

## Judicial Process and Behavior

**Table 10.**  
**Scale for Measuring Precedent Role Orientation-Iowa and California Judges**

		Response (in percentage)			
		Strongly Agree	Agree	Disagree	Strongly Disagree
1. A good judge is one who sticks as closely to precedents as possible					
	California	40.5	37.8	16.2	2.7
	Iowa	23.1	65.4	7.7	0
2. Judges should be allowed great discretion in decision making to insure that their decisions are "just"					
	California	18.9	48.6	27.0	0
	Iowa	34.6	46.2	15.4	0
3. It is wrong for a judge to allow his personal philosophy to influence his decisions					
	California	21.6	29.7	40.5	8.1
	Iowa	23.1	46.2	23.1	3.6
4. Precedents are rarely conclusive: usually a judge can find a precedent which supports his own point of view					
	California	13.5	43.2	37.8	5.4
	Iowa	3.8	34.6	43.3	11.5
5. Precedents and statutes are only a few of the factors which should influence judge's decisions					
	California	5.4	35.1	40.5	18.9
	Iowa	11.5	69.2	19.2	0
6. It is just as legitimate to make a decision and then find the precedent as it is to find the precedent and then make the decision					
	California	5.4	35.1	43.2	16.2
	Iowa	7.7	15.4	50.0	15.4

Table 11 Attitudes toward Judicial Lawmaking and Votes in Selected Subjects

	Attitudes Toward Judicial Lawmaking				Statistically Significant
	Innovator	Realist	Interpreter		
	% Votes	% Votes	% Votes		
Employee Injury	63.5	57.8	58.8		no
Other personal injury	54.2	44.2	45.2		no
Patent and Copyright	61.5	65.9	54.3		no
labor-management	64.5	61.7	55.5		no
defer to agency	69.1	73.9	69.8		no
Income Tax	65.4	57.1	48.4		almost
Civil Rights	34.1	25.3	23.3		yes
Prisoner Petitions	35.8	22	17.1		yes
Criminal					

Table 12 Comparison of Fluidity in Major and in Nonmajor Cases in Vinson C  
Counting Actual Votes

Major Cases	Nonmajor Cases
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