COLORADO

Office of Judicial Performance Evaluation

Judicial Branch

The Honorable Judge Kevin L. Hoyer
2020 Judicial Performance Survey Report
District Court

Conducted by:

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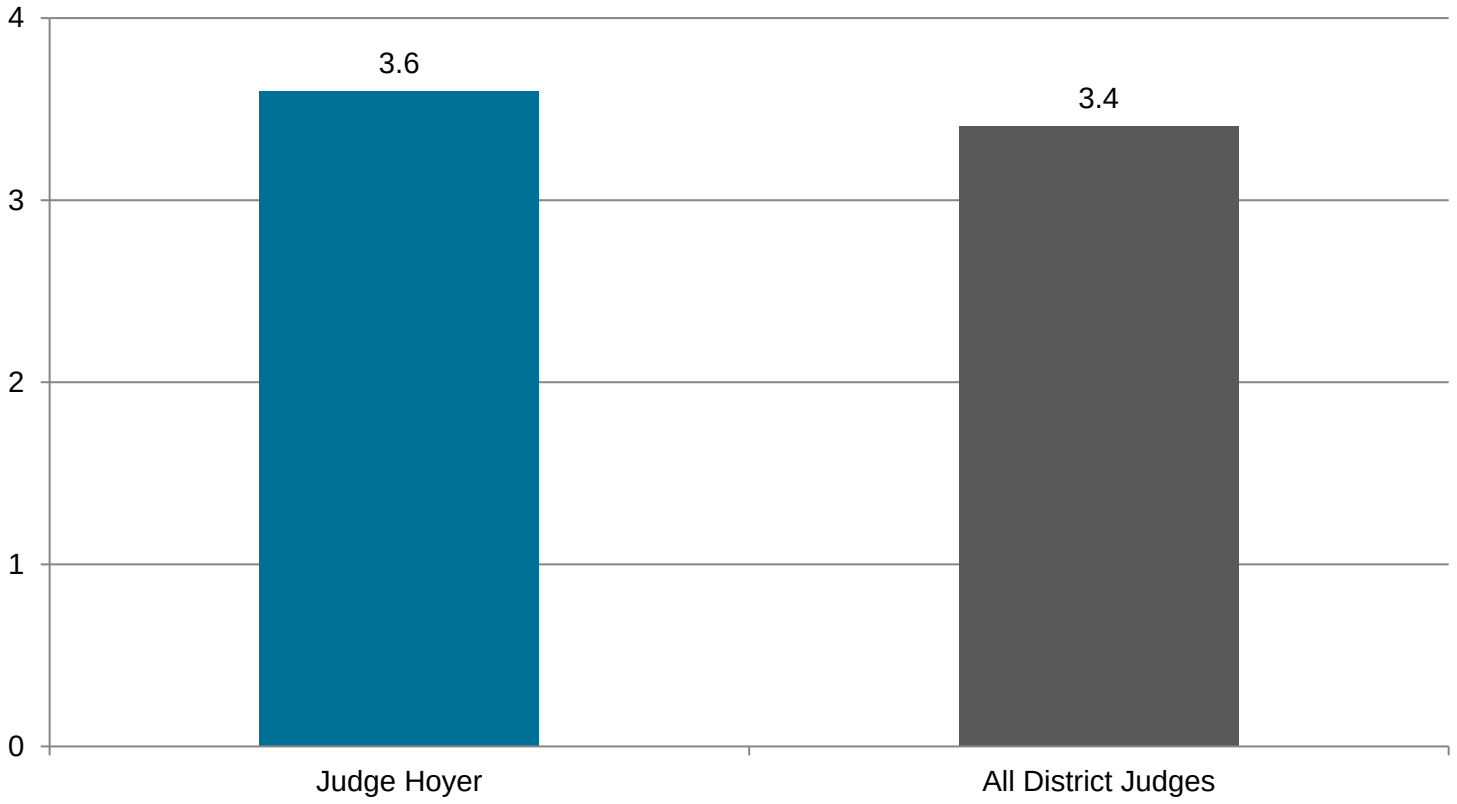
Contents

Summary of Results

For Judge Hoyer, 26 individuals completed surveys with at least a single rating question answered. This report reflects these 26 responses.

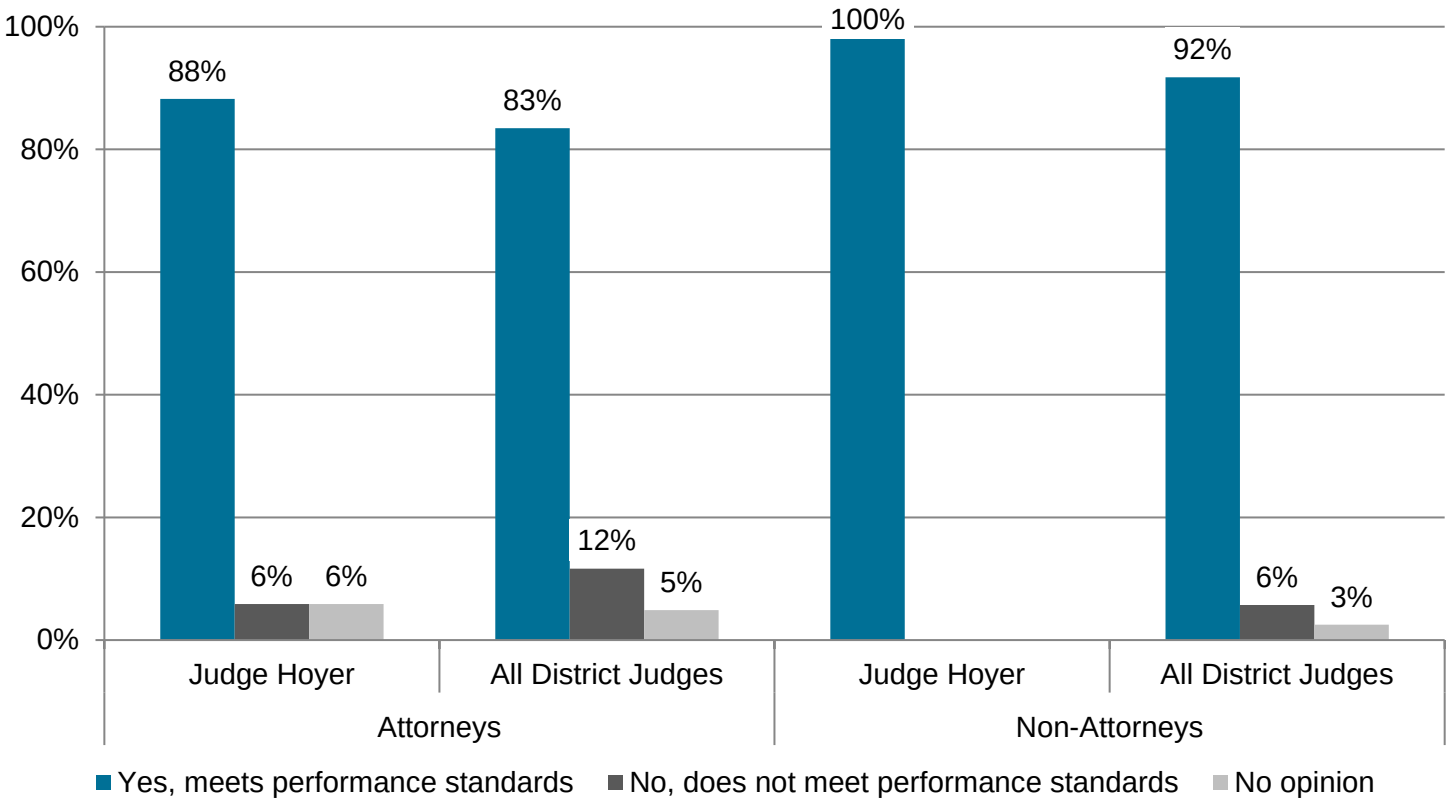
Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to the following numerical scores: A= 4, B=3, C=2, D=1 and Fail=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score.

Overall Score



	Judge Hoyer	All District Judges
Overall Grade	**3.6**	**3.4**

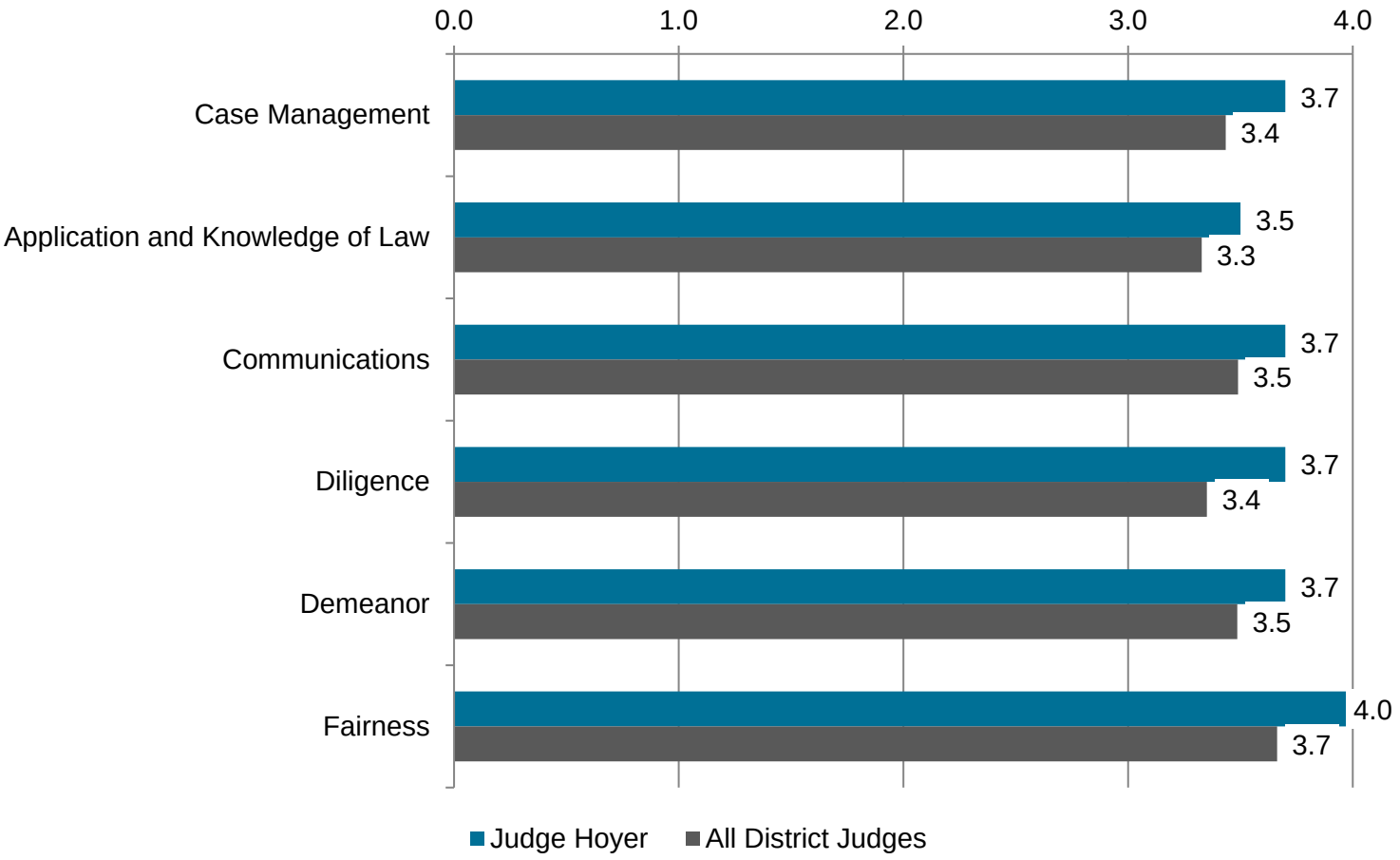
Performance Scores



	Attorneys		Non-Attorneys	
	Judge Hoyer	All District Judges	Judge Hoyer	All District Judges
Yes, meets performance standards	**88%**	**83%**	**100%**	**92%**
No, does not meet performance standards	**6%**	**12%**	**0%**	**6%**
No opinion	**6%**	**5%**	**0%**	**3%**

Note: All percentages in this report are rounded to the nearest percentage point.

Individual Category Scores



	Judge Hoyer	All District Judges
Case Management	3.7	3.4
Application and Knowledge of Law	3.5	3.3
Communications	3.7	3.5
Diligence	3.7	3.4
Demeanor	3.7	3.5
Fairness	4.0	3.7

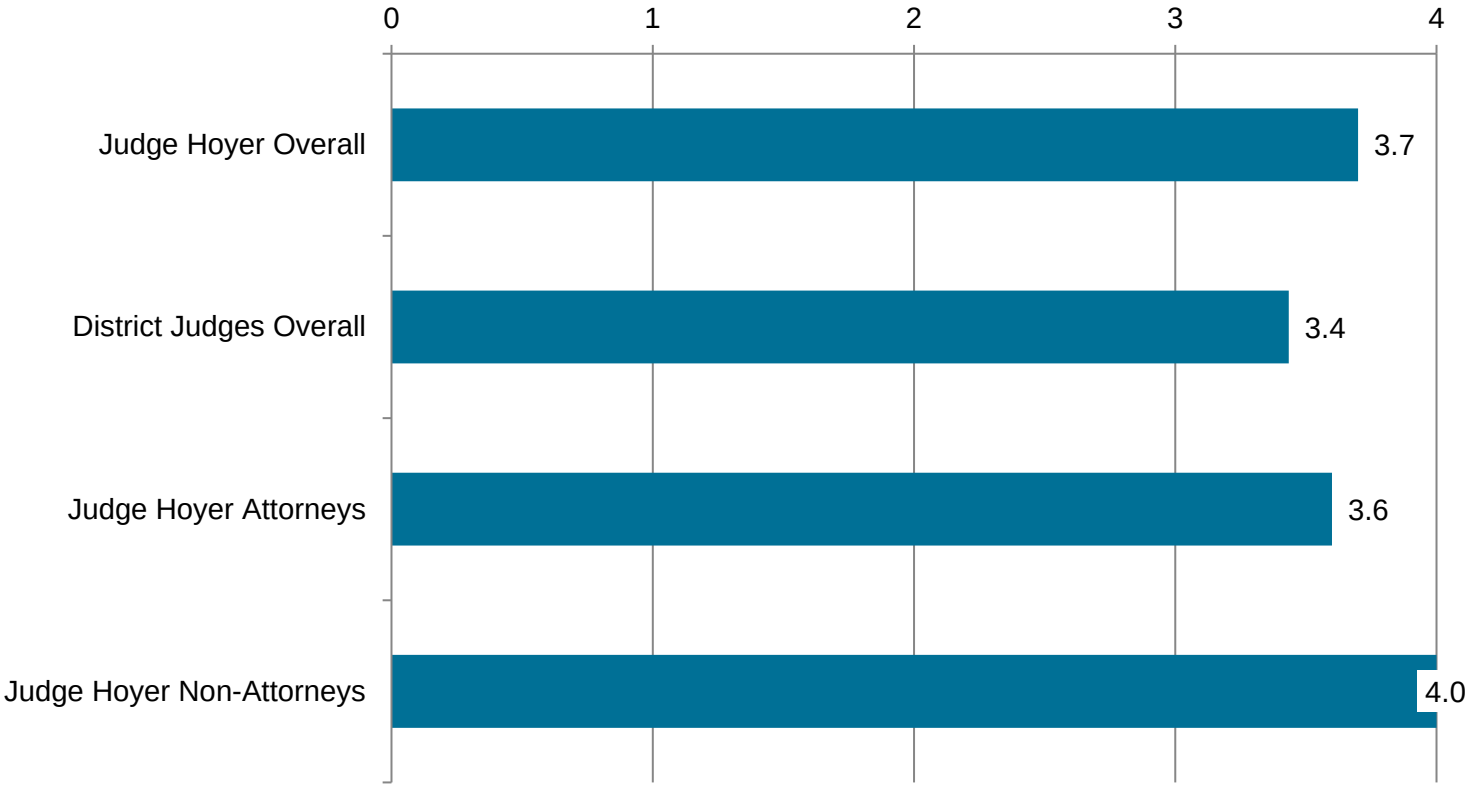
Summary of Responses

Group	Responses	Response Rate	Percent with Sufficient Knowledge	Number with Sufficient Knowledge
Attorneys	31	22%	65%	20
Non-Attorneys	6	100%	100%	6

In addition to the responses above, Judge Hoyer received 0 response(s) via the open Citizen Feedback survey. Those responses are included with non-attorney results wherever applicable. However, due to the nature of data collection, they are not included in response rates.

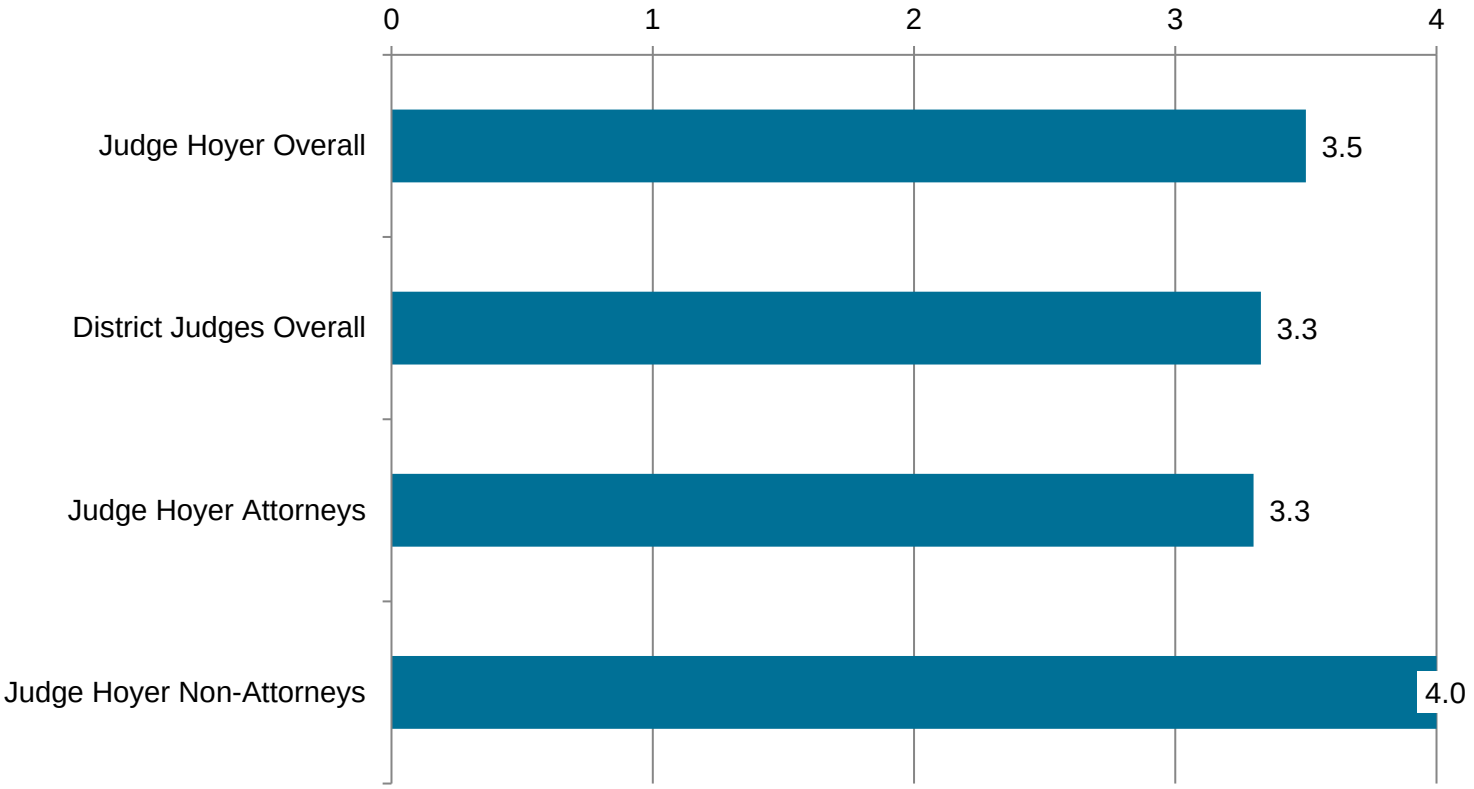
Detailed Report

Case Management



	Judge Hoyer Overall	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Promptly issuing a decision on the case after trial	3.7	3.5	3.5	4.0	21
Maintaining appropriate control over proceedings	3.6	3.5	3.5	4.0	23
Promptly ruling on pre-trial motions	3.8	3.4	3.8	4.0	21
Setting reasonable schedules for cases	3.7	3.4	3.6	4.0	23

Application and Knowledge of Law

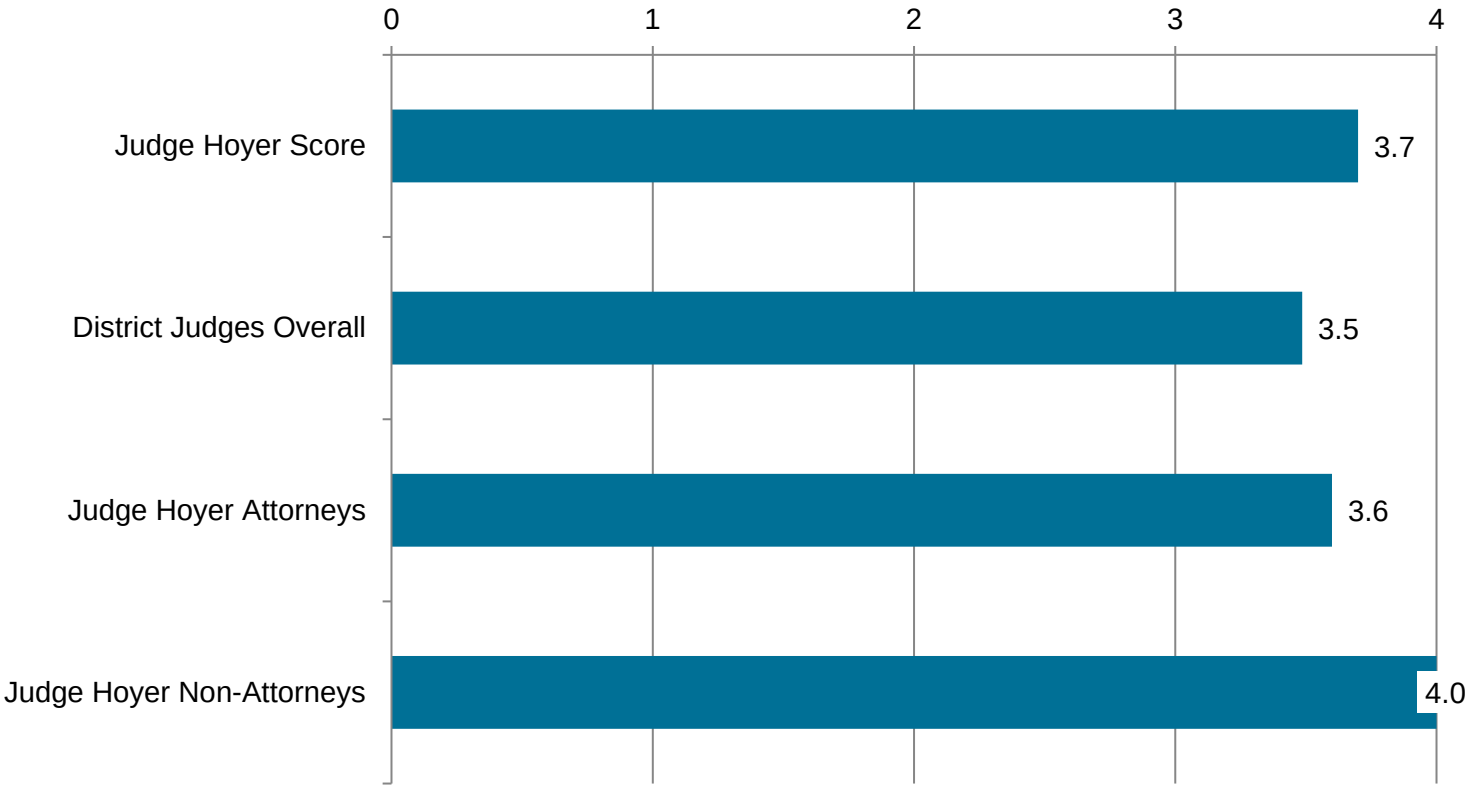


	Judge Hoyer Overall	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Being able to identify and analyze relevant facts	3.6	3.4	3.5	4.0	23
Basing decisions on evidence and arguments	3.4	3.3	3.4	N/A	17
Issuing consistent sentences when the circumstances are similar	3.2	3.3	3.2	N/A	16
Being fair and impartial to both sides of the case	3.2	3.3	3.2	N/A	17
Consistently applying laws and rules	3.3	3.3	3.3	N/A	17
Giving reasons for rulings	4	3.6	N/A	4.0	6
Willing to make decision without regard to possible outside pressure	4	3.6	N/A	4.0	5

Communications

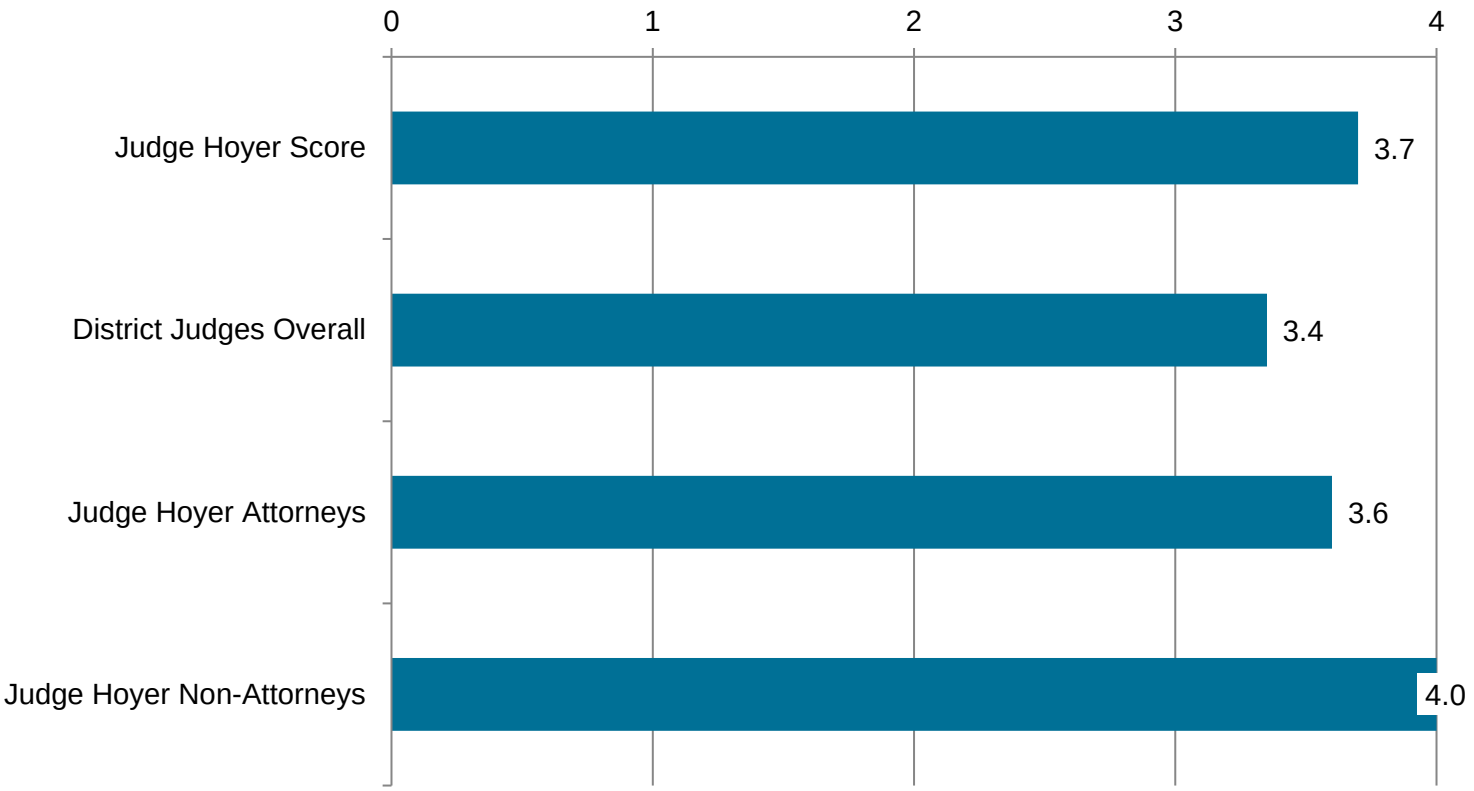
	Judge Hoyer Overall	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Making sure all participants understand the proceedings	3.7	3.6	3.6	4.0	22
Providing written communications that are clear, thorough and well reasoned	3.6	3.3	3.6	N/A	15
Using language that everyone can understand	4	3.7	N/A	4.0	6
Speaking clearly so everyone in the courtroom can hear what's being said	4	3.7	N/A	4.0	6

Demeanor



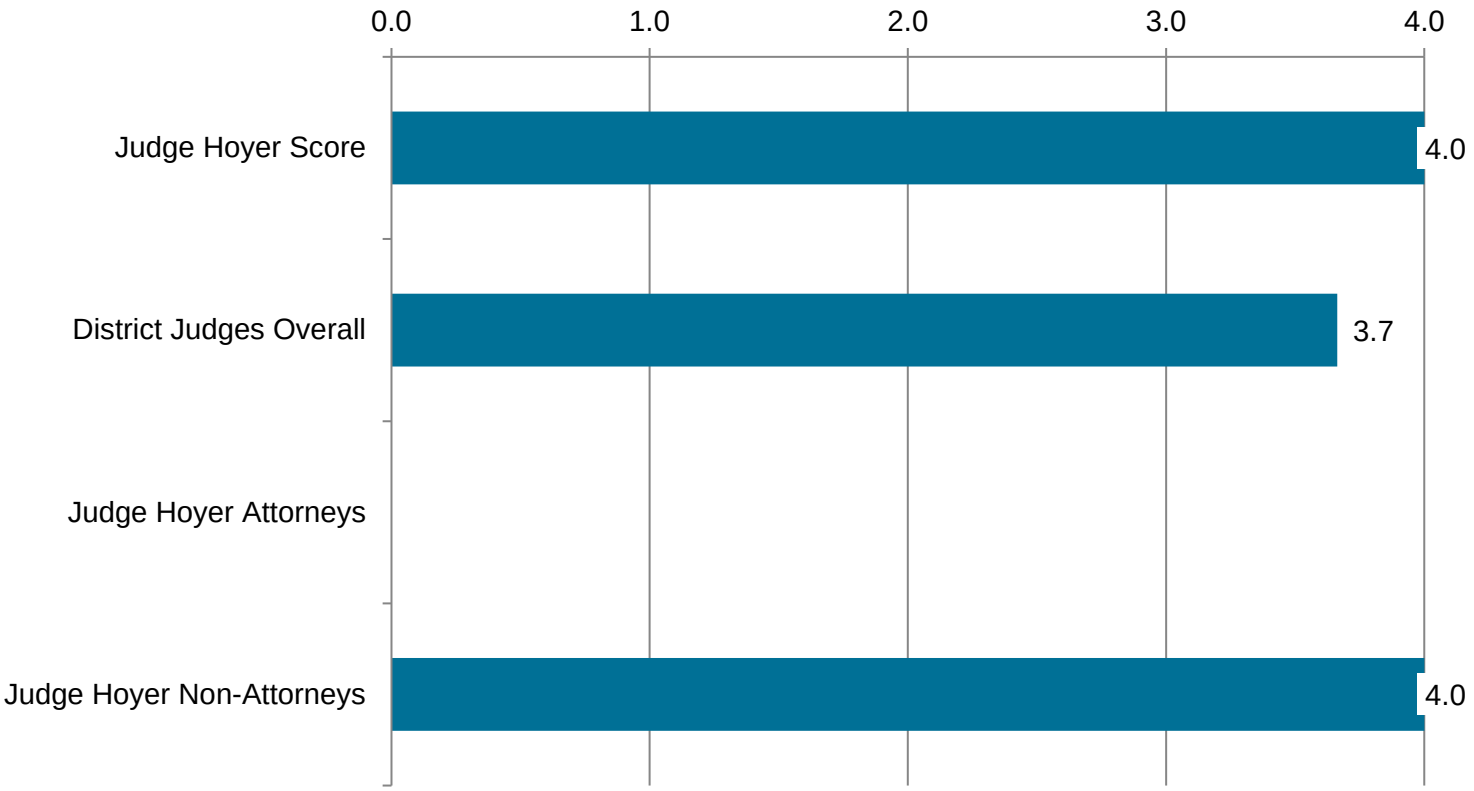
	Judge Hoyer Score	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Giving proceedings a sense of dignity	3.7	3.5	3.6	4.0	23
Treating participants with respect	3.8	3.5	3.8	4.0	23
Conducting his/her courtroom in a neutral manner	3.6	3.4	3.5	4.0	23
Having a sense of compassion and human understanding for those who appear before him/her	4	3.6	N/A	4.0	6

Diligence


0
1
2
3
4
Judge Hoyer Score
3.7
District Judges Overall
3.4
Judge Hoyer Attorneys
3.6
Judge Hoyer Non-Attorneys
4.0

	Judge Hoyer Score	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Using good judgment in application of relevant law and rules	3.5	3.3	3.5	N/A	17
Being willing to handle cases on the docket even when they are complicated and time consuming	3.6	3.4	3.6	N/A	17
Doing the necessary “homework” and being prepared for cases	3.6	3.4	3.6	N/A	17
Being willing to handle cases on the docket even when they are complicated and time consuming	4	3.6	N/A	4.0	6
Beginning court on time	4	3.7	N/A	4.0	5
Maintaining appropriate control over proceedings	4	3.6	N/A	4.0	6
Setting reasonable schedules for cases	4	3.6	N/A	4.0	6
Managing court proceedings so that there is little wasted time	4	3.5	N/A	4.0	6

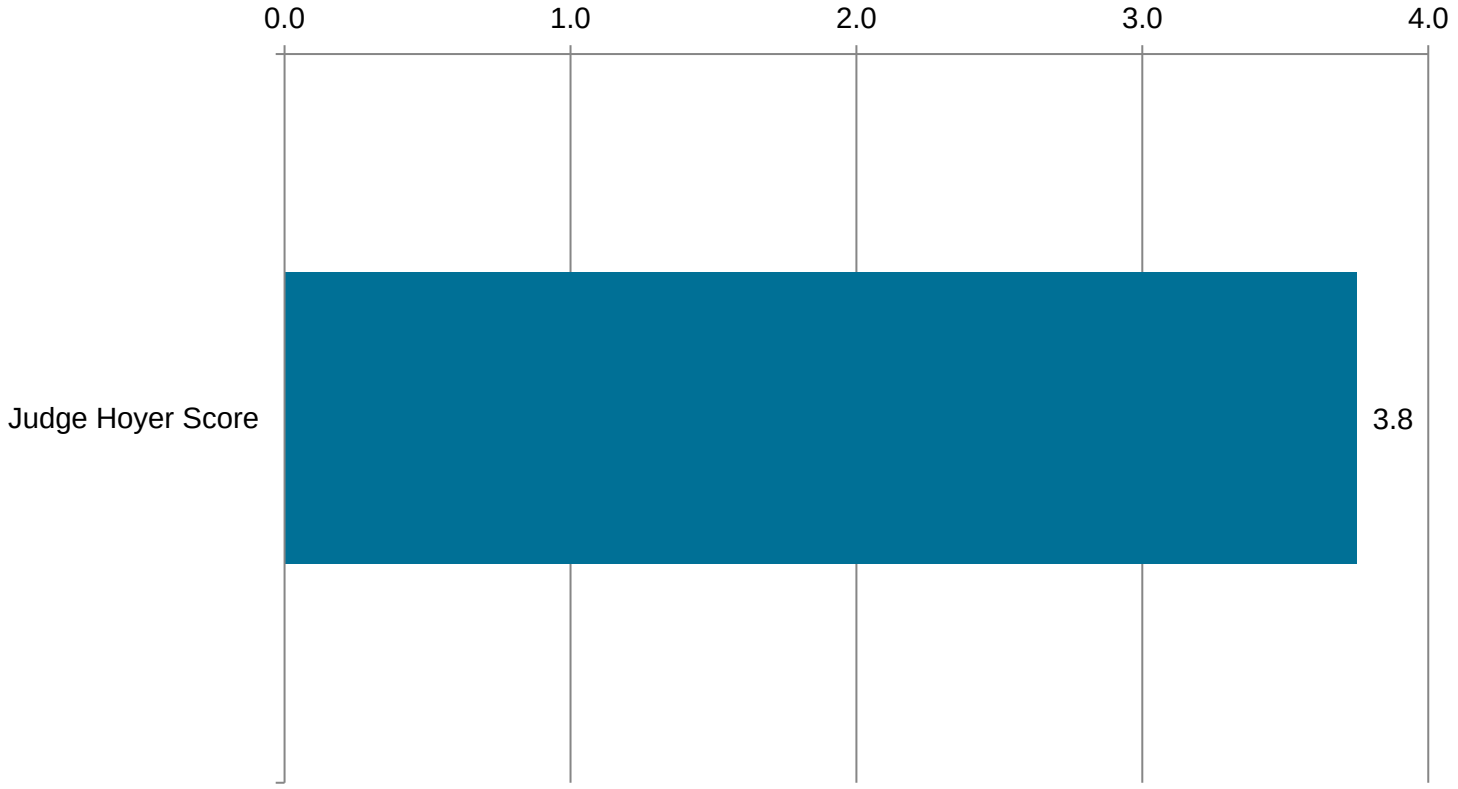
Fairness



	Judge Hoyer Score	District Judges Overall	Judge Hoyer Attorneys	Judge Hoyer Non-Attorneys	Number of Responses
Giving participants an opportunity to be heard	4.0	3.7	N/A	4.0	6
Treating those involved in the case without bias	4.0	3.6	N/A	4.0	6
Treating fairly people who represent themselves	4.0	3.7	N/A	4.0	6
Giving each side enough time to present his or her case	4.0	3.7	N/A	4.0	6

Survey of Appellate Judges

For Judge Hoyer 4 appellate judges agreed they had worked with Judge Hoyer enough to evaluate their performance.



	Judge Hoyer Score	District Judges Overall	Number of Responses
Overall performance as a judge	3.8	3.6	4

Appendix 1. Survey Methods – Attorney and Non-attorney

Methodology and How to Read Results

For Judge Hoyer, 26 individuals completed surveys with at least a single rating question answered. This report reflects these 26 responses. The survey results are divided into eight sections: Retention, Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, Fairness, Strengths, and Weaknesses.

a. Response rates

Attorneys

During the 2020 administration, a total of 57,819 survey invitations were sent to 9,958 attorneys inviting them to evaluate judges and justices receiving retention reports in 2020. On average, each attorney was asked to evaluate 5.8 judges. In total 10,433 surveys were completed with an additional 6,536 responses where the attorney indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 18% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 29%.

Non-attorneys
The 2020 administration was a year of transition for the non-attorney survey. The bulk mailing of invitation letters and survey booklets was ceased and replaced with several other methods on a trial basis. During the 2020 cycle non-attorneys were invited through email, SMS messages, push to web handout cards, and push to web letters. Contact methods varied by the type of respondent and contact information available. In total through these methods 1520 surveys were completed with an additional 761 responses where the respondent indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 13% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 7%.

b. Methodology

The 2020 attorney survey was conducted in 3 cycles online beginning on August 22nd, 2019. Attorneys with appearances in front of judges during the first and second quarters of 2019 were sent a series of email invitations beginning on August 22nd, 2019. Reminders were sent on September 24th and October 9th, 2019.

This process was repeated among attorneys with appearances in the third quarter of 2019 with email invitations sent beginning November 25th, 2019. Reminders were sent on December 4th and December 11th, 2019. To further increase the amount of data collected, an additional cycle of data collection took place in January and February 2020. Invitations were emailed to attorneys with appearances during the 4th quarter of 2020. This cycle included email invitations sent on January 29th, 2020. Reminders were sent on February 4th and 11th, 2020. A final email informing respondents of the cycle closing was sent on February 18th, 2020. invitations and reminders were sent out on request throughout the data collection process.

Data collection among non-attorneys transitioned away from bulk mailings and toward electronic invitations during the 2020 cycle. Due to this transition, non-attorney responses are down from the 2019 cycle.

Data collection for non-attorneys began on September 3rd, 2019 and ran through the response deadline of February 20th, 2020. Survey invitations were sent by four different methods on a trial basis: Email, SMS message, push to web hand out, and push to web letter. Details on the responses from each method are detailed in the table below.

Table 1: Non-Attorney completes by invitation method

Invitation Method	Invites Sent	Completes	Response Rate
Email	10,609	1300	12%
SMS/Text Message	49	19	39%
Push to web hand out	Unknown	89	N/A
Push to web letter	334	60	18%
Citizen Feedback	Unknown	52	N/A

In addition to the main non-attorney survey where respondents were invited to participate, there was also a citizen feedback survey available to all citizens on the OJPE website. This survey was open for the entire data collection period and data was downloaded for analysis on February 20th, 2020. During this period 52 valid responses were received. The survey remained open and any responses received after February 20th or for judges not receiving an evaluation in 2020 were held over for the 2021 interim evaluation cycle.

c. Questions

In the core of the survey, attorneys evaluated district and county judges on 17 aspects of judicial performance and appellate judges on 12 aspects of judicial performance using a grade scale of A, B, C, D, or F. These aspects were grouped by topic into different categories, five for district and county judges and two for appellate judges. The district and county categories were: Case Management, Application and Knowledge of Law, Communications, Demeanor, and Diligence. Questions regarding appellate judges were divided into two categories, one for general questions and one specific to their writing (only asked of those who indicated they had experience with the judge or justice's written opinions).

In a final question, respondents were asked if they thought whether the judge met judicial performance standards

The question wording for the core of the survey was carried over from the 2019 administration. The questions were originally developed in 1998 to meet the criteria outlined in statute 13-5.5-101 et seq.

Non-attorney respondents evaluated judges on 19 aspects of judicial performance using the same grade scale of A, B, C, D, or Fail. In a final question, respondents were asked if they thought whether the judge met judicial performance standards. The overall structure of the survey was similar to the attorney survey, but the individual rating questions were tailored to aspects that could be rated by those without specific legal experience.

d. Analysis and Reporting

Letter grades were converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The results include an overall grade, a grade for each category, as well as a grade for each question. The overall score is calculated by averaging the responses to all questions answered by the attorneys. This score will have the same numerical range as the individual questions from zero to four.

Each category score is calculated by averaging the responses to all questions answered by the attorney within each category. This score will have the same zero to four numerical range as the individual questions. Similarly, an average score is calculated for each individual question with the exception of the final question on meeting performance standards.

The overall average and category scores will be reported for each judge along with the average scores for the judge's peers. The average score (with the exception noted above) will also be reported for each question along

with the peer group score. In addition, the report will include the distribution of responses for each question, i.e. the percentage of attorneys that assigned a rating of A, B, C, D, and F. The distribution of responses is also reported for the question on retention.

e. Comments

At the end of each group of questions respondents had the option of leaving comments about the judge's performance in that area. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.

Appendix 2. Survey Methodology - Appellate Judges

Methodology and How to Read Results

a. Response rates

Invitations were sent via email to all 29 Supreme Court justices and Court of Appeals judges. Of these, 4 completed the survey and felt they had sufficient knowledge of Judge Hoyer to evaluate their performance.

b. Methodology

Appellate judges were surveyed to evaluate the performance of district judges standing for retention. This evaluation of district judges was conducted via an online survey hosted in the Voxco survey software. An email invitation was sent on January 21st, 2020.

c. Questions

Due to the large number of judges being evaluated, the district judge evaluation survey consisted of a single question pertaining to each judge. Appellate judges and justices were asked to evaluate the district judge's overall performance as a judge on a grade scale of A-F with A being "Excellent" and F being "Fail". In the survey, the district judges being evaluated were grouped by district with the districts presented in random order to reduce bias.

d. Analysis and Reporting

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average will be reported for each judge along with the average scores for the judge's peers. In addition, the report will include the distribution of responses for each question. That is, the percentage of respondents that assigned a rating of A, B, C, D, and F.

e. Comments

Respondents were given the option to leave supporting comments in a box next to where they graded each judge. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.

Appendix 3: Judge Response Counts by Type of Respondent

Respondent Type	Total Sent	Number of Responses	Undeliverable/ Not Applicable	Completes*	Cooperation Rate
Attorney	139	31	0	20	65%
Staff	6	6	0	6	-
Others	0	0	0	0	-
Total Non-Attorneys	6	6	0	6	100%
Total Respondents	145	37	0	26	70%

*Completed surveys include respondents who said that they have sufficient experience to evaluate the judge.