

**COMMITTEE
ON THE
JUDICIAL PERFORMANCE EVALUATION PROGRAM**

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

AGENDA

Wednesday, May 6, 2009 -- 2:15 p.m.

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

- I. APPROVAL OF MINUTES FROM APRIL 29, 2009 MEETING
- II. 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 (**Consensus Achieved -- NO**)
 - 5. Pro Se Litigants (**Consensus Achieved -- NO**)
 - 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? (**Consensus Achieved -- YES, But Answer Should Be Optional**)
 - ii. Previously Evaluated Same Judge?
3. Addition of Comments Section? (**By Vote of 7 to 2, The Subcommittee Passed A Motion as Follows: The Current Attorney Questionnaire Should Be Amended To Add The Following Comment Section:**

**What, if anything, did the judge
do that you find particularly
commendable or admirable?**

**What, if anything, did the judge
do that you found could be
improved?**

**Further, It Is Recommended That The Judicial Branch Use
Said Comments In The Mentoring And Professional
Development Of Its Judges And, In So Doing, Not Necessarily
Wait Until The Minimum Number Of Questionnaires
Required For Review Have Been Returned.**

4. Determine Statistical Reliability (**Consensus Achieved -- Refer Question to Expert**)
5. Add Recommendation of Judge for Complex Litigation Court (**Consensus Achieved -- NO**)
6. Refer Current Questionnaire To Expert (**Consensus Achieved -- YES, For Same Evaluation As For Juror Questionnaire; See Item C. 1. below**)

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 to 2, The Subcommittee Passed A 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 (**Consensus Achieved. Distribution Of Questionnaire Should Follow Uniform Policies And Procedures In All Judicial Districts, And It Appears That Is Presently The Case. Further, The Judicial Branch Should Consider Implementing Electronic Distribution And Return Of Questionnaire With Procedures To Adequately Protect Anonymity And Avoid Multiple Responses**)
 - a. Whose Responsibility?
 - b. How Enforced?

2. After Hearings of *less* Than One (1) Hour? **(By Vote of 6 to 3, The Subcommittee Passed A Motion As Follows: The Current Criteria For Distribution Of Questionnaire Should Be Maintained, Except That The Length Of The Hearing That Would Cause A Questionnaire To Be Distributed Should Be Reduced From One (1) Hour to One-Half (1/2) Hour)**
3. After Settlement Conferences? **(No Consensus. By vote of 6 to 3, The Subcommittee Passed a Motion As Follows: Settlement Conferences and Mediations Should Be Included in the Judicial Performance Evaluation Process Utilizing Appropriately-Designed Questionnaires Employed In An Appropriate Administrative Process)**
4. After Mediations? **(Same as D. 3., *supra*)**
5. On Complex Litigation Docket, After Settlement Or Other Disposition of Case Before Trial Is Commenced **(By Vote of 6 to 2, and 1 abstaining The Subcommittee Defeated A Motion As Follows: There Should Be Evaluation Of Complex Litigation Judges With The Understanding That There Has To Be Further Investigation As To The Type and Method of Evaluation)**
6. Other

E. Anonymity Issue

1. Adequacy of Present Procedures **(Consensus Achieved -- Present Procedures Are Adequate)**
2. If Inadequate, What Additional Procedures?
3. Greater Publication to Evaluators of Procedures to Preserve Anonymity to Increase Comfort Level? **(Consensus Achieved -- Education Of Bar On Nature, Extent And Efficiency Of Present Procedures Is Inadequate And A Joint Effort Of The Bench And Bar Should Be Undertaken To Improve That)**
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

III. ASSIGNMENTS

IV. NEXT MEETING