

Judge and Attorney Survey



Center for Jury Studies

California

	California State Courts	All State Courts	California Federal Courts	All Federal Courts
Survey Size (n=)	396	10,395	22	884
Respondents				
State Trial Judges	336	3,824	n/a	n/a
Federal Trial Judges	n/a	n/a	14	235
Attorneys	58	6,401	8	628
Primarily Criminal Prosecution	2	862		30
Primarily Criminal Defense	7	1,280		109
Primarily Civil Plaintiff	13	1,729	2	137
Primarily Civil Defense	28	1,449	4	228
Other / Unknown Respondent	2	170		21
Case Types				
Capital Felony	6	327		9
Felony	150	3,460	8	293
Misdemeanor	78	1,248		6
Civil	159	5,106	14	550
Other/Unknown Case Type	3	254		26
Voir Dire Characteristics				
Voir dire questioning method (%)				
Questions posed to full panel	83.6	85.5	81.8	86.2
Questions to individuals in jury box	92.4	62.8	45.5	51.7
Questions to individuals at sidebar	34.1	31.3	22.7	30.5
General questionnaire used	8.8	33.9	22.7	33.1
Case-specific questionnaire used	10.4	5.4	9.1	9.7
Who performs voir dire questioning (%)				
Judge only	0.3	7.9	31.8	24.1
Judge with limited attorney follow-up	50.9	18.0	54.5	45.4
Judge and attorney equally	35.1	19.4	9.1	13.6
Attorney with limited judge	13.5	41.7	4.5	14.1
Attorney only	0.3	12.9		2.8
Median voir dire time (hours)				
Capital Felony	10.0	6.0		7.0
Felony	4.0	2.0	4.0	2.0
Misdemeanor	2.8	1.5		1.0
Civil	4.0	2.0	2.8	2.0
Other	7.0	2.0		1.4
Jury Trial Characteristics				
Note taking (%)				
Jurors could take notes	94.9	69.0	68.2	71.2
Jurors given paper for notes	97.2	63.7	68.2	68.4
Jurors given a notebook	8.1	5.8	13.6	11.2
Allowed juror questions during trials (%)				
Criminal Trials	24.2	15.1	18.2	10.9
Civil Trials	20.1	14.0	12.5	11.4
Could discuss evidence before deliberations (%)				
Criminal Trials	29.6	16.1	21.4	10.9
Civil Trials	1.0	1.5	4.5	0.9
Criminal Trials	1.3	0.7		0.3
Civil Trials	0.6	2.2	7.1	1.3
Juror instruction methods (%)				
Preinstructed on substantive law	30.8	17.7	27.3	16.9
Instructed before closing arguments	72.5	41.2	50.0	35.5
Given guidance on deliberations	65.9	54.4	54.5	52.7
At least 1 copy of written instructions provided	96.5	68.5	90.9	79.4
All jurors received copy of written instructions	49.5	32.6	59.1	39.0
Alternates deliberated (%)				
Criminal Trials	3.8	5.5	9.1	15.0
Civil Trials	2.1	1.3		0.6
Criminal Trials	6.3	9.9	14.3	23.1
Civil Trials	4.5	25.3	13.6	14.8
Criminal Trials	4.3	27.2	12.5	11.0
Civil Trials	5.0	23.3	14.3	17.1
Median deliberation time (hours)				
Capital Felony	5.0	3.0	5.3	4.0
Felony	12.0	6.0		10.0
Misdemeanor	6.0	3.0	5.0	4.0
Civil	4.0	2.0		2.5
Other	5.5	3.0	5.5	4.0
Other	7.5	2.0		2.5
Trials that were notorious (%)				
Criminal Trials	6.1	6.3		6.7
Evidentiary complexity (7 point scale)				
Median	4.0	4.0	5.0	4.0
% trials rated highly complex evidence (6 or 7)	11.7	13.3	23.8	24.8
Legal complexity (7 point scale)				
Median	4.0	3.0	5.0	4.0
% trials rated highly complex law (6 or 7)	13.7	10.4	40.9	25.1

n/a = Not Applicable

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