

Agenda/Minutes

Judicial Performance Evaluation Program Subcommittee:

Evaluating Judges Assigned to High Volume Courts and as Presiding Judges

Thursday, February 26, 2009 at 2:15 p.m.

Middlesex Judicial District

One Court Street

Middletown, CT

Attendees: Hon. F. Iannotti (co-chair), Attorney A. Dranginis (co-chair), Hon. J. Alexander, Hon. P. Clifford, Hon. W. Cremins, Magistrate K. Hutchinson, Atty. H. Woodard,

Absent: Hon. W. Bright, Representative G. Fox, Attorney R. Hassett, Hon. T. O'Keefe

Staff: K. Chorney

Counsel: M. Libbin

The meeting commenced at 2:26 pm.

1. Welcome

Welcome: J. Iannotti welcomed the group and offered thanks to Anne Dranginis for her extensive notes for this meeting. He indicated that he had spoken with Judge Shortall and that Judge Shortall had emphasized the need for the subcommittee to focus its efforts on addressing the evaluations of presiding judges and judges handling high volume courts.

2. Approval of Minutes Taken February 11, 2009

Approval of Minutes from meeting held February 11, 2009; the minutes were unanimously approved.

3. Judges Assigned to High Volume Courts

- Evaluation Criteria
- Who Should Evaluate

Who should evaluate:

There was discussion as to who should fall within the category of "others" evaluating judges. It was noted that everyone has different subjective criteria for what makes a "good" judge and therefore it is important for the questions to be specific. Known respondents include the private bar, public defenders and prosecutors. Other possible evaluators discussed were bail commissioners, clerical staff, victim advocates, and probation officers. It was also suggested that feedback be solicited from individuals serving as Guardians Ad Litem.

The following question was posed to the members: "Should clerks, clerical staff, court reporters, etc. be included in the evaluations?" Several members indicated they thought it

was a good idea because those are the groups of individuals who first hear feedback and rumors. Also, it was the opinion of one member that if Judicial Branch staff believes that they are a part of the judges' work, they will feel part of the process and be invested in it.

The discussion was temporarily tabled in lieu of additional ideas:

One member suggested sending a survey annually to staff members to elicit information, feedback and suggestions along the lines of "here's what's important to us." Several members expressed concerns that Judicial Branch staff evaluations of judges would not be accurate or helpful. Another member emphasized the importance of obtaining clerical staff input, even if it is only once or twice a year.

This led to a discussion of whether obtaining staff input should be at the local level or statewide level. Members felt that if conducted locally, they may be reticent toward honesty; however, statewide input may not yield helpful information. Members agreed that if the feedback is sent to the Administrative Judge, the AJ would be able to filter the information being directed back to the judge in question so as not to identify the specific individual.

The members debated the recommendation for broader input. Attorney Dranginis offered that if this subcommittee suggests institutionalizing steps to ameliorate problems, this process can be used to enhance communications with judges, noting that staff seems to enjoy more open communications with PJ's.

The subcommittee members agreed to recommend that employee input be solicited but not be included as a specific part of the evaluation process; rather it should be in the form of an annual statewide survey, with findings reviewed at the CJI.

Who should be evaluated:

The committee members agreed to recommend that judges being evaluated should include but not be limited to Presiding Judges in Criminal (both Parts A and B), Civil, Family, and Juvenile (delinquency, not neglect) Sessions, as well as Criminal GA judges, Housing Court judges and special proceedings judges.

Criteria triggering evaluation:

The next topic addressed was how to identify what criteria should trigger an evaluation. Questions asked included: Should the criteria include a specific number of appearances in front of a judge? Should there be an average number of appearances per month over a set period of time? Must an attorney have to appear a certain number of times before being able to evaluate a judge? Should it be based on number of clients, and/or what if the court markings are just phone calls?

Members questioned if the Branch would be able to match juris numbers to the number of court appearances in front of a specific judge.

Members also questioned whether the evaluations should be limited to only prosecutors and public defenders, with the possible addition of special public defenders.

One member suggested using a random sample from the private bar instead of a specific trigger based on numbers.

Another member suggested evaluating judges once a year and sending the questionnaire to every attorney who appeared in that year with the direction "if you've appeared at least 5 times in front of this judge...."

The committee members agreed to recommend that questionnaires on high volume judges be sent to all respondent groups at the same time, with directions for respondents to select the range of appearances in front of the specific judge (ranges = 1-5, 6-10, or more than 10 times). Questionnaires should be sent out a sufficient period of time in advance of the preparation of the Judicial assignments (e.g., 4 months prior to April of each year.)

Length of questionnaire:

The length of the questionnaire was raised as a topic, with several committee members agreeing that more than one page would be too long.

Questionnaire returns:

The next topic raised was how to get questionnaires returned at a higher rate, however, consensus among committee members was that education of the private bar and conversations with the Chief State's Attorney and Chief Public Defender would sufficiently manage this concern.

Peer review:

The next topic addressed was the concept of having a peer group to monitor or observe judges as a second, less formal, evaluation process. The monitoring/observation would include areas such as legal knowledge, how the judge makes rulings, decorum, treatment of people, and ability to make rulings. This process would only apply to those judges sitting in high volume courts.

Committee members offered the following suggestions: a panel of three judges would be appointed to observe judges sitting in GA courts and pre-trial hearings for one half day. Judges being observed would know the panel was going to be in attendance. The panel might serve a term of 12-18 months with the Chief Court Administrator appointing the peer review group and determining the length of term. The most recent judge appointed would be the first reviewed, therefore newest judges would be observed first. The panel would seek to capture a judge's decision making abilities, decorum, their treatment of people, etc. For this reason, monitoring judges who are in their first term is key. The panel would not collect information on a judge before the peer review, nor would it elicit informal information from staff. The peer review information may be used with a formal evaluation to "paint the whole picture".

A discussion ensued about how to capture the panel's findings: Would there be written notes to the Chief Court Administrator? Would there be a separate questionnaire? What would have to be turned over to the Judiciary Committee at reappointment time? Committee members discussed findings that might reflect weak areas for a judge to work on and strong areas for which a judge should be commended. Rather than create a written record of informal evaluations, the members considered crafting the first panel

observation as an oral process, to be followed up within 6 months by an observation with a written report, such that new judges can expect two informal reviews within the first year with only the latter review being written.

The subcommittee members agreed to recommend that a peer review (or peer monitoring) process be initiated through a three judge panel, with judges rotating their term of service as determined by the Chief Court Administrator. The first peer monitoring findings will be conveyed orally; the second will be written; both will occur by the first year anniversary of a new judge's appointment.

4. Presiding Judges

- Evaluation Criteria
- Who Should Evaluate

See above discussion.

5. Next Steps

The subcommittee will reconvene to develop specific questions which will comprise the evaluation for judges assigned to high volume courts.

The next meeting is scheduled for Tuesday, March 31, 2009 at 2:15 p.m. at Middlesex Judicial District, One Court Street, Middletown, Room #607L

The meeting adjourned at 3:55 p.m.