

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	% Votes	
Employee Injury	63.5	57.8	58.8	58.8	no
pro-employee					
Other personal injury	54.2	44.2	45.2	45.2	no
pro-claimant					
Patent and Copyright	61.5	65.9	54.3	54.3	no
anti-claimant					
labor-management	64.5	61.7	55.5	55.5	no
defer to agency					
Income Tax	69.1	73.9	69.8	69.8	no
pro-government					
Civil Rights	65.4	57.1	48.4	48.4	no
pro-individual					
Prisoner Petitions	34.1	25.3	23.3	23.3	almost
pro-individual					
Criminal	35.6	22	17.1	17.1	yes
pro-individual					yes

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

	Major Cases	Nonmajor Cases