

JUDICIAL PERFORMANCE EVALUATION PROGRAM ADVISORY PANEL

Minutes of November 18, 2009 Meeting

(Approved January 21, 2010)

On Wednesday, November 18, 2009, the first meeting of the Judicial Performance Evaluation Program Advisory Panel was held at the Attorney Conference Room of the Supreme Court Building at 231 Capitol Avenue, Hartford, Connecticut.

In attendance were: Hon. James W. Abrams, Attorney Francis J. Brady, Hon. Patrick L. Carroll III, Attorney Proloy K. Das, Hon. Alexandra D. DiPentima, Attorney Sarah D. Eldrich, Attorney John R. Gulash, Hon. Frank A. Iannotti, Attorney Kevin T. Kane, Hon. Aaron Ment, Hon. Leslie I. Olear, Attorney Louis R. Pepe, Hon. John W. Pickard, Hon. Patty Jenkins Pittman, Hon. Barbara M. Quinn, Hon. Kevin A. Randolph, Attorney Jay H. Sandak, Dean Brad Saxton, Hon. Joseph M. Shortall, and Hon. Hillary B. Strackbein,

Absent: Hon. Patrick J. Clifford, Mr. William R. Dyson and Attorney Susan Storey.

Others in attendance: Joseph D'Alesio, Judge Trial Referee William Wollenberg and Faith P. Arkin.

I. Welcome and Introductions

Judge Quinn welcomed the members of the Advisory Panel and each member introduced himself or herself. Judge Carroll circulated a contact list information sheet.

II. Role of the Advisory Panel

Judge Quinn emphasized the important work that lies ahead for the Advisory Panel stressing the need to consider the recommendations of the Judicial Performance Evaluation Program Committee. Judge Quinn is seeking the input of this Advisory Panel to move forward on making improvements to the judicial performance evaluation program.

III. Overview of the Existing Judicial Performance Evaluation Program

Judge Quinn provided an overview of the existing Judicial Performance Evaluation Program with a PowerPoint presentation. Sample copies of evaluation composite statistics were highlighted – attorney and juror statistics. The evaluations are being used by Judge Quinn to identify areas of improvements in a judge's performance. When a sitting judge receives an evaluation report that is significantly lower than the average (i.e., 5 % points lower), the Chief Court Administrator works individually with the judge in tailoring a specific improvement program. The current mentoring program established by the Chief Justice was noted as a very valuable program

Judge Quinn noted the four key ingredients in public satisfaction: Voice, Neutrality, Respectful Treatment and Trustworthy Authority. Further, Judge Quinn noted that the current evaluation tool is fairly accurate and that the results are in accord with the “reputation” of a judge.

Judge Quinn raised the question: What is to come next? Judge Quinn highlighted the need to evaluate judges presiding in high volume courts, to evaluate judge trial referees within the existing program, and to evaluate other judicial officers.

IV. Summary of the Work of the Judicial Performance Evaluation Program Committee

Judge DiPentima and Judge Shortall presented on this topic. Judge DiPentima gave an overview of the work of the Committee and the work of the four subcommittees. Included in the binder were copies of the full report of the committee and the subcommittee reports. Judge DiPentima suggested that the members read the reports and the minutes of the various meetings that are posted on the website.

Judge Shortall presented an overview of the policy recommendations that were approved by the Committee; they included the following: 1) to expand the pool of judges to be evaluated (e.g., to include the Supreme and Appellate Court judges, high volume judges, presiding judges, judge trial referees); 2) to submit the questionnaires to survey experts to ensure that the information being obtained is statistically valid; 3) to expand the pool of evaluators; 4) to allow attorneys to provide comments; 5) to expand the Bar’s participation in the evaluation process by further educating the Bar on the program and to ensure the anonymity of the responses; 6) to move toward the electronic distribution and submission of the questionnaires; and 7) to supplement the evaluation program with a peer review process.

V. Discussion of High Volume Pilot Program and VI. Attorney Questionnaire

Judge Carroll led the discussion of the need to establish a pilot program to evaluate judges assigned to high volume dockets. Judge Carroll provided an overview of the prior pilot program that was tried in the 1990s. Judge Carroll noted the unique problems confronted in Geographical Area courts; attorney appearances are generally very brief and routine. There is a need to determine a reliable method for obtaining information that is fair and valuable.

Judge Carroll suggested a “radical departure” from the current method...one that involved an automated distribution based upon the number of dispositions. Questions presented to the Panel members: What number of dispositions should trigger the distribution of an evaluation? Should a disposition be tied to a judge or not be tied to a judge? Would three dispositions within a six month period seem reasonable?

The Panel members discussed the concept of linking dispositions as the trigger for generating evaluations and there was a general consensus in support of three dispositions within a six month period. There was also a general consensus that the dispositions would not be tied to a specific judge. If during the established period the attorney had three dispositions in a particular location, the attorney would get an evaluation for all judges assigned to the specific G.A. court.

Also, the distribution of questionnaires to the State's Attorneys and Public Defenders needs to be examined differently than those distributed to private attorneys/firms. This needs further review.

The members also discussed a draft questionnaire which included two additional criteria for evaluating judges. The draft needed further work....specifically the instructions would need to be revised.

Also, the members discussed the need to keep this pilot project separate from the existing program. Since it is only a pilot program, it would be used to obtain statistical information to present to an outside expert for review and analysis. Furthermore, it would not be information that would be provided to the judicial selection commission or to the judiciary committee because the data is being gathered only for program development.

The Panel members also discussed the concept of the evaluation program to include a peer review component. Judge Iannotti, who chaired the former Judicial Performance Evaluation Program Subcommittee Evaluating Judges Assigned to High Volume Courts and as Presiding Judges, noted that this was not a concept that received unanimous approval. After further discussion, Judge Quinn appointed a subcommittee to look at the peer review suggestion. Judge Pittman was appointed chairperson of the subcommittee; the other subcommittee members include Judge Ment, Judge Iannotti, Judge Olear, Dean Saxton and Attorney Eldrich.

There was a consensus to collect data electronically. Also, the Panel agreed on the importance of educating the Bar as to the anonymity of the process. There was a suggestion that an outside auditor/outside independent evaluator be hired to ensure the anonymity of the process. This suggestion was favorably received by all members.

In conclusion, Judge Quinn recommended that one evaluation questionnaire/form be used for evaluating judges because of the statistical problems that would arise from having different forms for different assignments since judges change assignments. Also, Judge Quinn proposed a general comment section rather than have the questionnaire include two questions (What did the judge do that is commendable? What did the judge do that can be improved?). Judge Quinn will identify the location for the pilot program. Judge Quinn will circulate a synopsis of the pilot program.

VII. Establish Schedule of Meetings

Based upon discussion regarding the next meeting of the Advisory Panel, it was suggested and agreed that the next meeting would be in mid-January. Thursdays and Fridays and afternoons were preferable for meeting days and times. At the next meeting, Court Operations will present a demo of a proposed automated high volume evaluation program.

VIII. Adjourn

The meeting adjourned at noon.