

June 11, 1999

Dear Judge:

The enclosed, brief survey concerns your experience with *Alternative Dispute Resolution* (ADR) as a means to resolve civil disputes using non-traditional intervention techniques, such as mediation, early in the legal process. More details can be found in Section 802.12 of the Wisconsin Statutes.

The survey was developed by a sub-committee of the Supreme Court's Planning and Policy Advisory Committee (PPAC). We hope to use your answers to develop a comprehensive resource listing the types of ADR being used in the Wisconsin court system, as well as the extent and results of that use. Judges have indicated that such a resource would be very helpful as a teaching tool, and as a source of information for court officials considering implementing or modifying ADR techniques.

Please complete the survey and return it as soon as possible, but no later than **June 21, 1999** in the enclosed, addressed, stamped envelope. Also, please include copies of any orders involving ADR with your survey.

If you have any questions, please contact Dan Wassink, PPAC Senior Policy Analyst, at (608) 266-8861; or by e-mail at: dan.wassink@courts.state.wi.us

Thank you very much for your assistance!

Daniel P. Wassink, PPAC Senior Policy Analyst

Sub-committee members:

Judge Daniel Anderson, WI Court of Appeals
Judge David Hansher, Manitowoc County
Judge Robert DeChambeau, Dane County
Judge James Bayorgeon, Outagamie County
Judge Fred Hazelwood, Manitowoc County
Judge John Perlich, LaCrosse County

Judge Michael Hurt, Menomonee Falls
District Atty. Ray Pelrine, Eau Claire
Mr. Nick Chiarkas, Public Defender
Ms. Mary Williams, Stevens Point
Prof. John Kaminski, Madison

Alternative Dispute Resolution Survey
June, 1999

- * **Instructions:** Please place a check mark beside the appropriate response and provide the information requested. If you need additional space, please use a separate sheet of paper and attach it to your survey. Return all items as soon as possible, but no later than **June 21** in the enclosed, addressed, stamped envelope. Thank you.

Name _____ County _____

1. a. Do you ever recommend the use of specific ADR methods?
 Yes No
- b. If yes, please estimate the percentage of cases in which you recommend the following methods:
- | | |
|--|---|
| <input type="checkbox"/> % Mediation | <input type="checkbox"/> % Non-binding arbitration |
| <input type="checkbox"/> % Focus group | <input type="checkbox"/> % Summary jury trial |
| <input type="checkbox"/> % Mini-trial | <input type="checkbox"/> % Other (<i>please list methods below</i>) |
2. How frequently do you order civil litigants to use some form of ADR?
- Every civil case
 Case-by-case decision as I feel appropriate
 Only for contested small claims actions
 Only for certain other types of civil cases (*please list below*)
3. a. Do you or your staff use any formal method to keep track of the *frequency* of ADR use?
 Yes (*please provide details below*) No
- b. If No, do you see a benefit to creating such a mechanism?
 Yes No

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4. a. Do you or your staff use any formal method to keep track of the *results and outcomes* of cases where you order the use of ADR?

_____ Yes (*please provide details below*) _____ No

- b. If No, do you see a benefit to creating such a mechanism?

_____ Yes _____ No

5. If a civil case settles, are you typically aware why this occurred (e.g., case resolved at ADR stage; plaintiff dropped lawsuit; etc.)?

_____ Yes _____ No

6. Other than in Family and contested small claims cases, at what point in the process do you typically invoke Section 802.12 of the Wisconsin Statutes and order the use of ADR?

PART 1:

- _____ As part of the scheduling orders
_____ Prior to the discovery phase
_____ Following the discovery phase, but before trial

PART 2:

- _____ Within the first 30 days of case filing
_____ Between 30 and 90 days after case filing
_____ After 90 days of case filing

7. Do you ever refer parties to a specific ADR provider?

_____ Yes _____ No _____ Only when requested to do so

8. Overall in your county, is counsel generally supportive of, or resistant to, use of ADR?

_____ Generally supportive _____ Generally resistant

9. Would you be willing to serve as a resource to others with questions concerning your experience with ADR tools?

_____ Yes _____ No

NOTE: *Please provide copies of orders involving ADR when returning your survey.*

Thank you for your time and assistance.