



COLORADO

**Office of Judicial
Performance Evaluation**

The Honorable Judge Jeffrey Allen Smith
2022 Judicial Performance Survey Report
District Court

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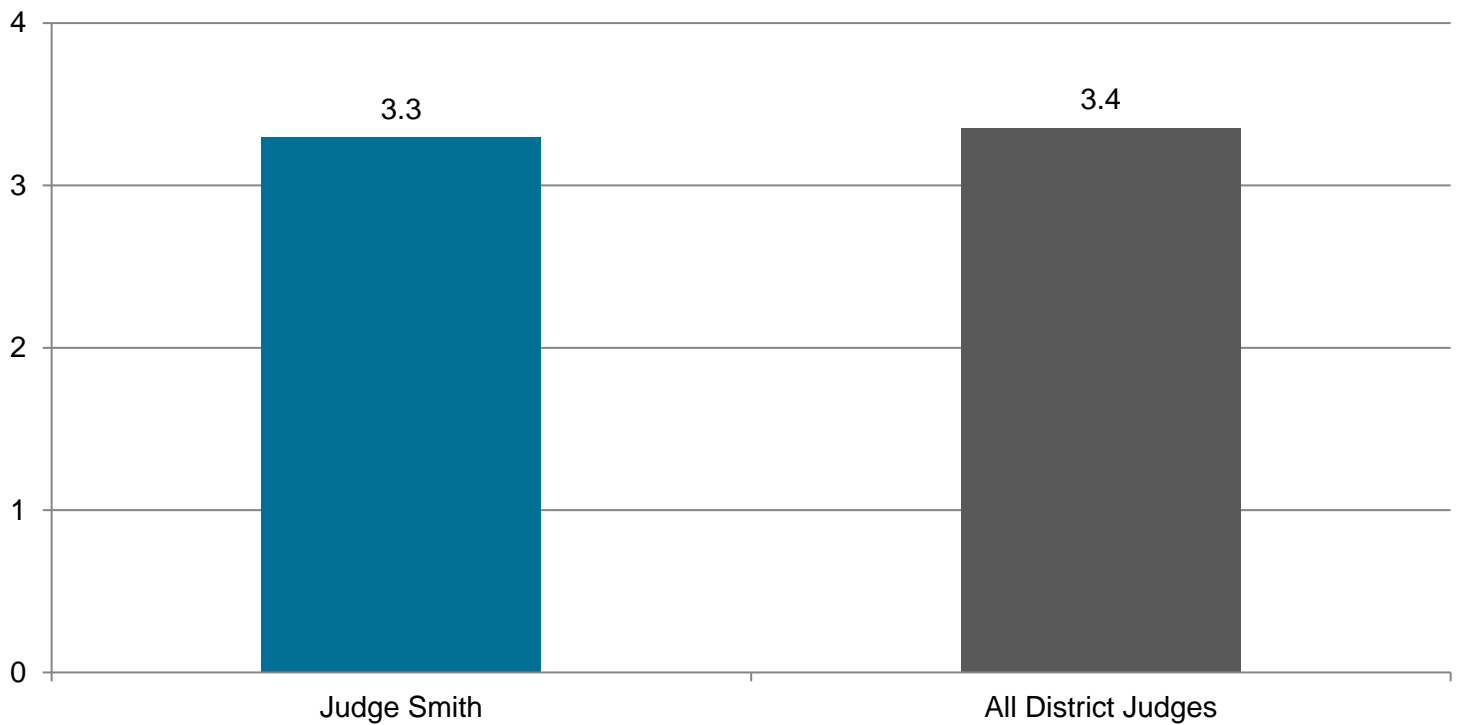
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Summary of Results

For Judge Smith, 46 individuals completed surveys with at least a single rating question answered. This report reflects these 46 responses.

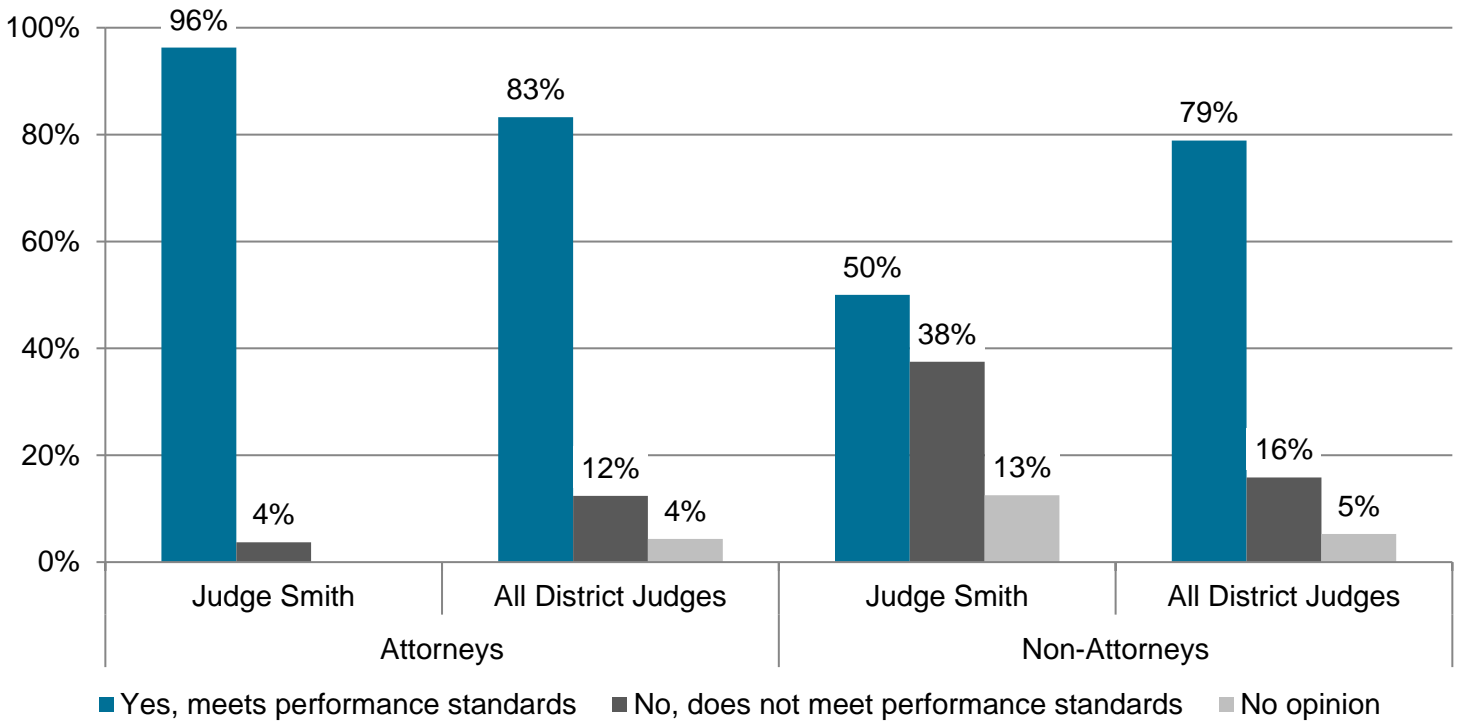
Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to the following numerical scores: A= 4, B=3, C=2, D=1 and Fail=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score.

Overall Score



| | Judge Smith | All District Judges |
|---------------|-------------|---------------------|
| Overall Grade | 3.3 | 3.4 |

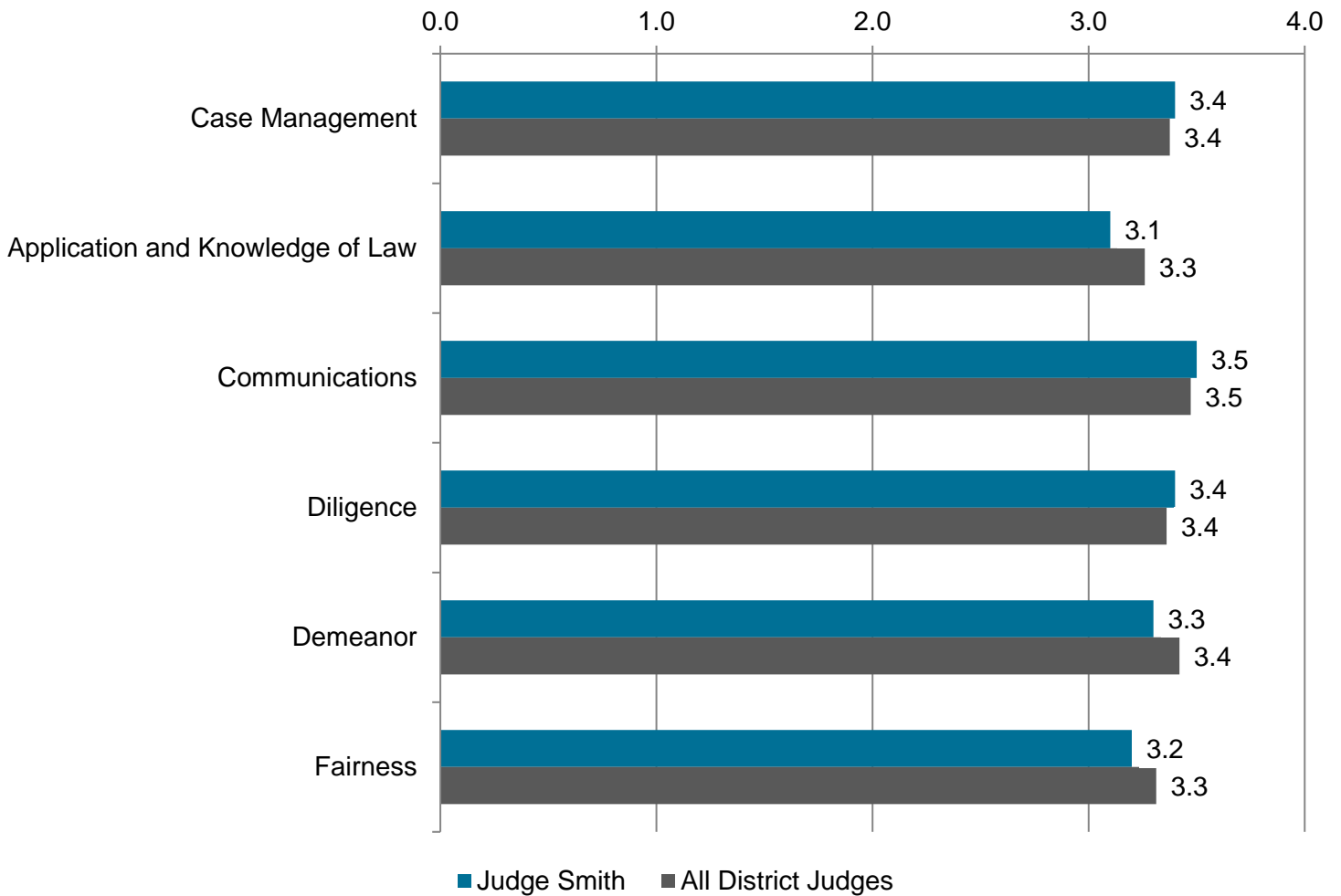
Performance Scores



| | Attorneys | | Non-Attorneys | |
|---|-------------|---------------------|---------------|---------------------|
| | Judge Smith | All District Judges | Judge Smith | All District Judges |
| Yes, meets performance standards | 96% | 83% | 50% | 79% |
| No, does not meet performance standards | 4% | 12% | 38% | 16% |
| No opinion | 0% | 4% | 13% | 5% |

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

Individual Category Scores



| | Judge Smith | All District Judges |
|----------------------------------|-------------|---------------------|
| Case Management | 3.4 | 3.4 |
| Application and Knowledge of Law | 3.1 | 3.3 |
| Communications | 3.5 | 3.5 |
| Diligence | 3.4 | 3.4 |
| Demeanor | 3.3 | 3.4 |
| Fairness | 3.2 | 3.3 |

Summary of Responses

| Group | Responses | Response Rate | Percent with Sufficient Knowledge | Number with Sufficient Knowledge |
|---------------|-----------|---------------|-----------------------------------|----------------------------------|
| Attorneys | 113 | 19% | 25% | 28 |
| Non-Attorneys | 39 | - | - | 18 |

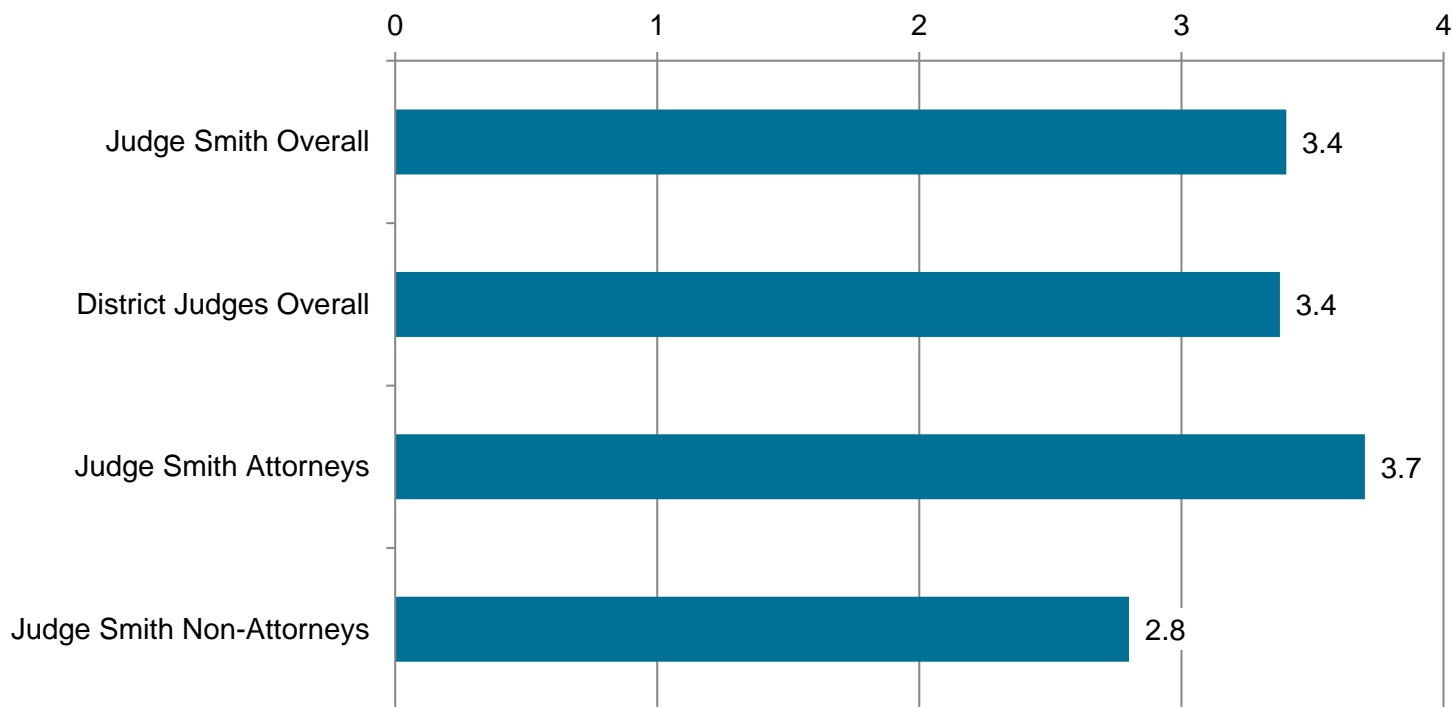
*Some non-attorney evaluations are self-selected, making calculating a response rate impossible.

The non-attorney group includes staff, jurors, litigants, and witnesses including law enforcement officers. It also includes responses provided through the open Citizen feedback survey.

Judge Smith received 0 response(s) via the Citizen Feedback survey. Those responses are included with non-attorney results wherever applicable. However, as self-selected evaluations they cannot be included in response rates.

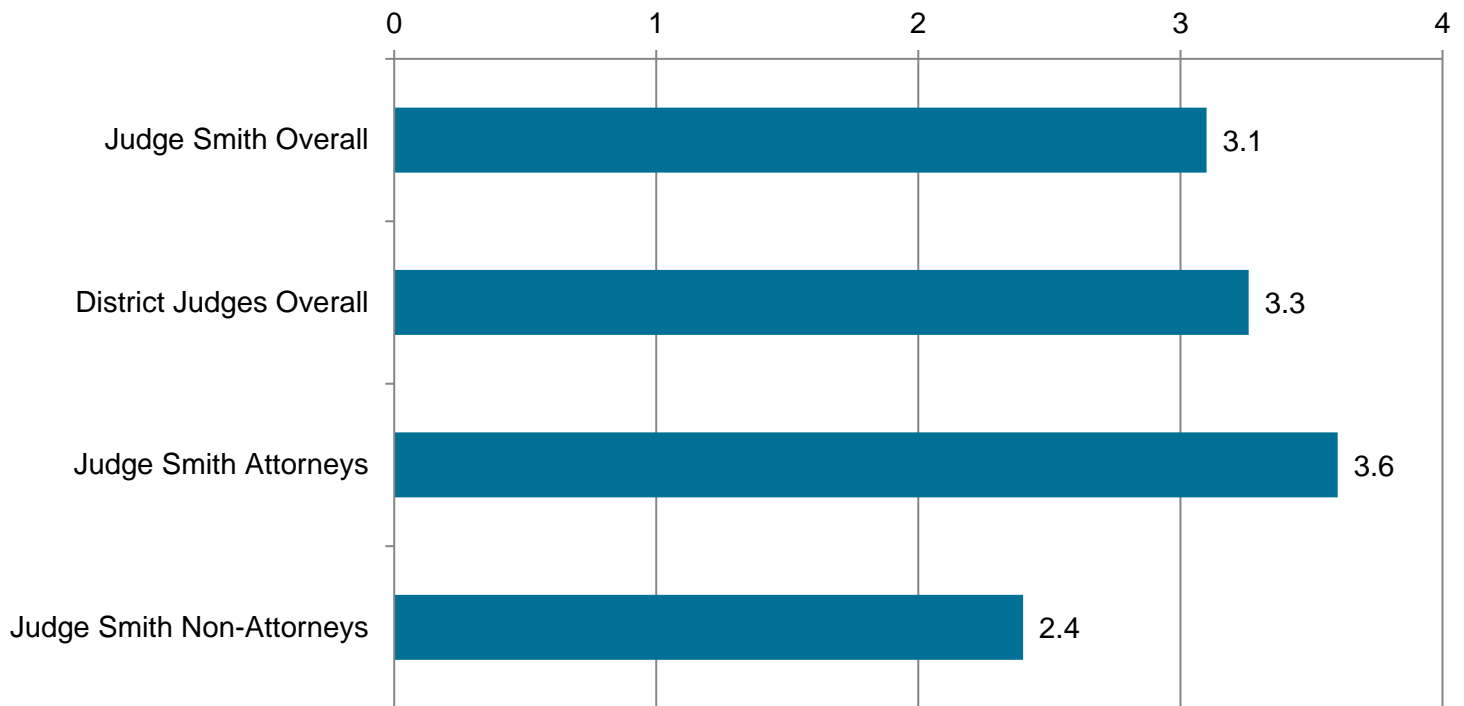
Detailed Report

Case Management



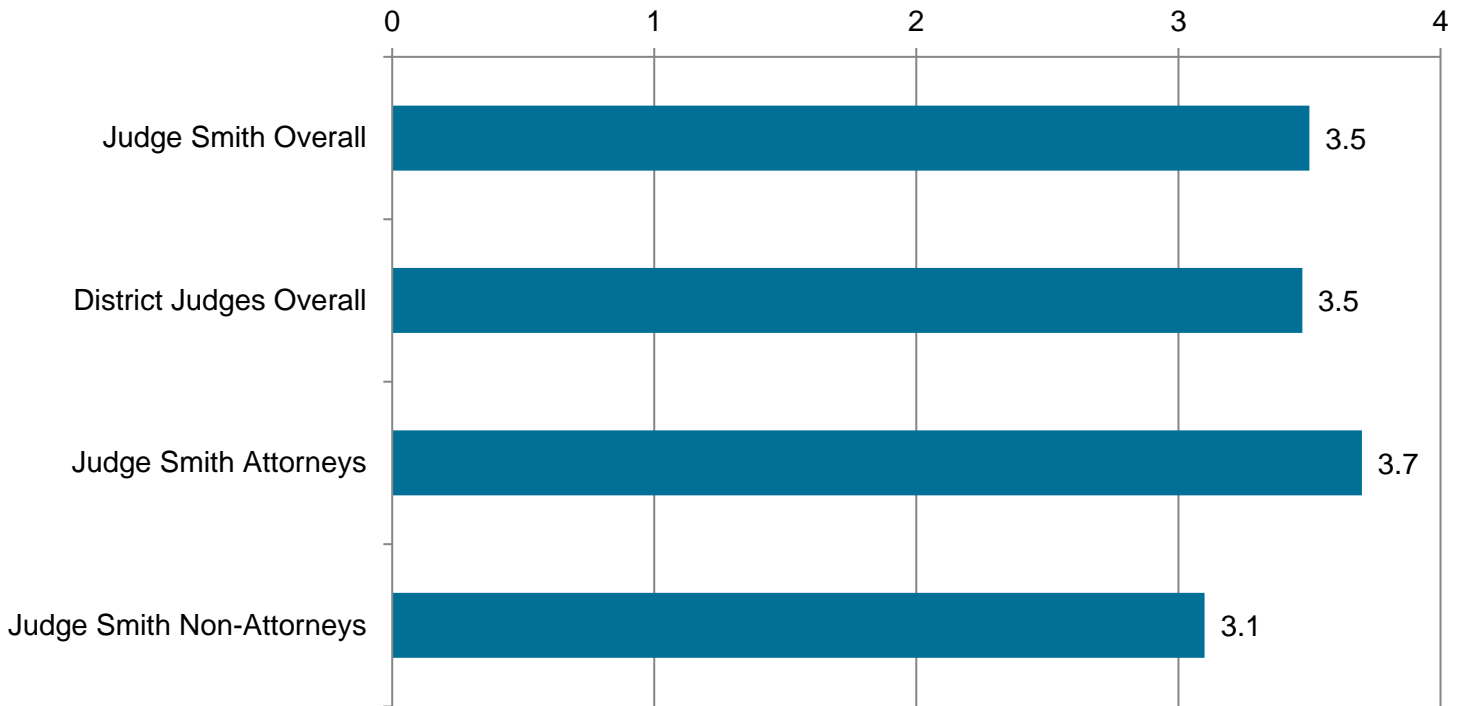
| | Judge Smith Overall | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|---|---------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Promptly issuing a decision on the case after trial | 3.3 | 3.4 | 3.6 | 2.9 | 37 |
| Maintaining appropriate control over proceedings | 3.4 | 3.4 | 3.7 | 2.8 | 44 |
| Promptly ruling on pre-trial motions | 3.3 | 3.3 | 3.7 | 2.5 | 39 |
| Setting reasonable schedules for cases | 3.4 | 3.4 | 3.8 | 2.8 | 43 |

Application and Knowledge of Law



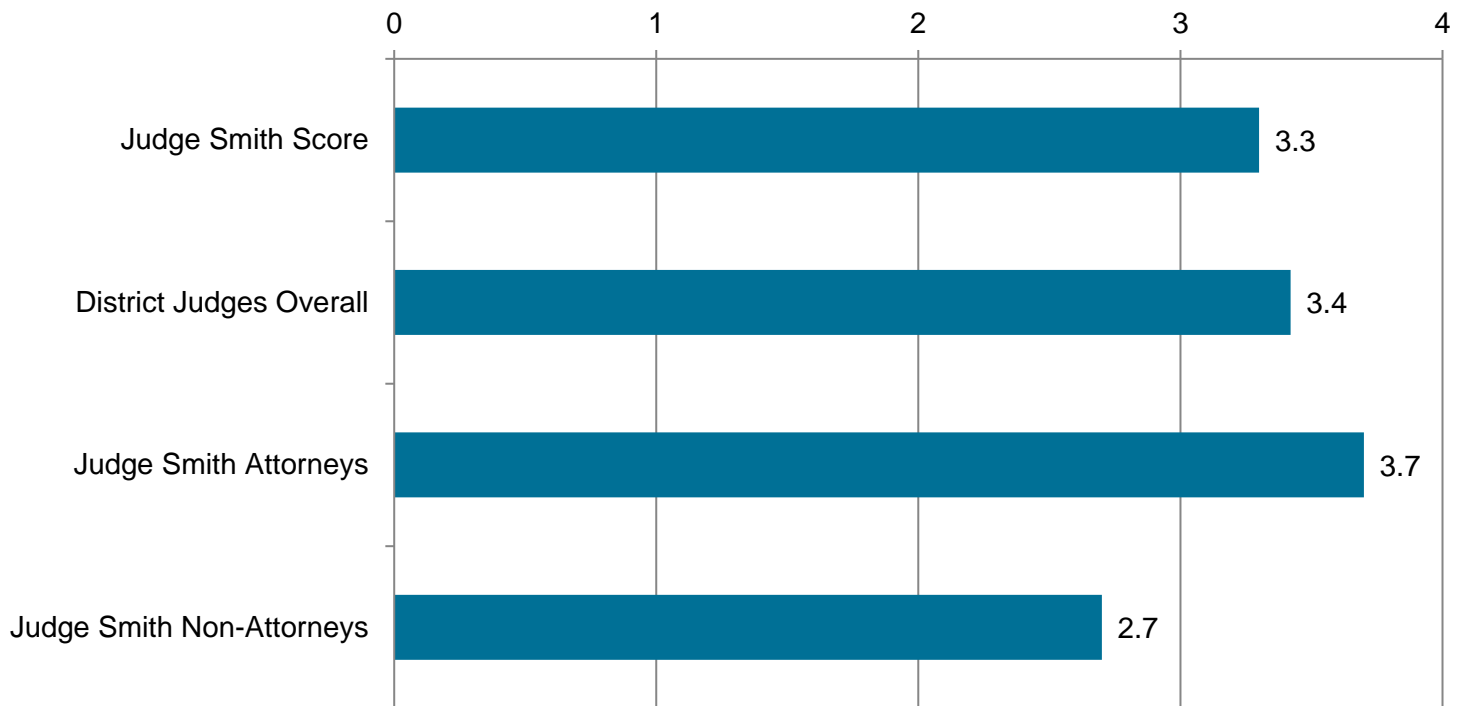
| | Judge Smith Overall | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|---|---------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Being able to identify and analyze relevant facts | 3.2 | 3.3 | 3.7 | 2.4 | 44 |
| Basing decisions on evidence and arguments | 3.5 | 3.2 | 3.5 | N/A | 27 |
| Issuing consistent sentences when the circumstances are similar | 3.6 | 3.3 | 3.6 | N/A | 19 |
| Consistently applying laws and rules | 3.5 | 3.3 | 3.5 | N/A | 23 |
| Giving reasons for rulings | 2.5 | 3.2 | N/A | 2.5 | 17 |
| Willing to make decisions without regard to possible outside pressure | 2.1 | 3.3 | N/A | 2.1 | 15 |

Communications



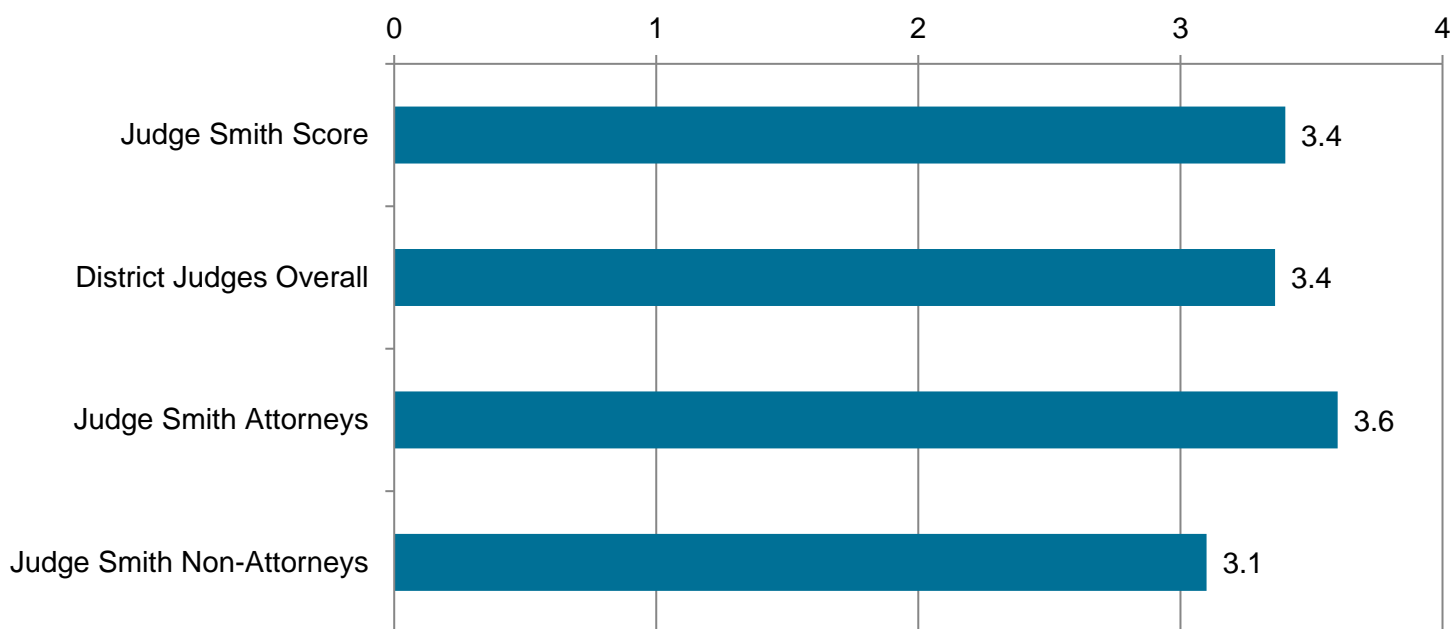
| | Judge Smith Overall | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|---|---------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Making sure all participants understand the proceedings | 3.4 | 3.5 | 3.8 | 3.0 | 41 |
| Providing written communications that are clear, thorough and well-reasoned | 3.7 | 3.3 | 3.7 | N/A | 25 |
| Using language that everyone can understand | 3.1 | 3.6 | N/A | 3.1 | 17 |
| Speaking clearly so everyone in the courtroom can hear what's being said | 3.3 | 3.6 | N/A | 3.3 | 17 |

Demeanor



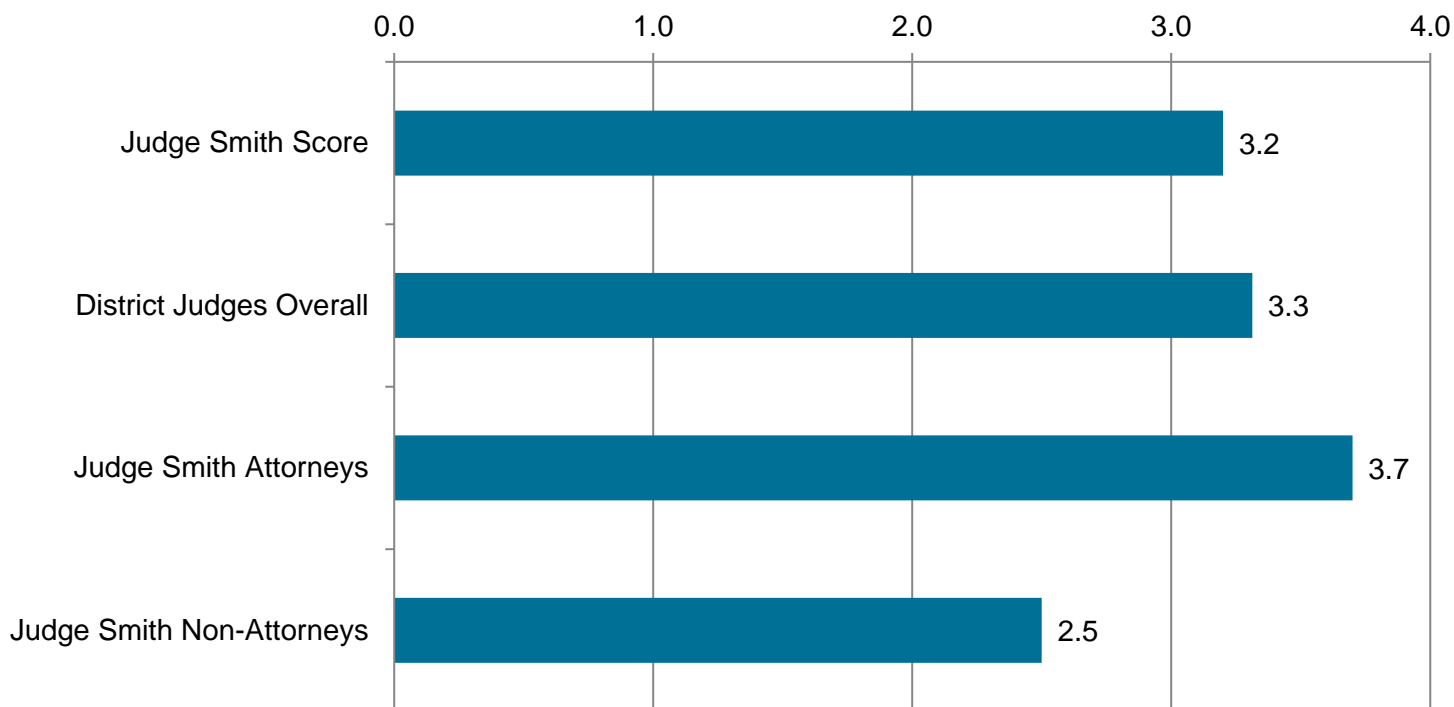
| | Judge Smith Score | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|--|-------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Giving proceedings a sense of dignity | 3.3 | 3.5 | 3.7 | 2.9 | 40 |
| Treating participants with respect | 3.4 | 3.4 | 3.8 | 2.9 | 43 |
| Having a sense of compassion and human understanding for those who appear before him/her | 2.3 | 3.2 | N/A | 2.3 | 17 |

Diligence



| | Judge Smith Score | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|---|-------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Using good judgment in application of relevant law and rules | 3.4 | 3.2 | 3.4 | N/A | 26 |
| Being willing to handle cases on the docket even when they are complicated and time consuming | 3.6 | 3.4 | 3.6 | N/A | 24 |
| Doing the necessary "homework" and being prepared for cases | 3.6 | 3.4 | 3.6 | N/A | 24 |
| Beginning court on time. | 3.6 | 3.5 | N/A | 3.6 | 17 |
| Maintaining appropriate control over proceedings | 2.9 | 3.5 | N/A | 2.9 | 16 |
| Setting reasonable schedules for cases | 3.1 | 3.4 | N/A | 3.1 | 16 |
| Being prepared for cases. | 2.8 | 3.4 | N/A | 2.8 | 17 |
| Managing court proceedings so that there is little wasted time | 3.2 | 3.4 | N/A | 3.2 | 17 |

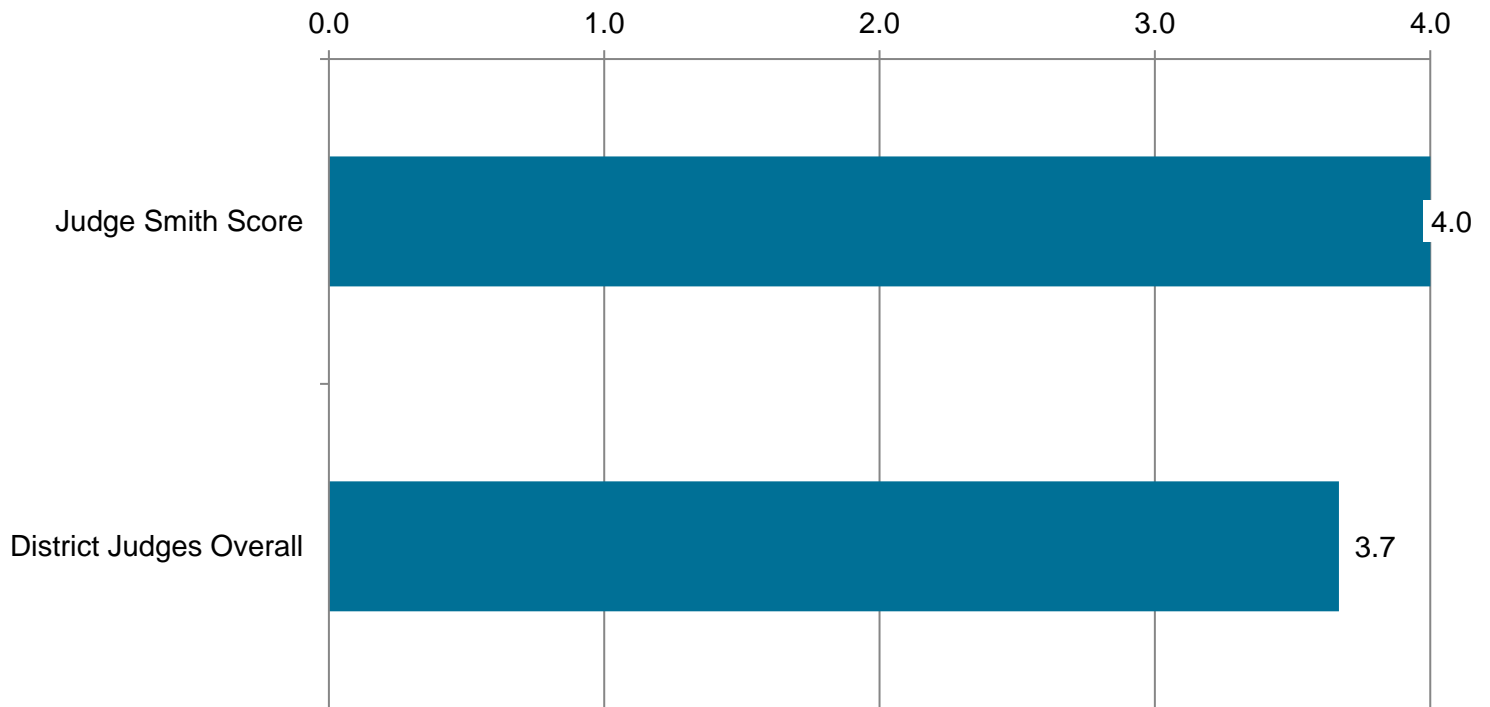
Fairness



| | Judge Smith Score | District Judges Overall | Judge Smith Attorneys | Judge Smith Non-Attorneys | Number of Responses |
|---|-------------------|-------------------------|-----------------------|---------------------------|---------------------|
| Giving participants an opportunity to be heard | 2.8 | 3.3 | N/A | 2.8 | 17 |
| Treating those involved in the case without bias | 2.2 | 3.2 | N/A | 2.2 | 17 |
| Treating fairly people who represent themselves | 2.6 | 3.3 | N/A | 2.6 | 13 |
| Giving each side enough time to present his or her case | 3.0 | 3.3 | N/A | 3.0 | 16 |
| Conducting their courtroom in a neutral manner. | 3.1 | 3.3 | 3.6 | 2.5 | 41 |
| Being fair and impartial to both sides. | 3.7 | 3.3 | 3.7 | N/A | 27 |

Survey of Appellate Judges

For Judge Smith 3 appellate judges agreed they had worked with Judge Smith enough to evaluate their performance.



| | Judge Smith Score | District Judges Overall | Number of Responses |
|--------------------------------|-------------------|-------------------------|---------------------|
| Overall performance as a judge | 4.0 | 3.7 | 3 |

Appendix 1. Survey Methods – Attorney and Non-attorney

Methodology and How to Read Results

For Judge Smith, 46 individuals completed surveys with at least a single rating question answered. This report reflects these 46 responses. The survey results are divided into eight sections: Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, Fairness, Strengths, and Weaknesses.

a. Response rates

Attorneys

During the administration, a total of 89,078 survey invitations were sent to 10,845 attorneys inviting them to evaluate judges and justices receiving reports in 2022. On average, each attorney was asked to evaluate 8.2 judges. In total 9,005 surveys were completed with an additional 9,895 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 10% and the survey completion rate (the number of those familiar indicating they did not have sufficient familiarity to evaluate the judge) was 21%.

Non-attorneys

The 2022 administration expanded on contacting non-attorneys electronically. More non-attorney email addresses became available due to administrative changes in the courts. In total 86,758 non-attorneys were invited via email. Some non-attorney groups could self-select which judges they would like to evaluate. Court staff members were emailed a link that allowed them to self-select the judges wished to evaluate in their county or district. Jurors, in addition to email, could similarly self-select via publicly posted links. The public was also allowed to self-select via a separate public link.

These methods allowed us to gather more data than previous cycles, however the inclusion of self-selected evaluations makes it impossible to calculate a response rate. In total 5,463 surveys were completed with an additional 2,466 responses where the respondent indicated that they did not have enough experience with the judge to be comfortable providing an evaluation.

b. Methodology

The 2022 attorney survey was conducted in 4 cycles online beginning on June 15th, 2021. Attorneys with appearances in front of judges in each quarter were sent a series of email invitations. Invitations were emailed to attorneys with appearances during the first quarter of 2021 on June 15th, 2021. Reminders were sent on June 30th and July 9th, 2021.

This process was repeated among attorneys with appearances in the second quarter of 2021 with email invitations sent on August 23rd, 2021 and reminders was sent on September 2nd, 2021 and September 14th, 2021. Invitations were emailed to attorneys with appearances during the third quarter of 2021 on November 9th, 2021. Reminders sent on November 18th and December 2nd, 2021. The final data collection took place in January 2022. Invitations were emailed to attorneys with appearances during the 4th quarter of 2021 on January 19th, 2022. Reminders were sent on January 28th, February 2nd and 12th, 2022. Invitations were sent out on request throughout the data collection process.

Data collection for non-attorneys began on January 1st, 2021 and ran through the response deadline of February 28th, 2022. Survey invitations were sent via email to most non-attorneys in quarterly batches mirroring the process used for attorneys. Court staff members were also invited via email but using a different process.

To help reduce administrative burden, the way that court staff were invited was changed for this cycle. Rather than be invited to evaluate specific judges, staff are now brought to a screen showing list of all judges in their district our county and allowed to choose which to evaluate.

Jurors, in addition to email, were allowed to similarly self-select via publicly posted links. The general public was also allowed to self-select via a separate public link. This survey was open for the entire data collection period and data was downloaded for analysis on February 28th, 2022. During this period 938 valid responses were received. The survey remained open and any responses received after February 28th or for judges not receiving an evaluation in 2022 were held over for the 2023 evaluation cycle.

Details on the responses from each group are detailed in the table below.

Table 1: Non-Attorney completes by invitation method

| Invitation Method | Invites Sent | Completes | Response Rate |
|--|---------------------|------------------|----------------------|
| Non-attorney email | 90,845 | 6,068 | 7% |
| Court Staff Email Invite (Self-select) | 3,471 | 1,861 | N/A |
| Citizen Feedback | Unknown | 220 | N/A |
| Juror Survey | Unknown | 938 | N/A |

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, Diligence and fairness. 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 2021 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 23 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 39 Supreme Court justices and Court of Appeals judges. Of these, 3 completed the survey and felt they had sufficient knowledge of Judge Smith 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, 2022.

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 | Completes* | Cooperation Rate |
|----------------------------|------------|---------------------|------------|------------------|
| Attorney | 595 | 113 | 28 | 25% |
| Staff | - | 5 | 5 | - |
| Others | 386 | 34 | 13 | 38% |
| Juror | - | 0 | 0 | - |
| Citizen Feedback | - | 0 | 0 | - |
| Total Non-Attorneys | - | 39 | 18 | - |
| Total Respondents | - | 152 | 46 | - |

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