

MINUTES
Judicial Performance Evaluation Program
Improvement of the Existing System for Evaluating Trial Judges Subcommittee
Meeting of February 5, 2009

The first meeting of the Subcommittee was held at the Middlesex Judicial District on February 5, 2009 at 2:00 p.m.

Members in attendance:

Hon. Robert B. Shapiro (Co-Chair), Attorney Louis R. Pepe (co-chair), Attorney Faith P. Arkin, Attorney James O. Craven, Attorney Ronald S. Gold, Attorney David R. Jimenez, Attorney Kevin T. Kane, Hon. Christine E. Keller, Hon. Antonio C. Robaina, Attorney Richard Silver and Hon. Barbara M. Quinn, Chief Court Administrator

Members absent:

Hon. Thomas J. Corradino and Sen. Andrew W. Roraback

Judge Shapiro called the meeting to order at 2:05 P.M. and noted the hand-outs for the meeting – Comparison of Evaluations from Other States and the Discussion Notes from the Break Out Groups facilitated by the Co-Chairs of the JPEP Committee at the January 13, 2009 committee meeting. Judge Shapiro noted that this and all meetings are public forums.

Agenda Items 1 and 2. Review of Committee and Subcommittee Charge and Development of Existing System

Judge Shapiro referenced a memo from Judge Shortall and Judge DiPentima that was sent by email to all judges regarding the charge of the Committee for the Judicial Performance Evaluation Program and some areas that the committee could address. Judge Shapiro noted the caveat of a June target date for recommendations from the Committee. He briefly outlined the current program and noted that the last revision to the questionnaires was in 2001.

Agenda Item 3. Review of Pros and Cons of Existing System

Attorney Pepe stated that the discussion notes from the January 13th meeting could serve as a useful tool for this subcommittee. He highlighted some of the recurring themes and questions about the present system. He noted other useful sources that have not been identified including the ABA Model and the University of Denver, Institute for the Advancement for the American Legal System.

Agenda Item 4

Examination of Other Systems

Judge Shapiro referred to the chart prepared by Meg Wilber which compares the evaluation programs from other states. It was noted that New Jersey's program is most analogous to the Connecticut program. It was recommended that the subcommittee review the chart to assist in determining what should be considered and included for the evaluation program for Connecticut.

Attorney Pepe referred to a study done by the Institute for the Advancement of the American Legal System entitled "The Transparent Courthouse". The concept of this study is a proactive court which is dedicated to the goals of accountability, accessibility, and action. The study also outlines the four principles of a judicial performance evaluation program – transparency, fairness, thoroughness and shared expectations. The report focused on states with performance commissions. It includes model questionnaires which should be reviewed.

Attorney Pepe also referenced ABA Guidelines for the evaluation of judicial performance which should be considered by the subcommittee. The guidelines include best practices that have been adopted, goals, uses, dissemination, how to administer and methodology. There are various model questionnaires that can be used.

Agenda Item 5

Issues to Consider for Improvement

Judge Shapiro sought comment from the members as to who might be added as evaluators of judicial performance. Discussion ensued regarding evaluators and what aspects of judicial performance each would be able to comment on. Discussion on possible evaluators included Administrative Judges, Presiding Judges, court staff, attorneys, judicial trial referees, and litigants. It was the consensus of the subcommittee that Presiding Judges should be involved in the evaluation process, while Administrative Judges should not be involved. Also, there was a consensus that, in concept, court staff should also be involved. Members suggested that other methods of collecting information be used in addition to the questionnaires. Areas of concern were raised such as statistical reliability, anonymity, uses of information gathered, and sharing of information.

Members discussed whether it would be necessary to consult an expert as to statistical validity or whether the model questionnaires already have validity so that we could refer to the models for sample questions.

Members also discussed how many returned questionnaires are necessary to prepare an evaluation report, types of questions to be asked and whether a comment section is beneficial.

Agenda Item 6

Deadlines/Division of Labor

After a brief discussion as to whether to divide into subgroups, it was decided to keep all members together as a subcommittee. It was recognized that this subcommittee

is charged with making recommendations and that it is not anticipated that changes in the program will be implemented by June.

Agenda Item 7

Materials for Subcommittee Members

Members should review the questionnaires from other states starting with the models from the ABA and the Institute and review the past questionnaires from our program. The subcommittee should come to a decision about the basics at the beginning of the next meeting. Materials will be circulated to the subcommittee members prior to the next meeting.

Agenda Item 8

Next Meeting

Next Meeting is Tuesday, March 3, 2009 at 2:00 PM, place to be determined.

Meeting adjourned at 4:50 PM.