

DRAFT MINUTES

Peer Evaluation Subcommittee Meeting
Thursday, January 7, 2010
3:00 p.m.
New Britain J.D. Courthouse, Room 405
20 Franklin Square, New Britain

In attendance: Hon. Patty Jenkins Pittman, Hon. Aaron Ment, Hon. William L. Wollenberg, Hon. Frank A. Iannotti, Hon. Leslie I. Olear, and Attorney Sarah Eldrich.

Not Present: Dean Brad Saxton and Hon. William J. Lavery

Other Present: Faith Arkin

I. Welcome

The meeting commenced at 3:00 p.m. Judge Pittman, Chair of the subcommittee, welcomed the members. It was noted that Dean Saxton and Judge Lavery were unavailable to attend.

II. Review of the Current System of Judicial Evaluation (no peer evaluations)

III. Review of Purposes of Current Evaluation System

It was noted that there is no peer evaluation under the current evaluation system. Judge Iannotti discussed the work of the subcommittee that he chaired which considered the recommendation of establishing a peer review process. Also discussed was the current form used in the designation of referees as judge trial referees.

There was a brief discussion of the purposes of the current evaluation system. Three purposes of the evaluation materials were noted: 1) for the reappointment process; 2) for assignment purposes, and 3) for professional development. The overall goal to use evaluation materials to make judges “better” was recognized by a majority of the members. It was also recognized that evaluation materials have beneficial to some judges who have been subjected to unwarranted criticism.

IV. Advisability of Instituting Peer Evaluations – Pros and Cons

V. Potential Institution of Peer Evaluations

The subcommittee discussed the pros and cons of instituting peer evaluations as well as the general framework for establishing peer counseling.

Various questions were considered by the subcommittee such as: Should there be a panel of three judges or one? How would the peer process work? By whom?

After discussion, the subcommittee agreed on a number of principles and recommendations which include the following:

- There was consensus that “peer evaluations” are best used as a counseling tool for the individual judge. Therefore, it was recommended that a Peer Counseling initiative should be instituted; this initiative is distinct from the current judicial performance evaluation program.
- The purpose of this initiative is to foster professional development and not for evaluation purposes.
- The peer counseling initiative would be applicable to all who sit on the bench – judges, senior judges and judge trial referees.
- The observer would either be a judge, senior judge or judge trial referee. It was recommended that for the initial implementation of the “peer counseling” initiative, that there be only one observer. There was a general agreement that a panel of three judge observers would be administratively unworkable.
- The selection of the observer would be by the Chief Court Administrator and Deputy Chief Court Administrator with input from the Chief Administrative Judge, and the Administrative Judge and Presiding Judge at each of the respective judicial districts. It was envisioned that the Presiding Judge would be involved as an observer; however, in assignments such as juvenile matters, the Chief Administrative Judge would take a more active role in conducting the observations or identifying others who could serve as observers. Additionally, depending on the assignment and location, the Administrative Judge may also take a more active role.
- The roles and responsibilities of the Chief Administrative Judges, Administrative Judges and Presiding Judges, as set forth in the annual assignments, should be amended, to require their involvement in the “peer counseling” initiative.
- The observation feedback is confidential between the observer judge and the judge being observed. The only exception is if a judge observes a violation of the Code of Judicial Conduct.
- Every judge, senior judge and judge trial referee should be observed, at a minimum, once a year for a “reasonable period of time.” A reasonable period of time should not be defined. The observer may choose to evaluate more frequently a particular judge if he/she determines it is necessary.
- The judge being observed would be informed that an observation will take place during a specified period of time (i.e., during the week of XXX); identifying a specific date and time would create administrative problems.

- There would be no written report regarding the observation.
- The Subcommittee recommended changing the name of its subcommittee to “Peer Counseling” subcommittee.
- The judge observers should participate in a “training” program; criteria, similar to the criteria included on the attorney questionnaire, should be considered when conducting the observation. Demeanor was noted as being one of the most important characteristics to be observed. The training of the judge observers should strive for achieving consistency in conducting the evaluations. The materials used in the mentoring program should be examined in developing the materials for this initiative.

The committee recognized that the success of this peer counseling is dependent on the honesty and the good will of the judge observer and the judge being observed.

VI. Necessity for Further Study

VII. Report of Preliminary Discussion to Full Judicial Performance Evaluation Program Committee

The subcommittee concluded that it met its initial charge and Judge Pittman will report its recommendations to the JPEP Advisory Panel at the January 21, 2010 meeting.

The meeting adjourned at 4:25 p.m.

Respectfully submitted,

Faith P. Arkin