

**HEARING AND MEDIATION JUDGES OF THE  
WASHINGTON BOARD OF INDUSTRIAL INSURANCE APPEALS  
JUDICIAL PERFORMANCE EVALUATION**

**FINAL REPORT**

**PREPARED FOR:**

**Washington Board of Industrial Insurance Appeals**

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## INTRODUCTION

The Washington State Board of Industrial Insurance Appeals (BIIA) is a statutorily created agency established to adjudicate appeals filed by injured workers, employers, and others resulting from orders issued by the Washington Department of Labor and Industries. The BIIA considers appeals from approximately 7,500 cases a year. To perform this function, the BIIA employs 55 administrative law judges who oversee mediations and conduct adversarial hearings as part of the industrial insurance appeals process. In 2007 the Board contracted with the Division of Governmental Studies and Services at Washington State University (WSU) to design and conduct performance evaluations of the BIIA's mediation and hearing judges for the dual purposes of *judicial self-improvement* and *internal agency assessment* regarding judicial performance with respect to BIIA service goals and objectives.

The evaluation process developed and implemented under this agreement is based largely on the 2005 American Bar Association's Guidelines for the Evaluation of Judicial Performance. Under these guidelines, a JPE program should:

- Evaluate judges on presence of universally accepted qualities expected to be possessed by outstanding judges.
- Employ specific behavior-based measures of the presence of these qualities.
- Permit evaluators to provide written feedback to the judge that may be used for judicial self-improvement.
- If possible, obtain information from multiple "populations," including attorneys, litigants, and other groups of individuals who have first-hand experiences with a judge being evaluated.
- Permit only those individuals who have observed a judge's performance to participate in the evaluation.
- Employ statistically and scientifically reliable methods for conducting the evaluation and for computing the results.

The BIIA JPE program developed for this project follows these principles. The performance of BIIA judges was evaluated by several distinct populations: attorneys, paralegals, lay representatives, and pro se litigants. In addition, only individuals who appeared before a judge were permitted to evaluate the judge's performance. Participants in the evaluation surveys conducted were asked to assess the judges' performance with respect to more than 20 behavior-based criteria. Finally, BIIA JPE assessment survey respondents were asked to provide written comments that could be used for judicial self-improvement as warranted.

This report, which presents the overall results of the BIIA Judicial Performance Evaluation, is organized into five principal sections:

- **Introduction**
- **Attorney, Paralegal, and Lay Representative Evaluations**  
This section discusses the methodology employed in conducting the attorney evaluations, the demographic and professional characteristics of attorney evaluators, aggregate results from attorney evaluations, and summary tables presenting scaled category results for each individual judge.

- **Litigant Evaluations**

This section discusses the methodology used in conducting the litigant evaluations, the demographic characteristics of litigant evaluators, and aggregate results from the litigant evaluations.

- **Conclusion**

- **Appendices**

The BIIA JPE evaluation survey instruments used, and detailed reports for individual judges are presented in a set of appendices.

## **ATTORNEY, LAY REPRESENTATIVE, AND PARALEGAL EVALUATIONS**

An important component of a judicial evaluation program is to obtain information from individuals who have had an opportunity to personally observe the judge being evaluated during the relevant time period. To facilitate collection of such information BIIA staff generated a database for each judge consisting of the attorneys, paralegals, lay representatives, and pro se litigants who appeared before a mediation or hearing judge during 2007. In all, 19,309 BIIA cases were provided in the database, made up of 7,481 attorneys, 5,026 lay representatives, 530 paralegals, with the remainder being pro se litigants.<sup>1</sup> These databases, which were generated from computer records, provided the individual's name, their mailing address, and if available their e-mail address and the judge(s) before whom they appeared. Because thousands of these cases did not have an e-mail address associated with them, WSU staff supplemented the database by obtaining e-mail addresses for hundreds of attorneys from the Washington State Bar Association's electronic lawyer directory, and for lay representatives by telephoning businesses that handle third party claims administration directly.

The vast majority of the data collected for the BIIA JPE evaluation was gathered electronically over the Internet. Attorneys, lay representatives, and paralegals were sent invitations via e-mail to evaluate judges before whom they appeared. The e-mail message contained a link to a web-based survey questionnaire for the individual to evaluate that particular judge. People who appeared before multiple judges received a separate e-mail providing them with a survey to evaluate each individual judge. Regardless of how many times a person may have appeared before a judge, individuals were allowed to evaluate each judge only one time. The responses to the survey were received via this secure web-based system, and made available for data entry and tabulation by WSU researchers.

BIIA JPE evaluation questionnaires were administered to attorneys, paralegals, and lay representatives during the last three months of 2008. The questionnaires were developed in cooperation with BIIA agency staff, and pre-tested to assure *prima facie* validity. Two waves of survey invitations were sent to the e-mail address for each member of the sample of cases selected at random within broad categories of cases (mediations and adversarial hearing). In all, a total of 6,019 invitations to evaluate judges were distributed to attorneys, paralegals, and lay representatives. Based on these invitations, 1,893

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<sup>1</sup>While over 19,000 individual appearances were provided in the database, a significant portion of them were unusable. Several reasons account for this, including the fact that a company name was listed rather than an individual litigant in many instances. Similarly, in a number of cases a law firm, third party representative firm, corporation, or other generic identifier was listed rather than an individual who appeared at a hearing or mediation, thus precluding their inclusion in the evaluation.

evaluation questionnaires were completed (1,211 for hearing judges, 682 for mediation judges), yielding a theoretical estimated response rate of 31.2%.<sup>2</sup>

This response rate represents a highly conservative estimate. Response rates are measured as the percent of people who received requests to complete surveys who returned completed surveys. With Internet-based surveys that are distributed via e-mail, an unknowable number of people who were sent surveys did not receive them, either due to spam blockers, firewalls, outdated e-mail addresses, or for other reasons. A true response rate would be calculated by dividing the number of responses by the number of people who actually received but did not complete surveys: individuals who never received the request would be excluded from this calculation. As the number of these individuals is not knowable, they were included in the response rate calculation reported here. As such, the response rates reported for mediation judges and hearing judges are surely lower (more conservative) estimates than an omnisciently calculated rate would be.

The evaluation focused upon the behavior-based measures recommended and centered around two sets of standards. General measures of judicial competencies were based largely on those contained in the ABA Guidelines. In addition to these factors, a number of items were included to measure key competencies expected of Industrial Insurance Appeals Judges as set out in the Board's September 2005 *Performance Expectations for Industrial Insurance Appeals Judges*. Specifically, evaluators were asked to rate the performance of each judge before whom they appeared under multiple criteria, which fall loosely into five categories: legal ability, integrity and impartiality, communication, professionalism, and administrative skills. As the specific performance expectations and skills required for mediation and hearing judges are not identical, slightly different criteria were used for judges conducting mediations versus those conducting adversarial hearings. The specific criteria used in the evaluation for each type of judge, which were arrived at in conjunction with the BIIA Judicial Survey Committee, are presented in Tables 1 and 2.<sup>3</sup>

After establishing the performance criteria on which the judges would be evaluated, questionnaires were developed to collect information measuring agency client perceptions of these items. The questionnaires asked individuals who had appeared at a hearing or mediation in front of a judge to rate the judge's performance with respect to each criterion using the following scale:

Excellent	5
Very Good	4
Acceptable	3
Poor	2
Unacceptable	1

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<sup>2</sup>Response rates in a judicial performance evaluation based on actual observations of a judge's behavior are of slight consequence if large numbers of surveys are collected. Because the assessment is designed on the premise that only people who have actually observed and can remember a judge's performance should participate in the evaluation, an unknown number of people received evaluation invitations but chose not to participate due to lack of ability to provide meaningful input. This lack of participation, while it causes a diminished response rate, is appropriate and desirable for the reliability of a JPE program.

<sup>3</sup> Copies of the survey questionnaires used in the evaluation are presented in Appendix A.

**Table 1 Criteria for Evaluating Hearing Judges**

Category	Criteria
<b>LEGAL ABILITY</b>	<p>Exercised necessary legal reasoning ability.</p> <p>Understood the relevant substantive law.</p> <p>Understood the relevant rules of procedure and evidence.</p>
<b>INTEGRITY AND IMPARTIALITY</b>	<p>Avoided impropriety and the appearance of impropriety.</p> <p>Maintained a neutral presence.</p> <p>Permitted all parties to be heard and present their case.</p> <p>Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial appeals system.</p> <p>Refrained from inappropriate ex parte communication.</p> <p>Based decisions on the law and facts, not identity of the parties or counsel.</p> <p>Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or income.</p> <p>Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.</p>
<b>COMMUNICATION</b>	<p>Used clear and logical oral communication during proceedings.</p> <p>Acted decisively throughout proceedings.</p> <p>Prepared clear and logical written decisions and orders.</p> <p>Returned messages and correspondence in a reasonably prompt manner.</p>
<b>PROFESSIONALISM</b>	<p>Treated people with courtesy and respect.</p> <p>Was attentive to proceedings.</p> <p>Acted with patience and self-control.</p> <p>Promoted a sense of fairness.</p>
<b>ADMINISTRATIVE SKILLS</b>	<p>Displayed common sense.</p> <p>Started proceedings on time.</p> <p>Was prepared for hearings and conferences.</p> <p>Maintained control over the proceedings.</p> <p>Appropriately enforced rules and orders.</p> <p>Appropriately enforced deadlines.</p> <p>Prepared orders in a timely manner.</p> <p>Managed the proceedings efficiently.</p> <p>Ensured that the record of the proceedings was clear and complete.</p>

**Table 2 Criteria for Evaluating Mediation Judges**

Category	Criteria
<b>LEGAL ABILITY</b>	<p>Exercised necessary legal reasoning ability.</p> <p>Understood the relevant substantive law.</p> <p>Understood the relevant rules of procedure and evidence.</p>
<b>INTEGRITY AND IMPARTIALITY</b>	<p>Avoided impropriety and the appearance of impropriety.</p> <p>Maintained a neutral presence.</p> <p>Permitted all parties to be heard.</p> <p>Conducted mediation proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial appeals system.</p> <p>Acted without favor or disfavor toward anyone based upon race, sex, religion, disability, age, sexual orientation, or socioeconomic status.</p> <p>Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.</p>
<b>COMMUNICATION</b>	<p>Used clear and logical oral communication during the mediation.</p> <p>Adequately facilitated communication between the parties.</p> <p>Any agreement was written clearly and accurately reflected what transpired.</p> <p>Returned messages and correspondence in a reasonably prompt manner.</p>
<b>PROFESSIONALISM</b>	<p>Treated people with courtesy and respect.</p> <p>Was attentive during the mediation.</p> <p>Acted with patience and self-control.</p> <p>Promoted a sense of fairness.</p>
<b>ADMINISTRATIVE SKILLS</b>	<p>Displayed common sense.</p> <p>Started proceedings on time.</p> <p>Was prepared for proceedings.</p> <p>Maintained control over the proceedings.</p> <p>Helped parties identify the issues in the dispute.</p> <p>Helped participants understand each others' position.</p> <p>Prepared written orders in a timely manner.</p> <p>Took reasonable and appropriate steps to encourage settlement.</p>

In addition to questions regarding the judge's performance, three other categories of information were also collected. First, respondents were asked questions regarding the general nature of their appearances before the judge being evaluated. Specifically, attorneys, lay representatives, and paralegals were asked the number of times they appeared before the judge during the prior two years, as well as their perception of the level of success they had achieved during these appearances.

Second, respondents were asked to provide information about their demographic and professional background characteristics. Specifically, those persons appearing before a judge in a representative capacity were asked to provide general information about the type of client they represented, the type of organization for which they work, and whether they are an attorney, paralegal, or lay representative. Additionally, attorneys were asked to provide the size of the firm or organization in which they are employed, and the length of time they have been practicing law.

Information about the demographic and professional background characteristics of survey participants, as well as the frequency and successfulness of their appearance before the judge under evaluation, was collected in order to provide a means of considering potential sample bias. Such bias could be based on race, gender, type of representation, or other factors that could potentially affect how judges are evaluated. The possession of this information allows the Board to consider whether there are issues of concern at the aggregate level, as well as for each individual judge.

The third category of supplemental information collected involved soliciting narrative comments from the BIIA JPE survey respondents. In judicial performance evaluations often the most telling and beneficial information is obtained from specific comments supplied by evaluators. Written comments get beyond quantitative measures, and frequently provide an important qualitative sense of a judge's performance concerning specific areas of concern.

To facilitate collection of narrative comments, at the end of the BIIA JPE survey questionnaire, respondents were invited to record their comments by this statement:

Please provide any additional comments or details related to either the items raised in this questionnaire or the judge's performance in the space below. Additionally, feel free to describe the strengths and weaknesses of the judge.

Comments provided by respondents for each judge, which have been redacted to remove identifying information, are included in the individual judge reports located in Appendix B.

### **Aggregate Description of Representative Respondents**

As discussed above, the evaluation questionnaire asked attorneys, paralegals, and lay representatives to provide information about themselves and the role they played in the BIIA proceeding in question. Characteristics of the respondents for each judge are included in the results reported for those individual judges in Appendix B. The characteristics, in aggregate, of the respondents participating in the evaluation are listed below in Tables 3 through 7.

**Table 3 Description of Client Represented by Respondent**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Injured Worker	428	36.0	196	29.1
Employer	256	21.5	303	45.0
Labor and Industries	506	42.5	161	23.9
Other	0	0	13	1.9

**Table 4 Work Setting**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Attorney General's Office	510	42.7	162	24.1
In House Counsel	34	2.8	1	0.1
Private Practice	643	53.8	312	46.4
Third Party Claims Administration	0	0	191	28.4
Other	10	0.7	7	1.0

**Table 5 Respondent Professional Job Description**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Attorney	1169	97.8	369	54.7
Paralegal	24	2.0	122	18.1
Lay Representative	2	0.2	184	27.3

**Table 6 Size of Firm (Attorneys only)**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Sole Practitioner	132	11.3	67	18.4
2-5 Attorneys	369	31.7	211	57.8
6-10 Attorneys	118	10.1	23	6.3
11-20 Attorneys	44	3.8	15	4.1
Over 20 Attorneys	500	43.0	49	13.4

**Table 7** Years of Experience as an Attorney (Attorneys only)

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
1-2 years	90	7.8	8	2.2
3-5 years	118	10.2	32	8.8
6-10 years	132	11.4	42	11.5
11-20 years	401	34.6	77	21.1
More than 20 years	418	36.1	206	56.4

**Table 8** Race/Ethnicity

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Caucasian/White	1109	97.9	594	93.2
African American/Black	6	0.5	17	2.7
Hispanic/Latino(a)	10	0.9	15	2.4
Asian American/Pacific Islander	8	0.7	11	1.7
Native American	0	0	0	0

**Table 9** Gender

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Male	695	61.9	337	53.2
Female	428	38.1	296	46.8

In addition to requesting that BIIA JPE survey respondents provide information regarding their demographic and professional background characteristics and role played in mediations and hearings, the questionnaire also asked several questions about the frequency of appearances and level of success achieved in cases brought before the judge under evaluation. The aggregate responses for these items are presented in Tables 10 and 11 below.

Several items relating to the reliability of the evaluations are worthy of note. First, over 80% of all respondents reported that they had multiple appearances before the judges they evaluated. Increased dealings with a judge lead to evaluations of greater depth and substantive validity. The fact that four out of five respondents reported having multiple appearances before a judge, which is a high rate for a JPE, adds to the level of trust one can place in the evaluation's results reported here.

A second item worthy of note is the distribution among respondents regarding their level of success in cases involving the judge under evaluation. A concern frequently (and legitimately) raised by judges being evaluated is that only individuals with "an axe to grind" due to negative case outcomes will take

the time and trouble to complete JPE evaluations. As shown in Table 11, only one in four respondents considered the matters heard by a judge to have been “unsuccessful.” Overall, the level of success reported by respondents was very well balanced along a continuum of success, and as a consequence the “axe to grind” concern should not be considered a significant factor in the evaluation outcomes reported here.<sup>4</sup>

**Table 10 Appearances Before Judge During Previous 2 Years**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Once	268	22.7	89	13.5
2-3 Times	470	39.7	177	26.9
4-10 Times	313	26.5	231	35.1
More Than 10 Times	132	11.2	162	24.6

**Table 11 Respondent Perceived Level of Success Before Judge**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Very Unsuccessful	100	8.6	87	13.3
Somewhat Unsuccessful	180	15.5	80	12.3
Neutral	400	34.3	175	26.8
Somewhat Successful	381	32.7	186	28.5
Very Successful	104	8.1	125	19.1

**Aggregate Attorney, Lay Representative , and Paralegal Evaluation Results**

For each of the criteria used in the evaluation, behavior-based questions were asked for which there were five possible substantive responses: unacceptable, poor, acceptable, very good, and excellent. Additionally, attorneys were asked to answer “don’t know” for questions which they did not have sufficient first-hand knowledge to provide an assessment. To foster usability of the results, numerical values were assigned to each evaluative rating and are the basis for the average ratings achieved for each question in the evaluation. The rating scale is presented immediately below.

RATING SCALE

Excellent	5
Very Good	4
Acceptable	3
Poor	2
Unacceptable	1

Tables 12 and 13 present the aggregate average ratings and frequency distributions for the hearing and mediation judges, respectively.

<sup>4</sup> Average respondent success rates were calculated for each judge. These averages were not significantly correlated with evaluation results.

**Table 12 Hearing Judges Ratings Matrix**

	Item Average	Category Average	Unacceptable	Poor	Acceptable	Very Good	Excellent
<b>LEGAL ABILITY</b>		<b>4.10</b>					
Exercised necessary legal reasoning ability.	4.03		1.0%	4.7%	20.0%	38.5%	35.8%
Understood the relevant substantive law.	4.15		.5%	3.6%	16.3%	39.5%	40.0%
Understood the relevant rules of procedure and evidence.	4.11		.8%	4.9%	18.0%	35.1%	41.2%
<b>INTEGRITY AND IMPARTIALITY</b>		<b>4.31</b>					
Avoided impropriety and the appearance of impropriety.	4.30		1.5%	3.4%	11.8%	30.1%	53.3%
Maintained a neutral presence.	4.24		1.3%	5.6%	13.3%	27.6%	52.1%
Permitted all parties to be heard and present their case.	4.32		.7%	2.2%	14.9%	28.9%	53.4%
Conducted proceedings in a manner promoting public confidence in the integrity & impartiality of the industrial appeals system.	4.21		1.4%	4.8%	15.1%	29.4%	49.4%
Refrained from inappropriate ex parte communication.	4.44		.9%	1.1%	10.1%	29.2%	58.8%
Based decisions on the law and facts without regard to the identity of the parties or counsel.	4.16		1.5%	6.4%	14.0%	30.6%	47.5%
Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	4.56		.2%	1.2%	8.2%	23.4%	67.0%
Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.	4.27		1.7%	4.7%	12.8%	26.4%	54.4%
<b>COMMUNICATION</b>		<b>4.20</b>					
Used clear and logical oral communication during proceedings.	4.21		.5%	2.2%	15.5%	39.4%	42.4%
Acted decisively throughout proceedings.	4.17		.3%	2.6%	18.2%	37.5%	41.3%
Prepared clear and logical written decisions and orders.	4.03		2.0%	5.7%	18.2%	35.2%	38.8%
Returned messages and correspondence in a prompt manner.	4.39		.5%	1.3%	10.2%	34.6%	53.3%

### Hearing Judges Ratings Matrix cont'd

	Item Average	Category Average	Unacceptable	Poor	Acceptable	Very Good	Excellent
<b>PROFESSIONALISM</b>		<b>4.35</b>					
Treated people with courtesy and respect.	4.41		1.2%	2.5%	9.2%	28.9%	58.3%
Was attentive to proceedings.	4.49		.3%	1.0%	8.8%	29.1%	60.8%
Acted with patience and self-control.	4.29		1.7%	2.7%	13.1%	29.7%	52.8%
Promoted a sense of fairness.	4.24		1.5%	4.1%	14.7%	28.2%	51.5%
<b>ADMINISTRATIVE SKILLS</b>		<b>4.27</b>					
Displayed common sense.	4.15		1.0%	5.6%	15.4%	33.4%	44.6%
Started proceedings on time.	4.39		.3%	2.0%	8.0%	37.2%	52.4%
Was prepared for hearings and conferences.	4.40		.2%	1.0%	11.1%	34.5%	53.2%
Maintained control over the proceedings.	4.34		.3%	1.5%	13.5%	32.9%	51.7%
Appropriately enforced rules and orders.	4.20		1.1%	2.5%	16.1%	35.7%	44.6%
Appropriately enforced deadlines.	4.22		.7%	2.3%	14.5%	38.9%	43.6%
Prepared orders in a timely manner.	4.19		.9%	1.6%	17.9%	37.2%	42.4%
Managed the proceedings efficiently.	4.28		.2%	1.9%	16.1%	33.7%	48.2%
Ensured that the record of the proceedings was clear and complete.	4.29		1.0%	5.6%	15.4%	33.4%	44.6%

**Table 13 Mediation Judge Ratings Matrix**

	Item Average	Category Average	Unacceptable	Poor	Acceptable	Very Good	Excellent
<b>LEGAL ABILITY</b>		<b>4.44</b>					
Exercised necessary legal reasoning ability.	4.39		2.1%	3.2%	7.7%	28.1%	58.9%
Understood the relevant substantive law.	4.43		1.5%	2.0%	9.2%	27.1%	60.3%
Understood the relevant rules of procedure and evidence.	4.49		1.1%	2.3%	8.2%	23.6%	64.7%
<b>INTEGRITY AND IMPARTIALITY</b>		<b>4.42</b>					
Avoided impropriety and the appearance of impropriety.	4.46		3.7%	2.9%	6.0%	18.3%	69.1%
Maintained a neutral presence.	4.30		4.1%	4.3%	9.7%	20.9%	61.0%
Permitted all parties to be heard.	4.42		2.6%	2.9%	10.7%	17.0%	66.8%
Conducted mediation proceedings in a manner that promotes public confidence in the integrity & impartiality of the industrial appeals system.	4.36		4.9%	2.6%	8.8%	18.5%	65.1%
Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	4.60		.9%	1.1%	10.0%	13.3%	74.6%
Acted without favor or disfavor toward anyone, based on their representation of an employer, worker, the state, or any other interest.	4.40		4.1%	3.4%	8.4%	16.6%	67.5%
<b>COMMUNICATION</b>		<b>4.46</b>					
Used clear and logical oral communication during the mediation.	4.42		2.0%	4.2%	5.6%	26.5%	61.8%
Adequately facilitated communication between the parties.	4.33		3.7%	2.9%	9.3%	24.6%	59.5%
The agreement (if one was obtained) was written clearly and accurately reflected what transpired.	4.54		.4%	.4%	9.3%	25.3%	64.7%
Returned messages & correspondence in a reasonably prompt manner.	4.54		.3%	1.2%	10.6%	20.3%	67.6%

**Mediation Judge Ratings Matrix cont'd**

	Item Average	Category Average	Unacceptable	Poor	Acceptable	Very Good	Excellent
<b>PROFESSIONALISM</b>		<b>4.42</b>					
Treated people with courtesy and respect.	4.42		4.5%	2.9%	5.9%	19.3%	67.4%
Was attentive during the mediation.	4.55		1.4%	2.0%	8.0%	17.5%	71.1%
Acted with patience and self-control.	4.38		4.8%	2.6%	6.6%	22.0%	63.9%
Promoted a sense of fairness.	4.33		4.6%	2.8%	9.6%	20.8%	62.2%
<b>ADMINISTRATIVE SKILLS</b>		<b>4.40</b>					
Displayed common sense.	4.38		2.6%	3.9%	9.2%	21.3%	63.0%
Started proceedings on time.	4.41		.6%	1.2%	14.2%	24.3%	59.7%
Was prepared for proceedings.	4.44		.3%	2.6%	11.4%	24.1%	61.5%
Maintained control over the proceedings.	4.45		1.6%	1.7%	12.7%	18.6%	65.4%
Helped parties identify the issues in the dispute.	4.43		2.2%	1.6%	10.2%	23.2%	62.9%
Helped participants understand each others' position.	4.32		3.8%	2.5%	12.8%	19.7%	61.1%
Prepared written orders in a timely manner.	4.50		.3%	.2%	12.9%	22.8%	63.8%
Took reasonable and appropriate steps to encourage settlement.	4.25		5.0%	2.8%	11.2%	24.6%	56.4%

### **Correlations Between Respondent Characteristics and Evaluation Results**

Statistical analyses were conducted to determine whether significant differences were present in the way in which different categories of respondents evaluated the performance of the judges under evaluation. In general, no consistent patterns emerged showing systematic differences in the ratings. The one exception to this general finding involves the ratings of mediation judges with respect to the type of client being represented at the mediation. As shown in Table 14, individuals representing employers rated mediation judges significantly lower than those representing injured workers or Labor and Industries. This pattern was present only for mediation judges, and did not apply to hearing judges. Other than this relationship, no other correlations between respondent characteristics and evaluation outcome were present in the survey data.

**Table 14 Average Rating by Type of Party being Represented**

	Worker	Employer	Government
Exercised necessary legal reasoning ability.	4.51	4.20	4.55
Understood the relevant substantive law.	4.58	4.27	4.50
Understood the relevant rules of procedure and evidence.	4.66	4.33	4.54
Avoided impropriety and the appearance of impropriety.	4.77	4.26	4.42
Maintained a neutral presence.	4.67	4.10	4.20
Permitted all parties to be heard.	4.78	4.25	4.29
Conducted mediation proceedings in a manner that promotes public confidence in integrity & impartiality of industrial appeals system.	4.72	4.12	4.36
Acted without favor or disfavor toward anyone based upon race, sex, religion, disability, age, sexual orientation, or socioeconomic status.	4.84	4.41	4.64
Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or other interest.	4.76	4.17	4.35
Used clear and logical oral communication during the mediation.	4.59	4.25	4.49
Adequately facilitated communication between the parties.	4.51	4.16	4.40
The agreement was written clearly & accurately.	4.67	4.38	4.62
Returned messages & correspondence in a prompt manner.	4.76	4.36	4.54
Treated people with courtesy and respect.	4.74	4.23	4.36
Was attentive during the mediation.	4.77	4.40	4.52
Acted with patience and self-control.	4.67	4.18	4.35
Promoted a sense of fairness.	4.72	4.07	4.33
Displayed common sense.	4.59	4.18	4.47
Started proceedings on time.	4.53	4.24	4.60
Was prepared for proceedings.	4.64	4.22	4.57
Maintained control over the proceedings.	4.67	4.28	4.46
Helped parties identify the issues in the dispute.	4.58	4.30	4.45
Helped participants understand each others' position.	4.48	4.15	4.39
Prepared written orders in a timely manner.	4.70	4.31	4.55
Took reasonable and appropriate steps to encourage settlement.	4.50	4.00	4.36



	Responses	Legal Ability	Integrity & Impartiality	Communication	Professionalism	Administrative Skills
L. HANSON	22	4.23	4.25	4.30	4.41	4.44
M. HARADA	50	4.33	4.48	4.37	4.50	4.46
J. HICKMAN	46	4.17	4.40	4.21	4.58	4.39
D. JOHNSON	22	3.82	3.79	4.11	3.75	4.10
T. KALENIUS	30	4.37	4.57	4.25	4.53	4.34
V. KEITH-MILLER	28	3.46	3.53	3.70	3.60	3.64
W. LUCIA	50	3.52	3.67	3.75	3.54	3.95
R. MACKEY	38	4.54	4.77	4.64	4.89	4.62
C. MCDONALD	40	3.82	4.25	4.22	4.51	4.27
T. MERRILL	34	4.13	4.09	4.20	4.22	4.35
M. METZGER	30	4.24	4.41	4.30	4.38	4.45
R. MILHOLLAND	10	4.33	4.44	4.60	4.55	4.59
C. MOLCHIOR	26	4.30	4.44	4.24	4.39	4.24
J. O'CONNELL	28	4.10	4.44	4.26	4.45	4.21
R. RAYMOND	12	3.81	4.19	3.88	4.50	4.03
B. RIDLEY	48	3.96	4.22	4.00	4.26	4.18
D. SHIPPS	25	4.45	4.41	4.51	4.26	4.56
R. SPAULDING	14	4.33	4.33	4.28	4.25	4.26
C. STEWART	44	4.31	4.41	4.46	4.45	4.44
K. STOCKMAN	48	4.24	4.49	4.27	4.62	4.32
W. STRANGE	30	3.78	4.00	3.99	4.28	4.07
S. STRAUME	18	3.96	4.39	4.30	4.48	4.15
T. WAKENSHAW	38	4.00	4.56	4.36	4.70	4.41
S. YEAGER	22	4.00	4.35	3.92	4.45	4.13

## PRO SE LITIGANT EVALUATIONS

In addition to having the BIIA judge evaluated by individuals appearing in a representative capacity, input regarding judicial performance was also obtained from litigants who appeared before a judge *pro se*. The BIIA provided WSU researchers with a list of litigants who appeared *pro se* during 2007. The list provided by the agency contained information about the judge before whom these individuals appeared, and well as the mailing address that was part of the BIIA records. In all, such information was provided for 1,775 litigants. From this sample, a total of 189 completed evaluations were collected via mail surveys; a total of 162 surveys were collected for hearing judges and a total of 27 surveys for mediation judges were received.

As with the attorney BIIA JPE evaluations, the litigant evaluations focused upon behavior-based measures. Given the nature of their role in the system and their lack of legal training, litigants were not asked to evaluate judges on their legal ability but rather on criteria within the knowledge and experience of the typical litigant. The specific criteria making up the litigant evaluations are presented in Table 17 and Table 18 below.

**Table 17 Criteria for Litigant Evaluation Hearing Judges**

Category	Criteria
<b>INTEGRITY AND IMPARTIALITY</b>	<p>Always appeared neutral.</p> <p>Permitted all parties to be heard and present their case.</p> <p>Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.</p> <p>Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.</p> <p>Acted without favor or disfavor toward anyone, based on their status as an employer, a worker, the state, or any other interest.</p>
<b>COMMUNICATION</b>	<p>Used clear and logical oral communication during proceedings.</p> <p>Acted decisively throughout proceedings.</p> <p>Prepared clear and logical written decisions and orders.</p> <p>Returned messages and correspondence in a prompt manner.</p>
<b>PROFESSIONALISM</b>	<p>Treated people with courtesy and respect.</p> <p>Was attentive to proceedings.</p> <p>Acted with patience and self-control.</p> <p>Promoted a sense of fairness.</p>
<b>ADMINISTRATIVE SKILLS</b>	<p>Displayed common sense.</p> <p>Started proceedings on time.</p> <p>Was prepared for hearings and conferences.</p> <p>Maintained control over the proceedings.</p> <p>Appropriately enforced rules and orders.</p> <p>Appropriately enforced deadlines.</p> <p>Prepared orders in a timely manner.</p> <p>Managed the proceedings efficiently.</p>

**Table 18 Criteria for Litigant Evaluation Mediation Judges**

Category	Criteria
<b>INTEGRITY AND IMPARTIALITY</b>	<p>Always appeared neutral.</p> <p>Permitted all parties to be heard and present their case..</p> <p>Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.</p> <p>Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.</p> <p>Acted without favor or disfavor toward anyone, based on their status as an employer, a worker, the state, or any other interest.</p>
<b>COMMUNICATION</b>	<p>Used clear and logical oral communication during proceedings.</p> <p>Acted decisively throughout proceedings.</p> <p>Prepared clear and logical written decisions and orders.</p>

<b>PROFESSIONALISM</b>	Returned messages & correspondence in a prompt manner.
	Treated people with courtesy and respect.
	Was attentive to proceedings.
	Acted with patience and self-control.
<b>ADMINISTRATIVE SKILLS</b>	Promoted a sense of fairness.
	Displayed common sense.
	Started proceedings on time.
	Was prepared for hearings and conferences.
	Maintained control over the proceedings.
	Helped parties identify the issues in the dispute.
	Helped participants understand each others' position.
	Prepared orders in a timely manner.
	Managed the proceedings efficiently.
Took reasonable and appropriate steps to encourage settlement.	

### **Aggregate Description of Litigant Respondents**

Litigants were asked to provide demographic background information about themselves as well as their perception of the overall experience. The demographic background characteristics, in aggregate, of the litigants are listed in Tables 19 through 21.<sup>5</sup>

**Table 19 Description of Client Represented by Respondent**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Injured Worker	117	73.6	17	65.4
Employer	32	20.1	7	26.9
Other	10	6.3	2	7.7

**Table 20 Race/Ethnicity**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Caucasian/White	117	74.5	20	76.9
African American/Black	6	3.8	2	7.7
Hispanic/Latino(a)	17	10.8	3	11.5
Asian American/Pacific Islander	7	4.5	1	3.8
Native American	7	4.5	0	0
Other	3	1.9	0	0

<sup>5</sup> Due to the small number of litigant who evaluated any given judge, characteristics of the litigant participants for each judge are not included in the results reported for individual judges.

**Table 21 Gender**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Male	108	68.4	18	69.2
Female	50	31.6	8	30.8

In addition to demographic background characteristics, BIIA JPE survey respondents were asked to provide information about their experience with the BIIA appeals process. Litigants were asked whether or not they were satisfied with the outcome of their case. Additionally, litigants evaluating mediation judges were asked about the outcome of their mediation as well as the mediation’s overall helpfulness in addressing their concerns. The aggregate responses to these several items are presented in Tables 22, 23, and 24 below.

**Table 22 Level of Satisfaction with Outcome of Proceeding**

	Hearing Judges		Mediation Judges	
	Number	Percent	Number	Percent
Very Satisfied	53	35.6	9	33.3
Somewhat Satisfied	22	14.8	3	11.5
Neutral	11	6.8	4	15.4
Somewhat Dissatisfied	11	6.8	3	11.5
Very Dissatisfied	52	34.9	7	26.9

**Table 23 Outcome of Mediation**

	Number	Percent
All Issues Settled	8	33.3
Some Issues Settled	10	41.7
No Issues Settled	6	25.0

**Table 24 Helpfulness of Mediation**

	Number	Percent
Very Helpful	12	46.2
Somewhat Helpful	7	26.9
Not at all Helpful	7	26.9

### **Aggregate Litigant Evaluation Results**

In examining the litigant evaluation results, as with the attorney evaluations, behavior-based questions were asked for which there were five possible substantive responses: unacceptable, poor, acceptable, very good, and excellent. To foster statistical usability of the results, numerical values were assigned to each evaluative rating and these serve as the basis for the average ratings achieved for each question in the evaluation. The rating scale is presented immediately below.

#### RATING SCALE

Excellent	5
Very Good	4
Acceptable	3
Poor	2
Unacceptable	1

Tables 25 and 26 present the aggregate average ratings and the frequency distributions for the litigant JPE mail survey evaluations of both BIIA adversary hearing and BIIA mediation judges, respectively.

**Table 25 Pro Se Litigant Respondents For Hearing Judges**

	Unacceptable	Poor	Acceptable	Very Good	Excellent
Always appeared neutral.	14.6%	9.6%	15.3%	12.1%	48.4%
Permitted all parties to be heard and present their case..	13.9%	6.3%	12.7%	17.1%	50.0%
Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.	20.1%	6.5%	9.7%	16.9%	46.8%
Acted without favor or disfavor toward anyone based upon race, sex, religion, disability, age, sexual orientation, or socioeconomic status.	15.3%	3.3%	12.7%	12.7%	56.0%
Acted without favor or disfavor toward anyone, based on their status as an employer, worker, or any other interest.	22.1%	5.2%	9.1%	16.2%	47.4%
Used clear & logical oral communication during proceedings.	7.4%	9.4%	14.8%	21.5%	47.0%
Acted decisively throughout proceedings.	7.3%	10.0%	16.0%	20.7%	46.0%
Prepared clear and logical written decisions and orders.	14.0%	5.9%	17.6%	16.9%	45.6%
Returned messages in a reasonably prompt manner.	13.7%	4.6%	14.5%	21.4%	45.8%
Treated people with courtesy and respect.	7.9%	5.3%	13.8%	19.1%	53.9%
Was attentive to proceedings.	7.4%	5.4%	12.8%	22.8%	51.7%
Acted with patience and self-control.	9.5%	4.7%	13.5%	17.6%	54.7%
Promoted a sense of fairness.	17.4%	9.4%	8.7%	16.1%	48.3%
Displayed common sense.	14.1%	6.7%	12.8%	20.8%	45.6%
Started proceedings on time.	9.9%	2.6%	12.5%	26.3%	48.7%
Was prepared for hearings and conferences.	8.6%	3.9%	15.1%	23.0%	49.3%
Maintained control over the proceedings.	7.6%	2.8%	13.1%	20.7%	55.9%
Appropriately enforced rules and orders.	13.3%	5.6%	9.8%	20.3%	51.0%
Appropriately enforced deadlines.	12.7%	3.0%	15.7%	20.1%	48.5%
Prepared orders in a timely manner.	9.2%	3.5%	18.3%	21.8%	47.2%
Managed the proceedings efficiently.	11.3%	5.3%	11.9%	21.9%	49.7%

**Table 26 Pro Se Litigant Respondents For Mediation Judges**

	Unacceptable	Poor	Acceptable	Very Good	Excellent
Maintained a neutral presence.	11.5%	23.1%	15.4%	7.7%	42.3%
Permitted all parties to be heard.	11.5%	.0%	26.9%	19.2%	42.3%
Conducted mediation proceedings in a manner that promotes public confidence in the integrity & impartiality of the industrial appeals system.	12.0%	20.0%	20.0%	8.0%	40.0%
Acted without favor or disfavor toward anyone based upon race, sex, religion, disability, age, sexual orientation, or socioeconomic status.	7.7%	11.5%	19.2%	7.7%	53.8%
Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.	11.5%	15.4%	19.2%	19.2%	34.6%
Used clear and logical oral communication during the mediation.	3.8%	.0%	19.2%	26.9%	50.0%
Adequately facilitated communication between the parties.	7.7%	7.7%	19.2%	30.8%	34.6%
Agreement was written clearly & accurately reflected what transpired.	13.6%	.0%	22.7%	18.2%	45.5%
Returned messages and correspondence in a reasonably prompt manner.	9.1%	.0%	36.4%	18.2%	36.4%
Had sufficient communication prior to mediation.	7.7%	11.5%	34.6%	15.4%	30.8%
Treated people with courtesy and respect.	3.8%	3.8%	23.1%	23.1%	46.2%
Was attentive during the mediation.	3.8%	7.7%	15.4%	30.8%	42.3%
Acted with patience and self-control.	8.0%	.0%	24.0%	28.0%	40.0%
Promoted a sense of fairness.	16.0%	20.0%	16.0%	8.0%	40.0%
Displayed common sense.	12.0%	4.0%	24.0%	20.0%	40.0%
Started proceedings on time.	3.8%	3.8%	23.1%	26.9%	42.3%
Was prepared for proceedings.	3.8%	11.5%	26.9%	15.4%	42.3%
Maintained control over the proceedings.	7.7%	.0%	34.6%	19.2%	38.5%
Helped parties identify the issues in the dispute.	8.0%	16.0%	28.0%	8.0%	40.0%
Helped participants understand each others' position.	4.0%	20.0%	24.0%	12.0%	40.0%
Prepared written orders in a timely manner.	4.2%	.0%	33.3%	16.7%	45.8%
Took reasonable and appropriate steps to encourage settlement.	25.0%	12.5%	12.5%	8.3%	41.7%

## CONCLUSION

The evaluation process developed and implemented under this agreement is based largely on the 2005 American Bar Association's Guidelines for the Evaluation of Judicial Performance. Under these guidelines, a JPE program should:

- Evaluate judges on presence of universally accepted qualities expected to be possessed by outstanding judges.
- Employ specific behavior-based measures of the presence of these qualities.
- Permit evaluators to provide written feedback to the judge that may be used for judicial self-improvement.
- If possible, obtain information from multiple "populations," including attorneys, litigants, and other groups of individuals who have first-hand experiences with a judge being evaluated.
- Permit only those individuals who have observed a judge's performance to participate in the evaluation.
- Employ statistically and scientifically reliable methods for conducting the evaluation and for computing the results.

Using this ABA framework, it is clear from the findings presented here that judges working in the BIIA as adversary hearings officers and mediators receive generally high marks from those legal system professionals and lay citizens who come before them in the course of their work. Since the data collected here – including the qualitative comments recorded by survey participants – will be made available to each individual judge, it is ultimately their judgment on the utility of the information collected that ought to be used to assess the overall value of the agency's JPE effort. If the agency staff and the individual BIIA judges find value in these findings, then it would likely be wise to plan for the periodic collection of such data as the BIIA continues to carry out its current duties and incorporates new challenges as they arise in the course of the agency's performance of its mission.

## **APPENDIX A**

### **SURVEY INSTRUMENTS**

**Attorney Evaluation of Hearings Judge \_\_\_\_\_**

Please answer the following questions about your **personal experience** with Judge \_\_\_\_\_ at the **Washington Board of Industrial Insurance Appeals**.

Please rate the judge’s performance, based on your own personal experience, using the following scale:

**A Excellent      B Very Good      C Acceptable      D Poor      F Unacceptable**

Please answer **Don’t Know/Does not Apply (“DK/DNA”)** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the judge’s performance or items which do not apply to your interactions with the judge.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>	<b>DK/DNA</b>
<b><u>Section 1: Legal Ability</u></b>						
a. Exercised necessary legal reasoning ability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Understood the relevant substantive law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Understood the relevant rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Section 2: Integrity and Impartiality</u></b>						
a. Avoided impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Maintained a neutral presence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Permitted all parties to be heard and present their case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial appeals system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Refrained from inappropriate <i>ex parte</i> communication.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Based decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you believe the judge favored or disfavored a party as described above, please explain the nature of the bias in the space below.

**A B C D F DK/DNA**

**Section 3: Communication**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Used clear and logical oral communication during proceedings.       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Acted decisively throughout proceedings.                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Prepared clear and logical written decisions and orders.            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Returned messages and correspondence in a reasonably prompt manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 4: Professionalism and Temperament**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Treated people with courtesy and respect. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Was attentive to proceedings.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Acted with patience and self-control.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Promoted a sense of fairness.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 5: Administrative Capacity**

- |   |                          |                          |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Displayed common sense.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Started proceedings on time.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Was prepared for hearings and conferences.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Maintained control over the proceedings.                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Appropriately enforced rules and orders.                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Appropriately enforced deadlines.                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Prepared orders in a timely manner.                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Managed the proceedings efficiently.                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Ensured that the record of the proceedings was clear and complete. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 6: Background and Demographic Information**

- a. Which of the following best describes your client in this appeal(s)?
- INJURED WORKER
  - EMPLOYER
  - LABOR AND INDUSTRIES
  - OTHER \_\_\_\_\_
- b. Which of the following best describes your work setting?
- ATTORNEY GENERAL'S OFFICE
  - IN-HOUSE CORPORATE COUNSEL
  - PRIVATE PRACTICE
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

- c. Which of the following best describes your position in appearing before the judge?
- ATTORNEY
  - PARALEGAL
  - LAY REPRESENTATIVE
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

*If paralegal, lay representative, or other, SKIP to **Question f** below.*

- d. How many attorneys are employed by your firm?
- SOLE PRACTITIONER
  - 2-5 ATTORNEYS
  - 6-10 ATTORNEYS
  - 11-20 ATTORNEYS
  - MORE THAN 20 ATTORNEYS

- e. How long have you been a practicing attorney?
- 1-2 YEARS
  - 3-5 YEARS
  - 6-10 YEARS
  - 11-20 YEARS
  - MORE THAN 20 YEARS

- f. What best describes your racial background? (Please check all that apply)
- CAUCASIAN/WHITE
  - AFRICAN AMERICAN/BLACK
  - HISPANIC/LATINO(A)
  - ASIAN/PACIFIC ISLANDER
  - NATIVE AMERICAN
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

- g. What is your gender?
- MALE
  - FEMALE

h. How many hearings have you had with this judge over the past two years?

- NONE
- ONE
- 2-3
- 4-10
- MORE THAN 10

i. How would you rate the level of success you have had before this judge during the previous two years?

- VERY UNSUCCESSFUL
- SOMEWHAT UNSUCCESSFUL
- NEITHER SUCCESSFUL NOR UNSUCCESSFUL
- SOMEWHAT SUCCESSFUL
- VERY SUCCESSFUL

**Comments**

Please provide any additional comments or details related to either the items raised in this questionnaire or the judge's performance in the space below. Additionally, feel free to describe the strengths and weaknesses of the judge. (You may write on the back of this page or add additional pages if needed.)

**Thank you very much for your time and effort.**

**Attorney Evaluation of Mediation Judge \_\_\_\_\_**

Please answer the following questions about your **personal experience** with Judge \_\_\_\_\_ at the **Washington Board of Industrial Insurance Appeals**. The questionnaire will take 5-10 minutes to complete.

**Your responses will be confidential.**

Please rate the judge’s performance, based on your own personal experience, using the following scale:

**A Excellent      B Very Good      C Acceptable    D Poor      F Unacceptable**

Please answer **Don’t Know/Does not Apply (“DK/DNA”)** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the judge’s performance or items which do not apply to your interactions with the judge.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>	<b>DK/DNA</b>
<b><u>Section 1: Legal Ability</u></b>						
a. Exercised necessary legal reasoning ability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Understood the relevant substantive law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Understood the relevant rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Section 2: Integrity and Impartiality</u></b>						
a. Avoided impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Maintained a neutral presence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Permitted all parties to be heard.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Conducted mediation proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Acted without favor or disfavor toward anyone, based on their representation of an employer, a worker, the state, or any other interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you believe the judge favored or disfavored a party as described above, please explain the nature of the bias in the space below.

**A    B    C    D    F    DK/DNA**

**Section 3: Communication**

- | a. Used clear and logical oral communication during the mediation.                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| b. Adequately facilitated communication between the parties.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The agreement (if one was obtained) was written clearly and accurately reflected what transpired. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Returned messages and correspondence in a reasonably prompt manner.                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 4: Professionalism and Temperament**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Treated people with courtesy and respect. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Was attentive during the mediation.       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Acted with patience and self-control.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Promoted a sense of fairness.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 5 Administrative Capacity**

- |   |                          |                          |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Displayed common sense.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Started proceedings on time.                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Was prepared for proceedings.                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Maintained control over the proceedings.                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Helped parties identify the issues in the dispute.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Helped participants understand each others' positions.         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Prepared written orders in a timely manner.                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Took reasonable and appropriate steps to encourage settlement. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 6: Background and Demographic Information**

- a. Which of the following best describes your client in this appeal(s)?
- INJURED WORKER
  - EMPLOYER
  - LABOR AND INDUSTRIES
  - OTHER \_\_\_\_\_

- b. Which of the following best describes your work setting?
- ATTORNEY GENERAL'S OFFICE
  - IN-HOUSE CORPORATE COUNSEL
  - PRIVATE PRACTICE
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

- c. Which of the following best describes your position in appearing before the judge?
- ATTORNEY
  - PARALEGAL
  - LAY REPRESENTATIVE
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

*If paralegal, lay representative, or other, SKIP to **Question f** below.*

- d. How many attorneys are employed by your firm?
- SOLE PRACTITIONER
  - 2-5 ATTORNEYS
  - 6-10 ATTORNEYS
  - 11-20 ATTORNEYS
  - MORE THAN 20 ATTORNEYS

- e. How long have you been a practicing attorney?
- 1-2 YEARS
  - 3-5 YEARS
  - 6-10 YEARS
  - 11-20 YEARS
  - MORE THAN 20 YEARS

- f. What best describes your racial background? (Please check all that apply)
- CAUCASIAN/WHITE
  - AFRICAN AMERICAN/BLACK
  - HISPANIC/LATINO(A)
  - ASIAN/PACIFIC ISLANDER
  - NATIVE AMERICAN
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_

- g. What is your gender?
- MALE
  - FEMALE

h. How many cases have you had mediated by the judge over the past two years?

- NONE
- ONE
- 2-3
- 4-10
- MORE THAN 10

i. How would you rate the level of success you have had before this judge during the previous two years?

- VERY UNSUCCESSFUL
- SOMEWHAT UNSUCCESSFUL
- NEITHER SUCCESSFUL NOR UNSUCCESSFUL
- SOMEWHAT SUCCESSFUL
- VERY SUCCESSFUL

### **Comments**

Please provide any additional comments or details related to either the items raised in this questionnaire or the judge's performance in the space below. Additionally, feel free to describe the strengths and weaknesses of the judge. (You may write on the back of this page or add additional pages if needed.)

**Thank you very much for your time and effort.**

**Unrepresented Party Evaluation of Hearings Judge \_\_\_\_\_**

Please answer the following questions about your **personal experience** with Judge \_\_\_\_\_ at the **Washington Board of Industrial Insurance Appeals**.

Please rate the judge’s performance, based on your own personal experience, using the following scale:

**A Excellent      B Very Good      C Acceptable    D Poor      F Unacceptable**

Please answer **Don’t Know/Does not Apply (“DK/DNA”)** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the judge’s performance or items which do not apply to your interactions with the judge.

	A	B	C	D	F	DK/DNA
<b><u>Section 1: Integrity and Impartiality</u></b>						
a. Always appeared neutral.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Permitted all parties to be heard and present their case..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conducted proceedings in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Acted without favor or disfavor toward anyone, based on their status as an employer, a worker, the state, or any other interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you believe the judge favored or disfavored a party as described above, please explain the nature of the bias in the space below.

**A    B    C    D    F    DK/DNA**

**Section 2: Communication**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Used clear and logical oral communication during proceedings.       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Acted decisively throughout proceedings.                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Prepared clear and logical written decisions and orders.            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Returned messages and correspondence in a reasonably prompt manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 3: Professionalism and Temperament**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Treated people with courtesy and respect. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Was attentive to proceedings.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Acted with patience and self-control.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Promoted a sense of fairness.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 4: Administrative Capacity**

- |   |                          |                          |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Displayed common sense.                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Started proceedings on time.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Was prepared for hearings and conferences. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Maintained control over the proceedings.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Appropriately enforced rules and orders.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Appropriately enforced deadlines.          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Prepared orders in a timely manner.        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Managed the proceedings efficiently.       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

How satisfied are you with the outcome of the hearing?

- VERY SATISFIED
- SOMEWHAT SATISFIED
- NEITHER SATISFIED NOR DISSATISFIED
- SOMEWHAT DISSATISFIED
- VERY DISSATISFIED

**Section 5: Background and Demographic Information**

a. Which of the following best describes your position in this appeal?

- INJURED WORKER
- EMPLOYER
- GOVERNMENTAL AGENCY
- OTHER \_\_\_\_\_

b. What best describes your racial background? (Please check all that apply)

- CAUCASIAN/WHITE
- AFRICAN AMERICAN/BLACK
- HISPANIC/LATINO(A)
- ASIAN/PACIFIC ISLANDER
- NATIVE AMERICAN
- OTHER (please specify) \_\_\_\_\_

c. What is your gender?

- MALE
- FEMALE

**Comments**

Please provide any additional comments or details related to either the items raised in this questionnaire or the judge's performance in the space below. Additionally, feel free to describe the strengths and weaknesses of the judge. (You may write on the back of this page or add additional pages if needed.)

**Thank you very much for your time and effort.**

**To return this evaluation, please place it in the enclosed postage paid envelope and place it in the US mail.**

**Unrepresented Party Evaluation of Mediation Judge \_\_\_\_\_**

Please answer the following questions about your **personal experience** with Judge \_\_\_\_\_ at the **Washington Board of Industrial Insurance Appeals**. The questionnaire will take 5-10 minutes to complete.

**Your responses will be confidential.**

Please rate the judge’s performance, based on your own personal experience, using the following scale:

**A Excellent      B Very Good      C Acceptable      D Poor      F Unacceptable**

Please answer **Don’t Know/Does not Apply (“DK/DNA”)** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the judge’s performance or items which do not apply to your interactions with the judge.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>	<b>DK/DNA</b>
<b><u>Section 1: Integrity and Impartiality</u></b>						
a. Always appeared neutral.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Permitted all parties to be heard.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conducted mediation in a manner that promotes public confidence in the integrity and impartiality of the industrial insurance appeals system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Acted without favor or disfavor toward anyone based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Acted without favor or disfavor toward anyone, based on their status as an employer, a worker, the state, or any other interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you believe the judge favored or disfavored a party as described above, please explain the nature of the bias in the space below.

**Section 2: Communication**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Used clear and logical oral communication during proceedings.           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Adequately facilitated communication between the parties.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The agreement (if one was obtained) was written clearly and accurately. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Returned messages and correspondence in a reasonably prompt manner.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Had sufficient communication with you prior to mediation proceedings.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 3: Professionalism and Temperament**

- |  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Treated people with courtesy and respect. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Was attentive to proceedings.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Acted with patience and self-control.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Promoted a sense of fairness.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 4: Administrative Capacity**

- |   |                          |                          |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Displayed common sense.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Started proceedings on time.                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Was prepared for proceedings.                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Maintained control over the proceedings.                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Helped parties identify the issues in the dispute.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Helped participants understand each other’s positions.         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Prepared written orders in a timely manner.                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Took reasonable and appropriate steps to encourage settlement. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Section 5: Process and Outcome Assessment**

- a. In your opinion, the mediation process was (check one):
- VERY HELPFUL
  - SOMEWHAT HELPFUL
  - NOT AT ALL HELPFUL

- b. Your mediation ended with an agreement on (check one):
- ALL OF THE ISSUES
  - SOME OF THE ISSUES
  - NONE OF THE ISSUES
- c. How satisfied are you with the outcome of the mediation?
- VERY SATISFIED
  - SOMEWHAT SATISFIED
  - NEITHER SATISFIED NOR DISSATISFIED
  - SOMEWHAT DISSATISFIED
  - VERY DISSATISFIED

**Section 6: Background and Demographic Information**

- a. Which of the following best describes your position in this appeal?
- INJURED WORKER
  - EMPLOYER
  - GOVERNMENTAL AGENCY
  - OTHER \_\_\_\_\_
- b. What best describes your racial background? (Please check all that apply)
- CAUCASIAN/WHITE
  - AFRICAN AMERICAN/BLACK
  - HISPANIC/LATINO(A)
  - ASIAN/PACIFIC ISLANDER
  - NATIVE AMERICAN
  - OTHER (PLEASE SPECIFY) \_\_\_\_\_
- d. What is your gender?
- MALE
  - FEMALE

**Comments**

Please provide any additional comments or details related to either the items raised in this questionnaire or the judge's performance the space below. Additionally, feel free to describe the strengths and weaknesses of the judge. (You may write on the back of this page or add additional pages if needed.)

**Thank you very much for your time and effort.**

**To return this evaluation, please place it in the enclosed postage paid envelope and place it in the US mail.**