

MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)
July 24, 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)
Justice Gene Franchini (Vice Chair)
Ms. Barbara Castillo-Velarde
Mr. Avilio Chavez
Mr. Joe Gant
Mr. Patrick Freeman
Ms. Josephine Mitchell
Mr. Regis Pecos
Ms. Ruth Schifani
Ms. Denise Torres

Members Absent:

Ms. Karen Cortese
Ms. Phyllis Dominguez
Ms. Francesca Martinez Estevez
Ms. Lori Hartley
Ms. Leonila Duran Serna

Others Present:

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

III. Minutes of June 26, 2009

Draft minutes of the June 26, 2009 meeting were considered. Barbara Castillo-Velarde moved and Ruth Schifani seconded that the minutes be approved as prepared. The motion carried unanimously.

IV. Announcements

Mr. Briones reported that he attended the State Bar Convention and that this was the first in many years that JPEC has not presented on the JPE program.

V. Follow Up to Findings on Assessment of JPE Program

Brian Sanderoff recapped the findings from the survey and focus groups. JPEC discussed sending the final reports on the survey and focus groups to the appellate, district, and metropolitan court judges. Also, the Institute for the Advancement of the American Legal System (IAALS) asked New Mexico for permission to send the reports to a committee formulated by the Conference of Chief Justices and Conference of State Court Administrators (COSCA) who have taken up JPE as a national agenda item. Ruth Schifani moved and Barbara Castillo-Velarde seconded that JPEC send the final reports to the judges (appellate, district and metro) before meeting with the appellate and metropolitan court judges in August, and to IAALS after JPEC meets with the judges. The motion carried unanimously.

JPEC reviewed the options (sentence narrative, mean scores, percentages, etc.) prepared by Research & Polling in providing quantitative data to constituents. Four options were suggested, namely,

- Level 1 - insert a sentence in the narrative. For example, overall, 85% of attorneys surveyed support Judge X's retention, with 74% of attorneys strongly recommending that he or she be retained in office;
- Level 2 - insert a sentence in the narrative and/or a box with the averages of the subject matter categories;
- Level 3 - bar charts that would supplement or compliment the narrative and would be displayed on JPEC's website; and
- Level 4 - a chart of mean scores for all judges that would be displayed on JPEC's website.

After much discussion, Ruth Schifani moved and Avilio Chavez seconded that JPEC adopts Level 2, including the sentence about retention in the narrative, with the box (averages of the subject matter categories using the 4s and 5s) at the bottom of the narrative with an explanation of the methodology in the publication. The motion carried unanimously. Ruth Schifani moved and Justice Gene Franchini seconded that JPEC not supplement the narrative with additional information that would be displayed on JPEC's website. The motion carried unanimously.

Brian Sanderoff presented its budget proposal for JPEC to consider moving toward web-based attorney surveys for the metropolitan and appellate JPE programs, breaking down the cost for adding the additional components (letter, on-line survey, reminders, and phone calls, etc.). Louise will develop a budget for JPEC's consideration at its next meeting.

Copies of the revised questions were provided to the JPEC along with a grid of all the questions by population group and a grid of all the changes made.

JPEC discussed the narrative writing process. Joe Gant moved and Avilio Chavez seconded that the narrative writing process remain the same. The motion carried unanimously.

Brian Sanderoff solicited thoughts about the orientation program for new JPEC members. Some members commented that the orientation was a plus, others suggested having an overview of the judicial system would be of benefit, followed by visits to the courtroom that would compliment the overview. JPEC deferred any decision on the visits to get additional thoughts from those members not present. As to the interview process, JPEC members are satisfied with the present process and packet.

The Judicial Education Center plans to develop a formal orientation program for new district court judges in FY 2010. Louise asked for thirty minutes on the program to introduce new judges to the JPE process, which Pamela Lambert thought was a great idea. Also, although JEC would also like to develop a formal mentoring program for district court judges, Pamela does not believe this will get done within this fiscal year. Louise also informed Pamela that JPEC will be requesting time to speak at the 2010 Judicial Conclave on its changes to the JPE program.

VI. Public Outreach & Public Activities Proposal

Patti Watson, Cooney, Watson & Associates, presented the 2010 public outreach and education proposal to JPEC. The goal for 2010 is to expand the public awareness and understanding of the JPEC, its evaluation process and its mission. The proposal included the following for JPEC's consideration:

- Strategy 1 - a 15-minute documentary-style video program that would replace speaker's bureau;
- Strategy 2 - a more interactive JPEC website, with the creation of a blog;
- Strategy 3 - using social media such as Twitter, Facebook, LinkedIn, MySpace, or YouTube; and
- Strategy 4 - quarterly electronic newsletter.

A proposal on the 2010 retention evaluation activities was also presented to JPEC, which included for JPEC's consideration the following:

- a newspaper insert for Bernalillo County only for the upcoming 2010 retention of the Bernalillo County Metropolitan Court Judges;
- ads in other newspapers statewide for the four appellate judges standing in the 2010 retention;
- expand Spanish language evaluations to include Bernalillo County (metropolitan and appellate judges);
- radio campaign (English & Spanish);
- public relations (editorial pieces and press conference);
- update website; and
- electronic and social media.

After much discussion, the following decisions were made:

- Ruth Schifani moved and Barbara Castillo-Velarde seconded that JPEC update the JPEC website. The motion carried unanimously.

- Ruth Schifani moved and Joe Gant seconded that JPEC does a newspaper insert for Bernalillo County to include the metropolitan court judges and four appellate judges. The motion carried unanimously.
- Ruth Schifani moved and Barbara Castillo-Velarde seconded that JPEC expands the Spanish language evaluations to include Bernalillo County. The motion carried unanimously.
- Ruth Schifani moved and Denise Torres seconded that JPEC creates a Facebook, no more than six months before the November election. The motion carried unanimously.
- Ruth Schifani moved and Avilio Chavez seconded that JPEC develops a 15-minute documentary-style video. The motion carried unanimously.
- Ruth Schifani moved and Barbara Castillo-Velarde seconded that JPEC run ads in other newspapers statewide for the four appellate judges subject to budget. The motion carried unanimously.

VII. Update on FY 2010 Budget

Louise gave an update on the FY 2010 Budget, with a breakdown of the categories (personal services & benefits, contractual, and other costs). JPEC's budget has been cut 51% over the last two fiscal years (FY 08 \$399,900 - FY 2010 \$195,500). JPEC's fund balance as of 6/30/09 is approximately \$322,976. In anticipation of a special session, Regis Pecos suggested that Chief Justice Edward Chavez meet with the Speaker of the House to relay what the Judiciary's priorities are given further budget reductions.

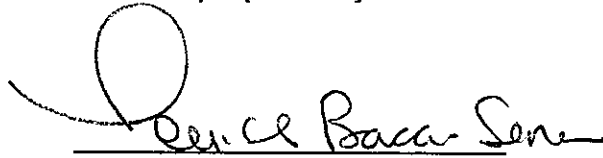
IX. Next Meeting

The next meeting is scheduled for August 28, 2009, State Bar of New Mexico, Albuquerque. The purpose of this meeting is to meet with the appellate and metropolitan court judges on the findings of the survey and focus groups and summarize the decisions and/or changes JPEC has made to the JPE program.

X. Adjourn

There being no further business, the meeting was adjourned at 11:45 a.m.

Minutes prepared by:


 Louise Baca-Sena, JPEC Staff