

Exhibit One

Hendrix Questionnaire

Case: _____ v. _____

Date of Case: ___/___/___ County of: _____

Case Number: _____ Our records indicate that the
verdict was \$ _____ .00 awarded to the _____.

1. Is this verdict amount correct? (circle YES or NO).

YES NO

If you circled NO, specify the correct amount: \$ _____ .00

2. Specify the awarded costs: \$ _____ .00 The costs were
awarded to the (circle PLAINTIFF or DEFENDANT):

PLAINTIFF DEFENDANT

3. Were the verdict and costs paid in full or was there post-
verdict negotiation which lead to a settlement different from
the awarded verdict and costs? (circle "PAID IN FULL" or
"SETTLEMENT"):

PAID IN FULL SETTLEMENT

If you circled "PAID IN FULL," was there an attempt by either
side to bargain prior to the payment? (circle "YES" or "NO"):

YES NO

If you circled "NO," then you have completed this survey and you
should not answer any more questions. If you DID NOT circle
"NO," then please continue to answer the remaining questions.

4. Please check all the statements below that apply to this case:

- _____ Negotiations occurred before any post-verdict motions.
- _____ Negotiations occurred after a post-verdict motion but before
the judge ruled on the motion.
- _____ Post-verdict negotiation occurred after the judge ruled
on a post-verdict motion.
- _____ Post-verdict negotiation occurred after an appeal was filed.
- _____ An offer was made that if the "winning side" would
waive costs, the "losing side" would waive rights to
post-verdict motions and to appeal.
- _____ Plaintiff made an offer to waive interest if the verdict was
paid in full.

- _____ Defendant made an offer to pay the verdict in full if the plaintiff would waive interest.
- _____ Animosity between opposing clients influenced negotiation.
- _____ Animosity between opposing attorneys influenced negotiation.
- _____ The plaintiff's financial position influenced negotiations.
- _____ The defendant's financial position influenced negotiations.
- _____ Judge activism influenced negotiation.
- _____ The threat of a motion for a Judgment notwithstanding the verdict influenced negotiation.
- _____ The threat of a remittitur motion influenced negotiation.
- _____ The threat of a new trial motion influenced negotiation.
- _____ The threat of an appeal influenced negotiation.
- _____ A desire to avoid publicity influenced negotiation.
- _____ The interest on the judgment influenced negotiation.
- _____ The "losing" attorney needed to gain a concession to "save face" with the client, after "losing" the trial.
- _____ The "winning" attorney realized that post-verdict negotiation is a standard practice, and that "winners" are often expected to waive at least some portion of the award as a professional courtesey.

5. Did the final settlement call for a lump sum payment or for periodic payments? (circle LUMP SUM or PERIODIC)

LUMP SUM

PERIODIC

If you circled "LUMP SUM," specify the settlement amount:

\$_____ .00

If you circled "PERIODIC," what was your assessment, at the time of the negotiation, of the present value of the settlement?

\$_____ .00

If you circled "PERIODIC," did you utilize a consultant service to determine the present value of the settlement arrangement? (circle "YES" or "NO")

YES

NO

THANK YOU for all your efforts in completing this survey!!

Exhibit Two

University of Wisconsin
Law School
Madison, WI
July 15, 1986

Dear Attorney:

We are currently engaged in a study of post-verdict negotiations to determine what factors influence it, how it works, and what its effects include. We would like your help. Enclosed is a short, two page questionnaire. We would greatly appreciate your assistance in answering the survey and returning it to us, in the enclosed envelope, by August 30.

Any information provided on the survey will be kept in confidence and will only be used in the aggregate. Because our sample size includes all cases for 198_ in the state of Wisconsin, we will be able to preserve confidentiality. Aggregate data, we hope, will be published at a later date. If published, we would be happy to supply you with a copy.

Because of the importance of this study to the current debate over the "tort litigation crisis," we would like to determine what the awards typically are and, more importantly, what the final financial arrangements are. This can only be done with your contribution. I can assure you that your efforts in filling out this short survey will be greatly appreciated!!

Thank you in advance for all your time and efforts.

Most sincerely,

Steven E. Hendrix

P.S. If you have any comments, please feel free to contact me personally at: 141 Lakewood Gardens Lane, Madison, WI 53704 or at (608) +++ - +++, or contact Professor +++ ++++++ at the Law School or by phone at +++ - +++++.

Exhibit Three

Hendrix Questionnaire

Our records indicate that the verdict (or negligence split, if a negligence case) was \$_____ .00 awarded to the _____.

1. Is this verdict (or negligence split) correct?
(circle "YES" or "NO").

YES NO

If you circled "NO," specify the correct amount: \$_____ .00

2. Specify the awarded costs: \$_____ .00 The costs were awarded to the (circle "PLAINTIFF" or "DEFENDANT"):

PLAINTIFF DEFENDANT

3. Were the verdict and costs paid in full or was there post-verdict negotiation which lead to a settlement different from the awarded verdict and costs? (circle "PAID IN FULL" or "SETTLEMENT"):

PAID IN FULL SETTLEMENT

If you circled "PAID IN FULL," was there an attempt by either side to bargain prior to the payment? (circle "YES" or "NO"):

YES NO

If you circled NO, then you have completed this survey and you should not answer any more questions. If you DID NOT circle NO, then please continue to answer the remaining questions.

4. Please check all the statements below that apply to this case:

- _____ Negotiations occurred before any post-verdict motions.
- _____ Negotiations occurred after a post-verdict motion but before the judge ruled on the motion.
- _____ Post-verdict negotiation occurred after the judge ruled on a post-verdict motion.
- _____ Post-verdict negotiation occurred after an appeal was filed.
- _____ An offer was made that if the "winning side" would waive costs, the "losing side" would waive rights to post-verdict motions or to appeal.
- _____ Plaintiff made an offer to waive interest if the verdict was paid in full.
- _____ Defendant made an offer to pay the verdict in full if the plaintiff would waive interest.
- _____ Animosity between opposing clients influenced negotiation.

- _____ Animosity between opposing attorneys influenced negotiation.
- _____ The plaintiff's financial position influenced negotiations.
- _____ The defendant's financial position influenced negotiations.
- _____ Judge activism influenced negotiation.
- _____ Proposals for periodic payments influenced negotiations.
- _____ The cost of additional litigation influenced negotiation.
- _____ The threat of a motion for a Judgment notwithstanding the verdict influenced negotiation.
- _____ The threat of a remittitur motion influenced negotiation.
- _____ The threat of a new trial motion influenced negotiation.
- _____ The threat of an appeal influenced negotiation.
- _____ A desire to avoid publicity influenced negotiation.
- _____ The interest on the judgment influenced negotiation.
- _____ The "losing" attorney needed to gain a concession to "save face" with the client, after "losing" the trial.
- _____ The "winning" attorney realized that it is often practical to waive at least some portion of the award.

5. Did the final settlement call for a lump sum payment or for periodic payments? (circle LUMP SUM or PERIODIC)

LUMP SUM

PERIODIC

If you circled "LUMP SUM," specify the settlement amount:

\$_____ .00

If you circled "PERIODIC," what was your assessment, at the time of the negotiation, of the present value or cost of the settlement arrangement?

\$_____ .00

If you circled "PERIODIC," did you utilize a consultant service to determine the present value of the settlement arrangement? (circle "YES" or "NO")

YES

NO

If there were factors contributing to or against post-verdict negotiation that were not addressed by this survey, please explain them on the back side of this survey.

THANK YOU for all your efforts in completing this survey!!

Exhibit Four

University of Wisconsin
Law School
Madison, WI
July 15, 1986

Dear Attorney:

We are currently engaged in a study of post-verdict negotiations to determine what factors influence it, how it works, and what its effects include. We would like your help. Enclosed is a short, two page questionnaire. We would greatly appreciate your assistance in answering the survey and returning it to us, in the enclosed envelope, by August 30.

Any information provided on the survey will be kept in confidence and will only be used in the aggregate. Because our sample size includes all cases for 1985 in the state of Wisconsin, we will be able to preserve confidentiality. Aggregate data, we hope, will be published at a later date. If published, we would be happy to supply you with a copy.

We would like you to answer the survey considering the following case:

----- v. -----

Date: __/__/__ County of: _____ Case Number: _____

Because of the importance of this study to the current debate over the "tort litigation crisis," we would like to determine what the awards typically are and, more importantly, what the final financial arrangements are. This can only be done with your contribution. I can assure you that your efforts in filling out this short survey will be greatly appreciated!!

Thank you in advance for all your time and efforts.

Most sincerely,

Steven E. Hendrix

P.S. If you have any comments, please feel free to contact me personally at: 141 Lakewood Gardens Lane, Madison, WI 53704 or at (608) 246-3976, or contact Professor +++++ ++++++++ at the Law School or by phone at +++ - +++++.

