

Agenda

Judicial Performance Evaluation Program Subcommittee:

Evaluating Judges Assigned to High Volume Courts and as Presiding Judges

Wednesday, February 11, 2009 at 2:00 p.m.

Waterbury Judicial District
4th Floor, Room # 428, Judges' Conference Room
400 Grand Street, Waterbury

Minutes

Attendees:

J. Iannotti
A. Dranginis
M. Hutchinson
J. Cremins
J. O'Keefe
J. Clifford
A. Woodard
J. Carroll
G. Fox
J. Bright

Absent:

J. Alexander
R. Hassett

Staff:

K. Chorney
M. Libbin

The meeting commenced: 2:10 p.m.

I. Welcome

Judge Iannotti opened the meeting with an introduction to the charge of the subcommittee. He noted that he is in support of evaluations being completed every 18-24 months, that it currently takes too long to get evaluated, and that based on current criteria too many evaluations are not returned. Further he noted that many people consider the current program not to be anonymous. He suggested that the committee consider the kind of form that should be used and the kind of questions that need to be part of the evaluation. He noted that easy questions may focus on demeanor, courtesy and promptness while more difficult questions will focus on a judge's ability and knowledge of the law.

One member suggested that the surveys be sent specifically to public defenders and prosecutors. To encourage the return of the questionnaires, one member suggested sending out reminder letters.

There was an overall discussion of the goal of the evaluation process – is it self improvement or accountability? It was believed to be initially self improvement but has evolved into other things. One member was of the opinion that any evaluation is biased if both sides don't respond to the questionnaire. There was further discussion that judges need to accept that routine evaluation is about accountability, but the trigger of a certain number of returned questionnaires is a false trigger and highly unusual in other businesses.

Also discussed were other types of evaluations – self evaluations and peer reviews. Query: Do we expect judges to handle complaints about themselves that they hear about from others?

Another member suggested that using the evaluation for self improvement through reliable and constructive feedback may include formal evaluation and counseling processes within 12-18 months which might eliminate "un-training" of bad habits later. This led to a discussion of new judges and the suggestion to ensure feedback after 4-6 months on the bench but certainly before the next assignment would be extremely helpful for self improvement.

Another suggestion included establishing an informal exchange with outsiders to obtain information for a 1 year review. Thereafter, judges would get reviewed every 3 years so that evaluations would be provided in years 1-4-7 allowing a judge to receive 3 evaluations prior to going before the Judiciary Committee and Judicial Selection Commission.

The committee discussed putting comments (from the peer review process) in writing; it was noted that if it is part of the evaluation process, it would have to be submitted to the Judiciary Committee and Judicial Selection Commission at reappointment time which may hurt the judge. One member asked if the peer review process would be accepted by the Judiciary Committee and Judicial Selection Commission.

There was discussion on practical and substantive information that is provided to the new judges at training and orientation.

One member suggested utilizing a database of information on evaluations to show the positive feedback to counter complaints. Also, one member was of the opinion that half of the complaints are based on style – on how we say "no" – and that subjective information is more problematic. Attorney Dranginis noted that uniformity between courthouses or lack thereof may contribute to the complaints.

It was noted that statistical data is needed to combat blog remarks, etc. Further suggestions for consideration included obtaining input from members of the public (including victim advocates), having staff and other people in the building contribute to the evaluations, and ensuring that information collected is useful to the judge being evaluated. Another recommendation was to ensure that Family Support Magistrates and Civil Judges be included in the new process and establish different sections or surveys for different work groups (there was more support for different sections for different groups than different surveys for different groups.)

II. Review Comments from JPEP Committee Meeting (Jan. 13, 2009)

III. Discuss Information from Other States

IV. Next Steps

After discussion the committee divided into two groups to tackle the procedural versus the implementation part of the task. The procedural tasks identified included: how will we ask attorneys to file evaluations, how will we ask staff to file evaluations, what will trigger the process, how do we convince respondents of anonymity, and how will we engage in peer review? The implementation tasks identified included: what will we ask respondents, what do we want to hear about? It was suggested that the subcommittee develop a report that includes considerations and recommendations; the actual survey questions will need to be crafted by polling professionals who know how to validate, neutralize and weigh each word and their placement within a question.

V. Schedule Next Meeting

The next meeting is scheduled for Thursday, Feb. 26th at 2:15 p.m. It will be held at the Middlesex Judicial District, One Court Street, Middletown, in Room 607L.

The meeting was adjourned at 3:35 p.m.