COLORADO

OJPE

Office of Judicial
Performance Evaluation

Judicial Branch

The Honorable F. Michael Goodbee
2016 Judicial Performance Survey Report
District Court

Conducted by:

MARKET
DECISIONS
RESEARCH

Contents

Summary of Results

For Judge F. Michael Goodbee, 53 qualified survey respondents submitted surveys. Of those who responded, 37 agreed they had worked with Judge Goodbee enough to evaluate his performance. This report reflects these 37 responses.

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

Overall Score

Figure 1
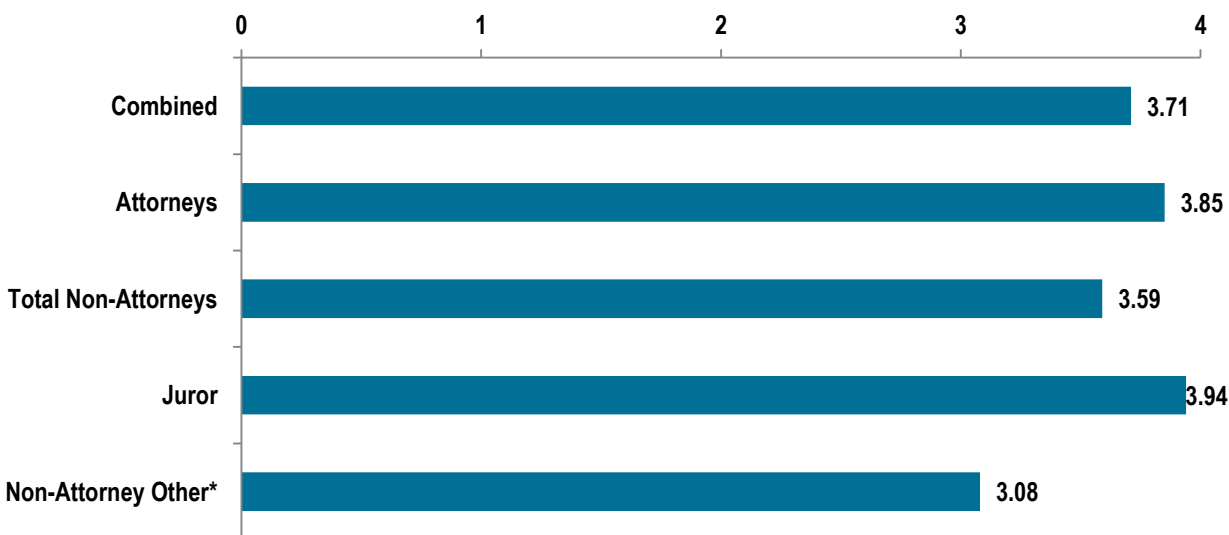
Table 1

	Judge F. Michael Goodbee Overall Scores				
		Combined	**Non-Attorneys**		
	Combined	**Attorneys**	**Total Non-Attorneys**	**Juror**	**Non-Attorney Other***
Overall Grade	**3.71**	**3.85**	**3.59**	**3.94**	**3.08**

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

Retention Scores

Figure 2
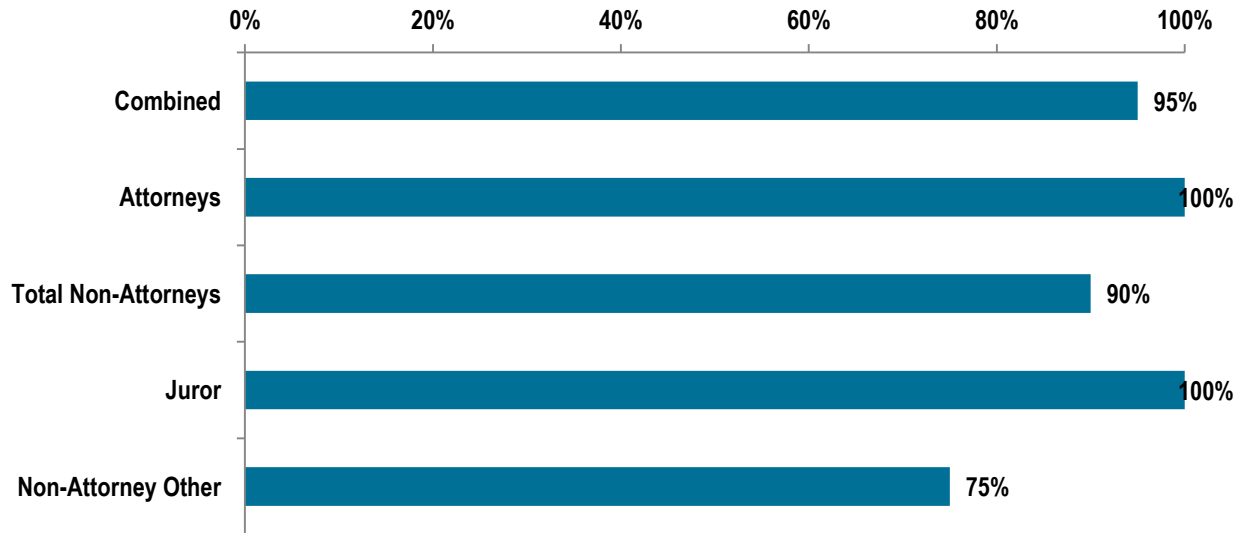
Table 2

Judge F. Michael Goodbee Overall Retention Scores					
			Non-Attorneys		
	Combined	Attorneys	Total Non-Attorneys	Juror	Non-Attorney Other
% Recommending Retention	95%	100%	90%	100%	75%

Individual Category Scores

Table 3

Judge F. Michael Goodbee Overall Category Scores				
		Non-Attorney		
Area	**Attorney**	**Total**	**Juror**	**Non-Attorney Other**
Case Management	3.85	N/A	N/A	N/A
Application and Knowledge of Law	3.79	3.61	4.00	3.12
Communications	3.88	3.57	3.97	2.96
Diligence	3.75	3.55	3.87	3.08
Demeanor	4.00	3.59	3.96	3.03
Fairness	N/A	3.63	3.91	3.22

Summary of Responses

Table 4: Response Rates

Group	Total Sent	Undeliverable or Not Applicable*	Complete	Response Rate	% Without sufficient knowledge**
Attorneys	82	3	17	37%	41%
Total Non-Attorneys	162	35	20	19%	17%
Staff	13	0	6	54%	14%
Jurors	48	0	12	27%	8%
Other Non-Attorneys	101	35	2	6%	50%

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

Survey of Attorneys

Methodology and How to Read Results

For Judge Goodbee, 29 qualified survey respondents submitted surveys. Of those who responded, 17 agreed they had worked with Judge Goodbee enough to evaluate his performance. This report reflects these 17 responses. The survey results are divided into nine sections: Retention, Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, Bias, Strengths, and Weaknesses.

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

a. Response rates

During the 2015 administration, a total of 13,709 survey invitations were sent to 5,732 attorneys inviting them to evaluate judges and justices standing for retention in 2016. On average, each attorney was asked to evaluate 2.5 judges. 3,738 surveys were completed with an additional 1,818 responses where the attorney indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 42% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 67%.

b. Methodology

The 2015 attorney survey was conducted online beginning on September 16, 2015. Attorneys were first mailed a pre-notification letter sent on September 16, 2015 informing them about the survey and providing a link and login information to access the survey online. Next, a series of three email invitations were sent on September 24th, September 30th, and October 14th. Reminder calls were placed to the offices of selected attorneys in an attempt to increase response rates between November 12th and December 1st. Additional invitations were sent upon request during the reminder calls.

Appellate staff attorneys received the same survey as other attorneys, but were invited separately with a series of email invitations starting with the initial invite on October 5th, 2015 and followed by reminders on October 14th and 22nd.

To further increase response rates, an additional cycle of data collection took place in January and February 2016. Invitations were emailed to attorneys who had appeared before judges standing for retention in the 3rd and 4th quarters of 2015. The initial invitations were sent on January 19th and reminders were sent on January 29th and February 3rd.

c. Questions

In the core of the survey, attorneys evaluated district and county judges on 17 aspects of judicial performance and appellate judges on 12 aspects of judicial performance using a grade scale of A, B, C, D, or F. These aspects were grouped by topic into different categories, five for district

and county judges and two for appellate judges. The district and county categories were: case management, application and knowledge of law, communications, demeanor, and diligence. Questions regarding appellate judges were divided into two categories, one for general questions and one specific to their writing (only asked of those who indicated they had experience with the judge or justice's written opinions).

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.

While the formatting and structure of the survey was updated for 2015, the question wording was carried over from the 2014 administration and has remained consistent since 2013. The questions were originally developed in 1998 to meet the criteria outlined in statute 13-5.5-101 et seq.

Question Category Areas*

	Trial Judge: Attorney Survey	Appellate Judge/Justice Attorney Survey
Question Categories		
Appellate Judge General Questions		6
Application and Knowledge of Law	5	
Case Management	4	
Communications	2	
Demeanor	3	
Diligence	3	
Writing		6
Individual Questions		
Bias	1	
Recommendation to Retain	1	1

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

d. Analysis and Reporting

Letter grades were converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The results include an overall grade, a grade for each category, as well as a grade for each question. The overall score is calculated by averaging the responses to all questions answered by the attorney. This score will have the same numerical range as the individual questions from zero to four.

Each category score is calculated by averaging the responses to all questions answered by the attorney within each category. This score will have the same zero to four numerical range as the individual questions. Similarly, an average score is calculated for each individual question with the exception of the bias and retention questions.

The overall average and category scores will be reported for each judge along with the average scores for the judge's peers. The average score (with the exceptions noted above) will also be reported for each question along with the peer group score. In addition, the report will include the distribution of responses for each question, i.e. the percentage of attorneys that assigned a rating of A, B, C, D, and F. The distribution of responses is also reported for the questions on bias and retention.

e. Comments

At the end of each group of questions respondents had the option of leaving comments about the judge's performance in that area. Respondents were also asked what they considered to be the judge's strengths and weaknesses and were allowed to leave open-ended responses to each. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.
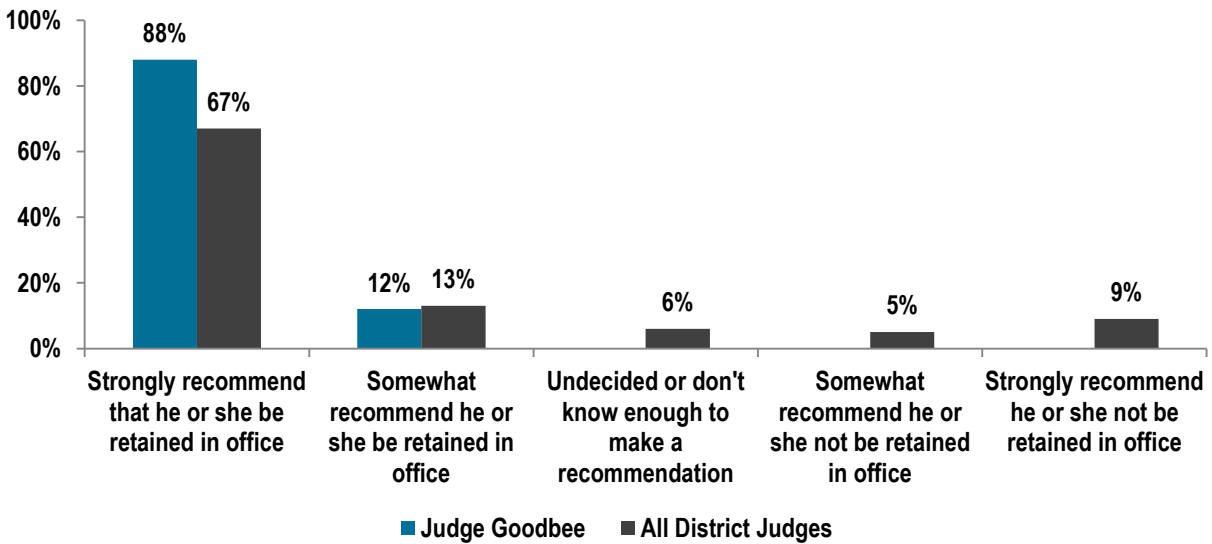
Retention

Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge F. Michael Goodbee be retained in office, or not be retained in office?

Table 5

Judge F. Michael Goodbee	
Total Retain	**100%**
Neither	**0%**
Total Not Retain	**0%**

Figure 3

Legend: ■ Judge Goodbee ■ All District Judges

Categories:
- Strongly recommend that he or she be retained in office
- Somewhat recommend he or she be retained in office
- Undecided or don't know enough to make a recommendation
- Somewhat recommend he or she not be retained in office
- Strongly recommend he or she not be retained in office

Values:
- Strongly recommend that he or she be retained in office: Judge Goodbee 88%, All District Judges 67%
- Somewhat recommend he or she be retained in office: Judge Goodbee 12%, All District Judges 13%
- Undecided or don't know enough to make a recommendation: All District Judges 6%
- Somewhat recommend he or she not be retained in office: All District Judges 5%
- Strongly recommend he or she not be retained in office: All District Judges 9%

Case Management

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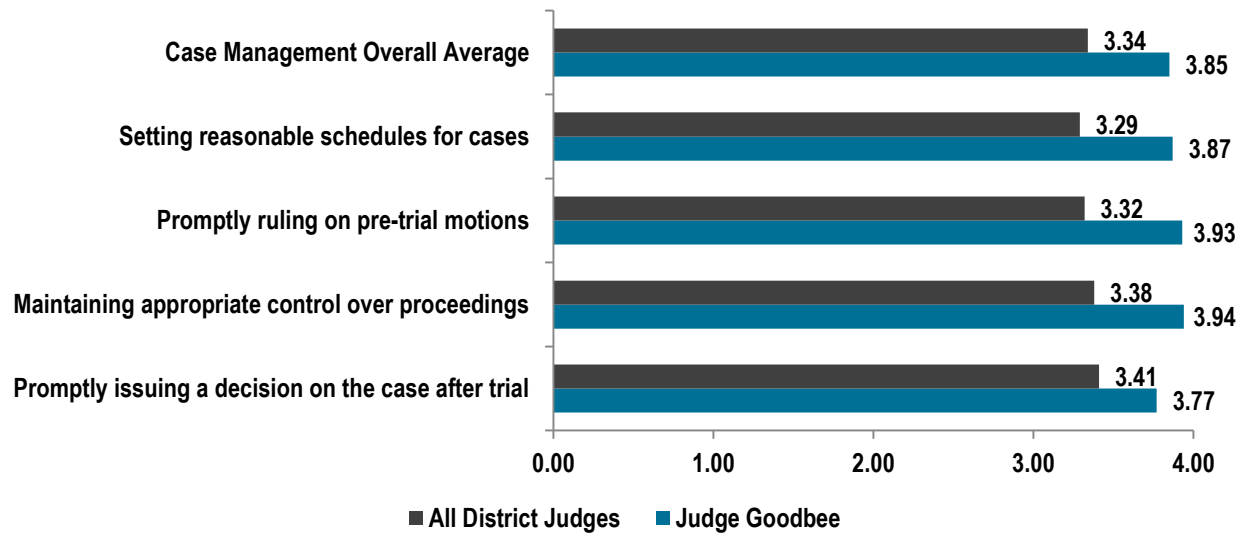
Figure 4

Case Management Overall Average: **3.34** / **3.85**
Setting reasonable schedules for cases: **3.29** / **3.87**
Promptly ruling on pre-trial motions: **3.32** / **3.93**
Maintaining appropriate control over proceedings: **3.38** / **3.94**
Promptly issuing a decision on the case after trial: **3.41** / **3.77**

■ All District Judges ■ Judge Goodbee

Table 6

Case Management								
Judge F. Michael Goodbee Number of Responses: 17	A	B	C	D	Fail	DK/NA	Judge Goodbee	All District Judges
Promptly issuing a decision on the case after trial	65%	6%	6%	--	--	24%	3.77	3.41
Maintaining appropriate control over proceedings	88%	6%	--	--	--	6%	3.94	3.38
Promptly ruling on pre-trial motions	82%	6%	--	--	--	12%	3.93	3.32
Setting reasonable schedules for cases	82%	12%	--	--	--	6%	3.87	3.29
Case Management Overall Average							3.85	3.34

Application and Knowledge of Law

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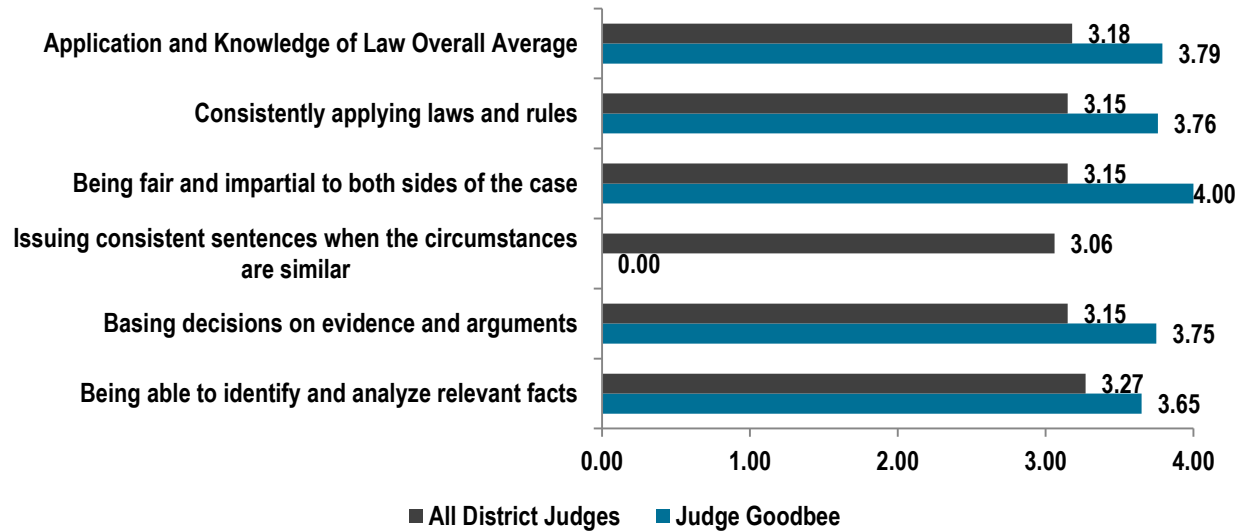
Figure 5

■ All District Judges   ■ Judge Goodbee

Table 7

Application and Knowledge of Law								
Judge F. Michael Goodbee **Number of Responses: 17**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Being able to identify and analyze relevant facts	71%	24%	6%	--	--	--	3.65	3.27
Basing decisions on evidence and arguments	81%	13%	6%	--	--	--	3.75	3.15
Issuing consistent sentences when the circumstances are similar	--	--	--	--	--	--	0.00	3.06
Being fair and impartial to both sides of the case	100%	--	--	--	--	--	4.00	3.15
Consistently applying laws and rules	76%	24%	--	--	--	--	3.76	3.15
Application and Knowledge of Law Overall Average							3.79	3.18

Communications

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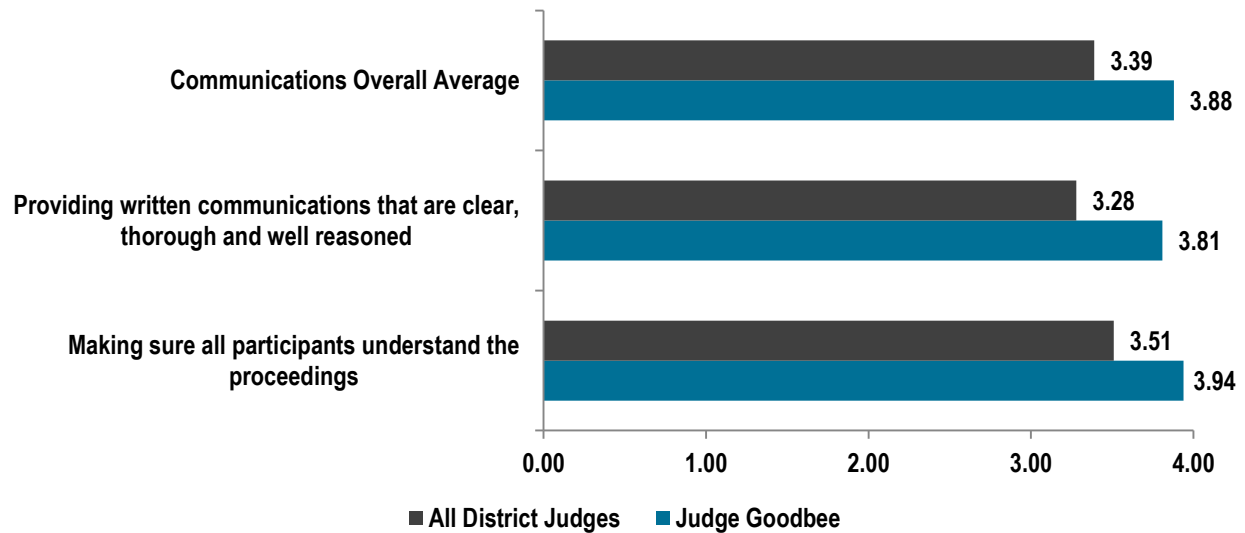
Figure 6

Table 8

Communications								
Judge F. Michael Goodbee **Number of Responses: 17**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Making sure all participants understand the proceedings	88%	6%	--	--	--	6%	3.94	3.51
Providing written communications that are clear, thorough and well reasoned	76%	18%	--	--	--	6%	3.81	3.28
Communications Overall Average							3.88	3.39

Demeanor

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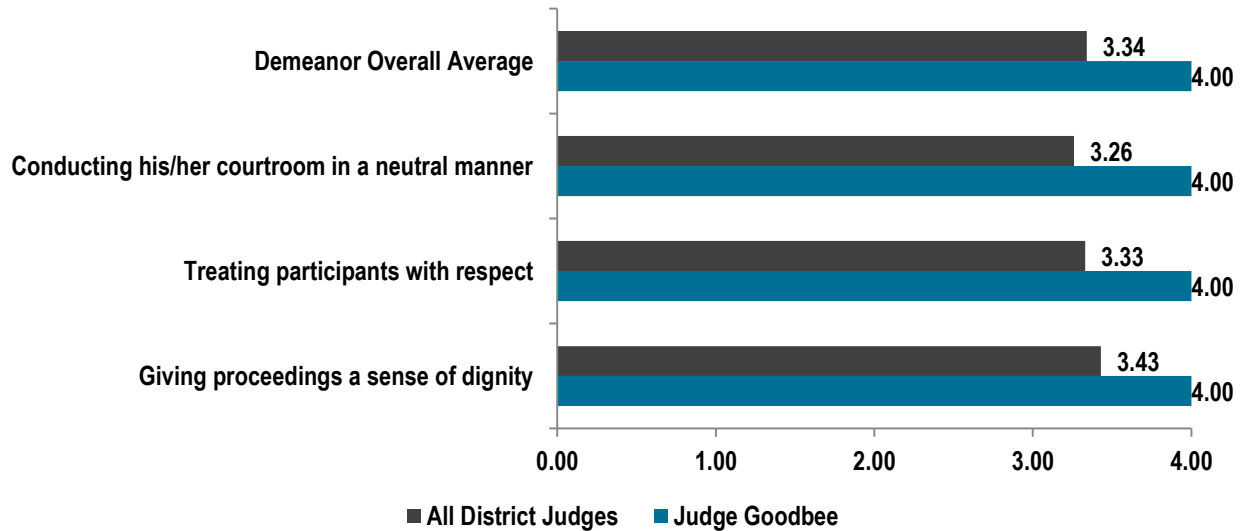
Figure 7

Demeanor								
Judge F. Michael Goodbee **Number of Responses: 17**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Giving proceedings a sense of dignity	100%	--	--	--	--	--	4.00	3.43
Treating participants with respect	100%	--	--	--	--	--	4.00	3.33
Conducting his/her courtroom in a neutral manner	100%	--	--	--	--	--	4.00	3.26
Demeanor Overall Average							4.00	3.34

Table 9

Diligence

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Goodbee 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.
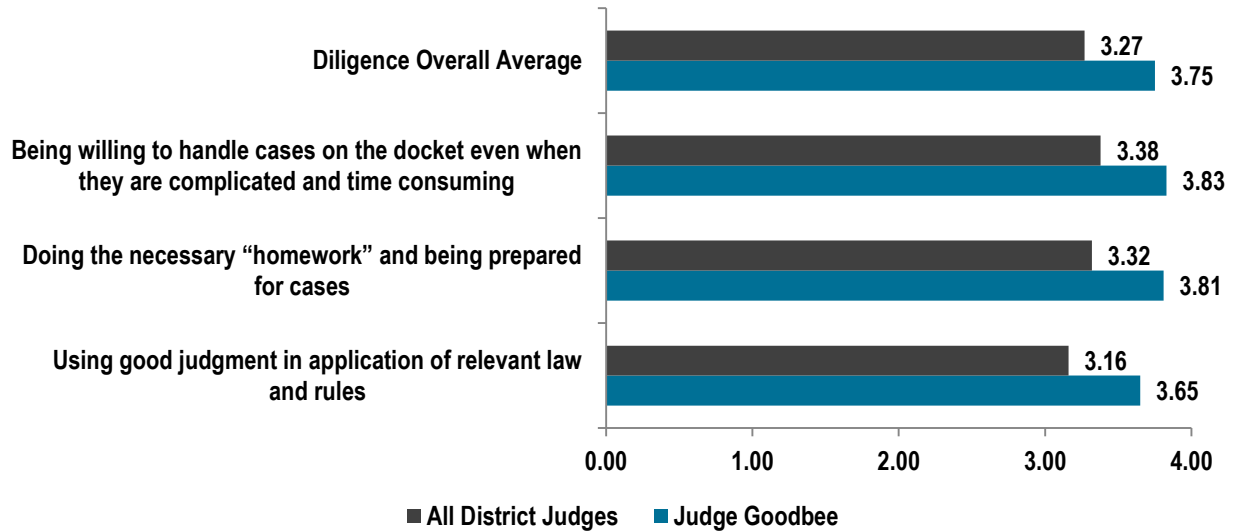

Table 10

Diligence								
Judge F. Michael Goodbee **Number of Responses: 17**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Using good judgment in application of relevant law and rules	71%	24%	6%	--	--	--	3.65	3.16
Doing the necessary "homework" and being prepared for cases	76%	18%	--	--	--	6%	3.81	3.32
Being willing to handle cases on the docket even when they are complicated and time consuming	63%	13%	--	--	--	25%	3.83	3.38
Diligence Overall Average							3.75	3.27

Bias

Having observed Judge Goodbee in a criminal case, would you say the judge is:

Figure 8

Legend: ■ Judge Goodbee   ■ All District Judges
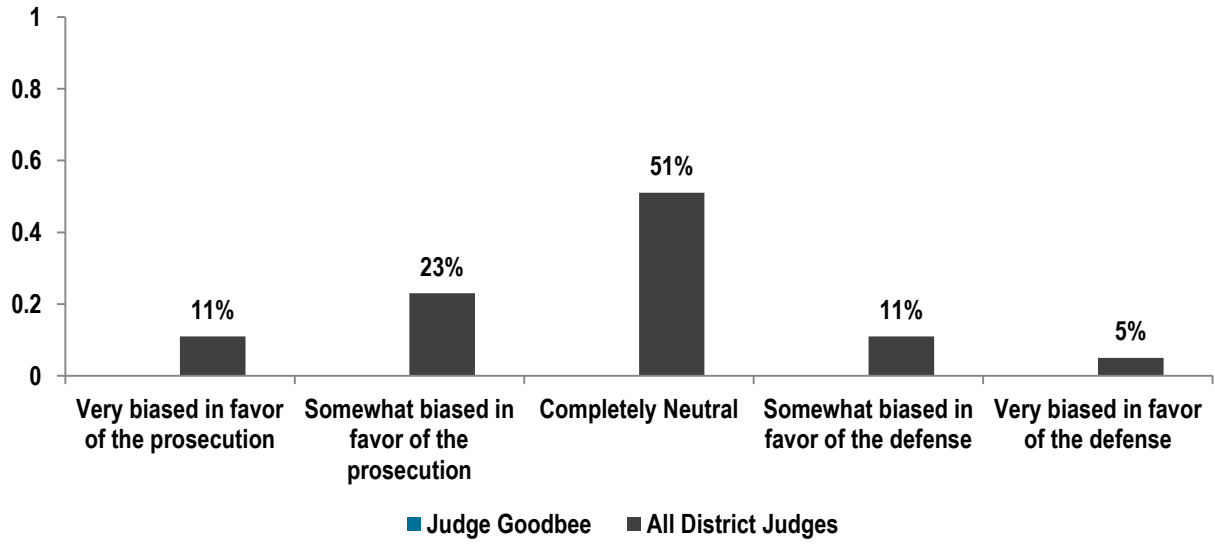
Survey of Appellate Judges

Methodology and How to Read Results

For Judge Goodbee, 21 qualified survey respondents submitted surveys. Of those who responded, 21 agreed they had worked with Judge Goodbee enough to evaluate his performance. This report reflects these 21 responses.

a. Response rates

Invitations were sent via email to all 28 Supreme Court justices and Court of Appeals judges. Of these, 23 responded and 21 completed the survey. The response rate was 82% and the completion rate was 91%.

b. Methodology

Appellate judges were surveyed evaluate the performance of district judges. This evaluation of district judges was conducted via an online survey hosted in the Qualtrics research suite survey software. The initial invitation was sent on November 4, 2015. A reminder email to those that had not already completed their evaluations was sent on November 16th.

c. Questions

Due to the large number of judges being evaluated, the district judge evaluation survey consisted of a single question pertaining to each judge. Appellate judges and justices were asked to evaluate the district judge's overall performance as a judge on a grade scale of A-F with A being "Excellent" and F being "Fail". In the survey, the district judges being evaluated were grouped by district with the districts presented in random order to reduce bias.

d. Analysis

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average will be reported for each judge along with the average scores for the judge's peers. In addition, the report will include the distribution of responses for each question. That is, the percentage of attorneys that assigned a rating of A, B, C, D, and F.

e. Comments

Respondents were given the option to leave supporting comments in a box next to where they graded each judge. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.

Results

Using a grade scale, where "A" is excellent along with B,C,D, or F for fail, please grade the following district judges in terms of each one's <u>overall performance as a judge</u> by selecting the appropriate letter grade. If you feel that you don't have enough information about a judge to mark a specific grade, please select "No Grade".
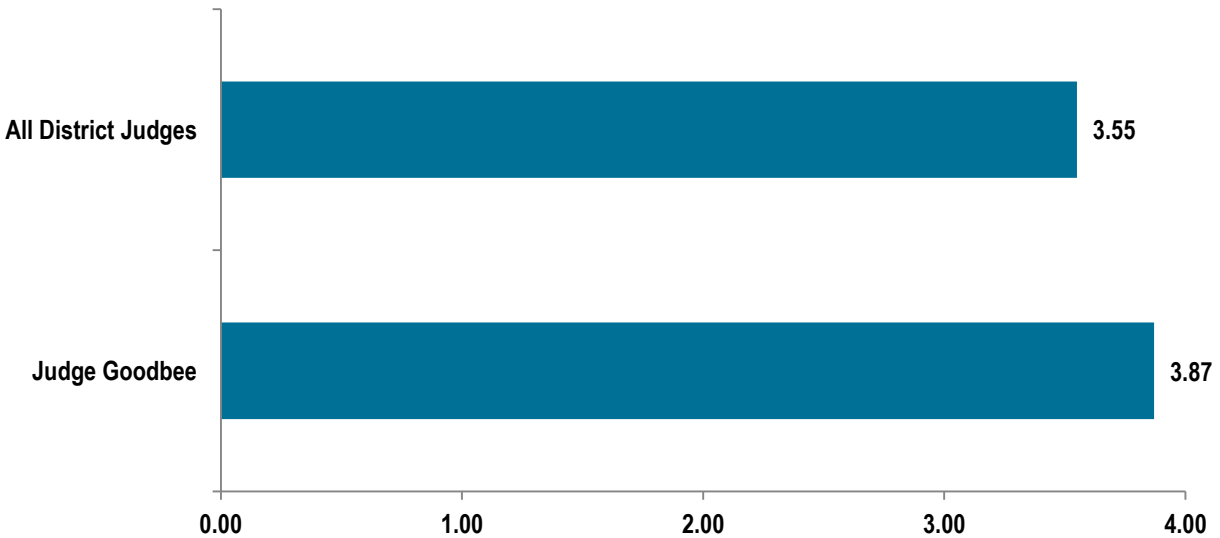
Figure 9

Table 11

Evaluation by Appellate Court Judges								
Judge F. Michael Goodbee Number of Responses: 15	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Overall performance as a judge	62%	10%	--	--	--	29%	3.87	3.55

Survey of Non Attorneys

Methodology and How to Read Results

For Judge F. Michael Goodbee, 24 qualified survey respondents submitted surveys. Of those who responded, 20 agreed they had worked with Judge Goodbee enough to evaluate his performance. This report reflects these 20 responses.

a. Response rates

During the 2015 administration, 1,697 survey invitations have been sent to court staff members and 68,393 to other non-attorneys. Among court staff, 787 complete surveys have been received and an additional 192 indicated that they did not have enough experience to evaluate the judge. The response rate among court staff is 58% and the completion rate is 80%.

Among other non-attorneys, 4,338 complete surveys have been received and an additional 1,123 indicated that they did not have enough experience to evaluate the judge. The response rate among other non-attorneys is 11% and the completion rate is 80%.

b. Methodology

The 2015 non-attorney survey was conducted via a mixed mode online and mail survey beginning September 24, 2015 and ending on February 22nd, 2016. Due to the ability to contact court staff via email, respondents were split into two groups for data collection: court staff and other non-attorneys. The court staff group includes staff members, interpreters and probation officers. The other non-attorney group includes jurors, defendants, witnesses, litigants, and law enforcement personnel.

Court staff members were invited via emailed invitations sent on October 5th and a reminder sent on October 14th.

Other non-attorneys where no email addresses were available were first mailed a pre-notification letter sent on September 24th informing them about the survey and providing a link and login information to access the survey online. This was followed up with a second mailing that also included the information to access the survey online, as well as a full printed survey booklet and postage-paid return envelope. This second mailing was sent on October 19, 2015.

The process for other non-attorneys was repeated in January and February 2016 for those that had experience with judges standing for retention in the 3rd and 4th quarters of 2015. For this cycle, the order of the mailings was switched due to the constraints of the reporting schedule. The first mailing, sent on January 22nd, included the full survey booklet and a return mailing envelope as well as instructions to access the survey online. The second mailing, sent on February 12th, included only a letter with instructions to complete the survey online and reminded them of the survey closing on February 22nd.

c. Questions:

Respondents evaluated judges on 19 aspects of judicial performance using a grade scale of A, B, C, D, or Fail. Respondents were also asked if they considered the judge biased toward the defense or prosecution in criminal cases. Non-attorneys were also asked to evaluate the appropriateness of the sentencing. 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.

Question Category Areas*

	Court Staff	Other Non-attorneys
Question Categories		
Application of Law	3	3
Communications	3	3
Demeanor	4	4
Diligence	5	5
Fairness	4	4
Individual Questions		
Bias	1	1
Appropriateness of Sentence	1	1
Recommendation to Retain	1	1

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

d. Analysis and Reporting

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The results include an overall grade, a grade for each category, as well as a grade for each question. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

Each category score is calculated by averaging the responses to all questions answered by the attorney with each category. This score will have the same numerical range as the individual questions from zero to four. Similarly, an average score is calculated for each individual question with the exception of the bias and retention questions.

The overall average and category scores will be reported for each judge along with the average scores for the judge's peers. The average score (with exceptions noted above) will also be reported for each question, along with the peer group score. In addition, the report will include the distribution of responses for each question. That is, the percentage of attorneys that assigned a rating of A, B, C, D, and F. The distribution of responses are also reported for the questions on bias and retention as well as appropriateness of sentences.

e. Comments:

At the end of each group of questions, respondents had the option of leaving comments about the judge's performance in that area. Respondents were also asked what they considered to be the judge's strengths and weaknesses and allowed to leave open ended responses to each. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.
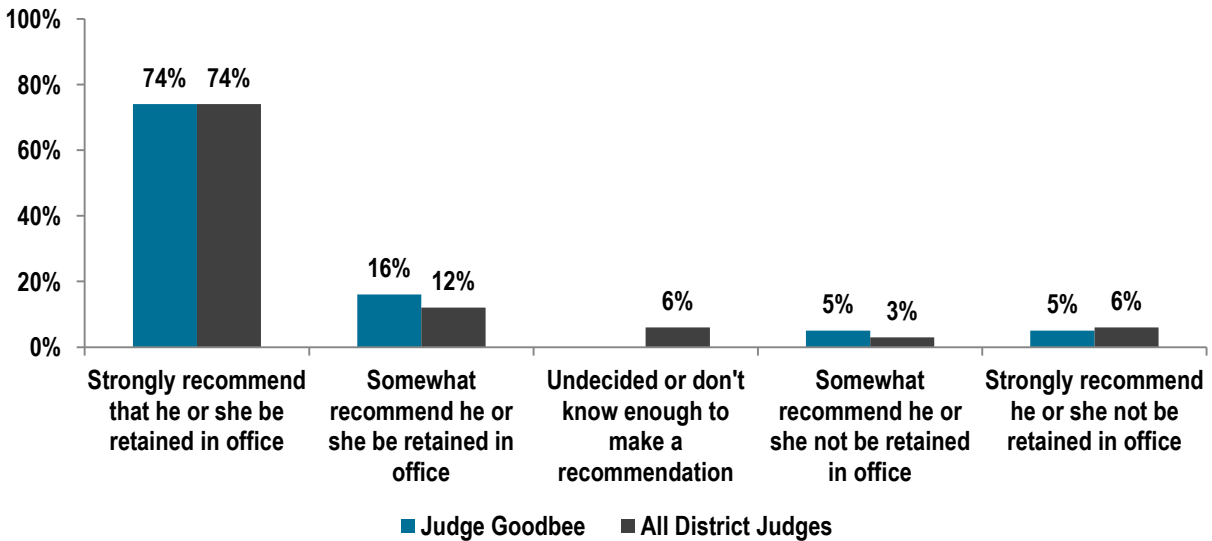
Retention

Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge Goodbee be retained in office, or not retained in office?

Table 12

Judge F. Michael Goodbee	
Total Retain	**90%**
Neither	**0%**
Total Not Retain	**10%**

Figure 10

Demeanor

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

Figure 11

■ All District Judges   ■ Judge Goodbee
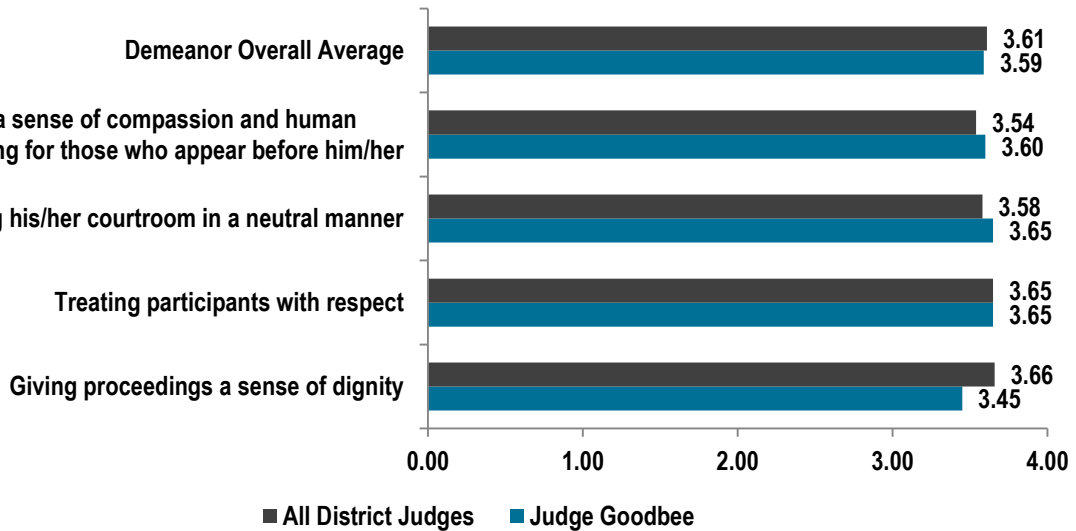
Table 13

Demeanor								
Judge F. Michael Goodbee **Number of Responses: 20**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Giving proceedings a sense of dignity	70%	20%	--	5%	5%	--	3.45	3.66
Treating participants with respect	85%	5%	5%	--	5%	--	3.65	3.65
Conducting his/her courtroom in a neutral manner	85%	5%	5%	--	5%	--	3.65	3.58
Having a sense of compassion and human understanding for those who appear before him/her	80%	10%	5%	--	5%	--	3.60	3.54
Demeanor Overall Average							3.59	3.61

Fairness

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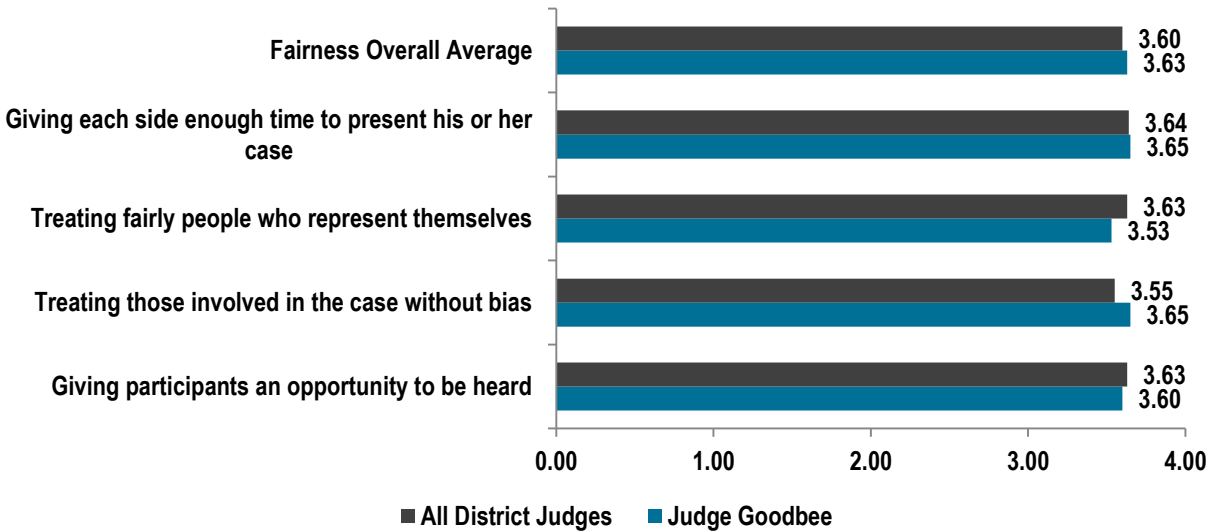
Figure 12

Fairness Overall Average: All District Judges 3.60 / Judge Goodbee 3.63

Giving each side enough time to present his or her case: All District Judges 3.64 / Judge Goodbee 3.65

Treating fairly people who represent themselves: All District Judges 3.63 / Judge Goodbee 3.53

Treating those involved in the case without bias: All District Judges 3.55 / Judge Goodbee 3.65

Giving participants an opportunity to be heard: All District Judges 3.63 / Judge Goodbee 3.60

■ All District Judges   ■ Judge Goodbee

Table 14

| Fairness | | | | | | | | |
Judge F. Michael Goodbee Number of Responses: 20	A	B	C	D	Fail	DK/NA	Judge Goodbee	All District Judges
Giving participants an opportunity to be heard	80%	10%	5%	--	5%	--	3.60	3.63
Treating those involved in the case without bias	80%	15%	--	--	5%	--	3.65	3.55
Treating fairly people who represent themselves	55%	15%	--	--	5%	25%	3.53	3.63
Giving each side enough time to present his or her case	80%	15%	--	--	5%	--	3.65	3.64
Fairness Overall Average							3.63	3.60

Communications

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
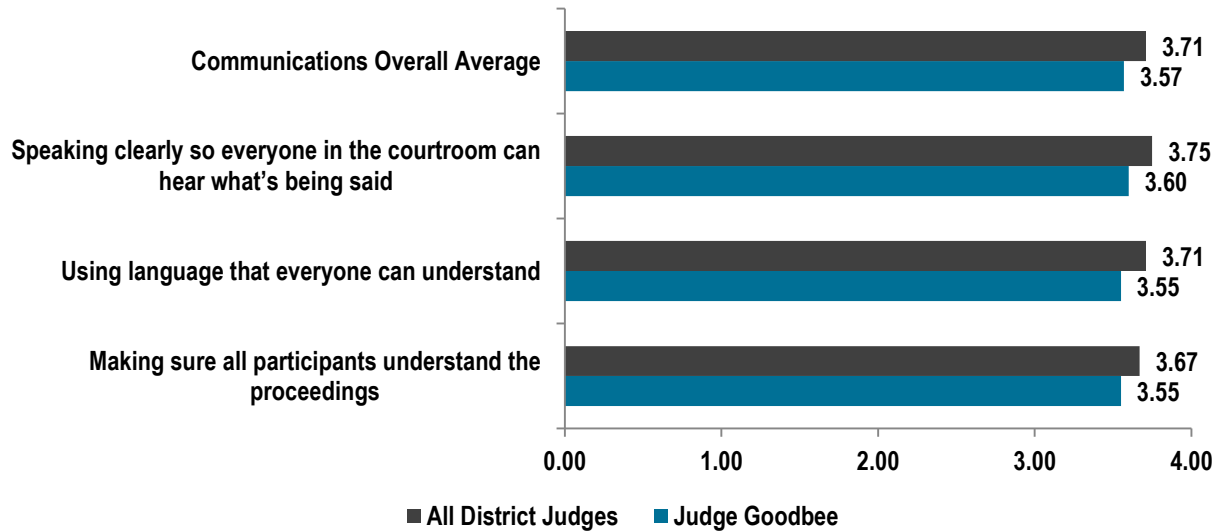
Figure 13

■ All District Judges ■ Judge Goodbee

Table 15

Communications								
Judge F. Michael Goodbee **Number of Responses: 20**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Making sure all participants understand the proceedings	80%	10%	--	5%	5%	--	3.55	3.67
Using language that everyone can understand	75%	15%	5%	--	5%	--	3.55	3.71
Speaking clearly so everyone in the courtroom can hear what's being said	85%	5%	--	5%	5%	--	3.60	3.75
Communications Overall Average							3.57	3.71

Diligence

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
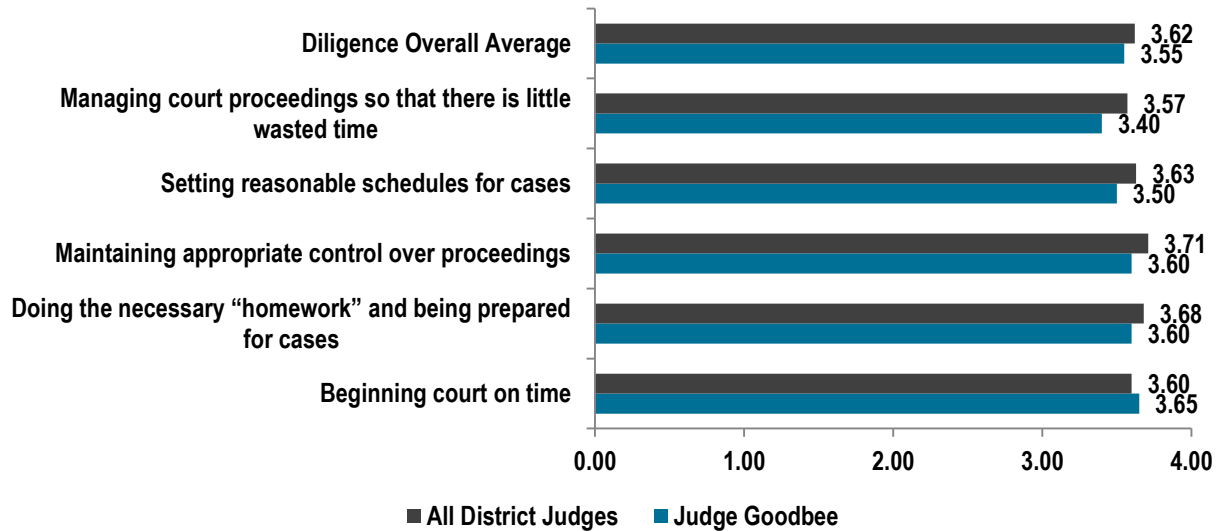
Figure 14

■ All District Judges ■ Judge Goodbee

Table 16

Diligence								
Judge F. Michael Goodbee **Number of Responses: 20**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Beginning court on time	80%	15%	--	--	5%	--	3.65	3.60
Doing the necessary "homework" and being prepared for cases	80%	10%	5%	--	5%	--	3.60	3.68
Maintaining appropriate control over proceedings	85%	--	10%	--	5%	--	3.60	3.71
Setting reasonable schedules for cases	75%	15%	--	5%	5%	--	3.50	3.63
Managing court proceedings so that there is little wasted time	70%	15%	5%	5%	5%	--	3.40	3.57
Diligence Overall Average							3.55	3.62

Application of Law

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. If you feel that you don't have experience with the judge in a specific area, or just don't know, please mark "Don't Know/Not Applicable"—DK/NA.
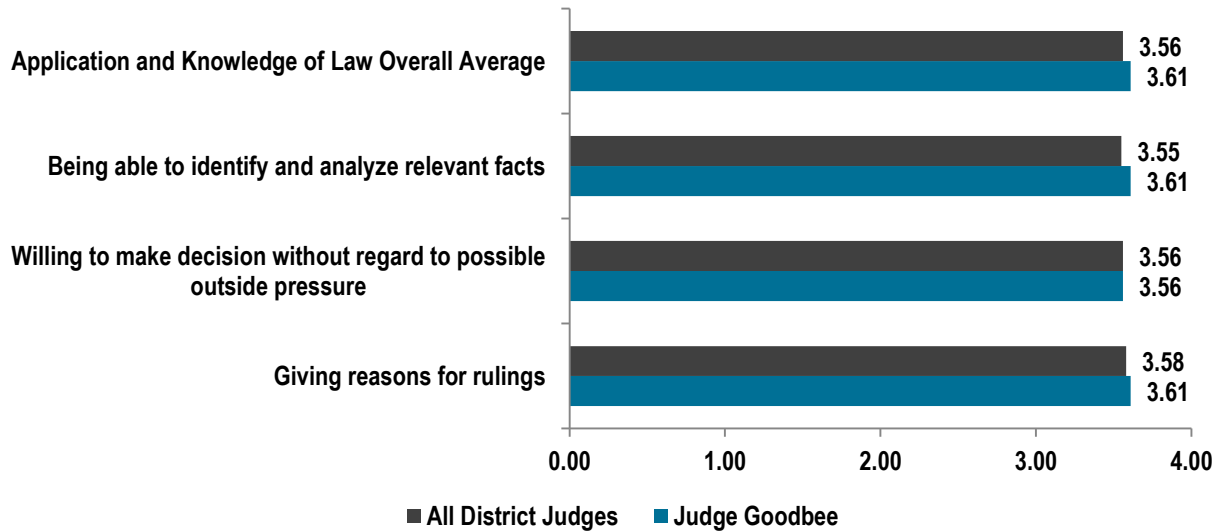
Figure 15

Table 17

Application of Law								
Judge F. Michael Goodbee **Number of Responses: 18**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Judge Goodbee**	**All District Judges**
Giving reasons for rulings	75%	5%	5%	--	5%	10%	3.61	3.58
Willing to make decision without regard to possible outside pressure	65%	5%	5%	--	5%	20%	3.56	3.56
Being able to identify and analyze relevant facts	75%	5%	5%	--	5%	10%	3.61	3.55
Application and Knowledge of Law Overall Average							3.61	3.56

Bias

On the scale below, please indicate by selecting the appropriate number how biased you think Judge Goodbee is toward the defense or the prosecution. If you feel Judge Goodbee is completely unbiased, select "0."

Figure 16

■ Judge Goodbee   ■ All District Judges
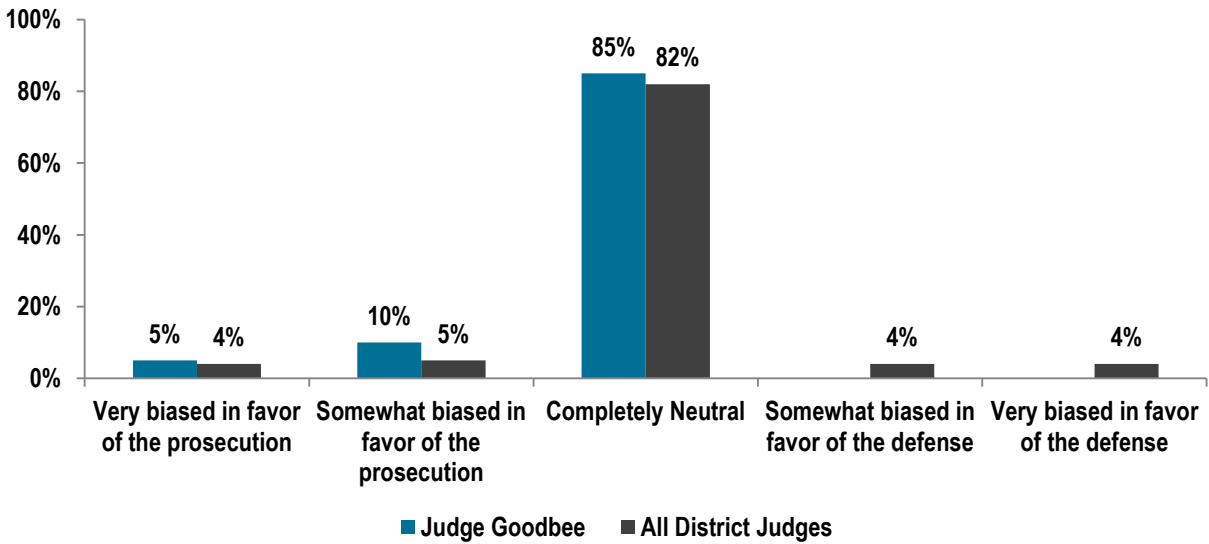
Perception of Leniency or Harshness

On the scale below, please indicate by selecting the appropriate number how lenient or how harsh you think the sentences generally handed down by Judge Goodbee are. If you feel Judge Goodbee generally hands down appropriate sentences, circle "0."

Figure 17

Judge Goodbee   All District Judges