



MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)
January 30, 2009, 8:00 a.m.
State Bar Center, Board Room, Albuquerque, New Mexico

I. Agenda - JPEC made no changes to the agenda.

II. Welcome, New Members, Introductions

Chair Felix Briones called the meeting to order at 8:00 a.m., and a quorum was present. The following individuals attended:

Members Present:

Mr. Felix Briones, Jr. (Chair)
Mr. Avilio Chavez
Ms. Barbara Castillo-Velarde
Ms. Karen Cortese
Mr. Patrick Freeman
Justice Gene Franchini (Vice Chair)
Ms. Josephine Mitchell
Ms. Ruth Schifani

Members Absent:

Ms. Phyllis Dominguez
Mr. Joe Gant
Ms. Lori Hartley
Ms. Francesca Martinez Estevez
Mr. Regis Pecos
Ms. Leonila Duran Serna
Ms. Denise Torres

Others Present:

Louise Baca-Sena, Staff
Carmen Rodriguez, Staff

Mr. Briones welcomed two of the three newly appointed members to the JPEC. Karen Cortese is the co-owner of CC, Inc., a farming and ranching entity, and Cortese Family Properties, LP. In addition to ownership of the family business, she has been a substitute teacher for the Fort Sumner School System. Cortese is a very active community volunteer. Patrick Freeman resides in Truth or Consequences. Patrick S. Freeman is general manager of the Lordsburg Mining Company, which specializes in gold and silver mine and mill development. He currently serves as a Citizen's Review Board Member for the New Mexico Children, Youth and Families Department in Sierra County and was previously a board member of the Sierra Vista Hospital and Sierra County Chamber of Commerce.

III. Minutes of November 21, 2008

Draft minutes of the November 21, 2008 meeting were considered. Barbara Castillo-Velarde moved that the minutes be approved as prepared. Josephine Mitchell seconded the motion, and the minutes were adopted with no objection.

IV. Announcements

Louise provided a list of JPEC meetings scheduled for 2009 and 2010. Members were asked to review their contact information and provide any changes to Carmen so that AOC staff can update the JPEC roster.

V. Meeting with Pamela Lambert, Director, Judicial Education Center

JPEC met with Pamela Lambert, Director of Judicial Education Center (JEC). She has worked with JEC for approximately twelve years in different capacities. Ms. Lambert educated the Commission on the JEC:

- created in 1991 with federal funds and in 1993 established by state statute;
- received its funding off a \$2.00 add-on fee for all misdemeanor, petty misdemeanor and penalty assessment misdemeanor convictions;
- the Judicial Education Training Advisory (JETA) Committee oversees JEC, with nineteen members serving;
- responsible for educating all judges and court staff, including sponsorship of annual conferences (judicial conclaves) and seminars for quasi-judicial officers. Also, they are responsible for developing specialty programs on DWI or domestic violence and resource manuals. JEC provides funding for judicial staff to participate in the judicial studies courses and the Navajo Court Interpreting Program.

JEC is presently working on:

- a detailed curriculum for the magistrate and municipal judges training;
- testing for the magistrate and municipal judges; and
- orientation training for new district court judges.

Ms. Lambert reported that the judicial conclave is mandatory training for the district and appellate court judges. The Continuing Legal Education Committee takes recommendations from different entities to come up with the curriculum for the conclave. The judicial conclave will include updates on civil procedure and criminal law, keynote speakers on a variety of topics, workshops on ethics and professionalism, and a short sleeve session. They will shorten the 2009 conclave by one-half day, starting on a Wednesday afternoon and ending Friday.

Ms. Lambert also shared that JEC has state general funds to send district court judges to out of state training, which funding is subject to significant reduction in FY 2010. The judge must provide a letter to JEC informing them what the training is, the

estimated cost for the training, and what value does the training have to the judge and to the court. This funding is also used to send new district court judges to the Reno Judicial College.

The JPEC reviewed the list of training ideas provided to Ms. Lambert on 12/2/08. In addition to these ideas, the JPEC discussed having clarification or training on what conditions can a court close the court, judges wear their robes when sentencing and judges familiarizing themselves with the administrative rules of various agencies (fire department, animal control, etc.).

VI. 2008 Retention Election Recap

Brian Sanderoff from Research & Polling, Inc., presented the 2008 Retention Election Recap for the appellate and district court judges. Mr. Sanderoff reported:

Appellate Court Judges Retention

- average votes in the 2008 appellate retention elections were 598,650, compared to 367,484 in 2002 and 419,950 in 1996;
- the drop off from the presidential race was 27.9% and drop off from the U.S. Senator race was 27.3%;
- the drop off from the bond elections was 13.9%; and
- the drop off from the amendment elections was 13.3%.

District Court Judges Retention

- the number of "yes" or "no" votes for each judge ;
- average total votes in the 2nd Judicial District (Bernalillo County) was 192,848;
- the drop off in the 2nd Judicial District Retention for the presidential race was 32.5% and drop off from the U.S. Senator race was 32.0%;
- the drop off from the bond elections was 20.6% in the 2nd Judicial District Retention; and
- the drop off from the amendment elections was 19.3% in the 2nd Judicial District Retention.

Mr. Sanderoff also compared the 2008 votes cast in support of the district court judges retention with the 1996 and 2002 retention elections.

VII. Findings and Written Report on Public Opinion Poll of NM Registered Voters

The JPEC commissioned Research & Polling to study JPEC's awareness levels and perceived value and performance among New Mexico's registered voters. Research & Polling conducted a random sample of voters who voted (400) in the November 2008 General Election. Mr. Sanderoff presented its final report to the JPEC. He noted the following:

- thirty-three (33%) percent of voters said they had heard of JPEC while 67% are unaware. Considering the low awareness level of the JPEC, it is clear improvement is needed in spreading the word to registered voters.

The JPEC should consider working all year to build up awareness of the JPEC rather than competing for voters time before a general election (presidential, governor, U.S. senator, etc.);

- knowledge of JPEC's purpose is also lacking in the community. Among recent voters who recall hearing of the JPEC unaided, nearly 45% are unsure of its goals or mission;
- nearly two-thirds (65%) of those who recall hearing or reading about the JPEC's reports feel they were helpful, and 54% say they relied on the information to make decisions concerning judicial retention;
- as to the quality of the information, the majority (57%) of voters feel the JPEC's evaluations are trustworthy or credible, compared to just 15% who disagree. Those who are familiar with the JPEC are more likely than others to say JPEC is doing a good job of improving judicial performance; and
- JPEC needs to find better ways of letting voters know about its recommendations. It is essential that JPEC bolster its communication efforts to help create a more informed electorate.

VIII. Plan for Assessing New Mexico's Judicial Performance Evaluation Program

In an ongoing effort to improve the judicial performance evaluation program, Brian Sanderoff presented a proposal for JPEC's consideration to obtain responses from judges, court staff and attorneys to measure satisfaction levels with the JPE program and to obtain feedback about the program's effectiveness and perceived value. This will help guide the Commission in making enhancements to the program. This work will be completed over the next five months.

Research & Polling will do the following:

- ask judges (appellate, district, and metropolitan) to complete an on-line survey. The survey will ask judges to respond to questions on the overall satisfaction of the JPE program; the value of different aspects of the evaluation process (interim reports, interview process, final narratives, etc.); whether judges feel they benefit from the JPE process; and ways in which the JPEC can improve the program;
- hold focus groups with some judges (appellate, district and metro), attorneys, and court staff around the state. The focus groups will draw discussion on opinions regarding the survey process, including the rating scale, groups surveyed, and whether the population groups feel questions need to be added or removed from the surveys; perceptions regarding the information (e.g., narrative) released to the public; opinions regarding ways to increase response rates; and opinions regarding the possibility of completing the surveys online and whether there would be a perceived problem with confidentiality; and
- hold a focus group with JPEC.

Research & Polling will present its findings at JPEC's June and July meetings, with a detailed report in August 2009.

IX. 2008 Retention Activities Recap

Patti Watson from Cooney, Watson & Associates presented the 2008 Retention Activities Recap for the appellate and district court judges. Ms. Watson reported:

- more outreach was done for the 2008 Retention Election than in previous retention elections;
- generated twelve judicial-district specific reports to voters;
- disseminated additional copies of the reports to libraries, community centers, etc.;
- translated and posted evaluations in Spanish of the two statewide appellate judges and districts court judges in the 1st and 5th judicial districts;
- printed a Spanish-language print advertisement in *La Voz*, a publication of the Santa Fe New Mexican that reaches voters in the 1st judicial district;
- produced English and Spanish radio advertisements and ran the advertising on stations to cover all the judicial districts; and
- for 2008, the JPEC website recorded 10,576 unique visitors, who visited the site a total of 15,710 times and viewed 261,980 pages. This far outpaced web traffic in any previous election.

Ms. Watson also provided a breakdown of costs for printing the *Report to Voters* and radio advertising.

Ms. Watson reviewed its recommendations for 2010 with the JPEC:

- consider a somewhat more transparent evaluation format. Perhaps including the five point scale with attributes. For example, 5 = excellent, 4-4.99 = above average, 3-3.99=average, etc. Or, consider rating on a percentage basis with attributes: 90-100% = excellent, 80-89% = above average, 70-79% = average, etc.;
- schedule the news conference on a Friday;
- perform more public education and outreach activities between 2009 and 2010;
- continue to expand the Spanish language program;
- add interactive feature to the website;
- add internet advertising to the traditional print, radio and television advertising;
- take advantage of any and all interim opportunities to earn media; and
- work on forming closer partnerships with other nonprofits.

Patti will develop a 2009/2010 proposal of activities for the JPEC to consider at its June or July 2009 meeting.

X. 2008 Bernalillo County Metropolitan Court Judges' Interim Results

The JPEC interviewed Bernalillo County Metropolitan Court Judges Rachael Walker and Anna Martinez in Albuquerque. These draft Interim Evaluation Reports for interviews done on January 30, 2009, are due to Louise on or before February 15,

2009.

The Commission took the following action on the content of the proposed Interim Reports for the following Bernalillo County Metropolitan Court Judges:

- Ruth Schifani MOVED that JPEC approve the Interim Report with changes made to Judge Rosie Lazcano Allred's Interim Report. Avilio Chavez SECONDED the motion and it PASSED UNANIMOUSLY.
- Avilio Chavez MOVED that JPEC approve the Interim Report with changes for Judge Julie Altwies. Josephine Mitchell SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC approve the Interim Report for Judge Benjamin Chavez. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Josephine Mitchell MOVED that JPEC approve the Interim Report for Judge Sandra Clinton. Avilio Chavez SECONDED the motion and it PASSED UNANIMOUSLY.
- Avilio Chavez MOVED that JPEC approve the Interim Report with changes for Judge Sandra Engel. Justice Gene Franchini SECONDED the motion and it PASSED UNANIMOUSLY.
- Barbara Castillo-Velarde MOVED that JPEC approve the Interim Report with changes for Judge Kevin Fitzwater. Avilio Chavez SECONDED the motion and it PASSED UNANIMOUSLY.
- Barbara Castillo-Velarde MOVED that JPEC approve the Interim Report with changes for Judge Victoria Grant. Josephine Mitchell SECONDED the motion and it PASSED UNANIMOUSLY.
- Justice Gene Franchini MOVED that JPEC approve the Interim Report with changes for Judge Daniel Ramczyk. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Avilio Chavez MOVED that JPEC approve the Interim Report with changes for Judge Cristina Jaramillo. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Avilio Chavez MOVED that JPEC approve the Interim Report with changes for Judge Judith Nakamura. Ruth Schifani SECONDED the motion and it PASSED UNANIMOUSLY.
- Josephine Mitchell MOVED that JPEC approve the Interim Report with changes for Judge Linda Rogers. Gene Franchini SECONDED the

motion and it PASSED UNANIMOUSLY.

- Josephine Mitchell MOVED that JPEC approve the Interim Report with changes for Judge Frank Sedillo. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Justice Gene Franchini MOVED that JPEC approve the Interim Report with changes for Judge Victor Valdez. Ruth Schifani SECONDED the motion and it PASSED UNANIMOUSLY.
- Barbara Castillo-Velarde MOVED that JPEC approve the Interim Report with changes for Judge Sharon Walton. Karen Cortese SECONDED the motion and it PASSED UNANIMOUSLY.

XI. Budget, Update on FY 2009 and Projections through FY 2015

Louise briefed the Commission on expenditures of the Commission's budget as of January 30, 2009. She also reviewed projected expenditures with the Commission through FY 2015.

Ruth Schifani moved to adopt Research & Polling's proposal to assess the JPE program for a total amount of \$72,411.56. Justice Gene Franchini seconded the motion, and it was approved without objection.

XII. Next Meeting

The next meeting is scheduled for June 26, 2009, at the State Bar of New Mexico, Albuquerque.

Minutes prepared by:



Louise Baca-Sena, JPEC Staff