

JUDICIAL SURVEY, MARCH 2006
Conducted by Senator Charles Laster
(80 Respondents)

1) Based on your experience in your court, what percent of cases assigned to you would you consider to be frivolous?

A. Less than 5%	68.75%
B. Less than 10%	23.75%
C. More than 10%.	5.00%
No Opinion	2.50%

2) In your opinion, to what degree do you believe juries to be capable of reaching a fair and reasonable decision in cases involving civil litigation?

A. Very capable	66.25%
B. Capable	28.75%
C. Somewhat capable	5.00%
D. Not capable	0.00%

3) Based on experience in your courtroom within the last 24 months, how often did you believe that jury awards were disproportionately high compared to the evidence of damages being presented? (Please circle one).

A. 0-10%	95.00%
B. 11-20%	1.25%
C. 21-30%	3.75%
D. 31-40%	0.00%
E. 41% and higher	0.00%

4) How many remittiturs have been granted in your courtroom within the last 24 months because the jury verdict was excessive?

A. 0-5	100.00%
B. 6-10	0.00%
C. 11-15	0.00%
D. 16-20	0.00%
E. 20 and higher	0.00%

5) Do you believe that damages for noneconomic damages should be capped at \$250,000? (Please explain)

YES	3.75%
NO	88.75%
NO OPINION	7.50%

6) How many punitive damages awards have been granted by juries in your courtroom(s) within the last 24 months? (Please circle one)

- | | |
|------------------|---------------|
| A. 0-5 | 98.75% |
| B. 6-10 | 1.25% |
| C. 11-15 | 0/00% |
| D. 16-20 | 0/00% |
| E. 20 and higher | 0/00% |

7) How often did you find the punitive damage award was consistent with the evidence presented at trial? (Please describe)

- “Every Time” – 46.00%
Punitive damages never or rarely ever awarded – 37.00%
Almost always – 6.00%
Usually or often – 9.00%
One award excessive – 2.00%

8) Do you believe there is a need for additional legislation capping punitive damages awards? (Please explain)

- | | |
|------------|---------------|
| YES | 7.50% |
| NO | 85.00% |
| NO OPINION | 7.50% |

9) Based on your personal experience, would you support a “loser pays” rule in all personal injury cases? (Please explain)

- | | |
|------------|---------------|
| YES | 22.50% |
| NO | 65.00% |
| NO OPINION | 12.50% |

10) Based on your personal experience, would you support legislation that made it easier for judges to grant summary judgment?

- | | |
|------------|---------------|
| YES | 32.50% |
| NO | 46.25% |
| NO OPINION | 21.25% |

11) Based on your personal experience, would you support awarding attorney’s fees for the cost of preparing a response to a motion for summary judgment to the prevailing nonmoving party?

- | | |
|------------|---------------|
| YES | 38.75% |
| NO | 43.75% |
| NO OPINION | 17.50% |

12) Based on your personal experience, would you support legislation which gave judges enhanced power to order parties to the full range of Alternative Dispute Resolution procedures?

YES	76.25%
NO	15.00%
NO OPINION	8.75%

13) In your judgment, do you believe that the laws pertaining to the certification of class action lawsuits should be changed? If so, in what manner?

YES	13.75%
NO	55.00%
NO OPINION	31.25%

14) In the past two years, how many product liability lawsuits have been assigned to you?

A. 0-5	83.75%
B. 5-10	13.75%
C. 10 or more	2.50%

15) Only if applicable to you, how many product liability lawsuits have actually been tried in your courtroom over the past two years?

A. 0-5	93.75%
B. 5-10	0.00%
C. 10 or more	0.00%
No Opinion	6.25%

16) In your judgment, do you believe that the law requiring expert certification of Healthcare Liability actions, which went into effect on July 1, 2003 has been effective in reducing the number of those cases?

YES	35.00%
NO	18.75%
NO OPINION	46.25%

17) Based on your experience, do you believe that there is a litigation crisis requiring major legislative changes in the judicial system in the state of Oklahoma?

A. Yes	2.50%
B. No	90.00%
C. No opinion	7.50%