COLORADO
Office of Judicial Performance Evaluation

The Honorable Judge Diana K May
2023 Judicial Performance Survey Report
District Court

Conducted by:

Contents

Summary of Results

For Judge May, 20 individuals completed surveys with at least a single rating question answered. This report reflects these 20 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
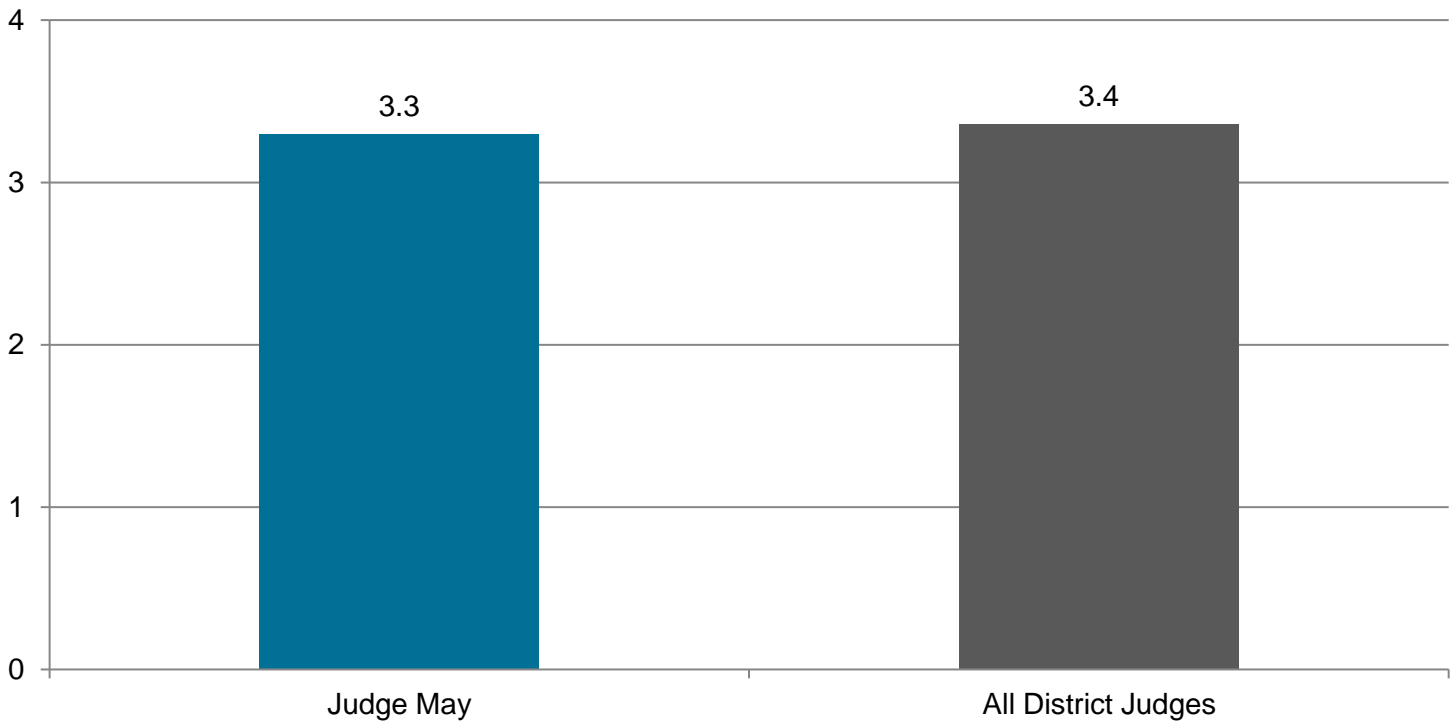
	Judge May	All District Judges
Overall Grade	3.3	3.4

Performance Scores

Bar chart showing performance scores for Judge May and All District Judges, split by Attorneys and Non-Attorneys.
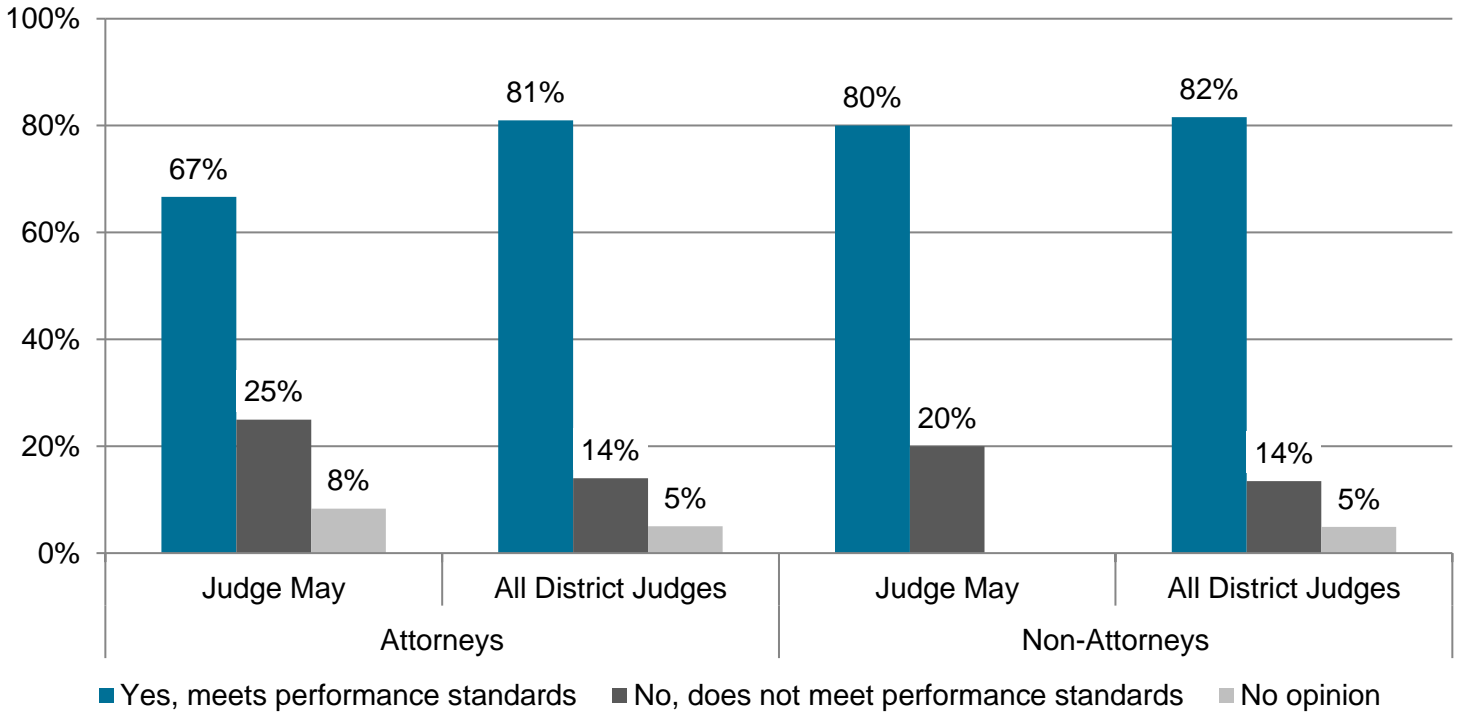
	Attorneys		Non-Attorneys	
	Judge May	All District Judges	Judge May	All District Judges
Yes, meets performance standards	67%	81%	80%	82%
No, does not meet performance standards	25%	14%	20%	14%
No opinion	8%	5%	0%	5%

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

Individual Category Scores

Chart: Individual Category Scores comparing Judge May and All District Judges (scale 0.0 to 4.0)
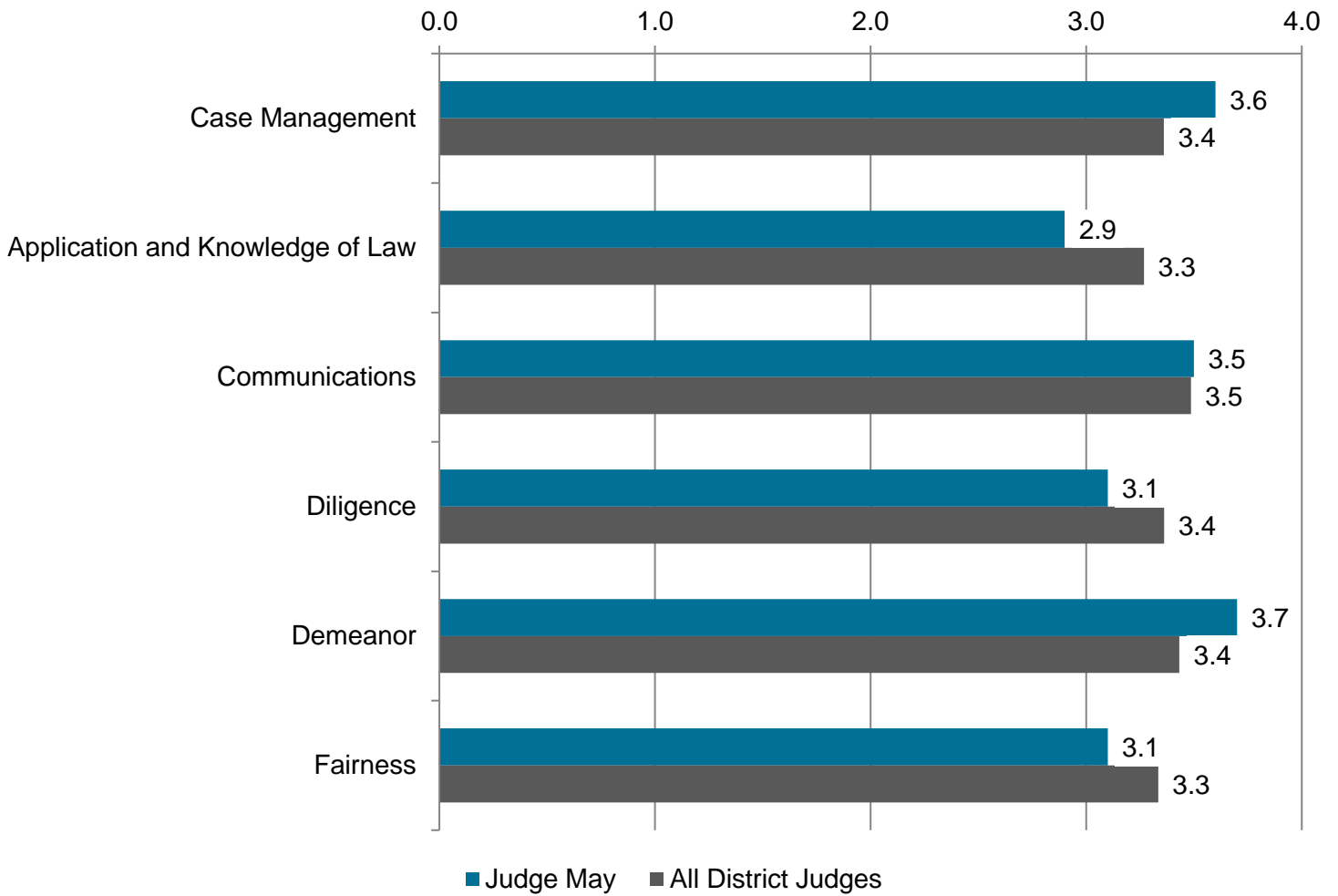
	Judge May	All District Judges
Case Management	3.6	3.4
Application and Knowledge of Law	2.9	3.3
Communications	3.5	3.5
Diligence	3.1	3.4
Demeanor	3.7	3.4
Fairness	3.1	3.3

Legend: ■ Judge May   ■ All District Judges

Summary of Responses

Group	Responses	Response Rate	Percent with Sufficient Knowledge	Number with Sufficient Knowledge
Attorneys	33	29%	42%	14
Non-Attorneys	15	-	-	6

*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 May 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
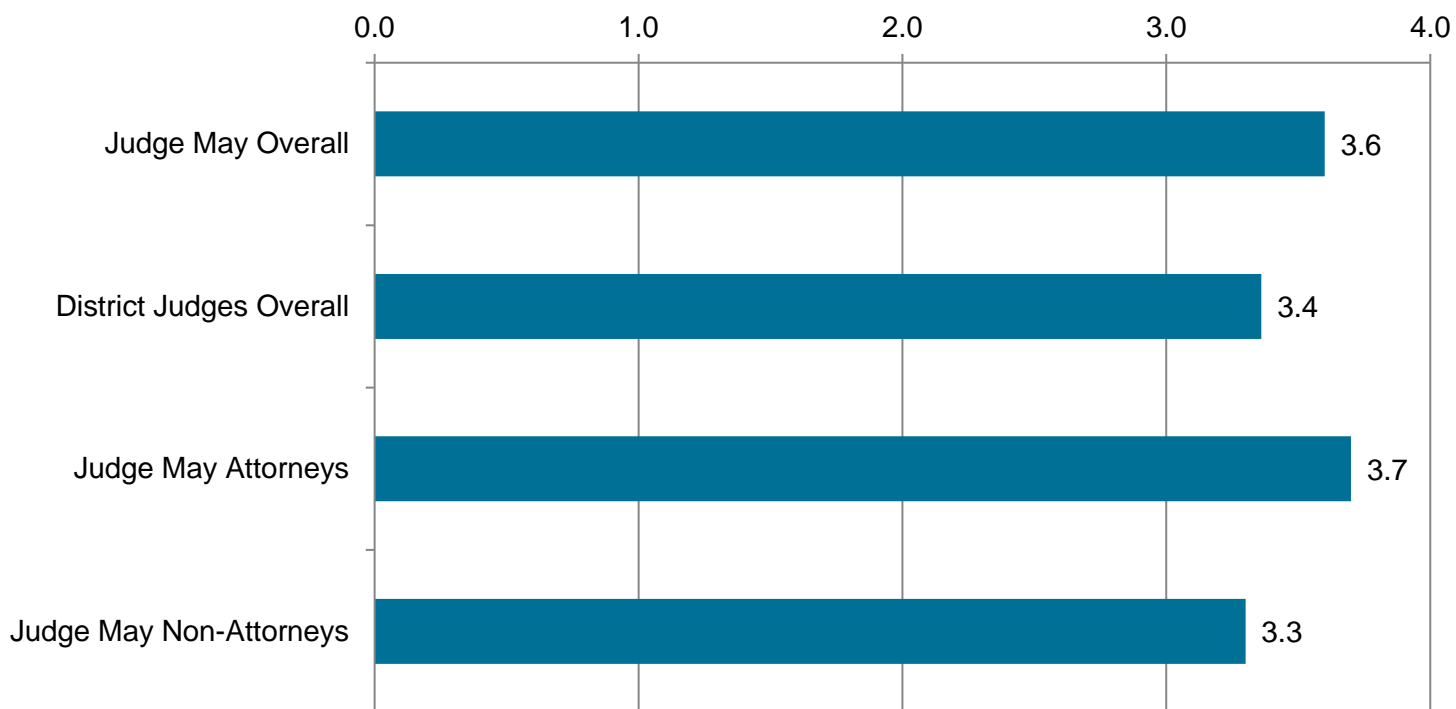
	0.0	1.0	2.0	3.0	4.0
Judge May Overall				3.6	
District Judges Overall				3.4	
Judge May Attorneys				3.7	
Judge May Non-Attorneys				3.3	

	Judge May Overall	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Promptly issuing a decision on the case after trial	3.5	3.4	3.7	3.0	17
Maintaining appropriate control over proceedings	3.6	3.4	3.6	3.3	20
Promptly ruling on pre-trial motions	3.5	3.3	3.6	3.2	18
Setting reasonable schedules for cases	3.5	3.3	3.6	3.2	18

Application and Knowledge of Law

	0.0	1.0	2.0	3.0	4.0
Judge May Overall				2.9	
District Judges Overall				3.3	
Judge May Attorneys				3.0	
Judge May Non-Attorneys				2.8	

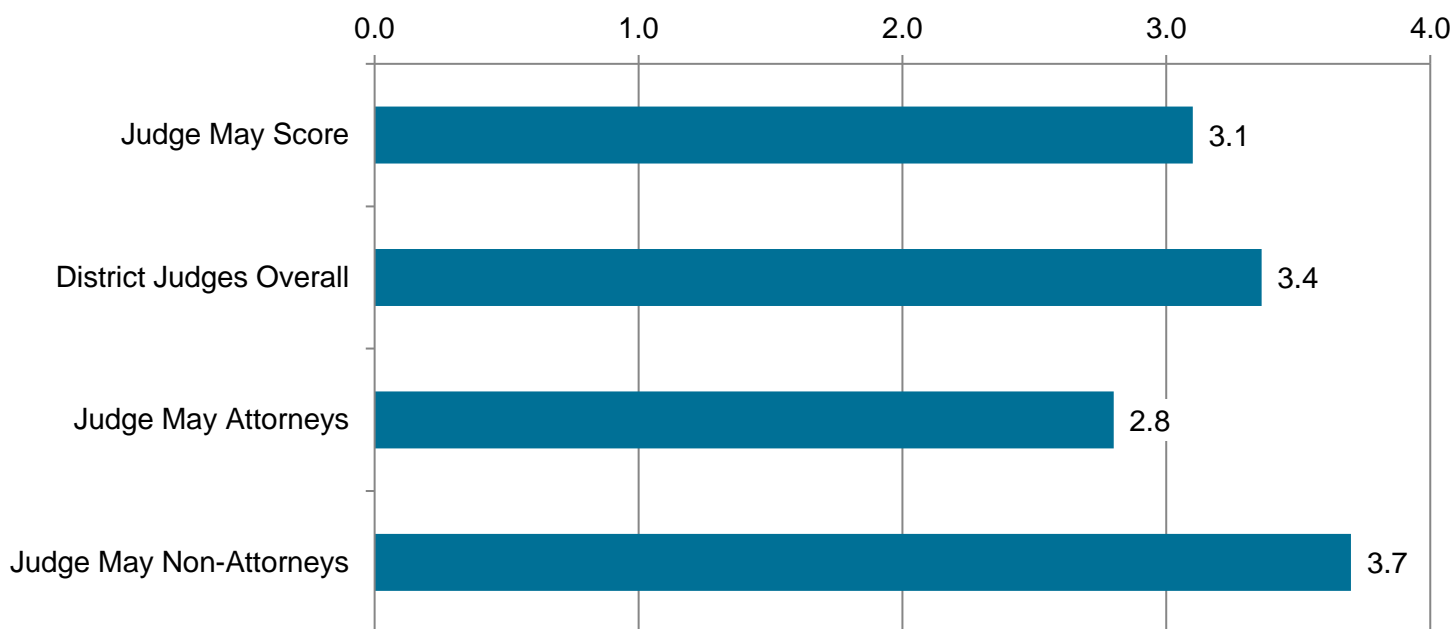|	Judge May Overall	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Being able to identify and analyze relevant facts	2.8	3.3	2.8	2.7	19
Basing decisions on evidence and arguments	3.0	3.2	3.0	N/A	13
Issuing consistent sentences when the circumstances are similar	3.4	3.3	3.4	N/A	8
Consistently applying laws and rules	3.1	3.2	3.1	N/A	11
Giving reasons for rulings	2.8	3.3	N/A	2.8	6
Willing to make decisions without regard to possible outside pressure	3.5	3.4	N/A	3.5	4

Communications
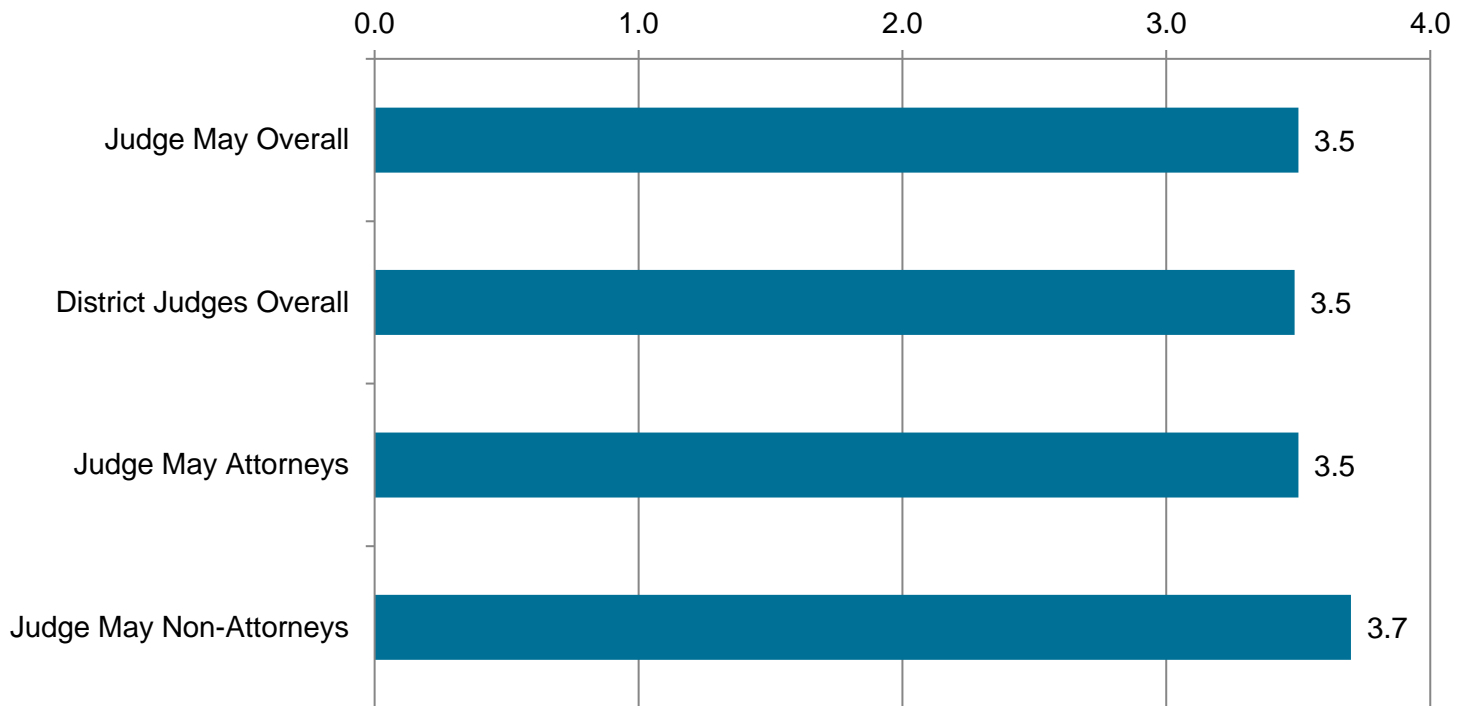
	Judge May Overall	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Making sure all participants understand the proceedings	3.8	3.5	3.8	3.8	18
Providing written communications that are clear, thorough and well-reasoned	3.0	3.3	3	N/A	12
Using language that everyone can understand	3.8	3.6	N/A	3.8	5
Speaking clearly so everyone in the courtroom can hear what's being said	3.6	3.7	N/A	3.6	5

Demeanor

	Judge May Score	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Giving proceedings a sense of dignity	3.6	3.5	3.6	3.6	17
Treating participants with respect	3.9	3.4	3.9	3.8	17
Having a sense of compassion and human understanding for those who appear before him/her	3.4	3.4	N/A	3.4	5

Diligence

	Judge May Score	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Using good judgment in application of relevant law and rules	2.4	3.2	2.4	N/A	12
Being willing to handle cases on the docket even when they are complicated and time consuming	3.7	3.4	3.7	N/A	9
Doing the necessary "homework" and being prepared for cases	3.3	3.3	3.3	N/A	11
Beginning court on time.	3.8	3.6	N/A	3.8	5
Maintaining appropriate control over proceedings	3.6	3.6	N/A	3.6	5
Setting reasonable schedules for cases	3.8	3.4	N/A	3.8	4
Being prepared for cases.	3.4	3.5	N/A	3.4	5
Managing court proceedings so that there is little wasted time	3.8	3.4	N/A	3.8	5

Fairness
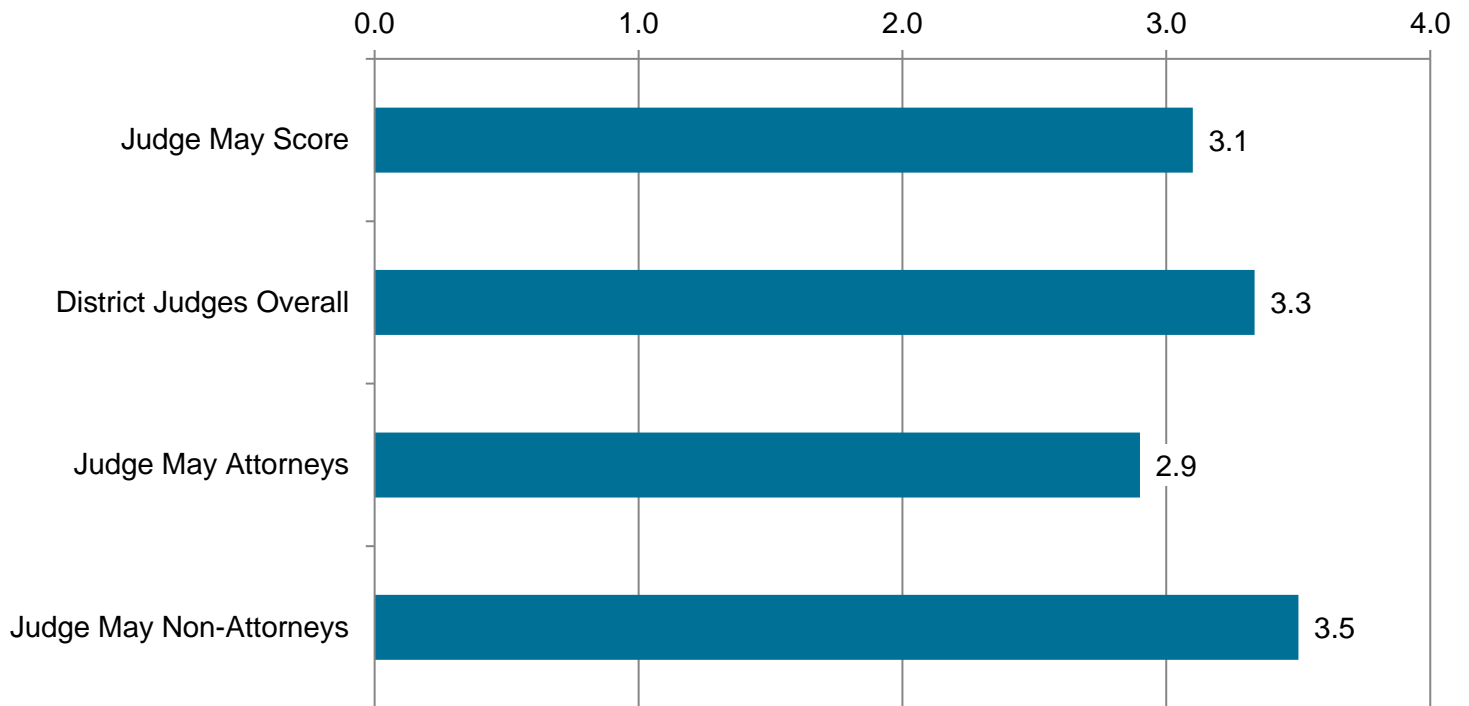
	Judge May Score	District Judges Overall	Judge May Attorneys	Judge May Non-Attorneys	Number of Responses
Giving participants an opportunity to be heard	3.6	3.4	N/A	3.6	5
Treating those involved in the case without bias	3.2	3.3	N/A	3.2	5
Treating fairly people who represent themselves	4.0	3.4	N/A	4.0	1
Giving each side enough time to present his or her case	3.6	3.4	N/A	3.6	5
Conducting their courtroom in a neutral manner.	3.2	3.4	3.0	3.6	17
Being fair and impartial to both sides.	2.8	3.3	2.8	N/A	12

Survey of Appellate Judges

For Judge May 5 appellate judges agreed they had worked with Judge May enough to evaluate their performance.

| | 0.0 | 1.0 | 2.0 | 3.0 | 4.0 |

Judge May Score — 3.4

District Judges Overall — 3.4
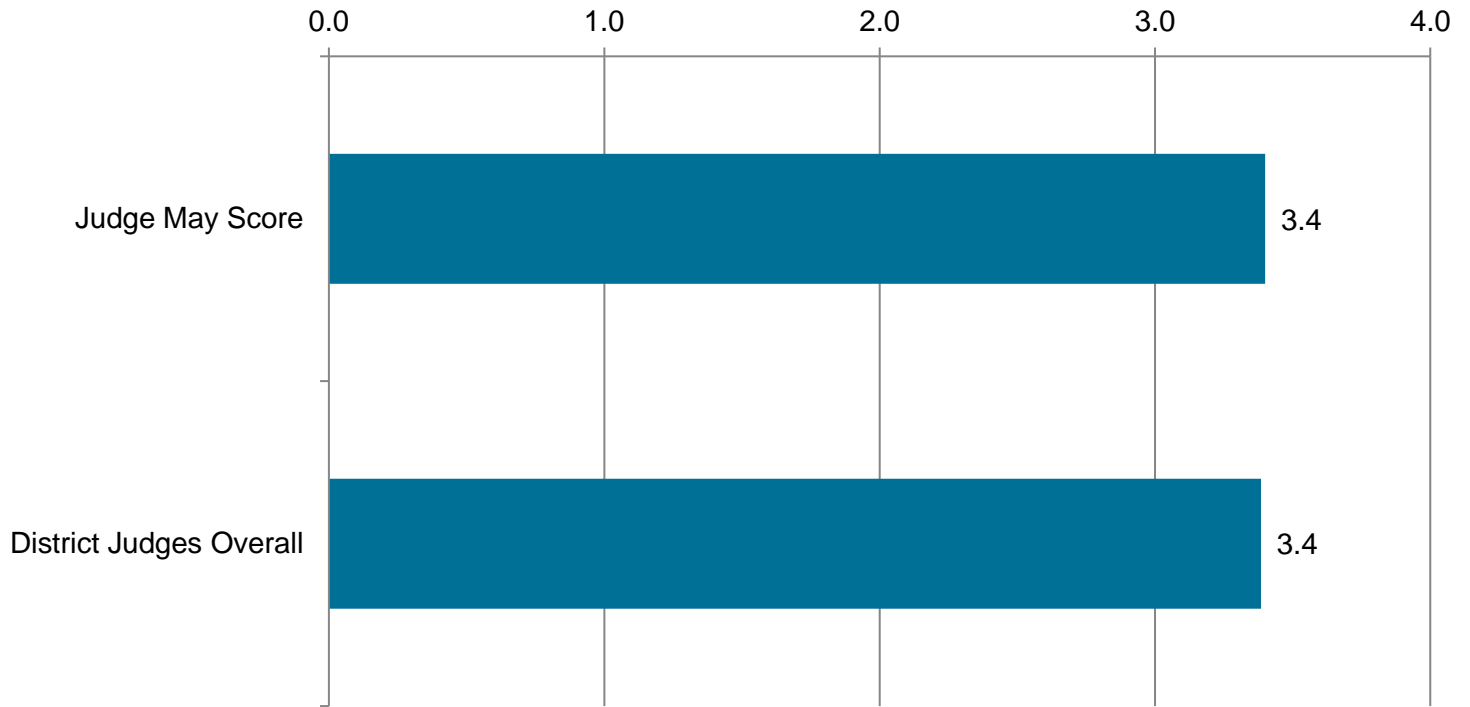
	Judge May Score	District Judges Overall	Number of Responses
Overall performance as a judge	3.4	3.4	5

Appendix 1. Survey Methods – Attorney and Non-attorney

Methodology and How to Read Results

For Judge May, 20 individuals completed surveys with at least a single rating question answered. This report reflects these 20 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, 76,755 survey invitations were sent to 10,611 attorneys inviting them to evaluate judges and justices receiving reports in 2023. On average, each attorney was asked to evaluate 7 judges. In total, 7,151 surveys were completed with 10,495 more responses where the attorney indicated they did not have enough experience with the judge to be comfortable evaluating them. The response rate for the survey was 9% and the survey completion rate (the number of those familiar indicating they did not have sufficient familiarity to evaluate the judge) was 23%. In addition to emailed invitations, attorneys could self-select the judges to evaluate via a public link.

Non-attorneys
The 2023 administration expanded on contacting non-attorneys electronically. More non-attorney email addresses became available due to administrative changes in the courts. In total 93,819 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 2,466 more responses where the respondent indicated they did not have enough experience with the judge to be comfortable providing an evaluation.

b. Methodology

The 2023 attorney survey was conducted in 4 cycles online beginning on July 21st, 2022. Attorneys with appearances in front of judges in each quarter were sent a sent a series of email invitations. Invitations were emailed to attorneys with appearances during the first and second quarters of 2022 on July 21st, 2022. Reminders were sent on August 3rd and August 10th, 2022.

This process was repeated among attorneys with appearances in the third quarter of 2022 with email invitations sent on October 20th, 2022 and reminders was sent on November 3rd, 2022 and November 9th, 2022.
The final data collection took place in January 2023. Invitations were emailed to attorneys with appearances during the 4th quarter of 2022 on January 14th, 2023. Reminders were sent on January 23rd and January 28th, 2023. Invitations were sent out on request throughout the data collection process.

In addition to emailed invitation attorneys could self-select via a public link throughout the entire data collection period. Data was downloaded for analysis on February 3rd, 2023.

Data collection for non-attorneys began on January 1st, 2022 and ran through the response deadline of February 3rd, 2023. 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 the 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 a list of all judges in their district or 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 3rd, 2023. During this period 1,296 valid responses were received. The survey remained open and any responses received after February 3rd or for judges not receiving an evaluation in 2023 were held over for the 2024 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	93,819	5,985	6%
Court Staff Email Invite (Self-select)	3,427	1,864	N/A
Citizen Feedback	Unknown	113	N/A
Juror Survey	Unknown	1,296	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 2022 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 37 Supreme Court justices and Court of Appeals judges. Of these, 5 completed the survey and felt they had sufficient knowledge of Judge May 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 11th, 2023. Reminders were sent on January 19th and January 25th 2023.

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	115	33	14	42%
Staff	-	1	1	-
Others	161	14	5	36%
Juror	-	0	0	-
Citizen Feedback	-	0	0	
Total Non-Attorneys	-	15	6	-
Total Respondents	-	48	20	-

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