

Meeting Agenda/Minutes (Revised)

Judicial Performance Evaluation Program Subcommittee: Evaluating Judge Trial Referees

Wednesday, February 4, 2009 at 2:30 p.m.
Middlesex JD courthouse, Room #607L
One Court Street, Middletown

Attendees:

Hon. A. Ment, Chair
Attorney R. Halloran, Member
Hon. A. Aronson, Member
Hon. M. Dennis, Member

K. Chorney, Staff
M. Libbin, Counsel

Absent:

Attorney L. Barndollar

Meeting commenced at 2:42 p.m.

I. Review of Judge Trial Referee Authority

In response to a question raised by a subcommittee member, the group discussed the process of Judge Trial Referee appointments: when Judges reach the age of 70 they become State Referees unless they retire from the bench. State Referees, after reaching the retirement age of 70, may request appointment from the Chief Justice on a yearly basis to serve as a Judge Trial Referee.

Judge Trial Referees have the authority to hear cases of an adversarial nature. Judge Trial Referees preside over trials such as criminal matters, family matters, civil matters including pre-trials, administrative appeals, tax cases and juvenile cases. Judge Trial Referees may also be authorized to issue search warrants and arrest warrants. Judge Trial Referees are authorized by statute to sit in the GA courts.

II. Discussion of Work Currently Performed by Judge Trial Referees

Subcommittee members discussed the role of Judge Trial Referees and compared their work to that of Judges:

- Judge Trial Referees may preside over trials while Referees may not. Most Judge Trial Referees are unassigned and sit in on cases as the Administrative Judge or Presiding Judge deems necessary. Some Judge Trial Referees work on arraignments, Family and Civil court pre-trials, administrative appeals and tax cases while others may be designated to hear juvenile matters or issue warrants and criminal processes.

- Functionally, there is no difference between the Judge Trial Referee and a Judge performing the same work.
- There is no appreciable difference between what Judge Trial Referees and Judges do in arraignment court; therefore, subcommittee members agreed to offer this piece of the evaluation program review to the High Volume Subcommittee.

III. Review of Current Review process

Subcommittee members discussed the annual re-appointment process for Judge Trial Referees:

- All Referees are reviewed annually for a determination as to whether they should be designated as a Judge Trial Referee. This review is documented on Form JD-ES-107 which is currently being revised.
- There was brief discussion about adding basic health inquiries to the form used to request re-appointment as a Judge Trial Referee. Although there was some concern that these questions should be asked of all Judges, members concurred that Judges answer those questions at Judiciary Committee confirmation hearings, therefore, adding these questions to Form JD-ES-107 may not be treating Judge Trial Referees unfairly.
- Senior Judges are treated as Judges for evaluation purposes because they have all the authority of judges.

IV. Next Steps

1. Subcommittee members will get a draft summary of discussion and proposals for further review and comment.
2. Judge Ment will call Judge Iannotti regarding evaluating referees under High Volume.

The meeting was adjourned at 3:40 p.m.

[Please see attached preliminary recommendations.]

**Judicial Performance Evaluation Program Subcommittee:
Evaluating Judge Trial Referees**

PRELIMINARY RECOMMENDATIONS

1. Judge Trial Referees should be evaluated similarly to Judges doing the same work.
2. Any and all review and recommendation information should be available to the Chief Court Administrator for her information when she is recommending to the Chief Justice the appointment of a Referee to become a Judge Trial Referee.
3. Review recommendations for Judge Trial Referees on a calendar year basis to allow sufficient time for any necessary performance issue improvement.

Any notice of need for improvement should be provided to a Judge Trial Referee 6 months in advance of Judge Trial Referee re-appointment date.

4. Continue to appoint Judge Trial Referees on a fiscal year basis.

Judge Trial Referees should be afforded sufficient opportunity to correct performance issues prior to a designation determination at the end of the fiscal year. Staggering the review of recommendations for Judge Trial Referee appointments will allow the time necessary to accomplish this.

5. Provide regular and timely review of concerns with Judge Trial Referees through meetings and discussions.

Judge Trial Referees should be provided feedback regarding their work performance through regular and timely meetings and discussions with Administrative Judges, the Deputy Chief Court Administrator, and/or the Chief Court Administrator.