

1998

## First Circuit: A Study of Gender Bias In and Around the Courts

Bruce M. Selya

Follow this and additional works at: <http://scholarship.richmond.edu/lawreview>



Part of the [Courts Commons](#)

---

### Recommended Citation

Bruce M. Selya, *First Circuit: A Study of Gender Bias In and Around the Courts*, 32 U. Rich. L. Rev. 647 (1998).

Available at: <http://scholarship.richmond.edu/lawreview/vol32/iss3/4>

This Article is brought to you for free and open access by the Law School Journals at UR Scholarship Repository. It has been accepted for inclusion in University of Richmond Law Review by an authorized editor of UR Scholarship Repository. For more information, please contact [scholarshiprepository@richmond.edu](mailto:scholarshiprepository@richmond.edu).

## FIRST CIRCUIT: A STUDY OF GENDER BIAS IN AND AROUND THE COURTS

*The Honorable Bruce M. Selya\**

Beginning with the state courts of New Jersey in 1984,<sup>1</sup> almost every state in the country and numerous federal circuits have mounted initiatives to address issues of gender bias in the courts.<sup>2</sup> While individual approaches have varied, each of these judicial units has displayed an increasing sensitivity to the potential problems of bias in the courts and a desire to actively improve the treatment of female litigants, witnesses, employees, and attorneys throughout the judicial system.

This essay describes the methods adopted by the First Circuit Task Force on Gender Bias, beginning with the Task Force's inception in 1993, to capitalize on the work already completed by other courts, and, where necessary, to define and implement remedial measures within the circuit's courts. The specific data obtained through the surveys administered by the Gender Bias Task Force are under analysis and the Task Force will release its results in mid-1998.

---

\* United States Circuit Judge, United States Court of Appeals for the First Circuit. Judge Selya is the Chair of the Steering Committee which oversees the work of the Gender, Race and Ethnic Bias Task Forces.

1. See Ronald J. Fleury et al., *How Wilentz Changed the Courts*, 7 SETON HALL CONST. L.J. 411, 421 (1997).

2. For examples of other courts' efforts, see FINAL REPORT & RECOMMENDATIONS OF THE EIGHTH CIRCUIT GENDER FAIRNESS TASK FORCE, reprinted in 31 CREIGHTON L. REV. 9 (1997); REPORT OF THE MAINE COMMISSION ON GENDER, JUSTICE, AND THE COURTS, reprinted in 49 ME. L. REV. 135 (1997); REPORT OF THE SPECIAL COMMITTEE ON GENDER TO THE D.C. CIRCUIT TASK FORCE ON GENDER, RACE AND ETHNIC BIAS, reprinted in 84 GEO. L.J. 1657 (1996); THE EFFECTS OF GENDER IN THE FEDERAL COURTS: THE FINAL REPORT OF THE NINTH CIRCUIT GENDER BIAS TASK FORCE, reprinted in 67 S. CAL. L. REV. 745 (1994).

## I. BACKGROUND

In 1993, the Judicial Council of the First Circuit passed a resolution that called for the establishment of two Task Forces (one focusing on gender bias, the other on racial and ethnic bias), guided by a Steering Committee, to explore the ways that issues of gender, race, and ethnicity impact lawyers', litigants', employees', and others' interactions within and around the constituent courts of the First Circuit. Justice (then Chief Judge) Stephen Breyer selected the members of the First Circuit Steering Committee and Task Forces. Eighteen judges, lawyers, law professors, and court administrators composed the Steering Committee and Task Forces, and, at Justice Breyer's request, I served as Chair of the Steering Committee. The membership of both Task Forces represents every level of the judiciary and the legal profession and reflects the circuit's geographical composition (Maine, Massachusetts, New Hampshire, Rhode Island and the Commonwealth of Puerto Rico). The members are diverse in terms of age, gender, racial background, and professional experience.

Although the Task Forces conducted their studies simultaneously and cooperated on certain aspects of their respective projects, ultimately, the Gender Bias Task Force ("GBTF"), as the name aptly suggests, focused its efforts on gender-related issues in the courts, and the Race and Ethnic Bias Task Force probed race-related and ethnicity-related issues. This summary deals exclusively with the GBTF's endeavors. A report that catalogues the work of both task forces (the "Final Report") is scheduled for release in mid-1998.

Chief Judge Carmen Consuelo Cerezo, of the District of Puerto Rico, and Margaret Marshall, then Harvard University's general counsel, originally co-chaired the GBTF. Following Ms. Marshall's appointment as an associate justice of the Massachusetts Supreme Judicial Court in 1997, the Steering Committee elevated Circuit Judge Sandra L. Lynch from member to chair of the GBTF. The other members are District Judge Michael Ponsor of the District of Massachusetts; Magistrate Judge Aida M. Delgado-Colon of the District of Puerto Rico; Karen F. Green, Esquire; Gael Mahony, Esquire; Professor Colleen Khoury, University of Maine Law School; James R. Starr,

Clerk, United States District Court for the District of New Hampshire; and Margaret Curran, Assistant United States Attorney, District of Rhode Island. The GBTF also benefitted enormously from the wise counsel of Professor Paul Gewirtz of Yale Law School and Dean Aviam Soifer of Boston College Law School.

When devising its plan of action, the Task Force chose to eschew the course charted by similarly situated groups in other federal and state courts, deciding not to employ typical social science research techniques to evaluate existing perceptions of gender bias in the judicial system. Rather, the GBTF believed it prudent simply to make an assumption, given the findings of studies in other circuits and in various state court systems,<sup>3</sup> that some gender bias is perceived by those who use the circuit's courts. This tactic served a dual purpose. For one thing, it promised to husband resources (which we thought—accurately, as matters turned out—would be scarce). For another thing, it reflected the GBTF's firm resolve that its fundamental goal should be to create and implement remedial measures aimed at ameliorating perceived gender bias in the circuit's courts.

For two reasons, the GBTF later decided to alter its approach somewhat and conduct a limited exploration of the perceptions of gender bias in the circuit's courts. First, as matters progressed the Task Force felt it important to establish that some bias is in fact perceived. This would serve both as an illustration of the need for remedial measures and as a rallying point from which to muster support for those measures. Second, the members viewed the inclusion of as many court employees, attorneys, litigants, and other court users as possible in the process of self-examination as an expedient means of fostering a court-wide dialogue on gender bias, which not only would draw additional, constructive attention to the issue, but also would help shape the selection of remedial measures.

In conducting its limited study of bias perceptions, the GBTF tackled several preliminary issues. At the threshold, it singled out three court constituencies for particular attention and

---

3. See sources cited *supra* note 2.

study, namely, court employees, attorneys who practice in the circuit's courts, and court users (including litigants, witnesses, observers, and the like).<sup>4</sup> The GBTF believed that it could most directly affect these groups' experiences vis-a-vis implementation of court policies and procedures.

Next, the Task Force evaluated and selected research methods. Those chosen included conducting a limited number of focus groups and "community forums," and distributing a written survey instrument to: (i) all court employees; (ii) a sample of attorneys who practice in the First Circuit; and (iii) a random sample of court "users." The court user survey is the first of its kind in any comparable federal court bias study. The GBTF then retained Dr. Ellen Cohn of the University of New Hampshire to oversee the survey process and analyze the resultant data.

A third preliminary issue considered by the GBTF was the fact that the First Circuit is idiosyncratic in terms of both its geographic composition and its cultural diversity. The First Circuit is comprised of four contiguous New England states, on one hand, and the Commonwealth of Puerto Rico, on the other hand. Obviously, significant cultural and sociological differences exist between these two regions of the country. Furthermore, with respect to gender-related issues, these cultural and sociological differences may significantly distinguish the experiences and reactions of those who live in Puerto Rico from those who reside in New England. Focus group sessions held in Puerto Rico bore out this intuition, as it became quite clear that many in Puerto Rico (including both attorneys and court employees) are more concerned with bias resulting from socio-economic and language factors than bias stemming from gender-related issues. Nonetheless, in order to report circuit-wide results and to compare results between districts in the circuit, the GBTF felt it necessary to distribute a uniform survey. The Final Report may catalog the results separately in order to elucidate any

---

4. Due principally to logistical problems the GBTF decided to study jurors' experiences separately. We ultimately were unable to include a juror study in this project because of financial constraints. Such a study may be conducted at a later date.

cultural differences. Other issues raised by those who interact with the court system in Puerto Rico suggest possibilities for in-depth examination at a later time.

After addressing these preliminary matters, the GBTF embarked on its study and completed its research during the summer of 1997. It announced preliminary results at the First Circuit Judicial Conference in September, 1997, and expects to issue a Final Report in mid-1998.

## II. RESEARCH METHODS

This section describes the research methodologies employed by the GBTF during the course of its gender bias study. At the outset, though, a caveat is in order. The Task Force's exploration of perceptions of gender bias was never meant to be a scientific endeavor. It was intentionally kept small in scope so as to permit information acquisition without over-committing budgetary resources. Consequently, the GBTF does not represent that the information obtained is scientifically accurate or statistically reliable, but, rather, hopes that the study will shed light on the types of behaviors and situations that have in the past lead to perceptions of gender bias and that, without appropriate remedial measures, may recur.

The study methods varied somewhat according to the particular court constituency under consideration, and this section's discussion is divided accordingly.

### A. *Court Employees*

Prior to drafting the employee survey, the GBTF convened focus groups in each of the circuit's five districts and in the court of appeals to elucidate those gender bias issues of greatest importance to judicial employees. Focus group participants were randomly selected from employee lists provided by the Administrative Office of the U.S. Courts and updated internally. The GBTF attempted to ensure that staff and management were represented proportionately. The results of the focus

groups shaped the content of the survey that the GBTF distributed to each First Circuit employee in March, 1997.<sup>5</sup>

Through the employee survey, the GBTF sought to obtain demographic data from the employee population and information concerning employees' experiences and/or observations of gender bias in the workplace. The survey instrument also examined employees' viewpoints on issues like family leave, flexible work schedules, and grievance and complaint procedures. Finally, the survey sought employees' overall opinions and suggestions regarding gender bias.

Of the 914 surveys issued, 386 were returned, constituting a response rate of 42.2%. The GBTF will publish the survey results in its Final Report.

### B. Court Users

The court user survey was the first of its kind in federal bias studies.<sup>6</sup> Between March and May of 1997, volunteers distributed surveys to individuals who visited the circuit's federal courthouses and/or clerks' offices. Recipients included civil litigants, litigants' family members, lay and expert witnesses, victims of crimes, courtroom observers, members of the media, paralegals, and messengers.

Trained volunteers, including students from law schools and universities within the circuit, administered the court user survey. Prior to survey distribution, all volunteers attended a two-hour training session on survey administration techniques designed by the GBTF's social science consultant, Dr. Cohn.<sup>7</sup> The volunteers administered the survey in all district and

---

5. A copy of the employee survey is appended to this article. See Appendix A *infra*.

6. A copy of the court user survey is appended to this article. See Appendix B *infra*.

7. At the training sessions, Dr. Cohn taught the volunteers a uniform protocol for approaching and recruiting survey participants as they exited the courthouse. The protocol was designed to provide each potential participant with the same standardized information about the survey, and explicitly emphasized the confidentiality of the survey, the fact that participation was entirely voluntary and the importance of thanking every individual, regardless of whether they were eligible or chose to participate.

bankruptcy courts and in the court of appeals. The survey continued for varying lengths of time within each courthouse, depending on the volume and flow of traffic at each particular location.

The survey population was an “accidental sample” of persons who happened to be in court on the days that the volunteers were handing out questionnaires. Because the probability of any individual being selected for a survey is not known, accidental sampling does not produce data that is statistically representative of the entire court user population. Thus, the results of this survey will be descriptive of the sample surveyed, but no broad-based generalizations can be drawn from them.

The court user survey acquired demographic information from the respondents, including the reason for each person’s visit to the courthouse. It inquired about the respondents’ experiences in the courthouse—for example, whether the respondents had experienced behaviors or comments potentially reflective of gender bias, whether they attributed those behaviors or comments to gender bias, and whether a judge, attorney, or court employee engaged in the behavior or issued the comment(s). The survey also asked whether the respondents had observed judges, attorneys, or court employees engaging in behaviors associated with gender bias toward others and, if so, whether males or females were the recipients. Finally, the survey sought information on the respondents’ experiences in the clerks’ offices, their overall level of satisfaction (or dissatisfaction) with their court experiences, their general opinions on gender bias issues, and their recommendations (if any) for possible remedial action.

Court users completed a total of 414 surveys. The survey results will appear in the Final Report.

### C. *Attorneys*

As a starting point, the GBTF brought together an attorney focus group in Boston to identify those gender bias issues considered most important to attorneys practicing in the circuit’s courts. At that meeting, attorneys discussed gender issues that they perceive as affecting their interactions with the courts. Judge Ponsor, in conjunction with the Massachusetts Bar Asso-

ciation, held a separate community forum in Springfield, Massachusetts, entitled "Gender Bias in the Courtroom and the Litigation Process." At that forum, attorneys discussed how gender bias has shaped their experiences in state and federal courts.

The GBTF utilized suggestions and comments from the attorney focus group and community forum to design an attorney survey. In addition, a selected number of attorneys were chosen to participate in an attorney survey pilot study and were given copies of the draft survey to review and comment upon prior to its distribution. A number of comments received from this pilot study were incorporated into the final survey instrument.

The GBTF distributed the attorney survey to 4102 attorneys in April, 1997, and mailed a follow-up in May, 1997.<sup>8</sup> From a database of lawyers who practiced in the circuit's courts during a period spanning December, 1993, to December, 1996, the GBTF selected the recipient attorneys. To ensure that the survey reached, and acquired the input of, attorney populations most likely to perceive bias problems in the courts, the Task Force purposely oversampled female attorneys, Assistant United States Attorneys, and Federal Public Defenders. Members of these groups appearing in the database were manually identified by Task Force staff. The GBTF sent surveys to a greater number of women and frequent users than the actual percentage of those groups in the database. During data analysis, Task Force staff will reweigh the responses of members of those groups.

The attorney survey sought demographic information similar to the other two surveys, as well as the attorneys' area(s) of practice. It asked whether attorneys had experienced any of a number of listed behaviors and comments potentially reflective of gender bias during court proceedings, whether they attributed these experiences to gender bias, and whether other attorneys, judges, or court employees were responsible for these experiences. Next, the survey queried whether respondents had observed attorneys, judges, or court employees engaging in certain bias-indicative behaviors toward other counsel, and whether they had observed judges or court employees engaging

---

8. A copy of the attorney survey is appended to this article. See Appendix C *infra*.

in these behaviors toward civil litigants, criminal defendants, or witnesses. Finally, the survey inquired about attorneys' experiences with, and opinions of, federal court appointments, as well as their overall opinions and suggestions regarding gender bias issues in the circuit's courts. As a follow-up to the survey, the Task Force assembled focus groups of attorneys in San Juan and Boston to discuss possible remedial measures.

Of the 4102 surveys issued, 1545 were returned, constituting an overall response rate of 38%.<sup>9</sup> The survey results will appear in the Final Report.

#### D. *Overall Constituent Response to the Study Methodology*

All three groups studied generally welcomed the gender bias study. At focus groups, court employees expressed enthusiasm for the project and an interest in promoting communication throughout the court system. Members of the bar actively participated in the focus groups and in the community forum. In addition, many attorneys expressed positive opinions by letter or telephone. In both solicited and unsolicited comments on the surveys, court users generally expressed appreciation for the GBTF's consideration of their concerns and provided positive feedback concerning their experiences in the First Circuit courts as well as useful recommendations for improvement.

The GBTF received a tremendous amount of volunteer assistance from law professors, practicing lawyers, law students, college students, and others. Given the scant resources available for this project, the volunteer help was indispensable. The availability of this assistance reflects the widespread support that the project received throughout the circuit.

Unsolicited written comments on the survey forms indicated that the Task Force achieved its goal of sparking a dialogue about gender bias issues in the circuit's courts. Court employees, attorneys, and court users expressed their appreciation that issues relative to gender were being explored. A few excerpts illustrate the point:

---

9. Of the 4102 surveys, approximately 86 were returned as undeliverable.

- A representative court user comment: “Most of the people I have interacted with in the courthouse have been most polite and helpful, but it is very encouraging to see steps being taken to make sure everyone is treated well and fairly. Vigilance in this area is absolutely essential.”
- A representative employee survey comment: “Thought-provoking. Good experience since the survey caused me to examine situations in an analytical manner.”
- A representative attorney survey comment: “This survey . . . is an excellent first step.”

In summary, the GBTF employed somewhat different methods to obtain information from each of three distinct populations—employees, court users, and attorneys—concerning the demographics, experiences, observations, and overall opinions of the respondents on issues of gender in the First Circuit’s courts. Overall, the study was widely appreciated and has successfully created a valuable dialogue concerning perceptions of gender bias and the most effective forms of remedial measures.

### III. REMEDIATION

Based on preliminary survey findings and input received from court employees and the bar at the focus groups and community forums, the GBTF concluded that gender bias is not a huge problem in the circuit, but that there was room for improvement. Accordingly, the Task Force conceived and implemented several methods of addressing perceived gender bias.

Sexual harassment awareness training sessions, developed by the Federal Judicial Center, were held for employees and managers in all of the circuit’s district courts and in the court of appeals. This training involved a detailed explanation of sexual harassment, including a number of examples of unacceptable behavior. The sessions also included information on (i) setting behavioral boundaries, (ii) the supervisor’s responsibility in monitoring the filing of claims and preventing sexual harassment in the workplace, and (iii) the relevant provisions of the court’s Equal Employment Opportunity (“EEO”) Plan.

Further, the GBTF deemed it critical to ensure that employees were fully informed about existing grievance and complaint

procedures. To that end, it contacted all chief judges and unit heads, and encouraged them to disseminate the EEO Plan to all employees and to designate a person to whom employees could bring confidential complaints.

The GBTF is considering a number of recommendations for additional remedial actions. They include:

1. Establishment and publication of a uniform policy prohibiting gender bias and sexual harassment that will apply to all federal courts within the First Circuit;

2. An in-depth review of the Model Employment Dispute Resolution ("EDR") Plan is underway. The GBTF is evaluating this plan and the existing EEO Plan with a view toward the possible creation of a consolidated EEO/EDR Plan that would implement circuit-wide reporting, counseling, and remedial procedures for workplace disputes;

3. Creation of a handbook to inform all employees of their rights and responsibilities under the current EEO and EDR Plans;

4. Training on gender bias and sexual harassment awareness for all First Circuit judicial officers;

5. Customer service training for all court employees whose job duties require regular contact with the public.

The list of programs (implemented and under consideration) detailed above is not exhaustive. As the GBTF continues to interpret the results of its studies, other plans of action may emerge and some under consideration may prove unnecessary. A comprehensive list of remedial measures and training programs that have been adopted or are contemplated by the Task Force will appear in the Final Report.

#### IV. CONCLUSION

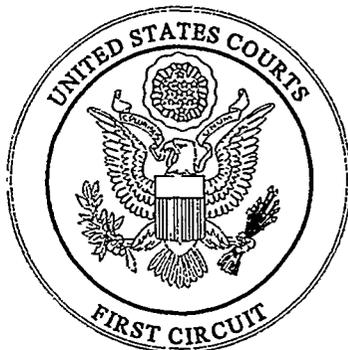
Overall, the GBTF has begun to meet its goals of gathering and analyzing data on issues anent the existence and nature of gender bias in the First Circuit. The documentation process is nearing completion. To the extent that the dialogue created by the process itself actually serves as a means of calling attention to and remedying the problem, the GBTF has made significant

strides toward achieving its ultimate goal of educating judges, lawyers, employees, and the public while simultaneously developing useful remedial measures. In the end, the arbiters of the study's success will be those employees, attorneys, and court users who have experienced and/or perceived gender bias. The GBTF has not yet implemented specific remedial measures, and the education process is far from complete. The GBTF's work will best be served over time by monitoring the success of the remedial measures that ultimately are deployed, by adopting formal means of receiving complaints of bias, and by conducting subsequent focus groups of attorneys and employees in order to gauge if and how their experiences are affected by the GBTF's endeavor.

**APPENDIX A**



# **SURVEY OF FIRST CIRCUIT EMPLOYEES**



## **FIRST CIRCUIT GENDER AND RACE & ETHNIC BIAS TASK FORCES**

1997

### FIRST CIRCUIT GENDER AND RACE & ETHNIC BIAS TASK FORCES

THIS SURVEY IS BEING DISTRIBUTED TO EVERY FIRST CIRCUIT EMPLOYEE AS PART OF A STUDY AUTHORIZED BY THE FIRST CIRCUIT JUDICIAL COUNCIL TO ASSESS THE POSSIBLE EFFECTS OF GENDER, RACE AND ETHNICITY IN THE FIRST CIRCUIT COURTS. We would like you to complete the survey and return it in the postage-paid envelope provided. However, your participation in this study is entirely voluntary. If you cannot or do not wish to respond to the survey, you may do so without fear of negative consequences.

You should not write your name on the survey as the Task Forces do not wish to identify individual respondents. Every effort will be made to ensure that all survey responses remain confidential. Accordingly, all responses will be sent to the University of New Hampshire, and not to a First Circuit employee. The responses will be analyzed by an outside social science consultant at the University of New Hampshire.

The survey has been designed to minimize completion time, as most of the questions simply ask you to circle one or more responses. It should take you approximately 20 minutes to complete the survey. We recognize, however, that many of the issues addressed here are more complicated and may require further elaboration. Consequently, we encourage you to provide your comments, explanations, and other relevant information in the margins and on additional pages.

We have organized the survey by subject matter and labeled the questions to help you determine the sections that apply to you. If you do not wish to respond to a particular question, please feel free to skip it and move on to the next question. The survey questions focus on your experiences in, observations of and opinions about the effects of gender, race and ethnicity in the federal courts of the First Circuit.

Experiences refer to what has happened to you.

Observations refer to what you have observed happen to other court employees.

Opinions refer to your personal beliefs and attitudes.

The term "court personnel" refers to the following persons: all employees of the appellate, district, and bankruptcy court clerks' offices; all probation and pretrial services employees; all members of a judge's staff; all employees of the circuit library and its satellites; all employees of the senior staff attorneys' office, circuit executive's office, and the court of appeals settlement program; and all employees of the federal public defender's offices. The term court personnel does NOT include court security officers (the men and women who monitor the entrance to each courthouse); United States Marshals or Assistant United States Attorneys.

The term "promotion" refers to any personnel action that would result in an increase in salary or a change in job title with a resulting increase in salary potential.

The term "minority" refers to African-Americans, Asian-Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.

The term "the courts of the First Circuit" refers to the United States federal district and bankruptcy courts for the districts of Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island, as well as the First Circuit Court of Appeals and the Bankruptcy Appellate Panel (BAP).

**WE WOULD APPRECIATE IT IF YOU WOULD  
COMPLETE THE SURVEY BY FRIDAY, MARCH 21, 1997.**

**Thank you for your participation in this important project.**

BACKGROUND INFORMATION

We will begin by asking you to give general information about your personal background, current position and work history.

1. Sex:

- 1. Male
- 2. Female

2. What is your background? (Circle all that apply)

- 1. African-American/Black
- 2. Asian-American
- 3. Native American/American Indian
- 4. Hispanic
- 5. White/Caucasian
- 6. Other, please specify: \_\_\_\_\_

3. Do you live in Puerto Rico?\*

- 1. Yes
- 2. No

4. Educational background:

- 1. No formal education
- 2. Some grade school
- 3. Completed grade school
- 4. Some high school
- 5. Graduate Equivalency Degree/GED
- 6. Completed high school
- 7. Some vocational school
- 8. Completed vocational school
- 9. Some university
- 10. Completed university
- 11. Some graduate school
- 12. Completed graduate school

5. General job category (if you do not know which category your job falls into, please refer to the last page of the survey):

- 1. Professional/General
- 2. Professional/Legal
- 3. Professional/Administrative
- 4. Technical
- 5. Legal Secretarial
- 6. Office/Clerical

6. How long have you been working within the courts of the First Circuit?

- 1. 0-2 years
- 2. 3-5 years
- 3. 6-10 years
- 4. 11-20 years
- 5. 21 or more years

7. Please indicate the way(s) in which you heard about your current job. (Circle all that apply)

- 1. City/Local newspaper
- 2. Radio/TV
- 3. School placement office
- 4. Supervisor
- 5. In-house publication
- 6. Word-of-mouth
- 7. Posting in the courthouse
- 8. Legal periodical/journal
- 9. Office of Personnel Management (OPM) Job Listing
- 10. State unemployment office
- 11. Employment agency
- 12. Other, please specify: \_\_\_\_\_

8. During the interview process, were you asked questions about any of the following? (Circle all that apply)

- 1. College grades
- 2. High school grades
- 3. Previous job experience
- 4. Marital status
- 5. College major
- 6. Plans to have children
- 7. Number of children
- 8. Spouse's occupation

9. Whether you were informed or not, what criteria do you believe were considered by the courts of the First Circuit in determining whether or not you would be hired? (Circle all that apply)

- 1. Level of education
- 2. Marital status
- 3. Personal connections
- 4. Seniority
- 5. College major
- 6. Prior work experience
- 7. Schools attended
- 8. Recommendations
- 9. Personality
- 10. Age
- 11. Gender
- 12. Race/ethnicity
- 13. Performance on skills tests
- 14. Other, please specify: \_\_\_\_\_

9a. Why do you believe that these criteria were used?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* This question is intended to ensure that survey results from the District of Puerto Rico can be evaluated separately, since the minority population differs from that of the other districts.

YOUR EXPERIENCES AT WORK

The following sections contain questions about your PERSONAL EXPERIENCES AT WORK in the PAST FIVE (5) YEARS. If you have worked within the courts of the First Circuit for less than five years, we are still interested in your answers. Please just answer these questions for the period of time you have worked within the courts of the First Circuit.

\* PERSONAL INTERACTIONS \*

This section contains questions about behavior that you have experienced in the workplace by judges, your supervisor and/or other court personnel. The term "court personnel" includes the following: all employees of the appellate, district, and bankruptcy court clerks' offices; all probation and pretrial services employees; all members of a judge's staff; all employees of the circuit library and its satellites; all employees of the senior staff attorneys' office, circuit executive's office, and the court of appeals settlement program; and all employees of the federal public defender's offices. The term "court personnel" does NOT include court security officers (the men and women who monitor the entrance to each courthouse); United States Marshals or Assistant United States Attorneys. Please indicate the total number of times, as best you can remember, DURING THE PAST FIVE (5) YEARS that you have experienced each of the following behaviors.

	10. During the past five years, have you personally experienced any of the following: (Circle the number on each line that best reflects your response.)						11. In your opinion, was the behavior due to your gender, race or ethnicity?				
	4 OFTEN (at least once)	3 SOMETIMES (2-3 times)	2 RARELY (1-2 times)	1 OCCASIONALLY (once)	0 NEVER (0 times)	N NO OPPORTUNITY TO OBSERVE	1 DUE TO MY GENDER ONLY	2 DUE TO MY RACE ONLY	3 DUE TO MY ETHNICITY ONLY	4 DUE TO MY GENDER, RACE AND ETHNICITY	5 MIXED REASONING NOT CERTAIN
a. My opinions or views were not taken seriously by:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
b. I received inappropriate comments of a sexually suggestive nature from:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
c. I received inappropriate sexual advances from:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
d. I received inappropriate comments on my physical appearance or clothing from:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5

10. (continued) During the last five years, have you personally experienced any of the following? (Circle the number on each line that best reflects your response.)							11. (continued) In your opinion, was the behavior due to your gender, race or ethnicity?				
	Often (4 or more times)	Sometimes (2-3 times)	Rarely (1 time)	Other (0 times)	Never (0 times)	No opportunity to describe	Due to gender and race/ethnicity only	Due to race/ethnicity only	Due to gender only	No opinion	
e. I received demeaning or derogatory remarks from:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
f. I received inappropriate comments about my accent or manner of speech from:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
g. The following individual(s) was/were less willing to accommodate my schedule or time requirements than those of other employees:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
h. I have been asked to perform duties outside my normal job description by:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
i. I have been asked to perform duties of someone in the Courthouse with a different job title or in a higher paid position by:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5
j. I was addressed by non-professional terms such as "young lady," "young man" or "honey" by:											
(1) Judge (my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(2) Judge (not my supervisor)	4	3	2	1	0	N	1	2	3	4	5
(3) My male supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(4) My female supervisor (non-judge)	4	3	2	1	0	N	1	2	3	4	5
(5) Other Court Personnel (male)	4	3	2	1	0	N	1	2	3	4	5
(6) Other Court Personnel (female)	4	3	2	1	0	N	1	2	3	4	5

12. I experienced some other behavior that I felt was due to gender, race or ethnic bias. Please describe.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

\* TRAINING AND JOB OPPORTUNITIES \*

This section contains questions about your personal experiences at work with regard to training and job opportunities. Please indicate whether you had any of the following experiences DURING THE PAST FIVE (5) YEARS. The term "promotion" refers to any personnel action that would result in an increase in salary or a change in job title with a resulting increase in salary potential.

13. During the past five years, have you been denied job-related training that you requested?

- 1. Yes
2. Yes, but my superior said it was not appropriate for me
3. No
4. Not applicable/I have never requested training.

If yes, do you believe that gender, race or ethnicity played a role in your being denied training?

- 1. Yes, gender alone played a role
2. Yes, race or ethnicity alone played a role
3. Yes, both gender and race or ethnicity played a role
4. Neither gender nor race or ethnicity played a role
5. No opinion/don't know

14. During the past five years, have you not been given information regarding job opportunities or promotion requirements that was appropriate for you?

- 1. Yes
2. No
3. Not applicable

If yes, do you believe that gender, race or ethnicity played a role in your not receiving this information?

- 1. Yes, gender alone played a role
2. Yes, race or ethnicity alone played a role
3. Yes, both gender and race or ethnicity played a role
4. Neither gender nor race or ethnicity played a role
5. No opinion/don't know

15. Have you received a promotion within the First Circuit within the past 5 years?

- 1. Yes (If yes, how many promotions have you received? \_\_\_)
2. No

16. Have you been turned down for a promotion within the First Circuit within the past 5 years?

- 1. Yes (If yes, how many times have you been turned down? \_\_\_)
2. No (Skip to Question 18)

17. Please answer the following questions with regard to the last time (during the past five years) that you have been turned down for a promotion within the First Circuit.

a. What reason were you given for not being selected by the person or organization making the hiring decision?

- 1. Someone more qualified applied
2. Not enough education
3. Someone with more seniority applied
4. Not enough experience
5. No reason given
6. Other, please specify: \_\_\_\_\_

b. Do you believe that gender, race or ethnicity played a role in your being denied the promotion?

- 1. Yes, gender alone played a role
2. Yes, race or ethnicity alone played a role
3. Yes, both gender and race or ethnicity played a role
4. Neither gender nor race or ethnicity played a role
5. No opinion/don't know

c. Was the individual who got the job: (Circle all that apply)

- 1. Male
2. Female
3. Minority
4. Non-minority
5. Don't know

\* REQUESTS FOR LEAVE OR FLEXIBLE WORK SCHEDULE \*

18. Does your office allow any of the following?  
(Circle all that apply)

1. Part-time
2. Flex-time (the option to choose your own starting and ending work hours, within certain guidelines)
3. Job sharing (typically, two people sharing the responsibilities and time obligations of one full-time job)
4. Compensatory time for any hours you work beyond forty hours during a week

19. Please indicate whether you have requested any of the following types of flexible work schedule or leave during the PAST FIVE YEARS.

HAVE YOU REQUESTED?

a. Leave to care for a family member?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

b. Maternity or paternity leave?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

c. Annual leave?

1. Yes
2. No

If yes, how often was your request granted for the specific period of time that you requested?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

d. Excused absence (a day off for which no type of leave is charged) for an ethnic or religious holiday?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

e. Leave without pay?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

f. Flex-time?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

g. Part-time?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

h. Job sharing?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

i. Compensation (Comp) time?

1. Yes
2. No

If yes, how often was your request granted?

1. Always
2. Often
3. Sometimes
4. Rarely
5. Never

20. Please circle any of the following types of leave or flexible work schedule that you believe you were denied due to your gender: (Circle all that apply)

1. Leave to care for a family member
2. Maternity or paternity leave
3. Annual leave
4. Excused absence for a religious or cultural holiday
5. Leave without pay
6. Flex-time work schedule
7. Part-time work schedule
8. Job sharing
9. Compensation (Comp) Time

21. Please circle any of the following types of leave or flexible work schedule that you believe you were denied due to your race or ethnicity: (Circle all that apply)

1. Leave to care for a family member
2. Maternity or paternity leave
3. Annual leave
4. Excused absence for a religious or cultural holiday
5. Leave without pay
6. Flex-time work schedule
7. Part-time work schedule
8. Job sharing
9. Compensation (Comp) Time

22. Are you familiar with your rights under the Family And Medical Leave Act?

1. Yes
2. No

23. Please indicate whether during the last five years (or period of employment at the Courthouse, if less than five years) you have personally experienced any of the following as a result of taking maternity/paternity leave.

- a. My chances for promotion have been limited.
  1. Yes
  2. No
  3. I do not know.
- b. My job responsibilities have been changed or reduced.
  1. Yes
  2. No
  3. I do not know.
- c. I have been perceived by my supervisor/fellow employees as being unreliable.
  1. Yes
  2. No
  3. I do not know.

24. Please indicate whether during the last five years (or period of employment at the Courthouse, if less than five years) you have personally experienced any of the following as a result of working part-time, flex-time or job sharing.

- a. My chances for promotion have been limited.
  1. Yes
  2. No
  3. I do not know.
- b. My job responsibilities have been changed or reduced.
  1. Yes
  2. No
  3. I do not know.
- c. I have been perceived by my supervisor/fellow employees as being unreliable.
  1. Yes
  2. No
  3. I do not know.

## YOUR OBSERVATIONS

25. Below is a list of statements regarding the treatment of First Circuit employees. Based upon your observations and perceptions of employment practices in the courts of the First Circuit (and not in society at large), please indicate whether you disagree or agree with the statement by circling the appropriate number. The term "minority" refers to African-Americans, Asian-Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.
- a. Work rules regarding hours, breaks and time off are equally applied to men and women.
    1. I agree; men and women are treated equally
    2. I disagree; men receive harsher treatment
    3. I disagree; women receive harsher treatment
    4. No opinion/do not know
  - b. Work rules regarding hours, breaks and time off are equally applied to minorities and non-minorities.
    1. I agree; minorities and non-minorities are treated equally
    2. I disagree; minorities receive harsher treatment
    3. I disagree; non-minorities receive harsher treatment
    4. No opinion/do not know
  - c. Discipline for tardiness, sick leave abuse and absenteeism is equally applied to men and women.
    1. I agree; men and women are treated equally
    2. I disagree; men receive harsher treatment
    3. I disagree; women receive harsher treatment
    4. No opinion/do not know
  - d. Discipline for tardiness, sick leave abuse and absenteeism is equally applied to minorities and non-minorities.
    1. I agree; minorities and non-minorities are treated equally
    2. I disagree; minorities receive harsher treatment
    3. I disagree; non-minorities receive harsher treatment
    4. No opinion/do not know
  - e. Minorities and non-minorities receive the same amount of work from their supervisors.
    1. I agree; minorities and non-minorities receive equal amounts of work
    2. I disagree; minorities receive more work
    3. I disagree; non-minorities receive more work
    4. No opinion/do not know
  - f. Male and female employees receive the same amount of work from their supervisors.
    1. I agree; men and women receive equal amounts of work
    2. I disagree; men receive more work
    3. I disagree; women receive more work
    4. No opinion/do not know
  - g. Work spaces assigned to employees from racial/ethnic minorities are the same or similar to those given to non-minority employees.
    1. I agree; minorities and non-minorities are treated equally
    2. I disagree; minorities receive less favorable space
    3. I disagree; non-minorities receive less favorable space
    4. No opinion/do not know
  - h. Work spaces assigned to female employees are the same or similar to those given to male employees.
    1. I agree; men and women are treated equally
    2. I disagree; men receive less favorable space
    3. I disagree; women receive less favorable space
    4. No opinion/do not know
  - i. Opportunities for promotion exist equally for both men and women.
    1. I agree; men and women have equal opportunities
    2. I disagree; men have less opportunities
    3. I disagree; women have less opportunities
    4. No opinion/do not know
  - j. Opportunities for promotion exist equally for both minorities and non-minorities.
    1. I agree; minorities and non-minorities have equal opportunities
    2. I disagree; minorities have less opportunities
    3. I disagree; non-minorities have less opportunities
    4. No opinion/do not know
  - k. Job performance ratings are equally applied to men and women.
    1. I agree; men and women are treated equally
    2. I disagree; men receive harsher treatment
    3. I disagree; women receive harsher treatment
    4. No opinion/do not know
  - l. Job performance ratings are equally applied to minorities and non-minorities.
    1. I agree; minorities and non-minorities are treated equally
    2. I disagree; minorities receive harsher treatment
    3. I disagree; non-minorities receive harsher treatment
    4. No opinion/don't know

## GRIEVANCE AND COMPLAINT PROCEDURES

26. If you had a complaint or problem with your job arising from what you perceive as race or ethnic bias, is there a person or office to whom you could go with the problem or complaint?
1. Yes
  2. No
  3. Don't know
27. If you had a complaint or problem with your job arising from what you perceive as gender bias, is there a person or office to whom you could go with the problem or complaint?
1. Yes
  2. No
  3. Don't know
28. If you had a complaint or problem with your job arising from what you perceive as sexual harassment, is there a person or office to whom you could go with the problem or complaint?
1. Yes
  2. No
  3. Don't know
29. How familiar are you with the court's Equal Employment Opportunity (EEO) complaint procedures?
1. Very familiar
  2. Somewhat familiar
  3. Not familiar at all
30. Does your office or Court unit have grievance procedures other than Equal Employment Opportunity (EEO) complaint procedures?
1. Yes
  2. No (Skip to question 31)
  3. Don't know (Skip to question 31)
- a. In your opinion, are these grievance procedures:
1. Very effective
  2. Somewhat effective
  3. Somewhat ineffective
  4. Very ineffective
  5. No opinion
31. Within the last five years, have you filed a complaint about job-related gender bias? (Remember, your responses are anonymous and will be held in confidence.)
1. Yes, involving gender bias (If yes, \_\_\_\_\_ times.)
  2. No
32. Within the last five years, have you filed a complaint about job-related sexual harassment? (Remember, your responses are anonymous and will be held in confidence.)
1. Yes, involving sexual harassment (If yes, \_\_\_\_\_ times.)
  2. No
33. Within the last five years, have you filed a complaint about job-related race and/or ethnic bias? (Remember, your responses are anonymous and will be held in confidence.)
1. Yes, involving race or ethnic bias (If yes, \_\_\_\_\_ times.)
  2. No
34. If you answered "Yes" to questions 31, 32 or 33, was/were the complaint(s) resolved to your satisfaction?
1. Yes (If yes, then \_\_\_\_\_ times.)
  2. No (If no, then \_\_\_\_\_ times.)
  3. Other, explain:
- 
- 
- 
35. Within the last five years, have you chosen not to file a job-related complaint about gender bias, sexual harassment and/or race or ethnic bias, although you believed such a claim was justified?
1. Yes, involving gender bias (If yes, \_\_\_\_\_ times.)
  2. Yes, involving sexual harassment (If yes, \_\_\_\_\_ times.)
  3. Yes, involving race or ethnic bias (If yes, \_\_\_\_\_ times.)
  4. No (Skip to question 38)
36. If you answered "Yes" to question 35, did any of the following enter into your decision not to file a complaint? (Circle all that apply)
1. Concerned about a possible negative effect on future advancement.
  2. Feared immediate repercussion
  3. Unfamiliarity with EEO complaint procedures
  4. Perceived EEO complaint procedures as burdensome
  5. Perceived EEO complaint process as not neutral or objective
  6. Felt that an EEO complaint would not resolve problem satisfactorily
  7. I thought the EEO would ignore my complaint
  8. Chose to handle the matter myself
  9. Problem was an isolated incident and not significant
  10. Feared lack of confidentiality
  11. Other, specify:
- 
- 
37. Did you ever forego filing a gender bias, sexual harassment and/or race or ethnicity-based complaint because the person you would need to file it with was the source of the complaint?
1. Yes
  2. No
38. Have you ever received sexual harassment awareness training?
1. Yes
  2. No (Skip to Question 41)

39. How long ago did you attend sexual harassment training?

1. Less than one year ago
2. 1 to 2 years ago
3. More than 2 years ago

40. If you have attended sexual harassment training, do you feel that any of your attitudes or beliefs have changed as a result of the training? Circle the one response that best describes your reaction to the training.

1. Yes, I am more sensitive now to the issues surrounding sexual harassment
  2. Yes, I am more doubtful now about issues surrounding sexual harassment
  3. No, but I became more aware of the feelings of others
  4. No, the training did not really change my attitudes or beliefs
  5. Other, please specify: \_\_\_\_\_
- 
6. No opinion/Don't know

**YOUR OPINIONS**

41. Below is a list of statements regarding the treatment of First Circuit employees. Based upon your observations and perceptions of employment practices in the courts or offices of the First Circuit (and not in society at large), please indicate whether you disagree or agree with the statement by circling the appropriate number. The term "minority" refers to African-Americans, Asian-Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.

- a. Taking maternity leave hurts a woman's chance for advancement once she returns to work.
- b. Taking paternity leave hurts a man's chance for advancement once he returns to work.
- c. Taking family medical leave hurts a woman's chance for advancement once she returns to work.
- d. Taking family medical leave hurts a man's chance for advancement once he returns to work.
- e. A man is more likely to be hired than a woman if they are competing for the same job.
- f. A woman is more likely to be hired than a man if they are competing for the same job.
- g. A non-minority is more likely to be hired than a minority if they are competing for the same job.
- h. A minority is more likely to be hired than a non-minority if they are competing for the same job.
- i. There are adequate promotional opportunities within the court system for women.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
a.	1	2	3	4	5
b.	1	2	3	4	5
c.	1	2	3	4	5
d.	1	2	3	4	5
e.	1	2	3	4	5
f.	1	2	3	4	5
g.	1	2	3	4	5
h.	1	2	3	4	5
i.	1	2	3	4	5

- j. There are adequate promotional opportunities within the court system for men.
- k. There are adequate promotional opportunities within the court system for non-minorities.
- l. There are adequate promotional opportunities within the court system for minorities.
- m. Women are paid less for doing the same or similar tasks as men.
- n. Men are paid less for doing the same or similar tasks as women.
- o. Minorities are paid less for doing the same or similar tasks as non-minorities.
- p. Non-minorities are paid less for doing the same or similar tasks as minorities.
- q. Racial and ethnic differences among people are acknowledged and valued in my court or office.
- r. In my court or office, there is a great deal of racial tension.
- s. My court or office does not tolerate any form of sexual harassment.
- t. Employees who sexually harass other employees often go unpunished.
- u. In my court or office, men are treated with less respect than women.
- v. In my court or office, women are treated with less respect than men.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
j.	1	2	3	4	5
k.	1	2	3	4	5
l.	1	2	3	4	5
m.	1	2	3	4	5
n.	1	2	3	4	5
o.	1	2	3	4	5
p.	1	2	3	4	5
q.	1	2	3	4	5
r.	1	2	3	4	5
s.	1	2	3	4	5
t.	1	2	3	4	5
u.	1	2	3	4	5
v.	1	2	3	4	5

42. Do you believe that gender bias exists in the courts and offices of the First Circuit?

1. Yes
  2. No (Skip to Question 43)
  3. No opinion/don't know
- a. If yes, do you believe that gender bias is limited or widespread?
1. Gender bias is limited to a few areas or certain individuals
  2. Gender bias is widespread
  3. No opinion/don't know
- b. If yes, do you think managers are taking steps to eradicate gender bias?
1. Yes
  2. No
  3. No opinion/don't know
- c. If yes, do you believe that gender bias is difficult or easy to detect?
1. Gender bias is difficult to detect
  2. Gender bias is easy to detect
  3. No opinion/don't know

43. Do you believe that racial or ethnic bias exists in the courts and offices of the First Circuit?

1. Yes
  2. No (Skip to Question 44)
  3. No opinion/don't know
- a. If yes, do you believe that racial or ethnic bias is limited or widespread?
1. Racial and/or ethnic bias is limited to a few areas or certain individuals
  2. Racial and/or ethnic bias is widespread
  3. No opinion/don't know
- b. If yes, do you think managers are taking steps to eradicate racial or ethnic bias?
1. Yes
  2. No
  3. No opinion/don't know
- c. If yes, do you believe that racial or ethnic bias is difficult or easy to detect?
1. Racial and/or ethnic bias is difficult to detect
  2. Racial and/or ethnic bias is easy to detect
  3. No opinion/don't know

44. Below is a possible list of actions that the court can take to make sure that men and women are treated equally and fairly. Please circle the three actions you think would be most effective.

- a. Punish people who violate other's rights because of their gender
- b. Develop a circuit-wide policy concerning sexual harassment and/or gender bias complaints and circulate policy to all First Circuit employees
- c. Develop a formal grievance procedure for claims of sexual harassment and/or gender bias
- d. Develop educational programs and/or sensitivity training regarding sexual harassment
- e. Educate court unit heads and encourage them to report occurrences of sexual harassment and/or gender bias
- f. Stress that retaliation is prohibited against employees that assert claims of sexual harassment and/or gender bias
- g. Make employees aware that they may discuss instances of sexual harassment and/or gender bias with an EEO representative in strictest confidence
- h. Educate judges, managers and court personnel
- i. Other:

45. Below is a possible list of actions that the court can take to make sure that minorities and non-minorities are treated equally and fairly. Please circle the three actions you think would be most effective.

- a. Punish people who violate other's rights because of their race and/or ethnicity
- b. Develop a circuit-wide policy concerning complaints of racial and/or ethnic bias and circulate policy to all First Circuit employees
- c. Develop a formal grievance procedure for claims of racial and/or ethnic bias
- d. Develop educational programs and/or diversity training regarding racial and/or ethnic bias
- e. Educate court unit heads and encourage them to report occurrences of racial and/or ethnic bias
- f. Stress that retaliation is prohibited against employees that assert claims of racial and/or ethnic bias
- g. Make employees aware that they may discuss instances of racial and/or ethnic bias with an EEO representative in strictest confidence.
- h. Educate judges, managers and court personnel
- i. Other:





SPECIFIC COURT POSITIONS BY GENERAL JOB CATEGORIES  
(FOR USE WITH QUESTION #5)

**CIRCUIT COURTS****Professional (General)**

Circuit Executive  
Assistant Circuit Executive  
C.J.A. Investigator  
Librarian & Assistant  
Systems Manager

**Professional (Legal)**

Federal Public Defender  
Assistant Defender  
Research Assistant  
Staff Attorney  
Judge's Law Clerk  
Pro Se Law Clerk

**Professional (Administrative)**

Clerk of Court  
Deputy Clerk (JSP 9 and above)  
Administrative Assistant to  
Chief Judge  
Administrative Assistant to  
Circuit Executive  
Systems Administrator  
Bankruptcy Administrator

**Technical**

Automation

**Legal Secretarial**

Judge's Secretary  
Defender's Secretary  
Staff Attorney's Secretary  
Court Secretary  
Circuit Executive's Secretary  
Clerk's Secretary  
Circuit Librarian's Secretary

**Office/Clerical**

Deputy Clerk (JSP 2 through 8)  
Library Aide  
F.P.D. Clerical  
Messenger  
Court Crier

**DISTRICT COURTS****Professional (General)**

District Court Executive  
Chief Probation/Pretrial Officer  
Probation/Pretrial Officer  
Probation/Pretrial Trainee  
& Assistant  
Librarian & Assistant  
Systems Manager

**Professional (Legal)**

Judge's Law Clerk  
District Research Assistant  
Magistrate Judge's Legal Assistant

**Professional (Administrative)**

Clerk of Court  
Deputy Clerk (JSP 9 and above)  
Administrative Assistant to Chief Judge  
Systems Administrator

**Technical**

Court Reporter  
Court Interpreter  
Bailiff  
Automation

**Legal Secretarial**

Judge's Secretary  
Magistrate Judge's Secretary  
Clerk's Secretary  
Probation/Pretrial Chief's Secretary  
District Court Executive's Secretary

**Office/Clerical**

Deputy Clerk (JSP 2 through 8)  
Magistrate Judge's Clerical Assistant  
Probation/Pretrial Clerical  
Library Aide  
Messenger  
Court Crier

**BANKRUPTCY****Professional (Legal)**

Law Clerk

**Professional (Administrative)**

Clerk of Court  
Deputy Clerk (JSP 9 and above)  
Systems Administrator

**Legal Secretarial**

Judge's Secretary  
Clerk's Secretary

**Office/Clerical**

Deputy Clerk (JSP 2 through 8)



**APPENDIX B**



**FIRST CIRCUIT GENDER AND RACE &  
ETHNIC BIAS TASK FORCES  
SURVEY OF COURT USERS**

The First Circuit Gender and Race & Ethnic Bias Task Forces are studying whether people are treated differently in federal court based upon their gender, race or ethnicity. The Task Forces would like you to complete this short questionnaire to assist them in their study. However, your participation is entirely voluntary. Please direct any questions you may have to the trained volunteers who are administering the survey.

**BACKGROUND INFORMATION**

1. What is your gender?
  - a. Male
  - b. Female
2. What is your background? (Circle all that apply)
  - a. African-American/Black
  - b. Asian-American
  - c. Native American/American Indian
  - d. Hispanic
  - e. White/Caucasian
  - f. Other, please specify: \_\_\_\_\_
3. Educational background:
  - a. No formal education
  - b. Some grade school
  - c. Completed grade school
  - d. Some high school
  - e. Graduate Equivalency Degree/GED
  - f. Completed high school
  - g. Some vocational school
  - h. Completed vocational school
  - i. Some university
  - j. Completed university
  - k. Some graduate school
  - l. Completed graduate school
4. Why were you in the courthouse today?
  - a. Plaintiff in a civil case
  - b. Defendant in a civil case
  - c. Victim in a criminal case
  - d. Expert Witness
  - e. Other Witness
  - f. Observer
  - g. Reporter
  - h. Paralegal
  - i. Filing/Delivering Documents
  - j. Other, please specify: \_\_\_\_\_
5. What court were you visiting today?
  - a. Maine District Court
  - b. Maine Bankruptcy Court
  - c. Massachusetts District Court
  - d. Massachusetts Bankruptcy Court
  - e. New Hampshire District Court
  - f. New Hampshire Bankruptcy Court
  - g. Puerto Rico District Court
  - h. Puerto Rico Bankruptcy Court
  - i. Rhode Island District Court
  - j. Rhode Island Bankruptcy Court
  - k. Court of Appeals
  - l. Bankruptcy Appellate Panel (BAP)
- 5a. On the whole, were you satisfied with your experience in the courthouse today?
  - a. Yes, I was very satisfied with my experience
  - b. Yes, I was somewhat satisfied with my experience
  - c. No, I was somewhat dissatisfied with my experience
  - d. No, I was very dissatisfied with my experience
  - e. No opinion/do not know
- 5b. If you were not satisfied, why not?
  - a. I didn't think that the court process was fair due to gender bias
  - b. I didn't think that the court process was fair due to race or ethnic bias.
  - c. I didn't think that the court process was fair (for reasons other than gender, race or ethnic bias)
  - d. I didn't think that the judge, attorney(s) or court employees were responsive to my needs (for reasons other than gender, race or ethnic bias)
  - e. I dislike conducting court business
  - f. Other: \_\_\_\_\_
6. During the past 5 years, have you participated in or observed any federal court proceedings (motions, trials, hearings)?
  - a. Yes (if yes, how many times? \_\_\_\_\_)
  - b. No (Skip to Question 16 on page 5)



9. I experienced some other behavior that I felt was due to gender, race or ethnic bias. Please describe.

---

---

---

---

---

---

---

---

---

---

10. If a judge was aware of any of the situations listed in Question 7, how often did the judge intervene in any of the situations described above?

- a. Whenever such behavior occurred
- b. On most occasions, but not all
- c. On some occasions, but not most
- d. Never (Skip to Question 13)
- e. Does not apply

11. How effective was the judge's intervention? (If a judge intervened on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge intervened.)

- a. Not effective
- b. Somewhat effective
- c. Very effective
- d. No opinion
- e. Does not apply

12. If the judge DID INTERVENE in the situation[s] described above, would you have preferred that the judge HAD NOT intervened? (If a judge intervened on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge intervened.)

- a. Yes
- b. No
- c. No opinion
- d. Does not apply

13. If the judge DID NOT INTERVENE in the situation[s] described above, would you have preferred that the judge HAD intervened? (If a judge did not intervene on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge did not intervene.)

- a. Yes
- b. No
- c. No opinion
- d. Does not apply

YOUR OBSERVATIONS IN COURT

This section includes questions about things that you have OBSERVED in federal court about judges, attorneys and court employees. The term "minority" refers to African-Americans, Asian Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.

14. In the past 5 years, have you OBSERVED any of the following:

- a. WOMEN's statements or opinions not taken seriously by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
b. MEN's statements or opinions not taken seriously by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
c. MINORITIES' statements or opinions not taken seriously by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
d. NON-MINORITIES' statements or opinions not taken seriously by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
e. Comments of a sexually suggestive nature made to WOMEN by: (1) A Judge? (2) An Attorney? (3) A Court Employee?

- f. Comments of a sexually suggestive nature made to MEN by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
g. Race or ethnicity-based remarks made to MINORITIES by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
h. Race or ethnicity-based remarks made to NON-MINORITIES by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
i. Inappropriate comments about a MINORITY's accent or manner of speech made by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
j. Inappropriate comments about a NON-MINORITY's accent or manner of speech made by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
k. WOMEN called inappropriate names (such as "honey," "sweetie," "dear" or "young lady") by: (1) A Judge? (2) An Attorney? (3) A Court Employee?
l. MEN called inappropriate names (such as "honey," "sweetie," "dear" or "young man") by: (1) A Judge? (2) An Attorney? (3) A Court Employee?

15. I observed some other behavior that I felt was due to gender, race or ethnic bias. Please describe.

Blank lines for describing observed behavior.

### CLERK'S OFFICE INTERACTIONS

This section includes questions about your personal experiences with employees of the federal court Clerks' Offices. "Clerks' Offices" include the District Court Clerks' Offices (including the Pro Se Clerk), the Bankruptcy Court Clerks' Offices, the Court of Appeals Clerk's Office, and the Bankruptcy Appellate Panel (BAP) Clerk's Office.

16. During the past 5 years, have you visited any Clerk's Office to file documents or to seek information?
- Yes (If yes, how many times? \_\_\_\_)
  - No (Skip to question 20)
17. Did an employee of any Clerk's Office ever treat you in a rude manner or address you in derogatory or demeaning terms?
- Yes (If yes, how many times? \_\_\_\_)
  - No (Skip to question 18)
- 17a. If yes, do you believe you were treated this way because of your gender, race or ethnicity?
- Yes, because of my gender
  - Yes, because of my race or ethnicity
  - Yes, because of both my gender and race or ethnicity
  - No, because of neither gender, nor race or ethnicity
  - No opinion/ I do not know.
18. Did an employee of any Clerk's Office ever make comments of a sexually suggestive nature to you?
- Yes (If yes, how many times? \_\_\_\_)
  - No (Skip to question 19)
- 18a. If yes, do you believe you were treated this way because of your gender, race or ethnicity?
- Yes, because of my gender
  - Yes, because of my race or ethnicity
  - Yes, because of both my gender and race or ethnicity
  - No, because of neither gender, nor race or ethnicity
  - No opinion/ I do not know.
19. Did an employee of any Clerk's Office refuse to help you or give you the information that you requested?
- Yes (If yes, how many times? \_\_\_\_)
  - No (Skip to question 20)
- 19a. If yes, do you believe you were treated this way because of your gender, race or ethnicity?
- Yes, because of my gender
  - Yes, because of my race or ethnicity
  - Yes, because of both my gender and race or ethnicity
  - No, because of neither gender, nor race or ethnicity
  - No opinion/ I do not know.

### YOUR OPINIONS

20. Do you believe that gender bias exists in the federal courts of the First Circuit?
- Yes
  - No (Skip to Question 21)
  - No opinion/I do not know
- 20a. If yes, do you believe that gender bias in the First Circuit federal courts is limited or widespread?
- Gender bias is limited to a few areas or certain individuals
  - Gender bias is widespread
  - No opinion/I do not know
21. Do you believe that racial or ethnic bias exists in the federal courts of the First Circuit?
- Yes
  - No
  - No opinion/I do not know
- 21a. If yes, do you believe that racial or ethnic bias in the First Circuit federal courts is limited or widespread?
- Racial and/or ethnic bias is limited to a few areas or certain individuals
  - Racial and/or ethnic bias is widespread
  - No opinion/I do not know
22. Below is a list of actions that the court can take to make sure that men and women are treated equally and fairly. Please circle the three actions you think would be most effective.
- Punish/fine people who violate other's rights because of their gender
  - Encourage judges to intervene when inappropriate remarks are made
  - Increase the number of female court employees
  - Monitor whether members of federal court juries reflect the gender of the parties involved in a case
  - Develop a system to periodically monitor court cases to check for bias
  - Educate judges and court employees/raise awareness of the problem
  - Establish and post a formal policy for complaints relating to gender bias
  - Other \_\_\_\_\_



**APPENDIX C**



# ATTORNEY SURVEY



## FIRST CIRCUIT GENDER AND RACE & ETHNIC BIAS TASK FORCES

1997

**FIRST CIRCUIT GENDER AND RACE &  
ETHNIC BIAS TASK FORCES**

THIS SURVEY IS PART OF A STUDY UNDERTAKEN BY AUTHORITY OF THE FIRST CIRCUIT JUDICIAL COUNCIL TO ASSESS THE POSSIBLE EFFECTS OF GENDER, RACE AND ETHNICITY IN THE FIRST CIRCUIT COURTS. The survey is being sent to a sample of attorneys selected to ensure a representative cross-section from each court and jurisdiction. As part of this sampling procedure, you were selected to participate from the pool of attorneys of record on cases filed in the First Circuit courts during the period 1993-1996. Your participation is important to the validity of the survey whether you practice regularly or only occasionally in the courts of the First Circuit. We ask you to complete the survey and return it in the postage-paid envelope provided.

Every effort will be made to ensure that all survey responses will be confidential and respondents will remain anonymous. Furthermore, all responses will be sent to the University of New Hampshire and will be analyzed by an outside social science consultant located there.

The survey has been designed to minimize completion time, as most of the questions simply ask you to circle one or more responses. It should take you approximately 20 minutes to complete the survey. We recognize, however, that many of the issues addressed here are more complicated and may require further elaboration. Consequently, we encourage you to provide your comments, explanations, and other relevant information in the margins and on additional pages.

We have organized the survey by subject matter and labeled the questions to help you determine the sections that apply to you. If you do not wish to respond to a particular question, please feel free to skip it and move on to the next question. The survey questions focus on your experiences in, observations of, and opinions about the effects of gender, race and ethnicity in the federal courts of the First Circuit.

Experiences refer to what has happened to you.

Observations refer to what you have observed happen to others, including attorneys, court personnel, litigants and witnesses.

Opinions refer to your personal beliefs and attitudes.

The term "court personnel" refers to the following persons: all employees of the appellate, district, and bankruptcy court clerks' offices; all probation and pretrial services employees; all members of a judge's staff; all employees of the circuit library and its satellites; all employees of the senior staff attorneys' office, circuit executive's office, and the court of appeals management program office; and all employees of the federal public defender offices. The term "court personnel" does NOT include court security officers (the men and women who monitor the entrance to each courthouse); United States Marshals; Assistant United States Attorneys; or judges.

The term "minority" refers to African-Americans, Asian-Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.

The term "the courts of the First Circuit" refers to the United States federal district and bankruptcy courts for the districts of Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island, as well as the First Circuit Court of Appeals and the Bankruptcy Appellate Panel (BAP).

**WE WOULD APPRECIATE IT IF YOU WOULD  
COMPLETE THE SURVEY BY APRIL 25, 1997.**

Thank you for your participation in this important project.

## BACKGROUND INFORMATION

## 1a. What is your gender?

1. Female
2. Male

## b. In what year were you born?

19\_\_\_\_\_

c. What race/ethnicity do you consider yourself?  
(Circle all that apply)

1. African-American/Black
2. Asian-American
3. Hispanic/Latino
4. Native American/American Indian
5. White/Caucasian
6. Other, please specify: \_\_\_\_\_

## 2. In what State, Commonwealth, or U.S. Territory is your office located?

\_\_\_\_\_

## 3. In what year were you first admitted to the bar?

19\_\_\_\_\_

## 4. Are you currently practicing law?

1. Yes
2. No

## 5. During the past five years, how often have you participated in federal pretrial, trial or appellate proceedings (including bankruptcy proceedings) in the First Circuit?

1. Often (6 or more times)
2. Sometimes (4-5 times)
3. Rarely (2-3 times)
4. Once (1 time)
5. Never (0 times)

If your answer is "never," you should stop here, and answer no further questions. However, please still return your questionnaire to us in the enclosed envelope.

## 6. What are your current or most recent areas of concentration in federal practice? (Circle all that apply)

1. Appellate
2. Bankruptcy
3. Civil Rights
4. Criminal
5. General Civil Litigation
6. Immigration
7. Indian or Tribal Law
8. Labor/employment
9. Social Security
10. Other, specify: \_\_\_\_\_

## 7. In what courts of the First Circuit have you most often practiced in the past five (5) years? (Circle all that apply)

1. Maine District Court
2. Maine Bankruptcy Court
3. Massachusetts District Court
4. Massachusetts Bankruptcy Court
5. New Hampshire District Court
6. New Hampshire Bankruptcy Court
7. Puerto Rico District Court
8. Puerto Rico Bankruptcy Court
9. Rhode Island District Court
10. Rhode Island Bankruptcy Court
11. Court of Appeals
12. Bankruptcy Appellate Panel (BAP)

## 8. Have you practiced as a United States Attorney or Federal Public Defender during the past 5 years?

1. Yes
2. No

## 9. Which of the following best describes your current or most recent practice or position?

1. Private practice, sole practitioner
2. Private practice, associate
3. Private practice, partner
4. Federal government attorney
5. State or local government attorney
6. In house counsel
7. Legal services attorney (government funded legal services program or support agency)
8. Trade or professional association
9. Other, please specify: \_\_\_\_\_

FEDERAL COURT INTERACTIONS AND RELATIONSHIPS

\* YOUR EXPERIENCES \*

The following questions refer to your PERSONAL EXPERIENCES in the federal bankruptcy, district, and appellate courts of the First Circuit. (Please note that this section will be followed by an OBSERVATION SECTION, in which you will be asked questions about your observations of certain behaviors in the federal courts of the First Circuit.)

SECTION I: ATTORNEYS

This section contains questions about your personal EXPERIENCES with OTHER ATTORNEYS in First Circuit proceedings. Please answer by indicating the total number of times you have experienced any of these behaviors in the PAST FIVE (5) YEARS. If you have practiced in the First Circuit for less than five years, we are still interested in your answers. Please just answer the questions for the period of time you have practiced in the First Circuit.

10. During the past five years, how often have you EXPERIENCED any of the following behaviors by OTHER ATTORNEYS in a First Circuit proceeding? (Circle the number on each line that best reflects your response).		11. In your opinion, was the behavior due to your gender, race or ethnicity?										
		OFTEN (4 or more times)	SOMETIMES (2-3 times)	RARELY (1-2 times)	ONCE (1 time)	NO OPPORTUNITY TO RESPOND (0 times)	Due to gender only	Due to race only	Due to ethnicity only	Due to both race and ethnicity	Due to both gender and ethnicity	No opinion
<b>ANOTHER ATTORNEY:</b>												
a.	Did not take my opinions or views seriously											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5
b.	Was unwilling to accommodate my schedule or time requirements											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5
c.	Made inaccurate assumptions regarding my professional status (e.g., that I am not an attorney)											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5
d.	Made inappropriate comments or advances of a sexually suggestive nature to me											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5
e.	Made inappropriate comments about my physical appearance or clothing											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5
f.	Made inappropriate comments about my presumed foreign origin or citizenship status											
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5

10. (continued) During the past five years, how often have you EXPERIENCED any of the following behaviors by OTHER ATTORNEYS in a First Circuit proceeding? (Circle the number on each line that best reflects your response).		11. In your opinion, was the behavior due to your gender, race or ethnicity?															
ANOTHER ATTORNEY:		Often (4 or more times)	Sometimes (2-3 times)	Rarely (1-2 times)	Once (1 time)	No opportunity to observe (0 times)	Due to gender and race/ethnicity often	Due to race/ethnicity often	Due to gender and race/ethnicity sometimes	Due to race/ethnicity sometimes	Due to gender and race/ethnicity rarely	Due to race/ethnicity rarely	Due to gender and race/ethnicity never	Due to race/ethnicity never	No opinion		
g. Made demeaning or derogatory comments to me																	
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
h. Addressed me by my first name (when inappropriate) or by non-professional terms																	
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
i. Made inappropriate comments about or parodied my accent or manner of speech																	
(1)	In open court	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(2)	In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5
(3)	In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N	1	2	3	4	5	1	2	3	4	5

If you have EXPERIENCED some other behavior by AN ATTORNEY that you felt was due to your gender, race, or ethnicity, please describe it here.

---



---



---



---



---



---



---

12. If the judge was aware of the treatment, how often did the judge intervene in any of the situations described above?

1. Whenever such behavior occurred
2. On most occasions, but not all
3. On some occasions, but not most
4. Never (skip to Question 15)
5. Does not apply

13. How effective was the judge's intervention? (If a judge intervened on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge intervened.)

1. Not effective
2. Somewhat effective
3. Very effective
4. No opinion
5. Does not apply

14. If the judge DID INTERVENE in the situation[s] described above, would you have preferred that the judge had not intervened? (If a judge intervened on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge intervened.)

1. Yes
2. No
3. No opinion
4. Does not apply

15. If the judge DID NOT INTERVENE in the situation[s] described above, would you have preferred that the judge had intervened? (If a judge did not intervene on more than one occasion, please answer with regard to the most SERIOUS BEHAVIOR for which a judge did not intervene.)

1. Yes
2. No
3. No opinion
4. Does not apply

**SECTION II: JUDGES**

This section contains questions about your personal EXPERIENCES with JUDGES in First Circuit proceedings. Please answer by indicating the total number of times you have experienced any of these behaviors in the PAST FIVE (5) YEARS. If you have practiced in the First Circuit for less than five years, we are still interested in your answers. Please just answer the questions for the period of time you have practiced in the First Circuit.

16. During the past five years, how often have you EXPERIENCED any of the following behaviors by FEDERAL JUDGES (including Circuit Judges, District Judges, Magistrate Judges or Bankruptcy Judges) in a First Circuit proceeding? (Circle the number on each line that best reflects your response).							17. In your opinion, was the behavior due to your gender, race or ethnicity?				
	Often (4 or more times)	Sometimes (2-3 times)	Rarely (1-2 times)	Occasionally (1 or 2 times)	Never (0 times)	No opportunity to observe	Due to race or ethnicity	Due to gender	Due to race or ethnicity AND gender	No opinion	No opinion
<b>A JUDGE:</b>											
a. Did not take my opinions or views seriously											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
b. Was unwilling to accommodate my schedule or time requirements											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
c. Made inaccurate assumptions regarding my professional status (e.g., that I am not an attorney)											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
d. Made inappropriate comments or advances of a sexually suggestive nature to me											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
e. Made inappropriate comments about my physical appearance or clothing											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
f. Made inappropriate comments about my presumed foreign origin or citizenship status											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
g. Made demeaning or derogatory comments to me											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
h. Addressed me by my first name (when inappropriate) or by non-professional terms											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5
i. Made inappropriate comments about or parodied my accent or manner of speech											
(1) In open court	4	3	2	1	0	N	1	2	3	4	5
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N	1	2	3	4	5

If you have EXPERIENCED some other behavior by A JUDGE that you felt was due to your gender, race, or ethnicity, please describe it here.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. In your experience, how responsive are judges in this circuit to counsel or parties' parental obligations — e.g. maternity or paternity leave, child care schedules, etc. — in the handling of cases?

1. Most are reasonably sensitive to parental obligations
2. Approximately equal numbers are responsive and unresponsive to parental obligations
3. Most are unresponsive to parental obligations
4. No opinion / Does not apply

**SECTION III: COURT PERSONNEL**

This section contains questions about your personal EXPERIENCES with COURT PERSONNEL in First Circuit proceedings. Please answer by indicating the total number of times you have experienced any of these behaviors in the PAST FIVE (5) YEARS. If you have practiced in the First Circuit for less than five years, we are still interested in your answers. Please just answer the questions for the period of time you have practiced in the First Circuit.

19. During the past five years, how often have you EXPERIENCED any of the following behaviors by COURT PERSONNEL in a First Circuit proceeding? (Circle the number on each line that best reflects your response).							20. In your opinion, was the behavior due to your gender, race or ethnicity?				
	0 (never)	1 (rarely)	2 (sometimes)	3 (often)	4 (very often)	N (no opportunity to observe)	Due to gender only	Due to race/ethnicity only	Due to both gender and race/ethnicity	Due to neither gender nor race/ethnicity	No opinion
<b>A COURT EMPLOYEE:</b>											
a. Ignored me or did not take me seriously	4	3	2	1	0	N	1	2	3	4	5
b. Was unwilling to accommodate my schedule or time requirements	4	3	2	1	0	N	1	2	3	4	5
c. Made inaccurate assumptions regarding my professional status (e.g., that I am not an attorney)	4	3	2	1	0	N	1	2	3	4	5
d. Made inappropriate comments or advances of a sexually suggestive nature to me	4	3	2	1	0	N	1	2	3	4	5
e. Made inappropriate comments about my presumed foreign origin or citizenship status	4	3	2	1	0	N	1	2	3	4	5
f. Made inappropriate comments about my physical appearance or clothing	4	3	2	1	0	N	1	2	3	4	5
g. Made demeaning or derogatory comments to me	4	3	2	1	0	N	1	2	3	4	5
h. Addressed me by my first name (when inappropriate) or by non-professional terms	4	3	2	1	0	N	1	2	3	4	5
i. Made inappropriate comments about or parodied my accent or manner of speech	4	3	2	1	0	N	1	2	3	4	5

If you have EXPERIENCED some other behavior by A COURT EMPLOYEE that you felt was due to your gender, race, or ethnicity please describe it here.

---



---



---



---



---



---



---



---



---



---

## YOUR OBSERVATIONS

This part of the survey includes questions regarding behavior that you have OBSERVED during the past five years by counsel, judges, and court personnel. For purposes of this survey, the term "minority" refers to African-Americans, Asian-Americans, Hispanics and Native Americans. The term "non-minority" refers to Caucasians.

### SECTION I: BEHAVIOR OF ATTORNEYS

This section contains questions about the behavior of COUNSEL toward OTHER COUNSEL in the courts of the First Circuit. Please indicate the total number of times you have OBSERVED any of the following behaviors in the PAST FIVE (5) YEARS.

21. During the past five years, how often have you OBSERVED the following behaviors by COUNSEL in the courts of the First Circuit? (Circle the number on each line that best reflects your response).

COUNSEL (of any gender, race or ethnicity):

	OTHER (6 or more times)	SOMETIMES (2-5 times)	RARELY (1 time)	ONCE (1 time)	NO OBSERVATION (0 times)	N
<b>a. Using first names (when inappropriate) or non-professional terms such as "young lady" or "dear" to address FEMALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>b. Using first names (when inappropriate) or non-professional terms such as "young man" or "dear" to address MALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>c. Making demeaning or derogatory remarks to or about FEMALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N

	OTHER (6 or more times)	SOMETIMES (2-5 times)	RARELY (1 time)	ONCE (1 time)	NO OBSERVATION (0 times)	N
<b>d. Making demeaning or derogatory remarks to or about MALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>e. Making sexually suggestive comments to or about FEMALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>f. Making sexually suggestive comments to or about MALE COUNSEL</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>g. Not taking FEMALE COUNSEL's opinions or views seriously</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N
<b>h. Not taking MALE COUNSEL's opinions or views seriously</b>						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N

21. (continued) During the past five years, how often have you OBSERVED the following behaviors by COUNSEL in the courts of the First Circuit? (Circle the number on each line that best reflects your response).

**COUNSEL (of any gender, race or ethnicity):**

	0 (rare) (6 or more times)	1 (rare) (4 or 5 times)	2 (rare) (3 times)	3 (rare) (2 times)	4 (rare) (1 time)	5 (rare) (never)	6 (rare) (never)	7 (rare) (never)	8 (rare) (never)	9 (rare) (never)	10 (rare) (never)
<b>i. Making demeaning or derogatory remarks to or about MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>j. Making demeaning or derogatory remarks to or about NON-MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>k. Making race or ethnicity-based remarks to or about MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>l. Making race or ethnicity-based remarks to or about NON-MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>m. Making inappropriate comments regarding the presumed foreign origin or citizenship status of MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					

	0 (rare) (6 or more times)	1 (rare) (4 or 5 times)	2 (rare) (3 times)	3 (rare) (2 times)	4 (rare) (1 time)	5 (rare) (never)	6 (rare) (never)	7 (rare) (never)	8 (rare) (never)	9 (rare) (never)	10 (rare) (never)
<b>n. Making inappropriate comments regarding the presumed foreign origin or citizenship status of NON-MINORITY COUNSEL</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>o. Not taking MINORITY COUNSEL'S opinions or views seriously</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>p. Not taking NON-MINORITY COUNSEL'S opinions or views seriously</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>q. Inappropriately commenting upon or parodying MINORITY COUNSEL'S accent or manner of speech</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					
<b>r. Inappropriately commenting upon or parodying NON-MINORITY COUNSEL'S accent or manner of speech</b>											
(1) In open court	4	3	2	1	0	N					
(2) In informal, side bar or in-chambers proceedings before a judge	4	3	2	1	0	N					
(3) In proceedings NOT before a judge such as settlement discussions or depositions	4	3	2	1	0	N					

22. If the judge was aware of these situations, how often did the judge intervene in any of the situations described above?

1. Whenever such behavior occurred
2. On most occasions, but not all
3. On some occasions, but not most
4. Never
5. Does not apply (I have never observed such behavior)

23. If a judge becomes aware of inappropriate comments or actions regarding the GENDER of participants, should the judge intervene?

1. Judge should always intervene
2. Judge should usually intervene
3. Judge should intervene in only the most egregious circumstances
4. Judge should never intervene
5. Judge should report conduct to an independent body
6. No opinion
7. Other, specify:

---



---



---

24. If a judge becomes aware of inappropriate comments or actions regarding the RACE OR ETHNICITY of courtroom participants, should the judge intervene?

1. Judge should always intervene
2. Judge should usually intervene
3. Judge should intervene in only the most egregious circumstances
4. Judge should never intervene
5. Judge should report conduct to an independent body
6. No opinion
7. Other, specify:

---



---



---

25. Based upon your EXPERIENCES with and OBSERVATIONS of ATTORNEYS in First Circuit federal court proceedings, would you say that the behaviors described above are confined to certain individuals or are more pervasive?

1. Confined to a few individuals
2. Engaged in by more than a few attorneys, but not most
3. Engaged in by most attorneys at one time or another
4. No opinion
5. Does not apply

**SECTION II: BEHAVIOR OF JUDGES**

This section asks about the behavior of JUDGES in the First Circuit toward counsel, civil litigants, criminal defendants, and witnesses. Please answer by indicating the total number of times you have OBSERVED these behaviors in the PAST FIVE (5) YEARS.

**PART A: JUDGES' BEHAVIOR TOWARD COUNSEL**

26. During the past five years, how often have you OBSERVED FEDERAL JUDGES (including Circuit Judges, District Judges, Magistrate Judges and Bankruptcy Judges) in the First Circuit treating COUNSEL in the following ways? (Circle the number on each line that best reflects your response).

**JUDGES:**

a. Using first names (when inappropriate) or non-professional terms such as "young lady" or "dear" to address FEMALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

b. Using first names (when inappropriate) or non-professional terms such as "young man" or "dear" to address MALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

c. Making demeaning or derogatory comments to or about FEMALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

d. Making demeaning or derogatory comments to or about MALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

e. Making sexually suggestive comments to or about FEMALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

	4	3	2	1	0	N
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N

26. (continued) During the past five years, how often have you OBSERVED FEDERAL JUDGES (including Circuit Judges, District Judges, Magistrate Judges and Bankruptcy Judges) in the First Circuit treating COUNSEL in the following ways? (Circle the number on each line that best reflects your response).

**JUDGES:**

f. Making sexually suggestive comments to or about MALE COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

g. Not taking FEMALE COUNSEL's opinions or views seriously

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

h. Not taking MALE COUNSEL's opinions or views seriously

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

i. Making demeaning or derogatory comments to or about MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

j. Making demeaning or derogatory comments to or about NON-MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

k. Making race or ethnicity-based remarks to or about MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

l. Making race or ethnicity-based remarks to or about NON-MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

m. Making inappropriate comments regarding the presumed foreign origin or citizenship status of MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

n. Making inappropriate comments regarding the presumed foreign origin or citizenship status of NON-MINORITY COUNSEL

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

o. Not taking MINORITY COUNSEL's opinions or views seriously

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

p. Not taking NON-MINORITY COUNSEL's opinions or views seriously

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

q. Inappropriately commenting upon or parodying MINORITY COUNSEL's accent or manner of speech

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

r. Inappropriately commenting upon or parodying NON-MINORITY COUNSEL's accent or manner of speech

- (1) In open court
- (2) In informal, side bar or in-chambers proceedings

	OTHER (6 or more times)	SOMETIMES (3-5 times)	RARELY (2 times)	OFTEN (1 time)	RARELY (0 times)	NO OPPORTUNITY TO OBSERVE
f. Making sexually suggestive comments to or about MALE COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
g. Not taking FEMALE COUNSEL's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
h. Not taking MALE COUNSEL's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
i. Making demeaning or derogatory comments to or about MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
j. Making demeaning or derogatory comments to or about NON-MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
k. Making race or ethnicity-based remarks to or about MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
l. Making race or ethnicity-based remarks to or about NON-MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
m. Making inappropriate comments regarding the presumed foreign origin or citizenship status of MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
n. Making inappropriate comments regarding the presumed foreign origin or citizenship status of NON-MINORITY COUNSEL						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
o. Not taking MINORITY COUNSEL's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
p. Not taking NON-MINORITY COUNSEL's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
q. Inappropriately commenting upon or parodying MINORITY COUNSEL's accent or manner of speech						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
r. Inappropriately commenting upon or parodying NON-MINORITY COUNSEL's accent or manner of speech						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N

**PART B: JUDGES' BEHAVIOR TOWARD LITIGANTS, CRIMINAL DEFENDANTS AND WITNESSES**

27. During the past five years, how often have you OBSERVED FEDERAL JUDGES (including Circuit Judges, District Judges, Magistrate Judges and Bankruptcy Judges) in the First Circuit treating CIVIL LITIGANTS, CRIMINAL DEFENDANTS or WITNESSES in the following ways? (Circle the number on each line that best reflects your response.)

**JUDGES:**

	OFFEN (6 or more times)	SOMETIMES (4-5 times)	RARELY (2-3 times)	ONCE (1 time)	NEVER (0 times)	NO OPPORTUNITY TO OBSERVE
a. Using first names (when inappropriate) or non-professional terms such as "young lady" or "dear" to address WOMEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
b. Using first names (when inappropriate) or non-professional terms such as "young man" or "dear" to address MEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
c. Making demeaning or derogatory comments to or about WOMEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
d. Making demeaning or derogatory comments to or about MEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
e. Making sexually suggestive comments to or about WOMEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
f. Making sexually suggestive comments to or about MEN						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N

	OFFEN (6 or more times)	SOMETIMES (4-5 times)	RARELY (2-3 times)	ONCE (1 time)	NEVER (0 times)	NO OPPORTUNITY TO OBSERVE
g. Not taking WOMEN's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
h. Not taking MEN's opinions or views seriously						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
i. Making demeaning or derogatory comments to or about MINORITIES						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
j. Making demeaning or derogatory comments to or about NON-MINORITIES						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
k. Making race or ethnicity-based remarks to or about MINORITIES						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
l. Making race or ethnicity-based remarks to or about NON-MINORITIES						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N
m. Making inappropriate comments regarding the presumed foreign origin or citizenship status of MINORITIES						
(1) In open court	4	3	2	1	0	N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0	N

27.(continued) During the past five years, how often have you OBSERVED FEDERAL JUDGES (including Circuit Judges, District Judges, Magistrate Judges and Bankruptcy Judges) in the First Circuit treating CIVIL LITIGANTS, CRIMINAL DEFENDANTS or WITNESSES in the following ways? (Circle the number on each line that best reflects your response.)

**JUDGES:**

	OPEN (4 or more times)	SOMETIMES (3 times)	RARELY (2 times)	COULD NOT OBSERVE (1 time)	NO OPINION
n. Making inappropriate comments regarding the presumed foreign origin or citizenship status of NON-MINORITIES					
(1) In open court	4	3	2	1	0 N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0 N
o. Not taking MINORITIES' opinions or views seriously					
(1) In open court	4	3	2	1	0 N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0 N
p. Not taking NON-MINORITIES' opinions or views seriously					
(1) In open court	4	3	2	1	0 N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0 N
q. Inappropriately commenting upon or parodying MINORITIES' accent or manner of speech					
(1) In open court	4	3	2	1	0 N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0 N
r. Inappropriately commenting upon or parodying NON-MINORITIES' accent or manner of speech					
(1) In open court	4	3	2	1	0 N
(2) In informal, side bar or in-chambers proceedings	4	3	2	1	0 N

28. Based upon your EXPERIENCES with and OBSERVATIONS of JUDGES in First Circuit federal court proceedings, would you say that the behaviors described above are confined to certain individuals or are more pervasive?

1. Confined to a few individuals
2. Engaged in by more than a few judges, but not most
3. Engaged in by most judges at one time or another
4. No opinion
5. Does not apply

**SECTION III: BEHAVIOR OF COURT PERSONNEL**

This section asks about the behavior of COURT PERSONNEL in the First Circuit toward counsel, civil litigants, criminal defendants and witnesses. Please answer by indicating the total number of times you have OBSERVED these behaviors in the PAST FIVE (5) YEARS.

**PART A: BEHAVIOR OF COURT PERSONNEL TOWARD COUNSEL**

29. During the past five years, how often have you OBSERVED COURT PERSONNEL (excluding judges) in the First Circuit treating COUNSEL in the following ways? (Circle the number on each line that best reflects your response.)

	OPEN (4 or more times)	SOMETIMES (3 times)	RARELY (2 times)	COULD NOT OBSERVE (1 time)	NO OPINION
COURT PERSONNEL:					
a. Using first names (when inappropriate) or non-professional terms such as "young lady" or "dear" to address FEMALE COUNSEL	4	3	2	1	0 N
b. Using first names (when inappropriate) or non-professional terms such as "young man" or "dear" to address MALE COUNSEL	4	3	2	1	0 N
c. Making demeaning or derogatory comments to or about FEMALE COUNSEL	4	3	2	1	0 N
d. Making demeaning or derogatory comments to or about MALE COUNSEL	4	3	2	1	0 N
e. Making sexually suggestive comments to or about FEMALE COUNSEL	4	3	2	1	0 N
f. Making sexually suggestive comments to or about MALE COUNSEL	4	3	2	1	0 N
g. Ignoring or not taking FEMALE COUNSEL seriously	4	3	2	1	0 N
h. Ignoring or not taking MALE COUNSEL seriously	4	3	2	1	0 N
i. Making demeaning or derogatory comments to or about MINORITY COUNSEL	4	3	2	1	0 N
j. Making demeaning or derogatory comments to or about NON-MINORITY COUNSEL	4	3	2	1	0 N
k. Making race or ethnicity-based comments to or about MINORITY COUNSEL	4	3	2	1	0 N
l. Making race or ethnicity-based comments to or about NON-MINORITY COUNSEL	4	3	2	1	0 N
m. Making inappropriate comments regarding the presumed foreign origin or citizenship status of MINORITY COUNSEL	4	3	2	1	0 N
n. Making inappropriate comments regarding the presumed foreign origin or citizenship status of NON-MINORITY COUNSEL	4	3	2	1	0 N

29. (continued) During the past five years, how often have you OBSERVED COURT PERSONNEL (excluding judges) in the First Circuit treating COUNSEL in the following ways? (Circle the number on each line that best reflects your response).

**COURT PERSONNEL:**

	OFTEN (4 or more times)	SOMETIMES (2-3 times)	RARELY (1-2 times)	OCCASIONALLY (1 time)	NEVER (0 times)	NO OBSERVATION
o. Ignoring or not taking MINORITY COUNSEL seriously	4	3	2	1	0	N
p. Ignoring or not taking NON-MINORITY COUNSEL seriously	4	3	2	1	0	N
q. Inappropriately commenting upon or parodying MINORITY COUNSEL's accent or manner of speech	4	3	2	1	0	N
r. Inappropriately commenting upon or parodying NON-MINORITY COUNSEL's accent or manner of speech	4	3	2	1	0	N

**PART B: BEHAVIOR OF COURT PERSONNEL TOWARD CIVIL LITIGANTS, CRIMINAL DEFENDANTS AND WITNESSES**

30. During the past five years, how often have you observed COURT PERSONNEL (excluding judges) in the First Circuit treating CIVIL LITIGANTS, CRIMINAL DEFENDANTS or WITNESSES in the following ways? (Circle the number on each line that best reflects your response).

**COURT PERSONNEL:**

	OFTEN (4 or more times)	SOMETIMES (2-3 times)	RARELY (1-2 times)	OCCASIONALLY (1 time)	NEVER (0 times)	NO OBSERVATION
a. Using first names (when inappropriate) or non-professional terms such as "young lady" or "dear" to address WOMEN	4	3	2	1	0	N
b. Using first names (when inappropriate) or non-professional terms such as "young man" or "dear" to address MEN	4	3	2	1	0	N
c. Making demeaning or derogatory comments to or about WOMEN	4	3	2	1	0	N
d. Making demeaning or derogatory comments to or about MEN	4	3	2	1	0	N
e. Making sexually suggestive comments to or about WOMEN	4	3	2	1	0	N

	OFTEN (4 or more times)	SOMETIMES (2-3 times)	RARELY (1-2 times)	OCCASIONALLY (1 time)	NEVER (0 times)	NO OBSERVATION
f. Making sexually suggestive comments to or about MEN	4	3	2	1	0	N
g. Ignoring or not taking WOMEN seriously	4	3	2	1	0	N
h. Ignoring or not taking MEN seriously	4	3	2	1	0	N
i. Making demeaning or derogatory remarks to or about MINORITIES	4	3	2	1	0	N
j. Making demeaning or derogatory remarks to or about NON-MINORITIES	4	3	2	1	0	N
k. Making race or ethnicity-based comments to or about MINORITIES	4	3	2	1	0	N
l. Making race or ethnicity-based comments to or about NON-MINORITIES	4	3	2	1	0	N
m. Making inappropriate comments regarding MINORITIES' presumed foreign origin or citizenship status	4	3	2	1	0	N
n. Making inappropriate comments regarding NON-MINORITIES' presumed foreign origin or citizenship status	4	3	2	1	0	N
o. Ignoring or not taking MINORITIES seriously	4	3	2	1	0	N
p. Ignoring or not taking NON-MINORITIES seriously	4	3	2	1	0	N
q. Inappropriately commenting upon or parodying MINORITIES' accent or manner of speech	4	3	2	1	0	N
r. Inappropriately commenting upon or parodying NON-MINORITIES' accent or manner of speech	4	3	2	1	0	N

31. Based upon your EXPERIENCES with and OBSERVATIONS of COURT PERSONNEL in federal courts of the First Circuit, would you say that the behaviors described above are confined to certain individuals or are more pervasive?

1. Confined to a few individuals
2. Engaged in by more than a few court personnel, but not most
3. Engaged in by most court personnel at one time or another
4. No opinion
5. Does not apply

### COURT APPOINTMENTS

32. Did you ever apply for a full-time clerkship with a federal judge in the First Circuit?
1. Yes
  2. No (Skip to question 33)
    - a. Were you appointed to a clerkship?
      1. Yes
      2. No (Skip to part c)
    - b. Do you believe that gender, race or ethnicity played a role in that appointment?
      1. Yes, gender played a role
      2. Yes, race or ethnicity played a role
      3. Yes, both gender and race or ethnicity played a role
      4. No, neither gender nor race or ethnicity played a role
      5. No opinion/I don't know
    - c. Do you believe that gender, race or ethnicity played a role in your failure to obtain that appointment?
      1. Yes, gender played a role
      2. Yes, race or ethnicity played a role
      3. Yes, both gender and race or ethnicity played a role
      4. No, neither gender nor race or ethnicity played a role
      5. No opinion/I don't know
33. During the past five years, have you been appointed or selected to serve on any committee or group established by any courts of the First Circuit?
1. Yes
  2. No
34. Did you volunteer to serve on any committee or group established by any courts of the First Circuit? (Circle all that apply)
1. Yes, I volunteered and was appointed
  2. Yes, I volunteered but was not appointed
  3. No, I did not volunteer but was appointed anyway
  4. No, I did not volunteer and was not appointed
35. Do you know how individuals are selected to be appointed to these committees?
1. Yes
  2. No
  3. Not sure

36. Do you believe that MINORITY ATTORNEYS have the same opportunities as non-minority attorneys to serve on these committees?
1. Yes, minority attorneys have the same opportunities as non-minority attorneys
  2. No, minority attorneys have greater opportunities than non-minority attorneys
  3. No, minority attorneys have fewer opportunities than non-minority attorneys
  4. No opinion/I don't know
37. Do you believe that FEMALE ATTORNEYS have the same opportunities as male attorneys to serve on these committees?
1. Yes, female attorneys have the same opportunities as male attorneys
  2. No, female attorneys have greater opportunities than male attorneys
  3. No, female attorneys have fewer opportunities than male attorneys
  4. No opinion/I don't know

### GENERAL OBSERVATIONS

38. Do you believe that GENDER BIAS exists in the federal courts of the First Circuit?
1. Yes
  2. No (Skip to Question 39)
  3. No opinion/I don't know
- a. If yes, do you believe that gender bias in the First Circuit federal courts is limited or widespread?
1. Gender bias is limited to a few areas or certain individuals
  2. Gender bias is widespread
  3. No opinion/I don't know
- b. Do you believe that the First Circuit federal courts are taking steps to eradicate gender bias?
1. Yes
  2. No
  3. No opinion/I don't know
- c. Do you believe that gender bias in the First Circuit federal courts is difficult or easy to detect?
1. Gender bias is difficult to detect
  2. Gender bias is easy to detect
  3. No opinion/I don't know

