

# Montana Bench and Bar Survey Results

## A Letter from Chief Justice Karla M. Gray

October 1, 2008

Dear Fellow Montanans:

Last month, the Montana Supreme Court asked nearly 1,000 appellate lawyers, as well as all of Montana's District Court Judges and the University of Montana Law School teaching faculty, for their thoughts on the Court's performance. Using an anonymous on-line survey, respondents rated the Court's performance in areas central to its primary obligations, including whether the Court's decisions are based on facts and applicable law, whether the Court's published opinions explain deviations from established law and the adoption of new developments in law, and whether the Court treats judges and attorneys with courtesy and respect. The survey also inquired about the Court's timeliness in completing its overall workload and issuing opinions.

The survey is part of a larger project, approved by the Supreme Court in September of 2007, to develop a set of measures to gauge the Court's performance. In addition to measuring "consumer" satisfaction through the survey, the Court is developing performance measures involving on-time case processing, case clearance, and age of pending caseload, and hopes to have that "hard data" before the end of this year. The National Center for State Courts is providing technical assistance in the development and implementation of the measurement tools, which we intend to repeat regularly to gauge improvements.

The survey response rate was very good – 46.3% of the appellate attorneys, judges, and law school faculty polled took the time to respond. We greatly appreciate the high response rate, and thank all who participated.

A summary of the survey results is available by clicking on the following link: [statistical summary](#). As you will note, over 90% of the respondents believe that the Court does a good job in providing information about its roles, procedures, and operations, and that it treats trial court judges with courtesy and respect. Eight out of ten say that the Court's published opinions clearly state the appropriate rule of law, identify and apply standards of review, and provide instructions on remand; an even higher number agree that the Court treats attorneys with courtesy and respect. Regarding attorney discipline, nearly eight out of ten respondents agree that the Court's attorney disciplinary process is fair and that sanctions imposed on attorneys are proportionate to the misconduct.

Survey respondents rated the Court lowest in the area of timeliness, an area that obviously needs the Court's earliest attention. Only 38% of the respondents felt that the Court completes its overall workload in a timely manner,

and only 31% said that opinions are issued on time. We have implemented a number of “efficiencies” in recent years, but they have not been enough given our caseload. We know we can--and must--make improvements regarding the overall timeliness of the appellate process; we will do so, but not by sacrificing our strengths. In any event, we likely will need help from appellate lawyers and additional resources from the Legislative and Executive Branches to achieve the timeliness which will satisfy the Court and its primary consumers, and better serve the people of Montana.

The survey results provide us with valuable insights about our strengths and weaknesses. We will use these results, together with the “hard data” measures set out above, to help us identify ways in which the Court can improve, and we intend to conduct the survey annually to obtain feedback from our primary consumers. We are convinced that by asking “How are we doing?”--and learning from and acting on the responses--the Montana Supreme Court will improve and provide an even stronger system of justice for Montana.

Regards,

Karla M. Gray  
Chief Justice