

MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)
June 26, 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 8:03 a.m., and a quorum was present. The following individuals attended:

Members Present:

Mr. Felix Briones, Jr. (Chair)
Ms. Barbara Castillo-Velarde
Mr. Avilio Chavez
Ms. Karen Cortese
Ms. Phyllis Dominguez
Ms. Francesca Martinez Estevez
Mr. Patrick Freeman
Ms. Josephine Mitchell
Ms. Ruth Schifani
Ms. Denise Torres

Members Absent:

Justice Gene Franchini (Vice Chair)
Mr. Joe Gant
Ms. Lori Hartley
Mr. Regis Pecos
Ms. Leonila Duran Serna

Others Present:

Louise Baca-Sena, Staff
Carmen Rodriguez, Staff
Brian Sanderoff, Research & Polling
Patti Watson, Cooney, Watson & Associates

Mr. Briones welcomed Denise Torres as a member to the JPEC, and Brian Sanderoff (Research & Polling) and Patti Watson (Cooney, Watson & Associates), consultants to the JPEC.

III. Minutes of January 30, 2009

Draft minutes of the January 30, 2009 meeting were considered. Ruth Schifani moved that the minutes be approved as amended. Francesca Martinez Estevez seconded the motion, and the minutes were adopted with no objection.

IV. Announcements

- An updated JPEC roster was provided to the JPEC. Members should review and provide changes to Carmen.
- The Supreme Court plans to issue an Order in late August or early September reappointing Avilio Chavez, Phyllis Dominguez and Lori Hartley. Felix Briones and Denise Torres will be appointed as co-chairs. Interviews for the remaining layperson vacancy will be held August 7, 2009.

V. Report Findings on Assessment of JPE Program

JPEC commissioned a research study to assess judges' perceptions of the JPEC process and seek suggestions as to how various aspects of the program can be improved. This study was conducted through an on-line survey which is quantitative in nature. Focus groups were also authorized with the objective of assessing the effectiveness of the JPE program. The reports on the survey and the focus groups should be viewed together as they compliment one another. The two areas in which the results were different in the survey and focus groups were with the required self evaluation and the amount of information provided in the narrative.

Recap of Survey Report

Brian Sanderoff summarized the results of the survey:

- one hundred twenty-two (122) appellate, district and metropolitan court judges were asked to complete the survey via the Internet, with each judge given a unique password. Two reminders were sent out. The survey yielded a response rate of 57%, with eighty-eight judges responding to the survey;
- a majority of the judges (74%) who have taken part in the process appear to be generally satisfied with the evaluation system;
- ninety-one percent (91%) of the judges who have been through the process feel it has been somewhat or significantly beneficial to their professional development. The appellate judges were more complimentary of the program;
- eighty-nine percent (89%) of the judges who have gone through the process feel the process has given them information that has allowed improvement in their job performance;
- eighty percent (80%) of the judges who have gone through the process feel the report format JPEC uses is useful;
- eighty percent (80%) of the judges feel the Commission's recommendation is fair;
- the more time JPEC members spend in the courtroom the more comfortable judges feel. Seventy-eight percent (78%) of the judges

- believe courtroom observations should be used as part of the evaluation process;
- given the limited JPEC budget, ninety-one percent (91%) of the judges feel the Commission has been somewhat effective in informing the electorate;
- eighty-four percent (84%) of the judges feel the Commission's recommendations have some influence on retention elections. The JPEC needs to work all year to build up an awareness of the JPEC, speak to professional and civic groups, and educate court staff on the work of the JPEC;
- sixty-four percent (64%) of the judges believe the amount of information included in the narrative provided to the public is sufficient. In the focus groups court staff and attorneys feel more information should be available to the public. The judges in the focus group are mixed on additional information. If done, it should be done in a tasteful and careful manner, not too complex;
- sixty-nine percent (69%) of the trial court judges do not believe judges should rate each other;
- seventy-eight percent (78%) of the judges feel the statistical data generated by the court or the Judicial Information Division is somewhat accurate;
- seventy-three percent (73%) of the judges who have not gone through the process feel they are somewhat informed about the JPE process, while 13% are very well informed and 13% not informed;
- sixty-seven percent (67%) of the judges do not have concerns with how the JPEC process works; and
- compared with Colorado who conducted a similar study the judges in NM are more likely to feel the JPE process has been significantly beneficial to their professional development and has provided information that has allowed for improvements in job performance.

Recap of Focus Group Report

Brian Sanderoff recapped the results of the focus groups:

- twelve focus groups were conducted with judges, attorneys and court staff around the state;
- awareness of the JPE process among court staff and attorneys is very low;
- judges found the feedback provided by the Commission beneficial;
- some judges found the mean scores to be intangible and vague. Focus groups participants believe that the judges should receive the open-ended comments written by respondents;
- a major concern of the judges was the low response rates of questionnaires returned by the population groups;
- participants had concern over confidentiality, a major obstacle to increasing respondent response rates;
- removing some of the demographic questions (age, gender, ethnicity)

- would reduce questionnaire length and increase confidence in the anonymity of the survey, thereby possibly raising response rates;
- judges and court staff believe court staff cannot respond to some questions on the court staff survey;
- many judges believe they benefitted from the self-evaluation when done for the very first time and not thereafter; and
- some judges are concerned with JPEC comparing the ratings of judges to other judges, particularly when comparing civil, criminal and family judges to each other.

The JPEC took the following action based on the focus group feedback:

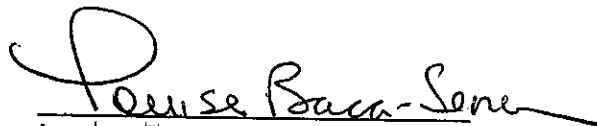
- Ruth Schifani MOVED that JPEC not go beyond a 12-month period. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC continues to interview all judges (appellate, district and metropolitan). Avilio Chavez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC grant discretion to Brian Sanderoff and Louise to freshen the population data as much as possible. Josephine Mitchell SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that the Rules Governing the JPEC be amended to allow JPEC to share the open-ended comments with the judges. Josephine Mitchell SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC continues to utilize the self-evaluation survey for all judges. Francesca Martinez Estevez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that trial court judges not rate each other. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that appellate (Court of Appeals and Supreme Court) court staff evaluates only those judges whom they support. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that summaries be created explaining the JPEC process to stakeholders. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that Research & Polling develops a budget proposal for JPEC to consider moving toward web-based surveys for attorneys for the metro and appellate JPE programs, breaking down the cost for adding the additional components (letter, on-line survey, reminders, and phone calls, etc.). Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that court staff continues to receive paper surveys. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC not consider allowing attorneys who have not gone through the JPE process to comment via the Internet on

- the quality of the legal opinions of the appellate court judges. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
- Ruth Schifani MOVED that JPEC explores with Research & Polling the idea of providing numerical data to constituents, with Research & Polling providing options (mean scores, percentages, etc.) for sharing data with constituents. Upon this, JPEC will determine whether to move forward. JPEC will move forward subject to being satisfied that constituents can understand the information. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
 - Karen Cortese MOVED that the question "How strongly do you recommend that Judge X be retained in office, or not be retained in office?" be added to the attorney, court staff, and resource staff surveys. The wording should be similar to the current surveys. Barbara Castillo-Velarde SECONDED the motion and it PASSED UNANIMOUSLY.
 - Ruth Schifani MOVED that the content of the narrative should not provide information regarding whether a judge has improved based upon his/her self improvement plan. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY.
 - Louise will speak with Pam Lambert, Director of the JEC, on the development of mentoring and orientation programs for the district court judges.
 - The JPEC provided direction to Research & Polling on those questions that should be deleted and/or amended on the various survey instruments.

VI. Next Meeting

The next meeting is scheduled for July 24, 2009, State Bar of New Mexico, Albuquerque.

Minutes prepared by:


Louise Baca-Sena, JPEC Staff