



Commission on
Judicial Performance

The Honorable Thomas F. Mulvahill
2012 Judicial Performance Survey Report
20th Judicial District





March 26, 2012

The Honorable Thomas F. Mulvahill
Boulder Justice Center
P.O. Box 4249
Boulder, CO 80306

Dear Judge Mulvahill:

I am pleased to make available to you the attached copy of your 2012 Judicial Performance Survey Report. This report includes the survey results from three important stakeholder groups: 1) attorneys who have had cases in your court or who are knowledgeable about your judicial performance; 2) appellate judges; and 3) 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 six 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. A copy of the attorney questionnaire is included in the final section of this report.
3. The numerical results of the survey of appellate judges in tabular form, and any comments the justices and judges might have made about your judicial performance.
4. 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. A copy of the non-attorney questionnaire is included in the final section of this report.
5. The fifth section of the report discusses the methodology of the surveys.
6. The final section provides copies of the questions or questionnaires that were used for each survey.

Hon. Thomas F. Mulvahill

March 26, 2012

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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, Jane Howell, at 303-866-6465.

Best regards,

A handwritten signature in black ink that reads "Brian Sanderoff". The signature is written in a cursive style with a large initial "B" and a stylized "S".

Brian Sanderoff
President

enc:

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 Thomas F. Mulvahill received an overall combined average grade of 3.69 in the 2012 Judicial Performance Survey. This is calculated by adding the overall average grade received from attorney respondents, 3.46, to the overall average grade received from non-attorney respondents, 3.91, divided by two.

The average combined grade for all district judges standing for retention in 2012 is 3.47 (not shown below).

| Judge Mulvahill Average Grades (All Years) | | | |
|---|-----------------|-----------------|---------------------|
| | Combined | Attorney | Non-attorney |
| Overall Grade | 3.69 | 3.46 | 3.91 |
| Sample Size | - | 83 | 122 |

Table 1

The results presented in this report are based on data collected in 2007, 2008, 2009, 2010, and 2011. (See Methodology section for description of sampling process.) Provisional judges will not have samples for the years prior to their appointment. Table 2 shows Judge Mulvahill’s overall average grades for each year in which survey results are available.

| Judge Mulvahill Average Grades by Year | | | | | |
|---|-------------------------------|----------------------|--------------------|----------------------|--------------------|
| Year | Combined Average Score | Attorney | | Non-Attorney | |
| | | Average Score | Sample Size | Average Score | Sample Size |
| 2007 | | | | | |
| 2008 | | | | | |
| 2009 | 3.92 | 3.85 | 9 | 3.98 | 13 |
| 2010 | 3.63 | 3.34 | 46 | 3.91 | 74 |
| 2011 | 3.68 | 3.47 | 28 | 3.88 | 35 |
| Overall | 3.69 | 3.46 | 83 | 3.91 | 122 |

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 district judges standing for retention in 2012 is 3.88, 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 Mulvahill's non-attorney results broken out by jurors and non-jurors. It also shows the overall average juror and non-juror grades for all district judges standing for retention in 2012 (see two columns on far right).

| Judge Mulvahill Average Grades for Jurors vs. Non-Jurors (All Years) | | | | | | | |
|--|--------|-----|---------------|--------|-------------------------------|---------------|-------------------|
| Judge Mulvahill | | | | | All District Retention Judges | | |
| Jurors | | | Non-Jurors | | | Juror Average | Non-Juror Average |
| Average Score | Sample | | Average Score | Sample | | | |
| | Size | % | | Size | % | | |
| 3.93 | 61 | 50% | 3.88 | 61 | 50% | 3.88 | 3.28 |

Table 3

**Survey of Attorneys Regarding
Judge Thomas F. Mulvahill
(Sample Size 83)**

Survey of Attorneys Regarding Trial Judges

| Judge Thomas F. Mulvahill Sample Size = 83 | | | | | | | Average | |
|--|---|---|---|---|------|-------|---------------------|-------------------------------|
| | A | B | C | D | Fail | DK/NA | Thomas F. Mulvahill | All District Retention Judges |

1. Case Management:

| | | | | | | | | |
|--|-----|-----|----|----|----|-----|------|------|
| 1a. Promptly issuing a decision on the case after trial. | 54% | 14% | 1% | 0% | 0% | 30% | 3.76 | 3.32 |
| 1b. Maintaining appropriate control over proceedings. | 70% | 24% | 4% | 0% | 0% | 2% | 3.68 | 3.40 |
| 1c. Promptly ruling on pre-trial motions. | 45% | 17% | 1% | 1% | 0% | 36% | 3.64 | 3.20 |
| 1d. Setting reasonable schedules for cases. | 63% | 20% | 7% | 0% | 0% | 10% | 3.61 | 3.22 |
| Overall Case Management | | | | | | | 3.67 | 3.29 |

2. Application and Knowledge of Law:

| | | | | | | | | |
|--|-----|-----|-----|----|----|-----|------|------|
| 2a. Being able to identify and analyze relevant facts. | 57% | 19% | 16% | 2% | 0% | 6% | 3.38 | 3.32 |
| 2b. Basing decisions on evidence and arguments. | 57% | 14% | 19% | 1% | 2% | 6% | 3.29 | 3.19 |
| 2c. Willing to reconsider error in fact or law. | 37% | 10% | 6% | 7% | 2% | 37% | 3.15 | 2.96 |
| 2d. Issuing consistent sentences when the circumstances are similar. | 26% | 32% | 18% | 3% | 5% | 16% | 2.84 | 3.15 |
| Overall Application and Knowledge of Law | | | | | | | 3.17 | 3.16 |

3. Communications:

| | | | | | | | | |
|--|-----|-----|----|----|----|-----|------|------|
| 3a. Making sure all participants understand the proceedings. | 73% | 17% | 5% | 0% | 0% | 5% | 3.72 | 3.51 |
| 3b. Providing written communications that are clear, thorough and well reasoned. | 52% | 22% | 2% | 1% | 1% | 22% | 3.55 | 3.33 |
| Overall Communications | | | | | | | 3.64 | 3.42 |

4. Demeanor:

| | | | | | | | | |
|---|-----|-----|-----|----|----|-----|------|------|
| 4a. Giving proceedings a sense of dignity. | 73% | 17% | 6% | 1% | 1% | 1% | 3.62 | 3.50 |
| 4b. Treating parties with respect. | 66% | 19% | 7% | 4% | 2% | 1% | 3.45 | 3.41 |
| 4c. Conducting his/her courtroom in a neutral manner. | 61% | 16% | 13% | 6% | 2% | 1% | 3.29 | 3.25 |
| 4d. Consistently applying laws and rules. | 57% | 17% | 11% | 0% | 4% | 12% | 3.40 | 3.24 |
| Overall Demeanor | | | | | | | 3.44 | 3.35 |

5. Diligence:

| | | | | | | | | |
|--|-----|-----|-----|----|----|-----|------|------|
| 5a. Using good judgment in application of relevant law and rules. | 53% | 20% | 11% | 6% | 2% | 7% | 3.25 | 3.18 |
| 5b. Doing the necessary homework and being prepared for his/her cases. | 58% | 23% | 8% | 2% | 0% | 8% | 3.49 | 3.34 |
| 5c. Being willing to handle cases on the docket even when they are complicated and time consuming. | 59% | 17% | 2% | 1% | 0% | 20% | 3.68 | 3.41 |
| Overall Diligence | | | | | | | 3.47 | 3.31 |

Overall Average Grade: 3.46 3.29

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.

Survey of Attorneys Regarding Trial Judges

Judge Thomas F. Mulvahill

Sample Size = 83

Percentage

Thomas F.
Mulvahill

All District
Retention
Judges

Would you say the judge is:

| | | |
|---|-----|-----|
| Very biased in favor of the prosecution | 21% | 11% |
| Somewhat biased in favor of the prosecution | 21% | 24% |
| Completely neutral | 53% | 49% |
| Somewhat biased in favor of the defense | 3% | 9% |
| Very biased in favor of the defense | 0% | 3% |
| Don't know or not sure | 3% | 4% |

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

Percentages excluding undecided/don't know responses.

| | | |
|-------------------------------|-----|-----|
| Strongly recommend retain | 81% | 71% |
| Somewhat recommend retain | 10% | 16% |
| Somewhat recommend not retain | 3% | 6% |
| Strongly recommend not retain | 6% | 6% |
| Total Retain | 91% | 87% |
| Total Not Retain | 9% | 12% |

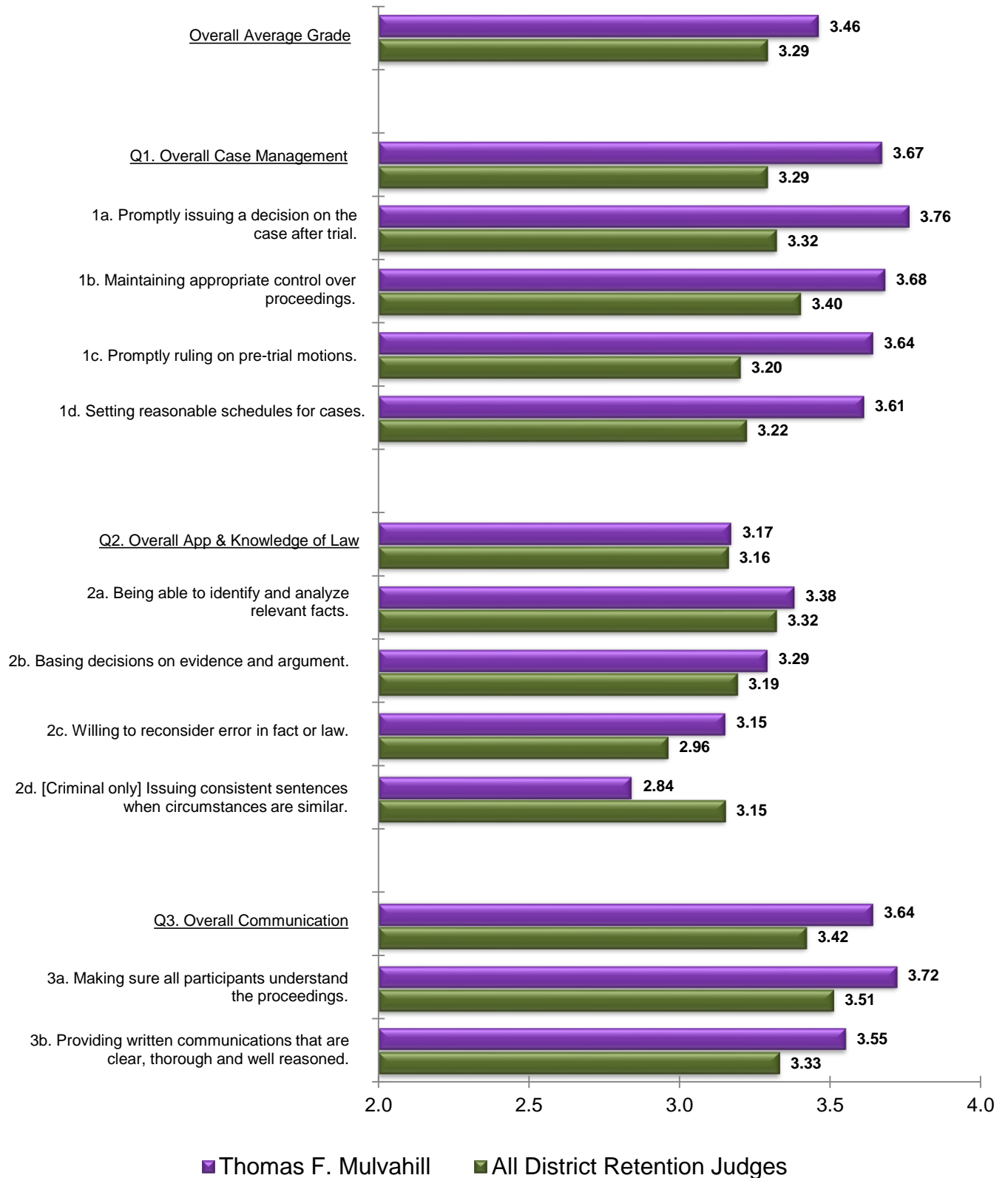
Percentages including undecided/don't know responses.

| | | |
|-------------------------------|-----|-----|
| Strongly recommend retain | 76% | 67% |
| Somewhat recommend retain | 10% | 16% |
| Undecided or Don't Know | 6% | 5% |
| Somewhat recommend not retain | 2% | 6% |
| Strongly recommend not retain | 6% | 6% |
| Total Retain | 86% | 83% |
| Undecided/Don't Know | 6% | 5% |
| Total Not Retain | 8% | 12% |

Judge Thomas F. Mulvahill

Survey of Attorneys Regarding Trial Judges

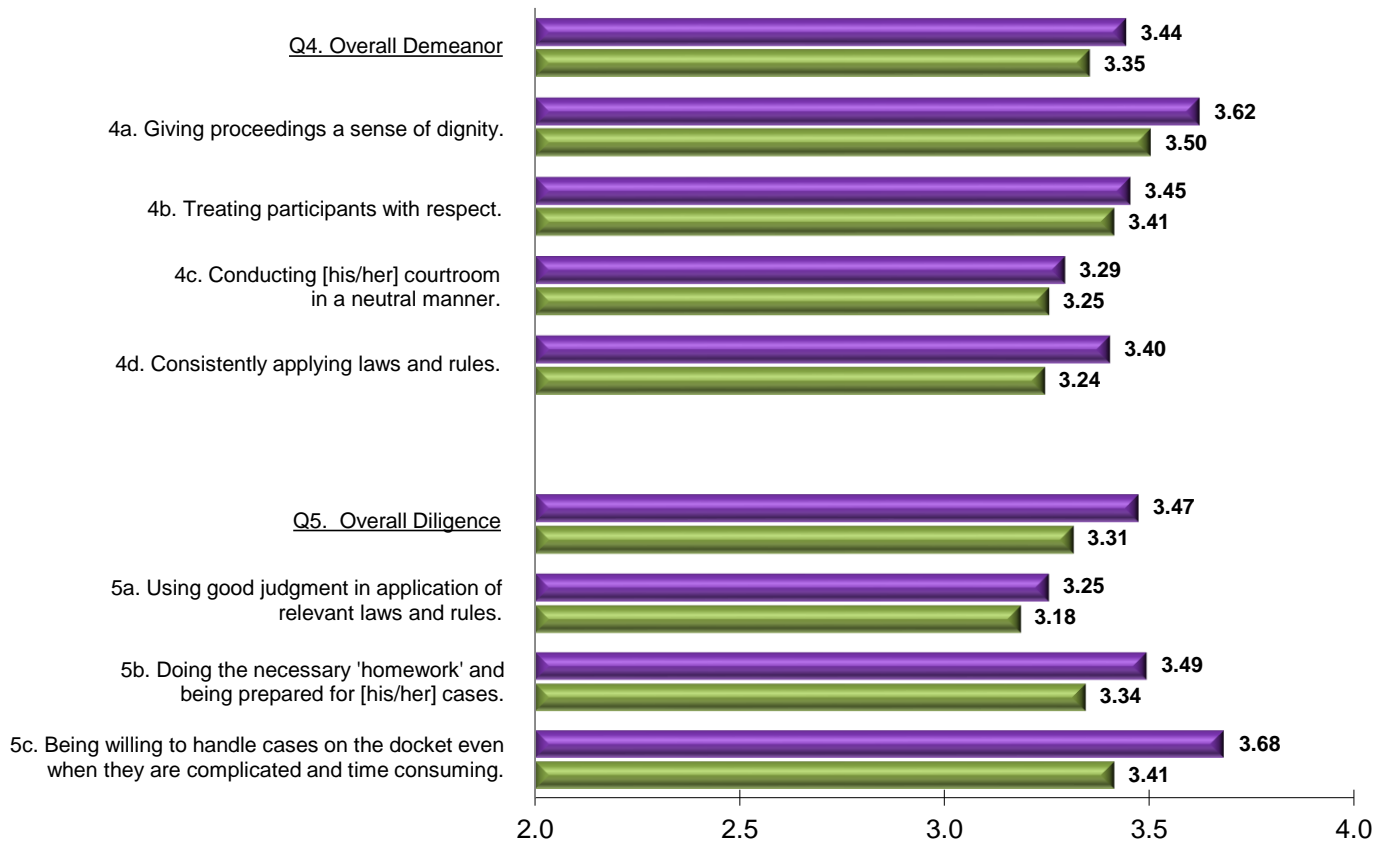
Average Grades



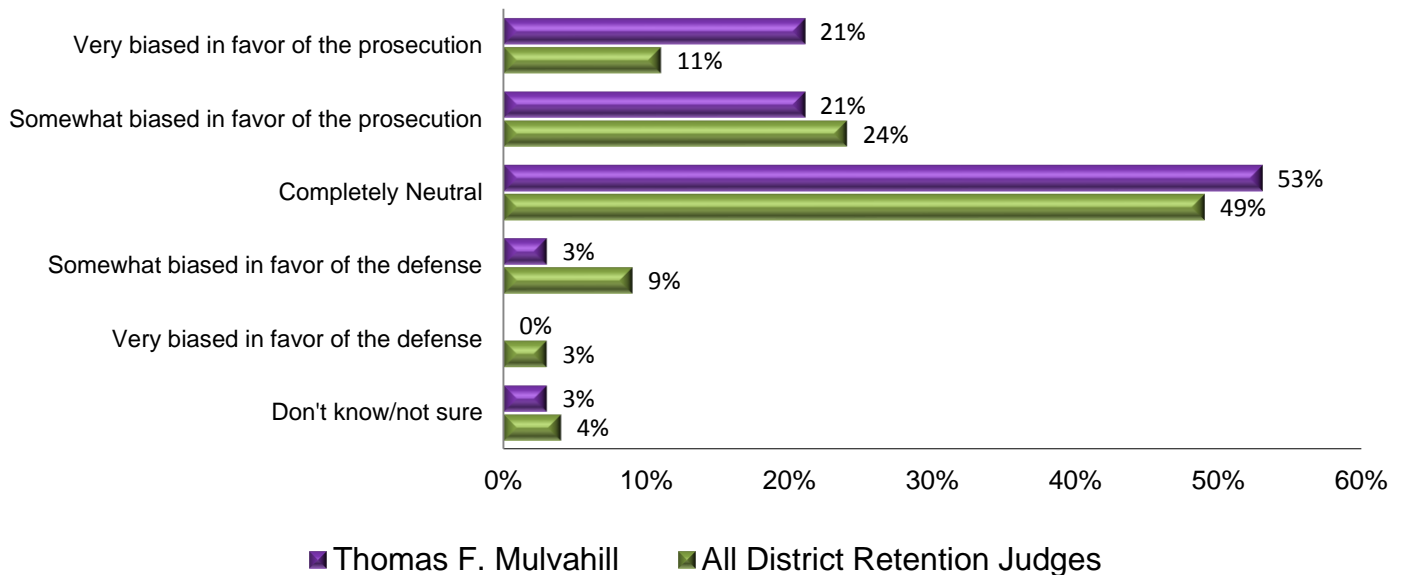
Judge Thomas F. Mulvahill

Survey of Attorneys Regarding Trial Judges

Average Grades



Biased in favor of prosecution/defense.

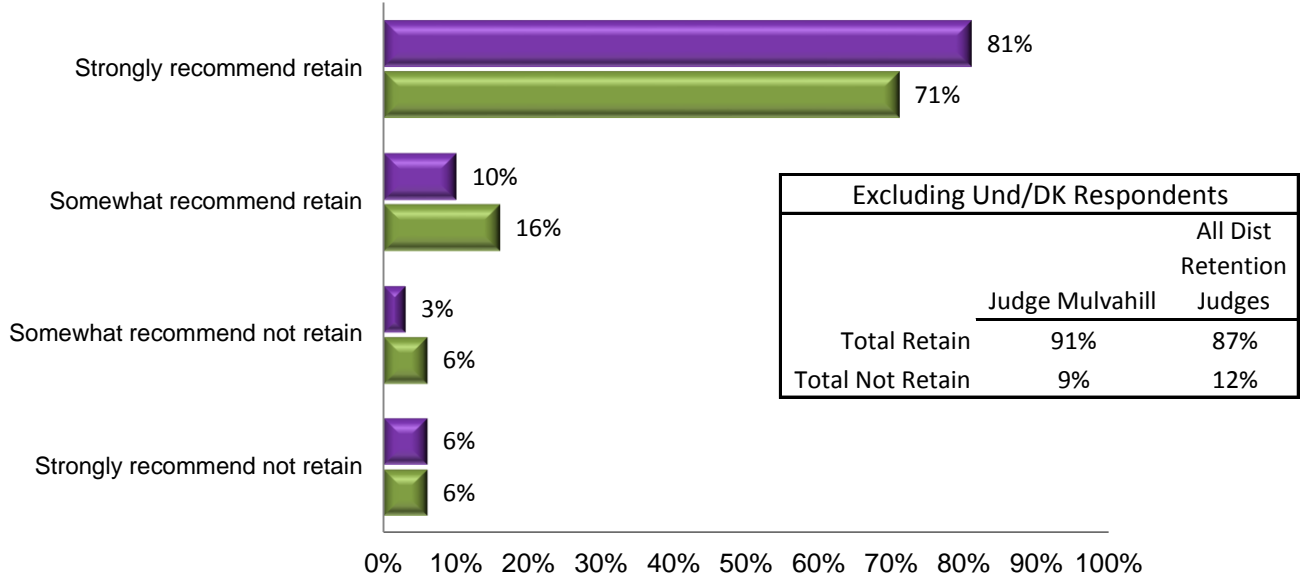


Judge Thomas F. Mulvahill

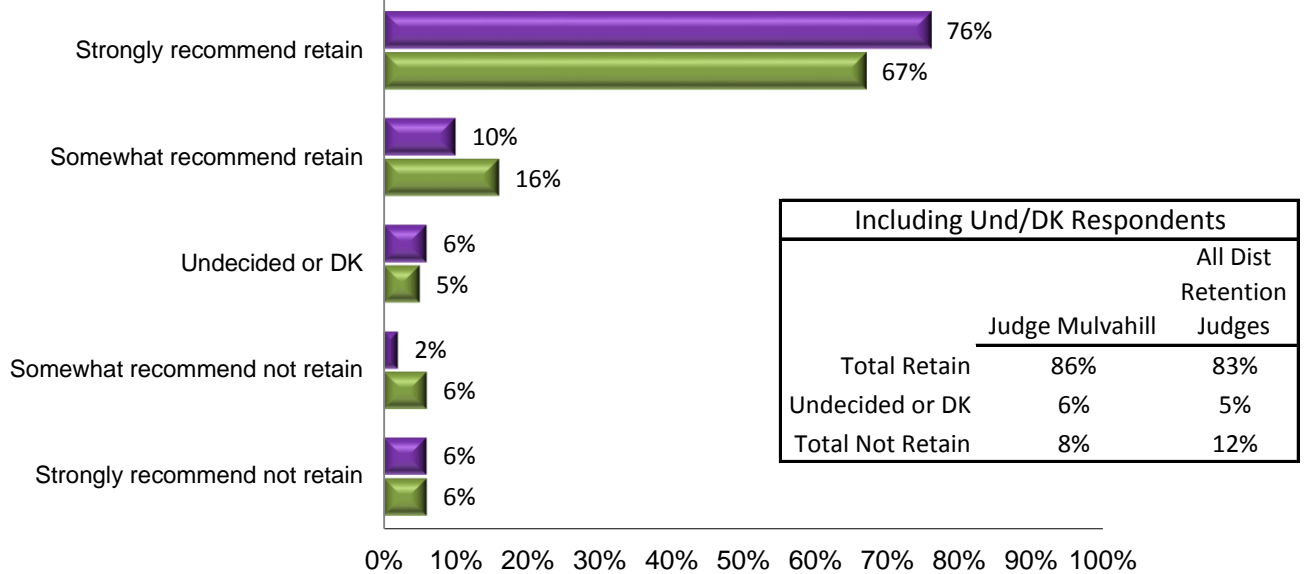
Survey of Attorneys Regarding Trial Judges

Q8. How strongly do you recommend that Judge Mulvahill be retained or not retained in office?

Excluding Undecided/Don't Know Respondents



Including Undecided/Don't Know Respondents



■ Thomas F. Mulvahill
 ■ All District Retention Judges

**Survey of Appellate Judges Regarding
Judge Thomas F. Mulvahill
(Sample Size 23)**

Survey of Appellate Judges Regarding District Judges

| Judge Thomas F. Mulvahill Sample Size = 23 Evaluations of Judge Mulvahill = 9 | | | | | | | Average | |
|--|---|---|---|---|------|----------|---------------------|-------------------------------|
| | A | B | C | D | Fail | No Grade | Thomas F. Mulvahill | All District Retention Judges |

| | | | | | | | | |
|---|-----|----|----|----|----|-----|------|------|
| Judge Mulvahill in terms of overall performance as a judge. | 30% | 9% | 0% | 0% | 0% | 61% | 3.78 | 3.68 |
|---|-----|----|----|----|----|-----|------|------|

The Appellate Judges Regarding District Judges questionnaire asks only one question about each of the district judges eligible to stand for retention in 2012. While 23 out of 28 appellate judges completed the questionnaire, as expected most appellate judges only graded some of the listed district judges, marking the rest as "No Grade." The number of evaluations shown below the sample size at the top of the page is the number of questionnaires returned with a letter grade for the judge. Please see the copy of the questionnaire in the Questionnaires section.

**Survey of Non-Attorneys Regarding
Judge Thomas F. Mulvahill
(Sample Size 122)**

Survey of Non-Attorneys Regarding Trial Judges

| Judge Thomas F. Mulvahill Sample Size = 122 | | | | | | | Average | |
|---|---|---|---|---|------|-------|---------------------|-------------------------------|
| | A | B | C | D | Fail | DK/NA | Thomas F. Mulvahill | All District Retention Judges |

1. Demeanor:

| | | | | | | | | |
|---|-----|----|----|----|----|----|------|------|
| 1a. Giving court proceedings a sense of dignity. | 93% | 5% | 0% | 1% | 1% | 1% | 3.89 | 3.68 |
| 1b. Treating participants in the case politely and with respect. | 94% | 3% | 0% | 1% | 1% | 1% | 3.91 | 3.69 |
| 1c. Conducting court in a neutral manner. | 93% | 6% | 1% | 0% | 0% | 1% | 3.93 | 3.64 |
| 1d. Having a sense of compassion and human understanding for those who appear before the court. | 90% | 7% | 0% | 0% | 1% | 2% | 3.89 | 3.59 |

Overall Demeanor 3.91 3.65

2. Fairness:

| | | | | | | | | |
|--|-----|----|----|----|----|-----|------|------|
| 2a. Giving participants an opportunity to be heard. | 91% | 7% | 0% | 0% | 1% | 2% | 3.90 | 3.66 |
| 2b. Treating those involved in the case without bias. | 92% | 5% | 0% | 0% | 0% | 3% | 3.95 | 3.61 |
| 2c. Treating fairly people who represent themselves. | 62% | 1% | 0% | 0% | 0% | 38% | 3.99 | 3.63 |
| 2d. Giving each side enough time to present his or her case. | 86% | 5% | 0% | 0% | 1% | 8% | 3.91 | 3.67 |

Overall Fairness 3.94 3.64

3. Communications:

| | | | | | | | | |
|---|-----|----|----|----|----|----|------|------|
| 3a. Making sure participants understand the proceedings, and what is going on in the courtroom. | 90% | 8% | 0% | 1% | 0% | 1% | 3.89 | 3.70 |
| 3b. Using language that everyone can understand. | 91% | 7% | 1% | 0% | 0% | 1% | 3.91 | 3.71 |
| 3c. Speaking clearly so everyone in the courtroom can hear what is being said. | 98% | 2% | 0% | 1% | 0% | 0% | 3.96 | 3.72 |

Overall Communications 3.92 3.71

4. Diligence:

| | | | | | | | | |
|---|-----|----|----|----|----|-----|------|------|
| 4a. Beginning court on time | 88% | 8% | 2% | 0% | 0% | 1% | 3.87 | 3.53 |
| 4b. Maintaining appropriate control over proceedings. | 93% | 4% | 2% | 1% | 0% | 1% | 3.90 | 3.72 |
| 4c. Setting reasonable schedules for cases. | 82% | 6% | 2% | 0% | 0% | 10% | 3.88 | 3.62 |
| 4d. Being prepared for cases. | 93% | 4% | 0% | 0% | 0% | 3% | 3.96 | 3.69 |
| 4e. Managing court proceedings so that there is little wasted time. | 89% | 8% | 2% | 1% | 0% | 0% | 3.86 | 3.56 |

Overall Diligence 3.89 3.62

5. Application of Law:

| | | | | | | | | |
|--|-----|-----|----|----|----|-----|------|------|
| 5a. Giving reasons for rulings. | 79% | 10% | 0% | 1% | 1% | 9% | 3.83 | 3.59 |
| 5b. Willing to make decisions without regard to possible outside pressure. | 78% | 3% | 0% | 1% | 0% | 18% | 3.93 | 3.62 |
| 5c. Being able to identify and analyze relevant facts. | 87% | 4% | 0% | 1% | 1% | 7% | 3.89 | 3.60 |

Overall Application of Law 3.88 3.60

Overall Average Grade: **3.91** **3.64**

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.

Survey of Non-Attorneys Regarding Trial Judges

Judge Thomas F. Mulvahill

Sample Size = 122

Percentage

Thomas F.
Mulvahill

All District
Retention
Judges

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 | 9% | 9% |
| Completely neutral | 91% | 84% |
| Biased in favor of the defense total | 0% | 7% |

[A positive average indicates bias toward prosecution, and a negative average indicates a bias toward the defense.]

| | | |
|---------|------|------|
| Average | 0.18 | 0.05 |
|---------|------|------|

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 | 11% | 10% |
| Completely neutral | 83% | 80% |
| Lenient sentencing total | 7% | 12% |

[A positive average indicates sentences are harsh, and a negative average indicates sentences are lenient.]

| | | |
|---------|------|------|
| Average | 0.11 | 0.04 |
|---------|------|------|

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

Percentages excluding undecided/don't know responses.

| | | |
|-------------------------------|-----|-----|
| Strongly recommend retain | 96% | 87% |
| Somewhat recommend retain | 3% | 6% |
| Somewhat recommend not retain | 2% | 2% |
| Strongly recommend not retain | 0% | 4% |
| Total Retain | 99% | 93% |
| Total Not Retain | 2% | 6% |

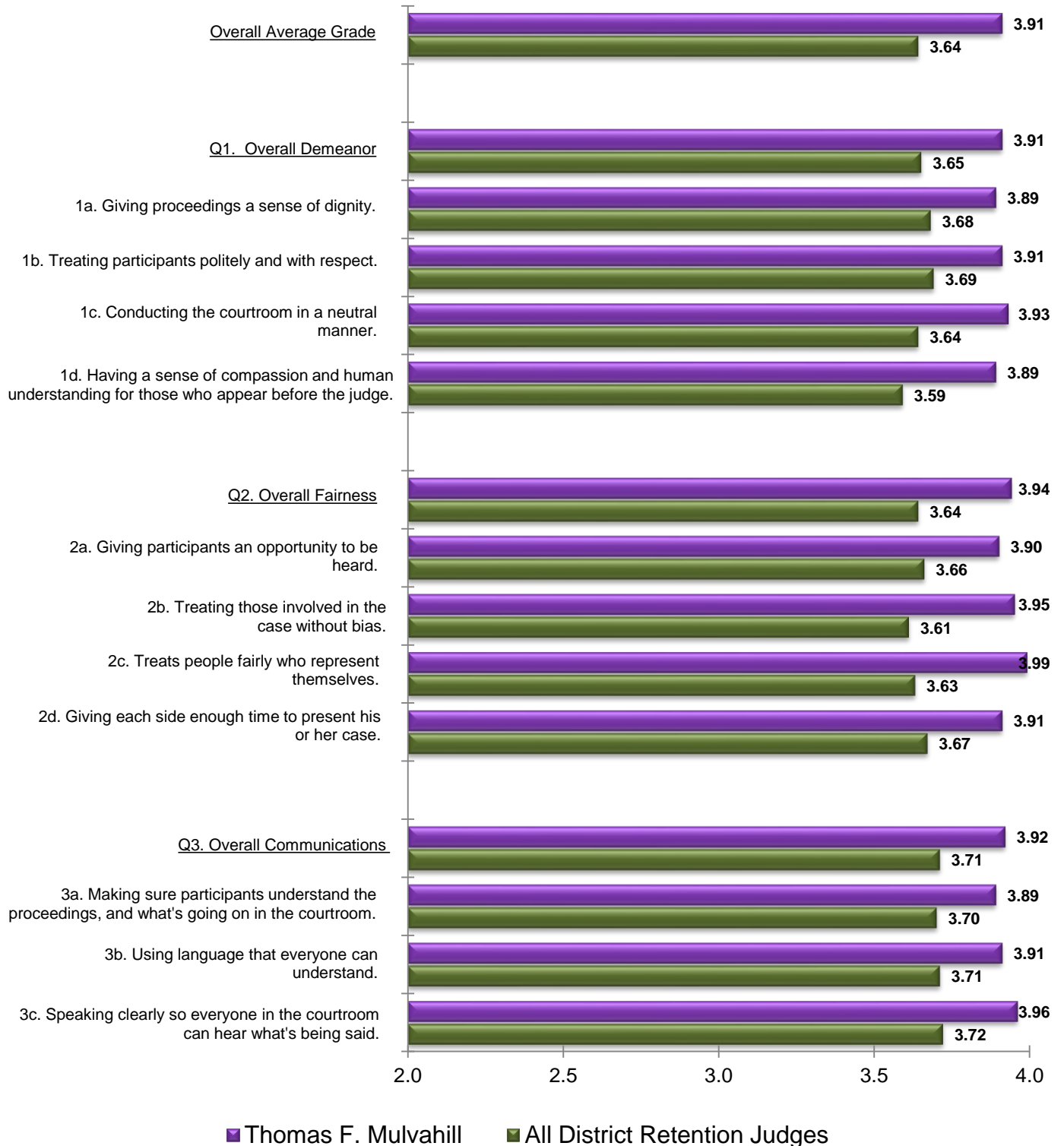
Percentages including undecided/don't know responses.

| | | |
|-------------------------------|-----|-----|
| Strongly recommend retain | 95% | 83% |
| Somewhat recommend retain | 3% | 6% |
| Undecided or Don't Know | 1% | 5% |
| Somewhat recommend not retain | 2% | 2% |
| Strongly recommend not retain | 0% | 4% |
| Total Retain | 98% | 89% |
| Undecided/Don't Know | 1% | 5% |
| Total Not Retain | 2% | 6% |

Judge Thomas F. Mulvahill

Survey of Non-Attorneys Regarding Trial Judges

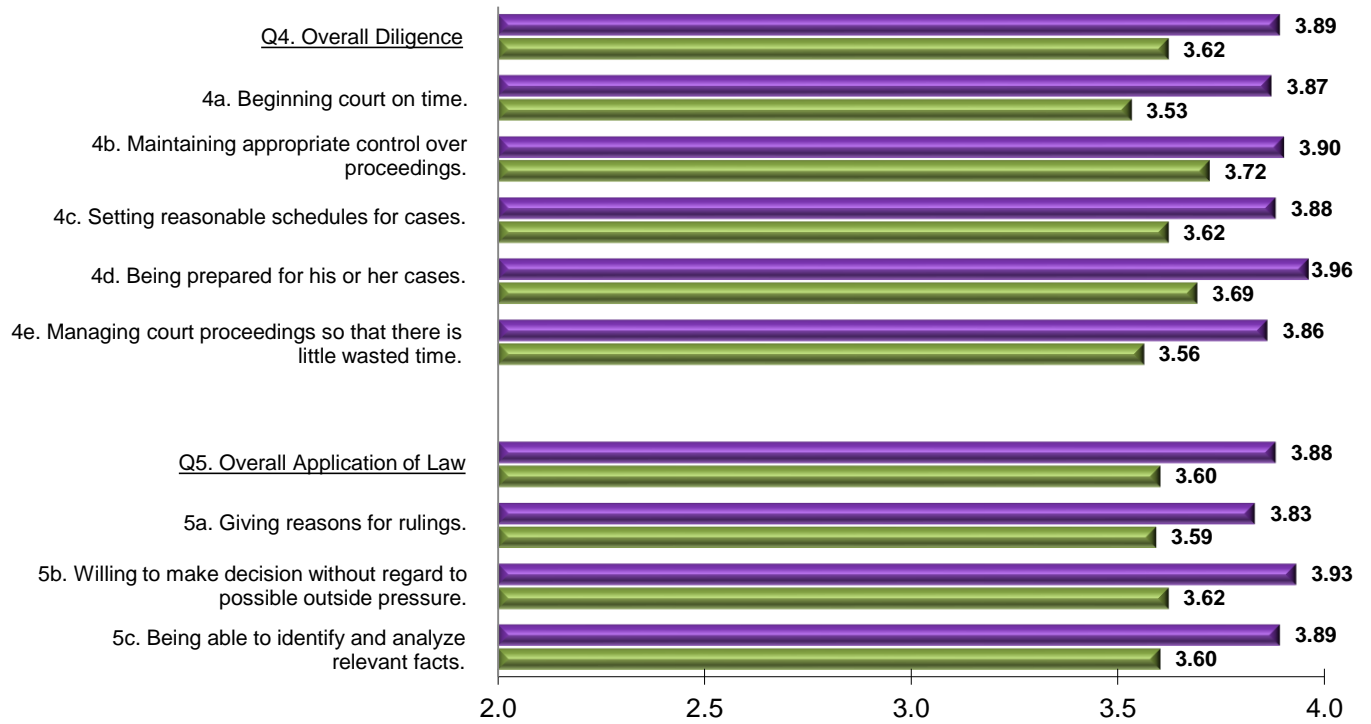
Average Grades



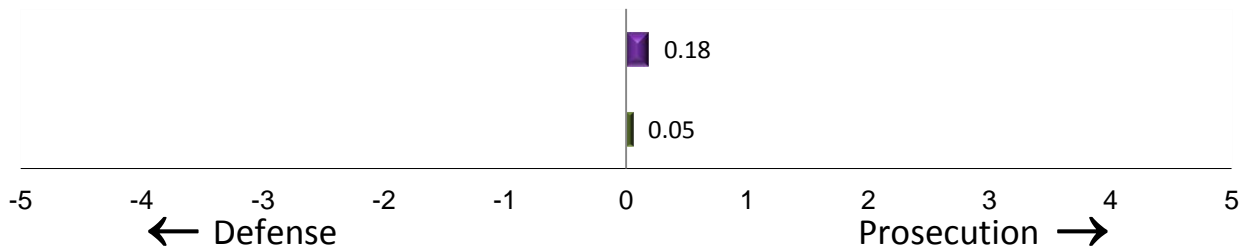
Judge Thomas F. Mulvahill

Survey of Non-Attorneys Regarding Trial Judges

Average Grades

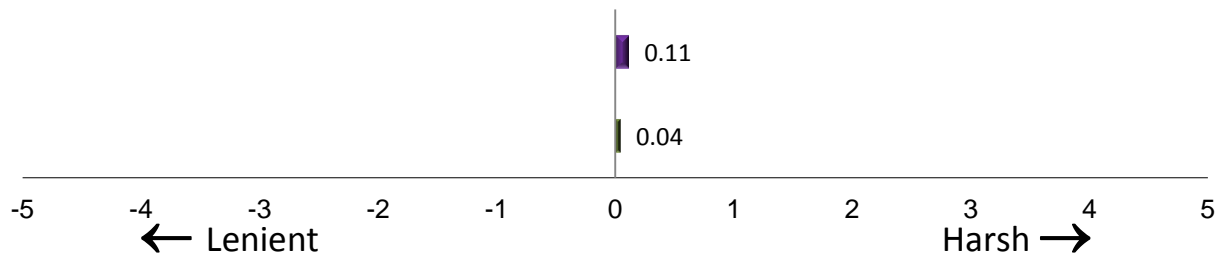


Q6 Biased in favor of prosecution/defense.¹



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.

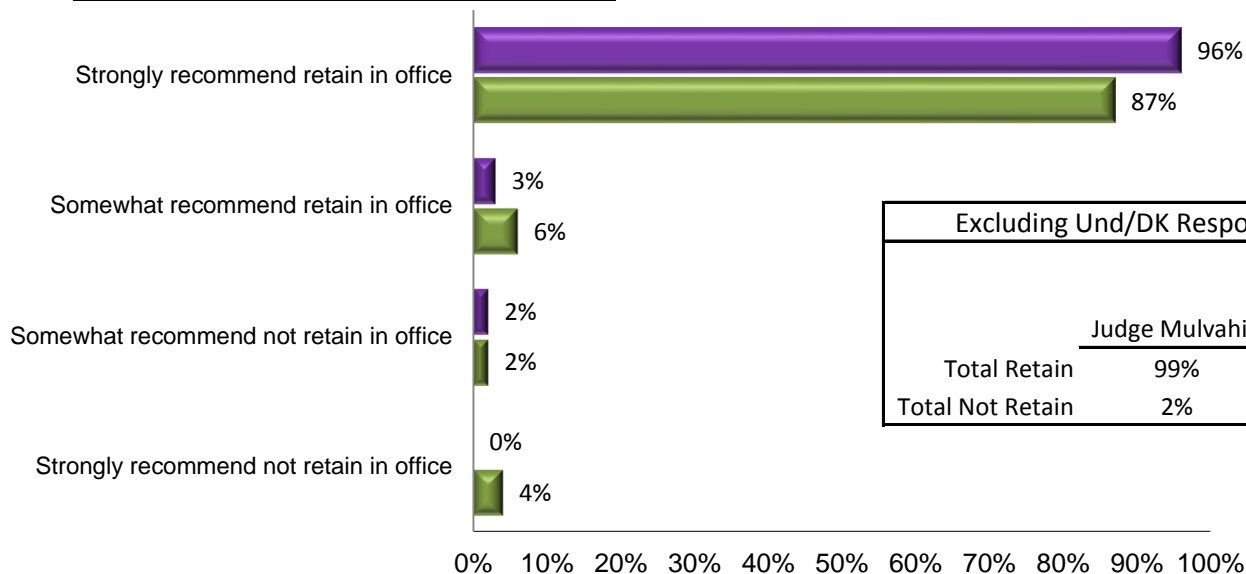
■ Thomas F. Mulvahill
 ■ All District Retention Judges

Judge Thomas F. Mulvahill

Survey of Non-Attorneys Regarding Trial Judges

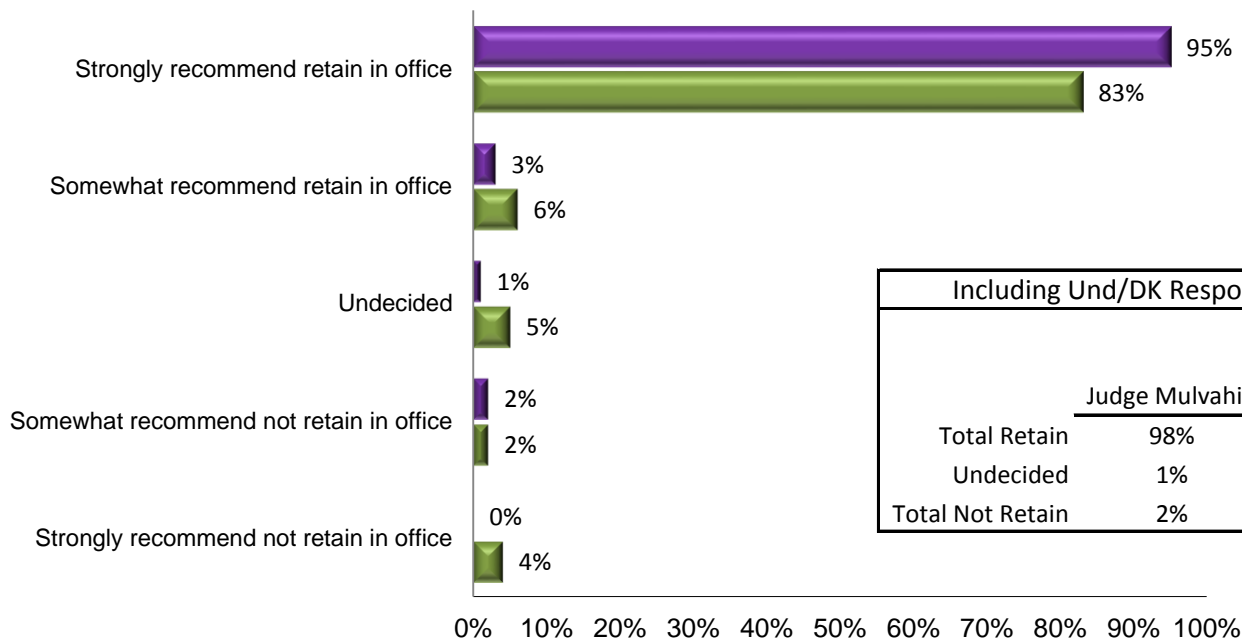
Q10. How strongly do you recommend that Judge Mulvahill be retained or not retained in office?

Excluding Undecided/Don't Know Respondents



| Excluding Und/DK Respondents | | |
|------------------------------|-----------------|---------------------------|
| | Judge Mulvahill | All Dist Retention Judges |
| Total Retain | 99% | 93% |
| Total Not Retain | 2% | 6% |

Including Undecided /Don't Know Respondents



| Including Und/DK Respondents | | |
|------------------------------|-----------------|---------------------------|
| | Judge Mulvahill | All Dist Retention Judges |
| Total Retain | 98% | 89% |
| Undecided | 1% | 5% |
| Total Not Retain | 2% | 6% |

■ Thomas F. Mulvahill
 ■ All District Retention Judges

Methodology

Methodology

The results shown in the 2012 Judicial Performance Survey Report are based on three surveys: The Survey of Attorneys Regarding Trial Judges, the Survey of Appellate Judges Regarding District Judges, and the Survey of Non-Attorneys Regarding Trial Judges. Below is a description of the methodology used in the three surveys.

I Attorneys Regarding Trial 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)
- District Attorney's Office, Ninth Judicial District

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

In 2011, the following changes were made to the Attorneys Regarding Trial Judges survey process:

- Only judges that are standing for retention in 2012 were evaluated during this reporting cycle (the intent was to increase the number of completed attorney evaluations for each retention judge by excluding those not standing for retention).
- The number of possible judges that attorney respondents could evaluate was increased from seven to 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 district judge as an

example: as survey data is collected it is pooled together for six years. After six 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.

c. 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.

Since 2005, there have been changes to the number of comment questions asked, though the strengths and weaknesses questions have been posed in every survey.

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.

d. Analysis:

The Attorneys Regarding Trial 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 district judges standing for retention in 2012 and are shown in the furthest right column on the page. Tables showing the percentage distribution for all questions for all district 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 district retention judges. The

percentages are shown both including and excluding “undecided/don’t know” responses.

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 third part of the Attorneys Regarding Trial Judges section of the report lists the comments the attorneys made about the judge’s strengths and weaknesses.

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 45.7% for district judges and 37.6% for county judges. An equivalent response rate for an individual judge is computed in the same manner.

II Appellate Judges Regarding District Judges

a. Sample:

Twenty-eight appellate judges (Supreme Court and Court of Appeals) were sent a questionnaire asking them to evaluate the district judges eligible to stand for retention in November 2012.

b. Questions:

The questionnaire consisted of one question about each district judge concerning overall performance (see Questionnaire section). The A through F responses were converted to a numerical scores where A = 4, B = 3, C = 2, D = 1 and Fail = 0.

c. Comments:

In addition to the A through F questions, the appellate judge respondents were given the opportunity to write a comment about each district judge. By statute, these comments are confidential and only provided to the district 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 district judge and the Commission, an attempt is made to redact all respondent identifying information from the comments. An effort has been made to correct spelling and typographical errors.

d. Analysis:

The Appellate Judges Regarding District Judges section shows a table of the percentage distribution for the one question, including “don’t know/not applicable” responses.

The next column to the right shows the judge's average grade for that question. For comparison purposes, the average grade was also computed for all district judges eligible to stand for retention in 2012 and is shown in the furthest right column on the page.

The second part of the Appellate Judges Regarding District Judges lists the judges' and justices' comments, if any.

e. Cooperation Rate:

A questionnaire was sent to 28 Supreme Court justices and Court of Appeals judges. Twenty-three questionnaires were returned, though not all 23 showed grades for every district judge.

III Non-Attorneys Regarding Trial 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)
- District Attorney's Office, Ninth Judicial District

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

In 2011, only the judges standing for retention in 2012 were evaluated. The intent was to increase the number of completed non-attorney evaluations for each retention judge by excluding those not standing for retention. For this evaluation cycle, the following changes were made to the Non-Attorneys Regarding Trial Judges survey process:

- Court staff, probation officers, and court interpreters were asked to complete the survey online, with the possibility of evaluating up to 10 judges
- RPI surveyed all non-attorneys with courtroom experience instead of a random sample of each sub-population (i.e. court employees, court interpreters, probation officers, witnesses, law enforcement personnel, jurors, crime victims, litigants, etc.). The only exception to this is the criminal defendants, for which RPI selected a random sample.

As stated above, 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 district judge as an example: as survey data is collected it is pooled together for six years. After six 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 justice or 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 Trial 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 district judges standing for retention in 2012 and are shown in the furthest right column on the page. Tables showing the percentage distribution for all questions for all district 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 district retention judges. The percentages for the retention question are shown including and excluding "undecided/don't know" responses.

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 third part of the Non-Attorneys Regarding Trial 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.

Since 2005 there have been changes to the number of comment questions asked, though the strengths and weaknesses questions have been posed in every survey.

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 Mulvahill 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 Trial Judges surveys for all district judges.

Judge Thomas F. Mulvahill

Judge Response Counts by Type of Respondent

| <i>Role Type</i> | <i>Total Sent</i> | <i>No Response</i> | <i>Undeliverable/ Not Applicable</i> | <i>Other Non-Responses</i> | <i>Completes</i> | <i>Coop Rate</i> |
|---|-------------------|--------------------|--------------------------------------|----------------------------|------------------|------------------|
| Attorneys | | | | | | |
| <u>Criminal</u> | | | | | | |
| District Attorneys | 15 | 2 | 0 | 0 | 13 | 86.7% |
| Defense Attorneys | 41 | 12 | 4 | 0 | 25 | 67.6% |
| <u>Civil</u> | | | | | | |
| Attorneys for Litigants | 15 | 5 | 0 | 0 | 10 | 66.7% |
| Other Attorneys Civil | 76 | 41 | 0 | 0 | 35 | 46.1% |
| Total Attorneys | 147 | 60 | 4 | 0 | 83 | 58.0% |
| Non-attorneys | | | | | | |
| <u>Criminal</u> | | | | | | |
| Defendant | 40 | 27 | 9 | 0 | 4 | 12.9% |
| <u>Civil</u> | | | | | | |
| Litigant | 79 | 43 | 16 | 3 | 17 | 27.0% |
| Witness | 15 | 9 | 3 | 0 | 3 | 25.0% |
| Other | 6 | 3 | 0 | 1 | 2 | 33.3% |
| <u>Jurors</u> | 104 | 40 | 3 | 0 | 61 | 60.4% |
| <u>Employees, including Interpreters</u> | 23 | 4 | 3 | 0 | 16 | 80.0% |
| <u>Probation Officers</u> | 36 | 12 | 5 | 0 | 19 | 61.3% |
| Total Non-attorneys | 303 | 138 | 39 | 4 | 122 | 46.2% |
| Grand Total: | 450 | 198 | 43 | 4 | 205 | 50.4% |

Total Response Counts by Type of Respondent for All District Retention Judges

| | Total Sent | No Response | Undeliverable/ Not Applicable | Other Non-Responses | Completes | Cooperation Rate |
|---|--------------|--------------|-------------------------------|---------------------|--------------|------------------|
| Attorneys | | | | | | |
| <u>Criminal</u> | | | | | | |
| District Attorneys | 2526 | 1265 | 381 | 0 | 880 | 41.0% |
| Defense Attorneys | 3297 | 1732 | 263 | 0 | 1302 | 42.9% |
| Other Attorneys Criminal | 22 | 13 | 0 | 0 | 9 | 40.9% |
| <u>Civil</u> | | | | | | |
| Attorneys for Litigants | 2327 | 1053 | 103 | 1 | 1170 | 52.6% |
| Other Attorneys Civil | 2328 | 1099 | 246 | 0 | 983 | 47.2% |
| GAL | 11 | 1 | 0 | 0 | 10 | 90.9% |
| Total Attorneys | 10511 | 5163 | 993 | 1 | 4354 | 45.7% |
| Non-attorneys | | | | | | |
| <u>Criminal</u> | | | | | | |
| Victim | 52 | 36 | 10 | 0 | 6 | 14.3% |
| Witness | 7389 | 3621 | 2563 | 353 | 852 | 17.7% |
| Other | 1084 | 619 | 301 | 15 | 149 | 19.0% |
| Law Enforcement | 3846 | 2060 | 925 | 142 | 719 | 24.6% |
| Defendant | 14840 | 6599 | 7050 | 107 | 1084 | 13.9% |
| <u>Civil</u> | | | | | | |
| Litigant | 6881 | 3945 | 1545 | 101 | 1290 | 24.2% |
| Witness | 123 | 58 | 25 | 1 | 39 | 39.8% |
| Other | 126 | 51 | 30 | 10 | 35 | 36.5% |
| <u>Jurors</u> | 13266 | 4866 | 907 | 173 | 7320 | 59.2% |
| <u>Employees, including Interpreters</u> | 704 | 135 | 95 | 13 | 461 | 75.7% |
| <u>Probation Officers</u> | 572 | 160 | 116 | 2 | 294 | 64.5% |
| Total Non-attorneys | 48883 | 22150 | 13567 | 917 | 12249 | 34.7% |
| Grand Total: | 59394 | 27313 | 14560 | 918 | 16603 | 37.0% |

A Final Word Regarding the Survey Results

The most frequently asked question that we receive from judges regarding the survey statistics is, “What is the margin of sampling error associated with these results?” The answer to this question is that a margin of error cannot be calculated since **we are not selecting a random sample** of eligible respondents (attorneys and non-attorneys) to be surveyed; instead, we are attempting to survey **all** members of the eligible population. Since we are not generating a random sample, we cannot estimate a percentage or value of the population sampled with a known probability of error.

Every eligible respondent in the attorney and non-attorney population is now given an opportunity to evaluate judges with whom they have had a recent experience.¹ The only exception is among the criminal defendant population, in which, due to its size, a random sample is selected. The respondents know the purpose and content of the survey, and based on that, decide whether to respond to it. Measures are taken to increase the response rate so that concerns regarding sampling bias can be mitigated. The higher the response rate, the more confident we can feel the results of the respondents are similar to the results of the non-respondents. Attorneys and non-attorneys receive multiple waves of reminders via email or mail to complete the survey. Further, all non-responding attorneys are then contacted on the telephone and given the opportunity to complete the evaluation with the professional interviewer. RPI has contacted hundreds of non-responding attorneys to encourage their participation. We have been informed by the vast majority of the non-responding attorneys that the primary reason for not participating in the survey is because of a lack of sufficient information to evaluate that particular judge.

The Judicial Performance Evaluation Survey is a valuable means, perhaps the only practical means, for the Commissions on Judicial Performance to have a summary of results from structured interviews among stakeholders who have courtroom familiarity with each judge being evaluated. We are continuing to take steps to increase cell sizes and cooperation rates for each judge in order to further enhance this evaluation program.

¹Attorneys have the opportunity to evaluate up to 10 judges on an online survey. Among the non-attorney population, court staff, probation officers, and interpreters also have the opportunity to evaluate up to 10 judges on an online survey. The remaining non-attorney populations are mailed a paper survey with the opportunity to evaluate one judge.

Survey of Attorneys Regarding Trial Judges

| All District Retention Judges | | | | | | | Average Grade |
|--|-----|-----|-----|----|------|-------|---------------|
| Sample Size = 4354 | A | B | C | D | Fail | DK/NA | |
| 1. Case Management: | | | | | | | |
| 1a. Promptly issuing a decision on the case after trial. | 48% | 20% | 8% | 4% | 2% | 18% | 3.32 |
| 1b. Maintaining appropriate control over proceedings. | 60% | 24% | 8% | 4% | 2% | 2% | 3.40 |
| 1c. Promptly ruling on pre-trial motions. | 47% | 25% | 11% | 5% | 3% | 10% | 3.20 |
| 1d. Setting reasonable schedules for cases. | 50% | 28% | 11% | 5% | 3% | 3% | 3.22 |
| Overall Case Management | | | | | | | 3.29 |
| 2. Application and Knowledge of Law: | | | | | | | |
| 2a. Being able to identify and analyze relevant facts. | 56% | 26% | 10% | 4% | 2% | 2% | 3.32 |
| 2b. Basing decisions on evidence and arguments. | 52% | 24% | 12% | 6% | 3% | 3% | 3.19 |
| 2c. Willing to reconsider error in fact or law. | 35% | 20% | 11% | 7% | 5% | 22% | 2.96 |
| 2d. Issuing consistent sentences when the circumstances are similar. | 41% | 27% | 11% | 5% | 3% | 13% | 3.15 |
| Overall Application and Knowledge of Law | | | | | | | 3.16 |
| 3. Communications: | | | | | | | |
| 3a. Making sure all participants understand the proceedings. | 63% | 25% | 6% | 2% | 1% | 3% | 3.51 |
| 3b. Providing written communications that are clear, thorough and well reasoned. | 50% | 24% | 9% | 3% | 2% | 11% | 3.33 |
| Overall Communications | | | | | | | 3.42 |
| 4. Demeanor: | | | | | | | |
| 4a. Giving proceedings a sense of dignity. | 67% | 20% | 6% | 3% | 2% | 1% | 3.50 |
| 4b. Treating parties with respect. | 65% | 20% | 7% | 4% | 3% | 1% | 3.41 |
| 4c. Conducting his/her courtroom in a neutral manner. | 59% | 20% | 9% | 6% | 4% | 2% | 3.25 |
| 4d. Consistently applying laws and rules. | 53% | 23% | 10% | 5% | 3% | 5% | 3.24 |
| Overall Demeanor | | | | | | | 3.35 |
| 5. Diligence: | | | | | | | |
| 5a. Using good judgment in application of relevant law and rules. | 52% | 25% | 11% | 6% | 3% | 2% | 3.18 |
| 5b. Doing the necessary homework and being prepared for his/her cases. | 57% | 23% | 9% | 4% | 2% | 4% | 3.34 |
| 5c. Being willing to handle cases on the docket even when they are complicated and time consuming. | 56% | 19% | 6% | 4% | 2% | 13% | 3.41 |
| Overall Diligence | | | | | | | 3.31 |
| Overall Average Grade: | | | | | | | 3.29 |

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.

Survey of Attorneys Regarding Trial Judges

All District Retention Judges

Sample Size = 4354

Average
Grade

Would you say the judge is:

| | |
|---|-----|
| Very biased in favor of the prosecution | 11% |
| Somewhat biased in favor of the prosecution | 24% |
| Completely neutral | 49% |
| Somewhat biased in favor of the defense | 9% |
| Very biased in favor of the defense | 3% |
| Don't know or not sure | 4% |

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

Percentages excluding undecided/don't know responses.

| | |
|-------------------------------|-----|
| Strongly recommend retain | 71% |
| Somewhat recommend retain | 16% |
| Somewhat recommend not retain | 6% |
| Strongly recommend not retain | 6% |
| Total Retain | 87% |
| Total Not Retain | 12% |

Percentages including undecided/don't know responses.

| | |
|-------------------------------|-----|
| Strongly recommend retain | 67% |
| Somewhat recommend retain | 16% |
| Undecided or Don't Know | 5% |
| Somewhat recommend not retain | 6% |
| Strongly recommend not retain | 6% |
| Total Retain | 83% |
| Undecided/Don't Know | 5% |
| Total Not Retain | 12% |

Survey of Non-Attorneys Regarding Trial Judges

| All District Retention Judges | | | | | | | Average Grade |
|--------------------------------------|---|---|---|---|------|-------|---------------|
| Sample Size = 12249 | A | B | C | D | Fail | DK/NA | |

1. Demeanor:

| | | | | | | | |
|---|-----|-----|----|----|----|----|------|
| 1a. Giving court proceedings a sense of dignity. | 79% | 14% | 4% | 1% | 2% | 1% | 3.68 |
| 1b. Treating participants in the case politely and with respect. | 81% | 12% | 3% | 2% | 2% | 1% | 3.69 |
| 1c. Conducting court in a neutral manner. | 79% | 12% | 4% | 2% | 3% | 1% | 3.64 |
| 1d. Having a sense of compassion and human understanding for those who appear before the court. | 75% | 15% | 4% | 2% | 3% | 2% | 3.59 |
| Overall Demeanor | | | | | | | 3.65 |

2. Fairness:

| | | | | | | | |
|--|-----|-----|----|----|----|-----|------|
| 2a. Giving participants an opportunity to be heard. | 79% | 13% | 3% | 2% | 2% | 1% | 3.66 |
| 2b. Treating those involved in the case without bias. | 77% | 12% | 3% | 2% | 4% | 2% | 3.61 |
| 2c. Treating fairly people who represent themselves. | 52% | 8% | 2% | 1% | 2% | 34% | 3.63 |
| 2d. Giving each side enough time to present his or her case. | 77% | 12% | 3% | 2% | 2% | 4% | 3.67 |
| Overall Fairness | | | | | | | 3.64 |

3. Communications:

| | | | | | | | |
|---|-----|-----|----|----|----|----|------|
| 3a. Making sure participants understand the proceedings, and what is going on in the courtroom. | 79% | 13% | 3% | 1% | 1% | 1% | 3.70 |
| 3b. Using language that everyone can understand. | 79% | 15% | 3% | 1% | 1% | 1% | 3.71 |
| 3c. Speaking clearly so everyone in the courtroom can hear what is being said. | 80% | 13% | 4% | 1% | 1% | 1% | 3.72 |
| Overall Communications | | | | | | | 3.71 |

4. Diligence:

| | | | | | | | |
|---|-----|-----|----|----|----|----|------|
| 4a. Beginning court on time | 68% | 20% | 6% | 2% | 2% | 2% | 3.53 |
| 4b. Maintaining appropriate control over proceedings. | 80% | 13% | 3% | 1% | 1% | 1% | 3.72 |
| 4c. Setting reasonable schedules for cases. | 69% | 15% | 4% | 1% | 2% | 9% | 3.62 |
| 4d. Being prepared for cases. | 77% | 12% | 3% | 1% | 2% | 5% | 3.69 |
| 4e. Managing court proceedings so that there is little wasted time. | 70% | 18% | 5% | 2% | 2% | 2% | 3.56 |
| Overall Diligence | | | | | | | 3.62 |

5. Application of Law:

| | | | | | | | |
|--|-----|-----|----|----|----|-----|------|
| 5a. Giving reasons for rulings. | 71% | 14% | 4% | 2% | 3% | 7% | 3.59 |
| 5b. Willing to make decisions without regard to possible outside pressure. | 66% | 10% | 3% | 2% | 3% | 16% | 3.62 |
| 5c. Being able to identify and analyze relevant facts. | 72% | 12% | 3% | 2% | 3% | 7% | 3.60 |
| Overall Application of Law | | | | | | | 3.60 |

Overall Average Grade: 3.64

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.

Survey of Non-Attorneys Regarding Trial Judges

All District Retention Judges

Sample Size = 12249

Average
Grade

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 | | 9% |
| Competely neutral | | 84% |
| Biased in favor of the defense total | | 7% |
| Average | | 0.05 |

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 | | 80% |
| Lenient sentencing total | | 12% |
| Average | | 0.04 |

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

Percentages excluding undecided/don't know responses.

| | | |
|-------------------------------|--|-----|
| Strongly recommend retain | | 87% |
| Somewhat recommend retain | | 6% |
| Somewhat recommend not retain | | 2% |
| Strongly recommend not retain | | 4% |
| Total Retain | | 93% |
| Total Not Retain | | 6% |

Percentages including undecided/don't know responses.

| | | |
|-------------------------------|--|-----|
| Strongly recommend retain | | 83% |
| Somewhat recommend retain | | 6% |
| Undecided or Don't Know | | 5% |
| Somewhat recommend not retain | | 2% |
| Strongly recommend not retain | | 4% |
| Total Retain | | 89% |
| Undecided/Don't Know | | 5% |
| Total Not Retain | | 6% |

Survey of Appellate Judges Regarding District Judges

All District Retention Judges

Sample Size = 23

| A | B | C | D | Fail | DK/NA |
|---|---|---|---|------|-------|
|---|---|---|---|------|-------|

All district judges eligible to stand for retention in 2012.

38% 15% 1% 0% 0% 46%

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.

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. | <i>[Criminal only]</i> Issuing consistent sentences when the circumstances are similar. | A | B | C | D | F | DK/NA |

3. Communications:

- | | | | | | | | |
|----|--|---|---|---|---|---|-------|
| a. | Makings 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 he be retained in office..... 5
- Somewhat recommend he be retained in office..... 4
- Undecided or don't know enough to make recommendation..... 3
- Somewhat recommend he not be retained in office..... 2
- Strongly recommend he not be retained 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
- Somewhat recommend he/she be retained in office 4
- Undecided or don't know enough to make recommendation..... 3
- Somewhat recommend he/she not be retained in office 2
- Strongly recommend he/she not be retained in office..... 1

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 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]*.

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.

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).

| | A | B | C | D | F | DK N/A |
|--|----------|----------|----------|----------|----------|-------------------|
| 1. Demeanor: | | | | | | |
| 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 |

Barcode

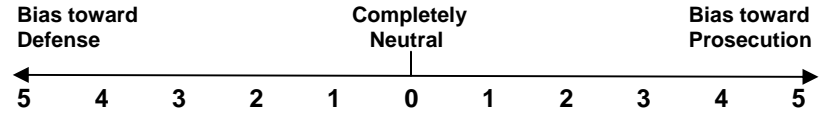
| | A | B | C | D | F | DK N/A |
|---|----------|----------|----------|----------|----------|-------------------------|
| 2. Fairness: | | | | | | |
| a. Giving participants an opportunity to be heard. | 4 | 3 | 2 | 1 | 0 | 9 |
| b. Treating those involved in the case without bias. | 4 | 3 | 2 | 1 | 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 |

| | A | B | C | D | F | DK N/A |
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| 3. Communications: | | | | | | |
| a. Making 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 |

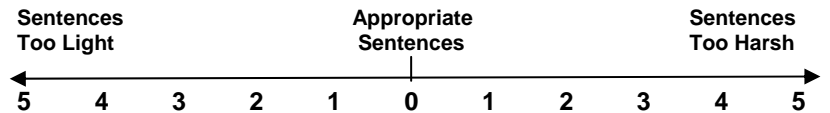
| | A | B | C | D | F | DK N/A |
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| 4. Diligence: | | | | | | |
| a. Beginning court on time. | 4 | 3 | 2 | 1 | 0 | 9 |
| b. Maintaining appropriate control over proceedings. | 4 | 3 | 2 | 1 | 0 | 9 |
| c. Setting reasonable schedules for cases. | 4 | 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 |

| | A | B | C | D | F | DK N/A |
|--|----------|----------|----------|----------|----------|-------------------------|
| 5. Application of Law: | | | | | | |
| 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



Commission on Judicial Performance

Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the following district judges in terms of each one’s ***overall performance as a judge*** by circling the appropriate letter grade. If you feel that you don’t have enough information about a judge to mark a specific grade, please put a check in the box under “No Grade.”

If there are any judges you would like to add a comment about, please do so by filling out comment section on pages 3 and 4, or by enclosing a separate sheet with your comments when you return this questionnaire. Please start each comment with the judge’s name and district.

Thank you.

1st Judicial District

| | A | B | C | D | F | No Grade |
|----------------------------|---|---|---|---|---|--------------------------|
| Christopher J. Munch..... | | | | | | <input type="checkbox"/> |
| Christie B. Phillips | | | | | | <input type="checkbox"/> |

2nd Judicial District

| | | | | | | |
|--------------------------|---|---|---|---|---|--------------------------|
| Ann Frick | A | B | C | D | F | <input type="checkbox"/> |
| Shelley I. Gilman | A | B | C | D | F | <input type="checkbox"/> |
| Christina M. Habas..... | A | B | C | D | F | <input type="checkbox"/> |
| Morris B. Hoffman | A | B | C | D | F | <input type="checkbox"/> |
| Kenneth M. Laff | A | B | C | D | F | <input type="checkbox"/> |
| Catherine A. Lemon | A | B | C | D | F | <input type="checkbox"/> |
| R. Michael Mullins | A | B | C | D | F | <input type="checkbox"/> |
| Karen Ashby..... | A | B | C | D | F | <input type="checkbox"/> |

3rd Judicial District

| | | | | | | |
|-----------------------|---|---|---|---|---|--------------------------|
| Claude W. Appel | A | B | C | D | F | <input type="checkbox"/> |
|-----------------------|---|---|---|---|---|--------------------------|

4th Judicial District

| | | | | | | |
|--------------------------|---|---|---|---|---|--------------------------|
| Theresa M. Cisneros..... | A | B | C | D | F | <input type="checkbox"/> |
| Robert L. Lowrey | A | B | C | D | F | <input type="checkbox"/> |
| Timothy J. Schutz..... | A | B | C | D | F | <input type="checkbox"/> |
| Larry E. Schwartz..... | A | B | C | D | F | <input type="checkbox"/> |
| Scott Sells | A | B | C | D | F | <input type="checkbox"/> |
| David L. Shakes | A | B | C | D | F | <input type="checkbox"/> |

8th Judicial District

| | A | B | C | D | F | No Grade |
|--------------------------|---|---|---|---|---|--------------------------|
| Devin R. Odell..... | | | | | | <input type="checkbox"/> |
| John David Williams..... | | | | | | <input type="checkbox"/> |

9th Judicial District

| | | | | | | |
|----------------------|---|---|---|---|---|--------------------------|
| James B. Boyd..... | A | B | C | D | F | <input type="checkbox"/> |
| Daniel B. Petre..... | A | B | C | D | F | <input type="checkbox"/> |

10th Judicial District

| | | | | | | |
|-------------------------|---|---|---|---|---|--------------------------|
| David W. Crockenberg.. | A | B | C | D | F | <input type="checkbox"/> |
| Deborah R. Eycler | A | B | C | D | F | <input type="checkbox"/> |

11th Judicial District

| | | | | | | |
|-------------------------|---|---|---|---|---|--------------------------|
| Charles M. Barton | A | B | C | D | F | <input type="checkbox"/> |
| Julie G. Marshall | A | B | C | D | F | <input type="checkbox"/> |

12th Judicial District

| | | | | | | |
|----------------------|---|---|---|---|---|--------------------------|
| Pattie P. Swift..... | A | B | C | D | F | <input type="checkbox"/> |
|----------------------|---|---|---|---|---|--------------------------|

13th Judicial District

| | | | | | | |
|------------------------|---|---|---|---|---|--------------------------|
| Michael K. Singer..... | A | B | C | D | F | <input type="checkbox"/> |
| Charles M. Hobbs | A | B | C | D | F | <input type="checkbox"/> |

14th Judicial District

| | | | | | | |
|----------------------------|---|---|---|---|---|--------------------------|
| Michael A. O’Hara, III.... | A | B | C | D | F | <input type="checkbox"/> |
|----------------------------|---|---|---|---|---|--------------------------|

15th Judicial District

| | | | | | | |
|-------------------------|---|---|---|---|---|--------------------------|
| P. Douglas Tallman..... | A | B | C | D | F | <input type="checkbox"/> |
|-------------------------|---|---|---|---|---|--------------------------|

16th Judicial District

M. Jon Kolomitz..... A B C D F No Grade

17th Judicial District

Chris Melonakis..... A B C D F

Edward C. Moss..... A B C D F

18th Judicial District

Marilyn Antrim A B C D F

Christopher C. Cross..... A B C D F

J. Mark Hannen..... A B C D F

Kurt A. Horton..... A B C D F

Michael Spear A B C D F

19th Judicial District

James F. Hartmann, Jr.. A B C D F

Elizabeth Strobel A B C D F

Todd L. Taylor A B C D F

Dinsmore Tuttle A B C D F

20th Judicial District

Dolores D. Mallard A B C D F

Thomas F. Mulvahill A B C D F

22nd Judicial District

Todd J. Plewe..... A B C D F

Please use the following pages or attach a sheet for comments you would like to make about any of these district judges.

Though your name will never be associated with your answers, because each district judge will see a typed transcript of the comments people wrote about him or her, it is important that you do not include information in the comments below that would unintentionally identify you as the author.

Judge Name

Comments

:

:

:

:

Though your name will never be associated with your answers, because each district judge will see a typed transcript of the comments people wrote about him or her, it is important that you do not include information in the comments below that would unintentionally identify you as the author.

Judge Name

Comments

| | |
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