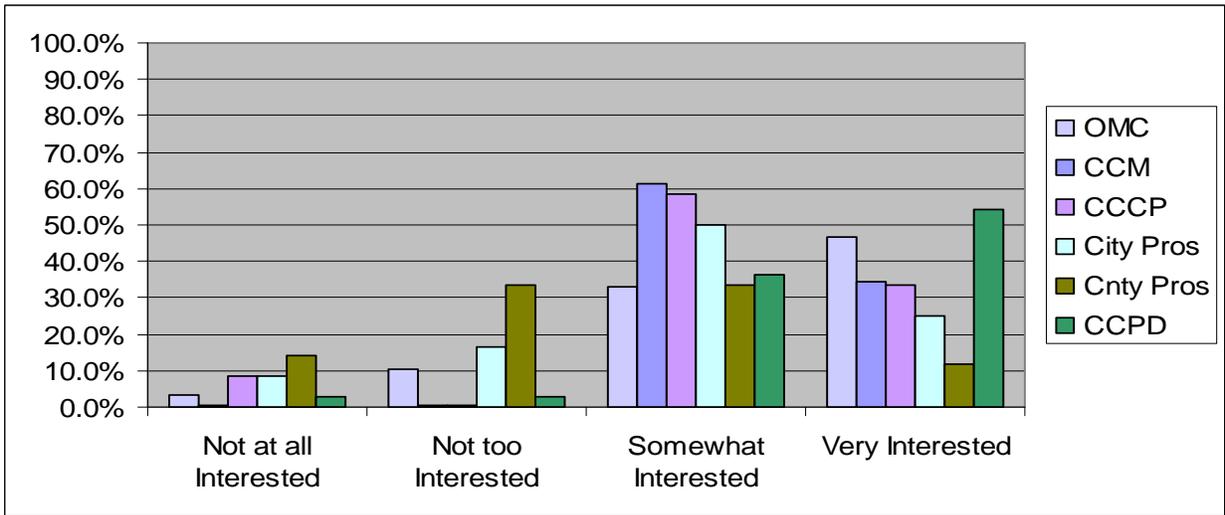
Table 17. In the past three years, did you attend a seminar or judicial education program in any of the following areas?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Substance Abuse and Addiction	95.7%	84.6%	100.0%	100.0%	90.4%	84.8%
Mental Illness and Treatment	67.0%	61.5%	66.6%	50.0%	30.9%	63.6%
Domestic Violence	75.5%	76.9%	25.0%	66.6%	33.3%	33.6%

18. How interested would you be in learning more about each of the following?

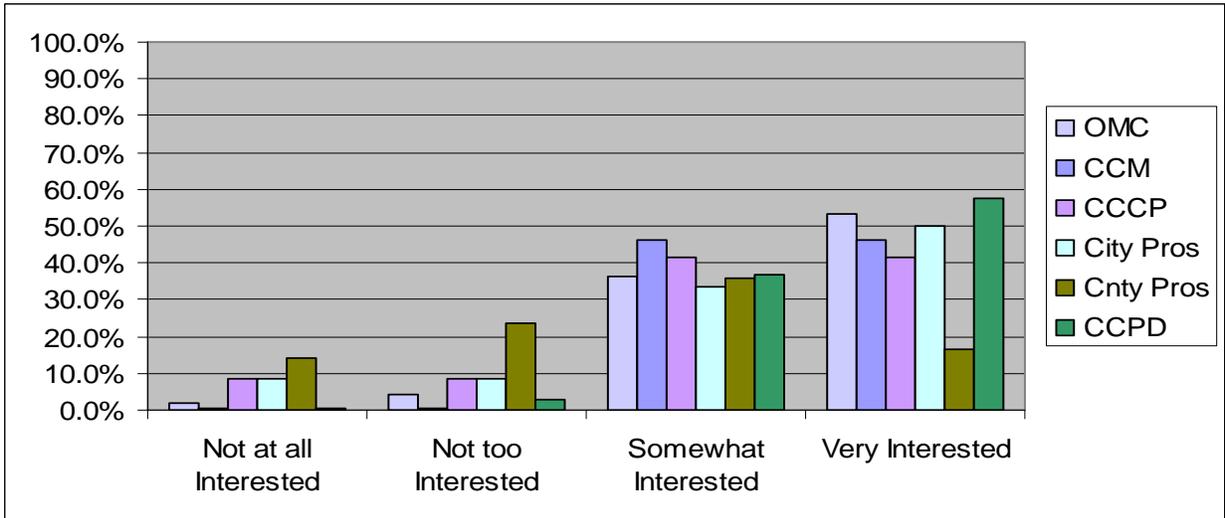
Table 18a. Substance Abuse and Addiction



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Interested	3.1%	0.0%	8.3%	8.3%	14.2%	3.0%
Not too Interested	10.6%	0.0%	0.0%	16.6%	33.3%	3.0%
Somewhat Interested	32.9%	61.5%	58.3%	50.0%	33.3%	36.3%
Very Interested	46.8%	34.3%	33.3%	25.0%	11.9%	54.2%

County prosecutors were the least interested in learning about substance abuse and addiction, 45%. All other groups responded 75% to 96% in the categories somewhat interested and very interested.

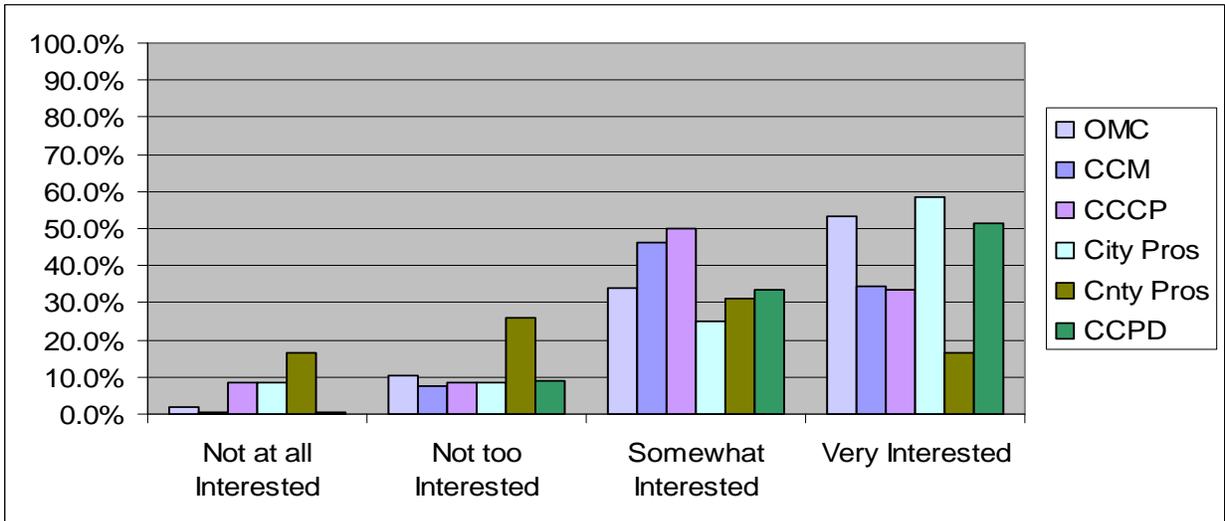
Table 18b. Mental Illness and Treatment



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Interested	2.1%	0.0%	8.3%	8.3%	14.2%	0.0%
Not too Interested	4.2%	0.0%	8.3%	8.3%	23.8%	3.0%
Somewhat Interested	36.1%	46.1%	41.6%	33.3%	35.7%	36.6%
Very Interested	53.1%	46.1%	41.6%	50.0%	16.6%	57.5%

Again, county prosecutors are the least interested group in learning more about mental illness and treatment, 52%. All other groups surveyed responded 83% to 94% in the categories somewhat interested and very interested.

Table 18c. Domestic Violence



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Interested	2.1%	0.0%	8.3%	8.3%	16.6%	0.0%
Not too Interested	10.6%	7.6%	8.3%	8.3%	26.1%	9.0%
Somewhat Interested	34.0%	46.1%	50.0%	25.0%	30.9%	33.3%
Very Interested	53.1%	34.3%	33.3%	58.3%	16.6%	51.5%

In keeping with the trends in Tables 18a and 18b, only 48% of county prosecutors responded that they were somewhat interested and very interested in learning more about domestic violence. All other groups responded 83% to 87% in the same categories.

CONCLUSIONS AND RECOMMENDATIONS

The following are conclusions and recommendations drawn from the survey results of this project:

CONCLUSION 1: WITH REGARD TO SURVEY QUESTIONS THAT ADDRESSED VIEWS ABOUT TRIAL COURT JUDGING, IT WAS SURPRISING THAT ALL GROUPS SURVEYED HAD SIMILAR RESPONSES.

Question 1 of the survey focused on the importance of trial court judges to ensure legal due process, maintain judicial independence, move cases rapidly, adopt a proactive role in crafting case resolutions, render decisions that assist litigants, render decisions that protect public safety, obtain community input about the court systems, and follow case processing timelines. With the exception of obtaining community input about the court systems, all six groups agreed that the above were somewhat important or very important. Only one group, Cuyahoga County public defenders, believe that obtaining community input is not too important.

In addition, in comparing Ohio responses from question 1 to the results tabulated by the 2008 Center for Court Innovation's (CCI) national survey, Ohio averaged results were not more than +/- eight points of the highest obtained nationally:

Chart 3: Survey Question 1 Comparison

In general, how important is it for trial court judges to do each of the following?

SUB-QUESTION	2008 OHIO (Average of the six groups)	2008 CCI⁴¹
Ensure legal due process	Very Important – 94%	Very Important - 98%
Maintain judicial independence	Very Important – 88%	Very Important - 94%
Move cases rapidly	Somewhat Important – 68%	Somewhat Important – 62%
Adopt a proactive role in crafting case resolutions	Somewhat Important – 53%	Somewhat Important – 54%
Render decisions that assist litigants	Somewhat Important – 46%	Somewhat Important – 43%
Render decisions that protect public safety	Very Important- 60%	Very Important – 63%
Obtain community input about the court system	Somewhat Important – 46%	Somewhat Important – 54%
Follow case process timelines	Somewhat Important – 52%	Somewhat Important – 57%

Question 2 asked about eight important factors that should be considered by a judge when deciding a case: precedent, public expectations, community consequences, individual needs or underlying problems of a litigant, expert opinion, judge’s view of justice, public safety, and common sense. All six groups were in agreement with their highest ranking being either very important or somewhat important for four out of eight factors: precedent, individual needs or underlying problems of a litigant, expert opinion, and common sense.

In comparing these results to those obtained by the 2008 CCI survey, the average responses from Ohio were within 10 points less of the most popular national response:

⁴¹ Donald J. Farole, Jr., and Michael Rempel, **Problem-Solving and the American Bench, A National Survey of Trial Court Judges**, Center for Court Innovation, 2008, page 23.

Chart 4: Survey Question 2 Comparison

How important should the following factors be to a judge deciding a case?

SUB-QUESTION	2008 OHIO (Average of the six groups)	2008 CCI ⁴²
Precedent, when clear and directly relevant	Very Important – 84%	Very Important - 91%
What the public expects	Not Too Important – 40%	Not Too Important - 48%
Community consequences of a decision	Somewhat Important – 39%	Somewhat Important – 46%
Individual needs of underlying problems of a litigant	Somewhat Important – 45%	Somewhat Important – 53%
Expert opinion	Somewhat Important – 61%	Somewhat Important – 71%
Judge’s view of justice in a case	Somewhat Important- 41%	Somewhat Important – 48%
Public Safety	Very Important – 45%	Very Important – 50%
Common Sense	Very Important – 62%	Very Important – 65%

Question 5 measured a participant’s agreement or disagreement with specific trial court methods and reasoning. All six groups’ top percentages were in the categories strongly agree or somewhat agree for six out of seven sub-questions: judges should handle their cases with an eye towards reducing recidivism or future filings; judicial decisions should help to promote confidence in the courts; at the end of a case it is important that litigants believe that they were treated fairly by the courts; it is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement; judges should speak with treatment providers to hear their recommendations on individual cases or litigants; and it is important for judges to learn about drug addiction, mental illness and domestic violence.

⁴² Loc. Cit.

RECOMMENDATION 1: A STUDY OF OTHER TRIAL COURT JUDGES, PROSECUTORS AND PUBLIC DEFENDERS SHOULD BE CONDUCTED.

Because of the magnitude of the number of trial court judges in Ohio, in addition to prosecutors and public defenders, it was impossible to survey everyone throughout Ohio in the amount of time that was allotted for this project. Since problem solving courts are becoming more popular within the criminal justice system, and in order to compare all beliefs and attitudes, it would be worthwhile to conduct a study that would mirror this project throughout Ohio. The results may aid in determining the probability of problem solving court successes and where more information, training and education may be necessary.

CONCLUSION 2: OVERALL, PROSECUTORS DO NOT BELIEVE IN THE IMPORTANCE OF TREATMENT AND REHABILITATION WITHIN THE JUDICIAL PROCESS.

Prosecutors that participated in this survey believe that punishing offenders is more important than treatment and rehabilitation; City of Cleveland prosecutors, 66.6% and Cuyahoga County prosecutors 69%. All four other groups surveyed believe that treatment and rehabilitation is of more importance; Ohio Municipal Court judges - 67%, Cuyahoga County Municipal Court judges - 61.5%, judges from Cuyahoga Court of Common Pleas General Jurisdiction - 58.3%, Cuyahoga County public defenders - 84.8%.

RECOMMENDATION 2: WORK TO RAISE PROSECUTORS' FAMILIARITY WITH PROBLEM SOLVING COURTS THROUGH ASSIGNMENT OR EDUCATION.

The above may be due to prosecutors not being very familiar with specialized problem solving courts and the goals of such. Sixty-seven percent (67%) of city and 88%

of county prosecutors responded that they were not at all familiar, not too familiar or somewhat familiar with problem solving courts. In addition, out of those prosecutors surveyed, 58% of city and 50% of county responded that they would likely accept a future assignment to a problem solving court.

Therefore, education about problem solving courts or assignment to such may aid in lowering the percentage of prosecutors that believe punishing is more important than treatment and rehabilitation. This could be accomplished by providing more continuing education credits on problem solving techniques, as well as the development of a “shadow” type program that allows prosecutors to shadow attorneys who are currently assigned to a problem solving docket.

CONCLUSION 3: JUDGES SURVEYED BELIEVE THAT PROBLEM SOLVING METHODS DESCRIBE THEIR CURRENT JUDGING PRACTICES, HOWEVER LESSER PERCENTAGES ARE FAMILIAR WITH SPECIALIZED PROBLEM SOLVING COURTS.

Judges surveyed ranked high their belief that they are practicing problem solving methods somewhat well and very well:

Chart 5: Use of Problem Solving Methods in Current Judging Practices

SURVEYED GROUP	PERCENTAGE TOTAL SOMEWHAT WELL AND VERY WELL RESPONSES
Ohio Municipal Court Judges	84%
Cuyahoga County Municipal Court Judges	92%
Cuyahoga County Court of Common Pleas General Jurisdiction	83%

Interestingly, judges that ranked themselves high for the application of problem solving methods, ranked themselves lower as to their familiarity with problem solving courts:

Chart 6: Judges Familiarity with Problem Solving Courts

SURVEYED GROUP	PERCENTAGE TOTAL SOMEWHAT FAMILIAR AND VERY FAMILIAR RESPONSES
Ohio Municipal Court Judges	74%
Cuyahoga County Municipal Court Judges	77%
Cuyahoga County Court of Common Pleas General Jurisdiction	75%

Although this does not prove that one has to be assigned to/very familiar with a problem solving court to apply such methods, it does question how 8-15% of judges surveyed came to apply these methods and why.

RECOMMENDATION 3: SURVEY JUDGES TO GAIN A BETTER UNDERSTANDING OF HOW THEY CAME TO APPLY PROBLEM SOLVING METHODS.

As stated above, 8-15% more judges believe they apply problem solving methods than are familiar with these specialized courts. To determine how these judges came to apply such methods, a survey or focus group can be conducted that asks the participants a small number of questions that are more specific about their use of problem solving methods. This would be beneficial in gaining insight as to how judges learned about problem solving methods, what circumstances triggered their use and why.

CONCLUSION 4: PROSECUTORS AND PUBLIC DEFENDERS DO NOT BELIEVE THAT PROBLEM SOLVING METHODS DESCRIBE THE CURRENT JUDGING PRACTICES THAT THEY EXPERIENCE.

Prosecutors and public defenders were asked to rank if problem solving describes judicial practices that they experience. They were not as convinced that these methods are being used:

Chart 7: Bar’s Experience with Problem Solving Methods of Judging

SURVEYED GROUP	PERCENTAGE TOTAL SOMEWHAT WELL AND VERY WELL RESPONSES
City of Cleveland Prosecutors	49%
Cuyahoga County Prosecutors	21%
Cuyahoga County Public Defenders	45%

Conversely from the judges’ results, prosecutors and public defenders ranked themselves higher as to their knowledge of problem solving courts in relation to above; which could lead one to draw the conclusion that these groups may believe they possess a greater understanding of these methods:

Chart 8: Bar’s Familiarity with Problem Solving Courts

SURVEYED GROUP	PERCENTAGE TOTAL SOMEWHAT FAMILIAR AND VERY FAMILIAR RESPONSES
City of Cleveland Prosecutors	58%
Cuyahoga County Prosecutors	38%
Cuyahoga County Public Defenders	73%

RECOMMENDATION 4: SURVEY PROSECUTORS AND PUBLIC DEFENDERS TO GAIN A BETTER UNDERSTANDING OF THEIR INTERPRETATION OF PROBLEM SOLVING METHODS.

For purposes of the survey, problem solving was defined as:

“methods of judging that aid to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment of other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process”.⁴³

Since there seems to be such a large gap between what judges believe in comparison to prosecutors and public defenders with regard to the practice of problem solving methods, it would be beneficial to survey the former groups as well. A small, simple survey could be conducted to ascertain, in their experience, when judges are applying problem solving methods and why. This may aid in understanding the disparity that lies between the surveyed results.

CONCLUSION 5: OVERALL, COUNTY PROSECUTORS ARE NOT INTERESTED IN LEARNING MORE ABOUT PROBLEM SOLVING ISSUES.

Throughout this project, county prosecutors’ beliefs in traditional methods of justice have reflected in their responses. In addition to that surveyed group believing that punishing offenders is a more important goal of the justice system, as discussed in Conclusion 2, county prosecutors are consistently the least interested group in learning more about problem solving issues:

⁴³ See Note 41, *supra*, page 26.

Chart 9: Prosecutors’ Interest in Learning about Problem Solving Subjects

PROBLEM SOLVING SUBJECT MATTER	PERCENTAGE OF COUNTY PROSECUTORS WHO ARE SOMEWHAT AND VERY INTERESTED
Substance Abuse and Addiction	45%
Mental Illness and Treatment	52%
Domestic Violence	48%

All five other groups surveyed ranked highest in their belief that learning more about the above mentioned topics is somewhat and very important:

1. *Substance Abuse and Addiction*: Ohio Municipal Court judges - 80%, Cuyahoga County Municipal Court judges - 96%, judges from Cuyahoga Court of Common Pleas General Jurisdiction - 92%, City of Cleveland prosecutors - 75%, and Cuyahoga County public defenders - 91%.
2. *Mental Illness and Treatment*: Ohio Municipal Court judges - 89%, Cuyahoga County Municipal Court judges - 92%, judges from Cuyahoga Court of Common Pleas General Jurisdiction - 92%, City of Cleveland prosecutors - 83%, and Cuyahoga County public defenders - 94%.
3. *Domestic Violence*: Ohio Municipal Court judges - 87%, Cuyahoga County Municipal Court judges - 80%, judges from Cuyahoga Court of Common Pleas General Jurisdiction - 83%, City of Cleveland prosecutors - 83%, and Cuyahoga County public defenders - 85%.

County prosecutors also had the highest response rate, 36%, agreeing that problem solving methods are soft on crime. Their belief in such, in addition to their

opinion that punishment is more important than treatment and rehabilitation, may be fundamental reasons why they possess a lack of interest in learning about the above mentioned subjects.

RECOMMENDATION 5: WORK WITH COUNTY PROSECUTORS TO RAISE THEIR INTEREST IN GAINING KNOWLEDGE ABOUT PROBLEM SOLVING ISSUES.

Before a problem solving court can be successful, methods and principals must be understood. Those principals include learning about the issues which the problem solving court is established to address. Since county prosecutors do not seem to be interested in learning more about substance abuse, mental illness and domestic violence, while city prosecutors are, discussions can occur to include both groups of prosecutors as an opportunity for an exchange of information and viewpoints that will allow for a peer to peer type of education.

As mentioned in Recommendation 2, this is also another opportunity to develop a “shadow” type program that allows prosecutors to shadow attorneys who are currently assigned to a problem solving docket. Participating in this may also raise the interest of county prosecutors to learn more about these issues.

FINAL CONCLUSION

This project proved to be worthy in ascertaining the beliefs and attitudes about problem solving courts. It was disappointing that the participation of judges was lower than anticipated, since more results would have allowed for greater statewide judicial feedback. It was of interest to see that all groups agree on the primary functions of judges and the criminal justice system, such as ensuring legal due process and maintaining judicial independence. However, with regard to methodologies and specific approaches, lines were drawn between judges/public defenders and prosecutors.

Results showed that judges and public defenders seem to be more willing to embrace non-traditional methods of judging and sentencing. This may be due to the willingness of a judge to attempt alternative measures to reduce crime and recidivism. Public defenders, while charged with providing a chief defense, are also seeking innovative methods that allow an individual to work through barriers that will aid them in creating successful opportunities for their future. Prosecutors did not seem to be of this mindset, and are more apt to believe that the traditional way of judging and sentencing should be in existence.

Finally, the results of this project identified areas that participants may wish to become more familiar, such as the need for problem solving courts, the use of problem solving methods, the importance of treatment and rehabilitation, problem solving issues, and available resources. Methods and principals must be understood and accepted before problem solving courts can be successful.

APPENDICES

APPENDIX A: Pre-Testing Memo

TO: CMC Staff
FROM: Maureen Flavin
RE: Survey Pre-Test
DATE: 28 July 2008

Hi everyone. As you may or may not know, I am currently seeking my fellowship from the Institute of Court Management, Court Executive Development Program. This program consists on on-line studies, various assignments, a 3-week residential course, and a formal research project.

The title of my project is *Problem Solving Courts: Attitudes and Beliefs in Ohio*. The research project includes various methods of study for completion of the project. One of these is a survey that I will send out to a random sample of trial court judges throughout Ohio, as well as public defenders and prosecutors within Cuyahoga County. This survey was a tool used in 2007 to randomly survey some members of the bench nationwide.

I am asking that you please participate in a pre-test of the survey, by completing it acting in the role of either a judge or a public defender/prosecutor. The role you need to act as is designated in the upper right hand corner of the survey's first page; "J" is for judges and "PD" is for prosecutor/defense bar.

As you are answering the questions, please pay attention to the following and include them on the comments portion on the last page:

- How long did it take you to complete the survey?
- Were there any questions that were not clear?
- Were there any questions that you believe need to be re-written? If so, please offer suggestions.
- Were there any areas that you believe are important and were not addressed within the questions? If so, please offer suggestions.
- Any other important information/suggestions that you would like to include.

Please return the completed surveys to me by Thursday, 31 July 2008. Please contact me if you have any questions, x3767. Thank you in advance for your participation.

APPENDIX B: Survey Packet Cover Letter to Ohio Trial Court Judges

September 4, 2008

Dear Judge:

My name is Maureen Flavin and I currently serve in the capacity of Deputy Court Administrator for Cleveland Municipal Court.

I am currently enrolled in the Court Executive Development Program (CEDP) offered through the Institute for Court Management, National Center for State Courts (ICM/NCSC), and am seeking your participation in a survey essential for the completion of a required research project for such. My research project is investigating the attitudes and beliefs of judges, prosecutors and public defenders in Ohio with regard to problem solving courts and problem solving methods of trial court judging.

This survey was sent to all Ohio municipal and county judges for statewide input, as well as general jurisdiction common pleas judges, prosecutors and public defenders within Cuyahoga County for more regional results. This survey will take approximately 15 minutes to complete; however it will provide invaluable, significant information as to Ohio Judiciary views of problem solving courts and problem solving methods of trial court judging. ***Please return the completed survey to me by September 12, 2008 in the enclosed envelope.***

Thank you in advance for you participation. **All responses will be kept strictly confidential and will be reported in the aggregate only.**

Sincerely,

Maureen R. Flavin, JD, CCM
Deputy Court Administrator

**APPENDIX C: Survey Packet Cover Memo to
City of Cleveland Prosecutors**

TO: City of Cleveland Prosecutors
FROM: Maureen R. Flavin, JD, CCM
Deputy Court Administrator
Cleveland Municipal Court
DATE: 4 September 2008
RE: Survey Participation

I am requesting your participation in a survey essential for the completion of a required research project.

I am currently enrolled in the Court Executive Development Program (CEDP) offered through the Institute for Court Management, National Center for State Courts (ICM/NCSC), which requires the completion of a major research project to obtain my fellowship. My research project is investigating the attitudes and beliefs of judges, prosecutors and public defenders in Ohio with regard to problem solving courts and problem solving methods of trial court judging.

This survey was sent to all Ohio municipal and county judges for statewide input, as well as general jurisdiction common pleas judges, prosecutors and public defenders within Cuyahoga County for more regional results. This survey will take approximately 15 minutes to complete; however it will provide invaluable, significant information as to prosecutors' views of problem solving courts and problem solving methods of trial court judging. ***Please return completed survey to Ken Avsec by September 12, 2008.***

Thank you in advance for your participation. If you have any questions, please contact me at x3767. **Please note that all responses will be kept strictly confidential and will be reported in the aggregate only.**

**APPENDIX D: Survey Packet Cover Letter to
Cuyahoga County Prosecutors**

September 26, 2008

Dear Cuyahoga County Prosecutor:

My name is Maureen Flavin and I currently serve in the capacity of Deputy Court Administrator for Cleveland Municipal Court.

I am currently enrolled in the Court Executive Development Program (CEDP) offered through the Institute for Court Management, National Center for State Courts (ICM/NCSC), and am seeking your participation in a survey essential for the completion of a required research project for such. My research project is investigating the attitudes and beliefs of judges, prosecutors and public defenders in Ohio with regard to problem solving courts and problem solving methods of trial court judging.

This survey was sent to all Ohio municipal and county judges for statewide input, as well as general jurisdiction common pleas judges, prosecutors and public defenders within Cuyahoga County for more regional results. This survey will take approximately 15 minutes to complete; however it will provide invaluable, significant information as to prosecutors' views of problem solving courts and problem solving methods of trial court judging. ***Please return completed survey to Angela Williamson by October 6, 2008.***

Thank you in advance for your participation. **All responses will be kept strictly confidential and will be reported in the aggregate only.**

Sincerely,

Maureen R. Flavin, JD, CCM
Deputy Court Administrator
Cleveland Municipal Court

**APPENDIX E: Survey Packet Cover Memo to
Cuyahoga County Public Defenders**

TO: Cuyahoga County Public Defenders
FROM: Maureen R. Flavin, JD, CCM
Deputy Court Administrator
Cleveland Municipal Court
DATE: 9 September 2008
RE: Survey Participation

I am requesting your participation in a survey essential for the completion of a required research project.

I am currently enrolled in the Court Executive Development Program (CEDP) offered through the Institute for Court Management, National Center for State Courts (ICM/NCSC), which requires the completion of a major research project to obtain my fellowship. My research project is investigating the attitudes and beliefs of judges, prosecutors and public defenders in Ohio with regard to problem solving courts and problem solving methods of trial court judging.

This survey was sent to all Ohio municipal and county judges for statewide input, as well as general jurisdiction common pleas judges, prosecutors and public defenders within Cuyahoga County for more regional results. This survey will take approximately 15 minutes to complete; however it will provide invaluable, significant information as to public defenders' views of problem solving courts and problem solving methods of trial court judging. ***Please return completed survey to Robert Tobik by September 17, 2008.***

Thank you in advance for your participation. **Please note that all responses will be kept strictly confidential and will be reported in the aggregate only.**

APPENDIX F: Modified Questions to the Surveys

1. Part II: Judicial Practices, question #6.

Judges survey question: “During the past year, in approximately what percentage of all cases you hear, did you do each of the following?”.

Prosecutors/Public Defenders survey question: “During the past year, in approximately what percentage of all cases in which you were involved, did each of the following occur?”.

2. Part III: Problem-Solving Methods of Judging, question #7.

Judges survey question: “In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear?”.

Prosecutors/Public Defenders survey question: “In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases in which you are currently involved?”.

3. Part III: Problem-Solving Methods of Judging, question #8.

Judges survey question: “How willing would you be to consider applying problem-solving methods on a different calendar assignment?”.

Prosecutors/Public Defenders survey question: “Overall, how willing would you be to consider applying problem-solving methods?”

4. Part III: Problem-Solving Methods of Judging, question #9

Judges survey question: “In your opinion, how well does problem-solving as defined above, describe your current judging practice?”.

Prosecutors/Public Defenders survey question: “In your opinion, how well does problem-solving as defined above, describe current judging practices that you experience?”

5. *Part III: Problem-Solving Methods of Judging, question #12*

Judges survey question: “The following are reasons trial court judges may give for not applying problem-solving methods more frequently. Which of these reasons apply to you in your current assignment?”.

Prosecutors/Public Defenders survey question: “The following are reasons that may be given for not applying problem-solving methods more frequently. With which do you agree?”.

6. *Part IV: Specialized Problem-Solving Courts, question #14.*

Judges survey question: “Have you ever presided in a “specialized problem-solving court”?” .

Prosecutors/Public Defenders survey question: “Have you ever been assigned to/litigated in a “specialized problem-solving court”?”.

7. *Part IV: Specialized Problem-Solving Courts, question #16.*

Judges survey question: “In the future, if you were offered an opportunity to preside in a specialized problem-solving court, how likely would you be to accept it?”.

Prosecutors/Public Defenders survey question: “In the future, if you were offered an opportunity for assignment/litigation in a specialized problem-solving court, how likely would you be to accept it?”.

8. Part V: Experiences and Demographics, question #19.

Judges survey question: “Which of the following types of cases do you handle in your current assignment?”.

Prosecutors/Public Defenders survey question: “Which of the following types of cases comprise your current caseload?”.

9. Part V: Experiences and Demographics, question #20.

Judges survey question: “In general, how satisfied are you with your job as a judge?” .

Prosecutors/Public Defenders survey question: “In general, how satisfied are you with your responsibilities?”.

10. Part V: Experiences and Demographics, question #21.

Judges survey question: “In total, how many years have you served as a judge?”.

Prosecutors/Public Defenders survey question: “In total, how many years have you served in your current capacity?”.

11. Part V: Experiences and Demographics, question #21.

Judges survey question: “Are you elected?”.

Prosecutors/Public Defenders survey question: This question was omitted since it was not applicable to these groups.

APPENDIX G: Judges' Survey

PART I: JUDICIAL ROLE ATTITUDES

The first set of questions is about your views of trial court judging.

1. In general, how important is it for trial court judges to do each of the following?

(Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Ensure legal due process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Maintain judicial independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Move cases rapidly to resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Adopt a proactive role in crafting case resolutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Render decisions that assist litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Render decisions that protect public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Obtain community input about the court system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Follow case processing timelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. How important should the following factors be to a judge deciding in a case?

(Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Precedent, when clear and directly relevant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. What the public expects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. The community consequences of a decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The individual needs or underlying problems of the litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Expert opinion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. The judge's view of justice in the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Common sense	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>3. Which of the following is a more important goal of the criminal justice system? (Please mark <u>one</u> circle)</p> <p><input type="radio"/> To treat and rehabilitate offenders</p> <p><input type="radio"/> To punish offenders</p>	<p>4. Which of the following statements <u>most closely</u> represents your view? (Please mark <u>one</u> circle)</p> <p><input type="radio"/> Judges should make decisions on their own</p> <p><input type="radio"/> Judges should make decisions with the collaborative input of attorneys and other partners</p>
--	--

5. Please indicate the extent to which you agree or disagree with each of the following statements.

(Please mark one circle next to each statement)

	Strongly Disagree ▼	Somewhat Disagree ▼	Somewhat Agree ▼	Strongly Agree ▼
a. Judges should handle cases with an eye toward reducing recidivism or future filings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Judicial decisions should help to promote confidence in the courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. At the end of a case, it is important that litigants believe they were treated fairly by the court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judges should not speak directly to litigants when their attorney is present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. It is important for judges to learn about drug addiction, mental illness and domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PART II: JUDICIAL PRACTICES

The next questions are about practices that judges may or may not use in handling cases.

6. During the past year, in approximately what percentage of all cases you heard, did you do each of the following? (Please mark one circle next to each statement)

	Never (0%) ▼	Rarely (1-9%) ▼	Sometimes (10-30%) ▼	Often (40% or more) ▼
a. Proposed a case disposition or sentence not offered by the attorneys of record	○	○	○	○
b. Ordered a litigant to drug or mental health treatment when not required to by statute	○	○	○	○
c. Based a decision on information about the individual needs or problems of a litigant	○	○	○	○
d. Followed the recommendation of a treatment agency staff member in making a decision in a case	○	○	○	○
e. Posed questions directly to a litigant in court	○	○	○	○
f. Set regular in-court review dates to monitor a litigant's compliance with a court mandate	○	○	○	○
g. Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate	○	○	○	○
h. Offered verbal praise to a litigant for complying with a court mandate	○	○	○	○

PART III: PROBLEM-SOLVING METHODS OF JUDGING

This section contains general questions about “problem-solving” methods of judging.

For this survey, “**problem-solving**” is defined as:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”

7. In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear?

- Strongly disapprove
- Somewhat disapprove
- Neither approve nor disapprove
- Somewhat approve
- Strongly approve

8. How willing would you be to consider applying problem-solving methods on a different calendar assignment?

- Not at all willing
- Not too willing
- Somewhat willing
- Very willing

9. In your opinion, how well does problem-solving, as defined above, describe your current judging practice?

- Not at all well
- Not too well
- Somewhat well
- Very well

10. In what types of cases (e.g., criminal, family, civil etc.) do you consider it appropriate to apply one or more problem-solving methods?

11. In what types of cases (e.g., criminal, family, civil etc.) do you consider it inappropriate to apply one or more problem-solving methods?

12. The following are reasons trial court judges may give for not applying problem-solving methods more frequently. Which of these reasons apply to you in your current assignment?
(Please mark all that apply)

- I do not agree with problem-solving methods
- Problem-solving methods are not effective
- Problem solving methods are “soft” on crime
- Problem-solving compromises the neutrality of the court
- I need to acquire additional knowledge or skills about how to use these methods
- Heavy caseloads pressure me to push cases along
- Lack of necessary support staff or services
- The cases on my calendar are inappropriate for problem-solving methods
- Attorneys would oppose it
- My colleagues on the bench do not support problem-solving methods
- None of the above
- Other (Please specify): _____

PART IV: SPECIALIZED PROBLEM-SOLVING COURTS

Next are a few questions about specialized problem-solving courts such as a drug, mental health, or domestic violence court.

- 13. How familiar are you with “specialized problem-solving courts”?**
- Not at all familiar
- Not too familiar
- Somewhat familiar
- Very familiar
- 14. Have you ever presided in a “specialized problem-solving court”?**
- Yes
- No
- ↓
- 14a. If ‘YES’, do you currently preside in a specialized problem-solving court?**
- Yes
- No

- 15. Does your jurisdiction contain a specialized problem-solving court?**
- Yes
- No
- Not sure
- 16. In the future, if you were offered an opportunity to preside in a specialized problem-solving court, how likely would you be to accept it?**
- Not at all likely
- Not too likely
- Somewhat likely
- Very likely

- 17. In the past three years, did you attend a seminar or judicial education program in any of the following areas?**

	Yes ▼	No ▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>

- 18. How interested would you be in learning more about each of the following?**

	Not at all Interested ▼	Not too Interested ▼	Somewhat Interested ▼	Very Interested ▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PART V: BENCH AND PERSONAL EXPERIENCES AND DEMOGRAPHICS

The final questions are about your bench experiences and background, as well as demographic information. These questions will be used for classification purposes only. Your responses will be kept strictly confidential and reported in the aggregate only.

19. Which of the following types of cases do you handle in your current assignment?
(Please select the one most common case type and other types of cases you handle as well.)

	Most Common Cases Handled <i>(Mark one only)</i>	Other Cases Handled <i>(Mark all that apply)</i>
	▼	▼
a. Misdemeanor criminal	<input type="radio"/>	<input type="radio"/>
b. Felony criminal	<input type="radio"/>	<input type="radio"/>
c. Traffic violations	<input type="radio"/>	<input type="radio"/>
d. Juvenile (i.e., delinquency, status offense)	<input type="radio"/>	<input type="radio"/>
e. Child welfare (i.e., protective custody)	<input type="radio"/>	<input type="radio"/>
f. Child custody (i.e., family law related)	<input type="radio"/>	<input type="radio"/>
g. Family cases (e.g., divorce, paternity)	<input type="radio"/>	<input type="radio"/>
h. Domestic violence protection orders	<input type="radio"/>	<input type="radio"/>
i. Housing	<input type="radio"/>	<input type="radio"/>
j. Probate matters	<input type="radio"/>	<input type="radio"/>
k. Other civil matters (Please specify): _____	<input type="radio"/>	<input type="radio"/>
l. Other cases (Please specify): _____	<input type="radio"/>	<input type="radio"/>

20. In general, how satisfied are you with your job as a judge?

- Not at all satisfied
- Not too satisfied
- Somewhat satisfied
- Very satisfied

21. In total, how many years have you served as a judge?

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 to 19 years
- 20 years or more

22. Are you elected?

Yes

No

If 'YES' how long is your term?

Less than 2 years

2 to 5 years

6 to 10 years

11 years or more

23. What is the population of the jurisdiction served by your court?

Less than 50,000

50,000-249,999

250,000-499,999

500,000 or more

24. What is/are the county/counties within the jurisdiction of your court?

25. What is your race or ethnicity?

White/Caucasian

Hispanic/Latino

African American/Black

Asian/Pacific Islander

Native American/Alaskan Native

Other (Please specify): _____

26. What is your gender?

Male

Female

27. In what year were you born? _____

28. If you have any comments or suggestions about this survey, please include them in the space below.

Thank you for participating. ALL responses will be kept strictly confidential and will be reported in the aggregate only.

APPENDIX H: Prosecutors'/Public Defenders' Survey

PART I: JUDICIAL ROLE ATTITUDES

The first set of questions is about your views of trial court judging.

1. In general, how important is it for trial court judges to do each of the following?

(Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Ensure legal due process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Maintain judicial independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Move cases rapidly to resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Adopt a proactive role in crafting case resolutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Render decisions that assist litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Render decisions that protect public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Obtain community input about the court system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Follow case processing timelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. How important should the following factors be to a judge deciding in a case?

(Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Precedent, when clear and directly relevant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. What the public expects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. The community consequences of a decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The individual needs or underlying problems of the litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Expert opinion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. The judge's view of justice in the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Common sense	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>3. Which of the following is a more important goal of the criminal justice system? (Please mark <u>one</u> circle)</p> <p><input type="radio"/> To treat and rehabilitate offenders</p> <p><input type="radio"/> To punish offenders</p>	<p>4. Which of the following statements <u>most closely</u> represents your view? (Please mark <u>one</u> circle)</p> <p><input type="radio"/> Judges should make decisions on their own</p> <p><input type="radio"/> Judges should make decisions with the collaborative input of attorneys and other partners</p>
--	--

5. Please indicate the extent to which you agree or disagree with each of the following statements.

(Please mark one circle next to each statement)

	Strongly Disagree ▼	Somewhat Disagree ▼	Somewhat Agree ▼	Strongly Agree ▼
a. Judges should handle cases with an eye toward reducing recidivism or future filings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Judicial decisions should help to promote confidence in the courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. At the end of a case, it is important that litigants believe they were treated fairly by the court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judges should not speak directly to litigants when their attorney is present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. It is important for judges to learn about drug addiction, mental illness and domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PART II: JUDICIAL PRACTICES

The next questions are about practices that judges may or may not have use in handling cases.

6. During the past year, in approximately what percentage of all cases in which you were involved, did each of the following occur? (Please mark one circle next to each statement)

	Never (0%) ▼	Rarely (1-9%) ▼	Sometimes (10-30%) ▼	Often (40% or more) ▼
a. The proposed case disposition or sentence was not offered by the attorneys of record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. A litigant was ordered to drug or mental health treatment when not required to by statute	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. A decision was rendered on information about the individual needs or problems of a litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Judge followed the recommendation of a treatment agency staff member in making a decision in a case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judge posed questions directly to a litigant in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judge set regular in-court review dates to monitor a litigant's compliance with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Judge sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Judge offered verbal praise to a litigant for complying with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PART III: PROBLEM-SOLVING METHODS OF JUDGING

This section contains general questions about “problem-solving” methods of judging.

For this survey, “**problem-solving**” is defined as:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”

7. In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases in which you are currently involved?

- Strongly disapprove
- Somewhat disapprove
- Neither approve nor disapprove
- Somewhat approve
- Strongly approve

8. Overall, how willing would you be to consider applying problem-solving methods?

- Not at all willing
- Not too willing
- Somewhat willing
- Very willing

9. In your opinion, how well does problem-solving, as defined above, describe current judging practices that you experience?

- Not at all well
- Not too well
- Somewhat well
- Very well

10. In what types of cases (e.g., criminal, family, civil etc.) do you consider it appropriate to apply one or more problem-solving methods?

11. In what types of cases (e.g., criminal, family, civil etc.) do you consider it inappropriate to apply one or more problem-solving methods?

12. The following are reasons that may be given for not applying problem-solving methods more frequently. With which do you agree?

(Please mark all that apply)

- Do not agree with problem-solving methods
- Problem-solving methods are not effective
- Problem solving methods are “soft” on crime
- Problem-solving compromises the neutrality of the court
- Need to acquire additional knowledge or skills about how to use these methods
- Heavy caseloads pressure to push cases along
- Lack of necessary support staff or services
- Cases are inappropriate for problem-solving methods
- Attorneys would oppose it
- Bench does not support problem-solving methods
- None of the above
- Other (Please specify): _____

PART IV: SPECIALIZED PROBLEM-SOLVING COURTS

Next are a few questions about specialized problem-solving courts such as a drug, mental health, or domestic violence court.

13. How familiar are you with “specialized problem-solving courts”?

- Not at all familiar
- Not too familiar
- Somewhat familiar
- Very familiar

14. Have you ever been assigned to/litigated in a “specialized problem-solving court”?

- Yes
- No

14a. If ‘YES’, are you currently assigned to/litigating in a specialized problem-solving court?

- Yes
- No

15. Does your jurisdiction contain a specialized problem-solving court?

- Yes
- No
- Not sure

16. In the future, if you were offered an opportunity for assignment/litigation in a specialized problem-solving court, how likely would you be to accept it?

- Not at all likely
- Not too likely
- Somewhat likely
- Very likely

17. In the past three years, did you attend a seminar or legal education program in any of the following areas?

	Yes	No
	▼	▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>

18. How interested would you be in learning more about each of the following?

	Not at all Interested	Not too Interested	Somewhat Interested	Very Interested
	▼	▼	▼	▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PART V: EXPERIENCES AND DEMOGRAPHICS

The final questions are about your experiences and background, as well as demographic information. These questions will be used for classification purposes only. Your responses will be kept strictly confidential and reported in the aggregate only.

19. Which of the following types of cases comprise your current caseload?

(Please select the one most common case type and other types of cases you handle as well)

	Most Common Type <i>(Mark <u>one</u> only)</i> ▼	Other Case Types <i>(Mark <u>all</u> that apply)</i> ▼
a. Misdemeanor criminal	<input type="radio"/>	<input type="radio"/>
b. Felony criminal	<input type="radio"/>	<input type="radio"/>
c. Traffic violations	<input type="radio"/>	<input type="radio"/>
d. Juvenile (i.e., delinquency, status offense)	<input type="radio"/>	<input type="radio"/>
e. Child welfare (i.e., protective custody)	<input type="radio"/>	<input type="radio"/>
f. Child custody (i.e., family law related)	<input type="radio"/>	<input type="radio"/>
g. Family cases (e.g., divorce, paternity)	<input type="radio"/>	<input type="radio"/>
h. Domestic violence protection orders	<input type="radio"/>	<input type="radio"/>
i. Housing	<input type="radio"/>	<input type="radio"/>
j. Probate matters	<input type="radio"/>	<input type="radio"/>
k. Other civil matters (Please specify): _____	<input type="radio"/>	<input type="radio"/>
l. Other cases (Please specify): _____	<input type="radio"/>	<input type="radio"/>

20. In general, how satisfied are you with your responsibilities?

- Not at all satisfied
- Not too satisfied
- Somewhat satisfied
- Very satisfied

21. In total, how many years have you served in your current capacity?

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 to 19 years
- 20 years or more

22. What is the population of the jurisdiction served by your court?

- Less than 50,000
- 50,000-249,999
- 250,000-499,999
- 500,000 or more

23. What is/are the county/counties within the jurisdiction of your court?

24. What is your race or ethnicity?

- White/Caucasian
- Hispanic/Latino
- African American/Black
- Asian/Pacific Islander
- Native American/Alaskan Native
- Other (Please specify): _____

25. What is your gender?

- Male
- Female

26. In what year were you born? _____

27. If you have any comments or suggestions about this survey, please include them in the space below.

Thank you for participating. ALL responses will be kept strictly confidential and will be reported in the aggregate only.

APPENDIX I: Table 19. Current Caseload Assignment

(con't to next page)

Table 19. Which of the following types of cases do you handle in your current assignment/comprise your current caseload?

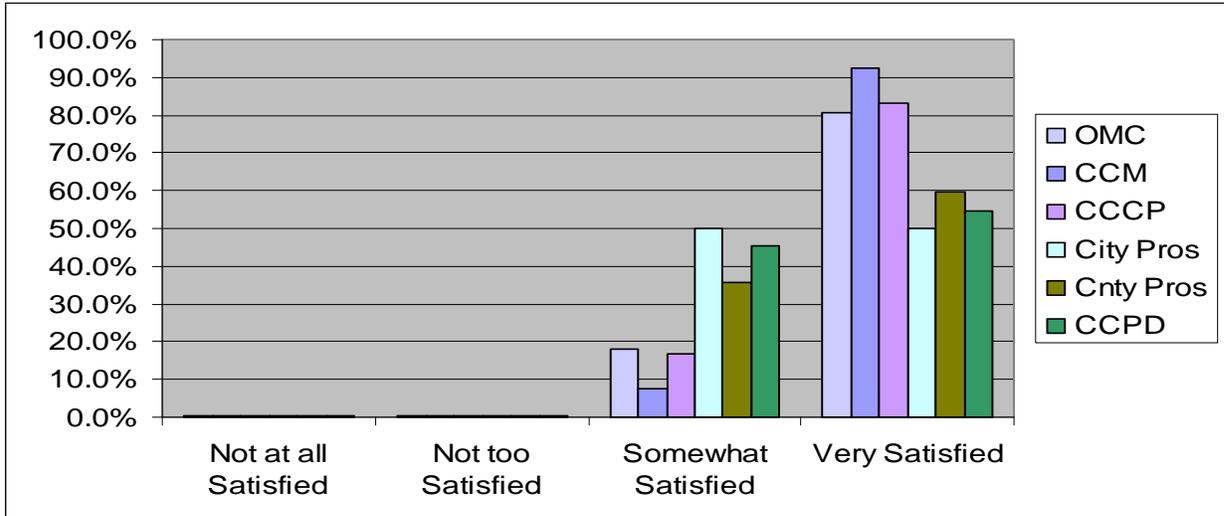
MOST	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Misdemeanor Criminal	34.0%	38.4%		33.3%		12.1%
Felony Criminal	1.0%		33.3%		57.1%	69.6%
Traffic Violations	19.0%	23.0%		25.0%		3.0%
Juvenile						
Child Welfare						
Child Custody						
Family Cases						
DV Protection Orders						
Housing						
Probate Matters					2.3%	
Other Civil					26.1%	
Other Cases						

APPENDIX I: Table 19. Current Caseload Assignment (con't.)

OTHER	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Misdemeanor Criminal	17.0%	23.0%	50.0%	33.3%	19.0%	21.2%
Felony Criminal	26.6%	30.7%		8.3%		12.1%
Traffic Violations	28.7%	15.3%	16.6%	25.0%	4.7%	24.2%
Juvenile		7.6%	8.3%		9.5%	6.0%
Child Welfare		7.6%	16.6%		4.7%	3.0%
Child Custody	1.0%	7.6%	8.3%		4.7%	6.0%
Family Cases	1.0%		8.3%		4.7%	3.0%
DV Protection Orders	38.3%	46.1%	16.6%	50.0%	2.3%	18.1%
Housing	20.2%	23.0%	8.3%		2.3%	15.1%
Probate Matters		23.0%	8.3%		11.9%	3.0%
Other Civil	32.9%	7.6%	16.6%		4.7%	3.0%
Other Cases	5.3%	7.6%			7.1%	3.0%

APPENDIX J: Table 20. Position Satisfaction

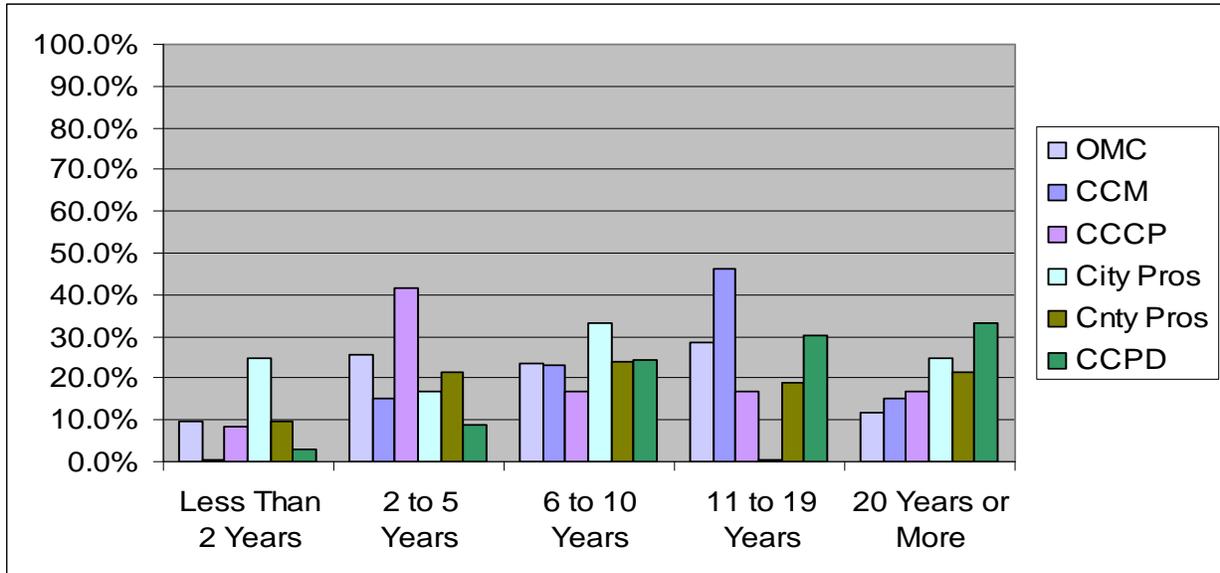
Table 20. In general, how satisfied are you with your job as a judge/your responsibilities?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Not at all Satisfied	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Not too Satisfied	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Somewhat Satisfied	18.0%	7.6%	16.6%	50.0%	35.7%	45.4%
Very Satisfied	80.8%	92.3%	83.3%	50.0%	59.5%	54.5%

APPENDIX K: Table 21. Years of Service

Table 21. In total, how many years have you served as a judge/in your current capacity



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Less Than 2 Years	9.5%	0.0%	8.3%	25.0%	9.5%	3.0%
2 to 5 Years	25.5%	15.3%	41.6%	16.6%	21.4%	9.0%
6 to 10 Years	23.4%	23.0%	16.6%	33.3%	23.8%	24.2%
11 to 19 Years	28.7%	46.1%	16.6%	0.0%	19.0%	30.3%
20 Years or More	11.7%	15.3%	16.6%	25.0%	21.4%	33.3%

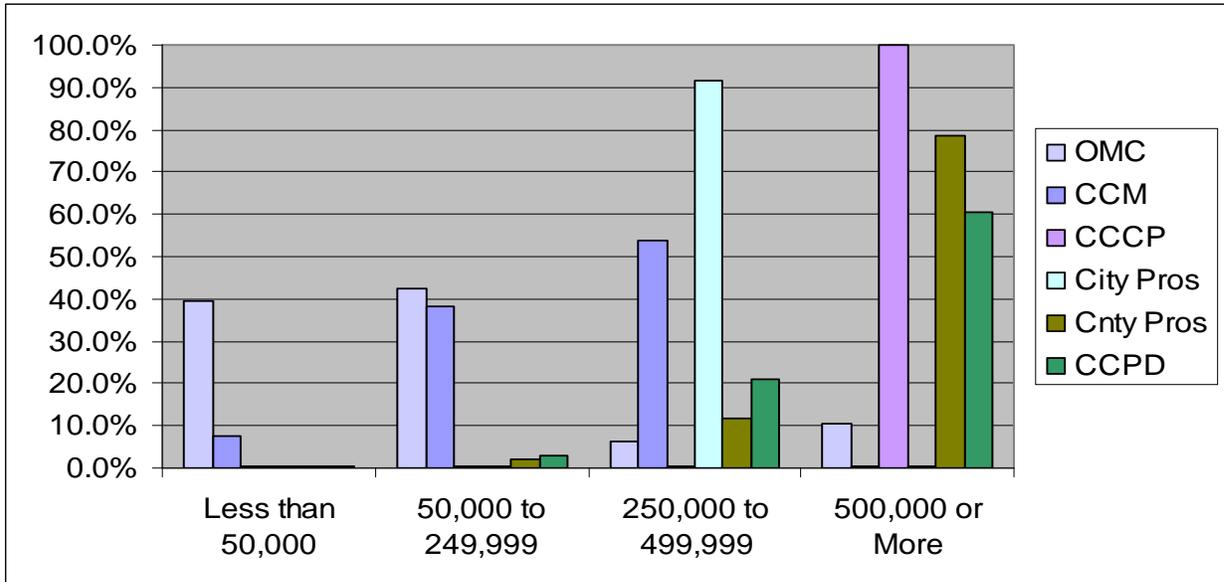
APPENDIX L: Question 22: Are you elected?

22. Are you elected?

In Ohio, all judges are elected for a 6 year term. This question was asked only in the judges' survey for the purpose of determining whether any surveys were being completed by judges who were appointed by the Governor for an unexpired term; therefore new to the bench. No survey participants were such.

APPENDIX M: Table 22/23. Population of Jurisdiction

Table 22/23. What is the population of the jurisdiction of your court?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Less than 50,000	39.3%	7.6%	0.0%	0.0%	0.0%	0.0%
50,000 to 249,999	42.5%	38.4%	0.0%	0.0%	2.3%	3.0%
250,000 to 499,999	6.3%	53.8%	0.0%	91.6%	11.9%	21.2%
500,000 or More	10.6%	0.0%	100.0%	0.0%	78.5%	60.6%

APPENDIX N: Question 23/24: Counties Represented in Survey Results

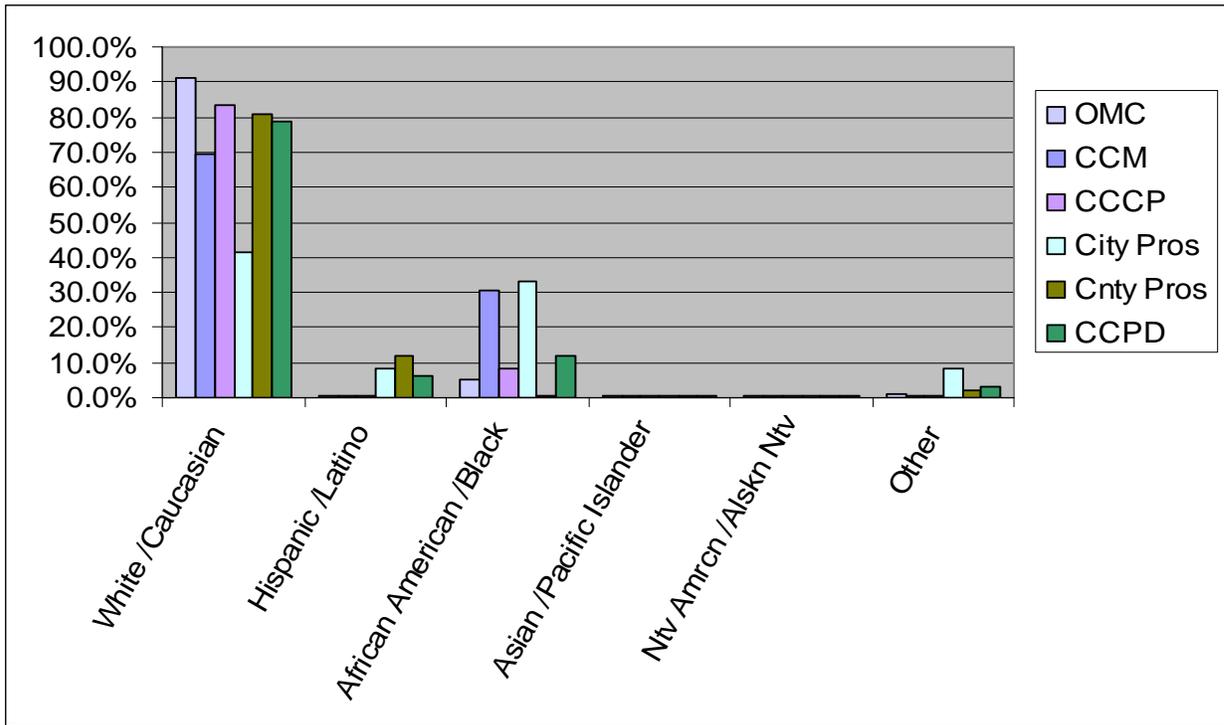
23/24. What is/are the county/counties within the jurisdiction of your court?



Jurisdictions by county represented in the survey results, highlighted above, include Allen, Ashland, Ashtabula, Athens, Brown, Butler, Clermont, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Franklin, Fulton, Gallia, Geauga, Greene, Hamilton, Henry, Huron, Jefferson, Knox, Lake, Licking, Lorain, Lucas, Mahoning, Marion, Medina, Montgomery, Ottawa, Pickaway, Preble, Portage, Richland, Ross, Sandusky, Stark, Summit, Trumbull, Tuscarawas, Union, Wayne, Williams, Wood and Wyandot.

APPENDIX O: Table 24/25. Race or Ethnicity

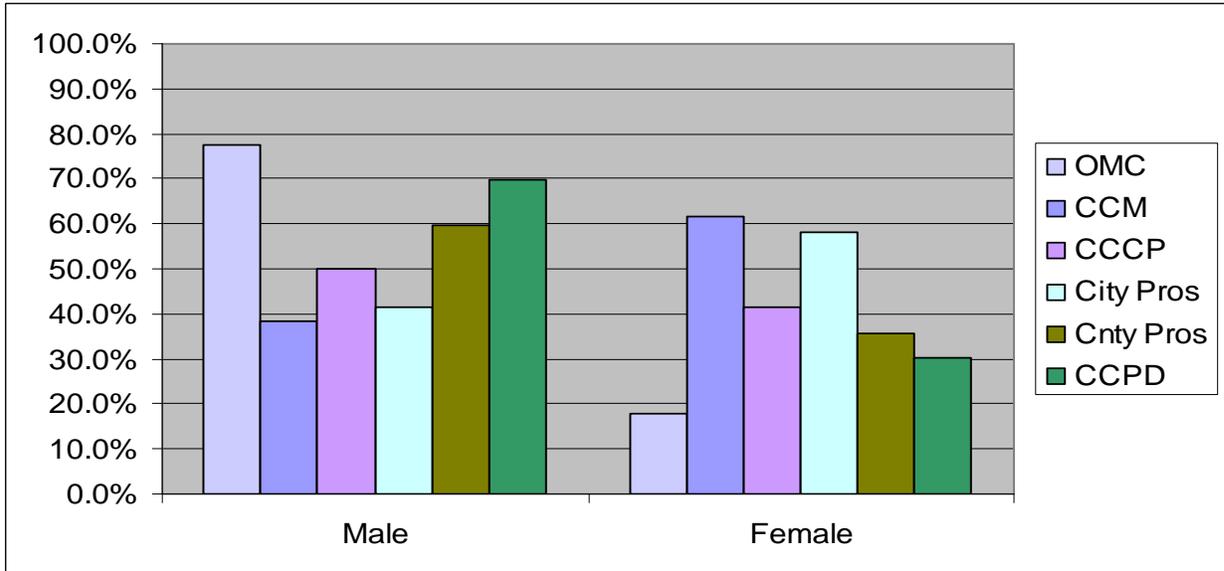
Table 24/25. What is your race or ethnicity?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
White /Caucasian	91.4%	69.2%	83.3%	41.6%	80.9%	78.7%
Hispanic /Latino	0.0%	0.0%	0.0%	8.3%	11.9%	6.0%
African American /Black	5.3%	30.7%	8.3%	33.3%	0.0%	12.1%
Asian /Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Ntv Amrcn /Alskn Ntv	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	1.0%	0.0%	0.0%	8.3%	2.3%	3.0%

APPENDIX P: Table 25/26. Gender

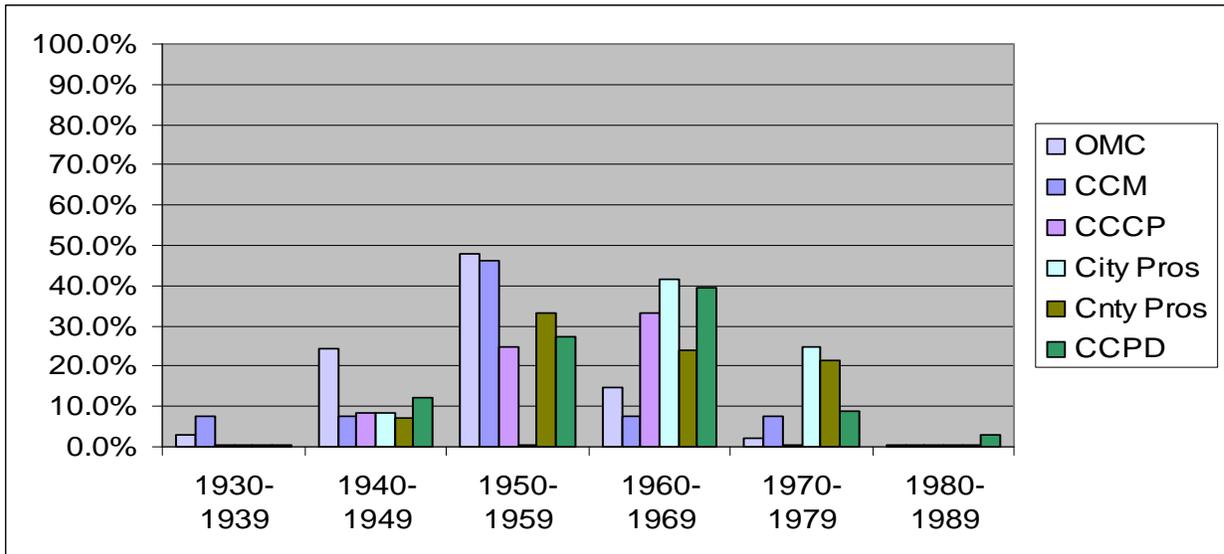
Table 25/26. What is your gender?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
Male	77.6%	38.4%	50.0%	41.6%	59.5%	69.6%
Female	18.0%	61.5%	41.6%	58.3%	35.7%	30.3%

APPENDIX Q: Table 26/27. Birth Year

Table 26/27. What year were you born?



	OMC	CCM	CCCP	City Pros	Cnty Pros	CCPD
1930-1939	3.1%	7.6%	0.0%	0.0%	0.0%	0.0%
1940-1949	24.4%	7.6%	8.3%	8.3%	7.1%	12.1%
1950-1959	47.8%	46.1%	25.0%	0.0%	33.3%	27.2%
1960-1969	14.8%	7.6%	33.3%	41.6%	23.8%	39.3%
1970-1979	2.1%	7.6%	0.0%	25.0%	21.4%	9.0%
1980-1989	0.0%	0.0%	0.0%	0.0%	0.0%	3.0%

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