

JUDICIAL PERFORMANCE EVALUATION PROGRAM ADVISORY PANEL

Minutes of November 30, 2010 Meeting

(Approved by JPEP Advisory Panel at December 13, 2011 meeting)

On Tuesday, November 30, 2010, the Judicial Performance Evaluation Program Advisory Panel held its fourth meeting at the Judicial Branch Learning Center, 99 East River Drive, Room 707, East Hartford, Connecticut.

In attendance were: Hon. Barbara M. Quinn, Chairperson, 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. Leslie I. Olear, Attorney Louis R. Pepe, Hon. Patty Jenkins Pittman, Attorney Jay H. Sandak, Dean Brad Saxton, Hon. Joseph M. Shortall, Attorney Susan O. Storey, and Hon. Hillary B. Strackbein.

Absent: Hon. James W. Abrams, Hon. Patrick J. Clifford, Mr. William R. Dyson, Hon. Aaron Ment, Hon. John W. Pickard, and Hon. Kevin A. Randolph

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

I. Opening

Judge Quinn called the meeting to order at 2:11 p.m.

II. Approval of Minutes of June 2, 2010 Meeting

The minutes (06-02-10) were unanimously approved.

III. High Volume Pilot Program

- Results

Judge Quinn presented an overview of the high volume pilot program results. It was noted that the percentage of participation in the high volume pilot program was significantly lower than in the evaluation program that is currently in place. Judge Quinn observed that this may be attributed to different factors, including the fact that this group of attorneys is not accustomed to participating in our survey process and that this was a pilot survey rather than an actual survey. A sampling of redacted comments submitted through the high volume pilot program was subsequently viewed by Advisory Panel by way of PowerPoint slides.

- Expansion of High Volume Pilot Program to All Geographical Area Courts

Judge Quinn stated that the high volume pilot program will be expanded to all of the Geographical Area Courts in the state for a six month period. This will allow the Branch to collect additional data, educate attorneys on the process generally and encourage attorneys to use individual juris numbers. In addition, this will provide an opportunity to test the inclusion of Judge Trial Referees while legislation is pending (see V). Judge Quinn confirmed that a professional review of the high volume program would occur following conclusion of the pilot.

- Requirement That Attorneys Use Individual Juris Numbers

Judge Carroll addressed the requirement that individual juris numbers be used by attorneys both to qualify for and actually participate in the high volume program. Attorney Gulash noted that a number of attorneys file firm appearances for reasons related to malpractice coverage. Attorney Gulash raised the issue of whether a new individual appearance should be filed every time a different attorney from a single law firm appears before the court in a single case. Attorney D'Alesio remarked that this probably does not occur regularly. There was discussion among the Advisory Panel of different options that might be considered. Judge Carroll stated that he and Judge Quinn did not seek to change the current process to accommodate the program. Attorney Gulash observed that this is an educational issue that should be addressed. Informational sessions similar to those conducted in Bridgeport GA 2 and Manchester GA 12 will be pursued during the expansion period.

IV. Bias/“Attitude Toward” Questions

Judge Quinn asked for volunteers from the Advisory Panel to serve on a subcommittee to be charged with specifically addressing the bias issue. It was noted that bias questions are presently included in the Juror Questionnaire, but that there is some question as to their currency and effectiveness. Attorneys Kane and Storey indicated their willingness to serve on the subcommittee and Judge Quinn asked that the remaining members of the Advisory Panel also consider serving.

V. Inclusion of Judge Trial Referees in the Judicial Performance Evaluation Program

Judge Quinn stated that before the program is expanded to include Judge Trial Referees, legislation must be enacted to ensure the confidentiality of performance evaluations produced as part of the program and that the Branch has drafted legislation to address this concern. Also, the development and maintenance of a separate Judge Trial Referee database for the collection of data and the production of performance evaluations will be required.

VI. Other Matters

Attorney Sandak suggested that the Branch consider providing information to the bar regarding action taken based on survey results, e.g., educational programs for judges. The electronic questionnaire could be enhanced to ask participating attorneys if they would be interested in receiving this information from the Branch. This might help members of the bar feel like they have been listened to and thus encourage their participation. Members of the Advisory Panel further discussed the matter, suggesting that such information could be provided in a general way, so as not to compromise the confidential nature of the program. It was noted that one of the main purposes of the program was to provide information to both the Judicial Selection Commission and the Judiciary Committee.

Judge Quinn stated that the Peer Development Program is nearing completion and that dates for training will be scheduled.

Attorney D'Alesio suggested that the program, "For The Record" or FTR could be used to track the length of a proceeding for purposes of determining when an attorney questionnaire should be sent.

VII. Adjourn

The meeting adjourned at 3:10 p.m.