

# JUDICIAL PERFORMANCE EVALUATION PROGRAM ADVISORY PANEL

## Minutes of June 2, 2010 Meeting

*(Approved by JPEP Advisory Panel at November 30, 2010 meeting)*

On Wednesday, June 2, 2010, the Judicial Performance Evaluation Program Advisory Panel held its third meeting in the Fourth Floor Conference Room, Room 4B, at 225 Spring Street, Wethersfield, Connecticut.

In attendance were: Hon. Barbara M. Quinn, Chairperson, Hon. James W. Abrams, Hon. Patrick L. Carroll III, Hon. Patrick J. Clifford, Attorney Proloy K. Das, Hon. Alexandra D. DiPentima, Mr. William R. Dyson, Attorney John R. Gulash, Hon. Frank A. Iannotti, Attorney Kevin T. Kane, Hon. Aaron Ment, Hon. Leslie I. Olear, Hon. John W. Pickard, Hon. Patty Jenkins Pittman, Hon. Kevin A. Randolph, Attorney Jay H. Sandak, Dean Brad Saxton, Hon. Joseph M. Shortall, Attorney Susan O. Storey.

Absent: Attorney Francis J. Brady, Attorney Sarah D. Eldrich, Attorney Louis R. Pepe, Hon. Hillary B. Strackbein.

Others in attendance: Joseph D'Alesio and Lee Helwig.

### I. Opening

Judge Quinn called the meeting to order at 2:13 p.m.

### II. Approval of Minutes of January 21, 2010 Meeting

The revised minutes (01-21-09) were unanimously approved.

### III. Peer Development Program Proposal

Judge Quinn reviewed the progress of the Peer Development Program Proposal, noting that the Peer Development Subcommittee submitted its proposal at the last meeting. Judge Quinn informed the Advisory Panel that final points in the development of the program were being addressed, including how judges will be trained to assist their peers. Judge Quinn also informed the Advisory Panel that one goal is to provide appropriate peer assistance training to judges in each district, thus eliminating the need for travel.

### IV. High Volume Pilot Program

Attorney D'Alesio introduced the electronic version of the attorney questionnaire that will be used in the high volume pilot program. Attorney D'Alesio acknowledged the assistance of Attorneys Gulash, Storey and Young in developing and testing the program.

Attorney D'Alesio subsequently conducted a demonstration of the electronic questionnaire. During the demonstration, members of the Advisory Panel discussed the pilot program timeline, reliance on the honor system and the possible influence of a previous negative experience on a current evaluation. Attorney D'Alesio noted that the electronic version of the attorney evaluation form includes two additional questions, "Facilitation in Development of Options for Settlement/Pleas" and "Ability to Effectively Settle Cases." Attorney D'Alesio also noted that if the electronic questionnaire is successful, its use could be expanded to the Civil and Family Divisions of the Superior Court, with the Advisory Panel participating in the identification of appropriate triggering events. Judge Carroll stated that he is hopeful that the rate of return is higher using an electronic questionnaire than it has been using the paper type.

Judge Quinn stated that the collected data will be reviewed by an expert. The Advisory Panel discussed the optimum time or bringing in an expert and Judge Quinn concluded that the review would be most effective once data has been collected from the pilot project.

Dean Saxton suggested that a telephone number be prominently added to the notice so that participants can call if they have questions. Attorney Gulash stressed the importance of communicating with the bar regarding the pilot program in advance. Attorney D'Alesio indicated that he expects to arrange for such communications.

#### V. Attorney Questionnaire

Judge Quinn reminded the Advisory Panel that questionnaires are still being sent by mail and that the existing program is still operating. Judge Quinn further stated that if the additional questions, as previously set forth by Attorney D'Alesio, are successful, they may be added to the paper questionnaire.

Judge Quinn raised the issue of the use of the collected comments. The Advisory Panel concluded that comments collected in the pilot program would be used for statistical purposes and analysis and would assist the panel in determining how best to include this in future questionnaires. The Advisory Panel discussed anonymity concerns, judges' concerns, including the effect of random comments, and how this might contribute to the legitimacy of the process. The possibility of separating the comments from the rest of the evaluation process was also raised. Judge Quinn suggested examining the statutory language to see if this might be possible. Judge DiPentima suggested that given the anonymity concerns, that the anonymity language in the pilot program be amended to indicate that the anonymity policy only applies to the pilot program. This suggestion was met with agreement by the other members of the Advisory Panel.

The 1991 version of the attorney questionnaire was distributed to members of the panel. That version included a number of “attitude toward” questions. The panel agreed that the addition of these types of questions should be considered. The panel agreed that this item should be tabled until the panel receives professional guidance from an expert on how to proceed. Judge Quinn also suggested the possibility of convening a subcommittee on this topic.

VI. Evaluation of Judge Trial Referees

Judge Quinn confirmed that the Branch is prepared to move forward with the evaluation of Judge Trial Referees using the current criteria, but feeding the collected data into a separate data base. Judge Quinn further suggested that this needs to dovetail with the JTR Committee. Attorney D’Alesio indicated that the goal for beginning the process is September 1<sup>st</sup> and that the clerks will need to be notified in advance.

VII. Other Matters

The panel engaged in a discussion of the recruitment and appointment of minority judges.

VIII. Adjourn

The meeting adjourned at 3:37 p.m.