

MINUTES
Judicial Performance Evaluation Program
Improvement of the Existing System for Evaluating Trial Judges Subcommittee
Meeting of May 6, 2009

The fifth meeting of the Subcommittee was held at the Middlesex Judicial District on May 6, 2009 at 2:15 p.m.

Members in attendance:

Hon. Robert B. Shapiro (Co-Chair), Attorney Louis R. Pepe (Co-chair), Attorney Faith Arkin, Hon. Thomas J. Corradino, Attorney James O. Craven, Attorney Ronald S. Gold, Attorney Kevin T. Kane, Hon. Christine E. Keller, and Attorney Marc J. Kurzman
Also attending: Attorney Martin Libbin, Hon. Alexandra D. DiPentima

Members absent: Attorney David R. Jimenez, Hon. Antonio C. Robaina , Sen. Andrew W. Roraback, Attorney Richard Silver

Judge Shapiro called the meeting to order at 2:15 P.M. and welcomed everyone to the meeting.

Agenda Item I. Approval of Minutes of April 29, 2009 Meeting

Minutes of April 29, 2009 were approved.

Agenda Item II. Further Attempt to Reach Consensus On:

As the subcommittee has been working from a basic Agenda for its meetings, this meeting will address the areas which remain outstanding.

F. Feedback to Judges; G. Use of Independent Observer/Evaluators; H. Other Issues

The subcommittee members began their discussion by addressing when a judge should receive feedback regarding information obtained via the questionnaires and how many questionnaires should be received before feedback is given to a judge. Some members were of the opinion that the feedback (both positive and negative) should be brought to the attention of the judge “sooner” than waiting for the evaluation report. The question was raised whether someone in Judicial would be assigned to read the evaluations. Concern was also expressed about acting on an issue without a minimum number of responses. Some members were of the opinion that significant issues would be raised separate from the evaluation program. Members also discussed circumstances in which the Chief Court Administrator could override the minimum requirement of returned questionnaires.

Members expressed the need for the information from the questionnaires to be used for individual improvement of the judges and the bench, in addition to their use in the reappointment process. Early intervention for educational and mentoring purposes was deemed important.

The members believe that the questionnaire should be just one piece of the evaluation process and that the evaluation process should have a broader structure. Referencing the suggestion of the High Volume Subcommittee that judges be reviewed by a peer panel every 3 years, members expressed a benefit to such panel members being able to view the comments on the questionnaires before observing a judge in the courtroom. This may be an issue due to the statutory requirement regarding disclosure of the evaluation information. Video conferencing could be explored as a possibility for observing a judge in a courtroom. It is believed that if the questionnaires are used by the reviewing panel then the questionnaires become a teaching tool. The questionnaires could also serve as a model for the members on the reviewing panel. Members discussed how many questionnaires should be returned before being reviewed. Members also discussed the mentoring program for new judges and the possibility of expanding the program to include all judges. It was suggested that judges be reviewed on an informal basis without a written report after a six month period; then after a year a written report be prepared. The members further discussed who should be part of the reviewing panel. The subcommittee suggested that the reviewing panel could identify areas where training or guidance is needed for improvement. Most of the members were of the opinion that if the evaluation program was adopted that waiting until 25 questionnaires were accumulated was sufficient.

The Subcommittee decided to recommend that every Superior Court Judge should be evaluated at least every three (3) years by a panel of three (3) independent evaluators consisting of one retired judge or JTR; one retired lawyer or active lawyer practicing in a Judicial District different from that of the judge being evaluated; and one non-attorney familiar with and experienced in the legal process and the court system. Said panel should observe the judge's courtroom performance for no less than one-half day and gather other relevant information about that judge's performance, and then prepare a written evaluation, which should be provided to the judge and the Chief Court Administrator. The panel should be available to discuss its report if the judge desires. The Judicial Branch should review such reports to develop and provide appropriate training and guidance for judges.

A motion was made and seconded in accordance with above paragraph.

Vote: In Favor – Atty. Pepe, Atty. Arkin, Judge Corradino, Atty. Craven, Atty. Gold, Atty. Kane, Judge Keller and Atty. Kurzman

Opposed – Judge Shapiro

The Subcommittee members agreed that if the Presiding Judge and an evaluation panel are involved in the review process as referenced above, that the issues concerning difficulty of assignment and tying the evaluation process to training have been addressed. This concludes discussion as to all agenda items.

Judge Shapiro thanked all of the subcommittee members for their efforts and reminded the members of the full Judicial Performance Evaluation Program Committee meeting on June 4, 2009 at the Wadsworth Mansion.

Meeting adjourned at 4:45 PM.

DRAFT