

MINUTES
Judicial Performance Evaluation Program
Improvement of the Existing System for Evaluating Trial Judges Subcommittee
Meeting of March 3, 2009

The second meeting of the Subcommittee was held at the Middlesex Judicial District on March 3, 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, Hon. Thomas J. Corradino, Attorney James O. Craven, Attorney Kevin T. Kane, Hon. Christine E. Keller, Attorney Marc J. Kurzman and Hon. Antonio C. Robaina

Members absent:

Attorney Ronald S. Gold, Attorney David R. Jimenez, Sen. Andrew W. Roraback and Attorney Richard Silver

Judge Shapiro called the meeting to order at 2:10 P.M. and noted the hand-outs for the meeting – Summary of Judicial Feedback, copy of C.G.S. § 2-40a

Agenda Item I. Approval of Minutes of February 5, 2009 Meeting

Minutes of February 5, 2009 were approved.

Agenda Item II. Introduction: Uses of Information Gathered, in Light of C.G.S. § 2-40a

The committee discussed the purposes of the Judicial Performance Evaluation Program - to assist with the legislative re-appointment process and for improvement of the judiciary. It was noted that there is a tension between the educational and legislative components.

Agenda Item III. Attempt to Reach Consensus

Discussion ensued regarding obtaining evaluations from court staff, what is being solicited from the various staff members and how that should be obtained and how often. It was noted that a judge's interaction with the court staff differs depending on whether it is civil, criminal or juvenile court. It was suggested that the Presiding Judge would be able to solicit feedback from court staff and incorporate the feedback into an evaluation.

The subcommittee also discussed the time period needed to accumulate the required number of evaluations in order to produce a report. There was discussion as to whether there should be other methods of gathering the information in addition to questionnaires.

Another suggestion was for a separate commission to compile the data and provide feedback.

The subcommittee reached a consensus that court staff included probation officers, family relations officers, victim advocates, court service officers, court officers, clerk's office staff and courtroom clerks and interpreters and that all of them should be involved in the evaluation process through the solicitation of information from them by the Presiding Judge.

The frequency of the evaluations was also considered; for educational purposes there was a consensus that gathering more information and more often would be helpful. Also discussed was the possibility of having a more informal process for gathering information to use for educational purposes, and then completing a written evaluation at a later time. This could be done by a committee comprised of retired judges and retired lawyers who would be appointed by the Chief Court Administrator. This would foster consistency.

After a discussion of the questionnaires, the subcommittee reached a consensus that the format for responses used on the older questionnaires was preferred as less subjective (*i.e.*, consistently, occasionally, never, n/a) over the format used on the current questionnaires (excellent, good, fair, poor, n/a) and that the previous format should be reinstituted to for future questionnaires.

The subcommittee further discussed the possibility of having two types of questionnaires, one for major proceedings (substantial duration) and another for attorneys who appear before a judge frequently. The questionnaire could be tied to appearances before a judge over a period of time rather than a specific proceeding. Further discussion included consideration of the possibility of having sections on the questionnaire relating to pretrials, short calendar proceedings, etc. A consensus was reached that the questions should be expanded.

There was a suggestion that an evaluation should be received from two attorneys on a case before the evaluation is to be considered.

There was a consensus that an expert should be consulted with regard to statistical reliability. After discussion, the question of addition of a comments section was deferred.

The subcommittee also reached a consensus that the questionnaire should not include a "Recommended for Assignment to Complex Litigation" checkbox.

Agenda Item IV.

Assignments

Items suggested for discussion at the next meeting:

1. How can the evaluation process address the fact that different judges get more difficult cases assigned to them (civil, criminal, juvenile); and
2. How to tie the evaluation process to training.

Agenda Item V.

Next Meeting

Next Meeting is Thursday, April 9, 2009 in Room 607L, Superior Court, One Court Street, Middletown, CT.

Meeting adjourned at 5:00 PM.