

**JUDICIAL PERFORMANCE EVALUATION PROGRAM ADVISORY PANEL
SUBCOMMITTEE ON BIAS**

Minutes of July 7, 2011 Meeting

(Approved by the JPEP Advisory Panel Subcommittee on Bias at September 7, 2011 meeting)

On Thursday, July 7, 2011, the Judicial Performance Evaluation Program Advisory Panel Subcommittee on Bias held its first meeting at the Superior Court Operations Administrative Office Building, 225 Spring Street, Room 4B, Wethersfield, Connecticut.

In attendance were: Hon. Robert J. Devlin, Chairperson, Hon. Patrick J. Clifford, Attorney Kevin T. Kane, Hon. Kevin A. Randolph, Attorney Susan O. Storey, Hon. Hilary B. Strackbein

Absent: Hon. James W. Abrams, Hon. Patrick L. Carroll III, Hon. Barbara M. Quinn, Attorney James T. Shearin

Others in attendance: Attorney Joseph D. D'Alesio, Attorney Faith P. Arkin, Attorney Lee J. Helwig and members of the press and public.

I. Opening

Judge Devlin called the meeting to order at 2:07 p.m.

II. Introduction

Judge Devlin greeted members of the public and introduced the members of the subcommittee. Judge Devlin informed the subcommittee that it will be expected to report its recommendations to the full Judicial Performance Evaluation Program (JPEP) Advisory Panel at a meeting which will be scheduled for October 2011. Accordingly, it is necessary for the subcommittee to conclude its work by that time.

III. Role of the Subcommittee

The subcommittee discussed its role and the breadth of its charge. The term "bias" is sometimes considered ambiguous or pejorative. Accordingly, the subcommittee concluded that the terms "equal treatment" and "fairness" are more accurate and meaningful. The subcommittee will consider how the issues of equal treatment and fairness are handled in the context of judicial performance evaluation questionnaires and how information on those issues may be captured most effectively.

IV. Discussion

The subcommittee reviewed past and present revisions of the attorney and juror judicial evaluation forms. The subcommittee discussed the content of the evaluation forms, including whether the substance of the actual questions, the form in which the questions are presented and the answers effectively capture information regarding equal treatment and fairness.

The subcommittee discussed the potential use of several broad categories of questions that could assist in obtaining information on the issues of equal treatment and fairness, with reference to the Guidelines for the Evaluation of Judicial Performance set forth by the American Bar Association. As a subset of a relatively broad type of question, more specific inquiries related to the topic of membership in a protected class could also be explored. The question and answer format used in several jurisdictions was discussed, and it was concluded that the format used in Arizona warranted further study. There was also discussion about various options with regard to rating systems.

V. Next Steps

The subcommittee agreed that a draft questionnaire should be created and circulated among the subcommittee members. The draft is to include the possible categories of questions discussed at the meeting, including inquiries related to protected classes. Additionally, efforts will be made to obtain copies of the questionnaires used in Arizona. A second meeting date was tentatively set for September 7, 2011, subject to the availability of the subcommittee members and adequate meeting space. A third meeting, if necessary, will be scheduled in late September or early October, prior to the meeting of the full Advisory Panel.

V. Adjournment

The meeting adjourned at 3:00 p.m.