

JUDICIAL PERFORMANCE EVALUATION PROGRAM ADVISORY PANEL

Minutes of January 21, 2010 Meeting

(Approved by JPEP Advisory Panel at June 2, 2010 meeting)

On Thursday, January 21, 2010, the Judicial Performance Evaluation Program Advisory Panel held its second meeting in 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 J. Clifford, Attorney Proloy K. Das, Hon. Alexandra D. DiPentima, Mr. William R. Dyson, Attorney Sarah D. Eldrich, Attorney John R. Gulash, Hon. Frank A. Iannotti, Hon. Aaron Ment, Hon. Leslie I. Olear, Attorney Louis R. Pepe, Hon. Patty Jenkins Pittman, Hon. Barbara M. Quinn, Hon. Kevin A. Randolph, Attorney Jay H. Sandak, Dean Brad Saxton, Hon. Joseph M. Shortall, Attorney Susan Storey, and Hon. Hillary B. Strackbein,

Absent: Hon. Patrick L. Carroll III, Attorney Kevin T. Kane, and Hon. John W. Pickard.

Others in attendance: Joseph D'Alesio, Faith P. Arkin, Norman Ross and William Lavery.

I. Welcome

Judge Quinn welcomed the members of the Advisory Panel; Judge Quinn noted that there was an updated contact list in the folder.

II. Approval of Minutes of November 18, 2009 Meeting

The revised minutes (12-4-09) were unanimously approved.

III. Report of Peer Evaluation Subcommittee

Judge Pittman presented a report of the Peer Evaluation Subcommittee. Judge Pittman highlighted the discussions of the subcommittee: the subcommittee arrived at a consensus that rather than a formal peer evaluation program, a peer counseling initiative be implemented on a trial basis. They were of the opinion that records should not be kept; a senior colleague would observe the judge and after the observation, there would be a dialogue between the judge/observer and the judge who was observed. There was agreement that this informal peer observation would be a valuable tool and that it would be implemented for all judges, if possible, on a yearly basis.

Following the report of the subcommittee, there was discussion by the Advisory Panel as to the number of observers, the possibility of utilizing panels of three, the composition of the observers (e.g., sitting judges, retired judges, non lawyers, lawyers from a different judicial district) and the purpose of the observation. There was agreement that this concept should be developed as a

counseling initiative and not a component of the evaluation program. There was a vote to change the name of the subcommittee to Peer Development; the vote was unanimous. Based upon the discussions, Judge Quinn stated that she will come up with ideas to present to the Advisory Panel.

IV. Judicial Performance Evaluation Program Objectives

Judge Quinn discussed the program objectives that were developed when the original evaluation program was instituted and the objectives that were recently included in the Report of the Judicial Performance Evaluation Program Committee; Judge Quinn asked the Panel if anything should be added or revised. The primary objectives of the Judicial Performance Evaluation Program are to use the data collected on the questionnaires for the following purposes:

- The development and improvement of the individual judge and of the bench as a whole;
- The development of educational programs for the judiciary;
- The assignment of judges;
- Providing information to the Judicial Selection Commission and the Judiciary Committee in the reappointment process;
- Providing for an appropriate level of accountability for judicial performance; and
- Increasing the transparency of the judicial process for the public and enhancing the public confidence in the judicial system.

At the present time, there were no changes to the objectives.

It was noted that the objectives fall within two major categories – the improvement of the judge and the bench, as a whole, and the evaluation component. Some members were of the opinion that some objectives may appear to conflict; however, overall, all the objectives will ensure a better judicial evaluation program.

V. Discussion of High Volume Pilot Program

Joseph D. D'Alesio presented a comprehensive overview of the Pilot Program for High Volume Courts. The following were discussed: the purpose of the program, the proposed locations (G.A. 2 and G.A. 12); the proposed start date (Spring 2010), who will participate in the pilot program (private attorneys, state's attorneys and public defenders); the evaluation program criteria, the overall process as to how the program will work (it will be an electronic process for the selection, distribution and completion of the evaluation); how the anonymity of the respondents will be ensured, and the weighing and tabulating of evaluations to provide an equitable balance among the evaluations by private attorneys, state's attorneys and public defenders. Prior to implementing a pilot program, test sessions with attorneys will be conducted

to solicit feedback. Also included in the presentation were draft screen shots of proposed web pages. Members suggested changes to some of the draft screen shots:

- On the opening page, the sentence that commences with “We ask that you only evaluate those judges ...” be amended to read “We ask that you evaluate only those judges at that court location before whom you have appeared in the last three months, with your evaluation based upon those recent appearances.”
- On the various evaluation program web pages, include “Click Here to Begin Evaluation.”
- If possible, include a “countdown” of the number of days that the attorney is eligible to complete the evaluation.

There was further discussion about the disposition criteria. It was suggested that the criteria be expanded to include the granting or denying of AR. Also discussed was the information to be included on the evaluation page.

Educating the public defenders, state’s attorneys and the private bar is critical for the success of this program. Chief Public Defender Storey requested that a presentation of the pilot program be conducted for the State’s Attorneys and Public Defenders.

Further noted was the inclusion of judge trial referees in this evaluation process.

VI. Other Matters

A discussion was led by Mr. Dyson on the Judicial Selection Commission.

VII. Adjourn

The meeting adjourned at 3:40 p.m.