

GENDER EQUITY SURVEY

Sponsored by the Oregon Supreme Court /
Oregon State Bar Task Force on Gender Fairness



PLEASE TAKE A FEW MOMENTS TO COMPLETE
THIS ANONYMOUS SURVEY OF JUDGES

Please return your anonymous survey in the enclosed envelope to:

OSRL

OREGON SURVEY RESEARCH LABORATORY
5245 UNIVERSITY OF OREGON
EUGENE, OR 97403-5245

General Instructions: Please answer the following questions based only on your experiences as an Oregon state court judge unless otherwise indicated. You may need to answer only selected parts of the questionnaire, depending on your experience and involvement with different areas of the law. Some judges will skip a few questions; many judges will skip entire sections. Please return this questionnaire even if you are able to complete only a portion of the questions, as the representativeness of the data rests on the range of experiences of Oregon judges. Although most questions ask you just to check or circle a response, we welcome your thoughts. Feel free to include additional comments wherever you think they are necessary. Your comments will be transcribed and considered. Please return the questionnaire in the enclosed envelope by Tuesday June 3, 1997.

I. GENERAL PRACTICE INFORMATION

For the following questions, please circle the answer that best describes your situation.

A. Including yourself, how many judges are there in your court?

1. One
2. 2-5 judges
3. 6-9 judges
4. 10 or more judges
5. Other

Please explain:

B. Type of area where you serve:

1. Primarily rural
2. Primarily urban
3. Mixed rural/urban

C. What kind(s) of cases do you hear?

(Circle all that apply)

1. Administrative Law
2. Civil
3. Criminal
4. Family Law
5. Juvenile
6. Probate
7. Other *(please specify)* _____

D. Court where you serve:

Circle all that apply

1. District
2. Circuit
3. Appellate
4. Juvenile
5. Administrative
6. Other *(please specify)* _____

E. When you practiced as an attorney, in which area(s) did you practice? *(Circle all that apply)*

1. General practice
2. Appellate
3. Business Law
4. Civil Litigation
5. Criminal Defense
6. Criminal Prosecution
7. Corporate Law
8. Environmental Law
9. Family Law
10. Govt./Public Sector Law
11. Juvenile Law
12. Labor Law
13. Legal Services
14. Public Defender
15. Real Estate Law
16. Other *(please specify)* _____

F. Are you on active or senior status?

1. Active
2. Senior

G. In the past five years, approximately what percentage of your time as a judge has been spent in each of the following areas?

(If you do not use one of the items on the list, enter zero. Percentages should add up to 100%)

- _____ % Civil
- _____ % Criminal
- _____ % Family
- _____ % Juvenile
- _____ % Probate
- _____ % Administrative Law
- _____ % Other (please specify) _____

II. CRIMINAL LAW - The following questions pertain to programs and services available in the community and in correctional institutions for male and female offenders.

A. For the following questions, please indicate whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the following statements:

	<u>Strongly Agree</u>	<u>Somewhat Agree</u>	<u>Somewhat Disagree</u>	<u>Strongly Disagree</u>	<u>Don't Know</u>
1. Rehabilitation programs and services offered through <u>community corrections</u> are more available to men than to women.	1	2	4	5	9
2. Rehabilitation programs and services in the <u>prisons and jails</u> are more available to men than to women.	1	2	4	5	9
3. Rehabilitation programs and services in the <u>jails</u> are adequate to meet the needs of <u>female</u> offenders.	1	2	4	5	9
4. Rehabilitation programs and services in the <u>prisons</u> are adequate to meet the needs of <u>female</u> offenders.	1	2	4	5	9
5. Rehabilitation programs and services in the <u>jails</u> are adequate to meet the needs of <u>male</u> offenders.	1	2	4	5	9
6. Rehabilitation programs and services in the <u>prisons</u> are adequate to meet the needs of <u>male</u> offenders.	1	2	4	5	9

B. A variety of programs could be offered in prisons to rehabilitate offenders. Which of the following programs in prisons do you believe are generally available, available but limited in scope, or unavailable? Please answer for male and for female offenders.

	<u>Male Offenders</u>			<u>Female Offenders</u>		
	<u>Available</u>	<u>Limited in Scope</u>	<u>Not Available</u>	<u>Available</u>	<u>Limited in Scope</u>	<u>Not Available</u>
1. Job Training	1	2	3	1	2	3
2. Education through high school	1	2	3	1	2	3
3. Education beyond high school	1	2	3	1	2	3
4. How available is health care, including pre- and post-natal care and gynecological services, for female offenders?				1	2	3

C. In your experience, are there any inequalities in the availability of, or nature of, rehabilitation programs and facilities for male and female *adult* offenders?

1. Yes →
2. No
3. Don't know

1. What are those inequalities?

D. What about for male and female *juvenile* offenders?

1. Yes →
2. No
3. Don't know

1. What are those inequalities?

E. For the purpose of the following questions, assume "under similar circumstances" means that the severity of the crime and criminal histories are comparable to one another. Based on your observations and experiences please select the best answer.

1. If, proportionately, there are fewer substance abuse treatment programs available for women than for men, does this lead to...?
 1. A lower incarceration rate for substance abusing pregnant women than for men.
 2. Neither a higher nor a lower incarceration rate.
 3. A higher incarceration rate for substance abusing pregnant women than for men.
2. If, proportionately, there are fewer substance abuse treatment programs available for women than for men, does this lead to...?
 1. A lower incarceration rate for substance abusing custodial mothers than for substance abusing custodial fathers.
 2. Neither a higher nor a lower incarceration rate.
 3. A higher incarceration rate for substance abusing custodial mothers than for substance abusing custodial fathers.

3. If, proportionately, there are fewer substance abuse treatment programs available for women than for men, does this lead to...?
 1. A lower incarceration rate for childless or non-custodial (non-pregnant) substance abusing women than for childless or non-custodial substance abusing men.
 2. Neither a higher nor a lower incarceration rate.
 3. A higher incarceration rate for childless or non-custodial (non-pregnant) substance abusing women than for childless or non-custodial substance abusing men.

4. In sentencing, other judges take into account the parenting responsibilities of women...
 1. Less often than they do the parenting responsibilities of men.
 2. To the same extent as they do the parenting responsibilities of men.
 3. More often than they do the parenting responsibilities of men.

F. In your experience, does a prosecutor's sentencing recommendation differ depending upon whether the adult offender is male or female?

1. Yes →
2. No

1. What differs?

2. What factors tend to be considered?

G. In your opinion, do other judges' orders (e.g., sentencing, custody) differ depending upon whether the adult offender is male or female?

1. Yes →
2. No

1. What differs?

2. What factors tend to be considered?

H. Do your orders differ depending upon whether the adult offender is a male or female?

1. Yes →
2. No

1. What differs?

2. What factors tend to be considered?

I. The following questions in this section refer to Juvenile Court only. Please answer these questions only if 25% or more of the cases you bear are Juvenile matters; if not skip to Section III, Domestic Relations.

The next 4 questions regard the frequency of dispositions for male and female juveniles under similar circumstances. Please choose the best answer based on your observations and experiences.

	<u>Less Frequently</u>	<u>Same Amount</u>	<u>More Frequently</u>	<u>Don't Know</u>
1. Compared to boys, girls are ordered to alternative treatment programs...	1	2	3	9
2. Compared to boys, pregnant girls are ordered to alternative treatment programs...	1	2	3	9
3. Compared to custodial teen fathers, custodial teen mothers are ordered to alternative treatment programs..	1	2	3	9
4. Compared to boys, girls are confined in a secure facility...	1	2	3	9

J. In your experience, does a prosecutor's sentencing recommendation differ depending on whether the juvenile offender is a male or female ?

- 1. Yes →
- 2. No



1. What differs?

2. What factors tend to be considered?

K. In your experience, do other judges' orders differ depending on whether the juvenile offender is a male or female ?

- 1. Yes →
- 2. No



1. What differs?

2. What factors tend to be considered?

L. Do your orders differ depending on whether the juvenile offender is a male or female?

- 1. Yes →
- 2. No



1. What differs?

2. What factors tend to be considered?

Skip to the next page

III. DOMESTIC RELATIONS - The following questions refer to family law caseloads. Circle the response for each category which best describes your experience. If you have never been involved with family law cases, skip to Section IV, Litigation on page 7.

A. On the basis of your experience, please indicate whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree for each of the following statements about female litigants and male litigants.

	MALE LITIGANTS					FEMALE LITIGANTS				
	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't Know	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't Know
1. In <i>TRIAL COURT</i> , there is bias against litigants in. . .										
a. awarding child custody.	1	2	3	4	9	1	2	3	4	9
b. awarding child support.	1	2	3	4	9	1	2	3	4	9
c. awarding spousal support.	1	2	3	4	9	1	2	3	4	9
d. property distribution.	1	2	3	4	9	1	2	3	4	9
2. In <i>APPELLATE COURT</i> , there is bias against litigants in. . .										
a. awarding child custody.	1	2	3	4	9	1	2	3	4	9
b. awarding child support.	1	2	3	4	9	1	2	3	4	9
c. awarding spousal support.	1	2	3	4	9	1	2	3	4	9
d. property distribution.	1	2	3	4	9	1	2	3	4	9
3. Oregon <i>STATUTES & REGULATIONS</i> are biased against litigants regarding. . .										
a. child custody awards.	1	2	3	4	9	1	2	3	4	9
b. child support awards.	1	2	3	4	9	1	2	3	4	9
c. spousal support awards.	1	2	3	4	9	1	2	3	4	9
d. property distribution.	1	2	3	4	9	1	2	3	4	9

B. How many family law cases (including temporary or final hearings, motions, and post-decree modifications) have you presided over during the last twelve months?

_____ cases

C. Please circle the answer that best matches your observations and experiences for each of the following statements.

	<u>Strongly Agree</u>	<u>Somewhat Agree</u>	<u>Somewhat Disagree</u>	<u>Strongly Disagree</u>	<u>Don't Know</u>
1. Female trial court judges tend to favor female litigants in family law matters.	1	2	3	4	9
2. Male trial court judges tend to favor male litigants in family law matters.	1	2	3	4	9
3. Female trial court judges tend to favor male litigants in family law matters.	1	2	3	4	9
4. Male trial court judges tend to favor female litigants in family law matters.	1	2	3	4	9
5. Judges should not issue restraining orders to victims of domestic violence who repeatedly return to abusive relationships.	1	2	3	4	9
6. The legal process shows too much sympathy for women who allege domestic abuse.	1	2	3	4	9
7. The legal process shows too much sympathy for men who allege domestic abuse.	1	2	3	4	9
8. In my opinion, husbands who force intercourse on their wives are inconsiderate, even cruel, but not really rapists.	1	2	3	4	9

IV. LITIGATION - *The following set of questions concern your experiences with criminal and civil cases.*

A. As a judge, have you ever been involved in any cases in which you felt that the litigation process or outcome was affected (either negatively or positively) by the gender of one of the *parties*?

1. Yes
2. No

1. Please describe:

2. Did you have this experience as a lawyer?

1. Yes
2. No
3. Not applicable

B. As a judge, have you been involved with any case(s) in which you felt that the litigation process or outcome was affected (either negatively or positively) by the gender of one of the *attorneys*?

- 1. Yes →
- 2. No

1. Please describe:

2. Did you have this experience as a lawyer?

- 1. Yes
- 2. No

C. As a lawyer, did you ever use the gender of a party, witness, juror, attorney, judge, or other participant as part of your litigation strategy?

- 1. Yes →
- 2. No

1. Please describe:

D. Have you observed behavior in your courtroom by attorneys, parties, witnesses, or anyone else that indicates a gender bias?

- 1. Yes →
- 2. No

1. Please describe:

2. Do you believe that this behavior affected the outcome of the case?

- 1. Yes, adversely
- 2. Yes, positively
- 3. No

3. Did you ever observe such behavior as a lawyer?

- 1. Yes
- 2. No

E. Have you observed behavior in the pretrial stages of any matter (e.g. discovery, mediation, arbitration) by attorneys, mediators, arbitrators, other judges, parties, or witnesses that indicate a gender bias?

- 1. Yes →
- 2. No

1. Please describe:

2. Do you believe that this behavior affected the outcome of the case?

- 1. Yes, adversely
- 2. Yes, positively
- 3. No

F. In your experience, do male or female counsel tend to be better at...?

	<u>Male Counsel</u>	<u>Female Counsel</u>	<u>No Difference</u>
1. reaching a settlement.	1	2	3
2. assertive representation of clients' interests.	1	2	3
3. arguing complicated issues of law.	1	2	3

V. LAW PRACTICE - We are interested in learning about your experiences in court, in law offices, at Bar events (CLEs, local Bar Association, and social gatherings), with clients and coworkers, and others. Please select the best answer to the following questions based upon your experiences as a lawyer and as a judge.

A. Please read the following statements, decide if you personally have observed the behavior and, if so, indicate who engaged in the behavior described. Check judges, attorneys, or court personnel as applicable. Note: a check means 'yes' you have personally observed this behavior.

<u>Indicate who engaged in this behavior</u> →	<u>Judges</u>		<u>Attorneys</u>		<u>Court Personnel</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
1. Female attorneys are asked if they are attorneys in situations where male attorneys are not asked.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Female attorneys are ignored or cut off when speaking in situations where male attorneys are not.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Female attorneys are addressed by first names when male attorneys are addressed by surnames or titles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Female litigants, witnesses or jurors are addressed by first names when males are addressed by surnames or titles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Female attorneys, litigants, witnesses and/or jurors are addressed using terms of endearment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Male attorneys, litigants, witnesses and/or jurors are addressed using terms of endearment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Female attorneys are addressed in a patronizing manner more often than male attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Comments are made about the personal appearance of female attorneys, litigants, witnesses or jurors when no such comments are made about males.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Remarks or jokes demeaning or hostile about women are made in court or in chambers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Indicate who engaged in this behavior</i> →	<i>Judges</i>		<i>Attorneys</i>		<i>Court Personnel</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
10. Remarks or jokes demeaning or hostile about men are made in court or in chambers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Female litigants are subjected to verbal or physical sexual advances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Male litigants are subjected to verbal or physical sexual advances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Female attorneys are subjected to verbal or physical sexual advances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Male attorneys are subjected to verbal or physical sexual advances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Female court personnel are subjected to verbal or physical sexual advances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Male court personnel are subjected to verbal or physical sexual advances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. If you have observed any of the conduct described in the questions above, do you believe it affected the outcome of the case?

1. Yes →
 2. No
 3. Don't know

1. Please describe how you believe it affected the outcome of the case.

2. How often do you believe it has affected the outcome of a case?
 1. Often
 2. Sometimes
 3. Rarely
 4. Never

C. In your experience and observations, do you believe that case outcome is *negatively* affected when....
 (please check all that you believe to be true or leave blank)

1. the female attorney is also...

- Black/African American
- Hispanic
- Asian/Pacific Islander
- Native American
- Young (less than 40 years old)
- Old (over 55 years old)
- Perceived to be a lesbian/bisexual
- Single
- Married
- A parent
- A person with a discernible disability

2. the male attorney is also...

- Black/African American
- Hispanic
- Asian/Pacific Islander
- Native American
- Young (less than 40 years old)
- Old (over 55 years old)
- Perceived to be a gay/bisexual
- Single
- Married
- A parent
- A person with a discernible disability

3. the female litigant or witness is also...

- Black/African American
- Hispanic
- Asian/Pacific Islander
- Native American
- Young (less than 40 years old)
- Old (over 55 years old)
- Perceived to be a lesbian/bisexual
- Single
- Married
- A parent
- A person with a discernible disability

4. the male litigant or witness is also...

- Black/African American
- Hispanic
- Asian/Pacific Islander
- Native American
- Young (less than 40 years old)
- Old (over 55 years old)
- Perceived to be a gay/bisexual
- Single
- Married
- A parent
- A person with a discernible disability

D. In your experience and observations, how often do you believe that less weight is given to...

1. female attorneys' arguments than to those of male attorneys.

	<u>Often</u>	<u>Sometimes</u>	<u>Rarely</u>	<u>Never</u>
a. by a male judge	1	2	3	4
b. by a female judge	1	2	3	4
c. by a male juror	1	2	3	4
d. by a female juror	1	2	3	4

In your experiences and observations, how often do you believe that less weight is given to...

	<u>Often</u>	<u>Sometimes</u>	<u>Rarely</u>	<u>Never</u>
2. the testimony of female experts, law enforcement officers, or probation officers, than to that of their male counterparts.				
a. by a male judge	1	2	3	4
b. by a female judge	1	2	3	4
c. by a male juror	1	2	3	4
d. by a female juror	1	2	3	4
3. the testimony of female, non-expert witnesses than to the testimony of male non-expert witnesses.				
a. by a male judge	1	2	3	4
b. by a female judge	1	2	3	4
c. by a male juror	1	2	3	4
d. by a female juror	1	2	3	4

4. Have you ever observed anyone intervene to address biased conduct within the courtroom?

1. Yes →
2. No

1. Please describe what conduct occurred, what corrective actions were taken if any, and by whom:

E. Please check the box which best reflects your experience.

	<u>Strongly Agree</u>	<u>Somewhat Agree</u>	<u>Somewhat Disagree</u>	<u>Strongly Disagree</u>	<u>Don't Know</u>
1. Conduct, tactics or arguments of a female attorney are viewed as inappropriate when the same conduct by a male attorney is viewed as good advocacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Female lawyers should not be litigators because their family responsibilities interfere with court appearances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Female attorneys seem to get annoyed when men are just being polite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. There is no significant gender bias in the courtroom today.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. When you practiced as a lawyer, did you or other lawyers often or sometimes prefer not to appear before a male or female judge in certain types of cases? *Please check the box if it applies to defendants or opposing counsel, and indicate whether you ever filed an affidavit of prejudice for this reason.*

	<u>Defendants</u>		<u>Opposing Counsel</u>		<u>Affidavit of Prejudice filed</u>
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	
1. In a criminal case, lawyers often or sometimes prefer not to appear in front of:					
a male judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a female judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. In a civil case, lawyers often or sometimes prefer not to appear in front of:					
a male judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a female judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. In a domestic relations case with property issues only, lawyers often or sometimes prefer not to appear in front of:					
a male judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a female judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. In a domestic relations case with child custody issues only, lawyers often or sometimes prefer not to appear in front of:					
a male judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a female judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. In a domestic abuse case, lawyers often or sometimes prefer not to appear in front of:					
a male judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a female judge with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. Please circle yes or no and describe your experience(s).

1. Do litigants treat you differently because of your gender?

- 1. Yes —▶ Please explain:
- 2. No

2. Do lawyers treat you differently because of your gender?

- 1. Yes —▶ Please explain:
- 2. No

3. Do other judges treat you differently because of your gender?

- 1. Yes —▶ Please explain:
- 2. No

4. Has your gender *plus* your sexual orientation, race, disability, etc. “earned” you any special work, committee assignments, or other tasks?

- 1. Yes —▶
- 2. No

1. Please explain.



2. Overall, do you consider these appointments or work assignments a benefit or a burden?

- 1. Benefit
- 2. Burden
- 3. Mixed

H. Have you experienced or personally observed inappropriate treatment of men or women, based on gender, in your workplace (i.e. the courthouse)?

- 1. Yes —▶ Please explain:
- 2. No

I. Have you experienced or personally observed inappropriate treatment of men or women, based on gender, elsewhere in the legal system?

- 1. Yes
- 2. No



1. Please explain:

J. Are male and female *employees* (including judges) in your workplace dealt with differently depending on family status or family needs?

- 1. Yes they are treated differently based on gender.
- 2. Yes people are treated differently, but it is based on job, not gender.
- 3. No, everyone is treated the same.

K. Has a court employee ever come to you complaining of sexual harassment in his/her workplace?

- 1. Yes
- 2. No



1. What was the complainant's gender?

- 1. Male
- 2. Female

2. What was the complainant's position within the court system?

3. What was the alleged perpetrator's gender?

- 1. Male
- 2. Female

4. What was the alleged perpetrator's position within the office?

5. What was the nature of the harassment:

6. In your opinion, was the complaint successfully resolved?

- 1. Yes
- 2. No

Please go to the next page

VI. Hiring and Opportunities for Promotion - *The next set of questions pertain to hiring and promotion opportunities for lawyers. Please circle the answer that best fits your personal observations and experiences as a judge or, where applicable, your experiences as an attorney.*

A. When you interviewed for a lawyer, law clerk, or other legal position, how often did an interviewer inquire into, discuss, or take into account . . .

	<u>Often</u>	<u>Sometimes</u>	<u>Rarely</u>	<u>Never</u>	<u>Not Applicable</u>
1. your personal relationships	1	2	3	4	9
2. your family obligations	1	2	3	4	9
3. your personal commitments	1	2	3	4	9
4. your sexual orientation	1	2	3	4	9

Elaborate if applicable:

B. Were you asked about any of these when you interviewed for a judicial position?

- 1. Yes
- 2. No

Elaborate:

C. When interviewing potential court employees for a position, how often have you or other interviewers inquired into or discussed applicants' . . .

	<u>Often</u>	<u>Sometimes</u>	<u>Rarely</u>	<u>Never</u>	<u>Not Applicable</u>
1. personal relationships	1	2	3	4	9
2. family obligations	1	2	3	4	9
3. personal commitments	1	2	3	4	9
4. sexual orientation	1	2	3	4	9

Comments:

D. When you practiced as an attorney, if 2 or more lawyers of different genders competed for a particular assignment on a specific case (e.g., "first chair," arguing an important motion, or appearing at an important hearing), and a male, rather than female, attorney was given the assignment, what reasons were typically given to explain the decision. *(Please circle all that apply).*

1. The case requires a "heavy hitter."
2. The case is assigned to a judge who prefers male counsel.
3. The client prefers male counsel.
4. A male attorney brought the client to the firm.
5. The case requires more aggressive counsel.
6. The case requires a particular type of expertise that the female attorney lacks.
7. The male attorney is more qualified.
8. The jury will respond better to a male attorney.
9. It isn't the right sort of case for a woman attorney.
10. A male attorney is more senior in the office.
11. A male attorney has a clear tie to the case.
12. Other _____ →

1. Please explain:

E. In the past 5 years (or, since you joined the bench if it has been less than 5 years), have you lost an assignment to a colleague of the opposite sex for what you believe to be gender-related reasons?

1. Yes →
2. No

1. How many times?

2. In what way do you believe that your gender was a factor?

F. The next few questions pertain to "rainmaking" in private law practice. If you were in private practice, please answer the following questions, if not skip to the next section (Section VII page 18).

1. Were you ever in private practice in Oregon?

1. Yes →
2. No *(skip to Section VII, page 18)*

3. Please rank the top 3 legal skills with respect to their importance in *generating new clients*.

- ___ Legal analysis
- ___ Trial experience
- ___ Litigation experience
- ___ Writing ability
- ___ Speaking ability
- ___ Organizational ability
- ___ Specialization in a particular area of law
- ___ Negotiation and mediation ability
- ___ Client interaction

2. How many years were you in private practice in Oregon?
_____ years

4. Please rank the top 3 legal skills with respect to their importance in *maintaining existing clients*.

- ___ Legal analysis
- ___ Trial experience
- ___ Litigation experience
- ___ Writing ability
- ___ Speaking ability
- ___ Organizational ability
- ___ Specialization in a particular area of law
- ___ Negotiation and mediation ability
- ___ Client interaction

5. Rank the top 3 with respect to their importance in lawyers' ability to *generate new clients or maintain existing clients*.

- _____ Personality
- _____ Timeliness
- _____ Accountability
- _____ Involvement in professional organizations
- _____ Involvement in community activities
- _____ Amount of time spent in/out of the office
- _____ Ability/ willingness to travel
- _____ Ability/willingness to work long hours (evenings/nights) and weekends
- _____ Service on firm's management or compensation committee
- _____ Legal skills

6. Please first rank the top 3 factors with respect to their positive impact, then rank the top 3 factors with respect to their negative impact on lawyers' ability to *generate new clients or maintain existing clients*.

Positive Negative

- | | | |
|-------|-------|------------------------------|
| _____ | _____ | 1. Ethnic diversity |
| _____ | _____ | 2. Age |
| _____ | _____ | 3. Marital status |
| _____ | _____ | 4. Sexual orientation |
| _____ | _____ | 5. Years in practice |
| _____ | _____ | 6. Class rank in law school |
| _____ | _____ | 7. Gender |
| _____ | _____ | 8. Children |
| _____ | _____ | 9. Disability |
| _____ | _____ | 10. Law school attended |
| _____ | _____ | 11. Professional recognition |
| _____ | _____ | 12. Foreign language skills |

VII. GENERAL BACKGROUND INFORMATION - Please circle the appropriate information.

A. What is your gender?

- 1. Male
- 2. Female

B. In what year were you born? 19 _____

C. 1. In what year were you first admitted to practice in any state? 19 _____

2. How many years have you been a lawyer in Oregon? _____ years

3. How many years have you been a judge in Oregon? _____ years

D. Do you have children?

1. Yes
2. No



1. How many? _____
2. Are any of your children minors?

1. Yes
2. No



3. Were you ever separated or divorced when your children were minors?

1. Yes
2. No



E. What is your sexual orientation?

1. Gay/lesbian
2. Straight/heterosexual
3. Bisexual
4. Other (*specify*) _____

4. Was there a custody dispute?

1. Yes
2. No



F. What is your race/ethnicity?

1. Black/African-American
2. Asian
3. Hispanic
4. Native American
5. Pacific Islander
6. White (non-Hispanic)
7. Mixed/Other (*please specify*) _____

5. To whom was physical custody awarded?

1. Mother
2. Father
3. Joint
4. Other

G. What is your current marital status?

1. Divorced
2. Married/living as married
3. Separated
4. Single and never married
5. Widowed
6. Other _____

H. Do you have a physical or mental disability?

1. Physical
2. Mental
3. No disabilities

1. Is the disability noticeable?

1. Yes
2. No

Thank you for taking the time to fill out this questionnaire!

Please feel free to make additional comments by including a separate sheet or using the space below. Your comments will be transcribed and considered.