



**MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)  
DECEMBER 10, 2010, 9:00 A.M.  
STATE BAR OF NEW MEXICO, ALBUQUERQUE**

- I. **Welcome** - Co-Chair Felix Briones called the meeting to order at 9:00 a.m., and a quorum was present. 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  
Ms. Phyllis Dominguez  
Ms. Francesca Martinez Estevez  
Mr. Patrick Freeman  
Mr. Joe Gant  
Mr. James Hall  
Ms. Lori Hartley  
Ms. Lorri McKnight  
Ms. Ruth Schifani  
Ms. Leonila Duran Serna

**Members Absent**

Mr. Regis Pecos

**AOC Staff**

Louise Baca-Sena  
Carmen Rodriguez

**Research & Polling Staff**

Brian Sanderoff  
Brad Morrison

**Cooney, Watson & Associates**

Patti Watson

- II **Agenda** - Phyllis Dominguez moved the approval of the agenda, seconded by Francesca Martinez Estevez, and the motion carried with no objections.
- III **Consideration and Action on Minutes of August 27, 2010** - 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. Barbara Castillo-Velarde seconded the motion, and the minutes were approved unanimously.
- IV **Announcements**
- The JPEC reviewed the proposed JPEC meeting schedule for 2011 and 2012, and discussed the advantages and disadvantages in meeting by video conferencing. Louise reported that no meeting is necessary for the months of January and February 2011. Karen Cortese MOVED that JPEC meet three to four times in person and that JPEC utilize video conferencing when meeting with the appellate, district, and metropolitan court judges at its March 25, 2011

meeting. Phyllis Dominguez SECONDED the motion and it PASSED UNANIMOUSLY. Louise will rework the meeting schedules to allow for the JPEC to meet face-to-face meeting and by video conferencing.

## V 2010 Retention Activities Recap

Patti Watson, Cooney, Watson & Associates presented the 2010 Retention Activities Recap for the appellate and the Bernalillo County Metropolitan Court Judges. Ms. Watson reported:

- Printed media coverage is declining due to the small number of newspapers. Media resources are becoming scarce, and Patti is not sure what the future holds for newspapers.
- A Bernalillo County *Report to Voters* was generated, with copies provided to libraries, and community centers.
- Newspaper ads were placed statewide on JPEC's evaluations of the appellate judges.
- Evaluations were translated and posted in English and Spanish on JPEC's website.
- JPEC's Facebook page was setup and updated.
- News conference held to report out JPEC's evaluations of the judges. Although all three major TV networks had planned to attend the event, a bomb scare diverted two of the stations. KOB TV and KKOB AM radio attended the news conference. KOB and KOAT ran post-event stories. The Albuquerque Journal reporter attended and ran a story the following day.
- English and Spanish radio advertisements were produced and were played on radio stations to cover all the judicial districts. With the radio buy, Patti estimated that JPE reached approximately 274,897 people at a cost of 9.15 cents per person.
- JPEC received approximately \$14,449.39 of free media coverage as the result of the news conference, newspapers (Albuquerque Journal, Santa Fe Reporter, State Bar, Santa Fe New Mexican), blogs, editorials, radio coverage from the news conference, and radio interviews held with KSJE AM, and KOB AM.
- For 2010, the JPEC website recorded 12,706 unique visitors, a 20.1% increase over unique visitors in 2008. The Spanish language portion of the website was also tracked, with approximately 952 website visitors viewing the Spanish language pages.

Ms. Watson reviewed its recommendations for 2012 and 2014 with the JPEC:

For 2012

- Communications and outreach activities to the voters can be fairly minimal given that 2012 involves only appellate judges.
- Update the website in both English and Spanish.
- Limit the print advertising given the 2010 costs.
- Continue the Facebook page.
- Perhaps limit radio advertising to drive voters to the website.
- No press conference unless absolutely needed.
- Some television interviews.
- Market press release of the evaluations to blogs and news media.

For 2014

- Overhaul the website to include all relevant portions in English and Spanish.
- More public education and outreach activities, including talks and presentations with bar associations and civic groups, and scheduling and sponsoring “town hall” type meetings.
- Consider creating streaming video and audio on the website.
- Form a better working relationship with the League of Women Voters.

## **VI 2010 Retention Election Recap**

Brian Sanderoff from Research & Polling, Inc., presented the 2010 Retention Election Recap for the appellate and metropolitan court judges:

### **Appellate Court Judges Retention**

- Average statewide votes in the 2010 appellate retention was 441,071. Mr. Sanderoff also provided the average number of votes by county;
- Drop off from the governor’s race was 26.7%;
- Drop off from the Secretary of State race was 25.8%;
- Drop off from the bond elections was 15.0%; and
- Drop off from the constitutional amendments was 14.6%.

### **Metropolitan Court Judges Retention**

- The metro judges had a similar drop off as the appellate judges.

Mr. Sanderoff also compared the mean percentages of “Yes” from 1990 to 2010 for the appellate and metropolitan court judges. As illustrated in the graphs he presented, judges will rise and fall together.

## **VII Gearing up for the Appellate, District Court and Metropolitan Court Judges Evaluations**

Brian Sanderoff, Brad Morrison and Louise Baca presented to JPEC the plans for the upcoming interim evaluations of the appellate, district and metropolitan court judges’ evaluations in 2011 and 2012:

### **Population Groups**

- Attorneys with direct experience can respond to the survey by paper, on-line or telephone.
- James Hall MOVED that JPEC allow court staff to respond to the survey on-line, with the option to request a paper survey. Ruth Schifani SECONDED the motion and it PASSED UNANIMOUSLY.
- Jurors will continue to get a paper survey.
- Resource staff will continue to get a paper survey, with the exception of the Bernalillo County (Albuquerque) law enforcement (sheriff and police departments). Louise will approach the Albuquerque law enforcement and request e-mail addresses for them and seek the help of the Sheriff and Police Chief in getting officers to complete the survey.

### **Self-Evaluation**

- Judges will complete their self evaluations on-line.
- Judges who have less than 12 months of data but have gone through a partisan election will be evaluated by the JPEC, or at least JPEC will have a discussion

with the judge that has very little data on the JPE process.

**Court Observations**

- JPEC discussed the value of court observations. James Hall MOVED that JPEC do court observations on only the civil Bernalillo County Metropolitan Court Judges and that no other observations be done. Mr. Avilio Chavez SECONDED the motion and it PASSED UNANIMOUSLY.

**Interim Evaluation Report**

- No changes to the format of the interim evaluation report.
- Judges will get the mean and percentage scores for every attribute.

**Interviews**

- Interviews will be scheduled every forty minutes.

**Statistics**

- JPEC discussed the value of having additional statistics by judge that may be available, such as time to disposition and age of pending cases for civil, domestic, felony and misdemeanor cases. James Hall MOVED that JPEC get the permission of the Supreme Court to have these statistical reports developed by judge for the JPEC to consider as part of the interim evaluations of the district court judges. Leonila Duran Serna SECONDED the motion and it PASSED UNANIMOUSLY.

**Appellate Opinion Review**

- JPEC will discuss with the appellate judges in March the value of having their opinions reviewed by JPEC, law professors or others.

**IX Update on JPEC Budget**

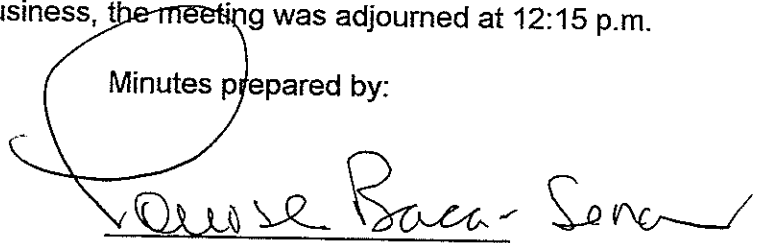
- In September 2011 JPEC's operating budget was reduced to \$188,700, a cut of \$10,100. JPEC's fund balance as of 6/30/2010 was \$326,382.00. Louise reviewed with the JPEC the funds that have been committed and the projected expenditures through June 2011. The projected costs for Research and Polling will need to be adjusted based on the changes JPEC approved today.
- A revised budget will be presented to the JPEC for its consideration at its next meeting.

**X Reengineering Project** - Louise provided the JPEC with the Supreme Court Order establishing the Reengineering Commission. This Commission will look at the operations of the judiciary and make recommendations to the Supreme Court to improve the efficient and effective operations of the judiciary.

**XI JPEC Meeting Packets** - Louise will find out from each member how he or she would like to have the JPEC meeting information provided to him or her – CD, mail or e-mail.

**XII Adjourn** - There being no further business, the meeting was adjourned at 12:15 p.m.

Minutes prepared by:

  
Louise Baca-Sena, JPEC Staff