COLORADO
Office of Judicial Performance Evaluation
Judicial Branch

OJPE

The Honorable Sabino E. Romano
2018 Judicial Performance Survey Report
County Court

Conducted by:

MARKET DECISIONS RESEARCH

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Contents

Summary of Results

For Judge Sabino E. Romano, 76 qualified survey respondents submitted surveys. Of those who responded, 61 agreed they had worked with Judge Romano enough to evaluate his performance. This report reflects these 61 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

Figure 1
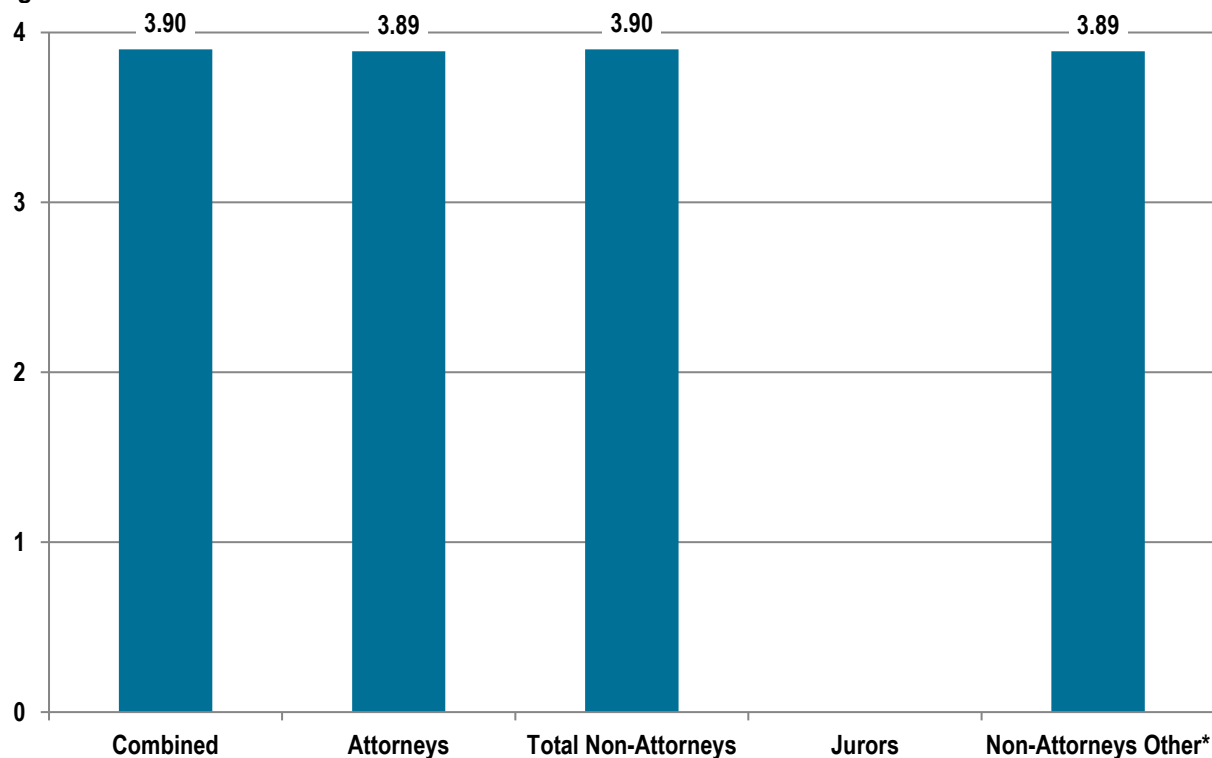
Table 1

	Judge Sabino E. Romano Overall Scores				
			Non-Attorneys		
	Combined	**Attorneys**	**Total Non-Attorneys**	**Jurors**	**Non-Attorneys Other***
Overall Grade	**3.9**	**3.89**	**3.90**	**N/A**	**3.89**

* The Non-Attorney Other category includes law enforcement personnel, defendants, litigants, and witnesses.

Performance Scores

Figure 2

Legend:
- ■ Yes, meets performance standards
- ■ No, does not meet performance standards
- ■ No opinion
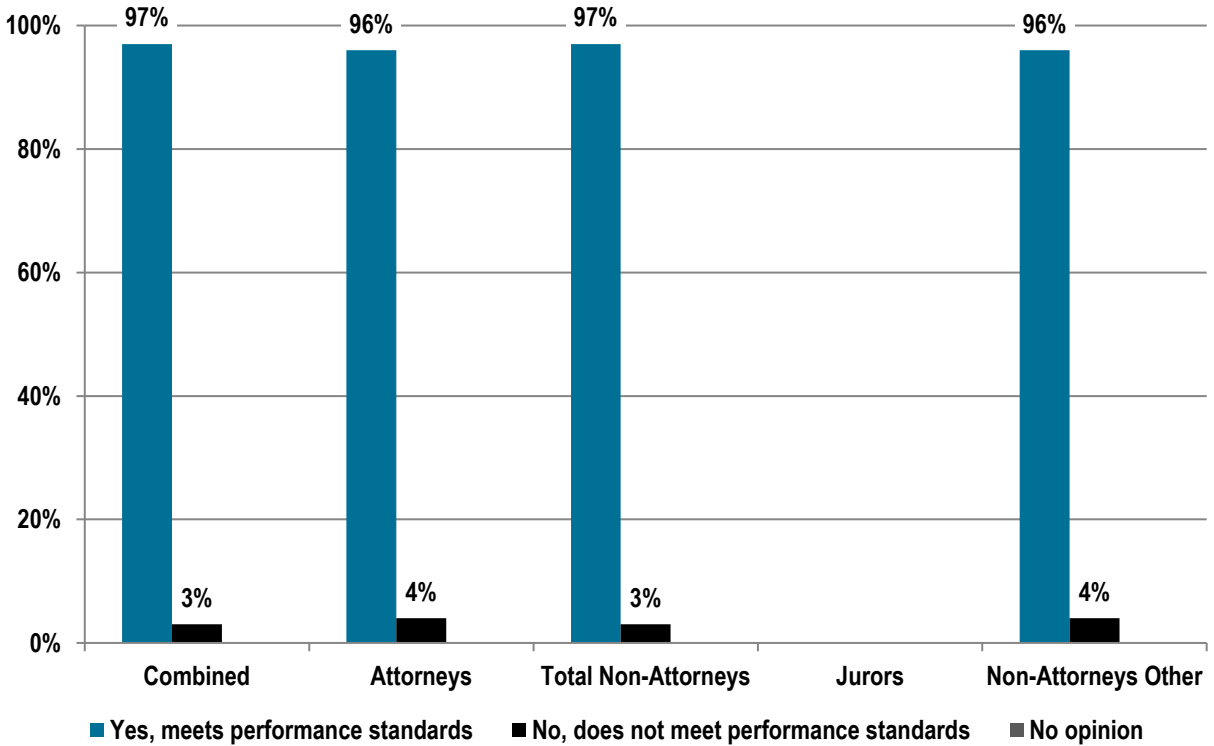
Table 2

Judge Sabino E. Romano Overall Retention Scores					
			Non-Attorneys		
	Combined	**Attorneys**	**Total Non-Attorneys**	**Jurors**	**Non-Attorneys Other**
Yes, meets performance standards	97%	96%	97%	0%	96%
No, does not meet performance standards	3%	4%	3%	0%	4%
No opinion	0%	0%	0%	0%	0%

Individual Category Scores

Table 3

Judge Sabino E. Romano Overall Category Scores				
		Non-Attorneys		
Area	Attorneys	Total	Jurors	Non-Attorneys Other
Case Management	3.93	N/A	N/A	N/A
Application and Knowledge of Law	3.80	3.86	N/A	3.83
Communications	3.94	3.96	N/A	3.95
Diligence	3.86	3.85	N/A	3.85
Demeanor	3.93	3.93	N/A	3.92
Fairness	N/A	3.92	N/A	3.91

Summary of Responses

Table 4: Response Rates

Group	Total Sent	Undeliverable or Not Applicable*	Complete	Response Rate	% Without sufficient knowledge**
Attorneys	91	0	34	37%	18%
Total Non-Attorneys	403	38	42	12%	21%
Staff	14	0	6	43%	17%
Jurors	0	0	0	N/A	N/A
Other Non-Attorneys	389	38	36	10%	22%

*Undeliverable or Not Applicable surveys are those that were returned as undeliverable, the person no longer works at the address provided, or the respondent is deceased.
**The percent without sufficient knowledge are those that said they had insufficient experience to evaluate the judge or justice.

Survey of Attorneys

Methodology and How to Read Results

For Judge Romano, 34 qualified survey respondents submitted surveys. Of those who responded, 28 agreed they had worked with Judge Romano enough to evaluate his performance. This report reflects these 28 responses. The survey results are divided into nine sections: Retention, Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, Bias, Strengths, and Weaknesses.

The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "County Judges" on the charts.

a. Response rates

During the 2017 administration, a total of 20,283 survey invitations were sent to 6,391 attorneys inviting them to evaluate judges and justices standing for retention in 2018. On average, each attorney was asked to evaluate 3.2 judges. In total 3,983 surveys were completed with an additional 1,943 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 29% 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 67%.

b. Methodology

The 2017 attorney survey was conducted online beginning on August 8th, 2017. Attorneys with appearances in front of judges during the first and second quarters of 2017 were first mailed a pre-notification letter on August 8th, 2017 informing them about the survey and providing a link and login information to access the survey online. Next, a series of three email invitations were sent on August 10th, August 29th, and September 21st.

This process was repeated among attorneys with appearances in the third quarter of 2017 beginning with a pre-notification letter sent on November 10th, 2017. The letter was followed up by email invitations sent on November 20th, December 4th, and December 12th.

To further increase the amount of data collected, an additional cycle of data collection took place in February 2018. Invitations were emailed to attorneys with appearances during the 4th quarter of 2017. This cycle included a pre-notification letter sent on February 12th, followed up by email invitations sent on February 15th, and February 19th. Additional invitations and reminders were sent out on request throughout the data collection process.

Appellate staff attorneys received the same survey as other attorneys, but were invited separately with a series of email invitations starting with the initial invite on December 14th and followed by a reminder on January 10th, 2018.

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. This question was re-worded from previous survey administrations when respondents were asked how strongly they would or would not recommend a judge for retention.

The question wording for the core of the survey was carried over from the 2016 administration with only minor changes to make the survey gender neutral. The questions were originally developed in 1998 to meet the criteria outlined in statute 13-5.5-101 et seq.

Question Category Areas*

	Trial Judge: Attorney Survey	Appellate Judge/Justice Attorney Survey
Question Categories		
Appellate Judge General Questions		6
Application and Knowledge of Law	5	
Case Management	4	
Communications	2	
Demeanor	3	
Diligence	3	
Writing		6

Individual Questions		
Meets Performance Standards	1	1

*The numbers in the table refer to the number of questions asked in each category by survey group.

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 questions on bias and 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.

Case Management

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Romano on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

Figure 3

| | 0 | 1 | 2 | 3 | 4 |

Case Management Overall Average
- 3.93
- 3.39

Promptly issuing a decision on the case after trial
- 3.92
- 3.55

Maintaining appropriate control over proceedings
- 3.96
- 3.38

Promptly ruling on pre-trial motions
- 3.96
- 3.39

Setting reasonable schedules for cases
- 3.85
- 3.34

■ Judge Romano   ■ All County Judges

Table 5

Case Management							
Judge Sabino E. Romano	A	B	C	D	Fail	DK/NA	Total
Promptly issuing a decision on the case after trial	24	2	--	--	--	1	27
Maintaining appropriate control over proceedings	26	1	--	--	--	--	27
Promptly ruling on pre-trial motions	24	1	--	--	--	2	27
Setting reasonable schedules for cases	24	--	2	--	--	1	27

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Application and Knowledge of Law

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Romano on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.
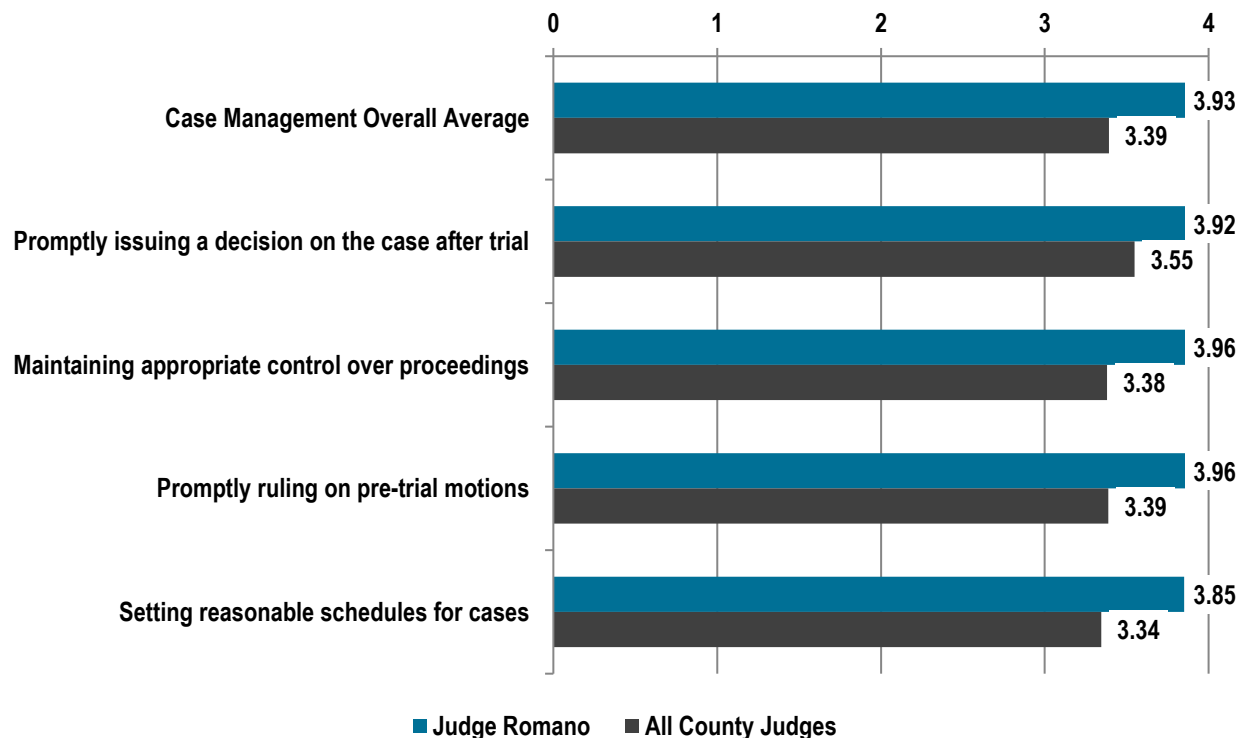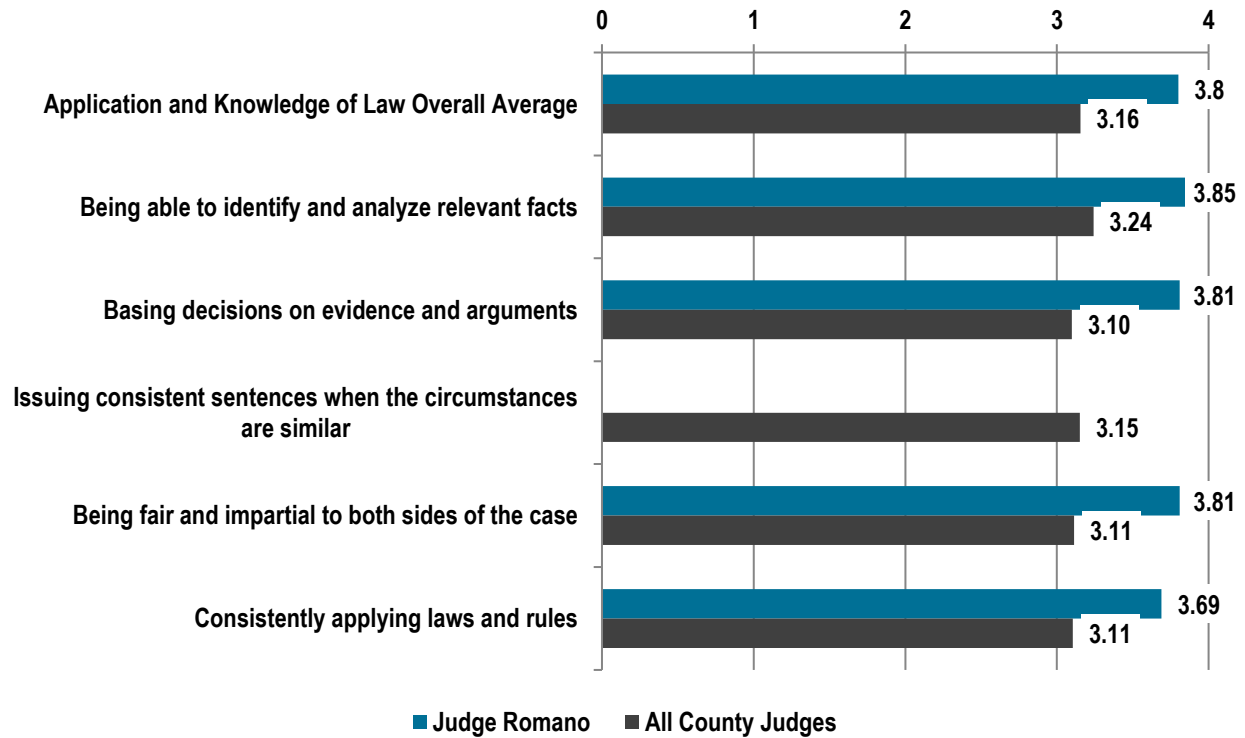
Figure 4

	Judge Romano	All County Judges
Application and Knowledge of Law Overall Average	3.8	3.16
Being able to identify and analyze relevant facts	3.85	3.24
Basing decisions on evidence and arguments	3.81	3.10
Issuing consistent sentences when the circumstances are similar		3.15
Being fair and impartial to both sides of the case	3.81	3.11
Consistently applying laws and rules	3.69	3.11

■ Judge Romano   ■ All County Judges

Table 6

Application and Knowledge of Law							
Judge Sabino E. Romano	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Total**
Being able to identify and analyze relevant facts	23	2	1	--	--	1	27
Basing decisions on evidence and arguments	21	5	--	--	--	1	27
Issuing consistent sentences when the circumstances are similar	--	--	--	--	--	--	
Being fair and impartial to both sides of the case	24	2	--	1	--	--	27
Consistently applying laws and rules	21	2	3	--	--	1	27

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Communications

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Romano on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.
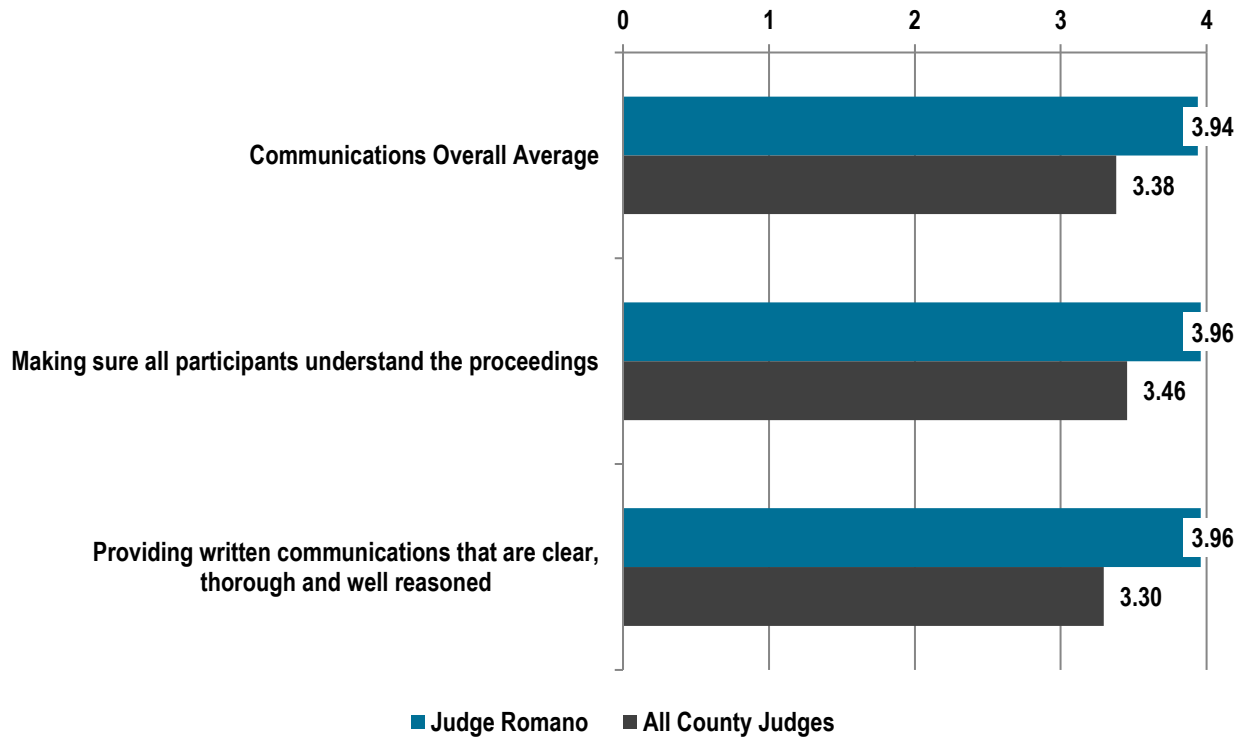
Figure 5

Communications							
Judge Sabino E. Romano	A	B	C	D	Fail	DK/NA	Total
Making sure all participants understand the proceedings	26	1	--	--	--	--	27
Providing written communications that are clear, thorough and well reasoned	22	1	--	--	--	4	27

Table 7

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Demeanor

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Romano on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.
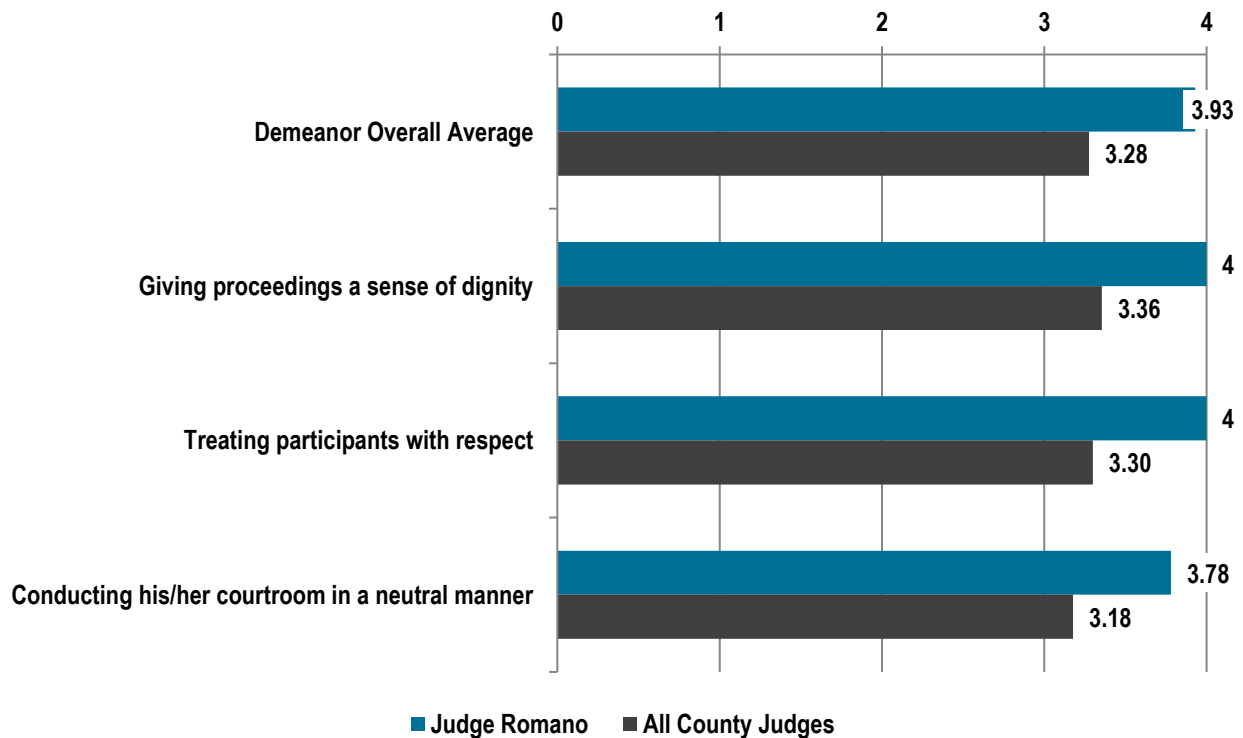
Figure 6

Demeanor							
Judge Sabino E. Romano	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Total**
Giving proceedings a sense of dignity	27	--	--	--	--	--	27
Treating participants with respect	27	--	--	--	--	--	27
Conducting his/her courtroom in a neutral manner	24	1	1	1	--	--	27

Table 8 (placed above table)

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Diligence

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Romano on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.
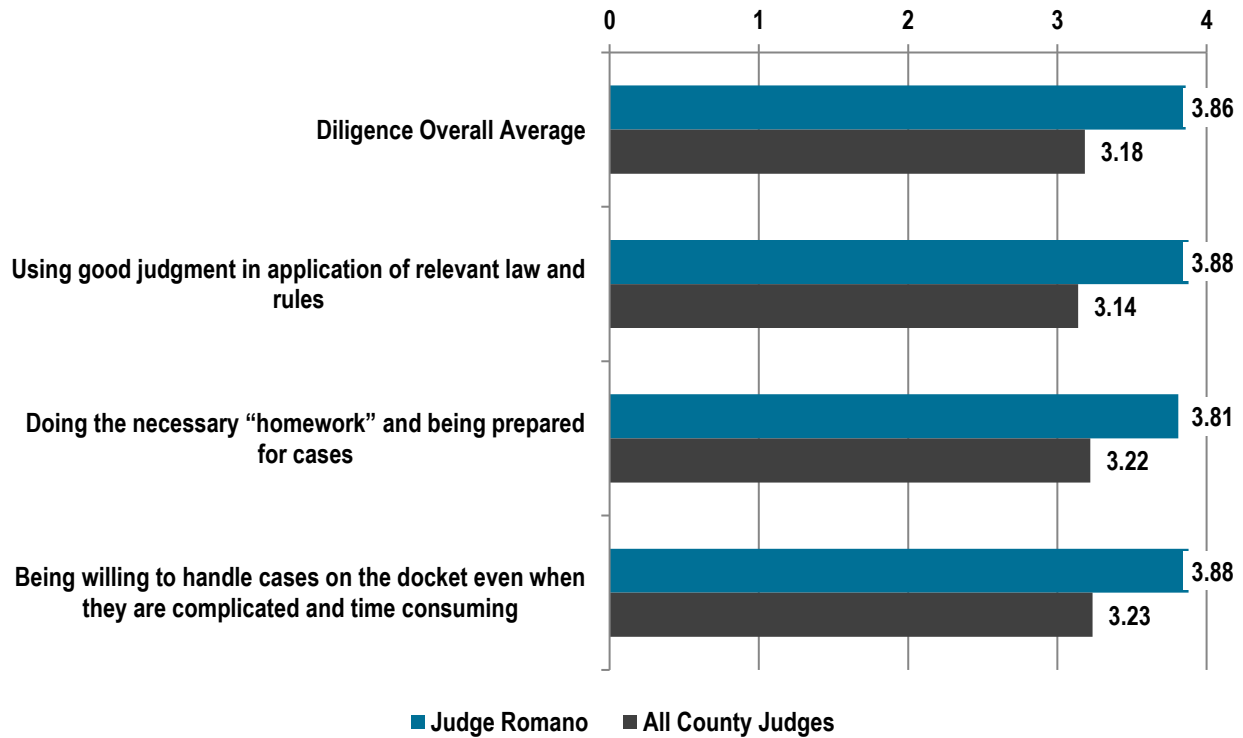
Figure 7

■ Judge Romano ■ All County Judges

Table 9

Diligence							
Judge Sabino E. Romano	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Total**
Using good judgment in application of relevant law and rules	24	1	1	--	--	1	27
Doing the necessary "homework" and being prepared for cases	24	2	--	1	--	--	27
Being willing to handle cases on the docket even when they are complicated and time consuming	24	1	1	--	--	1	27

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Performance Score

Based on your responses to the previous questions related to the performance evaluation criteria, do you think Judge Romano meets judicial performance standards?

Table 10

Judge Sabino E. Romano	
Yes, meets performance standards	**96%**
No, does not meet performance standards	**4%**
No opinion	**0%**

Survey of Non Attorneys

Methodology and How to Read Results

For Judge Sabino E. Romano, 42 qualified survey respondents submitted surveys. Of those who responded, 33 agreed they had worked with Judge Romano enough to evaluate their performance. This report reflects these 33 responses.

a. Response rates

During the 2017 administration, 5,130 survey invitations have been sent to court staff members and 100,869 to other non-attorneys. Among court staff, 1,334 complete surveys have been received and an additional 569 indicated that they did not have enough experience to evaluate the judge. The response rate among court staff is 30% and the completion rate is 70%.

Among other non-attorneys, 2,824 complete surveys have been received and an additional 1,549 indicated that they did not have enough experience to evaluate the judge. The response rate among other non-attorneys was 6% and the completion rate was 74%.

b. Methodology

The 2017 non-attorney survey was conducted via a mixed mode online and mail survey beginning August 17th, 2017 and ending on February 20th, 2018. Due to the ability to contact court staff via email, respondents were split into two groups for data collection: court staff and other non-attorneys. The court staff group includes staff members, interpreters and probation officers. The other non-attorney group includes jurors, defendants, witnesses, litigants, and law enforcement personnel.

Court staff members were invited via emailed invitations sent on December 5th and a reminder sent on December 13th.

Other non-attorneys with court experiences in the first and second quarters of 2017 where no email addresses were available were first mailed a pre-notification letter sent on August 17th informing them about the survey and providing a link and login information to access the survey online. This was followed up with a second mailing that also included the information to access the survey online, as well as a full printed survey booklet and postage-paid return envelope. This second mailing was sent on September 18th, 2017. This process for other non-attorneys was repeated for those who had experience with judges during the third quarter of 2017. For this cycle the pre-notification letter was sent on November 14th, and the survey booklet on December 13th.

For respondents with court experiences during the 4th quarter of 2017, the order of the mailings was switched due to the constraints of the reporting schedule. The first mailing, sent on January 29th, included the full survey booklet and a return mailing envelope as well as instructions to access the survey online. The second mailing, sent on February 14th, included only a letter with instructions to complete the survey online and reminded them of the survey closing on February 20th.

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 opened on August 20th, 2017 and data was downloaded for analysis on February 20th, 2018. During this period 54 valid responses were received. The survey remained open and any responses received after February 20th or for judges not standing for retention in 2018 were held over to be included in the 2019 evaluation cycle.

The core questions of this survey matched the regular non-attorney survey with additional demographic questions to identify both the judge and the respondent leaving feedback. When leaving feedback, respondents were required to leave their name and contact information as well as pass a captcha verification check to prevent automated responses. During analysis, these responses were screened so that each respondent could only evaluate each judge or justice once during the cycle and to remove responses for those that provided false or incomplete contact information.

c. Questions

Respondents evaluated judges on 19 aspects of judicial performance using a 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. This question was re-worded from previous survey administrations when respondents were asked how strongly they would or would not recommend a judge for retention.

Question Category Areas*

	Court Staff	Other Non-attorneys
Question Categories		
Application of Law	3	3
Communications	3	3
Demeanor	4	4
Diligence	5	5
Fairness	4	4

Individual Questions		
Meets Performance Standards	1	1

The numbers in the table refer to the number of questions asked in each category by survey group.

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 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. 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 respondent with each category. This score will have the same numerical range as the individual questions from zero to four. Similarly, an average score is calculated for each individual question with the exception of the meets performance standards question.

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 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. That is, the percentage of respondents that assigned a rating of A, B, C, D, and F.

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. Respondents were also asked what they considered to be the judge's strengths and weaknesses and allowed to leave open ended responses to each. 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.

Demeanor

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.

Figure 8

	0	1	2	3	4
Demeanor Overall Average	Judge Romano				3.93
	All County Judges				3.56
Giving proceedings a sense of dignity					3.97
					3.61
Treating participants with respect					3.97
					3.60
Conducting his/her courtroom in a neutral manner					3.91
					3.54
Having a sense of compassion and human understanding for those who appear before him/her					3.88
					3.51

■ Judge Romano   ■ All County Judges

Table 11

Demeanor							
Judge Sabino E. Romano	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Total**
Giving proceedings a sense of dignity	31	1	--	--	--	--	32
Treating participants with respect	32	1	--	--	--	--	33
Conducting his/her courtroom in a neutral manner	30	1	1	--	--	--	32
Having a sense of compassion and human understanding for those who appear before him/her	30	1	--	1	--	--	32

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Fairness

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
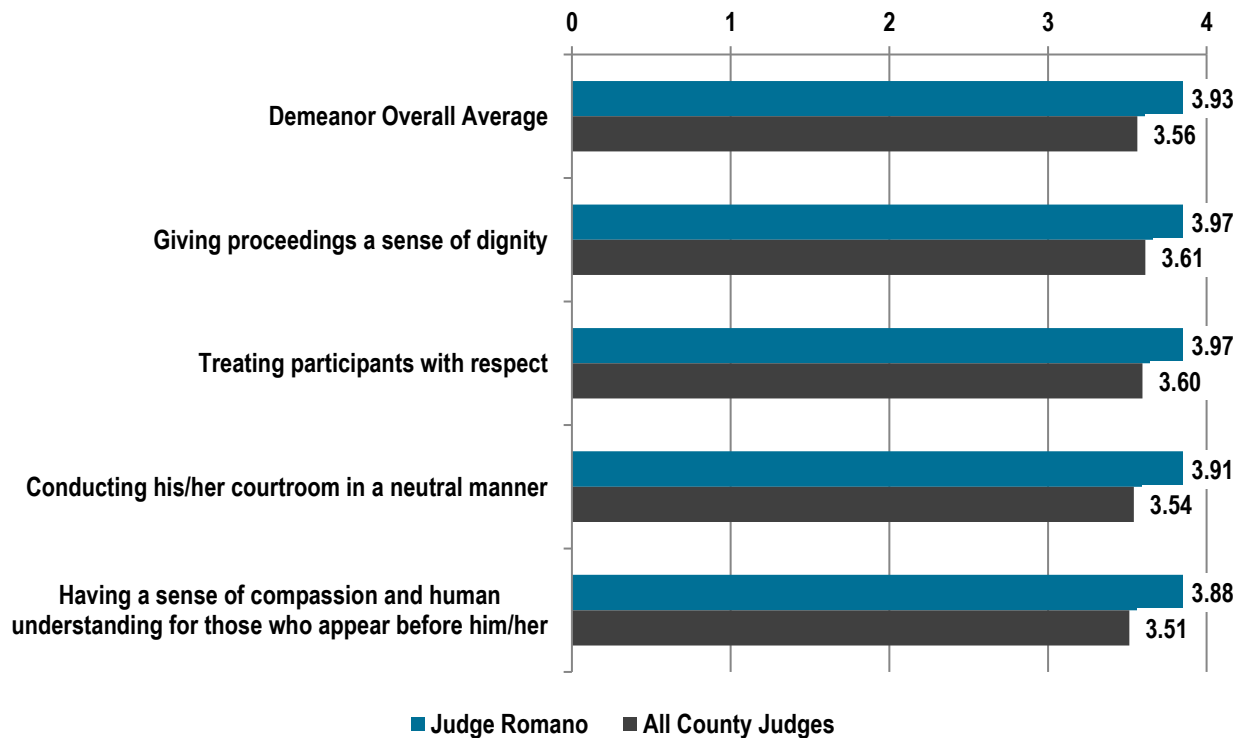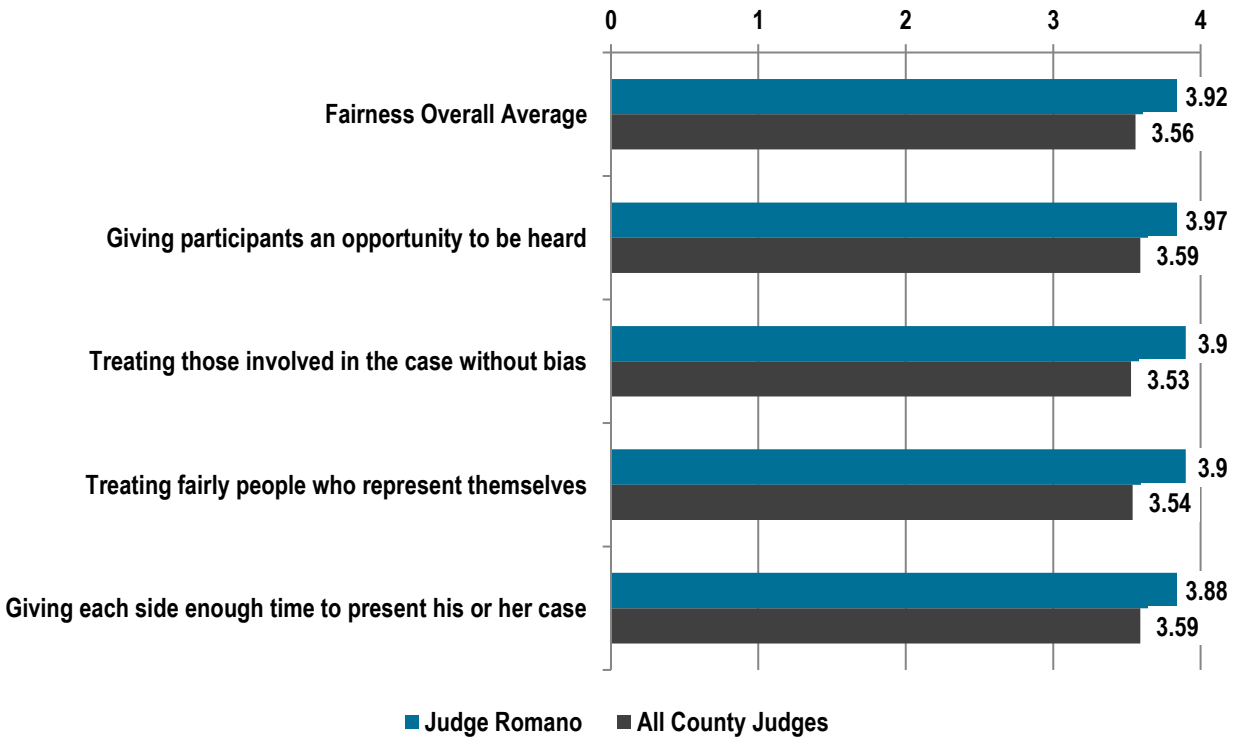
Figure 9

■ Judge Romano   ■ All County Judges

Table 12

Fairness							
Judge Sabino E. Romano	A	B	C	D	Fail	DK/NA	Total
Giving participants an opportunity to be heard	30	1	--	--	--	1	32
Treating those involved in the case without bias	29	1	1	--	--	--	31
Treating fairly people who represent themselves	28	1	1	--	--	1	31
Giving each side enough time to present his or her case	25	--	--	1	--	5	31

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Communications

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
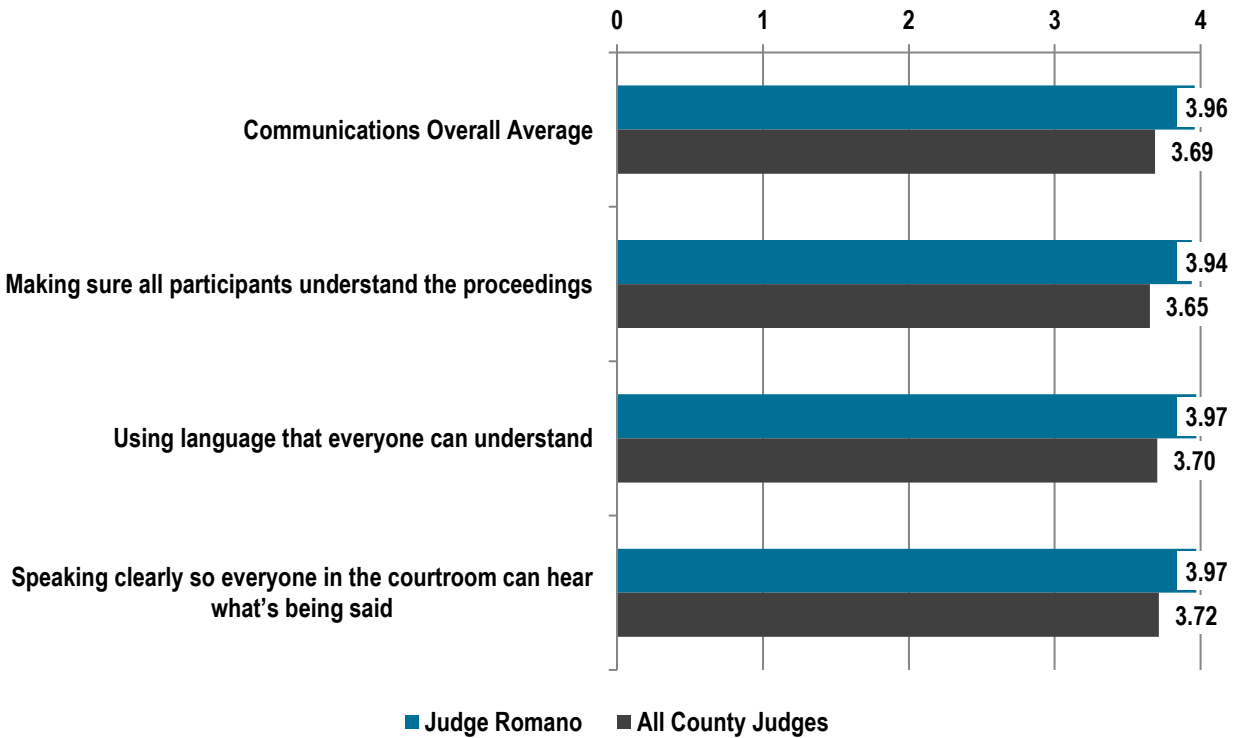
Figure 10

Table 13

Communications							
Judge Sabino E. Romano	A	B	C	D	Fail	DK/NA	Total
Making sure all participants understand the proceedings	30	2	--	--	--	--	32
Using language that everyone can understand	30	1	--	--	--	--	31
Speaking clearly so everyone in the courtroom can hear what's being said	30	1	--	--	--	--	31

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Diligence

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
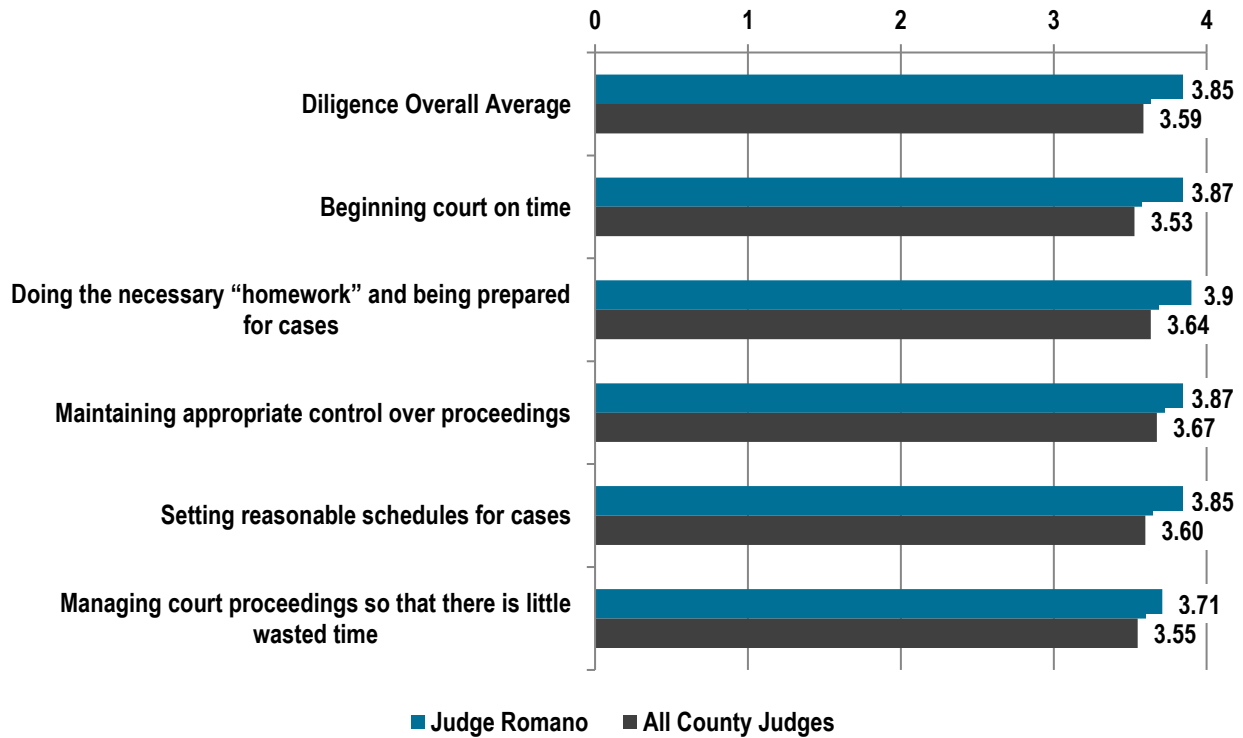
Figure 11

Legend: ■ Judge Romano   ■ All County Judges

Category	Judge Romano	All County Judges
Diligence Overall Average	3.85	3.59
Beginning court on time	3.87	3.53
Doing the necessary "homework" and being prepared for cases	3.9	3.64
Maintaining appropriate control over proceedings	3.87	3.67
Setting reasonable schedules for cases	3.85	3.60
Managing court proceedings so that there is little wasted time	3.71	3.55

Table 14

Diligence							
Judge Sabino E. Romano	A	B	C	D	Fail	DK/NA	Total
Beginning court on time	26	4	--	--	--	2	32
Doing the necessary "homework" and being prepared for cases	28	1	1	--	--	1	31
Maintaining appropriate control over proceedings	27	2	1	--	--	1	31
Setting reasonable schedules for cases	23	2	1	--	--	5	31
Managing court proceedings so that there is little wasted time	24	--	4	--	--	3	31

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Application of Law
Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
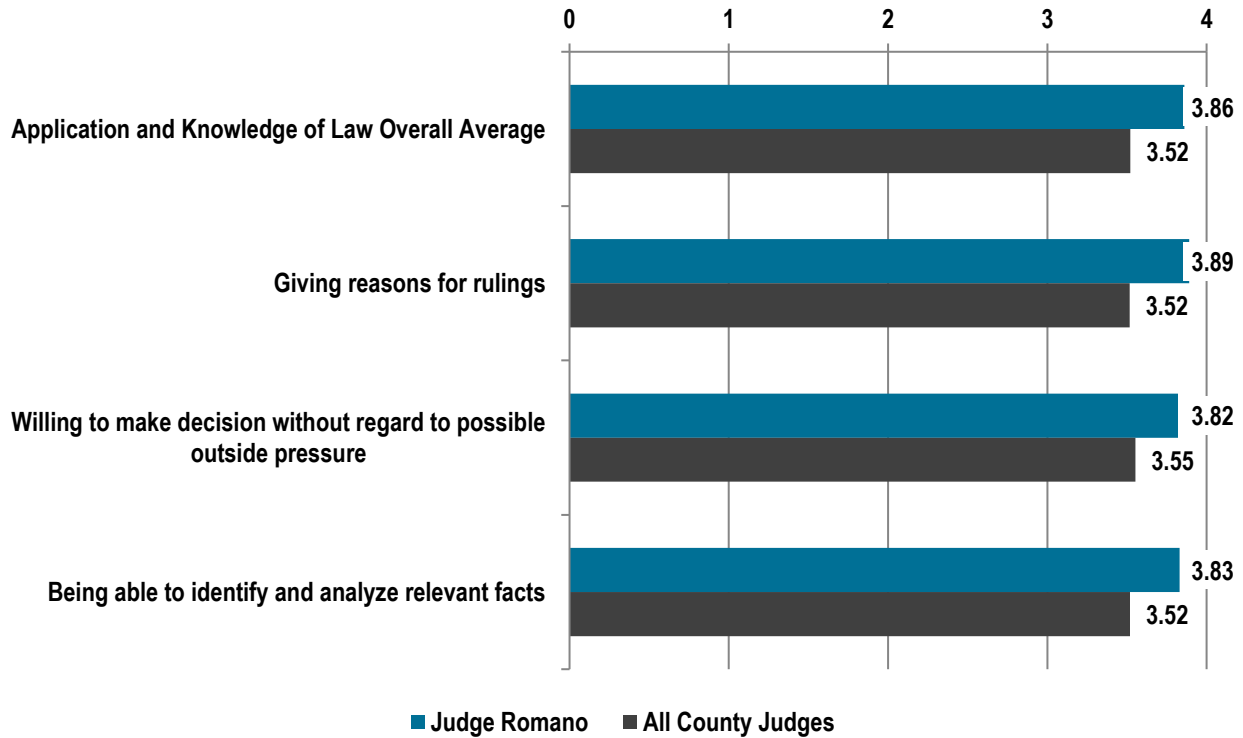
Figure 12

Table 15

Application and Knowledge of Law							
Judge Sabino E. Romano	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Total**
Giving reasons for rulings	26	1	1	--	--	3	31
Willing to make decision without regard to possible outside pressure	25	1	2	--	--	3	31
Being able to identify and analyze relevant facts	28	1	--	--	1	2	32

*Respondents were not required to answer every question. The sum of those giving letter grades may not match the total due to questions being left blank.

Performance Score

Based on your responses to the previous questions related to the performance evaluation criteria, do you think Judge Romano meets judicial performance standards?

Table 16

Judge Sabino E. Romano	
Yes, meets performance standards	**97%**
No, does not meet performance standards	**3%**
No opinion	**0%**