Commission on
Judicial Performance

The Honorable Erin Fernandez-Ely

2014 Judicial Performance Survey Report

9th Judicial District

RESEARCH & POLLING INC

March 26, 2014

The Honorable Erin Fernandez-Ely
Pitkin County Courthouse
506 E. Main, Suite E
Aspen, CO 81611

Dear Judge Fernandez-Ely:

I am pleased to make available to you the attached copy of your 2014 Judicial Performance Survey Report. This report includes the survey results from two important stakeholder groups: 1) attorneys who have had cases in your court or who are knowledgeable about your judicial performance; and 2) non-attorneys who have observed your performance in court or who have knowledge of your performance as a judge. In addition to this introduction, the report is divided into five main sections:

1. A brief summary of the results of the attorney and non-attorney surveys.
2. The numerical results of the survey of attorneys in both tabular and graphical form. In addition to the numerical results, this section also contains comments attorneys made about your judicial performance. In some instances the comments have been redacted to eliminate respondent identifying information.
3. The numerical results of the survey of non-attorneys in both tabular and graphical form. In addition to the numerical results, this section also contains comments these respondents made on the subject of your judicial performance. In few instances the comments have been redacted to eliminate respondent identifying information.
4. The fourth section of the report discusses the methodology of the surveys.
5. The final section provides copies of the questions or questionnaires that were used for each survey.

If you have any questions about the methodology and how the survey was conducted, please feel free to contact me at 505-821-5454 or by email at *sanderoff@rpinc.com* (please put the words "Judicial Performance" in the subject line), and for any other questions you might have about the survey please call the Executive Director of the Office of Judicial Performance Evaluation, Kent Wagner, at 303-928-7779.

Best regards,

Brian Sanderoff

Brian Sanderoff
President

Summary of Results

Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to numerical scores: A= 4, B=3, C=2, D=1 and F=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score. On average, Judge Erin Fernandez-Ely received an overall combined average grade of 3.37 in the 2014 Judicial Performance Survey. This is calculated by adding the overall average grade received from attorney respondents, 3.42, to the overall average grade received from non-attorney respondents, 3.31, divided by two.

The average combined grade for all county judges standing for retention in 2014 is 3.43 [not shown below].

Judge Fernandez-Ely Average Grades (All Years)			
	Combined	**Attorney**	**Non-attorney**
Overall Grade	3.37	3.42	3.31
Sample Size	-	88	112

Table 1

The results presented in this report are based on data collected in 2010, 2011, 2012, and 2013. (See Methodology section for description of sampling process.) Table 2 shows Judge Fernandez-Ely's overall average grades for up to four years (for each year in which survey results are available.) Provisional judges will not have samples for the years prior to their appointment.

Judge Fernandez-Ely Average Grades by Year					
	Combined	**Attorney**		**Non-Attorney**	
Year	**Average Score**	**Average Score**	**Sample Size**	**Average Score**	**Sample Size**
2010	3.34	3.29	31	3.39	8
2011	NA	NA	NA	NA	NA
2012	3.38	3.46	36	3.30	55
2013	3.42	3.51	21	3.32	49
Overall	3.37	3.42	88	3.31	112

Table 2

Comparison of Jurors vs. Non-Jurors Among Non-Attorney Population

Among the non-attorney population, jurors tend to grade judges much higher than non-jurors. The juror overall average grade for all county judges standing for retention in 2014 is 3.78, while the overall average grade awarded by non-jurors is 3.28. The effect of this is that judges with a higher percentage of jurors in their sample tend to have higher average grades in the non-attorney survey than those judges with a small percentage of jurors. The number of jurors in a judge's sample is, of course, closely related to the number of jury trials the judge presides over.

The table below shows Judge Fernandez-Ely's non-attorney results broken out by jurors and non-jurors. It also shows the overall average juror and non-juror grades for all county judges standing for retention in 2014 (see two columns on far right).

Average Grades for Jurors vs. Non-Jurors (All Years)							
Judge Fernandez-Ely						All County Judges*	
Jurors			Non-Jurors				
Average Score	Sample Size	Sample %	Average Score	Sample Size	Sample %	Juror Average	Non-Juror Average
3.92	15	13%	3.23	97	87%	3.78	3.28

Table 3

* Includes only the County judges evaluated during this retention cycle.

Survey of Attorneys Regarding Judge Erin Fernandez-Ely

(Sample Size 88)

Survey of Attorneys Regarding County Judges

Judge Erin Fernandez-Ely

Sample Size = 88

	A	B	C	D	Fail	DK/NA	Average (0.0 to 4.0 scale): Erin Fernandez-Ely	All County Judges*
1. Case Management:								
1a. Promptly issuing a decision on the case after trial.	57%	24%	6%	0%	0%	14%	3.59	3.50
1b. Maintaining appropriate control over proceedings.	55%	30%	8%	6%	1%	1%	3.32	3.39
1c. Promptly ruling on pre-trial motions.	41%	24%	16%	2%	0%	17%	3.25	3.37
1d. Setting reasonable schedules for cases.	66%	23%	7%	1%	0%	3%	3.59	3.37
Overall Case Management							3.44	3.41
2. Application and Knowledge of Law:								
2a. Being able to identify and analyze relevant facts.	50%	31%	11%	6%	0%	2%	3.28	3.25
2b. Basing decisions on evidence and arguments.	43%	33%	13%	8%	1%	2%	3.12	3.13
2c. Willing to reconsider error in fact or law.	40%	26%	11%	7%	0%	16%	3.18	3.01
2d. Issuing consistent sentences when the circumstances are similar.	53%	28%	4%	4%	0%	12%	3.48	3.25
Overall Application and Knowledge of Law							3.27	3.16
3. Communications:								
3a. Making sure all participants understand the proceedings.	74%	22%	2%	1%	0%	1%	3.70	3.49
3b. Providing written communications that are clear, thorough and well reasoned.	45%	26%	13%	1%	0%	15%	3.36	3.30
Overall Communications							3.53	3.40
4. Demeanor:								
4a. Giving proceedings a sense of dignity.	58%	30%	9%	2%	1%	0%	3.41	3.39
4b. Treating participants with respect.	77%	20%	2%	0%	0%	0%	3.75	3.40
4c. Conducting the courtroom in a neutral manner.	64%	22%	13%	2%	0%	0%	3.47	3.20
4d. Consistently applying laws and rules.	53%	26%	10%	5%	0%	6%	3.36	3.21
Overall Demeanor							3.50	3.30
5. Diligence:								
5a. Using good judgment in application of relevant law and rules.	51%	28%	14%	5%	1%	1%	3.25	3.15
5b. Doing the necessary "homework" and being prepared for cases.	50%	32%	8%	5%	0%	6%	3.35	3.24
5c. Being willing to handle cases on the docket even when they are complicated and time consuming.	63%	16%	5%	1%	1%	15%	3.61	3.36
Overall Diligence							3.40	3.25
Overall Average Grade:							**3.42**	**3.29**

* Includes only the County judges evaluated during this retention cycle.

Note: Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to numerical scores: A=4, B=3, C=2, D=1 and F=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score. 'DK/NA' = Don't Know / Not Applicable.

Survey of Attorneys Regarding County Judges

Judge Erin Fernandez-Ely

	Percentage	
	Erin Fernandez-Ely	All County Judges*

Would you say the judge is:

Very biased in favor of the prosecution	4%	10%
Somewhat biased in favor of the prosecution	30%	25%
Completely neutral	51%	51%
Somewhat biased in favor of the defense	5%	7%
Very biased in favor of the defense	0%	2%
Don't know or not sure	11%	5%

How strongly do you recommend that the Judge be retained in office, or not be retained in office?

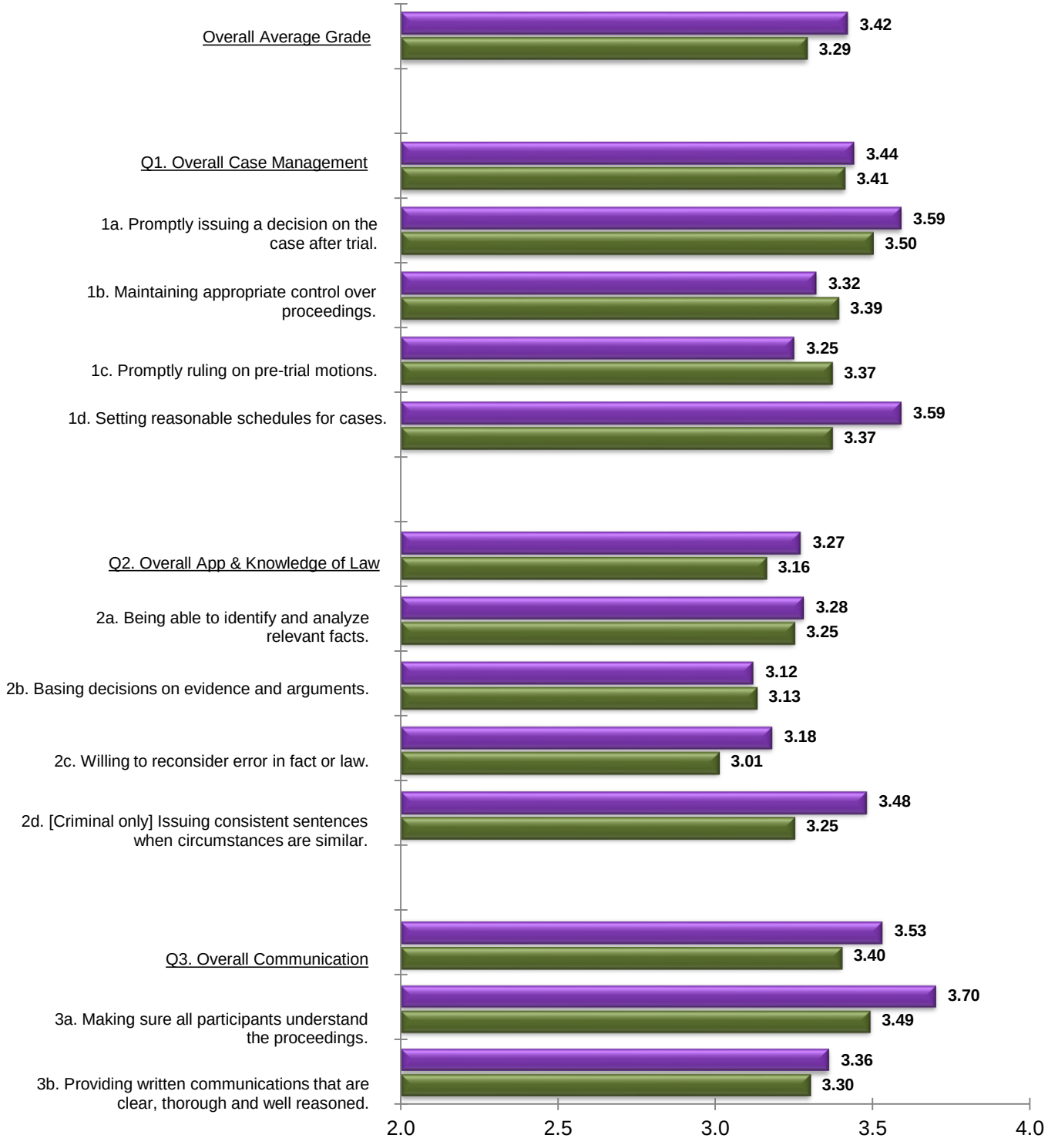
Strongly recommend retain	64%	55%
Recommend retain	27%	23%
Neither recommend nor not recommend retain	4%	9%
Recommend not retain	4%	6%
Strongly recommend not retain	2%	7%
Total Retain	91%	78%
Neither	4%	9%
Total Not Retain	6%	13%

* Includes only the County judges evaluated during this retention cycle.

Judge Erin Fernandez-Ely

Survey of Attorneys Regarding County Judges

Average Grades

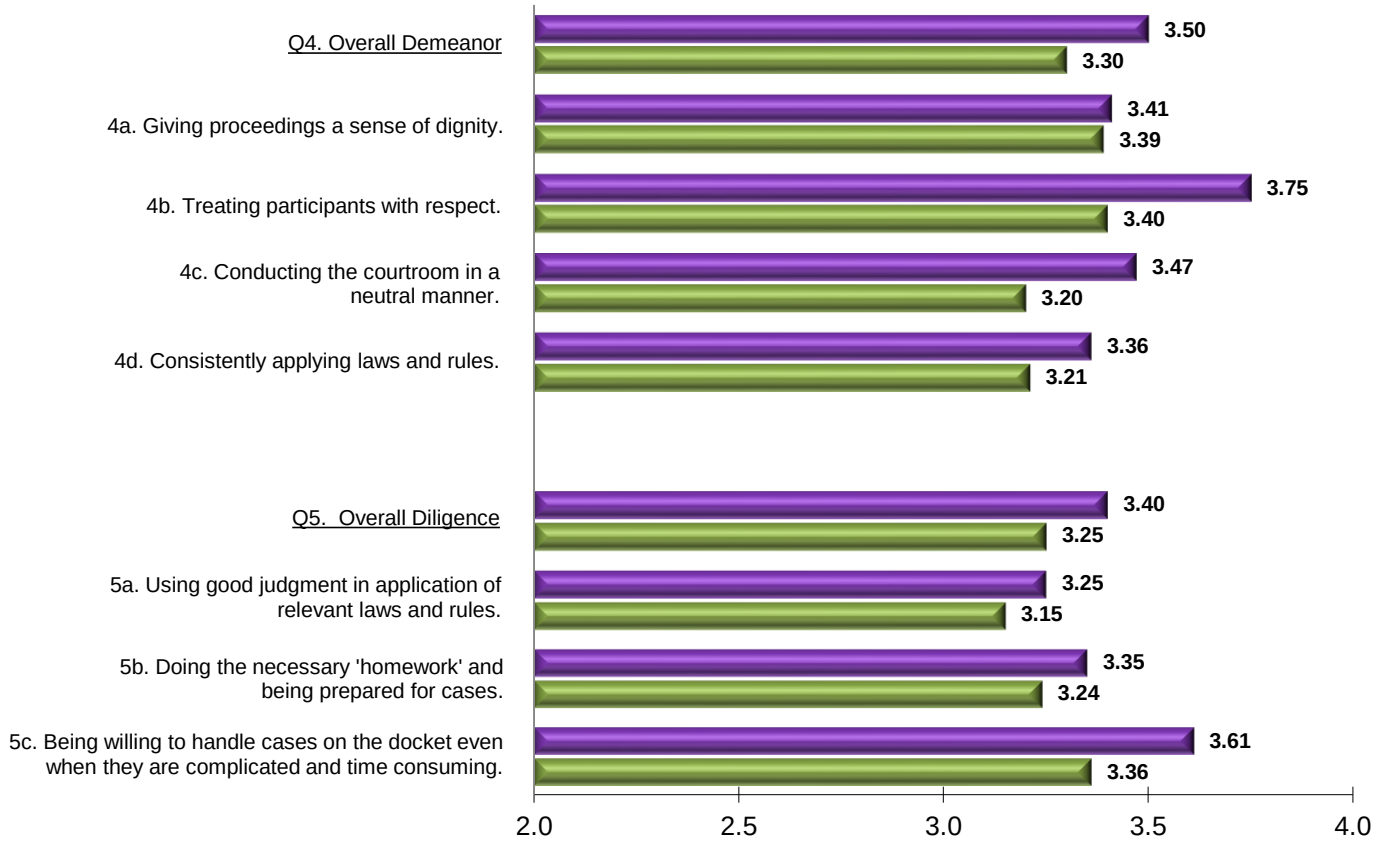


* Includes only the County judges evaluated during this retention cycle.

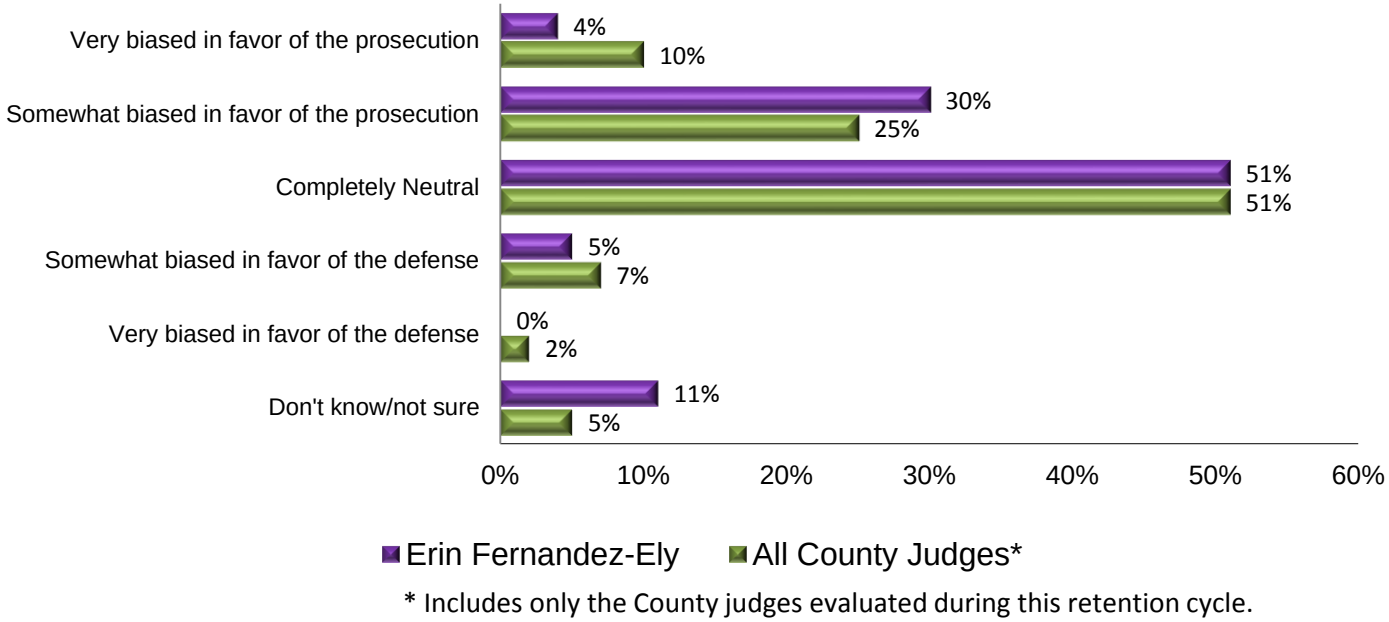
Judge Erin Fernandez-Ely

Survey of Attorneys Regarding County Judges

Average Grades



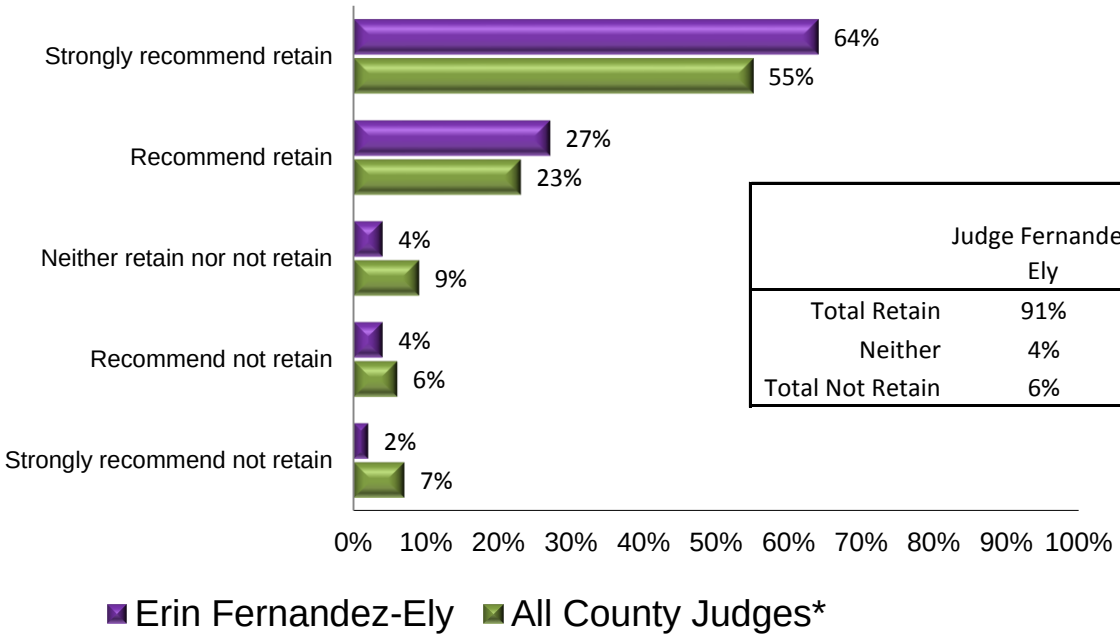
Biased in favor of prosecution/defense.



* Includes only the County judges evaluated during this retention cycle.

Judge Erin Fernandez-Ely
Survey of Attorneys Regarding County Judges

How strongly do you recommend that Judge Fernandez-Ely be retained or not retained in office?



	Judge Fernandez-Ely	All Cnty Judges*
Total Retain	91%	78%
Neither	4%	9%
Total Not Retain	6%	13%

* Includes only the County judges evaluated during this retention cycle.

Survey of Non-Attorneys Regarding Judge Erin Fernandez-Ely

(Sample Size 112)

Survey of Non-Attorneys Regarding County Judges

Judge Erin Fernandez-Ely Sample Size = 112	A	B	C	D	Fail	DK/NA	Average (0.0 to 4.0 scale): Erin Fernandez-Ely	Average (0.0 to 4.0 scale): All County Judges*
1. Demeanor:								
1a. Giving court proceedings a sense of dignity.	67%	14%	10%	3%	5%	1%	3.36	3.59
1b. Treating participants in the case politely and with respect.	74%	14%	4%	3%	6%	0%	3.45	3.62
1c. Conducting the courtroom in a neutral manner.	66%	11%	6%	8%	8%	1%	3.19	3.53
1d. Having a sense of compassion and human understanding for those who appear before the judge.	72%	11%	5%	5%	7%	0%	3.35	3.50
Overall Demeanor							3.34	3.56
2. Fairness:								
2a. Giving participants an opportunity to be heard.	73%	12%	5%	4%	7%	0%	3.40	3.59
2b. Treating those involved in the case without bias.	65%	11%	4%	7%	13%	1%	3.08	3.52
2c. Treating fairly people who represent themselves.	60%	11%	2%	7%	8%	12%	3.22	3.52
2d. Giving each side enough time to present his or her case.	71%	12%	3%	4%	7%	4%	3.41	3.60
Overall Fairness							3.28	3.56
3. Communications:								
3a. Making sure participants understand the proceedings, and what's going on in the courtroom.	68%	14%	11%	2%	5%	0%	3.37	3.64
3b. Using language that everyone can understand.	76%	13%	4%	5%	4%	0%	3.52	3.67
3c. Speaking clearly so everyone in the courtroom can hear what's being said.	76%	12%	6%	2%	4%	1%	3.55	3.70
Overall Communications							3.48	3.67
4. Diligence:								
4a. Beginning court on time.	60%	21%	9%	2%	7%	1%	3.26	3.50
4b. Maintaining appropriate control over proceedings.	71%	12%	12%	1%	5%	0%	3.44	3.67
4c. Setting reasonable schedules for cases.	66%	13%	6%	3%	6%	5%	3.38	3.57
4d. Being prepared for cases.	68%	12%	5%	5%	7%	4%	3.34	3.62
4e. Managing court proceedings so that there is little wasted time.	63%	18%	5%	4%	9%	1%	3.24	3.51
Overall Diligence							3.33	3.57
5. Application of Law:								
5a. Giving reasons for rulings.	61%	9%	7%	7%	8%	7%	3.17	3.49
5b. Willing to make decision without regard to possible outside pressure.	60%	8%	3%	10%	9%	10%	3.12	3.52
5c. Being able to identify and analyze relevant facts.	66%	5%	7%	8%	10%	4%	3.13	3.50
Overall Application of Law							3.14	3.50
Overall Average Grade:							**3.31**	**3.57**

* Includes only the County judges evaluated during this retention cycle.

Note: Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to numerical scores: A=4, B=3, C=2, D=1 and F=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score. 'DK/NA' = Don't Know / Not Applicable.

Survey of Non-Attorneys Regarding County Judges

Judge Erin Fernandez-Ely

		Percentage	
		Erin Fernandez-Ely	All County Judges*
6. Average Bias			
[Please see the questionnaire at the end of report for question wording.]	Biased in favor of the prosecution total	20%	11%
	Competely neutral	68%	80%
	Biased in favor of the defense total	14%	8%
[A positive average indicates bias toward prosecution, and a negative average indicates a bias toward the defense.]	Average	0.20	0.08
7. Average Sentencing			
[Please see the questionnaire at the end of report for question wording.]	Harsh sentencing total	23%	10%
	Competely neutral	71%	76%
	Lenient sentencing total	8%	14%
[A positive average indicates sentences are harsh, and a negative average indicates sentences are lenient.]	Average	0.68	-0.01

How strongly do you recommend that the Judge be retained, or not be retained in office?

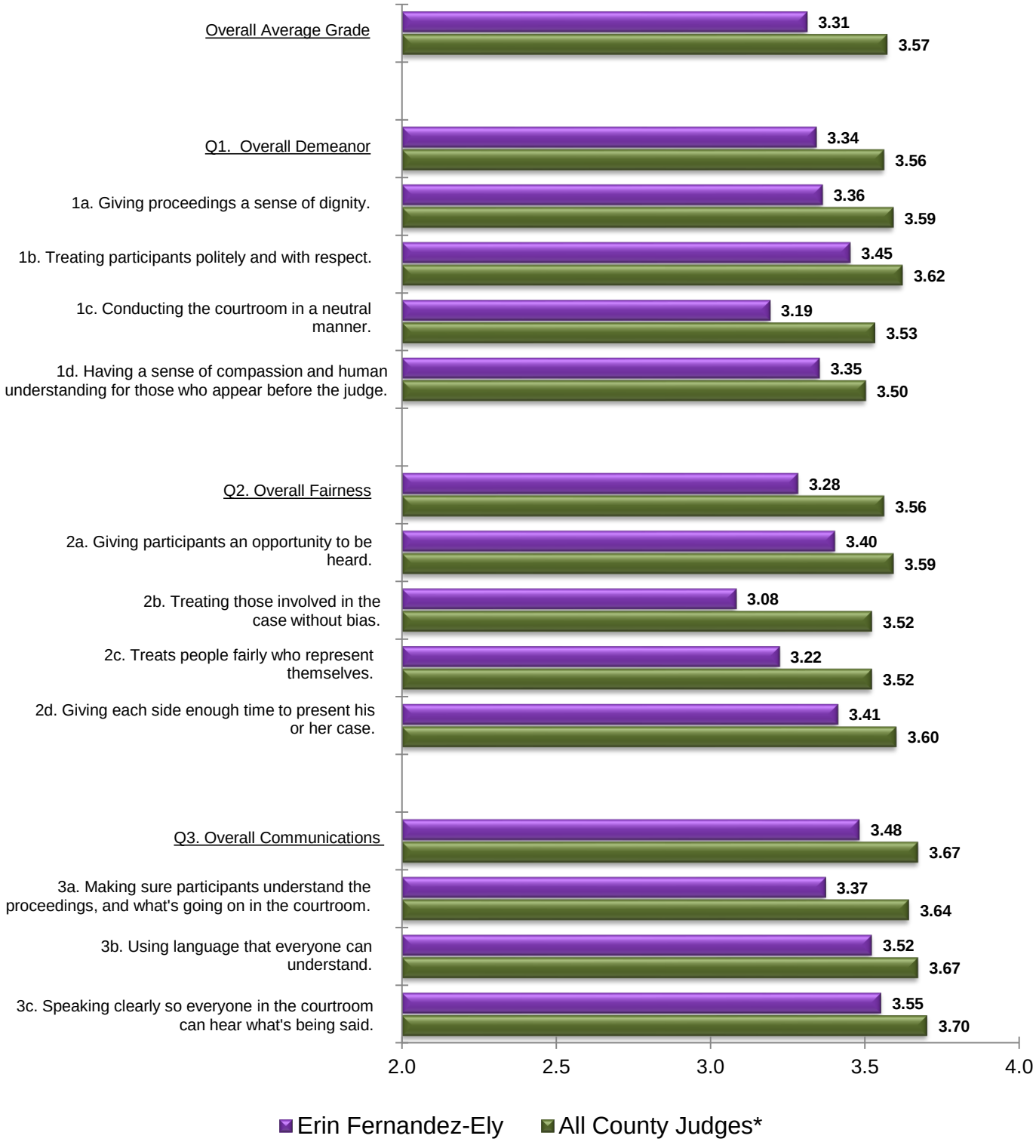
Strongly recommend retain	68%	68%
Recommend retain	7%	18%
Neither recommend nor not recommend retain	5%	6%
Recommend not retain	6%	3%
Strongly recommend not retain	13%	5%
Total Retain	75%	86%
Neither	5%	6%
Total Not Retain	19%	8%

* Includes only the County judges evaluated during this retention cycle.

Judge Erin Fernandez-Ely

Survey of Non-Attorneys Regarding County Judges

Average Grades

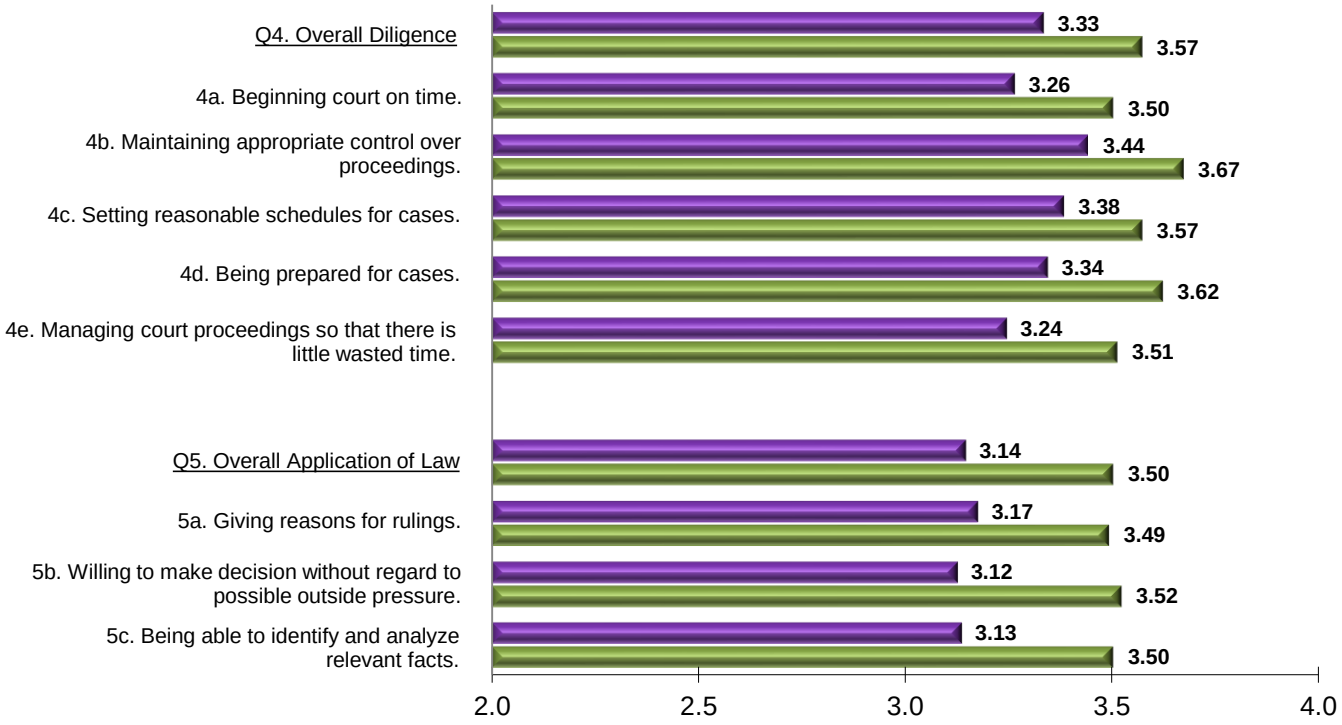


* Includes only the County judges evaluated during this retention cycle.

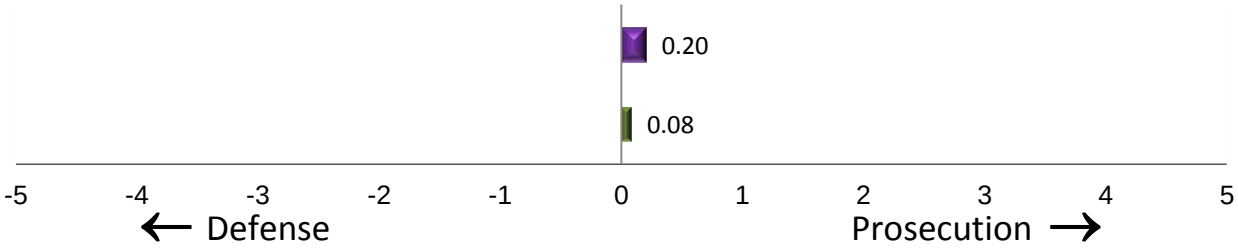
Judge Erin Fernandez-Ely

Survey of Non-Attorneys Regarding County Judges

Average Grades

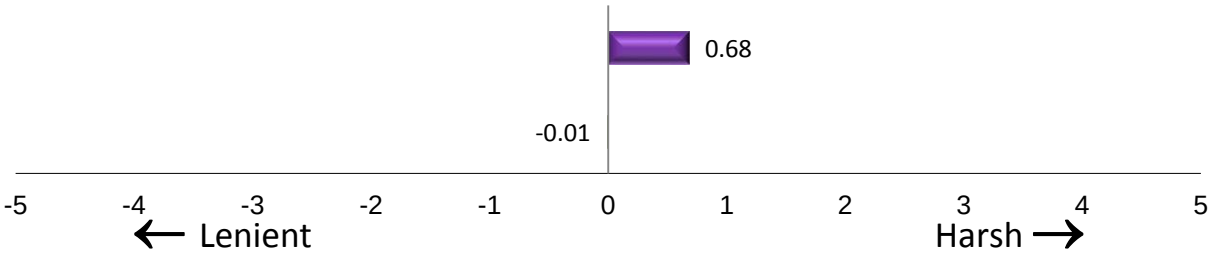


Q6 Biased in favor of prosecution/defense.[1]



1-A negative average score indicates bias toward the defense, and a positive average score indicates bias toward prosecution.

Q7 Lenience or Harshness in Sentencing.[2]



2-A negative average score indicates sentences are lenient, and a positive average score indicates sentences are harsh.

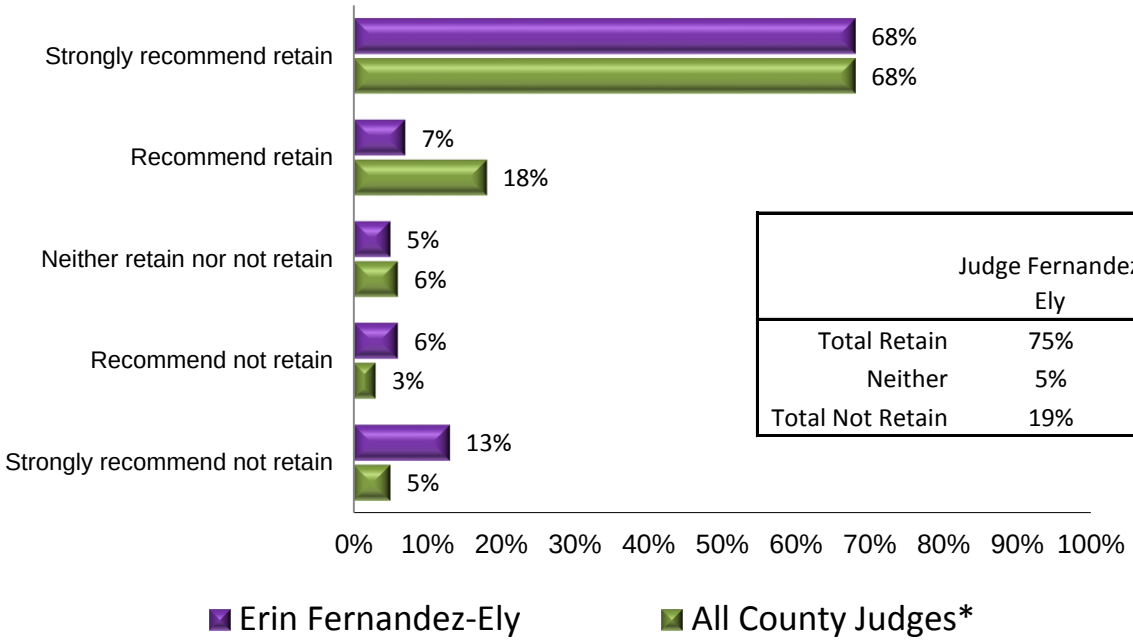
Erin Fernandez-Ely All County Judges*

* Includes only the County judges evaluated during this retention cycle.

Judge Erin Fernandez-Ely

Survey of Non-Attorneys Regarding County Judges

How strongly do you recommend that Judge Fernandez-Ely be retained or not retained in office?



	Judge Fernandez-Ely	All Cnty Judges*
Total Retain	75%	86%
Neither	5%	6%
Total Not Retain	19%	8%

* Includes only the County judges evaluated during this retention cycle.

Methodology

Methodology

The results shown in the 2014 Judicial Performance Survey Report are based on two surveys: The Survey of Attorneys Regarding Trial Judges, and the Survey of Non-Attorneys Regarding Trial Judges. Below is a description of the methodology used in the two surveys.

I Attorneys Regarding County Judges

a. Sample:

Research & Polling, Inc. received case data with the names of attorneys who had likely been in each judge's courtroom from the following primary sources:

- Colorado Judicial Department
- Colorado District Attorneys' Council
- Colorado Public Defender's Office
- Denver County Courts
- District Attorney's Office, Second Judicial District (Denver)

The data from these different sources are combined, duplicates removed, and addresses corrected.

Only judges that are due to receive a retention evaluation in 2014 were evaluated during this reporting cycle. The intent was to increase the number of completed attorney evaluations for each judge by excluding those not due to receive a retention evaluation in 2014. The number of possible judges that attorney respondents could evaluate was 10.

Attorneys are first mailed a letter inviting them to complete the survey online. The letter provides the link to the online survey, as well as a unique password to access the survey. Approximately one week later, attorneys are sent an email invitation to complete the online survey, which also provides the Web address and their unique password. About a week after the first email is sent, a reminder email is sent, providing the same information. Potential respondents who do not complete the survey after the second email are then telephoned and asked to either complete the survey by phone, or to complete it online.

Since 2010, the Judicial Performance Survey reports are based on a moving average, or rolling sample, of data collected over a period of time equal to the justice's or judge's term of office: ten years for a Supreme Court justice, eight years for a COA judge, six years for a district judge, and four years for a county judge. To use a county judge as an example: as survey data is collected it is pooled together for four years. After four years, as new data is added to the judge's survey results, the oldest data in the pool is deleted.

b. Questions:

Respondents evaluated judges on 17 aspects of judicial performance using a grade scale of A, B, C, D, or F. (See Questionnaire section.) These grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0. The A through F scale was chosen because it is almost universally recognized and understood. This makes it easy for respondents to complete their questionnaire, and for the public to interpret the results.

Respondents were also asked if they considered the judge biased toward the defense or prosecution in criminal cases. In a final question, respondents were asked to indicate how strongly they would recommend that the judge be retained or not retained in office. For this evaluation cycle, the "Don't know enough to make a recommendation" response category was excluded from the retention question.

c. Analysis:

The Attorneys Regarding County Judges section first shows a table of the percentage distribution for each of the A through F questions, including "don't know/not applicable" responses. The next column to the right shows the judge's average grade for each question. For comparison purposes, averages were also computed for all county judges standing for retention in 2014 and are shown in the furthest right column on the page. Tables showing the percentage distribution for all questions for all county retention judges are located at the end of this methodology section.

The overall question averages are calculated by adding up the averages for each question and dividing by the number of questions.

The next table shows the percentage distribution of the responses to the question about recommending retention. The first column of percentages is for the report-judge and the second column displays the percentages for all county retention judges.

The next page displays the question averages in horizontal bar-graph form. The percentage distribution to the retention question is then presented in the graph on the next page.

The last part of the Attorneys Regarding County Judges section of the report lists the comments the attorneys made about the judge's strengths and weaknesses.

d. Comments:

Respondents were also asked what they considered to be the judge's strengths and weaknesses. 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. Before being given to the judge and the Commission, an attempt is made to redact all respondent identifying information from the comments.

The number to the left of each comment refers to the same attorney respondent in both the strengths section and the weaknesses section.

Most spelling and typographical errors have been corrected.

e. Cooperation Rate:

The overall cooperation rate for the Attorneys Regarding Trial Judges Survey is calculated as the number of completed survey evaluations divided by the number of possible evaluations resulting in an overall response rate of 47.0% for district judges and 40.5% for county judges. An equivalent response rate for an individual judge is computed in the same manner. Undeliverable surveys have been excluded from the cooperation rates.

II Non-Attorneys Regarding County Judges

a. Sample:

Research & Polling, Inc. received case data with the names of non-attorneys who had likely been in each judge's courtroom from the following primary sources:

- Colorado Judicial Department
- Colorado District Attorneys' Council
- Colorado Public Defender's Office
- Denver County Courts
- District Attorney's Office, Second Judicial District (Denver)

The data from these different sources are combined, duplicates removed, and addresses corrected.

Only the judges standing for retention in 2014 were evaluated during this reporting cycle. The intent was to increase the number of completed non-attorney evaluations for each retention judge by excluding those not standing for retention.

All non-attorneys with courtroom experience were surveyed (i.e. court employees, court interpreters, probation officers, witnesses, law enforcement, jurors, crime victims, etc.). The only exception to this were the criminal defendants and civil litigants for which RPI selected a random sample.

Court staff, probation officers, and court interpreters were asked to complete the survey online. They are sent an email invitation to complete the online survey, which also provides the Web address and their unique password. About a week after the first email is sent, a reminder email is sent, providing the same information.

Other non-attorneys were surveyed via standard mail. First, they were mailed an initial postcard informing the recipient that he or she would be receiving a questionnaire. Two to three weeks after the postcard was mailed, the potential respondent was sent a personalized introductory letter and a questionnaire with a postage-paid return envelope. If the person did not respond, a second questionnaire and letter were sent approximately four weeks later. Questionnaires are barcoded, and if a respondent mailed back two questionnaires, the second one was deleted from the data file.

Since 2010, the non-attorney section of the Judicial Performance Survey reports have been based on a moving average, or rolling sample, of survey results collected over a period of time equal to the judge's term of office: six years for a district judge and four years for a county judge. To use a county judge as an example: as survey data is

collected, it is pooled together for four years. After four years, as new data is added to the judge's survey results, the oldest data in the pool is deleted.

b. Questions:

Respondents evaluated judges on 19 aspects of judicial performance using a grade scale of A, B, C, D, or F. (See Questionnaire section.) These grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0. The A through F scale was chosen because it is almost universally recognized and understood. This makes it easy for respondents to complete their questionnaire, and for the public to interpret the results.

Respondents were also asked if they considered the judge biased toward the defense or prosecution in criminal cases. In a final question, respondents were asked to indicate how strongly they would recommend that the judge be retained or not retained in office.

A copy of the questionnaire is included in the last section of this report.

c. Analysis:

The Non-Attorneys Regarding County Judges section first shows a table of the percentage distribution for each of the A through F questions, including "don't know/not applicable" responses. The next column to the right shows the judge's average grade for each question. For comparison purposes, averages were also computed for all county judges standing for retention in 2014 and are shown in the furthest right column on the page. Tables showing the percentage distribution for all questions for all county retention judges are located at the end of this methodology section.

The overall question averages are calculated by adding up the averages for each question and dividing by the number of questions.

The next table shows the percentage distribution of the responses to the questions about prosecution or defense bias and recommending retention. The first column of percentages is for the report-judge and the second column displays the percentages for all county retention judges.

The next page displays the question averages in horizontal bar-graph form. The percentage distribution of the prosecution-defense bias and retention questions are then presented in the graph on the next page.

The last part of the Non-Attorneys Regarding County Judges section of the report lists the comments the non-attorneys made about the judge's strengths and weaknesses.

d. Comments:

In addition to the A through F questions, non-attorney respondents were asked what they considered to be the judge's strengths and weaknesses. 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. Before being given to the judge and the Commission, an attempt is made to redact all respondent identifying information from the comments.

The number to the left of each comment refers to the same non-attorney respondent in both the strengths section and the weaknesses section.

e. Cooperation Rate:

The estimated cooperation rate for the non-attorney survey is calculated as the number of completed questionnaires divided by the number of eligible respondents who actually received a questionnaire. The following table shows the total number of questionnaires mailed, completed, non-responses and refusals, undeliverables, and other responses. The table presents the estimated overall cooperation rate as well as the cooperation rate by the different types of respondents. The true cooperation rates are likely higher than shown because of the percentage of people who were mailed questionnaires about judges with whom they may not have had sufficient experience. This is due, in part, to many cases being disposed of without the parties having appeared in court, as well as in the case of law enforcement, the data includes all those who were subpoenaed for a case, not just those who appeared.

A table of the response counts by respondent type for Judge Fernandez-Ely is shown on the following page, and on the next page is a table of the overall cooperation rates for both the Attorney and Non-Attorney Regarding County Judges surveys for all county judges.

Judge Erin Fernandez-Ely

Judge Response Counts by Type of Respondent

Role Type	*Total Sent*	*No Response*	*Undeliverable/ Not Applicable*	*Other Non-Responses*	*Completes*	*Coop Rate*
Attorneys						
Criminal						
District Attorneys	21	13	2	0	6	31.6%
Defense Attorneys	75	27	3	0	45	62.5%
Other Attorneys Criminal	3	2	0	0	1	33.3%
Civil						
Other Attorneys Civil	76	35	5	0	36	50.7%
Total Attorneys	175	77	10	0	88	53.3%
Non-attorneys						
Criminal						
Victim	9	4	5	0	0	0.0%
Witness	22	10	11	0	1	9.1%
Law Enforcement	9	3	3	0	3	50.0%
Defendant	459	212	202	4	41	16.0%
Civil						
Litigant	206	82	80	2	42	33.3%
Witness	16	9	2	0	5	35.7%
Jurors	36	14	7	0	15	51.7%
Employees, including Interpreters	12	6	1	0	5	45.5%
Total Non-attorneys	769	340	311	6	112	24.5%
Grand Total:	**944**	**417**	**321**	**6**	**200**	**32.1%**

Note: “Undeliverable/Not Applicable” surveys are removed from the “Total Sent” prior to calculating the cooperation rate.

Total Response Counts by Type of Respondent for All County Judges*

	Total Sent	No Response	Undeliverable/ Not Applicable	Other Non-Responses	Completes	Cooperation Rate
Attorneys						
Criminal						
District Attorneys	3594	2045	401	0	1148	36.0%
Defense Attorneys	14216	7585	1564	0	5067	40.0%
Other Attorneys Criminal	74	36	11	0	27	42.9%
Civil						
Attorneys for Litigants	1112	539	102	0	471	46.6%
Other Attorneys Civil	2806	1314	354	0	1138	46.4%
GAL	3	0	1	0	2	100.0%
Total Attorneys	21805	11519	2433	0	7853	40.5%
Non-attorneys						
Criminal						
Victim	107	56	46	3	2	3.3%
Witness	4737	2452	972	217	1096	29.1%
Other	250	158	51	8	33	16.6%
Law Enforcement	5197	3617	687	84	809	17.9%
Defendant	28477	14984	10765	293	2435	13.7%
Civil						
Litigant	13361	7324	3911	296	1830	19.4%
Witness	487	271	111	9	96	25.5%
Other	33	12	5	1	15	53.6%
Jurors	14948	6911	1159	303	6575	47.7%
Employees, including Interpreters	1002	410	129	0	463	53.0%
Probation Officers	2	0	1	0	1	100.0%
Total Non-attorneys	68601	36195	17837	1214	13355	26.3%
Grand Total:	**90406**	**47714**	**20270**	**1214**	**21208**	**30.2%**

* Includes only the County judges evaluated during this retention cycle.

Note: “Undeliverable/Not Applicable” surveys are removed from the “Total Sent” prior to calculating the cooperation rate.

Survey of Attorneys Regarding County Judges

All County Judges* Sample Size = 7853	A	B	C	D	Fail	DK/NA	Average Grade (0.0 to 4.0 scale)
1. Case Management:							
1a. Promptly issuing a decision on the case after trial.	50%	18%	5%	2%	1%	24%	3.50
1b. Maintaining appropriate control over proceedings.	61%	23%	9%	3%	2%	1%	3.39
1c. Promptly ruling on pre-trial motions.	49%	22%	7%	3%	2%	18%	3.37
1d. Setting reasonable schedules for cases.	58%	24%	8%	3%	3%	4%	3.37
Overall Case Management							3.41
2. Application and Knowledge of Law:							
2a. Being able to identify and analyze relevant facts.	54%	24%	10%	5%	4%	3%	3.25
2b. Basing decisions on evidence and arguments.	51%	23%	11%	6%	5%	4%	3.13
2c. Willing to reconsider error in fact or law.	40%	18%	10%	6%	6%	20%	3.01
2d. Issuing consistent sentences when the circumstances are similar.	51%	23%	8%	4%	4%	10%	3.25
Overall Application and Knowledge of Law							3.16
3. Communications:							
3a. Making sure all participants understand the proceedings.	66%	21%	7%	2%	2%	2%	3.49
3b. Providing written communications that are clear, thorough and well reasoned.	44%	18%	7%	3%	3%	25%	3.30
Overall Communications							3.40
4. Demeanor:							
4a. Giving proceedings a sense of dignity.	63%	22%	8%	4%	3%	1%	3.39
4b. Treating participants with respect.	66%	17%	7%	4%	4%	1%	3.40
4c. Conducting the courtroom in a neutral manner.	58%	19%	10%	6%	6%	1%	3.20
4d. Consistently applying laws and rules.	54%	21%	9%	5%	5%	5%	3.21
Overall Demeanor							3.30
5. Diligence:							
5a. Using good judgment in application of relevant law and rules.	52%	23%	11%	5%	5%	3%	3.15
5b. Doing the necessary "homework" and being prepared for cases.	52%	22%	9%	4%	4%	9%	3.24
5c. Being willing to handle cases on the docket even when they are complicated and time consuming.	53%	18%	7%	3%	3%	15%	3.36
Overall Diligence							3.25
Overall Average Grade:							**3.29**

* Includes only the County judges evaluated during this retention cycle.

Note: Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to numerical scores: A= 4, B=3, C=2, D=1 and F=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score. 'DK/NA' = Don't Know / Not Applicable.

Survey of Attorneys Regarding County Judges

All County Judges*	Average Grade (0.0 to 4.0 scale)

Would you say the judge is:

Very biased in favor of the prosecution	10%
Somewhat biased in favor of the prosecution	25%
Completely neutral	51%
Somewhat biased in favor of the defense	7%
Very biased in favor of the defense	2%
Don't know or not sure	5%

How strongly do you recommend that the Judge be retained in office, or not be retained in office?

Strongly recommend retain	55%
Recommend retain	23%
Neither recommend nor not recommend retain	9%
Recommend not retain	6%
Strongly recommend not retain	7%
Total Retain	78%
Neither	9%
Total Not Retain	13%

* Includes only the County judges evaluated during this retention cycle.

Survey of Non-Attorneys Regarding County Judges

All County Judges* Sample Size = 13355	A	B	C	D	Fail	DK/NA	Average Grade (0.0 to 4.0 scale)
1. Demeanor:							
1a. Giving court proceedings a sense of dignity.	74%	17%	5%	2%	2%	1%	3.59
1b. Treating participants in the case politely and with respect.	77%	14%	4%	2%	3%	1%	3.62
1c. Conducting the courtroom in a neutral manner.	74%	14%	5%	3%	4%	1%	3.53
1d. Having a sense of compassion and human understanding for those who appear before the judge.	71%	16%	5%	2%	4%	2%	3.50
					Overall Demeanor		3.56
2. Fairness:							
2a. Giving participants an opportunity to be heard.	75%	14%	4%	2%	3%	1%	3.59
2b. Treating those involved in the case without bias.	73%	14%	4%	3%	4%	2%	3.52
2c. Treating fairly people who represent themselves.	54%	10%	3%	2%	3%	28%	3.52
2d. Giving each side enough time to present his or her case.	74%	13%	4%	2%	3%	4%	3.60
					Overall Fairness		3.56
3. Communications:							
3a. Making sure participants understand the proceedings, and what's going on in the courtroom.	77%	14%	4%	2%	2%	1%	3.64
3b. Using language that everyone can understand.	77%	16%	4%	1%	1%	1%	3.67
3c. Speaking clearly so everyone in the courtroom can hear what's being said.	79%	14%	4%	1%	1%	1%	3.70
					Overall Communications		3.67
4. Diligence:							
4a. Beginning court on time.	67%	18%	7%	2%	3%	3%	3.50
4b. Maintaining appropriate control over proceedings.	77%	14%	4%	2%	1%	1%	3.67
4c. Setting reasonable schedules for cases.	64%	16%	5%	2%	2%	12%	3.57
4d. Being prepared for cases.	72%	14%	4%	2%	2%	6%	3.62
4e. Managing court proceedings so that there is little wasted time.	68%	18%	6%	2%	2%	2%	3.51
					Overall Diligence		3.57
5. Application of Law:							
5a. Giving reasons for rulings.	67%	15%	5%	2%	4%	6%	3.49
5b. Willing to make decision without regard to possible outside pressure.	62%	12%	4%	2%	4%	16%	3.52
5c. Being able to identify and analyze relevant facts.	68%	14%	4%	2%	4%	7%	3.50
					Overall Application of Law		3.50
					Overall Average Grade:		**3.57**

* Includes only the County judges evaluated during this retention cycle.

Note: Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to numerical scores: A= 4, B=3, C=2, D=1 and F=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score. 'DK/NA' = Don't Know / Not Applicable.

Survey of Non-Attorneys Regarding County Judges

All County Judges*	Average Grade (0.0 to 4.0 scale)

6. How biased do you think the Judge is toward the defense or prosecution?

[Please see the questionnaire at the end of report for question wording.]

Biased in favor of the prosecution total	11%
Competely neutral	80%
Biased in favor of the defense total	8%
Average	0.08

7. How lenient or harsh do you think the sentences generally handed down by Judge are?

[Please see the questionnaire at the end of report for question wording.]

Harsh sentencing total	10%
Competely neutral	76%
Lenient sentencing total	14%
Average	-0.01

How strongly do you recommend that the Judge be retained, or not be retained in office?

Strongly recommend retain	68%
Recommend retain	18%
Neither recommend nor not recommend retain	6%
Recommend not retain	3%
Strongly recommend not retain	5%
Total Retain	86%
Neither	6%
Total Not Retain	8%

* Includes only the County judges evaluated during this retention cycle.

Questionnaires

Colorado Judicial Performance
Attorneys Regarding Trial Judges Survey Questions

_ Which of the following types of cases have you observed Judge (Last Name)'s performance? Please circle all that apply. *(Only respondents who indicate they have observed the judge in "criminal other than traffic" cases will be asked question 2d and the "bias" question between 5 and 6.)*

Civil 1
Criminal other than traffic 2
Traffic 3
Domestic 4
Juvenile 5
Probate 6
Other 9

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge ***[Last Name]*** 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.

1. Case Management:

a.	Promptly issuing a decision on the case after trial.	A	B	C	D	F	DK/NA
b.	Maintaining appropriate control over proceedings.	A	B	C	D	F	DK/NA
c.	Promptly ruling on pre-trial motions.	A	B	C	D	F	DK/NA
d.	Setting reasonable schedules for cases.	A	B	C	D	F	DK/NA

2. Application and Knowledge of Law:

a.	Being able to identify and analyze relevant facts.	A	B	C	D	F	DK/NA
b.	Basing decisions on evidence and arguments.	A	B	C	D	F	DK/NA
c.	Willing to reconsider error in fact or law.	A	B	C	D	F	DK/NA
d.	*[Criminal only]* Issuing consistent sentences when the circumstances are similar.	A	B	C	D	F	DK/NA

3. Communications:

a.	Making sure all participants understand the proceedings.	A	B	C	D	F	DK/NA
b.	Providing written communications that are clear, thorough and well reasoned.	A	B	C	D	F	DK/NA

4. Demeanor:

a.	Giving proceedings a sense of dignity.	A	B	C	D	F	DK/NA
b.	Treating participants with respect.	A	B	C	D	F	DK/NA
c.	Conducting his/her courtroom in a neutral manner.	A	B	C	D	F	DK/NA
d.	Consistently applying laws and rules.	A	B	C	D	F	DK/NA

5. Diligence:

a.	Using good judgment in application of relevant law and rules.	A	B	C	D	F	DK/NA
b.	Doing the necessary "homework" and being prepared for his/her cases.	A	B	C	D	F	DK/NA
c.	Being willing to handle cases on the docket even when they are complicated and time consuming.	A	B	C	D	F	DK/NA

Having observed Judge (Last Name) in a criminal case, would you say the judge is: *(This question is asked only if respondent indicated at the beginning of the survey he/she observed the judge in a criminal case.)*

Very biased in favor of the prosecution 1
Somewhat biased in favor of the prosecution 2
Completely Neutral 3
Somewhat biased in favor of the defense 4
Very biased in favor of the defense 5
Don't Know/Not Sure 9

6. What would you say are Judge (*Last Name*)'s strengths?

_____
_____
_____

7. What would you say are Judge (*Last Name*)'s weaknesses?

_____
_____
_____

8. Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge (Last Name) be retained in office, or not be retained in office?

Strongly recommend retain in office 5
Recommend retain in office 4
Neither recommend nor not recommend retain in office 3
Recommend not retain in office 2
Strongly recommend not retain in office 1

9. And what would you say are Judge ***[Last Name]***'s weaknesses?

_____
_____
_____
_____
_____
_____

10. Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge ***[Last Name]*** be retained in office, or not retained in office?

Strongly recommend he/she be retained in office	5
Recommend he/she be retained in office	4
Neither recommend nor not recommend h/s be retained in office	3
Recommend he/she not be retained in office	2
Strongly recommend he/she not be retained in office	1

Thank you for taking the time to complete this questionnaire. Please place it in the self-addressed, postage-paid envelope provided and place it in the mail. Your participation in this survey is very much appreciated.

Barcode

Commission on Judicial Performance

Evaluation of
JUDGE [FULL NAME]

If we have made a mistake and you either were not in Judge *[Last Name]*'s courtroom or you feel that you do not have sufficient experience with Judge *[Last Name]* to have an opinion on the judge's judicial performance, please just return this questionnaire, unanswered, in the enclosed postage-paid envelope, to stop any further requests to evaluate Judge *[Last Name]*.

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 circle the number corresponding to "Don't Know/Not Applicable"—DK/NA).

1. Demeanor:	A	B	C	D	F	DK N/A
a. Giving court proceedings a sense of dignity.	4	3	2	1	0	9
b. Treating participants in the case politely and with respect.	4	3	2	1	0	9
c. Conducting his/her courtroom in a neutral manner.	4	3	2	1	0	9
d. Having a sense of compassion and human understanding for those who appear before him/her.	4	3	2	1	0	9

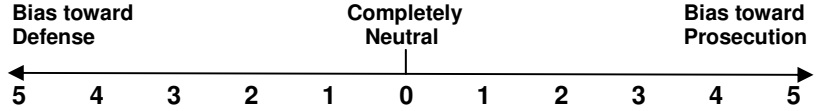
2. Fairness:	A	B	C	D	F	DK N/A
a. Giving participants an opportunity to be heard.	4	3	2	1	0	9
b. Treating those involved in the case without bias.	4	3	2	1	0	9
c. Treating fairly people who represent themselves.	4	3	2	1	0	9
d. Giving each side enough time to present his or her case.	4	3	2	1	0	9

3. Communications:	A	B	C	D	F	DK N/A
a. Makings sure participants understand the proceedings, and what's going on in the courtroom.	4	3	2	1	0	9
b. Using language that everyone can understand.	4	3	2	1	0	9
c. Speaking clearly so everyone in the courtroom can hear what's being said.	4	3	2	1	0	9

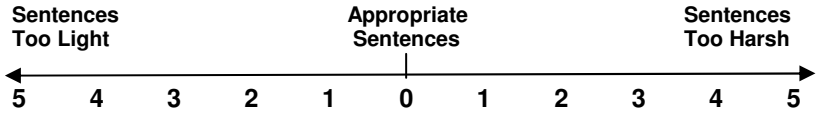
4. Diligence:	A	B	C	D	F	DK N/A
a. Beginning court on time.	4	3	2	1	0	9
b. Maintaining appropriate control over proceedings.	4	3	2	1	0	9
c. Setting reasonable schedules for cases.	4	3	2	1	0	9
d. Being prepared for his/her cases.	4	3	2	1	0	9
e. Managing court proceedings so that there is little wasted time.	4	3	2	1	0	9

5. Application of Law:	A	B	C	D	F	DK N/A
a. Giving reasons for rulings.	4	3	2	1	0	9
b. Willing to make decision without regard to possible outside pressure.	4	3	2	1	0	9
c. Being able to identify and analyze relevant facts.	4	3	2	1	0	9

6. ***[If you were in [Last Name]'s courtroom during a criminal case or cases please answer this question, otherwise skip to the next question.]*** On the scale below, please indicate by circling the appropriate number how biased you think Judge ***[Last Name]*** is toward the defense or the prosecution. If you feel Judge ***[Last Name]*** is completely unbiased, circle "0."



7. ***[If you were in [Last Name]'s courtroom during a criminal case or cases please answer this question, otherwise skip to the next question.]*** On the scale below, please indicate by circling the appropriate number how lenient or how harsh you think the sentences generally handed down by ***[Last Name]*** are. If you feel Judge ***[Last Name]*** generally hands down appropriate sentences, circle "0."



Though your name will never be associated with your answers, because the judge will see a typed transcript of the comments that you and others write, it is important that you do not include information in the comments below that would unintentionally identify you as the author.

8. What would you say are Judge ***[Last Name]***'s strengths?

_____
_____
_____
_____
_____
_____

Continued on Back Page