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RESULTS OF A SURVEY ABOUT THE ROLE OF THE JUDICIARY AND LAWYERS IN FAMILY LAW MATTERS:

A TWO-PART ANALYSIS

June 1987

Coordinated by the Bench-Bar Committee
of the Family Law Section of
The Florida Bar
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PART I

CIRCUIT JUDGES' ATTITUDES ABOUT THE ROLE OF THE JUDICIARY AND LAWYERS IN FAMILY LAW MATTERS

INTRODUCTION

This analysis is the first part of a two-part report on the attitudes and opinions of lawyers and judges on family law matters. This first part represents the opinions of circuit judges.

The survey instrument was developed by the Family Law Section and received by the Planning, Evaluation and Research Department of The Florida Bar. This survey was mailed in mid-February 1987 to the 352 circuit judges within Florida. By early April, 171 judges had responded for a response rate of 48.6%. This response rate is very much consistent with response rates for other Bar membership surveys.

Surveys were coded and data were input by Peggy Griffin, Family Law Section Coordinator, and statistical analysis using SPSS/PC were performed by the Planning, Evaluation and Research Department. The department's analysis, which was performed during early May 1987, included simple frequency of responses as well as cross tabulations by various demographic variables.

This report provides analyses of only these data and in no way do these results reflect bias on the part of the Planning, Evaluation and Research Department.

JUDICIAL INVOLVEMENT IN FAMILY LAW CASES

1) What percentage most accurately reflects the amount of family law related cases you hear?

   * Of all the circuit judges responding to the survey, only 4.7% hear only family law cases, 2.4% hear over 75% family law cases, 15.3% hear 51% to 75%, over four out of ten

(42.9%) hear 26% to 50%, just over one-fifth (21.2%) hear 25% or less of family law cases and 13.5% do not hear family law cases.

* Judges who have practiced law less than 15 years hear fewer family law cases (17% hear over 50% family law cases) than do judges with over 15 years of law practice (23.1% hear over 50% family law cases).

* 15.4% of judges who have served on the bench 5 years or less hear at least 50% of their cases in family law as compared to 24.5% of those with 5 to 10 years, and one-fourth of those who have served as a judge for over 15 years. Also, 7.7% with under 5 years experience, 15.8% with 5 to 10 years, 17.5% with 11 to 15 years and 10% with over 15 years do not hear any cases dealing with family law matters.

* Over one-fourth (26.6%) of judges in large circuits (populations of over 500,000 people) hear at least 50% family law cases and another 17% hear no family law cases. Only 5.3% in large circuits hear only family law cases. In circuits with 100,000 to 500,000 persons (moderately-sized circuits), 15.9% hear 50% or more family law matters, only 1.6% hear strictly family law cases, and 9.5% hear no family law. In small circuits with under 100,000 residents, few (15.9%) circuit judges hear at least 50% family law matters.

JUDICIAL RECEPTIVITY TO FAMILY LAW MATTERS

2) Which one of the following most accurately describes your receptivity to family law matters?

* Of all judges responding, most (51.9%) dislike family law matters and another 13.2% strongly dislike them. Few

(8.5%) enjoy family law very much and about one-fourth of the circuit judges (26.4%) enjoy these matters somewhat.

* A majority (53.9%) of circuit judges who had practiced over 50% in family law dislike hearing family law cases. Most (85.2%) who have very little practice experience in family law dislike hearing such cases as well as three-fourths who have had no law practice experience in family law. Also, 59% who have less than 50% family law practice case experience dislike hearing such cases now that they serve on the bench.

* Nearly 7 out of 10 with 15 years or less experience as a lawyer dislike family law cases, while almost two-thirds (65.7%) with over 15 years of experience dislike family law cases.

* The level of negative attitudes toward hearing family law cases decreases somewhat with experience as a judge. Just over three-fourths of judges with under five years of experience on the bench dislike family law matters as compared to 65% with over 15 years of judicial experience.

* Six out of ten judges in small circuits and in average-size circuits dislike family law cases. This compares with similar feelings of about seven out of ten judges in large circuits.

JUDICIAL ATTITUDES TOWARD FAMILY LAW PRACTITIONERS

3a) Would you say that a substantial number of lawyers practicing in the family law area are "too emotionally involved in their cases?"

* Almost three-fourths of all judges surveyed do not feel that lawyers are too emotionally involved.

* About three-fourths of those in nearly all levels of family law practice experience do not feel lawyers get emotionally involved in their cases. By comparison, 62.5% of those who had very little family law practice felt emotional problems did not exist.

* 88.2% of those judges with less than 15 years experience in law practice do not feel lawyers get emotional over family law cases as compared to 65.7% of those with more law practice experience.

* The majority of judges with various levels of judicial experience feel emotionalism is not a problem.

* Two-thirds of judges in small circuits, 83.9% in moderate-sized circuits and 77% in large circuits feel emotional problems do not exist.

3b) Would you say that a substantial number of lawyers practicing in the family law area are "too inexperienced?"

* About two-thirds (65.4%) of all circuit judges do not feel lawyers practicing family law are too inexperienced.

* About two-thirds of judges in all levels of family law practice agree that lawyers are experienced on such matters.

* There is some difference in judicial opinions, of the level of lawyer experience, from judges with different lengths of law practice. About three-fourths (73.7%) who have practiced 15 years or less as compared with only 60% of those with over 15 years of practice feel lawyers are experienced enough in family law.

* Attitudes toward lawyer experience in such matters ranges from 76.9% with 3 to 5 years on the bench feeling family

law attorneys are not inexperienced to only 56.9% of those with 5-10 years of service on the bench.

* Circuit judges in small circuits are evenly split over whether or not lawyers are too inexperienced in family law matters.

3c) Would you say that a substantial number of lawyers practicing in the family law area are "ill prepared?"

* A slim majority (51.4%) of judges agree that lawyers are ill prepared.

* The majority (53.3%) of judges who have practiced 50% or more in the family law area feel attorneys are ill-prepared in family law cases. This compares with less than a majority (48.1%) of circuit judges with less than 50% family law experience while practicing law.

* The amount of experience on the bench is related to how they feel about the preparation of attorneys who handle family law cases. Very few (20%) judges with under three years experience on the bench feel family lawyers are ill-prepared. This attitude increases to 62% of all judges with 5 to 10 years experience and then decreases with additional judicial experience (only 39% of judges with over 15 years experience feel family lawyers are ill-prepared).

* Judges from small circuits tend to view family lawyers as more ill-prepared than judges in average sized circuits. This is reflected in the fact that 60% of judges in small circuits, 44.6% in average-sized circuits, and 52.4% in large circuits indicate that family lawyers are ill-prepared.

JUDICIAL ATTITUDES OF NON-FAMILY LAW PRACTITIONERS

4a) Would you say that most lawyers practicing in areas other than family law are "too emotionally involved in their cases?"

* There is a very strong feeling among judges that lawyers practicing in areas other than family law do not get emotionally involved in their cases. This is evidenced by the fact that over 90% of judges at all levels of pre-judicial family law practice, lengths of law practice, years as a judge and size of circuit feel non-family lawyers do not get emotional over their cases.

4b) Would you say that most lawyers practicing in areas other than family law are "too inexperienced?"

* Over eight out of ten circuit judges do not feel that non-family law practitioners are too inexperienced.

* More than three-fourths of judges with varying levels of family law practice experience agree that non-family lawyers are not inexperienced.

* There is a slight difference of attitudes with respect to years of law practice. About 74% of judges with 15 years or less law practice experience as compared to 64% with over 15 years of practice feel that non-family lawyers are not inexperienced.

* Over 80% of circuit judges in each interval of judicial experience and circuit population size do not feel non-family law practitioners are too inexperienced.

4c) Would you say that most lawyers practicing in areas other than family law are "ill prepared?"

* More than three-fourths of the judges do not feel lawyers practicing in other areas are ill prepared.

* Experience with family law matters is strongly related to judges' opinions regarding lawyer preparation. Judges with more family law experience (73.3%) are more likely to feel that lawyers are not ill prepared than those judges with no family law experience (66.7%).

* Over eight of ten (83.3%) judges with 15 years or less law practice experience and nine out of ten judges with less than three years on the bench feel lawyers are not ill prepared. This compares with 75.6% of judges who have practiced law over 15 years and 75.7% who have been judges for over 15 years with similar opinions.

* Slightly more judges from small circuits (83.3%) than in large circuits (78.3%) feel that lawyers in other practice fields are not ill prepared.

ABILITY OF JUDGES TO KEEP PACE WITH FAMILY LAW CHANGES

5a) I have insufficient time to keep abreast of current developments.

* Over one-half (50.9%) agree and another 10.4% strongly agree that they do not have time to keep up with current developments in domestic relations law.

* With respect to their pre-judicial practice of family law, 65% of judges with 50% or more family law practice, 56.6% with under 50% in family law, 70.6% with very little family law experience and 53.3% of judges with no pre-judicial family law case experience all agree that they do not have time to stay current.

* Staying current is more of a problem with judges who have been practicing longer and have been on the bench longer. About 62% with over 15 years of law practice and 64.1% with over 15 years on the bench agree that they haven't the time to stay current. This is contrasted with only 47.4% with less law practice experience and 38.5% who have been on the bench less than three years. Also, as a judge gets more experience on the bench, he/she is likely to feel they have no time to keep current. After 5 years on the bench, this trend become very much a problem according to those judges responding.

* Judges in small circuits do not have a problem keeping current as compared to those in larger circuits. However, 64.5% in average-size circuits feel they have a real problem in keeping current as a result of no time being available.

5b) I am able to keep up with the law in this area, but it is difficult.

* 75.1% of all circuit judges keep up but it is very difficult.

* As expected, 53.3% of those judges with no prior law practice experience in family law as compared to 64.7% with 50% or more in family law practice state they keep up but it is difficult.

* Over eight out of ten who have served on the bench for 11 to 15 years keep up but say it is difficult. Similar opinions are expressed by 76.9% with under 3 years of judicial service, 61.5% with 3 to 5 years, 75% with 5 to 10 years and 68.5% of judges with over 15 years of experience as a judge.

* With regards to the size of the circuit, 70.1% of judges in large circuits, 80.6% in average size circuits and two-thirds of those in small circuits agree that it is difficult to keep up but they do anyway.

5c) I need more time to devote to CLE.

* Nearly seven of every ten (68.7%) circuit judges agree that there needs to be more time available for them to take CLE courses.

* Both 70.5% of those with over 50% pre-judicial family law case experience and 76.4% with little family law practice experience agree that they need more time to devote to CLE.

* Those judges with less experience in the practice of law (84.2%) are much more likely to need time for CLE than those with more experience (65.7%). This also is true for the length of judicial service. Almost 85% with less than three years as a judge need more time for CLE as compared to 69% of judges with over 15 years of service on the bench.

* The smaller the circuit the more likely a judge needs additional time to attend CLE courses.

5d) Mandatory judicial continuing legal education would help me keep up with the law.

* Although judges want more time for CLE, a majority (58.3%) disagree with the notion of mandatory judicial continuing legal education.

* Over seven out of ten judges with 50% or more pre-judicial caseload experience in family law disagree with judicial MCLE.

* Judges who have been practicing law for 15 years or less are more favorable toward judicial MCLE (52.6% agree with instituting judicial MCLE).

* However, when viewing agreement toward judicial MCLE based on experience on the bench, judges with more judicial experience (44%) are slightly more likely to support judicial MCLE than judges with only a few years of service on the bench (38%).

* Nearly two-thirds of the circuit judges in large circuits do not support mandatory CLE for the judiciary while those in average-sized or small circuits are split on the issue.

5e) I depend mostly upon the attorneys to present me with the current law in the family law area.

* A majority (56.5%) of judges depend on attorneys to keep them current in family law matters.

* The more experience judges have in pre-judicial family law the less likely they are to agree that lawyers keep them current on family law.

* Judges in large circuits (59%) are much more likely to use the knowledge of family lawyers than judges in smaller circuits (33%).

5f) I feel the law is not rapidly changing.

* Seven out of ten judges feel the law is rapidly changing.

* About 63% of judges with more pre-judicial experience practicing in family law cases (50% or more) as compared to 80% with no family law experience indicate that the law is rapidly changing.

* Much disparity exists among judges with different levels of law practice experience. By comparison, only 52.6% of those with 15 years or less of law practice experience feel the law is rapidly changing while 71.7% with over 15 years experience feel law changes are occurring rapidly.

JUDICIAL ATTITUDES OF FAMILY LAW DIVISIONS

6) Do you feel that your judicial circuit should have a division solely for family law cases?

* Of all the judges responding, 33.7% felt a division on family law was needed, 31.3% felt a division would not make a difference, 19.9% thought a division was not needed. The remaining 15.1% already have a family law division.

* Almost four out of ten (38.9%) judges with the most pre-judicial family law experience prefer a division while 44.5% feel it would make no difference or it was not needed. The majority (56.7%) of judges with less than 50% pre-judicial family law caseload experience and 55.9% with little family law practice feel a division is not needed or would not make a difference. However, 62.5% of judges with no family law practice experience feel a division is necessary.

* Just less than a majority of judges with less than 3 years on the bench (46.2%) and about 48% of judges with 11 to 15 years judicial experience feel a family law division is necessary.

* Large circuits are in more need of family law divisions, as indicated by 42% of judges in those circuits, as compared to circuits of lesser populations.

7) If your circuit decided to have a family law division, how would you feel about it?

* Of all circuit judges responding, 42.1% would rather not be assigned to a family law division and another 37.9% would strongly dislike such assignment.

* Negative attitude toward a family law division is evident in all demographic groups; in varying levels of experience in family law practice, years of law practice, years of judicial experience, and in different sizes of judicial circuits.

8) If your judicial circuit presently has a family law division, what is your attitude toward the division?

* Nearly three-fourths (73%) have no division in their circuit. Another 18.1% either stated that they are not assigned to a division and want it to stay that way or they would object to being assigned to one.

* About one-fifth of the respondents with 5 to 10 years of experience as a judge do not want to participate in a family law division. Another 70% responded that no division exists in their circuit. Of the 31% with both over 15 years as a judge and in a circuit where a family law division exists, over three-fourths are not assigned to a division and want it to stay that way or they would object to such an assignment.

USE OF GUARDIANS AD LITEM

9) Some circuit judges are now using trained lawyer and nonlawyer guardians ad litem to assist them in dissolution and custody matters. How do you feel about using them?

* Most circuit judges were in favor of using guardians ad litem. About two-thirds (64.8%) indicated that guardians ad litem are helpful and should be used anytime a child is involved in a court dispute because the child's interests are frequently lost or poorly presented in the adversarial process. Three out of ten judges felt they are helpful but should only be used in child abuse cases.

* Judges who spent over 50% of their pre-judicial practice in family law are more likely to feel guardians ad litem are helpful than judges with no family law practice experience (62.5% as compared to only 46.2%).

* Based on experience on the bench, judges' feelings toward guardians ad litem are as follows:

Judicial Experience	Always Helpful	Helpful Only In Child Abuse Cases
Less than 3 years	66.7%	22.2%
3 - 5 years	50.0%	50.0%
5 - 10 years	65.2%	28.3%
11 - 15 years	53.1%	40.6%
Over 15 years	80.8%	19.2%

* Judges' opinions vary based on the size of their circuit. About 58% of judges in large circuits think guardians ad litem are always helpful while another 37% think so only in child abuse cases. Over three-fourths in average-sized circuits think they are always helpful and 20.4% feel guardians are helpful only in child abuse situations. Two-thirds of judges in small circuits feel guardians should only be used in child abuse cases.

TESTIMONY FROM PSYCHOLOGISTS AND PSYCHIATRISTS IN FAMILY LAW MATTERS

10) Increasingly, lawyers are using psychiatrists' and psychologists' testimony, reports, and their recommendations in family law matters. What best describes your feelings about this evidence?

* Most (83.7%) circuit judges indicated that such testimony is generally helpful and definitely should be considered in a judge's decision. Only 8.5% of the judges have distrust of psychiatry and psychology.

* At least 80% of judges with varying levels of pre-judicial family law practice experience feel such testimony is useful.

* The greatest distrust toward psychological or psychiatrical testimony is found among judges in the largest circuits (11%).

JUDICIAL DEMOGRAPHICS

Percent of pre-judicial practice that was devoted to family law matters.

50% or more 11.0%
< 50% 57.7%
Negligible 21.5%
None 9.8%

Law Practice Experience

15 years or less 11.6%
Over 15 years 88.4%

Circuit Population Size

Large Circuit (over 500,000 persons) 57.9%
Moderate-Sized Circuit
(100,000-500,000 persons) 38.4%
Small Circuit (under 100,000 persons) 3.7%

Judicial Experience

< 3 years 7.9%
3 - 5 years 7.9%
5 - 10 years 35.4%
11 - 15 years 24.4%
Over 15 years 24.4%

PART II
FAMILY LAWYERS' ATTITUDES ABOUT THEIR ROLE AND THE ROLE OF JUDGES IN FAMILY LAW MATTERS

INTRODUCTION

This is the second part of a two-part report on the attitudes and opinions of lawyers and judges on family law matters. This second part represents the opinions of family lawyers.

The survey instrument was developed by the Family Law Section and received by the Planning, Evaluation and Research Department of The Florida Bar. This survey was mailed in mid-February 1987 to the 2,268 members of the Family Law Section (no judges) residing within Florida. By early April, 1,006 attorneys had responded for a response rate of 44.4%. This response rate is very much consistent with response rates for other Bar membership surveys.

Surveys were coded and data were input by Peggy Griffin, Family Law Section Coordinator, and statistical analysis using SPSS/PC were performed by the Planning, Evaluation and Research Department. The department's analysis, which was performed during early May 1987, included simple frequency of responses as well as crosstabulations by various demographic variables.

This report provides analyses of only these data and in no way do these results reflect any bias on the part of the Planning, Evaluation and Research Department.

ATTORNEY EXPERIENCE IN FAMILY LAW

1) What percentage of all your cases include family law related matters?

* Of all attorneys responding, 9.3% handle only family law cases, over four out of ten (40.5%) have at least 50% of their caseload in family law matters, just less than one-half (47.7%) handle less than 50% family law cases, 2.4% handle very little family law matters, and less than 1% do not practice family law.

* More lawyers between 46 to 55 years of age (12.7%) handle only family law matters as compared to other age groups. (8.3% of those under 36; 8.7% of those 36-45; and 8.3% of lawyers over 55.) Over four out of ten lawyers under 36 years of age (44.3%) and between 36 to 45 (40.4%) spend at least 50% of their practice on family law matters. A majority (55.4%) of those attorneys over 55 spend less than one-half of their practice on family law.

* Just over one-half (52.9%) who practice in only one circuit spend less than 50% of their practice in family law matters. This compares with 46.5% of those who practice in two or three circuits. By comparison, two-thirds of those attorneys who have a statewide practice spend at 50% of their caseload in family law matters.

* The relationship between length of membership in the Family Law Section and percent of practice in family law is depicted below:

		Percent of Practice in Family Law		
Years in Section	All Cases	> 50%	Under 50%	Very Little
Under 2 years	8.6%	40.9	47.8	2.7
2 - 4 years	7.5%	39.7	50.2	1.7
4 - 6 years	6.1%	41.4	49.7	2.8
Over 6 years	12.9%	41.3	43.5	2.2

* According to the survey results, the larger the law firm the less the involvement in family matters. Over four out

of ten sole practitioners responding spend at least 50% of their practice in family law as compared with 31.3% in large law firms. A majority (52.6%) of government family lawyers spend all their practice time on family law cases.

* As expected, designated and certified family lawyers spend more time practicing family law than those without such specialization. Almost three times as many designated lawyers (17.5%) as non-designated lawyers (6.5%) spend their entire practice in family law matters. The difference is greater between certified lawyers and non-certified lawyers; 35.3% to 7.2%, respectively.

  Another 58.6% of those who plan to certify spend at least 50% of their time on family law matters compared with only 24.3% of those not planning to certify.

ATTORNEY OPINIONS OF JUDGES' ATTITUDES TOWARD FAMILY LAW

2) Do you agree that judges have a positive attitude toward family law cases?

* Nearly seven out of ten (68.1%) lawyers responding feel judges do not have a positive attitude toward family law matters.

* Younger lawyers (70.7%) are more likely to feel judges have a negative opinion of family law than older, more experienced attorneys (54.3%).

* The more widespread the law practice the more likely the attorney is to feel that judges do not have a positive attitude of family law. This is evidenced by the fact that 61.7% of those practicing in one circuit agree judges do not have a positive attitude, 71.1% who practice in two or three circuits, and only 80% who practice statewide

agree judges do not have a positive attitude toward family law matters.

* Nearly two-thirds of lawyers in every length of practice grouping do not feel judges have a positive attitude toward family law cases (67.1% with < 5 years of practice; 72.9% with 5-10 years; 66.1% with 11-15 years; and 65.3% with over 15 years).

* At least six out of ten lawyers in each of the intervals reflecting length of membership in the Family Law Section do not feel judges have a positive attitude toward family law cases.

* Firm size of the respondent is related to attitudes of judges toward family law matters. The larger the law firm the less likely they are to feel judges have a favorable view of family law matters. About 65% of sole practitioners feel judges do not take a favorable view of family law matters as compared with nearly 77% of those in large firms.

* Specialization also molds respondents opinions of judges' feelings about such matters; but only with respect to certified lawyers. Designation does not make a difference; an equal amount (two-thirds) of those designated and non-designated do not feel judges look positively on family law matters. There is much more difference between certified and non-certified attorneys; 83.4% of certified as compared with 67.1% of non-certified lawyers. Also, over seven out of ten (72.7%) of those who plan to certify indicated that judges do not have a positive attitude toward family law matters.

3) <u>On the more common family law matters, how informed and sensitive do you feel judges presiding over such matters seem to be?</u>

* Attorneys were split over the amount of information and sensitivity held by judges presiding over family law matters. Just over three of every ten lawyers (32.3%) feel judges are informed and sensitive, about four out of ten (38.5%) think judges are informed but insensitive, 13% of the attorneys indicated judges are not informed but sensitive to such matters, and 16.2% felt judges were both uninformed and insensitive.

* The youngest (< 36 years of age) and oldest attorneys (over 55) have a more positive view of judges. Over one-third (34.8%) of the youngest and 36.2% of the oldest lawyers feel judges are both informed and sensitive to such matters. Nearly one-half (45.5%) of attorneys between 46 to 55 feel judges are informed but insensitive to family law matters.

* Experience practicing in one circuit as compared with several circuits shapes lawyers opinions on knowledge and sensitivity of judges. By comparison, 41.6% of those practicing in one circuit feel judges are informed and sensitive while only 27.6% of those lawyers practicing in more than one circuit have similar feels. Also, 34.3% practicing in one circuit feel judges are informed but insensitive. This attitude increases with exposure to more circuits since 40.9% of those practicing in 2 or 3 circuits agree and one-half who practice statewide feel judges are informed but insensitive.

* Attorney feelings that judges are not informed and insensitive increases with experience in practicing law, but this is not an attitude held by the majority of lawyers. Rather, of the lawyers with less than 5 years of practice experience, 32.9% feel judges are informed and sensitive to family law matters. In the 5 to 10 years of experience group, 31.8% feel judges are informed and sensitive and another 39.9% think judges are informed but

insensitive. For those attorneys with 11 to 15 years of practice, 35.1% indicated judges are informed and sensitive and 34.6% state judges are informed but insensitive. For those with the most experience (over 15 years), about three out of ten feel judges are not only informed but are sensitive to family law issues while 37.1% agree that judges are informed but not sensitive to such matters.

* Lawyers who have been members of the section for under two years (42.6%) and those members from two to four years (41.8%) are more likely to feel judges are informed but insensitive. Over one-fifth of the attorneys with over six years of section membership feel judges are both not informed and insensitive to family law matters.

* Opinions of judges' attitudes toward family law matters based on the size of the firm in which they practice are as follows:

  Sole practitioners: 34.1% feel they are informed and sensitive and 38.5% indicate judges are informed but insensitive.

  Small firms: 31.7% informed and sensitive and 39.6% informed and insensitive.

  Moderate-size firms: 27.5% indicated judges are informed and sensitive and 45% indicate they are informed and insensitive.

  Large firms: 26.7% feel they are both informed and sensitive, 26.7% feel they are informed but insensitive, and 30% indicated judges are not informed but sensitive to the issues.

* Over three out of ten certified lawyers feel judges are not informed and not sensitive to family law matters, 27.3% indicate they are informed and sensitive, and another 27.3% state that judges are informed but insensitive. About 41% of lawyers who plan to certify and 42% of those who are seriously considering certification stated that judges were informed but insensitive on the legal issues of domestic relations.

ATTORNEYS' ABILITY TO HANDLE FAMILY LAW MATTERS

4) Which statement most accurately describes your handling of family law matters?

* Over two-thirds (67.3%) of all attorneys feel that they are adequately prepared and well informed on current changes in the law. Another 30.6% feel it is difficult to keep current and the remaining 2.1% indicate they are not always adequately prepared and/or informed due to a heavy caseload.

* With respect to age, 61.8% of those under 36, 73.2% (36 to 45), 64.3% (46 to 55), and 62.5% of attorneys over 55 indicate they, themselves, are prepared and informed. The youngest and oldest attorneys (35.8% respectively) find it difficult to remain current with changes in the law.

* Ability to not keep current decreases with breadth of practice, geographically speaking, and length of practice (32.3% practicing in one circuit and 36.6% with under 5 years experience compared to 28.2% practicing statewide and 28.2% with over 15 years of practice experience).

* The ability to keep current and the ability to be prepared and informed are inversely related with respect to length of section membership. This is seen in the fact that of those with less than two years of section service (40.5%)

cannot keep current and 57.3% feel prepared and informed while, for those with over six years in the section, about 26% cannot keep current and 72.7% feel well prepared and informed on family law matters.

* As expected, designated (19.3%) and certified lawyers (9%) find it less difficult to keep current than non-designated (34.9%) and non-certified (32.4%) lawyers. About eight out of ten (77.7%) of the designated lawyers and nearly all (91%) of the certified lawyers feel well prepared and informed on current changes in family law. Another 80% who plan to become certified compared to only 60.4% who do not plan to certify indicate that they are prepared and informed.

ATTORNEY OPINIONS OF FAMILY LAW DIVISIONS

5) Do you think it would be beneficial for your circuit to have a judicial division which deals solely with family law?

* Few attorneys (13.4%) indicated that a family law division currently exists in their circuit. The vast majority (68.4%) think a family law division would be beneficial and the others (18.1%) disagree.

* There is more support for a family law division from younger attorneys (74.9% of those under 36) than from older attorneys (55.8% of those over 55).

* Support for a family law division is greater among lawyers who limit their practice to one circuit. Over two-thirds who practice in one circuit support a division compared to 52.6% of those lawyers practicing statewide.

* There is more support for a family law division from those who are less experienced (76.2%), newer section members (76.3%) and sole practitioners (70.0%) as compared with

lawyers with more experience (64.2%), longer service to the section (64.7%) and within large law firms (64.3%).

* Very little difference exists between specialized and non-specialized lawyers. About 68% of both designated and non-designated lawyers and 62.5% of those that are certified and 68.9% of non-certified attorneys agree that a family law division would be beneficial.

6a) The family law division in existence has improved judges' sensitivity to more common issues in domestic relations.

* The majority (60.7%) of all lawyers responding agree that a division is an improvement by sensitizing judges' attitudes.

* Nearly two-thirds (65.5%) of lawyers under 36, 60.7% (36 to 45), 52.6% (46 to 55), and 58.3% over 55 years of age all feel judges have become more sensitive to family law matters as a result of the division.

* Few (22.2%) of those practicing statewide feel their division(s) have improved judges' attitudes as compared to 64.7% practicing in one circuit and 63% practicing in two or three circuits.

* Attitudes about the effectiveness of family law divisions decrease with years of practice. Two-thirds practicing under 5 years and 54.3% practicing over 15 years agree that the division has improved judicial attitudes. About 71.4% of those with the least section service (< 2 years) and 68.3% with over six years in the section think the division has been effective.

* Interestingly, lawyers in larger firms have better feelings of a division than those in smaller firms. The breakout of these attitudes toward the division through

sensitizing judges are 56.6% of sole practitioners, 56.1% in small firms, 76.9% in moderate-size firms, and 80.0% in larger law firms have better feelings of the family law divisions.

* About 70% of certified lawyers and 61% of designated lawyers feel divisions have improved judges' sensitivity to family law issues.

6b) The current family law division has led to increased judges' knowledge of the law as it applies to domestic relations.

* Nearly nine out of ten (87.2%) agree that the division has increased judges' knowledge of the issues.

* There is significant agreement based upon age, breadth of practice, length of practice, section membership, firm size and specialization.

6c) The current family law division resulted in judges who are more interested in hearing family law matters.

* Although attorneys overwhelmingly agree that judges are more knowledgeable and sensitive to family law matters as a result of a division, only 31.8% feel that the division has improved judges' interests in hearing such cases.

* Attorneys with more experience in both law practice (over 15 years) and section membership (over 6 years) are more likely to feel that judges are more interested in hearing family law matters; although it is only 38.9% and 41.5% respectively.

* Lawyers in smaller firms are less likely to think divisions have changed the interest level of judges in family law matters. Seven out of ten sole practitioners compared with six of ten lawyers in large firms do not

feel judges have become more interested as a result of family law divisions.

* Specialization is strongly related to attorney attitudes of the effectiveness of divisions in increasing judges' interest of family law. About four of ten (40.6%) of designated lawyers compared with 28.4% non-designated lawyers feel judges are more interested. More importantly, 76.9% of certified lawyers feel the division has improved judges' attitudes as compared with only 25.8% of those lawyers that are not certified.

6d) The current family law division has resulted in judges having negative feelings toward family law matters.

* A majority (56.7%) of attorneys responding feel that their family law division has caused negative feelings toward family law matters.

* This opinion increases with age, with increased geographical exposure of their practice, and length of practice. About 52.4% of lawyers under 36 and 70.0% over 55 agree that divisions have created negative feelings of judges towards family law cases. As well, less than a majority (48.5%) of those practicing in one circuit as compared with 77.8% practicing statewide feel divisions have made judges increasingly negative toward such matters. About three-fourths of the respondents with less than 5 years of practice as opposed to 46.9% with over 15 years of practice agree that judges have become more negative of family law matters as a result of the division.

* As expected, 91% of certified lawyers do not feel that their divisions have caused judges to have negative feelings of family law matters.

ATTORNEY PERCEPTIONS OF JUDICIAL USE OF RELEVANT INFORMATION

7a) Judges are interested in obtaining any and all information which may be helpful to them in deciding a case only when children are involved.

* Respondents, in general, disagreed with this statement. More specifically, 4.4% strongly agreed, 35.6% agreed, 53.5% disagreed and 6.6% strongly disagreed that judges were only interested in information when children were involved.

* A majority of all age groups, various geographical coverage of practice, length of practice, years in the section, firm size, and level of specialization disagree that judges only use information when children are involved.

7b) Judges are only interested in obtaining any and all information which may be helpful to them when child or spouse abuse is at issue.

* Attorneys overwhelmingly disagree with this statement. Respondents opinions were 4.4% strongly agree, 23.2% agree, 60.9% disagree and 11.6% strongly disagree.

* At least two-thirds of respondents in all demographic groups disagree with this statement. Most notably 83.9% of attorneys in large law firms disagree or strongly disagree that judges are interested in information only in abuse cases.

7c) Judges are interested in obtaining any and all information which may be helpful to them whatever the case or whoever is involved.

* Less than a majority would agree with such a general statement about judges' use of information. Attorneys' feelings were that 3.4% strongly agreed, 41.3% agreed, 42.9% disagreed, and 12.4% strongly disagreed with this statement.

* A majority of lawyers in different size firms, different years of service to the section and specialized or non-specialized attorneys disagree that judges use any and all information whatever the case or whoever is involved.

7d) Judges appear to have preconceived notions when dealing with family law matters and really do not want the "total picture."

* Most attorneys agree that judges have their minds made up on family law issues. Of those responding, 21.2% strongly agree, 54.6% agree, 21.3% disagree and 2.9% strongly disagree.

* Over three-fourths of attorneys in each age group agree that judges have preconceived notions.

* Over eight out of ten (81.1%) of lawyers practicing in two or three circuits agree as do 80.1% of those attorneys that have been members of the Family Law Section for over six years.

* An equal percentage (76.6%) of designated lawyers and certified lawyers indicated that judges have preconceived notions when dealing with family law matters.

ATTORNEY'S PERCEIVED PROBLEMS WITH FAMILY LAW PRACTICE BEFORE JUDGES IN FLORIDA

8a) Judges show favoritism to local attorneys or their friends.

* Attorneys are almost split on this subject. About 9.4% strongly agree, 41.3% agree, 42.7% disagree, and 6.6% strongly disagree that judges show favoritism to local attorneys or their friends.

* The majority of those in the following demographic groups agree that judges are partial to locals and friends:

  - 54.5% under 36 and 52.8% over 55.
  - 53.3% who practice in two or three circuits.
  - 53.4% practicing 5 to 10 years and 52.7% who have practiced 11 to 15 years.
  - 55.1% of section members for 4 to 6 years and 50.2% of those serving in the section for over 6 years.
  - 50.3% in small firms, 52.3% in moderately-sized firms, and 51.8% in large firms.
  - 52.8% not designated and 51.7% not certified.

* Disagreement with this statement is greatest among the certified lawyers (60%).

8b) There is a source of frustration because judges do not know the current status of the law or if they do they do not follow it.

* Attorneys, by a slim margin, agree that this is a source of frustration. Almost 9% strongly agree, 45% agree, 42% disagree and 5% strongly disagree that judges do not know the current law or follow it.

* A majority of all age groups except those aged 46 to 55 agree as do a majority of all geographical coverages of law practice except those practicing in one circuit. Agreement with the statement is greatest among those who practice statewide (63.2%).

* About 53% or 54% of all attorneys in all lengths of practice groups agree judges do not know the law or follow it.

* A majority of attorneys at various stages of Family Law Section membership, except new members (those under two years), agree as do those in different size law firms. Six out of ten lawyers in large law firms agree that judges do not know the current laws or do not follow them.

* A majority of those designated and certified also agree with the statement.

8c) <u>There is a source of frustration because judges generally do not want to hear family law cases.</u>

* There is <u>strong agreement</u> from all attorneys responding to this question. A breakdown of their attitudes is that 18.7% strongly agree, 53% agree, 25.9% disagree and 2.3% strongly disagree that judges generally do not care to hear family law cases.

* Younger lawyers (75.2%) are more likely to agree than older attorneys (61.8%).

* Agreement increases with geographical scope of law practice. By comparison, 66% practicing in one circuit, 74.8% practicing in two or three circuits, and 83.4% practicing statewide agree.

* The longer an attorney has been a Family Law Section member the greater the agreement that judges generally are not interested in hearing family law cases (67.2% of those members under two years compared to 75% of members over six years).

* A strong majority of both designated lawyers (72.8%) and certified family lawyers (81.5%) indicated that judges are not interested in hearing family law cases.

8d) A source of frustration exists because judges are more often biased because of predisposition as to sex, fault, alimony, race, etc.

* Attorneys agree that there is bias existing in the courtroom. This is evidenced by the fact that 16.5% strongly agree, 52.1% agree, 28.5% disagree and only 3% strongly disagree that judges are more often biased because of predisposition as to sex, fault, alimony, race, etc.

* Over 69% in all age groups under 55 agree with the statement as do 64.9% of lawyers over 55.

* The strongest agreement that judges are biased is found among 71.3% of those practicing in two or three circuits, 72% practicing 11 to 15 years, 74.8% who have been section members 4 to 6 years and 80% of those who practice in large law firms.

* About 71% of those designated in family law, 65% who are certified, and 76% who plan to certify all agree that judges are more often biased because of predisposition as to sex, fault, alimony, race, etc.

ATTORNEY EXPERIENCE AND ATTITUDES TOWARD GENERAL MASTERS AND COMMISSIONERS

9a) I believe the use of the Master system provides speedy access to the courts.

* A narrow majority of all attorneys feel the Master system speeds access to the courts. Of those responding, 15.7%

strongly agree, 40.1% agree, 26.9% disagree and 17.3% strongly disagree.

* Agreement with the effectiveness of the Master system decreases with age, breadth of practice, length of practice, and years in the Family Law Section. The following tables show this relationship.

Age	Percent in Agreement
< 36	61.2%
36 - 45	56.9%
46 - 55	52.7%
> 55	43.8%

Circuit Exposure	
One circuit	60.2%
Two or three	52.8%
Statewide	44.5%

Length of Practice	
< 5 years	71.0%
5 - 10	56.9%
11 - 15	56.9%
> 15 years	44.1%

Section Membership	
< 2 years	63.4%
2 - 4	61.3%
4 - 6	59.2%
> 6 years	48.1%

* With respect to specialized attorneys, 54.4% of the designated lawyers and 55.9% of non-designated lawyers agree and only 46.9% of certified family lawyers compared with 56.2% of non-certified lawyers agree.

9b) I utilize the Master system whenever possible in enforcement matters.

* According to all attorneys, the Master system is not very good at dealing with enforcement matters. Over six out of ten (62.4%) of the lawyers responding stated that they do not use the Master system for enforcement.

* Younger attorneys (45.1%) and those under 5 years of practice (50%) are more likely to utilize the system in enforcement than older attorneys (31%) or those with over 15 years of practice (30%).

* At least six out of ten with exposure to one, two, three, or more circuits do not use the system for enforcement. Also, at least 62% of lawyers in all law firm sizes do not use the Master system for enforcement.

* Certified (71.9%) and designated family lawyers (67%) are more unlikely to use the Master system for enforcement than non-certified (62.1%) or non-designated (61.3%) lawyers.

9c) I use Masters whenever possible in matters concerning "temporary relief."

* Nearly two-thirds (65.6%) of all lawyers responding do not use Masters for "temporary relief" measures.

* About two-thirds in every age group and in various levels of exposure to different circuits do not use a Master in these situations.

* Non-use of a Master in "temporary relief" situations increases with length of practice and law firm size. About 85% of those practicing in large law firms do not use a Master in these circumstances.

* Nearly seven of every ten (69.6%) lawyers designated in family law and almost eight of ten (78.1%) certified lawyers do not use a Master for "temporary relief" situations.

9d) I find the Master system adequate in handling complex family law issues.

* Over three-fourths (76.6%) of the respondents do not feel the system is adequate to handle complex issues.

* Disagreement that Masters can handle complex family law issues is greatest among those lawyers aged 36 to 45 (80.1%), lawyers with the most experience in law practice (81.4%), those who have been in the Family Law Section 4 to 6 years (81.1%) or over six years (80.9%) and 81.8% of attorneys practicing in large law firms.

* Specialization is strongly related toward disagreement with this statement. Almost all (96.9%) certified lawyers and most (85.7%) designated lawyers feel the Master system cannot handle complex family law issues.

9e) How informed and sensitive do you feel the Masters in your circuit seem to be?

* Attorneys have a somewhat favorable view of the Masters. Nearly one-half (48.2%) feel Masters are informed and insensitive, 16.7% feel they are informed but insensitive, 16.5% think they are uninformed but are sensitive to the issues, and the remaining 18.5% feel Masters are not informed and not sensitive.

* The majority (59.5%) of attorneys under 36 feel that Masters are informed and sensitive as compared to 39.7% of those aged 46 to 55 or those over 55 (43.8%).

* The greater the exposure to Masters in other circuits the more negative the attorney's views. Almost six of ten (59.2%) who practice in one circuit feel Masters are informed and sensitive as compared with only 21.4% who practice statewide. Also, 35.7% of those in statewide practice feel Masters are neither informed nor sensitive to the issues.

* A majority of lawyers practicing less than 5 years (56.8%), 5 to 10 years (55.3%) and with less than two years in the section (64.5%) feel that Masters are informed and sensitive. By comparison, of those with over 15 years of practice, 35% feel Masters are informed and sensitive, 24.4% feel they are not informed and not sensitive. Only 37.7% of lawyers who have been members of the Family Law Section for over 6 years think Masters are informed and sensitive and another 24.5% of them indicated the Masters were not informed and not sensitive to the issues.

* Many of the lawyers in sole practice (47.8%), small firms (47.6%) and in moderate-sized firms (46.4%) feel that Masters are informed and sensitive as compared with only 30% in large law firms. Also 40% of lawyers in large law firms indicated that Masters are not informed but appear sensitive toward the issues.

* Certified lawyers (27.6%) and designated lawyers (44.2%) are less likely to feel Masters are informed and sensitive than non-certified attorneys (49.7%) and non-designated lawyers (49.4%). Another 22.1% of designated lawyers feel Masters are not informed and not sensitive as do 34.5% of certified lawyers. Also, 20.7% of certified lawyers stated that Masters were not informed but appeared sensitive to the issues. A majority of attorneys planning to certify (53.2%) or considering family law certification

(52.1%) indicated that they felt Masters to be informed and sensitive.

9f) When you elect to use a Master, what reaction occurs from opposing counsel?

* Attorneys indicated that they find opposing counsel objects to the Master in complex issues (36.9%), objects to the Master as a form of "judge shopping" (23.9%) and the remaining 39.3% indicated that counsel consents to the use of the Master.

* A breakdown of the reactions by various groups are as follows:

	COUNSEL OBJECTS IN COMPLEX MATTERS	COUNSEL OBJECTS TO "JUDGE SHOPPING"	COUNSEL CONSENTS TO MASTER
Age			
< 36	28.1%	28.1%	43.8%
36 - 45	34.3%	26.5%	39.2%
46 - 55	44.7%	12.7%	42.6%
> 55	55.1%	16.3%	28.6%
Circuit Exposure			
1 Circuit	33.7%	19.4%	46.9%
2 or 3 Circuits	38.0%	24.9%	37.1%
Statewide	54.5%	36.4%	9.1%

	COUNSEL OBJECTS IN COMPLEX MATTERS	COUNSEL OBJECTS TO "JUDGE SHOPPING"	COUNSEL CONSENTS TO MASTER
Length of Practice			
< 5 years	40.0%	20.0%	40.0%

5 - 10	29.2%	26.0%	44.8%
11 - 15	33.3%	22.7%	44.0%
> 15 years	47.0%	22.0%	31.0%
Years in Section			
< 2 years	34.5%	18.9%	46.6%
2 - 4	21.4%	30.4%	48.2%
4 - 6	39.4%	22.7%	37.9%
> 6 years	45.1%	21.8%	33.1%
Law Firm Size			
Sole Practitioner	37.0%	22.1%	40.9%
Small Firm	35.1%	26.0%	38.9%
Moderate-Sized Firm	45.8%	16.7%	37.5%
Large Firm	40.0%	30.0%	30.0%
Specialization			
Designated	44.3%	20.3%	35.4%
Non-Designated	34.7%	24.5%	40.8%
Certified	45.8%	20.9%	33.3%
Non-Certified	36.5%	23.6%	39.9%

9g) When filing exceptions to the recommendations of the General Master, does the court usually grant review but "rubber stamp" the Master's recommendation or does the court listen and evaluate exceptions and grant de novo review when indicated?

* Over eight out of ten lawyers (83.1%) indicate that the court "rubber stamps" the Master's recommendation and 16.9% state that de novo review is granted.

* Agreement that the court "rubber stamps" Master recommendations is greatest among lawyers under 36 years of age (88.8%), those practicing in two or three circuits (85.3%), lawyers practicing less than five years (84.1%), Family Law Section members for 4 to 6 years (86.1%), lawyers in moderately-sized firms (91.7%) and small firms

(87.4%), designated family lawyers (85.6%) and among certified lawyers (86.7%).

* Over one-fourth (27.4%) of lawyers over 55 and 25% of those practicing in large law firms indicated that the court usually listens and evaluates exceptions and grants de novo review when indicated.

DEMOGRAPHICS

* Age

Under 36	29.0%
36 to 45	42.8%
46 to 55	15.9%
Over 55	12.3%

* Circuit Exposure

One Circuit	37.9%
Two or Three Circuits	57.0%
Statewide	3.9%
Nationwide	0.9%
None	0.3%

* Length of Law Practice

Under 5 years	16.8%
5 to 10	30.4%
11 to 15	24.2%
Over 15 years	28.6%

* Membership in Family Law Section

Under 2 years	19.4%
2 to 4	24.9%
4 to 6	18.8%
Over 6 years	37.0%

* Firm Size

Sole Practitioner 44.7%
Small Firm 40.2%
Moderate-Size Firm 8.5%
Large Firm 3.2%
Government 1.9%
Other 1.4%

* Family Law Specialization
Designated 24.4%
Not Designated 75.6%
Certified 6.9%
Not Certified 93.1%
Plan to Certify 19.6%
Do Not Plan to Certify 39.5%
Not Sure 40.9%