

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

August 28, 2009, 8:00 a.m.

State Bar Center, Board Room, Albuquerque, New Mexico

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

II. Welcome

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
Ms. Phyllis Dominguez
Ms. Francesca Martinez Estevez
Mr. Patrick Freeman
Mr. Joe Gant
Ms. Lori Hartley
Ms. Josephine Mitchell
Mr. Regis Pecos
Ms. Ruth Schifani
Ms. Leonila Duran Serna
Ms. Denise Torres

Members Absent:

Ms. Karen Cortese

Others Present:

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

III. Minutes of July 24, 2009

Draft minutes of the July 24, 2009 meeting were considered. Ruth Schifani moved and Joe Gant seconded that the minutes be approved as prepared. The motion carried unanimously.

IV. Announcements

Mr. Felix Briones reported that Ruth Schifani was named President of the University of New Mexico Alumni Association.

V. Meeting with the Bernalillo County Metropolitan Court Judges

- JPEC met with six Bernalillo County Metropolitan Court Judges at 8:15 a.m., namely, Julie Atlwies, Rachael Walker Alyasi, Benjamin Chavez, Sandra Engel, Anna Martinez, and Briana Zamora.
- Each judge shared background information with the JPEC.
- Mr. Brian Sanderoff recapped the survey results, went over JPEC's proposed changes to the process and the surveys, and gathered feedback from the judges on those changes.

VI. Meeting with the Appellate Court Judges

- JPEC met with twelve appellate court judges at 10:00 a.m., namely: Supreme Court Justices Edward Chavez, Petra J. Maes, Richard Bosson, and Charles Daniels, and Court of Appeals Judges Michael Bustamante, Celia Foy Castillo, Timothy Garcia, Robert Robles, Jonathan Sutin, Michael Vigil, James Wechsler, and Linda Vanzi.
- Chief Justice Chavez thanked the Commission for its work. Justice Chavez commended Josephine Mitchell for her time and devotion to the work of the JPEC. He also thanked Felix for his work as chair – the countless hours he as devoted to accomplish the work of the JPEC -- a true champion! Chief Justice Chavez also reported that the Court reappointed members to the JPEC, and the Court will appoint Mr. Briones and Ms. Torres as co-chairs which will give Mr. Briones an opportunity to mentor Ms. Torres.
- Mr. Sanderoff recapped the survey results, went over JPEC's proposed changes to the process and the surveys, and gathered feedback from the judges on those changes.

VII. 2010 Bernalillo County Metropolitan Court Judges' Evaluations

- Mr. Sanderoff presented the JPEC with a list of potential metropolitan court judges to consider for court observations. Francesca Estevez Martinez moved and Ruth Schifani seconded that JPEC authorizes eight court observations for the upcoming evaluations of the Bernalillo County Metropolitan Court Judges. The motion carried unanimously.
- Staff presented a list of the Bernalillo County Metropolitan Court Judges with the date each judge took the bench and whether the judge has gone through a partisan election. The JPEC will not evaluate Judge Briana Zamora as she will run in the 2010 primary and partisan elections. Francesca Estevez Martinez moved and Gene Franchini seconded that JPEC authorizes Louise to seek the consent of Judge Edward Benavidez to be included in the evaluations of the metropolitan court judges. Although he is two months short from the required two years, JPEC can collect the required one year's worth of data, 1/1/09 through 12/31/09. The motion carried unanimously.
- Staff reported that the upcoming metropolitan court staff conference is scheduled for October 21 and 22, 2009. With the conference being full, staff learned there are other forums in which to educate staff on the work of JPEC and the importance of completing the surveys. Metropolitan Court provides leadership classes for all managers, supervisors and lead workers, with approximately sixty

employees attending each month. Also, they hold division manager meetings. Staff plans to talk with Chief Judge Judith Nakamura to get permission to present at leadership classes or division manager meetings and will report to JPEC.

VIII. 2010 Appellate Court Judges' Evaluations

JPEC took the following action for the evaluations of the appellate court judges:

- Ruth Schifani moved and Phyllis Dominguez seconded that JPEC have law clerks (former and present), Court of Appeals Pre-Hearing Division attorneys and the Supreme Court counsel rate all appellate court judges. The motion carried unanimously.
- Ruth Schifani moved and Phyllis Dominguez seconded that court staff (appellate, district and metropolitan) be given the option (yes or no) on the survey whether they want their comments shared with the judges. The motion carried unanimously.
- Ruth Schifani moved and Francesca Martinez Estevez seconded that Research & Polling delete question twelve from the lawyer survey, "Ensures personal staff is professional, productive and knowledgeable of court policies and procedures." The motion carried unanimously.

IX. Action on FY 2010 Budget

Louise reported that the Department of Finance and Administration rejected AOC's white paper seeking permission to serve coffee and light snacks at the JPEC meetings due to the budget situation.

Staff presented a proposed FY 2010 budget and a projected FY 2011 budget, with a breakdown of the categories (personal services & benefits, contractual, and other costs). After much discussion, Joe Gant moved and Gene Franchini seconded that JPEC approves the funds for Research & Polling, Inc. for the upcoming evaluations of the Bernalillo County Metropolitan Court Judges (including court observations) and the appellate court judges. The motion carried unanimously. JPEC will take action on the budget for public outreach activities by Cooney, Watson & Associates once they learn the outcome of the October legislative special session.

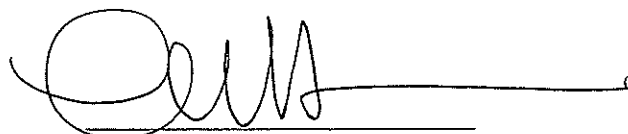
X. Next Meeting

The next meeting is scheduled for March 5, 2010, State Bar of New Mexico, Albuquerque.

XI. Adjourn

There being no further business, the meeting was adjourned at 12:10 p.m.

Minutes prepared by:



Louise Baca-Sena, JPEC Staff