

**COMMITTEE
ON THE
JUDICIAL PERFORMANCE EVALUATION PROGRAM**

**SUBCOMMITTEE
ON THE
IMPROVEMENT OF THE EXISTING SYSTEM
FOR
EVALUATION OF TRIAL JUDGES**

AGENDA

Wednesday, April 29, 2009 -- 2:15 p.m.

**Superior Court, One Court Street, Middletown
Room 607L**

- I. APPROVAL OF MINUTES FROM APRIL 9, 2009 MEETING
- II. REPORT ON MEETING OF SUBCOMMITTEE CHAIRPERSONS OF TUESDAY, APRIL 14, 2009
- III. FURTHER ATTEMPT TO REACH CONSENSUS ON:
 - A. Additional Evaluators
 - 1. PJ's (**Consensus Achieved -- YES**)
 - 2. AJ's (**Consensus Achieved -- NO**)
 - 3. Court Staff (**Consensus Achieved -- YES -- Through PJ**)
 - 4. Litigants
 - 5. Pro Se Litigants
 - 6. Probation Officers (**Consensus Achieved -- Yes -- Through PJ**)

7. Family Relations Officers (**Consensus Achieved -- Yes -- Through PJ**)
 8. Other (Victim Advocates, Courtroom Clerks, Interpreters) (**Consensus Achieved -- Yes -- Through PJ**)
- B. Revisions (If Any) To Present Attorney Questionnaire (Rev. 3/07)
1. Adequacy of Questions
 - a. Too Few / Too Many? (**Consensus Achieved -- Additional Questions -- Including For Education Purposes -- Should be Added**)
 - b. If Too Few, What Additional Areas of Inquiry?
 - c. Form of Questions (**Consensus Achieved -- Revert to Former Categories (e.g., consistently, occasionally, never)**)
 2. Information About Respondent
 - a. Too Little / Too Much
 - b. If Too Little, What Additional Data?
 - i. Outcome Favorable / Unfavorable?
 - ii. Previously Evaluated Same Judge?
 3. Addition of Comments Section? (**Judge Shortall Requests That, Since The Subcommittee Voted Concerning The Addition Of A Comments Section To The Juror Questionnaire, The Subcommittee Also Should Vote On The Addition Of A Comments Section To The Attorney Questionnaire**)
 4. Determine Statistical Reliability (**Consensus Achieved -- Refer Question to Expert**)
 5. Add Recommendation of Judge for Complex Litigation Court (**Consensus Achieved -- NO**)

C. Revisions (If Any) To Present Juror Questionnaire (Rev. 3/95)

1. Too Few / Too Many Questions? (**Consensus Achieved -- Refer Current Questionnaire To Expert For Evaluation Of Whether It: (1) Comports With Best Practices For Evaluating Judges; And (2) Provides Information To Assist The Judge In Improving His/Her Performance**)
2. If Too Few, What Additional Areas of Inquiry? (**See 1 Above**)
3. Additional Information About Respondent (*e.g.*, Previous Jury Experience)?
4. Addition of Comments Section? (**No Consensus. By Vote Of 7-2, Subcommittee Passed Motion: The Questionnaire Should Contain The Case Caption, Should Contain A Comments Section, Should Note That Comments Should Be Limited To Judge's Performance And Demeanor, And Should Note That There Should Be No Reference To Jury Deliberations**)

D. Distribution Of Questionnaires

1. Uniform Distribution Rules in All J.D.'s
 - a. Whose Responsibility?
 - b. How Enforced?
2. After Hearings of *less* Than One (1) Hour?
3. After Settlement Conferences?
4. After Mediations?
5. On Complex Litigation Docket, After Settlement Or Other Disposition of Case Before Trial Is Commenced
6. Other

E. Anonymity Issue

1. Adequacy of Present Procedures
2. If Inadequate, What Additional Procedures?

3. Greater Publication to Evaluators of Procedures to Preserve Anonymity to Increase Comfort Level?
4. Other

F. Feedback to Judges

1. Reduce Minimum Number of Complete Questionnaires Required For Compilation and Feedback (Presently 25; Only Chief Court Administrator Can Override)
2. Feedback of Evaluation Data Required When X Questionnaires Completed or Y Months Pass From Last Feedback, Whichever Comes First
3. Use of Mentor Meetings Whenever Feedback Provided

G. Use of Independent Observer/Evaluators

1. Who (*e.g.*, JTR, Retired Trial Lawyers, Others)
2. When (*e.g.*, Once Per Year? More? Less?)
3. What (*e.g.*, Questionnaire? Narrative Report? Both?)

H. Other Issues

1. How to Account for Difficulty of Cases Assigned
2. How to Tie Evaluation Process to Training

IV. ASSIGNMENTS

V. NEXT MEETING