



## MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)

March 5, 2010, 8:00 a.m.

State Bar Center, Board Room, Albuquerque, New Mexico

- I. **Agenda** - Co-Chair Felix Briones called the meeting to order at 8:02 a.m, and a quorum was present. Barbara Castillo-Velarde moved the approval of the agenda, seconded by Joe Gant, and the motion carried with no objections.
  
- II **Welcome Members and Introductions** - Co-Chair Felix Briones reported that the Supreme Court appointed two new members to the JPEC, former District Court Judge James Hall and Lorri McKnight. He welcomed the new members and invited them to say a few words about themselves. The following members attended the meeting:

### Members Present:

Mr. Felix Briones, Jr. (Co-Chair)  
Denise M. Torres (Co-Chair  
Ms. Barbara Castillo-Velarde  
Mr. Avilio Chavez  
Ms. Karen Cortese  
Mr. Patrick Freeman  
Mr. Joe Gant  
Mr. James Hall  
Ms. Lori Hartley  
Ms. Lorri McKnight  
Ms. Ruth Schifani  
Ms. Leonila Duran Serna

### Members Absent:

Ms. Phyllis Dominguez  
Ms. Francesca Martinez Estevez  
Mr. Regis Pecos

### Others Present:

Louise Baca-Sena, Staff  
Brian Sanderoff, Research & Polling

- III **Discussion, Consideration and Action on Minutes of August 28, 2009** - Co-Chair Felix Briones laid out the minutes of the prior meeting and asked for changes. None were offered, and Ruth Schifani moved to approve the minutes as drafted. Joe Gant seconded the motion, and the minutes were approved unanimously.

**IV Announcements** - Members received an updated JPEC roster and a list of the remaining 2010 JPEC meetings.

**V. 2010 Bernalillo County Metropolitan Court Judges' Evaluations**

- Brian Sanderoff, Research & Polling, Inc., presented the 2010 results from attorneys with direct experience, court staff, resource staff and jurors for each metropolitan court judge. Due to the improved data collection method among attorneys, response rates among attorneys improved significantly. However, the response rate among resource staff declined significantly. Therefore, the Commission will not rely upon evaluations from resource staff or distribute to the judges. Brian sought and obtained permission to reserve the right to confirm the response rate formulas before we distribute the results to the judges.
- Brian pointed out that the mean score for "Retention Recommendation" is not an average of all the other attributes in the summary table. This question stands alone.
- Research & Polling responded to attorneys' phone calls, providing technical assistance to the survey or password.
- Felix reported that he observed the process at Research & Polling and he was very impressed.
- JPEC requested that Brian put together an introduction to the comments for the judges. The introduction will be circulated to the JPEC for comment.
- Louise assigned interview leaders for the upcoming metro court judges' interviews.
- Louise reported that Judge Anna Martinez notified JPEC that she will not stand for retention in 2010. Therefore, Louise will attempt to fill the interview gap with another metropolitan court judge.
- March 16, 2010 is the date to declare with the Secretary of State an intent to stand for the 2010 retention.

**VI 2010 Appellate Court Judges' Evaluations**

- Brian presented the results from the different population groups.
- Response rates from attorneys also increased significantly.
- Brian will write an explanation to the judges on the change that appellate (Court of Appeals and Supreme Court) court staff will evaluate only those judges whom they work with directly.
- List of interview leaders for the upcoming appellate interviews were provided to members. Judge Wechsler's interview was changed to 11:00 a.m. on 5/21/2010.

**VII Final Report on 2009 Assessment of JPE Program** - The final report will be presented at JPEC's June meeting because Research & Polling devoted most of its time to the compilation of the 2010 evaluation results.

**VIII Changes to the Rules Governing the JPEC** - Supreme Court approved the

changes to the Rules Governing the JPEC effective February 24, 2010. Louise pointed out the following changes:

- If any commission member, including the chair or vice-chair, shall be absent from three consecutive commission meetings, that person is deemed to have resigned from the commission. Said resignation shall be reported to the Supreme Court by the chair or vice-chair in writing.
- JPEC is allowed to pilot the use of Facebook. If effective, the JPEC would need to submit a plan for all types of social media for the Supreme Court to consider.
- The commission shall provide any negative comments from the surveys to the judge who is the subject of the comment, unless doing so would reveal the identity of the person making the comment, in which case the commission shall summarize the substance of the comments and provide the summary to the judge. The commission's agent shall provide to the commission a reproduction of all written survey comments. Since the comments may be shared with the judge, they must be redacted to remove any information that would identify the person commenting. However, the judicial performance evaluation report that is released to the public shall not include survey comments.

#### **IX 2010 Retention Activities**

- Louise presented Cooney, Watson and Associates' second proposal. The retention activities include an insert in the Albuquerque Journal, English and Spanish updates to JPEC's website, pilot Facebook, news conference (tentative), opinion editorial pieces, ads in newspapers statewide and a statewide radio campaign, with a projected cost of \$81,520.87.
- Louise asked JPEC to consider funding the 2010 retention activities over two fiscal years, approximately \$25,600 in FY 2010 and \$56,000 in FY 2011.

#### **X Budget Update**

- Louise reviewed with JPEC the revised operating fiscal budget for FY 2010, noting that after the special legislative session in October 2009, the budget was reduced by \$3,900, to \$191,600.
- Also, Louise reviewed a proposed FY 2011 budget, noting that JPEC would start the district court judges' evaluations and complete the activities for the 2010 retention. Given the evaluation activities planned for FY 2011, JPEC would need to use approximately \$74,000 of its non-reverting fund. The final operating budget for FY 2011 will be determined upon the Governor taking action on HB 2 (special session).
- JPEC also reviewed projected expenses through FY 2015, noting that JPEC would be severely short in FY 2014.

- Joe Gant moved to approve the budget of approximately \$81,500 to fund the retention activities over FY 2010 and FY 2011. James Hall seconded the motion, which passed with no objection.

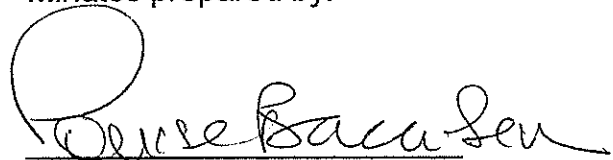
XI **Presentations**

- Brian Sanderoff, Felix Briones and Denise Torres will present before the Judicial Conclave, June 10, 2010, on the recent changes to the JPE program.
- JPEC submitted a request to speak before the State Bar in July 2010.

XII **Next Meeting** - The next meeting is scheduled for April 29 and 30, 2010, State Bar of New Mexico, Albuquerque.

XIII **Adjourn** - There being no further business, the meeting was adjourned at 11:25 a.m.

Minutes prepared by:

A handwritten signature in black ink, appearing to read "Louise Baca-Sena". The signature is written in a cursive style with a large, prominent initial "L".

Louise Baca-Sena, JPEC Staff